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HOUSE OF REPRESENTATIVES—*Thursday, November 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Whatsoever ye would that men should do to you, do ye even so to them.—Matthew 7: 12.

Almighty God, who art the light and life of those who with true faith and hearty repentance turn unto Thee, have mercy upon us as we bow in this circle of prayer. Pardon and deliver us from all our sins, confirm and strengthen us in all goodness, and bring new life to us as we wait upon Thee.

With us is a deep weariness of body and within us is a disturbing unrest of spirit. We wonder what can be done, when we can do it, and who will help us do what ought to be done. Grant unto us the realization that with Thee all good things are possible and that we can be equal to every experience through the strength of Thy spirit living in our hearts.

Make us the kind of persons who can be trusted with Thy design for human brotherhood, with Thy determination for peace in our world, and with Thy desire for good will in the hearts of all people.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 910. Joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) entitled "An act to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1857) entitled "An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) entitled "An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12964. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12964) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McClellan, Mr. Ellender, Mr. Pastore, Mr. Fulbright, Mrs. Smith of Maine, Mr. Hruska, and Mr. Case to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 118. An act to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

PROPOSED ADJOURNMENT UNTIL WEDNESDAY, NOVEMBER 12, 1969

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I am going to offer a concurrent resolution providing for the adjournment of the House from this evening until Wednesday noon. I did not do this without first consulting the leadership of the other body and also being advised that the continuing resolution would not be brought up in the other body this week.

Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 441) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Missouri objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Mr. HALL. Mr. Speaker, I ask unanimous consent to withdraw the point of order, provided the other request is withdrawn, until other arrangements can be made.

The SPEAKER. The gentleman can withdraw his point of order.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to withdraw the concurrent resolution temporarily.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 12829

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I take this opportunity to announce to my colleagues that on behalf of a number of my colleagues and myself there will be a motion offered today or at the time when the interest equalization tax legislation, H.R. 12829, comes before the House for the appointment of conferees. At that time I or one of my colleagues on behalf of us will offer a motion to instruct the conferees on the part of the House to accept the Senate language in amendment No. 7 which would eliminate the requirement for recordkeeping with regard to sales of rifle and shotgun ammunition and components therefor. This recordkeeping requirement has been found to be by the sportsmen one of the most obnoxious and objectionable sections of the recently passed firearms legislation.

In addition to this, it has been found to be by the Department of the Treasury and the Attorney General during this administration completely unworkable for the purpose of preventing crime and totally useless in terms of eliminating criminal misuse of firearms. It has been found equally useless and obnoxious by previous administrations.

Our motion to instruct House conferees will give our conferees opportunity to return the law to something more closely representing language of the House-passed legislation on this subject in the last Congress.

PERMISSION FOR SUBCOMITTEE ON MINES AND MINING TO SIT DURING GENERAL DEBATE TODAY

Mr. BARING. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mines and Mining be allowed to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Nevada?

There was no objection.

GUN REGISTRATION

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I wish to join with my colleagues, Congressman DINGELL, of Michigan, and Congressman MACGREGOR, of Minnesota, and others, to repeal and eliminate the deplorable registration provisions in the gun control law—H.R. 9618—enacted by the House last year—1968.

The conference report on this legislation will be programed for consideration by the House possibly next week. I do hope that all the Members will be on notice to support the instructions which will be submitted for the conferees to delete and abandon the complicated and undesirable impediment it places upon millions of Americans who enjoy hunting, trapshooting, and all sports pertaining thereto, in making the necessary purchases of guns, ammunition, and so forth, without registration.

In certain localities it is practically impossible for a citizen to purchase guns, ammunition, and so forth, without looking up locations set aside for registration and other complicated redtape which the law imposes upon the public.

When the conferees comply with this instruction, which I hope the House enacts, the taxpayers will be relieved of the added expense of providing office space and additional manpower necessary to carry on this silly gun and ammunition registration process to the inconvenience and added expense of everybody concerned.

TRIBUTE TO HOWARD BERTSCH

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, for a great many years I have been, as many of you have been, deeply interested in the work of the Farmers Home Administration. During many of its early days this agency and its predecessors were plagued with recurrent charges of maladministration. There are still those who disagree with the whole concept of Farmers Home, but for the last 9 years I have heard very few suggestions of any improprieties. The Farmers Home Administration has become and continues to be one of the most vital action agencies of the Department of Agriculture.

This great change for the better can be largely attributed to the outstanding work, understanding and dedication of Howard Bertsch. An unpretentious man who might well go unnoticed in a crowd, Howard Bertsch moved the Farmers Home Administration from a kind of domestic missionary society into one of the great business institutions of the Nation, handling vast sums of money, doing complicated business with bankers and investment firms on the one hand and with penniless young farm families and the victims of drouth, flood, and depression on the other hand. He was the friend both of the sharecropper and of the investment banker and he understood the problems of both.

Howard Bertsch did much to make rural America a better place in which to live. Although he had retired from his position of active management, the Nation in his death has lost an outstanding public servant and American agriculture has lost a true friend.

Mr. ALBERT. Mr. Speaker, I was shocked to learn this morning of the sudden death of Howard Bertsch, former Administrator of the Farmers Home Administration.

As Administrator of the Farmers Home Administration, Howard Bertsch was one of the leaders in the field of rural development. Thousands of people in Oklahoma and indeed throughout the Nation who probably never heard of Howard Bertsch owe him a great deal of thanks because it was through his leadership in the Farmers Home Administration that the water and sewer facility programs of that agency were developed to meet the great needs of the people of rural areas.

I had occasion to work with Mr. Bertsch closely in several instances on Farmers Home Administration programs under consideration by Congress. Not only was he an outstanding civil servant with a long record of distinguished public service, he was also a fine gentleman.

Mrs. Albert joins me in expressing to his wife and loved ones our deepest sympathy on this sad occasion.

INSTRUCTING CONFEREES ON THE SO-CALLED FIREARMS AND AMMUNITION AMENDMENT

(Mr. ROBERTS asked and was given permission to address the House for 1 minute.)

Mr. ROBERTS. Mr. Speaker, I take this time to say that I am joining my colleagues with reference to instructing the conferees on the so-called firearms and ammunition amendment.

I might say that for those of you who have not tried it, take your congressional identification and your hunting license and anything else you want to take down with you and try to buy a box of shotgun shells in the city of Washington. I did last week and found out that there is no way you can buy them.

Mr. Speaker, the legislation does not say this, but regulations do. So I am going to join with my people and I hope all of you will join with us to repeal this ridiculous situation. If you think I am joking, just try to buy a box of shotgun shells in the city of Washington.

REPUBLICANS TO HOLD BIG POWWOW IN DES MOINES, IOWA, ON NOVEMBER 13

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, I notice in the news media where the Republicans are going to have a big powwow out in Des Moines on November 13. Des Moines is in the district I represent. In attendance will be the minority leader of the House and the Republican national chairman as well as some other smaller fry. They might even let my colleague from Waterloo, Mr. GROSS, attend that party as a senior member of the President's party out in that area of the country.

I want at this time to extend a welcome to them because I may miss the motorcade as it comes screeching through Des Moines. I notice that the purpose of the meeting is to try to figure out a way to elect more Members to the Republican Party in the House, especially those people who will support the President, and of course that means, I suppose, supporting the President's foreign aid program.

And this is a timely meeting because we are going to have a primary next spring, and they will need to run some people in the Republican primary—if they are really seeking support for all of the President's programs.

I also extend a special welcome, Mr. Speaker, to our Vice President, SPIRO "Get Us Together Again" AGNEW. I would be willing to help arrange some meetings there where he can receive maximum exposure.

Mr. ARENDS. Mr. Speaker, if the gentleman will yield, will the gentleman likewise extend me an invitation? I might also like to be there.

Mr. SMITH of Iowa. I certainly will. I would like to welcome the minority whip to Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman also extend me a special invitation?

Mr. SMITH of Iowa. I want you to come especially, but I think the minority leader by all means should invite you to come.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his interest.

Mr. SMITH of Iowa. You may need to be there to defend yourself, because they may seeking candidates to oppose those Members who do not support the President's programs, like the foreign aid program.

Mr. GROSS. Yes, and I thank the gentleman again for his interest.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may be permitted to sit this afternoon during general debate to hear a witness.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR SELECT SUBCOMMITTEE ON LABOR TO SIT DURING GENERAL DEBATE TODAY

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Labor, under the chairmanship of the gentleman from New Jersey (Mr. Daniels), be permitted to sit this afternoon to hear witnesses during general debate.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

A SALUTE TO ERNIE PETINAUD

(Mr. MARTIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MARTIN. Mr. Speaker, I have the pleasure this morning of announcing that Governor Tiemann, of the great State of Nebraska, has commissioned Ernie Petinaud, our maitre d' in the House Restaurant who has served us all so well for so many years, as an admiral in the Great Navy of the State of Nebraska.

Ernie Petinaud started working in the House Restaurant in 1924 as a busboy. He subsequently served in the merchant marine for 8 years, and then returned to the House Restaurant where he has served all the Members of the House so diligently, so efficiently and so kindly for many, many years.

Mr. Speaker, I would like to read from this commission as issued by Governor Tiemann:

> The Great Navy of
> the State of Nebraska.
>
> *To All Who Shall See These Presents:*
>
> Greetings: Know ye, that reposing special trust and confidence in the Patriotism valor, fidelity and abilities of Ernest Petinaud, and knowing him to be a good fellow and a loyal friend and counselor I have nominated and do appoint him an Admiral in the Great Navy of the State of Nebraska. He is therefore called to diligently discharge the duties of Admiral by doing and performing all manner of things thereto belonging. And I do strictly charge and require all officers, seamen, tadpoles and goldfish under his command to be obedient to his orders as Admiral—and he is to observe and follow, from time to time, such directions as he shall receive, according to the rules and discipline of the Great Navy of the State of Nebraska. This commission to continue in force during the period of his good behavior, and the pleasure of the Chief Admiral of the Great Navy of the State of Nebraska.
>
> Given under my hand in the City of Lincoln, State of Nebraska this 8th day of October 1969 in the year of our Lord.
>
> Norbert T. Tiemann,
> *Governor.*

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, today we salute Ernie Petinaud on the occasion of his commissioning as an admiral in the Great Navy of the State of Nebraska. I am happy to join in this tribute to Ernie. I simply cannot imagine the Members' dining room in the House restaurant functioning without him. Ernie is a kind, gracious, polished, warm human being, and an excellent maitre d' in the bargain. I must confess I thought Dave Martin was joshing a bit when he talked about the Great Navy of the State of Nebraska. But then I recalled that the Missouri River forms the eastern boundary of Nebraska, and that it was the Missouri that the French fur traders used to reach Nebraska territory in the early 18th century. As for Ernie Petinaud's new rank, it is most fitting and proper that he should be given a title reminiscent of the French who first sailed the Missouri in intrepid fashion. His commissioning as an admiral in the Navy of Nebraska is most fitting, too, because Omaha annually distributes more than $1 billion worth of foodstuffs to the world. And, so, to Ernie Petinaud, the finest of maitre d's, a salute. The Members of this House of Representatives are lucky to have him.

Mr. MARTIN. Mr. Speaker, I thank the gentleman.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I am pleased to join the gentleman from Nebraska, in congratulating Mr. Ernest Petinaud upon his commissioning as an admiral in the Great Navy of the State of Nebraska. I know Ernest will carry his high honorary rank with the same dignity and grace for which we have come to know him during his many years of service to House Members. Ernie runs a good ship; he is always on course and certainly has made smoother sailing for us by the fine manner in which he handles his responsibilities. I am happy that this compliment has been paid one of our employees for whom we hold great affection.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I am delighted to hear that Ernest Petinaud has been made an admiral of the Nebraska navy. I know of his talents. I know that he is a polished individual and a cultured individual and that he speaks several languages.

As many of you know, I took him as a member of the staff to the North Atlantic Assembly—formerly the NATO Parliamentary Conference—a few years ago and I was criticized in the press for taking the head waiter—and that kept me awake one night for about 3 seconds, worrying about it.

I want to say to you, that if I decide to take him again, certainly the press cannot criticize me for having an admiral on my staff.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the distinguished gentleman from Mississippi.

Mr. ABERNETHY. Mr. Speaker, I wish to speak as a longtime admiral in the navy of the State of Nebraska, of which I am very proud.

In view of the fact that the great State of Nebraska only lately recognized the character and fine traits of Ernest Petinaud, I wish to say that Ernie will continue to be known as Colonel Petinaud because it was early last year that the distinguished Governor of my State, our former colleague the Honorable John Bell Williams, made Ernest Petinaud a colonel on his staff.

APPROACH TO THE AGRICULTURE PROBLEM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, today I am happy to introduce, along with my colleagues in the Ohio delegation, an approach to the agriculture problem which I believe will reform a program which has been unsuccessful in resolving a recurrent problem of great proportions for the farmer, the consumer, the taxpayer, and the Federal Government. I believe that this proposal to reform our Federal agriculture program offers a comprehensive long-range solution to the problem which is economically and socially sound. Recognizing the current imbalance of supply and demand under a program of Federal controls designed to try to achieve that balance, it relieves the farmers from relying on the Federal Government and takes the Federal Government out of agriculture. It is aimed at removing sufficient land from production to achieve that balance and to encourage economic efficiency of remaining productive acres. I hope that this approach provides a permanent reform—not just further perpetuation of the unsuccessful policy of the past.

Mr. Speaker, I have taken this time to call the attention of my colleagues to my remarks in the body of the Record.

THE PHILOSOPHY OF ERNEST FITZGERALD, EMPLOYEE IN THE DEFENSE DEPARTMENT

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, a number of individuals have expressed righteous indignation in the last couple of days relative to the release of one Mr. Ernest Fitzgerald from the Defense Department. I join them in feeling sorry that this gentleman is no longer with the Government, but I think those who have known Mr. Fitzgerald only because of his connection with the C-5A investigation should know at least this one other factor as they proceed.

One of the things to which Mr. Fitzgerald objected quite strenuously was the up to 30-percent inefficiency which is allowed by the Defense Department in a number of contracts to achieve so-called social goals. A lot of the people who have been decrying expenditures in the Defense Department most loudly have never stopped to realize that some of the inefficiency has come about because of the built-in social goals—the employment of the handicapped, the employment of previously unemployable people. Mr. Fitzgerald is one who has objected to this kind of inefficiency too.

I thought it might be interesting to some of the Members to remember another aspect of Mr. Fitzgerald's philosophy.

RELAXING CERTAIN AMMUNITION CONTROLS

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MacGREGOR. Mr. Speaker, earlier today the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. ROBERTS) referred to an effort soon to be made by some of us to instruct the conferees on the part of the House on the bill to extend the interest equalization tax. Our aim is to persuade the House to accept the Senate amendment offered by the gentleman from Utah, Senator BENNETT, with respect to modifying certain ammunition control regulations.

I know many Members are very reluctant to instruct House conferees to adopt a nongermane Senate amendment, but let me assure Members that in this case all the Senate amendment does is to reinstate a portion of the language the House adopted by rollcall vote in July 1968. At that time, when we considered the Gun Control Act of 1968, the House adopted my amendment to exempt from the coverage of the bill shotgun shells and ammunition designed and used for target shooting and the hunting of rats and other vermin and predators and game.

It was the purpose of the House to distinguish between ammunition most frequently used in criminal activities and that lawfully used by hunters and sportsmen.

If the Members will support the effort to be made by a group of us today, or whenever the question comes up on interest equalization tax extension, they can be assured all we are seeking to do is to reinstate a portion of the position taken by the House last year, a position which unfortunately most of the House conferees did not endeavor to support in conference on the Gun Control Act of 1968.

I urge Members to support our motion this afternoon, or at such time as it may arise, to instruct the conferees to accept the Bennett of Utah amendment.

FITZGERALD'S FIRING IS DEPLORABLE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute.)

Mr. DICKINSON. Mr. Speaker, the action of the Department of Defense in firing A. Ernest Fitzgerald is deplorable.

Mr. Fitzgerald's dismissal has been explained as an "economy move"—part of a reorganization. Everyone knows, however, that he was fired because of his disclosures of waste and inefficiency in the Department of Defense. No matter how much DOD spokesmen deny this allegation, I—and I know other Members of the House feel likewise—know the real reason for his dismissal.

The word has gone out to Government employees, Mr. Speaker. If you see waste and inefficiency, look the other way. If you see overruns on Government contracts, say nothing, or you will be transferred to a position overseeing a bowling alley in Thailand. If you think you can save the hard-pressed American taxpayer money, do not stick your neck out, or you will find yourself facing Ernest Fitzerald's fate.

Mr. Speaker, this matter is far from closed. Mr. Fitzgerald's dismissal is going to haunt some Defense Department officials in the near future.

PERMISSION TO FILE REPORT ON H.R. 14705, FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM, UNTIL MIDNIGHT NOVEMBER 10

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Monday, November 10, 1969, to file a report on the bill, H.R. 14705 to extend and improve the Federal-State unemployment compensation program, along with any separate and/or supplemental views.

Mr. Speaker, if there are any separate views, they would also be filed at the same time.

Mr. DINGELL. Mr. Speaker, reserving the right to object, I would like to ask my good friend, the gentleman from Arkansas, a question on the interest equalization tax legislation, as to what the gentleman proposes to do with respect to that and a conference with the Senate, particularly dealing with when the gentleman intends to ask for a conference and for appointment of conferees.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, it had been my intention to ask today to send that bill to conference, but I was advised earlier that if I make that request there would be further objections.

There are two alternatives open. We have not decided which alternative we will pursue now, in the light of this situation.

One would be to ask unanimous consent, and if that failed, to then move to send the bill to conference.

The other would be to go to the Rules Committee and ask for a rule sending the bill to conference.

As my friend from Michigan knows, there is evidently no objection to the interest equalization tax itself going to conference, plus the Senate technical amendments thereto. The objection is with respect to an amendment that was added in the Finance Committee and later modified on the Senate floor, dealing with a subject matter extraneous to the interest equalization tax; namely, the ammunition provision sponsored by the distinguished Senator from Utah, Mr. BENNETT, which is, I understand, very comparable to if not identical with an amendment offered by the gentleman from Minnesota (Mr. MacGREGOR) when this matter was being considered by the House.

As I recall, the House adopted the amendment, but it was eliminated in conference.

Mr. MacGREGOR. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am delighted to yield to my friend from Minnesota.

Mr. MacGREGOR. The statement of the distinguished gentleman from Arkansas is substantially correct.

The rollcall vote of the House on July 24, 1968, adopting the amendment to which the gentleman referred, was 218 to 205. The House position was lost in conference.

The nongermane amendment here at issue was adopted by the Senate a few weeks ago by rollcall vote of approximately 2 to 1; its author is the Senator from Utah, Mr. BENNETT. It is a less extensive recognition of the rights of hunters, sportsmen, and small storekeepers than that which the House registered last year by the rollcall vote to which I referred.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. DINGELL. Mr. Speaker, I continue to reserve the right to object because I wish to discuss this matter a little further with my friend from Arkansas.

I should like to ask my good friend from Arkansas that he do keep the House fully informed of his plans with regard to this matter, because when the conference is requested, as announced by a number of my friends, and colleagues, my good friend from Minnesota (Mr. MacGREGOR), my good friend from Florida (Mr. SIKES), my good friend from Texas (Mr. ROBERTS), and our colleague and friend from Oregon (Mr. ULLMAN)—we propose to try to instruct, and bring before the House a motion to that end, the conferees on the part of this body that they do accept Senate Amendment No. 7 dealing with the question of recordkeeping, to remove this most obnoxious section from the law.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am happy to yield to the gentleman from Arkansas.

Mr. MILLS. It would be my intention, whether we proceed by the route of the Rules Committee or by a direct motion to take from the Speaker's desk and send the bill to conference, to so advise my friend from Michigan and also to advise the chairman of the Judiciary Committee, the committee which has jurisdiction, presumably, over this type of amendment.

Mr. DINGELL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ALOHA TO BILL BELCHER

(Mr. **MATSUNAGA** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Speaker, I know my colleagues would wish to join me in paying tribute to one of the most gracious and beloved figures ever to serve on Capitol Hill, our chief House doorman, William Belcher. Bill Belcher retired only a few days ago at the venerable and—in view of his excellent health and vitality—most surprising age, according to reliable sources, of 90 years.

Bill is a courtly gentleman of the old school, and we are unlikely to have our Halls again graced by any finer public servant than he.

He first came to the Hill as a private on the Capitol Hill Police force in 1947, and from 1953 until his retirement he served with unfailing courtesy and distinction as a doorman in the House of Representatives.

I am sure that my colleagues who were in Congress on March 1, 1954, will recall the assassination attempt by four Puerto Rican nationalists. It was precisely at 2:32 p.m. that pistol shots rang out from House spectators' gallery No. 11 on that otherwise uneventful day. As an incredible consequence five of the 243 Members of this body who had just answered a quorum call were struck by bullets and lay wounded on the floor. Other bullets fired wildly and at random splintered desks and chairs and even chipped plaster from the Chamber's ceiling. Three of them left holes in the rear wall near the Democratic pages' corner, one of which is still uncovered. Members then present may also recall that Bill Belcher was the first person who rushed to gallery No. 11 and there seized and disarmed the would-be assassins.

Bill Belcher has gained a host of friends in the Nation's Capital, and he has been wonderfully helpful to me and to my staff in greeting the thousands of visitors from the Island State who have toured the Capitol Building.

Bill has reminisced with me from time to time about his vacation trip to Hawaii, and I truly think he brought back with him Hawaii's spirit of Aloha, which is so evident in his associations with visitors from all over the Nation who have been fortunate enough to encounter him while visiting in the House Gallery.

Mr. Speaker, I know my colleagues would also wish to join with me in extending to Bill and his dear wife personal best wishes for a long and happy retirement.

I think we can all vicariously share the pleasure that Bill will now have as he devotes more time to his apple orchard and honey farm in the beautiful hills of West Virginia. It is a pleasure we would like to share in the same spirit that he has shared with some of us the delicious honey and bright red apples from his bountiful orchard over the years.

The words of the poet Browning come to mind as I bid this fond Aloha to Bill Belcher—

> "Grow old along with me!
> The best is yet to be,
> The last of life, for which the first was
> made . . ."

TRIBUTE TO MR. WILLIAM BELCHER, FORMER CHIEF DOORMAN, HOUSE OF REPRESENTATIVES

(Mr. **ALBERT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I join my distinguished colleague in paying tribute to Mr. William Belcher, who recently retired as our chief doorman. He has been a fine, courageous, and courteous servant of the House and all its Members. I wish him a long and happy retirement.

Mr. SIKES. Mr. Speaker, I am gratified that my good friend, the distinguished gentleman from Hawaii (Mr. MATSUNAGA), has called to the attention of the House the retirement of William Belcher, a doorman in the House of Representatives for many years. I concur in all the good things that have been said about William Belcher. He was indeed an outstanding gentleman. Always courteous and gracious in the conduct of his duties, he added significantly to the luster of the House and its traditions. We would be fortunate indeed if we could retain his services for the purpose of schooling other House employees in these most important qualities.

I am proud that he is my friend, and I wish that I could claim him as a constituent. I think that is true of every Member of the House who has been privileged to know him. Certainly he has been helpful to each of us and to all of those whom we have referred to the galleries. We shall indeed miss him from the Halls of Congress, but we can reflect with him on pleasant memories of the years of distinguished and effective service which he gave and the friendships which he shared with so many of us.

I wish to Mr. and Mrs. Belcher a long and happy retirement—pleasant years together which they so richly deserve.

GENERAL LEAVE TO EXTEND

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Mr. William Belcher.

The **SPEAKER.** Is there objection to the request of the gentleman from Hawaii?

There was no objection.

DEMONSTRATIONS AGAINST VIETNAM WAR

(Mr. DE LA **GARZA** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, an end to American involvement in Vietnam will not be brought one bit closer by the outpouring of people into the streets of our cities next weekend.

So far as the professed end sought by the demonstrators is concerned the event can be but an exercise in futility. But so far as the American people generally are concerned it is more than that and worse.

Such organized demonstrations are an insult to our servicemen and their families. They show an appalling lack of faith in the democratic process. They are part and parcel of a continuing attempt to wreck the American Government and to bring anarchy to our country.

The good intentions of most of those who plan to participate may be conceded. But good intentions are worse than useless when they are perverted by poor judgment and in this case by leadership which is anything but well intentioned. This leadership is provided by men who have openly announced that their purpose is to tear down America.

Fortunately the sentiment of an overwhelming majority of Americans is reflected not in street demonstrations but in the thousands of solemn observances of Veterans Day during this same week. The true voice of our people speaks in the homage paid to all Americans who have fought and died in defense of our country and its ideals. And this voice will prevail over the raucous obscenities of those who seek only to destroy.

U.S. GOVERNMENT SUPERSPECIAL BOONDOGGLE

(Mr. **EDWARDS** of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I would like to draw my colleagues' attention to the fact that if they should want a spare pavilion for a summer home, a free one may be had from the U.S. Government. It seems that there are no takers for the massive structure at the site of the New York World's Fair. For the mere asking, even you can own a $10 million U.S. Government, superspecial boondoggle.

It would be especially helpful if someone came forward and took the structure off the hands of Uncle Sam. Otherwise we here in Congress will have to appropriate a tidy sum of money—$350,000 to be exact—just to tear the building down.

If any of my colleagues are thinking of how the building could be used as a recreational facility for disadvantaged children or as a cultural center for the poor or as a new office building for the State of New York, you might as well stop right now. The mayor of Fun City can find no use for the building. In fact, it was the goodly Mr. Lindsay who requested that the structure be cleared away.

I hope there is a lesson to be learned in such a wasteful expenditure of taxpayers' money. When the building was first constructed, plans should have been made for its easy conversion to a permanently useful structure. Four years ago children rode a miniature train through scenes from American history. Soon they will be able to watch a bulldozer doing its work in a scene that will be a very sad commentary on how some Americans value the money in the U.S. Treasury.

ADJOURNMENT FROM THURSDAY, NOVEMBER 6, TO WEDNESDAY, NOVEMBER 12, 1969

Mr. ALBERT. Mr. Speaker, I again offer the concurrent resolution (H. Con. Res. 441) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

Mr. HALL. Mr. Speaker——

The SPEAKER. Does the gentleman from Missouri desire to be recognized for 1 minute?

Mr. HALL. I do, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, the majority leader has consulted with me since this joint resolution was first brought up today, but I do not yet understand why we adjourned at 12:26 on Monday and why we have had limited debate and bills programed this week; and why we are not going to work tomorrow but plan to work into the late hours tonight in order to accomplish the completion of the aviation and airport bill under two separate rules, and then we do not plan to meet Monday. Now, surely no one can object to us going over on Armistice Day, but this is November 7, and we approach the yearend.

Our legislation is lagging. We have been called a Congress that is not producing much legislation, to put it kindly.

As I said yesterday about coming in early today to accomplish this, not knowing that there was a bar of some kind against meeting tomorrow; whether it is the Tuesday-to-Thursday club or what it is—I would like some explanation about the plans to wind up this session before Christmas, if we are going to complete all of the remaining and presumably essential authorization and appropriation bills yet to come to the floor of the House.

Mr. ALBERT. The gentleman from Missouri knows the position of this Member and that is to wind up this session just as soon as possible.

I have consulted with the leadership of the various committees and also with the leadership of the other body. There does not seem to be much hope of adjourning early in December, I would say to the gentleman, and I do not think the House taking off this time at this season will have anything to do with the date of final adjournment. I think this House can get its work done in an orderly fashion in December.

Mr. HALL. Mr. Speaker, in view of the workload, I was sincerely opposed to such a short session on last Monday, and I am violently opposed to taking off this Friday and next Monday. I think we should work throughout the week and especially to work on Monday of next week. If we are to work around the calendar, we should certainly work throughout the weeks—especially on Mondays and Fridays.

Mr. GROSS. Mr. Speaker, I want to join with my friend from Missouri (Mr. Hall) in protesting this latest vacation for Members of Congress. Not in the more than 20 years that I have been a Member of the House has there been worse legislative foot-dragging than in this first session of the 91st Congress.

Not only will there be no session of the House until almost a week hence but in the meantime almost all committee activity will be halted and the flow of legislation to the House floor slowed to a crawl.

There is nothing the gentleman from Missouri or the gentleman from Iowa can do that would be effective for it is not within our power to schedule legislation. But we can protest and serve notice that not only for the remainder of this year and certainly at the beginning of next year we can insist that the legislative machinery operate as the citizens of this country expect it to be operated.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 262]

Anderson, Tenn.
Berry
Betts
Blanton
Blatnik
Boland
Bolling
Brasco
Brotzman
Brown, Calif.
Byrne, Pa.
Cahill
Celler
Clay
Culver
Daddario
Dawson
Derwinski
Edmondson
Erlenborn
Fascell
Flynt
Foley
Fulton, Tenn.
Goldwater
Gray
Griffin
Hagan
Halpern
Hansen, Idaho
Hébert
Howard
Jarman
Jones, Ala.
Jones, Tenn.
Kirwan
Lipscomb
Lloyd
Long, La.
McClory
McMillan
Meeds
Miller, Calif.
Monagan
Moorhead
Morton
Nelsen
O'Hara
Ottinger
Passman
Pirnie
Powell
Pucinski
Railsback
Reid, Ill.
Reifel
Rogers, Fla.
Rosenthal
Steiger, Ariz.
Steiger, Wis.
Symington
Teague, Calif.
Teague, Tex.
Utt
Whalley
Wilson, Bob
Wyatt
Young

The SPEAKER pro tempore (Mr. Albert). On this rollcall 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE AND CONSIDER CONFERENCE REPORT ON H.R. 11271, NATIONAL AERONAUTICS AND SPACE AUTHORIZATIONS FOR 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order today to file and consider the conference report on the bill (H.R. 11271) National Aeronautics and Space Authorization for 1970.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. SPRINGER. Mr. Speaker, reserving the right to object, I hope the majority leader does not intend to bring this up during consideration of the bill today.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, I would say to the gentleman, "No. I just want authority to do it today.

Mr. SPRINGER. And the work will go forward in order?

Mr. ALBERT. That is right.

Mr. SPRINGER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. FULTON of Pennsylvania. Mr. Speaker, we have no objection.

Mr. SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AVIATION FACILITIES EXPANSION AND IMPROVEMENT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 610 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 610

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, and two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, title I of the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of title I of the bill for amendment, title II of the bill shall be considered as having been read for amendment. No amendments shall be in order to title II of the bill except amendments offered by the direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding, but shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, House Resolution 610 provides a rule with 4 hours of general debate for consideration of H.R. 14465, the Aviation Facilities and Expansion Act. Two hours of general debate are allowed on title I of the bill, to be controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce. Two hours of general debate are allowed on title II of the bill, to be controlled by the chairman and ranking minority member of the Committee on Ways and Means. Title I shall be read for amendment under the 5-minute rule. No amendments shall be in order to title II of the bill except amendments offered at the direction of the Committee on Ways and Means. H.R. 12374 was introduced at the request of the administration. The Interstate and Foreign Commerce Committee held 2½ months of hearings on this legislation during this summer.

The purpose of H.R. 14465 is to provide for the expansion and improvement of the Nation's airport and airway system. This is to be achieved, in substantial part, through the imposition and application of airport and airway user charges. All Government and non-Government segments of air transportation were heard in testimony before the committee.

Under title I of the act expenditures are authorized for airfield construction for fiscal years 1970, $175 million; 1971, $205 million; and 1972, $265 million. For planning purposes, authorization is given for a 5-year period not to exceed $10 million a year in addition to the strengthening of State aviation activities at a level not to exceed $5 million per year.

In addition to these increased funding levels, title I would improve other facets of air development in a number of specific areas.

Under title II of the bill certain tax changes are provided.

The gasoline tax would increase on general aviation from the present effective rate of 2 cents a gallon to 7 cents a gallon and a new tax of 7 cents a gallon on other aviation fuel used in general aviation would be provided.

Passenger ticket tax for domestic flights will increase from 5 to 8 percent and a new $3 "head tax" is provided on international commercial flights beginning in the United States.

There will be a new tax of 5 percent on air freight waybills.

A new annual aircraft registration tax of $25 is provided plus 2 cents a pound for piston-powered aircraft and 3.5 cents a pound for turbine-powered aircraft.

General aviation will be subject to the fuel taxes and registration tax; commercial aviation will be subject to the passenger and cargo taxes and the registration tax.

Title II also makes certain other modifications in present air user taxes. All exemptions from the passenger ticket tax are removed except for transportation furnished to an international organization or the Red Cross. Special rules are provided for small aircraft not on established lines and for aircraft used by affiliated corporations.

Revenues derived from these taxes are to be placed in a new airport and airway trust fund, similar in nature to the existing Highway Trust Fund. In addition, receipts from taxes on tires and tubes used for aircraft are transferred by this title from the highway trust fund to the airway and airport trust fund. This title also provides that any general fund appropriations necessary to supplement the air user taxes are to be paid into the trust fund. Both the user tax revenues and the appropriations from general revenues will be paid out of the trust fund according to congressional appropriation acts.

To obtain and analyze data on the costs and use of the airway and airport system, the Department of Transportation is directed to make a study on the taxes to be used to insure an equitable distribution of the costs by the various users of the air transportation system.

Some of the exemptions from State taxing jurisdiction presently provided for Washington National Airport would be removed.

Generally, the amendments made by title II will be effective on January 1, 1970, except that the passenger and freight ticket taxes and the international flight departure tax will apply to transportation beginning after December 31, 1969, not when the ticket is purchased.

Mr. Speaker, I urge the adoption of House Resolution 610 in order that H.R. 14465 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when this proposal was suggested by the administration, I had several reservations about it. But I will say in all honesty that in my opinion the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means have together worked out a most acceptable bill.

Mr. Speaker, the rule is a little bit different than we have had in the past inasmuch as we have a total of 4 hours of general debate, but we divide the rule up with 2 hours for title I, which is the aviation facilities expansion bill, and 2 hours on title II which has to do with fundraising. So the Committee on Interstate and Foreign Commerce controls 2 hours of the time and the Committee on Ways and Means controls 2 hours of the time on title II of the bill. It is a completely open rule insofar as title I of the bill is concerned but on title II it is closed insofar as amendments are concerned, except amendments offered by the committee itself. Points of order are not waived because in this instance the Ramseyer rule has been complied with.

The purpose of the bill is to provide for the expansion and improvement of our airports and airways system. This is promoted under the provisions of the bill by a program of Federal grants which are in a large part financed by user charges instituted by the bill. The program has a 10-year life—through June 30, 1979.

The Nation's airspace is being used by many different groups today—commercial and general aviation in various forms. There is a continuous expansion of all types. Commercial air carriers over the past few years have converted to almost all jet carrier service, a fleet of over 2,500 aircraft. By 1980 it is estimated that the airlines will carry 420 million passengers—triple the 1969 figure. Operating revenues of all scheduled carriers in 1968 totaled over $7,750,000,000, more than double the figure of 1963. These airlines employ over 300,000—a 200-percent increase over the 1963 level. Air cargo revenue ton-miles are increasing even more rapidly. By 1980, it is estimated that today's fleet of 124,272 general aircraft will have doubled and there will be some 1,400,000 pilots compared with today's 600,000.

Our facilities and safety equipment must keep pace with this rapid growth. The bill seeks to meet that declared purpose. Problems which must be faced include improving and enlarging runways for our new, faster and larger jets, and of installing in airport control towers the newest radars, flight control, communication, navigation, landing systems, and weather reporting facilities. Many large airports are lacking in such devices today.

Compounding the problem are two factors directly attributable to the Federal Government: First, over the years Federal support of our aviation system has not been sufficient to improve our current systems; second, the Department of Transportation has not recommended a national transportation policy. Both these problems are met by the bill; it requires a policy to be enunciated by the Department and reported to the Congress within 1 year. It is to cover all modes of transportation and a national policy which will integrate our several modes into one national system which will speed the movement of people and goods throughout our country. The grant program created by the bill aims at putting Federal financial assistance on a more regular and higher basis through June 30, 1979.

Through a system of user charges, supplemented by general revenue funds, the funding of our airports and airways system grows as the demand for use grows over the next decade. The bill provides that the annual authorization for the airways should be at least $250 million and that the Federal share of airfield construction—but not terminal facilities, which are not included in the bill—should be $2,500 million during the period 1970–79.

On page 91 of the committee report, a projected estimate of total user fee income and outlays are set forth.

The bill creates a National Air System Guidelines Commission of nine members, appointed by the President, to formulate guidelines for the development of our airports and airways. Membership will represent all types of airways users, as well as aircraft manufacturers, State aviation agencies, and groups involved in conservation and regional planning. The Commission is also to assist the Secretary of Transportation in his preparation of a national airport system plan.

The bill also seeks to insure that airport development will not damage the environment unnecessarily. While some conflicts are inevitable, they are to be minimized and consultation with the Departments of the Interior, Health, Education, and Welfare, and Agriculture are required to insure a minimum of environmental damage by airports.

The bill does not include Federal assistance for terminal facilities. Problems in this area are centered at high-density airports. The committee's report states its belief that such facilities, with their very heavy use, should generate their own renovation funds. Federal funds should be used for highest priority items—those directly related to safety.

Title II of the bill, which establishes new user taxes and increases several existing ones, was written by the Ways and Means Committee and then engrafted into the bill from the legislative committee, Interstate and Foreign Commerce.

The bill increases the gasoline tax on general aviation use—noncommercial—from 2 to 7 cents a gallon, and a new tax of 7 cents on other aviation fuels used in noncommercial flying is instituted. With respect to commercial aviation, the existing passenger ticket tax for domestic flights is increased from 5 to 8 percent and a new $3 "head tax" on all international flights beginning in the United States is instituted. For air freight cargo lines, a 5 percent air freight tax is instituted. All aircraft will be required to pay an annual aircraft registration tax of $25 plus 2 cents a pound for piston-powered and 3.5 cents a pound for turbine-powered aircraft.

All revenues collected from these user impositions will go into the newly created airport and airways trust fund, similar in nature to the current highway trust fund. All sums in the trust fund will be for the exclusive purposes of the bill. As user fees increase during the next decade, a higher percentage of the total Federal assistance under the legislation will be borne by the trust fund receipts, less from general fund revenues. Trust fund receipts are estimated at $446,500,000 in fiscal 1970, rising to $1,399,900,000 in 1979.

The bill was reported unanimously by the committee. It is supported by the administration, as evidenced by numerous agency letters contained in the report.

Eight members have filed separate views concerning the failure to include the terminal facilities assistance in the bill. They note that in many major facilities the problem of moving people and baggage is tremendous today—and that by 1979, when today's 170 million passengers become 400 million, the terminal congestion will be overwhelming. They believe assistance for terminal facilities construction must be made a part of the overall program at the Federal level.

Ten members have filed separate views concerning the need to insure long-term financing. They point out that the bill as reported fails to give local airport sponsors any assurance that the Federal commitment on any particular project will run beyond a 1-year period. Long-term commitments on individual projects are needed, they believe, to insure continuing local effort to upgrade facilities—a most expensive undertaking.

Five members have filed separate views concerning the need to include in the legislation, language requiring the creation of Federal standards for air pollution by aircraft and to provide for its control.

Mr. Speaker, I urge adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14465, with Mr. BURLESON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate shall continue not to exceed 4 hours, 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce and 2 hours to be equally divided and controlled by the chairman and ranking minority member on the Committee on Ways and Means.

Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour, controlling the time for general debate on behalf of the Committee on Interstate and Foreign Commerce.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I might require.

To Members of the House who are here, I would say that the two members of the Committee on Rules who explained the rule to the House did a very excellent job in really explaining the fundamentals found in this bill. So I am not going to take up much time going over those same provisions.

This legislation provides for the expansion and improvement of the Nation's airport and airways system.

As you know, we have had a Federal Aid to Airports Act for some time. However, in most years it has been impossible to meet the needs of airport development because of strict appropriations limitations.

Currently, the airport part of the system is authorized at $75 million a year for matching grants, but it has an appropriation for this purpose of only $30 million. The time has come to develop a more long-range program under which large sums of money will be generated. I feel that we have done this with this bill.

Title I of the bill is the work of the Committee on Interstate and Foreign Commerce. It deals with the needs of the system, the sums of money which will be authorized, and the application of the money to the various demands of the airport development part of the program.

Title II is the work of the Committee on Ways and Means. This deals with the manner in which user taxes will be established, and they will be placed in a trust fund solely for airport and airways expenditures.

The bill calls for the establishment of a national transportation policy.

Special attention was given to the need for increased planning, both in terms of aviation and in terms of a total transportation policy, taking into consideration all modes. A temporary Commission—the National Air System Guidelines Commission—consisting of nine members from the various aviation interests—will be named by the President. This Commission will make a report which the Secretary must follow in his preparation of a national airport system plan.

Construction grants will continue to be made on a matching fund basis with the Federal share limited to no more than 50 percent on most agreements.

A number of amendment were placed in the bill by the committee, which afford increased assurance that all possible steps be taken to assure that aviation does not increase our natural resources problems. We have tried to protect our national parks, forests, and other natural resources from adverse effects from aviation.

There is a new provision to increase the role of the States by providing for planning money at the State level.

The bill also includes a new provision which will be used to support airport developments at reliever airports. Such airports are urgently needed to take the pressure off of the hub airports such as Kennedy and O'Hare.

The committee also added a requirement for airport certification, the feeling being that airports which receive service from the certificated air carriers should meet safety requirements.

All airmen and aircraft must now meet Federal standards, and it would seem only logical that there should be standards for the airports. These are the basic parts of the program for airport development and expansion.

While this is a long-range program and the trust fund is a permanent one, the committee felt that it is desirable to limit the airport authorizations to the next 3 years so that the Department will have to come back for a renewal of the authorization and we can then have another intensive study of the subject.

The airways part of the program will continue as it is, but it must be substantially expanded in terms of both equipment, and as the growth continues, in personnel.

We feel that airways will require no less than $250 million annually. All of the details on the money are in the second title of the bill which will be managed by Chairman MILLS.

I might say that we worked in close cooperation with the other committee, and I feel that we have brought a desirable and, in fact, an urgently needed bill to the floor. It deserves the support of all of the Members of this body, and I recommend its passage.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I know that my colleagues in the House, those who are here and those who will read the RECORD tomorrow, want to know what is the need for such legislation, and I think a short review of what is happening in this country and what will happen in the next 10-year period is worthy of being said.

The Aviation Facilities Expansion Act of 1969, which we are considering here today, is an important piece of legislation which could be described as being not too little but certainly too late. The provisions of this bill to upgrade the airports of the United States and the airways control systems cannot now catch up with the situation. That, of course, is all the more reason to get the effort going in high gear.

It could be argued that there is nothing needed in our present system except more money. The main thrust of this bill is the new concept of user charges which are set aside for the specific purpose of carrying out the program. Just what those user charges are, what they will develop in the way of funds, will be described to you by members of the Ways and Means Committee.

You should not expect, however, to find that the citizens who use our airways either as airline passengers or pilots will be paying 100 percent of this program. The Federal Government makes many uses of the system for its own business, the most common of which is the use by military aircraft. These uses are made in behalf of all of the citizens of the United States and to that extent all should participate in the cost.

It is difficult to tell just what the breakdown ought to be of these governmental charges, and the bill provides for a cost allocation study to obtain the answers.

Although the bill speaks of a 10-year program and specifies sums which should be used in this effort during that period, the actual authorization in this bill is limited to 3 years so that the committee and the Congress will have an opportunity to check on progress and reevaluate the approach if that seems desirable.

The bill contemplates the expenditure of $2.5 billion for airports and a similar sum to upgrade the airways. Nowhere in the bill will you find a breakdown for the expenditure of the airways funds. That is because airways and all of the operations which keep them safe are purely functions of the Federal Government.

When we speak of airways we are talking about all of the radars and other gear used in the en route control system and the personnel who operate them. It extends to the control of aircraft around the airports and could be said to stop when the plane touches the ground and begin again when it lifts off.

The airport program has to do with all of those facilities for handling the aircraft on the ground. The bill goes into considerable detail about how this airport money will be spent because it is not spent by the Federal Government nor are airports run by the Federal Government. For this reason the airport program is one of grants to local governments or combinations of governments sponsoring and building airport facilities.

For the first 3-year period the bill authorizes a total of $690 million. What does it do and where does the money go?

First of all, the building of an airport takes long and detailed planning. It is in the interests of all concerned that this effort be supported by Federal funds, and the bill speaks of $50 million to be used over the next 5 years. Since no more than $10 million is to be used in any 1 year the actual authorization will amount to $30 million for the original 3-year period. The planning to be carried out with the help of this money would go to determine the extent, the type, the nature, location and timing of airport development needed in a specific area.

Once an airport has survived this elaborate planning process and has become a sponsored project, the Federal Government will then participate in that project to the extent of 50 percent for those items which are eligible under the act, and it may be easier to describe those things which are not eligible than those which are.

The bill as it comes from the committee does not provide that grant money may be used to support the building of airport terminals and the adjuncts thereto such as parking lots. In 1958 the Congress decided that it was better policy to withhold grant money from terminal buildings. There were very good reasons for this. Terminal buildings, by and large, house money-making commercial projects which bring substantial return to the operators of the airport. Some parts are leased out to concessionaires, some parts are leased out to the airlines. When the Federal Government stays out of this part of the business it gives the airport operator a free hand in the way he constructs and uses his terminal facilities.

The grants for airport construction over the 3-year period will amount to $570 million. That money will be apportioned among the States in three different ways—one-third of the money will be parceled out on an area and population formula; one-third will go to communities on the basis of the number of enplanements; and the remaining one-third will be used at the discretion of the Secretary of Transportation.

An additional $75 million will be used for reliever airports only. These airports will generally be used by general aviation which includes business aircraft, and these funds will be distributed two-thirds on an area-population basis and one-third discretionary.

There has been considerable discussion while this bill has been under consideration of the so-called multiplier factor in the use of grant funds. Since the idea was originally proposed, it has gone through several stages. It first came as a proposal to take up the interest on municipal bonds. Eventually it became a proposal for long-range contracts between the Federal Government and airport sponsors for grant money to be paid in specific amounts for as much as 20 years. It is the argument of those who support these proposals that the grant money in any given year would then be able to support more projects and that many more airports could be built more rapidly. There are serious drawbacks to this plan above and beyond those having to do with fiscal policy. Tying up future grant funds to support the large projects which will call for substantial support could find us someday in the position of having all of our airport money obligated for continuing support of airports already in being and with no money to assist new airports.

In the past the problem of continuing needs has been met very satisfactorily. The airport plan set forth specific projects with their priorities and the community can make plans based upon this very informal commitment. It would work very much the same under the new act.

The bill contains one other provision for grants, and these are to State aeronautical agencies. Not all States have such agencies but most of them do. We can hope that the remaining States will create such agencies in the near future. Those States with active airport and airway agencies do long-range planning, not only for airports which will serve airlines but for the more comprehensive system of small airports to serve its citizens. As time goes by these State systems and these smaller airports will become important to the national system, and this kind of activity deserves some support from the Federal Government. The bill provides $5 million a year for this purpose.

There are other features of this bill which do not necessarily go to the use of funds or the handling of specific airport projects but which deserve some mention as innovations in the field of air legislation. I have already mentioned the allocation of cost study which will help determine the share of total airport and airways expense which should be borne by the general public as opposed to that paid for by air travelers.

Although present law provides for evolving an airport plan, the bill before the House adds some valuable directions on how to create the plan. For instance, it requires the Secretary of Transportation to consult with all of the departments and agencies of the Federal Government and of local governments, as well as representatives of the air industry. In the course of such consultations he is directed tc pay particular attention to the problems of environmental quality and resource conservation. He must, in fact, make very specific written findings before he can overrule objections or suggestions on an airport project, and they must be addressed to the environmental problems posed.

In addition to these precautions the bill sets up a National Air Guidelines Commission of nine members appointed by the President from private life to formulate guidelines on the important and often controversial problems of land uses near airports, ground access to airports as well as the general use and operation of airways, air service and aircraft in conjunction with the national plan. The members of this Commission will come from the air industry and groups concerned with conservation or regional planning. Once the guidelines are formulated and reported, the Commission will disappear.

Aside from the considerations on airport planning just discussed, there always arises the more specific and far more political considerations of airport location which bring on local civil wars and which can and have delayed airport development in some metropolitan areas for years while air service steadily deteriorated. This bill requires first of all that an opportunity for thorough hearing be given all elements to be affected by the building of a new airport. The committee also accepted an amendment aimed at cutting the Gordian knot when a region becomes hopelessly deadlocked on the question of location. If the bickering has gone on for 3 years and it looks as if the impasse is complete, the Secretary of Transportation will select a site and that will settle the matter as far as use of Federal funds is concerned.

In the case of airports not meant to serve metropolitan areas, a provision was added to protect the small local community from being overrun and even gobbled up in an airport project. For such a nonmetropolitan airport the local government at the proposed site may have an actual veto power to protect it against the pressures of the State and other echelons of government concerned.

All of this recognizes and highlights the great difficulty which is always encountered as soon as an airport gets close enough to reality to cross swords with the other economic and social interests of a community. An airport would be a wonderful thing nearly everywhere if only they would refrain from letting airplanes operate on it. Every citizen is for more and better airports located just far enough away from him to be convenient and not disturb his property in any way. No legislation will eliminate these pressures but we hope that the provisions of this bill will help resolve them in ultimate fairness.

I believe that the bill reported by the committee contains the major provisions and features best designed to do the job. I would like to see it accepted pretty much as we bring it to you based upon my own long experience with the subject matter and my interest which has prompted me to explore personally the problems and the results which have been obtained under the law as it presently operates. I urge my colleagues to accept the major provisions of the bill on airport grants and the limitations which the committee has placed upon them.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished colleague from Iowa.

Mr. GROSS. I want to congratulate the gentleman on the fact that this is not to be a permanent Commission. I hope it will provide the results the Committee on Interstate and Foreign Commerce indicates it will.

Mr. SPRINGER. May I say to my distinguished colleague, this Commission will have a direction to study the smaller communities as well as the large in this country, to see that the feeder lines are properly brought into this plan, to see that we have a completely integrated system to serve every community in the country.

Mr. GROSS. Will my friend from Illinois yield for a question or two?

Mr. SPRINGER. I yield.

Mr. GROSS. It is in title II, is it not, that we find the initiation of Federal registration fees?

Mr. SPRINGER. That would be in title II, which is under Ways and Means. The Ways and Means Committee has 2 hours under this bill.

Mr. GROSS. As well as the gasoline tax?

Mr. SPRINGER. That is right. That has all been determined by the Ways and Means Committee.

May I say to my distinguished colleague that the Ways and Means Committee did an outstanding job, in my humble opinion. In fact, I believe the job the Ways and Means Committee did is better than that recommended and sent down by the administration.

Mr. GROSS. It was submitted to me by the Iowa Aeronautics Commission that this bill would do an injustice to Iowa in the matter of registration fees and fuel taxes. However, I will address my questions to those who handle the bill in behalf of title II.

Mr. SPRINGER. I will say to my distinguished colleague, he has for years been advocating, as I have, when we create a program like this, that we ought to start creating taxes to help pay for the greater part of it. That is done in this bill.

In addition, may I say to my distinguished colleague, it is in a trust fund and the money which is raised by these taxes for this purpose can only be spent for the purposes which are contained within the legislation.

Mr. GROSS. Let me say again to my friend from Illinois that we are already levying high taxes in the State of Iowa. This, I am informed, will compound the situation.

Mr. SPRINGER. I should say this: It has been my theory and my philosophy that the people who fly first class ought to pay for that. I consider, when I get on an airplane at Dulles Airport and fly to Willard Airport at the University of Illinois, my hometown, in 1 hour and 38 minutes, that I am flying first class.

I think I ought to pay for flying first class. That is the difference between driving my automobile out there or riding out on a train, which takes me 26 hours to get there. That is the difference. It seems to me when you travel in this manner you ought to pay for it. But I am sure the Committee on Ways and Means will justify why you ought to pay for it.

May I develop for a few minutes further something that the chairman started with and I think I ought to elaborate on. This is a program which is at the present time being funded at the rate last year of about $30 million. For 1970 we fund this at $190 million or in the neighborhood of 6½ times what it is being funded this last year. In 1971 it goes up to $220 million; in 1972 it goes up to $280 million. We believe with this kind of money we can meet these problems which I am talking to you about now.

This is only a 3-year program, may I say. The 10-year program is encompassed by the fact that we set aside these moneys in a trust fund. Therefore, we are going to create moneys as we go along all of these years, and we do not expect either titles I or II to be repealed during the 10-year period. We think we are on the right track moneywise to solve these problems. And we have provided that trust fund moneys must be spent for these purposes.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I am happy to yield to my colleague, the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Chairman, I appreciate the gentleman, the ranking minority member on the Committee on Interstate and Foreign Commerce yielding to me at this time. I certainly appreciate his explanation.

Generally, I favor this bill because I have favored the principle of those users paying their own way. I have had some objection to some of the taxes insofar as the use of aviation gasoline and airports are concerned. But it is underway generally because it is referred to as general aviation. However, still 92 percent of this is paid for and is costed out against those who use the airports rather than the general taxpayer, some 80 percent of whom have never ridden an airplane. I think this is right and just.

If the gentleman will yield further, I have two basic questions on which I would like to have the gentleman's opinion.

First, does this Commission established herein, or does the committee on which the distinguished gentleman serves, envisage anything that will anticipate further use of the strengthening of the aprons and parking spaces and the handling of enplanements and deplanements as rapidly as possible as we get into the field of rapid air transit?

Mr. SPRINGER. All of that will be covered by that Commission. It is not only that, but I am sure they will come forward with recommendations for safety. So, I think this Commission has broad authority to go into any phase in trying to create this integrated system. With this system, as my colleague knows, there will come many problems in the future if we double the number of people traveling by air. If we use the 747 instead of the 707 we will have doubled the flight capacity.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I thank the gentleman. That is very reassuring. I think there is involved, however, the fact that vertical takeoff is practically a bonus with reference to the supporting of runways and the undergirding, the parking and hard stand for these purposes, to say nothing of the tremendous problem of handling baggage and so forth.

My second question is whether it would be within the purview of this Commission or, indeed, the committee—and I have read the report in detail—to help solve the problems of general aviation vis-a-vis commercial aviation at many airports in many congested areas such as the eastern seaboard sometimes referred to as this megalopolis, by diverting general aviation to better and more adequately handled airports.

For example, here in our own city could you divert from DCA the 20 percent of the general aviation that now use that, and allow the downtown airport to continue primarily as a jet airport, at least, in the waking hours? Would this come under the purview of the study?

Mr. SPRINGER. This would come under the purview of the study of this Commission, and I am sure that not only our commitee is going to hear this in the next year, I think we will want this Commission to take the time to come in so they can give us preliminary reports on what they are doing—at least, I would expect them to do this. We are creating it, the President appoints the members, and I would hope we could have periodic reports. And if we find their area is not being touched I would think our committee would want to direct them, or direct some things that we think ought to be put under study if it is not done.

May I say to my distinguished colleague that all of us would like to have that which they have up at Minneapolis-St. Paul which is the ideal system in the country. They have six airports which pretty well circle the cities, and they are largely interchangeable, and I would guess that every possible aviation, general aviation, and commercial aviation, is taken care of, and should they have trouble with them, then they can shift them around to other airports.

So all of us wish we had the Minneapolis-St. Paul system, which is the ideal of the country. We do not have it, but we ought to try to meet the situation and we hope to keep general aviation flying, because as you well know there are approximately 100,000 general aviation planes in this country as against only about 3,000 commercial. Of course, commercial is carrying practically all the passengers. I would think without question this would be another part of the study, to see what we can do to hold general aviation in this picture.

Mr. HALL. Again, the gentleman's words are very reassuring, and I hope they evolve. My particular interest in the best example I know is right here where we could use the Anacostia-Bolling Airport for general aviation without interfering with our radar control or landing ability, and which was suggested several years ago, and at one time was approved by the FAA, and then suddenly pulled out for reasons that we all understand, and so forth, but as a member of the Committee on Armed Services I would certainly suggest that this could be done in conjunction with the distinguished gentleman's committee.

I again thank the gentleman for yielding.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota, a member of the committee.

Mr. NELSEN. Mr. Chairman, I appreciate the gentleman yielding, and may I express appreciation to the ranking minority member of the Committee on Interstate and Foreign Commerce, and the chairman of that committee, for their work on this very important bill.

I think it is a good bill, and I want to add my endorsement to it.

I have a problem that I want to discuss with the gentleman from Illinois (Mr. SPRINGER) for the record.

For example, Mankato, Fairmont, Worthington, these smaller communities, as the aircraft become larger, their runways become too small, and there is obviously a need of an aircraft that can sit down in these communities and serve them, because we have encouraged them to go ahead with airport construction. Would it not be possible to go into a study of this need with the idea of establishing some policy that might be adopted, looking to the future, to serve these rural communities with the hope that they will prosper rather than die because of lack of transportation?

Mr. SPRINGER. I do not think there is any doubt, may I say to the gentleman, that this is one of the real problems in the study on what you are going to do about small airports and rural areas. Naturally, they could not go into this whole integrated system. May I say you are going to have some airports in the rural communities and smaller communities which may have had or will need feeder airlines. The study should also be made of the local or even the small ones that are not going to have feeder airlines. This will be one of the questions studied by the Commission.

If they are eligible to receive Federal funds or may become so they ought to be subject to study by this Commission.

Mr. NELSEN. Mr. Chairman, will the gentleman yield further?

Mr. SPRINGER. I yield further to the gentleman from Minnesota.

Mr. NELSEN. For example, at Worthington, Fairmont, the old DC-3's come in on the runways; they can accommodate them, and now these bigger jet aircraft are in use, and these understandably no longer can use the runways.

The problem we are discussing here is well set forth in a letter sent to me by the airline committee of Fairmont which I submit for the RECORD at this point:

FAIRMONT, MINN.,
September 15, 1969.

Re Aviation Facilities Expansion Act of 1969.
Hon. ANCHER NELSEN,
Congress of the United States,
Washington, D.C.

DEAR ANCHER: I am writing on behalf of the Airline Committee of the Fairmont Chamber of Commerce to ask that you actively support the Aviation Facilities Expansion Act of 1969 which has been referred to the Interstate Commerce Committee in the House of Representatives.

This is the Bill that we discussed briefly while we were traveling to Blue Earth two weeks ago.

Everyone agrees that our National Airways System and Airports have not kept pace with the growth in aviation, and it is apparent that aviation is growing at an expanding rate. For example, North Central Air Lines is flying 20% more passenger miles now than a year ago. The increase in the number of new pilots and new aircraft production is expanding at about that rate. In Minnesota the communities of Caledonia, Silver Bay and Mankato are completing new airports. Jackson and Detroit Lakes have new instrument approaches. Blue Earth and Winnebago are planning a joint airport. Worthington is building a new terminal. Fairmont is working on a ten year airport development plan. The new hard surface runway at Hutchinson will have to be lengthened and lighted to meet the industrial need of that community. The Metropolitan Area has been having problems locating a new airport to meet the long term needs of that area.

The new Aviation Bill provides for needed long term planning and appears to be adequately funded largely by user taxes.

It is obvious that the planning in the past has not met the current need. The Air Traffic Controllers regularly express concern about the safety of flights in the airways and the congestion at the high density airports has become unmanageable.

Future planning is critical. World War II aircraft and navigation equipment do not faintly resemble the equipment in use today, and the new generation of aircraft will have altogether different needs than seem necessary now.

In my mind the great danger to rural areas everywhere is that this Bill may not be adequately funded when it is finally enacted into law. This is because the high density airports have a critical need for a tremendous amount of money just to insure the safety of flights, and those airports will continue to have a first priority.

The communities in rural areas also have a critical need for a tremendous amount of airport money to insure their continued existence and economic development, and I am concerned that funds for this purpose will not be available if the Bill is not adequately funded.

Transportation has always been a key to economic development. In the past cities grew where there were good ocean and river harbors, later at good railroad locations. In the future only communities with good airport facilities will enjoy economic growth, and the lack of such facilities will threaten the existence of many communities.

To be competitive and efficient management people in industry and business are flying regularly now. They use both airline and business aircraft. Many need air freight service. In the future management will rule out communities without good airport facilities as sites for expansion and new development.

The Aviation Bill provides for funding largely by the User Taxes. I agree with this philosophy and as a general aviation pilot and occasional airline passenger, I want to pay my share. However, aviation is still in a stage of early development and growth, and I think additional funds will be needed during this period to assist aviation. This is nothing new. Queen Isabella financed Columbus, railroads received Land Grants and airlines have received Subsidies during a period of need.

In this connection many general aviation people are concerned about the proposed fuel tax of 9¢ a gallon for non-airline aviation. This would be an increase of 5¢ per gallon. This proposal would not be an undue burden for me, but could cause grave harm to most of the small commercial operators who are not economically strong. As you may know, many of the smaller communities pay salaries and furnish housing for airport managers to keep those operations in existence. Many people have suggested that the increase in general aviation gas tax be raised in steps or that the tax be set at 7¢ per gallon, and I think that point of view deserves your consideration.

You showed me where you lived from the Hutchinson Airport, and I think that airport may be a good example to show what the Aviation Bill can do. 3M has a plant in Hutchinson and is an expanding industry. 3M is an expanding industry, has a fleet of business aircraft and is transitioning to Jets. This is the type of industry that any community would like and I know that the Hutchinson Community would be pleased with the further expansion of this kind. At the present time the hard surface at Hutchinson is about 3,200 feet long and 8 feet wide. To accommodate the 3M type of Jet traffic, the runway should probably be 6,500 feet long and 150 wide. Also, it should have at least twice its present strength and an instrument approach. I have no answer as to what the future should hold for the Hutchinson Airport, but at least the planning and funding must be available. Fairmont, Worthington, and other similar communities everywhere are faced with the same problem.

With all these things in mind we ask that you do whatever you can to promote the passage of this bill and to see that it is adequately funded. I would be happy to do anything you suggest that might be helpful, and I know that you can rely on Larry McCabe for any information or advice that you might request.

Best Regards,

KENNETH E. SCOTT,
(For the Airline Committee).

A great deal of air freight goes out on these feeder airlines. I just want the RECORD to show that they are aware of the problem. I am sure that you as the ranking member and also our chairman would give us all the help that you can because we have put Federal money into those terminals and it is our intention that they have service.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, I would like to express my appreciation to the gentleman on behalf of the Metropolitan Airport Commission of Minnesota and other interested bodies and citizens for the kind words that he has expressed here today about our development of a compatible airport system in the Minneapolis-St. Paul area.

Four of the six airports to which the gentleman has referred are located in the congressional district that I am privileged to represent. We are proud of the progress we have made but we are not resting. We are now seeking, as the gentleman knows, agreement on the location of a new major commercial jetport in the Minneapolis-St. Paul area, a field which will be badly needed by the 1980's and perhaps even before then to handle the increasingly heavy volume of air traffic to serve our dynamic part of the country.

One interesting thing has developed in the Minneapolis-St. Paul area which will affect the operation of our system. This is the recent order of the Department of Defense to close out by June of 1970 the naval air station located at the Minneapolis-St. Paul International Airport, Wold-Chamberlin Field.

I trust that the comprehensive proposal which the gentleman's committee brings to us today will make an important contribution to our capacity to deal with our complex problems of aviation, specifically the mixes of types of aircraft that we are increasingly witnessing at the same major airport.

Again I thank the gentleman for the nice comments he made about our Minnesota airport development.

Mr. SPRINGER. May I state to my distinguished colleague, everyone should have that type of airport complex, and if they did, I am sure there would be very few disturbing elements in meeting this whole problem of air transportation.

Mr. MACGREGOR. I thank the gentleman very much.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, while I intend to make some other comments later on, I want to direct a couple of questions to the gentleman.

As you know I serve on the roads subcommittee, and we have what is recognized as a legislative oversight committee which in fact investigates and oversees the administration of the highway trust fund.

Does this legislation contain anything similar in the way of an oversight provision for the Interstate and Foreign Commerce Committee?

Mr. SPRINGER. Will the gentleman clarify his question? I am not quite sure I understood.

Mr. DON H. CLAUSEN. On the roads subcommittee we have what is called the Federal aid to highways investigating subcommittee. This is a legislative oversight committee that actually reviews the method in which the highways trust funds are administered.

I am wondering if there is a provision or section in the bill that would establish a similar oversight and investigative authority for the Interstate and Foreign Commerce Committee?

Mr. SPRINGER. I do not believe there is a section in this bill. But we have an oversight subcommittee of our own which the gentleman is acquainted with and I certainly would feel that we would have jurisdiction to keep track of this matter at all times. However, the primary subcommittee is the one on transportation and aeronautics which has primary jurisdiction over checking on this thing from time to time. We have hearings beginning every Congress on every agency and I am sure that there or before if it seems desirable there will be a discussion with the Civil Aeronautics Board and the Federal Aviation Agency concerning their responsibilities under this program, on not only what they have done but what they expect to do.

Mr. DON H. CLAUSEN. I do not want to take up the time of the gentleman or the time of the Committee, but we have had experiences on the roads subcommittee that I will discuss with the gentleman and other committee members in the hope that these experiences will be helpful for future consideration.

The next thing that I am concerned about is in the recommendation for cost allocations study and what developed in the hearings.

There is a lot of concern in the country about how the revenue allocations between commercial airports and general aviation type of airports will actually be made.

Could the gentleman elaborate on what the committee gave consideration to and what their views are on this subject or do you expect this information to come out of the cost allocation study?

Mr. SPRINGER. I think that would come out of the study.

Mr. DON H. CLAUSEN. One other item that is on the minds of many people, and has been covered extensively in the press relates to the air traffic controllers. Will this legislation provide the basic financing vehicle with which to assist in resolving some of the major problems facing these dedicated FAA employees that are working under great pressure with outdated equipment?

I am thinking about the necessary equipment, the kind of equipment that an air controller needs and uses, which would dramatically improve on and minimize the problems he has in controlling air traffic.

Mr. SPRINGER. That would come under airways and that is 100 percent financed by the Federal Government. The bill provides a minimum of $250 million per year for the next 10 years for new and better equipment and systems for our airways and for the skilled people needed to operate those improved facilities.

There is one thing in closing. The committee did a good job under the able chairmanship of the chairman of the committee. It took a lot of patience on his part, but he lived through it and sustained all of us in trying to get the kind of bill that was in the public interest. There were differences about what ought to be in the bill. There were some amendments that were offered. Those were in good faith. One, two, or three were adopted; several were rejected. But I believe the utmost consideration was given to every facet of this bill. It was largely nonpartisan. The bill is substantially as it came down from the administration.

The changes that were made in the bill have added to the bill and made it a better bill.

I would like also to congratulate the chairman of the Ways and Means Committee, and the distinguished ranking minority member, for the excellent job that Ways and Means did in considering this bill. I repeat again, in my estimation they came up with a better bill and about $50 or $60 million more than the administration requested, which so seldom happens.

Most of all, we have created a program for 10 years. We have authorized it for 3 years. We have come up with the money. We are paying for the program as we go. And we have created a trust fund from which the Appropriations Committee can only appropriate. It cannot use any of this money for any other purpose except for the purposes set out in this legislation, and that is good.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, the Aviation Facilities Expansion Act, H.R. 14465, will go a long way toward making aviation an even safer mode of transportation than it is now. At last a trust fund will be established so that modern airway facilities such as radar, instrument landing systems and control towers can be brought to our smaller airports. The new program will permit the automation of the en route and terminal area air traffic control system, and will enable controllers to positively indentfy all aircraft in the system with respect to position and altitude.

The airport portion of H.R. 14465, however, is a different story. Perhaps the greatest defect in this aspect of the legislation is that it does not allow the Secretary of Transportation to make grants for more than 1 year at a time.

As indicated in the separate views on long-term financing in the committee report, the old outdated Federal aid-to-airports program was criticized because it actually disrupted continuity in local planning and financing instead of fostering airport planning and construction. Airport sponsors had no assurance that they would receive funds for more than 1 year.

This uncertainty would be continued under H.R. 14465. Without assurance of receipt of funds over a period of years, an airport is forced to disregard Federal assistance when considering the sources of revenue for a project. A one-time grant simply does not help solve an airport's financial needs.

Although it may be difficult to comprehend, in light of the fact that H.R. 14465 is heralded as a new and improved airport aid program, this new program is even less responsive to airport needs than the old program. In order to help airport managements know in advance what Federal funds could be counted on, the Appropriations Committee agreed, after urging by the Commerce Committee, to appropriate for the Federal aid-airport program 2 years in advance. Even this small benefit is absent in H.R. 14465.

In contrast to the old Federal aid-to-airports program, the present proposal is to be funded entirely through user charges. With assurance of user revenues regularly and continuously accruing to the trust fund, we should be a bit more responsive to the users' needs.

I am fearful that if some substantial long-term assistance is not provided under this legislation, much badly needed airport construction simply will not take place. The competition for a city's funds in many cases would preclude the financing of major airport projects absent the assurance of a solid, fixed, year-by-year Federal contribution.

I hope that, at some point prior to submission of this legislation to the President, provision can be made for long-term financial assistance. If this is not done, I am convinced that this legislation will not accomplish all that is expected of it.

Mr. STAGGERS. Mr. Chairman, I yield whatever time he might consume to the gentleman from West Virginia (Mr. SLACK).

Mr. SLACK. Mr. Chairman, I rise to express full support for the Aviation Facilities Expansion Act now before us. Few would question the national need for an expanded airport and airway system as proposed in the bill. But our experience with the present program has not been completely happy, and the committee was faced with the requirement to study intensively what has taken place since the 1958 act was passed so that a new long-range program would avoid points of dissension and delay encountered during administration of the present law.

After reading the bill, I concluded that the committee has brought before us a completely new product in terms of its freshness of approach to the airport needs problem. Having some knowledge of the diversity of convictions and the heat of opinions encountered in airport matters, I feel that Chairman STAGGERS and the members of his committee have earned hearty congratulations for the well-balanced proposal which places an exclamation point at the end of their months of work on the subject.

Equally, congratulations are in order for Chairman MILLS and the members of the Ways and Means Committee. This new airport program can only materialize at a pace dictated by the taxes which will make it possible, and all taxes are felt by those who pay them. Last year, when a new airport program was proposed and hearings were held in the other body, I heard it said from many sources that nothing could be accomplished because it would not be possible to arrive at an acceptable scale of user taxes for 2 or 3 years. Quite the opposite has happened. Obviously Chairman MILLS and his colleagues simply concluded that the need was too great to permit delay, so they took charge of the situation, offered a forum for expression of views, and then sat down and wrote a tax proposal. Those who complain about the pace of work in the Congress might well study this committee action as an example of productive decisiveness.

There will be many comments made about individual provisions in the bill, and I will confine myself to one portion which I believe represents a distinct advance over present operations. I refer to the handling of planning grant funds. It is proposed to separate and separately define grants for airport facilities located at a specific airport site, from airport system planning grants which would be used to determine airport needs in a geographic section, looking to the creation of a viable and balanced system of public airports.

This is a strong element in the bill, and it will cast the clear light of congressional intent on a gray area which has been administered by executive action, largely in response to special pressures and circumstances of the moment. We all realize that we must have enough airports, and they must be made as safe and efficient as our technical knowledge will permit. At the same time, they must justify their existence through volume of use, and they cannot be permitted to become a burden on the taxpayers through indebtedness incurred by local sponsoring agencies.

During recent years some airport improvements were delayed or canceled by community sponsors because they did not conform to a vague and undefined policy of regionalism which tended to concentrate the traffic into relatively few airports. Now that all major airports are overcrowded and the record of collisions and near misses has shocked the general public, there is developing a turnabout aimed at diluting the amount of traffic over individual airports and encouraging the growth of satellite airports.

Nonetheless we are well advised to write into law by means of this bill a procedure whereby consideration of airport needs on a systems basis can become part of the airport-airways planning procedures in its very beginnings. It will avoid much future confusion, controversy and wasted time, money, and motion.

For this reason and because of the merit of the bill in all respects, I am happy to support passage of the Aviation Facilities Expansion Act of 1969.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York, a member of the committee, such time as he may consume.

Mr. MURPHY of New York. Mr. Chairman, aviation, in little more than a generation, has multiplied the scope of business in the United States and, in fact, the world. By 1980, aviation's economic impact is expected to increase more rapidly than the total gross national product.

Unfortunately, the explosive growth of both airline and general aviation is outstripping the capacities of the Nation's airports and portions of its air traffic control system and, the Nation will suffer severe economic penalties unless a determined effort is made to improve airways and airport capacity.

Nowhere is the problem more acute than New York City. The world's richest gateway, once easily accessible by air, has become a nightmarish bottleneck. The resulting economic squeeze on the Nation's traditional front office is staggering.

New York City is now being bypassed by some commercial carriers to avoid congestion-produced aerial stacking and long queues on the ground. The Civil Aeronautics Board is considering establishing direct routes between Europe and half a dozen east coast cities whose residents frequently fly here to board international flights.

Hotels, restaurants, and the city's $1.5 billion annual tourist industry felt the pinch last summer. People went elsewhere rather than face 2- to 3-hour stackups over the city's three major airports and resulting delays on the ground. The city lost more than $1 million a day in tourist trade last summer.

Travel agencies are detouring clients

around New York. Businesses are increasingly urging employees to avoid New York on domestic trips wherever possible. Industries are leaving the city because it is no longer accessible.

The American Importers Association recently warned the city that unless a special terminal is developed to handle all inbound air cargo here, it would have to consider recommending the use of other cities as ports of entry. This 800-firm association, representing about 90 percent of the Nation's importers, assailed what it called "the mess at Kennedy airport." It said delays and crowding contribute to higher costs and that the situation at Kennedy "will, within a few years' time, become absolutely hopeless."

For the first time in its 20-year history, domestic passenger traffic at Kennedy International Airport declined last year. The number of international travelers at Kennedy grew by 10 percent, while passenger traffic in the Nation as a whole continued to expand at a level of almost 13 percent.

Air access is the key to the city's economy. Without additional airport capacity, our market position will continue to shrink and shrivel.

If we are to recoup those losses; if the city is to maintain its role as the hub of commerce and trade and its concurrent ability to greatly contribute to the national economy, the understanding and cooperative efforts by the public, city, State, and Federal officials and aviation industry leaders is essential.

Airport congestion, anywhere, is a major crisis. In New York, it is a crisis of unparalleled proportions—and growing worse because of political shenanigans.

New York's now overburdened airports face the enormous prospect of bigger and perhaps noisier jets, inadequate runways, constant stacking, longer delays, fatal accidents, and the competition of rail, rubber, and water transportation—and distant airfields.

The crisis demands real leadership. Political buckpassing must stop, critics must be converted, noise abatement must be perfected, access to the city improved, secondary airports expanded, helicopter and small plane taxi service upgraded.

The age of air travel is here. It cannot be stopped, it cannot be ignored, it cannot become a political football—because air travel is vital to the welfare of the great city of New York and its citizenry.

For example, the latest projections anticipate 45 million passengers annually at the city's major airports by 1970 and 91 million in 1980. Compare this with the 3.6 million in 1948 to 34.2 million in 1967 and the estimated 38 million last year. This tenfold growth over the past 20 years clearly substantiates the explosiveness of air passenger travel. And the jet age is really just beginning.

The forerunner of the 1970 fleet had its maiden flight on February 9. Will New York get its fair market share of or ever be able to handle the new Boeing 747 jumbo jet—231 feet in length; full weight-lifting capacity, 355 tons; total seating capacity, 490 passengers; costing $21.4 million; liftoff speed, 170 miles an hour; 625 miles per hour top speed?

The answer is an obvious "No," if our services fail to expand with the growth trend of both commercial, cargo, and private air movements. The capacity of our three major airports is now stretched beyond the breaking point.

The New York airport problem is not unique. Last summer, airlines and their passengers encountered serious delays at many major airports. The waiting was too long, costly, and inconvenient for both travelers and airlines.

The rapid growth of commercial and private aviation urgently requires modernization and expansion of our national airways system, owned by the Federal Government and operated by the Federal Aviation Administration. The present capacity of the airways system is inadequate; the control system is also inadequate. Why? First, there is an acute shortage of air traffic controllers in the towers. Second, there is a shortage of radar, computers, and other equipment used in air traffic control by the FAA. Third, there is a shortage of runways and airports, especially where the congestion problem is most severe; namely, New York.

The airlines have adjusted schedules to minimize congestion during peak hours in New York, Washington, and Chicago. Literally thousands of schedule adjustments were made during 32 days of meetings last year by the 60 airlines involved, including reductions in proposed flights, hourly shifts, and shifts to different airports. The end result was inconvenience to many passengers.

Airports must keep pace, too. The airlines are spending billions of dollars on airport facilities. But airlines do not build and operate airports. This is the responsibility of State and local governments. They must keep pace in expanding existing facilities and, where necessary, build new ones, including smaller airports for private planes that will relieve the pinch at the big ones.

The airlines have proposed that the Government spend at least $250 million each year for the next 5 years to modernize the airways system. It is a plain and simple fact that not nearly enough money has been appropriated to improve the Nation's airports and air traffic control systems.

Our airports and airways are inadequate because of failure of the Federal, State, and city political machinery to act.

On the question of additional airport construction, I believe it is necessary to increase the power of the Secretary of Transportation to effect construction of needed airports when state or local areas fail to act. This authorization is justified by the national character of the airport and airway problem.

In the New York metropolitan area—which includes New Jersey and Connecticut—there is general agreement that a fourth jetport is a necessity. Yet the three States and the various local governments involved have been unable to resolve the question of site selection.

My section of the bill will empower the Secretary to convene a conference of State, city, and local officials in an area where he has made a determination that an additional airport is needed. The conference shall be convened immediately after a determination is made and again 3 years later if the locality has failed to select a site and begin construction of the new airport.

The conferences shall be called to attempt to resolve whatever political, financial, or other obstacles have prevented beginning construction.

The power of the Secretary to act in the absence of local action should provide the leverage to break the types of deadlocks that are stalling badly needed airport construction in New York and elsewhere.

THE ALTERNATIVES

Nearsighted city planners, who shudder at the words progress and innovation, are quick to proclaim such sweet-sounding phrases as "potential for diversion" as a solution to the city's airport crisis. Just what are these potentials.

First, diversion to other airports. The public outcry over rumors to divert more flights from the three major airports to the five minor ports to which scheduled air carrier service is provided—White Plains, Islip, Bridgeport, New Haven, and Trenton—has become louder than a sonic boom. But even if their traffic were to increase at three times the rate of the major airports, they would still account for less than 3 percent of the total traffic. Some of the more accessible secondary airports are already experiencing peak-hour congestion.

Second, another type of diversion is the switching of international flights from New York to other cities, to reduce through traffic. More than 20 percent of the air flights to and from New York were overseas.

Why, I ask, should the great port of New York lose this volume and why should passengers be deprived of the opportunity of seeing and visiting our great city, if only on a stopover.

THE QUASI-SOLUTION

On February 27, 1969, Civil Aeronautics Board Examiner Ross I. Newmann issued a decision proclaiming the need for a fourth major jetport in the New York area. No one can argue with that finding. The idea, utterly necessary and feasible, however, has been bandied about for years.

Such proposals envisioned the lengthening of Kennedy runways; the ill-conceived construction of a jetport in Long Island Sound, or the expansion of Islip's MacArthur Airport or Westchester County Airport.

Long Island Sound is one of our greatest natural resources. Jets screaming overhead will do nothing to enhance the livability of Long Island and Connecticut communities. The proposed jetport and bridges to connect Long Island and Connecticut, costing the taxpayers more than half a billion dollars, will disrupt living and working conditions in the affected communities.

Swimmers, boaters, fishermen, conservationists, and every Long Island and Connecticut resident will be the victims if dollar-dreaming officials are allowed to ruin Long Island Sound with a jetport. Instead of talking about airports and bridges, let us talk about waging a massive attack on pollution to clean up the waters of Long Island Sound.

And the extension of runways to Kennedy would only add 35 peak hour movements to its capacity, hardly worth the cost, noise factors, and public outrage involved.

An airport is clearly useless if people cannot get to it. Dulles, 27 miles from Washington, is a classical example, used by 1 million people annually, as compared to National, 3 miles away, used by 8 million. John F. Kennedy is overtaxed and added traffic would make it just that more crowded. It is already an air and land traffic snarl. Besides the already stated opposition to a jetport in Long Island Sound, its accessibility would also make it prohibitive.

The critical dimension of any transportation demand is the expected peak period, such as the peak hour, rather than the annual total. The peak hour accommodates 8 percent of the flights on a peak day. The airlines have been studying endlessly the problem of coping with peak period demands. It can be concluded that any reduction of such demands will result in inconvenience to more and more passengers. People simply want to fly when they want to fly.

So it is resolved that Metropolitan New York desperately needs another jetport. The unresolved issue is where to locate that capacity—an ideal airport system that would minimize the sum total of various costs, such as: First, access costs; second operating costs to airlines and supporting agencies; third, community benefits, principally noise abatement and retention of scenic landscapes; and, fourth, total acquisition and construction costs.

Let us face facts. A study examined 17 different sites, the majority of which proved totally unfeasible because of airspace and noise restrictions.

THE SOLUTION

There is only one site accessible to Midtown Manhattan that meets all criteria. That is why I am proposing a harbor jetport off Sandy Hook. It is the only site available to solve the pyramiding air problems of the metropolitan area.

A sprawling offshore air facility—or manmade island—would solve the congestion crisis, the noise problem, the conservationists concern. It would create thosuands of jobs and would be a tremendous boost for both the city and surrounding borough's economies. Engineer studies adamantly conclude that construction of the Sandy Hook jetport is eminently feasible, because the water is shallow enough to consider an artificial island.

This floating jetport could take over some of the functions of the existing airports on top of providing added capacity, it would be larger than any existing airport and would be expandable, it would have an ultimate capacity of 200 peak hour instrument flight rules movements, compared to the present Federal Aviation Administration ceiling of 80 for Kennedy or 120 for Newark and La Guardia combined.

Moreover, a Sandy Hook airport would not interfere with airspace operations at the three airports and would not cast noise shadows on Brooklyn, Queens, Staten Island, Long Island, and New Jersey. The planes would be flying over fish; not people. Also, the amount of fill required would be almost negligible. The airport could be constructed on pilings, if so desired. Tunnels, instead of bridges, could connect the field to the mainland. Businesses could develop and prosper in the immediate area. Surface transportation problems to midtown would be solved. The beauty of our harbor would be enhanced.

The Sandy Hook offshore jetport would entail landfill behind bulkheads over a 20-square-mile area in the natural lee of Sandy Hook providing services for the projected 200 to 300 million additional annual passengers by the year 2000.

And site acquisition and preparation costs are relatively small compared to the magnitude of the main problem. The jetport would be on three levels—the water, the bulkhead for multitudinous parking facilities and air operation support, and an upper level like the flight deck of a tremendous aircraft carrier. The station could accommodate a jet city with stores, theaters, and restaurants. Hydrofoils could deliver nondrivers in 12 minutes to Wall Street and in 22 minutes to either end of 42d Street, solving the ground access problem.

It is quite clear that the space is simply not available at Kennedy, whose central terminal area, including freight areas, parking, gate positions, and landscaping covers about 500 acres. More than adequate space for all services would be available on the brandnew superairport designed from scratch with these magnitudes in mind.

Offshore airports have proved feasible elsewhere. In fact, the FAA has commissioned a top-flight engineering firm to come up with a detailed report on the subject. But we must act now.

It is the only feasible solution to New York City's air crisis.

But retention of this section, giving the Transportation Secretary the power to end political buckpassing, is the real key to our flying future.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Rhode Island, a member of the committee, such time as he may consume.

Mr. TIERNAN. Mr. Chairman, the subject of debate before the House today is most important. All of us have experienced first hand the growing congestion and delays at airports around the country. We have a bill before us, H.R. 14465, which is designed to meet these problems. Unfortunately, however, it fails to do so in two particulars. First, it provides no assistance whatever to the terminal area of the airport. Second, it provides assistance to the airfield area only on the basis of matching grants, 1 year at a time.

It is obvious to me that if the bill is not to include aid for the terminal area, much of the airport problem is being overlooked. It is my understanding that 60 to 75 percent of the dollar needs at airports over the next several years is in the terminal area. This means that the maximum aid that can be provided under H.R. 14465 is 20 percent of the need. This is so because the maximum airfield dollar need is 40 percent. With 50–50 matching grants, the U.S. share is therefore 20 percent. We are only deluding ourselves and the American public if we assert that the "airport problem" will be in any major way solved by this legislation.

The bill before us also fails to provide anything other than one-time matching grants. Rather than progress, this is, in fact, a regression from the outdated Federal aid airport program. At the beginning of this decade, the Appropriations Committees agreed to forward funding of 2 years beyond the current fiscal year. This was strongly urged by the House Committee because there were even then serious complaints that airports could not make any sort of financial plans based upon a 1-year-at-a-time grant.

These problems are still with us, and they are magnified manyfold by the huge dollar need of our airports today. And yet this bill does less in terms of long-range financial planning than the inadequate program we are replacing. This, to me, makes no sense, particularly when the traveling public is expected to pay the bill for airport and airway improvements. That point raises another irony: The Federal aid airport program was paid for from general funds. The new program is financed from user funds. Yet the new program will offer no long-term assistance.

I predict that in the very near future we will see quite clearly that this legislation is not tailored to meet the needs of our growing traveling public, of which there will be 170 million this year, and that we will be called upon to include terminal areas and long-term assistance in subsequent legislation.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to my colleague from West Virginia (Mr. HECHLER) such time as he may consume.

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support this legislation which is sorely needed in order to prevent the fast-deepening air transportation crisis. In 1965, requests for funds to build new airports outran the available funds by $140 million to $75 million. The gap has widened even more since then. Although I have made numerous attempts to amend the appropriation bills to increase Federal aid to airport funds, the fiscal year 1970 funds amounted to only $30 million at a time when the requests totaled $455 million.

We now need funds to build or develop over 3,000 of the Nation's airports. The $645 million authorized under the pending legislation for the next 3 years will enable us to make a big dent in the Nation's needs for new and improved airports—both the larger air carrier airports and the smaller airports.

I am particularly pleased that funds will be available under this bill to build the long-delayed Midway Airport—the airport of the future to serve Charleston and Huntington, W. Va. Lack of Federal funding has been the big stumbling block in the way of starting construction of this vital facility. Passage of the bill will certainly be aided in the other body with the help of Senator JENNINGS RANDOLPH, who spearheaded passage of a similar Senate bill last year. Then when the bill becomes law and funds are available, we can start construction and the dirt will fly at the Midway site, thus enabling our great State of West Virginia to make tremendous forward strides in both passenger and cargo transportation.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. ADAMS) a member of the committee.

Mr. ADAMS. Mr. Chairman, I thank the chairman of the committee for yielding.

I am in support of this bill. I do want to bring to the attention of the committee, however, and I will engage in a short colloquy with the chairman of the committee on this, the separate views which are contained on pages 92 and 93 of the report, and which several other Members, I know, are prepared to comment about today. We do not, however, intend to unduly lengthen this debate.

Mr. Chairman, this bill involves the collection of user taxes to form a trust fund. These are taxes that basically come from the people who are going to be buying airline tickets. They deserve to have the airline terminals taken care of.

As our views indicate, 75 percent of the costs that are needed in the next 10 years are to take care of the passengers between the street and the time when the passenger gets on the airplane. We are not talking about terminal facilities being built in the sense of cocktail lounges or revenue-producing concessions, and so on, but such things as movement of baggage, handling of tickets, getting the passenger through the terminal, and the new types of equipment that will be necessary to handle the baggage of the passenger from where he drops it until it is on the plane.

We know this matter is being debated presently in the other body, and I want to alert the membership that undoubtedly there will be some type of arrangement like this which will be before the House when this matter comes from conference.

We are not going to offer amendments today. We did that before the committee, and the committee was divided about it.

First I would turn to longtime financing, and I know the gentleman from Texas will have some remarks on this, so I will only touch on it briefly.

I want to thank the chairman of the committee and the ranking minority member for working out a 3-year authorization which will give some flexibility to airports in building projects. We cannot build or construct the projects such as are needed at the present time on a year-to-year basis. It takes a minimum of 2 or 3 years to build a runway and often more than 2 or 3 years to do the tower facilities and the other types of construction involved.

I would ask the chairman of the committee if he does not agree that the problem of financing and the problem of terminal facilities is something we did have many discussions on. It is a terribly serious problem. At some point we are going to have to deal with that before this 2-year period expires.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the chairman of the committee, the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I agree with the gentleman in the well, the gentleman from Washington (Mr. ADAMS) that this is a serious proposition involving the terminals and it is going to have to be met some time in the near future. In the committee it was determined that this was to be a safety bill. But I agree with the gentleman, it is one of the very serious things which is going to have to be met in the near future.

Mr. ADAMS. Mr. Chairman, I thank the gentleman.

As I say, the gentleman from Texas will be discussing the long-term financing. At the end of my remarks I am going to include one of the amendments I offered in the committee. The gentleman from Texas (Mr. PICKLE) will be discussing some of the others. I think some type language is necessary to be certain the Secretary when he is allocating these funds can say to a local airport, "If you need to have money over a 3- or 4-year basis, this can be worked out, so it can be done."

In the highway program this is done on a revolving basis by saying there will be so much money this year, and so much the next year, and so much the following year, so the States can plan to extend their highway system in this fashion.

Again I express my gratitude to the chairman of the committee for his patience and to the members of the committee for getting this bill to the floor. I think it is a good bill and it is an important bill. I hope it will pass. I hope when both bodies have completed work on it, we may be able to correct some of the problems which exist.

Mr. Chairman, I will read now the amendment which I offered in committee, on which the committee was divided, as to a method by which long-term financing could be included:

Page 30, immediately after line 11, insert the following:

"(a) LONG-TERM AGREEMENTS.—Within the limits of amounts provided by appropriation Acts to carry out the provisions of this part for any fiscal year, the Secretary is authorized to enter into grant agreements to make a payment for payments by installment over a fixed number of years. Of the amounts so provided by appropriation Acts and apportioned under the provisions of paragraphs (1)(A), (1)(B), and (1)(D) of subsection (a) of section 15 of this part, not less than 50 per centum of each amount so apportioned shall be available solely for grant agreements providing for a payment or payments by installment over a period of not to exceed three years. No grant agreement entered into under this section shall provide for any payment after June 30, 1979, or after June 30 of the last fiscal year for which amounts are authorized to be apportioned under section 15 of this part, whichever is later."

Page 30, line 12, immediately before "Upon" insert the following:

"(b) PROCEDURE FOR ENTERING INTO AGREEMENTS.—"

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. PICKLE), a member of the committee.

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman's yielding.

This Nation cannot constantly live with the potential for disaster that is daily fueled by the congested airports, stacked holding patterns in the air and elephant lines of planes waiting to get airborne. There are at least 23 major hub airports that are on the verge of cracking. Some experts predict that New York's International Airport may have to completely shut down one day next year because the crush of the "stack" will not leave any air space for planes on the ground to get in the air.

The delays are a technological phenomenon—and extremely costly in addition to being dangerous. In 1966, delays at these 23 airports cost an estimated $28 million, according to the Air Transport Association of America. Extra crews and extra fuel accounted for most of the cost. Additionally, the airlines had to tear up many, many tickets of disgruntled passengers who tired of waiting for a plane and canceled out. And the public was the real loser.

This crisis did not have to happen—that is the rub. Ours is the most technologically advanced society in the world. We simply became enamoured with the idea of air travel and did not develop the necessary support systems, such as adequate baggage handling, long walks to the car, even longer drives home and the list continues on and on.

Ironically, we have now reached the stage in our development where most communities do not even want an airport; certainly not near populated areas. They hate to relinquish the land and they do not relish the noise.

If technological myopia is one problem, money is another. Approximately 5 years ago, three out of every five airports were guaranteed by a municipality—today three out of five are secured by money that comes from air-related services.

And, airports are generating money. Airports run by the New York Port Authority paid a $446.5 million payroll in 1966, creating jobs for over 50,000 people. As more people use airports and airport concession services, and as more planes land and pay fees, it is a fact that airports contribute to the economy of an area.

But money and the lack of it has created the piston-age airports who do not have the funds to extend and strengthen their runways if they are to keep in step with the jet-age system.

Meanwhile, the skys keep on getting busier. The FAA estimates the airlines will be flying 3,500 planes in 1976—that is up considerably from the 2,000 flying now in near-saturated conditions.

Corporate and private planes are growing even faster. They now account for 75 percent of all take-offs and landings. FAA predicts the private pilots share will climb to 86 percent in 10 years.

And the users keep coming. Commercial airlines are presently transporting over 110 million passengers. Within the next 9 years, the passenger total is expected to triple—to 454 million.

The bill before us today is in many respects similar to the bill which the gentleman from California, Mr. Don H. Clausen, and I introduced earlier, except the difference in the primary approach with respect to taxation which came from another committee.

One of the most important aspects of this bill is the declaration on page 2 of the bill that we are establishing a national transportation policy. I believe the significance of this particular section is far-reaching, and it may have more effect on the overall transportation problem in this country than even the bill itself. And as we consider this bill, I think it is important to remember that our aviation system is only one part of our multimode transportation network.

Several months ago in the opening days of the House Commerce Committee hearings on the bill, I recall Secretary Volpe being questioned about whether his Department would be coming forth with a national transportation plan. He said that they would, but that, for now, we would have to consider the airport recommendations without the benefit of knowing what new directions might be coming to simplify and consolidate traffic of other modes.

I am hopeful that the policy language of this bill is adequate to assure that our air traffic system will not be forgotten when the comprehensive transportation plan is considered. I do not think this will happen, but I must voice my concern that we are dealing here with only half a loaf, and I would urge my colleagues to be aware of that both now and at such later times as the subject is considered.

Hopefully and prayerfully we are not too late with this bill, which I believe is Magna Charta legislation in the field of aviation.

The bill also includes a provision for a national airport systems plan and for the first time gives meaningful help and cooperation to the States, allowing them to participate in grants and authorization to improve general aviation and those matters which are specifically intra-State in nature.

The bill does fall short, however, of meeting the airport problem in one major respect. It gives the Secretary of Transportation no authority to make a commitment of Federal assistance on an airport project except on a year-to-year basis.

Let me discuss the contract authority. The administration might as well face up to the problem because it is becoming of growing importance in every Federal assistance program that we deal with.

The problem is simply this: Suppose a city requires a $50 million airport improvement program—and that is relatively small compared with some of them. Maybe $20 million involves the airfield, runway extension of new gate positions, taxiways, and so forth—the other $30 million involves other additions to the terminal building, relocation of the parking lot, and other improvements to relieve passenger congestion. The city submits its plans and the Secretary finds they are consistent with the national airport system plan and with the requirements of this bill. Under this bill the Federal share of the whole $50 million project is only $10 million—50 percent of the airfield cost but only 20 percent of the total cost.

The airport sponsor then wants to enter into a grant agreement for the $10 million of Federal assistance. Under this bill the Secretary of Transportation cannot make more than a 1-year commitment and because of the allocation formula and the legitimate requests for funds from other airport sponsors, the Secretary may be able to make only a $1 million grant on that approved project. Where does that leave the city on its financing problem? It needs to raise $50 million. It is really entitled to $10 million of Federal help. But all the Secretary can do after he approves the project is to enter into a grant agreement for $1 million for 1 year. He can give them a pat on the back and hope for the future. What help is that in selling airport bonds? The city still has to raise $49 million.

They can go to the bond market and point to their rental agreements with the concessionaires and the fixed base operator and the lease agreements with the airlines for landing fees and rentals. And then they can say to the prospective bond buyer: "And besides that we are hoping to get $9 million sometime from the Secretary of Transportation—he's already approved the project and has entered into an agreement to pay us $1 million."

What kind of positive assurance is that? Remember this—all of this money is coming from airport users. We are no longer talking about the old Federal aid-airport program where the money came from general funds. This program is primarily based on user taxes. The taxes being levied under title II of this bill are permanent taxes. They are going into an airport and airway trust fund. They are dedicated to airport and airway improvement. The amounts to be collected are reasonably predictable and the amounts authorized to be appropriated for airports and airways improvement are conservative in relation to the revenues.

For the last 9 years, we have had a better situation in some respects on forward planning than this bill gives us. As a committee on the one hand and our colleague, the late beloved Albert Thomas, and the Appropriations Committee on the other, the Appropriations Committee has been appropriating airport funds 2 full years ahead as a means of trying to facilitate planning.

Now that we are switching to user dedicated taxes, the Secretary should have the authority to assure these people who have to build and operate our airports—the cities, counties, and other public bodies—that they will get the Federal assistance they are entitled to. Cities cannot sell bonds on hope and faith. They have to have something definite to go on. The Secretary should be able to obligate for the Federal share of a project and pay it over a period of years—in annual installments if that suits the nature of the project and the financing posture of the airport project sponsor and the limitations on the Secretary's funds.

Remember that the bill requires the Secretary to prepare a national airport system plan, and no project can even be considered unless it is included in that plan. So any commitments he would make would only extend to projects that fitted the priorities of that plan.

You all know that our cities have a mass transit problem. The President has sent a message outlining a plan to provide Federal help in meeting the mass transit problem. The Federal assistance will all come from general funds instead of user taxes, and the Federal Government will bear a much larger share of the total cost than it is bearing in the airport program. Yet the cities are disappointed because there is no contractual authority in the program—no ability of the Secretary of HUD to make meaningful commitments to the cities that extend beyond 1 year.

I understand some thought is being given to a modified approach to this contractual concept. It would permit the Secretary of HUD to obligate the Federal Government solely within the framework of the specifically authorized amounts for the years in which they are authorized. For example, if the bill authorizes appropriations for each of 5 years, the Secretary in the first year could, within the formula limitations, make a commitment with a city extending over 5 years. In the second year, for 4 years, and so forth.

Personally, I think the Secretary of Transportation should be able to make a commitment to make payments for as long as 10 or 15 years on an airport project. But at least something along the lines described above would be better than this annual grant that we are providing in this bill. That was the big fault in the old FAAP program and we are not correcting it in this bill.

It is not a question of bypassing the Appropriations Committee. They still would have to appropriate the money every year just as they do under the highway program. But cities cannot pay cash for big capital projects any more than the average person can pay cash for his house. They have to finance it over a period of time and a Federal airport program ought to realistically meet that situation. Otherwise it does not do the job.

Now, Mr. Chairman, in the committee one amendment was offered by me which was designed to give assistance in these contract authority cases. I want to read the amendment that I offered, because it lost in the committee by a very small vote. I want to include it in the Record in this debate so it will be available for others to see in the other body as well as the Members of this body. This is the amendment that was offered to H.R. 12374, the bill used in the committee markup:

> Sec. 209 (a) The Secretary is authorized to enter into grant agreements to make a payment or payments by installment to a sponsor or sponsors over a fixed number of not to exceed fifteen years; *Provided, however,* That the Secretary shall set aside not

less than 30 per centum of the amounts apportioned to any State under the provisions of paragraphs (1)(A), (1)(B), and (1)(D) of subsection (a) of section 205 of this Act for entering into grant agreements to make a payment or payments by installment over a fixed number of not to exceed three years.

Mr. Chairman, that would attempt to say that the Secretary could make agreements to make payments up to a period of 15 years providing he set aside 30 percent of those funds in the form of short-term grants.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. PICKLE. Provided they retained at least 30 percent of the money in the formula grant section of the bill for short-term assistance, up to a 3-year period. That amendment failed in the committee by a very small vote. I hope the Members of the House will have an opportunity to read it and to study it as a part of the debate that we have heard here today, because I am confident that additional help must be given in the area of contractual authority for airport facilities.

Again, Mr. Chairman, this is a great bill. It is long past the time that we should have approved this kind of assistance for the people of America. They are entitled to better air safety and air services. This bill, if enacted, takes a giant step forward in that direction and I certainly support the bill.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take this time to express my appreciation to the chairman and all of the members of the Committee on Interstate and Foreign Commerce as well as the members of the Committee on Ways and Means for giving me an opportunity to participate in much of the hearings held on this legislation even though I am not a member of either committee.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, since the distinguished gentleman from California is probably the most knowledgeable Member of this House, or at least one of the three or four most knowledgeable Members of the House in this field, may I say I for one appreciate his advice and the suggestions he made from time to time in the preparation of this bill. The gentleman is certainly to be commended for what he has done and for the interest which he has shown in getting this legislation enacted.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman very much for his remarks.

Mr. Chairman, again, I want to thank the gentleman from Illinois for his comments and many courtesies extended to me.

Further, I am deeply grateful to the chairmen and members of both committees, Interstate and Foreign Commerce and Ways and Means for permitting me to offer suggestions during the formulation and drafting of this very important bill.

I truly believe this legislation will represent a major milestone in the total progress of air transportation evolution.

In my judgment, the passage of the legislation carries with it unlimited opportunities for the advancement of social and economic progress throughout the entire Nation.

Aviation has grown faster than anyone would have ever dreamed of. Many of us over the years, have warned of the growing crisis due to a lack of airports serving the communities of America.

The problem, like so many things, has been the lack of adequate funds. But the real problem has been the lack of a positive method of financing a national airport program. Also there has been a lack of coordination and development on a system basis—again, primarily due to the lack of a positive method of finance.

As a result the entire transportation system in America has been growing like Topsy and in a hodge-podge, very uncoordinated manner.

FAA Administrator Jack Shafer and Secretary Volpe, along with their able staffs know what to do and how to resolve the problem. They are extremely able and knowledgeable in their respective positions. But their hands are tied and they are completely restricted unless and until the Congress gives them the basic and essential legislative finance vehicle to implement a coordinated national plan of integrated airport systems.

This package today will go a long way toward helping them carry out their responsibilities. This will give the Department of Transportation two trust funds—highway and airport and airways.

These two trust funds should be supplemented by a third fund or finance vehicle to properly and adequately finance an improved urban area transportation system program.

Properly financed and properly coordinated, we can move forward toward the development of a balanced and integrated transportation system that will be of tremendous benefit to people living in both urban and rural America.

Without these basic legislative vehicles, we will continue the ridiculous trend toward congestion, overcrowded cities, traffic problems, more land and air accidents, and overpolluted and overpopulated megalopolis areas.

America can look forward to a better environment for future living conditions through the passage of this bill.

I am certain that this package is not completely satisfactory to all segments of aviation. It is, however, the best possible compromise under the circumstances.

The glaring fact remains that the need for legislation to finance a national airport system is so great that I do not think we can afford to wait and quibble over suggested changes.

In order to clarify what I mean by an airport system, I will briefly outline what I see will be required for the current and future interests of our air transportation users.

First. Metropolitan areas must move toward the adoption of the integrated airport system concept—HUB commercial or regional airports with satellite reliever and STOL air traffic engineering recommendations. This will permit more air access to the community rather than restrict the flights into the overcongested and too limited airports now serving our major cities.

Second. Intrastate airport systems and programs must be established with special consideration given to helping small communities provide air access and some form of Federal, State, or local government tax incentive or relief for private airports serving a public use. Part of the State or local government matching share might be in the form of relief granted by local political subdivisions for privately owned airports—at least the runway, taxiway, and parking ramp areas which are generally not direct revenue producers. Strong language in the committee report might serve to motivate the States to implement this recommendation.

Third. An interstate system of airports.

Fourth. Intercontinental or international system of airports capable of handling the SST and jumbo jet-type aircraft.

Fifth. An intermetropolitan area STOL transportation system of airports for communities less than 500 miles apart.

Sixth. Heliports.

Two years ago, Mr. Chairman, I was privileged to address the House under special order on the subject of "the growing crisis of the lack of airports." At that time, I stated my conviction that the United States was facing an airport crisis of crippling proportions. In the 2 short years since I made that statement, the crisis has become even more acute, reaching a peak last July and August when congestion in the metropolitan area airports, airways, and approach control facilities of the Nation almost paralyzed the air transportation system. This situation, in my judgment, will continue to deteriorate unless the Federal Government, the State and local governments, general aviation, commercial aviation, airline passengers, and air shippers act now to improve the system. The time has passed when we can defer action to await "further study of the problem," in hope of a few "painless," easy solutions.

OUTLINE OF A COORDINATED NATIONAL PLAN OF INTEGRATED AIRPORT AND AIRWAYS SYSTEM

Two basic requirements are needed—consideration and recommendation for adoption of a national airport system plan and a recommended method of financing this plan.

With the large costs involved, coordination between all levels of government in our federal system must be maximized and unnecessary duplication of facilities must be minimized.

With land values escalating and available airport sites diminishing, particularly in the metropolitan urban areas, the problem of guaranteeing aviation access for general and business aviation type aircraft is crucial and a solution must be found immediately.

The problems of air safety and air

space planning cannot be resolved or even considered until such time as the airport and heliport sites are specifically located on the ground.

As a member of the Roads Subcommittee of the House, I can tell you the United States of America has an enviable position of leadership in the world for having developed one of the finest road systems known to man—why not start today by committing ourselves to work toward developing the finest and safest airport system in the world.

With the congestion on the ground and in the air increasing, it becomes mandatory that we maximize the coordination between surface and air transportation program recommendations.

For many years, I have advocated locating air strips contiguous to highways. Lands for these strips should be acquired at the same time lands are acquired for highway purposes. All that is required is coordinated planning and financing.

Quite frankly, it might be helpful to have the Roads Subcommittee and the Aeronautics and Transportation Subcommittee meet in joint session for the purpose of considering these possibilities.

In any event, the history of our road construction program, which built the Interstate Highway System and has assisted the States in building their primary and secondary road systems, may well serve as a basic guide for programing an airport system. With the rapidly changing world situation, I have concluded in my own thinking that the U.S. airport needs of the immediate future will require:

First. A system of international airports to accommodate airborne traffic flying the world's airways, strategically planned and located in select sites throughout the United States.

Second. An interstate system of airports for handling interstate flights.

Third. Each State and county should develop an intrastate system of airports for aircraft flying principally between cities within a given State.

Fourth. Every metropolitan area should develop an integrated system of airports designed to guarantee expeditious access and maximum safety for general aviation, commercial, military, and rotary-wing type aircraft.

Fifth. Every incorporated community in America should have at least one airport with plans for expansion and adding airports.

Obviously, many of the airports will serve dual and possibly triple purposes until increased traffic would necessarily restrict them to a single purpose. As examples, in the Washington-Baltimore area, Dulles and Friendship now serve international, interstate, and intrastate air traffic requirements. Washington National serves principally the interstate and intrastate categories.

WITHIN THE NATION'S AIR TRAFFIC CONTROL-AIRPORT SYSTEM

First. Create and develop general aviation airports that will be suitably located in metropolitan areas that will provide all required airport facilities, including communications and terminal VOR's, to attract a maximum volume of general aviation activities away from air carrier airports so as to achieve maximum airspace and airport capacity at air carrier airports. Such reliever airports to adequately serve general aviation should have:

Convenient ground transportation to business areas;

Convenient transportation to air carrier airports;

Adequate navigational and landing aids, and so forth;

Adequate passenger and crew facilities and services.

Second. Encourage the Federal Aviation Administration to establish Federal regulations which will require that all aircraft operating within the terminal air space at major airports meet uniform standards for instrumentation, communications and navigational equipment. This objective is necessary to achieve optimum compatibility with the air traffic system and efficient utilization of all airport facilities created as an integral part of the national air transportation network.

Third. Encourage the full development and utilization of reliever general aviation airports and other facilities that have been developed and financed for specific use by different segments of aviation.

Fourth. Encourage and assist the Federal Aviation Administration to develop adequate air traffic control procedures for V/STOL aircraft which will permit maximum advantage to be taken of the unique characteristics of both V/STOL and fixed-wing aircraft with a minimum of mutual interference. The greatly expanded use of V/STOL can provide substantial relief and alternatives for the growing problem of public ground access to airports.

Fifth. Encourage the Federal Aviation Administration and the Civil Aeronautics Board to study the increasing volume of air taxi type operations at air carrier hub airports. Such operations should complement air carrier services at major airports without disrupting airline service.

Sixth. Require Federal Aviation Administration to change criteria for placing towers, instrument landing systems, high-intensity approach lights, radar surveillance, and approach facilities, on smaller community airports outside of high density areas. With adequate facilities, many communities would then be in a position to attract industry for industrial airpark developments, provide relief from high density traffic areas, establish a constructive trend toward decentralization of business and government, and provide more stable and balanced economic development in the entire country.

Seventh. Encourage wider use of helicopter service. Link the major air carrier airports together through the establishment of helicopter shuttles.

Eighth. Escalate plans for developing surface transportation—improved access roads, monorails, and so forth—systems to serve airports of area. Coordinated planning and development of air and surface transportation systems is mandatory.

In order to better illustrate and define the suggested integrated airport system, I herewith submit a plan that could be applicable to the Washington, D.C., metropolitan area and other similar expanding urban areas of the country. Properly implemented, this plan could serve as a model for adoption elsewhere. This being the Nation's Capital, we should provide the example for others to follow:

METROPOLITAN AREA INTEGRATED AIRPORT PLAN

INTRODUCTION

One of the most critical problems facing the growth of the national air transportation system is the need for responsible overall planning in metropolitan areas.

It therefore appears appropriate for the administration to develop and adopt an air transportation integrated airport philosophy to meet the growing demands of the public.

The following plan, already proven successful in application, will serve as the basis for developing this philosophy.

OBJECTIVES AND PURPOSES OF AN AIRPORT INTEGRATED SYSTEM

To serve the public interests; promote air navigation and transportation; develop and increase air commerce; promote efficient, safe, and economical handling of air commerce; to develop facilities for all segments of aviation—general aviation and scheduled air carriers aviation.

SYSTEMS REQUIREMENTS

The development of an efficient, economical and safe integrated system of airports conveniently located in and around a metropolitan area should consider as essential three basic assumptions:

First. Create an independent metropolitan airport authority, by state legislation, with a clearly defined geographic area of jurisdiction. This authority, to be effective, must have the responsibility for all activities related to the planning, development, operation, maintenance and use of the system of airports. Further, the responsibilities must extend beyond the airport boundaries as critical considerations lie in the preservation and protection of the entire airspace overlying the area of jurisdiction. Control over the construction of tall towers and other high structures is essential to maintain air traffic capacity of the system along with the need for adequate clear zones and buffer areas. The authority must anticipate the requirements for and make acquisition of sufficient land for these purposes.

It is noted that this basic plan does not oppose private ownership of airports within the jurisdictional boundaries, but rather, encourages such within the integrated airport systems concept.

Second. Accessibility to the airport by the public will directly determine the extent to which people will use air transportation. Each airport within the integrated-airport system, therefore, should be no further than 30 minutes from the potential user by a convenient highway system. Future airport development should consider high-speed freeways and access roads already in use along with those under contruction or planned.

Third. Aircraft with widely differing performance characteristics and runway load-bearing requirements should be segregated. The capital and operating expenses required to provide facilities, at each airport, for such a broad range of aircraft is economically unrealistic. However, small aircraft should not be regulated off of publicly owned and operated large airports. By providing readily accessible facilities for general aviation aircraft at satellite airports, general aviation can be enticed to the smaller airports and in doing so, preserve the large air carrier type airports for expansion in air carrier operations. The value of scheduled air transportation has long been recognized, however, the impact of the general aviation segment of the air transportation industry upon the metropolitan economy has never been fully understood or appreciated by the general public. As general aviation continues to grow and serve as an ever-increasing tool to business and industry, it is evident that the economy of metropolitan areas will be materially influenced by the availability of general aviation airports.

REQUIREMENTS FOR ACTION

Legislative action at the State level may be required to provide a fully independent airport authority. Such legislation may also provide the foundation at the local level for public support and reduce costly rivalry by uniting the total metropolitan area within a single plan for economic growth. Legislation may further provide the framework for needed financial cooperation at the three government levels: Federal, State, and local.

The development stage of this legislation is the appropriate place for a thorough examination of both the current and forecast air transportation needs for the metropolitan area. Further, it is the proper time for numerous public hearings that will assure the maximum display of public participation in the development of the integrated airports system.

The result of the legislation should be a plan of operation that will identify the airports and their role within the metropolitan integrated airport system.

SYSTEM OPERATION

The layout of the individual airports should, in consideration of long range needs, provide for expansion. An example of this can be found in planning runway configuration. Two parallel runways into the prevailing wind will provide the greatest return for each dollar spent in both the area of greater utilization as well as land purchased for clear zones and buffer areas. Additionally, provisions should be made for at least one crosswind runway.

Clear zones and buffer areas must be considered at the very beginning in order to permit the installation of all-weather landing systems and to minimize noise problems.

The geographical location of each airport must be such that it does not conflict with the flow of traffic of any other field in the metropolitan area.

The problem associated with flights over populated areas and the intrusion of aeronautical hazards into the lower airspace cannot be solved by simply moving airports further from population centers. In order to attain the maximum capacity for air traffic, aircraft must be separated vertically as well as horizontally. With the authority to preserve and protect the lower altitudes, this integrated airport will provide space for a greater flow of VFR traffic without interfering with aircraft operating under positive control.

The ultimate goal of this plan should be the condition in which the only limiting factor for the volume of traffic is the capacity of each airport ground handling and servicing abilities.

ECONOMICS

The economic considerations in the development of the plan described herein are borne out by the experience gained in one metropolitan area over a period of 25 years. It has been recorded in metropolitan areas that over 90 percent of their aviation budget has been spent at airports maintained for aircraft having performance characteristics and runway loads bearing requirements equal or similar to those in scheduled air transportation. These aircraft comprise 25 percent or less of the total aircraft movements. On the other hand, 75 percent of the total aircraft movements—general aviation—are accommodated at those facilities where less than 10 percent of the total capital investment has been made.

CONCLUSIONS

A good statute clearly setting forth the objectives and providing complete independence for the airport authority from the crosscurrents of local pressures, with general agreement and support of an integrated airport system.

The safety of operation in the accommodation of air transportation in a metropolitan area dictates the separation of the smaller general aviation aircraft from the larger, high-performance aircraft used by the scheduled air carriers. This separation should not be attained by regulations.

In order to attain the maximum capacity for air traffic in a metropolitan area, aircraft must be separated horizontally as well as vertically. With the protecting of the lower altitude for VFR flights this greater volume of air traffic can be safely accommodated without positive IFR control. The integrated system of airports strategically located throughout the metropolitan area further permits the safe dispersing of air traffic throughout the entire metropolitan area.

The ultimate success of a metropolitan integrated airport complex is dependent upon the preservation of the lower altitudes for air traffic.

The problems inherent with the flight of aircraft over populated areas are not solved by moving of airports farther from the population center. Accessibility to the airport and thus the airplane directly determines the extent to which people will use air transportation. Convenience and accessibility can most logically be accomplished by a system of airports readily available to the populated area they serve, and accessible over high-speed highways.

The separation of general aviation aircraft from the scheduled air carrier aircraft is dictated by economics of airport development and operation. The relative capital and operating costs of providing facilities at scheduled air carrier airports is so great as to make it economically unfeasible to provide for the large volume of general aviation aircraft on scheduled air carrier airports.

The value of scheduled air transportation is readily recognized, however, the impact of general aviation upon the economy of a metropolitan area has never been fully understood or appreciated by the majority of the citizenry. As general aviation aircraft will continue to serve as an increasingly vital tool to business and industry, it follows that the economy of metropolitan areas will be materially influenced by the availability of general aviation airports to accommodate such air traffic.

RECOMMENDATION

The national air transportation philosophy should recognize that a need exists to develop an integrated system of airports in the metropolitan areas which will serve all users and yet preserve the capacity of the major airports for those who have the need for its specialized services.

AN EFFECTIVE AIRPORT TRUST FUND

In order to bring about the most orderly planning and implementation of the above system recommendation, I believe it is absolutely essential to adopt the airport trust fund approach to revenue accumulation and apportionment.

Once adopted, the highway access routes to and from the airport can be better coordinated with the established highway trust fund.

In order for this Nation to achieve the maximum in economic growth, the best environment for future living and a totally balanced transportation system, a balanced method of finance must be advanced. Therefore, I strongly urge the adoption of three basic trust funds:

First. Highways and roads,

Second. Airports and airways, and

Third. Urban area transportation systems.

With the forthcoming jumbo jets, the surface transportation systems and routings are inadequate to handle the contemplated passenger traffic. Therefore, highways, bus, and mass transit systems must be planned and constructed to accommodate the passenger flow generated by this type of aircraft.

COORDINATION AND BALANCE

I earnestly feel the public and private transportation engineering organizations of this Nation can come forth with the finest coordinated and balanced transportation system in the world if we, in the Congress, provide them with the financial vehicle—three trust funds—to carry it forward.

The committee will have a monumental task in sifting through the thousands of words of testimony and then coming forth with the best possible recommendation for authorization.

THE ROLE OF THE CONGRESS

Fundamentally, there are two basic questions to be resolved by the Congress through legislation:

First. Authorizing the best possible airport and airways system to be built and developed over the next 10 years.

Second. Adopting the most equitable finance formula required to fund the system.

In as much as this committee has the prime system authorizing responsibility, I think it behooves all of us to concentrate on what we believe will ultimately provide us with the safest and most efficiently operated airport and airway system available or attainable—consistent with prudent fiscal recommendations.

The gentleman from Texas (Mr. PICKLE) and I have joined in introducing H.R. 9325, which is designed to provide additional Federal assistance in connection with the construction, alternation, and improvement of air carrier and general purpose airports, air terminals, and related facilities to promote a coordinated national plan of integrated airport and airway system.

WHAT DOES H.R. 9325 PROVIDE?

The key provisions of the bill are:

First. The recognition that we can and must expand and improve the airport and airways system and that the civil user should not be required to provide all of the funds required, but rather, that revenues obtained from the general taxpayer will continue to be utilized.

Second. A provision requiring the Secretary of Transportation to conduct a study to determine the allocation of costs of the airport and airways system, and identify these costs that are applicable to the Federal Government and the value to be assigned to the general public benefit.

Third. Probably the most important aspect of the bill is the establishment of the airport and airways trust fund, which will provide the necessary funds for the development of the system.

Fourth. Granting the Secretary of Transportation authority to guarantee any lender against any loss on loans to finance any public airport development project.

Fifth. The designation, by each State, of a State agency or official to be responsible for public airport systems planning.

Sixth. Provisions for grants to the States to carry out a comprehensive State aviation program that, in the opinion of the Secretary of Transportation, is not inconsistent with the development of a national air transportation system.

Seventh. Authorizing the Secretary to make grants from the trust fund to sponsors of public airports.

Eighth. Amendment of the Federal Airport Act to provide the necessary funds for the development of airports whose primary purposes are to serve general aviation and relieve congestion at those airports that have high density traffic serving other segments of aviation.

While neither the gentleman from Texas (Mr. PICKLE) nor I believe the bill to be perfect in all respects, we do believe it provides an excellent, workable base upon which the committee can build. The Administration's proposal is similar in nature and objectives and I therefore believe the committee would be well advised to include the best of both of these legislative proposals in your final committee bill.

THE MOUNTING VOLUME OF AIR TRAFFIC

Transportation is the "backbone" of our Nation's economy and air transportation is becoming the "backbone of our common carrier transportation system." In 1950, only one out of 10 intercity common carrier passengers traveled by air. As of today, however, seven out of 10 use air travel. The preference for air travel has been clearly established and the volume of airline traffic is now greater than that of rail and bus combined.

Air transportation problems and forecasts of ascending volumes of traffic do not diminish with the passage of time. Up to now, we have accommodated growth problems within the existing system, but we have reached the point where the airways and airports of the Nation are no longer sufficiently elastic to absorb the ever-increasing demands now being made on them.

Quite clearly, the problems of civil aviation today are the result of its successes—not its failures. The essential problem, as I view it, is not in sustaining success, but in achieving coordination and balance. The extent of aviation service to the public has far exceeded, in my judgment, the public support of aviation and the results are now beginning to show, not only in congested airports but in the profit and loss columns of the operators and in the economy of communities where air transportation is a vital factor.

It is noteworthy, I feel, that the airlines reported a 42-percent decline in earnings last year despite a 16-percent increase in passengers and cargo. Operating revenues were up 13 percent but operating costs increased more than 18 percent. A large share of the operating cost increase nearly $100 million, is attributable to inadequacies in our air traffic control and airport systems.

THE PROBLEM OF CONGESTION

The effect of delays and congestion on the economy of New York City is already evident. Last year's congestion and problems in that city, due to inadequacies in the airport/airways system, are estimated to have cost more than $200 million and unless these problems are corrected, the loss is estimated to reach approximately $600 million in 1980. Air transportation is one of the basic attributes which have made New York City a mecca for commerce, which distinction may quickly disappear if its airport requirements are not met. And there are other signs. The stock market is considering leaving Wall Street. The garment industry is seeking to locate elsewhere. Other manufacturing industries are seeking locations away from New York. At one point, 18 major companies accounting for over 11,500 on-the-spot jobs had actually decided to move or were actively looking for new locations away from the city of New York—primarily because of overcrowded and congested conditions.

This same situation exists in many other cities, large and small, in the Nation. Clearly evident is the importance of the role of the airport and air transportation in the economy of the community each serves.

Just since the time of my statement 2 years ago, referred to above, the number of airline passengers has increased by almost 40 percent. This growth is good to be sure. Indeed, it is essential to our burgeoning economy and our security requirements, but if this growth is to continue, the resultant problems and challenges must be met. The urgency is great and the time for action is now.

FUTURE GROWTH FACTORS

While the past growth in aviation has been fantastic, the future is expected to be even more spectacular. During the next 10 years, passenger traffic on scheduled airlines is expected to triple—general and business aviation will quadruple. Most of us are familiar with the crowding at our airports and with the delays in the air that are occurring now; imagine, if you will, handling three times as many aircraft on the ground and in the air.

At present, the number of intercity passengers using air transportation is about equally divided between the airlines, and business and private airplanes. The airlines are receiving approximately one new jet aircraft per day and the 115,000 general aviation airplanes of today are expected to increase to over 200,000 in the next 10 years. More than 20,000 corporations own and operate more than 40,000 business airplanes today and this is expected to increase by 22½ times in the next 10 years. Aircraft are also increasing in number of passengers carried along with the number of aircraft being delivered. All of this means more planes, more people, more problems—but I am convinced we can, and must rise to the challenge.

If we are to meet this challenge, there must be a tremendous increase in our developmental effort for the airways/airport system. At the present time, airport construction is seriously lagging. This is due largely to the inadequate incentives provided by financial assistance through the Federal aid airport program in the recent past. Considering the leadtime of 7 to 10 years required to plan and build a new air carrier airport, it is obvious that we are already several years behind schedule and the situation is certainly going to get worse before it gets better. The development of the airways and air traffic control system is also lagging dangerously. Although a plan was developed by the FAA for the automation of the air traffic control system in 1961, it is a fact that the first operational unit is still under construction and not yet commissioned at Jacksonville, Fla. Only one terminal area traffic-control facility has been constructed and this primarily for test purposes. Therefore, I believe we must provide legislation that will accelerate the development of our airport/airways system as well as plan now for the system requirements of the post-1980 period.

DECENTRALIZATION AND REVITALIZATION THROUGH AVIATION

Another growth problem facing this Nation, and not unrelated to the growth problems of transportation, is urbanization. At present, more than 70 percent of our total population resides on only 1 percent of the land area. If this rate of urban migration continues, by 1980, it is estimated that 80 percent will reside on 1 percent of the land and by the year 2000, 90 percent. The problems generated by this combined migratory and growth trend are of such magnitude that they have raised the very serious question of whether or not they are capable of solution. Even if they are capable of technical solutions, it is questionable whether the financial requirements can be met.

Mounting problems in every aspect of urban life crowd the pages of our newspapers daily and highlight the growing paradox of space age accomplishments and urbanization paralysis. While our major metropolitan centers of this country have grown too, overcrowded, grossly over centralized and totally unmanageable, the rural economies and the rural communities in this country are in desperate need of revitalization and diversification. And where has this overcrowding been felt most? Right in the heart of the central city—the very focal point of social dissatisfaction and unrest in America today. For, it is here that the majority of the untrained, unskilled, and unemployed people from the rural areas end up. And these are the same people who seldom, if ever, make it to the suburbs. Lacking the funds to return to the place they left, it is these people who find themselves trapped and who are, in the final analysis, paying the price of life in the big city. Drawn there in search of a better life, countless thousands of migrating Americans too often find only disappointment and the sad realization that they would be better off where they came from. Too often, their only recourse is to swell the ranks of the unemployed and the legions on welfare. The thought of once-productive citizens transformed into wards of the State—is indicative of this migratory trend which has brought with it social and economic decay.

You may well ask, at this point, what is the relationship between the urban and rural crisis and airport/airways legislation?

The availability of an airport is absolutely essential today if any community expects to attract industry. This does not necessarily mean an air-carrier airport, but rather a facility which is adequate for the kind of airplanes operated at the present time by more than 20,000 U.S. business concerns.

Transportation technology today has completely eliminated the necessity for locating plants near waterways, close to raw materials or processing plants, or near large concentrations of distribution points for goods. Implementation of the foregoing concept is the purpose of section 204(d) of the bill which my colleague, the gentleman from Texas (Mr. PICKLE), and I have introduced, and which calls for the Secretary of Transportation, in administration of this program, to give priority consideration for an airport development project which improves air access to the area or is essential to the economic and social development of such an area.

We can bring about "rural revitalization" by redirecting the emphasis of Federal programs so as to provide incentives for industry to establish manufacturing facilities in smaller communities and thereby create job opportunities at the point where urban migration originated. There is, I believe, sufficient expansion of industry presently forecast to create a reverse migration if the new plants contemplated are located in smaller rural communities and not the major metropolitan areas.

Studies by the U.S. Chamber of Commerce have shown that the establishment of a plant requiring 100 employees results in over 150 additional jobs in the same area or a total of 250 new jobs. Brookings Institute made studies many years ago which show that a dollar of new money brought into a community is respent 20 times in the economic cycle of that community. The resultant payrolls of new plants in small communities enlarges the local tax base to provide the revenues for construction of other public facilities such as streets, schools, recreational facilities, and so forth.

It now seems clear that, if we are to continue to move ahead, we must reverse and redirect the imbalance in our population distribution and to do so requires a balanced, coordinated and integrated transportation system that will promote and enhance economic growth in small communities.

In addition, we must have programs supported by user charges which provide for urban transportation systems, intrastate air and highway systems, interstate, and intercontinental air systems.

The legislation the gentleman from Texas (Mr. PICKLE) and I have proposed provides a program which will bring about the development of intercontinental, interstate, and intrastate systems of airports on an equitable basis. It also provides for the development of airways systems and in the near future, for the entire cost of operating the airways system. This bill also provides for planning grants to assist in developing plans so essential to the timely, balanced, and integrated comprehensive air transportation systems.

Not only is this legislation designed to meet the needs of large cities but also to assist in the revitalization of our smaller communities and ease the pressures resulting from the "urbanization avalanche" going on now.

Our bill also provides for a share of the revenues derived from the user charges to be returned to the 50 States for administration of aviation programs, air transportation system planning and airport development within the State board on local priorities aside from Federal interests. The objective, of course, is greater involvement of the States in air transportation system planning and development as is the case of our Federal highway program.

This legislation further establishes a trust fund for airport/airways development and the manner in which this fund shall be utilized. We have not included user charges or taxation provisions which are matters within the purview of the Ways and Means Committee. In this regard I respect the sagacity of this committee to determine the most appropriate and equitable system of taxation to meet the requirements of this legislation.

BALANCE IS THE KEY

Therefore, as I see it, we should be concentrating heavily on a comprehensive legislative "package" that will, in the final analysis, give us the best system of airports possible using a distribution formula that recognizes not just our present population distribution—but where our population can and most likely will be located in the future.

In my judgment, this is one of the most fundamental and paramount considerations that must be incorporated into planning of a comprehensive airport and airways system.

All things considered, Mr. Chairman, I believe the keyword in putting such a "package" together is "balance." Because, from this legislation, there must emerge:

First. A balanced finance formula.

Second. A balanced airport/airways system.

Third. A balanced national transportation system.

Fourth. A more balanced population pattern.

BASIC AIRPORT AND AIRWAYS FUNDING CONSIDERATIONS

Philosophically, there is no doubt that considerable moneys must be obtained for the continuation and expansion of the airways and airports to accommodate the rapidly expanding transportation needs of the country. It is no longer possible, in my judgment, to place this burden solely on the general taxpayer. User funds should be directed toward the development of a comprehensive airport system, while general funds should be utilized for airways and air systems development.

It has already been established by Presidential directive that the user will pay for special services rendered by the Federal Government, and there just is no question that the general public does benefit appreciably from aviation. Therefore, it is not unreasonable to assume that a portion of the costs for expanding and continuing the airport/airway system should be borne from general funds. What portion this should be is highly debatable and, as I have previously stated, a matter for the House Ways and Means Committee to decide.

Keeping in mind the contemplated new era of Federal, State and local cooperation, I feel that the greatest portion of revenues collected for airport planning, development, and actual building of airports should be directed to State agencies for application and project completion, and that the major role of the Federal Government should be the development of guidelines that would be used by the States themselves for airport development.

I feel quite strongly about the fact that, somewhere in the bill, emphasis must be placed on the preservation of the privately owned airport that is open for public use. During the past few years we have witnessed many existing private airports fall under the pressure of local taxes or increased land values causing the ownership to sell for other than aviation purposes. A method of relief to these owners could come about through tax advantages or by direct purchase by local or State governments to assure the airport continues to operate as an airport.

While it is true that H.R. 9325 differs both with the administration bill and with other similar bills which have been presented for consideration, especially in regards to air carrier fuel charges, I am perfectly willing to leave this problem to the House Committee on Ways and Means. Quite frankly, I am more interested in seeing that these revenues are expended in a way that these concepts and ideas which I have outlined herein, can be generally supported and eventually implemented.

RESEARCH AND DEVELOPMENT A MUST

Whenever large sums of money are to be expended over a long period of time, we certainly need sufficient, on-going research and development to enable the industry to provide the latest "state of the art" equipment and systems that will be absolutely essential in providing an effective and forward-looking airport and airways system with the latest and best equipment and facilities available or attainable. This seems to me to be a must!

I also believe that a greater share of these funds should be channelled into planning functions. Here again, this should also be a State and local function, with Federal coordination so that each State's master plan fits into and dovetails the national systems program.

And lastly, in this regard, I feel that greater allocation considerations be given to the States, because such a program as I envision and have advanced here today, would entail much larger and more competent State organizations and, certainly, additional funds would be required to support it and using a distribution formula based on geographical area and population criteria that I have outlined elsewhere in these remarks.

In conclusion, Mr. Chairman, I submit that we, in the Congress must attack the airport crisis in a manner that will meet the challenges facing us and avoid all constraints that might well inhibit the safety of the skies and the full economic growth potential of this Nation.

The passage of this bill will be a big step in the direction of this objective.

The highway system has permitted accelerated economic growth, starting from 1916 with $50 billion to $350 billion in 1956.

It was in 1956 when the Eisenhower administration and the Congress enacted the forward-looking Interstate and Defense Highway System. The gross national product increased from $350 billion in 1956 to reaching the anticipated $1 trillion level by 1970.

I will predict, with the passage of this airport and airways legislation, we can look forward to realizing the achievement of the second trillion dollar gross national and international product in the next decade.

This is a great day for aviation and a greater day for America.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I want to congratulate the gentleman and all members of the committee, and the particular assistance that was given to us by the FAA and the Department of Transportation for what I agree with the gentleman from California will definitely be the same type of landmark decision as was the highway system. There is no doubt that the part of this bill that was added in committee requiring the long-range comprehensive study was a definite addition. I support this great job that has been done by all of the members on the committee.

Mr. Chairman, the legislation that we have before us today will, in my opinion, prove the most far-reaching legislation that this Congress has passed since the legislation enabling the highway trust fund under President Eisenhower.

In its effect on our Nation's economy, as well as its effect on the quality of living, I can think of no area of any greater significance.

I think it is important that we first set the priorities in looking at this legislation and obviously the first priority in discussing the matter of airways and airports is that of safety. It has become quite apparent that the conventional old-fashioned system of navigational aids which we use throughout our airways system today is not only totally inadequate for the future, but leaves serious doubt even at present as to its ability to produce the needed safety in our fastest growing mode of transportation.

The present system for all weather takeoffs and landings not only fails to allow near normal safety conditions during marginal weather, but creates traffic congestion in any major traffic area which are totally unacceptable.

The advent of aircraft which require more and more efficiency in use during the 1970's will further compound the present congestion and will make the present airport control system as out of date as the Model A Ford.

In looking forward to the building of larger and more efficient airports we, must, of course, approach this problem as part of an overall system. The time will obviously come when general aviation pilots will find it untenable to operate in the vicinity of a major metropolitan airport, even if it is allowed. Therefore, it is essential that modern up-to-date satellite airports for general aviation be either improved or built, particularly in our metropolitan areas. These airports, of course, must be equipped with the same modern navigational aids that are used in the major traffic airports, even though their size and capacity can be a great deal less.

Mr. Chairman, there has been a hue and cry raised about the failure of this legislation to approach the matter of helping local government to build the actual terminal at the airport. Here is a matter of simple priority. Safety must come first. Then the orderly flow of traffic in the air and during landing. And only then comes the problem of the terminal. This legislation has clearly defined what we consider proper responsibility for the Federal level of government and has clearly "staked out" the area which should be the priority of local government and has set aside revenue sources which the Federal Government considers the bailiwick of local government for their use. We cannot do everything at the Federal level and we all agree that safety and traffic flow are first priority and the trust funds that we have available for the foreseeable future must, in all good conscience, be used for these priority purposes if we are to solve the most pressing of our airport problems.

Mr. Chairman, I am proud of this legislation that has come out of the Committee on Interstate and Foreign Commerce. I wish to congratulate the members on both sides for the work they have done. I wish to congratulate the Department of Transportation and the FAA for their part in having worked with the committee over many, many weeks to produce what I consider landmark legislation.

Mr. MORTON. Mr. Chairman, I would like to take this opportunity to voice my support for the administration bill to provide the necessary means for the expansion and improvement of our airport and airways system.

As a pilot, and a seemingly continual air traveler, I can offer my firsthand view that much can be done to make our airports and airways ready to handle adequately the demands placed on them today—let alone 5 or 10 years from now.

I wholeheartedly concur that our air transport policy must be viewed in the total context of national transportation policy. I would take it one step further, to remind ourselves that our transportation policy in the future must certainly be based on a blue print under which we finally undertake effective management of our environment.

We have tried too long to deal with each of the continuous stream of problems which confront us on an individual basis. With this legislation, the administration has taken a positive step down the road toward managing our resources, rather than letting them manage us.

Mr. SPRINGER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding me this time, and I will not take all of the time.

Mr. Chairman, I rise in support of this legislation. I believe the goals and expansion of aviation contained in this bill to be excellent. I would like to point out that there is a provision in this bill authorizing the Secretary of Transportation to spend $10 million each year for grants for planning, location, and development of airports.

As you may know, Stewart Air Force Base, only 5 miles south of my district, has been proposed to be closed down by the Department of Defense. This is a mistake. I hope to be able to convince the Defense Department of its mistake and have them rescind the closing order.

If, however, this base should close, I would like to at this time call the attention of the Secretary of Transportation to the fact that this base would make an excellent location for the use of the funds provided in this bill. With proper planning and development this base, should it close, might be made into an excellent addition to the crowded Metropolitan New York area, particularly, serving the fast growing counties in the Hudson Valley.

Mr. SPRINGER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate very much receiving this time during general debate. I realize that there is some pressure on us to conclude debate on this portion of the bill, and then to discuss the revenue aspects of the bill.

Mr. Chairman, I want to call attention to a provision which many of us find highly objectionable. It is found on page 25, beginning on line 9 and ending on line 22, at the period.

This provision, to put it briefly, provides that if no decision has been made with respect to an actual site for a major airport within 3 years after the Secretary has sent notice of a need for such an airport to the governing authorities, the Secretary shall, and I quote:

> After notice and opportunity for a hearing, select a site for such additional airport . . .

The next sentence then states:

> Unless the Secretary, after notice and opportunity for a hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this part for the construction of an additional airport in such area.

I might say that I feel strongly that this language is unrealistic. It would be unwise and impractical. This view, I am sure, is the feeling shared by all the Members of the congressional delegation from my State of New Jersey. A letter has been circulated to all Members signed by all 14 members from New Jersey, with bipartisan support, advocating that this language be dropped in its entirety, or that it be substantially modified so as to reduce the role of the Secretary of Transportation.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to my colleague from New Jersey.

Mr. HUNT. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman from New Jersey for calling this to our attention, because this in my estimation is contrary to what we have tried to do in the building of airports.

You know and I know that New Jersey is a controversial State on the eastern seaboard insofar as jetports are concerned. At the present time some people are trying to jam an airport, a jet airport, down our throats that we in New Jersey have resisted until a suitable location is located. The bill is a mandatory monstrosity.

To me that it is very arbitrary. It just simply states that if we do not like the location or if the people of the locality do not like the location or the county or the business or the people who pay the taxes do not like the location that is selected—or none has been selected—then the Secretary shall make the decision for us.

I commend the gentleman for this and I object to this language in this report and in the bill.

I like the bill otherwise and I intend to support it. But as to that one provision, I strongly believe that the people who own the land and who will pay the property taxes in the State of New Jersey should not be subjugated by exterior pressure from larger States to compel us to put a jet airport within the confines of our State that we do not want.

Mr. FRELINGHUYSEN. I thank the gentleman for his comments.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. ROSENTHAL. Mr. Chairman, it would seem to me that this provision is far too weak.

I will support the provision because my distinguished colleague, the gentleman from New York is the author of it. I think he is attacking a very serious problem.

It seems to me rather candidly that you fellows in New Jersey are living a kind of Rip Van Winkle existence over there. Maybe he ought not even use the airports in New York anymore.

Now you know that the saturation for aircraft coming into the New York metropolitan area has been exhausted. There can be no more planes coming into Kennedy and La Guardia and perhaps into Newark. Somewhere there has to be a fourth jet port otherwise aircraft commerce in the metropolitan New York area is finished.

Mr. FRELINGHUYSEN. Let me say to the gentleman——

Mr. ROSENTHAL. Will the gentleman let me finish?

Mr. FRELINGHUYSEN. Mr. Chairman, I decline to yield to the gentleman.

My objection is that this provision does not represent sensible legislation. There is no practical way in which a Federal bureaucrat could sit here in Washington and dictate to a whole State where an airport should be located. It is not that we do not recognize the need for an additional airport. We know there is a need. I do not object myself to the fact that some may feel our area there is reason for a certain needling, because there has been delay regarding a decision as to where an airport should be located.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield at this point?

Mr. FRELINGHUYSEN. Not until I have finished what I am saying.

This is not an easy job, to locate an airport like this. This is quite obvious since we have taken almost 10 years yet we have failed to reach agreement as to where the site should be, or even if one should be located within the confines of New Jersey at all.

It has not been easy to find a site in an area growing as rapidly as our State. Unfortunately the logical location for such an airport, if it should be located in New Jersey, would appear to be in the northern populous part of the State. My own congressional district, for example, is growing at the rate of 50 percent over a 10-year period. The threat may not be posed at my particular district, and I am not concerned simply because of this possibility—but because the alternative proposed is an impossible one.

I am astonished that the gentleman would suggest that this makes sensible legislation.

Suppose at the end of 3 years no decision is reached in New Jersey as to where specifically an airport should be located? This would seem to give the Secretary the right to impose on our State a particular location, despite the opposition of the Governor and the legislature and the communities affected. What kind of solution is this?

The only way in which the Federal Government, as a practical matter, can get a decision on a suitable site is to seek to use persuasion. My suggestion is in the form of a simple amendment. I would like to read the language that I will offer as a substitute for this arbitrary, automatic assumption of authority by one individual in the Federal Government, as follows:

> In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.

If we adopt this language it seems to me we have provided a reasonable role for the Federal Government. The Secretary is directed to help facilitate a decision. There is no more that we could logically expect him to do, certainly he could not possibly ram a site location down our throats. Let me, reciting history a bit, point out the agency that should be doing this job is the New York Port Authority. They originally proposed a location in Morris County, my home county. That proposal was not successful because it was not reasonable. There were 200,000 people within a 7-mile radius of that particular location. That area is now designated a wilderness area. I am glad to say that as wilderness it is specifically protected by this bill in several provisions of the bill. So I am not worried about that area being chosen as a site.

There is no question in my mind that the Port of New York Authority has failed in its responsibility to develop an alternative site and support it. It is the failure of the port authority which has led to the predicament in which we find ourselves.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for a question?

Mr. FRELINGHUYSEN. I shall yield both, first to the gentleman from New Jersey, and then to the gentleman from New York. I yield to the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. I thank the gentleman for yielding. I wish to be associated with his remarks. I know that so far as my county is concerned, if some of the proposed plans were put into action, our water resources coming from the Delaware River would be destroyed. The people of my county would favor your amendment 100 percent. I would like to be associated with the gentleman's remarks, and I think all of us in New Jersey, also. We do not want to solve the problem in the way some have proposed. I can recall the gentleman from Queens hollering about the noise from the jet airport there. Our people do not need it. I would rather be Rip Van Winkle.

Mr. FRELINGHUYSEN. I yield to the gentleman from New Jersey (Mr. Howard).

Mr. HOWARD. Mr. Chairman, I thank the gentleman for yielding. I oppose the section of this bill which would allow the Secretary of Transportation to select an airport site without regard for the wishes of the Governor, State legislature, local authorities or residents of the general area.

I do not necessarily agree with those who say that no airport is needed either in New Jersey or somewhere else in the metropolitan area. However, I do object to the broad powers which would be given to the Secretary of Transportation should this bill be passed as reported from the committee.

Therefore, I support the amendment which would strike out the authority given to the Secretary of Transportation in the bill before us today.

I do not feel that we should pass legislation which in effect says that a Federal czar can select an airport site regardless of what people in that State and area say. I feel that the Governor and the State legislature, at the very least, should approve or disapprove of any such recommendations.

The Secretary of Transportation should be encouraged to help facilitate by all the means at his command, the selection of a suitable airport site. But he should not be given the absolute authority to locate that facility on his own.

Mr. FRELINGHUYSEN. I yield to the gentleman from New York (Mr. Rosenthal).

Mr. ROSENTHAL. Can the gentleman tell us whether the Governor-elect of New Jersey, Mr. Cahill has made a public pledge or has taken any position about a jet port in any area, or what is his position?

Mr. FRELINGHUYSEN. I might say the next Governor of New Jersey is associated with this statement opposing this provision of this bill. During the campaign he opposed a fourth jet port in the State of New Jersey, which indicates what a futile exercise this would be. Let us assume for the sake of argument—I do not know what Mr. Cahill's position would be because I have not discussed the question with him—let us assume the Governor 3 years from now is still opposed to a site in the State of New Jersey. Yet this provision would give the Secretary of Transportation the right to choose a site and impose it on our State. Can you imagine any more ridiculous exercise than to have such a situation develop? This underlines the fact that the Secretary should not be given this authority. It is, if we look at it with charity, simply a psychological ploy, I assume, to expedite a decision.

Personally I would like to see a decision as to where the airport should go, but it is no solution to suggest that if there is a continued deadlock, the Secretary shall have absolute authority. The fact that it is absolute is evident in the second sentence beginning at line 18, page 25:

> Unless the Secretary, after notice and opportunity for hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this part for the construction of an additional airport in such area.

That means if our State, or any State for that matter, somewhat belatedly, decided on a site that was not the same as the Secretary's, the Secretary could refuse to provide Federal funds to support the site that the State had chosen. In other words if a State did not choose a site within a certain time period, that only the Secretary's judgment shall prevail.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. SPRINGER. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. Shriver).

Mr. SHRIVER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 14465, which has as its principal purpose to provide for the expansion and improvement of the Nation's airport and airway system. In substantial part, this purpose is to be achieved through the imposition and application of airport and airway user charges.

Now I hasten to add that I am not in full agreement with all the provisions of this bill. However, in my judgment, on balance it represents a giant step forward in meeting the problems of the Nation's air transportation system.

We have witnessed tremendous growth in civil aviation. It has outpaced the national economic indicators as well as other transportation modes. This growth immeasurably benefits the country. Besides providing the most efficient transportation system in the world, it has meant jobs and profits to countless Amercans.

However, with the growth have come problems. Our inability to build an air transportation system of airways and airports at a rate equal to the growth of air transportation demand has resulted in growing congestion of our airports and airways.

This legislation addresses itself to this serious problem, and provides a means of financing necessary solutions.

There are those who, without regard for the facts, have sought to make general aviation the "scapegoat" for the problems of congestion and air safety. There must be a partnership between all segments of aviation if this Nation is to have an effective and efficient air transportation system.

The impact of general aviation upon America's transportation system and its economy was dramatically driven home recently by an independent study made for the Utility Airplane Council of Aerospace Industries Association.

Permit me to cite just a few of the important findings of this study:

The present fleet of 122,000 general aviation aircraft will more than double in the next decade.

By 1980, 1¼ million pilots will fly 63 million hours, nearly three times the total flown in 1967.

In 1967, general aviation activities accounted for $2.2 billion of the total U.S. gross national product, and by 1980 this figure will reach $7.1 billion, an increase of over 222 percent.

General aviation accounts for between one-third and one-half of all the people traveling in intercity air transportation.

There are no fundamental differences of objectives between the public carriers and general aviation. This should be clearly recognized. Both general aviation and the public carriers are seeking to provide the most efficient, most safe, and most productive air transportation system by each fulfilling its proper role.

There is a basic difference in requirements, however.

Public transportation must operate over given routes at specified times. General aviation, on the other hand, must remain flexible, moving to and from thousands of points with departure and arrival time set by the traveling public.

This is the strength of both systems.

Under this legislation. I am hopeful that we are providing for a better future for all of civil aviation and by so doing we will provide for a safer and more efficient national air transportation system for all Americans.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. Olsen).

Mr. OLSEN. Mr. Chairman, in the committee report, No. 91–601, on page 18, there are a few paragraphs that give me some problems. This is the point.

Mr. Chairman, a "public agency" would include Indian tribes, and there is a prohibition against a public agency making application for Federal funds. I just want to be comforted that the Indian tribes could come to this committee for authority and for Federal funds to participate in the construction of an airport.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, I can assure the gentleman from Montana that this is the case, as it has been in the past. For instance, if there is an airport which a tribe wants to construct and they come to our committee for permission, and it will be granted almost immediately when there is a showing of the need for it. I am sure it can be done under this also.

Mr. OLSEN. Mr. Chairman, I want to get a little more specific with the gentleman, if I may. Adjacent to Glacier National Park on the Blackfoot Indian Reservation, we do now have an authority for an airport. It has not been funded, but we want to be sure that they will be able to participate in the Federal funding in this particular project, because after all the Indian tribe supports it and the Department of the Interior wants it, and the park department wants it, and everybody is supporting it. I want to be sure the language here would not preclude us from participation in the Federal funding.

Mr. STAGGERS. Mr. Chairman, in reply to the gentleman from Montana, it would be my relief that this would not preclude present projects, projects which have been authorized, and with the owners wanting it—this is an Indian tribe that owns the land, is it?

Mr. OLSEN. The Indians own the land adjacent to Glacier National Park.

Mr. STAGGERS. They are the ones who want to construct it?

Mr. OLSEN. The Department of the Interior wants to construct it and the Indian tribe wants it, but they have to have Federal funds. Also there is State funding.

Mr. STAGGERS. I do not see anything in this that would preclude it.

Mr. OLSEN. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PETTIS).

Mr. PETTIS. Mr. Chairman, I hesitate to make a statement on this legislation lest my remarks be misunderstood. However, as the only Member of this body with more than 18,000 hours in the air—most of those hours as an airline pilot, I cannot remain completely silent.

As my colleagues well know, when one is elected to this body, it is very seldom that he is assigned to a committee where he has special expertise.

This does not mean that I do not recognize the problems of aviation and share the Committee's concern for answers to these problems.

Therefore, I wish to take this opportunity to state my support for this legislation. I know it will not make everyone happy, however, it will get us out of a catastrophic apathy that has beset this country in aviation development, and I firmly believe that this can be a first step in bringing about an orderly development of aviation in the United States which is desperately needed.

(Mr. BLANTON (at the request of Mr. STAGGERS) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BLANTON. Mr. Chairman, I regret I am unable to be present today to cast my vote for the Aviation Facilities Expansion and Improvement Act of 1969.

My longtime friend, the former Governor of Tennessee, Frank G. Clement, was the victim of a tragic automobile accident Tuesday night, and I will attend his funeral in Tennessee this afternoon.

I am very pleased with H.R. 14465. I believe it represents a recognition on the part of the Federal Government of the obligation it has in the orderly progress we should have in the Nation's air transportation system. It represents a recognition of the Federal Government's necessary and vital role in meeting the challenge of the new changes in air transportation, and the field of aviation in general.

Your Interstate and Foreign Commerce Committee has worked almost a half year in molding this legislation. I personally feel we have produced a progressive piece of legislation which realistically tackles the problems, while at the same time, stresses the need for updating and improving the airport systems of this country.

The growth of aviation and the air transportation in this country has already outpaced other modes of transportation and all economic indicators. We have every reason to believe this rapid growth will not only be sustained in the coming decade, but will increase many times. This recognition of the growth, and the complexity of the problems which have accompanied the growth in the past, and will accompany it in the future, makes a sense of urgency in the necessity of passing this legislation today.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in regard to the statement by the gentleman from Tennessee (Mr. BLANTON) the gentleman could not be here this afternoon, because he is attending the funeral of his former Governor, Frank Clement, who was killed in a tragic accident.

The gentleman from Tennessee (Mr. BLANTON) was the author of one of the very important amendments in the bill, and that is the reason for inserting his remarks in the RECORD at this point. I congratulate and commend the gentleman from Tennessee (Mr. BLANTON) for his fine contribution to this bill, and for his hard work.

Mr. Chairman, I commend and congratulate the members of the committee and thank them all, especially the ranking minority member, the gentleman from Illinois (Mr. SPRINGER), for their cooperation on this bill. It took a long time, and it required much patience. We did not work on it on a partisan basis, but on the basis of what was good for America, and on the basis of working together and trying to be helpful.

Also, I thank and commend Chairman MILLS of the Ways and Means Committee, the gentleman from Arkansas, and the ranking minority member, the gentleman from Wisconsin (Mr. BYRNES) for their cooperation and for the cooperation of our respective staffs, all of whom worked very closely on this, showing that two committees can work closely together on something important to the Nation. If there were any differences, they were all worked out amicably and effectively.

Also at this time I would like to thank those in the administration who were responsible for sending up the legislation. We all worked together and we think we have come up with a bill we can commend to the House for passage and one which the Nation needs and one for which we have been waiting certainly for a long time.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Missouri.

Mr. ICHORD. I have been sitting behind the distinguished gentleman from West Virginia conversing with the gentleman from Florida about the effects of this bill upon us individually as Members who find it convenient and necessary to operate our own airplanes. I am going to vote for this bill, but I wonder what the position of the AOPA—the Aircraft Owners & Pilots Association—is on the legislation. We are in the same position as thousands of individuals who own and fly light airplanes.

Mr. STAGGERS. I might say that we heard, I believe, from every segment of aviation. I know of no one who is opposed to the principles expounded in the bill. I would say there are certain groups which are not perfectly satisfied, but we have come up with the best bill we could.

If the gentleman wishes to talk about finances, he should ask the chairman of the Committee on Ways and Means about that. He will be taking the floor in just a moment to explain his portion of the bill.

Mr. ICHORD. I shall wait, then. I thank the gentleman for yielding.

Mr. ROONEY of Pennsylvania. Mr. Chairman, as a member of the Committee on Interstate and Foreign Commerce I have long felt that a new Federal program was essential to the proper development of our airport and airway systems. Today we are debating the results of an intensive appraisal of the legislative needs of these systems by the Commerce Committee.

This bill is long overdue. As more and more aircraft fill the skies, and as growing numbers of passengers outpace the ground facilities provided, the need becomes even more acute. I applaud the fact that this legislation is at last being acted upon. I am disturbed, however, that the bill may not solve the problems it was designed to solve.

As written, H.R. 14465 would apply over a 10-year period about $2.5 billion for needs on the airfield side of the airport. This includes such things as runway, taxiway and ramp construction, and purchase of land for construction and clear zones. This will take care of the airplane congestion problem, but what of the passenger congestion problem? Terminals stacked deep with passengers, airport access roads jammed with automobiles and baggage handling facilities will not be aided by this legislation.

Without question, there is a need for more runway capacity. But the greatest dollar need for more large airports today is in the terminal area. And what of the future? This year the airlines will enplane 170 million passengers. In 10 years' time this number is expected to triple. Will the airports be capable of sustaining this vastly increased load without Federal assistance to terminal areas? The answer to that question is very much in doubt.

It would seem to me that since this program is to be supported with new taxes on the issues—the airlines and their passengers—the money should be used where the passengers need it. The greatest need—about 75 percent of it—is in the terminal area.

Mr. ANNUNZIO. Mr. Chairman, I appreciate this opportunity to give my firm support to H.R. 14465 which provides for the expansion and improvement of the Nation's aviation facilities.

Currently, the congestion at our overtaxed airports and airways has caused great inconvenience and danger to air passengers and loss of money for shippers and airlines. In addition, it is not unusual, unfortunately, for a traveler to spend more time taxiing or circling around an airport than it takes for him to fly the distance from one airport to another.

This problem is, of course, being intensified by the tremendous growth in the popularity of air travel. As the committee report cogently points out, over the past 5 years the seat-miles flown has increased from 94.8 billion to 210 billion. "By 1980 it is estimated that the domestic certificated airlines will enplane 420 million passengers, almost tripling the 1969 figure." Further, in 1968, for example, more than nine out of every 10 travelers going overseas chose air routes. In addition, this overcrowding leads to serious consideration of the safety hazards involved. The probability of midair and ground collisions is greatly enhanced by overcrowded radar screens and, to some degree, by the numerous planes waiting in line for takeoff. Although the present air safety record of airlines is impressive, failure to act promptly to expand air facilities will inevitably result in either more collisions or even longer delays.

It follows naturally that this increased traffic which we must count on leads to worse air and noise pollution. With this fact in mind, the committee has stated that it will not override or lessen the enforcement of any existing laws pertaining to our natural resources, or the preservation of environmental quality.

There can be no doubt that more than adequate techniques exist for the safe and rapid movement of people and goods. The new jumbo jets with their ability to carry large quantities of people and supplies, and the new innovations in automatic flight control techniques, attest to this fact. To be effective, however, there is urgent need for the expansion and production of ground equipment and facilities so that these innovations may be used to their fullest capabilities.

The effects of the expansion of airways and airports go far beyond the airports themselves. The national economy would be greatly influenced by this legislation. Although it will in the immediate future increase costs, the longrun benefits of such a program will more than compensate for these shortrun expenditures. The number of jobs created by improved air facilities and the increased stimulation of the economy will be phenomenal. The effects will reach every American in some way—whether it be better access to goods and services, creation of new jobs, or the ability to get to a destination fast and on time. Freight carriers will be able to deliver goods rapidly instead of having them stockpiled at airports waiting for an available flight or ground delivery.

We must recognize that in the same way that air travel has become popular to passengers, freight shippers are looking more and more to the skies as a means of moving their products; this bill will clearly lead to greater freight by air as well as better passenger service.

Finally, this legislation will provide an equitable method of paying for these necessary improvements by initiating a system of user charges. In this way, those benefiting most from the improved service will bear the brunt of its costs.

The members of the Committee on Interstate and Foreign Commerce are to be congratulated on their recognition of the problems facing our aviation facilities and their prompt action toward finding an equitable solution.

I urge the Congress to pass this measure promptly in the interest of the American public, their needs and their safety.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 14465, a bill to improve the Nation's airport system and to impose airport and airway user charges.

As a sponsor of similar legislation (H.R. 14037) together with my colleague from New York (Mr. ROSENTHAL) I want to make clear that while this bill does not cover all the points I had hoped it would, it does represent a step forward in the battle to solve a crisis of congestion and outdated facilities at our airports.

Title I of the legislation is a basic reenactment of the Federal Airport Act and provides authorization for grants for airport development over a 3-year period totaling $570 million.

Title II of the legislation creates an airport and airway trust fund similar to the existing Federal highway trust fund. The purpose of the trust fund approach is to insure the use of air user taxes for the modernization and expansion as well as maintenance of the air transportation system. Expenditures for the next decade for the expansion of an advanced air transportation system have been estimated at nearly $15 billion.

I have always believed that the burden of meeting the high costs of maintaining such a system should be borne primarily by those who use the airways. At the present time user taxes—the existing 5-percent passenger tax and 2 cents per gallon gasoline tax—can be expected to meet only one-half the anticipated costs over the next decade. In order to properly finance this expansion of the transportation system and to adequately fund the programs proposed in this legislation, the Committee on Interstate and Foreign Commerce together with the Committee on Ways and Means have proposed the following new or increased taxes:

First. An increase in the domestic passenger ticket tax from 5 to 8 percent and a new $3 head tax on international commercial flights commencing in the United States.

Second. A new tax of 5 percent on air freight waybills.

Third. A new annual aircraft registration tax of $25 plus 2 cents a pound for piston powered aircraft and 3.5 cents a pound for turbine powered aircraft.

Fourth. An increase in the gasoline tax on general aviation from 2 cents per gallon to 7 cents and a new 7 cents per gallon tax on other aviation fuel used in general aviation.

The Committees on Interstate and Foreign Commerce and on Ways and Means are to be congratulated and commended for a thorough study of this financing aspect of the program and for reaching agreement on these important provisions.

Mr. Chairman, this legislation will not solve the airport-airway crisis in America today. It will not even solve the crisis in the New York metropolitan area, but it is an important step forward. As the Congressman whose district includes Kennedy International Airport, I have been subjected to many of the airport problems which have increased over the past decade when the jet age matured. In the New York area we have seen timetables for planning and developing fourth and fifth jetport sites go by the boards, with no action other than debating and bickering among the parties. We have made our own crisis in New York by failing to agree on who has responsibility for site selection and airport development.

Section 16(e) of title I of H.R. 14465 attempts to meet this problem by providing that where the Secretary of Transportation determines that a metropolitan area is in need of an additional airport, he shall request the governing authorities of the communities involved to agree upon a site and if they fail to agree within 3 years, the Secretary shall select a site himself. No other site within the area would then be eligible for assistance under the act.

I support this new section, and now that the State of New Jersey has completed its electoral process and the political climate has quieted down, I hope that Governor-elect William Cahill will immediately take steps to exercise leadership in selecting a suitable site for a fourth jetport to serve the metropolitan area of New York.

One feature of my bill (H.R. 14037) which was not included in the legislation reported to the House, was a requirement that 10 percent of the airport-airway trust fund be earmarked for aircraft noise and pollution control. At the very least, I urge my colleagues to support the separate views of Representatives DINGELL, ROGERS, OTTINGER, BROWN, and THOMPSON, who urge the adoption of an amendment authorizing the Administrator of the FAA to establish standards for pollution of the air and to prescribe rules and regulations to control pollution of the air by aircraft.

Such an amendment would be consistent with Federal regulation of air safety and would give the FAA Administrator authority similar to the authority enacted last year for the setting of standards of aircraft noise.

Mr. TAYLOR. Mr. Chairman, I rise in strong support of the aviation facilities and improvement bill. My interest is more than average.

On July 19, 1967, the presence of surveillance radar at Asheville Airport, the largest air terminal facility in my congressional district, in every likelihood would have prevented one of our Nation's worst aviation tragedies.

Unfortunately for the 82 persons who met sudden death in a midair collision that day 8 miles southeast of the airport, radar was not available to enable air traffic controllers to monitor the courses of the doomed aircraft. They could rely only upon position reports radioed by the two pilots. As it happened, one of the pilots miscalculated his position.

The weather at Asheville as reported by the Weather Bureau just prior to the accident was estimated: ceiling 2,500 feet, broken clouds, with visibility 4 miles in haze. The controllers at Asheville tower had no way of visually detecting that the two aircraft were on a collision course. They were helpless to give warning.

At that time, I joined with numerous leaders from my congressional district in a plea to the Federal Aviation Administration to install radar at Asheville. We pointed out that while there are fewer operations at Asheville than at some larger terminals, the facility is situated in a valley surrounded by mountain peaks extending upwards to 4,000 and 5,000 feet, making approaches in marginal weather especially hazardous.

The FAA agreed that these terrain features clearly did suggest the need for radar, but explained apologetically that funds simply were not available to provide the equipment at Asheville, or at the some 400 other cities without radar, served by commercial air carriers.

While I focused my remarks on this tragic incident, I realize that congestion in the airways has reached the same position now which congestion on the highways had reached before the interstate road program was established.

I have stated frequently during the past few years that our Nation should launch a gigantic airport-airways development program. Problems of congestion and undercapacity afflict the big cities and major airways today. Eight hundred communities need a new airport.

The job of improving and expanding airports cannot be done without expanded Federal assistance and this Federal assistance is not possible unless new sources of revenue are realized.

The growth of aviation must be tied to the willingness of those who fly to pay their fair share of the cost of the supporting facilities. The railroads maintain the railways, motorists pay for the highways. It is only logical that a portion of the cost of airways be paid by those who use them.

We need a program of use charges to establish a trust fund for improving and expanding airports and air facilities. It needs to be a pay-as-we-grow plan.

The system must be equally fair and adequate for both commercial and general aviation. Acute congestion problems in recent years have forced major attention to be given to the large hub airports, often with little or nothing left for the smaller airports which serve much of the general aviation segment.

For years I have been advocating a program of this type and I am proud that this legislation is now on the House floor. It has my strong support.

Mr. KEITH. Mr. Chairman, the legislation which is before us today is the product of considerable deliberation and work by both the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means. The Commerce Committee, as our Chairman has said, spent 11 full days hearing this bill and several weeks in markup. In my view, this legislation has been carefully considered and merits our support.

That there is need for this legislation is very evident. In recent years the volume of air traffic and the number of air passenger miles traveled have, as we all recognize, increased substantially. Unfortunately, our airport and airway facilities have not been able to keep pace with this growth. Without a concerted national effort to modernize and increase our aviation facilities, we will be faced with a crisis of monumental proportions. The air traffic control slowdown of last year, which was only a symptom of this coming crisis, displayed the havoc which can be caused if one segment of our national aviation system breaks down. With increasingly overcrowded facilities and airways, such breakdowns would become more numerous in future years.

Mr. Chairman, this bill, the Aviation Facilities Expansion and Improvement Act of 1969 will hopefully institute the necessary improvements to avert such an aviation crisis. This bill, first proposed by the administration earlier in the year, has undergone considerable refinement by both the Commerce and the Ways and Means Committees. However, praise for the initial concept and imagination in proposing this legislation rightly belongs with the administration, more specifically with Secretary of Transportation John A. Volpe.

Secretary Volpe, after a distinguished career as Governor of Massachusetts, assumed the burden of the Nation's transportation problem this past January. If his work in connection with the aviation facilities bill before us today is any indication of his overall expertise in handling the Nation's transportation problems, then Secretary Volpe will have a most distinguished career at DOT and this country will be very well served.

Mr. Volpe's experience as Governor of Massachusetts stands him in good stead to direct the Transportation Department. Massachusetts, as one of the most urbanized States in the Nation, has all of America's transportation problems in microcosm. Logan International Airport, serving Metropolitan Boston, is the eighth busiest in the world. Its facilities need expansion and Logan's air traffic problem is among the most severe.

Governor Volpe's experience in dealing with this and other transportation problems of the modern urban State qualified him to testify with authority many times in the past before the House Commerce Committee.

His successor, Gov. Francis W. Sargent, has shown a similar concern with, and aptitude for, the transportation problems of our Nation. On a number of occasions during the past several months he has written me to express his views on the legislation before us today. Governor Sargent's comments were most helpful as I considered H.R. 14465 in committee.

Another Bay Stater who has contributed greatly to my understanding, and that of my colleagues, of the Nation's air traffic and facilities problems has been Crocker Snow, the distinguished director of the Massachusetts Aeronautical Commission. Crocker testified before our committee last summer in support of this legislation. His cogent remarks were of great value to us all.

Mr. Chairman, as we approach a vote on this much-needed legislation, we should keep in mind the contribution which men like John Volpe, Frank Sargent, and Crocker Snow have made to the Congress' understanding of transportation problems.

Mr. BOLAND. Mr. Chairman, I rise in support of this bill, H.R. 14465, and I commend the able gentleman from West Virginia (Mr. STAGGERS) and his committee for bringing this much needed legislation to the floor of the House. As chairman of the Subcommittee on Department of Transportation Appropriations, I am intimately familiar with the staggering problems confronting our country in the field of aviation. The growth of aviation over the past decade has been huge—indeed, gigantic. The facilities and equipment required to manage this expanded air traffic in an orderly and efficient manner and with all possible safety is a matter of highest priority.

The bill provides for the imposition of airport and airway user charges as recommended by the Ways and Means Committee, chaired by my friend from Arkansas (Mr. MILLS). I have long thought that the time had come when the aviation industry had sufficiently matured to the point that the industry and those who use it could pay for most of the required expansion of facilities required by aviation, both general and commercial. The American taxpayer, already shouldering a heavy tax burden, should not be burdened further for this purpose. Therefore, the user charge provisions which would require those who utilize the services of aviation to pay a greater share in the cost of aviation programs is proper and in the national interest.

There has been long debate and many views have been expressed over just how user charges should be applied and as to how the funds raised should be allocated. I am sure that not everyone is in agreement with all of the facets of the bill before the House today, but, as in all other good legislation, compromises must be made in order to do the greatest amount of good for the greatest number of people.

I am pleased to note that the bill provides for annual appropriations and an annual review by the Appropriations Committees in the regular procedure before funds become available. I can assure the House that the Subcommittee on Department of Transportation Appropriations is aware of, and sympathetic to, the needs of aviation. I feel that the passage of the legislation before us will go a long way toward unlocking the logjam of unfilled requirements which now exist. I hope that the bill will become enacted in this session of the Congress.

Mr. OTTINGER. Mr. Chairman, I want to draw attention to one very important advance in this legislation—the strong environmental protection provided in paragraph 4 of section 16(c).

I believe that this is the strongest provision for the protection of natural resources and the quality of our environment ever incorporated in a major construction bill. With its enactment, Congress will be setting a clear standard to guide the Executive. We will be saying, "Yes, we want to develop new and expanded public service facilities, but not at the expense of our dwindling supply of clean water, pure air, and our other threatened resources. We want the benefits of technological progress, but we want to preserve a livable world as well."

This short paragraph breaks a lot of new ground in the environmental area. It declares it to be the national policy the projects authorized under this legislation shall provide for the protection and the enhancement of natural resources and the quality of the environment of the Nation. That is a simple forceful statement not hedged about with the traditional escape clauses such as "insofar as practicable" and the like. It imposes upon the Executive an affirmative responsibility to determine what impact any project may have on environmental factors and to assure that there is no damage.

This responsibility is vested in the Secretary of Transportation. To paraphrase the words of the second circuit court of appeals in the Storm King Mountain case, the Secretary cannot act as an umpire blandly calling balls and strikes between the developers and the environment.

The Secretary of Transportation is also obligated to consult with the Secretaries of Interior and Health, Education, and Welfare to find out what impact a proposed project may have upon natural resources and environmental factors within their respective jurisdictions. He is directed not to authorize any project found to have an adverse effect unless he shall find that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect. The language here is particularly important. It is quite specific. It imposes upon the Secretary of Transportation the affirmative responsibility to search for alternatives in the event that a project is found to have damaging effects upon the environment and, should no feasible and prudent alternative be found, he then has the very specific responsibility to take all possible steps to minimize any damage caused by the project.

Another important advance in this provision is the broad range of natural resources and environmental factors it covers.

The Secretary is required to be sure that a project does not harm our fish and wildlife, does not damage natural, scenic, or recreational assets, and does not contribute to water or air pollution. He must also assess the impact upon other environmental factors as well. He must consider the effect of noise, congestion, and any other new irritant that a project may introduce into our communities. This is an important responsibility. It is long overdue and, if the intent of Congress is carried out, this measure should do much to improve the general quality of our lives and ease the growing tensions that technology is adding to our world.

Finally, just to assure that the intent of Congress is carried out, the provision has two safeguards which should facilitate judicial review. First it requires that the Secretary's review of a project's impact on the environment shall be a matter of public record and that his finding be made in writing. No more of those secret understandings secretly arrived at that marred the record of the previous administration. From now on there will be a public record from which it can be seen just how the determination was made and what factors were considered.

If this provision had been in effect last year, I do not believe there is the slightest question that the controversial Florida Everglades jetport would not even have been considered.

As the sponsor of this provision in the Interstate and Foreign Commerce Committee, I am pleased to report that it was adopted unanimously. I believe that enacting it in this measure, Congress will be making an important advance in the protection of our threatened environment.

Mr. TAFT. Mr. Chairman, I am pleased to see the House take positive action today on the Airport Expansion Act of 1969.

Congress has now shown that it is willing to vote the funds necessary to improve air safety and to support the kinds of programs that are needed to add additional air traffic controllers, and equipment across the country.

Within a few short months, the giant 747's will be flying. Unless we continue to move toward developing an improved air system, we will be unable to cope with the tremendous increase in passenger miles that are predicted.

The House today indicates that Congress is accepting its responsibility in this area. There is much to be done, however, and we need to devote all of our technical skills and knowledge to this problem.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, we have no further requests for time on this side.

The CHAIRMAN. There being no further requests for time on title I, under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 1 hour, controlling the time for general debate for the Committee on Ways and Means.

The Chair recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as you well know from your experience, and as other Members well know from their experiences in traveling to and from their districts by air, there is an urgent need to expand and improve the airports of this country and the operation of the airway system.

Title II of H.R. 14465, the Airport and Airway Revenue Act of 1969, makes it possible to secure this needed development and expansion by providing an efficient and what the Ways and Means Committee thinks is a fair method of financing these operations and improvements.

All the evidence strongly points to the fact that Federal expenditures on airports and airways are going to increase greatly in the near future.

First, this is suggested by the fact that revenue passenger miles on U.S. scheduled air carriers more than tripled over the past 10 years and are expected to increase by 185 percent over the next decade.

Second, this is indicated by the fact that over the next 10 years total aircraft operations at airports with Federal Aviation Administration traffic control services will rise by an estimated 164 percent, and FAA air route traffic control centers will have to handle almost double the present volume of aircraft using instrument flight rules.

Quite aside from the huge new burdens anticipated for the future, our airports and our airway system already are suffering from increasing congestion. Aircraft delays now cost commercial airlines more than $50 million a year and the cost of such delays and inconvenience to passengers is probably many times that figure.

Against this background, Federal expenditures for the expansion and development of an adequate air transportation system are expected to increase from $865 million in fiscal year 1969 to $1.7 billion in fiscal year 1979. Over the 1970–79 decade, Federal spending for this purpose is expected to total $14.8 billion.

Title II of the bill is based on the principle that the best way to finance these large expenditures is through taxes on the users who benefit from the resulting services. While I do not relish the prospect, and I know none of my colleagues relish the prospect, of increasing taxes on any group of people, the proposed increases in user taxes look good when we consider the alternatives. The alternatives, of course, would be to forgo needed improvement and expansion in our airway system or else to finance the needed expenditures through general revenues involving a burden on the already overburdened taxpaying public. In view of the heavy tax burdens placed upon our taxpayers generally and the great pressures to spend general revenues for all sorts of purposes, I must say that I do not find these alternatives to be attractive or, in my mind, even feasible.

Let me turn now to the specifics of title II of the bill.

First, it provides an increase in the gasoline tax on noncommercial aviation from the present net rate of 2 cents a gallon to 7 cents a gallon and a new tax of 7 cents a gallon on other aviation fuel, which, of course, is jet fuel, used in noncommercial aviation.

Second, the bill provides an increase in the passenger ticket tax for domestic flights from the present 5 percent to 8 percent. It also provides a new $3 "head tax" on international commercial flights beginning in the United States. It should be borne in mind, of course, that the 5-percent tax does not apply to overseas flights. Neither will the 8-percent tax.

Third, the bill provides a new tax of 5 percent on air freight; and,

Fourth, it provides a new annual aircraft registration tax, which is somewhat similar to the highway use tax, of $25, plus 2 cents a pound for piston-powered aircraft and 3½ cents a pound for turbine-powered aircraft.

In general, the amendments made by title II will be effective on January 1, 1970. The passenger and freight ticket taxes and financial flight departure tax will apply to transportation, beginning after December 31, 1969.

In the absence of these increased user taxes, the general taxpaying public would be required to pay most of the increased Government outlays required for the expansion and development of the airport and airway system. Present user taxes, including the current 5-percent passenger tax, the 2 cents per gallon gasoline tax and the taxes on tires and tubes used on aircraft would yield only about $700 million a year by fiscal 1979. With the increases in present taxes and the new taxes put into effect by title II of the bill, the users of the aviation system will pay twice this amount, or $1.4 billion in annual taxes by fiscal 1979. By that year user taxes are expected to account for over 80 percent of the total of $1.7 billion of Federal spending on airports and airways. This would bring the fiscal 1979 deficit attributable to civilian use almost into balance; there would still be a $327 million deficit that would have to be made up by appropriation, but all but $36 million of this would be attributable to military usage. I would like to include in the RECORD table 2 from the House report which appears on page 38 of the report. This table presents the detailed figures on this matter:

TABLE 2.—PROJECTION OF ESTIMATED REVENUES AND EXPENDITURES FOR AIRPORT AND AIRWAY SYSTEM, SELECTED FISCAL YEARS, 1970-79

[In millions of dollars]

	1970	1971	1974	1979
Total revenues from proposed airport and airway trust fund user taxes	[1] 446.5	652.4	668.9	1,399.9
Total airport/airway expenditures	1,029.0	1,238.0	1,475.0	1,727.0
Airway [2]	384.0	1,050.0	1,206.0	1,457.0
Airport	145.0	188.0	269.0	270.0
Additional required appropriation (total deficit)	582.5	535.6	606.1	327.1
Military usage	178.0	210.0	241.0	291.0
Civil share deficit	404.5	375.6	365.1	36.1

[1] Assumes proposed increased and new user taxes effective for last half of fiscal 1970.

[2] Includes military but does not include nonairways FAA expenditures or pay raise.

Let me go into a little more detail on the specific changes in user taxes provided by title II of the bill.

Most of the additional tax revenue under title II will come from the increase in the present 5-percent passenger ticket tax on domestic air travel to 8 percent and from the new 5-percent tax on air freight. By fiscal 1979, for example, the passenger ticket tax and the 5-percent cargo tax together will raise an estimated $1.2 billion or 85 percent of the total of $1.4 billion raised by all airway user taxes in that year. This is shown in detail in table 3 of the report, appearing on page 39:

TABLE 3.—REVENUES FROM AVIATION USER TAXES, SELECTED FISCAL YEARS, 1965-79

[In millions of dollars]

User tax	Actual			Estimated			
	1965	1967	1969	[1] 1970	1971	1974	1979
Passenger ticket tax [2]	147.5	194.5	259.5	373.7	507.2	679.2	1,083.2
Cargo tax, 5 percent [3]				18.7	42.7	63.1	134.2
Fuel tax [4]	16.7	14.4	11.0	26.5	45.8	54.3	76.7
International departure tax, $3				12.4	27.1	36.5	58.7
Taxes on tires and tubes used on aircraft	2.0	2.4	2.6	2.8	3.0	3.5	5.0
Aircraft registration taxes [5]				12.4	26.6	32.3	42.1
Total	166.2	211.3	273.1	446.5	652.4	868.9	1,399.9

[1] Assumes the new and increased taxes are in effect for the last ½ of fiscal 1970.

[2] 5 percent until Jan. 1, 1970; 8 percent thereafter.

[3] Includes revenue from post office mail freight on air carriers, and other Government cargo traffic.

[4] 4 cents a gallon on gasoline only until Jan. 1, 1970 (with a 2-cent-a-gallon refund or credit), on both general aviation and air carrier; a full refund or credit of 4 cents a gallon on gasoline for air carriers after Jan. 1, 1970; and 7 cents a gallon on gasoline and carrier; a full refund or credit of 4 cents a gallon on gasoline for air carriers after Jan. 1, 1970; and 7 cents a gallon on gasoline and other aviation fuel for general aviation only after Jan. 1, 1970.

[5] Annual: A basic $25 registration tax for all aircraft, plus 2 cents a pound on piston aircraft and 3.5 cents a pound on turbine aircraft.

Source: U.S. Treasury Department and Federal Aviation Administration, Office of Aviation Economics.

A number of factors make it advantageous to obtain much of the needed revenue from the taxes on passenger tickets and the cargo tax. Since we already have a 5-percent passenger tax, the additional 3 percent tax can be collected merely by changing the rate used to compute the tax on the passenger's ticket. The experience gained with a 3-percent tax on domestic freight which was in effect before 1958 will be helpful in putting the new air cargo tax into effect. In addition, since the tax is based on the value of the ticket or the waybill, receipts will automatically grow as air traffic increases in volume and as prices rise. This will permit revenue to expand to meet the increasing costs of our airport and airways system. Finally, the freight tax is consistent with the user concept since it is likely that freight forwarders and express companies will pass it along to the shippers through appropriate tariff adjustments.

The bill deletes most of the present exemptions from the tax on transportation of persons by air. This is because these exemptions generally are either obsolete or add unnecessary complications. The exemptions for transportation furnished to State and local governments, the United States, and nonprofit educational organizations are terminated because there is no reason why these governmental and educational organizations should not pay their share of the cost of airway facilities in the form of a use tax.

The bill, however, retains the exemption of air transportation of persons or property furnished to international organizations and the Red Cross. Also, to simplify recordkeeping for taxpayers and to facilitate administration, exemption from the tax on tickets and from the cargo tax is granted for small aircraft not on established lines and for a single aircraft used by several members of an affiliated group of corporations. These aircraft, however, will be subject to the fuel tax, which I will discuss in a few minutes.

To insure that passengers using U.S. airports for international flights not presently subject to the passenger ticket tax contribute to the cost of airport and airway operations, title II also imposes a $3 tax on passenger departures on international flights which are not subject to the tax on the domestic transportation of persons. This tax is expected to produce close to $59 million by fiscal 1979.

While the bulk of the user revenue from commercial carriers will be secured from taxes on passengers and freight, most of the user revenue from general noncommercial aviation, will be obtained from taxes on fuel used in aviation. The proposed increase in the gasoline tax on general aviation from its present rate of 2 cents a gallon to 7 cents a gallon and the new tax of 7 cents a gallon on other aviation fuel used in general aviation will yield about $77 million annually by fiscal 1979. These taxes will make general aviation, which will not be subject to the passenger transportation and cargo taxes, pay a minimal share of the cost of the airway system.

The annual aircraft registration tax will apply to both commercial and general aviation aircraft. The tax, which is similar to the highway use tax, amounts to $25 plus 2 cents a pound for piston-powered aircraft and 3½ cents per pound for turbine-powered aircraft. These registration fees are based on the premise that all aircraft should pay a basic fee as an entry fee to use the airway system. The tax is expected to produce $42 million a year by fiscal 1979.

An airport and airway trust fund is established similar to the existing highway trust fund. The proceeds of the airway user taxes which I have just discussed will be paid over to this trust fund. These taxes will include the passenger and freight ticket taxes, the international flight departure tax, the general aviation fuel tax, and the aircraft registration tax. In addition, the proceeds of those taxes which are being paid to the highway trust fund—the tax on gasoline used in general aviation and the taxes on tires and tubes used on aircraft—will now be paid into the airport and airway trust fund. The trust fund may be used for the construction of airports—not including terminals—and for the operation of the airway system. These funds cannot be used for the development of airplanes such as the proposed development of a supersonic transport.

To provide the committee with better information in its next review of these user charges, the Department of Transportation is authorized to conduct a study to make available to the Congress information on the distribution of future tax burdens among the various categories of airport and airway users relative to their use of these facilities. The Transportation Department is to make an interim report to the Congress by March 1, 1971, and a final report by March 1, 1972.

One further matter is dealt with in title II. As a result of legislation enacted in 1945, the Washington National Airport has been exempt from the provisions of earlier legislation—the Buck Act, enacted in 1940—which authorized States to impose nondiscriminatory sales, use, and income taxes on Federal reservations. The pending bill provides that, with certain exceptions, the general rule as to taxes on Federal reservations are to apply to Washington National Airport. As a result, facilities at the airport that do not deal directly with the passengers as passengers or with the aircraft, will be subject to the general provisions of law. This change was made because it appears inconsistent to continue complete exemption from State sales and income taxes in the case of Washington National Airport when other competitive businesses located in the vicinity are subject to these State taxes. To provide transitional relief, the new provision does not apply in the case of leases existing as of September 28, 1969.

In summary, the case for this legislation rests on two basic points: First, there is an urgent need to expand and improve the Nation's airports and airways; and, second, if we have to spend more money on airplane facilities, then it makes sense to make sure that these expenditures will be financed in a fair and efficient way. Title II of this bill does just that. It places the burden in the form of user taxes on those who directly enjoy the benefits of the required airport and airway systems. I, therefore, urge the passage of this bill now.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I will be glad to yield to the gentleman.

Mr. WAGGONNER. I thank the gentleman for yielding and discussing the tax changes provided for in title II of the bill. I note that the committee has provided for a $3 head tax on international commercial flights beginning in the United States, and I am in complete accord that this should be done under the circumstances. However, I would be interested to know if the distinguished gentleman and his committee gave any consideration to allowing airports in the cities around this country, on an optional basis, to be able to impose a head tax for domestic transportation to help them if they choose to defray the cost of airport construction and maintenance.

Mr. MILLS. We did discuss it within the committee, but we did not think that it was necessary for us to give any such authorization. We have no control over what the cities may do with respect to the financing of their own airports. Of course, they charge the commercial airlines, and I assume the general aviation people, a landing fee or something that each of them pays for the use of the terminal. Some of the cities I understand do have some kind of a tax now, but we did not think that it was appropriate that we should get into this matter.

Mr. WAGGONNER. Perhaps I misunderstand the situation. It was my understanding that the cities had attempted to but it had been determined they did not have the authority to impose such a tax on a per-head basis for domestic transportation.

Mr. MILLS. I am not as informed about this matter as my friend from Louisiana. There might be some question involving the right of a city under the Constitution to levy a tax on interstate commerce, but there is no Federal law preventing it.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, let me explain what I mean, and that is this: I think this should be given further consideration. I can explain it by giving an example with which the gentleman from Arkansas is familiar. The gentleman in the well lives in Arkansas and I live in northwest Louisiana. Our regional airport is located at Shreveport, La., only a few miles from Arkansas and a few miles from Texas. This airport, as a regional airport, serves people in quite a large area. The people who have paid the total cost for building this airport up to this point have been the taxpayers through the method of bond issues in the city of Shreveport. However, people from a wide area use that airport, not just in Louisiana but outside Louisiana, people in the States of Arkansas and Texas as well.

I, myself, do not pay a user's tax for the use of that facility because I do not live in the city of Shreveport. However, being a user of the airport, I do not believe there would be anything wrong with the city of Shreveport, if they chose to defray construction cost and maintenance cost having the right to levy a per-head tax similar to this foreign per-head tax which we propose here in order to help pay some of these expenses.

I would simply like to suggest that the gentleman and his committee give some consideration to this matter in order to see what can be done under circumstances such as these which I have described to the gentleman.

Mr. MILLS. I will have it looked into. However, I do not know whether the Committee on Ways and Means would have jurisdiction over it. It might very well be under the jurisdiction of the Committee on the Judiciary.

Mr. WAGGONNER. I thank the gentleman for yielding.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes, I yield to the gentleman from Montana.

Mr. OLSEN. I thank the gentleman for yielding.

I am in receipt of a communication from the National Aviation Trades Association complaining about some of the actions which were taken by the Committee on Ways and Means in reporting out this legislation.

Mr. MILLS. I am not surprised, because we are increasing taxes.

Mr. OLSEN. I would like to have the response of the chairman with reference to one particular matter. I am going to support the bill, but I would like to have some response to this question.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes.

Mr. OLSEN. I now quote from the letter which I received from the National Aviation Trades Association:

> Action is needed. Your association has combined with others to seek the following changes in the Ways and Means "package." This can only be done by writing immediately to your congressman to explain what the impact of these fees will be on your operation. We are trying to obtain the following amendments.
>
> 1. Eliminate the $25 "base registration fee" on the basis that this has a selective impact on the small aircraft owner and operator who does not use his aircraft often. Furthermore, the certificated air carriers can frequently avoid the fee by scheduling their aircraft for international service.
>
> 2. Reduce the 7-cent gallon fuel tax on general aviation to 4 cents—

Mr. Chairman, I would like for the record a response from you on behalf of your committee.

Mr. MILLS. Well, I have not heard personally from this group or any other group since the Committee on Ways and Means decided to act on title II and transmitted it to the other committee—not one letter and not one communication and not one telephone call from anyone protesting any part of it. I can understand how anyone paying 7-cents-a-gallon tax would prefer a 4-cent-per-gallon tax. I can also understand how anyone paying a $25 registration fee would like to pay some lesser fee. These things I can easily understand. But they have not made known this view to me since this package was passed by the Committee on Ways and Means. I have heard from no one in opposition to it. However, I say it is a question of viewpoint, apparently.

We took the position in our committee that we were not actually providing as much through user charges under the package as should be provided in the light of what we understood the Committee on Interstate and Foreign Commerce would authorize to be spent. If you will look on page 38 of the committee report we will still be, if the full authorization as anticipated by the Department of Transportation is made by the Congress, we will still have a civil share deficit in the year of 1979 of better than $36 million. Perhaps, on down the road beyond that 10-year period we will close the gap entirely.

But in the first full fiscal year of the operation of this program, 1971, there will be an additional amount of dollars from the general fund required of $585.6 million, because the estimated expenditures for that year are $1,238 million, and the revenues that we provide under this title II will bring in only $652.4 million. And this is still true in fiscal year 1974, since there still is a big deficit of $606 million in that year which has to come from the general fund.

So even though we have a 7-cent tax on fuel and even though we include the

$25 and 2 cents a pound registration fee we are way short of what the Committee on Interstate and Foreign Commerce has authorized for the 2- or 3-year period immediately ahead, and what the Department of Transportation contemplates it will need in expenditures on down the road.

Mr. OLSEN. Mr. Chairman, will the gentleman yield for one further moment?

Mr. MILLS. I yield to the gentleman from Montana.

Mr. OLSEN. I understand, and I am sure these people will understand when I write an answer to them, that the users of the airport ought to be paying the bill.

Mr. MILLS. That is our theory, but they are not actually doing this. Some of this deficit, of $606 million, of course, is assignable to military use of the airways and airports, but it is not anything near all of that deficit. I could show the gentleman—here on page 38 of the committee report—that $241 million of the deficit in 1974 is assessed against military usage, but that still leaves $365 million of the civil share deficit which is not made up by these user charges.

Mr. OLSEN. I thank the gentleman.

Now, about discrimination—and this is my last question—they express some fear that certificated air carriers can frequently avoid the fee, that is, the $25 base registration fee; that certificated air carriers can frequently avoid the fee by scheduling their aircraft for international service.

Mr. MILLS. No; I would not think so. The tax is based on the proportion of the total flights in and out of the United States. The gentleman from Wisconsin (Mr. BYRNES) may want to comment on this.

Mr. BYRNES of Wisconsin. If the gentleman will yield, it was prorated, the percentage of use in international flights, as against domestic flights, so if they use it entirely overseas yes, they do escape it, but they cannot do it by just one or two flights.

Mr. MILLS. That is right, but even then there is a $3 head tax on international flights beginning in the United States. Moreover, if we imposed the registration tax on our planes used only overseas we would discriminate in favor of foreign airlines.

Mr. OLSEN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the State of Iowa levys a registration fee in lieu of a property tax. Is this the first time that the Federal Government has instituted a registration fee or a registration tax?

Mr. MILLS. No. If the gentleman from Iowa will refresh his recollection, he will recall that we have a registration fee in connection with trucks using highways, and that revenues from that go into the highway trust fund.

Mr. GROSS. I mean with relation to the aviation industry.

Mr. MILLS. To my knowledge this is the first time, except possibly for some small fees.

Mr. GROSS. This is the first time?

Mr. MILLS. As far as I know this is the first time any appreciable fee is imposed on airplanes by the Federal Government.

Mr. GROSS. And you are also increasing the gasoline tax and compounding the situation, so I am told by the Iowa Aeronautics Commission, compounding a pretty serious situation from the standpoint of taxes from the aeronautics industry.

Mr. MILLS. Our committee, as I pointed out in my earlier statement, felt that the best way to get the needed funds for airports and airways was through the users of the system, just like we get moneys from the users of the highway system. This seemed better to us than taking the full amount from the general fund and requiring taxpayers who never use the airways, and never fly, to make the same contribution as the person who does use the airways. We thought it was better to let the users pay their own costs. Yes, it is a heavier burden. The 7-cent gasoline tax is materially heavier than the 2 cents, and the 7-cent tax on jet fuel is a great deal more onerous than the zero cents that now exists.

Mr. GROSS. On all aviation fuel, the tax goes up on all aviation fuels?

Mr. MILLS. Not on that used by the commercial airlines; no. There we have a ticket tax and a freight tax instead. I can give the gentleman a full explanation if he wants it.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I think we should call the gentleman's attention to the fact that this is the first time we put a tax on jet fuel.

Mr. MILLS. It is.

Mr. BYRNES of Wisconsin. And on aviation fuel, as such, a tax on gasoline. But it was by reason of the fact that there was a basic tax on gasoline rather than particularly identified to the air use of gasoline.

This also should be pointed out that this is related to general aviation and general aviation will not pay the ticket or freight tax.

Mr. MILLS. That is right.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, the thing that has annoyed me over the years, and I happen to be one of those people who has been involved in general aviation to an extent—why is it in all of these cases general aviation is socked almost to the limit? The 100 octane gas today almost all over the country is 50 cents a gallon. We have to almost ban them from the major airports, if we land during the busy hours the landing fee is $25.

Now here in this case there is a tremendous increase in taxes which goes up by five points as to the little guy and no points to the commercial guy.

Mr. MILLS. Let me answer the gentleman's question.

The people who fly the commercial airlines are going to pay the cost through a tax on their tickets and those whose freight is hauled by air will pay a tax for the charges on freight. If in addition we applied the fuel tax to the commercial airlines that would mean discrimination against the users of the commercial lines.

Let me tell you what the facts are. The people who are traveling the commercial airlines are going to pay a large part of the total cost. They are going to pay a far greater share of the total cost than is actually, I think, by most authorities, attributable to commercial airlines.

Now as to the general aviation people—what are they going to pay in the way of fuel tax? They are going to pay about $45 million. They will also pay about $13 million in registration fees.

What are the American passengers on the commercial airline going to pay? They are going to pay $507 million on their tickets. There also are the head taxes paid by commercial travelers of $27 million and the cargo taxes of $43 million paid by those whose freight is hauled on commercial planes.

I am talking of the first full fiscal year 1971.

In addition, commercial aircraft pay registration fees amounting to $13 million. The total bill of those using commercial planes is $590 million.

The total bill of general aviation is $59 million.

Mr. SANDMAN. What is the distinction you make as to the tax on the highway user and the airway user, and the buslines, in paying the taxes on gasoline?

Mr. MILLS. If I may answer the gentleman, because the gentleman is trying to find out whether or not we have discriminated against somebody, let me show you how the revenues work out.

If you will look at page 41 at our table there, you will find that general aviation will pay 9.1 percent of the user tax revenue going into the fund.

On the other hand, the commercial air carriers are responsible for collecting and paying, with respect to the passengers, freight and their own registration, 90.9 percent of the total revenues.

I do not know, someone from the Committee on Interstate and Foreign Commerce may be able to tell me; but I understand in some instances there is more use by general aviation of some of our airway facilities than there is by the commercial lines.

Actually, we do not have an accurate measure of the extent to which our airways and our airports are used by general aviation versus the commercial airlines. In fact, the absence of any such specific information led us to ask for a study in this regard, requesting a report back to the committee by March 1, 1972, with an interim report in 1971. However, such information as we do have available suggests that the 91 percent to 9 percent allocation that I have pointed out to you can hardly discriminate against general aviation. For example, the commercial carriers in 1969 were estimated to account for 11 million operations at airports with FAA traffic control services. General aviation, on the other hand, was estimated to account for 44 million operations. Total aircraft using instrument flight rules were 13 million in the case of the commercial carriers and 3 million in the case of general aviation. Both of these standards suggest that a 9 percent to 91 percent ratio does not discriminate against general aviation. Similarly, even though general aviation planes are used much less than commercial planes, the fact that the present fleet is estimated at 124,000 in the case of general aircraft versus something like 2,586 aircraft in the case of commercial planes suggests that, even after due account is taken in the difference in use, the 9 percent to 91 percent ratio is not unjust to general aviation.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I would say to the gentleman I think it would also be added, if we figure in here the contribution that is going to be required to be made by the military, for governmental use, and the General Treasury's contribution, the percentage of the cost paid by general aviation users is about 7 percent of the total.

Mr. MILLS. At this time that is the part we collect—the difference between the general and commercial carriers. The gentleman is right about it being much less. In addition over the years the revenue from the ticket and cargo taxes are expected to rise faster than the fuel taxes with the result that on this ground alone the percentage for general aviation is expected to go down to about 7 percent by 1979.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. CHAPPELL. Taking the example of the commercial traveler who travels 300 hours a year compared to the general services operator who is likewise traveling 300 hours by air a year, is it not true that this bill is going to increase the general services aircraft users several fold as compared to the increase you are making on the commercial traveler?

Mr. MILLS. Because of this very fact, that that man who is flying a general aviation plane, that today uses jet fuel, is not making one solitary penny's contribution to the Federal Government's cost of maintaining airway safety; so it goes from zero to whatever the percent would be under this proposal.

Mr. CHAPPELL. How about the non-jet-fuel user?

Mr. MILLS. It is the difference between 2 cents a gallon and 7 cents a gallon. But my point is that general aviation, even under what we are providing in this bill, probably will not be paying what the Civil Aeronautics Board would allocate to it as the percent of its share of the cost of maintenance of our airway system and our airway safety system and the airports. Am I not right, Mr. PICKLE? I have been told that by the people in the CAB. So I do not think we are discriminating against them. I think most of you ladies and gentlemen know that, as chairman of the Committee on Ways and Means, I have been made the culprit in questions of this type. Nobody likes to pay more taxes. But we have to face the responsibility, representing all the public, in determining whether or not the General Fund of the Treasury ought to be charged with $1.2 to $1.5 billion a year, or whether some of the people who use some of these services ought to have to pay some of that cost. All in the world we are asking general aviation to do is to pay 9.1 percent of $649.4 million collected in 1971. That is all we are asking.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield further?

Mr. MILLS. I yield to the gentleman from Florida.

Mr. CHAPPELL. How does this compare with the passenger miles flown? All of us recognize——

Mr. MILLS. I do not know the details but passenger miles flown is not a good measure since this says that a commercial plane carrying 120 people is the equivalent of 120 general aviation planes each carrying one person.

We thought that in all probability we had not gotten as much as we should from general aviation, and I think those people, in place of protest, ought to be thankful that we did not get from them their full share of the percentage cost of airway operations.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield for one further question?

Mr. MILLS. I yield to the gentleman from Florida.

Mr. CHAPPELL. Let me make clear that I am for the bill. I am simply trying to ask questions that will be helpful to me.

Mr. MILLS. I am not arguing with the gentleman.

Mr. CHAPPELL. My concern is for the small operator who, for example, operates an aircraft that is under 6,000 pounds. If I understand the law, he now pays 4 cents per gallon tax.

Mr. MILLS. With a refund of 2 cents.

Mr. CHAPPELL. But he can get a refund of 2 cents.

Mr. MILLS. This is correct.

Mr. CHAPPELL. Let us lay aside what he can get a refund on. There is an additional tax of 2 cents a gallon, which doubles his tax so far as fuel is concerned. In addition, he will pay an additional $25 increase in his registration fee. In other words, he is going to pay an increased registration fee, plus, for the first time, 2 cents per pound on his aircraft.

Mr. MILLS. Let me say to my friend again that I know some of these people have talked to you as they will probably talk to me, though they might feel I am hardheaded. It has been my experience usually that any time you try to establish a user tax—and we had this question arise, as my good friend from Wisconsin will remember, and we went up one side and down the other in connection with the highway trust fund—those involved will ask, "What is our fair share?" And you will never get any fellow to agree that you have not overcharged him when the Congress itself determines what his fair share will be.

Have you talked to any of your truck operator or members of the Truckers Association as to what they got in the road program? They said we mistreated them, that we charged them more than we charged passenger cars or anybody else, and they put big signs on trucks to emphasize the fact that they and they alone were paying most of the cost of the construction of highways. I am not criticizing, you understand.

But I am just suggesting—and I have been here long enough to know—that I have never seen a situation where any American citizen would agree that Congress had properly fixed his fair share of the cost when we provide user charges. They always have a different opinion from that which we finally develop—and maybe they are right, I do not know.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, in the beginning I did use some figures which called for a fuel tax.

Mr. MILLS. Mr. Chairman, I had the same thought in my mind, if my friend will yield. The more I looked at it and studied it, the more I thought we would be fairer to the differing users of the commercial airlines if in their case we imposed the taxes on the charges for tickets or cargo.

Mr. PICKLE. Mr. Chairman, if I may continue, my purpose in introducing the legislation was to help build a trust fund that would be large enough to do the job that has to be done in this country, and I thought perhaps that would be one way we could do it.

I thought also we had to balance equity between general aviation and the certificated carriers. The Ways and Means Committee came out with a compromise and used the registration fee approach rather than the fuel tax.

Since we looked into it as a committee, I think it would be interesting to note—as it was interesting to me—that the certificated carriers were paying on the user's fee somewhere in the neighborhood of $350 million per year. So we had to admit they were financing all the major airports in the United States, and that $350 million was a pretty sizable sum when we considered they were paying that much in total rental fees. So I thought they were paying a great deal.

The formula reached by the committee of the gentleman from Arkansas does not raise as much money. In this I am disappointed. But we have raised a large sum under the gentleman's bill, and, in view of the fact that they are making a contribution in their area, I, therefore, have agreed not to oppose the tax provision the gentleman's committee came out with, because I thought under all the circumstances they were balanced as much as they could be between the certificated carriers and general aviation, and the certificated carriers were paying a good sizable sum. Under the present arrangement, most of them were losing money,

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and it was difficult to extrapolate more tax out of them, and automatically there would be a raise in rates to be argued before the CAB and our committee.

There were other factors. If they did get a tax on a certificated carrier fuel basis, it would not be as much in the Treasury, because almost half of it would be written off, so that did not provide us as big a revenue on an income basis as we had thought it would. However, we may well reach a point when commercial aviation may have to pay more.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Washington.

Mr. HICKS. Mr. Chairman, I understood commercial aviation is paying $10 to every $1 that is paid by general aviation.

Mr. MILLS. That is about right.

Mr. HICKS. Is that the fuel tax?

Mr. MILLS. That is all of the taxes taken together.

Mr. HICKS. In whatever information was furnished to the gentleman's committee, was it established the general aviation users represent about one-tenth of the use of the services?

Mr. MILLS. No. We believe it is more than that although we asked for a study so this could be accurately determined in the future.

Mr. HICKS. I have been harangued by quite a number of them, Mr. Chairman, and probably as the gentleman said about the trucking industry, they are dissatisfied, but they assured me their puddle jumpers use the small airports and do not get near the large airports, and they are not permitted to land at the large airports if they do get near them, and they are not using these facilities and they are being forced to pay for them.

Mr. MILLS. If the gentleman wants to look at page 37 of the report, he will find there the information we have in those areas.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. McCARTHY. I have the Greater Buffalo International Airport in my district, and I have received quite a bit of mail on this subject. I believe it is a very difficult question.

I should like to compliment the chairman and the committee for coming up with what I believe is basically a fair and equitable proposal. If anything, as the gentleman suggests, it really is quite fair to general aviation. This is what I am telling the people who have written me.

Mr. MILLS. I have just one more thought. This information has been given to me, and I assume it is reliable: There are approximately 750 of these so-called business jets that are in an organization of some sort. The presidents of these companies and the chairmen of the boards of these companies who own these planes sometimes have entirely different views about even the taxing of the planes themselves from the views of the person in the company who is a member of this association. The association goes on record against certain tax approaches, but when the presidents and the chairmen of the boards are asked about it they do not know anything about it, and they say, "We should pay our fair share."

There is a lot of confusion.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. ICHORD. I indicated a while ago I had a personal interest in this measure because it is going to cost me, as well as I can figure out, about $175 a year.

Mr. MILLS. The gentleman is so valuable to his district and is so valuable to this great country that we should have made it $500 in order to better insure his life.

Mr. ICHORD. Let me say to the gentleman from Arkansas, I have never complained about taxes in my life and I intend to vote for this bill. It is not a matter of whether general aviation is paying a certain percentage of the costs; it is a problem as to whether general aviation is getting its proper share of the services.

Mr. MILLS. I agree.

Mr. ICHORD. I seriously doubt whether I will be getting $175 worth of additional services, particularly in view of some of the restrictions that the FAA is imposing upon general aviation aircraft.

Mr. MILLS. Perhaps I had better take the gentleman's individual case up with the Secretary, and tell him to treat him fairly.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. BROYHILL) a Member of the committee.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 14465, a bill to meet the pressing needs of aviation transportation in the United States. The increased demand for aviation services has resulted in tremendous growth in aviation transportation in the last decade. This growth will continue in the 1970's, and the demand for increased aviation services will be met by increasingly sophisticated aircraft. The performance capabilities of these aircraft—both in terms of speed and navigation—will require more sophisticated equipment if controllers are to adequately monitor flight operations and insure the safety of the traveling public.

The great past and projected growth of all segments of aviation has been accompanied by tremendous technological advances. Early next year the 747 will begin carrying 400 passengers at over 600 m.p.h. The SST, which travels at nearly three times the speed of sound, is just over the horizon. In the aviation industry, tomorrow's problems must be solved today. Tomorrow may be too late.

The FAA estimates that the cost of providing for our airway facilities will nearly double in the next 10 years. The total projected expenditures for airport and airway facilities during the next decade are in excess of $14 billion. It is impractical and unfair to assess this cost against the general taxpayer. It is impractical, because the investment required is simply not forthcoming from general revenues. It is unfair, because many of our citizens make little or no use of air transportation.

The expenditures will be made for the convenience of the traveling public—whether the transportation is by commercial air carrier or an individual flies his own airplane. The expenditures are for their benefit and they should bear the cost. Under the highway trust fund, we have already established the precedent in the field of transportation for assessing the public expenditures required against the various users of the transportation system in proportion to their use. In addition to being equitable, this approach has the salutory affect of insuring those who stand to benefit from recommending expansion of Government programs will also be required to pay the taxes necessary to pay for this expansion. Since the users will be paying the costs as well as enjoying the benefits of public expenditures, their natural self-interest will insure that their recommendations to Congress not only take into account aviation needs, but also the costs associated with those needs.

Additionally, when user taxes are imposed to provide the necessary revenues, expenditures that are necessary for the safety and convenience of the traveling public will not be delayed because of other competing claims on the general funds which may be given priority at any given time. Finally, since the tax is being assessed against users, the taxpayers can be assured that their tax contributions will be spent for facilities that will directly benefit them.

If the expenditures to meet our current aviation needs are not made, those who will suffer will be the users of air transportation in this country. However, this does not relieve the committee of the obligation, which it has faithfully discharged, to insure that the taxes it imposes are fair both as respects the users of general aviation and the general public, and as concerns the various users. Since contributions from general revenue will be required to support this program during the next decade, no branch of aviation will be bearing an undue burden. Additionally, the committee's bill instructs the FAA to prepare a comprehensive study that will improve and update the cost accounting criteria on which the various user taxes are predicated. If some shift in the tax is necessary on the basis of future experience, the committee can make the required changes.

In view of this, the committee has carefully worked out a series of taxes to fairly assess the costs against all segments of aviation. The 5-percent ticket tax on commercial air transportation, with which we have had administrative experience, is increased to 8 percent. A 7-cent-per-gallon tax is imposed on aviation fuel used by noncommercial aviation. A new $3 head tax on international flights, and a 5-percent airfreight waybill tax are imposed. Finally, a registration fee of $25 per aircraft and 2½ cents per pound for piston-powered aircraft and 3½ cents per pound for turbine-powered aircraft is imposed.

These taxes insure that all aircraft will be paying a tax for the right to use our national airport and airway facilities. Additionally, they insure that the bulk of the taxes will vary in proportion to the use of these facilities by various members of the aviation community. These taxes also insure that revenue will increase as aviation transportation increases, and as the expenditures necessary to service aviation transportation grow. This objective is accomplished without imposing an undue burden on any segment of our citizens who travel or ship by air.

I want to emphasize that the committee has established a trust fund which will insure that the taxes various users pay can only be spent for airway and airport development. If we are to assess the taxes of our airway and airport system against aviation users, we must keep faith with them by insuring that the revenues raised will be spent for their benefit. The new trust fund, entitled Airport and Airway Trust Fund, established by this bill, meets this need. It is based on the successful experience that we have had in financing our highway needs through the Highway Trust Fund.

Finally, Mr. Chairman, I would like to point out that in addition to meeting our national needs in the air transportation field, this bill corrects a glaring inequity concerning the operation of National Airport in present law that is particularly onerous to the citizens of Virginia. National Airport is owned and operated by the FAA. Although under the Buck Act commercial operations on Federal installations have been subject to State income tax in the same manner as other business operations, this national policy has not been applicable to National Airport. Thus, an individual who purchases a book in the bookstore at National Airport will pay no Virginia sales tax, while an individual who purchases the same book at a bookstore 4 miles away in Shirlington will be subject to the tax. There is no difference between the nature of these commercial operations, both of which are conducted in the State of Virginia, and they should both be subject to the sales tax.

The committee's bill will correct this inequity by subjecting commercial operations at National Airport to the State sales tax on the same basis as operations conducted elsewhere in Virginia. However, there is an exception with respect to taxes on aviation fuels, the servicing of aircraft, takeoff and landing fees, and other charges dealing with aircraft, passengers and freight. The provision also would not apply in the case of leases in existence on September 28, 1969. I am particularly pleased, Mr. Chairman, that the committee's bill includes this provision.

In summary, Mr. Chairman, the rapid pace of technological progress requires that we act on our aviation problems immediately. The committee's bill represents a sound approach to responsibly deal with these problems. If we do not act now, those who will suffer the most will be the various users of aviation services. I urge all my colleagues to join me in supporting this legislation.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we vote on this bill, let us focus on one basic point. We are already in a very critical situation. The amount of money we are spending to develop navigational aids and the amount of money we are spending on landing strips and airports is already deficient. If we go on at the present pace, we are going to have a complete collapse of air transportation in this country as it affects both commercial aviation and general aviation.

The tremendous growth of all segments of aviation, the increased sophistication and improved performance capability of the aircraft flown, and the rapidly accelerating technological progress in the aviation industry require that we act now. This bill represents a practical attempt to meet our airway and airport needs while assessing the costs as fairly as possible against the various users of aviation services.

Technological progress is the salient feature of the American economic landscape. Each day we are simultaneously rewarded with its benefits and confronted with its burdens. Problems requiring a considerable expenditure of time and resources to solve are a concomitant of technological progress. Nowhere is this more evident than in the field of aviation.

It has been said that the Boeing 747—the first of which will be delivered to Pan Am in January—marks the advent of the second "jet age." Carrying from 352 to 498 passengers and flying 625 miles per hour, this 365-ton giant may reduce unit costs sufficiently to accelerate the already growing demand for aviation transportation.

The increased sophistication of large jets traveling at near supersonic speeds—the 727, the 707, and now the 747—increases the problem of traffic control. The closure rates between aircraft require greater separation on the part of radar controllers, and monitoring their progress requires more specialized electronic equipment. The increased performance capability of aircraft equipped to fly in almost any weather requires that the latest electronic surveillance equipment be available to FAA controllers.

Aside from the sophistication of modern aircraft, greater efficiency has dramatically increased utilization. The number of revenue passenger miles flown by scheduled air carriers has tripled in the past 10 years. Current projections indicate that passenger miles flown by air carriers will nearly double in the next 10. General aviation is growing at an even faster rate.

This growth alone—aside from the increased performance capabilities of the aircraft involved—will necessitate substantially higher expenditures for airport and airway facilities during the next decade. The FAA estimates that expenditures to expand and maintain our airway system in the next 10 years will double—from $865 million in fiscal 1969 to $1.7 billion in fiscal 1979. The 10-year projection of expenditures for these purposes totals $14.8 billion. If the demand for continued aviation services is to be provided, consistent with the safety and the convenience of the traveling public, this commitment must be met.

The committee has provided the necessary revenue in the most equitable manner—by assessing the costs of the airport and airway system against the various users in proportion to their use. The extensive costs associated with the growth of aviation should be met by the various segments of aviation for whose benefit these expenditures will be made.

If the problems are to be faced before they become critical, the necessary financing must be provided now. Since large contributions will be required from general revenue during the early years of the program—and indeed throughout the next decade—the various users will not be unfairly burdened. The civil aviation share of deficits to be made up from general revenues will be $400 million in fiscal year 1970, and $375 million in fiscal year 1971. This large general revenue contribution during the first few years of the program will substantially reduce the share of the total costs of our airway and airport systems borne by various segments of aviation.

However, the committee realizes that cost accounting techniques associated with imposing these taxes can be improved, and the committee's bill requires the FAA to conduct a comprehensive study, making an interim report to the Congress by March 1, 1971, and a final report. The new FAA study will enable us to review the taxes we are now imposing and develop any additional refinements in the tax structure that study and experience indicate are necessary.

The specific taxes the committee has developed are designed to insure that all aviation users will make a contribution to our airport and airway systems. The present 5-percent ticket tax imposed on commercial transportation by air is increased under the committee's bill to 8 percent. A new 5-percent tax is imposed on airfreight waybills, and a $3 "head tax" on international commercial flights beginning in the United States. An excise tax of 7 cents per gallon will be imposed on all fuel used by general aviation. Additionally, an annual aircraft registration fee of $25 plus 2 cents a pound for piston-powered aircraft and 3.5 cents a pound for turbine-powered aircraft is imposed. I feel that in addition to the tax on tickets, which is imposed on the passenger and collected by the airlines, a charge should be directly imposed on the commercial airlines. The registration fee imposes such a tax and also improves equity among various segments of general aviation industry. The fee represents a charge for the right of entry into the airway system, complementing the 7-cent-per-gallon fuel tax which assesses the costs in proportion to utilization.

The proceeds from the various user taxes imposed will go into a new trust fund that is created by this bill. This new trust fund—called the airport and airway trust fund—will insure that the taxes paid by the various users can only be expended for the development of airway and airport facilities that will directly benefit them. Over a decade ago—in 1956—we established the highway trust fund, and our experience with this procedure has been salutory. The committee's action in creating the airport and airway trust fund follows this precedent that experience has validated.

However, since considerable general revenue funds will be appropriated to the trust fund during its first 10 years of existence, provision has been made to limit the payment of interest to periods when unexpended balances represent contributions by the various users. When taxes assessed against the various users are not spent for the designated purpose, interest should, and will be, paid to the new trust fund.

The committee's solution is undoubtedly not perfect, Mr. Chairman, but represents our best efforts to deal with the difficult and pressing problems in this area. By following the precedent of the highway trust fund, a method has been established for meeting our airport and airway needs. The necessary financing is assessed against various users on the basis of the most recent data available to the committee. I think that the method recommended by the committee to raise this revenue from those that will benefit from the expenditures is fair. By providing for the continuing development of cost accounting data, the committee will be able to monitor the program to insure that contributions in the future are being assessed against the various users on the basis of the most recent data and in the most equitable manner possible.

Mr. Chairman, the bill responds to a most urgent need that must be met if the convenience and safety of our traveling public is given the priority it deserves. A healthy and growing air transport system in which our citizens place confidence is vital to the continued growth of our economy, to the needs of our citizens, and to our national security objectives. We cannot delay action any longer. This is vital legislation that moves us in the direction of coping with the growing problem of handling our air traffic. I trust the bill will have the unanimous approval of this House.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I understand that this bill imposes a tax of 7 cents a gallon on all general aviation fuel, a tax not paid by the commercial airlines. It further imposes an aircraft registration tax on all airplanes, general as well as commercial. And, that it transfers these two types of taxes and the presently existing taxes on all aircraft tires and tubes to a trust fund, the proceeds of which will be used for overcrowded airports.

As we move toward an important recognition of aviation's needs, I wonder if my colleagues are aware of the fact that the Federal Aviation Administration has proposed new rules, for Washington National Airport and for a long list of other airports, to be effective at a later date, that will severely restrict the use of these airports by general aviation?

Do not we end up with the unfair situation that general aviation will pay taxes to modernize facilities it will be restricted from using?

Mr. Chairman, looking at the list of airports where restrictions are to be imposed, it is obvious that these same airports will receive the lion's share of the tax money of modernization. Therefore, it is apparent that general aviation will pay for, but not benefit from, the modernization.

Mr. Chairman, the record should show the list of the airports for which the general aviation restrictions are proposed.

Chicago, O'Hare; Atlanta; Los Angeles; San Francisco; New York complex: LaGuardia, Kennedy, Newark; Dallas; Boston; Miami; Detroit; Denver.

Philadelphia; Pittsburgh; St. Louis; Cleveland; Minneapolis; Houston; Kansas City; Seattle; New Orleans; Cincinnati; Las Vegas.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the gentleman for yielding. I would like to associate myself with the remarks made earlier by the gentleman from New Jersey (Mr. FRELINGHUYSEN) to point out the degree of unanimity between those of us on the New Jersey delegation with regard to the problem as we see it. We believe that the mandatory language is a total unreasonable delegation of power, and we hope that it will be stricken. The Secretary of Transportation should never be given the absolute power to locate airports in areas where they are not wanted.

Mr. BOW. Mr. Chairman, I cannot support a measure that proposes to place heavy additional taxes upon the owners and operators of general aviation aircraft at a time when the FAA is discriminating against the general aviation aircraft by denying it free and equal access to facilities created by public funds.

I refer to the existing regulations which severely restrict the use of several major airports by general aviation. The FAA has imposed this discriminatory regulation in an effort to overcome congestion. The experience of the past few months demonstrates that this is not the solution to the problem of congestion, yet we are told that FAA has additional discriminatory regulations in preparation in what some members of the aviation fraternity believe is a Government vendetta against the man who flies a small aircraft.

And by small aircraft, I mean not only the one- to three-place aircraft but the entire range of private aircraft up to and including the business jet.

The taxes imposed upon general aviation by this bill are heavy indeed. For example, the registration alone would amount to nearly $40 per year for the owner of a small single engine two-place aircraft. It would go up to nearly $500 for the larger executive jets. Based upon average hours flown per year, the proposed new fuel tax would amount to from $90 per year on the single engine two-place aircraft to more than $10,000 for the business jet. We cannot in good conscience levy this additional burden upon these taxpayers when they are presently denied full use of airport facilities and when we have every reason to believe they would be denied fair access to the new facilities their taxes are supposed to create.

Moreover, I am most hesitant to see the Federal Government usurp a source of revenue that is of great importance to the States. The aviation programs of many States are financed by registration fees on general aviation aircraft and by local fuel taxes. In Ohio, for example, the registration fee is now $3 for each seat in an aircraft up to five seats. This is a modest fee which has provided good support for the aviation program. Ohio has plans to increase it slightly to permit expansion of the program. Ohio will find it difficult to do so if a much larger Federal registration fee is now imposed. In fact, the size of the proposed taxes in this bill indicates to me a definite possibility that the growth of general aviation, which now means 5,600 aircraft in Ohio, will be stunted.

Let me tell you a bit about Ohio's aviation program. In the past 2½ years Ohio has built 65 general aviation airports and when the program is completed a year or so hence there will be one or more in every county in the State. These are modern facilities capable of accommodating the business jet. In fact, 19 of them have become the center of major new industrial parks. The financing for this program has come from a $5 million bond issue plus the small charges I have mentioned. And, I might add, the administration of the entire program has been accomplished by a seven person staff under the director of Norman Crabtree at an administrative cost of under $40,000 per year. The average cost of these airports is about $165,000, and I might mention that we have underway not far from my hometown now an FAA-financed airport that is not as large and not as modern as these State airports, with a shorter runway, under construction for many, many months, at a cost of $485,000.

Is it any wonder that I hesitate to see the Federal Government impose taxes which will deny Ohio the opportunity to go ahead with its progressive new airport development?

Mr. Chairman, it is my very strong feeling that this proposal needs more study. As the AOPA has argued, it needs reconsideration in the light of an overall policy of financing public facilities by user charges. General aviation is being singled out for special treatment in this regard. We should consider these new taxes only in the light of an overall policy of charges for users of other Federal services.

The bill should not be enacted without provision assuring equal access and equal use of all public facilities by all owners and operators of aircraft.

Finally, we should not usurp local sources of revenue to the extent that programs such as I have described in Ohio are inhibited. If the State of Ohio can build more and better airports faster and less expensively than the Government of the United States, the State of Ohio should be encouraged.

I make these statements as one who has supported for 20 years every possible advance in airway and airport facilities. Some of you will recall my efforts in years past in behalf of the construction of Dulles Airport. I think we can and must plan and build for the future. I think we can and must do so without discrimination against, or unreasonable burdens upon, the men and women who fly 124,272 general aviation aircraft and account for the tremendous advance in aviation today.

Mr. CONABLE. Mr. Chairman, I support this bill and urge its passage.

We all know that airport and airway improvements are urgently needed if the Nation's air transportation system is to meet the requirements of the Nation's commerce. This bill embarks us on a significant new financial program—the funding of aviation facilities by the users.

Because the users of the facilities are being required to pay for the program, the special taxes levied will go into a new trust fund—the airport and airway trust fund—so that there is certainty that they will be used to provide the aviation facilities required.

Table 5 of the report shows that in the first full year of this program, the taxes produced will total $652.4 million—including $3 million of excises on aircraft tires and tubes. In 1979 the tax will produce over $1.4 billion if aviation continues to grow as predicted.

Note should be taken of the fact, as the report points out—page 40, last paragraph—that "general aviation is expected to pay $59 million of the total $649 million in air user taxes, or 9.1 percent. Air carriers are expected to pay $590 million, or 90.9 percent."

The Secretary of Transportation is directed to make a study of the cost and use of aviation facilities—particularly the airways system—and report this information to Congress so that it can determine what adjustments may be required to attain an equitable distribution of the tax burden among the various classes of persons using the facilities or otherwise obtaining benefits from them.

This is a particularly important feature of the bill. The average person cannot afford to own a private plane and has to rely on the airlines for this transportation. When 91 percent of the total taxes collected are coming from airline passengers and shippers and the airlines themselves, and only 9 percent from all the other civil aircraft in the United States, there is some reason to believe that the average passenger may be paying a disproportionate share.

In addition, the committee had considerable testimony about the use by military and other Government aircraft of the airways and airspace and their priority, special services and special facilities. This factor needs to be examined more fully and the facts brought back to Congress for more careful evaluation.

Consequently, the study which is to be made by the Secretary of Transportation takes on considerable significance if equity is to be achieved and maintained in the new air user tax program on which we are embarking.

Mr. ROGERS of Florida. Mr. Chairman, during committee consideration of this legislation, I was distressed to learn that our need for en route air traffic control system facilities and equipment is drastically greater than our present operations, but I was more concerned with the failure of the Federal Aviation Administration to request the necessary funds to permit us to close the gap.

For fiscal year 1970, the FAA requested $321,500,000 for facilities and equipment when it submitted its budget to the Department of Transportation. In the budget submission to the Bureau of the Budget, the request for facilities and equipment was $250 million. In the final submission to the Congress, the request was $134 million.

During testimony before the Interstate and Foreign Commerce Committee, the FAA stated that we presently have 84 operating long-range radar in the United States, but we need 112. Yet, no funds were requested for these additional radar.

Moreover, based on the criteria established by the FAA for construction of air traffic control towers, 54 airports in the country qualify for air traffic control towers. Three of them are in my own State of Florida at Fort Lauderdale, Gainesville, and Vero Beach.

Yet, no money was requested for construction of air traffic control towers; in fact, no money has been requested for the past 3 years for tower construction. I do not understand the wisdom in this.

In fact there is no request in the fiscal year 1970 budget for long-range radar, even though we presently need 28 more; there is no request for terminal-area radar, though we need 121 new systems, 42 relocated, and 23 replaced; nor for terminal-area automation, nor for ILS—instrument landing systems—of which we need 811.

The entire $134 million requested in the fiscal year 1970 budget will be used for automation equipment for the en route air traffic control system.

I am not arguing with the need for this automation, but I am concerned that we are not meeting our needs in these other service areas.

Last year, there were an estimated 4,000 near misses reported in the airspace over this Nation.

It is my understanding that the Department of Transportation appropriation bill will be reported to the House next Thursday. I am hopeful that the Appropriations Committee has taken a long, hard look at the need in this area, and that the appropriation measure will attempt to meet this problem.

Mr. HAGAN. Mr. Chairman, I rise in support of H.R. 14465 to improve the Nation's airports and airways system. This legislation is an important step forward in meeting the challenges presented by the jet age and in solving the problems of air congestion and air safety.

H.R. 14465 authorizes the establishment of an airport-airway trust fund financed by user charges. This will allow funds to be earmarked for grants to our Nation's airports, including reliever and general aviation airports.

In order to keep pace with the need for airport expansion during the next decade, we will have to spend at least twice as much per year as we are now spending. This bill recognizes that those who use the airways should carry a greater responsibility in meeting these costs.

Several new taxes are authorized by this legislation that will enable use to meet the aviation needs of the next decade without placing an undue burden on the taxpayers and without going to Congress to request more money to administer the program.

This legislation will also aid the small airports, serving both commercial and general aviation to expand and modernize the facilities where necessary.

We must improve our airway system in the United States to eliminate inconveniences and unsafe conditions across the country resulting from congestion at major airports.

Airplanes are here to stay and as we once began to develop our highways, we now must establish a program to develop our airports and airways.

Mr. HORTON. Mr. Chairman, it is gratifying that the response of the House to the President's request for aviation facilities expansion legislation has come so promptly.

The Aviation Facilities Expansion Act of 1969 is the first step toward the comprehensive air transportation policies our country will need to keep pace with the growth of aviation and citizen needs in the next two decades.

I certainly support the concept of a trust fund for aviation facilities improvements. I do feel, however, that there are several areas where this basically good bill can be improved.

I am in agreement with the amendments that will be offered to establish air pollution standards for aircraft, to provide for funding over a longer period than 1 year for local facility improvements and to provide assistance for airport terminal structures. This is particularly vital if you look at the passenger growth prospects that will be brought on by the jumbo-jets.

There is one further improvement which I would support in this act, Mr. Chairman, but unfortunately, a closed rule has been adopted on the Airport and Airway Revenue Act, which appears as title II of H.R. 14465. I am deeply concerned about the apparent discrimination included in the imposition of aviation fuel taxes on general aviation, but not on commercial carriers. It is true that the passenger ticket taxes imposed, and the per-pound aircraft registration fees will collect substantial revenue from commercial carriers but it is also true that commercial carriers utilize more extensive and expensive aviation facilities than do noncommercial aircraft. In addition, the tax on passenger tickets is passed directly to the air traveler. It does not really increase the operating costs to the carrier. While aviation fuel taxes applied to carriers would at least in part affect the cost of air travel to the passenger, it seems fair to impose the fuel tax equally among all users of aviation fuel on a per-gallon basis.

We do not discriminate between privately owned passenger cars and business-owned cars and trucks in applying the tax on motor fuels. I do not feel this precedent should be set in the aviation field.

Perhaps, if the fuel tax were applied to all users, the rate could be reduced from the 7 cents provided in the committee bill.

Again, Mr. Chairman, I realize that this portion of the legislation is not open to floor amendments. But I do feel it is important to bring these points out during this debate, and I am hopeful that the Senate will give them full consideration.

Overall, I think this legislation is both responsible and necessary. It is none too soon for us to enact a comprehensive aviation facilities expansion and financing program.

Mr. FRASER. Mr. Chairman, the excessive taxes placed on general aviation by this bill are extremely unfair to the nonairline commercial operators, and private aircraft owners who use the airports and airways in their business, in farming or ranching, and for recreation and pleasure flying.

A new registration tax is placed on all of these aircraft and a heavy gas tax is added. As a result these lighter aircraft are paying the bill for complex airway equipment and long broad concrete runways built to heavy jet standards for the benefit of the airlines.

Testimony presented by Frank Kingston Smith, president of the National Aviation Trades Association, points this out clearly. He cited the example of an expensive new airport control tower installed at Trenton, N.J. Here is what Mr. Smith said:

> A typical example can be found in Trenton, New Jersey, a so-called non-hub, air carrier airport, served by one local service carrier—Allegheny Airlines. In Fiscal Year 1968, Allegheny made 1,308 departures and enplaned 6,899 passengers, which works out to approximately 5.5 passengers per flight. The FAA, in the last two years, has constructed a new airport control tower at Trenton Airport. The facilities and equipment costs were in excess of $300,000 and the continuing operation costs are substantial.
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> On the list of 281 airports with control towers, Trenton ranks number 238 with a total of 3,123 "in" and "out" operations in 1968. Trenton ranked number 107 as regards general aviation itinerant operations with 75,898, since there are two very fine fixed base operators on the airport. In addition, there are two very active flight training schools, so there are a great many movements by students doing practice take-offs and landings. Trenton is ranked number 113 on total aircraft operations with 181,882 movements. At Trenton, the airlines are running three or four flights per day and general aviation, which has no need for an expensive control tower, is being told: "you use the tower 84 percent of the time as compared with our 15 percent, and that is how much of that $300,000 tower you should pay for with user charges."
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> This is the crux of our "fair share user tax" problem: the certificated carriers demand that all airports served by them should have control towers and ILS installations (not merely approved instrument approaches, but complete ILS including localizers, glide slope, marker beacons, approach lights and runway lights). Then, as at Trenton, they turn around and tell the Congress and the public that "general aviation is using 70 percent of the facilities and should therefore pay 70 percent of the costs." This is unfair.
>
> The airlines have ordered steak and lobster; general aviation has ordered spaghetti and is getting stuck with the check.

It is very unfortunate that the taxation part of this bill comes to us with a closed rule so that we cannot have a record vote and reduce the excessive taxes on general aviation included in this bill. I trust the other body will make changes that will treat all elements of aviation more fairly.

GENERAL LEAVE

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to do so may extend their remarks in the Record at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CHAPPELL. Mr. Chairman, I agree there is a tremendous need for an upgrading of the airports and facilities of this Nation. H.R. 14465 is a bill which will go far in satisfying that need. I do wish, however, to call to the attention of the Members of the House what I consider to be the tremendous inadequacy of the bill as far as general service aviation is concerned. Since the bill is also a tax measure and no amendments can be offered on the floor, it is on a "take-it-or-leave-it" proposition; therefore, because of the tremendous need for improvements in airport facilities, I intend—reluctantly—to vote for this bill.

Here is what this bill does to general service aviation. There are some 125,000 general service owners and operators throughout this land of ours who contribute tremendously to the progress of aviation. What this bill will do to them is unnecessary and unfair. They all want to pay their part of the bill for providing adequate and safe airports and airway facilities, but let us not heed too much the cry of commercial aviation and too little the needs of the private owner and operator.

Let me point out some of the detriments which this bill will bring to our private aviation users with the hope that the conference committee can be persuaded to render some help, understanding, and relief to them.

Presently, the general service aviation user pays Federal tax on gas at the rate of 4 cents per gallon, 2 cents of which is refundable. Therefore, he actually pays 2 cents tax. H.R. 14465 increases that tax 3½ times to 7 cents per gallon, Mr. Chairman. Presently he pays no registration fee and this bill provides for a registration fee of $25 plus 2 cents per pound for the gross takeoff weight of his aircraft. Now let us see what this means to the small aviation user in dollars and cents, and let us assume an average use of his aircraft at 300 hours per year.

For the small aircraft owner, that is to say the owner of a Piper Cherokee, Cessna 180, Commanchee 250, or a like single-engine aircraft, approximately 4,500 gallons of gasoline are used. He will presently pay on that gasoline some $90 tax, while under this bill he will pay $315 gasoline tax. That is 3½ times the current tax rate, Mr. Chairman. Add to this the new registration fee of $25 plus 2 cents for 3,000 pounds takeoff weight of his aircraft, and he pays $85 registration fee for a total of $400 against $90 under the present law.

Let us assume the small operator today does not pay his full share, should he now be penalized for that or should we try to extract from him a reasonable and fair share? It is obvious this example reflects an increase of four times his present rate. The taxes a user will pay under this bill are, under the suggested increase, unreasonable and unfair, particularly when you extract from him an increase in tax on his gasoline while you exempt the commercial carrier by this bill from tax on the same kind of fuel.

Let us look at the light twin-engine owner and operator. Under like use, his tax will jump from $250 as operators under present law, to better than $750 under H.R. 14465, three times the present charge, Mr. Chairman.

What about the high performance turbo and jet owner and operators? Jet fuel has been free of tax, this bill provides for tax at the rate of 7 cents per gallon. This means high performance turbo and jet owner-operators will have his operating tax jump to an average of approximately $7,500 a year—many, many times what he pays under the present law.

Let us go back, Mr. Chairman, to the small aircraft user. In addition to the tremendous increase in taxes, he is already being hit for ramp fees at the estimated rate of $20 per month or $240 per year, insurance at approximately $30 a month or $360 a year, inspection fees of $125, and increasing maintenance costs at an average of $275 per year.

This brings us to a minimum of $1,000 plus the amortization, that is to say the monthly payments on the purchase of his aircraft. When we add the $1,000 to the $400 total you will understand this bill, when it becomes law, will virtually put many thousands of operators out of business as owners of small aircraft. The small owner and operator and general service aviators are each and all vital to the economy, the Nation, and to the progress of aviation and the private aircraft industry. I hope we will take note, serious note, at what this bill will do to general service aviation from the small to the large.

Again I say, I intend to vote for this bill because I recognize the tremendous need for adequate airports and aviation facilities, but I do hope the conference committee will review some of the things which particularly effect the general service aviation and that the conference committee will insist that at least a part of the registration fees be eliminated and the tax on fuel be increased not from 2 to 7 cents, but rather from 2 to 4 cents or a maximum of 5 cents per gallon.

If we are interested in the small aircraft owners in this Nation, our conference committee will take note of these points.

Mr. GUDE. Mr. Chairman, I am pleased to speak in support of the Airport and Airways Act of 1969. Of particular concern to me has been the proper utilization of the Washington regional airports of National, Dulles, and Friendship, along with assurance of the most efficient general aviation facilities in the Washington area. This legislation will accelerate the development of critically needed air facilities which have not kept pace with the growth of air traffic. It will go a long way toward relief of the problem of air traffic congestion just as President Eisenhower's 1956 Interstate Highway Act replaced the crowded two-lane intercity highways. The dependable and realistic funding of badly needed airway and airport facilities as covered in this legislation will provide for safer airways and will meet the growing aviation needs of the Nation.

No small part is the support this legislation will lend to the development of facilities to serve general aviation. We are not going to deal adequately with air transport problems unless we have a comprehensive approach such as this legislation provides.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time on title II, under the rule, title I of the bill will be read for amendment under the 5-minute rule. No amendments will be in order to title II of the bill except amendments offered by the direction of the Committee on Ways and Means.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AVIATION FACILITIES EXPANSION ACT OF 1969

Part I—Short Title, Etc.

Section 1. Short Title.

This Act may be cited as the "Aviation Facilities Expansion Act of 1969".

Sec. 2. Declaration of Policy.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of civil aviation, the postal service, and the national defense.

That the annual obligational authority during the period January 1, 1970, through June 30, 1979, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), should be no less than $250,000,000.

That the obligational authority during the period January 1, 1970, through June 30, 1979, for airport assistance under this title should be $2,500,000,000.

Sec. 3. National Transportation Policy.

(a) Formulation of Policy.—Within one year after the date of enactment of this title, the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this Act relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) Annual Report.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) to coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this Act relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

Sec. 4. Cost Allocation Study.

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users, and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

Part II—Airport Development

Sec. 11. Definitions.

As used in this part—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Military aircraft" means aircraft owned and operated by the United States Army, the United States Navy, the United States Air Force, the United States Coast Guard, or the United States Marine Corps.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam, or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States, or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangers, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

Sec. 12. National Airport System Plan.

(a) Formulation of Plan.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall follow the national air system guidelines developed as provided in subsection (h) of this section and shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be neecssary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) Consideration of Other Modes of Transportation.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) Federal, State, and Other Agencies.—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with agencies designated by the States pursuant to section 22 of this part; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to ensure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) Cooperation With Federal Communications Commission.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) Consultation With Department of Defense.—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) Consultation Concerning Environmental Changes.—In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Secretary of Agriculture. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Secretary of Agriculture, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) Cooperation With the Federal Power Commission.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) National Air System Guidelines Commission.—

(1) There is hereby established a National Air System Guidelines Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning. Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum.

(2) It shall be the duty of the Commission—

(A) to formulate guidelines for the national airport system plan described in subsection (a) of this section and for surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission may receive compensation at the rate of $100 for each day such member is engaged in the work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(4) (A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1971, a final report containing the guidelines formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this subsection.

Sec. 13. Planning Grants.

(a) Authorization To Make Grants.—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) Amount and Apportionment of Grants.—The award of grants under subsection (a) of this section is subject to the following limitations—

(1) The total funds obligated for grants under this section may not exceed $50,000,000 and the amount obligated in any one fiscal year may not exceed $10,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 10 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) Regulations, Coordination with Secretary of Housing and Urban Development.—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

Sec. 14. General Authority for Federal-Aid Airport Program.

In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized, within the limits established in appropriation acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not to exceed the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, $150,000,000 for fiscal year 1970, $180,000,000 for fiscal year 1971, and $240,000,000 for fiscal year 1972.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $25,000,000 for each of the fiscal years 1970, 1971, and 1972.

Sec. 15. Distribution of Funds, State Apportionment.

(a) Apportionment of Funds.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragrah (1) of section 14 of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) For fiscal year 1970, $48,500,000, for fiscal year 1971, $58,200,000, and for fiscal year 1972, $77,600,000 for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) For fiscal year 1970, $1,500,000, for fiscal year 1971, $1,800,000, and for fiscal year 1972, $2,400,000 for Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(C) For fiscal year 1970, $50,000,000, for fiscal year 1971, $60,000,000, and for fiscal year 1972, $80,000,000 to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(D) For fiscal year 1970, $50,000,000, for fiscal year 1971, $60,000,000, and for fiscal year 1972, $80,000,000 to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14 of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) $18,375,000 for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) $375,000 for Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(C) $6,250,000 to be distributed at the discretion of the Secretary.

(3) If, in any fiscal year, the amounts available for apportionment are less than the amounts stated in paragraphs (1) and (2) of this subsection, the amounts available shall be apportioned in accordance with the ratios indicated in paragraphs (1) and (2) for that fiscal year.

(4) Each amount apportioned to a State under paragraph (1)(A) or (2)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to an airport sponsor under paragraph (1)(C) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Thereafter, any portion of the amounts remaining unobligated shall be redistributed as provided in subsection (c) of this section.

(5) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be annually compiled by the Civil Aeronautics Board.

(b) DISCRETIONARY FUND.—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan, regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) or by redistribution pursuant to subsection (c) of this section, may be used only in accordance with the purposes for which originally appropriated.

(c) REDISTRIBUTION OF FUNDS.—Any amount apportioned for airport development projects in a State pursuant to paragraph (1)(A) or (2)(A) of subsection (a) of this section which has not been obligated by grant agreement at the expiration of the two fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section. Any amount apportioned to an airport sponsor under paragraph (1)(C) of subsection (a) of this section which has not been obligated by grant agreement at the expiration of the three fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

(d) NOTICE OF APPORTIONMENT, DEFINITION OF TERMS.—Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SEC. 16. SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT.

(a) SUBMISSION.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) PUBLIC AGENCIES WHOSE POWERS ARE LIMITED BY STATE LAW.—Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) APPROVAL.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met. No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is hereby declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, The Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that such project may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) HEARINGS.—

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) AIRPORT SITE SELECTION.—

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. If, within three years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities concerned of the selection of a site for the additional airport, he shall, after notice and opportunity for a hearing, select a site for such additionl airport with respect to which the Secretary will accept project applications under this part for the construc-

tion of such additional airport. Unless the Secretary, after notice and opportunity for hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this part for the construction of an additional airport in such area. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

SEC. 17. UNITED STATES SHARE OF PROJECT COSTS.

(a) GENERAL PROVISION.—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) PROJECTS IN PUBLIC LAND STATES.—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentage thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

(c) PROJECTS IN THE VIRGIN ISLANDS.—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) LANDING AIDS.—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 90 per centum of the allowable costs thereof.

SEC. 18. PROJECT SPONSORSHIP.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurance in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the Unitd States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by military aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

SEC. 19. GRANT AGREEMENTS.

Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

SEC. 20. PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1964;

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) COSTS NOT ALLOWED.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

SEC. 21. PAYMENTS UNDER GRANT AGREEMENTS.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times, and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

Sec. 22. State Agencies.

(a) Authorization To Make Grants.—In accordance with such terms and conditions as he may prescribe, the Secretary may make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions contained in subsection (b) of this section and in paying necessary administrative expenses incidental thereto.

(b) Functions of Agencies.—A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

(1) act as the agent of sponsors located in the State;

(2) accept in behalf of the sponsors and disburse to them all payments made pursuant to agreements under section 19 of this part;

(3) acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

(4) engage in airport systems planning on a statewide basis; and

(5) undertake airport development, or provide financial assistance to public agencies within the State for carrying it out.

(c) Amount of Grants.—The total funds obligated for grants under this section may not exceed $25,000,000, and the amount obligated in any one fiscal year may not exceed $5,000,000.

(d) Apportionment of Funds.—The funds made available each fiscal year for the purposes of making grants under this section shall be apportioned among the States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States. No more than $80,000 of the funds made available to any one State in any fiscal year may be used for administrative expenses. Any amount apportioned to a State which is not obligated by grant agreement at the expiration of the fiscal year for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of section 15 of this part, and be available for use for the purposes stated in paragraph (1) of section 14 of this part.

(e) Definition of Terms.—As used in this section, "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. For the purposes of this section, the terms "population" and "area" shall have the definitions given to such terms by section 15 of this part.

Sec. 23. Performance of Construction Work.

(a) Regulations.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) Minimum Rates of Wages.—All contracts in excess of $2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) Other Provisions as to Labor.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

Sec. 24. Use of Government-Owned Lands.

(a) Requests for Use.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) Making of Conveyances.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) Exemption of Certain Lands.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

Sec. 25. Reports to Congress.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

Sec. 26. False Statements.

Any officer, agent, or employee of the United States or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

Sec. 27. Access to Records.

(a) Recordkeeping Requirements.—Each recipient of a grant under this part shall keep records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) Audit and Examination.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to grants received under this part.

(c) Audit Reports.—In any case in which an independent audit is made of the accounts of a recipient of a grant under this Act relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) Withholding Information.—Nothing in this section shall authorize the withholding of information by the Secretary or the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

Sec. 28. General Powers.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this part.

PART III—MISCELLANEOUS

SEC. 51. AMENDMENTS TO FEDERAL AVIATION ACT OF 1958.

(a) (1) PROCUREMENT PROCEDURES.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"NEGOTIATION OF PURCHASES AND CONTRACTS

"(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "SEC. 303. ADMINISTRATION OF THE AGENCY." is amended by adding at the end thereof "(e) Negotiation of purchases and contracts.".

(b) (1) AIRPORT CERTIFICATION.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

"AIRPORT OPERATING CERTIFICATES

"POWER TO ISSUE

"SEC. 612. (a) The Administrator is empowered to issue airport operating certificates to airports, serving air carriers and to establish minimum safety standards for the operation of such airports.

"ISSUANCE

"(b) Any person desiring to operate an airport serving air carriers may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title VI—Safety Regulation of Civil Aeronautics" is amended by adding at the end thereof the following:

"Sec. 612. Airport operating certificates.
"(a) Power to issue.
"(b) Issuance."

(3) PROHIBITIONS.—Section 610(a) of such Act (49 U.S.C. 1430(a)), relating to prohibitions, is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers without an airport operating certificate, or in violation of the terms of any such certificate."

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

SEC. 52. REPEAL; SAVING PROVISIONS; AND SEPARABILITY.

(a) REPEAL.—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

(b) SAVING PROVISIONS.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(c) SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL: On page 26, line 10, insert the new subsection (f) after subsection (e) ("AIRPORT SITE SELECTION"), as follows:

"(f) (1) FOURTH NEW YORK JEJPORT.—The Secretary is hereby authorized and directed to construct, protect, operate, improve and maintain within or in the vicinity of New York City, a public airport (including all buildings and other structures necessary or desirable therefor).

"(2) For the purpose of carrying out this subsection, the Secretary is authorized to acquire by purchase, lease, condemnation or otherwise (including transfer with or without compensation from federal agencies, or any state or political subdivision thereof,) such lands and interest in lands and appurtenances thereto, including navigation easements or airspace rights, as may be necessary or desirable for the construction, maintenance, improvement, operation and protection of the airport.

"(3) The choice of site by the Secretary under this subsection shall be made only after consultation with the governing body in the county in which the airport is to be located, with respect to the suitability of the site to be selected, and its possible impact on the vicinity."

Mr. ROSENTHAL. Mr. Chairman, the aviation problems at New York are not New York's alone. They are national problems, both in their immediate effects on delays in other areas and in their imminent parallels at airports serving all of America's large cities.

The crisis in New York was both inherently predictable and actually forecast by legions of aviation experts for the past 10 years. One of the essential solutions to this crisis—the development of a fourth jetport—has been known to everyone concerned with metropolitan area problems. Yet, because there is no single governmental agency or official endowed with the effective power to select a site for this fourth jetport, we are no closer to it today than we were 10 years ago. This discouraging history of our intergovernmental relations is characterized not only by structural deficiencies but by public officials who react to problems only under pressure—and even at that stage are incapable of devising imaginative solutions.

The failure of our Government to maintain safe and efficient airways can be described by a few basic facts:

First. Agencies—at the Federal, regional, State, and local levels—with intersecting areas of responsibility for the operation of an airways system are reluctant to assume authority for shared tasks.

Second. The governmental agencies nominally charged with the responsibility of insuring air safety and a well-regulated flow of air traffic have been too concerned with insuring the growth of aviation.

Third. Everyone agrees that massive sums of money must be spent on developing new air traffic control systems and constructing and improving airports, but no group is willing to provide the funds.

Fourth. The specific interests that oppose jetports in particular areas are always more powerful than the general interests that thinks delays and inconvenience are a bad thing.

Fifth. A crisis situation is too often the only impetus for Government action. It has taken a series of midair collisions—with the threat of many more—and annoying, disruptive, and ultimately hazardous traffic delays to show us the seriousness of the situation which now makes immediate action imperative.

The inert and divisive structure of government must be replaced by a vigorous reorganization plan to reduce New York's air traffic to a manageable volume. Increases in that volume should be limited by strict controls until more sophisticated air traffic control equipment is developed and additional airports are constructed.

In the critical area of air safety, the principle of shared responsibility among government units has not worked. We have hidden the problem by needlessly dividing responsibility for its solution. Intersecting responsibilities in planning and financing have bred slack rather than initiative and foresight at all government levels.

Since no one unit of government has sole responsibility for maintaining the operational capacity of the airways; no unit has been willing to commit itself to costly programs that embroil it in bitter controversies with the airlines, general aviation, and other governmental agencies. Instead, each agency has been confident that other agencies charged with similar tasks were taking the necessary measures to keep pace with increasing air traffic. For example, the Federal Government is responsible for maintaining a safe and efficient air navigation system, but local government is authorized to build and operate airports. Yet obviously the two tasks are inextricably involved in the air congestion problem.

Although a czarlike "super" Federal agency could not possibly handle all of the problems posed by air traffic growth at specific airports, a new governmental approach is necessary to replace the present outmoded formula for allocating authority among Government agencies which are expected to but cannot direct their common efforts toward a smoothly functioning airways system.

A "no man's land" in governmental authority exists between these specific responsibilities—it is this no man's land that has allowed both a stalemate in the construction of a fourth jetport in the New York City area, and the continued uncontrolled growth of air traffic to and over the metropolitan area.

My amendment fills this gap in governmental authority. It authorizes the Federal Government to select a site, build and operate a fourth jetport in the New York area. The operation of two Federal airports in the capital area shows that under extraordinary circumstances, the Federal Government can and should operate a national airport.

The fourth New York jetport will be that kind of national airport. The international air transportation center that has developed in New York is a national, and not a State or regional, asset. Its future development—which is severely threatened today by the impasse on a fourth jetport site—is a national problem.

Ten years ago it was agreed that New York needed a fourth jetport. The Port of New York Authority, charged by bi-State compact with site selection, cannot do this job. For since site selection requires approval of both New York and New Jersey, each State has a veto over the site selection.

Four years ago the Governor of New Jersey, which contains several possible sites for the fourth jetport, made a campaign pledge that a jetport would not be built in northern New Jersey as long as he was Governor. He was reelected in that campaign.

Just this week, his successor was elected. Governor-elect CAHILL made a similar pledge in his campaign. Shall the question of the fourth New York jetport await the election of two Governors who can agree on a site? Surely this situation represents a breakdown in governmental operations which Congress cannot ignore.

My amendment will break that deadlock by requiring the Federal Government to select a site and build and operate the fourth New York jetport. It will ease the life of the two Governors and provide for the orderly growth and development of the country's major national and international transportation center.

The Governor elect of New Jersey is in the same political situation as his predecessor was. In his campaign he is opposed to building a fourth jet airport and, of course, it cannot be built.

My friend the gentleman from New Jersey (Mr. FRELINGHUYSEN) said it should not be in his district—but in south New Jersey or somewhere else. I have no special feeling as to where it should be built. I do know that the aviation authorities have built a circle around New York City and they have found the only place they can build an airport, consistent with the existing traffic pattern, is in the northern quadrant of the circle, which would be in the north central portion of Nev' Jersey.

While the people residing in that area might find the new facility objectionable nevertheless it must be built. If we do not proceed at once there will be a serious interference with air commerce in the New York-New Jersey area. Additionally, the airport neighbors near LaGuardia and Kennedy Airports will have to suffer more than their fair share of inconvenience from noise and pollution.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. ADDABBO. Mr. Chairman, I commend my colleague on introducing this amendment and I associate myself with him.

Every survey and every report shows that there is a serious crisis throughout the country right now about the need for additional airports and especially in New York. Every survey shows that once a site is selected, it would take at least 5 years to develop that airport. We have waited too long in New York, and with the new report showing the innumerable number of near collisions, we must get a site selected and I think this is the only way we can do it.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. Considering what transpired earlier, I am tempted to say "no," but nevertheless I say "yes"—I yield to the gentleman.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I want to correct the gentleman's statement when he said that I had said an airport should not be in my district but somewhere else in the State. I made no such statement. I said that it could not be in a wilderness area in my district because this bill protects the wilderness. Nor did I pass any judgment as to where it should be.

My question is: Does the gentleman think there is any place in the State of New York where a location might be found? And if that is the case, why has New York been stalling for 10 years?

I think the answer is obvious—that there is no easy place for the location of a fourth airport. But if New Yorkers feel that it is essential, why do not they find one in their own State?

Mr. STAGGERS. Mr. Chairman, I should like to see if we can agree on a time limitation. I would like to ask the author of the amendment if 10 minutes would be sufficient time to debate the amendment which he has offered.

Mr. Chairman, I ask unanimous consent that debate on the amendment be limited to 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. FRELINGHUYSEN. I object. I think in view of the number of Members standing, 10 minutes is too short a time.

Mr. STAGGERS. May I suggest a limitation of 20 minutes?

Mr. SPRINGER. I think the last 5 minutes should be reserved to the chairman.

Mr. STAGGERS. I would not insist on that at all. I can say what I have to say in whatever time other Members have.

Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

(By unanimous consent Mr. HUNT and Mr. THOMPSON of Georgia yielded their time to Mr. SPRINGER.)

Mr. SPRINGER. Mr. Chairman, let me explain what this amendment does. I would not want to call this a Christmas tree, but I would say it is the closest thing to a Christmas tree that I know of. The amendment would order the Department of Transportation to construct an airport up in the New York area someplace and pay for it 100 percent. All in the world a community can get under this bill, the maximum anyone can get, is 50 percent. The proposal would violate all the principles that we have laid down in this bill that the Federal Government provides 50 percent, and the local community raises 50 percent, whatever their share is, which in this case would not be possible.

In this case the New York Port Authority, which has jurisdiction in the New York-New Jersey area under their compact, would be able to get an airport built for them 100 percent and, under the language as I read the amendment, it would order the Department of Transportation to do this and pay for it 100 percent.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. ADDABBO. Is it not a fact that the Government built the Dulles International Airport, which is costing the taxpayers money, and we have proved that an airport in New York makes money, so the Government would not be losing anything by constructing the airport?

Mr. SPRINGER. There is no similarity between the Dulles Airport with the construction of an airport for another community. Dulles Airport was constructed for the National Government in Washington; National Airport is in the same category. But we ought not to construct an airport in a community and pay for it 100 percent.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from New York.

Mr. ROSENTHAL. This airport would be a bonanza for the Federal Government because the other two airports in our area, LaGuardia and Kennedy Airports, make a great deal of money. So if the Government invests its money and gets a substantial return on it, I think that the proposal provides a satisfactory solution to a very difficult problem.

Mr. SPRINGER. Certainly under the terms of this bill I would not support anything which would give any community more than 50 percent. We have to treat all communities the same under this bill. There are other airports in the country that make money too, but none of them are coming in and asking for 100 percent support for the airport.

Mr. ROSENTHAL. But the gentleman knows quite well many airports have not had this problem with the local authorities and their inability to fix a site. The gentleman knows about the problems involving the choice of an airport between Fort Worth and Dallas.

Mr. SPRINGER. That is not the point. This directs them to build an airport and fund it 100 percent, which is certainly treating the New York area more favorably than the rest of the country, which can get only 50 percent. So regardless of the merits or demerits of the remainder of the amendment, certainly I oppose any proposal which gives any community, 100 percent on payment for its airport.

Mr. ROSENTHAL. But the crisis we face in New York does not exist anywhere else.

Mr. SPRINGER. I can name a half dozen places where the crisis exists and we can argue whether one is worse than another. Certainly we have a crisis in Los Angeles, and certainly we have another crisis in the area of Chicago, at O'Hare, which is the biggest airport in the world. That is two. Certainly we have a crisis in Miami, Fla. at the present time, where they have been unable to get a second airport, and that has been going on for a year now. That is three I can name.

Mr. ROSENTHAL. This problem has been going on for 10 years. The gentleman is in agreement a fourth jet airport is necessary in the New York area?

Mr. SPRINGER. That probably is true. It is my understanding that not even New Jersey is finding fault with that. It is my understanding that both candidates for Governor of New Jersey thought there should be a fourth jet airport, but they were not sure where it ought to be located. This is my understanding of what they were talking about there, but as far as I know, everybody, generally speaking, believes there is need for another jet airport in the New York area. I would agree with the gentleman to that extent.

Mr. ROSENTHAL. But there is no way to pick a site other than for the Federal Government to use its powers of eminent domain.

Mr. SPRINGER. But the gentleman has the first part of his amendment in his bill under the Murphy amendment. The gentleman is adding 100-percent payment on top of that, and I do not believe we can support it.

Mr. ROSENTHAL. But the gentleman from New York (Mr. MURPHY) does not meet this problem in his amendment.

Mr. SPRINGER. I believe the gentleman from New York (Mr. MURPHY) when he went about it got about the best amendment he could in the committee. In his amendment he did the best he could under the circumstances for the people he was representing.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I want to ask the author of the amendment if he will be willing to accept an amendment to include, in addition to New York City, the Dallas-Fort Worth area, and Nacogdoches, Waxahachie, and Dime Box, Tex.?

Mr. ROSENTHAL. Certainly, I would. I know the problems they have had in picking a site between Dallas and Fort Worth and the problems with Love Field there, and its inadequacy. The point I was trying to make is that nowhere in the country is the problem as acute as it is in the New York area.

Mr. PICKLE. I understand what the gentleman is trying to achieve. The city of Atlanta, Ga., is trying to get a new site in Atlanta. Would the gentleman accept an amendment for Atlanta?

Mr. ROSENTHAL. I would. Wherever the local authorities cannot resolve the difficulty, and it reaches the proportions it has in New York, then the matter warrants national intervention.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. I did not know the people in New York were having so much trouble getting along. Perhaps this is the answer to their Tuesday election, when they elected the mayor up there.

Mr. PICKLE. Would the gentleman accept an amendment, say, for New Orleans, La.?

Mr. ROSENTHAL. In any community where they cannot resolve a problem which has national implications I believe it would fit with this amendment. We do not have to specifically say so.

Mr. PICKLE. Mr. Chairman, how much time do I have left? I cannot yield to the gentleman from Illinois (Mr. YATES) because normally, he would take longer than any time I have remaining.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I hope the absurdity of this amendment has already become apparent. This proposal would put the Federal Government into the airport business with a vengeance.

I would suggest that we should certainly oppose this amendment if we have reservations, and many of us have strong reservations, about the desirability of the Federal Government participating in the selection of a site 3 years from now if a decision cannot be reached by the governing authorities. This proposal would simply bypass any responsibility by any local government agency and hand over to Washington a decision that should be made within the New Jersey-New York area.

The fact that we have taken 10 years and have not reached a decision is no reason to abdicate our responsibility. If I were to point a finger I would point a finger at the Port of New York Authority. They are the entity which operates successful airports in the area. If they had their wits about them they would be able to come up with a reasonable recommendation. We certainly should not dump such far-reaching responsibility on the Federal Government.

There is so much in this proposal that would be undesirable. There would be no role for any community, no matter how big, and there would be no role for the State except that they would be consulted by the Secretary. What kind of abdication of responsibility would this represent? And what kind of financial burden would this mean to be transferred to the Federal Government?

I hope we can dispose of this amendment promptly and get down to more serious business.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to this amendment. I believe it would be a great error for the Committee to adopt this amendment.

The Interstate and Foreign Commerce Committee has gone over this situation. We would not want the Federal Government coming in to select a site and to build at a cost of 100 percent to the Federal Government. This would completely destroy the whole program we have been trying to develop over the years. It is a complete antithesis to the intent of the legislation.

I hope the amendment will be overwhelmingly rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I object to this amendment for many reasons.

The basic reason is it does what everybody says we do not want to do; it invades home rule, takes it away from the municipality and then the State, and brings it down here to let a bunch of people downtown handle a situation which ought to be handled back home. This in essence makes the whole idea wrong.

I want to tell my friend from New York that this does not do what he wants it to. I direct his attention to that enabling act which created the Port of New York Authority. There is not a blessed thing the Port of New York Authority can do unless the governors of both States want them to do it. It is that simple.

The Governor-elect of New Jersey is committed to veto the minutes of the New York Port Authority if it endeavors to locate a jetport anywhere in the State of New Jersey.

This being the case, what earthly good can this amendment mean to the State of New York? It cannot happen. It would have no legal effect whatever. The compact is the governing authority.

No act of this Congress can change the original agreement between the two States. It stands as it was originally intended, and it cannot be violated.

The basic thing that is wrong with this whole idea is this: If we are going to decide where we are going to put a jetport, that can best be done by the people who live in that particular area.

Of course we have had a great deal of difficulty establishing a location. New York has had the same difficulty. This is not just a problem for New Jersey. New York is many times the size of New Jersey. If we have to have one, why do they not put it in the State of New York? They have not been able to agree themselves.

Second, I happen to be one of those people who feel there is something that can be done. We can live without a jetport in that area. Why can we not reroute some of these planes to Philadelphia? Philadelphia is only 15 percent of capacity. Why not fill up the other 85 percent at Philadelphia National? That is something we should be working on.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS) to close debate.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, because we have had no hearings at all on this proposition and it would be very unfair to have such a major addition to the bill at this time.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Chairman, on page 26, line 4, it states:

> In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community.

You know, the Bureau of the Budget established SMSA, which stands for standard metropolitan statistical area, for every metropolitan area in this country. If any county is a part of an SMSA, would it be considered a part of a metropolitan area?

Mr. STAGGERS. It would have to be. Yes. And the intent of this bill is that this would not apply to this situation.

Mr. WILLIAMS. I thank the gentleman.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am glad to yield to the gentleman.

Mr. CABELL. I wish to thank the gentleman for yielding to me.

I rise to clarify the situation that was mentioned concerning Forth Worth and Dallas. It so happens that during my term as mayor of Dallas an agreement was reached on forming a bicity metropolitan airport authority. The authority has been formed. They have purchased a total of 18,000 acres to date, and all we are waiting on now is for the repeal of the tax-free rate on municipal bonds to be vacated so that we can sell our $350 million of bonds and go to work.

Mr. STAGGERS. Mr. Chairman, in conclusion, on this amendment I recognize the intent of the gentleman from New York, of course, to supply an airport there and his zealousness in trying to achieve his goal. As chairman of the committee, I have to oppose the amendment, because, as I said before, we have had no hearings on a proposition such as this and it is a major diversion from what is in the bill.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I am sure that my friends from New York are very kind. They are all heart. They want this. I want to see it financed the way they suggest, but I would like to see it confined exclusively to New York, because we do not want it in New Jersey and particularly not Solberg, where it would end up in Hunterdon County in my district. If it were a possibility of getting it somewhere in south Jersey, in the pinelands or at the Maguire Air Force Base, which is using only 40 percent of its capacity, that is fine. I am reluctant to object to my good, kindhearted friends only on the ground that they are not going to get this airport if this amendment is adopted. We are going to get it, and we are unanimous in our determination that we do not want it. We thank you, however, for your kindness and solicitude and wish you luck. You can have the airport at any time for New York. This amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROSENTHAL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FRELINGHUYSEN: Page 25, beginning in line 10, strike out "If, within three years" and all that follows down through the period in line 22 and insert in lieu thereof the following: "In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph."

Mr. HUNT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-three Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 263]

Anderson, Tenn.
Baring
Bell, Calif.
Berry
Betts
Blanton
Boggs
Boland
Bolling
Bray
Brock
Brotzman
Brown, Calif.
Brown, Ohio
Byrne, Pa.
Cahill
Camp
Celler
Chisholm
Clark
Clay
Colmer
Cramer
Culver
Daddario
Dawson
de la Garza
Denney
Derwinski
Diggs
Erlenborn
Fascell
Flynt
Ford, William D.
Foreman
Fulton, Tenn.
Gettys
Giaimo
Goldwater
Hagan
Hall
Hansen, Idaho
Hawkins
Hébert
Horton
Jarman
Jones, Tenn.
Kirwan
Landrum
Lloyd
Long, La.
Lukens
McClory
McCloskey
McMillan
Mahon
Meeds
Monagan
Morton
Mosher
Passman
Patman
Philbin
Pirnie
Powell
Pucinski
Railsback
Reid, N.Y.
Reifel
Rhodes
Schneebeli
Steiger, Ariz.
Steiger, Wis.
Symington
Teague, Calif.
Teague, Tex.
Tunney
Ullman
Utt
Waldie
Whalley
Wiggins
Wilson, Bob
Wyatt
Young

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14465, and finding itself without a quorum, he had directed the roll to be called, when 346 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN) in support of his amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, immediately prior to the quorum call I offered an amendment which would strike the language on page 25, beginning in line 10 and running through the period on line 22, from the bill. I also propose to substitute very simple language for the language deleted. Let me read the language which I propose as a substitute for the language in the bill.

> In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.

During general debate, Mr. Chairman, I pointed out that the entire delegation from the State of New Jersey has extreme reservations about the language in the bill which transfers the basic responsibility for the selection of a site from those who should have that responsibility to the Secretary of Transportation. The language reads that if there is a deadlock for a 3-year period, the Secretary shall, after notice and opportunity for a hearing, select an airport site.

It is our feeling that this is unrealistic, impractical, and most unwise. I might say that I am joined in that conviction by the next Governor of the State of New Jersey, our colleague, Mr. CAHILL. He is on his way down here. He has been delayed in Trenton because he has been conferring with our outgoing Governor.

He hopes to participate in the discussion of this provision, and will urge that the language in the bill be stricken.

Mr. Chairman, we recognize the advisability of a decision as to whether or not another airport in the New Jersey-New York metropolitan area should be constructed, and we realize also that the decision should be made with reasonable promptness. However, if there should be delay, the responsibility should not be given to a single individual here in Washington who could then proceed to reach a decision that might be in direct opposition to the views both of the Governor, the legislature, and the communities affected.

The importance of getting some degree of understanding and support from those affected is recognized in the bill itself. I refer to the language on page 26, beginning on line 4, which says in effect that any new airport in a nonmetropolitan area cannot be approved—cannot be approved—by the Secretary unless there is approval by the communities to be affected. This is a good idea. But we also say that in a metropolitan area with hundreds of thousands of people affected, you should not—and could not as a practical matter—get the Federal Government to impose a decision upon a State that does not want it.

So, Mr. Chairman, we may go along with the idea that there should be a reasonably prompt decision and recognize the reason for some needling of those for failure to come to a reasonably prompt decision. However, it would be futile to have this kind of language incorporated. It automatically, I assume, would be a dead letter.

But, Mr. Chairman, there is a role that the Secretary of the Department of Transportation could play and one I hope he will play from the very outset. That is, he could use persuasion and his influence to expedite a decision.

Very simply, the proposal that I am offering in this amendment, which I repeat, receives the support of the entire New Jersey delegation, would provide that the Secretary should facilitate the selection of the site. He should do whatever he can but not interfere with the basic responsibility or transfer basic responsibility away from the governing authorities which have that responsibility.

So, Mr. Chairman, I do not think we need to belabor the point. I would like to have seen agreement on the part of the committee or the committee members as a whole on this point.

Mr. Chairman, whatever the merits of a fourth jet airport in the New Jersey-New York area, or in other parts of the country, it is no solution to say it will no longer be a responsibility of the locality where the airport is to be located, but that it is the responsibility, after a 3-year period, of the Federal Government alone. There is no way by which you could reach a satisfactory conclusion if you should pursue that route.

It is for that reason that I urge support of this language.

Mr. CAHILL. Mr. Chairman, I wish to express my very strong opposition to the so-called Murphy amendment and to state at this time my support for the Frelinghuysen substitute amendment. I believe it is a serious error for this legislative body to consider an amendment which would attempt to impose a new global jetport upon the State of New Jersey—a jetport which the State does not need, and which its citizens certainly do not want.

I have already reviewed many times before in the House the factors which, in my judgment, dictate the need for New Jersey and other States to restructure their transportation priorities in favor of mass transportation and toward a solution of the many inefficiencies which plague our national air transportation system. I have in the past pointed out that the aircraft load factor or percentage of effective use of air carriers projected for 1969 is 50 percent. This means that, on average, all U.S. domestic flights in 1969 involve half empty planes.

I have pointed out that under present inadequate flight scheduling processes, over two-thirds of all U.S.-flag carrier transatlantic schedules originate, terminate, and operate via New York despite the fact that an overwhelming percentage of this traffic originates west of the Empire State Building. Thus, of the 1,063 flights a week to Europe, there are 664 departures from New York, while only 59 originate or call at Boston and 31 at Philadelphia. I have called for greater emphasis and use of the STOL—short for take off and landing aircraft. I have called for construction and expansion of small airports assisted by Federal and State grants in aid.

The extent to which some of the problems I have discussed, including load factors and inadequate scheduling, contribute to regional air congestion, becomes even more evident when it is recalled that 60 percent of international passengers are from other areas of the country and therefore must take connecting flights to the New York-New Jersey staging area.

These are some of the problems which in conjunction with my emphasis on mass transportation must be tackled by New Jersey and other States similarly situated before undertaking the commitment for the construction of new global jetports.

I introduced legislation last spring directed at the solution of some of these problems. My plan and proposals for new transportation priorities have been supported in two recent major studies: First, 15-month study by the Rand Corp. for the Port of New York Authority and, second, a recently completed study by the New Jersey Regional Planning Association.

Mr. Chairman, as the new chief executive of the State of New Jersey I call upon all Members of the Congress, and in particular, upon my New Jersey colleagues, to unit behind the Frelinghuysen substitute amendment and to defeat the Murphy amendment.

Mr. STAGGERS. Mr. Chairman, I rise to see if we can obtain some indication as to a time limitation on this amendment. I say this since the gentleman from New Jersey just now said that there is no need to belabor the issue.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

SUBSTITUTE AMENDMENT OFFERED BY MR. OTTINGER FOR THE AMENDMENT OFFERED BY MR. FRELINGHUYSEN

Mr. OTTINGER. Mr. Chairman, I offer a substitute amendment for the Frelinghuysen amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER as a substitute for the amendment offered by Mr. FRELINGHUYSEN: Page 24, line 25, strike the word, "a";

Page 25, line 1, strike the word, "metropolitan," and insert the word, "an";

Page 25, line 22, strike out, starting with the word, "For", through line 9, page 26.

Mr. OTTINGER. Mr. Chairman, I support the concept that is put forward in the committee bill inserted by my able colleague, Mr. MURPHY, for resolving jurisdictional disputes with respect to siting of airports, giving local communities 3 years to come up with a solution, and if they cannot, giving the Secretary the power after hearings to make a final decision.

I oppose the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN), because I believe that the authorities in areas like New York will never agree voluntarily to a side without the prospect of eventual compulsion.

I not only agree with this concept for metropolitan areas, but I believe this concept should be extended to all jurisdictional disputes over airport siting. There are a great many cases in which there are jurisdictional disputes outside metropolitan areas where a State authority, for instance, will try to force an airport down the throat of a local community that does not want it, and this causes great problems. For instance, we have this kind of a situation in an area outside of New York City in the town of Somers, N.Y., where a State authority attempted to force an airport down the throat of a small residential community. In these situations, the local community should have some recourse.

There is a provision in the bill that was inserted by Mr. WATKINS starting on page 26, line 4, which gives rural communities the absolute veto over proposed airports. I believe this is too drastic. Few rural communities are ever going to want an airport. I believe the concept inserted by the gentleman from New York (Mr. MURPHY) for metropolitan areas is the correct one to apply to all communities. It gives those communities 3 years to resolve the problem, and if they fail the Federal Government would be empowered to act as the eventual arbitrator.

I believe this is the best solution not only for metropolitan areas but for the kind of problem Mr. WATKINS has in his own district, and that I have in my area. I know the same kind of problem is repeated throughout the country in many similar situations.

I want to make it clear that I do support the language in the bill as far as it goes, and I oppose the amendment offered by the gentleman from New Jersey (Mr. Frelinghuysen).

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Murphy).

Mr. MURPHY of New York. Mr. Chairman, very simply, under attack in this bill, is language that merely does the following:

First of all, it does not say that any airport has to be placed in the State of New Jersey. This language is national in scope, and it is designed properly to resolve airport problems that are developing around the airports of this country.

Basically it says this: it says that when the Secretary of Transportation determines that an area is in vital need of airport facilities he will notify the jurisdictions involved that they should select a site to relieve that airport congestion problem. If after 3 years they have not exercised their responsibility to choose a site, he then convenes a conference with those jurisdictions and in that conference determines where the site will be.

This language is precisely the language that this House adopted by rollcall vote of 362 to 0 on amending the Clean Air Act. What it does—it brings the States together with the Federal Government to resolve the interstate problem.

I say that New Jersey does not have to feel in jeopardy. At the present time the FAA has just completed a detailed study of locating airports as offshore airports. I have recommended that the fourth airport problem of the New York-New Jersey area be placed in the lower reaches of New York Bay where it does not cause the problems of noise and congestion that have my colleagues from New Jersey so very upset.

The Port of New York Authority that has the responsibility to select airports to meet the need of the problem in this area would just about take any location at this stage. The Governor of New York has rejected all locations, the Governor-elect of New Jersey and the present Governor of New Jersey for the past 8 years have campaigned against airport locations. How do we resolve needed public works unless some mechanism is created to resolve these differences. I oppose the amendment and recommend the committee reject it.

The CHAIRMAN. The gentleman from New Jersey (Mr. Sandman) is recognized.

Mr. SANDMAN. Mr. Chairman, I am in favor of the Frelinghuysen amendment and I am in favor of this bill.

As I pointed out in my earlier remarks, the greatest difficulty I have in living with this kind of bill is that it does everything I have heard every person who campaigns for anything in the past say he does not want to do, and this allows it to happen.

We have heard Members on both sides of the aisle say that we have taken too much authority away from the municipalities and that we have invaded home rule too much and concentrated too much power in Washington and we should not do that. I think every Member of this House has said that.

But this provision does precisely what you say you do not want to do. Let me illustrate to you in very simple language what this did one other time in my State—this kind of language. We passed a real good bill one time called green acres. We were going to make New Jersey green. We had the same provision in that particular bill. The commissioner of conservation would be allowed to take land and he would be able to decide where parks are going to be.

In one case a State commissioner who came from a big city in the north, and knowing very little about the economics of the county I live in, decided to take 54 acres of the finest beach in Ocean City, N.J., and make a park out of it.

Now this sounds very nice to people I suppose. But Ocean City, N.J., up to that time had already spent $1½ million making their sewer plant larger and making its water plant larger so that this would be the choice part of the whole State. This kind of language allowed that State agency to take land from a municipality that should never have been taken.

It is the kind of language that is in this bill that would allow the very same thing to happen on a national basis. This, I think, is wrong and violates home rule and should be defeated.

Mr. Chairman, the amendment should pass.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Thompson).

Mr. THOMPSON of New Jersey. Mr. Chairman, I hope the substitute amendment offered by my friend, the gentleman from New York (Mr. Ottinger) is defeated. Then I hope the members of the Committee will vote for the Frelinghuysen amendment.

As we see it, the inevitable immediate impact of this would affect New Jersey, but it would affect at some other time any other airport area in the United States. The effect of it is to give the Secretary of Transportation the power to locate an airport where he wants without regard to how the people feel about it.

In my district in New Jersey there is an area called Solberg, which the Port of New York Authority wants to extend its tentacles to. I am absolutely opposed to an airport at Solberg, as are the people I represent.

I do not take the position that New Jersey should not perhaps eventually be the site of a major airport. I do not go that far. But I certainly am against the Hunterdon County site.

Incidentally, Solberg would be the only airport in the world with 360° runways. The overflights would affect the whole surrounding area as would the takeoffs and landings. It would destroy our water resources potential there between the great Round Valley and the Tocks Island project.

So I ask you to join those of us who do not want to give this unlimited authority to the Secretary of Transportation. We think it is bad legislation and we think this is a very bad way to do it.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Hunt).

Mr. HUNT. Mr. Chairman, I rise in opposition to the Ottinger amendment and in favor of the Frelinghuysen amendment. Much has been said here in the past hour or so. Not too many moments ago I heard someone say at this very rostrum that what we needed was more vital Federal compulsions. I think we have had Federal compulsion up to our ears. That is exactly what is wrong with this country.

We have bureaucrats and bureaucrats and bureaucrats, and this portion of the bill, to which I am unalterably opposed, does not simply say to the Secretary that you may extend this vital Federal compulsion; this bill says you must project your vital Federal compulsion. In other words, it is a battering ram. It leaves no leeway for people who live in an area, who live in a county, who live in a State, who have objections to this airport to have their voice heard. They are simply trying to ram through something that never had a hearing before the committee. This was not discussed in the hearings, as near as I can find out. It was brought in by an agency who wanted it put in, and we know why they wanted it put in.

I am not objecting to an airport, a jetport in a respectable or a reasonable place, provided the people there are in accord with it. But I am certainly in accord with my colleague from New Jersey (Mr. Thompson) when he says, in all sincerity, to you today, "My people do not want it."

Now, is this to be a case of where adjoining States that have more Members to vote today are seeking to impose their will upon a smaller State, or is it something that you gentlemen want to perpetuate when you start talking about vital Federal compulsion?

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. Hechler).

Mr. HECHLER of West Virginia. Mr. Chairman, this is obviously a little fight between New York and New Jersey. I was born and brought up in New York and I lived for several years in New Jersey, while teaching at Princeton University, in the district of the gentleman from New Jersey (Mr. Thompson). I now live in West Virginia. So perhaps I could try to be a little objective in this argument.

Mr. Chairman, we are one Nation. The people who use the airways come from each of the 50 States of the Union, and they have their rights, too. I think this provision as written into the bill is one of the best and most reasonable provisions in the entire bill. It allows consultation with the local authorities but still provides that final action cannot be blocked. We should not allow the kind of deadlock, inaction, and interminable argument that has caused an airport crisis in many areas of our Nation. Let us remember that we, the people of the United States, are attempting to form a more perfect Union.

I certainly hope that this provision of the bill will be retained as it is, that the Frelinghuysen amendment will be defeated, and that the committee bill will be supported.

The CHAIRMAN. The Chair recog-

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nizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I yield to the gentlemain from New York (Mr. MURPHY).

Mr. MURPHY of New York. I thank my colleague from New York.

Mr. Chairman, the entire thrust of the bill before us today revolves around the question, "Who pays for the airports in this country?" And it is going to be the users under this bill who will pay for the airport and airways development of the United States. The greatest hub airport area in the United States is in New York-New Jersey region, the New York metropolitan area—La Guardia, Kennedy, and Newark Airports are presently serving that area. I think if this amendment is adopted, we will go back to the situation that has existed for the last 10 years, and once this legislation takes effect, we will have the users in the New York-New Jersey area paying for the airport and airways development in the other 48 States and not in their own States, where the most critical need exists today, and where it will exist in the other 24 hub airport regions in the future.

Therefore, it would be incumbent upon the gentlemen from New Jersey as well as the gentleman from New York and every Member in this Chamber to support the language of the committee bill and to reject the Frelinghuysen amendment.

I would like to quote from the newly appointed Chairman of the Civil Areonautics Board, Mr. Secor Browne, who commented on this section of the bill just last week. He has hailed the section "as a useful stimulus for these people to reach an agreement." Mr. Chairman, "these people" means the Governors involved. Further, Mr. Secor Browne observed that New York has long since reached the point of no return in its needs for more facilities to relieve Kennedy, LaGuardia, and Newark Airports, which the CAB only last month described as critically saturated by air traffic.

Mr. Chairman, I have traveled with the gentleman from New Jersey many times through those airports. He knows as well as I do the critical situation in that area. Therefore, I urge this amendment be rejected.

Airport planners are facing a jetage air travel explosion which threatens to make most metropolitan airports in the United States obsolete almost overnight. The reason, quite simply, is that air transportation must now be considered as a mass-transit system in every respect.

Sometime in the mid-1970's—when a supersonic generation of commercial aircraft will be in use—air travelers will cross the United States faster than the sun, leaving New York at 8 a.m. and arriving in Los Angeles at 7 a.m. by the clock.

Unfortunately, the explosive growth of both airline and general aviation is outstripping the capacities of the Nation's airports and portions of its air traffic control system. The Nation, the States, the local communities and, above all, the air traveler, will suffer unless a determined effort is made to improve airways and airport capacity and safety. Air access is the key to a community's economy and, therefore, airport location, efficiency and access must now be considered as one of the most important metropolitan and regional planning factors.

We have reached that time when it is no exaggeration to say that cities will thrive or decay on the basis of the facilities they provide for the movement of people and goods by air.

That is why we must end the near-sighted cycle of politically buckpassing that has stymied airport growth, particularly in the larger metropolitan areas like New York. I need not point out that the 10-year-old fight over where to locate a vitally needed fourth jetport for New York City was a dominant issue in the recently concluded gubernatorial campaign in New Jersey.

This section of the important Airport and Airways Modernization Act seems to have provoked a political furor when the real issue is future progress.

Simply stated, this section calls for the Transportation Secretary first to get all interested parties together in an effort to come to an agreement on a site for badly needed airports. If no progress is made after 3 years and further hearings do not then result in agreement, the Secretary can select the site himself.

The newly confirmed Chairman of the Civil Aeronautics Board, Sector D. Browne, has hailed the section "as a useful stimulus for these people to reach an agreement." He observed that New York has long since reached the point of no return in its needs for more facilities to relieve Kennedy, La Guardia and Newark airports, which the CAB only last month described as critically saturated by air traffic.

Concern over the metropolitan area's failure to nail down a fourth jetport site has spread to a number of editorials hailing my proposal. Most aviation officials have voiced support as have State and local leaders across the country who face similar time-consuming haggles. The New York situation is not unique. A number of cities are facing this same problem and more will join the list in the next decade.

This resolution will put an end to the political buckpassing that has stymied development of a fourth jetport in New York metropolitan area and caused a nightmarish bottleneck for air travel to the city.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I urge defeat of the Ottinger substitute amendment and support for the Frelinghuysen amendment.

Mr. Chairman, the Port Authority of New York has been the one who has been holding back progress in the area of having a new jetport in the metropolitan area of New York. The port authority had narrowly decided some specific area as the only area in which they want to place it, and they would not consider other alternatives in either New York or New Jersey until just recently, when they began to look to other areas. This has caused the deadlock.

We have heard the statement that all the people in the country use the airports. They are the ones who pay for them. I do not think that necessarily means they can buy them anywhere they want, whether the people want to sell or not.

What it boils down to is not whether or not there will be an airport in New Jersey rather than New York, as the gentlemen from New York would probably want it. What this boils down to is States' rights.

Are we to believe that once again the large Federal Government can point its finger at New Jersey and say: "This is good for you and this is where it is going to be whether you like it or not."

Mr. Chairman, as a consistent supporter of States' rights in New Jersey as well as throughout the country, I oppose the determination by one man in the Federal Government to tell all the people, including the legislature and Governor of the State of New Jersey, what New Jersey must have and where New Jersey must have it. I do not think one man should have that right.

Some people in New Jersey say there shall not be and never will be a jetport in the State of New Jersey. I disagree with that, but I think New Jersey ought to have some say in this matter, with the Port Authority of New York, and with the Department of Transportation, so I urge defeat of the Ottinger amendment and urge acceptance of the Frelinghuysen amendment.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, in closing the debate, I certainly hesitate to rise and say anything one way or another except that I want to maintain the bill as it is. I would say I would have to be against the Ottinger amendment for the same reason, and also against the amendment offered by the gentleman from New Jersey.

In the discussion in the committee, this problem was brought up as to other areas, and the ranking minority Member on the committee, the gentleman from Illinois (Mr. SPRINGER), mentioned the same situation could apply in his area to some extent. Of course, New York, New Jersey, and other areas were mentioned. We did take some time in discussing the amendment itself. In fact, we laid it over for one day to try to resolve some differences.

This is not a broad mandate for the Secretary. It says, to start with, that after 3 years of failure to resolve the problem there will still be notice and opportunity for hearings, that the Secretary shall then make a selection, and after that, even, they do not have to accept it. It just says they will not get Federal money if they do not accept it. They do not have to accept it. I believe if we look at the language practically, it means they would not get an airport, that is all, if they are determined they do not want it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. In my minute I yield briefly.

Mr. GROSS. What does the word "shall" mean? Is it not a mandate?

Mr. STAGGERS. It would have to be read in context with all other parts of this, I will say that to my friend, the gentleman from Iowa (Mr. Gross).

Mr. GROSS. If this is not a mandate to the Secretary, I never want to see a mandate.

Mr. STAGGERS. Just a minute. It says, "he shall, after notice and opportunity for a hearing."

Mr. GROSS. Surely, but then he absolutely is mandated.

Mr. STAGGERS. It does that.

I would say this: under this section no other site shall be approved. If they do not accept it, no other site will be eligible for Federal funds.

In fairness I must be against both amendments. I hope both amendments will be voted down.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. Ottinger) for the amendment offered by the gentleman from New Jersey (Mr. Frelinghuysen).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Frelinghuysen).

The question was taken; and on a division (demanded by Mr. Murphy of New York) there were—ayes 59, noes 49.

Mr. MURPHY of New York. Mr. Chairman, I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. Frelinghuysen and Mr. Murphy of New York.

The Committee again divided, and the tellers reported that there were—ayes 90, noes 54.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I have several amendments pertaining to the same thing at the desk. I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

Mr. MATSUNAGA. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from Colorado.

The Clerk read as follows:

Amendment offered by Mr. Aspinall: On page 16, line 6, after "Puerto Rico" insert "Guam."

Mr. ASPINALL. Mr. Chairman and members of the committee, the amendments which I asked to be considered en bloc and which would have been open, of course, to amendment at any point if it had not been for the objection, have to do with the same thing and that is the welfare of our bastion of the Pacific, the territory of Guam. My presentation at this time will go to all of the amendments.

Mr. Chairman, the amendments to H.R. 14465 which I have just offered propose merely to include the territory of Guam in this Federal program, on equal status with the territory of the Virgin Islands, which is included in this legislation.

Because of the rapid expansion of air transportation in the Pacific, Guam has become a major hub of air traffic in this area. The expansion and growth of civilian air transportation on Guam since 1947 has been remarkable. Following World War II, Guam had no civilian air facilities. Through informal agreement and a facilities license, the government of Guam began using the Naval Air Station of Agana, Guam, as its civilian air facility. Some years ago, the government of Guam was able to obtain from the Department of the Navy some 27 acres of land which now comprise the civilian air facilities on Guam.

The territory of Guam has embarked upon a major endeavor to improve its economic development and tourist industry. In 1967, a new civilian airport terminal capable of handling the expanding Pacific air traffic was opened. This same new civilian air terminal was subjected to a volume of air traffic in 1968 of 92,250 passengers, 4,978,000 cargo pounds, and 6,175,000 pounds of mail. The projected figures of air traffic for 1974 are 332,000 passengers, 17,285,000 pounds of cargo, and 13,170,000 pounds of mail.

Following the opening of this new civilian terminal facility in 1967, twice weekly direct flights to Tokyo were inaugurated. Today, five weekly westbound flights from Honolulu arrive in Guam, with two continuing to Manila and three to Southeast Asia. Also, five weekly eastbound flights reverse this pattern. In 1968, the Guam-Tokyo flights were increased to a thrice weekly service.

As we all know, several major airlines have sought Pacific air routes with stopovers in Guam. At least two foreign air carriers have expressed interest in serving Guam. Also under consideration by the major airlines, both domestic and foreign, is a weekly flight to Sydney, Australia, linking Tokyo, Guam, and the Australian industrial center. Guam has thus become the focal point in Pacific air travel between Honolulu and the west coast, Tokyo, Manila, Southeast Asia, and Sydney, Australia.

As recent as the early part of this year, the Federal Aviation Administration has approved a master plan of proposed capital improvement projects for the Guam International Air Terminal Complex proposing an expenditure of $17,859,000. But, the territory of Guam is faced with a serious problem in financing its civilian air terminal and ground facilities because the $17,859,700 capital improvement requirement far exceeds possible funding by the territorial Government of Guam.

Heretofore, Federal aid to Guam for expansion of its civilian air terminal and ground facilities have been limited by legislation to general discretionary distribution. The Federal Airport Act, Public Law 79–377, as amended, provides preferential treatment for Hawaii, Puerto Rico, and the Virgin Islands, while Guam is eligible for only $29,000 as a carryover from the 1968 allotment under the discretionary funding features of such legislation.

Mr. Chairman and members of the committee, I know of no reason why the territory of Guam should not be permitted to share in the Federal aid provided by H.R. 14465 on some basis.

Mr. Chairman, I know of no objection to what is proposed here except from the State of Hawaii. The State of Hawaii contends that they should have for their own territory 40 percent of these funds, even though they are considered as a State along with the other States.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(By unanimous consent, Mr. Aspinall was allowed to proceed for 1 additional minute.)

Mr. ASPINALL. Guam is a territory of these United States, and occupies a most strategic position in our Pacific posture. In fact, it is our western bastion, and it became a territory of the United States before the Virgin Islands in the Caribbean. Its growth and expansion since World War II have been remarkable. Its importance in the future cannot be ignored.

If one of the purposes of H.R. 14465 is, as stated in the committee report, to provide for the expansion and improvement of the Nation's airport and airway system, then the territory of Guam should also share in the Federal aid provided by this legislation.

Mr. Chairman and members of the committee, I urge the adoption of all the amendments, and I am glad to yield to my colleague from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, and members of the committee, I congratulate the gentleman from Colorado for having offered this amendment and those that will follow. I believe they are very worthwhile. I sincerely hope that the great territory of Guam will be given its rightful share of these moneys. We do not by this amendment try to take anything away from Hawaii; they share with the other States, but it is our responsibility as Congressmen to look after the territories, and these are good amendments and should be adopted.

Mr. ASPINALL. Mr. Chairman, the only thing it reduces is 5 percent for Hawaii and 5 percent for Puerto Rico under my amendment.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado (Mr. Aspinall). I have no objection to this first amendment. I raised an objection earlier to the consideration of all four amendments being considered en bloc because I am opposed to certain amendments the gentleman proposes to offer later.

Again I say I have no objection to the first amendment, and I ask for the support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. Aspinall).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer a second amendment.

The Clerk read as follows:

Amendment offered by Mr. Aspinall: Page 16, line 14, after "Puerto Rico" insert "Guam".

Mr. ASPINALL. Mr. Chairman, I made the argument for all these amendments when I made my original presentation. I rest on that.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado and I urge a favorable vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer a third amendment.

The Clerk read as follows:

> Amendment offered by Mr. ASPINALL: Page 17, line 11, after "Rico," insert "Guam".

Mr. ASPINALL. Mr. Chairman, I made the presentation for an equitable treatment. The only reason there should be, or there is, any objection to this amendment is that in order to equalize these four areas it takes 5 percent away from the State of Hawaii, as a territory operation, and it takes 5 percent away from Puerto Rico as a territory, and it takes 5 percent away from the Virgin Islands and sets up the equity situation whereby the territory of Guam will be entitled to a like amount as the Virgin Islands—15 percent.

Mr. MATSUNAGA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado for the reason we have had no hearings on this matter in committee.

Hawaii, the Commonwealth of Puerto Rico and the Virgin Islands have been considered under this provision of the act ever since the act was enacted. To take away 5 percent from the State of Hawaii, 5 percent from the Commonwealth of Puerto Rico, and 5 percent from the Virgin Islands, without giving the State of Hawaii and the territories any chance to object, I think is unfair. At least they should be given a chance to be heard why they should not be reduced. Besides, Mr. Chairman, Guam shares in funds to be distributed at the discretion of the Secretary under subsection (D) on page 17; Hawaii, Puerto Rico and the Virgin Islands do not.

The amount here involved is so small that the shares of Hawaii, Puerto Rico and the Virgin Islands should not in any way be diminished. It is only $1,500,000 for the first year, $1,800,000 for the second year and $2,400,000 for the third year; whereas, the discretionary funds amount to $50,000,000—not $1.5 million—but $50,000,000 for the first year, for the second year $60,000,000, and for the third year $80,000,000.

Guam's just share will be provided by this discretionary fund. I am not against Guam. In fact, I consider myself a representative of Guam in many respects. Members will recall that time and time again I have risen on the floor of the House to offer an amendment for Guam to be included in benefits-providing legislation. I am for Guam, but I am also for Hawaii. I think Puerto Rico and the Virgin Islands also deserve fair treatment. **We have had no hearings on this matter to allow representatives of Hawaii, Puerto Rico, or the Virgin Islands to present their views. They should at least be heard before their shares provided in this act are reduced.**

For this reason alone if not for any other I ask the defeat of this amendment.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to my colleague, the gentlewoman from Hawaii.

Mrs. MINK. Mr. Chairman, I would like to join my colleague, the gentleman from Hawaii, in opposing this amendment which will take funds away from Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands.

I am advised by counsel that this paragraph (d) has been in existence since statehood for Hawaii as an equalizing formula.

Since Hawaii became a State 10 years ago, the formula for distribution of Federal aid funds for airports has been based upon land area. When Hawaii became a State it was subject to losing a considerable sum of money under this program. In order to make up for the tiny size of the new State of Hawaii, and recognizing our dependence upon airport facilities as an island State, the committee in their wisdom set aside a separate amount of money and continued this distribution formula of 40 percent each for Hawaii and Puerto Rico, and 20 percent to the Virgin Islands.

Mr. Chairman, I am a strong supporter of the development of Guam and all of the Pacific territories. But I do feel the committee should have been given an opportunity to add funds to paragraph (b) and, were that the case, and additional funds allotted, the percentage distribution could be rearranged to allow for Guam's inclusion, and I am sure Hawaii then would interpose no objection to any such changes made in committee so long as there was no loss of money to the three present participants.

Mr. Chairman, I am compelled to rise in opposition to the amendment and beg the support of this Chamber to consider the rather embarrassing predicament in which Congressmen from Hawaii are placed with the unexpected presentation of this amendment which takes away much-needed funds from us, and urge that the amendment be voted down.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, when this question came up in the committee, it was pointed out, of course, that Hawaii was sharing as were the other States, in the funds. I raised the question as to why Hawaii would be the only State to share twice from two separate portions of this bill. Really I was never given a satisfactory answer. Apparently, it went back to the point that Hawaii was at one time a territory as are Puerto Rico and the Virgin Islands, being left in here, of course, for some apportionment, and they will still share as any other State in the funds.

Bear in mind the apportionment that Hawaii will receive as a State is based not only on land area, but it is based one-third on land area and population as a factor, one-third on enplanements, the passenger traffic, and then one-third is discretionary. So they are certainly treated equally with all the other States. In fact, they receive an additional sum under this particular section, and I support the amendment.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Colorado.

Mr. ASPINALL. Is it not true that this subject was considered in the deliberations of the committee?

Mr. THOMPSON of Georgia. The gentleman is correct. I raised the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer a fourth amendment.

The Clerk read as follows:

> Amendment offered by Mr. ASPINALL: Page 17, after line 11, strike out lines 12 and 13 and insert: "of 35 per centum, 35 per centum, 15 percentum, and 15 per centum, respectively."

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. ASPINALL. Mr. Chairman, I have already made my presentation on this subject. The same argument applies that I made on the last amendment.

Mr. MATSUNAGA. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Colorado. I rise in all fairness to ask Members to consider the proposed amendment in a serious vein, not merely as something which should be voted upon immediately so that we can go home or catch a plane. The amendment before us is asking that Hawaii give up 5 percent of what it has been getting ever since the act came into being, and that Puerto Rico, which has no voting Representative, give up 5 percent, and that the Virgin Islands give up 5 percent, without any representation on the floor; and without, again, I repeat, adequate hearings as to the proper division of the funds appropriated under this section of the act.

I ask my colleagues in all fairness to vote down this amendment until such time as the proper committee has had an opportunity to consider what is a fair distribution, if Guam is to be included. I ask that you join me in opposing the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer a fifth amendment.

The Clerk read as follows:

> Amendment offered by Mr. ASPINALL: Page 18, line 12, after "Puerto Rico" insert "Guam."

The CHAIRMAN. The gentleman from Colorado is recognized.

Mr. ASPINALL. Mr. Chairman, I have already spoken on that subject. So far as I know, there is no argument against this one.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Chairman, I offer a sixth and last amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Page 18, after line 12, strike out lines 13 and 14 and insert: "in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively."

Mr. ASPINALL. Mr. Chairman, I have already spoken on this amendment and given the arguments on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ASPINALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF FLORIDA

Mr. ROGERS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Florida: Page 45, after line 22, insert the following:

"(c)(1) CONTROL OF POLLUTION BY AIRCRAFT.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431) is amended by adding at the end thereof the following new section:

"'CONTROL AND ABATEMENT OF POLLUTION OF AIR BY AIRCRAFT

"'SEC. 613. (a) In order to afford present and future relief and protection to the public from unnecessary pollution of the air by aircraft, the Administrator of the Federal Aviation Administration, after consultation with the Secretary of Transportation, shall prescribe and amend standards for the measurement of pollution of the air by aircraft and shall prescribe and amend such rules and regulations as he may find necessary to provide for the control and abatement of pollution of the air by aircraft, including the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension, or revocation of any type certificate, production certificate, or airworthiness certificate authorized by this title.

"'(b) In prescribing and amending standards, rules, and regulations under this section, the Administrator shall—

"'(1) consider relevant available data relating to pollution of the air by aircraft, including the results of research, development, testing, and evaluation activities conducted pursuant to this Act, the Department of Transportation Act, and the Clean Air Act;

"'(2) consult with the Secretary of Health, Education, and Welfare, the National Air Pollution Control Administration, and such other Federal, State, and interstate agencies as he deems appropriate;

"'(3) consider whether any proposed standard, rule, or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest;

"'(4) consider whether any proposed standard, rule, or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply; and

"'(5) consider the extent to which such standard, rule, or regulation will contribute to carrying out the purposes of this section.'

"(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading 'TITLE VI—SAFETY REGULATIONS OF CIVIL AERONAUTICS' is amended by adding at the end thereof the following:

"'Sec. 613. Control and abatment of pollution of air by aircraft.'"

Mr. ROGERS of Florida (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Chairman, during committee consideration of H.R. 14465, which would provide for the expansion and improvement of the Nation's airport and airway system, an amendment was offered which would direct the Administrator of the Federal Aviation Administration, after consultation with the Secretary of Transportation, the Secretary of Health, Education, and Welfare, the National Air Pollution Control Administration, and appropriate State agencies, to prescribe standards for pollution of the air by aircraft and to prescribe rules and regulations necessary for control of air pollution by aircraft.

The committee, by one vote, failed to adopt the proposed amendment.

I offer this amendment today because I firmly believe we must embark on a meaningful effort to curb the present pollution emanating from aircraft, and to control, and eventually eliminate, future pollution from aircraft that will be developed.

It is argued that aircraft contribute only about 1 percent of all the man-made pollutants placed into the atmosphere. I do not find this particularly comforting, and I believe it is misleading because this is a percentage by weight of all pollutant emissions.

Although jet engines do not produce sulfur compounds which are the principal cause of urban pollution problems, these engines do produce extensive amounts of suspended particulate matter—unburned carbon particles—as well as aerosols—smoke—oxides of nitrogen, and carbon monoxide.

Moreover, the weight of emissions does not indicate the scope of the problem. Particulate emissions from jet aircraft are extremely small particles of carbon, and these very small particles create serious problems, although their weight is not great.

These small particles create much denser smoke plumes than do large particles; visibility is reduced by the very aircraft that depend so heavily upon good terminal visibility.

But, more importantly, these small particles are of such size that they remain airborne for long periods of time and most easily enter the lungs, thereby causing health problems, particularly emphysema, and other respiratory conditions.

These particulate emissions are concentrated primarily in flight paths and small areas of land at or near airports. Under conditions of heavy airport traffic, with exposures to high concentrations of exhaust, contaminants are likely to occur in aircraft loading areas and in the cabins of aircraft lined up awaiting takeoff. Particular adverse conditions may be seen in the health of ground personnel.

The National Air Pollution Control Administration estimates that 78 million pounds of pollutants from planes are dumped into the air over the United States every year.

An estimated 1,200 pounds of pollutants per day are released in Washington, D.C.; in New York City, the quantity is about 4,000 pounds per day; and in Los Angeles, about 3,000 per day.

These are 1968 figures, and it has been estimated that flight operations at airports equipped with control towers will double in 5 years and triple in 10.

I do not believe we can afford to wait any longer to meet this problem. Particularly when there are presently no laws or regulations which compel the aviation industry to move quickly to improve the conditions which exist, to improve turbine engine combustion design and to retrofit new burner designs.

The present state of the art makes it possible to substantially reduce the smoke emission from jet engines and thereby reduce also the particulate matter which is also emitted.

A low-smoke combustor which can be retrofitted to most existing jet engines and which will be standard equipment on all new engines made by one company as of February 1970, has been certified for safety by the Federal Aviation Administration. I urge the FAA to move swiftly, with safety in mind, to bring these new devices into service. We cannot wait 3, 4, or 5 years.

I emphasize the safety factor which must be considered because control of pollution from aircraft engines is inextricably related to the safety performance of these same engines.

It is because of my concern for the safety of air passengers as well as my concern for the quality of the air we breathe, that I am offering this amendment which would create uniform pollution standards throughout the United States by placing the responsibility for establishing standards, rules and regulations within the Federal Aviation Administration.

While some States and communities do experience more problems than others with respect to pollution from aircraft engines, I do not believe that all States and communities possess the necessary knowledge or expertise to assess the safety factors which must be considered when setting smoke density and antipollution standards.

Moreover, there is provided in the amendment ample opportunity for appropriate consultation with the States. If a State has designated certain air quality standards, or an air quality region established under the Air Quality Act of 1967 has designated air quality standards, these would be considered by the Administrator in setting the emission standards and considering abatement devices.

This amendment is similar to section 611 of the Federal Aviation Act of 1958, as amended, which provides for the control and abatement of aircraft noise and sonic boom.

That section of the act was adopted last year in the 90th Congress as Public Law 90-411, and the Federal Aviation Administration is presently working on the establishment of standards for measurment of aircraft noise and sonic boom and the appropriate rules and regulations for control of this problem.

One particular difference between the amendment that I am proposing and section 611 is that the language found in section 611(c) is not present in the amendment. This language pertains to the right of the National Transportation Safety Board to amend, modify, or reverse the order of the Administrator if the Board finds that the public interest does not require affirmation of the Administrator's order.

There is, I believe, ample provision for appropriate review of the Administrator's decision by the Board in section 609 of the act which also permits the Board to consider safety and the public interest.

Time is working against us in our efforts to clean up the air. I urge this body to adopt this amendment to bring us another step closer to our goal.

Mr. STAGGERS. Mr. Chairman, I think the issues are determined. I ask unanimous consent that we vote at 6 o'clock on this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I favor this legislation as much as I favor any legislation, because with the new wave of air pollution, despite the fact that the gentleman from Florida, who proposed this amendment, opposed my amendment to do away with air pollution by banning the use of internal combustion engines in automobiles, that would prevent the pollution, I support the amendment offered by the gentleman from Florida. By the use of internal combustion engines, we pollute the air more than we do by airplanes. Nevertheless, I will go along with the gentleman in the hopes that in the future he will see the light of preventing, in due time, the use of internal combustion engines in automobiles.

Mr. Chairman, I strongly support the amendment offered by the gentleman from Florida (Mr. ROGERS) to H.R. 14465 to empower the Administrator of the Federal Aviation Agency to prescribe standards for pollution of the air by aircraft and to prescribe rules and regulations necessary for control of air pollution by aircraft.

Air transportation has traditionally been considered interstate in nature and, therefore, subject to Federal regulation. Such regulation, however, has been oriented primarily toward the airborne vehicle itself with little regard to its environmental effects.

We must now recognize that this perspective must be broadened. Aircraft are now a part of our daily life, a part of our environment, and as every day passes, aircraft and their effects, both good and bad, grow closer to us.

We must recognize the responsibility to protect all Americans, who might be affected by the effects of the aircraft, whether or not they are actually using the vehicle.

Aircraft engine combustion can be clean. This is a demonstrated fact and not a research promise. Clean burning engines have already been demonstrated and will be available to replace those now in use.

Today, however, we do not see them. We see, instead, airports with jet liners arriving and departing every 2 minutes. At this frequency of operation we see the smoky combustion products of 2 million gallons of fuel ejected on or near these airports every 24 hours.

We also see aroused and angry cities planning their own regulations to solve this problem. Yet, we know that this problem is not for a city to solve—or for a State to solve. This is our problem.

Shall we stand by and watch a tangled morass of local and State regulations come into being? Shall we wait until the suppliers and users of aircraft equipment financially commit themselves to equipment we may later outlaw? We certainly should not.

We must act now. We must not only provide the needed authority to our regulatory agencies. We must also pass on our intent. We must convey to these agencies that we expect them to apply their broadened powers with effectiveness and without delay.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I rise in support of this amendment.

I should like to state also that the gentleman from Ohio (Mr. BROWN) would like to be recorded as being in favor of this amendment. Unfortunately, he had an emergency and had to leave to go back to the State of Ohio.

The amendment was offered in the committee. There was opposition to the amendment because of the feeling that air pollution should be handled under one agency and not a number of agencies. However, with respect to aircraft, I believe it is a different situation. There are technical factors involved. There are safety factors involved.

It is a good amendment and it is a much needed amendment, and I feel it should have the support of the Members of the House.

The CHAIRMAN. For what purpose does the gentleman from New York (Mr. OTTINGER) rise?

Mr. OTTINGER. To take my time, Mr. Chairman.

The CHAIRMAN. The gentleman's name is not on the list.

Mr. OTTINGER. I was standing, Mr. Chairman, at the time the limitation was entered.

I favor the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Chairman, I rise in support of Congressman ROGERS' amendment directing the Administrator of the Federal Aviation Administration to provide certain regulations to control aircraft pollution.

Generally, airplane smoke accounts for 1 percent of all air pollution by weight. In the vicinity of our airports and in the corridors where airplanes take off and land, this percentage is much higher. In Los Angeles, it is reported that almost 1 ton of pollutants per day is dumped from airplanes.

We must take action necessary to eliminate the pollutants from our environment. Industry has developed the technology to prevent air pollution for airplanes. We must take advantage of this technology. The Rogers amendment will place responsibility with a Federal regulatory agency for action. This is a progressive step in eliminating the pollutants in the air.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS) to close debate on the amendment.

Mr. STAGGERS. Mr. Chairman, I reluctantly rise to oppose the amendment. It seems as though everyone else is for it.

Of course I am against air pollution. We discussed this in the committee, and we said that this is a safety bill, not a health bill. Pollution is a health matter.

There is another agency, the Department of Health, Education, and Welfare, which has the Clean Air Act. That will come before our committee again very soon. It will take care of this situation.

The Government and the industry are working on this problem with all the devices they have. They have given a directive to hurry up.

As I say, this is now under the jurisdiction of HEW. That is where it ought to stay. If we pass this amendment then we may have two or three different agencies considering the problem.

For those reasons I do oppose the amendment. I share the concern expressed by those who have spoken for the amendment, but I feel that we should in orderly fashion carry on the laws of the Congress, and we ought to keep health matters in the health field, and safety matters in the safety field, and reject the amendment. We can bring this up when we consider the Clean Air Act and deal with it then.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS).

The question was taken; and on a division (demanded by Mr. ROGERS of Florida) there were—ayes 35, noes 56.

So the amendment was rejected.

The CHAIRMAN. Under the rule, title II shall be considered as having been read for amendment.

Title II is as follows:

TITLE II—AIRPORT AND AIRWAY REVENUE ACT OF 1969

SEC. 201. SHORT TITLE, ETC.

(a) SHORT TITLE.—This title may be cited as the "Airport and Airway Revenue Act of 1969".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendemnt or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

Sec. 202. Tax on Aviation Fuel.

(a) Imposition of Tax.—Section 4041 (relating to tax on special fuels) is amended by striking out subsections (c), (d), and (e) and inserting after subsection (b) the following new subsections:

"(c) Noncommercial Aviation.—

"(1) In general.—There is hereby imposed a tax of 7 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

"(B) used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such liquid under this section.

"(2) Gasoline.—There is hereby imposed a tax (at the rate specified in paragraph (3)) upon any product taxable under section 4081—

"(A) sold by any person to an owner, lessee, or other operator of an aircraft, for use as a fuel in such aircraft in noncommercial aviation; or

"(B) used by any person as a fuel in an aircraft in noncommercial aviation, unless there was a taxable sale of such product under subparagraph (A).

The tax imposed by this paragraph shall be in addition to any tax imposed under section 4081.

"(3) Rate of tax.—The rate of tax imposed by paragraph (2) is as follows:

"3 cents a gallon for the period ending September 30, 1972; and

"5½ cents a gallon for the period after September 30, 1972.

"(4) Definition of noncommercial aviation.—For purposes of this chapter, the term 'noncommercial aviation' means any use of an aircraft, other than use in a business of transporting persons or property for compensation or hire by air. The term also includes any use of an aircraft, in a business described in the preceding sentence, which is properly allocable to any transportation exempt from the taxes imposed by sections 4261 and 4271 by reason of section 4282 or 4283.

"(d) Additional Tax.—If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate under subsection (c)(1) of this section on the use thereof, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

"(e) Rate Reduction.—On and after October 1, 1972—

"(1) the taxes imposed by subsections (a) and (b) shall be 1½ cents a gallon, and

"(2) the second and third sentences of subsections (a) and (b) shall not apply.

"(f) Exemption for Farm Use.—

"(1) Exemption.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used on a farm for farming purposes.

"(2) Use on a farm for farming purposes.—For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

"(g) Exemption for Use as Supplies for Vessels.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under this section on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d)(3)).

"(h) Registration.—If any liquid is sold by any person for use as a fuel in an aircraft, it shall be presumed for purposes of this section that a tax imposed by this section applies to the sale of such liquid unless the purchaser is registered in such manner (and furnishes such information in respect of the use of the liquid) as the Secretary or his delegate shall by regulations provide."

(b) Conforming and Technical Amendments.—Section 4041(b) (relating to imposition of tax on special motor fuels) is amended—

(1) by striking out "motor vehicle, motorboat, or airplane" each place it appears and inserting in lieu thereof "motor vehicle or motorboat", and

(2) by striking out "for the propulsion of" each place it appears and inserting in lieu thereof "in".

Sec. 203. Tax on Transportation of Persons by Air.

(a) 8 Percent Tax.—Section 4261 (relating to imposition of tax) is amended by striking out "November 15, 1962" each place it appears and by substituting in lieu thereof "November 15, 1962, and before January 1, 1970, and 8 percent of such amount for transportation which begins on or after January 1, 1970".

(b) $3 Head Tax.—Section 4261 is amended by adding at the end thereof the following new subsection:

"(e) $3 Head Tax.—There is hereby imposed upon any amount paid (whether within or without the United States) for any transportation which begins in the United States after December 31, 1969, of any person by air a tax equal to $3. This subsection shall not apply to any transportation all of which is taxable under subsection (a) or (b) (determined without regard to sections 4281, 4282, and 4283)."

(c) Definition of Transportation.—Section 4262 (relating to definition of taxable transportation) is amended by adding at the end thereof the following new subsection:

"(d) Transportation.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service."

Sec. 204. Tax on Transportation of Property by Air.

Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

"PART II—PROPERTY

"Sec. 4271. Imposition of tax.
"Sec. 4272. Shipment for export.

"Sec. 4271. Imposition of Tax.

"(a) In General.—There is hereby imposed upon the amount paid within or without the United States for the transportation of property by air from one point in the United States to another, a tax equal to 5 percent of the amount so paid for transportation which begins after December 31, 1969. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property for hire by air.

"(b) Transportation of Property Into the United States.—There is hereby imposed upon the amount paid within or without the United States for the transportation of property by air from a point without the United States to a point within the United States, a tax equal to 5 percent of that portion of the amount so paid for transportation (which begins after December 31, 1969) which takes place within the United States. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property for hire by air.

"(c) Transportation.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.

"(d) By Whom Paid.—The taxes imposed by this section shall be paid by the person making the payment subject to the tax. To the extent that the taxes imposed by this section upon any amount paid without the United States are not paid by the person making the payment subject to such taxes, such taxes shall be paid by the person to whom the property is consigned at its destination within the United States.

"Sec. 4272. Shipment for Export.

"Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4271 upon amounts paid for the transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement, and in due course so exported or shipped."

Sec. 205. Miscellaneous Amendments Relating To Taxes on Transportation by Air.

(a) Exemptions and Special Rules.—

(1) Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

"PART III—SPECIAL PROVISIONS APPLICABLE TO TAXES ON TRANSPORTATION BY AIR

"Sec. 4281. Certain organizations.
"Sec. 4282. Small aircraft on nonestablished lines.
"Sec. 4283. Transportation by air for other members of affiliated group.

"Sec. 4281. Certain Organizations.

"The taxes imposed by sections 4261 and 4271 shall not apply to amounts paid for transportation or facilities furnished to an international organization (as defined in section 7701(a)(18)) or to any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

"Sec. 4282. Small Aircraft on Nonestablished Lines.

"The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight (as defined in section 4492(b) of 6,000 pounds or less, except when such aircraft is operated on an established line.

"Sec. 4283. Transportation by Air for Other Members of Affiliated Group.

"(a) General Rule.—Under regulations prescribed by the Secretary or his delegate, if—

"(1) one member of an affiliated group is the owner or lessee of an aircraft, and

"(2) such aircraft is not available for hire by persons who are not members of such group,

no tax shall be imposed under section 4261 or 4271 upon any payment received by one member of the affiliated group from another member of such group for services furnished to such other member in connection with the use of such aircraft.

"(b) Affiliated Group.—For purposes of subsection (a), the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504 (b))."

(2) Section 4292 (relating to State and local governmental exemption) is amended by striking out "or 4261".

(3) Section 4293 (relating to exemption for United States and possessions) is amended by striking out "subchapters B and C" and inserting in lieu thereof "subchapter B".

(4) Section 4294(a) (relating to exemption for nonprofit educational organizations) is amended by striking out "or 4261".

(b) Credits and Refunds.—

(1)(A) Section 6421(a) (relating to nonhighway use of gasoline) is amended by adding the following sentence at the end thereof: "Except as provided in paragraph (3) of subsection (e) of this section, in the case of gasoline used as a fuel in an aircraft, the Secretary or his delegate shall pay (without interest) to the ultimate purchaser of such gasoline an amount equal to the amount determined by multiplying the number of gallons of gasoline so used by the rate at which tax was imposed on such gasoline under section 4081."

(B) Section 6421(e) (relating to exempt sales; other payments of refunds available) is amended by adding at the end thereof the following new paragraph:

"(3) GASOLINE USED IN NONCOMMERCIAL AVIATION.—This section shall not apply in respect of gasoline which is used as a fuel in an aircraft in noncommercial aviation (as defined in section 4041(c)(4)):"

(2) Section 6415 (relating to credits or refunds to persons who collected certain taxes) is amended by striking out "section 4251 or 4261" each place it appears and inserting in lieu thereof "section 4251, 4261, or 4271".

(3) Subparagraph (A) of section 6416(a)(2) (relating to exceptions) is amended by striking out "section 4041 (a)(2) or (b)(2) (use of diesel and special motor fuels)" and inserting in lieu thereof "section 4041 (relating to tax on special fuels) on the use of any liquid".

(4) Paragraph (2) of section 6416(b) (relating to special cases in which tax payments considered overpayments) is amended—

(A) by striking out "(or under section 4041 (a)(1) or (b)(1))" and inserting in lieu thereof "(or under section 4041 on the sale of any liquid)";

(B) by amending subparagraph (G) to read as follows:

"(G) in the case of a liquid in respect of which tax was paid under section 4041 on the sale thereof (whether such sale occurred on, before, or after December 31, 1969), if (i) the vendee used such liquid other than for the use for which sold, or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3), of section 6420(c)) used on a farm for farming purposes; except that the amount of any overpayment by reason of this subparagraph shall be reduced by an amount equal to the amount of tax applicable on the use thereof under section 4041 on the date used;";

(C) by striking out subparagraphs (I) and (J); and

(D) by amending subparagraph (M) to read as follows:

"(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;".

(c) OTHER TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Section 4263 (relating to exemptions) is hereby repealed.

(2) Section 4264 (relating to special rules) is redesignated as section 4263.

(3) Section 4261(d) is amended by striking out "section 6264" and inserting in lieu thereof "section 4263".

(4) Section 4291 is amended by striking out "section 4264(a) and inserting in lieu thereof "section 4263(a)".

(5) So much of subchapter C of chapter 33 (relating to transportation of persons) as precedes section 4261 is amended to read as follows:

"SUBCHAPTER C—TRANSPORTATION BY AIR

"Part I. Persons.
"Part II. Property.
"Part III. Special provisions relating to taxes on transportation by air.

"PART I—PERSONS

"Sec. 4261. Imposition of tax.
"Sec. 4262. Definition of taxable transportation.
"Sec. 4263. Special rules."

(6) The table of subchapters for chapter 33 is amended by striking out "SUBCHAPTER C. Transportation of Persons by Air." and inserting in lieu thereof "SUBCHAPTER C. TRANSPORTATION BY AIR."

(7) Section 4082(c) (relating to certain uses defined as sales) is amended by striking out "or of special motor fuels referred to in section 4041(b)" and inserting in lieu thereof "or of special fuels referred to in section 4041".

(8) Section 6420(i)(1) (relating to cross references) is amended—

(A) by striking out "diesel fuel and special motor fuels" and inserting in lieu thereof "special fuels", and

(B) by striking out "section 4041(d)" and inserting in lieu thereof "section 4041(f)".

(9) Section 6421(j) (relating to cross references) is amended to fead as follows:

"(j) CROSS REFERENCES.—

"(1) For rate of tax in case of special fuels used in noncommercial aviation or for nonhighways purposes, see section 4041.

"(2) For refund or partial refund of tax in case of special fuels used for certain purposes or resold, see section 6416(b)(2).

"(3) For civil penalty for excessive claims under this section, see section 6675.

"(4) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures)."

SEC. 206. REGISTRATION TAX.

(a) IMPOSITION OF TAX.—Chapter 36 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER E—TAX ON USE OF CIVIL AIRCRAFT

"Sec. 4491. Imposition of tax.
"Sec. 4492. Definitions.
"Sec. 4493. Cross reference.

"SEC. 4491. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any taxable civil aircraft during any year at the rate of—

"(1) $25, plus

"(2) 2 cents a pound for each pound of the maximum certificated takeoff weight of the aircraft.

In the case of any turbine engine powered aircraft, the rate under paragraph (2) shall be 3½ cents a pound in lieu of 2 cents.

"(b) BY WHOM PAID.—The tax imposed by this section shall be paid—

"(1) in the case of a taxable civil aircraft described in section 4492(a)(1), by the person in whose name the aircraft is, or is required to be, registered, or

"(2) in the case of a taxable civil aircraft described in section 4492(a)(2), by the United States person by or for whom the aircraft is owned.

"(c) PRORATION OF TAX.—If in any year the first use of the taxable civil aircraft is after the first month in such year, that portion of the tax which is determined under subsection (a)(2) shall be reckoned proportionately from the first day of the month in which such use occurs to and including the last day in such year.

"(d) ONE TAX LIABILITY PER YEAR.—

"(1) IN GENERAL.—To the extent that the tax imposed by this section is paid with respect to any taxable civil aircraft for any year, no further tax shall be imposed by this section for such year with respect to such aircraft.

"(2) CROSS REFERENCE.—

"For privilege of paying tax imposed by this section in installments, see section 6156.

"(e) SPECIAL RULES FOR PERIOD BEGINNING JANUARY 1, 1970, AND ENDING JUNE 30, 1970.—For purposes of this section, in the case of the year ending June 30, 1970—

"(1) there shall not be taken into account any use before January 1, 1970, and

"(2) that portion of the tax which is determined under subsection (a)(1) shall be $12.50 in lieu of $25.

"SEC. 4492. DEFINITIONS.

"(a) TAXABLE CIVIL AIRCRAFT.—For purposes of this subchapter, the term 'taxable civil aircraft' means any engine driven aircraft—

"(1) registered, or required to be registered, under section 501(a) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1401(a)), or

"(2) which is not described in paragraph (1) but which is owned by or for a United States person.

"(b) WEIGHT.—For purposes of this subchapter, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.

"(c) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) YEAR.—The term 'year' means the one-year period beginning on July 1.

"(2) USE.—The term 'use' means use in the navigable airspace of the United States.

"(3) NAVIGABLE AIRSPACE OF THE UNITED STATES.—The term 'navigable airspace of the United States' has the definition given to such term by section 101(24) of the Federal Aviation Act of 1958 (49 U.S.C., sec. 1301 (24)), except that such term does not include the navigable airspace of the Commonwealth of Puerto Rico or of any possession of the United States.

"SEC. 4493. CROSS REFERENCE.

"For penalties and administrative provisions applicable to this subchapter, see subtitle F."

(b) INSTALLMENT PAYMENT OF TAX.—

(1) Section 6156(a) (relating to installment payments of tax on use of highway motor vehicles) is amended by inserting "or 4491" after "4481".

(2) Paragraph (2) of section 6156(e) is amended to read as follows:

"(2) July, August, or September of 1972, in the case of the tax imposed by section 4481."

(c) REFUND FOR CERTAIN FOREIGN AIR COMMERCE.—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding at the end thereof the following new section:

"SEC. 6426. REFUND OF AIRCRAFT USE TAX WHERE PLANE TRANSPORTS FOR HIRE IN FOREIGN AIR COMMERCE.

"(a) GENERAL RULE.—In the case of any aircraft used in the business of transporting persons or property for compensation or hire by air, if any of such transportation during any period is transportation in foreign air commerce, the Secretary or his delegate shall pay (without interest) to the person who paid the tax under section 4491 for such period the amount determined by multiplying that portion of the amount so paid for such period which is determined under section 4491(a)(2) with respect to such aircraft by a fraction—

"(1) the numerator of which is the number of airport-to-airport miles such aircraft traveled in foreign air commerce during such period while engaged in such business, and

"(2) the denominator of which is the total number of airport-to-airport miles such aircraft traveled during such period.

"(b) DEFINITIONS.—For purposes of this section—

"(1) FOREIGN AIR COMMERCE.—The term 'foreign air commerce' means any movement by air of the aircraft which does not begin and end in the United States; except that any segment of such movement in which the aircraft traveled between two parts or stations in the United States shall be treated which is not foreign air commerce.

"(2) AIRPORT-TO-AIRCRAFT MILES.—The term 'airport-to-airport miles' means the official mileage distance between airports as determined under regulations prescribed by the Secretary or his delegate.

"(c) TIME FOR FILING CLAIM.—Not more than one claim may be filed under this section by any person with respect to any year. No claim shall be allowed under this subsection with respect to any year unless filed on or before the first September 30 after the end of such year.

"(d) REGULATIONS.—The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section."

(d) Clerical Amendments.—

(1) The table of subchapters for chapter 36 is amended by adding at the end thereof the following:

"Subchapter E. Tax on use of civil aircraft."

(2) The heading for section 6156 is amended by inserting "And Civil Aircraft" after "Highway Motor Vehicles".

(3) The table of sections for subchapter A of chapter 62 is amended by inserting "and civil aircraft" after "highway motor vehicles" in the item relating to section 6156.

(4) The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following:

"Sec. 6426. Refund of aircraft use tax where plane transports for hire in foreign air commerce."

Sec. 207. Airport and Airway Trust Fund.

(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Airport and Airway Trust Fund" (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section.

(b) Transfer to Trust Fund of Amounts Equivalent to Certain Taxes.—There is hereby appropriated to the Trust Fund—

(1) amounts equivalent to the taxes received in the Treasury after December 31, 1969 (under subsections (c) and (d) of section 4041 (taxes on aviation fuel) and under sections 4261, 4271, and 4491 (taxes on transportation by air and on use of civil aircraft) of the Internal Revenue Code of 1954;

(2) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after December 31, 1969, under section 4081 of such Code, with respect to gasoline used in aircraft; and

(3) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after December 31, 1969, under paragraphs (2) and (3) of section 4071(a) of such Code, with respect to tires and tubes of the types used on aircraft.

The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraphs (1), (2), and (3) received in the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) Transfer of Unexpended Funds.—At the close of June 30, 1970, there shall be transferred to the Trust Fund all unexpended funds which have been appropriated before July 1, 1970, out of the general fund of the Treasury to meet obligations of the United States (1) described in subparagraph (B) or (C) of subsection (f)(1) of this section, or (2) incurred under the Federal Airport Act (49 U.S.C., sec. 1101 et seq.).

(d) Appropriation of Additional Sums.—There are hereby authorized to be appropriated to the Trust Fund such additional sums as may be required to make the expenditures referred to in subsection (f) of this section.

(e) Management of Trust Fund.—

(1) Report.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Transportation) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(2) Investment.—

(A) In general.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) Sale of obligations.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) Interest and Certain Proceeds.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(3) Applicability of Paragraph (2).—Paragraph (2) of this subsection shall not apply until the beginning of the fiscal year immediately following the first fiscal year beginning after June 30, 1970, in which the receipts of the Trust Fund under subsection (b) exceed 80 percent of the expenditures from the Trust Fund under subsection (f)(1).

(f) Expenditures From Trust Fund.—

(1) Airport and airway program.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures after December 31, 1969, to meet those obligations of the United States—

(A) hereafter incurred under title I of this Act (as in effect on the date of the enactment of this Act), or incurred at any time before July 1, 1970, under the Federal Airport Act (49 U.S.C., sec. 1101 et seq.);

(B) heretofore or hereafter incurred under the Federal Aviation Act of 1958, as amended (49 U.S.C., sec. 1301 et seq.), which are attributable to planning, research and development, construction, or operation and maintenance of—

(i) air traffic control,

(ii) air navigation,

(iii) communications, or

(iv) supporting services,

for the airway system; or

(C) for those portions of the administrative expenses of the Department of Transportation which are attributable to activities described in subparagraph (A) or (B).

(2) Transfers from trust fund on account of certain refunds.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to—

(A) the amounts paid after December 31, 1969, in respect of fuel used in aircraft, under sections 6420 (relating to amounts paid in respect of gasoline used on farms) and 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes) of the Internal Revenue Code of 1954, and

(B) the amounts paid under section 6426 of such code (relating to refund of aircraft use tax where plane transports for hire in foreign air commerce),

on the basis of claims filed for periods beginning after December 31, 1969.

(3) Transfers from trust fund on account of certain section 39 credits.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the credits allowed under section 39 of the Internal Revenue Code of 1954 with respect to gasoline used in aircraft during taxable years beginning after December 31, 1969. Such amounts shall be transferred on the basis of estimates by the Secretary of the Treasury, and proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the credits allowed.

(g) Highway Trust Fund Amendment.—Subsection (c) of section 209 of the Highway Revenue Act of 1956 (23 U.S.C., sec 120 note) is amended by adding at the end thereof the following new paragraph:

"(5) Adjustments for aviation uses.—The amounts described in paragraphs (1)(A) and (3)(A) with respect to any period shall (before application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 207(b) of the Airport and Airway Revenue Act of 1969 with respect to such period, and subsection (f)(3) of this section shall not apply to amounts so transferred. The amounts described in paragraphs (1)(E) and (3)(C) with respect to any period shall (before the application of this subsection) be reduced by appropriate amounts to reflect any amounts transferred to the Airport and Airway Trust Fund under section 207(b)(3) of the Airport and Airway Revenue Act of 1969 with respect to such period."

Sec. 208. Investigation and Report to Congress.

(a) Study and Investigation.—The Secretary of Transportation is hereby authorized and directed, in cooperation with such other Federal officers and agencies as may be designated by the President, to make a study and investigation to make available to the Congress information on the basis of which it may determine what revisions, if any, of the taxes imposed by the United States should be made in order to assure, insofar as practicable, an equitable distribution of the tax burden among the various classes of persons using the airports and airways of the United States or otherwise deriving benefits from such airports and airways.

(b) Reports.—The Secretary of Transportation shall report to the Congress the results of the study and investigation required by subsection (a). The final report shall be made as soon as possible but in no event later than March 1, 1972. On or before March 1, 1971, the Secretary of Transportation shall report to the Congress the progress that has been made in carrying out the study and investigation required by subsection (a). Each such report shall be printed as a House document of the session of the Congress to which the report is made.

(c) Funds for Study and Investigation.—There are hereby authorized to be appropriated out of the Airport and Airway Trust Fund such sums as may be necessary to enable the Secretary of Transportation to carry out the provisions of this section.

Sec. 209. Application of Certain Other Tax Provisions.

(a) Nothing in this title or in any other law of the United States shall prevent the application of sections 104 through 110 of title 4 of the United States Code to civil airports owned by the United States.

(b) Subsection (a) shall not apply to—

(1) sales or use taxes in respect of fuels for aircraft or in respect of other servicing of aircraft, or

(2) taxes, fees, head charges, or other charges in respect of the landing or taking off of aircraft or aircraft passengers or freight.

(c) In the case of any lease in effect on September 28, 1969, subsection (a) shall not authorize the levy or collection of any tax in respect of any transaction occurring, or any service performed, pursuant to such lease before the expiration of such lease (determined without regard to any renewal or extension of such lease made after September 28, 1969). For purposes of the preceding sentence, the term "lease" includes a contract.

SEC. 210. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on January 1, 1970.

(b) EXCEPTION.—The amendments made by sections 203 and 204 shall apply to transportation beginning after December 31, 1969.

The CHAIRMAN. Are there any committee amendments to title II?

Mr. MILLS. There are no committee amendments to title II.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURLESON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, pursuant to House Resolution 610, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KYL

Mr. KYL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KYL. I am opposed to the bill, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KYL moves to recommit the bill H.R. 14465 to the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 6, not voting 88, as follows:

[Roll No. 264]

YEAS—337

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrnes, Wis.
Cabell
Caffery
Cahill
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Feighan
Findley
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harsha
Hastings
Hathaway
Hays
Hechler, W. Va.
Helstoski
Henderson
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Long, Md.
Lowenstein
Lujan
McCarthy
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—6

Ashbrook
Foley
Gross
Harrington
Hicks
Kyl

NOT VOTING—88

Anderson, Tenn.
Bell, Calif.
Berry
Betts
Bingham
Blanton
Boland
Bolling
Bray
Brock
Brotzman
Brown, Calif.
Brown, Ohio
Byrne, Pa.
Camp
Carey
Celler
Chisholm
Culver
Daddario
Dawson
de la Garza
Delaney
Denney
Derwinski
Edmondson
Erlenborn
Fallon
Fascell
Fisher
Flynt
Foreman
Fulton, Tenn.
Gettys
Goldwater
Hagan
Hall
Hansen, Idaho
Harvey
Hawkins
Hébert
Heckler, Mass.
Horton
Jarman
Jones, Tenn.
King
Kirwan
Lloyd
Long, La.
Lukens
McClory
McCloskey
McClure
McMillan
Mahon
Meeds
Melcher
Mikva
Monagan
Morton
Mosher
Nelsen
O'Hara
Passman
Philbin
Pirnie
Powell
Pucinski
Railsback
Reifel
Rhodes
Schneebeli
Shipley
Steed
Steiger, Ariz.
Steiger, Wis.
Symington
Teague, Calif.
Teague, Tex.
Tunney
Ullman
Utt
Waldie
Whalley
Wiggins
Wilson, Bob
Wyatt
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Teague of Texas with Mr. Bob Wilson.
Mr. Passman with Mr. Berry.
Mr. Philbin with Mr. Pirnie.
Mrs. Chisholm with Mr. Pucinski.
Mr. Boland with Mr. Bray.
Mr. Steed with Mr. Hall.
Mr. Flynt with Mr. Utt.
Mr. Fisher with Mr. Derwinski.
Mr. Waldie with Mr. Bell.
Mr. Melcher with Mr. Whalley.
Mr. Monagan with Mr. Betts.
Mr. O'Hara with Mrs. Heckler of Massachusetts.
Mr. Shipley with Mr. Brock.
Mr. Fallon with Mr. Morton.
Mr. Hogan with Mr. Foreman.
Mr. Delaney with Mr. Denney.
Mr. Daddario with Mr. Horton.
Mr. Byrne of Pennsylvania with Mr. Erlenborn.
Mr. Blanton with Mr. Brotzman.
Mr. Carey with Mr. Goldwater.
Mr. Celler with Mr. Reifel.
Mr. Edmondson with Mr. Camp.
Mr. Long of Louisiana with Mr. McClure.
Mr. Kirwan with Mr. Brown of Ohio.
Mr. Fulton of Tennessee with Mr. Teague of California.
Mr. Gettys with Mr. Hansen of Idaho.

Mr. Hawkins with Mr. Ullman.
Mr. Tunney with Mr. de la Garza.
Mr. Anderson of Tennessee with Mr. King.
Mr. Bingham with Mr. McClory.
Mr. Brown of California with Mr. Powell.
Mr. Culver with Mr. Harvey.
Mr. Fascell with Mr. Wiggins.
Mr. Mikva with Mr. Wyatt.
Mr. Meeds with Mr. Lloyd.
Mr. Mahon with Mr. Schneebeli.
Mr. Jarman with Mr. Nelsen.
Mr. Railsback with Mr. McCloskey.
Mr. Young with Mr. Lukens.
Mr. Symington with Mr. Mosher.
Mr. Jones of Tennessee with Mr. Steiger of Wisconsin.
Mr. McMillan with Mr. Steiger of Arizona.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the chairman of the Committee on Ways and Means (Mr. Mills) and I have 5 legislative days in which to extend our remarks on the bill just passed and to include therein extraneous matter pertaining to the subject matter which was under debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON H.R. 11271, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1970

Mr. MILLER of California submitted the following conference report and statement on the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes:

Conference Report (H. Rept. No. 91–609)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $1,691,100,000;

(2) Space flight operations, $225,627,000;

(3) Advanced missions, $2,500,000;

(4) Physics and astronomy, $117,600,000;

(5) Lunar and planetary exploration, $138,800,000;

(6) Bioscience, $20,400,000;

(7) Space applications, $128,400,000;

(8) Launch vehicle procurement, $112,600,000;

(9) Sustaining university program, $9,000,000;

(10) Space vehicle systems, $27,500,000;

(11) Electronics systems, $33,550,000;

(12) Human factor systems, $22,100,000;

(13) Basic research, $20,250,000;

(14) Space power and electric propulsion systems, $36,950,000;

(15) Nuclear rockets, $50,000,000;

(16) Chemical propulsion, $22,850,000;

(17) Aeronautical vehicles, $77,700,000;

(18) Tracking and data acquisition, $278,000,000;

(19) Technology utilization, $5,000,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Electronics Research Center, Cambridge, Massachusetts, $8,088,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $670,000;

(3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $12,500,000;

(4) Langley Research Center, Hampton, Virginia, $4,767,000;

(5) Manned Spacecraft Center, Houston, Texas, $1,750,000;

(6) Wallops Station, Wallops Island, Virginia, $500,000;

(7) Various locations, $26,425,000;

(8) Facility planning and design not otherwise provided for, $3,500,000.

(c) For "Research and program management," $637,400,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises of property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

(i) Notwithstanding any other provision of law, authorizations to the National Aeronautics and Space Administration, enacted for fiscal years 1967, 1968, and 1969, for which appropriations have not been made, totaling $327,070,000, are hereby canceled, effective June 30, 1969, or the date of this Act, whichever is later.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) As used in this section—

(1) The term "aerospace contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system.

(2) The term "services and materials" means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

(3) The term "aerospace system" includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

(b) Any former employee of the National Aeronautics and Space Administration who at any time during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration was directly engaged in the procurement of any aerospace system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system; or who served during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work performed by such contractor or any aerospace system; or who was employed by the National Aeronautics and Space Administration during the five-year period preceding the termination of his employment at an annual salary rate of GS-15 or higher, and who

(1) was employed for any period of time during any calendar year by an aerospace contractor,

(2) represented any aerospace contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

(3) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The name and address of the aerospace contractor by whom he was employed or whom he represented.

(3) The title of the position held by him with the aerospace contractor.

(4) A brief description of his duties with the aerospace contractor.

(5) A brief description of his duties while employed by the National Aeronautics and Space Administration during the three-year period immediately preceding his termination of employment.

(6) A description of any work performed by him in connection with any aerospace system while employed by the National Aeronautics and Space Administration, if the aerospace contractor by whom he is employed is providing substantial services or materials for such aerospace system, or is negotiating or bidding to provide substantial services or materials for such aerospace system.

(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment with the aerospace contractor began and, if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

(8) Such other pertinent information as the Administrator may require.

(c) Any employee of the National Aeronautics and Space Administration who was previously employed by an aerospace contractor in any calendar year and—

(1) who is directly engaged in the procurement of any aerospace system or is directly engaged in the negotiation, renegotiation, approval, or disaproval of any contract for the procurement of services or materials for or in connection with any aerospace system, or

(2) who is serving or has served as a representative of the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work being performed by such contractor on any aerospace system, shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeding calendar year, a report containing the following information:

(1) His name and address.

(2) The title of his position with the National Aeronautics and Space Administration.

(3) A brief description of his duties with the National Aeronautics and Space Administration.

(4) The name and address of the aerospace contractor by whom he was employed.

(5) The title of his position with such areospace contractor.

(6) A brief description of his duties at the time he was employed by such aerospace contractor.

(7) A description of any work performed by him in connection with any aerospace system while he was employed by the aerospace contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such aerospace system or is negotiating or bidding to provide substantial services or materials for such aerospace system.

(8) The date on which his employment with such contractor terminated and the date on which his employment with the National Aeronautics and Space Administration began thereafter.

(9) Such other pertinent information as the Administrator may require.

(d)(1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section any year in which he was employed by an aerospace contractor if the total cost to the United States of services and materials provided the United States by such contractor during such year was less than $10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the aerospace contractor by whom such employee was employed was less than $10,000,000 in each of the applicable calendar years that he was employed by such contractor.

(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any calendar year on account of employment with the National Aeronautics and Space Administration if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any calendar year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

(e) The Administrator shall not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to sections (b) and (c) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

(f) Any former employee of the National Aeronautics and Space Administration whose employment with an aerospace contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the National Aeronautics and Space Administration terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

(g) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970.

Sec. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 8. The flag of the United States, and no other flag, shall be implanted or otherwise placed on the surface of the moon, or on the surface of any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as a part of a mission under the Apollo program or as a part of a mission under any subsequent program, the funds for which are provided entirely by the Government of the United States. This act is intended as a symbolic gesture of national pride in achievement and is not to be construed as a declaration of national appropriation by claim of sovereignty.

Sec. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970".

And the Senate agree to the same.

George P. Miller,
Olin E. Teague,
Joseph E. Karth,
Ken Hechler,
James G. Fulton,
Charles A. Mosher,
Richard L. Roudebush,
Managers on the Part of the House.
Clinton P. Anderson,
Spessard L. Holland,
Howard W. Cannon,
Margaret Chase Smith,
Carl T. Curtis,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management and for other purposes submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The amendment of the Senate struck all after the enacting clause in the House bill and substituted new language. The Committee of conference agreed to accept the Senate amendment with certain amendments and stipulations proposed by the managers on the part of the House:

In Fiscal Year 1970 the National Aeronautics and Space Administration requested authorization in the amount of $3,715,527,000. The House approved authorization in the amount of $3,966,377,000. The Senate approved $3,715,527,000.

As a result of the conference the total amount of appropriations to be authorized was adjusted to $3,715,527,000. To this sum, the managers on the part of the House agreed. Thus, the total amount to be authorized to the National Aeronautics and Space Administration for Fiscal Year 1970 is exactly the amount requested by the Administration. The amount agreed to by the conferees is $250,850,000 less than was passed by the House for authorization. The managers on the part of the House agreed to the Senate amendment because of the following constraints: (a) the appropriations approved by the House, *prior to passage* of the Authorization Act by the House totaled $3,696,983,000, or $269,394,000 less than passed by the House for authorization and $18.4 million less than the authorization agreed to by the conferees; (b) the report of the President's Space Task Group concerning the future of the nation's space effort released *subsequent* to the House action on the Fiscal Year 1970 authorization bill, indicated that a re-evaluation of space priorites appears to be in order; and (c) the heavy demands on the nation's resources for other programs dictate that economic restraints be exercised in the national space effort. The authorization was held to the level requested by the Administration.

However, in receding to the Senate position with regard to the amount of funds to be authorized, stipulations were introduced on certain items by the House conferees to assure that the intent of Congress be firmly emphasized concerning selected specific programs:

(a) NASA requested a total of $1,691,100,000 for the Apollo program. The House Committee increased this by $75,700,000 noting the need to provide funds for Saturn V vehicle improvement and additional funds for lunar exploration and Apollo operations. The Senate approved the amount requested by NASA, $1,691,100,000. The House receded and agreed to a reduction of $75,700,000 in the Apollo program bringing the authorized total to $1,691,100,000.

Although agreeing to the reduced funding level contained in the Senate amendment, the Managers on the part of the House insisted that there is an urgent and continuing need to upgrade the Saturn V launch vehicle.

The House passed bill included $32.1 million for these purposes. These added funds were intended to permit NASA to uprate the Saturn V hydrogen-oxygen engines, develop modification kits for increased reliability, and to simplify Saturn V operations.

At the present NASA in-house rate of effecting improvements to the Saturn V vehicle, and present funding constraints, a more effective and efficient vehicle will not be available until vehicle number SA518. If the $32.1 million were made available improvements could be effected on vehicle number SA514 thereby achieving increased reliability at an early date.

The Managers on the part of the House urge that NASA marshall its resources within available funds and pursue a vigorous program designed to uprate the Saturn V at the earliest possible date. This will prevent the freezing of the state of the art and bring about improved reliability.

(b) The National Aeronautics and Space Administration requested $25,100,000 for the Earth Resources Survey Program of which $14,100,000 was designated for the Earth Resources Technology Satellite (ERTS) Project. The House authorized $35,100,000, of which $24,100,000 was designated for the ERTS Project in order to accelerate development of this important experimental satellite system.

The Senate authorized the amount requested by the Administration, $25,100,000.

The managers on the part of the House agreed to the amount of the Administration request, based upon an agreement that the report of the Committee of Conference contain the strongest recommendation that research and development work under NASA's Space Applications Program, particularly ERTS, should be emphasized in the future, and that future resources committed to the Space Applications Program should be greatly increased. The managers on the part of the Senate concurred completely in this position.

(c) NASA requested $22,850,000 for research in Chemical Propulsion. The House increased this amount by $5,250,000 to be used primarily for research in Large Solid Rocket Booster Technology. The Senate approved the requested budget figure. In Conference, the House agreed to the NASA-requested level of $22,850,000 as the authorized amount. However, the House Conferees insisted upon emphasizing their continued concern that the Chemical Propulsion research area is not being funded at a level adequate to provide the technology required in the nation's future space program. This is particularly true for the high strength steels needed for the Large Solid Rocket Motor and for high-energy rocket engine technology utilizing space-storable fuels, including tripropellants, such as lithium-fluorine-hydrogen and also high impulse boron fuels.

The House Conferees, together with various Senate Conferees, were in agreement on the need for the continued research and development of the Large Solid Rocket Motor. The House Science and Astronautics Committee has through the years strongly favored the continued research and development of the Large Solid Rocket Motor. The recent successful firings of this booster have shown excellent progress and confirm the judgment of the House in stressing this project. The Congress has specifically urged NASA over many years to complete this research effort leading to a more reilable, relatively inexpensive and economical first stage booster.

(d) NASA requested $77,700,000 for the

Aeronautical Vehicles Program. The House increased this request by $3,200,000. The Senate approved the NASA request. The managers on the part of the House and Senate agreed on the NASA-requested level of $77,700,000 as the authorized amount.

Additionally, the House and Senate Conferees unanimously agreed to expressing strong approval of the increased funding trend over the past several years for aeronautics research by NASA—a trend repeatedly urged on NASA by the Congress. Further, the Conferees agreed to supporting substantially increased effort in this field.

However, only about $180 million out of a $3.7 billion authorization for NASA is directly related to aeronautics. This allocation of *less than five percent* of NASA's budget does not represent adequate funding to carry out research on the crucial problems in aeronautics now facing our nation.

In addition to specific programs and projects in Conference, six general legislative amendments were in disagreement. Differences between the House and Senate versions were resolved as follows:

(a) The Senate amendment to H.R. 11271 contained a provision which would bar the use of any funds appropriated pursuant to the fiscal year 1970 National Aeronautics and Space Administration Authorization Act for grants to universities which prohibit the recruiting of military personnel on campuses unless the Administrator determines that such action would have an adverse effect on aeronautics and space programs. The provision is similar to language contained in the National Aeronautics and Space Administration Authorization Act, 1969. The managers on the part of the House agreed to the Senate provision.

(b) The House bill contained a provision which would cancel all authorizations to the National Aeronautics and Space Administration, enacted for fiscal years 1967, 1968 and 1969, for which appropriations have not been made, totaling $327,070,000. The House took this action in order to tighten up authorization and enable closer congressional supervision over NASA programs. The Senate-approved bill did not contain this provision. In conference the managers on the part of the Senate agreed to the House provision.

(c) A provision included in H.R. 11271 as passed by the House states that "no part of the funds authorized by this Act shall be used to provide payment, assistance, or services to any person who is convicted by a court of competent jurisdiction of an act to overthrow the Government of the United States." The Senate amendment contained no such provision. The Managers on the part of the House receded to the Senate position and agreed to strike the provision, recognizing that such a provision could involve serious questions of interpretation of existing laws, and may require further legislative hearings and review in both Houses. Nevertheless, although receding to the Senate position, the Managers on the part of the House still support the principle expressed in this provision and wish to make it crystal clear that they believe that a comparable provision should be enacted into law at the earliest possible time. In the interim the National Aeronautics and Space Administration should be governed by the intent expressed above.

(d) The House bill contained a provision which would deny payment of any amount (as salary, as a loan or grant of any kind, or otherwise) from funds appropriated pursuant to authorizations contained in the National Aeronautics and Space Administration Authorization Act, 1970, to any individual who participates in campus disorders, willfully disobeys lawful regulations or orders causing disruption, is convicted by a court of competent jurisdiction of inciting, promoting or carrying on a riot, or is convicted of any group activity resulting in material damage to property or injury to persons.

In conference, the managers on the part of the House offered a substitute provision which would accomplish the same objective, but would limit the denial of further payments to a period of two years when evoked. The managers on the part of the House offered the substitute amendment in order that the provision in the National Aeronautics and Space Administration Authorization Act, 1970 conform to similar provisions contained in the Education and National Science Foundation Acts for 1970. The managers on the part of the Senate agreed to the House substitute provision.

(e) The House bill contained an amendment which provides that "the flag of the United States, and no other flag, shall be implanted or otherwise placed on the surface of the moon, or on the surface of any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as a part of a mission under the Apollo program or as a part of a mission under any subsequent program, the funds for which are provided entirely by the Government of the United States".

The Senate amendment contained no such provision. The managers on the part of the House further clarified the intent of this provision during the conference by stipulating that this section should not be construed to mean that the American flag must necessarily be implanted or otherwise placed on the surface of the Moon or the surface of any planet on each and every landing subsequent to an initial landing. The managers on the part of the Senate receded, agreeing to the House provision.

(f) The Senate amendment contains a provision which would require former employees of the National Aeronautics and Space Administration, who worked on procurement or other contractual work, and who now work for companies under contract with the agency involving more than $10,000,000 annually, to disclose certain facts to the Administrator by March 1st of each year. Facts to be disclosed would include names, titles and description of their work for the agency during the preceding five years, and a declaration of any work performed regarding planning, research, or decision making. The provision also applies to present employees of the agency who previously worked for an aerospace contractor doing more than $10,000,000 in business annually under contract with the agency. The House bill, contained no such provision.

The managers on the part of the House, recognizing that the language is identical (except for minor modifications) to a provision recently passed as part of the Military Authorization Bill accepted the Senate provision.

George P. Miller,
Olin E. Teague,
Joseph E. Karth,
Ken Hechler,
Joseph G. Fulton,
Charles A. Mosher,
Richard L. Roudebush,
Managers on the Part of the House.

Mr. MILLER of California. Mr. Speaker, pursuant to the unanimous-consent agreement, I call up the conference report on the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today.)

Mr. MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. MILLER of California. Mr. Speaker, the amendment of the Senate struck all after the enacting clause in the House bill and substituted new language. The committee of conference agreed to accept the Senate amendment with certain amendments and stipulations proposed by the managers on the part of the House:

In fiscal year 1970 the National Aeronautics and Space Administration requested authorization in the amount of $3,715,527,000. The House approved authorization in the amount of $3,966,377,000. The Senate approved $3,715,527,000.

As a result of the conference the total amount of appropriations to be authorized was adjusted to $3,715,527,000. To this sum, the managers on the part of the House agreed. Thus, the total amount to be authorized to the National Aeronautics and Space Administration for fiscal year 1970 is exactly the amount requested by the administration. The amount agreed to by the conferees is $250,850,000 less than was passed by the House for authorization. The managers on the part of the House agreed to the Senate amendment because of the following constraints: First, the appropriations approved by the House, prior to passage of the authorization act by the House totaled $3,696,983,000, or $269,394,000 less than passed for authorization and $18.4 million less than the authorization agreed to by the conferees; second, the report of the President's Space Task Group concerning the future of the Nation's space effort released subsequent to the House action on the fiscal year 1970 authorization bill, indicated that a reevaluation of space priorities appears to be in order; and third, the heavy demands on the Nation's resources for other programs dictate that economic restraints be exercised in the national space effort. The authorization was held to the level requested by the administration.

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Science and Astronautics, under the direction of our distinguished chairman, the gentleman from California (Mr. Miller) has worked long and hard in analyzing and reporting to the House the NASA fiscal year 1970 authorization. This bill passed the House on June 10 without basic change. I consider this a vote of confidence in the leadership of our chairman (Mr. Miller), our ranking minority member, the gentleman from Pennsylvania (Mr. FULTON) and all the members of the committee who have dedicated themselves to a thorough and searching review of the NASA program. It is important to note the action of the committee and the House in approving this bill largely anticipated the results and recommendations of the President's Space Task Group report released in September. It anticipated additional funding for continued lunar exploration following the Apollo 11 flight. It anticipated provision for funding for the continued procurement of long leadtime items for production of the Saturn V launch vehicle, the largest launch vehicle available to the free world. In addition to this, funds were added for the initiation of technology development as well as design studies for a space station and low cost space shuttle system necessary to a progressive and adequate space program in the 1970's. I commend all of my colleagues in the House who supported this authorization. In my view it was a statesman's approach to the future of our national space program.

The difference between the President's Space Task Group recommendations and the actions of the committee and the House largely involves differences in timing rather than emphasis and intent. The Space Task Group report endorses essentially the approach that the Committee on Science and Astronautics has taken in analyzing the future needs of our Nation in space. However, in the case of the space station and space shuttle the Task Group report has essentially recommended a later start than would have been accomplished by appropriation of funds equivalent to the authorization approved by the House.

In this period of increased demands upon Federal funds it is important, as we all know, to carefully analyze the stress and direction of not only our national space program but all of the vast area of essential tasks that must be performed through Federal initiative. The bill which has been returned to the House by the Senate is $250,850,000 less than the House-passed version. The increase in funding was largely centered on starting development of a space station and space shuttle beyond the preliminary design level. Since a reasonable time table for this and other programs has been provided by NASA and the President's Space Task Group Report it is possible to accept the Senate level of authorization which equals the total amount requested by the administration. However, I believe it is important to point out that both the Committee on Science and Astronautics and the House have, by their previous actions, endorsed a vigorous and continuing national space program and that in the ensuing authorization for fiscal year 1971 it is incumbent upon NASA to assure that the general guidelines provided by the President's Space Task Group Report and the recommendations made and the actions taken by the committee and the House on fiscal year 1970 NASA authorization are fully considered and developed. Therefore, I view the acceptance of the Senate version of the NASA authorization bill as an opportunity for the executive branch and NASA to demonstrate their vigorous support for our national space program in the months ahead.

We face a crucial turning point in our national space program. As the Soviets have so well demonstrated within recent weeks, space is an arena in which we can ill afford to be second. As our Apollo program has well demonstrated the technological growth and economic wellbeing of our Nation is materially enhanced by a strong national space effort. The budget as provided for in the conference report represents an absolute minimum funding essential to maintain the critical technical skills, capabilities and teams of engineers, scientists and managers in industry and within NASA necessary to our future national space program. To do less would be a disservice to the Nation. To do more will be a necessity in the future.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would like to say to the House we have in here the same provisions on riots in educational institutions that were in the education bill and already law.

Second, we have cut $327 million from the NASA authorization in the budget.

There are two points I would like to emphasize and stress particularly that I have insisted upon in the preparation of the statements of the managers on the part of the House. NASA requested a total of $1,691,100,000 for the Apollo program. The House committee increased this by $75,700,000, noting the need to provide funds for Saturn V vehicle improvement and additional funds for lunar exploration and Apollo operations. The Senate approved the amount requested by NASA, $1,691,100,000. The House receded and agreed to a reduction of $75,700,000 in the Apollo program bringing the authorized total to $1,691,100,000.

Although agreeing to the reduced funding level contained in the Senate amendment, the managers on the part of the House insisted that there is an urgent and continuing need to upgrade the Saturn V launch vehicle.

The House passed bill included $32.1 million for these purposes. These funds added were intended to permit NASA to uprate the Saturn V hydrogen-oxygen engines, develop modification kits for increased reliability, and to simplify Saturn V operations.

At the present NASA in-house rate of effecting improvements to the Saturn V vehicle, and present funding constraints, a more effective and efficient vehicle will not be available until vehicle No. SA-518. If the $32.1 million were made available improvements could be effected on vehicle No. SA-514 thereby achieving increased reliability at an early date.

The managers on the part of the House urge that NASA marshall its resources within available funds and pursue a vigorous program designed to uprate the Saturn V at the earliest possible date. This will prevent the freezing of the state of the art and bring about improved reliability and increase the margin of safety for our astronauts.

NASA requested $22,850,000 for research in chemical proplusion. The House increased this amount by $5,250,000 to be used primarily for research in large solid rocket booster technology. The Senate approved the requested budget figure. In conference, the House agreed to the NASA-requested level of $22,850,000 as the authorized amount. However, the House conferees insisted upon emphasizing their continued concern that the chemical propulsion research area is not being funded at a level adequate to provide the technology required in the Nation's future space program. This is particularly true for the high strength steels needed for the large solid rocket motor and for high-energy rocket engine technology utilizing space-storable fuels, including tripropellants, such as lithium-fluorine-hydrogen and also high impulse boron fuels.

The House conferees, together with various Senate conferees, were in agreement on the need for the continued research and development of the large solid rocket motor. The House Science and Astronautics Committee has through the years strongly favored the continued research and development of the large solid rocket motor. The recent successful firings of this booster have shown excellent progress and confirm the judgment of the House in stressing this project. The Congress has specifically urged NASA over many years to complete this research effort leading to a more reliable, relatively inexpensive and economical first stage booster.

Mr. MILLER of California. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 10595, GREAT PLAINS PROGRAM EXTENSION

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 10595) to amend the act of August 7, 1956, 70 Stat. 1115, as amended, providing for a Great Plains conservation program, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there

some testing itself or contract out such studies to qualified individuals, organizations, or institutions. The sponsor of any new drug submitted for testing or investigation shall be liable for the expenses incurred, including a proportionate share of the cost of staffing, maintaining and equipping the Center.

The bill charges the HEW Secretary with seeing to it that the testing or investigation of any drug is conducted by experts qualified by scientific training and experience to do so.

Mr. Speaker, I think it relevant here to cite the drug efficacy study of the National Academy of Sciences-National Research Council Division of Medical Sciences. This study, which took 3 years, was commissioned to evaluate claims of efficacy that had been made on behalf of approximately 4,000 drug formulations introduced on the market between 1938 and 1962. In an epilog to the final report on the drug efficacy study, the Policy Advisory Committee made this comment on the quality of evidence of efficacy:

> Many of the presentations submitted by manufacturers in support of the claims made for the use of their drugs consisted of bulky files of reports of uncontrolled observations and testimonial-type endorsements. The lack of substantial evidence based on well-controlled investigations by experienced investigators was conspicuous.

Mr. Speaker, the present Commissioner of Federal Drug Administration, Dr. Herbert Ley, has disclosed that out of 406 drug marketing applications received by the FDA in 1967, only 59 were approved. More than half, he said, "suffered from deficiencies in clinical studies and inadequacies in efficacy data and many were so low in quality as to be not approvable."

In testimony last May, Dr. Ley declared:

> The major problem in industry submissions to FDA is still the poor quality of both the basic data and the summaries. The most important single step that industry can take to speed up the processing of new drug applications by FDA—and to improve the chance for new drug approval—would be to ensure that the data presented in support of efficacy is true to the statutory requirement of well-controlled studies.

Mr. Speaker, one way to fulfill the statutory requirement for well-controlled studies is to conduct them under the aegis of a National Drug Testing and Evaluation Center. And if, as has been suggested, the industry experiences difficulty in commanding needed clinical facilities and the services of experienced investigators, it may be the only way.

Drug testing should be the domain of specialists who are motivated by neither more nor less than learning the truth. The sole interest vested in those who commission the tests should be the public interest.

TARIFF ACTIONS

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, two items just came to my attention that I thought would be of great interest to the House. As the drive goes on to keep this House from passing legislation that might interfere with the free flow of goods from Japan, we have a Japanese Trade Council release of late date and a very interesting decision made by the U.S. Tariff Commission. After 35 attempts by injured workmen in the United States whose jobs have been taken by imports to get relief under the Trade Expansion Act, the Tariff Commission finally granted relief in three cases. Three separate steel companies, three separate plants, have been given relief for their workers who lost their jobs because of imports. That means all of these workers will be paid 65 percent of their average wage for a period of 1 year plus 6 months' extension if they are going to try to be retained for another job plus a 3-month extension if they are over 60 years of age. However, the real kicker in this is that the Japanese have joined in a fight to keep us from acting on legislation and have announced that by the end of 1971 they are going to reduce the tariff into Japan on 55 items. I would like to read a few of the list of items. They are going to reduce the Japanese tariff on grapefruit, cake mixes, corn flakes, chewing gum, pineapples, lemon juice, and eight other food items. I am sure we will get rich on it.

The Tariff Commission decision is another instance of how we keep making it even more difficult for U.S. industry to compete in foreign trade. The steel companies that lost their business and the steelworkers who lost their jobs are all going to be taxed to pay the relief payments to the unemployed workers.

This means that the price of our steel will probably be raised a few cents a pound, making the relief clause in our Trade Act an indirect subsidy to the steel-exporting countries.

I congratulate the Tariff Commission on its decision. I have a feeling that this may be the Tariff Commission that may save our industrial economy. The decision follows:

UNITED STATES WILL AID WORKERS HURT BY IMPORTS

The U.S. Tariff Commission shattered precedent yesterday by ruling that some American steelworkers are eligible for government aid because imported steel products cost them their jobs.

Some 35 previous requests for such relief, provided under the Trade Expansion Act of 1962, had been denied by the commission.

The act calls for assistance to workers when it can be shown that imports resulting from trade concessions such as tariff cuts are the major cause of job loss. In most previous instances, the commission had ruled that imports were not the major cause.

Under the terms of yesterday's ruling, the affected workers would receive from the 65 per cent of average government national earnings in the industry.

The 5-to-1 decision covered displaced workers at two U.S. Steel Corp. plants, at Pittsburgh and Los Angeles, producing power transmission towers and parts and one Armco Steel Corp. plant at Ambridge, Pa., producing welded pipe. The commission did not disclose how many workers would be affected.

The petition for assistance was filed by the United Steelworkers of America.

MR. A. ERNEST FITZGERALD, AIR EFFICIENCY EXPERT, FIRED BY THE PENTAGON

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I was appalled to learn yesterday that Mr. A. Ernest Fitzgerald, the Air Force efficiency expert who had uncovered the fantastic cost overruns in the controversial C-5A program, had been fired by the Pentagon. As a persistent critic of the bloated Pentagon budget, and as one of the Members of this body who attempted to make responsible cuts in the defense procurement bill a few weeks ago, I find this action on the part of Pentagon officials completely inexcusable. Instead of giving Mr. Fitzgerald his walking papers, the Defense Department should have given him a medal.

The Secretary of Defense recently noted in a press conference the tremendous accomplishments of this administration in its cost-reduction program. Yet, now they have decided that one of the best ways to reduce costs is to fire one of the most capable waste hunters in the Pentagon. I say the situation reeks.

The Federal Government goes to great pains to recruit competent executives. It spends all kinds of money on efficiency analyses to determine reasonable and responsible cost-benefit ratios. But in one of the worst shows of contrariness I have witnessed in a long time, the Pentagon has decided to can one of its most competent executives and apparently shelve all the hard work he put in attempting to save the U.S. taxpayers millions of dollars. This, in my estimation, is sheer idiocy.

Along with many of my colleagues, I am writing to the President asking him to personally intervene in this situation and to restore Mr. Fitzgerald to his position in the Defense Department. Anything less than this on his part will be a complete condoning of a program that was so badly bungled and so horribly mismanaged that it almost boggles the mind. His failure to do this will also be a serious blow to the morale of hundreds of thousands of conscientious Government employees who try to do the right thing but will refrain from any acts of initiative in the future lest they get egg on the faces of their superiors.

This incident is but another in a series of acts of smug high-handedness on the part of Pentagon officials who think they are above reproach. I think this arrogance ought to be met head on.

SPEAKING OUT

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, since the termination of the great war a half-century ago, November 11 has been set aside throughout the Western World as a day of tribute to veterans. A day in which millions pause to honor those brave men and women whose precious sacrifices permit our present security and well-being.

This year that distinguished organization, the Veterans of Foreign Wars of the United States, is asking every dedicated American to "speak out" in support of America and in support of those who have served and are now serving throughout the world.

In my judgment, we could not pick a more appropriate time for such an outpouring of support for our Nation, and I am honored to join millions of my fellow Americans in speaking out.

There is confusion in America today, there are those who are frustrated over the continuing conflict in Vietnam, but we must keep in mind that there are one half million Americans on the fighting front of Vietnam. To them, we owe our unqualified, unwavering support.

The so-called Vietnam antiwar demonstrations held recently throughout the United States played right into the hands of the Communist regime in Hanoi. Such demonstrations can only undermine our efforts to negotiate an honorable peace.

The foreign policy of the United States is not made on college campuses or in the streets. It is made by elected representatives of the people.

Only an honorable solution can justify the sacrifices of our efforts.

The time has come for us to let the world know that the people of the United States do support our Government. We must speak out clearly and decisively.

I remind you that those who have died in service to America have not died in vain, but have granted us, the living, the opportunity to live out our lives in freedom—and given us the chance to change the pattern of war and suffering. It falls to us to try to justify their hopes. We must not fail.

FEDERAL INTRUSION INTO STATE MATTERS HAS BROUGHT ABOUT INTOLERABLE CONDITIONS IN THE ALABAMA EDUCATIONAL SYSTEM

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, Federal intrusion into State matters has brought about intolerable conditions in the Alabama educational system. Some schools are so overcrowded that it is physically impossible for teachers to conduct their classes, while other good school buildings remain closed. But even more important than this is that children are forced to travel many miles from their own homes to attend a school which neither they nor their parents approve. The single overriding reason that these conditions exist is the single-minded determination of the Department of Health, Education, and Welfare, the Department of Justice, and the Federal courts to compel children to attend preassigned schools. The results of this administrative tyranny has been chaotic and against every sound principle of education.

As one who for over a decade worked consistently to continually improve the quality of education in Alabama, I find this situation disheartening and deplorable. I have recently received a copy of a resolution adopted by the Alabama Association of School Boards. This resolution is an eloquent appeal from Alabama educators in support of the basic right of children and parents to choose the school they wish to attend. I believe this to be an important statement of interest to my colleagues, regardless of their section of the country for this is, indeed, a national problem.

The resolution follows:

RESOLUTION, ALABAMA ASSOCIATION OF SCHOOLS

Whereas, the Courts of last resort in the United States have consistently held that the Constitution and the laws of this Nation require that every child be afforded an equal opportunity to obtain an education, regardless of race, creed or color, and

Whereas, the school boards have accepted these decisions and have provided this equal opportunity for all children by making available to them the freedom to choose the school that they wish to attend without pressure or duress on any person, and

Whereas, the Civil Rights Act of 1964 specifically states: "Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance." And said Act also states: "Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another", and

Whereas, in these United States where freedom is the hallmark of our Republic and the law of the land, Americans place great value upon their freedom—freedom of religion, freedom of the press, freedom of speech, and every other freedom; yet there seems to be one lone exception—the Department of Health, Education and Welfare, the Department of Justice, and the Federal Courts have effectively denied children in this Nation the right to choose the school they wish to attend, and

Whereas, it is our studied belief that wherever children have been forced to attend schools against their will and contrary to the will of their parents, the results have been a deterioration in the quality of education and a large increase in the number of school dropouts, and in many areas, has caused the defection of students from the public schools into rapidly growing private schools.

Whereas, in its concern over the direction being taken by the Department of Health, Education and Welfare, the Department of Justice, and the Federal Courts, the House of Representatives of the Congress of the United States, expressing the will of the people, passed HR 13111 on July 31, 1969 with the following provisions:

"SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent."

"SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

and,

Whereas, we sincerely believe that the goal of public education is to provide the children of this nation with the best possible education in order to prepare them to take their places in our democratic society and to be useful members thereof, and that our obligation and duty as school board members and educators is to do all that is in our power to provide such a quality education, and we further believe that it is as morally and constitutionally wrong for a student to be assigned to a school that is not of his choosing as it is to deny him the right to attend the school of his choice.

Now therefore, be it resolved: That this Alabama Association of School Boards makes it known to all concerned that we support a policy of freedom of choice in the operation of our public schools.

Be it further resolved: That it is our solemn belief that freedom of choice is the American way and the best way to insure quality education, to bring about a pleasant environment for teaching, to create a wholesome atmosphere for the learning process, and yet not deprive any person of any constitutional guaranty of freedom under the law.

Adopted by the general membership of the Alabama Association of School Boards, October 28, 1969.

RANDY QUINN,
Executive Secretary.

LICENSE GRANTED TO PACIFICA FOUNDATION OF CALIFORNIA FOR FM STATION IN HOUSTON, TEX.

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, last night, I was greatly pleased to see an excellent remake of the movie, "Good-By, Mr. Chips." It was inspirational and certainly it tends to inculcate principles of honor, truth, and courage in our youth.

I regret that the Pacifica Foundation of California has been granted a construction permit for an FM station in Houston, Tex. By this action obscene, filthy, and blasphemous language will be spewed over the great State of Texas.

Commissioner Robert E. Lee dissented and issued a statement. I commend his dissent and also his statement.

Free speech does not grant a license to broadcast obscene, indecent, or profane matter to the general public.

The Pacifica Foundation has been guilty of this, and I include for the RECORD material broadcast on the 21st of September 1969.

Literature has been defined as thoughts expressed in language of such enduring charm that men treasure them and will not let them die.

I find nothing of benefit in the recent broadcast of the Pacifica. I find much which is obscene, indecent, and profane. And which is a stench in the nostrils of decent humanity.

I urge the Federal Communications Commission to rescind the Pacifica Foundation's application for a construction permit in Houston.

I include the dissent of Commissioner Robert E. Lee, as follows:

[From Federal Communications Commission News, Oct. 31, 1969]

BROADCAST ACTION

The Commission took the following action on October 29, 1969. Commissioners Hyde (Chairman), Bartley, Johnson and H. Rex Lee, with Commissioner Cox concurring and issuing a statement, Commissioner Robert E. Lee dissenting and issuing a statement, and Commissioner Wadsworth dissenting.

Houston, Texas, Pacifica Foundation, granted construction permit for new non-some testing itself or contract out such studies to qualified individuals, organizations, or institutions. The sponsor of any new drug submitted for testing or investigation shall be liable for the expenses incurred, including a proportionate share of the cost of staffing, maintaining and equipping the Center.

The bill charges the HEW Secretary with seeing to it that the testing or investigation of any drug is conducted by experts qualified by scientific training and experience to do so.

Mr. Speaker, I think it relevant here to cite the drug efficacy study of the National Academy of Sciences-National Research Council Division of Medical Sciences. This study, which took 3 years, was commissioned to evaluate claims of efficacy that had been made on behalf of approximately 4,000 drug formulations introduced on the market between 1938 and 1962. In an epilog to the final report on the drug efficacy study, the Policy Advisory Committee made this comment on the quality of evidence of efficacy:

> Many of the presentations submitted by manufacturers in support of the claims made for the use of their drugs consisted of bulky files of reports of uncontrolled observations and testimonial-type endorsements. The lack of substantial evidence based on well-controlled investigations by experienced investigators was conspicuous.

Mr. Speaker, the present Commissioner of Federal Drug Administration, Dr. Herbert Ley, has disclosed that out of 406 drug marketing applications received by the FDA in 1967, only 59 were approved. More than half, he said, "suffered from deficiencies in clinical studies and inadequacies in efficacy data and many were so low in quality as to be not approvable."

In testimony last May, Dr. Ley declared:

> The major problem in industry submissions to FDA is still the poor quality of both the basic data and the summaries. The most important single step that industry can take to speed up the processing of new drug applications by FDA—and to improve the chance for new drug approval—would be to ensure that the data presented in support of efficacy is true to the statutory requirement of well-controlled studies.

Mr. Speaker, one way to fulfill the statutory requirement for well-controlled studies is to conduct them under the aegis of a National Drug Testing and Evaluation Center. And if, as has been suggested, the industry experiences difficulty in commanding needed clinical facilities and the services of experienced investigators, it may be the only way.

Drug testing should be the domain of specialists who are motivated by neither more nor less than learning the truth. The sole interest vested in those who commission the tests should be the public interest.

TARIFF ACTIONS

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, two items just came to my attention that I thought would be of great interest to the House. As the drive goes on to keep this House from passing legislation that might interfere with the free flow of goods from Japan, we have a Japanese Trade Council release of late date and a very interesting decision made by the U.S. Tariff Commission. After 35 attempts by injured workmen in the United States whose jobs have been taken by imports to get relief under the Trade Expansion Act, the Tariff Commission finally granted relief in three cases. Three separate steel companies, three separate plants, have been given relief for their workers who lost their jobs because of imports. That means all of these workers will be paid 65 percent of their average wage for a period of 1 year plus 6 months' extension if they are going to try to be retained for another job plus a 3-month extension if they are over 60 years of age. However, the real kicker in this is that the Japanese have joined in a fight to keep us from acting on legislation and have announced that by the end of 1971 they are going to reduce the tariff into Japan on 55 items. I would like to read a few of the list of items. They are going to reduce the Japanese tariff on grapefruit, cake mixes, corn flakes, chewing gum, pineapples, lemon juice, and eight other food items. I am sure we will get rich on it.

The Tariff Commission decision is another instance of how we keep making it even more difficult for U.S. industry to compete in foreign trade. The steel companies that lost their business and the steelworkers who lost their jobs are all going to be taxed to pay the relief payments to the unemployed workers.

This means that the price of our steel will probably be raised a few cents a pound, making the relief clause in our Trade Act an indirect subsidy to the steel-exporting countries.

I congratulate the Tariff Commission on its decision. I have a feeling that this may be the Tariff Commission that may save our industrial economy. The decision follows:

UNITED STATES WILL AID WORKERS HURT BY IMPORTS

The U.S. Tariff Commission shattered precedent yesterday by ruling that some American steelworkers are eligible for government aid because imported steel products cost them their jobs.

Some 35 previous requests for such relief, provided under the Trade Expansion Act of 1962, had been denied by the commission.

The act calls for assistance to workers when it can be shown that imports resulting from trade concessions such as tariff cuts are the major cause of job loss. In most previous instances, the commission had ruled that imports were not the major cause.

Under the terms of yesterday's ruling, the affected workers would receive from the 65 per cent of average government national earnings in the industry.

The 5-to-1 decision covered displaced workers at two U.S. Steel Corp. plants, at Pittsburgh and Los Angeles, producing power transmission towers and parts and one Armco Steel Corp. plant at Ambridge, Pa., producing welded pipe. The commission did not disclose how many workers would be affected.

The petition for assistance was filed by the United Steelworkers of America.

MR. A. ERNEST FITZGERALD, AIR EFFICIENCY EXPERT, FIRED BY THE PENTAGON

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I was appalled to learn yesterday that Mr. A. Ernest Fitzgerald, the Air Force efficiency expert who had uncovered the fantastic cost overruns in the controversial C–5A program, had been fired by the Pentagon. As a persistent critic of the bloated Pentagon budget, and as one of the Members of this body who attempted to make responsible cuts in the defense procurement bill a few weeks ago, I find this action on the part of Pentagon officials completely inexcusable. Instead of giving Mr. Fitzgerald his walking papers, the Defense Department should have given him a medal.

The Secretary of Defense recently noted in a press conference the tremendous accomplishments of this administration in its cost-reduction program. Yet, now they have decided that one of the best ways to reduce costs is to fire one of the most capable waste hunters in the Pentagon. I say the situation reeks.

The Federal Government goes to great pains to recruit competent executives. It spends all kinds of money on efficiency analyses to determine reasonable and responsible cost-benefit ratios. But in one of the worst shows of contrariness I have witnessed in a long time, the Pentagon has decided to can one of its most competent executives and apparently shelve all the hard work he put in attempting to save the U.S. taxpayers millions of dollars. This, in my estimation, is sheer idiocy.

Along with many of my colleagues, I am writing to the President asking him to personally intervene in this situation and to restore Mr. Fitzgerald to his position in the Defense Department. Anything less than this on his part will be a complete condoning of a program that was so badly bungled and so horribly mismanaged that it almost boggles the mind. His failure to do this will also be a serious blow to the morale of hundreds of thousands of conscientious Government employees who try to do the right thing but will refrain from any acts of initiative in the future lest they get egg on the faces of their superiors.

This incident is but another in a series of acts of smug high-handedness on the part of Pentagon officials who think they are above reproach. I think this arrogance ought to be met head on.

SPEAKING OUT

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, since the termination of the great war a half-century ago, November 11 has been set aside throughout the Western World as a day of tribute to veterans. A day in which millions pause to honor those brave men and women whose precious sacrifices permit our present security and well-being.

This year that distinguished organization, the Veterans of Foreign Wars of the United States, is asking every dedicated American to "speak out" in support of America and in support of those who have served and are now serving throughout the world.

In my judgment, we could not pick a more appropriate time for such an outpouring of support for our Nation, and I am honored to join millions of my fellow Americans in speaking out.

There is confusion in America today, there are those who are frustrated over the continuing conflict in Vietnam, but we must keep in mind that there are one half million Americans on the fighting front of Vietnam. To them, we owe our unqualified, unwavering support.

The so-called Vietnam antiwar demonstrations held recently throughout the United States played right into the hands of the Communist regime in Hanoi. Such demonstrations can only undermine our efforts to negotiate an honorable peace.

The foreign policy of the United States is not made on college campuses or in the streets. It is made by elected representatives of the people.

Only an honorable solution can justify the sacrifices of our efforts.

The time has come for us to let the world know that the people of the United States do support our Government. We must speak out clearly and decisively.

I remind you that those who have died in service to America have not died in vain, but have granted us, the living, the opportunity to live out our lives in freedom—and given us the chance to change the pattern of war and suffering. It falls to us to try to justify their hopes. We must not fail.

FEDERAL INTRUSION INTO STATE MATTERS HAS BROUGHT ABOUT INTOLERABLE CONDITIONS IN THE ALABAMA EDUCATIONAL SYSTEM

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, Federal intrusion into State matters has brought about intolerable conditions in the Alabama educational system. Some schools are so overcrowded that it is physically impossible for teachers to conduct their classes, while other good school buildings remain closed. But even more important than this is that children are forced to travel many miles from their own homes to attend a school which neither they nor their parents approve. The single overriding reason that these conditions exist is the single-minded determination of the Department of Health, Education, and Welfare, the Department of Justice, and the Federal courts to compel children to attend preassigned schools. The results of this administrative tyranny has been chaotic and against every sound principle of education.

As one who for over a decade worked consistently to continually improve the quality of education in Alabama, I find this situation disheartening and deplorable. I have recently received a copy of a resolution adopted by the Alabama Association of School Boards. This resolution is an eloquent appeal from Alabama educators in support of the basic right of children and parents to choose the school they wish to attend. I believe this to be an important statement of interest to my colleagues, regardless of their section of the country for this is, indeed, a national problem.

The resolution follows:

RESOLUTION, ALABAMA ASSOCIATION OF SCHOOLS

Whereas, the Courts of last resort in the United States have consistently held that the Constitution and the laws of this Nation require that every child be afforded an equal opportunity to obtain an education, regardless of race, creed or color, and

Whereas, the school boards have accepted these decisions and have provided this equal opportunity for all children by making available to them the freedom to choose the school that they wish to attend without pressure or duress on any person, and

Whereas, the Civil Rights Act of 1964 specifically states: "Desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance." And said Act also states: "Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another", and

Whereas, in these United States where freedom is the hallmark of our Republic and the law of the land, Americans place great value upon their freedom—freedom of religion, freedom of the press, freedom of speech, and every other freedom; yet there seems to be one lone exception—the Department of Health, Education and Welfare, the Department of Justice, and the Federal Courts have effectively denied children in this Nation the right to choose the school they wish to attend, and

Whereas, it is our studied belief that wherever children have been forced to attend schools against their will and contrary to the will of their parents, the results have been a deterioration in the quality of education and a large increase in the number of school dropouts, and in many areas, has caused the defection of students from the public schools into rapidly growing private schools.

Whereas, in its concern over the direction being taken by the Department of Health, Education and Welfare, the Department of Justice, and the Federal Courts, the House of Representatives of the Congress of the United States, expressing the will of the people, passed HR 13111 on July 31, 1969 with the following provisions:

"SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent."

"SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

and,

Whereas, we sincerely believe that the goal of public education is to provide the children of this nation with the best possible education in order to prepare them to take their places in our democratic society and to be useful members thereof, and that our obligation and duty as school board members and educators is to do all that is in our power to provide such a quality education, and we further believe that it is as morally and constitutionally wrong for a student to be assigned to a school that is not of his choosing as it is to deny him the right to attend the school of his choice.

Now therefore, be it resolved: That this Alabama Association of School Boards makes it known to all concerned that we support a policy of freedom of choice in the operation of our public schools.

Be it further resolved: That it is our solemn belief that freedom of choice is the American way and the best way to insure quality education, to bring about a pleasant environment for teaching, to create a wholesome atmosphere for the learning process, and yet not deprive any person of any constitutional guaranty of freedom under the law.

Adopted by the general membership of the Alabama Association of School Boards, October 28, 1969.

RANDY QUINN,
Executive Secretary.

LICENSE GRANTED TO PACIFICA FOUNDATION OF CALIFORNIA FOR FM STATION IN HOUSTON, TEX.

(Mr. CARTER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, last night, I was greatly pleased to see an excellent remake of the movie, "Good-By, Mr. Chips." It was inspirational and certainly it tends to inculcate principles of honor, truth, and courage in our youth.

I regret that the Pacifica Foundation of California has been granted a construction permit for an FM station in Houston, Tex. By this action obscene, filthy, and blasphemous language will be spewed over the great State of Texas.

Commissioner Robert E. Lee dissented and issued a statement. I commend his dissent and also his statement.

Free speech does not grant a license to broadcast obscene, indecent, or profane matter to the general public.

The Pacifica Foundation has been guilty of this, and I include for the RECORD material broadcast on the 21st of September 1969.

Literature has been defined as thoughts expressed in language of such enduring charm that men treasure them and will not let them die.

I find nothing of benefit in the recent broadcast of the Pacifica. I find much which is obscene, indecent, and profane. And which is a stench in the nostrils of decent humanity.

I urge the Federal Communications Commission to rescind the Pacifica Foundation's application for a construction permit in Houston.

I include the dissent of Commissioner Robert E. Lee, as follows:

[From Federal Communications Commission News, Oct. 31, 1969]

BROADCAST ACTION

The Commission took the following action on October 29, 1969. Commissioners Hyde (Chairman), Bartley, Johnson and H. Rex Lee, with Commissioner Cox concurring and issuing a statement, Commissioner Robert E. Lee dissenting and issuing a statement, and Commissioner Wadsworth dissenting.

Houston, Texas, Pacifica Foundation, granted construction permit for new noncommercial educational FM station. A construction permit (BPED–989) has been granted to Pacifica Foundation, for a new noncommercial educational FM station to operate on Channel 211 (90.1 mc) at Houston, Texas, with ERP of 47 kw, antenna height of 430 feet, and remote control permitted from the main studio location. The population of Houston is 938,219 and the city presently has 10 AM, 6 TV, 11 commercial FM and 1 noncommercial educational FM stations, with no other FM applications pending. The applicant is a California educational organization (authorized to do business in Texas), with broadcast interests in KPFA (FM) and KPFB (FM), Berkeley, California; KPFK (FM), Los Angeles, California; and WBAI–FM, New York, New York. It has filed an application for a new educational FM station at Washington, D.C. (Docket 18634). This application, with a mutually exclusive application filed by National Education Foundation, has been designated for hearing to inquire into Pacifica's qualifications. The grant of the Houston applications is conditioned on the outcome of Docket 18634.

DISSENTING STATEMENT OF COMMISSIONER ROBERT E. LEE

I dissent to the grant without hearing of the Pacifica Foundation application for a new non-commercial educational FM station at Houston, Texas. I simply cannot make the required finding on the record now before me that the public interest, convenience and necessity would be served by a grant of this application.

Over the years, I have expressed increasing concern about the number of complaints we have received concerning obscene, indecent, or profane language broadcast over Pacifica Foundation's Los Angeles, San Francisco and New York City stations. When such matters were called to management's attention, as far back as 1965, I believe we received a firm commitment in writing that adequate controls would be introduced. Nevertheless, we continue to receive complaints from the public in substantial numbers. Free speech simply does not grant license to broadcast such obscene, indecent, or profane matter to the general public nor do I construe it to preempt the public interest finding which I must make. Otherwise, the obscenity statutes might as well be removed from the books, which I doubt either the Congress or the public desires.

"PEACE" DEMONSTRATORS SHOULD PRAY FOR U.S. POW'S

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, on September 12, a resolution of which I was a cosponsor was introduced in the interest of compelling the Communist regime in Hanoi to end its inhumane mistreatment of U.S. military men held prisoner within that regime's tyrannical orbit.

That day, under a special order, many members of this body addressed themselves to those abuses.

In the gallery, that day, sat a representative group of wives, children, mothers, fathers, and other relatives of the some 1,355 American servicemen officially listed as missing or captured in North Vietnam.

A few days earlier, several wives of such men had flown to Paris in the faint hope that they might possibly elicit from North Vietnam's "peace" negotiators some indication of, as those brave women had put it: "whether we are wives or widows."

The objective of that September 12 resolution and of the abundant oratory on the floor of this House was designed in the faint hope that, somehow, Hanoi might respond to that defined as "the court of world opinion." As usual, Hanoi's response was further efforts to use the prisoners as hostages for blackmail and their families as pawns for propaganda.

On October 14, 1969, this House passed a joint resolution, "That November 9, 1969, be declared a national day of prayer and concern on behalf of the American servicemen being held prisoner by the North Vietnamese."

It is quite apparent that, with petition after petition to Hanoi having fallen on something more sinister than "deaf ears," the people of the United States might storm the gates of Heaven for Divine intervention in behalf of these men and their families.

I would commend this outrageous problem, particularly, to the attention of those Americans who find it so convenient to rush onto the campus or onto the street to blindly echo Hanoi's false cries for "peace, freedom, brotherhood, and human dignity."

I would suggest that they consider, well, the fact that it is such sacrifices as those of these American prisoners of war in Vietnam that continue to help insure the atmosphere of freedom which these same people use and abuse here in America.

THE PRESIDENT IS COMMANDER IN CHIEF

(Mr. RUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUTH. Mr. Speaker, in my district, and specifically in the city of Salisbury, N.C., which is my home, there is a group of nonpartisan citizens who feel Americans should express their support of the President.

This group started with the name Silent Salisburians; but I feel this movement has grown to where the title should be changed to include all Americans.

They want the President to know that they are aware that he is the one man directing this Nation's activities and making decisions regarding our actions in Vietnam and that they fully support him as Commander in Chief.

They feel so strongly that we can have only one quarterback leading the American team at any one time, they have organized a group who are coming to Washington on November 11 to show their support. With them they will have a long list of individuals who share their feelings.

Dr. Ed McKenzie, a Republican, and Rex Wood, a Democrat, have started this movement and it has caught on. I am proud to represent such energetic people who express faith in our leader. These patriotic, loyal Americans are the type of people who make America strong.

Mr. Speaker, I insert the statement by Dr. McKenzie and Rex Wood and a resolution adopted by the Salisbury-Rowan Chamber of Commerce into the RECORD, as follows:

STATEMENT BY DR. MCKENZIE AND REX WOOD

We, two private citizens of Rowan County, North Carolina, announce that on November 11, 1969 we shall go, alone or with all who are of like mind, to our Nation's Capitol that our presence there may be taken as testimony of our belief in constitutional government and of our support of the President of the United States and of our troops at home and abroad. We further express deep concern for this nation's future and for the hopes of all men to be free.

We challenge every citizen of Rowan County, of North Carolina, and of America to stand and join us.

We invite individuals and organizations, veterans and non-veterans, young and old, students and professors, officials of government and private citizens, entertainers, actors, athletes, labor, management and clergy to heed this call, stand and be counted, endorse support and join us that what is started here now as small, meager and simple may become an overwhelming throng of strength for our President, our Nation and the entire world to see.

RESOLUTION BY SALISBURY-ROWAN CHAMBER OF COMMERCE

Whereas, the Salisbury-Rowan Chamber of Commerce is vitally interested in an honorable and lasting solution to the Vietnam conflict, and we are conscious of the many intricate and difficult problems and decisions involved in bringing this conflict to a fair and just conclusion; and

Whereas, we wish to express our deepest gratitude to our servicemen and servicewomen, both at home and abroad, for their loyalty and sacrifices; and

Whereas, the President of the United States as our elected leader must make grave decisions in order to resolve this conflict in an honorable manner, and must have the full support of the American people; and

Whereas, we feel that the vast majority of the American people, the "Silent Americans", share the aforementioned views; and

Whereas, we feel this vast majority does not approve of the manner in which certain groups have expressed themselves in various ways, thereby giving encouragement and comfort to the enemy and making it more difficult for the President of the United States to conclude this conflict on an honorable and sound basis,

Now, therefore, the Salisbury-Rowan Chamber of Commerce pledges its wholehearted support, faith and trust in the President of the United States and his advisors in their efforts to bring a lasting peace to the world and hereby encourages all citizens of our country, state and nation to similarly express their support, faith and trust to our President, on November 11, 1969.

J. H. WELCH,
President, Salisbury-Rowan Chamber of Commerce.

INOCULATION AGAINST RUBELLA

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, earlier this week Mayor Washington and the President's daughter, Tricia Nixon, helped initiate the campaign to inoculate the target population in the District of Columbia against rubella. Some 80,000 between the age of 6 and 10 will be inoculated during the course of the campaign.

The target population for this inoculation is the preschool and early school age children who are most like to transfer the disease. We cannot, of course, inoculate married women for fear of inoculating them in early pregnancy.

Mr. Speaker, on Sunday, October 26, 1969, an article appeared on the women's page of the Washington Post written by Mr. William Hines of the Chicago Sun-Times indicating that the next outbreak of german measles will be as widespread and destructive as the last because the Public Health Service is soft pedaling the program and the administration and the Congress have not appropriated enough money. This is not true.

I have talked with officials of the Community Health Service and the Communicable Disease Center and both state emphatically that the program is moving along according to plan and that money is not a problem. They received the funds requested from the Congress for fiscal year 1968 and in the second supplemental which passed in July provided $9.6 million. We put these funds in the supplemental so that health officials could get an early start. They are currently operating under the current resolution and although more funds are budgeted for fiscal year 1970 it has not yet become a problem.

The target for this entire program is to immunize some 40 to 50 million children estimated to be in the early school years. The program involves the Federal Government, local and State governments, and the private sector. The Public Health Service has learned from past programs that some 75 percent of the target population will be taken care of by their parents and private physicians as a result of the educational and publicity programs operated by the Public Health Service. The Public Health Service plans either through the Federal Government or local and State efforts to conduct mass immunization programs for some 10 to 12 million children in the next 2 years. Most will be disadvantaged children.

Therefore, this program differs from the polio program in that the target population is smaller and the PHS knows that some 75 percent will be taken care of through private physicians.

It should be noted that the Federal Government did not at any time plan to finance the inoculation of the entire target population of some 50 million children.

Mr. Hines also indicates that the drug industry says it could produce all the vaccine needed for the campaign, if only the Government would issue additional licenses.

Well, that does not tell the whole story. One firm has been licensed and is now producing vaccine at a rate of 1 million doses per month and will reach 2 million at the beginning of the year. Two other firms will probably be licensed in November and January and each will have an output of some 1 million doses per month. That will give us some 4 million doses being produced each month in the coming year which should be sufficient to inoculate some 50 million children in the next 18 months. Of course once inoculation starts, which it has, the rate of the epidemic slows down.

While the manufacture of the vaccine is limited at this time public health officials know of no project that is having difficulty in getting the vaccine. Frankly, Mr. Speaker, I know of no one who would be in a hurry to license vaccines until they are fully tested that will be given to our children.

The Public Health Service has bought or contracted for some 1.2 million units of the vaccine to take advantage of the cheaper rate per unit price when bought in bulk. However, that does not preclude other State and local agencies from purchasing the vaccine, as Mr. Hines forgets to mention.

To date some $19.2 million has been let on some 68 projects involved in this immunization program. State and local funds are being spent at approximately the same level as the Federal Government funds. This, of course, follows the overall plan which is to match some funds with State and local governments.

THE NEED TO INCREASE THE PERSONAL INCOME TAX EXEMPTION

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, I read in Tuesday's New York Times that the Senate Democratic leadership intends to take the fight for an increase in the $600 personal income tax exemption to the floor of the Senate. I would like to go on record in strong support of this move.

I have introduced legislation which would increase the personal tax exemption to $1,200. The minimum figure that I find acceptable is $1,000, and even this is inadequate.

The present $600 personal exemption for taxpayer, spouse and dependent was provided for in the Revenue Act of 1948. The cost of living has changed greatly since then. The $600 personal exemption would have to be raised to approximately $926, as of September 1969, in order to provide the equivalent purchasing power as the $600 provided in 1948. To further illustrate this, in order for a family of four to have personal exemptions equivalent to the same purchasing power as $2,400 in 1948, their personal exemptions would have to total $3,704.

Mr. Speaker, the main argument used against such an increase of $1,000 is that revenues would be reduced by more than $12 billion a year. I contend that this lost revenue can and should be made up by the enactment of other needed reforms—that is, oil depletion allowance, multiple corporate surtax exemptions, tax exemption of interest on industrial revenues bonds, and so forth. These latter areas basically affect the well-to-do person who can afford to pay additional taxes.

For too long the burden of taxpaying has been on the shoulders of the middle- and low-income people of this Nation. It is time that the loopholes which permit some to avoid paying their share of taxes be closed.

I commend the Senate leadership for attempting to bring more equity into the present tax system. It is my hope that their efforts will succeed and that we in the House will have an opportunity to vote for this measure.

AIR POLLUTION

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, several weeks ago I informed Members of this House that Pennsylvania was challenging air pollution criteria established by the Federal Department of Health, Education, and Welfare. I expressed grave fears then that Pennsylvania's proposed air quality standards for suspended particulate matter, if adopted, posed a health threat not only to the State's citizens but to the entire Nation.

These proposed standards were far more lenient than established Federal guidelines and were subject to approval by HEW under provisions of the Clean Air Act of 1967. The act is to be the Nation's watchdog over air pollution. But if Pennsylvania's original proposals had been approved by HEW that watchdog would have had to slink away with its tail between its legs. The effectiveness of the act would have been destroyed. Approval of such lenient standards on a State level would have stripped the teeth from the law's bite and made its bark sound like the mewling of a pup.

I bared the potential dangers, as spelled out in a report from the National Air Pollution Control Administration, to Members of this House. Many of my State colleagues in this body shared my fears and concern. They joined me in a bipartisan appeal to Gov. Raymond P. Shafer, urging him to request the State Air Pollution Control Commission to reexamine and reconsider its proposed standards.

I am happy to report, Mr. Speaker, our efforts, combined with those of labor groups, scientific organizations, and the public in general, have proved fruitful.

Governor Shafer did call for better, more stringent air quality standards and late last month the State commission adopted an annual geometric mean of 65 micrograms per cubic meter of air for suspended particulate matter.

This standard now exceeds the Federal criteria and when approved by HEW will restore Pennsylvania's reputation as a leader in air pollution control. It is, however, just one step toward a final solution to the problem. The second step will be the establishment of emission control standards at the sources of pollution.

I might note at this point, Mr. Speaker, that Allegheny County, a part of which is in my 20th Congressional District, already is considering more stringent emission standards and stronger penalties for violators of county smoke control regulations.

I have pledged myself to see that State emission standards will be such that, in the future, Pennsylvania will not fear death or ill health from the dust and chemicals which now blacken their lungs and blot out their lives before their time. I know my State colleagues who joined in the appeal for stronger controls over the quality of air will leave no stone unturned in attaining similar safe levels for the emission of pollutants into the air.

Mr. Speaker, I commend those colleagues who put safe air above politically safe ground, who put the problem of air pollution above party politics and who joined me and thousands of our constituents in fighting for the best in breath for Pennsylvania.

THE PILL TRADE, AND HOW IT CAN KILL

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the sad history of drug abuse among the young is well known to all of us. In my own city of San Diego, police records show that dangerous drug violations have increased sevenfold in the past 3 years.

But the litany of statistics can become monotonous. We are vaguely aware of figures and so what—as long as our own loved ones are not involved.

This feeling of indifference seems to have seeped into the highest levels of government, where comprehensive data about the illicit pill trade are carefully maintained but little is being done to combat it.

It is easy for an unscrupulous operator to have dangerous drugs that are made in the United States shipped to Tijuana and other Mexican towns along the border for quick and highly profitable resale to U.S. consumers.

What are the results of this lucrative trade, in human terms?

A mother in my district has supplied an answer, shocking but true. Within her own neighborhood, a 20-year-old—her own son—was sent to prison for armed robbery while under the influence of pills, a 15-year-old girl has died of an overdose of these drugs, and two youths are charged with involuntary manslaughter in connection with her death.

This grieving mother quite understandably would like to see something done at the Federal level to protect the children, all our children. As she points out, the pills can be purchased by children as young as 12 in the San Diego area, and presumably in other cities as well.

Her letter to me makes gripping reading. Hopefully, it will help spur some action. I will include it at the end of my remarks, with a supporting editorial from the November 2 edition of the San Diego Union. For obvious reasons, I am deleting the name and street address of my constituent.

SAN DIEGO, CALIF., NOVEMBER 2, 1969.

Representative LIONEL VAN DEERLIN,
House Office Building,
Washington, D.C.

DEAR MR. VAN DEERLIN: I am writing to compliment you on the fine work you are doing as our representative in Washington, and also to enlist your help in solving the drug problem.

I am very concerned about the drug situation in our country. It has affected my own family. My son committed an armed robbery under the influence of pills. He had never stolen a thing before, and had hardly ever handled a firearm. He is serving a 5 year to life sentence at the Institution at Tracy, California. He had just turned 20 years old.

Two other boys in my neighborhood are up on an involuntary manslaughter charge as a 15 year old girl they were with one evening died of an overdose of drugs. One of the boys was 16 and the other was 21.

Please help to pass legislation so the children can't obtain these pills. They can get them on any playground or schoolground in San Diego. Some of the children are only 12 to 16 years old. It is a tragedy that we can't or won't protect our children better than that. At one of the high schools here last spring free samples of drugs were offered right on the school parking lot.

Also why can't LSD be taken off the market? The damages it does to young people far outweigh the benefits.

I have been appalled to learn that it is the drug companies in our own country who are producing these pills and sending them to Mexico and other countries. I see we have an investigation going on this but will something be done about it?

Will you please do your best to see that legislation is passed to stop this procedure. Thanking you for your dedication to your job.

Sincerely yours,

——— ———.

[From the San Diego Union, Nov. 2, 1969]

FIRMS HAVE MORAL RESPONSIBILITY—DRUG SALES NEED CLOSER WATCH

The fact that most sedatives and stimulants cannot be bought in a drug store without a doctor's prescription has fostered the impression that the pharmaceutical industry and regulatory agencies were carefully supervising the distribution of these drugs in the United States of America.

Now we are learning that this was a pitiful illusion.

Congressional investigators have turned up evidence that drug manufacturers have served as unwitting partners in the illicit traffic in dangerous drugs.

And it is clear that if "Operation Cooperation" is to be an effective joint attack by the United States and Mexico on this critical problem, we must move far more decisively on this side of the border to police the legitimate traffic in drugs.

It has been no secret that amphetamines, barbiturates and other "controlled" drugs manufactured in the United States were finding their way in wholesale lots into the hands of smugglers and peddlers. What emerged in such a startling way before the House Crime Committee was the ease with which illicit drug traffickers could obtain their supplies.

A faked letterhead, the forged signature of a doctor, a fictitious pharmacy with a spurious address—these are the simple tools of the underworld drug buyer.

Some manufacturers have shown an appalling lack of concern over what happened to dangerous drugs leaving their factories bound for "wholesalers" whose credentials no one had verified.

The manufacturer who pleaded before the House committee that under the law he was not responsible for what a wholesaler did with drugs deserved the rejoinder he received from Rep. Jerome R. Waldie: "If you don't have a legal responsibility, you have a moral one."

Some elements of the pharmaceutical industry may now find, as others have, that failure to exercise a moral responsibility can lead to new legal responsibilities.

There is no question that closer supervision must be given to the manufacture and distribution of drugs which are subject to abuse and are the raw material on which underworld rackets feed, bringing widespread human tragedy.

One proposal would subject drug manufacturers to the same kind of licensing provisions that govern broadcasting stations, with licenses subject to periodic review and possible revocation if the firm fails to meet its public responsibilities. Another would go even further and impose penalties if a firm knowingly sold controlled drugs to unauthorized persons.

We believe there is far too much federal regulation of business already. But in the face of the appalling traffic in dangerous drugs and the loose practices evident among firms that manufacture and sell them, we can only urge that the strictest federal regulations be brought to bear on this aspect of the drug problem.

INHUMANE TREATMENT OF U.S. PRISONERS OF WAR BY THE GOVERNMENT OF NORTH VIETNAM

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, American and world opinion is becoming increasingly aroused over the inhumane treatment of U.S. prisoners of war by the Government of North Vietnam.

In September, at the 21st International Conference of the Red Cross in Istanbul, representatives of 77 governments and 91 national Red Cross societies, including the U.S.S.R. and other Communist bloc countries, unanimously adopted an American resolution urging that prisoners be given the protection of the Geneva Convention on treatment of war prisoners. North Vietnam was a signatory to that convention.

Mr. Speaker, we should earnestly hope that this action by the Red Cross will help to focus the spotlight of world opinion upon the inhumane treatment of the Americans Hanoi holds prisoner.

Hanoi has ignored the Geneva Convention. It has refused to cooperate with the Red Cross in inspection of its camps. It has refused to identify all of the prisoners it holds. It has refused to release the sick and wounded. It has refused to permit a proper exchange of letters and packages. And, it has refused to protect U.S. prisoners from public abuse. Obviously, North Vietnam has violated even the most fundamental standards of human decency.

As a result, hundreds of wives and parents do not know if their husbands and sons are dead or alive, and countless children do not know if they have a father still living. These husbands, sons, and fathers are among the 1,400 men missing in Vietnam. Over 400 are known to be prisoners of war, and some 900 others are missing and believed captured.

Mr. Speaker, the House of Representatives should strongly support the action of the 21st International Conference of the Red Cross. All Americans—regardless of their views on the Vietnam war—should support the Red Cross declaration in the name of humanity. We should make it crystal clear to Hanoi that on this issue we are united.

Accordingly, I am submitting a concurrent resolution stating that it is the sense of the Congress that we approve and endorse the resolution adopted at the 21st International Conference of the Red Cross.

TROOP WITHDRAWAL—WHAT FATE POW'S?

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, during discussions of the President's election eve address, I have neither heard nor read any comment about the forgotten Americans—those held captive by the enemy.

If Vietnamization of the war means a graduated withdrawal of American forces does it not also mean abandonment of American POW's. Anything short of victory has always proven to result in abandonment of those men who trusted their government and fought for their country.

During special orders, when our withdrawal from Vietnam is discussed, I sincerely hope that some of the advocates of withdrawal will consider the fate of these men of sufficient importance to discuss.

In that connection, I include in my remarks, for the consideration of our colleagues, last month's Dean Manion interview with Capt. Eugene Guild, founder of Fighting Homefolks of Fighting Men:

[From the Dean Manion Forum, Oct. 19, 1969]

Troop Withdrawal Must Include American POW's

(Interview with Capt. Eugene Guild, U.S. Army, retired)

Dean Manion. With me here at the microphone is our country's top authority on the subject of our fellow citizens who are now prisoners of war. Eugene Guild of Glenwood Springs, Colorado, is a retired Regular Army Captain who has labored for the past 19 years to make America conscious of the fate of hundreds of American servicemen who are now sweating it out in the Communist prison camps of North Korea, Red China, Soviet Russia and, presently, in North Viet Nam.

Patriotically, Captain Guild has made himself a point of contact between mothers, fathers and the kith, kin and friends of the officially forgotten men who have fallen into the horror of Communist captivity while serving our country. He visited us here five years ago with an account of his experiences in researching the facts about hundreds of Americans who were and have since been left in Communist captivity after the cease fire in Korea. Now I've asked him to come back and bring us up to date about those who have been captured by the Communist government of North Viet Nam.

Captain Guild, welcome back to the Manion Forum.

Captain Guild. I'm very glad to be here, Dean Manion. I got into this thing in 1950 when my marine son was killed in action in Korea. He got a posthumous Navy Cross, by the way. I became sympathetic with all of the mothers of those who are missing—these mothers didn't know whether their sons were alive or dead and that's a tough situation. We formed a little organization called "The Fighting Home Folks of Fighting Men" and we worked at it. And when in 1953 all the prisoners were not returned, we concentrated on those POW's.

I went to Korea, I went to Panmunjom, I went to Europe and to Greece and talked with men who knew about it and I've been underground. And, by the way, I talked with the Vice President of the International Red Cross in Seoul, Korea, who told me that the United States Government had not requested the International Red Cross to take any action whatsoever on the prisoners of war.

Dean Manion. What year was that?

Captain Guild. That was in 1960, in Seoul, Korea. Then, of course, we had those shot down by the Soviets—34 planes with over a hundred men who were shot down. The State Department, in 1956, said that they were compelled to believe that the Soviet government was holding those men. They gave chapter and verse and prison camp and so forth about those men and demanded that they be accounted for or released. Of course, the Soviet government denied any knowledge whatsoever about the situation and we quietly let that drop.

Now, the situation of the Viet Nam prisoners comes up. There are in Viet Nam between 500 and 1,000 POW's who were shot down or captured, who are believed to be still alive. We know 400 by name, but the rest we don't know about. In other words, the parents and the wives do not know whether their kin are alive or dead, which, as I said before, is a very tough proposition on them.

Dean Manion. Captain, the White House gives us the assurance that they're going to do everything possible, diplomatically, to obtain a release of these men. What do you think about that?

Captain Guild. Well, I can only go on what experience has been with the Communists. Now diplomatically and politically you get nowhere with the Communists. You only get some place with them when you give them something they want. Now, the State Department has written Senator Hart, of Michigan, a letter in which they state that the Chinese Reds have told them that they will not even discuss the release of the Americans they hold in Korea unless the Taiwan, or Formosa, problem is settled to their satisfaction. Meaning, if we will abandon Taiwan to them, they'll talk about releasing the Americans which they hold.

Now, that's simply blackmail and that's simply the experience with the Reds—showing that if you do as we did in the Korean situation and take away all of our troops and leave the prisoners of war there, without any bargaining force behind them, then the Communists are going to get what they can in a blackmail way out of those prisoners of war.

Dean Manion. Captain, you mentioned blackmail. Didn't Castro use some sort of blackmail, as I recall, with the Bay of Pigs prisoners before he would let them get out of Cuba?

Captain Guild. He certainly did. They demanded 60 million dollars for the release of those Bay of Pigs prisoners and they got it. In this situation they'll probably ask 10 or 50 times that amount of blackmail for the release of our prisoners in Viet Nam. And, of course, in the Pueblo area they asked for an infamous lie as a blackmail price of the release of those Pueblo prisoners and they got that infamous lie, that is, that fake apology, which they used all over the world to strengthen their position.

Dean Manion. Captain, has your organization made any definite proposals to the State Department or the President or anybody?

TROOP WITHDRAWAL SHOULD INCLUDE POW'S

Captain Guild. Yes, on the Fourth of July this year we proposed to the President by letter that as a part of the withdrawal of American troops, that all of the troops be withdrawn, including the prisoners of war, who are part of our troops. And that before anything else was done that the President demand that Paris, that for each increment of American troops withdrawn the Reds should release the proportionate number of POW's which they hold. Because we can't withdraw all our troops without withdrawing our prisoners of war, who are part of our troops. We sent that letter to the President and we also sent the proposal to a score of the members of Congress and to a number of governors, and we gave it some publicity.

Dean Manion. Captain, you know very well from experience that Hanoi will not even reveal the number or the names of the prisoners they hold. They're not going to make any such agreement, do you think?

Captain Guild. Well, there's some possibility that they may. They want us to withdraw and we are, by that, able to give them something they want. But if they refuse, if they balk at returning any of the prisoners of war, why then that is a risk, a political risk, particularly to the President. But those POW's risked everything for the United States, for the President, for you and me, for everybody and they are certainly worth taking a political risk, or some risk, to liberate.

The American soldier is the man that got us our liberty in the beginning by fighting and dying for it and he must continue in the future to keep on fighting and dying to maintain our liberty. Therefore, he is the most important man in this country and is worth any kind of a risk, particularly a political risk, to back up and to give loyalty from the top down.

Dean Manion. Captain, what do you mean by a "political risk" that the President might take by demanding and attempting to enforce this kind of a demand? In the first place, what would he do if they will refuse to agree?

Captain Guild. Well, he would simply stand fast and say we will not withdraw any troops unless all of the troops, including the prisoners of war, can be withdrawn. Now that is a political risk to the President and to his party and it might mean that if he cannot fulfill his promise of ending the war and getting the troops back that he might possibly lose the next election. That is the risk.

Dean Manion. My point, Captain, about the political risk is this: If the President should make it plain that North Viet Nam is demanding that we abandon these prisoners, do you think the American people would rise up against him for refusing to agree to that?

Captain Guild. Well I think they're very likely to. I think all of this business of the doves and the nihilistic students who are saying, "Let's get out regardless of anything; regardless of the POW's; regardless of the next war which might ensue from this business of quitting." That can easily react upon the politicians, upon the party in power. In future elections the same doves and the same nihilistic youth who come out against the war can say, "Well, here is the man, Mr. Nixon, who sold Viet Nam down the river; who sold out our prisoners," and so forth.

In other words, they're out to defeat him no matter which way he goes. I think that the reaction can be very severe upon the politicians if they leave these prisoners of war to be used as blackmail bait by the Communists.

Dean Manion. Well from what you've said, Captain, you've posed a conflict here between what is the political thing to do and what is the right thing to do. How are you going to resolve that?

TROOP ABANDONMENT IS A COURT-MARTIAL OFFENSE

Captain Guild. The danger that we have now is that we're now getting into the same old situation that we had in Korea. In other words, this is where we came in on the same thing. Now, if we abandon those prisoners and leave them over there why, as I say, the situation can be used against the Commander in Chief, the President, who commands all of the troops and all of the armed forces. He can be accused of having abandoned his own men. And, by the way, it's a court-martial offense for any commanding officer of troops to abandon any of his men, an offense that, by the court-martial manual, can be punished by death or such other punishment as the court-martial may direct.

And there is that danger also to the morale of the people coming in. How are we going to get men to enlist in the armed forces who will, from this experience of abandoning our prisoners, wonder "If I get in what's going to happen to me? Will I be abandoned, if I'm captured? Will I be given any loyalty whatsoever from the top down, or if I go am I just out of luck?" Now that morale problem is serious.

General MacArthur stated that if the American soldier ever lost his faith in his Government's will to protect him and to back him, then, in effect, the United States would be finished. That is a very serious danger and it is a danger which we have to consider. We have had a number of small mutinies here and there—all over the army—and we have a number of people getting into the army who get in unwillingly and they get in with a bad spirit and the situation now is not good.

Dean Manion. Captain, as I see it, your position resolves itself down to this: If we're going to withdraw the troops, then we must by that statement withdraw the prisoners, too, right?

Captain Guild. Yes. The prisoners are part of our troops and to consider that they're not our troops is a treasonous situation. We must withdraw the prisoners along with our troops and we must do it now before it is too late. We must stipulate that our troops will not be withdrawn unless the prisoners come along home with them. The prisoners belong with our troops and they should be brought home with them. To leave them for blackmail bait is a treasonous situation, it is absolutely failing to give the loyalty from the top down that they are entitled to as American fighting men.

Dean Manion. Captain Guild, you've undoubtedly written to a lot of Congressmen. Is Congress facing up to this situation?

Captain Guild. No, they are not. Recently they held a whole day session, taking up 68 pages of the *Congressional Record* to scold the Communist for their inhumane treatment of our prisoners. And that was simply an obvious attempt to get the POW kith and kin off their backs. It was a hypocritical and cruel hoax upon the kith and kin of the POW's and upon those poor POW's themselves.

Dean Manion. Thank you, Captain Guild.

The Captain forgot to tell you that his grandson is now fighting with our infantry in South Viet Nam, his own blood line thus runs straight through the Korean War into this one. What Asiatic country will be next if we give the Communists another victory in Viet Nam?

A JUST PEACE IN VIETNAM

(Mr. RANDALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. RANDALL. Mr. Speaker, I have introduced a resolution identical to House Resolution 613, which was only today approved by the House Foreign Affairs Committee.

This identical resolution was introduced by 50 Democrats and 50 Republicans. It is not partisan.

The House Foreign Affairs Committee adopted this resolution by a substantial vote. The resolution expresses the earnest hope of the people of the United States for a just peace. It calls attention to the many peaceful overtures which the United States has made in good faith toward the Government of North Vietnam.

The resolution supports the principle that the people of South Vietnam are entitled to choose their own government by free election open to all South Vietnamese and supervised by an international body.

Mr. Speaker, last Sunday, before the President made his speech on Vietnam, in some remarks I made at the dedication of a hospital in the district it is my privilege to represent at Osceola, Mo., I emphasized that I consider part of the burden for ending the war in Vietnam should be borne by the Congress. It is my hope this resolution approved by the House Foreign Affairs Committee can pass the House. It will contribute to an honorable peace in Vietnam, to bring not just a part, but all of our men home.

Anything short of a peace with justice would amount to surrender by this country no matter how it might be disguised. It is for that reason that I chose to associate myself with the sponsors of this amendment, believing that by this means the Congress can share the burden of peace with the President. By such a resolution the honor and prestige of this country can be preserved and peace with justice can be accomplished.

By this resolution, we recognize that under our Constitution the prime responsibility is that of the President. But we are saying that we should not require the President make all the decisions alone. In 1964 we voted the Gulf of Tonkin resolution. In 1964 we helped one President get into Vietnam. In 1969 we should help another President get out.

THE CHOICE IN VIETNAM

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MacGREGOR. Mr. Speaker, an important contribution to the discussion of Vietnam alternatives was made by the issuance on October 29, 1969, of a report entitled "The Choice in Vietnam." The report was authorized by the Citizens Committee for Peace With Freedom in Vietnam, former Senator Paul H. Douglas of Illinois, chairman. This distinguished and highly knowledgeable group of Americans came into being in October of 1967 under the leadership of Harry S. Truman and the late Dwight David Eisenhower.

While all of us may not agree entirely with the following findings and recommendations, they deserve our most respectful consideration.

The report follows:

The Choice in Vietnam

(Prepared by the Citizens Committee for Peace With Freedom in Vietnam)

An understandably war-weary and impatient United States faces a choice in Vietnam The choice is between: (1) defeat, however camouflaged, and (2) ending the war in an orderly way that protects our own interests and preserves for the people of South Vietnam the right of self-determination—the right to decide their own future free of outside interference.

In our view, the devastating consequences of defeat dictate the course that America must follow. Further, our recent fact-finding survey in Vietnam has convinced us that an honorable solution can be reached.

THE FOLLY OF WISHFUL THINKING

Some Americans feel that the choice need not be made or that it can be delayed.

Some urge further, immediate, unilateral concessions on the part of the United States. But, as we have previously pointed out, a continuing series of unilateral concessions, unreciprocated by the enemy, is the road to defeat.

Some hope for a magic, overnight solution at Paris. But the negotiations at Paris will reflect the political, economic and military struggle in Vietnam and the state of public opinion in the United States—nothing more and nothing less. We would be foolish to expect Hanoi's leaders to make *any* real concessions so long as they believe that their demands will be met bit-by-bit without giving anything in return.

Finally, there are those who think that our intervention in Vietnam was a colossal error and that, consequently, we should now turn our backs on our commitment and erase this bad dream from our consciousness. Even if one were to grant that our intervention was a mistake, the truth is that an act of bad judgment cannot be rectified by an act of bad faith.

THE ILLUSION OF MILITARY VICTORY

There is still a sizeable group in the United States which pursues the illusion of military victory. What they forget is our limited objective in Vietnam. That objective was clearly defined by the late President Eisenhower in his last public statement for our Committee:

"We ask nothing for ourselves and insist upon nothing for South Vietnam except that it be free to chart its own future, no matter what course it may choose."

Our Committee has consistently opposed unnecessarily risking a general war in Asia or another World War. We favor a sensible road between capitulation and the indiscriminate use of raw power.

We do not seek a military victory in Vietnam; we seek to deny military victory to the enemy.

We do not seek to win the war; we seek to win the peace.

THE CHOICE IN VIETNAM

The real choice in Vietnam is between Defeat and Peace with Freedom.

The road to defeat

The road to defeat will be clearly marked. It will be marked by precipitous or premature withdrawal of American forces from Vietnam—withdrawal before the South Vietnamese are prepared to take over the job of protecting themselves from the Vietcong and the invaders from the North.

The road to peace with freedom

This road is difficult and precarious but its markings are equally clear. It will be marked by a firm policy to substitute South Vietnamese for United States troops as rapidly as possible but only on the basis of clearly apparent improvement in South Vietnamese capabilities. As President Eisenhower saw it: "We'd gradually withdraw as the South Vietnamese strengthened themselves sufficiently to carry on alone."[1]

The consequences of defeat

If the Road to Defeat is clearly marked, the consequences of defeat are unmistakable:

1. South Vietnam would be taken over by the Communist North. The large noncommunist *majority* of the South Vietnamese people would be delivered to the small

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[1] Dwight D. Eisenhower in conversation with Abbott Washburn, Indio, California, Wednesday morning, 21 February 1968.

Communist *minority* and to the Communist invaders from the North. A blood bath would follow and, based on Hanoi's past performance, hundreds of thousands of South Vietnamese who have fought at our side would be slaughtered.

2. America's word and leadership would be sharply devalued throughout the world. Every treaty that we have made, every agreement and commitment that we have entered into would be looked upon with suspicion by those countries who had counted on them.[2]

3. The development of freedom and democracy would be revised in South East Asia, and slowed in Africa and even in Latin America. Peaceful methods of social and economic change would be downgraded and violent methods encouraged. A huge part of the world, with a rapidly expanding population, would be increasingly vulnerable to Communist subversion and control.

4. The effectiveness of the new "wars of liberation" would be confirmed. An open invitation to expanded use of the guerrilla technique of conquest would be extended to those contemplating aggression against their neighbors and ideological competitors.

5. India, Japan, and even Australia would be under increasing pressure to develop nuclear weapons for their own protection. With the proliferation of those weapons, the risks of miscalculation would grow and the chances of a Third World War would increase.

6. Finally, there would be bitter recriminations here in the United States once the full significance of our defeat had been perceived. Voices of dissent from extremist groups would grow strident and there would be a violent shattering of American unity and self-confidence. A "new isolationism" would find fertile ground in a disillusioned and bitter people. Prejudice, scapegoat-seeking and intolerance would flourish. And the lesson of the success of violent guerrilla tactics to bring about change would not be lost upon those who seek to use violence to effect social change here at home.

In his last public statement on behalf of our Committee, General Eisenhower said:

"A camouflaged surrender would result in the United States 'writing off' Southeast Asia for the foreseeable future. We could survive such a catastrophe—but our citizenry should be clear that the whole security system, which has maintained peace and freedom for the past generation, would be eroded—if not destroyed—by an American retreat from our commitments in Southeast Asia."

To our mind, the consequences of defeat would be so calamitous that America should and must choose the second alternative—the Road to Peace with Freedom.

THE SITUATION IN VIETNAM AND AT PARIS

A special nine member, bi-partisan, fact-finding Commission of our Committee[3] returned in late August from a trip to Vietnam, Thailand, Laos, Manila, Pearl Harbor and Paris.

The Commission's findings were unanimous, as were its recommendations.

THE COMMISSION'S FINDINGS

The turning point at Tet

Since the Tet offensive in early 1968, the enemy has become weaker, our side stronger. This favorable trend is largely due to the enemy's huge losses in manpower, General Abrams' small unit spoiling tactics, and the military mobilization of the South Vietnamese people which is, relatively, one of the largest in modern times.

Progress is striking but precarious.

Since Tet 1968 the enemy has won no victory, taken and held no ground, sustained no major long-term engagement and has fallen back chiefly on hit-and-run tactics. He keeps the fight going in the South mainly by the infusion of troops from the North.

The South may have found its soul at Tet and in the mass grave of Hue. The enemy lost his bid for victory on the battlefield and the South's morale was clearly strengthened. The enemy had expected to find mass support in the cities of the South; he found none.

Since Tet the South Vietnamese have expanded their ground, taken over the defense of more territory including an entire corps area, and have inflicted far greater casualties on the enemy than he has upon them. Peasants, including large numbers of refugees, are returning to the fields and villages, rice production is up, more local elections are being held, and defections to our side are increasing. Political progress and the development of democratic institutions are clear. A constitutional system is now functioning, however imperfectly, and despite unfavorable wartime conditions. We cannot and should not judge Vietnamese progress by our own standards. "Instant democracy" is not in the cards.

The trend is favorable

Our Commission began its trip with a suspicion of statistics, official briefings and charts and figures. But trends are unmistakable. The overall trend is favorable. It is clearly in our direction. We saw it and we felt it.[4]

The enemy's initiative

Yet the enemy retains military initiative through use of his sanctuaries in Laos and Cambodia and north of the DMZ. If he is willing to bleed himself at a fearful rate he can still, for short periods, sharply increase American casualties. Our commanders know this, and we were tremendously impressed with their concern to spare American lives. America's present military leadership in Vietnam is of the highest order.

It seemed to us that Hanoi and General Giap have embraced a deliberate policy of playing upon American's natural reluctance to sustain human casualties in a far-off and not-too-well-understood conflict. To Hanoi human lives are merely chips in a poker game. As the late Ho Chi Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it."

We must be prepared for ups and downs in American casualties but, if we follow a measured policy of replacement, the peaks and valleys should both grow lower. The trend will be down. On the other hand, a too rapid rate of replacement would endanger the lives of our fighting men who remain behind.

A policy of gradual dis-engagement

The South Vietnamese must still rely for a considerable time upon United States troop lift, air and artillery support, staff assistance and reserves. Progress on the political and pacification front is gratifying but still vulnerable. It could be undermined if the Allied military posture is suddenly weakened.

In this situation timing is crucial, particularly with respect to the substitution of Vietnamese troops for Americans. *An American policy of gradual dis-engagement is feasible, provided the withdrawal of U.S.* forces is closely geared to demonstrated improvement in South Vietnamese capabilities *and is not forced prematurely by war-weary American public opinion*. Preparing for a long struggle is the best way to achieve short term results. Hanoi's leaders will never seriously negotiate until they are convinced of our determination to stay the course.

The need for time

The South Vietnamese need time to tool up their army, their staff and support echelons, and to acquire confidence. To this must be added an extra margin of time to allow for mistakes, setbacks, and over-confidence. The South Vietnamese must be trained to use communications, air and artillery support and medical evacuation facilities. This will require time even after they assume the principal combat responsibility on the ground. One striking example may suffice: it takes 34 months to train a combat helicopter pilot.

"Vietnamization"

To our surprise, we found that the present comprehensive program for "Vietnamization" of the war is less than a year old. Very little of the program had been in operation six months earlier. We were particularly impressed by the rapid growth of security in the rural areas which has been achieved in large measure by the South Vietnamese themselves. The enlarged and newly equipped regional and popular forces are now shouldering a large share of the responsibility for protecting the rural population. In addition an enormous new militia force—the People's Self-Defense Force—has developed in the last eighteen months. It is composed of 1.5 million women and girls and older men and boys who are ineligible for military service. Two out of every three have already received elementary military training and 300,000 guns have been made available to these new forces. Progress in a brief period has been remarkable—clear testimony to the feasibility of "Vietnamizing" the struggle.

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[2] Comment by General Omar N. Bradley: "We helped organize NATO in 1949 with the objective of deterring potential aggressors from starting a Third World War. Since then there has been no global war and it is safe to say that our NATO alliance was a contributing factor. If we are going to indicate now that we can no longer be depended upon to keep our commitments in Southeast Asia, our global deterrent may cease to exist. Keeping our word in Vietnam is a relatively small price to pay for insurance against a Third World War." 28 October 1969.

[3] The members of the special fact-finding commission were: Edmund A. Gullion, Dean of the Fletcher School of Law and Diplomacy, Tufts University, and Former U.S. Ambassador to the Congo; John W. Hanes, Jr., Former Assistant Secretary of State, and Partner, Wertheim & Co.; Mrs. Oswald B. Lord, Former U.S. Representative on Human Rights Commission, United Nations; Russell T. Lund, President, Lund's Inc., and Chairman, Board of Trustees, Gustavus Adolphus College; Lester Malkerson, Chairman, Board of Regents, University of Minnesota; Rabbi Schulem Rubin; Charles J. Stephens, Graduate Student, University of California; Charles Tyroler, II, President, Quadri-Science, Inc.; and Abbott Washburn, President, Washburn, Stringer Associates, Inc.

[4] Every available indicator underlines this favorable trend: American casualties have sharply decreased and are now at the lowest level of the past three years. Deserters from the enemy (the Chieu Hoi program) have sharply increased and are running at over double the rate of last year and at the highest rate since the program began. The total South Vietnamese regulars, Regional and Popular Forces has increased by more than one third in the past year. (The Regional and Popular Forces have increased at an even faster pace than the regular.) Additionally, the People's Self-Defense Force—the equivalent of our American Revolution "Minutemen"—has grown to over 1.5 million from nearly zero less than two years ago. The number of hamlets controlled by the Vietcong has dropped by one half during the past year and the number controlled by friendly forces has increased by a third. There are more than ten times as many hamlets under South Vietnamese control as there are under the control of the Vietcong. Over 80% of the villages and almost 80% of the hamlets in Vietnam now have elected governments. The National Police force has increased 20% in the past year. Total acres of land under new "miracle" rice cultivation will more than triple this year. Domestic revenue collections are up over 50% since last year.

Vietnamese confidence

To our further surprise we found the Vietnamese eager for the transfer of responsibility. The first U.S. troop withdrawals have actually stimulated them. They expect and do not object to further withdrawals. However, they see the whole process as measured, directly related to their own progress, and still involving at the end an important American residual logistical presence. Their new found confidence is a fragile thing. It could be shattered by an enemy assault if we leave them vulnerable. Their confidence could also be shattered if they came to believe that U.S. policy is one of abandonment rather than transfer of responsibility.

President Nixon's three criteria

President Nixon has made three stipulations for U.S. force reduction of which we consider South Vietnamese progress the cardinal one. As to the other two stipulations—reduction in the enemy's military activity and progress at Paris—a "lull" in the fighting ended while we were in Vietnam. We do not believe it prudent to rely on such "lulls."

As to the Paris peace talks, they have not failed but they have shown no progress of the kind the President stipulates. Next Thursday will be our 40th meeting in Paris with all representatives of the other side. Thus far, it has been largely a one-way street. We have given. They have taken.

The talks have, however, served to demonstrate that the enemy is unwilling to face the challenge of free elections, wants the United States to throw the Thieu government out, and then wants the United States itself to get out unconditionally after having installed a peace-at-any-price coalition government for the future convenience of Hanoi. There has seldom been a clearer case of a belligerent's trying to gain at the conference table and in the arena of public opinion what he has failed to win on the battlefield. Hanoi and the American people should heed the warning of Richard M. Nixon: "The Viet Cong and the North Vietnamese . . . cannot and should not count on American division to gain politically in the United States what they cannot gain militarily in Vietnam."[5]

A possible stand-off

Thus, a kind of protracted stand-off may loom in Vietnam. However, if the President, and the American and South Vietnamese people stick by Mr. Nixon's three criteria, and if the South Vietnamese succeed in cementing a political consensus, we believe that the stand-off will be resolved in favor of peace with freedom—and that there is a good chance that the stand-off will not be as protracted as now appears. On the other hand, if we withdraw prematurely, the enemy can reverse the tide now running against him, complete his subjugation not only of Vietnam but of adjoining territory, and we will have lost more than 39,000 American lives in vain.

The two Vietnam wars

There are two Vietnam Wars: the one that is actually taking place and the one that is perceived at home on television and in the other communications media.

We had expected to see a devastated country with ruined cities, despoiled forests and bomb craters dotting the land. After traveling from east to west, north to south, and covering tens of thousands of square miles of territory, we found nothing of the kind. South Vietnam is today still a beautiful, lush country—damaged but not devastated. We were surprised by the relatively small amount of military activity and the large amount of quiet, normal day-to-day activities being conducted in virtually all of the country.

On reflection, we were able to reconcile this with what we had seen on television and seen and read in the other media. Obviously, it is not news to show and write about normal happenings and normal places. It is the unusual incident—the dramatic, violent event—that makes for news, and, presumably, watcher, reader and listener interest. Here at home, we need—but we certainly do not receive—a balanced presentation of the actual situation.

RECOMMENDATIONS OF THE COMMISSION

1. That the substitution of Vietnamese for United States troops take place primarily on the basis of demonstrated improvement in South Vietnamese capabilities; the American policy should be: "look before cutting"—not "cut and run."

2. That no timetable for withdrawals be proclaimed and that any schedule developed for planning purposes be flexible.

3. That President Nixon establish an extraordinary Commission to assess the progress of South Vietnam's armed forces; and that this Commission inquire into whether "Vietnamization" can develop at a more rapid rate of modernization and activation than was laid down in schedules adopted before "Vietnamization" became a by-word linked with U.S. force reductions.

4. That American editors and correspondents and the U.S. Information Agency give increasing coverage to ARVN sacrifices, progress, and capabilities. They should also direct considerable and unremitting attention to the atrocities committed by the enemy.[6]

5. That the United States urge that the Vietnamese government broaden its base among non-Communist elements of the population and that it seek new support in the countryside. The objective should be a government which can not only prosecute the war but which can also face up to the enemy in the stand-off which will follow United States force reductions—a government in Saigon which can speak more authentically in peace negotiations. Such a broadening should not, however, prefigure the kind of peace-at-any-price coalition that Hanoi wants to see imposed without elections.

6. That the American people should recognize the political benefit which can accrue from the proposed new, and long-overdue, land reform program and give appropriate assistance. Economists have long been prone to underestimate the impetus provided by granting title to those who work the land. Further, Vietnam's principal crop, rice, is particularly suited to small plot cultivation.

7. That the United States and South Vietnam should stand firm at Paris:

a. *For* free elections.

b. *Against* an imposed coalition government, and *for* whatever solution the South Vietnamese choose for themselves.

c. For reciprocal troop withdrawals.

8. That the United States expedite the equipment of Laotian forces; and that our stand on the withdrawal of North Vietnamese forces apply to Laos and Cambodia as well as to Vietnam. We must seek an agreement with Hanoi not only about Vietnam but about contiguous areas in Southeast Asia.

DEMONSTRATIONS AND DEMANDS

Earlier this month large youth demonstrations, joined by other members of a war-weary public, demanded U.S. withdrawal at a specific early date—well before the South Vietnamese could take over. Other Americans were proposing a unilateral standstill cease-fire.

The price of an abrupt pull-out

To pull out abruptly would throw away a fast improving chance for the majority of the South Vietnamse to live their lives as they wish to do, free of the domination of Hanoi, ready, willing and able to defend themselves. It would nullify negotiations, represent an American sell-out, and encourage the victors to try for "one, two, three more Vietnams".[7]

The dangers of a unilateral standstill cease-fire

The unilateral standstill cease-fire proposal is more subtle and may appeal to some as a way to test enemy intentions, but we believe that:

a. Nothing in the record indicates that the enemy would respond affirmatively to unilateral action or honor an agreement even if he entered into one.

b. The enemy can only keep his disjointed apparatus intact by continuing hit-and-run attacks on towns and villages and laying the groundwork for future large-scale actions.

c. It would be a windfall for the enemy, putting him into *de facto* possession of positions he now occupies only fitfully and by terror.

THE SILENT CENTER

From the inception of our Committee, we have tried to speak for the "Silent Center"—the moderate, understanding independent and responsible men and women who have consistently opposed rewarding international aggressors from Adolf Hitler to Mao Tse-Tung. When we organized in October 1967 we believed that "the Silent Center" represented a majority of the American people. We believe that it still does. It may not seem so today as reflected in the communications media, but that is because "the Silent Center" has become even more silent. It is unhappy about the war—it wants an end to the war—but it does not want to buy an end to hostilities at the price of defeat, dishonor and of peace with freedom here and abroad.

The American people will rally

If the President of the United States follows the Road to Peace with Freedom—and we have every reason to believe that he will—and if he speaks out frankly, simply and fully on the consequences of defeat, a substantial majority of the American people will rally behind him. Many may do so with reluctance and misgivings but they *will* rally with the sure instinct of Americans for the path of freedom and honor and the long range security of the United States.

On Vietnam, we are in a desperate race between the natural impatience of the American people and their education to the true situation. In this task of education, the President and his Administration bear a heavy responsibility which has not been adequately met.

The pendulum of opinion

Attitudes on foreign policy are not dissimilar to those on stock prices. The pendulum swings violently from unreal optimism to unwarranted pessimism. For some years the American people were subjected to a barrage of optimistic projections and prophecies concerning Vietnam. Now the pendulum has swung to the other extreme. It is ironical that at the very time when the prospect for peace with freedom is rising in Vietnam, confidence in a successful outcome is at its lowest ebb here at home.

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[5] Richard M. Nixon, Manchester, New Hampshire, February 2, 1968.

[6] Granted it is virtually impossible to record on live film the disembowelments and tortures before violent death that usually take place in secluded places in the dark of night. But it *is* possible to record in photographs and with the printed and spoken word the clear evidence of Hanoi's deliberate policy of terrorism. In this war, we have consistently put our worst foot forward. We show the destructive capacity of our own weapons and the sufferings and deaths of our fighting men—we devote little if any attention to the sufferings of our allies *caused* by the other side; nor have we depicted adequately the inhuman practices of the enemy.

[7] Che Guevara.

Hanoi's chance for victory

Hanoi is fighting on three battlefronts—in Vietnam, in Paris, and in American public opinion. The enemy's only remaining chance for total victory lies here in the United States—in the pressures of American public opinion.

THE CITIZENS COMMITTEE

Our committee is national and nonpartisan.

We are incorporated as a non-profit organization. Membership is limited to those in private life. It is open to any private citizen who shares our views but it is not our purpose to solicit a mass membership or to circulate petitions or to sponsor or participate in rallies or demonstrations.

The Committee has no organizational affiliates. All members serve in their individual capacities.

Our activities are wholly financed by voluntary contributions from concerned citizens. We hope that you will want to help to make our work effective.

Contributions to the Committee are tax deductible.

Checks should be made out to "Committee for Peace with Freedom" and sent to: 1028 Connecticut Avenue NW., Washington, D.C. 20036.

PUBLICATIONS OF THE COMMITTEE

1. "Peace With Freedom," policy statement of the Committee.
2. "How The Silent Center Will Seek Peace With Freedom," by Paul H. Douglas.
3. "The Nation's Editors Speak Up on Peace With Freedom and The Silent Center," Editorial reactions to the Committee.
4. "A Balance Sheet on Bombing," Statement of the Special Committee on Bombing Policy.
5. "The Nation's Press Discusses 'A Balance Sheet on Bombing.' "
6. "Negotiations—Hopes vs. Realities," Statement of the Special Committee on Negotiations.
7. "The Nation's Press Discusses 'Negotiations: Hopes vs. Realities.' "
8. "The Struggle For Peace With Freedom," testimony before the Republican Platform Committee.
9. "The Road to Peace With Freedom," testimony before the Democratic Platform Committee.
10. "The Choice In Vietnam."

CITIZENS COMMITTEE FOR PEACE WITH FREEDOM IN VIETNAM

A non-profit, non-partisan organization founded in October 1967 by private citizens, including:

Harry S. Truman, 33rd President of the United States.

Dwight D. Eisenhower, 34th President of the United States.

Organizing Chairman, Former Senator Paul H. Douglas.

Co-Chairman, General of the Army Omar N. Bradley; Archbishop Robert E. Lucey; and George Meany.

Vice Chairman, Mrs. Oswald B. Lord.
Director, Charles Tyroler II.
Deputy Director, Abbott Washburn.
Treasurer, Huntington Harris.

OKINAWA AND TEXTILE IMPORTS

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DORN. Mr. Speaker, the future status of Okinawa is directly related to all of our future relations with Japan, including the continuing threat of excessive imports of Japanese textiles. A return of Okinawa to Japan is of grave concern to this Congress and to the American people. I believe, however, that this burning question can be resolved to the mutual benefit of our two great nations.

Okinawa is a vital military bastion in our chain of defenses in the Pacific. Military bases on Okinawa are vital to the security of Southeast Asia. They are vital to the defense of Japan itself and to each of its home islands. I cannot conceive of this Congress giving its approval to a return of Okinawa to Japan unless Japan will assume more of the free world's defense burdens in the Pacific. Likewise, I cannot conceive of this Congress approving a return of Okinawa without an agreement with Japan to curb its ever-increasing exportation of low-wage textiles into the United States. Japan's stubborn, ill-advised refusal to enter into a fair and orderly trade program is costing her many friends in this Congress.

A healthy American textile industry and the welfare of its 2.4 million employees is absolutely essential to the defense of the United States. As often stated by every military expert, textiles are second only to steel in the defense of the United States.

We must have an agreement that Japan will limit her textile imports into the United States before the Congress and the President act favorably for Japan on the Okinawa question. Congress does have the power to reject outright a return of Okinawa, and I believe this action will be taken by the Congress unless Japan will make a greater contribution to the defense of freedom and until she voluntarily agrees to limit her textile imports to the United States, including all categories—man-made fibers, woolens, worsteds, and cotton. Our textile industry is definitely hurting. Many of our plants which won the Army-Navy E award in wartime are now forced to curtail and close some plants altogether. Textile plants which manufacture materials for our space program, our Navy, for our pilots, and soldiers in the field are being curtailed and could go out of business completely under the impact of this deluge of low-wage textile imports.

Mr. Speaker, Japan enjoyed a favorable trade balance of $1,100,000,000 last year with the United States. Textile imports and the question of Okinawa are one and inseparable.

Mr. Speaker, I have discussed this question with many powerful committee chairmen and ranking members of the standing committees, and I can assure you that they do not favor a return of Okinawa without some reciprocal action on the part of Japan.

SCRIPPS-HOWARD NEWSPAPERS EXPLAIN PRINCIPLES AND POLICY

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, the Scripps-Howard newspapers fulfill a vital function in supplying news and editorial opinions to millions of persons.

Recently the Scripps-Howard newspapers published a brochure containing a collection of statements of principles and policies adopted by Scripps-Howard editors and editorial executives. The brochure sets forth in concise form Scripps-Howard's editorial viewpoint on 25 major issues. I believe that the Members of Congress and readers of the CONGRESSIONAL RECORD will find their views of interest.

Moreover, the brochure explains how editorial policy is formulated by Scripps-Howard newspapers.

With leave granted, I insert the Scripps-Howard Newspapers brochure:

WE SUBMIT

(NOTE.—This attractive brochure presents Scripps-Howard Editorial Policy in 1969 as depicted in a series of advertisements that appeared during the year. Prior to the ads, the Policy was enunciated on the editorial pages of the Scripps-Howard Newspapers, where it continues to develop.

(How is editorial policy formulated for 17 newspapers in 10 states and the nation's capital? Editor-in-chief Earl Richert discusses the machinery for that in his foreword. Undescribed, perhaps beyond defining, is the aggregate of background, experience specialized knowledge, regional interests, universal concerns, and professional capabilities of the Scripps-Howard editorial executives who construct Policy. As in age, size, and shape, the editors all are different and they often differ.

(Policy is the living, changing body of beliefs and purposes that determines our stance. This then is Scripps-Howard Editorial Policy in 1969.)

HOW SCRIPPS-HOWARD DECIDES

We decide how we stand on any major issue or presidential candidate by majority vote of the editors of the 17 Scripps-Howard newspapers and those members of general management involved in editorial policy.

There are more editors than members of general management and each man speaks his mind. The vote of the editor of the smallest newspaper counts as much as the vote of the editor-in-chief or the general editorial manager. Often there are sharp divisions. But majority rule is clearly understood and willingly accepted.

It was by such a majority vote, not unanimous, that the Scripps-Howard Newspapers decided in 1964 to support Lyndon Johnson for President, and in 1968 to back Richard Nixon.

Meetings of Scripps-Howard editors to thrash out policy stands are held at least once a year, sometimes more often. And between meetings polls are taken on newly emerging issues, with the editors sending in their votes by letter or wire.

In the summer of 1968 it was decided that in this time of rapid and painful change we should take a fresh look at our national editorial policies which, we like to believe, have some bearing on the welfare of our country.

A special committee of editors was appointed to study existing Scripps-Howard policies, revise and restate them in view of changed conditions and, where indicated, come up with entirely new policy proposals for approval by the editors.

The 17 Scripps-Howard editors and members of general management met at Stuart, Fla., in September 1968, and for two days went over the policy proposals of the special committee line by line, amending and revamping, and then adopting by majority vote.

The "Statement of Principles and Policies" presented in this brochure is the considered judgment of Scripps-Howard editors on policies that are best for our country. They are the policies for which Scripps-Howard stands today.

Some of these policies, such as fiscal responsibility in government and conservation of our natural resources, long have been espoused and fought for by Scripps-Howard. Others, such as favoring the direct election of presidents and giving the vote to 18-year-olds, are new.

Our policy positions show, we believe, that the Scripps-Howard Newspapers of today continue in their long-standing tradition as "independent" newspapers and are in full accord with the injunction of their founder, E. W. Scripps, who wrote in his first words for his first newspaper, The Cleveland Press, in 1878: "We have no politics, that is, in the sense the word is commonly used."

And, we believe, our updated policy positions bear out the statement in the preamble to our "Statement of Principles and Policies":

"As chroniclers of change, we do not fear it. Indeed, we welcome it. For although all movement is not improvement, change is the indispensable ingredient of progress."

—Earl H. Richert, *Editor-in-Chief.*

SPACE

The U.S. is fully committed to a manned lunar landing before the end of this decade, and we pray that this goal will be safely realized.

Once this has been achieved, the U.S. should focus its space efforts primarily on the region within a few hundred miles of earth—to determine whether man can perform any significant civilian or military function there.

The catch-up time in space projects is so great (on the order of five years from drawing board to launch pad) that we dare not default in our exploration and exploitation of this new frontier—because a major scientific or technological breakthrough in space by another power could prove inimical to our national interest.

In the pursuit of our space goals, however, needless duplication by the National Aeronautics and Space Administration (NASA) and the Defense Department must be eliminated.

DEFENSE

We stand by our endorsement of the nuclear non-proliferation treaty as an encouraging step toward eventual control of the worldwide atomic arms race. The U.S. should continue to exert its leadership toward the reduction of military armament among all nations—large and small.

But until there is effective arms control by all nations, including ours, we believe that the peace of the world and our national survival depend on our military strength and particularly on our nuclear capability.

NUCLEAR ENERGY

Use of nuclear energy to produce electricity has reached the point where it would be in order for Congress to reexamine our policy of subsidizing commercial atomic power stations to determine whether any Federal assistance still is in the national interest.

Meanwhile, we should make certain that safety measures with regard to nuclear installations are not compromised and that research on and development of more effective methods of atomic waste disposal are relentlessly pursued so as to avert the possibility of a serious future peril from radiation pollution.

TWO TROUBLE SPOTS

Middle East

The objectives of U.S. policy toward the Middle East should be to bring about Arab-Israeli reconciliation and to make the Middle East a peaceful and internationally open and accessible area free from domination by any outside power.

The Scripps-Howard Newspapers urge that the U.S. avoid commitments that could lead to military involvement, support the maintenance of the balance of power at the lowest possible level, and press both sides for a settlement that assures national life, national boundaries, justice for refugees and open international waterways.

Red China

We should continue our minimal contacts with Red China, as exemplified by meeting of our diplomatic representatives in Warsaw, and seek to expand these, through cultural, journalistic and other channels, in the hope that she ultimately will end her self-exile from civilized world society.

VIETNAM

We favor an honorable settlement in Vietnam—wtihout turning over the South Vietnamese to the Viet Cong executioners.

WORLD INVOLVEMENT

The U.S. has responsibility to provide its share of Free World leadership in orderly conduct of international relations.

But we are not obliged to be the world's keeper nor the world's policeman. We have not the economic, military or spiritual strength for such exalted and lonely role—nor the wisdom.

Our efforts to be helpful to friendly nations and peoples should, to the extent possible, be channeled through the UN, OAS, NATO, etc., and through multi-national lending agencies such as the World Bank, Inter-American Bank and Asian Development Bank, where the assets and liabilities of other nations are commensurately involved.

All of our foreign treaties and other commitments should be re-exmained and kept under constant review and reappraisal.

The Mutual Security Treaty with Japan should be revamped to make it truly mutual, with Japan assuming a bigger role in her own defense.

We advocate a similar re-structuring of other alliances in the Pacific and Western Europe, to the end that in any military confrontations far from our shores, American troops shall no longer be expected to be the first to enter the front lines nor the ones to shed the most blood in struggles primarily for the security of others.

Our primary military defense responsibilities are in the Western Hemisphere. While we should always be ready to rally moral, economic and military hardware support to free countries fighting for their own freedom, our commitment of combat troops should be limited to areas and engagements where our own national interest is imperiled.

YOUTH

Our nation from its inception, has been nourished and has grown under the stimulation of young people. Its wars have been won by the young, and the young have been the voices of change and dissent.

Generation after generation, the American youth has become better educated and better informed and has demonstrated a greater and greater sense of responsibility.

In this generation, some of these young men and women have, in their zeal, exceeded the bounds of traditional decorum. But these are a small minority. The great majority continue to offer the same source of inspiration and pride as the majority of youth in previous generations.

The aim, with respect to youth, should be to channel—not chill—their enthusiasms, into constructive participation in the democratic process. One of the ways to facilitate their involvement in this would be to lower the voting age in all states to 18.

Also, in an effort to keep vigorous government at all levels, the Scripps-Howard Newspapers will encourage younger people to seek office and to make public service their career.

DRAFT

We see no practical alternative at this time to continuance of the Selective Service System. However, to make such a system as fair as possible, deferments from military service should be kept to a minimum, with the order of selection for induction to be determined by lottery.

JUSTICE, LAW, AND ORDER

Maintenance of justice, law and order is indispensable to social progress.

When order breaks down, it is essential to restore it as promptly as possible so that the pursuit of justice can continue unhindered by violence. To this end, we agree with the Kerner Commission report that the prompt use of trained manpower in sufficient numbers to curb riotous behavior is necessary.

This does not mean suppression of dissent, only suppression of disorder. We have always encouraged dissent but we condemn disorder because this converts helpful diversity into harmful disunity.

To quote again from the Kerner Commission report: "The destruction and the bitterness of racial disorder, the harsh polemics of black revolt and white repression have been seen and heard before in this country. It is time now to end the destruction and the violence, not only in the streets of the ghetto but in the lives of people."

POLICE, CRIME, AND THE COURTS

The effectiveness of police organizations should be measured not only by the number of arrests and convictions, but more importantly by the number of victims of crime and the extent of the damage.

In the changing American society the police officer often is identified with repressive forces of the status quo. No representative of the public has better opportunity to demonstrate democracy's concern for all its citizens and to provide the equal protection for all that a stable society requires. Many policemen, police departments and police courts are failing to take that opportunity. The fact that the disadvantaged segments of our society are victimized by crime to a disproportionate degree is damning evidence of society's failure to provide proper police protection to all.

Scripps-Howard Newspapers urge improvement and professionalization of local police organizations through elevation of hiring standards, increased pay and improved in-service training. These newspapers recommend that state and Federal agencies support local efforts to these ends.

Effectiveness of the courts goes hand in hand with effective police work. We believe that proper justice, law and order cannot come without major attention to the courts. Proper administrative machinery—including remedies for unreasonable delay—is badly needed by our courts if society is to have the protection of the law.

All of our courts must bear in mind that in protecting individual rights there must be equal concern for the public welfare and that the coddling of criminals serves only to undermine the safety of society.

ELECTORAL REFORM

We favor the election of the President and Vice President by direct vote of the people.

TAX REFORM

We believe tax reform and simplification are necessary.

We believe also that it is desirable to use tax incentives to encourage the private sector to serve certain social purposes such as job training, low-cost housing and pollution control.

AGRICULTURAL REFORM

Our test of any farm proposal shall continue to be: Does it tend to get the government out of the price-fixing business and agriculture back to dependence on the free market?

CONSERVATION

The long-term quality of our life is basically dependent on the quality of the air we breathe, the water we drink, the soil we live on and off. In addition, the quality of our life is enhanced by our wildlife and our scenic splendor. It is, therefore, essential that we husband them and safeguard them from man-made pollution and destruction.

We are entrusted with a large but limited treasure of natural resources which we are obliged to preserve for all generations to come. The individual who enjoys the opportunity to utilize any of these resources—for pleasure or profit—must recognize that he has a covenant with nature to protect them from plunder and pollution.

It is the responsibility of state, local and Federal governments to enact and enforce proper legislation to protect these resources.

GUN CONTROL

We favor continuing efforts at all levels of government to retard the unrestrained traffic in deadly weapons in such ways as to reduce crime and violence.

We applaud recent Federal legislation providing specific additional penalties for persons who use guns in the commission of crimes, and we urge stringent enforcement of these penalties as a deterrent to armed violence.

We further urge that states which do not now have such penalties move to implement legislation along those lines.

CIVIL RIGHTS

We believe in an equal application of law and the free right to vote without interference. We believe in equal opportunities in all phases of life, especially in employment, education and housing. We believe in complete freedom to move anywhere in the public sector of society.

Whenever such rights are denied, it is the ultimate responsibility of the Federal Government to insure that such rights are secured for all persons.

EDUCATION

It is the obligation of American society to assure that every child has equal opportunity for full development of his talents. To that end, we support programs to provide special educational enrichment to those children who have, for any reason, been denied this opportunity.

It is our hope that through these programs such students may become useful citizens, and so end a long and tragic waste of human resources.

LABOR

The right to organize has been established among employees in private industry.

In addition, we recognize the right of public employees to bargain collectively with regard to their wages and working conditions, but the protection of the health, safety and welfare of the public and the education of our children must always remain paramount.

All pension plans for employees, including those operated by labor unions and professional societies, should be properly supervised by an official agency and periodically audited to make certain that no individual is deprived of any benefits due him.

In the interests of law and order, labor as well as business should be required to abide by its contractual obligations. For the protection of the public, the anti-trust laws should apply to Big Labor as well as Big Business.

All labor unions should eliminate discriminatory membership practices based on race, creed, color or national origin. And those which fail to act voluntarily should be compelled to do so.

THE CITY

In an age of suburban sprawl a consolidation of community services is essential if taxpayers are to enjoy the most effective government. The fragmentation of local government, due to the proliferation of new suburban communities, must be reversed.

Police and fire protection, sewage disposal, rapid transit, pollution control, schools and other services vital to the proper functioning of any urban community should be handled on a coordinated areawide basis which could best be done through the creation of metropolitan governments in place of the numerous smaller governmental units spawned by the movement of population from the central cities to the neighboring suburbs.

HEALTH

Medical costs are climbing at a distressing rate, and no end to this upward spiral appears in sight. It is incumbent, therefore, on all suppliers of health care—physicians, dentists, nurses, drug firms, hospitals, nursing homes, etc.—and providers of health insurance to do everything in their power to stem this cost rise.

We acknowledge that part of the increased cost of medical and hospital care is due to the fantastic advances made possible by thousands of individuals in the health-care field, whose dedication to the promotion of a longer and fuller life we fully recognize.

One helpful step toward holding down the cost rise, however, could be the avoidance of needless duplication of expensive hospital equipment, whose cost has to be passed on to patients in one way or another. To discourage such duplication, the Scripps-Howard Newspapers will not offer editorial support to the construction or expansion of any health facility for which a clear need is not established.

Meanwhile, Congress should withhold action on expansion of Medicare benefits, at least until the program has had an opportunity to stabilize sufficiently so that better knowledge can be obtained as to its actual cost.

THE NEEDY

American society has an obligation to help those of its citizens who cannot help themselves. But it should not help anyone who won't help himself. We should care for the unable, but should not give succor to the unwilling.

Our present welfare system, however, has demonstrated serious shortcomings. In view of these failures, consideration should be given to the efficacy of all alternative proposals designed to enable the dispossessed and disadvantaged to lift themselves out of poverty to the rewards their energies and talents entitle them. We believe a thorough study should be made of the reverse (or negative) income tax, the guaranteed annual income, guaranteed full employment, the universal family allowance, or any other plan which may offer a practical solution to this problem.

BIRTH CONTROL

Overpopulation of the earth presents a serious threat to the future welfare of all humanity. It is, therefore, imperative that the U.S. Government extend its full cooperation to all nations, and all individuals within our own country who seek to practice family planning.

TRUCKS, HIGHWAYS AND SAFETY

We shall continue to oppose legislation that would permit even bigger and heavier trucks to use our highways. We believe these monsters would destroy our roads, snarl our traffic, and endanger our lives.

We support the construction of additional highways with state and Federal monies, including those roads that would make the outdoors more available to all Americans, and shall use our influence to accelerate the beautification program and to resist the spread of junkyard and billboard blight.

And we strongly urge in every state and local community a firm enforcement of traffic regulations as a deterrent to the terrible slaughter on our roads and streets.

Meanwhile, we urge Congress to support the vigorous development of all modes of transportation.

THESE 18 SCRIPPS-HOWARD EDITORS FORM AND EXECUTE EDITORIAL POLICY

George Carmack, The Albuquerque Tribune, Albuquerque, New Mexico, Editor, 1966.

Duard Le Grand, Birmingham Post-Herald, Birmingham, Alabama, Editor 1967.

Walter Friedenberg, The Cincinnati Post and Times-Star, Cincinnati, Ohio, Editor 1969.

Vance H. Trimble, The Kentucky Post and Times-Star, Covington, Kentucky, Editor 1963.

Thomas L. Boardman, The Cleveland Press, Cleveland, Ohio, Editor 1966.

Charles Egger, Columbus Citizen-Journal, Columbus, Ohio, Editor 1967.

Jack Foster, Rocky Mountain News, Denver, Colorado, Editor 1940.

Robert W. Lee, El Paso Herald-Post, El Paso, Texas, Editor 1963.

Michael Grehl, The Evansville Press, Evansville, Indiana, Editor 1968.

C. A. (Bob) Sellers, Fort Worth Press, Fort Worth, Texas, Editor 1969.

Edward H. Wentworth Jr., Hollywood Sun-Tattler, Hollywood, Florida, Editor 1966.

Ralph L. Millett Jr., The Knoxville News-Sentinel, Knoxville, Tennessee, Editor 1967.

Gordon Hanna, The Commercial Appeal, Memphis, Tennessee, Editor 1968.

Charles H. Schneider, Memphis Press-Scimitar, Memphis, Tennessee, Editor 1962.

John Troan, The Pittsburgh Press, Pittsburgh, Pennsylvania, Editor 1967.

Ernest F. Lyons, The Stuart News, Stuart, Florida, Editor 1945.

Richard Hollander, The Washington Daily News, Washington, D.C., Editor 1966.

Jack Steele, Scripps-Howard Newspaper Alliance, Washington, D.C., Managing Editor.

A TRIBUTE TO OUR AMERICAN SERVICEMEN IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 1 hour.

Mr. GIAIMO. Mr. Speaker, I am proud to introduce today a House resolution which recognizes the efforts and sacrifices of the American serviceman in Vietnam. I am gratified that 139 of my colleagues—Democrats and Republicans, liberals and conservatives, hawks and doves—have agreed to cosponsor it. This is a clear indication that the American people are aware of the outstanding conduct of each American serviceman in this most difficult conflict.

I wish, Mr. Speaker, that my resolution were not necessary, but I fear that the emotional debate over our future course in Vietnam has overshadowed the contributions made by our servicemen in this dangerous and bloody conflict.

Regardless of our differing positions on the war itself, we must express our gratitude to these men for their service to their country. Some of them have made the ultimate sacrifice; others have been seriously injured; all have been forced to interrupt their civilian lives and leave their loved ones. These sacrifices must not be overlooked.

Is it fair to overlook the outstanding performance of the individual American serviceman in our haste to support or criticize our involvement in Vietnam? Is the American serviceman less brave because he is fighting a war which many people do not fully understand? Is his effort less difficult because the American people are not 100 percent behind him? Is his sacrifice less meaningful because many people disagree with the policy which caused him to make that sacrifice?

No, Mr. Speaker, we cannot ignore this performance anymore than we can ignore the war itself. That is why many of us with differing views on the overall conflict have joined today to pay the highest tribute to those who have given their lives or have been wounded in Vietnam, to commend each serviceman and veteran for his individual sacrifice, and to pledge to do all in our power "to lift from his shoulders the heavy burden he has carried for so long."

These are some of America's finest young men. They have participated in what is perhaps the most difficult war in our history and have shown their bravery, dedication, initiative, and devotion to duty time and time again. They have done their job and done it well.

Whatever history may say about our involvement in Vietnam, it will report that the American servicemen have performed honorably and admirably. Thus, as we prepare to observe Veterans Day in honor of those who fought and died in other wars, let us unite to pay tribute to these servicemen, and let us pray that they will soon be home again.

H. Res. 661

Whereas the efforts and sacrifices of the American serviceman in Vietnam have been overshadowed by the emotional debate over our future course in Vietnam; and

Whereas he is involved in a dangerous and bloody conflict being fought under the worst possible conditions; and

Whereas the American people, regardless of their opinions about the overall conflict, should take note of the bravery and dedication which he has exhibited and the sacrifices which he has made. Now, therefore, be it

Resolved, That the House of Representatives pays the highest tribute to the American servicemen who has given his life or has been wounded in the Vietnam conflict; and be it further

Resolved, That the House of Representatives commends each serviceman and veteran of Vietnam for his individual sacrifice, bravery, dedication, initiative and devotion to duty; and be it further

Resolved, That the House of Representatives will do all in its power to lift from his shoulders the heavy burden he has carried for so long.

Mr. MURPHY of Illinois. Mr. Speaker, I wish to join with my distinguished colleagues in paying tribute to all the dedicated men who are serving and who have served their country in Vietnam.

The servicemen and veterans of Vietnam should be honored for the sacrifices they have made and the hardships they have endured in the defense of freedom. These men deserve the highest praise that we can give them, for they have fought in a complex war under the most difficult of conditions. Throughout the country, there are many different and opposing points of view on our involvement in Vietnam. But the country remains undivided in its respect and support for the men who have fought there.

It is especially important for us, while we are engaged in debates on the policy and conduct of the war, to pause and pay tribute to the bravery, devotion, and accomplishments of the American servicemen who have been most affected by it.

Mr. KOCH. Mr. Speaker, I wish to commend our colleague from Connecticut, Robert N. Giaimo, for obtaining this opportunity to speak out in support of our servicemen fighting and dying in Vietnam. Those of us who opposed and continue to oppose our direct military involvement in Vietnam and have urged upon the President an immediate ceasefire and a removal of our Armed Forces from Vietnam have always recognized and paid homage to the tremendous sacrifice, bravery, dedication, and devotion to duty that these men have displayed. It is not their fault and, I think, for most of them, not their desire that they be in Vietnam. Like all soldiers, having been one myself in World War II, we follow the lawful orders of our commanding officers and rightly so. They can do little to change the course of action of this country with respect to our Vietnam involvement and in effect can only carry out their term of service in that country as they have in an exemplary way. It is for us here at home and in Congress to change that involvement, and when we do that we are recognizing the bravery of our young men who have died or been casualties in that battle and we do that by seeking to end those deaths and casualties and save those young lives.

This is not the time to state all of the reasons why those of us who wish to change the direction of this country with respect to Vietnam have come to the conclusion that our military intervention was wrong to begin with, and immoral to continue, other than to reiterate once again that the men on the battlefield have no stronger supporters and admirers than those of us who wish to bring them home safe and sound. Every Congressman undoubtedly receives letters in support and in opposition to his stand on Vietnam and without further comment, I would like to introduce into the Record a letter received from the mother of one of our missing soldiers and my reply:

Reunite Our Family Group,
Downers Grove, Ill., November 3, 1969.

Congressman Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Congressman Koch: As a Mother who has a son who has been missing in action over two years, I am representative of over 1350 afflicted families. For over five years we have endured the pain of not knowing if our husbands, fathers, sons or brothers are alive or dead. Now we must endure more pain and anxiety as we are being blackmailed into having to receive information about our loved ones through the Mobilization Committee to End the War.

Mr. Kunstler has stated that the release of information about our men will be given to MOBE by Hanoi in order to help strengthen the peace movement in this country. Our men, who have fought so valiantly, are now being used as pawns by a political group that stands for the exact opposite ideals for which our men fought and for which we have given so much.

We the families condemn this exploitation of our helplessness. We urge you not to repeat your stand of last month on the Moratorium. We beg you, as an elected official and as a man of conscience and heart to remember these men and their ideals. You have the opportunity during the week of November 9–15 to lend your support to our sons, fathers, husbands and brothers who fought so valiantly for their country. As a Mother, when my son returns home, I cannot embrace him and grasp his hand in pride if I must forsake all he has believed in—Can you?

Most sincerely,

Mrs. Dorothy Bodden.

Washington, D.C.,
November 6, 1969.

Mrs. Dorothy Bodden,
Reunite Our Family Group,
Downers Grove, Ill.

Dear Mrs. Bodden: I appreciate your very candid letter, and I know how painful it must be to write about your son now missing in action.

As a mother, when your son returns home surely you should and must embrace him and grasp his hand in pride for all the sacrifices he has made. He fought nobly in a war in which, in my judgment, we should not have been involved. The fault is ours, not his. My goal is to save the lives of our young men in Vietnam, near 40,000 of whom have died. We can do that by obtaining the release of our prisoners of war and returning our troops now in Vietnam to our country. If South Vietnam is worth fighting for, let the South Vietnamese undertake to shed their blood not the blood of your son.

I hope you will understand that while we disagree, I am doing what I can to alleviate the pain and suffering of mothers such as yourself by pressing for the saving of life in this case the lives of American soldiers.

Sincerely,

Edward I. Koch.

Finally, I would like to make one other comment and that is that while I fervently support and urge upon the President a course of action which would forthwith terminate our military involvement in Vietnam with the return of our young men to this country, that is always conditioned upon the release of all of our prisoners of war now held by the North Vietnamese. The refusal of the North Vietnamese to abide by and recognize the Geneva Convention pertaining to prisoners of war is a savage bestial act on their part and must be condemned by all men of conscience. While it appears to be a fact that savagery prevails in civil wars to a far greater degree than in other forms of warfare, it must never be condoned. I fervently hope that the North Vietnamese, whether out of conscience or pragmatism, will immediately make available the names of American prisoners of war, permit them to receive and send mail and arrange for the immediate exchange of prisoners.

GENERAL LEAVE

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that all Members may be permitted to have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material on the special order today by the gentleman from Connecticut (Mr. Giaimo).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

CREATION OF A MARKET FOR LOW-POLLUTION AUTOMOBILES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, until the present time, most of the effort to combat auto-caused pollution has come through utilization of emission control devices attached to the crankcase or the tailpipe. The use of such devices has brought a noticeable reduction in emission levels of certain auto pollutants. However, these devices can only partially reduce the level of pollution emission.

A primary source of pollution is the internal combustion engine. Since it cannot uniformly burn all of the gasoline it consumes, it inherently must produce a certain level of pollutant emissions. Use of alternative sources of fuel to refined gasoline can significantly reduce the level of emission and alternatives to current gasolines and engines can make the auto operate with little or no release of deadly pollutants into the atmosphere.

The obstacle to either is the initial extra cost that will result to the user, and the absence of a market large enough to permit use of economies of scale to bring the cost down.

In recent testimony before the Senate Finance Committee, I suggested that a system of tax writeoffs for the extra cost of these alternatives might be the solution to this problem.

The text of my remarks follow:

STATEMENT OF THE HONORABLE LEONARD FARBSTEIN (D-N.Y.) BEFORE THE SENATE FINANCE COMMITTEE

Mr. Chairman, it is a great pleasure to appear today before the distinguished membership of this Committee to recommend the establishment of a "human depletion allowance" for those who are willing to improve the quality of our environment.

I urge the Committee to give consideration to legislation to encourage the consumer willing to incur the added expense and current inconvenience of purchasing low pollution fuels or utilizing cars with low emission engines. Specifically, I recommend the enactment of a tax credit to stimulate use of low pollution fuels in place of refined gasoline. The credit would compensate motorists for the added cost of such fuels. In addition, I believe the Committee should undertake a study to determine how tax incentives might be used to stimulate the purchase of low pollution autos powered by non-internal combustion engines. Such vehicles are just now in the process of being developed and if a market can be developed, can be mass-produced in the next few years. The major obstacle to the development of a market is the initial higher cost of such vehicles compared with conventional cars. A tax incentive to compensate for the added cost would serve to overcome this obstacle.

The House-passed version of the Tax Reform Bill, H.R. 13270, contains an incentive for private industry to install pollution control equipment. This would come through the amortization of pollution control facilities authorized by Section 704 of the bill. While I support the intent of Section 704, I believe it totally ignores the fact that over 50 percent of the air pollution in this country is caused by the automobile and up to 90 percent in urban areas.

This fact was first brought out by the City of Los Angeles more than a dozen years ago, when after imposing and enforcing stringent industrial pollution emission standards, it found the level of air pollution little changed.

I stand before this Committee today because I represent the city which the Public Health Service has ranked as the most polluted in the country. I represent a city which has suffered from invasions in the air, periods when the winds failed to blow away the carbon monoxide, the lead particles, the hydrocarbons, and the other deadly pollutants which were produced by the automobile with the result that many died.

Air pollution from automobiles aggravates or is the cause of pulmonary emphysema, chronic bronchitis, lung cancer, genetic mutation, degeneration of pulmonary functions, allergenic conditions, heart and respiratory diseases, other respiratory and circulatory diseases, and the common cold.

I come from a city where two million autos daily crowd, sprouting forth dirt and heavy smoke which corrodes every material with which it comes into touch.

I offer this recommendation because I want to do something about this situation.

Until now, most of the effort to combat auto-caused pollution has come through utilization of emission control devices attached to the crankcase or tailpipe. The use of such devices has brought a noticeable reduction in emission levels of certain auto pollutants. However, these devices can only partially reduce the level of pollution emission. As the National Air Pollution Control Administration projection of the level of auto pollution suggests, the increasing number of cars will begin to offset the decrease in pollution brought about by exhaust emissions control devices after 1980.

TABLE 1—POLLUTION LEVEL FROM AUTOMOBILES BASED ON 1970-71 PUBLIC HEALTH SERVICE STANDARDS

HYDROCARBONS

[In millions of tons per year]

	1968	1972	1975	1980	1990
Urban	7.0	6.0	5.0	4.5	7.0
Total emissions, nationwide	12.0	10.0	8.5	7.0	0.0
CARBON MONOXIDE					
Urban	47.5	40.0	32.5	27.5	43.0
Total emissions, nationwide	68.0	55.0	45.0	37.5	58.0
OXIDES OF NITROGEN [1]					
Urban	3.0	4.0	4.5	6.0	10.5
Total emissions, nationwide	6.5	8.5	9.5	12.0	19.5

[1] There are no current Public Health Service emissions standards.

The primary source of pollution is the internal combustion engine. Since it cannot uniformly burn all of the gasoline it consumes, it inherently must produce a certain level of pollutant emission. Control devices can modify its output, but only to a limited degree. Use of alternative sources of fuel to refined gasoline can significantly reduce the level of emission and other types of propulsion systems are capable of being emission free. Available alternatives to current gasolines and engines can make the auto operate with little or no release of deadly pollutants into the atmosphere.

The obstacle to either is the initial extra cost that will result to the user, and the absence of a market large enough to permit use of economies of scale to bring the cost down. Authorizing a tax write-off for the extra cost of these alternatives would stimulate consumer interest and permit further development and refinement of these means of achieving a significant lower level of pollution emission from automobiles.

The resultant saving to the society in diminished material erosion and cleaning cost which would result from the lower level of pollution not to mention the health affect, would more than offset the loss in taxes.

Two substitutes for refined gasoline which can be used in current engines and bring about a significant lessing of emission levels are Liquid Petroleum Gas (LPG) and compressed natural gas. LPG, which has been used by the Florida Telephone Company in its trucks for more than ten years, was recently tested by the Air Pollution Control Administration on trucks in Detroit, and its low emission characteristics documented in the following test findings comparing LPG and refined gasoline.

TABLE 2.—*Comparative truck emissions for gasoline and propane.—Air Pollution Control Administration*

[In grams per mile]

Carbon monoxide:	
Gasoline	17.00
LPG (propane)	16.00
Hydrocarbons:	
Gasoline	28.80
LPG (propane)	8.00
Oxides of nitrogen:	
Gasoline	8.00
LPG (propane)	4.00
Lead:	
Gasoline	3.17
LPG (propane)	0

Methane in the compressed form is to be tested by the General Services Administration in an experiment involving its trucks on Los Angeles. As tests with a 1968 Ford Ranchero demonstrated, methane produced an even lower level of pollution emission than propane.

TABLE 3.—*Comparative pollutant emission for gasoline and methane*

[In grams per mile]

Carbon monoxide:	
Gasoline	28. 20
Methane	2. 11
Hydrocarbons:	
Gasoline	2. 56
Methane	1. 41
Oxides of nitrogen:	
Gasoline	3. 82
Methane	.51
Lead:	
Gasoline	3. 17
Methane	0

Even aside from the level of pollution emission, methane offers other benefits over leaded gasoline. It is cheaper to operate, does not clog spark plugs, dilute or contaminate the oil or corrode the exhaust pipes. Furthermore, it rates as safe as if not safer than gasoline by the insurance industry.

The major drawback of either of these fuels is that one cannot just pull up to the local gas station and fill up. There is an inconvenience and an initial capital cost necessary to adopt a vehicle to the fuel. In the case of compressed natural gas "conversion kits" are available to adapt engines for both natural and regular gasoline. With the added expense of hooking into the home natural gas line to gain access to the fuel, the initial cost of converting to natural gas is approximately $550, or $400 for the engine and $150 for the gas line adoption. If a market can be created for this, the cost will obviously drop.

A similar picture emerges when one looks at alternative propulsion systems to the internal combustion engine. The General Steam Corporation of Newport Beach, California, has developed a closed steam engine propulsion system for less that $1 million for testing by the State of California in its highway patrol cars.

Lear Motor Company of Reno, Nevada, is also working on a steam engine which expects to have in operation by next Spring. The President of Lear Motor Company, William Lear, who is the inventor of the Lear executive jet and numerous other inventions, hopes to work in conjunction with American Motors to produce a steam car in the next few years.

Other developers have come up with steam, turbine and electric motors.

I am informed that these existing steam engines could be mass produced for use in normal cars at a relatively low cost, although the cost would initially be greater than that of current engines. The material cost is low and most of the mechanisms for control of pressure and temperature are standard. The major obstacle to mass projection is again consumer demand which is related to price.

A recent staff report of the Senate Commerce Committee reported that demand does not currently exist—that consumers are generally not looking for low-emission fuels of vehicles when they go to purchase a gasoline automobile. Although he is opposed to air pollution in general, he does not normally shop with an eye on pollution emissions himself. This is because of the extra cost of such systems. It goes on to say that because there is little consumer demand, the auto and oil industries have not moved at a dramatically fast pace to adopt cleaner fuels or engine systems.

It is ironic that a motorist concerned about the problem of air pollution has to pay more to buy a low-pollution car or to convert his car to steam or natural gas than the unconcerned person does. Through the application of the pollution abatement provision of this tax relief bill to the automobile consumer, we can begin to overcome this problem.

LEAGUE OF WOMEN VOTERS POLITICAL PERSPECTIVE PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, the League of Women Voters of the United States is a nonpartisan organization founded in 1920, the year women's right to vote was finally incorporated in the Constitution of the United States. Currently the league has 157,000 members in more than 1,275 local leagues in all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. The purpose of the league is to promote political responsibility through the informed and active participation of citizens in government. To fulfill this purpose two kinds of knowledge are necessary: A knowledge of how the political system works and a knowledge of issues.

The league's hundreds of publications through the years, based on these studies and backed by conscientious research-in-depth, have contributed immensely to the education of the general public, and enabled legislative decisions to be made of most benefit to our country. I doubt, Mr. Speaker, if there is a single legislator—State or National—who has not profited in understanding by a reading of some of the league's publications. Moreover, hundreds of thousands of copies of these publications are used in the schools of our Nation, which is another expression of confidence in the league's objectivity and expertise.

Mr. Speaker, the purpose of the League of Women Voters as defined by its membership is: "To promote political responsibility through informed and active participation of citizens in government."

With this purpose in mind, Mr. Speaker, it is understandable that since its inception, the League of Women Voters has been a source of unbiased, nonpartisan information for voters bewildered both by the complexities of the issues, and the frequent mechanical complexities involved in the electoral process. In its efforts to simplify some of these complexities, and provide for "informed and active participation of citizens in government" the league maintains a vigorous and continuing flow of nonpartisan voter information through the 50 States concerning issues, candidates, and the electoral machinery by which we secure citizen representation in government.

Mr. Speaker, with the very validity of the American system of representative government being challenged particularly by many of America's youth, it is especially appropriate that the League of Women Voters should have prepared materials at this time to help dispel some of the misinformation and lack of know-how about the workings of our political system on which much of that challenge is based.

As one of its efforts to help citizens better understand the political process the League of Women Voters, in cooperation with Orsonic Recordings, has produced a series of taped programs entitled "Political Perspective." The programs have been used on radio, in schools, and for small discussion groups where the facts and opinions expressed on the tape serve as a kickoff for further exchange of views.

The eight programs cover a wide range of information and opinion covering such subjects as the role of the political party, youth and politics, financing political campaigns, and the reasons why people do not vote. In each program the emphasis is on the way the individual can participate and make his voice heard and his vote count the way he wants it to.

Established nearly 50 years ago primarily to help 20 million new women voters carry out their new responsibilities, the league now provides civic education for all citizens. The "Political Perspective" series is part of that continuing effort.

Mr. Speaker, I plan to insert one of the eight verbatim transcripts of these fine programs into the RECORD each day.

PRESIDENT NIXON SPEAKS NOT ONLY FOR THE SILENT MAJORITY IN THE UNITED STATES BUT FOR THE "SILENCED MAJORITY" IN NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 5 minutes.

Mr. TALCOTT. Mr. Speaker, it is quite clear that President Nixon's plan for peace in Vietnam is supported by the large "silent majority" of American citizens. President Nixon has spoken for the large silent majority in the United States.

It is becoming more and more evident that President Nixon is also speaking for the large "silenced majority" in North Vietnam. If the silenced majority in North Vietnam were permitted to "tell it to Hanoi" as with the freedom and tolerance our dissenters, protesters, and demonstrators are permitted to tell it here, the war would be terminated overnight.

Our dissenters should take note that the large silenced majority in North Vietnam and the large silent majority in the United States have common goals and objectives of peace with liberty and dignity.

The silenced majority in North Vietnam has no individual liberty, no personal dignity, no right to dissent, no opportunity to demonstrate, and no peace.

Our silent majority can help our cause and the cause of the silenced majority in North Vietnam by stating publicly their support for President Nixon's plan for peace.

THE PRESIDENT'S SPEECH ON THE WAR IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from New York (Mr. BINGHAM) is recognized for 30 minutes.

Mr. BINGHAM. Mr. Speaker, I had intended to take part in the discussion on Vietnam—and particularly on the President's Monday night speech—which took place on the floor yesterday evening. However, I was detained unexpectedly and, by the time I reached the floor, the discussion had concluded and the House had adjourned.

I have therefore asked for time this evening to carry on the discussion. I am sure that in the days and weeks ahead there will be many other such occasions.

Like most of those who took part in yesterday's debate, I was deeply disappointed in the President's speech on Vietnam. Mr. Nixon, it seemed to me, was attempting to prove his statement that he had no intention of being influenced by the October moratorium. He was actually, as many observers pointed out, taking a hard line toward those who dissent from his policies. The effect of his speech may well be to increase the demonstrations and protests, and to intensify the tragic polarization on this issue that is already tearing this country apart. Far from being a unifying speech, it was a devisive one.

The President expressed confidence that he had the support of "the silent majority." Whether or not he is correct in this—and I very much doubt that he is—he almost certainly does not have the support of the majority of that group of young men whom he expects to go on doing the fighting and dying in Vietnam.

Turning to the specifics of the speech, Mr. Nixon did not even mention what to me is one of the most crucial problems we face in Vietnam, and that is the character of the present regime in Saigon and its refusal to entertain any thought of the kind of compromise that might lead to a political settlement of the war. As I have often said before, we have in effect been allowing Generals Thieu and Ky to exercise a veto power over our moves toward peace in Vietnam, and it is precisely this facet of our policy which so disturbs many of the dissenters. Yet, the President took no cognizance of it whatsoever.

The New York Times put it editorially this way:

> There is justification for Mr. Nixon's impatience with Hanoi for its intrinsigence in the Paris talks and in private negotiations

> that have now been revealed for the first time. However, Mr. Nixon failed to mention even the possibility of such proposals as a ceasefire or a democratization and liberalization of the Saigon Government.

Mr. Nixon referred to the offer he has made for "free elections under international supervision, with the Communists participating in the organization and conduct of the elections as an organized political force." This offer, which a few of us in the House were urging 2 and 3 years ago, was indeed a step in the right direction.

But let us consider whether this offer, which the Nixon administration has said is as far as the United States can go, is really a possible basis for a settlement, unless there is a substantial change in the character of the Saigon government.

Would we agree to accept elections "under international supervision" in areas controlled by the Communists? Certainly not. How then can we reasonably expect the other side to agree to abide by the result of elections in areas controlled by the Thieu-Ky government, no matter how much international supervision of the technical conduct of the election there might be?

What is needed, and what Mr. Nixon's "final" offer fails to provide, is provision for an interim governmental regime to run the country during the period of the campaign and of the elections. On March 4, 1968, 18 of us in the House put forth an outline for a possible settlement in Vietnam which included the following point:

> During this period [the period prior to elections] mutually acceptable interim governmental arrangements (both in areas previously controlled by Saigon and in areas previously controlled by the Viet Cong) must be provided.

On September 24 last, I inserted in the RECORD a column by Mr. James Reston in which he made the point this way:

> How can anybody know what the South Vietnamese people want without elections run by a coalition of all the parties concerned? How is the President to achieve his "one limited objective" if he continues to back Generals Thieu and Ky in their opposition to a new coalition?
>
> The dilemma can be reduced to a simple formula: No coalition, no elections; no elections, no genuine test of the will of the people, and no peace.

In his speech, President Nixon quoted at length from his mid-July letter to Ho Chi Minh. While releasing the text of the reply to the press, the President did not quote from it in his speech. He said merely that it "simply reiterated the public position North Vietnam had taken in the Paris talks and flatly rejected my initiative."

It seems to me worth noting that neither letter contained any new proposals and that both clearly contemplated further negotiations. I have it on the authority of one of this country's most experienced negotiators with Communists, that Ho's letter should not have been regarded as a flat rejection. This expert points out that Ho referred to the NLF's 10-point program not as the only basis for a settlement but merely as "a logical and reasonable basis for the settlement." The word "a" was used instead of "the."

Ho also referred to the necessity for U.S. withdrawal of troops from Vietnam, but did not specify the time when this would have to take place. He concluded that "with good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem." This is hardly a flat rejection.

President Nixon's pessimism about the prospects for a peaceful settlement in Vietnam seems to be based on the assumption that there is no way we can broaden the base of the Saigon government. But why should American boys go on dying because Generals Thieu and Ky reject the idea of including representatives of the Communists in an interim government?

My final point is this: The President seemed to assume that if we withdrew our troops from South Vietnam promptly, a total collapse would follow inevitably.

In its October 31 statement supporting President Nixon's policies the Citizens Committee for Peace and Freedom in Vietnam stated that the consequences of a U.S. "defeat" would include the following: "South Vietnam would be taken over by the Communist north."

Again, why such total pessimism?

In recent weeks, there have been many press reports about how well the Saigon government is doing, both in improving its military forces and in winning back the countryside. The columnist Joseph Alsop, not noted for his optimism or as a dove, has been eloquent on the progress of the pacification program in the delta. On November 4, a Times headline read "Defection by the Vietcong Is Reported at a Peak Rate."

After all, South Vietnam is substantially as big a country as North Vietnam. They would be fighting on their own territory, with interior communication lines, and they should be able to retain complete control of the air.

If with these advantages, and after all the training and immense material assistance they have received from us, South Vietnam were promptly to succumb militarily if American forces were withdrawn, then I say we have been trying to prop up a shell with no vitality of its own, and it is time we gave up a hopeless task.

I have very little regard for the Thieu-Ky government but I have great regard for the South Vietnamese people. I know they have strong regional feelings: Even though they do not understand the meaning of communism, they know they do not want to be dominated by the northerners. This feeling is shared not only by the minority who support Thieu and Ky but by what I believe to be a strong majority that is anti-Communist and antinorthern.

Some accommodation with the NLF would probably be necessary, but this could be achieved if the Thieu-Ky regime were not in a position to go on blocking it.

Some argue that any coalition with Communists, even on an interim basis pending elections, would inevitably lead to a Communist takeover. They point to Czechoslovakia in 1948 and the other East European countries after World War II. But they ignore the fact that in other countries Communists have been in and out of governments without taking over; this was true in Italy and France in the years after World War II, it has happened more than once in Finland, not long ago it occurred in Ceylon.

Of course we cannot guarantee that, once a political settlement were made, the Communists might not ultimately take over in South Vietnam. But President Nixon cannot make that guarantee either, once American forces have been withdrawn. No matter what happens, by way of Vietnamization of the war or otherwise, the risk of Communist takeover some time in the future will remain.

President Nixon has tried to persuade the American people, just as President Johnson did so often, that there are only two alternatives: Support his course or accept disaster. I submit there are other alternatives.

A DAY OF PRAYER FOR CAPTURED AMERICAN SERVICEMEN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SIKES. Mr. Speaker, if, as has been said, the history of man is very largely a history of war, it is equally true that human history also records the never-ending attempt to regulate warfare and to establish some kind of restraint among civilized nations. Recognition of certain basic principles and practices, derived from natural law, has always called forth a humane response, even in the worst of times. The ancient world admired the humanity of Alexander in sparing the family of his defeated foe, the Persian Darius. In the Middle Ages, the church sought to protect the helpless and mitigate suffering by instituting the truce of God and the right of sanctuary. Gradually, in modern times, the nations of the civilized world-community have formulated rules and procedures governing such matters as the treatment of prisoners, notably in the Geneva Convention. Unfortunately, we confront today the most flagrant violation of those elementary human rights which the Geneva Convention seeks to protect.

The continued refusal of the Government of North Vietnam, the National Liberation Front of South Vietnam, and the Pathet Lao to abide by the collective conscience of the civilized world in their treatment of prisoners of war cries out for vigorous action by our own country and by other nations throughout the world, utilizing every available means of persuasion, to put an end to this deliberate policy of inhumanity and brutality. Approximately 1,400 American servicemen are listed as missing in action or prisoners of war. All the evidence points overwhelmingly to conditions of physical and mental torture deliberately employed and the abuse of the defenseless for crudely propagandist purposes. The need for full and continuing exposure has become clear to all who share our growing concern. The only way in which this deplorable situation can be remedied is through increasingly forthright expression of this concern at every level.

To this end, mindful of the suffering of all who are involved, both the prisoners themselves and their families here at home, who have already borne so much, we urge that November 9 be designated a "Day of Prayer" to marshal the spiritual resources of our people in church and synagogue in witness to their deep concern for our servicemen missing and captive in Vietnam. Let no one discount the power of prayer, public and private, as a force for healing and for good in a world of strife and conflict. Here is a way, truly in accord with our national traditions, for all of us to manifest our prayerful determination and united resolve. In a time of popular protests, here is a form of peaceful protest which because it affirms the fundamental humanity of men and nations, can and must be heard, and—God willing—will be heeded. We urge Americans throughout the land regardless of their diverse views of the conflict in Vietnam or any other issue, and all men of good will everywhere who find common ground with us in upholding decent standards of behavior toward prisoners of war, to share in the rising voice of prayer this day, so that together we may serve the cause of all humanity.

LAUBACH LITERACY, INC.

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last week, Dr. James E. Allen, Jr., the U.S. Commissioner of Education, announced a bold new program aimed at wiping illiteracy from the face of our Nation. Under the inspiring slogan of "The Right To Read," Dr. Allen proposed a nationwide campaign to guarantee every American the fundamental ability to read. The statistics cited by Dr. Allen to support the need for such a massive program are both alarming and appalling: He pointed out that there are some 3 million illiterates in our adult population; that half of the unemployed youth in the United States are functionally illiterate; that an amazingly large proportion of the juvenile offenders are far behind in reading ability; and that in the recent Armed Forces project 100,000, almost 70 percent of the men tested, did not even have a 7th grade reading capacity. The tragedy of these statistics is their magnitude. In an age when so much is possible, it is inexcusable that such a problem should continue to exist.

Dr. Allen believes that a concentrated national effort will assure that the "right to read" is a reality by the end of the 1970's. For a variety of reasons the time is right to mount such a program. He points out that a vast amount of research and expertise in the field of reading has been accumulated; that school boards are less preoccupied with the problems of ever increasing student enrollments; that preschool educational opportunities are being more generally incorporated into the public education system; that Federal legislation has provided increased funds for attacking such problems; and that concern on the part of parents and public officials seems to focus on the problem of reading failures.

In his campaign, Commissioner Allen describes the role of the Federal Government as supportive. The primary work is to be done on the State and local levels. The main contribution of the Federal structure consists of coordination, marshaling of forces and resources on a national basis, and provision of technical, administrative, and financial assistance. In this vein, I would like to briefly acquaint you with the work of Dr. Frank C. Laubach—a man known as the "Apostle to the Illiterates." At 85, he is an internationally noted literary expert and founder of the "Each One Teach One" method of instruction. He is referred to as "the foremost teacher in our times" and to date is credited with teaching 60 to 100 million people to read.

In 1930, Dr. Laubach began literary work on the Island of Mindanao. Here he introduced the "Each One Teach One" concept, which encourages adults taught by the system to volunteer to teach others to read. Since 1930, Dr. Laubach has traveled to 105 countries developing primers in 313 languages. He and his literary teams have worked with missions, private agencies, foreign governments, the U.S. Agency for International Development, the Peace Corps, and UNESCO. In 1935 he organized the World Literary Council, and in 1941 he helped found the Committee on World Literacy and Christian Literature of the National Council of Churches. In 1955 he founded Laubach Literacy, Inc., and today he is still active as president of its board of trustees. He travels extensively on behalf of that organization and continues to teach, write, and hold literacy workshops all over the United States.

Laubach Literacy, Inc., draws upon his experience, materials, and ideals and is an extension of his work. His son, Robert S. Laubach, now serves as executive director of that organization. He possesses 26 years of first-hand experience in that field and is extremely qualified. The organization concentrates on two types of activities. First, it trains adult literacy workers. These include teachers of the illiterate, writers for the newly literate and program administrators. Second, it prepares adult literacy materials, charts and primers, graded books and periodicals for the newly literate.

Laubach Literacy is a nonprofit, nonsectarian organization that has been called the "foremost pioneer of literacy in the free world." By 1965, its scope included 10 countries besides the United States. Here it operates through committees in every State with its national headquarters in Syracuse, N.Y. Today Laubach Literacy produces teaching materials for use in this country, a weekly newspaper for the learning student, and a series of booklets to help the newly literate increase their vocabulary and improve their reading ability.

The genius of the Laubach approach lies in the apostolic nature of the "Each One Teach One" method. Its success results from the empathy for the individual student and the rapport that develops with the tutor from proper use of the materials. This rapport encourages the student to volunteer to teach other illiterates. Ideally, the progression is almost geometric. Laubach Literacy provides materials that are well developed and structural for easy use by the professional educator or the inexperienced tutor. Technically, the materials are based on a picture-letter-sound association which would be familiar to the student. Concern is shown for his cultural background. The program is equally suited to tutoring on a one-to-one basis or to teaching small groups in a classroom setting. The value of the system is in its flexibility and minimal cost. It can be incorporated in community job training programs, social work, "innercity" programs, and other basic education campaigns where there is at least a minimum of organization. An added advantage of the approach is that the teaching experience provides reinforcement for what the newly literate adult has learned. This reinforcement has two aspects. First, the student is more likely to remember and expand on this base. Second, the act of teaching is a positive social experience. This would be especially important for the young adult.

It is obvious that any attack on poverty and its associated problems must also include an all-out war on illiteracy, for this is the major root cause. Illiteracy exacts a tremendous toll in human terms. For the young adult it is a barrier and a burden that lasts a lifetime. It commits him to a future marked by personal deprivation, unemployment, social dependence, alienation and, in many cases, crime. There is no future for a person who does not possess the basic skills he needs to change his situation. He is held in place by forces that he has no capacity to change.

Society also pays a price, but it is not so personal. Our welfare roles are filled with those who can do nothing but the most menial labor. When an illiterate is hired it is because no one else can be found to do the work. When there is an economic slowdown, he is the first fired. Our jails and prisons are filled because the illiterate often turns to crime out of desperation. Illiteracy is a basic and just complaint coming out of our racial conflict. Divorce and illegitimacy are highest among the desperate people. Conscience dictates that we do all in our power to make a change.

Dr. Laubach has been waging this struggle all his life, and has achieved notable success. If we are to make Dr. Allen's goal a reality by the end of the 1970's, we must enlist the cooperation of the concerned and committed. It is to this end that I recommend both the man and the method. Each has proven his merit.

I intend to forward a letter to Dr. Allen informing him of Dr. Laubach's experience and potential service. It is my firm hope that my distinguished colleagues will take the time to acquaint themselves further with the work of Dr. Laubach and that they will make their views known to Dr. Allen also.

IMPENDING RETIREMENT OF NICHOLAS FERRANTE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, a short time ago, my home community of Syracuse and Onondaga County was saddened to learn of the impending retirement of one of her greatest labor leaders and finest citizens, Nicholas Ferrante. Nick has been a friend and close associate of mine for many years. He exemplifies all that is good and decent in the American labor movement. Over a period of 46 years, Nick has played an intimate role in the development of the labor movement at home, all the while maintaining a deep, abiding interest in civic affairs and community progress. Nick has always possessed that rare combination of tenacity and compassion.

Like so many other people who have known him, I am going to miss Nick's active role in the community. We hate to see him go, but we all realize only too well that he has earned a well deserved retirement, and we wish him the best of health and happiness.

A few days ago, an article about Nick appeared in the Catholic Sun, the Roman Catholic newspaper for the Diocese of Syracuse. The author of the article, Father Richard McKeon, is a world renowned labor-priest, lecturer, author, and industrial relations consultant. I would like to share that article with all my colleagues in the House:

Nicholas Ferrante: A Tribute

(By Father McKeon)

In mid-September the news that Nicholas (Nick) Ferrante was planning to retire as a labor union official came as a shock to most people. His close friends, however, knew he had been talking about such a step for over a year. He had been associated with the labor movement for over 46 years and in an official capacity for the last 36 years.

A native of Syracuse, he attended the public schools and graduated from the Syracuse Trade School. He worked as a bricklayer. In 1933 he became business agent of the Bricklayers Union, Local 28. In 1945 he was elected executive secretary and treasurer of the Syracuse Federation of Labor. He also assumed the post of president of the Syracuse Building Trade Council.

During World War Two Mr. Ferrante was a panel member of the War Labor Board and a member of the O.P.A. Labor Advisory Committee.

In late 1955 he was appointed to be assistant industrial commissioner by Governor Averell Harriman in charge of the Syracuse district of the State Labor Department. He held this post for four years. In 1960 he became executive secretary of the Greater Syracuse Labor Council, AFL-CIO.

In an editorial the Post Standard paid high tribute to Nick as a responsible labor leader and said: "Syracuse labor has prospered beyond the wildest dreams of its organizers during the 46 years that Nick Ferrante has been active in the movement. And labor's gains have been the community's gains. Nick rates a sincere salute as he prepares to take life a bit easier."

Dedicated to the cause of true unionism, Nick developed a deep ethical outlook. Fair play was his motto. No doubt at times severe temptation to gain by compromising came his way. He always resisted. It is no wonder that he has been held in high esteem by people from all walks of life. Management knew him to be a man of his word.

As a labor leader, Mr. Ferrante accepted the high duty to promote industrial peace while at the same time protecting the rights and improving the conditions of the workingman. Such a task is really without limit for "it is one which challenges all that is noble in the human heart."

He knew that spiritual values are attached to union leadership. For example, a union official can fulfill the great commandment of love of neighbor by handling grievances promptly and justly; by convincing management of sincere cooperation to promote the prosperity of the company; by checking hotheads who would injure the union cause.

He was also conscious of the power of good example, that he should be a light to guide the union members. If that light were dimmed or blotted out by scandal, the union cause would suffer greatly. His influence must be felt. He must be a source of inspiration to others.

Nobody will deny that Mr. Ferrante possessed the qualities which signify the mature labor leader. There never was question about his integrity. He knew his associates as human beings and not as mere statistics. By hard effort and experience he had become proficient in the field of collective bargaining.

Service is the keynote of a mature leader. He looked upon his office as one of service. He knew that the best service is to impart a sense of responsibility to others. In his participation in civic affairs he has left an enviable record.

Nick had patience—the exercise of sustained endurance and perseverance—to a high degree. He overlooked the faults of others. He took unpleasant things as a challenge. At times he expected misunderstanding, suspicion and outright opposition. On the other hand, he hated double-dealing, subterfuges and all falsehood great and small. He had an intuitive sense of recognizing a phony and acted accordingly.

He knew his abilities and limitations. Through sincere self-knowledge he sought constantly to improve himself. He gave himself wholeheartedly to his work. Frequently it meant missing the rest and joy of homelife.

In the not too distant past the services of labor leaders in civic affairs was not eagerly sought. Mr. Ferrante was a pioneer in leading the way to more recognition. This was especially true in the Community Chest drives. Today the services of the unions and their leaders guarantee successful drives.

Nick has participated in the work of many agencies—Dunbar Center, Syracuse Boys Club, Blue Cross and Blue Shield, Girl Scouts, Council of Social Agencies and so on. A signal honor was his appointment as director of the Onondaga Community College.

Well may Nick look back on his long years of service to the labor movement and to the Syracuse community. Due to his efforts there has been a fine record of cooperation between labor and management. His constructive leadership will not be forgotten. In a word, Nick should have a strong feeling of sincere job satisfaction. To him we apply the biblical tribute: "Well done, good and faithful servant."

CLEVELAND GIVES QUESTIONNAIRE RESULTS—ANSWERS IT HIMSELF

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, for the seventh consecutive year, I have sent questionnaires to all of my constituents. Once again I wish to share the results with my colleagues and readers of the Record. Unfortunately, time and space do not permit me to share the perceptive—and occasionally biting—comments which many constituents added with their answers and which I found interesting and helpful.

New Hampshire has a good record for citizen participation at all levels of government. It is consistently among the Nation's leaders in voter turnout, and takes great interest in its government from the community level through the State and Federal levels.

NEW HAMPSHIRE—MICROCOSM OF U.S.A.

In addition, although it is a small State, it is, in a sense, a microcosm of our entire Nation. It is, on a per capita basis, among the two or three most heavily industrialized States in the Union and yet an important segment of its economy is still based on agriculture and forestry. It enjoys a tremendous recreation and resort industry on a four-season basis. Therefore, the results of my questionnaire have a significance beyond the confines of my district. Students of government who recall the rather accurate political signals that emanated from New Hampshire in recent presidential primaries can attest to that.

My questionnaires were mailed out and tabulated during the summer months. Some of the questions thus may not seem to be immediately relevant. Some of the questions were chosen because the similar questions had been asked in previous years and I wanted to find out if opinions were changing. Other questions were framed to ascertain opinion on those issues which mail and personal contacts in my district indicated were of current concern.

THE DIFFICULTY OF FRAMING QUESTIONS

Many of my constituents added additional views with their questionnaires. Quite a few observed that some of the questions were too complex to answer with a simple "yes" or "no." This is quite true, but many of the great issues of the day which we decide here in Congress, however complex, are finally decided by our "yeas" or "nays." It is regrettable that we are often faced with voting "yes" or "no" on omnibus bills with many sections, some of them conflicting, some good, and some bad. Such bills invariably are labeled attractively with appealing titles. I often refer to this practice as legislation by "lump and by label." Just as meaningful national debate and discussion of issues have fallen prey to sloganeering, sound legislation is all too often the victim of labeling.

INFORMATION GAP

It hardly needs repeating at this particular time in history to suggest that meaningful national debate and sound legislation are at a low ebb. The reason for this wretched state of affairs is not as fully appreciated or discussed as perhaps it should be. In my opinion, it is a result, in part at least, of the poor reporting by those in Washington charged with informing the public concerning national affairs. More and more, I have come to the conclusion that the national media is increasingly out of touch with the real America and with reality. I believe that, of all our national institutions which need reform, and most of them do—including, of course, the Congress—the national media is most in need of it. Because that media operates from the privileged sanctuary of the first amendment, it is much easier to state the problem than to suggest remedies.

SOME UNASKED QUESTIONS

Many of my constituents also criticized my choice of questions. For example, in view of the great interest which high taxes, tax loopholes, and the general topic of tax reform has engendered, many asked why I had no questions in this area. My answer is that it would have been almost impossible to frame a meaningful question. Everybody is for tax reform. Almost everybody is for closing up some of the widely publicized loophopes whereby some people with very substantial income have been paying no income tax. Some of the better publicized loopholes include the oil depletion allowance, tax-free interest from State, county, and municipal bonds, and unlimited charitable contributions. The House has acted in regards to these matters by passing the Tax Reform Act of 1969. There were more than 27 complicated sections to this 368-page bill, for which I voted.

The bill also attempted to enact a certain amount of tax justice by increasing the standard deductions over a period of time to give a break to the middle-income taxpayer, usually a wage earner, who cannot avail himself of some of the myriad tax-avoidance plans. I voted for the bill, although I personally would have favored increasing the standard deductions and also permitting a tax credit for tuition payments, which I have long advocated.

One of the problems of any such sweeping reform is the fact that when the full impact of closing some of the loopholes became clear, an obvious, and in some cases well-founded, reaction set in. Any limitation on the interest-free bonds is bound to be felt by State and local governments. Any limitation on unlimited charitable contributions is sure to affect schools, hospitals, and similar charitable organizations that by and large, have done so much for the betterment of our Nation. Thus it must be apparent that it would be extremely difficult to ask meaningful questions in this area. As I have pointed out, everybody is for tax reform, tax justice, and for closing tax loopholes; but for that matter, everybody is also for encouraging charitable organizations and strengthening local government.

POLLUTION—SOCIAL SECURITY—PRIORITIES

Another area untouched was the subject of pollution. Everybody is against it. To ask such a question would be a waste of time. The real problem is how to finance the battle against pollution in view of the many compelling demands for the available dollar. One answer, embodied in my amendment to the Water Quality Act of 1969, which has passed the House, is to establish a trust fund similar to the highway trust fund to accomplish this very expensive task. Those who use and pollute water should pay, I believe, for at least part of the enormous cost of fighting pollution, by a system of users fees and excise taxes.

Social security is another area of intense interest to many of my constituents, but was not included in my questionnaire. It is generally agreed that substantial increases are in order. The only question is when and how much. This is one of many problems which this session of Congress has been regrettably hesitant to face. It is my hope that when we do, we will also increase the earnings limitation as a first step toward its removal.

There are, of course, other issues of much interest to my constituents which were not included. Transportation, particularly East-West, economic development, problems of rural and urban areas of disadvantage, the constant battle to establish priorities, problems of communication, the list is almost endless. But experience shows that, as more questions are added, the number of responses diminishes, thus all cannot be asked. I remain convinced, however, that the technique of asking constituents for their opinion on selected issues, despite its imprecision and, regrettably, impersonal nature, is an invaluable method of acquainting me with the general attitudes and aspirations of those whom I am here to represent.

CLEVELAND ANSWERS QUESTIONNAIRE

Because so many constituents ask for my own comments on and answers to my questions, I have followed a policy of providing them. This year, I find that I agree with my constituents on all of the questions with the exception of No. 2 and No. 7.

Question 2: I have long favored lowering the voting age by State action to the age of 18. Four States permit voting under the ages of 21 at the present time, and I have been informed that the results have fully vindicated the practice. This same question was asked in my questionnaire of 1967. At that time 37 percent of my constituents responding favored this. The fact that this year a slightly less percentage expressed approval is probably the result of the rather unfortunate turn of events on some college campuses. For my part, I am comforted by the fact that those distressing and sometimes disgraceful excesses are typical of only a small minority of the younger generation. I should also observe that they are frequently aided and abetted in those excesses by some of their elders who should know better.

ELECTORAL COLLEGE

Question 7: My position on the electoral college is now a matter of record. The vote in the House in favor of direct popular vote was 338 to 70, my vote being in the negative. I do feel that the electoral college should be modified, and did vote for the so-called district plan which failed by a record vote of 162 to 246. My preference—no vote on this—would be to keep the concept of electoral votes, abolish the electoral college, and award the electoral votes to the candidates for President and Vice President on a proportional basis.

My chief objections to the direct popular vote are that it would tend to weaken the two-party system and encourage splinter parties, which have impaired the stability of many other representative governments. I further believe the federal system could be seriously weakened. The National Government would eventually have to police elections, diminishing the role of the States and eroding the federal concept. Believing as I do in the wisdom of diffusing political power to guard against tyranny and to protect minorities, I find such a prospect unacceptable.

There would also be a risk that, when elections were close, as in 1960, no decision could be determined by Inauguration Day because of recounts and challenged results on a nationwide basis. In a close election, a few rigged polling places might determine the outcome for the Nation. During the debate in the House, proponents of the direct election repeatedly asserted the litany that their system was the only one which could make certain that the candidate with the most votes would be elected President. In answer to that comfortable dogma, I can only say to those holding it, some of whom should certainly know better, that they have far more confidence in the manner in which votes are counted in certain parts of this country than I do.

NEXT TARGET, THE SENATE?

Finally, I submit that the direct popular election of a President would form logical grounds for eventually attacking the important federal principle that each of the United States, regardless of population or size, is represented by two U.S. Senators. I can foresee a situation where it will be asserted that the votes of a U.S. Senator should be weighted in accordance with the population the Senator represents. If this had been the situation when the Senate voted on the ABM, the final tally, according to the Library of Congress, would have been 58 against to 42 for. If this reasoning seems a bit farfetched, I think it is appropriate to recall that the Supreme Court in its wisdom has already decreed that none of the 50 States, regardless of the desires of their citizens, can pattern their State legislatures after the U.S. Congress.

STRIKES—TAX SHARING

As previously indicated on the remaining eight questions, my answers are in substantial agreement with my constituency. I will comment on them briefly:

Question 1: That the Federal Government should develop means to help prevent strikes by public employees seems clear enough. The recent strike by the Montreal police underscores the point. However, it should also be pointed out that, as a corollary to this, arbitration techniques must be developed to protect fully the rights and working conditions of the public employee.

Question 3: The proposal to share Federal tax revenue with the States has received the endorsement of the Nixon administration. I asked this question in my 1966 questionnaire and at that time 67 percent of the people expressed favor. It is interesting to note how little opinion has changed.

GUARANTEED ANNUAL INCOME—POST OFFICE CORPORATION

Question 4: Involved the so-called guaranteed annual income proposal regardless of work. I am opposed to this concept. It is said by proponents this would do away with the need for many expensive welfare programs, such as those to take care of dependent children. However, I think they overlook what the "head of the family" might do with a monthly check. If an errant mother or father dissipated the money, it would still leave the members of the family in need of welfare. Thus, we might well be right back where we started, with yet another expensive welfare program piled on top of the ones we already have.

Question 5: The proposal to convert the Post Office Department into a Government corporation has much merit and I support it, but with important qualifications: First of all, techniques must be worked out so that the public's interests will be fully protected as they are now by complaints through Congress. The same holds true for the employees who must also be protected.

RED CHINA—VIETNAM

Question 6: A similar question concerning Red China's admission to the United Nations was asked in 1966 and at the time 31 percent of those who answered were in favor of the proposal. This is another interesting example of how opinion in my district concerning some issues remains relatively stable.

Question 8: Forty-six percent of my constituency agrees with me that the Nixon administration's plans for gradually decreasing U.S. troops and shifting responsibility to South Vietnamese forces is the best we can do at the present time in view of the fact that the Paris talks are not producing meaningful negotiations. It is interesting to note that in my questionnaire last year, 10.4 percent of the people replying favored immediate withdrawal compared to this year's 11 percent. Actually, the Nixon administration's plan for phasing out American troops and phasing in South Vietnamese troops is closely in accord with suggestions which I offered last year following my first trip to Vietnam and which I reiterated last summer following my second trip.

ABM—LAW AND ORDER

Question 9: In regards to the ABM issue, I am recorded as affirmatively voting for the "safeguard" plan. In contrast to the very close Senate vote of 51 to 49, the House vote against deleting ABM was 93 to 270. Although I opposed the "thin" ABM system proposed last year by President Johnson, I think that President Nixon's compromise proposal deserves support at the present time. I do not think that the defense budget is sacrosanct or should be treated as a sacred cow, but I do feel that close questions should be resolved in favor of national defense.

Question 10: I agree with my constituents that the failure of the courts to deal promptly and toughly—not permissively—with criminals has contributed most to the increase in crime and is most seriously hampering adequate crime control. There are many factors involved, however, and in this connection, it is interesting to note that a substantial number, 13 percent, stated that none of the factors offered in the questionnaire reflected their views. This question generated more comment than any other and was probably the most imprecise of this year's offerings. Many people suggested that the breakdown of the family and the decline of moral and spiritual values were important factors, and I certainly agree. Although much has been said about the amount of crime being committed by those who use drugs, narcotics experts here inform me that the use of addictive drugs is actually down from former years and cannot presently be considered as the single most significant factor in the increase in crime. The small number of people who placed the blame for the increase in crime on the availability of firearms is significant to those of us who have long felt that the "gun control" issue has been overplayed.

It needs to be stressed that it is not only the manner in which courts deal with criminals, but also their promptness. There is increasing evidence that suspects who are awaiting trial for long periods of time and are out on bail are contributing very substantially to the increase in crime and are seriously hampering adequate crime control. Solutions to this aspect of the problem are now being debated, along with the closely related problem of penal reform and the rehabilitation of criminals.

THANK YOU

In conclusion, I would like to express my thanks to those of my constituents who participated in this year's questionnaire, not only for returning their questionnaires, but for their many interesting and constructive comments. These are indeed troubled times, but I think it is important to remember that Americans have faced trying times before and have done so with dignity, courage, and abiding faith in divine guidance. It is true that there are deep divisions of opinion, and harsh words on some issues sound out across the land, but, as I have said before and repeat again, it is important to remember that much of this is the strident music of representative government and democracy at work. We must continually remind ourselves of the many issues on which the American people are firmly and devoutly united. We must, as a nation, retain confidence that our system of government can, as it has in the past, successfully meet the challenges of changing times.

AND A WORD OF WELCOME

My questionnaires were mailed out this year before the New Hampshire General Court added six new communities and approximately 50,000 people to the 142 towns and cities and approximately 300,000 people in the Second Congressional District.

The new towns added by the general court are Allenstown, Pembroke, Merrimack, Hudson, Pelham, and Salem. As all of these communities are in close proximity to my district offices in Concord and Nashua, they are certainly logical additions to my district. They bring its population to about the same as that of the First New Hampshire District which is represented by my colleague and friend, Congressman Louis Wyman. A word of welcome to my new constituents concludes these remarks.

The questionnaire results follow:

RESULTS OF 1969 CLEVELAND QUESTIONNAIRE

	Yes	No	Undecided
(1) Should the Federal Government develop laws to help prevent strikes by public employees?	9,670	4,478	1,204
Percent	58.9	27.3	7.3
(2) Do you favor lowering the voting age to 18?	5,729	9,285	438
Percent	34.9	56.6	2.7
(3) Do you favor legislation which would return to the States and local government for use as they see fit, a percentage of the money now collected in Federal income taxes?	10,962	2,905	1,148
Percent	66.8	17.7	7.0
(4) Do you believe the Federal Government should guarantee an annual income to heads of families, whether or not they are working?	1,654	12,759	887
Percent	10.1	77.7	5.4
(5) Do you support the proposal to convert the Post Office Department into a Government-owned corporation?	8,928	3,779	2,406
Percent	54.4	23.0	14.7
(6) Do you favor U.S. support for admission of Red China to the United Nations?	5,076	8,640	1,545
Percent	31.0	52.7	9.4

	Responses	Percent responses
(7) Regarding the method by which we elect our President and Vice President, should the electoral college system be—		
(a) Abolished in favor of a direct popular vote	9,136	55.7
(b) Modified	4,115	25.1
(c) Kept the way it is	1,922	11.7
No response	1,231	7.5
Total responses	16,404	
(8) Should the Paris Peace Conference not produce meaningful peace negotiations, would you favor—		
(a) Resuming and intensifying full-scale air attacks on North Vietnam	3,244	20.3
(b) Increasing the U.S. commitment to insure military victory in South Vietnam	1,428	8.9
(c) Gradually decreasing U.S. troops and shifting responsibility to South Vietnamese forces	7,383	46.1
(d) Immediate withdrawal	1,758	11.0
(e) None of the foregoing answers reflects my views	543	3.4
(f) Undecided	691	4.3
No response	953	6.0
Total responses	16,000	

RESULTS OF 1969 CLEVELAND QUESTIONNAIRE—Continued

	Yes	No	Undecided
(9) Regarding America's missile defense, should the Congress—			
(a) Authorize President Nixon's "Safeguard" plan to build antiballistic missiles (ABM) protecting offensive missile sites and command centers	5,641		34.5
(b) Authorize a "thin" ABM system to protect certain cities and missile sites	1,213		7.4
(c) Authorize a "thick" ABM system protecting all vital targets	2,551		15.6
(d) Oppose deployment of any ABM system	3,072		18.8
(e) Undecided	2,787		17.1
No response	1,081		6.6
Total responses	16,345		
(10) Which one of the following factors do you consider to be contributing the most to the increase in crime, and is most seriously hampering adequate crime control?			
(a) Widespread use of drugs and narcotics	984		6.5
(b) Flood of pornographic material, violence, and obscenity in the entertainment media	831		5.5
(c) Failure of the courts to deal promptly and toughly with criminals	9,455		62.4
(d) Ready availability of firearms to everybody	463		3.1
(e) Inadequacy or inefficiency of police forces	524		3.5
(f) None of the foregoing answers reflects my views	1,965		13.0
No response	928		6.1
Total responses	15,150		

Note: Total number of respondents to the 1969 questionnaire: 16,430.

APPROACH TO THE AGRICULTURE PROBLEM

(Mr. BROWN of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, reform is the keynote of the Nixon approach to our Nation's problems. In many areas the draft, social security, welfare, unemployment compensation—the President has proposed innovative reforms of Government operations and Government programs to better fulfill previous promises and better answer criticisms of these efforts to meet national needs.

Today I am happy to introduce, along with eight of my colleagues in the Ohio delegation, an approach to the agriculture problem which I believe will reform a program which has been unsuccessful in resolving a recurrent problem of great proportions for the farmer, the consumer, the taxpayer, and the Federal Government. I believe that this proposal to reform our Federal agriculture program offers a comprehensive long-range solution to the problem which is economically and socially sound. Recognizing the current imbalance of supply and demand under a program of Federal controls designed to try to achieve that balance, it relieves the farmers from relying on the Federal Government and takes the Federal Government out of agriculture. It is aimed at removing sufficient land from production to achieve that balance and to encourage economic efficiency of remaining productive acres. I hope that this approach provides a permanent reform—not just further perpetuation of the unsuccessful policy of the past.

I believe that the past approach of Government crop subsidies and Government management of supply simply has not worked—the farmers are not happy, the consumers are not happy, and the taxpayers are not happy. And due to the extensive amount of Government activity in the field, politicians are not happy because we must continually direct our attention to the problems created—and the people who are adversely affected.

It is time for reform—for a different, comprehensive approach. I believe that in order to be successful a farm program must include massive land retirement, an orderly transition from a regulated and subsidized agricultural economy to a free market system, and assistance to those farmers who cannot adjust to the free market.

Such an approach would take the Government out of farming and make farming more professional. In addition to its fairness to the producers, I also think that it would be the fairest to the consumers and the taxpayers.

This bill proposes a massive land retirement of entire farms, rather than the previous approach of retiring a portion of a farm. This latter approach has not been successful in lowering our farm production since farmers have retired the least productive portion of their farms and devoted all of their resources to the remaining land. Furthermore, these farmers heavily increased their use of "land substitutes" such as fertilizer and machinery to increase the yield per acre. Consequently, the net result was the same number of farmers, higher production levels, and increased costs through production investment, land diversion payments, and crop subsidies.

Retirement of whole farms on a bid basis should eliminate several of these problems. In addition to retiring land, the plan would encourage the retirement of marginal farmers and all their expensive investment in farming and the division of the land to other beneficial uses.

In addition to land retirement, this bill emphasizes an orderly transition from our present structure to a free-market agriculture economy. The transition would gradually wean productive farmers from the present (and unsuccessful) control by the Government and assist marginal farmers to seek a more profitable life in other economic activity.

To accomplish these goals, this proposal would gradually reduce Government crop support payments over a period of 5 years and would regulate Government sales of CCC stocks. Furthermore, a special program to assist low income and marginal farmers would include retraining grants, special loans, and other adjustment assistance.

Nothing in this legislation encourages "corporate farming," but it will encourage the most efficient farm operators to stay in the field profitably while some inefficient operators will be encouraged to retire. Rather than stimulate that trend, this legislation merely recognizes it and tries to make it operate to the advantage of all.

Collateral legislation, such as the "reverse migration bill" I have already introduced, will assist the economic sustenance and redevelopment of areas which have previously been based on a totally agricultural economy and now are finding new economic bases. Here again, such legislation is designed to recognize and to deal with a problem which has been developing for some time. The two legislative approaches—the farm program I am introducing today and the rural development programs which have been introduced previously—go hand in hand to tackle the problems of agriculture and rural America in a changing era.

These approaches are consistent with the general guidelines laid down by Secretary Hardin when he appeared before the House Agriculture Committee to outline his "skeleton" approach. This is an effort to "put meat on the bones." I feel this legislation is consistent with the Nixon administration aim of reforming Government operations and programs. As it is modified in the legislative process, it could provide the long-range answers which have been so difficult to find in agriculture, the most basic of all industries on which our national economy is so dependent.

CONGRESSMAN GROSS OUGHT TO DO SOME FURTHER CHECKING IN HIS ZEAL TO DISCREDIT THE CITIZENS COMMITTEE FOR POSTAL REFORM IF HE HAS ANY INTEREST IN BEING FAIR

(Mr. CUNNINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CUNNINGHAM. Mr. Speaker, one of my colleagues on the House Post Office and Civil Service Committee, the Honorable H. R. GROSS, has recently shown a good deal of interest in the contributions received by the Citizens Committee for Postal Reform in its efforts to bring about a completely nonpolitical and thoroughly businesslike postal service for our Nation.

The gentleman from Iowa (Mr. Gross) reported that the committee's contributions as of September 30 total $226,761.24.

But why he arrived at this pinpoint total is of greater consequence than the figure itself.

He arrived at this exact figure because the Citizens Committee for Postal Reform has scrupulously reported every single, last penny that its many contributors, small and large, have sent to help fight the big lobbies that want to block the concerted will of the American people for true and total postal reform.

Furthermore, there is no secret at all about where Congressman Gross obtained his information. He obtained it from the Clerk of the House, where it is on file for every American citizen to read.

I have personally checked with the citizens committee and have been assured that they have reported, and intend to continue reporting, every cent they receive and every penny they spend.

The committee has nothing whatever to hide—that is why it is not hiding. It not only complies with the letter of the filing law, but more important, it abides by the spirit of that law and the citizens committee has been complying all along in both respects.

I expect, Mr. Speaker, that Congressman Gross will demonstrate the same sort of investigatory zeal that prompted him to look into the citizens committee records in looking into the expenditures of the National Association of Letter Carriers and the United Federation of Postal Clerks, the two largest postal unions.

On their lobbying reports for 1968, the letter carriers reported receipts of $2,152,570.01 and the clerks an even larger $2,488,547.23. This amounts to $4,641,117.24 for just two of the several postal unions. Over $4.6 million. Where is that money? How has it been used? I hope Congressman Gross will give us a detailed account of exactly how the two largest postal unions spend their money. How much money do they really spend for food, lodging, traveling, and entertainment—and for whom do they spend these sums? And precisely how many dollars have they been spending on receptions and dinners? And where do these appear in their lobbying report.

A breakdown of these figures should prove interesting to the public and to every postal worker concerned about where this kind of money actually goes and for what purposes it is used.

I noted in the Wall Street Journal recently that the postal union leaders will be running full-page advertisements in 300 papers across the country similar to the ad which appeared in the Washington Post last Wednesday, October 23. By their own admission, this single ad alone cost $6,753. I just wonder, and I trust Congressman Gross is wondering, how many thousands—or is it hundreds of thousands—of dollars these 300 ads are going to cost. Will Mr. Gross check into this?

As one of the citizens committee's cochairmen, former Senator Thruston Morton has pointed out, the carriers and clerks have at their disposal 20 times the amount of money available to the citizens. Moreover their dues checkoffs amount, as the Senator also noted, to a staggering $15 million a year.

Let us get the complete record straight on who is spending what—and why.

PRESIDENT'S VIETNAM SPEECH BRINGS PRAISE

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. ANDERSON of Illinois. Mr. Speaker, the evidence is mounting that President Nixon has bridged the credibility gap and broadened his base of support with his candid Vietnam progress report of last Monday night. Pollster George Gallup reports that 77 percent of the American people now stand behind the President's efforts to scale down that conflict and effect an honorable settlement.

Editorial support for the President's pronouncement and policy is also running high across the Nation. One of the best editorials I have read on this subject appeared in yesterday's Wall Street Journal. The editorial praises the President for rejecting a rhetorical tack designed solely to appease the antiwar protesters—a very fickle crowd to whom concessions mean little. Last year's dove plank is condemned by these same people today as being "more of the same old thing."

Instead, the President made his appeal to the vast majority of Americans—an appeal based on candor and a clear enunciation of a policy for ending American involvement in the war. The editorial commends the President for rejecting a policy of precipitate withdrawal and goes on to discuss the alternatives to the President's plan as advocated by the more "responsible" administration critics. It finds these alternatives sadly lacking in realism and viability. It therefore concludes that—

> Despite the scoffing . . . the President's plan for ending the American part of the war seems not only reasonable but promising. When this is understood, it's not hard to see why the President sticks to the course he has set. Despite the disppointment of the doves, his speech Monday was a good first step toward winning the necessary understanding in the only way a President can. That is, by keeping clear before the American people the real options and the actual record so far.

Mr. Speaker, at this point in the Record I include the full text of the Journal's editorial and commend it to the attention of my colleagues.

The editorial follows:

The President Sets His Course

Through the President's low-key tones Monday night came a firm message: That he has set what he believes a sensible course toward ending American combat participation in the Vietnamese war, and that he plans to hold that course until and unless rational argument persuades him there is a better one.

Accordingly, the speech was a disappointment to anyone expecting some kind of stop to anti-war protesters. Indeed, even within present policies, the President could have chosen to give a more dovish-sounding speech than he did. As the Administration continues to elaborate its policy, for example, it certainly will want to announce more troop withdrawals, and perhaps to convey more openly its hope of eventually manning the remaining American force through volunteers. A bit more stress on the risk in Vietnamization—the danger that Saigon cannot bear the load—would also help make clear that the President's course has definite dovish aspects.

As a rhetorical strategy, though, making concessions to protests has a rather disappointing record. Last year at the Democratic convention, the doves mobbed in the streets in favor of a platform plank calling for "phased withdrawal." The President has given them that. Has he reaped the support of Senator Fulbright or Senator McCarthy, let alone the sundry "mobilization" committees?

In the long run, the President's quiet expression of firmness may do him more good with the American people. Throughout the war, public grief at the killing and brutishness has been rubbed raw by the instinctive feeling that no policy existed to end the deaths even if things went well. In the President's bid for public patience, a large part of his problem is to make clear that he does have a policy.

Monday night's candid and relatively detailed elaboration of Vietnamization was an excellent start toward solving that problem, and we hope that the Administration follows up with continued and periodic reports on its progress. The President's proclaimed objective of turning the fight over to the South Vietnamese is a sensible goal under the depressing circumstances. As Mr. Nixon reported, the alternatives are sharply limited and exceedingly dangerous.

The President drew the alternatives of Vietnamization or precipitate withdrawal, a realistic assessment he shares with the most militant protesters. The probable costs of a humiliating withdrawal are so severe—in both the stability of the world and the stability of American society—that the more "responsible" anti-war spokesmen look for a third course. In this endeavor they are reduced to two proposals.

One is "a new government in Saigon," which in more honest words means a repetition of the American-approved 1963 coup against Ngo Dinh Diem. This is scarcely a gracious proposal from the same mouths that denounce "American imperialism." More fundamentally, at the time of the Diem coup the United States had only 16,000 troops in Vietnam. Barring headlong withdrawal as part of the bargain, how would yet another coup work to reduce American involvement?

The second proposal is for "unilateral cease-fire," if one more concession could finally induce Hanoi to bargain. The Communists rather eloquently expressed their attitude toward cease-fires at the time of the Tet standdown in 1968. As President Nixon demonstrated at great length Monday, they have also repeatedly told us when they will bargain—after the Americans overthrow the Saigon government and withdraw.

To judge whether there really is a middle course between the President's policy and precipitate withdrawal, then, we need only look at the record. What has been the result of past efforts toward "a new government?" What has been the result of past concessions to Hanoi? Why should anything be different the next time around?

The record on the President's policy of Vietnamization, by contrast, is hopeful if incomplete. The policy took embryo shape only a year ago with the first reforms of Clark Clifford. Its details have been worked out only in the present Administration. In this brief span, the trend of escalation has been reversed, American troop levels in Vietnam have been reduced, and American deaths have dropped sharply. Despite the scoffing, in short, the President's plan for ending the American part of the war seems not only reasonable but promising.

When this is understood, it's not hard to see why the President sticks to the course he has set. Despite the disappointment of the doves, his speech Monday was a good first step toward winning the necessary understanding in the only way a President can. That is, by keeping clear before the American people the real options and the actual record so far.

GRAND RAPIDS PRESS PUBLISHING GOOD NEWS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, frequently many Americans get the feeling they would rather go a few days without reading a newspaper because all of the news is bad. It becomes terribly depressing to read day after day about war, crime, violence, and, in general, man's inhumanity to man.

Often someone will ask aloud whether the good things that are being done in the world are not news, too, and why we do not see more stories about such happenings in the papers. After all, news stories about murder and rape can hardly be expected to uplift our populace and to inspire Americans to live better lives.

I am happy to report to this House that at least one newspaper is doing something about the scarcity of "good news" in the everyday lives of Americans.

In my hometown of Grand Rapids, Mich., the Grand Rapids Press currently is publishing a splendid series of articles about the good that is being done in the Grand Rapids community. I believe articles of this kind greatly multiply the good that they describe.

In a little "memo" to the reader, accompanying these articles, the Grand Rapids Press says:

> Despite our problems, for most of us Grand Rapids remains a good place to live. The following is one of a continuing series of reports in The Press about what is good and what is working in our town.

One of the recent "Space for Praise" articles in the Grand Rapids Press relates how elderly and ailing residents of the Christian Nursing and Rehabilitation Center in Grand Rapids have adopted 6-year-old Chong Sook Lee of Korea, send money to the little girl and her parents each month, mail presents to Chong Sook for the holidays, and always send her a pretty dress at Eastertime. Some of the home's residents can only get around in a wheelchair and others can hardly move their hands, but they work at various projects to make money for their adopted daughter in Korea, and they are happy because Chong Sook needs them.

The Grand Rapids Press also runs another series of articles about the good in life. These are articles about individuals in the Grand Rapids community who give of themselves in order to help others and benefit their fellowmen in a variety of ways. The Grand Rapids Press calls them "The Grand People," a most fitting tribute to those who send good out into the lives of others and make at least a few blooms grow in God's garden.

Mr. Speaker, I congratulate the Grand Rapids Press for spreading good in this world. I would hope that newspapers throughout the country would emulate the paper in my hometown.

BALLOTING IN MICHIGAN FIFTH DISTRICT SIGNIFICANT ON VIETNAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I believe Members of the House would be interested in the results of my 1969 congressional questionnaire, just recently tabulated.

Although I polled my district, the Michigan fifth, in advance of both the recent Vietnam moratorium and the President's Vietnam speech, I think the balloting in Kent and Ionia Counties—the two counties that make up my congressional district—was significant on the Vietnam question.

I found that 50.2 percent of those sending back my questionnaire endorsed the Nixon policy of gradually phasing out American troops in Vietnam and replacing them with South Vietnamese. Another 4.3 percent favored limited military action while pursuing the peace talks in Paris. This produced a combined total of 54.5 percent in favor of policies now being carried out by the Nixon administration.

Roughly one out of five—21.4 percent—favored immediate withdrawal from Vietnam. Only 13 percent wanted to resume and expand the bombing of North Vietnam. Others gave multiple answers or none.

The narrowest division of opinion on the questionnaire issues came on Mr. Nixon's projected anti-ballistic-missile system, already approved by the Congress. Slightly more than half of those answering the question opposed the Safeguard ABM system. The totals were 44.8 percent "no"; 42.2 percent "yes"; and 12.9 percent, no opinion. Many of those leaving the question unanswered commented that the subject was too technical for them to vote on.

Fifth District residents responding to the poll heavily favored Nixon's proposed welfare plan, 72.15 percent; return of a percentage of Federal income tax revenue to the cities and States, 63.6; election of the President by direct popular vote, 88.5 percent; establishment of a Government-owned self-supporting postal corporation in place of the present postal system, 71.9; and a cutoff of Federal aid to disruptive college students, 89.6 percent.

A majority of Kent and Ionia citizens favored Mr. Nixon's proposed lottery or random selection system for the draft, with 52.4 percent for it, 36 percent opposed, and the rest undecided.

This tells me that the people in my district want the reforms that President Nixon has laid before the Congress.

Fifth District residents emphatically rejected any stepup in space spending to put a man on Mars—86.7 percent against 10.6 percent for, and the rest undecided.

The poll revealed a generation gap in the Fifth District on draft changes, giving 18-year-olds the vote, and creating a Government-owned postal corporation.

Adults balloting on my questionnaire opposed giving 18-year-olds the vote—63.9 to 33.4 percent, with the rest undecided—while favoring postal and draft reform.

Kent and Ionia County high schools reporting results of balloting on my questionnaire showed students heavily in favor of 18-year-old voting and opposed to a lottery system for the draft and a Government-owned postal corporation.

Student and adult views on the other questionnaire issues pretty much paralleled each other except that the school balloting generally favored Mr. Nixon's Safeguard ABM system.

I am extremely pleased with the response to my questionnaire. I sent the questionnaire to all 141,491 mailing addresses in Kent and Ionia Counties and received replies from 24,360. That's a return of better than 17 percent. It proves to me that Fifth District residents are interested in good government.

The complete results of my poll are as follows:

[Answers in percent]

1. Should President Nixon's family assistance and welfare program be set up in place of the existing welfare system?

Yes	72
No	16
Unanswered	12

2. Should a percentage of Federal income tax money be shared with the cities and states for use as they see fit?

Yes	64
No	29
Unanswered	7

3. Should Federal aid be cut off from students disrupting college classes and administration?

Yes	90
No	8
Unanswered	2

4. Should we elect the President by direct popular vote?

Yes	88
No	9
Unanswered	3

5. Should we amend the U.S. Constitution to give 18-year-olds the vote?

Yes	33
No	64
Unanswered	3

6. Should we create a self-supporting U.S. postal corporation in place of the present postal system?

Yes	72
No	21
Unanswered	7

7. Should we pick draftees by random selection (lottery)?

Yes	52
No	36
Unanswered	12

8. Should we step up space spending to put a man on Mars?

Yes	10
No	87
Unanswered	3

9. Do you favor President Nixon's Safeguard antiballistic missile system (ABM)?

Yes	42
No	45
Unanswered	13

10. What should we do about Vietnam?

A. Carry on limited military action, pursue the peace talks in Paris	4
B. Follow the Nixon policy of gradually phasing out U.S. troops and replacing them with South Vietnamese	50
C. Resume and expand bombing of Vietnam	13
D. Withdraw immediately	22

Multiple answers 7 percent; unanswered 4 percent.

INTRODUCTION OF BILL TO AMEND UNITED STATES CODE WITH RESPECT TO THE TRIAL AND REVIEW OF CRIMINAL ACTIONS INVOLVING OBSCENITY

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I am today introducing a bill to amend the United States Code with respect to the trial and review of criminal actions involving obscenity. This bill was originally introduced in the Senate by the late Senator Everett McKinley Dirksen and was very dear to his heart. Due, however, to his untimely death, the legislation may tend to languish in the files of the committee. For this reason, and because I firmly believe that the legislation merits prompt consideration by Congress, I am introducing the bill in this body.

Over the years, the Supreme Court has whittled away at the various and sundry laws passed by State and local communities and the Congress, so that very little is left in the way of legislation governing this vital area of concern. True, some of the laws were unconstitutional in that they overstepped the bounds of valid Government action in the area of individual rights. However, many laws were struck down because the Supreme Court determined that the matter considered obscene by the law was—in their view—not obscene.

One principle that has withstood the Supreme Court's onslaught is the idea that community standards shall be one of the determining factors in whether certain subject matter, devices or materials are in fact obscene. But this principle is destroyed when the U.S. Supreme Court can sit in its ivory tower and pass judgment on a community's standards. Is it constitutionally wrong to ban something as obscene in one area of the country and not ban it in another? Or is it constitutionally right to subject one group of people to something they consider morally harmful, solely because others do not?

This bill will attempt to solve some of these problems. It would rest the determination of whether something is obscene or pornographic in the hands of a jury without comment by the court. The bill would also prohibit review by any court of the United States or the District of Columbia. The court of last resort in an obscenity case would be the highest court in a given State. What does this accomplish? It says to the smut peddlers, whatever you do in some States, you are not welcome in my State if what you sell is offensive to my people.

This bill further recognizes the sovereignty of a State in governing the actions within its jurisdiction in matters affecting the welfare of its people. In preceding years there has been a tremendous concentration of power in the hands of the Federal Government. Some of this concentration of power has been wrongfully usurped from the several States. Determining the standards of particular communities with regard to obscene or offensive materials is one such area. The Supreme Court has made a tragic mistake in trying to provide a national standard of morality based on its determination of what is obscene and what is not. And in the process the flood gates have been opened to a sea of obscene materials.

Therefore, Mr. Speaker, in order to turn back to the States some of the power to govern that rightfully belongs with them and in order to return to the the people the power to determine what is right or wrong for this community, I urge prompt consideration of this bill.

STANDING ON TIPTOE TO TOUCH BOTTOM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, these words should sound more than a little familiar:

> We all have tempers. I have one. I am sure Senator Kennedy has one. But when a man is President of the United States, or a former President, he has an obligation not to lose his temper in public. One thing I have noted as I have traveled around the country are the tremendous number of children who come out to see the Presidential candidates. I see mothers holding their babies up so they can see a man who might be President of the United States. I know Senator Kennedy sees them too. It makes you realize that whoever is President is going to be a man that all the children of America will either look up to or will look down to, and I can only say that I am very proud that President Eisenhower restored dignity and decency, and frankly, good language to the conduct of the Presidency of the United States.

Mr. Speaker, those deathless, eloquent words were pronounced by the then Vice President of the United States, Richard M. Nixon, during the 1960 campaign.

Political combat is relished by most of us. The give and take of political warfare is zesty, abrasive, and a necessary accompaniment to the American political process. Unfortunately, however, from time to time there appears in both parties a kind of public figure whose natural instinct is to hit below the belt. Insults, accusations, innuendos, and half-truths make up his intimate vocabulary. The bludgeon rather than the rapier is his natural weapon. What is on his mind is on his tongue. Reason and logic are his sworn enemies.

In the past week or so, the nation has been treated to a classic exposition of this type of political behavior. It has emanated from Vice President Agnew, whose skirmishes with grammar are stupendous. Ordinarily, I would not be set atwitch by such assaults upon common sense. But when they are forthcoming from a person next in line to the Presidency, I must take both issue and umbrage.

The Vice President's attacks, leveled at those exercising their constitutionally guaranteed right to disagree, are disquieting. to say the least. He shows contempt as well as lack of understanding for their rights as well as for their arguments. He has plumbed the depths of personal insult, calling into question the patriotism and reason of those who dissent. He sees a revolutionary in every protestor, lunging wildly at them. His motto seems to be, "Never use a fly swatter when a sledge hammer is available."

It is degrading to see the Vice President of the United States wrap our flag around him like a bathrobe and throw out childish catch phrases in response to questions about national purpose.

Now we all know the Vice President is a man of soaring intellect, great intellectual achievement and of a profoundly philosophical cast of mind. Bearing this in mind, is he not aware that in all other pluralistic societies, the right to dissent is held sacred? Also, that on debates over major national policies, answers and alternatives are sought rather than insults and partisan posturing? I wince at the impact being made abroad by his intemperate and thoughtless remarks. People overseas must feel we are running the zoo from the monkey cage.

Each nation, by its own behavior, projects an image not only to allies and neutrals, but to potential enemies. What respect can any possible foe have for us when we exhibit such treatment of domestic dissent? Will they not consider us the same types of tyrants and bullies they know themselves to be? Do we not erode foundations of our own liberties by such intemperate responses from one supposed to set examples of the most positive sort? If, as Vice President Agnew said, dissenters are "rotten apples," does Government answer by out-shouting and out-insulting them? Juveniles do such things. Not the Vice President of the Republic.

The President of course oversees, audits, and commands every word the Vice President utters. We all know this. Would it not be temperate and rational, then, to haul in a bit of slack on his line? Some people claim to ascertain outlines of incipient fascism in many public statements of this Administration, from talk of detention camps and abrogation of civil liberties to "acceptable" rates of unemployment. Now I would never for a moment think this present fearless crew aimed at such a goal. Let us not mistake the second month of pregnancy for the ninth.

Instead, they are merely abusing power they accidentally fell heir to as all children are apt to do—like little boys locked accidentally in a candy factory for the night. Only in this case, next morning our entire country has a stomach ache, and will react accordingly.

XUM

Mr. Speaker, is Vice President AGNEW not part of the Nixon administration, just as President Nixon was part of the Eisenhower administration? If President Nixon owned a parrot that used improper language, would we hold the bird responsible?

A.T. & T.-FCC PACT: THE CONSUMER WILL PAY MORE, NOT LESS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD.)

The American Telephone & Telegraph Co., as reported in this morning's papers, has struck a deal behind closed doors with the Federal Communications Commission to cut interstate telephone rates by 4 percent, or $150 million, in return for FCC sanction of 8½-percent profits—return on investment—for A.T. & T., 1 percent more than the 7.5-percent profit ceiling imposed by the Commission in 1967. While on the surface this appears to be a victory for the consumers of telephone service, this reduction is not what it appears to be. In fact, it is a potential revenue increase for A.T. & T. cleverly disguised as a rate reduction. The net result of this decision is almost certain to be that consumers will pay more, not less, for telephone service.

In view of the outrageous deception inherent in this move, I am calling upon the FCC to suspend its judgment issued yesterday accepting the possibility of A.T. & T. profits of 8½ percent or more until the full facts and implications of this case can be examined in full public hearings. Furthermore, I am looking into the possibility of taking legal action to block the Commission's action should it fail to suspend this judgment.

What particularly concerns me is this: A.T. & T. currently has requests pending for increases in rates for local telephone service in 17 States. Requested rate increases for New York State alone would, if approved, bring in $175 million in added revenues, and the total rate increases in the various States would bring in a sum in excess of $300 million. With today's FCC ruling in its pocket, A.T. & T. can now argue that the FCC has OK'd an increase in its profits, and that State regulatory commissions can do no less. The FCC, in effect, has greatly strengthened A.T. & T.'s case for increased local rates and has greatly enhanced the possibility that these local increases will be granted by State regulatory commissions. When that happens, as I feel certain it will, A.T. & T. will more than recover the $150 million reduction it has made in interstate rates. And the consumer will be the loser.

Finally, there is the matter of the quality of telephone service. It seems ironic to me that the telephone company should be granted higher earnings at a time when its services to the consumer are getting worse instead of better. Breakdowns in service have occurred in New York City and experts predict that it is only a matter of time before they occur in other areas of the country. Indeed no one really knows, except perhaps the telephone company itself, what the extent of breakdowns in service have been or are likely to be. If, as some experts claim, these breakdowns in service are a direct result of poor management decisions made by Bell Telephone officials, A.T. & T., like any other business, should be required to make the expenditures needed to correct this situation and bring the quality of service back up to satisfactory standards out of operating revenues, even if that means a reduction in total earnings. To sanction, as the FCC has done, increased earnings for A.T. & T. despite apparent degeneration of its services amounts to a profit guarantee. Such a guarantee, of course, is totally inconsistent with traditional regulatory treatment of utilities in this country.

The principal witness that was heard in this proceeding was Bell Telephone itself. The New York City Consumers Affairs Department requested an opportunity to appear and present its views, but was refused. According to Commissioner Nicholas Johnson, who dissented from the FCC action, not only did Bell Telephone monopolize the presentation of information on this case, it even participated in the wording of the press release announcing the FCC's majority decision.

All of these factors point in only one direction—that this whole matter and its implications must be opened to full public disclosure and participation before this ruling is allowed to stand.

THE SENATE SHOULD PASS WITHOUT DELAY THE HOUSE BILL TO MAKE A DRAFT LOTTERY POSSIBLE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the other day, when we had the draft lottery bill before us, H.R. 14001, some Members wanted to be able to load it down with all sorts of nongermane amendments, on the ground that the Senate would never pass it anyway without first holding a long debate on all sorts of other possible draft reforms. In my remarks on the floor at the time, winding up the crucial debate on the rule, I urged the House to approve the rule—as it thereupon did, by a margin of better than 2 to 1—because this lottery feature was obviously the only draft reform feature we could agree on quickly, and I did not believe we should delay this one significant draft reform that we can get now because some of us might also like to see even more extensive draft reforms at some later date.

I said that we in the House have our own need to be responsible, and if the Senate wanted to assume the duties for delaying this one universally approved draft reform, then that decision would have to be theirs to make, and the responsibility for delay would be theirs.

I said I did not really think the Senate, once they gave the matter some thought, would want to assume that responsibility for preventing Congress from taking this one important step to lift some of the burden of uncertainty from the shoulders of millions of young men of draft age.

Of course, at first blush some Senate leaders did take the course which some Members had predicted; they did vow to block enactment of the House-passed lottery feature until more sweeping draft reforms could be debated and enacted.

But wiser heads have now entered the argument. The president of Yale University testified publicly on this Hill yesterday as to the violent reactions of college students to the refusal of Senate leaders to allow this one lottery feature to be added to the draft system.

And the other day, before President Brewster spoke out, one of the leading columnists of the Washington Post, Mr. David Broder, made the same telling point in a column dated November 4. I hope the Senate will listen to Mr. Broder and to President Brewster, even if they will not listen to me.

Under leave to extend my remarks I include the column of Mr. Broder, to which I have referred:

[From the Washington Post, Nov. 4, 1969]

SENATE DEMOCRATS MISTAKEN IN POSTPONING DRAFT REFORM

(By David S. Broder)

CAMBRIDGE, MASS.—In deciding to postpone until next year consideration of the draft reform bill that President Nixon recommended and the House passed, the Democratic leaders of the Senate have taken a heavy responsibility on themselves and their party.

The inequities of the present draft law are so obvious that the corrosive effects of its continuance so severe that the decision to delay relief—even the partial relief promised by the Nixon plan—is one for which the Democrats can properly be held to political account.

Some of the arguments for delay are reasonable enough in themselves. The Senate calendar for the remainder of the year is crowded with matters of some urgency, including the Haynsworth nomination, the tax-reform bill and most of the tardy appropriations measures.

While Congress itself is at least partially to blame for the logjam, there is no doubt that adding draft reform to the agenda would be burdensome.

But this would not be the case if the advocates of major draft reform—including Senators Hart, Hatfield and Kennedy—were willing to pass the simple measure the President requested, authorizing a random lottery system, and to delay consideration of other changes until next year. In rejecting the half-loaf proposition passed by the House, the liberals have exposed themselves to accusations of political opportunism, which are probably unjust. What can be questioned is whether their holdout tactics take into account the urgency of some immediate relief from the inequities of the present system.

Just how urgent draft reform is can perhaps be better seen from this college community than from Washington. The present system keeps young men in a state of jeopardy for the unconscionable period of 7½ years. Their fate is controlled by a complex of regulations, which are subject to constant change and which are applied by local boards in so capricious a manner as to make the ultimate decision on induction or deferment seem highly arbitrary to the individual concerned.

The present regulations discriminate against the poor, the less educated and the minorities, and work in favor of the wealthy, better educated whites, who can find temporary and sometimes permanent draft havens, in college, in graduate school, in teaching and in other favored professions.

It is easy to guess the kind of resentment this stirs among draftees toward those who enjoy draft exemptions while preparing themselves for lucrative, high-status careers. If the veterans of Vietnam do not despise the college-trained contemporaries who manage to avoid the draft, they are a darn sight more forgiving than we have any right to expect.

Equally serious is the effect of the current system on the draft-exempt college students themselves. From their privileged sanctuaries, they have become the most severe critics of the Vietnam war, the "military-industrial complex" and the purposes of American foreign policy. One cannot say to what extent their criticisms stem from their need to rationalize their own advantageous position in the draft, but the connection between privilege and protest is hard to overlook.

Today's campus culture sanctions the use of almost any lawful tactic—and some of questionable legality—to avoid the draft.

Career decisions are routinely altered to improve the odds on staying out of the Army. Uncounted numbers of young men have taken up teaching because it is draft-exempt, thus increasing the likelihood that their views of military service are passed on to those still below draft age.

What it will do to this country if a whole generation of its potential leaders grow up with this cynical view of the obligations of national service cannot be calculated. But that is the price we pay for the present draft law.

The Senate Democrats note quite correctly that Mr. Nixon's plan will not reach all these evils, and they claim he can do almost as much by executive order as by legislation. They vow to consider major reform next year.

But is that enough, under the circumstances? When the system of government is as seriously challenged as ours is today, is there not a duty to act when the opportunity for action exist? A Congress that procrastinates is no help in an era of confrontation politics.

PURCHASE OF ADDITIONAL PROPERTY TO COMPLETE PHILADELPHIA'S INDEPENDENCE NATIONAL HISTORICAL PARK

(Mr. GREEN of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GREEN of Pennsylvania. Mr. Speaker, I introduced today a bill authorizing the purchase of additional property vital to the completion of Philadelphia's Independence National Historical Park. In recent years, Philadelphia and the Federal Government have embarked upon a massive renewal of the historical park, containing not only Independence Hall but most of the surrounding area as well. In order to complete plans for the national park, the U.S. Park Service and the Department of the Interior have requested this legislation.

My bill would amend the act passed in 1948 to establish and guarantee the preservation of this site as a National Historical Park.

Today, Independence Hall, Carpenters' Hall, the First and Second Banks of the United States, and all other related historical buildings within the park's boundaries are owned by the Federal Government, the Commonwealth of Pennsylvania, the city of Philadelphia, or private, nonprofit organizations. Three buildings, however, completely unrelated to the park's historical significance, yet located within its boundaries at the northwest corner of Walnut and Fourth Streets, remain as an exception. An authorization for the demolition of these buildings exists, but the structures must first be acquired. My bill would make this possible by increasing to $11,200,000 the $7,950,000 authorization contained in the original act.

Mr. President, the need for this additional legislation is both critical and timely. The structures in question, the 16-story Irvin Building and two smaller adjacent builidngs, are all owned by the Reliance Insurance Co. of Philadelphia. On April 21, 1967, Reliance executed an option giving the Federal Government an opportunity to purchase this property at a value, based on a 1966 appraisal, of $3,250,000. This is the amount provided by my bill. This option, which was once extended, expired on October 21 of this year and the company is reluctant to extend it. What is needed is prompt action on my bill in order to avoid risking the loss of an opportunity to make this purchase at what appears to be a very reasonable price, especially in view of continually rising real estate costs elsewhere in the area.

Important, too, are the longer range considerations as America looks forward, just a little over 6 years from now, to the 1976 bicentennial celebration commemorating the 200th anniversary of the independence which grew out of the July 4 Declaration signed at Independence Hall. Plans for the city of Philadelphia, having nationwide implications, are well in progress and will be the subject of even more extensive cooperation between the city and the States immediately involved, Pennsylvania, New Jersey, and Delaware, in the months to come.

In recent years, more than 3 million people annually have visited this national shrine. A bicentennial celebration would, of course, dramatically increase these visits. My bill will help the park to accommodate these increases and because of this, I urge its immediate and favorable consideration.

RECESS

The SPEAKER pro tempore (Mr. ALBERT). The Chair declares a recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 6 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610 million.

H. Con. Res. 441. Concurrent resolution providing for adjournment of the House from Thursday, November 6, 1969, to Wednesday, November 12, 1969.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2546) entitled "An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes."

LEAVE OF ABSENCE

By unanimous request leave of absence was granted to:

Mr. DENNEY (at the request of Mr. GERALD R. FORD), for today, on account of illness due to recurring knee ailment.

Mr. HOWARD (at the request of Mr. GRAY), for November 9 through 18, on account of official business.

Mr. BYRNE of Pennsylvania (at the request of Mr. BARRETT), for November 6, on account of illness.

Mr. THOMPSON of New Jersey, for November 12 through November 25, on account of official business.

Mr. DE LA GARZA, for 2 weeks, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RUTH) and to revise and extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 15 minutes today.

Mr. TAFT, for 1 hour, November 12.

Mr. TALCOTT, for 5 minutes, today.

Mr. DUNCAN, for 1 hour, November 12.

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous matter:)

Mr. BINGHAM, for 30 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. PRICE of Illinois.

Mr. ALBERT to extend his remarks following Mr. POAGE.

Mr. MICHEL and to include several editorials.

Mr. GROSS, immediately following the remarks of Mr. HALL on the recess resolution today.

Mr. ICHORD.

Mr. HOWARD to revise and extend remarks made on H.R. 14465.

XUM

Mr. Keith following the remarks of Mr. Springer on H.R. 14465.

Mr. Cahill, to extend his remarks immediately after those of Mr. Frelinghuysen on the Frelinghuysen amendment.

Mr. Morton (at the request of Mr. Springer), to extend his remarks immediately after those of Mr. Kuykendall.

(The following Members (at the request of Mr. Ruth) and to include extraneous matter:)

Mr. Pelly in five instances.

Mr. Zwach.

Mr. Conable.

Mr. Reid of New York in three instances.

Mr. Ashbrook in two instances.

Mr. Roudebush in two instances.

Mr. Shriver in two instances.

Mr. Findley.

Mr. Hosmer in two instances.

Mr. Schwengel.

Mr. Wyman in two instances.

Mr. Keith.

Mr. Horton in two instances.

Mr. Ruppe.

Mr. Landgrebe.

Mr. Conte.

Mr. Lipscomb in three instances.

Mr. Cunningham in five instances.

Mr. Kuykendall.

Mr. Esch.

Mr. Sebelius.

Mr. Whitehurst.

Mr. Fulton of Pennsylvania in five instances.

Mr. Broyhill of Virginia in two instances.

Mr. Schadeberg.

Mr. Hogan.

Mr. Nelsen in five instances.

Mr. Carter in two instances.

(The following Members (at the request of Mr. Daniel of Virginia, and to include extraneous matter:)

Mr. Eilberg.

Mr. Kluczynski in two instances.

Mr. Giaimo.

Mr. Fraser.

Mr. Symington in two instances.

Mr. Leggett.

Mr. Matsunaga in two instances.

Mr. Nichols in two instances.

Mrs. Hansen of Washington in two instances.

Mr. William D. Ford in two instances.

Mr. Hawkins.

Mr. Montgomery.

Mr. Olsen in three instances.

Mr. Stuckey.

Mr. Wolff.

Mr. Rooney of Pennsylvania.

Mr. Tiernan in three instances.

Mr. Brademas in six instances.

Mr. Pickle in two instances.

Mr. Charles H. Wilson.

Mr. Rarick in three instances.

Mr. Gonzalez in two instances.

Mr. Dorn in three instances.

Mrs. Sullivan in three instances.

Mr. Evins of Tennessee.

Mr. Feighan in five instances.

Mr. Hagan in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 118. An act to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes, to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1857. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 10595. An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program; and

H.J. Res. 910. Joint resolution to declare a National Day of Prayer and Concern for American servicemen being held prisoner in North Vietnam.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 910. To declare a National Day of Prayer and Concern for American servicemen being held prisoner in North Vietnam.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 441, 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on Wednesday, November 12, 1969.

Thereupon (at 7 o'clock and 7 minutes p.m.), pursuant to House Concurrent Resolution 441, the House adjourned until Wednesday, November 12, 1969 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1318. A letter from the Secretary, Export-Import Bank of the United States transmitting a report of the activities of the Bank during the quarter ended September 30, 1969, under the export expansion facility program, pursuant to the provisions of Public Law 90–390; to the Committee on Banking and Currency.

1319. A letter from the Comptroller General of the United States transmitting a report on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964, Chicago, Ill., Department of Labor; to the Committee on Education and Labor.

1320. A letter from the Secretary, Export-Import Bank of the United States transmitting a report on the amount of Export-Import Bank loans, insurance, and guarantees issued during July–September 1969, in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the provisions of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

1321. A letter from the Comptroller General of the United States transmitting a report on savings through greater use of Government-owned shipping capacity between New Orleans, La., and the Panama Canal Zone, Department of Defense, Panama Canal Company; to the Committee on Government Operations.

1322. A letter from the Comptroller General of the United States transmitting a report on the need for improvements in analyses of applications for business loans, Small Business Administration; to the Committee on Government Operations.

1323. A letter from the Assistant Secretary of the Interior transmitting a copy of a proposed concession contract for the provision of self-service food and nonalcoholic beverage services and the sale of souvenirs for the public in Muir Woods National Monument, Calif., covering the period January 1, 1970, through December 31, 1979, pursuant to the provisions of the act of July 31, 1953 (67 Stat. 271), as amended; to the Committee on Interior and Insular Affairs.

1324. A letter from the Director, Administrative Office of the United States Courts transmitting a draft of proposed legislation to amend chapter 313 of title 18 of the United States Code; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 14580. A bill to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within the framework of democratic economic, social, and political institutions, and for other purposes (Rept. No. 91–611). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on Foreign Affairs. Report of Special Study Mission to Southern Africa (Rept. No. 91–610). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 14646. A bill granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact (Rept. No. 91–608). Referred to the House Calendar.

Mr. MILLER of California: Committee of Conference. Conference Report on H.R. 11271 (Rept. No. 91–609). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 14705. A bill to extend and improve the Federal-State unemployment compensation program; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. Ashbrook, Mr. Betts, Mr. Devine, Mr. Harsha, Mr. Lukens, Mr. Minshall, Mr. Mosher, and Mr. Stanton):

H.R. 14706. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. CONYERS:

H.R. 14707. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 14708. A bill to provide for the more effective prevention and treatment of alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 14709. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 14710. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. KING:

H.R. 14711. A bill relating to the interest rates on loans made by the Treasury to the Department of Agriculture to carry out the programs authorized by the Rural Electrification Act of 1936; to the Committee on Agriculture.

H.R. 14712. A bill to amend title 18 of the United States Code to make it unlawful to injure, intimidate, or interfere with any fireman performing his dtuies during the course of any riot; to the Committee on the Judiciary.

By Mr. LENNON:

H.R. 14713. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MOSS:

H.R. 14714. A bill to amend authority of the Secretary of the Interior under the Act of July 19, 1940 (54 Stat. 773), to encourage through the National Park Service travel in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (for himself, Mr. Broyhill of Virginia, Mr. Cabell, Mr. Hogan, and Mr. Winn):

H.R. 14715. A bill for the establishment of a Commission on the Organization of the Government of the District of Columbia; to the Committee on District of Columbia.

By Mr. OBEY (for himself, Mr. Kluczynski, Mr. Button, Mr. Podell, Mr. Giaimo, Mr. Bingham, Mr. Koch, Mr. Rooney of Pennsylvania, Mr. Tunney, Mr. Dingell, Mr. Rees, Mr. Scheuer, Mrs. Chisholm, Mr. Helstoski, Mr. Anderson of California, Mr. Corman, Mr. Matsunaga, Mr. Friedel, and Mr. Daniels of New Jersey):

H.R. 14716. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 14717. A bill to provide for the establishment of a commission by the Secretary of Health, Education, and Welfare to review and assess all available data on smoking and health including the carrying on of original scientific research; to the Committee on Interstate and Foreign Commerce.

By Mr. REID of New York (for himself and Mr. Wolff):

H.R. 14718. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Interior and Insular Affairs.

By Mr. ROUDEBUSH:

H.R. 14719. A bill to establish a commission to study the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 14720. A bill to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 14721. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 14722. A bill to amend section 620 of title 38, United States Code, to authorize an extension of the 6-month limitation on the furnishing of nursing home care in case of veterans who pay part of the cost of such care; to the Committee on Veterans' Affairs.

By Mr. WATSON:

H.R. 14723. A bill to amend title 10 of the United States Code to provide that the Secretary of Defense specify those groups entitled to commissary store and post exchange privileges, and for other purposes; to the Committee on Armed Services.

By Mr. WOLFF (for himself and Mr. Reid of New York):

H.R. 14724. A bill to amend the General Bridge Act of 1946, to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor to any point in Westchester County, N.Y., in the vicinity of the city of Rye or the village of Portchester; to the Committee on Public Works.

By Mr. BIESTER:

H.R. 14725. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. BIESTER (for himself and Mr. Ashley):

H.R. 14726. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Georgia:

H.R. 14727. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 14728. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.R. 14729. A bill to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. LENNON (for himself and Mr. Mosher):

H.R. 14730. A bill to provide for the effective management of the Nation's coastal and estuarine areas; to the Committee on Merchant Marine and Fisheries.

H.R. 14731. A bill to provide for the establishment of a national policy and comprehensive national program for the preservation, study, use, and development of the coastal zone of the Nation and its resources; to the Committee on Merchant Marine and Fisheries.

By Mr. O'NEAL of Georgia:

H.R. 14732. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (for himself, Mr. Jarman, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Nelsen, Mr. Carter, Mr. Skubitz, and Mr. Hastings):

H.R. 14733. A bill to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself and Mr. Burke of Massachusetts):

H.R. 14734. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

By Mr. RYAN (for himself and Mr. Burke of Massachusetts):

H.R. 14735. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

By Mr. RYAN (for himself and Mr. Burke of Massachusetts):

H.R. 14736. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. STUCKEY:

H.R. 14737. A bill to amend the Investment Company Act of 1940, the Investment Advisers Act of 1940 and the Securities Exchange Act of 1934 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.J. Res. 980. Resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Committee on Post Office and Civil Service.

By Mr. ADAIR:

H. Con. Res. 442. Resolution Red Cross Prisoner-of-War Declaration; to the Committee on Foreign Affairs.

By Mr. CRAMER (for himself and Mr. Weicker):

H. Con. Res. 443. Resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

By Mr. BROCK:

H. Res. 657. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. CASEY:

H. Res. 658. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 659. Resolution paying tribute to each American serviceman who has given his life or has been wounded in Vietnam conflict; to the Committee on Armed Services.

By Mr. DENT (for himself, Mr. Galifianakis, and Mrs. Green of Oregon):

H. Res. 660. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GIAIMO (for himself, Mr. Albert, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Annunzio, Mr. Baring, Mr. Belcher, Mr. Bennett, Mr. Brock, Mr. Brotzman, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burleson of Texas, Mr. Button, Mr. Don H. Clausen, Mr. Corbett, Mr. Daddario, Mr. Dingell, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, Mr. Evans of Colorado, Mr. Fisher, Mr. Flood, and Mr. Flynt):

H. Res. 661. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. Frelinghuysen, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Gonzalez, Mr. Green of Pennsylvania, Mr. Halpern, Mrs. Hansen of Washington, Mr. Harsha, Mr. Helstoski, Mr. Henderson, Mr. Hicks, Mr. Holifield, Mr. Horton, Mr. Howard, Mr. Ichord, Mr. Johnson of California, Mr. Jonas, Mr. Jones of Tennessee, Mr. Karth, Mr. Kuykendall, Mr. Koch, Mr. Leggett, Mr. Lennon, and Mr. Lujan):

H. Res. 662. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. McCarthy, Mr. McClory, Mr. McDade, Mr. McKneally, Mr. Mailliard, Mr. Mann, Mr. Matsunaga, Mrs. May, Mr. Meskill, Mr. Michel, Mr. Mikva, Mr. Miller of Ohio, Mrs. Mink, Mr. Mize, Mr. Mollohan, Mr. Monagan, Mr. Montgomery, Mr. Moorhead, Mr. Morse, Mr. Murphy of Illinois, Mr. Myers, Mr. Obey, Mr. O'Neal of Georgia, and Mr. Philbin):

H. Res. 663. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. Podell, Mr. Pollock, Mr. Powell, Mr. Pucinski, Mr. Railsback, Mr. Randall, Mr. Rarick, Mr. Rees, Mr. Reifel, Mr. Roberts, Mr. Robison, Mr. Rodino, Mr. Rogers of Colorado, Mr. Roth, Mr. Ruth, Mr. Scheuer, Mr. Shriver, Mr. Sikes, Mr. Sisk, Mr. Slack, Mr. Stafford, Mr. Steed, Mr. Stubblefield, and Mrs. Sullivan):

H. Res. 664. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. Symington, Mr. Talcott, Mr. Vigorito, Mr. Weicker, Mr. Whalen, Mr. Charles H. Wilson, Mr. Wold, Mr. Wolff, Mr. Wright, Mr. Pettis, Mr. Byrne of Pennsylvania, Mr. Gibbons, Mr. Abernethy, Mr. Rooney of Pennsylvania, Mr. Edwards of Louisiana, Mr. Chappell, Mr. Donohue, Mr. Anderson of Tennessee, Mr. St Germain, Mr. Jacobs, Mr. O'Neill of Massachusetts, Mr. Hull, and Mr. Dowdy):

H. Res. 665. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. Beall of Maryland, Mr. Blanton, Mr. Brasco, Mr. Casey, Mr. Cohelan, Mr. Conte, Mr. Findley, Mr. Fraser, Mr. Kyros, Mr. Madden, Mr. Nix, Mrs. Reid of Illinois, Mr. Rogers of Florida, Mr. Schadeberg, Mr. Stephens, Mr. Thompson of New Jersey, and Mr. Yatron):

H. Res. 666. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. GIAIMO (for himself, Mr. Addabbo, and Mr. Broyhill of North Carolina):

H. Res. 667. A resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. HATHAWAY:

H. Res. 668. A resolution commending the serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. SANDMAN:

H. Res. 669. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. WATSON:

H. Res. 670. A resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. RANDALL:

H. Res. 671. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 672. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MINISH:

H.R. 14738. A bill for the relief of Irving Forsten; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 14739. A bill for the relief of Habibollah Cohen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

324. By Mr. MYERS: A petition from Mr. Charles E. Marsh of Brownsburg, Ind., and 20,002 other signatures to stop, promptly and completely, giving aid in any form, directly or indirectly, to the total Communist bloc of nations; to the Committee on Foreign Affairs.

325. By the SPEAKER: Petition of the Ad Hoc Student-Faculty Committee on the Vietnam Moratorium, Polytechnic Institute of Brooklyn, Brooklyn, N.Y., relative to the Vietnam Moratorium on October 15, 1969; to the Committee on Foreign Affairs.

326. By the SPEAKER: Petition of the American Academy of General Practice, Kansas City, Mo., relative to standardized tests for drivers of motor vehicles; to the Committee on Interstate and Foreign Commerce.

SENATE—*Thursday, November 6, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, giver of life and liberty, above the tumult and confusion of many voices may we hear Thy voice that we may worship as we work, and find fulfillment of life's purpose by offering to Thee the service of our minds and the love of our hearts.

Draw together the diverse and divided people of this land in common loyalty to Thee, made strong in the Lord and the power of His might, so as to serve the ways of peace and the kingdom of righteousness. Give to the Members of this body greatness of mind and spirit to match the vastness of their problems. Help this Nation to lead the separated peoples of the world into a firm spiritual alliance, in that order which has as its guide the mind and spirit of the Man of Nazareth, in whose name we make our prayer. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 5, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. ATTORNEY

The assistant legislative clerk read the nomination of Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

AMBASSADOR

The assistant legislative clerk read the nomination of Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

INTERNATIONAL MONETARY FUND

The assistant legislative clerk read the nomination of William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

WORLD HEALTH ORGANIZATION

The assistant legislative clerk read the nomination of Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Advisory Commission on International Educational and Cultural Affairs.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service which had been placed on the Secretary's desk.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 498 and the succeeding measures in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JAMES HARRY MARTIN

The bill (S. 1786) for the relief of James Harry Martin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the World War Adjusted Compensation Act, approved May 19, 1924, as amended, limiting the period within which claims may be filed thereunder, the Secretary of Defense is authorized and directed—

(1) to receive and consider any application of James Harry Martin, of Phoenix, Arizona, filed within six months after the date of enactment of this Act, for benefits under the adjusted compensation program, the said James Harry Martin having served honorably in the United States Army during World War I while he was under age, but not having been eligible to file for benefits under the original World War Adjusted Compensation Act because he had concealed his minor age when he had enlisted for military service; and

(2) to certify to the Secretary of the Treasury his determination as to the amount of any such benefits to which the said James Harry Martin would have been entitled on the basis of such application if it had been filed within the time and in the manner provided in the World War Adjusted Compensation Act.

SEC. 2. Upon receipt by the Secretary of the Treasury of the certification described in the first section of this Act, the Secretary shall pay, out of any money in the Treasury not otherwise appropriated, to the said James Harry Martin, the amount of any benefits so certified by the Secretary of Defense. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim referred to in the first section of this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

DR. DELSA EVANGELINA ESTRADA DE FERRAN

The bill (S. 2426) for the relief of Dr. Delsa Evangelina Estrada de Ferran, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Delsa Evangelina Estrada de Ferran shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 2, 1955, and the periods of time she has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–505), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

L. CPL. ANDRE L. KNOPPERT

The bill (S. 2363) to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lance Corporal Andre L. Knoppert, a native of the Netherlands, who served honorably in the United States Marine Corps from December 28, 1967, until his death on May 28, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–506), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Lance Cpl. Andre L. Knoppert.

DR. BERNARD WESTON MARCH

The bill (S. 2354) for the relief of Dr. Bernard Weston March was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Bernard Weston March shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 29, 1956, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-507), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. LEONARDO M. CABANILLA

The bill (S. 2353) for the relief of Dr. Leonardo M. Cabanilla was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Leonardo M. Cabanilla shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 23, 1959.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-508), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. PAOLO (PAUL) GENOESE ZERBI

The bill (S. 329) for the relief of Dr. Paolo (Paul) Genoese Zerbi was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Paolo (Paul) Genoese Zerbi shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 29, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-509), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. FARID M. FULEIHAN

The Senate proceeded to consider the bill (S. 2481) for the relief of Dr. Farid M. Fuleihan which had been reported from the Committee on the Judiciary with an amendment in line 4, after the word "Act," strike out "Doctor Faris M. Fuleihan" and insert "Doctor Farid M. Fuleihan"; so as to make the bill read:

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, for the purposes of the Immigration and Nationality Act, Doctor Farid M. Fuleihan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 22, 1963.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-551), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the spelling of the beneficiary's first name.

DR. MARIA LUISA GOROSTEGUI DE DOURRON

The Senate proceeded to consider the bill (S. 2339) for the relief of Dr. Maria Luisa Gorostegui de Dourron which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "of," strike out "December 27, 1957," and insert "December 28, 1957,"; so as to make the bill read:

S. 2339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Maria Luisa Gorostegui de Dourron shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 28, 1957, and the periods of time she has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-512), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date upon which she first entered the United States.

FRANZ CHARLES FELDMEIER

The Senate proceeded to consider the bill (S. 614) for the relief of Francis Charles Miller (Franz Canto), which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 4, after the word "Act", strike out "Francis Charles Miller (Franz Canto)" and insert "Franz Charles Feldmeier"; so as to make the bill read:

S. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Franz Charles Feldmeier may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Raymond Feldmeier, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act: *And provided further,* That the provisions of section 245 (c) shall not be applicable in this case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-513), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for immediate relative status as the alien adopted child of citizens of the United States. The bill also provides that the beneficiary, a native of the Western Hemisphere, shall not be precluded from adjusting his status while in the United States. The bill has been amended to correct the beneficiary's name.

The title was amended, so as to read: "A bill for the relief of Franz Charles Feldmeier."

Mr. MANSFIELD. Mr. President, that concludes the call of the Calendar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burdick in the chair). Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a review of the basis for determining need for construction of mess halls in the Department of Defense dated November 5, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on analyses of applications for business loans need improvements, Small Business Administration, dated November 6, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings through greater use of Government-owned shipping capacity between New Orleans, La., and the Panama Canal Zone, dated November 6, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Concentrated Employment Program under title IB of the Economic Opportunity Act of 1964, Chicago, Ill., Department of Labor, dated November 6, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT IN MUIR WOODS NATIONAL MONUMENT, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting a proposed concession contract in the Muir Woods National Monument, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED FEDERAL ACT FOR THE COMMITMENT OF INCOMPETENT PERSONS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend chapter 313 of title 18 of the United States Code (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of Palau; to the Committee on Interior and Insular Affairs:

"RESOLUTION 69(2)–31

"A resolution requesting the Secretary of the Interior, the President of the United States of America, the Senate of the Congress of the United States, through the Congress of Micronesia, to be extremely thoughtful in appointing High Commissioners of the Trust Territory of the Pacific Islands in the future

"Whereas, the people of Palau are attentive and at the same time worry about the possible entry of large foreign companies, after they have secured entry permits from the High Comissioner to enter the Palau District, to do business or to perform contracts under the Trust Territory Government; and

"Whereas, the people of Palau are worried about the possible harm to their economy and that they have repeatedly expressed their concern over the companies entering into the Palau District to take over businesses which the people of Palau are capable of operating and managing; and

"Whereas, the former High Commissioner of the Trust Territory of the Pacific Islands permitted the entry of foreign companies into the Palau Islands despite repeated requests by the people of Palau that foreign companies entry into the Palau be limited; and

"Whereas, after the former High Commissioner resigned from his office, he either had already been given a high position in one of these companies or was being given a high position in one of these companies; now, therefore,

"Be it resolved by the Palau Legislature, assembled in October 1969 Session, that the Secretary of the Interior, the President of the United States of America, the Senate of the United States Congress be and hereby requested, through the Congress of Micronesia, to be extremely thoughtful when appointing High Commissioners of the Trust Territory of the Pacific Islands in the future; and

"Be it further resolved that certified copies of this resolution be transmitted to to the President of the United States of America, the Secretary of the Interior, the Senate and House of Representatives of the United States Congress, the Trusteeship Council and Security Council of the United Nations, the High Commissioner of the Trust Territory of the Pacific Islands, the Speaker and President of the House of Representatives and Senate, respectively, of the Congress of Micronesia, and the Palau District Administrator.

"Adopted October 23, 1969.

"ITELBANG LUII,
"Speaker.

"Attest:

"SYLVESTER F. ALONS,
"Secretary."

Resolutions adopted by the Utility Co-Workers' Association, Newark, N.J., relating to certain labor-management problems; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–521).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 14030. An act to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments (Rept. No. 91–525).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 1456. A bill to amend sections 2(3) and 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising (Rept. No. 91–524).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

S. Res. 179. Resolution expressing the sense of the Senate that the United States should actively participate in and offer to act as host to the 1972 United Nations Conference on Human Environment (Rept. No. 91–522).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S.J. Res. 131. Joint resolution to welcome to the United States all Olympic athletes and authorized Olympic delegations, and for other purposes (Rept. No. 91–523).

By Mr. HART, from the Committee on Commerce, with amendments:

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes (Rept. No. 91–526).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following reports were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive F, 91st Congress, first session, the Consular Convention between the United States of America and the Kingdom of Belgium (Executive Rept. No. 91–10); and

Executive H, 91st Congress, first session, an Agreement with Canada on Adjustments in Flood Control Payments (Executive Rept. No. 91–11).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time and referred as follows:

By Mr. EASTLAND:

S. 3122. A bill to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulfport, Miss.; to the Committee on the Judiciary.

By Mr. PERCY:

S. 3123. A bill for the relief of Gioacchino Gino Buttita; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. HUGHES):

S. 3124. A bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States; to the Committee on Rules and Administration.

(The remarks of Mr. MILLER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS:

S. 3125. A bill for the relief of Michele Palazzolo; and

S. 3126. A bill for the relief of Antonia Berardi; to the Committee on the Judiciary.

S. 3124—INTRODUCTION OF A BILL AUTHORIZING THE SMITHSONIAN INSTITUTION TO PROMOTE THE DEVELOPMENT OF LIVING HISTORICAL FARMS IN THE UNITED STATES

Mr. MILLER. Mr. President, on behalf of myself and my colleague from Iowa (Mr. HUGHES), I introduce for appropriate reference a bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States. A similar bill has been introduced in the House of Representatives by the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas (Mr. PATMAN).

With the decline we have had in our farm population it is imperative that we interest the nonfarmers, who make up about 95 percent of our population, in farm problems and achievements. At the same time, farmers need to have something they can point to with pride which will show their accomplishments. Living history farms will accomplish both of these objectives.

The Smithsonian Institution, under the direction of the Honorable S. Dillon Ripley, recognizes the great importance of agricultural history and has established a special living historical farms project to study the development of a system of working farm museums throughout the Nation. I am very pleased to note that an organization has been created in my own State of Iowa to establish three such living history farms.

The bill I am introducing today would expand the existing Smithsonian program so that interested organizations, such as that in Iowa, would have ready access to expert assistance in historical research, planning, and operation of living historical farms, methods of financing such projects, obtaining qualified architectural and agricultural advice, and designing a farm so that it would be of maximum interest and meaning to visitors. This legislation does not attempt to finance the development of living history farms which would be left up to local historical associations.

The living history farms which the Iowa organization is developing will tell the story of agricultural progress with three farms: A pioneer farm of 1840, a horse farm of 1900, and a farm of the future. Each will have a farm family who will live on the land, grow crops, tend the livestock, and perform the farm operations as they were done in 1840, in 1900, and as it seems likely they will be done in the years ahead. These farms will be located on a 390-acre site under option near the center of the Nation's major agricultural production area—at the intersection of Interstates 80 and 35, near Des Moines, Iowa.

Living history farms will be of interest to people of all ages from all walks of life and from all parts of the world. It will give a clear picture of the remarkable changes which have occurred in agriculture during the past 130 years. It will preserve for future generations an intimate look at a way of life which built America, and it will tell how the people now on the land are building for the future.

I salute the foresightedness of the Iowa Living History Farms and I call upon Congress to promptly consider the bill we are introducing so that these farms may become a reality.

I ask unanimous consent to have the bill printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3124) to authorize the Smithsonian Institution to promote the development of living historical farms in the United States, introduced by Mr. Miller, for himself and Mr. Hughes, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

S. 3124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The Secretary of the Smithsonian Institution, under the general supervision of the Regents of the Smithsonian Institution, is authorized, subject to the availability of appropriated funds, to assist living historical farms throughout the United States by providing—

(1) technical assistance with respect to historical research, site selection, and visitor control and interpretation;

(2) identification and location of historically accurate plants, animals, and farm implements;

(3) advice with respect to methods of finance and operation;

(4) information and advice with respect to obtaining architectural and agricultural assistance from other public and private sources; and

(5) assistance in the formation of a National Association of Living Historical Farms.

Sec. 2. To carry out the purposes of this Act, there is authorized to be appropriated $85,000 for the 1970 fiscal year, $95,000 for the 1971 fiscal year, $105,000 for the 1972 fiscal year, and such sums as may be necessary for succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2561

Mr. JAVITS. Mr. President, at the next printing, I ask unanimous consent that my name be added as a cosponsor of S. 2561, to incorporate Pop Warner Little Scholars, Inc.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3121

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. Case) be added as a cosponsor of S. 3121, to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 154

Mr. EAGLETON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. McIntyre), the Senator from Kansas (Mr. Pearson), and the Senator from Pennsylvania (Mr. Scott) be added as cosponsors of Senate Joint Resolution 154 proclaiming January as National Blood Donor Month.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 279—RESOLUTION SUBMITTED TO EXTEND THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. McGOVERN. Mr. President, I submit an original resolution and ask for its reference.

The Select Committee was established on July 30, 1968, by unanimous vote of the Senate and directed to make a study of the food, medical, and other related basic needs among the American people—Senate Resolution 281, 90th Congress, second session.

The resolution—Senate Resolution 68, 91st Congress, first session—which authorizes the committee to make expenditures and employ staff during the present year expires on December 31, 1969. Under this resolution, the committee is operating under a total authorized budget of $250,000.

Senate Resolution 279 would change this authority and the authority under which the committee was established in the following respects:

First, without any increase in its total authorized budget, Senate Resolution 279 would permit the committee to make expenditures through January 31, 1970, the date on which all Senate committee and subcommittee resolutions expire.

Second, Senate Resolution 279 would change the date under which the committee is required to terminate its activities under Senate Resolution 281, 90th Congress, second session, the resolution which established the Select Committee. This date would be changed from December 31, 1969, to December 31, 1970, thus permitting the committee to exist for an additional year.

Third, the resolution would authorize the addition to the committee of one minority Member of the Senate selected from committees other than the Committee on Labor and Public Welfare and the Committee on Agriculture. The addition of one minority member would provide for a total committee membership of 14, eight selected from the majority party and six selected from the minority party in the Senate, a ratio which is more in accord with the ratio in the Senate itself than is the present 8 to 5 membership ratio on the select committee.

The select committee is not, at this time, requesting any additional operating funds. Its authorization to expend $250,000 under Senate Resolution 68 is sufficient to enable the committee to operate for the additional month, from December 31, 1969, to January 31, 1970, under the accompanying resolution. The committee does expect to request next January a full operating budget for the period February 1, 1970, through December 31, 1970.

While the select committee had expected to be able to complete its studies by the end of this year, and while it has held extensive hearings on a variety of subjects relating to nutrition and published an interim report on its activities, the committee has not been able during its first year to complete its studies and investigations in fulfillment of its mandate from the Senate under Senate Resolution 281. During this year the committee has held hearings, conducted staff research studies and investigations, and engaged the services of consultants to study the operation and administration of the food stamp, commodity distribution, school lunch, and other Federal food assistance programs. As set forth in its interim report, "The Food Gap: Poverty and Malnutrition in the United States," published in August 1969, the committee has also studied and gathered evidence on the extent of malnutrition in the United States, its effect on child development, its economic and social consequences, and a number of related subjects.

The committee's examinations and recommendations with respect to the food stamp program contributed to Senate passage this year of S. 2547 reforming the Food Stamp Act of 1964. The committee has also held extensive hearings on the role and potential of private industry in meeting the nutritional needs of the American people.

However, many of these activities remain to be completed. The committee has not completed hearings on child nutrition and school feeding programs and is not yet in a position to make recommendations with respect to those programs. Nor has the committee had time to study or hold hearings in the area of nutrition education. It feels there is a need for a complete review of present Federal and private activities in this area and for the development of recommendations for new and comprehensive public and private efforts.

The resolution—Senate Resolution 281, 90th Congress, second session—which established the select committee directs the committee, "to study the food, medical, and other related basic needs among the people of the United States." It further requires that the committee make recommendations "to establish a coordinated program or programs which will assure every U.S. resident adequate food, medical assistance, and other related basic necessities of life and health."

The committee has neither evaluated present nutrition-related health programs for the poor nor examined the roles of private medical care, medical education or public health in meeting nutritional and related health needs.

The committee also expects to review the results and recommendations of the White House Conference on Nutrition. These recommendations will not be completed until January or February. They will encompass many subjects for which, as Dr. Jean Meyer, President Nixon's Special Assistant on Nutrition, has suggested, there will be a need for further study and oversight by the select committee.

The committee also believes it essential that there be a continuing examination of the relationship between proposals for the reform of public assistance programs and the future of Federal food assistance programs.

For these reasons, the committee believes that the fulfillment of its mandate from the Senate will require that it remain in existence and carry on its activities during the year 1970.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 279), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. Res. 279

Resolved, That the Select Committee on Nutrition and Human Needs is authorized to expend from the contingent fund of the Senate, within the amounts, and for the same purposes, as specified in Senate Resolution 68, Ninety-first Congress, agreed to February 1969, to continue the Select Committee on Nutrition and Human Needs for the period ending January 31, 1970, and such committee shall terminate its activities not later than December 31, 1970.

Sec. 2. The President of the Senate shall appoint one additional minority member of the Senate to the Select Committee on Nutrition and Human Needs selected from committees other than the Committee on Labor and Public Welfare and the Committee on Agriculture and Forestry.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 6, 1969, he presented to the President of the United States the enrolled bill (S. 1857) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, I think there can be little doubt that both as a nation and as a society we have failed to protect our natural resources. The environment that we pass on to the next generation will have been needlessly abused, full of pollutants that damage the ecology and destroy the beauty of our planet.

Due to our carelessness, greed, and stupidity every river basin in the country is in part polluted. Our motor vehicles spew into the air the staggering total of 350,000 tons of carbon monoxide, hydrocarbons, and nitrogen dioxide every day. And we continue to pour over 600 million pounds of toxic chemicals—poisons—into our soils each year.

Our resources cannot absorb the extent of pollution today. When we were a younger country, with fewer people and fewer technological skills, our air, water, and land could easily accept the industrial and sanitary byproducts of our society. They no longer can, and the massive pollution above, afloat, and below us is the inevitable result.

The simple fact is that, environmentally speaking, we have miserably failed in our responsibility to treat our resources with the respect they demand.

Mr. President, the Baltimore Sun of November 5 contains an editorial calling for effective Federal action to curb pesticides and an article reporting that Great Britain is about to release a major study of 10 pesticides. I ask unanimous consent that these be printed in the Record, as well as a letter from Dr. Charles F. Wurster published in the Washington Post of September 2, 1969, stating that alternatives to persistent pesticides do exist, contrary to what the industry says.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Baltimore (Md.) Sun, Nov. 5, 1969]

DDT in Everyone

The assurance offered by a gubernatorial committee that Marylanders are not endangered by the DDT stored in their bodies happened to be published the same day that *The Evening Sun* carried a book review of a study of salt marshes which described DDT as the "most alarming" pollutant of marshes and tidal estuaries "in terms of extent and danger, both to the marshes and to men."

The committee itself readily acknowledged that DDT does cause "all sorts of problems in wildlife," but emphasized that while "everybody seems to have some in his body fat—old people, babies, men, women, farmers, city folk"—no adverse human effects have been discovered. Comforting as this may be in the short run, it draws a mighty fine distinction between what is harmful to man and what is harmful to his environment.

Little solace is offered in the long run by the knowledge that it is only, say, the ecology of Maryland wetlands and not Marylanders per se who are endangered by the persistent pesticides. For this reason it is easy to sympathize with Governor Mandel's desire to have Maryland take action against DDT. But the problem extends far beyond Maryland's boundaries. Chesapeake Bay, for instance, receives runoffs from farm land as far away as upper New York state. Federal action would be more appropriate than state action, and if Governor Mandel can be patient, federal action may be in the offing.

[From the Baltimore (Md.) Sun, Nov. 5, 1969]

Britons Study Pesticide Curbs

London, November 4.—British experts are studying curbs on DDT and other pesticides similar to the ban announced by Canada, officials said today.

A committee of specialists from the Ministry of Agriculture and the Department of Health and Science has prepared a report for the government covering 10 pesticides.

Officials declined to make public the report. The sources said it calls for tighter controls, but not an outright ban, on the use of such insecticides.

The government cleared DDT and similar chemical agents in 1964 for a period of three years. The present report is already two years overdue. No explanation of the delay was given.

[From the Washington (D.C.) Post, Sept. 2, 1969]

Alternative Insecticides

Maryland Governor Marvin Mandel has given the chemical industry six months to find alternatives to certain persistent chlorinated hydrocarbon insecticides, including DDT.

They don't need six months. Many effective and economical alternative insecticides are available now, and they have been for a long time. It's just that the companies that make the persistent ones keep telling everyone that there are no alternatives to their products. Non-persistent insecticides include Malathion, Methoxychlor, Abate and Sevin, but there are many more.

The time to stop using these persistent chemicals is now, so that our environment can begin the long, slow process of recouping its losses.

Charles F. Wurster,
Assistant Professor, Biological Sciences, State University of N.Y. at Stony Brook.
Stony Brook, N.Y.

HOUSING

Mr. GOODELL. Mr. President, the Housing and Urban Development Act of 1968 set a national housing goal of 26 million new and rehabilitated housing units by 1978. This goal has been used as a yardstick to measure our housing programs.

Too often, however, we have allowed ourselves to assume that the mere declaration of this housing goal will produce a flurry of activity.

It is time for us to face the fact that, at present production rates, we will not be able to produce 26 million more units within the next decade.

On a nationwide basis, housing starts have declined from 1.5 million in 1968 to an estimated 1.1 million in 1969. Only 100,000 low-income units were built last year; 20 million Americans still live in substandard housing. The plight is particularly desperate in our Nation's cities.

These grim facts mean that we have failed. Government housing programs, although well intentioned and ambitious, have not met the needs in our urban areas.

The prime reason for our failure to meet housing goals has been inadequate funding.

The 1968 Housing Act established major innovative action programs to increase our Nation's supply of housing for low- and middle-income families. Unfortunately, this bold legislative package was not supported with an adequate commitment of our financial resources.

This year, despite the housing crisis and the national attention given to the problem, the HUD budget of $2 billion has been cut 20 percent, or almost $400 million by the House. Cuts were made in all the major innovative housing programs of the 1968 legislation which have the potential for easing our housing crisis, such as sections 235 and 236, rent supplements and model cities.

In September, I wrote to the distinguished chairman of the Subcommittee on Independent Offices of the Committee on Appropriations (Mr. Pastore) and urged that the funds, cut from the HUD budget by the House, be restored. Today, the full committee is marking up the bill, and I am hopeful that this action will be taken.

One area where lack of funds is particularly acute is urban renewal.

The administration has requested $1 billion for urban renewal, and the House cut this amount by $150 million. This program is hit particularly hard by inflation and soaring construction costs.

To offset these inflationary pressures, I have urged the committee in a letter this week to fund the urban renewal program at its full authorization level of $1.6 billion, rather than at the $1 billion level requested by HUD.

While I am fully aware of the need for budgetary restraints to overcome inflation, I believe that urban renewal is of such high priority that the additional expenditures are fully warranted.

It is false economy not to provide adequate funding for urban renewal. If we fail to act now, blight will continue to spread and the cost of correcting it will continue to rise with soaring construction costs. Ultimately, we will be faced with a far greater—and much more costly—task of renewal than if we take action now.

In the meantime, millions of Americans will be forced to continue to live in substandard and deteriorating areas.

For the benefit of the Senate, I ask unanimous consent that my letters to the distinguished chairman of the Independent Offices Subcommittee of the Committee on Appropriations be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

September 10, 1969.

Hon. John O. Pastore,
Chairman, Subcommittee on Independent Offices, Senate Appropriations Committee, U.S. Senate, Washington, D.C.

Dear Senator Pastore: I understand the Independent Offices Subcommittee will soon be in mark up session on appropriations for the Department of Housing and Urban Development. I urge you and the members of the Subcommittee to appropriate funds in the amounts recommended by the Department.

The housing shortage in this country has become critical. In urban and rural areas, the poor are forced to live in substandard housing—housing that lacks adequate heat, electricity and plumbing. In New York City alone, 140,000 families are on waiting lists for public housing units. Because of the rapid rise in building costs and interest rates, many families of low and middle income find it impossible to buy a home. To meet these challenges, the Congress in 1968 committed the nation to the construction of 26 million new and rehabilitated homes within ten years.

There has not, however, been an adequate commitment of our nation's resources to meet these housing goals. I believe the appropriations cuts to the housing and urban development programs for fiscal year 1970—$384 million—will seriously hamper our ability to meet our housing needs.

The 1968 Housing Act established two major innovative programs for increasing the nation's supply of housing for low-income families. The Section 235 and 236 interest rate subsidy programs. For each, the fiscal year 1970 authorization level is $100 million and these amounts were requested by HUD. The programs were cut $20 million and $30 million respectively. In the first year of operation, these programs have proven most effective and the demand for assistance has quickly exhausted available funds, necessitating additional appropriations in the Second Supplemental Appropriations Bill of this year.

Rent Supplements, another key housing program, was cut from $100 million to $50 million. This program was created for a twofold purpose; as an incentive to increase the housing stock and as a rental assistance program for the poor. Unfortunately, this program has suffered since its inception from underfunding and has not been able to fulfill its role in supplying housing.

I believe these three programs, Section 235, Section 236 and the Rent Supplement program must be fully funded—each at $100 million—so that viable programs to provide housing for low and middle income families can be maintained.

Another critical area of concern is the cut of $150 million in the urban renewal budget request. Many States, such as New York, have undertaken pioneer efforts with the assistance of the private sector to rebuild the blighted and decayed areas in our cities. To continue and expand these efforts, State and municipal governments must be assured that Federal aid will be available to them.

The appropriation for Model Cities, another urban development program, has been reduced from $675 million to $500 million. Although troubled by administrative difficulties in the past, this program has effectively involved local citizen groups in decision making and has the capability of achieving its goal in the selected cities. The Model Cities program is beginning to dedevolp as planned and we must support this progress.

Both programs, urban renewal and Model Cities, creates new and rehabilitated neighborhoods. To meet the increasing needs of our urban areas, the two programs must be fully funded.

Other HUD programs have been reduced, including Fair Housing and Equal Opportunity, Departmental and Regional Management, 701 Comprehensive Planning Grants, College Housing Debt Service and the Homeownership Foundation. Secretary Romney and his staff have reviewed the budget requests and believe their requests represent the minimum level at which the programs will be successful. I know your Committee will carefully review this appeal. I am hopeful these funds will be restored.

These programs mark the beginning of a national attack on the problems of our cities. Their success will alleviate urban decay and enable the poor and disadvantaged to live in healthy and safe environments. In order to have a significant impact, however, they must be adequately funded. The cuts made by the House can only delay progress and success in meeting our housing goals. I urge the Committee to favorably consider full funding of the HUD budget requests.

Sincerely,

Charles E. Goodell.

U.S. Senate,
Committee on Banking and Currency,
Washington, D.C., November 3, 1969.

Hon. John O. Pastore,
Chairman, Subcommittee on Independent Offices, Senate Appropriations Committee, Washington, D.C.

Dear John: On September 10th, I wrote to you regarding appropriations for the Department of Housing and Urban Development. In that letter, I urged the Subcommittee on Independent Offices to restore the cuts made by the House and recommend full funding of the Department's budget requests.

The National League of Cities, the U.S. Conference of Mayors and the National Association of Housing and Renewal Officials have jointly expressed grave concern over inadequate funding which threatens the future viability of urban renewal. These organizations have strongly recommended that the program be funded at its authorization level of $1.6 billion rather than $1 billion as requested by the Department.

Several weeks ago, I met with approximately 30 Mayors and Urban Renewal Directors from my State regarding this recommendation. In addition, I received hundreds of telegrams and letters from city officials throughout the State. As a group they emphasized the urgent need for increased funding. It has also come to my attention that many municipalities in great need of urban renewal have not submitted applications. Municipal officials do not wish to commit the time and effort necessary to apply for projects and create optimistic expectations among their constituents that will later be frustrated for lack of funds.

I have come to the conclusion that the urban renewal program should be funded at its full authorization level of $1.6 billion.

Rising construction costs caused by inflation have hamstrung urban renewal. The Construction Cost Index (CCI) compiled by the Department of Commerce indicates that construction costs will rise 7.2% this year. If the CCI is applied to the $1 billion budget request for urban renewal, the funds in terms of actual purchasing power will be worth only $933 million. Therefore, the effects of inflation cut into the appropriation before the funds are even available.

Conventional urban renewal programs, because of their scope and complexity, often take 10 years and in some cases longer to complete. Due to the annual increase in construction costs, cost over-runs and other results of inflation, the sums originally reserved for a project normally will not be sufficient for completion. As a result, amendatory grants must be allocated by HUD to city officials to meet the higher costs. The Department estimates that of the $1 billion requested, about $400 million will be for amendatory grants attributable to past cost increases.

Inflation, therefore, consumes over 40% of the Department's $1 billion budget request. In addition, HUD officials estimate that approximately $100 million will be needed for miscellaneous items such as relocation and code enforcement. This leaves only about $500 million for new urban renewal programs.

The increased demands for urban renewal funds far exceed the available supply of funds. The Department of Housing and Urban Development needs more than $2 billion to fund existing applications—$1.5 billion for conventional urban renewal and $692 million for Neighborhood Development Programs.

This does not include new applications which will be submitted during the course of the fiscal year and I understand that applications received by HUD total $200 million each month.

An appropriation of $1.6 billion would yield almost $1 billion for existing and new applications. Needless to say, this amount will not be sufficient fully to meet actual needs. However, it will provide twice as much money for new urban renewal programs as the HUD request, after the effects of inflation are taken into account.

While I am fully aware of the need for budgetary restraints to overcome inflation, I believe that urban renewal is of such high priority that the additional expenditures are fully warranted.

It is false economy not to provide adequate funding for urban renewal. Funds spent for these programs bring economic returns by creating jobs and a stronger tax base in the renewed areas.

In addition, if we fail to act now, blight will continue to spread, and the cost of correcting it will continue to rise with soaring construction costs. Ultimately, we will be faced with a far greater—and much more costly—task of renewal than if we take action now. In the meantime, millions of Americans will be forced to continue to live in substandard and deteriorating areas.

Our cities and our people deserve more from the government than this. I urge the Committee favorably to consider this recommendation, and appropriate $1.6 billion for the urban renewal program.

Sincerely,

CHARLES E. GOODELL.

GREAT LAKES SHIPPING

Mr. MONDALE. Mr. President, the administration has just recommended a new 10-year program to rebuild the U.S. merchant fleet. Statistics on the age of our fleet, and its declining share of world commerce, show the need for vigorous efforts to expand and modernize U.S. shipping.

I cannot understand how the Great Lakes shipping industry was omitted from this new proposal. Everything the President said about our ocean shipping applies, as well, to the Great Lakes. In the past 30 years, our fleet's share of United States-Canadian trade has declined from 78 percent to virtually zero.

In the 10 years ending in 1965, the U.S.-flag Great Lakes fleet declined by about 500,000 gross tons. All of this capacity was added to that of Canada which, with heavy Government subsidy, has developed an advanced and highly automated fleet. In contrast, our Great Lakes fleet is aging and shrinking. It is unthinkable to ignore these facts in embarking on a long-term program to expand and modernize our ocean fleet.

Mr. President, this appears to be another case of discrimination against the Nation's "fourth seacoast." The St. Lawrence Seaway Act of 1965, for the first time in modern American history, required that a waterway pay for its development and operation. Throughout the Nation, billions of tax dollars have been invested in the construction, maintenance, and operation of other waterways.

I have sought, for several years, to improve the financial structure of the seaway. I shall continue to do so. And I shall also insist on fair treatment of the Great Lakes shipping industry in any new maritime program which may be enacted.

A NEW REPORT ON THE SYNDICATE

Mr. PERCY. Mr. President, the Chicago Crime Commission serves a valuable role in my State by bringing to light the activities of the underworld, and, particularly, organized crime, known as the Syndicate.

From time to time, the commission publishes its findings, which are based on exhaustive files prepared over long years of investigative research. These findings spell out in detail the operations of the Syndicate. Of particular interest is the manner in which the Syndicate has been able to infiltrate legitimate business concerns, selling both goods and services, and thereby "launder" its "dirty" crime-begotten funds.

These racketeers and their agents prey upon legitimate business enterprises as well as financing their own. It is clearly in the public interest to spotlight these connections. The crime commission, a nonprofit organization comprising many of Chicago's civic leaders that cuts across political affiliations, performs this service with diligence.

Today, the commission has issued the latest in a series of reports that names the persons and the business in the Chicago area which their investigation has tied to the Syndicate. I am particularly pleased to note that the report is analyzed and disseminated by the Chicago press, notably in the columns of the Chicago Daily News, which has traditionally been in the forefront of revealing crime, corruption, and wrongdoing wherever it exists in Illinois.

Mr. President, in order to acquaint Senators with this pertinent information, I ask unanimous consent that the latest report of the Chicago Crime Commission, entitled "Spotlight on Legitimate Businesses and the Hoods: Part III," be printed in its entirety in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CHICAGO CRIME COMMISSION—SPOTLIGHT ON LEGITIMATE BUSINESSES AND THE HOODS: PART III

In October 1967, the Chicago Crime Commission published its "Spotlight on Organized Crime—The Chicago Syndicate." In that publication, we listed 42 businesses that have a connection with known members of the crime syndicate. In June 1968, the Commission published its "Spotlight on Legitimate Businesses and the Hoods: Part II," listing an additional 31 companies. This is Part III.

Chicago's law enforcement agencies—notably the FBI and the United States Attorney's office—have in recent years done an outstanding job in attacking the crime syndicate. More top hoodlums have been placed behind bars than ever before in Chicago's history. The Illinois Crime Investigating Commission has supplemented the law enforcement agencies with its intensive investigations of organized crime in Chicago. But despite these efforts, the hoodlums have continued their invasion of legitimate business.

We recognize the right of a person to choose his associates. But when a business opens its doors to the public, it must accept the corollary right of the public to know with whom it is doing business. When a business open to the public is owned or operated by known members of the crime syndicate, keeps among its officers, directors and employees persons who have a direct relationship with the syndicate, or countenances open meetings of hoodlums on its premises, then we believe that the consumer is entitled to know these facts.

As we have stated repeatedly, the law enforcement agencies by themselves cannot rid Chicago of the hoodlums. All citizens must join in the task. If the citizens of Chicagoland want to rid this community of the cancer of organized crime, they will refuse to patronize those businesses that persist in maintaining ties with the syndicate.

As noted above, the Chicago Crime Commission has previously named a total of 73 businesses in its Spotlights on Legitimate Businesses and the Hoods. The newspapers of Chicago—which have courage in this respect unmatched by any newspaper in the United States—have repeatedly named each of these business establishments.

Of the 73 businesses previously listed, 42 are still in operation.

In this Spotlight III, we shall list first those businesses previously named which still merit inclusion in a "Spotlight on Legitimate Businesses and the Hoods." We shall then describe an additional 31 businesses, bringing to a total of 73 the businesses that we hope the citizens of Chicagoland will avoid as their contribution to the effort to drive the crime syndicate from our midst.

DANIEL WALKER,
President, Chicago Crime Commission.
HARVEY N. JOHNSON, Jr.,
Operating Director, Chicago Crime Commission.

I.—BUSINESSES PREVIOUSLY NAMED WHICH ARE STILL IN OPERATION

A-1 Industrial Uniforms, Inc. 4210 South Western Avenue, Chicago, Ill.

Ajax Phonograph Co., 7730 Milwaukee Avenue, Niles, Ill.

Alhara Management Corp., 5206 North Sheridan Road, Chicago, Ill.

Alice K's Boutique Shop, 915 North State Street, Chicago, Ill.

Apex Amusement Corp., 7730 North Milwaukee Avenue, Niles, Ill.

Austin Liquor Mart, Inc., 228 South Wabash Avenue, Chicago, 187 North Clark Street, Chicago, 3505 Dempster Street, Skokie, 1808 Waukegan Road, Glenview, 155 Skokie Highway, Northbrook.

Bella Rosa Drive-In Restaurant, 1304 South Cicero Avenue, Cicero, Ill.

Commercial Phonograph Survey, 25 East Chestnut Street, Chicago, Ill.

D & B Bookkeeping Service, 5115 West Chicago Avenue, Chicago, Ill.

Peggy Dee's Apparel Shop, 2601 West Lawrence Avenue, Chicago, Ill.

Deluxe Cigarette Service, Inc., 7730 Milwaukee Avenue, Niles, Ill.

El-Car International Limited, 5939½ West Roosevelt Road, Cicero, Ill.

N. Flyer and Son, Inc., 2034 North Clark Street, Chicago, Ill.

General Enterprises, Inc., 2634 West Fullerton Avenue, Chicago, Ill.

Gildom Cleaners, 3335 West Chicago Avenue, Chicago, Ill.

Hyde-Park Insurance Agency, Inc., 1660 East 55th Street, Chicago, Ill.

J & R Cleaners, 6410 West Roosevelt Road, Oak Park, Ill.

Kral's Kiddie Korner, Inc., Kral's Maternity Salon, 4338 West North Avenue, Chicago, Ill.

Life-Time Plastics, 2411 North Clybourn Avenue, Chicago, Ill.

Lormar Distributing Co., 2311 North Western Avenue, Chicago, Ill.

Marwood Construction Co., 8300 Center Avenue, River Grove, Ill.

Maxwell Liquors Inc., 915–17 West Maxwell Street, Chicago, Ill.

Mayo Plumbing Company, Inc., 1827 North 25th Avenue, Melrose Park, Ill.

Milano Inc., 1169 North State Street, Chicago, Ill.

Northwestern Candy & Tobacco Co., 3651 West Armitage Avenue, Chicago, Ill.

Frank V. Pantaleo Co., 8300 Center Avenue, River Grove, Ill.

Parkside Motors, 1301 West Washington Street, Chicago, Ill.

Regal Vending Co., 754 Grant Street, Chicago Heights, Ill.

Rosmar Realty, Inc., 4827 West Cermak Road, Cicero, Ill.

Sands Motel, 5301 North Sheridan Road, Chicago, Ill.

Santa Fe Saddle and Gun Club, 91st Street & County Line Road, Hinsdale, Ill.

Shak-Ur-Corn, Inc., 2451 American Lane, Elk Grove Village, Ill.

Shirts Unlimited, 843 North State Street, Chicago, Ill.

Henry Susk Pontiac Co., 520 North Wabash Avenue, Chicago, Ill.

Thunderbird Motel, 7501 South Shore Drive, Chicago, Ill.

Tides Motel, 5230 North Sheridan Road, Chicago, Ill.

Town Parking Stations, Inc., 332 South Michigan Avenue, Chicago, Ill.

Towne Hotel, 4827 West Cermak Road, Cicero, Ill.

Union Insurance Company of Illinois, 1221 North LaSalle Street, Chicago, Ill.

Universal Vending Corp., 2634–38 West Fullerton Avenue, Chicago, Ill.

Van Merrit Co., 2415–49 West 21st Street, Chicago, Ill.

Zenith Vending Corp., 2634–38 West Fullerton Avenue, Chicago, Ill.

II. BUSINESSES NOT PREVIOUSLY LISTED WHICH HAVE TIES WITH THE CRIME SYNDICATE

Accurate Plastic Molding Co. 2411 North Clybourn Avenue, Chicago, Ill.

[This asterisk (*) throughout the listing identifies individuals or companies listed in the Commission's 1967 or 1968 Spotlights on the Syndicate.]

The Corporate Directory of the Illinois Secretary of State (herein referred to as the Ilinois Corporate Directory) identifies Phillip J. Mesi,* 7647 West Armitage, Chicago, as president of this firm engaged in the plastic molding business. The registered corporate address is 111 West Monroe, Chicago, but the plant facility is located at 2411 North Clybourn Avenue, Chicago, which is the same address as Life-Time Plastics.*

Anco Inc., 100 North La Salle Street, Chicago, Ill.

This company writes various types of insurance coverage. Its president, John D'Arco, and its secretary, Benjamin "Buddy" Jacobson, have been closely associated with Sam "Momo" Giancana,* Anthony "Joe Batters" Accardo,* leaders of the Chicago mob, and other members of the crime syndicate. While he was alderman of the First Ward in Chicago, D'Arco was involved in both business and political matters with Giancana and met with him repeatedly. D'Arco has retained his position as Ward Committeeman and continues to be active in First Ward policies.

Astro Glass Company, Inc., 4407 West Fullerton Avenue, Chicago, Ill.

This company manufactures scientific and industrial glassware which it sells to various jobbers and manufacturers. The company's president is Andrew C. Louchios, Rural Route No. 1, Palatine, Illinois, according to the Illinois Corporate Directory. Louchios is a payoff man and gambling boss for William "Smokes" Aloisio* who is mentioned subsequently in reference to Rite-Lite Neon Sign Company.

Best Sanitation and Supply Co., 1934 West Cortland, Chicago, Ill.

Frank Pesce owns this washroom sanitation and janitorial supply business, previously located at 1215 Blue Island Avenue, Chicago. Pesce has been a business associate of Ben R. Stein* and Joseph Glimco.* In 1966, Glimco and Pesce were indicted by a federal grand jury which charged them with violations of the Taft-Hartley Act. In February, 1969, Glimco pleaded guilty and was fined $40,000. Frank Pesce also pleaded guilty to five counts in the indictment and was fined $1,000.

Bureau Currency Exchange, Inc., 1015 South State Street, Chicago, Ill.

Patsy Ricciardi is identified in the Illinois Corporate Directory as the president of this currency exchange. For years, Ricciardi has been associated in business and socially with Felix "Milwaukee Phil" Alderisio.*

Cooperative Music Co., 1728 Halsted, Chicago Heights, Ill.

One of the organizing partners of this company which leases juke boxes and sells phonograph records was Frank Laporte* (true name Lipperette), a nationally known hoodlum. Later, in a change of partnership organization, Frank Franze,* brother-in-law of Laporte, was included in the firm. Recent investigations by the Illinois State Department of Revenue have resulted in the confiscation of machines of this company. Joseph Valachi, who has supplied considerable information on La Cosa Nostra, included Laporte in his list of top powers in the crime syndicate in the Chicago area.

Courtesy Food Mart, Inc., 3801 West Division Street, 5400 West Chicago Avenue, Chicago, Ill.

Phillip J. Mesi* was listed in the Illinois Corporate Directory as an officer of this company prior to 1968. In the most recent Directory, he is identified as the Registered Agent of the corporation.

Dover Insurance Agency, Ltd., 1221 North La Salle Street, Chicago, Ill.

This insurance agency has the same address and company officers as Union Insurance Company of Illinois which was listed in the Commission's 1967 *Spotlight*.

Fulco-Brewer, 6115 West Butterfield, Berkeley, Ill.

Simon Fulco, nephew of hoodlum Joseph Aiuppa,* is a partner in this machine repair business. He also has been active in Aiuppa's prostitution and gambling operation in Cicero, Illinois, with W. J. Lincoln, an ex-convict, and Ronald R. Ross, formerly an officer in companies owning vice dens in Cicero.

Gabriel Currency Exchange, Inc., 1205–07 South Cicero Avenue, Cicero, Ill.

Officers of this currency exchange include a close relative of a known hoodlum and Joseph Ruscetti, who is a director of the Santa Fe Saddle and Gun Club.* The currency exchange is frequented by known hoodlums including James "Turk" Torello,* an underling of Fiore "Fifi" Buccieri.*

Geoffrey Acceptance Corp., 3717 North Cicero Avenue, Chicago, Ill.

George Harris was formerly listed as the president of this financing company in the Illinois Corporate Directory. Leah Harris, his wife, is listed as president in the most recent Directory. In connection with the Sterling-Harris automobile agency bankruptcy, it was disclosed certificates of title to many of the autos which disappeared from the agency were issued to a large number of Chicago area hoodlums. George Harris was convicted in the criminal case growing out of the bankruptcy proceedings. After being granted a new trial, he pleaded *nolo contendere* and was given a 60 day jail sentence and a suspended fine of $10,000.

Hibbard Dowel Company, Inc., 1652 Hubbard Street, Chicago, Ill.

Ben R. Stein* is listed in the Illinois Corporate Directory as the secretary of this wooden dowel manufacturing company. Prior to its incorporation in 1958, he was a partner in the business. Stein is mentioned previously in reference to Best Sanitation and Supply Company and is discussed more fully under Midwest Maintenance, Incorporated.

Indian Valley Golf Club, Inc., Routes 83 and 45, Long Grove (Mundelein), Ill.

Abam Building Corp., 228 South Wabash Avenue, Chicago, Ill.

Austin Liquor Mart, 336 North Michigan Avenue, Chicago, Ill.

Reference was made in the Commission's 1968 Spotlight to the interest of Ben Fillichio in the Austin Liquor Mart, Inc. and it was noted that Anthony Fillichio, his brother, was the president of the company.

The Illinois Corporate Directory lists Ann Fillichio, 6611 Minnehaha, Lincolnwood, Illinois, as an officer of the Indian Valley Golf Club. Listed as officers of the Abam Building Corporation, a construction firm, are Minnie Fillichio, 1434 North Ashland, River Forest, Illinois, as well as Ann Fillichio and Anthony Fillichio.

The current liquor license issued by the State of Illinois to Indian Valley Golf Club states that two-thirds of the corporate stock of Indian Valley is held by Abam Building Corporation. Ben and Anthony Fillichio are married to Minnie and Ann Fillichio, respectively. The name of the building corporation is formed from the first name initial letters of these four individuals.

Leyden Acceptance Corp., 3733 West Grand Avenue, Chicago, Ill.

Sam Faruggia, 1335 North Ridgeway Avenue, Chicago, was listed as the president of this financing firm in its 1969 annual report to the Illinois Secretary of State. Farrugia has been described as a "juice" man for the juke box trade. He has for years been an associate of top echelon hoodlums such as Charles "Chuck" English* who has been frequently observed at the offices of the acceptance company.

McHenry County Tobacco and Candy Co., 304 Lincoln, Fox River Grove, Ill.

Vending Enterprises, Inc., Box 664, Fox River, Grove, Ill.

Arrow Amusement Co., 306 Lincoln, Fox River Grove, Ill.

McHenry County Tobacco and Candy Company was formed by Joseph "Black Joe" Amato and is presently operated by his son, Donald Amato. Donald was named in 1964 by a witness before the Illinois Crime Investigating Commission as one of three "toughs" who tried to pressure the witness into accepting the company's brand of juke boxes and cigarette machines. Donald Amato, when appearing before the Commission in response to a subpoena, relied on the privilege against self-incrimination. Joe Amato has operated gambling enterprises in McHenry County, Illinois, and was named in a published 1963 Chicago Police Department report as one of the suburban members of the crime syndicate.

The operating manager of the McHenry company in 1968 was Edward A. Landers. Landers also operates Arrow Amusement Company, which has its offices next door to the McHenry Company.

The officers of Vending Enterprises, incorporated, according to the Illinois Corporate Directory, are Joseph Amato and Edward A. Landers.

Meo's Norwood House, 4750 North Harlem Avenue, Harwood Heights, Ill.

For a long period of time, Meo's Norwood House, a restaurant, has welcomed hoodlums ranging from the top echelon downward. The location has been utilized for meetings of crime syndicate members who receive preferential treatment from the management. Repeatedly observed meeting at the restaurant are such top hoodlums as Sam Giancana,* Anthony J. Accardo,* Paul Ricca,* and Jack Cerone.*

Alfred Meo, owner of the restaurant, when questioned about the luncheon meetings of top syndicate figures, stated that he has known them all his life.

Phil Barone, bartender-supply manager at Meo's, was convicted in August, 1969, with hoodlums Frank De Legge, Sr., and Frank De Legge, Jr., among others, for violation of a federal law relating to extortion. The case is now on appeal.

Midwest Maintenance, Inc., 1550 South Indiana Avenue, Chicago, Ill.

Ben R. Stein* is listed in the Illinois Corporate Directory as secretary of this financing firm. Stein was co-owner of National Maintenance Corporation which employed Louis Arger (deceased), a hoodlum operator of State Street strip joints. Stein has been an associate of Gus Alex,* who has been identified in United States Senate Subcommittee hearings as a member of the Chicago crime syndicate.

Stein began providing janitorial service to McCormick Place in 1961. In 1962, Lou Novinson, a business associate of Stein in National Maintenance Corporation, pleaded guilty to a charge of destroying records of the company and was sentenced to six months in jail. Novinson was employed by Ben Stein in one of Stein's companies supplying supervisory personnel for McCormick Place.

In 1964, Stein and Novinson were indicted by a federal grand jury for making illegal payments to union official Joseph Glimco,* who also has been identified as a member of the Chicago crime syndicate. Stein was found guilty and sentenced to eighteen months in prison. He had been convicted previously for conspiracy to commit robbery and receiving stolen property and had served eleven months in the Cook County jail.

Nickey's MGM Lounge, 1839 South Cicero Avenue, Cicero, Ill.

Nicholas Kokenes, 3604 South 59th Court, Cicero, Illinois, is the licensee of this tavern. Kokenes has permitted pinball machines and other forms of gambling at this location. Kokenes has also been ejected from Hawthorne Rack Track in Cicero for on-track booking of horse bets. Joseph Aiuppa* and his underlings have been regular patrons of Kokenes' tavern. A wedding reception following the marriage of Kokenes' daughter in the summer of 1969 was attended by such top echelon hoodlums as Paul "the Waiter" Ricca* and Jack "the Lackey" Cerone.*

Normandy Insurance Agency, Coronet Insurance Co., 2639 West Peterson Avenue, Chicago, Ill.

Norman M. Schlossberg is listed in the Illinois Corporate Directory as secretary of Normandy Insurance Company. He is also secretary-treasurer of the Coronet Insurance Company located at the same address. Schlossberg has admitted a substantial investment in a large real estate venture in the Chicago Heights, Illinois, area with Frank Laporte* who has been mentioned previously. Schlossberg has owned a liquor outlet in Calumet City, Illinois, in partnership with Anthony G. Amadeo, who was involved in gambling and notorious clip joints in Calumet City. Schlossberg formerly was proprietor of an East Sixty-Third Street tavern in Chicago, publicly described as "a well-known hangout for bank robbers, prostitutes, panderers and assorted mobsters."

Rite-Lite Neon Sign Co., 2437 West Chicago Avenue, Chicago, Ill.

One of the incorporators of this neon sign company was William "Smokes" Aloisio,* who had previously been convicted of a violation of federal law along with Frank Cerone,* James Cerone, brother of Frank, and George Aloisio, nephew of William Aloisio. In 1969, George Aloisio was listed as president and director of this company. James Cerone was listed as the supervising electrician in 1969 and was identified as secretary of the corporation in 1968.

In 1969, William Aloisio was convicted in the United States District Court, Northern District of Illinois, for conspiracy in connection with the possession and transmittal of false United States securities.

Scaramuzzo and Sons, Gunsmiths, 1624 West Eighteenth Street, Chicago, Ill., and 1525 Ogden Avenue, Downers Grove, Ill.

Joseph Scaramuzzo of LaGrange, Illinois, the founder of this firm which sells guns to the public, also is president and treasurer of the Santa Fe Saddle and Gun Club, Hinsdale, Illinois. This club is described in the Commission's 1967 Spotlight.

Louis Tedesco Plumbing Company, Inc., 4907–09 West Chicago Avenue, Chicago, Ill.

Lamon Construction, Inc., 4907–09 West Chicago Avenue, Chicago, Ill.

Louis M. Tedesco is the president of both of these companies. The Commission's 1968 Spotlight described Park Avenue Realty at 4907 West Chicago Avenue which was operated by Dominic "Butch" Blasi,* 1138 Park Avenue, River Forest, Illinois. Blasi was identified in hearings before a Subcommittee of the United States Senate as a member of the Chicago crime syndicate.

In 1967, Blasi applied for an Illinois real estate broker's license, listing Louis M. Tedesco as one of his character witnesses. Tedesco and Blasi have been business associates in other ventures. Blasi, an ex-convict, was a chauffeur and bodyguard for Sam "Momo" Giancana,* former Chicago top echelon hoodlum.

Uncle Lou's General Merchandise, 3644 West Chicago Avenue, Chicago, Ill.

This company, which sells general merchandise at retail, was formerly Uncle Lou's Salvage Incorporated, located at 1207 South Blue Island Avenue. An officer of Uncle Lou's Salvage Incorporated is Concetta Briatta, who resides with her husband Louis Briatta,* at 1074 West Polk Street, Chicago. She was also an officer of Rush Liquors, a past business operation of Louis Briatta and an incorporator of Maxwell Liquors, 913–17 West Maxwell Street, Chicago, which was included in the Commission's 1967 *Spotlight*. Louis Briatta operates Uncle Lou's General Merchandise. His hoodlum friends, Gus Alex and the late Frank Ferraro, were identified in hearings before a United States Senate Subcommittee as members of the Chicago crime syndicate.

Villa Rosa Pizza and Lounge, 2672 River Road, River Grove, Ill.

Sam "Big Sam" Ariola, 9121 Grand Avenue, Franklin Park, Illinois, who operates this pizza restaurant, was named by a United States Senate Subcommittee as a member of the Chicago crime syndicate. Ariola's apartment in Franklin Park was raided by police of the State's Attorney of Cook County after it was learned the first floor space purportedly was an appliance store but actually was a "blind," housing the headquarters for Ariola's pinball machine and gambling routes. During the raid, $37,130 in cash was found in Ariola's apartment and two loaded pistols and gambling equipment in his car. The raid also revealed a "black book" containing names and telephone numbers of numerous Chicago hoodlums, including "J.B." ("Joe Batters," an alias of Anthony J. Accardo*), John Lardino,* Rocco Rotenzo,* and Joseph Gagliano.*

Zelrio, Inc., East 122nd Street and South Torrence Avenue, Chicago, Ill.

Zelrio, Inc., services the Calumet Land Reclamation Company listed at 9558 South Colfax, Chicago, Illinois, and operates as a sand and black dirt excavator. Calumet Land Reclamation operates as a "sanitary land fill company" or garbage dump.

Frank De Stefano* is listed in the Illinois Corporate Directory as secretary-treasurer of Zelrio. He was associated at one time with his brother, Vito, in the Tarr Tobacco Company. Vito was identified in hearings by a Subcommittee of the United States Senate in 1963 as a member of the Chicago crime syndicate. The Tarr Tobacco Company was involved in the Illinois counterfeit tax stamps scandal and the company eventually lost its tobacco licenses. Frank De Stefano was a partner of Manny Skar in the Southeast Community Builders. Manny Skar was slain gangland style in 1965. Frank De Stefano and his brother, Rocco De Stefano, also operated R & M Construction Company. Rocco De Stefano was identified by a United States Senate Subcommittee as a member of the Chicago crime syndicate.

APPOINTMENT OF THOMAS PATRICK MELADY AS AMBASSADOR TO BURUNDI

Mr. DODD. Mr. President, on October 30, the nomination of Dr. Thomas Patrick Melady as Ambassador to Burundi was confirmed. I regret that I was not able to be present on that day, because there are certain facts about Dr. Melady that I would have liked to present for the consideration of Senators.

Apart from the fact that Dr. Melady is an old friend and constituent who hails from my own hometown of Norwich, Conn., I am particularly pleased about this appointment because of the exceptional quality of this most recent addition to our ambassadorial corps.

Tom Melady has an international reputation as a scholar of African affairs.

He was the founder and first director of the Institute of African Affairs at Duquesne University.

He has served since 1967 as chairman of the Department of Afro-Asian Affairs at Seton Hall University.

He is on intimate terms with most of the African leaders.

And he is the author of numerous books dealing with Africa and the problem of race. Among his best known books are "The Revolution of Color," "The Third World," and a biography of Kenneth Kaunda, of Zambia.

He and his wife, Margaret, have collaborated on a book of a more general and philosophical nature, entitled "House Divided in the Family of Man," which is scheduled to appear this coming January.

It is my understanding that this book deals with the racial, religious, and economic divisions that plague the modern world, and that it seeks to propose solutions for them.

Dr. Melady has also been an activist who has been deeply concerned over African and international affairs. For 7 years, from 1960 to 1967, he served as the director of the Institute for African Affairs, an organization whose prime function it was to assist African students in this country. He has also served as vice president of the International Catholic Movement for Cultural and Intellectual Affairs.

To this altogether exceptional background of expertise and personal involvement, Dr. Melady adds equally exceptional qualities of character and of heart.

He is a deeply religious man, dedicated to the belief in the ultimate spiritual unity of all mankind.

He is profoundly concerned with the problems of the common man, as the thousands of African students he has helped can attest.

In my opinion, he possesses all of the attributes, temperamental, intellectual, and cultural, of the ideal diplomat.

I am confident that Dr. Melady has a long and brilliant future ahead of him in the American diplomatic corps.

I can think of no diplomatic nominee whose name has come before the Senate in recent years who is more qualified to represent our country as an ambassador to the area for which he has been designated.

I congratulate the administration on this appointment.

OMAHA PRESS CLUB HONORS KEOGH AND KALBER

Mr. HRUSKA. Mr. President, the Omaha Press Club, mindful of the biblical admonition that "a prophet is not without honor, save in his own country," this year has inaugurated an annual "Honored Prophet" award in which distinguished alumni of the club and other midwestern newsmen are to be saluted for their accomplishments in their craft.

It was my pleasure on October 24 to attend the dinner on the campus of Creighton University at which the first awards—replicas of a shepherd's crook—were presented to James Keogh, special assistant to the President, and to Floyd Kalber, midwestern correspondent of NBC news.

Both Mr. Kalber and Mr. Keogh presented thoughtful and challenging assessments of the current state of their profession. Without their intending it to be so, what emerged was a kind of debate which makes absorbing reading and will claim the attention of thinking readers and viewers regardless of their current notions about television news and the press.

Each of these men is a skilled practitioner of the art of communication, and it is entirely fitting that they should be honored. But beyond the salute to their competence and accomplishments, what they had to say on that evening goes far indeed toward illuminating the problems of a free press in a free country.

Because the scholarly papers prepared by Messrs Keogh and Kalber deserve much wider circulation, I have obtained copies, along with the introductions by Hugh Fogarty, managing editor of the World-Herald, and Mark Gautier, news director of KMTV in Omaha.

Mr. President, the Omaha Press Club, under its president, Charles E. Wieser, of United Press International, and its steward, Frank Scott, of station KBON, deserves great credit for initiating this series of awards. I ask unanimous consent that the remarks be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

INTRODUCTORY REMARKS OF HUGH A. FOGARTY, MANAGING EDITOR, OMAHA WORLD-HERALD

Despite the biblical inspiration for this splendid event, I have received stern orders to avoid stuffy solemnity in presenting our next Honored Prophet.

If asked to capsule his biography to date, I perhaps would write it about like this:

"He advanced from managing editor of the Creightonian to managing editor of the White House—while making the giant leap from Who's he? to Who's Who."

I could perhaps stop right there, but you know I won't. For I regard the details in-between as equally interesting.

Our guest is a native of Platte County, Nebraska, and grew up on a farm there, some 20 miles northwest of Columbus.

In the late 20's and early 30's it was a cruel, even a brutal, land—baked hard by drouth and beaten down by depression and impossible-to-pay mortgages. Our honoree can recall for you how he and his family fed Russian thistles to skinny cattle and how, when they awoke of a late-July morning, they could actually hear the grasshoppers chomping on the meager stand of corn.

So please do not try to tell our big-city visitor tonight about farm problems, or about the difficulties of acquiring a college education.

After graduation from Creighton, our guest took his turn at most jobs in the World-Herald newsroom before settling down to be a talented city hall and political reporter.

He served as our first-rate city editor from 1948 to 1951, working all the while as Omaha correspondent for Time Magazine by maintaining a private midnight shift.

For fear of speaking longer than the speaker, I shall not list all the Keogh achievements after he went to Time in 1951 as contributing editor. He was an associate editor from 1956 to 1961 and assistant managing editor from 1961 to mid-1968. He was named executive editor shortly before he took a leave of absence to help Dick Nixon run—and *win*.

That brings us up to the White House days, where he is listed officially as special assistant to the President of the United States. And, as the World-Herald Washington Bureau pointed out in a recent story: "The Congressional Directory lists 15 special assistants. Significantly, though the names are not in alphabetical order—Keogh's leads all the rest."

It gives me great pleasure to present James Charles Keogh, who has gone far, but not too far to be welcomed home occasionally. Please greet him warmly as an unveiled Honored Prophet.

WHEN GOOD NEWS IS NO NEWS

(Address by James Keogh before the Omaha Press Club on October 24, 1969)

I thank you for honoring a sometime prophet in his own country. This is an honor that I appreciate not only for its own sake but also for the reason that it reassures me about my presence before this group. Since I am now involved in government and, in a sense in politics, I come before you with some trepidation. For I am well aware of the widely held attitude among the press that there is only one way for a newsman to look at a politician—and that is *down*.

However, you must remember that in the eyes of some, we are all in the same bag. Let me recall for you how Ibsen saw it. "It is inexcusable for scientists to torture animals," he said; "let them make their experiments on journalists and politicians."

I want to say at the outset that I am not here as a politician, and I am here as only a transient—not a careerist—in government. My job in government is to run the research and writing staff in the White House, with the purpose of helping the President of the United States to communicate with the people. My office tries to help the President with speeches, messages to Congress, proclamations and many other kinds of communications. You will note that I said "tries." I find that when President Nixon is going to stand up and say something, those who are trying to help him had better not have any overwheening pride of authorship. The way it comes out is strictly his own.

My staff at the White House has what we tend to call a low profile. This means that we don't get much publicity. As a matter of fact, one member of my group who in the past has been accustomed to considerable attention in the press has said that he finds himself constantly in such low profile that he always has a backache.

But there is one very comforting side to all of this for me. Since we don't get much public notice, very few of my old friends in the press have found the occasion to attack me. The fact that I rather like this is perhaps a key to my nonpolitical nature; a genuine political figure is troubled by such low visibility. I would say that politicians—now that I know quite a few of them—tend to agree with Winston Churchill that "Nothing in life is so exhilarating as to be shot at without result."

It is appropriate and really quite interesting that you have taken your text for these awards from St. Matthew. I find it fascinating because some scholars happen to believe that Matthew considerably embellished upon the Gospel of St. Mark. In other words, he reported quite a bit more than he really knew. In the days when I was City Editor of *The World-Herald*, we might have been rather blunt and called that "coking it up." Today, I suppose, his Gospel should be marked with one of those little boxes that say "Comment" or "News Analysis."

Well, whether or not your choice of Matthew is significant as to the philosophy of this Club, I would like to be consistent and take for my text Matthew 7:13. It reads: "Wide is the gate, and broad is the way, that leadeth to destruction."

Having established that as my text, I hasten to say that I speak tonight, if you will allow me, as a journalist—a journalist who for 30 years was reporter, writer and editor, from the police station in South Omaha to the 25th floor of the Time & Life Building in mid-town Manhattan. And I might say, in passing, that some aspects of life are very similar at both ends of that geographical spectrum.

I speak as a journalist who for a bit more than a year now has been looking at journalism from the outside. What I have seen from this new perspective has in many respects made me proud of my profession. But in one very major sense, what I see has enlarged in my consciousness a concern that has troubled me for years. It is a problem that, I believe, troubles a great many other journalists.

This is my concern: I fear that journalism is becoming more and more a destructive force—a negative force—in our society at a time when the need for positive forces is as great as it has been at anytime in the history of this country.

Now I recognize that news is essentially negative—that bad news is news—and it has always been so. All the way back in the first century, Plutarch referred to "That old proverb, 'Bad news travels fast and far.'" What bothers me is that in our revved-up era, bad news is travelling so fast and so far that the essentially-and-largely positive side of life is almost totally ignored.

This negative tendency in reporting the news has been hurried and expanded by the growth of television as a major news media. Let's face it 23-square: When news must be visual and must be crammed into an extremely limited amount of time, there hardly seems to be room for anything except the negative.

Consider for a moment the effect of the news coverage of the civil disturbances in our cities in 1967. The constant flash on the TV screen and on the front pages of newspapers and on the flame-shrouded covers of national magazines tended to give the country—and the world—the false impression that nearly all of the Negroes in the United States were in a state of active revolt, when the fact was that only a very small percentage was involved.

The same point can be made about the small percentage of our youth who have really dropped out of society. I'm sure that there is widespread belief abroad—and even at home—that all of American youth fits the pattern of the very small element of extremists. By the way, this point of view led one Washington politician to comment the other day that one slogan in the next national election campaign will surely be, "Pot in every chicken."

I strongly suspect that the negative impact of news coverage in the past decade has done a great deal to build the mood of despair and helplessness that exists among too many people not only in the United States but also in the other advanced countries of the world. Every evening they watch these handsome, sincere young men on that screen telling them of terrible things, and they end up thinking that if everything is that bad, what's the use?

It does not take such an extravagant stretch of the imagination to visualize this picture of an American citizen. He's in his forties, he owns his own four-bedroom home, has two cars, has a far greater income than he ever expected to have and one that his grandfather and perhaps his father would have considered miraculous. His son ranks near the top of his class at Yale. His daughter is an art major at Radcliffe. He and his wife and children have more in the way of economic advantages, more in the way of cultural opportunities and more to anticipate for their progeny than any family of their caliber in the history of the world. This man reads his morning newspaper, listens to the news on his car radio returning home from work, watches a half-hour of network news on TV, spends an hour with his favorite news magazine, and goes down to his den and shoots himself dead because the world is in such horrible shape.

I know that I am not alone in being concerned about the pervasiveness of the negative in the news. Recently, David S. Broder, a perceptive columnist for the *Washington Post*, who is now on leave as a Fellow of the Institute of Politics at Harvard University, wrote this: "The reflexes of the news industry are such that any militant minority can count on dominating a story simply by walking in on an event where they know some personage will be addressing an audience and the press will be present." In only slightly different terms, this amounts to an open exploitation of the press in a way that no self-respecting journalist in years past would have wanted to allow.

TV Guide recently dealt with the problem of the negative syndrome in an article that tapped the thoughts of an impressive array of network executives and newsmen and found "the sudden emergence of an attitude that there has been too much onesided attacking of the United States, its institutions and its citizens, on the airwaves."

All of us are aware of the current and probable future impact of TV on our society. If I needed any further evidence, I got some the other night on the White House lawn. President and Mrs. Nixon hosted a special performance of the U.S. Marine Corps Evening Parade at a picnic for members of the White House staff and their families. At one point, after the band had been playing and marching for some time, there was a pause in the drill as one of the parade officers called out a command from the other side of the lawn. And in the silence a small voice was clearly heard, asking: "Mommy, is that the commercial?"

The capacity for the negative in news coverage shows itself not only on TV and not only in the area of violence and disruption but also in many variations on the theme and in a wide variety of media.

Let me cite just a few examples.

Last spring the Reverend Ralph David Abernathy led a delegation of his followers to Washington as part of his Poor Peoples' Campaign. In the Sunday edition of one of the country's most prestigious newspapers, after the conclusion of the Abernathy visit to the Nation's Capital, there was this headline: *THE POOR: A Cold Shoulder for Abernathy.*

That headline summed up the general thrust of that newspaper's coverage of Abernathy's days in Washington. The impression left with the reader was that Abernathy had been turned away without a hearing and with no indication of concern by the Nixon Administration.

What was the fact? Abernathy and the leaders of his group met with the President, the Vice President, Members of the Cabinet, and members of the Urban Affairs Council. The group presented its case in great detail. There was an extensive dialogue between Abernathy and President Nixon, who stayed in the meeting for approximately an hour. The Vice President and Members of the Cabinet continued the session with Abernathy and his group for a total of approximately three hours. From the day that this Administration took office, I do not know of any delegation that has been given that much time by all of those top officials of the U.S. government. Yet the impression that was conveyed to its readers by this eminent newspaper was the totally negative—and dangerous—one that the government turned Abernathy away and showed no concern whatever for the problems of poverty.

Another variation on the negative theme is the now famous issue of the Secretary of the Treasury, David Kennedy, and the matter of wage and price controls.

At a press conference on Tuesday, June 10, Secretary Kennedy was asked whether the U.S. government was considering the imposition of wage and price controls. He answered by saying that he was against a "controlled society." As the press conference went on, he was questioned further, with reporters moving in from all angles.

Question: "Mr. Secretary, are you leaving open that question of wage and price control?"

Secretary Kennedy: "The policy of the government is not to have wage and price controls and at the present time I see no need for it."

The questions persisted.

Question: "In the event of no tax surcharge are you leaving open the question of controls?"

Secretary Kennedy: "You leave all questions open as you go along. You don't close the door on anything."

Now what we have there is the case of a public official who states his position firmly and then when he is asked and—let's admit it—badgered about a hypothetical situation extending into the future, makes the reasonable and logical answer that of course many things are possible. Perhaps he should have been more skillful in his public relations; but his position really was established beyond doubt: There is no policy calling for controls now.

Within minutes after the Secretary's press conference ended, stories went out giving the impression that the Administration was actively considering wage and price controls. The Dow Jones industrial average fell nearly 8 points the next day, and the markets continued to be affected despite the Administration's persistent reaffirmation of its firm position against wage and price controls.

The *created* controversy about whether the Administration was indeed considering such controls went on literally for weeks—with a negative impact on the markets—when the fact was that the Administration, throughout, had absolutely no intention of establishing controls.

Let me cite one more example—once again a different variation on the theme. In September, one of the most widely circulated national columnists wrote about Donald Rumsfeld, Director of the Office of Economic Opportunity. "Anti-poverty czar Donald Rumsfeld has wielded an economy axe on programs for the poor," wrote the columnist. "He has used some of the savings to give his own executive suite a more luxurious look, thus reducing the poverty in his immediate surroundings.

"Under Sargent Shriver, the anti-poverty director's office was unique in government. There were no carpets, and the furnishings were prim. Rumsfeld has now added improvements. To be prepared should his budget-cutting efforts prove tiresome, he has added a bedroom to his executive suite. Expensive lamps now give a soft, restful glow to the walls that were once lit by fluorescent tubes. The stark photographs of poverty are gone from the walls, replaced by pastoral scenes. And as evidence of his new Cabinet rank, Rumsfeld has added the ultimate in executive status symbols: a private bathroom."

What are the facts? To this day, Rumsfeld has no carpets, no bedroom, no expensive lamps, no pastoral scenes and no bathroom.

Now why did this national columnist fall for the story that some source with an axe to grind obviously fed to him? The reason he did, I would judge, was that it struck him as being too good an angle to miss and too bad a story to lose by checking it out. Thus his readers all over the country were left with the negative impression that the man who was supposed to be working to create opportunity for the underprivileged was interested only in creating comfort for himself—an impression that could only fuel further despair.

And once planted, such a canard is practically impossible to erase. I shall never forget the case of Engine Charlie Wilson who was Secretary of Defense in the Eisenhower Administration. A story leaked out of a Senate Committee hearing one day to the effect that Wilson had bluntly said, "What's good for General Motors is good for the country." This was rocketed back and forth across the country as the crass and money-thirsty attitude of a baron of industry who cared more about his company than he did about his country. That "quotation" is in history books; it is in anthologies; it is in joke books; it is part of the language. And Charlie Wilson never said it. The official transcript of the Committee hearing shows that he made an entirely reasonable statement placing his country first. He said, "I have always believed that what's good for the country is good for General Motors and vice versa."

The negative syndrome in the handling of news and comment would be of less concern if it were merely a case of certain individual journalists reporting and writing in this way. The larger problem is that major national media tend to follow a common pattern in their approach to the news. And their long-term influence on other media is substantial. This phenomenon was commented upon by author—and long-time journalist—Theodore H. White in his book, *The Making of the President 1968.* White, using stronger language than I would have been inclined to use, wrote of a "new avant-garde" which now "dominates the heights of national communication," and which "has come to despise its own country and its traditions." He called this "The New Intolerance."

In somewhat the same vein, though not in such strong language, the *Wall Street Journal* complained about a "faddishness" and a "lack of critical and independent thought in the leading media."

Criticism of the news media goes beyond such diagnosis by professionals. A recent Louis Harris poll for Time showed that, while nearly two out of every three people felt they are better informed today, they have a growing skepticism of news media. Wallace Allen, Managing Editor of the *Minneapolis Tribune*, said that "public criticism of newspapers is the shrillest and most widespread I have seen in 18 years." Reuven Frank, Chief of NBC News, wrote that "the basic American audience" had turned against TV after the coverage of the 1968 Democratic Convention in Chicago.

All of this indicates a rather serious problem for our profession. I dare to suggest that we have been overemphasizing the negative and are reaping the negative in return. I am certainly not suggesting that the media should become Pollyannas playing "the glad game." What I do suggest is that newsmen should not necessarily and habitually play "the bad game." More than ever now, it seems to me, it is necessary for the journalist to be enormously concerned about *informing* the people and *explaining* to them as clearly as possible what is going on and what it means.

I am not one who believes that it is possible for a journalist to be absolutely objective. Every one of us who sits down to write a story takes with him his whole bundle of background and biases. What all of us need to do is to constantly keep in mind the basic principle that our first duty is to inform and this duty becomes more compelling and more crucial every day as society grows more complex. And part of informing is placing events in perspective so that we do not seem to present the extreme as the norm or the atrocity as the average or our own opinion as universally accepted truth.

I would like to offer the proposition that the world of 1969 may not necessarily be worse than ever. The trouble may be that more bad news about more people is being delivered faster by more media in more vivid detail than ever before.

This is a critical time for the journalistic virtues of judgment and perspective and independence and the resistance of bias. Let's report the negatives, but for our own sake and for the sake of our fellowmen, let's give a sense of the real positives that carry on the life of our society. Let's inform, and let's be careful that if we crusade, we do not confuse.

Having said all this, I want to place my criticisms in the context of my broad convictions:

I am more convinced than ever that our society could not operate and survive without an alert, probing, persistent, and often troublous press.

It is my firm conviction that the news media in the United States are the best in the world.

If I were beginning my career again tomorrow, I would once again go into journalism with the greatest enthusiasm and hope.

For I am convinced that the opportunity for achievement and satisfaction is greater than ever before for those who reject negativism—who really want to perform the crucial service of telling their fellowmen what is going on.

And about that—I'm positive.

Introductory Remarks of Mark Gautier, News Director, KMTV

Asking me to introduce Floyd Kalber is like inviting a member of the New York Jets Taxi Squad to introduce Joe Namath. Floyd was a familiar figure in most Omaha living rooms six nights a week for nearly 11 years before moving on to Chicago. Today, of course, he's Chicago's most popular television newsman, and he still comes into our homes daily on his network news program as well as frequently on the Huntley-Brinkley report. While he was news director at KMTV, Floyd made quite an impact. Omaha firemen remember him fondly as the man who got them longevity pay. The Air Force remembers him gratefully as the man who got the nation's missile base construction program back on schedule. The list could go on and on.

Floyd was born in Omaha, attended Benson High School and the Creighton University. He worked in radio at Kearney, Nebraska, and at Peoria, Illinois, before launching his television news career at KMTV in 1950. He married an Omaha girl, the lovely Betty Rhodes, whom he met at Benson High School. Floyd and Betty have two children. David, 21, is a journalism student at the University of Nebraska at Omaha and also a member of KMTV's news staff. Daughter Kathy is 18 and a student at Purdue.

It is a great honor for me now to introduce to you and to the realm of the Honored Prophets of the Omaha Press Club, NBC News Correspondent Floyd Kalber.

Remarks of Floyd Kalber, NBC News

It sometimes seems like I have spent a good share of my professional life answering questions and offering explanations and putting up a defense for television and television news.

It started here in Omaha back in the mid 50's when I began accepting invitations to speak to luncheon clubs, church groups, PTA meetings and ladies' garden clubs. At that time I used to conduct a sort of discussion . . . or question and answer session. Today we would call it a dialogue.

Members of these groups were very interested in television. Most of them had been peering at us . . . and our feeble, experimental efforts at reporting news . . . on a little seven inch RCA set . . . not realizing they were getting the squints . . . just amazed that there was a picture . . . a real live electronic picture . . . in their living room.

The most pertinent questions the people asked at that time were: "How did the members of the Mickey Mouse Club grow such big black ears," and "when would we stop putting on news stories about Omaha's garbage dump problem."

When I moved to Chicago in 1960 I continued attending the garden club and PTA meetings . . . only there are more of them there . . . and I continued answering questions . . . and the most often asked questions were . . . "why do you turn up the volume on the commercials," and "where do you get the funny story you end the newscast with." That's the way it went until last summer . . . until the Democrats came to Chicago for their political convention . . . and those 'other people' came to Chicago to mess up the political convention.

Since last summer . . . the most persistent questions have been: "when are you going to start telling the truth in your newscasts," or "when are you going to stop staging demonstrations and protests," and "when are you going to put some 'good' news on the air."

Occasionally there is the flat, vehement statement: "you should be controlled."

What I am leading up to is a fact that many of you may have already learned . . . the honeymoon that has existed between the people who work in television . . . in particular television newsmen . . . is over. The great romance that lasted for the better part of twenty years has come to an end.

My boss is Reuven Frank . . . he is the President of NBC News. He wrote a speech, fifty pages long, following the Democratic Party's convention in Chicago. He circulated copies to all NBC News Correspondents . . . for use more as guidance than for public quotation.

In his speech he says this . . . which I consider to be the most succinct summation of what has happened to us in recent years: "If television would go away . . . race troubles would go away . . . the Vietnam war would go away . . . long haired, foul mouthed young people would go away. If television would go away . . . the well meaning American householder, for twenty years vocal on the moral side of every public issue, would worry less about his teenage daughter, about her traveling on a city bus . . . and about pot. If television would go away . . . the construction worker would be sure of selling his house when he was ready for more than he paid for it . . . the policeman's wife would be sure of his safe return."

"But the damned television won't go away . . . so kick it. Kick it . . . that is . . . but don't damage it . . . because it fills evenings with Dean Martin and Bob Hope and free movies . . . which is why you bought it."

"A new 'love-hate' relationship has burst forth between the television and its' audience. Not between television and the intellectuals and upper-middlebrows . . . the ones who talk about boob tubes . . . and finally break down and buy one for the kids . . . the ones who up to 1960 bemoaned the passing of conversation in America . . . as though they ever listened . . . the ones who watched only in motels when they were out of town for academic conferences . . . or the ones who at cocktail parties were always importuning you to do subjects no one would watch, including them. No . . . this 'love-hate' relationship is between television and the basic American audience . . . the most middle class majority in the history of man."

This great mass of viewers is not watching television less . . . but after a decade of telling the poll takers they trust television above other media for news and information . . . they are now telling us that that era of trust is over. This new era of mistrust . . . as I call it . . . did not begin with the Democratic Party's convention . . . and the Battle of Michigan Avenue of 1968.

It started some years ago when NBC's Sander Vanocur went to Little Rock, Arkansas . . . to cover the first school integration confrontation. It continued through the 1960's . . . with every racial protest march and demonstration and riot. This mis-trust festered and spread in the minds of many television viewers . . . but only a few of them became vocal . . only a few of them openly charged us with irresponsibility or a failure to perform our main function . . . that of presenting factual information.

Television vividly portrayed . . . too vividly at times . . . the brutality . . . the indignity administered to the American Negro. We showed them on the march to Selma . . . on the buses in Birmingham and with the police dogs and cattle prods in Montgomery . . . we showed them rioting in Cleveland and Chicago and Detroit and New York and Los Angeles. We did what we instinctively knew . . . as newsmen . . . was our job and what was right . . . the reporting to the public of a solid news story.

This audience "mis-trust" spread still further when we gave attention to the massive American involvement in the Vietnam war . . . when the American public for the first time saw real fighting and real shooting and real dying . . . and didn't like it.

It is possible that some of our coverage of Vietnam stimulated the anti-draft protests . . . the marches on the Pentagon and the disorders on college campuses. As in the case of the civil rights cause . . . television newsmen responded to report these events . . . because they were and still are news . . . they are happenings that occur in many American cities and they affect the lives of all American citizens.

All of this built up to the confrontations in Chicago during the Democratic Party's convention . . . and television's coverage of those confrontations apparently was the last straw for the viewing public.

I would be the first to admit that at times . . . we in television news have been 'taken in' by would-be leaders of the civil rights cause . . . by those who had only their personal gain in mind.

There have been occasions when I have put a story on the air . . . or a person on the air . . . and I have left the studio regretting it . . . wishing I had used a bit more foresight or common sense or perspective.

There have been times too when there have been brief lapses of objectivity . . . not out of intent . . . but out of neglect . . . and there have been times when the reporting was incomplete . . . or just downright amateurish or bad. As I stress to people as often as I can . . . we in television news are still human beings . . . just like everyone else . . . and human beings make mistakes.

And . . . like everyone else in business today . . . whether you're making hair shampoo or horse shoes . . . we in television news have perfect 20–20 hindsight.

Contrary to the belief of many in that great mass viewing audience in the United States . . . the television networks and television stations have not joined into some kind of a giant conspiracy to downgrade police forces or to scuttle local governments or to overthrow the President. I always like to point out that you can't get two television stations in the United States to agree on the time of day . . . much less agree to do someone harm.

And on a whole . . . I think that televisions day-in day-out reporting, coverage and presentation of the news has been fair and accurate. So . . . why then . . . all the criticism of television news reporting?

Perhaps a part of the answer lies in what else has happened over the last five years. During that period the average middle class American television viewer has gone through many wrenching experiences. His tranquility has been shattered.

Mr. Middle Class American has been exposed to the realities of war . . . he has seen the ghetto riots in his living room . . . he has watched with horror young people of background like his . . . expressing contempt for his dearest values in the way they dress and act, and in what they say.

What he has seen on his television set has shaken him physically and morally . . . made him fear for his safety, his savings, his children, his status. The world as reported by television . . . threatens him.

It is a short and perhaps understandable step for him to conclude that television threatens him. Television thus has become the object of what psychoanalysts call transference.

Mr. Middle Class White American also got another shock from what happened in Chicago in 1968.

For the first time in history he saw people like himself . . . average, law abiding, secure, business suited white Americans . . . being treated in much the same way as blacks were treated in Selma, Alabama or Detroit, Michigan. He had become conditioned to seeing blacks . . . protesting blacks, rioting blacks . . . bludgeoned into paddy wagons. Somehow he was able to rationalize what he had seen. But the frightening, shocking reality . . . there before his eyes on the television screen . . . that white middle class Americans and unwashed, grubby, white middle class American young people . . . could be clubbed and shoved and pushed indiscriminately by out-of-control police . . . well . . . this was too much to accept . . . to believe.

It must be a lie . . . it cannot be true. This can't happen to people like us. Television must be lying. Television is taking revenge on Mayor Richard Daley and Chicago. The scene is overwhelming. Rejection sets in. And security is regained through rejection of what he sees.

This, I contend, is a description of highly critical, mass American television viewing audience . . . which we are attempting to serve tonight. And this mass of critics, speaking because of their lack of security . . . or because of their lack of understanding . . . or because of an inherent bigotry . . . will not become less critical . . . or less vocal.

They will, instead, become more unhappy with us and more inclined to act against us . . . as time goes on. Because they will become more and more irritated with the reporting by television of each Vietnam war protest and each college campus disorder and with each civil rights demonstration. Oh, they will continue to tell us to our faces . . . or in their phone calls . . . and in their letters that they want us to "tell it like it is," but they will become more and more reluctant to accept it "like it is."

So . . . as the man said . . . the ball is in our court. It is up to us to defend ourselves.

I admit . . . defending ourselves can be a bit difficult. Defending the quality of integrity or responsibility or accuracy of a television newscast . . . is not exactly like defending the quality of a tube of toothpaste. The measurement of the acceptance and/or rejection of our product . . . is not easy. And measuring the reasons for rejection can be even more difficult.

I'm convinced that public contact is part of the answer. Communication with the viewers as often as possible in speeches or public appearances . . . in forums or dialogues can clear up many misunderstandings and misconstrued ideas. But I am also convinced that the most important step we can take in at least holding our own with dissenting viewers . . . or even making some headway and regaining lost confidence . . . is through very thorough self-examination. We in television news can and must stand back and take a long searching look at what we are doing. First, what are our policies in reference to the coverage of crisis-type controversial stories. Then . . . who is being assigned to cover those stories; to do the reporting and writing . . . who is supervising or physically editing films and video tapes that are ultimately to show confrontations . . . does the story contain all of the facts available to us and is it as objective as we can make it . . . has an all out effort been made to secure both sides of the story . . . and are we working to give both sides equal time . . . does the newscaster report the story on the air as a factual story . . . or is he subconsciously or otherwise interpreting the story as he sees it personally.

Isn't it a fact that too often we get caught up in last minute coverage of a story and then because of deadlines have to give it short-shift?

Isn't it a fact that too often we get caught up in 'tight writing,' and the condensation of stories . . . when those stories need depth reporting to make them meaningful and understood.

Isn't it a fact that we too often are restricted by our allotment of five minutes or fifteen minutes or thirty minutes for newscasts . . . with sports given this much time and weather given that much time . . . and commercials given so much time that we do not give some stories the depth reporting and even analysis they need.

And then there is the area of commentary . . . or editorializing . . . an area I think both radio and television broadcasters have side-stepped for about as long as they can. Responsible editorials . . . by persons who are knowledgeable and dependable . . . I feel are an absolute necessity for broadcasters in the future.

Not editorials that come out for God, motherhood and the American way of life, and against sin . . . and not for dissent, just for the sake of dissent . . . but for the good of the community and for the nation and for our system of democracy.

Editorials that speak out against repression and inequity, that point up trouble spots and trouble makers . . . editorials that offer another voice . . . to a community that oftentimes has but one voice . . . and sometimes has none.

I think it was Harry Truman who said, "If you can't stand the heat, get out of the kitchen." I don't think any of us are so thin-skinned that we can't take a bit of criticism . . or a great deal of it . . . but certainly . . . all of us need to be aware of public thinking and be prepared to defend ourselves to the best of our ability

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NEBRASKANS HONOR SENATOR HRUSKA

Mr. CURTIS. Mr. President, last Friday evening, it was my pleasure, along with the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Kansas (Mr. DOLE), and the Senator from Iowa (Mr. MILLER), to attend a testimonial dinner in Omaha honoring Senator ROMAN HRUSKA's 25 years of public service.

Also present to pay tribute to Senator HRUSKA's record of leadership and achievement were our Governor, Norbert T. Tiemann; Secretary of Agriculture Clifford M. Hardin; and Attorney General John N. Mitchell, who made the principal address.

Some 1,300 admirers and supporters of ROMAN HRUSKA crowded the Civic Auditorium. The group included representatives of the Douglas County Board of Commissioners, where Senator HRUSKA began his public service a quarter of a century ago; members of the Nebraska Legislature, and city and State officials, together with the leaders of the Republican Party from across the State.

President Nixon sent a warm letter of congratulations.

I should like to quote from the evening's program and to add my endorsement of these comments:

> Roman Hruska is completing his seventeenth year in the United States Congress. He served two years in the House of Representatives and has been our senior Senator since 1955. Before going to Washington, he was a member of the Douglas County Board of Commissioners for eight years. For seven of those years, he served as Chairman of the Board.
>
> So Senator Hruska has represented his fellow Nebraskans for 25 years. In these 25 years, he has built a record that exemplifies the philosophy of most Nebraskans. He has worked tirelessly and effectively to mold the kind of society that enables us and our children to live wholesome and constructive lives.
>
> In Washington, Roman Hruska never fell for the idea that the Federal government had any exclusive wisdom about what society was best. Yet he rejected the doctrine that the Federal government has nothing to offer. He listens to the experts and their proposals. But he never forgets where his roots are, or that he represents Nebraskans.
>
> Senator Hruska knows the world is changing and he wants it to change; but like Nebraskans, he wants to have something to say about making sure the change is for the better.
>
> In 25 years of public service Roman Hruska has compiled a record of achievement and accomplishment. His is the kind of able, honest, and compassionate representation we want in Washington.
>
> It is that record of service we honor tonight with our Salute to Roman Hruska, the Senator from Nebraska.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the letter Senator HRUSKA received from the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE WHITE HOUSE,
> *Washington, Oct. 10, 1969.*
>
> Hon. ROMAN L. HRUSKA,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR ROMAN: It gives me great pleasure to write you in connection with this testimonial dinner; for all who know you agree that a tribute paid you is a tribute to the highest devotion to the public trust. For twenty-five years you have faithfully represented your fellow citizens—eight on the Board of Commissioners of Douglas County, two in the U.S. House of Representatives and fifteen in the U.S. Senate.
>
> Throughout this quarter-century you have earned a reputation as a man of outstanding intelligence, diligence, judgment and sensitivity—a leader and a doer. You have stood

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for the finest ideals of your constituents. And you have consistently sought to mold the kind of society that enables us and our children to live wholesome, constructive lives.

Your ability to listen has been matched only by your talent to lead. Your fair and open-minded approach to all issues has been well-balanced by your desire to seek the highest national good. Your steady voice has penetrated into the highest government circles, and your vote has enhanced the well-being of all Americans.

Nothing I could say could encompass all your qualifications or your accomplishments. Nothing could express the deep personal friendship I have for you. Perhaps the greatest measure of the good that you have brought this country is reflected in the enthusiastic support of those who repeatedly return you to the Nation's Capital. As they gather in this special testimonial to express appreciation for all that you have done. I wholeheartedly join them and fully share their confidence and their unfaltering respect.

Sincerely,

DICK NIXON.

Mr. CURTIS. Mr. President, Attorney General Mitchell's remarks detailed the Nixon administration's battle plan in the war against crime. This was particularly appropriate because of Senator HRUSKA's skillful leadership in that battle.

I ask unanimous consent that the text of the Attorney General's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES

It is a pleasure for me to come to Omaha to be with the friends of Roman Hruska.

As you know, Senator Hruska has devoted 17 years of his life to representing the people of Nebraska, in the House, and then in the Senate. His diligence, his candor and his grasp of national problems has made him a leader in the Congress.

The Congress is structured on the principle of committees. Thus one's effectiveness in a committee, to a great degree, measures one's effectiveness in the Congress and in the nation.

Senator Hruska is the senior Republican on the Senate Judiciary Committee, a ranking member of the Appropriations Committee, and a member of the Joint Senate-House Committee on the Reduction of Federal Expenditures.

Through his committee positions and his leadership in the Republican Party, Senator Hruska has helped to pass laws designed to achieve a strong defense posture; to stop violent civil disobedience; to give adequate federal support to agriculture; to provide federal grants for health care centers; to increase Social Security benefits; to offer manpower training for disadvantaged citizens; and many, many other progressive pieces of legislation which have been of immeasurable benefit to our national well-being.

From the point of view of this Administration which must represent the interests of the entire nation, Senator Hruska's advice and counsel have been most helpful.

For example, of the more than 20 bills which we have either proposed or supported in an effort to fight crime, Senator Hruska has sponsored or co-sponsored almost every one of them.

I hope the citizens of this State will continue to support Senator Hruska and will keep him in Washington so that he may continue his distinguished service to his State and to his nation.

I would like, for a few moments, to address you on a general topic that is causing me increasing concern. It is a problem which I think encompasses many other problems—such as crime and civil disorders and Viet Nam and inflation.

It is the disease of cynicism which seems to be so alarmingly prevalent in our nation today—a cynicism that duly elected government, particularly the federal government, has lost its relevance to the aspirations of our citizens.

There are the under-privileged minorities, especially the poor and the black, who had relied on Utopian promises and now distrust the government's ability to act on their behalf.

There are the middle class working man and housewife who had unquestioningly accepted the government's ability to control the economy and then found themselves caught in increasing inflation.

There are the dissatisfied youth who reject acceptable political processes and who rely on violence and confrontation.

And then, of course, there are the rich and the poor, the black and the white, the city dweller and the suburbanite who are frustrated and terrorized by the inability of government to immediately solve the crime problem in the streets and the Viet Nam War on the other side of the world.

Therefore, in the largest sense, the commitment of the President, of this Administration, and of the Republican Party is to bring the nation back on an even keel; to exert responsible control and leadership over racial, economic and political divisions and to re-establish the optimism in the future and the faith in elected government that Americans have always had.

Optimism and security are, in great part, subjective determinations. Factually, I suppose, we should be more hopeful than ever before about our society. But a high gross national product and a low unemployment rate cannot provide security to a citizen who fears crime and inflation, and a far off war, and racial disorders and lack of communication with youth.

The prior Administration attempted to solve these problems through the illusion of words—through the projection of succeeding images of impossible dreams which were replaced by more impossible dreams when previous commitments could not be met.

This rhetorical device worked for quite awhile, mainly, I support, because the human mind likes to dramatize. Men are, by their very nature, intellectually attracted by the bright uniforms and loud trumpets of new ideas. But what does one have after the parade has passed—an empty street littered with hand bills and the memory of what might have been. Of course it is healthy, every so often, to have a burst of color and imagination. But this is no replacement for well conceived and well funded programs.

It is for this reason that this Administration has been purposely low key in its public statements and in the presentation of its new programs. We do not want to offer more hope than we can realistically deliver.

The methods that we are using to achieve social and economic progress are the methods which I think this mid-west audience understands better than most. We believe in common sense, in hard work and in quiet diligence. We believe that individuals and government should carefully plan and finance each step of the way.

We believe in consistency and in that great American genius for compromise. We believe that the extremists on both ends of the spectrum will be isolated by the great majority of Americans and that the middle course is generally the best course for this nation to pursue.

As an example, one of our most pressing domestic issues is crime—street crime and organized crime and juvenile crime and narcotics crime. Crime may or may not be solved a generation from now by the implementation of enormously expensive and radically new social development concepts. But, in the meantime, what is this nation to do? Are we to wait and permit our citizens to be victimized? Or are we to get down to the dry mechanics of fighting crime on a practical level by having more and better trained police; more efficient court systems, and special rehabilitation projects for juvenile delinquents and adult offenders?

It may be true that our practical nuts and bolts approach may appear a bit gray—six more policemen in one high crime precinct; a new trial calendering device in an overcrowded court; $20,000 for an additional prison psychologist, or several more defense lawyers in a legal aid project.

But, piece by piece, all over the country a massive anti-crime action program, partially funded by the federal government, is taking shape and moving ahead.

Social problems are not solved by rhetoric. They are solved by the thoughtful implementation of carefully designed programs and by well-trained and well-coordinated personnel at all levels.

I think that the nation should be hopeful today. I think we can enter an age of optimism—the kind of optimism with which Americans are most familiar; the optimism that comes from anticipating the product of hard work and careful planning and long term dedication.

I believe that our optimism may be well-founded in the area of crime control; and I would like to outline for you some of the major aspects of the Administration's crime program—a program which Senator Hruska helped to design.

The urgency of the program cannot be doubted.

The latest F.B.I. Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

There was a 30 percent increase in armed robbery; a 15 percent increase in rape; a 13 percent increase in murder and an 11 percent increase in aggravated assault.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

One of the main principles upon which our crime program is based is the recognition that the Attorney General is first and foremost a law enforcement officer; that the Department of Justice is a law enforcement agency, and that persons who break the law ought to be promptly arrested and tried as soon as possible.

While we in the Justice Department can sympathize with physical conditions and emotional problems which may cause persons to commit crimes, we cannot sympathize with those who only seek to excuse criminals.

Of course, we recognize the need for and we strongly support research and development projects which may help us solve crime tomorrow—sometime in the future.

But tomorrow is too late for the housewife who is mugged, or the small store owner who is killed by a narcotics addict.

Tomorrow, indeed, may be too late for all of us.

That is why we have launched a comprehensive anticrime campaign as a first priority in our domestic program.

As President Nixon has said:

"The public climate with regard to law is a function of national leadership."

The leadership of this nation believes that any effective anti-crime program must rely strongly on law enforcement officials.

The police are the first line of defense. They must be given every reasonable tool if they are to meet the challenge of crime in an increasingly complex society.

For this reason, the Administration's proposals to combat crime emphasize the law enforcement function.

This emphasis, to some extent, can be

measured in new legislation and in new monies. But what cannot be measured is the great psychological boost given by this Administration to law enforcement officers all over the nation. In the past they felt that at best they were ignored by the prior Administration. Now they know they have friends and allies working in the Federal effort.

By far the most serious aspect of crime we face as a nation is crime in the streets. I have told you of the latest FBI Uniform Crime Reports which show a 17 percent increase in serious crime.

What the FBI reports do not show is the increase in fear and national anxiety. For every law-abiding citizen who is the victim of a crime, there are dozens of friends, relatives, business associates and neighbors, who fear that they may be next.

Basically, the federal government has very limited legal jurisdiction over street crime. We can set the tone for leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

Our most ambitious program to combat local street crime is the Law Enforcement Assistance Administration of the Department of Justice. LEAA is the federal government's major commitment to help states and local communities to improve their police, their criminal justice systems, their juvenile programs, and their correctional institutions.

For the current fiscal year, we have asked for $296 million for the Law Enforcement Assistance Administration. If appropriated, $250 million of this is scheduled to go to cities and states for action programs.

The greatest single emphasis in the LEAA program has been and will continue to be the funding of police efforts to decrease street crime. Our studies of plans submitted by all 50 states under the LEAA action grant program show 77 percent of the funds going to the police and to anti-street crime programs.

But police action alone cannot solve the total problem. We must bear in mind that about 45 percent of the persons who serve prison terms are subsequently arrested for additional offenses and that more than half our crimes against property are now committed by youths under 21.

Accordingly, the LEAA action programs also contain substantial plans to increase the efficiency of the criminal courts to improve rehabilitation efforts in our prisons and initiate and expand corrective programs for our youth.

I hope that Congress will pass the full $296 million appropriation request. Law enforcement agencies in this State and in every state must have sufficient funds. If not, the national effort against crime will merely be another rhetorical ruse.

NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need $70 or $80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. A reduction in addicts will result directly in the reduction of crime.

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969, which has been actively supported by Senator Hruska. It would consolidate and reorganize all the existing drug laws—some of which date back to 1914. It would expand federal administrative authority to control narcotics, barbiturates, amphetamines and marihuana. It would also substantially expand federal law enforcement power to search for illegal narcotics and to arrest suspected violators.

Passage of this legislation will provide additional vitally needed tools for our war on narcotics.

As an administrative measure, we have launched the first major search and seizure border operation in history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marihuana in this country, 20 percent of the heroin and large amounts of barbiturates, amphetamines and other dangerous drugs.

By utilizing the revenues of the Department of Justice, Bureau of Customs, the Department of Defense, and other agencies, we have put into effect a coordinated and intensive land, sea and air operation against border smuggling.

We have asked for increased appropriations and manpower for the Bureau of Narcotics and Dangerous Drugs. This will permit the Bureau to step up its enforcement program in our cities, to implement its plan to train 22,000 state and local law enforcement officers and to expand its international operations.

Our goal is not the apprehension, conviction and imprisonment of a narcotics addict who must sell a bag or two of heroin in order to sustain himself. He should be the object of research and rehabilitation. Our goal is the apprehension and prosecution of those who make their living by dealing in substances which ruin men's mental and physical health, and which pose a danger to our general welfare.

ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded these teams from four to seven, and we plan to reach 20 by the end of fiscal 1971.

In addition, we have set up a federal-state racket squad in New York City. If this joint venture proves to be successful (and current activities indicate it will be), we plan to organize others in an effort to cooperate with state and local authorities in our Strike Force assault.

We have also asked for additional legislation to help us in the battle against the organized gangster. Among the bills we have proposed or supported are a general witness immunity law which would have a broad scope for many potential witnesses against organized crime; an amendment to the Wagering Tax Act which would expand our current ability to prosecute gambling; and a law designed to make it a federal crime to corrupt local police and other public officials.

In order to mount this broad attack on organized crime, the Administration has asked for a $25 million increase in funds for all government agencies involved in this effort—a 40 percent increase over the previous Administration request.

The result of our activities so far has been promising. In fiscal 1969, 44 indictments were returned against 59 suspected organized crime figures (38 more than in 1968) and 29 suspected organized crime figures were convicted. In total, 71 organized crime figures were either indicted or convicted in this fiscal year as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem.

CONCLUSION

This is just a brief outline of three of our major proposals: three which we believe are most promising and for which we have depended heavily upon Senator Hruska's guidance and support.

This Administration has presented a great many other anti-crime proposals ranging from a comprehensive program for the Capital City of Washington to some highly technical but very important legislation aimed at utilizing antitrust laws against organized crime.

We have also taken a number of important executive decisions such as authorizing court approved wiretapping against organized crime and authorizing the admission in evidence of voluntary confessions complying with the guidelines approved by Congress.

I know, and you know, that we must solve our crime problem. Economic prosperity and political stability have little meaning if our citizens are afraid to freely move about our neighborhoods. As this Administration's anti-crime program moves forward through Congress and into operation, the mood of the nation will change from cynicism to optimism. This Administration is committed to its success. We are going to restore civil tranquility to the streets of this nation.

APOLLO 12'S MOON VOYAGE

Mr. HANSEN. Mr. President, every American wants to be confident that our astronauts who will travel to the moon aboard Apollo 12 are well equipped.

These brave men will have every convenience and every safeguard that the vast wealth of technology of America can provide.

But a close friend of mine, and a close friend of many in this Chamber, former Senator Milward L. Simpson, has pointed out to me that those who planned this space voyage may have been negligent. Senator Simpson feels that the list of equipment these men will take to the moon should include a copy of the Holy Bible. I agree.

Several mementos of man and of the United States were placed on the moon during the Apollo 11 moon landing. I feel it would be appropriate that the Apollo 12 crew place a Bible on the moon during this landing. The intent in placing mementos on the moon is to leave some evidence of man's 1969 achievement should future voyagers land on the moon. A noted writer of the past century, Thomas Babington, Lord Macaulay, had this to say of the Bible:

> A book which if everything else in our language should perish, would alone suffice to show the whole extent of its beauty and power.

The Bible is closely associated with the heavens, and refers often to the wonders of God's work there. An appropriate passage is found in verse 3, of the eighth Psalm:

> When I consider the heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; what is man, that thou art mindful of him?

The further man probes the mysteries of the universe, the greater becomes his awareness of the immutable laws which govern the galaxies. While I would not presume to speak for all others, I share the deep and abiding conviction of my distinguished and beloved predecessor, Milward Simpson, in believing that what knowledge we now have and the mysteries we are yet seeking to understand, all attest to the presence of a supreme being. I can think of no better way to underscore the peaceful purpose and intent of our mission there than to leave the Book that sets forth rules that have universal application, regardless of creed.

I believe the Holy Bible should be a part of the equipment carried on the Apollo 12 mission, and I intend to write to President Nixon urging that consideration be given to our astronauts placing a copy on the moon.

I hope that many Senators will join me in writing individually to the President in this matter.

CHRONICLE OF DEBATE ON SAFEGUARD SYSTEM

Mr. EAGLETON. Mr. President, last month the Progressive magazine carried an interesting and often humorous article on the ABM written by Louis Fisher, an assistant professor of political science at Queens College.

The article points out that although there is legitimate disagreement over the nature and magnitude of the Soviet threat and the technical feasibility of the Safeguard system, the consistency and coherence of the administration statements in support of Safeguard can and should be judged.

Mr. President, this article is an interesting chronicle of the debate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON'S ABM "VICTORY": A CASE STUDY IN DECEPTION

(By Louis Fisher)

Weeks after the prolonged Senate struggle over the ABM which was won by President Nixon by the narrowest of margins, a docile House, after only four hours of debate, approved his proposal as expected. Still, it is too early to know whether the President has met victory or defeat. Repercussions of this struggle have spread beyond the initial issue of national security, calling into question the very integrity of the Administration.

In his statement to the Republican Convention in August, 1968, Mr. Nixon criticized the Johnson Administration for failing "in candor at home and in leadership abroad. By not taking the American people into its confidence, the Administration has lost *their* confidence." Only a new Administration, he said, could "tell the truth to the American people and be believed."

After nine months of a new Administration, it seems safe to say that it has met hard times establishing a reputation for credibility. Partly this reflects its zigzag maneuvers with desegregation guidelines, voting rights, the attempted appointment of Dr. John H. Knowles, food programs for the poor, public housing, and mass transit. In addition, the relationship between the Administration and the public has suffered because of infrequent press conferences. Despite Mr. Nixon's pledge last year to have an "open Administration," he and his cabinet officials have held far fewer news sessions than the Kennedy and Johnson Administrations.

But it is the bitter, hard-fought campaign for the ABM system that threatens to inflict more permanent damage, leaving a residue of ill feeling and distrust toward the Administration. This skepticism is not directed so much toward the technical merits of Safeguard. Regardless of fine talk and erudite discussions, few of us have any way of knowing how many SS-9 missiles Russia will have by the mid-1970's, or whether they will be fitted with MIRVs, or carry twenty-five megaton warheads, or hit within a quarter-mile of Minuteman silos. Furthermore, since most of the Safeguard components are still in the research and development phase, we cannot claim that the system will or will not "work." In these areas, we have little competence to pass judgment.

What we *can* do, without false posturing, is judge Safeguard in terms of the consistency and coherence of Administration statements. If we turn to legislative hearings, to Presidential news conferences, and to Administration speeches inserted in the *Congressional Record*, what strikes us is not the credibility of our deterrent force but the credibility of Safeguard's rationale. Months of contradictions, retracted statements, misrepresentations, and outright demagogy (with Safeguard opponents classed as unilateral disarmers) have badly tarnished the Nixon Administration and its spokesmen in Congress. The credibility gap is stretched as wide as before. This study of the campaign conducted on Safeguard's behalf is offered not only to record some of the tactics used, but as a case history of the Administration's widening credibility gap.

On March 14, introducing his Safeguard proposal, President Nixon listed three purposes: protection against Chinese attack, against irrational or accidental launchings, and protection for our deterrent force in case of Soviet attack. In the space of a few weeks this careful structure was reduced to a shambles. Secretary of State William Rogers, before the Senate Foreign Relations Committee on March 27, said that in the event of successful arms control talks with the Russians, we would be "delighted" to halt construction of the ABM. Encouraging words, but what happened to the threat of Chinese attacks, irrational attacks, and accidental launchings? These props in the Safeguard structure had somehow disappeared.

The central prop—the Soviet threat—moved in and out of focus. Defense Secretary Melvin Laird warned the Senate Foreign Relations Committee on March 21 that with "the large tonnage the Soviets have they are going for our missiles and they are going for a first-strike capability. There is no question about that." This ominous prediction aroused more incredulity than fear. The American public could recall earlier exaggerated notions of Soviet military capability, such as the "bomber gap" of the early Fifties and the "missile gap" of 1960. To overcome these imaginary threats, we spent billions on unnecessary hardware.

Senator J. W. Fulbright wryly commented that the Russians, in terms of military capacity, are depicted by the Administration as "ten feet tall," capable of doing "all sorts of things; their skill and talents are almost unbelievable. Yet when we discuss them as a society, they are inadequate in practically every respect." The perennial warning by the military that the Russians are about to overwhelm us, Fulbright said, is "a kind of fear technique" used to obtain legislative support for defense programs.

Secretary Laird's comment became more incredulous as the weeks passed by. In a news conference April 7, Secretary Rogers said that he had "difficulty in believing that the Soviet Union would initiate a first strike," and in hearings held May 14, Senators Fulbright and Albert Gore disclosed that predictions of a Russian first-strike capability did not square with estimates given them by the intelligence community. It became clear that Secretary Laird, in warning of a Russian first-strike capability by the mid-1970s, relied on speculation rather than solid information. As he himself admitted on May 22, when testifying before the House Appropriations Committee, intelligence projections over a two or three year period are "reasonably firm," while projections over a five or six year period put us in an area of "considerable uncertainty, particularly insofar as actual deployments are concerned . . . national intelligence projections for the mid-1970s involve a large measure of judgment rather than hard evidence."

To clear up the dispute, Secretary Laird was invited back to the Senate Foreign Relations Committee on June 23. The modified version of the hearings discloses that the U.S. Intelligence Board had *not* concluded that Russia was striving for a first-strike capability. Laird now switched from his cocksure "there's no question about it" posture to a more modest position. It was simply his "belief" that the Soviet Union was developing a first-strike capability. After four hours of obfuscation and evasion by the Secretary, the Committee finally learned what he meant by first-strike capability—not the ability of an aggressor to destroy the elements of our retaliatory force simultaneously, including Minuteman missiles, overseas bases, bomber fleet, and Polaris submarines, but merely a weapon's potential to "be used against hardened missile sites."

A good bit of confusion surrounded the question of whether Safeguard could grow into a thicker, city-oriented system and provoke a new arms race. President Nixon claimed that Safeguard was not provocative since it defended Minuteman sites rather than cities, making it "so clearly defensive in character that the Soviet Union cannot interpret this as escalating the arms race." Mr. Nixon tried to bolster his argument by referring to Premier Kosygin's statement, issued in 1967, that ABMs deployed around Moscow would not escalate the arms race because they were defensive in character. Does it not seem incongruous for the President to recommend an ABM system primarily to protect us from a Soviet attack, while obstensibly accepting at face value their public statements? Why not accept their statements about peaceful coexistence as well?

The opportunistic use of the Kosygin statement becomes clearer when it is realized that regardless of the Russian leader's statement on the nonprovocative nature of ABMs around Moscow, *we* believed differently. The Administration cited Russian ABMs as one factor in the current arms buildup. On May 22, Secretary Laird told the House Appropriations Committee that we have "already begun to provide a hedge [i.e., Poseidon and Minuteman III, both equipped with MIRVs] against the possibility that the Soviet Union might deploy an extensive and effective ABM defense." In view of these developments, why should Russia accept our assertion that Safeguard is purely "defensive" and requires no counter-response from them, especially since Safeguard relies on more than ten times the number of missiles than does the Moscow system?

Further provocation is provided by Safeguard's potential for growing into a thick, city-oriented system. The Administration regularly denies that this can happen, but the area defense system provided by long-range Spartan missiles already includes a certain level of city protection. In his April 18 news conference, President Nixon stated that our position in the Pacific would not be credible "unless we could protect our country against a Chinese attack aimed at our cities. The ABM system will do that, and the ABM Safeguard system, therefore, has been adopted for that reason."

Additional city protection can be included at a later date. On March 14, Deputy Secretary of Defense David Packard told newsmen that a thick anti-Soviet defense of our cities had been looked into carefully but rejected "as not being a desirable thing to do at this time." With "present day technology," he explained, "it is not possible to provide a complete defense of our cities."

A few years from now, after some ABMs are deployed around Minuteman sites, the Administration can announce that "new breakthroughs" in technology have finally made it possible to place ABMs around the cities. Soviet Russia understands that Safeguard can blossom in this manner, and would have to try to offset our advantage by increasing its offensive force or by improving its own ABM system. As the action-reaction cycle picks up steam, a new arms race will be underway.

The Gore Subcommittee on disarmament unearthed some priceless gems of contradictions and misrepresentations in the Safeguard program. Senator Fulbright, sensitive to the fact that when the Senate Armed Services Committee authorized the Sentinel system last year, it did so without ever receiving expert testimony from outside the Administration, asked Mr. Packard this question: "Did you go outside and employ any independent people to analyze the feasibility and advisability, the wisdom of this program?" Packard replied: "One of the men that I talked to, I have a very high regard for, is Professor [Wolfgang K.H.] Panofsky," director of the Stanford Linear Accelerator Center.

The following morning, the Stanford professor appeared before the Gore Subcommittee to tell Fulbright that he had not participated in any advisory capacity in the Safeguard program. The "meeting" with Mr. Packard was nothing more than a chance encounter at the San Francisco airport, and lasted about a half hour. Matters were made doubly embarrassing for the Administration when Panofsky stated that Safeguard was unsound technically, economically, and politically. Mr. Packard tried to recoup this setback by submitting a lengthy list of scientists from outside the Defense Department who had been consulted on Safeguard. This backfired also when the Subcommittee learned that these scientists had been consulted on March 17, or three days *after* the President had announced his decision to proceed with Safeguard.

In another gaffe, Mr. Packard told Senator Fulbright that he did not consider it important in scientific matters whether you have people from outside the Defense Department. Scientists, Packard said, are "objective about such matters." This must have raised a few eyebrows. The Senators had received testimony from three former Presidential science advisers—Herbert York, George Kistiakowsky, and James R. Killian—and all three expressed opposition to an ABM system. In fact, Senator Gore said that he could not locate a single Presidential science adviser from past Administrations who favored the system.

Mr. Packard decided to backtrack a little on his thesis that scientists are always objective about such matters. As to York's opposition, Packard expressed high regard for the scientist but then observed: "I think if you will look at the record as I recall, he is the one who did not think the Polaris would work. All this merely says that the scientists have different views on things . . ." A nicely balanced statement, but it exploded in Packard's face. Dr. York got off a telegram to Senators John Sherman Cooper and Gore to say that he had always, during his tenure with the Defense Department, supported development and deployment of the Polaris system.

The extent to which the Administration was open to outside opinion was also reflected in the abortive plan to appoint Dr. Franklin A. Long to head the National Science Foundation. President Nixon announced April 18 that Dr. Long was being dropped from consideration because of his opposition to the ABM. The White House staff, the President said, felt that his appointment "would not be in the best interests of the overall Administration position" and would be "misunderstood."

The President was widely censured for allowing a matter of Administration policy to decide the appointment of an NSF official. In a meeting April 28 with scientists from the Foundation and from the National Academy of Sciences, the President conceded that Long's position on the ABM should not have been a factor in the nomination. This unhappy incident takes on added flavor when a 1968 campaign remark is recalled. In an effort to close the credibility gap, Mr. Nixon said that "we should bring dissenters into policy discussions, not freeze them out. . . . The lamps of enlightenment are lit by the spark of controversy; their flame can be snuffed out by the blanket of consensus."

One of the key areas that strained credulity was whether Safeguard would permit the President to retain control over the firing of nuclear weapons. Is the warning time so brief that the decision to release a Spartan or Sprint missile would be in the hands of a computer or some junior officer? The Administration denied that this would happen. Mr. Packard told the Gore Subcommittee that the range of radar for Safeguard was in excess of 1,000 miles and that missiles would be coming in at speeds of about 18,000 miles an hour. He assured the Senators that the time remaining after radar contact would be "about fifteen to twenty minutes, something in that order of magnitude, depending upon the point of interception." The Subcommittee expressed amazement at this display of arithmetic. Two members reached the same conclusion—that the time would be closer to four minutes. Packard then corrected himself and put the time as "something less than ten minutes."

Exactly what role the President plays in this tightly scheduled drama is difficult to imagine. Radar would pick up an object on the horizon, not knowing whether it was an enemy missile, a decoy, debris from old satellites, or what. To assume the worst (following the Pentagon's practice), let us say that missiles come in at three o'clock on a Sunday morning, and assume that the enemy has made things more difficult by delivering the missiles at a low trajectory, either by using a fractional orbital ballistic system or a close-range submarine. Secretary Laird has warned Congress about Soviet progress in both areas. Under these conditions, the radar—which does not operate over the horizon—picks up the missiles quite late in the game, probably less than four minutes from target. Some of this time is lost as computers determine the nature of the objects, distinguish them from decoys and plot trajectories.

A pretty picture. The President rolls over in bed, picks up the phone, and hears this message: "Sir, our computers have identified incoming enemy missiles. They are less than three minutes away—too short a time for Spartans. Should we fire the Sprints?" What is the President supposed to say? The decision might just as well be programmed into a computer, and yet the Defense Department claims to oppose this solution.

Safeguard's cost was originally estimated by President Nixon at $6 to $7 billion. It now turns out that the $7 billion limit was merely one floor of a taller structure whose final height is still undetermined. DMS, Inc., a subsidiary of McGraw-Hill, the book and magazine publishers, released a special report on March 19, estimating that the various components of Safeguard would cost at least $11 billion. Two months later, in testimony before the House Appropriations Committee, Secretary Laird admitted that costs would run about this high. He explained that a $6.6 billion Safeguard system covered only procurement and construction costs for the Defense Department. Research and development would run an additional $2.5 billion, and the development and testing of warheads by the Atomic Energy Commission another $1.2 billion. Leaving out the cost of warheads, the *St. Louis Post-Dispatch* said, is "something like pricing a Cadillac without the engine."

Safeguard is thus up to at least $10.3 billion by the Administration's own reckoning, and this does not include $500 million for extending the system to Alaska and Hawaii, or $350 million a year for operating costs.

Problems with development and production will push costs much higher. There is considerable evidence that the switch from Sentinel to Safeguard was largely in name only. The Senate Foreign Relations Committee learned that studies by the Institute of Defense Analysis, the Aerospace Corporation, the Defense Science Board, and the Advanced Research Projects Agency—all of which are either Pentagon agencies or Pentagon-funded—concluded that the technical requirements for missile base defense and city defense were substantially different. If Safeguard is merely Sentinel with cosmetics, and poorly designed for its new mission, the project will have to be redesigned while it is being deployed around Minuteman sites. Costs would then leapfrog by the billions.

The Pentagon's current technique for controlling such cost overruns is to slow down the development-production cycle, to make sure that a new weapons system is thoroughly tested before starting the production phase. With this new policy in mind, Senator Margaret Chase Smith asked Secretary Laird on March 19 if he felt it was prudent to go ahead with Safeguard before completing the testing and development stages. He replied that the only major item to be tested was the Perimeter Acquisition Radar (PAR), and that all of the components of the PAR had been tested.

A more primitive picture emerged May 20 when Secretary Laird testified before the House Appropriations Committee. The Missile Site Radar (MSR)—responsible for tracking incoming missiles and guiding the interceptor missiles—is still in the prototype stage, and work on the complex data processing system is still under development. Spartan and Sprint missiles have been tested, but only under carefully controlled conditions, namely, directed against single test missiles, and where the course of the test missile and the intercept point were known in advance. Mr. Laird does not expect the first MSR-directed Spartan intercept of a single ICBM to take place before the spring or summer of 1970. Intercept with a Sprint is planned for late 1970, and the first intercept of multiple targets not until early 1971. In overcoming technical difficulties during these years, and in light of previous experience with cost overruns in the Defense Department, the total cost of Safeguard can be expected to climb to $20 to $25 billion.

Beyond this lies the prospect of expanding Safeguard to provide city protection, pushing the cost to $40 billion or more, and triggering a demand for a multi-billion-dollar shelter program to protect survivors from blast, thermal, and fallout effects resulting from Sprint interceptions over the cities. Suffice it to say that $11 billion, awesome as it is, represents little more than a down payment.

Other costs, of a different nature, must also be borne. At a time of genuine domestic crisis, the nation can ill afford to commit itself to new weapons systems for which no real case has been made. Nor can it afford a continued diet of distrust toward our executive officials. National security depends, among other things, upon public confidence in the integrity and trustworthiness of Presidential recommendations. Once again we find a national Administration lacking in these essential qualities.

RETIREMENT OF MRS. LORAINE ROSENBERRY AND MRS. WINIFREDE DE WEESE

Mr. COOK. Mr. President, two grand ladies of Capitol Hill retired at the end of October. One, Mrs. Walter Rosenberry, known to all of us as Loraine, was an employee in my office, specializing in departmental casework. The other was Mrs. Winifrede B. de Weese, long a member of the staff of the Republican Policy Committee of the Senate.

Loraine Rosenberry's career spanned a period of 31 years on Capitol Hill, during which she was an assistant to five Senators including Barkley, Morton, and myself from Kentucky. I can personally attest to the fact that she knew as many people in Kentucky as any candidate who has run for statewide office. Her assistance to me during the difficult period of my transition from Jefferson County judge to U.S. Senator can only be described as invaluable. Her loyalty, dedication, and devotion to the people of all of us in my office. I ask unanimous consent that an excellent article published in the Louisville Courier-Journal, written by the head of its Washington bureau, Ward Sinclair, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Louisville (Ky.) Courier-Journal, Oct. 21, 1969]

SECRETARY RETIRES FROM CAPITOL HILL

(By Ward Sinclair)

WASHINGTON.—All over the government, there are thousands of them, working in monastic anonymity, hidden behind the partitions, bowed over the typewriters, dog-paddling in an ocean of paper.

They are the women—clerks, secretaries, caseworkers—who dutifully keep the cumbersome machine of government reasonably oiled and more or less operational.

They join the government with no fanfare and they leave the same way. They catch the blame when things go wrong, but get little or no credit when things go right. That is the way things are.

So last Thursday there was little fanfare around the old Senate Office Building when Mrs. Loraine Winfrey Rosenberry cleaned her desk for the last time and wrote a quiet end of 31 years in government service.

Mrs. Rosenberry, a former school teacher from Somerset, Ky., has worked in the old building for 26 years as a staff assistant to five senators, including one (Alben Barkley), who spent a while as vice president.

KNEW HISTORY'S BIG NAMES

Her latest position was with Kentucky Sen. Marlow Cook, who eagerly hired Mrs. Rosenberry and others from the experienced staff of his predecessor, Sen. Thruston B. Morton.

When she left Thursday she took with her more than the fond memories of having met and worked with important names of history such as Truman, Churchill, Nehru and others whose needs brought them sooner or later to Capitol Hill.

"Because you get so involved in people's problems, you have a great feeling of satisfaction that you are of help to people," she said. "I'm going to miss that . . ."

And Senator Cook may not have realized it until Friday morning, but Mrs. Rosenberry's departure leaves the kind of gap on his staff that only experience can fill.

"Loraine has a million contacts around Washington," said one of her coworkers. "She can cut through so much red tape and get to the person who can get action on a problem . . . she does it in hours when it might take days otherwise."

On Cook's staff Mrs. Rosenberry handled what is known as "departmental work." That means she was a liaison of sorts between the senator and different governmental departments that deal with constituents' problems.

Senators, of course, don't have the time personally to tend to all the headaches that come along—loan applications, Social Security problems, postal complaints, farm problems and the like.

These things most commonly are left to staffers like Mrs. Rosenberry, who are expected to get results, or at least get facts that will help resolve the problems.

"You have to know your senator's feelings on certain issues so you can answer letters for him or deal with problems," she said. "And the main thing to remember is never write a letter that gets your boss in trouble."

The key to success in a sensitive job such as hers, Mrs. Rosenberry said, "is that you have to be loyal. Loyalty is an attribute that is at top of the list as far as I am concerned."

That Mrs. Rosenberry has worked on confidential matters (she still won't talk about them) for both Republicans and Democrats attests to her fidelity to that philosophy.

Mrs. Rosenberry, then a Winfrey, grew up in Somerset and taught school there before World War II. She later moved to Louisville and got involved in Barkley's 1938 campaign against A. B. Chandler.

"I was fascinated with that work," she remembered, "but I didn't join Senator Barkley until 1943, after he had been accused by Chandler of not having Kentuckians on his staff here."

Before joining Barkley's staff she worked several years with the Federal Housing Administration in Louisville and another year or so in the war bonds drive.

One of her assignments with Barkley was to take dictation of a speech about Thomas Jefferson. "He called me in to take dictation . . . I wasn't used to him and I was pretty much frightened."

Barkley's easy way with people quickly set her at ease and from then on, she recalled, it was fun to work in his office.

"It was a very exciting time. He treated us all like his daughters. He didn't put one of us above the others. When people like Churchill, Eden and Nehru were around, he always made sure that we met all of them," she said.

During her time with Barkley, he was Democratic majority leader and minority leader as well as vice president. In those days the vice presidency didn't command the importance that it does today. So Barkley had a small staff and small office in the Capitol.

CLOSED OFFICE FOR LUNCH

"Just to show you the difference in pressure on the office, I remember we once asked the senator if we could close the office and go to a special lobster luncheon. He jokingly said we could go anyplace we could get a free lunch, but he didn't mind our leaving," Mrs. Rosenberry recalled.

"One of the moments I recall was when I was alone with President Truman and Vice President Barkley in the office. Mr. Barkley said, 'Harry, you know Loraine, don't you?' and he said he did. That doesn't happen to plain old secretaries, and that's all I am."

After Barkley went into "retirement," Mrs. Rosenberry went to work for another Democrat, former Sen. George Smathers of Florida. Barkley returned to public life and after he was re-elected to the Senate in 1954, she returned to his staff.

"I feel I was one of the last people to talk with him before he died in 1956," she said. "I was at the office on a Saturday morning and he called in to talk about calls and mail. A few hours later he died."

She then stayed on with interim Sen. Robert Humphreys, who served in Barkley's place a few months. Then Morton was elected and Mrs. Rosenberry joined his staff.

In the meantime, she married a Republican, Walter Rosenberry, a lumber industry consultant who is a former deputy administrator of the old Housing and Home Finance Agency. She thereupon changed her political registration to Republican.

A man named Warren Burger, a close friend of Rosenberry's, stood up for them at their wedding in 1958. (He is now chief justice of the Supreme Court and remains a close friend.)

Mrs. Rosenberry stayed with Morton for his two terms as senator, which again included some high-level political excitement when Morton chaired the Republican party and headed the GOP's Senate campaign committee.

"Senator Morton was everything great . . . a delightful gentleman. He was wonderful with all of his office staff. In fact, all of them I've worked for have been easy to work for," she said.

"You love to say you work for a man who is well known and I've always had the fortune of working for a man who was well known. I think Senator Cook is on his way to becoming well-known."

In her retirement, Mrs. Rosenberry is going to tend to some of the things that her job on the Hill has prevented—bridge, swimming, volunteer work, political activity, travel.

"I'm going to miss it all," she said. "But at last I'll now be able to sign my own letters."

Mr. COOK. Mr. President, the distinguished service of one of the best loved, respected, knowledgeable, and efficient professional staff members of the U.S. Senate came to an end with the retirement, after 33 years, 8 months, and 10 days, of Mrs. Winifrede B. de Weese, professional staff member of the Senate Republican policy committee.

Mrs. de Weese, or Winnie as she is affectionately known to us, first came to work in the Senate on February 21, 1936, as personal secretary to the Senate secretary for the minority, the late Carl A. Loeffler. She had just been graduated from George Washington University, where she was a member of Mortar Board, the honorary society denoting scholarship and leadership.

Mrs. de Weese, daughter of Maryland's George Beall family, is a direct descendant of original settlers from Scotland, the Ninian Beall family.

When Mr. Loeffler became Secretary of the Senate in 1947, Mrs. de Weese continued as his personal secretary and gave comfort and aid to many a Senator and his family newly arrived in Washington and in need of "knowing the ropes."

When the Senate Republican Policy Committee was created, Winnie became administrative assistant to the first staff director, George H. E. Smith, and served in that position with two other staff heads.

She is the kind of woman who will take on the hard, unglamorous jobs. Many Hill stalwarts will testify to Winnie's helping hand in getting them jobs, and to her sympathetic ear over problems large and small.

These qualities are well illustrated by something said by George Smith:

> All these years, Winnie, you have been like a big sister to me, although I am older in years. It would be impossible to count all the fine things you have done to smooth the way, to provide sensible advice, and to help in a thousand ways.

From a professional standpoint, Winnie stands for excellence, she is highly knowledgeable in legislative as well as administrative matters. Her perception and ability have the unqualified admiration of her colleagues.

Winnie de Weese has served the Senate longer than any Republican Senator and longer than all but one Democratic Senator, the distinguished senior Senator from Georgia (Mr. Russell).

Mrs. de Weese is deserving of honor and praise from this body. I congratulate her on her more than 33 years of service and on the contribution she has made to our Government. While Members of this august body have come and gone, Winnie remains forever, particularly in our hearts. I, and her legion of friends and admirers, Republican and Democrat, salute her.

THE STAFF WORK ON THE TAX REFORM BILL

Mr. CURTIS. Mr. President, my purpose in speaking is to praise some individuals who are entitled to great praise. I refer to the staff of the Joint Committee on Internal Revenue and the staff of the Committee on Finance. The work they have done in the last few weeks is monumental.

Through no fault of the staff or of the Committee on Finance, an unreasonable and a burdensome time schedule was placed upon the Committee on Finance in its handling of the so-called tax reform bill, H.R. 13270. This is a voluminous bill. It is a mass of intricate, complicated, and technical details. It also involves some very broad and important policy questions.

These two staffs should have had several months to work on the bill. Their end product must stand up in all the courts in the land against the ablest legal talent in America. Their job is not a mere clerical job. Upon their shoulders rests the responsibility for a legally acceptable and workable revenue code.

The members of these two staffs have worked long hours—sometimes 16 and 18 hours a day. They have had no days off. They have been besieged with important questions that had to be answered. These questions and problems were placed before the staff not only by members of the Committee on Finance but by other Senators and by parties vitally affected by the proposed legislation. Throughout all of this work they performed in a manner reflecting the highest professional skill. Their patience, their courtesy, their understanding, and their tolerance have set an example to men of good will everywhere.

Perhaps the public does not fully realize the work that was done. The staff not only organized the list of witnesses, but there was placed before each Senator an advance copy of the statement of every witness. Dozens of pamphlets were prepared. These pamphlets would concisely state a problem dealt with in the legislation, then there would be stated the House solution to the problem and this would be followed by a statement of points for the committee to consider.

On many days the Committee on Finance was in session for long hours, both morning and afternoon. Nevertheless, as each member left the committee room there was handed to him a pamphlet containing the analysis of the problems to be taken up the next day and another pamphlet summarizing the testimony. Other publications were prepared. My words are not adequate to praise the work that was done.

Right now members of these two staffs are engaged in the task of drafting the final language for the Senate version of this tax reform bill. This is a difficult and complex undertaking. A poor job could result in endless chaos. A top-rate job, representing the utmost in professional competence, is a must. Such will be the performance of these staffs. Likewise, we should not overlook the importance and the value of the committee report which they must write.

I congratulate and I thank each member of these two staffs.

When I first gave attention to the preparation of these remarks, it was my hope that I could list the names of all of those staff members who are so deserving of both our praise and our gratitude. I decided not to attempt that. I observed the work of many of them. There were many more who worked behind the scenes and who were not present during the committee deliberations. I want each member of these outstanding staffs to know that his or her work is appreciated. I want Congress to know what they have done and are doing. These individuals are public servants in the highest and noblest sense.

I cannot refrain from expressing the hope that never again will those who have no knowledge of the complexity of our tax laws ever place such an unreasonable time schedule upon any committee or any staff.

S. 2876—CAMPAIGN BROADCAST REFORM ACT OF 1969

Mr. EAGLETON. Mr. President, I feel certain that Senators are well aware that a major problem confronting American democracy is the high, and constantly rising, cost of running for public office.

Skyrocketing campaign costs not only limit the field of eligible candidates; they threaten to make those who do run for office ever more dependent on a few large contributors—a new American plutocracy whose influence at election time far exceeds the number of their votes.

Our system of free and open elections is basic to the machinery of democracy, and anything which inhibits it reduces the effectiveness of our Government and limits our individual freedom.

The problem of prohibitive campaign costs has many facets which must be dealt with soon. Since mass media expenditures—particularly for television—now accounts for the major portion of most congressional campaign budgets, this is a logical place to begin.

As a cosponsor of S. 2876, the bill to give congressional candidates a certain amount of television time at reduced rates, I am gratified that the Communications Subcommittee, of which the Senator from Rhode Island (Mr. Pastore) is chairman held 3 days of hearings on this matter last week. I only regret that my attendance at the North Atlantic Assembly prevented me from being present.

Although campaign finance is a fundamental issue, it is not—to use the media lexicon—a "sexy" one and tends to be buried under the succession of daily headlines. For this reason, I should like to draw attention to an article written by Warren Weaver and published in the New York Times on Monday, October 27, 1969.

In the article, entitled "Congress Gets Around to Issue of High-Priced TV Politicking," Mr. Weaver emphasizes the importance of the problem in summarizing the 3 days of subcommittee hearings and the testimony of a broad spectrum of witnesses. He points out that S. 2876 was drafted after a lengthy study by the bipartisan National Committee for an Effective Congress, and that spokesmen in favor of the bill included a number of my distinguished colleagues from both the House and Senate. He also notes that the only opposition offered during these 3 days of hearings was from the television networks, who, only as support for the bill has mounted, have begun to initiate "voluntary" forms of political rate reductions.

Given the broad support for the Campaign Broadcast Reform Act, my only disagreement with Mr. Weaver is his comment that the bill is unlikely to reach the Senate floor before next year. I hope we will prove him wrong in the next few weeks.

Mr. President, I commend the bill to the Senate and ask unanimous consent that this important article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Congress Gets Around to Issue of High-Priced TV Politicking

(By Warren Weaver Jr.)

Washington, October 26.—After television began to have an impact on national politics, Congress has finally begun to grapple with the complex problems raised by this very expensive, very effective medium.

For the first time, a Senate subcommittee is giving serious consideration to a bill that would guarantee political candidates a minimum amount of television exposure during a campaign at greatly reduced rates.

The reform act is deliberately a very modest proposal. It only affects Senators and Representatives. It does not mandate any free television time. It does not restrict in any way what a candidate spends for television over and above the guaranteed cut-rate minimum.

But if it can be passed, even in still more modest form, it will establish the principle that Congress has a responsibility to regulate use of the most powerful political instrument now available, and that will be a very important principle indeed.

XUM

NETWORKS FEAR CONTROL

It has already won the opposition of the three major television networks, whose presidents told the Senate Commerce Subcommittee on Communications last Wednesday that they would gladly give discount rates to political candidates, but did not want to be forced into it by law.

As drafted by the National Committee for an Effective Congress, the bill would entitle every Senate candidate, incumbent and challenger alike, to 120 one-minute prime time television spots or the equivalent, and one 30-minute continuous program or the equivalent, in segments of five minutes or more.

House candidates, except those who run statewide, would get 60 one-minute spots, but the same 30 minutes of program time. No one would have to buy the time, but those who did would pay only 30 per cent of the commercial rate for spots and 20 per cent for program time.

The underlying purpose of the legislation is to insure to some extent that Congressional office does not become restricted to the very rich.

SOME MEMBERS HOLD BACK

In addition to the broadcasters, there are opponents among the members of Congress themselves, although the measure has nearly 40 sponsors in each branch. There are two sources of reluctance: The fear that the Senators and Representatives will appear to be voting themselves a bonus and the fact that the resulting program would give a substantial assist to non-incumbents.

Senator John O. Pastore, the Rhode Island Democrat who heads the communications subcommittee, will probably exercise the single most important influence over the fate of the legislation. Its sponsors believe they have a majority in his subcommittee and the full commerce committee, if he will move the bill forward.

There is some disposition on the subcommittee to believe that television rate reductions for political candidates is a sound proposal, but that the amounts of time set in the bill may be excessive.

It seems unlikely that the bill can get to the Senate floor until early next year. The goal of its backers is to have it enacted in time to assist candidates in the 1970 Congressional elections.

The network presidents were the only opposition witnesses in three days of hearing before the Pastore subcommittee. Members of Congress, advertising executives and professional campaign consultants supported the bill.

CUTBACK IN HEALTH AND MEDICAL RESEARCH FUNDS

Mr. ALLEN. Mr. President, the American people enjoy the greatest health resources in the world. Yet today our health programs are threatened by a health budget crisis.

We all know that the health of the American people is our Nation's greatest strength. But we are seeing an assault on the budgets for these health programs just at the time they are becoming most productive for the health of the Nation.

Every Federal health program is under the administration's economy knife—programs for hospital construction, mental health, and vital health services for mothers, crippled children, and the elderly. Many medical students who depend on Federal scholarships find their studies threatened. Research funds are being cut at the very point where a little more knowledge would in many fields unlock the health findings that past research has produced and carry this lifesaving knowledge from the research laboratory to the hospital and the home.

This makes absolutely no sense to me. How can the administration announce in one breath that it lacks the resources to save thousands of lives through health and medical programs, and in another breath signal the go-ahead for a supersonic transport airplane?

The administration can find $1.2 billion for the SST. But it cannot find just $9 million for five important research programs on how to apply medical science to the illness of the American people. This is just another example of the increasing list of misplaced priorities that is alarming the public more and more.

One project to be eliminated is the pap smear test that detects uterine cancer—one of the largest causes of death among American women.

Another is a heart study aimed at foretelling heart attacks. Another is the neurological and sensory disease program for glaucoma. And another deals with chronic respiratory disease, diabetes, and arthritis.

Another vital program being forced into stagnation by the administration's misplaced priorities is the immunization campaign against rubella, or German measles. Rubella's most vulnerable target is the unborn child. But in the words of William Hines, a highly knowledgeable syndicated science writer, the program "is not getting off the ground."

Here is how Mr. Hines described the collapse of the rubella program in a recent news article:

> Thousands of American women may bear dead, deformed or retarded children in 1972 because a nationwide immunization campaign against rubella ("German measles") is not getting off the ground . . .
>
> Plans to vaccinate an estimated 40,000,000 children between now and early 1971 have been shelved, and public health officials who a year ago sounded alarms about the consequences of another rubella epidemic like that of 1964 are now applying the soft pedal.
>
> A vaccine was cleared for use by the U.S. Public Health Service earlier this year after a series of tests, trials and scientific huddles carried out in an atmosphere of urgency. Then—just about the time the first big push for mass vaccinations should have begun at the start of the fall school term—things started to slow down.
>
> The basic reason seems to be the economy drive that is touching virtually all non-military echelons of the federal government, although Administration officials deny that this is the case.

Mr. President, we recall that an estimated 20,000 babies were born with brain damage, and that at least an equal number were crippled or stillborn after their mothers contracted rubella in the early months of pregnancy during the 1964 outbreak.

Health authorities had hoped to head off or at least blunt the effects of the next big epidemic of this disease, which comes in 7-year cycles, through an immunization campaign similar to that which has virtually wiped out polio.

A vaccine which will protect against rubella has been available since last spring. But the administration's niggardly budget policy does not permit it to be put to use except in a few States and cities.

In the view of most public health experts, the only way to wipe out rubella is through a universal program of free shots. Doctors will probably charge $10 for an office visit for rubella immunization. Even a large medical cooperative with 50,000 members has said that it must charge $4.10. These are prices that many low-income families, generally with several children, simply cannot afford.

If the breakdown of this program is permitted by the administration, it undoubtedly will condemn thousands of American children, among those who will be born in 1971 or 1972, to mental retardation, heart disease, blindness, or deafness.

This is a shameless failure to use a health resource that our health agencies have right in hand. I hope that Congress will make available promptly the relatively modest funds needed for these programs, and will demonstrate unmistakably to the administration the public's insistence that Federal health officials act with decision and dispatch to restore the Nation's health programs to their full vigor and effectiveness.

Mr. President, I commend Mr. Hines' article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GERMAN MEASLES MAY RAMPAGE

(By William Hines)

Thousands of American women may bear dead, deformed or retarded children in 1972 because a nationwide immunization campaign against rubella ("German measles") is not getting off the ground, except in a few states, New York City and the District of Columbia.

Plans to vaccinate an estimated 40,000,000 children between now and early 1971 have been shelved, and public health officials who a year ago sounded alarms about the consequencies of another rubella epidemic like that of 1964 are now applying the soft pedal.

An estimated 20,000 babies were born with brain damage and at least an equal number were crippled or stillborn after their mothers contracted rubella in the early months of pregnancy during the outbreak. Health authorities had hoped to avert or at least blunt the effects of the next big epidemic of this cyclic disease in 1971 through an immunization campaign equal in scope to that against polio.

A vaccine was cleared for use by the U.S. Public Health Service earlier this year after a series of tests, trials and scientific huddles carried out in an atmosphere of urgency. Then—just about the time the first big push for mass vaccinations should have begun at the start of the fall school term—things started to slow down.

The basic reason seems to be the economy drive that is touching virtually all non-military echelons of the federal government, although administration officials deny that this is the case.

Dr. James H. Cavanaugh, assistant secretary for health in the Department of Health, Education and Welfare, even denies that the program is slowing down. "I think it's moving right along," Cavanaugh said this weekend. "We're going along right on schedule."

But subordinates responsible for carrying out the immunization program acknowledge that it is lagging and that money is at the root of the problem. An official of the Public Health Service's National Communicable Disease Center was asked whether financial restrictions were not posing an otherwise avoidable peril to thousands of children yet unborn.

"I don't think you can argue with that," he replied. "It's obvious that if you had the money you could do a whole lot to cut way down or even eliminate rubella."

Because of the insidious way German measles works on the unborn, a strategy was carefully devised to wipe out the "pool of infection" carried by pre-school and school-age children. Women of child-bearing age and adolescent girls old enough to conceive would not receive the vaccine.

Guidelines to this effect were distributed to health agencies and private doctors throughout the United States, and all indications were that the federal Public Health Service would follow through with a massive educational campaign like that organized by the National Foundation Against Polio in the 1950s and early '60s.

This educational barrage has not materialized, however, and expenditures that the Public Health Service hoped last year might top $50,000,000 have been held below $20,000,000.

"We couldn't spend $50,000,000 if we had it," Cavanaugh now asserts. "There isn't nearly the amount of vaccine we would need, we haven't got the personnel to administer it, and anyway this isn't something where you can line up kids and distribute it like Sabin vaccine in a sugar cube."

Precisely the things that Cavanaugh now says could not be done were being planned a year ago, with the difference that the vaccine would be administered subcutaneously by pressure gun rather than orally.

As far as availability of vaccine is concerned, there is also controversy. The drug industry says it could produce all the vaccine needed for a 40,000,000-unit campaign over the next 18 months, if only the government would issue additional licenses.

The only approved vaccine at present is prepared by Merck, Sharp and Dohme from virus grown on duck embryo. M. S. and D has a production schedule of 18,000,000 doses by May, 1970, with a monthly production rate of 2,000,000 doses thereafter. By the end of 1970 at this rate this single supplier could turn out 80 per cent of the vaccine needed for the campaign.

The other drug makers stand ready to produce vaccine as soon as another type nurtured on dog kidney is licensed. One of these, Philips Roxane Laboratories, is said to have a production capacity equal to Merck, Sharp and Dohme's.

The federal government has acquired only 1,200,000 doses to date and apparently has decided to let private doctors have first crack at the vaccine.

This will help individual families to pay for shots, but will not go far toward giving the kind of protection the rubella vaccine is intended to give. Not children now living but their unborn brothers and sisters are the principal beneficiaries of rubella immunization.

In the view of most public health experts, the only way to wipe out rubella is through a universal, free program of shots. Doctors will probably charge $10 for an office visit with rubella immunization; even a large medical co-operative here with 50,000 members says it must charge $4.10, a price many low-income families cannot afford.

According to drug industry sources, only four states and two cities have "full-fledged programs" to immunize children against rubella. These are New Hampshire, Michigan, Massachusetts, New Jersey, New York City and Washington, D.C. In all these jurisdictions, including even the national capital, federal funds have provided only partial support.

The District Public Health Department will begin vaccinating kindergarteners through sixth graders in public and parochial schools Nov. 3. The Merck vaccine will be administered in the upper arm by jet injection. It is expected that at least 80,000 children will be immunized during a three-week period.

Evening clinics will be opened later to permit parents to bring children from one year to pre-school age for vaccinations. The health department allocated $100,000 and personnel for the program. The U.S. Public Health Service added $50,000 to purchase vaccine.

Virginia families will have to wait for free shots or else patronize private physicians. The whole state's allotment would barely cover all the children living in Northern Virginia alone, an Arlington health official explained.

Maryland is in a similar situation. With about 300,000 kindergarteners through third graders the state has an allocation of only about 70,000 doses of vaccine. It is being left up to individual counties to finance the purchase of additional vaccine.

Because of the mobility of the American people, most specialists in epidemic-fighting believe it is impossible to stamp out a national scourge with piecemeal statewide or regional programs.

To date the federal government has allocated $19,200,000 for the rubella campaign and has earmarked $6,800,000 more that will become available when and if Congress appropriates it.

LEGAL SERVICES PROGRAM—RESOLUTION OF HENNEPIN COUNTY BAR ASSOCIATION

Mr. MONDALE. Mr. President, OEO's legal services program is in serious danger as a result of recent Senate action which would increase the power of Governors to control the operation of this program.

Many prominent individuals and organizations have spoken out against the effort to prevent legal services lawyers from engaging in "law reform" activities. Some of the organizations which have expressed their views on this issue are the American Bar Association, the National Legal Aid and Defender Association, and the Judicial Conference. In addition, the President's Commission on Violence has just issued a report stressing the importance of providing broad and full legal representation to the poor.

I am particularly proud of the strong support for the legal services program from a county bar association in my own State. On October 28, 1969, the Executive Committee of the Hennepin County Bar Association adopted a resolution calling for a fully effective legal services program, free from threats of reprisal.

I ask unanimous consent that a letter informing me of the adoption of this excellent resolution be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HENNEPIN COUNTY BAR ASSOCIATION,
Minneapolis, Minn., November 3, 1969.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Hennepin County Bar Association, at a meeting of its Executive Committee held on Tuesday, October 28, 1969, aligned itself with the American Bar Association by the adoption of a resolution urging the elimination of an amendment to S.B. 3016 which amendment would, if adopted, place in the hands of the Governors of the various states a power of veto over the activities of the Legal Services Programs funded by the Office of Economic Opportunity.

If the Legal Services Program is to be fully effective, the lawyers working within the program must be fully independent and free of any threat of reprisal against the program.

We urge you to exercise your vote and your influence with your colleagues for the defeat of the veto amendment.

Very truly yours,
ROBERT F. HENSON,
President.

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. HRUSKA. Mr. President, the miracle of the United States is found in the intrinsic ability of our people to reach the right conclusion at the right time. Despite their yearnings for a quick and easy end to the war in Vietnam, despite the complexity of the problem, and despite the confusion raised by differing voices, the American people have responded to President Nixon's speech Monday night with the commonsense upon which our Republic depends.

President Nixon explained the country's plan to disengage our fighting men from Vietnam honestly and forthrightly. His tone was calm and reasoned. His analysis of the alternatives was clear. His proposed course of action is in the national interest, and it is practical and honorable.

This is the kind of talk that the American people understand.

Their answer has been overwhelming in support of the President. They understand the problem. They reject the simplistic solutions that they have been bombarded with. They recognize the need for unity.

The Gallup poll demonstrates that they understand and approve. Seven out of 10 Americans listened to the President. Seventy-seven percent of those who did supported the plan. Only 6 percent expressed outright opposition. Only 17 percent were undecided.

The predominant view is that the President is pursuing the only reasonable course open to him.

The deluge of telegrams and mail received at the White House reinforces the Gallup poll.

The time has come for all Americans to heed President Nixon's call for unity, and give him their undivided support, so we can in fact get out of Vietnam without bringing down upon our heads a historic debacle that would tend to destroy us.

The great debate over Vietnam is not between those who are for war and those who are against war. I know of no responsible Americans who do not want to get out of Vietnam, who do not want peace. The issue is how to disengage without sacrificing hundreds of thousands of lives, and the freedom of millions.

There are those who say that President Nixon sounds just like President Johnson. They say President Nixon has no plan for getting American fighting men out of Vietnam. They are wrong. They simply are not listening, and they are not observing. Not only are they not listening; they are criticizing without offering any realistic solutions. The President, on Monday night, analyzed their alternatives—alternatives that would lead to disaster.

It seems strange to me that these critics cannot see the tangible results that the President's efforts for peace already have achieved.

For the benefit of these critics, I should like to remind them of what has happened since President Nixon was inaugurated in January.

The President quickly rejected the military solution to the war. He changed the direction of U.S. policy from escalation to deescalation. He announced plans to withdraw 60,000 American troops from Vietnam, and an additional 6,000 from Thailand. Most of these troops have already left Vietnam, and all of them will be home before the end of the year.

The President has indicated further withdrawals will be made as Vietnamization progresses, and as the North Vietnamese respond to the deescalation.

Another positive step toward ceasefire is the new military policy of protective reaction. This policy was ordered in July and put into effect in August. Under this strategy, U.S. forces fire only in their own defense, or to counter a developing threat that would result in an attack by the enemy. American forces, of course, will remain prepared at all times. The search and destroy and maximum pressure tactics of the past have been discontinued.

The results are apparent to those willing to see. American casualties are at the lowest rate in 3 years. Reductions in the draft are being made. More than 50,000 young American men who otherwise might have been drafted this year are in their homes. Some cutbacks have been made in defense spending, and even more have been proposed. South Vietnam soldiers are being trained to take over from American troops, and they are doing so.

President Nixon has changed the direction of the war in Vietnam. We must now support him in his pursuit for peace.

And I reiterate: The overwhelming majority of Americans have indicated they support the President.

In discussing American policy for the future, the President pointed out that the rate of deescalation will be determined by several factors. There can be no precise timetable. The factors for withdrawal depend upon the levels of enemy activity, on enemy infiltration, on our own casualties, and on the encouraging progress of the training of South Vietnam forces. It is evident that Hanoi's responses will dictate the rate of American withdrawal. We have gone as far as we realistically can go. The charge is to Hanoi. If they do not fire, a ceasefire exists.

The President has set the stage for peace. The United States can no longer be charged with the lie that it is the aggressor.

The North Vietnamese need take only one step. Hanoi must agree to the right of self-determination of the people of South Vietnam. Is the right of the South Vietnamese people to determine their own future too much to ask in exchange for peace?

Moratorium demonstrations are not needed to dramatize the sentiment of the American people toward this war. We need not adopt a defeatist attitude, or to permit our moral fiber to erode.

What is needed is for the American people to demonstrate their support for the President's plan for peace.

At this point, I want to make my position clear regarding past and future moratoriums.

Every American obviously has a right to dissent from an action of his Government. This right is guaranteed by the first amendment. I recognize, too, that most of those who participated in the October moratorium were not extremists of the left, or nihilists bent on destroying our system. Most carefully considered the action they were taking; they were seeking to dramatize their weariness of the war, and their frustration of the seemingly eternal course of it. I know many Americans who participated. I am convinced after careful analysis and reflection, however, that the common cause of the majority was to express their desire to end the war. The demonstrations cannot be considered a unified protest against President Nixon's policies. These Americans were not demanding any certain course of action. They were trying to show that they wanted peace.

A minority had other reasons for taking part in the moratorium. Some made proposals for ending the war, but I know of not one responsible plan they put forward.

Even recognizing the understandable motive of decent Americans to demonstrate in October, I question that the moratorium served a constructive purpose. There were no solutions to the war. It was unnecessary to remind us of the burden of war; everyone wants it ended as soon as possible.

The President does not need an expression of this sentiment. He has pledged to end the war—and he must. No person in America wants this war ended more than does President Nixon.

In my judgment, the moratorium demonstrations proposed for the middle of November will definitely be harmful. Demands for precipitate withdrawals and unilateral cease-fires have the effect of increasing disunity in the country. They encourage the enemy. They have the effect of undercutting and destroying our negotiating position.

A timetable for ultimate withdrawal, such as the one to remove all our forces from Vietnam by the end of 1970, may actually prolong the fighting. A cutoff date gives Hanoi a reason to hang on, a reason not to negotiate. In my opinion, support of such proposals is self-defeating and irresponsible.

The argument is made that an American demonstrates a desire for escalation of the war unless he participates in a moratorium day. This argument is fallacious. Any such conclusion is most unfortunate. It promotes the idea that Americans are divided on whether or not to end the war. They are not. The disagreement is on how to win peace.

It is this apparent division of the American people that Hanoi, and other Communist leaders, are seizing and using to their own benefit. The disunity supposedly demonstrated by the October moratorium already is being advertised by our enemies as "the strongest and most widespread disunity ever known in the United States." I am sure that Hanoi also is using films of the moratorium to make it appear that Americans have staged a mass revolution against their elected leaders.

This is false, and we should not set this stage for them again.

President Nixon said:

> Let us be united for peace, let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Thoughtful Americans everywhere now should escalate their support of President Nixon's earnest expression of his desire to stop the fighting in Vietnam. They should tell their elected representatives, and their friends and neighbors, that they want the war settled in such a way that the younger brothers and sons of the men now in Vietnam will not have to fight again in another war in some other place in the world.

With unity, it is my belief that the United States can and will achieve a lasting and honorable peace in Southeast Asia.

LUIS NEGRON FERNANDEZ—TRIBUTE TO THE INSPIRATION OF JUSTICE

Mr. TYDINGS. Mr. President, the Justice Award given by the American Judicature Society is one of the greatest honors which can be bestowed in recognition of distinguished service in promoting the efficient administration of justice. The award is rarely given, and its recipients, such as Dean Roscoe Pound, Mr. Justice Tom Clark, and Glenn R. Winters, stand tall in our pantheon of great and dedicated men devoted to fair and efficient justice. At its midyear meeting, the American Judicature Society honored another such man, the Honorable Luis Negron Fernandez, Chief Justice of the Supreme Court of Puerto Rico, for his international leadership in judicial reform. Under his leadership, the Judicial Conference of the Americas was formed in 1965. He was twice reelected to the presidency of this body. In addition, the judicial system of Puerto Rico, which he heads, is widely acknowledged as being one of the world's most progressive. Furthermore, his international leadership in judicial reform has been abundantly demonstrated by his outstanding work with the International Commission of Jurists of Geneva, Switzerland, the International Law Association of London, the International, Inter-American, and American Bar Association, and through his presidency of the International Academy of Law and Science.

In presenting the award to Chief Justice Fernandez, the president of the American Judicature Society, Gerald C. Snyder, stated:

> A more fitting tribute could not be given to this man of great intellect, whose patience, compassion and wisdom have left an indelible and enduring mark in the promotion of the efficient administration of justice, not only in Puerto Rico and the Americas, but throughout the world.

In accepting the award, Chief Justice Fernandez delivered a beautiful and moving memoir to his beloved late wife, Aida. The memoir is not only a tender expression of love but also a sparkling reflection of the spiritual values of a woman who possessed and instilled in her husband and others the highest ideals of justice.

I ask unanimous consent that Chief Justice Fernandez' beautiful memoir to his wife, Aida, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LOVE AND JUSTICE

(Speech by the Honorable Luis Negron-Fernandez, Chief Justice of the Supreme Court of Puerto Rico, at the midyear meeting of the American Judicature Society, Chicago, Ill., Jan. 27, 1969)

For this great honor that you have bestowed upon me, I want to thank you from the bottom of my heart.

I receive it with humility, with faith, but with sadness. With humility, because I do not feel that anything that I may have accomplished deserves the greatness of this honor, that has come before—for their colossal achievements in Law and Justice—to such great men as Roscoe Pound, Justice Tom Clark and Glenn R. Winters, amongst others. With faith, because I believe that man's life dedicated to do justice to his fellow beings, stems from that omnipresent force that engenders all things and inspires our conscience: the love of God transformed into action by human sublimation, motivations and ideals. With sadness, because never could a greater honor have come to me that belongs more to another person—one that cannot be present anymore in moments like this, nor any others: the woman that was my inspiration in life and my faithful and loyal companion in all of my endeavors.

To her—whom many of you knew—to her memory, to her loveliness, to her personal charm and graciousness and beauty—

To her, as the ideal expression of human love with sacrifice and abdication of personal preferences to make one happy—

To her, as the symbol of the spiritual values of love in a woman's heart dedicated to a man's life—

To her, who in my eleven years as Chief Justice and three as President of the Judicial Conference of the Americas, accompanied me at home and abroad in meetings, conferences and congresses—

To her, whom my colleagues of Latin America and their wives, in the tradition of hispanic elegance, called her The First Lady of Judicial America—

To her, who received so many courtesies from you and your ladies in the American Judicature Society, who was so overwhelmed with personal deferences from my colleagues and friends of the Bar Association of Puerto Rico and of our judiciary, and their wives—

To her, in her everlasting absence from us, but in her eternal life away, I offer this great honor of the Justice Award of the American Judicature Society. Joining in this offering are dear friends from the Bench and Bar of Puerto Rico that have accompanied me in a gesture of human and personal solidarity, for which I shall ever be grateful.

I could do no less in this occasion to honor the memory and sublimate the love—in life and death, as was her dream—of the woman that filled my life and shared my ideals of justice and my ideas and actions in moving forward towards the creation of a judicial conscience in the Americas.

She will not be in person next February in another session of our Judicial School in the Commonwealth of Puerto Rico. She will not be in person next April in the fourth meeting of the Judicial Conference of the Americas in the Dominican Republic. But nothing can be more inspiring to a man than a woman deep in his heart forever. And nothing more deep in a man's heart forever than the love of a woman never evanesced from his memories.

Now I know that love is more than love and life is more than life, and that there is majesty in love, as in justice

Sacrificial devotion and heroism
Nobleness and consecratedness
Triumph and defeat
Calmness and turbulence in emotions
Incertitude and assuredness
Anxiety and meditation
Repose in solitude

Because of the force that a woman's love and dedication to a man has in mobilizing his dreams and his sense of justice, and in the realization of his goals in the agony of a world in crisis under compulsion, and in the perduration of hopes under the stress of the opposites, now I can say—because I knew of her kindness and deep feelings for humanity, as many of you did—that in her, the verses of Emily Dickinson, the poetess, came to reality: "If I can stop one heart from breaking, I shall not live in vain."

She did not live in vain, and as a tribute to her, I want to present to the American Judicature Society—so deep in her heart—this photograph that symbolizes the First Lady of Judicial America in her assistance, her faith and her guidance to our effort in promoting the efficient Administration of Justice.

May it be to her memory with the blessings of Almighty God.

Thank you.

ACTION NEEDED ON THE INTERCITY RAIL CRISIS—I

Mr. PELL. Mr. President, I wish to discuss the threat of the complete disappearance of intercity rail passenger service in the United States. I believe the time has come for the administration and Congress to act affirmatively to provide assistance for rail passenger service.

Some would suggest that it can be only nostalgia that argues for a Federal assistance program to a passenger transportation service which shows signs of an approaching economic death. The Interstate Commerce Commission has stated that less than 500 intercity passenger trains are now in service, that passenger miles are down 32 percent since 1966, and that intercity coach revenue has dropped 24 percent in the last 2 years.

I would say that it is not nostalgia that argues for the maintenance and improvement of intercity rail passenger service, but that it is a rational concern for the allocation of limited resources in our consumer-minded and consumer-oriented society.

The statistics of the decline of the passenger train underline the paradox of our national transportation problem. It is the 50-percent increase in intercity highway travel and the tripling of intercity air travel that argue best for the support of intercity rail travel.

The congestion on the highways and in the airways is resulting in transportation strangulation and increasingly unbearable social and economic costs for the commonweal. Traffic jams on major urban turnpikes; resistance of citizens to the construction of new jetports and highways along with the noise, air pollution, and tax costs associated with present air and road facilities; and saturation of our major airports all add to the misery of our society.

I ask unanimous consent to have printed at this point in the RECORD a report published in the New York Times of October 13, 1969, regarding the saturation of our major airports.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREE AIRPORTS HERE ARE AMONG FIVE FOUND "SATURATED" IN U.S. STUDY

A Civil Aeronautics Board report concludes that five of the nation's airports are now saturated with air traffic and another five may be by 1975. Nine others may have air traffic problems of less serious nature by that time, the report says.

The report, just issued, is titled "Problems of Airport Congestion by 1975." It was prepared by the board's bureau of economics.

The report states that airports already at saturation levels of operation are John F. Kennedy International, Newark and La Guardia, serving New York, and Washington National and O'Hare International in Chicago. The five that may be faced with serious congestion by 1975 or earlier are Los Angeles, Atlanta, Miami, Boston and San Francisco.

Philadelphia, Cleveland and Minneapolis may also have air traffic problems in that time span, "but probably of less serious character," the study declares.

Six other airports may encounter congestion problems, too, "but of an intermittent kind," it said. These were listed as St. Louis, Memphis, Oakland, Denver, Las Vegas and San Juan.

The report found that the major causes of congestion at the airports studied (those mentioned other than the ones already saturated) were as follows: runway saturation, noise restrictions, insufficient runway turnoffs; lack of aprons and holding areas, insufficient numbers of parking gates, and inadequate highway approaches to airports and inadequate parking facilities.

Mr. PELL. Mr. President, the present problem presented by the imbalance in our modes of intercity travel become even more terrifying when the future demand for intercity travel is considered. A conservative estimate is that, nationwide, the level of intercity travel will double in the next 20 years, with much greater increases in our urban corridors. How will we transport these millions of additional passengers? How much more tax money can be spent on highways and airways? Can we afford to double the number of airplanes in our air corridors? Can we afford to cover our urban land completely with concrete ribbons? When we look at the advantages of intercity rail travel, the answer to those questions seem self-evident.

In our urban corridors, rail passenger service has the greatest potential for meeting the travel demands of tomorrow.

XUM

It is economical. One estimate is that a tax dollar invested in improvements in rail passenger service in crowded areas will buy 20 times as much passenger transportation as it would if it were spent for more expressways. Rails use less urban land than highways and airways, create less air pollution, and, in most cases, present less noise pollution than any other mode of intercity travel. Rail passenger service is safer; according to calculations based on the number of fatalities per hundred million passenger miles, buses are 50 percent more dangerous, automobiles are 20 times as dangerous, and airplanes are 2½ times as dangerous.

Despite all the obvious advantages of rail travel, what has been the Federal posture toward the railroads? The Federal Government has provided 90 percent of the funds to construct an interstate highway system, developed the prototypes of our major passenger airplanes, and contributed to the construction and operation of our major airports. The one rail effort the Federal Government has made, and only after considerable nagging by me, has been the high-speed ground transportation program's demonstrations with the Metroliner and the Turbo Train. The former, particularly, has proved very successful. Those trains already have shown, before their official demonstration runs have begun, that people are willing to travel on intercity trains if they are given reasonable service. The Metroliner by itself has reversed the downward trend of rail travel this past year between New York and Washington. The Washington Evening Star recently published an editorial regarding the success of the Metroliner. I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

MORE METROLINERS

> Penn Central's recently announced decision to double the number of Metroliner trains on the Washington-New York run is further evidence of a strong public demand for comfortable, high-speed rail facilities. The wonder is that the issue should ever have been in doubt, especially for relatively short-distance travel between urban centers.
>
> The most familiar test of acceptability for this kind of service is the time consumed per trip, and indeed the Metroliner's performance, portal-to-portal, is not sufficiently behind an airplane's to give any passenger an inferiority complex. There are times, of course, with air stackups and weather delays, when the train wins, hands down.
>
> But it is a mistake to rate the rails on speed alone, as though, depending on the results of competition, there should be only one decent form of transportation offered. There are by now countless Americans who probably will elect to travel exclusively by air, and the choice is theirs. The loss, however, may be theirs, too, if the railroads can ever be persuaded to exploit the potentials for passenger travel which ought to be met.
>
> The western Europeans discovered a long time ago that rail travel can be a delightful experience, and the best of their trains are unmatched by anything in this country. It is likely, we suppose, that American railroads will have to be coaxed in this direction through demonstration projects, as in the case of the Metroliner, which are heavily subsidized. And if that is indeed the case, it is a good thing that the Department of Transportation is assigning a high priority to research grants to find dramatically improved ways to move on the ground. We need them.

Mr. PELL. Mr. President, 9 years have elapsed since the Doyle report to the Committee on Commerce stated:

> We believe that there will be an important demand for rail passenger service within the large urban regions developing in the United States. This requirement is ten to twenty years in the future.

Yet today with the advantages of intercity rail travel in urban areas even more obvious and the disappearance of the intercity rail passenger train more imminent, there is still discussion of the need of new studies before action on the rail problem can be taken. While I agree that a complete study of our country's future transportation needs is desirable, I do not believe a short-run program of rail assistance should await completion of any further studies. The need for immediate action is obvious. The question for Congress and the administration is no longer whether the Federal Government should provide assistance to intercity rail service; the question now is in what form and through what institutional channels shall such Federal assistance be directed.

The administration has stated that it favors a balanced transportation program. It has sent to Congress a legislative request for a new urban mass transit program, a supersonic transport development program, and a new aid program for airport facilities. The administration has recently set forth a program to aid the Maritime Administration. But, as of now, no commitment has been made to support legislation providing Federal assistance for intercity rail passenger service. From all visible signs, the development of modern intercity ground transportation is sitting on an administration sidetrack.

I would hope that the administration realizes the cost of delaying action on the rail crisis. As one railroad president told the Subcommittee on Surface Transportation in a recent hearing: "The House is on fire now." Passenger trains are disappearing. If action is delayed any longer on the rail problem, I am fearful that a point will have been reached where the costs of rehabilitating intercity train service will become prohibitive due to the increasing deterioration of equipment and roadbeds and the crowding of the tracks with freight traffic.

The Surface Transportation Subcommittee of the Committee on Commerce has recently held hearings on the rail crisis under the able leadership of the Senator from Indiana (Mr. Hartke). Those hearings represented the first steps toward a resolution of the intercity rail passenger problem. I hope the administration will give its support to the efforts of the Committee on Commerce and take the next step toward a program of Federal assistance by supporting legislation designed to aid intercity rail passenger service.

THE CHOICE IN VIETNAM

Mr. MUNDT. Mr. President, the great outpouring of sentiment favoring President Richard Nixon's speech on November 3 indicates that he needs no defense of his position.

However, the Citizens Committee on Peace with Freedom, headed by our former colleague, Senator Paul Douglas, of Illinois, has just issued a policy statement which backs the President 100 percent.

I ask unanimous consent that the report be printed in the Record. I do this so that all Americans can see what an impartial, bipartisan committee has found to be the truth about Vietnam.

As Paul Douglas said in his letter presenting this report to President Nixon:

> To choose the other alternative—that of disengaging abruptly without regard to the capability of the people of South Vietnam to defend themselves—would be the road to defeat. Such a defeat, in our judgment, would lead to devastating consequences for the United States.

President Nixon has rejected the easy road, the popular road, of precipitate withdrawal because he knows that, in the long run, it would mean more war, not less. The report of this committee says the same things. All Americans—and I mean all Americans—should read it.

There being no objection, the report was ordered to be printed in the Record, as follows:

THE CHOICE IN VIETNAM

> An understandably war-weary and impatient United States faces a choice in Vietnam. The choice is between: (1) defeat, however camouflaged, and (2) ending the war in an orderly way that protects our own interests and preserves for the people of South Vietnam the right of self-determination—the right to decide their own future free of outside interference.
>
> In our view, the devastating consequences of defeat dictate the course that America must follow. Further, our recent fact-finding survey in Vietnam has convinced us that an honorable solution *can* be reached.
>
> #### *The folly of wishful thinking*
>
> Some Americans feel that the choice need not be made or that it can be delayed.
>
> Some urge further, immediate, unilateral concessions on the part of the United States. But, as we have previously pointed out, a continuing series of unilateral concessions, unreciprocated by the enemy, is the road to defeat.
>
> Some hope for a magic, overnight solution at Paris. But the negotiations at Paris will reflect the political, economic and military struggle in Vietnam and the state of public opinion in the United States—nothing more and nothing less. We would be foolish to expect Hanoi's leaders to make *any* real concessions so long as they believe that their demands will be met bit-by-bit without giving anything in return.
>
> Finally, there are those who think that our intervention in Vietnam was a colossal error and that, consequently, we should now turn our backs on our commitment and erase this bad dream from our consciousness. Even if one were to grant that our intervention was a mistake, the truth is that an act of bad judgment cannot be rectified by an act of bad faith.
>
> #### *The illusion of military victory*
>
> There is still a sizeable group in the United States which pursues the illusion of military victory. What they forget is our limited objective in Vietnam. That objective was clearly defined by the late President Eisenhower in his last public statement for our Committee:
>
> "We ask nothing for ourselves and insist upon nothing for South Vietnam except that it be free to chart its own future, no matter what course it may choose."

Our Committee has consistently opposed unnecessarily risking a general war in Asia or another World War. We favor a sensible road between capitulation and the indiscriminate use of raw power.

We do not seek a military victory in Vietnam; we seek to deny military victory to the enemy.

We do not seek to win the war; we seek to win the peace.

THE CHOICE IN VIETNAM

The real choice in Vietnam is between Defeat and Peace with Freedom.

The road to defeat

The road to defeat will be clearly marked. It will be marked by precipitous or premature withdrawal of American forces from Vietnam—withdrawal before the South Vietnamese are prepared to take over the job of protecting themselves from the Vietcong and the invaders from the North.

The road to peace with freedom

This road is difficult and precarious but its markings are equally clear. It will be marked by a firm policy to substitute South Vietnamese for United States troops as rapidly as possible but only on the basis of clearly apparent improvement in South Vietnamese capabilities. As President Eisenhower saw it: "We'd gradually withdraw as the South Vietnamese strengthened themselves sufficiently to carry on alone."[1]

The consequences of defeat

If the Road to Defeat is clearly marked, the consequences of defeat are unmistakable:

1. South Vietnam would be taken over by the Communist North. The large noncommunist *majority* of the South Vietnamese people would be delivered to the small Communst *minority* and to the Communist invaders from the North. A blood bath would follow and, based on Hanoi's past performance, hundreds of thousands of South Vietnamese who have fought at our side would be slaughtered.

2. America's word and leadership would be sharply devalued throughout the world. Every treaty that we have made, every agreement and commitment that we have entered into would be looked upon with suspicion by those countries who had counted on the.[2]

3. The development of freedom and democracy would be reversed in South East Asia, and slowed in Africa and even in Latin America. Peaceful methods of social and economic change would be downgraded and violent methods encouraged. A huge part of the world, with a rapidly expanding population, would be increasingly vulnerable to Communist subversion and control.

4. The effectiveness of the new "wars of liberation" would be confirmed. An open invitation to expanded use of the guerrilla technique of conquest would be extended to those contemplating aggression against their neighbors and ideological competitors.

5. India, Japan, and even Australia would be under increasing pressure to develop nuclear weapons for their own protection. With the proliferation of those weapons, the risks of miscalculation would grow and the chances of a Third World War would increase.

6. Finally, there would be bitter recriminations here in the United States once the full significance of our defeat had been perceived. Voices of dissent from extremist groups would grow strident and there would be a violent shattering. A "new isolationism" would find fertile ground in a disillusioned and bitter people. Prejudice scapegoat-seeking and intolerance would flourish. And the lesson of the success of violent guerrilla tactics to bring about change would not be lost upon those who seek to use violence to effect social change here at home.

* * * * *

In his last public statement on behalf of our Committee, General Eisenhower said:

"A camouflaged surrender would result in the United States 'writing off' Southeast Asia for the foreseeable future. We could survive such a catastrophe—but our citizenry should be clear that the whole security system, which has maintained peace and freedom for the past generation, would be eroded—if not destroyed—by an American retreat from our commitments in Southeast Asia."

To our mind, the consequences of defeat would be so calamitous that America should and must choose the second alternative—the Road to Peace with Freedom.

THE SITUATION IN VIETNAM AND AT PARIS

A special nine member, bi-partisan fact-finding Commission of our Committee[3] returned in late August from a trip to Vietnam, Thailand, Laos, Manila, Pearl Harbor and Paris.

The Commission's findings were unanimous, as were its recommendations.

THE COMMISSION'S FINDINGS

The turning point at Tet

Since the Tet offensive in early 1968, the enemy has become weaker, our side stronger. This favorable trend is largley due to the enemy's huge losses in manpower, General Abrams' small unit spoiling tactics, and the military mobilization of the South Vietnamese people which is, relatively, one of the largest in modern times.

Progress is striking but precarious.

Since Tet 1968 the enemy has won no victory, taken and held no ground, sustained no major long-term engagement and has fallen back chiefly on hit-and-run tactics. He keeps the fight going in the South mainly by the infusion of troops from the North.

The South may have found its soul at Tet and in the mass graves of Hue. The enemy lost his bid for victory on the battlefield and the South's morale was clearly strengthened. The enemy had expected to find mass support in the cities of the South; he found none.

Since Tet the South Vietnamese have expanded their ground, taken over the defense of more territory including an entire corps area, and have inflicted far greater casualties on the enemy than he has upon them. Peasants, including large numbers of refugees, are returning to the fields and villages, rice production is up, more local elections are being held, and defections to our side are increasing. Political progress and the development of democratic institutions are clear. A constitutional system is now functioning, however imperfectly, and despite unfavorable wartime conditions. We cannot and should not judge Vietnamese progress by our own standards. "Instant democracy" is not in the cards.

The trend is favorable

Our Commission began its trip with a suspicion of statistics, official briefings and charts and figures. But trends are unmistakable. The overall trend is favorable. It is clearly in our direction. We saw it and we felt it.[4]

The enemy's initiative

Yet the enemy retains military initiative through use of his sanctuaries in Laos and Cambodia and north of the DMZ. If he is willing to bleed himself at a fearful rate he can still, for short periods, sharply increase American casualties. Our commanders know this and we were tremendously impressed with their concern to spare American lives. America's present military leadership in Vietnam is of the highest order.

It seemed to us that Hanoi and General Giap have embraced a deliberate policy of playing upon American's natural reluctance to sustain human casualties in a far-off and not-too-well-understood conflict. To Hanoi human lives are merely chips in a poker game. As the late Ho Chi Minh once told the French: "You will kill ten of our men and we will kill one of yours. And in the end, it will be you who will tire of it."

We must be prepared for ups and downs in American casualties but, if we follow a measured policy of replacement, the peaks and valleys should both grow lower. The trend will be down. On the other hand, a too rapid rate of replacement would endanger the lives of our fighting men who remain behind.

A policy of gradual dis-engagement

The South Vietnamese must still rely for a considerable time upon United States troop lift, air and artillery support, staff assistance and reserves. Progress on the political and pacification front is gratifying but still vulnerable. It could be undermined if the Allied military posture is suddenly weakened.

In this situation timing is crucial, particularly with respect to the substitution of Vietnamese troops for Americans. *An American policy of gradual dis-engagement is feasible, provided the withdrawal of U.S. forces is*

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[1] Dwight D. Eisenhower in conversation with Abbott Washburn, Indio, California, Wednesday morning, 21 February 1968.

[2] Comment by General Omar N. Bradley:

"We helped organize NATO in 1949 with the objective of deterring potential aggressors from starting a Third World War. Since then there has been no global war and it is safe to say that our NATO alliance was a contributing factor. If we are going to indicate now that we can no longer be dependent upon to keep our commitments in Southeast Asia, our global deterrent may cease to exist. Keeping our word in Vietnam is a relatively small price to pay for insurance against a Third World War."

[3] The members of the special fact-finding commission were: Edmund A. Gullion, Dean of the Fletcher School of Law and Diplomacy, Tufts University, and Former U.S. Ambassador to the Congo; John W. Hanes, Jr., Former Assistant Secretary of State, and Partner, Wertheim & Co.; Mrs. Oswald B. Lord, Former U.S. Representative on Human Rights Commission, United Nations; Russel T. Lund, President, Lund's Inc., and Chairman, Board of Trustees, Gustavus Adolphus College; Lester Malkerson, Chairman, Board of Regents, University of Minnesota; Rabbi Schulem Rubin; Charles J. Stephens, Graduate Student, University of California; Charles Tyroler, II, President, Quadri-Science, Inc.; and Abbott Washburn, President, Washburn, Stringer Association, Inc.

[4] Every available indicator underlines this favorable trend: American casualties have sharply decreased and are now at the lowest level of the past three years. Deserters from the enemy (the Chieu Hoi program) have sharply increased and are running at over double the rate of last year and at the highest rate since the program began. The total South Vietnamese regular, Regional and Popular Forces have increased by more than one third in the past year. (The Regional and Popular Forces have increased at an even faster pace than the regular.) Additionally, the People Self-Defense Force—the equivalent of our American Revolution "Minutemen"—has grown to over 1.5 million from nearly zero less than two years ago. The number of hamlets controlled by the Vietcong has dropped by one half during the past year and the number controlled by friendly forces has increased by a third. There are more than ten times as many hamlets under South Vietnamese control as there are under the control of the Vietcong. Over 80% of the villages and almost 80% of the hamlets in Vietnam now have elected governments. The National Police force has increased 20% in the past year. Total acres of land under new "miracle" rice cultivation will more than triple this year. Domestic revenue collections are up over 50% since last year.

closely geared to demonstrated improvement in South Vietnamese capabilities and is not forced prematurely by war-weary American public opinion. Preparing for a long struggle is the best way to achieve short term results. Hanoi's leaders will never seriously negotiate until they are convinced of our determination to stay the course.

The need for time

The South Vietnamese need time to tool up their army, their staff and support echelons, and to acquire confidence. To this must be added an extra margin of time to allow for mistakes, setbacks, and over-confidence. The South Vietnamese must be trained to use communications, air and artillery support and medical evacuation facilities. This will require *time* even after they assume the principal combat responsibility on the ground. One striking example may suffice: it takes 34 months to train a combat helicopter pilot.

"Vietnamization"

To our surprise, we found that the present comprehensive program for "Vietnamization" of the war is less than a year old. Very little of the program had been in operation six months earlier. We were particularly impressed by the rapid growth of security in the rural areas which has been achieved in large measure by the South Vietnamese themselves. The enlarged and newly equipped regional and popular forces are now shouldering a large share of the responsibility for protecting the rural population. In addition an enormous new militia force—the People's Self-Defense Force has developed in the last eighteen months. It is composed of 1.5 million women and girls and older men and boys who are ineligible for military service. Two out of every three have already received elementary military training and 300,000 guns have been made available to these new forces. Progress in a brief period has been remarkable—clear testimony to the feasibility of "Vietnamizing" the struggle.

Vietnamese confidence

To our further surprise we found the Vietnamese eager for the transfer of responsibility. The first U.S. troop withdrawals have actually stimulated them. They expect and do not object to further withdrawals. However, they see the whole process as measured, directly related to their own progress, and still involving at the end an important American residual logistical presence. Their new found confidence is a fragile thing. It could be shattered by an enemy assault if we leave them vulnerable. Their confidence could also be shattered if they came to believe that U.S. policy is one of abandonment rather than transfer of responsibility.

President Nixon's three criteria

President Nixon has made three stipulations for U.S. force reduction of which we consider South Vietnamese progress the cardinal one. As to the other two stipulations—reduction in the enemy's military activity and progress at Paris—a "lull" in the fighting ended while we were in Vietnam. We do not believe it prudent to rely on such "lulls."

As to the Paris peace talks, they have not failed but they have shown no progress of the kind the President stipulates. Next Thursday will be our 40th meeting in Paris with all representatives of the other side. Thus far, it has been largely a one-way street. We have given. They have taken.

The talks have, however, served to demonstrate that the enemy is unwilling to face the challenge of free elections, wants the United States to throw the Thieu government out, and then wants the United States itself to get out unconditionally after having installed a peace-at-any-price coalition government for the future convenience of Hanoi. There has seldom been a clearer case of a belligerent's trying to gain at the conference table and in the arena of public opinion what he has failed to win on the battlefield. Hanoi and the American people should heed the warning of Richard M. Nixon: "The Viet Cong and the North Vietnamese . . . cannot and should not count on American division to gain politically in the United States what they cannot gain militarily in Vietnam."[5]

A possible stand-off

Thus, a kind of protracted stand-off may loom in Vietnam. However, if the President, and the American and South Vietnamese people stick by Mr. Nixon's three criteria, and if the South Vietnamese succeed in cementing a political consensus, we believe that the stand-off will be resolved in favor of peace with freedom—and that there is a good chance that the stand-off will not be as protracted as now appears. On the other hand, if we withdraw prematurely, the enemy can reverse the tide now running against him, complete his subjugation not only of Vietnam but of adjoining territory, and we will have lost more than 39,000 American lives in vain.

The two Vietnam wars

There are two Vietnam Wars: the one that is actually taking place and the one that is perceived at home on television and in the other communications media.

We had expected to see a devastated country with ruined cities, despoiled forests and bomb craters dotting the land. After traveling from east to west, north to south, and covering tens of thousands of square miles of territory, we found nothing of the kind. South Vietnam is today still a beautiful, lush country—damaged but not devastated. We were surprised by the relatively small amount of military activity and the large amount of quiet, normal day-to-day activities being conducted in virtually all of the country.

On reflection, we were able to reconcile this with what we had seen on television and seen and read in the other media. Obviously, it is not *news* to show and write about normal happenings and normal places. It is the unusual incident—the dramatic, violent event—that makes for news, and, presumably, watcher, reader and listener interest. Here at home, we need—but we certainly do not receive—a balanced presentation of the actual situation.

RECOMMENDATIONS OF THE COMMISSION

1. That the substitution of Vietnamese for United States troops take place primarily on the basis of demonstrated improvement in South Vietnamese capabilities; the American policy should be "look before cutting"—not "cut and run."

2. That no timetable for withdrawals be proclaimed and that any schedule developed for planning purposes be flexible.

3. That President Nixon establish an extraordinary Commission to assess the progress of South Vietnam's armed forecs; and that this Commission inquire into whether "Vietnamization" can develop at a more rapid rate of modernization and activation than as laid down in schedules adopted before "Vietnamization" became a by-word linked with U.S. force reductions.

4. That American editors and correspondents and the U.S. Information Agency give increasing coverage to ARVN sacrifices, progress, and capabilities. They should also direct considerable and unremitting attention to the atrocities committed by the enemy.[6]

5. That the United States urge that the Vietnamese government broaden its base among non-Communist elements of the population and that it seek new support in the countryside. The objective should be a government which can not only prosecute the war but which can also face up to the enemy in the stand-off which will follow United States force reductions—a government in Saigon which can speak more authentically in peace negotiations. Such a broadening should not, however, prefigure the kind of peace-at-any-price coalition that Hanoi wants to see imposed without elections.

6. That the American people should recognize the political benefit which can accrue from the proposed new, and long-overdue, land reform program and give appropriate assistance. Economists have long been prone to underestimate the impetus provided by granting title to those who work the land. Further, Vietnam's principal crop, rice, is particularly suited to small plot cultivation.

7. That the United States and South Vietnam should stand firm at Paris:

a. For free elections.

b. Against an imposed coalition government, and for whatever solution the South Vietnamese choose for themselves.

c. For reciprocal troop withdrawals.

8. That the United States expedite the equipment of Laotian forces; and that our stand on the withdrawal of North Vietnamese forces apply to Laos and Cambodia as well as to Vietnam. We must seek an agreement with Hanoi not only about Vietnam but about contiguous areas in South East Asia.

DEMONSTRATIONS AND DEMANDS

Earlier this month large youth demonstrations, joined by other members of a war-weary public, demanded U.S. withdrawal at a specific early date—well before the South Vietnamese could take over. Other Americans were proposing a unilateral stand-still cease-fire.

The price of an abrupt pull-out

To pull out abruptly would throw away a fast improving chance for the majority of the South Vietnamese to live their lives as they wish to do, free of the domination of Hanoi, ready, willing and able to defend themselves. It would nullify negotiations, represent an American sell-out, and encourage the victors to try for "one, two, three more Vietnams."[7]

The dangers of a unilateral standstill cease-fire

The unilateral standstill cease-fire proposal is more subtle and may appeal to some as a way to test enemy intentions, but we believe that:

(a) Nothing in the record indicates that the enemy would respond affirmatively to unilateral action or honor an agreement even if he entered into one.

(b) The enemy can only keep his disjointed apparatus intact by continuing hit-and-run attacks on towns and villages and laying the groundwork for future large-scale actions.

(c) It would be a windfall for the enemy, putting him into *de facto* possession of positions he now occupies only fitfully and by terror.

THE SILENT CENTER

From the inception of our Committee, we have tried to speak for the "Silent Center"—the moderate, understanding, independent and responsible men and women who have consistently opposed rewarding international aggressors from Adolf Hitler to Mao Tse-Tung. When we organized in October 1967 we believed that "the Silent Center" represented a majority of the American people. We believe that it still does. It may not seem so today as reflected in the communications media, but that is because "the Silent Center" has become even more silent. It is unhappy about the war—it wants an end to the war—but it does not want to buy an end to hostilities at the price of defeat, dishonor and of peace with freedom here and abroad.

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[5] Richard M. Nixon, Manchester, New Hampshire, February 2, 1968.

[6] Granted it is virtually impossible to record on live film the disembowellments and tortures before violent death that usually take place in secluded places in the dark of night. But it is possible to record in photographs and with the printed and spoken word the clear evidence of Hanoi's deliberate policy of terrorism. In this war, we have consistently put our worst foot forward. We show the destructive capacity of our own weapons and the sufferings and deaths of our fighting men—we devote little if any attention to the sufferings of our allies *caused* by the other side; nor have we depicted adequately the inhuman practices of the enemy.

[7] Che Guevara.

The American people will rally

If the President of the United States follows the Road to Peace with Freedom—and we have every reason to believe that he will—and if he speaks out frankly, simply and fully on the consequences of defeat, a substantial majority of the American people will rally behind him. Many may do so with reluctance and misgivings but they *will* rally with the sure instinct of Americans for the path of freedom and honor and the long range security of the United States.

On Vietnam, we are in a desperate race between the natural impatience of the American people and their education to the true situation. In this task of education, the President and his Administration bear a heavy responsibility which has not been adequately met.

The pendulum of opinion

Attitudes on foreign policy are not dissimilar to those on stock prices. The pendulum swings violently from unreal optimism to unwarranted pessimism. For some years the American people were subjected to a barrage of optimistic projections and prophecies concerning Vietnam. Now the pendulum has swung to the other extreme. It is ironical that at the very time when the prospect for peace with freedom is rising in Vietnam, confidence in a successful outcome is at its lowest ebb here at home.

Hanoi's chance for victory

Hanoi is fighting on three battlefronts—in Vietnam, in Paris, and in American public opinion. The enemy's only remaining chance for total victory lies here in the United States—in the pressures of American public opinion.

THE CITIZENS COMMITTEE

Our committee is national and nonpartisan.

We are incorporated as a non-profit organization. Membership is limited to those in private life. It is open to any private citizen who shares our views but it is not our purpose to solicit a mass membership or to circulate petitions or to sponsor or participate in rallies or demonstrations.

The Committee has no organizational affiliates. All members serve in their individual capacities.

Our activities are wholly financed by voluntary contributions from concerned citizens. We hope that you will want to help to make our work effective.

Contributions to the Committee are tax deductible.

Checks should be made out to "Committee for Peace with Freedom" and sent to: 1028 Connecticut Avenue, N.W., Washington, D.C. 20036.

Publications of the committee

1. "Peace With Freedom", policy statement of the Committee.
2. "How The Silent Center Will Seek Peace With Freedom", by Paul H. Douglas.
3. "The Nation's Editors Speak Up on Peace With Freedom and The Silent Center", Editorial reactions to the Committee.
4. "A Balance Sheet on Bombing", Statement of the Special Committee on Bombing Policy.
5. "The Nation's Press Discusses 'A Balance Sheet on Bombing'."
6. "Negotiations—Hopes vs. Realities", Statement of the Special Committee on Negotiations.
7. "The Nation's Press Discusses 'Negotiations: Hopes vs. Realities'."
8. "The Struggle For Peace With Freedom", testimony before the Republican Platform Committee.
9. "The Road to Peace With Freedom", testimony before the Democratic Platform Committee.
10. "The Choice in Vietnam".

UTZ TWARDOWICZ, BOYS' PAL, DIES

Mr. TYDINGS. Mr. President, any person who has participated in athletics knows that a respected coach can do more to influence a young person's character than almost any other human. Across the country there are many men who devote themselves to coaching and who in the course of that career shape the lives of many of us. Not all of these men win fame; most labor with young boys on unnamed athletic fields.

The youth of Baltimore were fortunate to have had a devoted man who labored outside the limelight but who put many a hard-nosed youngster on the right path to a useful life. That devoted man, Eugene "Utz" Twardowicz, was athletic director of the Red Shield Boys Club in southeast Baltimore for 21 years. His teams won championships at all age levels and in almost every sport. But he will be remembered by those who knew him as a devoted teacher and kind counselor. He taught not only the rules of the game and its techniques. More importantly he taught boys to be humble in victory and resolute in defeat. He made boys into men.

"Utz" Twardowicz died last Sunday. His carer is ended but those he taught will remain a continuing testimonial to his great contribution.

Mr. President, the Baltimore News-American on November 3 published a story of "Utz" Twardowicz's life and death. I ask unanimous consent that that story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REAL SPORTS LEADER: UTZ TWARDOWICZ, BOYS' PAL, DIES

A man who made a career out of giving to the youth of the city has passed on. Death came yesterday to the popular, revered, dedicated Utz Twardowicz, who for the last 21 years has been athletic director at the Red Shield Boys' Club.

Twardowicz literally helped shape the lives of thousands of Baltimore youngsters since he joined up with the Red Shield Club and the boys will tell you that Utz was a man they'll never forget.

A heart attack proved fatal to Utz, the nickname he preferred to be called rather than his given name of Eugene.

Twardowicz turned out numerous championship teams at Red Shield in all sports but in late years was content to watch from the sidelines, in keeping with the athletic director's title he held. However, there was never a time when Utz Twardowicz wasn't the driving force behind the success of the Red Shield Club.

Utz was one of Loyola College's finest basketball players. Although only 5-foot-7 and 125 pounds, he played in an era when speed rather than size was the most important pre-requisite. He graduated from Loyola College in 1931 and then coached basketball at his high school alma mater, also Loyola.

He moved on to Johns Hopkins where he assisted Gardner Mallonee, and then went to the Bethlehem Steel Co. In 1948, he joined the Salvation Army's Red Shield Club as coach and athletic director.

He once said, "It's amazing how good boys can really be when you give them a chance to have fun and learn at the same time."

Twardowicz's entire life seemed to be wrapped up in what he was doing. He took particular pride in the coaches who worked for him—men like Nelson (Nails) Lambert, Ted Venetoulis, Bill Miskimon, Charlie Brown, Kenny Fabiszak, Bill Heidel, and so many others.

Utz was continually giving the plaudits to others and never set himself up as any kind of a bowtaker. His work was in amateur sports and there's no telling how much good he accomplished in his lifetime.

Funeral plans are still undecided. He will be buried from the Witzke Home, 1630 Edmondson Ave.

A MESSAGE TO THE FEDERAL RESERVE BOARD

Mr. HARTKE. Mr. President, two distinguished and usually divergent economists, Milton Friedman and Walter W. Heller, have agreed that the Federal Government's monetary policy should be eased. Their views are shared by Arthur M. Okun, former chairman of the Council of Economic Advisers, who stated befor a congressional committee that "the time is approaching for a gradual relaxation of the brakes."

It is my hope that the members of the Federal Reserve Board will listen to these distinguished opinions and loosen their present overly rigid monetary practices.

Hobart Rowen discusses this most important issue in his October 26 column in the Washington Post. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HELLER, FRIEDMAN ASK EASING OF FED POLICY

(By Hobart Rowen)

For the first time in recent memory, economists Walter W. Heller and Milton Friedman—usually at opposite ends of a dialogue—are in agreement on a key economic issue. So perhaps it is worthwhile to listen to what they are saying.

Heller and Friedman insist that the time has arrived for the federal reserve system to relax its tight monetary policy.

"With interest rates beginning to dip," Heller said in a speech here last week, "this is the ideal time to give them a nudge downward."

Friedman puts it in terms of the growth of the money supply, which the Fed has kept absolutely constant—no growth at all—for the past three and one-half months. Unless the Fed allows the money supply to increase at around a 4 per cent rate, matching the growth of the economy, Friedman predicts a recession of no small magnitude in 1970.

But with only the first tentative signs of a slow-down, the Fed is confronted with a policy dilemma: if it eases monetary policy too quickly, it runs the risk of the same

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stop-and-go policy that characterized its erroneous moves in 1966, 1967 and 1968.

On the other hand, if the Fed "overstays" the present tight money period, it could indeed be blamed for the kind of recession that Friedman visualizes. It will be damned if it does, and damned if it doesn't—and whatever decision it makes can always be second-guessed later.

Arthur M. Okun, the last Democratic chairman of the Council of Economic Advisers, told the Joint Economic Committee of Congress the other day that "the time is approaching for a gradual relaxation of the brakes, although not a move to the accelerator."

The Fed which will have an opportunity early in the week to take a turn in its direction, is naturally keeping its own counsel. But it is clear that the decision rests on a reading of just how significant is the slowdown that everybody is talking about.

The money managers at the central bank can read, as everyone else does, of a rise in unemployment to 4 per cent in September, of a smaller than expected rise in personal income, and an inventory pattern implying a minor degree of retrenchment by industry.

Perhaps the most persuasive evidence of a dip ahead was brought together by leaders of the Business Council at Hot Springs, Va., last weekend. The corporate executives talked of a weakening of consumer demand that has not yet fully shown up in official data.

General Electric president Fred Borch said that consumer demand is "definitely softening," especially for the "big ticket" items—expensive appliances. Borch attributes this in part to resistance to higher prices, and to a "psychology," meaning a weakening of consumer confidence.

Another leading consumer goods maker says that his wholesalers and distributors find inventories beginning to pile up. "We'll look back later and say that this thing (a slow-down) actually began in August," said that Business Council member.

Yet, they made another point that illuminates the Federal Reserve's problem: despite their sales slippage, these two companies are not only not laying off employes, but are actively looking for qualified people to hire. This seems to be typical among companies represented on the council.

"No matter what the unemployment statistics are," said Patrick E. Haggerty of Texas Instruments, Inc., "we can't find people in the city of Dallas to hire."

Clearly, U.S. business, even anticipating a recession next year—as it does—doesn't see a big one. Civilian-oriented companies would rather try to hang onto their experienced manpower in the face of declining sales and accelerating wage rates than to trim payrolls.

Thus, unless there are sharper cuts in defense contracts than we know about now, it is possible that politically and socially intolerable rates of unemployment will *not* follow along with the business and production slippage that seems to be in process. A return to something like normal growth rates in money supply might bring the economy into balance in 1970 with little if any traumatic experience.

Otto Eckstein, former CEA member, makes the point that reduction in the surtax to 5 per cent next January will aid consumer buying power and further cushion any weakening in the economy. Social security payment boosts will do the same thing.

If the timing is deft and everything falls into place, Mr. Nixon may get by 1970 without the sharp kind of recession that typified the recent post-war period.

"Monetary policy will soon be led by one of the country's foremost diagnosticians of business cycles," Eckstein adds. "It is hard to believe that Dr. (Arthur F.) Burns would fail to see a recession developing or take prompt action against it.

PRESIDENT NIXON PRESENTS PROBLEMS OF AMERICA'S WITHDRAWAL FROM VIETNAM—SENATOR RANDOLPH COMMENTS ON SPEECH—FURTHER STATES NONSUPPORT OF NOVEMBER MORATORIUM LEADERS

Mr. RANDOLPH. Mr. President, President Nixon's address to the Nation last Monday night did not please those persons in our country who believe the U.S. forces should be withdrawn from Vietnam without delay.

The President did, however, stress repeatedly that he is doing everything feasible and prudent short of promising and announcing dates in advance for troop withdrawals, as the junior Senator from New York (Mr. GOODELL) and others propose.

I was encouraged by the fact that President Nixon stressed the need to work harder toward turning over to the South Vietnamese Government the responsibility for combat missions as the troops of that Government demonstrate capability to assume those responsibilities.

I do not believe in precipitate withdrawal of our forces, but I am convinced that the President must continue to counsel forthrightly with our citizens and report candidly on the overriding issue, namely, how to stop this war and how our youth and resources can be saved from the death and destruction which has drained America for too long.

There is no doubt in my mind that Communist influences in the United States and around the world are eager to foment and escalate violence and discontent in America, and to divide our people.

The President did well to tell the public of efforts recently made and others being made to reach areas of agreement with Hanoi.

The President assured the Nation that he has a plan for phased U.S. disengagement from the conflict.

We must join together as Americans in pressing forward on every front to advance more effective programs for peace.

Mr. President, concerning the right of individuals to express protest and to mass in demonstration, I make these comments:

In the Washington Post this morning we read that planning for the November 15 antiwar demonstration here has been accelerated, with organizers preparing for a massive turnout and Government officials voicing fear of violence.

According to the article, the New Mobilization Committee, which it calls:

> An umbrella for several diverse antiwar groups, is sponsoring a march up Pennsylvania Avenue and a rally on the Mall on Nov. 15 to climax three days of demonstrations beginning Nov. 13.

Local protest demonstrations, similar to those of the Vietnam moratorium on October 15, are planned for cities and college campuses throughout the country on November 13 and 14. And the Post adds that many of the participants of these events are then expected to gather in Washington on Saturday, November 15. The article points out:

> Stalled negotiations between protest leaders and the Justice Department have not yet produced an agreement on permits for the march and rally. But government authorities and mobilization leaders are planning for at least 200,000 participants in the Nov. 15 events.

Mr. President, I have consistently believed in the right of citizens to express peacefully and lawfully their protests against public policies with which they are not in agreement. But I do not believe it is too much for me to expect that protests will be uttered or otherwise expressed rationally, responsibly, and with a reasonable degree of dignity.

When mass demonstrations or protests are promoted there is always the hazard that the bounds of propriety and reason will be breeched and that lawlessness and violence will occur to mar the effectiveness and the reasonableness of the purpose for which organized.

The moratorium demonstrations here and at many places in the United States on October 15 were notable exceptions. They were generally devoid of harassment and inflammatory activities that marked so many of their predecessors. They were a credit to the earnest and purposeful people who planned and led them. There were evidences, according to information I have on the subject, of a relatively small number of extremists on the fringes of the October moratorium.

Prior to the moratorium events on October 15, I issued this statement:

> As many of our citizens in West Virginia and elsewhere participate in the Vietnam moratorium on Wednesday, I urge those participating to do so so in a peaceful and respectful manner.
>
> By orderly and earnest appeal, the leaders of government—executive, legislative, and judicial—can become more aware of the intense desire for peace carried on through thoughtful expression.

I have joined with other Senators and Members of the House of Representatives in a letter which reads in part as follows:

> One of the most important ways to give voice to our sentiment is to show through peaceful assembly and non-violent action that a majority of Americans believe that the attainment of peace is our most immediate and important national goal. Insofar as it is peaceful, lawful and non-violent, we view it as an important and constructive undertaking and we commend it. We believe that a clear commitment on the part of the American People will hasten the development of new U.S. policies which will bring peace to Vietnam.

But I have a feeling of real concern that the New Mobilization Committee's November 13–15 successor to the October 15 moratorium movement is being influenced excessively by extremists. Too many radicals and advocates of violent confrontation are listed among those named as members of the New Mobilization steering committee.

The backgrounds of too many of the leaders of the demonstrations next week are sufficient to give me cause to state without equivocation that I could not be identified in any way with any protest movement they would lead. There are among the members of the steering committee and the followers they intend to assemble, persons who not only disapprove of our involvement in the Vietnam war but actually support the Vietcong and the North Vietnamese Communists. I could not condone such dissent, which oversteps valid protest and becomes un-Americanism.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The clerk will state the report by title.

The ASSISTANT LEGISLATIVE CLERK. The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate resumed the consideration of the conference report.

Mr. STENNIS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. STENNIS. I yield.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum. I would suggest that the attachés on both sides of the aisle call the Members and advise them that the pending business is this very important conference report.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia for 20 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from Mississippi for yielding to me.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE NOVEMBER MORATORIUM

Mr. BYRD of West Virginia. Mr. President, I gave no encouragement to the October 15 moratorium. I expressed concern that it might undercut our Government's efforts to negotiate an honorable peace in South Vietnam.

North Vietnam's Prime Minister Pham Van Dong had no illusions. He knew precisely what he was saying when he addressed his letter in support of the October moratorium to his "dear American friends."

I view the planned November demonstrations with even greater concern.

There are many well meaning Americans, of course, who because their perception of reality may be dulled by humanitarian instincts or by seeming moral commitments, perhaps feel motivated to come to Washington or otherwise participate in the Vietnam moratorium scheduled for later this month.

The people of whom I speak are essentially good Americans, and I hope, therefore, that an appeal to reason will persuade them that participation in such demonstrations can hurt them and their country. I hope, in a word, that they will stay at home.

The issue of the Vietnam war is an extremely emotional one which has divided much of our society. There has been widespread uncertainty from the beginning over whether we should have gotten involved and whether we should stay. For this reason, the issue has become a prime target of exploitation for every Communist and leftwing extremist group in the country.

I believe that the many Americans who are deeply opposed to the war would be doing a great service to their country if they would heed the President's call for unity.

The President is acutely aware of the great disenchantment which many Americans feel for the war, and he realizes that a rapid withdrawal might be the politically expedient thing, at least for the moment.

But the President has forsaken political expediency in favor of a firm course of action calculated to extricate the United States from the war with honor. Disengagement under other than honorable terms can only project weakness on our part, thereby giving encouragement to Soviet and Chinese Communist leaders who are still bent on conquest by aggression and subversion.

The President has spoken courageously. He has articulated a positive plan for peace, and I believe that it can work if the American people will unite behind him. Partisan politics should not be a consideration.

Marching and waving placards in the streets will not aid the President in his difficult task, and new mass demonstrations of dissent will not hasten peace.

New demonstrations can only serve to encourage the enemy, feed his propaganda mills, and further weaken the bargaining position of the United States at the Paris peace talks, where the dialog could become more meaningful if the President were given the support he needs.

Many Americans may be unaware of the fact that North Vietnamese and National Liberation Front negotiators at Paris have repeatedly used the antiwar movement in this country to strengthen their own demands.

To be specific, on October 16, 1969, the day following the October moratorium, Madam Nguyen Thi Binh, a spokesman for the NLF, told negotiators at the Paris talks:

> The fact that the American people through their present struggle voice the same demands has eloquently testified to the correctness and the logical, reasonable, and realistic character of the 10-point overall solution advanced by the National Front for Liberation and the Provisional Revolutionary Government of South Vietnam.

Seven days later, on October 23, 1969, Xuan Thuy, the chief Hanoi negotiator in Paris, laid it even more clearly on the line when he noted:

> We are not alone in denouncing the Nixon administration's present scheme and actions, but the American people, including many people in the U.S. political circles, have also denounced it . . .
>
> The current struggle of the American people has a positive effect on the Paris conference on Vietnam since it demands that President Nixon renounce his policy of aggression in Vietnam, and immediately and totally withdraw U.S. troops. It contributes to removing the cause of the present deadlock of the conference.

Later that same day, the Vietnam News Agency in Hanoi issued the following report on the conference:

> Faced with the fact that world and American public opinion is strongly condemning the Nixon Administration for stubbornly pursuing its war of aggression in South Vietnam . . . and in face of the eloquent, clear and concrete denouncements by Minister Xuan Thuy and Minister Nguyen Thi Binh, U.S. chief delegate Henry Cabot Lodge showed embarassment and did not say anything.

The evidence is clear cut. Americans march in the streets, and the Communists carry the fact directly to the negotiating table where they are strengthened as a result.

Paris, however, is not the only place where the antiwar demonstrations are observed with approval and utilized against us. Much propaganda is reaped from them in the Peking and Hanoi press and by the NLF clandestine radio in South Vietnam.

In a domestic radio broadcast from Hanoi on October 20, the North Vietnamese referred in the following manner to the antiwar demonstrators:

> In their valiant and persevering struggle, the American progressives will certainly win glorious victories. Being hit from all directions, the Nixon clique will certainly be completely defeated in the aggressive war in Vietnam.

On the same day the NLF's Liberation Press Agency, in a clandestine transmission, described the participation of Americans in the antiwar movement as a "lofty revolutionary action" designed to crush U.S. "imperialism." The transmission continued as follows:

> The South Vietnamese people highly appreciate the American people's brave acts and their important contribution to Vietnam's struggle—

Note the words, "their important contribution to Vietnam's struggle"—

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> as well as to the strengthening of the lofty friendship between the peoples of the two countries. . . .
>
> Our fraternal salutation, from the trench against U.S. aggression, to our friends in the United States.

On October 22, 1969, the clandestine liberation radio of the NLF, in a broadcast to South Vietnam, declared:

> The American people's brilliant success of the 15 October movement is a source of strong encouragement to our troops and people.

Allow me to repeat for emphasis, Mr. President:

> The American people's brilliant success of the 15 October movement is a source of strong encouragement to our troops and people.

The statement is a clear and unmistakable handwriting on the wall, Mr. President. If the enemy, by his own admission, was strongly encouraged by the October moratorium, one can imagine how delighted he will be by the impending November demonstrations.

But that is not all that was said on the October 22 broadcast to which I refer. The NLF radio went on to cite the need for enemy involvement in the antiwar effort, as follows:

> We understand that our tasks involve . . . promptly and closely coordinating actions with the American people's anti-war movement to drive the U.S. aggressors into deadlock and embarassment . . .

Many persons planning to demonstrate in the November moratorium undoubtedly are indubitably well-intentioned. But there is a significant number who plan to participate in order to advance the insidious goals of communism and anarchy. These individuals include members of the lunatic fringe of the New Left as well as cunning, dedicated enemies of the United States whose ultimate goals are to subvert our citizenry, overthrow our Government, and establish a totalitarian society.

The great tragedy of the upcoming moratorium is that thousands of well-meaning Americans may allow themselves unwittingly to be manipulated into furthering these goals.

The great danger in the moratorium is that the radical elements may succeed in provoking violent confrontations that could lead to destruction of property and injury to citizens.

Anyone who thinks that a few trained agitators cannot incite a crowd of thousands to irrational behavior needs only to reflect on the many recent incidents of mob violence.

And anyone who honestly believes the November moratorium will be limited to a mere sincere outpouring of moral indignation by innocent young people devoid of ulterior motives is either uninformed or naive.

Those truly well-intentioned young people who are thinking of coming to Washington later his month to demonstrate should stop and ask themselves if they really want to take part in an action in which the Communist Party, U.S.A., has played and will play a significant planning role.

They should ask themselves whether they can, in good conscience, march beneath Vietcong flags carried by radicals for whom the war is only a shabby pretext and who have proclaimed loudly that their intention is to destroy our country.

What American who truly loves his country will want to march alongside Arnold Johnson, the public relations director for the Communist Party, U.S.A.?

Who will want to march with Irving Sarnoff, a former member of the district council, Southern California Communist Party, U.S.A., or with Sidney M. Peck, a university professor who served as State committeeman of the Wisconsin Communist Party, U.S.A.?

Yet, these are but three of the extreme leftists who actually have been working on the steering committee of the New Mobilization Committee To End the War in Vietnam—the chief organizing group for the November demonstrations.

Concerned Americans who think they should encourage or participate in the moratorium might benefit by a little insight into its origins. Excerpts from the October 21, 1969, Washington Report of the American Security Council are enlightening in this regard.

During the late spring of 1969, a group of approximately 30 radical leaders of antiwar organizations issued a call to a national antiwar conference to be held in Cleveland, Ohio, July 4–5, 1969. The call was initiated for the most part by individuals associated with the National Mobilization Committee To End the War in Vietnam—MOBE—an organization which has functioned as a coalition for numerous antiwar groups operating throughout the country.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a 3-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967, demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capital on January 18–20, 1969, in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland conference believed that a more extensive formation of MOBE was required in order to establish an effective antiwar program. According to the published call, the purpose of the conference was to "broaden and unify the antiwar forces in this country and to plan coordinated national antiwar actions for the fall."

The conference was attended by approximately 900 persons, many of whom were delegates from antiwar groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the conference, in addition to MOBE and the Cleveland Area Peace Action Council—CAPAC—were the Communist Party, U.S.A., W. E. B. DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating antiwar propaganda and to discrediting the U.S. Armed Forces.

A steering committee of about 20 to 30 members formed the ruling clique at the conference. In effect, the steering committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the steering committee with Communist backgrounds included the following: Arnold Johnson, public relations director and legislative representative of the Communist Party U.S.A.—CPUSA; Irving Sarnoff, who has served as a member of the district council Southern California CPUSA; Sidney M. Peck, a former State committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago branch, Women's International League for Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens—Sidney Okun—leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, steering committee member David Dellinger, MOBE chairman, declared in a May 1963 speech:

> I am a communist, but I am not the Soviet-type Communist.

There were a number of other individuals attending the conference, in addition to those previously identified, who have been closely linked wtih activities of the Communist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed chairman, Ohio CPUSA; Jay Schaffner, W. E. B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W. E. B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The conference was well represented by a number of functionaries of the Socialist Workers Party—SWP—and its youth arm. Young Socialist Alliance—YSA. At the outset of the conference, it became apparent that the majority of those in attendance were affiliated with numerous antiwar groups operating under the domination of the Trotskyist SWP or YSA.

The plenary session reconvened during the afternoon of July 5, 1969, at which time the steering committee introduced a "majority-minority" resolution for approval. The conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam-war action projects commencing during the month of August and terminating with the November 15, 1969, demonstration in Washington, D.C.

The conference claimed that it selected a "new, broadly-based" national steering committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the steering committee adopted a new name for the organization which was to be responsible for planning and directing the fall demonstrations. It was designated the New Mobilization Committee To End the War in Vietnam. However, in actuality, the MOBE-oriented steering committee composed of key MOBE officials, simply decided to drop the name national mobilization committee and substitute a new but similar title. Therefore, the new MOBE succeeded the "old" national MOBE with the leadership of the latter remaining virtually intact. The new MOBE has characterized itself as a "new antiwar coalition" which will "carry forward the work of the old natoinal mobilization committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy, and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared:

> The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen.

Mr. President, the grab bag of Communists and Socialists whom I have mentioned and who are mentioned in the American Security Council report, will probably seem mild by comparison with some of the radicals who may show up and foment disorder during the November moratorium.

If the "Weatherman" faction of SDS joins the moratorium, it is almost certain to mean trouble. Last month, Mark Rudd and a few hundred "Weathermen" went to Chicago and engaged in violent confrontations with police there.

These young revolutionaries went on a wild rampage which resulted in widespread damage to property of the citizens of Chicago. Three of the "Weathermen" were shot by police.

A group of women, led by "Weatherman's" Bernadine Dohrn, threatened to destroy an Army induction center. They gathered in a park, sang praises to Ho Chi Minh and Mao Tse-tung, and then charged into police ranks trying to kick the officers in the groins. Illinois Governor Ogilvie called up the National Guard and before it was over, police arrested more than 200 demonstrators.

If the extremists of the New Left can cause that much trouble in Chicago without a mob to exploit, imagine what they might do in a crowd of moratorium demonstrators, many of whom will be charged up emotionally over the war.

It would not take much to heat things up. A few bricks thrown by well-placed agitators could touch off violent mob action involving fights with police. Hundreds of innocent persons could be injured.

This is not wild speculation. It is a frightening possibility. Deliberate violence may seem reprehensible to most Americans; but, to the militant, quisling enemies of our country within our midst, it is a necessary tool in bringing about the ultimate destruction of our Republic.

The fact of the demonstrations alone is enough to make the Communists turn somersaults of joy in Paris, Peking, and Moscow. Violent incidents as a result of the demonstrations would be like icing on the cake of propaganda.

Some Americans may have rationalized that marching on the Nation's Capital will be a true act of patriotism. Quite to the contrary, it can only encourage the Communists and prolong the war which we all want to see brought to an honorable end. The most patriotic act which such citizens can perform during the November moratorium is to ignore it.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I am glad the Senator from West Virginia had an opportunity to make his speech. It is certainly one I am going to pursue and read with the greatest of interest.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes.

Mr. STENNIS. Mr. President, I have a brief statement to make now regarding the conference report on S. 2546, which is now the pending matter before the Senate, but before presenting this discussion and giving the results, I would like to make a few preliminary observations.

I can doubly assure the Senate that every aspect of this legislation, in the versions approved by both the Senate and the House, was thoroughly considered by the conferees. There were 10 separate meetings by the Senate-House conferees, and those meetings lasted in the neighborhood of 3 hours each time, except the last one, which was for a little finishing up and signing of the report.

In addition, the Senate conferees alone met four times to resolve various problems. Moreover, a separate group of Senate-House conferees met on one item, the Tow missile, and received additional testimony. Finally, the respective staffs of the two committees were in daily consultation on various aspects of this legislation.

Moreover Chairman RIVERS and I had many conferences in our offices and by telephone regarding plans for the meetings and consideration of points of difference.

Mr. President, there were 59 major items of difference between the Senate and House versions. The effort I have just described occurred over the period from October 6 to November 4. In substance, Mr. President, this legislation in conference was debated and considered with the same degree of thoroughness and conviction on both sides that the bill received on the Senate floor over the period of 7½ weeks of its consideration.

I am not given to undue praise of anyone, but the House conferees are able men, unusually well versed in their committee work. It is a pleasure to work with them.

Another point I would emphasize, Mr. President, is that Senate conferees worked equally hard for all provisions, both those that originated in the Senate committee and those which were adopted on the Senate floor. We considered that we represented the Senate as a whole and, as I shall indicate later, we obtained what I consider to be good results in having a large portion of the Senate amendments adopted as a part of the final bill.

SUMMARY OF ENTIRE BILL

In terms of total authorization, Mr. President, I would like to make the following comparisons.

The bill as finally agreed upon authorizes a total of $20.7 billion as compared to $21.3 billion as passed by the House and $19.98 billion as passed by the Senate. For procurement the bill authorizes $13.4 billion as compared to $13.9 billion as passed by the House and $12.8 billion as passed by the Senate. For Research and Development, test, and evaluation the bill authorizes $7.2 billion as compared to $7.4 billion in the House bill and $7.1 billion in the Senate bill. As an overall comparison, the final bill was $721 million more than the Senate version, but $637 million less than the House version contained.

Mr. President, I shall later have inserted in the RECORD complete charts setting forth the comparative fiscal data on the legislation.

DISCUSSION OF MAJOR ITEMS

Mr. President, I shall discuss the major items in conference, after which I shall attempt to answer any questions Senators may have. I would also point out that Conference Report 91-607 has been printed and contains all details on the final legislation.

ARMY AIRCRAFT PROCUREMENT

Cobra: The Senate accepted $86 million added by the House for 170 Army Cobra helicopters which are necessary for replacements in Vietnam. This request was not received in the Senate prior to the markup of the bill, and these additional helicopters are necessary because of the cancellation of the Cheyenne helicopter program.

I state, by way of further explanation, that that sum was readily agreed to by the Senate, because in the consideration of our version of the bill, we did not get to the proof with reference to the Cobra helicopters. We recognized all the time, and advised the Senate when the bill was being considered, that this would be necessary.

NAVY AIRCRAFT PROCUREMENT

A-7E: The Senate conferees acceded to the House in restoring $104 million for the procurement of 27 A-7E aircraft. The Senate had deleted this item and directed that the Navy obtain these aircraft from among those already purchased by the Air Force as a part of the action of the Senate in directing the purchase of F-4's for the Air Force rather than A-7's.

AIR FORCE AIRCRAFT PROCUREMENT

A-7D: As the Senate may recall, the committee deleted a request of $374.4 million for the procurement of A-7D aircraft for the Air Force and authorized these same funds for the procurement of F-4 aircraft. The House insisted these funds be utilized for the A-7 program and the Senate receded in its position.

At this point, Mr. President, I wish to make crystal clear on the part of the Senate conferees that in agreeing to the current A-7 request the Senate does not intend to go beyond the present three-wing program of A-7's and reserves a right of stopping short of even the three wings. I might add at this point that funds in this bill plus those already approved will purchase about half of the required planes for a three-wing program.

SOUTHEAST ASIA FIGHTER

Mr. President, as passed by the House the bill provided for $48 million in research and development and $4 million in long lead item for a so-called free world fighter. There were no funds in the Senate version of the bill. The conferees as a compromise agreed to a reduced sum with much more restrictive legislative language on this matter. I would emphasize the following. In substance, the bill now contains funds for the purpose of providing a simplified fighter aircraft for our allies in Southeast Asia in order that a more simple aircraft may be developed which will meet their own peculiar needs in terms of defense and at the same time be of a sufficiently simple design that they can maintain it with their own trained personnel. In this way, Mr. President, we should be able to assist in accelerating the withdrawal of American support troops from South Vietnam. In addition, there should be ultimate savings by making available to Southeast Asia a plane less expensive to build and cheaper to maintain.

The plain fact is that aircraft in the active United States inventory are too complicated for the South Vietnamese personnel to maintain. The specific language in the law provides as follows: That $28 million will be available out of the Air Force procurement authorization to initiate the procurement of such an aircraft, with the further proviso that the required research and development may be accomplished within this total sum.

Further, as a matter of law, the Air Force will be required to conduct a competition for this aircraft prior to the obligation of any funds. This competition will be based on the threat as evaluated and determined by the Secretary of Defense.

Mr. President, there is no new money in this bill for this aircraft. It merely permits the use of $28 million out of the general procurement funds available in the Air Force. Furthermore, this use does have to be approved by the Appropriations Committee. It would have to be appropriated specifically to be for this purpose.

Moreover, there is a complete, open competition regarding this matter, and that includes the fact that the Department of Defense would have the discretion to simplify or reduce the complex nature of the planes that we already have, and thereby obtain a more simple, less complicated plane for the countries in Southeast Asia. Of course, it can be said that this plane would be used beyond Southeast Asia. That is true, but it would have to be first authorized by the Committee on Foreign Relations, and then any planes that were bought appropriated for by the appropriations committee; and that would apply even though it came through our foreign military aid.

The Senate conferees were not really favorable to this project, in the beginning. We debated it at great length. I talked with Mr. Laird over the telephone several times about it. He wanted it as an open option, so he could proceed, if he saw fit, in this direction. I am not pledged, myself, as a member of the Appropriations Committee, to support this matter this year, or any year, in the committee; and I expect to learn more about it before I do. But I certainly have not said I would not support it under any circumstances, because I think it is worthy of further consideration.

Mr. President, I would emphasize that the $28 million is not an added item to the Air Force procurement authorization, but must be absorbed within the procurement account. I would add that this item has been fully supported by Secretary Laird in communications to both Committees.

ARMY MISSILE PROCUREMENT

Tow: The Tow missile was a matter of considerable interest, which was in the Senate bill, but the House deleted in its entirety the $142 million authorized for the procurement of the Tow antitank missile, which had been authorized by the Senate. The conferees agreed on $100 million for this item.

AIR FORCE MISSILE PROCUREMENT

Sram: The conferees agreed to the $20.4 million for the procurement of the short range attack missile Sram which was contained in the House version but deleted by the Senate. It appeared that the development problems have been sufficiently overcome to justify a line item for this weapon.

NAVY SHIPBUILDING AND CONVERSION

The House accepted the Senate version of the bill on Navy shipbuilding and conversion, but with the addition of $415 million in the authorization of ship construction and conversion. The items added are those established by the Navy in terms of its priorities and also represent in large part what we anticipate will be requested in next year's budget.

I should also add, Mr. President, that none of these items are expected to be funded for fiscal year 1970, and I shall read the list of the items included, but before I name them, in total, the House bill included $960 million for additional vessels or ships that were not in the budget and were not in the Senate bill. The House conferees were very insistent that that inclusion of the House of Representatives be included. That was one of the long discussed and debated parts of the conference.

We obtained a list of the ships, and found that certain of them, while requested by the Navy for fiscal year 1970, had been rejected by the Department of Defense. They are expected to be in the budget next year, fiscal year 1971; so agreement was finally reached that we would agree to $412 million of the $960 million that was in the bill, under the situation and facts and circumstances I have already enumerated. The Department of Defense said that they would not ask for appropriations for these items this year.

ARMY TRACKED COMBAT VEHICLE PROCUREMENT

MBT-70: $20 million was included in the Army's production base support procurement for the main battle tank—MBT-70. The Senate had provided $25.4 million for this; the House nothing.

Sheridan: $24.2 million was agreed upon for Army procurement of the Sheridan armored reconnaissance vehicle, which adds $9 million to the amount approved by the House.

Mr. President, I hope that in time the Senator from New Hampshire will make a statement regarding the research and development reductions in this bill, in connection with which he rendered such outstanding service. We did get accepted, in the settlement, the Fulbright amendment for reduction of $45 million in the research and development program.

I see that the Senator from Louisiana is present, and I shall be happy to yield to him, if he wishes, at this point.

Mr. ELLENDER. Mr. President, did I understand the Senator to say that in addition to the money provided by the Senate for shipbuiding, the conferees added more than $4 million for ships?

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Which ships are covered? There are no carriers?

Mr. STENNIS. There are no carriers. I will read the list of the ships and comment on the carriers.

The items involve the conversion of three guided missile frigates, instead of one, at an added cost of $41 million.

There was one in the Senate bill and one in the budget. However, the House bill had added two. We first agreed on a figure and also on this line of preferences.

I point out to the Senator from Louisiana that a big factor in the agreement was that these ships are headed for approval in the 1971 budget. It is really next year's program. They are not matters that were just picked up here and there that some individual wanted.

Mr. ELLENDER. Why not wait until next year to get the appropriation?

Mr. STENNIS. That is the position we took over and over again. We met 12 times. They were 3-hour meetings each time. These were not perfunctory affairs except the last one. We had a multitude of conferences of all kinds. This was the best agreement we could get.

There is not a dollar of money for this fiscal year, I am satisfied in my mind with respect to all of these matters, that would not have been approved next year because they are so much a part of the necessary building program.

Mr. ELLENDER. Did the House conferees accept the program outlined by the Senate with respect to shipbuilding?

Mr. STENNIS. The Senator is correct.

Mr. ELLENDER. Without exception?

Mr. STENNIS. That is correct. That was in their bill to start with.

I will read at least some of these. I have them listed in my statement.

There is the construction of eight destroyers, instead of five. That would provide an added cost of $157 million for the three extra destroyers.

There is provision for the advanced procurement of three nuclear frigates, instead of two, at an added cost of $32 million.

Next is the construction of a destroyer tender, not in the Senate bill, at an added cost of $82 million. That is part of that $960 million.

I call this to the attention of the Senator because he had asked about the carrier. As part of the $960 million in the House bill, they had $100 million for lead time items for the third carrier. There was a great deal of interest in the House on that matter. And the House conferees were quite insistent about it. As a matter of fact, it was the first item on the preference list. However, a promise had been made here by our committee during the debate that we would not bring in a recommendation for any funds for an additional carrier until this survey and special consideration of the matter had been had.

I could not see any honorable way in which we could consider yielding, although the House thought we were in error. In keeping with the promise we had made here, we did not agree to the additional carrier. We never did agree to it. However, we wanted to have a survey made. And in the end the House conferees agreed to join us on the survey. That amendment was agreed to.

Mr. ELLENDER. So that only two of the three authorized nuclear carriers will be constructed, and the other will be postponed until the survey is made.

Mr. STENNIS. The other one will have to be authorized. It is not in the bill.

Mr. ELLENDER. I thank the Senator.

Mr. STENNIS. Mr. President, as I have said, the Senator from New Hampshire will speak about the 11-percent cut in research and development. We had public debate here on a few of these items that I will mention in passing. The SAM-D missile item was compromised at $60 million. This is research and development.

The AWACS, for which the Air Force authorized $15 million and the House $40 million, was finally agreed to in the sum of $40 million.

On the Conus air defense intercepter, for which the House authorized $18.5 million and the Senate $2.5 million, the conferees agreed to the lower Senate figure.

There are other items that I will answer questions about, if desired. However, I will not delineate them now.

On the general provisions, the conferees agreed upon a modified version of the amendment authorizing a GAO study of defense profits. The modification makes it clear that the information required from a contractor's records will be that obtainable from the records he keeps in the normal course of business.

It also takes away the subpena power from the Comptroller General and contemplates that the House and Senate Committees on Armed Services would issue subpenas in necessary cases when requested.

That was a hotly contested item on the floor. It concerned the granting of subpena power and involved the changing of the nature of the GAO.

We strenuously urged the adoption of the Senate amendment because I thought the restrictions on the subpena power were adequate and had been properly phrased and took care of it all right. However, the House never did yield with reference to the subpena power on either one of these two items. And there was no way to get them to yield. But they did yield and agree to this modification that I have discussed.

On the financial disclosure amendment, the House receded from its objection to section 403 of the Senate bill with an amendment. This section contains the financial disclosure provisions for former military officers and civilians involved in defense procurement matters.

The House added a provision for a new Assistant Secretary—Assistant Secretary of Defense Health Affairs. That is a matter that they have added in several bills in recent years. We finally agreed to include that provision. I think that there is rather strong argument in favor of it and that the work can be centralized there.

At one time it was offered in such a way as to crowd out the Assistant Secretary on Systems Analysis. We never would agree to it in that form, because any Secretary of Defense is entitled to the very best personnel he can get. And it helps to give status in these matters of procurement and systems analysis evaluation.

We had a very complicated amendment considered on the Senate floor regarding independent research. The amendment was offered by the distinguished Senator from Wisconsin.

We finally agreed that the Senator would introduce a bill on that subject. The committee recommended a 20-percent reduction in funds. That passed the Senate in that form.

That amendment was very stoutly resisted by the conferees on the part of the House. Some rather complicated matters came up concerning it. However, after a most thorough consideration, we agreed that we would settle it with an amendment that would not disturb existing contracts and there would be an overall reduction of 7 percent in new contracts made for the rest of this year, the idea being that that is a temporary settlement of the matter and that we are getting into the field more explicitly, we hope to have better guidelines possibly by statute in the next year.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from Wisconsin. He is the author of the amendment to which I have just referred, and he did a great deal of fine work on it.

Mr. PROXMIRE. I want to say a number of things later, but first I want to say that I am very grateful to the Senator from Mississippi for the excellent job he did with regard to the amendments I introduced. I think he made a fine fight. I know it was not easy. I should like to ask him about this amendment.

Does the Senator agree that the effect of the amendment retained by the conference placed this practice of independent research—what I have in mind are loose rules and regulations—for the first time under the scrutiny and examination of both the Pentagon and Congress?

Mr. STENNIS. Yes. That is a correct statement. It will now have to be under the strict surveillance of the Pentagon, and this is a start whereby we can have legislative surveillance.

Mr. PROXMIRE. Is the effect of the amendment to limit the funds which the Pentagon allows to be written off by contractors for this purpose to 93 percent of the contemplated level of allowance for future contracts? In other words, there is at least a 7-percent cut in the amount which would otherwise be allowed in future contracts.

Mr. STENNIS. That is correct. The language appears a little odd, but that is the way it had to be drawn.

Mr. PROXMIRE. Does the Senator agree that this amount would be a cut of at least $40 million to $50 million over what it would otherwise have been and that it might in fact be more?

Mr. STENNIS. Yes, I think that is approximately correct. We found that there was no way to be accurate on that because of various conditions. I think I said at one time that it would run from $30 million to $40 million to $50 million, but I think $40 million to $50 million is more nearly accurate.

Mr. PROXMIRE. I understood the Senator to say that this is a beginning. As I understand it, the Senator intends to hold hearings on this question and his committee intends to go into it in considerable detail.

Mr. STENNIS. That is exactly what we propose to do. It must be evaluated; it must be understood. I think it must be regulated somewhat, although I am impressed with the need for some operation in this field.

Mr. PROXMIRE. Would the Senator not also agree that the effect of the amendment is to give a clear notice to the procurement officials in the Defense Department that some past practices appear to those of us who have examined them to be questionable, indeed, and that

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there needs to be a tightening of the regulations and controls under which this procedure has been practiced?

For example, my office was unable to find out from the Department of Defense or to find in the armed services procurement regulations any clear definitions or regulations which involved funds in excess of a half billion dollars a year.

Is this amendment not a clear notice to the procurement officials and to the Comptroller of the Pentagon that this entire area must be re-examined, tightened, and brought under control?

Mr. STENNIS. That is what we intend to do. We are going to follow that up by letter. No corruption or anything like that was found there.

Mr. PROXMIRE. I agree.

Mr. STENNIS. It was the inadequacy of the system and an application of that system. It is just intolerable, as I see it. It is an important field, however.

The committee will not bring in a recommendation again until we get a better system and a better understanding. That would be my position.

Mr. PROXMIRE. I should like to ask the Senator another question about this item and about the dollar amounts involved.

In the original amendment, it was considered that under the authorization some $585 million originally would have been available for the independent research and development. We cut that by 20 percent, or one-fifth; and, as the report points out, the language "was intended to provide a reduction of approximately 20 percent in the funds which would otherwise be expended for this purpose during fiscal 1970."

The effect was to limit the total to $468 million, or 20 percent of $585 million.

The effect of the new amendment is to make a 7-percent cut, rather than a 20-percent cut.

By my calculations, this would be $40.95 million, and would limit independent research and development expenditures to approximately $544 million for next year. Is that not correct?

Mr. STENNIS. I think that is approximately correct. That is the best we could get at this time, with the lack of a system, and they do not know the extent of these contracts as yet. We could not be exact. The estimates on it went up. The gross estimates on the amount that could be involved went up.

Mr. PROXMIRE. I have some additional questions, but I will defer those, if the Senator wishes, while other Senators who are members of the committee speak. I will do whatever the Senator desires. I want to accommodate him.

Mr. STENNIS. I thank the Senator. The Senator from New Hampshire is versed in this matter, as are others. This matter was handled, however, as an amendment on the floor of the Senate, and I think we all are familiar with it.

Does the Senator have further questions on this matter?

Mr. PROXMIRE. Not on this matter. I have questions on other matters.

Mr. STENNIS. I would rather finish now. I thank the Senator.

Mr. President (Mr. Spong in the chair), certain settlements were made on the matter of the support of the Southeast Asia forces. There was no ceiling on that in the House bill, and they finally agreed to the $2.5 billion figure contained in the Senate version; but the House would not agree to the amendment that was offered by the Senator from Kentucky (Mr. Cooper) and which was voted for by all of us. The question there was as to the meaning of the language, and that was in contest on the floor of the Senate. I have not had a chance to discuss this matter with the Senator from Kentucky, but I shall do so. I see him in the Chamber, and I am glad that he is present.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. I do not intend to discuss the conference action on the amendment at great length at this time, but I should like to ask the Senator some questions.

Mr. STENNIS. I yield to the Senator for such questions as he may have.

Mr. COOPER. I understood the Senator to say that disagreement in the conference arose over the meaning or the intention of the language. Would the Senator speak in more detail of disagreement.

Mr. STENNIS. As I recall, the question was whether it put a limitation on all the funds of the Department of Defense, or whether it was just on this $2.5 billion.

With great deference to the Senator, I thought his language applied only to the $2.5 billion, and the contention of the Senator from Kentucky was that it applied to all the funds appropriated for the Department of Defense. It is a very broad and a very far-reaching question, and we just could not make any headway with the House on that question. It pertains to war, some possible extension of the war.

Mr. COOPER. To try to secure as precise an answer as I can, I ask this question: Was the discussion in the conference, and particularly the objection of the House conferees, directed to the question, which we debated at great length on the floor of the Senate, that is—to whether the amendment I offered applied only to the $2.5 billion which was authorized in the bill? That is an arguable question, and we debated it at some length. But the more substantive question, and the chief question, is this: Was there argument in the conference—did the question arise, as to whether funds should be appropriated for combat use of our troops in support of local force in a war in Laos?

That is the chief and substantive question, and that was my point.

Mr. STENNIS. This matter came up many times during the conference. The amendment had two phases: one was the ceiling and the other was the Senator's limitation. I recall that it was discussed from virtually every angle. I recall speaking with Representative Rivers about it in one of our conferences on the items that were not agreed to. I also recall the discussions in the conference about settling this broad question through an amendment in this way—that we had not had hearings. I think that was the main point. The main point on which the House objected was the lack of hearings in such a far-reaching policy question, without a delineation of the various parts, and so forth.

Mr. President, that was the overall reason that the House did not accept the amendment.

Mr. COOPER. I assumed that would be the reason.

Mr. STENNIS. Yes.

Mr. COOPER. I would like to discuss this matter for a few minutes.

Mr. STENNIS. Certainly. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from Mississippi was kind enough to call me several times after the conference. I was not in Washington. I was in Kentucky. He told me that he wanted to discuss with me the action of the conference on the amendment. I appreciate his consideration very much.

Mr. STENNIS. The Senator is certainly entitled to that consideration. I wanted him to be informed, and I wanted him to be here when we took up the report, and it was only after we knew he would be here that we went ahead.

Mr. COOPER. The Senator is not only courteous but also very fair. I appreciate his consideration very much.

The information offered publicly to the country since August 12, when I first offered the amendment, gives more importance to the amendment. Before August 12, after I had studied the bill and had noted that in title IV the language which authorized funds for the use of U.S. troops in assistance of local forces in Laos and Thailand, two questions arose in my mind because of the language. The first question was a constitutional question, and that is always arguable, as to whether the President, and I spoke of the Office, has the right to use combat troops in another country without the approval of Congress. I had thought that was a pertinent question because the Senate recently agreed to a national commitment resolution, which was supported by all Members except seven. I remember that the Senator from Mississippi spoke in support of the resolution.

The more substantive and immediate question was whether the United States would, by use of its combat forces, move into a new war in Laos and Thailand. At the time I did not have any absolute information as to what the United States was doing in Laos. There were rumors, but I must say I had no firm information. Since that time a series of articles has been published in the New York Times going into some detail about the involvement of the United States in Laos. In addition, the Senator from Missouri (Mr. Symington) has been very ably conducting a series of hearings on our foreign commitments. I shall not comment on what has been happening in that committee. Although I am a member of the committee, the hearings have been secret and I do not intend to comment upon any information that has been developed in the hearings. I shall follow the chairman, Senator Symington.

I must say I rely chiefly on the articles from the New York Times. Also I rely upon the statements which Secretary of

State Rogers has made to the press. If he is correctly reported, he said he thought Members of Congress or some Members know about the U.S. involvement.

I know that our activities in Laos are related to our operations in the war in Vietnam. For example, if we bomb the Ho Chi Minh Trail from bases in Thailand that is an operation supporting our forces in Vietnam. It is to deny the movement of supplies and forces down the Ho Chi Minh Trail.

In the debate on August 12 and on September 17, I did not question the right of the President, as Commander in Chief, to conduct activities in Laos which are directly related to the war in Vietnam; but I did question then and I question today the authority of the President—and again, I am not directing my remarks to President Nixon but to the Office of President—because if these activities have been occurring, they have been occurring under the Presidents and they were initiated, according to the newspapers, during the administration of President Kennedy. The activities increased under the administration of President Johnson.

If the newspapers are correct, the activities have been carried on under the administration of President Nixon.

The point I make is that no President ever declared to the American people or to Congress that the United States was assisting in combat activities in support of local forces in Laos. The forces of Laos are engaged in a civil war in Laos. The Pathet Lao are engaged and have been engaged for years in an attempt to strike down the established Government of Laos. The Pathet Lao has been assisted by the North Vietnamese forces, and, I assume, by Chinese work battalions.

The circumstances under which these activities began as in Vietnam were in a framework in which the United States was concerned about the Communist takeover of Southeast Asia. There was great concern about this possibility which many people do not remember today.

But the point I made when I offered the amendment, and the point I try to make now is that no President as Commander in Chief, has ever announced to the American people that he is using what he might consider to be his constitutional powers and that we were in combat activities in support of local forces in Laos. Certainly, Congress has never been informed or approved such actions.

We can agree to resolutions until doomsday and they will have their moral effect upon the President or upon Congress or upon the American people, but all such methods other than the certain constitutional method we might use—and the Senator from Mississippi knows this well because he is a great lawyer—are doubtful.

There is only one method which is certain and that is the prohibition of appropriations. That was the purpose of my amendment: To deny appropriations to carry on the use of American combat troops to support local forces in Laos or Thailand.

I remember the Senator argued, and I think it was arguable, from a technical viewpoint, that my amendment did not accomplish its purpose, that the Senator considered it went only to the $2.5 billion that was authorized. That might be true. I considered this possibility, but I thought the meaning was perfectly clear to everyone.

It was my intent that the amendment should bar use of any funds in any bill for the use of our combat troops in support of local forces in Laos or Thailand. The bill passed 86 to 0. The Secretary of Defense Laird sent a letter which was placed in the RECORD, saying my amendment would not accomplish my purpose, but everyone knew what its purpose was. Those who were there and heard the debate knew its purpose was to keep the United States out of another war in Laos. The only certain constitutional method to accomplish the purpose was and is the prohibition of funds.

I do not know how many other bills will be coming up which will carry funds for use of air combat forces in support of local forces in Laos or Thailand. I understand there are two. Is that correct?

Mr. STENNIS. Yes. Two.

Mr. COOPER. The military construction and the appropriation bill. I will offer the amendment again to close the door in every way that I can. I want to notify the Senator. It will direct the Senate to the issue we must determine whether we will, without the authority of Congress, become involved in other wars. If it is important for the security point of view, and Congress decides to give its authority, at least we will know where we stand. I do not believe it is essential to U.S. security. I will offer the amendment again.

Mr. STENNIS. I thank the Senator from Kentucky. I appreciate his remarks.

Mr. President, I have almost completed my speech now. Remarks on chemical and biological warfare will be made by the distinguished Senator from New Hampshire (Mr. MCINTYRE).

RESEARCH AND DEVELOPMENT

An 11-percent cut: Mr. President, in summary terms the bill provides for a reduction of 11 percent in research and development funds in the budget request as compared to an average of about 12 percent in the Senate version and 10 percent in the House version. In addition, Mr. President, I wish to emphasize that the military science budget activity was reduced in a manner which will give complete effect to the total reduction of some $45 million adopted on the Senate floor relating to the Federal research centers, behavioral sciences, and certain other activities.

SPECIFIC RESEARCH AND DEVELOPMENT ITEMS

Mr. President, I shall not attempt to enumerate all of the items which were adjusted in the research and development program other than to mention certain of the principal ones.

First. The Sam-D missile for which the Senate bill authorized no funds and the House $75 million was compromised at 60 percent.

Second. The AWACS for which the Senate authorized $15 million and the House $40 million was finally agreed to in the sum of the House figure of $40 million.

Third. On the CONUS Air Defense Interceptor for which the House authorized $18.5 million and the Senate $2.5 million the conferees agreed to the lower Senate figure.

Mr. President, in view of the fact that a number of other adjustments are fully set forth in the conference report and statement of managers I shall not recite these in detail.

GENERAL PROVISIONS

Turning now to the general provisions, Mr. President, I would like to discuss these items in their final form as they emerged from the conference.

PROFITABILITY STUDY

The conferees agreed upon a modified version of the amendment authorizing a GAO study of defense profits. The modification makes it clear that the information required from a contractor's records will be that obtainable from the records which he normally keeps in the normal course of business. It also takes away the subpena power from the Comptroller General and contemplates that the House and Senate Committees on Armed Services would issue subpenas in proper and necessary cases when requested.

FINANCIAL DISCLOSURE

The House receded from its objection to section 403 of the Senate bill with an amendment. This section contains the financial disclosure provision for former military officers and civilians involved in defense procurement matters. The amendment of the House would substitute new language for section 403 of the Senate bill as suggested by the Department of Defense in its reclama letter of October 6, 1969.

NEW ASSISTANT SECRETARY FOR HEALTH AFFAIRS

The Senate agreed to a House provision providing for a new Assistant Secretary of Defense for Health Affairs with the added proviso that the number of Assistant Secretaries would be increased from seven to eight. This provision which was also contained in last year's procurement bill, but rejected by the Senate, was strongly insisted upon by the House.

INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. President, as the Senate may recall, the House version contained no language in its bill on the business of independent research and development. The Senate version contained a section limiting this activity to $468 million for fiscal year 1970, representing a 20-percent reduction in this program. A compromise was adopted by the conference under which for new contracts incurred after the effective date of this act the Department of Defense is directed to restrict the funds available for this activity to 93 percent of what they would normally contemplate for this use. This restriction applies only to the funds authorized in this legislation. Both committees agreed that this matter will receive thorough hearings next year.

Mr. President, I would like to observe that the activity of independent research and development needs much better supervision and management on the part

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of the Department of Defense based on the limited attention we were able to extend to it this session. At one point the Senate Committee was advised that about $580 million would be expended out of the authorized funds for fiscal year 1970. The House Committee some weeks later was advised that about $702 million might be expended for this general purpose. The simple truth is I do not believe the Department knows how much money will be spent in the general area of independent research and development, bid and proposal, and other technical effort. While I am sure there is much good work accomplished under these programs, it is at the present time beyond the decisionmaking process in the Congress in terms of the budget. The Congress therefore has no means of evaluating or controlling these large sums to any precise degree.

It would appear that the only means of bringing this matter under any control would be to have it as a line item in the budget in order that it can be presented and justified in the normal way. I point this out in order for the Department of Defense to be on notice with respect to the intention of the committee of having detailed hearings and bringing about some change in the way this matter is presently being handled.

SUPPORT FOR SOUTHEAST ASIA FORCES

Mr. President, the limitation of $2.5 billion contained in the Senate version of section 401 was retained by the conferees. The added language regarding the use of these funds for the support of local forces in Laos and Thailand was rejected by the House conferees because of its ambiguity. As the Senate may recall, this latter item was Senator COOPER's floor amendment, which was adopted.

NUCLEAR CARRIER STUDY

The House version contained no provision similar to the Senate version requiring a study for the CVAN-70 prior to any authorization. As finally adopted there will be a joint study by both the committees prior to the authorization of any additional carrier.

EXPANSION OF AUTHORIZATION AUTHORITY

The House version would have extended the requirement for authorization legislation prior to appropriations to "all other vehicles, weapons and ammunition." This matter was compromised by the adoption of language limiting this expansion to other weapons with this term being limited principally to artillery, rifles, small weapons, and the like, as defined specifically in the statement of managers.

TROOP STRENGTH CEILING

The conferees adopted the House version on the active duty ceiling which provides that after July 1, 1970, not more than 3,285,000 personnel may be on active duty in the Armed Forces unless a Presidential exception is made.

CHEMICAL AND BIOLOGICAL WARFARE

Mr. President, the conferees agreed to what might be considered a compromise in both the House and Senate versions of this matter. Senator MCINTYRE will explain this matter fully, but I would point out that the new language requires the following:

First, that Congress be kept informed of all expenditures relating to chemical and biological warfare.

Second, that the program, including testing and transportation, be conducted in a manner consistent with a due regard for public health and safety.

Third, that the program be conducted in a manner which respects the sovereign independence of other nations and U.S. obligations under international law. In addition, it prohibits procurement of systems specifically designed for disseminating lethal chemical and biological agents except with the approval of the President. The bill underscores congressional determination to keep this program under firm control by directing $10.5 million reduction in the program's research and development funds.

GAO AUDIT AND REPORT LANGUAGE

Mr. President, I regret to say that the House was adamant in its refusal to adopt the Senate provision requiring quarterly reports by the General Accounting Office of major defense contractors. This amendment, as we know, was offered by Senator SCHWEIKER. The House felt, however, that except for the subpena power, existing procedures allowing this type of reporting, the section was not justified.

PROVISIONS IN THE HOUSE BILL NOT ADOPTED BY CONFEREES

Mr. President, in order that there may be a record on the cooperation between the two groups I would like to point out the provisions contained in the House version which were dropped altogether by the conferees: Language requiring the mandatory procurement and storage of supplies for Reserves; a Deputy Assistant Secretary of Defense for Dental Affairs; lieutenant general rank for the Chief of the National Guard Bureau and Chiefs of the Army Reserve and Air Force Reserve; language requiring a travel allowance for overseas travel for military dependents attending college; a special provision regarding retired pay; special language requiring destroyer construction in at least three shipyards, and language which would have required reporting to the Senate and House and a 60-day waiting period for all research and development contracts with colleges and universities.

I cite the foregoing, Mr. President, to indicate the fact that although the Senate did not retain all of its provisions the House likewise did not prevail in many of the items adopted by that body.

There being no objection, the fiscal data charts were ordered to be printed in the RECORD, as follows:

SUMMARY OF ENTIRE BILL PROCUREMENT

[In thousands of dollars]

	Conferees agree on	Authorized, fiscal year 1969	Appropriated, fiscal year 1969	Authorization requested fiscal year 1970		As passed by the Senate	As reported by House committee
				Jan. 14, 1969	Apr. 15, 1969		
Aircraft:							
Army	$570,400	[1]$735,447	$735,247	$941,500	$941,500	$484,400	$570,400
Navy and Marine Corps	2,391,200	2,406,988	2,311,284	2,568,900	[1] 2,409,200	2,287,200	2,391,200
Air Force	3,965,700	5,212,000	4,460,000	4,406,000	[2] 4,100,200	3,965,700	4,002,200
Missiles:							
Army	880,460	956,140	908,040	1,347,660	957,660	922,500	780,460
Navy	851,300	848,122	673,016	865,100	851,300	851,300	851,300
Marine Corps	20,100	13,500	13,500	20,100	20,100	20,100	20,100
Air Force	1,486,400	1,768,000	1,720,200	1,794,000	1,486,400	1,466,000	1,486,400
Naval vessels: Navy	2,983,200	1,581,500	820,700	2,698,300	2,631,400	2,568,200	3,591,500
Tracked combat vehicles:							
Army	228,000	299,426	286,626	298,300	305,800	276,900	195,200
Marine Corps	37,700	10,800	10,800	37,700	37,700	37,700	37,700
Total procurement	13,414,460	13,832,013	11,939,613	14,977,560	13,741,260	12,880,000	13,926,460
RESEARCH, DEVELOPMENT, TEST AND EVALUATION							
Army	1,646,055	1,611,900	1,522,665	1,822,500	1,849,500	[3] 1,626,707	1,664,500
Navy (including Marine Corps)	1,968,235	2,205,741	2,141,339	2,207,100	2,211,500	1,911,343	1,990,500
Air Force	3,156,552	3,438,594	3,364,724	3,594,300	3,561,200	3,041,211	3,241,200
Defense agencies	450,200	487,522	472,600	500,200	500,200	454,625	450,200
Emergency fund	75,000	50,000	50,000	50,000	100,000	75,000	75,000
Total, research and development	7,296,042	7,793,737	7,551,328	8,174,100	8,222,400	[3] 7,108,886	7,421,400
Grand total	[3] 20,710,502	21,625,750	19,490,941	23,151,660	21,963,660	[3] 19,988,886	21,347,860

[1] Of the amount requested for authorization, $25,000,000 is to be derived by transfer from stock funds.

[2] Of the amount requested for authorization, $325,000,000 is to be derived by transfer from stock funds.

[3] In addition to these amounts this bill authorizes $12,700,000 for construction of facilities at Kwajalein.

FISCAL DATA	
Requested by Secretary Clifford	$23,151,660,000
Agreed to in conference	20,710,502,000
Less than amount requested by DOD, Jan. 14, 1969	2,441,158,000
Requested by Secretary Laird, Apr. 15, 1969	21,963,660,000
Agreed to in conference	20,710,502,000
Less than amount requested by Secretary Laird	1,253,158,000
Approved by House	21,347,860,000
Agreed to in conference	20,710,502,000
Less than House bill	637,358,000
Approved by conference	20,710,502,000
Approved by Senate	19,988,886,000
More than Senate bill	721,616,000
PROCUREMENT	
Approved by House	13,926,460,000
Approved by conference	13,414,460,000
Less than House bill	512,000,000
Approved by conference	13,414,460,000
Approved by Senate	12,880,000,000
More than Senate bill	534,460,000
Requested by Secretary Laird, Apr. 15, 1969	13,741,260,000
Approved by conference	13,414,460,000
Less than requested by DOD	326,800,000
RESEARCH AND DEVELOPMENT	
Requested by Secretary Laird, Apr. 15, 1969	8,222,400,000
Approved by conference	7,296,042,000
Less than amount requested by DOD	926,358,000
Approved by House	7,421,400,000
Approved by conference	7,296,042,000
Less than House bill	125,358,000
Approved by conference	7,296,042,000
Approved by Senate	7,108,886,000
More than Senate bill	187,156,000

Mr. STENNIS. Mr. President, at this point I want especially to acknowledge the diligence and the efforts put forth on the part of the Senate conferees on this complicated and far-reaching matter.

All of the Senate's representatives—Senators RUSSELL, SYMINGTON, JACKSON, CANNON, MCINTYRE, Mrs. SMITH of Maine, THURMOND, TOWER, and DOMINICK—represented the Senate in the highest meaning of the word and in the best tradition of the Senate.

Especially, I thank the Senator from Maine (Mrs. SMITH), the ranking Republican member, for her hard work and the special support she extended to me.

Mr. President, I do not want to hold the floor indefinitely. I yield at this point to the Senator from Maine (Mrs. SMITH) for her remarks.

Mrs. SMITH of Maine. Mr. President, I want to thank the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), for yielding to me.

As the ranking minority member of the Committee on Armed Services, I fully support the conference report on this military procurement legislation. I commend the able, distinguished, and dedicated chairman of the committee especially for his diligence and his patience throughout the conference.

The conferees were most pleasant to work with.

It was a long conference, but I think a very worthwhile one. I found it a real privilege to be one of the conferees to serve on the part of the Senate.

Mr. President, after the heated controversy over this legislation, I am amazed that the House of Representatives approved the conference report without a word said against it and by a voice vote.

I do not understand how those who voiced vigorous opposition to this legislation in the House of Representatives suddenly became silent.

While I am supporting the conference report in the Senate, I certainly hope that there is greater debate here in the Senate on the conference report and that the voices of the critics of the Department of Defense will not be stilled and remain silent but, instead, that we can have the benefit of greater debate in the Senate on the conference report.

Mr. President, I shall not attempt to discuss the details of the final bill which the Senator from Mississippi as chairman has so ably and fully outlined in his statement.

I would, however, like to note a few general observations.

First, as the Senate knows, this particular bill has probably been the most thoroughly debated item of legislation which has been considered by the Senate in recent years.

The final product, I believe, represents a good bill and is proof of the validity of the legislative process.

As a whole, this bill will provide, I think, sufficient authorization for the Department of Defense to meet the defense needs for fiscal year 1970.

Despite all the differences and views within Congress, we all recognize that an adequate military posture is essential to this country in these uncertain times.

The one aspect of the bill on which I would make special comment is the reductions in research and development which approximate 11 percent for the entire Department of Defense, with the final figure being $7,296,042,000. While any program can be subject to savings, it is my view that the reduction is probably too great in this area. Without a strong research program obsolescence in weaponry is assured in relatively few years. This is a danger against which we must guard. I am confident, however, that next year when these programs are reexamined that possibly when detailed information is received from Defense, greater support will be generated within the Congress.

I would observe, Mr. President, that one of the difficulties in the R. & D. program is the labels used for the programs—such terms as behavioral sciences, sociological programs, and the like. I do not think the Department of Defense has done its best job in categorizing these programs. At the same time I do not think the Congress should condemn them solely because of the names that have been given. All issues should be considered on the merits and great caution should be exercised both in committee and on the floor of the Senate before making drastic cuts. I hasten to add that I intend no criticism of the views which individual Senators may have on this subject, however.

In conclusion, Mr. President, this bill which contains a final authorization of $20.7 billion, as compared to $21.3 billion as passed by the House and $19.9 billion as passed by the Senate, represents a fair compromise between the two bills and is a strong bill.

I urge adoption of the conference report by the Senate.

Mr. STENNIS. Mr. President, I certainly thank the distinguished Senator from Maine for her comments and for the substance of what she had to say.

Mr. President, I ask unanimous consent that I may now yield to the Senator from New Hampshire (Mr. MCINTYRE), a very valuable member of the conferees, who did some special work in a special field, as well as general work which he did as well.

Mr. MCINTYRE. Mr. President, I thank my distinguished chairman for yielding to me at this time.

Before I go into a little bit of detail, Mr. President, as to the research and development end of this authorization bill, let me say to the Senate that this was my first conference as a member of the Armed Services Committee. The conference was chaired by the Senator from Mississippi (Mr. STENNIS). From my experience and observation, he kept matters moving. His fair and objective manner was of paramount importance in many difficult sessions.

No man could have fought any harder to retain the commitments he made to the Senate and to bring through the amendments approved earlier this year on the Senate floor than the Senator from Mississippi (Mr. STENNIS).

Mr. President, as a New Englander I found his patience almost beyond belief. Truly, his was outstanding and really brilliant leadership during the course of the conference, similar to that we all know during the course of action on the bill earlier on the Senate floor.

Mr. President, let me highlight some of the things that we went to conference with, and what we accomplished.

As a member of the Research and Development Subcommittee the field of military science completely baffled me as we began to look into it. It seemed to permeate all through the budget being offered by the Department of Defense. Various services seem to have different ways of spending the money.

To the best of my ability, I believe that the total amount the Department of Defense asked for in military science was something in the vicinity of $600 million.

This money, as the Senator knows, was to be spent for the Federal contract research centers, some of it spent in house, and some in conjunction with mass university programs, like the Themis program that the Senator from Arkansas (Mr. FULBRIGHT) is so interested in. The Senate's recommendation was a cut in the vicinity of $90 million. We more than sustained that, with an overall cut of $94.9 million in this field. This represents a cut of some 15 percent.

I believe it is notice to the Defense Department and those agencies concerned with military science that information on this work must be clarified, so that members of the Armed Services Committee of the Senate, and the House, too, for that matter, can get a grip on it.

In another area of importance—chemical and biological warfare—the Senate proposed a cut of some $16 million directed at offensive research and development. We had to recede from this cut specifically directed at offensive research and development on lethal chemicals and biologicals to an eventual cut of $10.5 million to be applied generally to research and development in this area. This cut of $10.5 million represented a 12-percent reduction in the funds requested in the budget.

One of the most complicated parts of the conference was the amendment passed in the Senate by an overwhelming vote of 90 to 0 to exercise some influence, some control, and bring some understanding into a field—our chemical and biological weapons program—that had been in the past swept under the rug.

Mr. President, I would like to say a few words at this time in explanation of the CBW restrictions which were approved by the conferees.

While these restrictions are somewhat less than those approved originally by the Senate alone, they preserve the essential elements of the Senate package, several of which were not present at all in the bill passed originally by the House.

They may not be ideal, but they constitute an important first step in the assertion of congressional control over our CBW program. They should give us an excellent base on which to build over the coming year.

Several of these restrictions were approved independently by both the Senate and the House. Included in this category are provisions calling for:

First. A full and complete semiannual report by the Secretary of Defense to the Congress setting forth in detail the total CBW research, development, test, evaluation, and procurement programs.

Second. Advance notice to foreign nations before the deployment of CBW agents or delivery systems specifically designed to disseminate such agents on their soil.

Third. A review by the Secretary of State to insure that CBW activities conducted by the United States abroad are consistent with international law.

Also included in the conference-approved package are restrictions covering the transportation and open-air testing of lethal chemical agents and all biological agents. Both the Senate and the House bills contained provisions regulating these two activities. The restrictions in the two bills differed so significantly, however, that a short explanation both of these differences and of the restrictions approved by the conference is in order at this time.

The House bill gave to the Secretary of Health, Education, and Welfare a purely advisory role. He could review any proposed transportation and open-air testing and make recommendations regarding it, but the Secretary of Defense was free to act upon these recommendations or disregard them as he saw fit. And notification of any such activities was to be made only to the Armed Services Committees of both Houses and only 10 days in advance of the activities themselves.

The Senate bill, on the other hand, gave to the Surgeon General of the Public Health Service the power to stop any proposed transportation or testing which he found to be unsafe. And notification of these activities was to be made 30 days in advance to a number of congressional committees and to the Governors of any State through which agents might be transported.

I believe that the conference-approved restrictions in this area preserve the essentials of the Senate version. In the future the Surgeon General will be empowered to review transportation and testing activities proposed by the Department of Defense and to determine what measures must be taken by the Department in conjunction with these activities to protect the public health and safety. In most instances, the Surgeon General's determination will be binding on the Secretary of Defense. Only if the effect of the Surgeon General's determination is to prevent entirely the proposed transportation or open-air testing will the Department of Defense have any other recourse. In that event, and only in that event, will he be able to request the President to make a determination that the transportation or testing in question is required by overriding considerations of national security notwithstanding the dangers to the public health and safety. Notification of proposed activities will be provided under the conference-approved language to the President of the Senate and the Speaker of the House and to the Governors of States through which agents are to be transported. Reports received by the President of the Senate can be obtained by Senate Members with an interest in reviewing them.

Also included in the conference-approved package is a restriction prohibiting the further procurement of delivery systems specifically designed to disseminate lethal chemical and all biological warfare agents and also delivery system parts and components specifically designed for such purpose. This restriction is a modification of a provision in the original Senate bill, no counterpart to which appeared in the House bill. It differs from the original Senate provision in two respects: First, it prohibits such procurement only during fiscal year 1970. Second, it can be suspended by the President upon his certification to the Congress that such suspension is necessary to the safety and security of the United States.

As I said earlier, these restrictions are an important first step and an excellent base on which we can now build.

Hearings will be held in the near future to review in detail every facet of our CBW program and to determine what additional steps must be taken in this area.

I hasten to add that there seem to be two differences between the CBW restrictions, which appeared in the RECORD text of the conference report passed by the House yesterday and the CBW restrictions which were actually agreed to by the conferees. I would like to call attention to these differences at this time.

The first is found in section 409(b), subsections (2) and (3). In both of these subsections the conferees adopted language which called for a "determination" by the Surgeon General. By action of legislative counsel, this call for a "determination" was replaced by a call for a "recommendation."

In talking this morning with the legislative council of the Senate, who participated in this change, I was told that there is no difference in the legal effect.

In the total context of section 409(b) I agree that this is the case. Nonetheless, I still feel that the word "recommend" has a weaker connotation than the word "determine," and I regard the change as unfortunate. It was clearly the sense of the conferees, when section 409(b) was passed and agreed to, that the Surgeon General would be in a position to make determinations; and not just recommendations that could be brushed aside; that the Secretary of Defense would be bound by determinations of the Surgeon General unless he got a Presidential determination that overriding considerations of national security required a specific instance of transportation or testing notwithstanding the danger to the public and safety.

I feel that this intent of the conferees is preserved in the changed version, but I want to underscore that intent at this time.

In subsection (f) of section 409 there is another change from the conference language, a change that is somewhat difficult to explain, but which can be made clear linguistically by comparing the language passed by the House with that agreed to by the conferees.

The House language yesterday reads as follows:

> None of the funds authorized to be appropriated by this act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

The language agreed upon by the conferees was as follows:

> None of the funds authorized to be appropriated by this act may be used for the procurement of any delivery system specifically designated to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any delivery system part or component specifically designed for such purpose unless the President shall certify to the Congress that such procurement is es-

sential to the safety and security of the United States.

The difference here, Mr. President, is in the phrases on parts and components. It was the intent of the Senate conferees, by using the agreed-to language, to put a moratorium on the procurement of such items as the poison bullets recently referred to in the New York Times. Since the guns from which they are fired are not specifically designed to disseminate CBW agents, these bullets might not be covered under the changed language. I regret very much that this change also was made, but there is nothing, apparently, that I can do at this time except to make this brief explanation of the clear intent of the conferees.

Moving on quickly to a few remaining matters: The House had an unspecified overall R. & D. cut in their bill, which Chairman RIVERS had said many times would amount to some 10 percent. However, due to some of the additions made in the closing days of House hearings, and on the floor of the House, that unspecified cut really dropped to somewhere between 9.5 and 9.8 percent.

The Senate made across-the-board cuts on R. & D. amounting to 12.5 percent. It was therefore agreed, in conference, that we would go to the figure of 11 percent, and compromise at that point.

Mr. President, the efforts of the R. & D. subcommittee of the Senate to scrutinize various systems and projects, to seek out areas of duplication, or parallel development, or to hold down costs where ultimate procurement ran into hundreds of millions and even billions of dollars, were met in most cases by a strong reclama by the Department of Defense on the House side; many items we cut were included in the House bill.

It seemed very strange to me that the items that we specifically deleted, or that we stretched out in significant fashion, suddenly became, as far as the Department of Defense was concerned, items of highest priority. In any event, the end effect is that the reductions that we made in specific items were reduced from a figure of about $250 million to a figure of about $100 million to $110 million.

Mr. President, we need, on the Senate side, better information and better presentations on the items which committees are called upon to examine. We received erroneous amounts during our briefings. On the chemical and biological warfare program, for instance, it was only 2 months after DOD told us that they were seeking the sum of $270 million that they expanded that request by another $43 million, to make it $313 million.

In one particular instance, after we had cut sharply a particular project, the appeal was made to us by the Department of Defense that "We must be allowed to continue this for another year; we are on the verge of a great breakthrough which will mean a much less expensive missile. We need more time and more money."

Mr. President, the chairman of this committee knows we need more staff experts to assist us. When you are looking at an $8 billion request, you can be overwhelmed by its size, and then you are susceptible to being outmaneuvered by the expertise and the superior knowledge of the Pentagon staffs with their thousands upon thousands of experts. It is unfortunate, it seems to me, that as legislators we cannot apply the decisional process to more and more of these costly programs.

In R. & D., one of the big arguments is—and it comes up at the conferences, it comes up in the hearings, and it comes up in the extensive briefings—"Look, we have already got an investment here of $175 million."

So we have to fall back on the "unspecified cut." And, of course, generally that is what has happened here, falling back on the unspecified cut; and the decisional process is thus handed back to the executive branch.

But, Mr. President, there are reasons to be optimistic about the future. I think the Department of Defense has got the message, at least as far as the Senate is concerned; and I think, from the way the House Members of the conference talked, they have the message too. Future requests will be broken down in more detail. We are going to get more line items.

Briefings and presentations to the committees are going to be better. They are already quite good, I must say, but we are going to get more justification for these goods and services. The committee will be looking forward to fiscal year 1971, when we expect to have a great deal more time than we had this year to study, observe, and question.

The Department of Defense is not all to blame. Many times in the past we have simply not made the proper inquiry, and asked the tough questions we should have asked over and over again. There are millions of dollars to be saved here, without impairing either our technological base or the security of this Nation.

In summation, then, the conferees have agreed to a reduction in the amount for R. & D. of $926,358,000. But, Mr. President, I must say that, of this amount, some $315 million, or thereabouts, was a self-inflicted cut by the Department of Defense in the area of the MOL, the manned orbiting laboratory, and the Cheyenne helicopter.

This leaves about $611 million that the Armed Services Committee of the Senate and of the House of Representatives have agreed, as Members of Congress, to cut out of this R. & D. program; and of that amount, about $225 million, I am happy to say, was directed at individual programs.

Mr. President, I cannot be seated without saying a word of praise for Ed Braswell, who has been chief counsel of our committee, for his frequent help, and also to Col. Everett Harper, who time and time again has come up with information and assistance which has made this an interesting challenge, at least for this Senator.

I think our efforts have made this a much better bill; and, thank goodness, we have saved at least some money.

Mr. STENNIS. I thank the Senator very much, and I strongly endorse the sentiments expressed by the Senator from New Hampshire regarding the problems he has mentioned, including those he worked so hard and so effectively with reference to research and development, biological and chemical warfare, and related matters. He worked, too, on this independent research question, and I look forward to his doing a great deal more in the future.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Yes; Mr. President, I ask unanimous consent that I may yield to the Senator from Arkansas for 10 or 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to express my appreciation to the Senate conferees, especially the chairman of the committee, for the successful retention of the Senate amendments in this field of defense research which he has just referred to, and which the Senator from New Hampshire has already discussed.

We had some considerable discussion about this item, of course, when the matter was before us before, and the amounts involved, in cutting back on the research on the social sciences and general research, and the research by the so-called think tanks of the universities under Project Agile. I think the committee, the Senator from Mississippi, and the Senator from New Hampshire are to be congratulated, because I think this is a significant step in the right direction.

Mr. STENNIS. Mr. President, we thank the Senator for his remarks, and are glad that we were able to get his amendment adopted.

Mr. FULBRIGHT. I was very pleased with that. But, Mr. President, there is another item in this conference agreement which I should like to discuss briefly.

The agreement includes an item of $28 million for development and initial procurement of an "international freedom fighter," as the Pentagon calls it, an aircraft for which there is no U.S. defense requirement.

It is not even suggested that this is being designed, tooled up, or produced for the requirements of our Air Force. The fighter to be developed with this money—which is likely to be only a starter—is not for our own American Armed Forces but is to be given or sold to foreign countries.

This is a proposal for back-door foreign aid and the subsidy to tool up for producing this plane should not be charged off to the defense budget but to the foreign aid program—if, indeed, the taxpayers are forced to foot the bill at all. Earlier this year the House sent to the Senate a bill containing $14 million for this project, but the Senate Armed Services Committee, wisely I think, did not act on the bill. When Secretary Laird appeared before the committee on Foreign Relations on the foreign aid bill on July 15, I questioned him about the House proposal. He was very emphatic that the House committee acted on its own and not in response to an administration request.

It is very unusual. Here is a situation in which the House committee on its own initiative proposed this matter.

Secretary Laird said in testifying before the Committee on Foreign Relations:

> As far as the $14.5 million, I want to make that very clear that this was not a request of the Department of Defense or the Air Force. This was not approved by the Bureau of the Budget or the Air Force.

Here is an item not approved by the Bureau of the Budget. The Senator knows what happens when one tries to get some item in some other bill that has not been approved by the Bureau of the Budget. I tried the other day to get the budget amount on the exchange program increased. It was $4 million short of what the Budget Bureau recommended. The committee would not do that. However, this proposal for a so-called freedom fighter has not been approved by the Bureau of the Budget or by the Defense Department.

Secretary Laird further said:

> This request came from the Congress, and it was on the initiative of the House Armed Services Committee.

Mr. President, this brought to mind a little article that appeared in a newspaper in my State of Arkansas. It was also published in the Washington Evening Star. The article gives an explanation of the origin of this particular item.

The article is from the UPI reporter as printed in the Arkansas Gazette on November 1, 1969. The same article was published in the Washington Evening Star.

The article, under the headline, "Rivers Says His Successors Exceed Caesar's, Vows Not to Give Up Toga," reads:

> Representative L. Mendel Rivers (Dem., S.C.), chairman of the House Armed Services Committee, boasted Friday that his legislative success exceeds anything recorded by "Julius Caesar in all his glory" and vowed he would not "surrender his toga."
>
> Buoyed by his success Thursday in persuading the House to limit its draft reform action to passage of President Nixon's lottery selection plan, Rivers took note of critics who want to depose him.
>
> Asked particularly about a charge by Representative Richard Bolling (Dem., Mo.) that Rivers had blocked full debate on draft reform and was not really interested in the matter, Rivers said:
>
> "I don't care to discuss Mr. Bolling personally. But whenever anybody thinks about us and our Committee, one can't criticize success, because we've never gotten 150 votes against us. And Caesar in all is glory cannot make that statement."

That is where the agreed item for the freedom fighter originated. And of course no one can turn down Julius Caesar.

Since the article is very short, I will read the remainder of it into the RECORD. It reads:

> Rivers reportedly resents a reference to him in a recent Playboy magazine article written by Bolling, a persistent critic of the congressional seniority system.
>
> "Among the most right-wing chairmen is Mendel Rivers of Charleston, S.C., a Snopes who whispered support for Hubert Humphrey in the 1968 presidential election while winking at the supporters of George Wallace," Bolling wrote.
>
> According to one unconfirmed report, an aide of Rivers called Bolling's office to say "the chairman" had read the Playboy article and wanted to know the meaning of "Snopes," the name of the rural Mississippi family created by the late novelist William Faulkner.
>
> "Well," a Bolling staff member replied, "it means white trash."
>
> "Oh, thank you," Rivers aide said, and hung up.

I think it is disgraceful that a chairman can go beyond the Bureau of the Budget and beyond the jurisdictional provisions in our committee system in a case in which foreign aid is not a responsbility of his commttee but is a responsibility of the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

Yet, as the House Committee on Armed Services finished its markup on the authorization bill, the Defense Department announced that it now favored the project and said it needed as much as $64 million in fiscal year 1970 to move ahead with it.

After the Secretary of Defense himself said the Defense Department did not initiate it and the project did not have their approval, even our Secretary of Defense could not resist Julius Caesar either. The Defense Department itself had to give up and knuckle under.

They finally wrote a letter under date of September 24 endorsing the project. This item is a special project dear to the heart of the chairman of the House Committee on Armed Services.

At that time, Deputy Secretary of Defense Packard told the committee that about 325 fighters would be needed for "Korea, Taiwan, South Vietnam, and other countries over the next 5 or 6 years." Incidentally, the Foreign Relations Committee was not formally advised of this change in position until a month later, when Secretary Laird sent me a letter about the project.

After the House committee's approval of $52 million for the project, I asked the Department to give me a country-by-country breakdown of where the planes might go and this was the response:

> For improvement of South Vietnam's own defense capability, which is considered the most pressing requirement, we shall require 75 fighters. For Taiwan we will need 150. For Korea we need about 90 and for Thailand we may need 18. For the European peripheral defense countries of Turkey we will need 72 and Greece, 54. All requirements with the exception of those for South Vietnam are dependent upon the availability of military assistance funds.

I stress the fact that, in the Department of Defense's own words—

> All requirements with the exception of those for South Vietnam are dependent upon the availability of military assistance funds.

That is the crux of the matter; this is basically a foreign policy issue and it should not be handled merely as a regular weapons project.

The available military assistance funds, I point out for the information of the Senate, are arrived at by the giving of military assistance funds from the foreign aid legislation and not from the Department of Defense. The only item we propose here that could reasonably be considered in the Department of Defense is the item for South Vietnam. That is just a small part of it. It is not by any means a large item.

Providing a subsidy to private companies for development of an aircraft suitable only for use by foreign countries—poor countries at that—involves many grave questions of foreign policy which should receive careful study by the Foreign Relations Committee and the Senate. The Foreign Relations Committee has devoted much study over the past several years to the Government's arms sales and grant programs. It has found much wanting with these policies and has initiated many corrective changes. But much remains to be done and I am confident that further improvements will be made in connection with its work on the foreign aid and military sales bills.

There are serious policy issues involving our future military relationships with all of the nations listed in the Department's market list. There has been no determination by the Committee on Foreign Relations that supplying these planes to these countries is in the national interest. I am especially concerned over the emphasis placed on supplying a large number of these planes to Vietnam. The clear implication is that we expect to carry on the war by proxy for years to come. The Congress should not approve additional arms aid to foreign countries, as this project, in essence, would do, without the most careful study by the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs.

I regret that the Senate conferees agreed to this item. It violates the traditional procedure for the presentation of administration program requests, and its handling in this manner is flagrant disregard for the jurisdiction of the Senate as well as that of the Committee on Foreign Relations. It is both bad policy and a bad way to make policy.

The Foreign Relations Committee will, at some point this session, resume its consideration of foreign aid and this matter will be given further consideration at that time.

Mr. President, in view of this item, I cannot support the authorization bill.

I think it violates, as I say, the traditional and usual procedure of following the recommendations of the Bureau of the Budget. All I can do, as the Senators know, is to vote against the conference report. If I could, if it were permissible under the rules, I would move to delete the item. However, I cannot do it. Therefore, I have no remedy other than to vote against the conference report itself.

I point out again that this matter offends me because many of the people who support subsidizing freedom fighters for foreign countries are dead set against foreign aid. So this is, in a way, a disguise and a way to pick out an item from the foreign aid program and have it approved as part of the Defense Department appropriation.

This is a violation of the proper way to run our committee system and to appropriate money for the Defense Department.

Mr. STENNIS. Mr. President, in response to the Senator from Arkansas, and quite briefly, I wish to say that I have never seen anyone work harder in a conference than the chairman of the House committee, Representative Rivers, who is unusually well versed in this field, very active, and highly capable. I know that the reference in the article to Julius Caesar was in fun. Representative Rivers does have a great deal of influence over there.

Mr. FULBRIGHT. The Senator cannot say it is wholly without basis, can he?

Mr. STENNIS. He has worked hard for many years.

On this matter, it is outside the budget; that is true. But as to this proviso providing for open competition and even stripping down the present planes, those things were brought up and discussed by Representative Rivers. We did not yield on this for a long time. This was the last major item that was settled, and it was fully discussed.

The most significant thing we had before us was a letter from the Secretary of Defense. He was outside the budget. Nevertheless, he sent a letter—one to me and one to Chairman Rivers. I will not read all of it, but the last paragraph reads:

> In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.

I consider the key words to be "retain an option." Personally, I am not pledged to support an appropriation of this kind. I have to consider it further.

This is limited to Southeast Asia.

Mr. FULBRIGHT. No, it is not limited. I beg the Senator's pardon. The letter from the Department says that some of these planes will be given to Greece and Turkey.

Mr. STENNIS. Our amendment is limited to Southeast Asia.

Permit me to finish that thought. It spelled it out, because we considered that the extent of the jurisdiction of the Committee on Armed Services. I know that if a plane is researched and built, it will go beyond Southeast Asia—that is commonsense. But the Committee on Foreign Relations, of which the Senator from Arkansas is chairman, would have to authorize the funds for the purchase by military assistance, at least for any country outside Southeast Asia.

Mr. FULBRIGHT. I am very pleased to hear the Senator say that. I was not clear on that point. Then, the planes that the Defense Department says they anticipate giving to other countries will have to be authorized in foreign aid.

Mr. STENNIS. That is very clear to me, and that was discussed in the conference at great length, and it was agreed to. We even spelled it out in the amendment.

Mr. FULBRIGHT. I appreciate the Senator calling that to my attention. I did not understand that.

Mr. STENNIS. We should have called it to the Senator's attention.

I think the legal situation makes some difference. As a practical matter, although I am quick to agree that if a plane is going to be built not to be limited just to that——

Mr. FULBRIGHT. That is a great deal of money for research and development if it is only going to be for Vietnam.

Mr. STENNIS. Not a great deal. That will include some items. It is wide open. Suppose they decide to redo a plane we have now, to simplify it. That will be a little more expensive than just abstract research.

Mr. FULBRIGHT. I appreciate what the Senator has said, particularly the record he has made about his own attitude on this matter.

I understand how difficult these conferences are. I sometimes have similar difficulties.

I am bound to say that the letter from the Secretary of Defense, in view of his statement a short time ago, only fortifies the statement that Mr. Rivers made with regard to his being Julius Caesar. If he could make the Secretary of Defense knuckle under, I certainly have sympathy with the Senate conferees. They were in a tight spot.

I am glad the Senator put this amendment in. I think it is all to the good, and I congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. President, there is no actual money in this bill. This is merely an authorization. Appropriation and approval by both bodies will be required before anything like that could proceed.

I ask unanimous consent that the letter from Secretary Laird dated October 21, 1969, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> The Secretary of Defense,
> *Washington, D.C., Oct. 21, 1969.*
>
> Hon. John B. Stennis,
> *Chairman, Committee on Armed Services,*
> *U.S. Senate, Washington, D.C.*
>
> Dear Mr. Chairman: For some time the Department of Defense has been studying the issues incident to the development of an improved International Fighter Aircraft. Such an aircraft should (a) have adequate capabilities to handle the existing threat, (b) be as inexpensive as feasible, and (c) be simple to maintain and operate. When the military budget was presented to Congress earlier this year, the Department of Defense consideration of the issues involved had not proceeded sufficiently to justify making a request for resources to meet the objectives cited.
>
> Our continuing review over the past few months, however, has validated the objectives, and a draft concept for an International Fighter Aircraft has been completed. The concept highlights, inter alia, the utility our allies, particularly in the Asian theater, might find for a new fighter aircraft and alternative programs which might be undertaken to make such an aircraft available.
>
> In particular, we now believe it is desirable to consider an appropriate aircraft the South Vietnamese might use, as part of the Vietnamization process, in defending against the potential North Vietnamese MIG threat. In addition, we believe that making an appropriate aircraft available to the Republic of Korea, Taiwan, and Thailand could provide a means for these nations to shoulder more of their own defense in the future.
>
> I recognize the legislative interest of various committees in the matter of a new International Fighter Aircraft, especially since part of the market might be the Republic of Vietnam and part of the market might be other nations being served by our military assistance and military sales programs. I would hope the interested committees would evolve the preferred methods for considering our proposal.
>
> In any event, I believe Congress would serve the national interest by authorizing and appropriating funds which would enable us to retain an option to go forward with such a proposal at an early date.
>
> Sincerely,
>
> Mel Laird.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes; and

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

S. 1857. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.J. Res. 910. Joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

H.R. 6778. An act to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

H.R. 13949. An act to provide certain equipment for use in the offices of Members, officers, and committees of the House of Representatives, and for other purposes; to the Committee on Rules and Administration.

MILITARY PROCUREMENT AUTHORIZATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes.

Mr. STENNIS. Mr. President, I ask unanimous consent to yield to the Senator from South Carolina (Mr. Thurmond) such time as he may desire, without losing my right to the floor. The Senator is a valuable member of our conference and he worked hard on it.

The PRESIDING OFFICER (Mr. Gravel in the chair). Without objection, it is so ordered.

Mr. THURMOND. I thank the distinguished Senator from Mississippi.

Mr. President, as a member of the Senate-House conference on the fiscal year 1970 military procurement bill, I am pleased to report that the conference reached compromises which should serve well the Nation's defense structure.

The conference met in lengthy sessions for some 3 weeks as the differences in the House and Senate bills were considerable, and the unusual number of amendments required much discussion.

The conferees elected as chairman of the conference the distinguished Senator from Mississippi (Mr. STENNIS), and he, as usual, provided able leadership in the truly difficult job of bringing together the diverse bills of the Senate and the House. The House Members, led by their capable and distinguished chairman, Mr. RIVERS, of South Carolina, exhibited a spirit of cooperation and willingness to prevent a deadlock in dealing with a number of critical items. Mr. RIVERS is one of the best informed men on military matters who has ever served in Congress. He has the vision to see the importance of keeping this country prepared—all branches of the service—and it has been a pleasure for all of us in the Senate to work with the House under Mr. RIVERS' leadership.

The distinguished Senator from Mississippi has ably presented the bill to the Senate, but I would like to comment on several decisions reached in the conference which have caused me some concern.

The first involves $100 million for long-lead components to assure uninterrupted progress on the modernization of our aircraft carrier force. These funds were provided for in the House bill but were dropped by the conference mainly on the grounds that the Senate had agreed to conduct a study of our carrier force structure prior to commitment on a new nuclear carrier.

While this study has my support, it was my view we could authorize the funds for CVAN-70 but restrict their expenditure pending completion of the study and dependent, of course, upon a favorable finding. This procedure would avoid a year's delay in modernization of our carrier force and also save us some $50 million which will be caused by the delay. However, out of respect for the position of the distinguished Senator from Mississippi, the conference acceded to his leadership.

During the debate on the carrier, it was my impression the opponents supported modernization of the carrier fleet but were concerned about the actual number of carriers this country needed to assure an adequate defense.

Another compromise of the conference which concerned me was the sharp cutback in procurement of the Army's tube-launched optically tracked wire-guided missile known as the Tow antitank missile.

The Army asked for $156 million to continue procurement of this missile which is critical to our antitank defense in NATO where the Warsaw Pact forces have some 20,000 tanks facing only 7,000 tanks among the NATO countries.

The Senate approved $142 million for Tow, and the conference further reduced this amount to $100 million. Because of the importance of this missile, the chairman asked for a special hearing during the course of the conference, at which time the Army Chief of Staff, Gen. William C. Westmoreland, appeared before a Member of the Senate and a Member of the House to discuss this matter.

General Westmoreland stated at this hearing "any delay in Tow is unacceptable" and in his other comments made an equally strong plea. It must be realized that Tow represents one of the Army's few major requests and a critical one when viewed in the context of our ground forces.

Mr. President, this reduced buy of Tow, taken despite a clear picture of substantial additional need for these weapons, will cost us about $15 million because a weapon always costs more when fewer are bought. We are just beginning to buy the Tow missile and if we are to avoid dictating to the Army on such matters as strategy and tactics then we will have to purchase many more of these missiles, although hopefully not as many as originally planned.

Regarding the main battle tank, about which there was some discussion in the Senate during the debate of the procurement bill, the House and Senate compromised on a $50 million authorization between the $55.4 authorized by the Senate and the $44.9 authorized by the House. Later this year the Department of Defense will complete its study of the MBT-70 and possibly give a new direction with a more austere approach to this vital program.

In this give-and-take session on many important items the Senate conferees acceded to the House on what is called the free world or international fighter. This move had my wholehearted support and amounts to authorizing the Air Force to expend up to $28 million from aircraft procurement funds to initiate procurement of an improved fighter aircraft to fill the needs of free world forces in Southeast Asia. The bill requires that the aircraft be selected on a competitive basis.

Mr. President, the Senate debate on the fiscal year 1970 military procurement bill was the longest in this Nation's history. The Senate-House conference also set a record for length as it began October 6 and was not concluded until November 4. There were 59 major items of difference between the Senate and House versions so one can see the conferees had quite a task.

In my view, an outstanding job was done by all the conferees. The distinguished Senator from Maine (Mrs. SMITH), the ranking Republican on the Senate Armed Services Committee, faithfully worked with our chairman through this long process and made many significant contributions to the conference. I commend her as I have so often done in the past.

The conference has brought back to the Senate a bill which it can wholeheartedly support. In doing so, we will greatly strengthen this great Nation.

Mr. President, again I commend the distinguished Senator from Mississippi on his outstanding leadership as chairman of the conference.

Mr. STENNIS. Mr. President, I certainly do thank the Senator. I thank him on behalf of all the committee. We appreciate the fine services he renders and the inexhaustible energy he shows in connection with the many activities of the committee.

Mr. President, it is my pleasure to ask unanimous consent that I may now yield to the Senator from Wisconsin (Mr. PROXMIRE) for such time as he may desire.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator. I shall be very brief.

As I understand, the Johnson administration had proposed a military procurement bill of $23 billion; this administration reduced that amount by about $1 billion, to a little less than $22 billion; the House decided on $21.3 billion, and the Senate on almost exactly $20 billion. So the conference report now before the Senate reduces the recommendation of the Johnson administration by $2.3 billion; it reduces the recommendation of the present administration by $1.3 billion; it reduces the House figure by $.6 billion; but it increases the Senate recommendation by about $.7 billion.

Are those figures roughly correct?

Mr. STENNIS. The Senator is correct in his figures. If I may answer further, I point out the yielding of the Senate on $400 million for the ships, which is really not going to have appropriations. As we know, the House yielded on Cobra which was $86 million, and $100 million for the A-7E, which were necessary. That really covers almost all the House yielded on. We had to yield on the Cobra because we had not been able to get to it. We advised the Senate on that in the debate. Then, the change in these planes cost $100 million.

Mr. PROXMIRE. The reason I go through this arithmetic is that I think the committee has made a very substantial reduction below the Johnson administration recommendation and this administration's recommendation. However, as I am sure the Senator appreciates, many of us are disappointed that there were not further reductions made.

We, of course, favored sequestering funds for the ABM deployment, which would be a difference of $400 million. We favored a cut in the main battle tank by $50 million, and funds for new aircraft carrier by $300 million. We favored the C-5A reduction, which would have been $550 million, and a $75 million cut in the advanced manned strategic aircraft.

Altogether, if we had had our way, the figure would be closer to $18 billion instead of $20.7 billion. However, we end up with a reduction, and this is the authorization bill, which means we are free to act on the appropriation bill.

The Senator has indicated there are some measures in this bill which will not be included in the appropriation. Of course, there are some areas untouched by this procurement bill. We have done nothing on reducing manpower costs or operation costs. All of those items will be up in the big appropriation bill so there will be occasion to make further substantial reductions in military spending or at least to make a fight for them on the floor of the Senate. Am I correct in that statement?

Mr. STENNIS. The Senator is correct.

We will also have the military construction appropriation bill and the major appropriation bill. All these matters will be in issue.

Mr. PROXMIRE. It is my understanding that a number of us are interested in further reductions and we expect to make a fight to cut substantial amounts from the overall military appropriation bill when it comes before the Senate.

I do wish to ask the Senator questions with respect to two amendments. My first question is with regard to my disclosure amendment. The substance of this disclosure amendment—that is, disclosing the identity and work that would be done by officials of the Department of Defense going to work for defense contractors, and vice versa—was retained virtually intact by the conference report. Is that correct?

Mr. STENNIS. The Senator is correct. It is clear and strong language as far as it goes, and it requires financial disclosure. That is all it requires. It does not disqualify anyone.

Mr. PROXMIRE. As a matter of fact, I think conference action will strengthen my amendment in some ways. It now applies to all former or retired officers of the rank of major and above, and to former civilian employees of a grade of GS–13 or above; and it also applies to consultants, on the same basis that the law would apply to former civilian employees or to retired military officers, and to existing Pentagon employees who worked for defense contractors and are at the minimum salary of grade GS–13 or above. Is that correct?

Mr. STENNIS. The Senator has stated it correctly.

Mr. PROXMIRE. Does it not also call for an annual filing by these existing or former employees that the data be available to the press and public and that the Secretary make an annual report to Congress on the substance of the disclosure?

Mr. STENNIS. The Senator is correct.

Mr. PROXMIRE. Does it not also define defense contractors as those with prime negotiated contracts of $10 million a year or above?

Mr. STENNIS. Yes, that figure is correct. And the answer is "Yes."

Mr. PROXMIRE. I would welcome confirmation by the chairman of the committee that the amendment was retained virtually intact, that in fact some minor problems in the original drafting were improved by the conference changes.

Mr. STENNIS. Yes. That is correct. I am glad that the Senator thinks it is cleared up and stronger than it was.

Mr. PROXMIRE. The other amendment which I think is a significant amendment and can have a real impact on cases referred to by the Comptroller General on defense spending, relates first to what I would call the first comprehensive, objective, and adequate study of defense contracts and profitability of defense contracts.

Does the revised amendment for a profitability study, in the view of the chairman of the committee, make it possible for the Comptroller General to carry out a selective, representative study of the profits on negotiated defense contracts in a meaningful and valid way? In his judgment, does the amendment as revised, make it possible for the intent of the Senate to be carried out and for the Senate, the Congress, and the country, for the first time, to get a really meaningful study of profits under negotiated defense contracts?

Mr. STENNIS. Yes. I think the answer is undoubtedly yes. I should like to explain the answer, though, further. The amendment gives the GAO this authority to make checks upon the possible profits of defense contractors. I think it is a very good point the Senator raises. I am glad we were able to keep a part of his amendment. I have an idea, frankly, that in a great many of these contracts there is virtually no profit or only a small amount of profit. I should like to know about that.

My general idea is that some of them are medium and moderate in profit. There may be some where the profit is too much. But in any event, we need to know.

The thing that hung up the conference on the amendment was the same matter we debated in this Chamber, as to the power of subpena to be granted to the GAO, on two points—one, changing the nature of the GAO; and, two, on all circumstances it should be carefully granted by the legislative branch.

I think the Senator's amendment, in its final form, did have those safeguards, which he helped to write in. Those safeguards of subpena powers I should like to have seen adopted with them in it, but there was no chance to get it approved.

It is true that both the House and Senate Armed Services Committees, as do other committees in Congress, have this power of subpena. It was discussed and understood that with this authority being granted to the GAO, in a property case, the committee, at its discretion, could withhold or grant the use of committee subpena power to the GAO.

From my point of view, I would not want the safeguards to be used indiscriminately, or given to the GAO to do with as it pleased. There must be some responsibility about that subpena power. I am certainly prepared, however, in proper cases, to recommend that the committee give the GAO that authority.

Mr. PROXMIRE. That is exactly what I wanted to get at. This is the significance of the change in the amendment. As I understand it, the change provides that the subpena power will be granted to either, and I stress either, the Committee on Armed Services of the Senate or the Committee on Armed Services of the House upon request of the Comptroller General.

Mr. STENNIS. Yes.

Mr. PROXMIRE. That means that if the Comptroller General—he would not have to use it in many cases, he would not have to subpena all the records, and so forth, in many cases—would be able to make a study and contractors would in most cases cooperate voluntarily; but if he ran into a recalcitrant contractor, he could request either one of the two Armed Services Committees to grant subpena power to him so that he could look at the books, as this amendment provides. Is that correct?

Mr. STENNIS. That is correct. That is the purpose of the amendment in its present form. Each committee can act independently of the other.

Mr. PROXMIRE. Some people have criticized this change and have said it will weaken the amendment. I hesitate to accept that view. I want to get reassurances from the chairman about that. I want to know if he agrees that the mere fact the subpena power is available to the Comptroller General, through either of the two committees, will in almost every case be an inducement for a contractor to comply with any reasonable request by the Comptroller General under the amendment.

Mr. STENNIS. I would think so, yes. Records are something that many people are jealous about, from individuals to corporations. It would have a persuasive power with the average company, corporation, or individual. If needed, and at the discretion of the committee, if it was granted, then certainly it would be an effective power that the GAO could use.

Mr. PROXMIRE. It seems to me that a very great burden on the effectiveness of the amendment now lies with either the Senate or House Committee. Does the chairman believe that if the Comptroller General, whom we all know to be an extremely reasonable man, were to request the exercise of the subpena power by his committee, that it would be exercised?

Mr. STENNIS. Senator, I could not answer that question.

Mr. PROXMIRE. Then let me put it this way: Would the chairman contemplate that this is a weakening provision, or that it will still make it possible for the Comptroller General to carry out the clear intent of the amendment? The chairman's reassurances on this point, I believe, are important in terms of the legislative history about this matter, the clear intent of the amendment being to have a representative study of defense profits. Obviously, if some of the big defense contractors say, "No, you cannot look at my books. You cannot see them," they will not cooperate, then obviously the amendment would have no effect. We cannot have a study unless we get cooperation, or failing that a willingness to act and to enforce cooperation. Where we would not get cooperation voluntarily, we would have to get it by subpena in order to make a representative study.

Mr. STENNIS. For my own part, there will be no indiscriminate granting of the power of subpena.

Mr. PROXMIRE. Of course not, there should not be.

Mr. STENNIS. I want to see the GAO exercise some of this authority. I want to see it make some of these test runs, so to speak. In that respect, I am inclined to recommend to the committee the granting of this authority—the use of the subpena—in what we might, at our discretion, deem to be a proper case. That is about as far as I think I should go now. Each case must stand on its own bottom. We must determine those things when we get to it.

I have not had a chance to talk to the Comptroller General since this amendment was altered and agreed upon. I do not know what his approach will be. But

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that describes my attitude, and I think it is that of the other conferees. They will not hold back but they will not rush in. They will exercise sound discretion.

Mr. PROXMIRE. I have great confidence in the Senator from Mississippi. I know that he, as I do, and other Senators, would like to see a comprehensive, useful study made here to do all we can to see that this matter is consistent with appropriate protections.

Mr. STENNIS. I appreciate the Senator's remarks. This is a very vital point. The Senator will remember that the final form of the amendment as adopted by the Senate gave this a 1-year operation and then went to the committee for the power of subpena.

Mr. PROXMIRE. Yes.

Mr. STENNIS. This modification first struck out the 1 year and made it apply that way all the time. It is largely in keeping with the tone of the Senate when they adopted that—the mood of the Senate, at least.

Mr. PROXMIRE. Mr. President, if I could go now to the C-5A funds, I want to ask the chairman of the committee some questions about the funds for the C-5A in this report. He will recall that shortly before we voted on the C-5A amendment that I proposed in the Senate, some of us discovered that the bill included $52 million for the long-leadtime items for the fifth squadron of the C-5A, or planes 82 to 101.

Many Senators, both on the Armed Services Committee and not on it, said they were very concerned with whether we should go ahead with the additional planes, and were in many cases opposed to a fifth or sixth squadron.

I informally proposed that my amendment be changed to delete those funds, and the Senator from Mississippi, and a number of members of his committee, were favorably disposed to accept it. However, the Defense Department was opposed to that action. In those circumstances, the amendment was not pressed, on the ground that, with Pentagon opposition, a number of Members would be reluctant to accept it.

Shortly after that—in fact, 2 weeks later—the Pentagon informed the House committee that it did not want the $52 million. My memory of press reports is that Deputy Secretary Packard informed the House committee to that effect. As a result, the $52 million was deleted from the House funds.

Because of all this, I am confused as to why the conference report includes the funds.

Mr. STENNIS. The Senator is correct about the situation in the Senate. He is correct in the statement that Mr. Packard made later. The House Members were a little stubborn about yielding to put that money back into the bill. But the Secretary of Defense did not have the attitude that the money would not be used. That was not his approach to it.

Mr. PROXMIRE. Were the press reports inaccurate that Deputy Secretary Packard indicated he did not want it?

Mr. STENNIS. No; the press reports about Mr. Packard were correct, but in that case he did not represent the sentiments of the Secretary of Defense about just abandoning it altogether. He wanted some further consideration of the matter. The official from Mr. Laird on the reclama to the House version recommends the retention of the $52 million. I do not think he has made up his mind. I did not insist on its being kept just because he wanted it, but I thought he was entitled to further consider it. It went back to a conversation I had had with him last summer. I do not know what his plans are, but I do not think he has in mind anything like a splurging of funds for additional planes. However, I want him to have some discretion, if he should need some more, and have this groundwork laid. That is exactly why we put the money back in the bill. The House Members agreed to accept that, under the circumstances.

Mr. PROXMIRE. One of the things that the lengthy debate on the C-5A did was to reenforce a great deal of skepticism on the part of some Senators as to whether we should go ahead with additional planes after we finished the 81st plane. That was highly debatable.

Mr. STENNIS. I would only say that we would go ahead with the squadrons. I reserve judgment on it, myself, but this contract has to be terminated in an orderly way at some point. I think the Secretary of Defense is entitled to what we can give him in the way of an option. Otherwise, he is out of business with respect to any maneuvering ground with Lockheed or in any other way.

Mr. PROXMIRE. I think I can develop why I am concerned about it by a few more questions.

Is it not true that by the end of this calendar year, all the funds for the first 58 planes which can legally be advanced to the company will have been advanced?

Mr. STENNIS. I think that is correct.

Mr. PROXMIRE. I understand, and a debate I developed with the Senator from Virginia (Mr. BYRD) established that, the progress payments made up 100 percent of the company's expenditures, but that it was going to have to stop pretty soon.

Is it not true that progress payments are limited to the funds authorized under the contracts for the "target costs," and that these will have been advanced by the end of this year?

Mr. STENNIS. I do not know whether they will have been advanced by the end of this year or not. It is not in my memory now. That may be correct.

Mr. PROXMIRE. In any event, the Lockheed Co. is getting into serious trouble. It has been paid huge sums, many hundreds of millions of dollars. But there were only six produced when we debated it before. There may be eight or 10 by now. But only a limited number of experimental planes will have to be produced, and no production planes.

Is it not a fact that while much of the funds for the first 58 planes will have been expended, only eight or nine planes, at the most, will have been delivered?

Mr. STENNIS. If that is correct, that is normal for a huge contract like this. But they are on the way. They are not just in thin air.

Mr. PROXMIRE. Is it not further true that, under the rules and regulations of the Department and the laws of Congress, funds we authorize or appropriate for the fourth squadron cannot be spent on the first three squadrons? Is that not correct?

Mr. STENNIS. Well, generally, there may be a rule of thumb like that, but I do not know of any limitation of law, because these contracts involve so much and over such a long period of time that one blends into another. One year blends into another. There is a slippage of time. I do not think there is any law that says that.

Mr. PROXMIRE. What I am searching and reaching for is if there is some way the Armed Services Committee can serve notice on the Pentagon that the funds authorized and that might be appropriated for the fourth squadron should not be used to bail out Lockheed for its enormous overruns on the first squadrons.

Mr. STENNIS. The $52 million, which is a relatively small amount, must be used, if at all, for long leadtime items, for the possibly additional planes, which could be a lesser number than a squadron.

Mr. PROXMIRE. What I am talking about is the amount authorized in this bill for the 59th plane to the 83d plane. Some $500 million. I am concerned that that money might be used to bail Lockheed out on the first 58 planes.

Mr. STENNIS. The Department is supposed to get additional planes for the money that is in the bill. It is all covered by contract. The Department of Defense cannot go beyond the contract and the appropriated funds. The $52 million we are talking about is a separate item, for long leadtime items.

Mr. PROXMIRE. Just one or two more questions.

I should like to have it made clear that the $52 million is for the fifth and sixth squadrons, planes 81 through 120. I am now talking about the $500 million which provides not for leadtime items but for planes 59 to 81. On the basis of present policy, it appears that the Defense Department is providing progress payments for these planes. So far they have been producing very few planes and using Government money to the point where we are likely to be left with a choice of providing additional enormous sums or providing no additional planes, from the way the contract appears to be working.

Mr. STENNIS. All that has been an issue here. The funds that are authorized in the bill—I am not talking about the $52 million, but the funds authorized in this bill—can be paid out only under terms of the contract. I think, in the final analysis, that is about as good an answer as I can give.

Mr. PROXMIRE. That satisfies me. If the contract—and I think the contract will; I will have to examine it more carefully than I have—restricts them from permitting progress payments on the earlier planes from the money we are authorizing here, that will satisfy me. I will check into it further.

Mr. STENNIS. I thank the Senator very much for his good questions and for his other remarks.

Mr. President, I ask unanimous consent that I may yield such time as he may wish to the Senator from Pennsylvania, an able member of our committee.

Mr. SCHWEIKER. Mr. President, I thank the distinguished chairman of the committee for yielding. First, I should like to commend the distinguished chairman of my committee for his handling of this legislation. In his eminently fair way, he has gone to great lengths to insure that all sides had the opportunity to present their views on the many controversial aspects of this procurement bill.

Mr. President, I have reluctantly decided to vote in favor of this conference report. I believe it would be irresponsible of me to do otherwise. As a member of both the Senate and House Armed Services Committees during the past 6 years, I am well aware of the current demands on our national security budget, and of the necessity of protecting our basic military strength.

But, as one of those who has been most aware of the many shortcomings of our military procurement system and most aware of our failure to exercise congressional oversight over Defense Department spending, I had hoped that this Congress would have seized the opportunity to assert its intent to protect the taxpayers' interests in a more positive way.

I believe our primary responsibility is to the taxpayer. I proposed an auditing amendment to this bill which I deeply and sincerely believed when I presented it, and believe now, would have been a significant and meaningful step toward realism and honesty in defense procurement. It would have given us the basic fiscal tools we need to do the job. It would have provided for truth in military procurement—for honest price tags for our weapons systems.

It seems to me—and I am very grateful that so many of my colleagues agreed when I offered my amendment on August 7—that this body could do no less than express its conviction that the Congress must invoke its determination to question the Pentagon when desirable, to audit its spending when that seems wise, and to say "no" to them when it becomes necessary.

I am convinced that, by not doing so, we have shortchanged the taxpayer and done a disservice to ourselves. My conviction is strengthened by testimony we have heard regarding the high cost of the C–5, the Minuteman, the deep submergence rescue vehicle, the main battle tank, and other DOD programs. It is made even more strong by the almost blind opposition to my proposal in some quarters.

I regret that the language of title V of the Senate-passed version of the bill is not contained in the conference bill. And based on the mail I have received from the country of my State and across the country, I believe that the taxpayers share my feelings. Nevertheless, I shall vote for the conference report, but I shall redouble my efforts to see that this Congress will soon take steps to fulfill its commitment to the people who pay the bills.

Mr. STENNIS. Mr. President, I thank the Senator for his kind remarks. I am sincerely glad that he can support the conference report. I regret that we could not get his amendment adopted.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the report of the conferees of the Committee on Armed Services of the House and the Senate has resulted in the deletion of many of the amendments approved by the Senate. Given the great difference between the House and Senate bills, it was expected that some deletions would be made in the normal negotiating processes with which we are all familiar.

I regret that many of the amendments developed in the Senate were not retained. Nevertheless, the results of over 8 weeks of debate on the floor of the Senate should be of value in the future. While this year's Senate consideration of our defense requirements has not substantially altered past policies, a new pattern of examination and debate on the defense budget was established.

Mr. President, I am confident this new attitude will result in a more rational strategic posture and more moderate defense expenditures in the future.

I call attention to the long debate in the Senate on the bill. The debate lasted for 8 weeks in the Senate, but it had lasted for over a year on the basic strategic issue of the deployment of the antiballistic-missile system.

I am certain that further efforts will be made with regard to military spending on the appropriation bills, and many of the amendments which were approved by the Senate will be brought forth for vote again on the appropriation bill. I am confident that some of the original Senate positions will be supported by the Senate.

I regret that the amendment I offered to prohibit combat support by U.S. forces of local forces in Laos and Thailand, which was agreed to by a unanimous vote of 86 in favor and none against in the Senate, and which was supported in principle by the manager of the bill (Senator STENNIS), was deleted by the conference committee. I regret that the amendment was deleted in conference as the extent of our involvement in Laos has become clear in recent weeks as the result of a series of newspaper articles which were published in the New York Times.

The nature and event of U.S. activities in Laos is also being considered in great detail by the Commitments Subcommittee of the Committee on Foreign Relations, under the chairmanship of the able Senator from Missouri (Mr. SYMINGTON).

The substantial American involvement in Laos which has been reported by the New York Times and which has been affirmed in public statements by the Secretary of State has never been approved by Congress nor has the executive branch ever declared the U.S. combat involvement.

From published accounts it is apparent U.S. activities in Laos are in part concerned with the local war in Laos itself. The United States should not be involved in the support of local forces in a Laotian war without the approval of Congress.

I know that it is, in large measure, concerned with the war in Vietnam. I believe a great majority of the people of the United States are united in their belief that the war in Vietnam must be brought to an end. An end to our involvement in Laos would provide an opportunity to begin to wind down the war in Vietnam. The issue in Laos is a clear challenge to Senate responsibility.

Congress has the responsibility, through its power over appropriations, to bring this combat involvement in Laos to a close and by ceasing our involvement in Laos, Congress can exercise its influence for bringing the war in Vietnam to a close.

This responsibility is clear and the course of action that needs to be taken is for the Senate and Congress to recognize its constitutional powers and to exercise them. We have an opportunity to begin to bring the war in Vietnam and Southeast Asia to an end by prohibiting our combat activities in Laos.

I shall vote for the conference report because I do not intend to deprive our forces who are fighting in Vietnam of necessary support. But I must say I may be compelled to vote against the appropriation bill if it retains funds to support a war in Laos.

Mr. President, when the President spoke last Monday evening I thought that two affirmative positions were stated. First, he stated clearly that he had broken with the policies of the past administration to maintain the level of fighting and possible escalation of the war in Vietnam. Second, he said clearly he intended to end the combat participation of U.S. forces in Vietnam. As combat participation is reduced and ended, the U.S. involvement will draw to a close.

The President's intention is to bring the war in Vietnam to a close.

What I state today is that if Congress will exercise its responsibility and use its constitutional powers to deny funds for the support of a Laotian war in Laos—we can end that war as far as the United States is concerned, and by so doing we can also help bring the war in Vietnam and Southeast Asia to a close.

Mr. STENNIS. Mr. President, this matter has been before the Senate for a long time, since July 5, I believe.

Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, as far as I know there are no other Senators who wish to address themselves to the matter of the pending conference report. I have just a few remarks to make and I wish to say something about the Selective Service Act amendment that has just come over from the House of Representatives.

I especially wish to commend the chief of our staff, Mr. Edward Braswell, who sits to my left, for the fine job he has done since January of this year on the bill. Other members of the staff worked on it, too, but he has carried the chief

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responsibility day and night, including weekends. He has a fine knowledge of the subject matter and he is a man whose willingness to work cheers one's heart. I especially thank him and commend him.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am glad to join in the remarks of the able Senator from Mississippi with respect to the superb work done by the head of our staff, Mr. Braswell. It is difficult to realize how the committee could function as it does without his fine assistance and hard and dedicated work. He represents all that is best in a Senate staff member.

I would also congratulate the able chairman on the fine results he obtained in the conference, where there were many differences, but which differences were reduced to a minimum. At all times the distinguished Chairman did his best to represent the position taken by the Senate prior to the conference.

Mr. STENNIS. Mr. President, I thank the distinguished Senator from Missouri very much and I thank him also for his fine help and services all the way through in connection with the bill.

Mr. President, I especially wish to thank every member of the Committee on Armed Services. They have been patient and understanding. Many of them have put in a great number of hours. There is one thing I especially appreciate. When we finally got down to the end of the row everyone had their say and made their fight. Agreements had to be had to work out a bill while they were willing to close ranks. We got a mighty good bill without yielding anything of vital importance to the Senate. It is very much the bill that passed the Senate, but the House conferees added strength to it. They are a highly competent group of gentlemen. I thank them and commend them very highly.

Something has been said about the work here of the chairman of the House committee on this international fighter—this extra plane. It is one of the instances of his unusual activity. He is a knowledgeable man. He works all the time. The more I work with him the more I realize his fine knowledge and the valuable contribution he makes.

Mr. GRIFFIN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. GRIFFIN. I want to say, as one Senator, that I have been tremendously impressed by the leadership and the great work of the distinguished chairman of the Armed Services Committee, the ranking minority members of that committee, and all the other members of that distinguished committee, in connection with this particular piece of legislation.

As we know, this is one of the most difficult and one of the most controversial matters which has come to the floor of the Senate in this session.

Now, at this final step, on what has been a rather difficult and bumpy road for the chairman, I think he deserves commendation and appreciation by all the Members of this body.

Although in his work, at least, I am sure, he has been tested many times, I suspect that he has never been tested in a more difficult and challenging way, perhaps, than in connection with this particular piece of legislation.

Throughout debate and consideration of this issue, he has continued to set an example for the institution that is the Senate of the United States.

He has been patient with those who have disagreed. He has carried a heavy burden of responsibility, and he has carried it at all times without any regard whatsoever for party or partisan considerations.

He was, during this debate, as he always is, primarily concerned with the national interest.

I want him to know that those on this side of the aisle, as well as the administration, are particularly mindful of his great contribution.

I want to take this opportunity not only to acknowledge it, but also to thank him very much for his exemplary service to the Senate.

Mr. STENNIS. I am certainly most grateful to the Senator from Michigan for his fine and generous remarks. I value his services here on this floor very highly. I know of no man more effective than he is. While I do not deserve his words of commendation, being human, I certainly appreciate them. I feel that what little I have done has been nothing more than my duty. I have fine colleagues to work with to that same end. We have had a wonderful debate here. I am especially grateful, as I said this morning, to the distinguished Senator from Maine (Mrs. SMITH).

DRAFT REFORM LEGISLATION

Mr. STENNIS. Mr. President, just a word here about another bill that is before the committee which has just come over from the House. It concerns an amendment in which there is a great deal of interest.

Let me be brief. The Selective Service Act amendment that came over from the House a few days ago is a one-line amendment to the present Selective Service Act which would merely strike out a provision to prohibit random selection.

Therefore, with that stricken out, it would be permissible to have random selection.

Now, Mr. President, I said months ago that I favored such an amendment to the Selective Service Act.

I also said months ago that the committee considers taking up a Selective Service bill which might be passed by the House.

I further said months ago that in 1970, in the early part of that year, the committee would hold comprehensive hearings upon the Selective Service Act as a whole.

Mr. President, even though the present law does not expire until June 30, 1971, I thought we should start the hearings and consideration early, rather than wait until January 1971, and be under the pressure of time.

That was not a promise made, just an announcement. That is the way I felt about it.

I said, at the same time, that this calendar year it would be impossible to hold comprehensive hearings, and that I would never recommend taking up any bill the House passed amending the present act if there were going to be a lot of major amendments offered to it on the floor of the Senate. I think it would be the height of absurdity and the height of irresponsibility to try to pass on the great ramifications of the questions involved in the Selective Service Act without extensive hearings, without careful consideration by the committee, and positive recommendations from that committee, with a report thereon, so that we would have guidance before us before debate.

Let me illustrate: One of the bills on this subject introduced this year has 86 pages, with a great many changes.

Broad changes are proposed in the field of classification.

Broad changes are proposed in the field of appeals of various kinds.

Broad changes are proposed, or will be proposed, in the field of conscientious objectors.

There will be broad debate no doubt, on the idea of having a volunteer army.

These are all legitimate subjects for discussion but, as I say, hearings must be held on them first, and some guidance given for debate and for other Senators not on the committee.

Therefore, we are down to the proposition as to what the Senate committee will do on this amendment from the House during this calendar year.

I have called a meeting already of the committee, for discussion of that very subject, for next Monday, and I hope that all members can be there. It will be an executive session with full consideration of what we shall do.

Mr. President, I have already stated that I personally favor the amendment, but I am certainly not going to be arbitrary in saying that I will recommend to the committee that it not bring anything up here if we are going to have just a harum-scarum debate without hearings, or records, or testimony taken, and recommendations made on all of the voluminous, broad, and far-reaching proposed changes in the Selective Service Act generally which I have just enumerated. Also as the Senate knows, Senator KENNEDY is holding hearings on the administration of the Selective Service System. I am not sure that he has conducted serious hearings of his subcommittee on this phase of activity.

Mr. SYMINGTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Missouri. I have not had an opportunity to talk to him, or any other Senator, about this, except in a general way.

Mr. SYMINGTON. I am much interested in what the able chairman just said.

It will not be possible for me to be with him next Monday because we begin hearings with regard to commitments in Thailand in a subcommittee of the Committee on Foreign Relations. However, I will be glad to give the able Senator my proxy.

As I understand it, if we could get the House bill passed now, that would meet the satisfaction of the Senator from Mississippi, without amendments; is that correct?

Mr. STENNIS. Yes, without amendment. I think that is the only way we can get it enacted into law.

Mr. SYMINGTON. This year?

Mr. STENNIS. This year, yes; but I favor the substance. I hope the Senator from Missouri favors it.

Mr. SYMINGTON. I do favor it.

Mr. STENNIS. I have not gotten too far ahead of the committee. I do not believe that. I have not promised anything, and I have not made any commitments, and I am not going to until I discuss this matter with the committee and the committee members. But it is my personal view that we ought to favor that provision, but, for this calendar year, none other. We will discuss that in the committee.

If the committee decides to take it up on that point, we may have to have very brief hearings on that one point, so we will know exactly the ramifications of it. But there are other hearings going on already on the Selective Service Act, not by the committee that has jurisdiction, but some committees are holding hearings. I really do not believe our hearings should be held until the others have concluded, so we will not get into a crossfire on witnesses.

It is a good idea that, if we are going to have hearings, we should let the committee that has jurisdiction of the subject matter have those hearings. But we will decide on Monday. I make that announcement now for the information of the Senate.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. As I understand, this amendment has to do with the lottery system?

Mr. STENNIS. That is right. That is the only thing involved.

Mr. SYMINGTON. There has been considerable criticism in my State on the subject of the current draft law. The Secretary of Defense has said he would do the best he could in changing, if there was no new law. I thought it was a fine statement he made and put it in the RECORD some weeks ago. Inasmuch as this deals with what is probably the most important aspect, I fully support the position of the chairman.

Mr. STENNIS. I thank the Senator very much.

I have great respect for these very major amendments. It is all right. There is a time for everything, but the time for consideration of them would be next year, when we can have hearings.

MILITARY PROCUREMENT AUTHORIZATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for military procurement, and for other purposes.

Mr. STENNIS. Mr. President, on the conference report, I yield to the Senator from Rhode Island (Mr. PELL). I ask unanimous consent that I may yield to him to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CBW AMENDMENT AND INTERNATIONAL LAW

Mr. PELL. Mr. President, I desire to comment on my amendment to the military procurement authorization bill regarding international law and chemical and biological warfare agents.

I am delighted that the conference committee has accepted the amendments I proposed without major revisions. My amendment requires that the transportation, disposal, testing, and development of any chemical or biological weapon outside of the United States not be undertaken unless the Secretary of State determines that such activities are not in violation of international law.

I believe that this amendment will restore the proper balance between the Department of Defense and the Department of State in this area of international affairs. I expect that, as the result of my amendment becoming law, the instances of possible violations of international law which I cited in my earlier speeches will be examined by the Department of State and that steps will be taken to prevent the Department of Defense from precipitating such incidents in the future. I refer specifically to the shipment of nerve gas to West Germany in violation of the Final Act of the Nine Power Conference held in London, September 28 through October 3, 1954, and to the disposal of obsolete chemical weapons in the oceans in violation of the Geneva Convention on the High Seas.

The addition of the words "lethal" and "future" by the conference committee I construe as extraneous for the purposes of the amendment. Since the authorizing legislation refers only to fiscal year 1970, the addition of the word "future" naturally can only effect the functions I described in this fiscal year. Second, the addition of the word "lethal" I do not construe as meaning that chemical and biological weapons defused or disassembled or detoxified for purposes of the functions I described would not be considered as "lethal" weapons for the purposes of the amendment. I also understand that the word "lethal" refers not only to the immediate, but to the long-term effects of chemical and biological weapons. I believe that these constructions are necessary in order that the intent of my amendment which Secretary Laird originally supported is not negated. I further understand that the adoption of the conference report without my objection to the language used is made on my part on the basis of my interpretation of the meaning of the amendment.

Mr. PERCY. Mr. President, the conference report on the fiscal 1970 military procurement authorization bill is a profound disappointment to me. It insults those of us who this year strove to bring some measure of rationality to the military procurement decisionmaking process.

The report waters down much-needed controls on chemical and biological warfare programs—controls that passed the Senate by a vote of 91 to 0.

It eliminates the ban on deployment of combat forces in Laos and Thailand—a ban that passed the Senate by a vote of 86 to 0. It removes from the Comptroller General the subpena power to examine defense-contract profits—a reform that passed the Senate by a vote 85 to 0.

It authorizes a new shipbuilding program that was not even considered by the Senate.

It increases the procurement authorization by $700 million more than was ever considered by the Senate.

The conference report before us wantonly casts aside the judgment of the Senate which debated this bill for 8 weeks. Down the line, it seems to represent the judgment of the other body which deliberated this bill for 1 day. The conference report, in the overall, represents the judgment of a body that permitted its members 45 seconds each to speak on a bill authorizing in excess of $20 billion.

I shall vote for this report with the greatest reluctance and only because it authorizes certain programs essential to our national security and is now the only procedural means available to approve these necessary programs. But I am determined to make another effort for a reasoned appraisal of priorities when the military appropriations bill reaches the Senate floor.

Mr. HARTKE. Mr. President, after months of consideration and debate, the U.S. Senate is about to pass and send to the President, the military authorization bill. This bill as enacted will be a sorry disappointment to those Americans concerned about the mushrooming cost of the military establishment and the clear need to reorient our national priorities. The present conference committee report represents for the most part extravagant funding of weapon systems with little note of expense or efficiency.

With depressing frequency, the Senate conferences acceded to the views of the House conferees. Considering the fact that the Senate spent more than 8 weeks in floor debate on this bill and that the House allowed only 1 day debate, with most members having 45 seconds or less to develop their views, I would have thought that the Senate conferees could have successfully maintained the more developed and reflective Senate position.

The Senate floor amendments on chemical and biological activity fared better, however, than most other Senate amendments. I note that my amendment for a semiannual report to Congress detailing the amounts spent for chemical and biological activities was preserved. Also my amendment providing for increased safeguards for the transportation of lethal and nonlethal chemicals and biological agents was maintained. These increased safeguards will be a comfort to the many Americans living near a major highway or railroad. I am disappointed that, to date, it has proven impossible to determine exactly what funds and how much is being spent on chemical and biological activities.

The Senate was able to prevail in most of the chemical and biological activity amendments, I am sure, because of the effective leadership and passionate concern of the distinguished junior Senator from New Hampshire (Mr. McIntyre).

The conference report dropped one Senate floor amendment that was particularly desirable. The distinguished senior Senator from Kentucky, John Sherman Cooper, offered on the Senate floor an amendment prohibiting the use of American forces in support of local forces in either Laos or Thailand. This amendment was unanimously adopted by the Senate, 86 to 0. Now this amendment, the unanimous will of the Senate, has been entirely eliminated. This amendment was an attempt by the elected representatives of the American people, and thereby the people themselves, to have some voice in what is done abroad. We did not need the horrors of Vietnam to teach us the dangers of unacknowledged and unauthorized acts by American personnel abroad. Congress neither approved nor, until recently, was fully informed of the extent and character of U.S. forces in Laos and Thailand. The Tonkin resolution cannot be used to justify the presence of American troops supporting local troops in Thailand and Laos.

Once again we are becoming entangled in foreign and local events before our national interest is fully determined and policy is set. We must stop this practice of letting the activity of minor Government officials determine the character of our foreign policy. I am sure that Senator Cooper will continue his fight for Congress and the American people to obtain some influence of our Government activities abroad. I support him in his effort and will help him attach this amendment to any suitable piece of legislation.

Mr. STENNIS. Mr. President, I do not know of any other speaker on the conference report. The yeas and nays have been ordered on adoption of the report. I yield the floor.

The PRESIDING OFFICER. The question is on adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from New Mexico (Mr. Montoya), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I also announce that the Senator from Indiana (Mr. Bayh), the Senator from South Carolina (Mr. Hollings), the Senator from North Carolina (Mr. Jordan), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), and the Senator from Texas (Mr. Yarborough) are absent on official business.

On this vote, the Senator from Iowa (Mr. Hughes) is paired with the Senator from Washington (Mr. Jackson). If present and voting, the Senator from Iowa would vote "nay," and the Senator from Washington would vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), the Senator from Washington (Mr. Magnuson), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. Aiken) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from Tennessee (Mr. Baker), the Senator from New Jersey (Mr. Case), the Senator from Colorado (Mr. Dominick), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Hawaii (Mr. Fong), the Senator from Maryland (Mr. Mathias), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Smith), the Senator from Alaska (Mr. Stevens) and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Vermont (Mr. Prouty) is absent in order to attend the funeral of a friend.

If present and voting, the Senator from Vermont (Mr. Aiken), the Senator from Tennessee (Mr. Baker), the Senator from Colorado (Mr. Dominick), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Hawaii (Mr. Fong), the Senator from California (Mr. Murphy), the Senator from Alaska (Mr. Stevens), and the Senator from Texas (Mr. Tower) would each vote "yea."

On this vote, the Senator from Illinois (Mr. Smith) is paired with the Senator from New York (Mr. Goodell). If present and voting, the Senator from Illinois would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Vermont (Mr. Prouty) is paired with the Senator from Maryland (Mr. Mathias). If present and voting, the Senator from Vermont would vote "yea," and the Senator from Maryland would vote "nay."

The result was announced—yeas 58, nays 9, as follows:

[No. 141 Leg.]

YEAS—58

Allen
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Eagleton
Ellender
Gravel
Griffin
Gurney
Hansen
Harris
Holland
Hruska
Inouye
Jordan, Idaho
Mansfield
McClellan
McGee
McIntyre
Miller
Mondale
Moss
Mundt
Muskie
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Russell
Schweiker
Scott
Smith, Maine
Spong
Stennis
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—9

Fulbright
Hart
Hatfield
Javits
McCarthy
McGovern
Nelson
Packwood
Young, Ohio

NOT VOTING—33

Aiken
Baker
Bayh
Case
Cranston
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Hartke
Hollings
Hughes
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mathias
Metcalf
Montoya
Murphy
Prouty
Ribicoff
Saxbe
Smith, Ill.
Sparkman
Stevens
Tower
Yarborough

So the conference report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 441) providing for adjournment of the House from Thursday, November 6, 1969 to Wednesday, November 12, 1969, in which it requested the concurrence of the Senate.

(The following proceedings on the food stamp bill, which occurred during the consideration of the conference report on the military procurement bill, are printed at this point in the Record by unanimous consent.)

AMENDMENT OF THE FOOD STAMP ACT OF 1964

Mr. STENNIS. Mr. President, I yield to the Senator from Louisiana, and must say I regret exceedingly my failure to yield to him sooner. He spoke to me about his matter some time ago.

Mr. ELLENDER. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives pertaining to House Joint Resolution 934.

The PRESIDING OFFICER laid before the Senate House Joint Resolution 934, to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610 million, which was read twice by its title.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. ELLENDER. Mr. President, on June 24, the Senate passed Senate Joint Resolution 126, which increased the authorization for the food stamp program from $340 million to $750 million.

I have done everything I could to induce the House of Representatives to pass on that resolution during the past 4 months, but to no avail, until yesterday, when the House passed its own joint resolution, House Joint Resolution 934.

The only difference between the Senate resolution passed in June and the one passed by the House of Representatives yesterday is in the amount of the authorization. The present law provides for an authorization of $340 million per year. The House joint resolution is identical with that of the Senate, except that, in lieu of $750 million, the sum of $610 million is authorized.

The House of Representatives had good reason to make this amount $610 million, because the evidence produced showed that the maximum amount that could be utilized for food stamps by the administration for fiscal year 1970 is $610 million.

Mr. President, I have discussed this matter with both the minority and majority leaders, and they expressed no objection to this matter being considered today.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, before the joint resolution is agreed to, I wish to thank my distinguished chairman, and congratulate him for the fact that his effort, begun last June, has finally come to fruition.

The adoption of this joint resolution will not simply mean that we will have concluded this particular legislation, but it will also mean that the conference on the Agriculture appropriation bill, which has been held up for so long, may now be speedily concluded.

I call attention to the fact that the Senate bill was passed on July 7, and we appointed our conferees at that time. The other body appointed their conferees more than 3 months later, on October 9. We have had four meetings of the conferees since that time, and I think the Senator from Louisiana knows that we have disposed of all matters embraced within the bills of the two Houses except the food stamp amendment and three other amendments which the House conferees felt should be considered in connection with this particular item.

So, in congratulating the Senator from Louisiana, I wish to say that he is conferring a real service upon the Senate and upon agriculture generally, because many important items in that bill, and not in disagreement between the two Houses at all, have been tied up all this time because of the pendency of this measure. I think it might be well to state at this time that not only, as the Senator from Louisiana said, have the leaders on both sides agreed to this compromise, but our distinguished friend, the junior Senator from South Dakota (Mr. McGOVERN), who had been quite insistent upon a somewhat larger amount, not only for fiscal 1970 but thereafter, has advised both the Senator from Louisiana and me, as well as others, that at this stage he is quite content to accept the $610 million for 1970 embraced in this joint resolution from the House of Representatives.

I think that this marks, at long last, a successful conclusion of a longtime effort; and I hope it means that we may get home in time for Christmas eve. I am sure that the Senator from Louisiana will join me in that fervent hope. This is the most hopeful break that has occurred, affecting not only welfare, poverty, and the hunger and malnutrition questions, but also the general question of agricultural appropriations, which, as the Senator knows, reaches into our foreign relations, our consumer programs, our school lunch program, and many others. This is the first hopeful break that has occurred in a long time, and I pay tribute to the Senator from Louisiana, who has tirelessly pursued this matter. I am also happy that the leadership in the other body has worked out this solution.

I thank the Senator from Louisiana for yielding.

Mr. ELLENDER. I thank the Senator from Florida for being so patient.

We have postponed consideration of the agreement with the House of Representatives on the Agriculture appropriation bill up until now, until we received authorization to increase the food stamp program.

I wish to add, Mr. President, that in addition to speaking with the Senator from South Dakota, who is very much interested in this matter and who agreed that this should be done, I also enlisted the help of my good friend from New York (Mr. JAVITS), who assisted in having this matter brought before the House.

Mr. President, it took quite some time. However, I am glad that the House did enact a resolution to provide for the $610 million authorization.

I also state that the ranking Republican member of the Committee on Agriculture and Forestry was consulted; and he agreed to the action that is about to be taken.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, I have the floor

Mr. JAVITS. Mr. President, I just want time. If the Senator is going to speak——

Mr. STENNIS. I have the floor under a unanimous-consent agreement of the Senate.

The PRESIDING OFFICER. Is there objection to the resolution?

Mr. JAVITS. Mr. President, I do not know what the resolution is.

Mr. HOLLAND. Mr. President, this is a conference report

Mr. JAVITS. I want a quorum on the matter.

Mr. STENNIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, I want to be sure that we get the parliamentary situation straight.

Under the unanimous-consent agreement, I have been authorized to yield to the Senator from Louisiana without losing my right to the floor. And until I can get more consideration here, I respectfully decline to yield.

The PRESIDING OFFICER. The Senator from Louisiana called up a joint resolution by unanimous consent after the Senator from Mississippi (Mr. STENNIS) yielded without losing his right to the floor.

Mr. JAVITS. Mr. President, a point of order.

Mr. STENNIS. Mr. President, I yield to the Senator for a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, can a joint resolution be passed merely because a Senator holds the floor under a unanimous-consent agreement and has yielded to another Senator without any other Senator debating the matter?

The PRESIDING OFFICER. The Senator is asking whether a resolution can be passed without debate?

Mr. JAVITS. That is correct.

The PRESIDING OFFICER. A resolution can be passed without debate.

Mr. JAVITS. Without a Senator being heard? Then, am I entitled to have a quorum call before the matter is acted upon?

The PRESIDING OFFICER. Yes.

Mr. JAVITS. Am I entitled to ask for the yeas and nays before action is taken?

Mr. ELLENDER. Mr. President, I withdraw the request and will let the Senator from New York take the responsibility.

I have been working on this now for 4 months. I explained it to the Senator and he said he would assist me in trying to get the House to act.

Unless a joint resolution is passed now, there will not be any chance to raise the amount of money necessary to take in most of the States under the present food stamp law.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, the thing that puzzles me is when I ever agreed to the $610 million proposition. I have no recollection of it whatever.

I am saying publicly what I wanted to say privately. I gave notice yesterday that when the matter came up I wanted to be heard.

I have not the remotest recollection of agreeing to accept this amount. This is an authorization. It will not go down the drain because there is no authorization.

Mr. ELLENDER. Mr. President, the Senator will recall that he mentioned to me on several occasions the fact that the House had reported a resolution. They did not consider our measures. The House passed a resolution authorizing $610 million.

I stated to the Senator that in my opinion this would be the most that we could get out of the House and that it is necessary that we proceed to act on the $610 million resolution, because if we do not do so, the conference that is now being held between the House and Senate on the Agriculture appropriations bill could not consider a greater amount than the $340 million to operate the food stamp program.

If we do not act on the resolution today, the chances are that the conference on the agriculture bill will be disposed of, and we will be minus the amount necessary to operate fully the food stamp program for this fiscal year.

Mr. JAVITS. Mr. President, I think that everything the Senator has said is absolutely correct. However, he did not point out the assumption upon which it was stated a few minutes ago that I had agreed. I have not agreed, and the Senator knows it. The Senator says he knows it.

The Senator from Louisiana is a very informed man. He has informed me, but I have not agreed to it.

The PRESIDING OFFICER. The Chair would like to state that a joint resolution can be passed without debate, but it is debatable if anyone cares to debate it.

Mr. JAVITS. Mr. President, if the Senator would agree to permit me to have the floor for 1 minute in my own right, I will not take long.

Mr. STENNIS. Mr. President, I will not object, but I want to address the Chair on the matter.

Under the unanimous-consent agreement I have the floor. We have a conference report on a bill that has been pending for so very long. I think that we have about reached the conclusion of the debate on the matter.

The Senator from Kentucky is the only Senator I know of that has anything further to say. I wonder if it would be possible for us to conclude rapidly the military authorization bill, if we can do so.

Mr. ELLENDER. Mr. President, I have no objection. When I asked the Senator to yield to me, I did not think there would be any trouble at all. I had discussed the matter with the Senator from South Dakota (Mr. McGOVERN) and with the Senator from New York (Mr. JAVITS). I did not do so recently, but I told the Senator about the House action. And I asked him to help me to try to get the leadership on the House side to pass the House resolution so that we could have at least $610 million in the conference that is now being had between the House and the Senate on the regular agriculture bill for this fiscal year.

It is our only hope, If we do not do this, we will have to wait for a supplemental bill which may not be enacted until late in the summer next year.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. Mr. President, what is bothering me—and the Senator knows me well enough to know that I will tell him precisely what is in my mind—is that this is only an authorization bill. If we went to conference with the Senate having voted for $750 million and the House having voted for $610 million, we would be bound to get something more.

Mr. ELLENDER. Our measure has not passed as yet.

Mr. JAVITS. I understand. However, may I continue?

Mr. ELLENDER. We do not have authorization yet.

Mr. JAVITS. We do not have authorization on either side.

Mr. ELLENDER. That is correct. But we have authorization for $340 million.

Mr. JAVITS. We wanted $750 million and they wanted $610 million.

Mr. ELLENDER. But the Senate resolution has not been acted upon by the House. It has been pigeonholed. I am trying to get the matter straightened out.

Mr. JAVITS. That is what I am talking about. It is an authorization matter that is now in conference, not an appropriation. The Senator from Florida (Mr. HOLLAND) is the chairman of the Senate conferees, I believe.

If we are going to take $610 million, which is the lowest possible figure they would bring in here as a basic authorization and reduce it again in the conference, then why should we do it? We might just as well fight everything.

On the other hand, if we can have some assurance on the matter, I am not unreasonable and will be satisfied. I will say that I am confident the Senator from Louisiana is as anxious to do as much on the monetary amount as I am.

There is no question of bona fides, or good faith, or desire to do what needs to be done. If we can have some assurance from the Senator from Florida that the Senate conferees will stand fast for at least this minimum figure of $610 million, I would be content.

I say that very frankly to the Senator. However, if we are to be faced with a situation of going from $750 to $610 million and then going into the conference on the appropriation and have them come back with $450 million and say, "I am sorry, Mr. JAVITS. You have to compromise. We went out with $610 million, so we are coming back with a good deal." I would say then that I have been had with respect to what is going on.

I want to know what is going to happen in the end. We might as well fight all along the way.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield to me briefly

Mr. STENNIS. Yes, I yield to the Senator, under the circumstances.

Mr. HOLLAND. In the first place, the Senator from New York has never been "had," as he puts it, by the Senator from Florida.

Mr. JAVITS. That is correct. I agree with that.

Mr. HOLLAND. I thank the Senator.

In the second place, before the Senator was able to get the floor, the Senator from Florida had stated the facts in this miserably delayed matter—namely, that in June we passed our resolution increasing the authorization for 1970, for the food stamp program, from $340 million to $750 million; that the Senate passed the Agriculture appropriations bill on July 7, and included in it the entire $750 million, simply because the Senate already had adopted its own resolution. Since that time we have been trying for weeks, and for months, to bring this matter to conference.

I see my distinguished friend the ranking Republican member of my appropriation subcommittee in the Chamber, and I am sure he remembers the entire transaction.

Finally, on October 9—and these dates appear on page 13 of the calendar of business for today—the House finally appointed conferees. We have had four conferences since that time, in all of which the Senate conferees have stuck by the $750 million figure, and the House conferees have expressed their regret that they have not been able to get the House Committee on Agriculture and Forestry to act.

Finally, that committee did act, and brought out a House resolution instead of reporting our resolution as amended. The House resolution proposes $610 million for the authorization for 1970.

I did not say this in my previous appearance, but I want the Senator to know how interested I am in resolving this matter. Realizing the attitude of some of the House conferees, I called the distinguished Secretary of Agriculture, told him that this matter was to come up today, and asked him to make arrangements at the White House so that when this bill is passed—as I hope it will be, in the form that it came over to us from the House—the President would immediately sign it, because the chairman of the House conferees had made the point that he did not want to act upon the matter until it was actually law. The other conferees on the part of the Senate will recall his stating that on various occasions.

The Secretary of Agriculture has told me that he has made those arrangements. He also has tried to move fast enough to have a supplemental budget request submitted immediately after that new authorization is signed.

We have been trying very hard, therefore, to get the item completed on the basis of $610 million, and we are going to continue to do that. I cannot tell the Senator with certainty what the result will be, but I have every reason to believe that the House, since we have come to their figure on the authorization, will be glad to proceed on the basis of $610 million in the appropriations bill.

I do want to say, however, that in my own judgment, a cutting down of the authorization from $750 million to $610 million, which was always the maximum amount the Secretary stated that he could use for this year, has become even more reasonable by reason of the passage of time. More than 4 months have passed since we adopted the $750 million figure in June.

All I can say to my distinguished friend is that to the utmost of my ability I will try to uphold the action of the two bodies, if we can get this authorization passed.

The Senator well remembers, I am sure, that my distinguished chairman, who also happens to be a member of my conference committee, was insistent upon the $750 million, when, frankly, the Senator from Florida felt that $610 million was the proper figure, since that was all the Department of Agriculture stated it could use. But I am certainly committed to the $610 million. I will certainly be committed to the $610 million in conference. I will do all within my power to bring the bill out with that amount.

But there are much greater considerations than this in connection with the bill, I say to my distinguished friend. The bill contains more than $7 billion of appropriations, and affects not only Agriculture but also important foreign policy questions, such as in the food for freedom program, and important domestic programs such as the school lunch and food stamp programs and I want to get that bill out of conference and signed into law as soon as possible.

All other items in this appropriation bill have been held up, simply by the inaction upon this food stamp item.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield the floor.

Mr. STENNIS. I request Senators to please be brief, or just relieve me of my promise to yield. The military procurement authorizations conference report is almost down to the final point. Perhaps if the Senators involved in this other matter can get together and discuss it, they might reach agreement.

Mr. HOLLAND. Mr. President, will the Senator yield once more, just briefly?

I have not talked to the Senator from New York.

Mr. STENNIS. I want to help the Senators if I can, but I have duties of my own.

Mr. HOLLAND. I have not talked to the Senator from New York, but I have talked on three occasions with the Senator from South Dakota, and he told me, no later than yesterday, not only that he felt it was in the interest of his own position to accept the $610 million, but also, that he felt that he was speaking for the entire group with which he had acted.

The Senator from Florida did not go to the Senator from New York and to the many other Senators who constituted a majority of the Senate that supported the $750 million figure. But he believed that the Senator from South Dakota was speaking for the entire group, and under no circumstances would the Senator from Florida try to run over any other Senator. If the Senator from New York desires a rollcall vote, the Senator from Florida would be very glad to join him in that request. If the Senator from New York wants to be heard at length on this problem, we will be glad to wait until the Senator from Mississippi has disposed of this very vital conference report which he is handling so well. But let us get this over with, so that we can complete action on a very important appropriation bill which has been held up since July, largely because of this item.

Mr. JAVITS. The Senator from South Dakota gave no pretense of having spoken for me, I am sure, because I spoke with him 3 minutes ago, or before, because I mentioned this before. The Senator from Louisiana (Mr. Ellender) has quite accurately stated that I have not agreed to this.

I am the ranking minority member of the Nutrition Subcommittee, and I gave notice about this matter to the majority leader and on our own side that I wanted to have notice of this proceeding.

I think we can get together, and I am very sympathetic to this point of view. But I would hope that the Senators concerned would give me a minute to catch my breath and permit the Senator from Mississippi to continue. I have a guest downstairs, and I will be back in 15 minutes, and I am sure we can settle the matter.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Mr. Cannon in the chair). Does the Senator from Louisiana withdraw his request for consideration of the joint resolution?

Mr. ELLENDER. At this time, yes.

(This marks the end of the proceedings on the food stamp bill, which occurred during the consideration of the conference report on the military procurement bill, and which, by unanimous consent, were ordered to be printed at this point in the Record.)

AMENDMENT OF THE FOOD STAMP ACT OF 1969

Mr. ELLENDER. Mr. President, I request that the Chair lay before the Senate the message from the House of Representatives on House Joint Resolution 934.

The PRESIDING OFFICER. The Chair inquires of the Senator from Louisiana whether the Senator is asking unanimous consent that the Senate proceed to the consideration of the matter.

Mr. ELLENDER. No, not yet; just that the Chair lay before the Senate the message.

The PRESIDING OFFICER. The Chair lays before the Senate the message from the House on House Joint Resolution 934.

Mr. ELLENDER. Mr. President, before I ask for consideration of the resolution I wish to reiterate what I said earlier this afternoon.

The Senate passed Senate Joint Resolution 126, providing $750 million as an authorization to operate the present food stamp program in fiscal 1970. The present food stamp bill is limited to $340 million.

Now, for the past 4 months I have tried in all the ways that I know to get the House to act upon the resolution that was passed by the Senate. I have not been successful. However, the House did pass its own resolution yesterday. The resolution is worded the same as the Senate resolution except that in lieu of $750 million the House resolution provides an authorization of $610 million.

We delayed the conference report on the Agriculture appropriation bill that has been before us for 3 or 4 months in order to obtain a larger appropriation; that is, for the food stamp program.

We are now confronted with this situation. Unless this resolution is enacted, the conference will be bound to the present authorization, which is only $340 million. If this joint resolution is enacted today, the conferees on the appropriation bill for agriculture would be able to increase the amount from $340 million to $610 million.

It will be recalled that when the Agriculture appropriation bill was enacted a few months ago, the measure we enacted provided for $750 million to operate the food stamp program. The House, of course, objects and the House can make a point of order because the House did not act on our resolution for $750 million.

I hope that no objection will be heard when I ask that this resolution be considered today.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of House Joint Resolution 934.

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The clerk will state the resolution.

The Assistant Legislative Clerk. A resolution (H.J. Res. 934) to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610 million.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not press the objection, and I shall have a little more to say on the measure when it is actually before us, I do wish to point out two things so that the question may be settled definitely.

First, on yesterday, at page 33104 of the Record, I said:

> Mr. Javits. Mr. President, I intend to introduce a bill but first I would like to call to the leader's attention that I wish to be heard in connection with the food stamp House-Senate bill.
>
> I gather there is some consent brewing but I would like to be notified when the matter will be brought up.

I do not blame Senators for not having read every word of the Record every day, but I think, as my relations with the Senator from Louisiana (Mr. Ellender) have always been splendid—and I am very proud of that—I would not for a moment want him to feel that when I came into the Chamber some time ago and was told the matter was being called up, that what I stated was something I dreamed up.

My second point was that the impression may have been created in the minds of the Senator from Louisiana (Mr. Ellender), and the Senator from Florida (Mr. Holland), that I had approved of this way of dealing with the matter, but I think it is clear I had not. I am not going to bother the Senate with all the details, but I think it is critically important that we be able to rely on the word of each other. Again, I have been extremely proud of my record in that regard, as are my colleagues. I want to make clear that there was neither agreement on my part nor lack of notice that I wish to debate the matter.

As to the unanimous-consent request by the Senator from Louisiana (Mr. Ellender), this matter could go on the calendar and under the rules be called up on Monday or Tuesday. That would be a lot of extra work, and I would not dream of putting my colleague through that extra work. Therefore, I shall not object to the unanimous-consent request.

Mr. McGOVERN. Mr. President, reserving the right to object, and I do not intend to object, I would like to say very briefly that I shall support the joint resolution brought before us by the Senator from Louisiana.

I know, of my personal knowledge, that he has done everything possible for a Senator to do to persuade our friends in the other body to go along with the higher authorization figure that had been approved by the Senate some time ago.

I am convinced that any further effort in that direction would not be productive, but would result only in further delay on the funding of the food stamp program for this fiscal year.

There is no possible way under the present parliamentary situation for the Senate to add any of the reforms in the structure of our food stamp program that we approved earlier by Senate action.

Because of those two considerations,

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our inability to add any reform language to the resolution and the almost certain possibility that the House would not go along with any change in the $610 million figure that is now before us, I shall support the Senator from Louisiana in his efforts to secure early passage of this measure.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. JAVITS. Mr. President, before the Senator entered the Chamber, we had a little colloquy about this matter under rather different parliamentary auspices. In due course, and I am sure the Senator from Louisiana will agree, when the RECORD is printed we should cause that part of the debate to come under the heading of the present debate on the joint resolution.

As I have said to the Senator from Louisiana and the Senator from Florida, what we are trying to arrive at is some commitment, which I think is important, for our conferees on the appropriation bill, as long as we are giving on the program. We might go to conference and get another $10 million, $20 million, or $50 million, but I am going to stand with the Senator from South Dakota on that. Taking the House authorization should give moral comfort to those who feel like the Senator from South Dakota and me that our conferees will stand fast for $610 million. Second, that if they do not, obviously the Agriculture appropriation has been held up now for some time so that it may have to be held up for a few weeks longer. If we get the conference report, then, in good conscience, we shall have to oppose it on the ground that we do not have the money for food stamps. I am reserving the right to oppose it and I hope that, there, as I am standing with my chairman here on this, he will stand with me.

Mr. McGOVERN. I could not agree more with the Senator from New York, and with the leadership he has provided on this matter from the beginning. It has not only been sound, it has also been effective. I agree with the conditions that he has attached here for our support for the limited $610 million authorization. I agree with him, that we should settle for nothing less than an appropriation of $610 million.

It has been my understanding that the Senator from Florida has agreed to make that effort, to do everything he can within the Appropriations Committee to see that the full amount is appropriated.

Mr. JAVITS. The Senator from Florida has done that, and he will, I am sure, again; but I do think it was necessary because the Senator from Florida also said the Agriculture appropriation contains many items of importance, and so forth; and I think it is only fair to our conferees to know that there are at least two Senators—maybe more, we hope—who will feel that this is enough of a causa belli, that it is an inadequate amount on the $610 million, which is our bargain basement figure, So that we would consider it proper to fight the conference report if it did not do that.

Mr. McGOVERN. I agree with that.

Mr. ELLENDER. For the information of my good friend from New York as well as South Dakota, the Senate bill now contains $750 million.

Mr. JAVITS. Very good. So it is a compromise.

Mr. ELLENDER. But we cannot sustain that because there is no authorization for a greater sum than the $610 million.

Mr. JAVITS. The Senator shows his usual wit. In other words, if we bring in the $610 million figure in the conference report, that, to us, is $140 million less than the Senate figure.

Mr. ELLENDER. That is right, but as I said, we still have in our bill, which was passed by the Senate, $750 million. Thus, we are the ones who will have to recede.

Mr. JAVITS. May I point out to my colleague that the House Members will tell us in conference—I can hear them now—that the only authorization is for $610 million because we have accepted the bill. So the $750 million figure would go out on a point of order. Our conferees will have to stand fast on this.

The Senator from Florida (Mr. HOLLAND) has made his statement. I have been in conference with him before and I know that he knows how to stand fast. But I did feel that perhaps we would hold up his hand—that we would hold up both his hands—I would like it to be more in the character of Moses—if we made clear that we would feel—the Senator from South Dakota (Mr. MCGOVERN) and I—as the chairman and ranking member of the special committee—that this would warrant our opposing the conference report which did not do at least that. I think that might be a useful factor. No one is intimidating anyone. We are all grown men around here. But it might be a useful thing for the House conferees to know that that is the only reason I mentioned it, without in any way—because I have had experience with them, and I know—detracting or derogating from the expressions of determination and view as made by the Senator from Florida (Mr. HOLLAND) when we had debate previously.

Mr. HOLLAND. Mr. President, in the Senate committee, I supported the $610 million figure and tried to get the Secretary of Agriculture in the hearings to go to a higher figure. He declined to do so. The Senator from Florida, on the floor, when this emergency resolution of the Senate was passed, stated that that had been his position in committee but that the rest of the committee felt that the $750 million figure should go in. He said that the committee should go forward with that figure and he voted for the $750 million figure.

I now think that by all means we should stand by the $610 million figure. I have talked to the Secretary of Agriculture within the past few days. He still stands by that figure. He also told me, as I stated, before the Senator from South Dakota came into the Chamber, that he has taken up with the White House the matter of early approval of the bill, if we approve the House resolution, because there was sentiment expressed among the House conferees at the last meeting of the conference committee which we held that they would want to have the bill approved, before concluding action on this item and three other amendments which remain to be resolved.

I hope it will be approved today and goes over to the White House immediately. The Secretary of Agriculture has already taken up with the White House the question of speedy approval. I am very interested in this matter and I am going to ask, insofar as I can, for the $610 million figure.

I want to make clear that I have six levelheaded and sometimes hardheaded Senators as conferees, including the Senator from Louisiana (Mr. ELLENDER), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and from the other side of the aisle, the Senator from Nebraska (Mr. HRUSKA), the Senator from South Dakota (Mr. MUNDT), and the Senator from North Dakota (Mr. YOUNG).

I would not pretend to say what their attitude would be. I can say what I think it will be. I think they will all be delighted if we can get the $610 million figure approved. I do not believe that they will agree to report anything less. That would be my attitude.

At the same time, I reiterate what I said to the distinguished Senator from New York a while ago, that after all, the appropriations bill is a bill of over $7 billion, with many important objectives, many of which were increased by the bill. I hope that we can come back here speedily with a conference report which will contain the $610 million figure. I shall do my level best to accomplish that objective.

But, whatever we do, however far we are able to go, I hope that we can get this particular bill through because it is sort of outrageous that we have had to wait over 4 months—well, not quite 4 months, it will be on the 7th of November—from the time we approved the bill in the Senate with the $750 million figure in it for the food stamps.

Mr. President, I have talked this matter over with the Senator from South Dakota. I think he agrees with me completely that we should get a program underway for enlarging the present program as speedily as possible. He is greatly disappointed that we have not gotten it earlier. I am, too. I know the Senator from Louisiana is, because he was strongly for the $750 million figure when the matter was considered earlier.

I am committed to the $610 million figure; and I want that figure kept in the conference report. I will do my utmost to accomplish that objective. I hope that we may go ahead and agree to the House resolution and get this bill speedily on the road to the White House.

Let us get this program on the track, because we are now about 4 months behind in enacting a bill containing some very important appropriations, including this one, and others that are of great importance to our country.

For instance, school lunches will be a greatly increased program over last year. Every Senator is interested in that. I can mention other programs of equal importance, such as those dealing with consumer protection. We have increased funds in the bill for the inspection of red meat and for the inspection of poultry as required by bills which we passed nearly 2 years ago.

The programs have had to be held at their former levels because this bill has not passed. There are also many other matters of great importance.

Let us pass this bill and get it on the road to the White House. I completely and fully approve the position of the Senator from Louisiana, in which I understand our distinguished friend from South Dakota (Mr. McGOVERN) is joining wholeheartedly.

Mr. ALLEN. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. ALLEN. Mr. President, I support the food stamp program. I think it has broad popular appeal throughout the country. I believe it is providing much needed relief to people who actually are destitute or who do not have sufficient income to purchase a sufficient amount of food for their families.

As a member of the Committee on Agriculture and Forestry, I supported the administration request for $610 million, along with the distinguished Senator from Florida (Mr. HOLLAND). The Secretary of Agriculture appeared as a witness before the committee, and he testified that $610 million was all that the Department could use during the current fiscal year. On that basis, I supported, and the distinguished Senator from Florida also supported, the $610 million figure.

The Committee on Agriculture and Forestry reported to the Senate and the Senate approved an emergency authorization of $750 million. Then on long-range authorization the Senate approved $1,250,000,000 for this fiscal year with increases for succeeding years. I opposed and voted against that authorization on the theory that it was more than the Department said it needed or could efficiently and effectively use.

We are back now to the House joint resolution calling for the $610 million figure. We are farther into the fiscal year. If indications several weeks ago were that $610 million was all that could be used, that is all the more reason why $610 million now would be sufficient.

So I am hopeful that we will proceed to agree to the House joint resolution providing for the $610 million. I believe it can be and will be effectively and properly used by the Department. It is $270,000,000 more than was appropriated for the last fiscal year. It is a full meeting of the request of the administration for the food stamp program, which the junior Senator from Alabama heartily endorses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the joint resolution.

Mr. ELLENDER. Mr. President, I move its passage.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read a third time, the question is, Shall it pass?

The joint resolution was passed.

THAT "SILENT MAJORITY" WANT OUR BOYS HOME

Mr. YOUNG of Ohio. Mr. President, unfortunately, it is now apparent that the Vietnam war, which many Americans once termed "Lyndon's war," has now become "Nixon's war." In his speech Monday evening, the President appeared to justify our continued involvement in a civil war in South Vietnam on the same false premises as his predecessor.

So long as this policy continues, young Americans will fight and die waging a ground war in a little faraway country of no importance whatever to the defense of the United States.

It is tragic that the President has allowed himself to become subservient to the Joint Chiefs of Staff, Ambassador Ellsworth Bunker, Ambassador Henry Cabot Lodge and others who led President Johnson down the path to our Nation's disaster, who advised him to escalate our involvement in the fighting between the forces of the National Liberation Front of South Vietnam, aided by infiltration of some forces from North Vietnam, and the so-called friendly forces of the Saigon regime of Thieu and Ky.

President Nixon has stated that our young men are fighting in Vietnam to protect the freedom of the South Vietnamese people. Nothing could be further from the truth. The fact is that the people of South Vietnam are ruled by a militarist regime in Saigon as tyrannical as any in the world. The Thieu-Ky regime took power by overthrowing the government in a nighttime coup. Two years later it received only 34 percent of the votes in a rigged election. Thousands of the soldiers of the Saigon regime voted with their military units, then voted again in their hamlets or cities. Buddhists and neutralists were barred from voting. Also, some 13,000 political prisoners, many being imprisoned without trial, were denied voting rights. Thieu and Ky then jailed the runner-up in that election, Dzu, shortly after the election. He still remains in jail, following a so-called trial which lasted 2 hours.

The Saigon militarist regime has the support at most of only 20 percent of the people of South Vietnam. Except for the support of our Armed Forces and our huge financial subsidy, it would collapse within a matter of days. Then, Thieu would leave to join his wife at their recently purchased villa in Switzerland, and Vice President Ky would take a plane to rendezvous with his unlisted bank accounts in Hong Kong and Switzerland.

The President's statement about not imposing a government in South Vietnam disregards entirely the fact that every day of the year we are imposing the despotic Thieu-Ky regime on the South Vietnamese people.

Our involvement in Vietnam was a historic mistake of horrendous magnitude. To claim that we are in Vietnam to protect freedom is to deny the facts of history. The fact is that we are fighting in Vietnam because of our proud refusal to admit a mistake in our attempt to make South Vietnam a pro-American, anti-Communist Chinese buffer state. More than anything else, we are fighting to avoid admitting failure. As Walter Lippmann bluntly put it, "We are fighting to save face."

Many centuries ago, the Chinese sage Confucius said:

> A man who makes a mistake and does not correct it, makes another mistake.

The same is certainly true regarding nations. It is high time that we corrected our tragic error of becoming involved in a land war in Southeast Asia.

President Nixon announced that he has a secret plan for the withdrawal of forces from Vietnam, but that any plan he has referred to is predicated upon the ability of the South Vietnamese armed forces to continue the war to ultimate victory—the so-called Vietnamization of the war. The fact is that successive regimes in Saigon have had one opportunity after another to Vietnamize the war during the last 8 years. President Eisenhower sent to Vietnam some 700 military advisers to train the so-called friendly forces of South Vietnam to fight. Under President Kennedy there were approximately 20,000 military advisers sent to South Vietnam to assist, train, and teach the South Vietnamese forces to use modern weapons of war costing American taxpayers billions of dollars, or in other words, to Vietnamize the war.

What evidence does the President have to indicate that within the next year, or 2 years, or 3 years, or even 4 years, the army of South Vietnam will be capable of assuming the burden of the fighting? The answer is "None."

The army of South Vietnam, the so-called friendly forces—too friendly to fight still cling to the relatively safe coastal areas. The desertion rate still remains an appalling one man in 5 each year.

No knowledgeable American observer believes that this army can or will be able to assume the burden of the war within the next 2 years. Still, the President has tied our policy in Southeast Asia to the tail of the Thieu-Ky regime.

The very best that can be expected from President Nixon's policy is a slow and halting withdrawal of American ground combat forces following by permanent occupation of South Vietnam by from 200,000 to 300,000 American forces. This would result in a permanent drain on our resources. This is not what the American people, the silent majority, as the President refers to them, had in mind when they elected Richard Nixon to end the war. He said he had a secret plan to do just that. Evidently, they believed him.

He has yet to disclose that secret plan.

Regarding the talk about a "silent majority," I know that a majority of Ohio citizens want this war ended and our boys brought home on planes or by ship in the same manner they went there. In my judgment, a majority of the American people that—"silent majority"—want our boys home. Now, more than 10 months later, and after the killing of more than 10,000 additional Americans and the wounding of more than 60,000 others, the President pleads with Americans to be patient and to follow him in

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the disastrous course he has apparently chosen to follow in Vietnam.

What the President has done is to create a situation in which the patience of the American people is to be pitted against the patience of the Vietcong and the Hanoi government. That is the course we have been following for more than 8 years. That is the course which has brought only additional death, sorrow, and misery to our Nation. That is the course that has resulted in the killing and maiming of more than half a million Vietnamese civilians—innocent children, women, and old men, most of it by our napalm bombing and poisonous defoliation of their countryside and hamlet and village areas.

The time is long past for temporizing about the war. Millions of Americans are sick unto death of being unwilling accomplices to maintaining a monstrous regime in power in Saigon. They have no further patience with talk of Vietnamizing a war that the people of South Vietnam have neither the capacity nor the desire to fight. As failure has piled upon failure, even some of the most zealous advocates of our intervention in Vietnam have come to recognize the utter folly of the Vietnam adventure.

In attempting to support our continued involvement in Vietnam, President Nixon quoted the late, great President Kennedy as saying:

> We want to see a stable government there carrying on the struggle to maintain its national independence. We believe strongly in that. We're not going to withdraw from that effort. In my opinion for us to withdraw from that effort would mean a collapse not only of South Vietnam, but Southeast Asia, so we're going to stay there.

He failed, however, to quote President Kennedy's remarks on September 3, 1963, shortly before his assassination, when he said:

> I don't think that unless a greater effort is made by the government to win popular support that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort, and, in my opinion, in the last two months the government has gotten out of touch with the people.

President Nixon also stated that our withdrawal from Vietnam would result in a collapse of confidence in American leadership throughout the world. This, despite the fact that chiefs of state of practically every European and Asiatic nation have urged that we end our involvement in Vietnam—Great Britain, France, the Philippine Republic, Pakistan, Japan, Sweden, India, to name a few. Furthermore, with the exception of our client nation, South Korea, which has sent 50,000 fine fighting men to Vietnam, Australia and New Zealand which have sent but token forces, Thailand which has permitted us to turn that nation into a vast support base, and the Philippine Republic which sent 2,000 non-combat engineers and then withdrew them, no nation in the world has assisted us in the Vietnam war. The Philippine Republic has announced its withdrawal of its 2,000 noncombat engineers which we have been supporting and Australia is yielding to public demand to withdraw its small contingent of fighting men.

No support has been forthcoming from the Governments of Burma, Malaysia, Indonesia, Cambodia, India and other nations in Southeast Asia that allegedly would be directly affected by our withdrawal from Vietnam. The tired old domino theory never had any validity. It was discredited years ago. The President's attempt to revive it to justify our remaining in Vietnam will not change the fact that there is no substance to it.

It was with a feeling of sadness that I, and I am sure many millions of other Americans, listened to the President's words Monday evening. The President spoke of a "silent majority" supporting his policy. That and the build-up prior to his address are fantastic exaggerations. In my view, the great majority of Americans desire an end to the Vietnam war. The majority of Ohio citizens now support the views against our Vietnam war policies I first announced more than 4 years ago. A recent Gallup poll indicated that at least 58 percent of Americans favor withdrawal of all our forces from Vietnam by December 31, 1970, at the latest. When I first spoke out against our Vietnam policy in 1965, I received bitter denunciatory letters calling me an appeaser, a Communist sympathizer, anti-American and other vicious epithets. Today, and for the past 2 years, my mail from Ohio citizens has been overwhelmingly in opposition to the Johnson-Nixon war policy. The sad facts are that in practically every small city in Ohio—in fact, in our Nation—the priceless life of at least one recent high school graduate has been snuffed out in combat in Vietnam, and thousands of our young men have been returned home maimed for life.

I am sure that the President sincerely desires peace. I am equally postive that he has chosen a course of action that will lead to more bloodshed and sorrow. There was nothing in his speech whatever to offer the hope of bringing about meaningful negotiations for an end of the war in Vietnam. Where his policy will lead us, no one knows. In the meantime, priceless lives of additional thousands of young Americans will be lost and thousands more wounded and afflicted with dread jungle diseases. In the meantime we shall continue to witness the curtailment of resources for housing, education, health, and to end hunger and poverty in our Nation. Instead of rebuilding our cities, we will burn Vietnamese villages. Unemployment, ghetto housing, the urgent need for more hospitals and schools—all these must wait while we destroy Vietnam. In their place we will have inflation and higher prices, higher interest rates, a more intensified gearing of our economy to military needs, and all the other economic and social ills that have afflicted our land as a result of the war in Vietnam.

Regarding that "silent majority" frequently adverted to in recent days, I know from the volume of letters and telegrams I receive, as far as the Great Lakes region and Ohio Valley citizens with whom I am constantly in touch are concerned, they are shocked and saddened and they want our boys brought home.

President Nixon did not express their views. In my considered judgment, very definitely he did not express the views of the "silent majority" of men and women of our Nation.

COUNTERPOINT

Mr. CURTIS. Mr. President, on Thursday, October 30, 1969, the Omaha World-Herald published an editorial entitled "Counterpoint," concerning the attitude of various groups and individuals with reference to the war in Vietnam. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COUNTERPOINT

We want out now, and this is not contingent on anything that Hanoi or the Viet Cong might do.—David Mixner, an organizer of the Oct. 15 moratorium.

Scores of Buddhists in Hue's strong, anti-government resistance movement were slaughtered. So, too, were American and German civilians, French priests, South Vietnamese government officials, anyone with relatives in the South Vietnamese Army, village chiefs, political leaders, anyone who worked for the Americans, and particularly anyone who was known for his opposition to the Viet Cong.—James Cary Copley News Service.

The names of Vietnamese villages destroyed by the United States will be called out.—November demonstration plan, Clergy and Laymen Concerned About Vietnam.

Two V.C. battalions struck in the earliest hours, when the village was asleep. . . . When every building was ablaze, the Communists took their flamethrowers to the mouth of each trench. . . . The bodies of 252 people, mostly mothers and children, lay blistered, charred, burned to the bone. . . . The massacre at Dak Son was a warning . . . to cooperate.—John G. Hubbell, Reader's Digest.

We must disengage at once. Sen. Frank Moss, D-Utah.

It would be wonderful if we could just walk away from it, pull the boats up to Cam Ranh Bay and steal away into the night, leaving Saigon and Hanoi to work things out their own way. But if you did that you would want the journalists to leave along with the soldiers, because the stories that would come with Communist victory would be pretty grim stories. Twenty years of scores to settle.—Ward Just, Washington Post.

Both reality and reason impel us to declare our support for the formation of a coalition government that will include the significant participation of the National Liberation Front.—Sen. Vance Hartke, D-Ind.

For a new-born revolutionary power to be lenient with counter-revolutionaries is tantamount to committing suicide.—Truong Chinh, Communist official.

We could buy some land elsewhere. Once I suggested Borneo. . . .—Sen. Claiborne Pell, D-R.I., discussing asylum for South Vietnamese.

I saw the little boy with his hands cut off. I have seen heads impaled on stakes, and disemboweled bodies.—Lt. Gen. Lewis W. Walt, U.S. Marine Corps.

There is no truth in the assertion that our enemy is North Vietnam. The head of the National Liberation Front of South Vietnam is a Saigon lawyer. He is not a Communist.—Sen. Stephen Young, D-Ohio.

Those South Vietnamese soldiers not

killed in the battle had been tied up and shot through their mouths or the backs of their heads. Then their wives and children, including a number of 2 and 3-year-olds, had been brought into the street, disrobed, tortured and finally executed: Their throats were cut; they were shot, beheaded, disemboweled. The mutilated bodies were draped on fences. . . .—John G. Hubbell.

The United States is now the great imperialist-aggressor nation in the world.—Sam Brown, chairman, Vietnam Moratorium Committee.

The Wednesday moratorium was conceived and organized by the finest young people in this nation.—Sen. George McGovern, D-S.D.

BREAKING THE LOGJAM ON DRAFT REFORM

Mrs. SMITH of Maine. Mr. President, the Nation, the American people, the President, the Senate, and the young men of America owe the president of Yale University a very grateful vote of thanks; for, single-handedly, he accomplished outside of the Senate what could not be accomplished within the Senate.

Single-handedly, in pointing out the political facts of life on the attitude of the young voters, he broke the roadblock and the logjam on the draft reform bill that the President of the United States has heretofore been unable to budge the Senate leadership on.

But I must say that I do not give warm reception to that part of the proposed compromise which would terminate the Draft Act months earlier—and, most significantly, in an election year. This part of the compromise has "politics" written all over it.

I have grave reservations about it and its obvious political maneuvering. Consequently, I am not about to give it an immediate warm reception and embrace, as others have, without studying it.

DEPARTMENT OF DEFENSE RESEARCH AND DEVELOPMENT

Mr. MANSFIELD. Mr. President, more often than not when a seed is sown there is little notice of the event, even though a great tree may subsequently ensue. There is a legislative seed in the military procurement authorization bill for fiscal year 1970 as reported from conference that deserves our attention. It is section 203 which provides:

> None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function.

I am happy that the Senate position on this amendment has prevailed because, according to my information, over $400 million was spent by the Department of Defense in the past fiscal year on non-mission-oriented research and development projects. I, for one, will pay close attention to how the Defense Department carries out this important change in policy stated in these few words.

Section 203 goes to the heart of an important and now controversial public issue. To what extent should the research of our university scientists have to depend upon the Department of Defense? To illustrate this point, the latest figures available to me from the National Science Foundation show that if the Defense Department funds academic research as anticipated in the initial budget request for fiscal year 1970, DOD would support basic research of the kind traditionally carried out in universities at a level of $311 million in comparison with $277 million for the National Science Foundation.

At this point I would recall something that Dr. DuBridge, the President's Science Adviser, wrote almost 20 years ago in which he warned about the dependence of science upon the military for support. In rather pointed language, he said:

> As long as science is a step-child of the military, it will suffer in dignity; it will suffer through lack of assurance of long-term support; it will be under pressure to yield practical results; and, even at best, only those fields of science which seem to yield some hope of eventual practical results can benefit.

While academic research is not wholly dependent upon the military for support, I submit that for the scientists of our universities to have to depend upon the military functions for as much funding as they receive from the National Science Foundation is a situation that should not continue. Hence, section 203.

Congress, by writing section 203, is giving clear notice to the Defense Department and to university scientists who now rely upon military support and to Members of Congress responsible for funding of academic research by other agencies that the function of the military is not to support academic research, but rather is to obtain only that research which in the eye of a prudent and reasonable man relates to known requirements of the military for advances in science.

For the guidance of the Secretary of Defense, section 203 is aimed more at preventing general investment-in-the-future kinds of research at universities, rather than buying research from university scientists for information that is known to be needed. This is not to say no university research should be funded by the military. But those who seek and receive such funds should realize that they are not enjoying a form of scientific largesse from a grand patron, but rather are joining their talents and interests with the needs of the military for the defense of this country, which in itself is honorable and necessary.

I am aware of testimony by the Department of Defense last year that their research is not done for the sake of research alone. Dr. Foster emphatically informed us during the appropriations hearings of this principle:

> Research is done to provide a technological base, the knowledge and trained people, and the weapons needed for national security. No one in DoD does research just for the sake of doing research.

None of us could disagree with that. Section 203 gets at this issue.

A reasonable goal to be obtained through the working of this new provision could be to reduce DOD funding of academic research to no more than 25 percent of that funded by the National Science Foundation by the end of fiscal year 1971. Such a goal provides time for the President and his advisers and Members of Congress concerned with funding of civil research to decide whether to sustain the overall level of academic research by increasing funds for the National Science Foundation and other agencies, or as a matter of national policy to reduce the overall level. That latter, I would add, would not be a national calamity.

In this connection, I would quote briefly some recent pungent remarks by that historian of science, Dr. Derek J. de Solla Price. Earlier this year he said:

> From the time of Archimedes and Leonardo onwards, they [the scientists] have been able to demonstrate conclusively to any government that maximum support of every need of scientific work was essential for the military and economic security of the state. Unfortunately, the demands of scientists now begin to exceed the possibilities of support of the largest and most developed countries. We, therefore, begin to have a problem of "over-developed countries" where one must somehow learn to say no to at least some of the reasonable demands of the scientific community.

During the coming year we will look to the Comptroller General and his auditors to give close attention to section 203. I, for one, will expect them to establish that research administrators of the Department of Defense provide a written determination of the need for and relevance of each research project to military science and technology. Each DOD administrator should have to establish the relevance of each project at the time the decision is made to fund it, not after a congressional inquiry generates a demand for rationalization. Furthermore, I will ask the Comptroller General to report what changes in research procedures he has observed that carry out section 203.

Congress, in writing section 203, has stated an important national policy; it must be vigorously adhered to by those responsible for the expenditures of these funds.

THE 77 PERCENT IS A MAJORITY

Mr. DOLE. Mr. President, on Tuesday the senior Senator from Massachusetts stated he and millions of other Americans were most disappointed by the President's speech on Vietnam.

I do not doubt that that is possible.

But there is an offsetting fact. Even more millions were pleased. The Gallup poll, buried by the Washington Post, shows, in fact, that 77 percent of the American people agree with the President's plan for ending the war in Vietnam.

Opposed to the President's program for ending the war were 6 percent.

In our Nation there are more than 200 million people, so perhaps my colleague is right. Millions—about 12 million, to be exact, if men, women, and children are included—may oppose the President's policy for peace, but 144 million agree with President Nixon and 44 million are undecided, but not opposed.

There must be spokesmen for this

minority, and apparently the Senator from Massachusetts has undertaken this task.

I ask unanimous consent to have printed at this point in the RECORD a copy of the release issued Wednesday with reference to the Gallup poll.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

President Nixon wins a vote of confidence of 77% of Americans on his Vietnam policies. Among those persons who listened to his Vietnam speech Monday night, only six percent expressed outright opposition to the President's program for ending the Vietnam War. But another 17% are undecided.

While the initial reaction to the President's program was highly favorable, the course of public opinion in the coming weeks will depend largely on the actual rate of withdrawal of U.S. troops from Vietnam.

In a test of the nation's reactions to the speech, a series of questions were put to a total of 501 adults, living in 286 localities, in a nationwide telephone survey conducted Monday evening immediately following the speech.

Approximately 7 persons in ten contacted heard the speech. Among this group, interviewers found a large percentage of Americans who were impressed and reassured by President Nixon's remarks, but at the same time, a sizeable minority who expressed disappointment that the President did not come up with new ideas to end the war.

The predominant view at this point is that the President is pursuing the only course open to him. The idea of "Vietnamization" of the war has particular appeal to the public.

About half of the people interviewed—49%—think President Nixon's proposals are likely to bring about a settlement of the war but 25% think they are not likely to do so, and another 26% are undecided.

Eight in every ten—77%—of those contacted expressed satisfaction with President Nixon's program for troop withdrawal, 13% expressed dissatisfaction, while another 10% are undecided.

By a 6 to 1 ratio, the persons contacted agree with President Nixon that moratoriums and public demonstrations are harmful to the attainment of peace in Vietnam but most also share the President's belief that people in this country have a right to make their voices heard.

AMENDMENT OF CONSUMER CREDIT PROTECTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 511, S. 823. I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. COOK in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment, to strike out all after the enacting clause and insert:

SECTION 1. The Consumer Credit Protection Act is amended by adding at the end thereof the following new title:

"TITLE VI—CONSUMER CREDIT REPORTING

"Sec.
"601. Short title.
"602. Findings and purpose.
"603. Defintions and rules of construction.
"604. Permissible purposes of reports.
"605. Obsolete information.
"606. Disclosure of investigative consumer reports.
"607. Compliance procedures.
"608. Disclosures to governmental agencies.
"609. Disclosures to consumers.
"610. Conditions of disclosure to consumers.
"611. Procedure in case of disputed accuracy.
"612. Charges for certain disclosures.
"613. Public record information for employment purposes.
"614. Restrictions on investigative consumer reports.
"615. Requirements on users of consumer reports.
"616. Civil liability for willful noncompliance.
"617. Civil liability for grossly negligent noncompliance.
"618. Jurisdiction of courts; limitation.
"619. Obtaining information under false pretenses.
"620. Administrative enforcement.
"621. Relation to State laws.

"§ 601. Short title

"This title may be cited as the Fair Credit Reporting Act.

"§ 602. Findings and purpose

"(a) The Congress makes the following findings:

"(1) The banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence which is essential to the continued functioning of the banking system.

"(2) An elaborate mechanism has been developed for investigating and evaluating the credit worthiness, credit standing, credit capacity, character, and general reputation of consumers.

"(3) Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

"(4) There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy.

"(b) It is the purpose of this title to require that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information in accordance with the requirements of this title.

"§ 603. Definitions and rules of construction

"(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this title.

"(b) The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, government or governmental subdivision or agency, or other entity.

"(c) The term 'consumer' means an individual.

"(d) The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 615.

"(e) The term 'investigative consumer report' means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.

"(f) The term 'consumer reporting agency' means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling and evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnshing consumer reports.

"(g) The term 'file', when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

"(h) The term 'employment purposes' when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.

"604. Permissible purposes of reports

"A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

"(1) In response to the order of a court having jurisdiction to issue such an order.

"(2) In accordance with the written instructions of the consumer to whom it relates.

"(3) To a person which it has reason to believe—

"(A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

"(B) intends to use the information for employment purposes; or

"(C) intends to use the information in connection with the underwriting of insurance involving the consumer; or

"(D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

'(E) otherwise has a legitimate business need for the information in connection with a business transacton involving the consumer.

"§ 605. Obsolete information

"(a) Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

"(1) Bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than fourteen years.

"(2) Suits and judgments which, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(3) Paid tax liens which, from date of payment, antedate the report by more than seven years.

"(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period.

"(5) Records of arrest, indictment or conviction of crime, which, from date of disposition, release or parole, antedate the report by more than seven years.

"(6) Any other adverse item of information which antedates the report by more than seven years.

"(b) The provisions of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with—

"(1) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of $50,000 or more;

"(2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a principal amount of $25,000 or more; or

"(3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal, $20,000 or more.

"§ 606. Disclosure of investigative consumer reports

"(a) A person may not procure or cause to be prepared an investigative consumer report on any consumer unless—

"(1) it is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and such disclosure (A) is made in a writing, or otherwise delivered to the consumer, not later than three days after the date on which the report was first requested, and (B) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) of this section; or

"(2) the report is to be used for employment purposes for which the consumer has not specifically applied.

"(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall, upon written request made by the consumer within a reasonable period of time after the receipt by him of the disclosure required by subsection (a)(1), shall make a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered to the consumer not later than five days after the date on which the request for such disclosure was received from the consumer or such report was first requested, whichever is the later.

"(c) No person may be held liable for any violation of subsection (a) or (b) of this section if he shows by a preponderance of the evidence that at the time of the violation he maintained reasonable procedures to assure compliance with subsection (a) or (b).

"§ 607. Compliance procedures

"Every consumer reporting agency shall maintain reasonable procedures designed to avoid violations of section 605 and to limit the furnishing of consumer reports to the purposes listed under section 604. These procedures shall require that prospective users of the information identify themselves, certify the purposes for which the information is sought, and certify that the information will be used for no other purpose. Every consumer reporting agency shall make a reasonable effort to verify the identity of a new prospective user and the uses certified by such prospective user prior to furnishing such user a consumer report. No consumer reporting agency may furnish a consumer report to any person if it has reasonable grounds for believing that the consumer report will not be used for a purpose listed in section 604.

"§ 608. Disclosures to governmental agencies

Notwithstanding the provisions of section 604, a consumer reporting agency may furnish identfying information respecting any consumer, limited to his name, address, former addresses, places of employment, or former places of employment, to a governmental agency.

§ 609. Disclosure to consumers

"Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

"(1) The nature and substance of all information in its files on the consumer at the time of the request.

"(2) The sources of the information except that the sources of information acquired solely for use in preparing an investigative consumer report and actually used for no other purpose need not be disclosed.

"(3) The receipts of any consumer report on the consumer which it has furnished—

"(A) for employment purposes within the two-year period preceding the request, and

"(B) for any other purpose within the six-month period preceding the request.

"§ 610. Conditions of disclosure to consumers

"(a) A consumer reporting agency shall make the disclosures required under section 609 during normal business hours and on reasonable notice.

"(b) The disclosures required under section 609 shall be made to the consumer—

"(1) in person if he appears in person and furnishes proper identification; or

"(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

"(c) Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 609.

"(d) The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

"(e) Except as provided in section 616 and 617, no consumer shall have any claim against or bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

"§ 611. Procedure in case of disputed accuracy

"(a) If the completeness or accuracy of any item of information contained in his file is disputed by a consumer, and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall within a reasonable period of time reinvestigate and record the current statute of that information unless it has reasonable grounds to believe that the dispute by the consumer is frivolous or irrelevant. If after such reinvestigation such information is found to be inaccurate or can no longer be verified, the consumer reporting agency shall promptly delete such information. The presence of contradictory information in the consumer's file does not in and of itself constitute reasonable grounds for believing the dispute is frivolous or irrelevant.

"(b) If the reinvestigation does not resolve the dispute, the consumer may file a brief statement setting forth the nature of the dispute. The consumer reporting agency may limit such statements to not more than one hundred words if it provides the consumer with assistance in writing a clear summary of the dispute.

"(c) Whenever a statement of a dispute is filed, unless there is reasonable grounds to believe that it is frivolous or irrelevant, the consumer reporting agency shall, in any subsequent consumer report containing the information in question, clearly note that it is disputed by the consumer and provide either the consumer's statement or a clear and accurate codification or summary thereof.

"(d) Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified or any notation as to disputed information, the consumer reporting agency shall, at the request of the consumer, furnish notification that the item has been deleted or the statement, codification or summary pursuant to subsection (b) or (c) to any person specifically designated by the consumer who has within two years prior thereto received a consumer report for employment purposes or within six months prior thereto received a consumer report for any other purpose, which contained the deleted or disputed information. The consumer reporting agency shall disclose to the consumer his rights to make such a request. Such disclosure shall be made at or prior to the time the information is deleted or the consumer's statement regarding the disputed information is received.

"§ 612. Charges for certain disclosures

"A consumer reporting agency shall make all disclosures pursuant to section 609 and furnish all consumer reports pursuant to section 611(d) without charge to the consumer if, within thirty days after receipt of such consumer of a notification pursuant to section 615 or notification from a debt collection agency affiliated with such consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected, the consumer makes a request under sections 609 or 611(d). Otherwise, the consumer reporting agency may impose a reasonable charge on the consumer for making disclosure to such consumer pursuant to section 609, the charge for which shall be indicated to the consumer prior to making disclosure; and for furnishing notifications, statements, summaries, or codifications to persons designated by the consumer pursuant to section 611(d), the charge for which shall be indicated to the consumer prior to furnishing such information and shall not exceed the charge that the consumer reporting agency would impose on each designated recipient for a consumer report except that no charge may be made for notifying such persons of the deletion of information which is found to be inaccurate or which can no longer be verified.

"§ 613. Public record information for employment purposes

"A consumer reporting agency which furnishes a consumer report for employment purposes and which for that purpose compiles and reports items of information on consumers which are matters of public record and are likely to have an adverse effect upon a consumer's ability to obtain employment shall—

"(1) at the time such public record information is reported to the user of such consumer report, notify the consumer of the fact that public record information is being reported by the consumer reporting agency, together with the name and address of the person to whom such information is being reported; or

"(2) maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date. For purposes of this subparagraph, items of public record relating to arrests, indictments, convictions, suits, tax liens, and outstanding judgments shall be considered up to date if the current public record status of the item at the time of the report is reported.

"§ 614. Restrictions on investigative consumer reports

"Whenever a consumer reporting agency prepares an investigative consumer report, no adverse information in the consumer report (other than information which is a matter of public record) may be included in a subsequent consumer report unless such adverse information has been verified in the process of making such subsequent consumer report, or the adverse information was received within the three-month period preceding the date the subsequent report is furnished. Whenever a consumer reporting agency prepares an investigative consumer report, it shall follow reasonable procedures to assure maximum possible accuracy of the report.

"§ 615. Requirements on users of consumer reports

"(a) Whenever credit or insurance for personal, family, or household purposes, or employment involving a consumer is denied or the charge for such credit or insurance is increased either wholly or partly because of information contained in a consumer report from a consumer reporting agency, the user of the consumer report shall, within a reasonable period of time, upon the consumer's written request for the reason for such adverse action received within sixty days after learning of such adverse action, so advise the consumer against whom such adverse action has been taken and supply the name and address of the consumer reporting agency making the report. The user of the consumer report shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(b) Whenever credit for personal, family, or household purposes involving a consumer is denied or the charge for such credit is increased either wholly or partly because of information obtained from a person other than a consumer reporting agency bearing upon the consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, the user of such information shall, within a reasonable period of time, upon the consumer's written request for the reasons for such adverse action received within sixty days after learning of such adverse action, disclose the nature of the information to the consumer. The user of such information shall disclose to the consumer his right to make such written request at the time such adverse action is communicated to the consumer.

"(c) No person shall be held liable for any violation of this section if he shows by a preponderance of the evidence that at the time of the alleged violation he maintained reasonable procedures to assure compliance with the provisions of subsections (a) and (b).

"§ 616. Civil liability for willful noncompliance

"Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) such amount of punitive damages as the court may allow, which shall not be less than $100 nor greater than $1,000; and

"(3) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 617. Civil liability for grossly negligent noncompliance

"Any consumer reporting agency or user of information which is grossly negligent in failing to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of——

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

"§ 618. Jurisdiction of courts; limitation

"Any action under section 616 or 617 may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, within two years from the date of the occurrence of the violation.

"§ 619. Obtaining information under false pretenses

"Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 620. Administrative enforcement

"(a) Compliance with the requirements imposed under this title shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other government agency under subsection (b) hereof. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalities and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions thereof were part of this title.

"(b) Compliance with the requirements imposed under this title with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of:

"(A) national banks, by the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

"(2) section 5(d) of the Home Owners Loan Act, of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;

"(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions with respect to any Federal credit union;

"(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts;

"(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act; and

"(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

"(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title any other authority conferred on it by law.

"§ 621. Relation to State laws

"This title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency."

EFFECTIVE DATE

SEC. 2. Section 504 of the Consumer Credit Protection Act is amended by adding at the end thereof the following new subsection:

"(d) Title VI takes effect upon the expiration of one hundred and eighty days following the date of its enactment. The requirements of section 609 respecting the disclosure of sources of information and the recipients of consumer reports do not apply to information received or consumer reports furnished prior to the effective date of title VI except to the extent that the information is contained in the files of the consumer reporting agency on that date."

CONTROL OF OUTDOOR ADVERTISING ALONG FEDERAL-AID HIGHWAYS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 513, Senate bill 1442.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1442) to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 1, line 8, after the word "out", strike out "one or more"; at the top of page 2, insert "Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section."; in line 9, after the word "are", insert "hereby"; in the same line, after the word "appropriated", strike out the comma and "out of any money in the Treasury not otherwise appropriated,"; in line 11, after the word "exceed", strike out "$5,000,000" and insert "$15,000,000"; in line 13, after the word "shall", strike out "remain available until expended.' " and insert "be available in accordance with the provisions of subsection (m) of this section."; and after line 16, insert a new section, as follows:

> (3) The Secretary is directed to report to the Congress on the results of any pilot programs funded under this section together with such recommendations as he deems necessary to improve the administration of the policy set forth in this section.

So as to make the bill read:

S. 1442

> A bill to amend section 131 of title of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section
>
> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 131 of title 23 of the United States Code is amended by inserting at the end thereof a new subsection as follows:
>
> "(o) (1) The Secretary is authorized to enter into agreements with one or more States for the purpose of carrying out pilot programs to determine the best means of accomplishing the purpose of this section. Preference shall be given to any State or States which have undertaken agreements with the Secretary and private individuals or business concerns to carry out the provisions of this section. Any such agreement shall provide for the payment of the Federal share, prescribed in subsection (g), of the cost of the program, and shall be in accordance with the other provisions of this section to the extent applicable for the purpose of this subsection.
>
> "(2) There are hereby authorized to be appropriated not to exceed $15,000,000 to carry out the provisions of this subsection. Amounts appropriated for the purpose of this subsection shall be available in accordance with the provisions of subsection (m) of this section.
>
> "(3) The Secretary is directed to report to the Congress on the results of any pilot programs funded under this section together with such recommendations as he deems necessary to improve the administration of the policy set forth in this section."

Mr. MOSS. Mr. President, I am pleased to speak in behalf of S.1442, a bill to create a pilot outdoor advertising sign removal program, which I introduced March 7, 1969.

This bill would permit one or more pilot programs for the removal of nonconforming billboards under the highway beautification program. It is the result of more than 2 years of discussions and meetings with Salt Lake advertising executive Douglas T. Snarr and numerous of our key highway officials.

Basically, the program calls for acquiring by contract all the nonconforming signs of a company at one time, and authorizing the owning company to dismantle and remove the signs on an agreed time schedule.

The alternative is to remove nonconforming signs on a highway beautification project which involves the condemnation of signs on a sign-by-sign basis. Research by the Utah State Department of Highways proves such a procedure, the second procedures, would be extremely expensive, costing up to two to three times as much money.

Under the provisions of my bill the very people who built the signs and know where they are would be the ones to go out and take them down. There would be no problem of unfamiliarity and it would permit an orderly procedure with the sign companies cooperating rather than walking away and simply abandoning their signs and leaving them to be removed by some other contractor or State employees.

The Federal Highway Beautification Act of 1965 has been ineffective, and there is danger that it will create a great amount of damage within a number of States.

We need to move ahead and answer some basic questions.

How are signs to be taken down, under what procedure? How are they to be paid for, on a per sign basis which would cost two to three times the amount of the purchase under a per company approach? Can the financing be long termed? Can the Federal Government fulfill its contractual responsibilities by allowing the States to float bonds which the Federal Government will help to liquidate? Where are the signs to be taken? What salvage can be made of them?

We need money authorized and appropriated and given to one or two pilot States to work out these details in a practical demonstration which would at the same time show the good faith of the Federal Government. The need is now while other programs are on the books and States are prepared to go forward. The need is now while the small sign companies can still salvage some of their business and before the giant companies gain an absolute monopoly.

I appreciate the support this bill received from the Public Works Committee. In fact, it was the committee which raised the authorization figure from the $5 million I had requested to the present $15 million.

This bill is important for the beautification of our country, and I urge its approval by the Senate.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. GURNEY. Mr. President, the distinguished majority leader announced yesterday that the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court may be brought to the floor next Wednesday. This is welcome news. The nomination is of the greatest importance and it is the hope of this Senator that we will be able to act upon it next week.

I understand that the committee reports are having the final touches put on them and should be available soon for the study and consideration of all Senators. An enormous amount of work has already been made available to us by our colleagues on the Judiciary Committee and the issues have been pretty well drawn. The distinguished junior Senator from Indiana (Mr. BAYH) has provided a bill of particulars for our consideration. The ranking Republican on the Judiciary Committee (Mr. HRUSKA) and the distinguished junior Senator from Kentucky (Mr. COOK), who also serves on the committee, have made several excellent speeches on the floor and have distributed to each Senator three memorandums dealing with the issues of ethics, civil rights, and labor. These distinguished gentlemen and all members of the Judiciary Committee are to be commended for their efforts to clearly draw and define the issues.

Mr. President, I have reviewed the materials and the issues and I intend to vote for the confirmation of Judge Haynsworth. It is clear to me that Judge Haynsworth is a man of honor and high ethical standards. His opinions are scholarly, and they exhibit the intellectual honesty that is the mark of a truly impartial judge.

A great deal has been written and said about this nomination. The primary source, the hearing record, itself, is 762 pages long. Observers and commentators, union officials, Senators, and the President of the United States have all spoken.

Judge Haynsworth's personal and judicial philosophy differs from that of some other recent nominees. There is no question about that. I will not attempt to define this philosophy or predict his behavior on the Court because history has amply demonstrated the futility of such a course. I will observe that it is not surprising, in view of type of man and philosophy that President Nixon wanted to serve on the Supreme Court, that those of a contrary philosophy have waged a war against this nomination. This was to be expected.

The adverse arguments brought forward by those philosophically opposed to Judge Haynsworth's nomination deserve our careful study. No Senator can intelligently cast his vote if he knows only one side of the question.

What are of greater interest to me,

however, are the testimony and observations of many who, although philosophically opposed to Judge Haynsworth, commend the nomination or, at least find the criticism of him unjust. The opinions of those who speak against their own philosophical interests should be entitled to great weight.

Mr. John P. Frank, attorney, testified in favor of Judge Haynsworth. He served as law clerk to Justice Black, he has taught at Yale and Indiana Law Schools, and has written about the Supreme Court, he is a member of the Advisory Committee of the Supreme Court and the Judicial Conference on Civil Procedure. He filed the first brief calling for total school desegregation in 1950 in the case of Sweatt against Painter. He was the first to write in favor of what has become known as the one-man, one-vote rule. He was cocounsel in Miranda against Arizona. In his testimony he said:

> I would without doubt have preferred a different administration to be appointing a more liberal Justice. But my side lost an election, and the fact of the matter is that as a member of the bar we are called upon by canon 8 to rise to the defense of judges unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification of Judge Haynsworth is truly an unjust criticism which cannot be fairly made.

This quotation is from page 123 of the hearings record.

Mr. Frank's testimony was directed toward the issue of Judge Haynsworth's ownership of a one-seventh interest in Carolina Vend-A-Matic and whether he should have disqualified himself in the Darlington case. His brief was persuasive. The overwhelming weight of authority required Judge Haynsworth to sit in the case, not to disqualify himself.

Prof. G. W. Foster, Jr., teaches law at the University of Wisconsin. A devoted civil rights advocate, Professor Foster played a prominent role in the promulgation of the original Department of Health, Education, and Welfare school desegregation guidelines in 1965. In his prepared statement which was submitted to the committee and is a part of the record, Professor Foster says:

> My presence today is explained by my wish to speak to the charges that Judge Haynsworth is a racial segregationist. Judge Haynsworth is not a segregationist . . .
>
> Judge Haynsworth is an intelligent, sensitive, reasoning man. His record as a judge shows him to be a man capable of continuing growth and responsive to the needs for change where needs are persuasively shown to exist. . . . (H)e will make a first-rate Associate Justice.

Prof. Alexander Bickel, of Yale Law School, summed up, in a recent article for New Republic, as follows:

> But President and Senate are partners, and the Constitution gives the President the initiative. If in order to refashion the Court so as to please himself, he were to attempt to move it beyond an ideologically moderate position, senators who are of a different mind ought to resist. But Judge Haynsworth is no reactionary. His civil rights record is centerist, although more cautious than some senators might like. If the Senate demands precisely the ideological profile it would prefer, the appointment process will be in deadlock. Judge Haynsworth should be seen ideologically as falling within the area of tolerance in which the Senate defers to the President's initiative.

Speaking during the hearings primarily on the issue of Judge Haynsworth's labor rulings was Louis B. Fine who is a former president of the Virginia Bar Lawyers Association, a member of the board of governors of the American Trial Lawyers Association, and who has served as counsel for the Teamster, the Painters Union, the Carpenters Union, and the Longshoremen's Union of Norfolk. He testified:

> I think it is manifestly unfair to have said that Judge Haynsworth was antilabor when, as a matter of fact, he only decided the cases and only wrote one opinion out of 10 that were reversed out of a total of 47. Even the Lord couldn't do much better under the total circumstances, and I say that while I have been and am representing labor, labor is not in a fraternity house with the judicial administration of justice. It is just like any other litigant, and that labor must depend upon the economic and social justice as it appears to a conscientious judge.

The evidence is overwhelming that Clement Haynsworth is a conscientious judge. Those who knew him best, his fellows on the Fourth Circuit Court of Appeals, have affirmed their confidence in his integrity and his ability.

The American Bar Association Committee on the Federal Judiciary interviewed a cross-section of the legal community that worked with Judge Haynsworth. Attorneys from each State in the Fourth Circuit were contacted: some represented plaintiffs in personal injury cases, some represented defendants, two were deans of law schools, two represented labor unions, one did admiralty work for shipowners, another represented seamen and longshoremen, two were outstanding Negro lawyers. As Judge Walsh said in summarizing the investigation:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament and his professional ability.

I am impressed by this testimony, the abundance of it, and the sources from which it comes. Judge Haynsworth is not an average, colorless official as some have charged. He has a justly deserved reputation for scholarly analysis and well-written opinions.

I commend President Nixon for making this nomination. The attacks have been furious and the smoke they threw up has been thick, but they have been shown to be without foundation. President Nixon has been unwavering in his support for the nominee. Judge Haynsworth deserves such support.

I yield the floor.

AMENDMENT OF THE CONSUMER PROTECTION CREDIT ACT

The Senate resumed the consideration of the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

Mr. PROXMIRE. Mr. President, this is the fair credit reporting bill, which has been reported by the Committee on Banking and Currency, I believe by a unanimous vote.

The purpose of the fair credit reporting bill is to prevent consumers from being unjustly damaged because of inaccurate or arbitrary information in a credit report. The bill also seeks to prevent an undue invasion of the individual's right to privacy in the collection and dissemination of credit reports.

Whenever an individual is rejected for credit, insurance, or employment because of an adverse credit report, the individual is given the right to be told the name of the agency making the report.

Credit reporting agencies would be required to inform the consumer of all the information in his credit file. Following disclosure, the consumer would be given an opportunity to correct inaccurate or misleading information in his credit file. In addition, the bill requires that the information in a person's file be kept confidential and used only for legitimate business transactions. Under most circumstances, adverse information older than 7 years could not be reported. The legislation also establishes the right of a consumer to be informed of investigations into his personal life.

The bill covers reports on consumers when used for obtaining credit, insurance or employment. However, the bill does not cover business credit reports or business insurance reports.

The bill recognizes the vital role played by credit reporting agencies in our economy. Those who extend credit or insurance or who offer employment have a right to the facts they need to make sound decisions. Likewise, the consumer has a right to know when he is being turned down because of an adverse credit report and to correct any erroneous information in his credit file. The procedures established in the bill assure the free flow of credit information while at the same time they give the consumer access to his credit file so that he is not unjustly damaged by an erroneous credit report.

GROWTH OF THE CREDIT REPORTING INDUSTRY

Mr. President, few Members of the Senate, and I think few people in our country, realize the terrific scope of credit reporting, or realize how rapidly the consumer credit industry has grown. The figures are really astonishing.

One of the phenomenal growth records since the end of World War II has been the growth of the consumer credit industry. At the end of 1945 the American consumer owed less than $6 billion, whereas he now owes over $116 billion. With the growth of consumer credit, a vast credit reporting industry has developed to supply credit information. The growth of computer technology has facilitated the storage and interchange of information on consumers and opens the possibility of a nationwide data bank covering every citizen.

As a matter of fact, it is my understanding that almost every adult in America has a credit file containing information on him. Few individuals realize that these credit files are in existence. However, such a file can have a very serious effect on whether a man gets employment or insurance. It can have a disastrous effect, as our hearings show it has had a disastrous effect, on some individuals.

As an example of the size of the industry, the Associated Credit Bureaus, a major trade association, has over 2,200 individual members serving 400,000 creditors in 36,000 communities. These credit bureaus maintain credit files on more than 110 million individuals and in 1967 they issued over 97 million credit reports. Credit bureaus typically supply information on a person's financial status, bill paying record and items of public record such as arrests, suits, judgments, and the like. The information is generally furnished to creditors for extending credit although it may also be used for employment purposes.

One of the fastest growing credit bureaus already has 27 million files on computer tape. Moreover, the firm is adding names at the rate of 7 million a year. If this growth rate is maintained, the firm will have data on every American family in their computer file within a few years. Last year the firm made 7 million reports to creditors.

Another firm prominent in the insurance reporting field has 1,800 offices in the United States and Canada. This firm has dossiers on 45 million individuals and makes 35 million reports a year to their 40,000 customers. Insurance reporting firms investigate people who apply for insurance, generally through interviews with neighbors and coworkers. Their files include information on a person's character, habits and morals as well as his financial status. Once the information is in the file, it can be used again for future insurance or employment reports.

Until this year, there has been virtually no State legislation regulating credit reporting other than a 1916 Oklahoma statute with limited scope. In 1969, credit reporting legislation was introduced in 27 States and two States—Massachusetts and New Mexico—passed a statute. Because of the nationwide character of the credit reporting business, firms which operate on a nationawide scale expressed a preference for Federal regulation rather than State legislation during the hearings on S. 823. Moreover, New York State officials who testified expressed a need for Federal legislation to supplement any future State legislation which may be enacted.

PROBLEMS OF THE CREDIT REPORTING INDUSTRY

Given the rapid expansion of the credit reporting industry and the almost complete lack of regulation, it is inevitable that some problems will arise. For the most part, the credit reporting system has served the consumer well. Nonetheless, congressional hearings have shown that some abuses do exist. Moreover, industry leaders have agreed that there have been some abuses and many have already taken voluntary steps to correct them. The leaders of the credit reporting industry are likewise agreed upon the need for Federal legislation to insure that guidelines apply uniformly and fairly to all segments of the industry.

One problem which the hearings on S. 823 identified is the frequent inability of the consumer to know he is being damaged by an adverse credit report. Standard agreements between credit reporting agencies and the users of their reports prohibit the user from disclosing the contents of the report to the consumer. In some cases, the user is even precluded from mentioning the name of the credit reporting agency. Unless a person knows he is being rejected for credit or insurance or employment because of a credit report, he has no opportunity to be confronted with the charges against him and tell his side of the story.

Under the fair credit reporting bill, this problem would be solved by requiring those who turn someone down for credit, insurance or employment because of an adverse credit report to disclose the name and address of the credit reporting agency. The disclosure would be at the written request of the consumer; however, the creditor, insurer, or employer, would be required to disclose to the consumer his right to make such a request at the time the adverse information was communicated. This disclosure requirement would alert consumers that they are being turned down on the basis of an adverse credit report. Other provisions in the bill would then give the consumer an opportunity to correct any misleading or inaccurate information in the report.

A second problem is that even if the person knows the name of the credit reporting agency, he is not always given access to his file. Insurance reporting firms generally do not admit to making a report on an individual and ordinarily will not reveal the contents of their file to him. Credit bureaus sometimes build roadblocks in the path of the consumer. For example, the credit bureau industry trade publication, in frankly discussing this problem, states that some bureaus discourage consumer interviews "by placing a nuisance charge on the investigation, or merely placing the date of the interview as much as 2 weeks away."

The bill deals with this problem by requiring that credit reporting agencies interview consumers during normal business hours and on reasonable notice and disclose all the information in the consumer's file. Moreover, a charge for such interview cannot be made if the consumer is turned down for credit, insurance, or employment, or if he has received a collection letter from a collection affiliate of the credit reporting agency. In other cases, the reporting agency would be permitted to levy a reasonable charge.

Access to the file would also be facilitated by giving the consumer the right to have a person with him when he discusses his credit file. This would enable the Neighborhood Legal Service and similar groups to assist low-income consumers in dealing with credit reporting agencies. In addition, the credit reporting agency would be required to have trained personnel available to discuss a consumer's credit file with him.

A third problem is that even when individuals gain access to their credit file, they sometimes have difficulty in correcting inaccurate information. Some credit reporting agencies proceed on the assumption that an individual is guilty until proven innocent and refuse to delete information which is no longer verifiable unless the consumer can prove otherwise. In other cases, the consumer may have difficulty in getting his version of a legitimate dispute recorded in his credit file. For example, a consumer may withhold payment from a creditor because the merchandise was defective. His credit record may simply show that he has refused to pay without entering his reasons.

The bill would deal with this problem by requiring credit reporting agencies to delete information from their files if it is found to be inaccurate or if it can no longer be verified. If there is a dispute between the consumer and the merchant or other source of information, the consumer is given the right to file a brief explanatory statement setting forth his side of the story. This statement or a clear and accurate summary thereof would have to be included on all subsequent reports made by the credit reporting agency. I am hopeful that this provision would prevent unscrupulous creditors from unjustly damaging the credit reputation of the consumer when the merchant himself is at fault.

A fourth problem is that the information in a person's credit file is not always kept strictly confidential. As an example, a reporter for a major TV network was able to obtain 10 out of 20 reports requested at random from 20 credit bureaus by using the name of a completely fictitious company.

This problem would be dealt with by requiring credit bureaus to maintain procedures to safeguard the confidentiality of the information in their files. Those who requested credit reports would have to certify the purposes for which they are requested and agree not to use the information for any other purposes. The credit reporting agency would have to make a reasonable effort to determine the authenticity of new prospective users of reports. Moreover, any persons who obtained a credit report under false pretenses could be fined up to $5,000 and imprisoned up to 1 year, or both.

A fifth problem is that investigative-type credit reports often gather highly sensitive and personal information about a person's private life. Moreover, because of its very nature, most of the information on a person's general character, habits, and morals is based on someone's subjective opinion rather than objective fact. Some of the information collected on investigative reports appears to be only marginally related to the purpose of granting credit or insurance and may tend to invade the individual's right to reasonable privacy.

As an illustration of the personal type of information being collected, the hearings on S. 823 revealed the following items on consumers are included on the report forms of insurance reporting firms: Racial or ethnic descent; drinking habits; reasons for drinking; domestic trouble; immoral conduct; gambling activities; use of drugs; type or reputation of associates; general character and reputation; type of neighborhood; family reputation; housekeeping habits; condition of yard; number of bathrooms per resident; connection with illegal liquor; reasons for divorce or separa-

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tion; care of children; attitude toward authority; quarrelsome behavior; abuse of family; argumentative, antagonistic; antisocial or uncooperative attitudes; and common law marriage. Many of these obviously are not relevant to whether a man should have credit, or whether he is a good credit risk.

This problem would be dealt with by requiring those who order investigative reports on a consumer's character, general reputation, personal characteristics, or mode of living to disclose such fact to the consumer. In addition, the consumer would have the right to receive a complete and accurate disclosure of the nature and scope of the investigation if he makes a written request. His right to make such a written request would also have to be disclosed by the person ordering the investigative report.

I am hopeful that this provision will bring to a halt the unwarranted snooping into a person's private life. Even insurance industry representatives had to admit during the hearings on S. 823 that some of the questions appearing on insurance reporting forms are silly, unnecessary, and unduly intrusive. There seems to be no legitimate reasons why insurance companies need to know the number of bathrooms a person has or whether he is a neat housekeeper or whether he mows his lawn. No actuarial statistics are available to relate these factors to mortality.

A sixth problem deals with the handling of public record information. Most credit bureaus systematically compile public record information such as records of suits, tax liens, arrests, indictments, convictions, bankruptcies, judgments, and the like. This information is then included on a person's report when he applies for credit, or in some cases when he applies for employment. Unfortunately, the information cannot always be kept up to date either because it is costly or because the correct information is simply not available. Thus, it is possible for a credit bureau to report a record of a suit or arrest without indicating that the suit was dismissed or the arrest charges dropped. Because public record information is reported to employers as well as creditors, a consumer's future employment career could be jeopardized because of an incomplete credit report.

In order to deal with this problem, the bill requires that if a credit reporting agency collects public record information and furnishes such information to prospective employers, it must maintain strict procedures to keep the information up to date. If this cannot be done the reporting agency must notify the consumer that the adverse information is being reported at the time it is reported. The reporting agency must also disclose the name of the person to whom the information is reported. This disclosure principal would alert consumers to the fact that adverse information of a public nature is being reported on them. If the information is inaccurate or out of date, the consumer would then have an opportunity to correct the information by contacting the credit bureau.

A seventh problem is concerned with the reporting of information about a person's earlier credit difficulties. Creditors obviously have a right to know if a person has had trouble in paying his bills. At the same time it is unfair to burden a consumer for life with a bad credit record if he has improved his performance. The Associated Credit Bureaus has recognized this problem and had proposed voluntary guidelines to its members to the effect that adverse information not be reported if it is older than 7 years or 14 years in the case of bankruptcies. Nonetheless, these guidelines are not necessarily followed by reporting agencies who are not members of the ACB. The Associated Credit Bureaus has worked to enforce these guidelines on a voluntary basis.

The bill would handle this problem by prohibiting the reporting of adverse information older than 7 years or 14 years in the case of bankruptcies, thus extending the ACB voluntary guidelines to other segments of the industry. However, an exemption would be made in the case of large life insurance transactions in excess of $25,000, large credit transactions in excess of $50,000 and employment reports involving an annual salary in excess of $20,000. In these cases, the committee felt that because of the large amounts of money involved the user of the credit report has a right to go back beyond 7 years to determine if there is any adverse information in the person's credit file. However, in the vast majority of cases the 7-year requirement would enable the average consumer to start with a clean slate.

Mr. President, I believe this bill is a reasonable bill. It is fair to the consumer and fair to the credit reporting industry and those who use credit reports. The industry has voluntarily cooperated with the committee in developing sound and workable legislation which accomplishes the objectives without imposing unduly restrictive requirements on the industry. I believe the example we have set in this legislation should serve as a guide to future consumer legislation.

Whenever consumers have a substantial problem in the marketplace, there is no reason why consumer groups, the industry and Government cannot work together to come up with a reasonable approach for solving the problem. They certainly have done so this time.

I pay tribute to the industry. They showed a great deal of initiative and intelligence and cooperation in coming to the committee and discussing with all members of the committee the problems and the kind of legislation that would be workable and practicable and would do the job.

We discussed the matter in great detail with the Associated Credit Bureau, the consumer groups, and with interested groups.

I think we have a bill that will work and do the job for the consumer and will protect the very important interests of a vital industry.

Mr. President, I compliment the senior Senator from Utah (Mr. BENNETT) and the able chairman of this committee (Mr. SPARKMAN) for their constructive cooperation on this legislation. The committee has reported a fair and workable bill and I recommend its enactment to the Senate.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, I submitted some amendments which were referred to the committee, and I am glad to see that the committee has paid attention to these amendments, especially the one which relates to the ability of the consumer to present his side of the case. Much of the effect of these provisions have been added to the bill. I am troubled, however, by one aspect which I think is important.

Mr. PROXMIRE. Mr. President, before the Senator comes to that matter, I point out that the Senator from New York was very helpful to the committee.

The Senator from New York is a leading consumer's advocate. He is very expert in the matter. His advice and recommendations to the committee were very helpful.

Mr. JAVITS. Mr. President, I am very pleased that the Senator feels that way. When I was attorney general of New York, I had a great deal to do with consumer fraud. And my successor, Attorney General Lefkowitz, is considered to be very much of a leader in this field. I profited greatly from my consultations with him with respect to the questions which I will raise.

First, the Senator will recall that I suggested to the committee the possibility of granting authority to the attorney general of a State to seek a permanent injunction against a credit reporting agency or user of information which does not comply with the law. Could the Senator tell us what is the scheme of enforcement which commended itself to the committee which makes the committee feel that it was better to omit that authority in States' attorneys general?

Mr. PROXMIRE. The suggestion of the Senator from New York was discussed in some detail. It was felt that this could somewhat complicate the bill. There was a particular feeling that this ought to be as uniform nationally as possible because of the nature of the credit reporting industry, which crosses State lines so freely, so widely, and so regularly. So the enforcement was given to the Federal Trade Commission instead of the individual States' attorneys general.

Mr. JAVITS. The purpose of that, then, was uniformity of litigation and uniformity of decision?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. I think that is sound.

I would assume, however—and may the record clearly show—that it is intended that the attorneys general of the States are encouraged to carry on consumer protection activities, that it is the intention of Congress that they may be considered part of the enforcement mechanism by which this particular measure will operate, and that their complaint will be given very considerable weight by the enforcing agency.

Mr. PROXMIRE. By all means. And I am delighted that the Senator has emphasized this, because this is the type of legislation which can work effectively only if States' attorneys general, who are recognized so widely as the enforcing arm in the States, do feel that they have this responsibility and feel free to exercise it when called upon to do so.

Mr. JAVITS. So that in our legislative oversight, I hope very much that the Committee on Banking and Currency, which reported the bill, will have that in mind, so that some accounting might be asked of the attention paid by the Federal Trade Commission to the complaints of attorneys general.

Mr. PROXMIRE. I appreciate that very much. That is something that we will certainly watch and encourage.

Mr. JAVITS. And I will asume the same accounting will be taken of the other enforcement agencies within the bill?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. The other thing that puzzles me with a scheme of this character, and I realize that it is sort of webbed through the bill, is this: The scheme of operation which gives notice to the consumer, who is the subject of possibly arbitrary, erroneous, and malicious credit information, that there is something in the files about him or that something is being looked into which affects him, in order that he might head off, with his explanation or deletion at the earliest possible time the particular information about him which is arbitrary, erroneous, and malicious.

For example, I note that section 606(b), on page 14, line 10, which refers to this concept of notice deals only with an "investigative consumer report," defined as one dealing more with character and methods of living, and so forth, but does not deal with the credit worthiness of the consumer. Credit worthiness comes under another heading of "consumer report."

If the Senator will bear with me and look at the bottom of page 15, section 609, he will note the words "Every consumer reporting agency shall, upon request."

When I offered my amendments, I had hoped that the committee would get as near as possible to making it the responsibility of the credit reporting agency to notify the person, the subject of the report, as it began to prepare a report on him, so that he would know that he is being investigated and could begin at that particular moment to deal with anything that might be unearthed and written about him that would be very deleterious.

I am sure the Senator knows the normal processes of life. This concern does not involve General Motors or General Electric. It involves very ordinary people who might seek credit from a department store or a restaurant of any one of a dozen things of that character. Before he even knows that he is being looked into or that there is a credit report on him, he is characterized as a deadbeat, a drunkard, or a wife beater, and that is the end of that. He will never catch up with that. It is only then by the bill's provisions concerning credit worthiness, that he may be able to make a request to evaluate the information that characterized him in such a way.

I am stating it in the worst possible way, but I should like the Senator to explain how he feels—understanding that because this is his bill there may be many other considerations of which the Senator is aware—he is trying within reason to give the consumer a fair break on that equation.

Mr. PROXMIRE. As I drafted this bill originally, I provided that whenever adverse information is included in any file, the consumer would have to be notified, and I was strongly for that. This was discussed by the committee. It was discussed in the hearings at some length. We were finally convinced that this would involve so much expense and so much difficulty for the credit agencies that they had a legitimate complaint about it. Therefore, we took something which would be less satisfactory to the consumer—I would agree—but which would work in most cases; that is, whenever a consumer is turned down, he then would have the right to find out what is in his credit file and to have it corrected.

The Senator from New York is absolutely correct in his implications about inaccurate, untrue, or slanderous information in a file which many people might not know exists. But the theory is that until they are damaged in some way by an adverse reaction on employment, insurance, or credit, they do not have as much basis for correcting it.

Mr. JAVITS. How does the consumer get the reporting agency to backtrack with the company, for example, that denied him credit on the basis of an erroneous report? Does the bill make the credit agency correct its error, even though it is post facto?

Mr. PROXMIRE. They would be required to delete the information which is inaccurate. They would be required to notify the recipients of the credit report that it had been deleted and corrected.

Mr. JAVITS. That is very important. That is clear in the bill?

Mr. PROXMIRE. That is clear in the bill.

Mr. JAVITS. The Senator represents that to the Senate?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. They have to backtrack as far back as to the very people who denied the credit on the ground of an erroneous report?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. And they have to do that in writing?

Mr. PROXMIRE. The Senator is correct.

Mr. JAVITS. That is important, because the credit agency's value as an item of their good will, is their veracity. So that is a sanction, and it is intended to be?

Mr. PROXMIRE. It certainly is.

Mr. JAVITS. That is, a sanction on the individual reporting agency?

Mr. PROXMIRE. That is correct.

Mr. JAVITS. Suppose the information is malicious. Is there anything that prevents the individual from seeking redress in a civil suit? I realize the good faith problem which is involved, but would the bill cut off the right to penalize the reporting agency in the event of malice?

Mr. PROXMIRE. If he feels it is malicious. The reporting agency could still get a waiver in which it could not be held that it was malicious until he could prove it. The burden of proof would be on the complainant, on the consumer. But he can bring the suit.

Mr. JAVITS. There is nothing in the bill that exempts the agency from malicious conduct? There is some analogy here, of course, to the New York Times case in Mississippi.

Mr. PROXMIRE. That is correct.

Mr. JAVITS. I just want to be positive that we are not giving some kind of license to the reporting agency to which it is not entitled.

Mr. PROXMIRE. Let me read the section, so that we will be perfectly clear. Page 17, line 9, reads as follows:

> (e) Except as provided in sections 616 and 617, no consumer shall have any claim against or bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 609, 610, or 615, except as to false information furnished with malice or willful intent to injure such consumer.

I would think that that exception clause would meet the point made by the Senator from New York.

Mr. JAVITS. So care has been taken to preserve the right of action for the consumer.

Mr. PROXMIRE. That provision was patterned after the New York State law.

Mr. JAVITS. Yes. Care has been taken to protect the right of action where it is premised on non-good-faith reporting.

Mr. PROXMIRE. The Senator is correct; malice.

Mr. JAVITS. Nothing in section 616 or section 617 negates that preservation of right in the consumer. Is that right?

Mr. PROXMIRE. No. That gives the consumer the right to file his complaint.

Mr. JAVITS. So that the civil liabilities of section 616 and section 617 do not prevent the consumer from suing and recovering, if he can prove that false information was taken or was furnished with malice or willful intent to injure him.

Mr. PROXMIRE. No. On page 23 there is spelled out how he can do it. It seems to me this would strengthen the consumer's position and it would not and does not intend to diminish it.

Mr. JAVITS. And certainly it is not intended to cut off his right of recovery, even without the limitation in section 616 and section 617, if he can prove what the Senator read, that it was false information furnished with malice or willful intent.

Mr. PROXMIRE. That is correct.

Mr. JAVITS. That is very important because I realize the reporting agencies get something out of this. They get a limitation of liability; the right to publish certain information, as in periodicals, not notifying the consumer until he is hurt.

Mr. PROXMIRE. That is the quid quo pro for full disclosure.

Mr. JAVITS. I understand. I have been in a few businesses myself. But when a really outrageous case is involved, we do not want to hobble the injured party at all; if anybody is maliciously harmed he would have recourse.

Mr. PROXMIRE. I thank the Senator for his help.

Mr. JAVITS. Mr. President, the Senator from Wisconsin, as often happens here, has done a monumental job of great importance to the lives of the rank and file of our people. I wanted to be sure these essential elements of fairness have been preserved.

Mr. PROXMIRE. I thank the Senator.

THE FAIR CREDIT REPORTING ACT—A GIANT STEP FORWARD IN INCREASED CONSUMER PROTECTION

Mr. WILLIAMS of New Jersey. Mr. President, as one of the original sponsors of the Fair Credit Reporting Act, I am most gratified that this legislation is now before the Senate. When enacted this bill will close what in my opinion has been an unfortunate gap in our Nation's consumer protection laws. It will prevent consumers from being unjustly damaged by inaccurate credit reports. At the same time it will also insure the individual's right to privacy in the field of credit reporting.

This legislation will not place undue burdens on legitimate credit bureaus. It will allow credit bureaus to continue the gathering and supplying of data which is essential for fair and just credit ratings.

This bill recognizes the vital role played by credit reporting agencies in our economy. No one disagrees with the premise that those who extend credit have a right to the facts needed in order to make sound decisions. On the other hand, the consumer has equal right to know why he is refused credit because of an adverse report. His right to correct inaccuracies and to submit explanatory material is also of the utmost importance. The right of rebuttal provided for in this legislation is an inherent one under our traditions of fairplay and jurisprudence. Presently, there are far too many cases where adverse credit reports cause irreparable harm to the individual without his being afforded the opportunity to answer the charges, correct inaccuracies or in some cases to even know that such a report has been issued. The Fair Credit Reporting Act will put an end to these unwarranted practices.

Under this bill credit reporting agencies are required to make full disclosure to the consumer of all of the information obtained. The consumer will then be given the opportunity to correct inaccurate or misleading data. The bill also requires that this information be kept confidential and used only for legitimate business purposes. The consumer is also given the right to be informed of investigations into his personal life.

While most credit bureaus already operate within the framework of this bill, the rapid expansion of the credit reporting industry, where today files are maintained on more than 110,000,000 individuals, coupled with an almost complete lack of State regulation has caused some problems to arise. Hearings held earlier this year before the Banking and Currency Committee showed that in some cases highly confidential and personal data had been disseminated as a result of random telephone calls or letters. In these cases not even a cursory check was made on the individual making the request for the data or its ultimate use.

An even more striking example of the need for this legislation was presented on CBS television earlier this year. At that time a reporter for the network was able to obtain 10 out of 20 of the credit reports on individuals whom he selected at random from 20 credit bureaus. To make matters worse, the reporter obtained this information by claiming that he represented a completely fictitious company. I am sure all will agree that basic protections are necessary to preserve the rights of the individual in such instances.

The Fair Credit Reporting Act is a reasonable and sensible approach toward alleviating these problem areas. Its provisions will not hinder credit bureaus in the collection of legitimate data. The bill will, however, preserve the basic rights of the individual. It will allow the subject of an adverse credit report to be fully informed of the charges levied against him. When such charges are inaccurate, the right to explain or refute is also present. These rights are basic to our American heritage and must not be infringed upon. Finally, this legislation will help to preserve the individual's right to privacy, especially where highly personal information is involved.

These are the rights which the Fair Credit Reporting Act seeks to protect. Surely no one would deny these rights to any of our Nation's citizens or quarrel with the purpose of this most important consumer protection legislation.

Mr. President, I commend the Senator from Wisconsin for the long, difficult, most necessary work he has done in connection with the important legislation now before the Senate.

Mr. PROXMIRE. I thank the Senator from New Jersey. I know of no one who has worked harder, more consistently, or more effectively on behalf of the consumer than the Senator from New Jersey not only on this bill but in other bills before the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL AT THE CONCLUSION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that sometime at a convenient point during the morning hour, or at the conclusion of morning business, the distinguished Senator from Alaska (Mr. GRAVEL) be allowed to proceed for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF CONSUMER PROTECTION CREDIT PLAN

The Senate resumed the consideration of the bill (S. 823) to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

Mr. BENNETT. Mr. President, I appreciate the courtesy of the Senate, and of my colleague from Wisconsin (Mr. PROXMIRE) in particular, in giving me this opportunity to participate in the presentation of the bill.

I am sorry I could not be on the floor during my colleague's discussion of it, but I am involved in a conference downstairs, and I hope that what I shall say will fit in with what has gone before, because obviously I am in no position to be sure.

Mr. President, I support this legislation, although I believe that the need for it has been greatly exaggerated.

The committee members and representatives of both the reporting agencies and the industries which they serve have worked hard to reach agreement on responsible legislation which would protect the legitimate interests of both consumers and industry. I believe that those representing the industries which will be covered by this legislation should be commended for their untiring efforts and their willingness to view not only their own interest but that of consumers whom they ultimately serve.

Of course, I realize that there are some segments of the industry which are disappointed, which feel that it does not adequately take care of their particular and perhaps different needs. But, with this bill, we are breaking new ground, and I am sure if time reveals that we have made mistakes, or we have overlooked situations, the committee can come back and remedy the deficiencies.

This bill covers all types of reports on consumers, even though one might be led to believe that it covers only credit reports. In addition to credit reports, reports are also made on individuals seeking employment and individuals seeking insurance. In fact, reports dealing with insurance and employment are necessarily more detailed in most instances than those on individuals seeking credit. Because of this additional detail, this legislation is more onerous on reporting agencies which are engaged in this type of activity.

Mr. President, I would like to point out the fact that credit reporting agencies have been established to serve not only industry but also consumers. Without information on an individual, it is difficult to make a decision as to whether he should receive credit, what rate he should pay for insurance if it is to be sold to him at all, or whether he would fill the needs of his employer. We should keep in mind that retailers want to sell merchandise, not refrain from selling it. Employers desire to fill their job requirements. They are not seeking to turn down prospective employees. Insurance companies desire to sell insurance. They have no interest in turning down prospective customers unless there are reasons why they would not be good customers. Decisions made by retailers, employers, and insurance companies can only be as good as the information which they have upon which it is based. It is important, therefore, that we not enact legislation which would reduce the information which is legitimately required in order to make these decisions, and which information becomes available to them through accurate and complete reporting.

As this bill has been considered by our committee, many changes have been made in order that the flow of credit information would not be unduly hampered.

At this point, Mr. President, I should like to pay personal tribute to the Senator from Wisconsin (Mr. PROXMIRE) who has been the author and is the Senator in charge of the bill.

He has been most patient with the rest of us on the committee. He has been very willing to accept our ideas for changes in the bill. I like to think that the bill is very much better because of the way it has been handled in committee.

Despite our efforts, in our eagerness to reach the enactment of legislation, we may have made some mistakes which, as I have just said, may later need to be corrected. The major purposes of the legislation, however, are important. I believe that every consumer is entitled to have the benefit of accurate information when decisions are made regarding his purchase of insurance, his employment, or the granting of credit to him. In nearly all cases, there are no problems. The reporting of information on individuals is based on confidence, honesty, and good will between the reporting agency, the individual seeking credit insurance or employment, and the individual making the final decision.

Many reporting agencies have processed millions of reports without any complaints regarding the invasion of privacy, inaccuracy of their reports, or irrelevancy of the data. To be sure, errors are made in this industry, despite the good intentions of those involved. But what errors may occur in the normal process of the reporting business generally have little, if any, detrimental effect upon the person involved. No amount of legislation will completely do away with inaccuracy. On the other hand, it is important that individuals know that they have access to information which is being used regarding their activities. This bill provides that individuals may have access to information contained in reports made on them. To many reporting agencies, this will bring no change in their operations because they have always been willing to discuss the information they have with individuals to whom it applies. They have done this because of their desire that the information be accurate. Despite the relatively few abuses in the reporting industry, there are some individuals both in the reporting industry and outside of the reporting industry who misuse information on individuals.

I think it is important that we understand that this is not limited to reporting agencies. During our hearings, several individuals complained about their experience with reporting agencies. As might be expected, a careful study of the background of these individuals and the information contained on them in the files of reporting agencies showed that in some instances the information contained was completely accurate so far as could be determined. In other instances, there were errors. We discovered, however, that often the problem that a consumer has is because of a misunderstanding rather than improper reporting by an agency.

In our hearings, we also discovered that we cannot protect an individual's privacy or assure accuracy of information by dealing only with reporting agencies. It is necessary in some instances also to deal with those who provide information to reporting agencies and those who receive the information from those agencies. We found cases where individuals whom one would not suspect of misrepresentation had intentionally fabricated situations in order to receive information from reporting agencies to which they were not entitled. In one case, this was done by a professor at a well-known university who said that he was considering promoting an employee, when no such change was under consideration. He did receive a report and used the report to prove his feeling that credit-reporting agencies provide information to unauthorized individuals. In another case, a program was shown on a major television network which proved that information could be received from a credit-reporting agency by individuals who should not have access to the information. In this case, a fictitious company was established and reports were sought on individuals stating that they desired credit from the company.

It is because of this type of unauthorized use and the unauthorized securing of information that the bill provides a penalty of up to $5,000 and 1 year's imprisonment for any person who knowingly and willfully obtains a consumer report under false pretenses.

Mr. President, it should also be brought to the attention of the Senate that this legislation is not supported by reporting firms involved in making employment and insurance reports, the insurance industry, or the banking community. None of these disagree with the purpose of the legislation to assure the accuracy and confidentiality of information reported on consumers. They do disagree, however, with some of the requirements contained in this legislation.

It is these particular disagreements that we in the committee should watch carefully over the next year or two to see whether they are justified. If they are not, we should change the law.

Despite the possible shortcomings and despite the difficulties which may arise as a result of this proposal, I believe that on balance it deserves the support of the Senate.

I am happy to join my colleague from Wisconsin in urging that the Senate pass the bill.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PROXMIRE. I thank the Senator very much for an excellent speech. The bill, in its present, practical, workable form would not have been possible without the kind of work the Senator from Utah put into it. The Senator from Utah brings to this kind of legislation a very solid experience in business, a practical turn of mind, and both the diligence and the willingness to work hard on details that are rare in any kind of activity. His contributions have been essential. Although we may have disagreed on various aspects of the measure, we have reached a compromise that I can enthusiastically support, as I think he does.

Mr. BENNETT. Mr. President, I appreciate what the Senator has said about me.

I hope the Senate will pass the bill.

The PRESIDING OFFICER. If there be no amendment to be offered to the committee amendment, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the third reading and engrossment of the bill.

The bill was ordered to be engrossed, and to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO FILE ADDITIONAL VIEWS ON S. 2577

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, on S. 2577, a bill to provide additional mortgage credit and for other purposes, permission be granted to file additional views.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE HAYNSWORTH TO THE SUPREME COURT

Mr. MILLER. Last May 5, in my speech to the Senate regarding the disclosure that Mr. Justice Fortas had received a $20,000 fee from a family foundation of financier Louis Wolfson, recently sentenced to prison for violating our securities laws, I expressed the hope "that any future nominations to the Supreme Court and, for that matter, to any other court, will be given far more thorough scrutiny by both the administration and the Senate Judiciary Committee than was the case with the nomination of Mr. Justice Fortas."

Although I deeply regret the discomfort and inconvenience caused Judge Haynsworth by the fact that his nomination to the Supreme Court has been before the Senate since last August 18, I nevertheless believe my words of last May have been heeded and that it has been in the public interest that they were.

Until recently, the confidence of the public in the Supreme Court had reached what might be termed an all-time low. In a Gallup poll published on July 10, 1968, only 36 percent of the public was indicated as giving a favorable rating to the Court. With the resignation of Mr. Justice Fortas and the appointment of Judge Burger to be Chief Justice, this confidence has begun to be restored. I believe I have a duty, as a Member of the Senate, to do what I can, through the confirming power of the Senate, to see to it that public confidence in the Supreme Court is fully restored. Unless it is, all of our democratic institutions are threatened.

As I said on July 26, 1968, during the debate on the Fortas nomination:

> But a time comes when every Senator should search his conscience to see whether the exercise of the confirming power by the Senate is for the good of the country—not for the good of the White House, not for the good of the Senate, but for the good of the people of this country. The people are the ones who ultimately count in our governmental system. . . . The rights of the people are supreme. They are supreme over the right of the President or the right of the Senate.

The revelations about Mr. Justice Fortas, following his nomination by former President Johnson to be Chief Justice, and about Mr. Justice Douglas, who continues to sit on the Court, the sponsorship in 1965 by the now senior Senator from Massachusetts to secure confirmation to a Federal judgeship of a Boston lawyer who possessed few qualifications except that he had been a faithful family friend, and whom the American Bar Association's Committee on the Judiciary chairman described as the worst qualified judicial candidate it had ever encountered, and the recent scandals involving several justices of certain State supreme courts—these and other incidents have combined to undermine the confidence of the people in our system of justice. Nor are these events lost on the young people of our country, many of whom feel that their ideals have been betrayed, are disillusioned with their Government, and are dangerously inclined—illogical though this may be—to condemn the American system of government rather than those who abuse it.

I have concluded that confirmation of Judge Haynsworth would, for reasons which I shall presently discuss, delay the restoration of public confidence in the Supreme Court which is so necessary and urgent. Accordingly, I cannot vote for his confirmation.

Let me say, first, that I have been deeply troubled by some of the charges of prejudice made by some of the opponents of this nomination. I have been equally troubled by the unnecessary and most unhelpful exaggerations which have attended some of these charges. "Trial by the press" lends itself to political assassination, which is hardly in keeping with the role of the U.S. Senate in advising and consenting on Presidential nominations.

For too long, now, appointments to the Supreme Court have been based not so much on ability and judicial temperament as on whether the appointee's views are strongly in favor of, if not actually biased toward, a certain socio-economic philosophy. When, as in Judge Haynsworth's case, there is a nominee who has expressed views which, on balance, stamp him as a "neutral" rather than strongly in favor of, or biased toward, a certain socio-economic philosophy, it is unfair when those who do not like neutrality charge him with bias and prejudice.

When I use the term "neutral," I refer not to certain carefully selected decisions and opinions, but to the entire record—such as presented in the analysis of Judge Haynsworth's record on civil rights cases by Prof. G. W. Foster, Jr., of Wisconsin University, and the analysis of his record on labor-management relations cases provided by Senators HRUSKA and COOK. These demonstrate that Judge Haynsworth took an objective and judicious approach in his work—granted that some of us might not agree with some of his decisions and opinions.

However, Judge Haynsworth's own careless approach to the Canons of Judicial Ethics is at least partly responsible for some of the feeling that he was biased and prejudiced. These canons emphasize that a judge should not only avoid improprieties but should avoid the appearance of impropriety. The Supreme Court itself has declared that not only should a judicial tribunal be unbiased, but "must avoid even the appearance of bias." *Commonwealth Coatings Corp.* v. *Continental Casualty Co.*, 393 U.S. 145 (1960). The reason, of course, is to avoid a reasonable suspicion in the public mind that a judge is biased or acting improperly—whether or not he actually is—because such suspicion undercuts the confidence of the people in our system of justice.

Thus, for example, it seems to me that a foundation was laid for such reasonable suspicion by Judge Haynsworth's connections with the Carolina Vend-a-Matic Co.—which had five substantial contracts with Deering Milliken, Inc.—at the time the Deering Milliken subsidiary case was argued on June 13, 1963, and decided on November 15, 1963—in favor of the subsidiary—Darlington Mfg. Co.—by a 3 to 2 vote of the Fourth Circuit Court of Appeals, with Judge Haynsworth voting with the majority. The "connections" were as follows:

Owner of one-seventh of the stock of Carolina Vend-a-Matic which Judge Haynsworth disposed of on April 8, 1964, for $437,000.

A director of Carolina Vend-a-Matic before his appointment to the Court and during his tenure on the Court until October 31, 1963. He received directors fees of $2,600 in 1963 alone.

A vice president of Carolina Vend-a-Matic before his appointment to the Court and during his tenure on the Court until September 1963.

A trustee of Carolina Vend-a-Matic's profit sharing and retirement trust from 1961 to 1964.

His wife, the secretary of Carolina Vend-a-Matic in 1963 and 1964.

In fairness it should be pointed out that the losing party in the Darlington case—the Textile Workers Union of America—asked the then chief judge of the fourth circuit, Simon E. Sobeloff, to investigate a rumor that Deering Milliken, Inc., intended to throw the vending machine business of its subsidiaries to Carolina Vend-a-Matic after the favorable decision by the fourth circuit in the Darlington case. Judge Sobeloff and the other members of the court found the charge completely unfounded and exonerated Judge Haynsworth of any improper action in the case. The then Attorney General, Robert F. Kennedy, to whom the court's investigative report was forwarded, noted the findings and expressed "complete confidence" in Judge Haynsworth.

The trouble is, however, that Judge Haynsworth's connections with Carolina Vend-a-Matic, which was doing business with Deering Milliken, Inc., were such as to lay a foundation for a reasonable suspicion of bias when and if these connections became known. The union did not know about any of these connections until after the case was decided; and then, in December of 1963, it only knew about his connection as vice president.

Apparently this troubled Judge Haynsworth, too, because he testified—page 71 of the record—that his stock ownership did not become known to the Textile Workers Union, lawyers, and members of the court until December 1963, and added:

> But then I was concerned that others might know, and this is what impelled me to take extraordinary steps to rid myself of the stock at that time.

The anomaly is that the union strongly protests—page 188 of the record—that it did not know of the stock interest, but only of his connections as vice president. Moreover, it was not until 4 months later that Judge Haynsworth disposed of his stock—a delay which does not appear to square with his testimony—page 43 of the record—that "I moved to do that as quickly as I could."

Judge Haynsworth testified—page 64 of the record—that it "did not occur to me at all" that he should disqualify himself when the Darlington case came before the court. However, it is understandable that the union thinks it should have been notified of his connections with Carolina Vend-A-Matic. But the judge's answer to that is simply:

> I was not consciously aware of any connection I had [with the litigant], and I certainly was not aware of any financial interest I might have in the outcome of that law suit.

Nevertheless, taking the judge at his word, and I do so, the seriousness is his carelessness with the canon of ethics which, if my reading of them is correct, should have caused him at least to divest himself of the vice-presidency and directorship of Carolina Vend-A-Matic, if not his stock ownership, before the Darlington case ever came before the court. Between 1958 and 1963, customers of Carolina Vend-A-Matic were involved in litigation before Judge Haynsworth's court on six different occasions. Canon 26 provides:

> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

It is disappointing that Judge Haynsworth's explanation of his understanding of this language—page 284 of the record—implied that, because it would be unreasonable for a judge owning stock in American Telephone and Telegraph, which would naturally have as its customers every litigant that would come before the Court, to be required to divest himself of A.T. & T. stock, it would be unreasonable to require him to divest himself of his interests in Carolina Vend-a-Matic because its customers were "apt" to be involved in litigation before the Court. It is also an indication of carelessness when he testified at page 95 in his interpretation of the word "apt":

> And I suggest to you that I have not made or retained any investment in any concern which was likely to be involved *with frequency* in my court.

Nowhere in Canon 26 do the words "with frequency" appear.

The last sentence of Canon 26 quoted above would certainly appear to cover Judge Haynsworth's connections with Carolina Vend-a-Matic. And it is no answer at all to say that there was "no conflict of interest" on the part of Judge Haynsworth in the Darlington case. That sentence of the canons is directed at the appearance of a conflict of interest, whether or not the conflict actually existed.

Perhaps, as some have testified, it was Judge Haynsworth's duty to sit on the Darlington case. That is not the point. The point is that it was his duty to abide by Canon 26, so that not only would there be no conflict of interest, but there would be no connection with Carolina Vend-a-Matic that would arouse the suspicion that he was biased in his judgment. All of this could have been prevented if he had exercised that duty before the Darlington case ever came before the Court.

Another indication of carelessness over the canons of ethics appears in Judge Haynsworth's testimony—page 71 of the record—giving his interpretation of that last-quoted sentence from Canon 26, which I repeat:

> It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

He said:

> Well, this is directed, I suppose, to relations with gamblers and people like this, with backgrounds that were suspect or shady. And I have had no such relations.

Such a narrow construction hardly squares with his testimony elsewhere—page 285:

> The canons are written in broad language. Of course, they are subject to very broad construction. . . .

A further indication of carelessness appears in his testimony at page 64:

> I would say that what is important, of course, is not a technical office one holds unless he is active—if he is an active officer, of course, that could have all sorts of influence on what he did as a judge. In this instance, I had no active office with respect to its outside affairs, though I was in 1963 a director and vice president. But the only influence that was borne on me was my interest as a stockholder. And this could have resulted in some financial interest if my interest as a stockholder was known and someone doing business with Vend-a-Matic sought to influence my vote by doing something I otherwise would not have done.

Such a statement suggests that the canon is only concerned with relationships which are "known"; that relationships which are not known are not proscribed. That is not what the canon says, and it requires no imagination to realize that when connections with Carolina Vend-a-Matic—which were not known during the Court's consideration of the Darlington case—eventually became "known," the very suspicion Canon 26 seeks to avoid began to arise.

Canon 29 provides that a judge "should abstain from performing or taking part in any judicial act in which his personal interests are involved." Nothing is said about exempting its proscription when those interests are not "known."

As a Member of the Senate, I am concerned over certain testimony of Judge Haynsworth before the Senate Judiciary Committee which does not square with the facts. On June 2, 1969, he testified before the committee's Subcommittee on Improvements in Judicial Machinery as follows:

> Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation . . .

The connections with Carolina Vend-a-Matic which I listed earlier, most of which were maintained for more than 6 years after he went on the bench, cannot be reconciled with that testimony. I am not, by any means, contending that Judge Haynsworth was trying to deceive the committee, because I do not believe he was. Rather, I believe that his view toward the canons caused him to make this statement in pursuance to a careless fixation that only connections which were "known" were important.

The record reveals that Judge Haynsworth owned some 700 shares of stock in the J. P. Stevens Co. when he went on the bench in April 1957 and still owns 551 shares, worth approximately $25,000. From 1965 to 1969, this company has had litigation on four different occasions before Judge Haynsworth's court. Still, in the face of Canon 26, he has not seen fit to dispose of his stock. One can understand that the word "apt" would not be intended to require divestiture just because the company happened to show up in the judge's court on one occasion; or even two. But after four times, it would seem that the company is, indeed, very "apt" to become involved in litigation before the Court. But Judge Haynsworth appears untroubled by this, because he testified—pages 96 to 97 of the record—that even if he had sold the stock, he would not have sat on these cases in view of his past close relationship with the company in his law practice before he went on the bench.

This amounts to the judge writing his own canon of ethics—ignoring the proscription in Canon 26 whenever, for some other reason, a judge sees fit to disqualify himself from a case. Of course, by disqualifying himself, he can say that he satisfied any possible conflict-of-interest problem. But that is not necessarily the only problem. The appearance of a judge having a substantial interest in a party litigant, even though he disqualifies himself, would not relieve concern over his influence over other members of the court. Moreover, people unskilled in the law might not realize that the judge had disqualified himself. One can be sure there were reasons for the canons of ethics, and the principal reason was to maintain public confidence in the integrity of our courts.

It may be contended that Judge Haynsworth's holdings in J. P. Stevens Co. were very small in relation to the total 6 million shares outstanding, and that, therefore, he did not have a substantial interest warranting proscription by the canons. However, the judge himself felt that his 1,000 shares in Brunswick, out of 18 million shares, was "substantial"—page 305 of the record.

Another instance of carelessness toward the canons of ethics and, indeed, toward the Federal disqualification statute itself, occurred in the Brunswick case.

The statute provides:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit at the trial, appeal, or other proceeding therein.

The words "other proceeding" are particularly significant.

Canon 29 follows naturally from the statute and provides that a judge "should abstain from performing or taking part in any judicial act in which his personal interests are involved."

What happened was that the Brunswick case was heard by Judge Haynsworth's court on November 10, 1967, and immediately decided by the court the same day. On December 15, Judge Haynsworth approved his broker's recommendation to purchase 1,000 shares of Brunswick stock—a recommendation which appeared to have no relationship whatsoever to the case before the court. On December 18, 1967, the purchase was made at $16 per share. On December 27, 1967, Judge Winter circulated the opinion he had drafted in support of the court's decision on November 10, and Judge Haynsworth gave his concurrence in the opinion. Finally, on February 2, 1968, the written opinion was released to the public.

It can be argued that, since the decision had already been made, the subsequent purchase of the stock did not amount to a violation of either the statutes or the canon—although it was theoretically possible that the decision might be changed after the opinion was drafted. But in the eyes of the average person, who is not a lawyer, the purchase of the stock before the opinion was released to the public would make this look like a conflict of interest.

On March 12, 1968, the losing party filed a petition with the court to extend the time to file a petition for rehearing—the time having expired 30 days after the release of the opinion on February 2. It appears that the losing party's attorney claimed that he had not received notice of the opinion until February 27. Judge Haynsworth forwarded an order of denial of the petition to the clerk of the court on March 26. Again a petition and supplemental petition to reconsider the petition for an extension of time were filed on April 3 and 4, 1968; and these were denied on August 26, with all three judges joining in the denial.

The point is that the consideration and disposition of each of these various petitions constituted an "other proceeding" covered by the statute and a "judicial act" under Canon 29. Accordingly, it would seem that, at the very least, there were technical violations by Judge Haynsworth—granted that these proceedings might have been more or less perfunctory.

The question then arises over whether Judge Haynsworth's ownership of 1,000 shares of Brunswick stock constituted a "substantial interest" for purposes of the statute and a "personal interest" for purposes of the canon. It would seem that the phrase "personal interest" should be interpreted in light of the statute to mean a "personal and substantial interest."

The point is made that the outcome of the Brunswick case, assuming the most favorable result to Brunswick, would have been diluted among 18 million shares and would have amounted to a total of $5 benefit to Judge Haynsworth's 1,000 shares. Therefore, it is argued that the judge did not have a "substantial" interest. I do not so read the statute or the canon, however. To do so would reduce them to a mere conflict-of-interest proposition—and, of course, one could hardly argue that the $5 constituted a meaningful "conflict of interest" sufficient to sway the decision of a judge. Rather, they go beyond mere conflict of interest and cover the "appearances" to the general public, which must have confidence in the integrity of the court. The average nonlawyer—and these are the people we must consider when it comes to "appearances"—would not have the information required to enable him to conclude that only $5 was involved as far as Judge Haynsworth was concerned. What would count with him would be realization that the judge had 1,000 shares of stock in a company in whose favor he decided a case. Even Judge Haynsworth himself recognized this when he testified—page 305 of the record—he would not have sat on the Brunswick case if he had owned the stock at the time of the hearing.

As far as a conflict of interest is concerned, more than just the sum involved in a case could be involved. A favorable precedent established by the decision could inure to the benefit of the company and its future operations, for example. But, to me, the matter of overriding importance is the impact on public opinion of the "appearances."

It has been contended that we must not construe the canons of ethics too harshly. This only begs the question over whether such a construction is, indeed, "harsh." I would agree that one must avoid interpretations which would favor "unreasonable" suspicion in the public mind. To do so would ratify false accusations and innuendoes which a trusting or gullible public might accept as fact. It is very easy for an opponent to plant suspicion in the public mind so that a nominee would become "controversial" and therefore "not acceptable." All of us in public life understand such techniques very well, because many of us have had them worked on us. The point is that Judge Haynsworth's own carelessness laid a foundation for a substantial amount of the controversy. And I say this in the firm belief that he is an honest judge who has not benefited personally or financially from any of his decisions.

It is argued that too strict construction of the Canons of Judicial Ethics would mean that only lawyers who are paupers or law school professors would be eligible for consideration; because anyone who owns some stock or investments will find that his company is "apt" to come before his court in a lawsuit. I do not believe such a conclusion follows at all, and certainly the drafters of the canons—going clear back 45 years ago—would hardly have intended such a conclusion. What they did intend, however, was that judges handle their portfolios in such a manner as to maintain public confidence; and if this might take some doing, then they should do it, or forget about serving on the bench.

It is contended that the American Bar Association's Committee on Federal Judiciary has endorsed this nomination—not just once, but a second time following a meeting to reconsider the nomination. This may be regarded as a factor to be taken into account—although this same committee—granted there are now some different members—undertook to recommend approval of Mr. Justice Fortas' nomination to be Chief Justice last year even before the hearings of the Senate Judiciary Committee were commenced. And following the revelations in those hearings, this same committee did not even undertake to reconsider its prior recommendation.

Another point on this subject is that the ethics committee of the American Bar Association has never considered Judge Haynsworth's case, and it is the ethical considerations which trouble me—not the other qualifications which are the prerogative of the Committee on Federal Judiciary.

In conclusion, I would not wish to suggest that nominations to the Supreme Court, or to any other court, be made or evaluated on the basis of "popularity." Judges, in the exercise of their sworn duties, often have to make unpopular decisions—just as Members of Congress, if they are to live with their consciences, must occasionally cast some unpopular roll call votes. What is all important, however, is that judges, who have lifetime appointments and do not have to answer to the public at election time, demonstrate that their high office and the public they serve come first, and that private considerations come second. For this they can expect and will deserve public approbation—if not popularity.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 5 o'clock and 25 minutes p.m., the Senate took a recess subject to the call of the Chair.)

At 6 o'clock and 53 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. COOK in the chair).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10595) to amend the act of August 7, 1956, (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE UNTIL WEDNESDAY, NOVEMBER 12, 1969

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Congressional Resolution 441.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 441, which will be read.

The legislative clerk read as follows:

H. CON. RES. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, Nov. 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the concurrent resolution (H. Con. Res. 441) was considered and agreed to.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Friday, November 7, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 6, 1969:

U.N. TRUSTEESHIP COUNCIL

Sam Harry Wright, of the District of Columbia, to be the representative of the United States of America on the Trusteeship Council of the United Nations.

U.S. MARSHAL

Lloyd H. Grimm of Nebraska to be U.S. marshal for the district of Nebraska for the term of 4 years, vice D. Clive Short.

James W. Traeger of Indiana to be U.S. marshal for the northern district of Indiana for the term of 4 years, vice Casimir J. Pajakowski.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 1969:

U.S. ATTORNEY

Warren H. Coolidge, of North Carolina, to be U.S. attorney for the eastern district of North Carolina for the term of 4 years.

AMBASSADOR

Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

INTERNATIONAL MONETARY FUND

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be the representative of the United States of America on the Executive Board of the World Health Organization.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1972:

David R. Derge, of Indiana.
Jewel LaFontant, of Illinois.
William C. Turner, of Arizona.

IN THE DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning John F. Fitzgerald, to be a consular officer of the United States of America, and ending James A. Weiner, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 8, 1969.

EXTENSIONS OF REMARKS

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KUYKENDALL. Mr. Speaker, in the past few days many of those who supported the activities of October 15, have had second thoughts and are now disavowing any connection with the proposed stop the war program proposed for next week. They tell us they are now convinced the demonstrations are in control of a hard-core group of subversives and are Communist dominated.

Mr. Speaker, I am glad these folks are finally recognizing what many have been warning about for a long time.

One of those who had the courage to speak out strongly against the leadership of the October moratorium committee was Vice President SPIRO AGNEW. For his forthrightness he was heartily condemned by the moratorium leaders, the self-styled liberals in the press, and others who feel that freedom of speech belongs only to the dissenters.

I think it is becoming increasingly clear that the Vice President is saying only what the majority of Americans know to be true. Thank God we have a man in high office with such courage and the patriotism which leads him to speak out.

As the columnist James J. Kilpatrick puts it in his column in today's Washington Star, "AGNEW Becoming a Wonderful Household Word." The column follows:

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

(By James J. Kilpatrick)

In this award-conscious society, which is forever presenting Oscars, Emmies, brass plaques, illuminated scrolls, and other bottlecaps and doorstops, a special Golden Stump Award should be devised for the year's best speech by a man in public life. If nominations are in order for 1969, I hereby nominate Spiro Agnew's speech of Oct. 30 at Harrisburg. It was a beaut.

The vice president, it will be recalled, had gone down to New Orleans on the 19th for a Republican fund-raising rally. He seized the occasion to denounce "a spirit of national masochism, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Holy smokes! Here in Washington, the reaction was cataclysmic. The Post was aghast. Everywhere one looked, liberals were clutching their throats and turning purple. Around and about the Hill, Republican moderates were saying tsk, tsk, and now, now. The general assumption of the cocktail crowd was that the vice president would be summoned back to the White House, there to have his mouth washed out with soap. The "dump Agnew" movement had begun.

A less astute president than Richard Nixon might have yielded to the hissing of our local gaggle of geese. Nixon has an intuitive sense

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about these things. He stayed in the dugout and left his pitcher on the mound. On the 30th, Agnew turned up in Harrisburg.

"A little over a week ago," the vice president began, "I took a rather unusual step for a vice president: I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encourage government by street carnival, and suggested it was time to stop the carousel.

"What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy."

Agnew avowed his own strong belief in a right to dissent, including the right of peaceful assembly. "But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic."

The tragedy of the Moratorium turnout, he added, was that thousands who wanted only to show a fervent desire for peace "were used by the political hustlers who ran the event." And who are these hustlers? They are the self-righteous, the self-proclaimed saviors of the American soul: "Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views."

Agnew spurned any thought of appeasing the professional protesters. He called instead for a positive polarization based on principles and values and American ideals. Once again, he tongue-lashed the "glib, activist element who would tell us our values are lies." He proposed "to separate them from our society with no more regret than we should feel over discarding rotten apples from a barrel."

There was much more. This was a speech built like a battering ram. It was the headlong rush of an honestly angry man. And unless I am vastly mistaken, the vice president will emerge from the hustings a national hero. You can forget this "dump Agnew" business. On beyond the Potomac, in heartland America, the name of Spiro Agnew is becoming a wonderful household word.

SOVIET TECHNIQUE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 6, 1969

Mr. BYRD of Virginia. Mr. President, Henry J. Taylor, the noted newspaper columnist, has had a great deal of experience in negotiating with representatives of the Soviet Union. Mr. Taylor served as Ambassador to Switzerland for a good many years and during that time had experience with the Soviets.

In a newspaper column entitled "Soviet Technique," published in the Washington Daily News on November 5, 1969, Mr. Taylor gives some insight, and I think keen insight, into the Soviet technique.

Mr. President, I ask unanimous consent that the article by Henry J. Taylor be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET TECHNIQUE

(By Henry J. Taylor)

When Secretary of State William P. Rogers proposed Geneva or Vienna, but settled for Helsinki, as the site for the Strategic Arms Limitation Talks with the Soviet Union, he took a calculated risk. But behind the scenes it is a very grim risk and Mr. Rogers knows the reason.

Nine-tenths of all Russia is in Asia, and there is a high Oriental content in the Kremlin frame of mind. This is true in detail as well as principle.

Across a period of four years I sat thru countless negotiations with the Russians in Switzerland. The Soviet antagonist begins by carefully selecting what appears to the western mind to be a small point. It is, however, his testing pitch.

If you give in he interprets the give-in as weakness. His strategy is to get you accustomed to giving in and he tries to start the habit of concessions. Then he expands his demands from that moment forward.

As this column has stated before, the Kremlin men systematized this technique and are masters of it. It is the Oriental technique of gradualism. Accustom people to retreating and you can not only push them out of firm positions but they will even begin to believe that ducking into doorways is really much better than walking down the street.

The Soviet never asked for these Nov. 17 nuclear control talks. We did—more than a year ago and with Mr. Rogers continuing to prod Soviet Ambassador to Washington Anatoly F. Dobrynin again and again.

Accordingly, Korea represents a consequential example of the calculated risk now taken. Again and again we prodded Red China and North Korea for a Korean truce. Ultimately, we asked the North Koreans to meet us aboard the Danish hospital ship Jutlandia in the harbor of Pusan. Washington filled the world's radio channels with this plea, in all dialects and around the clock. Even so, the enemy did not reply for five days.

The morning after we began our plea I was with Gen. Douglas MacArthur at his New York City office. Thoroly understanding the Oriental mentality, he predicted what the North Korean negotiators would do.

"We specifically proposed a meeting place," Gen. MacArthur told me, "and we shall have to watch out for that. In my opinion, the North Koreans will lay the groundwork for the talks by refusing to meet us at Pusan. They will substitute some other location. This will be their test pitch. And it will probably be some place near their country that makes us 'come to them.' If we give in, the talks will go on indefinitely—and with our negotiators on the defense from the very opening moment."

As MacArthur predicted, the Reds did grasp at the single specific and did blackball it, just as I saw them do later when they blackballed an oblong table and insisted on a round table at the opening of a Geneva conference. The North Koreans insisted on their own choice of location. We gave in. And the talks were stalled for nearly two years.

In addition, in the Helsinki concurrence, Mr. Rogers knows we face extremely complex communications with Washington and a grim security problem.

MORATORIUM GETS ITS LUMPS AT MU-ROLLA

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ICHORD. Mr. Speaker, today, this city and others throughout the Nation are girding their loins in preparation for a so-called fall peace offensive being organized by the New Mobilization Committee To End the War in Vietnam—New MOBE, as it is called—an organization which evidence strongly indicates is dominated by Communists.

This so-called peace movement is scheduled to culminate in a series of demonstrations on November 13 to 15 which, its initiators and organizers hope, will bring this country to its knees and force America to withdraw from Vietnam.

Countless thousands of decent and well-intentioned citizens are planning to participate in this movement, seeing the demonstrations only as a viable means to register their horror at the continuation of what seems to them a meaningless and destructive struggle taking American lives in Vietnam.

They do not know—or if they know, they refuse to recognize the fact—that these activities are being carried out by persons not dedicated to the principles of our form of government who are using the claim and mask of dissent to work for the interests of Hanoi.

The real objective of this "offensive" is to do injury and damage to the United States and give aid and comfort to our enemies.

I hope the American people will not be fooled, just as the students at the University of Missouri at Rolla were not fooled by the so-called October 15 Vietnam moratorium.

To show how alert the students at MU-Rolla were, I would like to share with you a letter written by a student, Richard W. Harshaw, to the editor of the Jefferson Republic of DeSoto, Mo., and an editorial reprinted by the Republic from the October 16 issue of the Jefferson City Post-Tribune, another fine newspaper in my district, and add my praise for the actions of the vast majority of students at that great university:

DE SOTOAN TELLS OF UPSET OF MORATORIUM AT MU-ROLLA

EDITOR, THE REPUBLIC:

It has come to my attention that apparently an overwhelming portion of the media, both broadcast and printed, gave very partial coverage of the October 15 Vietnam Moratorium Day. I feel it proper that the public be informed as to the true nature of these protests.

For example, it was acutely evident that the St. Louis television stations were presenting only one side of the story. All the citizen saw was the assemblages of radicals gathered on a campus, holding various and, as often as not, degenerate signs, chanting anti-war slogans. The newspapers told of the same story. Unfortunately, there is no shaper of opinions as great as the news media, so the picture we see painted is one of a nation of angry, discontented youth shouting "Hell no, we won't go!" But there are two sides to every coin and although good news doesn't sell like bad news, I believe both sides should be known.

Enclosed is an article from the Oct. 16 Jefferson City News Tribune which tells the tale in vivid terms. I would like to add my own observations since I took part in the American Day activities here at UMR.

Preparations were begun three or four days in advance, with students buying all the red, white, and blue they could find. By Monday, the 13th, the local merchants at Rolla were completely sold out of the small flags and colored ribbons the students were wanting. As a result, hundreds of students made their own flags out of anything they could find.

On M-Day, the 15th, results of patriotism were staggering. Students with black armbands numbered somewhere around 200. But students donning their colors numbered between two and three thousand! To say that M-Day at Rolla was a rout is a gross understatement—it was a shattering humiliation to the radicals. There were even several cases where M-Day supporters attended classes, their black protest armbands hopelessly adrift in a sea of Stars and Stripes. That afternoon there was an open assembly to whip up support for the moratorium which, like its philosophy and followers, was hollow. Never has there been such a dismal failure of radicalism in educational institutions in Missouri!

There are also plans to repeat the M-Day protest in November, but the protestors have already been informed by the young patriots that it would only be a repetition of the recent protest, if not more humiliating. This is what I believe to be the true American youth, the unheralded heroes who love their country more than mere words can tell.

Before closing, I would like to show the utter hypocrisy of M-Day and what it stands for. The radicals base their protest on the grounds that the Vietnam conflict is immoral. Mush! First, it has been America's policy ever since the end of World War II to halt communist aggression anywhere on the face of the earth, with force if necessary. Second, we made a solemn promise to the people of Vietnam to help them rid their country of the communist host and to prevent their capture by the same. And so what if the government we signed the treaty with doesn't exist anymore? It's the people we're helping, not the government. Third, to pull out of Vietnam as they desire would insure America's fall—perhaps not militarily, but certainly socially and morally. And what's moral about suicide? And last, but by far not least, what do you tell the parents of some thirty thousand young men who have died? "Your son died for nothing?" What is more immoral than that?

No, America is still the arsenal of freedom. And although she has internal dissent and turmoil, she is still the greatest nation man has ever erected. She is my country, my country and yours.

Sincerely,

RICHARD W. HARSHAW.
UNIVERSITY OF MISSOURI, ROLLA.

[From the Jefferson City (Mo.) Post-Tribune, Oct. 16, 1969]

UMR STUDENTS, OTHERS TURN M-DAY INTO AMERICAN DAY

Our hats off to students at the University of Missouri at Rolla who turned a so-called Vietnam Moratorium Day protest by a handful of radicals into a total rout.

Although the Young Republicans at UMR came up with the idea only Tuesday night—the eve of so-called M-Day, the effort soon became a spontaneous, non-partisan one which enveloped not only the college campus but all the city of Rolla.

Red, white and blue armbands were worn by many students. A booth, hurriedly arranged, where bands could be picked up, was literally swamped. The handful of radicals, wearing black armbands, resembled lost black sheep, which they apparently are.

The Kiwanis Club made its supply of American Flags available. Merchants and townspeople cooperated fully. The Stars and Stripes were everywhere.

Most Americans, we believe, looked upon the Vietnam Moratorium Day as a display or effort which could bring only aid and comfort to our enemies, prolong the war in Vietnam or eventually bring humiliating defeat to the United States.

The vast majority of students at the University of Missouri at Rolla went on the offensive. They turned M-Day, which also could be called a day of ignominy, into an American Day of honor to our commitments and in support of our troops who are fighting in that faraway land.

The vast majority of students in most other schools, of course gave M-Day the silent treatment. Lincoln University is a good example. Only a small percentage of students attended the protest. The remainder went to their classrooms.

We commend these students, who ignored the pleas of radicals, dupes and others who wittingly or unwittingly tried to create a new Pearl Harbor on Wednesday, Oct. 15, 1969.

We especially salute the vast majority of students of the University of Missouri at Rolla, merchants, Kiwanis Club, Young Republicans and townspeople for joining together in making a rout of a Vietnam Moratorium Day effort in our sister city to the south.

ADDRESS BY SENATOR MONTOYA BEFORE THE 14th ANNUAL AFL-CIO CONVENTION

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, November 6, 1969

Mr. MOSS. Mr. President, the distinguished junior Senator from New Mexico (Mr. MONTOYA) delivered an eloquent and thoughtful address before the Annual Convention of the AFL-CIO in Albuquerque, N. Mex., on November 1, 1969. It is typically a well-reasoned and forthright speech, which is what we expect from JOE MONTOYA. I congratulate my friend and neighbor. His distinguished service to his State and to the United States deserves commendation. I ask unanimous consent that his address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JOSEPH M. MONTOYA BEFORE THE 14TH ANNUAL AFL-CIO CONVENTION, ALBUQUERQUE, N. MEX., NOVEMBER 1, 1969

Thank you for the overly generous welcome. First I would like to thank your very able President Luther Sizemore, and your executive secretary Neal Gonzales for extending the invitation to speak to you today.

I know many of you have traveled long distances to be here. A New Mexico AFL-CIO Convention is always a great opportunity to meet old friends, find out what's happening in other parts of the State, and of course to relax. Naturally I consider it a privilege and an honor to be here to address you today. Many of you have discussed matters of mutual interest with me for years now. We've lived and worked together through good and bad times, always, though, continuing to work together. And once again I come to meet with you.

Members and officials, guests, the season is now here when those who seek your favor at the polls will come to you with handkerchief in hand posing as your friend. I know you will not be fooled by this ruse. For the ranks of labor are made of stiffer material than the fibers that emanate from simple emotion. You are intelligent human beings, imbued with the wisdom and foresight of men who understand the complicated nature of the world we live in.

You want not crocodile tears from those who would woo you—and I come to you not in this vein. I come to you as a worker in the vineyard—who has fought for you and yours for 30 years. I come to you not with empty words or false hopes—I come to you and stand here today to discuss the most urgent matters of our time . . . matters which concern you and the entire State of New Mexico, and which concern the nation and the world.

I do not come before you today to attack President Nixon or his Administration, but to discuss problems, as I see them, which the President and the nation have to face.

I do not come before you to answer the constant rhetorical outcries of Republican officeholders in our State of New Mexico. We cannot solve problems that way.

I come before you today to speak carefully, soberly, and constructively about the troubled times we live in. And I also come before you to suggest how you and I may work together to improve our lives, build a better New Mexico, and in this way contribute to building a better America. That, my friends, is the large order I have set for both of us this morning.

The problems you and I and the nation face are not easily solvable, nor are they minor in scope and complexity. Today, America faces a multitude of domestic problems reminiscent of World War II.

Then, as is the case now, our economy was feeling the stresses and strains of conflicting economic and social forces. The mood of the country was one of depression, we were in a bad economic state of affairs . . . and our diplomatic relations had reached a breaking point. Then came Pearl Harbor and World War II. America, and American labor had to face up to new and never before dreamed of demands upon its productive capacity. For example, and many of you remember I'm sure . . . in 1941 organized labor was called upon by the federal government to mobilize the greatest shift and increase in industrial production in our history. Most observers were pessimistic about labor's ability to mobilize and train the necessary manpower and resources to build the military hardware and bases, and develop the new mass production systems to help fight a world war. But labor did meet the challenge—quickly, and efficiently—and the nation and democracy were preserved—in no small measure through your collective efforts.

Today, again the chips are down. New times, new circumstances, new demands are being brought to bear on you.

The war in Vietnam rages, inflation of a frightening magnitude has eroded our economy, and threatens to throw the nation into a recession. From every corner, and on all fronts the average American is being pushed and pulled until he knows not where to go for shelter. The low and middle income worker is now the forgotten American. He is, however, a working man, contributing regularly to the productivity and growth of our economy, he is dependable and is . . . ultimately . . . the very core of our society. Upon him and his family rests the lifeblood of *our* future. Yet today he is subject to subtle but real discriminations of all types . . . unjust taxation, indiscriminate cutbacks in building and construction projects, high interest rates, and tight money policies that strike harshly at the "little man."

This is what disturbs me greatly and I know disturbs you. I bring them out for discussion for we are fast approaching a year when American labor will be able to do something definite about these policies which favor the affluent segments of our society at the expense of the "little man."

What has happened? Well, for one, our national priorities have been distorted. Our new national leadership, placed into office by the electorate in the hope that the new Administration would learn from the experiences of the past and begin anew the task of rebuilding and unifying America, has not performed adequately. The new Administration is in its 11th month and there are distinctive signs that old policies are embraced. New policies have yet to be established that would indicate a new direction has been embarked upon that will cure our social and economic ills. It is then *our duty* to make our voices heard, and promote new directions and policies in the public interest.

Why do I say this? Well, the facts speak for themselves. This year the proposals submitted to Congress by the Administration have called for severe cuts in education, public health services and medical research, and an overall 75% cutback in building and construction programs, to name just a few areas. In the meantime the Administration supported every penny requested by the Pentagon for defense programs, including obviously nonessential areas. I am for a strong, modern. and effective military program to protect our country. My voting record has always been on the side of strong military . . . however, I am not for support of non-essential defense programs which only add to federal expenditures at the expense of important domestic programs such as health and education.

One example of the glaring deficiencies in our set of national priorities is the recent decision by the present Administration to support deploying the ABM. I came out against deployment believing that it was a premature move and contributed to a dangerous escalation of the nuclear arms race. I still believe this. On November 17th the Arms Control and Disarmament talks between the U.S. and the Soviet Union begin. These talks are the most important the U.S. has ever engaged in. In the background will loom our government's decision to deploy the ABM. Also threatening us, and presenting an obstacle to our efforts of achieving world peace and security, is the war in Vietnam. No one doubts President Nixon's sincere resolve to end the war in Vietnam. What some of us question, and I think justifiably so, is the progress thus far made, and the means taken to extricate ourselves from a dreadful conflict that has contributed greatly to the division among the American people, and has severely cut into the vitality of our economy.

Let's examine a few areas of our economy and look at the evidence that illustrates our system is not working as well as it should.

First, inflation. What is it? One common definition is "too many dollars chasing too few goods." Unquestionably it means the erosion of the purchasing power of the dollar. It has also been said that it is the cruelest tax of all because of the heavy burden it places on people with fixed incomes. It is also a very unhealthy development that retards stable economic growth because of the economic imbalances that arise out of any period of inflation. Our continually rising cost of living is of concern to you, to me, indeed to everyone in America. Despite rises in incomes most Americans are having a difficult time keeping up with inflation, and unfortunately, too many are unable to keep up with it at all. No one wants an inflated economy and both Republicans and Democrats now must bear the burden of responsibility to slow the spectacular and unabated rise in our cost of living. Going back to the Kennedy and Johnson years for comparison, the period 1961 to 1965 was a period that saw the overall consumer price index rise at an annual rate of about 1.2 percent. During this period food prices rose about 1% per year; auto prices increased about ½ of 1% per year; and the price of services . . . which cover educational costs, medical and dental costs, travel, recreation . . . increased about 2 to 2½% annually. During this same period the number of unemployed in the nation dropped from 5.4 million in 1961 to 3.6 million in 1965; corporate profits increased; and per capita disposable personal income rose 17% over the 1961–65 period.

Then the war began to escalate and along with escalation came the following results. Since 1965 prices have risen markedly, and the consumer price index from January 1969 to the present rose at an annual rate of 6.4%. Per capita disposable income remained at a virtual standstill! In the corporate profits area the picture is equally bleak. This year alone corporate profits increased by 4.2% while, during the same period, prices increased by 5.6% . . . an actual decline in corporate profits.

In very practical terms, let's examine just how heavy the burden of inflation in the past year has weighed on the average American's shoulders.

The example I like to use is what it takes for an average income family to purchase a $20,000 home. Ten years ago a couple could obtain an FHA loan to purchase a home, paying on a 25-year basis, and would have to pay $125.00 per month to cover the interest, cost, and principal on the loan. In January of this year the same $20,000 home cost a family $147.50 per month, and at the end of the 25-year loan period a couple will have to pay $44,340 for the $20,000 home. This past September, only 9 short months later, the cost of paying on a 25-year FHA loan was $159.46 per month, and at the end of 25 years at that rate (which is rising all the time) the cost to the family for the home would be $47,838, or an increase of $3,500 over what it would have cost a homeowner in January of this year.

Clearly the interest rates cannot continue this disastrous course. Already the home building industry has been devastated by inflation. High bank interest rates and the soaring cost of building and construction materials (15–25%) has further compounded the increase in cost of homeownership. Where does this leave the majority of low and middle income earners? The obvious answer is completely out of the homeowners market. Tragic.

And what about the present increase in the cost of food? Your wife will, if present inflation trends continue, have to resort to buying less and less beef. Round steak has risen 11 cents a pound over the past 9 months; pork chops 15 cents a pound, and chicken 7 cents a pound. Everywhere you see the "dis-ease" that afflicts us. Inflation is the enemy in the war on poverty.

Inflation is the enemy in our struggle to provide a life of dignity and reasonable comfort for older Americans.

Inflation is the enemy in our search to encourage individual saving and self-reliance.

Inflation is deplorable, but it is not equally deplored by all. The real tragedy is that, as usual, those who are most hurt are most vulnerable.

A recent consumer survey points out that the overwhelming majority of Americans are confused, apprehensive, and deeply resentful about the loss of buying power of the dollar. In summary, the Administration's policies, while they are well intended, will further victimize, in the name of stemming inflation, those who are inflation's prime victims.

Another area of great concern to me is the recent nomination of Judge Clement Haynsworth. For the men on the Supreme Court will be guiding us for many years on important matters such as civil rights and other social and political questions that will affect the nation for years to come. This concern became manifest when the facts relating to President Nixon's nominee, became known to me. I am troubled by the facts that have been uncovered. In addition to the many other statements and allegations regarding Judge Haynsworth's standards of conduct I came upon the following testimony:

On June 2, 1969, Judge Haynsworth testified before the Senate Subcommittee on Improvements in Judicial Machinery. In his testimony, the Judge declared, and I quote:

"Of course when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement, and I think that perhaps the best rule for a judge to go by now is to stop doing even that much." end quote.

This statement simply does not square with the facts. On the contrary, Judge Haynsworth remained as an officer, director, and major stockholder of Carolina Vend-A-Matic for many years following his judicial appointment. He also served as an officer and director of a number of Vend-A-Matic subsidiary companies. His wife served as a Vend-A-Matic officer.

During the same period, while he was a judge, he was a trustee of Vend-A-Matic's pension and profit-sharing plan. A plan, which I might add, violated federal law by failing to file annual reports with the Labor Department.

While the Judge has claimed that he took little active interest in this vending firm, he admitted during the recent Judiciary Committee hearings that he attended weekly luncheons of the Vend-A-Matic board of directors, received director fees, and signed personal bank notes for the firm.

It is inconceivable to me that a federal judge could continue such a business relationship with a multi-million-dollar vending firm while sitting on the bench. Vend-A-Matic, after all, dealt primarily with textile firms. It made its money by placing equipment in the plants of these firms. Certainly, its management must have courted the good will of these textile firms.

For Judge Haynsworth to now say that he sees no conflict of interest when he rules on crucial textile court cases shows, to me, a strange lack of ethics. The famed Textile Workers court case against Darlington Mills serves as an example of this problem.

The Textile Workers won a *union* representation election at Darlington and the company—owned by the giant Deering Milliken chain—shut down rather than deal with the union. The Textile Workers and the National Labor Relations Board took the case to Judge Haynsworth's court.

Although the Judge was still an officer and director of Vend-A-Matic, and Vend-A-Matic had contracts with Deering-Milliken, Judge Haynsworth did not disqualify himself from the case. He did not even inform the *union* of his possible conflict of interest.

I am convinced that the judge's action clearly violates the judicial canons of ethics. In addition, of course, Senate testimony has revealed that Judge Haynsworth also ruled on cases where he owned stock in one of the parties involved in the controversy. This, too, is a clear violation.

The United States Supreme Court must have the full respect and confidence of the American people. A Supreme Court Justice is entrusted with one of the greatest responsibilities that can be conferred upon an individual, and his conduct must be above reproach. The American people deserve no less. I regret to say that it is my opinion Judge Haynsworth does not meet this standard.

His nomination by President Nixon was a grievous error and his name should be withdrawn as a candidate for justice of the Supreme Court. If the name is not withdrawn I intend to vote against confirmation by the Senate.

Nothing, absolutely nothing facing the American people is more important than to see the end of the war in Vietnam. As I have previously mentioned, it is a principal factor in the present economic crises we now find ourselves in. In the larger sense, our involvement in the Vietnam war threatens our domestic political and social unity, and because of this is as great a threat to our national security as adverse external political forces. My opinion is that the Vietnam issue has changed considerably since 1961. It has continued to change because of the pressures of domestic political forces, technological advances, and world opinion. We have reached the point in human history when wars as we knew them in the past—wars in which battlefield engagements on land, sea and in the air could make or break a nation—are over forever. There is no turning back—we are living in a frightening era when total human annihilation could be a reality. The prospects are entirely sobering.

I love this country, and I love the people here, and I am proud and at the same time humble about the great responsibility I have been entrusted by the people of New Mexico. I cannot recall when I have searched my soul and studied and listened and discussed a problem more than the question of which direction we should go in Vietnam. Since American troops were committed to Vietnam 309 New Mexican men have died, 258 in combat, others from the ravages of tropical diseases and accidents. Nationally, and as of October 25th of this year, 46,004 American men in uniform have paid the supreme sacrifice, 39,149 in combat, the others from diseases and accidents incurred while in the Vietnam area. 8,535 of these men have died since January of this year alone! Think of that. How many promising young men and how many families destroyed, and what about the many children who will grow up without a father. And they say we are fighting a limited war, a war which cannot be won in the traditional military sense. We must ask ourselves what our purposes are in Vietnam. The history of our involvement there is well known—it was the product of post World War II policies directed against Communist expansionism and threats of expansion in Europe, Asia and throughout the world. We believed that Communist support for "wars of liberation" would topple the developing countries in Asia and distort the balance of power in that part of the world. Although we followed a policy of limited participation, as everyone knows, we began to be drawn more and more into the conflict.

Our present expenditures in support of our involvement are in excess of $70 million dollars a day. That one day's support of the war my friends would build some 3,000 homes in the U.S.

Today we are in a new era of international political involvement, an era when a great gap exists between what a political leader orders and what can in reality be done. We have grappled with this problem for a long time. A President has resigned, the youth of our country are alienated and confused—they ask—why fight and die in a war that everyone says cannot be won? . . . inflation grips us. No one wants war—and this war is a particularly unpopular one. But we must realize that we are in Vietnam *now*, and we can't start over again and make a decision to stay out. But time has changed the situation there. We have bought—with lives and money—time for the South Vietnamese to help themselves get their shop in order. We have allowed the Vietnamese people the opportunity to develop their own political future. The U.S. must now formulate a new policy. Included in this new policy there must be a plan to pursue whatever objectives we set for ourselves. I for one have—as I am sure you have also—searched in my own way for an answer to this terrible conflict. I offer to you today my own thoughts, suggestions and conclusions. I present them as a constructive way to provide alternatives to our present policy.

First and foremost our objective should be, along with the South Vietnamese and others, to bring an end to the killing in Vietnam.

Both President Johnson and President Nixon have stated there is no possible military solution to the war in Vietnam, and yet war rages—killing of our men continues. Our policy, our stated policy must be to reduce the cost in life and suffering to the absolute minimum as soon as possible.

The admission by two Presidents that a military solution is not possible in Vietnam is also a hint that future policy in Southeast Asia must be a departure from past policies. Our policy today must be that there cannot be an American solution for every emergency—whether fostered by internal revolution or external aggression. I am not suggesting we withdraw from our foreign commitments, but we must reexamine them in light of the realities of today's world.

Therefore, my second conclusion in connection with Vietnam is that we should reexamine the nature of our involvement in Asia, and decide what action we can take to help Asians achieve the economic growth and political stability they desire. Former Secretary of Defense Robert S. McNamara once said "development is security," and we should reflect that philosophy in the conduct of our future foreign policy.

Thirdly, we should do what can be done to move the Saigon government and the Hanoi government to a political settlement. I don't believe we should impose our will on them in this connection, but we should place the present Saigon government on notice that: A. We intend to continue to withdraw—systematically—our ground forces from Vietnam.

B. We will not allow the Saigon government to interfere with our initiatives to end the war.

C. We will be committed to a phased withdrawal, and that in line with our withdrawal we will maintain our firm resolve to negotiate with the North Vietnamese for a cease-fire and negotiated settlement.

Let us not forget the people of South Vietnam—for it's the Vietnamese people who have been fighting for generations in their own land. The civilians, living in villages and hamlets, and in the cities, have been slaughtered by the countless thousands by the Viet Cong and the North Vietnamese. And the South Vietnamese Army has lost many thousands in combat. My fourth conclusion is that we should assure the people of South Vietnam of our commitment to continue our economic and social development assistance as we have been these past years. Tremendous improvements in public health services, agricultural development, and public administrative planning have been made through U.S. aid assistance. We should assure them of our continued support of their development programs. But warn them that assistance on our part has to be met by self help on their part. The American taxpayer will not tolerate contributing millions only to have no effort on the part of the Vietnamese.

Fifth, we should remain completely flexible with regard to the amount of logistical, Navy and Air Force support we will provide—gearing our commitment to the Paris talks and Saigon's willingness to take steps toward a political settlement with Hanoi.

Lastly, we should support our President and his Administration when and if he comes forth with a workable and acceptable plan to systematically disengage ourselves from the war.

I believe President Nixon, like his predecessors Lyndon B. Johnson and John F. Kennedy, wants peace. I believe the Nation is ready to give him the kind of political consensus necessary for him to break with the past. If he does not respond to the cries then the people shall be heard—in groups, and as individuals at the polls in 1970. The will of the people in this great country shall be heeded.

Looking back over the past 10 months I would have to sum up matters this way.

SUMMARY

The Administration's economic and legislative policies are threatening to bring on serious unemployment and are critically reducing important economic and social programs. Our own State is already feeling the pinch of these policies; housing for low and middle income groups is lagging; flood control and watershed projects are threatened by the 75% construction cut-back; education cuts and medical and public health assistance program cutbacks are in the offing . . . all this in the face of continued massive defense expenditures; and pronouncements about the need for man to land on mars. What about the 23 million forgotten Americans who pay their taxes regularly, and are hardworking law abiding citizens; what about the elderly whose fixed incomes continue to decline in buying power; what about the hard core unemployed who need education and training so that they can contribute to our economy and share in the wealth of our nation!

Gentlemen, I ask you to examine carefully the facts before you and let Washington know your sentiments about the direction this country is on . . . a collision course with recession—and division among the people.

I stand here with you and say that we should seek an honorable end to the war in Vietnam. I am not suggesting a surrender . . . I am asking for a specific end to the war in Vietnam by adopting a plan that would mean a gradual disengagement of our military involvement there. For as long as we are in Vietnam:

America will be torn by serious division;

Our youth will be alienated and frustrated;

Our urgent social programs will be neglected; and

Our human and material resources will be wasted!

But peace in Vietnam can unite America, and enable a war to be waged on poverty, disease, hunger and despair. . . .

Our cities can be rebuilt.

Our education programs can be given a much needed boost.

Our health care deficits can be remedied (rural health care is poor at best).

Our programs for the aged can be improved and expanded.

We can begin to deal effectively with the problems of pollution, one of the most serious immediate problems America must contend with on a large scale.

We have taken many risks in war, it is now time to marshal an effort unprecedented in American history to take a risk in the cause of peace. For, as one recognized authority recently said, "already 15 years ago we (the U.S. and the Soviet Union) were scorpions in a bottle, able to sting each other at the price of death." Then no conflict, no confrontation, small or large, which risks the sting of the scorpion, is worth the destruction of man's existence.

If we act with care, and a firm resolve, and seek to unite in an effort to remedy the many problems facing us, then in time our good sense will vindicate us. Thank you.

OUR CBW POLICY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. GIAIMO. Mr. Speaker, the National Security Council will shortly conduct a comprehensive review of the policy governing U.S. chemical and biological warfare activities. The questions that will be considered by the Council are of interest to every concerned American. My colleague, Mr. McCarthy, spoke on October 20 at Yale University on this subject. I believe that his remarks are of interest to my colleagues and am inserting them in the Record at this point:

Policy on Chemical and Biological Warfare

(By Representative Richard D. McCarthy)

More than the winter winds blow through the streets of New Haven this fall; the winds of change also blow through our streets, stronger and more penetrating than those in recent memory. Whether they bode good or ill depends on how we view them. I, for one, see in them the opportunity to strengthen and renew our society—to cast out the false, to restate the true, to strive for a more perfect society.

The demand for change, to question assumptions and practices that have gone unchallenged is found not only on the campus but in the halls of Congress. One of the symptoms of this new mood has been the insistence on a Congressional review of our military objectives and practices not only in committee, but on the floor of the Senate and the floor of the House. For the first time in recent memory, members of Congress who are not on the Armed Services Committees have questioned whether we need a 2½ war capability, whether we should build more nuclear aircraft carriers, whether we need or can have a workable anti-ballistic missile defense system?

The need for this questioning was recognized in the earliest days of our Republic. James Madison said in the Federalist Papers:

"A standing force, therefore, is a dangerous, at the same time that it may be a necessary provision. On the smallest scale it has its inconveniences. On an extensive scale its consequences may be fatal. On any scale it is an object of laudable circumspection and precaution."

Fortunately, the emphasis today is on circumspection and precaution.

In the military budget for 1970 that President Nixon sent to Congress there is somewhere between $400 and $600 million for chemical and biological warfare activities, depending on how you do your bookkeeping. In relative terms that is a small part of the total of $77 billion. It casts a small shadow compared to that of the $7–10 billion for an ABM, the $25–30 billion needed to support the war in Vietnam, or the billions spent on military aircraft.

One might ask why CBW should be singled out for particular attention. The answer, I believe is twofold. First, as one American leader said not too long ago, "the United States can afford anything it needs. What it can't afford is what it doesn't need." I suggest that there is much in our CBW arsenal that we don't need. Second, our policies and practices in the area of chemical and biological warfare threaten to break down one of the few areas in which mankind has limited man's inhumanity to man. The Geneva Protocol of 1925 banning chemical and biological warfare is one of the few arms-limitations measures that has worked. Yet we remain one of two major nations that has not ratified that treaty. Our present CBW policies and practices—policies that do not make it clear whether we will use gas or germs as offensive weapons—and practices that included the massive use of tear gas as a means to kill in Vietnam—threaten the very fabric of the Geneva Protocol. I do not think that we, as a nation, ought to be the one to erode this restraint on inhumanity.

Fortunately, our CBW policies are now being reviewed. The Executive Branch is now conducting the first comprehensive re-evaluation of this subject in more than a decade. Within a few weeks the National Security Council will meet to consider the various alternatives. Based on the discussions and recommendations of the National Security Council, President Nixon will decide on policies governing the use of either gas or germs, the levels of stockpiles of these weapons that we need in light of the policy guidelines that have been adopted, and our consequent positions on international treaties and resolutions. This Administration is young. It does not have the weight of previous statements on chemical and biological warfare to throw off. It has an opportunity to state a new policy. This is a chance that should not be discarded lightly.

Following President Nixon's actions, Congress will have an opportunity to review our CBW policies. I believe we can adopt an enlightened and humanitarian policy, one that takes in account both the realities of power and the basic principles of conduct that form the fabric of our civilization.

What should our policy for chemical and biological warfare be? I would like to outline the dimensions of the policy and suggest the position that I believe we should adopt.

LETHAL CHEMICAL AND BIOLOGICAL WEAPONS

The most potent weapons in our CBW arsenal are the deadly chemicals and biologicals. They range from the persistent nerve gas, VX, that can kill if only a drop falls on your skin, to the highly infectious plague that is normally fatal. They include the latest perversion of biology, Toxins, that are the by-products of bacteria, which in the base of botulinus toxin is even more deadly than nerve gas. As the recent UN Report pointed out, these are weapons of mass destruction. They fall in the same category as our nuclear missiles and bombs. We have large stockpiles of these weapons. We deploy deadly chemicals both in West Germany and in the Pacific. We are probably the only nation to stockpile quantities of deadly biological weapons and agents.

Our military strategists tell us that we need to maintain an offensive capability in chemical and biological weapons as a deterrent to use of these weapons on us. I believe that in the case of deadly diseases their reasoning is faulty. They tell us that we do not need biological weapons in a nuclear exchange unless we are solely interested in killing more people. They admit BW would not be used in the so-called big war. But going beyond that, biological weapons are by their very nature so unreliable, uncontrollable, unpredictable, so dangerous, that they are not very likely to be used. The difficulties in using a weapon of this kind, such as whether or not the bacteria used might be carried by the wind or by infection to a neighboring country, or whether the diseases might start a world epidemic or pandemic, lead to its rejection even by some of the most ardent advocates of chemical and biological weapons. Even General William W. Stone, Jr., the Army's new Director of CBR, admitted to the House Armed Services Committee that it was unlikely that we would use an infectious deadly disease for these very reasons.

Moreover, deadly disease can be used as a weapon by the smallest country. A nation that cannot afford a nuclear weapons system could quite easily afford a dangerous biological warfare capability. For example, experts have pointed out that a small group of men could rent a candy factory in Brooklyn, produce bacteria and spread it over the city with the smoke that rises from a high chimney. They might succeed in killing three or four million people in New York City in this manner. And at the conclusion of this disaster we might not know which country initiated the attack. Deadly biological weapons cannot really be considered a deterrent against their use by another country.

I believe that we can abandon deadly biological weapons and rely on our public and private medical research organizations for a defense against disease. Not only is it in our interest as a nation with a sophisticated military capability to ban this form of warfare, it goes against our basic principles to consider disease as a weapon that we might use. I believe that if a plague was loosed on one of our allies, we wouldn't loose a plague on the attacker. Rather, we would send in as many medical teams as we could to stamp out the plague and respond with conventional or nuclear weapons if need be.

Our strategists admit that the deadly chemicals would not be used in the big war. They are not as effective, ton-for-ton, as nuclear weapons. Also, they are highly dependent on weather conditions. So they do not fall in the category of a strategic weapon, despite the money we spent to invent an ICBM warhead that can carry it.

The most plausible, if that is the appropriate word, use of deadly chemicals according to our strategists would be a situation in Europe where an attack is made on the West. In addition to conventional explosives, the Eastern bloc nations might employ nerve gas to gain an advantage. If they used nerve gas, it would force our troops to take precautions that would seriously limit their fighting capability. The Eastern bloc forces could exploit this to overrun Europe. This assumes, of course, that we would not use tactical nuclear weapons in a situation like this, as assumption that many strategists question. Our planners argue that we need to maintain a capability with deadly chemicals to counter the Eastern bloc's capabilities. If both sides have a capability, they argue, neither side is likely to use it. And by deploying nerve gas, we give ourselves an option other than nuclear should a conflict break out.

I find it difficult to believe that if the Eastern bloc attacked the West that nuclear weapons would not be used. If Sergeant missiles filled with nerve gas and the Russian equivalent were exchanged along a side front in Europe with resulting civilian casualties, there is a strong probability that nuclear missiles would follow. But if you do accept the initial reasoning of the strategists, that deadly gas is necessary to counter deadly gas and is a lesser evil than nuclear warfare, then you must accept the necessity to stockpile gas in Europe and the Pacific. The amounts needed can then be worked out according to our plans for the defense of NATO nations.

I believe that for the time being we must maintain a deterrent capability in deadly chemicals for tactical purposes. It is my impression that our stockpile is based on a strategic as well as a tactical requirement. If so, we can get rid of the strategic base. A hard look at the advantages versus the disadvantages of chemicals may also show us that we can spend our defense dollar for better purposes elsewhere. I also believe, however, that we should firmly state that we will not use gas first, as do all of the NATO and Warsaw Pact countries except the United States today.

NON-LETHAL CHEMICAL AND BIOLOGICAL WEAPONS OTHER THAN TEAR GAS

The policy governing the use of non-lethal chemical and biological weapons is the most controversial question today. In this category our CBW arsenal includes the so-called incapacitating biological weapons, weapons that would spread diseases such as tularemia, Venezuelan Equine Encephalitis or toxins such as staphylococcus on an enemy. The only so-called incapacitating gas in the arsenal is BZ, an LSD-like mind shattering agent that can put a person to sleep for as long as three days. We have stockpiles of incapacitating biological agents, incapacitating toxins, and BZ.

Although CBW experts talk enthusiastically of a gas that will put everyone to sleep for several days while an occupying force separates the white hats from the black hats, there is no weapon of this type in the chemist's beaker yet.

Military planners argue that it would be more humane to use a disease that would make everyone in a country sick for several days or a gas that would only knock them out rather than conventional or nuclear weapons. General William Stone told the House Armed Services Committee that the Army interpreted the Geneva Protocol of 1925 to ban only the lethal chemical and biological weapons and not the incapacitating ones. In addition to my surprise that General Stone, a chemical and biological warfare expert, should be called upon to define the meaning of this international treaty to Congress is my surprise that his interpretation differs from that of the Department of State and other top policy makers. Secretary of State Rusk, for example, believed that only tear gas was exempted, and then only for humanitarian purposes.

The case against the use of the so-called incapacitating diseases is to me overwhelming. First, doctors and biologists point out that what may be incapacitating for one person may be deadly for the next. We know too little about the individual and the disease to be sure that we wouldn't have 20 to 60% fatalities rather than only 2%, the military definition of incapacitating as opposed to fatal. The difficulties in getting uniform exposure to the bacteria or toxin make any certainty about fatalities highly questionable. And we are not likely to have a test program that will give any such assurance.

Also, if a nation were attacked with an incapacitating disease, it would not know that it wasn't a deadly disease. At that point the nuclear exchange might begin.

I believe that we should abandon the so-called incapacitating biological weapons as a part of our arsenal because they are unreliable and for the same reasons that we should abandon deadly biologicals—they are out of keeping with the highest principles of our society.

Although a BZ-like gas sounds as if it might be the ideal weapon, a closer examination reveals its shortcomings. As is the case with any other gas, BZ is difficult to apply uniformly. One person may get a small dose. The next may get a heavy dose. In the first case there may be no ill effects after several hours. In the other case, the person may sleep for three days and may wake up with his mind permanently altered. In the desert, a person who does not get water within six hours will die. In certain countries with undernourished people, three days without food or water could kill a sizable part of the population. And of course we would have to assume that if we used such a gas, others might use it against us. For these reasons, I believe that BZ is more of a lethal than an incapacitating gas and should at best be considered a retaliatory weapon.

TEAR GASES

The only gas or germ weapon in our CBW arsenal now being used in combat is CS-2, a super-tear gas that might more appropriately be called a lung gas. It is the third generation of CS. It is microminiaturized so that it is invisible and penetrates deep into the lungs. It is coated to resist moisture. We have bought more than 9,871,000 pounds of CS-2 and its predecessor, CS-1, for use in Southeast Asia. Although Pentagon spokesmen continue to try to portray this gas as a means of saving rather than taking lives, its main use in Vietnam is as an aid for killing. Army training circulars and periodicals, newspaper reports and eyewitnesses, all tell of the use of tear gas to drive the enemy into the open where he can be killed by artillery fire, bombs, or bullets. Fortified positions that have successfully resisted attacks by B-52's have fallen after attack combined with tear gas. Hamburger Hill, for example, was only taken after tear gas was used.

The argument for not using tear gas to help kill is much the same as that for other gases. If we use it, others can use it against us. In a reported but unverified case of use of tear gas by the North Vietnamese against our forces, a platoon of G.I.'s was caught without its masks on and wiped out. Use of gas could benefit the North Vietnamese much more than us. We occupy set positions in the cities that are mortared or rocketed with ease. On the other hand he is usually on the move and therefore less subject to attack with gas. The use of gas, any gas, also leads to escalation. World War I witnessed first the use of tear gas, then chlorine, then phosgene and mustard, and resulted in over one million casualties. The only effective ban is one against the use of any gas.

Army spokesmen say that tear gas is not covered by the Geneva Protocol of 1925. They usually attempt to confuse the argument by saying that tear gas is used by almost every government for civil disturbances. The point should be made clear—the Geneva Protocol specifically spoke of the use of gas in war and excluded other uses of tear gas. This obviously is not the way tear gas is being used in Vietnam.

In my opinion, our use of tear gas in Vietnam violates the Geneva Protocol. About two-thirds of the nations which have signed the Protocol consider tear gas to be covered by the treaty. If we decide to ratify the treaty, we will have to forego the use of tear gas as a means of killing. I do not believe that tear gas should be excluded from the ban on first-use of gas in war. An attempt to ratify the Protocol with this ban would lead to an erosion of this treaty. We would have to specify what we mean by tear gas, what the formula was, what the particle size should be. I do not think such a reservation would work, even if it were acceptable to the other signers of the Protocol.

I would also add here that the military have not studied the effects on health of the tear gases. Recent reports from Belfast and Berkeley raise serious questions as to whether tear gas should be used on people except as a last resort. I have asked Secretary of HEW Finch to give me a report on this problem so that we can know whether these gases should be banned.

DEFOLIANTS

Defoliants as a chemical weapon have first been used on a widespread basis in Vietnam. We spray crops and vegetation with aircraft both herbicides and defoliants that either kill the crop or strip the leaves from the vegetation. About 140 million pounds of defoliants and herbicides have been used in Vietnam, some areas receiving repeated sprayings. The procedures and techniques used in this operation were developed by our biological warfare technicians at Fort Detrick.

Army spokesmen argue that the anti-crop campaign is only a part of a larger anti-food campaign. They also argue that the crop-spraying part of the program is quite small. They argue that the spraying of vegetation saves lives and does no permanent damage to Vietnam. They point to the use of weed-killers in the United States as a justification for our chemical campaign in Vietnam.

I believe that the use of chemicals as an anti-food weapon is highly unprincipled. Starvation is a weapon that strikes the old and the young, the sick and infirm, first. The fighting man is the last to suffer as Dr. Jean Mayer, President Nixon's nutrition advisor has pointed out. We didn't use the blight against the Japanese rice crop in World War II; I don't believe that we should use herbicides against crops in Vietnam.

The use of defoliants and herbicides was not mentioned in the Geneva Protocol when it was drafted because these chemicals hadn't been invented. Although the UN Report discusses the use of defoliants and herbicides, it is not clear whether they are banned by the Protocol or not. I believe that herbicides used for crop destruction certainly are covered by the spirit of the Protocol. I have grave reservations about the use of defoliants on vegetation on the massive scale that we have employed them in Vietnam. Even the expert usually cited by the Departments of State and Defense to justify the use of defoliants in Vietnam, Dr. Fred Tschirley, admits that we need to know much more about the effects of our activity than we do now. An intensive and careful assessment of the effects of our defoliation operations in Vietnam is one of the highest orders of priority. Only in this way will we know whether operations of this type permanently alter the ecology of a nation. Otherwise we may find our actions described in the words of Tacitus, "when they make a wilderness, they call it peace."

I have also recently learned that the herbicides used on crops in Vietnam, whether on purpose or by accident, has resulted in the birth of deformed children in Vietnam. That the application of chemicals to food has this effect should not surprise us. The history of the use of hard insecticides should have warned us that this would happen. What does surprise me is that we continue to use these herbicides and defoliants after reports of their danger have been received. I have asked Secretary Finch for a full report on the medical dangers inherent in this program.

STOCKPILES AND FORCES

I believe that we can significantly reduce our stockpiles of gas if we adopt the policies that I have recommended. I believe that we can convert our biological warfare laboratories and production centers into medical research laboratories without affecting our defense capability. I believe we can limit our chemical effort to research and development and a limited retaliatory capability.

INTERNATIONAL INITIATIVES

I have already urged President Nixon to resubmit the Geneva Protocol to the United States Senate for ratification. Ninety-eight other Congressmen and 23 Senators have joined in sponsoring resolutions urging him to do so. I am hopeful that the House Foreign Affairs Committee can hold hearings on the House Resolution in the near future. I believe that the Congress would welcome the chance to consider this treaty.

A second international initiative has been made by the United Kingdom at the Geneva Disarmament Committee. The UK has submitted a resolution that would ban the development, production, stockpiling and use of biological weapons. The White House indicated in a letter to me that the United States supports this resolution in principle. As a result of the National Security Council meeting, we should go on to endorse this resolution and fully support its passage at the United Nations. We do not need disease as a weapon.

Third, I believe that we can take the initiative at the United Nations to work for effective disarmament controls for chemical weapons. We spend only a fraction of the money on detection and arms limitation studies that we do on stockpiling. I think that if we redress this balance, we may be able to work out an effective arms limitation treaty for chemical weapons.

Fourth, I believe that we should establish a blue-ribbon panel of objective experts to examine the effects of the defoliation campaign in Vietnam. In this way, preparations for the study could be made and it could be initiated as soon as the conflict ends.

In conclusion, I believe that we should re-assert the traditional policy of the United States towards chemical and biological warfare, the policy enunciated by Presidents Harding, Coolidge, Hoover, Roosevelt and Eisenhower. This is a policy that states that we regard these forms of warfare with horror and revulsion and will only use them in retaliation. I believe we should go further and abandon biological warfare. And I believe that we should search for effective means of limiting chemical warfare. These objectives are within our reach. It is up to us to take them.

Warfare is a kind of madness, a collective sickness of mankind. Fortunately, our revulsion at over one million gas casualties in World War I led to the adoption of the one successful arms limitation in recent history. We can strengthen this limitation. And we can work to adopt other arms limitations, a ban on nuclear weapons, a means of resolving international conflict without resorting to violence. These are the ultimate objectives. Perhaps on CBW we can set a pattern.

INFLUENCE OF MILITARY ESTABLISHMENT ON SOCIETY AND NATIONAL ECONOMY

HON. HAROLD E. HUGHES

OF IOWA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 5, 1969

Mr. HUGHES. Mr. President, we all know that there is a rising concern in our country regarding the influence of the military on our society and our national economy. This concern, which had its best known expression in President Eisenhower's farewell speech as President, is shared by a growing number of concerned citizens who represent a wide variance of opinion on other issues of war and peace.

Many of our young people are feeling this same concern over the influence of the Military Establishment on our culture. Some express this by dropping out, some by protest, some even by violence. However, an increasing number of young people are turning their intellectual capabilities to serious study and analysis of our system in order to find answers to the questions raised by the protestors.

Whether we agree with their conclusions or not, I believe we can applaud their initiative and constructive purpose. Research and investigation require intellectual discipline and the commitment of ideas to the cold logic of print shows a willingness to debate their validity.

One such group of young people was organized this summer by the Institute for Policy Studies, an independent research organization concerned with contemporary issues of public policy. Eleven college students spent the summer investigating the way policies are evolved in the Military Establishment, including our future policy toward foreign involvements and the way in which weapons procurement decisions are made.

I commend these students for their initiative in undertaking their studies and also their willingness to put their views on the line in this fashion. Recognizing that viewpoints expressed in such projects may be highly controversial, I nonetheless believe that studies of this nature are eminently worthwhile and I hope they will continue. I therefore ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE NATIONAL SECURITY SUMMER RESEARCH PROJECT

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II. Arms and Industry.
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INTRODUCTION

Under the sponsorship of the Institute for Policy Studies, a group of 11 college students has conducted an intensive investigation into the activities and policies of the American defense establishment. The use of a summer study to investigate an institution or policy has become frequent practice. In fact, this approach has been used by the national security establishment itself in the development of new weapon systems.

Leonard Rodberg, professor of physics at the University of Maryland and former head of science policy research of the Arms Control and Disarmament Agency, acted as coordinator for the students, with the assistance of the Institute's co-directors, Richard Barnet and Marc Raskin. Seymour M. Hersh, former AP correspondent at the Pentagon and author of the book *Chemical and Biological Warfare, America's Hidden Arsenal* advised the students on investigative matters.

The students pored over military and industrial journals, studied the reports of research organizations like Rand and the Institute for Defense Analysis, and interviewed ranking officials in the Pentagon and State Department. They did not make use of classified material. The information and conclusions in this report are based on sources which are open to newsmen and the public—sources, however, which are little used other than by military contractors and military-oriented professional organizations.

This report is an attempt to illuminate, in some specific, critical areas, the functioning of the national security establishment which has evolved in the United States. The different sections of the report are based on longer, more detailed papers prepared by individual students during the course of the summer. The complete papers with research notes are expected to be published in book form in the near future.

I. INTERVENTION

The policy has not changed

President Nixon's recent statements about American military disengagement from the Third World, particularly Asia, have a familiar ring. President Johnson stated that American boys would not be sent to do the job for Asian boys, and President Kennedy stressed the importance of self-reliance for the less developed nations. Such rhetoric should not be mistaken for policy. Our perusal of official government policy documents and our interviews with government officials have led us to the conclusion that American foreign policy with regard to the Third World has not changed essentially from the days of Truman, and it will not be changed by the Nixon Administration.

Vietnam was not an aberration, but a logical outcome of U.S. foreign policy in the post-WWII era. Policy makers miscalculated only to the extent that they underestimated the ability of the enemy to resist American military might. As President Johnson noted in his 1966 State of the Union address, Vietnam "is not an isolated episode but another great event in the policy that we have followed with strong consistency since WWII."

Our investigation has shown that the U.S. failure in Vietnam has not called into question the basic premises of American foreign policy. Policy makers have not forsaken the policy of intervention—they merely wish to defend U.S. interests at a more acceptable level of cost. Policy makers have derived two important lessons from our Vietnam experience: (1) We need to be more selective in choosing the next country in which to apply our own forces; (2) We need to formulate more suitable tactics.

An officer in the JCS counterinsurgency division told us, "Intervention on any scale leads to further intervention. So in the future any cause will be much more carefully examined and our response much more carefully assessed." Another noted that "we are going to make a more careful assessment of geography and historical circumstances. When these factors make the situation favorable, we should be able to defeat them without risking the involvement of combat troops, which is something we deeply desire to avoid." By way of illustration, the officer explained that *"the historical circumstances of Thailand make it a good bet*. Unlike South Vietnam, it is a nation to begin with; it has experienced centuries of stable governments, has religious and social cohesion, has a pretty secure economic base, and is included under treaty arrangements with the United States."

Walking over to a map of Asia, he planted his finger on Burma. "Here would be a country we would have second thoughts about protecting, from the simple standpoint of geography. It has a long border with China, which would give the insurgents a secure sanctuary, and would allow an almost painless infiltration of men and supplies." Moving his finger over to the Philippines, he continued. "In the Philippines, however, there is a chance to assert our naval power. The country is surrounded by water, so it would be impossible for an insurgent movement to receive outside aid. There, sources of weapons could easily be dried up."

The question of future armed interventions is, thus, one of risk-calculation. High and middle-level officials from the State Department and Department of Defense regularly participate in elaborate war games sponsored by the JCS Joint War Games Agency. Players act out scenarios of crisis situations. "Some games," said General Wheeler, "have caused a revision in contingency plans . . ." The danger is that such methods have the effect of assuring policy makers that they have explored and resolved all aspects of a problem, and they may decide to intervene, confident that the correct calculation has been made.

As the Pentagon sees it, one of the problems with Vietnam—in addition to our failure to properly assess the risk involved there—was that our methods were clumsy. "Vietnam," explained an officer on the JCS staff, "was not a test of counterinsurgency operations in the proper sense of the phrase. We ended up fighting a limited conventional war in a mobile battlefield . . . Instead of doing this again, we have to devote more attention to nipping insurgencies in the bud, to preventing them from occurring rather than jumping in after the conflict has escalated."

The U.S. Army has thus assumed the mission of acting as an agent of social change. "When a society is in order," said another officer, "insurgencies don't occur. We are in favor of helping people to make a non-violent appropriate change." Consequently, civic action is stressed as a way to prevent inappropriate, i.e., pro-communist or anti-Western, guerrilla movements from gaining hold. American military assistance groups involve themselves in road-building, construction of schools and medical facilities, and in the promotion of internal security measures. Having been taught by experience in Vietnam that the use of large military forces is an ineffective way of counteracting insurgency, the importance of civilian police training is being stressed.

The trouble is that this "new" wisdom is really old wisdom; policy makers have learned from Vietnam what was already available knowledge: revolutionary movements arise from conditions of social and political unrest. Nothing really has changed in American foreign policy. *The U.S. will continue to intervene in other countries, using military and economic penetration (which we prefer to call "assistance") and clandestine subversion whenever policy makers perceive that it is in our national interest to do so.*

"To lose another Latin American country is simply not allowable," explained a high State Department official, "because it would seriously affect the world's perception of the United States' ability to keep its own house in order." And an analyst from the Army's think tank, the Research Analyst Corporation, said of Ethiopia, "We have a vital interest in seeing that Haile Selassie doesn't fall. The Soviet Union has long had designs on the Red Sea—in order to give them access in the Indian Ocean. If they can overthrow Haile, they could then fill the power vacuum in the Indian Ocean."

The world is filled with potential trouble-spots which, in the eyes of policy makers, may demand American involvement. Reassessment of the underlying premises of American policy do not take place in the Pentagon or State Department. "At the Pentagon," says a former high-ranking member of the DOD Systems Analysis Office, "there are certain rules of debate that dictate subjects that simply can't be discussed except informally at lunch. *Overall strategic objectives are never challenged; the basic premise is interventionism, and the topic of debate is the most effective way of configuring our forces to serve this policy*. After initial policy decisions are made, events just lumber on; the effects ooze down into every part of the establishment." He continued, "At the start of the Kennedy years, great interest and enthusiasm was devoted to counter-insurgency. This became the saleable environment in which the services could market their hardware. Each service would invent its force needs and say, 'What programs can we field this year under the rubric of counterinsurgency?' This will probably go on for a decade until the fashion changes."

The inertia of the Pentagon bureaucracy, and the vested interests which have grown up around the role of America as the keeper of the world law and order, make significant policy change all but impossible. Even the power of the President is limited. "The options the President exercises over foreign policy are bound to be limited," said a high State Department official. *"There is little possibility that the President can alter basic policy premises*. Our conception of fundamental interest is non-controversial; the question is what you do to promote these interests. What the President can do is develop force configurations; he can decide, for example, whether we should have eight divisions in Southeast Asia or five."—Research by Bill Stivers and Nick Herman.

The capacity to intervene

"Now the rest of the world can try to catch up" proclaims a double-page ad in a recent issue of *Life* magazine. Beneath a photo of the huge Lockheed C-5A plane, we learn that: "The C-5A Galaxy is more than the world's largest airplane. It's a new kind of defense system. It's like having a military base in nearly every strategic spot on the globe."

To meet the needs of America's interventionist foreign policy, the Defense Department has developed the capability to "project" its forces anywhere in the world on short notice. In the name of a Rapid Deployment Strategy, the programs to increase airlift and sealift capabilities of the armed forces have been given unprecedented support inside the Pentagon. *The $2.1 billion requested for airlift/sealift programs in the FY 1970 budget represented the largest percentage increase over FY 1969 of any major military program*. With the development of a rapid response capability, it is obvious that Nixon's announced policy of selectively withdrawing American troops from Vietnam does not necessarily signal any real change in intervention strategy. We will have the capability to intervene when and where we want—a capability which is controlled by Executive power and over which Congress has no say.

The Defense Department no longer favors permanent stationing of U.S. troops at "potential trouble spots" throughout the world, because of adverse political reactions and economic consequences such as the balance of payments problem. To maintain strategic flexibility, the Pentagon has decided to rely instead on direct transportation from the U.S. Using these new mobility concepts, much of the equipment which the Army deemed necessary for "maximum combat effectiveness" was unable to fit into our older aircraft. By 1964, the requirements for the new C-5A aircraft were finalized. This year in August, at the Dulles Air Show outside Washington, D.C., the first C-5A was unveiled for the public.

The C-5A is not the only necessary element of the Rapid Deployment Strategy. In 1964 a JCS Staff's special studies group concluded that the most efficient rapid deployment capability could be atttained by a mix of airlift, sealift, and selective pre-positioning of equipment. The study suggested that rapid deploymnet could be used as a "deterrent"—it would provide the capability for stopping all revolutionary threats, because it would enable U.S. forces to mount quickly a "show of force."

A high level Air Force official described this capability to us as an advanced form of "gunboat diplomacy." The justification given is that a quick commitment of force will mean a smaller commitment in the long run, or, as General H. K. Johnson, Army Chief of Staff, put it, "A brigade in time may save the commitment of nine."

The Military Airlift Command now directs more than 109,000 planes at 419 locations in nearly 40 countries; it is also in charge of approximately 20,000 Air Force reservists, and of the operation of the Civil Reserve Air Fleet (CRAF)—a backstop force composed of civilian planes which, in an emergency, would replace military aircraft in more routine logistics missions. Prior to 1963, the airlift capability of CRAF was not available to the Defense Department unless the President declared a national emergency. Now, however, *in a "State I" emergency determined by the Secretary of Defense, CRAF aircraft can be requisitioned, according to a MAC information bulletin, "to perform airlift service for DOD in support of counterinsurgency activities, localized military emergencies and similar type actions"*. As of August 1968, there were 350 aircraft (300 of them jets) in the international fleet of CRAF.

A demonstration of American airlift capacity was given in March, 1969, when 2,700 soldiers were transported from the East Coast of the U.S. to Korea. "This 10,000 mile airlift," wrote General Jack Catton, head of the Military Airlift Command, "demonstrated the U.S. national resolve to support its allies and its ability to place its combat forces in the most distant of locations on the shortest notice, equipped and ready to fight."

Pentagon studies demonstrated that the cost of airlift operations, even with the C-5A, were generally prohibitive and that a complementary sealift capability was needed. In 1964 a Navy study endorsed the idea of the Fast Deployment Logistic (FDL) ship loaded with military equipment and converging on trouble spots to "marry up" with troops airlifted from the U.S. In his 1967 presentation outlining the potential of the FDLs, Admiral Nathan Sonenshein, project manager of the program, said:

"Because of the freedom of the seas and the extended endurance envisioned for them, FDLs could steam *without public knowledge*, if necessary, to an advantageous position for rapid deployment." (Emphasis added.)

The potential for rapid intervention, without knowledge of the Congress or the public, is apparent.

Although Congress has, thus far, failed to approve funds for the FDL, the Navy is still intent on its program, and the program still has the strong endorsement of the Pentagon. The July, 1969, edition of the Army Logistic Study Program reports on a study initiated by the Deputy Chief of Staff for military operations "to develop concepts and doctrine concerning Army participation in FDL ship operations, to insure that the proposed characteristics of FDL ships are compatible with Army requirements." The Navy is seeking a maritime equivalent to the Air Force's Civil Reserve Air Fleet, and is now working with the maritime industry on a similar concept called the "Respond commercial augmentation program."—Research by Tom Klein

Special forces

The defense establishment continues to nurture the elite force trained to combat guerrilla forces in the Third World. Recent disclosures on the CIA have noted the close, operational relationship between the CIA and the Army's Special Forces.

Elevated to national stature in the first years of the Kennedy Administration—Kennedy gave the Special Forces the right to wear the Green Beret again, overruling top Army officials who felt such gear encouraged a trend toward "private armies"—the Special Forces are involved in counterinsurgency operations around the world. They have worked with the Kurds in Iran; they are currently active in Ethiopia; they trained the Thai troops now in Vietnam; they work with the Nationalist Chinese army on Taiwan; they were active in the Congo and Liberia. During the American intervention in the Dominican Republic, the Green Berets reported directly to the CIA, which currently maintains a liasion officer at Ft. Bragg, home of the Army's Special Forces.

One of the key functions of the Special Forces at Ft. Bragg (the John F. Kennedy School for Military Assistance) is training foreign military officers. Between 1952-62 more than 800 officers from 44 foreign countries were graduated. "The foreign trainees ostensibly represented the uniformed services of their countries," wrote a former defense official, "but actually they were handpicked by their nations' intelligence organizations and had to be approved by the CIA. Under the guise of a military aid program, these men attended the Special Forces School at Ft. Bragg."

According to a publication prepared by Ft. Bragg, these foreign "students" have *come from such countries as Portugal, Spain, and South Africa* (in addition to other NATO and SEATO countries and almost every country in Latin America). Purportedly we are protecting American interests, by training the officers of avowedly fascist and racist countries to counter internal threats against their oppressive regimes and (in the case of Portugal) to maintain colonial regimes in Africa.

The Navy and the Air Force maintain their own special forces. The "Blue Berets", our air commandos, train at Eglin Air Force Base in Florida. One of their important jobs is to fly air cover missions for the Green Berets. The Navy has its Seal teams (the name is derived from sea, air, and land) who are "trained to conduct unconventional or paramilitary operations and to train personnel of allied nations in such operations." As off-shoots of Navy Underwater Demolition Units, Seal teams train at little Creek, Virginia, and Coronado, California, to operate from subs and air drop into coastal areas. Seal units are used in Vietnam to ambush Viet Cong.—Research by Derek Shearer

II. ARMS AND INDUSTRY

*Defense industry: The fourth branch of Government**

The military market supports the largest single industry in the country today, providing more than $40 billion in sales each year and involving in total over 20,000 firms. In FY 1969 there were more than $24 billion in prime contracts for new weapons systems and components, in addition to more than $6 billion for military research and development. The industry is remarkably concentrated, with the 100 largest contractors receiving two-thirds of the total contract funds, and the top 25 receiving half these funds.

Negotiated contracts are the rule rather than the exception in the defense industry, accounting for 58% of all military prime contracts in 1968, with advertised competitive bidding accounting for only 11.5% of the total procurement dollars. As Admiral Rickover has said, "Of course there is no real price competition for military equipment. There is sometimes competition 'to buy in', that is, to make the initial award of a popular item. However, there is usually little or no competition in the price of the original contract, and the government must negotiate with a supplier to establish prices."

Supposedly there is substantial competition among the firms in the defense business, but in fact this industry is one of our least competitive. Firms seldom if ever suffer a financial loss in their defense business. *The Defense Department acts to insure that the firms which do business with it remain financially healthy.* Through the widespread use of negotiated contracts and "change orders", to aid a firm is almost automatic. And the investment which a defense firm must make is considerable smaller than that of a firm doing business with the public. The Federal Government will often provide the building and much of the capital equipment at no cost to the firm (roughly half of the capital assets controlled by defense firms are government property), and it will make "progress payments" even before it receives the finished product.

There also appears to be an informal policy within the Defense Department to provide an automatic share of military business to each of the large defense firms, rationalized by a belief that these firms represent a necessary part of our national security and must be kept financially healthy. As one industry official put it to us, "Everyone feeds at the trough, even though it isn't planned that way." Any idle industrial capacity is filled by new programs. When the Fast Deployment Logistic Ship program was cancelled by the Congress, the Division of Litton Industries which had begun building shipyard facilities for this program instead received a contract (expected to total over a bililon dollars) for construction of the new Helicopter Assault Ship. *The result of this policy is a striking entrenchment of the major defense firms in their successful profit positions; 21 of the top twenty-five defense firms in 1966 were also in the top twenty-five a decade earlier. Furthermore, no large defense firm has folded and few have significantly reduced their military business in the last decade.*

A recent sampling of the views of industry leaders indicated that they are quite satisfied with this situation and have no intention of gambling its future on risky ventures in the civilian market. While much industry advertising refers to their potential contribution to solving the nation's social ills, in fact there have been little industry funds invested in this area, and defense firms have shown little capacity for participating successfully in the civilian market. It is therefore important to them that the market of defense contracts continue active and that their firm receives a significant share of the defense business. This requires an all out effort to be involved with the weapons decision process itself, and these firms have been highly successful in this effort.

To maintain a high volume of sales, the defense industry employs an army of salesmen, whose job is to establish close relations with Defense Department officials charged with developing and procuring weapons systems and materiel. The private firms which benefit from this procurement employ thousands of military officers and former defense officials, and high positions in the Pentagon are filled by officials of these companies. But day-to-day contact between industry representatives and government officials is the primary means of insuring that the interests of the industry are well represented and continuously in the minds of those in the government who make the decisions.

Industry efforts are aimed at winning contracts for the actual production of hardware or, in the words of one representative, "the pot of gold." However, this does not mean that they wait for the procurement decision. Rather, industry must "buy in" early in the research and development phase to gain the specialized information that will make it a "sole source" when the procurement award is made. As an officer of General Dynamics told us, "You have to get in on the ground floor or forget it." Or, as Murray Weidenbaum, now Assistant Secretary of the Treasury, put it, "At the present time, typically, the key competition is for the relatively small development contract, and the winner of that virtually automatically gets the large so-called 'follow-up' procurement contracts." At this stage the competition for the development contract is stiff, and they will go all out to win. As Frederic Scherer, an authority on the weapon acquisition process, has put it, "Firms are frequently compelled to make overly optimistic technical promises, to divert top technical talents from research and development work to selling activities, to hoard scarce technical talent, and to diversify at government expense into fields often served more effectively by existing specialists."

Industry representatives are in continuing contact with government officials, where they can influence new research and development decisions, suggest ideas for new systems and for system improvement, and establish in the minds of the government official the special competence of their firms to carry out the job. As one sales representative told us, *"If you wait around until the RFP [request for proposal] comes out, you're dead."* Such close contact is viewed as essential by these firms, if they are to be prepared to suggest and then carry out the specialized tasks required in any weapons systems development. As an official of North American Rockwell told us, "Any company which would go by all the rules would have no idea what the government wants and would be developing things that would be completely out of line."

Industry attempts, as much as possible, to staff its sales force with engineers, so they can deal as professional colleagues with their government counterparts, rather than acting merely as salesmen looking for the government's money. As one representative put it, "The day of back-slapping, cigar-smoking, cocktail-sipping, glossy brochure-selling is gone. The marketing process is highly technical and sophisticated."

Industry takes advantage of the insistence of each service that it remain on the frontier of advanced technology. The contractor is free to come up with a design that exceeds the initial requirements, and in most cases such a proposal will be enthusiastically received. As an official at LTV remarked, "Several companies may come up with a good design, but what makes you better is what else you might come up with, what added component you have, what possible breakthrough you stimulate." Since the pressure for technological sophistication is far greater than any pressure to keep costs down, this results in rapidly rising costs and, even more important, a direct and powerful influence by defense contractors on the weapons which the military wants and procures.

Defense firms maintain active research and development programs supported by overhead receipts on prior contracts. Through these efforts they develop ideas and products which can then be sold to the government on a sole-source basis. By this means they can, in industry jargon, "create a need", that is, generate the demand which they alone can meet. As a representative of North American Rockwell informed us, "Your ultimate goal is to actually write the RFP, and this happens more often than you might think." *Another, from Pratt and Whitney, boasted, "We have the technical superiority and are on the offensive. We spoon-feed them. We ultimately try to load them with our own ideas and designs, but in such a way that, when they walk away from the conference table, they are convinced it was their idea all along."*

This process was described to us by one salesman in these words: "We get together with the development planning people in the military services and swap information around, coming up with something new through an interactive process." This is, of course, a quite different picture of the weapons decision process from what the public usually gets. While in official presentations the Defense Department acts as if it uses independent analysis in deciding on weapons procurements, in fact the decisions are made through an interactive process which is invisible to the public and in which those in industry who benefit financially and those who benefit through increased power for the Services work hand in hand.

As a recent editorial in *Fortune* magazine said, "At staggering costs, the military has repeatedly bought weapons and deployed forces in ways that have added only marginally to national security . . . The interplay between the services and their suppliers generates pressures to maintain high levels of defense spending, almost regardless of the external threat. The natural desire of military men to have ever-more sophisticated and expensive weaponry coincides with the desire of contractors to supply it." This was put even more forcibly by Peter Schenck, an official of the Raytheon Corporation and former president of the Air Force Association: "The day has passed when the military requirement for a major weapons system is set by the military and passed on to industry to build the hardware. Today it is more likely that the military requirement is the result of joint participation of military and industrial personnel, and it is not unusual for industry's contribution to be a key factor. *Indeed, there are highly-placed military men who sincerely feel that industry is currently setting the pace in the research and development of new weapons systems."*—Research by David Sims.

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*This section is based on extensive interviews with Washington representatives of ranking defense firms.

Missiles

The operation of the defense industry is predicated upon continuing technological change, which makes weapons purchasing a never-ending process. Jerome Wiesner, former Presidential science advisor, has said that "we are running an arms race with ourselves." This can nowhere be seen more clearly than in the missile industry, where technological change within our own program has fueled a spiraling arms race.

Based on concepts developed in our own research and development programs, the intelligence arms of the Pentagon conjure up a Communist "threat". Even when there is no evidence that the Soviet Union, for instance, is actually developing a particular weapon, it is assumed that they will come up with the requisite technology and will embody it in a new, deployed weapons system. For public consumption the "threat" is then multiplied to attain a "greater than expected threat", which requires that the U.S. go ahead with the urgent development and deployment of the new weapon. *In such an environment the only ceiling on weapons development becomes technological imagination*.

The newest weapons in the strategic arsenal, the ABM and MIRV, grew out of this process. The development of MIRV was linked to the Air Force desire to attain a first-strike capability. John S. Foster, Jr., head of defense R&D, has testified that the MIRV concept was originally generated as a means of increasing the number of targets we could attack with our ICBMs. But when the program was publicly announced, it was justified as a necessary improvement to allow us to penetrate a ABM defense which we believed the Russians were building. Even though we now know that the Russians have halted installation of their ABM system, so that the "threat" has vanished, the MIRV program goes on. In the process, our own MIRV program has generated fears of a Soviet MIRV program, a possibility which has been used to justify deployment of the Safeguard ABM system.

As this arms race has developed, there have been three public "generations" of the Air Force's Minuteman missile, each claimed to have definite advantages over the previous model, and each justified by the need to counter anticipated Soviet advances in offensive weapons. In actuality, developments in the Minuteman program have been cumulative, with over 8,000 changes in the Minuteman system since its inception. *The designations Minuteman I, II, III were afterthoughts developed as part of the publicity program for this missile, with the identification of these "generations" clearly intended to show that their development is ongoing and even evolutionary, not unlike American cars which come in new models each year.*

A. E. Fitzgerald, an Air Force management specialist, reported that officials working on the Minuteman knew nothing of Minuteman II until they received notice from the Pentagon ordering them to re-estimate the costs of a system designated "Minuteman II." And when the initial contracts for the MIRV system were let in 1965, it was considered a new component for Minuteman II. These continuous changes in the components of the Minuteman system keep a continuing flow of funds to the aerospace contractors and, as Merton Tyrell, an Air Force consultant, has testified, permit these companies to recoup losses they may have suffered during early stages of the program. (Even unchanged parts like cable assemblies then show substantial increases in cost, from $13,700 in Minuteman I to $19,800 in Minuteman II.)

The aerospace industry is certain that further "improvements" in the Minuteman missile are inevitable, and that substantial sums will be spent on this system in the coming decade. The project manager at Boeing, the prime contractor for the Minuteman system, assured his employees last year that there would be at least eight more years of Minuteman procurement and that *"the future of Minuteman appears almost limitless."*—Research by Nancy Lipton, Mary McCarthy, and Marc Kramer.

Arms under the sea

While the Army is proceeding with the deployment of a nationwide ABM system, and the Air Force has new missiles and the new manned bomber in the works, the Navy is quietly planning the conquest of the ocean's depths. Programs in the works offer a chance for industry to find another source of government money and give the Navy an opportunity to extend the American military presence into yet another domain beyond our borders.

The Navy is actively pursuing the development of a deep submergence rescue vehicle, billed as the answer to the Scorpion and Thresher disasters. However, the new ship's capabilities as a submarine rescue vehicle are only a thin cover for the Navy's desire to develop a vehicle which can resupply a submarine while it remains submerged, leading ultimately to the establishment of self-sustained undersea bases which could be resupplied in a similar manner. As a high official in the deep-submergence program told us, *"The DSRV isn't worth its cost as a rescue vehicle. Submarines just don't sink that often, but that was the only way we could sell it."* (Only two submarines have been lost in recent years, and even in those cases, the DSRV would not have helped, because of the time required to find the sunken submarine and transport the DSRV to the site.)

Proponents of the Navy's Deep Submergence program have been quite open in stating its objectives, "to provide a capability for supporting rescue and recovery operations, maintaining bottom-mounted equipment, exploring and exploiting the continental shelf, and possibly assisting in covert military operations." The Director, John Craven, has suggested that, if man can develop the ability to work in water of great depths for extended periods of time, it is an easy conceptual leap to under-water armies operating under the sea as soldiers do on land. Indeed, the Navy has argued (in a similar fashion to Air Force arguments for the uses of space) that the conduct of warfare under the sea provides a "humane" way of carrying out military conflicts, with civilian casualties minimized.

A Navy study of ocean engineering and deep submergence for the next decade urges that it develop the capacity to establish a manned underwater habitat, with a station set up on the continental shelf within the next 10 years. This underwater laboratory would house 40–50 men at a depth of more than a thousand feet and go into operation in the mid-'70's. Already the Bureau of Yards and Docks is preparing to build underwater stations for supply depots, submarine repair facilities, and nuclear weapons shelters, and the Navy has signed contracts with several aeroscape firms to design a station housing a 5-man crew for 30 days at a depth of 6,000 feet.

One ambitious proposal presented jointly by the University of Miami and the Chrysler Corporation—and modestly labeled "Project Atlantis"—envisions an extensive undersea construction program beginning with a series of undersea bases at depths of more than 1,000 feet off the coast of Florida. The proposal looks toward an eventual line of stations along the mid-Atlantic ridge and on seamounts (underwater mountains) in the Pacific. The Navy would use such stations for command and control of sea warfare, as underwater communication centers, to control floating minefields, as bases for sea-bottom launched acoustic torpedoes, and as surveillance sites for sonar and magnetic detection. *Ocean Science News*, an industry newsletter, reported that:

> "The Navy is thinking specifically in terms of sub-sea floor military bases, surveillance gear, manning missile stations, and providing logistic support and staging areas for the under-sea military forces of the future. It is talking only secondarily about such facilities on the continental shelves. It is far more interested in the deep ocean—and the "deep ocean" in this context ballparks out (sic) to about 6000 feet, which not at all coincidentally is the depth of the higher peaks of the Mid-Atlantic Ridge. . . . This is the kind of program which, if carried to its ultimate conclusion, would turn the ocean market into a major market indeed."

One early program that has already been completed is Tektite I, an experiment to test man's ability to live under the sea for extended periods of time. This venture was a multi-agency program (the Navy, NASA, Interior, and the Coast Guard), with strong collaboration (and financial support) from the Re-entry Systems Department of General Electric, which built an undersea habitat to house 4 men for a period of 60 days on the ocean bottom. One General Electric official has suggested that these stations would be appropriate for a set of defensive stations across the Mid-Atlantic Ridge to look up at the waters with sophisticated sonar. *As he noted with some realism, "A plan like this could get quantities of money pumped into it."* A number of defense contractors, including not only General Electric, but Grumman, General Dynamics, Lockheed, Westinghouse, and North American Rockwell, have, with their own funds, constructed deep ocean submersible craft, hoping to recoup their money by landing future Navy contracts for more such vehicles.

The Navy, while thinking seriously of the possibility of establishing undersea bases, is not viewing them as fixed installations. Such bases would be extremely vulnerable if an opponent wished to destroy them, and it is considered easier to use mobile systems which simply rest on the bottom in a temporary location. The U.S. and the Soviet Union are currently negotiating a treaty that would forbid the emplacement of fixed nuclear weapon launching platforms on the seabed, but we were told by one high official in the Navy that *"the U.S. treaty is an exercise in sophistry. It bans systems no one would build anyway, since it is just as easy to make these bases movable."*

The Navy has unsuccessfully attempted to manufacture a threat to justify its undersea program. The Soviet Union is known to have only two craft capable of deep submergence, and it recently sought to purchase such a craft from General Dynamics Corporation; the sale was blocked by the U.S. government. However, the absence of a threat has not halted similar development programs in the past, and it doesn't seem to be retarding this one either.

A major justification for the Navy program is to aid the extension of American enterprise into the deep sea. Robert Frosch, former Assistant Secretary of the Navy, argued that one of the main undersea military missions would be "protection of those engaged in exploitation of the sea," and Dr. John P. Craven, head of the Deep Submergence System Project, has written that "even a marginal exploitation of ocean resources will give the controlling institution a probable majority of the world's wealth." With heavy investments already by the oil industry in undersea exploration and recovery of oil, and with growing interest in the mineral resources of the sea, this confluence of interests between the Navy and industry could well provide the setting for a new extension of American military influence.

Today the Navy employs half of the country's oceanographers. More than half of the nation's oceanographic budget is spent by the Navy, and it expects these funds to grow, in both relative and absolute terms. Navy plans, recently approved by the Defense Department, look forward to a tenfold increase in its annual expenditures on undersea research and exploration, from $300 million today to $3.8 billion a decade from now. It recognizes, as does industry, that it is far easier to obtain appropriations for programs carried out under Navy auspices, with an apparent military connotation, than under the auspices of such civilian agencies as the National Science Foundation or the Department of Commerce. And, of course, the Navy is not modest in its own goals. A recent Navy report asserts that "the Navy has accepted the responsibility for helping to develop the undersea technology needed for effective use of the sea in the military, economic, social, and political sense. This must be a corporate venture: a science-industry-Navy team."—Research by Kerry Gruson and Sam Baker.

III. THE NATIONAL SECURITY STATE

This report is not intended as another attack on the "military-industrial complex"—we do not see America as a victim of an insidious conspiracy emanating from this power bloc. It appears to us more accurate to say that American society is becoming what we have chosen to call a National Security State, whose dominant institutions and ideology are focused upon the military establishment and military solutions to national policy problems. The issues which have recently made news: the cost-overruns on weapons systems; the extent of our chemical and biological arsenal; the clandestine practices of the Green Berets—and the new material which we present in this report are not accidents or exceptions. They are all part of the operation of a total system which was laid down in the immediate post-war era by the Truman Administration and strengthened by each successive administration.

In the immediate post-war years, a number of bills were passed which had the effect of transforming ad hoc wartime arrangements into law. All the essential institutions of the National Security State were created in that period. The draft was resumed. The National Security Act of 1947 coordinated the Armed Forces under the Office of the Secretary of Defense, created the National Security Council, and established the Central Intelligence Agency and the Joint Chiefs of Staff. James Forrestal, soon to become the first Secretary of Defense, told the Senate:

"This bill provides . . . for the coordination of the three armed services, but what is to me more important, *it provides for the integration of foreign policy with national policy, of our civilian economy with military requirements.*"

The Armed Service Procurement Act of 1947 created the basic structure for the close relationship that has developed between the military and American business. It established the legal standards for the procurement process, including the provisions allowing the Defense Department to offer contracts by direct negotiation with a single contractor. It asserted that "all purchases and contracts [are to be made] . . . by advertising . . . except [that they] may be negotiated . . . if", and then it provided seventeen exceptions, including "for supplies for which it is impracticable to secure competition" and, most especially, if it is "in the interest of the national defense that any plant, mine, or facility or any producer, manufacturer, or other supplier be made or kept available."

The total effect of these exceptions was clear to those involved in the passage of this bill:

Senator HARRY F. BYRD. This bill simply means that we are changing our policy from buying by advertising to a policy of buying by negotiations, provided the agency head certifies that this should be done in the interest of the government . . .

Under Secretary of the Navy W. JOHN KENNEY. That is substantially correct, Senator . . . [but] it is the intent that the bulk of these contracts should be let by advertising and competitive bidding.

Senator BYRD. I have learned by long experience that you should not extend an authority unless you expect that authority to be exercised . . .

The result, of course, has been the growth of a condition in which little more than a tenth of all defense contracts are let by competitive bidding, and in which a small number of large corporations dominate the military business.

The Atomic Energy Commission was formed in 1946 with, in President Truman's words, "civilian direction, which will serve the military needs." The President was empowered to appoint the AEC Commissioners, but the act also established a Military Liaison Committee to advise the AEC on military research and empowered to appeal any Commission decision:

"If the Committee at any time concludes that any action, proposed action, or failure to act of the Commission on such matters is adverse to the responsibilities of the Departments of War or Navy derived from the Constitution, laws and strategies, the Committee may refer such action to the Secretary [of Defense]. If he concurs, he may refer the matter to the President . . ."

Congress also delegated to the President the right to develop in secret any size stockpile of nuclear weapons which he feels desirable. He was given the power to direct the AEC to "deliver such quantities of fissionable materials or weapons to the armed forces for such use as he deems necessary" and "to authorize the armed forces to manufacture, produce or acquire any equipment or devise utilizing fissionable material or atomic energy."

An essential part of the building of the National Security State was the creation of a system to maintain secret information and ensure loyal workers. A security classification system was set up and, in 1947, by Executive Order, President Truman created a loyalty investigation program for federal employees. By 1953, it is estimated that 13,500,000 people, one out of five members of the total work force, were subject to some loyalty or security procedure. Such steps by the government helped to encourage a national atmosphere of paranoia and the growth of McCarthyism. Thus, all elements of American society were fitted into the National Security State. The power of the executive increased as it assumed the functions of the legislature. Congressional scrutiny of the defense budget became perfunctory and approving. The Pentagon expanded its power and influence, both at home and abroad.—Research by Bob Borosage.

CONCLUSION

Our investigation into the national security establishment, and recent events such as the failure of the Senate to make any substantial cuts in the defense budget, have convinced us that *America faces a deepening governmental crisis.* The checks and balances set out in the Constitution have been eroded by the growth of the defense sector, so that the present Congress—supposedly the representative of the people—is all but powerless to halt the growing militarization of our society. No force exists in the country today with the necessary resources and power to counter the continuing expansion of the National Security State.

An important conclusion of this report is that the issue of the day is *not* how to control the military. Professional military men are not under attack for having overstepped their proper bounds. It is the functioning of the national security establishment itself—a set of institutions operated jointly by civilian and military personnel—which we question. The operation of the Pentagon, and its relationship to the rest of the government, derive from the foreign policy of the United States, and it is this policy, formed essentially by eminent civilians, which we believe must be rethought and drastically revised if the country is, in the words of Nobel Prize winner George Wald, "to choose life."

In critically looking at the Pentagon and the foreign policy which it serves, we came to realize that the way in which America faces the world, the manner in which it deals with other nations, is a direct outgrowth of the structure of our own domestic institutions. Relationships like those between the military establishment and the defense industry, or the military and universities, grew at first from the country's chosen policies; but having come to life, *institutional structures such as the military-industrial complex gain a momentum of their own as they become more deeply embedded in the American economy and political system.*

We were not able to find effective voices anywhere in the defense establishment for restraint on defense expenditures or for a reduction in the development of new and more sophisticated weapons; we did not find anyone in a position to advocate alternative ways of achieving the goal of "national security". The defense establishment seems to have been designed, either by intention or by chance, to encourage only the growth and autonomy of the military machine.

The defense establishment has become a massive, self-propelling juggernaut, demanding unquestioning faith and an endless flow of funds, all in the name of national security—a security which is believed to be enhanced by adding to our armament and intervening in the affairs of other, less powerful countries. In a world where nuclear war would bring total devastation, and attempting to control all political change is a futile impossibility, such a belief is simplistic and ultimately destructive to our society. It is no accident that it is in the self-interest of all members of the defense establishment—policy makers, military men, politicians, industrialists, scientists—to adopt this belief and work diligently for its maintenance.

One of the purposes of the summer project was to demonstrate that concerned Americans can critically examine the fundamental premises and operations of the government, even in the sensitive area of national security. Indeed, it is vital to the society that such searching inquiry be carried on by Congress and by public groups such as universities, labor unions, and community action organizations. The American people should call for a complete opening up of the activities of the national security establishment to public view. *It is our firm belief, after many conversations within the Pentagon and elsewhere in Washington, that the security classification system is largely used, not to prevent information from being revealed to potential enemies, but to prevent its revelation to the American people and to ensure control by the Executive Branch over national security policy.* The result is that the American public remains ignorant of most of our defense programs. In some cases, weapons systems are reviewed in trade journals but the general press is not technically equipped to recognize the significance of information which appears in specialized journals, and, for the most part, it has not taken a critical, investigative stance toward the defense establishment.

The MIRV program is one example. Discussions of the MIRV concept, and announcements of contracts awarded for MIRV engineering developments, appeared in the technical press as early as 1965, but only an expert in the field of missiles could know that a "post-boost control system" would have the capacity to target a large number of individual warheads at different targets, and thereby to pose a first-strike threat to the Soviet deterrent. The Soviet Union recognized this and appears to have reacted, in part, by an expansion of its deterrent force. The American public, however, was not aware of this development until years later, and its significance did not become apparent until MIRV was close to deployment and had acquired irresistible bureaucratic momentum. Even then, its existence became widely known only through the efforts of a few non-government scientists.

To help meet the need for public information on the defense establishment, *the type of investigations conducted by the summer "Pentagon Watchers" will be continued by a permanent, independent, privately-funded research group, to be called the National Security Research Project. The project's Washington-based office will have a permanent staff and will, in addition, draw on students and others around the country to prepare periodic reports on the operations of the National Security State.*

APPENDIX

This section, in addition to a list of the participants in the summer project, includes what we think are two highly revealing documents.

The "FDL Public Affairs" paper was given to us by a DOD official. It provides detailed insight into the lobbying effort which the military and the defense industry continually operate on Capitol Hill. Such a well-coordinated program of pressure is not the exception, but the rule.

The second document is a list of foreign countries whose officers have received training at the U.S. Army Special War School (now the John F. Kennedy School of Military Assistance) at Ft. Bragg, North Carolina. The list was provided to us by the post's information officer (the written additions are his); we were told that the names of the foreign officers are classified. It is interesting to speculate as to what use the soldiers of such countries as South Africa, Portugal, Spain, Haiti, etc. might put their American training.

MEMBERS OF THE SUMMER PROJECT

Sam Baker, Harvard B.A.; fall: graduate student, Harvard Economics Dept.

Bob Borosage, Yale Law School.

Kerry Gruson, Radcliffe, B.A.; fall: reporter, Raleigh News & Observer.

Nick Herman, Yale, B.A.; fall: Union Theological Seminary.

Tom Klein, Larchmont High School; fall: Columbia University.

Marc Kramer, Lake Forest College, B.S.; fall: graduate student, Univ. of Michigan Physics Dept.

Nancy Lipton, Radcliffe, B.A.; fall: graduate student, Harvard Government Dept.

Mary McCarthy, Radcliffe.

Derek Shearer, Yale; fall: National Security Research Project.

David Sims, Yale B.A.; fall: Harvard Graduate School of Design.

Bill Stivers, Reed College.

FDL PUBLIC AFFAIRS

I. *Completed actions and results*

A. *Congressional.*

Congressman Sikes (Florida)—Mr. Bannerman discussed the FDL program with the Congressman on 15 December 1966. Congressman Sikes enthusiastically supports the program. No further direct action necessary.

Congressman Bennett (Florida)—Admiral Sonenshein and Army representative explained the program. Congressman Bennett fully supports the FDL program. No further direct action necessary.

Congressman Gibbons (Florida)—Captain Henning (Project Manager's Staff) briefed Congressman Gibbons. He is a supporter of the FDL program and its concept. No further direct action necessary.

Senator Tydings (Maryland)—Admiral Sonenshien briefed Senator Tydings. The Senator apparently has no feeling for or against the program. No immediate follow-up required.

Senator Russell (Georgia)—Mr. Dan Houghton (Lockheed) talked to Senator Russell. The Senator was not responsive. Direct contact by Army/Navy personnel required.

Senator Kennedy, Congressman Burke (Massachusetts)—Contacted by Mr. Roger Lewis (General Dynamics) who explained the overall merits of the program. Follow-up briefing required.

Congressman Rivers (South Carolina)—The Chairman does not desire briefing prior to hearings (Tab A). However, efforts will be made to see him.

Armed Services Committees, Merchant Marine & Fisheries, Government Operations Committees—On 30 December 1966, Admiral Sonenshein briefed staff members of these Committees. The discussion following indicated that MM&F staffers are still opposed to the program and that other staffers may still challenge the program. Further approach to staffers may not be productive. It is necessary to get to the Congressmen and Senators directly.

House Appropriations Investigative Staff—Since October 1966, a team of staffers headed by Mr. W. F. Currall have been investigating all aspects of the FDL program. They have interviewed many naval officers and industry people and have been provided with background documents as requested. Their report is due this month (January). It is likely that the report of this group will point up that the money might be better spent on amphibious ships and merchant marine. The interviews which we have knowledge of do not support this.

Congressman Stratton (New York)—The Congressman was briefed by Admiral Sonenshein on 9 December 1966. The Congressman, a member of the HASC, supports the FDL program.

B. *Public and Private.*

N.Y. Times Article of 3 January 1967 (Tab. b). Result of interview with Mr. Bannerman. No direct reaction known.

Speech before National Defense Transportation Association in San Francisco, 18 January 1967. General reaction favorable. Considerable press, radio and TV coverage (Tab c.). Mr. Dewey, President, American Steamship Association followed Admiral Sonenshein and prefaced his remarks by commenting that the Admiral's presentation was the finest and most informative he had heard concerning the FDL program. Mr. Dewey's remarks (Tab d.) were somewhat critical of the program though his speech might have been different had he been aware of the whole program rationale beforehand.

Armed Forces Management will devote its February issue to the FDL program. Interviews have been held with many of the participating Defense personnel.

The Committee of American Steamship Lines (CASL) though not arguing about the requirement for a rapid deployment capability, has submitted proposals for new types of cargo ships to augment the FDL's (Tab e.). However, in October 1966, Mr. W. B. Rand, then Chairman of CASL, was extremely critical of the program (Tab f.).

Mr. Andrew Pettis, Vice President of International Union of Marine and Shipbuilding Workers of America, has written a letter (Tab r.) to Admiral Galantin pointing out that his Union supports the FDL program. Further briefing of Union representatives scheduled February.

Mr. Dan Holden, President of Newport News Shipbuilding and Dry Dock Corporation, in a speech on 9 January 1967, spoke favorably about the new procurement concepts and the favorable effect of multi-year procurement on the modernization of private shipyards (Tab s.).

II. *Specific adverse indications.*

A. Congressman Leggett (California) has written a letter to the President (Tab j), with copies to many of his colleagues, strongly objecting to the FDL program and recommending that it be rejected. The reply, signed in BUBUD, offers a briefing. Follow-up is required.

B. Senator Russell objected to reprograming of funds for Contract Definition. After a letter to the Senator from Mr. Nitze and discussions with the committee staff, the reprograming was approved but it is obvious that the Senator does not favor the FDL program (Tab h). A briefing for the Senator will be arranged.

C. Congressman Garmatz has expressed opposition to the FDL on the basis that the program will be detrimental to the Merchant Marine (Tab i). He is attacking the concept of the FDL vs Merchant Marine rather than the military necessity. Since he does not understand the "instantaneous response" requirement, a briefing is in order and will be scheduled.

D. The Shipbuilders Council of America, as a whole, is taking no position on the basic concept of the FDL military mission (Tab j). The Council agrees that substantial savings can be realized from series production of standardized ships. Mr. Hood, President of the Council, has been briefed on the program. There is wide difference of opinion among the Shipbuilders Council members. Mr. Cort, Bethlehem Steel Corporation, has criticized the program (Tab k), whereas Mr. Dan Holden, Newport News Shipbuilding and Dry Dock Company, has favored the program (Tab s).

E. The Maritime Unions are opposed to the program as it appears to them to be a threat to the Merchant Marine. Arrangements are being made to brief the Union executives and the people who write speeches and press releases (February).

F. Captain Lloyd Sheldon, President of International Organization of Masters, Mates and Pilots, has said that the project puts the Defense Department in the business of operating a fleet of military supply ships which will eliminate both unions and private business from the military end of shipping (Tab L). Briefing arranged February.

G. Representative Lennon (North Carolina) opposes the FDL program and recommends instead that the money be applied to amphibious ships and the merchant marine. Representative Lennon has heard only one side of the story. Briefing required.

III. *Schedule.*

A. *Congressional.*

Joe Califano—White House, Senator Jackson, Senator Brewster, Senator Stennis, Congressman Garmatz, Congressman Leggett, Congressman Hébert, Congressman Hardy, Congressman Pike, Congressman Philbin, Congressman Nedzi.

B. *Public and private.*

1 January 1967—Mr. Prina (Copley Press) to interview Mr. Bannerman.

February 1967—FDL joint briefing of Maritime Union groups—

a. Maritime Trades Department (AFL/CIO).

b. Metal Trades Department (AFL/CIO).

c. AFL/CIO Maritime Press representatives.

d. Labor and Maritime Press representatives.

1 February 1967—Admirals Galantin and Sonenshein will lunch with Mr. Grogan and Mr. Pettis of the Industrial Union of Marine and Shipbuilding Workers of America.

3 February 1967—Admiral Sonenshein will lunch with Admirals Leggett and Carney.

FOREIGN COUNTRIES THAT HAVE BEEN REPRESENTED AT THE U.S. ARMY SPECIAL WARFARE SCHOOL

Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Brazil, Burma, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Denmark.

Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Greece, Guatamala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Italy, Japan.

Jordan, Kenya, Korea, Laos, Lebanon, Liberia, Libya, Malaysia, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Okinawa, Pakistan, Panama, Philippines.

Peru, Portugal, Rep. of South Africa, Saudi Arabia, Sierra Leone, Somalia, Spain, Sudan, Tanzania, Thailand, Tunisia, Turkey, UAR (United Arab Republic), Uganda, United Kingdom, Uruguay, Venezuela, Viet-Nam.

WITHOUT FEAR OR FAVOR

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CUNNINGHAM. Mr. Speaker, Peter Kiewit, of Omaha, is head of one of the world's largest construction firms. But more than that, he is a friend to his fellow man.

Two years ago this distinguished Nebraskan received the National Brotherhood Award of the National Conference of Christians and Jews. On that occasion, October 3, 1967, Peter Kiewit presented an acceptance address entitled "Without Fear or Favor."

This was called to my attention again recently by Mr. V. J. Skutt, a longtime friend who is chairman of the boards of the Mutual of Omaha Cos. In arranging to have the address reprinted, Mr. Skutt said he felt "there are certain statements that become more significant with the passage of time."

Mr. Speaker, this certainly is true of Peter Kiewit's presentation and I would urge each of my colleagues to devote a few minutes from their busy schedule to read his remarks:

WITHOUT FEAR OR FAVOR

(By Peter Kiewit)

I am deeply humbled by this great honor you are bestowing upon me this evening.

This award rightfully belongs to others, and I accept it on their behalf. It belongs to many of you here tonight, and to many who are not here. It belongs to all those who have labored long and hard in this great and growing city of ours to promote better understanding between religious and ethnic groups . . . men and women who are dedicated to the principles of brotherhood.

The first group I should like to mention consists of those who have adopted as a part of their life's work the task of bringing closer the day when people of all races, colors and creeds may live in harmony with equal respect, equal rights and equal opportunities. These people are giving of themselves because they are convinced that it is better to give than to receive. We find them in the churches of all faiths, in the ranks of the Salvation Army, in the Red Cross, in the Urban League, and in many other organizations too numerous to mention. To all these people we owe a great debt of gratitude.

The second group I want to mention consists of the army of volunteer parttime workers on whom Omaha largely depends to accomplish the objectives of brotherhood in its numerous civic undertakings . . . men and women who devote a part of their valuable time to help their fellow man. I am thinking of business and professional people, housewives, salaried and hourly paid workers. To these people we also owe a great debt of gratitude.

The third group I want to mention consists of those who give financial support, including men and women in the first two groups and thousands of others. They give through the United Community Services, through churches, through civic and fraternal organizations and through countless other ways. To these people we also owe a great debt of gratitude—for the work of brotherhood always has and always will require financial assistance.

There is a fourth group that is the most important of all, in my opinion. This group consists of those who have formed deep and abiding convictions concerning equal respect, equal rights and equal opportunities for all men, and who practice these convictions without fear or favor in their business, social, religious and political activities. These people come from all walks of life, all races and all creeds. They are found among the fortunate and the less fortunate. They are found in minority and majority groups alike. I would like to suggest that each of us ask ourselves how close we come to qualifying as members of this fourth group. These are truly brothers of their fellow man and all of them, wherever they may be, share with me in this honor.

In spite of what any of us may have done in the past to promote the ideals of brotherhood, we can and must do more in the future. In particular, I want to stress the importance of helping others to help themselves. Although there will always be those among us who need personal assistance and financial aid to cover all or most of their needs—the crippled, the old and the orphaned young—the great majority of those who are underprivileged, for whatever cause, can be helped best by being given encouragement and being provided opportunities.

I have been impressed with the brotherhood work of Archie Moore, retired lightheavy weight boxing champion, which was mentioned in recent newspaper columns throughout the country, and the subject of an editorial in the "local daily"—I hope you will pardon me for this short commercial. Archie has organized and is heading an organization called ABC, which stands for "Any Boy Can", and is intended to help young people of all races. Through this organization he tells the boys how he and other youngsters in the tough St. Louis neighborhood in which he grew up became jazz musicians, doctors, lawyers and sports figures because, as Archie puts it, "We had a goal and were willing to work to accomplish it." He teaches dignity and self respect which are the most important building blocks any brother can give a fellow brother, in my opinion.

This ABC organization, along with the Boys' Club, the YMCA, Jewish Community Center, Catholic Youth Organization, and other similar oraganizations, is doing an outstanding job of providing encouragement, motivation, and at the same time, fostering dignity and self-respect. Each of us should look for the time to help such organizations, and in addition, we should look for opportunities to work individually.

MORE THAN A MORAL ISSUE

Providing opportunities is more than a moral issue—I believe it is an economic necessity if we are to continue to raise our standard of living and compete in world markets. In this day of shortages among professional, skilled craftsmen and technicians, discrimination based on church affiliation, country of origin, pigmentation of the skin, or any other irrelevant, emotional bias is an unnecessary waste of human resources. It is good business to judge people on the basis of personal traits, attributes and abilities, to place them where their talents can be best utilized, and to promote them on the basis of their proven ability to handle additional responsibilities. Within the foreseeable future, if not now, the demand for competent trained people will exceed the supply, and we cannot afford to bypass anyone who shows promise.

We must recognize the tremendous reservoir of untapped talent among minority groups and among the underprivileged in the general population. Many of these people need training in the various skills where shortages exist. We must encourage and assist in the training effort on the job and in the classroom. In this connection, I think it is extremely important that we put forth our best efforts to make sure the training provided is properly administered, is adequate, and is directed toward fields where opportunity exists.

Omaha has been called the Can-Do City by our Chamber of Commerce. Omaha, as you know, was the home of Father Flanagan, founder of Boys Town—a man I was privileged to know, and one who exemplified the Can-Do spirit in the field of human relations. The statute at Boys Town carrying the inscription "He Ain't Heavy, Father—He's My Brother" has become a symbol of brotherhood throughout the world, tying Omaha closely to the brotherhood concept. As a consequence, we have a reputation to live up to.

We can improve the core area—we can attract more industry to provide additional employment—and we can create work opportunities for more of our citizens. But more to the point, we can do the grass-roots job here in Omaha of establishing a social order in which the ideals of brotherhood and justice shall become the standards of human relationship. This, as I am sure most of you know, is the objective of the National Conference of Christians and Jews. This objective is a challenge worthy of our great city and of all its citizens.

I want to thank each of you for coming here tonight, and to say again—I am deeply grateful.

NATIONAL DAY OF PRAYER, 1969

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, November 6, 1969

Mr. SCHWEIKER. Mr. President, on October 22, 1969, I issued a statement to commemorate President Nixon's designation of that date as "National Day of Prayer, 1969," and to call for Senate action on the late Senator Everett M. Dirksen's school prayer amendment, Senate Joint Resolution 6.

Because of the importance of this measure, to allow nondenominational prayer in public buildings, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHWEIKER

President Nixon has officially proclaimed October 22 to be "National Day of Prayer, 1969," and is commemorating this day by leading a prayer breakfast at the White House.

I commend the President for his leadership in calling on all Americans to observe the spirit of his proclamation, and urge all Americans, whatever their religion, and in whatever way they choose, to pray and meditate on behalf of peace and brotherhood for all people.

In an era when divisiveness and disruption impedes our efforts to communicate with all people, and to work together to solve our many problems, the unity of all Americans asserting their faiths can be a positive step. The depth of prayer, and quiet reflection, can aid our moral concerns, and provide a basis for mutual understanding by all people.

In line with the spirit of this day, I also want to urge the Congress to act on proposals to allow this same kind of non-denominational prayer and meditation in our public schools.

Supporters of school prayer lost an important and strong voice when the late Senator Dirksen passed away, but those of us who joined in introducing Senator Dirksen's bill, Senate Joint Resolution 6, will continue to press his work on.

This bill would allow the saying of nondenominational prayer in public buildings. It will not create any denominational pressures on any child, but will simply allow the observances of prayer and meditation as a proper function in our school's development of our children.

In making this call for Senate action, I know I speak on behalf of many Pennsylvanians in communities throughout the State who are deeply concerned with the moral education of their children, and are deeply disturbed by the arbitrary prohibition of this kind of expression in our schools.

The bill is currently within the jurisdiction of the Senate Judiciary Committee, and I fervently urge the members of this Committee to act favorably on the resolution, and report it to the Senate floor for a vote.

VICE PRESIDENT AGNEW

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. GOLDWATER. Mr. Speaker, once again the Vice President of the United States has courageously spoken out and said things that so desperately need to be said. He has, to put it in the vernacular of today's youth, "told it like it is."

Speaking to a Republican fund-raising dinner in Harrisburg, Pa., Vice President AGNEW spoke out against the "parasites of passion" and the "idological eunuchs" in our society whose only interests in this country consist of the best way to destroy it. He called for the "preponderant majority, the responsible citizens of the country, to assert their rights."

The Vice President rightly took to task those who have advocated an unconditional, unilateral withdrawal from Vietnam labeling the idea "unsound and idiotic." He said:

> In the case of the Vietnam moratorium. . . , the tragedy was that thousands who participated wanted only to show a fervent desire for peace, but were used by the political hustlers who ran the event.

But most important of all, in my judgment, the Vice President noted that what our Founding Fathers created as a form of government for this country was a constitutional republic and not a pure democracy.

He said:

> **The representative government they contemplated and skillfully constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets. They recognized that freedom cannot endure dependent upon referendum every time part of the electorate desires it.**

Vice President AGNEW's remarks in Harrisburg echoed those of the famous British statesman Edmund Burke who wrote in his "Reflections on the Revolution in France":

> Because half a dozen grasshoppers under a fern make a field ring with their importunate chi response beneath the shadow of the British oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field; that of course they are many in number; or that, after all, they are other than shrivelled, meagre, hopping, though loud and troublesome insects of the hour.

For the RECORD, I include Vice President AGNEW's speech and the October 21, 1969, American Security Council Report which lists some of those "political hustlers" about which the Vice President so eloquently spoke:

ADDRESS BY THE VICE PRESIDENT, PENNSYLVANIA REPUBLICAN DINNER, HARRISBURG, PA., OCTOBER 30, 1969

A little over a week ago, I took a rather unusual step for a Vice President . . . I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encouraged government by street carnival and suggested it was time to stop the carousel.

It appears that by slaughtering a sacred cow I triggered a holy war. I have no regrets. I do not intend to repudiate my beliefs, recant my words, or run and hide.

What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy.

By accepting unbridled protest as a way of life, we have tacitly suggested that the great issues of our times are best decided by posturing and shouting matches in the streets. America today is drifting toward Plato's classic definition of a degenerating democracy . . . a democracy that permits the voice of the mob to dominate the affairs of government.

Last week I was lambasted for my lack of "mental and moral sensitivity." I say that any leader who does not perceive where persistent street struggles are going to lead this nation lacks mental acuity. And any leader who does not caution this nation on the danger of this direction lacks moral strength.

I believe in Constitutional dissent. I believe in the people registering their views with their elected representatives, and I commend those people who care enough about their country to involve themselves in its great issues. I believe in legal protest within the Constitutional limits of free speech, including peaceful assembly and the right of petition. But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic. The tragedy was that thousands who participated wanted only to show a fervent desire for peace, but were used by the political hustlers who ran the event.

It is worth remembering that our country's founding fathers wisely shaped a constitutional republic, not a pure democracy. The representative government they contemplated and skillfully constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets. They recognized that freedom cannot endure dependent upon referendum every time part of the electorate desires it.

So great is the latitude of our liberty that only a subtle line divides use from abuse. I am convinced that our preoccupation with emotional demonstration, frequently crossing the line to civil disruption and even violence could inexorably lead us across that line forever.

Ironically, it is neither the greedy nor the malicious, but the self-righteous who are guilty of history's worst atrocities. Society understands greed and malice and erects barriers of law to defend itself from these vices. But evil cloaked in emotional causes is well disguised and often undiscovered until it is too late.

We have just such a group of self-proclaimed saviours of the American soul at work today. Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views. In the name of academic freedom, they destroy academic freedom. Denouncing violence, they seize and vandalize buildings of great universities. Fiercely expressing their respect for truth, they disavow the logic and discipline necessary to pursue truth.

They would have us believe that they alone know what is good for America; what is true and right and beautiful. They would have us believe that their reflective action is superior to our reflective action; that their revealed righteousness is more effective than our reason and experience.

Think about it. Small bands of students are allowed to shut down great universities. Small groups of dissidents are allowed to shout down political candidates. Small cadres of professional protestors are allowed to jeopardize the peace efforts of the President of the United States.

It is time to question the credentials of their leaders. And, if in questioning we disturb a few people, I say it is time for them to be disturbed. If, in challenging, we polarize the American people, I say it is time for a positive polarization.

It is time for a healthy in-depth examination of policies and a constructive realignment in this country. It is time to rip away the rhetoric and to divide on authentic lines. It is time to discard the fiction that in a country of 200 million people, everyone is qualified to quarterback the government.

For too long we have accepted superficial categorization—young versus old; white versus black; rich versus poor. Now it is time for an alignment based on principles and values shared by all citizens regardless of age, race, creed, or income. This, after all, is what America is all about.

America's pluralistic society was forged on the premise that what unites us in ideals is greater than what divides us as individuals. Our political and economic institutions were developed to enable men and ideas to compete in the marketplace on the assumption that the best would prevail. Everybody was deemed equal, and by the rules of the game they could become superior. The rules were clear and fair: in politics, win an election; in economics, build a better mousetrap. And as time progressed, we added more referees to assure equal opportunities and provided special advantages for those whom we felt had entered life's arena at a disadvantage.

The majority of Americans respect these rules . . . and with good reason. Historically, they have served as a bulwark to prevent totalitarianism, tyranny, and privilege . . . the old world spectres which drove generations of immigrants to American sanctuary. Pragmatically, the rules of America work. This nation and its citizens—collectively and individually—have made more social, political and economic progress than any civilization in world history.

The principles of the American system did not spring up overnight. They represent centuries of bitter struggle. Our laws and institutions are not even purely American—only our Federal system bears our unique imprimatur.

We owe our values to the Judeo-Christian ethic which stresses individualism, human dignity, and a higher purpose than hedonism. We owe our laws to the political evolution of government by consent of the governed. Our nation's philosophical heritage is as diverse as its cultural background. We are a melting pot nation that has for over two centuries distilled something new and, I believe, sacred.

Now, we have among us a glib, activist element who would tell us our values are lies, and I call them impudent. Because anyone who impugns a legacy of liberty and dignity that reaches back to Moses, is impudent.

I call them snobs for most of them disdain to mingle with the masses who work for a living. They mock the common man's pride in his work, his family and his country. It has also been said that I called them intellectuals. I did not. I said that they characterized themselves as intellectuals. No true intellectual, no truly knowledgeable person, would so despise democratic institutions.

America cannot afford to write off a whole generation for the decadent thinking of a few. America cannot afford to divide over their demagoguery . . . or to be deceived by their duplicity . . . or to let their license destroy liberty. We can, however, afford to separate them from our society—with no more regret than we should feel over discarding rotten apples from a barrel.

The leaders of this country have a moral as well as a political obligation to point out the dangers of unquestioned allegiance to any cause. We must be better than a charlatan leader of the French Revolution, remembered only for his words: "There go the people; I am their leader; I must follow them."

And the American people have an obligation, too . . . an obligation to exercise their citizenship with a precision that precludes excesses.

I recognize that many of the people who participated in the past Moratorium Day were unaware that its sponsors sought immediate unilateral withdrawal. Perhaps many more had not considered the terrible consequences of immediate unilateral withdrawal.

I hope that all citizens who really want peace will take the time to read and reflect on the problem. I hope that they will take into consideration the impact of abrupt termination; that they will remember the more 3,000 innocent men, women and children slaughtered after the Viet Cong captured Hue last year and the more than 15,000 doctors, nurses, teachers and village leaders murdered by the Viet Cong during the war's early years. The only sin of these people was their desire to build their budding nation of South Vietnam.

Chanting "Peace Now" is no solution, if "Peace Now" is to permit a wholesale bloodbath. And saying that the President should understand the people's view is no solution. It is time for the people to understand the views of the President they elected to lead them.

First, foreign policy cannot be made in the streets.

Second, turning out a good crowd is not synonymous with turning out a good foreign policy.

Third, the test of a President cannot be reduced to a question of public relations. As the Eighteenth Century jurist, Edmund Burke, wrote, "Your representative owes you not his industry only but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion."

Fourth, the impatience—the understandable frustration over this war—should be focused on the government that is stalling peace while continuing to threaten and invade South Vietnam—and that government's capital is not in Washington. It is in Hanoi.

This was not Richard Nixon's war . . . but it will be Richard Nixon's peace if we only let him make it.

Finally—and most important—regardless of the issue, it is time to stop demonstrating in the streets and start doing something constructive about our institutions. America must recognize the dangers of constant carnival. Americans must reckon with irresponsible leadership and reckless words. The mature and sensitive people of this country must realize that their freedom of protest is being exploited by avowed anarchists and communists who detest everything about this country and want to destroy it.

This is a fact. These are the few . . . these are not necessarily leaders. But they prey upon the good intentions of gullible men everywhere. They pervert honest concern to something sick and rancid. They are vultures who sit in trees and watch lions battle, knowing that win, lose or draw, they will be fed.

Abetting the merchants of hate are the parasites of passion. These are the men who value a cause purely for its political mileage. These are the politicians who temporize with the truth by playing both sides to their own advantage. They ooze sympathy for "the cause" but balance each sentence with equally reasoned reservations. Their interest is personal, not moral. They are ideological eunuchs whose most comfortable position is straddling the philosophical fence, soliciting votes from both sides.

Aiding the few who seek to destroy and the many who seek to exploit is a terrifying spirit, the new face of self-righteousness. Former H.E.W. Secretary John Gardner described it: "Sad to say, it's fun to hate . . . that is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

This is what is happening in this nation . . . we are an effete society if we let it happen here.

I do not overstate the case. If I am aware of the danger, the convicted rapist Eldridge Cleaver is aware of the potential. From his Moscow hotel room he predicted, "Many complacent regimes thought that they would be in power eternally—and awoke one morning to find themselves up against the wall. I expect that to happen in the United States in our lifetimes."

People cannot live in a state of perpetual electric shock. Tired of a convulsive society, they settle for an authoritarian society. As Thomas Hobbes discerned three centuries ago, men will seek the security of a Leviathan state as a comfortable alternative to a life that is "nasty, brutish and short."

Right now we must decide whether we will take the trouble to stave off a totalitarian state. Will we stop the wildness now before it is too late, before the witch-hunting and repression that are all to inevitable begin?

Will Congress settle down to the issues of the nation and reform the institutions of America as our President asks? Can the press ignore the pipers who lead the parades? Will the head of great universities protect the rights of all their students? Will parents have the courage to say no to their children? Will people have the intelligence to boycott pornography and violence? Will citizens refuse to be led by a series of Judas goats down tortuous paths of delusion and self-destruction?

Will we defend fifty centuries of accumulated wisdom? For that is our heritage. Will we make the effort to preserve America's bold, successful experiment in truly representative government? Or do we care so little that we will cast it all aside?

Because on the eve of our nation's 200th birthday, we have reached the crossroads. Because at this moment totalitarianism's threat does not necessarily have a foreign accent. Because we have a home-grown menace, made and manufactured in the U.S.A. Because if we are lazy or foolish, this nation could forfeit its integrity, never to be free again.

I do not want this to happen to America. And I do not think that you do either. We have something magnificent here . . . something worth fighting for . . . and now is the time for all good men to fight for the soul of their country. Let us stop apologizing for our past. Let us conserve and create for the future.

[From the American Security Council Report, Oct. 21, 1969]

MOBILIZATION FOR SURRENDER

As protests against the war in Vietnam rise across the country, Americans should become aware of the origins of these protests.

During the late Spring of 1969, a group of approximately 30 radical leaders of anti-war organizations issued a Call to a National Anti-War Conference to be held in Cleveland, Ohio, July 4–5, 1969. The Call was initiated for the most part by individuals associated with the National Mobilization Committee to End the War in Vietnam (MOBE), an organization which has functioned as a coalition for numerous anti-war groups operating throughout the country. Included among those persons who endorsed the Conference Call were such MOBE leaders as David Dellinger, Robert Greenblatt, Donald Kalish, Sidney Lens, Sidney Peck and Maxwell Primack.

Functioning as the lineal descendant of A. J. Muste's November 8 Mobilization Committee for Peace in Vietnam, MOBE has a three-year history involving violence and civil disobedience. MOBE sponsored the October 21–22, 1967 demonstrations in Washington, D.C., during which time repeated attempts were made to close down the Pentagon. It also jointly planned and executed the disruption of the 1968 Democratic Party National Convention held in Chicago, and sponsored the demonstrations in the Nation's Capitol on January 18–20, 1969 in protest over the inauguration of President Nixon.

In a determined effort to revive and strengthen agitational protest activities against U.S. military involvement in Vietnam, MOBE-oriented initiators of the Cleveland Conference believed that a more extensive formation of MOBE was required in order to establish an effective anti-war program. According to the published Call, the purpose of the Conference was to "broaden and unify the anti-war forces in this country and to plan co-ordinated national anti-war actions for the fall." The Conference was hosted by a MOBE-affiliated organization called the Cleveland Area Peace Action Council (CAPAC), a coordinating body of several dozen anti-war groups in Cleveland, in cooperation with the University Circle Teach-In Committee at Case Western Reserve University. The meetings were held during the entire two-day period at the University's Strosacker Auditorium. Publicity for the Conference was arranged by several organizations including the Student Mobilization Committee to End the War in

Vietnam, a group dominated by the Trotskyist Socialist Workers Party.

The Conference was attended by approximately 900 persons, many of whom were delegates from anti-war groups comprising individuals identified in sworn testimony as Communists, well-known Communist sympathizers and radical pacifists in their leadership. Among the more notorious organizations represented at the Conference, in addition to MOBE and CAPAC, were the Communist Party, U.S.A., WEB, DuBois Clubs of America, National Lawyers Guild, Chicago Peace Council, Southern California Peace Action Council, Veterans for Peace in Vietnam, Socialist Workers Party, Young Socialist Alliance, Student Mobilization Committee to End the war in Vietnam, Youth Against War and Fascism, Fifth Avenue Vietnam Peace Parade Committee, Women's Strike for Peace, and the Students for a Democratic Society. There were also in attendance persons representing so-called "GI underground newspapers" which are devoted to disseminating anti-war propaganda and to discrediting the U.S. Armed Forces.

A Steering Committee of about 20 to 30 members formed the ruling clique at the Conference. In effect, the Steering Committee was a self-appointed group composed mostly of Communists and radical pacifists with pro-Communist leanings who have participated in MOBE action projects in varying degrees. Members of the Steering Committee with Communist backgrounds included the following: Arnold Johnson, Public Relations Director and legislative representative of the Communist Party, U.S.A. (CPUSA); Irving Sarnoff, who has served as a member of the District Council, Southern California CPUSA; Sidney M. Pack, a former State Committeeman, Wisconsin CPUSA; Dorothy Hayes of the Chicago Branch, Women's International League For Peace and Freedom, who has been identified in sworn testimony in 1965 as a Communist Party member; Sidney Lens (Sidney Okum), leader of the now defunct Revolutionary Workers League; and Fred Halstead, 1968 presidential candidate of the Socialist Workers Party. Moreover, Steering Committee member David Dellinger, MOBE Chairman, declared in a May 1963 speech: "I am a communist but I am not the Soviet-type communist."

The first day of activity was mainly devoted to speeches by MOBE officials and representatives of various groups. Among those who participated in the deliberations on July 4, 1969, were Jerry Gordon, Chairman, Cleveland Area Peace Action Council; Sidney Peck, MOBE Co-Chairman; Irving Sarnoff, Dellinger, LeRoy Wolins, leader of the Chicago branch, Veterans for Peace in Vietnam; Stewart Meacham, Peace Secretary, American Friends Service Committee; Mark W. Rudd, National Secretary, Students for a Democratic Society (SDS); Bill Ayers, SDS Educations Secretary; Arnold Johnson, of the CPUSA; Jack Spiegel, once a Communist Party candidate for Congress in Illinois; David Hawk, Co-Cordinator, Vietnam Moratorium Committee; Douglas Dowd, New University Conference; and several persons representing Trotskyist organizations. In addition to Peck, Sarnoff and Johnson, Wolins and Spiegel have been identified as members of the Communist Party.

There were a number of other individuals attending the Conference, in addition to those previously identified, who have been closely linked with activities of the Communiist Party, U.S.A. or its front apparatuses. Some of these persons were Phil Bart, newly appointed Chairman, Ohio CPUSA; Jay Schaffner, W.E.B. DuBois Clubs of America; Charles Wilson of Chicago; Ishmael Flory, Afro-American Heritage Association; Gene Tournour, National Secretary, W.E.B. DuBois Clubs of America; and Sylvia Kushner, leader of the Chicago Peace Council.

The Conference was well represented by a number of functionaries of the Socialist Workers Party (SWP) and its youth arm, Young Socialist Alliance (YSA). It is noteworthy that the conference itself was marked by periods of dissension. At the outset of the Conference it became apparent that the majority of those in attendance were affiliated with numerous anti-war groups operating under the domination of the Trotskyist SWP or YSA.

There were two principal issues at the Conference which were vigorously debated with respect to the nature of Fall anti-war demonstrations. First, the SWP essentially held that a Fall antiwar action should comprise only a massive, legal as well as peaceful march on Washington, with the sole demand of immediate withdrawal of the U.S. Armed Forces from Vietnam. This proposal brought about a split in the Steering Committee; however, it was defeated. David Dellinger and Douglas Dowd presented the majority proposal which called for the Steering Committee's support of a "Washington action" project together with the endorsement of the scheduled "Chicago action" originally planned by SDS for September 27, 1969. Interestingly, the SDS project extended the "Washington action" demand beyond troop withdrawals and advocated civil disobedience as a necessary part of the demonstrations.

Secondly, the other main source of disagreement which occurred at the Conference involved a proposal by SDS National Secretary Mark Rudd to plan the Fall anti-war actions to center around the Marxist-Leninist theme of an "anti-imperialist struggle." The SDS proposal was disapproved by the majority of the delegates who took the position that the Fall demonstrations should concern only the issue of the Vietnam War.

During part of the second and final day of the Conference, the delegates and observers attended workshop sessions which were devoted to the following topics in connection with proposed demonstration tactics: "November Washington Action," "September Chicago Action," "September Washington Action," "August 17 Summer White House Action," "October 15th Vietnam Moratorium," "GI's and Vets," and "Third World."

The plenary session reconvened during the afternoon of July 5, 1969 at which time the Steering Committee introduced a "majority-minority" resolution for approval. The Communist-oriented Guardian of July 12, 1969 stated that the resolution was "vague" and gave "support" to "all factions and covered up all political differences. The resolution said next to nothing about the Chicago demonstration except that negotiations would be held. The unity resolution was accepted with little discussion." The Conference resolution agreed to endorse or assist in organizing a series of anti-Vietnam war action projects commencing during the month of August and terminating with the November 15, 1969 demonstration in Washington, D.C.

The Conference resolution specifically adopted the following actions:

(1) Support a mass march on President Nixon's Summer White House at San Clemente, California on August 17, 1969.

(2) Endorse an enlarged "reading of the war dead" demonstration in Washington, D.C. in early September 1969.

(3) Support plans of the Vietnam Moratorium Committee for a "moratorium on campuses" on October 15, 1969.

(4) Support the September 27, 1969 demonstration in Chicago sponsored by SDS in opposition to the Vietnam War and to protest the trial of "The Conspiracy" scheduled to commence on that day.

(5) Support a "broad mass legal" demonstration around the White House in Washington, D.C. on November 15, 1969 which will include a march and rally in other areas of the city. An associated demonstration will be planned for the same date on the West Coast.

The Conference agreed to form a bicameral organization to effectively launch the Chicago and Washington actions. Two Co-Chairmen and two project directors were designated to be responsible for the Chicago demonstration slated for September 27, 1969. They were: Sidney Lens and Douglas Dowd, Co-Chairmen; and Renard (Rennie) C. Davis and Sylvia Kushner, Project Directors. With respect to the Washington action scheduled for November 15, 1969, the Conference selected Sidney Peck and Stewart Meacham to administer that project: Fay Knopp and Abe Bloom were to be Project Directors. In an effort to develop both the Chicago and Washington actions in a related manner, David Dellinger was selected by the Cleveland Conference to be a liaison coordinator between both proposed demonstrations.

The Conference claimed that it selected a "new, broadly-based" National Steering Committee of approximately 30 individuals to "implement the program of action." Prior to adjourning, the Steering Committee adopted a new name for the organization which was to be responsible for planning and directing the Fall demonstrations. It was designated the New Mobilization Committee to End the War in Vietnam. However, in actuality, the MOBE-oriented Steering Committee composed of key MOBE officials, simply decided to drop the name National Mobilization Committee and substitute a new but similar title. Therefore, the New MOBE succeeded the "old" National MOBE, with the leadership of the latter remaining virtually intact. The New MOBE has characterized itself as a "new anti-war coalition" which will "carry forward the work of the old National Mobilization Committee" to "affect the inclusion of a wider social base among GI's, high school students, labor, clergy and third world communities." It simply added overt support from the Communist Party and Socialist Workers Party to create a "united front" approach.

Since the staging of the National Anti-War Conference in Cleveland in July 1969, New MOBE has increased the size of its Steering Committee. It has also instituted a number of organizational changes in planning for the Fall demonstrations. One such change brought about the withdrawal of New MOBE support for the SDS-sponsored Chicago action which was re-scheduled from September 27 to October 11, 1969. New MOBE rescheduled its Chicago action to October 25, 1969. The reason for this change was the fact that New MOBE leadership felt apprehension over the SDS project which they deemed foolhardy and destined for a collision course with the Chicago Police Department. In effect, New MOBE viewed that its participation in such an "adventurous" project of outright confrontation would be detrimental to both New MOBE and the entire anti-war movement at this time.

An evaluation of the Conference by the Socialist Workers Party provided a revealing insight into the effectiveness of the Conference from a Communist viewpoint. The SWP declared: "The attendance at the conference, the serious political debate, the program mapped out and the spirited note on which the sessions ended offer every promise that the anti-war movement is on the road to one of the biggest things this country has ever seen."

The distinguished Senators and Congressmen, TV commentators, newsmen, columnists, professors and others who have described the Vietnam Moratorium as "responsible dissent" have, in fact, lent Moratorium whatever "responsibility" it has. In most cases, they have acted from the laudable desire for peace but without first checking the facts. They have failed to ask the key question, "What kind of peace?"

North Vietnam's Prime Minister Pham Van Dong, has no illusions. He knew precisely what he was saying when he addressed his letter in support of the Moratorium to his "Dear American Friends."

EDUCATION NEEDS MORE DISCIPLINE AND GUIDANCE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. COLLINS. Mr. Speaker, in serving on the Education Committee, I have been interested in the lack of discipline and positive leadership in our educational institutions. We have developed a loose system of permissiveness which is intended to stimulate individual thinking. All the policy has created is unlimited confusion.

College students can all tell you what is wrong with this Government, but they have no positive solutions to offer. This mixed-up plan of education has led to a greater increase in crime, dope addiction, and mental breakdowns than in any period in our history.

I was very impressed with the comments of Dick West, who does such an excellent job of heading up the editorial staff of the Dallas Morning News. In yesterday's News, Dick West wrote on education. I would like for you to note the highlights of his column:

Education Needs More Discipline and Guidance

(By Dick West)

With nearly every American community and parent concerned about whether young people are going to pot, or smoking it, a news dispatch from Russia is pertinent—if you can believe it.

The Russians do not have a juvenile crime problem. A program begun several years ago after Joe Stalin died has brought amazing results.

Every Russian minor must go to school—or work. If he chooses to work, the hours are long, the rewards few.

In Russian schoolrooms, discipline comes first. The boys take off the girls' coats, hang them in the cloakroom and escort the girls to their desks.

Every student begins the day by a brief recitation of allegiance to his country and the communist ideals that guide it. Unlike Americans, the Russians do not consider patriotic teaching as "square."

The use of dope by minors brings harsh penalties—not long jail terms, but hard labor in which the youthful body gets so tired there is no temptation to dissipate.

Most important, the Russian father is the czar of his own household and cooperates with authorities to enforce discipline on his children.

The indolent and disrespectful in Soviet schoolrooms are made to stay in after regular school hours, not only as punishment but as extra concentration on what they have not learned.

They are not being babied. Once upon a time, the Soviet ministry of education listened to educational screwballs who frowned on discipline and guidance. But no more.

Ironical, isn't it, that the Russians would turn to the old American system conceived by the Puritans and passed on to succeeding generations?

Once upon a time in most schools of our country, youngsters from the first grade to high school asembled on the grounds early. At exactly 8:30 in the morning the flag was raised. Everybody lined up, saluted it, then marched into class single-file.

Once in class, no body sat down until all the girls were seated. Then everybody stood up for a brief prayer.

Spelling, spelling, spelling—there were hours devoted to it. Composition and grammar—more hours to that.

Those who misspelled a word, or failed to punctuate correctly, had to stay in after school. Now and then some frisky youngster got sassy. The result was a paddling by the teacher—and no doubt another when he got home.

In the earliest of grades you took home little sayings to memorize: "Honesty is the best policy." "Honor thy father and mother." "A penny saved is a penny earned."

The next day you went to the blackboard and wrote them. Unconsciously you were learning right from wrong—which is the basic purpose of education—while learning to write a sentence correctly.

Today, we have incredible instances of youngsters assaulting teachers, using switchblades and small firearms in the halls and burning the flag as a gesture of defiance and disrespect.

We also have, according to J. Edgar Hoover's latest data, 4,500,000 serious crimes a year—a gain of 122 per cent since 1960 when the crime rate was termed "alarming."

Since 1960, Hoover says, the arrests of persons under 18 have doubled. Around 70 per cent of those under 18 who were arrested for a serious crime were "repeaters."

If the Russians are telling the truth, they have found ways to stop this nonsense.

They punish those who get in trouble. They teach respect for home, country and communism. When their crime rate went up, particularly among the young, they shifted gears and shoved the rate back down.

DR. JAMES WALKER RALPH

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. NICHOLS. Mr. Speaker, in this day and age when people are demonstrating in the streets and attributing all sorts of evil to the military, it is especially refreshing to find people speaking out who have been in Vietnam and observed the situation firsthand and return supporting America's efforts to preserve the South Vietnam people from a Communist dictatorship.

Dr. James Walker Ralph served with distinction in Vietnam back in 1963 and 1964 and served on a second tour in 1966 as a flight surgeon attached to Special Forces. His decorations include the Purple Heart, two Bronze Stars, and three Vietnam Crosses awarded for gallantry.

Dr. Ralph is an expert on matters related to Vietnam, and I find his views so nearly like the views of the country that I believe them to be worthy of reprint for the readers of the Congressional Record:

[From the North Jersey Suburbanite, Oct. 22, 1969]

Dr. James Walker Ralph

The American flag was at full mast in front of Dr. James Ralph's home at 110 Sunset Lane on Moratorium Day.

When he was released from active duty in Vietnam, he was the most highly decorated medical officer of the Vietnam war.

"Although I have many misgivings about certain aspects of the war, I think we should support those fighting the war, those who are captive, and should not turn our backs on the families of those still fighting," Dr. Ralph stated.

On the other hand, he said, "We are fighting a war with our hands tied behind our back, and we might as well get out if we are not going to fight to win."

A Tenafly resident for the past three years, Dr. Ralph came here after spending a total of 13 months in Vietnam as a captain in the Army Medical Corps, paratrooper, and flight surgeon.

He did a year of general surgery at Englewood Hospital where he is on the courtesy staff and occasionally covers the emergency room. Presently he is a resident in ear, nose and throat surgery in New York City and is one of Tenafly's police surgeons. Dr. Ralph is married and has three children.

His hobbies are writing and politics. They are closely related.

He is writing a book about Vietnam. "I have a few chapters outlined," he said. "It's a semi-humorous book about my own experiences in Vietnam."

During the Presidential campaign, he worked with the Nixon speakers bureau in New York, both writing position papers and speaking. He sent letters to Nixon in 1968 about his Vietnam views. A reply was rereceived that it was considered of great interest, and Nixon referred the letter to his brother, Edward, for continued study.

Four times a year, Dr. Ralph meets individually and collectively with the Armed Services Committee of the House of Representatives to discuss the Vietnam war.

His library on Vietnam and counterinsurgency warfare at his home is probably the largest private collection of its type in New Jersey. Together with his own experiences for background, he has made it available to fellow Republican campaigners.

"I support our being in Vietnam but don't think we should be sending large numbers of draftees over there" is one of his theses. "I believe," he says, "that this is a job for professional soldiers to support our foreign policy."

Speaking about the recent dismissal of General Hershey as head of the Selective Service, Dr. Ralph said, "This should have been one of Nixon's first proposals. Doing it just before the moratorium is like throwing a bone to pacify the natives. Whether General Hershey is a "good guy" or "bad guy" is not as important as the element of doubt which enters in."

Dr. Ralph did not approve of the moratorium because he thinks what Nixon said is true—that it helps the other side. "I am not interested in giving comfort to the other side when they have over 1,000 American prisoners and have violated all principles of treatment of prisoners—they don't even recognize pilots as prisoners," said Dr. Ralph.

"I do not disagree with the right to protest but I think anyone who is intellectually honest in protesting the war should devote equal time to protesting in front of Soviet embassies," he stated.

According to his impression of Vietnamese people, they have little awareness of a centralized form of government. "Some 80 per cent of them are rice farmers and grew up under the mandarin system where the local chief exercises authority. They still neither know nor care where Saigon is.

"The biggest failure of our State Department is the failure to recognize the lack of interest they have in any centralized government from Saigon. Most American officials believe that everything should come from the capital because they believe 'all good comes from Washington.'

"I don't think the Vietnamese really understand what elections are all about. The rice farmers' main interest is having everyone go away and leave them alone. They don't really like the Vietcong anymore than they like us. They just want to be left alone. It's just that simple."

Dr. Ralph has applied and been accepted by the American Medical Association to go back to Vietnam next year for two months to take care of refugees as a civilian volunteer.

He was in Vietnam in 1963 and 1964 and had a second tour in 1966. Primarily he was a flight surgeon for aviation units, did battalion surgery, and his combat assignment involved medical evacuation by helicopter. He was also attached to Special Forces. Most of his work was in the Mekong Delta although he was in Saigon the day of the coup that overthrew President Diem.

Dr. Ralph was for nine months the personal physician of Brigadier General Joseph W. Stilwell Jr. who dubbed him "The Crazy Doc," a name that Jim finally had embroidered on the back of his hat. The title came from his going on so many medical missions of mercy without regard for his personal safety or welfare. Many only knew him by this name and it was used in radio transmissions and usually always when General Stilwell introduced him.

His decorations include two Bronze Stars with combat "V," 11 Air Medals, Army Commendation Medal, Purple Heart, three Vietnam Gallantry Crosses, various service medals, and recommendation for the Silver Star and Distinguished Flying Cross.

During his first tour, he advised Dr. Van Van Cua, senior medical officer of the Vietnamese Airborne Brigade, who later became the mayor of Saigon. Cua and Dr. Ralph have remained close friends and have had many discussions on the pros and cons of the war.

Dr. Ralph is interested in the youth movement and is active in Bergen County Young Republicans. In a position paper on the Vietnam war which he wrote at the request of Congressman Durward Hall of the House Armed Services Committee, Dr. Ralph stated:

"There is much opposition to the war in Vietnam, especially by the youth of this nation. If we were merely interfering with someone else's internal affairs, I would agree. However, we are faced with the very real threats of global expansion by Red China and the Soviet Union.

. . . "The price of liberty is paid in blood. But there are those who claim that nothing is worse than war. Winston Churchill pointed out that slavery is worse than war and dishonor is worse than war. Thomas Jefferson said, 'we have counted the cost of this conflict and find nothing so dreadful as voluntary slavery . . . honor, justice and humanity forbid us tamely to surrender the freedoms which we received from our gallant ancestors.'

"War is unfortunate and unpleasant, but the defense of freedom in the world will have to be made with military means as long as those who oppose freedom use force to obtain their selfish goals."

THE POLICE STATE, AMERICAN MODE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CONYERS. Mr. Speaker, for those in this Congress who feel as I do about urgency of ending racism in this country, I recommend the latest observations of Dr. William H. Ferry. He dares to say that which is too frequently left unsaid. Although his statement reflects a lower level of confidence and optimism than my own, it is nevertheless a worthwhile and critical point of view that should be heard. If you do not agree with it, I urge your even greater participation in the struggle for justice and equality which has yet to receive the genuine commitment of this Nation.

Dr. Ferry's address, delivered at the Berkeley Unitarian Church, follows:

THE POLICE STATE, AMERICAN MODE

This is, for me in any event, an intensely agreeable occasion. It is its unexpectedness that more than anything else cheers and lifts me up. I was warmed by the letter from our friend Lex Crane telling me of your intention, as I am warmed by the words said here today. No-one in my line of work expects to be honored; early in the career of a town crank he learns to rub along with the glares and sneers of neighbors, and with mailbox yelps from distant offended citizenry. It is the essence of crankhood not to have a constituency, or at least not to have one that lasts very long. The experienced crank knows that today's cheer is tomorrow's poison pen letter.

So while I have much to thank you for, please accept most of my gratitude for the, as my daughters would say, groovy unexpectedness that you have added to the 58th year of my life.

Alas, I cannot reciprocate. I wanted very much to say something unexpected and also something agreeable to you, to match my feelings today. This is a season of gnawing apprehensions and I wanted to emit sparkles of optimism, and to announce that all will be well. Hunt as I might, I could not come down on such a theme.

So I am afraid that I shall have to speak in character, which critics call morose and cassandraesque. The mood of the following remarks is caught in a few lines by Kenneth Rexroth, the distinguished San Francisco poet:

"TIME IS THE MERCY OF ETERNITY, 1958

"The writhing city
Burns in a fire of transcendence
And commodities. The bowels
Of men are wrung between the poles
Of meaningless antithesis."

In another place I suggested recently that the apprehensiveness and general malaise to which I have referred results from our conscious or unconscious realization that there are no answers to any of the great questions confronting us. My contention is that the issues have outstripped our capacities: that war, race, burgeoning science and technology, bureaucracy, urbanization, and similar central concerns are today so complicated and fast-developing as to leave us with a heavy sense of impotence: and that this sense in turn produces the frustration and despair that is in such ironic contrast with the visible manifestations of prosperity and progress.

This conclusion, I learn, is not a welcome one. But I do not intend either to review my argument or the angry responses to it. Today I intend to look at what seems to me the most ominous result of these widespread sensations of impotence and frustration.

The ominous result is that the large cities of this nation, and some of the smaller ones as well, have become police states.

This is an uncompromising statement. I wish I could be less bleak. I wish I could say that the metropolises of the United States may become, or show signs of becoming police states. But this is not the way it looks to me. I am not even inclined, on close inspection, to say that our cities are in the first stages of a police state. I believe they are already there.

There are, of course, millions of quiet Americans in millions of quiet American homes who do not fear the midnight knock on the door, who may never experience the thrust of a revolver or the bone-smashing crack of handcuffs. To those people my statement will seem a shocking caricature at best and at worst a slander of the police.

Before demonstrating why I believe our cities to be police states, I want first to stir up a dirty memory, and then to say why I think our cities have to be police states.

The dirty memory is that of the "good Germans". During Hitler's dozen years, the good Germans sat quietly at home, not fearing the knock on the door—not at first, anyway. The evidence is mixed as to whether they knew they were living in a police state. Few annals are so pitiable and sad and unconvincing as those of the "good Germans" who after World War II tried to explain what they felt, and thought, and did during the monstrous Thirties and Forties. Their explanations may be briefly summarized in a few quotations: "We trusted our leaders." "We felt that our leaders knew what they were doing and knew how best to deal with the enemies of the state." "Even when we learned about bad things, there was nothing we could do."

Now let me show why we must have a police state. It is because we have run out of other remedies. We have no other social or political medication for the most serious ailment to strike this nation in a hundred years—and one which a century ago almost ruined the republic.

We simply do not know what to do about 25 million black Americans. It is only a little less true that we also do not know what to do with our agitating children and hippies and other self-evictees of respectful white society. They too are subjects of the new police state, but to a lesser degree than blacks, on whose situation I choose to focus today.

As middle-class America looks across the tracks to blacktown, it does not understand what it sees there. But it is clear enough, I think, that middle-class America does not see human beings like themselves. It sees people different in hue, outlook, manners, dress, speech. Middle-class America also sees people who are mal-educated, badly housed, and poor; people who are angry and demanding, and therefore dangerous. Most important, it sees people who consistently display the most reprehensible of traits—ingratitude. Blacks are never sufficiently grateful for the kindnesses and favors done them by whitetown. As C. P. Snow remarked, "Gratitude is not an emotion, but the expectation of gratitude is a very lively emotion indeed." The key word is "different." Blacks are not like us, so all our stored-up xenophobia comes into play when the question of "handling" blacktown arises.

Yet white America, eighty-eight per cent strong, has no choice but to deal somehow with this rumbling phenomenon. We have got away with ignoring it these many generations. But now blacktown has caught up with us, and will no longer be ignored.

The first means of dealing with blacktown, in this Christian nation, would be to try the Christian approach—by sharing, and giving, accepting blacktown in brotherhood and binding up its wounds. But this obviously is not acceptable. Many have remarked that Christianity is a Sunday morning thing. The proof rests in the welching that the organized church is now engaging in with respect to its promises of help to blacktown. Church funds promised to blacktown are not forthcoming, and church leaders say this is because their constituencies—Christians all—will not countenance the expenditure of money on undisciplined and irresponsible neighborhoods. Even when a little money trickles out of Peter's purse, it is a bookkeeping not a Christian transaction. The question is whether the donors can be assured that the money "will be well spent." This is known as Christianity the CPA way. The reason why it is hard to tell a Christian church trustee from a banker is because there is no difference.

Everyone remembers the nationwide howl when James Foreman proposed a half-billion dollars from the churches to blacktown as reparation for generations of wrongs. The demand was denounced as outrageous, preposterous, extravagant, impertinent, and arrogant. I do not remember that anyone called it unchristian or unjust. One can understand these offended cries, but they can scarcely be classed as a Christian response.

On the whole I think that we must forget Christianity as the mode for coping with blacktown. It is not that we like Christianity less but that we love white superiority and affluence more. I do not easily abandon this approach, because everything about it is so appealing—the language, the examples, the laws. But then I think of Viet Nam, this Christian nation's response to a distant colonial problem, and reflect that blacktown is even more a colonial perplexity, and more over on our very doorstep. And then I understand why we deal with it with fire and sword, mace and teargas, helicopters and sub-machine guns. As R. de Montalvon says, "Nothing is more naive than to believe that Christians love peace. They distrust it, suspecting it of heresy,"[1] Please substitute the word brotherhood for "peace" in the foregoing quotation, and you come close to the heart of white racism.

If Christianity is not the avenue to rapprochement with the ghetto, perhaps we had better see what the social scientists have to offer. Some of my best friends are psychologists and sociologists. I regret to report that they are of little more use than the Christians. Considering the spate of materials now being produced by this learned cult, this will seem an unwarranted condemnation. In fairness it might be acknowledged that they are doing their best, but their best is not nearly enough, and much of it is misdirected. Thus we are exhorted to "try to understand the blacks", and this is fair enough advice—but only if it is understood that the greater task is understanding ourselves. The Kerner Report declared the root of the matter to be white racism. This is a psychological finding of great import for whitetown—blacktown has known it all along—but the psychologists, like the members of the Commission, seem unable to tell us what to do about white racism. If they have a message for us, it has been so cautiously delivered as to leave no imprint either on public policy or private behavior. Insofar as they have concentrated their attention on blacktown the psychologists and sociologists may have had the unintended effect of strengthening white racism. For they have confirmed that blacks, for all sorts of historical and cultural reasons, are unlike whites in significant respects. An example is black attitudes toward work. Employers who with the best will in the world are hiring the hard-core are confused by the tendency among blacks to disregard the time clock and the business world's standards of attendance, zeal, and obedience. This tendency exists, but is it wrong, or pathological? Another example is found in the liberals and do-gooders who are put off sharply by the resentment, never before so openly expressed, of younger blacks. Many of blacktown's former friends and advocates, especially among elderly faculty liberals and integrationists, are falling away because their paternalism is now met with rebuffs. The sin of ingratitude is keenly perceived by such whites, and their defection from blacktown's cause removes one more obstacle to the police state. A churchman complains, "They don't want our help." He should have said, they want help but no longer trust Whitey, even in a turned collar.

All of these attitudes can be explained by the psychologists, but the explanations are of little use, since they once again confirm the essential differentness of our largest minority and the impossibility and undesirability—in my opinion—of bringing this differentness into conformity with the accepted practices of white America.

Here is the problem of integration, which may be seen chiefly as an effort to turn black Americans into white Americans. Establishing integration as the goal of public policy is hypocritical and misguided. Whitetown would be far better occupied trying to figure out how to turn the differentness of the black community into an asset. This would mean giving blacktown substantial autonomy in all areas. It would mean separation, and black self-government under new federal principles, and black police, education, and political and economic power. But this is a separate argument and too emotion-laden and difficult to enter into here. I can summarize it by saying that it confers no dignity on blacks to let them know that they may, if they work hard enough at it, satisfactorily adopt the modes of whitetown. The price of such a transfer is, I believe, clearly the giving up of black identity, and too great for the majority of blacks to pay. Least of all is it any "solution" to our transcendent domestic problem—race.

I conclude that the social scientists cannot help white America much in its all-important task of dealing with blacktown.

There remain legal and political and governmental measures for dealing with blacktown. We liberals find here our consolation and hope. What is needed, we say, are more and more legislative and administrative provisions against discrimination, along with positive action, mainly of the compensatory variety, to assure blacktown equal access to the bounties of middle-class America.

It is true, as liberals argue, that there has never been as much attention given to blacktown as in the last two decades. The liberal assertion here is mushy, however, for it omits the all-important fact that virtually all gains have come as a result of demonstrations, resistances, and in recent years, rebellions and burnings. The liberal claim recalls the industrialists who brag about their high wage rates and forget to mention that they were not given but fought for and achieved by union action. The liberal counsel of patience is also valid, for it would take years for all of these well-meant laws and programs to take hold.

But I do not think that this approach, which is our chief reliance, will work. I do not believe that, taken together, the laws and ordinances and programs for "solving the race problem" amount to much more than an effort to pacify and make more governable an unruly section of the population. They seem to me mainly the measures that would be adopted by any colonial administration to keep the natives in order. This is indicated by the ebb and flow of official action. As many blacks have sourly observed, their demands are listened to only when the fires are going. When the chairman—white, of course—of a mid-western committee for betterment of economic conditions in blacktown was asked why a promised grant had been rescinded, he said, "No need to spend the money, things have quieted down." Blacks notice also that the moment any significant white interest is threatened, the shallowness of white concern is disclosed. The recent effort in Pittsburgh by blacks to obtain a fair share of heavy construction jobs in that city is an instance, as is the continuing high incidence of school segregation north and south, 15 years after the Brown decision.

There are many more examples at hand, but I can shortcut all of them by remarking that without exception they are fatally infected by white protectionism and white paternalism. I am forced to conclude that the legal-governmental reform methods of dealing with blacktown have been and are failing. We cannot cope because we no more have the requisite political imagination than we have the requisite moral compulsion.

But we must have some way of meeting this greatest of domestic crises. We must indeed, and have found it. It is the police state. The police are the effective rulers of blacktown today. Theirs is the paraphernalia of any police state: the procedures, the weapons, the psychological instruments of intimidation and repression. Theirs is the most important possession of all, the knowledge that they have the backing of white America. I invoke here the memory of the good Germans.

The harassment of the Panthers is a national scandal. Many of their members have been killed or wounded, and the rest feel under sentence of death. Twenty-one Panthers have been murdered by the police in the past year, and there would have been more stir in whitetown if twenty-one panthers in America's zoos had been wantonly slain. Whitetown never pauses to ask whether the assertions of the Panthers are true, or whether their claims are just. They are different, and threatening to white complacency, and so their harassment is virtually unquestioned. Other black groups are under constant surveillance. So frequent are "on suspicion" arrests that emergency legal services in great variety have sprung up in the ghettos, but they do not come close to meeting the need and encounter moreover the unremitting hostility of the forces of so-called law and order. We read of no such harassment or violence against the organized white vigilante groups.

Frame-ups, impossible bail, unwarranted searches and seizures and similar practices are commonplaces of ghetto life. Helicopters hover over black neighborhoods, searchlights glaring and bullhorns shouting, and the protests of citizens go unheeded.

The readiness of police to use their weapons is a tenet of blacktown life. "Everyday I feel like a duck in a shooting gallery," a young black organizer says. The cop's trigger-finger is the gavel of justice in blacktown. One American city, Wilmington, Delaware, was under martial law for 10 months, and white America was scarcely aware of it, because the martial law was applied to blacks not whites, except for a few ornery white protesters. Public functions in blacktown are held by permission of the precinct station. Curfews are enforced. Recreation programs are instigated and conducted by police departments, ostensibly on a get to know your local cop basis, but also as a means of recruiting informers. Police are the Eumenides of the inner city.

Perhaps the most insidious practice of all is the infiltration by police of black institutions and organizations. The use of reformers, the setting of friend against friend, child against parent, is the most familiar of police state strategies. Its corrupting effects are widely felt in black town, where one self-help organization after another is ruined by the machinations of infiltrators or the suspicion that informers are everywhere present.

The police state is, moreover, achieving the results it set out to achieve. Young blacks intent on improving the conditions of their community have no place to turn. The lawlessness of the lawmen threatens them at every juncture. Intimidation is not yet complete, but the police—always with the sanction of the majority—are laboring mightily to make it so. Where hope flickered for a few months in blacktown, frustration and fear are now the presiding emotions.

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[1] Christian Peace Conference, March 28, 1969, p. 1.

The cohesion among black groups that began to appear two years or so ago, with its promise of the establishment of self-respecting black endeavors, has broken down for reasons I have already given. White America wants a blacktown that is not troublesome, that never afflicts its conscience. It wants a colony that knows its place, and that will be a little drain either on pocketbook or spirit.

I realize that I shall be challenged sharply on all of these statements. It will be said that my police state amounts only to the precautions needed to assure the welfare and protection of ghetto residents themselves. It will be said that blacktown has brought on itself whatever police measures are being used. It will be said that my argument is mere mawkishness that disregards the real dangers of outspoken, tough blacks. It will be said that the true police state of the modern era, typified in Stalin's Russia, Hitler's Germany, and a horde of lesser Latin and other nations, is wholly unlike the description I have given. A police state of such a foreign, un-American character cannot, it will be said, happen here.

I do not propose to enter a dispute as to whether the police state in American cities does or does not resemble other authoritarian or totalitarian experiences. This is not an academic treatise but an angry comment on current events. The experience of ghetto blacks in the United States is what I am talking about. I believe that blacktown is experiencing a police state. How else does one explain the constant tension, the sense that a peril point is very near, a fuse ready to be touched off in blacktown? Is this black paranoia? Are these wild imaginings, or a human response to overbearing violence and threat? Of course most of white America does not share this sense of impending upheaval. Comfortable but frightened white America, under the banner of law and order, has sent its front-line troops, the police, into blacktown to keep things cool. My thesis, you will recall, is that this is the only way that satisfied whitetown can find of dealing with the restless, unhappy inhabitants of blacktown. The result is a police state that is honey-sweet on one side—exemplified by police supervision of recreation programs and anti-crime clinics at which informers are discovered—and on the other is charged with brutality and harshness, as in the constant hassling of blacks who are disliked or distrusted by police. The verities are the brutalities of blacktown, apparent and covert. The emergence of the police state has destroyed the few beginnings of genuine dialogue between blacktown and whitetown. It is far easier to intimidate than to confront.

This phenomenon is of course not especially new. The novelty today is its pervasiveness in the cities, to say nothing of the intransigent rural South, and the direct authority for it being extended by white America. I refer to the very large number of federal and local anti-crime and anti-riot measures that have been passed in the last two years. I refer also to Attorney-General Mitchell's proposals for making it easier for the police to go about their jobs. One of his proposals, you may recall, is for "preventive detention" of suspects for as long as 60 days, without a charge being laid against them. This is a police state proposal pure and simple; and it comes from a Cabinet member. The police state is not, as some contend, merely the creation of the ethnic groups whose hostility to black incursion appears to be at an all time high point.

A police state is present when the police move from a service role, that of protection and peace-keeping, to a political role. I shall touch later on the political powers now being asserted by police organizations; for the moment it is necessary only to point to the number of police chiefs running for mayor in the large cities. This spring one city, Cleveland, came within an inch or two of a police putsch against City Hall.

Because of its peculiarly American aspects, it would not be accurate, I think, to call this police state a totalitarian development. Though it has much of the stink of fascism about it, this too is a not quite applicable term. The control mechanism decided on more or less consciously by the majority of complacent white Americans for keeping down a threatening minority might be called, for lack of a better word, *satispression*—the repression of the dis-satisfied by the satisfied. Satispression is not a handsome word, and I made it up merely to mark off the contemporary U.S. police state from its near-relatives in other continents. Satispression has come into being because of many factors. One of the most important is also one of the least talked-about. I refer to the desire of whitetown's political and economic power-holders to hang on to their power as black voters begin to achieve urban majorities.

Another factor is the anomalous part that the press is playing. Middle-class and white to the core, the press is leading its readers into believing that blacks and blacktowns are, first and foremost, a menace to their welfare. That this is an effect unconsciously achieved for the most part does not alter its impressive weight. Thus we learn from our papers all about Black Pantherdom and its officers, and almost nothing about the heavily-armed anti-black vigilante groups, a far more numerous and threatening horde. But they have, where the press is concerned, the inestimable advantage of being white.

Americans seem to be pretty content with what they are doing in the ghettos. It is the contentment associated with American flags appliqued on windshields, with handguns, and with bumper stickers saying "America, love it or leave it." This is why I cannot "prove" that the police state exists; because no amount of evidence of brutality, maltreatment, injustice can prevail against whitetown's self-righteousness and indifference. One hears little clamor in whitetown against the lawlessness and the corrupting tactics of the police. Whitetown easily tolerates practices in blacktown that it would not stand for in its own neighborhoods. The good Germans, when they were willing to pay any attention, easily tolerated the frightful tactics of their police in dealing with Communists and Jews. They did not—most of them, anyway—think that they were living in a police state. They thought that they were sanctioning only those laws and practices needed to preserve order and to keep the nation secure against its enemies. Since these laws and practices took effect only in distant ghettos and against strange, despicable people, how could good Germans consider them anything but the most reasonable preservation of law and order?

A year ago this time I felt that a civil war—whitetown against blacktown—was inevitable, and said so. I thought then that it would be precipitated in the early part of this summer. My timetable is off, and I believe there are good reasons for it. These reasons, which I believe to be superficial and of no lasting importance, are (a) programs for black betterment are proceeding, (b) the moderates in black communities are increasing in numbers and political and social influence, appearing on TV, taking part in church group action, etc., and (c) there is no cohesion among young militant groups.

There are other and more valid reasons too. One is that blacks are scared for their lives. There is talk of survival now where there was talk of the "black rebellion" as recently as six months ago. Many blacks I know believe that the elaborate law and order projects are military preparations to move against the ghettos at any provocation. The result is that many are subdued and apprehensive that they themselves and their families are likely to be killed or jailed, with the probabilities rising sharply with the known militancy or radical political attitude of the black in question. Thus the police state succeeds.

These fears are warranted, I believe. Blacks are correct in seeing themselves as the pretext for the wave of satispression sweeping the country. They are correct in seeing themselves, along with the radical young, as the object of statutes that give legal form to satispression. We can never forget that Nazi Germany was run according to law. Legal historians say that Hitler never volated a law. Hence he was called Adolf Legalité. Our present policies and laws now being adopted are avowedly to keep down civic turbulence, and they may temporarily succeed in doing so. They seem to me also to be likely to ignite a civil war, or at least not at all designed to prevent it. But such a conflict will not be started by blacks, though every effort will be made in such an event to make it appear that blacks are the aggressors. This after all is the chief justification of today's police state.

My idea as to how civil war might erupt owes much to Prof. Arno Mayer of Princeton, the great theorist of counter-revolution. But he should not be blamed for my misuse of his notions. I have felt that civil war was most likely to be precipitated by one or another of the numerous counter-revolutionary groups, many of them ethnic in composition, standing in the wings of most urban centers awaiting a suitable provocation, a suitable pretext to launch a virtuous assault against the black community somewhere or other.

Such the tensions, especially between the ethnic groups ringing blacktown and young blacks, that I felt a pretext was readily available, so that at any moment that a counter-revolutionary group felt public sentiment was ripe and hot, an attack would be made. Thereafter the police, the legitimate bearers of violence-authority, would come immediately into the picture—but how, and on whose side?

Let us visualize the scene: whites attack blacks in an organized way. The police arrive, and have three choices: first, to step between the combatants and try to calm things, like a UN peace force, or British troops in North Ireland; second, to go to the assistance of the black community, which has been attacked; third, to ally themselves with the attackers. Which one?

There is, I believe, only one plausible answer. The police would ally themselves with the white attackers. This would be, as a matter of fact, the most important calculation preceding the attack of the counter-revolutionary group, the calculation that whitetown's feelings toward blacktown had become so inflamed as to assure that the police would be their allies from the beginning. It might even be planned that way. On September 9 the UPI reported from Detroit, "Open hostility exists between the mainly white police department and the city's black population (of nearly 40 percent.)"[3]

This seems to me a wholly probable little playlet, and still seems to me the way a civil war in this country is most likely to begin. It has not done so, in my judgment, merely because the police and legislatures have been willing to do the dirty business of the vigilante groups. The law and order impetus of the white majority, carried from policy to action by cops and the military, has made needless—so far at least—action by the paramilitary organizations. There are many of these in major metropolitan centers, but, as I have already said, the mass media have characteristically ignored or played down these organizations, and have instead concentrated on the activities of black groups and their leaders. The harassed Black Panthers are the best but far from the only example.

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[3] Santa Barbara News Press, p. 3.

It is time to hear again from the critics of my thesis. There is more crime in the ghetto than elsewhere, is there not? The Panthers are a lawless and anarchistic gang, are they not? The actions and statements of angry, discontented blacks are threats to the stability and welfare of the community, are they not?

To all these questions the answer is yes. But my proposition continues to be that white America's response has been to authorize a police state as the only means of coping with these situations. White America has ignored the true causes, has brought little compassion and less imagination to the massive challenges of blacktown, and has encouraged lawlessness and corrupting practices by lawmen. The prior question is what we want. Do we really want a police state, in blacktown or anywhere else? For there can be no greater folly than to think that, in elevating the police to positions of arbitrary power, we can prevent this power from running far beyond the boundaries of blacktown.

It is instructive to note the extent to which this power already is beyond the control of elected officials. This power appears more and more to reside in the police trade unions—the police benevolent and fraternal organizations. These unions are increasingly dictating to mayors and police commissioners what the police will and will not do: the weapons they will use, the circumstances under which they will use them, the methods to be employed with suspects or crowds. In many cities the police are already in a state of near-revolt against their elected superiors, and this mood is encouraged by the police unions. It need scarcely be said that these unions are conservative and self-interested. These organizations naturally favor strong-arm over non-violent methods, direct action against conciliation, stationhouse confessions to the laborious job of proving criminal acts, the judgment of the man on the beat over the judgment of his civilian superiors. There resolutions are a frequent source of the "coddling the criminals" complaints against the courts which compel police to use the more difficult legal methods. Theirs is the discredit of having defeated most proposals for civilian review boards.

Even the well-established conservatism of New York's patrolmen's Benevolent Association, the country's largest police union, is not enough for some 5,000 of its nearly 30,000 members. These 5,000 policemen formed a Law Enforcement Group, an insurgent group inside the PBA, to "get tough". Spokesmen for the Law Enforcement Group said it had been organized to meet the need for a national organization "that is anti-crime and pro law and order"—intimating that the Benevolent Association was not enough of either. I hazard the opinion that these unions will prove the most intractable and dangerous to the general welfare of any in the nation's history.

I have simplified a complex phenomenon, or rather, a series of complicated and interwoven issues. The rapid development of a legitimate and necessary police power into what I have chosen to call in all its starkness a police state is merely the most formidable and threatening of the multitude of developments going under the general rubric of urban crisis.

As I have not made as clear as I might, this development is nourished by many other ugly developments. There are the obvious ones: for example, the mindless overcrowding of metropolitan America in the absence of any effort either to discover policies that will keep people on the land or to entice them back to it. There is the domination of ghetto economy by outsiders: white sharks in black waters. There is the apparently irresistible tendency of bureaucracy to dehumanize all transactions, whether social, political, or economic, and especially blacktown's transactions with official whitetown, whether at the welfare office or with the police. There is the legacy of bad jobs, bad education, bad housing, systematic neglect by affluent rulers all along the line: and with it blacktown's realization that its needs are only attended to under the threat or actuality of civic turmoil. So when I argue that we must have a police state in our central cities because I know no better solution, I am arguing also that the accompanying problems are equally beyond solution.

I am also aware that I appear to be making police the goats of this account. This is not my intention. Policing is a perilous, hard line of work, almost inevitably engendering cynicism and a hardboiled attitude. Bad hours, low pay, and no great public affection, I realize, is the policeman's lot. Nevertheless, it is natural if deplorable that the police should step into the civic vacuum created by white ignorance and distaste for blacktown's conditions. For their own welfare the police should be the first, not as now is the case among the last, to demand full-scale programs for the amelioration of blacktown, where admittedly the greatest dangers await them.

The tendency of those armed by the state to take over the state was recognized from the outset of the nation. Hence the provisions in constitution and statute for civilian control of all bodies legalized by the state to do violence. As Prof. A. C. Germann remarks, however, "Any police agency that accepts the task of 'community bully,' even if tacitly agreed to by community silence, and regularly bugs the hell out of its minority groups, peace groups, hippie groups, youth groups—unpopular groups—will sooner or later have 'a lot of chickens coming home to roost,' and that is now the case in many American communities."[3]

I do not want to involve Prof. Germann in my contention that we already have a police state in most of our great cities, and in some of the smaller ones as well. But he speaks directly to the point:

"If," he says, "the majority community is more willing to supply its police with mace, armored vehicles, sniper rifles, barbed wire, and hollow-point bullets than it is willing to scrutinize police field operations and eliminate ineffective, illegal, and degrading practices, that community surely deserves the chaos that is certain to come."[4]

I have no expectation that I, or anyone else, will soon convince white America of the existence and growth of a police state that is bearing down ever more heavily on their black fellow-citizens—not to mention the other groups named by Prof. Germann. A Gallup poll divulges that 81 per cent of Americans think that there is no such thing as police brutality. I imagine that a poll in Nazi Germany would have disclosed a similar complacency among the good Germans. These same Americans saw Chicago police in Grant Park at last year's Democratic Convention. They read almost daily of murder by police in some blacktown or other. They know of stop-and-search operations, of curfews, of the constant hassling and roughing-up of young blacks. They may know that the number of civilians killed by the police in this country is more than three times the number of policemen who lose their lives while on the job, and that the opposite is the case throughout Europe. They may even know that "in all the upheavals that have rocked European countries lately, only one civilian died as a result of police action."[5] They almost never see police brought to account for their actions. Let me read a few recent headlines from the Los Angeles Times:

"Youth Slain (by Police) in Tragic Error."

"One out of Every 10 Lawmen in County Accused of Malpractice: Most Frequent Offense is 'Use of Physical Force.'"

"Burglary Suspect, 14, Killed in L.A. Market By Deputy."

"Slaying of Sniper Suspect Ruled 'Not Criminal,'"

"Police Actions Termed 'Harassment.'"

Once again I must stress that I am not solely condemning the police, though they, no less than Hitler's agents, must be held responsible for their actions. I am asserting only that our tradition of violence, abetted by the ignorance and willful blindness of whitetown—the American counterpart of the good Germans—and immensely stimulated by resistance in blacktown, have together resulted in satispression, a police state, and the establishment of the police as a political entity.

Few in whitetown will agree with the urban pathology I have sought to illuminate. I grant that my thesis is not heavily documented. For those wishing a closer inspection of the facts I refer to the Kerner Commission report and to the several studies of the Commission on Violence, of which Prof. Germann's paper is an admirable example. I have only done what these reports did not do, put a line under all the findings and add them up. The sum is the police state.

Yet before Americans can be persuaded to do anything significant about this condition, I fear that even more pointed evidence will have to be offered. Then I see the urgent need for a city-by-city Report on the Prevalence of Police State Practices. Assembling such a report would be worthy of Ralph Nader's attention, for it most requires independence, energy, and healthy disrespect of conventional opinion and authority. Perhaps he would consider bringing together a counterpart of that valiant band, Nader's Raiders, that has lately uncovered so many stagnant and hidden pools in official Washington. Only such a diagnostic technique, dealing with both the producers and consumers of police state practices, would stand a chance of bringing white America face to face with its most foreboding contemporary creation.

There is some irony in the public and Congressional revolt we are now witnessing against that other formidable bastion of legitimated violence, the Pentagon. Today budgets are cut, new arms programs questioned and sometimes eliminated, and even the preponderant role of the military in foreign policy appears on its way to dilution. All this at a moment when the domestic military force is achieving a never-before-countenanced role in urban affairs.

Public reason is beginning to prevail with respect to the domination of the Department of Defense because it has become evident that we have been foolishly frightening ourselves, almost to death, about dangers that are non-existent or magnified immensely out of scale.

It would be nice to think that public reason might also prevail soon with respect to events and problems within our borders, where we are similarly frightening ourselves silly. The problems are all there, and intractable enough; but they cannot be solved by force any more than we have solved Viet Nam with a hundred billion dollars worth of violence.

I am afraid, however, that we are a long way from a reign of public reason in blacktown. I am more afraid that in the meantime we shall do out best to reinstate docility and submissiveness in our black fellow-citizens as their only proper attitude.

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[3] The Problem of Police-Community Relations, California State College, October 1968, p. 4.

[4] Ibid, p. 4.

[5] How the Police Work, New Republic, Aug. 2, 1969.

I am most afraid that we shall soon have our own Reichstag fire, and that a shameful civil war will erupt, and bloody our conscience and honor for generations to come.

COMMISSION STATEMENT ON VIOLENCE AND LAW ENFORCEMENT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HAWKINS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

COMMISSION STATEMENT ON VIOLENCE AND LAW ENFORCEMENT

MEMBERS OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

Dr. Milton S. Eisenhower, Chairman.
Judge A. Leon Higginbotham, Vice Chairman.
Congressman Hale Boggs.
Terence Cardinal Cooke.
Ambassador Patricia Roberts Harris.
Senator Philip A. Hart.
Eric Hoffer.
Senator Roman Hruska.
Leon Jaworski.
Albert E. Jenner, Jr.
Congressman William M. McCulloch.
Judge Ernest W. McFarland.
Dr. W. Walter Menninger.

VIOLENCE AND LAW ENFORCEMENT

I

Order is a prerequisite of society, a mainstay of civilized existence. We arise every workday with unspoken expectations of order in our lives: that the earth will be spinning on its axis, that the office or factory will be functioning as before, that the mail will be delivered, that our friends will still be friends, that no one will attack us on the way to work.

Our expectations are not always met. The technological creations on which modern life depends do not always function with the predictability of the physical laws of the universe. Human behavior is even less predictable. To ensure reasonable predictability to human behavior, to minimize disorder, to promote justice in human relations, and to protect human rights, societies establish rules of conduct for their members.

In a far earlier day—and still, to some extent, in small and traditional societies—the rules of conduct had only to be passed from one generation to the next by teaching and example. Universal acceptance and long tradition gave force to the rules, as did the knowledge that rule-breakers could be quickly identified by the tightly knit community, that culprits had nowhere to run, that the community would ostracize them for their misdeeds. Still, every society in history has produced deviant members. And as societies have grown larger and more complicated, so have the problems of maintaining the social order.

In modern societies many of the rules of social conduct have come to be codified as laws. The intricacies of life in the twentieth century require laws. The act of driving an automobile from one place to another requires a bookful of regulations concerning speed, traffic lanes, signals, safety devices of the vehicle, and the skill of the driver. Many other realms of social interaction also require legal regulation for the sake of justice, safety and preservation of the social order.

Law furnishes the guidelines for socially acceptable conduct and legitimizes the use of force to ensure it. If utopian conditions prevailed—if all citizens shared a deep commitment to the same set of moral values, if all parents instilled these values in their children and kept close watch over them until adulthood, if all lived in stable and friendly neighborhoods where deviants would face community disapproval—then perhaps we would seldom need recourse to the negative sanctions of the law. But these are not the conditions of today's pluralistic society, and the law is needed to reinforce what the other institutions for social control can only do imperfectly.

This function of the law requires that it be backed by coercive power—that it be enforced. Agents of the legitimate authority must function effectively to deter lawbreaking and apprehend lawbreakers, and the laws must provide sanctions to be applied against wrongdoers. When law is not effectively enforced, the odds become more enticing for the potential offender, crime increases, and the legal system—government itself—becomes discredited in the eyes of the public. As respect for law declines, crime increases still more.

To acknowledge these basic truths is not, of course, to argue in favor of oppressive conduct by police or retributive treatment of offenders. On the contrary, police lawlessness, degrading prison conditions, and other deficiencies in criminal justice damage the goal of an orderly society by making the law seem unworthy of obedience. That, too, breeds crime and disorder.

Likewise, to say that the law requires force as a condition of effectiveness is not to argue that law enforcement must be total. The surveillance that would be required to deal swiftly with every offense, major or minor, would be astronomically costly and an insufferable intrusion upon the lives of a free people that would not be long endured. Indeed, as the Report of our staff Task Force on Law and Law Enforcement suggests, some offenses like minor traffic infractions and intoxication now command a disproportionate share of our criminal justice resources, and many of these offenses would better be handled by various means outside of the criminal justice process.

Devotion to the principle of law is one of the great strengths of the American society, a source of the nation's greatness. As Theodore Roosevelt remarked, "No nation ever yet retained its freedom for any length of time after losing its respect for the law, after losing the law-abiding spirit, the spirit that really makes orderly liberty." Today, however, respect for law in America is weakened by abuses and deficiencies within our legal system, and it is these which are the basis of our concern.

Respect for law is also threatened by some types of civil disobedience, notably the activities of normally law-abiding citizens, regrettably including even some leaders in public life, in deliberately violating duly enacted, constitutionally valid laws and court orders. Moreover, those who violate such laws often claim they should not be punished because in their view the law or policy they are protesting against is unjust or immoral. Civil disobedience is an important and complex subject, and we shall examine the dangers to society of deliberate law-breaking as a political tactic in our subsequent statement on Protest and Violence. Every society, including our own, must have effective means of enforcing its laws, whatever may be the claims of conscience of individuals. Our present statement is concerned with the fairness and efficiency of our law enforcement system, which must apply, without fear or favor, to all who violate the law.

As a preface to our discussion, then, we offer these two reminders:

First: order is indispensable to society, law is indispensable to order, enforcement is indispensable to law.

Second: the justice and decency of the law and its enforcement are not simply desirable embellishments, but rather the indispensable condition of respect for law and civil peace in a free society.

II

The American system of government has been one of the most successful in modern history. But despite the reservoir of citizen trust and deference toward the government which has been a stabilizing feature of our democracy, there has always been in our history a competing attitude of insistence on results, on government's achievement of the aims supported by the citizen, as a precondition of his consent to the exercise of governmental power.

In American political theory, governments are humanly created institutions to serve human ends. The principles are stated in the Declaration of Independence: first, that the purpose of democratic government is to secure the rights of life, liberty, and the pursuit of happiness for all citizens; second, that the powers of government are derived from the consent of the governed.

Governments in the United States—local, state, and federal—must therefore be cognizant of the needs of citizens and take appropriate action if they are to command continuing respect and if their laws are to be obeyed. Disenchantment with governmental institutions and disrespect for law are most prevalent among those who feel they have gained the least from the social order and from the actions of government.

A catalog of the features of American life that push people toward alienation and lawlessness usually emphasizes evils in the private sector: landlords who charge exorbitant rents for substandard housing, the practice of "block-busting" that feeds on racial antagonism to buy cheap and sell dear under inequitable purchase contracts, merchants with unscrupulous credit-buying schemes, employers and unions who discriminate against minorities. But we need also to consider how the institutions of law and government, often inadvertently, contribute to the alienation.

There are few laws and few agencies to protect the consumer from unscrupulous merchants. There are laws for the protection of tenants defining what landlords must provide, but housing inspection agencies have little power and are understaffed; often they can act only in response to complaints and seldom can they force immediate repairs, no matter how desperately needed. Welfare agencies, designed to help the poor, operate under strictures that contribute to the degradation of the poor. As the President recently stated, our welfare system "breaks up families, . . . perpetuates a vicious cycle of dependency . . . [and] strips human beings of their decency."

If welfare assistance is arbitrarily cut off, if a landlord flagrantly ignores housing codes, if a merchant demands payment under an unfair contract, the poor—like the rich—can go to court. Whether they find satisfaction there is another matter. The dockets of many lower courts are overcrowded, and cases are handled in assembly-line fashion, often by inexperienced or incompetent personnel. Too frequently courts having jurisdiction over landlord-tenant and small claims disputes serve the poor less well than their creditors; they tend to enforce printed-form contracts, without careful examination of the equality of the contracts or the good faith of the landlords and merchants who prepare them.

The poor are discouraged from initiating civil actions against their exploiters. Litigation is expensive; so are experienced lawyers. Private legal aid societies have long struggled to provide legal assistance to the poor, but their resources have been miniscule in comparison to the vast need for their services.

Some of this is changing. The President has recently proposed reforms in the welfare system designed to preserve family structures, sustain personal dignity, eliminate unfairness and preserve incentives to work. Private groups and new government programs are beginning to respond to the legal needs of the poor. In 1968 the Legal Services Program of the Office of Economic Opportunity handled almost 800,000 cases for the poor and won a majority of the trials and appeals. In test cases the OEO lawyers won new standards of fair treatment of the poor from welfare agencies, landlords, inspectors, urban renewal authorities, and others. They were assisted in their work by VISTA volunteers with legal training and Reginald Heber Smith Fellows, law school graduates with OEO Legal Services Program lawyers, 700 VISTA lawyers, and 250 Smith Fellows, together with 2,000 legal aid attorneys, are still only a small beginning in the long-range task of assuming justice for the poor. Many more attorneys are needed. Indeed, the entire bar must also assume a larger share of the responsibility, as many younger lawyers and law firms are now beginning to do.

In recent years the legal profession has contributed an increasing portion of its time to aiding the poor and this trend will undoubtedly continue despite the financial problems involved.

We recommend that federal and state governments take additional steps to encourage lawyers to devote professional services to meeting the legal needs of the poor.

Specifically, we recommend that:

1. The Legal Services Program of the Office of Economic Opportunity, which already has won the strong support of the organized bar and the enthusiasm of graduating law students across the country, should be continued and expanded. The more recently started VISTA lawyers program and the Smith fellowships program should also be enlarged. Experiments should be encouraged with new programs to provide trained attorneys to deal with particular types of legal problems faced by the poor, such as welfare rights and consumer protection. The independence of all government-supported programs providing legal services to the poor should be safeguarded against governmental intrusion into the selection of the types of cases government-financed lawyers can bring on behalf of their indigent clients. The relationship between lawyer and client is as private as that between doctor and patient, and the fact of poverty must not be the basis for destroying this privacy.

2. All states should provide compensation to attorneys appointed to represent indigent criminal defendants in the state and local courts. A state may wish to provide such compensated legal assistance through the use of paid Public Defender staff lawyers, or it may choose to compensate private court-appointed attorneys at a specific rate, on the model of the Federal Criminal Justice Act.

3. The federal government and the states should provide adequate compensation for lawyers who act in behalf of the poor in civil cases. Payment—either full or partial depending on the client's ability to pay—could be made on the basis of certificates issued by the court as to the need of the client and (in suits for plaintiffs) the good faith of the action. Other appropriate safeguards could be introduced to be administered by the courts with the assistance of the local bar associations. Some federal funding for the state court programs might also be required.

The institution of government that is the most constant presence in the life of the poor is the police department. Crime rates are high in the urban slums and ghettos, and the police are needed continually. As they do their job, the police carry not only the burden of the law but also the symbolic burden of all government; it is regrettable, yet not surprising, that particularly the tensions and frustrations of the poor and the black come to focus on the police. The antagonism is frequently mutual. Racial prejudice in police departments of major cities has been noted by reliable observers.[1] Prejudice compromises police performance. Policemen who systematically ignore many crimes committed in the ghetto, who handle ghetto citizens roughly,[2] who abuse the rights of these citizens, contribute substantially to disaffection with government and disrespect for law.

Our laws provide for civil and criminal sanctions against illegal police conduct, but these are rarely effective. The so-called exclusionary rule also has some deterrent effect; it prevents use of illegally obtained evidence in trials, but this does not affect unlawful searches and seizures or other police activities that do not result in arrest and trial. A citizen can take his complaint of misconduct directly to the police department. Every major police department has formal machinery for handling citizen complaints and for disciplining misbehaving officers. But for a variety of reasons, including inadequate investigative and hearing procedures and light punishments for offenses, this internal process of review is largely unsatisfactory.

Even if all the compromising practices were eliminated, however, it is doubtful whether internal review boards could engender widespread trust—simply because they are internally administered. New York, Philadelphia, Washington and Rochester are among the few large American cities to have experimented with an external review board composed primarily of civilians. In the four months that New York City had a civilian review board, more than twice as many complaints were processed than during the preceding twelve months by the police department's own board. These experiments have fallen victim to organized opposition, however, most vocally from the police themselves. The police argue that civilian review lowers police morale, undermines respect of lower echelon officers for their superiors, and inhibits proper police discretion by inducing fear of retaliatory action by the board. The police also resent being singled out among all local governmental officials for civilian review.

The resentment is understandable. The police are not the only public servants who sometimes fall short of their duties or overstep their powers, who act arbitrarily or unjustly. If an independent agency is to exist for handling citizen grievances, it should be open to complaints concerning every governmental office: the welfare agency, the health department, the housing bureau, the sanitation department, as well as the police.

Independent citizens' grievance agencies would be a useful innovation. They could investigate and, where justified, support individual complaints against public servants. They could also perform a broader function—recommend policy changes to governmental institutions that will make them more responsive to public needs. By encouraging and goading governmental institutions to greater responsiveness, and by vindicating them against unfounded complaints, these grievance agencies could strengthen public respect for the institutions of government and thus strengthen the social order.

Both the President's Commission on Law Enforcement and Administration of Justice (Crime Commission) and the National Advisory Commission on Civil Disorders (Kerner Commission) recommended that local jurisdictions establish adequate mechanisms for processing citizen grievances about the conduct of public officials. That recommendation has not received the attention or the response it deserves.

To increase the responsiveness of local governments to the needs and rights of their citizens, we recommend that the federal government allocate seed money to a limited number of state and local jurisdictions demonstrating an interest in establishing citizens' grievance agencies.

Because of the novelty of this function in American government, the allocating federal agency should encourage diversity in the arrangements and powers of the grievance agencies in the experimenting states and cities, should provide for continuing evaluation of the effectiveness of the differing schemes, and should publicize these evaluations among all state and local jurisdictions so that each can decide the arrangement best suited for itself. Consideration should also be given to the creation of a federal citizens' grievance agency to act on complaints against federal employees and departments. The federal agency could also serve as an experimental model for similar agencies in the cities.

We have supported this recommendation upon evidence that the poor experience special frustrations in their relationships with the government and that these frustrations breed disrespect for law. To undergird that support we add the obvious notation that the poor are not the only ones who feel that government is unresponsive to their needs. The alienation of "the forgotten American," living above the poverty line but below affluence, is also genuine and a matter for compassionate concern.

Law-abiding, patriotic, a firm believer in traditional American values, "the forgotten American" is angered and distrustful about the same institutions of government—except for the police—that alienate the poor. Some extremists prey upon his frustration and alienation by promising simplistic solutions and pointing at scapegoats—usually Negroes. The festering and sometimes violent antagonisms between lower-middle-class whites and poor blacks have their ironic side, for the two groups share many needs: better jobs, better schools, better police protection, better recreation facilities, better public services. Together they could accomplish more than they can apart. Citizens' grievance agencies could provide a modest but important start toward the reconciliation of antagonisms and the restoration of respect for the institutions of government among all citizens.

While we strongly urge innovative devices such as citizens' grievance agencies, we must not ignore the strengthening of such time-honored mechanisms of popular government as the right and the duty to vote. Extension and vigorous enforcement of the 1965 Voting Rights Act, and intensified efforts to persuade all qualified citizens to vote, remain the most direct method for citizens to shape the quality and direction of their government. Equally important as creating new citizens' grievance agencies is the continuing effort to develop more effective voter education and registration programs.

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[1] *E.g.,* Donald J. Black and Albert J. Reiss, Jr.: "Patterns of Behavior in Police and Citizen Transactions," *Studies in Crime and Law Enforcement in Major Metropolitan Areas,* Field Survey III, Vol. 1, a Report of a Research Study Submitted to the President's Commisison on Law Enforcement and Administration of Justice (Washington, D.C.: Government Printing Office, 1967).

[2] In a survey conducted by this Commission most white Americans disagreed with the statement: "The police frequently use more force than they need to when carrying out their duties." But a majority of Negro respondents agreed with the statement, as did a third of the lower-income people and 40 percent of the metropolitan city dwellers. In many of our recent urban disturbances, the triggering event was an arrest or other police encounter that appeared to bystanders to be unfair.

III

Our society has commissioned its police to patrol the streets, prevent crime, and arrest suspected criminals. It has established courts to conduct trials of accused offenders and sentence those who are found guilty. It has created a correctional process consisting of prisons to punish convicted persons and programs to rehabilitate and supervise them so that they can become useful citizens. It is commonly assumed that these three components—law enforcement (police, sheriffs, marshals), the judicial process (judges, prosecutors, defense lawyers) and corrections (prison officials, probation and parole officers)—add up to a "system" of criminal justice.

As system implies some unity of purpose and organized interrelationship among component parts. In the typical American city and state, and under federal jurisdiction as well, no such relationship exists. There is, instead, a reasonably well-defined criminal *process*, a continuum through which each accused offender may pass; from the hands of the police, to the jurisdiction of the courts, behind the walls of a prison, then back onto the street. The inefficiency, fallout and failure of purpose during this process is notorious.

According to the 1967 report of the President's Crime Commission, half of all major crimes are never reported to the police.[3] Of those which are, fewer than one-quarter are "cleared" by arrest. Nearly half of these arrests result in the dismissal of charges. Of the balance, well over 90 percent are resolved by a plea of guilty. The proportion of cases which actually go to trial is thus very small, representing less than one percent of all crimes committed. About one quarter of those convicted are confined in penal institutions; the balance are released under probation supervision. Nearly everyone who goes to prison is eventually released, often under parole supervision. Between one-half and two-thirds of all those released are sooner or later arrested and convicted again, thereby joining the population of repeater criminals we call recidivists.

Nearly every official and agency participating in the criminal process is frustrated by some aspect of its ineffectiveness, its unfairness or both. At the same time, nearly every participant group itself is the target of criticism by others in the process.

Upon reflection, this is not surprising. Each participant sees the commission of crime and the procedures of justice from a different perspective. His daily experience and his set of values as to what effectiveness and fairness require are therefore likely to be different. As a result, the mission and priorities of a system of criminal justice are defined differently by a policeman, a prosecutor, a defense attorney, a trial judge, a correctional administrator, an appellate tribunal, a slum dweller and resident of the suburbs.

For example: The police see crime in the raw. They are exposed firsthand to the agony of victims, the danger of streets, the violence of lawbreakers. A major task of the police officer is to track down and arrest persons who have committed serious crimes. It is discouraging indeed for such an officer to see courts promptly release defendants on bail and permit them to remain free for extended periods before trial, or prosecutors reduce charges in order to induce pleas of guilty to lesser offenses, or judges exclude incriminating evidence, or parole officers accept supervision of released prisoners but check on them only a few minutes each month.

Yet the police themselves are often seen by others as contributing to the failure of the system. They are charged with ineptness, discourtesy, dishonesty, brutality, sleeping on duty, illegal searches. They are attacked by large segments of the community as being insensitive to the feelings and needs of the citizens they are employed to serve.

Trial judges tend to see crime from a more objective position. They see facts and two sides to each issue. They may sit long hours on the bench in an effort to adjudicate cases with dignity and dispatch, only to find counsel unprepared, or weak cases presented, or witnesses missing, or warrants unserved, or bail restrictions unenforced, or occasional juries bringing in arbitrary verdicts. They find sentencing to be the most difficult of their tasks, yet presentence information is scanty and dispositional alternatives are all to often thwarted by the unavailability of adequate facilities.

Yet criminal courts themselves are often poorly managed and severely criticized. They are seriously backlogged; in many of our major cities the average delay between arrest and trial is close to a year. All too many judges are perceived as being inconsiderate of waiting parties, police officers and citizen witnesses. Too often lower criminal courts tend to be operated more like turnstiles than tribunals. In some jurisdictions, many able jurists complain that some of their most senior colleagues refuse to consider or adopt new administrative and managerial systems which would improve significantly the quality of justice and the efficiency of the court and which would also shorten the time from arrest to trial.

Corrections officials enter the crime picture long after the offense and deal only with convicted persons. Their job is to maintain secure custody and design programs which prepare individual prisoners for a successful return to society. They are discouraged when they encounter convicted persons whose sentences are either inadequate or excessive. They are frustrated by legislatures which curtail the flexibility of sentences and which fail to appropriate necessary funds. They are dismayed at police officers who harass parolees, or at a community which fails to provide jobs or halfway houses for ex-offenders.

Yet, with a few significant exceptions, the prisons and correctional facilities operate in isolation and reject public scrutiny. Programs of rehabilitation are shallow and dominated by greater concern for punishment and custody than for correction. Prison inmate work assignments usually bear little relationship to employment opportunities outside. Internal supervision is often inadequate, and placed in the hands of inmates. Thus correctional administrators are often said to be presiding over schools in crime.

While speaking of prisons, it should be noted that jails—institutions for detaining accused persons before and during trial and for short misdemeanor sentences—are often the most appalling shame in the criminal justice system. Many are notoriously ill-managed and poorly staffed. Scandalous conditions have been repeatedly reported in jails in major metropolitan areas. Even more than the prisons, the jails have been indicted as crime breeding institutions. Cities are full of people who have been arrested but not convicted, and who nevertheless serve time in facilities worse, in terms of overcrowding and deterioration, than the prisons to which convicted offenders are sentenced. Accused first offenders are mixed indiscriminately with hardened recidivists. In most cases, the opportunities for recreation, job training or treatment of a nonpunitive character are almost nil. These deficiencies of jails might be less significant if arrested persons were detained for only a day or two, but many unable to post bail or meet other conditions of release are held in jail for many months because the other components or the legal system do not provide for speedy trials.

In the mosaic of discontent which pervades the criminal process, public officials and institutions, bound together with private persons in the cause of reducing crime, each sees his own special mission being undercut by the cross-purposes, frailties or malfunctions of others. As they find their places along the spectrum between the intense concern with victims at one end, and total preoccupation with reforming convicted lawbreakers at the other, so do they find their daily perceptions of justice varying or in conflict.

These conflicts in turn are intensified by the fact that each part of the criminal process in most cities is overloaded and undermanned, and most of its personnel underpaid and inadequately trained. Too little attention has been paid to the Crime Commission's finding that the entire criminal justice system—federal, state and local, including all police, all courts and all corrections—is underfinanced, receiving less than two percent of all government expenditures. On this entire system, we spend less each year than we do on federal agricultural programs and little more than we do on the space program.

Under such circumstances it is hardly surprising to find in most cities not a smooth functioning "system" of criminal justice but a fragmented and often hostile amalgamation of criminal justice agencies. Obvious mechanisms for introducing some sense of harmony into the system are not utilized. Judges, police administrators and prison officials hardly ever confer on common problems. Sentencing institutes and familiarization prison visits for judges are the exception rather than the rule. Usually neither prosecutors nor defense attorneys receive training in corrections upon which to base intelligent sentencing recommendations.

Nearly every part of the criminal process is run with public funds by persons employed as officers of justice to serve the same community. Yet every agency in the criminal process in a sense competes with every other in the quest for tax dollars. Isolation or antagonism rather than mutual support tends to characterize their intertwined operations. And even when cooperative efforts develop, the press usually features the friction, and often aggravates it.

One might expect the field to be flooded with systems analysts, management consultants and publicly-imposed measures of organization and administration in order to introduce order and coordination into this criminal justice chaos. It is not. A recognized profession of criminal justice system administrator does not exist today.

In fact, most of the criminal justice subsystems are also poorly run. For example, court administrators are rare, and court management by trained professionals is a concept that is taking hold very slowly. The bail "system," which should involve coordination among at least a half dozen agencies, is presided over by no one. Few cities have neutral bail agencies to furnish bail-setting magistrates with reliable background data on defendants. In making their bail recommendations prosecutors usually ignore community ties and factors other than the criminal charge and the accused's criminal record. Defense lawyers infrequently explore nonmonetary release conditions in cases involving impecunious clients. Detention reports on persons held long periods in jail prior to trial are rarely acted on by courts, and bail review for detainees is seldom requested. Enforcement of bail restrictions and forfeitures of bond for bail-jumpers are unusual. Bail bondsmen go unregulated.[4]

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[3] "The Challenge of Crime In a Free Society," pp. 20–22 (U.S. Govt. Printing Office, Washington; 1967). Major crimes are homicide, rape, robbery, aggravated assault, burglary, larceny over $50 and motor vehicle theft.

Effective police administration is hard to find. The great majority of police agencies are headed by chiefs who started as patrolmen and whose training in modern management techniques, finance, personnel, communications and community relations is limited. Lateral entry of police administrators from other departments or outside sources such as military veterans is usually prohibited by antiquated Civil Service concepts.

Apart from lack of leadership, the process of crime control in most cities lacks any central collection and analysis of criminal justice information. It has no focal point for formulating a cohesive crime budget based on system needs rather than individual agency requests. It has no mechanism for planning, initiating or evaluating systemwide programs, or for setting priorities. It has no specialized staff to keep the mayor or other head of government regularly informed of the problems and progress of public safety and justice. Crime receives high-level attention only as a short-term reaction to crisis.

Nor does the criminal justice process function in coordination with the more affirmative social programs for improving individual lives. For example, a major goal of an offender's contact with the criminal process is said to be corrective—rehabilitation followed by reintegration into the community, with enhanced respect for law. Yet the opposite is often true: the typical prison experience is degrading, conviction records create a lasting stigma, decent job opportunities upon release are rare, voting rights are abridged, military service options are curtailed, family life disruptions are likely to be serious, and the outlook of most exconvicts is bleak. The hope of the community that released offenders have been "corrected" is defeated by outdated laws and community responses.

Experienced judges have resorted increasingly in recent years to various forms of postconviction probation. They have done so after weighing the possibilities for rehabilitation if the offender is so released against the usually disastrous prognosis which would accompany his incarceration. It is a painful choice, little understood by the public. But the decision to seek correction of an offender in the community reflects not a compassionate attitude towards law-breakers, but a hardheaded recognition, based on data, that long term public safety has a better chance of being protected thereby.

The bleak picture of criminal justice we have painted is not without its bright spots. Within the past few years, scattered about the country, innovations have been introduced, new leadership has emerged, modern facilities have appeared, and systems analysis has been undertaken.[5] The impact has to date been small, but hopes have been raised. States here and cities there have demonstrated that someting can be done to improve crime control with justice. The question is whether these incidents will initiate a national trend or will disappear as isolated sparks doused by the rain.

IV

The administration of criminal justice is primarily a state and local responsibility. The grave deficiencies we have noted reflect the fact that our states and cities lack both the resources to make a substantial investment in physical improvements, personnel, and research, and the management techniques to operate the system efficiently. Acting on the findings and recommendations of the Crime Commission, the federal government in recent years has sought to make additional resources available.

In the Omnibus Crime Control and Safe Streets Act of 1968, the Congress created the Law Enforcement Assistance Administration, for the purpose of making grants for law enforcement planning and operation to the states, and its subsidiary, the National Institute of Law Enforcement and Criminal Justice, to encourage research and development in the field of law enforcement. In another 1968 enactment, Congress also authorized the Department of Health, Education, and Welfare to carry on comparable activities in the field of juvenile delinquency and youth opportunity. Both of these programs, however, have only a modest degree of funding fiscal 1970 appropriation requests for law enforcement are less than $300 million—a sum which, together with matching state funds, would increase the nation's expenditures in that field by less than 10 percent. About $15 million is being requested for the youth programs.

This nation is justifiably concerned about the increased rate of crime and about the conditions that give rise to crime, including our inadequate system of criminal justice.

In this Commission's judgment, we should give concrete expression to our concern about crime by a solemn national commitment to double our investment in the administration of justice and the prevention of crime, as rapidily as such an investment can be wisely planned and utilized.

When the doubling point is reached, this investment would cost the nation an additional five billion dollars per year—less than three-quarters of one percent of its national income and less than two percent of its tax revenues. Our total expenditure would still be less than 15% of what we spend on our armed forces. Surely this is a modest price to pay to "establish justice" and "insure domestic tranquility" in this complex and volatile age.

Given the realities of state and local financial resources, the federal government will have to take the lead in making this commitment, and in providing most of the required funds under the matchnig grant formulas already contained in the 1968 statutes. The federal commitment should be made in a manner that will convince the states, cities and the public that they can rely on the seriousness and continuity of the undertaking, and that they can invest matching funds of their own without fear that the federal portion may be curtailed midway in the program.

Congress has available a variety of tested methods for making meaningful long-term commitments along these lines. These include:

(a) Amending the 1968 statutes to authorize the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare to enter into long-term contracts with state and local agencies, committing the federal government to expenditures for the capital and operating costs of specified projects over a period of up to 10 years. Actual disbursements would be subject to annual appropriation measures.

(b) Amending the 1968 statutes to authorize the issuance of federal guarantees long-term bonds issused by state and local agencies to cover capital costs of the construction of new facilities and obtaining major items of new equipment (e.g., communications systems), with an underlying contract under which annual contributions in a predetermined amount would be made by the federal government toward payment of interest and amortization of principal on the boards. Actual expenditures would be subject to annual appropriation measures, but the credit of the United Sttaes would stand behind the bonds. The Public Housing program is financed in this manner.

(c) Multi-year appropriation measures, such as those that have been made for urban renewal, federal construction projects, defense contracting and similar purposes.

Money alone will not secure crime reduction, however. Wealthy states and localities which have limited their activity merely to expending more funds have become no more noticeably crime-free than jurisdictions which have not. Similarly, a substantial portion of the Crime Commission's proposals in 1967 are remarkably similar to those urged by the Wickersham Commission established by President Hoover 37 years earlier—yet despite that Commission's equally impressive documentation, conservatism and presidential prestige, little follow-through occurred. Experience with crime commissions at the state and local levels shows similar results.

This pattern suggests the existence of substantial built-in obstacles to change. It suggests that unless much more attention is given to the inability and unwillingness of present crime control systems to effectuate reform, new money may go down old drains. Vexing problems of politics, organization and leadership underlie the maintenance of the status quo and need to be faced directly.

In the search for more effective ways of carrying out crime commission recommendations, we have noted two promising but comparatively untried strategies based on recent experiments on the frontiers of criminal justice; these are:

(1) a program to coordinate criminal justice and related agencies more effectively by establishing central criminal justice offices in major metropolitan areas; and

(2) a program to develop private citizen participation as an integral operating component, rather than a conversational adjunct, of criminal reform.

The two innovations complement one another; the success of citizen participation will in many ways be dependent on the establishment of a central criminal justice office, and vice versa.

The Criminal Justice Office

The pervasive fragmentation of police, court and correctional agencies suggests that some catalyst is needed to bring them together. An assumption that parallel and overlapping public agencies will cooperate efficiently can no longer suffice as a substitute for deliberate action to make it happen in real life.

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[4] The Report of the Commission's Task Force on Law and Law Enforcement contains a study of our bail system and recent proposals for "preventive detention" of persons arrested for serious crimes who, in the judgment of the court on a preliminary hearing, are deemed likely to commit a serious crime if released on bail while awaiting trial. The Commission agrees with the conclusion of the American Bar Association in approving the Report of the Special Committee on Minimum Standards for the Administration of Criminal Justice that "because of the drastic effects of preventive detention, the difficulties inherent in predicting future criminality and the unresolved constitutional issues," preventive detention should not be adopted. While there is a very real public interest in preventing criminal activity by released persons awaiting trial, this interest would be better served by reforming the criminal justice system to expedite trials than by adding the additional burden of a preliminary trial to predict the likelihood of future criminality. (It should be noted that even at present some crimes, such as first degree murder, are not bailable.)

[5] For example, the new Federal Judicial Center under the leadership of retired Supreme Court Justice Tom Clark has initiated several innovative administrative and managerial projects which offer great promise for reduction of court backlogs and the shortening of time periods to trial. It is reported that one project in the U.S. District Court for the District of Columbia resulted in the judges reducing the criminal docket in a recent two-week period more than they had in the entire prior year. Another example of important work being done is the courses of instruction for District Attorneys being given by the National College of District Attorneys.

Periodic crime commissions—which study these agencies, file reports and then disappear—are valuable, but they are much too transient and non-operational for this coordinating role. A law enforcement council—consisting of chief judges and agency heads who meet periodically—is usually little more than another committee of overcommitted officials.

A full-time criminal justice office is basic to the formation of a criminal justice system. Its optimum form, i.e., line or staff, and its location in the bureaucracy, need to be developed through experimentation.

The function could be vested in a criminal justice assistant to the mayor or county executive, with staff relationships to executive agencies, and liaison with the courts and the community. Alternatively, it could operate as a ministry of justice and be given line authority under the direction of a high ranking official of local government (e.g., Director of Public Safety or Criminal Justice Administrator), to whom local police, prosecutor, defender and correctional agencies would be responsive. (Special kinds of administrative ties to the courts would be evolved to avoid undermining the essential independence of the judiciary.) A third alternative might take the form of a well-staffed secretariat to a council composed of heads of public agencies, courts and private interests concerned with crime. To avoid the ineffectiveness of committees, however, either the chairman of the council or its executive director would have to be given a good measure of operating authority.

Whatever its form, the basic purposes of the criminal justice office would be to do continuing planning, to assure effective processing of cases, and to develop better functioning relationships among the criminal justice subsystems and with public and private agencies outside the criminal justice system. For example:

It would develop a system of budgeting for crime control which takes account of the interrelated needs and imbalances among individual agencies and jurisdictions.

It would initiate a criminal justice information system which would include not simply crime reports (as is typical today), but arrests, reduction of charges, convictions, sentences, recidivism, court backlog, detention populations, crime prevention measures, and other data essential to an informed process.

It would perform or sponsor systems analyses and periodic evaluations of agency programs, and encourage innovations and pilot projects which might not otherwise have a chance in a tradition-oriented system.

It would perform a mediating and liaison role in respect to the many functions of the criminal process involving more than one element of the system, e.g., to develop programs for the reduction of police waiting time in court, to improve pretrial release information and control, to enlist prosecutors and defense attorneys in cooperative efforts to expedite trials, to bring correctional inputs to bear on initial decisions whether to prosecute, to improve relations between criminal justice agencies and the community.

It would also perform the vital but neglected function of coordinating the criminal justice agencies with programs and organizations devoted to improving individual lives—e.g., hospitals, mental health, organizations, welfare and vocational rehabilitation agencies, youth organizations and other public and private groups.

It would develop minimum standards of performance, new incentive and exchange programs for police, court attaches and correctional personnel.

The comprehensive grasp of the system by an experienced criminal justice staff would facilitate informed executive, judicial and legislative judgments on priorities. It would help decide, for example, whether the new budget should cover:

A modern diagnostic and detention center to replace the jail, or an increase of comparable cost in the size of the police force;

Additional judges and prosecutors, or a prior management survey of the courts;

A computerized information system or a new facility for juveniles;

New courtrooms or new halfway houses.

For a full-time well-staffed criminal justice office to be successful, it must achieve a balanced perspective within its own ranks on the problems of public safety and justice. Practical experience in law enforcement, in the protection of individual rights, and in the efficiency and effectiveness of programs must be represented, as must the interests of the community. Such representation can be provided through an advisory board to the criminal justice office and through involvement of relevant persons in task force efforts to attack particular problems. Broad-based support of the office is quite important.

The transition from today's condition to a well-run system will not be easy. Especially troublesome is the fact that the criminal justice process does not operate within neat political boundaries. Police departments are usually part of the city government; but county and state police and sheriffs usually operate in the same or adjacent areas. Judges are sometimes appointed, sometimes elected, and different courts are answerable to local, county and state constituencies. Correctional functions are a conglomerate of local and county jails, and county and state prisons. Prosecutors may be appointed or elected from all three levels of government. Defense lawyers usually come from the private sector but are increasingly being augmented by public defender agencies. Probation systems are sometimes administered by the courts, sometimes by an executive agency.

If this confusing pattern makes the creation, location, staffing and political viability of a criminal justice office difficult, it also symbolizes why little semblance of a system exists today and why criminal justice offices are so badly needed in our major metropolitan areas.

To encourage the development of criminal justice offices, we recommend that the Law Enforcement Assistance Administration and the state planning agencies created pursuant to the Omnibus Crime Control and Safe Streets Act take the lead in initiating plans for the creation and staffing of offices of criminal justice in the nation's major metropolitan areas.

The creation of criminal justice offices will require the active participation and cooperation of all the various agencies in the criminal justice process and of officials at many levels of state and local government. Helpful insights in establishing the first such offices may be derived from the experience of some of the state law enforcement planning agencies (e.g., Massachusetts) now making efforts in this direction, from the criminal justice coordinating role developed by the Mayor's office in New York over the past two years, and from the experience of the Office of Criminal Justice established in the Department of Justice in 1964.

Private Citizen Involvement

Government programs for the control of crime will be most effective if informed private citizens, playing a variety of roles, participate in the prevention, detection and prosecution of crime, the fair administration of justice, and the restoration of offenders to the community. New citizen-based mechanisms are needed at the local and national levels to spearhead greater participation by individuals and groups.

In recent years, an increasing number of citizen volunteer programs have become allied with one or another phase of the criminal justice process. These are in addition to long-standing efforts of organizations like the Big Brother movement and Boys' Clubs. Remarkable have been certain programs utilizing citizen volunteers for probation supervision and guidance of juvenile and misdemeanor offenders.[6]

Perhaps the most successful of private organizations in attacking the broad range of crime control problems through a public-private partnership is New York City's Vera Institute of Justice.[7] Its unique role in cooperation with the mayor's office, the police, the courts, and the correctional system has developed over eight years. Its nonbureaucratic approach has permitted it to test new programs, through experiments and pilot projects, in a way no public agency would likely find successful. Its core funding is entirely private; its individual project financing comes from federal, state, and private sources.

Vera has achieved a number of concrete successes. Its Manhattan Bail Project resulted in bail reforms so successful in New York City that they became the basis of the Federal Bail Reform Act of 1966. Its summons project proved the practicability of permitting the police to issue station house citations for minor offenses, sparing both police and citizens the time-consuming process of arraignment and similar pre-trial court procedures.

There are a number of reasons why private organizations such as Vera can be successful where a public agency cannot. Because municipal agencies are chronically understaffed and underfinanced, they are unable to divert resources for experimental purposes except in the most limited manner. Private organizations do not pose threats to existing agencies and carry no residue of past misunderstandings. They can intercede with a city's power structure without being bound by chains of command. They can test programs through a pilot project carried out on a small scale, which can be easily dismantled if it proves unsuccessful. If it proves effective, it can be taken over as a permanent operation by the public agency and the private group can move on to a new area.

In the broader field of improving urban society, citizens' organizations have launched programs in a number of major cities to stimulate both public and private efforts to improve housing, schools, and job opportunities for the urban poor, to identify and treat the juvenile offender, and to improve relations between the police and the residents of the inner city.[8] These efforts are of vital importance, because improvements in the criminal justice machinery, isolated from improvements in the quality of life, e.g., education, housing, employment, health, environment, will merely return convicted offenders to the hopelessness from which they came.

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[6] Example programs in this area include those outlined by the Project Misdemeant Foundation, Royal Oak, Michigan, and the Juvenile Court of Boulder, Colorado.

[7] The Vera Institute was founded in 1961 by industrialist Louis Schweitzer and named for his mother. Until 1966, it was funded entirely by the Schweitzer family. In 1966, in order to expand and start special projects, Vera was given a 5-year grant from the Ford Foundation, and since then it has also received other federal, state and private grants earmarked for special projects. Herbert Sturz has been the Director of the Institute since 1961.

[8] Among the leading national organizations working in these fields are the League of Women Voters, the Urban League, the American Friends Service Committee, the National Council on Crime and Delinquency, the Lawyers Committee for Civil Rights Under Law, the Urban Coalition, and the Legal Defense Fund of the N.A.A.C.P.

The successes of such groups have demonstrated that public institutions are receptive to changes proposed by private organizations. Organizations such as these should receive maximum encouragement and every effort should be made to extend their influence on the broadest scale. Of particular importance is the potential supporting role which private groups can have in relation to the new offices of criminal justice we have recommended.

We urge the creation and continued support—including private and public funding—of private citizens' organizations to work as counterparts of the proposed offices of criminal justice in every major city in the nation.

A catalyst is needed at the national level to help in the formation of such local citizen groups.

We therefore recommend that the President call upon leading private citizens to create a National Citizens Justice Center.

A similar presidential initiative led to the formation in 1963 of the Lawyers Committee for Civil Rights Under Law, a private group which has enlisted the organized Bar in the effort to make civil rights into a working reality.

The membership of the Center could be drawn from many sources, such as the National Council on Crime and Delinquency, the American Bar Association, and the members, staffs and consultants of the four federal commissions which recently studied the problems of crime, violence and social disorder—the President's Commission on Crime in the District of Columbia, the President's Commission on Law Enforcement and the Administration of Justice, the National Advisory Commission on Civil Disorders, and this Commission.

The Center would supplement rather than duplicate the promising and important work of existing private entities. Following the successful precedent of Vera, the Center would concentrate on the various aspects of the criminal justice system, from crime prevention and arrest to trial and correction, including the specialized treatment of actual and potential juvenile offenders. We would expect it to receive financial support from foundations, business and labor sources, as well as from the legal profession.

The Center would help to form and support local private counterparts of Vera in our major urban areas, to work alongside local governmental agencies on specific operating and administrative problems. It would act as a clearing house for transmitting news of successful innovative procedures developed in one city to the attention of agencies faced with similar problems in another. It would cross-fertilize new approaches, and provide continuing public education about the complexity of crime prevention and the treatment of offenders. It would offer workable answers to the persistent citizen question—what can I do to help? Not least important, it might lessen the future need for *ad hoc* Presidential commissions in this field, by assuring greater use of the findings and recommendations of the many commissions that have gone before.

V

The levels of funding and the various public and private mechanisms we have suggested could go a long way toward organizing our criminal justice agencies into an effective system; our recommendations of additional legal services for the poor and new citizens' grievance agencies could do much to strengthen respect for legal processes and for the institutions of government.

The injection of federal funds into state crime control programs in 1968 was an important step, and the Law Enforcement Assistance Administration is doing a commendable job with limited resources. Much more money must be provided, and must be injected into research, development and pilot projects, if the outdated techniques of yesterday are to be converted into an effective criminal justice system tomorrow.

Until more funds are committed, and until staffed organizations—public and private—are developed to assure wise investment and monitoring of new funds, the control of violent crime will be a campaign fought with bold words and symbolic gestures, but no real hope of success. The mobilization of private and public resources toward an ordered society—one in which the rights of all citizens to life, to liberty, to the pursuit of happiness are safeguarded by our governing institutions—deserves a high priority for the decade of the 1970's.

WARNINGS ON THE ECONOMIC HORIZON

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CONABLE. Mr. Speaker, there is more than usual interest in economic indicators these days as we endeavor to bring the present unacceptable inflation under control while maintaining a high level of economic activity. Two noted economists in our Government, Dr. Geoffrey H. Moore, U.S. Commissioner of Labor Statistics, and Julius Shiskin, Assistant Director of the Census Bureau, recently published in the Rutgers Alumni magazine their current views of the indicators in an article entitled, "Warnings on the Economic Horizon." The authors studied at Rutgers under Dr. Arthur F. Burns, now counselor to the President. I include this pertinent article in the Record:

Leading Indicators: Warnings on the Economic Horizon

(By Geoffrey H. Moore 1933 and Julius Shiskin 1934)

What are economic indicators, how are they selected, and how can they be used? In this article we describe the U.S. indicators and discuss some of the recent developments that help make them a useful forecasting tool.

The most familiar type of indicator, the coincident, measures current economic performance. Gross national product, industrial production, personal income, employment, unemployment, wholesale prices and retail sales are examples. Comprehensive in coverage, these indicators all show how well the economy is faring in certain important respects. Their movements coincide roughly with, and indeed provide a measure of, aggregate economic activity. They tell us whether the economy is currently experiencing a recession or a slowdown, a boom or an inflation.

In view of the great impact that economic developments have upon our daily lives and upon long-term economic progress, there is also an intense interest in types of economic indicators that signal in advance a change in the basic pattern of economic performance. Examples are new orders for durable goods, construction contracts, formation of new business enterprises, hiring rates and hours of work. These indicators move ahead of turns in the business cycle for various reasons, foremost among them being that decisions to expand or curtail output take time to work out their effects, while the factors that influence these decisions also take time to produce their influences. The early warning signals provided by such leading indicators help to make it possible to forecast short-term trends in the coincident series, and to take timely steps to avert, or at least to moderate, unfavorable economic trends.

Leading indicators are used more and more widely by business, government and academic economists in analyzing and forecasting, business conditions. In a recent survey by the American Statistical Association, 261 forecasters were asked what principal methods they used, and 103 checked "lead indicators." One of the sources on which they depend for current information is Business Conditions Digest (BCD), a monthly publication of the U.S. Department of Commerce which charts leading and other indicators. The use of leading indicators has spread to individual states and to foreign countries. New Jersey is one of several states issuing monthly reports on the current position of leading indicators for the state. The Canadian and Japanese governments both have developed reports similar to BCD, and studies of leading indicators have been made for Great Britain, Germany, France, Italy and Australia. As a result of this widening interest one is more and more likely to read in newspapers, magazines and business advisory services about developments in the leading indicators.

Still another type of indicator is described as lagging. The fluctuations of these indicators follow, rather than lead, those of the coincident indicators. Examples are labor cost per unit of output, longterm unemployment and the yield on mortgage loans. Finally, there are important economic activities which have not behaved in a sufficiently consistent manner to be appropriately classified as leading, coincident or lagging, but which are nevertheless relevant to an overall appraisal of the current situation of the economy and prospective trends. Examples are government purchases and receipts, exports and imports, and the consumer price index.

The selection of indicators has been guided by two considerations. First, does the measured process play a significant role in a widely-accepted explanation of short-term economic fluctuations? While the recurrence of successive waves of rapid growth and slower growth of decline in business activity is generally acknowledged, many different explanations of the underlying causes have been advanced. Some economists lay primary stress on the relations between investments in inventory and fixed capital, on the one hand, and final demand, on the other (Keynes, Samuelson). Others assign a central role to the supply of money and credit (Friedman [Milton '32]). Still others look for clues in the relationships among prices, costs, and profits (Mitchell, Burns). All these factors undoubtedly influence the course of business activity, and some may be more important at one time than another, but there is no general agreement on which is the most important. Hence it is prudent to consider a variety of indicators that reflect all these processes.

The second consideration in selecting indicators has been their empirical record. How closely correlated are the fluctuations in a given series with those in aggregate economic activity? How consistent has been the timing record of a given series compared to aggregate economic activity? That is, does it consistently lead, coincide, or lag aggregate economic activity? To the hundreds of economic series from which a list of indicators could be selected, specified criteria have been applied. These pertain to the economic significance of the series, its historical record, and various properties affecting its reliability as a current statistic. In recent years most of the research and testing in this field has been carried on by the National Bureau of Economic Research, a private, nonprofit organization. The Bureau published its first list of indicators in 1938 and subsequently revised the list in 1950, 1960 and 1966. The most recent list appears in a book by the authors of this article, published by the N.B.E.R. in March, 1967, under the title, *Indicators of Business Expansions and Contractions*. Many of these indicators have been used for years in appraising economic conditions, but thirteen were incorporated for the first time in the latest list. Among these new indicators are job openings at U.S. Employment Service offices, delinquency rates on installment loans, export orders for durable goods, and man-hours of nonagricultural employment. Up-to-date figures on these indicators and other related series are published each month in the Bureau of the Census, Department of Commerce publication referred to above, *Business Conditions Digest*.

An understanding of the role of the selected indicators in initiating or reacting to short-term economic fluctuations is aided by the use of two principles of classification in presenting the current list of eighty-eight indicators. First is a grouping by cyclical timing, as explained above, with thirty-six leading, twenty-five coincident and eleven lagging indicators (sixteen are not classifiable by timing). The second type of classification is by economic process, in which series that pertain to different stages or aspects of the same process are grouped together. All series are cross-classified according to these two principles. Thus, the cross-reference system shows, under the employment and unemployment category, five leading series representing marginal employment adjustments such as the hiring rate or work week, eight coincident indicators representing existing job vacancies and comprehensive measures of employment and unemployment, and one lagging indicator representing long-term unemployment. The capital investment category includes ten leading indicators representing the formation of business enterprises and new investment commitments, two coincident indicators representing the backlog of capital investment, and two lagging indicators representing current investment expenditures. Other economic process categories include production, income, consumption and trade; inventories and inventory investment; prices, costs and profits; money and credit; foreign trade and payments; and federal government activity. Altogether they provide a rather comprehensive view of the economic system.

Another innovation of the recent National Bureau publication is a method of assigning a numerical score to each indicator, ranging from zero to 100. The scoring plan covers six major elements: economic significance, statistical adequacy, historical conformity to business cycles, cyclical timing record, smoothness and promptness of publication. When the subheadings under these elements are counted, some twenty different properties of series are rated. The ratings throw into clearer perspective the characteristic behavior and limitations of each indicator, aid in their classification and incidentally suggest ways to improve them for purposes of short-term forecasting (see the accompanying table). For example, the low score of series 31, change in inventories, for smoothness (col. 7) is a warning that sharp erratic movements from month to month are to be expected and that it may take several months to discern a new trend.

A short, substantially unduplicated list of twenty-six principal indicators provides a convenient way of summarizing the current situation and outlook. This list includes twelve leading, eight roughly coincident, and six lagging indicators. The series selected for each of these groups have high scores and cover a broad range of economic processes, as can be seen in the table.

In studying the current economic situation, one can proceed by examining numerous and varied aspects of the economy so as to be sure that all the relevant points are covered, or by examining just a few selected indicators, which make it easy to grasp the overall trends. Most business analysts move back and forth from a detailed examination of many sectors to a broad view of the overall situation, and there is a feedback of information and insight from one view to the other.

The summarization of the large variety of data to highlight business cycle developments involves combining different kinds of economic series. One widely-used aggregate is the gross national product, the total economic output of the nation. But this and most other summary measures are limited to one aspect of economic activity, such as production, prices, employment or income. The indicator scheme just described makes it appropriate to ask whether a broader type of summary, combining both indicators pertaining to different aspects of activity as well as similar short-term timing behavior, can be constructed.

The National Bureau studies make it possible to do this; that is, to combine the indicators in a given class into weighted indexes representative of the class. Thus, series that usually lead in the business cycle can be combined into one index, coincident series into another, and lagging series into a third. Similarly, within the leading group alone, series that represent orders or commitments for capital investment projects can be combined into one index, those representing inventory investment or materials purchasing into a second, and those representing sensitive flows of money or credit into a third.

In the sense that they are not expressed in a common unit such as dollars or tons, the series selected for inclusion in each of the indexes are heterogeneous. However, in the special sense that they measure related aspects of business change, are sensitive to business cycles, and experience similar timing behavior during cyclical fluctuations, they are homogeneous. In this respect some of the best known aggregates are heterogeneous. For example, gross national product includes the change in inventories, a leading indicator; consumption expenditures, a coincident indicator; and investment expenditures, a lagging indicator.

The practice in index number construction is to utilize weights that are directly related to the purpose of the measure being compiled. In construction an index of market output, value-added or value of product weights are used, but where indexes of output are constructed to determine man-hour requirements, man-hour weights are utilized. Similarly, in constructing a forecast of, say, GNP by means of an econometric model, a number of variables expressed in heterogeneous units are weighted by coefficients that, directly or indirectly, express their estimated effect upon GNP. The analogous procedure here is to apply weights based upon the component indicators' value in forecasting or identifying short-term movements in aggregate economic activity. A suitable set of weights is provided by the scores referred to earlier.

The procedure used in constructing the indexes allows for the fact that some indicators, such as new orders, typically move in wide swings while others, such as the average workweek, experience narrow (but nevertheless significant) fluctuations. Each indicator is adjusted in such a way that, apart from its weight, it has the same opportunity to influence the index as any other indicator. The indexes themselves are adjusted in a similar manner, with the result that their swings are of the same order of magnitude on the average (namely, 1.0 percent per month) and can readily be compared. For example, if the most recent monthly increase in an index is 2.0, it is rising twice as fast as its average rate of change in the past; if the increase is 0.5, it is rising only half as fast as the historical average.

The index for the leading group is also subject to a further adjustment, designed to make its long-run trend the same as that of the index of coincident series. The major difference that remains is in cyclical timing, with the leading index typically moving first, the coincident index next, and the lagging index last, as can be seen in the illustrative chart. This chart is currently published in BCD.

It is noteworthy that when the scoring system used to provide weights for the individual indicators is applied to the indexes themselves, the scores earned by the indexes are higher than those for any of the component indicators. In this sense the indexes are a superior form of indicator. But to understand and interpret their movements, close study of the components is essential.

One of the uses to which the leading index can be put is to make explicit forecasts for short periods ahead of GNP, total employment, or other variables. Some tests of a simple method for doing this have been made, with promising results. For instance, when data for the third quarter become available, say in October, the percentage change in GNP (in current dollars) between the current calendar year and the next can be forecast by observing the percentage change in the leading index between the third quarter and the preceding fiscal year. Annual forecasts obtained in this manner compare favorably in accuracy with what most forecasters have been able to achieve. During 1962–68 the average error in the GNP forecasts contained in the Economic Report of the President was 1.3 percentage point, while during this period the leading index method would have produced an average error of about 1.0 percentage point. In 1968 this superiority was not maintained, since the forecast of increase in GNP obtained from the leading index was about six percent, the Economic Report (February, 1968) put it at nearly eight percent, while the actual change will turn out to be close to nine percent. For 1969, the leading index (using data through September, 1968) forecast an increase in GNP in the neighborhood of seven percent, significantly lower than the actual increase in 1968. These forecasts can be revised monthly as additional data become available.

The method clearly is no substitute for a carefully-reasoned approach to the economic outlook. It merely helps to summarize the information contained in the leading indicators regarding the near-term future course of GNP or other variables that are systematically related to the business cycle. Hence it provides the forecaster with information useful in developing his actual forecast. It can also be used as a standard against which to judge past efforts, and might be of assistance in improving upon them. But it is not a recipe that will tell the forecaster everything he should know.

A few concluding observations may be helpful to those who use these indicators as an aid in interpreting current trends.

1. The change in the place of the leading indicators foreshadows increasing strength or weakness in aggregate economic activity. Sometimes weakness in the leading indicators is followed by a recession; that is, an extended, substantial and broadly diffused decline in aggregate economic activity, as in 1957–58. At other times, however, a decline in the leaders is followed only by a slowdown in the rate of expansion of aggregate economic activity, as in 1962 and 1967 (see the chart). Indeed, if the response of government policy to a decline in the leading indicators is prompt and vigorous enough, there may be no unfavorable developments in aggregate activity at all.

2. Whether in any particular instance a decline in the leading indicators signals a retardation or a recession will eventually be determined by the movements of the coincident indicators; that is, by such measures of aggregate economic activity as total production, employment, income, consumption, trade and the flow of funds. In view of the fact that economic upswings and downswings

have several relevant dimensions (length, depth and breadth), and that the data themselves are fallible and subject to revision, several months may elapse before a current decline can be reliably appraised.

3. The lagging indicators should not be neglected. They may provide evidence confirming a change in trend that has appeared earlier in the leading or coincident indicators. Their value in this role is all the greater because the factors that make them lag also make them relatively impervious to erratic movements. In addition, some of the lagging indicators have an important bearing on the *subsequent* behavior of the leading indicators. For example, when unit labor costs, a lagging indicator, rise rapidly as they have been doing of late, they may exert a downward pressure on profit margins, one of the leading indicators. In this connection, it is often the relation between the movements in lagging and coincident indicators (in the case costs and prices) rather than those of lagging indicators alone that is crucial.

4. The ultimate objective of the work with indicators is the prevention of unfavorable developments, especially recession and inflation. The intent is not to compile good forecasting records; it is rather to develop warning signals which come sufficiently early to assure that effective preventive measures can be taken in time. Hence a successful record of forecasting recession and inflation would attest the failure of economic policy, while successful economic policy might well relegate many accurate forecasts to the limbo of apparent failure.

What can be said of the usefulness of business cycle indicators on balance? It seems clear from the record that the business indicators are helpful in judging the tone of current business and short-term prospects. But because of their satistical limitations, the indicators must be used together with other data and: with full awareness of the background of business and consumer confidence and expectations, governmental policies and international events; with the expectation that the indicators will often be difficult to interpret and that interpretations will sometimes vary among analysts; and finally, with the knowledge that the signals they give will not always be correctly interpreted. The indicators provide a sensitive and revealing picture of the ebb and flow of economic tides which a skillful analyst of the economic, political and international scene can use to improve his chances of making a valid forecast of shortrun economic trends. If the analyst is aware of their limitations and alert to the world around him, he will find the indicators useful guideposts for taking stock of the economy and its needs.

SCORES FOR 26 ECONOMIC INDICATORS ON 1966 NBER SHORT LIST

Classification and series title	Scores, 6 Criteria						
	Average score	Economic significance	Statistical adequacy	Conformity	Timing	Smoothness	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Leading Indicators (12 series):							
1. Average workweek, production workers manufacturing	66	50	65	81	66	60	80
4. Nonagriculture placements, BES	68	75	63	63	58	80	80
12. Index of net business formation	68	75	58	81	67	80	40
6. New orders, dur. goods industry	78	75	72	88	84	60	80
10. Contracts and orders, plant and equipment	64	75	63	92	50	40	40
29. New building permits, private housing units	67	50	60	76	80	60	80
31. Change in book value, manufacturing and trade inventories	65	75	67	77	78	20	40
23. Industrial materials prices	67	50	72	79	44	80	100
19. Stock prices, 500 common stocks	81	75	74	77	87	80	100
16. Corporate profits after taxes, Q	68	75	70	79	76	60	25
17. Ratio, price to unit labor cost, manufacturing	69	50	67	84	72	60	80
113. Change in consumer debt	63	50	79	77	60	60	40
Roughly Coincident Indicators (8 series):							
41. Employees in nonagriculture establishments	81	75	61	90	87	100	80
43. Unemployment rate, total (inverted)	75	75	63	96	60	80	80
200. Gross national product in current dollars, Q	80	75	75	92	82	100	50
205. Gross national product in constant dollars, Q	73	75	75	91	58	80	50
47. Industrial production	72	75	63	94	38	100	80
52. Personal income	74	75	73	89	43	100	80
56. Manufacturing and trade sales	71	75	68	70	80	80	40
54. Sales of retail stores	69	75	77	89	12	80	100
Lagging Indicators (6 series):							
44. Unemployment rate, persons unemployed 15+ weeks (inverted)	69	50	63	98	52	80	80
61. Business expenditures, new plant and equipment, Q	86	75	77	96	94	100	80
71. Book value, manufacturing and trade inventories	71	75	67	75	66	100	40
62. Labor cost per unit of output, manufacturing	68	50	70	83	56	80	80
72. Commercial and industrial loans outstanding	57	50	47	67	20	100	100
67. Bank rates on short-term business loans, Q	57	50	55	82	47	80	25

Note: The scores run a scale from zero to 100. For example, a series with a random relation to business cycles would be expected to score zero for conformity and timing (cols. 5 and 6).

Source: "Indicators of Business Expansions and Contractions," National Bureau of Economic Research, Inc., 261 Madison Ave., New York, N.Y. 10016. 1967.

THE PROPAGANDA WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MICHEL. Mr. Speaker, as expected there has been a virtual tidal wave of words setting forth reactions, opinions, and predictions as an aftermath to President Nixon's report to the American people on Monday night. I would like to call the attention of my colleagues to two editorials from the Peoria Journal Star which appeared before the President spoke, one on October 29 and the other on November 2.

These editorials set forth with great clarity the complexities of the situation in Vietnam which President Nixon inherited and also expose the hypocrisy and cynicism of those who have made a career out of spreading inaccuracies and misconceptions about Vietnam and our reasons for being there.

I submit both editorials to be placed in the RECORD at this point:

[From the Peoria (Ill.) Journal Star, Nov. 2, 1969]

THE PROPAGANDA WAR

For years the drum beat of "war protest" hammered away at the theme that the concept of raparcious communism was a prejudice, a myth, and an illusion that caused us to misjudge Hanoi.

We were told, and told, and told, that Hanoi is not unreasonable, that Hanoi really wanted peace—that it is the U.S. that is unreasonable. It was Lyndon Johnson who insisted on war.

If we would only stop the bombing and give Hanoi a chance to be reasonable! If we would only withdraw our policy of viciously searching out and killing Viet Cong, and give them a chance to be reasonable! If we would only recognize the right of self-determination and a genuine choice for the people of South Vietnam, permitting them to vote Communist if they wished, instead of forcing the Saigon regime on them!

We were told by the critics that the government of the United States did not want peace but was madly seeking "total victory". And we were told that total victory was "impossible" and indecent and undesirable.

With such claims, such interpretations, and such charges a "peace movement" was developed—led by William Fulbright largely in its earliest stages and exploited by Gene McCarthy, a fourth choice "sacrifice" drafted to oppose Johnson in New Hampshire and to sabotage the Democratic primary elections.

McCarthy got about 30 per cent, or 12,000 votes, in New Hampshire, losing to the administration primary candidate, while Republican candidates absorbed most of the voters—but peace propagandists, including starry-eyed TV commentators, transformed that into a "victory over Johnson" which "forced him out of the presidency!"

What has happened to the entire bill of particulars on which the movement was built?

We did stop the bombing a year ago.

We did laboriously drag them to the negotiation table.

We did offer free elections for Communists or whatever in South Vietnam, as soon as a peace and truce makes such possible.

We did stop all but self-defense military activity.

We did begin a significant withdrawal process of combat units.

And what happened?

The "new policy" is that the U.S. must surrender.

Hanoi has not changed its position a single eyelash. It uses the "negotiations" merely to make propaganda statements urging on the "peace movement" of American citizens against the American government.

The European press which once also suspected the U.S. of seeking total victory and not being "reasonable" or giving Hanoi a chance to be reasonable has seen all this—and reversed itself widely.

The obstacle to peace is Hanoi. It is they who want that unreasonable and dastardly "total military victory," not us.

The real problem, as always, still is to get Hanoi interested in peace.

That's what our policies were designed to do in the first place, but the "peace movement" refused to believe it and sabotaged it!

Now our pacifists refuse to recognize the significance of the vastly changed situation—and what it proves about former gross and irresponsible errors in their pitch.

They refuse to look at the facts, their past conduct, and themselves in the face.

They refuse to face up to the fact that the thing needed to remove the real barrier to peace is to get Hanoi interested in peace, too.

Their actions continue to escalate the demand that we surrender. The "total victory" for us that was obsolete and completely immoral a year ago is now the prize they hold out to Hanoi to keep the war going!

If the peace fanatics had faced the fact of the need to interest Hanoi in peace, two years ago, instead of galloping off to sabotage those efforts with what are now demonstrably false claims—how many lives might have been saved long since!

The situation is simple now to anyone with the nerve to look it in the eye.

We want peace. Hanoi doesn't. They want victory.

The problem is not to convince Nixon. The problem is to convince Hanoi that peace is a worthy and desirable end.

What are the great lovers of peace doing about that? What is the "conscience" of Fulbright and McCarthy doing about that?

They are busy hiding their past lies and misrepresentations and errors behind a barrage of emotional demands and a stampede psychology—which they hope will keep people too busy and too worked up to look at the facts, their own miserable records, and their own misdirected contribution to needless killing benefitting nobody but the murderous power-seekers in Hanoi.

Another "moratorium" directed at Washington instead of Hanoi will be a criminal misdirection of effort.

[From the Peoria (Ill.) Journal Star, Oct. 29, 1969]

FIGURING NIXON OUT

It's funny the way people try to figure out Nixon's policy in Vietnam. Some think he's selling out and some started out certain that he's a "hawk" and ready to believe that every move he makes is some sort of trickery.

Nobody seems to remember the presidential campaign of 1960, except that Kennedy seemed very poised and quick in his answers, and Nixon had a heavy beard and looked pale and drawn on the TV.

It would help genuine understanding of Nixon's experience and his approach a great deal if people did remember the actual policy implications and substance of those debates.

John Kennedy strongly attacked the Eisenhower-Nixon policy of "massive retaliation." He maintained that the GOP administration had relied too heavily on "confrontation," and that this permitted us "too few choices" when faced with a crisis situation.

Kennedy called for the creation of a new special anti-guerrilla organization in addition to existing armed forces (the Special Forces later known as "Green Berets" which he fathered when he became President.) He called for the expansion of the manpower in the armed forces and specifically the build-up of "conventional striking forces" to deal with "brush-fire" wars.

The whole philosophical basis for expanded military forces, with a new emphasis on conventional weapons and fighting "small wars" anywhere in the world in a measured fashion, was laid out in the campaign of 1960—and resisted by Richard Nixon.

The change of approach reached its full flower and anticipated use in Vietnam.

It hasn't worked out very well.

It is true that it never had a full and fair chance. It was sabotaged at first by Johnson and McNamara's political desire to fight a war without the American people noticing it; and sabotaged later by a "peace movement" that wrecked every effort to make this policy believable to the opposition.

But it was never the Nixon concept.

It was a concept born in the campaign of 1960, used to attack Nixon and the policies with which he was associated at the time, put forward as a better way of maintaining peace and stability in a shaky, atomic world and put into operation, figuratively speaking, "offer Nixon's politically dead body."

Nothing Nixon has done since his miraculous return to the pinnacles of political power is inconsistent with his "Eisenhower heritage," and that past attitude on our military posture. The present posture was never Nixon's.

It's odd indeed that so many loudly "dedicated" people neglect to simply look at the record, and go flying off into notions of the moment based on prejudice and confusion.

Meanwhile, it is obvious to anybody who cares to look through anything but fevered eyes that the process of changing posture again is vastly complicated by the situation Nixon faced when he took over the office.

How can we effectively extricate ourselves from Vietnam?

And, how can we do so and emerge with a livable situation, and an operational policy for keeping a stable peace?

Thus far, amid all the yakking about the war, he is the only person who has come up with a genuine, thoughtful course of action that gives us a reasonable chance.

Hysteria is not a basis for policy.

The Hanoi-linked managers will never change and some eager Democrats will try to make hay but it is time people who claim to "care so much" quit fighting the ghost of Lyndon Johnson and began to get acquainted with Richard Nixon, and who he really is.

TRIBUTE TO MRS. LORRAINE WALL HURNEY, DISTRICT DIRECTOR, CHICAGO DISTRICT OF THE IMMIGRATION AND NATURALIZATION SERVICE, AS SHE RETIRES FROM FEDERAL SERVICE

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KLUCZYNSKI. Mr. Speaker, at a time when many of us are concerned about discrimination against women in the professions, and when we need the talents of all citizens to solve the difficult problems of the times, it is enlightening and reassuring to consider the career of Mrs. Lorraine Wall Hurney, whose retirement from her Federal career takes place this month after nearly 35 years of dedicated service.

The outstanding accomplishments of Mrs. Hurney attest to the great potential of American workingwomen. Widowed in 1935 and left with the support of three children and her mother, Mrs. Hurney began work as a stenographer in the Justice Department's Lands Division. She studied at night at the American University Law School, and was admitted to the District of Columbia Bar in 1939. She became a staff assistant in the Criminal Division of the Justice Department, and transferred, in 1941, to the Immigration Service as an associate legal counsel. Promoted to general attorney of the Immigration Service in 1958, she was appointed director of the Chicago district office of the U.S. Immigration and Naturalization Service 7 years later, thus becoming the highest salaried female civil servant in the history of the Immigration Service.

Mrs. Hurney is a member of the American Bar Association, the Federal Bar Association, and a former member of the board of directors of the District of Columbia Women's Bar Association. She is a member and former dean of Kappa Beta Pi, the international legal sorority. In 1963, Mrs. Hurney was named "Woman of Achievement" by the Business and Professional Women's Club of Philadelphia.

Mrs. Hurney is the kind of woman in Government who should be taken as an example by the thousands of young women who must choose careers each year. She is known and respected by civil servants and members of the public alike for her dedication to the principles of the U.S. Government and for her devotion to duty. She has been a responsible, respected, and extremely valuable public servant throughout her career. I should like to join her many friends and colleagues in wishing her happiness in retirement and in paying tribute to a very distinguished lady.

TRUCK TRAFFIC

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MADDEN. Mr. Speaker, the Hammond Times of Hammond, Ind., each day has been running in its editorial columns a picture of various traffic accidents in which large multiton trucks have been involved.

We all know that the traffic hazards, especially in urban centers, have multiplied each year until it is almost impossible to drive automobiles at certain periods of the day, especially morning and evening.

The following editorial which appeared in the Hammond Times of Tuesday, November 4, has been one of many editorials each day picturing the devastating scene of an accident in which large highway trucks are involved:

AND YET ANOTHER

Today's pictures are the latest in a series that have been appearing on this page showing how trucks can induce havoc without being bigger.

The photograph at right is of a truck that skidded on a four-lane highway at a busy intersection in Schererville last Friday. Utility poles were broken; the intersection's traffic controls were put out of commission. Traffic backed up for miles. (Not printed in the RECORD.)

Perhaps a car could have done the same amount of damage. But not with the same ease.

The trucking industry argues that new elasticity in proposed federal legislation allowing 102-inch wide trucks (the limit now is 92 inches) makes for a safer truck.

Not when they go off the pavement or smash into another vehicle. The potential for death and destruction is not lessened; if anything it's greater because of the greater weight bigger trucks can carry.

Trucks are big enough now.

HOUSE JOINT RESOLUTION 934

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. REID of New York. Mr. Speaker, I strongly support House Joint Resolution 934, to increase the authorization for the food stamp program for fiscal 1970 from $340 to $610 million.

In my judgment, this increased amount is still inadequate to meet the food needs of the 14 million Americans who are suffering from severe malnutrition—some at the hunger line—because they are poor, in spite of the Department of Agriculture's claim that this is the most it can spend during fiscal 1970. Although the $610 million we are considering today is more than twice the amount appropriated for food stamps for fiscal 1969, it is far short of the $1.8 billion which would be needed simply to provide free food stamps for the most needy of the poor. Therefore, although I certainly support the resolution before us today, I regret that the committee was not more generous in its authorization.

In addition to the need for more financial support for the food stamp program, there are certain basic changes that must be made in the program if it is to be truly effective. The Senate, overriding its own Agriculture Committee, made some of those changes in its overall food stamp bill in late September, during floor consideration. We are told that it may be some time before the House Agriculture Committee reports out a comprehensive food stamp bill but I would hope that the committee will consider the much-needed Senate changes and adopt them as part of the House bill, as well.

If we are to conquer hunger in America, we must, as provided by the other body, provide free food stamps to families earning under $60 per month; permit the continuation of the commodity distribution program in counties having food stamps; and require every county in the Nation to set up a food stamp program by January 1, 1971.

It is an outrage that the most effluent nation in the world still permits any of its citizens to go hungry, and it is the obligation of the Congress to see that those without food get it now.

THE RIGHT WAY

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ROUDEBUSH. Mr. Speaker, Indiana's largest newspaper has expressed editorial support for President Nixon's Vietnam policy.

I believe that the Indianapolis Star reflects the thinking of the majority of the people in Indiana toward the President's leadership.

The President has inherited one of the most difficult problems in our history, and deserves the support of the Congress and the people in his efforts to end the Vietnam war as quickly as possible while not turning over another nation to Communist slavery.

The editorial from the Indianapolis Star follows:

THE RIGHT WAY

President Nixon, in his address to the American people Monday night, laid on the line the cold, hard facts about Vietnam.

If the peace-at-any price advocates thought the President was going to announce a new Munich they were disappointed. If the war-hawks thought he would order an invasion of North Vietnam they also were disappointed.

But we do not believe the majority of Americans, the "silent majority" Mr. Nixon spoke of, are disappointed. Rather, it is likely they now understand more clearly the efforts this nation has made to end the war and the strategy President Nixon is applying toward that goal.

In the successive Eisenhower, Kennedy, Johnson and Nixon administrations, the United States has made it clear that it does not seek a military victory in Vietnam. It has sought instead a negotiated settlement including only one mandatory point: South Vietnam's right to determine its own destiny by free elections. Representation by the National Liberation Front, political arm of the Viet Cong, has not been excluded.

But, as President Nixon said, Hanoi's continuing intransigence has resulted in agreement only on the shape of the table at the so-called Paris peace talks—not an iota more.

The President's speech indicated that, in spite of troop withdrawals that have already taken place, the chances for a negotiated settlement are dim, though the door in Paris is still open. He revealed that he had made personal appeals to the late Ho Chi Minh, to the Soviet Union and to private individuals, all with negative results.

In this connection, it should be borne in mind that, while Red China has been of little help to North Vietnam, the Soviet Union has supplied practically all of North Vietnam's war-making power and continues to equip Hanoi with every kind of military equipment and supplies short of manpower. There is no doubt Soviet Russia has a vested interest in continuing the war, that Russia is our real enemy and that, therefore, any kind of negotiated settlement is virtually impossible of achievement.

In his address, President Nixon explained the essentials of his Vietnam policy which contemplates an orderly reduction in U.S. troop strength there, concurrent with a progressive "Vietnamization" of the war. He underlined the fact that training and equipping of the South Vietnamese would be accelerated so that they will be rendered capable of continued effective opposition to the North Vietnamese and Viet Cong as American fighting men are withdrawn. He set no deadlines for troop withdrawals. To do so, he pointed out, would merely make it possible for the enemy to sit tight until the last American had left, at which time they could overrun South Vietnam at will.

The President's plan of a calculated withdrawal does not depend on what Hanoi does or does not do. It depends on this nation's actions alone. It is a way out that does not compromise United States commitments to South Vietnam. It can prevent a Communist victory in a strategic area of Southeast Asia while at the same time avoiding a bigger, more deadly war. It is a plan that deserves the support of the American people, of the nation's representatives in Congress and of those who may be planning protest marches and "moratoriums."

"It is," as the President said, "not an easy way." It is, as he added, "the right way."

A FORTHRIGHT VICE PRESIDENT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WYMAN. Mr. Speaker, Vice President AGNEW reflects the overwhelming sentiment of the "silent majority" on the subject of civil disobedience and violence. People are fed up with this sort of thing whatever the theme song and they would like to have those who are sponsoring or engaging in it know they are.

The Vice President is one of these "fed-up" Americans and he has laid it on the line—to his credit. In this context the following column by the noted Columnist James J. Kilpatrick appearing in the Washington Star is of interest:

AGNEW BECOMING A WONDERFUL HOUSEHOLD WORD

(By James J. Kilpatrick)

In this award-conscious society, which is forever presenting Oscars, Emmies, brass plaques, illuminated scrolls, and other bottlecaps and doorstops, a special Golden Stump Award should be devised for the year's best speech by a man in public life. If nominations are in order for 1969, I hereby nominate Spiro Agnew's speech of Oct. 30 at Harrisburg. It was a beaut.

The vice president, it will be recalled, had gone down to New Orleans on the 19th for a Republic fund-raising rally. He seized the occasion to denounce "a spirit of national masochism, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals."

Holy smokes! Here in Washington, the reaction was cataclysmic. The Post was aghast. Everywhere one looked, liberals were clutching their throats and turning purple. Around and about the Hill, Republican moderates were saying tsk, tsk, and now, now. The general assumption of the cocktail crowd was that the vice president would be summoned back to the White House, there to have his mouth washed out with soap. The "dump Agnew" movement had begun.

A less astute president than Richard Nixon might have yielded to the hissing of our local gaggle of geese. Nixon has an intuitive sense about these things. He stayed in the dugout and left his pitcher on the mound. On the 30th, Agnew turned up in Harrisburg.

"A little over a week ago," the vice president began, "I took a rather unusual step for a vice president: I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encourage government by street carnival, and suggested it was time to stop the carousel.

"What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert their rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy."

Agnew avowed his own strong belief in a right to dissent, including the right of peaceful assembly. "But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic."

The tragedy of the Moratorium turnout, he added, was that thousands who wanted only to show a fervent desire for peace "were used by the political hustlers who ran the event." And who are these hustlers? They are the self-righteous, the self-proclaimed saviors of the American soul: "Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views."

Agnew spurned any thought of appeasing the professional protesters. He called instead for a positive polarization based on principles and values and American ideals. Once again, he tongue-lashed the "glib, activist element who would tell us our values are lies." He proposed "to separate them from our society with no more regret than we should feel over discarding rotten apples from a barrel."

There was much more. This was a speech built like a battering ram. It was the headlong rush of an honesty angry man. And unless I am vastly mistaken, the vice president will emerge from the hustings a national hero. You can forget this "dump Agnew" business. On beyond the Potomac, in heartland America, the name of Spiro Agnew is becoming a wonderful household word.

M-DAY BLOOD DRIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HOSMER. Mr. Speaker, on Friday and Saturday the media of this Nation will doubtlessly focus a great deal of attention on activities relating to the so-called moratorium. If the past suggests anything, it will be that precious little of a constructive nature will receive the attention of our national press. Violent and offensive actions either for or against the war will enjoy enormous coverage while the constructive and law-abiding actions will take place in the shadows.

Mr. Speaker, I would like to call the attention of my colleagues to the "M-Day Blood Drive" which is being organized by a group of young Capitol Hill workers for Friday, November 14. This group is nonpolitical and nonpartisan; it comprises both supporters of the Vietnam war and its critics. While thousands will be expressing their opinion of the war, the leaders of the blood drive hope that a few hundred Hill workers will express their feelings about their fellow man.

The need for blood in the Washington area is practically endless. The Red Cross estimates this need at 150 pints per day—minimum. Fifty pints per day go toward the treatment of children who suffer from leukemia. Several hundred more pints per week are needed for open heart surgery. There is, of course, no source for blood other than the human body. There is no substitute for it.

I can think of no activity more worthwhile than the saving of human lives. Surely it is one activity which deserves the support of all of us regardless of our stands on public issues. For this reason, I urge my colleagues to support this worthy effort by both giving blood themselves and by encouraging their staff members to donate.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Albuquerque, N. Mex., Tribune, in the State of New Mexico. The editorial follows:

[From the Albuquerque (N. Mex.), Tribune, July 19, 1969]

THE TRUCK BILL AGAIN

Congress, which last year shelved a bill to permit longer, wider and heavier trucks on the interstate highway system, is engaged now in studying a somewhat modified version.

The new bill would lift the present 73,280-pound weight limit, extend the width limit from eight to eight-and-a-half feet and impose a length limit of 70 feet. This last provision was absent from last year's bill.

The trucking industry argues an axle-spacing formula set out in the new bill would permit more even weight distribution, thus easing the strain on bridges and highways despite heavier loads and greater length.

These factors, the truckers contend, also would promote safety by permitting improved braking ability for big rigs and better road visibility for their drivers.

The industry's primary interest in the bill, of course, is the greater "economic return" larger vehicles would provide for truckers and lower per unit hauling costs for customers—a legitimate interest, certainly.

But that interest must be weighed against the public's interest in the use of the interstate system—a $60 billion, taxpayer-financed project—and the other highway arteries onto which it empties.

Executive Vice President George Kachlein of the American Automobile Association, which opposes the bill, charges the extra truck weights permitted (up to 108,500 pounds for a nine-axle truck) would cost $1.8 billion for road repairs in 10 years.

And even if the bigger rigs could operate safely on the interstate, millions of miles of feeder roads on which some of them would have to travel are far below the interstate's design and safety standards. Congress has been warned by the National Association of County Engineers, the National Association of Counties and other opponents.

Further, the improved safety factors of the bigger rigs are projected rather than proved. And the sight of a passing truck any larger or heavier than those now permitted seems unlikely to steady the nerves of the average motorist.

On balance, the truckers' interests are outweighed by the public interest in safe and economic use of the highways. The new bill should join the old one on the congressional shelf.

GOLF TAPS HARPER INTO HALL OF FAME

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WHITEHURST. Mr. Speaker, this month the Professional Golf Association elected Chandler Harper to the Hall of Fame of the PGA. Ever since he won the Virginia State Amateur Championship at the age of 16 in 1930, Chandler Harper has brought distinction to his community in Portsmouth, Va., and to the Commonwealth. He has always been a keen competitor but has exemplified the highest standards of courtesy and sportsmanship which golf has brought to the sports world. Mr. Harper now operates his own golf club, Bide-A-Wee, in Portsmouth and this fall I had the honor of being present for the world seniors' match between Tommy Bolt of the United States and John Panton of Scotland. On Tuesday, November 18, Mr. Harper will receive his Hall of Fame scroll at the PGA meeting in Phoenix, Ariz.

Mr. Speaker, I am inserting in the RECORD an article by Dick Welsh which appeared in the Virginian-Pilot on Sunday, November 2, in which Mr. Harper's achievements have been so effectively listed:

GOLF TAPS HARPER INTO HALL OF FAME

(By Dick Welsh)

PORTSMOUTH.—Chandler Harper Saturday took his place among America's all-time greats of golf.

The 55-year-old Portsmouth professional was elected to the Hall of Fame of the Professional Golfers Association, an honor that has been bestowed on only 30 golfers in the past.

Members of the Hall of Fame selected Harper from seven nominees.

The PGA had notified Harper of his election 10 days ago but the announcement was not made public until Saturday.

"Election to the National PGA Hall of Fame is one thing I've always wanted," Harper said. "It is something that every golfer wants because it is an honor given by other golfers.

"I am elated. I was hoping such a day would come but I wasn't sure."

Election to the Hall of Fame is based on a professional golfer's competitive performance for his career. The golfer must be 50 years of age or older and must have retired from competitive golf, at least as a tour regular.

Harper hasn't played the PGA tour on a regular basis since 1955, the year he was named to the U.S. Ryder Cup team. He left his share of records for the pros to shoot at.

In 1954, Harper won the Texas Open with one of the hottest scoring streaks in PGA history. He fired 63–63–63–70—259 and in the process set records for 36, 54 and 72 holes.

The 54-hole record of 189 still stands, in the face of the Nicklaus-Palmer challenge.

Harper shares the 36-hole record, 126, with Sam Snead and two other pros. The 72-hole mark fell to Mike Souchak's 257 after it had stood for five years.

Harper's career spans more than 40 years. He holds records as both the youngest and oldest golfer ever to win the Virginia State Open. He was 18 when he won the State Open for the first time, in 1932, and this year, at 55, he won for a record ninth time. At 16, in 1930, Harper had won the Virginia State Amateur while he was a golf star at Wilson High.

Chandler's first big win on the national scene came in the 1942 International 4-Ball with Herman Keiser. He went on to other victories in post-war years—the 1950 Tucson Open, the 1953 El Paso Open, 1954 Texas Open, and the Colonial National Invitation at Fort Worth and the Virginia Beach Open in 1955.

Harper's greatest triumph of all was the National PGA title at Columbus, Ohio, in 1950.

Since he left the tour 14 years ago, Harper has operated his own golf club, Bide-A-Wee, and, in the last five years, has concentrated on Senior tournaments. His big wins in over-50 competition was the 1957 PGA Seniors and World Seniors title, the latter achieved over Max Faulkner in Dundee, Scotland, 2 up in 1968.

This year, Harper executed an off-the-course first. He brought the World Seniors Match to the United States for the first time, Bide-A-Wee hosting the match between Tommy Bolt and John Panton. Bolt won in 39 holes.

"It is an honor that highlights a golf career," Harper said. "It certainly comes as the great climax for me."

Harper by no means will go into retirement as a Hall of Famer. He plans to make most of the national pro senior events and some state tournaments next year.

He will receive his Hall of Fame scroll on Nov. 18 at the PGA meeting in Phoenix.

RELIGIOUS ACTIVITIES BY ASTRONAUTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. PRICE of Texas. Mr. Speaker, I join the gentleman from Ohio (Mr. LUKENS) in sponsoring a concurrent resolution that expresses the sense of Congress that exercises of faith as practiced by astronauts engaged in space flight are compatible with the rights of freedom of speech and religion which are guaranteed by the Constitution of the United States.

The introduction of this resolution was prompted by the fact that certain godless individuals have instituted court action in my home State of Texas, action aimed at prohibiting astronauts from conducting any religious activities while in space.

I am appalled that such a lawsuit has been brought in our courts. The fact that it was brought in the State of Texas increases my indignation.

Our intrepid space explorers are turning science fiction into reality. In so doing, they face dangers that boggle the mind. To deny them the right to express their religious faith during their voyages denies them the spiritual comfort which is their birthright as well as their constitutional right.

Mr. Speaker, historically, the courts of the land have been receptive to findings by Congress as to the constitutionality of various questions of fact. In my view, this issue is one of fact, and the fact is, that the astronauts have the legal right to publicly express their religious faith during the course of space flight.

RETURN OF THE NATIVES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RARICK. Mr. Speaker, the African nation of Liberia, ruled by Negroes and extending citizenship only to members of that race, has deported 70 American Negroes who migrated there 2 years ago seeking what they called freedom.

It seems that the group originally consisted of 150, but about 50 have already returned to the United States. The remainder became naturalized Liberian citizens and found jobs.

Liberia offers land to all immigrants but, desiring a fully integrated society—except for the ruling aristocracy—demands that they not settle in ghettoes, but settle uniformly over the countryside to provide a civilizing influence.

But the American Negro "freedom-seekers" were unwilling to comply with the Liberian Government's desegregation guidelines, or to work for a living—and far from being an uplifting influence, created for themselves an environment even more deplorable than the American ghettoes they fled, and more wretched than the indigenous population.

Apparently the Liberian Government felt no guilt or self-condemnation because of the squalor the American Negroes lived in, but rightfully felt its country and people were unfairly burdened by their presence—and so deported them as undesirable aliens.

The environmentalists must be at a complete loss to explain this reaction. None of their standby clichés apply. White racism cannot be blamed. Police brutality is absent. No "civil rights" were deprived them.

Of course, the downtrodden U.S. taxpayers can expect the return of 70 additions to the domestic relief rolls, and as a reward for charity to the poor, be blamed for the inability of those Afro-Americans to develop their national identity and adapt to their natural heritage.

I include a news story in the RECORD at this point:

[From the Washington Post, Nov. 4, 1969]

LIBERIA OUSTING 70 U.S. BLACKS WHO LOOKED FOR "REAL FREEDOM"

(By Stanton B. Peabody)

MONROVIA, LIBERIA, November 3.—More than 70 black American immigrants, who came here two years ago saying "We never had real freedom in America," have been given seven days to leave the country as undesirable aliens.

Attorney General James Pierre told newsmen today that Americans were living in a deplorable state, with no visible means of support. "We do not know how these people are living; they do not even make gardens," he said.

The immigrants were among 150 Americans who arrived here in November, 1967. Since then, some of them—mainly the younger ones—have returned to the United States saying they were misled about Liberia.

About 25 others became naturalized Liberian citizens and found jobs. One group runs two ice cream parlors in Monrovia.

Pierre said Liberia had offered land to all the immigrants in accordance with its usual policies, but added that the government demands that immigrants spread out and assimilate with the population.

The group facing expulsion has continued to live as a colony in the village of Gfartala, about 15 miles inland from Monrovia. A Government team that visited the village recently expressed dismay at the way they were living, Pierre said.

The government, he added, could not tolerate this situation. Since the Americans had been in Liberia for two years and had not declared their intention to become citizens, they were considered undesirable aliens and must leave, he said.

JAPAN'S LEGACY AND DESTINY OF CHANGE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DORN. Mr. Speaker, when Prime Minister Sato visits Washington on November 19 he will be accompanied by his able and distinguished Foreign Minister, Kiichi Aichi. This will be an extremely important visit which will affect the future destiny of the two greatest industrial powers in the free world.

Foreign Affairs published an outstanding article in its October issue by Foreign Minister Kiichi Aichi on "Japan's Legacy and Destiny of Change." Before the President and Prime Minister enter into these very important and timely discussions here in Washington, I commend to the attention of my colleagues in the Congress and to the people of our country the Foreign Minister's splendid and superb article:

JAPAN'S LEGACY AND DESTINY OF CHANGE

(By Kiichi Aichi)

For a nation whose founding is lost in the mists of antiquity, Japan is in many respects a very new country. Last year we celebrated the hundredth anniversary of the Meiji Restoration, which marked our entry into the modern world. This year the Ministry of Foreign Affairs, which I am honored to head, observed its centennial. By contrast, the United States, which is in every respect a young nation, possesses a number of institutions that are far older than many of Japan's. The Department of State, for example, is only a dozen years short of its bicentennial, and Harvard University, with its 333-year-old history, is more than three times the age of my own alma mater, Tokyo University, now in its ninety-second year.

This newness of modern Japan, which makes it unique among the "advanced" nations, is also an essential key to our view of the world. To understand Japan's outlook and its vision of the future, it is necessary first to comprehend our country's brief and turbulent history as a modern state, and the effects these compressed events have had on the Japanese mind.

Two sets of events in particular have been decisive in their impact: the developments leading to the Meiji Restoration, which forcibly integrated Japan into the nineteenth-century jungle of world diplomacy, and total defeat in the Second World War, which profoundly changed Japan's direction as a modern nation-state.

The first of these traumatic national experiences is so recent that, until a decade or so ago, there were people still living with personal memories of the feudal Tokugawa era. Indeed, Japan's "age of discontinuity," to borrow Professor Peter Drucker's apt phrase, began not with the contemporary technological explosion, but with the arrival in 1853 of America's "black ships," which came to open up Japan, and were met on the beach at Kurihama by the feudal levy armed with matchlocks and pikes, "as on Bosworth field."

From that moment to the present, the lot of our people has been forced change—rapid, relentless and often violent—and painful adaptation to change.

At the moment of Japan's forced emergence from 250 years of peaceful seclusion, the world was indeed a jungle. Powerful, well-organized and ruthless Western states, armed with tools and weapons forged in the Industrial Revolution, were engaged either in imposing their will on the weaker lands of Asia and Africa or in reducing them outright to colonies and dependencies. Ailing China, long the cultural and political leader of Eastern Asia, was slowly being nibbled away by the Western powers. Korea, like Japan, lay dormant in seclusion, but vast areas of Southeast Asia were already under Western domination. Aggressive Tsarist Russia cast a long shadow over the Siberian wastes, touching the northern approaches of the Japanese islands. All-powerful Britain had recently thrashed the Chinese Empire in the Opium War (an event which deeply impressed our forefathers), and its fleets dominated the seas of Pacific Asia.

Japan itself had felt the bite of Western arms when warships from the West, in punitive action, reduced to ashes the ports of the recalcitrant Lords of Choshu and Satsuma, then the most powerful men in feudal Japan. Moreover, the civil war which preceded the restoration was marked by British and French intrigues. No wonder the Japanese people, sensing a threat to their very existence, began their long quest for military and diplomatic security.

The pattern this quest took, over the next 75 years, was largely determined by Japan's view of the world environment in which our country found itself. Clearly, isolation was no longer a realistic alternative; some form of participation in the outside world was required. In the eyes of the Japanese people this participation could be neither passive nor confined to a regional scale, in the shelter of some stable East Asian community of nations, capable together of keeping a regional balance of power while fending off alien intruders. No such community or capability existed. Finally, Japan's almost total lack of natural resources required for the building of a modern economy dictated active participation in world trade.

Thus our country felt it had no choice but to adapt aggressively to changed circumstances and, as a matter of survival, to embark on a perilous competition with the West in pursuit of ever-receding security frontiers.

During the first quarter-century of its modern history, Japan laid the foundations for future growth and security by selectively Westernizing the basic social, economic and political institutions, and by launching its own delayed industrial revolution. With the beginning of its second quarter-century, in the 1890s, those preparations bore fruit. In the environment of accelerated Western imperialism, our country developed into a strong military power, capable of defeating first the Chinese and then the Russians. Within 50 years of Commodore Perry's visit, Japan had attained membership in the world's Big Five. With these credentials, which involved transforming itself into the conquering image of the alien powers it once had feared, Japan plunged into its third quarter-century, which culminated in the holocaust of 1945.

The events of those first 75 years, which in retrospect unfolded with the inexorability of a Greek tragedy, exacted a great price in our nation's public spirit and personal sacrifice. For three-quarters of a century the state made enormous demands on the people, at the expense of social and political development, and the people responded faithfully. The slogan of the times, "Rich Country for Strong Arms," expressed the intensity of Japan's initial fear of the West, and symbolized the popular determination to overtake and surpass the West. Yet this single-minded course, whose supreme and final effort was the war in which Japanese arms were carried to far-flung reaches of Asia and the Pacific, ended in utter ruin in the ashes of Hiroshima and Nagasaki.

It is my belief that the trauma of utter defeat in 1945, and the restructuring of the international environment which followed, produced changes in my country as momentous as those initiated by the coming of the black ships in 1853. For the second time the Japanese state, society and world view were fundamentally transformed. No doubt the reforms introduced by the seven-year-long American Occupation gave great impetus to these changes, but in my view it was our people, painfully adapting once more to drastically altered circumstances, who shaped contemporary Japan.

In defeat the Japanese people were drawn into themselves as never before. The nation had suffered grievously from the war, was utterly disillusioned with the past, and for the time being was consumed by the daily desperate struggle for livelihood amid shortages and inflation. Even basic moral and social values had been shattered or discarded in the national catastrophe, and the pain was as much spiritual as physical. The earlier quest for security—and then for power and glory—held no meaning or attraction in the nuclear age. Stripped of the trappings of a major power, exhausted in the home islands under the forcible protection of victorious America, and confronted with the mammoth tasks of economic reconstruction, our people had no stomach for involvement in the troubles surrounding them.

Asia was in turmoil in the immediate postwar years. The sparks of Asian nationalism, fanned in part by Japan's wartime forays, suddenly burst into flame throughout South and Southeast Asia. China was in the birth throes of the Communist state, the dark clouds of the cold war were gathering rapidly and the groundwork was being laid for today's three-way confrontation among the two superpowers, the United States and the Soviet Union, and Communist China. Related problems of divided Korea, Viet Nam and China, and the gap (so wide in Asia) between North and South, rich and poor, had already been defined and needed but a little time to sharpen into major concerns of our age.

Yet our people felt insulated from all this by our own powerlessness and by the fact that our security was under the protection of the United States, which had entered the Asian vacuum left by Japan's defeat. The people felt incapable as well as disinclined either to act or react in the face of the momentous events on their doorstep. Their overriding concern was economic recovery and the watchword was "Increase Production." What they yearned for was the modest prosperity of a middle-class nation, quietly content in its home islands, shunning unnecessary foreign involvement and, above all, renouncing war.

The postwar "peace" Constitution, though espoused by the American Occupation, evoked a deep response in the innermost feelings of the Japanese people. Few welcomed defeat and foreign occupation, but still fewer thirsted for revenge or yearned for the lost days of greatness of empire. In addition, the new Constitution discarded the old controls designed to perpetuate an all-powerful state, and provided for individual freedom and civil liberties. Institutions were reformed or evolved anew in all fields, especially in education, labor-management relations and emphasis on mass consumption. All these innovations received wide popular support—among the older generations, who remembered the profitless restraints and sacrifices of the past, as well as among the younger generations, who now take for granted both their freedom and their progress toward prosperity.

The freedoms of the new open society well served the national quest for economic security. The energy which had gone into maintaining strong armaments was redirected into rebuilding and then expanding the industrial plant, and improving mass living standards. By dint of hard work, sound technology, efficient administration and prevailing social and political stability (despite occasional turmoil), the Japanese people made, in retrospect, their initial adjustment to the radically changed environment of the postwar world.

Moreover, the multilateral and increasingly free and open world economic system, built up by the West since the Second World War and buttressed by global and regional institutions for cooperation, has provided the ideal environment for Japan and other nations to pursue their national economic objectives. It is neither the jungle of the late nineteenth century nor the protectionist thicket of the 1930s. Since postwar recovery, the expanding world economic system, secured from all-out war by the relatively stable superpower balance, has favored economic-minded countries, and Japan among them has prospered.

Japan's postwar recovery was speeded by early U.S. material assistance and, indirectly, by international developments such as the courageous United Nations defense of the Republic of Korea. By 1952, which also marked the end of the American Occupation, the rebuilt Japanese economy was beginning again to compete successfully in world markets. In subsequent years, Japan joined all the major international institutions—the United Nations and its agencies, the General Agreement on Tariffs and Trade, the International Monetary Fund and others.

Beginning in the mid-1950s, Japan set consistent records in rates of economic growth, progressing from bare subsistence to today's modest prosperity, in which its gross national product surpasses all but the United States in the free world. The goal of affluence, however, remains distant, since Japan's 1968 per capita income of $1,110 ranks but twentieth in the world, a lag reflected in the low incomes of the smaller-scale manufacturing and agricultural enterprises, and in such unmet social-capital needs as roads, sewers, housing, parks and other public amenities that Western Europe and North America take for granted.

This concentration of the Japanese people, first on recovery and then on building the bases for their economic security, has produced gratifying results. The economy continues to grow at one of the highest rates in the world; long-standing weaknesses in the traditional sectors of the economy are gradually being ameliorated; and future growth targets have been set high. In international trade the dynamic Japanese economy has long since outgrown the conceptual confines of a regional autarkic unit, implied in the defunct concept of a "Greater East Asia Co-prosperity Sphere." Although through trade, investment and economic assistance Japan is a major factor in the economic development of free Asia, the Japanese economy is effectively integrated into the global economic system, trading with the remotest corners of the world. (The United States is, of course, the leading partner, accounting for roughly one-third of Japan's two-way trade.)

A quarter-century after Hiroshima and the arrival of General Douglas MacArthur, Japan has established a strong base for future economic and social development, has earned membership among the world's leading industrial powers and finds itself accused, from time to time, of being an "economic animal."

II

The postwar quest for economic security has been that of an inward-looking people, forced for lack of resources to seek its livelihood in the outside world. Propelled by circumstances into external trade, the Japanese people have nonetheless remained politically aloof, apprehensive of any strife near their shores, and fearful lest they become involved in a conflict not of their own making. The public conviction has been that the main stress in Japan's foreign relations should be on what came to be known as "economic diplomacy," at least while affluence is yet to be attained at home. The Economic Affairs Bureau has long been regarded as the principal department in the Foreign Ministry. Nowhere in the popular psychology has there been an appetite for active political leadership in international affairs.

To be sure, the desire to remain aloof from political involvement has not meant lack of interest in the rest of the world. Our people have avidly absorbed foreign (mainly Western) trends and achievements in the cultural and recreational fields, as well as the economic, scientific and technological. Foreign travel has increased by leaps and bounds, in keeping with the improvement in living standards. International contacts and interchanges, both private and official, have been growing at an extraordinary rate, and public interest in world affairs (reported voluminously by the influential Japanese mass media) must be considered at least as great as in any other nation in the world. Reestablishment of the worldwide diplomatic network as soon as the Peace Treaty came into effect, and subsequent affiliation with all the major international organizations, were accepted as a matter of course, largely because this degree of involvement appeared directly related to national prosperity.

Apparently the concept of an inward-looking "little Japan," free of unnecessary foreign entanglement, has seemed preferable to the instinctively feared and discredited alternative of foreign adventurism. This may also explain the public attitude which accepted as necessary the vital and mutually beneficial Security Treaty with the United States, while at the same time displaying great uneasiness over any incident involving American bases and forces. Even those who have rejected the little-Japan concept speak in terms of an influential Japan, "great without armaments."

However, to dismiss this inward-lookingness as a temporary phenomenon due to horror at defeat and devastation, or to treat it as a form of naïveté that can be dispelled by governmental public relations, is to disregard the role this popular psychology has played in sustaining Japan's successful adaptation over the past 24 years.

A quarter-century in the short history of modern Japan is not an inconsiderable span. After all, it corresponds to one-third of the time elapsed between the Meiji Restoration and Hiroshima. A more realistic reading would be to assume that the inward-looking mentality has deep roots in the new Japan, especially when crowned with the aura of success. Japan has not only achieved reasonable prosperity, but has also enjoyed unbroken peace for the longest period since the Tokugawa era. During this time the people have not only rebuilt their economy, but have also busied themselves in the arts, in literature and other vital areas of civilized life, enriching their great heritage.

There has been a revival of interest in traditional things which antedated the Meiji Restoration. The amazing interest in archaeology has pushed back the frontiers of Japan's national origins, and together with the renewed enthusiasm for Japanese history, especially pre-Meiji, there is a strong concentration on things Japanese. Inward-lookingness is apparently satisfying a deep-seated need in the Japanese people to find themselves and to reestablish their identity. In this sense it may have something in common with the fierce Meiji determination to keep Japan free from foreign domination.

Another remarkable result of Japan's postwar adaptation is the transformation apparent in the national personality as manifested in politics, in business, in labor relations and in the daily intercourse of all Japanese, regardless of station. The democratization of Japanese society is especially evident in politics, since even the most conservative bureaucrat now knows that the public cannot be "guided," but must be "persuaded" or "sold." He also knows that sales resistance on the part of the public is high, especially on outward-looking subjects such as military security and Japan's political role in the world. Governmental efforts at public relations have yet to produce a clear consensus on matters of foreign policy, although it must also be acknowledged that there are political forces in Japan that thrive on the lack of consensus.

Interestingly, the now well-established habit of free speech has opened up for discussion such dreaded and once-taboo subjects as nuclear weapons, especially in connection with the Nonproliferation Treaty, now under close study. There is evidence that serious discussion of "outward-looking" subjects has begun, although not yet on a widely popular basis. Indications are that the Japanese people are slowly becoming aware of further changes in their circumstances, at home and abroad, and are groping toward new forms of adaptation. Some people describe this trend as a revival of nationalism, although whether this assessment is accurate remains to be seen.

Japan is being challenged anew, domestically and internationally, and may be on the threshold of a new era of change and adaptation. If so, this period of change may well coincide with a generational change, brought about by the passage of time, in all areas of Japanese leadership.

Domestically Japan faces two great problems, both of which have become increasingly visible with the growth in prosperity. These are public hazards, which are the by-products of industrialization; and the lack of social capital, which is a legacy of prewar sacrifices followed by postwar concentration on production. Intense industrialization brought with it pollution and other blights that constitute a growing threat to the public safety. Industrialization also accelerated the urbanization of Japan, spawning huge and sprawling megalopolises while nearly emptying centuries-old villages. Urbanization, in turn, highlighted the inadequacy of public services and amenities during a time when the public was becoming more vocal about its right to enjoy life, and was insistently asking when it might live like the citizens of the second-greatest economy in the free world. In some cases, such as the lack of good access roads, the problem has threatened to become a bottleneck to the expansion of production.

Thus it is now acknowledged throughout Japan that the next stage in the quest for economic security must be to improve the physical environment. The next decade, it is widely agreed, should be devoted not simply to the expansion of production, but able to the creation of more social capital and the solution of the problems that prosperity has brought. The press is busy pointing out the shortcomings of our living conditions, while scholars and experts are full of suggestions on how best to solve these problems. Political circles sensitive to the trend espouse the people's demands and the Government is under daily pressure.

In short, the whole issue has more and more assumed the character of a national challenge, a fit subject to absorb the greater part of our ever-expanding energies for the immediate future. It may also be presumed that concentration on these problems will strengthen, rather than weaken, the inward-looking tendencies of the Japanese people.

III

On the international front, Japan's adaptability is now being challenged by three striking developments. One is the greatly heightened impact of the Japanese economy on the rest of the world. Another is the changing role of the United States in Pacific Asia. The third is the growth among Asian nations of confidence in their own development efforts, coupled with a growing sense of regionalism. Together these trends highlight Japan's unique position in Asia, and call for considered Japanese responses.

Our economy, because of its sheer size and strength (by 1975 the gross national product is expected to be more than four times that of 1960, at constant prices), has become an international factor formidable in its own right. Whatever the subjective wishes of inward-lookingness, Japan's economic influence could hardly be felt with greater intensity by her partners, principally the United States and most of the nations of Asia and the Pacific. Even the Soviet Union can no longer ignore Japan, especially in the light of the shift in Sino-Soviet relations.

Influence is but another name for responsibility, and the Japanese people are beginning to focus attention on how the nation will fulfill its new role in the company of such industrial powers as France, the United Kingdom and the Federal Republic of Germany. Clearly Japan can no longer be a passive agent in international affairs, particularly since economic power has become, in the eyes of the world, political power. The United States, for example, which objects to what it considers continuing restrictions on foreign access to Japanese markets, has raised this matter to the proportions of a major political issue.

It is unthinkable that Japan will not respond, in the spirit of give and take, to its international responsibilities in the economic field. To fail to do so would not only be damaging to the cooperative framework of the world economic system, but would also ultimately be contrary to our best interests, since our economic viability depends on the harmonious functioning of the multilateral cooperative system. Unwillingness to accommodate our interests to those of our partners—such as an overly cautious attitude in lowering barriers to foreign trade and investment—if pushed to an extreme, could result in isolation and alienation similar to that which Japan experienced in the bitter 1930s.

It is more profitable in the long run to defend our interests within the framework of the world system than outside it, and toward that end we should do our part in strengthening the system. Not all the demands of our trading partners are just and equitable, all the time, and each issue should be dealt with firmly on its merits, but only within the framework of the system.

Japan's second important challenge in external affairs is presented by the advent of what is called multipolarity in international relations, and the attendant changes in the relations of each of the two superpowers with its less powerful allies. This trend has not altered the fundamental structure of the U.S.-Soviet global equilibrium of force, but it has led the United States, after deep soul-searching in regard to the burdens it has carried in Viet Nam, to reexamine its role in the maintenance of international peace and stability, especially in Asia. As President Nixon has made clear, the United States, while intending to fulfill its treaty commitments, at the same time expects the nations of Asia to assume increasing responsibility for their own internal and external security, apart from cases involving the threat of nuclear weapons.

In this context Japan seems now to have become highly visible to Americans as an Asian power with the potential for contributing to the security of the region. Obviously a simple transfer of peacekeeping responsibilities in Asia from the United States to Japan is out of the question because of Japan's constitutional limitation and the great disparity in both actual and potential military power between our two countries. Japanese public opinion is simply not prepared for such an undertaking; nor, I believe, would the other free nations of Asia welcome it. Responsible Americans will understand, I am sure, that any ill-conceived Japanese military contribution to Asian stability would accomplish little except to squander Japan's security capabilities, and our painstakingly built-up good will in Asian countries, as well as domestic support for the Self-Defense Forces.

In practical terms, moreover, it is reasonable to assume that for some time to come there will be no substitute for the continuing presence of American deterrent power to counter effectively any designs for large-scale military adventures in the area.

What is feasible, as President Nixon has suggested, is for the nations of Asia to enhance their ability to shoulder their own security responsibilities. Japan's Self-Defense Forces are now making an important contribution to the keeping of the peace in East Asia because of the vital role they play in guaranteeing the primary defense of Japan. As a result, the American military presence is able to devote itself to the ultimate mission which it alone is equipped to perform: the deterrence of major war. This same division of labor will be applicable to Okinawa, after reversion, when Japan will be prepared to assume full responsibility for local security against aggression. I wish also to stress that American forces should remain on Okinawa to keep the peace in the region.

Japan's self-defense capability is considerable. Although Japanese defense forces may not constitutionally be deployed abroad, they constitute a very effective homeland defense—285,000 strong—with conventional firepower greater than that of the Imperial forces at their wartime peak. Our defense expenditures, $1,340,000,000 in the current fiscal year, are increasing annually at a rate of 14–15 percent, which corresponds to the growth of our gross national product. According to some private projections, this implies that in about ten years Japan's defense budget might roughly correspond to Communist China's today, including Chinese outlays both for conventional armaments and for the backbreakingly expensive nuclear-weapons development program. In short, we can now rely substantially on our own means for our national security, apart, of course, from total war, whether conventional or nuclear. This, in the framework of our treaty relations with the United States, is, I believe, a vital contribution to the peace and stability of our region.

In this connection there is what is known as the "problem of 1970," when Opposition forces plan an all-out effort, accompanied by mass movements, to press the Government to abrogate the Security Treaty, which after June of next year can be terminated on one year's notice by either Japan or the United States. Needless to say, our Government has no intention of doing so.

I am also convinced that Japan is performing another vital role in furthering Asian stability. This is in the form of our support to Asian nations in their efforts to achieve a viable national existence in economic and social fields. Their success in these areas is not only essential to their internal stability, but can also ensure, in the long run, their capacity to assume greater responsibility for their own security.

The nations of Asia, from Korea to the vast Indian subcontinent, have been struggling since the end of World War II to establish viable states. Despite great obstacles, they have made progress, chiefly through their own efforts, but also with varying degrees of external aid. In many cases their progress has been possible because of the stability resulting from the American presence in Asia. There has been no real movement, during this same period, toward any lasting form of regional grouping that might one day lead to a community of nations such as has developed in Europe. This is understandable for historical reasons, and because of the great cultural, religious, ethnic and other differences which characterize Asia.

Nevertheless, successes in internal development of these nations have now led them to a stage where they are showing active interest in effective regional cooperation. Some countries in the area have been asking questions about the ability of Japan, as the region's leading economic power, to expand its assistance to nation-building efforts.

One of our responses to this fresh development was to set up the Ministerial Conference for the Development of Southeast Asia, which held its first meeting in 1966. That same year Japan made a decisive contribution to the capital of the Asian Development Bank, ensuring its early operation. At about the same time Japan lent its cooperation to the establishment of the Asian and Pacific Council, which held its fourth ministerial meeting in Japan earlier this year. These initiatives, combined with Japan's long-standing activities as a leading member of the United Nations Economic Commission for Asia and the Far East (where plans for the Asian Development Bank originated), have been accepted by our public as forms of constructive economic cooperation, and as manifestations of our willingness to play a useful role in promoting wider regional cooperation.

This is a cause in which I believe Japan can perform most effectively. To fail to respond to the expectations of our Asian neighbors would retard the development of a viable Asian community with Japan as an active and cooperating member. In the absence of such a community Japan would be excessively dependent on the United States to maintain the stability of its security frontiers. While the little-Japan mood takes the U.S. presence for granted and treats it as a substitute for regional cohesion, it would be dangerous to count on this substitution as permanent. The sensible alternative is for our country to shoulder its external responsibilities in the framework of expanding regional cooperation.

An important element in this cooperation is Japanese economic and technical aid. Assistance, both private and governmental, to Asian countries reached the level of $559,000,000 last year, and the government budget for aid to these countries in the current fiscal year has increased 42 percent to $452,300,000. As I informed the assembled Southeast Asian Development Ministers in Bangkok last April, and as my distinguished colleague Finance Minister Takeo Fukuda made clear to the Second Annual meeting of the Asian Development Bank in Sydney that same month, we are prepared to increase our economic aid substantially. A Japanese Cabinet Ministers' conference in July confirmed our intention to promote actively Asian development in the coming decade. It is hoped that our present levels of aid to Asia will be doubled within five years.

Economic assistance, however, is only part of the task. What is also needed is a larger objective toward which all our diverse cooperative efforts may be directed. I personally believe, on the basis of our own historical experience and our view of the future, that no objective is more important than the construction in East Asia of a viable community of nations, embodying "unity in diversity." I believe we should help the nations of Asia to develop, aiming toward the attainment of a harmonious and stable whole, and in this context we should put at the disposal of other Asian countries our own experience at adaptation.

Japan's role should be one of service to each country in the region that is willing to accept it, and to the region as a whole. Needless to say, this is a role we can perform only with the agreement of our partners. A long series of talks, both bilateral and multilateral, must precede and accompany this undertaking so there will be no doubts about the intentions of all concerned. This is a task that will take a very long time, and will involve great numbers of people, Japanese and others. It will certainly cost money and energy, and will no doubt produce much criticism and little praise. Careful planning will be required; plans and priorities will have to be geared to each country's particular conditions and, of course, to our capabilities. It will be a vast and demanding enterprise, but it is our own interest to take vigorous part in it.

Comparing the domestic and external challenges Japan now faces, it is apparent that the two sets of problems are in competition with each other for the allocation of available resources and energies, and in capturing the interest and loyalties of the Japanese public. It would not be much of an exaggeration to speculate that, if nature were to take its course, the average Japanese would be far more interested in solving the knotty and multitudinous problems at home than in making the painful switchover to an outward-looking frame of mind, in order to reach a consensus on Japan's role in the outside world. However, the Japanese mind is characterized by resilience and shrewdness, and has proved it is capable of adapting. Furthermore, as I have already observed, the recognition is steadily spreading that our external circumstances are changing.

It is becoming clearer that Japan must deal with *both* its external responsibilities and its domestic challenges. We must act domestically if we are going to prevent our home environment from becoming unfit for life, and we must act internationally to ensure that our external environment will be viable. Successful adaptation to these changing conditions requires a skillful blending of both responses. Obviously the domestic challenges will cost vastly more than the external. The problem of resource allocation can be solved, therefore, by working out a rational set of priorities to meet external requirements, leaving ample flexibility to cope with unforeseen problems in such a long-term undertaking.

So far I have barely touched on the most important problem: how to secure the support of the Japanese people. Certainly it is not enough to harangue the people on the need to divest themselves of inward-looking attitudes. Resistance to this approach is strong. In my view the only course is to appeal to the innate good sense of the Japanese people, nurturing carefully the tender shoots of dialogue that are already emerging in public discussion. Our Government owes our people a full explanation of the national interests involved in these endeavors. The public's voluntary support should be solicited. Leadership should be patient in explaining to the people, both through the Diet and directly, bearing in mind Prime Minister Eisaku Sato's recent observations to the Tokyo Foreign Correspondents' Club: "It is clear that the [Japanese] people are no longer satisfied with a merely negative pacifism aiming only at the country's safety. However, at the same time, national objectives which are not in harmony with the way individual citizens view the world in today's modern society are not viable."

Since these are very long-range undertakings, it is both possible and desirable to devote considerable time and energy to encouraging public interest in outward-looking ideas, gradually weaning the public away from little-Japanism. At the same time, various aspects of the external program can be initiated through practical measures, where the Government has the authority, and where it does not, Diet approval can be sought. I am confident that the cumulative effects of both action and explanation will bring favorable public response.

IV

Finally, I should like to touch briefly on the future environment with which we must learn to deal anew. In carrying out the endeavors I have proposed it is obvious that Japan must be extremely sensitive to the requirements of the Asian countries with which we will be working. It is equally obvious that we should give careful thought to two of the three great entities of our region: Communist China and the United States. If the undertakings I have suggested get under way, we may expect that Pacific Asia in the 1970s will display increasingly complex relationships among the two superpowers, and Communist China and Japan.

The Chinese Communists at this moment show no predictability as to the future direction of their policies, internal or external, so I cannot foresee with confidence what their reaction will be. They must realize by now that none of the countries from the Japan Sea to the Indian Ocean, including the communist régimes, would welcome the establishment of a Chinese sphere of influence in this area. Whether China will interpret our intentions in hostile or indifferent terms remains to be seen. It seems safe to predict, however, that the Communist Chinese will have to take more notice of Japan as our national influence, in keeping with our responses to new challenges, continues to rise.

For our part, we will continue our present policies of maintaining diplomatic relations with the Republic of China and nongovernmental economic and cultural contacts with Peking, and, as long as there is any danger that the Republic of China may be evicted from the United Nations, of avoiding such an eventuality.

At the same time I am aware that, according to some, perpetuating the isolation of Peking is conducive neither to stability nor to peaceful development in Asia, and I am of the opinion that in coming years serious attention should be given to this problem. I privately think that the question of attaining a viable equilibrium in relations between nuclear-equipped Peking and ourselves will take at least another decade for a full answer. Suffice it to say that the Communist Chinese question is a fundamental one and, as such, figures in our domestic political life, where many elements are attempting to prove that we are being forced by the United States to follow its lead. It is hardly necessary for me to deny this allegation.

As I have already implied, the regional military balance in East Asia is essentially that between the United States, our ally, and Communist China. In the context of the U.S. deterrent, I am sure the United States will welcome my proposals to help the countries of the region with their nation-building, which after all is the foundation for their security and stability. In the case of certain countries, this might mean that when necessary they would be ready to take over with their own troops any part of the visible American presence which Washington, under its modified strategy, may transfer elsewhere.

Turning to current bilateral issues between Japan and the United States, strong public attention has been focused on the problems of the reversion of Okinawa and of economic relations between the two countries.

The problem of the return of Okinawa, which has been the subject of exchange visits to our respective countries by Secretary of State William P. Rogers and myself, will hopefully be resolved later this year when Prime Minister Sato plans to visit President Nixon. Resolution of this issue will be significant, not only in the obvious sense that a long-separated part of our people will return to the fold, and that this will have been accomplished through peaceful and friendly talks between our two Governments; it will be significant also in the sense that the return of Okinawa will lift the last excuse in our public mind for clinging to our inward-lookingness. With Okinawa—so long a symbol of our defeat and impotence—back in our midst, our strength will have been made whole again, and we will be ready for our responsibilities. Here lies the importance of Okinawa to history.

In this connection, I should note that we are also actively trying to solve another important territorial problem—namely, that of our Northern Islands under Soviet occupation.

As for the very complicated economic problems, I have already touched briefly on some of their aspects, pointing out that Japan is prepared to play its part in maintaining and developing the world economic system, and that it is actively pursuing the liberalization of trade and capital investment, at the maximum speed consistent with domestic economic considerations. It is also self-evident that the difficult problems facing the multilateral economic system, both in monetary and trade fields, can be overcome only through the closest international cooperation, and with effective leadership from such economic giants as the United States and the European Economic Community. I should like to add that economic relations between the United States and Japan have proved by their nature to be mutually profitable over the long run. We need each other. Thus there should be no issue between us that cannot be settled by honest and well-thought-out give and take.

Unique among the world's advanced nations, Japan has been obliged to make extraordinary adjustments and adaptations in the short span of a century. Though our national psyche may bear some scars, we have been resilient as a people, and, so far, successful. Now we must respond to new problems, because if we fail to do so we may not be prepared when the next major challenge confronts us.

I, for one, am an optimist, and one of my favorite sayings is: "Listen to the call of the twenty-first century." It is my hope that with hard and sometimes painful work, my people by that time will have transcended the discontinuities of their past, and will be vital participants in the affairs of both the Asian and the world communities.

THE DANGER OF ANTIMILITARISM

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LIPSCOMB. Mr. Speaker, on Tuesday, October 28, 1969, the Daily Report of Ontario, Calif., published an editorial entitled "The Danger of Antimilitarism." This editorial recognizes the widespread desire in America to end the Vietnam war, but it properly recognizes that in a world where peace still depends upon a balance of power antimilitaristic emotion is as bad a guide to policy as militaristic emotion. As a thoughtful and dispassionate reassessment is made of America's capabilities and responsibilities in the light of our Vietnam experience, the editorial points out that Americans seem to have forgotten, or no longer believe, that in this country the military is controlled by civilians. It was not a general but a civilian President who committed hundreds of thousands of American soldiers to a land war in Asia. The editorial further asserts that a wholesale retreat into isolationism and antimilitarism must not be imprudently followed in America in the name of peace and righteousness.

Under leave to extend my remarks, I insert this editorial in the CONGRESSIONAL RECORD for review by my colleagues:

THE DANGER OF ANTIMILITARISM

Even the most hawkish supporters of America's involvement in Vietnam seem to have come to the conclusion that the war, as it has been fought, is not worth the candle.

Its objectives, important as they were and are, have simply become outweighed by its immense costs in wealth, blood and domestic turmoil.

In this sense, at least, there is a kind of unity in America, though the controversy rages over how to cut the costs of the war while not abandoning utterly whatever achievements may still be salvaged from it.

Yet in our universal desire to end the war and our alarm at its divisive and inflationary effects at home, we are in danger of ignoring other, even more pernicious consequences of too precipitate and to complete a reversal of the policies and beliefs which led us into the conflict in the first place.

One of these consequences is a growing antimilitarism, which is shared both by those who view the war as immoral from start to finish and by those who once favored it but now feel that the military has let us down.

A recent news report told of widespread disillusionment among veteran career officers.

"Many of my contemporaries with 15 and 16 years of service are packing it in," an Army lieutenant colonel was quoted as saying, "Pride of profession has kept them going, but that pride is taking a terrible battering these days."

Air Force officer resignations jumped nearly 50 per cent in fiscal 1969 over fiscal 1968. Army resignations were up about 14 per cent. The climb was smaller in the Marine Corps while Navy figures remained the same.

The outlook for attracting new officers is dismal. ROTC recruitment on college campuses is expected to be noticeably affected by antimilitarism this year.

Americans seem to have forgotten, or no longer believe, that in this country the military is controlled by civilians. It was not a general but a civilian president who committed hundreds of thousands of American soldiers to a land war in Asia, against the long-standing warnings of some of our most eminent military men—Generals Gavin, Shoup and Ridgway, for example.

Once in the war, the armed forces fought it as well as they could with the restrictions placed upon them—restrictions that were necessary to prevent the conflict from escalating into World War III but which any armchair strategist can now see doomed it to the indecisive, endless struggle it became.

The military may be accused of deceiving three or four administrations with constant promises of a turning point or the reaching of that elusive light at the end of the tunnel. But the responsibility ultimately rests on those who gave them an impossible job to do.

"It is unjust and unwise to attack the military because they have done their best to execute directions given them by the political leadership," writes Anthony Hartley, editor of Interplay magazine. "Unjust because they are not responsible for initiating policy. Unwise because too constant and extreme an antimilitarist onslaught risks creating in a professional body of officers bitterness leading in the not so long run to the very type of militarism which the critics fear."

The present climate of antimilitarism will have done America a disservice, he adds, if it produces a psychological rift between society and the armed services, which there is so much talk of making entirely voluntary. It will also have done the world a disservice if it creates uncertainty as to the execution of American commitments and ends by leaving a power vacuum in the most crucial areas of international tension.

In a world where peace still depends upon a balance of power, says Hartley, antimilitarist emotion is as bad a guide to policy as militarist emotion.

A thoughful and dispassionate reassessment of America's capabilities and responsibilities in the light of the Vietnam experience is one thing.

A wholesale retreat into the kind of isolationism and antimilitarism that guided our policies between the two World Wars is quite another.

More calamities have been brought down on humanity in the name of peace and righteousness than by all the generals who ever lived.

YOU SAID A MOUTHFUL, MR. FILBEY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CUNNINGHAM. Mr. Speaker, postal employees have more, much more, to gain by the passage of H.R. 11750, the only true reform bill, which will at long last establish the framework for a truly efficient postal service. This bill has bipartisan support and has been recommended by the Johnson administration as well as the Nixon administration. It has the support of many former Postmasters General including the highly respected former Postmaster General Larry O'Brien. The American people demand the enactment of H.R. 11750. Only a few special interest groups oppose it.

Mr. Speaker, I insert here a statement by the Citizens Committee for Postal Reform.

Postal reform enbodied in any other bill is not postal reform but a patchwork piece of legislation. And let no one be fooled that true postal reform can be attained except by the enactment of H.R. 11750.

The statement which was taken from the November 5 edition of the Washington Post follows:

YOU SAID A MOUTHFUL, MR. FILBEY

In last Wednesday's Post, Mr. Francis S. Filbey, President of the United Federation of Postal Workers, really laid it on the line about the working conditions postal employees face under our antiquated postal system.

In a dramatic marshaling of facts, he pointed out that

Postal clerks are imprisoned in a wage structure that has been substandard for so long that *some postal clerks are being forced onto public welfare to make ends meet!*

The bargaining rights of postal clerks are a joke.

It takes up to 25 years to reach the top pay step. And 97% of all postal clerks finish their careers right where they started—in the same grade!

The annual turnover among more than 300,000 U.S. postal clerks exceeds 45%. At least seven times the factor considered tolerable by private industry.

These conditions, Mr. Filbey reported, "have created the most militant employee unrest in the long history of the Post Office Department."

Mr. Filbey's description of postal working conditions is a major reason why HR 11750 was submitted to Congress.

Then why, as all these facts are known, must postal employees still get the short end of the stick? Why do their unions want to go hat in hand to Congress instead of bargaining collectively for wages and benefits? Why ployees of TVA, a government authority which is run on a businesslike basis?

They can.

TRUE POSTAL REFORM IS THE WAY

The provisions of HR 11750, the only true reform bill, will give postal workers the rights they asked for in their ad, and it's the only bill that will.

The right to bargain collectively.

The right to have their wage requests weighed on merit—instead of having to compete in Congress with every other appropriation for the military, the farmers, social services, veterans and hundreds of other political "musts," as they now do.

The right to demand facilities and equipment that will increase their efficiency and productivity.

This is an astonishing situation that is without parallel in the entire history of labor-management relations. The proponents of HR 11750 find themselves attempting to change things and improve the plight of postal employees. Yet the union leaders urge Congress to keep things pretty much as they are.

The fact is that nothing short of total Postal Reform can provide any hope that our loyal postal workers will have the kind of job opportunities and rewards they deserve in the future.

NOW is the time to enact the provisions of HR 11750 as recommended by the Kappel Commission, President Nixon, ex-President Johnson, Postmaster General Blount and a distinguished bipartisan committee of business and political leaders.

Mr. Filbey, your help right now would be a great service to your 300,000 members.

WASHINGTON, D.C.

LAWRENCE F. O'BRIEN,
THRUSTON B. MORTON,
National Cochairmen, Citizens Committee for Postal Reform.

SMALL BUSINESS COMMITTEE CONDUCTS HEARINGS ON THE TOOL AND DIE INDUSTRY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Subcommittee on Special Small Business Problems of the House Select Committee on Small Business, chaired by Hon. NEAL SMITH, of Iowa, has recently concluded extensive hearings into serious problems being encountered by this Nation's tool and die industry—an industry composed almost entirely of small businesses.

During the subcommittee's hearings, several problem areas were investigated, including two areas of prime importance:

First, the growth and expansion of captive—in-house—tool and die facilities by automotive manufacturers.

Second, the leasing of Government-owned machine tools by the Department of Defense to large prime contractors.

In both instances the subcommittee was successful in improving the competitive position of this small business segment of our economy.

The importance of a strong and viable tool and die industry is well known to all Members of Congress. This industry is the backbone of our great industrial system. There are 7,000 individual tool, die, and precision machining companies in the United States, with average employment of 30 employees. The essential ingredients of this industry are management, competence in design and production, highly skilled labor, and extremely sophisticated and expensive machinery.

Approximately 35 percent of the tool and die industry is almost completely dependent on the automotive industry for its existence, and historically the automotive industry has relied on independent tool and die companies to design and make the dies and other tooling for their automotive products. In recent years the automotive industry has expanded its own in-house tooling capacity to a point where the tool and die industry was fearful of a significant change in its historical relationship with the automotive manufacturers. Many in the tool and die industry believe that if this trend were allowed to continue, a substantial portion of the industry's capacity would be unavailable for other needs, including those relating to national defense.

As a result of these hearings the subcommittee was assured by the automotive manufacturers that they foresee no changes in their relationship with the tool and die industry, and offered to share technology and appraise the tool and die industry of changes in tooling needs.

The subcommittee was also informed by representatives of the tool and die industry that they were at a competitive disadvantage both in bidding on Government contracts and in commercial production because of Department of Defense policies regarding the leasing of Government-owned machine tools to large prime contractors. As of March 31, 1969, a total of 74,000 Government-owned tools, with a combined acquisition value of approximately $1.5 billion, were located in the facilities of Government contractors.

The 25 largest contractors had in their possession 34,000 machine tools with a total acquisition value of more than $667 million. The Department of Defense and the Office of Emergency Preparedness allow prime contractors to perform commercial work on these machines, sometimes with commercial work running as high as 90 percent of individual machines. Prime contractors are charged for commercial use, but it was conceded by DOD that mere possession gives competitive advantages to the possessor of these tools over the nonpossessor in the bidding process.

In examining this problem the subcommittee was informed by the Office of Emergency Preparedness that it is planning to phase out all commercial use in excess of 25 percent of total available machine use and the Department of Defense stated that it is reexamining its policy regarding commercial use of under 25 percent. The Department of Defense also is examining ways of reducing or totally eliminating its inventory of machine tools.

These are promising and constructive developments and I want to commend the gentleman from Iowa (Mr. SMITH) and other members of his subcommittee for their effective and fruitful hearings on this most important matter. The other members of the subcommittee are Representative JOSEPH P. ADDABBO, Democrat, of New York; Representative WILLIAM L. HUNGATE, Democrat, of Missouri; Representative LAURENCE J. BURTON, Republican, of Utah; and Representative FRANK HORTON, Republican, of New York.

RURAL AFFAIRS COUNCIL

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SCHADEBERG. Mr. Speaker, I want to congratulate the Nixon administration on its announcement this morning of a Rural Affairs Council. I feel this is a great thrust forward for that segment of this Nation whose people have often been the forgotten heroes of American economy and politics.

I am hopeful this Council will fill the void that has existed in the development of realistic self-help for the rural areas of our Nation.

The American rural economy employs more workers than are employed in transportation, public utility, the steel industry, and the automobile industries combined. Agricultural assets are equal to about half the market value of all corporation stock on the New York Stock Exchange.

Three to four of every 10 jobs in private employment are related to agriculture.

I think it is essential to point out that the rural areas have been voicing themselves in the polling booths. In the last two out of three presidential elections, the strength of the rural vote has been the decisive factor.

I pledge my cooperation with this new and exacting program and eagerly await the direction which I know this Council will give to a much needed rural renewal effort.

ARE YOU JUMPY THESE DAYS?

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DORN. Mr. Speaker, the following newsletter to my constituents was prompted by complaints throughout the Nation about the high prices of beef and the threat of low-wage, foreign textile imports:

ARE YOU JUMPY THESE DAYS?

Several years ago tons of kangaroo meat were being sold in Pennsylvania labeled as American beef. This discovery by the Department of Agriculture prompted a story in the press which I placed in the Congressional Record entitled, "Are You Jumpy These Days."

Last year Congressman John Dent of Pennsylvania was conducting a public hearing to determine the impact of low-wage foreign imports on American employment and the American economy. During my testimony before the Dent Committee in behalf of the textile industry, I told Mr. Dent about the kangaroo meat. The Congressman expressed great shock and replied, "That makes me hopping mad." (Incidentally, many years ago, in New York City, I witnessed a boxing match between an American heavyweight and a kangaroo. The heavyweight boxer was piling up a wide lead until the kangaroo started using his hind legs. Then it was no contest, and the referee stopped the bout awarding the decision to the heavyweight on the grounds of unsportsmanlike conduct on the part of the kangaroo.) The Department of Agriculture did investigate and verify the reports of kangaroo meat being sold for beef, and the violators were prosecuted. This indicates how easily imports can often be brought into the United States and undermine job security, our balance of payments, and our whole economic structure.

There is a great hue and cry among certain groups to pressure our government to ease up on restrictions and permit more foreign beef imports into the United States. The American cattle farmer is not the cause of high beef prices to the American consumer. The cattle farmer realizes little and often no profit for his beef sold on the hoof. The American consumer is protected by law regarding beef and enjoys the finest quality constantly inspected by the Department of Agriculture. It would be a mistake to lower our standards and permit Communist meat, billy goat meat, donkey and mule meat, (a tragic and inhumane fate for the symbol of the Democratic Party and the mascot of the West Point football team) and horse meat to be falsely labeled and sold in the United States.

The entire South Carolina economy is threatened by cheap low-wage foreign textile imports. The economy of South Carolina is tied to the textile industry. Fifty percent of all industrial jobs in South Carolina are in the textile industry. We cannot compete with textiles from Hong Kong where workers are paid 25 cents an hour or Japan, where they receive 35 cents an hour, or other countries where as little as 10 cents an hour is paid textile workers.

An orderly, mutually advantageous trade agreement limiting imports of cotton, woolen, worsted and man-made fibers must be negotiated with Japan, Hong Kong, Korea, and our friends in Europe and Asia. We have been encouraged by Secretary Maurice Stans' trade missions to Europe and the Far East. Our informal House Textile Committee has again been organized and we are pleased that Mr. Stans and President Nixon are supporting us in our efforts to save the textile industry from low-wage cheap foreign imports.

For the United States to import an ever increasing volume of textile goods is as ridiculous as for Brazil to import coffee, India to import tea, Honduras to import bananas, and the Malay states to import raw rubber.

Should Japan continue to refuse to enter into a voluntary agreement limiting her huge textile exports of man-made fibers, woolen worsted and cotton to the United States, Congress must take action to limit by law these low-wage foreign textile imports.

Sincerely,

WM. JENNINGS BRYAN DORN,
Secretary, Informal House Textile Committee.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. NELSEN. Mr. Speaker, I introduce today on behalf of myself and my distinguished colleagues, the Representative from Virginia (Mr. BROYHILL), the Representative from Texas (Mr. CABELL), the Representative from Maryland (Mr. HOGAN), and the Representative from Kansas (Mr. WINN) a bill to establish a Commission on the Organization of the Government of the District of Columbia—a little "Hoover" Commission.

The Commission, as established in the bill, is designed to promote economy, efficiency, and improved service in the transaction of the public business in the Government of the District of Columbia. It is intended as a study to aid the mayor, the city council, and the District Government as a whole, so that they can meet the increasing demands placed upon the offices, agencies and departments of the District government in the near future and in the years to come.

Recent testimony given before the House District Committee indicates that the District government is "scraping the bottom of the barrel" as far as finding new and additional sources of tax revenue is concerned. This is true of many of our larger cities. But, I want the District of Columbia to be prepared to realistically and efficiently meet this problem before it is thrust upon District officials and the District government as a fiscal dilemma.

Regardless of the form of self-government ultimately adopted for the District of Columbia, this bill should provide immediate relief to some of the problems facing the District of Columbia Government and its officials. It is not intended to interfere with the prompt and orderly consideration by the House or the Senate of other bills intended to help the District of Columbia, such as H.R. 11215 which I introduced earlier in the session and which would establish a Charter Commission for the District of Columbia. I do believe this bill will aid the District Government in getting its house in order. I also believe that it will provide an expert and impartial study of the operation and organization of the District government as it now exists. Certainly, it will aid the Congress and the District Committees in both Houses of Congress in dealing with District problems.

This bill looks to early formation of the Commission and quick study results. It provides that the Commission members must be appointed within 1 month of enactment and that the final report be submitted to Congress within 18 months after enactment. It is my hope that, if this bill is enacted, not only will the staff of the Commission be comprised of experts in various fields of management, tax, fiscal affairs, organization, and administration, but that the members of the Commission itself will be composed of dedicated, knowledgeable individuals who are prepared to devote a considerable amount of time in conducting the Commission study. It is to be expected that the final report will be professional in every sense of the word. It would also appear that in organization and operations the Commission would pattern itself after the earlier Hoover Commission.

Speaking for myself, this is part of a group of bills, or series of bills, that I have introduced during this session which concern the District of Columbia. H.R. 12854, H.R. 12855, H.R. 12856, and H.R. 14189, which represent the President's crime package, provide, respectively, for a reorganization of the District courts, bail reform, public defender services, and juvenile code revision; H.R. 11215 calls for a Charter Commission to examine the feasibility and desirability of various methods by which the structure of the District Government may be improved and by which the District of Columbia may achieve a greater measure of self-government than presently exists; H.R. 11216 calls for a nonvoting delegate for the District of Columbia; and this bill helps to round out what I personally believe is a package of legislation which will alleviate many problems of the District of Columbia and which is in the interest of the residents of the District of Columbia.

It is my hope that this measure will receive the most favorable consideration from my colleagues in the House and that it will have the support of the administration, the mayor, the city council and all others who are interested in better government.

At this point I include a brief outline of this bill:

COMMISSION ON ORGANIZATION OF THE D.C. GOVERNMENT

WHAT THE BILL WILL DO

Provide recommendations to—

1. Reduce expenditures consistent with efficient performance of essential services, activities, and functions.
2. Eliminate duplication and overlapping of services, activities, and functions.
3. Consolidate similar services, activities, and functions.
4. Abolish inefficient and unnecessary services, activities, and functions.
5. Eliminate non-essential services, activities, and functions which are competitive with private enterprise.
6. Define responsibilities of officials.
7. Relocate agencies responsible directly to the Commissioner to other departments or agencies.

COMMISSION DUTIES

1. Study and investigate the present organization and methods of operation of the D.C. departments, agencies, bureaus, etc. to arrive at the recommendations mentioned above.
2. Report back to Congress with interim reports, a report 12 months after enactment, and a final report 18 months after enactment.

MEMBERSHIP OF COMMISSION

Commission to have 12 members—

1. President will appoint 4 members; 2 members from Federal or D.C. Governments, 2 from private life.
2. President of Senate, Chairman of Senate D.C. Committee, and the Chairman of Subcommittee on D.C. Appropriations will appoint 4 members; 2 members from Senate, 2 members from private life.
3. Speaker of House, Chairman of D.C. Committee, and the Chairman of Subcommittee on D.C. Appropriations will appoint 4 members; 2 members from the House, 2 from private life.
4. Members are to be appointed within 30 days of enactment.
5. Vacancies to be filled same way as appointed.
6. Members of Commission, not members of Congress or Federal or D.C. employees, will be appointed at GS-18 level.

ORGANIZATION AND POWERS OF COMMISSION

1. The Commission will have a Chairman and Vice Chairman and 7 members will constitute a quorum.
2. GSA and other Federal agencies will provide administrative support to Commission on a reimbursable basis.
3. The Commission will appoint and fix the compensation of its employees.
4. The Commission, its subcommittees or members, may hold hearings and issue subpoenas.
5. The Commission may obtain all information, statistics, etc. from the D.C. Government needed to conduct its study.

THE INSIDIOUS NATURE OF CHEMICAL POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent article appearing in the Christian Science Monitor of Saturday, November 1, 1969, reporting on a new area of environmental hazard which should give grave concern to any who are interested in preserving this world as a viable and decent place to live:

THE INSIDIOUS NATURE OF CHEMICAL POLLUTION

(By Robert C. Cowen)

LONDON.—Britain's massive, and puzzling, die-off of seabirds has dramatized the insidious nature of chemical pollution.

While people point accusing fingers at DDT and related bug sprays, other poisonous chemicals spread into our environment unpublicized and virtually undetected.

Thus researchers got something of a surprise to find that some of the dead birds had heavy body burdens of a class of toxic industrial chemicals known as PCBs (polychlorinated biphenyls). They're widely used in making paints and plastics and in many other manufacturing processes.

As with lead from automobile exhaust, asbestos from brake linings, or mercury from seed dressing and industry, pollution experts have been aware that the PCBs were a potential problem. But little track has been kept of them, so little was known about their environmental spread.

Finding hundreds of parts per million of PCBs in seabirds suggests that Britain, and by implication other countries, may be pouring far more of this class of chemical into the environment than suspected.

Even the fact that PCBs may be menacing birds would not have come to light if wildlife experts here were not pushing a crash investigation into the spectacular seabird disaster.

Somewhere at sea, a tragedy has been taking place. It was unknown until mid-December when dead and dying birds began washing ashore, landing on ships, and dropping out of the sky. They include a number of species—cormorants, gannets, guillemots, puffins, razorbills, and shags.

It is impossible to estimate their numbers. Far more birds may be involved than have been found so far. Some reports speak of 10,000 birds perishing. Certainly many thousands were involved in the tragedy.

At this writing, no expert can more than guess what happened. Many birds are so emaciated they appear to have starved. But did they starve for lack of food or were they ill or poisoned and hence unable to eat?

Did strong winds and other bad weather conditions of recent weeks also play a role? Some of the species are molting and hence couldn't fly away from bad weather or a food-short region.

MORE QUESTIONS UNANSWERED

Dr. Norman W. Moore, head of the Toxic Chemicals and Wildlife Division of Britain's Nature Conservancy, says a confluence of various factors may be involved. Indeed, experts may never know exactly what happened.

But the incidental finding of the PCBs has raised the question of whether more attention should be paid to such pollution, quite apart from the bird death mystery.

Levels 10 to 12 times the amount of PCBs found in bird specimens used in routine monitoring tests were found in eight of nine of the seabirds examined by Nature Conservancy experts. This suggests that rather heavy PCB pollution may be occurring somewhere along British coasts.

The chemicals were found partly because tests for them are similar to tests for DDT and its relatives. But, in testing for poisons, experts only find what they look for. Often they haven't looked for PCBs. And if other kinds of poisons are getting into the environment, they too, may go undetected because no one thinks to look for them.

This is how massive mercury poisoning caught Sweden off guard. The deadly metal seems to have come from seed dressings used to protect seeds against fungi and from various industrial processes. Mercury pollution attracted attention when pheasants and other birds began dying in unusual numbers about 1963. Subsequent studies found the poison spread widely, especially into fish in both fresh and salt water.

Sweden has taken energetic measures to combat this pollution. It has, for example, banned mercury seed dressings. It has set standards of contamination for fish that, at times, have practically shut off some kinds of fishing.

SWEDES LEARN LESSON

Not all the pollution comes from Sweden. Other Baltic countries contribute to it. But Sweden has learned a lesson in how stealthily an environmental poison can build up to be a serious problem.

Commenting on this, Dr. Bengt Lundholm, secretary of Sweden's Ecological Research Committee, has explained: ". . . we have found that the mercury levels started to rise in the Nordic environment at the end of the last century [when the woods pulp business, which uses mercury, began].

"It took roughly 70 years before the effects appeared and society was taken by surprise. This could have been avoided if we had continuously followed the levels of heavy metals [which are poisonous] in the environment."

You could say the same thing for lead today. Coming from automobile engines and some industrial processes, the level of this metal in air is rising. From time to time, reports of this break into the news. But, as yet, no one knows to what extent the contamination is spreading or how seriously to take it.

To help find out, a team from Scripps Institution of Oceanography has been sampling "pure" air far at sea to measure the natural background of lead in the atmosphere. Even here, they recently reported, they find enough lead to indicate pollution. The "pure" air isn't so "pure" after all.

The contamination is 100 to 1,000 times less than in San Diego. Still they judge it to be above what they would believe to be a historical natural level.

This merely suggests that lead is spreading through the lower atmosphere. A lot more research will be needed to pin down the lead-pollution hazard. But, like mercury even a slow buildup of environmental lead must be taken very seriously.

All of this illustrates the complex nature of man's chemical assault on his environment.

Recent moves to ban or restrict DDT and related poisons in some countries may give a false impression that this assault is being contained. Important as such steps are, they scarcely begin to avert the chemical poison hazard. Indeed, scientists have scarcely begun to understand the nature and scope of the hazard, let alone figure out what to do about it.

STUDENT OPPOSES MORATORIUM TACTICS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MONTGOMERY. Mr. Speaker, contrary to some national news reports, all student leaders on college campuses have not embraced the idea of the Vietnam moratorium demonstrations. As a case in point, I commend to my colleagues the following editorial that appeared in the Spectator at Mississippi State College for Women. Editor of the student newspaper is Miss Lynn Johnston of Forest, Miss. I would like to think Miss Johnston speaks for all college students. I know she expresses well the opinion of the majority of the students in Mississippi. The editorial is as follows:

SPECTATING BY THE EDITOR

(By Lynn Johnston)

Yesterday a nationwide moratorium against the Vietnam war was observed by students in various colleges and universities across the country. Student organizers scheduled marches, rallies, teach-ins, and class boycotts, in a massive attempt to bring our servicemen home. The majority of activity originated in eastern schools, but institutions in other parts of the country also endorsed the program.

All of us hate war. We hate death. We don't understand just why this conflict has to continue. We want out.

We suffer while our men struggle to win for us that thing we call peace. They're working hard, because they know how much we value peace; they know it's the life-blood of any nation.

On the other hand, we're students. We're students at a college of our own choosing, attending institutions that help to form the backbone of our nation.

So what have you got when you break something's backbone to save its blood?

It is the opinion of this writer that the Vietnam Moratorium was wrong. We do believe the war should be stopped, and we do believe that students should show government officials, including the President, how they feel about it. But we don't believe our nation can get anywhere when we attempt to reach one goal by tearing down another. We have many problems, but they can be solved in a manner which better reflects the ideals we Americans claim are ours.

At the present time, Mississippi Intercollegiate Council, a branch of Southern Universities Student Government Association, is in the process of forming a Youth Advisory Board. The Board is composed of student body presidents of all colleges of the state. Its purpose will be to consult with the governor on any matter students feel needs attention. Through this Board, MIC hopes to establish a better channel of communication between state and student government, thereby helping alleviate conflicting ideas and procedures.

In our opinion, this is the way to get things done . . . not by disrupting classes, protesting, or marching; but by approaching our leaders peacefully . . . peacefully . . . for the Cause of Peace.

MANLY FLEISCHMANN IS NAMED TO HEAD NEW YORK STATE STUDY OF GRADE, HIGH SCHOOL ROLES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DULSKI. Mr. Speaker, Governor Rockefeller and the New York Board of Regents have initiated a broad study of elementary and secondary education in our State and have named a distinguished resident of my district to head the commission.

He is Manly Fleischmann of Buffalo, N.Y., an able attorney and a veteran of public service. Former President Truman named him Administrator of the Defense Production Administration during the Korean war and he served in the same area of production control early in World War II, as assistant general counsel of the War Production Board.

Upon being commissioned in the Navy in 1943, he was assigned to the OSS and directed espionage activities with a corps of the British Army in Burma and India. At the end of the war, he returned to the practice of law in Buffalo until his call to aid President Truman in mobilizing for the Korean conflict.

He has been very active in both local and State community and cultural activities since returning to Buffalo. Since 1965, he has been a trustee of the State University of New York. Mr. Fleischmann's public service record, to his community, to his State and to his Nation is exemplary.

In a joint announcement, the Governor and the board of regents said:

> New York is justly proud of its educational eminence and the opportunities its excellent school system has afforded its people.
>
> However, we cannot uncritically project our present system forward without change, in this age of profound change, without running the risk that our schools may lack educational relevance and financial viability in the future.
>
> Therefore, we have created a State Commission on the Quality Cost and Financing of Elementary and Secondary Education to conduct a searching examination of these schools, and to make recommendations for meeting the challenges to them in the next decade bearing on their quality, relevance, cost, efficiency and financing.
>
> The Commission's work will cover both public schools and nonpublic schools, which now serve one-fifth of the State's elementary and secondary pupils.
>
> We are extremely fortunate that a most distinguished American has agreed to serve as the Chairman of the Commission; Mr. Manly Fleischmann of Buffalo, New York.
>
> He is a man with almost 30 years of high-level public service having served as President Truman's Defense Production Administrator, an early architect in the formation of NATO, a noted attorney, a director of several major corporations, a trustee of our State University and fittingly, a teacher at one time in his long, illustrious career.

Mr. Speaker, because of the broad interest in our country today on educational standards and the future of education, I am also including from the joint statement the basic questions which the commission is asked specifically to explore:

> The Commission is specifically charged, though not limited in its scope, to examine our elementary and secondary education system against these fundamental questions.
>
> 1. What is the objective of the elementary and secondary school in the decade ahead? What does society have a right to expect and what will it require from its educational system in the future?
>
> 2. To what extent is our present system of education meeting the objectives expected of it?
>
> 3. Where the educational system is not meeting its objectives what changes are required to get it on the proper course. For example, what changes are needed in the curriculum, in the preparation and utilization of teachers, in the organization of school districts, in control over educational policy, and to achieve educational flexibility that can meet social and economic change?
>
> 4. What costs are involved in achieving the purposes of education? How will these costs be influenced by such economic factors as construction, transportation, professional staff ratios and collective negotiations between school boards and educational employee organizations?
>
> 5. What financial resources are available to finance education, now and in the future? What are the appropriate financial responsibilities for education among the Federal, state and local governments? What is the impact of such factors as different tax bases in different school districts, and present statutory limits on taxation and bonded indebtedness?
>
> 6. What is the potential of modern technology, if fully applied to the classroom, both

to lift the quality of education and to lower its cost?

7. What is the proper role of the state regarding the financial needs on non-public schools, particularly those serving disadvantaged neighborhoods?

While the entire nation would profit from answers to these questions, New York cannot wait until the nation decides to act. We must have the best education possible for our children, with maximum dollar value derived from every dollar invested in education.

Therefore, we are taking the initiative in naming a commission to probe these fundamental questions and, hopefully, to recommend the right educational course New York should set for its future.

AIR AND WATER POLLUTION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SYMINGTON. Mr. Speaker, the St. Louis metropolitan area was indeed fortunate in having the Senate Public Works Subcommittee on Air and Water Pollution hold a public hearing in our city on October 27. Conducted by Senator THOMAS EAGLETON, the hearing was extremely effective in providing a forum for the discussion of St. Louis' fight against air pollution. While the text of the hearing will be published at a later date, I felt that my colleagues would be interested in a sampling of the statements presented, and I include them, and my own, at this point in the RECORD:

STATEMENT OF CONGRESSMAN JAMES W. SYMINGTON

Mr. Chairman: We meet today, Mr. Chairman, in a great metropolitan area. Our city, which grew from the site chosen in 1764 by August Chouteau and Pierre Liguest, is today located at the crossroads of the most prosperous nation in the world. Bestriding the Mississippi River at its confluence with the Missouri River, St. Louis is a community unified by a single cultural, social and economic life, sharing a common environment, even though divided by political boundaries.

Located at the hub of the nation, our promise has always been great. Even 100 years ago Horace Greeley wrote of St. Louis: "Man will soon accomplish her destiny by rendering her the seat of an immense industry, the home of a far-reaching, ever-expanding commerce." Indeed, a vast trade was early established by Liguest, and manufacturing soon followed. With the discovery of iron, coal and other natural resources nearby, manufacturing grew, and from it today's metropolis.

Black smoke at one time epitomized our industrial activity and prosperity. But that same symbol of progress soon became a threat to the physical health—and the economic health—of the city; by 1940, smoke abatement efforts were showing effect and control was established over that problem of our environment.

Today we face a similar challenge. As our technology and industry have become more complex and sophisticated, so have the problems of environmental pollution—not merely in St. Louis, but throughout the nation and the world. While air contamination often cannot be seen or felt, its dangers have already been made manifest through a number of tragic incidents like those in Donora, Pennsylvania, London, and New York, and the crisis this summer in the St. Louis area. This latter incident is largely responsible for our gathering here today. One question it encourages us to explore is what kind and degree of action are we willing to take to avoid more incidents like these in the future. And for my part, what can be done on the Federal level to supplement and encourage such action. Surely we cannot afford to respond to the problems of air pollution only on a crisis basis. Such action might destroy symptoms; it will never eliminate causes. We must tackle these causes, or we will surely suffocate in the effects.

NATIONAL INDUSTRIAL EMISSION STANDARDS

First, I would like to briefly discuss the question of national industrial emission standards. When the Air Quality Act was being debated, considerable attention was devoted to the concept of national emission standards. Ultimately, of course, national standards were not incorporated in this legislation. The Act, as passed, provided a plan for the implementation and enforcement of emission standards on a regional level. I believe this regional approach is a sound one, and that it can be a very effective one, if it is adhered to by State and local governments, industry, and citizens. I also feel that regional enforcement authority should be. as called for in the Act, strictly backed by the Federal government. Nonetheless, I believe that our entire air quality program could be strengthened by the implementation of national emission standards. In the first place, one major factor which has contributed to the lack of initiative at the state and local level in setting emission standards is the threat of economic recrimination. Unfortunately, the local government's role of protecting the public health and welfare seems to be in direct conflict with its role of insuring economic growth. At the present time, local enforcement officials hesitate to enforce standards, since industrial polluters have the option to relocate their facilities in areas with less stringent regulations. Even a minimum national emission standard would help to eliminate the attractiveness of this option.

There are other reasons for strengthening pollution control efforts through some type of national standards. First, it will take some time before all air quality control regions are established and operating effectively in accordance with the Air Quality Control Act. Until such time as all air quality regions are designated and their authority becomes effective, will we permit the uncontrolled pollution of the environment?

Secondly, and more significantly, there are a number of areas which may never be included in any air quality region. Do we ignore these areas until they become critical, or even rely on voluntary local efforts to prevent them from becoming so? Indeed, the primary purpose of national standards should be the protection of those people living in the vicinity of industries in areas which either are not yet, or will not be, included in air quality control regions. These people, after all, have the same right to a healthy environment as do those living in areas which are or will be included in air quality regions.

In considering the case for national standards, however, we should not presume that any such standard would be adequate to effectively control emissions in our urban areas, or would in any way reduce the need for more stringent regional standards for industrialized areas. As a case in point, we might consider the report proposing emission standards for various air contaminants which has been published by the American Society of Mechanical Engineers. That report also states that it is unlikely that these standards would be adequate in any urban area in this country—that they would have to be augmented by more stringent regional emission standards in order to provide a safe environment.

Thirdly, because pollutants do not respect political boundaries, an emission which does not present a problem in its particular region may be carried to another region where it will create a problem. Basic national standards would be intended to prevent emissions from low concentration areas from contributing to the problems in areas of high pollution concentration, perhaps until the sources of the contamination could be brought into an air quality control region.

There are also technological advantages which could result from national industrial standards. Uniform standards for emissions from various sources could encourage the creation of a national market for pollution control devices. The great range of standards now existing makes the large-scale development of modern methods of control technically and economically not feasible. More definitive standards could certainly facilitate the development of control techniques. This does not mean, however, that we should ignore existing control methods until the most modern pollution control devices become accessible. While advancing the "state of the art" we should do what we can to improve the state of the air.

In passing the Air Quality Act, it was the intent of Congress that the primary responsibility devolved on states comprising air quality control regions. I think we should remember that one reason for ineffective air pollution control in the past has been our dependence on voluntary development of and compliance with safe air standards, without strict enforcement requirements. The Air Quality Control Act provides for (1) state development of emission standards—which must be approved at the Federal level; and (2) compulsory industry compliance with those standards, which are to be enforced at the state and local level, with federal interference if they are not. I cannot see any real conflict between effective action by states in accordance with the Air Quality Act, and the need for national emission standards. In fact, I believe it would be a mistake to advocate the adoption of national standards as a substitute for regional standards geared to the different conditions of different areas. Consider the implications of such a suggestion. The air pollution control program would become completely a creature of the Federal government. We would have to be willing to accept Federal development of standards, as well as Federal enforcement of those standards, without local or state interference in cases where standards were not adhered to. Are we willing to give the Federal government complete jurisdiction over industrial pollution? I think not. We must remember that our objective is to control pollution, not to control industry. Most important is that an effective alliance against pollution be established. This means a partnership of industry and government at all levels. Under the Air Quality Act, it means regional emission standards for industry, to be enforced by state and local government, and insured by the Federal government. This Act also provides for a commission to study the need for national standards. The report of that commission—to be submitted to Congress next month—should be enlightening as to the feasibility and desirability of the adoption of national emission standards. I trust they will be deemed useful.

GUARANTEED MARKET FOR LOW EMISSION AUTOMOBILES

There are other areas of legislation, aside from amendment to strengthen the Air Quality Control Act, where Federal support could bolster local and state efforts in pollution control. For instance, in terms of the total quantity of pollutants, the automobile represents the most important single source of air pollution in the United States today.

Automotive sources continue to emit more pollutants than all stationary sources combined. In our city alone 1,114,000 tons of carbon monoxide and 373,600 tons of hydrocarbons are emitted each year from these sources.

The Federal program has sought to cope with automotive air pollution by establishing nationwide standards that limit the emissions of automotive pollutants. Since 1968, when the first national standards became effective, annual automotive emissions per car have decreased 62%.

More stringent standards were issued in June of 1968—to become effective in 1970. In the years after 1971 and 1968 and 1970 standards will achieve a sharp downturn in national emissions per vehicle. However, unless more restrictive national controls are imposed at an earlier date, decreased vehicular pollution levels will be short-lived. By the mid-seventies expanding vehicle population and usage will again send automotive pollution levels soaring. So, we must fight a continuous battle with the ubiquitous automobile for clean air.

Although primary responsibility for developing emission control systems lies with the vehicle manufacturers and fuel producers, Federal policy has been to stimulate and assist in furthering the development of improved control systems. In this regard, I have co-sponsored a bill to make the 400,000 vehicle inventory of the Federal agencies a guaranteed market for low-emission automotive propulsion systems—whether steam, electric or modified internal combustion in nature. The bill would provide for the creation of a Low Emission Certification Board which would decide whether a particular vehicle is a low-emission vehicle, and whether it would be a suitable substitute for any class of automobile now purchased by the Federal government for the use of its agencies.

Certified low-emission vehicles would be purchased in place of non-certified vehicles. Emission standards would follow California's Low-Emission Motor Vehicle Act which has proven so successful thus far. No low-emission vehicle would be eligible for U.S. procurement if its costs exceed 125% of the procurement and maintenance costs of the class of vehicles for which it is a substitute.

The Staff Report for the Senate Committee on Commerce entitled *The Search for a Low Emission Vehicle* recommended such action:

"Legislation requiring Federal procurement of low-emission vehicles will foster low-emission vehicle development. Such legislation will make feasible independent innovative development of low-emission vehicles. By offering legislatively guaranteed markets, a reasonable rate of initial production is possible. Initial costs of low-emission vehicles can thereby be made more competitive with existing vehicles.

The large capitalization for nationwide dealerships and servicing centers would be unnecessary. Sales of these vehicles can be arranged centrally with the purchasing agents of the various departments thereby reducing marketing costs, and many Government vehicles are centrally serviced thereby reducing investment costs for service centers.

Most importantly, the procurement legislation might create a consumer demand for low-emission vehicles. This demand might prompt Detroit auto manufacturers to accelerate their development work in the low-emission field.

DEVELOPMENT OF MASS TRANSIT

Another area of Federal legislation to be considered in the battle against air pollution is mass transit, for as the motor vehicle population increases, so will air pollution—even if we continue to impose stronger standards. The U.S. is experiencing sharp upward trends in urbanization, industrialization, and in automobile usage. Already, our metropolitan areas encompass 78% of our population. These situations point out the urgency of greatly expanding the development and use of nonpolluting transportation vehicles and systems. In the past local, state and Federal agencies responsible for the development of transportation systems have tended to overlook pollution aspects of various transportation designs and emphasis has been placed on expanded highway construction. Today, as a result, the average American spends some 13% of each working day breathing in the fumes of the car in front of him. And to further aggravate the problem, we are now producing automobiles faster than we are producing people. This trend makes our battle to offset automotive contamination similar to a journey on a tread mill.

Although any meaningful use of mass transit will involve substantial public investment, relatively modest support of innovations with existing transit systems could have noticeable effects on auto use. As an example, a recent high speed rail project from the Village of Skokie to downtown Chicago initiated by the Chicago Transit Authority, with financial assistance from the Department of Housing and Urban Development, shifted approximately 2,000 auto trips to mass transit facilities. Federal spending related to programs of this type could change commuter travel patterns and significantly reduce air pollution.

In this regard, there is growing interest in legislative programs for mass transit. Last spring I joined with 40 of my colleagues in proposing a bill to provide $10 billion in Federal expenditures over the next 4 years for mass transit conveyances; and to establish a mass transit Trust Fund to be administered by the Department of Transportation.

While local innovation for mass transit has not been overwhelming, the amount of federal assistance available for highways has been so much greater than that for mass transit that cities have never really been given equitable options when considering transportation systems. This bill would greatly help to put mass transit on a par with highways and thus help to alleviate a major source of air pollution.

POLLUTION STANDARDS FOR GOVERNMENT CONTRACTS

With regard to other Federal efforts in the fight for a healthy environment, I feel serious consideration should be given to legislation which would prohibit the issuance of federal government contracts to those industries which do not meet certain pollution control standards.

We find precedent for such a measure in the Equal Opportunity Employment Act and the Health and Safety Construction Act. These regulations insure equal employment and safe working standards for our nation's labor force. Can we do less in protecting them and all our citizens from the health hazards of pollution?

The federal government has taken a first step in assuming its responsibility in this area through the Federal Facilities Air Pollution Abatement Program. The July, 1968 progress report shows a total of 387 installations implementing 442 remedial action programs. This program is commendable and its extension into all areas of federal contracting would seem logical and valuable.

In considering a proposal such as this, we immediately face the dilemma of setting uniform yet just standards. Do we commission the Secretary of Health, Education and Welfare to promulgate national emission standards? In accordance with most recent legislation, it would seem that air quality control regions would provide the most effective and equitable standards. In this way, each application for a federal contract could be reviewed in light of the applicant's compliance with emission standards in his air quality control region. If national emission standards were adopted, these could be applied to applicants not located in air quality control regions.

There are questions technically and administratively which would have to be studied before a proposal such as this could become a reality; but we cannot afford to neglect any reasonable and feasible effort in this fight to control the pollution threat.

This possibility of establishing pollution standards for government contractors, together with national industrial emission standards, the establishment of a guaranteed market for low emission vehicles, and federal funding for development of mass transit systems, represents constructive ways in which the Federal government can contribute to air pollution control efforts. However, only a public policy which is contributed to by every level of government, by industry, and by all citizens can effectively alleviate the dangers of air pollution. This has been the objective of the Air Quality Act of 1967: to promote and encourage the development of policies and institutions geared to the regional nature of air pollution problems. Whether this policy succeeds will depend on the degree of commitment we get from State and local government, from industry, and from the taxpayer and citizen.

There are cynics, I am sure, that would argue that the Air Quality Control Act, in placing emphasis on State and local efforts, runs against the lessons of history because the lesson of our Federal system is that, increasingly, State and local government and local and private groups find it difficult to successfully deal with public problems until there is no recourse but national policy, national agencies and national enforcement.

I reject their argument. Although this may or may not be the lesson of history, it cannot be the lesson of the future. We must undertake in ways suggested by the Air Quality Act, and possibly by the further federal efforts I have suggested, to revitalize the policy-making processes of our country at the state and local level and revitalize the idea that public policy is not only the product of public agencies, but of the private sector and of concerned citizens.

I believe that in St. Louis we have the concerned citizenry so necessary to the formation of effective public policy. And this concern is to be encouraged. It is greatly stimulated by the warnings of ecologists all over the world who are alerting us to the dangers of our continuing desecration of the natural environment. Air pollution is only a part of man's disregard for the delicate balance of nature upon which life on this planet depends.

None of us would like to think he is contributing to the evolution of a world populated—in the words of Missouri Botanical Gardens Director David Gates—by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water." But tragic air pollution incidents within the last twenty years indicate that this may be the very course we are pursuing.

"The problem of earth hygiene", as Soviet physicist Andrei Sakharov has said, "is highly complex and closely tied to economic and social problems. This problem can therefore not be solved on a national and especially not on a local basis." Certainly, strong programs to control pollution in our country will be a step in the right direction. But the ultimate salvation of our global environment requires that we surmount political and ideological differences, and work together as members of the family of man to care for our planet home.

STATEMENT OF DR. S. DAVID ROCKOFF, CHAIRMAN, EXECUTIVE COMMITTEE OF THE "LUNG SPECIALISTS OF ST. LOUIS AGAINST AIR POLLUTION"

On behalf of the "Lung Specialists of St. Louis Against Air Pollution", I wish to thank you for inviting us to appear before this subcommittee. My name is S. David Rockoff. I am an Associate Professor at the Washington University School of Medicine where I am in charge of the pulmonary radiology section and am involved in research related to air pollution.

I am Chairman of the Executive Committee of the "Lung Specialists of St. Louis Against Air Pollution." This is an organization of 28 physicians who represent the large majority of specialists in the St. Louis metropolitan region whose primary professional activities include the diagnosis, research and treatment of diseases of the lung.

The very existence of our organization testifies to our conviction that air pollution in the St. Louis region constitutes a serious hazard to health. The citizens of this community have been suffering silently for years, thinking that a necessary concomitant of industrial and technological progress was putrid air. However, there has been a palpable change in attitude toward air pollution. The people have become educated to the fact that air pollution not only smells bad and makes them feel miserable, but also destroys their lungs and the lungs of their children. They are dismayed to learn that while they urge their children not to smoke, the effects of breathing big city air have been likened to smoking 1 to 2½ packs of cigarettes a day, as regards the development of lung cancer. They are now aware that the daily high pollution levels are hazardous and that the acute episodes, such as occurred here last August, augment and dramatize the chronic pollution problem.

The air in the St. Louis region has been monitored for years and continues to be monitored. Much is known about the kinds, quantities and sources of the various pollutants. The deleterious effect of many of these pollutants on pulmonary physiology and pathology in animals and in man have been incontrovertibly established. There are those who counsel that additional investigations of the causal relationship between pollutants and lung damage must be performed in St. Louis before broader and more stringent regulations are adopted here. We reject this counsel as utter nonsense. It is reasonable to assume that a pollutant causing damage to living beings in Chicago will also cause damage to living beings in St. Louis.

The "great killers" of man yet to be controlled by medical science; that is, cancer and cardiovascular disease, have been shown capable of being caused or aggravated by environmental pollution. Yet, research concerning the relationship between air pollution and these diseases has been mostly sporadic and does not today constitute part of the mainstream of medical research. We propose that research concerning air pollution-related illness be given high priority in terms of Federal spending. The introduction of effective controls, however, should not await completion of what should be a continuing research effort.

The use of *ambient air standards;* that is, setting goals for general atmospheric concentrations of pollutants, appears on the surface to be laudable and does give us a way to "keep score" as to how well we are doing. However, greater emphasis must be on *emission standards*. Without good emission standards, there cannot be effective enforcement. Without effective enforcement, ambient air standards cannot be achieved.

In your invitation to appear at this hearing, we were asked to give our impressions of the action being taken by local officials for long-range control of air pollution and the possible requirement for Federal assistance in coping with pollution problems. We firmly believe that local enactment and enforcement of anti-pollution regulations will never solve the pollution problem, even if on a "regional" basis. First, it places an unfair burden on local public officials. On the one hand they are frequently elected because they recognize the importance of a strong local industrial climate. On the other hand, they are asked to act forceably against polluting industries, at the risk of losing these industries to areas having less strict pollution control. The regional concept of pollution control fails to take into account that an industry may compete with companies who manufacture in one or more different jurisdictions. Uniform Federal standards rather than regional standards would ameliorate this difficulty.

Second, local action will not solve the pollution problem because the local pollution is often due to causes outside of the local jurisdiction. The St. Louis metropolitan region is a classic example of this dilemma. A large part of our pollution comes from the East side of the Mississippi River, from Illinois. That state has been slow in adopting strong measures against air pollution, resulting in the continued inundation of St. Louis by choking and harmful fumes when the wind blows from the East or is stationary. Uniformity of control, when left to the States, requires interstate compacts which, experience has amply demonstrated, are difficult to enact. Further, many of the large polluting industries are monopolies, such as the utilities. In these cases a disgruntled citizen, who would ordinarily show his ire by dealing with a non-polluting competitor, does not have this option. Making the matter worse is that the utility's plant is often across a state line. Such a utility is not even bound by the air pollution regulations of the state to which it is supplying much of its product. It is obvious to us that the air pollution problem transcends even national boundaries. In fact, we are certain that eventually there will have to be international compacts because, as with nuclear fallout, no matter how well we clean up our air, pollution from other nations will eventually affect us.

A third reason for not leaving pollution control in the province of the State legislatures was illustrated by the recent instance in which the initial appropriation of funds proposed by the Missouri legislature for the Missouri Air Conservation Commission was insufficient for that Commission to receive matching funds from the Federal Government. It was only after a "grass roots" outcry that sufficient funds were restored to the State's Air Conservation Commission budget.

Fourth, the liberal use (or misuse) of variances weakens the local enforcement of even *existing* air pollution control laws. In private discussions with our group, some local officials have expressed their apprehension concerning the prospect of interminable court battles should they seek to close an offending plant. We sense that this may have been a factor in the granting of some of the variances. Also the members of the Appeal Boards are often businessmen and industrialists, perhaps even employed by the very industries they are charged to control.

Federal intervention is required for yet another reason. Had medical science, ecology and environmental technology developed earlier in the history of this country, we would not be confronted with the present enormous problem. It would have been recognized at the outset that industrial and automobile emissions were hazardous to health. No factory would have been permitted to open its doors and no automobile allowed on the road before proving that the wastes it was to emit would not harm the environment.

Our present laws reflect this historical development. Even in those areas which have stringent codes or laws controlling pollution, variances are often sought by industries. Such a variance is theoretically not to be granted when its issuance constitutes the continuance of a health hazard. But, and this is the key point, the burden of proof that a health hazard exists is on the air pollution enforcement agency. We believe that it is time for our laws to reflect the change in public attitude toward pollution alluded to earlier in this statement. We believe that an industrial product should be shown not to be harmful *before* being put into operation.

There is precedence for the law proposed. The burden of proof that a drug does not have side effects which are overtly damaging or lethal is on the industry producing the drug. There are Federal regulations to control this. The responsibility of the manufacturer with regard to air pollution should be even greater since when people take drugs they do so willingly and thereby accept a certain risk. Receipt of an industry's or auto's air pollution is an involuntary act performed by all of us. Should we not have at least as much protection as the pill taker?

Our final argument for strong Federal control of this problem is that it provides for rapid, uniform extension of the laws to cover newly recognized hazards. For instance, there are at present no uniform statutes regarding the emission of trace elements, even though some are known to be hazardous such as arsenic, beryllium and cadmium. Benz-alphapyrene, which is emitted from auto exhausts and from fossil coal burning is a recognized cause of experimental cancer, but no controls exist over its emission. Asbestos is a well accepted cause of human cancer. Yet there is no control over its use in brake linings of autos, even though emission occurs when brakes are applied. Synthetics are being developed daily whose production by-products have effects which are not now known but which need analyzing *before* they are permitted to be released into the environment. It should be noted that trash burning is especially hazardous when one considers that trash contains many of the above substances and these are disseminated by burning. The law must provide for the rapid adoption of controls over pollutants other than those commonly dealt with as it becomes apparent that they are potential health hazards.

In summer, we urge that 1) the ambient air quality standards be made meaningful and attainable by the adoption of strict emission standards, 2) that the standards be made nationwide rather than local or regional, with the final responsibility for enforcement being with the Federal Government, 3) that the standards be made to cover all existing pollutants, even though in many cases arbitrary criteria will have to be established initially because of the absence of hard data and because of the very complicated problem of synergism (that is, the potentiation of the effect of one pollutant by another), 4) that provision be made in the law for the rapid adoption of nationwide standards to cover pollutants newly determined to be potentially harmful, 5) that the burden of proof of the safety of emissions from an industry or its product be placed on the industry itself, and 6) that financial assistance for the health effects research of air pollution be given high priority by the Federal Government.

STATEMENT OF LEWIS C. GREEN, FORMER CHAIRMAN, MISSOURI AIR CONSERVATION COMMISSION

Mr. Chairman, my name is Lewis C. Green. Until a few months ago I was Chairman of the Air Conservation Commission of Missouri, a post which I held for more than three and a half years. I have now retired from that position, and I am appearing here today as a lawyer and as a private citizen.

I want to thank this Committee for giving me the opportunity to appear today. For nearly four years I have worked within the framework of the currently fashionable concepts of air pollution control, in an effort to accelerate the urgently needed cleaning of our air in St. Louis. As the result of that experience, I have concluded that we will not make satisfactory progress until the federal government, and particularly the

United States Congress, drastically revises certain fundamental concepts now prevalent. Today I would like respectfully to direct your attention to three of them.

The Federal Government must assume a primary responsibility for air pollution control.

In the Clean Air Act of 1963, and again in the Air Quality Act of 1967, Congress explicitly asserted that the control of air pollution "is the primary responsibility of States and local governments." In keeping with this premise, Congress has directed its efforts toward prodding the state and local governments to take effective action.

I respectfully submit that the time is at hand for the United States government to come out of hiding, and accept a primary responsibility in this area. I make this submission for two principal reasons.

1. It is currently fashionable, but quite misleading, to assert that air pollution is a "regional problem." Of course, it is, but it is more than that. In fact, air pollution is a national problem, and a hemispheric problem, and indeed a global problem. For example, for many years the excessive carbon dioxide dumped into the earth's atmosphere appeared in such quantities and for such duration that it caused the entire temperature of the earth to rise steadily. The consequences of such a trend, in terms of melting glaciers and other phenomena, can be foreseen only dimly.

For another example, the trend toward warming of the earth from this cause was arrested, not by reducing the amount of carbon dioxide in the earth's atmosphere, but by dumping huge quantities of particulates into the earth's atmosphere, in such quantities and for such durations that they have shielded the earth from the sun to a substantial extent, causing the earth's temperature generally to diminish over the last two decades. The rapid increase in jet airplane travel appears to be accelerating this trend. The possible consequences of this trend, also, can be foreseen only dimly.

Lead poisoning is an ailment well known to modern medicine. All of us are inhaling, and retaining in our systems, more lead today than ever before. The lead we inhale comes not alone from our own "air quality regions"; we know that lead travels across continents in the ambient air, and is increasing substantially all over the globe, including the North Pole.

Some of the harm being done by the more persistent pesticides has already been documented, and more of the consequences are being detected every year. It now seems clear that these pesticides travel hundreds or thousands of miles in the ambient air before settling to the earth's surface, where they work their way into the ecological system, with profound effects, far from the point of origin.

Other examples could be cited by the scientists, and I am confident that further research will disclose additional examples of the global consequences of the wastes we are dumping in the ambient air.

The fact is that the air we breathe is the public property of the nation, not of any "region." You Senators are the duly appointed guardians of that public property. I respectfully urge that the United States Congress forthwith assume a primary responsibility which it cannot forever pass off to others.

2. Furthermore, in too many states, the state and local governments have refused to accept the responsibility you have repeatedly attempted to pass to them. The residents of such states, and the visitors in such states, are entitled to clean air to breathe. They are citizens of the United States, as well as their own states, and they are entitled to claim from the United States protection of their rights.

More important, the refusal of one state to accept this responsibility inflicts an intolerable insult upon the citizens of neighboring states. The prevention and redress of such grievances is the primary responsibility of the federal government. Let me give you one basic example of our experience in St. Louis.

In 1963, the State of Illinois created an Air Pollution Control Board. Between 1963 and 1966, a comprehensive study of the air pollution problem of the entire St. Louis area was made, under the auspices of the federal government, the Illinois and Missouri governments, and various local governments and interested persons. On May 31, 1966, that Interstate Study published its recommendations for specific emission controls.

Shortly after May 31, 1966, the State of Missouri called public hearings on those Interstate Study recommendations; public hearings were held in November of that year, and by February, 1967 the State of Missouri had approved them, with minor changes, and Missouri is now enforcing them.

As of today, almost three and a half years after those recommendations were made, the State of Illinois has not adopted them. Although the sulfur dioxide crisis here is one of the most acute in the nation, Illinois has adopted no emission control regulation whatever respecting the sulfur oxides. As to particulate emissions from fuel-burning, the State of Illinois, at the request of the large industries, has substituted for the Interstate Study recommendation a substantially weaker regulation. As to particulate emissions from manufacturing processes, the State of Illinois purported to adopt the recommended regulation, but substituted specific, less stringent regulations for each of the major industries on the East Side, and refused to adopt a regulation which would provide an efficient enforcement tool.

In short, the State of Illinois has steadfastly refused to go any farther than the organized industrial polluters have desired to go. While some companies on the East Side have somewhat improved their historically filthy operations, the government has ignored the Interstate Study recommendations, and refused to adopt regulations comparable to those of Missouri, or those of other major metropolitan areas. The City of St. Louis can never be cleaned up in this way.

For years, the federal government has urged the states to assume their responsibilities. It is clear that some states, at least, are not willing to do so, and that this inaction is no longer tolerable. Begging, cajoling, advising and assisting have been futile. Air pollution presents an urgent crisis now. We cannot afford the time lost in deferring to a supposed primary responsibility of unwilling state and local governments. It is now time for the United States to assume its primary responsibility directly.

This is not to say that a huge federal bureaucracy must be established to enforce detailed emission limitations in every metropolitan area in the country. The enforcement task could, in intrastate regions, be left to state and local officials, under a watchful federal eye; in interstate regions, the task of enforcement could be assumed by a regional authority, made up of representatives of each concerned state and the federal government. In such a case, as I suggested to this Subcommittee two years ago, the Congress should insist that such an interstate regional authority be truly regional, for uniformity of enforcement throughout the region will be essential to a fair and effective air pollution control program. This is to say, however, that Congress should now give urgent and favorable attention to President Johnson's advocacy of stringent national emission limitations for the major industrial polluters.

The concept of clean air must be substituted for the concept of air quality management.

The first, most important, step for the federal government to take in assuming its full responsibility is to throw out the concept of air quality management. From my experience, I have concluded that no single aspect of our national air pollution program is more degrading, obstructive, or misguided. It is important that you understand it fully.

The fashionable approach to the air pollution control game works like this. First, we spend a great deal of time measuring the measurable quantities of certain chemicals and particulates in the ambient air. Those that we can't measure, we simply ignore for the rest of the game, on the ground that we don't know enough about them. To a substantial extent we can control the results we obtain by choosing the locations for taking the measurements.

Second, having justified limitless months or years of inaction by taking these measurements, we call upon the doctors, and other scientists, to tell us exactly what quantities of these ingredients in our ambient sewer will clearly cause damage, or death. The doctors, having no way to duplicate in the laboratory the real-life concentrations, over a real human lifetime, or the synergistic effects of the various chemicals and particulates, are generally unable to do this. Any chemical which fails to evoke a specific number from our medical experts is ignored for the rest of the game, on the ground that we don't know enough about it. If we can arrive at a number, representing a concentration at which substantial harm will probably occur, we set as our goal for the ambient air the next lower number, hoping (without knowledge) that substantial harm will not occur at that level also.

Third, we compare the numbers: the concentrations actually existing, and the "desired" concentrations; we determine that the actual concentration must be reduced by, say, one-half, or one-third.

Fourth, we inventory all the known sources of the specific pollutant we are considering, and the quantities emitted from each, and order that each source, or class of sources, must reduce its emissions by, say, one-half or one-third. (This is grossly oversimplified; in fact, we generally require a proportionally greater degree of control for the large sources than for the small sources.)

Then we sit back, admire the artistic symmetry of our computations, and hope that everything will work perfectly, that the concentration of the specific pollutant in the ambient air will in fact be reduced to the specified goal, and that the specified concentration will not, in fact, contribute to detectable illness or damage.

The basic premise of this elaborate process is that it is socially desirable to permit anyone—specifically, any industrial plant—to dump his wastes into the ambient air, and thence into the nostrils and lungs of you and me, and all the rest of us, until it is shown by positive proof that a specific waste is causing some specific harm. I respectfully submit that this is a degrading premise, that it is unworthy of a civilized society, and that this is not now, if it ever was, what society desires. The time has come to reverse the burden of proof, and to recognize and adopt instead the fundamental premise that the air around us is the public property of the nation—of all of us—and that no one has a right needlessly to befoul it with his wastes. Each one of us has a right to breathe air that is clean, not just air that is fairly dirty, but has not yet been proved harmful. In short, Congress should act forthwith to require every industrial plant in the nation to reduce its waste emissions to, at most, de minimis proportions, to the extent that the needed technology is available.

I have said that this concept of air quality management is not only degrading but also obstructive. In following this elaborate procedure, we learn to ignore all those pollutants which cannot conveniently be fitted into a computer at every step, perhaps because they cannot conveniently be measured, or because the doctors cannot tell us exactly what concentrations will bring on lung cancer or emphysema. So far, we have succeeded in plugging into the computers not much more than particulates, sulfur oxides, and carbon monoxide, and nobody knows how to control carbon monoxide anyway. This process leads us to ignore other pollutants. Even as to particulates and sulfur oxides, the performance of this elaborate procedure is time-consuming and expensive.

Finally, the air quality management concept is misguided in terms of both time and space. In attempting to curtail emissions only to the extent supposedly required to render the air generally endurable, this concepts invites disaster when a prolonged thermal inversion creates a short-term peak, or "episode." And this regional concept totally ignores the larger view: the national, hemispheric, or global effect of the great quantities of particulates, carbon dioxide, sulfur oxides, lead, pesticides, and other pollutants dumped into our atmosphere, which I mentioned previously.

For all these reasons, the concept of air quality management must be discarded. It is time for Congress to proceed forthwith to implement President Johnson's proposal for national emission standards for the major industrial processes, and to see to it that these standards are set at levels designed to reduce combustion and process emissions to de minimis proportions.

This is not to say that air sampling is useless, and that knowledge of local air quality is unnecessary. Such knowledge is vital for at least two purposes. First, continuous monitoring of the ambient air will provide the only sure guide to evaluating the success or failure of our control program. Second, in those instances where the technology is not adequate to reduce emissions to de minimis proportions, a detailed knowledge of the air quality, and its effects, will guide us in determining whether emissions must be reduced anyway, beyond the point of present technical competence. This we have done in St. Louis, for example, by requiring a change in fuel usage on the part of many users, and by prodding the local electric utility to provide leadership in development of large sulfur dioxide removal processes.

But the air sampling process should not be regarded as an end in itself. It is properly an auxiliary method, to be invoked when the technical competence has not yet been developed to reduce the emissions of a specific pollutant to de minimis proportions.

MASS TRANSIT MUST BE GIVEN HIGHEST PRIORITY

Finally, a word about the automobile. The gasoline internal combustion engine, as we know it, is a filthy device. I am not qualified to formulate and express a scientific opinion. but I have noticed that the engineers are not at all reticent in expressing legal opinions, so I will not hesitate. I believe that we are asking too much of our scientists when we ask them to devise a way for all of us to operate these little devices cleanly. Even if it should some day prove feasible to achieve an adequate degree of cleanliness in a laboratory, under perfect conditions, with the engine perfectly tuned, I submit that it will never be feasible for millions of users to maintain such perfect conditions as they drive their cars through all kinds of weather, over bumps and potholes, under all conditions.

It may be that the steam car, or the fuel cell, or some other alternative, will some day reduce to manageable proportions the automobile's contribution to air pollution. But that day seems to be far in the future. And even if that should happen some day, the automobile in the inner city is causing a multitude of other problems. It seems clear that the only feasible solution to all of these problems is mass transportation. I respectfully suggest that the United States Congress should move immediately, on a grand financial scale, to develop mass transit in the major metropolitan areas. It is high time to stop bringing cars into the city, by financing new urban highways and parking garages, and to start keeping cars out of the city, by financing mass transit.

STATEMENT OF DR. RAYMOND C. SLAVIN ON BEHALF OF THE COMMITTEE FOR ENVIRONMENTAL INFORMATION

The acute air pollution episode St. Louisans experienced in August was felt throughout the Midwest, from Columbia, Missouri, to Cleveland, Ohio and from north of Chicago to the Gulf. Meteorological conditions were similar in the whole area; pollution levels depended on the amount and type of pollutants emitted in the various cities. Lest we think that this was some kind of meteorological "freak", a similar weather situation prevailed several days later. The only factor saving us from a new pollution episode was the Labor Day weekend closing of industrial plants. The point was thus brought home that there is nothing inherently dangerous about a weather inversion—the hazard depends on the amount of pollutants waiting to be trapped by an inversion or other stagnant air condition.

St. Louisans suddenly sat up and took notice. Donora, Pennsylvania, London, England, New York City—cities where air pollution disasters have occurred no longer seemed so remote. The point was that it could happen right here in St. Louis. It was at this point that St. Louisans began discussing in newspapers, on radio and television, in their homes, schools, and places of employment, plans for cutting down on emissions of pollutants when weather conditions are unfavorable, and thus avoiding the seemingly inexorable path to an air pollution disaster.

There is more than one course of action open to us. We are referring now to different basic approaches to the problem of avoiding an air pollution disaster. One approach would focus on a disaster plan with no other basic change in our current day-to-day air pollution control efforts. Alternatively, we could concentrate on lowering daily pollution to levels where even prolonged unfavorable weather conditions would not produce a disaster. I am not here to recommend either course of action. The purpose of my testimony on behalf of the Committee for Environmental Information is to share with you our evaluation of how much can be accomplished by each of these approaches. Which one is selected depends not only on an evaluation of available data and a knowledge of medical effects of pollution but also on the value citizens and their representatives place on human health; property, materials, plants and esthetics; how they balance these against the economic values represented by unrestricted industrial operations; how much tax money they are willing to invest in establishing and enforcing controls. When it comes to such decisions we are no more expert than other citizens.

The first approach would mean continuing on our present course, which we would characterize as an attempt to reduce certain pollutants gradually (particularly sulfur dioxide and particulates), while at present allowing other pollutants to continue unabated and new ones to be added to our atmosphere.

Exactly where this course of action is taking us is hard to evaluate. Monitoring information is limited to ambient air quality measurements at one downtown location for a limited range of pollutants. Manufacturing plants are required to report certain information to air pollution control officials regarding what comes out of their stacks, but control officials are required to keep this information confidential. It is proprietary information and its release might damage the competitive position of the companies concerned. Neither scientists who would like to evaluate St. Louis pollution, nor citizens who might wish to change the quality of the air they breathe, can get this basic information: what *is* in the air?

However, we do know that present legal controls on industry affect only SO_2 and particulates. Control officials have no authority to require reduction in the emissions from chemical plants, for example, on the basis of the confidential information provided, unless they can prove that such emissions are health hazards.

We know from personal experience in August that the levels of pollution, when atmospheric conditions are unfavorable, can be high enough to be annoying to all of us and to cause some distress to patients with allergies and bronchopulmonary problems. A significant number of our patients with chronic pulmonary problems at the clinics and wards of the University affiliated hospitals had an increase in respiratory symptoms during and following those days. In view of the limited nature of our current control efforts, levels of pollution here easily could reach true disaster proportions involving the illness and death of hundreds of those people particularly sensitive to air pollution. We certainly do not have the information to rule such a possibility out.

The present temporary plan for an emergency alert, with vague, voluntary controls could hardly be expected to cope with a disaster situation. However, a disaster plan which includes authority for shutting down major stationary sources of pollution and reducing the use of automobiles could certainly be prepared which *could* prevent an air pollution episode from reaching disaster proportions.

A plan of this kind could be based on our present weather predicting capabilities. Since we know that conditions leading to air pollution episodes develop with a certain regularity and can be predicted before they happen with at least 70 percent accuracy industry could be ordered to cut down emissions before unfavorable weather conditions develop. This would effectively forestall the kind of situation we found ourselves in last August.

The weakness of this approach is that it would leave daily pollution levels essentially unchanged. The meterological conditions which favor contamination of man's atmospheric environment in metropolitan areas may be divided into two categories:

1. High level accumulations of various pollutants over a time period of several days, leading to disasters.
2. Long-term, lower-level concentrations of pollution representing a potential accumulative effect.

The atmospheric factors characterizing the weather conditions associated with urban air pollution are thermal inversions, calm wind conditions and sunshine, particularly the ultraviolet light components which interact photochemically with pollutants and humidity. If these factors reach critical levels, serious pollution episodes take place, like the pollution alert of August, 1969. However, due to the limited self-cleansing capability of the atmosphere, even the low-level concentrations may generate harmful effects over longer periods of time.

Everyone agrees as to the effects of an air pollution disaster. The Meuse Valley of Belgium, Donora, Pennsylvania, New York City, London have all had well documented episodes of "killer smogs" marked by a dramatic increase in deaths and in severe debilitating cardiac and respiratory diseases. What is not as well agreed on is the effect on health of breathing lower levels of air pollution daily over a period of years. Evidence is, however, accumulating that this insidious type of daily exposure over a long period is indeed harmful. To cite one study, Dr. John P. Wyatt, Chairman of the Department of

Pathology at the University of Manitoba in Winnipeg, Canada, studied two groups of men, one in St. Louis and one in Winnipeg. These two groups were exactly comparable in age, smoking habits, previous disease and occupations. The only difference between the two groups was that one group in St. Louis was breathing urbanized, industrial metropolitan air and the other in Winnipeg was breathing rural non-industrial air. The study revealed a marked increase in chronic lung disease, including bronchitis and emphysema, in the St. Louis group. Studies of school children in Japan and in England have shown that pulmonary function—natural, easy breathing—is impaired in children living or going to school in polluted areas, as compared to children in areas where the air was cleaner. Today's children breathing polluted air resulting in decreased pulmonary function will grow into tomorrow's adults with chronic respiratory disease.

We should recognize, therefore, that accepting this approach to air pollution disaster control includes accepting some cost in health—a cost more subtle and less noticeable than the sudden death of a disaster episode, a cost impossible to quantify with present knowledge, but a real cost, nonetheless.

An alternative approach to avoiding an air pollution disaster would be to decrease pollution all the time so that air quality never reaches disaster proportions. This alternative does take into account the long term health effects of air pollution. It would seek to control pollutants at their source and eliminate the incidence of episodes calling for emergency action.

Under the Air Quality Act of 1967, we are taking a one-by-one approach to pollutants. We are seeking to document the health effects of each pollutant and to base air quality criteria on this information. In the laboratory, it is possible to investigate some of the pollutants one by one, but in the air we breathe, known and unknown pollutants are mixed together in a complex and continually changing relationship, and it is this complex mixture, this polluted urban atmosphere that we know to be hazardous to health. It will take long, slow, careful, costly investigations to determine the effects of each pollutant separately and in various combinations—and meanwhile the mixture we are actually breathing will have changed again. We are manufacturing new plastics, in the process emitting new pollutants; when we are through using them, we burn them in municipal incinerators once more emitting unknown and unmeasured pollutants. A city like St. Louis, which has many chemical plants, which are constantly adding new products, gets new additives to its atmosphere frequently. Dr. Eric Cassell recently remarked that "The number of substances indiscriminately added to the air increases all the time. Gasoline additives contain copper, nickel, vanadium, titanium, boron, barium, and numerous other catalytic metals. Plastic bags contain trace metals of endless variety. Transistor batteries contain large amounts of mercury and other toxic metals. Food packaging, clothing, building materials, rubber, asbestos and endless other substances end their lives in the air and become part of the respiratory intake of every urban individual."

We are not suggesting that it was a mistake to act against sulfur dioxide and particulates. Dr. Bertram Carnow of the University of Illinois Medical School has shown in a now classic study that patients with chronic pulmonary disease have a definite increase in symptoms and in *acute* disease in association with high levels of sulfur dioxide. But the sulfur dioxide is not acting alone. Reducing sulfur dioxide or any other one or two pollutants will not make the air clean. And controlling only those pollutants which can be clearly shown to have an effect on health by themselves, means simply not to act against a larger proportion of pollutants because that kind of cause and effect relationship has not been established, and perhaps cannot be established.

It seems to us that this whole approach to air pollution and health is upside down. Why must we leave a pollutant in the air until it can be proved that it is harmful? Why should not the burden of proof be the other way around? That is, no one should release any substance into the air other people must breathe unless it can be shown to be *harmless*, unless he can prove that it is *not* injurious. This is the guiding principle in the acceptance of food additives and drugs. Proof must be submitted that a new food additive or a new drug will not harm human health before it can be placed on the market. While this system is a long way from perfection, the principle is sound, and perhaps even more appropriate to air. We do have some choice in the matter of the foods we eat and the drugs we use, while we have very little choice as to the air we breathe.

The air pollution episode of August may prove to be a good thing for St. Louis in the long run if it forces us all to recognize that an air pollution disaster is a real threat to this area and that we do not now have the machinery to avoid it. There is no cheap and easy answer. If we choose to have clean air, it will require not simply enforcing present regulations more rigorously. It will require some basic changes in law, regulation and industrial practices.

STATEMENT OF DAVID M. GATES, DIRECTOR, MISSOURI BOTANICAL GARDEN AND PROFESSOR OF BIOLOGY, WASHINGTON UNIVERSITY

St. Louis is a city with a multitude of air pollution problems created by industrial, automotive, and other sources of pollutants. The days which normally would be the clearest and sunniest in St. Louis are those with the heaviest concentration of pollutants. The sloping topography, which drains to the Mississippi River, tends to produce a catchment basin where at times of temperature inversion pollutants concentrate over the central part of the city. Many of the industrial sources are concentrated along the Mississippi River but a large number of other sources are distributed throughout the metropolitan area.

Normally, fine weather conditions, which produce clear skies and are stimulating to health and morale, occur as a high pressure system in the atmosphere centers itself over the city. But it is precisely under these conditions that the high concentrations of pollutants build up within the metropolitan area and as the wind direction shifts to the east it carries the pollutants throughout the residential districts. Pollution buildup is heavy at other times as well when air movement is low. Do not for a moment believe that the filth put into the air in St. Louis is thereby strictly a local issue with only local consequences. It is truly a national and global issue since the air you pollute continues dirty for a long part of its circulation around the world. If the Russians and the Chinese polluted the air to the extent we do, it would come back dirty as it started the next journey across the United States. The atmosphere above the United States is now persistently dirty, with the result that the global climate, as well as local climate, is changed. The dirty air of our cities makes for more clouds, more rain, less sunshine, and a less healthy climate. The amount of sunshine received today in mountain regions of Switzerland and the U.S. appears to be distinctly less than it was 40 years ago.

Although control devices to reduce the emission of pollutants appear to industry to be relatively expensive, so also is the loss of working hours, through sick leave and inefficiency, an expensive cost to industry. I believe all would agree that a healthy environment is a productive environment. The consumer has not paid the true costs of the commodities he purchases. Now the time has come to face up to the real cost of the products we use. If the Federal Government subsidizes the cost of control the consumer will pay through higher taxes. If the individual corporation is responsible for the development and installation of control devices then the increased cost of the manufactured product must be passed on to the consumer. I tend to favor private enterprise under a system of strong laws and diligent enforcement. In some manner, the technology of our nation must be encouraged to devise the necessary control devices and to install them in the appropriate industries. One must pay the cost for a clean healthy environment or man will degenerate to a miserably low level of existence.

It is also abundantly clear to me that we should put massive amounts of Federal money into the development of clean rapid transit systems, preferably underground, within each of our urban areas. We simply cannot continue the privilege of individual transport by means of the internal combustion engine within our metropolitan areas. Commuters, driving their own cars, sitting for approximately an hour a day breathing the exhaust of the car ahead, simply does not make sense. Again the costs of an extensive rapid transit system may not be as expensive as first appears since one must trade off against the cost of driving individual automobiles and of expressways, and the erosion of human health.

As Director of one of the world's greatest botanical gardens I am deeply concerned as I see the damage to plants in the Garden and in the city by air pollution. Not only are plants damaged within urban areas but now serious damage is occurring many miles downwind. in the country beyond. Yet man is utterly and completely dependent upon plants for the oxygen he breathes and for the food he eats.

We are appalled when told that the people of Europe during the middle ages threw garbage from their homes into the street; yet this is precisely our behavior today. Chemicals in the sky are just as repulsive to us; just as erosive to human health; and just as rotten as decaying garbage in the street. Federal laws are needed, which transcend state boundaries, which are just and which are strictly enforced. These laws must be fair and in the interests of all the people. Whenever exceptions to pollution control are made it is at a cost to the well being of the people of the community. No one should be allowed to use the atmosphere as a garbage dump.

VIETNAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HAMILTON. Mr. Speaker, my able colleague from Indiana, ANDY JACOBS, recently led the House of Representatives in the finest and most extended debate the House has held on the most complex problem in the history of the Republic: Vietnam.

Congressman JACOBS supported the Vietnam moratorium of October 15, 1969. Although I did not do so, I was, nevertheless, impressed by the spirit in which Congressman JACOBS presented the subject to the House, and I believe his efforts served a worthwhile national purpose.

It is refreshing to note that others also appreciated his leadership, and I include one letter to Congressman JACOBS that has also come to my attention:

SAN DIEGO, CALIF.,
October 16, 1969.

Hon. ANDREW JACOBS,
House of Representatives,
Washington, D.C.

DEAR SIR: I applaud your courageous efforts in demanding the United States stop "propping up a dictatorship" in Vietnam, and your attempt in sponsoring the all-night war session in Congress.

Your military experience as combat infantry soldier lends more to your voice in speaking on behalf of our dead and dying American soldiers than many Congressmen who merely find sanctuary behind their name and their desk.

Sir, I wonder how quickly this war would terminate if our so-called "statesmen" were thrown onto the battlefield with gun in hand . . . it would be one of utmost expediency, I am sure.

Sincerely yours,

MARIE ANNE DEMEY,
Sister to Captain John DeMey, U.S. Army, killed in action June 20, 1969, Vietnam.

THE FLAG IS NOT JUST CLOTH

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LIPSCOMB. Mr. Speaker, on Friday, October 31, 1969, the Daily Report of Ontario, Calif., published an editorial, entitled "The Flag Is Not Just Cloth," which makes note of the fact that during the destruction of three draft board offices in Ohio the American flags in the offices were smeared with red ink.

Quite properly, the editorial questions the understanding of the meaning of patriotism of those who desecrated the American flags. It further points out that the American flag is not the property of any one political group in America. It does not belong only to the party in power. The American flag is the common property of all Americans. To desecrate the flag as a form of political protest is to properly raise the question as to whom or what the vandals are serving. The attention of my colleagues is called to the Daily Report editorial inserted in the RECORD below:

THE FLAG IS NOT JUST CLOTH

In the space of a month, records in three draft board offices in Ohio have been destroyed by arsonists.

The burnings in the cities of Akron, Lorain and Painesville followed a similar pattern. In each case, entry was somehow gained at night, and draft records were removed from file cabinets, piled on the floor and set aflame with an inflammable liquid. American flags in the offices were smeared with red ink.

It is possible that those who committed these acts consider themselves to be obeying a higher patriotism in defiance of a tyrannical and evil government, thought they have not had the courage to come forward and reveal themselves. It is remotely possible that, come the revolution, they will be officially acknowledged as people's heroes.

However, while their clandestine destruction of draft records, of which duplicates exist, may or may not cast doubt on their intelligence, the desecration of the American flag certainly calls into question their understanding of the meaning of patriotism.

The flag is not the property of any one political group in America. It does not belong to the party in power. And it is not to be used as a wiping rag by those who disagree with the policies of the nation.

Governments come and go; the flag endures.

Those who violate it may feel that it belongs to no one, but that is only true because it belongs to everyone.

The latest twist among the hatemongers—even anarchists—is to wrap themselves in the National Emblem, and from that position preach their destructive sermons. It's a lesson in sarcasm.

To desecrate the flag as a form of political protest is to reveal the same kind of thinking which has twisted the meaning of Stephen Decatur's famous and much-criticized toast:

"Our country! In her intercourse with foreign nations, may she always be right; but our country, right or wrong."

Decatur was not saying we should blindly follow whoever happened to be leading the country at any particular time, no matter how much in error that leadership might be. He was saying simply that, right or wrong, it was still our country, and he hoped its policies were more often right than wrong.

If those who vandalized three draft board offices in Ohio are not serving our country, of which the Stars and Stripes is the symbol, it makes us wonder whom or what are they serving?

SOME LISTEN, MR. V.P.

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial from the Topeka, Kans., Daily Capital which candidly responds to the self-appointed critics of Vice President AGNEW. I would agree that the Vice President "is getting through to the silent majority." The editorial follows:

SOME LISTEN, MR. V.P.

Those self-appointed critics, who come early to scoff at him by asking derisively, "Spiro who?" are remaining to find Agnew rapidly becoming a household word.

And a glance at the political muscle of those households accepting the vice president's barbed remarks as welcome and overdue certainly must disturb his would-be detractors.

The effectiveness of Agnew's observations, ringing with Trumanesyue timbre, is becoming more obvious daily. Agnew's position appeals particularly to the robust, skilled working class.

Members of this weighty segment of employed Americans feel they have been overlooked and ignored as the professional politicians turned both their energies and sympathies towards problems of minorities.

Another sign that Agnew is coming through loud and clear is the almost reflex reaction of his steadiest opponents. His well-aimed political pokes seem always to arouse wrath among the same persons, causing them to jump in pain and wail in anguish.

Agnew has been described variously as being politically naive, intemperate, inept and too rough. His critics complain he lacks finesse.

But it seems obvious he is getting through to the silent majority. His office staff says his mail is running 2 to 1 in his favor.

If President Nixon, who once swung the hatchet for former President Eisenhower, disapproved mightily of Agnew's remarks, he could stop them with a few well chosen suggestions. That the President has chosen to stand aside speaks much for his confidence in Agnew or his own personal feelings.

There were those who thought President Truman, campaigning in language that would have served a candidate for sheriff, was damaging his public image as a presidential nominee.

The voters in 1948 let the political pudits and soothsayers know they enjoy some plain talk along with the political platitudes and compaign mish-mash.

It's too early to forget that Agnew won the governorship of Maryland, apparently using the same blunt, outspoken style he now continues.

One must wonder if some of his outspoken critics who say Agnew suffers from foot-in-mouth disease don't themselves only open their mouths to change feet.

AID TO HIGHER EDUCATION THROUGH INCOME TAX CREDITS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ASHBROOK. Mr. Speaker, many forces are at work to reduce, or curtail, or exclude funds from, institutions of higher learning. This is especially true of private schools that find themselves caught between rising costs and legal obstacles to governmental funding.

For several years the proposal to institute tax credits to ease the noose threatening educational institutions has been batted around but never enacted. While much of the activity to allow income tax credit for tuition expenses has been on the Senate side, there has also been substantial interest in the House. I first introduced legislation to provide tax credits for tuition expenses and also for gifts or contributions on March 3, 1965, during the 89th Congress. I have continued to present the bill in succeeding Congresses.

This approach to financing of higher education in the United States is the subject of a paper by Roger Freeman. The paper was solicited by the Joint Economic Committee and included in their recent compendium of papers.

Mr. Freeman is senior staff member of the Hoover Institution at Stanford University and was an initiator of efforts several years ago on behalf of this approach.

As he notes, the impact of lack of funds upon the private colleges, especially church-connected schools, could force many to close. They cannot compete with public institutions. He notes:

> The widening tuition gap has had many detrimental results. Enrollment which for many decades used to be divided about 50:50 between public and private IHL has since 1951 been shifting toward public IHL which now accommodate 69% of all students.

Without government assistance the private schools are forced to raise tuition because of pressures not felt by the public schools. Yet, they cannot boost them to a level high enough to meet their needs.

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Mr. Freeman's paper traces the recent history of income tax credits, the arguments for this approach, the need for it, and also discusses the arguments against it. I insert it into the RECORD at this point, and I encourage anyone interested in finding a solution to the increasing financial problems of our schools to study it carefully:

Federal Assistance to Higher Education Through Income Tax Credits*

(By Roger A. Freeman, senior staff member, the Hoover Institution on War, Revolution and Peace, Stanford University, Calif.)

At this year's expenditure level of $58.5 billion, education ranks as America's most ebullient growth industry. With only six percent of the world's population and between one-fourth and one-third of its developed resources, the people of the United States are now investing in education almost as much—and possibly as much—as all the other nations combined. Nothing testifies more eloquently to the American faith in education than the priority which the people have granted it in financial terms: over the past twenty years educational spending mutiplied eight times, business and private investment and personal consumption only three times. Allowing for the loss of one-third of the dollar's value over that period, we find that personal consumption slightly more than doubled (+111%) in constant value dollars while educational spending multiplied almost six times (+472%).[1] This magnificent record, which exceeds even the fondest hopes of twenty years ago, disproves slanderous charges that the American people spend lavishly on themselves while treating their schools niggardly.

Higher education has advanced moneywise no less dramatically than education in general: spending by colleges and universities multiplied 8½ times over the 20-year period. Higher education more than tripled its share of the national income and product, pushing it from .7% of GNP in 1947/48 to 2.3% in 1967/68.

There are now some signs which suggest that financial needs may not grow as rapidly in the future as they have in the past. Higher educational enrollment is projected to increase only 36% in the next eight years, compared with a 93% jump in the past eight years.[2]

The baby boom of the postwar period has now largely been absorbed. A steady and continuing decline in the number of births—which dropped 19% between 1960 and 1968—implies that enrollment pressures will subside and may disappear in the late 1970s and the 1980s. To some extent, however, diminishing births could be offset by further growth in the percentage of our young people who continue their formal education after graduating from high school.

On the other hand, even the tripling of their income during the 1960s appears not to have solved nor even eased the financial problems of colleges and universities. Paradoxically, the situation seems to be growing worse as the institutions' resources multiply at a faster rate. The Association of American Universities (AAU) declared in April 1968 (as it could have done ten or twenty years earlier with greater justification): "The most critical question facing higher education today is how to find sufficient resources."

Considering the growing wave of campus revolts in recent years, some of us may doubt that finding sufficient resources truly is "the most critical question facing higher education today." Finding leadership capable of coping with the violent uprising could be more crucial.[3] But there is much evidence to support AAU's further statement that higher education faces "a severe and worsening fiscal crisis." Ford Foundation President McGeorge Bundy even referred to an "imminent bankruptcy" of American higher education. With outlays rising faster than established sources of income, and with *planned* outlays exceeding prospective receipts, many colleges are indeed, as Duncan Norton-Taylor expressed it "living with a formula for bankruptcy."[4] If the colleges in *Fortune's* survey—Yale, Cal. Tech, Stanford, Pomona, Dartmouth, etc.—the country's wealthiest, are in trouble because donations and tuitions don't grow fast enough, most of the other 1400 odd private colleges must be even worse off. Nor do state institutions have an easy time getting their financial requests approved by governors and legislatures which find budgetary demands from all sides soaring beyond the willingness of their constituents to have their taxes raised. Small wonder that the administrators of most IHL have become convinced that only the national government can deliver them from ruin. The national government has in fact responded to the plea in recent years, though not adequately.

GROWTH IN FEDERAL AID TO HIGHER EDUCATION

Federal aid to education came into its own during the 1960s. From $2 billion in 1960, the amount inched to $3.1 billion by 1964, then jumped steeply, reaching $8.8 billion in 1968. The President's Budget for 1970 proposes $9.8 billion to be disbursed through well over 100 programs of grants and loans, most of them of recent origin. But there still is no program of *general* support of IHL, just as there is none for elementary and secondary schools.

Federal funds for higher education totolled $4.4 billion in 1968 and are estimated at $5 billion in the President's Budget for 1970 as follows:

	Millions
Research	$1,530
Facilities and equipment	934
Student aid	1,935
Teacher training	92
Current operations	538
Total	[1]5,030

[1] *Special Analyses, Budget of the United States,* Fiscal Year 1970, Part 2 J.

Aid to current operations consists mostly of support for medical and other graduate education, ROTC activities and for several other specified purposes. Only an insignificant fraction of the federal funds is available for undergraduate instruction which used to be regarded as the colleges' primary task. Regular faculty and staff salaries and operating expenses (not including organized research) are still the biggest item in college budgets. They total over $10 billion a year nationally, are usually the hardest objectives to raise funds for but receive almost no federal support.

This may explain why unmet needs and demands in higher education seem to increase rather than diminish as federal funds multiply: the government has been feeding cake to a man who is hungry but dying from thirst and begging for water.

Why is there no general federal support of higher education?

It is not because institutional spokesmen have not asked for it repeatedly. The chairman of President Kennedy's Task Force on Education, President Frederick L. Hovde of Purdue University, told the House Education Committee in 1961 that "the highest priority need of colleges and universities, both public and private, is for general support and particularly for faculty salaries." Similar pleas were made many times before and after. But no President ever recommended general grants for higher education nor did Congress ever consider such a plan. Educational administrators, however, did not change their tune: At a joint press conference in Washington November 12, 1968, representatives of the nation's seven major higher education organizations declared that "*general* federal financial support of colleges and universities is higher education's No. 1 unmet need." (emphasis supplied).

Why does the national government appropriate no funds for the broad purposes of IHL, as the states are doing, to the extent of about $5 billion a year at the present time? For one, because Congress is always reluctant to make money available to anybody except welfare recipients without specifying in considerable detail how it is to be expended and without having the spending closely controlled by a federal agency. Restrictions and controls accompanying federal funds for research and other purposes have long been a thorn in the side of educational administrators. When faced with a choice between money *with* controls or *no* money, however they opt for the former.

A more difficult, and seemingly insuperable, obstacle to general support is the controversy over the interpretation of the First Amendment clause prohibiting the establishment of religion.

State appropriations go only to the 1037 IHL under (state or local) governmental control, not, with a few minor exceptions, to the other 1500 colleges and universities which are under private auspices.

This has already resulted in a growing imbalance between public and private IHL in enrollment, tuition, salaries, etc. To exclude private colleges and universities from a new and major federal support program would sound the death knell for many or most of them within a few years.

About 900 of the private IHL are church-connected: 500 are Protestant, 381 Catholic and the remainder sponsored by other denominations. To include them in a general federal aid program would violate deeply held beliefs of a large segment of the American people about the separation of church and state. Such a program would also probably not survive a Supreme Court test. But to deny those institutions the federal benefits would face most of them with the alternative of either severing their religious ties and turning secular or withering until they are forced to close their doors. To declare private colleges ineligible as long as they maintain their religious connections would be tantamount to offering them an incentive premium for cutting their church ties and come close to imposing a penalty on the free exercise of religion.

This conflict of conscience divides the American public and neither side is able to compromise on principles held as dearly as freedom and religion and equal justice on one side and the "wall of separation" on the other.

Numerous and extended efforts to enact a program of general federal support, for the elementary-secondary schools or for higher education, have consistently failed, for several decades, and the prospects of an acceptable solution look no more promising today than they ever did.

The forces backing church-connected IHL may not be able to have a program adopted to their liking. But they have been able to prevent a bill from passing which they believe would irremediably harm their institutions and discriminate against their faithful.

Some members of Congress will not vote for federal aid to higher education if it *includes* private IHL and some won't vote for it if it *excludes* them. Because of this impasse only programs which are closely circumscribed, often minor or peripheral, have been able to find approval. No plan of *direct* institutional

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Footnotes at end of article.

support appears possible for as far as we can see ahead.

However, *indirect* aid could be provided by helping those who now support higher education to finance it more adequately.

INDIRECT AID TO HIGHER EDUCATION

The three major non-federal sources for IHL are: states, students and donors. To aid states would solve little because they are blocked from subsidizing denominational IHL by the First Amendment and the Supreme Court as effectively as the national government. But students and their parents and donors can be assisted in financing the institutions more generously through a method which has found strong support among the public and in both political parties: federal income tax credits for tuitions and gifts.

In sponsoring an educational tax credit proposal which I had presented to the Senate Labor and Public Welfare Committee ten days earlier, former Vice President Hubert H. Humphrey (then Assistant Senate Majority Leader) explained on the floor of the Senate:

"While this tax credit proposal would not solve all the financial problems related to higher education, it would represent a significant contribution well within our national means. It would provide this assistance in a manner that avoids any argument about federal control of education and also the nagging question of church-state relations. Moreover, it would provide this aid without having to expand the Federal bureaucracy to administer the program.

"Support in the Congress has been growing for this general approach to the problem of federal aid to higher education. I know the appropriate committees in both Houses are giving these proposals careful scrutiny and consideration. I hope that the Administration will consider seriously requesting such legislation from the Congress." [5][6]

There is ample evidence that the vast majority of the American people favors the tax credit approach. A national survey by the Opinion Research Corporation of Princeton, New Jersey, conducted for CBS-TV in 1966, disclosed that 70% of the public favors and 13% opposes educational tax credits. The highest support was found among persons in the $5,000 to $6,999 income bracket (88%) and among young people, between 18 and 29 years of age (80%).[7]

A nationwide questionnaire by *Better Homes and Gardens* (June 1968) showed that "almost three-fourths of these 300,000 consumers told us they think a family's college expenses are so basic that they should be deductible on individual federal income tax returns." Numerous other polls have shown substantially similar results: support of educational tax credits by between 70% and 80% of the public. A questionnaire to the president and trustees of all public and private IHL by the Citizens National Committee on Higher Education brought a favorable reply from 90% of the respondents. Only one group showed a slight majority in opposition: the presidents—but not the trustees—of state universities and colleges. They believe that only government-owned, i.e., public, institutions should be aided by government.

PRESENT FEDERAL AID TO HIGHER EDUCATION

Before going into the details of educational tax credit plans I would like to discuss the virtues and the shortcomings of some of the major existing and proposed federal programs in higher education.

Research funds have helped to advance academic knowledge, particularly in the natural and life sciences where they are concentrated, and have enabled some universities to add eminent scholars to their faculty at very respectable salaries—usually by hiring them away from less favored colleges. They have assisted in important tasks of the national government. But they have not aided the recipient IHL financially and should no more be labelled aid to education than the purchase of research from industrial or other organization is called federal aid.

A serious aspect of the Federal research grants is their concentration among a small number of big universities: more than 90% of the money goes to 5% of all IHL which leaves the remaining 95% of institutions relatively poorer off than they were before.[5] This has led to a "brain drain" from the medium and smaller institutions to the big, to an undue concentration of talent in a few places. It is making "the rich richer and the poor poorer," encourages a "fight for teaching," and causes grave imbalances and innumerable administrative difficulties within institutions and between the universities and federal departments.

Several congressional committees have investigated the problem in recent years and had some harsh words to say about the detrimental effect of the present system of allocating federal research grants, in unbalancing the program of the small number of recipient institutions and weakening the overwhelming majority of American colleges. But they were no more able to agree on a politically feasible alternative than the academic community.

Scientists and university administrators complain bitterly about the obnoxious restrictions and controls to which federal research grants subject them. But having partaken of the sweet taste of federal cash they are no longer able to resist its lure, no matter what the price. They did voice dismay when research funds were cut late in 1968.

Only 13% of federal outlays for research and development are channeled to IHL and that share is not likely to increase significantly in the next few years.

Construction grants and loans, initiated in 1963 and expanded in 1965, have proven helpful to IHL. They assist hundreds of institutions in building needed classrooms, libraries, laboratories, etc. But they offer no relief on current finances. Quite the contrary. The completion of each new building adds materially to the cost of operations and the need for general revenue. IHL almost never use current income for major construction purposes: public IHL depend for building funds on earmarked state appropriations and proceeds of state bond issues while private IHL rely on earmarked donations.

Moreover, with the enrollment curve flattening out, expansion of facilities should become less urgent as time goes on. In any case, construction seldom presents as pressing or difficult a financial problem as faculty salaries because building funds are usually easier to obtain than unspecified general revenues.

This is why IHL do not borrow to finance academic buildings, in contrast to private business and individuals who commonly raise funds for major capital outlays through long term loans. It is not that IHL could not sell their bonds but they have for many years entered the money market as investors rather than as borrowers (except for "self-financed" residence and dining halls). Their reason: future principal retirement and interest would cut into current revenues and restrict general operating funds. College administrators and trustees are far more concerned about strengthening current fund income needed to pay faculty and other salaries than about construction money. They can have a great university in ancient or mediocre buildings—but not with a mediocre faculty. Whether we like it or not, the level of income that IHL are able to offer is a major—and possibly *the* major—factor in influencing the decisions of many of our most talented young men and women to choose an academic career rather than some other professional or business vocation. There is a positive correlation between faculty salaries and the caliber of professors in years to come. Buildings can be completed in two years or less but it takes close to a generation to build an eminent faculty. But, as I mentioned earlier, almost no federal aid is available to pay the salaries of faculty in undergraduate instruction.

Student aid, at $1.8 billion in 1969, is an important item. Much of it is earmarked for graduate fellowships and training in a few specified professions, most of the rest for NDEA and guaranteed loans, veterans benefits, work-study, leaving about $130 million for the only program that might be called scholarships: educational opportunity grants to students with "exceptional financial needs." Fewer than 5% of all undergraduates participate in that program. Most students who need assistance are helped by loans, work-study and by scholarships available from private or state sources.

THE TUITION PROBLEM

The cost of attending IHL has been going up steadily though not as fast in public IHL as prices and more slowly than income in both public and private IHL:

	Tuitions and fees		Total cost (including room and board)		Consumer prices	Personal income per capita[1]
	Public	Private	Public	Private		
1958–59	$224	$867	$932	$1,687		$2,074
1968–69	$299	$1,380	$1,092	$2,326		$3,409
Increase (percent)	34	59	17	38	17	64
Projection:						
1978–79 (in 1967–68 dollars)	$375	$1,906	$1,264	$2,988		
Increase (percent)	25	38	16	29		

[1] Calendar years 1958 and 1968.

Source: Department of HEW, "The Chronicle of Higher Education," Oct. 28, 1968.

If income has been growing faster than the cost of attending college, why do many families have so much trouble financing their children's education? Because more of their children attend. College enrollment equalled 15% of the 18 to 21-year old population in 1940 and now runs at 48%, headed still higher. A family that formerly counted itself fortunate if it managed to put one son through college will now try to enable several or all of its children to acquire a higher education. And it must do so if those young men and women are later on to fill any but manual jobs. The impact on average family finance has thus become much harder, and and in some cases disastrous.

At a cost of four years of undergraduate education between $10,000 and $20,000 *for each child,* higher education may cost more than the family home. It can be a far heavier burden than mortgage interest, state and local taxes, medical expenses or casualty losses—for which the tax law grants relief. Nonrecognition of college costs for tax purposes adds to the burden of higher education. It may have been justified in days when attendance was the privilege of a small well-to-do minority, but today it constitutes a grave injustice.

Sending its children to college of course imposes no financial hardship on a wealthy family. Nor is attendance an insuperable

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task for a student from a low-income family who, if otherwise qualified (and often even if he is not), is eligible for a scholarship, federal, state or private.

But students from a middle-income background and their familes can frequently raise the required funds only with great difficulty; they may be ineligible for federal and other scholarships. Though they account for the majority of the student body at most institutions they are hit the hardest by the inadequacies of the present system. Somehow, they seem to fall between two stools. An official study at the University of California at Berkeley in 1967 (conducted by David Bradwell & Associates) found that students from middle-income families are financially worse off than those from poor backgrounds.

Public IHL have been raising tuitions much more slowly than private IHL. They derive only between 10% and 20% of their income from fees because their requirements are met mostly by state appropriations. Private IHL have no such recourse and must cover the difference between their costs and donations largely from tuitions. Consequently the "tuition gap" has been widening. While the tuition ratio between public and private IHL used to fluctuate around 1:3 until the early 1950s, it now stands at 1:4.6 and is likely to exceed 1:5 within a few years.

The widening tuition gap has had many detrimental results. Enrollment which for many decades used to be divided about 50:50 between public and private IHL has since 1951 been shifting toward public IHL which now accommodate 69% of all students. About three of every four new students now enroll in a public IHL. If the tuition gap continues to grow, public IHL will, in the late 1970s, account for 80% or more of the student body. This is of course a very expensive proposition for the taxpayers who are shouldered with 80% to 90% of the cost of educating the students at public IHL. Moreover, if present trends continue, the situation in higher education several years hence will resemble the picture in the lower schools where the public schools account for 85% of the enrollment and enjoy a virtual monopoly in many areas, particularly in regard to children from families which are less than affluent.

The growing tuition gap prevents private IHL from raising their tuitions to a level sufficient to meet their needs. A few years ago Chancellor Lawrence A. Kimpton of the University of Chicago told an audience of state college administrators: "To put it in the crassest terms possible—and I know this will offend many of the brotherhood—it is hard to market a product at a fair price when down the street someone is giving it away."

Why should students at IHL pay only 10% or 20% of the cost of their education? Why should they place most of the burden on the general taxpayer when they will, as a result of their education, earn a much higher income throughout their working lives? Would it not be preferable to charge higher fees to all students and reserve part of the greater revenues to increase the number and amount of scholarships for students from low-income families? Most students at public IHL now spend much more for alcohol and cigarettes, not to mention automobiles, than on their education.

Does it not give a student a completely wrong set of values if a college charges him full cost for room and board but only a small amount for his education? Would it not be preferable, ceteris paribus, to give him a discount (or even a waiver) on his board and room but charge him closer to full fare for his education?

In its 1956/57 annual report the Carnegie Foundation for the Advancement of Teaching suggested: "Private institutions may eventually have to charge the full cost of education in tuition. They can then go even further than they have to date in providing various forms of scholarship aid for those students who need it."

As long as public IHL keep their tuitions at a small fraction of cost, few private IHL can afford to follow that advice.

Private colleges pay their professors on the average about $1,000 less than state colleges,[9] and levels of compensation are likely to be reflected, sooner or later, in the caliber of the faculty. This will place private colleges in a precarious position. Who would want to pay five times as high a tuition to send his son or daughter to an inferior college?

These problems could be solved if public IHL were to raise their tuitions substantially while expanding their student aid funds. That would still give them large additional revenues for their general purposes. In turn this would make it easier for private colleges to boost their tuitions.

Would this not drive the costs of education beyond the capacity of a large number or most families? It might—unless government aided with the payment of the increased fees. Such aid could be provided, for example, in the form of broad-scaled ample scholarships or through a system of government vouchers which the students would give to their institutions, to be cashed by them.

Vouchers for college students would enable the institutions, public and private, to charge considerably higher fees without burdening the students or their families; the added revenues could be spent by each college for whatever it needs most.

While such a plan would overcome some of the shortcomings of the present system, it could be subject to constitutional challenge as litigation and several decisions on similar state or local plans in recent years suggest.

The only method of aiding students, and indirectly institutions, that is completely safe from constitutional challenge is tax credits: no money would flow from the national government either to an institution or a student. Individual taxpayers would *reduce* their payments to the government. Tax deductions for many purposes, including church support, have always been an integral part of our tax system and have as such never been questioned on constitutional grounds. Nor is it conceivable that they could.

Before discussing the various aspects of educational tax credits we probably should survey some of the major alternatives suggested by educational organizations.

RECENT PROPOSALS FOR EXPANSION OF FEDERAL AID TO HIGHER EDUCATION

Some of the leading organizations in higher education have within the past year submitted plans for expanded federal aid.

The National Association of State Universities and Land-Grant Colleges and the American Association of State Colleges and Universities have asked for more generous grants and loans for construction purposes and "operating support for all accredited institutions that can participate. . . ."

The clause "that can participate" is a more sophisticated way of saying what used to be expressed in plain language until a few years ago: that private institutions, but most decidedly church-connected colleges, should not be eligible. In other words, that only public IHL should receive broad federal support on an institutional basis. The associations approve of graduate fellowships and traineeships but "continue to oppose a general federal scholarship program in the absence of evidence that it would in fact assure college attendance for a substantial number of the highly talented who cannot now attend under existing public and private programs. . . ."

The two associations oppose tax relief for tuitions and fees and also object to an expanded student loan program with long terms of repayment (Educational Opportunity Bank) because it would require a student to "indenture" himself for most of his working life.

The Association of American Universities (AAU) advocates direct general-purpose institutional grants to all public and private IHL which meet recognized standards. How such grants to church-connected institutions could be protected from constitutional challenge the association fails to explain.

In the early 1950s, shortly after a presidential commission had recommended federal grants for operation and construction at IHL, AAU sponsored a Commission on Financing Higher Education which after laboring for three years declared: "This Commission has reached the unanimous conclusion that we, as a nation, should call a halt at this time to the introduction of new programs of direct federal aid to colleges and universities." The Commission's Executive Director wrote as late as 1963 that "the conclusions of the Commission on Financing Higher Education have not been outdated either by events or by further analysis."[10] But as of 1968 the AAU recommended besides the mentioned institutional grants, expansion of federal scholarships and fellowships, student loans, facility, research and other categorical aid.

In a special report to the Carnegie Foundation for the Advancement of Teaching in December 1968 its Commission on Higher Education, chaired by former University of California President Clark Kerr, recommended for federal action: a major expansion of scholarships, fellowships, work study, student loans with greatly lengthened terms of repayment, enlarged support of research and construction and of other categories such as medical education, libraries, international studies, developing institutions, etc. To supplement inadequate tuitions, the Commission suggests "cost of education supplements" paid directly to institutions. The question is not even mentioned how such payments should be made to church-connected institutions.

While the three groups agree in their demands for more federal money and on more generous construction grants they disagree on almost everything else, although some dissents are covered up. In regard to general purpose aid the state IHL want it for themselves while the other two groups do not refer to the trap that has killed all such proposals in the past: aid to denominational IHL. Some of the institutional heads may hope to persuade Congress to enact a general aid program and from which institutions with church connections would then be dropped either during the legislative process or subsequently by judicial action.

Does this help to "reduce the rising tide of conflict between the [public and private] institutions," as Clark Kerr suggested?[11] Quite the contrary; it is apt to aggravate and perpetuate it.

Would Congress and the American public face the disappearance of many or most of the 900 church-connected colleges and universities with the same equanimity and unconcern as the administrators of state universities? Not very likely.

Many who are convinced that the financial problem in higher education cannot be solved without massive federal aid might be willing to accept such an outcome if there were no alternative available. But there *is* an alternative—to permit federal income tax credit for tuitions and other expenses and for donations to higher education.

TAX CREDITS FOR TUITIONS AND OTHER EXPENSES IN HIGHER EDUCATION

Soon after the Commission on Financing Higher Education in 1952 recommended against the introduction of new programs of *direct* federal aid to higher education, the

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American Council on Education, the American Alumni Council, and other groups sponsored plans for helping higher education by *indirect* means, through tax relief for tuitions. But the methods proposed—income tax deduction, additional exemptions or flat percentage credits—would have conferred most of the benefits to higher income brackets and to private IHL. Several hundred bills on tax aid to higher education were introduced but none brought congressional action because of the inequities involved.

Disappointed by their failure, educational organizations in the early 1960s shifted their efforts toward securing direct grants. Bills for construction and student aid and various other purposes were enacted but no plan for institutional support was considered by Congress.

In 1963 when I was asked by the Senate Labor and Welfare Committee to testify on President Kennedy's recommendations for federal aid to education I conceived of a method of aiding higher education that allocated the benefits more fairly: federal income tax credits for tuitions and other educational expenses on a graduated or sliding scale. I testified and submitted the plan on May 27, 1963.[12] Ten days later the then assistant majority leader Senator Hubert H. Humphrey announced on the floor of the Senate that he had introduced a bill to implement the plan as a "sensible and workable system of federal assistance."

"It is essential that an across-the-board tax credit program be initiated to assist every person currently facing the considerable expenses associated with higher education. . . .

"I have sponsored similar tax credit legislation for many years. However, the bill I introduce today is, in my opinion, a significantly improved measure over all earlier versions.

"Tax deductible, additional exemption, and tax credit bills share a common purpose: first, to assist persons financing a college education and second to provide indirect assistance to the institutions of higher education." [13]

Senator Humphrey then cited from my testimony before the Senate Committee on May 27 and continued:

"The sliding tax credit schedule provides a sensible and workable system of federal assistance that helps every student, indirectly helps both public and private institutions, and does so in a manner that in no way interferes with individual or institutional freedom or policies. This bill, providing for a declining tax credit for expenditures on tuition, fees, books, and supplies mitigates the distortion found in the large majority of bills that rely on tax deductions, additional exemptions, or non-variable tax credit. . . ."

The graduated percentage tax credit plan rapidly gained sponsors in both political parties and soon commanded majority support in the Senate. During a debate on November 21, 1963, Senator Keating said:

"Perhaps the bill could properly be called the Ribicoff-Keating-Humphrey-Goldwater bill. Having said that, I should say that it ought to have widespread support in the Senate, if four Senators of different philosophies have stated their adherence to the sliding scale principle. We can, therefore, look forward to big things for this amendment." [14]

The plan came up for congressional action three times and commanded a clear majority on each occasion. But it was not enacted when "the Johnson Administration used every ounce of influence it could muster" and "snapped the whip and lashed Senators in line against the proposal" (citing reports from *U.S. News and World Report* of February 14, 1964, and the *Washington Star* of March 14, 1966). Key legislators were told by Presidential Assistance W. Marvin Watson "that 'they were through' at the White House if they backed the Ribicoff plan." Mr. Watson ". . . emphasized that he was speaking for the President who . . . was prepared to deal them out of all Federal patronage and projects if 'you cross him on this vote'." (The *New York Herald Tribune*, March 10, 1966.) Even some of the bill's sponsors were forced to reverse themselves and vote against it at Senate votes in February 1964 and March 1966 so that the plan could be defeated by a narrow margin. In 1967 the educational tax credit bill was sponsored by 47 Senators of both political parties and on April 14 of that year the Senate adopted the plan with a vote of 53:26. But again President Johnson succeeded subsequently in preventing enactment.[15]

WHAT WOULD TUITION TAX CREDITS DO?

The Ribicoff-Dominick plan—so named after its leading sponsors Senators Abraham Ribicoff and Peter Dominick—would permit anybody who pays for tuitions, fees, books and supplies for a student at an IHL (whether the payer be the student himself, his parents or a benefactor) 75% of the first $200, 25% of the next $300 and 10% of the next $1,000. This means that expenses of $300 would allow a credit of $175 (58%), expenses of $1,500 a credit of $325 (22%). The credit starts tapering off from an income of $25,000 on and vanishes at $57,500.

The Treasury Department estimated in 1964 that the Ribicoff-Dominick plan would cost $750 million a year, gradually rising to $1.3 billion, and that 62% of the credits would accrue to beneficiaries with an income between $3,000 and $10,000, 91% to persons with an income under $20,000.[16]

The claim was raised by the state universities that educational tax credits would "help those who need it the least." This is simply not true and sounds particularly strange coming from an organization which for many years has steadfastly opposed the expansion of federal scholarship programs. Most of the benefits of the tax credit plan would accrue to lower-middle and middle-income families which suffer more heavily from the burden of sending their offspring through college than any other economic group.

In other words, the tax credit plan offers little or nothing to the rich, little or nothing to the poor and aims at easing the future college burden of the vast majority of students who come from families "in between." Students from families with so low an income that they pay no or little income tax probably account for less than 10% of the enrollment. Most of them, as I mentioned earlier, are probably on a scholarship of one type or another.[17]

Senator Ribicoff explained:

"We must face squarely the need to provide tax relief to ease the heavy burden of college costs. It has been discussed for over a decade. Now we must decide if, as a nation, we are to treat education's costs as we do the interest on a home mortgage, or flood damage, or health expenses.

"This proposal is for the average family in America. It is for the people who constitute the backbone of America—the blue collar workers, the white collar workers, the wage earners, and salaried persons of the lower-and-middle-income group who are struggling to pay their bills, buy their homes, and educate their children. They work hard for their wages or salary—and it is all taxable.

"Our income tax is a graduated tax. It is based on ability to pay. If they pay a $1,000 medical bill, they get some tax relief. If a tornado or flood causes them $1,000 of damage, they get tax relief. But if they pay $1,000 a year for 4 years to send their sons and daughters to college, they bear that burden with no help from our tax laws." [18]

Senator Dominick defined the aim of the plan: to enable a student's family to use its *pre-tax* earnings to pay for his college education.

The granting of tuition tax credits would not only free more scholarships for students from a low-income background, it would also stimulate thousands of potential donors to offer scholarships to needy students for which they would receive credits on their income tax.

What are the objections to educational tax credits?

Some have declared tuition tax credits to be unfair because they would provide no direct benefits to persons who pay no income tax. That is like saying that for example the 1964 income tax deduction was unfair because persons whose income is so low that they are not taxable did not benefit from the cut; or that personal exemptions and deductions are unfair to persons whose income is wholly derived from social security, unemployment compensation or public assistance because they cannot take advantage of them.[19]

If, however, it were felt desirable to make direct benefits available to persons who pay no income tax, the tax credits could be made absolute, as I suggested to the Senate Labor and Public Welfare and Finance Committees in 1963: a potential recipient would compute his income tax including his tuition tax credit and if his return winds up with a final *net* credit it would be paid to him, like any other net credit on an income tax return.[20]

Some have even claimed that tuition tax credits would be unfair to persons who have no college expenses. That is like saying that deductions for medical expenses, casualty losses or state taxes are unfair to persons who incur no such outlays, or that granting exemptions for dependents is unfair to persons who have no dependents. I do not believe that such contrived and specious arguments deserve to be taken seriously.

You may have noted that I referred to benefits to students and their parents while earlier I was talking about helping the institutions. Opponents to educational tax credits have criticized the suggestion that both, institutions and students, would be benefited. Obviously, they say, it can be only one or the other.

But this is a misunderstanding. IHL have been steadily boosting their tuitions and if they continue to do—as they most certainly will—tax credits will enable them to receive substantial additional revenue without imposing a commensurate burden on their students. A significant share of the tuition increase will be borne by the Treasury and not by the students. Thus the benefits will in all likelihood be split between students and institutions. It is entirely irrelevant what the proportion will be. As long as a substantial part of the support of higher education is derived from fees, it is immaterial for the benefit question at what point in the stream the funds are added.

The Association of State Universities and Land Grant Colleges wrote in a circular letter dated February 27, 1963:

"While the plan has been 'sold' to many parents as a means of getting financial relief from the federal treasury for the cost of sending children to college, it was in origin and is in its primary intent, a plan to siphon off substantial amounts from the federal treasury for support of colleges and universities."

Opponents in the 1964 and 1966 debates quoted repeatedly from my statements to the two Senate committees in 1963 in order to prove that what I really intended to do was to help institutions more than parents. I may as well admit that I do not regard the aim to aid colleges and universities at this point in time to be of a sinister nature nor a nefarious plot which needs to be unmasked. I can see nothing wrong with helping students and their families support the college of their choice. Aid to parents and to institutions are simply two sides of a coin which cannot be divided though some pretend that the one side they are look-

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ing at is the whole coin. It seems to me that the charge that a plan would "siphon off substantial amounts from the federal treasury for the support of colleges and universities" comes in particular ill grace from groups which have long been leading a campaign to channel large federal funds into higher education—provided that their member institutions and no others were the only beneficiaries.

Nobody has ever seriously asked whether the tax law permits the deduction of gifts for educational, charitable and religious activities because it wants to aid the donor or the activity. We take it for granted that it is the intent of the provision to help the giver give, to motivate and enable him to give more for a cause that is held to be in the public interest. Similarly, tuition tax credits are not intended to help the taxpayer as such but to help him support the college of his choice.

It is significant that the cost of tax credits and their impact on the U.S. budget deficit are being quoted as an argument by groups which advocate sharply increased federal spending for purposes in which they have a stake. The budget deficit, it seems, is of concern only when it is occasioned by a reduction in revenues through tax credits, but irrelevant to the extent to which it is caused by direct federal expenditures.

Opponents say that institutions could benefit from tax credits only if they boosted tuitions and that higher tuitions would raise barriers for students from low-income backgrounds who would receive no benefits from the credits. The fact is of course that tuitions have been climbing steadily and will certainly continue to do so. The U.S. Office of Education prepared a projection—assuredly not based on the possible approval of tax credits—according to which average tuitions will rise from $1,380 in 1968/69 to $1,906 in 1978/79 at private IHL. Many families will find some of those boosts hard to bear unless they are granted relief in some form.

It is frivolous and nearly slanderous to charge—as some have—that boards of trustees would boost tuitions simply for the purpose of raiding the treasury, if income tax credits were made available. Boards approve tuition increases only when the financial needs of the institutions demand it—and often not even then. The question is whether students will have to bear the whole impact or only part of it. It is obvious that students from low-income backgrounds can be protected by being given a reduction or exemption from tuition boosts.

Some object to tax credits because they would open another loophole in the Internal Revenue Code. This would indeed be a valid argument if the federal income tax were otherwise comprehensive. The fact is, however, that in 1966 less than half of all personal income was taxable. Out of $587 billion personal income, $301 billion escaped taxation through deductions, exemptions, exclusions and credits to benefit literally hundreds of activities or to ease special burdens. Why should education be discriminated against and forever remain a stepchild of the tax code? Until at least a substantial share of the missing $301 billion is subjected to taxation it does not seem fair to single out education for the rough treatment while granting numerous other activities a favored status. To worry about endangering the integrity of our income tax through educational tax credits is like being concerned about imperiling the virtue of a prostitute by letting her read a sexy book.

President Charles Cole of Amherst College once made a cogent comment on the fairness of tuition tax credits: "Tax payments to states which finance public universities are deductible from income reported for federal taxes, but if the payment for education is made to a private institution, no tax allowance is to be had." [21]

Investment credits, authorized in 1962 at President Kennedy's recommendation, proved to be a very effective stimulant for plant expansion and job creation. Similarly, tax credits could turn out to be a very profitable investment for the taxpayers. If such credits were granted and some students thereby enabled to attend a private IHL—while without the credit they could not afford to enroll at any but a low-tuition public IHL—the taxpayers would save $2,000 a year or more for a concession which is limited to $325 under the Ribicoff-Dominick Plan.

That plan is heavily slanted in favor of low-tuition public institutions. A student who pays a tuition of $299 (the 1968/69 average) at a public IHL would have 59% of his payment wiped out by the credit; a student at an average private IHL (1968/69 tuition $1,380) would only get a credit equal to 23% of his cost. Dollarwise the credit of the student at the private IHL would be $138 higher—but his *additional* fees would amount to $1,038, or eight times as much.

One argument sometimes used against tax credits appears to be fact-based: tax credits would not enable the national government to increase its influence on the policies and practices of IHL while added programs of direct grants-in-aid to institutions would significantly strengthen the supervision and control which federal departments already exercise through some of the existing programs. Whether greater control of education by the central government is desirable or not is a question of political philosophy.

It is not surprising that the Association of American Colleges in 1964 with an overwhelming vote decided to endorse tax credits in higher education. President Nixon has also advocated educational tax credits during the presidential campaign, in keeping with the Republican platform adopted in August 1968.

Another form of tax credits can be at least as beneficial to IHL as tuition credits: credits for donations.

FEDERAL INCOME TAX CREDITS FOR DONATIONS TO HIGHER EDUCATION

Donations to higher education are highly concentrated in two ways:

(a) The bulk of the gifts goes to well-known prestige institutions with the crumbs left for the others;

(b) Most of the total amount of gifts from individuals comes from wealthy persons and families. Small contributors account for only a small share of the aggregate.

This is probably inevitable under our present federal tax laws. The Internal Revenue Code permits an individual to donate to higher education, and to deduct from his income for tax purposes, up to 30% of his income, a corporation up to 5% of its profits. But most taxpayers give nothing to higher education and those who donate give only a small fraction of their allowable contribution except a few persons in the highest income brackets. Under our progressive income tax scale, with rates ranging from 14% to 70%, high-income persons can shift up to 70% of the cost of their gift to the U.S. Treasury. Moreover, by donating property which has gained in value over the years, they can avoid paying a capital gains tax. So their gift may in the end cost them little if anything.

But taxpayers in the lower brackets find that up to 86% of their donation comes from their own pockets. And since it is so much more expensive for them to donate, not many of them do. Only a small fraction of the ten million college graduates and of another ten million persons who attended college for from one to three years are regular contributors to their alma mater or to any other college—although they paid only part of the cost of their education while they attended and most derive substantial material benefits from the education they received or the degree they were given.

The undesirable consequences of the high concentration of voluntary giving—from a few wealthy individuals and families and to *name* colleges—are too obvious to require much explanation. It is much healthier for a college to get 10,000 contributions of $100 each, and get them on an annually recurring basis, than to receive a $1 million gift from a rich individual.

Voluntary support of higher education could be placed on a far broader foundation, with millions of new contributors making regular annual donations by a change in the tax law which has been repeatedly suggested in recent years but not yet been approved by Congress: to permit deduction of a donation from the income tax itself rather than merely from the tax base (adjusted gross income). A proposal to permit a 100% tax credit (i.e. a direct offset against tax liability) up to $100 to individuals and $5,000 to corporations was submitted to the Senate Labor and Public Welfare Committee on May 16, 1963 by President John A. Howard of Rockford College and President Landrum Bolling of Earlham College on behalf of an ad hoc committee of college and university presidents. Several bills to implement the plan were introduced in the 88th and succeeding Congresses but no further action has so far been taken.

If a donation up to a ceiling of $100 (or preferably a somewhat larger amount) were deductible from the federal income tax liability itself it would give taxpayers the choice of sending $100 to the federal tax collector or to a college. This would cause millions of alumni and others to make regular annual donations to higher education and huge amounts of new money would flow to the colleges, public and private, for general operating purposes and for scholarships. Small colleges would then more equitably participate in the gifts and the existing imbalance would gradually be reduced. Federal income tax credits for donations to institutions of higher learning could well become the most significant advance in college finance and would help save many institutions which otherwise might not be able to survive.

CONCLUSION

The urgency of current pleas for congressional authorization of sharply increased funds for IHL reflects a spreading fear that the institutions may shortly face a grave financial crisis. There are good reasons for this fear, although they are not necessarily the reasons most frequently cited by petitioners for funds. The mass riots, violence and wanton destruction that have occurred on college campuses across the nation, the forcible disruption of studies and of orderly administration that have been permitted to take place and to continue at institutions, large and small, public and private, have seriously eroded the respect, affection and genuine pride which the American people have traditionally accorded to higher education and its leaders. Nor have student—and even faculty—expressions of outright hostility to all programs that tend to strengthen the defensive capacity of the United States—through research, through ROTC and other forms of cooperation—done much to endear the academic world to other Americans. Recent polls suggest that a growing segment of the general public has become disenchanted with higher education, appalled and repulsed by many of its products.

Those sentiments are beginning to show in a diminished flow of incoming gifts, and in adverse votes on education issues on state and local ballots. Sooner or later they may also be reflected in the treatment that colleges and universities can expect from state legislatures which must shape their policies to conform with the wishes of their constituents.

Not without reason do the heads of institu-

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tions fear that increases in donations and state appropriations may be harder to come by in the future than they have been in years past. That is why they petition Congress to grant them immunity from the impending backlash. Enlarged federal grants to institutions could for a time protect academia from the people's wrath. But they could also lead to a lasting alienation between town and gown, coming ironically at about the time of the greatest democratization of higher education, at a time when many institutions in their eagerness to make everybody fit for college have made college fit everybody.[22]

Nor has the efficiency with which educational funds are being spent, augmented the confidence of erstwhile and would-be supporters. Any industry that utilized its skilled staff and costly facilities as wastefully as the average American college or university would have been bankrupt long ago. Such waste has become excessive and flagrant in recent years. One of our most experienced academic management experts, Harold B. Wess, recently posed the crucial question: "Is Efficiency Taboo in Academia?" as the title of an article that merits attention (*Educational Record*, Winter 1968).

In 1968 even the American Association of University Professors admitted that, in contrast to the rest of the economy, higher education has registered little or no increase in productivity through technology. The Association denied that soaring costs are the product of either inflation or inefficiency; but it did conclude that "ways will have to be explored to increase productivity of those engaged in the educational process" (*Annual Report of Committee Z*).

Greater efficiency and a better product are more likely to emerge on the American campus when the voice of the broad public, upon whose efforts and good will the support of higher education ultimately depends, is no longer drowned out by the strident cries of belligerents bent on the destruction of our society and its institutions. It might well be that the public voice can speak and be heard more clearly if tax credits are used to aid education rather than federal grants which aim to shield colleges and universities from the popular will.

FOOTNOTES

*Opinions expressed are my own and should not be attributed to any of the organizations with which I am or was connected.

[1] Educational data from: USOEd, *Digest of Educational Statistics, 1968 and Statistical Summary of Education, 1947–48*. Economic data from: *Economic Report of the President*, January 1969.

[2] USOEd, *Projections of Educational Statistics to 1976–77*, 1968.

[3] Could the preoccupation of university authorities with the procurement of greater resources be somehow related to their inability to meet the challenge of campus unrest?

[4] Duncan Norton-Taylor "Private Colleges: A question of Survival," *Fortune*, October 1967.

[5][6] *Congressional Record*, June 6, 1963, p. 10254.

[7] *Congressional Record*, April 27, 1966, p. 9048.

[8] Those rates of concentration were somewhat reduced in the past few years.

[9] The situation is, however, reversed in universities.

[10] *Educational Record*, 1963.

[11] Clark Kerr, "The Distribution of Money and Power," *The Public Interest*, Spring 1968.

[12] *Education Legislation—1963*, Hearings of the Subcommittee on Education of the Committee on Labor and Public Welfare, U.S. Senate, 88th Congress, 1st Session, 1963, pp. 1265 ff, *Congressional Record*, May 27, 1963, pp. 9464 ff.

[13] *Congressional Record*, June 6, 1963, p. 10253.

[14] *Congressional Record*, November 21, 1963, p. 22594.

[15] A more extensive description of the Congressional proceedings is contained in my book *Crisis in College Finance?*, Washington, D.C., The Institute for Social Science Research, 1965, Chapter 10. Adoption of the plan: *Congressional Record*, April 14, 1967, pp. 9665.

[16] *Congressional Record*, February 3, 1964, p. 1808.

[17] 94% of the students from the lowest quartile in family income now receive some form of federal assistance. *Special Analyses, Budget of the United States*, Fiscal Year 1970, p. 124. This does not include students receiving state or private scholarships.

[18] *Congressional Record*, February 6, 1967, p. 2642.

[19] In 1966 about $10 billion in deductions (standard and itemized) and personal exemptions did not help reduce the tax liability of the persons who had submitted those returns because their deductions and exemptions exceeded their income by that amount. Those returns were not taxable even before applying the $10 billion deductions and exemptions to which the law entitled them. Does that mean that deductions and exemptions are unfair?

[20] Amendments to that effect were offered by Senators Hartke, Prouty, etc.

[21] *Higher Education in the United States: The Economic Problems*, Seymour E. Harris, ed., Harvard University Press, 1960, p. 15.

[22] According to a Gallup Poll, published March 13, 1969, 84% of the public wants federal aid withdrawn from campus lawbreakers. On but few issues has public opinion been so clearly united as on this. But no college or university has obeyed the federal prohibition against granting federal funds to students convicted of campus disruptions. A further widening of the chasm between the campus and the community could lead to a ruin of higher education.

POLL OF SILENT MAJORITY

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RHODES. Mr. Speaker, in the wake of demonstrations, moratoria, sit-ins and shout-downs, the voice of the "silent majority" sometimes seems to be obliterated entirely.

Nevertheless, it occasionally breaks through. That voice could be seen in the hundreds of telegrams on President Nixon's desk expressing support for his speech on Vietnam.

In Arizona, that voice could be seen in the results of a radio straw poll conducted by Buck Owens Broadcasting, Inc.—KTUF—in the Greater Phoenix area. The results of that poll, as reported in the following letter, may be of interest to those who are wondering what the silent majority is really thinking:

BUCK OWENS BROADCASTING, INC.,
Phoenix, Ariz., October 31, 1969.

Hon. JOHN J. RHODES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RHODES: For your information . . . on October 23, 1969; K–TUF Radio conducted a telephone poll of its listeners regarding the war in Vietnam.

October 21 and 22 we broadcast announcements advising K–TUF listeners that they would have the opportunity to state their feelings on the Vietnam war by telephone on October 23.

On that Thursday K–TUF News took calls from 7:00 a.m., to 6:00 p.m. When listeners called they were asked:

1. Do you approve or disapprove of our nation's current policies on South Vietnam?

Poll: Approve 315, Disapprove 117.

2. Did you agree or disagree with the Moratorium Day staged earlier this month?

Poll: Agree 54, Disagree 343.

Although we did not ask callers their names and addresses; we learned that we received calls from Phoenix, Mesa, A.S.U. Globe, Chandler, Tempe, Scottsdale, Prescott and Sun City.

I feel our audience spread is in the lower middle, middle, and upper middle income areas. The majority of our audience is between 25 and 49 years of age. Many of the head-of-households served in World War II.

You'll note that more persons disagreed (and some violently) with the Moratorium than approved of *current policies* in Vietnam. Many stated that they did not agree with current policies in Vietnam and said they wanted a complete military victory in Vietnam as soon as possible.

We are considering a similar poll on November 15th. Should you have any thoughts regarding this, I would be pleased to hear from you.

Sincerely,

JOE THOMPSON,
Vice President.

POTOMAC VALLEY TEST FACILITY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, Mrs. Louise B. Haack, of Falls Church, Va., has called my attention to a rather bitter editorial which she believes should be read thoughtfully by those of us here in Washington who are charged with making the decisions for the people of this Nation.

Mrs. Haack's letter, and the article to which she referred follow:

FALLS CHURCH, VA.,
October 30, 1969.

Hon. JOEL T. BROYHILL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BROYHILL: The enclosed editorial has just been reprinted in the current issue of the *Saturday Review*. I had made copies of it when it first appeared in *Science* because I felt it should be read into the *Congressional Record*—but failed to send it along. I am therefore grateful to have a reprive and bring attention to it at this time.

Dr. Wolfle has been Executive Secretary of AAAS for many years. He has announced his resignation and plans to join the staff of the University of Washington. He is a profound and lucid thinker and is surely on intimate terms with the Washington scene (he has lived here for more than 20 years). This succinct and bitter commentary is undoubtedly the product of these years, synthesized through mature, reflective thought. It is deserving of the attention of every person responsible to the people of this great nation for decisions which, in the long run, create both mischief and evil.

Sincerely,

MRS. LOUISE B. HAACK.

Potomac Valley Test Facility

If we had had the foresight a few years ago to establish the Potomac Valley Test Facility, several recent national problems could have been handled more satisfactorily. An example was the problem of what to do with a large supply of unwanted posion gas in Colorado. The Army proposed to ship it by train to the East Coast and then to dump it at sea off the coast of New Jersey. Had the Potomac Valley Test Facility been in existence, several containers of the gas could have been dropped into the Potomac River, between the White House and the Pentagon, from an altitude calculated to give the impact velocity expected at sea bottom. Dropping a few containers into the Potomac River would have given congressmen, Army officials, and other interested persons an opportunity to observe at first hand whether the containers survived unharmed, and if they did not, the rate of leakage of the gas and its effects on the neighboring flora and fauna. Nothing quite takes the place of direct, personal experience in evaluating an event and its consequences. The nation's central decision makers should not be denied this experience.

More recently, the Edgewood Arsenal and Fort McClellan have suspended open-air testing of nerve gas until a team of scientists can determine whether such tests are as free from danger as they are reputed to be. The National Academy of Sciences, which is frequently asked to advise the government on difficult technical matters, has its headquarters in Washington. Also nearby are the National Bureau of Standards, the Food and Drug Administration, and other agencies that can provide much technical information and relevant expertise. If open-air tests of nerve gas were conducted in or near Washington representatives of appropriate agencies and of interested congressional committees could easily obtain the firsthand information which they will no doubt wish to have in evaluating the possible hazards of testing such gases in or near inhabited areas.

Another use of the Potomac Valley Test Facility would be in conducting studies of the sonic boom. Sonic boom tests have already been carried out in several parts of the country, but the test sites have been remote from Washington, and there is still considerable disagreement over the extent of the disturbance and the willingness of the public to accept repeated sonic booms. Again, firsthand information would be useful to the decision makers. If repeated tests were conducted over Washington, members of Congress and officials of responsible Executive agencies could observe the effects on babies, pets, the sick and the elderly, on classrooms and conferences, and also on window panes and other fragile objects. They could learn for themselves just how much or little disturbance repeated sonic booms produce at various times of day and night.

There would be still other advantages of having a general-purpose test facility located in Washington. Studies of the time-zone effect indicate that physiological disturbances, loss of sleep, reduced effectiveness, and impaired judgment follow sudden transportation from a time zone to which a person is adapted to another, several time zones removed. However, there are individual differences in these effects, and the whole matter needs further study. Washington is full of people who make frequent trips to Europe, Africa, the West Coast, or Asia. Clearly they would be good subjects for studies of time-zone effects, and their number could readily be increased, for it would be easy to get nominations of politicians, bureaucrats, editorial writers, and others whose frequent or prolonged absence from Washington would be considered by many to be in the national interest.—Dael Wolfle.

AID: THE REASON WHY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. FRASER. Mr. Speaker, soon we shall be considering the Foreign Assistance Act of 1969. An excellent answer to the often asked question, "Why should we do more?" was recently given by Reg Prentice in the Observer, October 19, 1969. Mr. Prentice, a member of the British Parliament, resigned as Minister of State Technology to devote himself as a back bencher to helping developing countries. He has also served as Minister of Overseas Development and he gives a fourfold answer to those who ask why nations such as Great Britain and the United States should continue and increase their aid programs: First, because it is right; second, because it is an investment in peace; third, because it is a wise economic investment; and fourth, because our own political health depends upon it.

Mr. Speaker, Mr. Prentice's comments were not aimed specifically at this House audience. But they are very timely:

Aid: The Reason Why

Two impressions of a visit to India stand out among memories of my two years as Minister of Overseas Development.

The first is of a walk through the slums of Calcutta. Nowhere does the brutal fact of stark poverty make a bigger impact on the visitor. I defy anyone to go there and still oppose overseas aid. Calcutta is getting worse. People still crowd in from the impoverished countryside to live and die on its pavements.

The second is of a tour of Punjabi villages in an area of rapid agricultural progress. New types of wheat had been introduced. The land had been irrigated and agricultural extension workers had achieved a breakthrough in terms of better husbandry, the use of fertilizers and co-operative marketing. The farmers' incomes had increased several times over in recent years. Farmers from farther afield were walking hundreds of miles to ask for a few handfuls of the new seed and to learn about the new methods.

I have met these two aspects of the problem in many other parts of the developing world. On the one hand, the massive human needs of millions of desperately poor people. On the other, examples of successful development leading to a real improvement in people's lives. No room for complacency, but no room for despair.

The success stories are more numerous than is usually imagined. Translating them into global statistics, the United Nations objective for the 1960s (the first "Development Decade") was an annual average rate of growth of 5 per cent for the gross national products of the poorer two-thirds of the world. The annual rate at the end of the decade is now about 5 per cent on average, although the figure for the whole decade will be a little lower. This is the fastest rate of growth most of these countries have ever had. It is faster than we achieved in the early stages of our own industrial revolution. Being an average figure, it means that many countries achieved less than this, but many achieved more—nine of the developing countries will have doubled their GNP in the 1960s.

Most of this progress is due to their own efforts. About 80 per cent of the new capital created in the developing world in this period has been generated from within. All the aid programmes and all the private investment in the world provide only 20 per cent, but this outside aid will often have made the critical difference between relative stagnation and real progress.

I believe that the real conclusion is that development is succeeding, but in most of the poorer world it is succeeding too slowly. The average growth rate of 5 per cent or so has to be seen alongside an average population growth of 2½ per cent a year, or thereabouts. At this rate the vast majority of people in Asia, Africa and Latin America will remain desperately poor for a very long time.

Meanwhile, we are all learning more about the development process. We are avoiding past mistakes. At an early stage there was too much concentration on large prestige projects. Now there is more emphasis on smaller projects, on rural rather than urban development, on agriculture and small industries rather than heavy industries. This coincides with the development of new types of seed for rice, wheat and maize—the Punjabi success story is being repeated in varying degrees in other parts of the developing world.

There is also much more practical attention being given to the threat to mankind posed by the population explosion. There is new emphasis on family planning, especially in Asia. This is a vital part of any sensible policy of development and many of the poorer countries—though not yet enough of them—are pursuing vigorous official programmes in this field. Within our own aid programme we have provided advisers in this field. We are organizing family planning courses for overseas medical students in Britain, and we have established a Population Bureau within the Ministry of Overseas Development to work on these problems.

We have now reached the stage when the development process can gather faster momentum. We know what needs to be done. The question is whether we have the will to do it and by we I mean both the poorer and the richer countries. The poor countries will require very great restraint and self-discipline to achieve faster progress. If they make the necessary efforts to help themselves—as many are doing already—then they are entitled to look to us for help and for more help than we have been giving.

This help can take many different forms. Trade. private investment and political relationships all come into the picture. But the provision of a growing aid programme is the most vital point of all.

Why should we do more? I believe there are four basic reasons:

There is a simple moral duty to help those so much poorer than ourselves. As the late President Kennedy said in his inaugural address, we must do it "because it is right." These four words need no elaboration.

It is an investment in peace. Who can doubt that the lack of development in two-thirds of the world, while the other one-third gets richer, and the gap grows wider, will set up strains and tensions that will make the world more dangerous for all of us?

It is an investment in our own future markets. We all have a vested interest in the growth of the world economy. This particularly applies to Britain with our pattern of trading relationships all over the world. We get nearly 12 per cent of the orders for goods imported by the developing world, although we provide only 7½ per cent of the global flow of aid. A lead by Britain towards a general rise in aid from all donors would be a powerful investment in our future export prospects.

Our own political health depends upon it. How can we, a multi-racial society, expect to solve our domestic problems, unless we play a constructive part in a multiracial world? The Western nations cannot retreat into cosy little rich men's clubs and expect to prosper in isolation. A policy of inward looking selfishness is not only morally wrong: it would be self-defeating.

Aid should go up in the 1970s, not only from Britain, but from the richer one-third of the world generally. The question has been put before us forcibly by the report of the Lester Pearson Commission. Specifically, they have called upon all donor countries to reach the target of 1 per cent of GNP (which includes both Government aid and private investment) by 1975 at the latest. (Last week Labour MPs put down a motion calling on the Government to carry out the Pearson requirements.) Within this total they call for Government aid to be 0.7 per cent. Last year the flow from Britain was 0.83 per cent, of which 0.42 per cent was Government aid.

These figures are about average for the Western donor countries. The Americans are providing a smaller share of their national wealth, but the French and Germans are both exceeding 1 per cent. Some countries have announced target dates for reaching 1 per cent, but Britain has not yet done so, and our aid has been falling slightly as a percentage of GNP.

Our present performance simply does not measure up to the needs of the situation. For all our economic difficulties of recent years, we could and should have done better under both Conservative and Labour Governments. But an inquest on the past is not very fruitful. The vital point is to give this subject greater priority in the future.

Too many people—including people in high places—approach development aid with a kind of "flag-day" mentality—a nice generous thing to do if we have a little cash to spare. The facts of the situation demand that we regard this issue as being in the forefront of politics and the fulfillment of the 1 per cent target as an urgent priority.

SPECIAL DAY FOR FIGHTING MEN AND THEIR FAMILIES

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mrs. HANSEN of Washington. Mr. Speaker, back in February, I pointed out to my colleagues that the 6-year price tag for our country's defense will total $419.5 billion by the end of this year. I compared this with the Nation's net investment for natural resources of $11.4 billion for the same time period.

Then, and now, I oppose the disparity of spending on these two priorities.

But, there is another side—the individuals who are caught in the fight. Then, and now, I support those who are carrying the physical burden of defense. For that reason, I have joined my colleagues in introducing today's resolution commending our servicemen and veterans of the Vietnam war.

Next Tuesday is Veterans Day. It is fitting that a nation set aside a special day to reflect on the personal sacrifices by fighting men and their families. For somehow, with time, the oratory and reasons of war fade. Enemies become friends and allies become estranged. The maimed veterans, the orphans, and the widows of war adjust to new conditions and life continues.

The tragedy may be that even the lessons learned from grief, loss, and pain soon are forgotten.

As the vast majority of this House joins in commemorating those who have paid the greatest prices in Vietnam, let us also resolve not to forget the lessons. While we stand firm in our support, let it be known that this Nation is changing its priority with prudence and hope. We search for the time when we will reflect on the past sacrifices on each Veterans Day—but there is no longer a need for special resolutions to signal fighting men that there is support back home, for with God's help there will be peace.

FARMERS DON'T HAVE TO APOLOGIZE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ZWACH. Mr. Speaker, time and time again, I have brought to the attention of my colleagues, the plight of the farmer and the low prices he is receiving for his product.

Recently, on Tuesday, October 28, 1969, the Redwood Gazette of Redwood Falls, Minn., reproduced an article from Top Op magazine, which discusses this problem.

Mr. Speaker, so that my colleagues may share in the opinions of Top Op magazine, I hereby insert the article in the RECORD:

FARMERS DON'T HAVE TO APOLOGIZE

(By Roe C. Black)

If you've ever fought a grass fire in a high wind, you'll understand the criticism being aimed at agriculture this fall. Just when you think the flames are easing up in front of you, the fire pops up in back, on the side and all around you.

The winds fanning these flames of criticism are being generated by tax reformers, consumer spokesmen and economic manipulators. And the worst of it is, many people in government whom we count as friends are sitting out the fire when they should be fighting it.

You've heard the "explanations" all too often: the cost of government support of agriculture is too high; consumer interests have to come first; farmers will just have to take their lumps in foreign trade patiently, even if no one else in the world is willing to do so.

You can see many signs of this indifference on the part of "our friends."

When the House passed a tax "reform" bill to close so-called loopholes and give a break to lower and middle income taxpayers, farmers (the original lower and middle income kids) were right in the target area along with big business, oil men and housing investors.

So in the first round at least, you lost your 7% investment credit on farm equipment, accelerated depreciation on old farm buildings, and had the screws tightened on your capital gains treatment of livestock.

Meanwhile, on the foreign scene, some more of our friends shattered the International Grains Agreement which they had hailed with such fanfare. With subsidized prices, they cut our throat in the export grain market.

Then up popped a plan with a land retirement label that would in effect let Uncle Sam subsidize cattle production on millions of retired acres to supposedly assure low beef prices for consumers in the mid-70's.

What will happen if farm groups battle to a standstill over new farm program legislation is anyone's guess. But you can be sure the reformers and consumer spokesmen will take advantage of it to agriculture's—and ultimately everyone's—disadvantage. And that's the point we have to make. There is absolutely no reason for agriculture to be apologetic.

At the very time that cattle prices peaked out and the screaming about high food was loudest last summer, consumers' expenditure for food had dropped to a *new low* of 16.4% of disposable income, compared to 16.8% last year. At the same time, farmers' share of the USDA's market basket of farm food products held almost steady with what it's been for 10 years.

And we don't have to be apologetic about our foreign trade either. Not only are we the single most dependable source of agricultural products in the world, but we also maintain the world's most consistent free trade policy, with open access to our domestic markets to virtually all comers. No major farm group today is asking for tariffs that will wall out competing imports. They are only asking for *reasonable* protection from foreign countries who wall us out and also want to flood our markets.

American farmers have done a fantastic job of cutting costs for consumers, battling inflation, and supporting foreign policy. Don't forget it, and don't let your people in Washington forget it, when the going gets rough.

THE POOR AND THE LAW

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BUTTON. Mr. Speaker, I wish to express my concern over the possibility of adoption of an amendment to the OEO authorization bill similar to that adopted by the Senate which would allow Governors of the various States an ultimate veto authority over legal services programs. Such an amendment would seriously inhibit many individual programs which seek to provide equal justice for the poor. In the final analysis, this means the beginning of the end of the most successful program in the history of the OEO.

From its inception, the philosophy of the legal services program has been to provide to the poor the same high-quality service that you and I expect from our lawyer in the assertion or protection of our legal rights. In the legal services program, this has meant hiring the most imaginative and best-trained lawyers available. Passage of the proposed amendment would greatly demoralize the 2,000 attorneys presently working in the legal services program and strangle further efforts to recruit capable law graduates. The veto power would allow the Governors to interpose themselves in the lawyer-client relationship. This practice would be entirely inconsistent with the canons of ethics of the profession and violative of the commitment to the poor which the program has heretofore firmly established.

In my own district, the Albany Times-Union has recognized the deleterious effects of the amendment upon legal services for the poor. At this time I am submitting the editorial which appeared on October 24, 1969, for inclusion in the Record:

The Poor and the Law

Albany's Legal Aid Society, like its counterparts throughout the nation, represents clear and real proof that change is possible in a democratic society without rioting and violence.

The vigilant and diligent pursuit of law reform in the courts by Legal Aid Societies has gained the confidence of poor people in an era when their diminishing patience and mounting frustrations represent a clear threat to society.

While the legal aid societies have been instilling countless poor people with confidence and credence in the law they also have acquired some powerful enemies along the path to justice for all.

Last week in the United States Senate, an amendment was tacked onto the Office of Economic Opportunity Appropriations Bill which could grievously inhibit the entire legal aid-program. That amendment, introduced by Senator George Murphy of California, would give the governor of each state veto power over any plan "in whole or in part" presented by any legal aid society. Legal aid societies receive most of their funds from the Office of Economic Opportunity.

The authorization bill, with its crippling amendment, was passed by the Senate. The bill now goes to the House, and then, no matter what the vote, to a joint Senate-House conference where the amendment will doubtless be discussed and reconsidered.

It is unlikely that the amendment would affect the local Legal Aid Society even if it were adopted, but its presence could inhibit local projects. It would be an absolute deterrent in states where the governors believe or are persuaded to believe that legal aid societies should not be involved in law reform or should not represent the poor in cases against the government.

The amendment is a bad one, and should be defeated.

A BLACK MAN SPEAKS ON THE PROBLEMS OF THE BLACK MAN VERSUS THE BLACK MAN

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LEGGETT. Mr. Speaker, crime is increasing all over the United States—robberies up 22 percent over last year, beatings up 8 percent—but most dramatically in the large cities and their suburbs where fear has turned the night into a prison.

The fear of crime has become the greatest stimulus to movement from the city. This fear has also lead to new societal code words. "Fear of crime" is now a code for "fear of blacks." Many whites readily equate race and crime.

In fact, blacks themselves are the victims of a heavy majority of crimes. They bear the greatest burden as they struggle to make decent livings and raise families under often intolerable conditions.

The general public is not always aware that those poor and black bear this burden. If ones income is under $3,000 your chances of being robbed are five times higher than if your income is over $10,000; your chances of being raped four times as high; of suffering burglary, almost double.

Sterling Tucker, District of Columbia Council Vice Chairman, is painfully aware of those statistics. He is also painfully aware that our Nation's black leadership has not spoken out against the burden carried by those black and too poor to escape the ghetto. I commend his recent remarks at the 19th Street Baptist Church to the House. It is an example of responsible black leadership in our urban society:

Crime and the Black Man

(Remarks of Sterling Tucker, Vice Chairman of the City Council of the District of Columbia)

Crime in our country, crime in our city, increasing at a bewildering rate, casts a shadow over our lives. There is no one sitting here today who is untouched by it. You may not have been robbed yourself, held up in a dark alley, or your purse snatched as you walked down the street; you may not yourself have felt a gun in your back or found your home broken into, belongings stolen you'd saved to buy . . . but you are nonetheless a victim. A victim of the fear that is perhaps the highest cost of crime. The fear that catches you when you simply hear footsteps behind you on a dark street. Or when you see someone waiting up there ahead in an alley. Or when you keep wondering if you double-locked your door. Many are the irreparable injuries of crime, to the victim and to the offender himself. But one of the very worst is what it is doing to the way we live with each other.

And certainly we experience it to the full here in Washington, D.C. Our city ranks among the highest in crime in the nation. Not only is it higher than most cities but it is growing faster: our rate of crime increase is triple the national average. Statistics for D.C., for the first six months of this year showed robberies up 46%, rape up 50%, over last year.

We know the majority of the perpetrators come from the social levels of the poor and the disadvantaged. The rich white boys in the suburbs are stealing cars too, more and more in fact. But for an overall daily record of larceny, burglary and assault, they don't match our brothers in the ghetto.

Similarly, we know who the victims generally are. They are not the voices who cry the loudest in this country for law and order; they are not the ones buying the police dogs and the burglar alarms for their suburban fortresses. No, the victims are, far and away, the poor and the black. Statistics (from the President's Commission on Law Enforcement, 1967) reveal the shocking fact that if your income is under $3,000 your chances of being robbed are five times higher than if your income is over $10,000; your chances of being raped four times as high; of suffering burglary, almost double. So if you're poor *and* black in this beautiful land of ours, you begin to know what crime really means.

We also know what is at the root cause of the crime. The President's Commission's report included what was to me a very poignant statistic. A survey was conducted to determine how American citizens rated the seriousness of national problems. All income levels, both black and white, rated race relations at the top of the list, and all rated crime as the number two problem; except for one category, the category that was the poor black, they put as the number two problem, *above* crime, the problem of education. So those, by far the most victimized, knew what the seed cause is.

We know and we agree that in the last analysis at the root of the crime are the desperate conditions of the ghetto: the inadequate, overcrowded, ill-equipped schools; the unbearable, dilapidated overcrowded housing; the unemployment; the broken families; all the vicious forces that push the poor urban black outside of society. And it is no wonder then, say the sociologists and the reformers, no wonder then that he *acts* as if he were outside that society—acts out that alienation in crime.

But while I am disturbed about the rampant wave of crime, and while I am deeply disturbed about the conditions that perpetuated the ghetto and foster crime, there is nothing else here that also disturbs me.

What disturbs me is the failure of black leadership to speak out against crime itself. I do not hear their voices raised against the robbery and burglary and rape that is perpetuated on our people, against the gun-toting that turns our streets into alleys of fear. *The statistics rise, but they maintain an aloof silence. And it disturbs me because their silence most damages the black community itself.*

Now it is easy to understand *why* there has been this silence. We black leaders have been directing our attention to society's crimes against our people, and quite rightly so—to the tragic injustices of our system, to the attitudes and vicious practices of a racist white majority that have kept our people so long in poverty and despair. When it comes to crime, we have focused on police tactics: we have told the story of police brutality and bigotry and documented it, of how the ghetto-dweller feels the need not for protection *by* the police, but *from* the police. We have brought this out into the open and forced changes and the first steps toward community control.

This is good. What is *not* so good is that in fighting these practices our attention has been diverted from crime itself. Now my point is that the time has come when black leaders must speak out against crime as well as against the police. We must lay equal stress on the crimes of the people against society as on the crimes of society against the people. My point is that *not* to do so distorts the picture and lays an intolerable burden on the black man himself.

For this silence encourages certain assumptions that are degrading and dangerous. It tends to encourage the assumption, for example, that crime is only a function of poverty and injustice. It tends to justify the crime rate in terms of the cost of living. Bleeding hearts, both black and white, say in so many words, "You steal because you're poor. You're not responsible for your poverty, therefore you are not really responsible for your crime." Now this attitude is highly injurious, not only to society, but most particularly to the recipient of all this commiseration and sympathy, the black man himself. It is degrading, it is harmful, and it is false.

It is false because those who steal are not those who are trying to make ends meet. Those who steal are not those who are trying to meet the monthly rent bill and the gas bill and all the other bills, and trying to feed their children and clothe them. Those who are doing that, those who really *are* fighting the cost of living, are not the ones who steal. Take the working mother who is up before dawn to get out to the suburbs to do another woman's housework, and returns after a hard day's work to cook for her own children and then stay up late into the night doing her own housework and washing and ironing their clothes. If you want to know about poverty, about the grueling daily effort to make ends meet, ask *her*—not the hold-up artist.

And it is degrading to her, to her efforts and to her courage and dignity, to condone the assumption that poverty justifies crime. As statistics show, she more likely than not is the victim.

Therefore, we must not let the injustices of society, as cruel as they are, muffle our alarm over crime. We must speak out. The burden of being black in this society is bad enough. The burden of being poor is bad enough. What we certainly do *not* need is the additional burden of being told, "You steal because you're poor." What we do *not* need is to condone and tacitly support the assumption that we are not morally responsible. We do not need this erosion of our dignity. We must not let society hang *this* on us as well.

Over a year ago, it appeared we were on our way to a new kind of people involvement in the war on crime in this city. This was to take place through the pilot project in the old 13th precinct, with the people taking the lead.

What, then, was a promising new prospect of a people-police partnership has turned into a nasty, highly explosive people-police confrontation.

One of the issues here is Dr. Robert Shellow, the Director of the project who has been highly controversial from the beginning and whose credits (with a large part of the black leadership of the area) were long ago exhausted.

A second tension point developed when this precinct was merged into the new Third Police District, thus nullifying much of the planning already underway and raising fresh suspicion as to the sincerity of the District Government in this experiment in crime fighting.

The "people" role here seems to have been diluted and the Government seems determined that its point of view shall prevail.

What was originally proposed for this project is too important for it to become lost and washed out in this controversy. We need the people's voice, their leadership and their support if crime is to be stamped out.

We particularly need the Black leadership, those who can move with ease and effectiveness in the ghettos, interpreting the program, pointing out the problems, developing activities of community education, and forging a new relationship between police and the people.

It seems to me, at this point, that this can only be achieved by replacing Dr. Shellow and by bringing *intact* into the Third District the pilot precinct leadership structure which had already been put together before the merger of the precincts.

I think the Government would serve itself and the people well by following this course of action.

This may be the door through which Black and white leadership might walk together in effecting a solid and well-coordinated partnership with the police in a winning battle against crime—a common enemy.

PRAYER IN PUBLIC SCHOOLS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ROUDEBUSH. Mr. Speaker, in an attempt to allow our schoolchildren to use prayer in public schools, I am again this week offering five prayers for use of school officials throughout the Nation.

Really, I submit such material to the CONGRESSIONAL RECORD with reluctance and regret for I feel that those Supreme Court decisions which outlawed prayers in our public schools have certainly done great harm to the moral fiber of this Nation.

For the time being I shall continue to insert these prayers each week, and I hope that school officials throughout the Nation will make use of them.

The prayers follow:

> Be not overcome with evil, but overcome evil with good. (Romans 12: 21.)
>
> God is love; and he that dewelleth in love, dewelleth in God, and God in him. (1 John 4: 16.)
>
> Teach me, my God and King,
> In all things Thee to see,
> That what I do in anything,
> To do it as for Thee.
> —GEORGE HERBERT.
>
> Lord our hearts to Thee we raise
> In songs of thankfulness and praise.
> Bless us, Lord, and grant that we
> Good and true and brave may be.
>
> Be my guide, O Lord, I pray,
> Lest I stumble on my way.
> Be my strength, dear Lord, I ask,
> That I may fulfill each task.
> Be my light, that I may see
> What Thou does require of me.
> Keep me, Lord, both day and night,
> Pure and sinless in Thy sight.
> —ELFREYDA WIGHTMAN.

RHODE ISLAND A LEADER IN GRANTING COLLEGE LOANS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. TIERNAN. Mr. Speaker, in today's modern and complex world, we need a standard of excellence in education which enables each citizen to develop his talents to the maximum possible extent. This must be coupled with the fullest possible access to educational opportunities, for the increasing availability of education is vital to our well-being.

In this regard, I would like to commend the Rhode Island financial institutions for providing a market increase in low-interest student loans. Between July 1 and October 24 of this year, over 4,000 loans were granted, totaling over $4 million. The president of the Higher Education Assistance Corp., Mr. Roy Carr, put it more succinctly:

> The banks of Rhode Island have very substantially seen that every student needing money could get it to go to college or to continue college.

The importance of these loans can be seen through the words of John F. Kennedy:

> The future of any country which is dependent upon the will and wisdom of its citizens is damaged, and irreparably damaged whenever any of its children is not educated to the full extent of his talent.

Rhode Island is certainly one of the leaders of this Nation in granting college loans. I would like to bring to the attention of my colleagues the accompanying article which appeared in the Providence Evening Bulletin on November 3:

CONTRARY TO NATIONAL TREND: COLLEGE LOAN EASIER TO ACQUIRE IN RHODE ISLAND

(By Carol J. Young)

College students from Rhode Island apparently are far more fortunate than their counterparts in other states this year because financial institutions here bucked the national trend and provided a sharp increase in low-interest student loans.

The number of personal loans granted for the current academic year is up 18 per cent and the amount of money loaned is up more than 19 per cent, according to the most recent figures from the state agency, the Higher Education Loan Plan (HELP).

Between July 1 and Oct. 24, financial institutions granted 4,219 loans totaling $4,047,470. During the same period last year, the lenders granted 3,572 loans totaling $3,382,735.

"That is certainly a remarkable record," Dr. LeRoy G. Noel, president of the National Council of Higher Education Loan Programs, said when told of the percentage increases.

Dr. Noel was one of the national officers who testified before the Senate education subcommittee last August in favor of a proposal to give banks and other lending institutions an "incentive bonus" for providing the student loans.

He predicted at the time that between 150,000 and 200,000 students throughout the nation would fail to obtain the guaranteed loans unless Congress agreed to provide the special loan incentives. The absence of such loans would be a "crisis", he said.

It was not until last week, however, that a compromise bill providing the special allowance to lenders was signed into law by President Nixon. The delay caused at least part of the threatened cutback in student loans on a national basis.

Dr. Noel said that there may be some other states with increases as high as those in Rhode Island but in those cases the jump is not particularly significant because these states had registered little activity last year.

This is not the case in Rhode Island, he said, because the guaranteed loan agency here has been active since 1960. An increase, therefore, is "significant," he said.

Roy E. Carr, president of the Higher Education Assistance Corporation which runs the HELP loan program, said this week the state's lending institutions have done a "tremendous job."

"The banks of Rhode Island have very substantially seen that every student needing money could get it to go to college or to continue college," he said.

"This job has been done in spite of lower interest rates for students than could be obtained for other types of loans and in spite of the tightness of money," he continued.

Mr. Carr noted specifically that the loans granted Rhode Island students for the first time total 2,215 while loans that are really renewals for upperclassmen total 2,004. These figures also go against national trends. Dr. Noel, for one, predicted that it would be students, mostly freshmen, seeking loans for the first time that would be hit the hardest by the cutbacks.

The lending institutions will be able to reap some of the benefits provided in the recent legislation signed into law by President Nixon because the "incentive" awards to go directly to banks are retroactive to Aug. 1.

Essentially the law maintains the same 7 per cent ceiling on loans but allows the Department of Health, Education and Welfare to set a "market cost adjustment" up to 3 per cent for each loan. The adjustment for the months of August and September has been set at 2 per cent. In December, an incentive will be set to take into account economic conditions for the months of October, November and December.

Under the loan program, students may obtain a maximum loan of $1,000 annually for a five-year period. Those going to graduate school can take out a maximum of $7,500.

The federal government pays the 7 per cent interest rate until students graduate. Then students have up to a year in which to start making their own loan payments, which can be stretched out over a period of ten years. The government would continue to finance the "incentive" over the life of the loans.

Since Aug. 1, 1969, loans totaling $16,226,000 have been issued to students. Of this amount, $14,665,000 is outstanding, according to Ernest E. Chase, executive secretary of HELP.

The HELP agency could back as much as $40,000,000 in loans because its capacity is guaranteed by the state and also through a federal re-insurance arrangement that allows the state to use federal credit along with cash-in-hand.

Financial aid officers in Rhode Island and throughout the country became increasingly concerned last spring when it was announced that the federal government was reducing various forms of direct student loans and grants. Zooming interest rates and a tight money situation corresponded with the federal decreases and the financial aid officers indicated their fears that students unable to get grants and loans on campus would also be turned away by banks.

PROBLEMS OF POLLUTION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. GAYDOS. Mr. Speaker, in the past several months there has been a growing swell of public concern washing over the Nation regarding the problem of pollution—air pollution, water pollution, even noise pollution. Nationwide, perhaps, the swell has not yet reached tidal wave proportions but there are many indications it will in the coming months.

As the representative of the 20th Congressional District in Pennsylvania, I have found air pollution has been a primary subject of concern to my constituents. It is topped only by Vietnam and high taxes in street corner conversations. There even has been professional predictions that coast-to-coast student demonstrations over pollution, similar to those held over the Vietnam issue, can be expected before the end of the year.

I am happy to report, Mr. Speaker, Pennsylvania has heard the call from the people and is acting to clear its skies of excess smoke, dust, and chemical pollution. The State has responded to public demands for strict air quality controls by adopting one of the best standards in the Nation for particulate matter. Now it is listening to cries for similar stringent controls for emission of pollutants in the air.

Residents in my district, who have lived with air pollution all of their lives, already have made it known they are demanding high emission standards with strong penalties for violators. Late last month I attended a meeting of a public group, representing four municipalities, who have organized the "Committee for the Abatement of Air Pollution."

This group invited Federal, State, and county legislators to outline what is being done to control pollution. It received assurances from these officials that everything possible will be done to clear the air which now chokes short their lives. It is a pledge I intend to fulfill to the utmost of my ability.

However, Mr. Speaker, these people no longer will accept mere words as evidence of concrete proof that action will be taken. Within a few days after their meeting, a group of them peacefully protested in front of the main office of one of the district's major industrial plants. They wore makeshift surgical masks to emphasize their point that safe, clean air must be forthcoming. They promised additional demonstrations if proper steps are not taken to bring about this objective.

While the majority of these people were ordinary, everyday Americans who work and live in an area of pollution, they were not alone in their protest. Labor leaders, municipal leaders, and professional members of scientific groups have lent their voices to the public clamor for clean air.

Mr. Speaker, I cannot begin to list the names of the many people who are active in this battle for breath, but I would like to commend and include in the RECORD the officers of the Committee for the Abatement of Air Pollution: Luke Riley, chairman, Kenneth V. Gleason, Howard Sproul, Stewart Owens, Robert Hayes, Richard Lawson, Frank Dobies, Earl Swartz, Mrs. Florence Swantack, Mr. and Mrs. Thomas A. Campano, Mr. and Mrs. John J. Benczo, Mr. and Mrs. Ronald J. Spehar, Mrs. Dolores Handra, and John Mendicino.

JET AIRCRAFT NOISE REMAINS A SERIOUS ISSUE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the constant problem of ear-splitting jet aircraft noise continues to plague residents, students, and workers in many affected areas. The problem is not a simple one nor is it one which will soon disappear. Jetports are proliferating in order to facilitate the vast increases in jet air traffic all across the United States.

It is difficult for the majority of unaware Americans to empathize with the minority who must live with the daily annoyance of jet noise; yet, if we do not continue to press for action on this front, the majority and minority in this case may suddenly find themselves reversing roles as the problem increasingly worsens.

I recently had the honor to address a significant and productive jet noise seminar sponsored by the town of Hempstead, N.Y., located near Kennedy International Airport, and the city of Inglewood, Calif., located within my district near Los Angeles International Airport. The seminar resulted in the founding of a National Organization To Insure a Sound-Controlled Environment—NOISE—made up of interested citizens, organizations, and municipalities. The creation of such vehicles for cooperation among concerned individuals and groups is a positive step toward creating an awareness of the jet noise issue and doing something meaningful about it.

Another similar group exists in California as part of our State government, and I would like to call my colleagues' attention to their recent efforts. The noise abatement committee of the State Environmental Quality Study Council has asked that the attorney general of California use his powers to initiate legal action to curtail the rising noise levels around Los Angeles International Airport. In testimony before the noise abatement committee, the seriousness of the noise problem was underscored by a number of witnesses, including my good friend, the Honorable William Goedike, mayor of Inglewood, Calif., who clearly stated that jet noise is the greatest single concern of that city's 90,000 residents. School closings and serious harm to the educational programs of schools lying under jet aircraft approach and takeoff routes are among the results of this noise problem, I might add. The noise abatement committee's activities are described in a recent article from the Los Angeles Times, which I include at this point:

STATE UNIT ASKS LEGAL ACTION TO HALT JET NOISE; STUDY COUNCIL ALSO WANTS WORK STOPPED ON FOURTH RUNWAY AT INTERNATIONAL

(By Ray Hebert)

A state environmental group asked the attorney general Friday to take legal action to reduce or halt noise caused by jet plane takeoffs and landings at International Airport.

The noise abatement committee of the State Environmental Quality Study Council also wants work on new runways halted until it is shown that the noise of planes using them will not bother Inglewood, Westchester, Playa del Rey and other areas.

The committee's recommendations, released in Sacramento, were an outgrowth of a hearing in Inglewood last month on mounting complaints about jet aircraft noise.

Informed of the committee's goal, an airport official said it would mean closing or severely restricting International Airport if legal action is successful.

The committee, headed by Edward M. Ross, an Inglewood attorney, is one of four created by the study council to explore the impact of environmental hazards on urban and rural life.

INJUNCTION CALLED FOR

The resolution released Friday called on Atty. Gen. Thomas C. Lynch to seek an injunction to modify or terminate aircraft operations on the airport's existing runways.

This should be done, the committee said, "to the extent necessary to reduce community noise to acceptable levels in Inglewood and other affected areas."

Under the 1968 law that created the council, the state body is empowered to make recommendations for immediate action by the attorney general or other state agencies to "preserve and enhance California's natural environment."

The committee pointed out that "no substantive testimony" was presented at its Inglewood hearing to show that any governmental body is making positive plans to correct problems caused by jet noise.

"Community noise quite obviously is not a major consideration in the airport expansion decision-making process," the committee said.

FOURTH RUNWAY BEING ADDED

International Airport—the nation's third busiest—has three east-west runways and is building a fourth.

Much of the committee's concern apparently stemmed from testimony by aviation and airport officials who suggested that people living near the airport are going to have to put up with jet noise.

Testimony by Inglewood Mayor William Goedike indicated that noise is the greatest concern of the city's 90,000 residents.

The city is under the eastern approaches to the airport.

Clifton A. Moore, general manager of the Los Angeles Department of Airports, pointed out Friday, that closing or restricting International's operations would have serious effects on the area economy.

The airport, he said, handles 22 million passengers a year, processes 700 million pounds of freight and provides airport-related jobs for 40,000 people. It is also indirectly responsible for the jobs of 300,000 others, he said.

He noted that the committee's recommendations were made after a single hearing and he expressed confidence the attorney general would not take "precipitous action until he has given (the matter) careful study . . .

"The Department of Airports stands ready at all times to work with all levels of government in seeking a solution which will be in the interests of all the public," Moore added.

RUSSIANS PROMOTING THEIR SUPERSONIC AIRLINER HERE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. PELLY. Mr. Speaker, the Russians increasing drive to achieve hard U.S. dollars is evident in their promotional campaign to sell their supersonic transport to airlines in America. Already, the president of Pan American World Airways has stated that his company may have to purchase the TU-144 to compete.

The major issue here is that we are living in an era of the SST. It cannot validly be said we are not. Those who oppose the SST in America have no voice in the countries now developing supersonic transports.

And, in the next few years when foreign-built SST's are crossing the Atlantic, American labor must be at work on our own SST. This is not a case of one-upmanship; simply an economic fact of life that we can ill afford to allow our great technology to be eroded away by foreign competition.

Mr. Speaker, I call to the attention of my colleagues an article that appeared in the November 6 edition of the Wall Street Journal, and by unanimous permission it appears at this point in the RECORD:

SOVIET SALESMANSHIP

The Russians promote their supersonic airliner here.

They want to sell their TU-144 to other nations, including the U.S., and apparently are cranking up a public relations campaign to do it. Last week, an official of Aeroflot, the Soviet airline, addressed the Aviation Writers Association in New York about the plane, undergoing flight tests prior to introduction into service around 1973. On Nov. 19, the Soviet minister of civil aviation will be touting the TU-144 at a New York meeting of the Wings Club, an important organization of aviation people.

The Russian campaign comes at a time when Pan American World Airways is going so far as to say it might buy the TD-144 if forced to by the competition. The only supersonic alternative for the 1973 period would be the British-French Concorde as the Boeing SST won't be ready for five years or more.

A DECADE OF REDEDICATION

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. KEITH. Mr. Speaker, next year is the 350th anniversary of the landing of the Pilgrims at Plymouth Rock. Already an energetic effort is being made to insure that this occasion is celebrated in a manner befitting its significance in the history of our Nation.

One of the leaders in this effort is Paul J. Whipple, chairman of the 350th Anniversary Committee of Plymouth, Mass. Mr. Whipple recently spoke to the General Society of Mayflower Descendants, and I am pleased to have the opportunity to give his talk an even wider audience—which it deserves:

A DECADE OF REDEDICATION

Upon looking around this room at the many of you whom I have known for years, and the many, many others of you whom I have not had the pleasure of knowing, it strikes me that our Forefathers began a pilgrimage to this continent which started the greatest experiment in social and economic changes this world has ever seen and is likely to see again.

Many of you in this room tonight are related not only to the Pilgrims of the Mayflower, but Pilgrims who came later from many varied backgrounds and countries. This country of ours is made up of people from all ethnic and national origins. They came to this country as willing or unwilling Pilgrims; however, each of these groups has benefited from its association with the principles laid down by the Pilgrims, and has added substantially to these principles.

Therefore, it is evident that the 350th Anniversary of Plymouth should recognize not only the contribution of the Pilgrims of the Mayflower, but also the contributions of all other Pilgrims who have subsequently come to our shores. The 350th Anniversary of Plymouth is by right the property of the whole country, as are the ideals of the small group of Mayflower Pilgrims.

There is one question, above all others, which explains the importance of the Pilgrim Story. That question is—why is the Mayflower's crossing and the landing at Plymouth Rock remembered above such events as Drake's landing south of San Francisco in 1579, the settlement of St. Augustine, and all other ventures onto the North American Continent? For each of us, the answer to this question is different, but when all the answers are put together, they make up the reason for the importance of the Pilgrim Story and the 350th.

In 1976, we will celebrate the 200th anniversary of this country as an independent state with a government for the people, of the people, and by the people. The roots of this unique experiment in social and economic change were laid down by the Pilgrims and expressed in the Mayflower Compact. These roots were laid down with the realization that a lawless society is as undesirable as an oppressive society, and that a strong community can only be built through strong, self-reliant individuals and strong closely-knit families.

Today, the hue and cry of what has happened to our society leads many of us to believe that we have "gone to the dogs". I refuse to accept this. I do not think this country is "coming apart at the seams", but I do feel, and the 350th Committee of Plymouth feels, that the Pilgrim principles need a re-statement, a re-evaluation, and need to be expressed in modern-day terms. What better way to do this than to start with the 350th Anniversary of Plymouth in 1970, a decade of rededication to the Pilgrim principles as they are applicable to today and tomorrow. This is a chore, or perhaps I should not say "chore", but a privilege and a challenge which we all should meet.

Before discussing our plans for the 350th let us just imagine that one of these Pilgrims is able to return and visit us here tonight. Now let us just stretch our imaginations a little further, and picture the man, young in spirit as he was at the age of 20 or 30, hale, hearty, and taking a fresh look at our world of today.

The Pilgrim might say something like this, "The issues that prompted us to leave England and settle in America in 1620 are with you in this world of 1969. I could not live in a country where the State, through its government headed by a King, completely dominated the citizens and endeavored to tell them how to think, believe, and pray; nor could I tolerate a land where I could not meet with other people as I chose, where we could not gather in groups, or where we were not allowed to move about freely; yet, these very oppressions are still common in much of the world today. Your Constitution, which in a way grew out of our Mayflower Compact, provides that the State is man's servant and not his master. It acknowledges man's right to be free. It places upon him the responsibility of self-control and respect for the equal rights of others."

"For the first two years of our life in North America, all property was communal property. Our fortunes were not good. In 1623, we began the shift from communal ownership to private ownership, and with this change came the individual initiative which motivated us to produce enough to survive and make our venture a success."

"It is amazing," our Pilgrim may say, "how hard it's been for the world to remember our lesson and profit from it. The lesson that private enterprise, private investment, and the pride of ownership brings the greatest satisfaction and prosperity to the greatest number of people."

Most of all, the Pilgrim looking at America today might be startled to find what he would consider a "materialistic culture", a "nothing-is-sacred" attitude, a "God-is-dead" civilization. He might say, "The lesson which we left has not been well taught." He might also say, "Part of our success was due to the fact that we had new horizons to conquer, and could only look forward. But now you, who have seen what America is and have the vision of what it can be, must provide our more restless and disenchanted citizens with the insight and understanding that will channel their thinking from negative to positive. You've got to show these people that there are still goals to be achieved, still a wilderness to conquer, still unique opportunities to be enjoyed because these dissatisfied persons by and large are seeking—just as the Pilgrims were—a new and better way of life with more honesty, justice, and freedom."

These are indications of how relevant the

Pilgrim Story is to our situation in America today. Certainly the Pilgrim Story and the 350th Anniversary of Plymouth are as important as the 300th anniversary of the landing at the Rock, and as meaningful as the upcoming 200th anniversary of the Declaration of Independence.

The Pilgrims were a unique band of people who demonstrated the American way of life. They had the strength of their convictions and the fortitude to carry them out. They weren't perfect. They were human. They could even be called "1620 extremists". Certainly these 102 people didn't live in complete harmony. They had conflict amongst themselves. They didn't all believe precisely the same things. Even though their problems in coping with hunger, cold, and sickness were immense, in some ways they were less difficult than the challenge we face in dealing with 200 million diverse people today. Yet, the Pilgrims were people of rare courage.

The Pilgrims' survival dictated that they do many things; the first being that they had to be strong but fair, that they had to live with their neighbors, the Indians. Hence, they signed a peace treaty with the Indians which lasted for 55 years, and provided equal rights between Indian and white man.

The Pilgrim found strength in religion, but was tolerant to those who didn't believe as he did. He had fun in life. He enjoyed his beer, had a good time, and undoubtedly he argued, disagreed, and fought with others in the community about politics. He probably schemed and planned how to get ahead of his neighbor; but devotion to his God and his principles and to his family and the community, he knew, was the key to his survival and the key to his success.

Now, what about the actual plans for the Plymouth 350th? In planning our program, we have chosen what we feel are objectives worthy of the tradition set 50 years ago by the 300th Anniversary, when a pageant was presented, President Harding made a major address, and there was participation by many countries. We are coordinating with Mayflower '70 in England from May 2 through September of 1970 with Prince Philip as its Sponsor. There are plans for recognition of the event in Holland. We, Plymouth, Massachusetts; we, the United States, are the focal point for both of these programs because the Pilgrim experiment culminated in the founding of this country.

The 350th Anniversary is primarily a communication program, and we intend it to be both educational and inspirational. Above all else, we intend to present a fair history "to perpetuate the memory of our Pilgrim Fathers", as the official objects of the Mayflower Society put it, and to make the American people more fully aware of what the Pilgrim Fathers experienced, what they believed, what they did, and its effect in molding this nation and its relevance to our life today and the effect which it has had on the world at large.

As to our actual plans, the 350th will begin on September 6, 1970, to commemorate the date of the Mayflower's sailing from Plymouth, England, and come to a conclusion with a week-long Thanksgiving in November of 1971.

During the program period, September '70 through Thanksgiving '71, the appropriate dates relative to the Pilgrims will be recognized, and those events of importance to other groups which comprised subsequent Pilgrims will be included. The period may seem long, but bear in mind that it is not intended that something take place each day and each hour. The entertainment events which we plan will be of significance; historically, culturally, and educationally.

Most important, we hope the 350th will result in lasting useful benefits to Plymouth and to the nation. We do not want to create monuments just for the sake of creating monuments. We have given serious consideration to a wide variety of projects, but before we make any final decisions we are seeking the ideas and opinions of many persons outside of our committee; you, as individuals, the Pilgrim Society, other groups related to the Pilgrim Story, representative citizens of Plymouth, and prominent leaders in New England and throughout the country.

We hope, through the 350th, to create an amphitheater, enclosed or semi-enclosed, which would be used for many of the events during the anniversary period; the staging of a major historical Pilgrim drama, an original musical show about Plymouth and New England from 1620 to 1776, a Pilgrim-related folk dance and song festival depicting the successive waves of migrations which gave America its rich, multi-national cultural heritage, and we may consider in conjunction with the amphitheater the rehabilitation of Memorial Hall.

Another project under consideration is the completion of Town Brook Park from Brewster Garden to Route 3. It's a challenging project which will provide a most unique park, and certainly will be an aesthetic and educational asset to the Town of Plymouth. There are four mill ponds on Town Brook. These mill ponds should be developed through the aid of industry so that at east one of the sites there will be a working replica of an early installation and hopefully of the original mill.

Cooperation with other groups in Plymouth, both commercial and non-profit, is imperative for the success of the 350th. The exhibits of the Plymouth Plantation could be enlarged. The Pilgrim Society could enhance its museum. The Mayflower Society could gain new and greater stature through a successful 350th.

A further benefit to these groups could be a mass communications program of public service advertising, and the distribution of motion picture films to TV stations, schools and clubs, as well as slide talks about the Pilgrims and the Plymouth Anniversary.

The large number of people who will be attracted to Plymouth will be handled in a manner that will benefit the Town; for example, we are considering various ways of providing additional parking that could serve the Town for years to come.

Many of our efforts will be to attract people to Plymouth during the off-season of the year, to lengthen the normal tourist season into the Fall, and start it earlier in the Spring to relieve the overcrowding. This we hope to do through publicity, through the establishment of organized bus tours for school children and others from all over the country. Hopefully, these bus tours for school children can be endowed or financed by private enterprise and be a continuing pilgrimage to Plymouth from year to year. During the 350th, additional parking will be developed, bus tours of the Town and surrounding areas will be instituted, and a walking tour of Plymouth, similar to that which has been so successful in many other cities, can be instituted.

Many events will be included; choral groups from England, Harvard Glee Club, Indian dances, boat regattas, Pilgrims Progress ceremonies, tree and bulb planting at Town Brook Park, and exhibits of early corn planting and herring catching.

Since Plymouth's commemoration starts the beginning of a decade in 1970, it should serve, to use a Biblical metaphor, as a sort of "John the Baptist" preparing the way for the 200th anniversary of the Declaration of Independence in 1976, and thus—as the 350th Committee has written to President Nixon—help launch a decade of rededication for all America.

Should our efforts indeed give rise to such a Decade of Rededication, and we sincerely hope they will, then we will help accomplish the officially stated objectives of the Mayflower Society to "perpetuate . . . the memory of our Pilgrim Fathers", help maintain "the ideals and institutions of American freedom", and help to preserve a more truly *united* United States of America.

Your support through suggestions, work, and financial contribution is needed, is solicited, is necessary. For the 350th Anniversary is yours, and yours to make a success of. We of the 350th Committee go forward with our plans and work in full confidence that we will have your support.

ADDRESS BY REPRESENTATIVE WILLIAM C. CRAMER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, my friend and colleague, the Honorable WILLIAM C. CRAMER, of Florida, addressed the Phi Alpha Delta Law Fraternity of Florida State University in Tallahassee, Fla., earlier this week, concerning the threat to our American system of laws posed by a minority of anarchists in our midst.

As I feel his remarks merit the attention of all of our colleagues I am inserting the text of his address at this point in the RECORD:

ADDRESS BY U.S. REPRESENTATIVE WILLIAM C. CRAMER BEFORE THE PHI ALPHA DELTA LAW FRATERNITY, FLORIDA STATE UNIVERSITY, TALLAHASSEE, FLA., NOVEMBER 1, 1969

The American system of laws is today being threatened by a new tyranny, a tyranny of the radical minority, who employ riots, rebellion, and arson as their political weapons.

They advocate a creed of guerrilla warfare, make a dubious claim to leadership and prove their mandate with mayhem and molotov cocktails. Openly contemptuous of the laws, the courts, the Congress, the legislatures, they have spread across this country like a pestilence spreading a gospel of hate and rebellion, leaving a legacy of ashes and chaos in their wake.

Initially contained within the body of legitimate movements for change and the improvement of minority situations, they first burst forth in the summers of 1966 and 1967 against a backdrop of the burning skylines of Watts, Chicago, Detroit, Newark and a score of other American cities. A new set of rules, they announced, a new mechanism to dramatize their plight, a mechanism of burning, looting, shooting and general lawlessness.

Later they invaded the campuses of this nation, and sought to force with riots and brandished firearms all manner of unrealistic demands down the throats of college administrators. In the face of their lawlessness, they demanded, and often received, amnesty as a pre-condition to negotiate their grievances.

In the summer of 1968, these same forces moved into the body politic of the nation, not in the traditional mode of political activity, not to support and elect candidates, but rather to intimidate and threaten political conventions to bend to their will, to ignore the mandate of their electors, to seek from them a commitment that policy shall be made by street mobs rather than in the counsels of government. Their activities in Chicago were a bloody footnote to the Presidential nominating convention held in that city.

In 1966, I first introduced a bill to include in the Civil Rights Act then under consideration, an antiriot amendment—to make punishable by federal law the travel in interstate commerce with the intent to incite, organize, promote or carry on a riot. It seemed to me, highly appropriate that this measure, which in 1968 became law, was included in the civil rights package, for it is expressly designed to contribute to the rights of all Americans to be secure in their persons, their homes and property from the manifestly unlawful activities of those persons who traffic in wholesale violence. Its critics have argued that the act violates the first amendment's freedom of speech clause. I cannot regard inciting to riot a legitimate method of expressing dissent or dissatisfaction.

To me it is incomprehensible that anyone can seriously contend that the throwing of rocks, bottles and firebombs, the defacing and destruction of private and public property, or the advocacy or organizing of these activities could possibly be considered an exercise of freedom of expression.

Certainly the federal government has a legitimate interest and an affirmative duty to curtail the activities of these apostles of anarchy who traffic in interstate violence.

Today, as a result of my bill, the conflict has moved from the streets to a Chicago courtroom, where several of the leaders of the Chicago demonstrations stand accused of violation of the federal antiriot act. At issue in that trial is not merely the factual guilt or innocence of those accused, but the larger issue of the right of a free society to protect itself by legislative means from the activities of those who would rend the very fabric of justice and due process.

It is not my purpose today to prejudge the guilt or innocence of those accused but rather to comment on the tone and the tactics employed in their defense.

I am appalled, as I am sure many of you are, by the activities of the defense attorneys and the discredit they inevitably bring upon all the profession. Let me enumerate for you some of these defense attorney extracurricular happenings:

Picketing of the Federal Court Building by attorneys in protest to a contempt citation

Planning a mass demonstration of attorneys—again in response to the contempt citation

Pretrial TV conferences as to their positions and anticipated defenses

Aiding the defendants in disrupting the trial by presenting a birthday cake to one of their number in open court

Permitting the decoration of counsel table with a Viet Cong flag

Participating as an ad hoc committee to petition the Attorney General to halt the trial

Holding two TV news conferences daily for the purpose of maligning the court and holding a running critique on their daily progress.

In short, by turning the trial into a veritable circus, haven't these "gentlemen": violated their very oath of office? They certainly have failed to take cognizance of one of their primary obligations as lawyers, to uphold the law and dignity of its courts. Let me cite to you for your consideration some relevant portions of the canons of ethics of the profession to which you are wed or in the process of courting.

"1. It is the duty of the lawyer to maintain towards the courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance."

And note, this is deemed sufficiently important to be the first canon.

From canon 5. Dealing with the defense of those accused of crime:

". . . the lawyer is bound, *by all fair and honorable means, to present* every defense that the law of the land permits, to the end that no person may be deprived of life or liberty but by due process of law."

From canon 16.

"A lawyer should use his best efforts to prevent his clients from doing those things which the lawyer himself ought not to do, *particularly with reference* to their conduct towards courts."

And from canon 20. Dealing with newspaper discussions of pending litigation:

"Newspaper publication by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are ,to be condemned. . . ."

Contrast this standard with the conduct of our Chicago colleagues, who after generating a carnival-like atmosphere with their TV appearances have the temerity to object to the sequestration of the jury, reasoning that they will be uncomfortable and that their clients are thus prejudiced.

But let us ask ourselves, why? Why these unbecoming antics? To further their clients cause? I think not.

We have, within our system of laws, evolved a highly protective system for the protection of the rights of the accused. Under our concept of due process and through the application of the exclusionary rules of evidence our Courts jealously guard the right of fair trial, often to the frustration of those charged with the enforcement and prosecution of the law. Our Supreme Court has held, and rightly so, that excessive publicity can so hinder the Court's function so as to warrant reversal. How then do we judge the "Chicago counsel." Is it their purpose to defend their clients in their role as attorneys or have they become willing participants in their clients' announced purpose of bringing the Court into discredit?

Lastly, I read to you from canon 32, which is entitled "The Lawyer's Duty in Its Last Analysis":

"No client . . . is entitled to receive nor should any lawyer render any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold . . ."

". . . When rendering any such improper services or advice, the lawyer invites and merits stern and just condemnation."

As to the quality of that condemnation, let me recommend to your reading two U.S. Supreme Court decisions.

The first, *Sacher* v. *U.S.*, 343 U.S. 1 is an affirmance of a conviction of direct contempt imposed by Judge Harold Medina on a similarly-enthusiastic defense attorney following the trial of eleven communist party leaders for violation of the Smith Act.

In that case, as in Chicago, counsel and client persisted in a course of conduct patently disrespectful to the Court and calculated to disrupt and delay the progress of the trial and possibly necessitate a mistrial.

The second, *In Re Disbarment of Isserman*, 345 U.S. 286, which arose out of the same case, and which by its title is self-explanatory.

The point is, of course, that the proper function of a lawyer is to be a lawyer and act like one. He should vigorously defend his clients *within* the four walls of the courtroom, *within* the limits of his legitimate function, and *within* the limits of common decency and civility, or we do our profession, our courts, our nation, and especially our clients a disservice which warrants our collective and singular condemnation. Any attorney who in all candor feels unequal to utilize the law and the courts, trial and appellate, for the full preservation of his clients rights, had better step away from the bar of justice and take down his shingle because somewhere in his legal training he failed to learn the essence of his first obligation, to uphold the law and the courts, not to turn them into a circus to the disgrace of us all.

All of us, layman and lawyer alike, should take pride in our judicial system, and not tolerate the insult to which the trial of the "8" in the Chicago situation subjects it as well as the Congress that passed the Cramer Antiriot Act and under which the Chicago "8" are being tried. Our rule of law, our willingness to live under a set of rules to govern our conduct, to preserve security and tranquility in the home and on the streets and the machinery for seeing that these rules are obeyed is the essence of what sets an orderly, progressive society apart from the jungle. Let the Chicago "8" and their counsel take note that we who are zealous in our efforts to preserve law and order, through orderly legislative and judicial processes, regard their efforts to belittle, degrade and hinder the functioning of a trial in process is subject to our strongest condemnation.

The true meaning of this? Another of our cherished American institutions is on trial—the judicial system itself.

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DULSKI. Mr. Speaker, we are hearing quite a bit of grumbling from the other end of Pennsylvania Avenue and from the Cabinet-officer-general whose office is just off the avenue on 12th Street. They charge that Congress is doing nothing about postal reform.

This is about the extent of accuracy we have come to expect from these two sources about congressional activity: Zero accuracy.

The general seems to forget the 5 days he spent before our full Committee on Post Office and Civil Service testifying during the 4 months of hearings this year on postal reform. Our committee took over 1,300 pages of testimony and data.

He seems to ignore the reams of data, correspondence, et cetera, that he and his office supplied to the committee, plus the endless conferences with him and his staff on the details of postal operations.

REFUSED TO COOPERATE

He chooses to forget that he would not even talk with the committee for most of his first 4 months in office on the matter of postal reform. Except, that is, to demand that we "do nothing 'til you hear from me."

He loaded his administrative team with private industry veterans, none of whom had any background in anything like the postal service, and then cloistered them from the postal career veterans in headquarters and elsewhere who have been struggling with the mounting departmental problems for years. Is this the way to learn a new job?

The general, fresh from the presidency of the U.S. Chamber of Commerce, clutched to what he considers to be the panacea to solve all postal problems: conversion to a public corporation.

With the reputation in private business which the general brought to his new job, I was amazed to find that in Government he chooses to wear blinders and to close his ears to all except those who support his own preconceived conclusion.

For the general and the Nation's Chief Executive to insist that there can be no postal reform except through conversion to a corporation represents either the height of naivete or the conclusion that the Congress and the American people can be stampeded into accepting a conclusion in the face of conflicting facts.

WE WILL NOT BE STAMPEDED

Our House committee has been dealing with postal matters for years. We have a basic understanding of the problems and we give full consideration to the facts as well as to the experts inside and outside the field.

We will not be stampeded.

My postal reform bill, H.R. 4, which we now are marking up, already represents important progress in reshaping the operations of the Post Office Department.

We are on title III and before we finish, we will have accomplished all the reforms which have been promised through the corporate approach.

Our committee is not wearing either blinders or ear plugs. And the results of our legislative markup will make this abundantly clear.

It is too bad that the general and our Chief Executive at the other end of Pennsylvania Avenue can not see fit to work with us in this matter of postal reform, instead of throwing curves and installing paper-thin roadblocks in our way.

The difference is this: We, on our committee, want postal reform. The others apparently prefer chaos.

HARRY L. BROOKSHIRE RETIRES AS MINORITY CLERK

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1969

Mr. WHALEN. Mr. Speaker, Harry L. Brookshire, who is retiring today after serving as minority clerk for 11½ years, is a native Ohioan, and we Members of that delegation are particularly pleased to have this opportunity to pay tribute to him this afternoon.

Harry grew up in the towns of Forest, Kenton, and Marion. After helping his family and working his way through high school, he attended Miami University at Oxford, before returning to Marion where he soon became involved in the town's political life as an assistant to the mayor, Dr. Frederick Smith. When Dr. Smith was elected to the House in 1939, he brought Harry to the Nation's Capital where he has continued in public service for 30 years.

During the Eisenhower administration, Harry switched to the executive branch after serving as advance man for the General's campaign train and on the Inauguration Committee. Beginning in 1953, he was the confidential assistant to an Assistant Postmaster General and then Executive Assistant to Postmaster General Summerfield. In 1958, however, Capitol Hill beckoned him again when he was elected minority clerk.

During his tenure in that capacity, Harry has served us excellently, always with good humor. We are indeed grateful for the assistance he has rendered on innumerable occasions.

As he returns to Ohio, we wish him well in the years ahead.

CRIME IN THE DISTRICT OF COLUMBIA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. HOGAN. Mr. Speaker, this is the second in a series of statements dealing with the problem of crime in the District of Columbia.

I have received a copy of a report submitted by Chief Judge Edward M. Curran, U.S. District Court for the District of Columbia, furnishing the results of an experimental plan adopted recently by that court for handling criminal business on an individual calendar basis.

I am pleased that the criminal calendar is moving more rapidly under this new procedure for I believe that swift and sure justice, in the form of early trials, is one of the best ways of combatting crime in the District of Columbia.

The statistics obtained as a result of this new calendaring procedure also serve to highlight what appear to be problem areas in the handling of criminal business that need correction.

Judge Curran reports that out of 1,482 cases pending in the U.S. district court, there are 221 fugitive cases. Whether these are all cases involving the flight of defendants or whether a number of the cases involve defendants who simply fail to appear in court when directed, it is a rather startling statistic that the responsible officials will want to investigate further and ultimately correct. Pending preventive detention legislation would go a long way toward solving this problem.

Of further interest is the number of mental cases not triable at the present time—171. Certainly Chief Judge Curran is justified in urging that the process of pretrial mental examination of defendants be expedited by one means or another.

In addition, one wonders whether defense counsel are abusing the availability of this service. Certainly every effort should be made to identify those cases where mental examinations are sought to delay trials, seek a severance, and so forth, so as to avoid an unwarranted burden on the services offered by St. Elizabeths Hospital.

I believe Chief Judge Curran's report will prove of interest to all Members of the Congress, and I insert portions of it to be reprinted, as follows:

REPORT ON THE RESULTS OF THE CALENDAR CALL OF CRIMINAL CASES UNDER THE EXPERIMENTAL INDIVIDUAL CALENDAR SYSTEM IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA SUBMITTED BY CHIEF JUDGE EDWARD M. CURRAN

The experimental plan for handling of criminal business of this Court on an individual calendar basis was put into effect October 1. There is set forth below the preliminary results of the call of the calendar which was strenuously pursued during the first week of October as an essential first step in the new program. Final statistics are being developed and will be kept current by use of a computer and progress reports will be given from time to time.

Fugitive cases	221
Mental cases not triable at the present time	171
Cases dismissed	101
Cases terminated by pleas of guilty	180
(There were approximately 235 individual defendants who entered pleas of guilty. The difference in the figures representing the total number of cases terminated by pleas of guilty and the total number of pleas of guilty entered by individual defendants is explained by the fact that in some cases there were several defendants charged. In multi-defendant cases the case is not viewed as terminated until disposition is had as to all defendants.)	
Cases ready for trial	398
Cases not ready for trial because of pending motions, pre-trials scheduled or awaiting other disposition	411
Total	1,482

A few comments on these results are in order. As of October 1, 1969, the date the call of the calendar commenced, this Court had a total of 1,630 criminal cases on its docket. The difference between this total figure and the one of 1,482 set forth above is explained by the fact that 148 criminal cases were not included in the calendar call since these cases consisted of indictments which were so recently handed down that it would have been inappropriate to call them. These cases will be called in early January, 1970 when another calendar call will be conducted.

The Judges involved in the experimental individual criminal calendar system are giving priority to the early and final disposition of old criminal cases involving jailed defendants who are charged with having committed crimes of violence.

The worth of the calendar call is best demonstrated by noting that a total of 281 cases were finally disposed of either by way of dismissal or by way of pleas of guilty. Your attention is also called to the substantial number of cases in fugitive status or otherwise non-triable because defendants are involved in various stages of mental examination. There is little the Court can do about these cases. The Court has urged the Executive through the U.S. Attorney to take vigorous steps in an effort to apprehend fugitives and has urged that the process of pre-trial mental examinations of defendants at understaffed Saint Elizabeths Hospital be expedited by additional personnel.

It should be noted that trial time is being shortened in many cases through new pretrial procedures held before the Judge responsible for the conduct of the case. All cases ready for trial are being given prompt definite trial dates.

The calendar is moving rapidly under the vigorous control of the Court and the Court is heartened by the progress made to date. Not only is it possible by this system to reduce time between indictment and trial, but it is expected that cases can proceed with less inconvenience to attorneys and witnesses.

One of the most important features of any modern system of court management in relation to the control of the flow of cases in the Court is the use of the most up-to-date data processing system and this Court has employed such a system.

Colonel J. F. Lieblich (U.S.A. (Ret.)), Director, Legal Management and Information Services of Computer Retrieval Systems, Inc., has been constantly monitoring the flow of cases during the call of the calendar. This operation will continue and the Court has established a long-range objective in conjunction with Colonel Lieblich to the end that there ultimately will be a completely effective automated criminal court management system for the United States District Court for the District of Columbia.

The encouraging results represented by the disposal of cases during the call of the calendar is the end product of a great deal of effort by many persons. . . .

While the Court has long recognized the extraordinary contribution that the private bar is making to the criminal work of this Court, it seems appropriate to make special mention of the outstanding professional response which the Court has received in its efforts to make the individual criminal calendar a successful experiment.

I am extremely optimistic about the results to date and as to the ultimate success of the plan. Because of the dedicated work of the Judges of the United States District Court for the District of Columbia significant advances in reducing the backlog of criminal cases have been shown as a result of the October 1, 1969 call of the calendar.

I am equally confident that by June 30, 1970 the beneficial results of the individual criminal calendar system will be even more apparent in the improved condition of the criminal calendar and I am equally confident that through the work of our regular and senior Judges who are assigned to the civil part of the Court the civil calendar will be in equally good shape.

COMPREHENSIVE PLANNING FOR HEALTH NEEDED

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SHRIVER. Mr. Speaker, the first of a series of regional conferences on comprehensive health planning was held last week at Wichita State University in my congressional district of Kansas. The conference is being conducted under the auspices of the Brookings Institution and the Wichita State Center for Urban Studies.

Dr. John W. Cashman, director of the Community Health Service in the Health Services and Mental Health Administration of the Department of Health, Education, and Welfare, has been instrumental in encouraging and assisting communities in this all-important area of comprehensive health planning.

The conference at Wichita should be helpful to the citizenry in the region who are dependent upon a broad range of health services. The significance of this planning effort is well stated in an editorial published by the Wichita, Kans., Eagle earlier this week. Under the leave to extend my remarks in the RECORD, I include the editorial entitled "Comprehensive Planning for Health Needed":

COMPREHENSIVE PLANNING FOR HEALTH NEEDED

Can the public really understand comprehensive health planning and its importance, and will it support efforts in South Central Kansas to do regional health planning on a comprehensive basis?

These questions popped up at the first of a series of regional conferences on comprehensive health planning, held last week at Wichita State University under the auspices of the Brookings Institution and the WSU Center for Urban Studies.

There is nothing extraordinarily difficult about the concept of comprehensive health planning. It may be easier for the public, which is the consumer of health services, to understand this new emphasis on "comprehensive" than for the doctor or other "health industry" representative to do so. The latter has been used to thinking of health in a fairly narrow sense, as connected with his particular field. The consumer is likely to know intuitively that health planning involves much more than hospitals and doctors.

"The health planner must from the beginning look at the broad world," said Dr. Alberta Parker, clinical professor of Public Health at the University of California, Berkeley, at the conference. Auto accidents are a major health problem today, and in prevention of this "disease" Ralph Nader may have done more than almost anyone else, she pointed out as an example.

Poverty is the third major cause of death in the United States, she also said. Urbanization causes health problems and impedes delivery of health services, said Dr. Carl Tompkins, Harvey County Health Officer. It is recognized that modern business, with its inexorable shifting of executives and their families from city to city, helps bring on mental illness in some of those displaced people, said another speaker, Dr. John Hartman, head of the Department of Sociology at W.S.U.

These examples indicate the diversity of things that affect people's health. Comprehensive health planning is taking a look at all these things, from environmental factors like air and water, to delivery of health services, like hospitals, and trying to find more and better ways to prevent disease, promote good health, and cure or treat sickness.

The public already is concerned about specific health problems. It already understands that its health depends on a great many factors beyond the control of individuals. Perhaps it understands that health planning must somehow join all the forces working toward health.

Will it support efforts toward comprehensive health planning? Probably. If it is kept informed.

These conferences themselves are a good effort in that direction. They are not set up to DO regional health planning, but to inform representatives of private, political and medical fields about the possibilities for such planning, and of the need for it.

RESULTS OF QUESTIONNAIRE

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SEBELIUS. Mr. Speaker, under leave to extend my remarks in the RECORD, I should like to include the tabulation of my recent public opinion poll regarding a questionnaire mailed to every postal patron in my district, the "Big First" of Kansas.

It is my understanding most questionnaires of this type receive anywhere from an 8- to a 12-percent return. I think it is most significant that we have received a return of 15 percent; over 22,500 Kansans took the time and trouble to let us know how they feel about the important issues now before Congress.

I should also like to point out that the newspaper editors and radio and television news directors of my district selected these questions and that all questions pertain to pending legislation in the House of Representatives this session of Congress. This questionnaire has been most helpful to me. In essence, with the help of the "Big First" press, we have shown once again what our democracy is all about—that our citizens care about our Government and, when given the opportunity, they will make public their concern and interest.

The tabulation as reported in my newsletter is as follows:

TEXT OF NEWSLETTER

Two months ago, we mailed to all citizens of the "Big First" a public opinion poll with ten questions concerning legislation pending before the House of Representatives. The response has been overwhelming. At last count, my office has received 20,452 replies. Combined with over 2,000 letters from constituents who took the time to write in detail, this means a response of almost 22,500—a 15 percent return. Most public opinion polls of this type attract somewhere between an eight and 12 percent return. It is obvious our "Big First" citizens are concerned and interested in our government. This response has given me a great sense of pride and proves once again, it is a privilege to represent the citizens of the "Big First."

THE RESULTS

Here is a summary of the results of the poll expressed in percentages followed by my own comments:

[Answers in percent]

1. Do you favor an increase in Social Security benefits this session of Congress?

Yes	53
No	40
Undecided	7

There is an obvious need for an increase in benefits, but what about an increase in taxes? The Social Security reserve is increasing. The President feels the taxes can be spread out over a five-year period and kept at a reasonable minimum. With this in mind and in view of the coming increase in Medicare costs, I am supporting a 15 percent increase. I do not think our senior citizens should be forced to shoulder the responsibility of our nation's past fiscal mismanagement; spending cuts should come in other areas. This legislation is now pending before the House Ways and Means Committee.

2. Should the federal government try to slow down the migration from the farm to the city through tax incentives and aid to private business to help create jobs in rural areas?

Yes	70
No	20
Undecided	10

I co-sponsored Senator Jim Pearson's bill in the House. The bills are still pending. In the meantime, many of our communities are accomplishing this goal on their own by recruiting, attracting and locating private industry. This most commendable initiative

not only helps to revitalize rural and small town America, but proves once again self-help is best help.

3. Vietnam—Do you favor—

(a) Gradual withdrawal, no reciprocity from the enemy?	14
(b) Immediate and complete withdrawal?	23
(c) President Nixon's troop replacement program contingent upon mutual withdrawal and South Vietnamese readiness?	36
(d) Increased military effort to press for a military victory?	19
Undecided	8

I will continue to give my strongest possible support to the President in an effort to help seek a just and honorable peace at the earliest possible date.

4. The Safeguard Missile System do you favor—

(a) President's proposal to deploy the system around two ICBM sites?	34
(b) Authorization of funds for research and development only?	23
(c) No funding for this system?	27
Undecided	16

Safeguard was part of the 1970 military procurement authorization totalling $20.7 billion. Both the Senate and the House must approve this final figure. The Soviets are now leading us in ICBMs and are pressing to achieve military superiority. I do not think we can gamble with our national defense. At the same time, I applaud the Administration's military personnel cutbacks, mothballing obsolete equipment and phasing out unnecessary military bases. Secretary Laird has trimmed our defense spending, made the Defense Department accountable to the Budget Bureau and the Congress has served notice to the military that no more blank checks will be written.

5. Foreign aid, do you favor—

(a) Reducing the foreign aid programs?	85
(b) Continuation at the same level?	9
(c) Increasing the foreign aid program?	1
Undecided	5

The House of Representatives cut foreign aid appropriations $465 million several weeks ago. Long term loans and trade make much more sense.

6. Would you favor giving judges authority to detain criminals prior to trial depending on the danger to the community involved?

Yes	83
No	8
Undecided	9

This legislation is still pending in both the Senate and the House and affects only the District of Columbia. The best answer to the crime problem is swift justice, but until that goal is attained, we must protect the public from the four out of ten suspects who are out on bail and commit another felony.

7. The Draft, do you favor—

(a) Extension of the present selective service system?	20
(b) A draft by lottery?	19
(c) A volunteer career military service?	50
Undecided	11

I am co-sponsor of legislation calling for a voluntary career military service. In the meantime, I fully support and voted for the President's draft reform proposals that are now pending in the Senate.

8. Do you favor legislation which would convert the Post Office Department into a government-owned corporation to operate on a self-supporting basis?

Yes	62
No	26
Undecided	12

I have expressed my concern to the Postmaster General regarding the need for improved mail service in our rural areas. I also have concern over the possibility of a huge increase in postal rates to put the postal operation on a pay-as-you-go basis. The corporation concept was defeated in committee; another postal reform bill is now being considered.

9. Farm legislation, do you favor—

(a) Continuation of the present program?	10
(b) Continuation of the present program but with voluntary but permanent land retirement?	10
(c) Government program for increased collective bargaining rights for the farmers?	15
(d) Gradual withdrawal of the government from the farm picture to a market governed by supply and demand?	47
Undecided	18

The House Agriculture Committee is working together in a bi-partisan effort to draft favorable legislation for the farmer. I am working with the Committee in this effort. Rather than sponsor a specific bill at this time, I have chosen to work with my colleagues in drafting one composite bill. My priority interest in Congress is to provide farmers with a better income and to try and help revitalize rural and small town America. To do this will take a strong, realistic and united effort. We hope to have a bill reported by the end of this session.

10. Do you favor a bill which would limit daylight saving time to the three summer months?

Yes	83
No	13
Undecided	4

I introduced this legislation and have received an astounding total of mail from all parts of the United States (over 1,000 letters). The bill is still in committee. I plan to invite more co-sponsors and circulate a petition asking that hearings be held.

SUMMING UP

This questionnaire has been most helpful; the poll enabled me to support or oppose these legislative proposals with facts and figures. One interesting aspect; five percent of those who answered did not sign their names. It seems odd that citizens would take the time to express their views but then remain anonymous.

MORE TO COME

We hear much about the "generation gap" today. In an effort to determine the political differences, if any, between our young people and those who have already answered, I have sent a questionnaire to each junior college and college in the "Big First" as well as several select high schools. I am hopeful our young people will take the time to answer and return them so that we may compare answers. A compilation of both this questionnaire and our youth project will be mailed to each citizen who took the time to express an interest.

ONCE AGAIN DRAFT REFORM WILL HAVE TO WAIT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, throughout the country there is a general recognition that many inequities exist in our present draft system. The public certainly has a right to expect a broadly constructive congressional response to the need for draft reform. But apparently this right was not thought to be sufficiently important to permit consideration in committee or in the House of any other reform than the institution of a lottery system. The Armed Services Committee reported out H.R. 14001, a narrowly drawn bill dealing only with the lottery system, which effectively barred consideration of deferments, national standards, conscientious objector status, and rights of appeal among other things.

Unfortunately this is not the first time that Congress has been blocked from full and open consideration of draft reform. In 1967, President Johnson's National Advisory Commission on Selective Service called for first, a reversal of the current order of draftee induction, with 19-year-olds called into the service before older men; second, abolition of undergraduate student deferments; and third, uniform national policies for draft boards.

The response to these recommendations was dismal. In action on the Senate selective service bill, the House Armed Services Committee added language basically opposed to the lottery system and adopted an amendment prohibiting the President from ending college undergraduate deferments.

Debate on this bill was scheduled in the House at a time that all but insured the impossibility of careful consideration, analysis, and action. On May 25, the House finished consideration of the controversial elementary and secondary education bill. Members had worked long and hard on this major education bill in a late night session the day before. Despite this, there was no time allowed to prepare for the debate on the draft. The selective service bill was brought up right after action on the education bill was completed. Not surprisingly the selective service bill which passed the House was not much changed from the bill reported out of the Armed Services Committee.

The measure that finally came out of a joint House-Senate conference and became law was hardly what one could call a major overhaul of the inequities in our draft system. It did not end college deferments, did not require national criteria for draft boards and outlawed a lottery system—on the strength of the House committee's disapproval of a lottery system. Only one of the President's Advisory Commission's recommendations, the order of draftee induction, was effected. In fact, the list of things the law did not do is strikingly similar to the list of reforms proposed by many advisory committees who had studied the problem in great depth.

This year we did not do much better for the young people and their mothers and fathers who make the very reasonable request that if they are to serve their country proudly in the armed services, the least they can expect is a system of selection that is equitable, avoids economic or geographic discrimination and applies uniformly fair procedures. Instead of broad reform we were presented with H.R. 14001. This bill would repeal a provision in the 1967 act which bars a lottery system. This is all it would do. It was written in such a way that, despite an open rule, any amendments going beyond the question of random selection were subject to a point of order based upon the rule of germaneness.

The only hope for opening up debate on the draft was an attempt, which I joined, to defeat the previous question and then try to pass an amendment making any germane amendment to the Selective Service Act in order as an amendment to H.R. 14001. This effort to break free from what was in effect a gag rule was defeated by a RECORD vote of 265 to 129.

With all possibility of action on the many other aspects of draft reform cut off by this most unfortunate and unpleasant legislative drafting tactic, I voted for H.R. 14001 because it will allow the establishment of a lottery system which I support.

However, the bill does not make such a system mandatory. It only gives the President discretion to institute a lottery. Should the bill become law, I call upon President Nixon to follow through with the lottery proposals he set forth in his May 13, 1969, message on the draft.

In light of strong indicators that we will see little further legislative action on draft reform in 1969, the decision to limit the House's debate and action on draft reform so severely is still incomprehensible to me.

I know, and I am sure my colleagues know, that public confidence in the draft is low. The inequities in the system are clear. A poll taken in my own congressional district showed that of those responding, only 31 percent favored the present system which permits deferments of students, while 41 percent favored a random-chance lottery with no student deferments, and 28 percent favored a professional all-volunteer Army.

Cutting off debate and effectively killing the possibility of comprehensive draft reform this year may well give young people the feeling that the generation wielding political power is not sensitive to their most serious concerns—a sentiment which we see young people expressing more and more these days.

"SESAME STREET": A TELEVISION PROGRAM FOR PRESCHOOLERS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BRADEMAS. Mr. Speaker, I wish to call the attention of my colleagues to a significant new experiment in television for preschool children, "Sesame Street."

"Seasame Street" is a television series, funded by the Carnegie Corp., the Ford Foundation, the U.S. Office of Education, OEO, and others, aimed at using the medium of television for the education of children of preschool age.

Briefly, "Sesame Street" will be shown twice daily—9 to 10 a.m.; 4 to 5 p.m.—on channel 26 in the District of Columbia and more than 140 television stations throughout the country. Thus far, the imaginative programs have received unanimous praise, and I urge my colleagues and citizens throughout the country to view them.

At this point, I would like to insert in the RECORD a more detailed description of the "Sesame Street" series:

EDUCATION IS HIDDEN INGREDIENT IN NEW TV SHOW FOR PRESCHOOLER

A fourth "r"—for revolutionary concepts—is being contributed to the traditional education format by the Children's Television Workshop in the production of its new series for preschool children called "Sesame Street."

Children "taking" this 130-hour course, which debuts Nov. 10 on some 160 public television stations, will:

See the breaking of a bubble, which occurs normally in a fraction of a second, as an eight-second-long event, thanks to a camera that is able to shoot 11,000 frames a second, just under the speed of sound.

Learn the ABCs with some help from a sky-writer forming the letters 10,000 feet up in the air.

Get a precise understanding of geometric forms with the aid of a computer system that animates various geometric shapes.

UNUSUAL "FACULTY"

Children participating in the experimental program, which is backed by grants from the U.S. Office of Education, the Ford Foundation and Carnegie Corporation will also be instructed by a faculty unlike any they're likely to encounter at St. Joseph's or P.S. 102. It's made up of puppets, cartoon characters and celebrities like James Earl Jones and Carol Burnett.

It's all part of an effort to take advantage of commercial television techniques of proven appeal to help prepare three-, four- and five-year-olds for formal education by teaching them something of numbers and letters and forms and nature.

Says David D. Connell, who for many years was executive producer of "Captain Kangaroo" and is now executive producer of "Sesame Street,": "We know that there are certain elements in a show to which children will always respond. They like watching live animals, animated film, slapstick comedy, other children on the screen, commercial jingles.

"In putting together 'Sesame Street' we are trying to educate the children in an entertaining manner by using those elements we know hold their attention. Viewers will see, for example, each letter of the alphabet taught as a 'commercial,' that part of a commercial television show children seem to thoroughly enjoy."

PRE-TESTED

Another unique aspect of the new "Sesame Street" series in both a television and education sense is that it is thoroughly pretested. Every major element that goes into the 26-week series will have been tried out on groups of nursery school or day care center children by professional researchers to ascertain whether or not it effectively conveys the message for which it was intended.

To broaden the experience level of children—particularly those from disadvantaged, inner city environments—"Sesame Street" has had 19 film companies working across the country shooting films on some 200 different subjects, from farm life to the San Diego Zoo, from transportation modes to plant growth.

The puppets employed on "Sesame Street" are of Jim Henson's popular "Muppets." They too have special appeal to the youngsters. Says Henson, "to children puppets are an extension of their dolls. They relate to them."

And on "Sesame Street" anything that can't relate to the preschool child has come to the wrong address.

THE PRESIDENT AS PUNDIT-IN-CHIEF

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WOLFF. Mr. Speaker, today there has appeared in the Washington Post an editorial which I believe is particularly relevant to my call yesterday for a plebiscite to determine the course the American people would have President Nixon pursue in Vietnam.

I believe that the editor of the Post has perceived a truth that escaped both President Nixon and my distinguished colleague, the gentleman from Texas (Mr. BUSH), with whom I engaged in a stimulating colloquy last evening. That truth is, as the Nixon administration's own Clark Mollenhoff has said, "any fair-minded" American "will understand why a simple public opinion poll is useless in analyzing problems that require study and common sense."

Since this point is one which bears directly upon the need for a national plebiscite, I asked for permission of the House to insert this penetrating editorial into today's RECORD:

[From the Washington Post, Nov. 6, 1969]

THE PRESIDENT AS PUNDIT-IN-CHIEF

President Nixon has every reason to be pleased with the results of the Virginia and New Jersey gubernatorial elections and also with some early evidence that his Monday night speech was a political success—a rallying cry to his hidden supporters and a reflection of the majority view. Both governor-elect Cahill and Holton, after all, are enlightened and impressive representatives of the Republican Party, and—so far as Monday night's address is concerned—Mr. Nixon, like any President can only function so effectively in foreign affairs without a base of popular support. So the President's satisfaction with events of the past few days is understandable.

What is more perplexing is the manner in which he has chosen to express it. For, as if he didn't have plenty of other things to do, Mr. Nixon has suddenly presented himself to us as pundit-in-chief—analyzing bits and pieces of trends, plumbing the "national mood" on the basis of data far from complete, inferring all sorts of meanings (that are questionable, to say the least) from the mail he has received and from the way the voters chose in elections for state and local office across the country. His actions illustrate again the perils of punditry and also—more important—its incompatibility with the job of the presidency.

We are only following the guidance of the President and that of Vice President Agnew when we observe that if foreign policy should not be made in the streets (and it should not be), then presumably it should not be made in the mailbox either. Yet a gleeful President summoned newsmen on Tuesday to pose for photos with his stacks of mail and wires (some of it inspired by a Republican National Committee drive) and proceeded to analyze its meaning as a mandate from the people. Some of his aides followed suit. Not, we would hope, Mr. Clark Mollenhoff. It was Mr. Mollenhoff, only a few weeks back, who (in connection with Judge Haynsworth) made the administration pronouncement that we mean to stand by—whether or not the administration does:

"I am sure that any fair-minded members of the Senate will understand why a simple public opinion poll is useless in analyzing problems that require study and common sense."

On the heels of the nationwide election contests, Mr. Nixon was at it again, beating out all the other pundits by inviting—yes—the Today Show to breakfast. At one point in these bizarre proceedings, Miss Barbara Walters went so far in construing the New Jersey and Virginia elections as presidential triumphs and in citing the Gallup quickie finding of 77 per cent of the country behind the President in Vietnam, that Mr. Nixon himself felt obliged to point out that there were "very honest people" who would not "be affected by polls." But the President then went on to declare that in both New Jersey and Virginia he had been "the" issue and that, in New Jersey, Vietnam had been made a "straight up and down issue," so that those two elections were implied to be something in the nature of referenda on his administration and on his war policy.

Now, in neither state was this the case. In the Virginia contest, Mr. Nixon's performance in office and/or his visit to the state were not the principal issues. And in New Jersey, former-governor Meyner's flirtation with the Vietnam issue was half-hearted and short-lived. It was as nothing, for instance, to Mayor Lindsay's in New York, and Mr. Lindsay was re-elected. It would be as foolish to take one of these as it would be to take the other as some bellwether of opinion on the war—or on the Republican Party for that matter.

In fact, when you look about the country on the day after these elections, there is a little something for everyone—with the possible exception of those of us who earn our livings spotting firm trends in off-year politics. The Democrats held or picked up important mayoralties (Buffalo, Cleveland, Louisville, Pittsburgh). With some exceptions—the strong showing of Louise Day Hicks in the Boston City Council elections—the early results did not provide overwhelming comment one way or the other on racial backlash or "law-and-order" politics. There will be time for the analysts to chew over, precinct by precinct, the voting that took place on Tuesday. For now it is mainly apparent that moderate men in both parties succeeded. It is this—and not some "referendum" on the Nixon administration or its Vietnam policies—which should give the President satisfaction.

LONG ISLAND SOUND

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. REID of New York. Mr. Speaker, today I am introducing, with my colleague from New York (Mr. WOLFF), two bills to provide for the future preservation of Long Island Sound.

In my judgment, it is essential that we develop and implement a comprehensive plan which treats the total environment of the sound, including the dangers posed by extensive air pollution, and takes into account the sound's importance as a great natural resource.

To determine how best to relieve the pollution problem and stop the piecemeal destruction of the sound that has been going on for years, Mr. WOLFF and I are introducing legislation to establish an Intergovernmental Commission on Long Island Sound. The Commission would be authorized to make a yearlong survey of the sound, taking into account the following factors: The recreational values of the environment; proposals for bridges or causeways spanning the sound; the nutrient balance and protection of aquatic life; the elimination of water pollution; protection against thermal pollution from proposed nuclear power plants; and the elimination of air pollution from airplane and highway traffic, as well as from conventional power plants.

The primary goals of the survey and resulting comprehensive plan will be to spur community endeavors to curb pollution and desecration of the shoreline, and to coordinate Federal, State, and local planning for the future of the sound. In the past, too many studies of the sound have been made and then filed away, without ever being acted on. Mr. WOLFF's and my goal is to have some action underway within a year's time.

In addition to the bill establishing a Commission on Long Island Sound, we are today introducing legislation amending the General Bridge Act of 1946 to prohibit the construction of a highway bridge across Long Island Sound from any point on the north shore of Long Island between Oyster Bay Harbor and Hempstead Harbor—in Mr. WOLFF's district—to any point in Westchester County, N.Y., in the vicinity of Rye or Port Chester—in my own district.

Under the General Bridge Act of 1946, the Congress granted its consent to the construction of bridges over navigable waters of the United States, providing that the plans were approved by a designated Federal agency—now the Coast Guard. However, the Congress explicitly reserved its right to withdraw its consent to the construction of any given bridge, and it is under that reservation that we introduce this bill.

In my judgment, the case for the Rye-Oyster Bay Bridge has not been proven. There is substantial evidence that construction of the bridge would not ease traffic congestion, and that an additional bridge close in to New York City could instead generate additional congestion. Furthermore, the heavy automobile traffic using the bridge would befoul the sound with air pollution—and this in an area having the most polluted air in the country.

In view of these facts, and the fact that the western end of the sound is already so highly polluted that its waters are unacceptable for the propagation of marine life—a condition which would not be helped by dredging and bridge construction—it is clear that this bridge must not be built. In my view, a bridge farther east between Long Island and Connecticut would be more consistent with the transportation needs and population trends of the area.

I urge early consideration of both these bills.

VETERANS DAY PROCLAMATION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LANDGREBE. Mr. Speaker, on November 1, the Honorable Malcolm W. Roth, the mayor of Rensselaer, Ind., which I am proud to say is located in my district, issued a proclamation for Veterans Day, 1969. It is my great privilege to insert the text of Mayor Roth's proclamation at this point in the RECORD, in the hopes that it may serve as enlightenment to those who mistakenly read the mood of America as one of surrender to Communist aggression.

The proclamation follows:

[From the Rensselaer (Ind.) Republican, Nov. 11, 1969]

MAYOR'S NOVEMBER 11 PROCLAMATION

Whereas, the 51st anniversary of the signing of the Armistice, which signaled the end of World War I, will be November 11, 1969;

And whereas, November 11 now has come to mean a day of honor for all living and deceased veterans of all wars;

And whereas, this country is now engaged in a conflict in Vietnam, in which American servicemen are fighting and dying in a cause which our government believes to be right and just; and

Whereas, a controversy rages among certain of our citizens over the fitness of the conflict in Vietnam, and this division of opinion is causing unjust hardships on those forces now engaged in mortal combat in Vietnam, in that it is giving aid and comfort to the enemy; and

Whereas, "peace at any price" is not acceptable to the majority of our citizens, who by every act and deed down through the history of our country have shown compassion for the weak and beleagured; and

Whereas, the peace talks in Paris, between our government and several governments, are stymied because of the opinion that America is willing to accept the ignominy of defeat in their pursuits for a just peace in Vietnam; now therefore,

I, Malcolm W. Roth, Mayor of Rensselaer, Indiana, do call upon all citizens of this community to publicly display their unity of purpose by attending public gatherings scheduled for November 11, 1969, and-or displaying the Flag of our country at full staff on November 11, 1969, signifying that they revere their country, and that they do not wish a sworn enemy of this country to take any aid or comfort from acts which dissenters, either consciously or unconsciously, may infer as being a sign of weakness on the part of the United States; and

Further, that in so observing the 51st Veteran's Day, we shall be doing honor to the memory of the veterans of all wars and most especially our concern for those men now fighting in Vietnam.

In witness therefore to the foregoing document, I affix the seal of the City of Rensselaer, Indiana, this 31st day of October.

[SEAL]

MALCOLM W. ROTH,
Mayor.

Attest:

DENVER M. TUDER,
City Clerk.

ARTHUR FRANCIS MAGILL—MAN OF THE YEAR

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. MANN. Mr. Speaker, one of our Nation's most distinguished citizens, Arthur Francis Magill, chairman of the board, Her Majesty Industries, Inc., was honored recently by the Greenville, S.C., chapter of the Society for Advancement of Management. I was privileged to present the society's coveted Man of the Year Award to Mr. Magill, who is internationally known as a businessman and philanthropist, with the following citation:

To Arthur Francis Magill:

Because of your long and continued participation in and support of the Society for Advancement of Management and its objectives,

Because of your progressive attitude toward the art of management and its practice,

Because of your commitment to the tenets of the free enterprise system and its perpetuation,

Because of your implicit faith in the potential capabilities of people and your belief that these potentialities can be developed through education and training,

Because of your quest for knowledge and the generosity with which you share it with others,

Because you have been concerned more with being effective than merely efficient in the operation of your business,

Because you perceive that a business enterprise has social responsibilities and that these must be identified and implemented by the managers of that business,

Because you understand that cultural pursuits and opportunities are also necessary for well-rounded individual and community development,

Because you are not content to conceive ideas and dreams, but you have persisted, sometimes in the face of grave obstacles, in putting these ideas and dreams into action,

Because you have given graciously of yourself and your resources to this your adopted community, Greenville, South Carolina, and the surrounding area.

We of the Greenville Chapter of the Society for Advancement of Management are honored to recognize you as our Man of the Year.

Presented this 7th day of October, 1969, at the Poinsett Hotel, Greenville, South Carolina.

JOSEPH T. ALLMON,
President.

In accepting his award, Mr. Magill spoke of the needs of our Nation's local communities. Believing that his address will enlighten and inspire Members of Congress and citizens generally, I include it here as an extension of my remarks:

ACCEPTANCE ADDRESS OF ARTHUR FRANCIS MAGILL

Remember back in the 30's, Moss Hart and George S. Kaufman wrote a play entitled, "You Can't Take it With You." In the first scene, after Alice and Kolenkov had gone off to see the Monte Carlo Ballet, the rest of them sat down around the table for their dinner, and grandpa, after tapping for silence, offered the following prayer:

"Well, sir, we have been getting along pretty good for quite a time now, and we are certainly much obliged. Remember, all we ask is just to go along and be happy in our own sort of way. Of course, we want to keep our health, but as far as anything else is concerned, sir, we will leave it up to you."

Well, in the same way, here we are all together, and what I am going to say tonight is about our community.

We have seen many changes in the past few years, and sometimes our attention seems to be focused on the more dramatic of these changes. Sometimes the subtler changes escape our attention.

It has been only since September of 1960 that we in Greenville could use direct long distance telephone dialing. In 1960–1961 the Laser Light Beam was invented. In April of 1961 Yuri Gagarin was the first man to fly in space, and in May of that year we put Allen Sheppard, Jr. into sub-orbital flight. In 1962 we launched Telstar I, the first satellite to relay television programs between the United States and Europe. In 1965 Edward White made his famous space walk, and in the same year Gemini VI and VII achieved the first space rendezvous. In 1967 we had our first heart transplant. We started monitoring world weather conditions in the 1960's. It was not until 1959 that Boeing launched a 707—the first transcontinental jet airline service—Los Angeles to New York. The Berlin Wall was set up in 1961.

So much for the dramatic changes. What about the less dramatic changes about which I spoke a few moments ago? We as a nation are trying to solve our problems on a national level rather than on a local level. We have lost that vital local initiative which played a key part in our growth and development.

Consider the distribution of our tax dollar. This, in a way, is the crux of my whole argument.

In 1932, 54% of our tax money was paid locally, and by 1968 this figure had shrunk to 14%.

In 1932 24% of our tax money was paid to the state, and in 1968 this figure had shrunk to 18%.

In 1932, 22% of our taxes went to the Federal Government, and by 1968 this had jumped to 68%.

When the 50 Governors met about a month ago, their solution to their problems was more money from the Federal Government.

It is interesting to think for a second where part of the money goes which the Federal Government is taxing from us. In the period from 1945–1968 the Federal Government gave away 81 billion dollars in foreign aid, exclusive of military spending abroad, and the total amount for foreign aid in 1969 was 2 billion 104 million dollars.

It is interesting that the total national bill for education, exclusive of the amounts spent for colleges and universities, was 4 billion, 791 million dollars in 1968–69. In other words, using the 1968–69 educational figure and dividing it into the money we have given away for foreign aid since 1945, we could run our national educational institutions, exclusive of colleges and universities, for 17 years—if we used the money in that fashion instead of for foreign aid.

Let's put it another way. We gave away 2 billion, 104 million dollars in 1969 for foreign aid which is one-half of what we spent for education.

To put it still another way, our educational bill in South Carolina for everything, except colleges and universities, for 1967–68 was 231 million dollars. So, we could run our educational institutions in South Carolina for 9½ years and still have a little left over for what we are spending for foreign aid for the year 1969.

It seems strange to me that a few senators and congressmen in Washington can take so much of our money and send it to the far corners of the earth when there is so much to be done in our local communities. Now, of course, there is something we can all do about this if we want to, and that is to tell our senators and congressmen how we feel, but it will take some time to get this picture turned around, and in the meantime there is still no excuse for our not trying to set right the things that need to be done in our own community. In this case two wrongs certainly don't make a right and the need is now.

If we are unable to return to individual and community initiative, and individual and community concern, we will wallow around in this morass of bigness and impersonality, and I think the end is going to be chaos. Maybe we have chaos right now.

The City of New York and the State of New York want the Federal Government to do something about the Long Island Railroad. The City of New York wants the Federal Government to do something about their housing problems. You walk down the streets of New York and they are littered with refuse, and I suppose pretty soon the City of New York will want the Federal Government to clean their streets for them.

On Monday, October 6th—yesterday—the *National Observer* had something to say about our problems in an article entitled, "City Woes Leapfrog Into the Suburbs."

American suburbs are in trouble—real and serious trouble—crime is rising faster in the suburbs than in central cities. Congestion is filling up highways as fast as they can be built, forcing people further and further out. Inflated land prices are making it impossible for increasing numbers of people to afford the housing they seek.

"Unless some major changes take place," warns Samuel C. Jackson, Metropolitan Development Chief for the Department of Housing and Urban Development, "all we have to look forward to are higher land prices, intensified water and air pollution, worse traffic jams, more waste caused by urban sprawl, more serious economic and racial segregation, and severe deterioration of the already intolerable conditions of our central cities". . .

"The problem, wrote Library of Congress researcher W. Brooke Graves in a 1967 study, "is that the most productive tax sources have been appropriated by the state and federal governments, forcing local governments to meet the demand for expanded services by pressing the regressive and unpopular property tax to the limit of public endurance."

"What's the answer? Most authorities now argue that the first step is to assure states and local communities of enough revenue so they can regain the initiative in trying to meet their own needs."

"We've gone about as far as we're going to for a while by appealing to people's consciences," says HUD Metropolitan Chief Sam Jackson. "What we have to do now is to make it in the self-interest of the suburbs to cooperate by designing new incentives."

The things that affect us most will have to be done on a local level, or they will not get done at all—crime, housing, education, job opportunities, the dope problem. Why do people think that someone sitting behind a desk in Washington will do a better job for Greenville than we in Greenville can do for ourselves?

In *Alice in Wonderland* Alice is walking along and she sees a Cheshire cat sitting up in the tree, and so she said, "Would you please tell me which way I ought to go from here?" "That depends on where you want to go," said the cat. "I don't much care where," said Alice. "Then it doesn't matter which way you go," said the cat. But it does matter which way we here in Greenville go. We have to make a choice.

The truth of the matter is that there is a good deal of money here in Greenville which could be used for all sorts of community projects. I mean individual and corporate money. I really don't know what the point is in holding on to our money and paying it out to federal and state governments as death duties. It is a lot more fun to pay out money while we live for the projects in which we are interested. I urge that you do this for the simple reason that it is fun.

I also think that we have a serious responsibility to give our money, or a substantial part of it, to the community in which we live—the community that has enabled us to support and educate our families. Our whole Judeo-Christian culture is based on the idea that there is such a thing as individual responsibility. If we don't exercise that responsibility, we fail—our culture and our country.

You know, this can get to be very exciting, not only because of what it can do *to* and *for* Greenville, but as an example which we could set for our state and for the whole southeast.

Quoting Gordon Blackwell, who was quoting Albert Einstein, "You can't scratch if you don't itch." We have plenty of itches.

There are many, many things that need to be done for Greenville, and I would like to suggest that as various organizations and groups develop needs, that they write up these projects, and send them in to Bert Winterbottom of the Greater Greenville Planning Board. Hopefully, if individuals, or companies, or church groups, or any other groups, feel that they want to participate more actively in helping Greenville become a better place in which to live, they could go to Bert Winterbottom and he could show them his file of projects. Many will be beyond their means. Some they won't care about, but some will strike a note of response.

I am certainly in favor of Foreign Missions, but I think that too often we have our eyes cast 3,000 miles away when they might better be cast 3 miles away.

No company can make it big today unless it has a deep personal interest and involvement in the environment in which it is located. That is where the action is.

All right—what are some of the things we need here in Greenville today?

A new Phyllis Wheatley Center with appropriate branch and/or extension services.

The YMCA has proposals for at least four branch facilities.

A training center for mentally retarded children.

A clinic and physical therapy center for persons with muscular dystrophy, cystic fibrosis, and other physically handicapping diseases, including birth defects.

The school system needs financial support across the board. Private individuals and groups could easily support programs for both advanced and retarded students, and for expansion of the various "arts" programs in the schools.

We have very few public parks and recreation facilities in Greenville County. There is a need to acquire land for such purposes before it is all developed. Donations of land of any size would be a great contribution to the city and county recreation programs. There is a need for at least fifteen or twenty "vest pocket" parks in our highly congested areas. These would be miniature playgrounds located on single residential lots. Such parks could be supplied at a total cost of from $7,500 to $25,000 each, including land.

I would like to make a prediction. In the year 2000 someone in Greenville will get a bright idea and a plaque will be erected in our memory which will say—"In memory of the citizens of Greenville who in the Year of our Lord 1969 had a golden opportunity to erect public parks, but who in their blindness and shortsightedness never saw the light."

Phyllis Wheatley has several acres in Bruton Town which they want to make into a community athletic field with a community house at a cost of perhaps $50,000.

There has been, and there is, a continuing need for day-care facilities for working mothers in the low-income areas of Greenville County.

Mr. Roy Green, Principal of Oscar Street School, has been working on a "Juvenile Delinquency Prevention Program," and he could use some financial support.

There has been a great deal of talk in recent years of developing an olympic size swimming pool for Greenville so that we might attract national and regional competitive swimming events. As you know, our Greenville YMCA has one of the outstanding swimming teams in the Southeast at the present time.

There is the new Greenville County Housing Foundation under the leadership of Max Heller. This has been formed under the protective wing of the Greater Greenville Chamber of Commerce. They want to build low income housing units, and they want to renovate houses which sorely need renovation. The idea is to raise $500,000 for working capital, and hire a professional. This thing is so complicated that you absolutely need the services of a professional, and then tie into the various areas of long-term governmental money—build or renovate these units, sell them and keep on turning over their capital.

This is the sort of action that all communities need today. The Federal Government can't do this. It has to be done by individual initiative, individual local guidance, and the top money has to be contributed locally, either by individuals, by corporations, by foundations, or by local governments—hopefully by all four. In my opinion this deserves our strongest community support.

And finally, I would like to mention the Sullivan Street pilot community project which was organized officially in June of this year. This Sullivan Street project is interested in a two-acre plot behind Claussen's Bakery. The residents of the area turned to. They volunteered to clear the area of rocks and weeds. They sold lapel buttons at $1.00 a piece. The Parker Camp Foundation gave them some sports equipment. Vaughn's Grading Company sent some men and machinery to level the site. Ashmore Brothers asphalted part of it for them. A charter was prepared. They have barbecue sales on weekends to raise funds. The Greenville Council of Architects has agreed to design and do all the architectural work for a multi-purpose community center. The Greenville Advertising Club is assisting in their publicity. Duke Power has made a small donation. WFBC and the News-Piedmont have been helping. They have overall pledges so far for approximately $10,000. They need $35,000 for land, $5,000 for equipment, $150,000 for a building, and they will need $35,000 for an annual operating budget—a package of $225,000. But the important thing is that the stimulus for all of this has come from the residents themselves and from Tom Shim, a Furman University student, working part-time with the community. It is a neighborhood project, and we desperately need more "do-it-yourself" neighborhood projects of this kind.

Coach Vince Lombardi says the challenge is in the *attaining*, not the *maintaining*. Success is a journey, not a destination.

UNITED STEEL WORKERS FAVOR FEDERAL SAFETY LAWS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, I submit for the RECORD the far-reaching and important statement of Walter J. Burke, secretary-treasurer of the United Steelworkers of America, before the Select Subcommittee on Labor on Occupational Health and Safety on November 6, 1969:

STATEMENT OF MR. BURKE

Mr. Chairman, my name is Walter J. Burke. I am the Secretary-Treasurer of the United Steelworkers of America—an organization representing 1.2 million workers in the basic steel; steel fabricating; iron ore mining; nonferrous mining, smelting and fabricating; aluminum, and can industries. The scope of industries covered by our Union is quite wide. I am accompanied by Jack Sheehan, our Legislative Director, Paul Schremp, our Safety Director, and a panel of local union presidents from various industrial plants whom I will introduce a little later.

I. INTRODUCTION

As has already been emphasized by the AFL-CIO and by President Abel, representing the IUD international unions, the union movement considers the safety bills, which are pending before this committee, to be of primary importance. In particular, we support the approach of H.R. 3809, as introduced by Congressman O'Hara and a large number of other representatives.

(1) Need for Federal legislation

There has been a growing awareness of the need for federal legislation in this field. A tour of the halls of various state legislatures would reveal the intensity of interest that labor representatives place upon safety bills. Yet, we have realized long ago that the promulgation of national standards can not be through a composite of 50 separate state enactments. I am surprised to learn that so many have appeared before this Committee recommending that it is the prerogative of the various states to regulate safety and health conditions in the work place. Well, it may be their prerogative—but they haven't effectively exercised it. We know because we have tried to enlarge the scope and authority of the states' regulatory power in this area. We have, however, found our effort wanting. Hence, we appear before you today. We concur in the view of Congressman Steiger when he wrote in the January issue of the *NAM Reports:* "A major reason that the (safety) legislation was introduced in Congress was because of the failure of too many states to act in this field."

Secretary Schultz has dramatically answered the question as to whether there is a need for comprehensive legislation in the field of occupational health and safety. He told this committee: "After long and careful deliberation of this complex subject, we have come to the conclusion that our answer to the fundamental question is a resounding 'YES'." The record speaks for itself. Each year the atrocious statistics reveal:

Lives lost	14, 000
Workers disabled	2, 000, 000
Wages lost	$1, 500, 000, 000
Medical expense	$600, 000, 000
Production lost	$5, 000, 000, 000
Workmen's compensation paid	$2, 000, 000, 000
Man-days lost	255, 000, 000

As you know, there are ten times more man-days lost because of injury than there are due to strikes and yet, the American people are more conscious of the battles at the bargaining table and relatively unaware of the slaughter in the workplace. The enormity of these figures makes one wonder why there should be any opposition to even the *most* stringent of measures. Congress may pass an occupational health and safety bill. President Nixon urges it to do so. But the real question is whether the bill will be a strong one or a "no-law" law.

Gentlemen, it is certainly not enough to compensate a man or his family for an occupational injury or death. We must accelerate a change in the public's attitude that prevailed at the turn of the century when the workmen's compensation laws were adopted. Public indignation seems to have been assuaged when a man is compensated for injury. Now we must move from the concept which holds that a job must be accompanied with a risk providing compensation is the *humane* thing to do. But the *reasonable* and *practical* thing to do is to clean up the workplace.

Environmental hazards can be controlled. The public is blistering itself in the realization that smoke and pollution are not necessary prerequisites of industrial activity. Nor are death, injury, and disease an essential part of a job description. Yet, even today, for the worker the common law precepts of "assumption of risk" and "contributory negligence" still prevail as a defense for the employer against a suit arising from an injury. The workplace need not be a hazardous place. With justifiable pride some employers and corporations may evaluate their efforts to provide a safe and healthy place of employment by reviewing their frequency and severity rates. But, I think, that we should now move to another gauge of achievement—namely, compliance with health and safety standards.

(2) *Philosophy of approach*

We appear before you today primarily because we are convinced that we need the *force of law* to bring about more *massive* and *universal* changes in worker-safety. We admit that quite openly. It is somewhat amazing to me that there are some who are, at one and the same time, advocating legislation and then urging that the law encourage private initiative. They are chagrined that the bills pending before the committee are primarily oriented to regulations and standards and are *not* directed toward worker motivation for safety. This is the old bromide that workers cause accidents—that there are more *unsafe acts* than there are *unsafe places*. Well, gentlemen, I am not going to debate the factual data alleged to substantiate that proposition. But I will say this: if there is so much concern about private sector encouragement, then let the *private sector* initiate the motivational programs and training programs. We don't need a law for that. It can be done right now. As a matter of fact, many companies in the steel industry are to be praised for their efforts in this direction. But if we are to elicit *public sector* response—and we are—it is precisely for that purpose of reducing the physical hazards, both toxic and traumatic, in the workplace through the promulgation and enforcement of mandatory standards. The name of the game is standards and the basic question before this Committee is what mechanism will you create to develop them.

When we looked, therefore, at the Administration's bill (H.R. 13373) on Congressional findings (Section 2), we found that the main purposes—as far as we are concerned—namely, standard-making and enforcement—were downgraded. As a matter of fact, enforcement is in seventh place. It is no wonder, then, that later on in that bill a rather bewildering and ineffectual enforcement procedure is devised. In the O'Hara-Hathaway bills (H.R. 3809–H.R. 843) the primary objectives rank first and second in the declaration of Congressional purpose and policy.

II. SPECIFIC COMMENTS

Mr. Chairman, as I mentioned the main question before this Committee concerns the mechanism out of which would evolve safety and health standards and their enforcements.

We do not consider the development of a safety or health standard to be so awesome that it precludes government capability. Some technical associations, like the Compressed Gas Association and the American Society of Mechanical Engineers, devise their own standards from the combined expertise of their technical membership. These are the so-called "proprietary standards." When an attempt to arrive at a standard is done so through the consultation of special-interest groups, including labor, management, technical associations and government, it is called a consensus process and the standards are designed as "consensus standards." Both of these standards are, of course, voluntary unless adopted by state legislatures or state safety administrative agencies. At times, however, the government, federal or state, has developed its own standards as has done the Department of the Interior under the Metallic and Nonmetallic Mine Safety Act. Under this method, there is a great reliance upon advisory committees. Our Union, for example, participated in the ad hoc committees, which submitted recommendations to the Secretary of the Interior for the nonferrous hardrock mines.

There is no monopoly upon the methods used in the technical development of the parameters of a standard, i.e., its practicality and its technical and economic feasibility. The crunch comes in the decision-making process when the standard is actually formalized.

Relative to these issues, I should like to make a few comments insofar as they might relate to the two divergent proposals pending before this Committee; namely, the O'Hara bill and the Ayres bill.

(1) *The consensus method*

We are surprised at the emphasis which has been placed upon the so-called consensus method for developing safety standards. The Ayres bill enthrones the method; the Hathaway bill flirts with the method; but the O'Hara bill gives, quite rightly, a pragmatic recognition of the method. The National American Standard Institute defines the process of consensus thusly: "In standardization practices, a consensus is achieved when substantial agreement is reached by concerned interests according to the judgment of a duly appointed authority. Consensus implies much more than the concept of a simple majority but not necessarily unanimity."

The consensus method is the child of necessity in a situation where the only enforcement authority is voluntarism. It's guiding principle is that a standard, which is based upon the lowest common denominator, will be acceptable. The method, therefore, fits the environment in which it is to be used. To that extent, I don't think that anyone can fault it. Many of the safety standards, which are accepted today, arose out of the consensus process practiced by the United States of America Standards Institute (USASI), now known as the National American Standards Institute (ASI), and the National Fire Protection Association.

But we now have a different situation, a different environment—federal and/or state mandatory promulgation of a standard. Hence, the old method no longer applies when we have the force of law to command acceptance. The fact that the consensus method has its strengths does not mean that it does not have its weaknesses and in this new situation, its irrevelancy.

Martin Catherwood, Industrial Commissioner of the New York State, recently testified: "I do have some reservations on one of two of the bills seeming to mandate, as far as they did, the use of national consensus standards . . . One of the weaknesses, one of the problems in connection with national consensus standards is they are likely to be considered as all things to all people." He is making reference to the fact that in the Hathaway bill (Section 3(c)) the Secretary "shall be limited to promulgating (applicable national consensus)." In the Ayres bill the National Occupational Safety and Health Board (Section 4(b)) is bound by the same restriction when there are existing consensus standards. But even more than that in the Ayres bill the Board is further mandated (Section 4(c)) to give a consensus organization an opportunity "to prepare a report on the technical feasibility, reasonableness and practicality" of a standard prepared by the Board if there is no already existing consensus standard.

Mr. Chairman, our Union is opposed to the consensus method as an essential determinant—or limitation, if you please—upon the decision-making act of the promulgating authority. Consensus organizations or any other ad hoc or proprietary committees, should be accorded a substantial role in the advisory capacity. But nothing more.

Now many arguments have been elicited that the promulgating function should be based upon the consensus method because there are, right now, existing many formalized standards which can be immediately promulgated. But this argument confuses the *method* with the *product*. It equates the consensus method with the consensus standards. We think those standards ought to be judged on their own merit as to whether they objectively, in fact, give maximum and reasonable protection to the health and safety of the workers. The fact that they arose out of the consensus method does not *automatically* make them satisfactory. Actually, the burden of proof is to the contrary since they actually were tempered by the heat of the common denominator.

We do not, however, reject out of hand the consensus standards which have already been developed. The promulgating authority should review them for their effectiveness. But we do reject the notion that the promulgating authority must be dependent upon the consensus method.

As I mentioned above, the consensus method is absolutely necessary in a voluntary atmosphere. But where we have mandatory regulations through federal and state administrative action "consensusism" is no longer a necessary prerequisite.

I certainly can understand the position of industry in its support of the consensus method. Industry wants to be assured that it will have its day in court when the standards are being discussed. Indeed, industry should be heard and its technical input properly evaluated. But I do think that it is quite a jump from saying that industry—or labor for that matter—should be given a forum to maintaining that that forum must be the consensus process engaged in by a private nongovernmental organization. Interested parties can just as well make their presentations at the public hearings before the technical advisory committees mandated under the O'Hara bill. Their opinions will receive no less weight there than in the private forum of the consensus group. But I think—and this is a main point—their influence as a pressure group will be very much mitigated. I recognize that the Ayres bill also uses the public hearing forum. But it does so, in most cases, *only after* the private group has come to a consensus. The Board, then, would be operating under the pressure of an already-arrived at judgment. Under such a circumstance, it would be much harder to change what has been done in the formulation of a standard by a private group than to make the initial determination unencumbered by a precedent.

If, however, a consensus process is engaged in so that interested parties participate in the deliberations of the standard's development, then arbitrariness will be avoided and practicality will be assured. But the actual formulation of the standard—the decision as to the precise degree of control which it intends to mandate—should not be determined by the degree of consensus. Federal administrative responsibility for the protection of workers must prevail regardless of the lack of consensus. Although we always strive for consensus, we cannot always be governed by it. At times the decisive judgment must be made. This certainly is true in the area of government and in the art of legislation. It is equally true in the field of regulations, especially where the lives and health of workers are at stake.

(2) *The consensus organizations*

We concur in the statements made in a recent publication of the Labor Department entitled *Status of Safety Standards* by David Swankin, former Director of the Bureau of Labor Standards:

"The Federal Government has no choice but to meet its public responsibilities in the safety and health field. The Labor Department prefers to do so by adopting effective consensus standards. But whenever and wherever the voluntary consensus method fails to produce the necessary effective standards in a timely fashion, the Department must move forward nevertheless to protect the safety and health of the Nation's workforce. Any lesser policy would be irresponsible."

The report documents a situation in which a particular ASI committee held its first meeting and "eight years, 30 meetings, 5 drafts, and mountainous correspondence later, a safety standard has yet to be published."

Ronald S. Shafer, *Wall Street Journal*, February 11, 1969, "Who Should Write Industry Standards," commented:

"Many voluntary standards aren't enforced because they are written by the same people who are to abide by them . . . A Senate Commerce Committee report found that autos generally were subject to standards developed by the industry-dominated Society of Automotive Engineers . . . If (voluntary standard-making fails), one thing is clear: "when it comes to public health and safety, government standards are better than no standards at all."

The report indicated that at the end of 1968 (a) nearly 60 percent of ASI consensus standards were five or more years old—the biggest percentage 10 years-plus; (b) by 1969, 40 percent of all ASI standards will be 10 or more years old, and (c) at least 50 areas where national standards either do not exist or are inadequate.

As the *Wall Street Journal* article reveals, ASI proposes to be a subgovernment in the field of standards operating not only in the area of occupational standards but also in automobile safety, meat inspection, and a whole host of consumer products. In a recent speech by Francis McCune, ASI president, mentions the threat that government may enter the field of standards-developing, up to now dominated by industry group. Mr. Chairman, the multitudinous scope of ASI does not seem conducive to good standards for working men, especially if the motivation is to keep government out—to oppose "creeping federalism." As a matter of fact, of the more than 4000 committeemen in ASI's "committees of competency", only 30 are from the labor movement.

Hence, Mr. Chairman, you can see why we have a grave concern that the federal promulgating authority should not be hamstrung by being subservient to the proceedings of the consensus organization. This does not mean, however, that the consensus organizations will be restricted in their activity. We are speaking only about those situations in which, as in the O'Hara bill, the Secretary is of the opinion that a national mandatory standard must be promulgated. Voluntary standards will still prevail—and be necessary—in all other situations.

(3) *The Board*

Gentleman, our Union is unequivocably opposed to those provisions in H.R. 13373 in which a National Occupation Safety and Health Board is established as the mechanism for developing standards and promulgating them. We support rather the provisions in the O'Hara, Hathaway and Perkins bills in which the Secretary of Labor is the promulgating authority. Among the arguments elicited to support the concept of a safety board are two upon which I should like to comment: (1) The Board would represent expertise in the field and, (2) the Board would represent a separation of power with respect to standards setting and enforcement.

(a) *Expertise—With or Without the Board?*

The impression given by the Board's exponents is that expert knowledge can be developed only through a premanently established board or commission. We are not in disagreement with the idea that professional and technical information must precede the decision to establish a standard. But experts can be located and the benefit of their opinions transmitted to the Secretary. Experts should be in an advisory capacity with the decision-making function lodged in the Secretary. In this way, the focal point of responsibility is more easily identified. Under a commission system the responsibility is more dispersed. For this reason we feel there will be more delay and, as indicated to this Committee by Jerome Gordon, "it may be a devise to avoid making decisions."

Moreover, many of the supporters of H.R. 13373 maintain that safety expertise exists outside of government. Well if that is so, then the Board merely becomes an unnecessary step between the expertise and decision-making. As a matter of fact, the Safety Board in H.R. 13373 seems to function more as a *conduit for the consensus organizations*. And yet, the consensus organizations themselves appoint ad hoc committees to develop their standards. But the O'Hara and Hathaway bills also make use of ad hoc committees of experts to give advice on standards. Why should the funneling function of the Safety Board cloak the ad hoc experts of the consensus organizations with any more expertise than the ad hoc experts of the O'Hara advisory committees? Actually, we would be more content with the structure of the ad hoc committee under the O'Hara bill than we would with a similar committee selected by the private standard-setting organizations. Note, however, in the O'Hara bill that representatives of these standard producing organizations *shall* be included among the members of any ad hoc committee selected by the Secretary.

Another point which I am making here is that the framers of the Safety Board are themselves going beyond the alleged expertise of the board members to *another* outside advisory committee. The Board, then, becomes an unnecessary additional bureaucratic layer.

(b) *Separation of Powers—A Valid Division?*

I believe here we really hit upon the main reason for the Safety Board. It is claimed that the enforcing authority, namely, the Secretary of Labor, should be separated from both the developing and promulgating function. Actually, the proponents of the Board want to divide up the administrative responsibility of the Act into such small parts that real administrative function no longer exists. *The separation of powers concept in H.R. 13373 isn't so much whether the Secretary should be separated from the power to set standards but whether the Secretary should be separated from the power to act.*

The fact that this is the intent of H.R. 13373 is further substantiated by the fact that the Secretary is not his own man even in the enforcement function because he must go back to the Board after he finds an alleged violation by an employer so that the Board might determine, through a public hearing, whether there is a violation and what administrative orders should be issued (Section 7(a)(1)). Last year in the minority report on the Hathaway bill (Report No. 1720), the dissenting members proposed that the bill be modified so that there would be "the complete replacement of the Secretary and the Department of Labor in the administration and enforcement of the regulatory provisions of the bill by an independent Occupational Safety and Health Board." I'm afraid that the Ayres bill has accomplished just that. Maybe more. The Secretary is practically the servant of the Board. It strips him of promulgation powers. It can veto his objections to proposed safety standards. It makes him report to itself the findings of his inspections.

Gentlemen, this is not a separation of powers. It is a pulverization of powers. This is why we feel that any proposed safety legislation, which contains a Safety Board, as defined in H.R. 13373, is no legislation at all.

(c) *HEW Secretary—A Lack of Authority*

The pulverization of authority is further pursued in another section of the bill dealing with the responsibilities of the Secretary of HEW. Section 17(a)(2) requires the Secretary to consult with the Board in order to conduct research in occupational health. It seems strange that, while the private organizations are given free hand to originate safety standards in so far as traumatic injury is concerned, the HEW Secretary is constrained by Board approval to develop criteria for controlling toxic injury. Frankly Mr. Chairman, we think that the HEW Secretary should not be subject to the authorization of the Board in the development of criteria to identify the specific dosages and levels of concentration of toxic gas and chemicals which are injurious to workers' health. As a matter of fact, we think that the role of the HEW Secretary should be considerably strengthened in all bills so that he might not only produce the criteria but also promulgate the standards involved with occupational health as he will do under the House-passed Coal Mine Safety Act. HEW, through the Public Health Service, has been charged with the responsibility of evaluating health hazards. The Occupational Health and Safety Act of 1969 should recognize that fact by giving the HEW Secretary the primary responsibility for selecting and promulgating the hygienic limits which will protect the health of exposed workers.

The episode involving the health of uranium miners who are exposed to the inhalation of radon daughters gas, is a good example of both the inability of a multi-membered group to determine a health standard and the muzzling of HEW to promulgate one. Despite the fact that HEW had identified the working levels where there was known toxic injury, the Federal Radiation Council, composed of various department representatives, was unable to arrive at a decision—let alone a consensus—as to what level should constitute a health standard, which would prove a margin of safety for the miners. The Secretary of Labor finally, under his Walsh-Healy authority, promulgated a 0.4 working level standard in two steps. The FRC has so far moved only to the interim standard of 12WL and is recommending further study of the final standard. If HEW had the authority in the first place to promulgate a standard, this issue would not still be pending. And the FRC was able to hide behind the anonymity of numbers for its failure to arrive at a decision so as would a Safety Board as contemplated under H.R. 13373.

It is not clear under the administration's bill, whether the Safety Board would have to use the criteria developed by HEW or whether the national consensus organizations would be required to depend upon the criteria produced. We, therefore, urge a more independent role for HEW and concur in the AFL-CIO recommendation "to enlarge the role of HEW in this crucial area, not only to develop occupational health criteria, but standards as well, including performance specifications to certify the monitoring and measuring devices used in the evaluation and enforcement of health standards."

(d) *The Board—What Is It?*

Last year a number of employer-oriented organizations and trade associations testified in opposition to the need for federal occupational health and safety legislation. This year the field has been reversed. The one substantively new thing, which has been added, is the Board. If the creation of the Board in the Ayres bill could turn around such basic opposition to federal legislation, it is not strange that the labor movement views the Board with extreme apprehension because it may well be the one instrument which could effectively destroy the impact of a federal law. *Actually, we look upon the Board as a conduit, a buffer, and an obstacle.* It is a *conduit* for consensus organization in that it cloaks the private consensus standards with an aura of public sector respectability. It is a *buffer* in that it is an additional functional layer between the safety expertise in the private sector and effective public responsibility to make definitive decisions on safety standards. It is an *obstacle* in that the evolution of standards must pass through the anonymity of a Board vote and the Secretary of Labor must gear his enforcement authority to its discretion.

Far from considering the Board to be nonpolitical in nature, it is precisely because it is appointed by the main political leader in the nation that its character will be influenced by his selection. It is far better then to lodge the authority in the one appointee of the President whose Department is charged with the responsibility to foster the interest of the nation's workforce as it relates to public policy; namely, the Secretary of Labor.

(4) *Enforcement and penalties*

Our main concern with these sections is the significant downgrading which the enforcement process undergoes in the Ayres bill (H.R. 13373).

(a) First, as mentioned above, the Secretary of Labor must share his administrative responsibility with the Board. Even after a Board involvement with the alleged violation there is a public hearing before orders are issued by the Board to be enforced by the Secretary. Such a dilatory morass is unbelievable especially in lieu of the fact that in H.R. 13373 the safety standards are for the most part "consensus standards." Mr. Chairman, the Secretary should have complete freedom to make administrative determinations. I am given to understand that in West Germany the local police are immediately called into a plant or factory if an inspector finds violation. The fact that the Secretary (or the Board with the Ayres bill) must hold a hearing on each violation will greatly inhibit effective enforcement. It would be more efficient if hearings were mandated only in special hard-core cases where an employer denies that there is a violation. We recommend, therefore, that the O'Hara bill, Section 6(a) (1), be amended to expedite administrative orders by the Secretary without hearings.

(b) Imminent danger: Under the O'Hara bill the Secretary has the authority to issue an immediate cease and desist order when there is imminence of harm to workers. Now we all realize that where there is real and immediate danger, the time consumed in unnecessary legal steps may be the difference between life and death. In most cases, the employers will recognize the gravity of the danger and shutdown the operation or the men will walk off the job. Hence, I am surprised at the bias in H.R. 13373 which seems to infer that the Secretary would arbitrarily close down an operation. It would be a much better attitude to recognize that in such situations the Secretary should demand immediate cessation of work where there is a violation of a standard as prescribed in the O'Hara bill.

(c) Penalties: Gentlemen, we cannot understand why there are not stronger penalties for the violation of standards in the administration's bill. Under the O'Hara bill there are civil penalties for violation of standards and criminal penalties for willful violation of the Secretary's orders. In the Ayres bill there is only a civil penalty in cases where there is willful violation of an order. The language of this section indicates that a violation of the Act (or of regulations pursuant thereto) is not punishable by fine unless the violation is "willful", that is, unless the court can prove an "intent" to violate. The violator's intent should not be a pertinent factor where there is a failure to comply with standards. Failure to comply with the standards and regulations should itself be sufficient cause for fining. There is a lot of latitude before the "willfulness" of a violation is proven. If there is a requirement that the standards be enforced, then there should be some teeth in the enforcement powers.

(5) Inspection: There has been a continuing complaint from many of our local union safety committees that when federal or state inspectors visit a plant—at their request in many cases—that the results of the inspection are never revealed to the workers. An inspector may make some administrative recommendations. He may determine the levels of concentration of a toxic gas. Yet, his report is a secret to men in the plant. We believe that Section 5 of the O'Hara bill should be amended so as to provide full disclosure of an inspector's report.

I should like to introduce into the record at this time a series of letters documenting the attempt of our union to obtain a report from the Pennsylvania Industrial Hygienist's Report on dust condition at the coke oven facilities of the U.S. Steel plant in Clairton, Pennsylvania, where workers have been exposed to the carcinogenic influence of coal tar pitch volatiles. This is a plant where an epidemological study by Lloyd and Ciocco reveals that workers in that area showed a lung cancer mortality rate that was 62% greater than expected on the basis of total steel worker experience.

In informal discussions with Labor Department officials, we learned that as a result of Walsh-Healy inspections of over 100 steel mills last year, 90 percent of the inspections revealed serious violations of safety and health conditions. In 100 percent of the foundries inspected, there were major violations. Certainly these reports should be part of the public domain. A review of the frequency and severity rate of the primary metal industries shows a sharp increase in the frequency rate since 1958. It moved from 10 disabling work injuries for each million employee-hours worked to 15.1. The national average in 1967 for manufacturing was 14.0. The severity rate also increased from 1,035 days of disability resulting from disabling work injuries for each million employee-hours work to 1,037. The national average was only 709.

We are most interested, therefore, that workers have access to the reports of safety inspectors from either the federal or state government.

(6) Reporting of accidents: My final comment upon the bills is that positive language should be devised to make sure that there be a more adequate system of reporting occupational health and safety accidents. It is amazing to realize that we have no central governmental procedure for collecting data. Moreover, the hidden hazards of occupational disease almost entirely escapes current record-keeping. According to Jerome Gordon who testified before this Committee, "there is considerable and massive undercounting of work injuries. The definition of a work injury, as developed by ASI, is no longer relevant." Mr. Frank McElroy, former Chief of the Industrial Safety Division of the Bureau of Labor Standards, as quoted by Professor Gordon indicated that the original ASI standard on injury reporting: ". . . lost their original purpose of measuring the need for accident prevention and became measures of accomplishment . . . Have we really succeeded in bringing injury occurrence in manufacturing to the lowest level in history, or do our figures largely reflect shifts in reporting rather than substantive improvement? Are we, in effect, kidding ourselves?"

This again is another reason why we cannot depend upon consensus organizations. Despite expert evaluation to the contrary, ASI has again adopted regulation Z16.1 pertaining to the definition of a work injury. It is no wonder then that one of our local union officers called for a truth-in-reporting accident bill.

"Top priority should be given to legislation requiring some sort of 'truth in reporting accidents.' We find that the statistics are grossly misleading as a result of distorted records filed with the state agencies in regard to the types and seriousness in injuries. For instance, the Minnesota law requires that an accident has to be reported if more than one day of work is lost, due to an on-the-job injury. The companies have gone to extremes to persuade employees to return to the job with broken legs and other serious problems, so the records will not contain a report of the accident. Employees have even been known to report to work in wheelchairs. This is in complete contrast with the fact that an employee is required, in most instances, to be completely well and able to perform his full duty, if his injury occurred off the job. The companies constantly use this distorted safety record to lobby against state and federal safety and health and workmen's compensation laws, as well as in safety arbitration cases—and to promote a favorable image through their public relations department. They have even gone so far as to cite a record of *injury-free* man hours worked when many serious non-lost-time accidents have occurred during the period to which they refer."

SUMMARY

We support federal legislation to protect the health and safety of workers. We support the O'Hara bill. We oppose the creation of a federal safety and health board. We reject a complete dependence upon consensus method. We encourage this Committee to give a strong and direct responsibility to both the Secretary of Labor and HEW. Mr. Chairman, this Committee has a chance to produce a far-reaching bill. We are in the midst of a national upheaval over the environmental damage. Air and water pollution hearings are eliciting a tremendous response throughout the country. But environmental consensus cannot stop at the plant gate. Our workers are demanding that you come inside with your legislative tools. But when you enter, don't leave half of your tools behind.

WASHINGTON STAR SERIES FOCUSES ON MAGAZINE SALES ABUSES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am proud to call the attention of my colleagues to a fine series of articles published this week by the Washington Star. The author of these articles is an accomplished investigative reporter and newswriter, Miss Miriam Ottenberg.

Miss Ottenberg is widely known and respected for her journalistic achievements and is a winner of the coveted Pulitzer Prize for her exposé of home-improvements rackets in the Washington metropolitan area.

Thus, I was understandably pleased when Miss Ottenberg began to research abuses in the magazine subscription sales industry for the series of articles which appeared in the Star this week. Having been engaged in an investigation of deceptive practices in the subscription industry since February, I welcomed her interest to develop an in-depth report of methods by which the American consumer often is tricked into signing for costly, and often-unwanted, long-term magazine subscriptions.

There are two sides to every story, of course, and I believe Miss Ottenberg's four-part series on magazine selling presented a thorough and fair picture of the problem And, certainly, her advice to consumers who are confronted by high-pressure salesmen deserves widespread circulation

Miss Ottenberg's articles have generated a flurry of telephone complaints and correspondence to my office from individuals who saw their own experiences mirrored in cases described in the Washington Star. Within a few days, I expect to enter some of these complaints in the RECORD because they represent further evidence of the continuing abuses practiced by subscription sales companies and their agents.

I believe my colleagues and their constituents will want to read Miss Ottenberg's report and I include it in the RECORD at this point:

THE HARD, HARD SELL—1: MAGAZINE RACKETS PROBED

(By Miriam Ottenberg)

Widespread charges of deception, fraud and even terror tactics in the sale of magazine subscriptions have now prompted two federal investigations and demands for reform through Congress.

A stream of complaints across the country deals with both telephone solicitors and door-to-door sales crews.

People claim they have been tricked or trapped into signing up for long-term subscriptions to as many as eight magazines with "something-for-nothing" promises from telephone solicitors.

Housewives protest they have been intimidated into paying for magazine subscriptions they don't want through thinly veiled threats from door-to-door crews.

A survey of state attorneys general shows a renewed concern about magazine sales abuses, court action against both subscription agencies and salesmen and a concerted drive toward consumer fraud laws aimed particularly at fraudulent magazine subscription selling.

On the federal level, Federal Trade Commission task forces have been ordered to make a "highest priority" investigation with a view to recommending formal complaints against those responsible for fraudulent operation.

The Postal Inspection Service is pursuing allegations of possible mail fraud involving several subscription agencies.

Meanwhile, the Internal Revenue Service is reported interested in possible tax evasion.

Both federal and state actions come at a time when the Magazine Publishers Association is trying through its Central Registry of Magazine Subscription Solicitors to enforce a stern code of ethics and rid a burgeoning industry of its unscrupulous fringe.

There's no question that the industry is growing. "We sell 168 magazines for every 100 persons 15 years of age and older compared with 130 magazines 20 years ago," an association official said.

To boost sales, an estimated 86 million calls are now being made annually by magazine solicitors. Out of those calls, 6.5 million long-term subscriptions are sold annually on an installment plan known in the trade as Paid During Service.

Another 2.6 million subscriptions are sold through door-to-door cash sales.

REGULATION WEIGHED

Much of the federal agencies' interest centers on determining whether the complaints come from an isolated few among millions of satisfied customers or whether the industry does need more regulation.

Firmly on the side of tighter control is Rep. Fred B. Rooney, D-Pa., whose eight-month solo investigation has complaints from all over the country and allegations from ex-magazine dealers who claim they were forced to use deceptive tactics.

Equally firm for self-regulation is the Magazine Publishers Association and its Central Registry, whose aim is "to serve the public interest by maintaining ethical standards among door-to-door magazine subscription salesmen and to protect the public against fraud and loss in magazine solicitations."

Central Registry claims complaints have decreased substantially since the FTC-endorsed selling code for magazine subscription agencies went into effect in January, 1968.

COMPLAINTS CUT 38 PERCENT

Cited were figures compiled by the National Better Business Bureau showing a 38 percent decrease in the number of formal written complaints in the first half of 1969 compared with the same period last year.

Rooney disputes the figures. He asserts that thousands of complaints are not being channeled to Central Registry and that many examples of consumer deception are so neatly concealed that the consumer may never realize he was victimized.

Central Registry protests that the FTC gave the industry three years to prove its self-regulating code could clean up subscription sales, but that its had only 18 months.

The publishers contend that their magazines can be sold on their merits and their service, without fraud or deception.

TACTICS CITED

But Rooney says they're not all being sold on their merits—and displays a thick file of complaints alleging a dozen varieties of deceptive and misleading tactics as well as forgery, altered contracts and outright fraud.

Virtually every magazine subscription company is named in the complaints. Three different types of subscription selling are involved:

The cash crews—the door-to-door salesmen who collect the total amount for the subscription on the spot.

The two-pay plan where the subscriber makes one cash payment at the door and mails the balance to the sales company or publisher.

The Paid During Service plan—by far the largest—which usually starts with a phone solicitation followed quickly by a visit by a salesman to get a contract signed.

Most of the complaints about the cash crews are from women who said they paid because they were afraid of what would happen to them if they didn't.

POLICE OFFICER REPORTS

One complaint came from a police inspector in Lancaster, Pa. Reporting on the activities of three groups of magazine salesmen for Interstate Publishers Service, Inc., he said four or five salesmen would enter a business place en masse and mill around while one of the group was trying to make a sale.

In upper middle-class residential areas, he went on, five or six would stand in front of a house while one went to the door. He cited one case where the salesman became "quite nasty" and another where a crew leader was arrested for disorderly conduct when he refused to leave a hospital nurses home.

A Paxton, Mass., woman collapsed and died minutes after two salesmen for Subscription Bureau, Ltd., in nearby Virginia, asked her how she would like her house to be burned down.

Charged with assault and threatening to commit a crime, one of the pair told the judge he was only joking.

An 80-year-old man said two girls came to his door and told him to pick two numbers from a card and sign his name. As soon as he signed, the girls told him he owed $53 for several 10-year magazine subscriptions.

FULL PRICE IMPRESSION

In the two-pay scheme, the cash payment to the salesman often is represented as the full price of the subscription. It's only later that the unhappy subscriber reads the receipt and discovers that no magazines will be forthcoming until additional money is sent to the publisher.

The paid-during-service contracts usually are for long-term subscriptions, four or five years or even more. Payment is spread over 24 to 30 months after the downpayment and covers four to eight or more different magazines.

Theoretically, the principal advantage of the PDS plan is that it can be paid on the installment plan rather than in one lump sum, but that pitch isn't usually considered enough of a door-opener.

That's where the trouble starts. Subscribers are led to believe they're getting something for nothing, that the magazines are free and they only have to pay postage or handling charges, although that's banned by the PDS code.

$125 PACKAGE

A Mexican-American mother of three who told the salesman she couldn't read English was sold a $125 package of subscriptions. She was promised if she signed a piece of paper she would receive a gift. The paper was a contract and she never got the gift.

Another widely used door-opener frowned on by the PDS code is the phony quiz. One woman said she was called and asked where she got the most news. When she kiddingly said the Bible, the caller told her she had won—but didn't say what.

In a matter of minutes, a salesman from the International Magazine Service of the Mid Atlantic Inc., a Hearst organization, was at her door telling her that what she had won was a group of magazine subscriptions. All she had to pay was a small "handling" charge. She told the salesman she didn't want any magazines but he said she'd won them and had to pay. She was stuck with a bill for $112.

FREE MAGAZINES

The gimmick that caught a newcomer to a New Jersey town was a "welcome" phone call. No sooner had she said hello than the caller said someone would be stopping by to welcome her further.

Her visitor told her if she subscribed to Life magazine through Family Publications Service, Inc., she would receive four other magazines free. When she finally figured it out—long after she had signed the contract—she discovered that instead of paying about $23 for the magazine package, as she had figured it, she now must pay $108 and couldn't cancel.

Rooney contended in a House statement that the "root cause" of deceptive practices in magazine subscription selling is corporate pressure for high volume sales.

He singled out magazine sales companies which are subsidiaries of Cowles Communications because of the "large volume of complaints they have generated and the substantial number of individuals familiar with Cowles' operations who have assisted in my investigation." But many of the same circumstances apply to other magazine sales organizations, he said.

"With relatively few exceptions," he said, "men who entered into contractual agreements to operate subscription sales franchises for any of a number of Cowles subsidiaries which have been in operation at one time or another since 1955 have seen their entire business seized by Cowles.

TRAPPED BY DEBTS

"Virtually all—at some point before their downfall—found themselves trapped by debts. They could accept the demise of their business and lose their shirts financially. Or they could bow to the pressures applied by corporate agents to attain higher sales production by whatever means possible, meant trickery, deception and fraud."

"Inevitably, 'by whatever means possible,' meant trickery, deception and fraud."

Rooney said some ex-dealers had given him copies of deceptive and fraudulent sales talks which they claimed had come from regional directors and other corporate officials with specific instructions to use the misleading spiels to boost sales.

He contended that dealer loans, borrowing rights and interest charges have been "manipulated by corporate officials to force dealers to use trickery to increase sales."

And he concluded that a company which "certainly exercises an overwhelming degree of control over every other aspect of its franchise operations" should also be held responsible for the sales practices of its dealers.

Speaking for Cowles, J. S. Kelly of the legal department said he had never known of a dealer "terminated" for not meeting his sales quota as long as he keeps his financial affairs in order and solicits a reasonable amount of business.

Kelly emphasized that the top management of Cowles' subscription agencies is determined to proceed at all costs—even at the expense of circulation—to improve sales and collection methods.

The Cowles subsidiaries, he reported, are being consolidated in order to police the operations of the dealers more efficiently. In the consolidation, several higher-ranking officials have left.

NAMES SOUGHT

Answering Rooney's allegation that regional directors are furnishing bad sales spiels to dealers, Kelly said he had tried without success to get the name of any officials who may have done this. Nevertheless, he said studies are now underway to make the volume of sales less important in figuring the compensation of regional directors.

Kelly reported that a field auditing force is now checking on the sales and collecting activities of franchised dealers and calling on new subscribers to see if they're satisfied and to find out what was said to them by the salesman.

A principal target for Rooney has been the practice of including gift subscriptions in the total cost of the subscriber's contract. Under this procedure, a subscriber designates a friend or relative to be given a subscription to Look magazine as a gift from him.

GIFT TO STRANGERS

Rooney charges that some subscribers have been billed for one or more gift subscriptions to people whose names were plucked from telephone directories. The unwitting donors, according to Rooney, were shortchanged on the length of their own subscriptions to pay for the gift and earn bonuses for salesmen.

Using ledger sheets supplied by ex-dealers, Rooney wrote to 50 subscribers picked at random and asked if they knew they had paid for gift subscription and if they knew the person listed as the recipient of the gift Look.

None of those who responded was aware he was paying for a gift subscription and only one identified the recipient as a relative she had designated. As one woman put it, when asked if she knew the recipient, "I don't know he or she from Adam and Eve."

Kelly said Cowles is now reviewing the gift subscription practice. Meanwhile, he reported the company is telling dealers to make sure the subscribers know they are paying for the gifts and that the recipients get cards saying who is sending the gift.

The ledger sheets Rooney used to track down gift subscriptions date back to 1963, but a current case of a mis-used gift subscription turned up in a complaint to The Star's Action Line.

A railroad conductor complained of being dunned for $152.93 on a magazine contract he had never signed.

"They are threatening to sue me," he wrote. "I received a long distance call from them a couple of weeks ago threatening to attach my check."

Investigation developed that the contract was allegedly signed on a day when the conductor wasn't even in town and a gift subscription was included for a man whose name and APO address number meant nothing to him.

Cowles said the dealer who handled that obviously forged contract has been "terminated."

The Hard, Hard Sell—2: "Free" Subsciptions to Magazines Costly

(By Miriam Ottenberg)

"We have received a gift certificate today in your name and it entitles you to. . . ."

"We are going to send you, entirely at our expense . . ." "For answering my questions, I am going to send you . . ."

Do any of those sound familiar?

They're all telephone openers to sell packages of magazine subscriptions. And they're all phony and prohibited by the self-regulating code of the magazine industry as something-for-nothing gimmicks.

The industry is trying to rid itself of deceptive and misleading sales pitches at a time when several federal agencies are investigating magazine subscription selling and Rep. Fred B. Rooney, D-Pa., is spearheading moves for more protection of unwary buyers.

The telephone spiels are cited frequently by complaints as the reason they signed contracts for magazines they didn't want at prices they couldn't afford to pay.

Victims writing to newspapers, Better Business Bureaus and Rooney range from the easily confused elderly to the inexperienced young, from busy housewives who didn't stop to count to servicemen who thought they were getting something free.

Although the self-regulating code has been in effect for 18 months, spiels implying something for nothing are still being used.

A typical spiel promises to send the lucky recipient five magazines "entirely at our expense" for the next 60 months.

"I know this is kind of hard to believe," the caller acknowledges, "but we make our money on the increased circulation. All we ask you to do in return is merely cover our editorial and sales costs."

That cost, the prospect is told, is just 49 cents a week. Nowhere in the spiel is the total cost mentioned—the tidy sum of $127.40.

The industry's code doesn't require the entire cost of the contract to be mentioned—figuring, possibly erroneously, that people can multiply—but it specifically forbids solicitors to represent that the cost is simply to cover postage and handling charges and that the magazines are free.

The sellers got around that prohibition so fast that the code's administrator issued a bulletin citing all the forbidden variations of the sales pitch.

Thus, solicitors are not supposed to say subscribers only have to pay "the cost of postage and wrapping" or "the cost of mailing and handling" or make any of these statements:

"Due to postage regulations, you must pay X cents per week." Or "There is a mailing charge required by federal law (or interstate commerce)". Or "Since postage costs cannot be controlled by publishers, you must pay them." Or "You pay a few cents a week which just covers what it costs the girls in the office to handle the magazines." Or "Just return to us a printing and editorial cost."

Then there's the reverse twist which also has been outlawed: "We are not asking you to pay the postage and handling charges and your payment will be only X amount a week." Or "you will pay X amount a week, we will pay the postage and see that these magazines are delivered to you."

SPURIOUS QUIZZES

The code also forbids the spurious "quiz" which winds up with the caller promising to send magazine subscriptions as a reward "for answering my questions."

It doesn't seem to be much of a come-on, but it can confuse, as this New Jersey woman complained:

"I was called on the telephone and told my name was chosen for the lucky one. I was supposed to get five different magazines if I'd answer a question: Where do you get the most ads from? I said the paper. Then she named the magazines I'd be getting and also a free subscription to anyone I chose to give it to.

"I told her I did not want any magazines. But she said I'd get them regardless. Then she said, Only 58 cents . . . not saying at first a week. But she meant a week and I thought a month.

ORDER "TELEGRAPHED"

"In a very short time, a man appeared at my door. . . . I told him I did not want the magazines. He said, 'It's too late now. They already telegraphed the order to Baltimore.'

"He said, 'Sign your name.' I didn't want to but he said 'You have to sign.' "

He was using a gambit frequently used by unscrupulous salesmen to give the impression that a contract that hasn't been signed yet is a binding document. In a variation of this, another woman wrote: "He insisted that my name had already been put in a computer and I must take the magazines."

Even more deceptive are the tricks salesmen use to get signatures on contracts.

In one of a number of complaint letters Rooney has received about salesmen for the International Magazine Service of the Mid-Atlantic, Inc. in Baltimore, a woman wrote:

"I thought I was signing to enter a sweepstakes and as it ended up I had signed a contract at almost $7 a month. If I were to pay the contract in full, it would add up to over $200.

"I am receiving threat letters in the mail and it is beginning to be a nuisance. I must be receiving every magazine there is and I think anyone who would knowingly sign a contract such as this would be crazy."

A widow on Social Security told of being roused out of a sick bed to answer the door, where a young man told her she had won subscriptions to several magazines. He asked for her signature on a piece of paper. When she told him she couldn't read without her glasses, he read to her. So she signed and found herself committed to pay $180.

SIGNATURE NONCANCELLABLE

Another woman thought she was signing a receipt for some "gift books." She, too, signed without reading and it turned out to be a noncancellable magazine contract.

Actually from the time the magazine code became effective, contracts could be canceled either at the time of verification of the contract or in writing within 72 hours, whichever was later.

The trouble was that salesmen didn't want to lose commissions and some dealers didn't want to give up sales so they made a secret of the 72-hour provision. Even a year after the code was approved, contracts still bore the clause: "This contract cannot be canceled" or "This contract is not subject to cancellation."

Finally, in April 1969, all agencies participating in the Paid-During-Service Code were reminded of the 72-hour provision and asked to review their contract forms to be sure they complied.

PRACTICE CONTINUES

Even so, complaints about the old contract with its noncancellable clause were still trickling in months later .

The bitterest of all the protests center on the efforts of the subscription agencies to collect what's due them under the contract.

Sometimes subscribers stop paying because they're not getting the magazines and see no reason to pay for nothing. Other times, their circumstances have changed and they feel they can't afford a luxury when they're having difficulty paying for necessities.

On occasion, they want out before the first magazine arrives. They try to return the "gifts" and refuse the magazines but they can't escape the bill collector. Garnishment, court action and ruined credit are threatened in progressively harsher terms.

The mother of a 22-year-old serviceman told this anguished story:

In February 1969, while her son was an officer candidate at Ft. Benning, he and his wife were sold subscriptions to eight magazines by the Franklin Readers Service, Inc., of Washington, D.C.

They paid a deposit of $4.98. Then for the next 29 months, they were to pay $14.95 a month for a total of $438.53.

The week after they signed up, the mother wrote, the boy was dropped from OCS and later ordered to Vietnam.

On April 9, before leaving for Vietnam, he wrote the subscription agency and its payment department telling of his change of status, saying he couldn't pay for the magazines and was returning the gifts which had accompanied his subscription.

DEMOTION THREATENED

A week later, after he had left the country, his wife received a long-distance call at her Ohio home from a man in Washington who threatened to have the soldier demoted if she didn't make the payments.

And a week after that, the mother was called by a Washington attorney who said "that my son would face legal proceedings that would affect his standing in the Army, that he would be reduced in rank, that the contract was unbreakable and they would have to pay."

The mother complained to Rooney, who called it to the attention of Robert M. Goshorn, administrator of the Central Registry's paid-during-service section. A week later, Franklin Readers Service notified the young wife that the contract had been canceled.

The boy may never have learned that the magazine problem was resolved. He was killed June 22.

There are other abuses which show up repeatedly in complaint letters. Here are some of the most flagrant:

1. Failing to complete key portions of the magazine contract, particularly the payment terms and the period of time each subscription is to run, expressed in years, months or numbers of issues.

This makes it possible for the unscrupulous salesman to alter it to reduce the number of months a subscription is to run and include one or more hidden "gift subscriptions" on which he gets a cash bonus.

The practice is known as "shaving" the contract and the subscriber doesn't know he's been short-changed until the magazines stop arriving.

2. Substantially overcharging the subscriber for the magazines he ordered, thereby "watering" the contract.

3. Feigning handicaps or using similar sympathy appeals to promote sales and using abusive language to housewives who refuse to buy.

4. Misrepresenting the size of the monthly payment or the fact that payment of the five-year subscription must be completed in 24 to 29 months.

The Hard, Hard Sell—3: Pushy Magazine Salesman Must Be Handled Cautiously

(By Miriam Ottenberg)

How can you get the magazines you want without being prodded, tricked or trapped into subscriptions you don't want or can't afford?

The magazine industry is trying to rout out the salesmen and the bosses who prey on the unwary. Several federal agencies are looking into possible violations. And an increasing number of states are establishing consumer fraud offices and passing ordinances aimed especially at door-to-door magazine selling.

But when a magazine subscription salesman comes into your life via a ringing telephone or a knock on the door, you're on your own. It's up to you to stay out of the ranks of unwilling, unwitting, unhappy subscribers.

The first line of defense, of course, is your common sense, an operative sales resistance and a flat refusal to be rushed into signing anything.

TWO-WAY SOPHISTICATION

As a study of magazine complaints reveals, however, when consumers become more sophisticated so do the schemes to separate them from their money.

These do's and don'ts should help you avoid falling for magazine selling schemes prohibited by the industry but practiced by some of its salesmen:

Watch out for the magazine salesman who asks you to sign his "route book" to show he called at your home, or the one who wants you to sign a "receipt" for a gift of green stamps or some other bonus offering. Read before you sign. It may be a trick to get your signature on a magazine contract.

Be skeptical of the young man who says he's earning points toward a college scholarship by selling magazine subscriptions. Too often, the only points he's earning are commissions and the only time he goes near a college campus is to sell subscriptions.

And don't be misled by the salesman with a real or feigned handicap. Sympathy appeals are frowned on by reputable subscription agencies who believe magazines should be sold on their merits, not out of frequently misplaced sympathy. If your visitor turns nasty when you refuse him, slam the door and call the police. They'll want to know about him.

If you're going to subscribe, make sure your carbon copy of the contract is filled out completely before you sign the original. Insist that the contract include not only the names of the magazines you want, but also the number of issues of each, the down payment, the payment per month, the number of months over which you make payments, the number of months thereafter during which you continue to receive magazines and the total price.

If the contract has any incomplete sections, you're inviting "shaving"—a trick by which the number of issues of some magazines you ordered is cut down and the salesman makes himself an extra bonus at your expense. Either he inserts in your contract "gift subscriptions" to complete strangers or he includes a subscription to a magazine you didn't order. You may think it's free but you're paying for it.

When the opening pitch is made in a telephone call, take the time to ask questions and do some multiplying before you agree to let a salesman visit you to clinch the deal. If the salesman says you'll get all those magazines for just pennies a day or so much a week, don't settle for that. Ask how much you will be expected to pay each month because that's the figure that counts. Don't divide your cost over the entire length of the contract because you have to be paid up halfway through the life of your subscriptions.

Don't sign any contract until you've read and understood all of it. Remember that the unscrupulous salesman will head for the busiest person in the office to make his pitch because the busy man is least likely to read the fine print. And on home visits, that kind of salesman will reach the housewife while she's rushing to fix dinner and signs fast to get rid of him.

Too often, complainants say they didn't bother to read the contract until their payment book arrived and they found out how much they had to pay. By that time, the 72-hour cancellation period is long past and they're stuck.

Make sure to read the "receipt" given you by the door-to-door salesman in exchange for your cash. He may have tucked it away in an envelope but open and read it before he leaves. It may and often does—say that you must send the balance of your payment to the sales agency before the magazines start coming. He may have represented the cash you gave him as payment in full but what he handed you was not a receipt at all but a mail-in coupon.

If you've signed a paid-during-service contract, talk over your contract in detail with the person from the subscription agency who calls to verify it. Make sure you understand the terms. If you don't want it, that's the time to say so.

The verifier may tell you it's too late to cancel but don't you believe it. And don't believe verbal assurance that you can change the terms or cancel any time you want. It can't be done, as the collection agency will be the first to tell you.

When your payment book arrives, make sure the number of coupons coincides with your contract. One East Coast subscription agency is known to have inserted one or two extra coupons in many payment books over the past two years.

If yours is a 25-payment plan, your coupon book should contain 24 coupons. Your down payment was or should have been deducted.

Keep a detailed record of how many issues of how many magazines you're supposed to receive; the dates you started receiving them and how much you have paid.

Before you do business with a magazine salesman in your home, ask to see his Central Registry identification card as well as his license to sell door to door in your community. If he doesn't have either, refuse to deal with him.

If the salesman tells you your subscription will help buy wheelchairs for a veterans hospital or benefit a local scholarship fund or charitable cause, check it out with the Better Business Bureau or the organization being "benefitted." It may be all news to them.

If you believe you have been duped into signing a contract for magazines you don't want, ask the Better Business Bureau for a magazine complaint form. If the BBB considers your complaint justified, it will be forwarded to the subscription agency involved, the Central Registry of Magazine Subscription Solicitors and the National Better Business Bureau.

Right now, the most frequent complaints reaching The Star's Action Line come from people who have paid for their magazine subscription, gotten their canceled checks back, waited more than three months, written to the publishers and still have heard nothing—no response, no magazines.

Some complainants are shouting "fraud" but a more likely explanation is that the increase in subscribers is breaking down the creaky machinery for processing subscriptions. Because the magazine publishers can't get enough competent manpower, they're moving into computerized systems and they say it takes time to get the bugs out.

If you've written the publisher without success, try writing to the Central Registry of Magazine Subscription Solicitors, 575 Lexington Avenue, New York, N.Y. 10022. You may get only a card acknowledging receipt of your complaint, but that's more than you got from the publisher.

FASTER DELIVERY

And sooner rather than much later, you'll get your magazines.

But what about the ones who don't get their magazines because of fraud in the selling or didn't want them in the first place?

Rep. Fred B. Rooney, D-Pa., was asked what answers he has for all the complaints he has gotten.

He believes policing of the magazine industry could be done either by the Federal Trade Commission or a proposed Department of Consumer Affairs if either were given the tools for effective enforcement.

Meanwhile, he intends to cosponsor a deceptive practices act which would provide authority for a federal regulatory agency to get temporary injunctions to halt practices which the agency believes are deceptive or fraudulent.

Rooney said he also will introduce, with slight revision, a bill sponsored by Sen. Philip Hart, D-Mich., known as the Fairness in Franchising Act. Since Rooney contends that some franchised magazine dealers are forced to resort to deceptive practices to keep their franchises, he proposes to add a provision prohibiting the parent organization from disavowing its responsibility for the use of lawful business practices.

REVISED BILL PLANNED

In addition, he will introduce a revised version of the Door-to-Door Sales Act which passed the Senate in the last Congress but failed to win House consideration.

The measure, authored by Sen. Warren Magnuson, D-Wash., carries several provisions which Rooney believes would offer protection against deceptive practices of some magazine salesmen. A key feature of the bill is the establishment of a 72-hour cooling-off period during which the consumer can cancel a contract for goods or services sold door-to-door.

A similar provision is carried in the magazine code under which the major subscription agencies now operate, but confused customers don't always know this The Magnuson bill requires that the right to cancel be printed clearly on the sales contract.

EXPIRATION DATES

Rooney plans to ask the publishers themselves to act to reduce the likelihood that consumers can be misled when buying magazine subscriptions. If voluntary action isn't forthcoming, he will introduce legislation to accomplish these objectives:

First, to clearly identify on each address label the exact month and year when a subscription will expire.

Secondly, to imprint clearly on any mail solicitation of subscription renewals the exact month and year the subscriber's current subscription is to expire.

"While I have serious reservations about licensing of door-to-door salesmen at the local level," Rooney added, "a local solicitor licensing law often is a community's only available defense against unscrupulous sellers.

"Further, it is the only means by which a local community can determine whether persons invading the community as members of traveling sales crews have serious criminal records."

THE HARD, HARD SELL—4: MODEL CODE WOULD CUT DECEPTION

(By Miriam Ottenberg)

A magazine solicitor with a long criminal record can be refused a permit to sell subscriptions in Arlington County, Va., but can cross the line into Fairfax County and get a permit the same day.

Alexandria had an ordinance to weed out criminals among door-to-door salesmen, but a judge called the key sections unconstitutional and now Alexandria police aren't sure just how far they can go.

In Falls Church, on the other hand police make certain a salesman has a clear record before giving him a permit to solicit from door to door.

Nearby Maryland's protection against criminal or fraudminded magazine solicitors also depends on where you live.

Montgomery County strengthened its solicitation ordinance in August, 1968, and complaints have dwindled.

ONLY A CLEARANCE

But next door in Prince Georges County, all a solicitor needs to get a permit to solicit is a clearance from District police and some identification.

And in the District, License Superintendent C. T. Nottingham says flatly, "Washington resident are not really covered against unscrupulous magazine solicitors. The law is almost unworkable and unenforceable."

Informed of the Washington area's split protection against door-to-door magazine salesmen with criminal records as well as the gaps and loopholes in present law, Francis B. Francois, chairman of the board of directors of the Metropolitan Washington Council of Governments, said he will recommend a model code for the entire area to cover door-to-door solicitation.

"To me it sounds like an excellent idea," he said, "and I think it should certainly be explored. I'm going to ask the staff to do the preliminary work and bring it up at the next meeting.

A TWO-EDGED SWORD

"A model ordinance would not only be a protection to householders and an aid to law enforcement, but would be a help to legitimate solicitors. At least they would know what requirements they must meet throughout the area."

On the state level, more protection also is being sought against solicitors who make their sales through deception or outright fraud.

The Virginia Retail Merchants Association recommended to the Virginia General Assembly at its last session a door-to-door sales act similar to laws recently adopted in several states. The bill failed to pass but will be introduced again at the next session.

Maryland has a consumer protection law which has been used by Assistant Attorney General Norman Polovoy, chief of the consumer protection division, to set aside a number of magazine contracts where the consumer has been misled.

PAYMENT REALITIES

Polovoy considers it a "serious misrepresentation" when a solicitor tells a prospect she has to pay only 59 cents a week for five years' worth of magazines when she actually will have to pay by the month and her payments must be completed in two years or 30 months, not five years. This is a procedure followed by many magazine subscription agencies.

To help consumers who buy now and regret later, Polovoy said the No. 1 legislation sought by the Maryland attorney general is a measure to allow a 72-hour cooling-off period. He acknowledged that the code which magazine subscription agencies are supposed to follow allows customers 72 hours in which to cancel their magazine contract, but he contended the subscription companies don't always live up to the code.

Throughout the Washington area, even in the communities where door-to-door salesmen must be investigated and licensed, there's this one big gap in protection:

If the salesman comes to the house by "appointment" after a telephone solicitation, he doesn't have to be licensed—although his might be the most misleading pitch and the contract he gets may be much more costly than the one sold by the door-to-door salesman.

"APPOINTMENT" MISLEADING

Even the idea of an "appointment" may be misleading. The householder for instance may just agree to be home to receive a gift of 200 green trading stamps for answering a phony quiz, but she's a captive audience for a magazine spiel.

In the District, officials say that for several years, because of a lower court decision, they haven't required licenses for salesmen who come by prior appointment. The corporation counsel's office now says a test case will be made.

Rep. Fred B. Rooney, D-Pa., who has been crusading for tighter control over magazine solicitation, has told District officials that if they feel new law is needed to control sales abuses, he would be glad to sponsor it.

Rooney also brought up the question of licensing salesmen, including those who make prior appointments, when he sent Fairfax County officials a statement supporting a proposed Fairfax County solicitation ordinance.

TRICKERY INVITED

He said failure to consider door-to-door sales which result from prior appointments "has been the downfall of other communities' attempts to stamp out trickery by door-to-door salesmen."

He urged that the proposed ordinance be extended to cover all door-to-door salesmen "whether or not such individuals are responding to appointments with householders or other individuals pre-arranged by telephone, telegraph, correspondence and other means of communication."

Rooney noted that in the District, because prior appointments are excluded only six salesmen have registered out of the hundreds working the city every year.

While none of the communities in the area require licensing of salesman who come by prior appointment, no matter how flimsy is their excuse for an appointment, most jurisdictions are better off than Fairfax County when it comes to protection against criminals masquerading as magazine salesmen.

RECORD CHECKED

In most nearby counties, some check—sometimes a very detailed one is made of a solicitor's record before a license is issued. In Fairfax, however, a solicitor gets fingerprinted, but then is able to go out soliciting without any waiting period to determine if he has a record.

By the time his fingerprint record comes back from the FBI, he has already done whatever he came to do and has left the area. He may have used his time to "case the area for a housebreaking gang or may have used his solicitor's license to gain entry to homes where he could filch whatever wasn't locked up.

Fairfax police who know the kind of people they are now required to license have been pleading for an ordinance that allows them enough time to complete a record check on applicants for licenses.

They believe there should be a 15-day waiting period before a license is issued, a bond such as is required in other jurisdictions and the right to refuse a license to any one with a criminal record.

SEVENTY-FOUR RECORDS LISTED

At Rooney's request, Fairfax County Police Chief William L. Durrer listed 74 criminal records elected at random from those who registered with county police to solicit magazine subscriptions from March, 1968, to March, 1969.

One solicitor operating in Fairfax County had a record of unauthorized use of a car; four counts of robbery, fugitive from justice, grand larceny and escape from custody; four counts of possession of narcotics and four counts of bank robbery.

Another had four counts of grand larceny, theft of an automobile, two counts of petty larceny, four counts of possession of heroin and armed robbery.

And a third had a record of three counts of burglary, felonious assault, manslaughter by motor vehicle and two counts of carrying a concealed weapon.

Others had been charged with rape, assault with intent to murder, receiving stolen property and "investigation of swindle."

FOES SHOW UP

"They have records like fugitives from San Quentin and here they are running around our county," commented a Fairfax police official.

"But when the County Board of Supervisors held a hearing on adoption of a solicitor's ordinance, the only people who showed up were the ones against it. The housewives who want protection from the criminals don't show up."

Officials throughout the area acknowledge that even the better ordinances don't assure that residents won't be taken in by a fast-talking, magazine solicitor. Nor is there any guarantee that a salesman won't persist to the point of harassment.

These pointers should help:

Always ask to see a magazine solicitor's Central Registry identification and local permit before doing business with him. If he doesn't have it, slam the door but get his automobile license number and call police.

CALL THE POLICE

Also call police in a hurry if a magazine salesman becomes abusive or threatening.

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CBS AND THE SMOTHERS BROTHERS

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. OLSEN. Mr. Speaker, earlier this year I inserted into the Record a statement defending the position of the Smothers Brothers, Tom and Dick, in light of their dismissal from the airwaves by CBS.

My defense was not solely for the Smothers Brothers, but using them as an example I tried to point out some of the questionable areas of television censorship occurring today.

I am today inserting the statement of Mr. Dale Moore, president, KGVO-TV, Missoula, Mont., into the Record. Mr. Moore's position is well taken and understood, and although I cannot agree fully with it, I feel that in all fairness, his remarks should be aired for public consumption:

NBC-ABC,
Missoula, Mont., October 28, 1969.

Hon. Arnold H. Olsen,
Longworth Office Building,
Washington, D.C.

Dear Arnold: The CBS-Television Network and its affiliated stations were placed in a wholly untenable position by The Smothers Brothers at a time when the nation's viewers were exerting utmost pressure upon the FCC, the Congress, networks and stations to deliver wholesome family entertainment.

The situation can be likened to a story which Lincoln told to explain his dismissal of General McClellan as Commander of the Army of the Potomac. Lincoln said his relationship to McClellan reminded him of a man whose horse reared back and caught his hoof in the stirrup. The man said to the horse: "If you're going to get on, I'm going to get off." Every responsible and conscientious broadcaster, whether or not his station was affiliated with the CBS Network, applauded the CBS decision, in the Smothers case, to dismount.

Out of respect for your position and recognizing that you generously grant time to all who seek an audience with you, I can appreciate your sympathetic response to the forceful and convincing presentation made by The Smothers Brothers following the network's announcement cancelling their contract and their network program. Broadcasters also accede that the entertainment duo had every right to present their grievances to the press and to Federal officials.

As Frank Stanton, President of CBS has correctly stated in a nonrelated but similar matter, however: "The Federal Communications Act places upon each broadcast licensee—including the network companies in their capacities as licensees of the stations they own—a responsibility to operate in the public interest. That responsibility is not delegable."

The Smothers embroglio was obfuscated in the press by insinuations that the network was displeased with the brothers' social commentary. The truth is that the brothers had ceased being comedians in a wholesome sense and their programs were filled with blue jokes which find favor in night clubs but have no place in the home.

Literal evidence of widespread viewer displeasure with the Smothers Brothers' total unconcern with responsible broadcast practices is on file in the diary archives of American Research Bureau at Beltsville, Maryland, 13 miles from Washington. Western Montana viewers voiced particular abhorrance to the leering references to sexual excesses, unlawful use of drugs and unnecessarily offensive Smothers' commentary. Montanans are not prudes nor blue noses. The frank comments made by these Montana diarists are those of people concerned enough to care. While they recognize the desirability even the necessity, of having a fair share of entertainment programs appealing in the broadest sense to youth, at the same time they see no necessity for having their five, ten and fifteen-year-olds confronted with language of the gutter.

Congress and the Federal Communications Commission cannot, on the one hand, admonish and reprimand broadcasters for programming which violates good taste and, on the other, to condemn them for exercising stewardship and controls of their own volition. Performers on television are not licensees. They do not have to seek license renewals every three years. Yet they must adhere to codes and good program practices which bind the broadcast licensee and, in the final analysis, the broadcaster cannot delegate his responsibility—not to anyone and certainly not to the Smothers Brothers.

Broadcasters today are staggering under an assault of criticism from every quarter. It is unfair and illogical to sweep all of the world's ills under television's accessible rug. We must not make the majority of responsible, conscientious and diligent broadcasters whipping boys for the nation's excesses. Above all, Federal regulatory agencies must guard against maintaining double standards where broadcasting is concerned.

Sincerely,

Dale G. Moore,
President.

THE FRATERNAL ORDER OF POLICE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. EILBERG. Mr. Speaker, on October 31, 1969 John Harrington, national president of the Fraternal Order of Police, delivered a statement concerning what the fraternal order feels should be done about crime and the role of the police officer. The occasion was a seminar held at the circle campus, University of Illinois where the administrative heads or their representatives of the 20 largest police departments in the United States participated. Mr. Harrington, a resident of my native city of Philadelphia, has been national head of the Fraternal Order of Police since 1965. I came to personally know him when I was first elected to the Pennsylvania State House of Representatives in 1954. Ever since, I have observed the desire and the will to fight crime more effectively and to help the police officer. A straightforward individual, John Harrington is sometimes controversial. No one, however, can question his sincerity.

I think my colleagues should know about his attitudes and that of the association he heads, and I therefore enter his remarks of October 31 in the Record:

Statement by John Harrington, of Philadelphia, National President of the Fraternal Order of Police

The Fraternal Order of Police is the only truly national police organization. Founded in 1915, the FOP today has approximately 120,000 active members, located in 43 states. Any man, or woman, from patrolman to chief, who is doing active police work on a full-time basis for a municipal, state or Federal government is eligible for membership.

Obviously, a primary concern of our Order is effective law enforcement. I will have more to say about that later on but, the FOP works for its members in many ways.

The organization concerns itself with the three main interests of any worker: pay, working conditions and retirement. In many municipalities, the FOP officially represents the policemen in negotiations with regard to these issues. We are not, however, a union in the ordinary sense. For example, local, state and national bylaws prohibit strikes.

I am giving you some of our background to indicate that our members know at first hand some of our modern day problems, including the problem of crime which literally threatens to tear our society apart. The members of the FOP know what it is like to deal with the thug, the robber, the hoodlum, the gangster, the con-man, the dope peddlers and the addicts, the drunks, violent and non-violent, the tension and conflicts which arise from the race situation and the mindless vandalism which sometimes seems to defy explanation. Our members are, to use a proverbial expression, on the firing line, every day and every night.

Today, I am going to outline some of the things which the FOP feels should be done about crime and about the situation in which the police officer finds himself. I don't know of anything which is talked about more than crime and yet, matters get worse all the time. This Commission reports and that Commission reports. There is a steady stream of bills introduced in the state and national legislatures. Laws are passed and money is appropriated. There are many recommendations, most of which have been made many times before and most are soon forgotten.

A lot of things need to be done. There is no doubt about that. But one thing can be done fairly quickly and our organization intends to help do it. The police forces of this country can do a better job and the FOP intends to do all that it can to see that they do it. I am announcing today on behalf of the Fraternal Order of Police a national crusade against crime. In every municipality or political entity in which we have a Lodge the FOP will throw all its weight behind firm, fair and effective law enforcement.

All of us are heavily taxed and the burden goes up all the time. Yet, curiously enough, crime is seldom discussed in terms of its cost to the nation and its communities. The Attorney General has estimated the annual cost of crime at $35 billion. This is a lot of money. The total affects directly and indirectly every individual. Many of our great cities are deteriorating. While there is much talk of slums and poverty, a central factor in this decay is crime. Insurance costs rise because of crime. Property values deteriorate because of crime. Our prison population increases steadily and, mind you, the inmates are supported by the taxpayers. There is a never-ending discussion of steps which should be taken to stimulate the economy and to increase our living standards. But if crime could be curtailed, almost every sector of business and of society would be helped.

I am not a highbrow, as you know. But recently, I had called to my attention an article in a magazine, *Harper's*, generally regarded as a spokesman for highbrows. Written by a man named Peter Schrag, the title of the piece is *The Forgotten American*. And who, in the opinion of Mr. Schrag, is the "Forgotten American?" He is the middle class American, the law-abiding citizen who does most of the work and pays most of the taxes in the United States of America. In the opinion of the author, the middle class generally—and this includes many, many Negroes—gets very little consideration. The middle classes pay the bills and keep the country going but the rich, the intellectuals and the politicians, or many of them, at least, are concerned with the welfare recipients, the criminal elements, the lawless students and demonstrators and others who contribute little to the general good. I am not casting any reflection at those on welfare, since most of them can't help having to take handouts. This does not keep me from agreeing whole heartedly with Mr. Schrag.

I know at first hand that the burdens of the police officer are heavy and that they are increasing every day. To use an old familiar phrase, we are overworked and underpaid. Actually, at a recent seminar of the FOP in Atlanta it came out that some of the policemen present were getting less than the minimum wage scale fixed by the Federal Government. In city after city, the police force is below strength and attempts to recruit the numbers of officers authorized is unavailing. The reasons are plain. How can you expect a man to face danger daily, to work under trying conditions, to be abused and harassed constantly for wages considerably less than the wages which many members of labor unions get?

To quote the report of the *President's Commission on Law Enforcement* (p. 111):

"In small cities the median annual pay for a patrolman is $4,600, in large cities it is $5,300. Typically, the maximum salary for nearly all positions is less than $1,000 over the starting salary."

J. Edgar Hoover, director of the FBI, has been quoted as saying that police pay, on the whole, is so low that it constitutes a national disgrace.

The FOP makes its own study of police salaries and working conditions. The results are embodied in an annual survey, the last one being published in 1969. They bear out the statement by Mr. Hoover. For example, in cities ranging from 100,000 to 250,000 in population, the maximum salaries for patrolmen oftentimes are below $7,000 annually and the pay in some of the smaller towns is unbelievably small.

As I have stated, one of the major aims of the FOP is better law enforcement, much better enforcement, in fact. Nowadays, the phrase, law and order, has been twisted in an effort to give it a racist tinge. The FOP favors law and order, with justice, if you wish. But if you do not have law and order there is no justice.

A first step towards an effective law and order program is adequate pay and satisfactory working conditions for police officers. This is an indispensable step and one which must be taken. Actually, the money saved through curbing the criminals could offset many times the costs involved.

Not too long ago, the police in Allentown, Pa. went to various civic and union leaders to tell them how better working conditions and more pay for policemen could save money. In the end, a committee of civilians was formed to press for adequate salaries and improved working conditions for the police. The Committee proved effective and police salaries were raised. The results proved satisfactory to all but the criminal element.

The police forces of the country have all sorts of difficulties. I don't have to tell you that politics and politicians in many cities have interferred with the police and have made their work harder and things easier for the criminal. Percentage-wise, more crime is committed by Negroes than whites, particularly in the big cities. There are reasons for this which, in my judgment, do not constitute a reflection of the Negro race. Yet, as I have already indicated, many politicians and some Negro spokesmen have taken the attitude that a demand for law and order is a racist demand. In other words, if the law is enforced, more Negroes would be arrested, percentage-wise, in some areas than whites and this constitutes racism.

This is absolutely ridiculous. If we look at it another way, there are more Negroes than whites, particularly in our so-called city ghettos, who are victims of criminals than whites. There is little question that this is the case. Consequently, one can argue convincingly that failure to enforce the law constitutes racism.

I'm glad to say that some Negro leaders are recognizing the facts. Late in December, 1968, the New York branch of the National Association for the Advancement of Colored People, issued a statement calling emphatically for more police protection for Negroes in the city. It was pointed out that Negroes in the ghetto areas require more police protection than other areas since they are the most frequent victims of crime. One of the spokesmen for the NAACP, a man named Vincent Baker, was quoted as saying that his organization opposed police brutality but he added significantly: "It is not police brutality that makes people afraid to walk the streets at night."

I do not condone police brutality. The FOP is on record in favor of the most courteous and even handed law enforcement which is possible and enforcement which takes no account of race or religion. The dignity of each and every individual should be respected, if the individual will allow such respect. Nevertheless, we might as well recognize that the cry of "police brutality" is often a smoke screen, raised by elements which do not wish effective law enforcement, or by other elements for political reasons.

Over much of the country during the past few years, various moves to harass the police have been made and some have succeeded. Most of the attempts to create so-called citizens advisory councils, or committees, to supervise the police or to decentralize police administration are not intended to help the police. They are intended to intimidate and handicap police officers, to make them afraid to take action to protect the law-abiding citizens. The politicians who propose or back such advisory groups almost always have the votes of Negroes, Puerto Ricans, or in some areas of the country, the votes of Mexican-Americans, and, of course of those muddle-headed people who lay all the blame for crime upon society.

The FOP wants to work with citizen groups; in fact, we hope to establish a joint committee composed of civilians and policemen in every city and community where we have a lodge. These committees will work towards a better relationship between the community and the police, for the mutual benefit of all concerned. This is quite different from civilian groups established to try to tell the police what to do and to second guess their activities. The FOP is against these, or at least all that we have heard about to date.

There is no need to mince words about law enforcement. We favor a no-nonsense policy, feeling that this is the only policy which will do much to help in this crisis. A lot of people are urging that we try to eliminate the causes of crime before we make any real effort to deal firmly with the criminal. They talk about poverty and ignorance but their real concern always seems to be with the law breaker and not with his victims. Better police work will not be the complete solution to the crime problem. For instance, the situation in our courts is a national disgrace; criminal cases dragging on and on, until some are still pending after two or three years. During this period, the accused will be out on bail most of the time and is likely to have committed other crimes.

I am not a lawyer and will not try to analyze some of the decisions by the Supreme Court in recent years. I do know they have emboldened the criminal and discouraged the policeman, and they are a factor in the rise of crime. I feel that there needs to be complete overhaul of our whole system of criminal jurisprudence. Meanwhile, however, there is no reason why our police forces should not give our citizens all the protection possible.

I was a policeman for twenty-six years before my retirement in 1966. I agree that poverty and ignorance are causes of crime but there are many other causes, too. For example, I have seen periods where there was much more poverty and ignorance in Philadelphia than there is now and yet there was a lot less crime. How do the do-gooders and bleeding hearts explain this contradiction? There are many causes of crime, as I see it. One of the big ones right now is the feeling on the part of many persons that they can get away with it. If we put the elimination of poverty and ignorance ahead of effective law enforcement, we are lost.

I could never understand the mental processes of those who try to put all the blame for crime and other ills on society. If we follow this line of reasoning to its logical conclusion, nobody is responsible for anything and there is utter and absolute chaos.

Anyone familiar with the city of Philadelphia knows that there has been a lot of controversy over the insistence of Frank Rizzo, Superintendent of Police, upon enforcement of the law without fear or favor. Frank Rizzo has been called a racist. He has been charged with responsibility for police brutality. Liberal elements have castigated and criticized him. Just the same, as time has gone by, more and more of Philadelphia's citizens have come to realize that the Rizzo program is a good one. While crime has increased in this city, as it has elsewhere, it has gone up less. The streets are safer, business establishments and homes have more security than in many cities. Not long ago, I'm glad to say, the Veterans of Foreign Wars voted Frank Rizzo an award for his outstanding program of law enforcement. Many of the groups and individuals who once assailed the Superintendent are coming around to his point of view.

I am also glad to say that the Fraternal Order of Police lodge in Philadelphia has backed Frank Rizzo all the way. I think we need a similar program of law enforcement in every city and county of this country. The FOP will do all that it can to bring about this objective. If we succeed, we will be getting somewhere.

We must expand our membership. We want a thriving and active FOP lodge in almost every city in this country. We think we have already proved in Philadelphia, Cleveland and other cities that we can protect the interest of our members and get things done. We must institute a public relations program which will enlist the goodwill and support of the public for our objectives. I have not the slightest doubt that we will have this public support, since our objectives are of extreme importance to law-abiding citizens, their families and their businesses.

I want to emphasize that I am not a racist and that the FOP is not a racist organization. We plan an intensive effort to persuade more Negro policemen to join the FOP. Some of the finest police officers I know are Negroes. The interests of white and black policemen are identical. Both need adequate pay and good working conditions. Both need to support each other at the fullest for both oftentimes face dangers similar to those which face the fighting men in Vietnam. The FOP will do all it can to promote racial harmony in the police forces of the nation, and racial harmony in every community.

We might as well face up to the fact that many juveniles, and, in the so-called ghettoes, the Negro juveniles, in particular, are hostile to society. As I see it, the program for dealing with juvenile delinquents has broken down completely. The police forces over the country should cooperate with civic groups to see how young people can be persuaded that there are more opportunities for them within our system than there are by fighting it. This problem is a real one though, but maybe the old stick and carrot technique will help.

We must draft and press for state and national legislative programs which are in the interests of police officers. We have already done a good bit of work in this field and it has proved rewarding.

We must have contacts with the country's highest officials and see to it that they understand what we are trying to do and how we are trying to do it.

We must insist upon the most modern equipment and modern methods of crime prevention and detection for police officers.

The FOP plans to go to the aid of police officers who are wrongfully accused of derelictions because they have tried to perform their duties. In this connection, let me point out that the American Civil Liberties Union is always ready, willing and able to hire clever lawyers to defend the civil rights of criminals. In my judgment, the ACLU has little regard for the civil rights of policemen and makes a practice of interfering with them. The ACLU is well financed and is exceedingly active. The FOP must find ways to be just as well financed and just as active.

Out of the disorder at the Democratic convention grew charges against several Chicago policemen, which have required thousands upon thousands of dollars in attorney fees. Nevertheless, the public rallied to the support of the Chicago officers when they understood what was at stake. Similarly, in my opinion, the public will be glad to assist other police officers, who find themselves in the predicament of the Chicago officers, if the public understands what is involved.

What if the FOP does not draft and press for a comprehensive national program to oppose crime and to protect the interests of policemen? In this case, I am certain that someone will organize police officers to draft and press for such a program. If we do not serve the interests of our members and the public as we should, our future is dim, indeed.

As you know, other groups are talking of organizing the police and there are many anti-crime groups at work. The AFL–CIO is talking of a campaign to organize the country's police officers. I have the highest regard for the AFL–CIO. The organization has been a boon to the working man and has been good for the country. But I think the nation's policemen should have their own organization. As I see it, any police union established by the representatives of organized labor is going to be involved sooner or later in other labor disputes. There will be divided loyalties which will not be good for the police, the public, or even the labor movement itself.

Not too long ago I was re-elected President of the Fraternal Order of Police for a two-year term. I appreciate the honor and am proposing a national program in the interests of our own organization and in the interests of the public. Let me try to sum up that program.

1. The Fraternal Order of Police will insist upon firm, fair and effective law enforcement in every town and city where the organization has a lodge.

2. The FOP will press for adequate pay and satisfactory working conditions in every state, town and city where it has a lodge.

3. The national headquarters of the FOP will prepare and distribute to each lodge factual data and other material which should help in reaching the objectives outlined above.

4. The FOP will embark immediately upon a program for the expansion of the order, emphasizing the benefits to be gained from membership in our organization.

5. The FOP will draft an educational and public relations program, intended to enlist public support for the policeman and an understanding of his importance in preserving social stability and the American system.

6. The FOP will urge each lodge to organize joint community-police groups in the interests of understanding of the importance and benefits of a harmonious relationship between the law-abiding public and the police.

7. The FOP will cooperate fully in every constructive effort to prevent juvenile delinquency.

8. The FOP will draft a national legislative program intended to help police officers and will work actively towards its enactment. Similar programs will be undertaken at state and local levels.

FEDERAL RESERVE BOARD AMENDS REGULATION Z TO SIMPLIFY CERTAIN REQUIREMENTS UNDER TRUTH IN LENDING ACT FOR AGRICULTURAL CREDIT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mrs. SULLIVAN. Mr. Speaker, it has been a source of tremendous gratification to me that the agency assigned primary responsibility under the Truth in Lending Act, the Board of Governors at the Federal Reserve System, has repeatedly proved itself responsive to the needs for changes or improvements of clarifications in regulation Z to meet specific specialized problem situations in the business community.

The Federal Reserve issues all regulations under the truth in lending. Other agencies share in the enforcement and administrative work, but the Fed alone sets overall policy as to what the act requires. This centralization of policy authority in one place, even though eight other Federal agencies have important responsibilities under the law, has proved out to be the most effective method for assuring uniformity of regulation and necessary flexibility in operations.

The latest example of this occurred today when the Board of Governors of the Federal Reserve issued a very important amendment to section 226.8 of regulation Z covering a very technical and very difficult set of problems which has arisen in connection with disclosures for certain types of agricultural credit.

I want to congratulate the Board, and particularly Vice Chairman J. L. Robertson, who has been in charge of the Federal Reserve's outstanding administrative work on truth in lending, for this latest in a series of affirmative actions to make truth in lending work effectively by eliminating unnecessary redtape.

WILLINGNESS TO AVOID RIGID INFLEXIBILITY IN TRUTH IN LENDING

The particular set of problems confronted by the Federal Reserve in today's action has to do with extensions of credit for agricultural purposes, where the exact terms and conditions of repayment cannot be determined in advance. This action will be good news for production credit associations throughout the country, and also for banks or other lenders dealing directly with farmers in extending crop loans. It followed earlier action by the Board in simplifying the requirements of regulation Z as they apply to the annual percentage rate of loans made by production credit associations to their own members under a system which did not lend itself readily to the use of the actuarial rule originally required under regulation Z. It also follows an action of the Board in amending regulation Z as it applies to the myriad of arrangements in the rural economy on discounts for prompt payment.

Most Members of Congress who voted for the Consumer Credit Protection Act of 1968—Public Law 90-321—of which the Truth in Lending Act is title I, were anxious to make sure that the customer in any credit transaction would know exactly what he was paying for credit, in terms comparable to those used in competing forms of credit, so that the customer could "shop" for the best credit terms. As the principal sponsor of the legislation which became Public Law 90-321, I was intent on making sure that the law did not require legitimate businessmen to change their normal, customary, honest methods of doing business—but to give the customer information the customer had not previously been given on the comparative costs of credit. The key piece of information in that situation is the annual percentage rate of the finance charge.

Because this economy is so vast and dynamic, and operating under diverse accounting practices, it was inevitable that there would be problem situations which would not fit into any hard-and-fast regulatory mold. The Federal Reserve Board drafted regulation Z with this situation in mind, but when new or additional problems were called to its attention—as I have done on numerous occasions—the Board, as I said, has been remarkably responsive. It has been doing a magnificent job on truth in lending.

MAJORITY LEADER CARL ALBERT PLAYED IMPORTANT ROLE

The first Member of Congress to call my attention to some of the problems of the production credit associations—member organizations owned and operated by farmers to provide financial self-help—under regulation Z as originally issued was our esteemed majority leader of the House of Representatives, the Honorable CARL ALBERT, of Oklahoma. On the basis of information he provided me many months ago, I have engaged in a long correspondence with the Board, the Farm Credit Administration, and officials of various production credit associations in seeking sensible solutions.

Some bankers and businessmen have reacted to regulation Z as being the most ridiculous thing ever issued by a Government agency. Much of this reaction was based on misunderstandings of the requirements. A part of it was based on a feeling, by some, that a Federal law requiring full disclosure of credit costs should not apply to any "honest" lender. But part of the reaction, also, was based on the demonstrated difficulties of complying with the regulation under very unusual, but specific, circumstances.

As long as the Board of the Federal Reserve is willing to reexamine the facts and restudy the regulation to see whether changes are needed, truth in lending will not bog down in impossible bureaucratic redtape. But first the problems have to be called to official attention, and I am glad that, in this instance, that was done successfully.

LATEST RULING ON AGRICULTURAL CROP LOANS

Following, Mr. Speaker, is a letter I have just received this evening from Vice Chairman J. L. Robertson of the Federal Reserve, reporting on the amendment to regulation Z dealing with agricultural crop loans, and so forth:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C., November 6, 1969.

Hon. LEONOR K. SULLIVAN,
Chairman, Subcommittee on Consumer Affairs, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: As you know, one of the most troublesome problems encountered in implementing the Truth in Lending Act has been in the field of agricultural credit. In an effort to meet the problems arising where farm loans are made on terms that depend on subsequent events (and so are unknown when the loan is made), the Board has adopted an amendment to Regulation Z. A copy of the amendment and a statement that is being released today regarding it are enclosed.

In essence, the amendment provides that where the amounts of payments or advances are not known at the time of consummation of the credit transaction because either or both are tied to the agricultural needs of the farmer which cannot be anticipated, the creditor may simply disclose the method of computing the amount of the finance charge rather than disclosing a total dollar figure. In addition he may omit disclosure of the annual percentage rate and need only disclose the number, amount and due dates and total of payments if known at the time of consummation of the transaction. However, he must disclose the amount of any default or delinquency charges, the nature of any security interest and property to which it relates, any penalty charges and the method of computing unearned portions of finance charges.

Some illustrations of the situations that give rise to this amendment may be helpful. It is a common practice for a bank or Production Credit Association to agree with a farmer at the beginning of the season to advance money for agricultural supplies during the growing season at the times and in the amounts which the farmer needs to sow, maintain and harvest his crop properly. Repayment terms in many cases are tied to the sale of crops. In such cases neither the creditor nor the customer knows the dates or amounts of advances or payments, and, consequently, the creditor must estimate the amount of finance charge, the repayment schedule, and sometimes the annual percentage rate.

Sometimes farmers execute a "milk note" which provides for repayment out of the farmer's milk checks from the creamery, usually at a stated percentage of the check. Since the amount of each check will typically vary, it is impossible to determine the amount of these periodic payments with any accuracy at the time disclosures must be given. It is not uncommon for a bank to give a rancher a number of drafts to be used for the purchase of livestock at auction. Since purchases will be made in varying amounts and at varying times depending upon the farmer's success at auction, it is impossible to know in advance the dates or amounts of such advances. In those cases in which a note is written with the provision that payment is to be made out of the sale of certain livestock or crops, the date of sale is controlled by agricultural business factors and may vary according to weather, prevailing market, availability of labor, etc.

As a result of these and a host of other variations and uncertainties involved in agricultural lending the creditor in many cases must estimate the specific disclosures now required under the Regulation. Such estimates are at best crude, are often misleading, in many instances bear no relationship to the ultimate facts and have prompted a storm of protest. In view of the difficulties in making estimates and the erratic nature of payments and advances under many of these agricultural plans, some creditors are either refusing to make disclosures or are simply physically unable to do so. Many creditors contend that they are unable to extend credit tailored to the farmer's needs in view of the difficulty in calculation.

The result is that the Regulation in some cases has caused dislocation to trade practice and in other cases may serve to confuse rather than illuminate the farmer's credit transaction. The attached amendment to the Regulation has been prepared to meet these problems and would substantially reduce the burden on agricultural creditors while at the same time insuring that the customer receives a clear and full textual description of his credit transaction.

Sincerely,

J. L. ROBERTSON,
Vice Chairman.

ANNOUNCEMENT BY THE FEDERAL RESERVE AND THE AMENDMENT

Next, Mr. Speaker, I submit the press release issued by the Board and, attached to it, the text of the amendment to section 226.8 of regulation Z, and a clarifying interpretation; as follows:

FEDERAL RESERVE PRESS RELEASE,
NOVEMBER 6, 1969

The Board of Governors of the Federal Reserve System today issued an amendment to its Regulation Z to make it easier for agricultural leaders to comply with the Truth in Lending Act and insure full and clear descriptions of farm credit transactions.

The amendment, effective immediately, provides that where the dates or amounts of payments or advances cannot be determined at the time of a credit transaction because they are tied to the needs of the farmer as they arise during the year, the creditor may disclose the method of computing the amount of the finance charge rather than a total dollar figure. At the same time, the creditor may omit disclosure of the annual percentage rate but must disclose the number, amount and due dates of the payments and the total amount to be repaid to the extent known. It should be noted that this amendment does not apply to loans for agricultural purposes where dates and amounts of both advance and repayments are known at the time of the transaction.

The Board said a problem arises because some agricultural loans are made on terms governed by production and seasonal needs that cannot be determined at the time a credit transaction is made. For example, a bank or other lender might agree at the start of a growing season to advance money to a farmer for supplies at times and in amounts needed during the year to sow, maintain and harvest a crop. Repayment terms are frequently tied to the sale of crops. In such cases, the dates or amounts of advances or payments cannot be ascertained and consequently the amount of the finance charge, the repayment schedule and sometimes the annual percentage rate must be estimated. These estimates, are, at best, crude and often misleading and in some cases have proven physically impossible to make. The amendment is designed to meet these problems, reduce the burden on agricultural lenders and insure the customer a clear and full description of his credit transaction.

A copy of the amendment is attached. Also attached is a copy of a companion interpretation to Regulation Z.

TITLE 12—BANKS AND BANKING

CHAPTER II- -FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[*Reg. Z*]

Part 226—Truth in lending

Agricultural Credit—Information Not Determinable

1. Effective November 6, 1969, § 226.8 is amended by the addition of paragraph (p) and § 226.9(g) (4) is amended as follows:

§ 226.8 *Credit Other Than Open End—Specific Disclosures*

* * * * *

(p) *Agricultural credit—information not determinable* (1) in any transaction subject to this section, if the amount or date of any advance or payment in connection with an extension of credit for agricultural purposes under a written agreement is to be determined by production, seasonal needs, or similar operational factors, and is not determinable at the time of execution of the agreement, disclosures may be made at the creditor's option in accordance with this paragraph, provided the use of this paragraph is not for the purpose of circumvention or evasion of this Part.

(2) If a creditor elects to make disclosures under this paragraph, he shall disclose the following items in accordance with § 226.8(a), which shall constitute compliance with the requirements of § 226.8, and under § 226.9(a) shall constitute "all other material disclosures required under this Part":

(i) The method of computing the amount of the finance charge including an identification of each component thereof in accordance with § 226.4.

(ii) Any item required to be disclosed under § 226.8(b) (3) which is determinable at the time the disclosures are required to be made under this paragraph.

(iii) The disclosures, as applicable, required under § 226.8(b) (4), (5), (6), and (7) and the items described in § 226.8(e) (1) and (2).

(iv) The disclosures, as applicable, required under § 226.8(o) (1), (2), (3), (4), (5), (8), and (9).

(3) Disclosures made pursuant to subparagraph (2) (i), (ii), and (iii) of this paragraph need be made only on the agreement or on a separate statement as specified in § 226.8(a).

(4) If a creditor making disclosures pursuant to this paragraph transmits a periodic billing statement of the type described in paragraph (n) of § 226.8, such statement shall be in a form which the customer may retain and shall set forth the date by which, or the period, if any, within which payment must be made in order to avoid late payment or delinquency charges.

§ 226.9 *Right to rescind certain transactions*

* * * * *

(g) *Exceptions to general rule*

* * * * *

(4) Any advance for agricultural purposes made pursuant to either:

(i) Paragraph (j) of § 226.8 under an open and real estate mortgage or similar lien, provided the disclosure required under paragraph (b) of this section was made at the time the security interest was acquired by the creditor or at any time prior to the first advance made on or following the effective date of this Part, or

(ii) Paragraph (p) of § 226.8 under a written agreement, provided the disclosure required under paragraph (b) of this section was made at the time the written agreement was executed by the customer.

2a. The purpose of the amendments is to facilitate meaningful disclosure of credit terms in certain types of agricultural credit extensions where information regarding the dates or amounts of advances or payments is not determinable at the time of entering into an agreement for the extension of credit.

b. The requirements of section 553 of Title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. The effect of the amendments in general is to provide relief from a restriction and, in view of the unnecessary hardship on certain creditors in complying with the original § 226.8 and § 226.9, the Board found that following such procedures would result in delay that would be contrary to the public interest.

By order of the Board of Governors, November 6, 1969.

ROBERT P. FORRESTAL,
Assistant Secretary.

TITLE 12—BANKS AND BANKING

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z.]

Part 226—Truth in lending

Interpretation

§ 226.812 *Advances under open and real estate mortgages for agricultural purposes*

Under § 226.8(p) disclosures are permitted in connection with certain extensions of credit for agricultural purposes which may involve advances under an open end real estate mortgage or similar lien. Section 226.8(j) in part treats advances for agricultural purposes under an open end real estate mortgage or similar lien. The question arises as to the respective application of these paragraphs to such advances.

If an extension of credit involving multiple advances, whether or not under an open end mortgage, meets the tests of § 226.8(p), disclosures need only be made prior to consummation of the credit transaction and need not be made at the time of each individual advance, even though such advance for agricultural purposes may not meet the tests in § 226.8(j). Conversely, extensions of credit for agricultural purposes involving advances under an open end real estate mortgage or similar lien which do not meet the tests for disclosure under § 226.8(p) are subject to the relevant provisions of § 226.8(j) dealing with such advances.

(Interprets and applies 15 U.S.C. 1638 and 1639.)

Dated at Washington, D.C., the 6th day of November, 1969.

By order of the Board of Governors.

ROBERT P. FORRESTAL,
Assistant Secretary.

BACKGROUND OF THE CHANGES

Mr. Speaker, preceding this announcement was a long series of correspondence with many individuals, officials, and Members of Congress who had forwarded to me inquiries they had received from their constituents on aspects of this issue.

For the purpose of showing that any real and legitimate problems under this important law can, in fact, be solved, if there is a willingness to make the law work properly, I submit a small part of that correspondence, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 2, 1969.

Hon. J. L. ROBERTSON,
Vice Chairman, The Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR MR. ROBERTSON: Majority Leader Carl Albert has sent you a copy of a letter he received from Mr. Jim R. Billington of Woodward, Oklahoma dealing with the problems encountered by the government-related Production Credit Associations in complying with Regulation Z. Mr. Albert also sent a copy to me.

I am enclosing a copy of the response I have sent to Mr. Albert in which I said I would contact your office to urge approval of some alternate but acceptable method of computing the annual percentage rate, since the actuarial rule, according to Mr. Billington, is so time-consuming to apply.

Sincerely yours,
LEONOR K. SULLIVAN.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 2, 1969.

Hon. CARL ALBERT,
U.S. Capitol.

DEAR COLLEAGUE: I am glad you sent me a copy of the letter you received from Mr. Jim Billington of Woodward, Oklahoma, about the problems encountered by the Woodward Production Credit Association in complying with Federal Reserve Board Regulation Z, issued in implementation of the Truth-in-Lending Act beginning July 1. I am happy to see that you have sent a copy of that letter also to Vice-Chairman J. L. Robertson of the Board of Governors of the Federal Reserve System. I too will write to Mr. Robertson on this matter, and I plan to write also to the Governor of the Farm Credit Administration, Mr. E. A. Jaenke. I have every reason to think that the problem here is a technical one which can be worked out without too much difficulty.

When I read in Mr. Billington's letter to you that it would require his institution 45 minutes to an hour of additional time on every loan in order to comply with the requirements of the Truth-in-Lending Act—or rather with Regulation Z—I frankly did not believe it could be true. It sounded preposterous. But then I checked with the people at the Farm Credit Administration and they explained the technical difficulty of determining the annual rate of the finance charge on a typical Production Credit Association loan under the so-called actuarial rule which governs most transactions under Regulation Z.

Apparently these farm credit associations use a loan technique which involves applying to principal all payments made during the life of the loan, with the interest being paid at the very end on an accrued basis following repayment of the principal. Under the circumstances, there is no reason in the world why the Federal Reserve Board cannot prescribe some method other than the U.S. Rule for determining the "annual percentage rate of the finance charge." In writing the Consumer Credit Protection Act of 1968, we were determined not to force any credit institution to change its methods of doing business in terms of what it charged or how it went about crediting payments made; our intent was rather to make sure that the debtor or buyer knew exactly how the repayment was to be made and how it would be credited, and would be able to equate the interest rate or the finance charge assessed by one type of lending institution with those charged for competing forms of credit and also with the interest he received from his own investments or bank deposits. In other words, the annual percentage rate was to be comparable with the interest rate on bank deposits so that if a bank advertised its automobile loans at "4½%" and was at the same time paying 4½% interest on time deposits, these two figures were not comparable at all. Under Truth-in-Lending, the bank will now have to acknowledge that its rate on new car financing is not 4½% but actually close to 9%.

Similarly, a member of a Production Credit Association should be able to equate his 7% simple interest rate on a loan with the 5% or so he receives from his investment in savings and loan shares. But we did not want or expect to force a single means of computation upon all lenders or sellers if it is not appropriate. In fact, Section 107(a)(1)(B) permits the use of *any* method of determining the annual percentage rate, if approved by the Federal Reserve, "which materially simplifies computation while retaining reasonable accuracy as compared with the rate determined under Subparagraph (A)" (which had set out the customary computation method under the actuarial rule.)

So there is adequate leeway to enable the Production Credit Associations to devise a method which equates their 7% accrued interest with the rate determined under the actuarial method. I assure it would come out to less than 7% that way.

Please assure your constituent that the purpose of Public Law 90–321 is to assure full information to the borrower or buyer on all forms of consumer or agricultural credit, and not to cause dislocations or confusion for government-regulated, or any other, lenders in making the kind of loans Congress officially endorses, including FHA, GI, college tuition loans, etc. They all have to comply with Truth-in-Lending, but in most cases only one bit of additional information is required beyond that usually given by such lenders—"the annual percentage rate of the finance charge." It is the key ingredient of meaningful credit cost disclosure.

I will do everything I can to make sure Mr. Billington's association, and others like it, can live harmoniously with this requirement.

With best regards, I am

Sincerely yours,

LEONOR K. SULLIVAN.

P.S.—Mr. Billington wrote that the average loan by his association is $47,000. Except on real estate, only loans under $25,000 would be subject to the Truth-in-Lending Act.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 2, 1969.

Mr. E. A. JAENKE,
Governor, Farm Credit Administration,
Washington, D.C.

DEAR MR. JAENKE: I am enclosing copies of two letters—one from Mr. Jim R. Billington of the Woodward, Oklahoma Production Credit Association to Congressman Carl Albert, Majority Leader of the House; the other a letter from me to Congressman Albert commenting on the statements made in Mr. Billington's letter. Congressman Albert has written to the Vice Chairman of the Federal Reserve System on this matter and so have I.

I am sure that if the use of the actuarial rule would require 45 minutes to one hour of extra paperwork on every Production Credit Association loan in order to comply with the Truth-in-Lending Act, some other computation method could certainly be substituted with the approval of the Federal Reserve.

It is my understanding that your agency has been discussing this matter with the Federal Reserve. I hope it can be resolved promptly.

With best regards, I am

Sincerely yours,

LEONOR K. SULLIVAN.

WOODWARD PRODUCTION
CREDIT ASSOCIATION,
Woodward, Okla., May 20, 1969.

Hon. CARL ALBERT,
House Office Building,
Washington, D.C.

DEAR MR. ALBERT: I am sure that you are familiar with the legislation passed last session concerning Truth in Lending. Our understanding of this Truth and Lending law was based on newspaper reports and information from the Federal Intermediate Credit Bank officers. It was our understanding that this legislation was to protect or inform the consumer concerning financing charges on installment purchases. We also understood that there was going to be disclosure information from small loan companies, primarily in the installment loan business.

This law has developed into a real problem for Production Credit Associations and their members. We are an instrumentality of the United States Government and were chartered and put into operation during the early 1930's when credit to agriculture was almost non-existent. The 1933 Farm Credit Act established our Associations which were envisioned to be eventually member owned. This is now a reality. We charge a simple interest figure calculated daily on the outstanding balance. This method of calculating interest is the lowest interest cost method used and is certainly an advantage to the person paying the interest. We are in the business of financing agriculture in our area. The average size of our loans will average approximately $47,000.00. The borrowers are highly sophisticated farm business men. They understand interest cost.

Regulation Z put out by the Federal Reserve will require approximately 45 minutes to 1 hour staff time for each loan application. This is going to be extremely costly for Production Credit Associations to prepare the information required by the Federal Reserve. We have simple interest. The interest amount is on the note. The interest rate is set by borrowing farmers and ranchers who sit on our Board of Directors. A financial report is given each year at the Stockholders' meeting at which time the financial condition, interest rates, problems and changes are all discussed. The information concerning any loan is always available to a member at his request. All our borrowers know the rate of interest they are paying.

It is recommended that a disclosure type law that would include Production Credit Associations is unnecessary, costly and according to the form prepared for our use, irrelevant.

It is our wish that you would use your influence to try to have Production Credit Associations excluded from this law. Any information that you should request or any help that we can render in changing this law will be freely given.

I would appreciate hearing from you concerning this matter.

Sincerely,

JIM R. BILLINGTON,
President.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, D.C., June 10, 1969.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: This will acknowledge receipt of your letter of June 2, 1969, with which you enclosed a copy of your letter and a copy of Mr. Billington's letter both addressed to Congressman Albert.

We are aware of the problems which production credit associations and similar lenders face in complying with the disclosure requirements of the Truth in Lending Act and Regulation Z. One of the principal difficulties arises from the fact under the provisions of 12 U.S.C. 1131g a borrower from a production credit association is required to own, at the time a loan is made, class B stock of that association in an amount equal to 5% of the amount of the loan. In many cases, this is deducted from the proceeds of the loan, because the borrower does not previously own that stock. Where the price of the stock is deducted from the proceeds of the loan, the amount of the finance charge must be related to the net amount of credit extended (the remaining 95%) in order to determine the annual percentage rate. Unfortunately, this may not be read directly off of a standard rate chart. However, section 129(a)(1) of the Act refers to "the amount of credit of which the obligor will have the actual use," and the Board has taken the position that any required investment in stock, just as any required investment in a compensating bank balance, reduces the amount of credit of which the borrower has the actual use. If, however, the borrower already owns the PCA stock, the investment in it is not classified as a required deposit balance under Regulation Z, and the finance charge may be related to the amount financed without first deducting the 5% investment.

In your letter you indicated that under the provisions of section 107(a)(1)(B) of the Act the Board had the authority to approve any method of determining the annual percentage rate which materially simplified the computation as long as it retained reasonable accuracy compared with the rate determined by the actuarial method. Members of our staff have met with representatives of the Farm Credit Administration and have reviewed a simplified form of rate calculation and have tentatively approved that method of calculation, subject to further testing. It is not quite as accurate as the actuarial method, but we feel that tests will prove that it does retain "reasonable accuracy" in that it will vary from the actuarial rate by usually less than one quarter of one per cent.

Inasmuch as paragraph (h) of section 102 of the Act makes it, together with Regulation Z, applicable to transactions in which ". . . the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, household, or *agricultural purposes*" [emphasis added], the Board felt that it was clear that extensions of credit by PCA's to natural persons are subject to the provisions of the Truth in Lending Act and Regulation Z. We felt that it was further abundantly clear that the Board does not have the authority to exclude any creditor or any class of creditors because compliance is difficult. However, we have worked very closely with the representatives of the Farm Credit Administration with respect to both Federal land banks and production credit associations, and we feel that we have had a large measure of success in assisting them to facilitate compliance by their associations with the disclosure provisions of Regulation Z.

Sincerely,

J. L. ROBERTSON,
Vice Chairman.

FARM CREDIT ADMINISTRATION,
Washington, D.C., June 16, 1969.

Hon. LEONOR K. SULLIVAN,
Chairman, Subcommittee on Consumer Affairs, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MRS. SULLIVAN: Thank you for your letter of June 2, 1969, and enclosures, which deal with one of the most serious problems the production credit associations have encountered in preparing to comply with the Truth in Lending Act, beginning July 1. This problem is computing the annual percentage rate by use of the actuarial method. I am particularly gratified with the statement in your letter of June 2 to the Honorable Carl Albert, commenting on a letter he had received from Mr. Jim Billington, to the effect that you will do everything you can to make sure Mr. Billington's production credit association, and others like it, can live harmoniously with the requirement that they inform borrowers of the annual percentage rate of finance charge.

The production credit association that Mr. Billington manages is one of 451 such associations which, together with the 12 Federal intermediate credit banks that supervise them locally, and the 12 Federal land banks, 653 Federal land bank associations, and 13 banks for cooperatives, were organized under Acts of Congress and operate under the general supervision of the Farm Credit Administration, an independent agency in the executive branch of the Government. Since the Truth in Lending Act covers only credit extended to natural persons, it does not apply to the Federal intermediate credit banks which finance the production credit associations and certain other incorporated financing institutions, or to the banks for cooperatives which make loans to cooperative associations.

The Farm Credit Administration is in complete agreement with the basic purposes of the Act. We recognize, however, that agricultural lenders believe they have not been given the same consideration for purposes of Truth in Lending as have lenders who extend credit for nonagricultural business and commercial purposes; also, that the methods required by the Federal Reserve Board's implementing Regulation Z in computing the annual percentage rate of finance charge are too inflexible to permit agricultural lenders in all cases to comply on a reasonable basis.

The Act exempts from its provisions extensions of credits for business or commercial purposes. Regulation Z, however, excludes from such exemption extensions of credit for agricultural business or commercial purposes. Agricultural lenders generally and, we feel, farmers believe that a farm, which requires a capital investment and is managed on a business basis for profit, is as much a business or commercial enterprise as is a nonagricultural enterprise for which exemption is provided; therefore, a loan made for farm purposes should be considered to be within the exemption afforded an extension of credit for business or commercial purposes under the Act. In our view, there is merit to this position.

Regulation Z requires that in computing annual percentage rates to be disclosed to users of credit the United States Rule or actuarial methods be used. These methods do not permit ready computations of annual percentage rates by agricultural lenders who, because the bulk of their business is done within a relatively short period of time in the spring and fall, must be able to make computations quickly and easily. In addition, for some agricultural lenders, particularly the production credit associations but also the Federal land banks, modified or different methods for determining annual percentage rates should be devised to avoid possible disruption of financing patterns which have been developed by the lenders over the years to the benefit of farmer-borrowers.

Since the passage of the Act, we have been working to assure that the production credit associations and Federal land banks will be in a position to comply with the Act by its effective date. For the past months we have been trying to develop methods which would permit the banks and associations to comply with the computation requirements of the Act on a reasonable basis and would be acceptable to the Federal Reserve Board. A short while ago, methods we developed were tentatively agreed upon by Federal Reserve Board personnel and sent to the Federal land banks and Federal intermediate credit banks for their consideration. We hope that these methods will permit compliance with the Act to impose no more than an acceptable administrative burden upon the banks and associations. However, we also hope that better and simpler methods for computing the annual percentage rate will be devised and approved by the Federal Reserve Board.

Sincerely yours,

E. A. Jaenke,
Governor.

House of Representatives,
Washington, D.C., July 2, 1969.

Hon. George W. Andrews,
Rayburn Office Building,
Washington, D.C.

Dear Colleague: I am happy to furnish you with some background information on the question you raised with me about the application of the Truth-in-Lending Act to Production Credit Associations. As the enclosed correspondence will show, this matter was first called to my attention by the Majority Leader of the House, the Honorable Carl Albert of Oklahoma, about a month ago. I pursued it with the appropriate agencies of the Government, the Board of Governors of the Federal Reserve System, which issued the basic regulation dealing with Truth-in-Lending; and the Farm Credit Administration, which would be in the best position to advise the Board on the unique problems of the Production Credit Associations.

Out of this correspondence, it was my understanding that the Board had agreed to work out an *alternate* method of computation of the "annual percentage rate of the finance charges" so that the Production Credit Associations would be able to determine the annual percentage rate with far less difficulty than if they were required to follow the actuarial method. As I pointed out in my letter to Congressman Albert, the law provides authority for the use of computation methods other than the actuarial rule.

I am enclosing copies of my letter to Congressman Albert of June 2 explaining this point, my inquiries of June 2 to Vice Chairman J. L. Robertson of the Federal Reserve, and to Governor E. A. Jaenke of the Farm Credit Administration; Mr. Robertson's reply of June 10; and a report from the Farm Credit Administration of June 16. From this correspondence, as I said, I was assured that the problem was being worked out in a satisfactory fashion.

In forwarding to you the letter from Governor Janeke of the Farm Credit Administration, I should point out that I do not agree with the position he expresses that agricultural credit should have been exempted from the Truth-in-Lending Act, as was done with other business or commercial credit. I strongly believe that the farmer wants and needs Truth-in-Lending protection in engaging in credit transactions for agricultural purposes. We included agricultural credit deliberately. It was our feeling that the expenses of running a farm and the credit obtained for farm purposes are so closely allied with the family's living expenses and credit for housing that the farmer was entitled to this protection in his use of credit.

I might add that the Truth-in-Lending Act applies to all types of member-owned lending institutions, such as credit unions, savings and loan associations, rural electrification co-operatives which extend credit, and so on. As you will note from my letter to Congressman Albert, most of these member-owned organizations extending credit to their members already give their borrowers virtually all the information required under the Truth-in-Lending Act, but they have not been in the habit of using the annual percentage rate figure required under the new law. This is the most important single bit of information a borrower should have in determining the comparative costs of different types of consumer credit.

With best personal regards, I am

Sincerely yours,

Leonor K. Sullivan.

House of Representatives,
Washington, D.C., August 18, 1969.

Mr. Phil H. Lane,
President, Texas Production Credit Association, San Angelo, Tex.

Dear Mr. Lane: Ever since Congressman Carl Albert of Oklahoma, Majority Leader of the House of Representatives, called my attention to the special problems of Production Credit Associations in meeting the requirements of Regulation Z of the Federal Reserve, in connection with the operations of the Truth in Lending Act, I have been anxious to do whatever I can to help simplify the computations you have to go through on these somewhat unusual transactions. I thought, from the information Federal Reserve Vice Chairman J. L. Robertson gave me last month, that the problem had been greatly alleviated. If further simplification is in order, and if a form such as you described on page 3 of your letter of August 8 to Congressman George Bush is practical and acceptable to the Federal Reserve, it would certainly be fine with me, too.

From the information you and other officials of Production Credit Associations have sent me, I have the feeling that your loans have many similarities to department store revolving credit, or gasoline credit, or other types of open-end credit, in which the customer's or borrower's actions largely determine what the total finance charge will be. I am sure the Federal Reserve can solve your computation problems, for it has showed in numerous actions in connection with Regulation Z that it is not rigid and stubborn, but will make changes where they appear justified.

But I do want to say as strongly as I can that the inclusion of agricultural credit under Truth-in-Lending was not an oversight or some last minute hairbrained idea. The Truth in Lending bill passed by the Senate on July 11, 1967, included agricultural credit; H.R. 11601 introduced on July 20, 1967, included it; in our hearings we received testimony on this matter from several farm or rural organizations, asking that agricultural credit be retained in the bill. We received no testimony opposing it. The bill was debated in Subcommittee, in the full Committee, and in the House over a period of many months, and I do not remember any opposition to the provisions dealing with agriculture.

I can see where credit transactions involving large ranches or huge farms would be in the same situation as the business and commercial credit the law exempts, but our concern was in credit transactions which involved family farms—"a natural person"—rather than a corporate enterprises. In that respect, the farmer is considered no less entitled to the protection of this law than the bank president buying a home, or the college mathematics professor borrowing for a trip abroad. I would hate to think that everyone accorded protection under this law is automatically considered stupid, or "inferior in their ability" and in need of a "guardian." The protection accorded under the law is primarily the right to have the transaction spelled out in detail, with a percentage rate which can be compared to the costs of competing forms of credit, or to one's income from savings or investments. Until July 1, 1969, this opportunity was not accorded to most Americans in their credit transactions.

While every businessman required to make disclosures under the law would rather not have to do so—and some resent it bitterly—the fact is that the overwhelming majority of businesses extending credit have complied and are complying. Now it is up to all concerned to make sure that consumers make intelligent use of the information they are now receiving. Eventually, I am sure the problems will all be worked out and we can all compare credit costs on the same yardstick, so that one man's 8% is NOT the same as another man's 16%—the situation we used to have, when add-ons, discount loans, etc., confused everyone as to actual rates.

Sincerely yours,

Leonor K. Sullivan.

La Junta Production
Credit Association,
La Junta, Colo., August 1, 1969.

Re Truth-In-Lending Act.

Hon. Leonor K. Sullivan,
House of Representatives,
Washington, D.C.

Dear Madam: This letter is to advise that I concur in every respect to a letter delivered to you on July 21st by Mr. Homer Jackson, President of the Rifle Production Credit Association. It is difficult for me to understand how agriculture is excepted from the terminology of a business loan. In fact, agriculture is one of the largest businesses in the United States and, I believe, it is larger than General Motors or United Steel.

I have additional problems in my area, and I am sure there are many throughout the United States, such as having a father and son combination who own real estate and borrow from the La Junta Production Credit and who have given a second Deed of Trust to shore up their loan and now find this boy is in Vietnam and his wife is somewhere in Texas. They are desirous of an additional advance and, if we are able to help them at all, it will probably take from two to three months for this boy to receipt for the rescission agreement so that we can start the three-day elapsed period. It appears this is far too difficult for them to put up with and we will, no doubt, lose a customer and suppose they will have to sell out.

If you had any ideas how we could handle such cases when you wrote the bill, I would appreciate your advising as soon as possible. I don't understand why the rescission agreement had to be put on the bill when, in fact, they had the right to withhold their real estate when we requested the Deed of Trust and I believe they have a daily right to cancel by merely advising us and we will at that time quit lending funds. They have always had the right to sign or pay the loans in full at any time.

A group of production Credit presidents from Colorado and New Mexico wish to visit with you and your committee at an early date and which is indicated in Mr. Jackson's letter. We hope that you can honor us with this privilege.

Yours very truly,

Frank Hartman,
President.

House of Representatives,
Washington, D.C., September 3, 1969.
Mr. Frank Hartman,
President, La Junta Production Credit Association, La Junta, Colo.

Dear Mr. Hartman: From the voluminous nature of my correspondence with officials of Production Credit Associations, one could easily become convinced that the Truth in Lending Act presumably was passed for no other reason than to harass the PCA's. Undoubtedly there have been problems for organizations such as yours in applying Regulation Z. But Congress did not write Regulation Z; it was issued by the Federal Reserve to carry out the *general purposes* expressed by Congress in passing the law. As originally issued, Regulation Z required PCA's to use the U.S. Rule in determining the annual percentage rate of the finance charge. When the resulting technical problems were called to my attention, I asked the Federal Reserve to develop, in cooperation with the Farm Credit Administration, an alternate method—as the law permits—and this was done.

I am enclosing some portions of the very extensive correspondence I have entered into it trying to help the PCA's to simplify compliance with the law. That correspondence also explains why agriculture credit is included in the Act. Where there are technical problems (such as in the rescission section dealing with family loans involving a soldier in Viet Nam, etc.) there should be no practical problem in obtaining guidance from the Federal Reserve or the Farm Credit Administration or from the Packers and Stockyards Administration (in any transaction involving the Packers and Stockyards Act) by telephone, telegram, or letter, and quickly.

In writing the law, we tried insofar as possible to give administrative responsibility to those agencies of the Government which already had jurisdiction over the kind of credit involved, and which would be generally knowledgeable about the operating problems of the firms or associations they were dealing with. So *any* problem you have in conforming with the law can be clarified or simplified, and perhaps even eliminated, by the appropriate agencies of the Government, using the discretionary powers given to them by this law. If they cannot solve the problem, then they have the obligation to tell us whether a change is necessary in the law Congress does not administer this law, or any other, on a day-to-day basis.

The rescission feature was put into the law in order to make sure that anyone borrowing money or buying on credit primarily for personal, family, houeshold, or agriculture purposes, is made fully aware that a particular transaction might involve the foreclosure and loss of his residence. No attempt was made to differentiate in the law between "good" transactions and "bad" ones. Hence, this provision applies in all credit transactions covered by the law except purchase-money first mortgages.

Sincerely yours,

Leonor K. Sullivan.

House of Representatives,
Washington, D.C., Sept., 11, 1969.
Hon. J. L. Robertson,
Vice Chairman, The Board of Governors of The Federal Reserve System, Washington, D.C.

Dear Mr. Robertson: In further reference to our exchanges of correspondence involving the compliance of the Production Credit Associations with Regulation Z, and particularly, the references in that correspondence to statements made by Mr. Phil H. Lane, President of the Texas Production Credit Association, I have now received a carbon copy of a letter Mr. Lane sent you on September 5 as a follow-up to your letter to me of August 27, 1969. In his most recent letter Mr. Lane suggested a simple statement form which the PCA's can use.

I find in my file that Mr. Lane had sent me on August 22 a draft of a nine-paragraph general informational statement describing all of the various credit arrangements of his organization outlining the variables which go into the determination of the credit charges and the percentage rate in an individual transaction, depending upon the individual circumstances. Mr. Lane had asked me to "get this form approved by the Federal Reserve as a pilot experiment to see if it satisfies everyone involved." There was no indication that Mr. Lane had ever sent this proposed form to you for approval. Hence I am enclosing a copy of it for your consideration.

Sincerely yours,

Leonor K. Sullivan.

Annual Percentage Rate

This financing cost disclosure statement is an effort to comply with the Truth In Lending Act, effective July 1, 1969. It cannot be accurate on agricultural loans, because there is no way to guess the exact dates or amounts of disbursements to you and the future prices and quantities and date of sale of your produced commodities.

This calculation is based on the assumption that the total commitment will be disbursed on date of application with no repayments made until maturity. Therefore, the dollar cost and annual percentage rate estimates as shown, should be higher than actual. Finance charges accrue on the date of disbursement and thereafter on the daily outstanding balance.

During the last fiscal year, the Finance Charge (interest, including interest on B Stock purchase plus Loan Service Fees) amounted to $3.37 per $100.00 loan, since the money borrowed was not kept for the full twelve months period. Interest rates of 7% for three months and 7½% for nine months on the daily outstanding balance, earned $7.44 per $100.00. We assume this ratio of difference can apply to higher or lower simple interest rates. For example, the total finance charge should amount to approximately 8.46%, when the simple interest rate is 8% and funds are kept for twelve months.

By agreement between the association and borrower, the simple interest rate may be increased or decreased according to the association's money cost during the term of this credit extension (increases are made after 20 days notice to you).

On a normal loan, the daily outstanding balance averaged $46.30 per $100.00 of loan applied for.

This is not an installment loan and no specified payments are required except on dairy loans. Payments are made upon the sale of collateral, including its increase.

A financing statement, security agreement and deed of trust are held by the association on crops, machinery and equipment, livestock, and/or land (the underlined instruments relate to your line of credit).

No pre-payment penalty charge made. Interest is not discounted in advance and is charged on daily outstanding balances.

This statement is not intended as an offer or proposal by the creditor, or as a contract between borrower and creditor, but is issued to comply with the Truth In Lending Act, and where applicable, the borrower acknowledges receipt of this disclosure prior to, or as a part of the consummation of this transaction.

——— ————,
Borrower.

Date: ----------

Board of Governors of the
Federal Reserve System,
Washington, D.C., October 16, 1969.
Hon. Leonor K. Sullivan,
House of Representatives,
Washington, D.C.

Dear Mrs. Sullivan: This refers to your letter of September 11, 1969, with which you transmitted a draft of a proposed informational statement sent to you by Mr. Phil H. Lane, President of the Texas Production Credit Association.

In that connection, we have replied to Mr. Lane's letter of September 5, 1969, and enclose herewith a copy of that reply. As pointed out in our reply, the staff of the Board is now considering either an amendment to the Regulation or an interpretation which will facilitate compliance by agricultural creditors in connection with irregular transactions. Hopefully, a solution can be reached which will materially simplify the problem of determining the amount of the finance charge and the annual percentage rate in such transactions and at the same time provide meaningful disclosures for agricultural consumers.

We have reviewed the proposed informational statement prepared by Mr. Lane and find that portions of that statement do, in fact, convey meaningful information to customers. However, portions of it appear to be extraneous and somewhat unrelated to the information required to be disclosed by the Truth in Lending Act and Regulation Z.

When the staff has completed its studies of the problems relating to agricultural disclosures, the Board will consider appropriate revisions in the disclosure requirements for such transactions and will publish those revisions, hopefully, in the near future. We do want to assure you that we are making every effort to facilitate compliance without sacrificing the substantial quality of the disclosures required to be made to consumers.

Sincerely,

J. L. ROBERTSON,
Vice Chairman.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C., October 16, 1969.

Mr. PHIL H. LANE,
Texas Production Credit Association,
San Angelo, Tex.

DEAR MR. LANE: This refers to your letter of September 5, 1969, regarding Regulation Z.

Particularly, you have commented on the difficulty incurred in connection with disclosures relating to loans for agricultural purposes.

We are aware that the Truth in Lending Act has, in many cases, placed an increased clerical burden on some creditors. We are particularly aware of the burden in connection with credit extended by production credit associations, and for this reason, the staff of the Board is working on an amendment to the Regulation or, perhaps, an interpretation of it, which will facilitate disclosure of the dollar amount of the finance charge and the annual percentage rate in certain types of irregular agricultural loans. Specifically, we are addressing ourselves to the problem of a satisfactory formula for estimating the amount of the finance charge and the annual percentage rate. However, such a formula must necessarily accomplish two objectives:

First, it should, in fact, facilitate compliance by the creditor;

Secondly, it should insofar as possible produce reasonably meaningful information to the consumer.

For this reason, we are exploring all reasonable approaches to the problem with the hope of finding the right solution.

The purpose of this letter is to let you know that we are aware of the problem and have it under consideration.

As you are aware, one of the principal difficulties in computing the annual percentage rate in production credit association loans is the fact that each borrower is required to own stock in the association to the extent of 5% of the outstanding balance of his loan, and this can have the effect of reducing the net proceeds available to the borrower.

Yours is one of the many letters which we have received regarding this matter, and when the problems have been resolved, the Board will consider changes in disclosure requirements and publish whatever amendments or interpretation to Regulation Z are appropriate. However, it is probably a fair observation that the amended disclosure requirements will not be as brief and will be more specific than those suggested in the last paragraph of your letter.

Sincerely,

J. L. ROBERTSON,
Vice Chairman.

CHALLENGE TO PROTESTORS: "WHAT ABOUT HANOI?"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. ASHBROOK. Mr. Speaker, few phrases more succinctly present the views of those who criticize the Vietnam moratorium demand for an "immediate" pullout from Vietnam than, "Tell it to Hanoi."

I think that many tended to forget or to ignore the designs of Hanoi when they joined protests supporting immediate withdrawal of U.S. forces.

In this regard, I was pleased to see a front page editorial in the Newark, Ohio, Advocate. It agreed with the calls for peace; it agreed that mistakes have been made; it agreed that Vietnam must be a well-discussed issue. But it also pointed out that all who do discuss Vietnam must ask themselves: "What about Hanoi?" Where is the reciprocal call for action by the Government of North Vietnam? Where is the challenge to Hanoi?

This October 15 editorial cogently points out that all too often—and too often because of thoughtlessness—persons supporting protest actions have forgotten to inquire about the other side.

I insert the editorial into the RECORD at this point:

THE MORATORIUM—WHAT ABOUT HANOI?

The Advocate congratulates Denison University's faculty and students for starting a dialogue with their non-academic community on national morality and goals. Professors and mature students will understand that we do not condemn them for speaking, that we have a right—and a responsibility—to praise or criticize their words and philosophies.

We admit that the non-adademic community has no official voice in the course an academic community plots toward a liberal arts education. But when the results of that education call for a public action, the matter of academic freedom and license is no longer an issue. May we all agree that the goal of a liberal education—whether attained inside or outside a college—is an improved society of men?

In today's Advocate professors and students call for a public action in "An Open Letter To President Nixon"—a part of their Vietnam Moratorium. It's a sincere letter—full of "wonder," pathetic pleas, honest admissions, soul searching and bad logic. Some of their other written moratorium material is not sincere—at best misleading, at worst dishonest.

All of us wish the President could grant their request to end the war "now." As one of their contemporaries, a Vietnam combat veteran, said, "They want the sun, and the moon and the stars—and they want them next week. I wish we could do it."

These professors and students have cast themselves in the role of peacemaking. We say, "Welcome aboard, may we all move toward peace together." Let us start by agreeing that the true peacemaker must consider the past, present and future roles of each antagonist.

Their letter on the President is more important for what it does not say than what it does say. Every war in the history of man was a mistake. We have made mistakes in this one. The letter makes no mention of mistakes or atrocities by Viet Cong or Hanoi.

Professors and students failed to use a single sentence for a peace plea to the other side or to offer to make one in his behalf. Nor did they ask the President what North Vietnam could do to encourage his peace efforts.

They ask too much of their country.

They offer little of themselves in return, except "wonder" and a glib tongue.

We have something to ask of them. Will the professors and students now spend an equal (at least) amount of time, energy and talent speaking for their country? Will the students and professors at Denison ask their talented national leader, Sam Brown, to duplicate this moratorium on Dec. 15, with the peace plea directed to Hanoi?

SLANTED EDUCATION AT UNIVERSITY OF MARYLAND?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. WYMAN. Mr. Speaker, a continuing source of perplexity for many American parents is where their youngsters get the attitudes and ideas they come home with. In particular, they are distressed when son or daughter comes home from college hostile toward the home and system that made it possible for there to be a college in the first place.

Of interest in this connection is a recent report set forth in the interesting publication "In a Nutshell," volume 22, No. 10, which refers to a certain situation at the University of Maryland as part of the explanation. We are all for both sides in the learning process, but not for one side, especially to impressionable adolescents in formative years. Such misorientation is a disservice to the cause of objectivity in education.

The article follows:

READING LIST FOR ORIENTATION AND REGISTRATION

Many parents wonder why they send one type of son or daughter to college and another kind comes home. Why do some of the kids turn into radicals? There are many reasons, including the universities themselves. Take the University of Maryland, for example. Freshmen preparing to enter the school were recently furnished a booklet regarding Orientation and Registration which stated: "Only three steps are necessary to arrange for attending Orientation and Registration: A. Fill out the four enclosed cards. B. Enclose a check . . . for $13 . . . to the University of Maryland. C. Read at least one of the following books:

The Autobiography of Malcolm X, by Mason Little

Black Power, the Politics of Liberation in America, by Stokely Carmichael and Charles V. Hamilton

Concerning Civil Disobedience, by Abe Fortas

Crisis in Black and White, by Charles Silberman

Excellence: Can We Be Equal and Excellent Too? by John W. Gardner

Invisible Man, by Ralph Ellison

The Other American, by Michael Harrington

During Orientation, you will informally discuss the issues raised in the book which you read."

Not one of the authors is a conservative—not even "middle of the road." Carmichael is, of course, familiar to all of our readers; Harrington is a Socialist; Abe Fortas is another well-known left-liberal, etc.

While we are not implying that the administration or faculty of the University of Maryland is Communist-dominated, we can, we believe, assume that it at least leans left. Otherwise why were no pro-American, patriotic books listed?

Is it any wonder that so many freedom-loving Americans were dismayed and concerned when, in January, 1967, the U.S. Supreme Court ruled that a teacher may not be fired for being a Communist? "No court," said Justice Tom Clark in the dissenting opinion, "has ever reached out so far to destroy so much with so little." This decision left the doors wide open to the Reds to obtain positions in our schools and undermine the basic American curriculum with Marxist teachings.

There is no way, of course, to know how many Reds are today teaching in our schools and universities, but the attitude of some of our supposed educators makes us fear the Reds are indeed having their influence on our children. Remember that Lenin once said that if he were given control of the education of a nation for one generation that country would always be Socialist.

IGNORANCE AND THE LAW

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. LIPSCOMB. Mr. Speaker, a major series of 10 editorials, "Ignorance and the Law," was recently broadcast by KFWB, Los Angeles. These editorials propose the teaching of basic law in public schools as an important but completely overlooked need whereby our American children may be taught respect for law and order, the rights of others, and the civil liberties we are prize so highly.

The "Ignorance and the Law" series was researched and written by Mr. Gene Fuson, editorial director of KFWB and was aired on KFHB during June 1969, by Mr. Gordon Davis, vice president and general manager of KFWB. The response to this series has been immediate and overwhelming. Support for the idea of teaching basic law in our public schools has come from private citizens, as well as from educators, legislators, jurists, law-enforcement officials, and leaders of minority groups. As a sample of the support building for this proposition, a resolution supporting the teaching of fundamental law and basic statute law as a major course from kindergarten through the 12th grade was passed by the Los Angeles City Council, the Los Angeles County Board of Supervisors, the Southern Section of the California Teachers Association—representing some 90,000 teachers—the Los Angeles Junior College Board of Trustees, and Council No. 42 of the Teamsters Union. In addition, the Los Angeles Junior College also began planning an $80,000 project to teach law on educational TV. The California Bar Association has also a strong interest in the proposed program.

I heartily congratulate KFWB for its outstanding series of editorials, "Ignorance and the Law." Our Nation is built on the rule of law and the teaching of courses on fundamental law in our schools is perhaps the most logical approach to fostering respect for law and order among our young citizens. The KFWB proposal is a timely effort to rekindle belief in law and order and respect for law in America. I strongly endorse the proposal and would personally like to see the teaching of courses in fundamental and basic law become a part of the major subject curriculum in all schools throughout the Nation. The KFWB proposal deserves the serious consideration of all lawmakers.

The above-mentioned material follows:

IGNORANCE AND THE LAW

NO. 1: IGNORANCE IS NO EXCUSE

As a nation, we Americans like to think that we are "a nation of laws—not a nation of men."

We like to say that we are a democracy within a republic; that the law of the land is supreme.

But is it . . . really?

Or is *ignorance* of the law supreme?

We say we are a nation of laws . . . not a nation of men. Yet, at no time since the Civil War, has our nation been more distraught over a single home issue than it is now, over law and order . . . Or rather, the lack of it.

We concern ourselves greatly with the keeping of order when a rebellious youth rampages against "The Establishment," . . . as he likes to call it.

He creates havoc in his demonstration, saying, in effect: "To hell with the law" . . . then he proceeds to make his own law.

Now observe this same youth *between* his lawless outbursts. He chooses up sides for a game of impromptu football, or baseball, or volleyball, then follows the rules to the letter. In addition, he insists that all other players do the same.

We must ask: Why does he ignore the law in one area, and insist on it in another?

The major reason is that he has been *taught* the rules of football, baseball and volleyball from his earliest school days.

Ironically, part of the very law he ignores or defies, the California Education Code, requires that he receive physical education for 20 to 40 minutes a day or he can't graduate.

He is *required* to learn the rules of athletic games. But nowhere in that same California Education Code is ANY student required to learn the rules he must live by for the rest of his life . . . THE LAW OF THE LAND.

We require of all persons, that ignorance of the law be no excuse for breaking the law . . . yet we equally demand that our children enter a life for which they have never been taught the legal rules.

Ignorance of the law is no *excuse*. But is it a *reason*?

We'll talk about that tomorrow.

NO. 2: NO BOOKS—NO CLASSES

Our city, our state, our nation stand with their backs to the wall, beset by lawlessness and turmoil among our youth; a growing lack of law and order.

We say that ignorance of the law is no excuse. But could ignorance be a reason?

Do we actually promote that ignorance when we fail to teach the fundamentals of law in our schools?

This is no attack on education or on educators. The specific study of the fundamentals of law is not and has never been a major subject in the education system in our country . . . or in any other; not in the way we teach language or history.

The only people that ever carefully schooled their children in the rules by which they had to live were the ones we now refer to as "savages."

The ancients who lived in tribes carefully schooled their children in tribal laws. Their reason: survival. The alternative: death.

In 1765, Sir William Blackstone sorted and codified the laws of England for the first time. He wrote an essay on the natural rights of man. From Blackstone came the basis of our American law.

From Blackstone we copied almost word-for-word The Bill of Rights. But Sir William was in fact, *not* a great justice. He was a school teacher.

As early as 1690, in our land, the American people decided that the teaching of tribal law . . . the law of the land . . . was better left to the home. And so it remained . . . by tradition.

The "law" a child learns in school today, is the Constitution; the mechanics of courts and legislature . . . the size and shape of government. But these are civics and social science; not law.

In his real world, he faces the law of installment credit, contracts, mortgages, public property, citizen rights and legal responsibilities, equity, tax laws, labor law, civil and criminal law: *statute law.*

The 50-million youngsters now in our public schools will have used six *billion* textbooks in 12 years. Yet, they will never see a single textbook on the fundamentals of law. None has ever been published.

We will teach them the laws of grammar. But the laws of the land, they must learn by trial and error . . . or by trial and conviction.

More about that, tomorrow.

NO. 3: NO TEACHERS—NO DEFENSE

Americans will spend tens of billions of dollars this year to catch, punish and correct people who violate the tribal rules . . . the laws of the land.

Most violators will know little or nothing about the law they broke.

But ignorance is no excuse.

Sharpshooting sales bunco artists will steal another six million dollars from consumers. Victims will scream in anger.

But in the end, they will examine the law . . . and pay the bill because ignorance is no defense.

We will rear lawlessness blamed on white people black people, law enforcement, the courts, unemployment and overwork. We'll blame it on inhibitions, free love, Dr. Spock and the weather . . . communists, militants, peaceniks, parents and pot.

Nobody seems to blame it on plain old ignorance. That is: a simple lack of knowledge.

And we will continue to propogate and promote ignorance by teaching children *nothing* of fundamental or statute law in our homes, or in schools.

At home, we don't have time.

So we'll pay $12,000 to buy Junior 11,000 hours of public schooling. He will work his way through 125 textbooks. But no one will be on the laws of the land, under which he must live from the cradle to the grave. Nowhere is a single textbook published on law for grade school students.

We have 1,930 colleges and universities. But not one single class to teach teachers how to teach law in the public schools.

Law is the backbone of our society. And without it, we could not survive as a nation.

Yet, we have no books, no classes and no teachers to teach it.

What it tells us is this: Junior may graduate with honors, a bright young man in the eyes of society.

But in the eyes of a judge, he is inarticulate, uninformed and incoherent because he knows nothing of the most important rules in our land.

And *THAT* is, ignorance of the law.

More about that, tomorrow.

NO. 4: NO PLACE TO LEARN

There are five things that make us . . . or any people . . . a nation.

We need *territory* to call our own; and a *defense* force to protect it. We need *work* on which to base our economy; *taxes* to support the organizations, and *laws* to regulate our behavior and maintain order.

If one dies, they all die.

What's bugging us right now is that we have sufficient law, but our order is breaking down . . . primarily among our young people in the 15-to-25-year age group.

For the past ten years, more and more young people have been refusing to recognize and respect the tribal laws . . . the rules of the game . . . the laws of the land. Call it what you will.

We hold that ignorance of the law is no excuse for breaking it. We also know there is a generation gap.

But where does it start?

We know that children form their basic attitudes in their kindergarten years. That includes their ideas of fair play, responsibility; law and order. . . tribal law.

It used to be that they learned it in their homes, mostly from their mothers. But not any more.

In World War II, 25 years ago, Mom was

forced to get a job, and the word "babysitter" became part of our language.

Now, 25 years later, women hold 40 percent of the jobs. More than half of the employable women, some 28 million, are wage earners, and a vital part of our economy.

And now we have our new term: "generation gap."

It is generally recognized that children now learn far less of tribal law responsibility at home than in years past.

Add to this, the fact that it has never been part of our public education system to teach children the law of the land the way we teach them the laws of mathematics . . . or grammar . . . or football. We don't even publish any textbooks on law for grade schools . . . or teach teachers how to teach it.

We don't teach law at home.

We don't teach law in the schools.

So is it really so strange that our youth is trying to make its own law . . . or tear down what there is?

KFWB asks: How good is a law system when nobody knows very much about it except the judges who administer it; the lawyers who practice it, and the policemen who enforce it?

We'll talk about that, tomorrow.

NO. 5: NO "QUEENSBURY RULES"

If there is anything more typically American than our respect for wealth and material possessions, it's our national love affair with equality and justice.

In other words, Americans beef a lot about *other* people who don't play fair.

We tell our children that crime doesn't pay . . . that cheaters never prosper . . . that it isn't whether you win or lose, but how you play the game. The small child's universal phrase for a violation is: "No fair." Grownups boo the referee and yell, "Kill the umpire," for the same reason.

Indeed, good sportsmanship and playing the game according to a "Queensbury Rules" concept is so important to us that we wrote it into law in the California Education Code. Sections 8551 and 8571 require that every child have 12 years of physical education as part of his public schooling.

But what of the "Queensbury Rules" of society . . . the rules by which we must play the game of citizen from the cradle to the grave.

Those rules are the law of the land: the Federal Code; the California statutes; city ordinances.

The "Queensbury Rules" for being an American are the principles of contract law; of taxes; of equity, of civil law, private law . . . common law and criminal law.

Citizen rights are one phase; citizen responsibilities, another.

America was founded by people seeking justice under the law. And we have been working toward that end for nearly 200 years.

It is paradoxical that after 200 years, we carefully teach our children all of the rules of language, athletics, mathematics, personal health and safety, and law for the operation of a motor vehicle.

Yet nowhere, except by hearsay, guesswork, intellectual osmosis, or trial and error do we even try to teach children the most important rules of all . . . the ones by which society demands that they live.

Among youth who are *not* taught law, crime rates are increasing by 15 to 30 percent a year. In the one area where they *are* taught the law, crime rates are dropping by three to ten percent a year.

More about that on Monday.

NO. 6: IF WE TEACH—THEY CAN LEARN

Our American system has always held that ignorance of the law is no excuse . . . no defense, for breaking the law.

At no time in American history have we been more threatened by the problem of people who do break the law.

At no time have we tried harder and achieved less to find a solution to our dilemma than right now.

Law enforcement analysts noted a sharp increase in juvenile delinquency 20 years ago. What little action we took was obviously ineffective.

Since 1950, crime rates have been climbing between 16 and 30 percent a year . . . *seven times faster than population.*

Most of it is among young people who know little or nothing about the laws under which they, and we, are required to live. They don't know because we have neither the books nor the teachers to teach them.

The only area in which young people are taught the specific rules and penalties is in the military service, and they say their crime rates are *not increasing,* but *decreasing.*

Every recruit is given a full course on the Uniform Code of Military Justice. He learns the rules of behavior the way he learned the rules of football.

The Navy says its crime rate has dropped 30 percent in ten years. The Air Force says its crime rate is dropping by ten percent a year. The Army supplies no figures, but says its crime rate is in a steady decline.

Military people are hard-headed. They believe that if you want people to obey the rules, you first have to tell them what the rules are.

We civilians don't subscribe to that. At least, we haven't, yet.

So our graduating student this year will know all the major rules in his academic subjects, and will then set out to play the game of being an American citizen; an American adult.

But the rules of that game are called statute law. And on that subject, he is mute, blind, illiterate.

Would you buy fire insurance on dirt and rocks if you thought it was required by law? More than a million people do exactly that.

We'll talk about it tomorrow.

NO. 7: FIRE INSURANCE ON DIRT

We say ignorance of the law is no excuse.

If someone required you to buy life insurance on a granite boulder, you'd be outraged.

A rock has no life and cannot die.

But more than a million Californians are buying fire insurance on dirt that won't burn. And they make no protest.

Why?

Because they *think* it's the *law.*

Here's how it works: Virtually all GI Home Loans in California are handled through mortgage companies that are *not* state or federally chartered. Chartered lenders find the GI interest rates too low.

So the mortgage companies, as standard practice, tell the GI buyer he must buy fire insurance to cover the entire amount of the loan . . . the buildings and the land. Further, *they* suggest the insurance company.

In most instances, the cost of the structure amounts to 25 to 40 percent of the total purchase.

If the house burns down, the policy covers only the cost of the building, so there is no *possible* way in which the GI homeowner can ever use more than 25 to 40 percent of the fire insurance he is forced to buy.

State and federally chartered institutions are prohibited by law from requiring fire insurance to cover anything beyond replacement cost of destructible property.

There are now more than one million GI Home Loans in California, insured for 12 billion dollars. *Eight* billion of this is for the *land* upon which the houses are built. All eight billion of it is insured against destruction by fire.

But not one square inch of it will ever burn.

GI's have been buying fire insurance on California dirt for 20 years, because most of them think it is required by law.

But it isn't.

There is in fact, no law that requires anyone to buy fire insurance on *dirt.*

Ask your legislator.

He can tell you how bills to correct this abuse always die young in the legislature.

Don't be angry, if you've been gouged. Because you didn't know.

Ignorance of the law is no excuse.

More about that, tomorrow.

NO. 8: THE IGNORANT PAY

Even while KFWB's editorial series on Ignorance and the Law is being broadcast, a story is breaking in Sacramento that is current testimonial of the need to teach citizens the laws of the land.

That story is about six thousand ordinary people, in Marin, Orange, Los Angeles, San Diego, Oakland and San Francisco County, many of them, poor people.

They bought automobile insurance from the Key Insurance Exchange. It was a new company, a small one. And they paid their premiums on a monthly basis.

When they signed their policies, they saw a list of 22 conditions in the contract stated in the usual legal language.

If any of them tried to read the conditions, they either didn't understand them or they ignored them, because Condition 22 said they were joining a "reciprocal" insurance company.

Only people who have been taught the law and how to read contracts know that a "reciprocal" insurance company is one in which the policy holders insure each other.

And now the 6,000 policy holders of Key Insurance Exchange have learned what this means the hard way.

Because Key Insurance Exchange couldn't sell enough insurance to stay afloat, it recently went broke.

The State Department of Insurance took over and found that the company owed between $350,000 and $400,000.

Those Key policy holders are now learning that "reciprocal" means that if the company goes broke, the policy holders have to pick up the tab, and pay off the debt.

This happened because these 6,000 California citizens had never been taught how to read a contract, much less, how to understand one.

They simply didn't know.

But in our society, we have a rule: Ignorance of the law is no excuse.

More about that, tomorrow.

NO. 9: WHAT COULD WE TEACH THEM?

It is one of the great paradoxes of America that when it comes to teaching the law to our children, we stand right now where we did 70 years ago, when we first decided to teach them about health and personal hygiene.

Health and hygiene education are now required by the same law that we don't teach our children. And thanks to America's school teachers, as well as its physicians, we have a fantastically healthy society. Our children are bright and vigorous and strong.

They are so bright and so strong, in fact, that there is virtually nothing our kids can't wreck, if they really put their minds to it.

And their demonstration of that fact is a source of our national agony.

Until now, it has not been "The American Way" to teach our children the laws of the land, the tribal rules of being an American. And even if we should decide to teach them, it would be a gigantic task.

Our educators would have to write textbooks, lesson plans; curriculum guides; teaching guides and workbooks, because there are none now. They would have to prepare special materials to teach teachers how to teach law, because we have neither trained teachers nor materials now.

And what could our children learn in that study?

They could learn about public law, which covers taxes and crimes against the people; private law, which includes disputes between persons. They could learn about contracts. They could learn common law . . . the prerogatives of proprietorship . . . private property; damages. They could learn equity, which says: No wrong shall be without adequate remedy.

They could learn statute law, the specific rules under which we must live for our entire lives.

Our children could learn that the first law on personal liberties was passed, not by an American, but by a Greek named Solon, 2,000 years before Columbus even discovered America.

We don't teach it, but men had laws long before we even had written language . . . or doctors.

And all we had before that was . . . teachers.

More about that tomorrow.

NO. 10: IN SUM—TEACH LAW

Our people and our nation are deeply troubled by gross violation of our social guidelines: the law of our land.

We say ignorance of the law is no excuse for breaking the law, but crime rates are climbing seven times faster than population. Our order is breaking down.

We demand that people live by the law. But we do not teach them what that law is.

KFWB believes that if we, as a people, are obligated to abide by the rules, we must also be obligated to teach our people what the rules are.

In law, those rules are called, "statutes."

We have neither books nor teacher expertise on this.

But we *do* have the means to acquire the books and expertise.

KFWB does not propose a specific curriculum. This station is an observer; a reporter, and in this case, an advocate.

Designing the course to be taught is the job of the educators, and only they can do it.

We believe that in the study of *fundamental* law, our children will find reflected every major social advancement in recorded history of mankind.

In *statute* law they will find the day-to-day rules that govern the money we earn; the land we own; the disputes we have; the agreements we make . . . even the purity of the food we eat.

We believe that having a legally informed citizenry is at least as important to the future of our social order as having a politically-informed electorate.

We believe that teaching our children the specific laws under which they are required to live, is at least as important as their knowledge of fine art. Our Education Code requires that they be taught 12 years of fine art in our public schools but no law.

KFWB believes that ignorance of the law is a major element of social disorder. And the only antidote for ignorance of any kind is education.

In sum: if we expect our children to abide by the rules, we should first teach them specifically what the rules are, and kindergarten seems to be an excellent place to begin.

It's as simple as that.

A DIGEST: IGNORANCE AND THE LAW

Why don't we teach our children the law of the land?

We are fostering ignorance of the law when the most basic rule of our American legal system is that ignorance of the law is no excuse.

Ignorance is no excuse.

But could it be a *reason?*

We say we are a nation of laws, not a nation of men, and that the law of the land is supreme.

But is it, really?

Or is ignorance of the law supreme?

At no time since the Civil War, has this nation been more distraught, more concerned or more threatened by a single domestic issue than it is right now over the issue of Law and Order . . . or more accurately, the *lack* of it.

And at no time in American history have we floundered more helplessly in our frustrated search for a solution to the problem.

We have plenty of law. What's really bugging the whole country is that our *order* is breaking down.

Stated in simple terms, order is the business of observing the rules of the game . . . the law of the land . . . tribal law; call it what you will.

Rebellious youth rampages against "The Establishment," as he likes to call it, saying in effect: "To hell with your law," and sets out to make his own law. Then the policeman has to come and restore order.

That same youth will set up a game of impromptu football or volleyball, or baseball, and follow the rules to the letter. In addition, he will insist that all others in the game do likewise.

Why does he defy the law in one area and insist on it in another?

One reason is that he has been taught the rules of football, baseball and volleyball from his earliest school days because it is required by law. The California Education Code requires he be taught physical education . . . the rules of the game . . . for 20 to 40 minutes a day for 12 years, or he cannot graduate.

But nowhere in that education code is anyone required to teach one shred of the laws we must live by, from the cradle to the grave. But for one exception: we are required to teach the rules for operating a motor vehicle.

This is no attack on education or our educators. Fundamental law is not, and never has been, a major subject in our education system or any other. Not in the way we teach the rules of grammar, or math, or science . . . or football.

The only peoples that ever taught their children the specific rules were the ancient tribesmen. They instructed all children in tribal law. They had good reason. The alternatives were survival or death. So they taught their children the rules.

Those were the people we now call "savages."

We now have 50 million youngsters in grade schools. They will work their way through 6,125,000,000 textbooks in 12 years. They will use about 125 textbooks each.

Right now, we couldn't teach them the law of the land even if we wanted to, because there is not a single textbook published on fundamental law for kids in any grade.

Besides that, we have no teachers trained to teach it.

Of our 1,930 colleges and universities in the United States, there is not one that teaches a single class to teach teachers how to teach law to grade school students.

Nor is there a lesson plan or a curriculum guide published.

What this all tells us is that we are propagating and promoting ignorance of the law, while at the same time demanding that ignorance of the law be no excuse for breaking it.

Some educators become defensive about this and say, "Yes, but we do teach law in the schools."

What they teach in school is the Constitution, the mechanics of the legislature, the size and shape of government.

Those subjects are civics and social science, not law.

The real world is one of contracts, mortgages, installment credit; property rights and legal responsibilities; tax law, labor law, civil and criminal law . . . all *statute* law.

We teach our child the laws of grammar and football, but the laws he must live with for his entire life, he must learn by trial and error, or by trial and conviction.

We are deeply troubled by crime and disobedience.

Depending upon whose version you receive, we blame it on white people, black people, law enforcement, the courts, unemployment, overwork, inhibitions, free love and the weather; Dr. Spock, communists, liberals, conservatives, militants, parents, peaceniks and pot.

Nobody seems to want to blame our trouble on ignorance, that is: a simple lack of knowledge.

In 1765, Sir William Blackstone sorted and codified the English laws and wrote an essay on the natural rights of man. From Blackstone came the basis for American law, and from him we copied almost word for word the 'Bill of Rights."

Men of the legal profession like to refer to Blackstone as "one of the great jurists." He had a tremendous impact on the law alright. But Blackstone wasn't a lawyer; he was a school teacher.

After Blackstone, it became tradition in our school system not to teach the law. Children learned most of their ideas of law and order, fair play and responsibilities from their mothers at home.

But with World War II, two things happened that changed that situation: Mom was forced to go out and get a job, and the word "babysitter" joined our language. Now, 20 years later, 40 percent of our labor force is women, and we have two more new words in our language: "generation gap."

It is no accident that it was also 20 years ago that law enforcement analysts began buzzing about a serious rise in juvenile delinquency. Nor is it coincidence that the children born about that same time are now the ones in turmoil.

We know that with people, actions are the result of attitudes; attitudes result from belief; and belief results from learning, no matter what the source . . . parent, teacher, textbook or experience.

We know that crime rates are climbing seven times faster than population, and particularly among the young civilian males.

So we checked in the one area where those same young civilian males are thoroughly schooled on the specific laws they must live by; the military service.

Every recruit is taught the Uniform Code of Military Justice. He knows exactly what the violation is and exactly what will happen if he commits it.

While civilian crime rates soar, the Navy says its crime rate has dropped 30 percent in 10 years. The Air Force says its crime rate is dropping 10 percent a year. And the Army says its crime rate is in a steady decline, although no figures were available.

If the Pentagon is telling it like it is, perhaps our educators should take a closer look at how the military does it.

The one thing more American than our respect for money and material possessions is our love affair with justice and equality. We're always beefing about other people who don't play fair.

To signal a foul, our little children shout: "No fair." Their parents boo the referee and yell, "Kill the umpire," for the same reason.

We will demand the "Queensbury" rules be observed in nearly everything we do.

We will pay $12,000 to buy Junior an 11,000-hour public education, but the part we leave out of it is the "Queensbury" rules of being an American: the laws of the land.

On the rostrum at graduation, Junior will shine out bright and clear: a whiz at grammar, math and history.

But when he tries to read a contract, or stand before a judge, he will be deaf, mute, blind and illiterate.

One must ask: How effective can we expect our law system to be when nobody knows much about it, except the judges who administer it, the lawyers who practice it, and the policemen who enforce it?

Turmoil is upon us and we pound the table and thunder that ignorance of the law is no excuse.

But tomorrow morning, and every morning, five Supreme Court Justices will mount the bench to tell the other four how the law should work.

KFWB recognizes that we have no tradition of teaching the fundamentals of law and statute law to our children; no books, no teachers and little know-how.

But we demand that they live by the rules for their entire lives, so teaching them the rules seems like a logical idea. And kindergarten might be just the place to begin.

SENATE—*Friday, November 7, 1969*

The Senate met at 12 o'clock meridian and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, at this season of remembrance look upon the unrest, the strife, and the warfare of the world and send Thy healing grace.

O Thou who "makest wars to cease unto the ends of the earth," provide for mankind a deeper and more lasting peace than the world has ever known.

O God to whom the cry of the captive has gone up in every age, we remember the sons of this Republic now imprisoned in distant lands, lonely sufferers, bereft of comfort, family, and friends. Be their companion in solitude, their strength in weakness, their hope in despair. Let sacred memory and the prayer of faith minister to their deepest needs. Rebuke the cruelty of their keepers, give fit employment to their minds, and finally, by Thy grace, deliver them from bondage to home and family with honor untarnished and character unstained.

O Thou who hast said, "Love your enemies, do good to those who hate you, and pray for those who despitefully use you," we pray for those who call us aggressors, imperialists, and enemies that they may discern the true intent of our hearts and with us learn the ways of peace.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 6, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 2546. An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes; and

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000.

HOUSE BILL REFERRED

The bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 280—SUBMISSION OF RESOLUTION AFFIRMING THE SUPPORT OF THE SENATE FOR THE PRESIDENT IN HIS EFFORTS TO NEGOTIATE A JUST PEACE IN VIETNAM

Mr. SCOTT. Mr. President, on behalf of the distinguished majority leader and myself I submit a resolution for appropriate reference.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

Mr. SCOTT. I also send to the desk a list of additional cosponsors, and ask unanimous consent that their names be added to the resolution.

There being no objection, the list of additional cosponsors was ordered to be printed in the RECORD, as follows:

Senators Allen, Burdick, Byrd (Va.), Byrd (W. Va.), Dodd, Gravel, Holland, McClellan, McIntyre, Metcalf, Proxmire, Spong, and Talmadge.

Senators Griffin, Percy, Smith (Maine), Allott, Jordan (Idaho), Gurney, Miller, Thurmond, Pearson, Hansen, Curtis, Hruska, Boggs, Hatfield, Dole, Bennett, Packwood, Cook, Williams (Del.), Young (N. Dak.), Mathias, Cotton, Baker, Tower, and Mundt.

Mr. SCOTT. Because of the absence of some Senators on both sides of the aisle who would, I feel, want to join in this resolution, I ask unanimous consent that the resolution lie on the table for 2 legislative days, through the close of business Tuesday, November 11. This should not be considered as a precedent, but is requested only because of the unusual present circumstances.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The resolution (S. Res. 280), submitted by Mr. SCOTT (for himself, Mr. MANSFIELD, and other Senators), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 280

Resolved, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

Mr. SCOTT. Mr. President, I believe that this resolution, offered in a bipartisan fashion by the distinguished majority leader and myself, is the type of resolution which represents the good will of the Senate toward efforts which are being made to achieve peace in Vietnam. It represents the fact that the Senate affirms its support for the President in his efforts to negotiate a just peace. It expresses the earnest hope of the people of this Nation for such a peace. It calls attention to the numerous peaceful overtures which our Government has made over a period of years, in good faith, to the Government of North Vietnam.

The resolution approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections, requests the President to call upon the Government of North Vietnam to join in a proclamation of mutual cease fire and to announce its willingness to honor such elections and to abide by such elections, and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

This is in full keeping with the President's declaration of May 14, in which he submitted a proposal for peace to the Government of North Vietnam—the proposal for free elections, the proposal for a cease-fire, and the willingness of the United States to regard anything as negotiable with the north, with the sole exception of the right of the people of South Vietnam to free and unimpeded determination of the kind of government under which they wish to live.

This is not a guarantee of any government. This is not a guarantee of the outcome of any election. This is simply a statement whereby the Senate agrees that the President is on the right course and commends him for it.

Approximately 40 Senators already are in support of this resolution, and other names will be added, I am sure, before the close of business on Tuesday. I hope that all Senators will be so inclined in expressing this hope for a just and fair peace.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I join with the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), in offering this resolution. My hope is that the Senate will express itself in a fashion that will strengthen the President's efforts to bring about the restoration of peace in Vietnam. I would be less than candid, however, if I were to tell the Senate that I nourished great expectations from this resolution in present circumstances.

It seems to me that the President's speech on Monday night suggested that prospects for a prompt return of peace were at least as remote as before and the response of the Hanoi negotiators in Paris to his statement underscored the point. It is in this grim context that the resolution is submitted.

Nevertheless, when the distinguished minority leader asked me to join him in this sponsorship, I sat down with him to see if we might agree on an expression that could be helpful to the President. The resolution which is offered today is the result. Notwithstanding the grim prospects, the resolution is not offered as an exercise in futility; it is offered, rather, in good faith and purpose. If this expression, or some modification thereof, can make even the slightest dent in this stubborn and intractable conflict, the effort will have been worthwhile.

There is little that is new in the substance of the proposed resolution. By its terms, "the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam and "calls attention to the numerous peaceful overtures" which the United States has made toward North Vietnam. Notwithstanding their lack of success to date, the President has made overtures of peaceful intent; and, insofar as I am concerned, I would support him or any President, regardless of party, on that score since it involves the Nation's highest interests. Indeed, I would welcome any and all peaceful overtures, regardless of their source, for a settlement of this conflict.

The resolution would also "support the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese." I am not aware of any quarrel with that principle in any quarter. Not only has the President of the United States expressed the principle, so, too, has the Government of North Vietnam, the Saigon government, and the National Liberation Front. The issue is not in the principle of the right of all South Vietnamese to join in freely choosing their own government. On that principle all are apparently agreed. The issue is how, when, and in what circumstances can a government representing the choice of the people of South Vietnam be freely chosen?

This Nation has long since bound itself to accept the results of a free election by the South Vietnamese people. I see no reason why the Senate should not restate the principle. Nor do I see any reason why, with proper safeguards, the Government of North Vietnam, the Saigon government, and the NLF should not be asked to do the same.

Finally, the resolution "requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire." Both the minority leader and I have asked separately in recent weeks that the element of a bona fide and unconditional mutual cease-fire be added to and moved to the forefront of the Nation's policy with respect to Vietnam. So far as I am concerned, it seems to me that the call by this Government for a mutual cease-fire, without ifs, ands, or buts, should be forthcoming without delay. It seems to me that the way to stop the bloodshed is to take the initiative to try to stop it now, if at all possible, by a mutual cease-fire.

As I have stated on previous occasions, the President appears to be moving in that direction. He has already personally ordered a change in tactics in Vietnam for U.S. forces from "maximum pressure" to "protective reaction." In my judgment, it is time to take a step to try to end the blooding of U.S. forces in this war of Vietnamese which is not and must not be ours.

It would be my hope, therefore, that this resolution might help light at least a candle in the darkness of this tragic and barbarous war. It will now go to the Committee on Foreign Relations and, if the committee so desires, I would appreciate an opportunity to appear on behalf of this resolution. I would expect that the committee will consider the text thoroughly, very thoroughly, perhaps—as the committee in its wisdom may decide—as part of its hearings on Vietnam. It may well be the committee will want to suggest modifications, additions, or subtractions. It might be desirable, for example, to consider adding a plea with regard to information on the U.S. war prisoners in North Vietnam and for the humane treatment of the wounded, the captives, and the helpless on all sides.

Let me emphasize finally that I would expect the committee to take ample time to consider this resolution in all of its aspects. It is not submitted for purposes of window dressing or propaganda and, since it is sponsored by the joint leadership, it is not submitted with partisan intent. The day is very late for anything other than the most sober consideration of this question. There is no margin for the misunderstandings of another Tonkin Gulf resolution in terms of the Senate's responsibility and in terms of the urgent need of the Nation for an end to this war.

It would be my fervent hope that whatever action is taken by the committee and the Senate, it will be an action which will not serve to prolong this conflict. If the Senate acts at all, let it try to act with the President not to enlarge this tragic war but to shorten the path to peace.

I ask unanimous consent that the text of the resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolved, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I wish to congratulate the distinguished majority leader and to join him in his declaration of a desire to appear and testify before the Committee on Foreign Relations. I would express the hope that action could be taken on this resolution or on its content, as the committee may wish to consider it, and any possible revision, as soon as possible.

I am aware of the importance of considering at that time the plight of prisoners of war. I joined in another resolution touching on the unfortunate treatment of prisoners of war and the lack of information regarding them or the treatment of them.

I would hope, therefore, that the Committee on Foreign Relations would give this resolution at least as high priority as any other matters pending before it so that the voice of the Senate may be heard in its expression of its desire for the earlier possible conclusion of the war, as well as the total concern of all Members of Congress in the plight of the prisoners of war.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The VICE PRESIDENT. The Senator is recognized for 10 minutes.

Mr. McCLELLAN. Mr. President, I am a cosponsor of the resolution that was submitted this morning by our distinguished majority and minority leaders.

I especially emphasize my support for that portion of the resolution which I now quote:

> *Resolved,* That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections * * *.

Mr. President, that language I strongly support. I only wish it could be strengthened and made more positive that the Senate is completely behind the President in the efforts he has made and is making to bring an honorable termination of the Vietnam conflict and to restore peace in Southeast Asia.

As to the remaining part of the resolution with respect to a cease-fire, I want to make certain that no word or action of mine and no vote of mine can ever be construed that the Senate is or that I am voting for a unilateral cease-fire. As long as we are there our men must be protected and defended and I hope no one ever places such an interpretation on the language that is in this resolution.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. I quote from a statement made by the President of the United States on September 16 of this year in which he said:

> We have offered a negotiated supervised cease-fire under international supervision to facilitate the process of mutual withdrawal.

Mr. McCLELLAN. I think I understand what the language in the resolution means, but there have been suggestions of unilateral cease-fire. I wanted the Record to clearly show that by my support of this resolution I do not subscribe to any such recommendation or policy.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SCOTT. This is as good a time as any to repeat that I have suggested on one occasion a unilaterally initiated cease-fire, not a unilateral cease-fire. I was most careful to state that. I did not receive approval in other quarters; this is not a new experience with me in 27 years.

I suggested a unilaterally initiated cease-fire, by which I meant if the other side responded, we would have a cease-fire; if they shoot at us, we would not.

Nevertheless, it does not figure in this resolution. This resolution relates back to the President's statement of mutual cease-fire.

Mr. McCLELLAN. I am glad to have that explanation by the author of the resolution. Insofar as we endeavor to bring the shooting to an end and stop the war honorably, and at the same time protect our troops who are there on the firing line, I am willing to do it. That approach—that objective—has my full and enthusiastic support. But I am still hopeful that in processing the resolution we can find ways to strengthen it. I want the Record to reflect that I am wholeheartedly supporting the President in the efforts he is making. If we do not give him the support that he deserves as Commander in Chief and President of the United States in this critical hour, when he is trying to find ways to settle this conflict and bring about peace, we will surely make his task that much more difficult and maybe impossible.

I do not intend to make any contribution by any act of word of mine that will make his task—which is becoming an almost impossible one, in view of the attitude of the enemy—any more difficult for him than it already is. I support him wholeheartedly and want to give him every assistance that I can, and I want the Record to so reflect.

THE SOURCE SELECTION PROCEDURE FOR THE F-15 AIRCRAFT

Mr. McCLELLAN. Mr. President, 7 years ago this month, in November of 1962, the Source Selection Board for the TFX aircraft concluded its deliberations and recommended that the new plane be developed by the Boeing Co., which had proposed, during four separate rounds of competitive design evaluation, to build an airplane with better operational capability than the competing aircraft proposed by the General Dynamics Corp. The Boeing design also offered a lower cost to the taxpayers. The Source Selection Board was best qualified to judge which design would be most capable of meeting the military and technical requirements to make the TFX an adequate weapons system for both the Air Force and the Navy. The Board's recommendation was four times reviewed and endorsed by the highest-ranking military officers of both services.

We all know what happened next. The recommendations of the Board were rejected by Secretary of Defense McNamara. Although he and his civilian aides were not experts in military weaponry, they arbitrarily overruled the judgment and recommendations of all the top military officers and civilian technical advisers who had four times recommended the Boeing design. Secretary McNamara directed that the TFX contract be awarded to General Dynamics, whose cost proposals were higher and whose design had been ranked second by the experts.

That decision has resulted in 7 years of largely wasted effort and failure. Last year, the Congress refused to appropriate further funds for the F-111B, the Navy version of this plane, and thus forced the Department of Defense to cancel the Navy plane production. We have seen numerous other cutbacks and cancellations in the program during the troubled years of its existence. We should remember that the F-111 weapons system was to have been the backbone of our tactical air power during the late 1960's and throughout the 1970's.

Today we have an F-111 program for the Air Force, but it will now furnish only a third of the total number of planes that were originally scheduled, and at a unit cost which is now more than three times that of the original proposal. Furthermore, the F-111 weapons system falls short of meeting most of the critical performance requirements specified in the original contract, and the program is nearly 3 years behind schedule in reaching a full operational status.

Mr. President, why did Secretary McNamara overrule the experts in the first place? We have never been able to learn why. It has been said that one factor may have been the Defense Department's desire to place the TFX contract with an aircraft manufacturer whose plant was mainly idle and who faced extreme financial difficulty. Whatever the reason may have been, it has resulted in a multibillion dollar blunder. Therefore Congress should exert every effort—take every precaution—to prevent the repetition of further procurement mistakes of this type of magnitude.

I am making this statement today because the Air Force is now in the final process of selecting a winning design in its competition among three contractors for the F-15 fighter aircraft. The manufacturers involved are the Fairchild Hiller Corp., the North American Rockwell Corp., and the McDonnell-Douglas Corp. I have no partiality for any one of these firms, and I am not presuming to suggest which of them is the most competent manufacturer, nor which company has submitted the best bid.

However, I am convinced that every precaution should be taken not to duplicate the tragic mistakes that have hounded the TFX program from its inception and which have resulted in the complete loss of one weapon—the Navy plane—and has tripled the cost and reduced by two-thirds the number of Air Force planes that we expected to procure. Of those we are now getting, we know that one-quarter of them likely never will be used as weapons. They are suitable only for training planes.

The proposed aircraft, the F–15, will be a light, fast, highly maneuverable fighter plane with the primary mission of achieving maximum air-to-air capability. I understand that it is designed and intended to replace the F–4 Phantom, and it is represented to be much more maneuverable and to have greater acceleration and range than any current fighter aircraft in the Air Force. It will be a single-seat plane with two engines to be manufactured under new technology specifications. It will have all-weather capabilities and fixed wings. Technical expectations are that it will have sufficient speed, maneuverability and armament to surpass the best performances of fighter aircraft now being manufactured elsewhere in the world, including the Soviet Union. It is claimed that this new aircraft, to be operational in the mid-1970's, will furnish the air superiority in combat missions that the F–111 originally was supposed to provide, because we will be about 7 or 8 years behind, where we would have been had the TFX program been successful.

Mr. President, we all hope that this F–15 program about to be launched into development will be a complete success. The three finalists in the award competition are experienced in the development and production of fighter aircraft and we should have every reason to expect that a superior aircraft will be produced. However, the question of air power is so crucial that this Nation cannot afford to have another fiasco in this vital area of military weaponry comparable to that experienced in the TFX procurement. We must not select any more "second best" candidates for air superiority. The F–111 program showed us what can happen when extraneous factors are substituted for military excellence as guides to the placement of aircraft development contracts.

I trust that we have learned a valuable lesson from the TFX procurement, and that the serious mistakes that have cost us so much in effort, time, money, and loss of weaponry in that program will not be repeated in this procurement.

I have faith in the competence, experience and technical knowledge of the aviation experts who are now judging the three competing designs in order to evaluate them. They should recommend the proposal which will best enable our Air Force to hold air superiority in combat skies. I also have faith in the established procedures of the Source Selection Board, which examines the evaluations, and I am confident that the Board's recommendation will be formulated solely and completely upon the merit of the proposals submitted to the Air Force. When these procedures are completed, the Department of Defense must act to award the contract.

Mr. President, I have great confidence in Secretary of Defense Laird. I know that it is his intention to give us the very best procurement program possible, but it is imperative that the civilian officials of the Pentagon select the aircraft among the three which is best suited to do the combat job required, and that no considerations of any kind other than merit and capability of performance be used to determine the award winner.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. ANDERSON), I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Nov. 6, 1969, pp. 33313–33315, CONGRESSIONAL RECORD.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ANDERSON. Mr. President, the House conferees receded from their disagreement to the funding levels contained in the Senate-passed bill and, therefore, the program items and totals are exactly as originally authorized by the Senate-passed bill.

The Senate conferees agreed with the position of the House that the earth resources technology satellite project, under the space applications program, should be aggressively pursued in the future and that continued emphasis should be placed on aeronautical research.

The only changes made to the Senate-passed bill involve three legislative amendments originally approved by the House. The Senate agreed to accept an amendment which canceled authorizations to NASA enacted in fiscal years 1967, 1968, and 1969 for which appropriations had not been made. The Senate conferees also accepted an amendment of the House which specified that the flag of the United States and no other flag shall be implanted or otherwise placed on the surface of the moon or of any planet by members of the crew of any spacecraft making a lunar or planetary landing under any program the funds of which are provided entirely by the Government of the United States.

The Senate conferees agreed to a third amendment of the House which would prohibit institutions of higher education from making payments funded by programs authorized by NASA to certain individuals who contribute to campus disruptions. In agreeing to this amendment the conferees modified the original language contained in the House bill so that the language conformed to the language adopted by the conferees to the conference report for the National Science Foundations Act Amendments of 1969 and to the language contained in the eligibility-for-student-assistance clause of the Higher Education Amendments of 1968.

I yield to the distinguished Senator from Maine (Mrs. SMITH).

Mrs. SMITH of Maine. Mr. President, I take this opportunity to again commend the able chairman, Senator ANDERSON, for his dedication to the space program and to the members of the staff, especially Mr. Gehrig and Mr. Parker, for their assistance and impartial help on the bill and the conference which followed. The conferees from both the House and the Senate were cooperative and considerate of individual conferee opinions on the bill.

Mr. President, as ranking minority member of the Space Committee, I would like to reiterate one rather important point on the conference meeting, and that is, your conferees were completely successful in holding to the funding amounts initially passed by the Senate.

It is my view that the amounts authorized can provide for reasonable progress in all significant aeronautical and space programs. I am, therefore, hopeful that when the corresponding appropriations bill reaches the floor of the Senate, it, too, will be passed in an amount sufficient to fund the authorizations contained in this bill.

Mr. HOLLAND. Mr. President, as a conferee on H.R. 11271, I want to congratulate our distinguished chairman and the ranking minority member, the senior Senator from Maine, for their admirable work in the conference. The quality of their leadership is clearly indicated by the results of the conference which in most instances upheld the Senate's position. I also compliment the chairman and members of the House committee who participated so capably in the conference. I believe the conference resulted in a bill that will provide a balanced NASA program, a program already endorsed by the Senate bill.

There is, however, one program on which I would like to say a few words. The House-passed bill provided an additional $3 million for the chemical propulsion program to be used only for the 260-inch large solid motor project. The Senate deleted this amount because no role has been assigned these large solid rocket motors for the near future and because the necessary funds to accomplish the few additional tasks remaining to establish the large rocket motor technology are included in the budget request under supporting research and technology.

While no role has been assigned as yet to the 260-inch large solid rocket motor, I think the record should show that NASA continues to regard the large solid as an alternative for future space programs.

On October 31, 1969, the chairman of the Senate Committee on Aeronautical and Space Sciences wrote to Dr. Paine requesting his views on the role of the 260-inch solid rocket motor. Dr. Paine replied in a letter to the chairman dated November 3.

Mr. President, with the consent of Senator ANDERSON, I ask unanimous consent that the two letters be included in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HOLLAND. Mr. President, in his letter, Dr. Paine makes it clear that NASA continues to regard the large solid rocket motor as one of the attractive, technically feasible alternatives for future space programs and reiterates the fact that the fiscal year 1970 budget does provide for continuing work in research and technology related to this project. Moreover, Dr. Paine points out that while the possibilities of a fully reusable space shuttle vehicle point in a direction of favoring reusable liquid propulsion systems, he does not at this time believe NASA can or should rule out entirely the possibilities of a space shuttle using the 260-inch solid rocket motor in the booster stage.

I should add that I had a personal telephone discussion with Dr. Paine prior to our Senate-House conference and prior to my knowledge of the letter which Senator ANDERSON had written to Dr. Paine. In the course of that discussion Dr. Paine made it very clear to me that he expected to continue the research and technology work on the large 260-inch solid fuel rocket out of the authorization provided for in this year's budget and which are now contained in the conference bill.

I send forward the two letters I have asked to be printed in the RECORD.

EXHIBIT 1

OCTOBER 31, 1969.

Hon. THOMAS O. PAINE,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

DEAR TOM: During fiscal year 1967, NASA completed the test firing of its third half-length 260-inch large solid rocket motor. Following this, some efforts have been devoted to completing the technology for this booster. In the FY 1970 budget presentation, no provision in either the original or the revised submission was made for any further demonstration firings of 260-inch large solid motor cases.

In view of the space shuttle studies and other activities currently underway and in view of the President's Space Task Group recommendations emphasizing commonality, reusability, and economy in space transportation systems. I would like your current views as to just where you would envision a booster with the projected capability of the 260-inch large solid rocket motor would fit into the nation's requirements for large space boosters. I believe also it is very important that the Committee have an expression of your views on this inasmuch as both the House and the Senate have already approved NASA's recommendations for continued production, and therefore availability, of the Saturn V system for supporting our very heavy space booster requirements.

I would appreciate your thoughts on the projected role of the 260-inch large solid rocket motor at your very earliest convenience.

Sincerely yours.

CLINTON P. ANDERSON,
Chairman.

EXHIBIT 2

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., November 3, 1969.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Aeronautical and Space Sciences, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of October 31 asking for my current thoughts on the projected role of the 260-inch solid rocket motor.

We continue to regard the large solid rocket motor as one of the attractive technically feasible alternatives for future space systems. For this reason, as you know, we have provided in our FY 1970 budget for continuing work in research and technology related to the 260-inch solid rocket motor. This work relates, for example, to thrust vector control and propellant casting and processing. We do not plan to proceed with further construction and firing of full scale rocket motors until such time as a decision is made to proceed with actual development.

Our studies to date of the possibilities of a fully reusable space shuttle point in the direction of favoring reusable liquid propulsion systems. However, I do not at this time believe we can or should rule out entirely the possibility of a space shuttle using a 260-inch solid rocket motor in a booster stage. Depending on a number of factors, it could turn out that we would decide to use the large solid rocket booster as an alternative to the fully reusable liquid propulsion system.

With respect to Saturn V, the requirements we have presented to the Committee are not affected by the possibility of a decision to develop the 260-inch solid rocket motor. If we should decide to develop the 260-inch solid for the space shuttle, we would, of course, consider utilizing it for any payloads for which it is suitable, including those which otherwise would require the Saturn V or a derivative vehicle consisting, for example, of the first and second stages of the Saturn V. However, we would not develop the 260-inch rocket motor solely for the purposes of providing a substitute for the Saturn V or its derivatives.

If I can provide any additional information, please let me know.

Sincerely yours,

T. O. PAINE,
Administrator.

Mr. YOUNG of Ohio. Mr. President, as a member of the Senate Committee on Aeronautical and Space Science, I wish to concur in everything that has been stated here in regard to the conference report. I feel that the distinguished senior Senator from New Mexico (Mr. ANDERSON), chairman of the Space Committee of the Senate, is to be congratulated upon his fine leadership in the consideration of the conference report.

I ask that the Senate now vote on it.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESIDENT NASSER'S SPEECH

Mr. BYRD of Virginia. Mr. President, President Nasser's speech last night is highly disturbing.

The President of the United Arab Republic, speaking to the Egyptian General Assembly, called for a path of "fire and blood" in the Middle East.

The Arab's friend, he said, is the Soviet Union. He listed the United States as an enemy.

While President Nasser is known for bombast and inflammatory talk, his address last night, coupled with his actions, seems to me to be a cause for some alarm.

I have long felt that the Middle East is potentially the most explosive area in the world. I formed this view first as a newspaper editor, obligated to take a keen interest in international problems. My view has been reinforced since becoming a member of the U.S. Senate.

Eighteen months ago, on an official Senate visit to the Middle East, I had a long and frank talk with Egyptian Foreign Minister Mahmoud Riad. He indicated some reasonableness—which, incidentally, subsequent events have not borne out.

I expressed the view to the Egyptian Foreign Minister that, to an outsider, there appear to be two fundamental steps which must be taken before permanent peace can be achieved.

One, the Arab nations must recognize that Israel is here to stay and cannot be eliminated as the Arabs sought to do in June of 1967.

And second, the leaders of the United Arab Republic must engage in direct negotiations with the leaders of Israel.

While the four major powers, namely the United States, the Soviet Union, Great Britain, and France, might be able to collectively be helpful in arriving at a solution, the solution to be permanent and realistic peace must result from direct negotiations between the interested parties; namely, the Israelis and their neighbors.

In my judgment, the Soviet Union was the motivating force behind Nasser's provocative actions against Israel in 1967. Last night's speech by President Nasser indicates to me that he and the Soviet Union are adding flames under a pot which is already boiling.

WE MUST CUT OUR ARMED FORCES IN EUROPE AND BRING 200,000 MEN AND THEIR DEPENDENTS HOME

Mr. YOUNG of Ohio. Mr. President, the number of men in our Armed Forces now totals more than 3½ million—larger than the regular armed forces of either the Soviet Union or China.

One of every 11 American young men between the ages of 18 and 45 is in uniform full time as a member of our Armed Forces. Another 1,200,000 civilians are employed by the Defense Department. Of this total number, 170,187 American civilians, men and women, work for our Armed Forces overseas as civilian employees. In addition, millions of Americans work in industries sustained, almost entirely, by Defense Department contracts. It is fair to state that one in every seven wage earners in this country is dependent on the Pentagon for his or her paycheck. This includes much of the Nation's most outstanding managerial and technological talent.

Mr. President, in view of these facts, it sometimes seems futile to try to diminish and somewhat limit the power and influence of the military-industrial complex. Almost 9 years have elapsed since President Dwight Eisenhower warned of the growing menace of the power of the military-industrial complex in his farewell statement to the American people in January 1961.

The power of the military-industrial complex has continued to grow and expand. Our military and naval establishment seems to be expanding constantly. It is much larger and more costly than it was when General Eisenhower left the White House.

We now have 343 major military bases in 24 countries and seven U.S. possessions. In addition, we have 2,687 minor military installations spread throughout the world. More than 1,200,000 American servicemen are stationed in foreign countries.

The United States does not have a mandate from the Almighty to police the entire world. It is high time that the administration and the Congress review our treaty commitments and obligations. The President in his recent speech announced that in the future the United States will assist nations willing and able to defend themselves with their own forces. We should be determined never again to go through the tragedy and national insanity of another involvement in a civil war in some other Asiatic country—Laos, for example. President Johnson's intervention in a civil war in South Vietnam with American combat troops was the worst mistake any American President ever made. In view of these facts, it is clear that there is no need to continue to support the present level of our Armed Forces. It is time that the administration take drastic steps and cut the number of Americans in uniform by at least a million.

There are now more than half a million Americans of our Armed Forces stationed in South Vietnam and Thailand. Forty percent of our tremendous air power and 35 percent of our naval forces are committed to combat duty in Vietnam, Thailand, and off the coast of Vietnam.

The President has stated that he has a secret plan to end our fighting in Vietnam. His plan is still his secret. However, let us hope he will end our involvement in a land war in Southeast Asia and bring the boys home within the next 6 months.

The one place where we can and should make immediate reductions of our Armed Forces is to return forthwith most of the more than 310,000 men of our Army, Navy, Air Force, and Marines now stationed in Western Europe with their 240,000 dependents. They have been maintained there over the years, since the end of World War II, at great expense to American taxpayers.

A quarter of a century has elapsed since World War II. Our massive military presence in Western Europe has become merely foreign aid, in the sum of many billions of dollars, to the West German Republic, Holland, Belgium, Spain, and other European countries.

The United States is the only NATO member that has met its commitment 100 percent. The only other NATO nation that has come up to even 80 percent of its commitment has been West Germany.

We have 220,000 servicemen stationed in West Germany, with 160,000 dependents. Based on its gross national product, the West German Republic is the third-wealthiest country in the entire world. The West German mark is one of the world's strongest currencies. In Swiss banks the mark of the West German Republic is considered more sound than the U.S. dollar. The recent revaluation of the German mark, increasing its value, will automatically cost American taxpayers at least an additional $100 million a year for the maintenance of our forces stationed there. Also, Americans buying Volkswagens and other German-built automobiles will as a result pay a higher price for each automobile purchased, thereby increasing the outflow of money from our country. Surely, it is outrageous and unthinkable that nearly a quarter of a century following the end of World War II, the United States continues to maintain more than 220,000 officers and men of our Armed Forces in West Germany.

While we Americans conscript our young men for 2 years and send many of them to West Germany, the West German Government conscripts their young men for only 18 months. Furthermore, our other allies in Western Europe either have no draft laws whatever or conscript their youngsters for a much shorter period of time than we. Denmark conscripts for 12 to 14 months, France and Norway for 12 to 15 months, Italy for 15 months, Spain for 16 to 24 months, Belgium for but 12 months, and Great Britain not at all.

The nations of Western Europe can certainly provide the necessary troops to defend themselves. There is no reason for them to depend on us. Since the death of Stalin, the Soviet Union is no longer an aggressive threat to our NATO allies. The leaders of the Kremlin during the past 10 years have been intent on increasing the standard of living of their own people. The Soviet Union, now a "have" nation, is veering toward capitalism. Let the West German youth be conscripted and drafted into their own armed forces. Why should the lives and aspirations of our teenage young men be disrupted to form the first line of defense for the Germans and French and their European neighbor countries?

It is generally regarded we do have a national interest in defending Western Europe. It does not follow that to serve this interest we must maintain more than 310,000 troops and more than 240,000 dependents in Europe. The time is long past due for us to withdraw at least 200,000 of these men, and all dependents, from Western Europe.

The U.S. Air Force has a proven capability of flying to Europe an entire division, a fully armed and equipped combat division, and field them ready for combat within less than 36 hours.

Furthermore, whatever men of our Armed Forces are sent to Western Europe for a tour of duty in the future should be sent for a period of not more than 13 months, and with no dependents. If there is a need for our troops in Europe, then we should have a lean, trim, combat-ready force stationed there, not hundreds of thousands of men of our Armed Forces living like "squawmen" with their wives and children. At the present time, all of our officers from captain through field grade up to general grade assigned to Western Europe are living high on the hog with their families and servants, and enjoying trips to European resorts in their Mercedes and other European automobiles, which some sell at handsome profits when returning to the United States. They and their families never had it so good.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, the threat of military aggression by the Communists against Western Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles and have not for years. Russian leaders are principally dedicated to the objective of raising the standard of living of their people, and building apartments.

It is the nuclear umbrella of the United States that provides the real protection for Europe and West Germany, not large numbers of ground troops. In addition, by our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the continental United States in a matter of hours.

It is stupid policy on the part of the Secretary of Defense and the generals of our Joint Chiefs of Staff to maintain in West Germany seven of our best combat divisions, made up in large part of career enlisted men. Undoubtedly, they are the finest and best equipped soldiers who have served any nation under the bending sky of God at any time in the entire history of the world.

It is certain—almost axiomatic—that military and naval leaders will resist inch by inch and dollar by dollar every effort to reduce our Armed Forces and the drain on the national pocketbook. However, time is long past due for a great reordering of national priorities. We must reexamine the policy which has led us to scatter more than 3,000 major and minor military installations throughout the world. Every last one of them that is not absolutely necessary to our national interest should be shut down immediately. The place to begin is Western Europe.

Such action would enable us to begin to solve the many crises confronting us here at home. In addition, it would produce a significant easing of world tensions and go far toward helping to promote peace and toward promoting the hope that all of us entertain—to live in a period of international contentment.

ENROLLED BILL SIGNED

The Vice President announced that on today, November 7, 1969, he signed the enrolled bill (H.R. 10595) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program, which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication, which was referred as indicated:

Air Transportation Needs of the 1970's

A communication from the President of the United States, requesting the approval by the Congress of 1,000 additional air traffic controller positions in the current fiscal year; to the Committee on Commerce.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution adopted by the American Academy of General Practice, Kansas City, Mo., praying for the enactment of legislation to standardize alcoholism tests; to the Committee on Commerce.

The petition of David R. Tweedy, of Seattle, Wash., praying for the enactment of tax reform legislation; to the Committee on Finance.

A resolution adopted by the Common Council of the city of West Lafayette, Ind., praying for national support in the celebration of Veterans' Day, November 11, 1969; to the Committee on Foreign Relations.

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRAVEL:

S. 3127. A bill to provide for the exchange of governmental officials between the United States and the Union of Soviet Socialist Republics; to the Committee on Foreign Relations.

(The remarks of Mr. Gravel when he introduced the bill appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 280—SUBMISSION OF A RESOLUTION AFFIRMING THE SUPPORT OF THE SENATE FOR THE PRESIDENT'S EFFORTS TO NEGOTIATE A JUST PEACE IN VIETNAM

Mr. SCOTT (for himself, Mr. Mansfield, and other Senators) submitted a resolution (S. Res. 280) affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Scott when he submitted the resolution appear earlier in the Record under the appropriate heading.)

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 270

Mr. HART. Mr. President, I submit for myself and the Senator from Maine (Mr. Muskie), the Senator from Minnesota (Mr. Mondale), the Senator from Connecticut (Mr. Ribicoff), the Senator from New Jersey (Mr. Case), the Senator from Massachusetts (Mr. Brooke), the Senators from New York (Mr. Javits and Mr. Goodell), and the Senator from New Jersey (Mr. Williams), an amendment to H.R. 12307, the independent offices appropriation bill, to appropriate the full authorization for urban renewal activities. I ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. HART. Mr. President, my remarks today will be brief, for I have spoken previously on the subject and will do so again in more detail when the amendment is called up.

In reporting H.R. 12307, the Senate Appropriations Committee recommended appropriating $250 million in new urban renewal funds to go with $750 million approved in advance last year.

While the committee action meets the budget request of $1 billion and does increase by $150 million the amount approved by the House, the total is short of the full authorization and far short of the demand.

The Department of Housing and Urban Development informs me that it now has on hand urban renewal applications, including requests for funds under the new and popular neighborhood development program, totaling $2.6 billion.

In justifying its request for an increase in the House-approved appropriation, the Department, at a July 8 hearing before the Senate Independent Offices Appropriations Subcommittee, outlined the demand in this way:

> The pipeline of applications on hand is approximately $2 billion. This demand comes from new communities that are seeking to enter the program for the first time and from communities that are seeking new projects needed to supplement and expand their existing programs. The Department expects to receive applications in 1970 that will add approximately $2 billion. The $1 billion appropriation would be applied against a demand of approximately $4 billion.

Mr. President, Congress can appropriate as much as $1,587,500,000 for urban renewal, or $837,500,000 in new money, still far short of the need.

Congress should appropriate the full authorization to honor the commitment it made in establishing urban renewal programs to help rebuild cities.

The Senate should appropriate the full amount to honor that pledge and to strengthen the hand of our conferees when they meet with House Members to settle differences between the House and Senate versions.

Let me conclude by stating the need in terms other than money.

HUD has applications from about 400 cities for regular urban renewal funds, and from more than 300 cities for NDP funds. It is my understanding that existing commitments will take up $725 million of the urban renewal appropriation. Unless Congress makes the full authorization available, most of the cities making new applications, including almost 300 asking NDP funds, will have to be turned down.

It should also be noted that HUD cannot make commitments under the urban renewal program totaling more than the amount appropriated for the fiscal year. That means while the appropriation might not be spent entirely this fiscal year, the amount of money Congress makes available determines the number of projects which can be approved and started.

Mr. President, I ask unanimous consent that a list of the cities which, as of August 31, had submitted or were about to submit NDP applications be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

NDP Applications Submitted or About To Be Submitted to HUD

REGION I

Bridgeport, Conn., Danbury, Conn., Danielson, Conn., New Britain, Conn., New Haven, Conn., Portland, Me., Presque Isle, Me., Boston, Mass., Haverhill, Mass., Lawrence, Mass., New Bedford, Mass.

Springfield, Mass., Woburn, Mass., Albany, N.Y., Beacon, N.Y., Binghamton, N.Y., Corning N.Y., Elmira, N.Y., Fairport, N.Y., Fulton, N.Y., Glens Falls, N.Y., Lockport, N.Y.

Olean, N.Y., Palmyra, N.Y., Plattsburg, N.Y., Schenectady, N.Y., Syracuse, N.Y., Troy, N.Y., Utica, N.Y., Yonkers, N.Y., Newport, R.I., Pawtucket, R.I., Providence, R.I.

REGION II

Wilmington, Del., Baltimore, Md., Elkton, Md., Montgomery County, Md., Bridgeton, N.J., Burlington, N.J., Camden, N.J., Cape May, N.J., East Orange, N.J., Englewood, N.J., Flemington, N.J.

Hoboken, N.J., Jersey City, N.J., Lakewood Township, N.J., Long Branch, N.J., Millville, N.J., Morristown, N.J., Newark, N.J., Newton, N.J., Paterson, N.J., Perth Amboy, N.J., Plainfield, N.J.

Salem, N.J., South Plainfield, N.J., South River, N.J., Wayne Township, N.J., Wildwood, N.J., Woodbridge, N.J., Aliquippa, Pa., Ambridge, Pa., Beaver Falls, Pa.

Bethlehem, Pa., Bradford, Pa., Bridgewater, Pa., Butler, Pa., Eddystone, Pa., Erie, Pa., Franklin, Pa., Harrisburg, Pa., Johnstown, Pa., Lancaster, Pa., Latrobe, Pa.

Lebanon, Pa., Masontown, Pa., McKeesport, Pa., Middletown, Pa., New Kensington, Pa., Pittsburgh, Pa., Pittston, Pa., Pottsville, Pa., Punxsutawney, Pa., Reading, Pa., Scranton, Pa.

Tarentum, Pa., Titusville, Pa., Wilkes-Barre, Pa., Charlottesville, Va., Hampton, Va., Petersburg, Va., Portsmouth, Va., Richmond, Va., Huntington, W. Va., Wheeling, W. Va.

REGION III

Alexander City, Ala., Hartselle, Ala., Troy, Ala., Daytona Beach, Fla., Fort Walton Beach, Fla., Tampa, Fla., Alma, Ga., Chatham County, Ga., Columbus, Ga., Macon, Ga.

Rome, Ga., Tallapoosa, Ga., Bowling Green, Ky., Covington, Ky., Paducah, Ky., Laurel, Miss., Meridian, Miss., Chapel Hill, N.C., Charlotte, N.C., Clinton, N.C.

Greensboro, N.C., Salisbury, N.C., Winston-

Salem, N.C., Rock Hill, S.C., Bristol, Tenn., Chattanooga, Tenn., Harriman, Tenn., Huntsville, Tenn., Jackson, Tenn., Jefferson City, Tenn.

Johnson City, Tenn., Kingsport, Tenn., Lawrenceburg, Tenn., Memphis, Tenn., Morristown, Tenn., Nashville, Tenn., Newport, Tenn., South Pittsburgh, Tenn., Tullahoma, Tenn., Union City, Tenn., Winchester, Tenn.

REGION IV

Bloomington, Ill., Carbondale, Ill., DeKalb, Ill., East St. Louis, Ill., Rockford, Ill., Springfield, Ill., Anderson, Ind., Connersville, Ind., Elkhart, Ind., Evansville, Ind.

Fort Wayne, Ind., Gary, Ind., Indianapolis, Ind., Jeffersonville, Ind., Mishawaka, Ind., Richmond, Ind., Cedar Rapids, Iowa, Ottumwa, Iowa, Waterloo, Iowa, Bay City, Mich.

Detroit, Mich., Garden City, Mich., Hamtramck, Mich., Hazel Park, Mich., Lansing, Mich., Madison Heights, Mich., Muskegon, Mich., Muskegon Heights, Mich., Pontiac, Mich., Romulous Township, Mich.

Duluth, Minn., Hopkins, Minn., Minneapolis, Minn., South St. Paul, Minn., Bismarck, N.D., Minot, N.D., Ray, N.D., Akron, Ohio, Canton, Ohio, Cincinnati, Ohio, Cleveland, Ohio, Columbus, Ohio.

Dayton, Ohio, Mansfield, Ohio, Middletown, Ohio, St. Bernard, Ohio, Steubenville, Ohio, Warren, Ohio, Fort Pierre, S.D., Mitchell, S.D., Sioux Falls, S.D., Stevens Point, Wis., Wisconsin Rapids, Wis.

REGION V

Batesville, Ark., Blytheville, Ark., Crossett, Ark., Eldorado, Ark., Forrest City, Ark., Heber Springs, Ark., Hope, Ark., Hot Springs, Ark., Little Rock, Ark., Magnolia, Ark., Marianna, Ark.

Monette, Ark., Morrilton, Ark., Newport, Ark., North Little Rock, Ark., Osceola, Ark., Pine Bluff, Ark., Texarkana, Ark., West Memphis, Ark., Denver, Colo., Greely, Colo., Fort Lupton, Colo.

La Junta, Colo., Longmont, Colo., Pueblo, Colo., Trinidad, Colo., Wellington, Colo., Galena, Kan., Garden City, Kan., Kansas City, Kan., Lawrence, Kan., Lyons, Kan., Manhattan, Kan.

Merriam, Kan., Salina, Kan., St. Paul, Kan., Wichita, Kan., New Orleans, La., Lee's Summit, Mo., Mexico, Mo., Smithville, Mo., St. Louis, Mo., Springfield, Mo., Albuquerque, N. Mex.

Artesia, N. Mex., Carlsbad, N. Mex., Santa Fe, N. Mex., Tucumcari, N. Mex., Elk City, Okla., Hugo, Okla., Miami, Okla., Oklahoma City, Okla., Sand Spring, Okla., Stillwater, Okla., Tulsa, Okla.

Wilburton, Okla., Alice, Tex., Austin, Tex., Edinburg, Tex., Grand Prairie, Tex., Hearne, Tex., Lubbock, Tex., San Antonio, Tex., San Marcos, Tex., Sinton, Tex., Waco, Tex.

REGION VI

Ketchikan, Alaska, Eloy, Ariz., Scottsdale, Ariz., Bakersfield, Calif., Berkeley, Calif., Campbell, Calif., Coachella, Calif., East Palo Alto, Calif., Fontana, Calif., Hawaiian Gardens, Calif.

Inglewood, Calif., Kentfield Corners, Calif., Laverne, Calif., Lompoc, Calif., Napa, Calif., Oakland, Calif., Oxnard, Calif., Richmond, Calif., Sacramento, Calif., Salinas, Calif.

San Diego, Calif., San Pablo, Calif., San Mateo, Calif., Santa Barbara, Calif., Santa Rosa, Calif., Vallejo, Calif., Visalia, Calif., Hilo, Hawaii, Honolulu, Hawaii, Havre, Mont., Helena, Mont.

Coos Bay, Ore., Eugene, Ore., Portland, Ore., Reedsport, Ore., Salem, Ore., Ogden, Utah, Salt Lake City, Utah, Longview, Wash., Seattle, Wash., Casper, Wyo.

AMENDMENT NO. 272

Mr. **YOUNG** of Ohio **submitted amendments, intended to be proposed by him, to House bill 12307, making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, which were ordered to lie on the table and to be printed.**

AMENDMENT OF FEDERAL CREDIT UNION ACT—AMENDMENTS

AMENDMENT NO. 271

Mr. BENNETT. Mr. President, on behalf of myself and Senators Tower and Brooke, I submit an amendment to H.R. 2, the Federal Credit Union Act to establish a Federal system of insurance for savings accounts—shares—in Federal- and State-chartered credit unions.

This insurance will operate in a manner similar to the protection now provided for bank deposits by the Federal Deposit Insurance Corporation and for deposits—shares—in savings and loan associations by the Federal Savings and Loan Insurance Corporation.

Federal credit unions are now the only federally chartered savings institutions not covered by a federally sponsored insurance program. The legislation embodied in the amendment would cover immediately all federally chartered credit unions and would make insurance available on a permissive basis to State-chartered credit unions.

The overall loss experience to members' accounts in credit unions has been relatively small. Yet, the losses have weighed heavily on a few credit unions and on a relatively few members. Since credit unions deal primarily with working men and women, the small savers, it is particularly important that they enjoy the same insurance protection enjoyed by savers and depositors in commercial banks and savings and loan associations. By small savers I mean the more than 7.5 million account holders in Federal credit unions, for example, who have less than $500 in savings. This money probably represents a substantial portion of the total liquid assets of these people. Why should their money be unprotected simply because they have saved in a credit union?

Providing for the insurance of credit union member accounts up to $15,000, as provided in my amendment, would stimulate thrift among these small savers. The millions of Americans with relatively slight savings in credit unions would have their attention drawn to the importance and advantages of thrift. The existence of a share insurance plan would provide them with a great incentive to develop a systematic plan for savings growth, and would at the same time make their savings as safe as the money of others in banks and savings and loan associations.

The insurance program contained in my amendment has the potential to cover substantially all of the savings now existing in the credit union movement, estimated at $13,298,000,000 on September 30. The program would be supported by the credit unions themselves through premiums paid for the insurance, and it would be administered by the Administrator of the National Credit Union Administration provided in H.R. 2. The National Credit Union Administration, under H.R. 2, would assume the functions of the present Bureau of Federal Credit Unions, which is a part of the Department of Health, Education, and Welfare.

The need for share insurance has been made clear by a study of regular reserves in Federal credit unions published by the Bureau of Federal Credit Unions earlier this year. In the study, the Bureau noted that 1,204 Federal credit unions completed liquidation in the 5 years ending December 31, 1967. Sixteen percent, or 189, of this number liquidated at a loss to shareholders. Losses to the shareholders, although small in dollar amount, amounted to just over 20 percent of shares.

The majority of the credit unions which paid less than 100 percent at liquidation were small, according to the Bureau's study. Almost four-fifths had assets of less than $25,000. These statistics concern me. The burden of loss seems to fall on the smaller credit union and the small saver, yet it is to this group that the credit union is most useful. There are over 9,500 Federal credit unions with less than $500,000 in assets serving people who may have no other access to thrift and credit facilities. Why should these credit unions, and the working men and women who are their members, be exposed to losses simply because there is no share insurance plan for credit unions? I think it would be intolerable for Congress to let this situation continue.

In its reserve study, the Bureau found that without outside help, another 280 credit unions would have liquidated at a loss. Thus, more than one-third of all the Federal credit unions which liquidated in the 5 years preceding December 31, 1967, had at least the potential for loss. The fact that more did not liquidate at a loss is due in large measure to the efforts of State credit union leagues, which provided financial assistance to their member credit unions. Fortunately, the financial resources of the league funds appeared generally adequate to meet their members' needs during the period covered by the Bureau's study. Yet the meager resources available from the leagues to their credit unions—about .045 percent of the $11 billion in savings held by credit unions—in 1967 indicate it would be a grave mistake to rely on this means alone as a guarantee of the shares of credit union members.

Another inherent weakness in the league organizations is that financial assistance is made available to members only. The owner of a credit union share account thus may become an unwitting victim if his credit union does not belong to the league organization. Finally, not all leagues have formal assistance plans, although most do now.

The program offered in my amendment would not interfere with the commendable efforts of the league organizations to strengthen the financial reserves of their member credit unions. These private funds could serve as useful supplements to the program of share insurance I am proposing. The share insurance plan, under my amendment would make available full and immediate protection for the vast majority of credit union savers and would place credit union savers on the same level as savers in other financial institutions. This action is long overdue.

Some of the more significant features of the proposed insurance plan are:

First. Mandatory coverage would be provided for Federal credit unions and permissive coverage would be provided for State credit unions. This provision follows the pattern of the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.

Second. State credit unions that apply for the insurance would agree to comply with appropriate standards and would be subject to examination by the National Credit Union Administration. The Administrator would be authorized to use the examinations of State supervisory authorities to the extent practicable.

Third. The proposal is designed to provide a self-financing system. All fees collected for insurance would be deposited in a special National Credit Union Insurance Fund in the U.S. Treasury. The Administrator would be authorized continuing borrowing authority in order to give the system the strength necessary to absorb losses in excess of its own immediate resources. On the basis of 35 years' experience by Federal credit unions, the insurance premium contemplated—one-twelfth of 1 percent of members' savings—should be sufficient to absorb all normal losses and to build a reasonable reserve for catastrophic losses. Interest would be paid on any loans from the U.S. Treasury.

Fourth. The annual premium rate for insurance would be one-twelfth of 1 percent of the aggregate of members' accounts and creditor obligations. Authority would be given the Administrator to double the rate in any year in which losses exceeded premium income. When the fund reached a ratio of 2 percent of the amount of insured accounts and no loans from the Treasury were outstanding, the Administrator could reduce the premium rate.

Fifth. Payment of insurance would be made at the completion of liquidation rather than when a credit union closed. This feature would enable the Administrator to utilize the manpower of the liquidating credit union in closing its affairs and thus minimize the cost of administration of the insurance program. It would avoid the need for a substantial liquidating staff in the Administration.

Sixth. The amount of the insurance coverage per account would be fixed at $15,000. This would not cover all savings in members' accounts, but would protect the vast majority of total member savings, and would match the protection available to savers in other savings institutions.

Seventh. The Administrator would be authorized to make loans to, purchase the assets of, or make contributions to an insured credit union when in his judgment such action would further the interest of the members or protect the fund. This provision for remedial action might easily result in less losses to the fund and would avoid the need for forced liquidation when continued operations were warranted.

Eighth. Provision is made for termination of insurance for a State credit union when it so desires or when the Administrator finds that continued violations of law or regulations have occurred.

Ninth. The amendment would make the administration of the National Credit Union Insurance Fund subject to the Government Corporation Control Act and would make the criminal provisions of section 709 of title 18 of the United States Code—relating to false advertising and misuse of names to indicate a Federal agency—applicable to insured credit unions.

Mr. President, in my view, the amendment I am proposing represents a much needed step toward the protection of member savings in credit unions. The question of share insurance has been long debated in the credit union movement and has been discussed in government as well. In fact, the 1955 Report of the Council of Economic Advisers to the President recommended that Congress consider providing share insurance for credit unions. Again early this year, the outgoing Secretary of Health, Education, and Welfare, in his annual report, similarly recommended such a plan.

The Committee on Banking and Currency, of which I am the ranking minority member, took testimony last year on the subject of losses in Federal credit union liquidations during hearings on S. 3002, S. 3214, and S. 3395. The House Banking and Currency Committee has also taken testimony on the same subject, including hearings on H.R. 7347 in 1967 and meetings with department and agency officials earlier that year.

In fact, Mr. President, the subject is bound to come up on a continuing basis until Congress acts to relieve the present situation. Members of credit unions will become more and more pressing in their demands that their savings be accorded the same safeguards as funds placed in other financial institutions. The time for discussion has passed, the time for action is at hand.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Andrew J. F. Peeples, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years, vice John E. Maguire, Sr.

On behalf of the Committee on the Judiciary, notice is hereby given to all interested persons in this nomination to file with the committee, in writing, on or before Friday, November 14, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ENVIRONMENTAL QUALITY: POLLUTION AND NATIONAL PRIORITIES

Mr. TYDINGS. Mr. President, the Sierra Club is one of our Nation's most worthwhile conservation organizations. With energy, skill, and a willingness to do battle when necessary, the Sierra Club is trying to protect and provide for the proper development of the natural resources of the United States. Whether it be insane projects like putting a dam in the Grand Canyon or simply unwise projects like building a massive jetport and destroying a national park, the Sierra Club is willing to fight to preserve our not unlimited natural resources.

Should we ever reverse the tide of environmental deterioration, I am confident the Sierra Club will be in the vanguard of the efforts required.

On October 24, I had the pleasure of addressing the Southeast Chapter of the Sierra Club in Pikesville. I ask unanimous consent that my address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL QUALITY: POLLUTION AND NATIONAL PRIORITIES

A little over four hundred years ago the European explorers first stepped ashore and planted their flags on American soil.

In the North, French chevaliers like La Salle, Champlain and Marquette began to explore the St. Lawrence River, the Great Lakes and the upper reaches of the Mississippi.

In the South, Spanish conquistadors like De Soto and Ponce de Leon sought gold, fame, and Christian converts as they traveled through Florida and what is now the states of the Gulf coast and southwest.

In the East, English adventurers like Cabot and Raleigh were followed shortly by those hardy settlers of Plymouth, Jamestown, and St. Mary's City who themselves were followed by obstinate and courageous Dutchmen like Hudson and Stuyvesant.

While all these Europeans disagreed with each other on practically everything—particularly on who was going to own the continent—they all agreed on one simple basic fact:

That together they had discovered a continent fantastically rich in natural resources. They had happened upon a land abundant with forests, farmland, rivers, and mineral deposits. They had sailed their little boats into what would become the richest and most naturally blessed land the World has ever seen.

Robert Frost once said that "What makes a nation in the beginning is a good piece of real estate."

We have had the real estate, but a good deal has happened to it since those European adventurers began to explore America.

In 1776 in Philadelphia, a new nation was conceived while her people had already begun to move westward to the Mississippi. With boundless energy, great skill and courage, the land and its resources were molded to serve the needs of a growing country and her enterprising citizens. Mines were dug, railroads built, Indians removed, factories constructed, forests were cleared.

The result is that at the present time, 193 years after independence, the United States holds sway over the greatest industrial and commercial empire the world has ever seen. In but two years the increase in our GNP is more than twice the entire Gross National Product of the United Kingdom. The ninth largest GNP in the world belongs not to a nation, but to an American automobile company named General Motors.

Computers, plastics, instant replays and instant breakfast, space flights and skyscrapers all represent the triumph of this empire.

Yet the price of this progress, some would term it merely "development," has been high.

The cost must be recognized in our failure to realize the political and personal humanitarian values so treasured by Jefferson and Jane Addams, and in the decline of the quality of our environment.

As the late Professor Robert McCloskey of Harvard University wrote of the years following the Civil War, an emphasis on property rights, contracts, and commercial development replaced personal rights and a basic concern for the hardworking, poor individual. The philosophies of Andrew Carnegie and Justice Stephen Field reigned supreme. This emphasis remained dominant till the 1930's, and continues to be evident today, in the area of tax reform to mention just one example.

The price has also been measured by the increasing deterioration of our environmental quality. This decline is one of the major problems now confronting our nation.

As a nation and a society we have permitted the intolerable abuse of our natural resources.

But as members of the Sierra Club I need not detail to you the way in which we've damaged these priceless and not unlimited resources.

In your charter one of the stated purposes of the Sierra Club reads, "To explore, enjoy, and protect the nation's scenic resources."

I would only ask that for the present time at least you concentrate on the last.

Any nation that permits all its rivers to become polluted, its skies filled with garbage, and its soils poisoned with pesticides—as we have—needs this protection.

A central reason for the deterioration of our environment is the enshrined position technology seems to occupy in our society.

Technology is how we do something. It is a tool, a technique, a method. It is how we apply the knowledge science has given us. It is not knowledge itself. It is not science.

Nor is it always progress. Too often we confuse the two. We assume that what is technologically feasible is also desirable. This is not necessarily the case. Technology rather than serve us may destroy us.

Unfortunately, we too often tend to forget this. In America today technology appears as an irresistible force, with a momentum of its own, beyond human direction and restraint. If it's feasible, it's desirable as well.

The true nature of technology was noted by Howard W. Johnson, the President of MIT:

"Technology is at once our blessing and our bane, the well spring of our aspirations, yet the threat to our wellbeing. Technology is both social benefactor and social calamity."

Admiral Rickover reminds us of this calamity:

"Technology cannot claim the authority of science. It has proved anything but infallibly beneficial. Much harm has been done man and nature because technologies have been used with no thought for the possible consequences of their interaction with nature."

Just because we can build an SST doesn't mean we should.

Just because we can build a dam, or fill in a bay, or strip mine an entire county doesn't mean we should.

We must learn to balance technology with ecology. We must remember that our natural resources are in large part responsible for our strength and that the Earth's life support system is as fragile as Apollo Eleven's.

And we should never forget that America is judged not only for the quantity of her factories but for the quality of her society as well.

The simple fact of the matter is that our national priorities are out of order.

We spend too little time and money on the sensible development of our natural resources and on the restoration of a quality environment.

National priorities come down to the question of choice. It is my strong belief that our nation has not chosen her priorities wisely.

Since World War II we have spent slightly less than one trillion dollars on Department of Defense projects and policies.

In the last ten years direct military outlays of the U.S. totaled more than $551 billion. In the last eight years the military and its industries have been the highest employer in the nation. The $551 billion figure is twice as much as the combined federal, state, and local government expenditures for education.

In this fiscal year, while we are spending more than sixty percent of our controllable federal funds for the military-industrial complex, we are spending only about $13 billion, or about nine percent, for programs to service and improve the health of Americans.

In the past decade we have spent about $30 billion for agricultural subsidies and $35 billion for space exploration. Yet we have not been willing to spend even $4 billion in the same time for water pollution control programs.

The United States has chosen to concentrate its energy on weapons to wage war rather than conquer disease, ignorance, and poverty. Instead of houses, schools, and subways, we have built tanks, missiles, and submarines, far in excess of our legitimate national security needs.

What is particularly disturbing to me is that the present Administration appears either unwilling or unable to reorder our priorities and place our own house in order.

The Administration opposed a six hundred million dollar Fiscal Year 1970 appropriation for construction of water quality treatment facilities. This is the barest minimum that should be spent and, in fact, is really too low to make much more than a medium-sized splash in the bucket required to clean up our waters. The President requested only $214 million for this vital program.

The Administration cut thirty million dollars from the previous Administration's request for the Land and Water Conservation fund which is used to buy parklands. Instead of the $200 million authorized the President requested $124 million.

The Administration failed to properly protect the Everglades National Park from the new Miami Airport. And it was the Sierra Club rather than the Department of the Interior that alerted us to the threat and that was instrumental in limiting the Airport to training flights only.

The Administration has refused to call a halt to the tragic dumping of taconite tailings in Lake Superior.

The Administration has failed to act forcefully in the area of pesticides, permitting the contamination of our soils and the poisoning of wildlife to continue. With us tonight is Delegate Leonard Jacobson who has prefiled a bill in the Maryland House of Delegates prohibiting the use of DDT and other persistent pesticides.

It is my hope that his legislation will be more successful than mine which has been referred to the Senate Committee on Agriculture.

Finally, and perhaps most disturbing, it has been reported that the Nixon Administration had delayed for nearly a month the transmittal of a report on acid mine drainage, apparently to ease pressures for greater funding for water pollution control.

Should this be true, it is most disquieting. The public's right to know must not be shelved to protect government and its officials from public oversight and criticism. Such protection is directly contrary to our system of government. Secrecy like this cannot be tolerated.

The Chesapeake Bay is the great natural treasure of Maryland. Its blue waters make up the most fertile marine pastures in this hemisphere. Its history is an integral part of our state's past. Its recreational potential is a prime reason why Maryland is known as the land of pleasant living.

As one who lives on the Chesapeake, I can only agree with Captain John Smith's 1607 description of the Bay as "a very goodly bay."

Yet the Bay is now being damaged by pollution from industry and towns, from ships and quite possibly, from nuclear power plants. Pollutants contaminate the Bay, impair its beauty and threaten its marine productivity. The latter is particularly disturbing for the Chesapeake is a major source of crabs and oysters for the entire nation.

In order to protect the Bay we need to plan for its proper development. Yet no master plan as such now exists.

One, however, currently is being drafted by a specially appointed State Interagency Planning Commission. But we hear little about the Commission and nothing about the plan.

I therefore call upon the Sierra Club to undertake as a major project the constructive criticism of this plan and more immediately, to demand that the plan as well as the planning process itself be opened up to public scrutiny.

The Sierra Club should question the Commission's assumptions, review their objectives, analyze their data, and critique their methods.

It should see to it that the plan is comprehensive and that the public has had its chance to participate.

The project is essentially political. You have to prod legislators, push officials, write letters and generally raise hell.

But from what I read of the Sierra Club, I've come to the right people.

A master plan for the Chesapeake is absolutely essential for the maximum use of the Bay's potential.

It must provide for the growth in population and industry, yet guarantee the Bay's protection. It must ease the environmental impact of change over the next two decades.

The plan should be drawn up by ecologists, urban planners and maritime authorities. It should inventory sources of pollution and devise means to eliminate them.

Speaking on environmental quality a few years ago, John F. Kennedy said:

"Each generation must deal anew with the 'raiders,' with the scramble to use public resources for private profit, and with the tendency to prefer short-run profits to long-run necessities. The nation's battle to preserve the common estate is far from won."

The raiders are still with us today. It is the responsibility of organizations like the Sierra Club, of those of us in Congress, indeed of every citizen in every state to ensure that these raiders fail in their exploitation of our resources and that the environment we pass on to the next generation of Americans possesses the clean water, fresh air, and fertile soils that those early discoverers found so many years ago.

MORE RESTRICTIONS ON MILITARY SPENDING NEEDED

Mr. GOODELL. Mr. President, yesterday the Senate considered the conference report on the military procurement authorization bill. Due to a prior commitment in New York State, I was unable to be here for the debate. I was, however, familiar with the contents of the report and asked to be positioned as voting against it.

I have read in the RECORD the exchanges which took place on the floor of the Senate yesterday. Before commenting on the report and the action taken on it, I wish to commend the Senator from Mississippi (Mr. STENNIS) for his handling of this difficult and important bill. He has been patient, cooperative, and fair. His management of the bill, throughout months of heated debate, reflects how he has gained for himself the sincere respect of his colleagues.

I wish to express also my real satisfaction to the Senator from New Hampshire (Mr. McIntyre) for his tenacity in dealing with the chemical and biological warfare—CBW—provisions of this bill. I am grateful to him for his efforts to keep intact the Senate-passed restrictions on CBW. I want to thank him for making clear to the conferees the intent of the amendments on CBW open-air testing and delivery systems which I offered jointly with the Senator from Wisconsin (Mr. Nelson).

Mr. President, yesterday, the Senate accepted the conference report on the military procurement bill. My opposition to the report is based on feelings which compelled me to vote against passage of the bill in September.

The military procurement bill now authorizes $20.7 billion for fiscal year 1970. This is $722 million more than the Senate-passed authorization. Let us remember that this $20 billion spending amount is only a part of the Pentagon's total budget request of nearly $80 billion for fiscal year 1970. It represents funds for new defense programs, such as the controversial ABM system and the advanced manned strategic bomber—AMSA. It represents funds for ongoing military expenditures in Vietnam, Laos, and Thailand. It counts in funds for gases and germs to add to the chemical and biological warfare program—CBW.

Today, we must guard against the false impression of accomplishment. The question of what portion of our resources should be allocated to national defense—has not been solved. The question of how much overkill is too much—has not been solved. The question of whether vast arms arsenals add to or detract from security of nations and peace among nations—has not been solved.

All of these questions relate to America's future. Answers have meaning as to where America is now on the balance-of-terror ladder and what measure of security has been gained or lost by climbing the rungs of destruction capability.

Mr. President, what happened to those Senate-passed provisions which sought to limit, reduce, restrict, and control military spending and weapons programs? I would like to focus my attention on two areas of military expenditure in this bill which are of particular concern to me. One is the military assistance program in Laos and Thailand. The other, is the chemical and biological warfare program.

MILITARY AID TO LAOS AND THAILAND

Mr. President, the Senate adopted an amendment offered by the Senator from Kentucky (Mr. Cooper), which placed restrictions on the use of military assistance to Laos and Thailand for support of combat operations. These restrictions signaled our concern over deepening U.S. involvement in Laos and Thailand. The amendment, passed by a unanimous vote of 86 to 0, represented our precaution against another Vietnam by way of Laos and Thailand.

The Senate wrote the following limitation on our military assistance to Laos and Thailand:

> Sec. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:
>
> "Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited, except where protection of United States personnel is directly concerned, to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the Secretary of Defense may determine."

Now we have before us the conference-approved language which reads:

> Sec. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:
>
> (a) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

Mr. President, I join with Senator Cooper and other Senators who have expressed regret that the Senate language prohibiting funds for support of local forces in Laos and Thailand has been deleted from the bill.

Have we learned nothing from our mistakes in Vietnam? In view of increasing U.S. involvement in Laos and Thailand, restrictions on our military activity there are of growing importance.

In the course of Senate debate on this important matter, Senator Cooper clearly stated the points at issue: First, whether the President of the United States has the right to use combat troops in another country without the approval of Congress; and, second, whether the United States would, by use of its combat forces move into a new war in Laos and Thailand.

The Senator from Kentucky (Mr. Cooper) has said, and he is quite certainly right, that the most effective defense against U.S. support of local forces in Laos and Thailand is "the prohibition of appropriations."

Regrettably, Congress has failed to use its power over the purse strings to limit U.S. involvement in Laos and Thailand.

Yesterday, Senator Cooper indicated his intention to offer his amendment again. He can count on my active support.

CHEMICAL AND BIOLOGICAL WARFARE PROGRAM

Mr. President, now I should like to turn to the chemical and biological warfare program. The Senate passed an omnibus anti-CBW amendment. It was agreed to unanimously by a vote of 91 to 0. Passage of this amendment signified a breakthrough in the secrecy surrounding CBW. It represented the determination of Congress to review carefully and continuously the CBW program. It represented first steps to congressional control over Pentagon activity in gas and germ weapons.

Regarding the open-air testing of deadly gas and disease-producing germs, our concern was first and foremost the health safety of the American people. The principle underlying our restrictions on open-air testing was that the security of this Nation begins with the health and safety of our people. Pentagon requests for outdoor testing of CBW would be viewed in this context.

Recognizing the dangers which outdoor testing of deadly gas and disease-producing bacteria pose to public health safety, the Senate wrote the following restrictions on open-air testing:

> Sec. 402. (f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents, or any disease-producing biological microorganisms, or biological toxins except upon a determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open air test is necessary for the national security, and then only after a separate determination by the Surgeon General of he Public Health Service, within thirty days of the determination of the Secretary of Defense, that the test proposed will not present a hazard to the public health. The Secretary of Defense shall report his determination and that of the Surgeon General, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least thirty days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents, microorganisms, or toxins to be tested, the time and place of any test, and the reasons therefor.

Mr. President, the Senate-passed language on open-air testing of CBW would leave the option open for outdoor testing of CBW. It is my view that it should be unnecessary in the future to engage in any outdoor testing of deadly gas and germs. Nevertheless, we did leave the door open for the very unusual—and I emphasize very unusual—situation that might arise in the national security.

Senate language, however, did establish certain, definite checkpoints on outdoor testing. Congressional control is provided through several committees. The burden of proof is on the Pentagon, under guidelines provided by the President of the United States, if any further tests are to take place due to national security. The language makes it mandatory that the Surgeon General make a separate determination that the tests will not present a hazard to the public health.

Now we have before us the conference-approved language on open-air testing of CBW. We have different language here which in my opinion weakens the restrictions on outdoor testing of deadly gas and germs:

> Sec. 409. (b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological war-

> fare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented:
>
> (1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;
>
> (2) the Secretary has brought the particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety;
>
> (3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and
>
> (4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

Mr. President, the conference-approved language does not require the Surgeon General to determine that future open-air tests of CBW would not present a hazard to public health. Rather, it merely permits or empowers the Surgeon General to review hazards to public health and "to recommend" precautionary measures against such hazards.

It is my frank opinion that the revised language on outdoor testing of CBW places public safety on the "back burner" of security of our people.

When the Senate passed its language restricting outdoor CBW testing, I cautioned:

> If the moratorium [on CBW open-air testing] is to be meaningful, we simply must be guided by the principle that the security of this Nation begins with the health and safety of our people. Pentagon requests based on national security simply must be viewed in this context. If not, the moratorium on outdoor testing would be relatively meaningless. If CBW tests are requested, every effort must be made to confine them to the laboratory. This point cannot be emphasized enough. We all know the example at Dugway Proving Grounds in Utah where thousands of sheep were killed. Had the wind shifted farther a large city in the United States would have been engulfed by deadly nerve gas, VX—odorless and colorless. What a disaster that would have been. We must not engage in such tests without the highest priority given the safety of our people.

Let me say again today that when any outdoor testing of deadly gas and germs is considered, we must always get back to this idea of public safety.

Yesterday, the Senator from New Hampshire (Mr. McIntyre) emphasized this point when he said:

> It was clearly the sense of the conferees, when section 409(b) was passed and agreed to, that the Surgeon General would be in a position to make determinations; and not just recommendations that could be brushed aside; that the Secretary of Defense would be bound by determinations of the Surgeon General unless he got a Presidential determination that overriding considerations of national security required a specific instance of transportation or testing notwithstanding the danger to the public and safety.
>
> I feel that this intent of the conferees is preserved in the changed version, but I want to underscore that intent at this time.

On the matter of CBW delivery systems. Senator McIntyre made another important clarification. He said that the ceiling on procurement of chemical and biological weapons not only relates to "any delivery system specifically designated to disseminate any lethal chemical or any biological warfare agent." The procurement ceiling also applies to "any delivery system part or component specifically designed for such purpose," that is, to disseminate lethal chemical agents or any disease-producing bacteria.

Mr. President, so much for the past. Now for the present. If any one idea has dominated the Senate's long consideration of the military procurement bill, it is the idea that Pentagon spending requests simply must undergo incisive congressional review.

Congress, as a whole, let us frankly admit, has been lax in its review of military procurement practices and the significance of mounting military spending. As a result, billions of dollars have been spent on weapons of questionable defense utility. Arms arsenals have grown and too often on the fallacious reasoning of "the bigger, the better." Tax money has too often gone to prop up a sense of false security. This can stop.

My votes against the military procurement bill and the conference report register my determination that the Pentagon check and recheck every request it makes to Congress. It indicates my determination that Congress must continue to review military spending; strive to eliminate unnecessary military weapons programs; and seek to place needed restrictions on present and planned military programs. My votes reflect my resolve that this country simply cannot afford costly military programs of doubtful contribution to the defense or security of this Nation.

Voices of conscience in this country have called out for a reordering of our national priorities with emphasis on the unmet needs of our people in education, jobs, housing, and health. These voices call out for cutting out needless military spending which adds not to national security but only to the already too heavy burden of the American taxpayer.

My votes against the military procurement bill reflect these concerns. I shall continue my protest until these concerns are heard and heeded.

STANFORD RESEARCH INSTITUTE REPORT REFUTED

Mr. PROXMIRE. Mr. President, many of us who are deeply concerned with the ever escalating costs to the Nation's consumers of the oil import program have taken heart at the professional approach to oil import policies by the Cabinet Task Force on Oil Imports. The questions they have asked have shown a depth and grasp of the intricacies of the oil business seldom, if ever, seen in Washington.

Yet, now when they are close to finishing their effort, there is a growing chorus of sniping designed to discredit these competent staff members. This criticism is coming from the oil industry—the very group that asked for the Presidential study in the first place. Representative Conte, one of the most respected Members of the House, addressed himself to this issue.

I ask unanimous consent to have his words printed in the Record at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, apart from this undeserved criticism, the staff of the task force has had other burdens to bear. I refer to some of the submissions they have received from self-seeking private interests. All of us in recent months who have been looking into what the esteemed Senator from New Hampshire (Mr. McIntyre) calls "the secret government of oil" must commiserate with the staff of the task force for having to read so many pages filled with so little substance.

The Stanford Research Institute's submission to the task force on behalf of the Louisiana Land & Exploration Co. is a prime example of the fuzzy economic thinking and unsupportable assertions being mustered to defend the oil import program. Let us examine some of the arguments that SRI attempts to use to justify the program.

SRI STATEMENT

> There is almost no empirical evidence that can be relied upon in making the projections of the cost of the oil import program. (P. 1.)

REBUTTAL

The hearings being held by the Senator from Michigan (Mr. Hart) on the costs of the oil imports program and the submissions to the task force contain many estimates of the cost of the oil import program made by many competent economists based on hard, empirical data. All of them estimate the cost of the oil import program to the consumers to be between $6 to $7½ billion a year. By pretending this data does not exist, SRI sets the stage for the rest of its report which consists of a series of simplistic assumptions without a shred of statistical evidence to support them.

As a matter of fact, after making the statement that there is insufficient empirical evidence to analyze the oil import program, they go on to posit that they have the necessary experience—empirical evidence—to analyze the program and proceed to do so unencumbered by any verifiable facts.

SRI STATEMENT

An evaluation of the potential benefits and costs associated with the existing oil import control program must be made within a framework that includes consideration of the following: the price of crude, the stability in the price of foreign crude, the price of products.

REBUTTAL

Although SRI asserts that product prices must be included in any meaningful study, nowhere in the SRI study is there any discussion of any kind of product prices. There is no discussion of the decline in world product prices compared to the rise in domestic product prices which has increased the cost of the oil import program to the Nation. Surely, this is of some significance.

SRI STATEMENT

Unlimited imports would lead in time to such a tremendous concentration of Free World oil production in the Arab (plus Iranian) OPEC countries that imported crude oil prices would become far more volatile, and the average price would trend upward (p. 4).

REBUTTAL

Of course, there is already a concentration of production in the Arab—plus Iranian—OPEC countries. But if the SRI had taken the time to glance at the trends of the last decade, it would have found that there has been a tremendous diversification in crude oil production around the world. Exploration and production have been expanded or initiated in Canada, Venezuela, Nigeria, Indonesia, Angola, Cabinda, and in many other countries during this period. In addition, there have been gigantic discoveries in Alaska. This trend toward diversification in supplies would gain impetus if import controls were eliminated here at home.

At the same time, consumption in Europe, Japan, and elsewhere has risen rapidly over the last decade—so rapidly that Japan has now become the largest oil importing country in the world and Europe has outstripped the United States in its demand for oil. Yet, prices during the entire decade since the imposition of oil import controls have trended down—not up. There is absolutely no evidence to indicate that this downward trend would change if the United States eliminated oil import controls, because this trend is caused by competition among suppliers which will continue. Remember, the cost of producing a barrel of oil in the most expensive Middle Eastern country is 14 cents a barrel. This means the incremental cost of producing additional oil is so small that the best way to maximize profits would be to cut prices and sell more oil.

The SRI report chooses to ignore all these factors and trends in favor of a simple assertion that prices would rise. To state an assertion is not to prove it.

SRI STATEMENT

(With the elimination of controls) . . . the independent producer would rapidly disappear. Even integrated companies with limited foreign crude would face several economic problems and some could disappear. Also, the independent refiner would disappear. (pp. 4 & 5).

REBUTTAL

Another assertion without a shred of supporting evidence. SRI should have looked at what has happened abroad where there are no oil import controls. If they had bothered to look, they would have found that while production, marketing, and refining was in the hands of a very few giant corporations up through the early 1950's, since that time because there is a free competitive market there has been a proliferation of companies in all phases of the oil business. Some 250 companies, in fact, now compete for outlets overseas, competition is vigorous and consumer prices have fallen accordingly.

If we could return this country's oil operation to the competitive arena, I submit the same situation would prevail. Instead of existing on a subsidy, the independent refiner could buy his crude oil anywhere in the free world. He could shop for a price and get it. Similarly, the independent marketer could shop for his heating oil supplies or other products and free from the necessity of doing business with the major oil companies, the independent marketer could and would flourish.

SRI apparently does not like a free market economy where its clients are involved.

SRI STATEMENT

(In the absence of controls) the margin on distillate fuel oil distribution and marketing is fairly narrow, and since only a little lower price would have virtually no effect on sales volume, it is doubtful that distillate prices would change significantly (p. 5).

REBUTTAL

Quite frankly, I do not know where SRI got that idea. If they had bothered to read any of the literature on home heating oil, they would have realized that even the oil industry studies show that Montreal prices for home heating oil run 3½ cents a gallon or roughly $1.50 a barrel lower than prices for the same product in Boston or New York. And that oil is transported from Portland, Maine, to Montreal—a distance greater than from Portland to Boston. In light of the facts, I cannot imagine where SRI got the evidence to make the assertion that home heating oil prices would change very little if import controls were eliminated.

SRI STATEMENT

(Without controls) domestic production from existing wells would at the outset continue at current levels in the near term . . . (p. 5).

REBUTTAL

Apparently, this group of "experienced" researchers either do not know about or did not take into consideration State market proration controls. All the economists who testified before Senator HART's committee indicated that these market proration laws kept our most efficient wells at a fraction of their productive capacity while allowing our most inefficient wells to run at full capacity. Without import controls, the State market proration laws make no sense and thus production from our most efficient fields would rise substantially, not continue at present levels.

SRI STATEMENT

The effect of lowered price on the North Slope developments is extremely difficult to evaluate at this time, but it is estimated that the only economic activity would be the exploitation of the field already discovered. . . . (pp. 8 & 9).

REBUTTAL

SRI again reaches a conclusion by ignoring elementary facts. The oil industry has invested close to $1 billion to acquire leases in the North Slope area. In light of the gigantic investment of the oil companies and the promising geological structure underlying a good part of Alaska, how can SRI seriously contend that the oil industry will not exploit this oil. This is a particularly absurd statement of SRI when one considers that the oil which has been found there already can compete economically with oil from the Middle East or any other part of the globe with or without oil import controls.

SRI STATEMENT

An increased reliance on foreign supplies of oil and gas would have a material effect on the balance of payments. By 1980, these imports would amount to $13 billion a year—$10 billion higher than if import controls were maintained. (p. 20).

REBUTTAL

This is the final Alice in Wonderland example of SRI's incompetence. The $13 billion figure they mention is not even supported by their own evidence. The one time they quantify one of their assertions, it is unsupported by their own evidence.

The one table in their whole study that deals with uncontrolled imports shows a total import projection in 1980 of just under 11 million barrels a day. The one statement dealing with crude oil prices in their whole study asserts that, without controls, the refinery prices of domestic and imported crude would average about $2.25 a barrel, compared with the present $3.50. Now, if one multiplies $2.25 a barrel times 11 million barrels a day times 365 days a year, we arrive at an estimate of $9 billion a year cost—not $13 billion. And even here, I am not sure where SRI got their base estimate of 11 million barrels a day of foreign imports in 1980. Even the Interior Department, which has traditionally represented the oil industry in the councils of Government, estimated that under the most adverse conditions we would have imports of less than 10 billion barrels in 1980, although they estimated more likely we would have imports of only about 8 billion barrels in 1980.

Thus, the one time SRI chose to quantify their assumptions, they made a mistake in arithmetic—an error in their favor of some 44 percent. This mistake in simple mathematics is the setting jewel in the crown of SRI's meaningless conclusions. Quite obviously, the jingle of the cash register has lulled SRI into forgetting fundamental principles of academic honesty, scholarly research, and objectivity.

In its cover letter to the SRI report, the Louisiana Land & Exploration Co. urged the Task Force on Oil Imports to completely reject the Charles River Associates report, presumably in favor of the SRI report. The staff of the task

force should recognize the SRI report for what it is—a sellout—and dismiss it out of hand.

EXHIBIT 1

REMARKS OF THE HONORABLE SILVIO O. CONTE ON THE FLOOR OF THE HOUSE, OCTOBER 21, 1969

Mr. Speaker, recent developments concerning the President's Cabinet Task Force on Oil Import Control present both a hope and a challenge to those of us who have long been opposed to the restrictive oil quota system.

The hope I speak of is based on several Administration submissions to the Task Force recommending substantial alterations in, if not the total abolition of, the Mandatory Oil Import Program.

The challenge is that a massive effort is now underway to discredit the Task Force *staff* in the eyes of both the White House and Task Force members.

Mr. Speaker, I am sure I speak for all 53 co-sponsors of my bill to end the quota system, and many more members as well, in urging both the Task Force and the President to resist these pressures.

Already, Mr. Speaker, there have been several encouraging signals coming from Administration sources.

First, and perhaps most important, Assistant Attorney General Richard W. McLaren, Chief of the Justice Department's Antitrust Division, has recommended abolition of the quotas, saying they have no relation to "any reasonable national security goal."

Second, the Task Force staff itself has released a study predicting that Alaskan North Slope crude oil can be sold competitively with foreign oil—*even without import* restrictions.

Third, the Department of Defense has reported to the Task Force that, at a minimum, all Western Hemisphere oil sources are secure, and that the best way to assure they remain secure sources is to allow imports freely from those areas.

Finally, the Department of Interior has submitted studies to the Task Force backing up our contention that the cost of the program to consumers is considerable, and that the stockpiling of oil would be a far cheaper method of providing for emergency needs.

These and other studies, Mr. Speaker, have, according to some press accounts, led the Task Force staff to recommend substantial changes in our present inequitable and indefensible government oil policy. The staff is now circulating several of these so-called "fact papers" among Task Force members. (I include at the close of my remarks several copies of recent stories in the oil press on this subject.)

It is no surprise, then, that the major oil lobbyists are now hard at work seeking to discredit the Task Force effort.

But it *is* a supreme irony, Mr. Speaker, that the same oil barons who called for this task force study in the first place are now disappointed with the very creature they brought into being.

Only last February, the American Petroleum Institute and its Chairman, Mr. Michael L. Haider, who also happens to be Chairman of the Board of Standard Oil of New Jersey, urged the President to set up the Task Force. (I include a copy of that letter at the close of my remarks).

Despite this irrefutable documentary evidence, some major oil propagandists, in their zeal to disown their unruly child, are already claiming that it was the "politicians" who caused the creation of the Task Force. Mr. Gene Kinney attempts this in a recent article in the *Oil and Gas Journal* for October 13, 1969. (I also include this article at the close of my remarks.)

But, Mr. Speaker, the oil barons cannot escape the facts. It was the oil lobby, and *not* the "politicians" seeking to end the quotas, who pushed for the creation of the Task Force.

I think the evidence is clear, Mr. Speaker, that the main purpose of the Task Force proposal were to delay a decision about to be made on the application for a free port and refinery at Machiasport, Maine, and, in general, to stall any further action in the direction of reforming our oil policies.

Although I was convinced that the subject has been studied to death, I have cooperated with the Task Force, submitting my own proposal in which I explained the purposes of my bill and urged the Task Force to support it.

And, as I have pointed out, a number of excellent studies submitted to the Task Force have also recommended either abolition of the quotas or greatly increased imports.

It is, of course, too early to predict what the Task Force will finally recommend and what the President will decide.

Mr. Speaker, I certainly do not suggest that the concerted effort now underway to discredit the Task Force *staff* will easily sway the distinguished membership of the Task Force, or the President himself.

I believe this Administration is committed to giving this question the most objective look possible, and that it fully intends to decide these questions of oil policy on their merits.

But I am also convinced that those of us who favor serious reform must renew our efforts. We cannot permit this cynical lobbying effort to scuttle the work of the Task Force.

If the facts are made clear to the public, particularly by my colleagues from the Northeast in this and in the other body, I believe we can meet this latest challenge.

Surely all of us here know that the oil lobby can be a most powerful foe. But the truth is far more powerful.

The public has a right to know that truth. And, when they do, I am convinced that the effort of the oil industry to discredit the work of the Task Force staff will fail.

THE LATE GENERAL ROBERT E. WOOD

Mr. THURMOND. Mr. President, I was saddened to learn yesterday that Gen. Robert E. Wood, retired chairman of the board of Sears, Roebuck & Co., passed away. General Wood was 90 years old. In his long lifetime, he was extremely successful in two separate careers—one in the military and one in private life. Both careers were equally distinguished.

I was proud to count General Wood as a friend. He was a noted exponent of Americanism and private enterprise principles. It was due to General Wood's genius that Sears, Roebuck & Co. developed into one of the most significant merchandising phenomena of our day. General Wood showed how energy and initiative when applied to the opportunities which abound in this great country, can bring a man to the principle of success. The whole world paid tribute to his merchandising genius. It was General Wood who had the foresight to have Sears enter the retail store field. It was General Wood who founded the Allstate Insurance Co., a Sears subsidiary, and the world's largest stock company automobile insurer.

General Wood's career began in the U.S. Military Academy at West Point. Later he served for 10 years in Panama during the building of the Panama Canal. In my opinion, General Wood's tour in Panama led to his deep interest in Latin America and his expansion of responsible private enterprise in Cuba and Latin America. The Sears stores throughout Latin America have served as ambassadors of good will and of better life for millions of people in these regions.

After serving in Panama, General Wood was in charge of the Army Transport Service in France and England. Later he was recalled to Washington as a brigadier general and named acting quartermaster general and director of purchases and storage for the entire U.S. Army. This experience was no doubt useful when he entered his merchandising career.

General Wood married the former Mary Butler Hardwick of Augusta, Ga., a city only 17 miles from my home city of Aiken, S.C. I am sure that his wisdom in choosing a lovely southern lady as a wife was only the first of many wise decisions in his lifetime.

I extend my deepest sympathy to Mrs. Wood and their five fine children. They can be proud of the distinguished career of the head of this fine family.

Mr. President, I ask unanimous consent that the notice of General Wood's death, which was published in the Evening Star of November 6, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERAL WOOD DIES AT 90, RETIRED HEAD OF SEARS

CHICAGO.—Gen. Robert E. Wood, retired chairman of the board of Sears, Roebuck & Co., died today. He was 90 years old.

Gen. Wood, who was generally credited as the builder of the modern-day Sears, the world's largest merchandising firm, died in his Lake Forest home.

Gen. Wood, a retired Army officer, joined Sears in 1924 as a vice president and went on to become president and board chairman.

He also founded Allstate Insurance Co., a Sears subsidiary.

Gen. Wood was regarded throughout the world as a great leader in the merchandising field.

In 1924, the year he joined the firm, he proposed that Sears enter into the retail store field. He led the company from a strictly mail order house to a combined retail store and catalogue distribution system of international scope.

KANSAS CITY NATIVE

The first Sears retail store opened in 1925 when the firm's mail order sales totaled about $200 million a year. Now it has more than 800 retail outlets, and the company's over-all sales total more than $7 billion a year.

Gen. Wood became president of Sears in 1928 and chairman in 1939. He retired from active management in 1954 but continued as a director until May, 1968, when he was named the first honorary chairman of the board.

His long career was distinguished by outstanding success in both military and business fields.

Born in Kansas City, Mo., June 13, 1879, Gen. Wood was graduated from the U.S. Military Academy at West Point in 1900 and later served 10 years in Panama during the building of the Panama Canal. There he rose to chief quartermaster in charge of all purchasing and distribution of supplies.

During World War I he was in charge of the Army Transport Service in France and England. At 39, he was recalled to Washington, promoted to brigadier general and named acting quartermaster general and director of purchases and storage for the entire United States Army.

Gen. Wood returned to civilian life in 1919 and spent five years as a vice president of Montgomery Ward & Co., where he started his career, as a mass merchandiser, before joining Sears.

FOUNDED ALLSTATE IN 1931

In 1931, after he became president of Sears, Gen. Wood founded Allstate Insurance. Allstate now is the world's largest stock company automobile insurer and a leader in other insurance fields. Gen. Wood guided Sears through the difficult depression and World War II years, continuing an aggressive expansion program. Under his direction, stores were opened in Cuba and Latin America. Gen. Wood was the oldest of five children of Robert W. and Lillie Collins Wood. Both his maternal grandfather and his father served as captains in the Union Army during the Civil War. Survivors include his wife, the former Mary Butler Hardwick of Augusta, Ga., and five children, Robert W., of Palestine, Tex.; Mrs. Hugo V. Neuhaus of Houston, Tex.; and Mrs. William H. Mitchell, Mrs. Calvin Fentress and Mrs. A. Watson Armour III, all of Lake Forest.

STRATEGIC ARMS LIMITATION TALKS

Mr. SCOTT. Mr. President, on November 17, the long-awaited strategic arms limitation talks between the United States and the U.S.S.R. will begin in Helsinki, Finland. Secretary of State William P. Rogers has described SALT action as "one of the most important that we ever undertook with the Soviet Union." On October 17, the Fourth International Arms Control Symposium met in Philadelphia. At that time Lt. Gen. John J. Davis, Assistant Director, Weapons Evaluation and Control Bureau, U.S. Arms Control and Disarmament Agency, spoke on the subject "Arms Talks With Russia." His lucid and perceptive account deserves the attention of the Members of this body. It is refreshing to read such a well-considered account by a military man. I recommend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Commanders Digest, Nov. 1, 1969]

SALT AGREEMENT REACHED: ARMS TALKS WITH RUSSIA

The control of nuclear weapons is one of the most serious challenges, if not *the most* serious challenge of our time. Yet the challenge has really been faced up to only recently.

The United States, with the Baruch Plan, took the lead in trying to bring this powerful new force under international control, but not until the current decade has there been any meaningful progress.

The Limited Test Ban Treaty and the Outer Space Treaty were the initial steps, although they skirted the basic problem. Then came the Non-Proliferation Treaty (NPT) which is directly aimed at one important aspect of stemming the arms race—that is, helping to prevent the spread of nuclear weapons to countries which do not now have them. . . . As you know, the Seabeds Treaty, which is now in the throes of multilateral negotiations, would forestall another possible form of proliferation.

But to limit or reduce nuclear weapons is clearly more difficult.

The real forerunner of our current Strategic Arms Limitation Talks (SALT) efforts, however, was the U.S. offer in 1964 to the USSR to explore the possibility of a "freeze" on the number and characteristics of both offensive and defensive strategic nuclear delivery vehicles, including bombers, missiles, and ABM's.

The USSR, although it did not categorically reject the idea, showed little interest. It asserted that the proposal was a scheme for inspecting without disarming and for perpetuating U.S. strategic superiority.

President Johnson reopened the subject in January 1967 when he proposed, in a letter to Premier Kosygin, discussions on an understanding to limit the further deployment of "strategic offensive and defensive missile launchers." When he received an encouraging reply some weeks later, we provided Moscow with broad indications of the kind of agreement we had in mind.

It would, we suggested, involve a levelling off, not an outright freeze or reduction, of strategic nuclear delivery systems, offensive and defensive. We noted that reductions could be considered at a later stage. An agreement would apply to launchers, not missiles, for purposes of simplifying verification.

Agreement was about to be reached on the date and place for the talks when the Soviet Union invaded Czechoslovakia. That event disrupted the prospect of a meeting last autumn, and the change of administration in Washington necessitated further delay.

The United States stated months ago that it is ready to start the talks . . . Meanwhile, we are persisting with our study of the very complex problems associated with strategic arms limitations.

ARMS CONTROL OBJECTIVES

We believe that there are three prime objectives:

1. To maintain and, if possible, improve U.S. security;
2. To maintain deterrence, and reduce the risk of outbreak of nuclear war; and
3. To limit the upward spiral of strategic arms competition and reduce arms costs.

We have been fairly secure over the last decade in the sense that a relatively stable strategic relationship between the U.S. and USSR has prevailed—insofar as the use of nuclear weapons has been concerned. At a minimum, then, limitations on strategic armaments should maintain the existing stability—stable in the sense of making the initiation of nuclear war unattractive and in the sense of controlling the arms competition.

Many people believe that the action-reaction responses in strategic hardware development and deployment of both the U.S. and the USSR have resulted from the uncertainties involved—uncertainty due to lack of complete intelligence on both sides, and resulting uncertainties as to both capabilities and intentions. This has resulted in alternating policies of "keep ahead" and catch up.

They further believe that if the uncertainties could be eliminated, then there would be good prospects for substantial strategic arms control agreements. Both sides would, of course, have to be assured that their own strategic posture was satisfactory and that their own security and that of their allies would be adequately maintained on a continuing basis.

Needless to say, that is a large order.

ESTABLISHING GUIDELINES

Having worked out basic objectives, the next step in developing arms control options for consideration was to establish some principles or guidelines.

It is generally acknowledged that an agreement should impose limitations on both offensive and defensive missile systems. This has been a basic principle of the U.S. position since 1964, and it is one which the USSR has recently emphasized.

Another principle is that any agreement or reductions in strategic arms should be preceded by an agreement curtailing further build-ups. This, too, has been a fundamental U.S. view for some years.

A third guideline is that any proposal for limitations, to be negotiable, would have to be considered by each side to be in its net security interest and compatible with its national objectives. It was also agreed that any agreement would have to be subject to adequate verification.

A CRUCIAL ISSUE: VERIFICATION

A moment ago I alluded to one of the crucial issues, namely, the matter of verification. The basic question is whether we can rely solely on national means to verify an agreement or will have to insist on some means of on-site inspection—at least in some cases.

We all realize, of course, from the negotiating history on other arms control proposals that insistence on on-site inspection could pose a major obstacle to an agreement. The U.S. is not contemplating an arms control agreement based on faith; on the other hand, it does not insist that "adequate" verification necessarily means 100 per cent verification. The risks involved must be thoroughly understood.

To mention weapons systems is to call to mind one of the most difficult issues confronting us; that is, the critical interrelationships of various weapons systems. Here, one gets into such matters as MIRVs and ABMs.

A recent news article highlighted some of the problems by asking:

"If the Russians agree to deploy only a thin anti-ballistic-missile system, can some of their large number of surface-to-air missiles, or SAMs, be surreptitiously upgraded for attacking ballistic missiles?"

Or, again, "Once MIRVs have been successfully tested, is there any way to monitor a ban on their deployment without taking missiles apart at operational silos?"

WHAT ARE MOSCOW'S VIEWS

Another question [is] . . .: How do the Soviets view SALT?

One obvious assumption is that the USSR has enhancement of its own national security as its primary objective. The USSR has, from time to time, expressed an interest in discussions and in doing so has noted that an agreement should apply to both offensive and defensive strategic delivery vehicles, and that the first step should be a limitation and not a reduction of armaments. But little or nothing is really known of Soviet views regarding the details of a possible agreement.

The inter-action of negotiations is almost certain to affect the way we and the Soviets answer some of the questions I've cited.

This, of course, raises the question as to what constitutes success. Certainly, a solid arrangement to limit strategic weapons systems would be a great success, and that will be our objective.

Not to achieve a specific agreement in our first efforts, however, need not signal failure. The talks could be of great value if we can establish a mechanism for contact with the USSR on strategic force matters and maintain a dialogue, which hopefully would reduce uncertainty on both sides.

BOTH POLITICAL AND MILITARY

I feel sure that all of you here would agree that the road ahead for SALT negotiations will be long and difficult. We will be undertaking serious negotiations in a field that is extremely complex, full of difficulties in both political and military matters, and is so basic in nature that it involves the very essence of our national security.

We are ready, willing and able to start the talks at any time and, as I have said before, are hopeful that at minimum, they will lead to a lessening of uncertainty on both sides and, at maximum, they will lead to substantive agreements to limit or even reduce strategic weapons.

THE WORKINGS OF THE MODERN ECONOMY

Mr. PROXMIRE. Mr. President, the difficulties of managing a high-employment economy, most particularly of keeping the Federal budget both fiscally responsible and socially adequate, have become familiar subjects today. Our theoretical understanding of the workings of the modern economy has increased during the 23 years since the goal of "maximum employment, production, and purchasing power" was explicitly set forth in the Employment Act of 1946, but so has our awareness of the difficulties of putting theory into practice. We have learned how a flexible fiscal policy can be much more difficult to practice than to preach. We have become familiar with the difficult dilemma presented by the independent pricing power of big business and organized labor. And we have recently begun to face up to the seemingly intractable problem of allocating our budget resources in line with rational priorities.

One of the most knowledgeable and perceptive observers of our progress and our setbacks since 1946 is Edwin G. Nourse, the distinguished first chairman of the Council of Economic Advisers.

In a scholarly but highly readable article, Dr. Nourse has recently summarized what he believes to be the basic tenets which have guided economic policy during the 1960's. He concludes that the practitioners of this version of the "New Economics," in their emphasis on the need to cut taxes and thus avoid a "fiscal drag," gave too little attenion to the difficulties of controlling Federal expenditure and of allocating our budget resources wisely. Now, it has become imperative that we shift more of our attention to the problem of Federal expenditures.

I should like to read Dr. Nourse's concluding remarks:

> Leaders and people will have to be reeducated to the duties of citizenship, the enormous social needs of the impending years, the difficulties of curbing the arms race, the space race, and the power of the industrial-military complex. They will need to be rededicated to the basic democratic principle that the burdens of military defense and civil advancement must be shared by all.
>
> These two dilemmas of Employment Act fulfillment are not mere mechanical maladjustments, easily corrected with tools readily at hand. They run to the very fundament of human nature and the democratic way of life. They will not resolve themselves, nor will they go away just because we elaborately ignore them. They need to be faced—now—courageously—and as objectively as possible.

Mr. President, I ask unanimous consent that Dr. Nourse's article, entitled "The Employment Act and the 'New Economics,'" published in the autumn issue of the Virginia Quarterly Review, be printed in the RECORD.

[From the Virginia Quarterly Review, Autumn 1969]

THE EMPLOYMENT ACT AND THE "NEW ECONOMICS"

(By Edwin G. Nourse)

Alvin Hansen, more than any other one individual the father of the Employment Act of 1946, has called it the "Magna Carta of American economic planning." That is a striking metaphor, but Magna Carta was a barons' revolt against an autocratic king, whereas the Employment Act declared the intention of an already free people to use their democratic government more actively and with greater economic sophistication to advance their common interest.

Arthur Burns, easily one of the ten most wanted economists in the country, went Hansen one better by calling the Employment Act our new economic Constitution. It does make new declarations of political purpose and establishes some new structures for economic operation. But a written constitution is, after all, only a piece of paper, however noble or shrewd the perception and intent of its drafters. It simply sets in motion an on-going process of interpretation and application that will reveal the new charter's potentialities and shape its operations to ever-changing circumstances.

For a little more than twenty-two years prior to the inauguration of Richard Nixon, such an experimental process went forward under four successive Presidents, a series of seven chairmen and twenty-three members of the Council of Economic Advisers, and the rotating chairmen and changing membership of the Joint Economic Committee of the Congress. That experience falls naturally into three periods: the shake-down cruise of the Truman régime, disturbed by the storm of the Korean War; the re-examination period under President Eisenhower; and the period of dashing economic and political innovation under the Kennedy-Johnson succession, with Walter Heller as its presiding genius.

The intellectual, material, and political legacy which the third period left to Mr. Nixon and his fellow-Americans is described, fondly by some and caustically by others, as "the New Economics."

II

It has been remarked, quite fairly, that the New Economics is what any up-to-date economist says it is. Nor is that altogether a criticism. Economics, as a social science, must not be limited to highly generalized truths formulated from long-past experience but must also be continually advancing to the understanding of new circumstances and conditions and to the proposal of intelligent ways of dealing with them.

Probably a poll of economists and informed laymen would put "Keynesian economics" at the top of the list of explanatory labels. "Macroeconomics" might very likely come second, that is, the economics of the whole economy rather than of individual and group enterprises. Many would identify the New Economics with welfare economics or with the economics of planning. Some would see it as the economics of "deficit financing" and others more broadly as the economics of fiscal and monetary controls as a dependable apparatus of national growth and stability. Whatever the labels, one fact is clear. The New Economics is not merely an attempt to explain—and verify its explanation of—the basic forces of the economic process after the manner of a natural science. It is social and hence normative science of ends to be achieved and optimum means of reaching or consistently moving toward those objectives.

For our present purposes, the essence of the New Economics theory may be put in the form of six major propositions, with several subdivisions. The first is really an axiom: For full use of national resources—maximum production and employment—"aggregate purchasing power" or total spendings of consumers, business, noncommercial entities, foreign buyers, and government must be equivalent to the productive capabilities of the economy. If the ability or willingness to consume and/or invest falls below this level, there will be economic slack; if it rises materially above it, there will be inflation of prices and "overheating" of the economy.

The second proposition of the New Economics is that these capabilities are now so technologically great and growing that, *at full employment* of national resources, there would be a surplus of goods and services above the buying power of the private sector at existing rates of taxation and government spending. These tax rates, therefore, will act as a "fiscal drag" on the economy and must be lowered (or government spending expanded) if it is to attain that full productive potential.

Third, today's econometric methods and computer facilities make it possible to project these productivity and revenue trends for several years in advance with enough accuracy so that the New Economists can prescribe both the dosage and the timing of tax (and public spending) adjustments so as to alleviate "fiscal drag" and facilitate a full-employment balance of maximum production and purchasing power.

Fourth, concern about budget deficits and the size of the national debt is relegated to the limbo of "the Puritan ethic." Removal of fiscal drag (as postulated) will so unleash productive potential that lower tax rates applied to an expanded national income will soon change deficit into surplus and call for another cut in tax rates—or facilitate the funding of larger social programs.

Fifth, this activist fiscal policy must be kept flexible. Techniques of measurement and projection and of mechanistic and psychological analysis, though impressive, are still far from perfect, and human behavior is both mysterious and fickle. Fiscal policy gives a long-run sense of direction, but fiscal programs should be able to make quick adaptation to short-run developments. And even the most distinguished of fiscal doctors frequently disagree on either medication or surgery.

Sixth, monetary policy is the natural partner of fiscal policy. The cost and availability of money—i.e., credit—can be varied locally and changed more swiftly than fiscal policy and action. Hence, it is the more flexible tool of control, and one school of theory argues that it is also the more powerful of the two or the more irresistible in its action. The other school, apparently in the majority, rate it is as auxiliary rather than basic and ultimately dominant.

III

These are not the business principles that John F. Kennedy had been taught at his father's knee or in the history department at Harvard. His campaign speeches and Inaugural Address had a fine progressive tone, but many prophets of the New Economics complained during the first year of his Administration about vague goals and lackluster performance—being, in effect, a replay of the Eisenhower record. But in his famous "Yale speech" of June, 1962, followed in August by a television "Report to the American People on the State of the Economy," the old Kennedy forswore the "myths" of fiscal and monetary conservatism to which he had been born, and the new Kennedy stepped forward to espouse the new economics of bold and unconventional economic statesmanship revealed to him by chairman Heller of CEA.

Specifically, he proclaimed that—

> Our tax rates are so high as to weaken the

very essence of the progress of a free society, the incentive for additional return from additional effort. This administration intends to cut taxes in order to build the fundamental strength of our economy, to remove a serious barrier to long-term growth, to increase revenues by rooting out inequities and complexities and to prevent the greater budget deficit that a lagging economy would surely produce.

An Administration bill embodying these views was introduced and strongly backed by the President as a "creative tax cut running across the board and from top to bottom of the tax structure and sharing its benefits with State and local governments." Its total size was referred to at various times at various figures, running from $10 billion to $12 billion and its stimulative effect on the economy at three or four times that amount (the "multiplier" effect). In his last Economic Report (January, 1963), President Kennedy made "major tax reduction and revision, carefully timed and structured to speed our progress toward full employment and faster growth, while maintaining price stability and balance-of-payments improvement . . . the core of my 1963 program."

The response of the Congress to these recommendations was considerably less than electric; the business community was dubious; the general public mystified. But their visceral appeal to profit-minded businessmen and, even more, to the hungry and heedless consumer brought passage of this unprecedented tax cut in February, 1964—after vigorous prodding by President Johnson. Thus, economic theory led a pragmatic democracy into a more daring and more professionally designed experiment with a total economy than we had ever experienced before.

IV

Lyndon Johnson had gone through no struggle of conversion to the New Economics. It all came naturally to him—Texan size. This kind of spending and untaxing offered the straight and ample highway to the Great Society—not the "straight and narrow path" of the Puritan ethic. In his first Economic Report, he sounded his keynote: "Our record $100 billion expansion in GNP since early 1961, new high ground, is not the summit. That lies ahead. . . . For too long our country has labored under the handicap of Federal income tax rates born of war and inflation. . . . If we are to master these problems, we must above all enact the tax bill. . . . When fully effective, it will send well over $11 billion annually coursing through the arteries of the private economy." Throwing his full weight behind it, he secured passage of the tax cut in July, 1964. Thereafter, he pushed his Great Society program with zeal even as the Vietnam drain mounted and deficits rose from $8.8 billion in 1967 to $25.2 billion in 1968.

In signing his last Economic Report on January 16, 1969, President Johnson pointed with pride—as all good politicians must—to the splendid achievements of the economy during his Administration. "The Nation has made great strides toward realizing the full potential of our resources. . . . Today the vast majority of our people enjoy productive and rewarding employment opportunities . . . This has all been accomplished in an environment that preserved—indeed, enlarged—the traditional freedom of our economic system. . . ." His faith in the adequacy of the New Economics to achieve the goals of the Employment Act and advance the New Frontier to the fair horizon of the Great Society never faltered. In this last Economic Report, he asserted that "economic policies have responded to the fire alarm of recession and boom [and moved on to] a new strategy aimed at fire prevention—sustaining prosperity and heading off recession or serious inflation before they could take hold." Admitting that the huge budgetary deficit of 1968 had exerted "an overly stimulative effect," he expressed confidence that the 10 per cent income tax surcharge would in due time correct that threat to continuing full growth and stability.

V

For most of Mr. Johnson's Administration, Gardner Ackley served as chairman of the Council of Economic Advisers. A member of the Council under Walter Heller and author of the classic treatise "Macroeconomic Theory," Ackley shared the same views in general but had to wrestle with problems that arose in applying principles to developing conditions. Two corollaries of the New Economics propositions emerged under the labels "fine tuning" and "guidelines." Guidelines—or guideposts"—were explained in the Council's 1962 report as follows:

> The general guide for noninflationary wage behavior is that the rate of increase in wage rates (including fringe benefits) in each industry be equal to the trend rate of over-all productivity increase. . . .
>
> The general guide for noninflationary price behavior calls for price reduction if the industry's rate of productivity increase exceeds the over-all rate—for this would mean declining unit labor costs; it calls for an appropriate increase in prices if the opposite relationship prevails; and it calls for stable prices if the two rates of productivity increase are equal. . . .
>
> These are advanced as general guideposts. . . . Specific modifications must be made to adapt them to the circumstances of particular industries. . . .

Mr. Kennedy had early added his blessing to the guidepost prescription: "I do not believe that American business and labor will allow [their] substantial market power . . . to set off a movement toward higher price levels." And Chairman Ackley continued to manifest considerable confidence in the capability of this braking device to decelerate a price system racing out of control down an inflationary course. But the idea of voluntary control evoked little if any response in the marketplace. Indeed, many economists as well as experienced business and labor executives argued that the device was not merely too feeble in operation but basically faulty in design.

Ackley stressed the educational function of guidelines, but others saw this as an entering wedge of wage and price control. But the Executive Office moved, on occasion, to accelerate the learning process by TV and radio denunciation of specific price or wage actions, personal suasion, and the direct releasing of metal from the government stockpile.

As for the "fine tuning" proposition, that was never given the precise formulation that was given to guidelines. But to most it seemed even less credible. Doubting Thomases challenged the idea that such a concept or goal is consistent with our free enterprise ideology and free science-technology. The New Economists' response was: "Of course, we are not omniscient nor are we omnipotent. But our tools and techniques, already greatly improved, are still improving through experimental use. Our estimates of the future are much better guides to policy and program than are the hunches, guesses, and self-serving schemes of business and political fumbling. And flexibility is our watchword. After we have set the nation's forward course on a beam carefully calculated from available measurements, thorough analysis, and closely-reasoned hypotheses, we will continuously apply our scientific tools of observation and measurement of foreseen sequences and unexpected responses. These we seek to explain, evaluate, and use promptly to make corrective readjustments."

This "fine tuning" obviously presupposes a control station of established authority and utmost competence, dependable response by the mechanism and its human agents, and full communication between the two crews. But when, barely two years after passage of the supposedly gyroscopic tax cutting legislation of 1964, it became apparent to the naked eye that it was "overheating the economy," it took many months to get a 10 per cent surcharge on income taxes as an imprecise and temporary readjustment—and only at the cost of irrelevant offsets. The benign flexibilities of sophisticated economic sciences find themselves entangled in the opinionated or venal flexibilities of "practical" politics.

A second basic issue of the linking of theoretical idealism and practical realism touches the question of how the goals of national plan and program are to be set. Has that tricky word "maximum" in the Employment Act's Declaration of Policy been interpreted in too ideological, political, or emotional terms, rather than according to the canons and methods of science? Like Oliver Twist and Samuel Gompers in the nineteenth century, the New Economists of the mid-twentieth have been prone to state their goals in the simple and repetitive formula, "More, More." That is a formula natural and appropriate for a half-starved boy and for workmen exploited by avaricious and economically unsophisticated capitalist managers of yesteryear; but piling on more and more increments of "aggregate demand" that evoke less and less response in product and more and more inflation of prices and disruption of financial relations mocks the claim of scientific guidance to national policy. Adding more and more names to payrolls with scrapings from the bottom of the manpower barrel which add more to cost than they do to product feeds inflation from two sources. It leads to economic indigestion, not skilled nutrition of an athletic economic system.

And so, by the time Chairman Ackley abdicated his post as chief economic adviser and Lyndon Johnson abdicated his position as Chief Executive, the New Economics as a science-and-technology of sustained growth and stability was in some disarray. The predicament of the New Economics was like that of the Sorcerer's Apprentice, who had discovered the magic word that started the desired flow of water to his master's house but who found himself without the power to stop it after the household jars were full and overflowing onto the master's fine rugs.

There was no questioning the dimensions of the growth spectaculars that had been produced in the third period of Employment Act statesmanship. But even seven years of well-sustained prosperity do not establish a verified set of principles for future generations. And the concomitant goal of financial stability was increasingly threatened, both in domestic inflation and in recurrent foreign exchange crises. This inflationary malaise seemed to have developed immunity to any remedial treatment that did not entail a frustrating loss of production, increase in unemployment, and slowed national growth. One long-time observer of the advance of economic theory-*cum*-practice suggested that it is well for both theorists and administrators not to count their chickens when first hatched, but to suspend judgment until the first generation has grown up and produced offspring whose performance has, in turn, been subjected to test under varying conditions.

The somewhat equivocal state of affairs at the close of the third period of Employment Act experimentation raises two questions: (1) Is the pleasant conclusion that we now have put the cycle of boom and depression permanently behind us demonstrably valid or perhaps still premature? Or have we, perchance, been riding (with greatly improved seamanship) a particularly long wave in the endless stream of economic life, in which the conjunction of technological, socio-psychological, and demographic factors was extraordinarily favorable? (2) Do we now have the tools, the skills, and the popular acceptance that make the continuous successful "management of prosperity" (Arthur Burns' admirable phrase) an assimilated part of our "mixed system" of American democracy?

Professor Paul Samuelson, widely revered as the pope of American economics, titled one of his recent magazine columns, "Lessons of the 1960's." In it, he quoted as "one of the more quotable idiocies of history" the verdict of a journalist who, "after a few weeks' trip to Lenin's Russia," said, "I have seen the future. And it works." To this dictum, Samuelson immediately adds, "Now that the data for the 1960's are virtually in, I can say, 'I have seen the past. And it works'. . . . Objectivity obliges one, I think, to interpret economic experience of the 1960's as broadly confirmatory to the conventional wisdom—particularly to the avant-garde version of it that characterized the new economics on New Year's Eve, 1959"—as the third chapter of Employment Act statesmanship was about to be inaugurated. Now the fourth period is well under way, and to President Nixon and his aides, the Congress, and many citizens high and low, it may appear that the lessons of the 1960's are less clear and less reassuring than Samuelson has made them sound.

VI

During his campaign for the Presidency, Richard Nixon, on various occasions, expressed his full commitment to the economic goals and government responsibilities set out in the Employment Act. After election, he moved swiftly to appoint an outstanding economist and former member of the Council of Economic Advisers to be Chairman of the Council and named one of its former Chairmen to be Counselor to the President, with Cabinet rank, "to head up a small group whose prime responsibility will be the co-ordination of the development of my domestic policies and programs." The following day (January 24) the President, by Executive Order, "established the Cabinet Committee on Economic Policy" with himself as Chairman and the Chairman of CEA, the Budget Director, Counselor to the President, and the Secretaries of Treasury, Agriculture, Commerce, and Labor as members. This committee is to advise and assist the President in the development and co-ordination of national economic programs and policies, . . . assist in the formulation of the basic goals and objectives of national economic policy, develop recommendations for the basic strategy of national economic policy to serve as guides for decisions concerning specific economic programs and policies, promote coordination of Federal economic programs, consult with individuals from academic, agricultural, business, consumer, labor, and other groups, and recommend procedures for evaluating the effectiveness of Federal programs in contributing to our national objectives. The Chairman of the Council of Economic Advisers will co-ordinate the work of the Committee.

This prospectus of the new President's economic statesmanship became more specific when he sent his first Special Message to the Congress on March 26. The purpose of this message was to recommend a one-year continuance of the temporary 10 per cent surcharge on income taxes, due to expire on June 30. As basis for this recommendation, Mr. Nixon stated his philosophy for the management of national prosperity in no uncertain terms.

> This nation must come to grips with the problem of an inflation that has been allowed to run far too long . . . already caused substantial distortions in our economy. . . . Government has two major instruments for dealing with this problem. . . . Monetary policy should continue its program of restraint. Fiscal policy . . . must turn away from budgets which have propelled the inflation, and turn to one with strong surplus. . . . The prospect of a thin budget surplus or a return to deficits would again nudge monetary policy off course . . . further increase in interest rates, a dangerously overheated economic engine, and the threat of accelerating the advance of the price level. Because the problem of inflation was neglected far too long, we cannot risk even a neutral budget policy of narrow balance. . . . To produce a budget that will stop inflation, we must cut expenditures while maintaining revenues. . . .

This statement and subsequent words and actions of the President and his top aides suggest three broad generalizations about the apparent trend of economic statesmanship now unfolding.

(1) There is widespread consensus, public, and private professional and lay, that central government, articulated with state, municipal, regional, and local jurisdictions, has a permanently large role to play complementary to the basic private enterprise sector of the total economy. After four shifts of party power, this proposition of the New Economics may be regarded as well synthesized into our traditional two-party system. The performance of the now incumbent Administration will have momentous consequences; enlarging or foreclosing the possibility of a shattering of this consensus in a third-party revolution, such as heralded itself in the Wallace campaign of 1969—in many respects, a counter-revolution against the New Economics.

(2) There is no similar consensus as to the major strategy and style of tactics by which the 1946 mandate of responsibility for leadership and implementation is to be discharged. The Heller *et al.* massive fiscal stimulation produced an inflationary overdose not promptly correctable under our free-wheeling political structure and practice. The present Administration is presented with the task of disinflating the price structure and the structure of expectations—business, worker, consumer, and official—on which the longest-ever boom of the 1960's was built, *and* not permitting deflationary deceleration to exceed the bounds of popular understanding, acceptance, and unimpaired zest among the several participants for continuing their respective contributions to prosperity on a sustainable basis. Mr. Nixon expresses the generally accepted doctrine of the New Economists when he says, "Government has two major instruments for dealing with this problem . . . monetary policy and fiscal policy." But the most eminent economic doctors frequently do not agree as to which treatment to use—and with what dosage and timing. "Still to be argued out within the guild," says Samuelson, "is the proper quantitative potency of monetary versus fiscal policies." (Nor are the physicists in agreement on the effectiveness of ABM.) And a considerable representation within the guild holds the belief that market policy must be ranked as a third major tool for the effective implementation of the Employment Act purpose.

(3) Ever since the New Deal's high-minded but unsophisticated fumblings, national events have been cramming the data books of economists and politicists, of private administrators and public officials with a rich but jumbled record of how democratic activism works in a "mixed system"—in the sunlight of prosperity and the shadow of recession. There has been an accompanying flow of academic-professional, business-professional, bureaucrat-professional, and politician-professional interpretations of this experience, some broad in scope, some quite specialized. Their message has run the scale from messianic dogma to nostalgic mugwumpery.

This overwhelming mass of empirical data cannot be classified, analyzed, and reduced to a set of "laws" or verified principles which will unequivocally explain these happenings and govern future action with the confidence and precision demanded and attained in physics, chemistry, or biology. That is not the nature of social science. But the time is ripe for a next step in applying the basic methods of scientific analysis and generalization to the empirical observation of three periods of experience in Employment Act political economy. In particular, the intellectual community will be scrutinizing what happens in the economy in the light of what the New Economists have been teaching, and evaluating these next years' developments as verification or refutation of what they taught or what the various agencies of government did; what private business, labor, and finance did in response to those teachings or in escape from or correction of them. In a word, the third and fourth chapters of Envolvement Act experience, taken together, should mark a new high level in the intellectualizing or scientizing of the politico-economic process in the United States. It should round out the scope of the New Economics, improve its balance, and correct some of its shortcomings.

President Nixon began his contribution to intellectualizing fourth-chapter activism by co-opting two outstanding scholar-specialists (unlike Colonel House and Sherman Adams) to be Counsellors to the President and co-ordinators of policy in their respective areas, international and domestic. He brought in a university president (a former agricultural economist) as Secretary of Agriculture, and the dean of a leading school of business administration as Secretary of Labor. Besides his Cabinet Committee on Economic Policy with himself as chairman and the chairman of the Economic Advisers as R&D director, he has ordered a task force in the Executive Office to draft a report setting forth our national goals—to be submitted on July 4, 1970.

Such an intellectualizing or scientizing process has been going forward even more widely in the Joint Economic Committee of the Congress and in other committees, notably the Senate Subcommittee on Antitrust and Monopoly. The Joint Economic Committee, established in the Employment Act to parallel the analytical and advisory functions of the Council of Economic Advisers, has over the years made itself into a veritable research institute, using staff work, special consultants, and public hearings to explore many topics relevant to the purposes of the Employment Act. A few titles of such studies conducted by the Committee are suggestive. They include such topics as automation; employment, growth, and price levels; relationship of prices to economic growth and stability; federal expenditure policy for economic growth and stability; and the impacts of taxation. In June, 1969, the Committee issued its 1,200 page report on "The Planning, Programming, Budgeting System" now being employed in the Executive Departments and independent agencies as means of analyzing and evaluating federal expenditures as to their cost effectiveness and as a guide to government policy decisions.

In discharging its prime function of reviewing the Economic Report of the President, evaluating its analysis and recommendations, and formulating its own views for guidance of the Congress, the Committee on April 1, 1969, issued a 150-page report, buttressed with staff papers, public hearings, etc., to a total length of 1,197 pages. A short passage from the full committee report brings out clearly the Joint Committee's concern about other than fiscal and monetary aspects of economic policy.

> While appropriate fiscal-monetary policies are necessary conditions for full employment and price stability, they are not sufficient. A large role must be played by both the public and private policy-makers concerned with business competition and concentration, wage-price policies, consumer protection and even the manner in which the Government executes its own housekeeping functions.

These matters have generally been referred to as structural or micro elements in the economy. Unfortunately, the progress which we were beginning to see in these areas of public and private policy has begun to be eroded. . . . *We deplore this abandonment of concern for the structural elements in our economy which hinder efforts to reduce unemployment and end inflation. Close attention to the policies that affect the detailed structural operation of the economy is a vital and unavoidable accompaniment of appropriate fiscal and monetary policies.*

This would seem to be a promising position from which economists, politicists, officials, and administrators private and public could work toward a common understanding of the functional relationships and flexible frontiers between these three major provinces of a modern democratic welfare economy. Fiscal policy has been an arrogant spouse of monetary policy, domineering at times and, in a pinch, often of its own making, throwing too heavy burdens and inappropriate tasks on its monetary mate. Likewise, the New Economists have been quite cavalier about the role of the market system, which, after all, administers nearly four-fifths of the total flow of national wealth. But it is in the institutions and practices in that area that they might find the Achilles heel of the New Economics theory of high-speed growth without inflation.

VII

Latent in fiscal-monetary theory and procedures has been the comfortable assumption of a flexibly competitive market of small or medium-sized units that would effect their own internal adjustments when aggregate demand was maneuvered up to the full-employment level. But our industrial and commercial life today is, in fact, dominated by the phenomena of Big Business, Big Labor, and Big Finance. We need wider dimensions of political economy—including the regulatory as well as the fiscal and monetary policies of Big Government to cope with these facts.

Since 1887, the Federal Government has been enacting regulatory statutes designed to preserve a maximum of market competition and at the same time impose a minimum of restraint on private enterprise and the advance of technology. Since 1914 it has been passing legislation to legitimate labor unions and co-operative associations of farmers for collective bargaining with industrial and commercial corporations. As matters now stand, the size, structure, and ideologies of these private collectivities are inimical to the theory and technology of the New Economics for achieving maximum economic growth without inflation.

The proprietors of both these giant power machines have devised and installed ratchet mechanisms by which the force of large-scale competition is constantly upward and only in extraordinary cases downward. Management sets its profits targets and accepts limitation on sales volume rather than lower them. Labor competition takes the form of competition of each union to at least match the wage gains of other unions, and acceptance of strikes and curtailing of jobs rather than failing to get annual improvement in wages and fringe benefits. They need higher pay to keep up with the rising cost of living—with merchants and manufacturers trying to keep up with rising costs of labor and materials! Fiscal and monetary measures to push aggregate demand to the full employment level feed this inflationary mechanism as well as the productive processes of industry.

A high-pressure economic policy thus creates the dilemma of market power versus market control. Mr. Nixon says he will have no part in wage and price controls, even in the attenuated form of guidelines and executive admonition or pressure, but he opened up some Forest Reserve lands when lumber prices had skyrocketed. He does not seem likely to become a trust buster, but his Department of Justice is pressing cases against price-rigging and collusion. Other means of coping with the dilemma have not so far been unveiled.

A second dilemma here to plague the fourth chapter and subsequent chapters of Employment Act aspiration is that between the immemorial hatred of the taxgatherer and the rising expectations and multiplying needs of our fast-growing and urbanizing population. To be sure, the capacity of our technology and managerial skills to meet those demands is also rising, but there is considerable disparity in the ways and places in which the higher productivity appears and the ways and places in which the demand presses. Power to get to the moon does not alleviate the wants of low-bracket taxpayers. A "tax revolt" is being endorsed by enemies of the Vietnam War and by the unreconstructed rebels against welfare programs as such—unmindful of the fact that tax revolt is a two-edged sword that can be used also to retard industrial progress and social improvement.

The New Economists of the last eight years did not serve their generation well with their prime emphasis on the dismal dogma of "fiscal drag" and the pleasant promise of "fiscal dividends" each year. Leaders and people will have to be re-educated to the duties of citizenship, the enormous social needs of the impending years, the difficulties of curbing the arms race, the space race, and the power of the industrial-military complex. They will need to be rededicated to the basic democratic principle that the burdens of military defense and civil advancement must be shared by all.

These two dilemmas of Employment Act fulfillment are not mere mechanical maladjustments, easily corrected with tools readily at hand. They run to the very fundament of human nature and the democratic way of life. They will not resolve themselves, nor will they go away just because we elaborately ignore them. They need to be faced—now—courageously—and as objectively as possible.

PRESIDENT NIXON'S PROJECT ENTERPRISE

Mr. DOLE. Mr. President, yesterday Maurice H. Stans, Secretary of Commerce, announced the details of a major program to assist the growth of minority enterprise.

The Secretary of Commerce said that 18 corporations had pledged a minimum of $150,000 each to sponsor a minority enterprise small business investment company, which would in turn finance minority business projects. The funding pledged by each corporation will be matched on a 2-to-1 basis by the Small Business Administration.

Mr. President, the Select Committee on Small Business, of which I am a member, has held a series of hearings this year on the problems faced by the minority entrepreneur. It has become apparent that the greatest difficulty at this time is obtaining the necessary money to finance minority business, or for that matter any small business. Because of budgetary restraints, there is no money available for direct loans from the Small Business Administration, the major source of Government financing for small businesses. At the same time, the monetary and fiscal restraints practiced by the Federal Government have made it practically impossible to obtain commercial bank loans except at high interest rates and for short terms.

As a result, small businessmen find themselves in a squeeze that is especially harmful to the minority businessman. The program announcement by the Secretary of Commerce is an innovative answer to this predicament. The Secretary and the Small Business Administration are to be commended for their efforts to obtain Government funds to encourage greater participation of the private sector.

With this new means of financing minority business, I hope will come increased efforts to communicate the nature of the program to potential minority businessmen. Although I do not have a complete description of the minority enterprise small business investment company program before me, it would appear that there will have to be a limitation placed on the interest the MESBIC can charge if it is to meet the present problem of high interest rates.

Mr. President, an article published in the New York Times and one published in the Wall Street Journal have described this program. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 7, 1969]

NEGRO BUSINESS IS ASSURED OF AID; STANS ANNOUNCES PLAN TO MAKE UP TO $500 MILLION AVAILABLE BY NEXT JUNE

(By Paul Delaney)

WASHINGTON, November 6.—The Nixon Administration announced today a plan to make up to $500-million available by next June to finance Negro business opportunities.

Maurice H. Stans, Secretary of Commerce, unveiled details of the program Project Enterprise, at a news conference. It is the Administration's first major program to aid black capitalism.

The Secretary said that 18 large and small corporations had pledged a minimum of $150,000 each to sponsor a Minority Enterprise Small Business Investment Company, which in turn would finance business projects of members of minority groups.

The funding will be on a 2-to-1 basis, with the Government doubling the amount pledged by each corporation.

PROSPECTS FOR FUNDS

"The amount of money available by next June could be over $500-million, but it would take longer than June to get it into the hands of minorities," Mr. Stans said.

The Secretary set a goal of 100 small business investment companies by next June.

"The potential venture capital available to minority businessmen eventually can run into a billion or more dollars when the Mesbic program is fully implemented," he said. "I hope we can have more than 500 of them."

He said that $15-million was available immediately to pay the Government's share. The funds are part of $300-million announced earlier to be available for grants, loans or loan guarantees to aid minorities. Some $225-million more would come from private business and banks, he said.

Under the plan, each of the private corporations would establish a small business investment company with $150,000 minimum capital, to be matched 2 to 1 by the Small Business Administration, with the money to be used to underwrite black businesses.

"The 18 Mesbics announced today include a wide range of industrial and financial corporations, some in combination with civic and minority groups," Mr. Stans said.

"Business recognizes that this is a practical, effective means by which it can help meet the capital and financial needs of minority people who are anxious to operate their own businesses and who need this kind of assistance," he said.

He stressed that the businesses would be minority-owned and independent.

"Project enterprise provides an opportunity for American business corporations, and organizations of local business and civic groups, to demonstrate their willingness and their effectiveness in meeting one of the nation's most pressing needs—increasing the number of businesses owned and operated by our minority people," he said.

"This is a significant, major program to eliminate many of the roadblocks and frustrations that have been faced by minority Americans who are eager to participate in the nation's competitive enterprise system.

"We believe this new program for capitalization and business assistance will encourage many thousands of our minority group members to seek 'a piece of the action.'"

The small business investment company is an adaption of the Small Business Investment Act of 1958, which has aided thousands of small businessmen. The policies are being modified to increase aid to minority businessmen.

Mr. Stans said that one company has already been operating an investment company for a year. The Arcata National Corporation, an investment concern set up a minorities enterprise investment company that financed 30 minority businesses, ranging from a printing company to a soul restaurant.

Mr. Stans said that Arcata had 150 applications.

The 17 other sponsors, pledging to set up the new investment companies, were Pioneer Properties, New York; Varian Associates, Palo Alto, Calif.; Hartford National Corporation, Hartford; Flour Corporation, Los Angeles; S. C. Johnson & Son, Inc., Racine, Wis.; International Industries, Beverly Hills, Calif.

Also, Phillips Petroleum Company, Bartlesville, Okla.; Prudential Insurance Company, Newark; Sam Wyly Foundation, Dallas; U.S. Capital Corporation, Cincinnati; Baltimore Community Investment Company, Baltimore; Miguel Hidalgo, SBIC, Oakland; San Fernando Investment Company, Los Ageles; Coronado State Bank, El Paso; Forsyth County Economic Development Corporation, Winston-Salem, N.C.; National Council for Equal Business Opportunity, Washington, and Fait Ltd., Boston.

[From the Wall Street Journal, Nov. 7, 1969]

Administration Plans Investment Companies for Minority Business; Stans Says Program To Generate $225 Million To Finance Firms Owned by Minority Members

Washington.—Commerce Secretary Stans, offering evidence that the Nixon black capitalism program has life in it after all, announced plans for an initial 18 minority enterprise small business investment companies.

He also predicted the minority enterprise program would generate an additional $225 million in backing for minority businessmen by next June 30.

Like the regular Government-licensed small business investment companies, known as SBICs, minority enterprise small business investment companies are eligible for two dollars in Federal financing for every dollar of privately invested capital. The small concerns in which minority enterprise companies and SBICs invest also are eligible for bank loans 90% guaranteed by the Small Business Administration.

Unlike an SBIC, however, a minority enterprise company is intended only to finance minority entrepreneurs. Moreover, some probably will only break even or show a loss on their operations, Mr. Stans told a news conference. SBIC organizers, by contrast, usually expect to make a profit.

Several SBICs actually were seeking to help minority businessmen prior to the first announcement by the Commerce Department's Office of Minority Business Enterprise several weeks back that it would push the concept of minority enterprise companies. One of these, Arcata National Corp., Menlo Park, Calif., was termed by Mr. Stans as a model for the present program. Arcata received its SBIC license from the SBA in August 1968 and currently has investments in 30 minority-owned firms.

MANAGEMENT ASSISTANCE HOPED

Commerce officials are counting on minority enterprise companies to expand the management assistance currently available to minority entrepreneurs. Each investment company would have its own small staff and also would be expected to draw on the expertise of its sponsors and local volunteer accountants and attorneys.

Minority enterprise companies also have the advantage of pyramiding a relatively modest Government outlay into a substantial pool of new funds for minority business. Assuming that the investment company backers put up the minimum $150,000 allowed, their company then could sell $300,000 of its 10-to-15-year debentures to the SBA. The combined funds would be invested in small companies (up to a ceiling for each portfolio company equal to 20% of the investment company's private capital, or, in this example, $30,000 for each small firm). The small firms in turn could use the investment as their 20% equity contribution to secure SBA-backed bank loans—or, in all, $1.8 million of bank financing for a grand total of $2,250,000 in potential financing for each minimum-size minority enterprise small business investment company.

The $225 million figure used by Mr. Stans is based on the expectation that 100 minimum-capital investment companies will be in existence by June 30, 1970. Only $30 million of the total would represent the Government's investment, with the balance supplied by private business and banks.

BROKE BUDGET BUREAU FREEZE

In launching the program, Mr. Stans first had to overcome a Budget Bureau freeze on SBIC funds that was in effect for more than two years because of war-imposed spending restrictions. The Commerce Secretary won White House clearance for an initial $15 million to fund minority enterprise small business investment companies during the current fiscal year that began July 1. He made it clear at the press conference that an additional $15 million would be available when needed.

Of the 18 sponsors described by Mr. Stans as having submitted letters of intent to operate investment companies, 11 are private concerns. These include Hartford National Corp., a bank holding company in Hartford, Conn.; Fluor Corp., Los Angeles; S. C. Johnson & Son Inc., Racine, Wis.; Phillips Petroleum Co., Bartlesville, Okla.; Prudential Insurance Co. of America, Newark, N.J.; Varian Associates, Palo Alto, Calif.; Pioneer Properties Co., a New York holding company; International Industries, Beverly Hills, Calif.; U.S. Capital Corp., Cincinnati and Coronado State Bank, El Paso, together with certain private investors.

A PERMIT FOR THE NOVEMBER 15 MARCH

Mr. GOODELL. Mr. President, I am deeply concerned about the Justice Department's decision to refuse to grant a permit for a parade route along Pennsylvania Avenue for the November 15 new mobilization march.

I have publicly stated that I will not personally support the march unless I am convinced that its organizers are taking every possible precaution that it will be conducted overall in a peaceful, orderly and dignified fashion. I am still not convinced that these conditions have been met.

The issue of the permit, however, is separate from the question of support for the march.

American citizens have a clear constitutional right to come to the Nation's Capital to demonstrate in a dramatic fashion that they oppose the Government's policy on a particular issue. Moreover, Pennsylvania Avenue has been the traditional route for parades and marches.

I understand the administration is concerned about the possibility of violence. I am too, and I am fully aware of the potential dangers involved in the march.

If the administration denies a permit for an appropriate route acceptable to the organizers of the march, this will not reduce the likelihood of violence. It will, instead, increase it. It will engender a situation similar to that which occurred in Chicago in the summer of 1968, where the city, by denying a permit for the use of Grant Park, made a violent confrontation inevitable.

By denying the permit for such a route, the administration will create a clear and serious danger that a large number of demonstrators will attempt to take that route anyway. If this occurs, the use of force will become inevitable, and our National Capital will be marred by violence and bloodshed.

I fully recognize that if the permit is granted there still will be danger of violence by a minority of participants in the march. The way to deal with this risk, however, is not to escalate the likelihood of a violent confrontation by denying the permit and attempting to bar the route altogether. The sensible course is, rather, to grant the permit and to have the necessary security forces available to deal with any disorders, if they occur.

Accordingly, I have sent a letter today requesting him to reconsider his denial of a permit for the Pennsylvania Avenue route; and that he either grant a permit for that route or for an alternate route, such as that along Constitution Avenue, which is acceptable to the organizers of the march.

Mr. President I ask unanimous consent that my letter to the Attorney General be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

November 7, 1969.

The Honorable John N. Mitchell,
Attorney General of the United States,
Washington, D.C.

Dear Mr. Attorney General: I am deeply concerned about the Justice Department's decision to refuse to grant a permit for a parade route along Pennsylvania Avenue for the November 15th New Mobilization March.

I have publicly stated that I will not personally support the March unless I am convinced that its organizers are taking every possible precaution that it will be conducted overall in a peaceful, orderly and dignified fashion. I am still not convinced that these conditions have been met.

The issue of the permit, however, is separate from the question of support for the March.

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Accordingly, I respectfully request that you reconsider your denial of a permit for the Pennsylvania Avenue route; and that you either grant a permit for that route or for an alternate route, such as that along Constitution Avenue, which is acceptable to the organizers of the March.

Those of us who have supported the October 15th Moratorium and other peaceful demonstrations will continue to do everything in our power to ensure that the demonstrations on the 13th, 14th and 15th of November will be conducted in the best traditions of this Nation.

Sincerely,

CHARLES E. GOODELL.

RURAL SOCIAL TRENDS IN THE UNITED STATES

Mr. ELLENDER. Mr. President, Chancellor Homer L. Hitt, of Louisiana State University, in New Orleans, has brought to my attention an article written by Prof. T. Lynn Smith of the University of Florida and published in the International Social Science Journal. Professor Smith is a well-known sociologist with a longstanding interest in rural affairs. He taught for many years at Louisiana State University in Baton Rouge and contributed a great deal to the university's program.

Professor Smith's article, entitled "Some Major Current Rural Social Trends in the United States of America," deals with what he calls the "rapid, deep-cutting, drastic social change" which is occurring in the Nation.

Although I do not agree with everything he says, his exploration of this subject does reflect my own long-term concern about the changes taking place in our countryside since the end of World War II. His findings document the trends that we have all known to be taking place. I think the article is worthy of the attention of all who are interested in our changing agricultural picture and problems. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME MAJOR CURRENT RURAL SOCIAL TRENDS IN THE UNITED STATES OF AMERICA

(By T. Lynn Smith)

This article endeavours to identify and portray a few of the major social changes or trends at present under way in the rural portions of society in the United States. It is written at a time in which rapid, deep-cutting, drastic social change is the order of the day throughout all parts, rural and urban, of the most populous nation in the Western hemisphere. Indeed it seems fair to characterize the present as a tumultuous period in which the forces and factors inducing change and 'progress' are greatly in the ascendancy over those making for institutionalization and stability throughout the fifty States and the federal district which make up the Union. From the Canadian border to the Gulf of Mexico and the Mexican border, from the Atlantic to the Pacific, and in Alaska and Hawaii as well, innovation presses sharply upon the heels of innovation in so many aspects of the social structure and in so many of the social processes that the 'rules of the game' undergo serious modifications even while a single generation of people are at society's 'gaming table.' The components (cultural traits and courses of action), the combinations of various degrees of intricacy (cultural complexes and activity patterns), and the infinite variety of socio-cultural systems and sub-systems are all in a state of flux.

Perhaps there is no satisfactory manner of viewing and summarizing the more important changes in a large and highly diverse society such as that of the rural parts of the United States I have found it useful for my own purposes, however, to focus attention upon the principal socio-cultural systems that may be considered as the second highest level of social integration, or those which are outranked only by the all-embracing general socio-cultural system of the society itself.

Fourteen of the socio-cultural systems of the second order that I identify are as follows: (a) the size of the landholdings, or estates, and what is generally synonymous with it in the United States, the size of the farms, or the highly institutionalized societal entity whose several varieties are designated by such names as a system of family-sized farms, *hacienda* system, a plantation system, a system of peasant proprietorships, and so on; (b) the tenure system; (c) the system of land surveys and titles; (d) the system of agriculture, or the highly standardized and value-laden ways in which people go about securing products from the soil; (e) the type of farming, or the combination of crop and live-stock enterprises used in a given farm business; (f) the family, kinship, and domestic system; (g) the educational system; (h) the magico-religious system; (i) the political, governmental, and public administration system; (j) the class and caste system; (k) the system of communication and transportation; (l) the credit system; (m) the marketing system; and (n) the locality-group system.[1] In this article attention is devoted to the changes currently taking place in four of these major divisions of rural society in the United States, namely, the size of the farms, the type of farming, the systems of agriculture, and the class system.

THE SIZE OF FARMS

Drastic change in the size of the farms is one of the most striking of the current social trends in the agricultural districts of the United States. Likewise it is one of the most misunderstood and erroneously intrepreted of all the changes in American society. There are, however, certain basic facts which should be taken into account by anyone attempting to understand or to set forth the nature of what is happening in this important feature of the nation's rural social organization; and if this is done the diversity of the propositions to which any validity may be attached is greatly reduced. Among these facts are the following statistical data.

1. The amount of land in farms has not changed greatly in recent decades. According to the information available in the various reports of the United States Census of Agriculture, from a total of 990,111,984 acres in 1930, it rose slowly to 1,123,507,574 acres in 1959, and then dropped off slightly to 1,110,187,000 acres in 1964.

2. During the same period the number of places classified as farms fell from 6,295,103 in 1930 to 3,710,504 in 1959 and to 3,157,857 in 1964. This halving of the number of farms, with the total area in farms changing very little, produced a rise in the average amount of land per farm from 157 acres in 1930, to 303 acres in 1959, and to 352 in 1964. The size of farm as measured by area, therefore, has more than doubled since 1930, and the trend to larger units continues.

3. This rise can be very misleading, however, unless one also takes into account the size of farms as measured by the number of workers engaged in agricultural activities and the changes in the number of workers per farm. This can be done by using the compilations made monthly by the Crop Reporting Board of the United States Department of Agriculture. According to this source, the average monthly number of workers on the farms of the United States was 12,497,000 in 1930, fell sharply to 7,104,000 for the five-year period 1958–62, and dropped to only 6,110,000 in 1964.[2] Thus despite the fact that the average farm in the United States contained more than twice as many acres in 1964 as was the case in 1930, the average number of persons actively engaged in the work fell from 2.0 per farm at the beginning of the period to 1.9 at its close.

4. Finally, any propositions as to what is happening to the size of farms in the United States that are advanced should not rest upon the assumption that large and rapidly increasing numbers of farm labourers are available to furnish the manpower needed for the various types of endeavours. According to the compilations made by the Crop Reporting Board, the average monthly number of hired workers on farms was 3,190,000 in 1930. This number had fallen sharply to 1,907,000 in 1959 and to 1,604,000 in 1964. 0.39 during the first year in the series and 0.38 during the last one.

Taken together all of these facts certainly must mean that farming in the United States continues to be fully as much a family enterprise, and perhaps even more so, than was the case in 1930. The farm operators and their wives continue to do all the work of managing increasingly large, complex and highly commercialized businesses, and they themselves also perform the great bulk of tasks required in the conduct of their enterprises.

These facts also make it evident that several million of the smaller of the farms in operation in 1930 subsequently have been incorporated into larger units, thus swelling the average number of acres per farm and cutting the total number of farms by almost one-half. Data to indicate precisely the changes in the number of farms of less than fifty acres are presented in another section of this paper.

The facts do not preclude the thought that in a few sections of the nation, and to a limited extent, the huge corporation farm, operated by a hired manager and dependent

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Footnotes at end of article.

upon large numbers of unskilled and poorly paid labourers, may be waxing in importance. Unfortunately the materials on farm labour collected in connexion with the periodic census of agriculture must be considerably expanded and tabulated in more meaningful ways before this topic can be explored in the detail it deserves. On the basis of the information that is available however, the following extract from the report of the *United State Census of Agriculture: 1964*[3] *does* much to put this entire matter in proper perspective:

'Expenditures for hired farm labor were reported for one-half of the farms in 1964. However, more than 62 per cent of . . . [these] had an expenditure of less than $500 and these farms accounted for only 5 percent of the total expenditure for hired farm labor for all farms. Approximately 45,000 farms with an expenditure of $10,000 or more accounted for more than one-half of the hired farm labor expenditure for all farms.

'About one-third of the expenditures for hired farm labor were on farms in California, Florida, and Texas.'

In 1964 in these three States the number of farms on which ten or more regular hired labourers were employed was as follows: California, 2,241; Florida, 1,051; and Texas, 813. On the other hand, in a few other of the agricultural states in the Union, the comparable figures are 119 for Illinois, 94 for Indiana, 46 for Iowa, 68 for Minnesota, 94 for Missouri, 181 for Ohio, and 137 for Wisconsin.[4] [5]

TYPE OF FARMING

A type of farming denotes the specific enterprises or combination of enterprises of which a given farm business is comprised. The types range all the way from general farming, in which the farm operator carries on a wide range of crop and live-stock enterprises and in which no one of them plays a dominant role in his farming activities, to the various kinds of monoculture, such as wheat farming, cattle ranching or tobacco culture, in which a single enterprise accounts for practically all activities on the farm, plantation or ranch. Among the most important of the traditional types of farming in the United States are general farming, the corn-hog-beef-cattle variety, dairy husbandry, cotton culture, wheat growing, the cultivation of tobacco, cattle ranching, the production of citrus fruits and the rice-beef-cattle combination of enterprises. Each of these has been the central feature of a highly symbiotic and intricately integrated socio-cultural system which has determined to a large extent the ways of life and labour of the people involved in it. At present these various types of farming are undergoing radical changes, although it is difficult to determine the common denominator, if any, which would enable us to elaborate the formula or depict the model that would be applicable to all. Therefore, we merely comment briefly upon the changes that are taking place in two of them.

General farming

General farming is definitely on the way out in the United States. Historically, the use of the general property tax as the basis for supporting universal public education and many other locally organized and supported services made it necessary for farmers to produce for the market rather than to concentrate upon any kind of a 'live-at-home' combination of agricultural activities. With the coming of the New Deal of President Franklin D. Roosevelt (beginning in 1933) the various farm programmes and agricultural subsidies, which have continued in one form or another to the present day, have had the same effect. There is no programme for general farming, or any combination of enterprises. The benefits are available only in connexion with the production of one specific commodity. In effect this policy penalizes the general farmer and benefits the one who engages in some type of monoculture or highly specialized combination of enterprises. As a result there has been a precipitous decline of general farming in the United States, especially since about 1940. This may be illustrated very well by what has happened in three places, two farms in Conejos County, Colorado, and one ranch in Tierra Amarilla, New Mexico, which I have known intimately for the last fifty years. During my boyhood and on into the 1930s, all of these establishments once were the locations for a broad range of enterprises including the production of potatoes, the growing of wheat, the making of large amounts of alfalfa and other kinds of hay, some dairying, the growing of garden peas for the market, the production of lettuce, the making of large home gardens, and important beef-cattle, hog, and poultry enterprises. During the months in which this article was under preparation I revisited each of these long-familiar scenes. At present the operator of one of the farms grows only alfalfa and other forage crops, on irrigated land, of course, which he feeds to cattle bought as calves and sold after a year or two for shipment to the feed lots where the fattening process is completed. The operator of the other farm follows a comparable pattern, except that he himself keeps a small herd of Hereford cows in order to produce the calves to which the alfalfa and other forage crops he grows are fed. This year his 'feeders' have already been sold to a feed lot in Ohio for finishing. There are no milk cows, hogs or chickens on either of these farms, and hardly a trace of a vegetable garden. The New Mexico rancher, in turn, has eliminated all types of activity on his establishment except the care of a small herd of beef cattle, and the production of some hay crops to help carry them through the long, cold winters. His income now comes entirely from the sale of 'feeders' to the operators of the feed lots.

That the changes on these three places are by no means unique is demonstrated rather clearly by the data showing the changes between 1940 and 1964 in the proportions of the farms in the United States having certain designated enterprises. Thus the percentages of all farms having specified enterprises in 1940 and 1964, respectively, are as follows: milk cows, 76.2 and 36.0; hogs or pigs, 61.8 and 34.3; chickens aged four months or more, 84.5 and 38.4; corn for grain, 67.9 and 43.8; Irish potatoes, 43.1 and 9.8; sweet potatoes, 19.1 and 9.8; vegetables for home use, 78.9 and 64.9; apple trees, 29.7 and 3.5; and pear trees, 15.8 and 2.4.[6]

Corn-hog-beef-cattle type of farming

In many ways the corn-hog-beef-cattle combination of enterprises which has dominated life and labour throughout the great 'corn belt' (including the States of Ohio, Indiana, Illinois and Iowa, and the most populous and productive parts of Missouri, Minnesota, South Dakota, Nebraska and Kansas, as well) has been the most effective type of farming ever developed by mankind. Certainly it is largely responsible for the 'image' of the thrifty, industrious, productive American farmer that has prevailed in the United States and to some extent abroad,[7] it long has yielded a far greater return per man-year for those participating in agricultural activities than any other type of farming in the United States, the people who form part of this socio-cultural system enjoy the highest average levels and standards of living of any large segment of the rural population of the nation and there is much reason for considering that the system itself has provided much of the 'thrust' which has revolutionized the ways of extracting products from the soil in the course of the last century.[8]

The highly symbiotic system itself was originated in Kentucky and Ohio about 1810 and once implanted in the rich soils of the Ohio and Mississippi valleys it grew and waxed in importance until about 1960.[9] Its essential nature has never been stated more succinctly than was done by Thomas Nixon Carver, noted Harvard economist, himself born and reared on an Iowa farm, who wrote: 'Owing to the practice of allowing hogs to fatten on the droppings of corn-fed cattle, pork came to be, in a measure, a by-product of the beef-producing industry.'[10] However, almost a hundred years earlier a highly systematic Kentucky planter and writer on agricultural subjects specified exactly how his farm manager was to apply the practice of having 'the hogs follow the steers' in the maximum utilization of home-grown corn; [11] and the results of the painstaking work at the Iowa Agricultural Experiment Station in which it was determined that 'in 120 days of feeding, an average pig, following two steers, picked up the equivalent of 312 pounds of corn.'[12]

Since about 1960, however, this rather general and long-effective type of farming is giving way before the forces of division of labour, specialization and very costly applications of science and engineering. Increasingly farmers in the corn belt are specializing in the production of beef or of pork, and even in the production of corn and soy beans. At present those fattening hogs are relying less upon the gastric processes of cattle and more upon equipment for mixing various components, in order to prepare corn for use by the pigs; and formula feeds in which as many as twenty components are included also are taking the place of corn on the cob or that which has been shelled in the fattening of beef cattle. Moreover, large, new, ultra-modern feed lots are springing up in the area that extends from western Texas to northern Colorado and western Nebraska. The men responsible for these are making use of the latest developments in the flaking of milo and other sorghums in the conduct of systems for fattening beef cattle that, for the first time in the history of the United States, is offering severe competition to the corn-belt producers of beef. It seems likely that the old-style corn-hog-beef-cattle type of farming is reaching the end of its course.

THE WAYS OF FARMING

In many respects the tremendous improvement in the ways of farming, or the system of agriculture, used by American farmers in order to secure crop and live-stock products from the soil is the most spectacular of all the rural social trends in the now highly industrialized United States. Moreover, if viewed from the historical standpoint, the search for new, less laborious and more efficient tools, implements, machines, vehicles, sources of power, means of controlling weeds, fertilizers, and also for new and improved varieties of plants and breeds of live-stock and poultry, has been a major factor in the industrialization of the nation and not merely a result of it.

Except for limited efforts in what is now the south-western part of the country, where a Spanish cultural heritage formed the channels in which human activities flowed until about the middle of the nineteenth century, the ways of farming transferred to what is now the United States were those already perfected to a high degree in France, the Netherlands and the United Kingdom. This means that from the very first American farmers had a plough with a metal point and were equipped with the mouldboard, the horse collar and consequently the use of a horse as a draft animal, and the four-wheeled farm vehicle. Building upon this base the agriculturists of the Ohio and Mississippi valleys, as the middle-class operators of substantial family-sized farms, made

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Footnotes at end of article.

discovery after discovery, improvement after improvement, in all aspects of agriculture and animal husbandry until by 1940 they had by far the most advanced manner of farming that the world had ever known. Of tremendous importance in this remarkable development was the fact that millions of 'land-hungry' immigrant farmers carried and literally poured into the great sociocultural crucible, which was the American midwest, all of the knowledge about soils, crops, animals and cultural practices that had been gained by the peoples of the United Kingdom, Germany, the Netherlands and the Scandinavian countries prior to 1910. Only in the south did improvement in the ways of securing crop and animal products greatly lag. There a system of large landed estates, the monoculture of cotton plantation and the tobacco plantations (and to a lesser extent, that of the rice- and sugar-cane plantations) and slavery perpetuated a system of hoe culture not entirely unlike that which still prevails in immense portions of the world. Even after the freeing of the slaves, the institution of the semi-servile labour system known as share-cropping kept the entire area in a 'developing' stage in which the excessive use (or waste) of human labour through a system of hoe culture prevailed almost unchallenged until about 1930.

By 1910 throughout all of the northern and western parts of the United States, however, the stage was fully set for the burgeoning of a mechanized or motorized system of farming. In fact, long before that many endeavours had been made to adapt the steam engine (which already was furnishing the power for the gigantic operation of threshing the bountiful crops of wheat, oats, barley and rye) to the jobs of ploughing and levelling. But all of this changed when the petrol motor was adapted for use in the farm tractor. Thereafter, within a couple of decades in most parts of the United States the horse and mule gave way to the combustion engine as the source of power for the machines and implements used for all processes on the farm from the preparation of the seed bed to the harvesting, processing and transportation of the products. Moreover, just as during the second half of the nineteenth century the railways had replaced the legs of the animals themselves in carrying cattle, hogs and sheep to the markets, from about 1925 onwards the motor truck wrested this tremendous job of transportation from the railways.

Larger, lighter, stronger, more efficient pieces of machinery and equipment have been the order of the day from 1910 to the present, but there also has been another important guiding principle; and, if they wished to sell their products, the designers and manufacturers have had to keep this uppermost in their minds. Irrespective of how large, complicated and expensive the individual tractor or attachment, and irrespective of the ways in which the implements were to be combined so as to perform more than one operation at a time (such as ploughing seeding and fertilizing) with the various pieces of equipment attached to the tractor in tandem fashion, the machine or the combination of them should require only one man to operate it. In other words, the imperative has been to direct the improvement of all the ways of preparing the soil, controlling the weeds, taking the harvest, processing the product for storage or for sale, and transporting things to and from the market, so that the farmer himself, the farmer and some member of his family, or at most the farmer and one hired assistant, could perform all of the activities involved.

Nor have the improvements been limited to those in which the motors and implements work on the land itself (the tractor and its many attachments) or in the barns and stables (the milking machines, belts for distributing food to live-stock, equipment for preparing mixed feeds, and so on). At present the use of the aeroplane has long passed the stage in which it was harnessed to farm tasks such as spreading insecticides or fungicides. Already to a substantial degree it is being used in the chemical control of weeds, the application of fertilizers and even for the sowing of the seeds.

The results of the development of this mechanized and motorized system of agriculture are there for all to see. By 1968, a mere three million farmers, aided only by their wives and children, and less than a million and a half hired hands (considerable numbers of whom were their own children to whom wages were paid), or no more than one-seventieth of the world's farmers, are producing bounteous amounts of food, feed, fibre and other raw materials for a highly industrialized society of about 200 million persons in addition to large amounts for sale abroad, and unprecedented quantities for distribution gratis to the victims of hunger, famine, and malnutrition in many other parts of the world.

CHANGES IN THE CLASS STRUCTURE

An abrupt decrease in the numbers and proportions of lower-class, and lower-middle-class farm families is perhaps the most momentous and consequential of the recent social trends in the agricultural sections of the United States. This began in 1933 with the initiation of President Franklin Delano Roosevelt's "New Deal"; it swelled in importance immediately before and during the Second World War; and it reached climactic dimensions between 1950 and 1960. At present the trend has pretty well run its course, primarily because the vast majority of those who once were the nation's agricultural labourers and small farm operators have already transferred their residences from the rural to the urban districts.

Prior to 1933 in the United States, farm labour (including share-cropping, which prevailed throughout the heavily populated cotton-producing sections of the southern region) and subsistence farming on small establishments located in economically marginal or submarginal areas were the activities of last resort for persons who for any reason were unable to compete successfully in more rewarding agricultural pursuits or in non-agricultural endeavours. Together the two constituted the marginal industry, or the places in which those who were "crowded out" of other types of employment could and did find ways of gaining some kind of a livelihood. As late as the great economic depression which reached its most extreme stage in 1932, for example, millions of people fled the nation's cities for the rural districts and especially for the least productive parts of the same.[13]

All of this was drastically changed as a result of the welfare legislation which formed the very heart of Roosevelt's "New Deal." In effect the welfare rolls soon began to replace farm labour of all types, including share-cropping and subsistence farming, as the nation's marginal industry. Moreover, because of the way in which the welfare programmes were organized, those who sought to benefit fully from many of the features of public assistance found it necessary to establish their residences in or near the seats of the various counties and preferably in the larger urban centres.[14] This and related factors produced a mass movement of persons, largely those of lower-class and lower-middle-class status, from the farms to the cities in the years from 1933 on, and this huge migration has profoundly changed the class structure of rural society in the United States.

Even in this short article it is essential to present some of the data upon which the above generalizations are based. Consider first, in this connexion, that the rural-farm population of the United States, that is, the persons living in rural territory on tracts of land that are classified as farms, dropped precipitously from 30,157,513 in 1930 to 13,444,898 in 1960. During the same period the non-white (predominantly Negro) portion of this category, almost exclusively those of lower-class status, fell from 4,931,268 to 1,593,098.[15]

The United States Bureau of the Census has estimated that "from 1940 to 1964, there was a net transfer of approximately 17 million persons from farm to non-farm residence",[16] and if the years 1934 to 1940 were included the total undoubtedly would be more than 20 million.

That the vast majority of the persons and families involved in this mass transfer were of lower- or lower-middle-class status also can be demonstrated rather conclusively. In the first place it is easily shown that the semi-servile system of share-cropping has almost disappeared from the scene. This system was introduced about 1868, shortly after the freeing of the Negro slaves and the end of the Civil War, when it was found that cash wages would not elicit regular work from the freed men; and it waxed steadily in importance until 1933, with hundreds of thousands of families of white people joining the ex-slaves and their descendants in its demeaning way of life. Thus in 1930 there was, according to the census enumeration, a total of 776,278 share-croppers in the southern region of whom 383,381 were whites and 392,897 were non-whites (Negroes). By 1959 the total had fallen to 121,037, of whom 47,650 were classified as whites and 73,387 as non-whites).[17] Subsequently the Bureau of the Census abandoned the use of the category of share-croppers as such, and placed the few that remained in 1964 with those classified as share tenants. The number in this combined category, however, fell from 248,039 in 1959 to 146,633 in 1964.

A part of the human drama reflected in these cold statistics is conveyed in a letter to the editor which was published in the September 1968 issue of the *Farm Journal*, a national magazine published in Philadelphia, Pennsylvania, and now in its ninety-second year. The editor, who might very well have begun such a series some thirty years earlier, introduced the communication under a caption 'Who Should Feed the Poor?' and placed it first item in the section. The letter reads as follows:

"Are farmers really responsible for the rural poor, as some 'poor leaders' and politicians claim?

"Many Southern farmers already are carrying a heavy share of the load. For example, the illiterate father of one of our tenants (share-cropper) families is not capable of driving our new eight-row tractors. With chemical farming, we no longer need them as hoe hands. But he has ten children and two illegitimate grandchildren, for whom we have compassion and have tried to help.

"My dilemma: Am I morally obligated to feed these people from here on? Or should I advise them to go to town and get on welfare?

"Larry Woodard, Arkansas"

The problem posed was important enough to the editor to cause him to publish the following invitation:

"Since many farmers are in the same dilemma, we would like readers' opinions on who should be responsible, what is being done and what should be done to help the rural poor?'

From what has been said above, it should be apparent that the dilemma of this particular planter, and the invitation to discuss similar ones in the pages of the *Farm Journal*, come after the changes have been at work for several decades and have pretty well run their course. If the average family of share-croppers is assumed to consist of

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Footnotes at end of article.

5 persons, and not 14 as in the case mentioned above, between 1930 and 1964 this group alone included about 3.5 million of those who made the migration from farms to cities and towns. The exodus of the share-croppers alone has produced a profound change in the class structure of the densely populated rural districts of the southern region, an area which in 1960 still contained 44 percent of the rural-farm population of the United States.

Lest someone think that the former share-croppers may have remained in the rural areas as wage hands or as small subsistence farmers, let us next consider the facts that the numbers in both of these categories likewise have fallen precipitously during recent decades. Thus the comprehensive materials gathered monthly by the Crop Reporting Board of the United States Department of Agriculture indicate that the monthly average number of workers on the farms of the United States fell from 12,733,000 for the year 1935 to 4,903,000 for the twelve months ending in August 1967. During this period the number of farm operators and the unpaid members of their families decreased from 9,855,000 to 3,650,000, and that of the hired workers (which includes considerable numbers of the children of the farmers themselves) fell from 2,878,000 to 1,253,000.[15] The decrease in family workers reflects, of course, the decline in the number of share-croppers and the unpaid members of their families, but the number of hired labourers fell by 56.5 per cent; and this alone is indicative of a transfer of three or four million persons of lower-class status from the agricultural to the non-agricultural portions of American society during the period under consideration.

Finally, some consideration of the drastic reduction in the number of operators of small farms is also required. As in the case of the share-croppers, the persons involved did not merely change from one tenure category to another and remain in the agricultural districts. Unlike the share-croppers and the hired workers, however, they can hardly be assigned to lower-class status. The fact that they exercised the managerial function, were responsible for the decisions affecting their farming activities, places them in an entirely different social position from those who never shoulder the responsibilities of management. Therefore, despite the fact that the incomes of most of them were low, they are properly classified as being of lower middle-class status. The classifications employed in the United States Census of Agriculture being as they are, one must choose between three possibilities in drawing the line between "small farmers" and those in the next higher category. These are below 10 acres, below 50 acres, or below 70 acres. For present purposes we have chosen the second of these, and consider operators of farms of less than 50 acres in size to fall in the lower-middle-class category.

In 1935, exclusive of what then were the territories of Alaska and Hawaii, the Census of Agriculture enumerated a total of almost 2,700,000 farms of less than 50 acres; and in 1964, including the new states of Alaska and Hawaii, there remained only 820,000 agricultural and pastoral establishments of this size. Of the decrease of 1,680,000 farm operators shown in these figures, probably as many as 700,000 are the share-croppers already taken into account. Even so, however, these data unquestionably show a tremendous displacement of the farmers of lower-middle-class status, perhaps by about 1,200,000 heads of households, or some 6,000,000 people.

By summing the three estimates presented above, we arrive at a total of about 13,000,000 persons of lower- and lower-middle class status involved in the mass transfer of population from the farms to non agricultural districts during the period between 1935 and 1965.

In an endeavour to determine roughly the extent to which the mass movement just analysed has affected the class structure of society in the agricultural sections of the United States, the following procedures were used: (a) the number of farm operators, including the number of share-croppers who have mistakenly been classified as such in the Census of Agriculture, is considered to represent the same number of families; (b) the number of hired farm workers is considered to represent one-half that number of families; (c) all farm labourers and all share-croppers are assigned to the lower-class category; (d) all operators of farms of less than 50 acres in size, with the exception of the share-croppers, are placed in the lower-middle-class category; and (e) all operators of farms of 50 acres or more are classified as being above lower-middle-class status. On this basis the following are the changes in the class structure of rural society in the agricultural sections of the United States between 1935 and 1964.

1. The number of agricultural families fell from 8,251,350 in 1935 to 3,938,857 in 1964.

2. Lower-class agricultural families dropped in number from 2,215,278 in 1935 to 781,000 in 1964 or from 26.8 per cent to 19.8 per cent of the total. (The total for 1964 includes an extremely liberal estimate of 40,000 share-croppers.)

3. Lower-middle-class agricultural families fell in number from 1,918,148 in 1935 to 780,015 in 1964, or a decrease of from 23.2 per cent to 19.8 per cent of the total.

4. Families ranked as being above lower-middle-class status declined in number from 4,117,924 in 1935 to 2,377,842 in 1964, but on the relative basis they increased from 49.9 per cent to 60.4 per cent of the total.

Finally, it seems essential to mention that the urban problems generated by the movement of millions of people of lower-class status from the farms to the cities and towns of the United States are so massive that even journalists and publicists of various categories exhibit concern about them. Illustrative of this is this quotation from an editorial in the daily *Florida Times-Union* of Jacksonville, Florida, of 23 September 1968: 'Big cities are caught in the visegrip of decreasing revenues and "high cost citizens". For example, Baltimore has only 27 per cent of Maryland's population, but 71 per cent of the state's welfare-dependent children.'

CONCLUSION

In the agricultural sections of the United States, the forces bringing about change currently are greatly in the ascendancy over those making for stability and institutionalization. This is illustrated by what has happened since 1935 in four of the most important features of rural social organization, namely, to the number and size of farms, the type of farming, the ways in which farmers and animal husbandrymen go about extracting products from the soil and the class structure of the agricultural portion of the society. The number of farms has fallen to less than one-half its magnitude in 1935, and the size of the average farm has more than doubled, but agriculture and stock-raising still remain largely family enterprises. General farming as such has disappeared for the most part, and even such a general type as the corn-hog-beef-cattle combination (which brought agricultural renown and prosperity to the great corn belt of the United States for over a century) is giving way to highly specialized types of farm organization and management. Even in 1935 throughout most of the United States there remained only a few relics of hoe culture and other labour-devouring ways of wrestling products from the soil; but by 1968 with very few exceptions (of which the large-scale production of vegetables in parts of Florida and California supplies some of the most notorious examples), hand or "stoop" labour performed by large numbers of unskilled workers has been replaced by effective, ultra-modern machines and implements powered by petrol and electricity. By 1965 there were already 102 tractors for every 100 workers on American farms, and this does not include the hundreds of thousands of self-propelled grain and bean combines, corn pickers, cotton pickers, and so on. Even the aeroplane is at present used to sow, fertilize and spread insecticides and fungicides on millions of acres which only a few decades ago were worked exclusively by equipment powered by draft animals. Partly as a response to the improved system of agriculture, and to a large extent as the cause of it, many millions of farm labourers and small subsistence farmers have left rural districts and farming activities and taken up residence in the nation's cities and towns. By the millions they have found the welfare rolls to be a substitute for the economically marginal activities they once carried on in agriculture. As a result there has been a profound change in the class structure of society in the agricultural portions of the United States. In 1935, according to certain criteria described in this paper, the line separating the lower from the middle part of the middle socio-economic class divided the agricultural families into two almost exactly equal proportions, 49.9 per cent being below it and 50.1 per cent above. By 1964 however, so pronounced have been the changes, the same criteria indicate that only 39.6 per cent of the families were below that line and that 60.4 per cent above it. Moreover, those of strictly lower-class status fell from 26.7 per cent to only 19.8 per cent of the total.

FOOTNOTES

[1] For the results of my endeavours to ascertain, analyse, and set forth the nature and characteristics of some varieties of all of these socio-cultural systems except (e), (k), (l), and (m), see: T. Lynn Smith, *The Sociology of Rural Life*, third edition, New York, Harper & Brothers, 1953; T. Lynn Smith, *Brazil: People and Institutions*, third edition, Baton Rouge; Louisiana State University Press, 1963; and T. Lynn Smith, *Colombia: Social Structure and the Process of Development*, Gainesville, University of Florida Press, 1967.

[2] Crop Reporting Board, United States Department of Agriculture, *Farm Labor*, 9 October, 1953, 10 February 1965 (mimeographed).

[3] Vol. II, p. 694, Washington, Government Printing Office, 1967.

[4] [5] Ibid., p. 718.

[6] United States Bureau of the Census, *United States Census of Agriculture:* Vol. II, p. 44, 313–29, Washington, Government Printing Office, 1967.

[7] For highly perceptive observations by a visitor about this portion of agriculture in the United States and its importance in affairs at home and abroad see: Salvador Camacho Roldan, *Notas de Viaje*, p. 677–83, Bogotâ, Libreria Colombiana, 1897; and the translation of the same in: T. Lynn Smith, *Agrarian Reform in Latin America*, p. 80–4, New York, Alfred A. Knopf Inc., 1965.

[8] For the most detailed analysis and description available of social organization and life in the "corn belt" see: Carl C. Taylor and Associates, *Rural Life in the United States*, p. 360–82, New York, Alfred A. Knopf Inc., 1949.

[9] For a capsule statement of its origin, development and spread, see T. Lynn Smith "Statement on the Problems of Agriculture in Latin America", in: U.S. Senate Committee on Foreign Relations, *Survey of the Alliance for Progress*, p. 24–5, Washington, Government Printing Office, 1968; and for a fuller exposition of the same consult: T. Lynn Smith, "Agricultural-Pastoral Conflict: A Major Impediment in the Process of Development", to be published in the January 1969 issue of *The Journal of Inter-American Studies*.

[10] *Principles of Rural Economics*, p. 104, Boston, Ginn & Company, 1911.

[11] Adam Beatty, *Southern Agriculture, Being Essays on the Cultivation of Corn, Hemp, Tobacco, Etc., and the Best Method of Renovating the Soil*, p. 265–7, New York, C. M. Saxton, 1843.

[12] Charles Wayland Towne and Edward Norris Wentworth, *Pigs: From Cave to Corn Belt*, p. 211, Norman, University of Oklahoma Press, 1950.

[13] Cf. T. Lynn Smith, *The Sociology of Rural Life*, p. 167–77, New York, Harper & Brothers, 1940; and T. Lynn Smith, 'Recent Changes in the Farm Population of the Southern States', *Social Forces*, Vol. 15, No. 3, March 1937, p. 381–401.

[14] For an early indication of this see: Homer F. Hitt and T. Lynn Smith, 'Population Redistribution in Louisiana', *Social Forces*, Vol. 20, No. 4, May 1942, p. 442–3.

[15] U.S. Bureau of the Census, *United States Census of Population: 1950*, Vol. II, *Characteristics of the Population*, Part I, p. 87, United States Summary, Washington, Government Printing Office, 1953; and U.S. Bureau of the Census, *United States Census of Population: 1960, General Social and Economic Characteristics*, United States Summary, Final Report PC(1)–1C, p. 199, Washington, Government Printing Office, 1962.

[16] U.S. Bureau of the Census, *United States Census of Agriculture: 1964*, Vol. 3, Part 2, p. 7, Washington, Government Printing Office, 1968.

[17] U.S. Bureau of the Census, *United States Census of Agriculture: 1959*, Vol. II, p. 1032, Washington, Government Printing Office, 1962. For an analysis of the movement of Negroes from the rural districts, see T. Lynn Smith, 'The Redistribution of the Negro Population of the United States, 1910 to 1960', *Journal of Negro History*, Vol. LI, No. 3, July 1966, p. 155–73.

[18] Crop Reporting Board, United States Department of Agriculture, *Farm Labor*, 9 October 1953, 10 September 1968 (mimeographed).

PUBLIC INTEREST DEMANDS ADEQUATE PROTECTION FROM TANKER AND OIL INTERESTS

Mr. YOUNG of Ohio. Mr. President, on October 8, 1969, the Senate, by a vote of 86 to 0, passed S. 7, to amend the Federal Water Pollution Act. The chairman of the Subcommittee on Air and Water Pollution of the Public Works Committee, the distinguished junior Senator from Maine (Mr. MUSKIE), and the other members of that subcommittee labored on this legislation for more than 2 years. They are to be commended on the outstanding results they produced.

The bill is at present being considered in conference. Very important differences exist between the bill which the Senate unanimously passed and the bill approved by the House of Representatives. How-these differences are resolved in conference will affect all taxpayers. In addition, it is of vital concern to millions of Americans who live, or own property, along our Nation's shorelines.

Among the most critical differences are those pertaining to the terms for determining legal responsibility and limits of financial liability of owners of oil tankers and others responsible for spills that cause pollution. We in the Senate approved relatively strict terms for determining legal responsibility for damage resulting from such pollution, and comparatively high limits of financial liability for owners of the ships involved. On the other hand, the House bill created relatively loose and inadequate terms for determining negligence and established low limits of financial liability.

The control of pollution, particularly by oil spilling from tankers or from offshore drilling operations, is a matter of extreme importance and urgency to all of us who are concerned lest our beautiful seacoasts, beaches, and shores may soon become filthy stretches of oil slick, dirt, and grime. This must not be permitted to occur.

Every effort must be made to assure that those who cause such pollution be required to make adequate financial restitution for cleaning it up. Our beaches and shores belong to all Americans. They are not the private dumping grounds of owners of oil tankers and offshore drilling operators.

I am hopeful that our colleagues serving as Senate conferees will stand firm for the liability provisions which we in the Senate approved. We cannot afford to wait until a terrible disaster, such as the *Torrey Canyon* disaster, afflicts our shores before taking action to provide for reasonable and orderly compensation for those who might suffer damage.

I firmly believe that oil companies and the oil tanker industry can and must find the insurance that will be necessary to protect them against those limits of liability which Senator MUSKIE and the members of his subcommittee considered minimally essential to protect the American public. I also believe that the American public and individual property owners are entitled, in the event of oil spills, to recover adequate damages against the tanker owner on terms other than simple negligence.

It is grossly unfair that a beach-front homeowner should, in the event of an oil spill from a vessel with which that property owner has absolutely no connection, be required to prove negligence on the part of the owners of the vessel in order to be able to recover damages.

The approach to this problem which we in the Senate took is proper, not only from an economic point of view, but is essential from the point of view of the public interest. The huge oil companies owning large fleets of tankers and the insurance companies insuring oceangoing vessels will certainly fight these proposals every inch of the way. However, if adequate protection by law is not provided now, when the giant oil tankers are just beginning to make their appearance, it will be infinitely more difficult to enact adequate legislation once the shipping industry and the oil industry have grown accustomed to the cost savings they realize from the lower levels of financial responsibility and terms of liability.

ADDITIONAL ALABAMIAN CASUALTIES IN VIETNAM WAR

Mr. ALLEN. Mr. President, I have placed in the RECORD the names of 942 Alabama servicemen who were listed as casualties of the Vietnam war through October 3. In the period from October 4 through November 5, the Department of Defense has notified eight more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 950.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and the next of kin of the eight Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, OCTOBER 4 THROUGH NOVEMBER 5, 1969

ARMY

First Lt. Walter J. Hogans, hubsand of Mrs. Barbara L. Hogans, 203 Scott Street, Tuskegee, 36088.

Sgt. Robert Kennedy, Jr., son of Mrs. Jettie M. Kennedy, 2852 28th Street North, Birmingham, 35207.

Sp. 5. Adrian A. Akins, son of Mr. and Mrs. Ollis B. Akins, 508 Mound Avenue, Cordova, 35550.

Cw. 3 Ferman B. Hodges, husband of Mrs. Mitzie D. Hodges, 249 Howard Drive, Gardendale, 35071.

MARINE CORPS

Pfc. Claude E. Ellard, Jr., son of Mr. and Mrs. Claude E. Ellard, Sr., 1280 West Carlton Acres, Mobile.

Pfc. Stevie Taylor, son of Mr. Roy Taylor, 1727 14th Avenue South, Birmingham.

Pfc. Michael K. Price, son of Mr. and Mrs. Bruce K. Price, Route 2, Jemison.

Pfc. William L. Dawes, son of Mr. and Mrs. Legrand Dawes, Jr., 8512 2nd Avenue South, Birmingham.

UNITED STATES HAS BEEN A PARTY TO EARLIER HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, the current deadlock over the ratification of human rights treaties by the United States has not always existed. Due to extreme delay in ratification of these conventions, the impression that the United States has never been a party to a human rights treaty has been created. Almost unconsciously, many have simply assumed that since we have never ratified a human rights treaty, there is no precedent or real imperative for action now. This is a serious misconception which needs immediate clarification. We have been parties to previous human rights treaties.

We are an adherent to a Convention of Slavery which was first proposed during the administration of President Coolidge, and which was ratified with the advice and consent of the Senate during the administration of President Herbert Hoover. We are also a party to a Convention on the Nationality of Women which was ratified during the administration of President Franklin Roosevelt.

Thus, we are not breaking new ground. We are now proposing that the United States enter into an agreement which has no precedent. In the words of Arthur Goldberg, former U.S. Ambassador to the United Nations:

We are proceeding in that very honorable bipartisan tradition of manifesting concern on the part of our country with the question of human rights.

Unfortunately we have been proceeding very slowly, if at all, in recent years. We have let our great tradition of leadership in the human rights field lapse. We have been content to give lipservice instead of leadership to the movement to promote expanded human rights. At the same time, we have fallen in the eyes of the rest of the world. Newly developing nations which once looked to us for inspiration and leadership in organizing their governments, now view us with quiet contempt. The hypocrisy of our position grows stronger each year as the gulf between our words and our actions to promote human rights grows wider.

Mr. President, the time to regain our once lofty position as the leader in the human rights field is now. By ratifying the three human rights treaties concerning forced labor, the political rights of women, and genocide, we would once again seize the initiative in this important field and provide the world with a clear demonstration of our renewed determination to support fundamental human rights. The costs of ratification are very small; the benefits, however, to our international standing would be very great. Here is an opportunity to regain much of our lost standing in this field with little sacrifice on our part. The time for action is now. Let us start moving toward ratification as soon as possible.

VIETNAM—AN OPEN LETTER TO THE VICE PRESIDENT

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record a letter addressed to the Vice President, together with an open letter to demonstrators, with respect to the war in Vietnam.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Glen Ellyn, Ill.,
October 28, 1969.

The Vice President of the United States,
Washington, D.C.

Sir: As the mother of a son killed in Viet Nam, most people simply assume that I am in sympathy with those Americans who advocate peace at any price, immediate withdrawal, and complete capitulation. They also assume that I am in sympathy with those who participate in demonstrations against the war. Nothing could be farther from the truth.

I have longed to speak out against their form of dissent because I happen to believe that they are abusing their rights as citizens. In their zeal they seem to have forgotten that our President, who was elected by a majority of voters, has been denied their support and encouragement in his attempts to bring the war to an honorable conclusion and that their actions are being construed by the communists to be support for their cause. Somehow I must tell them that I think they are wrong.

It would be impossible for me to address all those demonstrators in person so I would be most grateful to be able to reach them through an open letter, which is enclosed, in the hope that you might see fit to use it in any way you can.

Sincerely,

Mrs. John F. Scull.

Glen Ellyn, Ill.,
October 28, 1969.

To All Demonstrators Against the War in Vietnam:

So you hate war.

You hate it because it kills, wastes, and destroys.

Other Americans have also despaired of the killing, the waste, and the destruction in Viet Nam; but they did not surrender, they did not demonstrate, and most did not complain. Their commitment to democracy was firm and unyielding. These Americans served their country, obeyed its laws, fought and died, probably hating war more than you do.

As demonstrators for immediate withdrawal you have chosen to abandon them, to "bug out" on responsibilities that are distasteful to you and, inadvertent as it may be, to aid and abet the cause of communism.

You vigorously pursue the rights bestowed upon you with the blood of generations of American men who fought to keep alive the democracy that many of you have not helped to earn and that some of you are unwilling to defend. I submit that most of you have squandered their magnificent legacy upon yourselves with no thought of generations to come.

It may well be that destiny has been kind to my beloved son, whose death among thousands of others you profess to mourn, for he is not here to endure the treachery of your pursuit of peace at any price and your willingness to deny the value of his participation in a war he felt to be justified.

The memory of my sweet, gentle son is vivid and needs no prodding from demonstrations of those who hate war but not enough to hate both sides of it—theirs and ours.

When you are ready to take your long list of war dead to the streets of North Viet Nam, to sing your songs in the by-ways of Red China, to utter your prayers and shout your speeches in the factories of Russia . . . then I will be ready to clasp you to my heart, join you in your pleas and stand beside you in your cause . . . unto death . . . because you see my son, too, hated war.

MEMBERS OF DANISH PARLIAMENT URGE END TO VIETNAM WAR

Mr. FULBRIGHT. Mr. President, I have received a message, signed by 72 Members of the Danish Parliament, the Folketing, urging an end to the war in Vietnam. I have been asked to bring the message to the attention of Members of Congress and the American public. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Christiansborg, Denmark,
October 15, 1969.

Mr. William Fulbright,
Chairman of the Senate Committee on Foreign Relations, U.S. Senate.

Sir: The long and tiring peace talks, held in Paris between yourselves and the Vietnamese, reached no positive results; and yet a new flame of hope has lightened the gloom which the prospect of the continuance of war in the world brought with it.

The storm of protest which has arisen amongst the people of the U.S.A. against this war in Vietnam is growing in strength and in depth. We in Denmark are following its growth with anxious intensity.

Senators, Members of the House of Representatives, Democrats, Republicans all have found a meeting point in the pressing need which exists to stop hostilities in Vietnam before the end of 1969, and to work towards the total withdrawal of American forces from that war-torn country.

In this situation, those members of the Danish Folketing, whose signatures confirm the feelings expressed in this appeal, wish to make you aware of our solidarity with those in all spheres of American life who have taken up, so positively, the fight to end this unhappy war in Vietnam.

We, who ourselves are so closely engaged in the political life of our country, both internally and externally, wish to send a particularly heartfelt greeting to those American Congressmen who demand the end of the war in Vietnam. We support wholeheartedly every effort which they are making to bring peace to the world. It is our common, ideals of freedom, justice and human rights which must win the real victory for us. In Vietnam and elsewhere.

This message will not reach you through the usual diplomatic channels. We, whose names are appended to it, have preferred that it come to you in a less formal manner than is normal in communications from the politicians of one country to those of another. We address it to you, Mr. William Fulbright, as Chairman of the Senate Committee on Foreign Relations, with the request that its message be passed on to your colleagues of the Congress of the United States of America, and to the American people.

[Signed by 72 Members of the Danish Parliament.]

TRIBUTE TO MRS. MILDRED GEARE ON HER 40TH ANNIVERSARY AS A JOURNALIST

Mr. MATHIAS. Mr. President, Mrs. Mildred Geare has been serving the News American in Baltimore for the past four decades. Recently, she was honored as she celebrated her 40th anniversary as a journalist. Those in attendance included the Governor of Maryland, the mayor of Baltimore, and some 150 friends and associates. I ask unanimous consent to have printed in the Record the report of "Millie" Geare's anniversary.

There being no objection, the article was ordered to be printed in the Record, as follows:

Millie's 40 Years Toasted

(By Lee Belser)

Mildred Geare, Women's Club Editor of The News American, grabbed her first exclusive (with Mrs. Woodrow Wilson) in the powder room of a local hotel and thought nothing of it, but the honors heaped upon her on her 40th anniversary yesterday nearly overwhelmed her.

"Millie," as almost everyone calls her, flicked a tear from her eye as she heard a salute from Gov. Mandel extolling her "exemplary contribution to the public and to the profession of journalism," then flashed a wide grin as Edward Ballard, American, affectionately toasted her as "the only woman I ever knew who never cooked a meal."

He also told 150 guests at a luncheon for Millie at the Belvedere Hotel that she is the only reporter he ever knew who chased her own copy all the way through the composing room "to make sure it gets in the paper."

Mrs. Geare was feted by the Friendship Association of Baltimore and its nine affiliated civic and professional women's groups for her 40 years' of reporting clubwomen's activities in Baltimore and around the state.

Among the honors given on her were an initialed gold-and-silver pin in the shape of a reporter's notepad and pen, the Distinguished Citizen's Award from the governor; a citation from Mayor D'Alesandro; and enameled red, white and blue elephant pin from two women's Republican clubs; a gold membership card from the Maryland Federation of Republican Women; a gold bracelet charm from the Baltimore City GOP club and other gifts.

The programs, festooned in red yarn, were models of the pages of The News American with "Salute to Mildred" splashed in red.

Mrs. Geare, who came to The News following its purchase of the Post, started out as a member of the latter paper's woman's department.

Known as a bright, friendly and aggressive reporter way back in the 20's, Millie still retains that reputation. Her working day often long and her telephone buzzes continually with news of business and professional women's activities.

Rumor has it that the only time she nearly missed a day's work was when she broke her arm and had to be hospitalized.

But even then, she dictated her next day's column from a hospital bed.

She has made numerous trips to Europe (including one to Russia), but she's always had her column in on time.

During her four-decade career, she has met queens and presidents and was present at every Democratic and Republican National Convention from the era of Woodrow Wilson to that of Lyndon Johnson.

As City Editor Ballard put it, "She is the best known woman among women in Baltimore." * * *

Wearing a tall, multicolored turban (she is known for her hats), Mrs. Geare told a reporter before all the speeches began: "I feel like a million dollars."

But when she started to speak, she admitted: "I feel a little nervous."

Mark Collins, publisher of The News American, described Mrs. Geare as "one of our most valued employes."

"Her devotion and dedication to the paper and to our readers has reflected great credit on our paper. Millie is one of our favorite people.

* * * presenting Mayor D'Alesandro, referred to Mrs. Geare as a "great lady, an outstanding citizen" in delivering greetings on behalf of the mayor and the City Council.

Mrs. Geare took all the praise with a smile, even when Ballard told of a newsgathering feat that contrasted with her usual dignified demeanor: "Once she jumped out of a window to get a story back to the paper," he recalled.

Oh, Millie.

RISING COSTS AND THE HOUSING CRISIS

Mr. GOODELL. Mr. President, yesterday, I had the pleasure of testifying before the Committee on Housing and Urban Development of the New York State Senate on the first day of its hearings regarding the housing problems in New York City.

The distinguished chairman of that committee, the Honorable Roy M. Goodman, called these hearings, which conclude today, in order to conduct a broadgage investigation on the city's housing crisis.

Chairman Goodman invited testimony on a variety of interrelated housing problems such as rent control, rent stabilization in uncontrolled buildings, landlord-tenant relations, relocation, deterioration, abandonment, residential zoning, and ecoomic factors affecting new building construction.

The hearings were most informative and constructive, and I commend State Senator Goodman on his initiative in organizing them.

A principal theme of the day-long hearings was the widespread problem of abandoned buildings in New York City which now total about 10,000. Landlords, not being able to secure rehabilitation loans, desert the buildings—which soon become decayed, deteriorated, and subject to structural fires.

The city's housing vacancy rate is its lowest in history—1.2 percent. The city has suffered a net loss of 21,000 housing units from 1965 to 1968. Because of these facts, tenants, living in substandard abandoned buildings, cannot move easily and are forced to live in these inadequate quarters.

All those who testified at the hearings including Edward J. Logue, chairman of the New York State Urban Development Corp., and Charles J. Urstadt, New York State Commissioner of Housing, urged increasing funding of Federal housing programs to remedy these problems.

It has been estimated that the city will need $1 billion a year in Federal funds for 5 years to reverse the spiral of housing decay in the slums. In contrast, the city received a little over $100 million for housing from the Department of Housing and Urban Development last year.

This same problem is experienced by countless other cities in this Nation.

This inability to meet housing needs with adequate funds has been a prime reason for the failure of many of our Federal housing programs.

In order to begin a reversal of this trend, I have cosponsored the amendment to the Department of Housing and Urban Development appropriations bill, H.R. 12307, introduced by my distinguished colleague from Michigan (Mr. HART) which calls for full funding of urban renewal at its authorization level of $1.6 billion. I hope my colleagues will support this amendment on Monday when the bill is considered on the floor.

For the benefit of my colleagues, I have asked that my testimony before the New York State Senate Committee on Housing and Urban Development be included in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

RISING COSTS AND THE HOUSING CRISIS

The Housing and Urban Development Act of 1968 set a national housing goal of 26 million new and rehabilitated housing units by 1978. This goal has been used as a yardstick to measure our housing programs.

Too often, however, we have allowed ourselves to assume that the mere declaration of this housing goal will produce a flurry of activity.

It is now time for us to examine the hard facts about the housing goal.

It is now time to admit the failures of our housing programs.

It is time for us to face the fact that, at present production rates, we will not be able to produce 26 million more units within the next decade.

Despite the enactment of the 1968 Housing Act, the housing crisis is getting worse, not better.

On a nationwide basis, housing starts have declined from 1.5 million in 1968 to an estimated 1.1 million in 1969. Only 100,000 low income units were built last year. 20 million Americans still live in substandard housing.

The plight is particularly desperate in New York City.

450,000 units are in a deteriorating or dilapidated condition.

140,000 eligible families are on the waiting list for public housing.

Housing starts have decreased from 18,500 in 1967 to 16,184 in 1968.

10,000 buildings have been abandoned this year, a substantial increase over previous years.

These grim facts mean that we have failed. Government housing programs, although well intentioned and ambitious, have not met the needs in New York City and other cities.

FUNDING LEVELS

The prime reason for our failure to meet housing goals has been inadequate funding.

Housing for low and moderate income families requires the expenditure of large amounts of Federal money. This money has not been forthcoming.

The 1968 Housing Act established major innovative action programs to increase our Nation's supply of housing for low and middle income families. Unfortunately, this bold legislative package was not supported with an adequate commitment of our financial resources.

This year, despite the housing crisis and the national attention given to the problem, we may very well experience another appropriations setback.

Early this year, the Department of Housing and Urban Development submitted a budget request to Congress for a little more than $2 billion for fiscal year 1970. This, incidentally, amounts to less than one month's expenditure for the Vietnam War.

The House of Representatives responded in July by slashing this budget by 20%, or almost $400 million.

In 1968, New York received roughly 10% of the funds spent by HUD on housing programs. Assuming the City receives the same proportionate share this year, then the House cut would reduce the City's allocation by about $40 million below what it would be under the HUD budget request.

This is a loss which the City cannot afford.

Cuts have been made by the House in all the major innovative housing programs of the 1968 legislation which have the potential for easing our housing crisis.

Section 235, Homeownership and Section 236, Rental Assistance were cut $20 million and $30 million respectively. In the first year of operation, these programs have proven most effective and the demand for assistance quickly exhausted available funds.

Rent Supplements, another new and promising housing program was cut from $100 million to $50 million. This program was created for a two fold purpose; as an incentive to increase the housing stock and as a rental assistance program for the poor. Unfortunately, this program has suffered since its inception from underfunding and has not been able to fulfill its role in supplying new housing. The House appropriation will only serve to make its success more unlikely.

The appropriation for Model Cities, has been reduced by the House from $675 million to $500 million, just as the program has begun to develop as planned.

The Senate should restore these funds cut from the HUD budget by the House. In September, I requested the Senate Appropriations Subcommittee reviewing the fiscal 1970 housing appropriations to take this action.

One area where lack of funds is particularly acute is urban renewal.

The Administration has requested $1 billion for urban renewal, and the House cut this by $150 million.

Almost 85% of the funds expended by HUD in New York State are earmarked for urban renewal.

This program is hit particularly hard by inflation and soaring construction costs.

To offset these inflationary pressures, I have urged the Senate Appropriations Subcommittee to fund the urban renewal program at its full authorization level of $1.6 billion—rather than at the $1 billion level requested by HUD.

The Construction Cost Index (CCI) compiled by the Department of Commerce indicates that construction costs will rise 7.2% this year, based on national estimates. In New York, these same costs may rise 10%. If the CCI is applied to the HUD $1 billion budget request for urban renewal, the funds in terms of actual purchasing power will be worth only $933 million. Therefore, the effects of inflation cut into the appropriation before the funds are even available.

Conventional urban renewal programs, because of their scope and complexity, often take 10 years and in some cases longer to complete. Due to the annual increase in construction costs, cost over-runs and other results of inflation, the sums originally reserved for a project normally will not be sufficient for completion. As a result, amendatory grants must be allocated by HUD to city officials to meet the higher costs. The Department estimates that of the $1 billion requested, about $400 million will be for amendatory grants attributable to past cost increases.

Inflation, therefore, consumes over 40% of the Department's $1 billion budget request. This would leave only about $500 million for new urban renewal programs.

The increased demands for urban renewal funds far exceed the available supply of funds. The Department of Housing and Urban Development needs more than $2 billion to fund existing applications—$1.5 billion for conventional urban renewal and $692 million for the Neighborhood Development Program. This does not include new applications which will be submitted during the course of the fiscal year and I understand that applications received by HUD total $200 million each month.

An appropriation of $1.6 billion would yield almost $1 billion for existing and new applications. Needless to say, this amount will not be sufficient fully to meet actual needs. However, it will provide twice as much money for new urban renewal programs as the HUD request, after the effects of inflation are taken into account.

It is false economy not to provide adequate funding for these housing programs. The funds spent for them bring economic returns by creating jobs and a stronger tax base in blighted areas.

In addition, if we fail to act now, decay will continue to spread, and the cost of correcting it will continue to rise with soaring construction costs. Ultimately, we will be faced with a far greater—and much more costly—task of renewal than if we take action now. In the meantime, millions of Americans will be forced to continue to live in substandard and deteriorating areas.

CONSTRUCTION COST LIMITS

Unrealistic statutory cost limits in HUD programs have seriously impeded badly-needed new production.

In the Senate, we have sought this year to replace the rigid existing cost limits with more flexible, realistic limits that will respond to changes in construction cost levels.

In Committee and on the Floor of the Senate, I proposed an amendment which would have replaced the present room cost limits for public housing by a flexible limit under which:

Existing statutory cost limits of $2400 per room could be increased by the Secretary of HUD to reflect increases in the nationwide construction cost since 1965, on the basis of cost indices approved by the Secretary.

These limits as adjusted by this sliding scale could be further increased by the Secretary in high cost areas by the amount of 45%.

The Committee and the Senate also adopted a similar sliding scale for the Section 235, Home Ownership, and Section 236, Rental Assistance Programs.

An important, although seemingly technical problem that arose in the Senate in connection with these sliding scale limits was the selection of the base year.

The Senate Committee adopted a base year of 1967. I urged a base year of two years earlier—1965—and successfully offered this as an amendment on the Floor of the Senate.

Room cost limits for public housing were last examined in 1965. Mortgage limits for the Section 235 and Section 236 programs were based on 1965 figures. Since that time, there has been a construction cost increase of over 26%. The 1967 base year formulas would have allowed only a 15% construction cost increase.

I felt strongly that the new room cost limits should reflect the present changes and actual experience in construction since the last revision by the Congress.

For public housing, a 1967 base year would have yielded a room cost limit of approximately $4,000; the 1965 base year produced a limit of over $4,300. The latter figure is the minimum necessary to proceed with public housing construction in New York City.

The House did not adopt these flexible cost limits, and instead merely passed a flat 10% increase over existing limits. This is simply inadequate in New York City.

The Senate and House bills will be considered in Conference shortly. It is essential that the sliding-scale cost limits passed by the Senate be adopted in Conference.

NEW YORK CITY HOUSING NEEDS AND THE CONGRESS

One reason for the difficulties New York City is facing in these housing areas is that it has not been effective in making its needs known in Congress.

It has been my experience as a member of the Senate Banking and Currency Committee—which has jurisdiction over housing legislation—that the Committee members and staff are not sufficiently aware of New York City's special housing needs.

Part of the job of making the Committee and the Senate aware is my responsibility. I will, however, have to have the full assistance of your Committee, of the groups appearing before you at these hearings, and of all others interested in improving housing in New York City.

It is equally essential for those of us interested in New York City's housing problems to get together with groups from other cities having similar problems. This has not been done.

For example, during the Senate hearings on the 1969 housing bill this summer, representatives from only one city—New York—testified on the problems of cost limits for public housing. Officials from other cities, many of whom were experiencing the same problems with public housing, did not stress a need for a change in cost limits. It would have been much easier to secure action had the New York City testimony and recommendations been followed by a multi-city lobbying effort supporting cost limits revisions.

I understand that a multi-city campaign can be difficult to coordinate. Nevertheless, in order to secure funds and housing programs responsive to current needs, it is needed if we are to get the job done.

A RIGHT TO PROTEST

Mr. NELSON. Mr. President, in a free society people have the right to speak, write, and demonstrate to express their feelings, hopes, and wishes about the policies of their government.

In his Friday commentary in the Washington Post, Nicholas von Hoffman addressed himself to this question with perception and eloquence.

On the same day, an excellent Post editorial also discussed this issue.

I ask unanimous consent that these articles be inserted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LIBERTY TO LOUSE UP

(By Nicholas von Hoffman)

Whenever a big demonstration is shaping itself into a fist getting ready to hit, our public wise men come forward with advice for the protesters. Since a monster march is preparing itself for Washington on Nov. 15, there will be a correspondingly monstrous amount of helpful hinting and kindly comment. Whatever the cause or the occasion, the advice from politicians and editorialists is always the same.

"If you do this, you'll only hurt your own cause. You'll produce a backfire, backlash, backroar, etc." It wouldn't be surprising to learn that the driver of the bus which Rosa Parks integrated in Montgomery, Ala., so many years ago had attempted to get her back in the segregated section by explaining she was only hurting her own people by carrying on so. All his public life, the Rev. Dr. Martin Luther King was warned that if he sat in, picketed, marched or tried to register to vote, he ran the risk of setting back the black man.

Who usually gives this advice? The fellows on the other side. The Segs used to say that to Dr. King, and it's the war hawks who say it now to the peaceniks. The source alone makes it suspect. What really is meant by this small bit of statesmanly help is, "If you march and anything bad happens, we'll do our best to blame it on you and get as many people as possible against you for it."

One of the marks of operative political freedom is the liberty to louse up your own cause by poor judgment and bad tactics. We've been over this again and again with the blacks, who've insisted that a white man can't general a black man's cause. If the cause is lost the black man must pay; the same holds true for the peace movement, which essentially is a young people's movement because the burden of the war falls heaviest on them.

Another category of remarks and admonitions centers around "sincerity." There are a number of variants but the gist is, "If you want to prove your sincerity, you won't march on the grass without a permit, you will submit to arrest and go to jail, or you will act responsibly, i.e., you will do what we want you to do."

If sincerity were a test in politics, nine out of ten public officeholders would be turned out tomorrow morning. Sincerity is a private virtue, and people who demand it only demand it of their enemies. If you disagree with me, the only way I'll believe you're sincere is if you change your mind and join me.

Next we have the double-mouthed critic who wants to get a leg up on both sides. He likes to say, "Your cause is fine, noble, generous and public spirited, but your leaders and/or some of your followers are terrible. Why don't you throw out the Communists, radicals, activists, and lunatics on your steering committee, and pick some good, moderate, middle-of-the-road, responsible people?"

Politics is tough enough without each side letting the other pick its leaders. The blacks have had to suffer through *this* again and again—"We're for equality, but we won't negotiate with militants." Often what this translates into is, "We don't mind you messing around as long as the people leading you are compliant and ineffective, but we don't want you being influenced by some bunch that knows what it's doing."

There is a degree of seeming plausibility to this criticism. Some of us are jarred and disconcerted when we learn there are two Communist Party members on the board of a local peace committee. For people who fear violence, the presence of CP members should be reassuring. Old line Reds tend to be law and order types who're as suspicious of unsupervised, popular demonstrations as any White House aide. But the point is that there is no way to bar the door to Communists or SDS members or Trotskyites because the peace movement is a movement not a political party.

In American politics the parties are run by one half of one per cent of the membership—the silent minority, you might call it—so they can control what kind of person is allowed into influential positions. A social movement, by definition, is a different species of animal. It has no stability, it shrinks and swells, it takes cues from people in leadership positions, but its awesome strength derives from the millions of individuals making up their own minds to join in. This is why the government can continue to indict leaders without any visible effect on the movement's strength. It is not controlled by tiny numbers of people who have power to keep out Communists but admit moderates.

Most of the people who will be coming to Washington next week won't know the names or politics of the people who thought up the idea of the moratorium or the march. The marchers are led not by leaders but by an idea. Leaderlessness isn't a characteristic of all mass movements, but it's an important element in this one because it heightens the feeling of uncertainty surrounding what may happen. Under other circumstances, there would be political figures in Washington to act as leaders, but most of the logical candidates for leadership roles either have discredited themselves or will be too chicken to stand on the speaker's platform.

Another argument you frequently hear is, "If you do this there may be violence and the blood will be on your hands." Sometimes that's true, but if we look at the history of civil conflict in the United States it's clear that often the responsibility for blood being shed has to be assumed by the authorities. Flirtatious delays in issuing parade permits, the use of agents provocateurs are instances of officials inciting to riot. In the last few days it hasn't been the antiwar leaders who have crossed state lines to give kid-baiting, incendiary talks and you know these speakers aren't going to be indicted under the Rap Brown Act.

For a demonstration to remain peaceful, there must be lawful conduct both from the marchers and the authorities. If it's true that violence will hurt the peace movement, then there are others besides a few demented kids from SDS who stand to gain by fulminating it.

Next we get to the unity-divisiveness theme. Somebody gave a classic expression of it on the tube the other night: "Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat the United States. Only Americans can do that."

It is by uttering such words, especially behind the presidential shield, that a "silent majority" is created. A silent majority is a large, flaccid glop of people who thoughtlessly give assent because the question doesn't matter enough to them to think it through. People are silent because they are gagged, despairing or indifferent. This majority is silent because it doesn't care enough.

Taken on their face, these calls for unity make no sense, but they're comprehensible if you understand unity to mean obedience—"Be obedient for peace. Be obedient against defeat." Except in rare moments of self-evident, not government-proclaimed, national crisis, unity is antithetical to the democratic process. Our whole theory of ruling ourselves is based on the assumption that rival ideas and policies must be encouraged to have it out so that we may pick the wisest and best.

We've had 30 years of unity, of bipartisan foreign policies, of obediently cheering while our presidents roam infinitely about the planet, lamp in hand, like Diogenes, trying to find a peaceful nation. An end to unity. Bring on division and debate. It's terrible on the ears and the nerves, but it's never been claimed that democracy is the easiest form of government, only the best.

Preparations for the Moratorium

Citizens may disagree with official policy, even in time of war, and still be patriots. But they must be free to express their disagreement. Dissent that is suppressed tends inevitably to become rebellious, just as any force too narrowly confined tends to become explosive. That is why protest against prevailing policy—even when a President feels that it may hamper the execution of that policy—needs to be accorded the fullest freedom consonant with public safety.

Nothing is clearer from the Constitution and the traditions of the American people than that citizens have a right to come to the Capital of the United States and demonstrate dramatically to their representatives in Congress and to their President that they oppose a national policy. It is true that such a demonstration may cause a lot of inconvenience; it may snarl traffic, interfere with people engaged in their normal activities, put the government to great expense in maintaining order. But to forbid or frustrate such a demonstration would be at once dangerous and un-American in the truest sense of that abused term.

We set forth these general observations with the thought that they ought to guide the government in dealing with the antiwar demonstration planned here for Nov. 13, 14 and 15. It would be folly to ignore the potential dangers involved in this demonstration. No one can say with any certainty how many demonstrators will come here. No one seems able to speak with authority for the demonstration as a whole. While there is no doubt that an overwhelming majority of those who will assemble here mean to do so peaceably, there is evidence that others mean to take advantage of the occasion to foment disorder and violence; and there is always a risk that excitement can lead to upheaval even among the well-meaning.

So there is every reason for the District authorities and the Department of Justice to take precautions and to be prepared to deal with trouble. The sooner the rules governing the demonstration can be clearly fixed and made widely known, the better the chances for avoiding disaster. Those rules ought to be generous and reasonable. In a statement Tuesday night, Justice Department officials indicated that they want to scale the Nov. 15 march down to a "symbolic" movement of a few people. There is no warrant for such constraint. Pennsylvania Avenue is a traditional place for parades; and there is no good reason why the demonstrators should not use it if they do so lawfully and in good order.

The aim ought to maximize the opportunities for orderly expression, while minimizing the opportunities to foment violence. If there are to be several hundred thousand demonstrators here next week, there is good reason for forbidding them to ring the White House itself because of the dangers that grow out of confining so large a number in so small an area. But they could safely, we should suppose, be allowed to march around the complex comprising the White House, the Treasury Department and the old State, War and Navy building.

Latitude and hospitality in dealing with demonstrators worked well for this city in the great Civil Rights March of 1963, in the creation of Resurrection City and in the Moratorium Day of last month. They worked a great deal better than the hostility and repression with which the Chicago authorities greeted the demonstrators at the Democratic National Convention of 1968. Local as well as national authorities ought to participate in the planning for this event, for local as well as national interests are involved, and the people who live here need full representation.

Specifically, both Mayor Washington and the city council ought to be speaking out and exerting their influence in every way possible, publicly as well as privately, to maintain the record that has been established here of respect for liberty as well as order.

Let the rules be respectful of freedom. Let them be promulgated with as much clarity as possible. And let the force be on hand to see that they are resolutely maintained. The Americans who live here need not then be fearful of fellow-Americans who come to the Capital to exercise their right as free men.

ORDER FOR ADJOURNMENT

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS 1970

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 514, H.R. 12307. I do this so that the bill will become the pending business.

The **PRESIDING OFFICER**. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. **MANSFIELD**. Mr. President, no consideration will be given to the pending business this afternoon.

ORDER OF BUSINESS

It is my intention, when the distinguished Senator from Alaska completes his remarks, to explain to the Senate in a somewhat brief manner, with additional brief information to be incorporated in the Record, the status of the consular convention with Belgium and the agreement with Canada on adjustments in flood control payments.

It will be my intention to go through the reading of these two treaties or agreements and to request at that time that the vote take place at 2 o'clock Monday afternoon next.

The **PRESIDING OFFICER**. Pursuant to the order of yesterday, the Senator from Alaska is recognized for 30 minutes.

S. 3127—INTRODUCTION OF A BILL TO PROVIDE FOR THE EXCHANGE OF GOVERNMENTAL OFFICIALS BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS

Mr. GRAVEL. Mr. President, I introduce a bill and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3127) to provide for the exchange of governmental officials between the United States and the Union of Soviet Socialist Republics, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Foreign Relations.

SAINTS AND DEVILS THRIVE ON DISTANCE

Mr. GRAVEL. Mr. President, the time has come for the American political leadership to visit the Soviet Union. And the time has come for the Soviet political leadership to see what the United States is really like. The time has come to do what perceptive political observers have long proposed. We should expose each country to the observation of the political leadership of the other side.

I propose that we make it possible for 1,000 leading American elected officials in local, State, and National Government to go to the Soviet Union with their wives for up to 2 weeks at Government expense. And I propose that we facilitate the travel here of 1,000 members of the Soviet leadership with their wives, should they choose to come. This proposal has potential for improving relations, and for providing a political climate in which the arms race can be slowed. Certainly, relations between our two countries will become more normal when such visits become an accepted state of affairs.

There are two aspects of my proposal and both deserve support on their merits alone.

First, there is the enormous desirability of having our political leaders visit the Soviet Union. Consider what a strange state of affairs now exists. Since the Second World War $1 trillion has been appropriated principally for our defense against the Soviet Union. Yet most Congressmen and Senators who cast their votes have never been there. Appropriations continue at such a rate that in the next 10 years, we will have spent an additional trillion dollars. No Senator or Congressman spends one-millionth of that sum without going to see the site of the dam or airport for which the money is being spent.

Every Congressman bears direct responsibility for decisions affecting the conduct of defense and foreign policy. Each must consider his vote on defense matters to be among the most important votes he casts.

In our political process decisions are not only made in Congress. Elected officials at the State and local level also shape national policies through their influence on candidates and issues. How many mayors, Governors, and leading members of State legislatures have been to the Soviet Union? And how many of these officials will be tomorrow's national leaders?

Everyone who has been to the Soviet Union—everyone who has traveled anywhere—knows the importance of a visit in understanding another culture. Sociologists, specialists in cultural exchange, political and social scientists will tell us that there is no substitute for travel as an educational and cultural addition to the perspective of our political leadership. Some believe we are entering an era of educational and cultural relations which itself must be better understood by our political leadership.

Every year since 1958, we have sent to the Soviet Union between 500 and 3,000 scientists, sportsmen, doctors, educators, and specialists of other kinds. Has not the time come to send political leaders who must, after all, make the decisions upon which our future depends?

In recent years, between 10,000 and 20,000 American tourists have gone to the Soviet Union annually. In time, an informed portion of our American society will have a clearer mental picture of the Soviet Union than that held by most American political leaders.

In the beginning of the cold war, travel to the Soviet Union was difficult and hedged with restrictions. But since the middle fifties, and increasingly in the sixties, many cities have been opened up for even nonofficial travel.

Mr. President, I returned in August from a short visit to Moscow. I can tell you what many thousands of Americans can now report first hand. It is possible to walk the length and breadth of these many cities. It is possible to see the way people dress, the homes they live in, the newspapers and posters they read, the monuments they visit. One can see how they treat one another, the courtesies they show the visitors and the emerging and disappearing styles of behavior.

We in the Congress are politicians. We are good ones, or we would not be here. We know the importance of seeing, feeling, touching, smelling reality. We know what reaching out to people is like. We know how much can be learned and gained from experience. And we know how important it is to let others see us, and hear from us, what we stand for. Why, then, have we failed to apply this rich instinct for human relations to foreign affairs, our most important problem?

There is no good reason. Some Congressmen and Senators have already traveled—some more than once—to the Soviet Union. And they can testify, as I testify, to the importance of such travel in their thinking and perspective. But many other Congressmen and Senators have never found the occasion. Some are inhibited by shortages of time. Some are inhibited by fear of the charge of "junketing." They do not wish to ask a committee for funds for travel when that travel is not imperative to that particular committee assignment.

Not only Congressmen should visit the Soviet Union. It is abundantly clear today that there must be continual examination and reexamination of our national priorities in our national expenditures. The needs of our States and our cities must be balanced against the demands of national security. Fully one-half of our budget is being spent on defense. In the attitudes and in the positions taken by State and local leaders there are always echoes of opinions of the cold war. Whether he wants roads, schools, or health care, each State and local leader should want to have an informed appraisal of the kind of adversary we face.

Therefore, our 50 Governors should be given an opportunity to visit the Soviet Union. They especially provide the citizens of their States with a sense of the relative urgency of domestic versus defense expenditures.

Inside the State legislatures, where the political process is shaping domestic programs, it is desirable that respected men of long experience be available to convey their sense of the state of Soviet progress. In our Nation, there are 99 houses of the State legislature. Each has a speaker or president and each has a majority and minority leader. I propose that these three men in each of these 99 parliaments be given the same opportunity to travel.

Finally, I believe that we should accord the same privilege to the mayors of our 100 largest cities, cities with well over 100,000 population and sometimes several million. These mayors are also urgently seeking some personal basis for shaping the national priorities that are so critical to the demands of their cities.

In other words, this program would insure that leading and representative figures throughout our political process had some firsthand experience with the most salient features of Soviet life.

Obviously, a proposal this far reaching and novel will need continual overseeing. Discussions with Soviet representatives about the program will undoubtedly be necessary. And Congress will want to be ready to hear U.S. and Soviet comments on how the program is going. Therefore, I am proposing that a Joint Committee on U.S.-U.S.S.R. Political Exchanges be set up for the explicit purpose of overseeing this program. It would have no other purpose.

This is a sensible proposal. And it is an idea whose time has come. The proposal can be justified in many different ways and does not assume an improvement in United States-Soviet relations. Some may wish to be certain that their perspective on Soviet development is accurate and up to date. Some may believe that one should "know one's adversary."

This is not a proposal to brainwash the American political leadership. Historically, those most sympathetic to the Soviet Union have been disillusioned by their visits. In 1936, Andre Gide's report on his trip "Return From the U.S.S.R." created a sensation. Three years before, Gide had declared his "admiration," his "love" for the Soviet Union. He returned deeply troubled and said:

> Good and bad alike are to be found there; . . . the best and the worst.

He was not the first. In 1839, a contemporary of De Tocqueville, Nicholas de Custine, produced an extraordinary report on his visit to Russia. His insight into Russian character is as valuable as De Tocqueville's analysis of our own. De Custine reported that he went to Russia "in search of arguments against representative government" but returned a "partisan of constitutions." These observers were far more sympathetic to what they set out to see than our political leadership would be.

Our political leadership cannot be fooled. It is true that the Soviet leadership, and Soviet society both, will try to show visitors only the best, much as a housewife insists upon tidying up the home before guests are received.

And of course, for traditional social and political reasons, the Soviet Union wants to make the best possible impression on foreign visitors. But this makes no important difference. Many differences between American and Soviet ways of life are so visible that they cannot be hidden from the traveler for even 30 minutes, much less 2 weeks.

It is not only the political left that is traditionally disillusioned by contact with the Soviet Union. The far right will also be startled. The Soviet Union is far behind us in living standards. They will see that the Soviets are not 10 feet tall.

There is much evidence that the more conservative the American politicians are, in economic and political philosophy, the more favorably impressed they are likely to be by the Soviet Union.

In other words, some of our political leaders with exaggerated stereotypes will lose them. This is not brainwashing. This is broadening. This is education. People often fear and often they idolize what they do not know. That is what Dr. Harold Lasswell meant when he said: "Saints and devils thrive on distance."

My proposal that we arm ourselves with information, is something we ought to do in our own interest. We should do it regardless of the Soviet response. But obviously, it is just as important for Soviet officials to see our country as it is for us to see theirs. We should not forget that only one group in the world has the power to destroy us and this is the ruling group in the U.S.S.R. Whether we communicate well with that group could, quite literally, determine whether we and they survive.

The best way to improve such communication is to remove Soviet stereotypes about us and permit this group of leaders to see us as we are. An important study, entitled "How the Soviet System Works," lists typical Soviet opinions and the effect of contact with the West on those opinions. Soviet citizens thought Americans were aggressive and bent on world domination. But contact with the West decreased the force of that belief. Soviet citizens respected America for its technology and its material power; contact with the West reinforced this view. Soviet citizens thought capitalism was decadent, surviving only by exploitation of workers, and the artificial stimulation of armament production. This notion has been pretty well destroyed by contact with the West. Finally, our standard of living was underestimated. The magnitudes of difference that did exist surprised Soviet citizens who came here.

But perhaps most important of the impressions that visits to America will leave in the minds of Soviet officials is the impression that an arms race with a country so rich is so futile. This alone is reason enough for the passage of this bill.

My proposal is not the first effort by the United States to welcome foreign leaders in our political interest. In 1948, Congress passed the International Information and Educational Exchange Act, better known as the Smith-Mundt Act. At first this was directed toward encouraging visits by intellectuals and scientists. It then became, under the pressures of the cold war, a program to convey a more accurate picture of American democracy to foreign leaders in the massive struggle for men's minds.

Thus, the foreign leader program of 1952 was designed for those who exercised, or would probably soon exercise, unquestionable influence over a substantial segment of public opinion in their own countries. They were to be provided with a full and fair picture of American life.

From 1949 to 1954, a great emphasis was placed on exposing German leaders to American democracy. Are we any less interested in showing America to the Soviet leadership with its power of war or peace, than to the leadership of a defeated Germany?

Unfortunately, negotiations on Soviet visits of this kind could bog down through Soviet reluctance to send their leadership in these numbers. This proposal may seem frightening to many Soviet leaders of conservative bent who fear ideological penetration and do not wish to have so many of their colleagues exposed to Western influences and Western standards of living.

For this reason, the United States should simply move ahead on that part of the program that it can control by itself—the sending of our political leaders to the Soviet Union. The best way to insure Soviet participation is not to wait for their agreement.

I propose that, in passing this bill, we announce our readiness to welcome 1,000 Soviet officials from the Communist Party Central Committee, the Supreme Soviet, and the Council of Ministers.

The proposed Joint Committee on U.S.-U.S.S.R. Political Exchanges, through the U.S. State Department, can discuss with the Soviet representatives any proposals they may wish to make about financial reciprocity. It is entirely possible that we shall wish to defray Soviet expenses in this country, and in return have the Soviet Union defray the expenses of our visitors. This is a minor question, from our point of view.

The exchanges between officials of the two societies is not an exchange between the Congress and the Supreme Soviet. It is obviously much broader than that. The fact that our political figures participate in our social system in different ways than the Soviet figures participate in theirs does not constitute a valid basis for rejecting this program.

We can reasonably assume that, for the most part, the most influential Soviet political figures will be sent. After all, a trip to the West is interesting to Soviet citizens just as a trip to the Soviet Union is interesting to our citizens. There will be some competition over who is permitted to take advantage of this offer: presumably the most influential will win. But it does not matter. All who are sent will be important figures and opinion leaders in the Soviet Union. All should see us as we really are. We have nothing to hide and much to be proud of.

Many Members of the Congress may fear that such an exchange will require enormous quantities of official hospitality and time—resources of which parliamentarians in our social system have very little. But this need not be so. There are private institutions quite capable of arranging the appointments and visits of the 1,000 Soviet visitors who may come.

Most of the visitors will be interested in seeing the country rather than exchanging speeches. Anyone who has accepted official hospitality in trips to the Soviet Union may wish to reciprocate. But no individual will be under any obligation. We do not want this program to disintegrate into a series of ceremonial events, this would be inconsistent with the basic purpose of the program. Every effort will be made to keep such events at a minimum.

Finally, my program includes the spouses on both sides. The purpose of this proposal is to observe the life of another society. In this evaluation, women have an important perspective.

The wives will observe important aspects of life that would otherwise be missed. The wife provides a useful, trusted, and valued sounding board on which to test his conclusions. Our wives give balance to our views.

Some will say that if we spend money for travel to the Soviet Union, why not other countries?

I see a special relevance in visits to the Soviet Union, the only other really major power, a nation that has 1,000 missiles aimed at us. So I restrict my proposal to this country.

Not all of what travelers learn is good. But all of it is real. A picture is worth a thousand words. A visit is a million pictures. No one can be sure, using words alone, that his judgment on Soviet policy is sound, unless he has exposed himself to at least one visit. This, in a nutshell, is my argument.

The total cost of this program would be $5 million. Let me recapitulate what we are getting for this sum. One thousand influential officials of our society, with their spouses, will be exposed to the Soviet Union as it is. Each will be in a position to transmit, through his vote, and to the groups he influences, exactly what he has learned.

And, in addition, we will likely trigger from the Soviet Union visits of 1,000 influential persons and their wives from their society. They would see us as we are.

Defense expenditures over this period of 5 years are likely to be at least $350 billion or about $1,500 per person in the United States. My program will cost less than 2 cents per person over the same 5-year period. If we and the Soviet Union cut our defense costs some infinitesimal amount as a result of this exchange, the entire project will have been a success.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. MANSFIELD. Mr. President, this is a most interesting speech. It raises a very intriguing question.

The question of exchanges between parliamentarians has been brought up from time to time, and I believe that the Soviet Union has indicated great interest in bringing about an exchange between parliamentarians from their country with Members of Congress in this country. So far this proposal has not achieved importance in the way of success because, I think, of the inherent or latent hostility which is still a factor between the two countries and which will not be relieved until better relations are achieved.

I wish to ask the Senator a few questions which may help to indicate his particular interest in the intriguing possibility he has raised.

Aside from Canada and Mexico, what country is our closest neighbor?

Mr. GRAVEL. Geographically, it is the Soviet Union.

Mr. MANSFIELD. What is the status of the Diomede Islands; and what is the distance between the two islands?

Mr. GRAVEL. Between Little Diomede, which is U.S. territory, and Big Diomede, which is Russian, the distance is about 2 miles.

Mr. MANSFIELD. So the largest State in the Union is the closet neighbor to the largest nation in the world.

Mr. GRAVEL. The Senator is correct.

Mr. MANSFIELD. Many people are not aware of the fact that we are a very close neighbor of the Soviet Union, based on the distance between these two islands. As the Senator indicated, 2 miles separate the United States from the Soviet Union. I bring out this point because it helps explain in part why the distinguished Senator from Alaska, who, in effect, is a next-door neighbor, would be interested in a suggestion of this kind.

I want to assure the Senator, assuming that this matter will go before the Committee on Foreign Relations, as I think it will, that what he has suggested will receive every consideration and, hopefully, in the not too distant future.

I commend the Senator for a most interesting speech.

Mr. GRAVEL. I thank the Senator from Montana very much.

Mr. BYRD of Virginia. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I found the speech of the Senator from Alaska most interesting. I thought his presentation was splendid.

I am not prepared at this time to endorse the specifics of the legislation which the Senator is introducing today but I find his idea intriguing.

I endorse the central theme; namely, the importance of individuals, particularly the leaders of a country knowing better the leaders and conditions in other countries. I think that is extremely important.

Mr. President, in private life and before coming to the Senate, I was a newspaper editor. I felt it an obligation to know not just my circulation territory, but I also felt it an obligation on the part of those in the news gathering and news publication business to know the conditions existing throughout the world. Therefore I made it a special point of frequently going to a particular country or countries. I found this to be of tremendous benefit.

I think that is what the distinguished Senator from Alaska has in mind when he seeks to encourage an exchange of leaders of government between the two greatest nations in the world, the United States, and the Soviet Union.

I concur in his view that not all of what travelers experience is good. But I like his words, "But all of it is real." I like what he says, "A picture is worth a thousand words." As a newspaper editor, I certainly agree with that.

Then he says, "A visit is a million pictures." I think that is a beautiful phrase he has used and one with which I fully concur.

Mr. President, I do not think that we can best grasp the problems on which we have to legislate in Congress when we have had first-hand experience.

I remember vividly when Fidel Castro came to power in Cuba—January 1, 1959—just a little over 10 years ago.

I remember that many of the great newspapers in this country told the American people what a great liberator Fidel Castro was, that his coming to power would give freedom to the Cuban people, who, prior to that time, had been under the domination of Batista and his rather corrupt regime.

With that in mind, and because I did not approve of the corruptness of the Batista regime, I went to Cuba in the early days of Castro's coming to power. I wanted to see for myself just what kind of individual he was and the conditions that were developing in Cuba.

I went to Cuba several times during 1959. It did not take me long to learn that what we had read in the influential press in this country, particularly one paper in the city of New York and various news magazines, was completely inaccurate.

It was in October of 1959 that I stood in the public square at the Presidential Palace in Havana, with a crowd which Cuban officials had estimated to be 1 million persons, that had converged on the Presidential Square. Fidel Castro spoke for 3 hours and 12 minutes.

I listened to his speech from the apartment of the editor of the Times of Havana, whose apartment overlooked the Presidential Square. With me was the late Jules DuBois—at that time Latin American correspondent for the Chicago Tribune.

It was at that point that Fidel Castro began to denounce the United States. Bear in mind that he had been in office for only 10 months.

I came away from those visits to Cuba in 1959 believing that he was not only a very dangerous man, but also one who would not bring freedom to the people of Cuba, and that he was not a man who would be helpful to democratic governments or friendly to the United States.

As the months and years went by, of course, it became obvious—and Castro finally admitted—that he was, in fact, a Communist and was throwing in his lot with the Soviet Union and was bringing communism to Cuba.

By doing that, Castro has ruined a wonderful little island, and the futures of 6 million wonderful Cubans.

To cite a converse example, I went to Poland a few years ago expecting to find oppression—but found it was not so tight a dictatorship as I had believed.

Mr. President, I cite these facts only to say I feel that the Senator from Alaska is rendering a fine service in pointing out the importance of the leaders of Government seeing at first hand the conditions as they exist in other countries throughout the world.

I should like to see more Members of Congress, more newspaper publishers, more mayors and Governors, visit not only the Soviet Union but visit also Eastern Europe, the Middle East, and the Far East. The world is getting smaller these days. In this age of jet travel we can get from one place to another very quickly. With the world shrinking in time, I believe it is important we know as much as we can about conditions as they exist in all areas of the world.

I am convinced, too, that the more the citizens of other nations see of the United States the more they will realize the advantages of democratic government and of the free enterprise system.

So while I am not prepared to endorse the specifics of the legislation introduced by the distinguished Senator from Alaska, I think he has rendered a service in bringing out, on the floor of the Senate, the importance of Members of Congress and other public officials seeing firsthand conditions existing elsewhere in the world.

I notice that the distinguished senior Senator from Louisiana (Mr. ELLENDER) has come into the Chamber. Of all the Members of the Senate, I doubt if any other Member has traveled so widely and has gathered first hand so much information on so many countries as has the distinguished senior Senator from Louisiana. I feel that his many trips have been most helpful and the reports he has made to the Senate have been most helpful to the Senate and to the Congress as a whole.

Again, I am pleased that the distinguished Senator from Alaska has brought this proposal before the Senate. I hope the Foreign Relations Committee will give it careful study.

Mr. GRAVEL. Mr. President, I wish to thank the distinguished Senator from Virginia, a very close friend of mine.

Mr. MANSFIELD. Mr. President, will the Senator yield once more?

Mr. GRAVEL. I yield.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished senior Senator from Virginia (Mr. BYRD) raised the question of the prestige and standing of the distinguished senior Senator from Louisiana (Mr. ELLENDER). No Member of this body or this Congress, and very few people in this country, if any, are as aware of the situation as it exists now, and has for the past decade or more, in the Soviet Union, than is the Senator from Louisiana. Few have traveled and observed more widely and thoroughly in the Soviet Union. Not only has he traveled and written reports, but he has also taken motion pictures of his journeys, in the Soviet Union and in other parts of the world.

The thing that disturbs me is that he comes back with so much valuable information and receives so little publicity and so litle credit. Some of the rest of us, who do not have a fraction of the experience that the distinguished Senator from Louisiana has, get more attention for our reports. I only hope that from now on the reports which the distinguished senior Senator from Louisiana makes, which I believe are masterpieces, will be given more attention and study. They are worth every bit as much as or more than the reports which are put out by some of us who travel abroad.

So I am glad the Senator from Alaska has referred to the Senator from Louisiana, who has done sterling work over the years and decades, and has done so unselfishly, at great personal expense, and under most difficult circumstances.

Mr. ELLENDER. Mr. President, I am overwhelmed by these words of praise. I greatly appreciate the very kind comments of the Senator from Virginia (Mr. Byrd) and of the distinguished majority leader.

Yesterday the Senator from Alaska sent to my office the measure that he presents today. I am in thorough accord with it. The only criticism I had of it, as I have written him, is that he is providing for a separate congressional staff to handle this matter.

As the Senator knows, I have been opposed to the creation of many subcommittees and ad hoc groups. At the same time it is easy to see that having Members of Congress serve on such a commission would help to create support for its work in the public's mind and in the Congress itself. In any event, I hope that when the bill comes before the Senate, it is limited in its staff, because that can get into quite a bit of money and provide little accomplishment.

But, going back to the subject of Russia, as I said on returning from my last trip there, I cannot foresee world peace unless and until the suspicion that now exists between us and Russia is somewhat dissipated. As long as that fear and suspicion remain, I cannot see that world peace will prevail.

It is up to us to do what we can to work side by side with Russia, without in any manner embracing its Communist government. I believe that can be done, and I am not advocating communism, or unilateral disarmament, or anything of the sort.

As I pointed out on many occasions to the Senate, particularly in my reports of 1961 and in 1968, there is no doubt in my own mind that the seeds of free enterprise are alive and growing in Russia, and that the people there are making progress because of the incentives that have been made available to them. Economic incentives I consider to be the cornerstone of our free enterprise system. Much more food is today produced there because the farmers are being better paid.

Russia is now permitting, for instance, the ownership of homes. The government may now contribute at least 80 percent of the cost of building a home. The Russian people have to pay only 1 percent interest on whatever they borrow from the Government to construct their own homes. That is a step in the right direction.

It is my considered judgment that we should try to encourage what is going on in Russia now. The only way to do that, as I said, is to trade with them, deal with them, and have visits by people in all walks of life.

My good friend from Alaska has limited the visits to political officials, more or less. I would like to provide that people in all walks of life could come here and see what we have. I am sure, if we are able to do that, it would not take very long for the people of Russia to become envious of our democratice and free enterprise form of government. They might follow it more closely and come nearer to our way of life than the life they are pursuing. Political change is dependent upon economic and social change, particularly in such a vast and underdeveloped country such as Russia. We should do everything possible to encourage the process of change.

As I have said on many occasions, I see no possibility of destroying communism by force. We can no more destroy communism in Russia by vilifying it or by force of arms than religion can be destroyed. Yet we have been trying for 20 years to fight Russia and destroy its form of government. Instead of destroying it, today Russia is as strong as if not stronger than, she has ever been.

I am hopeful that the contemplated visits will come to pass and that we can add to the number of exchanges between the two greatest powers in the world. I have no doubt that better relationships can be attained.

If we continue on the path we are now pursuing for the next 5 years, I believe we will destroy our own economy.

Mr. GRAVEL. Mr. President, I would like to associate myself with the remarks of the Senator from Montana and the Senator from Virginia concerning the ability, the knowledge, and the valued service of the Senator from Louisiana.

I yield the floor.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS AND FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate, from the conclusion of business today until noon on Monday next, all committees be authorized to file reports, including minority, individual, or supplemental views; that the Secretary of the Senate be authorized to receive messages from the President and the House of Representatives; and that the Vice President, the President pro tempore, or the Acting President pro tempore, be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two treaties on the calendar.

There being no objection, the Senate proceeded to consider executive business.

CONSULAR CONVENTION WITH BELGIUM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive F, 91st Congress, first session.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider Executive F, 91st Congress, first session, the Consular Convention with Belgium, which was read the second time, as follows:

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

The President of the United States of America and His Majesty the King of the Belgians,

Being desirous of determining the conditions for admitting consular officers to their respective territories and of establishing their reciprocal rights, immunities, and privileges and defining their functions,

Desiring thus to facilitate the protection of nationals of each High Contracting Party in the territories of the other,

Have agreed to conclude for that purpose a Consular Convention and have designated as their Plenipotentiaries:

The President of the United States of America:

William P. Rogers, Secretary of State of the United States of America, and

His Majesty the King of the Belgians:

Baron Scheyven, Ambassador Extraordinary and Plenipotentiary of Belgium,

Who have agreed as follows:

TITLE I—APPLICATION AND DEFINITIONS

Article 1

The territories of the High Contracting Parties to which the provisions of this Convention apply shall be understood to comprise all areas of land or water subject to the sovereignty or authority of either High Contracting Party except the Panama Canal Zone.

Article 2

As used in this Convention:

(a) the term "sending state" means the High Contracting Party by whom the consular officer is appointed;

(b) the term "receiving state" means the High Contracting Party within whose territory the consular officer performs the functions of his office and includes the states, provinces, municipalities, or other local subdivisions of which it is composed;

(c) the term "consular officer" means any person duly appointed and authorized to exercise consular functions in the receiving state as consul general, consul, vice consul, or consular agent;

(d) the term "consular employee" means an individual who, after the notification stipulated in Article 5, performs administrative or technical tasks in a consulate of the sending state;

(e) the term "consulate" means any consular establishment, whether a consulate general, consulate, vice consulate, or a consular agency;

(f) the term "consular archives" means the papers, documents, correspondence, books, films, tapes and registers of the consulate together with the ciphers and codes, the card-indexes, and any article of furniture intended for their protection or safekeeping;

(g) the term "consular district" means the territory in the receiving state within whose limits a consular officer exercises his functions;

(h) the term "vessel", as used in Title VI of the present Convention, means any ship or craft registered under the laws of the sending state, including those owned by the sending state, with the exception of warships.

TITLE II—ESTABLISHMENT OF CONSULATES

Article 3

(1) The sending state may establish and maintain consulates at any locations agreeable to the receiving state.

(2) The limits of the consular districts shall be fixed by agreement between the sending and receiving states.

Article 4

(1) The diplomatic mission of the sending state shall notify the receiving state of the appointment or assignment of an individual as a consular officer. The document of appointment or assignment shall define the consular district.

(2) The receiving state shall issue to the head of the consulate and to other consular officers assigned thereto, as soon as possible and free of charge an exequatur or other authorization. This document shall define the consular district.

(3) As soon as the exequatur or other authorization has been received, a consular officer shall be admitted to the exercise of his functions and shall be entitled to the benefits and be subject to the obligations of this Convention. Pending the issuance of the exequatur or other authorization, the receiving state may agree to admit him provisionally to the exercise of his functions.

(4) The exequatur or other authorization may not be refused or withdrawn except for good cause, the reasons for which need not be communicated to the sending state.

Article 5

(1) The receiving state shall be notified of the assignment of any consular employee to a consulate and shall be kept informed of his home address in the receiving state.

(2) The receiving state may refuse or, at any time, cease to recognize an individual as a consular employee. In such event the sending state shall, as the case may be, either recall the individual concerned or terminate his functions at the consulate.

Article 6

The sending state may, with the consent of the receiving state, designate one or more members of its diplomatic mission accredited to the receiving state to perform consular functions in addition to diplomatic functions. Such a designation must be made in conformity with the provisions of this Convention. Individuals so designated shall be entitled to the benefits and be subject to the obligations of this Convention, without prejudice to such privileges and immunities to which they may be entitled by virtue of being members of the diplomatic mission of the sending state.

TITLE III—GENERAL RIGHTS, IMMUNITIES AND PRIVILEGES

Article 7

(1) A consular officer shall be entitled to the respect and high consideration of the authorities of the receiving state with whom he comes in contact in the performance of his functions.

(2) The receiving state shall take all appropriate steps to ensure the protection of consulates and residences of consular officers.

Article 8

(1) A consular officer or consular employee shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving state in respect of acts performed in the exercise of consular functions, except as provided in paragraph (4) of Article 32.

(2) A consular officer or consular employee shall be exempt in the receiving state from arrest or prosecution except when he has been charged with the commission of an offense under the laws of the receiving state which, upon conviction, would subject the individual guilty thereof to a sentence of imprisonment of at least one year.

(3) The provisions of paragraph (1) of this Article shall not apply in respect of a civil action either:

(a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or impliedly as an agent of the sending states; or

(b) by a third party for damage arising from an accident in the receiving state caused by a vehicle, vessel or aircraft.

(4) The sending state and its consular officers and consular employees shall comply with any requirement imposed by the laws and regulations of the receiving state with respect to insurance against third party risks arising from the use of any vehicle, vessel or aircraft.

(5) The authorities of the receiving state shall notify without delay the diplomatic mission of the sending state whenever a consular officer or consular employee has been arrested or detained.

Article 9

(1) A consular officer or consular employee shall, upon the request of the administrative or judicial authorities of the receiving state, appear in court for the purpose of giving testimony. The administrative or judicial authorities requiring such testimony shall take all reasonable steps to avoid interference with the performance of his consular functions and wherever possible arrange for the taking of such testimony, orally or in writing, at the consulate or residence of the consular officer or consular employee.

(2) A consular officer or consular employee shall have the right to refuse a request from the administrative or judicial authorities of the receiving state to produce any documents or articles from the consular archives or to give testimony relating to matters connected with the exercise of consular functions. Such a request, however, shall be complied within the interests of justice if it is possible to do so without prejudicing the interests of the sending state.

Article 10

The sending state may waive, with regard to a consular officer or consular employee, any of the privileges and immunities provided for in this Convention. The waiver shall be express and shall be communicated to the receiving state in writing.

Article 11

(1) Consular archives shall be inviolable, and the authorities of the receiving state shall not, on any pretext, examine or seize the documents or articles of which they are composed.

(2) The archives shall be kept completely separate from the documents and objects having nothing to do with the performance of consular functions.

Article 12

The authorities of the receiving state shall not enter that part of the consular premises which is used exclusively for the work of the consulate except with the consent of the head of the consulate or of his designee or of the head of the diplomatic mission of the sending state. The consent of the head of the consulate may, however, be assumed in case of fire or other disaster requiring prompt protective action.

Article 13

(1) A consular officer or consular employee and members of his family forming part of his household shall be exempt in the receiving state from any requirements with regard to the registration of aliens and the obtaining of permission to reside, and shall not be subject to deportation. Such members of the family of a consular officer or consular employee shall not receive the benefits of this paragraph if they carry on any private gainful occupation in the receiving state.

(2) An appropriate identification document may be issued by the competent authorities of the receiving state to the persons entitled to the benefits of this Article.

(3) The receiving state shall, if required by its laws or regulations, be notified:

(a) of the arrival of consulate officers and consular employees after they have been assigned to a consulate, as well as of their final departure from the receiving state or of the termination of their functions in the consulate;

(b) of the arrival in and final departure from the receiving state of members of the family forming part of the household of consular officers and consular employees and, if applicable, of the fact that such an individual joins their household or leaves it;

(c) of the arrival in and final departure from the receiving state of private staff members who are not nationals of that state and are in the sole employ of consular officers and, if necessary, of the fact that they are entering their service or leaving it;

(d) of the hiring and termination of functions in a consulate of consular employees engaged in the receiving state.

Article 14

A consular officer or consular employee shall enjoy exemption from military, naval, air, police, administrative or jury duty of every kind, and from any contribution in lieu thereof.

Article 15

(1) The sending state may:

(a) acquire or possess, in full ownership or under any other form of tenure provided by the laws of the receiving state, land, buildings, parts of buildings, and appurtenances required by the sending state for diplomatic or consular purposes, including residences, or for other similar purposes to which the receiving state does not object;

(b) erect buildings and appurtenances on land which it has acquired under subparagraph (a) of this Article;

(c) convey the land, buildings, parts of buildings and appurtenances so acquired or erected.

(2) The provisions of paragraph (1) of this Article do not exempt the sending state from compliance with the laws of the receiving state, including local building, zoning, or town planning regulations applicable to all land in the area in which such land, buildings, parts of buildings or appurtenances are situated.

Article 16

(1) The coat of arms of the sending state and an inscription designating the consulate may be affixed to the outer enclosure and outer wall of the building housing the consulate, or on or by the entrance door to the consulate.

(2) The flag of the sending state or the consular flag may be flown at the consulate as well as at the residences of consular officers.

(3) The coat of arms and flag of the sending state, as well as its consular flag, may be affixed to or flown on all vehicles and vessels which consular officers use in the performance of their official functions.

Article 17

(1) The sending state shall enjoy an exemption from all military requisitions, contributions or billeting with respect to prop-

erty forming part of its consulates in the receiving state, including all vehicles, vessels, and aircraft. Immovable property may, however, be seized or taken for purposes of national defense or public utility in accordance with the laws of the receiving state.

(2) A consular officer or consular employee shall enjoy an exemption from all military requisitions, contributions or billeting with respect to his private residence and the furniture and other household articles and all vehicles, vessels, and aircraft held or possessed by him. Such private residence may, however, be seized or taken for purposes of national defense or public utility in accordance with the laws of the receiving state.

(3) In any of the cases referred to in paragraphs (1) and (2) of this Article, every effort shall be made to avoid interference with the performance of consular functions.

(4) The sending state or the consular officer or consular employee shall receive, within a reasonable period of time, due compensation for all such property seized or taken. Compensation shall be payable in a form readily convertible into the currency of and transferable to the sending state, not later than three months from the date on which the amount of compensation has been finally fixed.

Article 18

(1) The receiving state shall permit and protect freedom of communication on the part of the consulate for all official purposes. In communicating with the Government, the diplomatic missions and other consulates, wherever situated, of the sending state, the consulate may employ all appropriate means, including diplomatic couriers and consular couriers, diplomatic and consular pouches and messages in code or cipher.

(2) The official correspondence of the consulate, regardless of the means of communication used, and the sealed diplomatic pouch bearing visible external marks of official character, shall be inviolable.

(3) The consular pouch shall be neither opened nor detained. Nevertheless, if the authorities of the receiving state have serious reason to believe that the pouch contains something other than official correspondence, documents or articles intended for official use, they may request that the pouch be opened in their presence by an authorized representative of the sending state. If this request is refused by the authorities of the sending state, the pouch shall be returned to its place of origin.

TITLE IV—FINANCIAL PRIVILEGES

Article 19

The sending state shall be exempt from all taxes or other similar charges of any kind levied or collected by the receiving state for the payment of which the sending state would otherwise be legally liable:

(a) with respect to the acquisition, ownership, occupation, construction, or improvement of land, buildings, parts of buildings or appurtenances used exclusively for diplomatic or consular purposes, including residences for diplomatic agents, members of the administrative or technical staff of the diplomatic mission of the sending state, and consular officers and employees, who are not nationals of or permanently resident in the receiving state and do not carry on any private gainful occupation in the receiving state, other than taxes or other assessments imposed for services or local public improvements by which and to the extent that such property is benefited;

(b) with respect to the acquisition, ownership, possession, or use of all furniture, equipment, supplies, building materials and other articles, including vehicles, vessels and aircraft, which the sending state utilizes for diplomatic or consular purposes.

Article 20

(1) No tax or other similar charge of any kind whatever shall be levied or collected by the receiving state on:

(a) the fees and charges collected in the name of the sending state as remuneration for consular services, or the receipts attesting to the payment of such fees and charges;

(b) the official emoluments, wages salaries, and allowances received as remuneration for consular functions by consular officers and consular employees.

(2) The sending state or its consular officers or consular employees shall be exempt in the receiving state from all taxes or other similar charges of any kind levied by the receiving state in respect of acts performed by a consular officer or a consular employee in his official capacity and falling within the limits of his consular functions. This exemption shall not apply to taxes or other similar charges in respect of which some other person is legally liable, notwithstanding that the burden of the tax or charge may be passed on to the sending state or on to the consular officer or consular employee.

Article 21

(1) Except as provided in paragraphs (2) and (3) of this Article, a consular officer or consular employee of the sending state shall be exempt in the receiving state from all taxes or other similar charges of any kind whatever imposed by the receiving state for the payment of which such consular officer or consular employee would be legally liable.

(2) The provisions of paragraph (1) of this Article shall not apply with respect to taxes or other similar charges of any kind for which some other person is legally liable, notwithstanding that the burden of the tax or other similar charge may be passed on to such consular officer or consular employee.

(3) The provisions of paragraph (1) of this Article shall not apply to taxes or other similar charges of any kind whatever levied or collected:

(a) on the acquisition, ownership, mortgaging or occupation by a consular officer or consular employee of real property situated in the receiving state;

(b) on income, other than that referred to in Article 20(1)(b), derived from sources within the receiving state;

(c) by reason of or incident to the transfer by gift of property;

(d) by reason of or incident to the passing on death of property;

(e) on instruments affecting transactions, such as stamp duties imposed or collected in connection with the transfer of property, or taxes on the transfer of securities;

(f) in connection with the performance of services by any administrative or judicial authority.

(4) Notwithstanding the provisions of paragraph (3) of this Article, the movable property belonging to the estate of a deceased consular officer or consular employee and used by him in connection with the performance of his official functions shall be exempt from all estate, inheritance, succession, or similar taxes imposed by the receiving state. Any part of the estate of a deceased consular officer or consular employee which does not exceed in value two times the amount of all official emoluments, salaries, and allowances received by such consular officer or consular employee for the year immediately preceding his death shall be deemed conclusively to constitute property used by him in connection with the performance of his official functions.

Article 22

(1) All furniture, equipment, supplies, building materials and other articles, including vehicles, vessels and aircraft, intended for official use in the receiving state in connection with any diplomatic or consular purposes, including residences, shall, on a basis of strict reciprocity, be permitted entry into the receiving state free of all taxes or duties imposed upon or by reason of importation.

(2) Baggage and effects and other articles, including vehicles, vessels and aircraft, imported into the receiving state by a consular officer or consular employee exclusively for his personal use and the use of members of his family forming part of his household, shall, on a basis of strict reciprocity, be exempt from all taxes or duties imposed upon or by reason of importation, whether accompanying him to his consulate, either upon first arrival or upon subsequent arrivals, or subsequently consigned to him at his consulate and imported at any time while he is assigned to or employed at such consulate.

(3) It is understood that nothing herein shall be construed to permit the entry into the receiving state of any article the importation of which is specifically prohibited by its *laws*.

Article 23

The sending state and its consular officers or consular employees shall comply with the formalities prescribed by the authorities of the receiving state regarding the application of the provisions of Title IV.

TITLE V—CONSULAR FUNCTIONS GENERALLY

Article 24

(1) Consular officers shall be entitled to protect nationals of the sending state and to defend their rights and interests. For this purpose they may, in particular:

(a) apply to the authorities of the receiving state with regard to ensuring that nationals of the sending state enjoy rights accruing to them by treaty or otherwise;

(b) interview, communicate with, and advise any national of the sending state;

(c) inquire into any incident which has occurred affecting the interests of any such national;

(d) assist nationals of the sending state in their relations with the judicial or administrative authorities of the receiving state, help them in their proceedings before those authorities, arrange for legal assistance for them if the laws of the receiving state so permit and, with the consent of the said authorities, serve as interpreter for such persons or obtain an interpreter.

(2) Consular officers may, when authorized by the laws of the sending state, deliver to any beneficiary in the receiving state the allowances or payments due him under the law of the sending state.

Article 25

(1) Nationals of the sending state shall have the right at all times to communicate with the appropriate consular officer and, unless subject to lawful custody, to visit him at his consulate.

(2) Consular officers shall, on the demand of a national of the sending state who has been taken into custody, be notified immediately by the authorities of the receiving state.

(3) Consular officers may:

(a) arrange to visit promptly any national of the sending state who has been taken into custody in the receiving state;

(b) converse privately with such national in any language;

(c) arrange for legal representation for such national.

Any written communication between such national and the consular officer shall be transmitted without delay by the authorities of the receiving state.

(4) Consular officers shall be entitled, upon request to the competent prison authorities and in conformity with the penal regulations,

to have reasonable access to and opportunity of conversing with a national of the sending state who has been convicted and is serving a prison sentence. Consular officers shall also be entitled, in conformity with the penal regulations, to transmit communications between such national and other persons.

Article 26

Consular officers shall be entitled to:

(a) issue passports and other travel documents to nationals of the sending state and any other person qualified to obtain them;

(b) issue identification documents to nationals of the sending state;

(c) grant any visa or document permitting entry into the sending state;

(d) issue with regard to goods certificates of origin and other necessary documents for use in the sending state;

(e) prepare, attest, receive the acknowledgments of, certify, authenticate, legalize, and in general, take such action as may be necessary to perfect or to validate any act, document, or instrument of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, whenever such services are requested by a national of the sending state for use outside the receiving state or by any person for use in the sending state;

(f) take evidence, on behalf of the courts of the sending state, voluntarily given by any person in the receiving state, and administer oaths to such persons, in accordance with the law of the sending state;

(g) obtain copies of or extracts from documents of public registry.

Article 27

Consular officers may translate into the language or languages of one of the High Contracting Parties acts or documents of any character drawn up in the language or languages of the other High Contracting Party and certify to the accuracy of the translation thereof.

Article 28

Consular officers shall be entitled to:

(a) receive any declaration required by the laws of the sending state with regard to nationality;

(b) register the birth or death of a national of the sending state and record a marriage celebrated under the law of the receiving state when at least one of the parties is a national of the sending state;

(c) serve judicial or extra-judicial documents or take evidence on behalf of the courts of the sending state, in conformity with any special arrangements made in the matter between the High Contracting Parties.

Article 29

Consular officers shall be entitled to issue notices intended for nationals of the sending state and to receive their voluntary declarations with regard to:

(a) compulsory national service;

(b) any other matter relating to the rights, obligations, or interests of such nationals, provided that such notices and declarations are not contrary to the laws of the receiving state.

Article 30

The acts and documents specified in Articles 26 and 27, duly certified by the competent consular officer and bearing the official seal of the consulate, shall be receivable in evidence as officially certified acts and documents and shall have the same force and effect in the receiving state as if they had been drawn up or certified before the competent authorities of the receiving state, provided that the said documents have been drawn up and executed in conformity with the laws of the state where they are to take effect and that, if necessary, they have been subject to the stamp duty, registration, and all other formalities governing the matter in the state where they are to take effect.

Article 31

If it should come to the attention of the competent authorities of the receiving state that a minor or incapacitated national of the sending state (not permanently resident in the receiving state) is present in the receiving state, and his parents or legal guardian or other representative are not present or able to protect him and defend his legal rights and interests, such authorities shall notify the appropriate consular officer accordingly. The consular officer in like circumstances has a similar obligation to inform the competent authorities of the receiving state. In taking the appropriate legal measures for the protection of the person and property of such minor or incapacitated national, the competent authorities of the receiving state may request the assistance and participation of the consular officer.

Article 32

(1) In the case of the death of a national of the sending state in the receiving state, without leaving in the receiving state any known heir or testamentary executor, the appropriate local authorities of the receiving state shall as promptly as possible inform the appropriate consular officer of the sending state.

(2) A consular officer of the sending state may, within the discretion of the appropriate judicial authorities and if permissible under then existing applicable local law in the receiving state:

(a) take provisional custody of the personal property left by a deceased national of the sending state, provided that the decedent shall have left in the receiving state no heir or testamentary executor appointed by the decedent to take care of his personal estate; provided that such provisional custody shall be relinquished to a duly appointed administrator;

(b) administer the estate of a deceased national of the sending state who is not a resident of the receiving state at the time of his death, who leaves no testamentary executor, and who leaves in the receiving state no heir, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator;

(c) represent the interests of a national of the sending state in an estate in the receiving state, provided that such national is not a resident of the receiving state, unless or until such national is otherwise represented: provided, however, that nothing herein shall authorize a consular officer to act as an attorney at law.

(3) Unless prohibited by law, a consular officer may, within the discretion of the court, agency, or person making distribution, receive for transmission to a national of the sending state who is not a resident of the receiving state any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation laws, pension and social benefits systems in general, and proceeds of insurance policies. The court, agency, or person making distribution may require, among other things, that the consular officer comply with conditions laid down with regard to (a) presenting a power of attorney or other authorization from such non-resident national, (b) furnishing reasonable evidence of the delivery of such money or property to such national, and (c) returning the money or property in the event he is unable to furnish such evidence.

(4) Whenever a consular officer shall perform the functions referred to in paragraphs (2) and (3) of this Article, he shall be subject, with respect to the exercise of such functions, to the laws of the receiving state and to the jurisdiction of the judicial and administrative authorities of the receiving state.

Article 33

The provisions of this Convention relating to the functions which a consular officer may perform are not exhaustive. A consular officer shall also be permitted to perform other functions, provided they involve no conflict with the laws of the receiving state, and the authorities of the receiving state have no objection to the exercise of such functions.

Article 34

It is understood that in any case where an Article of this Convention gives a consular officer the right to perform any functions, it is for the sending state to determine the extent its consular officer shall exercise such right.

TITLE VI—CONSULAR FUNCTIONS IN MARITIME MATTERS

Article 35

(1) Consular officers may assist vessels of the sending state during their stay in the receiving state.

(2) Consular officers may, in the performance of the duties enumerated in this Title, go personally on board the vessel accompanied, if desired, by consular employees on their staff, as soon as the vessel has received pratique. If the consular officers request the assistance of the authorities of the receiving state in any matter concerning the performance of these duties, such assistance shall be given, unless special reasons fully warrant a refusal in a particular case.

(3) The master and members of the crew may communicate with the appropriate consular officer and, subject to the immigration laws of the receiving state, go to the consulate.

Article 36

Consular officers may:

(a) question the master and members of the crew of a vessel of the sending state, examine and certify the vessel's papers, take statements with regard to the vessel's voyage and her destination, and, generally, facilitate the entry, stay in port, and departure of the vessel;

(b) arrange for the engagement and discharge of the master or any member of the crew;

(c) make necessary arrangements for the hospitalization and the repatriation of the master or any member of the crew;

(d) receive, draw up or sign any declaration or any other document prescribed by the laws of the sending state concerning the nationality, ownership and mortgages, conditions, and operation of a vessel of the sending state;

(e) take necessary measures for the maintenance of order and discipline on board the vessel;

(f) take necessary measures in accordance with the shipping laws of the sending state;

(g) give aid and assistance to the master and members of the crew of a vessel of the sending state in any dealings with the courts and authorities of the receiving state. For this purpose, consular officers may make necessary arrangements for legal assistance and interpreting.

Article 37

(1) The authorities of the receiving state may exercise jurisdiction over:

(a) offenses committed on board a vessel of the sending state which are of a serious character or disrupt the tranquility or the safety of the port or violate the laws of the receiving state regarding security, public health, the admission of aliens, safety of life at sea, customs, and similar matters; or

(b) other offenses committed on board a vessel of the sending state:

(i) by or against a national of the receiving state, or

(ii) by or against any other person, provided he is not the master or a member of the crew; or

(c) any offenses committed on board a vessel of the sending state, at the request of or with the consent of, the consular officer.

(2) When, in the cases specified in paragraph (1) of this Article, the authorities of the receiving state decide to arrest or question a person or to attach property or institute an official inquiry on board a vessel the master or any other officer acting in his name shall be given an opportunity to inform the consular officer and, unless it is impossible owing to urgency of the matter, to give him sufficient advance notice to permit the consular officer to be present. If the consular officer has not been present or represented, he shall have the right to receive from the authorities of the receiving state, upon his request, full information about the measures taken.

(3) The provisions of this Article shall not affect the routine examinations made by the authorities of the receiving state with regard to security, public health, the admission of aliens, safety of life at sea, and customs, or the detention of the vessel or of any portion of her cargo arising out of civil or commercial proceedings in the courts of the receiving state.

Article 38

(1) Subject to authorization from the master of the vessel, a consular officer shall have the right to visit a vessel of any flag bound for a port of the sending state, in order to procure the necessary information to prepare and execute such documents as may be required by the laws of the sending state as a condition of entry of the vessel into the ports of the sending state, and to furnish the competent authorities of the sending state such information regarding sanitary or other matters as may have been requested by them.

(2) In exercising the rights conferred upon him by this Article, the consular officer shall act with all possible dispatch.

Article 39

(1) If a vessel of the sending state is wrecked in the receiving state, or if articles forming part of the cargo of a wrecked vessel of a third state but belonging to a national of the sending state are found on or near the coast of the receiving state or are taken into a port of the receiving state, the competent authorities of the receiving state shall inform the consular officer of that effect as soon as possible.

(2) The authorities of the receiving state shall take all practical measures for the protection of the wrecked vessel, the lives of the persons on board, the cargo and other goods on board, and for the prevention and suppression of plunder or disorder on the vessel. These measures shall also extend to articles belonging to the vessel or forming part of her cargo which have become separated from the vessel. When possible, such measures shall be taken in collaboration with the master of the vessel and the consular officer or the person acting on behalf of the latter.

(3) When a wrecked vessel of the sending state, or articles belonging to it or forming part of such vessel, are found on or near the coast of the receiving state or are taken to a port of the receiving state, and the master, the owner of the vessel, his agent, or the underwriters are not present or cannot make arrangements for custody or disposal, the appropriate consular officer, acting as representative of the owner of the vessel, shall have authority to make such arrangements as the owner could have made for the same purposes had he been present, in accordance with the laws of the receiving state.

(4) When articles forming part of the cargo of a wrecked vessel (other than a vessel of the receiving state) and belonging to a national of the sending state are found on or near the coast of the receiving state or are taken into a port of the receiving state, and the master of the vessel, the owner of the articles or his agent, or the underwriters are not present or cannot make arrangements for the custody or disposal of such articles, the appropriate consular officer, acting as representative of the owner, shall have authority to make such arrangements as the owner could have made for the same purposes had he been present, in accordance with the laws of the receiving state.

(5) No customs duties (including other duties imposed upon, or by reason of, the importation of the goods into the receiving state) shall be levied by the authorities of the receiving state on the cargo, stores, equipment and fittings, or articles, carried by or forming part of the wrecked vesesl, unless they are delivered for use or consumption in the receiving state, but these authorities may, if they think fit, require security for the protection of the revenue in relation to such goods.

(6) No charges (other than customs duties, when they are applicable in accordance with paragraph (5) of this Article) shall be levied by the authorities of the receiving state in connection with the wrecked vessel, any property on board, or her cargo, other than charges of the same kind and amount as would be levied in similar circumstances upon or in connection with vessels of the receiving state.

Article 40

Whenever the master or a member of the crew of a vessel of the sending state dies aboard such vessel while in the receiving state, the master or his substitute shall have the authority, if such deceased is a national of the sending state and there is no testamentary executor or administrator duly authorized in the receiving state, to take custody of the unpaid wages and personal property of the estate which is on the vessel, for return to the sending state for settlement in accordance with its laws.

TITLE VII—GENERAL PROVISIONS

Article 41

Consular officers may further the development of economic, commercial and cultural relations between the sending state and the receiving state.

Article 42

In the performance of their official functions, consular officers may apply to and correspond with the appropriate authorities in their consular districts. They may apply to and correspond with the Department of State or the Ministry of Foreign Affairs, as the case may be, only in the absence of a diplomatic agent of the sending state.

Article 43

In the performance of his official functions, a consular officer may levy the fees and charges prescribed by the sending state. The fees and charges so collected must be freely convertible and transferable in the currency of the sending state.

Article 44

Articles 5, 8(4) and (5), 9(2), 10, 13(3)(a) and (b), 14, 17(2) and (4), 20(1)(b), 21(4), and 45(1) (with the exception of the immunity provided under Article 8(1)), 45(2) and (3) shall be applicable to persons who are employed in the domestic service of a consulate of the sending state.

Article 45

(1) Except in so far as additional facilities, privileges and immunities may be granted by the receiving state, consular officers or consular employees who are nationals of or permanently residents in the receiving state or who carry on any private gainful occupation in the receiving state shall enjoy only the immunities provided by Articles 8(1) and 9(2) of the present Convention.

(2) (a) Members of the families of the persons referred to in paragraph (1) of this Article shall enjoy only the facilities, privileges and immunities granted to them by the receiving state.

(b) Members of the families of consular officers or consular employees who are themselves nationals of or permanently resident in the receiving state shall enjoy only the facilities, privileges and immunities as may be granted to them by the receiving state.

(3) The receiving state shall exercise its jurisdiction over the persons referred to in paragraphs (1) and (2) of this Article in such a way as not to hinder unduly the performance of the functions of the consulate.

(4) Article 7(1) of the present Convention shall be applicable to consular officers who are nationals of or permanently resident in the receiving state or who carry on any private gainful occupation in the receiving state.

Article 46

Any dispute concerning the interpretation or application of the present Convention should be settled by negotiation. Any dispute not settled by negotiation may be referred, at the initiative of either High Contracting Party, to the International Court of Justice for decision, provided:

(a) that neither Party shall submit to the Court any matter falling within the discretion of either Party under the Convention; and

(b) that neither Party may submit a dispute to the Court until all legal remedies relating thereto have been exhausted in the territory of the other Party.

Article 47

The present Convention shall replace and terminate the Convention between the United States of America and Belgium concerning the Rights, Privileges and Immunities of Consular Officers signed at Washington on March 9, 1880.

Article 48

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Brussels. The Convention shall enter into force on the thirtieth day after the date of the exchange of the instruments of ratification.

2. The Convention shall remain in force until the expiration of six months from the date on which either High Contracting Party informs the other of its intention to terminate it.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention, and affixed their seals thereto.

DONE in duplicate at Washington, this 2nd day of September, 1969 in the English, French and Dutch languages, all language versions being equally authentic.

For the President of the United States of America:

[SEAL] WILLIAM P. ROGERS.

For his Majesty the King of the Belgians:

[SEAL] BARON SCHEYVEN.

Mr. MANSFIELD. Mr. President, on behalf of the Committee on Foreign Relations, I urge the Senate to vote favorably on the Consular Convention with Belgium signed September 2, 1969. Since the Senate recently voted on the multilateral Vienna Convention on Consular Relations there is no need to go into great detail about this bilateral treaty. Generally speaking it covers the same subjects as the Vienna Convention, some of them in greater detail, such as maritime matters which are of special interest to Belgium and the United States, and others in less detail, such as the rights of honorary consuls. Again generally speaking, the convention provides on a reciprocal basis for somewhat greater privileges and immunities than those provided in the Vienna Convention, but lesser than those in the Soviet Consular Convention approved in 1967.

Mr. President, for the further information of the Senate, I ask unanimous consent that an excerpt from the committee report be printed in the RECORD at this point.

There being no objection, the excerpt from the committee report (Executive No. 91–10) was ordered to be printed in the RECORD, as follows:

EXCERPT FROM COMMITTEE REPORT

PURPOSE

This bilateral convention deals with consular relations between the U.S. and Belgium and sets forth, as customary, the functions, privileges and immunities of consular officers. It covers such matters as free communication between a citizen and his consul, notification of detention of nationals, issuance of visas and passports, the performance of notarial services, the inviolability of consular communications, documents and archives, and protection of consular premises.

BACKGROUND

This convention will replace one of 1880 and represents a step in the continuing effort of the United States to expand and upgrade consular treaties. It also illustrates the policy of the U.S. to seek bilaterally standards of consular privileges and immunities that are higher than those in the recently approved Vienna Convention, to which Belgium is not a party. The convention is generally modelled on the postwar conventions with the United Kingdom (1951), Japan (1963), and France (1966). It is unlike the Consular Convention with the Soviet Union which provides for full immunity from criminal jurisdiction in that it provides such immunity only for lesser crimes like misdemeanors.

COMMITTEE ACTION AND RECOMMENDATION

The Convention was signed on September 2, 1969, and transmitted to the Senate October 8, 1969. On November 4 the Committee held a public hearing at which the Honorable John R. Stevenson, the Legal Adviser of the Department of State, testified and the next day ordered the convention reported favorably to the Senate. Mr. Stevenson's statement contains a full explanation of the convention and is appended to the report for the information of the Senate.

The Committee knows of no opposition to this treaty. It has continuously supported consular conventions as being in the interests of the United States and does so again in this instance. It recommends that the Senate give its advice and consent to ratification of the Consular Convention with Belgium.

The PRESIDING OFFICER. If there be no objection, Executive F, 91st Congress, first session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which will be read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Consular Convention between the United States of America and the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto. (Executive F, Ninety-first Congress, first session.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on Executive F, 91st Congress, first session, the Consular Convention with Belgium, occur at 2 o'clock p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGREEMENT WITH CANADA ON ADJUSTMENTS IN FLOOD CONTROL PAYMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive H, 91st Congress, first session, the agreement with Canada on adjustments in flood control payments.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive H, 91st Congress, first session, the agreement with Canada on adjustments in flood control payments, which was read the second time, as follows:

DEPARTMENT OF STATE,
Washington, August 18, 1969.

Hon. PETER M. TOWE,
Chargé d'Affaires ad interim of Canada.

SIRS: I refer to paragraph 11 of the Annex to the exchange of notes dated January 22, 1964, between the Government of Canada and the Government of the United States regarding the Columbia River Treaty. Pursuant to that paragraph, consultations have taken place between representatives of the two Governments concerning adjustments in the flood control payments by the Government of the United States to the Government of Canada as a result of early completion of projects contemplated by subparagraphs (B) and (C) of Article II(2) of the Columbia River Treaty.

Duncan Dam, constructed pursuant to Article II(2)(C), commenced operation on July 31, 1967, thereby providing two extra years of flood control benefits to the United States. Arrow Dam, constructed pursuant to Article II(2)(B), commenced operation on October 10, 1968, thereby providing one extra year of flood control benefits to the United States.

It is the understanding of my Government that as a result of the consultations referred to above it has been determined by representatives of both Governments that an adjustment to the flood control payments should be made in accordance with the principles established in the said paragraph 11. Consequently, I have the honor to propose that the United States pay to Canada $82,000 (U.S.A.) for the early completion of Duncan Dam and $196,000 (U.S.A.) for the early completion of Arrow Dam, such amounts to be paid within a reasonable period that takes into account any United States domestic procedures related to the making of such payments.

If this proposal is acceptable to your Government, I have the honor to propose that this note, together with your note of acceptance on the part of your Government, shall constitute an agreement between our Governments which shall enter into force on the date on which the Government of the United States notifies the Government of Canada that it has completed all internal measures necessary to give effect to this agreement.

Accept, Sir, the renewed assurances of my high consideration.

For the Acting Secretary of State:
MARTIN J. HILLENBRAND.

CANADIAN EMBASSY,
Washington, D.C., August 20, 1969.

No. 224.
Hon. WILLIAM P. ROGERS,
Secretary of State, Washington, D.C.

SIR: I have the honour to refer to your Note of August 18, 1969 which proposed, in accordance with the principles established in paragraph 11 of the Protocol annexed to the exchange of Notes dated January 22, 1964, between the Governments of Canada and the United States regarding the Columbia River Treaty, a payment by the United States to Canada of $278,000 (U.S.) for the early completion of Duncan and Arrow Dams constructed under the Columbia River Treaty.

I wish to inform you that the Government of Canada accepts the proposal set forth in your Note and agrees that your Note together with this reply which is authentic in both the English and French languages shall constitute an agreement between our two countries which shall enter into force on the date on which the Government of the United States notifies the Government of Canada that it has completed all internal measures necessary to give effect to this agreement.

Accept, Sir, the renewed assurances of my highest consideration.

P. M. TOWE,
Chargé d'Affaires, ad interim.

Mr. MANSFIELD. Mr. President, Executive H—91st Congress, first session—consists of the text of two notes, which constitute an agreement by the United States to pay Canada for flood control benefits derived from the early completion of two dams under the Columbia River Treaty. The amount involved is $278,000 covering additional benefits received by the United States by these early completions—2 years in the case of Duncan Dam and 1 year in the case of Arrow Dam. The Committee on Foreign Relations believes that it is a matter of equity to compensate Canada for the additional protection from floods which the United States has enjoyed.

The agreement is further described in the committee report, and I ask unanimous consent that excerpts from it be printed in the RECORD at this point.

There being no objection, the excerpts from the committee report (Executive No. 91–11) were ordered to be printed in the RECORD, as follows:

EXCERPT FROM COMMITTEE REPORT

PURPOSE

The basic purpose of this Agreement with Canada is to provide for the payment to Canada of $278,000 in compensation for the additional flood control benefits resulting from early completion of two dams constructed pursuant to the Columbia River Treaty.

BACKGROUND

This Agreement, concluded by an exchange of notes between the United States and Canada on August 18 and 20, 1969, provides for adjustments in the flood control payments by the United States to Canada as a result of early completion by Canada of the Arrow Dam and Duncan Dam projects, built under the Columbia River Treaty of 1961.

The Columbia River Treaty provides that the United States pay Canada specified sums for the flood control benefits to be derived from the Duncan and the Arrow Dams in British Columbia. These amounts were calculated on the basis of 55 years of flood control benefits and it was expected that the projects would be completed sometime after the Spring of 1969. In fact, the dams were completed well before the target date. Duncan Dam commenced operation on July 31, 1967, and Arrow Dam on October 10, 1968. Thus, the United States has received two years of additional flood control benefits in the case of Duncan Dam and one year of extra benefits from the Arrow Dam.

Although the treaty provided that the United States payment to Canada would be less if the dams did not begin operation on schedule, it did not provide for additional payments if the dams were completed ahead of schedule. In 1964, before the treaty went into force, the United States and Canada agreed to consult concerning payment adjustments if the dams should be completed early. Subsequently, both countries agreed that, on the basis of calculations used for the original amounts in the treaty, $82,000 would be appropriate payment for the two extra years of benefits from Duncan Dam and $196,000 for the one extra year of benefits from Arrow Dam.

* * * * *

COMMITTEE ACTION AND RECOMMENDATION

Executive H (91st Congress, first sess.) was referred to the Committee on Foreign Relations on October 14, 1969. The Committee held a public hearing on the Agreement on November 4, 1969, receiving testimony from Mr. John R. Stevenson, Legal Advisor to the Department of State, Mr. Fred L. Thrall, United States Army Corps of Engineers, and Mr. William Johnson, Jr., Office of Canadian Affairs, Department of State. The Committee considered the Agreement in executive session on November 5 and ordered it favorably reported to the Senate.

The Committee believes that the payment provided for in the Agreement is fair and reasonable compensation for the additional flood protection the United States has received as a result of the early completion by Canada of Arrow Dam and Duncan Dam. It would not be in keeping with the cooperative spirit underlying the Columbia River Treaty for the United States to fail to compensate Canada for these extra benefits.

The Committee on Foreign Relations believes that the arrangement is in the public interest and recommends that the Senate give its advice and consent to the Agreement.

The PRESIDING OFFICER. If there be no objection, Executive H, 91st Congress, first session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved, (*two-thirds of the Senators present and concurring therein*), that the Senate advise and consent to the ratification of the texts of two notes, signed at Washington and dated August 18 and 20, 1969, constituting an agreement between the government of the United States of America and the government of Canada concerning adjustments in the flood control payments by the United States government to the Canadian government as a result of early completion of projects (Arrow Dam and Duncan Dam) contemplated by Article II (2) (b) and (c) of the Columbia River Treaty. (Executive H, 91st Congress, 1st session.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the agreement with Canada follow the vote on the Consular Convention with Belgium on Monday afternoon next.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreements concerning the foregoing executive matters were subsequently reduced to writing, as follows:

Ordered, That on Monday, November 10, 1969, at 2 o'clock p.m., the Senate proceed to vote on the resolution of ratification to Executive F, 91st Congress, first session, the Consular Convention with Belgium; to be followed by a vote on the resolution of ratification to Executive H, 91st Congress, first session, an Agreement with Canada on Adjustments in Flood Control Payments.

Mr. MANSFIELD. For the information of the Senate, there will be two yea-and-nay votes at that time, and I hope that the attachés will inform all Senators, so that they will be on notice.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 12307, the independent offices appropriation bill.

The hour of 2 o'clock p.m. having arrived, the Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

NOVEMBER MORATORIUM UNNECESSARY

Mr. DOLE. Mr. President, I recently read that the president of the Vietcong's provisional revolutionary government wrote an open letter to the American people wishing "yet greater success in the fall offensive" to get U.S. forces out of Vietnam. I resent this attempted interposition in internal affairs of the United States.

Although I doubt its sincerity, this letter does point out the danger of providing encouragement to the North Vietnamese in their uncooperative attitude in Paris and unyielding determination on the battlefield.

I have serious misgivings about the planned November moratorium.

In the first place it is unnecessary. The October moratorium clearly made its point.

Second, the real possibility that the next moratorium might result in violence and disruption outweighs whatever slim benefits might be gained by it. The leadership of the November moratorium have not pledged themselves to the avoidance of violence. A serious, disruptive confrontation between the demonstrators and the Government would do nothing to promote peace and could provide Hanoi with valuable propaganda leverage.

As my distinguished colleague from Oregon pointed out on Monday, those who are concerned with peace should turn their attention from the streets to their neighborhoods and from mass demonstrations to community relations.

I support Senator HATFIELD's views and call upon all Americans to work for peace this November and December and throughout 1970—and to build better neighborhoods and communities. Peace work on this scale will bring meaningful results here at home while the administration seeks real peace throughout the world.

VIETNAM

Mr. MUSKIE. Mr. President, the essence of the democratic system of government is its constant attempt to reach decisions on the basis of free and open discussions and in a climate of mutual respect and forbearance. I speak today on Vietnam. I do so because I believe the Nation has not yet reached a clear understanding and reasoned decision on what we should do to end our involvement and the war. I do so because I believe we need more free and open discussions on the issue before we can reach such an understanding and such a decision. I hope those discussions will be carried out in a spirit of mutual respect and forbearance.

The deep national divisions over Vietnam and our involvement there reflect sincere differences of opinion. The differences are very wide, ranging from the few who feel that our national interest requires that we persevere there, for whatever period and at whatever cost, to the limited number who regard our presence in Vietnam as immoral and advocate our immediate withdrawal, and those who feel that the cost of our continued involvement is no longer justified by our vital national interests, and should be rapidly, but responsibly, reduced.

Reactions to President Nixon's speech have been prompt and predictable. There has also been a predictable response of support for what the President called his plan to "end this war in a way that will bring us closer to that great goal of a just and lasting peace." However, I believe that the great majority of the American public, that "silent majority" of whom the President spoke, remains unclear as to our present purpose and the practicality of the plan for ending the war to which the President referred, but which he incompletely described.

In short, I believe the great "silent majority" of Americans does not find itself on either extreme of this issue. This is true, I suggest, because the choice before us in Vietnam is not, despite the President's rhetoric, between the continued and indefinite involvement of our military forces and their immediate and disorderly withdrawal. On the contrary, the choice is between continued American involvement in the war and settlement arrived at by the South Vietnamese people on terms which are acceptable to them.

The path to political settlement is not easy, and it is not obvious. It will require imagination, resourcefulness, and steadfastness by our Government. It cannot succeed without broad understanding and support from among our people—understanding and support which must be available not only in the days immediately following a presidential address, but in the difficult weeks and months ahead.

I regret to say that President Nixon's November 3 address did not reveal a determination to direct us toward a political settlement, and I do not believe it can sustain the kind of broad, public support the Nation needs in this time of bitter trial.

The President's talk revealed a distressing tendency—too often present in discussions of Vietnam—to divide the issue and the American people into two extremes. On the one extreme was a strawman—"immediate, precipitate withdrawal"—which the President contends would bring about a "disaster of immense magnitude." Those who support such a course were symbolized by a sign which read, "Lose in Vietnam, Bring the Boys Home." Into this strawman the President bound, by inference, all who dissent from present policy—the small minority which wants our troops out tomorrow, whatever the consequences, and the many millions who want an end to the fighting and an orderly withdrawal of American combat troops from Vietnam. It was a debater's device. It was not a fair description of public opinion.

At the other extreme the President put his policy of ending our involvement through Vietnamization. But his presentation was long on rhetoric and short on analysis.

There was no explanation of what we hope to achieve at the negotiating table. There was no reference to the need for a political settlement among the Vietnamese. There was no suggestion of an initiative to end the killing and permit the two sides to begin working out political arrangements. There was no talk of the need for reform and wider participation in the Government of South Vietnam.

There was a rejection of any kind of announced timetable for the withdrawal of American troops. Withdrawal will take place, in the President's words, on the basis of three factors: first, the rate at which South Vietnamese forces become stronger; second, the level of enemy activity, and third, progress in American efforts to achieve peace in Paris.

In other words, the rate of withdrawal of American forces is out of our hands. The disposition of our military strength in the world, the commitment of hundreds of thousands of American men, is to be determined by the governments in Saigon and in Hanoi.

All of the President's talk about his policy—all of his references to his plans for peace—were hedged about the "if's." If Saigon increases its military strength, we can decrease our presence. If Hanoi and the National Liberation Front do not increase their military activities, we can cut down on the number of our combat troops. If nothing comes of the Paris peace talks, we can pursue our other plans, and increase the Vietnamization of the war.

There is an ominous possibility in the President's speech, the possibility that if our full objectives are not met, in Paris or in Vietnam, on terms acceptable to us and to the Saigon government, we will be committed to supporting a continuation of the war in the belief that a military victory is still possible.

Thus, the President's speech promised continued support for the status quo in Saigon and ignored the central fact that a political compromise on the part of the Saigon government is inevitable if there is to be a genuine political settlement to this war.

Last, there was in the President's speech a verbal reescalation of the definition of our interests in South Vietnam, suggesting that the preservation of the existing government in South Vietnam is essential to the cause of peace "not just in Vietnam but in the Pacific and in the world." That suggests a commitment to military victory by the South Vietnamese and by us.

What we should seek today is neither an American military victory nor simply a Vietnamization of the war. Our goal is not perpetual conflict in which only the Vietnamese continue to die, but genuine peace. What we should seek is peace for the Vietnamese, a peaceful settlement acceptable to the silent and suffering majority of the South Vietnamese people themselves.

The President had sharp words for those who have demonstrated their concern for peace and their doubts about the likelihood that his announced policies could bring peace. He suggested that they are actually prolonging the war. What is prolonging the war is not the desire of the American people for peace. Our people do want the war to end. They want the administration and Congress to understand that fact, and their attitude is consistent with, and indispensable to, the nonmilitary solution which the President has repeatedly stated as our objective.

The roadblocks to peace cannot be removed simply by exhortations to the American people to follow their leader. We need instead to create both in Hanoi and in Saigon an attitude of willingness to work toward a political settlement. These attitudes cannot, in my opinion, be brought about by warning Hanoi of new and greater military pressures or by encouraging Saigon in false hopes that no concessions and no compromises will be necessary. Neither can peace be promoted by further polarization of American sentiment.

Since we have renounced any intention to seek a military victory in Vietnam—and the President here said that we have—we must accept the fact of a settlement on terms less than ideal from our point of view. Saigon, Hanoi, and the National Liberation Front will have to accept the same kinds of limitations on their own hopes.

Any speech on Vietnam must be considered from the standpoint of its three important audiences—in the United States, in Hanoi, and in Saigon. To each of these audiences such a speech conveys either a warning or a promise, or both.

In the past, most of the public utterances about Vietnam have warned the American public of the dire consequences of American failure there. That was a major theme of the President's speech last Monday. Such utterances contain little in the way of promise that our costly and divisive efforts can be brought to an end in the reasonable future.

As directed at Hanoi, our statements have usually warned of the application of ever greater military force, but they have promised little hope that their supporters in South Vietnam could genuinely participate in a political settlement.

To Saigon, we have continued to promise much in the way of continuing military and political support, but we have conveyed little warning that American military support will not continue forever and that reasonable political concessions on their part are necessary if there is to be an end to the war and a genuine political settlement in South Vietnam.

It is in this area that President Nixon's speech revealed one of its most serious shortcomings. There was not one word of incentive for the South Vietnamese to accelerate the strengthening of their forces or to make political efforts to end the war. So long as the United States commits its foreign policy, as well as its ground combat troops, to the successful prosecution of this war by military means, the authorities in Saigon are under no pressure to make the political or military effort that is necessary if they are to take full responsibility for bringing the conflict to a close. General Thieu and General Ky could have written the three conditions for U.S. withdrawal contained in the President's speech. It is no wonder the speech was so well received in Saigon.

If the President's speech had implemented what he called his "Guam principles," it would have included an announcement to the American people of a schedule of withdrawal of at least all American ground combat troops from Vietnam. This would not mean a "precipitate" withdrawal with all its potentially disastrous consequences. It would not be a signal that we are ready to "lose in Vietnam, and bring the boys home." Instead, it would carry a message to Saigon that it must increase its efforts; it would bring to the military leaders of North and South Vietnam a message that America does not plan to intensify the war, but neither does it plan callously to jettison an ally; and would indicate to our own people that the administration is responding to their deep desire that the loss of American lives in Vietnam be ended. General Ky has felt free to tell us when all U.S. combat troops can be withdrawn from South Vietnam. He did so within the last 2 or 3 days. Why, then, cannot the President himself?

If we are to create the conditions for a political settlement in Vietnam—a settlement which the South Vietnamese must reach themselves—we must proceed—and proceed promptly—to remove the overwhelming American presence which now appears to inhibit political compromise. An announcement of our intention to do so, and to do so in accordance with a definite schedule, will not erode our bargaining position in Paris.

A timetable for removing our ground combat troops, if coupled with plans for later—but undefined dates—for removal of our air support and logistical support forces, will offer incentives to both Saigon and Hanoi to come to terms at the negotiating table. Saigon will realize that it cannot depend on our support indefinitely. Hanoi will realize that the alternative to a negotiated settlement is the possibility of an indefinite conflict.

Any meaningful bargaining position will remain impossible under present circumstances, and it has been rendered more remote by some portions of the President's speech. The speech may, indeed, deepen the impression that the administration is downplaying the role of diplomacy as a means of ending the war, rather than reinvigorating its efforts to reach a negotiated settlement.

Looking back, the President said that "no progress whatever has been made" at the Paris talks since the agreement on the shape of the bargaining table, which occurred before his administration took office. He then went on to disclose a number of hitherto private ventures which had failed to bring results.

He went further, and revealed to the world a private exchange of letters between himself and Ho Chi Minh, last summer. He called this revelation "unprecedented." There is a good reason why such a step is "unprecedented," and one which our Government has traditionally avoided. If all letters between heads of state had to be written with an eye toward early publication by the recipient at a time of his own choosing, the utility of such exchanges would be reduced to mere propaganda. But obviously this is a disadvantage the President decided to accept for whatever advantages he felt he might gain in using the letters for his speech.

Since the President has made us privy to that exchange, I think some comments about the letters are justified. I would note that the President's letter is primarily a restatement of U.S. positions previously made public on repeated occasions. He referred to the reasonableness of the administration's May 14 proposal and stated, as we had declared in Paris and elsewhere, that we were ready to discuss "other programs as well, specifically the 10-point program of the NLF." He urged progress at the conference table. Except for the act of writing the letter, the move contained no new substantive initiatives and he found this a criticism in Ho Chi Minh's reply.

Ho's reply did, as the President indicated, reiterate "the public position North Vietnam had taken in the Paris talks" and repeated the well-worn charge that the United States should "cease the war of aggression and withdraw troops."

But the Ho letter was not without its points of interest.

It referred to the NLF 10-point program as "a logical and reasonable basis for the settlement of the Vietnamese problem"; not as "the only basis for settlement" or the "only correct basis of settlement" as many earlier public statements of Hanoi had done.

It referred to "the right of the population of the south and of the Vietnamese nation to dispose of themselves without foreign influence." These terms are not dissimilar from the President's own references to the importance of giving "the people of South Vietnam an opportunity to choose their own future." On these two points, then, where did the two letters come into direct conflict?

And Ho's concluding sentence—that "with good will on both sides we might arrive at common efforts in view of finding a correct solution to the Vietnam problem"—was probably as forthcoming a generality as the old revolutionary had ever addressed in confidence to a Western leader at any time in his long lifetime.

It seems to me that this reply invited a further communication from us to Ho's successors, building on the stated common goal of self-determination of the Vietnamese people and the final expression of good will.

Some or all of these steps may have been taken in the "other significant initiatives" which the President referred to, but in his speech he described Ho's letter as a flat rejection which I do not think is a fair interpretation of his letter. I cannot see how the goal of a negotiated peace is promoted by the publication of private diplomatic exchanges.

I cannot see how Ambassador Lodge's task of getting meaningful private discussions underway is served by revealing the 11 times he has been able to meet in private with the Communist representative to date.

For the future the President offered nothing new on the diplomatic scales and appeared to place little importance on the effort. He recapped our prior diplomatic initiative. He said we would persist in our search for a just peace through a negotiated settlement "if possible." But the much publicized "plan" which is referred to six times in his speech dealt exclusively with military matters—our hopes for withdrawal, and only if and when the South Vietnamese "become strong enough to defend their own freedom."

There was no explanation of what we hope to achieve in a negotiated settlement.

There was no reference to the need for a political settlement between the Vietnamese themselves—an objective toward which we must devote far more efforts than have been evidenced to date.

There was no hint of the terms under which we would seek and accept a ceasefire now that would put an immediate end to the killing and force the Vietnamese factions to begin to work out their political relationships.

There was no talk of the need for wider participation in the Government of South Vietnam, if Saigon's authority is ever to be secure enough to win a political settlement, let alone to stand up unassisted against internal challenge.

Let us hope that this impression that diplomacy has been downplayed is one of those accidental byproducts of speechmaking.

Let us hope that despite our failures on the diplomatic front, to date, the administration has not wearied after only 9 months in office of the arduous task of pressing new diplomatic initiatives to create the conditions under which the war-weary people of South Vietnam may at long last find, not a Vietnamese war, turned over to them by Americans, but a true peace on political terms of their own choosing.

I have suggested several initiatives we might pursue, including: an orderly, announced withdrawal of our combat troops, coupled with air and logistical support for the South Vietnamese for a longer period; a proposal for a standstill cease-fire; and the possible use of the good offices of United Nations Secretary General U Thant as an "honest broker" in paving the way for the various groups in South Vietnam to reach a political settlement.

The President has said he wants to operate from a position of strength. I believe these proposals would permit him to do that. Unfortunately, I believe his speech of November 3 has weakened his position. He has weakened his long-term support at home by polarizing opinion in the United States. He has weakened his ability to stimulate a broadened and stronger government in South Vietnam by continuing his unqualified support for the status quo in Saigon. And he has weakened his options in Paris by revealing secret letters and secret talks, and by rejecting the letter from Ho Chi Minh and not following through on it.

Mr. President, I had hoped that I would be able to give my unqualified support to President Nixon's policy in Vietnam as a result of his long-heralded speech of November 3. As President, he is ultimately responsible for the conduct of the war and the search for peace. I wish it were possible to say that the course he has described seems most likely to result in an early termination of the war. But in fact it seems to be a prescription for its indefinite prolongation. It does not contain the vital elements which will, in my view, bring the war to an end and enable the South Vietnamese to determine their own destiny.

I pray, Mr. President, that I am wrong and that he is right, and that his policy will succeed. In the light of my evaluation of his speech, which I have tried to make as dispassionate and objective as possible, I do not think it will. So until the President takes account of those elements, I deem it my duty to speak out.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I listened with great interest to the distinguished Senator from Maine. Apparently I interpret the letter from Ho Chi Minh differently than the Senator from Maine because, in the next to the last paragraph in the letter from Ho Chi Minh dated August 25 and received, I understand, on August 30, the indication is that there can be peace and talk about peace only if we withdraw our troops from Vietnam.

The Senator from Maine indicates there is still room for further response.

But as I read it, there is no reason for any response unless all our American troops are withdrawn from South Vietnam.

In the next to the last paragraph, it says: "For this the United States must cease the war of aggression and withdraw their troops from South Vietnam."

That is the same story we have heard time and time again from the North Vietnamese. The Senator is indicating that there was a basis, after President Nixon received this letter, for further contact with the Hanoi Government. Certainly not Ho Chi Minh, because he died 3 days after the letter was received so it is not possible to communicate with him. In my opinion Ho was closing the door as he had in the past. Unless we would first withdraw all our troops from Vietnam, they are saying, "we are not prepared to do anything." Perhaps the Senator interprets it differently or the statement he has made would so indicate.

Mr. MUSKIE. In my prepared remarks, as the Senator knows, I analyzed the reason why I think there was a softening of Ho's position in that letter. But I would be glad to respond further. One of the President's criticisms of the whole letter was that it did nothing but repeat positions previously taken by Hanoi. So that criticism, if it is one, could also be directed at the President's letter because it contained nothing but a repetition——

Mr. DOLE. Except in the ——

Mr. MUSKIE. Of previous statements which we have made.

Mr. DOLE. Except in the President's letter. As a matter of fact, he made reference to the National Liberation Front's 10 points. The President specifically said, as I remember it, that he would be specifically interested in discussing the 10 points of the NLF, but then they come back in the letter from Ho Chi Minh, saying, "Yes, as soon as you withdraw your troops we will discuss that."

Mr. MUSKIE. The President's reference to our willingness to discuss the 10 points of the NLF had been previously made by the President. That was not a new offer on his part.

Mr. DOLE. In the past, we have stated, "Are you prepared to discuss this," and the President again indicated a willingness to discuss the 10 points. He did this again in his letter to Ho Chi Minh.

Mr. MUSKIE. Then, let us look at Ho's reply. The first point I make is that of the criticism of Ho's letter, and the President's letter being subject to the same criticism, and no new substantial positions offered by the President. I am not saying it could have been. Perhaps the initial step should have been made more than the mere fact of writing a letter; but if there is a basis for criticism of such letter, then the President's letter is subject to that same criticism.

Second, in many previous responses to such an offer, Hanoi has always been "hard line." But let us look at Ho's language in this one, on the question of the 10 points.

He states:

> The overall solution in ten points of the National Liberation Front of South Vietnam and of the provisional revolutionary government of the Republic of South Vietnam is a logical and reasonable basis . . .

Now, this is something different than saying, "You accept the 10 points without change and get out." This is a much softer reference to the NLF's 10 points than any previous reference I can recall.

He talked about "overall solutions," obviously applying the possibility of negotiation or elimination of the 10 points. Then he said, "is a logical and reasonable basis." Well, the "basis" is something different than a blueprint or a rubberstamp.

Mr. DOLE. The communication, in the next paragraph, second sentence, takes the same hard line position taken time and time again by the Hanoi Government: that they will not discuss any settlement until all American troops are withdrawn.

Mr. MUSKIE. But he does not say that here——

Mr. DOLE. He does not?

Mr. MUSKIE. No. Let me read it:

> In your letter you have expressed the desire to ask for a just peace. For this the United States must cease the war of aggression and withdraw their troops from South Vietnam, respect the right of the population of the South and of the Vietnamese nation to dispose of themselves without foreign influence.

There is not a word in here to suggest that any part of this must be done before talks began. So many times in the past, they have clearly stated that, "You must stop your aggression and withdraw your troops before we will talk." That qualifying language is not in this letter.

Now when we take that with the last paragraph in the letter—let me read it:

> With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem.

If that language does not suggest the possibility of a solution that is not found in the proposals of either side up to this time, then I do not understand the meaning of language. That is not a hard-nosed, flat rejection, as in the words of the President. That language, if it means anything, is an invitation.

May I point out that this letter was received, according to the President, 3 days before Ho's death. Ho did not publicize this for propaganda purposes. His successors did not. It seems to me that, however pessimistic one might be in interpreting Ho's letter, it gave the President an opportunity to write to the new leader to say, "We have just received this letter from Ho and in it we see some indication of a willingness to discuss these questions. We ask whether you so interpret his letter and, if so, whether you would be willing to pursue this initiative that has been begun by Ho Chi Minh."

It seems to me that, however pessimistically we might interpret the language which the Senator and I have discussed in our colloquy here, such an initiative would have done no harm whatsoever, and it might have opened up a diplomatic initiative of great value.

Mr. DOLE. Let me say to my distinguished colleague from Maine that I suppose we can interpret this letter any way we wish, but how do the Senator's specific proposals for peace in Vietnam differ from those being pursued now by President Nixon.

Where is the difference?

I have just read a document of some interest; namely, the Democratic platform of August 28, 1968, in which Vietnam is discussed. One of the statements is as follows:

> We reject as unacceptable a unilateral withdrawal of our forces which would allow that aggression and subversion to succeed. We have never demanded, and do not now demand, unconditional surrender by the Communists.
>
> We strongly support the Paris talks and applaud the initiative of President Johnson which brought North Vietnam to the peace table.
>
> Troop withdrawal—negotiate with Hanoi an immediate end or limitation of hostilities and the withdrawal from South Vietnam of all foreign forces—both United States and allied forces, and forces infiltrated from North Vietnam.

Now, Mr. President, with reference to what the Senator apparently finds to be a mistake in trying to Vietnamize the war, this is what the Democratic platform had to say——

Mr. MUSKIE. Let me interject there, I did not say I was opposing Vietnamizing the war. I said I was opposed toward making that our objective, or our only objective—just an arrangement for the Vietnamese to continue to die rather than Americans. I think we should be working toward a settlement of the war.

With respect to the history the Senator has just read, unfortunately, President Nixon gave us no positions, no plan, in the last campaign, that would give us an opportunity to cite his record.

Mr. DOLE. Well, his record is——

Mr. MUSKIE. Wait a minute—if I may finish, please. President Nixon made clear in his last speech, and in his speech of May 14, that he was carefully reviewing and that he did carefully review our policies, and the underlying assumptions of positions previously taken, and that as a result of that review and his evaluation of that situation, he was proposing the initiatives which he outlined in his May 14 speech, and he has given us this policy statement of November 3.

I take it we have as much right to review what has happened since last fall, to review our policy and its underlying assumptions and what has taken place, and modify our positions as well.

What we are talking about is what our present view of the situation is, and of the problem, and generating the best wisdom we can to come up with solutions.

Mr. DOLE. But in fairness to President Nixon, it should be pointed out that there has been talk on this floor and talk around the country by certain leaders that President Nixon had no plan, he has no plan now, and no plan on Monday evening. I pointed out before that President Nixon is bringing American troops home. That was not the plan of the last administration. I never criticized President Johnson or the Senator from Maine——

Mr. MUSKIE. May I point out that Vice President Humphrey, in last year's campaign, announced there would be a troop withdrawal by the middle of this year, and he was criticized by his opposition for holding out such optimistic hopes.

Mr. DOLE. But the point is that there have been troop withdrawals. The Senator has suggested that there should be a timetable. I assume the Senator means bringing home so many thousands this month and so many thousands next month.

Mr. MUSKIE. I have stated my proposal. I do not think it is the only proposal. I certainly have not rejected the President's consideration——

Mr. DOLE. How does the Senator differ with what the President has proposed?

Mr. MUSKIE. I have announced a timetable for the withdrawal of troops—like that of Secretary Clifford—by the end of 1970. I can see the value of withholding the date for final and total withdrawal of our forces, but I think we need some kind of commitment to a scheduled withdrawal in order to impose pressure on both Saigon and Hanoi. The President has said he is going to be flexible in all respects in connection with withdrawal. I am delighted he has committed himself to negotiating a settlement. I am delighted with and applaud the decision to begin withdrawal of troops. I do not criticize that. What I am objecting to is the extension of the withdrawal concept and the time to do it in, with the conditions which I have suggested.

Mr. DOLE. One reason why the President recited the secret talks, and the letters, and the private meetings of Mr. Lodge in his speech to the American people, was to point out to the American people what had happened since January 20, 1969. He could have announced on the afternoon of January 20 that we were going to withdraw, on a unilateral basis, from South Vietnam. That was the easy choice from a political standpoint.

Mr. MUSKIE. I do not think it is the easy choice with the "silent majority" behind him. That would be the tough choice.

Mr. DOLE. You stated that President Nixon's speech was going to polarize the people. The Gallup poll showed that 77 percent were for the President, 6 percent were against him, and the rest were undecided. If there is going to be a polarization, I would say it is that of the great majority of the people supporting the President's proposals. He made it clear on Monday that we had not succeeded in negotiations. He has turned from an Americanization of the war under the past administration to a Vietnamization of the war under this administration. We have tried time and time again to negotiate. What has been accomplished? Nothing. Does the Senator believe that is not true?

Mr. MUSKIE. Is it the Senator's suggestion that the President should no longer make efforts?

Mr. DOLE. No. He has to find an alternative course. Negotiation was probably tried yesterday and probably will be tried again next week. If we cannot negotiate, we must find some other honorable way out of Vietnam. I fail again to perceive much difference between the Senator's analysis of how to end the war and what is now being done.

Mr. MUSKIE. If there is not much difference, I would be happy to have the President adopt my plan.

Mr. DOLE. Perhaps the Senator copied it from the President's speech on Monday, because it sounds very much like it.

Mr. MUSKIE. Having just listened to my speech—and I appreciate the attention the Senator gave it—I suggest he now read it. I think if he sees no difference as a result of having heard it, he may see some after having read it.

Mr. DOLE. I want to develop the differences on the floor of the Senate, for the benefit of all Americans. If the Senator can expound the differences between his plan and the one being implemented by President Nixon, it may be of help to President Nixon.

Mr. MUSKIE. I am at some disadvantage in this connection, because President Nixon has not told us——

Mr. DOLE. He is doing it by action.

Mr. MUSKIE. The Senator has asked me a question. I would like to answer it. He has not given us the details of his withdrawal plan. One thing that distinguishes our views is the time with respect to withdrawal. I think we ought to announce a date for withdrawal of our combat forces.

Mr. DOLE. What date does the Senator have in mind?

Mr. MUSKIE. As I said a moment ago, the end of 1970.

Vice President Ky, just the other day, in a press conference in Saigon, said that, in his judgment, this could be possible. So he has announced it. I have advocated it.

Mr. DOLE. What advantage is this for anyone to say we are going to do it by the end of 1970, or in fact do it on any specific date?

Mr. MUSKIE. I think the advantage is that it puts pressure on Saigon then to put its ducks in order, militarily and politically. Vietnamization of the war is going to require more than an American effort. It is going to require a Saigon effort. And if there is no commitment for withdrawal of our combat support, I suspect there is not much pressure felt by Saigon to exert that effort which it must exert.

Secondly, such a commitment which would then be credible to Saigon would put the pressure on Saigon to broaden its political base. I just do not happen to believe that the present Saigon government, if it is not changed and broadened, can survive our withdrawal, whether that withdrawal comes as a result of whatever the President's timetable may be, or as a result of some other timetable.

I assume—and I would be interested to have the Senator's view on this—that what the President is talking about is complete withdrawal at some point, and not an indefinite prolongation of American support at some level, unspecified and unidentified.

What the Senator is talking about, and what the President is talking about, is complete withdrawal of American forces at some time in the reasonably near future, in 1971, or 1972. Whatever it is, we do not know. Then we have to be concerned, and Saigon has to be concerned, with whether or not it has the political viability and the political strength to survive.

I think that if we announce a date for withdrawal of combat forces, perhaps Saigon will begin to believe that what we are talking about is not an indefinite prolongation of the war, at some reduced level of American support, but an end to American military support—combat, air, logistical—and some point for which they must prepare themselves politically. I think that point has to be made clear, and I think they have to accept it as part of their policy.

Mr. DOLE. If I may respond to that, we are not talking about putting pressure on Saigon. We are actually taking troops from South Vietnam. By December 15, the number is going to be 60,000. Yesterday there was a bipartisan meeting, composed of George Meany and others, who reported to the President that we are making great progress in South Vietnam. There is going to be more. More is being done so far as pacification is concerned. There is more support for the Government. There is a feeling in Saigon that it can take over more military responsibilities.

Mr. MUSKIE. May I respond to that?

Mr. DOLE. In just a moment.

Statements have been made about advance notice putting pressure on Saigon. I think we can deal with our allies without advance notice. If we give advance notice, we only give information to the enemy; if we say that, in 6 months, for example, we are going to take our troops out of there, it does a disservice. It does not help Saigon, it does not help us, and it does not help the American troops that are there.

Why should we telegraph our plans to the enemy that by the end of 1970, if they can hold out that long, all the American combat troops are coming home? I think it would be a mistake.

Mr. MUSKIE. May I respond?

Mr. DOLE. I yield.

Mr. MUSKIE. My response to that question, and the Senator's response, must depend upon whether this administration is committed, at some point, to withdrawal of American combat forces.

Mr. DOLE. It is committed now.

Mr. MUSKIE. That has to be in connection with some date, disclosed or undisclosed. The President has permitted our allies in Saigon to announce dates after which they think they can take over the war. He did so the other day—the end of 1970, the same date I am suggesting here today.

With all this speculation suggesting that some time before 1971 we are going to withdraw our combat forces, there is little element of surprise left for Hanoi. So the question then is—and I repeat it, and I should like the Senator's answer to it, if he knows—are we committed, in our policy? Is the President's scheduled program, or scheduled timetable, committed to some date for total withdrawal of our forces, and if so, is it a date that Saigon knows?

He has said that there is a program

worked out with Saigon. I am not asking for the date, if the Senator knows what the date is. I am simply asking, is there such a date?

If there is not, then the possibility that the President is holding out to Saigon by his present method of withdrawal is that we will reduce to some level, and then continue American support at that level for some indefinite period, the end of which will depend upon Saigon's ability to take over the war.

If there is such a date, if both sides are committed to it and it is written in bronze, I would be interested to know it.

Mr. DOLE. If I might respond, there is probably no date. The Senator does not have a date, either. There is, however, a commitment and this is the important thing: There is a commitment by this administration to withdraw U.S. combat troops?

The most unwise thing the President could do would be to set some arbitrary date, say September next year or September the following year, to have the last combat soldier out of Vietnam.

I really do not see any difference, the more I discuss the matter with the Senator, between the Nixon position and what he suggests, except for this magic he seems to associate with reference to a specific date:

If the President will just say that on some date next year we are going to bring all the troops, then the Senator would support him wholeheartedly.

Mr. MUSKIE. I did not say "all the troops." I said, "all combat troops."

Mr. DOLE. All combat troops. But if he will not set some specific date, then the Senator is opposed to him.

Mr. MUSKIE. Well, let me say this: The Senator says he sees little difference between our positions. I see a great deal of difference, and the President obviously sees a great deal of difference, because he has so stated. I suggest there is a great deal of difference.

It is a question of how you interpret that difference, what effect that difference would have on the ability and determination of Saigon to broaden its base and take over the war, as well as the determination of Hanoi to continue the war.

The Senator has cited some sort of "new optimism" that seems to pervade the country.

Mr. DOLE. That was in the Democratic platform.

Mr. MUSKIE. No, I am not talking about that. I am talking about the new optimism discussed in recent press stories from South Vietnam, about the state of our military effort in South Vietnam. The Senator referred in his remarks to the success of our pacification effort, the growing political stability in the south, and so on. If the optimism is justified——

Mr. DOLE. It is the optimism of the committee which reported to the President yesterday, George Meany, Mr. Gullion, and others—bipartisan committee.

Mr. MUSKIE. I am not attributing the optimism to anyone. I am simply saying that if it is justified, then I suggest the best way to crystallize Saigon policy and Saigon determination is the kind of commitment to withdrawal that I have suggested. If it is not justified, if we still have to have rubber clauses in our commitment that permit us to modify it with the unfolding of events, that is something else.

I think that we ought to make these decisions about withdrawal of our troops. I do not think we should, any longer, be committed to rubber clauses that leave the control in Saigon and Hanoi. I think it would serve a very useful purpose to make it clear to Saigon that we are determined to withdraw, and that the decision is ours to make and not theirs.

Mr. DOLE. I do not have any great quarrel with that. I did want to again quote another of the statements from the Democratic platform:

> Until the fighting stops, accelerate our efforts to train and equip the South Vietnamese Army so that it can defend its own country and carry out cutbacks of U.S. military involvement as the South Vietnamese forces are able to take over their larger responsibilities.

For some reason President Nixon, a Republican, has carried out that plank in the Democratic platform. He has carried out that plank at an accelerated rate.

Mr. MUSKIE. May I say to the Senator again, the President has made it quite clear that his policy of May 14 was responsive to a change from whatever his policy was last fall. I think I have as much right to change my view, of what our current policy ought to be, from what I felt it should be at the time that platform was written, as he does.

Mr. DOLE. I have not quite finished. There has been a change. Maybe a change on both sides.

Mr. MUSKIE. But what the Senator is saying is that the President's policy is now that of the Democratic platform?

Mr. DOLE. No; but he has helped it a lot. I would say this seriously: I listened to the four or five points the Senator recited as suggested ways to end the war. The key to his program apparently is in orderly withdrawal, as of some specific date.

Mr. MUSKIE. Not at all. I think we have to press the diplomatic front. The responsibility here, obviously, to one who is outside the administration, is not that of the administration; but as to the exchange of letters which we discussed earlier, I think there was an initiative which I would have taken, which the President clearly did not take, and I think there may have been others. If the President so interpreted those letters as to call them a flat rejection of his offer, then it seems to me he may not be as sensitive to the possibilities for diplomatic initiative as in my judgment he ought to be. This is one of the points.

Second, I think that the whole idea of the withdrawal schedule that I have suggested, and the standstill cease-fire, and the U Thant approach, are all designed to promote a political settlement in South Vietnam.

The President, in what he has said publicly, has given the Saigon government no reason to change its political structure to broaden its base, to bring in elements and tendencies in the south which are not represented in the current government, to discontinue its repression of those who disagree with it politically, or to lift censorship of the press. There is nothing in the President's speech of November 3 or his speech of May 14 to suggest that he regards this as an important area for initiative and pressure. I think we have to do that. I do not think we are going to end the war—which I think is a more important objective than Vietnamization of the war—unless we do something about the political questions wthout solving which we cannot hope to end the war.

Mr. President, I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I did not have the benefit of being present for the entire speech of the Senator from Maine. I did hear the end of his speech, and I had a chance to look at the text and have listened to the colloquy.

I congratulate the Senator from Maine on his speech and its general approach.

We cannot forget, however, that things are better now than they were a year ago. As the Senator from Idaho (Mr. CHURCH) put it the other day, we as Democrats will have to wear the hair shirt for a while longer, because the fact is that fewer young men are being killed each day, each week, and each month at this time and fewer American troops are in Vietnam.

The point of difference is whether we are moving fast enough and in a sufficiently certain manner and what our ultimate objective is. If the ultimate objective is a permanent enclave of American supporting forces in the manner of the Korean pattern, I think that would be a great mistake.

The Senator from Maine has made a great contribution because of his emphasis on the fact that we are trying to achieve more than a Vietnamization of the war—that we are trying to achieve peace for the area.

A couple of times the Senator from Kansas has touched upon the Democratic National Convention's platform at Chicago last year. As the only Member of the Senate who was a member of both the Platform Committee and the Drafting Committee at that time, I was quite familiar with all of the travail that went into our platform.

The Senator from Kansas may recall that the so-called majority platform was not overwhelmingly supported. It passed by a relatively narrow margin. Both sides at the convention were dug in.

I remember that I had a compromise peace plank proposal. I presented it to both the drafting committee and the full platform committee. In each case it was turned down. And in each case individual committee members came to me afterwards and said they believed that while my plank had merit, the lines were drawn too hard and it had to be either one thing or the other.

While platforms are meant to be taken seriously, I was struck by the fact—if the Senator from Maine will forgive me—that both the Democratic and the Republican candidates for President and Vice President were eventually following a platform that was more along the lines of the platform that was rejected at that convention.

I was distressed in the course of Mr. Nixon's speech by the way in which he read his letter and more or less glossed over Ho Chi Minh's response.

When we read both of the letters in context, they do not come out all black and white. I think that the last paragraph of Ho Chi Minh's letter when he said, "With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem" is not a warlike or belligerent statement. It did leave the doors wide open.

It is for these reasons that I support the thrust of the remarks of the Senator from Maine.

Mr. DOLE. Mr. President, in closing my part of the colloquy, let me say that I have the greatest respect for the Senator from Maine. I would not want anything that I have said to be construed as an attack on him.

The Senator has been helpful, as I stated earlier. Discussing and debating the issues can be constructive. Certainly the war in Vietnam is something we all want to resolve as quickly as possible.

We have different viewpoints. I happen to be very much impressed by what the President said on Monday. Perhaps I did interpret it differently than did the Senator. However, it does seem that the President did present in a very concise chronological way what had happened from January 20 of this year to the present date. Perhaps there are other things he could have done or said. However, if we look at the whole record, I feel the great majority of Americans—Democrats, Republicans, and independents—would give the President an "A" for effort and say that he had been trying to resolve the conflict in Vietnam.

I recognize that when the President announced the withdrawal of 25,000 men, some said it should have been 50,000. When he announced the withdrawal of 35,000 men, some said it should have been 70,000.

We can have these differences of opinion. However, the point is—and I believe it to be symbolic—the President is bringing boys home. The one difference is that the Senator says he should have a timetable and that some specific withdrawal date should be set. I believe we should continue to negotiate, and that there should be a political settlement. Perhaps this can be accomplished by negotiation.

I point out that the President is trying to end the war. And when he cannot negotiate a settlement, his alternate was orderly withdrawal.

The negotiation doors are still open. They are as wide open as they ever were. But if we cannot make any progress at the Paris peace table, the President has an alternate plan to withdraw our combat forces in an orderly manner. Perhaps he will have them home before the date the Senator from Maine has in mind. However, it seems to me in all fairness and candor that the solution advanced by the distinguished Senator from Maine is very much in accord with what the President has done or is doing now.

If I misinterpret that, I regret it. However, it appears that there is not much difference at all.

Mr. MUSKIE. Mr. President, I point out to the Senator from Kansas that I made a conscious effort not to cast the speech in the context of a partisan attack or criticism.

I listened to the speech. I have read it several times. I have taken it apart—not for disruptive reasons, but to try to identify what I consider to be the shortcomings, not in a partisan or political way, but in a substantive way and in terms of the objective we all share—to end our involvement and to insist on doing other things which would be useful initiatives.

So I felt the obligation today to make my speech on that basis. I grant the Senator that until we are out of the war, there will continue to be disagreement as to exactly what the tactics ought to be.

As I said in the close of my following remarks, whatever my differences with the President, I pray that his policy will succeed. That is the ultimate test, as he recognized in his closing remarks in which he said in substance, I believe, "If I am right, it does not matter what my critics will say now. And if I am wrong, it will not matter what they say then."

That is what the historic significance will be.

My speech was made for these reasons. First, it pinpoints what I think were the shortcomings of the President's speech. And it may be that those shortcomings do not reflect omissions in the President's speech. They may simply be points that he did not cover in his speech. If so, they will appear. Second, I thought that I ought to make a speech in the hope of lending whatever pressure I might—and it may not be necessary—behind the need for diplomatic action and the need for reform in Saigon, broadening its base, and the need to withdraw completely all our forces at some point in accordance with my remarks here.

Finally, I thought I should make the speech to contribute whatever I might to a constructive dialog about our policy on the war.

My speech is not meant to be destructive.

The President is the only instrument we have until 1972 with which to implement whatever policy we have.

Mr. DOLE. It may go beyond that.

Mr. MUSKIE. It may go beyond that; and if it does, we ought to be all the more careful about what our policy should be in the meantime.

I wanted to contribute constructively. I would hope that my efforts to cast this matter in a constructive form will prompt those involved in policymaking to consider the suggestions.

There is nothing new in any of them. I do not think there are any new ideas at all. They may be new combinations of ways to take advantage of our opportunities and events and incidents.

But the basic idea of withdrawal, of cease-fire, of negotiation, and so forth—all these have been thrown out in any variety of combinations. The distinguished Senator from Rhode Island has suggested initiatives from time to time.

So I think we ought to contribute to a constructive dialog—not to destroy the President's capacity to lead, but in order to strengthen it by putting together a policy which can command the widest possible support.

Mr. DOLE. I agree with what the Senator says, and I know that is what he has in mind. But I am afraid it may be interpreted differently by the American people. I can see the headlines: "Muskie Assails Nixon Policy in Vietnam." That is not the avowed purpose of the Senator's statement.

The Senator indicates that there is nothing new in his speech. Some have indicated that there is nothing new in the President's speech. Perhaps there is nothing new to contribute.

I think there is a sincere desire on the Senator's part and on the President's part to end the war in Vietnam with honor, and this is what I think all of us in this body and everywhere else in America want to do.

So, from that standpoint, I appreciate the contribution the Senator has made, and the fact that I was present to hear the Senator's speech and to exchange some ideas about it.

Mr. MUSKIE. It is always good to have an audience. I thank the distinguished Senator from Kansas.

Mr. President, I yield the floor.

(At this point, Mr. SCHWEIKER assumed the chair.)

TOWARD A SOLUTION OF THE INTERCITY RAIL CRISIS—II

Mr. PELL. Mr. President, yesterday I discussed the reasons why I believe Congress and the administration should give immediate consideration to legislation designed to assist intercity rail passenger service. Today I plan to discuss, first, some general principles which I think should be followed in the preparation of such legislation, and second, the elements of a shortrun plan which I believe would provide the most effective means of Federal aid for intercity rail service.

The responsibility of the Federal Government for intercity and interstate rail transportation extends beyond regulatory control. The Federal Government has a positive responsibility to insure the existence of adequate interstate passenger service in whatever modes are best suited to meet passenger demand. A balanced national transportation policy requires Federal fiscal aid for the motorist, the bus passenger, the air passenger, and the rail passenger to be in a complementary form, and in an amount sufficient to meet effectively the transportation demand at the most efficient level for each mode of interstate travel, and at the lowest cost possible to the transportation consumer.

The Federal Government has the primary responsibility for national transportation planning. A balanced transportation policy can be best implemented by conditioning Federal financial assistance upon conformance to local, State, and national transportation plans.

Short-distance intrastate passenger service should be considered as the primary fiscal responsibility of the States or local areas, while interstate passenger transportation should be the primary fiscal transportation concern of the Federal Government.

The Federal Government should, except on an experimental basis, avoid direct involvement in the actual management of any form of interstate transportation. As far as practical, it should deal at an arms length with the different private and public bodies having operational responsibilities for interstate transportation.

Federal fiscal assistance should make maximum utilization of the private money market. Direct operational subsidies should be avoided to the maximum extent possible and should be undertaken only after a thorough consideration of capital assistance alternatives such as loan guarantees, forgiveness of Federal bankruptcy notes, and grants for the purchase of modern equipment and improvements in the right of way.

A SHORTRUN PLAN

The threat of a complete disappearance of intercity passenger service in the United States demands that Congress and the administration consider first a shortrun solution to the rail crisis before it undertakes extensive deliberations on a longrun solution to the Nation's intercity transportation problem.

I would suggest that the more reasonable course for the Congress to follow in the short run would be the immediate passage of legislation designed to provide limited financial assistance for rail transportation in transportation corridors of the emerging megalopolitan areas of the country. The east coast megalopolis and the potential megalopolises of the Great Lakes region, the Northwestern Pacific region, southern California, the Dallas-Houston-New Orleans area, and the Kansas City-St. Louis area are areas of increasing urban density where intermediate distance rail passenger service can be expected to be the most economical and efficient mode of travel in the coming years. It is in the major urban corridors such as those I mentioned where there is the greatest potential demand for rail passenger service; and where, I believe, the Federal Government would be well-advised to initiate its rail assistance programs.

ALTERNATIVE FORMS OF FEDERAL AID

There are many possible forms in which the Federal Government can provide financial assistance for intercity train service in megalopolitan areas of country. In my mind, if the States could be encouraged to take the initiative, the first element of a shortrun plan to provide Federal assistance to the railroads would be the plan I described in my book, "Megalopolis Unbound," and encompassed in my bills, S. 914 and S. 924.

I would like to see interstate compacts established in the megalopolis of the eastern seaboard and in those emerging megalopolises in other areas of the country. These compacts would create public authorities to own, operate, and maintain railroad passenger service within their own areas.

There would be several distinct advantages to such arrangements.

First of all, those authorities would place regional rail passenger operations under one coherent, separate management thus removing passenger service from its traditional position as a stepchild to freight service.

Second, the megalopolitan authorities, being the creature of government, could be exempt from all property and income taxes that are burdensome and unfair to the competitive position of private railroad lines.

Third, the public authorities, standing astride the breadth of the megalopolitan areas, could coordinate and resolve, as no other agency could, the multitudinous local interests of the dozens of city, town, and county governments involved, as well as the States.

Fourth, the new public authorities having the prospect of revitalized and competitive service would offer a "new deal," new and increased job opportunities, and, in fact, a new opportunity for labor.

Finally, and most important of all, the new authority would have the resources to make technological innovations. By virtue of its special status as a semipublic agency, it would be able to raise ample capital on extremely favorable terms, thus acquiring for the passenger service the wherewithal for refurbishment, for which it has starved in recent years.

I believe, too, that the proposed authority should enjoy a Government guarantee of its financing and thus be able to raise easily and on favorable terms substantial amounts of capital from the private sector of the economy. The Government would guarantee to pay back the debt only in the event that an authority could not do so.

Such a procedure, I believe, makes far more sense and is apt to cost the public far less than outright subsidization because subsidies, once granted, are very difficult to discontinue; companies, like people, can become very comfortably accustomed to an assured handout of public money. A guarantee constitutes only a contingent liability for the Government—one that will not be invoked unless all other means fail to make ends meet—so there will be continuing pressures from public budget makers to keep costs down while still maintaining high quality service to attract maximum patronage.

As attractive as the State guarantee plan seems, it is rendered problematic in several instances by State constitutional restrictions against pledging State credit. The alternative, which would be almost as advantageous, would be for the Federal Government to guarantee the authority's bonds.

Even accepting the Federal Government's reluctance to grant tax-exempt status to such bonds, the bonds would still enjoy special status and far more favorable terms because of the Federal guarantee. But the greatest benefit of the Federal guarantee, aside from the general assurance of stability, probably would be an extension of the term of debt. Basically, the authority could take 30 to 40 years to pay off its debt instead of being saddled with the high initial costs of quick debt retirement.

The precedents for this sort of Federal guarantee are the authorities of the Civil Aeronautics Board to guarantee loans for purchase of aircraft for local air services and small airlines, the authority of the Maritime Administration to insure private construction loans and mortgages on most types of passenger and freight-carrying vessels, and the authority of the Interstate Commerce Commission to guarantee short-term loans for the railroads.

The second element of a shortrun plan to provide Federal assistance for intercity rail service, I believe, should be a Federal program of direct grants, guarantees, and loans for capital assistance and seed money to nonprofit rail passenger service corporations, such as the one now being formed in the New England area, the Geo-Transport Foundation.

If the States are reluctant to form a compact or if there is already in existence a regional governmental body, such as the New England Regional Commission, which has the capacity to act as an appropriate conduit for Federal funds, I believe the Federal Government should have the authority to provide seed money and capital support to nonprofit regional rail passenger corporations which have the support of the States within the region and are willing to take over rail passenger service from the profitmaking railroad corporations in its region.

A third element of a short plan to provide Federal assistance for intercity rail service would be a limited Federal authority to give direct capital assistance to the railroads for the purchase of passenger equipment and other capital improvements until such time as a nonprofit corporation or a regional authority could assume management of the passenger service. I believe direct Federal assistance to the railroads should be provided on very cautious and conservative terms, so that the Federal Government's assistance to their rail service would not inhibit the rail companies from transferring their passenger service operations to public and private nonprofit authorities while they used their passenger subsidies to increase their profit margin in their freight and real estate operations.

A fourth element of a shortrun plan would be authority for the Interstate Commerce Commission to require minimum standards for passenger rail service. While I do not believe this authority itself would provide the panacea for the problem of train discontinuances, I believe it would prevent the railroads from fostering unnecessary discontinuances through the discouragement of passenger service by poor service.

In the long run, I hope we can look toward Federal support for multimode intercity transportation through the provision of funds for regional transportation planning, the development of high-speed prototypes for intercity travel, such as tracked air-cushioned vehicles, and the purchase of new interstate rights-of-way for new forms of high-speed ground transportation. I am hopeful that the passage of an excellent bill, such as S. 2425, the National Transportation Act, introduced by Senator MAGNUSON, would serve these purposes.

Mr. President, I believe our responsibility for the future demands that steps be taken to save intercity rail passenger service. I hope that action along the lines I suggest can be taken in this Congress with the support of the administration to meet the rail passenger problem.

FREE SPEECH AT JOHNS HOPKINS UNIVERSITY

Mr. HOLLAND. Mr. President, as were many other Senators who have mentioned the matter to me, I was disappointed and even shocked by the disgraceful conduct of various members of the student body at Johns Hopkins University in Baltimore one evening last week when one of our distinguished Senators, the great junior Senator from Mississippi (Mr. Stennis), went to that venerable institution, which is generally spoken of as one of our most respected institutions of higher learning, by invitation to address the student body or a large portion thereof as to his views on disarmament or the limitation of arms.

It is difficult for me to describe the feeling of disappointment and disillusionment I felt when I heard about that disgraceful incident.

I am glad to note from the pages of the Baltimore Sun that citizens of that community also made note of the episode and voiced clear rebuke of the conduct of those students who acted so discreditably. Among other things appearing in the Baltimore Sun on this same subject, I wish to place in the Record a thoughtful letter from a contributor to that great daily newspaper, entitled "Free Speech at Hopkins."

The letter, which is signed by Helen Hutson—and incidentally, I do not know Helen Hutson—and which was published in the Baltimore Sun yesterday, so clearly states what I think is the proper attitude toward that incident that I shall read it as follows:

> ### Free Speech at Hopkins
>
> Sir: Apparently, President Lincoln Gordon has taken few pains to preserve free speech on the Hopkins campus. What else can I infer, after Senator Stennis' recent speech on that campus?
>
> A minority of radicals persistently hooted and laughed at the speaker, made uncouth noises, and clapped and shouted "sieg heil." Two radicals stood before the audience throughout the Senator's speech in Ku Klux Klan outfits.
>
> No move was made to silence these destroyers of free speech by having them removed so that those who came to listen could listen. The Senator, on the other hand, deserves to be praised, for he stood above his detractors and retained his temper despite such abuse.
>
> Helen Hutson.
>
> Baltimore.

Mr. President, I repeat the last sentence of that very fine letter:

> The Senator, on the other hand, deserves to be praised, for he stood above his detractors and retained his temper despite such abuse.

Those of us who have known Senator Stennis for so many years expect such dignified and clearly honorable conduct from him, reflecting credit upon himself, his State, and this institution, the Senate of the United States.

I wanted this article to appear in the Record first, as a tribute to him and his restraint, patience, and always gentlemanly conduct, even under great stress; and second, as a rebuke to those in that great institution of learning who would sully the reputation of their alma mater.

A first cousin of mine was a graduate of that institution, and he honored both it and the profession which he served so ably prior to his death a few years ago. I honor that institution. I regret this incident. I hope those in authority there will never again permit such a disgraceful occasion to occur within its hallowed halls.

Mr. PELL. Mr. President, I associate myself with the remarks of the senior Senator from Florida. I share his regard and respect for the Senator from Mississippi, whom I admire very much indeed, and I equally share his feeling with regard to the rudeness and the offensive behavior to which the Senator from Mississippi was subjected when he was in Baltimore. I would hope that these statements are taken seriously as people exercise the right to free speech all around our Nation.

CBW AND DISARMAMENT

Mr. PELL. Mr. President, in past weeks I have commented on the need for the United States to limit the chemical and biological arms race. I had noted that I was particularly concerned about the references the Secretary of Defense had made about the strategic uses of chemical and biological weapons.

Recently there have been newspaper reports that the Secretary of Defense now believes the United States should stop the production of biological agents for use in warfare.

I am very encouraged by this report and I commend the Secretary of Defense for his position. I am hopeful that the Secretary's position will be reflected in the final report of the President's Policy Review Committee on Chemical and Biological Weapons.

THE NATIONAL SEA GRANT PROGRAM

Mr. PELL. Mr. President, we have just observed the 4th anniversary of a national conference that many of us in both houses of the Congress consider an extremely important landmark in the development of a national ocean program. Four years ago I inserted in the Record a report of the First National Sea Grant Conference, held at the University of Rhode Island. At that conference, leaders in marine affairs from all over the Nation helped to shape the sea-grant college legislation, which Representative Paul Rogers and I introduced in the Congress.

During its relatively short life, the national sea-grant program already has become a major force in the development of our marine resources, and in the maintenance and protection of the Nation's marine environment. Its activities have been directed primarily to the Nation's endangered coastal zone. Under Robert Abel and Harold Goodwin, who have drawn together what many of us believe to be the most competent and dedicated staff in any Federal marine program, sea grant has had important effects far beyond the limited funds with which it has had to work. I am told by leaders in the marine community that sea grant has served as a catalyst, to bring together universities, industries, and State agencies in cooperative arrangements that already have benefited and will continue to benefit both our economic position and the management of our marine environment.

Under the program direction of Arthur Alexiou, the sea-grant institutional program from which our sea-grant colleges will be named, has made rapid progress. Indeed, this essential base for the national sea-grant program began producing positive results for our people even sooner than many of us had hoped. The success of the institutional program at this early stage is a tribute to Mr. Alexiou's executive ability, and the friendly—even familial—relationships the sea-grant staff and institutions enjoy speaks for itself of his attitude of helpfulness and understanding. Eight of our finest universities are now sea-grant institutions, and they will be joined by others until the basic network of sea-grant colleges is bringing to bear the highest competence in the Nation on the problems and opportunities of the marine environment.

Robert Wildman, as program director for sea-grant projects, has brought into the program 45 valuable projects in 41 institutions and organizations representing 18 States and the District of Columbia. Under these projects essential personnel are being trained, and concentrated research programs are advancing the art of aquaculture, development of ocean engineering, and legal and economic studies. Under sea-grant project support, universities in regions of the United States where there is no long tradition of marine competence are being helped to develop significant programs that will have profound effects on the areas they serve.

It is perhaps worth noting that just one institutional program combined with just one sea-grant project has produced an economic potential of far greater value than all the sea-grant funds appropriated to date. The definition of manganese deposits in Lake Michigan under the University of Wisconsin institutional program, and the discovery of significant sand deposits by the University of Rochester under a sea-grant project have an estimated combined value of well over $100 million. The cost to the taxpayers of these two sea-grant projects was $115,000.

With returns like these—and before long I will be able to report many others—it is clear that the sea-grant program defined by that conference only 4 years ago not only pays for itself, but is capable of making a contribution to the national economy far in excess of the funds we allot for its support.

THE VIEW FROM THE TREASURY

Mr. MILLER. Mr. President, on October 9, Secretary of the Treasury David

M. Kennedy delivered a most thought-provoking speech to the Economic Club of Chicago. Coupled with President Nixon's firm stand to put a stop to inflation, Secretary Kennedy's warnings merit the attention of all who are concerned with the problem.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE VIEW FROM THE TREASURY

(Remarks of Hon. David M. Kennedy, Secretary of the Treasury)

Thank You, Mr. Chairman, it is good to be home. I welcome this opportunity to see so many of my old friends again and to have the privilege of addressing the Economic Club of Chicago.

As you may know, this is my second tour of duty in Washington, and I must confess that I am learning more about life on the Potomac than I did the first time around.

For one thing, I've learned that I'm no longer Chief Executive. I have found that I have many bosses, including individual Congressmen and Senators, other departments, the press and last, but certainly not least, the President. I've also found that a Secretary of the Treasury has much more to do than simply worry about inflation, tax reform, international financial policy and the public debt. Since taking office, I've also been deeply involved in such subjects as gun control, silver and coinage policy, reversion of Okinawa to Japan and the fine points of stopping drug traffic along the Mexican Border. It's a varied and fascinating life—the more so because it gives me a chance—indeed it absolutely requires—that I develop new skills in public relations as well as a high degree of political sensitivity.

All of these efforts by one old dog to learn some new tricks are fun in themselves, but they also have a more serious objective. I hope they will contribute to solving some of the very serious problems that confront our country. All of us who went to Washington last January as part of President Nixon's new Administration recognized that we had inherited a ship of state heavily laden with troubles—troubles not of our making but nevertheless our accepted responsibility. There is no need to catalog here the problems that confronted the new Administration on January 21, 1969, but chief among them were, and are still, the tragic war in Vietnam, the quality of life in our cities, and the eroding impact of inflation on the American standard of living.

My principal official concern is the control of inflation. The rapid rise in the cost of living is the most immediate domestic issue confronting us. If inflation is permitted to run unchecked, all hope for dealing successfully with our other problems will go down the drain.

And so I am here tonight with a direct, unambiguous message which, I hope, will serve as a guide and a signal to those who make private decisions that importantly affect the Nation's economy.

For eight months, we have followed vigorously and unremittingly a policy of fiscal and monetary restraint to halt an inflationary surge that had been gathering momentum for four years before this Administration took office.

That policy is now beginning to show results. And those results will become increasingly visible in the months immediately ahead. They will be visible even to those who have been skeptical that inflation could be brought under control gradually and without a serious slowdown in economic activity, as this Administration is trying to do.

The businessman who undertakes an unnecessary capital expansion or inventory accumulation today in the expectation of higher prices or higher interest rates tomorrow is betting that we are going to lose this fight. So is the union leader who demands wage increases that far outrun productivity gains. And so is the consumer who plunges headlong into debt on the theory that his dollars will be worth less tomorrow. I believe they are seriously mistaken.

An appeal to patriotism and the national welfare undoubtedly would be listened to attentively, but, too often, then blithely ignored. I suggest, rather, that business, labor, and consumers look to their own economic self-interest—to their enlightened self-interest.

As our policy of economic restraint increasingly becomes effective, many of those who bet on continuing inflation will be hurt. Past periods of economic restraint were filled with cases where overpriced goods did not sell, overpriced labor was not hired, and credit repayment took a bigger bite out of consumers' incomes than they had expected during the more euphoric period of overly rapid expansion and inflation.

If government persists in a policy to control inflation—as this Administration intends to do—those who bet on inflation are bound to be hurt as that policy begins to take hold. Once business, labor, and the individual citizen learns that lesson, the fight on inflation will be won, with a minimum of pain, and the economy will be poised for a period of healthy and sustainable growth.

In short, betting on inflation is betting against yourself. The true interest of this country, and of every citizen, lies in the restoration of a stable economic base from which we can move forward to the rebuilding of our cities, to the upgrading of our educational system, to full opportunity for our minority citizens, to the attainment of all the priority objectives of our public policy.

How are we in government meeting our responsibility to this national interest?

Let me review briefly some of the events and actions of these past eight months.

This Administration took office in a serious inflationary situation caused by inappropriate government policies. A massive buildup in Federal spending starting in 1965 and not covered by revenues culminated in a $25 billion deficit for the 1968 fiscal year. What had started as a brush fire was beginning to reach for the tree tops. The previous Administration itself recognized the gravity of the situation when it belatedly asked for the 10 percent tax surcharge in late 1967.

Since government policy was at the root of the problem, the Nixon Administration felt that it could not in good conscience place the entire burden for controlling inflation on the private sector. All of us, from the President on down, felt that before we could expect restraint in private economic decision-making, government itself had to put its house in order.

This Administration has now demonstrated beyond question that it is doing its part of the job.

As a result of rigorous budget reductions throughout every department, bureau and agency of government, and imposition of the income tax surcharge, the $25 billion deficit of fiscal 1968 was turned into an anti-inflationary Federal surplus of $3.1 billion for fiscal 1969. That was the first surplus since 1960, and we are determined to work for a 1970 budget surplus of approximately $6 billion.

A surplus of that magnitude is essential if we are to bring this inflationary fire under control. To this end, the President has:

1. Proposed that the surtax be extended at 5 percent through June of 1970 and that the investment credit be repealed.

2. Imposed a strict limit of $192.2 billion of Federal spending for this fiscal year—thereby requiring that $7.5 billion be cut from expenditures which would have resulted from the January budget submitted to Congress.

3. Ordered postponement of 75 percent of all new Federal construction projects and strongly urged state and local governments and business firms to cut back their own construction plans.

No one, least of all myself, would claim that these actions have yet produced a dramatic turn-around in our situation. Dramatic action of the kind some critics have been clamoring for undoubtedly would have made headlines; but it might also have brought on recession and an intolerable rise in unemployment. Personally, I am willing to forgo the drama and concentrate on results.

Let's look at the results—none of them dramatic, some too recent to indicate a definite trend, but taken together suggesting that this long-overheated economy is beginning to cool down.

The rate of growth of real Gross National Product has slowed significantly since the begininng of the year. We had an average growth rate of 5.1 percent for the four quarters of 1968. The average for the first half of this year was slightly over 2 percent, and the third quarter figures, which will be available in the next few days, are expected to show a very similar rate of growth.

The growth of final sales of goods and services slowed sharply in the second quarter of this year, to $16 billion from $20 billion in the first quarter and an average of $19 billion for all of 1968.

I will not wear you out with figures, but I would like to mention that industrial production dropped in August; so did the volume of new orders received by durable goods manufacturers; so did the unfilled orders for durable goods. New orders for machinery and equipment fell by 4.6 percent in that month. That was the second decline in a row, suggesting that the demand for capital investment has begun to ease. And the reported 4 percent unemployment rate for September suggests that the long period of extreme tightness in the labor market may be ending.

Not long ago, we were told that business as a whole planned a $2 billion increase in spending for plant and equipment in the fourth quarter of this year. More recent figures show that no such increase is contemplated. This may reflect in part the capacity limitations of producer goods industries, but the pattern is very similar to that of past periods when capital spending began to flatten.

Wholesale and consumer prices have not turned down, but their rate of increase has slowed perceptibly, and retail sales have been essentially flat for the past six months.

No one of those indicators offers proof that we are out of the burning woods. But they do tell us that the firemen have arrived and things are beginning to happen.

In view of these signs of easing in the economy, it may be asked whether or not the time has come to let up on the brakes. The question is especially relevant because the repeal of the investment credit and extension of the tax surcharge at 5 percent through mid-1970 are now before the Senate.

Let me emphasize as strongly as I can that this Administration continues to believe that these tax measures are essential to our overall strategy of inflation control. Without their enactment, the budget in the current fiscal year would be perilously close to deficit rather than in a position of healthy, non-inflationary surplus.

Certainly we will be alert to the moment when policy should change course. The careful transition to a more stable, less inflationary economy is an exacting exercise in economic policy-making. During this transition, the most important and difficult decisions are those which involve the proper timing of policy changes.

Not until we have reasonable evidence that inflation and inflationary expectations are definitely receding can we consider any relaxation of present policy. Inflation is too deeply embedded for us to ease up until such evidence is unmistakably clear. Our past experience indicates the danger of changing the direction of policy too soon. In fact, a premature reversal contributes to the build up of basic inflationary conditions, requiring an even more painful adjustment in the end.

I should point out to you, however, that when the time arrives for such a change in policy we will be equipped with a variety of automatic and discretionary tools for implementing that change. Not only do we have the traditional monetary and expenditure actions which can be undertaken, but also there are a number of built-in features which will operate to sustain the economy in the coming year and to support those segments of society who are least able to protect themselves from any economic reversal:

If approved by the Congress, the income tax surcharge will drop to 5 percent on January 1, 1970, and disappear completely on June 30, 1970.

Enactment of the Family Assistance Program for reforming our welfare system will assure income support for a large number of low-income and dependent families.

Enactment of our tax reform proposals—especially the low-income allowance—will remove millions of low-income individuals from the tax rolls.

Enactment of the President's proposd reforms in the Social Security System will provide both increased payments and protection from inflation to those living on fixed incomes.

Enactment of our proposals to modernize the Federal-State unemployment insurance system will provide us with a more responsive mechanism for stabilizing the economy automatically.

I have dwelt at some length on government's role in this national effort to control inflation. But all of us are aware that government is only the economic weathermaker; Washington's function is to try to create the climate in which this complex market economy can function successfully.

Government alone cannot put out the inflationary fire. Business and labor alike must make their contributions to economic stability. And it is most certainly in their self-interest to do so.

Leadership in business and in labor carries with it a high public responsibility. In these difficult times, it calls for economic statesmanship of the highest order. It calls for restraint in private decision-making, for resistance to the all-too-tempting line of charging what the traffic will bear.

This kind of statesmanship is neither easy nor painless, as those of us in government who are charged with carrying out an anti-inflation policy know all to well. But its successful achievement is vital to the best interests of every working man and woman in America, and of every businessman as well.

Inflation control also ranks as one of our top international priorities. The world financial outlook is much brighter today than it has been for many years. With the decision taken at last week's meeting of the Board of Governors of the International Monetary Fund to create substantial amounts of Special Drawing Rights, we can look forward to an orderly increase in international liquidity.

In addition, a number of important recent developments have strengthened the world financial system. The United Kingdom has moved into a noticeably stronger position. The French parity was adjusted without serious disturbance. The German government has taken significant action to deal with speculative threats. The International Monetary Fund staff will begin studying various proposals for limited exchange rate flexibility. And perhaps the most important stabilizing factor—in the view of many Finance Ministers with whom I visited last week—has been the strong efforts taken by the United States to control inflation. The dollar is a key international currency. The United States has a major responsibility to preserve confidence in the value of its currency in order to maintain an open world economy in which mutually beneficial trade, travel, and investment can flourish.

Until this inflationary spiral was set in motion four years and more ago, our progress in terms of economic growth and individual betterment was manifest. Reasonable price stability made it possible for working people to transform wage increases directly into higher standards of living. The same stability made possible a real growth rate of 5 percent annually for the national economy as a whole.

It is our firm purpose to restore that stability, to permit the resumption of productive economic growth, to give the working people of this country an ever-rising standard of living instead of the paper pay raises of inflation which is all they have received for the past three years.

These are troubled times, and ours is a deeply troubled society. But we are not a fearful society. We know the job that has to be done, and we have set about doing it, as we have before in other troubled times.

As one who is proud to be a member of the Nixon Administration, I can assure you that your government is going to continue to follow an enlightened economic policy which will meet the basic economic objectives of our Nation—rising employment, productivity, and purchasing power in a noninflationary environment.

SERVICE OF VICE PRESIDENT AGNEW AS PRESIDING OFFICER OF THE SENATE

Mr. SCOTT. Mr. President, in 1965, Vice President Hubert H. Humphrey fulfilled his constitutional duties in the Senate by presiding for 56 hours and 24 minutes. In 1966, Vice President Humphrey presided over Senate deliberations for 25 hours and 6 minutes, and in 1967 for 25 hours and 11 minutes.

Vice President AGNEW, as of October 23, 1969, has presided over the Senate for 58 hours and 38 minutes, a fact carefully noted by our distinguished junior Senator from California.

Perhaps it would be well to note that the time thus far spent in the chair by Vice President AGNEW is more since January 21, 1969, than Vice President Humphrey accumulated from January 1966 to December 1967.

This information seems to be particularly applicable to the Senator's October 22 suggestion to the Vice President, and I trust he will find it useful.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

COMMENDATION FOR SENATORS ON PASSAGE OF FAIR CREDIT REPORTING ACT

Mr. MANSFIELD. Mr. President, yesterday, the Senate passed S. 823, the consumer protection—or, as popularly called, the fair credit reporting bill. The Senate may be proud of this achievement, and I think the RECORD should show clearly that it was the devotion and untiring efforts of the distinguished Senator from Wisconsin (Mr. PROXMIRE) that made possible such an outstanding success. Senator PROXMIRE can add this as another fine contribution in his abundant record in behalf of the American consumer. In steering this important measure through the Senate, the able and outstanding legislative skill that is so apparent on every proposal handled by Senator PROXMIRE was once again evidenced. The American public is deeply grateful. Senator PROXMIRE is to be commended.

Joining Senator PROXMIRE to assure such an outstanding success was the distinguished senior Senator from Utah (Mr. BENNETT). His cooperation, devotion, and able assistance was deeply appreciated as well.

ORDER FOR ADJOURNMENT FROM MONDAY TO 11 O'CLOCK A.M. ON NOVEMBER 11

Mr. MANSFIELD. Mr. President, at 11 a.m. on November 11, 1918, the First World War came to an end as a result of an armistice signed at that particular moment.

It is, therefore, particularly fitting that the Senate should convene at 11 o'clock on next Tuesday, November 11, so that the prayer by our Chaplain may have particular significance for those who served in World War I, as well as to honor those who have died, those who have been wounded, and those who have served in all our wars.

Therefore, in view of the fact the Senate will meet on Veterans Day, formerly known as Armistice Day, on behalf of the distinguished minority leader (Mr. SCOTT) and myself, I ask unanimous consent that when the Senate completes its business on Monday next it stand in adjournment until 11 a.m. Tuesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, NOVEMBER 10, 1969

Mr. PELL. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 18 minutes p.m.) the Senate adjourned until Monday, November 10, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, November 7, 1969:

In the Navy

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Balyeat, George E.
Baxter, Donald L.
Blair, Donald F.
Brown, James M.
Davis, Milton D.
Dean, Harold N.
Dutton, Bythel D.
Fosburg, Richard G.
Gates, Clifford W.
Golden, Patrick E.
Gunning, Jeanjacques
Jackson, Frederick E.
Johnson, John W.
Knox, Paul R.
Leblanc, Gilbert A.
Lewis, Norman G.
Linaweaver, Paul G.
Lukas, John R.
McClard, Gerald J.
Miller, George L.
Miller, Richard J.
Mullen, Joseph T.
Pischnotte, William O.
Powell, Alton L., III
Robins, John C.
Ronis, Norman
Rosborough, James F., Jr.
Shefstad, Wilbur J.
Schmitz, Nicholas W.
Schrader, William A. J.
Slemmons, Barton K.
Thomas, Wendell C.
Valaske, Martin J.
Vasquez, Mario A.
Viele, Billy D.
Vincent, John T.
York, Elihu
Young, James M.

SUPPLY CORPS

Anweiler, Calvin R.
Bliss, Roger C.
Cefalu, Dominic V.
Cloutier, Norman L.
Coons, William W.
Daniel, James C.
Dauchess, Edward G.
Ely, William B., Jr.
Emery, William M.
Hassenger, William E.
Herndon, Paul C.
Higgins, Everett C.
Killebrew, Thomas E.
Lynn, James W.
Malone, Francis E.
McClintock, Harry C.
Mehaffey, Donald C.
Nicol, Robert G.
Owens, Andrew J.
Piazza, Thomas J.
Puleo, Joseph A.
Roberts, Calvin W.
Sappanos, Louis M.
Sharp, Herbert C.
Smith, Charles M.
Stubbs, Raymond C.
Tapp, James G.

CHAPLAIN CORPS

Dimino, Joseph T.
Doermann, Martin J.
Ferreri, Peter J.
Gibbons, Martin F.
Hill, Rodger F.
Howard, William R.
Hunter, William M.
Ivers, Victor J.
Jones, Asa W.
McDonald, Leo J.
Metzger, Ernest W.
Moore, Withers M.
Moye, Thomas E.
O'Connor, John J.
Osman, Robert E.
Ryan, Joseph E.
Stewart, Dell F., Jr.
Trett, Robert L.

CIVIL ENGINEER CORPS

Bartley, Delmar A.
Clements, Neal W.
Dunn, Robert H. P.
Forehand, Paul W.
Loomis, Raymond W.
Phelps, Pharo A.
Wagner, Walter R.
Whipple, Caryll R.
White, Lawrence M.
Wittschiebe, Donald W.

JUDGE ADVOCATE GENERAL'S CORPS

Andry, Walter G.
Conkey, Carlton G.
Driscoll, William T., Jr.
Phillips, Lawrence E.
Robertson, John W.
Sabalos, Nicholas
Selby, Donald E.

DENTAL CORPS

Abbott, Paul L.
Baird, Daniel M.
Bohacek, Joseph R.
Cowen, Charles E., Jr.
Demaree, Neil C.
Elliott, James R.
Fields, Robert E.
Freeburn, Harold E., Jr.
Garman, Thomas A.
George, Raymond E.
Granger, Ronald G.
Heinkel, Erwin J., Jr.
Hoffius, Edwin L.
Hylton, Roscoe P., Jr.
McKean, Thomas W.
McWhorter, Howard B.
Moore, Frank B.
Nolf, Robert S.
Perand, Steven W.
Sazima, Henry J.
Shreve, William B., Jr.
Smith, Albert R.
Smith, Scott M.
Thomason, Robert R.
Thompson, Robert G.
Tow, Herman D., Jr.
Westcott, Maurice E.
Woody, Wilton G.

MEDICAL SERVICE CORPS

Beam, Walter E., Jr.
Broulik, Frank
Green, Irving J.
McMichael, Allen E.
Still, Donald E.
Testa, Michele J.
Werner, Gordon W.

NURSE CORPS

Brennan, Mary P.
Brooks, Helen L.
Cornelius, Dolores
Troskoski, Dolores
Upchurch, Ouida C.
Yankoski, Adelyn M.

The following named officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Amalong, Ronald J.
Ambur, Richard F.
Anderson, Robert L.
Basiliere, James L.
Bishop, Hal D.
Bolter, Delano W.
Boyd, Dale W.
Bradley, Mark E.
Byrd, Thomas R.
Cantow, Edward F.
Cordray, Douglas R.
Cotten, Charles L.
Crawford, William R.
Crow, Judson L.
Davies, Raymond O., Jr.
Decker, John S.
Deignan, William E.
Duff, Donald F.
Duhamel, Robert R.
Fogg, Charles D.
Fornes, Michael F.
Frensilli, Frederick J.
Fulwyler, Robert L.
Gibbons, James A.
Gilbert, Edward C.
Gregonis, Joseph G.
Grossman, Marvin
Hall, James N.
Harrington, Randall L.
Hoback, Daniel P.
Hoertz, John H., Jr.
Hudson, Royal C., Jr.
Hussey, Michael B.
Izuno, Gene T.
Jeffrey, Clyde G., Jr.
Jewusiak, Edward M.
Johnson, Walter T.
Johnson, William W.
Johnson, William C., Jr.
Jones, Edward M.
Jones, George R.
Kessler, Carl P.
Knight, Jimmie H.
Langston, Randall A.
Larsen, Reynold T.
Leisse, Fred C.
Majors, Robert P., Jr.
Martin, William A.
Mattern, Allan L.
Mauk, Sid F., III
McGeoy, Thomas J., Jr
McGlamory, James C.
McGrail, John F.
Melton, Russell W.
Meyer, Russell
Miller, Jay H., Jr.
Nuss, Robert C.
O'Donnell, Joseph E.
Olsen, James A.
Page, Crockett H.
Patlovich, Joseph
Perlin, Elliott
Preuss, Donald G.
Robbins, Thomas O.
Roeder, Donald K.
Rogers, Albert K.
Ruggiero, Joseph A.
Russo, John F.
Schwartz, Bradford B.
Secrist, Wilbur L.
Skinner, Wendell L.
Sponaugle, Harlan D.
Stoop, David R.
Strom, Clarence G.
Stucker, Fred J.
Swan, Robert J.
Swanger, Roland F.
Tate, Harry R.
Tenney, Richard L.
Thomas, Jackson W.
Thompson, Robert L.
Tompkins, Albert E.
Vanburen, William E.
Wallin, John D.
Williams, John E.
Wilson, Cecil B.
Winans, Robert G.
Zelles, Gary W.

SUPPLY CORPS

Ault, William U.
Barnett, Andrew F., Jr.
Beck, Kermit E.
Bedenbaugh, Jack R.
Boike, Robert J.
Bosco, Clement, Jr
Brookes, Jack E.
Brown, Troy L.
Buckley, John E.
Bulluck, Edgar G.
Burns, Richard C.
Butts, Whitmore S., Jr.
Connolly, George S., Jr.
Cornett, Fred O.
Crutchfield, Franklin D.
Daddona, John M.
Dickey, James A.
Dolenga, Harold E.
Eaton, Thomas E., Jr.
Erickson, Douglas L.
Estes, Arthur, Jr.
Evans, Lloyd R.
Fidd, Joseph A.
Fitzpatrick, Edmond J., Jr.
Flach, Lynn R.
Frampton, Robert T.
Fries, Paul A., Jr.
Gaddis, Carl K.
Gerstenberger, Wayne W.
Gorenflo, Louis W.
Goulette, James D.
Harmon, Robert G.
Hart, James J., Jr.
Hatcher, Harold S.
Hinds, Duane E.
Hughes, Horald M.
Hummel, Don F.
Hurst, Harvey R.
Jantz, Jack L.
Jones, Channing E.
Jones, Rial C.
Kalafut, George W.
Kitko, John A.
Kruse, William E.
Kunkle, John H.
Langer, Gerald D.
Larsen, Henry O.
Leavitt, Jack B.,
Leblanc, Joseph F., Jr.
Lemay, Jerome S.
Locke, Olive C.
Loveday, William G., Jr.
Maxwell, Thomas A.
McCullers, Lawrence E.
McFarland, Wayne B.
McGarvey, John J.
McKinnon, Daniel W., Jr.
McMullen, Franklin D., Jr.
Meiners, Arthur C., Jr.
Meyers, Walter, T.
Mitts, Joseph P.
Morgan, Richard E.
Murphy, Joseph J.
Olivier, Denny R.
Olson, Gene P.
Pace, Earl H.
Parr, Harold S.
Peters, William A.
Pistolessi, Vincent J.
Plante, Rene E.
Prokop, Jan S.
Raffels, John F.
Ranieri, Richard A. J.
Raymond, James A.
Reed, Dale R.
Rice, Henry L., Jr.
Rounds, Richard N.
Rubenstein, Ralph S.
Ruehlin, John R.
Schaaf, Alvin D., Jr.
Shaughnessy, John M.
Smith, Franklin D.
Smith, John A., Jr.
Sorenson, Jackie R.
Stanton, James M.
Starrett, William I., Jr.
Stone, Donald R.
Tannone, Rocco J.
Tobin, Isidore L., III
Todd, Blaxton V.
Trawick, George L.
Vanhouten, Richard E.
Vannaman, Thomas L.
Vinson, Johnnie H.
Walsh, Richard S.
Walters, Robert A.
Webb, James R.
Webster, John C.
Westmoreland, Perry L.
White, James A.
Whitman, Earl E.
Williams, Robert L.
Willis, John J.
Young, Benjamin L.
Young, Ronald A.
Yongblood, Norbert V.

CHAPLAIN CORPS

Bedingfield, Robert W.
Davis, Lex L.
Gaughan, Geoffrey E.
Jerauld, Philip
Kase, Mark
Kelly, Henry T.
MacCall, Harry F., III
Maritato, Victor J.
McDermott, Thomas J.
McPhail, Clark B.
Parker, Joe H.
Patton, Darrell P.
Piirto, John A.
Voth, Murray H.
Westlund, Orville A.
Whitaker, Frederick E.

CIVIL ENGINEER CORPS

Ahrens, William N.
Baggs, Charles C.
Bradtmiller, Paul H.
Brockwell, Sterling M., Jr.
Burton, Joseph T., Jr.
Cerreta, Ralph M., Jr.
Collins, Allan W.
Crosson, William E.
Deady, Ralph E.
Dickpeddie, John I.
Dobler, Leland R.
Ford, James E.
Glover, William F.
Godsey, Jack L.
Goodman, Robert F.
Groff, James B.
Kartalis, Andrew
Kenny, Robert E.
Keppel, Henry E., Jr.
Kimmons, Victor H.
MacDonald, Malcolm J.
McHugh, Robert J., Jr.
McPartland, Eugene J.
Newcomb, Frank M.
Petersen, Norman W.
Popowich, Clyde V. W.
Quinn, Robert E., Jr.
Schade, Robert A., Jr.
Schumann, James F.
Shanley, John J., Jr.
Shirley, Ronald G.
Shumate, James W.
Wilson, Robert B.

JUDGE ADVOCATE GENERAL'S CORPS

Abernathy, Kenneth L.
Fasanaro, Michael F., Jr.
Keeney, David J.
McMillan, Edward W.
Palmer, William R.
Pinsoneault, Richard J.
Redding, Robert M.
Toms, James E.

DENTAL CORPS

Albers, Delmar D.
Anderson, John W. R.
Annis, Robert B.
Baker, Terrance W.
Ballard, Gerald T.
Besley, Keith W.
Box, John M.
Brown, Charles A.
Chapman, Thom H.
Clegg, Milton C.
Cowen, Carlton R.
Crawford, John D.
Cronin, Thomas J.
Cushing, John R., Jr.
Douglas, Robert J.
Ebert, Walter H.
Eden, George T.
Eklind, Ronald R.
Fishel, David L.
Fitzgerald, Donald E.
Foley, John M.
Hansen, Duane A.
Hatrel, Paul P.
Hillenbrand, Ronald E.
Howarth, Hugh C.
Hube, Albert R.
Hudson, Elmer R., Jr.
Johnson, Charles M.
Kravets, Thomas F.
Krzeminski, Arthur E.
Lekas, James S.
Lindsay, John S.
Linkenbach, Charles R.
Loizeaux, Alfred D.
Lowe, Cameron A.
Mason, Billie M.
Maw, Ralph B.
McCall, Frank J., Jr.
McWalter, George M.

Monasky, George E.
Mosby, Edward L.
O'Shields, Paul W.
Rochford, Philip
Rudolph, Jerome J.
Scott, Gale L.
Shaffer, Richard G.
Shelin, Ronald A
Short, George A.
Stevens, Mark M.
Terhune, Raymond C.
Toth, Wayne J.
Williams, Robert E., Jr.
Wingard, Charles E.
Yacabucci, James E.

MEDICAL SERVICE CORPS

Bailey, Jack S.
Barboo, Samuel H., Jr.
Boone, Harry M., Jr.
Boudreau, Harold J.
Clark, James L.
Davis, William P.
Devane, James J.
Fletcher, William E.
Fowler, Ephraim E., Jr.
Fussell, Edsel M.
Gallagher, Thomas J.
Hawkins, Kenneth L.
Lachapelle, Norman C.
Mohler, Clarence B.
Myers, James I.
Nichols, Lloyd B.
Palmer, Jack J.
Pittington, Francis C.
Pribnow, James F.
Roberts, Billy D.
Rooney, Mary L.
Shuler, Donald E.
Sickels, Forman J.
Spahn, James A., Jr.
Ulmer, Fred C., Jr.
Wherry, Robert J., Jr.
Wilcox, James G.
Ziegler, Harry F., Jr.
Zseltvay, Andrew J., Jr.

NURSE CORPS

Barker, Elizabeth A.
Bednowicz, Eleonore A.
Bove, Mary L.
Brakus, Josephine D.
Butler, Phyllis A.
Carleton, Ethel R.
Davis, Kathryn A.
Dunn, Dorothea J.
Elsass, Phyllis J.
Fisher, Mildred K.
Fitzgerald, Helen M.
Florence, Mary E.
Gampper, Mary E.
Hanes, Wave J.
Higgins, Helen B.
Hinckley, Colleen
Humphreys, Regina B.
Jacques, Nancy J.
Jones, Bernice E.
Jones, Ellen J.
Jones, Kathaleen R.
Liakos, Angeline G.
Lindsay, Magdalene A.
Lorch, Elizabeth A.
MacDowell, Nancy A.
Mack, Beverly T.
Mason, Ruth A.
Maznio, Helen R.
Merritt, Patricia A.
Moris, Patricia J.
Nester, Mary L.
Nicholson, Anna B.
Nickerson, Lois E.
Perreault, Madelon M.
Portz, Patricia J.
Robichaud, Pauline H.
Rowe, Constance H.
Ryder, Dorothy J.
Shaw, Joan S.
Slater, Beverly J.
Slater, Patricia A.
Spence, Ruth G.
Steinocher, Anne M.
Stuart, Irene M.
Walker, Helen J.
Walker, Marilyn J.

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law:

Acosta, Delores Y.
Bole, Barbara
Bostwick, Sally L.
Bufkin, Kathryn L.
Coye, Beth F.
Dupes, Yvonne M.
Hankey, Joan R.
Hersley, Janet L.
Holway, Nancy H.
Johnston, Edith E.
Kelly, Barbara J.
Kent, Ruth W.
Lee, Linda M.
Mohorich, Helen M.
Peterson, Doris A.
Richardson, Linda P.
Roberts, Suzanne
Schlapak, Elaine M.
Snodderly, Sandra L.
Sowersby, Twila J.
Suse, Barbara J.
Underwood, Shirley J.
Walters, Angalena F.
Watlington, Sarah J.
Weber, Joyce A.
Yeoman, Marjorie A.

Wilma E. Lewis, Supply Corps, U.S. Navy, for permanent promotion to the grade of captain in the Supply Corps, subject to qualification therefor as provided by law.

Margaret B. Swayne, Supply Corps, U.S. Navy, for permanent promotion to the grade of commander in the Supply Corps, subject to qualification therefor as provided by law.

David W. Konold, Jr., U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Richard S. Farwell, U.S. Navy, for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law.

Phelps Hobart, Supply Corps, U.S. Navy, for temporary promotion to the grade of lieutenant in the Supply Corps subject to qualification therefor as provided by law.

William R. Hudgens, Medical Corps, U.S. Navy, for permanent promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Burnett, William H.
Fears, John A.
Fernando, Sharon R.
Johnson, Daniel E.
Marks, William L.
Neville, William J., Jr.
Razzetti, Eugene A.
Steel, James R., Jr.
Tincher, Edward S.
West, David J.

SUPPLY CORPS

Dingeldey, Peter E.

CIVIL ENGINEER CORPS

Bankert, Frederick B, III
Ward, Carter S.

MEDICAL SERVICE CORPS

Borgia, Julian F.
Chitwood, Carl S.
Potts, James C.

The following-named officers of the U.S. Navy, for temporary promotion to the grade of lieutenant (junior grade) in the Medical Service Corps, subject to qualification therefor as provided by law:

Ackley, Paul N.
Alewine, Charles M.
Aubin, John E.
Bauley, Raymond P.
Benedict, Walter F.
Benedito, Jose P., Jr.
Bielawski, Jerome J.
Bolster, Harold G., Jr.
Brubaker, Ralph W.
Buckley, William M.
Bufano, Thomas J.
Cagle, Eddie C.
Campbell, Robert E.
Daniel, Paul E.
Donohue, Avon R., Jr.
Gardner, Gerald L.
Giron, Sagat M.
Gray, Donald R.
Hazelton, Robert H., Jr.
Holstein, Elmer, Jr.
Hopkins, Robert F.
Jackam, David C.
Kennedy, Arthur E.
Lamasters, Michael B.
Mataldi, Elio
McCalment, Theodore E., Jr.
McCracken, Gary O.
Moore, Arthur W.
O'Brien, John Z.
Petersen, Neil R.
Relinski, Robert G., Jr
Rider, Jackie B.
Roets, Gerald E.
Romine, Damon T.
Ross, James L.
Russell, Jim "L"
Sawyers, Earley W.
Scholtes, Robert J.
Siggers, Adolph L.
Steiner, Joseph R.
Talcott, Bruce E.
Tenopir, Stanley J.
Thomas, Whitney P.
Vaught, Charles R.
Wallace, Anson A., Jr.
Wildes, Dudley J.
Wilkinson, John P.
Woods, Ronald S.

The following-named (Naval Reserve Officers Training Corps Candidates) to be permanent ensigns in the Line or Staff Corps of the Navy subject to qualification therefor as provided by law:

Davis, John C.
Kenney, Daniel F., III

IN THE MARINE CORPS

The following-named women officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Barbara J. Lee
Ellen M. McMahon

The following-named women officers of the Marine Corps for permanent appointment to the grade of major:

Jeanne A. Botwright
Manuela Hernandez
Mary S. Howard
Vera M. Jones
Mary S. League
Winnifred B. Paul
Carol A. Ray
Gail M. Reals
Wanda R. Silvey

The following-named women officers of the Marine Corps for permanent appointment to the grade of captain:

Joan M. Collins
Paula J. Dietz
Marie L. Hallman
Jeanne L. Harfin
Kathleen D. Kupferer
Aniela Kwiatanowski
Shirley E. Leaverton
Donna R. McClennan
Antoinette E. Meenach
Barbara A. Schmidt
Janice C. Scott
Donna J. Sherwood
Amy E. Spratlin
Joanne L. Stangenberger
Karen J. Tomlinson
Norma L. Tomlinson
Clara L. Tucker
Martha S. Webb
Harriet T. Wendel

EXTENSIONS OF REMARKS

DISTRICT OF COLUMBIA MEALS ON WHEELS

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, November 7, 1969

Mr. SCOTT. Mr. President, today I am contacting members of the District of Columbia Zoning Commission, urging swift amendment of the restrictions preventing the sponsors of a meals on wheels program from servicing the elderly in the area near St. James Lutheran Church, 16th Street and Eastern Avenue NW.

The Zoning Commission holds that the church's plans to provide cooked meals, delivered by volunteers, to elderly shut-ins for the cost of the food constitutes at least technically a commercial catering service. In order to permit this worthwhile program to be carried out in the District of Columbia, the Zoning Commission should make whatever innovations are necessary to permit the sponsors of the meals on wheels program to begin providing nutritious meals to shut-ins who are homebound and physically unable to prepare meals.

In his column, "Potomac Watch," William Raspberry gave a second report on the status of the attempt to conduct a meals on wheels program in Washington. He points out that Congress is preparing to approve my proposal to provide food stamps which the elderly can exchange for cooked meals in our country's quest to end hunger and malnutrition. These food stamps would be designed specifically for use in conjunction with the meals on wheels and similar food and nutrition programs.

I ask unanimous consent that Mr. Raspberry's article, entitled "Food Plan for Elderly Aired," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 5, 1969]

FOOD PLAN FOR ELDERLY AIRED

(By William Raspberry)

City Council Vice Chairman Sterling Tucker said recently he would urge the city's zoning commission to "provide a broader interpretation" of the zoning regulations that have prevented a church from starting a "Meals on Wheels" program to feed elderly shut-ins.

There is pending in Congress a proposal that would make that "broader interpretation" even more important.

The local sponsors of "Meals on Wheels" want to prepare, package and distribute hot noon meals and cold suppers five days a week for about 30 residents in the area near St. James Lutheran Church, 16th Street and Eastern Avenue NW, where the meals would be prepared.

But their plans ran afoul of a city zoning administrator's ruling that the venture would be in effect a "commercial" watering service, prohibited under present zoning for the area. (Customers would pay $10 a week for 10 meals under the nonprofit proposal.)

"Meals on Wheels" could be an even more valuable service for the District's elderly and shut-in citizens under provisions of legislation introduced by 84 congressmen.

That is a proposal to amend the Food Stamp Act of 1964 to permit elderly persons to use food stamps for the purchase of the prepared meals.

Under present law, persons otherwise eligible for food stamps may not use them if they do not have cooking facilities in their homes. The proposed amendment is designed specifically to permit the use of food stamps for "Meals on Wheels" and similar undertakings.

"Persons who are physically incapacitated or who suffer from serious illnesses that make it impossible for them to shop or prepare meals should not be denied the use of food stamps," said Rep. Edward G. Biester Jr. (R-Pa.), one of the bill's sponsors.

"These citizens, who are often among the most isolated and needy in the community, should receive the benefits which the Food Stamp Act was enacted to provide."

The bill, identical to a proposal by Sen. Hugh Scott (R-Pa.) that already has cleared the Senate, would authorize the Secretary of Agriculture to designate specific church and nonprofit charitable organizations to accept food stamps in exchange for prepared meals.

"Meals on Wheels" and similar programs are already operating in 26 states and the District of Columbia.

The only bar to the St. James program is the zoning problem. Tucker is a member of the zoning commission that is expected to hear an appeal from the zoning administrator's ruling, probably in the next two weeks. He has indicated he will do what he can to help the program to get started.

Other members of the zoning commission include Mayor Walter E. Washington, City Council Chairman Gilbert Hahn, Architect of the Capitol George Stewart and Robert Horne, assistant to the associate director of the National Park Service.

With that formation, it seems a safe bet the commission will make it possible for the St. James program to get started either through the "broader interpretation" proposed by Tucker or through amendment of the zoning regulations.

It also seems likely that the food stamp amendment will be enacted.

The two changes could do a lot to ease the plight of the invisible poor among us—the nondemonstrating, unorganized, mostly silent old people.

NO NEED TO REDUCE MEDICAL STANDARDS IN SEEKING MORE MEDICAL SCHOOL GRADUATES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. DULSKI. Mr. Speaker, a matter about which I receive considerable mail and which I hear about frequently from my constituents when I meet them personally is the shortage of physicians today, particularly general practitioners—those who do not specialize.

I had the privilege last weekend of speaking at the dedication of the new Ellicott-High wing of Buffalo, N.Y., General Hospital. This modern wing is the first step in a long-range modernization and improvement of this important hospital facility in our city.

In the course of my remarks, I referred to the shortage of doctors, and in particular to the shortage of what we used to know as the family doctor.

Today, the great accent in medicine is upon specialists. Physicians are either surgeons, gynecologists, oculists, internists, radiologists, pediatricians, anesthesiologists, urologists, dermatologists, pathologists, orthopedists, obstetricians—it is a long list.

FAMILY DOCTORS ARE RARE

Rare is the general practitioner of other days who cared for the pregnant woman, brought the baby into the world, tended to the infant and child through the formative years and kept right on treating them—for whatever the ill—as man, woman, or child.

Few doctors today will make house calls. Many will not consider taking a new patient—their office nurse will tell you to look elsewhere for medical help.

This is a situation which concerns me. It concerns many people. There has never been so much medical progress and medical awareness as in recent years.

Yet, in this climate, the shortage of doctors is growing all the time. We have not been keeping pace with the increase in population, nor with the modern-day demand which prompts the average person to seek medical counsel more often—and rightly so.

I was told the other day that there is a current shortage of at least 52,000 doctors in the United States. Personally, I think this is an understatement when you consider the few family doctors practicing today.

MEDICAL SCHOOLS FACE COLLAPSE

Even with this amazing, indeed alarming, shortage of doctors, I understand that there are 12 medical schools in the State of New York alone which are facing collapse. One is reported in danger of closing any day unless there is financial help forthcoming right away.

There have been suggestions of special Federal help for these medical schools. Maybe this is the immediate need. But that will only maintain the status quo so far as the number of graduates is concerned. Indeed, we are not graduating enough each year as it is to meet today's needs.

Clearly, we need more medical school graduates, not just the same number each year, and we need to urge more of them to enter general practice instead of specializing.

By concidence, perhaps, just a few days before the dedication ceremony at Buffalo General, the hospital's chief of surgery, Dr. Elmer Milch, spoke at a dinner in Buffalo on behalf of the Albert Einstein College of Medicine at Yeshiva University.

In his remarks, he argued vigorously that standards in medical schools should not be relaxed, even under social and governmental pressure.

I agree.

Certainly we do not want standards relaxed. And because we seek more graduates we are not by any means suggesting per se or even prepared to tolerate any relaxation of standards.

Since Dr. Milch has raised some questions on this subject, I believe it is only proper that his voice be heard, too. Therefore, Mr. Speaker, I am including with my remarks the text of Dr. Milch's remarks as follows:

DR. ELMER MILCH OF BUFFALO DISCUSSES NEED FOR MEDICAL SCHOOLS MAINTAINING EXCELLENCE

I should like, first, to express my sincere appreciation for the honor you do me this evening. Recognition is gratifying at any time, but it is recognition by one's peers such as the men at Albert Einstein Medical College which is deeply and truly valued.

As an individual who has been engaged modestly in medical education for more years than I care to admit publicly, these moments are treasured not only for the infrequency of their occurrence, but also for the opportunity to speak out in a reflective and philosophical mood both as a physician and a layman.

In a rapidly changing society—such as has been ours during the past 3 to 4 decades, we have watched the practice of medicine become a public utility subject to federal, state, and municipal regulatory bodies and laws, which have attempted by their actions to reduce physicians to one common denominator.

As a result of these actions excellence is in danger of becoming an increasingly vestigial structure and the resolve to pursue it may soon give way to disillusion. This we must never permit to happen to our youth.

COURSE OPEN TO YOUTH

What course then is open to our youth, to those in whom we intrust the future and health of our society, and if you will, the future of all mankind?

Disillusionment? I hope not. Callous cynicism and an attitude of "what the hell, I'll play ball their way?" I hope not. Petulance and withdrawal from our society, contenting themselves with pouting predictions of apocalypse for the world in which they feel condemned to live? I hope not.

I hope that those who one day join the medical profession will be taught to take none of the easy ways out, but will continue to pursue excellence—for the self-respect of knowing that one has done his best, for the joy of the pursuit, for the very love of excellence itself.

MUST TEACH BY EXAMPLE

But this hope will be in vain if we do not teach the young by our example.

Today, as the moral vacuity of our country is replaced by the moral vacuity of the crash pad, our society is learning the truth of the biblical admonition that it must reap as it has sown.

We, in medicine, as practitioners and teachers must try not to repeat the same errors. We just cannot afford the pious invocation of one set of values while we conduct ourselves by another.

If we as a profession are to retain our self-respect, we must demand excellence of ourselves first or else we must not demand it of those who will succeed us.

Nowhere is the dual nature of that imperative more manifest than in our medical schools.

If we are to expect our students to forget the lessons of compromise and expediency, then we must retain the most vigorous standards of excellence in their training.

We cannot heed the *political* call for *instant physicians,* in a futile, hasty effort to correct years of neglect and mistakes.

We cannot and must not play games with our youth and our health because of a wrong sense of priorities permitted to exist over the years.

SOCIETY MUST DEFEND STANDARDS

If we are to preserve the self-respect of the medical profession, then society as a whole must defend the standards of excellence.

For only through such a defense by the public itself can we hope to produce physicians who will be worthy of their calling and our trust.

For only by being the instruments of our own support and standards can we hope to teach the young the necessity of integrity.

Only by ourselves turning away from the bastions of mediocrity which would prostitute these principles in the name of political expediency can we hope to one day view ours as a profession which serves as an example to society rather than partaking of its present ills.

And these facts society must understand and must help us as teachers and physicians do.

It is because Albert Einstein Medical College in the comparative short time of its existence has demonstrated these standards and principles of excellence.

It is because as a private institution depending greatly upon public support it has held its head high and to date has refused to bow to the pressures of mediocrity—that I, as an individual, am very proud to be honored this evening and to accept this plaque in behalf of all grateful practitioners and teachers of medicine.

WAR AGAINST OUR CHILDREN

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CUNNINGHAM. Mr. Speaker, I have long been in the forefront in the fight against pornography. It was my privilege earlier this year to introduce one of three administration bills which would dry up this filthy business.

I have contended for many years it is our children the smut merchants are really after. Children are curious and they are subject to being hurt the worst because once their lives are changed, it may take years to erase.

Mr. Speaker, I call to the attention of my colleaguess the following Omaha World-Herald article by the California superintendent of schools, Dr. Max Rafferty, which outlines what these despicable people are doing in quest of dollars:

WILL PARENTS WIN—OR SMUT SALESMEN?

(By Dr. Max Rafferty)

The smut salesman despises your children even while he bloats and fattens upon them. He makes war on them, and simultaneously he makes big money off them. Without the kids, he would be small potatoes.

In Los Angeles, "sex shops" exist where all kinds of dirty snapshots, films and gadgets may be purchased by anyone who has the price. And the Hollywood film factories which once guaranteed family entertainment to the world now export obscenity to its four corners.

The relationship between pornography and sex crimes is pointed up by police chiefs and county sheriffs across the land. Odorous stacks of this filth are found in the pads of virtually all the youthful sex offenders who are rounded up by the law.

The muck merchant relies upon two characteristics of today's youth: its immaturity and its affluence.

All degenerates for profit are enemies of the children whom they fatten upon. But two groups of these ghouls deserve singling out.

First, consider the apologists. They chant the slick slogans of the Sick Sixties—the new paeans to pruriency:

"Much of the world's great literature is erotic in content. It's no longer a question of whether children should be exposed to such material, but only a question of when."

"Today's 'New Morality' is far franker and healthier than the old."

"Sexual misconduct is no longer a relevant term. There's no such thing any more."

Every one of these statements is a deliberate lie aimed straight at your children.

Let's knock this sort of guff in the head right now. Sexual misconduct is behind half the murders and most of the acts of violence committed in this country. Sexual perversion is a sin as well as a crime. Premarital sex causes thousands of heartbreaks and wrecked lives.

Then there are the movie-makers. There are some healthy exceptions to the rule. The Disney people, for example. Yet the premise is universal enough to stand:

"The movie-makers are systematically seducing your children to make a fast buck."

Want to watch sodomy glamorized? You can see it in the movies.

Like to have adultery portrayed as normal and desirable? You can see it in the movies.

Think lesbianism should be shown sympathetically? You can see it in the movies.

So can your children. And you'd better believe it. I accuse the movie moguls of soullessly and cynically pandering to the basest instincts of the human race.

And I accuse the movie actors and actresses who starred in these ill-started putrescences of debauching the great and ancient art of acting.

I understand some of these characters actually are parents. How can they look their own kids in the face after what they've done to other people's children?

What's to be done, then, about pornography?

First of all, decide once and for all whether you as an individual are prepared to coexist with this sleaziest of all corruptions. If you are, then of course there's no need to go further.

But if you're fed up with this assault on your kids, there's plenty you can do about it:

—Demand that the movie industry fire the clown presently masquerading as "film czar" and get someone like J. Edgar Hoover to ride herd on movie morals.

—Organize neighborhood and even city-wide boycotts of filthy films and sick stage plays.

—Picket the dirty magazine stands and the sex shops.

—Above all, know what your own children are doing with their money, their time and their curiosity.

You really have only two alternatives in this sector of the War Against Your Children: you can fight back as grimly and as unceasingly as the enemy is fighting, or you can surrender.

There is no temporizing with perversion for profit. Either you and your children win, or the enemy wins.

CONSCIENTIOUS OBJECTION TO DISCRIMINATORY INCOME TAX

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RARICK. Mr. Speaker, numerous sincere, law-abiding Americans who regard themselves as individual sovereign citizens feel that the present income tax laws are discriminatory and, therefore, should be abolished and succeeded by a more equitable tax structure which is fair to all citizens.

It is easy for bureaucrats, in their ivory towers, far removed from the frustrations of the people to blame the citizens and their ever-growing distrust and antagonism toward runaway government. I try to remain in touch with people, to understand their concern and their desperation. In too many cases, it is not the people who are to blame or who should be vilified, but rather those in power who have created the crisis to which people react in varied manners.

Earlier I had extended the letters of Dr. William Douglass, of Sarasota, Fla.—see CONGRESSIONAL RECORD, volume 113, part 18, pages 23637–23640 and volume 113, part 19, pages 25682–25685.

Another recent approach to the tax problem by a concerned citizen, Mr. Julius W. Butler, of Oak Park, Ill., is so unusual and far reaching that I call it to the attention of my colleagues and include it following my remarks:

I, Julius W. Butler of Oak Brook, Illinois, after much careful thought and research, have decided that I shall file the 1040 ES Return Form of my Income Tax in blank, but I shall not pay to the U.S. Treasury Department's Internal Revenue Service any personal Income Tax, for the following reasons, in line with my own conscience, the moral law, the Declaration of Independence and the Constitutions, both Federal and State. This does not in any way mean that I do not love my country or that I am unwilling to bear my share of a fair and equitable tax structure based upon the Constitution and implemented for the benefit of all Citizens in a just and Constitutional way, to support our Government. I will not participate in a scheme for its erosion and ultimate downfall.

(Area of religion): God's law is clear and certain with regard to the forbidding of adultery and fornication.

It is against my religious principles to give support to the United States Government's involvement in these evil acts and their resultant consequence which is illegitimate children.

The U.S. Constitution reads as follows: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof".

(Area of subversion): The William Campbell Douglas Letters brochure gives many examples of the U.S. Government's support of individuals and organizations and activities whose objective is the overthrow of our constitutional form of government, thus dissolving the sovereignty of our nation.

I list here a few picked at random from the Douglas Letters: Dean Rusk, Alexander D. Peaslee, Walt Whitman Rostow, Abba Schwartz, John Stewart Service, Charles N. Spinks, Edward A. Symans, William Wieland, Ralph Bunche, Thurgood Marshall, Post Office. U.S. Commerce Department, Central Intelligence Agency, War on Poverty, and the United Nations.

Public Law 85766, Section 1602 states: "No part of the funds appropriated in this or any other Act shall be used to pay . . . any person, firm or corporation, or any combination of persons, firms or corporations, to conduct a study or plan when or how or in what circumstances the Government of the United States should surrender this country and its people to any foreign power."

Section 109, Public Law 471 states. "It is illegal to use funds for any project that promotes One World Government or One World Citizenship".

(Area of banking): Article I Section 8 Part 5 of our Constitution gives Congress the sole power to coin money, regulate the value thereof, and of foreign coin, and for the standard of weights and measures. This is a sacred trust granted to Congress by the citizens of the United States.

Congress has no more right to delegate this authority to others than it has to give to others the right to declare war.

The acquisition of this power by the Federal Reserve Banking System is without cause and hence it must be recognized as a move to defraud the people of the States. Its established conduct is unjust, and is compelling the citizens to not only pay for the loss of their own sovereignty but that of the States and the Nation.

The Federal Reserve Bank has, for example, purchased from the U.S. Bureau of Engraving and Printing, a $10,000.00 Federal Reserve Note for less than a cent of cost and buys with this note United States obligations worth $10,000.00, and upon which the United States pays interest. The unrighteousness of this procedure cannot be questioned. I for one will not assume any part of this $9,999.99 obligation plus interest.

Quoting the Bible: Leviticus 19:35 and 36. "Ye shall do no unrighteousness in judgment, in meteyard, in weight, or in measure". "Just balances, just weights, a just ephah, and a just hin, shall ye have."

The special privilege contained in 12 U.S.C. 420 is contrary to the God-given law of just weights and measures. It is clearly the obligation of Congress to fulfill the requirement of Art. 1 Sec. 8 Cl. 5 of the Constitution, and adhere to it!

Law 12 U.S.C. 531 *exempts* the privately owned and controlled Federal Reserve Banks from paying an Income Tax. This infamous law was passed 10 months after the XVI Amendment was ratified. However, the XVI Amendment reads in part as follows: ". . . on incomes from *whatever* source derived." (Emphasis supplied).

With the exception of small coins and small U. S. Notes, the Federal Reserve Banks, in which the U. S. Government owns not one share of stock, exercise *exclusively* the above named powers and further, are acquiring *U.S. Securities* with *non-existent* money and credit created in their own books.

Be it remembered the preamble of our Constitution clearly sets out the purpose of our government, "to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity". Because of the Federal Reserve Act of 1913, we do not have a Government of the people, by the people, and for the people.

I regret to say that it seems as though membrs of Congress would rather stay silent than to act in keeping with the Constitution of the United States and their oath of office to support the Constitution. Such conduct identifies them with treason and tyranny.

(Area of Vietnam war): Our involvement in this Viet Nam War forces me to contribute funds used in aiding the killing, injuring and maiming for life many of our American boys. The Viet Nam War is a violation of the Declaration of Independence and my Constitutional Rights as declared in Art. 1, Sec. 8, Cl. 11, "*Congress* shall have the power to declare War".

The Declaration of War is not present. My rights are further protected in the Constitution in the words found in Art. 1, Sec. 8, Cl. 15: "Congress shall have power to call forth the militia to execute the laws of the Union, suppress insurrections and repel invasions". To invade another country is without Law or Reason.

My rights are also being violated in Art. 1, Sec. 10, Cl. 1 where we read these words: "No state shall, without the consent of Congress, . . . keep troops, or ships of war in time of peace . . . or engage in war unless actually invaded or in such eminent danger . . ." According to our Constitution no provision has been made whereby we as a nation can commit ourselves to a policy of waging war in various foreign areas of the world.

(Area of tax exemption): Individuals, activities, organizations, Co-operatives, mutual Insurance Companies, and Foundations have been granted exemptions from paying an Income Tax. The result of tax exempt privileges gives these preferred groups an advantage over private enterprise which *does* provide the revenue needed to support the legitimate function of Government. Nobody in America should be given special privilege or tax exempt status. To do so causes an unjust *increase* on the backs of those who *do* pay taxes.

Tax exempt Subversive Organizations, hide behind the protective mantle of the Federal Government. One example of this injustice by tax exempt foundations, is the Institute of Pacific Relations. The Carnegie Corporation, the Carnegie Endowment for International Peace and the Rockefeller Foundation have contributed large sums to that organization—a highly effective Communist espionage ring.

(Area of totalitarianism): In Genesis 3: 19 we read the following words: "In the sweat of thy face shalt thou eat bread . . ."

I do not believe in special privilege. I believe that all should carry the burden imposed by taxation in an equitable manner. There is nothing in Article 1, Sec. 8 of our Constitution which gives the Government the right to engage in business. Everyone knows the Government pays no taxes and the result is flagrant injustice for all citizens.

The interest of the citizenry could be best served if the 700 different businesses, mentioned in the Liberty Amendment Fact Sheets, were sold, the proceeds received therefore applied to debt reduction, and the loss of revenue *now* sustained by this unjust situation stopped. Result: lower taxes!

The elimination of the U.S. Government participation in the 700 activities that *now* invade the field of private enterprise, without Constitutional authority, with obvious loss of revenue would *eliminate* the need of the Federal Income, Estate, Inheritance and gift taxes.

(Area of unconstitutional involvement): The Constitution (Art. 1, Sec. 8, Cl. 1) limits the spending of tax money to three distinct purposes—namely . . . "to pay the debts, provide for the common defense and general welfare of the United States."

The following items disclose that income tax revenue is being unconstitutionally collected and spent for purposes as follows:

January 11, 1968, Chicago Tribune—$927,341.00 was given to the Blackstone Rangers and another South side street gang in Chicago, and some received salaries which money was used to train kids for organized crime.

January 5, 1962, Chicago Tribune—An act of treason was the use of U.S. funds to offset Russia's default of $41,271,180.00 to the United Nations.

January 13, 1969, Chicago Tribune—U.S. Government has allotted $419,057.00 for the growing and study of marijuana.

January 5, 1962, Chicago Tribune—2.8% of UNICEF money has gone to help communist countries. This is aid and comfort to the enemy. Those involved in this should be tried for treason.

Many, many more examples are available involving the unconstitutional spending of billions of dollars of citizen's money and will be submitted upon request.

(Area of form 1040): Two previous Supreme Court decisions held an income tax to be unconstitutional. I am also aware of the two Supreme Court decisions that I believe invade citizens rights regarding the requirements to file an income tax form.

I will recite the highlights of the Supreme Court decisions:

The United States vs. Manley S. Sullivan (71 L. ed. 272, 274; 1037), October term, 1926. The court said the following: "If the form of return provided called for answers that the defendant was privileged from making, he could have raised the objections in the return."

The Supreme Court used the above decision in the William Albertson and Roscoe Quincy Proctor vs. Subversive Activities Control Board. (U.S. 15, Fed. 2nd 165) November 15, 1965. The court said in this case that it would be needless for the communist party to file the form designated by the Subversive Activities Control Board. This case was in litigation some 15 years. Hence, why am I, a sovereign citizen, compelled to answer questions and pay a computed tax when the Supreme Court has ruled in other cases, that to do so might cause me to waive my Constitutional Rights. That I will not do.

To conclude, I am willing to pay a constitutional tax with lawfully constitutionally declared money based upon and within the legal spending limits of the Constitution.

The proper governmental officials should investigate my charges and when found to be sound and correct, cause a change in the social doctrine to conform with the Declaration of the Independence within Constitutional limits.

(Finally): Ponder this, from 2 Cor. 6:14 and 17: "Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness?"

"Wherefore come out from among them and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you".

JULIUS W. BUTLER.

SILVER COINS ARE PASSÉ

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. CONTE. Mr. Speaker, on October 15, the House overwhelmingly approved H.R. 14127 which would implement the recommendations of the Joint Commission on the Coinage. Members of the House are to be commended for defeating the proposal to use any silver in future coinage programs. Unfortunately, the Senate has voted to use some 100 million ounces of silver in the minting of Eisenhower coins.

The silver market has been in a turmoil since the votes on October 15 because of the rumors that a compromise involving silver in the Eisenhower coin will be made. The price has risen 19 cents in just 14 trading days. I would like to make it clear that these rumors have no basis in fact.

The last compromise that was made to the silver producers was in the Coinage Act of 1965 when the 40-percent silver half dollar was authorized. I and others of this body fought hard against this proposal and lost. However, we have been proven correct in our judgment on this issue. The 40-percent silver coin has not circulated despite the minting of more than 800 million of them. What is most disgraceful is the fact that more than 120 million ounces of silver, an important raw material, has been wasted in this operation. This compromise to the producers of silver has cost this Nation more than $220 million in lost seigniorage profits and revenue from silver which could have been sold to industries in this country for useful purposes.

I say that the time for compromise on the question of the proper use of the remaining silver stocks in the Treasury has long past. To put any silver in future coinage would cost the Government in lost seigniorage profits and revenue from the sale of silver. In addition, the silver otherwise available for sale would help reduce the imports of silver which will be needed to meet the industrial needs of this country, and thereby help our balance of payments.

There have been several editorials around the Nation which have supported the Treasury's proposal for the use of cupro-nickel clad material in the minting of the dollar and the half dollar. Two of these are especially good and should be made available to every Member of the House. I include, therefore, the editorials from the Wall Street Journal of October 23, 1969, and the Mining Record of October 15, 1969, at this point in the Record. It should be noted that the Mining Record, published in Denver, Colo., carries as its motto, "The Voice of the Mining Industry"; and in the October 15 editorial advocates "that silver should be removed entirely from our coinage":

[From the Wall Street Journal, Oct. 23, 1969]

THE EISENHOWER DOLLAR

No one can quarrel with the idea of honoring the memory of Dwight D. Eisenhower, but why do some Congressmen have to wax foolish about it?

The Nixon Administration proposed coining an Eisenhower dollar, which would be clad in nickel and copper, just as quarters and dimes currently are. The Government stopped minting silver coins because rising silver prices threatened to make the metal content of such coins worth more than their face value.

That, of course, would have made coin production a money-losing business for the Government, which would be pretty silly. Yet the Senate has voted, 40 to 21, for an Eisenhower dollar of 40% silver.

Not at all surprisingly, the battle for a silver dollar was led by legislators from major silver-producing states—which may have raised questions as to whether they wanted mainly to honor the late President or to help a home industry. One Congressman actually waved strings of beads at his colleagues and warned that the nation was in danger of returning to "wampum."

Now Mr. Eisenhower as President did fight long and hard, and finally with some success, to curb inflation. In the ensuing years, however, the situation again was allowed to get out of hand. As the Administration warns, silver coinage now could inflate silver's price, with resulting cost burdens for industrial users.

The silver scheme, we suspect, is something Mr. Eisenhower would oppose. Whatever the situation, the General never seemed a man who would like false fronts and empty show.

[From the Mining Record, Oct. 15, 1969]

SILVER COINS ARE PASSÉ

(By Eleanor Fry)

Sometimes it takes awhile for an editorial writer to muster up the courage to espouse his convictions, but we have decided to put our neck in the noose and admit that we agree with the Silver Users in the belief that silver should be removed entirely from our coinage.

Before some of the readers get up a lynching party, we ask that you read on and see how we reached that conclusion. If you disagree, kindly send us a letter for use in the Sluice Box.

For a multitude of reasons, the demand for silver drives the coins out of circulation. This is true in most other nations, and not just the U.S. alone. We agree with the diehards for silver coins that this is not a good situation, but minting the Kennedy half dollar with a 40 per cent silver content hasn't brought about the cure, and neither will an Eisenhower dollar with any percentage of silver content.

How often do you see a Kennedy half dollar?

The American people squirrel them away; we doubt if many who are collecting the Kennedy half do so because of respect for the martyred President, or because of the silver content. It just seems to be the "in" thing to do.

Is there any reason to believe that an Eisenhower dollar, containing some percentage of silver, would circulate? Why mint a coin that won't get into circulation?

A cupro-nickel dollar coin might have some reason for existence, although convenience in carrying them in the purse or pocket isn't one.

If there is a demand for a silver "coin" to commemorate the memory of President Eisenhower, or President Kennedy, give one of the private mints the franchise and let them produce the medallion and sell to the collectors at a profit. Why should the taxpayers be expected to pick up the tab?

The fact that the price of silver has been tied in with the coinage is one reason for the relatively low price today. When the Government finally gets out of the silver business, and surely one of these days it will reach the bottom of that bottomless pit, then the price of silver will advance on the open market to a point where it can be mined at a reasonable profit.

Before we criticize the Government and its sale of silver from its stockpile, let us not forget that stockpile was built up at a time when silver miners were in a more dire circumstance than now.

It was the building of that stockpile that helped many a silver mining operation to stay in business some years ago. (The same goes for gold—we curse the $35 ceiling today, but at the time it was imposed, gold had been bringing around $20 an ounce. That $35 price looked good then.)

At this point we'll take a dig at the Silver Users Association. They are the ones who produce silver tableware, jewelry, et cetera. The price paid to the miner for his silver doesn't justify the tremendous increase in the price of the product offered the consumer. Is the manufacturer's profit out of proportion?

The silver industry should leave no stone unturned in its efforts to find new uses for its product. At present, the demand is exceeding the supply. Reports indicate that the government could sell about ten times as much silver as is offered at its weekly auctions.

However, 29 percent of the silver being produced is used in the photographic industry. Whether the new Contone process of photography, not using silver, is of real concern to the industry is not known at this time. If there is a chance that 29 percent of the sales may be lost within the next decade, then it behooves the mining industry to be sure there is a market to take its place.

The argument that coining an Eisenhower dollar with part-silver content would help the silver miner is just a lot of sentimental malarky contrived to win elections. Three million 40% silver dollars wouldn't make that much difference.

The silver miners have been depending upon the Government for too long.

What the silver producer needs to do is admit that, whether for good or otherwise, the silver coin is passe. Perhaps these young economists are right when they say that a nation's resources, and not the amount of silver in its coins, determines its wealth.

We do need a good silver producers' association to work in conjunction with the present Silver Users. Although it would appear that this eastern group is often at odds with the western producers, both are dependent upon a market for silver products for their livelihood. The silver producers should work at making and keeping a demand on the open market for silver. There undoubtedly are uses for silver that haven't been thought of, and it is up to the silver producers to find and to sell these uses to the public.

Fifty years from now people in the mining industry may look back to the decision of the Government to cease using silver in coins as a real milestone of progress!

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. **DULSKI**. Mr. Speaker, the name of the game is postal reform—complete, meaningful reform of our postal system.

This is what our Committee on Post Office and Civil Service has been working on since last April in spite of—not with the help of—the new team now running our Post Office Department.

Their hangup is that they cannot see any postal reform at all unless we convert to a public corporation.

This is so shortsighted it is ridiculous.

If they cannot have their entire Postal Corporation plan, they do not want anything. If we in Congress were as stubborn on public matters, our Government would be in chaos.

We have listened carefully, and repeatedly, to their case. More important, we have gone on from there and have listened to other views as well. In our case, we are trying to see the woods as well as the trees.

Our committee now is on title III of a realistic and comprehensive postal reform bill. We are improving the bill as we move along. That is the orderly way to proceed and that is the way to get results.

Mr. Speaker, the editor of Local 374 Reports, the publication of local 374 in Buffalo of the United Federation of Postal Clerks, AFL–CIO, has sent me a recent edition which contains some interesting sidelights on the postal reform issue as follows:

Efficiency: How can the Department promise success (under the public corporation concept)?

This is entirely new and untried. Once this corporation is established it would be difficult, if not impossible, to retreat to the Postal Service as we know it.

Profit: The Post Office is now known as a service. If we were to try to turn it into a profit-making corporation, do you realize how much postage rates would have to be increased? At least 100%. This would be like turning the Defense Department into a corporation.

Wages: The postal officials are on record as always being against wage increases. What justice could rank and file employes expect if they were at the mercy of corporation officials (without the right to strike) and could not petition Congress?

SOME POW WIVES REFUSE TO BE USED BY THE COMMUNISTS

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. TALCOTT. Mr. Speaker, one of the diabolical dilemmas which the North Vietnamese Communists and the Vietcong have attempted to impose on the wives and families of our prisoners of war is that unless they march in the so-called peace moratorium they would not be permitted to communicate with their husbands or fathers.

It is difficult to imagine such a mean, despicable proposal—but the Communists have used this psychological technique often as a conventional tactic of their terroristic warfare.

It is difficult to imagine a wife or family who, under the terrible circumstances, would not feel obliged to comply with the despicable demands.

However, there are numerous wives of POW's who will resist this ugliest of blackmail.

Their refusal to comply is an unsurpassed feat of gallantry, not simply to discharge their own duty or patriotic responsibilities, but to help safeguard the humane treatment of future prisoners of war and to help vitiate this technique as a tactic of warfare.

One wife of a U.S. POW gave me permission to forward her name to the North Vietnamese in Paris as one who would not subject herself, degrade her husband, or demean her country by marching in any demonstration against her own Government to achieve treatment of her husband to which he and all other POW's are already entitled. She deserves the plaudits of every American citizen for this extraordinary act of courage, patriotism, and principle.

I insert in the RECORD a copy of her letter to Mr. Henry Cabot Lodge, our chief negotiator in the Paris peace talks. She, too, among most other wives and families of POW's and MIA's supports President Nixon's policy for peace. She, like others, wants, peace, but not at any cost.

The letter follows:

HON. HENRY CABOT LODGE,
Secretary of State,
Washington, D.C.

MY DEAR MR. SECRETARY: Please forgive the legal paper; but since I would like to ask you to share this with the North Vietnamese and Viet Cong delegates in Paris, I can make my writing more legible.

My husband is a Prisoner-of-War somewhere in North Vietnam. He has been held captive for one year and one month. I fully support the present administration's policy of peace, but *not at any cost.*

It was disgusting to read in the papers, and see on the news, the insulting way the above-mentioned delegates informed two P.O.W. wives that they would have to "demonstrate against their government" to seek their husband's release. I am further disgusted by the delegates' encouraging demonstrations here. I refuse to acknowledge any so-called "Peace-groups" working with those same people who hold my husband captive. This is ugly black-mail. I will not send any mail to my husband through any of these channels. The only re-routing of mail which I will accept is that which would come through a completely neutral country, recognized by the Geneva Convention.

No one asked me to write this letter, Mr. Ambassador. You have never ever met me. If I am viewed as being "brain-washed," then it is a voluntary, self-induced patriotism.

My views are in the hands of the Governor of my state, California. Also, they are in the hands of a Congressman and an Assemblyman from the same state. In addition, a letter similar to this, with stronger language, was published, in full, in the *Central California Register*, a newspaper with a large circulation. I am not afraid to speak out in favor of my God, and my country, and the humane treatment of American prisoners-of-war in North, and South Vietnam. I am doing everything I can to encourage as many people as possible to speak out against these "psychological demands" coming from the North Vietnamese and Vietcong delegates.

Every morning at Mass, my children and I pray for the success of your efforts, Mr. Ambassador. What you are doing, and what you are up against is understood. God be with you.

Very sincerely yours,
——— ———.

DR. IRMAGENE NEVINS HOLLOWAY

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. SKUBITZ. Mr. Speaker, the following talk was presented by Dr. Irmagene Nevins Holloway, at the time of her retirement as Assistant for Consumer Education, Office of Product Safety, Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare on October 31. Dr. Holloway is a Kansan, born and raised in Dodge City, and taught at Hutchinson and at the Kansas State College at Pittsburg. Recently she was selected as the 1969 District of Columbia Professional Woman of the Year.

I thought the talk was such a gem that I would want to share it with Congress:

ADDRESS BY DR. IRMAGENE NEVINS HOLLOWAY

Mr. Chairman and friends. At a gathering such as this, I am reminded more and more that friends are like great paintings. You need to step back and see them from a distance to get the full advantage, that is the contrasts in colors, the depth and meaning, the content as well as the frame.

When one is away from her friends she sees them in the framework of their goodness, their bright sayings, and their happy ways. All else is forgotten. I am a stronger person because of each of you, you gave me confidence, you forgave my mistakes, you inspired me, you gave me understanding and appreciation. Words fail me in expressing my gratitude to my co-workers.

Yes, I have lived long enough to retire. My life span began on the main street before it was macadamized, before Henry Ford motorized it, before Sinclair Lewis satirized it, before the Chamber of Commerce advertised it, before the unions organized it, before the chain stores standardized it, and before the Government subsidized it.

Yes, I am ready to retire. I don't mind my trifocals; I see much better, but I hate them. I don't mind my dentures, I eat much better, but I dislike them. I don't mind my arthritis when I remember my cortisone, but oh, how I hate to forget the things I ought to remember.

How does one know when it is time to retire? Perhaps this little jingle will illustrate:

"How do I know when my youth is spent?
When my get-up-and-go has gone and went.
Still I can grin when I think where I have
been."

And where have I been? On the first and fifth floors of the South Building, Tempo D, Tower Building I, to Cincinnati and back to Tower Building II, then to FOB 8, and now Crystal Plaza V.

At each of these places I left a part of me, yet I wonder if the move was necessary. I had the opportunity to work with dedicated Government workers, it didn't make any difference whether the person was Civil Service or member of the Public Health Corps, the goal was to reduce accidental injuries. During the past eight years I have had three different titles, yet the work responsibilities were the same. Many times I wondered who "they" were, those people who were responsible for moving us about and making the changes in our work assignments. It reminds me of:

"A curious animal is man
His future he can plan,
But events unpredictable
And acts contradicable
Put man and his plan in the can."

Yes, I plan to live in the Washington area. Why you might ask. The World Capital is a most interesting place to be and here I have the opportunity to be associated with the leaders from my home State. The Honorable Joseph Skubitz and his charming Jess, the Honorable Garner Schriver and his gracious Martha Jane and the Honorable Bob Dole and his lovely Phyllis. Kansas is well represented in the Halls of Congress.

On the day of retirement, one can reminise. In the Division of Accident Prevention, I remember the dedicated people who worked tirelessly on reports, analyzing statistics, preparing research proposals, writing programs, supervising projects, directing task forces, writing contracts, each activity geared to ways to prevent human suffering which results from accidents. Dr. Paul Joliet, Chief, and Mr. Eugene Lehr, Deputy Chief, deserve special thanks for their leadership. I wish I could mention each person by name, time does not permit this. I do, however, want to give credit to my secretaries. Whatever success I achieved each one contributed significantly to my success. A special thanks is given to Mrs. Joyce Lennon Holsinger and to Mrs. Marcella McGrath.

In the Injury Control Program where most of the personnel were members of the Division of Accident Prevention staff, I again recall the dedicated people interested in the control of injuries. Dr. Richard E. Marland was the Chief ably assisted by Mr. Alphonso Schapowsky, a Kansan, who was Deputy Chief.

And now the Office of Product Safety has assumed part of the responsibilities assigned to the Injury Control Program. It has been a real pleasure to be associated with Mr. Bacil Long, with whom I had the privilege to work in the other two assignments. A special word of thanks to Miss Carol Young, who will assume some of my responsibilities, I wish for her every success. Excellent leadership is being given to the Office of Product Safety by Dr. Howard I. Weinstein, Director, Mr. Samuel Hart, Deputy Director and Mr. Fred Thornberry, Administrative Officer.

In closing I am reminded of the following:

> "I often wonder as I go,
> What makes the little daisy grow.
> And when I die, as die I must
> And dust again returns to dust.
> Some other fellow will want to know,
> What makes the little daisies grow."

I wonder who will carry the banner for the "Crusade for Children. . . . Control Injuries and Prevent Fatalities" and other areas of accidental injuries. It doesn't make too much difference whether it is located in the Office of Product Safety or in the Environmental Control Administration. It is important that there be a Division of Injury Control with staff members concerned with the greatest killer of those between the ages of 1 through 34—the Americans with a future. Each youth has the right to live to his age of retirement; someday this right will be guaranteed, because leadership will be given to this program by those who have the responsibility for providing it.

May I share with you an old Gaelic Blessing:

> "May the road rise to meet you,
> May the wind be always at your back.
> May the sun shine warm upon your face,
> And the rains fall soft upon your fields.
> And, until we meet again
> May God hold you in the palm of his hand."

GENERAL HERSHEY HAS ILLUSTRIOUS CAREER AS SELECTIVE SERVICE DIRECTOR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. EVINS of Tennessee. Mr. Speaker, Gen. Lewis B. Hershey is retiring as Director of the Selective Service System after many years of dedicated public service.

General Hershey is a patriot—a great American—and he has served this Nation with distinction in performance of one of perhaps the most unpopular duties of Government—the selection of young men for military service.

As General Hershey leaves this important post I want to join others in wishing him the very best of good luck and success as he assumes other duties in the manpower field.

In this connection I insert in the Record an editorial from the Manchester Times of Manchester, Tenn., which provides some rather interesting insights into some reactions concerning General Hershey's departure as Selective Service Director:

[From the Manchester (Tenn.) Times, Oct. 17, 1969]

Crows Got the Eagle

They finally got him.

All the peaceniks and anti-war protestors who have been after the scalp of Gen. Lewis B. Hershey, Selective Service director for more than 28 years and through three wars, have finally won.

President Nixon has placed the old warhorse, who embodied national resistance to foreign enemies of every hue, out to pasture. He will retire come Feb. 16.

We think it's a shame. We believe the President deliberately sacrificed Gen. Hershey, not because of his age or his performance, but as a sop to soften the outraged cries of the peace-at-any-price minority.

They and their ragtag minions of protestors had come to regard Gen. Hershey as a central target of their efforts to hand South Vietnam to the enemy on a platter without regard to our investment of lives and suffering in that war-torn country.

Too, the venerable general was a focal point for every lily-livered American who is too weak-kneed or weak-headed to wear his nation's uniform in peace or war.

So, we're sorry to see the President sack Gen. Hershey in an effort to shut these people up. It won't, you know. They have a taste of blood now, and a scent of victory for their side is in the air.

Some of their kind would abolish the draft entirely and dismantle all U.S. defenses, even while the enemies of our nation continue to build up their military might.

It would appear that Mr. Nixon has made this sacrifice for nothing.

You don't make deals with the peaceniks.

They give no quarter, and as soon as one of their outrageous demands is met, they make yet another.

Many of them—and their group includes every troublemaker in the book, from the Black Panthers to the Students for a Democratic Society—would completely wreck this nation if all their demands were met.

In their methods there is nothing peaceful, yet they cry peace; in their ideologies, there is nothing sacred, yet they scream for—individual rights and human dignity.

Gen. Hershey stood for the old, sound belief that a man earns his rights by sharing responsibilities—one of these being that a good American defends his country in peace and war.

With his going,. about all that can be said is that an eagle has been brought down by a bunch of crows.

THE GOLD GAMES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RARICK. Mr. Speaker, while U.S. gold experts continue to control U.S. gold at a guarantee of $35 per ounce, the international gold market has declined to $39.50 per ounce.

The international bankers are doing an excellent job of manipulation but one wonders of the relevancy to Americans, who are forbidden by law to own gold. Surely, it is not unreasonable to relate an artifically created decrease in the value of gold—a priceless metal with intrinsic value—to high interest rates and inflationary prices in our planned domestic economy.

It is doubtful that gold will ever go out of style or that the value of gold can ever be stabilized as theorized—there is not enough of it. Then, too, the international humanists who profess a paternal desire to protect the masses from gold would do so by controlling all of it themselves. After all, as a superior class, they apparently feel they are immune to the evils of gold possession.

It is becoming more and more difficult to convince people that gold is unimportant—to anyone but an international banker, that is.

I include several news articles:

[From the Washington (D.C.) Post, Nov. 7, 1969]

Gold Prices Abroad Slump Dramatically

London, November 6.—The price of gold slumped dramatically in all the world's bullion markets today and experienced dealers tonight were forecasting that the slide may continue tomorrow.

Whatever the source of the gold, there was so much of it on the market that the morning price was forced down by 35 cents an ounce to $39.05.

When news of the London price drop spread through the world's bullion markets, they too clipped their rates—Paris by 30 cents to its lowest for a year, Zurich by 35 cents, Hong Kong by 28 cents and Beirut by 55 cents.

In London the selling continued during the day—although not as heavily as earlier—and in the afternoon another 5 cents was knocked off, bringing the free market rate down to $39—its lowest since October, 1968. Later unofficial deals here were being made as low as $38.90.

[From the Washington (D.C.) Evening Star, Oct. 20, 1969]

Money—A New Epoch: Central Bankers Hope To Find a Way To Manage Politicians

(By J. A. Livingston)

This brings us to an irony. Triumphantly, the members of the International Monetary Fund have created "paper gold"—Special Drawing Rights—as a substitute for and supplement to gold bullion. The SDRs are designed to buy time for and to perpetuate the Bretton Woods system. Yet, at the instant of triumph, central bankers are debating among themselves: Must the system be changed to be saved?

Three principles governed Bretton Woods.

First: The dollar would always be exchangeable for gold at $35 an ounce. Today, this is adhered to in theory, but not in practice. The unmortgaged U.S. gold stock is only about $10 billions.

Consequently central bankers hesitate to exchange dollars for gold. Were they to knock too often on the gold window of the Federal Reserve Bank of New York they would find it closed. They would have to accept the dollar.

A U.S. embargo on gold would topple the international monetary system. It would derange world trade. No responsible central banker or finance minister wants that. Paradox: Fear of disrupting the system keeps the system going!

Second: Prices of currencies would be fixed relative to the dollar and hence to one another. These firm relationships were the heart of the Bretton Woods system. If the prices of currencies bob up and down, so would prices of groceries and automobiles. Consumers wouldn't accept this. Businessmen wouldn't like it. Politicians couldn't survive the economic uncertainties such fluctuations would create.

Third: Though the parities, the prices of currencies were fixed, they were not immutable. If a country's competitive position changed for the worse, if it suffered a prolonged balance-of-payments deficit, the Bretton Woods articles proposed lowering the price of the currency. Conversely, if a country has a prolonged balance-of-payments surplus, an increase in the price of the currency was contemplated.

But such adjustments are a politician's nightmare.

The Government that devalues a currency confesses failure.

The government that raises the price of its currency can not expect hometown hurrahs. Revaluation hurts exporters. It is likely to cause some unemployment.

Some central bankers have concluded that they must find a way to manage politicians. In that way, maybe they will be able to manage money.

By manipulating changes in exchange rates, they hope to lead presidents and prime ministers and legislators into economic policies which will achieve the best mix among four hard-to-reconcile objectives:

1. Economic growth; 2. Price stability; 3. High employment; 4. Balance-of-payment equilibrium.

[From the Washington Star, Oct. 4, 1969]

South Africa Pressing the United States for Compromise on Gold Issue

(By Lee M. Cohn)

South Africa is stepping up pressure on the United States to compromise on the role of gold in International Monetary Reserves.

Negotiations between the two countries here this week made little apparent progress, but Nicholaas Diederichs, South Africa's finance minister, told a news conference yesterday that there is "a greater willingness, a greater desire on the part of the Americans to come to some agreement."

U.S. officials concurred that they want to strike a bargain. They scoffed, however, at the idea that South African maneuvers have pushed the United States into a defensive position.

Gold talks took place privately during this week's joint meeting of the International Monetary Fund and the World Bank, which ended yesterday with formal approval for creation of a new kind of monetary reserves called Special Drawing Rights (SDRs).

South Africa abstained from the nearly unanimous vote for SDRs, which have been nicknamed paper gold.

The gold issue was sharpened when the United States and other leading countries last year established a two-price system, with monetary gold pegged at $35 an ounce and the price of gold for industrial and artistic use allowed to fluctuate freely on the market.

A key part of the system is the understanding that almost all newly mined gold is to be sold on the markets not to central banks or the IMF to expand monetary reserves. By compelling sales on the market, the United States hopes to hold the market price down close to $35.

Creation of SDRs supposedly will make purchases of real gold for reserves unnecessary. The importance of gold as a reserve would diminish gradually as SDRs accumulated.

But South Africa, the world's biggest producer of gold, is resisting and demanding the right to sell some of its gold to central banks and the IMF as a means of holding the market price up.

Diederichs reiterated that South Africa has sold gold to central banks despite the U.S. position that they should not buy.

Besides direct sales, Diederichs confirmed that South Africa has used IMF transactions to channel gold to central banks of some countries.

Members borrowing South African rands from the IMF, along with other currencies have converted the rands into gold on some occasions. This process helps South Africa unload gold without the risk that additional supplies may depress the market price.

Britain and France reportedly have been among the countries acquiring gold in this manner. U.S. officials played down the size and significance of these transactions, maintaining that they do not imperil the two-price gold system, but they conceded that a clear agreement on South African gold sales would help overcome "suspicions" that the two-price system might be undermined.

Diederichs indicated he believes the ability of South Africa to sell gold to central banks strengthens his bargaining position.

"I see no reason why we cannot carry on in that way," he said.

Negotiations are expected to continue through correspondence and later perhaps in meetings between U.S. and South African officials.

Treasury Secretary David M. Kennedy told a news conference the United States wants to settle the issue but is determined to protect the two-price gold system.

On another question, Kennedy predicted that the next movement of interest rates will be downward but indicated he does not expect a sharp rate decline soon.

Pierre-Paul Schweitzer, the IMF's managing director, told a news conference the two-price system has proved to be workable, and added that South Africa has had no problem in disposing of its gold.

Gold will remain "for quite a while the basic stander of the monetary system," he said.

Schweitzer indicated he has no objection to conversion of rands borrowed from the IMF into gold.

On the forthcoming increase in IMF quotas, Schweitzer said the present $21 billion total probably will be expanded by about $7 billion or $8 billion.

He said he is confident that West Germany will resume supporting the mark within 1 percent of a fixed par value as soon as possible, after temporarily letting the rate float freely in the markets.

Germany's action letting the rate float may take some of the steam out of proposals for making the currency system more flexible, he said.

SENATE—*Monday, November 10, 1969*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore.

The Reverend Dr. Frank A. Tobey, chaplain, major general, U.S. Army, retired, former Chief of Chaplains, Arlington, Va., offered the following prayer:

O Lord God, eternal, almighty, Father of us all, we turn aside for just a moment in time to confess our need of Your leadership in finding suitable solutions for today's intricate problems.

Be the guardian of this Senate.

May Your divine purpose be the guiding spirit of this session. Grant us wisdom in the mending of every national flaw. Direct us in our legislating that we may secure the right of every citizen and unite us in purpose for the betterment of all mankind.

Enable our leaders to convince all others of our desire for peace. And, above all, may we remain a nation under God.

In the name of Him who is the giver of life and who holds the destiny of all nations in the hollow of His hand. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 7, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 515 and the succeeding measures in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Senate proceeded to consider the resolution (S. Res. 179) expressing the sense of the Senate that the United States should actively participate in and offer to act as host to the 1972 United Nations Conference on Human Environment.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Texas (Mr. YARBOROUGH) is absent today on official business. He is, however, vitally interested in Senate Resolution 179 and has prepared a statement for the RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Yarborough

1972 UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT DESERVES SUPPORT OF CONGRESS

I support S. Res. 179, a resolution expressing the sense of the Senate that the United States should actively participate in the 1972 United Nations Conference on the Human Environment.

I congratulate the Senator from Maine (Mr. Muskie) for his vision in sponsoring the resolution. It is important that the Congress actively support the Conference and take every possible step to insure not only that our Nation vigorously participates in the Conference, but also that we give it the high priority it deserves.

The resolution puts the Senate on record as calling for the United States to undertake such preparation as may be necessary to enable it to maximize its contribution to the U.N. Conference. This has the effect of calling upon the Executive Branch, which has the ultimate responsibility of planning for the Conference, to give the import to this Conference it must have.

I have introduced a related joint resolution, S.J. Res. 156, which would create an Interagency Commission with the specific duty of planning the Nation's participation in the U.N. Conference. The joint resolution I have introduced would also authorize sufficient moneys and contracting authority to provide the Commission with the kind of staff and resources it will need to do its job properly.

My joint resolution is now pending in the Committee on Foreign Relations. The dimensions of the worldwide environmental crisis suggest the urgent need for adoption of Senator Muskie's resolution at this time and of S.J. Res. 156, when it is reported to the floor for action.

If one has any doubt that man is locked in a deadly race for survival, I suggest that he attend a conference such as the New Priorities Congressional Conference on the Environment recently held in Washington, D.C. Over twenty-five prominent scientists, ecologists and those intimately acquainted with environmental problems participated in the Conference.

I was one of the co-sponsors of this extremely informative Conference, which was initiated by the Senator from Iowa (Mr. Hughes). One of the participants, Professor Walter Linn, noted that there is little disagreement among scientists that "the biosphere is in the process of decay." He states that "this fact is sufficient evidence that we must act—promptly, perhaps excessively, because of the real pressure that these effects may be irreversible and thus suicidal."

Mr. President, the U.N. Conference, which Senator Muskie's resolution endorses, provides the most hopeful vehicle for undertaking the kind of drastic action needed to cope with this terrible threat to man's life support system. I strongly urge the immediate adoption of the resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–522), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The resolving clause of Senate Resolution 179 states the sense of the Senate that "the United States should actively support and participate in * * * [the 1972 United Nations Conference on Human Environment], and should undertake such preparation as may be necessary to enable the United States so to participate and otherwise to maximize its contribution to such Conference and the activities thereof."

In line with a suggestion of the Department of State, the committee recommends that the title be changed so as to omit any reference to a U.S. offer to act as host inasmuch as a Swedish offer to this effect is expected to be accepted.

BACKGROUND

On December 3, 1968, the United Nations General Assembly adopted, without objection, a resolution to convene in 1972 a United Nations Conference on Human Environment. The resolution was sponsored by Sweden and joined in by the United States and 49 other nations. The General Assembly resolution and the statements of the principal United States and Swedish delegates in support of it were placed in the Congressional Record by Senator Muskie on April 3 when Senate Resolution 179 was introduced. On July 28, the committee received the following letter from Senators Javits and Cooper who have become cosponsors:

"U.S. Senate,
Committee on Foreign Relations,
Washington, D.C., July 28, 1969.

"Hon. J. William Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

"Dear Mr. Chairman: The Secretary General of the United Nations, Mr. U Thant, recently issued the enclosed report on problems confronting human environment. As you may know, the report was prepared as a planning document for the United Nations Conference on Environment that will be held in 1972, as authorized by the General Assembly last December.

"In April, Senator Muskie introduced Senate Resolution 179 (in which we have joined), a resolution to express the sense of the Senate that the United States should actively support and participate in the United Nations Conference, and should undertake such preparation as may be necessary to enable the United States to participate and contribute to such Conference. The resolution has been referred to the Committee on Foreign Relations. If the United States is to participate in this Conference in a manner corresponding to its expertise and competence in the area of environmental quality, a responsibility this country has to the less developed nations of the world, preparations must begin as soon as possible.

"We recognize that the committee has been very active this year, particularly with issues that center around a concern over the ordering of this Nation's priorities. We suggest that among our highest priorities is the effort to reverse the trend of environmental ugliness and degradation that is challenging not only the quality of life in this country but, indeed of all the nations of the world. Consequently, we think it especially appropriate that the Committee on Foreign Relations consider Senate Resolution 179 and the U.N. Conference and, therefore, respectfully request that early hearings before the committee be scheduled.

* * * * *

"Sincerely yours,
"John Sherman Cooper.
Jacob K. Javits."

The resolution was agreed to, as follows:

S. Res. 179

A resolution expressing the sense of the Senate that the United States should actively participate in and offer to act as host to the 1972 United Nations Conference on Human Environment

Whereas air and water pollution, erosion, and other forms of soil deterioration, waste, noise, and the secondary effects of biocides greatly endanger the quality of the human environment;

Whereas the problems of human environment respect no international boundaries and are cause for the concern of all people;

Whereas the world's increasing population and accelerating urbanization continually enlarge the dimensions of the problems concerning human environment;

Whereas the United States, as the world's most highly industrialized and developed nation, suffers most acutely from problems affecting the human environment, has taken initial steps to deal with them, and bears a special responsibility to exercise world leadership in developing methods of preserving environmental quality;

Whereas the world community, and the developing countries in particular, can benefit from a sharing among the various nations of the experience and knowledge acquired about environmental problems and their solutions;

Whereas intensified action and cooperation among nations is clearly necessary to preserve and protect mankind against dangers to his environment;

Whereas the Twenty-third Session of the General Assembly of the United Nations, on December 6, 1968, in recognition of the urgent need for international cooperation in solving the problems of human environment, adopted Resolution 2398 (XXIII) which provides for the convening in 1972 of a United Nations Conference on Human Environment: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should actively support and participate in such Conference, and should undertake such preparation as may be necessary to enable the United States so to participate and otherwise to maximize its contribution to such Conference and the activities thereof.

The preamble was agreed to.

The title was amended, so as to read: "Expressing the sense of the Senate that the United States should actively participate in the 1972 United Nations Conference on Human Environment."

THE 1976 OLYMPIC GAMES

The Senate proceedea to consider the joint resolution (S.J. Res. 131) to welcome to the United States all Olympic athletes and authorized Olympic delegations, and for other purposes, which had been reported from the Committee on Foreign Relations with amendments, on page 2, line 5, after the word "world", insert "authorized by the International Olympic Committee"; and on page 3, line 2, after the word "and", insert "authorized"; so as to make the joint resolution read:

S.J. Res. 131

Whereas the city of Los Angeles has been duly authorized to seek the Summer Olympic Games of 1976; and

Whereas, the city of Denver has been duly authorized to seek the Winter Olympic Games of 1976; and

Whereas these games will afford an opportunity of bringing together young men and women representing more than seventy nations, of many races, creeds, and stations in life and possessing various habits and customs, all bound by the universal appeal of friendly athletic competition, governed by rules of sportsmanship and dedicated to the principle that the important thing is for each and every participant to do his very best to win in a manner that will reflect credit upon himself or herself, and the country represented; and

Whereas the people of the world in these trying times require above all else occasions for friendship and understanding, and among the most telling things which influence people of other countries are the acts of individuals and not those of governments; and

Whereas experiences afforded by the Olympic games make a unique contribution to common understanding and mutual respect among all peoples; and

Whereas previous Olympic games have proved that competitors and spectators alike have been imbued with ideals of friendship, chivalry, and comradeship and impressed with the fact that accomplishment is reward in itself; and

Whereas this nation wishes to express its desire that all men and women on Olympic delegations from every country throughout the world are welcome to the United States of America for these Olympic games; and

Whereas this Nation wishes to make the arrivals and departures of all concerned as convenient and expeditious as possible: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the President of the United States is authorized and requested to issue a proclamation welcoming all Olympic delegations from throughout the world authorized by the International Olympic Committee and asking them to come and actively participate in the 1976 Olympic games, if they are to be held in the cities of Los Angeles and Denver, and to pledge to all nations and authorized Olympic delegations that the United States will provide appropriate entry procedures assuring convenient arrivals and departures.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The title was amended, so as to read: "To welcome to the United States Olympic delegations authorized by the International Olympic Committee."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–523), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

As proposed to be amended, S.J. Res. 131 will authorize and request the President to issue a proclamation welcoming all Olympic delegations authorized by the International Olympic Committee to come and actively participate in the 1976 Olympic games, if they are to be held in the cities of Los Angeles and Denver. It also pledges to all nations and authorized Olympic delegations that the United States will provide appropriate entry procedures assuring convenient arrivals and departures.

BACKGROUND

The last principal games held in the United States were at Los Angeles in 1932. Since resumption of the games after World War II, the U.S. Olympic Committee has issued regular periodic invitations to the International Committee to have a U.S. site selected for the principal games and/or the winter games preceding them. The Congress has endorsed by resolution all of these efforts, namely Detroit and Lake Placid for 1956, Detroit and Squaw Valley for 1960, Detroit for 1964, Detroit and Lake Placid for 1968 and Salt Lake City for 1972. All but the invitation to hold the winter games at Squaw Valley in 1960 were rejected. Discussions for a site for the 1976 Olympic games is now beginning and this coincides with the American Bicentennial Celebration as is pointed out in the sponsors letter which follows:

"U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., September 29, 1969.

"Hon. J. W. FULBRIGHT,
Chairman, Foreign Relations Committee, U.S. Senate, New Senate Office Building, Washington, D.C.

"DEAR MR. CHAIRMAN: On July 7, 1969, the four of us introduced Senate Joint Resolution 131, which authorizes and requests the President to issue a proclamation of welcome to all Olympic delegations throughout the world asking them to participate in the 1976 Olympic games, if the games are held in Los Angeles and Denver, and to pledge that the United States will provide appropriate entry procedures assuring convenient arrivals and departures.

"The International Olympic .Committee will be meeting in Dubrovnik, Yugoslavia, in October to discuss, among other matters, the question of site selection of the 1976 Olympic games, and the final decision on site selection will be made at the IOC's Amsterdam, Holland, meeting in May of 1970. Both Los Angeles and Denver have set up organizing committees to 'sell' each city and its unique and special attractions as the best sites for the summer and winter games in 1976. Because 1976 is the American bicentennial, it would be particularly appropriate to have the Olympic games held here in the United States.

"In order to assist both Denver and Los Angeles in presenting their case to the International Olympic Committee, we would at this time like to urge you to schedule hearings as early as possible on Senate Joint Resolution 131, so that these cities, as well as the U.S. Olympic Committee, will be able to point to this joint resolution and the subsequent Presidential proclamation and pledge as additional evidence of the United States intentions to make these many Olympic delegations welcome and to make their entry into this country as convenient as possible.

"With best regards,

"Sincerely yours,

"GORDON ALLOTT.
GEORGE MURPHY.
PETER H. DOMINICK.
ALAN CRANSTON."

PAID ADVERTISING UNDER APPLE MARKETING ORDERS

The Senate proceeded to consider the bill (S. 1456) to amend sections 2(3) and 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the proviso at the end of section 8c(6)(I) of the Agricultural Adjustment Act as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation is amended by striking out "or avocados" and inserting in lieu thereof "avocados or apples".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–524), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill, with the committee amendments, would extend to apples those provisions of the marketing order law which now authorize paid advertising to be provided for in marketing orders for cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados.

The policy of Congress has generally been to extend this authority to any commodity for which such action is generally supported. The committee has received no objections to its extension to apples. The bill, with the committee amendments, is identical in effect to section 805(b) of S. 3590, as passed by the Senate on July 20, 1968.

The committee amendments strike out a provision for above-parity regulation and correct the citation of the act being amended.

The Department of Agriculture was asked on March 11 for a report on the bill, but has not yet reported.

The title was amended so as to read: "An Act to amend section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising."

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

The bill (H.R. 14030) to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–525), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would extend to the 1970 crop the existing authority of the Secretary of Agriculture to permit transfer of peanut acreage allotments within a county where that will not impair the effective operation of the peanut marketing quota or price-support program.

The report of the Department of Agriculture stating that it has no objection to a 1-year extension, and that its enactment will not require additional funds, is attached.

"DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, August 14, 1969.

"Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

"DEAR MR. CHAIRMAN: This is in reply to your request of March 21, for a report on H.R. 9246, a bill to amend section 358a of the Agricultural Adjustment Act of 1938, as amended, to make permanent the authority to transfer peanut allotments by sale, lease, or by owner.

"We do not favor the bill as proposed since it would make the transfer authority permanent. However, we would favor a bill to provide a 1-year extension through the 1970 crop year. This would make the transfer authority expire for peanuts the same year as for upland cotton.

"A 1-year extension would give us an opportunity to evaluate the overall effectiveness and desirability of the transfer authority for all allotment crops. We anticipate that our recommendation on the allotment transfer issue will be made a part of the

Department's overall farm program for consideration by the Congress.

"Enactment of a bill to provide a 1-year extension would not require additional funds.

"The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

"Sincerely yours,
"J. PHIL CAMPBELL,
"Acting Secretary."

ENDANGERED FISH AND WILDLIFE

The Senate proceeded to consider the bill (H.R. 11363) to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes, which had been reported from the Committee on Commerce, with amendments, on page 2, line 1, after the word "any", strike out "part or products or egg" and insert "part, products, egg, or offspring thereof, or the dead body or parts"; in line 10, after the word "whoever", strike out "imports, in violation of sections 2 through 5 of this Act," and insert "imports"; at the beginning of line 14, strike out "such sections," and insert "section 3 of this Act,"; on page 3, line 6, after the word "commercial", insert "or sporting"; in line 7, after the word "or", where it appears the third time, strike out "manmade" and insert "man-made"; on page 4, line 23, after the word "violates", strike out "the provisions" and insert "any provision"; in line 24, after the word "of", strike out "sections 2 and 3" and insert "section 2 or 3"; in line 25, after the word "thereunder," insert "or any regulation issued under subsection (d) of this section, other than a violation the penalty for which is prescribed by subsection (b) of this section"; in line 5, after the word "person" strike out "shall be" and insert "is"; in line 6, after the word "hearing", strike out "on such charge", and insert "with respect to such violation."; in line 10, after the word "this", strike out "section" and insert "paragraph"; in line 15, after the word "action.", insert:

In hearing such action, the court shall have authority to review the violation and the assessment of the cviil penalty de novo.

(2) Any employee authorized pursuant to subsection (c) of this section to enforce the provisions of sections 2 and 3 of this Act, and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section, shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any fish or wildlife or property or items taken, used, or possessed in connection with any violation of any such section, regulation, or permit with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such fish, wildlife, property, or item so seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any nonwillful violation of any such section, regulation, or permit, such fish, wildlife, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such fish, wildlife, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any fish or wildlife or property or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such fish, wildlife, property, or item so seized no action is commenced in any court of competent jurisdiction to obtain the forfeiture of such fish, wildlife, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such fish, wildlife, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

On page 7, line 8, after the word "violates", strike out "the provisions" and insert "any provision"; in line 9, after the word "of" strike out "sections 2 and 3" and insert "section 2 or 3"; in line 10, after the word "thereunder", insert "or any regulation issued under subsection (d) of this section"; after line 13, insert:

(c) The provisions of sections 2 and 3 of this Act and any regulations or permits issued thereto or pursuant to subsection (d) of this section shall be enforced by either the Secretary or the Secretary of the Treasury, or both such Secretaries. Either Secretary may utilize, by agreement, the personnel, services and facilities of any other Federal agency or any State agency. Any employee of the Department of the Interior or the Department of the Treasury authorized by the Secretary or the Secretary of the Treasury may, without a warrant, arrest any person who such employee has probable cause to believe is willfuly violating, in his presence or view, any such section, or any regulation or permit issued thereunder, the penalty for which is provided under subsection (b) of this section, and may execute a warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of such sections, regulations or permits. An employee who has made an arrest of a person in connection with any such willful violation may search such person at the time of his arrest and seize any fish or wildlife or property or items taken, used, or possessed in connection with any such violation, or any such employee shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any such fish, wildlife, property, or item so taken, used, or possessed. Any fish or wildlife or property or item seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury or by a United States marshal pending disposition of the case by the court, commissioner, or magistrate, except that the Secretary may, in lieu thereof, permit such person to post a bond or other surety satisfactory to him. Upon conviction, any (1) fish or wildlife seized shall be forfeited to the Secretary for disposal by him in such manner as he deems appropriate, and (2) any other property or items seized may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such fish, wildlife, property, or item so seized, shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such fish, wildlife, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (a) of this section.

On page 9, at the beginning of line 12 strike out "(c)" and insert "(d)"; at the beginning of line 23, insert "except that the Secretary, under such terms and conditions as he may prescribe, may permit importation at nondesignated ports for movement to designated ports of entry."; on page 10, line 2, after the word "provide," insert "other"; after line 4, strike out:

(d) The provisions of section 2 through 5 of this Act and the regulations issued thereunder shall be enforced by either the Secretary or the Secretary of the Treasury, or both such Secretaries. Either Secretary may utilize by agreement the personnel, services, and facilities of any other Federal agency or any State agency. Any employee of the Department of the Interior or the Department of the Treasury authorized by the Secretary or the Secretary of the Treasury may, without a warrant, arrest any person who, within the employee's presence or view, violates the provisions of this Act or any regulation or permit issued thereunder, and may execute a warrant or other process issued by an officer or court of competent jurisdiction. An employee who has made an arrest under this Act may search the person arrested at the time of the arrest and seize any fish or wildlife or property or items taken, used, or possessed in violation of this Act or any regulation or permit issued thereunder. Any fish or wildlife or property or item seized shall be held by the employee or by a United States marshal pending disposition of the case by the court, commissioner, or magistrate, except that the Secretary may, in lieu thereof, permit such person to post a bond or other surety satisfactory to him. Upon conviction, any fish or wildlife seized shall be forfeited to the Secretary for disposal by him. Any other property or items seized may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of.

On page 11, line 10, after "Sec. 5.", insert "(a)"; at the beginning of line 11, strike out "through 4" and insert "and 3"; in line 15, after the word "prevent," strike out "such" and insert "any"; on page 12, after line 8, insert:

(b) To assure the worldwide conservation of endangered species and to prevent competitive harm to affected United States industries, the Secretary, through the Secretary of State, shall seek the convening of an international ministerial meeting on fish and wildlife prior to June 30, 1971, and included in the business of that meeting shall be the signing of a binding international convention on the conservation of endangered species.

(c) There are authorized to be appropriated such sums, not to exceed $200,000, as may be necessary to carry out the provisions of subsection (b) of this section, such sums to remain available until expanded.

On page 13, after line 11, insert:

(c) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, as amended, including, without limitation, section 527 of said Act (19 U.S.C. 1527) relating to the importation of wildlife taken, killed, possessed or exported to the United States in violation of the laws or regulations of a foreign country.

In line 20, after "Sec. 7.", insert "(a)"; on page 14, line 2, after the word "carries," strike out "or"; in the same line, after the word "transports," insert "or ships, by any means whatever,"; in line 6, after the word "wildlife", strike out "taken, transported, or sold"; in line 9, after the word "carries," strike out "or"; in the same line, after the word "transports," insert "or ships, by any means whatever,"; in line 13, after the word "wildlife", strike out "taken" and insert "taken, transported, or sold"; in line 15, after the word "country;", strike out "and" and insert "or"; in line 18, after the word "wildlife", strike out "taken" and insert "taken, transported, or sold"; in line 23, after the word "wildlife", strike out "taken" and insert "taken, transported, or sold"; on page 15, line 8, after "(A)", strike out "taken" and insert "taken, transported, or sold"; in line 13, after "(B)", strike out "taken" and insert "taken, transported, or sold"; in line 21, after the word "Migratory", strike out "Bird" and insert "Birds and Game Mammals"; on page 16, at the beginning of line 3, strike out " '(c) Any person who knowingly or has reason to know violates the provisions of subsection (a) or (b) of" and insert " '(c)(1) Any person who knowingly violates, or who, in the exercise of due care, should know that he is violating, any provision of subsectin (a) or (b) of"; at the beginning of line 11, strike out "shall be" and insert "is"; in the same line, after the word "hearing", strike out "on such charge." and insert "with respect to such violation."; in line 14, after the word "this", strike out "section" and insert "paragraph"; in line 19, after the word "action.", insert:

In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo.

(2) Any employee authorized by the Secretary to enforce the provisions of this section, or any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in violation of this section with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such wildlife, product, property, or item so seized shall be held by such employee pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such wildlife, product, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any nonwillful violation of this section, such wildlife, product, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any wildlife, product, property, or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such wildlife, product, property, or item so seized, no action is commenced in any court of competent jurisdiction to obtain the forfeiture of such wildlife, product, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such wildlife, product, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

On page 18, at the beginning of line 8, strike out "the provisions" and insert "any provision"; after line 10, strike out:

"(c) Any wildlife or products thereof seized in connection with any violation of this section shall be forfeited to the Secretary to be disposed of by him in such manner as he deems appropriate.

And, in lieu thereof, insert:

"(e) Any wildlife or products thereof seized in connection with any knowing and willful violation of this section with respect to which a penalty may be imposed pursuant to subsection (d) shall, upon conviction of such violation, be forfeited to the Secretary to be disposed of by him in such manner as he deems appropriate. Any other property or item so seized may upon conviction, in the discretion of the court, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such wildlife, product, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (c) of this section.".

On page 19, line 16, after the word "any", strike out "part or egg", and insert "part, egg, or offspring thereof, or the dead body or parts"; at the top of page 20, insert:

(b) Section 3054 of title 18 of the United States Code is amended to read as follows:

"§ 3054. Officers' powers involving animals and birds.

"Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, may arrest any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43, in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections.".

(c) Section 3112 of title 18 of the United States Code is amended to read as follows:

"§ 3112. Search warrants for seizure of animals, birds, or eggs

"Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in connection with a violation of section 42 or 44, or in connection with a knowing and willful violation of section 43, and any such wildlife, product, property, or item so seized shall be held by him or by the United States marshal pending disposition thereof by the court.".

On page 21, after line 2, strike out:

Sec. 8. Section 3054 of title 18, United States Code, is amended by inserting "42," after "to enforce sections" and by inserting a comma after "43".

Sec. 9. Section 3112 of title 18, United States Code, is amended by inserting "42," after "to enforce sections" and by inserting a comma after "43".

At the beginning of line 9, after "Sec.", strike out "10." and insert "8. (a)"; in line 20, after the word "would" strike out "lead to the" and insert "create a significant"; in line 21, after the word "contents," strike out "and affect the ability to insure the package and its contents,"; on page 22, at the beginning of line 3, change the section number from "11." to "9."; after line 5, strike out:

"Sec. 2. It shall be unlawful for any person knowingly to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any black bass or other fish, if (1) such delivery or transportation is contrary to the law of the State, territory, or the District of Columbia or any foreign country from which such black bass or other fish is found or transported, or is contrary to other applicable law, or (2) such black bass or other fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, territory, or the District of Columbia, or foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported, or contrary to other applicable law; and no person shall knowingly purchase or receive any such black bass or other fish which has been transported in violation of the provisions of this Act; nor shall any person receiving any shipment of black bass or other fish transported in interstate or foreign commerce make any false record or render a false account of the contents of such shipment. For the purpose of this section, the provisions of section 10 of title 18, United States Code, shall apply to the term 'interstate or foreign commerce'."

And in lieu thereof, insert:

"Sec. 2. It shall be unlawful for any person—

"(1) to deliver or receive for transportation, or to transport, by any means whatsoever, in interest or foreign commerce, any black bass or other fish, if such person knows or in the exercise of due care should know that (A) such delivery or transportation is contrary to the law of the State or any foreign country from which such black bass or other fish is found or transported, or is contrary to other applicable law, or (B) such black bass or other fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State or foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported, or contrary to other applicable law;

"(2) to purchase or receive any such black bass or other fish, if such person knows, or in the exercise of due care should know that such bass or fish has been transported in violation of the provisions of this Act;

"(3) receiving any shipment of black bass or other fish transported in interstate or foreign commerce to make any false record or render a false account of the contents of such shipment, if such person knows, or in the exercise of due care should know, that such record or account is false. For the purposes of this section, the provisions of section 10 of title 18, United States Code, shall apply to the term 'interstate or foreign commerce'.

On page 24, after line 18, insert:

(d) The first section of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 851), is amended by inserting immediately before the period at the end thereof a comma and the following: "and the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, America Samoa, the Virgin Islands, and Guam".

At the beginning of line 25, change the section number from "12." to "10."; on page 25, at the beginning of line 3, change the section number from "13" to "11."; at the beginning of line 6, change the section number from "14." to "12."; on page 26, line 9, after the word "of", strike out "1969.'" and insert "1969".": and, after line 14, insert:

(f) The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd–668ee), as amended, shall hereinafter be cited as the "National Wildlife Refuge System Administration Act of 1966".

Mr. HART. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–526), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 11363 is threefold. First, in order to assist on an international level in the preservation of species threatened with extinction, this bill would authorize the Secretary of the Interior to develop a list of species or subspecies of wild mammals, fish, wild birds, amphibians, reptiles, mollusks, or crustaceans which are threatened with worldwide extinction, and it would prohibit the importation into the United States of any such species or subspecies or any part, product, or egg thereof. The bill would provide a limited exception to this prohibition, however, to permit the importation of endangered species or subspecies for zoological, educational, scientific, or propagation purposes under such terms and conditions as the Secretary of the Interior may prescribe. In addition, the bill would direct the Secretary of the Interior, through the Secretary of State, to seek the convening of an international ministerial meeting prior to June 30, 1971, for the purpose of signing a binding international convention on the conservation of endangered species.

Second, in order to assist the States in protecting domestically endangered species of reptiles, amphibians, mollusks and crustaceans, this bill would amend existing laws to make unlawful throughout the United States the sale or purchase of any reptile, amphibian, mollusk, or crustacean, or any part or egg thereof, by any person who knows, or in the exercise of due care should know, that such reptile, amphibian, mollusk or crustacean was taken in any manner in violation of the laws or regulations of a State or foreign country. These provisions will supplement existing statutes which currently prevent the interstate sale or purchase of State or foreign government protected fish, mammals, and birds.

Third, in order to further assist in the protection of domestically endangered species of fish, wildlife, reptiles, or amphibians, this bill would authorize the Secretary of the Interior to acquire privately owned lands, within the boundaries of any area administered by him, for the purpose of conserving, protecting, restoring, or propagating such species. The bill would authorize the appropriation of up to $1 million per year for fiscal years 1970, 1971, and 1972 for this purpose. In addition, it would raise the limitation on the total amount of money which may be spent on any area maintained for the conservation, protection, restoration or propagation of endangered species of native fish and wildlife, including migratory birds, from $750,000 to $2,500,000.

Mr. HART. Mr. President, I am pleased to report H.R. 11363, the endangered species legislation, to the Senate. I urge favorable action on one of the most important pieces of conservation legislation which we shall consider in this Congress.

During recent years mankind has been exterminating species of fish and wildlife at a rapidly accelerating rate. From the time of Christ to about A.D. 1800, it has been estimated that roughly one form of mammal was exterminated every 55 years. Since 1600 more than 125 species of birds and mammals have become extinct, as have nearly 100 subspecies; that is, geographical races or varieties. Today it is estimated that one or two species of birds and mammals disappear each year. The International Union for the Conservation of Nature and Natural Resources presently lists approximately 275 species of mammals and 300 birds as rare and endangered. Eighty-nine different species of fish and wildlife have been identified as endangered within the United States by the Secretary of the Interior.

There are three basic reasons for this accelerating rate of extermination of many of our planet's unique forms of life: the destruction of habitat in which the species can live and propagate by man's seemingly insatiable demand for land; the pollution of air and water which has proven particularly lethal to various species of fish; and the indiscriminate killing and capture of fish and wildlife for commercial or sporting purposes.

This bill, by restricting both international and domestic trade in endangered species of fish and wildlife, will obviously have its greatest impact in protecting those species which are threatened because of their commercial value. Nevertheless, since the bill also contains authority for the Secretary of the Interior to spend up to $1,000,000 per year during the next 3 fiscal years for the acquisition of inholdings, in areas administered by him, for the conservation of species threatened with extinction, and since it raises the cumulative total which may be spent on any area maintained for the conservation, protection, restoration, or propagation of endangered species from $750,000 to $2,500,000, it will help to preserve suitable habitat for many domestically endangered species which may have little commercial importance. In addition, the mere listing of a species as "endangered" may provide considerable stimulus for governments or private groups to take more vigorous action to protect any species whose continued existence is in jeopardy.

Occasionally, a skeptic will question the importance of preserving a particular species of life when the world is still so rich in a variety of different life forms. This skepticism can be answered on two levels. From a pragmatic point of view, the protection of an endangered species of wildlife with some commercial value may permit the regeneration of that species to a level where controlled exploitation of that species can be resumed. In such a case, businessmen may profit from the trading and marketing of that species for an indefinite number of years, where otherwise it would have been completely eliminated from commercial channels in a very brief span of time. Potentially more important, however, is the fact that with each species we eliminate, we reduce the pool of germ-plasm available for use by man in future years. Since each living species and subspecies has developed in a unique way to adapt itself to the difficulty of living in the world's environment, as a species is lost, its distinctive gene material, which may subsequently prove invaluable to mankind in improving domestic animals or increasing resistance to disease or environmental contaminants, is also irretrievably lost.

On a more philosophical plane, the gradual elimination of different forms of life reduces the richness and variety of our environment and may restrict our understanding and appreciation of natural processes. Moreover, in hastening the destruction of different forms of life merely because they cannot compete in our common environment upon man's terms, mankind, which has inadvertently arrogated to itself the determination of which species shall live and which shall die, is assuming an immense ethical burden. Henry Beston has indirectly suggested the magnitude of this burden in urging that man adopt a new and wiser concept of animals. He has stated:

> We need another and a wiser and perhaps a more mystical concept of animals. Remote from universal nature and living by complicated artifice, man in civilization surveys creatures through the glass of his knowledge and sees thereby a feather magnified and the whole image in distortion. We patronize them for their incompleteness, for their tragic fate of having taken form so far below ourselves. And therein we err, we greatly err. For the animal shall not be measured by man. In a world older and more complete than ours, they move, finished and complete, gifted with extensions of the senses we have lost or never attained, living by voices we shall never hear. They are not brethren, they are not underlings, they are other nations caught with ours in the net of life and time, fellow prisoners of the splendour and travail of the earth.

The provisions of this bill reflect the urgency of increasing protection for those species of fish and wildlife whose continued existence is presently threatened. It will prohibit the importation into the United States of endangered species, and it directs the Secretary of State to secure similar action by foreign countries. Thus, by gradually drying up the international market for endangered species, it should help tremendously in reducing the poaching of any such species in the country where it is found. Similarly, by making illegal in every State, the sale or purchase of a reptile, amphibian, mollusk, or crustacean, or any part or egg thereof, which was taken illegally in any State—and continuing present restrictions relating to fish, birds, and mammals—the incentive for poaching endangered species within the United States should be markedly reduced. Finally, by authorizing the acquisition of new lands for the conservation and propagation of endangered species, the legislation will assist in fostering the continued survival of many domestically threatened forms of fish and wildlife.

Mr. President, it has been a great pleasure for me to work on the endangered species legislation, not only because of its tremendous importance as a conservation measure, but because of the excellent cooperation the Commerce Committee has received from all the persons interested in its enactment. Very early this year representatives of the Amalgamated Meat Cutter & Butcher Workmen of America sponsored several informal meetings at which conservationists and industry representatives ironed out many of their differences over the legislation. These meetings created a greater understanding of the purposes of the bill and generated a broad base of support. There is no question that the meetings greatly simplified the committee's task when it began to deliberate over the actual provisions of the legislation.

During the revision of the bill as well, however, the committee received extremely constructive suggestions on ways in which it could be improved from the Department of the Interior, the Customs Bureau, representatives of both the fur and tanning industries, and representatives of several conservation groups. The National Audubon Society was particularly helpful in pointing out deficiencies and omissions in the bill which was originally before the committee. I certainly hope that all of these groups will now agree that the changes which the Commerce Committee has made in H.R. 11363 will substantially improve its effectiveness and workability.

Mr. President, the time for taking strong action to protect species of fish and wildlife which are threatened with worldwide extinction is certainly long overdue. I urge the Senate to act favorably on H.R. 11363 as reported by the Committee on Commerce.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Texas (Mr. Yarborough), who, as I have previously indicated, is absent on official business of the Senate, has prepared a statement relative to the endangered species bill, H.R. 11363. I ask unanimous consent that his statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Yarborough

I wish to recommend to the Senate H.R. 11363, the endangered species bill. The bill represents a goal toward which I have worked for several years. I first introduced an endangered species bill in the 90th Congress. In October 1968, my bill was reported favorably by the Committee on Commerce; however, Congress adjourned before the Senate could take action on the bill. In January 1969, I reintroduced my endangered species bill as S. 335, and I am very much pleased that the bill that is before us today contains many features of S. 335.

Never has there been a greater need for this type of legislation. It is an alarming fact that in the United States alone, 14 mammals, 36 birds, 6 reptiles and amphibians, and 22 fishes have been listed by the Department of the Interior as "endangered"—that is on the verge of becoming extinct. Included in the list are such familiar species as the grizzly bear, the Florida panther, the Southern bald eagle, the whooping crane, and the American alligator. When we consider the rest of the world's wild-life, the picture is even more disturbing: the International Union for the Conservation of Nature and Natural Resources lists more than 600 endangered species, including the black rhinoceros, the mountain gorilla, the asiatic cheetah, the Bengal tiger, and the snow leopard.

Man through his greed for land, by his pollution of the air and water, and his wasteful and careless slaughter of wildlife and fish for commercial purposes, has directly caused the disappearance of many of these species. The responsibility is ours, and therefore, it is only right that we take prompt action to correct this situation.

The bill before us today represents a dramatic step forward in the area of fish and wildlife conservation. I commend the distinguished Senator from Washington (Mr. Jackson) and the members of his committee for their work on this important measure. Through their efforts, we have a bill of which we can all be proud.

President Kennedy once said: ". . . it is our task in our time and in our generation, to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours."

Certainly H.R. 11363 represents a major step toward accomplishing this task of which President Kennedy spoke. Therefore, I urge Senators to give their support to this important bill.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

RETIREMENT OF MRS. PAULINE MOORE, CHIEF CLERK OF DEMOCRATIC POLICY COMMITTEE; APPOINTMENT OF MISS MARY ANN SAMES

Mr. MANSFIELD. Mr. President, the end of last month marked the retirement from the Senate of one of its most faithful and dedicated officials. Mrs. Pauline Moore served as chief clerk of the Democratic policy committee almost from its very beginning. She was appointed on January 27, 1947, and for more than 22 years since has devoted countless hours and out-standing efforts to her tasks. As an attorney and dedicated public servant, Pauline Moore contributed immensely to the workings of the Senate and Congress. She is a very fine person. She will be missed.

In Miss Mary Ann Sames, however, the Democratic policy committee has a new chief clerk who is extraordinarily well qualified to assume these responsibilities. Miss Sames has had extensive experience working in the Senate. She served as a professional staff member of the Foreign Relations Committee prior to joining the staff of the Democratic policy committee in December of 1964. Even before she completed law school, Miss Sames had experience as a secretary on the Foreign Relations Committee staff. In this capacity she served as my secretary when I was a Delegate to the United Nations General Assembly. In all the years I have known Mary Ann, she has performed ably and faithfully at all times. I have the utmost confidence in her fulfilling her responsibilities with the measure of excellence she has always exhibited.

To Mrs. Moore, we wish the best of happiness and success in her new endeavors. It is my understanding that she will join her husband in the practice of law.

To Miss Sames we extend a welcome to her new tasks and an expression of the deepest confidence in the manner in which she will handle her new responsibilities.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

HIGH PRIORITY MATTERS ON AGENDA OF COMMITTEE ON THE JUDICIARY THIS WEEK

Mr. MANSFIELD. Mr. President, I would like to call the Senate's attention to the action scheduled by the Senate Judiciary Committee later this week on three of the most pressing matters that face this country.

On Wednesday of this week the agenda of the Judiciary Committee contains the legislative proposals dealing with the dissemination of obscene material to minors, as well as a proposal to meet the growing problem of salacious advertising. In addition, the Judiciary Committee may have on its agenda for the next meeting the drug bill; a comprehensive proposal that is designed to update the fight against this spreading menace in line with our experience.

These matters are most critical. The legislative solutions sought for these problems are of the highest priority. And the committee may be assured that their recommendations to the Senate on these matters will be welcomed with expeditious handling by the leadership. Certainly there are no issues of more significance.

It is also hoped that the Committee on the Judiciary at its next meeting will consider the proposal that would make the use of a gun in committing a crime a separate and distinct offense punishable with a mandatory sentence. This is the so-called Lesnick bill. And what it says is that the growing use of guns by criminals and the resultant homicide rate in this country is going to be met with punishment that fits these acts of violence.

I believe the contents of this bill will provide a degree of deterrence that does not now exist. I am hopeful that this proposal will be favorably considered during the Judiciary Committee's deliberations.

I have strongly endorsed these efforts to meet all of these problems in our society—obscenity, drugs, and gun crime. I speak for the entire Senate in expressing the hope that these proposals are written into the law books before the session adjourns.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, the Senator from Kansas is recognized for 10 minutes.

THE NOMINATION OF CLEMENT F. HAYNSWORTH, JR.

Mr. DOLE. Mr. President, the responsibility of the Senate imposed by the Constitution to advise and consent to a President's nomination is among the most vital and far reaching with which we are vested.

As an attorney, I also have a professional responsibility to carefully consider the nomination of Clement F. Haynsworth, Jr.

Like most of my colleagues I followed the course of the Judiciary Committee's hearings. I examined the daily reports listened to the speculation and accusations and rebuttals which circulated and kept a close watch on the sometimes sensational media coverage of the proceedings. To obtain further insight I have discussed the nomination with members of the committee.

I have had an opportunity to discuss the Haynsworth nomination with members of the executive branch. The President has made known his views to me and I have discussed several points raised in the course of the hearings with the Attorney General.

However, the best source of information from which to learn the facts, consider the arguments, weigh the responses, and make a judgment is the public record. Consequently, I examined the Judiciary Committee's hearings, read all the testimony, reviewed the exhibits and examined the pertinent cases and points of laws therein.

This review was conducted as a Senator and as a member of the bar. I discussed the nomination with members of the Kansas bench and bar whose competence, judgment, and sensitivity to matters of ethics and probity are highly regarded by the legal community and the public in the State of Kansas.

I sought advice and discussed the Haynsworth nomination with three sources: The bar of my State, the Kansas judiciary, and the Federal judiciary. I felt it not only my right but my duty to engage in this consultation.

It was impossible and impractical to consult with all members of the Kansas bar, thus I sought the counsel of a number of members of the associations' executive council, as individual members of the bar, not in their official capacity. Their comments were solicited upon the full record which they had before them. Their opinions were overwhelmingly in favor of confirmation of Judge Haynsworth.

I then contacted Judge Harold Fatzer of the Kansas Supreme Court and asked him to contact the other justices and the two Kansas Supreme Court commissioners. Judge Fatzer reported to me that members of the supreme court and the commissioners were unanimous in their view that Judge Haynsworth should be confirmed.

I also consulted senior Federal District Judge Arthur J. Stanley who has known Judge Haynsworth for years through service together on the Judicial Conference of the United States. Judge Stanley was strong in his praise of Haynsworth as a judge and a man of honesty and integrity.

Former Associate Justice of the U.S. Supreme Court Charles Evans Whittaker was also most helpful. Justice Whittaker who served with great distinction on the U.S. Supreme Court from 1957 to 1962 stated that it would be a "travesty" if the Senate failed to confirm Judge Haynsworth. Justice Whittaker had read the complete record and in his opinion there was no violation of law or the canons of ethics.

Now having done this, of course, the decision to vote for or against confirmation is still mine. The one point which caused me concern was the purchase of Brunswick stock. As the record shows the original opinion in the case in question was agreed upon November 10, 1967, and on December 26, 1967, a month before the decision was made public Judge Haynsworth purchased 1,000 shares of Brunswick stock for approximately $16,000.

Unquestionably, this was a mistake. I am impressed, however, with the fact that the Brunswick stock was purchased not at Haynsworth's request but at the suggestion of Arthur C. McCall, Judge Haynsworth's broker. On page 263 of the Committee Hearings, Mr. McCall states:

> I recommended to him that he buy Brunswick stock. His was no isolated case. I had recommended it to any number of accounts of mine who had bought it.

There is no evidence that Mr. McCall had any knowledge of any case pending involving Brunswick Corp. This coupled with the fact that McCall had been recommending Brunswick stock to a number of other clients "and I think the record will indicate about 45 other clients" convinces me that while a mistake was made it should not be considered a fatal one.

The testimony of Judge Harrison L. Winter, who also sat on the Brunswick case is highly important. He stated on page 252 of the committee hearings in response to a question from Senator TYDINGS:

> Well, that is correct. My answer to the question, my answer to Senator Tydings' question, is I was convinced at the time, and I am firmly convinced in my own mind, that this case was over on November 10, 1967, True the opinion had not been announced. True it could have been modified theoretically up to the moment it was announced. True it could have been modified after it was announced theoretically, and also true that the parties did not know the outcome until February 2. But there was not any question in my mind as to what the decision was that we had reached, and that it was final, in addition to which if what I understand, and believe me I know only from what newspaper publicly has been given these hearings, but from what I understand about Judge Haynsworth's participation in Brunswick, I think that you could make a strong argument that there was not a substantial personal interest involved, that it was a de minimis interest as far as the outcome of this case is concerned.

Personally, I have no problem resolving the other questions and arguments raised by the opponents of Judge Haynsworth as they relate to judicial proceedings in which he participated. Should I then vote against Judge Haynsworth because of a technical mistake in one case when he has participated in approximately 3,000 cases since becoming a Federal judge in 1957, and because of other accusations which have not been proved. Admittedly, I have reviewed the entire record as outlined above, in an effort to justify voting for confirmation.

This I have done because of my strong feeling that the President of the United States, whoever he may be, has a right to nominate whoever he chooses to the U.S. Supreme Court. The President's discretion is a part of the constitutional foundations of our Government. His right should be preserved when the nominee is a man of honesty, morality, and professional integrity. The appointive power is the only power of the executive over the judicial branch and there is not and should not be a prohibition of nominating a man whose philosophy might generally be that of the President. The record reveals that even the opponents of Judge Haynsworth have not questioned his morality, integrity, or honesty. They appear to be "hung up" on what they state is his antilabor, anticivil rights record and his alleged "insensitivity." Those who have read the complete record know this charge is unfounded. Unfortunately, some who may not have read the record or attended the hearings by their statements and reports to the American people have cast a cloud upon this nominee and perhaps upon the Court itself. The motives of some of those who have made the strongest attacks on Judge Haynsworth have been questioned.

There are some who ask whether all opposition is based upon concern for the Court or perhaps some on allegiance to special interest groups.

Nonetheless, the issue will soon be before the Senate and the matter will be resolved for or against the nominee. Perhaps the easy choice would be to vote "no" and announce, for all the world to hear, that Judge Haynsworth though honest and a man of integrity is "insensitive" or otherwise unqualified.

Having said this, let me state my conclusions:

First. Purchase of Brunswick stock was a mistake, but a technical one. There is not one scintilla of evidence of any profit due to the purchase of the stock before the decision in the case was published.

Second. A reading of the testimony and a summary of the cases does not indicate that Judge Haynsworth's record is antilabor. On the contrary, it appears his record is a balanced one.

Third. He is not anticivil rights. The record clearly indicates this as does the testimony, particularly of G. W. Foster, Jr., professor of law and associate dean of the law school at the University of Wisconsin.

Fourth. There is no similarity between the Haynsworth and Fortas cases.

Fifth. Judge Haynsworth has fully cooperated with the Judiciary Committee and has answered every question propounded to him and furnished all records demanded of him.

Sixth. The record clearly indicates that Judge Clement F. Haynsworth has no allegiance to any special interest group.

Seventh. There have been deliberate attempts by some segments of the media groundlessly to discredit Haynsworth in the eyes of the public.

CONCLUSION

Finally, the question posed is not whether I might have made a different nomination, but whether Judge Haynsworth possesses the qualifications required to become an Associate Justice of the U.S. Supreme Court.

The American Bar Association's Canon of Professional Ethics No. 1, states in part—and, as a lawyer, I like to refer to that:

> Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor.

Mr. President, there has been an abundance of unjust criticism and clamor in this instance, and unless there is some valid revelation, not heretofore made, when the roll is called, I shall vote "yea."

JUSTICE DEPARTMENT OFFICIALS PUSH PANIC BUTTON

Mr. YOUNG of Ohio. Mr. President, the refusal of the administration to permit antiwar demonstrators to march down Pennsylvania Avenue between the Capitol and the White House is an insult to every American who is opposed to the undeclared, unpopular and, in fact, immoral war we are waging in Vietnam. That broad, beautiful stretch of Pennsylvania Avenue, reaching from the Capitol to the White House, is the most historic thoroughfare in our Nation. It has witnessed parades and demonstrations celebrating the Nation's finest hours and mourning some of our saddest.

In addition, Pennsylvania Avenue has traditionally been a place where citizens could voice their protests to their elected officials—one of the most precious rights guaranteed to all Americans in the first of the 10 amendments to our Constitution, which we affectionately term the Bill of Rights.

Citizens should be free to express their disagreement with official policy, even in time of war. It may be dangerous to permit certain opinions to be expressed. It is more dangerous to attempt to suppress the expression of such opinions. To attempt to prevent an explosion in a boiler by sitting on the safety valve is obviously foolish. It invites disaster. That was the method of the Czars of Russia, the Bourbons of France, and of Adolf Hitler of Germany. They failed miserably.

The suppression of protest against administration policy in Vietnam, even when the President feels that it may hamper the execution of that policy, must be accorded the fullest freedom consistent with public safety.

Deputy Attorney General Kleindienst told a press conference that the violence anticipated by the Justice Department will be more difficult to contain on Pennsylvania Avenue. Hogwash.

The Department of Justice has conjured up all sorts of horrifying possibilities of violence. If there is going to be any violence whatever—and I for one seriously doubt that—it will come whether the line of march is on Constitution Avenue or Independence Avenue or any other street. It will not come from the great army of patriotic protestors forming a broad-based demonstration to tell the President and their Congressmen of the deep yearning of the American people for peace.

If there is any violence, it will be caused by a few firebrands desiring to bait the police into the use of excessive force. There should and will be ample police protection to control any that might occur. Surely the Washington, D.C., police force and the National Guard are capable of handling any such situations. Laws and ordinances must be enforced. Anyone who breaks them should be dealt with swiftly and firmly.

Mr. President, I have served as chief criminal prosecuting attorney of Cuyahoga County, Ohio—the most populous county in my State—and I believed then, as I believe now, that certain punishment, like a shadow, should follow the commission of acts of violence. The proposed arbitrary action on the part of administration leaders prohibiting a peaceful demonstration or parade on Pennsylvania Avenue, I fear, may stimulate violence. People generally react strongly against unjustified and arbitrary orders.

Nothing is clearer in our Constitution and traditions than the right of the people peaceably to assemble and to petition the Government for a redress of grievances. Where in the United States is a better place for such peaceful assembly than the Pennsylvania Avenue in the heart of the Capital of our country? This may inconvenience a lot of people. It may cause traffic jams. It may require the Government to go to some expense to maintain order. This is a very small cost indeed for the precious right of citizens to petition their Government for a redress of grievances.

The action of officials of the Justice Department constitutes a needless provocation and denial of constitutional rights. It goes further toward undermining and alienating the majority of those Americans who will be in Washington and do not intend to break any law whatsoever. It plays squarely into the hands of a small, but vocal, minority.

Rules for this demonstration, or for any other, must be established. However, they should be generous and reasonable and in the spirit of a free people. They should be designed to give maximum opportunity for orderly expression, while minimizing the opportunity for fomenting violence.

The Attorney General has evidently chosen the path of repression. He has evidently not yet learned that you cannot exterminate ideals with clubs or by shunting demonstrators off to side streets. You only scatter them. The Department of Justice has pushed the panic button. I hope that the President will recognize that fact and reverse the order prohibiting the demonstration on Pennsylvania Avenue next Saturday. Let us hope that reason and justice will prevail.

CONSULAR CONVENTION WITH BELGIUM AND AGREEMENT WITH CANADA ON ADJUSTMENTS IN FLOOD CONTROL PAYMENTS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that it be in order, at this time, to request the yeas and nays on the two treaties which will be voted on, beginning at 2 o'clock p.m. today.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. I thank the Chair.

THE EXTRAJUDICIAL ACTIVITIES OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

Mr. ERVIN. Mr. President, the Judicial Conference of the United States, made up of the Chief Justice of the Supreme Court and the chief judges of the Federal judicial circuits, recently took two actions which should be of great concern to us all.

The Conference, on separate ballots, voted to disapprove of two measures which are now before the Congress: Senator MURPHY's amendment to Office of Economic Opportunity legislation which would give State Governors the power to veto federally financed legal aid programs, and a provision in the organized crime bill sponsored by Senator McCLELLAN which would enlarge the powers of Federal grand juries.

I was amazed, quite frankly, to read that the Conference had taken these actions. My first thought was that the newspapers must not have reported accurately what the Conference had done. But it appears that the reports are true.

When the Congress first established the Judicial Conference in 1922, it intended for the Conference to act as housekeeper for the Nation's Federal courts. Its sole functions were to make recommendations to expedite civil and criminal dockets and to devise ways to improve the mechanics of judicial administration.

Under 28 U.S.C. 331, the act's current modification, the Conference is directed to perform those original functions and to submit to the Congress annual reports containing any legislative proposals which the Conference might make to improve the administration of justice.

Clearly, the actions which the Judicial Conference recently took do not fall within this authorization. In urging that these two measures before the Congress be defeated, the Conference stepped into an area of policymaking which is beyond its delegated authority. And in abandoning proper procedures and expressing its opinions through press releases, the Conference again improvised on its proper role.

Let us look for a moment at the two measures which the Judicial Conference opposes.

Certainly, it is not germane to the housekeeping of the courts whether Governors may veto OEO legal aid programs or not. The issue of decentralized control of Federal programs versus control by the National Government is one to be decided by the Nation's elected representatives, not by the Judicial Conference.

Similarly, an argument may be made that in expressing a gratuitous opinion on the enlargement of Federal grand jury powers, the Conference stepped beyond its authority.

I would compare the action of the Judicial Conference to that of the Congress if it passed a resolution calling upon the courts to decide a case in a certain way. To suggest that Congress might ever take such an action is preposterous.

Mr. President, the Subcommittee on Separation of Powers is currently studying the problem of nonjudicial activities of Federal judges, a problem which I believe has much to do with the erosion of public confidence in the courts which we have experienced during recent years. The subcommittee has held 4 days of hearings on this subject, and expects to hold more.

In September, the subcommittee received testimony which perfectly summarizes the case against the recent actions by the Judicial Conference. Former Supreme Court Justice Tom C. Clark, a peerless authority on the administration of our court system and now the director of the Federal Judicial Center, said:

> Lobbying for the passage of legislation necessary—and I emphasize the word "necessary"—to the effective operation of the courts may well be an exception to the rule that a judge should stay aloof from such entanglements.

As I construe that statement, Justice Clark believes that unless a piece of legislation is vital to the smooth and efficient functioning of the court system, judges should remain silent. The two pieces of legislation which the Judicial Conference opposes lack that essential quality.

Mr. President, the sort of action taken by the Judicial Conference—the offering of gratuitous statements about public policies unrelated to the housekeeping of the courts—demeans the Nation's judiciary. It drains the already shallow reservoir of prestige which needs to be bolstered rather than diminished.

I think it is time that the Judicial Conference tailor its actions to the scope prescribed by the legislation which created it. I say this not in derogation of the Federal judiciary, which I esteem highly. But if the Judicial Conference does not restrain itself, I foresee a time when it might become little more than a lobbying agent, abandoning altogether its role as the judicial housekeeper.

During the remainder of the subcommittee's study of nonjudicial activities, the role of the Judicial Conference will come under the most painstaking scrutiny. The powers of the Conference already are being examined by the Supreme Court in the landmark case of Chandler against Judicial Council of the Tenth Circuit.

In the meantime, I would urge the Conference to make no more gratuitous statements on matters unrelated to the upkeep of the judiciary. Neither of its recent decisions was solicited by the Congress and, in fact, I am told that the decision to oppose Senator MURPHY's amendment was made only after a member extemporaneously spoke against it during a Conference session. I would also urge the Conference in expressing its opinion to use the formal procedures set down by the Congress rather than press releases. I do not feel that those requests are excessive or unreasonable.

ACTION OF JUDICIAL CONFERENCE ON TITLE I OF S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, as pointed out by the distinguished senior Senator from North Carolina (Mr. ERVIN), the Judicial Conference of the United States, in its meeting on October 31 to November 1, 1969, considered the provisions of title I of S. 30, the Organized Crime Control Act of 1969. I listened to the remarks of the distinguished Senator from North Carolina. I share the views and sentiments he has expressed.

According to a letter of Mr. William E. Foley, dated November 3, 1969, the Conference voted its disapproval of the provisions of title I on the grounds that this title "would drastically alter an important facet of the judicial process.

Mr. President, the provisions of title I are based on recommendations of the President's Commission on Law Enforcement and Administration of Justice, which studied at length what this Nation could do to arrest the growing tide of organized crime. In addition, the U.S. Department of Justice has carefully reviewed the provisions of this title and has, with certain modifications, approved it.

Mr. President, the Subcommittee on Criminal Laws and Procedures is now in the process of marking up S. 30 with a view to reporting to the full committee and to this body what in its judgment needs to be done in this area. Nevertheless, in order that this body may have the opportunity to examine the positions and supporting reasons of the Judicial Conference, the President's Crime Commission, and the Department of Justice, I ask unanimous consent that there appear in the RECORD at this point, as a part of my remarks, the text of title I of S. 30 now under consideration, the November 3 letter from the Judicial Conference, the appropriate excerpts from the President's Crime Commission report, and the Department of Justice comments in title I.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(NOTE.—Title I of S. 30 now under consideration by the Subcommittee on Criminal Law and Procedure.)

TITLE I—SPECIAL GRAND JURY

Sec.
3331. Summoning and term.
3332. Powers and duties.
3333. Reports.
3334. General provisions.

§ 3331. Summoning and term

(a) In addition to such other grand juries as shall be called from time to time, each district court which is located in a judicial district containing more than four million inhabitants or in which the Attorney General, the Deputy Attorney General or any designated Assistant Attorney General, certifies in writing to the chief judge of the district that in his judgment a special grand jury is necessary because of criminal activity in the district shall order a special grand jury to be summoned at least once in each period of eighteen months unless another special grand jury is then serving. The grand jury shall serve for a term of eighteen months unless an order for its discharge is entered earlier by the court upon a determination of the grand jury by majority vote that its business has been completed. If, at the end of such term or any extension thereof, a grand jury determines by majority vote that its business has not been completed, the court shall enter an order extending such term for an additional period of six months. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

(b) If a district court within any judicial circuit fails to extend the term of a special grand jury upon application made by the grand jury pursuant to subsection (a) of this section, or enters an order for the discharge of such grand jury before it determines that it has completed its business, the grand jury, upon the affirmative vote of a majority of its members, may apply to the chief judge of the circuit for an order for the continuance of the term of the grand jury. Upon the making of such an application by the grand jury, the term thereof shall continue until the entry upon such application by the chief judge of the circuit of an appropriate order in conformity with the provisions of subsection (a) of this section. No special grand jury term so extended shall exceed thirty-six months, except as provided in subsection (e) of section 3333 of this chapter.

§ 3322. Powers and duties

(a) Each special jury when impaneled shall elect by majority vote a foreman and a deputy foreman from among its members.

(b) It shall be the duty of each such grand jury impaneled within any judicial district to inquire into each offense against the criminal laws of the United States alleged to have been committed within that district which is brought to the attention of the grand jury by the court or by any person.

(c) No person shall be deprived of opportunity to communicate to the foreman of the special grand jury a request to appear concerning any such alleged offense or instance of misconduct, together with the reasons for desiring to appear.

(d) Whenever the special grand jury impaneled with any judicial district determines by majority vote that the volume of business of the grand jury exceeds the capacity of the grand jury to discharge its obligations, the grand jury may apply to the district court to impanel an additional special grand jury for that district. Upon any such application and a showing of need, such court shall order an additional grand jury to be impaneled. If the district court declines to hear such an application, or to grant such application after hearing, the grand jury may apply to the chief judge to the circuit for an order impaneling an additional special grand jury for that district. Such chief judge shall hear and determine such application at the earliest practicable time, and shall have jurisdiction to enter thereon such orders as may be required to provide for the impaneling of an additional grand jury within the judicial district for which such application was made.

(e) Whenever the special grand jury determines by majority vote that any attorney or investigative officer or agent appearing on behalf of the United States before the grand jury for the presentation of evidence with respect to any matter has not performed or is not performing his duties diligently or effectively, the grand jury may transmit to the Attorney General in writing a statement of the reasons for such determination, together with a request for the designation by the Attorney General of another attorney or investigative officer or agent to appear before the grand jury for that purpose. Upon receipt of any such request, the Attorney General shall promptly cause inquiry to be made as to the merits of the allegations made by the grand jury and shall take whatever action he finds appropriate to provide for the United States' prompt and effective representation before such grand jury.

§ 3333. Reports

(a) A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may, upon completion of its original term, or each extension thereof, submit to the court a report—

(1) concerning noncriminal misconduct, malfeasance or misfeasance in office by a public officer or employee as the basis for a recommendation or removal or disciplinary action; or

(2) stating that after investigation of a public officer or employee it finds no misconduct, malfeasance or misfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of such report; or

(3) proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings; or

(4) regarding organized crime conditions in the district.

(b) The court to which such report is submitted shall examine it and the minutes of the special grand jury and, except as otherwise provided in subsections (c) and (d) of this section, shall make an order accepting and filing such reports as a public record only if the court is satisfied that it complies with the provisions of subsection (a) of this section and that—

(1) the report is based upon facts revealed in the course of an investigation authorized by subsection (b) of section 3332 and is supported by the preponderance of the evidence; and

(2) when the report is submitted pursuant to paragraph (1) of subsection (a) of this section, each person named therein was afforded an opportunity to testify before the grand jury prior to the filing of such report, and when the report is submitted pursuant to paragraphs (3) or (4) of subsection (a) of this section, it is not critical of an identified person.

(c)(1) An order accepting a report pursuant to paragraph (1) of subsection (a) of this section and the report shall be sealed by the court and shall not be filed as a public record, subject to subpena or otherwise made public (i) until at least thirty-one days after a copy of the order and report are served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, or (ii) if an appeal is taken, until all rights of review of the public officer or employee named therein have expired or terminated in an order accepting the report. No order accepting a report pursuant to paragraph (1) of subsection (a) of this section shall be entered until thirty days after the delivery of such report to the public officer or body pursuant to paragraph (3) of subsection (c) of this section. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of the court.

(2) Such public officer or employee may file with the clerk a verified answer to such a report not later than twenty days after service of the order and report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and, except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously or unnecessarily, such answer shall become an appendix to the report.

(3) Upon the expiration of the time set forth in paragraph (1) of subsection (c) of this section, the United States attorney shall deliver a true copy of such report, and the appendix, if any, for appropriate action to each public officer or body having jurisdiction, responsibility or authority over each public officer or employee named in the report.

(d) Upon the submission of a report pursuant to subsection (a) of this section, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpena or public inspection during the pendency of such criminal matter, except upon order of the court.

(e) Whenever the court to which a report is submitted pursuant to paragraph (1) of subsection (a) of this section is not satisfied that the report complies with the provisions of subsection (b) of this section, it may direct that additional testimony be taken before the same grand jury, or it shall make an order sealing such report and it shall not be filed as a public record, subject to subpena or otherwise made public until the provisions of subsection (b) of this section are met. A special grand jury term may extend beyond thirty-six months in order that such additional testimony may be taken or the provisions of subsection (b) of this section may be met.

(f) As used in this section, "public officer or employee" means any officer or employee of the United States, any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any political subdivision, or any department, agency, or instrumentality thereof.

§ 3334. General provisions

The provisions of chapter 215, title 18, United States Code, applicable to regular grand juries shall apply to special grand juries to the extent not inconsistent with sections 3331, 3332, or 3333 of this chapter.

(b) The table of contents of part II, title 18, United States Code, is amended by adding immediately after

215. Grand Jury..........................3321.

the following new item:

216. Special Grand Jury....................3331.

SEC. 102. (a) Subsection (a), section 3500, chapter 223, title 18, United States Code, is amended by striking "to an agent of the Government" following "the defendant".

(b) Subsection (d), section 3500, chapter 223, title 18, United States Code, is amended by striking "paragraph" following "the court under" and inserting in lieu thereof "subsection".

(c) Paragraph (1), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking the "or" following the semicolon.

(d) Paragraph (2), subsection (e), section 3500, chapter 223, title 18, United States Code, is amended by striking "to an agent of the Government" after "said witness" and by striking the period at the end thereof and inserting in lieu thereof: "; or (3) a statement, however taken or recorded, or a transcription thereof, if any, made by said witness to a grand jury.".

ADMINISTRATIVE OFFICE OF THE
U.S. COURTS,
Washington, D.C., November 3, 1969.
Hon. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR EASTLAND: This is in reference to S. 30, a bill relating to organized crime in the United States and in particular to Title I thereof relating to the procedures and functions of the federal grand jury.

The Judicial Conference of the United States at its meeting on October 31–November 1, 1969 considered the provisions of Title I and voted that this title of the bill would drastically alter an important facet of the judicial process and voted its disapproval of the provisions of Title I.

Sincerely,

WILLIAM E. FOLEY,
Deputy Director.

EXCERPTS FROM REPORT OF PRESIDENT'S CRIME COMMISSION

In The Challenge of Crime in a Free Society, 200 (1967), the following analysis and recommendations were offered:

"A compulsory process is necessary to obtain essential testimony or material. This is most readily accomplished by an investigative grand jury or an alternate mechanism through which the attendance of witnesses and production of books and records can be ordered. Such grand juries must stay in session long enough to allow for the unusually long time required to build an organized crime case. The possibility of arbitrary termination of a grand jury by supervisory judges constitutes a danger to successful completion of an investigation.

The Commission recommends.—At least one investigative grand jury should be impaneled annually in each jurisdiction that has major organized crime activity.

If a grand jury shows the court that its business is unfinished at the end of a normal term, the court should extend that term a reasonable time in order to allow the grand jury to complete pending investigations. Judicial dismissal of grand juries with unfinished business should be appealable by the prosecutor and provision made for suspension of such dismissal orders during the appeal.

The automatic convening of these grand juries would force less than diligent investigators and prosecutors to explain their inaction. The grand jury should also have recourse when not satisfied with such explanations.

The Commission recommends.—The grand jury should have the statutory right of appeal to an appropriate executive official, such as an attorney general or governor, to replace local prosecutors or investigators with special counsel or special investigators appointed only in relation to matters that they or the grand jury deem appropriate for investigation.

When a grand jury terminates, it should be permitted by law to file public reports regarding organized crime conditions in the community.

DEPARTMENT OF JUSTICE COMMENTS ON S. 30

TITLE I—GRAND JURY

Title I makes various changes in the law affecting the summoning, term, and powers of grand juries which would strengthen the powers and independence of grand juries. While we support most of the provisions contained in this Title, we have alternate proposals to offer as to certain others. Our views with respect to each Section of this Title will be set forth separately.

Section 101 seeks to amend 18 U.S.C. 3321 (Number of grand juries; summoning additional jurors) by adding at the end thereof the following new sentence: "Members of a grand jury shall be selected in accordance with the provisions of Chapter 121." This provision refers to the chapter of Title 28 which specifies the manner of selecting jurors. For clarity it is recommended that the phrase "Title 28" be added after the words "Chapter 121."

Section 102 would amend 18 U.S.C. 3322, which incorporates by reference Rule 6(a), Federal Rules of Criminal Procedure, which provides that "The Court shall order one or more grand juries to be summoned at such times as the public interest requires", to require the convening of a grand jury at least once during each eighteen month period by each district court. While the Department favors the convening of a grand jury at least once during each eighteen month period where the needs of justice require it, we are not aware that any serious problem exists in this regard in any district.

The difficulty we have experienced in some districts, however, is obtaining a sufficient number of grand juries to accommodate at the same time the general needs of the district and the special needs of the typically lengthy organized crime investigation. To remedy this problem, we recommend that present Section 3322 of Title 18 be amended to provide in addition that a grand jury be impaneled in each district court in which the Attorney General certifies in writing to the chief judge of the district that in his judgment such a grand jury is necessary because of major organized crime activity in the district.

We, therefore, recommend that the first sentence of the proposed revision of Section 3322 of Title 18 be amended to read as follows:

Section 3322—Summoning and term

(a) Each district court shall order one or more grand juries to be summoned at such time as the public interest requires, or whenever the Attorney General certifies in writing to the chief judge of the district that in his judgment a grand jury is necessary because of major organized crime activity in the district.

Section 102 would also amend Section 3322 of Title 18 to provide that a grand jury may, by majority vote, extend its term of eighteen months for additional periods of six months, not to exceed a total term of thirty-six months. This provision appears to be desirable on several grounds. It would have the effect of stimulating prosecutors and investigators to take effective and timely action against organized crime in their districts. It would also insure that grand juries would stay in session long enough for the unusually lengthy period of time often required to build an organized crime case. Lastly, it would eliminate the possibility of arbitrary termination of a grand jury by supervisory judges.

Section 103 would amend Section 3324 of Title 18, which incorporates by reference Rule 6(c) of the Federal Rules of Criminal Procedure, in five respects. Rule 6(c) presently states that "The court shall appoint one of the jurors to be foreman and another to be deputy foreman." There then follow other provisions which are not affected by the proposed amendment.

The proposed Section 3324(a) would provide that "Each grand jury when impaneled shall elect by majority vote a foreman and deputy foreman from among its members." While this proposal changes the existing rule, this is purely a matter of statutory law and policy. This provision appears to be desirable in that it increases the independence of the grand jury by removing it from any possible restrictive influence present as a result of selection by the court or at the court's direction by court personnel. In practice, the court or his delegate (the court clerk) examines the case history of each juror as to his education, profession, civic activities, etc., and many are interviewed personally. By this process a foreman and deputy foreman are selected. This screening process, however desirable, makes a person foreman who is acceptable to the court even though such a person may not reflect the attitudes or have the concerns of the community at large or the grand jury in particular.

Proposed Section 3324(b) provides that "It shall be the duty of each grand jury impaneled within any judicial district to inquire into each offense against the criminal laws of the United States alleged to have been committed within the district which is brought to the attention of the grand jury by the court or by any person." This provision is a statutory recognition of existing case law holding that the inquisitorial powers of a grand jury are virtually unlimited and that the grand jury can initiate a case on its own and investigate any alleged violation of Federal law within its jurisdiction. See *Hale* v. *Henkel*, 201 U.S. 43 (1906); *Blair* v. *United States*, 250 U.S. 273 (1919); *United States* v. *Hartke-Hanks Newspapers*, 254 F. 2d 366 (C.A. 5), *cert. denied*, 357 U.S. 938 (1958); *In Re Grand Jury Investigation* (*General Motors Corps.*), 32 F.R.D. 175 (S.D.N.Y.), *appeal dismissed*, 318 F. 2d 533 (C.A. 2), *cert. denied*, 375 U.S. 802 (1963); *United States* v. *Smyth*, 104 F. Supp. 283 (N.D. Calif.) (1952); *United States* v. *Gray*, 187 F. Supp. 436 (D.C.D.C. 1964). Consequently, we can see no objection to this proposal.

Section 3324(c) provides that no person shall be deprived of opportunity to communicate to the foreman of a grand jury any information concerning any offense against the criminal laws of the United States alleged to have been committed within the district. Section 1504 of Title 18, United States Code, presently makes it an offense for anyone to attempt to influence the action or decision of any grand or petit juror upon any matter pending before it by a written communication. This provision is apparently intended to make it clear that no violation of this Section is committed by a person who merely communicates to the foreman of a grand jury any information regarding any offenses against the laws of the United States. This provision could well encourage wider public participation in the fight against organized crime and we, therefore, support it.

Section 3324(d) provides that when the jury determines by majority vote that the volume of its business exceeds its capacity to fulfill its obligations, it may apply to the district court to impanel an additional grand jury. Upon such application and a showing of need, the district court shall order an additional grand jury to be impaneled. If the court refuses to hear the application or refuses to impanel a new grand jury, the grand jury may appeal to the chief judge of the circuit who shall have jurisdiction to order a new grand jury impaneled. This provision seems reasonable, especially since the grand jury must make a showing of need to the court before the request may be granted. We support this provision.

Section 3324(e) provides that whenever a grand jury determines by majority vote that any attorney or investigative officer or agent appearing on behalf of the United States before the grand jury for the presentation of evidence with respect to any matter has not performed or is not performing his duties diligently and effectively, the grand jury may transmit to the Attorney General a written request, along with the reasons therefor, for a new attorney, agent or investigator. The Attorney General is then required to promptly inquire into the merits of the application and to take appropriate action to provide for prompt and effective representation on behalf of the United States.

The Department is opposed to this provision on several grounds. First, it is felt that the provision is unnecessary since sufficient control over such personnel already exists in the Department. As a practical matter, moreover, the grand jury can at present undoubtedly make such a complaint to the Attorney General and appropriate action will be taken where merited. Second, it is felt that placing such an express power in the grand jury has too great a potential for mischief and might well tend to unduly limit the discretion of attorneys charged with investigation of unpopular or sensitive matters. Third, this provision could also be expected to invite the making of unfounded, though perhaps good faith, complaints in those hard or close cases where the laymen grand jury refuses to accept the legal judgment of an experienced prosecutor that the evidence is insufficient as a basis for an indictment. For these reasons, then, the Department does not feel that this provision should be enacted.

Section 104 would amend Chapter 215 of Title 18, United States Code, by adding at the end thereof a new section, Section 3330, entitled "Reports". This new Section 3330 would allow the grand jury, on majority vote of its members, to submit to the court a report: (1) concerning noncriminal misconduct, nonfeasance, or neglect in office by a public officer or employee as the basis for a recommendation of removal or disciplinary action, or (2) stating that after investigation of a public officer or employee it finds no misconduct, nonfeasance, or neglect in office by him, provided that such public officer or employee has requested the submission of a report, or (3) proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings. Such a report shall be submitted to the court who will approve and accept it for filing only if the above requirements are met and if the report is based on facts revealed in the course of an authorized investigation and is supported by the preponderance of the evidence. A report concerning noncriminal misconduct of a public official can be accepted only if the named individual had been afforded an opportunity to testify before the grand jury prior to the filing of the report. Any other report must not be critical of a named individual.

A public official may file an answer to a report critical of him and may also file an appeal to the circuit court. At the expiration of an appropriate time as set forth in the provision the United States Attorney must deliver a true copy of the report for appropriate action to the public officer or agency having removal or disciplinary power over the public officer named therein, but if a criminal action is pending the court may seal the report until the matter is disposed of. If the court is not satisfied that all these requirements are met, it may direct that additional testimony be taken before the same grand jury, or it may direct that the report be sealed and not filed on a public record. Finally, this provision defines public officer or employees as "any officer or employee of the United States, or any State or political subdivision, or any department, agency, or instrumentality thereof."

This proposal would substantially change existing Federal law and procedure. See in general, *Orfield, The Federal Grand Jury,* 22 F.R.D. 343, 402 (1958). Two cases which are particularly illustrative of present judicial thinking that any grand jury action beyond indicting or refusing to indict is beyond the power of the grand jury are *Application of United Electrical Radio and Machine Workers,* 111 F. Supp. 858 (S.D.N.Y. 1953), and *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury,* 184 F. Supp. 38 (E.D. Va. 1960). In the former case, the court held that a grand jury report which made recommendations to the NLRB was beyond the powers of the grand jury, an abuse of the principle of separation of powers and a violation of the secrecy provision of Rule 6(e), Federal Rules of Criminal Procedure. In the latter case, the court held that a grand jury report on noncriminal conduct of state officials was likewise beyond the power of the grand jury, an infringement upon the provinces of State and local Governments and a violation of the secrecy provision of Rule 6(e).

While the problem of secrecy under Rule 6(e) can be remedied by statute, the other problems must await judicial testing.

The present proposal also goes beyond that of the President's Commission on Law Enforcement and Administration of Justice which recommended:

> When a grand jury terminates, it should be permitted by law to file public reports regarding organized crime conditions in the community.

It is noted that this recommendation restricts the use of a report: (1) until the grand jury terminates, (2) to organized crime conditions, and (3) in a presumably general context. This type of report would apparently be unobjectionable in view of the dicta by the court in *Application of United Electrical Radio and Machine Workers* (*supra*) at 869, that "We are not here concerned with reports of a general nature touching on conditions in a community. They may serve a valuable function and may not be amenable to challenge."

We believe that considerations of public policy and interest favor some expansion of the grand jury's power in this area, and though we recognize there are constitutional problems involved, we do not believe they are of an insuperable nature.

The history of the growth and development of the grand jury system discloses that the issuing of reports has been an historic grand jury function in England for almost three hundred years. The practice of rendering reports on matters of public concern was also followed in the early American colonies, and today, despite the weight of authority against it, reports are authorized either by statute or by judicial decision in such States as New York, California, Illinois, New Jersey, Florida, and Tennessee. Despite this, however, and despite the fact that the grand jury has been described by the Supreme Court as a "prototype" of its ancient British counterpart, *Blair* v. *United States,* 250 U.S. 273, 282 (1919), its power to issue reports has not survived intact with its virtually unchallenged investigatory power.

The principal objections to the use of grand jury reports seem to be that they violate the traditional secrecy of grand jury proceedings, they expose grand jurors to libel actions, they violate the principle of separation of powers, and, perhaps most importantly, they charge wrongdoing while effectively denying the use of a judicial forum in which to reply. Upon close examination, the first three of these reasons do not appear to have much merit. The problem of secrecy under Rule 6(e) of the Federal Rules of Criminal Procedure may, of course, be solved by statutory amendment. There is in fact already ample precedent under Rule 6(e) for violation of grand jury secrecy when the general welfare requires it. See for example, *In Re Petition for Disclosure of Evidence Before October 1959 Grand Jury,* 184 F. Supp. 38 (E.D. Va. 1960), where Federal grand jury minutes were made available to Commonwealth Attorney for use in state grand jury proceedings.

The libel objection can perhaps be discounted as the least troublesome since, in light of recent Supreme Court decisions on this subject, grand jurors actions in this regard are undoubtedly privileged.

The argument that the grand jury reports contravene the principles of separation of powers proceeds on the theory that the grand jury being an appendage of the court, should not invade the province of the legislative or executive branches and charge them with misconduct or inefficiency. This argument loses much of its force, however, when it is considered that historically the grand jury has for centuries exercised both the reporting and indicting functions, and the exercise of its reporting function is logically no more violative of the separation of powers principle than is the indictment of a governmental official for criminal conduct in the performance of his duties. In criticizing public officers and calling for improvements in the legislative and executive branches, moreover, the grand jury performs a function analogous to the court's function when it notes statutory defects and suggests that the legislature consider amendment. As New Jersey's late Chief Justice Arthur T. Vanderbilt observed, success of the separation of powers doctrine depends to some extent on the interaction and cooperation of the arms of Government, not on their total isolation from each other. See *Vanderbilt, The Doctrine of the Separation of Powers and Its Present Day Significance,* 43–45 (1953).

Finally, on this point, it may be observed that since so much of Title I changes the basic character of the grand jury that in effect it is no longer merely an arm of the court, but a more independent body, the separation of powers argument is no longer a valid objection.

Perhaps the most serious objection to grand jury reports is the charge that they are essentially lacking in fairness since they make a charge of wrongdoing but deny the "accused" a judicial forum in which to reply. In an attempt to meet this criticism, the New York legislature enacted a statute, New York Code of Criminal Procedure, Section 253(a), effective July 1, 1964, which contains elaborate safeguards such as allowing a named individual an opportunity to testify before the grand jury and file an answer prior to the filing of a report, as well as allowing an appeal to a higher court before filing. The constitutionality of this New York statute was upheld in *In Re Grand Jury, January 1967,* 277 N.Y.S. 2d 105 (1967).

Since the present proposal is almost word for word identical in its substantive provisions with the New York statute, we feel that it meets the necessary test of fairness against the charge that it makes an accusation without providing an adequate judicial forum for a denial.

In sum then, we believe this revival of the grand jury's historical report making power, as narrowly circumscribed in this proposal, is constitutionally sound and we support it as being in the interest of good and effective Government.

In accord with recommendation of the President's Commission, we would suggest that the grand jury also be allowed to file general reports on organized crime conditions in the community. This would be accomplished by adding the following new subsection at the end of the proposed new Section 3330(a):

> (4) regarding organized crime conditions in the district, provided it is not critical of an identified or identifiable person.

Finally, in order that the regular business of the grand jury may be conducted with dispatch and without interruption, and in secrecy, we would recommend that this proposal be amended to include the phrase "upon the conclusion of its term." In line with this suggestion, the first sentence of new Section 3330(a) would be amended to read, in pertinent part as follows: "a majority of its members, may, upon conclusion of its terms, submit a report . . ."

Mr. McCLELLAN. Mr. President, I believe those who are interested can study the provisions of title I, and study the reasons given by the Department of Justice and the President's Crime Commission in support of its provisions, and then compare those reasons with the blunt rejection by the Judicial Conference. This rejection merely states that this title of the bill "would drastically alter an important facet of the judicial process," and disapproves title I without further statement.

All legislative revising provisions make changes in the procedures which have occurred in the past. The question is, Is this change needed? Is this change necessary? Will it contribute to or aid law enforcement, particularly in the field of organized crime? Whether these questions were considered unfortunately was not revealed in this unsolicited letter from the Judicial Conference.

Mr. MURPHY. Mr. President, I thank the distinguished Senator from North Carolina, who is without question one of the finest constitutional lawyers not only in this body but also in the entire United States, for his remarks concerning my amendment to the OEO bill passed on October 14, 1969.

I point out once again that there seems to be great confusion about what my amendment was intended to do. There has been a great hue and cry by some lawyers around the country in opposition to it, and as I read their opinions, it seems to me that even among them there is some confusion. I know they have not asked me for an explanation, which I would think would be proper, since I was the proponent.

After we set out, through the legal services program to provide legal assistance for a poor person who could not afford a lawyer, we suddenly found that in practice the funds for the program were being used for legal reform, which is an entirely different concept. I have no objection to legal reform. I have suggested and continue to suggest that at a proper time we have hearings, provide for it, and perhaps set up a special office in the OEO pertaining to legal reform. But the intent of my amendment is very simple: It is that these funds provided by Congress for the legal services program should be used to provide legal assistance and not law reform. It is that simple.

My amendment gives the Governors of the various States the opportunity to have a line or partial veto on the legal services programs submitted to them and eliminates the OEO director's override on their vetoes. I believe, by my amendment, that the legal services program will be strengthened and made more responsive to the real needs of the poor. The unencumbered Governor's veto was included in the original Economic Opportunity Act of 1964. I am inclined to think one of the reasons why it was acceptable and was passed by the two Houses of Congress was that it put ultimate control in the hands of the Governors of the States, who were considered responsive to the people of their States. I believe that rationale is valid today. In my State, our Governor has had many problems keeping the legal service program on its original course which was, purely and simply, to provide a lawyer for a poor man who did not have enough money to hire one for himself.

So I thank the Senator from North Carolina and the Senator from Arkansas (Mr. McCLELLAN) for explaining the situation and bringing it to the attention of this body. I hope that as the weeks go by, the amendment may get a complete and fair hearing by a broad cross section of the American people.

I thank my distinguished friend, the Senator from North Carolina for mentioning this matter today and pointing out a specific incident which has happened.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. ERVIN. Mr. President, I thank the Senator for his kind and gracious remarks concerning me this morning. I supported the Senator's amendment. I thought it was a wise amendment and that it would be better to have these matters controlled at a local level rather than from a centralized office in Washington.

THE NEED FOR PROMPT CONGRESSIONAL ACTION ON THE INTEREST EQUALIZATION TAX EXTENSION

Mr. JAVITS. Mr. President, I address the Senate today to urge prompt action in dealing with the interest equalization tax extension. In doing so, I urge those Senators who may be responsible, unwittingly, for its delay to exercise the necessary statesmanship and thus avoid the costly and dangerous consequences which the prolongation of the present situation will bring.

Last month the Senate passed an extension of the tax, together with an amendment exempting gun dealers from keeping records of persons to whom long-gun ammunition—except for .22 caliber rimfire—is sold. The House had earlier passed a simple extension of the tax. The gun control amendment is the only substantive difference between the Senate and the House versions. It is the only bar to prompt passage of the interest equalization tax extension.

I strongly urge that measures be taken to separate the ammunition amendment from the parent interest equalization tax extension. This kind of honorable compromise would remove the uncertainty which the lapse of the interest equalization tax has caused. It would also speed the day when serious consideration could be given by both Houses to the amendment itself.

Because both Houses have, in effect, approved extension of the interest equalization tax, and because the tax—if extended—should have uninterrupted applicability, the Treasury Department has requested securities dealers and exchanges to continue to regard the tax as if it were still in effect. Most of us, therefore, have been lulled into believing that the lapse of the interest equalization tax on September 30 was of little consequence.

Speaking on behalf of the banking and financial community, which is so heavily concentrated in New York, I must say that the uncertain status of the interest equalization tax has had a serious and damaging effect on international financial transactions. It has hampered the efforts of some United States companies to follow through on financing plans abroad and has affected the operations of securities dealers who buy and sell foreign securities in this country.

So we are not dealing here merely with an action which affects a small segment of the financial community. Virtually every major American corporation with international affiliates is affected by the interest equalization tax. Americans in large numbers are deterred through the interest equalization tax from purchasing foreign securities.

I opposed the interest equalization tax when it was first proposed. Yet I had to support its extension after it had become law. In my testimony before the Finance Committee, I made the point that the interest equalization tax now forms part of a larger system of controls on capital movements which cannot be dismantled helter-skelter without dangerous and costly consequences.

We are now incurring dangerous and costly consequences because the interest equalization tax has been allowed to lapse for more than a month. This constitutes a serious breach in the major system of controls on capital in the United States and has consequences seriously and adversely affecting our balance of payments and the strength of the American industrial investments overseas.

We cannot continue for very long, in my judgment, the fiction that we do have a law when we do not have one. It is beginning very seriously to hamper legitimate security and investment operations and the financial strength of much of our country.

I think the time has come to end this fiction by separating the two issues and allowing the extension of the interest equalization tax to pass and become law as both Houses intend. This means separating the other issue which has now been passed by the Senate and which will be taken up in the House, instead of holding the interest equalization tax hostage for the other amendment.

I hope that wise statesmanship will prevail in the Senate and allow this to be done.

COMPUTERS AND INDIVIDUAL PRIVACY

Mr. ERVIN. Mr. President, last week I attended a conference of management executives at the Wharton School of Finance and Commerce, University of Pennsylvania. These executives were discussing the science and management of information systems. The Constitutional Rights Subcommittee, in the course of its investigation of Government invasion of privacy, has uncovered many violations of the personal privacy of Federal employees and applicants. Many of these were made possible by the creation of vast computerized data banks. It was for this reason that I introduced S. 782, the right-to-privacy bill, which 54 Members of the Senate have cosponsored. As the complaints from Federal employees and every major employee union and organization demonstrate, there is an urgent need for enactment of this legislation.

Millions of private citizens face similar surveillance by computers in private industry as well as in Government. Their problems are equally deserving of attention

Due to the national dimensions of this problem and its complicated nature, it is well-nigh impossible for Congress, by any one law, to control the dangers posed to our society by computer technology.

For this reason, in addition to bills prohibiting the collection and use of Federal data on individuals, there is an immediate need for establishment of an independent regulatory agency to control this new communication-surveillance system.

I also discussed at the conference a striking example of the dangers which Federal data banks present to individual privacy. This is a guideline published by the Secret Service and distributed to Federal employees to encourage them to report on private citizens. I have asked the Secretary of the Treasury to report to the subcommittee about the methods of compiling and using this data, for preserving its confidentiality, and for notifying citizens that a report has been made and affording a chance for rebuttal.

I ask unanimous consent that there be printed at the conclusion of my remarks my letter on behalf of the subcommittee to Treasury Secretary David M. Kennedy together with a letter to the Commissioner of Internal Revenue from the American Civil Liberties Union which was supplied to the subcommittee with the Commissioner's response.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, the conflict between the needs of our computer age and individual privacy in our national life is a problem which we used to think was uniquely American but technological know-how has made this a worldwide, and possibly, after Apollo 11, a universal concern.

From my investigation, I am convinced that computers represent a magnificent contribution to the progress of mankind. In fact, they are so wonderful that I considered introducing an amendment to allow a computer to be elected President. But I found that while it can make logical conclusions from information fed into it, it cannot draw illogical deductions from logical facts. For this reason, a computer could never be President and I didn't introduce my proposed amendment.

There is a common bond which unites most of the population today. All of us have been, or will be, victimized or harassed by a computer. Last year I received a check from the social security agency for $754.25 for lump-sum death benefits. I returned the check with a letter saying I was happy to report that contrary to the computer's deduction, any indications that I had passed away were slightly exaggerated.

Another time, when my income tax was not being withheld from my salary, I received a computerized notice from the Internal Revenue Service that I had failed to pay my June installment. I replied that this had been paid and eventually I learned that someone had failed to enter my payment in the computer.

So if the computer has, through folklore, acquired an image of infallibility, this is not the image it has in my mind.

Nor is it the image in the minds of those countless millions of Americans whose reputations, jobs, credit and insurance ratings, health records, security clearances, driver's licenses, and Government benefits of many different kinds may be destroyed or threatened by a computer. These are the people who stand to suffer at some time in their lives from erroneous information in their computer files which they cannot confront or explain.

These are the people who are being denied, or will be denied, due process by medium-size businesses and large corporations, by organizations and by government at all levels. These are the people in every type of work and every walk of life who must fear the mechanical or human quirks or complete breakdowns in computerized information systems.

They are also the millions of citizens who will be harassed by overzealous computerized data-collecting programs of overcurious administrators; the people who will wonder what the form they filled out was all about, and what will be done with their replies.

The number of citizens whose privacy is affected is vast. A survey by the Senate Administrative Practices Subcommittee 2 years ago revealed that—

> Our names alone are in government files 2,800 million times. Our social security numbers are listed 1,500 million times. Police records number 264,500 million; medical histories, 342 million; and psychiatric histories, 279 million.

The social security number once was treated as a private matter, sacred to the individual. That was in the 1930's before the computer age. Now, with this number on almost every Government form, and every private questionnaire, no man can be lost. And this is reassuring. But, similarly, no man can ever again be alone. And this is despairing.

The new plan of the Health, Education, and Welfare Department to tie in a national welfare program to the social security system raises specters of surveillance and privacy invasion on a scale never before experienced. Only time will tell what the bureaucrats will do with this. Sadly enough, it will be the poor, the sick, the unsophisticated, the inexperienced, who will have to fight the computers in this program.

It is not just the chance of wrong or one-sided information being fed into vast Government and private computer systems that should give us cause to worry.

The increased use of computers makes it cheaper and vastly more simple for Government as well as private businesses to collect and store information about people for reasons that would give us serious pause.

There is, for instance, the Secret Service's well-meaning program to keep track of people who might harm the President or other public officials. But consider this Secret Service memorandum telling employees of Federal agencies to supply—

Information about individuals who "make oral or written statements about high Government officials in the following categories": Threatening statements; irrational statements; and abusive statements.

Information on professional gate crashers.

Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, and so forth.

Information pertaining to a threat, plan, or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

Many people, with complete faith in their Government, believe that the place to start with a complaint is with the President or Vice President. Yet some of these people who write a strong letter will never know they have been fed into yet another Government data system. Are these records now to be part of standard employment checks for suitability and security clearances?

Another change made possible by the computer is that statistical questionnaires can now be distributed by private agencies and by Government on a scale beyond the researcher's wildest dreams. It has been estimated that by 1970 the total statistical budget of the Federal Government will probably exceed $200 million. If complaints to Congress are any indication, the impact on individual rights of these programs is proving devastating.

The decennial census questionnaire, with civil and criminal penalties, is one example of this, with such questions as:

How much rent do you pay?

Do you live in a one-family house?

Do you use gas?

If a woman, how many babies have you had? Not counting still births.

How much did you earn in 1967?

If married more than once, how did your first marriage end?

Do you have a clothes dryer?

Do you have a telephone, if so, what is the number?

Do you have a home food freezer?

Do you own a second home?

Does your TV set have UHF?

Do you have a flush toilet?

Do you have a bathtub or shower?

Another example of this computer prying occurred last spring when the Constitutional Rights Subcommittee began receiving complaints from elderly, disabled, or retired people in all walks of life about a 15-page form sent out by the Census Bureau. It asked questions such as:

What have you been doing in the last 4 weeks to find work?

Taking things all together, would you say you are very happy, pretty happy, or not too happy these days?

Do you have any artificial dentures?

Do you—or your spouse—see or telephone your parents as often as once a week?

What is the total number of gifts that you give to individuals per year?

How many different newspapers do you receive and buy regularly?

About how often do you go to a barber shop or beauty salon?

What were you doing most of last week?

When the recipient did not respond he received a second form by certified mail, then a phone call, and then a visit from a Census Bureau employee.

We found that because of its great computer systems, the Census Bureau was sending out this form for the Department of Health, Education, and Welfare. We also found that it was making similar surveys of many other groups such as the mentally ill and the handicapped. It took the subcommittee several months, several letters, and a number of phone calls to get an answer from the HEW Secretary to the simple question, whether or not this form was voluntary or required. We also found that several sets of tapes were made of the responses and stored in several different places: in one location, apparently forever.

As a result of those and thousands of other complaints about burdensome or privacy invading statistical forms, I had the Senate Constitutional Rights Subcommittee conduct a survey of every Federal agency to find out what kind of statistical questionnaires they are sending to the public, whether the replies were voluntary or required, and finally, whether the person who received the form was told this. We learned that over the past 3 years Census Bureau alone had conducted 87 voluntary surveys for 24 other agencies which covered over 6 million people. There were other independent surveys by the agencies themselves. Everything from bomb shelters to smoking habits, to birth control methods was included in these "people studies." And usually with spaces for social security number, address, and phone numbers on the form. All responses were fed into computers.

The Census Bureau and Health, Education, and Welfare questionnaires illustrate another serious problem basic to the computer age. The right to privacy and the right to keep silent about one's personal life and attitudes is being violated by the coercive methods used by government and business to obtain responses. The information fed into these machines is easily coerced by citing a general statute or by using subtle psychology to pressure a response. The Assistant Secretary of Commerce for Economic Affairs, William H. Chartener, for instance, told the subcommittee that he could not advise people that their responses to a form were voluntary because that would be "bad psychology." He felt that the Census Bureau had to give the citizen the impression his replies were required on pain of penalty.

We frequently see such pressure applied to applicants for employment who are forced to subject themselves to wholesale invasion of their personal privacy because they need a job. This is particularly true in private businesses. The data disappears into the labyrinth of computers, and as the person moves from job to job throughout an industry, the computer surveillance continues, facilitated by the network of interfacing computer systems.

Because there are few controls, the applicants and employees of these large corporations which stretch across our national economy are subjected to a startling arsenal of devices for coercing disclosure of personal information.

Do they want to check an applicant's capacity to fit into the organization—his conformity to the prevailing norm? They subject him to personality tests and make a record in the computer dossier of his responses to such questions as:

I am very seldom troubled by constipation.

My sex life is satisfactory.

At times I feel like swearing.

I have never been in trouble because of my sex behavior.

I do not always tell the truth.

I have not lived the right kind of life.

I have no difficulty in starting or holding my bowel movements.

I am very strongly attracted by members of my own sex.

I like poetry.

I go to church almost every week.

I believe in the second coming of Christ.

I believe in a life hereafter.

I loved my mother.

Many of my dreams are about sex matters.

Congress has received complaints about such psychological pressure from the practices of large credit companies. With their gigantic computerized data systems, they induce the most personal revelations out of the individual through subtle threats or inducements of credit clearance. Yet his buying and borrowing ability is governed wherever he moves in this country or abroad by the rapid computer transmission of information about him.

As of now, however, the individual has no recourse, no chance of confronting and rebutting the data.

The forms of human psychology promoted by computer technology today are about on the same moral plane as false pretenses in a horse trade.

Whether practiced by private business or by government, they have no place in our constitutional system, and under American ideas of due process.

REMEDIES

What can be done about these threats to our liberties? How can we insure that corporations as well as Government afford substantial due process to employees and citizens?

Our Founding Fathers, with all their vision, could not have foreseen the "memory banks" and "printouts" that are beginning to dominate our society.

Our present legal system affords no protections against the excesses of computers, and no adequate legal remedies for the injuries they may cause. But under our Constitution, this can be remedied.

To mitigate, much less prevent these threats, there must be controls of several kinds.

First. There must be technical and mechanical security devices built into the machine. According to engineers, this is possible and the computer industry should be encouraged to develop these.

Second. There must be controls for those who operate and who control the machines. In this connection, the ethical conduct guidelines with some of the computer operators themselves have developed and are attempting to apply, suggest that the industry will try to police itself, will develop sanctions, and hopefully, publicize their use, for any personnel who violate its code. In addition, strict administrative personnel rules must be developed by organizations, businesses and industries using computers.

Third. To assure substantive due process, there must be controls over computer input and output. Since one of the most basic threats posed by the computer is the exchange of information among agencies and among companies, information collected for one purpose should not be utilized for another without tight conditions attached, without the involvement of the individual.

Fourth. Some system must be devised to give the individual a chance to explain personal data susceptible to derogatory interpretation. One of the drawbacks of our highly mobile, computerized society is that a man's past is ever with him. He should have a chance to expunge the record.

Walter Malone expressed the sentiment in his poem, "Opportunity":

> Weep not for precious chances passed away!
>   Weep not for golden ages on the wane!
> Each night I burn the records of the day—
>   At sunrise every soul is born again!

Yet the people most concerned with our growing communications—surveillance system are given no chance for due process. In many cases, the victim never knows why or how he has failed in an endeavor.

As Prof. Arthur R. Miller writes:

> The computer's impact on traditional relationships between individuals and organizations, and the impending emergence of computer technology as a medium of communication with national dimensions, suggests that congressional action to protect privacy values may be both necessary and appropriate.

However, I agree with Professor Miller that the uncertain direction of the computer age and the lack of obvious and easy solutions have combined to make the desirability and effectiveness of congressional action still very much a matter of conjecture. Furthermore, as he points out:

> Our limited experience with data centers and networks and the enormously complex problems of distinguishing between governmental and private systems and determining the extent to which the private ones should be federally regulated make the obstacles to drafting comprehensive national legislation virtually insurmountable at the present.

Fifth. The most effective action Congress can take is the enactment of laws controlling the collection and the use of data in certain areas. Examples of this are S. 782, my Federal employee privacy bill; S. 1791, my bill to limit certain types of privacy invasion by governmental statistical questionnaires; and proposals for some type of credit reporting act to protect consumers against erroneous credit reporting.

Sixth. If the problem of computer technology is too vast to be dealt with in one statute, still I believe it can be controlled by the Federal Government in the same way we have handled other vast, complex communication problems such as the radio, telegraph, television, and telephone. This is through an independent regulatory agency.

I see no existing agency which could assume these complicated and delicate problems. Those charged with regulating communications have built-in biases in their operating methods and their approaches to these problems, particularly the preservation of individual privacy.

While I dislike adding to an already weighty bureaucracy, the problem is serious enough to warrant a separate agency. For this reason, therefore, I would support the creation of some separate agency to deal specifically with computer systems.

I believe we have learned enough over the past 50 years about the design and operations and problems of regulatory agencies to enable us to create one which has built-in protections to assure that it serves the interests of the individual citizen and not solely those of the industry it is supposed to regulate.

Beyond the immediate legal and practical threats to individuals, there is a greater danger to our social fabric presented by the network of computer systems which crisscross the Nation. These mammoth communications devices, while encouraging actual surveillance, in certain circumstances under certain conditions, have also created a climate of apprehension and fear of "snoopers"—private or official.

To the alienated in our society, and to the not-so-alienated, the computer card either has become, or stands in danger of becoming, a symbol of administrative coldness, of dehumanized impersonal decision slacking the input which ideally should inform administration in any organization with fairness, intelligence, and humanity.

The reasons for this growing public attitude should be carefully considered by executives in the public as well as private sector of our national life.

Seventh. On both sides, public and executive, there is a real need for education and for reassessment as to what corporate or governmental goals are important in this computer age.

Efficiency and economy can be balanced with privacy and constitutional freedom. But it must be done now if our form of liberty is to survive.

The computer field is so vast that talking about it is like the story of the two elderly ladies in a town in North Carolina. They entertained the new young preacher on Sunday afternoon, and then invited him to dinner that evening. He said he had to preach at Sunday evening service first, so one of the ladies stayed home to prepare the dinner and the other went with the preacher to the church. When they returned after the services, the one who had stayed home asked how he had preached. The other lady said he had preached in the apostolic style. He just took the gospel and preached all over the place.

That is what it is easy to do with the subject of computers. The implications and impact of computers on our society are almost inconceivable in their immensity and intensity. One can talk about the issue at great length and to great extent and never exhaust the subject, never completely resolve the problem.

While I believe that much more thought and discussion should be devoted to the legal and social implications of a computer-based civilization, I am not in favor of our merely preaching all over the place for the indefinite future. We know enough now of the implications of this technology to begin taking action both in the private and the public sectors to bring the electronic brains under effective control of the human beings they are created to serve.

Exhibit 1

November 10, 1969.

Hon. David M. Kennedy,
Secretary of the Treasury,
Washington, D.C.

Dear Mr. Secretary: In connection with the Constitutional Rights Subcommittee's study of data banks and individual privacy, I have been seriously concerned about the guidelines issued by the Secret Service to encourage federal employees' reporting on private citizens for a vast number of reasons. I discussed this last week in a speech on "Computers and Individual Privacy", a copy of which is enclosed for your use.

I have no quarrel with the goal of the Secret Service to perform their duties efficiently. It is clear, however, to anyone educated in our constitutional form of government, that the criteria for filing information about individuals are questionable from a due process standpoint; are impractical; and are conducive to a mass surveillance unprecedented in American history.

Your attention is directed to such examples in the guidelines as the invitation to Civil Service workers throughout government to supply:

1. Information about individuals who "make oral or written statements about high government officials in the following categories":
   (1) Threatening statements
   (2) Irrational statements
   (3) Abusive statements
2. Information on professional gate crashers.
3. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.
4. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or *embarrass* the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.
5. Information about people who take part in demonstrations.

These guidelines are a direct threat to first amendment freedoms.

Many people, with complete faith in their government, believe that the place to start with a complaint is with the President or Vice President. Yet some of these people who write a strong letter will never know they have been fed into yet another government data system. Similarly thousands of well-meaning, loyal Americans have engaged in some form of demonstration in connection with the Vietnam war, welfare and civil rights policies of the government, and many other causes.

What the Subcommittee wishes to know in order to respond to complaints about this surveillance is:

Are these records now to be part of standard employment checks for (a) suitability and (b) security clearances? What standards have been promulgated by the Secret Service for maintaining such a data bank? Will this information be computerized? Will it be available for use by other federal agencies? If so, which ones?

What procedures have been established for (1) Preserving the confidentiality of this data; (2) affording citizens subject to such a report the opportunity to review their files and to rebut derogatory information?

Would you also supply copies of any published federal regulations governing this data bank and its use.

Your assistance in our study is appreciated.

With all kind wishes, I am,
Sincerely yours,
Sam J. Ervin, Jr.,
Chairman.

American Civil Liberties Union,
Washington, October 22, 1969.

Hon. Randolph W. Thrower,
Commissioner, Internal Revenue Service, U.S. Treasury Department, Washington, D.C.

Dear Commissioner Thrower: A recent supplement to the Internal Revenue Service Manual regarding protection of the President entitled, "Guidelines for Reporting Information", dated August 26, 1969, has come to our attention. Recognizing as we do the importance of safeguarding the life of the President, nevertheless, it appears to us that a number of the guidelines contained in that supplement are overly broad and devoid of relevance for that purpose. They will succeed in doing nothing but adding to investigative files that names of American citizens who are doing nothing more than exercising their right of freedom of speech and their right to petition their government for redress of grievances. The disastrous effects of having information considered derogatory in such investigative files on employment possibilities, security clearances and even to positions on advisory committees of government agencies is too well known to require reiteration here. (You may have noticed recent news stories in the *New York Times* concerning scientists being blacklisted by HEW for service on advisory review committees on the basis of such so-called derogatory information.)

In particular, I would like to suggest modification be considered or elimination of the following guidelines:

I. PROTECTIVE INFORMATION

A. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or *embarrass* the persons protected by the U.S. Secret Service, or any other high U.S. Government officials at home or abroad.

Comment: Certainly the desire to embarrass any government official hardly indicates a desire to harm him. Embarrassment may be caused in many ways, including the exposure of peccadilloes, or even malfeasance in office.

B. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

Comment: Many Americans attempt to contact high Government officials for the purpose of redressing grievances. The grievances may be in the view of some individuals including the government officials involved, imaginary. Nevertheless, it is fairly clear many of the grievances are not imaginary and it has only been by the sustained effort of such individuals that the grievances have been brought to public attention and corrective measures taken. American citizens should not be inhibited in trying to see high government officials by fear that this will be considered derogatory information by the Secret Service.

E. Information on any person who makes oral or written statements about high Government officials in the following categories: (1) threatening statements, (2) *irrational statements*, and (3) *abusive statement*.

Comment: A comment similar to the item above could be made about irrational statements and abusive statements. There are many people who write abusive letters and make abusive statements about government officials. However, merely because a letter or statement is abusive in tone does not indicate a desire to cause physical harm. Similarly, those who make irrational statements do not necessarily indicate any desire nor inclination to harm. Unless the purpose of this guideline is really just to collect a list of all those who make abusive or irrational statements about high government officials in the United States, it seems difficult to believe that this kind of information is necessary as a positive method of protecting such officials.

Just in passing—the recent speech by Vice-President Spiro Agnew reported in yesterday's *Washington Post* and *New York Times* as well as being carried by all the news media, was considered by at least Senators William Fulbright and Hugh Scott to be abusive about some Congressional leaders who are opposed to the war in Vietnam. Would Vice-President Agnew's speech be covered by this regulation and would it have to be reported?

I. Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.

Comment: To be specific, are the recent moratorium demonstrations on October 15th considered to be either anti-American or anti-Government and must all participants be reported to the Secret Service? If so, are you including the names of all the U.S. Senators and Congressmen who participated?

Is there a difference between anti-American or anti-U.S. Government or is one term intended to mean anti-administration?

As I stated at the beginning of my letter, I recognize the necessity for guarding the President and other government officials protected by the U.S. Secret Service. However, collecting information of the kinds suggested in these guidelines will not really focus on this problem and instead, will fill investigative files with useless information which will be derogatory to countless millions of Americans.

We would appreciate your reconsidering this manual supplement. We would be quite willing to discuss this matter further either with you or with those who have the responsibility of issuing such instructions.

Sincerely yours,
Lawrence Speiser,
Director, Washington Office.

INTERNAL REVENUE SERVICE,
Washington, D.C.

DEAR MR. SPEISER: Commissioner Thrower has asked me to respond to your October 22, letter regarding our Manual Supplement "Protection of the President: Guidelines for Reporting Information." If you have a copy of the document in question, you will see that the guidelines in question were issued by the United States Secret Service. The guidelines were distributed to Internal Revenue Service employees in an effort to be of maximum assistance to Secret Service in meeting their protective responsibilities.

I have referred your letter to the Secret Service, and I assume you will be hearing from that office in the near future.

Sincerely,

LEON C. GREEN,
Deputy Assistant Commissioner.

[From manual Supplement, U.S. Treasury Department, Internal Revenue Service, Aug. 26, 1969]

PROTECTION OF THE PRESIDENT: GUIDELINES FOR REPORTING INFORMATION

SECTION 1. BACKGROUND

The U.S. Secret Service is charged with the responsibility of protecting the President and certain other high-level Government officials and public figures. This responsibility includes the evaluation of all information concerning threats against the personal safety of those being protected. It is incumbent upon the Internal Revenue Service, along with other agencies, to assist the Secret Service in this responsibility by the timely reporting of any information which will help that organization to do its job effectively.

SECTION 2. PURPOSE

This Manual Supplement provides: *U.S. Service Liaison Guidelines*, which outlines the type of information most useful to the Secret Service (see Attachment 1); instructions for reporting this information; and a list of Secret Service field offices.

SECTION 3. GUIDELINES

Employees should: familiarize themselves with the attached document, *U.S. Secret Service Liaison Guidelines;* be alert to circumstances which warrant their consideration; report information in accordance with Section 4 of this Manual Supplement; and upon request, cooperate fully with the Secret Service in discharging their responsibilities in this area.

SECTION 4. REPORTING PROCEDURES

.01 As indicated in the Secret Service guidelines, information should be promptly referred to the Secret Service Washington Office. Employees will use their discretion to determine the most judicious method of notifying the Secret Service. If the referral is urgent, employees are authorized to telephone the nearest Secret Service Office. When time permits, a written report should be sent to the Secret Service Washington Office. Attachment 2 to the Manual Supplement contains a list of Secret Service field offices giving their addresses and telephone numbers.

.02 In all cases, the person making the referral will prepare a written report for his own file. This report will contain: all the information given to the Secret Service, the Secret office and personnel notified, and the time Service and date of the referral.

SECTION 5. EFFECT ON OTHER DOCUMENTS

IRM 1941.7 is supplemented; and Manual Supplement 19G–46, dated June 1, 1966, is superseded.

U.S. SECRET SERVICE LIAISON GUIDELINES

Subject to the direction of the Secretary of the Treasury, the United States Secret Service is charged by Title 18, U.S. Code, Section 3056, with the responsibility of protecting the person of the President of the United States, the members of his immediate family, the President-Elect and Vice President, or other officer next in the order of succession to the Office of President, and the Vice President-Elect, protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or re-marriage, and minor children of a former President until they reach 16 years of age, unless such protection is declined, protect persons who are determined from time to time by the Secretary of the Treasury, after consultation with the Advisory Committee as being major Presidential and Vice Presidential candidates which should receive such protection (unless the candidate has declined such protection).

Detecting and arresting any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and foreign Governments. Several other responsibilities are delegated to the U.S. Secret Service by the Secretary of the Treasury, such as investigation of violations of the Gold Reserve Act, and such other functions as are authorized by law.

Effective liaison with other law enforcement and Government agencies is necessary to insure we receive all information they may develop regarding any of our responsibilities. A Special Agent of the Liaison Division, U.S. Secret Service, will maintain contact with your agency at a headquarters level. Certain guidelines are set forth below which may assist you in determining our interests.

1. PROTECTIVE INFORMATION

A. Information pertaining to a threat, plan or attempt by an individual, a group, or an organization to physically harm or embarrass the persons protected by the U.S. Secret Service, or any other high U.S. Government official at home or abroad.

B. Information pertaining to individuals, groups, or organizations who have plotted, attempted, or carried out assassinations of senior officials of domestic or foreign Governments.

C. Information concerning the use of bodily harm or assassination as a political weapon. This should include training and techniques used to carry out the act.

D. Information on persons who insist upon personally contacting high Government officials for the purpose of redress of imaginary grievances, etc.

E. Information on any person who makes oral or written statements about high Government officials in the following categories: (1) threatening statements, (2) irrational statements, and (3) abusive statements.

F. Information on professional gate crashers.

G. Information pertaining to "Terrorist" bombings.

H. Information pertaining to the ownership or concealment by individuals or groups of caches of firearms, explosives, or other implements of war.

I. Information regarding anti-American or anti-U.S. Government demonstrations in the United States or overseas.

J. Information regarding civil disturbances.

2. COUNTERFEITING AND FORGERY INFORMATION

A. Information regarding counterfeiting of U.S. or foreign obligations, i.e., currency, coins, stamps, bonds, U.S. Treasurer's checks, Treasury securities, Department of Agriculture food stamp coupons, etc.

B. Information relating to the forgery, alteration and fraudulent negotiation of U.S. Treasurer's checks and U.S. Government bonds.

3. GOLD AND "GOLD COIN" INFORMATION

A. Gold regulations prohibiting the acquisition, holding, transportation, importing, and exporting of gold by persons subject to the jurisdiction of the United States. Gold in its natural state may be purchased, held, sold or transported within the United States and may also be imported without a license.

B. Gold coins of recognized special value to collectors may be acquired, held and transported within the United States and may be imported as permitted by the gold regulations.

Routine reports may be mailed to the U.S. Secret Service, Liaison Division, Room 825, 1800 G Street NW., Washington, D.C. 20226, or handled during personal liaison contact.

Emergency information, especially in reference to Presidential protection, should be reported immediately by telephone to the nearest U.S. Secret Service field office or the U.S. Secret Service Intelligence Division, Washington, D.C. Area Code 202–WO4–2481; (Government Code 184–2481).

HOUSING CRISIS IN THE CITIES

Mr. JAVITS. Mr. President, on November 6 and 7, 1969, the Committee on Housing and Urban Development of the New York State Senate held hearings on the housing crisis in New York City. These hearings were chaired by State Senator Roy Goodman. Although I was unable to testify personally before Senator Goodman's committee, I did prepare a statement for those hearings, which I submitted for the record.

Because I believe that the housing problems of the Nation's largest city are indicative of the enormous crisis which the Nation faces in this sector of the economy, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HOUSING PROBLEMS IN NEW YORK CITY

(By Senator JACOB K. JAVITS)

Mr. Chairman and Members of the Committee: I appreciate this opportunity to appear before you to discuss the housing crisis in New York City.

It is my intention in this statement to discuss New York City's critical housing problem in the context of the crisis. There are many factors peculiar to New York City which inhibit sufficient housing production here, but it is important to recognize that many other cities—indeed, many suburban areas—face problems of a similar nature, if of a different scope. However, the very size of New York City and the tremendous scope of its housing shortage have converted that which is a manageable, even if serious, problem elsewhere into a human tragedy here.

New York's housing problem is part of a national housing crisis, and, ultimately, no matter what progress is made in reforming local and state laws and institutions relating to the production, maintenance, rental and/or sale of housing in New York City, the resolution of that problem depends upon creative national policies.

For twenty years, it has been our national objective to provide every American family with "a decent home and suitable living environment." Only last year, the Congress restated that commitment and articulated it in terms of a specific housing production requirement—26 million units in ten years.

The simple fact is that we are not meeting that goal, and in our great central cities we have been unable to provide everyone with the opportunity to obtain safe and sanitary shelter.

The supply of housing is totally inadequate to meet the demand. Every year the imbalance between the production of housing and the growth of population becomes more acute.

In 1950 about 1.9 million housing units

were started. In the twenty years since annual housing starts rarely got above 1.5 million. At the beginning of this year the rate of annual housing starts stood at 1.9 million—still below the stated goal of the 1968 Housing Act—, but the figure has dropped steadily throughout the year, falling back to a rate of 1.3 million in August. Thus, at the best of times, housing production has been stable, in a period of two decades which has seen our population grow by 50 million and industrial output more than double.

The inevitable result has been a rapid escalation in the price of housing—whether rental or sale—and the inability of Americans to find the kind of housing they want and need at prices they can afford. In New York City, for all intents and purposes, there are no vacancies in rental housing. For the past two years the prices of houses has risen almost twice as fast as the overall cost of living. Thus, the situation of one housing consumer quoted by *Time Magazine* is not unusual: "We cannot find a decent house and we cannot afford to stay in an apartment."

It is obvious that the highest economic priority must now be given to the production of housing. No other consumer good is in such short supply—and no other element of industrial production and commercial enterprise bears such a direct relationships to the quality of American life. Poor housing contributes to poor health; an overcrowded and deteriorating environment perpetuates a process of social fragmentation; and the increasingly limited range of choices in and the escalating costs associated with housing have contributed to a sense of frustration and tension—among *all* income groups—in our metropolitan areas.

But to state that it is necessary to produce housing in much greater quantity offers little guidance as to how we are going to do it. The hard and unfortunate fact is that, as most consumers cannot afford to purchase or rent houses or apartments because of the limited supply, so the producers of housing cannot afford to meet this severe shortage with expanded production. In fact, except for luxury housing, there is no housing market that provides a predictable, and satisfactory profit for a developer or owner . . . Without writedown or subsidy, nothing can be built for the average income family that simply needs a place to live in or near the city.

The continuing shortage of housing and the escalation of housing prices at a rate well in excess of increases in the cost of living is attributable to more than normal inflationary pressures. Indeed, the present anti-inflationary program of the Government—with its resulting high cost and scarcity of mortgage money—has contributed to the continuing shortage of housing and its consequent high cost.

Housing is the first casualty of tight credit— or, to quote Paul McCracken, Chairman of the President's Council of Economic Adviser's, the housing industry lies "at the end of the economic whipcracker."

But, it is not just the cost of money which has increased housing costs. So, also the cost of land, labor and materials has risen drastically in recent years. At the beginning of this year sharp increases in the cost of lumber drove up housing construction costs, reflecting the direct relationship between the cost of materials and the cost of the final product to the consumer. Equally well-publicized has been the high price of construction. Construction wage rates are the highest of any major labor group in the country—and their existing rates are among those which are most rapidly increasing at the present time.

Less-noticed but perhaps more important is what has happened to the cost of land. Its high cost is a massive obstacle to construction of houses. Although there is an enormous amount of open space in this nation, land is very scarce near the urban job centers, let alone in our core cities. In 1960 the median price of a land site for a new house covered by an FHA mortgage was $2,404. Today—less than ten years later—the figure is $3,882, an increase of more than 60 percent.

As a result of these national conditions, housing production in New York City faces a set of almost impassable obstacles. We can no longer build housing for low-, moderate-, or middle-income persons in this city unless there is some form of public assistance, and we can no longer build even publicly assisted housing in this city because of inflexible statutory cost limitations and inadequate funding of Federal housing and urban development programs.

For the latter reasons, in this city and in other high cost areas it is now virtually impossible to construct public housing or housing under the section 235, homeownership or the section 236, rental assistance programs. As Mayor Lindsay recently pointed out, the New York City Housing Authority is prepared to build 20 public housing projects that would produce nearly 5,700 units for low-income families. The land is acquired and the designs approved. Yet, the bids averaged more than 30 percent over federal statutory limits. Moreover, there has been virtually no construction under the home-ownership program in high-cost areas, such as the New York Metropolitan area, because of this same combination of rapidly escalating costs and inflexible cost limitations.

In the case of public housing, outdated Federal subsidies, unrelated to the present costs of construction and maintenance of projects in this and other cities, threaten to destroy this program. Many public housing authorities face a choice between increasing rents—beyond the reach of the low-income persons they are supposed to serve—and going bankrupt. This is a problem in virtually every city—in St. Louis, in Washington, D.C., and it is a very real and immediate problem in New York City.

The now-pending housing and urban development amendments of 1969 would relieve many of the pressures of the present statutory cost limitations. In particular, the Senate-passed version of this bill would permit an increase of up to 45 percent in cost limitations in the public housing and the 235 and 236 programs in high-cost areas, such as New York City. In addition, the Senate bill provides for automatic annual increases in the cost limitations on the basis of increases in a cost index.

I believe that the Senate-passed version of this bill, in making these changes in the statutory cost limitations, would permit the construction of public housing and publicly-assisted housing for low- and moderate-income persons to proceed in New York City. Accordingly, I will strongly support the final enactment of these provisions.

However, increasing the cost limitations will not alone ease the pressures of increasing costs on housing construction, generally, nor will it make such an investment an attractive one to the private builder.

Housing can be built in New York City and in the other cities of this nation, but it will not be built unless we adopt a coordinated program which will act to check the rapidly escalating costs of money, labor, materials, and land. We must reform present housing, taxing and land-use laws at the national, State and local levels, and we must devote the required national resources—of imagination and will, as well as money—to this task.

First, I urge the adoption of policies which will maintain the availability of money for housing, even during periods of high interest rates.

It is absurd that we enact bold new housing programs and establish national housing goals only to adopt monetary policies which make it impossible to implement the programs and meet the goals.

Housing has borne far more than its fair share of the necessity of framing a monetary policy to curb inflation and the resulting tight credit. Not only are interest rates increasing the cost of money for housing so high as to price many consumers out of the market, but available funds are drying up. There has been a flow of funds out of the savings and loan institutions and mutual savings banks, which have always been the prime sources of lending for the housing market. Today, in many cases, they do not have money to lend.

Accordingly, I have urged that there be fundamental changes in the present structure of our financial institutions, so that housing will not always have to bear the major burden of high interest rates. I have repeatedly called for the Federal Reserve Board to be required to purchase FNMA ("Fannie Mae"), GNMA ("Ginnie Mae") and Federal Home Loan Bank Board obligations to increase the flow of funds into the housing industry during times of tight money.

In addition, both government and private pension trust funds should be invested in the residential mortgage market—and, if necessary, new vehicles should be established to promote the investment of these funds. I also believe that is essential that existing authority be fully utilized to issue Federal-guaranteed, mortgage pool-secured obligations and that new authority be enacted which would permit GNMA to purchase mortgages at par and to resell them to FNMA after absorbing the discount, if any.

Second, we must act to increase the availability of skilled construction labor. I can well understand the concern of the building trades unions about the insecurities built into the construction industry and their consequently deeply-felt commitment to hourly rates and job protection. However, it is quite clear that if this nation were ever to devote the national resources required to the task of constructing 2.6 million housing units annually there would not be enough skilled workers available to meet the demand. Thus, there must be expansion of this capability. In particular, we must implement programs for the recruitment, training and employment of minority persons for his labor force. For this reason, I have commended and fully supported the Nixon Administration's "Philadelphia Plan," which would seek to ensure affirmative action to expand the construction work force.

Third, a tangle of differing local building codes has inhibited the development and use of new building materials and construction techniques, and thereby has effectively increased costs. I commend the "Operation Breakthrough" program of Housing and Urban Development Secretary Romney, which seeks to establish new housing production materials and techniques. I urge the establishment of a "National Institute of Building Sciences," as contained in the bill I have introduced in this Congress (S. 2368). Such an institute would serve as an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in materials and techniques and to propose nationally acceptable building standards.

Fourth, there will be no solution to the housing crisis unless we develop a national policy for the full utilization of land and the existing housing stock in and around our great cities. Land accounts for one-fifth of the total cost of a new house compared with one-tenth twenty years ago. The housing crisis is particularly acute in the central cities where the available land is most limited and most expensive. The poor are effectively locked into a decaying inner-city housing stock through fragmented, outmoded and restrictive suburban zoning ordinances. These conditions impose ever-increasing burdens on urban municipal services and make it increasingly difficult for the cities to meet necessary demands with ever-shrinking financial resources. Yet, the present property tax structure in many cities subsidizes blight, slum formation and urban sprawl, by taxing vacant land lightly and improvements heavily.

There will be no relief of the housing crisis in New York City until there is a reform of these basic land-use tools and procedures and until the suburbs have been opened up to all the residents of our metropolitan areas. As the National Commission on Urban Problems reported, the "urban problem" is not essentially a "slum problem." It is a problem of deteriorating central cities and sprawling suburban growth. "What is happening in the slums and the rest of the central city cannot be separated from the kind and the pace of growth in the suburbs," the report said.

Accordingly, I introduced in this session of the Congress the "Urban Land Improvement and Housing Assistance Act" (S. 3025). This bill would establish supplementary Federal grants—to pay 50 percent of the local share—for those assisted local programs and services which would be particularly impacted by more intensive land utilization and expanded housing opportunities for all income groups. Among such impacted local services which could receive these supplementary Federal grants would be education, transportation, water and sewers. To be eligible for such grants a locality would have to reform its zoning ordinances or property tax laws so as to provide incentives for the improvement of under utilized land, or adopt and enforce a building code comparable to nationally-acceptable standards.

Among the reforms which would make a locality eligible for these supplementary Federal grants would be the adoption of a program of property tax abatement in the case of low- and moderate-income housing. In such circumstances, the Federal government would also pay 50 percent of the amount of the tax abatement. A program of this nature would be of great assistance to such cities as New York, where tax abatement is a crucial element in the reduction of per unit housing costs and rental rates.

Within our central cities the existing housing stock must be fully utilized. This means rehabilitation of vacant and abandoned structures, including those buildings which the city has acquired through tax procedings, code enforcement and otherwise. In New York City there are thousands of such buildings, S. 3025 would, therefore, also authorize a Federal program of assistance to the cities which would—specifically—allow them to acquire such abandoned buildings and to turn these buildings, as well as those structures already acquired by the city, over to cooperatives and nonprofit corporations which would rehabilitate them and operate them as low- and moderate-income rental housing.

It is also essential that a fully-funded program of rehabilitation be implemented in this city. At the national level, we have been talking about rehabilitation for decades, and we have enacted numerous programs. However, we have yet to pursue rehabilitation with the required energy or imagination. There must be greater flexibility in the Federal programs—and, to that end, I joined Senator Mondale of Minnesota in sponsoring the provision in the Senate-passed housing bill which would carry out the recommendation of the Mayor and would remove the income limitations from the section 312 rehabilitation loan program.

But rehabilitation, to be effective, must aim at more than the rehabilitation of individual buildings. It must involve the rebuilding and revitalization of the urban neighborhoods in which the rehabilitated units are located. It must involve the total environmental development of these areas, including new parks, open spaces, transportation and educational and community facilities. Rehabilitation, renewal—and, indeed, new housing construction—must enlarge the range of choices and must expand diversity within the city. Variety and excitement need not be and are not necessarily found only in upper-income areas of our cities. They can and should be associated with urban living for all a city's residents.

In this context, Mr. Chairman, it must be emphasized that our cities cannot be rebuilt nor can new housing be constructed unless related Federal programs are adequately supported and funded. In particular, I refer to the Federal urban renewal program which, alone, makes it possible for land to be cleared and to be made available for low-cost housing in our central cities. Without urban renewal clearance and write-down, such land is virtually unavailable and prohibitively expensive. The present appropriation for the urban renewal program is not adequate, and I have already indicated my intent to support greatly increased funding for this program in the present fiscal year.

Finally, Mr. Chairman, the housing crisis cannot be met only through public funds and initiative. We must adopt such tax incentives as will make private investment in low- and moderate-income housing attractive—and we should adopt those incentives in the context of the now-pending tax reform bill. In September I urged the Senate Finance Committee to adopt an incentive similar to the one they have now approved—for no tax on sale of such a publicly-assisted project is transferred to a tenant cooperative or a nonprofit entity and if the proceeds of the sale are reinvested in a similar project. Such a provision, combined with the maintenance of present recapture rules for depreciation deducted on low- and moderate-income housing, should make it possible for the private sector to continue such housing construction in this City, and it is my hope that the final bill will include this incentive.

Similarly, there should be sufficient assistance to nonprofit housing sponsors which have played such an important role in providing low-cost housing in New York City. In particular, a small amount of public funds can be crucial in stimulating the formation of such non-profit entities. Both in the Federal and New York State governments have established seed money programs for non-profit institutions. However, to be successful, these programs must be adequately funded and flexible in the conditions imposed. New York City's own non-profit seed money program has, I understand, been most promising, and I would hope that both Federal and State governments might follow this lead.

Mr. Chairman, New York City faces a serious and critical housing crisis—a crisis of short supply, of little available land, and of rising costs. However, it is not an insoluble problem. I believe that, in the next few years, to meet our national commitment to provide every resident of this City—and every American family—with a decent, safe, and sanitary home, at a cost which he can afford, will require that reordering of our national priorities which this Congress has now undertaken.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORT OF BUREAU OF THE BUDGET ON FISCAL YEAR 1970 OUTLAY LIMITATIONS

A letter from the Director, Bureau of the Budget, transmitting, pursuant to law, a report on the fiscal year 1970 outlay limitation through October 1969 (with an accompanying report); to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Common Council of the City of Lafayette, Ind., relating to the war in Vietnam; to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that, under authority of the order of the Senate of November 7, 1969, the Vice President had, on November 7, 1969, signed the enrolled bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Armed Services, with an amendment:

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes (Rept. No. 91–527).

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 14159. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–528).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nomination of Maj. Gen. Jammie M. Philpott, USAF, for appointment to lieutenant general in connection with his assignment as Deputy Director, Defense Intelligence Agency. I ask that this be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, in addition, I report 354 nominations in the Marine Corps and Army in the grade of major and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Peter F. Angle, and sundry other officers, for appointment in the Marine Corps; and

Thomas J. Brantley, and sundry other persons, for appointment in the Regular Army of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SPONG:

S. 3128. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate in the Washington-Baltimore Metropolitan Area's airports, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. SPONG when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BAKER:

S. 3129. A bill for the relief of Doctor Pio Albert Pol y Zapata and his wife, Dolores S. Alvarez de Pol; to the Committee on the Judiciary.

By Mr. McGEE:

S. 3130. A bill to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Federal Government; to the Committee on Post Office and Civil Service.

(The remarks of Mr. McGEE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 3131. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Finance.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA (by request):

S. 3132. A bill to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases; and

S. 3133. A bill to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bills appear later in the RECORD under the appropriate heading.)

S. 3128—INTRODUCTION OF A BILL TO ESTABLISH A WASHINGTON-BALTIMORE METROPOLITAN AREA REGIONAL AIRPORT AUTHORITY

Mr. SPONG. Mr. President, I am introducing today a bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact establishing a regional airport authority to operate the major airports in the Washington-Baltimore metropolitan area.

The bill contemplates that upon congressional approval of such a compact, the Federal Government will convey to the regional authority all title in and control over National and Dulles airports. It is anticipated that under the terms of the compact, Friendship Airport would be brought into the regional system as well.

The Washington metropolitan area is on the threshold of an air revolution which will see the number of travelers using its airports double in the next 6 years and triple by 1980. With this phenomenal growth in prospect, the area can no longer afford the luxury of treating its airports as separate, competing enterprises. Coordinated planning, development, and operation are essential.

This need is clearly recognized by the National Capital Airports Bureau which operates National and Dulles for the Federal Government. At a recent hearing of the Senate District of Columbia Committee, Bureau Director Arven Saunders made the following observation:

> Having shown that there is a continued need for all three airports, how should they be operated? Many advantages would result from planning, operating, and financing them as a single system. This has been amply demonstrated elsewhere in the United States and throughout the world as well. In my judgment, these advantages would be even more pronounced in the Baltimore, Md.-Washington, D.C., area. Many diverse organizations in this area have an interest in, and some responsibility for control of the three airports and their impact on the environment. The task of coordinating the planning and operation of airports with the community in the Baltimore, Md.-Washington, D.C. area is a complex process. Using a systems approach to operations and planning would simplify the present process and would be a major step forward for the area.
>
> In my judgment, however, an effective systems approach cannot be achieved as things are today. Perhaps some more broadly based, more autonomous organization is needed to deal effectively with the Congress, and with the political bodies governing the communities that these airports service, and do business with the airlines, general aviation interests, concessionaires, and airport tenants.

I have not asked the National Capital Airports Bureau or the Federal Aviation Administration to comment on this bill, but on the basis of the views expressed by Mr. Saunders, I would anticipate their support of this legislation.

As a matter of legislative history, four administrations have supported legislation to take the Federal Aviation Administration out of the airport management business. From the time it was first recommended by the Hoover Commission in 1949, the administration has proposed legislation in the 83d, 86th, 87th, 88th, and 89th Congresses to create a public corporation to take over management of National and Dulles, the only two federally owned and operated airports in the country.

None of these bills met with much success principally because they did not change very much. Whether by the FAA or some new Government entity, National and Dulles would still be under Federal control. And the Washington metropolitan area would still be the only region in the Nation without some voice in the operation of its own airports.

What is needed is what the National Capital Airports Bureau itself has suggested: Some more broadly based, more autonomous organization to deal effectively with the Congress and with the political bodies governing the communities that these airports serve. This bill would provide just such an organization in a Washington Metropolitan Area Airport Authority modeled after the authority created to operate mass rail transit in the same region.

For many years, the Civil Aeronautics Board has regarded Washington and Baltimore as a single, hyphenated point for purposes of certifying air carrier service. Unfortunately, that is as far as the regional concept has advanced. Once certified, airlines have discretion within the limits of FAA safety requirements to use any of the three airports—National, Dulles, or Friendship. There is no long-range plan or program for the balanced development of these facilities nor is there any mechanism for centralizing or coordinating their management.

The result of leaving airport policy to the pressures of the marketplace is that more than 65 percent of all air carrier traffic in the region is accommodated by one airport, the oldest and smallest of the three. National today is operating at three times its designed capacity, while Dulles and Friendship remain grossly underutilized.

Not only is this a waste of resources, but it is the source of serious environmental problems as well. It is estimated that jet traffic using National Airport deposits 35 tons of pollutants a day on the city. It is also the source of a highly objectionable noise level over a wide residential area.

This is an intolerable situation to have in the heart of the Nation's Capital and it is largely an inexcusable one. Congress long ago foresaw the need for relieving congestion at National and in authorizing the construction of Dulles Airport it assured the area of facilities adequate to meet any foreseeable need. What was overlooked was the need for some mechanism to see that rational and efficient use was made of the facilities we have. This bill proposes to correct that oversight.

It is particularly appropriate that we take this step now at a time when rapid progress is being made toward improving access to Dulles. The construction of the Three Sisters Bridge and connecting freeways on both sides of the Potomac will reduce travel time to Dulles to less than a half hour. The addition of a rapid rail link to Dulles will further enhance the convenience of using that airport. Studies are also underway for improving access to Friendship.

Five years ago, it may not have been practicable to urge the more balanced use of the area's airport facilities. But, with the growing congestion at National and the improved access to the area's other airports, it has become not only practicable but essential that this be done.

I want to emphasize that National Airport will continue to play an important role in the area's air transportation picture, primarily as a short-haul airport. Regional planning and development, however, should result in a reduction of traffic at that facility and the more reasonable scheduling of flights at Dulles and Friendship.

This bill authorizes the States of Maryland and Virginia and the District of Columbia to negotiate and enter into an interstate compact establishing a Washington Metropolitan Area Airport Authority. That compact must be approved by the Congress and by the State legislatures concerned before it has the force of law. This is the necessary first step in that process, and toward a sound airport policy for the National Capital region.

I ask that the bill be appropriately referred, and ask unanimous consent that the text of the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record in accordance with the Senator's request.

The bill (S. 3128) to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate in the Washington-Baltimore metropolitan area's airports, and for other purposes, introduced by Mr. Spong, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 3128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) Airport traffic in the Washington-Baltimore metropolitan area will increase threefold by 1980;

(2) The Washington and Baltimore regions constitute a single air transportation market which is served by commercial airlines certified by the Civil Aeronautics Board to use any one of the three major airports—National, Dulles or Friendship;

(3) There now exists no means of coordinating the use of existing airport facilities in such area with the result that about 65 per centum of all traffic is accommodated by one airport;

(4) There will be a need for new and improved airport facilities and areawide planning and development is the most efficient and economical way of meeting the need;

(5) There are serious environmental problems associated with airport operations in such area and there exists no effective mechanism for dealing with them; and

(6) The jurisdictions served by such area's airports should have a voice in their operation and no agency now exists for that purpose, and such area is the only metropolitan area in the Nation without some control over its own airports.

Sec. 2. (a) The consent of Congress is given to the States of Virginia and Maryland and to the District of Columbia to negotiate and enter into a compact for the purpose of establishing a multi-state authority to operate the Washington-Baltimore metropolitan area's airports.

(b) Such compact shall not be binding or obligatory upon any of the States involved or upon the District of Columbia unless and until it has been ratified by the legislature of each such State and approved by the Congress of the United States.

Sec. 3. Upon approval by the Congress of any compact entered into pursuant to this Act the Secretary of Transportation is authorized to convey to the multi-state authority established pursuant to such compact all right, title, and interest of the United States in, and all control over, Washington National Airport and Dulles International Airport, except for such interests or rights as the Secretary may reserve for the purpose of carrying out his functions under the Federal Aviation Act of 1958 or any other laws of general application relating to aviation.

S. 3130—INTRODUCTION OF A BILL TO AUTHORIZE THE ESTABLISHMENT OF A GOVERNMENT-WIDE VISITING SCIENTIST AND SCHOLAR PROGRAM

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to amend title 5, to authorize the establishment of a Government-wide visiting scientist and scholar program.

The purpose of this bill is singular: to increase the Government's ability to obtain the temporary services of leading scientists, engineers, and scholars—whether U.S. citizens or aliens—who are urgently needed for Federal research and development programs.

The idea of a visitor program is not new. The National Institutes of Health, under special authority, has been operating a highly successful visiting scientist program for more than 15 years. The Atomic Energy Commission also operates, under special authortiy, a program of professional term appointments to bring in highly qualified personnel for temporary assignments. The bill I am introducing would adapt and expand the idea for Government-wide applicability, but would not disturb existing special authorities.

The authorities contained in this bill would put the Government in a better position to compete for the Nation's top experts who may be willing to take sabbaticals or leaves of absence to accept temporary assignments in Federal laboratories and research institutions. Also, it would allow agencies, without regard to appropriation act restrictions on employing aliens, to seek the temporary assistance of noncitizens who may be world leaders in their fields. Under terms of this bill, for example, the Interior Department would have authority to recruit Swiss scientists skilled in mass spectrometer techniques. The U.S. Forest Service, to cite another example, would have authority to recruit the Swedish national who is the world leader in radiation genetics, and a Finnish scientist who is known worldwide for his work in pulp chemistry.

The visiting scientist and scholar program would be administered by the Civil Service Commission, which would prescribe regulations, set controls on the total number of appointments, and monitor all aspects of the program. Also, the Commission would coordinate with the Department of State all visitors appointments of aliens who would be subject to the security investigations applicable to U.S. citizens and such additional investigations as the agency head may consider appropriate.

All appointments under the visitor program, whether of citizens or aliens, would be outside the competitive service, and would be limited to 2 years with an extension possible for not to exceed an additional 2 years.

No additional agency appropriations would be needed to operate the program, since relatively few appointments would be made by any one agency and such would be absorbed in existing budgets.

It seems to me, Mr. President, that the rather modest authorities prescribed by this bill might well represent an important advance in keeping the United States in the forefront of medical, scientific, and technological discoveries that will benefit all mankind.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3130) to amend title 5, United States Code, to establish a visiting scientist and scholar program in the Federal Government, introduced by Mr. McGee, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 3131—INTRODUCTION OF A BILL RELATING TO RELIEF FOR CERTAIN INDIVIDUALS 65 YEARS OF AGE AND OVER

Mr. TYDINGS. Mr. President, I rise today to introduce legislation to lift much of the excessive property tax burden from low-income senior citizens. This bill would provide a Federal income tax credit of up to $215 a year in property tax relief to Americans over 65 with annual incomes of $3,500 or less and higher than normal property tax rates.

Many elderly homeowners in Maryland and across the Nation have a great deal of difficulty paying their local property taxes. Frequently they purchased their homes years ago when property taxes were low and their incomes were greater. Now they suddenly find themselves saddled with drastically increased property tax bills which must be paid out of smaller fixed retirement incomes rapidly shrinking under the pressure of inflation.

Over the years the security they thought they had bought for their retirement has become a burden. As a result, many senior citizens are being forced to move despite the inconvenience and the sentimental attachment to an old familiar home.

This legislation meets this problem by providing elderly homeowners with a Federal income tax credit or a refund, for those who pay no Federal tax, to offset that portion of their property tax that is well in excess of what is normal. Property taxes are considered unusually high if they exceed a certain percentage of household income. These percentages are increased as household income increases.

After determining what amount of the property tax paid is an excessive portion of a senior citizen's income, a percentage of this excessive portion is relieved. For households with incomes over $1,000, there is a refund or a credit for 60 percent of excessive part; for those with incomes under $1,000, the refund or credit is 75 percent of the excessive part. The bill limits the amount of property taxes that can be used in computing relief to $300.

The relief formula is rather complicated. Here is how it would work in some representative cases:

	Total household income	Credit or refund
Property tax:		
$100	$1,000	$57.00
$200	1,000	142.00
$300	1,000	213.30
$100	2,000	9.10
$200	2,000	69.10
$300	2,000	126.10
$100	3,000	0
$200	3,000	0
$300	3,000	43.50

To insure that only truly needy persons receive relief, applicants must list all forms of money income, including nontaxable incomes such as social security, veteran's disability benefits, public assistance payments, and railroad retirement benefits.

Renters would also qualify for relief under this bill. It is assumed that 25 percent of the rent payment is in effect payment for property taxes.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3131) to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds, introduced by Mr. Tydings, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 2168

Mr. JAVITS. Mr. President, on behalf of the Senator from Utah (Mr. Bennett), I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. Ribicoff) be added as a cosponsor of S. 2168, to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3077

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut (Mr. Ribicoff), I ask unanimous consent that, at the next printing, the names of the Senator from Washington (Mr. Jackson) and the Senator from New Jersey (Mr. Williams) be added as cosponsors of S. 3077, to create a tax credit offsetting the expenses of higher education.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 47—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT OF THE PROCEEDINGS OF THE FORTY-FOURTH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

Mr. MURPHY submitted the following concurrent resolution (S. Con. Res. 47); which was referred to the Committee on Rules and Administration:

S. Con. Res. 47

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-fourth biennial meeting of the Convention of American Instructors of the Deaf, held in Berkeley, California, June 20–27, 1969, be printed with illustrations as a Senate document; and that six thousand additional copies be printed and bound for the use of the Joint Committee on Printing.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 45

Mr. TOWER. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Connecticut (Mr. Dodd), the Senator from Nebraska (Mr. Curtis), the Senator from Nevada (Mr. Bible), the Senator from West Virginia (Mr. Randolph), and the Senator from Wyoming (Mr. Hansen) be added as cosponsors of Senate Concurrent Resolution 45, concerning prayer in space.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF RESOLUTION

SENATE RESOLUTION 257

Mr. TOWER. Mr. President, I ask unanimous consent that at the next printing, the names of the Senator from Tennessee (Mr. Baker), the Senator from Kentucky (Mr. Cooper), the Senator from Wyoming (Mr. Hansen), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Illinois (Mr. Smith), be added as cosponsors of Senate Resolution 257, concerning humane treatment for prisoners of war held by the North Vietnamese.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970 AMENDMENT

AMENDMENT NO. 273

Mr. JAVITS (for himself, Mr. Hart, Mr. Goodell, Mr. Percy, and Mr. Muskie) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 274

Mr. BYRD of West Virginia submitted an amendment, intended to be proposed by him, to House bill 12307, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 267

Mr. PERCY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. Pell) be added as a cosponsor of amendment No. 267, to the Family Assistance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 268

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at its next printing, the name of my colleague from Maryland (Mr. Mathias) be added as a cosponsor of amendment No. 268 to the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on November 7, 1969, he presented to the President of the United States the enrolled bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ANNOUNCEMENT OF HEARING BY COMMITTEE ON AGRICULTURE AND FORESTRY ON FRIDAY, NOVEMBER 14, 1969, ON S. 2116, THE EGG PRODUCTS INSPECION ACT

Mr. ELLENDER. Mr. President, I wish to announce that the Committee on Agriculture and Forestry will hold a hearing Friday, November 14, on S. 2116, the Egg Products Inspection Act. All persons interested in testifying should contact the committee staff as soon as possible to schedule their appearance.

NOTICE OF HEARING BEFORE THE PARKS AND RECREATION SUBCOMMITTEE

Mr. BIBLE. Mr. President, I wish to announce that hearings have been scheduled before the Parks and Recreation Subcommittee on Friday, November 14, at 10 a.m., room 3110, New Senate Office Building on the following bills:

H.R. 9163, to authorize the disposal of certain real property in the Chickamuga and Chattanooga National Military Park, Ga.

H.R. 13767, to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee.

S. 2940, to amend the act of June 28, 1948, relating to the acquisition of property for the Independence National Historical Park.

Anyone wishing to testify on any of these measures should advise the committee staff, room 3106, New Senate Office Building.

THE PEACE MOBILIZATION

Mr. McGOVERN. Mr. President, I have today decided to participate in the peace activities scheduled for this week, including the Washington mobilization on Saturday.

The Senator from New York (Mr. Goodell) will also participate in this effort.

I have learned, too, from the column by Mary McGrory, published in today's Washington Star, that the Senator from Minnesota (Mr. McCarthy) will also participate.

I ask unanimous consent to have printed in the Record a statement which I issued at a news conference today, the article by Miss McGrory, and an excellent article entitled "Administration Draws Hard Line Against Dissenters," written by Ward Just, and published in the Washington Post of today, November 10, 1968.

There being no objection, the statement and articles were ordered to be printed in the Record, as follows:

Statement by Senator George McGovern, (Democrat, South Dakota) November 10, 1969

I have decided after careful thought to participate in the peace mobilization in Washington Saturday. Several weeks ago, I was invited by mobilization leaders to speak at the Washington Monument rally. I delayed an answer until the President had an opportunity on November third to explain his policy and until I could find reasonable assurance that Saturday's effort will be orderly and constructive.

It is my belief that in spite of inflammatory predictions and rigid attitudes by the Department of Justice, the mobilization leaders are making a sincere effort to have a peaceful rally. But what is most significant is not the sponsorship of the mobilization but the multitudes of Americans who come to Washington in a good faith effort for peace. I feel an obligation to stand with these sincere people and I think the Administration has an obligation to provide them with maximum assurance of a peaceful assembly. There is, of course, no way to be certain that an effort involving tens of thousands of people will be a success or a failure, peaceful or disorderly, effective or ineffective. But I do know that I and multitudes of my fellow Americans enter it with a fervent hope that it will be orderly and successful. I am going to do my best to make it so, and that is why I participate. I hope that thoughtful citizens of all ages who are opposed to violence both at home and abroad will participate in the November peace activities as they did in October.

I participate in the peace mobilization as an act of conscience and responsibility. We have stumbled into a terrible mistake in Vietnam that is slowly poisoning both our Nation and Vietnamese. There is no moral or practical reason to continue this needless waste of life and treasure any longer. There is no higher act of patriotism than to exert every reasonable effort to end our involvement in the war.

So, recognizing the political risk of joining with vast numbers of people, including a few who may follow tactics and viewpoints different from mine, I take that risk for peace. I am participating in the peace mobilization for another reason, and that is because I am proud of the honest young idealists who will make up most of the Saturday assembly. I want them to know that some of us in elective office and some who are older feel a responsibility to respond to their concerns and to reinforce those concerns. It behooves all of us who believe in the American democratic process to do all we can to encourage young Americans to maintain both their faith and their participation in our political process.

I regret the recent onslaughts of the Administration against the young and against the entire peace effort. Likewise, I regret that a Justice Department spokesman should publicly assert that this week's peace effort is likely to be violent because it includes students from the University of Wisconsin, Harvard and MIT. It is shocking that a Department called Justice should engage in such a cynical and provocative blanket indictment of students at some of our greatest universities.

Furthermore, in denying the request of the peace leaders to walk on Pennsylvania Avenue, the Justice Department is inviting the very provocation it claims to deplore. Pennsylvania Avenue belongs to the people of America—not to Attorney General Mitchell & Co. I hereby call on Mr. Mitchell and the President to open up this historic avenue to those walking in the peace mobilization.

I also would like to suggest to the religious leaders of America that the churches and synagogues be open this week to those citizens who may wish to witness in silence their concerns about the war. Some may wish to pray for peace; others may wish to pray for the safety of our soldiers and the return of our prisoners; others may simply wish to meet in silence in the hope for new guidance and strength.

In any event, the violence of Vietnam is, like all great issues, basically a moral question which must finally be confronted on the grounds of personal conscience and personal responsibility. That is what the peace efforts of this week are about, and that is why I feel better today now that I have decided to participate.

[From the Washington Star, Nov. 10, 1969]

Nixon Speech Reaction: McCarthy Joins the March

(By Mary McGrory)

From Eugene M. McCarthy, 1968's anti-war hero, has come the Senate's first all-out endorsement of this weekend's anti-war demonstration.

The senator from Minnesota, who challenged the previous President's Vietnam policies, says, "I think President Nixon's speech last Monday requires it. I will participate in any appropriate way."

"It's almost like starting over in New Hampshire," says McCarthy, whose campaign for the presidency ended in bloody street clashes in Chicago, which many think could be repeated here.

"It might be violent, but the prospect for violence is no excuse for not participating," he tells an interviewer.

The majority of McCarthy's colleagues have headed for the hills on the demonstration, which has controversial sponsorship and multiple goals, not all of them focused on ending the war.

Resolutions of support for the President's policies are being hastily prepared in both houses of Congress as a reproachful welcome to the anti-war groups hoping to march here Friday and Saturday.

"I prefer the regular political processes," says the senator, "but the President's speech calls for protest. I wasn't inclined to participate before he spoke, but the speech shows there has been no change in his attitude since the Moratorium. He has hardened his views."

Two dove senators, George S. McGovern, D-S.D., and Charles Goodell, R-N.Y., have been invited to speak at the mass rally scheduled for Saturday. They made conditional acceptances, and held back a final answer on advice of some Moratorium workers, who are groaning in double-yoke with the Mobilization. They were told that their hesitation will help the Moratorium to exact concessions on stricter marshalling and other counter-violence procedures.

McGovern's position is especially understood. He is an undeclared candidate for the presidency, and riot over the weekend could be fatal.

Goodell intervened last Friday with the Justice Department on the matter of parade permits, but reiterated his stand that his support was conditional on more militant anti-violence precautions.

McCarthy, always happiest when swimming against the stream, says he thinks members of Congress who share the anti-war views of the majority of the people who will gather here have a duty to lend their support to the effort.

"It shouldn't be a confrontation between the President and the people. We who have constitutional obligations in the making of foreign policy should interpose ourselves between him and them.

"There was danger in Chicago, political and physical. There was political danger in New Hampshire—and physical too, it was pretty cold up there. There's danger in any large gathering of people."

McCarthy's offer to participate in "any appropriate way," indicates a willingness to speak. It is not so easy to get on the speakers' platform, which already has some 15 entries. Any oratorical possibility has to be strained through an 80-member steering committee of the New Mobilization, which has many considerations and many obsessions. Someone said that if Pope Paul VI offered to say a word, he would have to go through the process and qualify under a category.

The moratorium section, which is outnumbered on the steering committee, has tried to concentrate on the single issue of the war and to attract a high degree of respectability. But the Mobilization is diversity-minded and has insisted on including a demand for "self-determination for black people" as one of the goals of the march.

McCarthy, who took on the other Sen. McCarthy in public debate at the height of the terror in the early '50's, is undeterred by the problems that have proved hang-ups for most doves. Whether his unequivocal stand will inspire other critics of the war remains to be seen. It may cut down on the hand-wringing, which is the prevalent attitude toward the march and which is much encouraged by the Nixon administration.

[From the Washington Post, Nov. 10, 1969]

Administration Draws Hard Line Against Dissenters

(By Ward Just)

The Nixon administration, led by the Justice Department with moral support from the Vice President, is embarked on a campaign to directly confront the dissenters in America.

It has so drawn its lines as to encourage violence this week, when the thousands mass in Washington to protest the war in South Vietnam. The idea apparently is to make dissent extremely expensive, which is fine as long as the administration understands what the political consequences will be; and one doesn't mean "political" in the party sense.

The conclusion is reached reluctantly, on the theory that the Mitchells and the Kleindiensts of this world would not wish to see violence this week. But that is the effect of the ruling that bars the use of Pennsylvania Avenue to the marchers. It is a bad ruling.

This administration has misread the temper of those who want to demonstrate against the war. Listen to Deputy Attorney General Kleindienst and the instant image is of a howling pack of crazies, bent on destroying the city and endangerig the personal safety of President Nixon. At his press conference Thursday, Kleindienst said among other things that nine busloads of students from the University of Wisconsin were coming to Washington, "and we should be reminded of the violence that occurred there early this year . . . we are entitled to the judgment that some of those students on those nine buses" may engage in violence. Sure, Kleindienst is entitled. But he might be interested to know how Mrs. Lawrence R. Knoebel, a middle-aged lady who is the wife of a banker, read his statement when she heard it on television in her living room in Glencoe, Ill., Thursday night.

"Why those are our sons at Harvard and MIT and Wisconsin and this man is reading a statement on television that all they want is violence," Mrs. Knoebel said. "It isn't true. We worked hard and struggled to send our children to college . . . you talk about a backlash. Well, there is a backlash in Glencoe."

And it is against the administration. Glencoe is a rich suburb on Lake Michigan north of Chicago. Mrs. Knoebel and some friends from the North Shore Women for Peace (it's the area's oldest peace organization; founded in 1961) began to solicit interest in the November moratorium a few weeks ago. First they hired two buses for their members, but some of them complained about riding fourteen hours on a bus, Glencoe to Washington, so they hired an airplane with 105 seats instead. All the seats are filled with middle-aged businessmen and their wives.

There is another 50-seat airplane which has been chartered by some church groups on the North Shore plus (at this writing) a half a dozen buses from Lake Forest College and Barat College, neither one a seedbed of radicalism. There are so many groups arranging for transportation to Washington that Mrs. Knoebel hasn't been able to keep track of all of them. But her phone has been ringing continually since the deputy attorney general's press conference, and the callers are angry suburban women who think they have been misunderstood. "So we are going to show them who the silent majority really is," Mrs. Knoebel said.

That is what this march is all about, in Glencoe and Kokomo (where fifty citizens stood in the town square and read the names of the war dead on October 15) as well as the East Village and Haight Ashbury. What Kleindienst and Mitchell and the others apparently do not understand is that the peace movement in this country is not confined to youthful radicals and crazies out to destroy society. These officials seem incapable of discrimination—at least that is the only plausible explanation on the evidence we have, Agnew's speeches and the Attorney General's press conference, a not-too-comforting meld of words and actions. The Justice Department, apparently badly frightened, is preparing the city for siege.

The administration does have some disturbing intelligence on planned disruptions. There isn't any doubt that a hard-core militant few will be out to bust some heads and bust some windows, to anger the establishment and discredit peaceful demonstrations. It is useful to note at this point that the "organizers" (they are really very little more than shepherds) of the demonstration have been eminently reasonable in their proposals, including the one that would have the line of march proceed from Pennsylvania Avenue to E street back of the Treasury and the White House to the Washington Monument. Anywhere from 40,000 to 70,000 persons would march that route; the rest would be confined to the Mall. It is difficult to see how such a march could pose a threat to the President or to anyone else. In any case, if the Justice Department thinks it can stop violence (if such is planned by the crazies) by denying a march permit on Pennsylvania Avenue, it is alarmingly out of touch.

The expectation of apocalypse is now so great and all-pervading that men like Mark Hatfield and George McGovern are beginning to back away. Hatfield has told his peace-minded constituents to stay home and cultivate their own gardens. At first look, that seems a sensible enough injunction. The larger the crowd, the greater the potential for violence. No one here is entirely easy with the thought of half a million marchers. ("If they got 200,000 kids at Woodstock to listen to a few stoned musicians, how many do you think they can get to Washington to protest the damned war?" one well-placed Republican said the other day.) But on second look, Hatfield's idea isn't really a very good one because it leaves the field to the kids.

The whole point of the peace movement in America is that while it is energized by the young, it is financed and to a degree fed by the old. It is broadly based, by sex and race, by age, by wealth, by region. As one of the moratorium leaders pointed out the other day, it is a movement, not a political party. It is not exclusive like a country club, but wide open like a public park.

The suspicion persists that what this administration may be trying to do is drive away the middle-aged people like Mrs. Knoebel with horrifying predictions of a tiger let loose in the streets. Perhaps the administration wants to influence its putative silent majority with television pictures which show only the young and bearded, bell-bottomed, sandalled, and naked. Keep the ordinary people away and give the day over to the young, and when the violence breaks out—as surely it will—the administration can point to "the kids."

It would be a tragedy if that happened with this march, because it is not just a children's crusade. It cuts across all lines, and is as deeply felt in some parts of Glencoe as in Cambridge or Madison. One ventures the thought that older, so-called respectable people can have a leavening influence in a crowd of college kids. It's a serious business, this march this week, and it ought to be representative of what the movement is about.

The Justice Department's stiff-necked attitude is a prescription for disaster. "I don't understand the magic of marching down Pennsylvania Avenue," Kleindienst told his press conference on Thursday. If he doesn't, it means he is either (a) stupid or (b) hopelessly out of touch, either way no cause for optimism now, three days before the demonstrations begin.

ADDRESS BY THE VICE PRESIDENT TO THE NATIONAL MUNICIPAL LEAGUE IN PHILADELPHIA, PA.

Mr. CURTIS. Mr. President, our distinguished Vice President made a speech this noon in Philadelphia to the National Municipal League. Among other things, he said:

> The point is that while there is a lot wrong with America, there is a lot more right with America. Our strengths outweigh our problems. Our potential is vast, and the time we waste on negative introspection could be far better invested in positive action.

Mr. President, I ask unanimous consent that the Vice President's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

From its birth, the National Municipal League has been consecrated to the concept of a dynamic American democracy where citizenship is an exacting obligation; government, a service; and politics, an honorable profession.

The founders of the National Municipal League understood that the citizen was central to the system. In a time of political corruption, they retained their faith in democratic institutions. They were reformers, *not* radicals . . . and, as reformers, they would stand apart from many in the present generation of critics because of their insistence that failure was not the fault of the system, but the citizen.

In a dissertation on the causes of young radical dissent, the distinguished University of Michigan professor, John W. Aldridge, states: "Although the necessity for reform is the ostensible and conscious reason for their protests, one notices how vague the militants are about the precise nature of the measures they wish to be taken; how much more articulate they are in their demands for confrontation than they are about the concrete issues of confrontation."

Charles J. Bonaparte expressed the prerequisites of reform very well: "If you wish to secure for the community a better government, you must make the community deserve a better government, and show it deserves it by getting it."

Men like Theodore Roosevelt, Charles Shurz, Charles Eliot and Louis Brandeis, who founded the Municipal League, and you, who carry it forward today, know that workable democracy will not appear on demand, but must be deserved. Freedom is earned, not given. Citizenship involves more than voting and paying taxes. Reform requires a positive program. What held true when the National Municipal League was formed seventy-five years ago, hold true today. Progress is predicated upon the existence of constructive alternatives to replace what is being discredited and abandoned. It is not enough to see corruption and to condemn it. Work must begin—not end—with a call to "throw the rascals out."

And the work of the National Municipal League, as well as the work of its founders, began with faith in America—its system and citizens. Those men had deep, enduring confidence in the resiliency of our institutions and the destiny of our nation. One word could describe their attitude, and that word was patriotism.

It was not just jingoistic pride, but something far more profound, that inspired the vision of a Theodore Roosevelt and the perception of a Louis Brandeis. They were sophisticated men in the best sense, and they were "socially aware" by the best of contemporary standards.

Several years ago, a foreign student addressing a college seminar was asked about his future plans. The young man replied, "I want to return home to serve the country I love." Fellow students gave him a standing ovation.

But I wonder what the reaction would be if an American student at an American college announced that he loved his country? Would there be applause or embarrassment? I suspect that many have been conditioned to be embarrassed by such an overt expression of patriotic sentiment. I would guess that many in sophisticated America consider love of country gauche or irrelevant.

A double standard has emerged. We admire patriotism in others, but condemn it in ourselves. We seem to see everything about ourselves except what we have achieved. We forget that this nation fought a bloody war to secure freedom for an oppressed minority. We forget that this nation was conceived and has continued as an asylum for the world's oppressed. We overlook the fact that today our country remains the first choice among the world's immigrants.

Although we cannot be complacent about our faults, neither should we be apologetic about our strengths. Yet apology appears to be becoming our national posture. We have seen attempts to pervert the liberal virtue of self-criticism to the national vice of self-contempt.

Some weeks ago a professor named Robert Paul Wolf wrote in review of a book called *The Making of a Counter-Culture:* "American society is ugly, repressive, destructive and subversive of much that is truly human." He contended that this view of American society "is now acknowledged to be true by virtually every sensible man and woman." Now, most Americans, and certainly most sensible Americans, don't share that view.

The point is that while there is a lot wrong with America, there is a lot more right with America. Our strengths outweigh our problems. Our potential is vast, and the time we waste on negative introspection could be far better invested in positive action.

Just because America has not implemented all the ideals of the Declaration of Independence and the Constitution does not mean that we should stop trying. Our inadequacies should be a spur to improvement. If ever American society totally achieves its ideals, it will do so because those ideals have become unchallenging and ludicrously low. In the case of a self-renewing society, each generation establishes a new and higher set of ideals. Our notable failures should not diminish our noble aspirations, but rather fuel our determination to close the distance between what is and what should be.

While I concede that some of our institutions and establishments are in serious need of change, there is no reason to believe that our free system of government will in any way impede democratic responsiveness to this need. Today's dissidents misdirect their fire when they attack the system. They should instead use the system to reform the institutions anid establishments.

To those who question the validity of our system, the answer is participation in the processes of democracy. To those who question the social worth of the free enterprise system, the answer is to make business more responsive to the problems of society. The alternative to alienation is involvement.

In speaking of the lack of pragmatic involvement of the young today, Professor Aldridge links it to a tranquil, undemanding personal life. Continuing, he says: "Difficulty brings more of our essential humanity into play than tranquillity does and so heightens our responsiveness to life."

Involvement is the theme of your convention, and it must become the goal of our nation.

Today I intend to focus on the rich potential of private involvement. I recognize that this audience is fully conversant with the substance and purpose of the President's domestic proposals to achieve "the new federalism." So I want to draw upon my past experience as a Governor and County Executive to cite some immediate problems which you can best solve.

The private sector has historic precedents for initiative. As far back as the dawn of written history, the private sector has always led. Education was a private institution before it was a public one. This was true in a broad sense of welfare and health, until the Twentieth Century. Only after private citizens discern and respond to needs does the public sector adopt or extend programs. This pattern continues today. Public kindergartens, day care and community health centers, are recent derivatives of private pilot projects. Your first challenge—as citizens—is to scrutinize institutions, isolate problems and develop solutions.

The first item for action is education in citizenship. The foundation of good citizenship depends upon the inculcation of individual responsibility at an early age. There is little doubt that our generation has failed to carry out this basic requirement. In a devastating indictment of us as parents, Professor Aldridge castigates the permissive attitudes of post-World War II parents: "It is scarcely surprising that . . . the beneficiaries of all this love and attention and self-sacrifice should have grown up contemptuous of us, or convinced that really we were dead all along, and only they are alive. . . . So we taught them by our example and by our obsequious treatment of them to have no consideration or respect for adults and a grotesquely inflated respect for themselves."

Discipline is an essential precursor to self-discipline. Self-discipline is a prerequisite to productive citizenship. Since discipline and specific personal responsibility were not required in the home, imparting essentials of good citizenship was left to the schools.

I regret to say that the trend in early education was similarly not in the proper direction. There was down-play of competitive engagement among students and the way was all too frequently provided for the young student to avoid his responsibilities on the basis that he just wasn't up to them.

The centralization in junior high schools and high schools created an impersonal environment which did little to stimulate the warm interpersonal relationships conducive to citizen involvement. Added to this, there was a scarcity of formal teaching in the practicalities of citizen obligations. The curriculum was deemed adequate if it simply narrated the concept of our Federal system. What it should have done was to make clear that no other system depends so heavily upon the participation of people. It should have stressed that a majority of observers on the side lines will produce an inferior political leadership and an uninvolved electorate will be pawns for the manipulation of a minority of political activists.

It is time that we establish training in citizenship as an educational priority and set about investigating the means of making it an integral component in our educational process.

Not only our young, but our present generation of mature citizens, have much to learn about citizenship. In a recent survey made in Montgomery County, Maryland—a Washington suburb considered to be one of America's more educated and affluent subdivisions—two out of every three citizens could not name their County Councilman. We cannot begin to talk about responsive government until we know whom we must hold responsible for governmental action or inaction.

In modern computer-oriented society, there are few severe shortages of reliable public information. However, there are formidable deficiencies in publicity and public relations techniques. And, fortunately or unfortunately, most of our citizens are conditioned to the dramatic Madison Avenue approach. Like it or not, the fact is that, until we produce a new generation of civic-oriented consumers, we can serve the total community best by following advertising techniques.

Skillful presentation will not betray the integrity of a school bond bill. It is not beneath a businessman's or a candidate's dignity to launch an attention-catching campaign, and neither should it be beneath the dignity of civic groups. As a Governor, I saw the magnificent work of a Constitutional Convention—led by one of your Council members—fail at the polls because of inability to excite the electorate. We stood by our principles and the usual public information resources. Our opponents stood by a good "fear and fury," hard-sell, radio campaign and defeated a superb document.

The media have a tremendous obligation here as well. I recognize that the subtleties of everyday government cannot compete with an axe murder. I know that reporters thrive on political controversy and publishers have to sell papers. But freedom should be tempered by responsibility. Great causes extolled on the editorial page are often lost by reporting strident opposition on the front page while supportive but less exciting news is buried somewhere between the tire advertisements and the obituary columns.

During Maryland's Constitutional Convention, debate over regional governmental provisions was dull until enlivened by an occasional outburst of irresponsible rhetoric from one of the Convention's foes. In Baltimore County, a critical urban renewal loan became newsworthy as a result of the shenanigans of its opponents. The cumulative impact of controversy in daily dosages confuses and frightens the average voter.

Political participation remains the citizen's most effective lever. All too often citizens are reluctant to involve themselves in partisan politics. Entrepreneurs, who have never carried a precinct, have a condescending attitude toward politicians who have never met a payroll. Some think of politics as messy and believe that the best people should be above it. To say that politics is beneath us is to say that democracy is beneath us. A failure to participate in politics is a sign of ignorance, not innocence.

Anyone who does not work for good candidates is a drop-out from democracy. He not only abdicates a basic responsibility; he neglects a major opportunity.

You know that I am an outspoken critic of disruptive politics, of provocative techniques and of that small percentage of Americans who advocate destruction of our system. I am also an enthusiastic supporter of responsible participation for the young. I have continuously urged lowering the voting age to eighteen. As Governor of Maryland, I proposed a Graduate Corps—a comprehensive student internship program for state and local governments. With the cooperation of college leaders I was developing a Governor's Youth Advisory Council.

Right now I would wager that there are proportionately more young faces around the White House than around any city hall or county court house in the country. It is good business to draw new talent and energy into the governmental community, just as it is good business to draw the innovative ideas of youth into the industrial and professional communities.

We know that there is a silent majority in this country. This is the majority that President Nixon addressed on his Vietnam policy last week, and the majority which responded with such resounding support.

There is also a silent *young* majority who go to school, and to work, and to war, if necessary. There are the non-shouting concerned; the non-radical responsible; the non-complacent constructive activists of the under-thirty generation. Their idealism is disciplined by reason.

The presence, integrity and commitment of the silent young majority is overshadowed by the strident minority who arrogate unto themselves voice, virtue and power out of proportion to their numbers and even more out of proportion to their abilities. The silent young majority must be recognized. They must be given outlets for their concern, opportunities for their ideas, and responsibilities equal to their capabilities. The silent young majority is challenged to make itself heard, to come to its own defense. And we—the older majority—are challenged to accommodate them within all our institutions.

The young American community wants to be involved. The American business community must be involved. It is time to think of industrial development in terms of human resources. Businessmen must be challenged to relate enterprise to environment—and profit to people.

America's most successful businesses are challenged to do more than share the wealth. We are asking them to share their know-how and their capital to stimulate minority businesses; we are requesting that they broaden their employment base. Our goal is to turn capitalists into catalysts—catalysts for moving those on welfare rolls onto payrolls, and for moving those already employed up the ladder.

Finally, there is the need for increased involvement of the citizen as a volunteer. Despite all the noise about America's selfish establishment, the facts prove that the silent majority is a deeply concerned and active majority. There are more than a million voluntary hospitals and private foundations—service organizations, civic groups and fraternal clubs.

The Gallup poll has estimated that 61 million adult Americans would be willing to contribute 245 million man-hours every week to voluntary activities. There isn't a social problem that hasn't been solved sometime and somewhere in America. American volunteers have tutored dropouts, trained the unskilled, counseled juveniles, taught illiterates and found jobs for the unemployed. In establishing the National Program for Voluntary Action, the President has provided a new way to tap and direct the talents of the public spirited citizen.

There is work in this country—great work for every individual. Because our potential is so great and our problems are so many, we cannot help but be impatient with unproductive idle protest.

The mob, the Mobilization, the Moratorium have become somewhat fashionable forms of citizen expression. But each suffers from the same flaws that prompted the founding of the National Municipal League. They are negative in content; disruptive in effect. They inflame emotions rather than stimulate solutions. Protest is every citizen's right, but that does not ensure that every protest is right. It simply protects every citizen's lawful protest, be it right or wrong.

Ultimately, the popularity of mass street demonstrations will wane just as we saw mass violence wane over the past year. And for the same reason—they are pointless. Turning out a few hundred thousand people in a nation of two hundred million proves nothing in the way of a public mandate. We can speed the demise of carnival in the streets by withholding our sympathy. We can blunt its adverse impact by seizing the initiative.

The body politic of America's not able to survive on adrenalin any better than apathy. We are a mature nation, which means that we should be able to navigate a moderate course without being trapped on the shoals of mediocrity.

This is the challenge of the decade ahead. It is very much your challenge. Now, as never before, we have the opportunity to turn the power of America to great humanitarian purposes. I believe that this nation has a moral obligation to prove the virtues of a free system and meet the exacting standards of free citizenship. If this is patriotism, it is also a spirit of positive action. It is a mandate for involvement and a means of restoring a sense of community to our people.

Unless we are united in spirit and dedicated to our system, we will languish and eventually backslide. It is our freedom that makes us respected throughout the world—not our wealth; and it is our regard for the freedom of others which makes us invincible—not our military strength.

Because the intolerant clamor and cacophony rage about us, let us not be afraid to raise our voices in spirited defense of the most successful society the world has yet known. In this time of danger, it is an alarm we sound—an alarm that must be audible to be heeded. I, for one, will not lower my voice until the restoration of sanity, and civil order allow a quiet voice to be heard once again.

ABUSES OF COMPENSATORY EDUCATION PROGRAMS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, yesterday the Washington Post published a front-page article about a report by the Washington research project and the NAACP legal defense fund on programs under title I of the Elementary and Secondary Education Act. This is the major and important Federal program for meeting the special needs of educationally deprived children. Grants are made to local educational agencies in areas where there is a high concentration of children from low-income families.

Last year Congress appropriated more than $1 billion for title I, and I strongly supported that appropriation. I feel that our commitment in title I—to give disadvantaged children a fair opportunity to receive a good education and to develop the background to help themselves—is essential.

Unfortunately, a program of this magnitude and with this difficult objective is easily abused. The report released yesterday indicates a number of areas in which there has been such abuse.

In many cases, title I funds have been used to supplant, rather than to supplement, State and local funds. This has frustrated the intent of title I that more should be spent on disadvantaged children because they are needier. Title I money is not intended to be used as general aid for poor and not so poor alike.

In other cases, title I money has been diverted to schools who do not serve low-income children or to projects which do not further the purpose of compensatory education.

Evaluation has been insufficient. Information about title I programs has not been readily available to the public. Poor people and representatives of community organizations have been excluded from the planning and design of title I programs.

A number of other abuses are discussed in the report and in the Washington Post article on that report.

Mr. President, as a member of the Subcommittee on Education, and as a concerned citizen who feels that every child should have the opportunity for a good education, I am deeply disturbed by these reports of abuses of title I funds. The answer is not to cut back on title I, but to cut back on the abuses.

The subcommittee is at present considering the Elementary and Secondary Education Act. I intend to study very carefully this latest report on title I; and I intend to offer additional amendments which may be necessary to correct these disturbing abuses.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOLS ASSAILED ON FUNDS—REPORT FINDS POOR CHILDREN GOT LITTLE HELP

(By Peter Milius)

"Millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by state and local school authorities." according to a long and stark report made public yesterday.

The report, which is based largely on audits made but never officially released by the Department of Health, Education and Welfare, was prepared by two private civil rights organizations, the Washington Research Project and the NAACP Legal Defense Fund.

It deals with "Title I," the largest and most celebrated of federal aid-to-education prrgrams, for which Congress last year appropriated more than $1 billion, roughly a third of the Office of Education budget.

Much to the consternation of its supporters, Title I, which is only four years old, has not produced marked and measurable gains in achievement among the poor children it is supposed to serve.

Critics have attributed this failure to a faulty premise, arguing that these children are beyond the help of extra funds.

The report says the premise has never had a chance, because the money has never reached the children in the way Congress intended. It is likely to touch off a major debate, in Congress and out.

Title I money is supposed to go to poor children only, in addition to their fair share of state and local and other federal funds. The intended result is that Title I children have more spent on them than is spent on their schoolmates, because they are needier.

One way or another, the report says, state and local officials all across the country have subverted this intent. They have spent Title I money as general aid, on poor and not-so-poor alike. They have used it to supplant instead of supplement state and local funds In the South, officials have used it as well to discourage desegregation, threatening black children with loss of Title I services—free lunches, perhaps—if they transfer to white schools.

The report calls for a congressional investigation to "examine on a systematic basis the manner in which federal, state and local school officials are using Title I funds."

It declares that "the intended beneficiaries, poor children, are being denied the benefits of the act because of improper and illegal use" of the money, that state education departments "have not lived up to their responsibility" to carry out the law, and that the Office of Education "is reluctant and timid . . . and abdicates to the states."

It notes that "poor people and representatives of community organizations are excluded from the planning and design of Title I programs," contrary to federal regulations, and suggests that the money be turned over to "alternative vehicles . . . where state and local officials are unable or unwilling to operate effective Title I programs."

RIGHTS GROUPS CRITICAL

The civil rights groups made no attempt in their report to disguise their disenchantment with the education industry.

They note at one point that "to hear the educational profession and school administrators talk . . . Title I is the best thing that ever happened to American school systems."

Elsewhere, having argued that too much Title I money is spent on school equipment, they remark that "some of the major lobbyists for the passage of (Title I) were textbook publishing companies and the producers of education hardware. Their lobbying efforts have paid off . . ."

The report, which took six months to prepare, was written by Ruby Martin of the Research Project and Phyllis McClure of the Defense Fund. Mrs. Martin was director of HEW's Office for Civil Rights during the Johnson administration. They offered their findings yesterday "as a defense of Title I."

"Some may think that by inquiring into Title I we risk renewing old battles over federal aid to education," they wrote. "Some may think that criticism of how Title I money is spent . . . could jeopardize the entire legislation.

"Some may take the position that it is better to have Title I funds, even though . . . not always . . . as Congress intended, than not have them at all. Still others may feel that any use of these funds helps . . . even if . . . in violation of the law.

CHILDREN ON TEST

"We disagree . . . because ultimately it is educationally deprived children who will be held accountable for the federal investment. All the tests and evaluation to determine the effectiveness of Title I will be administered to poor children, not to school administrators or to state and federal officials."

The Office of Education had no comment on the report yesterday. Partly at Mrs. Martin's instigation, the office has been besieged in recent months with dozens of complaints about Title I abuses, most of them in the South, and particularly Mississippi.

Earlier this year, on the strength of the reports, Commissioner of Education James E. Allen Jr. sent investigators into Mississippi, then briefly froze the state's Title I funds until he got a promise of reform.

It was the first time federal officials had taken such a step. There have been indications since that HEW might tighten Title I enforcement. Yesterday's report was intended to hasten that day.

The report makes heavy use of HEW's own audits over the last few years, in the North as well as the South. The audits were turned over to the states involved, but not made public, and frequently ignored.

MANY EXAMPLES

The report contains hundreds of examples. Here are a few.

On use of Title I as general aid:

"An HEW audit of Louisiana school districts . . . in fiscal . . . 1966, the first year of the program, found that 23 parishes 'loaned' equipment costing $645,624 to schools that were ineligible to participate in Title I programs. The auditors noted that much of the 'loaned' equipment was 'set in concrete and fastened to the plumbing.' Much of the equipment had been at ineligible schools since its acquisition."

On use of Title I to supplant rather than supplement state and local funds:

In a Sumter County, S.C., school district in the 1968–69 school year, "all five of the predominantly white schools had libraries which were constructed with state and local funds . . . At least six of the seven black schools now have libraries also . . . However, all six of these libraries were built and stocked since 1965 . . . with Title I funds." Title I thus paid, not for an extra, but a regular school service.

LOCAL BONDS CANCELLED

Similarly, Columbus, Ohio, spent $195,551 of Title I funds to build additional classrooms at six schools. "The school board had previously committed local funds for the construction, but on 'May 3, 1966, the board cancelled encumbrances of bond funds . . . and authorized, instead . . . encumbrance of . . . Title I funds.' "

The report cited other and more flagrant abuses, some proven and some just suspected.

Among the proven: Use of Title I funds in one Louisiana parish to build two black swimming pools instead of desegregating white ones.

Among the suspected: Use of Title I funds to train black maids in one Southern district, to give white students summer jobs in another, "to meet the needs of researchers and the thesis requirements of graduate students rather than the needs of educationally disadvantaged children" in one Northern city.

Several abuses were cited in the District of Columbia, whose Title I expenditures in fiscal 1966–67 came under federal audit earlier this year.

The audit, given to city officials four months ago with no public announcement, criticized the District for spending its Title I money—more than $5 million a year—among too many children and programs.

Not all of the children and programs came within the federal guidelines, the auditors said.

The civil rights group called for a crackdown by the Office of Education. One obstacle, they noted, is that "state education agencies have historically guarded their prerogatives jealously against what they consider the imminent encroachment of federal control. In some areas, local authorities are as suspicious of state power as states are of federal power."

But in this case, the groups said, "the rights of children whom Congress designated as the sole beneficiaries of Title I have gone unprotected. Clearly, fears of federal control are unwarranted based on the evidence. If anything, there has been too little federal control."

COMBATING POLLUTION CREATED BY OIL SPILLS

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to a recent study on the subject of oil pollution.

Arthur D. Little, Inc., pursuant to a contract with the Department of Transportation, reviewed the question of oil discharges "to assist the Coast Guard in enhancing its short-term preparedness for combating and ultimately managing oil pollution." Volume I of the report, which has been made available to the public, is an assessment of oil pollution control and abatement methods. The summary conclusion of volume I states:

> The major operational consideration in any oil spill situation is that, if at all possible, the oil spill should be treated at sea to prevent the contamination of the coastline and attendant damage to the coastal ecology and economy. Operational procedures for combatting oil spills at sea must be based on a 24-hour day capability and point to a logical order of priority. First, the oil should be, if possible, contained at the source. Second, the oil inside the containment area should be removed. And, third, the oil that has spread outside the containment area should be removed—the combatant method depending on the kind of oil, its age, the sea-state, and other considerations.

The study points out that the technological capabilities to deal with major oil spills are severely limited:

> The state-of-the-art for combatting oil spills in the open ocean has not progressed significantly since the Torrey Canyon incident in March 1967, as demonstrated by the agonizing and expensive cleanup operations at Santa Barbara. In contrast, the state-of-the-art for combatting the more frequent oil spills in harbors is developing rapidly because of public pressures, harbor regulations, and the less severe conditions.

The following statements from the study indicate the present level of our capability to deal with oil pollution spills:

> *Mechanical Containment:* Mechanical booms are commercially available and have been successfully demonstrated in protected waters. However, none of these systems has proven effective in containing an oil spill in the open ocean, nor is there any boom system designed specifically for open-ocean use. The boom concept of open ocean containment, however, offers potential for all cleanup operations and reduction of cleanup costs by reducing the area to be treated.
>
> *Mechanical Removal:* The skimmer concept offers a potentially effective way of removing the oil from the ocean environment without introduction of other foreign materials. . . . No skimming device has been demonstarted to be effective under open ocean conditions.
>
> *Physical Sinking Methods:* Sinking agents were used with some success in the Torrey Canyon disaster. However, systems for efficiently spreading sinking agents are not available for treating large spills on the open ocean. More importantly, little is known about the mechanism of sinking, and the behavior of sunken oil on the ocean floor and its effect on the benthic ecology.
>
> *Chemical Dispersion:* Chemical dispersion has been the most extensively used of any combatant method. Dispersants are most useful on freshly formed slicks of light oil in a moderate-temperature environment. However, the toxicity of chemical dispersants to marine life has limited their wider application. We believe that the use of dispersants has been unduly restricted, particularly in the open ocean where biological activity is low. At present, chemical dispersion offers the most effective method of treating open ocean spills.
>
> Nevertheless, a better understanding of the physical chemistry and dynamics of dispersions is needed as well as that of the ultimate fate of the dispersed oil and the toxicity of oil-chemical mixtures. Equipment for the efficient application of dispersants must be developed before this method can be rated as operationally effective for large spills.
>
> *Physical Absorption:* Inexpensive absorption materials which could be easily distributed are available for the treatment of an oil spill with minimum damage to the ecology. The major limitation of absorption, however, is that the spent, oil-soaked materials must be collected. Equipment now available for the spreading and collecting of these materials either on calm or open water is ineffective. If effective equipment can be developed, this technique would be best suited for thin to moderate oil slicks where the wind will not unduly impede the distribution of the materials and where the biology is of sufficient importance to preclude the use of sinking agents or chemical dispersants.
>
> *Combustion:* . . . the feasibility of improving combustion of a large oil spill on the open ocean, has not been demonstrated.
>
> *Biological Degradation:* Biological seeding of oil slicks with special bacterial cultures is neither necessary nor especially effective for the treatment of an oil spill.

The report shows that the technology to restore damaged shoreline and beaches is even less adequate:

> Shoreline restoration technology is almost nonexistent and is highly labor intensive. The cleaning method to be used will depend upon the economic and recreational value and the nature of the shoreline. Restoration of sandy beaches may involve the loss of large quantities of valuable sand; the cleaning of rocky shores has had only limited success; and all restoration methods may have severe effects on the littoral ecology.

Mr. President, the most significant information provided by this study is the information on the cost associated with cleanup of an oil spill. On page 7 of the report the following statement appears:

> We estimate that these direct costs range from $1700 to $4100 for a small (1,000-gallon) harbor spill; from $64,000 to $115,000 for a medium (100,000-gallon) off-shore oil spill; and from $4.5 million to $8.5 million for a large (10,000,000-gallon or a 35,000-ton) off-shore spill.

Senators may recall that the section of the Water Quality Improvement Act passed by the Senate which deals with oil pollution did not establish a liability limit in those instances when the Government can prove that the discharge was the result of negligence or a willful act.

According to the report, the only operationally feasible method of oil pollution clean-up appears to be physical absorption, the use of straw to absorb the oil. This method would cost approximately $255 per gross ton in a 35,000-ton oil spill. Therefore, only when the Government can prove that a discharge was the result of negligence or a willful act will the liability limits passed by the Senate be adequate to cover the cost of clean-up.

Mr. President, the report should help those Senators who will join with me in the conference on the Water Quality Improvement Act insist on the provisions of the Senate bill which offer the possibility of adequate liability limits as against the provisions of the House version which do not.

More important, the report should also be important to members of the United States negotiating party at the conference of the International Maritime Consultative Organization in Brussels this month where an attempt will be made to negotiate an international oil pollution agreement.

I hope that Senators, the shipping industry, the oil industry, the negotiating team, and all others who share our interest in this serious and critical problem will examine the report carefully.

SIGNALS FOR PEACE: AMERICA AND VIETNAM

Mr. BROOKE. Mr. President, I would be less than candid if I did not admit that my reaction to the President's Vietnam address last week was somewhat mixed.

On balance, however, I believe that one primary emphasis was clear: the President is committed to peace. He is committed to nothing less than the withdrawal of American combat troops from Vietnam. And that withdrawal will be speeded by reciprocal peaceful overtures on the part of Hanoi.

This understanding was the substance of a statement which I released to the press this weekend. I believe these remarks may have even greater significance at this time, in light of events which have occurred in Vietnam and in the United States in the intervening days.

I, therefore, ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

SIGNALS FOR PEACE: AMERICA AND VIETNAM

Mr. President, the war in Vietnam has long generated deep concern and fierce passion among the American people.

It is not surprising that reactions to President Nixon's statement of last Monday should vary widely. Attitudes about the war differ greatly, knowledge of this complex struggle is uneven, judgments and preferences about our policy in Vietnam are not the same in all quarters. Furthermore, the President's extended review of the Vietnam situation contained a multitude of elements from which many different implications can and no doubt will be drawn.

But it seems to me that the central message was clear, and I believe it is extremely important for the American people and for the Vietnamese, both North and South, to focus on the critical signals the President sought to convey. Those signals amount to confirmation of the new departures which the President has initiated in our Vietnam policy and to a reaffirmation of his determination to continue a multi-pronged effort to bring the war to a conclusion.

I am disturbed that so little notice has been given to the fundamental commitment which the President made on November 3. He has undertaken nothing less than the removal of all American combat troops from Vietnam as soon as possible. That can only be seen as an immense contribution to lowering the violence and to reducing the terrible loss of American and Vietnamese lives in this bitter struggle. Read in context, Mr. Nixon's formulation of his disengagement plan, even though he did not publish a fixed timetable, should be recognized as a basic reversal of the previous policy of ever-mounting U.S. involvement in the war. The President has pledged himself to continued de-escalation of the war.

This central message was capsuled by a wise member of the other body. Congressman John Anderson, when he said: "To those who ask, 'What is new?' The answer is, Not what has been said, but what has been done, What is new is not in the speech but in the record of this administration. President Nixon has turned the war around. Instead of escalating he is de-escalating. Instead of sending American troops to Vietnam, he is bringing them home—and some 60,000 are now on their way, more than 20 percent of all our combat forces in Vietnam. The heavy fighting is now being done by South Vietnamese troops. And the President has made a firm commitment to seek a formal peace whenever Hanoi is ready to negotiate."

This policy of de-escalation can proceed rapidly, if there is a mutual interest in reducing bloodshed in Vietnam. The other side has significantly curtailed its infiltration into South Vietnam in recent months. American casualty rates have declined to the lowest point in three years. Such changes have reflected not only the altered orders under which U.S. commanders are operating, but also, I believe, a measure of restraint on the part of the North Vietnamese. And the United States has not overlooked the other side's recent behavior in the field.

It is largely because of these factors, one judges, that President Nixon went so far as to declare that "our timetable for withdrawal is more optimistic now than when we made our first estimates in June." At that time, it will be recalled, the Administration hoped to do better than match former Secretary Clifford's proposal that we seek to remove most American combat forces by the end of 1970. Weighed in this light, what the President had to say was very encouraging. It is reasonable to expect substantial withdrawals of American troops beyond those already ordered home. What a welcome prospect that is!

It is a prospect dramatically reinforced by the United States' scheduled cutback in military spending in Vietnam. At the projected level of conflict American spending is to be reduced from $30 billion in fiscal 1969 to an annual rate of $17 billion by June 1970. That is a vivid measure of U.S. intentions.

The American government has formally taken notice of the fact that, while the North Vietnamese and the National Liberation Front have dampened hopes for diplomatic progress by their "stonewall" tactics in Paris, their deeds in Vietnam have given us reason to continue groping for peace through a program of mutual de-escalation. We have, in fact, done just what we ask of them: We have looked at their actions rather than their words. To some extent, they have done the same. Both sides must now continue to pursue this diplomacy of deeds, recognizing that the most important signals for peace may come not in Paris but on the battlefield itself.

We all regret that active diplomacy has failed to produce the kind of serious negotiations which could devise a sounder and more immediate settlement of the war. The United States would much prefer direct and genuine negotiations to the awkward and difficult course on which we have embarked. We are willing to discuss all proposals for a political settlement in the war, including the other side's 10 points. The United States supports the principle of free elections under agreed international supervision, and *N.L.F. participation directly in the organization and conduct of such elections*. The Government of South Vietnam, as well as that of the United States, is pledged to abide by the outcome of such elections. Any Communist candidates elected in this manner would be accepted as the legitimate representatives of the people of South Vietnam. In addition the United States is eager to arrange a cease-fire under international supervision.

The other side's consistent unwillingness even to discuss such proposals as we and they might wish to advance is a source of deep distress. A negotiated settlement would be far more satisfactory than the informal, tacit, and less reliable alternative of a more protracted process of disengagement. The shortest route to a reduction of violence and of the U.S. troop level in Vietnam is by way of the conference table.

The refusal of North Vietnam and the NLF to negotiate has frustrated millions.

It was said—and I was one of those who said it—that a halt to the bombing of North Vietnam might produce successful negotiations. The bombing was stopped. Diplomacy stood still.

It was said—and I was one of those who said it—that a curtailment of American military operations in the South might bring true negotiations. Those operations were limited. Diplomacy stood still.

It was said—and I was one of those who said it—that effective discussions might occur if the National Liberation Front were given a place at the conference table. The NLF took its seat in Paris. Diplomacy stood still.

It was said—and I was one of those who said it—that genuine negotiations must contemplate the participation of the NLF not only in inernationally supervised free elections but in the deisgn and organization of those elections. The offer of such participation evoked no positive response from Hanoi and its partners. Diplomacy stood still.

Under these circumstances the bitter disappointment over the diplomatic stalemate is understandable.

Yet neither side should abandon the effort to achieve fruitful negotiations. We must always seek to break the diplomatic stalemate. Bargaining is better than bloodletting.

In the welter of comment which has arisen since the President's address, we and the Vietnamese should not lose sight of the essential signals it contained:

First, the United States is prepared to expedite an end to the war by earnest, open-minded, intensive negotiations among all the parties concerned.

Second, the United States will continue to de-escalate the war as rapidly as possible, and American combat troops will be withdrawn from South Vietnam on an established, but flexible, timetable.

Mr. President, it would be a grave mistake for Hanoi to overlook these constructive signals. To step up the fighting at this time could lead to consequences unwanted by either side. By responding to the affirmative aspect of American policy, Hanoi will earn the gratitude and respect of all those who seek peace.

In grasping the hopeful signs that mark the paths to peace, we can find a common ground for disengagement.

As Norman Cousins once wrote, "War is an invention of the human mind. The human mind can invent peace with justice." That is the invention for which the American people long, and for which they will continue to strive in Vietnam.

THE LEAGUE OF WOMEN VOTERS OF BALTIMORE

Mr. TYDINGS. Mr. President, the League of Women Voters celebrates its 50th anniversary this year. This outstanding organization has devoted countless hours of work to help citizens become well-informed about government and about the ways the individual citizen can influence what happens in government.

The energetic women of the League of Women Voters of Baltimore have immersed themselves in activities ranging from the preparation of a nonpartisan publication entitled "How To Register To Vote," to teaching a course in city government at Dunbar High School in Baltimore, to conducting leadership development courses for the training and encouragement of neighborhood leaders.

Service to voters and study and discussion of major issues facing our Nation are the two prominent concerns of the League of Women Voters of Baltimore. The article, entitled "Feminine Gender," written by Susan C. Dilts, and published in Baltimore magazine of June 1969, provides an excellent description of the members of this local league, their works, and their ways.

I congratulate them on their success on this 50th anniversary. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FEMININE GENDER

(By Susan C. Dilts)

The subject under discussion was race relations. Most of the participants had something to contribute, and their comments were knowledgeable. A few spoke with authority about the Kerner Report; it was obvious they had actually read it, unlike many people who discuss it. They talked about the resentment felt by some whites long active in civil rights toward newcomers to the movement. They pointed out that their work in the ghetto had meant as much to them as it had to the people they had worked with and for.

This discussion took place in the glass-enclosed penthouse at Sutton Place, and those participating were about 15 white, middle-class women of varying ages. The occasion was a board meeting of the League of Women Voters of Baltimore. Some of the members lived downtown, near Sutton Place, others had come in from the suburbs. To look at them, you would think they were the sort of women who, at 10 o'clock on a Tuesday morning, would be leading the neighborhood kaffe klatch, but, although coffee was served at the meeting, gossip was not.

The League of Women Voters has arrived at its 50th anniversary with a dignity befitting middle age. Its members take it seriously, as they have been doing for half a century. Those who are active put in countless hours of work. The new president, Mrs. Edmund Glaser, has what amounts to almost a full-time job without pay.

Freda Glaser, known as Fritizi, is an attractive, efficient-yet-feminine woman who looks quite capable of handling the job in addition to her family responsibilities of a husband and three children. She lives in Mt. Washington, and her husband teaches at the University of Maryland Medical School in the Department of Physiology—a field she is familiar with, having been a laboratory technician at Johns Hopkins Hospital in pulmonary physiology for eight years. She joined the league in 1961; her most important recent pre-presidential activities centered on the league's efforts on behalf of the Constitutional Convention. The league had been working for almost 30 years on revising the state constitution, and Mrs. Glaser was chairman of the Baltimore City League on the Constitutional Convention; a large part of the effort involved going into the inner city, explaining the issues, urging people to vote, working with a segment of the population that is often forgotten at election time. Failure of the new constitution to win passage has not dampened her faith in the league's efforts at the polls.

The league's original purpose was to deal only with issues involving elections. This is no longer strictly true, and, in Mrs. Glaser's opinion, this is not necessarily for the best: "I feel the league does its best job in strictly political issues. I feel it has gone too much into social issues."

The league has changed a great deal in its 50 years. Its actual history dates from 1920, when the 19th Amendment to the United States Constitution was ratified, giving women the vote. Today it is hard to imagine a time when women had fewer rights than the newly-freed slaves. Yet it took 72 years for women to win the franchise.

The battle officially began in 1848, but it actually started in the minds of two women in 1840. In that year, a World Anti-Slavery Convention was held in London. Two Americans, Mrs. Lucretia Mott, a delegate, and Mrs. Elizabeth Cady Stanton, the wife of a delegate, were not only denied seats because of their sex, but were forced to withdraw to a gallery and remain behind a curtain. Little did those responsible for this indignity know what they had started. In 1848, the two women headed the first Women's Rights Convention in Seneca Falls, New York. Their daring proposition declared: "It is the duty of the women of this country to secure to themselves their sacred right to the elective franchise."

In 1890, two suffrage associations merged to become the National American Women Suffrage Association, which led the fight until 1920. With victory, the association saw no reason to disband and rest on its laurels; the National American Woman Suffrage Association retired and the League of Women Voters was born. The formidable Mrs. Carrie Chapman Catt, its founder proclaimed: "The vote is won. Seventy-two years the battle for this privilege has been waged, but human affairs with their eternal change move on without pause. Progress is calling to you to make no pause. Act!"

Today the league is a vast national organization of 150,000 members, whose purpose is to help citizens become well-informed about government and about the ways the individual citizen can influence what happens in government. The league divides its work into two parts: voters service and the league program.

The first is probably better known, including a vast amount of nonpartisan factual information about candidates and issues, and about the actual process of voting. The league publishes an extensive list of brochures and booklets on both local and national government, as well as sponsoring candidates' meetings at election time. Voters service is becoming more and more active in the inner city, working with neighborhood groups to encourage voter participation.

The league program is more complicated. This is a study program on three levels: local, state and national. The national issues are selected every two years by a process that is democracy carried to the Nth degree, being an eight-month exchange of ideas and voting carried on from the local level up through the national board. The national program for 1968–1970 includes the Electoral College; human resources; foreign policy, including United States relations with China; water resources; representative government and apportionment; tax rates and treaty making. The league has been criticized for spending two years on each national program, but many of these are issues the government has been unable to settle in many more than two years. At the end of this study, both pro and con, the league membership decides what is best for the public interest and actively promotes or opposes legislation on the subject.

State programs are also chosen every two years, and can include issues such as court reforms, election laws, constitutional revision and legislative reapportionment. The Maryland state program for 1968–1970 is welfare programs and services.

Local programs are chosen every year. Currently the Baltimore league is studying a program called "The Crisis in Baltimore . . . to Salvage our City." This includes the War on Poverty, education, the Community Action Agency, Model Cities, the Movement Against Destruction and many other aspects of Baltimore's struggle for survival. In addition to these three divisions, in the Baltimore area there is yet a fourth level: regional or metropolitan, and the issue under consideration here is a study of urban-suburban relationships.

This awesome array of subjects is studied by resource committees, then in small meetings called unit meetings, in discussions, in go-see trips. When a consensus is reached, the Board is notified and the league takes action. This can come in several ways: writing letters to newspapers and to elected officials, testifying at hearings of the Legislature, public meetings, lobbying, haunting the City Council.

The league emphasizes that any member who does not agree with the general consensus on an issue is perfectly free as an individual to oppose its decision, as long as she does not do it in the name of the league. The league is fiercely nonpartisan, although most members tend to think along similar lines. All league officers and directors refrain from partisan activities during their term of office.

In addition to all this, the league works through two special funds: the Overseas Education Fund of the League of Women Voters, founded in 1947, which, since 1961, has worked primarily with the women of Latin America, providing training for leaders and aiding civic organizations. The other is the League of Women Voters Education Fund, which is financed not by the league but by contributions from foundations and individuals. Its purpose is to develop new techninques of citizen participation in government, notably in ghetto areas.

Baltimore was chosen for one pilot program of the education fund—the East Baltimore Citizen's Center, located at Monument, Aisquith and Gay Streets. (In 1967, the Ford Foundation gave grants to the national league education fund for citizens centers in three cities: Boston, Philadelphia and Baltimore.) The purpose of the center is to discover ways League Members and ghetto-dwellers can work together to help inner-city people exercise their full political power, and, on the other hand, to help league members, especially suburbanites, to understand and try to do something about the problems of the ghetto.

Unlike many white civil rights organizations who are greedy for glory, the league has run the center anonymously. They have tried to work with existing neighborhood groups, and in their names, rather than as the League of Women Voters. The center is run by a steering committee, the members of which represent such groups as CORE, welfare mothers, neighborhood improvement groups, ministerial alliances. The co-chairmen of the steering committee are Mrs. Iris Robinson, from the neighborhood, and Mrs. Carolyn Gause, from the league. Less than half the steering committee members are from the league, and the league hopes eventually to withdraw from the committee entirely.

The league's activities at the center have included pre-election information meetings, nonpartisan publications such as "How to Register to Vote," a course in city government taught at Dunbar High School and three leadership development courses which have been successful in training and encouraging neighborhood leaders. The league also sponsors a group of graduate students in social work who work with tenant groups in public housing.

The Baltimore league is enthusiastic about the East Baltimore Citizens Center. The learning process has worked both ways: members have been able to teach neighborhood residents and, in turn, have learned a great deal about a way of life many of them had rarely seen. League board member Mrs. William Duff, who has been active at the center, says: "I think the most important thing to the league is that members had a chance to see the diversity in the black community. The people we have worked with include the full range, from black militants to church ladies."

The Ford Foundation funding of the center expires this summer. The league is already trying to locate additional funds elsewhere to continue it. Now its anonymity is a drawback; because it has been so careful to remain in the background, people don't know about this activity and it is hard to raise money.

Nationally, the league is trying to raise money in a big way. In conjuction with its year-long 50th anniversary celebration, a campaign is underway to raise $11 million to expand services. This is the first time the league, a non-profit organization, has had a nationwide fund-raising drive. About a third of its income is from dues—in Baltimore there are approximately 700 members, and membership costs $10 a year—the remaining two-thirds comes from donations.

Mrs. William Balfour, first vice president of the Baltimore league, is local chairman of the anniversary fund-raising drive. "The money we raise," she says, "will strengthen all aspects of the league's work. We don't plan to do anything new. We want to do what we've been doing, only do it better. What the league has been doing during the past 50 years is going to get a lot more expensive. Before we consider the next 50 years, we have to have more money."

Funds are needed to pay a staff; all officers serve without pay. For national officers, this can be a large personal expense, since travel is frequent. Locally, only the secretary in the league office is paid. Mrs. Balfour points out that it is getting more and more difficult to find people who have time to do volunteer work. Years ago, when a woman's children had grown, she turned to this type of work. Now she returns to work for a salary. The league feels it would be strengthened if it were able to pay its officers. "As it is now," Mrs. Balfour says, "our president not only has to write her own speeches, she has to type them herself." And probably on an antiquated typewriter.

The Baltimore league headquarters is a small, crowded suite of offices at Sutton Place, furnished with Early Reject office furniture. Mrs. Glaser points out that because of inadequate equipment, the league has to pay to have a lot of their work done outside, which it really can't afford. What is needed most is a duplicating machine to replace an old hand-cranked mimeograph. "Any businessman or company with unused office equipment hidden away somewhere . . ." she mentions with a smile that would warm the heart of the most dedicated anti-feminist.

DEFENSE PREPAREDNESS AGAINST COMMUNIST AGGRESSION IN VIETNAM JEOPARIZED

Mr. DODD. Mr. President, one of America's most distinguished and experienced foreign correspondents explained starkly and surgically the aftermath of reckless opposition to our role in Vietnam. He was especially concerned with what could happen to all our defense preparedness against Communist aggression.

I ask unanimous consent that the report of a speech by William H. Stoneman, as published in the Ann Arbor, Mich., News issue of November 6, 1969, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Ann Arbor News, Nov. 6, 1969]

Correspondent Fears Vietnam Issue May Harm All Military Preparedness

If opposition to the war in Vietnam broadens into widespread opposition to all military action or preparedness, the consequences to NATO and democratic Europe could be disastrous, according to one of America's most respected foreign correspondents.

William H. Stoneman, one-time special adviser to United Nations Secretary General Trygve Lie whose 40 years with the Chicago Daily News Foreign Service, ranging from Great Britain to the Soviet Union, have made him eyewitness to the 20th century's most important events, evaluated the U.S. military posture Wednesday during a homecoming address before the Ann Arbor Rotary Club.

He concluded with these remarks:

"I have been deeply impressed, since my return to the United States in August, by the strength of public opposition to our effort in Southeast Asia. Of course I can understand the aversion of anybody to any war, and of course the war in Vietnam is particularly disagreeable.

"What I find difficult to understand is the manner in which this opposition to the action in Vietnam has developed into a widespread opposition to military action or even to military preparedness. This could have fatal consequences to NATO and the end result to democratic Europe could be disastrous.

"Of one thing we can be deadly sure. The faceless men who run the Soviet Union, many of them hold-overs from the Stalin days, and all of them accomplices in the Czech affair, are watching our every move. We can only hope that what they see will not be encouraging.

"Don't let anything happen to NATO."

A 1925 graduate of the University, Stoneman has returned to the U-M journalism department this term to teach a graduate seminar in foreign correspondence. His current leave from his Paris post as European correspondent for the Daily News permits a true homecoming, since he was born in Michigan (Grand Rapids) and attended Ann Arbor High School.

Stoneman, who describes himself as a perennial "local yokel" who has "been missing boats for 40 years" all over the globe, said he hopes never to lose what he was taught as a boy: a respect for the dignity of the human spirit and the right of all human beings to decent free existence.

"This background has made it utterly impossible for me to understand, let alone accept, the attitude of some prominent Americans in the old days that Fascism was what the Italians needed because their history was full of despots, that the Communist terror of the '30s was okay for the Russians because they were used to being beaten up by the Cossacks and the Okhrana, and that the vicious German militarism which had been revived and polished up by Adolph Hitler was, all right for the Germans because they liked to goosestep and listen to brass bands.

"Likewise it makes it impossible for me to understand those present-day Americans who accept with composure the fact that hundreds of millions of our fellow human beings are living in poverty and that a large proportion of all humanity is living under the police terror of military dictatorship.

"I know enough about the possibilities of hydrogen warfare and also know enough about the might of Russian and Chinese conventional forces to discard any thought of trying to free the enslaved peoples of the world by force."

"But," he said, "I am personally revolted by the thought that things are as they are. It is a matter of personal concern to me that the institution of military dictatorship should not be permitted to expand as long as we have it in our power to prevent it from doing so."

Stoneman, whose first foreign assignment was in Sweden, a country he personally loved, commented that "it is one of the great disappointments of my life that Sweden has now become a nest of pathological anti-Americanism."

A review of Stoneman's experiences indicates how close he stayed to the century's major events:

After Sweden he was in Italy at the time Mussolini was talking war and fighting with Pope Pius XI.

Stoneman was in the Soviet Union during the 1933 famine, and in Ethiopia in 1935 for the Italian-Ethiopian war. Then on to Berlin where Hitler was stirring up the frenzy that was a prelude to World War II. He was based in London from 1936 to 1946, a witness to the constant aggressions by Hitler that Stoneman says could easily have been stopped early.

"While Hitler and Mussolini staged a dress rehearsal for the big show by intervening in the Spanish Civil War," Stoneman said, "all France and Britain did about that was to organize a non-intervention committee."

Stoneman went to France in 1939 with the British Expeditionary Force and remained with it until the evacuation at Dun-kirk in May 1940. On VE day he was in Prague and was "captured" briefly by the Russians.

"I have paid too many visits to our war cemeteries to feel that I was anything but a spectator at a vast catastrophe," Stoneman said, adding: "But I did learn something from all the tragedies of the '30s and from the war itself. It was this: By our refusal to recognize the truth that the civilized western world was confronted by monsters who were intent on a war of conquest we made World War II, and all the death and misery it involved, inevitable."

Stoneman paid high praise to the Marshall Plan, started in 1949, which he called "the most enlightened act of international charity in all history." It provided around $15 billion worth of goods to the democratic countries of Europe to aid in their systematic economic rehabilitation.

"I think that every thinking student of this effort, European or American, will agree that it was largely responsible for preventing the establishment of Popular Front governments in both France and Italy, with the risk of ultimate Communist take-over," the veteran correspondent said.

AMERICAN ABDICATION IN VIETNAM WOULD BE DISASTROUS

Mr. TOWER. Mr. President, an editorial published recently in the London Daily Express clearly expresses a point which the President made in his speech on Vietnam last week. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE TEST OF A PEOPLE

The American people are now facing what may prove to be the biggest test of their history. Yesterday's massive demonstration against the Vietnam war showed clearly how grave is the situation.

Yet it is vital that at this stage the Americans do not lose their nerve. Upon them and upon their resolve the security and freedom of the Western world depend.

Without them Western Europe would certainly face the same fate as Czechoslovakia.

Now the yearning to end the killing in Vietnam is understandable. That war has brought tragedy into thousands of American homes. The Government of South Vietnam is tainted with corruption. Relentless criticism has been directed at American participation in the war even from America's friends.

Not surprisingly, large numbers of Americans want to be rid of a struggle which is seemingly devoid of purpose.

Yet if the U.S. withdraws from its commitments in Vietnam without securing an honourable settlement, where will the retreat stop? The border between North and South Vietnam is part of the frontier between the Communist and non-Communist worlds. It was breached by the Communists. If the U.S. crumbles now, subversion will be rewarded and America's will to resist aggression may well weaken everywhere.

Let there be no misunderstanding about what that would mean. The freedom of everyone in the West—not least the anti-war protesters in Grosvenor Square—would be in peril.

America is the powerful champion of liberty, of the right to dissent. And the price of that liberty is the resolve to defend it—against those regimes which imprison or liquidate dissenters.

The Americans are in a desperately complex situation in which they have had no help from their European allies. It is cheap and easy to shout "Yanks, go home." Many of those who do so in the West are free to roam the streets saying what they please because for 20 years the Yanks have *not* gone home.

However eager people may be to bring peace to Vietnam, American abdication there would be disastrous to the whole Western world.

COLUMNIST JOSEPH KRAFT WRITES OF "A CHANNEL TO HANOI"

Mr. MUSKIE. Mr. President, in yesterday's Washington Post Joseph Kraft contributed a significant column entitled "A Channel to Hanoi—A French Expert Says the North Vietnamese Are Quite Willing To Bargain With United States." The article discussed President Nixon's exchange of correspondence with Ho Chi Minh earlier this year. In the column, Mr. Kraft also reported on a conversation he had in late September with Jean Sainteny, the former French High Commissioner in Vietnam. At that time, M. Sainteny had just returned from attending Ho's funeral in Hanoi, where he had discussed with North Vietnam's Premier, Pham Van Dong, the possibilities of a negotiated settlement of the Vietnam war.

From this conversation and the released text of the Nixon-Ho corespondence, Mr. Kraft reached the conclusion that the President had missed a conciliatory tone in Ho's response to his letter. This is much the same conclusion that I had reached and which I discussed in the Senate last Friday. I ask unanimous consent that the text of Mr. Kraft's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHANNEL TO HANOI; A FRENCH EXPERT SAYS THE NORTH VIETNAMESE ARE QUITE WILLING TO BARGAIN WITH UNITED STATES

(By Joseph Kraft)

It is passing strange that so many people have made up their minds so quickly about the President's speech on Vietnam. For at the core of Mr. Nixon's argument, there is a mystery—the mystery of why negotiations have gone sour.

The President's claim, of course, is that the intransigence of the other side is to blame. But the evidence he offered argues the opposite. And so does the view of a truly weighty figure used by the President as counselor and go-between—the former French High Commisioner in Vietnam, Jean Sainteny.

The issue of negotiations is central because the President offered the country an absolute choice between immediate withdrawal and his plan for Vietnamization. Since hardly anybody favors a bugout, the tendency is to go with the President, but only if there were no other alternatives available. And in theory, at least, one obvious alternative is negotiated settlement.

It is not only an obvious alternative, but a very promising one. For negotiation offers a genuine answer to two problems usually raised sophistically by persons whose public reputation or sense of the dramatic requires that the war go on.

Through negotiations, it is possible to avoid—by an international guarantee of personal safety—the bloodbath so widely feared if the Communists gained the upper hand. Through negotiations for a neutral Southeast Asia, it would also be possible to guarantee the small states in the area against Communist domination—to prop up the dominoes.

The uses of negotiation were plainly not lost on Mr. Nixon and his chief foreign policy adviser, Henry Kissinger. Even before they took office, they had opened a line of communication to the late President of North Vietnam, Ho Chi Minh. And subsequently, they pushed negotiations through the Russians and in secret meetings in Paris.

So what went wrong? The President said in his speech that "the obstacle is the other side's absolute refusal to show the least willingness to join in seeking peace." As evidence, he released an exchange of letters with Ho Chi Minh. But Ho's letter, dated three days before his death on Sept. 2, does nothing to justify the President's staggering denunciation.

The tone is conciliatory. The text refers to the need for "good will on both sides." It speaks of an American withdrawal, but without the usual demand that it be either immediate or unconditional. It mentions the 10-point program of the National Liberation Front not as the only basis for settlement, in the manner of past demands, but more modestly, as "a logical and reasonable basis for the settlement of the Vietnamese problem."

Many American officials past and present—including the Johnson administration's chief negotiator in the Paris talks, Ambassador Averell Harriman—find Ho's letter a flexible document full of openings for negotiation. But the Nixon speech didn't say anything about making reply to the letter. Apparently it went unanswered. Why?

At this point, Sainteny becomes relevant. He was an old friend to Ho Chi Minh. He slipped into Washington this summer under somewhat mysterious circumstances, and may have been the means of passing Mr. Nixon's letter of July 15 on to the other side. Previously, Mr. Nixon had sought his counsel on Vietnam even to the point of once searching him out for a chat when Sainteny was off sailing on the Mediterranean.

I saw Sainteny at the end of September, just after his return from the funeral of Ho Chi Minh in Hanoi. He had had a long talk with Premier Pham Van Dong. He was persuaded that the other side was prepared to accept a settlement that would include an independent and noncommunist South Vietnam set in a neutralist Southeast Asia.

The obstacle to agreement, in his view, was that Hanoi did not have any faith in Mr. Nixon's claim that he wanted agreement. On the contrary, the North Vietnamese thought the United States was still trying to impose in Saigon, by military means, a pro-American government hostile to Hanoi.

Sainteny felt—and his feelings were made known to the President—that the United States could dispel Hanoi's doubts in two ways. One would be a formal statement that the United States recognized the principle of total withdrawal of American troops from South Vietnam at some unstipulated date. The other would be by broadening the present regime in Saigon to include some political figures who were not diehard anticommunists.

If these views are correct, then the responsibility for blocking negotiations does not lie only with Hanoi. Washington is to blame for not making considerable concessions, for wanting to shove the Saigon regime down the throat of Hanoi.

Maybe Mr. Nixon's plan for Vietnamization can succeed. Maybe the South Vietnamese will prove able to undertake their own defense with an American contribution so low as to be no cause for internal strife in this country. But I have looked upon the South Vietnamese government and upon its army, and I have my doubts.

In any case, the price being paid for Mr. Nixon's policy should be clear. The other side has now been confirmed in its worst suspicions of the United States. Negotiations are much more difficult than ever before—if possible at all. A long and bitter struggle, almost certain to intensify at some point, looms ahead. That struggle is, by no mere rhetorical touch, Nixon's war.

FUTURE TASKS OF NATO

Mr. JACKSON. The 15th General Assembly of the Atlantic Treaty Association, of which the Atlantic Council of the United States is the U.S. member, was held in Washington from October 20 to 24 to commemorate the 20th anniversary of the signing of the North Atlantic Treaty. The Assembly of about 400 delegates from the 15 NATO countries plus Malta devoted its debates primarily to an examination of the future state of the alliance in light of present world politics.

Its deliberations were facilitated by a report of the Secretary General of NATO, Ambassador Manlio Brosio; by a panel discussion on the state of the alliance led by four of the signers of the North Atlantic Treaty, Messrs. Dean Acheson of the United States, Lester Pearson of Canada, Halvard Lange of Norway, and Bjarni Benediktsson of Iceland; and by the active participation of 80 young leaders from all the member nations.

The Assembly delegates moved to Norfolk to the Headquarters of SAC LANT for 1 day's discussions during which they had the benefit of briefings by Admiral Holmes, supreme commander Atlantic, General Goodpaster, supreme commander Europe, and Adm. Sir Nigel Henderson, chairman of the NATO Military Committee. The Assembly also had the benefit of reports by committees, including that of the Military Committee, whose chairman was Gen. Lyman L. Lemnitzer of the United States, and whose Rapporteur was Gen. Hans Speidel of Germany, and of the Political Committee, whose chairman was Ambassador Sergio Fenoaltea of Italy, and Rapporteur, Eugene V. Rostow of the United States.

At the end of the week of sessions a final report was adopted. I ask unanimous consent that it be printed in the RECORD. I commend this report to the Senate. I think it points toward the future tasks of NATO, not only in the military field, but also in the political, economic, and environmental aspects.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

FINAL RESOLUTION ADOPTED BY THE 15TH GENERAL ASSEMBLY OF THE ATLANTIC TREATY ASSOCIATION, WASHINGTON, D.C., OCTOBER 24, 1969

I. INTRODUCTION

The Fifteenth Assembly of the Atlantic Treaty Association, meeting in Washington to commemorate the Twentieth Anniversary of the signing of the North Atlantic Treaty, directed its debate primarily to an examination of the future tasks of the Alliance, in the light of present and prospective conditions of world politics. Its deliberations were facilitated by a Report of the Secretary General, Ambassador Manlio Brosio; by a panel discussion on the state of the alliance, led by four of the signers of the North Atlantic Treaty in 1949, Messrs. Dean Acheson, Lester Pearson, Halvard Lange, and Bjarni Benediktsson; and by the active and welcome presence in the Assembly of eighty young leaders drawn from all the member nations. The Assembly had the benefit of reports by its Committees on Military Affairs, whose Chairman was General Lyman L. Lemnitzer, and Rapporteur, General Hans Spiedel; on Political, Economic and Social Problems, whose Chairman was Ambassador Sergio Fenoaltea, and Rapporteur, Eugene V. Rostow; and on Information Policy, whose Chairman was Raymond de Balasy, and Rapporteur, P. Mouriau de Meulenacker.

The Assembly is convinced that a dynamic, imaginative and forward-looking Alliance is more necessary than ever to the security and well-being of the peoples of the member nations, as a factor working for detente and world peace. It recognizes the contribution already made by the Alliance to the security of its members, and to peace, but realizes the stresses in public opinion produced by the frustration thus far of our long and patient efforts to secure general acceptance for the idea of peaceful co-existence, based on the principles of the United Nations Charter. It believes that the best remedy for this disease of the spirit is a renewal and deepening of Allied solidarity. Through such action, the governments could achieve the renewal of will which is indispensable to the vitality and success of the Alliance in the long run.

II. DEFENSE AND SECURITY

The Assembly recognizes the fact that the military threat to the Atlantic Alliance has not only been intensified, but has also been diversified into the political, economic and psychological fields, and is world wide in extent. In particular, the Soviet maritime build-up, not only in the Baltic and Mediterranean, but in the Atlantic, Pacific and Indian Oceans, now presents serious threats to the northern and southern flanks of the Alliance and to the interests of its members in all parts of the world.

The Assembly recognizes that the necessary response to these challenges depends upon the closest possible political consultation, forward planning and diplomatic action, backed by adequate military force. Deterrence involves anticipating crises and countering them before they become acute.

The Assembly therefore strongly supports the strategic guidelines already agreed to by the member Governments. The indispensable requirement is to provide for forward defense and for flexible and balanced ranges of response, both conventional and nuclear, to any aggression or threat of aggression. The action required implies honoring obligations to provide and maintain agreed force levels, both in quantity and quality, and the provision of the necessary reserves. The North American presence in Europe at its present strength remains as important as ever. The Alliance should cooperate to establish financial arrangements appropriate to facilitate the achievement of this goal. Better cost-effectiveness can be obtained through more standardization of research, development, production, procurement and logistics, and particularly by better coordination among the European members of the Alliance. A higher degree of mobility is also most necessary.

The Assembly views with concern the problems presented on the flanks of NATO upon which common policies and united actions are required. The increasing Soviet naval presence in the Atlantic and in the Mediterranean, the defense of Malta, and developments in the Middle East and North Africa are arc all of major concern to members of the Alliance.

The Assembly also calls attention to the fact that the reliance of members of the Alliance on seaborne trade, much of which is outside the Treaty area, demands special arrangements backed by the necessary maritime forces. There is an increasing air, surface, submarine and amphibious threat, and adequate anti-submarine forces, in particular, remain urgent requirements.

The Assembly therefore recommends that the NATO authorities and the governments of the member nations give due consideration to, and institute a study of measures to safeguard NATO maritime interests wherever they may be called upon to do so.

III. POLITICAL, ECONOMIC AND SOCIAL AFFAIRS

The Assembly calls on the governments of member nations, as a matter of urgency, to carry out the programs approved by the North Atlantic Council in December, 1967, on the basis of its study of the Future Tasks of the Alliance. The purpose of that Council Resolution was to deepen and improve the practice of consultation within the Alliance, in order to facilitate the harmonization of policies, and the development of concerted policies, through which a program of initiatives for peace could be pursued. These must include measures to overcome the division of Europe and of Germany. In this connection, the Assembly supports the recommendations of the United States for regular high level consultations, and the establishment of a special political planning group within the Council. It recommends also that attention be given to the problem of effective crisis management, through flexible procedures calculated to assure maximum feasible allied consultation in advance of critical decisions.

The Assembly calls special attention to the important principle recognized by the North Atlantic Council in December, 1967, that the security of the Alliance "cannot be treated in isolation from the rest of the world," and that the Council should consult with regard to "crises and conflicts arising outside the treaty area" which "may impair its security either directly or by affecting the global balance." In that connection, the Assembly believes that the Alliance has a direct and continuing interest in the security of the Mediterranean and the achievement of peace in the Middle East. The Assembly therefore recommends that the Alliance pursue an active program intended to secure these ends. As a contribution to the security of the Mediterranean, the Assembly believes that the relation of Malta to the Alliance deserves active and sympathetic study. In addition to other steps, it hopes that the European Communities can play a useful role in their relations with Middle Eastern states.

The Assembly supports the constructive proposals put forward by the North Atlantic Council in June, 1968, calling on the Soviet Union and the nations of Eastern Europe to join with the members of the Alliance in seeking to secure balanced and mutual force reductions in Europe, and agreements on arms limitations. The Assembly reiterates its conviction that appropriate arrangements for security and detente in Europe, the Mediterranean, and the Middle East must rest on agreements, and not on unilateral force reduction; it goes without saying that no European security conference should be considered without the participation of the United States and Canada. In this connection, the Assembly welcomes the assurances given in April by President Nixon that the United States will consult fully with its allies, before and during any talks with the Soviet Union on the limitation of nuclear weapons.

The Assembly reiterates its support for the principle that the long term health of the Alliance would be assured best through the development of European unity on a wider basis, and the evolution of the Alliance as a partnership between Europe, Canada, and the United States. It therefore urges that efforts to unify Europe within the framework of the Atlantic Community should continue and deepen.

The Committee is convinced that the political, economic, technological and cultural interdependence of the nations and peoples of the free world becomes more profound, and more irreversible, with every passing month. While the North Atlantic Council has broad and flexible powers, altogether adequate to its responsibilities, the Assembly believes that our present habits of Allied cooperation, and arrangements for Allied cooperation, do not now fully provide for effective governance of this process; to this end, much can be done through the better utilization of existing international bodies, if the member governments have the will to do so.

Therefore it calls on the North Atlantic Council, the Organization for Economic Cooperation and Development (OECD), the General Agreement on Tariff and Trade (GATT), the appropriate United Nations bodies and the member governments to press for the adoption of policies and programs, and the development of institutions, which could further consolidate and improve the economic, scientific, and social development of our nations, and of all nations. In this connection, the Assembly recommends that the Alliance examine sympathetically the possibility of stimulating action by appropriate national and international bodies to improve the quality of human life in modern societies. It reaffirms the responsibility of the member nations to take their full and continuing share in the great task of helping the developing nations complete their task of modernization.

IV. PUBLIC OPINION

The Assembly recalls that political decisions in Western countries depend upon the approval of their citizens, and that it is impossible to pursue for long an important political goal without being assured of the constant support of public opinion.

Information being the principal task of the A.T.A., the Assembly therefore emphasizes the necessity for the Atlantic Treaty Association and for its national branches to organize a systematic information effort explaining the necessity for the Atlantic Alliance now and in the future.

The Assembly further calls for special steps to provide information, provoke reflection and stimulate discussion with the younger generations who will play an increasingly important part in the evolution of the Alliance into a true Atlantic Community.

LOW-COST HOUSING

Mr. **PERCY**. Mr. President, a most critical need in our country today is that of supplying decent, low-cost housing—a need which our technology is capable of meeting.

Recently an article was published in the Christian Science Monitor, a part of a series on housing and our urban crisis, which describes some of the ways we could utilize our "assembly-line" technology to build great quantities of housing units at low cost. The article states that many of these techniques, adopted from the United States, have been implemented in European countries.

Earlier this year while in Denmark I had the opportunity to visit the Herstedernas Kommune project, and its success confirms this article. This project was begun just 5 years ago, and now 20,000 individuals are living in it. The expectation is that 40,000 people will be living in 13,500 units by 1975.

I ask unanimous consent that the article, entitled "Wanted: 26 Million Homes," be printed in the RECORD. Since Congress is aware of the need for additional housing units, the article will be most timely.

There being no objection, the article was orderd to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 11–13, 1969]

WANTED: 26 MILLION HOMES

(By George H. Favre)

The assembly line, which put America on wheels, is putting millions of Europeans under good roofs now.

The United States has a surplus of concrete under foot and a shortage of decent housing overhead. Congress has called for 26 million new housing units to be built in 10 years, but under present conditions—antiquated building methods and zooming mortgage-interest rates—the country cannot meet that goal. Housing has been considered a basic need of life since the days of cave dwellers, but the United States is rapidly coming to a point where only luxury housing can be built.

One way to beat the high cost of housing is through assembly-line efficiencies. This is nothing new. Europe has been doing it for years.

Congressional study groups, presidential committees, and housing economists are coming to a common conclusion: The nation must repatriate the assembly line from Europe and make it perform for the housing market here as it has so admirably performed for the automotive market.

PROCESS LIMPS ALONG

The process, as a matter of fact, is already under way. But it limps along in a fashion that would appall Detroit. If automobiles were designed, assembled, and marketed the way housing is, Americas would still be driving tin lizzies (those who could afford them).

The $25 billion-a-year home-building industry is fragmented into a mishmash of materials suppliers, developers, building contractors, subcontractors, architects, engineers, finance agencies, lawyers, and realtors. Various combinations of those coalesce to build a house or a development of hundreds of houses. That done, they quietly fold their tents and steal away into the off-season darkness of bad weather or a poor economic climate. Later they reassemble in a new combination for a new building project.

What is needed, say the experts, is a systems approach.

Bits and pieces of the fragmented housing industry have for many years been painfully moving toward this goal. But the closest they have come to it is the mobile home. And despite the fact that mobile homes made up 23 percent of the entire new housing market in 1967, these aluminum-sided, enamel-coated dwellings still are far away from many Americans' dream of what a home should be.

Therein lies the biggest problem. On the one hand, 4.5 million Americans live in mobile homes. Most of these are set up in mobile parks. Contradicting the once popular notion that only gypsies would live in mobile homes, the average stay is 5½ years—the same as residents of permanent homes.

According to the President's Committee on Urban Housing, 90 percent of the mobile-home parks are outside city or metropolitan areas. The figure is significant.

It says that neither cities nor suburbs want mobile-home parks. This is partly because mobile homes seem temporary, not permanent housing. Prejudice harks back to "trailer parks" filled with shabby 8x30-foot trailers, blaring radios, screaming kids, and rootless people of little means.

Probably the biggest opposition, however, comes because mobile homes are inexpensive housing, and the parks they occupy do not yield the high property taxes of permanent housing developments. The argument is that they lower property values on the one hand and increase costs for schools, police, and other local services on the other. The conclusion is that mobile home owners do not carry a proportionate share of the property-tax burden.

SWIMMING POOLS INCLUDED

Some of these prejudices may have some weight. But many of the preconceptions do not hold water. For one thing, today's mobile park resembles the old-time trailer park as much as a Holiday Inn Motel resembles the old overnight cabins on Maine's back roads.

The best of these parks include heated swimming pools, community recreation centers, attractive landscaping, wide paved streets, professional management, and very strict rules. Objectionable tenants are ejected quickly.

None of this is to say that life in a mobile home park is either the ultmate or the inevitable in tomorrow's America. What it does say is that when a small, pioneer segment of the home-building industry can put together housing units that offer 720 to 1,500 square feet of living space, completely furnished, for $5,400 to $12,000—and double its sales in five years—it must be doing something right.

That "something," most expert observers agree, is assembly-line production.

(For comparison, take that 720-square-foot, $5,400 mobile home. It sits on a well-kept lot of rented land in open countryside. Its owner pays $50 to $70 a month rent, and the park management pays property taxes. Compare that to a 720-square-foot, two-bedroom apartment in a high-rise public housing project in a large city. It cost taxpayers $15,000 to $25,000 to build, its tenants are on welfare, and public housing pays no taxes.)

PREFAB COMPONENTS USED

But mobile homes are not the only kind of prefabrication going on in the United States. They just happen to be the nearest thing to assembly-line production Detroit style.

Practically every house or apartment built in the country today has some degree of prefabrication. The assembly-line process begins with component parts for conventionally built housing. These parts may be wooden roof trusses, plumbing "trees," heat pumps, prehung doors and windows, molded fiber-glass bath units, and precast concrete panels.

Manufactured homes are the next step up toward factory-built, assembly-line production. Home builders, such as National Homes or Techbuilt, for years have been factory building precut, preassembled home components. These are sold as a package, shipped to the site, and assembled. The purchaser or builder pays for the land, site improvements, interior furnishings, fixtures, and so forth.

Most manufactured homes are wooden frame houses. They may be single homes, row houses, or low-rise garden apartments. Once assembled, they look like any house built from the foundation up by craftsmen on the site. Some firms, especially in the Southwest, are using precast concrete load-bearing panels.

MODULES SHIPPED

Still closer to Detroit's assembly line, from which the completed automobile rolls off, is the modular unit or "box" system. As the name implies, instead of a knockdown package of flat wall, roof, floor, and truss sections, the box system produces three-dimensional modules or "boxes." These are shipped to the site and set beside, or on top of, one another to form a house. As wooden row houses or low-rise garden apartments, they can be stacked three high.

The modular or box system can also be concrete. Moshe Safdie's celebrated "Habitat '67" in Montreal is the best-known example on the North American continent. Precast concrete box units have been used for several years in England, Europe, and Russia for low-cost high-rise mass housing. Americans tend to be unreceptive to all-cement housing, especially when it goes vertical. That is why most of the modular housing being produced in the United States so far is wooden.

The modular idea is catching hold, due to its obvious economies in time and money. Sylvania, Ohio, for example recently saw a 16-unit garden apartment building put together in two weeks. The pilot project, by Scholz-Homes, Inc., has two stories. Its one- and two-bedroom apartments will rent for $140 to $175 a month.

More recently Stirling Homex Corporation of Avon, N.Y., put up 10 factory-built units in Akron, Ohio. They were the first of 1,500 two-story modular homes to be built for low-income families by the Akron Metropolitan Housing Authority. The 10 units were set in place and ready for occupancy within three days. The complete project will include models with up to five bedrooms. Each unit comes complete with vinyl-covered floors, central hot-air heating, insulated windows, and completely built-in bath and kitchen facilities.

The same firm put 16 three-bedroom, air-conditioned houses in Rochester in 32 hours and sold them to the Rochester Housing Authority for $13,000 apiece to be rented to low-income families. The units have 1200 square feet of living space, 1½ baths, and wall-to-wall carpeting.

Even at its present stage of development, which by Detroit standards is very unsophisticated, the mobile and modular home building industry points the way toward some meaningful solutions to the country's housing problems.

But in order to make the most of assembly-line economies, a number of preconditions have to be met. Detroit can produce the highly engineered automobiles that it does, in all of their varied styles, not only because of tooling, assembling, and production techniques—equally important, there is a large market to buy the product and a distribution system moves the finished cars to the automobile showrooms on Main Streets across the nation.

The automobile market does not simply exist, like some angler's dream pond, filled with fish waiting for the hook to drop in on them. As any televiewer, billboard connoisseur, or reader of magazines and newspapers knows, the market is created with the magic of advertising dollars. It took highly talented, highly priced Madison Avenue legerdemain to sell those monstrous tailfins to an undiscerning car-buying public back in the 1950's. The same techniques can be used to better ends in selling the modular-home concept.

Distribution is perhaps a stickier problem. Most modular homes and mobile homes are limited to 12-foot widths and 60-foot lengths. For a very practical reason, this is the maximum size package that can be trucked on most state highways. In any case, shipping costs become prohibitive for too great distances. As a result, almost all manufacturers service regions within a 300-mile radius of their factories.

PORTABLE FACTORIES USED

One way around this problem is on-site, portable factories. This system is used extensively in Europe for its poured-concrete industralized building projects.

A portable-factory experiment is being tried under government contract at Georgia Air Force Base in California. There the Re-entry Systems Organization of Philadelphia, a General Electric Company subsidiary, is collaborating with a Long Beach, Calif., architectural firm to design an on-site factory. This unit, which would be placed under an inflatable dome, would build a 200-unit family-housing development for military families. The "factory" itself would be mounted on two dozen flatbed trailers. These, joined together under the dome, could eventually spew forth up to 1,000 units a year.

Government involvement is an almost essential key to developing the needed combination of research, development, financing, production, marketing, and delivery systems that can support an assembly-line approach to housing.

The National Commission on Urban Problems, which has done the most thorough probe of the whole housing picture, is insistent that without large-scale production and development the nation can never hope to meet its commitment to build 26 million dwelling units in the next decade.

It calls on the "government and public-spirited private organizations" to fund the research, experimentation, new technology, and new approaches in both the "hardware" (production) and the "software" (marketing) end of the housing field.

Congress pushed government into housing technology in Section 108 of the Housing Act of 1968. This section directs the Secretary of Housing and Urban Development to approve up to five plans, by public or private agencies, designed to experiment with promising new technologies. Each of these methods, would be tested by production of at least 1,000 units a year for five years. They would be conducted on federally owned or other land where local building regulations would not hinder use of new methods.

Currently HUD is working with the National Academy of Sciences to set up guidelines and a strategy to put the Section 108 into operation.

Meanwhile, HUD Secretary George Romney has announced "Operating Break-through." This marketing-oriented approach to assembly-line production of housing reflects his experience as former president of American Motors.

Basically the plan involves pooling of the separate housing needs of states and cities into a single mass market. Once the market is determined, according to Secretary Romney, "We can go to the national corporations and say: 'What can you produce for this market?' "

VARYING CODES INVOLVED

The corporations would submit competitive bids. State or city housing authorities could contract with the lowest bidder.

To make the plan work, governors would have to resolve the problem of widely differing zoning ordinances and building codes. These have been a major obstacle to a systems approach in the building industry.

The model-cities program, public housing projects, and urban-renewal efforts across the country offer a ready-made mass market for such a systematized approach to construction.

There is at least one optimist in all the hordes of gloomy-eyed housing experts. Ezra Ehrenkrantz, president of Building Systems Developers in California, fully expects the systems approach to bud and blossom in the United States.

He forecasts that American technology can carry the process far beyond Europe's pioneering efforts. Mr. Ehrenkrantz is one of the nation's most innovative designers of building systems. His Universal Residential Building System (URBS), designed for a series of University of California student dormitories, is an intricate, high-precision concept that surpasses anything being done in Europe today.

The URBS itself involves five component subsystems. Different manufacturers are invited to bid on these components, which they must develop themselves. The finished interlocking components must conform to high-precision standards in order to fit together.

If sophisticated engineering systems like that being developed by Mr. Ehrenkrantz can be combined with equal quality in architectural design and finishing, and at reasonable cost, the United States could be at the threshold of a housing breakthrough that will match the brilliance of its performance in the automotive sphere. Meanwhile, Europe is the leader in the field.

TAX REFORM ACT OF 1960—PRIVATE FOUNDATIONS

Mr. HARRIS. Mr. President, considerable concern has been expressed in the past several weeks over provisions in the House-passed Tax Reform Bill, H.R. 13270, relating to private foundations.

As a member of the Committee on Finance, I favored eliminating or modifying certain of the harsh provisions of the bill. The committee did make some changes in the House bill, but some of the harsh provisions remain.

Recently, Representative JOHN BRADEMAS, of Indiana, in an address to the executive board of the American Jewish Committee, discussed certain of the provisions of the Tax Reform Bill which he feels would be detrimental to private foundations. In his thoughtful remarks, he called to the attention of the executive board the contributions to society that private foundations and institutions have made in working on problems of housing, employment, and education.

So that Senators and others will have the benefit of the address made by Representative BRADEMAS, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY REPRESENTATIVE JOHN BRADEMAS TO THE EXECUTIVE BOARD OF THE AMERICAN JEWISH COMMITTEE, OCTOBER 25, 1969

I want to talk to you today about some trends in American life which seem to me to be dangerous to the fabric of freedom in our country. I refer to the growing threat to the exercise of private initiative in the public interest.

As a Member of Congress and as a practicing politician who enjoys the give and take of what my old boss, Adlai Stevenson, used to call "combat politics," and, moreover, as one who feels that if we are to effectively attack many of the problems that beset our country, we must have positive action by government, I obviously am not one of those who regards all activity by the Federal government as inspired by the devil. But I believe with equal conviction that the Federal government—indeed, government at any level—should never become the only agency in our society for attacking problems.

It was the diversity and activity of private organizations which, you may recall, that extraordinary observer of American institutions, Alexis de Tocqueville, characterized over a century and a quarter ago as America's outstanding contribution to modern civilization.

"I have often admired," said de Tocqueville, "the extreme skill with which the inhabitants of the United States succeeded in proposing a common object to the exertions of a great many men and in getting them voluntarily to pursue it."

Indeed, it is not too much to say that the proliferation of private, non-governmental organizations at work in nearly every area of American life is indispensable to our free and open society. I must therefore regard with deep concern any effort that would undermine the pluralism and the diversity such private institutions represent.

And today there are attacks on pluralism and diversity in our country—attacks that, if left unchecked, may turn out to be even more harmful, over the long pull, than the drift in Vietnam, the alienation of our young, or the problem of the two societies of which the Kerner Commission spoke.

There is, indeed, a significant relationship between our capacity to resolve some of these great problems and the subject of my remarks to you today. For much of the hostility to established institutions in this country, especially on the part of young people, is a symptom of the failure of many of these institutions to deal responsively and effectively with the problems that plague us.

Let me here observe that the source of many of our difficulties today unlike the period of the Thirties, lies in the private rather than the public sector. While it is true that government—and especially state and local government—has a long, unfinished agenda, in recent years we have especially at the Federal level, enacted many new laws to extend equal opportunity and civil rights in recent years. And we have created many institutions of government to administer these laws.

What has been lacking, however, is implementation, and implementation of these laws, to an increasing degree, requires responsive and effective action in the private sector—if the laws are to have any substantial meaning.

In housing, employment, and education—to name only a few areas—industry, business, religious groups, the universities, trade unions, and organizations like your own must play an indispensable role. Many institutions in the private sphere have already initiated programs to grapple with some of these problems. Urban coalitions have been formed, including one in my own hometown of South Bend. Universities are groping for new ways to deal constructively with the restiveness on their campuses. Many corporations are trying to find new methods to train and provide opportunities for less advantaged workers. And private agencies like the American Jewish Committee are continuing to provide much-needed insights into the behavior of individuals and groups in our society.

This ferment within the private sector—these many attempts to deal in new ways with long-neglected problems—are, I think, ultimately our best hope for the future.

Yet I fear that there is now developing a countertrend to these positive efforts. Resistance to change can be very strong, even in a society of change like ours. The sense of excitement to meet massive challenges and to do the impossible is in many places giving way to disenchantment and gloom, to fatigue and discouragement.

This reaction is understandable, for our dilemmas are so immense that they continue to dwarf our efforts to resolve them. Yet clearly we cannot afford to give up; the future of our society is at stake. This is why those who refuse to back down, who make bold to act anew, who insist that we achieve the promise of our society for all our citizens, must somehow redouble their efforts to find solutions.

At this critical point in our history, then, we are faced with a serious attack on a keystone in the arch of private problem-solving in American life, and that keystone is, of course, philanthropy. Private philanthropy in America has been for many years a fountainhead of research, of experimentation, of innovation—an essential tool for fashioning the institutional changes necessary to conquer our problems instead of being conquered by them.

The attack I speak of comes in the form of a provision in the Tax Reform Bill recently passed by the House of Representatives and now under consideration in the Senate. There are, as Dr. Morton K. Blaustein, your distinguished Vice President, has already indicated, many important reforms in that bill. But, the House tax measure contains provisions that would immobilize a major resource for national self-renewal, for scientific and technological progress, for social invention and experimentation.

I am talking now about legitimate philanthropic institutions which use their income and some of their assets year after year for the advancement of science, education and culture in America. I have no quarrel—indeed, I am in full accord—with those provisions of the House bill that seek to deal with the abuses by foundations or individuals that have as their dominant objective escape from taxation.

The trouble with the House bill, however, is that it fails to distinguish between the genuine philanthropies and the tax dodgers. It would tax both kinds of organizations equally. What is perhaps even more important, the bill would impose on *both* the same serious restrictions on the kinds of programs they can support.

I am very pleased that the American Jewish Committee has been one of the first and foremost critics of those features of the tax bill which would severely impair the ability of foundations and other groups to do their good work. Under the closed rule by which the bill was considered in the House of Representatives, there was no opportunity to offer amendments to it. We should, however, be aware of the dangers—as the Members of the Senate begin to consider their own bill.

As the Secretary of Health, Education and Welfare, Robert H. Finch, wrote to David M. Kennedy, Secretary of the Treasury: "The Act's present provisions with respect to taxation of foundation income and with respect to the permissible range of foundation activities would gravely damage the public welfare, defined in its broadest sense. These provisions would, in effect, diminish that sector of the Nation's life in which diversity, experimentation, and innovation flourish, and would constrict both the numbers and the influence of independent centers of thought and social action."

Let me review just a few ways in which, in my view, the House bill would gravely cripple philanthropy in America if it were enacted into law in its present form.

First, the bill imposes a 7½ per cent tax on the net income of all foundations, without distinction. Since this tax would reduce the funds available for grants to universities, hospitals and other nonprofit institutions, the loss would be the recipients' or potential grantees' and not the foundations'. As the Rev. Theodore M. Hesburgh, C.S.C., President of the University of Notre Dame, told the Senate Finance Committee, "a 7½ per cent tax levied on the investment income of foundations would, in effect, be a tax on Stanford and Johns Hopkins, Vanderbilt and Emory, Notre Dame and Denver and, indeed, on all the colleges and universities, great and small, in every part of this land, which benefit from the regular and substantial support of these foundations."

Now if the intention of those who drafted the House bill was to increase Federal revenues, theirs was a poor way of doing it because, according to the Committee on Ways and Means' own projection, a 7½ per cent tax on foundations would yield only $65 million a year to the government in the first year. This represents a mere three-hundredths of one per cent of this year's federal budget. Moreover, if we deduct from the projected $65 million the cost of enforcement and collection, and if we also take into account the possibility that some of the activities the foundations might have performed with this money would now have to be taken over by the Federal government, it is even possible that the government would incur a net fiscal loss. So clearly, from a revenue point of view, the bill is no stroke of genius.

The House bill, simply by draining off $65 million of venture capital from foundations, reduces the prospects for the significant kinds of breakthroughs in science, or education, or intergroup relations from which we have benefited in the past.

Everyone who marveled at Apollo 11 should recall that Dr. Robert H. Goddard's pioneering work in rocketry, which made that expedition possible, was supported almost entirely by the Guggenheim Foundation. In the early days of his experiments, you may recall, Goddard was the target of ridicule. The safer course for a foundation would have been to by-pass him and his peculiar rockets. And if venture capital is eroded by taxes, as would be the case if the House bill becomes law, the foundations will find it easier to ignore the bright young social scientists, the creative artists with long hair and strange sounds, or the small research laboratory with unusual ideas about the preventing of cancer.

Perhaps even more important than all this, the bill sets a most dangerous precedent, for if it is adopted, charity will become an object of taxation for the first time in our history. If the Federal government can levy such a tax today, why should not hard-pressed state and local governments soon follow suit? And, if the rate today is 7½ per cent, why should it not, like everything else, go up to ten or fifteen per cent in the years ahead? Indeed, on this score, even Secretary of the Treasury Kennedy seemed to be concerned, because he has recommended that the tax rate be set at two per cent.

Yet I suggest to you that even this lower figure of two per cent is wrong, dangerous and misguided. For any tax on any legitimate philanthropic institution cuts into the pluralistic base of our society.

If the government wants to do a better job of overseeing the activities of foundations—to separate the benefactors from the tax dodgers—let a fee be charged to all foundations, a fee that could pay for the increased policing responsibilities of the Internal Revenue Service. The difference between a fee and a tax is, of course, more than merely semantic. By charging a fee, we avoid setting a dangerous precedent, and at the same time we achieve the desirable social objective of preventing tax evaders from masquerading behind the cloak of philanthropy.

Perhaps the most insidious feature of the House bill is a clause that would impose heavy penalties on foundations for "any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof."

Now if the bill had used the word "lobbying" or "political activity" in the partisan sense, I suppose I would have no quarrel with its language. But the sweeping language in the bill seems carefully chosen to encompass the entire range of activities which have been the mainstay of foundation work in the field of social research and innovation.

The House bill as now written, according to James Day, president of the National Educational Television and Radio Center, would effectively wipe out our entire public affairs broadcasting.

Kermit Gordon, the former director of the Budget Bureau and now head of the prestigious Brookings Institution, says: "It is a common occurrence for a Member of Congress or a Congressional staff member to write or to telephone a specialist on the Brookings staff to ask for information or analysis relating to proposed legislation. Is the Brookings Institution," Dr. Gordon now asks, "now required to decline to answer such questions?"

Or one might turn to the crucial field of conservation and the quality of our environment. At first glance these activities seem uncontroversial. But under the House tax bill, the Conservation Foundation, for instance, might be subject to penalties because it educates the public on such matters as clean rivers and polluted air. Why? Because these are issues that may well be the subject of pending state, municipal or Federal legislation.

A great source of our national strength lies in the fact that legislation is fashioned in the crucible of public debate and testimony. Surely we want the members of a Fish and Wildlife Service in Maine or the Izaak Walton League in Indiana to express themselves in their newsletters—and in their letters to their congressmen—on a bill that they think would be harmful to the environment.

We want nonprofit broadcasters to have the same right to express themselves that commercial broadcasters do.

We need the help of institutions like Brookings or the Council on Library Resources to improve our capacity to legislate wisely.

If the House version of the bill becomes law, however, its effect could be to curtail some of the most thoughtful and disinterested advice that harried legislators depend on to make intelligent decisions. Secretary Finch has warned against the possible effects of this provision as "a disaster for our pluralistic society."

Now any one of these provisions in the House bill could, and in my view would, tragically curtail the legitimate role of private foundations. Taken together, these provisions, if enacted, would do grave damage to the principle of pluralism which suffuses strength and vitality into our free society.

The short-sightedness of these provisions becomes still more apparent when viewed against the record of foundation work in recent years. As Professor Jonas Salk recently told the Senate Finance Committee earlier this month: "There are innumerable examples of philanthropically initiated and supported research that would have been delayed or would not have been accomplished at all were it not for the American system of private philanthropy." Dr. Salk cited the research that led to the development of polio vaccine and the early work that produced vaccines for influenza and measles. Long before that, foundations pioneered in sponsoring the research which brought yellow fever and hookworm under control.

Universities here and abroad have benefitted greatly from the help of foundations; and many universities would have been much retarded without foundation support.

Medical education has benefitted enormously from foundation financing—and I cite particularly the famous Flexner Report, which had a revolutionary impact on medical education in this country.

Foundations have pioneered in early-childhood education, a field in which the subcommittee which I chair will soon be conducting hearings. It was on the basis of foundation experiments that we were able to write into law the Headstart program.

The development of high-yield miracle grains—foundation sponsored—has spawned the prospect of a "green revolution" in many of the poorest countries of the world. The promise of educational television, too, must be largely credited to foundation initiative.

The roster of foundation accomplishments, then, is virtually without end. And as my friend and former colleague in the House of Representatives, Chalres Goodell, now the Junior Senator from New York, said in a recent speech: "One foundation has a list of grantees that reads like an honor roll of American scholarly, scientific and creative achievement. Among the distinctions afforded its former grant recipients are 23 Nobel prizes and 78 Pulitzer prizes."

Clearly, then, to inhibit efforts that have produced such a distinguished and productive record would be against the best interests of the American people. We need more of the spirit of risk-taking, experimentation, and innovation, not less. Yet the present bill, as it is now written, would cast an aura of timidity over institutions whose *raison d'entre* is boldness of thought and courage in action. As Senator Abraham Ribicoff of Connecticut said, in announcing his opposition to these proposed restrictions on foundations: "I respect foundations more for its failures than for its successes, because the failures represent risking attempts to solve mankind's problems."

My analysis of the tax bill so far has been directed at the provisions aimed at private foundations. I have tried to show that the proposed restrictions would not really hurt the foundations as foundations. If foundations have less money to distribute as a result of this legislation, it is the grantees who will suffer, not the foundations. If foundations are not allowed to make grants for certain purposes, they will be obliged to choose safe, non-controversial areas for their seed money. And it will be the public interest that will suffer, not the Fords or the Rockefellers or the Carnegies.

Indeed, only a couple of days ago, there was announced a report of a study group, chaired by Peter Peterson of Bell and Howell, which had been given the responsibility of looking into the work of private foundations in this country. The Peterson committee reported that even now foundations in this country support far too few activities which might be considered controversial.

The issue, of course, goes far beyond this immediate legislation, important as it is. The question we really face is: how can we best energize the talents and the resources of our splendidly diverse society to attack the wide spectrum of ever tougher problems that face us and the world?

We cannot afford to retard or stifle potential sources of new ideas or solutions. The Federal government can never do the job of meeting all these problems alone. Dr. Abraham Flexner, the father of the report that revolutionized medical education in this country early in this century, once said that the level of a civilization can be measured by the extent of private initiative, private responsibility and private organization in all the fields open to human culture.

One of America's proudest traditions is that a remarkable array of non-governmental groups, of non-governmental organizations, of non-governmental institutions—of the private sector, in short—contributes to the public good. Let us then harness the energies and the intelligence and the imagination, not alone of our government, at every level, but of all the individuals and organizations in our land. In this way we can build a society that is more democratic, more open, and more just—more free—the kind of society, in short, which it is the purpose of the American Jewish Committee to encourage.

VETERANS DAY, 1969

Mr. SCHWEIKER. Mr. President, on November 11 the Nation observes Veterans Day. On this day in all 50 States, in our possessions, and at our stations overseas Americans will pause to pay tribute to brave men—living and dead—who served in our Armed Forces.

This is a day not only to honor those men who have died, but to salute and appreciate America's 27,000,000 living veterans. Those who are now hospitalized—many of them the victims of recent battle—deserve our special gratitude.

This gratitude is expressed admirably in a letter President Nixon has written to all patients in Veterans' Administration hospitals on Veterans Day. I think it is a message in which all Americans concur and which all Americans would benefit by reading. It says what is in the President's heart and in the hearts of all of us who pause to consider the great, unpayable debt we owe to our veterans.

Mr. President, I ask unanimous consent that President Nixon's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, November 11, 1969.

Writing of the men who had served under him at Valley Forge, George Washington said ". . . no history . . . can furnish an instance of an Army's suffering such uncommon hardships as ours have done, and bearing them with the same patience and fortitude."

Patience and fortitude in the face of hardship have, since the American Revolution, been the pride of the American men and women who have served with valor and distinction the cause of freedom.

For many the hardships of battle did not end on the battlefield. Yet the men and women veterans who are now in our veterans hospitals still display the patience and fortitude which marked their contributions to their country.

I salute all of the veterans now in our veterans hospitals. Men and women of undoubted courage when duty called, they deserve the best care a grateful nation can give them.

But even more than care, they deserve thanks on this day of commemoration. To all men and women in our veterans hospitals, I send the gratitude of all Americans.

RICHARD NIXON.

HONOR TO THOSE WHO HAVE SERVED

Mr. PERCY. Mr. President, on November 11, 1918, an armistice was signed to bring to a close the war which was designed to end all wars and to make the world safe for democracy. Unfortunately, the war did not accomplish either of these objectives.

Often in its history our Nation has found it necessary to call upon its citizens to serve in the Armed Forces—often interrupting their education or careers and asking them to face the possibility of disability or death. Our people have responded out of a sense of duty and loyalty to their country, not out of any expectation of benefits which might accrue to them by reason of their service. In return, our Nation has always tried to show itself grateful to those brave individuals who have taken up arms in its defense. Even in regard to the war in Vietnam, the public's growing impatience and criticism of that engagement has in no way influenced its overwhelming admiration and support for those who have served in that engagement.

It is, of course, impossible to measure the contribution each serviceman makes to his country and to compensate him or his family in a way that precisely reflects the value of that contribution. There is, moreover, no way our Nation can make adequate compensation for the loss of limb or life. What is possible and what has been achieved is the establishment of a comprehensive benefit program which recognizes and attempts to provide for the whole range of special needs of veterans and their families.

Medical care is provided for veterans through a network composed of hundreds of Veterans' Administration medical facilities throughout the United States. These facilities provide any care needed for disabilities which are service connected, and provide medical care for veterans with non-service-connected disabilities to the extent that facilities are available and to the extent that the veterans are otherwise unable to obtain the care they need.

Income support is also a part of the Nation's comprehensive veterans' benefit program. As with medical care, the first priority is assigned to the area of service-connected disabilities. Compensation is provided for veterans in amounts generally related to their loss of earnings capacity as a result of service-connected illness or injury. Compensation is also provided for the dependent survivors of veterans who die from service-connected causes. For needy veterans who are elderly or are disabled for reasons not related to their military service, a pension system provides monthly payments geared to the veteran's other income.

In terms of budget allocations, medical care and income support programs make up far and away the largest part of the veterans' benefit system. The total Veterans' Administration budget for 1970 comes to $7.7 billion, and these two items represent $6.7 billion of that amount. The remaining $1 billion is divided among a number of other types of benefits, including home loan guarantees, vocational rehabilitation, and various insurance programs.

A veterans' benefit program which deserves special mention this year is the program of educational assistance for veterans, commonly known as the "GI bill." 1969 marks the 25th anniversary of the original enactment of that farsighted piece of legislation. With the aid of benefits provided under the 1944 law, approximately half of all World War II veterans were able to further their education, and, over the 25-year history of that program, more than 11 million American veterans have received GI educational benefits. For those who would otherwise have had to forego part of their educational advancement without such legislation, the value of these benefits is incalculable. Moreover, for the Nation as a whole, the educational benefits provided under the GI bill can be rightly viewed as an investment in human resources which has resulted and will continue to result in returns far exceeding in value the cost of the investment.

This month in response to rising living costs the Senate gave unanimous approval to legislation increasing educational benefits for recent veterans by 46 percent. The bill now goes to conference with the House of Representatives. Every effort will be made to sustain this justifiable increase in benefits to meet the rising costs of tuition, room, and board at educational institutions.

It is, therefore, not only on November 11 that we remember our veterans, but on every day of the year. We remember them not merely with words or parades, but with a comprehensive system of measures designed to help veterans in those areas where help is most necessary or useful. We remember them with benefits which ease the transition to civilian life and encourage them to get the education which will be a foundation for the remainder of that life. For veterans who have suffered bodily injury or illness during their service, we remember them with medical care for their disabilities, compensation for their lost earnings capacities, and vocational rehabilitation to try to restore those capacities. We remember them in their old age, need, and disability with income support or medical care if these are necessary. We remember our veterans in these and many other ways, all of which attempt to assure that those who have generously served their country will never have cause to feel that their country has failed to respond with equal generosity to their needs.

REPLY TO OPPOSITION OF SIERRA CLUB TO PROPOSED REFINERY AT MACHIASPORT, MAINE

Mr. MUSKIE. Mr. President, on October 8, 1969, the junior Senator from Wyoming (Mr. Hansen) had printed in the Record a newspaper article from the Washington Post entitled "Refinery in Maine Opposed by Sierra."

The article announced the opposition of the Sierra Club to the proposed new refinery to be constructed at Machiasport, Maine.

The Honorable Kenneth M. Curtis, Governor of the State of Maine, has written to the Sierra Club, replying to their attack on the refinery. In his letter, Governor Curtis describes the need for balanced recreational and economic development of the Maine coast, and the steps that are being taken to assure this development.

Mr. President, I ask unanimous consent that the Governor's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Governor,
Augusta, Maine, September 19, 1969.
Mr. Gary Soucie,
Eastern Representative,
The Sierra Club,
New York, N.Y.

Dear Mr. Soucie: Thank you for your recent letter and the attached copy of the Sierra Club's position in opposition to the proposed oil refinery and deepwater port at Machiasport, Maine. Certainly we welcome your interest in "maintaining the environmental quality of the Maine coast" and hope that your organization and its local chapter will be active in efforts to encourage the constructive use of our coastal resource while coincidentally suggesting valid alternatives to suggest coastal development projects proposed by the state or private industry.

In this connection, I would be most interested in your organization's position relative to the Wiscasset nuclear power plant being constructed by the Maine Yankee Atomic Power Company. Many of us are deeply disturbed by the threat of thermal pollution posed by this plant and would certainly appreciate any expertise which the Sierra Club might bring to bear on this subject.

Let me assure you that I share your concern that the Maine coast be properly utilized to the maximum benefit of all our citizens. To assist the State in evaluating alternatives, the New England Regional Commission is making a technical assistance grant of $30,000 to help to finance the development of a master plan for the Maine coast. Such a plan should be of invaluable assistance to the State in planning for the development of our valuable coastal resource with consideration for both the economic and environmental needs of its residents. Certainly there is room enough along our coast to accommodate many different uses, and the State must plan accordingly.

Surely it is possible to achieve a balanced development of the coastal zone by taking advantage of its peculiar characteristics for the growth of both recreational and industrial development. Maine, and Washington County in particular, are badly in need of economic stimuli, and seasonal employment generated by our tourist trade is simply not a sufficient long-term solution, to our basic economic shortcomings. The development of a major refining center at Machiasport would provide much needed employment in one of our most depressed areas. I need not cite the statistical data (per capita income, out-migration of educated youths, etc.) that describe the county for I am sure that you reviewed them in the preparation of your study. Perhaps we disagree as to the importance of these statistics but I do feel that the poor housing, insufficient education, and present pollution which in large part result from the inadequacy of our present tax base are more of an environmental blight than a modern refinery and terminal facility operating under the strictest possible regulations.

As Governor, I feel a very real responsibility to assist the people of Maine to raise their standard of living to a level of parity with our New England neighbors. Yet in so doing, through a major project such as the proposed Machiasport refinery, we must be careful to insist upon full protection for the environment of the affected area. Consequently, we will insist that the highest environmental standards be applied to any industrial facility constructed in the area. And beyond this protection, we have moved to ensure that the refineries and related industrial facilities be located away from the coast (approximately 12 miles) at an inland location. While such a move will be costly to the companies involved, we feel that proper land use policies demand the preservation of as much of the coast as possible for scenic, recreational, and possibly residential purposes.

Perhaps the decision to preserve the residential and recreational potential of the coast by developing an inland site for the processing units and future satellite development best evidences our dual concern—that Maine citizens be offered meaningful employment opportunities within our state and that coincidentally every effort be made to effectively use and protect all of our natural resources.

I regret that the Sierra Club has found it necessary to oppose this worthy project but am hopeful that in other areas related to Maine's future, we can work in concert.

Sincerely,

Kenneth M. Curtis,
Governor.

GENERAL FEDERATION OF WOMEN'S CLUBS ADOPTS A RESOLUTION ON BEHALF OF RETIRED PERSONS

Mr. WILLIAMS of New Jersey. Mr. President, the fact that a retirement crisis exists in this Nation is by now common knowledge—and it is worsening, not getting better.

Upon entering his so-called "Golden Years," the older American is often faced with insurmountable difficulties, most of which stem from the fact that he must live on a fixed income in a time of rapidly rising costs.

Many Members of Congress are acutely aware of the problems faced by older Americans, and those professionals and business people who work with the aged are also confronted with these problems every day.

However, most Americans go about their daily lives without giving much thought to the elderly or, indeed, in preparation for that time when they, too, will be counted among the older Americans.

What happens when a group of people become aware of the problems of the aged; usually brought about by their experiences with older relatives or friends?

After the initial exposure, there is often shock and dismay, and that is followed in the best American tradition of constructive action.

This kind of activity has been demonstrated by the Montgomery County Federation of Women's Clubs, Inc., who provide a free community service for the elderly, through the "Over-60 Counseling and Employment Service." The service has just been expanded to reach the "upcounty" Maryland elderly and will be their first in a rural area.

In September, the Montgomery County clubwomen took their experiences and their concern to the national convention of the General Federation of Women's Clubs and so spurred the membership that a resolution was adopted by the national organization, on behalf of retired persons. That resolution is timely, realistic, and significant.

I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

GFWC Resolutions Adopted at the Cleveland Convention

RETIRED PERSONS (CONVENTION 1969)

Whereas, Statistics show that the population of persons over 65 years of age in the United States is increasing faster than the general population (a net increase in this age bracket of about 1000 per day); and

Whereas, A policy of compulsory retirement at a chronological age often results in inadequate income, unwanted leisure, loss of dignity and self-respect, impaired morale, and deteriorating physical and mental health; and

Whereas, There is a valuable national potential asset in the talents, abilities, experience, training and energy of persons past 65 to fill unmet needs throughout the nation; therefore

Resolved, That the General Federation of Women's Clubs urges its member clubs to encourage and to cooperate with the appropriate governmental authorities, business, educational, religious and civic groups in providing older Americans with:

1. Pre-retirement programs to prepare them for meaningful activity and service through the extended life span.
2. Information-referral-activity centers for counseling, advice, and companionship.
3. Employment and volunteer opportunities which they are capable of performing.
4. Continuing education courses in schools, colleges and community centers.
5. Adequate housing, better nursing homes and extended care facilities.
6. Reduced rates on educational fees, transportation facilities and reduced admission to places of entertainment and recreation.
7. Realistic earning limitations under the provisions of the Social Security Act.

BALTIMORE'S OUTSTANDING ARTISTS

Mr. TYDINGS. Mr. President, the city of Baltimore is a thriving cultural center because of the talent, interest, and dedication of some very fine people.

Liz Whitney Quisgard, an artist in her own right, has written an article for Baltimore magazine of May 1969, about Baltimore's top 12 painters and sculptors. Each of these artists has stamped his mark of individuality upon his work; each has earned his colleagues' respect; and each has demonstrated his active interest in the cultural improvement of the community by teaching or writing about art as well as creating it.

I am proud of their growing contribution to the quality of life in Baltimore. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Baltimore's Top Twelve

The Baltimore art world is a vestigium. According to Artists Equity Association's recently published directory of its members, there are 150 local, professional artists "open for business" in a metropolitan area that offers very little demand for their services. In addition, there are 100 non-member artists who consider themselves professionals, plus several hundred serious amateurs and up-and-coming semi-professionals. When Baltimore asked me to do a piece about the city's 12 leading painters and sculptors, I was immediately confronted by the difficulties of drawing standards by which to judge. It cannot be claimed, as it might in discussing artists who live and work in an international art center, that those artists may be judged leaders who: (1) are being promoted by the most powerful and influential art dealers; (2) are enjoying regular publicity in national and international art magazines; (3) are being brought by the most important collectors and museums; (4) are setting the pace of contemporary art. Even the criterion of earning 100% of one's living cannot be used, for, ironically, some of Baltimore's best artists sell the least and some of the worst sell the most. What standards, then, can be applied in a city where only a small percentage of museum time and space is devoted to recognition of local artists (which is not to imply that to do otherwise would be to the museum's advantage); where there is only a handful of private, commercial galleries—with a distressingly high mortality rate; where artists must support themselves partially or entirely through employment in related fields such as teaching, administration, design and commercial art, or in unrelated fields ranging from social work to being the wife of a rich husband or vice versa? We are confronted with the necessity of basing our judgment on a mixture of factors—some of the fringeline of the business of actually producing works of art. Therefore, with apologies to those who would judge differently, I offer the following reasons for my choice of the 12 top Baltimore artists: (1) art is the central motivation of each individual's life; he or she has been working at it long, hard and with commitment; (2) each artists has reached a degree of individuality in his work which readily distinguishes it from the work of others; (3) each artist has earned a high degree of respect from his fellows and from art enthusiasts; (4) each artist has contributed to the enrichment of the community by making his presence felt in the form of teaching, lecturing, publishing or otherwise vocalizing; (5) each artist has pushed that presence somewhat beyond the immediate community and into the national or international art world; in fact, some are far better known elsewhere than here. Within this framework of values, we will see on the following pages a wide variety of backgrounds, work-patterns, esthetic and practical goals and opinions about Baltimore as a place to live and work. These 12 artists by no means constitute the entire picture. They are, however, in my opinion, most representative of the current art establishment.

Joseph Sheppard is a graduate of the Maryland Institute, where he studied under the late Jaques Maroger and was influenced by his admiration for the Old Masters, both philosophically and technically. Mr. Sheppard was awarded a Guggenheim Fellowship in 1966 and has exhibited his work nationally.

Joseph Sheppard, best known of Baltimore's "realist" painters, has recently opened a new gallery, called Young Collectors, on Cathedral street. He has long been involved with the gallery business, having initiated a cooperative venture, The Six Realists, which ran successfully for several years before disbanding.

"The gallery didn't fail," Mr. Sheppard comments. "We closed because the artists couldn't get along together. Later on, I started the WCBM Gallery with Elane Stein, the station's public relations director. Finally, I decided I was doing all that work and not getting anything out of it, so I figured I might as well strike out on my own.

"Young Collectors is a corporation, wholly owned and financed by myself. The investment is not too enormous since I use the third and fourth floors for living quarters. I'm giving the gallery two years to succeed and I think it will because the time is right. There aren't many professionally-run galleries here in town, showing small work which is priced under $1000.

"In selecting my stable of artists, three factors were important. First, I wanted as many out-of-town people as possible, because local artists compete with galleries by selling from their studios at lower prices. Second, I wanted to cover a wide range of tastes with each artist doing something different. Thus, there would be little or no competition among the gallery group. Third, I wanted artists who have established something of a national reputation, but who can afford to sell at reasonable prices."

Mr. Sheppard's own work has taken an unusual turn; he has gone into film making. His first effort was about boxing and was recently accepted for competition in Sports Films, 1968, an international film festival held in Oberhaussen, Germany. The second was a color film of his two boys climbing a mountain. It has been seen in local theaters. He is currently working on the third film, which is about life on The Block.

"This is the biggest yet," he says. "We're shooting for a half-hour TV show. I'm very proud; this is the first one for which people have put up money. We're actually working on a $20,000 budget.

"Over the years, Baltimore has treated me very well. For a time, most of my sales were in New York, Washington and Philadelphia, but recently they've moved back here again. I don't know why except that I've gradually built up a reputation and my style has a broad appeal."

Eugene Leake received a Master of Fine Arts degree from Yale University, where he also taught. He paints richly colored, flattened figures in simplified, "landscape" situations. He has exhibited in museums and galleries all over the country including New York's Museum of Modern Art.

"I find Baltimore an exciting place to live," says Eugene Leake, painter and president of the Maryland Institute since 1960. "It has a Victorian charm that hasn't been destroyed yet. It is one of the few cities I know where you can live in the country and get into town fast. And, for an artist, the Maryland countryside offers many changes of environment and climate—mountains, rivers, ocean, lakes, bay, woods.

"The trouble is, the power structure hasn't decided yet whether it wants art here or not. The public hasn't made up its mind to support the symphony or Center Stage. The Baltimore Museum doesn't have the funds it needs to do what ought to be done. One of the most exciting art schools in the country is right here and 80% of the public doesn't know it.

"I dont think the current state of art criticism is a healthy one for the city. I mean, if I want to read about New York art, I'll get the New York Times. There are important things going on here and the local papers should feel an obligation to cover them.

"You know, art in some cities develops a kind of identification with its art school. For instance, in Philadelphia, there's been a tradition of realism stemming from Thomas Eakins and the Pennsylvania Academy. In San Francisco, recently, its been West Coast figure painting. In Baltimore, there's been some really bad academic work for a long time and a group of heavy, logy Maryland Institute graduates from 30 years ago. But in the last few years we've had an influx of young people from all over the country who have come here to attend the institute—bringing new ideas with them. I think the result will eventually be a new type of painting, associated with this city."

Speaking of his own work: "Absolutely I consider myself primarily a painter. I don't give a damn about being a college president. In fact, my worth and *only* worth to the school is in the fact that I *am* a painter.

"I still find time to paint at least two days a week during the year and a good bit more in the summer. I've always said that if I don't manage to get to the studio, it's my fault—not the school's or anyone else's."

Reuben Kramer studied at the Rinehart School of Sculpture of the Maryland Institute from 1927 to 1934 and was awarded two traveling scholarships and a Prix de Rome fellowship. His work is in the collections of the Baltimore Museum of Art, Corcoran Gallery, IBM Corporation and many others. In 1963 the Walters Art Gallery published a book, "The Art of Reuben Kramer" by Dr. Theodore L. Low.

Reuben Kramer, internationally known sculptor and lifelong resident of Baltimore, is currently working on a full-size, bronze figure of a young girl with flowers, to be installed at the Rock Glen Junior High School. The $10,000 commission is a result of the city's recently instituted "1% for art" bill, wherein 1% of the cost of each building financed by public funds must be devoted to artistic embellishment. Mr. Kramer says emphatically:

"This law is the biggest boost for local art in my memory. Although there is no guarantee, most of the commissions will probably stay right here in Baltimore because the money involved will not command major pieces by the top out-of-town artists. Several local artists have already benefited and more will, now that the kinks are being ironed out as far as administration is concerned. It is really a momentous piece of legislation.

"For my piece, $10,000 sounds like a lot of money, but when you consider the work involved and the fact that it will take two years from start to finish, it's actually not so much. First, I did 30 macquettes; then the architect made a choice. After that, it went to the school board for approval and finally to the design commission. Now, a half-size model is under way and from that, I'll do a full-size one, make a mold, cast it in plaster and send the casting to the foundry. There, it will go through four stages involving several months and finally, I'll go to New York to supervise the finishing.

"I've spent my life perfecting the art of the small bronze. There are very few other living sculptors who can claim 65 or 70 bronzes on hand at a given time. Not many young sculptors today develop the skill, technique and knowledge necessary to master the small bronze.

"The greatest thing that has ever happened to me in terms of recognition was the publication of the book in 1963. My sales have increased ten-fold and for that I feel tremendous gratitude toward the Walters Art Gallery for the undertaking. The book put the stamp of approval on my work so that people, who for years might have been hesitant, finally began to buy."

In 1964, the artist received one of the highest possible honors—a grant from the National Institute of Arts and Letters. The citation reads:

"To Reuben Kramer, born in Baltimore in 1909, an artist who has a deep respect for his medium and an intense concentration upon the fundamental construction of the human form, besides projecting the essence and meaning of gesture with a contained power and dignity."

Richard Ireland was born in Marion, Indiana and received BA and MA degrees from Indiana University, where he also taught. He has exhibited in New York, Washington, Indianapolis and Evansville, Indiana. Two of his works are in the collection of the New York Museum of Modern Art. His style is characterized by the exaggerated female figure rendered in strong color and "hard edge" technique.

"After giving 200 colleges all over the country an opportunity to hire me and finding no takers, I went to New York because that's where everybody goes if they don't have a job," Richard Ireland, dean of extension divisions at Maryland Institute, states dryly and unpretentiously. "After a couple of years of not setting New York on fire I was asked to take a job teaching at the institute. If it hadn't been for that, it would never have crossed my mind to settle here. But at my stage it's as good a place to work as any other, I suppose. Though, when an artist is young he needs the kind of art community New York can provide.

"I like my job; I have a bureaucratic tendency which is fulfilled by administrative duties and I suppose I'm here for good since no one has threatened to fire me.

"Even granted an ideal situation, I wouldn't want to be totally divorced from the school. Two days a week there would be perfect—with the rest of the time to paint. But I would never want to be completely holed up in my studio; it's too depressing.

"Not being terribly aggressive and ambitious I find Baltimore a difficult city for exhibiting—since I don't often go after the opportunities that exist and when I do I'm not always lucky. For instance, in the ten years I've been here, I've only made it once in the Maryland regional show at the Baltimore Museum of Art."

Mr. Ireland averages three major canvasses a year—each preceded by numerous small sketches, with the final choice expressed in a full-size cartoon which is then precisely transferred to the canvas.

He spends three weeks each summer camping in the New England woods, Michigan or Canada. "I can't stand suburbia," Mr. Ireland states flatly. "It's got to be either downtown or the country. In fact, occasionally I have visions of moving to the mountains and telling the rest of the world to go to hell."

Lila Katzen grew up in New York and studied art at the Cooper Union School. She came to Baltimore more than 20 years ago to marry her husband, Phillip. They have two teen-age children. Long known as an abstract-expressionist painter, she has recently moved into sculpture. She has exhibited widely in Baltimore, Washington and New York and currently teaches three days a week at the Maryland Institute.

For more than two years, Lila Katzen has rented an apartment in New York where she spends three or four days a week.

"I'm basically schizophrenic," she admits. "When I'm in Baltimore I give my attention to my family, my students and my larger sculpture. In New York I do my thinking, model making and keeping up with my contacts. New York makes me uncomfortable but it's what I enjoy—the cross-pollenization of ideas, constant stimulation and pressure. And there I can have the aloneness I need."

The American Federation of Arts recently rented three of Mrs. Katzen's light floors (large, plexiglass sculptures, lit from within by fluoresent tubing) to send on tour around the country for a year.

"This honor was a direct result of being in New York," she says. "If I hadn't been there, it just would *not* have happened. Baltimore audiences are bound to resent this but I have to state that New Yorkers are much more willing to look at and give consideration to an artist's work. Collectors there are beginning to judge for themselves. They are foregoing the gallery system and contacting artists directly."

In March, New York University exhibited a new piece by Mrs. Katzen in its Loeb Center. Titled Universe as Environment, it involves the use of a 65-foot length of wall and embodies science fiction qualities. The artist has received some assistance and materials from NASA for her mixed media project.

"My family is all for my move to New York. I waited until the kids were old enough and then I decided the time was right—it had to be done. And, of course, it gives them a place to come to, a second home. Naturally, it hasn't been easy on my husband; he has more responsibility now, but he's been awfully cooperative and has encouraged me.

"It's tough to strike out and really be put to the test. There is safety in remaining local—but local artists don't go far, so they get their just deserts. I'm glad I left. It's been inconvenient, but it's well worth it."

Aaron Sopher studied at the Maryland Institute from 1921 to 1924. He is represented in the permanent collections of the Baltimore Museum of Art, the Phillips Gallery, the Norfolk Museum, Walters Art Gallery and many others.

Aaron Sopher's territory is markets, swimming pools, bars, streets, buses, museums, dinner parties and hospitals. His subjects are workers, children, overstuffed matrons, lovers, bums, married couples, hippies and vendors. His media are pen and ink and watercolor.

"I don't paint much in oil," he comments. "It takes too long. I am basically an illustrator of the passing world and I'm never able to spend much time on each piece. When I was in art school I used to draw the students instead of the models. The head of the school took it as a personal affront and refused to give me a diploma.

"I've been most comfortable in newspaper work. I started free-lancing for the Sun in 1927. More recently, I've done work for the Washington Post, Johns Hopkins Magazine and the Maryland State Medical Journal.

"It has been a little tough making a living here except for the past eight or nine years. Since then, I've been doing pretty well—that is, I've been able to pay my bills. At least, I've never had to teach. Most of my income has been from the sale of work to collectors."

Mr. Sopher has illustrated several books, including "The Bull on the Bench" by Lowell Mason; "Rivers of the Eastern Shore" by Hulbert Footner; "People, People" by Isabel Naviasky; "Princess Mary of Maryland" by Nan Hayden Agle and "The Hospitalized Child and His Family," published by the Johns Hopkins Press.

The artist occupies a comfortable, bachelor establishment in a new, high-rise apartment house on University Parkway.

"More things in my life have simply come along. I don't generally go out looking for opportunities. Maybe I could have done better if I had been more aggressive but I've always liked to be comfortable and do what I wanted. I remember once, one of the big department stores asked me to do a series of drawings for an ad campaign. Their only stipulation was that all the people be plesant and happy looking. In other words, they were giving me all the leeway in the world as long as I did it their way. I turned the job down."

Mr. Sopher is the subject of two monographs. Both are titled "Aaron Sopher"—one is by Forbes Watson, published in 1940; the other as published in 1960 and carries an introduction by Wilbur H. Hunter.

The artist comments, "I like to see myself in print—hardbound; it makes me feel like I'm in business."

Amalie Rothschild studied at the Maryland Institute and the Parsons School of Art in New York. Her commissions include the Ark Curtain for Baltimore Hebrew Congregation, a mural for the Townhouse Motor Hotel and a wall hanging for Sun Life Insurance Company. Her work has received many awards at museums in Baltimore and Washington.

Amalie Rothschild has combined careers as painter, sculptor, draftsman, teacher, mother and homemaker.

"There has always been a conflict," she says, "between being an artist and being Mrs. Randolph S. Rothschild, but I've chosen to be both so I've tried to resolve it by having my studio at home. That way, I can save traveling time and be here to keep an eye on the house. It was particularly difficult when the children were small, but setting a schedule helped. It relieved frustration by separating the two roles—there were simply those short time periods that I knew could not be devoted to art and that was that." The Rothschilds live in a large, modern house in Baltimore County.

Mrs. Rothschild was originally a commercial artist.

"After marriage, I let it slide. I was being supported so I didn't need the work. Then, to fill the vacancy I turned to fine arts. It wasn't that I felt I had anything really important to say—it was simply the recognition that I was an artist above all. At the time, it didn't occur to me that commercial art wasn't the greatest and it took a long time to realize that fine art could provide a means of expression that the other couldn't. It took even longer to realize that I had something to express. So you see, I came to fine art by default rather than by conviction. That's a switch, isn't it?"

A book titled "Amalie Rothschild: Drawings" was published last April under the sponsorship of Goucher, where she was a faculty member from 1960 to 1968. It contains an introduction by Dr. Lincoln Johnson, professor of fine arts at the college.

Of the book, Mrs. Rothschild says: "Until 1966 I drew incessantly. I have always felt that drawing is the most immediate, uncensored form of expression for the artist, so I set aside some time for it every day for years. Consequently, I accumulated an enormous output and the book provided the perfect opportunity to reach a wider audience.

"I wouldn't say the success of the book has manifested itself in increased sales of my work, especially. What it has done is to increase requests to appear before the public—to give more lectures and exhibitions."

Referring to her current work, the artist comments: "I've stopped making those assembled woodbark forms I used to have cast in bronze. I'm working with aluminum, brass and copper factory scraps—small, pre-cut shapes that I'm combining into larger forms and joining with nuts and bolts. This direction is not unrelated to my previous work—in fact, it goes back to what I was doing in the early 1950's. The difference is that then, the work was two dimensional and now I'm expressing similar ideas in sculptural form."

Norman Carlberg received his BFA and MFA degrees from Yale University. His precisely crafted, mathematical, non-objective sculpture has been collected by the Whitney Museum in New York; the Pennsylvania Academy, Philadelphia; the Baltimore Museum of Art and the American Museum, Andover, Massachusetts.

After completing graduate work at Yale University, Norman Carlberg came to Baltimore in 1961 at the request of Eugene Leake, newly appointed president of the Maryland Institute, to take up directorship of the college's Rinehart School of Sculpture.

"The responsibilities of administration," he says, "are counterbalanced by the advantages of contact with young people and their ideas. Not that my work is directly affected by them—we all have our own special desires that make us choose our own directions. It's just that being around young artists is exciting. It makes the atmosphere for work more favorable."

Of his retrospective exhibition at the Baltimore Museum of Art last summer, Carlberg comments: "There were no concrete benefits; only one piece was sold. There is a definite sales category in this city. If your work is priced over $200 or $300, it just doesn't sell. In fact, this is pretty much the case everywhere outside of New York, so I wasn't disappointed; I expected it."

He recently completed a commission for City Hospitals on Eastern Avenue. "I could probably do more projects for architects," he comments, "if I were more regimented in my work habits."

"One big problem with living in Baltimore is that there is very little communication between artists, although I find this is bothering me less and less. The older and more involved in my work I become, the less enjoyment there is from just talking. Words wrapped around pieces of sculpture are often after the fact and have nothing to do with the work itself. You know, you make what you want to make and invent the reasons afterward."

Mr. Carlberg lives with his wife and son in a Boston Hill townhouse. "I'm pretty well settled here, I think, even though there's no place like New York for really making it. You know, there's New York and then there's the rest of the world. But I wouldn't want to bring up a child there. Anyway, even though New York is where the real test is, on a success level, the major test, as far as the work is concerned, is within myself."

Stanislav Rembski, born in Poland, studied engineering at the Warsaw Technological Institute and painting at the Warsole Ecole des Beaux Arts and the Royal Academy of Fine Arts in Berlin. His portrait commissions include the wives of five Maryland governers, President Franklin D. Roosevelt and Governor Tawes.

Stanislav Rembski describes himself as a Baltimore fixture. He has painted hundreds of leading citizens and society matrons since settling here in 1947.

"Baltimore is an alive community," he comments, "not especially where art is concerned, but where life is concerned. This is a city of realists with strong religious influences. The Catholic background produces a certain kind of orthodoxy, but at the same time there exists an unexpected amount of common sense.

"I came to this country in 1922 when I felt the increasing influence of America on the world. After 18 years in New York, where I got to the top, I traveled west—I even did a portrait of an Osage Indian chief in Oklahoma. I decided to settle in Baltimore after meeting Gerald Johnson and because the west was still too much a frontier. Also, it was important to be near Washington. You know, I did the official portrait of Woodrow Wilson.

"When I do a portrait, I must be satisfied first. This calls for a great deal of self discipline—not to be overwhelmed by the client who says, 'Please do not touch it; leave it alone.' But I maintain my own integrity and freedom to work as I must for I am responsible to the giver of my talent—God—and not to the recipient—my client. Part of that responsibility is to paint beneath the surface of the sitter—to get to his soul. Believe me; with every painting I feel I am about to break my neck!

"You see, I am also an engineer by training and something of a musician, so I am dedicated to the search for truth. Art is not merely self-expression; it is a language. This is perhaps why I am at variance with much of what goes on today. I have never believed in following trends or worshipping false gods. One must be his own master in spite of the many temptations to run away from that responsibility. Napoleon said that any man can be bought for a price. I say that if a man *pays* a price, he can be free!

"There is a basic difference between the artist and the craftsman. The craftsman merely utilizes a skill learned from a teacher. The artist creates new resources to meet every problem.

"I have always felt it important to be a responsible person—both to myself and to the community. If I have made pragmatic businessmen realize that an artist does not have to be a crackpot—that he can abide by the laws and earn a living and still be an artist—then I have made a great contribution to art."

Keith Martin born in Lincoln, Nebraska in 1911, studied at the University of Nebraska and the Chicago Art Institute. He was with the U.S. Army Camouflage Engineers during World War II. His painting is in the collections of Winthrop Rockefeller, the Baltimore Museum of Art, the Corcoran Gallery, the Butler Institute of American Art in Youngstown, Ohio and many others. He is represented in the book, "Six Maryland Artists."

Keith Martin came to Baltimore in 1948 to visit a friend, who, as a decorator, had invited him to paint two ornamental screens for local clients. He remained in Baltimore to fulfill a mural commission and later rented an apartment to prepare for a New York exhibition. Since then, he has continued to make Baltimore his home.

"From what I know of the local art world," he says, "there has always been a lively interest in outside artistic trends. The exhibition opportunities around town have been more or less limited to theme shows; however, banks and theaters have made many one-man shows possible. Baltimore does not yet seem ready to support a gallery on the scale one finds in New York City.

"I believe the local collectors who might be interested in 'names,' 'investments' and 'prestige' art will go elsewhere to spend his money. On the other hand, Baltimore seems to have many collectors, on a minor scale, who buy for pleasure. Personally, I have every reason to believe in their support and encouragement.

"Baltimore could do with a real art critic, sympathetic to the local artists' needs. Reports on the big art scene are interesting but can hardly be called helpful to local activity. Real critical support and attention is, in my opinion, badly needed. I have found the Baltimore Museum of Art to be sympathetic to area artists—witness the frequent one-man exhibitions devoted to local people.

"It is difficult for me to compare Baltimore with other places. From the mid-1930's to the beginning of World War II, American art interest centered on the foreign label or the established, safe art of the past. There was little real interest in the art of America. This changed in 1945. I lived in Lincoln, Nebraska from 1945 to 1948, where I was given local and area exhibitions and my work was purchased and encouraged. There were numerous national shows to which one might submit work for jury approval.

"At the Baltimore Museum I had the rewarding experience of ten years of teaching, from 1958 to 1968. Between teaching and selling, I've made a comfortable living.

"College is not my major interest. I am equally interested in oil painting, watercolor and drawing. To sum things up, I am least of all interested in jumping from fashion to fashion. I believe the real artist will always have something personal to contribute to the history of art, either now or later."

Grace Hartigan originally from New Jersey, came into prominence as an abstract expressionist painter in the early 1950's. Since then she has had numerous solo exhibitions in New York and throughout the country. Her work is in major public and private collections all over the world. She is currently artist-in-residence at the Hoffberger School of Painting of the Maryland Institute.

"I believe Baltimore is a place you can come to after you've known other things, but it is a place you must leave if you're young." Speaking is Grace Hartigan, internationally known painter who came here eight years ago to marry her husband, Dr. Winston Price, a research scientist.

"This is a provincial city; it doesn't enter into my professional life at all. Outside of New York, every place is a small town, however, my life there is over. I had the best of it, but it's all changed now. My contemporaries have either died or moved away. Now, it doesn't matter where I live. I could go wherever my husband's work takes him—except that I prefer a city to a small town. That's why I enjoy my studio." Miss Hartigan rents a four-story building on South Calvert Street near Pratt.

"Other than some contact with members of the institute faculty and keeping myself semi-available to the graduate students, I keep pretty much to myself. I don't have much involvement with the local art scene, except that as far as art criticism is concerned, I do think that while Barbara Gold, the art critic for the Sunday Sun, has brought a cool professionalism to this provincial town, her eyes, mind and heart are in the big art magazines. She doesn't want to be in Baltimore; she is young and longing for New York. So, while she has a lot to say that is valid about the small-town stuff that goes on here, she entirely misses what there is that is really important and searching."

Herman Maril, a native of Baltimore, studied at the Maryland Institute from 1922 to 1928. He has held the position of Professor of Art at the University of Maryland since 1947. He has received numerous grants and awards and has held solo shows all over the country. A book entitled "Herman Maril" was published by the Baltimore Museum of Art in 1967.

Herman Maril lives with his wife and 14-year-old daughter in a century-old house in Mount Washington. His son is away at college.

"I like the physical location of Baltimore," he says. "I like its proximity to both New York and Washington. I can get on the Pennsy in the morning, be in New York in three hours, see the shows I want and be back home the same day. I do that quite often to keep in touch, but I like the peaceful situation here.

"I lived in New York once, but there was so much going on that I found it difficult to work. Then too, there's the liability of personal competitiveness there—that drive to succeed. And you know, a lot of New York success is 30-day success."

Mr. Maril was honored by a retrospective exhibition at the Baltimore Museum in 1967.

"This was my first big show here in 20 years. At the same time I had shows in New York, Washington and Massachusetts which were very successful. I always sell better out of town than I do in Baltimore. Then too, I like to limit my sales to dealing through galleries. I don't like to sell from the studio; it's embarrassing and it takes time. I think one of the reasons galleries fail here is that they can't compete with their own artists. The gallery tries to handle the artist's work and he's busy underselling from his studio."

Mr. Maril reminisces about his professional past:

The Federal Arts Program really kept me going in the mid-1930's. I was commissioned to do two murals. From that, my work was shown at the New York Museum of Modern Art and Mrs. Roosevelt picked a piece for the White House. All of my easel work from that period is now part of the National Collection at the Smithsonian. That program was a life saver when artists couldn't even buy paint.

"You know, I painted in an abstract direction when it was still new and unpopular, while many other artists were doing social realism. In fact, my work has always been rooted in the abstract, even though it has subject matter. I'm not hostile toward the new things going on now—although I personally don't care for some. I believe artists should try whatever they want; you never know what the outgrowth will be. For that reason I don't close my eyes to *anything* and seeing new ideas opens me up and keeps me out of a rut. I'm never dogmatic about other people's work; I'm extremely dogmatic about my own direction."

WISCONSIN ASSEMBLY REJECTS PETITION FOR CONSTITUTIONAL CONVENTION

Mr. TYDINGS. Mr. President, on Tuesday, November 4, the Wisconsin Assembly emphatically rejected a resolution to petition Congress for a constitutional convention. This wise action is another blow to the fading hopes of those who would overturn the Supreme Court's one-man, one-vote decisions. It is gratifying to those of us who have fought so long on this issue to be joined by the Wisconsin Legislature. There was little hesitation on the issue in Madison; the vote to reject the petition was 62 to 36. Speaker Harold Froehlich, a Republican leader pushing for the convention, admitted after the vote that issue was totally dead in Wisconsin.

As many Senators are aware, the opponents of apportionment pinned great hopes on Wisconsin. Now a convention seems safely out of reach of the rotten borough adherents: Wisconsin has said no; Utah's petition was declared void; and Oklahoma's attorney general has ruled invalid its petition.

I ask unanimous consent that a Baltimore Sun article describing the event in Wisconsin be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REJECTION BY WISCONSIN PERILS DIRKSEN AMENDMENT

MADISON, WIS.—The Wisconsin Assembly rejected today a resolution to petition Congress for the first Constitutional Convention since 1787.

Backers of the so-called Dirksen Amendment had hoped that Wisconsin would become the 34th and final state needed to secure the convention. The resolution was killed by the assembly by the margin of 62 to 36.

The proposal by the late Senator Everett Dirksen (R., Ill.) called for a convention to consider a constitutional amendment to allow one house of a bicameral state legislature to be apportioned on a basis other than population.

Earlier in the year, Wisconsin's approval of the measure would have provided the final vote necessary to call such a convention. But, legal tangles in several states which have approved the proposal raised serious questions of its status even before today's Assembly action.

The legislatures of 33 states approved the measure, but last month a federal judge ordered Utah's resolution recalled, reducing the number of petitioning states to 32. The decision has been appealed, and no ruling has been given as yet. In Oklahoma, the validity of the legislative action on the measure has been questioned.

"DEAD ISSUE"

Supporters of the amendment had said previously that they were pinning their hopes on a favorable vote in Wisconsin.

One of the Dirksen amendment's most powerful backers in the Wisconsin legislature, Speaker Harold Froehlich, a Republican from Appleton, said that so far as this state is concerned, the question was a dead issue from the outset.

Attempts to modify the Supreme Court's one-man, one-vote edict have drawn little enthusiasm in Wisconsin, which 121 years ago decreed that legislative districts must be based on population.

Several supporters of the measure, including Mr. Froehlich, had hoped that a constitutional convention could propose amendments other than Senator Dirksen's, such as popular election of federal judges.

One of the amendment's bitterest opponents in the Assembly, Frederick Kessler, a Milwaukee Democrat, told his colleagues that the proposal "could plunge our nation into a constitutional crisis."

DEATH OF V. GILMORE IDEN, NOTED WRITER, OF AIKEN, S.C.

Mr. THURMOND. Mr. President, one of the best known and most distinguished citizens of Aiken, S.C., V. Gilmore Iden, passed away on October 27. He was a former editor of U.S. News & World Report, an economist, author, reporter, and newspaper editor.

A nationally known writer, Mr. Iden had much to give because of his exceptional journalistic abilities, and he gave of his talents and energies without reservation. His last column was as incisive and well researched as those he wrote many years ago. Although in retirement, he kept his hand on the pulse of the Nation and the world through reading of newspapers, periodicals, and books. This is a trait we would all do well to emulate. Of the many positions and titles he held in over a half-century of journalistic endeavors it is my feeling his service as an editor of U.S. News & World Report was the most significant. Among the mourners at his funeral was the editor of that great magazine, the Honorable David Lawrence.

When Mr. Iden retired more than a decade ago, he and his good wife of 54 years chose Aiken as their home. Soon, other members from both sides of the family chose Aiken as they retired. Within a space of about four blocks alone there were six homes which various relatives purchased and moved into as they retired.

The Idens took an active interest in their new home city and soon Mr. Iden began writing a column which appeared regularly in the daily Aiken Standard.

The citizens of Aiken, of which I am happy to be a member, were proud of Mr. Iden and the fact that so many members of his family and his wife's family selected Aiken as their place of residence.

My deepest sympathy goes out to Mrs. Iden, their daughter, and members of the family. They must be consoled in the knowledge that Mr. Iden gave so much of himself to his fellow man through his long journalistic career.

Mr. President, I ask unanimous consent three articles be printed in the body of the RECORD following these remarks: an article published in the October 28, 1969, issue of the Aiken Standard on the death of Mr. Iden; an editorial published in the Aiken Standard, also on October 28; and Mr. Iden's last newspaper column entitled "Some Vain Hopes," which was published in the Aiken Standard on October 23, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Aiken (S.C.) Standard, Oct. 28, 1969]

AN EDITORIAL—V. GILMORE IDEN

Death removed one of Aiken's most distinguished citizens Monday afternoon.

V. Gilmore Iden, a regular and frequent columnist for the Aiken Standard, died quietly at his home on Wyman Street, Crosland Park, while he was engaged in his favorite occupation, reading.

Just minutes before his death, he had delivered another column to the editorial offices of the Aiken Standard, and had returned home and settled in a favorite chair to resume his reading.

He was a voracious reader. And at age 84, his curiosity about the world around him remained insatiable. It was through his wide-ranging reading that he was able to keep up with events and trends throughout the world and then to write incisively and meaningfully about them.

Mr. Iden's journalistic career spanned more than half a century. Although he undertook a variety of assignments, he was perhaps most keenly interested in politics and economics. One never doubted where he stood. His thoroughness was admired widely, and it was doubtlessly a contributing factor to his international reputation as a journalist.

He knew personally every president from Wilson through Kennedy, and he numbered among his friends kings, princes, ambassadors and other world figures.

He was active until his death. A column written by him a few days ago appears today on the editorial page. Two others, written more recently, will appear soon.

A kindly, courtly, modest gentleman, Gilmore Iden left his mark on our civilization. He will be sorely missed.

To his family, the Aiken Standard extends its sincerest sympathy. We salute a departed colleague who has been a great credit to his profession and a wise and steadfast friend.

SOME VAIN HOPES

(By Gilmore Iden)

(EDITOR'S NOTE: This column by Gilmore Iden, an internationally renowned journalist, was written a few days prior to his death Monday afternoon at his residence in Crosland Park. He had been a regular columnist for the Aiken Standard and had a wide circle of friends in the Aiken area.)

President Nixon has received suggestions of all his advisors on Vietnam and spent a weekend conferring with his closest cabinet members, but no one is certain what he is likely to broadcast to the public November 3. Very likely he himself has as yet made no final decision. The few important facts which are generally known would seem to indicate what the general tone will be. The negotiators in Paris have shown no desire to discuss terms, and Ambassador Lodge walked out when the communists continued their diatribes. For two months now the fighting in South Vietnam has continued at its lowest level, and the first 60,000 American troops scheduled for withdrawal have left. Washington gossip is that Hanoi has no intention of negotiating peace, but is permitting the fighting to fade out.

None of the President's closest advisors think for a moment that Nixon will desert South Vietnam; he is not the man to acknowledge defeat. His critics feel assured he cannot go back to a full-scale war again, that he is definitely committed to de-escalation and ultimately full Vietnnamization of the fighting. Therefore, they are prophesying that the November broadcast will announce a decision to withdraw not less than 150,000 additional men during 1970.

That will leave us with many more than the 7,000 we sent in early in the 60's before Lyndon Johnson decided to commit American troops to the fighting. We would still be prepared to assume the responsibility for another long-time commitment. In Germany, 24 years after the armistice, we have 228,000 American troops stationed. In Korea, 16 years after the armistice, we are maintaining 55,000 Americans. In South Vietnam we now have 505,000 troops, of whom 300,000 are combat ready. Without peace, it will be necessary to maintain there a support force of engineers, communications and logistics troops, as well as some air support.

Secretary of State Rogers said: "We will withdraw our forces as they are replaced by the troops of South Vietnam." Infiltration into South Vietnam is way down, he continued, replacements down, resulting in a net decline in enemy forces of probably 30,000 men during the past six months. Casualties are way down because of the reduced combat, but the Secretary added: "I don't at the moment see any possibility for a negotiated settlement." While hope springs eternal and the doves gloat in their expectations of getting out of Vietnam entirely, there is a really no promise that such is going to be the result. President Eisenhower lifted the public hopes high in 1955 when he promised to stop the war in Korea, but we realize that there has been no real stop. The same may well happen again in Vietnam, and probably upon much more expensive terms.

At the moment the doves are muting their criticism, convinced that the public resistance to the Johnson war is bringing results. Their expectation is unwarranted and hard reality may dash their hopes. Hanoi's new Premier, Phan Van Dang, not only released an open letter to our anti-war protestors through his Paris negotiators, but was sent on a state visit to Peking. Not only has he called upon our doves to continue protesting but more firmly he has taken the necessary steps to make sure that Peking will continue military aid to Hanoi.

According to news reports Hanoi signed a new treaty with China, embracing a promise from Peking of increased aid to Hanoi in an effort to outbid the Soviet for their alliance. Obviously the ties between all communist factions are much stronger than any peace offer from a capitalistic power.

On October 15 Moscow announced that the Soviet had signed a new aid agreement with Hanoi, promising economic as well as continued arms aid and long term credits. The announcement did not reveal the figures but declared that it provides for all aid "necessary for strengthening the defense capacity" of North Vietnam and restoring and developing the economy.

Cambodia's Prince Norodon Sihanouk visited Peking on their 20th anniversary celebration and Chou En-lai plans to make a return visit to Cambodia. China obviously believes that Cambodia commands special consideration.

For the past two months our troop losses in Vietnam have run less than one hundred a week; this desultory fighting could continue and our troop losses could remain low, and more troops could be withdrawn but our material contributions to Vietnam will not diminish. Much depends upon the conferences now starting in Peking between the Chinese and Russians over their "border dispute." Our diplomats are still not certain what that portends. Our Congressional doves may still reach for the headlines, but they should seriously consider the advisability of remaining silent so long as the issue is fraught with so many uncertainties.

Between Nixon and a dove like Senator McGovern, however, a fundamental difference exists. The first insists Saigon is still the only recognized government is South Vietnam and should not be replaced except by democratic elections. McGovern has no confidence in the Saigon regime and is willing to desert them. On this point we have an indication of implacability.

Our doves may not be the only misreaders of the signs. Any hope that the communists intend to compromise their claims is not in accordance with history. A peace treaty is the very last thing they would sign, and armistice only if compelled. To those trained for guerrilla warfare, infiltration is a way of life. They would have you believe that a subversive is no revolutionary.

Laos? Thailand? The war is far from over.

V. GILMORE IDEN, JOURNALIST, DIES

V. Gilmore Iden, internationally known journalist whose career spanned more than half a century, died yesterday afternoon at his Crosland Park home at the age of 84.

Funeral plans are incomplete.

Mr. Iden was well known to readers of the Aiken Standard. His penetrating views—especially on politics and economics—appeared regularly on the editorial page of the Aiken Standard.

Although he had been a resident of Aiken for less than a decade, he was a dedicated booster of the area. He came to know a wide circle of friends of many walks of life. He retained a lively interest in all the happenings abroad, throughout the nation and in his adopted home town.

Born in 1885 at Manassas, Va., he was a son of the late William G. and Susan Hoe Iden.

He was graduated from Manassas Institute in 1903 and in the same year entered Washington and Lee University where he was graduated in 1907.

In 1913 he married Miss Minna S. Thompson. They have a daughter, Mrs. Nicholas Giannestras, of Cincinnati and two grandchildren.

When President Woodrow Wilson held the first presidential news conference in history, Mr. Iden was there to cover it.

He was head of the Washington Bureau of the U.S. News in 1910 and joined the New York Journal of Commerce in 1913.

His hand has been in much journalism-history since he began his writing career during Theodore Roosevelt's administration. He was personally acquainted with every president from Taft through Kennedy and received from each an autographed photograph.

During World War I, Mr. Iden wrote on government finance and one of his first assignments was to write a review of the Federal Reserve Act. His article appeared in his own papers and in the Sunday magazines as well.

He became interested in industrial reporting and aligned with the steel industry. He became associate editor of Marine Review of Cleveland, Ohio. Later, he was to become associate editor of Iron Trade Review, published by the same company.

He was recalled by the Journal of Commerce in 1921 and was appointed managing editor.

In 1925 he was invited by the governments of the Scandinavian countries to become a consultant on economic affairs to the heads of state. He had an audience with King Haakon of Sweden and later received special consideration and recognition for accounts he published following his tours.

To help an old friend, David Lawrence, he left the Journal of Commerce and went back to Washington as associate editor of the U.S. Daily in 1926.

He became director of public relations for the American Institute of Steel Construction in 1928. In 1933 he was named secretary of American Steel Industry in Construction.

In 1943 he came back to the U.S. News & World Report to join his friend David Lawrence once again, and in 1948 became the United Nations Correspondent for the magazine.

His beats in the capital and New York have included both business and industry as well as the United Nations, and have taken him to many foreign countries.

He was the author of a number of books and articles on financial and economic subjects.

An original member of the National Press Club in Washington, he was also a member of the Overseas Press Club and the National Arts Club in New York. The United Nations Correspondents Association and the World Trade Writers Association.

He retired as an editor of U.S. News & World Report in 1960.

He came to Aiken in 1961 and was one of the first persons to buy a retirement home in Crosland Park.

SUCCESS OF TOLEDO GUN CONTROL LAWS

Mr. TYDINGS. Mr. President, 2 weeks ago, I brought to the attention of the Senate an article published in the Wall Street Journal describing the success of the Toledo gun control laws. It has just come to my attention that the Baltimore Sun had also taken note of this dramatic evidence of the effectiveness of gun control laws.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Baltimore (Md.) Sun, Oct. 8, 1969]

The Guns of Toledo

In little more than a year since the enactment of a tough gun control ordinance Toledo, Ohio, has experienced a 31.5 per cent drop in its violent crime rate. This is an amazing statistic, all the more so in view of the easy availability of guns outside Toledo. The ordinance, enacted only after the Toledo City Council had repeatedly failed to win legislative support for statewide controls places restrictions not only on buyers, but on dealers as well. It is a tough law and has been made tougher by a stringent court crackdown on violators.

Although unusual in the United States, the Toledo experience actually fits in with what has happened in other countries. In Japan, for example, a country with about half the population of the United States, only about 50 people a year die from gun shots. The Japanese are protected by strict controls on guns. The total of such deaths in this country is more than 100 times Japan's total.

Not long ago Senator Tydings produced statistics dramatizing this country's high rate of violence as compared with that in other western democracies. Thus, taken in context, the drop in Toledo's crime rate is not so surprising at all. Yet the minions of the National Rifle Association are ever active and ever clamorous. As a result of their activities, Congress seems to have lost much of its interest in new gun control laws.

Senator Tydings, meantime, is in trouble with a group of gun enthusiasts known as Citizens Against Tydings, an outfit organized for no other purpose than to frustrate the Senator's bid for reelection. The Senator, one of the leading advocates of a stringent gun licensing and registration act, may gain some comfort from the knowledge that the opinion of the American people, as reflected in polls and not in the contrived letter-writing campaigns of the National Rifle Association, is overwhelmingly in favor of stricter controls. The latest news from Toledo offers additional encouragement.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER OF BUSINESS

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Inouye in the chair). Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, the independent offices and Department of Housing and Urban Development appropriation bill of 1970, H.R. 12307, as reported, totals $14,981,949,000 in new obligational authority, which is $67,297,000 under the appropriations for 1969, $531,020,00 under the revised budget estimates for 1970, and an increase of $72,860,000 over the House bill.

In addition, the bill includes contract authorization to make grants, as follows: College housing, $7,500,000; section 235, homeownership, $100 million; section 236, rental assistance, $100 million; and rent supplement, $100 million.

The largest amount included in the bill for one agency is $7,691,257,000 for the Veterans' Administration, of which $5,041,355,000 is for compensation and pensions of veterans, and $1,541,701,000 is for their medical care.

The next largest amount is for the National Aeronautics and Space—commonly referred to as NASA—$3,715,527,000.

Next is the Department of Housing and Urban Development, under title II of the bill, $1,896,181,000, of which $250,000,000 is for urban renewal, to be added to $750,000,000 advanced in last year's appropriation, for a total available of $1 billion; $600 million is for model cities, and $473 million is for low-rent public housing annual contributions. Various other programs of the Department of Housing and Urban Development get lesser amounts.

After those agencies come the General Services Administration, with $535,243,000, and National Science Foundation with $461,000,000.

The bill also funds three budget amendments sent to the Senate and not considered by the House, for the following:

disaster relief, additional $125,000,000. That is because of the recent disasters. GSA, FBI Academy, $7,396,000. Civil Service Commission, $160,000. That is for the new commission to assist the President in personnel exchange.

This makes a total of $132,556,000 which is included in the bill before the Senate and which was not considered by the House.

If this amount is deducted from the amount of increase over the House of $72,860,000, the bill is actually some $60 million under the House allowance.

For the Appalachian regional development programs, there is an unusual situation. The House, prior to the authorization bill, had allowed $350 million to fund their highway program for 1970 and 1971. The authorization, passed last week in the Senate, substitutes contract authority for new obligational authority, with payments for liquidation to be appropriated later.

I think that is a very significant point to bring out, Mr. President, so that our figures will not be misleading to anyone.

The committee is advised that no liquidation appropriation will be required until next year, and the committee has deleted the $350 million for the highway program, because of this contractual authority; $105 million is included in the bill to fund the nonhighway programs under the Appalachian regional development programs.

That is the substance of the bill.

This is the first year it has been my privilege to serve as chairman of this subcommittee, although I have been a member of the subcommittee for many years. It has been a very exciting and rewarding experience. I follow an exemplary predecessor, Chairman MAGNUSON, who had this responsibility last year, and under whom I served on that particular committee. The Senator from Washington (Mr. MAGNUSON) handled this bill, I understand, for about 14 years. My distinguished friend from Colorado (Mr. ALLOTT), who now acts as minority leader, is serving his 11th year on the consideration of the bill. It is a delight to serve with him. Then, we have our very distinguished staff director of the subcommittee, the Honorable Earl Cooper, who has been serving this particular responsibility for 21 years. So, you see, Mr. President, there is a tremendous amount of experience behind the particular bill now before the Senate.

The committee has three technical amendments which were inadvertently omitted from the bill. They are as follows:

On page 4, line 11, after "1855g)" insert: ", the Disaster Relief Act of 1969 (Public Law 91–79)"

The purpose of this amendment is to cover the funding for the recently passed Relief Act within the amount appropriated.

On page 22, line 17, strike out "one" and insert "two"; and on page 22, line 18, strike out "three" and insert "four".

The purpose of these amendments is to conform the authorizations for the National Science Foundation to the statements in the report.

Mr. President, I ask unanimous consent that the three technical amendments which were inadvertently omitted from the bill be added to the bill.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 14, after "U.S.C. 3109", strike out "$500,000" and insert "$524,000".

On page 3, line 20, after "U.S.C. 3109", strike out "$1,875,000" and insert "$1,958,000".

On page 4, line 4, after the word "expended", strike out "$445,000,000" and insert "$105,000,000"; and, in line 5, after the amendment just above stated, strike out "of which $175,000,000 shall be available during the fiscal year 1971 for the Appalachian Development Highway System".

On page 4, line 13, after the word "disasters", strike out "$45,000,000" and insert "$170,000,000".

On page 5, line 11, after the word "Code;", insert "hire of passenger motor vehicles;"; and, at the beginning of line 13, strike out "$40,000,000" and insert "$41,397,000".

On page 8, line 4, after "5 U.S.C. 3109", strike out "$21,600,000" and insert "$22,850,000".

On page 8, line 11, after the word "expenses", strike out "$16,000,000" and insert "$16,400,000".

On page 9, line 7, after the word "moving", strike out "$301,500,000" and insert "$309,119,000".

On page 9, line 24, after the word "equipment", strike out "$70,000,000" and insert "$61,600,000".

On page 10, line 17, after the word "buildings", strike out "$19,137,000" and insert "$13,248,000".

On page 11, after line 17, strike out:

"Federal office building, Chicago, Illinois, in addition to the sum heretofore appropriated, $13,285,000;".

On page 12, after line 8, insert:

"Federal Bureau of Investigation Academy, Quantico, Virginia; in addition to the sum heretofore appropriated, $7,396,000;".

On page 13, line 10, after the word "furnishings", strike out "$750,000" and insert "$1,250,000".

On page 20, line 25, after the word "Administration", strike out "$3,000,000,000" and insert "$3,019,927,000".

On page 21, line 5, after the word "law", strike out "$53,233,000" and insert "$58,200,000".

On page 21, line 17, after the word "property", strike out "$643,750,000" and insert "$637,400,000".

On page 22, line 24, after the word "services", strike out "$418,000,000" and insert "$458,000,000".

On page 23, line 25, after "(7 U.S.C. 1704 (b)(3)", strike out "$2,000,000" and insert "$3,000,000".

On page 24, line 8, after "5 U.S.C. 3109", strike out "$3,640,000" and insert "$4,140,000".

On page 24, line 13, after "5 U.S.C. 3109", strike out "$19,750,000" and insert "$20,416,000".

On page 25, line 4, after the word "Specialists", strike out "$67,375,000" and insert "$69,321,000".

On page 28, line 12, after the word "administration", strike out "$69,152,000" and insert "$55,217,000".

On page 31, line 7, after the word "law", strike out "$17,700,000" and insert "$50,700,000"; and, in line 8, after the word "exceed", strike out "$19,100,000" and insert "$19,700,000".

On page 31, line 15, after the word "defense", strike out "and"; in line 16, after the word "spaces;", insert "and constructing and equipping Federal regional operating centers;"; in line 17, after the amendment just above stated, strike out "$16,500,000" and insert "$21,800,000"; and, in line 18, after the word "expended", insert a colon and "*Provided*, That not to exceed $1,800,000 of this appropriation may be transferred to appropriations of the Department of Defense available for military construction for construction of Federal regional operating centers".

On page 32, line 21, after the word "services", strike out "$6,000,000" and insert "$4,000,000".

On page 33, line 22, after "(42 U.S.C. 1452a)", strike out "$100,000,000" and insert "$250,000,000".

On page 34, at the beginning of line 23, strike out "$5,500,000" and insert "$7,500,000."; and, in the same line, after the amendment just above stated, strike out "*And provided further*, That none of the funds appropriated by this Act for payments authorized by section 1705 of the Housing and Urban Development Act of 1968, shall be used to formulate or carry out any grant or loan to any institution of higher education unless such institution shall be in full compliance with section 504 of Public Law 90–575.".

On page 35, line 8, strike out "$37,000,000" and insert "$37,500,000".

On page 37, line 7, after "(80 Stat. 1255–1261)", strike out "$500,000,000" and insert "$600,000,000".

On page 37, line 13, after the word "exceed", strike out "$6,500,000" and insert "$7,000,000".

On page 38, line 20, after "(82 Stat. 477 and 498)", strike out "$16,500,000" and insert "$26,500,000"; on page 39, line 2, after the word "by", strike out "$80,000,000" and insert "$100,000,000"; and, in line 4, after the word "by", strike out "$70,000,000" and insert "$100,000,000".

On page 39, line 11, after the word "by", strike out "$50,000,000" and insert "$100,000,000".

On page 40, line 24, strike out "$5,000,000" and insert "$6,000,000".

On page 41, line 6, after the word "expenses", strike out "$7,000,000" and insert "$9,000,000".

On page 41, line 11, after the word "Department", strike out "$9,800,000" and insert "$11,905,000".

On page 42, after line 4, insert:

"SPECIAL INSTITUTIONS

"NATIONAL HOMEOWNERSHIP FOUNDATION

"For the National Homeownership Foundation, established by section 107 of the Housing and Urban Development Act of 1968 (82 Stat. 491), $250,000, to remain available until expended."

On page 52, line 12, after "Sec. 408.", strike out "None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project." and insert "None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, before the Senator gets into the main part of his speech I wish to ask a question about the Veterans' Administration hospital at Fort Harrison, Mont.

I have been receiving a number of communications from various veterans' organizations and individual veterans in Montana about the fact that the Veterans' Administration at Fort Harrison has closed a 40-unit wing, stating they could give better service with the remaining facility. That may be true or it may not be true, but the fear on the part of veterans in Montana—and the State covers approximately 148,000 square miles—is that the Veterans' Administration is using this as a first step to close down permanently this 40-unit wing, thereby reducing the capability of Fort Harrison to take care of the needs of veterans in Montana. Can the distinguished chairman of the committee give me some information on this particular situation?

Mr. PASTORE. Yes, I would be delighted to do so.

Mr. President, the distinguished Senator from Montana raised the same question at the markup in full committee. Pursuant to that statement we had the staff check into it in detail. The staff took the matter up with the proper agency and the proper authorities therein. We have been assured that that particular wing is closed temporarily because of the lack of patients, but it is available and will be available, and it is not to be abandoned.

Mr. MANSFIELD. I could not ask for more of an assurance than that. On behalf of the veterans of Montana I wish to thank the chairman of the committee, the Senator from Rhode Island (Mr. PASTORE) for his assurance that this 40-unit wing will not be abandoned.

Mr. PASTORE. It was a pleasure to make the inquiry and gain that assurance.

Mr. President, I have one further request before I yield to the distinguished Senator from Colorado. There is included in the report a comparative statement of new budget—obligational—authority for 1969 and budget estimates and amounts recommended in the bill for 1970. The statement shows in the first column the appropriations of last year, the next column shows the budget request for this year, the next column shows what the House did, the next column shows what the Senate did, and the last column shows the differences marked out in each specific item.

I ask unanimous consent to have printed in the RECORD the chart to which I have referred which appears on pages 24 through 31 of the report.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970

[Note—All amounts are in the form of "appropriations" unless otherwise indicated]

Agency and item	New budget (obligational) authority enacted to date, fiscal year 1969[1]	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Increase (+) or decrease (−) Senate bill compared with— Appropriations NOA, 1969	Budget estimates NOA, 1970	House bill NOA 1970
TITLE I							
EXECUTIVE OFFICE OF THE PRESIDENT							
National Aeronautics and Space Council							
Salaries and expenses	$500,000	$524,000	$500,000	$524,000	+$24,000		+$24,000
Office of Emergency Preparedness							
Salaries and expenses	4,950,000	5,290,000	5,000,000	5,000,000	+50,000	−$290,000	
Salaries and expenses, telecommunications	2,175,000	2,095,000	1,795,000	1,795,000	−380,000	−300,000	
Defense mobilization functions of Federal agencies	3,130,000	3,260,000	3,200,000	3,200,000	+70,000	−60,000	
Total, Office of Emergency Preparedness	10,255,000	10,645,000	9,995,000	9,995,000	−260,000	−650,000	
Office of Science and Technology							
Salaries and expenses	1,800,000	1,958,000	1,875,000	1,958,000	+158,000		+83,000
Total, Executive Office of the President	12,555,000	13,127,000	12,370,000	12,477,000	−78,000	−650,000	+107,000
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian regional development programs	713,600,000	[2] 462,500,000	445,000,000	105,000,000	−68,600,000	−357,500,000	−340,000,000
Disaster relief	45,000,000	[3] 170,000,000	45,000,000	170,000,000	+125,000,000		+125,000,000
Total, funds appropriated to the President	218,600,000	632,500,000	490,000,000	275,000,000	+56,400,000	−357,500,000	−215,000,000
INDEPENDENT OFFICES							
Appalachian Regional Commission							
Salaries and expenses	850,000	890,000	890,000	890,000	+40,000		
Civil Service Commission							
Salaries and expenses:							
Appropriation	38,564,000	[4] 41,830,000	40,000,000	41,397,000	+2,833,000	−433,000	+1,397,000
By transfer	(6,460,000)	(7,364,000)	(7,364,000)	(7,364,000)	(+904,000)		
Annuities under special acts	1,350,000	1,265,000	1,265,000	1,265,000	−85,000		
Government payment for annuitants, employees health benefits	40,478,000	41,185,000	41,185,000	41,185,000	+437,000		
Payment to civil service retirement and disability fund	72,000,000	73,000,000	73,000,000	73,000,000	+1,000,000		
Total, Civil Service Commission	152,662,000	157,280,000	155,450,000	156,847,000	+4,185,000	−433,000	+1,397,000
Commission on Executive, Legislative, and Judicial Salaries							
Salaries and expenses	100,000				−100,000		
Federal Communications Commission							
Salaries and expenses	20,720,000	23,950,000	21,600,000	22,850,000	+2,130,000	−1,100,000	+1,250,000
Federal Power Commission							
Salaries and expenses	15,878,000	[5] 16,650,000	16,000,000	16,400,000	+522,000	−250,000	−400,000
Federal trade Commission							
Salaries and expenses	16,900,000	19,940,000	19,500,000	19,500,000	+2,600,000	−440,000	

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

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Agency and item	New budget (obligational) authority enacted to date, fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Increase (+) or decrease (−) Senate bill compared with— Appropriations NOA, 1969	Budget estimates NOA, 1970	House bill NOA, 1970
TITLE I—Continued							
INDEPENDENT OFFICES—Continued							
General Services Administration							
Operating expenses, Public Buildings Service	$278,671,000	$309,119,000	$301,500,000	$309,119,000	+$30,448,000		+$7,619,000
Repairs and improvement of public buildings	80,000,000	[7] 61,600,000	70,000,000	61,600,000	−18,400,000		−8,400,000
Construction, public buildings projects		[8] 12,748,600	19,137,000	13,248,000	+13,248,000	+$499,400	−5,889,000
Construction, official residence of the Vice President		150,000				−150,000	
Sites and expenses, public buildings project	10,995,000	11,000,000	11,000,000	11,000,000	+5,000		
Payments, public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000			
Expenses, U.S. court facilities	750,000	1,500,000	750,000	1,250,000	+500,000	−250,000	+500,000
Operating expenses, Federal Supply Service	72,500,000	78,873,000	77,515,000	77,515,000	+5,015,000	−1,358,000	
Operating expenses, National Archives and Records Service	19,348,000	[9] 22,153,000	21,350,000	21,350,000	+2,002,000	−803,000	
National historical publication grants	350,000	350,000	350,000	350,000			
Operating expenses, Transportation and Communications Service	6,150,000	6,150,000	6,150,000	6,150,000			
Operating expenses, Property Management and Disposal Service	28,500,000	29,780,000	29,000,000	29,000,000	+500,000	−780,000	
Salaries and expenses, Office of Administrator	1,939,000	1,926,000	1,926,000	1,926,000	−13,000		
Allowances and office staff for former Presidents	307,000	440,000	335,000	335,000	+28,000	−105,000	
Expenses, Presidential transition	900,000				−900,000		
Administrative operations fund (limitation on administrative expenses)	(13,700,000)	(13,833,000)	(13,800,000)	(13,800,000)	(+100,000)	(−33,000)	
Total, General Services Administration	502,810,000	538,189,600	541,413,000	535,243,000	+32,433,000	−2,946,600	−6,170,000
National Aeronautics and Space Administration							
Research and development	3,370,300,000	[10] 3,006,427,000	3,000,000,000	3,019,927,000	−350,373,000	+13,500,000	+19,927,000
Construction of facilities	21,800,000	58,200,000	53,233,000	58,200,000	+36,400,000		+4,967,000
Research and program management	603,173,000	650,900,000	643,750,000	637,400,000	+34,227,000	−13,500,000	−6,350,000
Total, National Aeronautics and Space Administration	3,995,273,000	3,715,527,000	3,696,983,000	3,715,527,000	−279,746,000		+18,544,000
National Science Foundation							
Salaries and expenses	400,000,000	497,000,000	418,000,000	458,000,000	+58,000,000	−39,000,000	+40,000,000
Scientific activities (special foreign currency program)		3,000,000	2,000,000	3,000,000	+3,000,000		+1,000,000
Total, National Science Foundation	400,000,000	500,000,000	420,000,000	461,000,000	+61,000,000	−39,000,000	+41,000,000
Renegotiation Board							
Salaries and expenses	3,140,000	4,140,000	3,640,000	4,140,000	+1,000,000		+500,000
Securities and Exchange Commission							
Salaries and expenses	18,624,000	[11] 20,416,000	19,750,000	20,416,000	+1,792,000		+666,000
Selective Service System							
Salaries and expenses	66,418,000	[12] 69,321,000	67,375,000	69,321,000	+2,903,000		+1,946,000
Veterans' Administration							
Compensation and pensions	4,930,936,000	5,041,355,000	5,041,355,000	5,041,355,000	+110,419,000		
Readjustment benefits	701,200,000	742,200,000	742,200,000	742,200,000	+41,000,000		
Veterans insurance and indemnities	9,350,000	7,253,000	7,253,000	7,253,000	−2,097,000		
Medical care	1,474,064,000	[13] 1,524,101,000	1,541,701,000	1,541,701,000	+67,637,000	+17,600,000	
Medical and prosthetic research	48,018,000	[14] 54,638,000	54,638,000	54,638,000	+6,620,000		
Medical administration and miscellaneous operating expenses	14,789,000	[15] 16,994,000	16,950,000	16,950,000	+2,161,000	−44,000	
General operating expenses	207,000,000	[16] 220,865,000	220,865,000	220,865,000	+13,865,000		
Construction of hospital and domiciliary facilities	7,926,000	[17] 55,217,000	69,152,000	55,217,000	+47,291,000		−13,935,000
Grants for construction of State nursing homes	4,000,000	[18] 1,000,000	4,000,000	4,000,000		+3,000,000	
Grants to the Republic of the Philippines	1,776,000	1,362,000	1,362,000	1,362,000	−414,000		
Payment of participation sales insufficiencies	9,505,000	5,716,000	5,716,000	5,716,000	−3,789,000		
Loan guaranty revolving fund (limitation on obligations)	450,000,000	Language	425,000,000	425,000,000	−25,000,000		
Total, Veterans' Administration	7,408,564,000	7,670,701,000	7,705,192,000	7,691,257,000	+282,693,000	+20,556,000	−13,935,000
Total, independent offices	12,601,939,000	12,737,004,600	12,667,793,000	12,713,391,000	+111,452,000	−23,613,600	+45,598,000
DEPARTMENT OF DEFENSE							
Civil Defense							
Operation and maintenance	48,040,000	50,700,000	47,700,000	50,700,000	+2,660,000		+3,000,000
Research, shelter survey, and marking	12,500,000	24,600,000	16,500,000	21,800,000	+9,300,000	−2,800,000	+5,300,000
Total, civil defense, Department of Defense	60,540,000	75,300,000	64,200,000	72,500,000	+11,960,000	−2,800,000	+8,300,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Public Health Service							
Emergency health		[19] 4,000,000	6,000,000	4,000,000	+4,000,000		−2,000,000
Total, title I	12,893,634,000	13,461,931,600	13,240,363,000	13,077,368,000	+183,734,000	−384,563,600	−162,995,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

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					Appropriations NOA, 1969	Budget estimates NOA, 1970	House bill NOA, 1970
TITLE II							
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Renewal and Housing Assistance							
Grants for neighborhood facilities	$35,000,000	[20]$45,000,000	$40,000,000	$40,000,000	+$5,000,000	−$5,000,000	
Alaska housing	1,000,000	1,000,000	1,000,000	1,000,000			
Urban renewal programs	[21] 750,000,000	[22] 250,000,000	100,000,000	250,000,000	−500,000,000		+$150,000,000
Rehabilitation loan fund		[23] 50,000,000	45,000,000	45,000,000	+45,000,000	−5,000,000	
Low-rent public housing annual contributions	366,000,000	473,500,000	473,500,000	473,500,000	+107,500,000		
Housing for the elderly or handicapped fund	25,000,000				−25,000,000		
College housing:							
Increased limitation for annual contract authorization	(5,500,000)	(7,500,000)	(5,500,000)	(7,500,000)	(+2,000,000)		(+2,000,000)
(Cumulative limitation for annual contrac authorization)	(5,500,000)	(13,000,000)	(11,000,000)	(13,000,000)			
Appropriation for payments		2,500,000	2,500,000	2,500,000	+2,500,000		
Salaries and expenses	35,907,000	[24] 37,500,000	37,000,000	37,500,000	+1,593,000		+500,000
Total, renewal and housing assistance	1,212,907,000	859,500,000	699,000,000	849,500,000	−363,407,000	−10,000,000	+150,500,000
Metropolitan Development							
Comprehensive planning grants	43,838,000	[25] 60,000,000	50,000,000	50,000,000	+6,162,000	−10,000,000	
Community development training programs	3,000,000	8,000,000	3,000,000	3,000,000		−5,000,000	
Fellowships for city planning and urban studies	500,000	[26] 500,000	500,000	500,000			
New community assistance		5,000,000	2,500,000	2,500,000	+2,500,000	−2,500,000	
Open space land program:							
Appropriation to liquidate contract authorization	(75,000,000)				(−75,000,000)		
Appropriation		[27] 85,000,000	75,000,000	75,000,000	+75,000,000	−10,000,000	
Grants for basic water and sewer facilities	165,000,000	135,000,000	135,000,000	135,000,000	−30,000,000		
Grants to aid advanced acquisition of land		5,000,000	2,500,000	2,500,000	+2,500,000	−2,500,000	
Salaries and expenses	7,280,000	[28] 7,850,000	7,500,000	7,500,000	+220,000	−350,000	
Total, metropolitan development	219,618,000	306,350,000	276,000,000	276,000,000	+56,382,000	−30,350,000	
Model Cities and Governmental Relations							
Model cities program	625,000,000	[29] 675,000,000	500,000,000	600,000,000	−25,000,000	−75,000,000	+100,000,000
Salaries and expenses:							
Appropriations	1,466,000	[30] 550,000	550,000	550,000	−916,000		
By transfer	(6,171,000)	(7,000,000)	(6,500,000)	(7,000,000)	(+829,000)		(+500,000)
Total, model cities and governmental relations	626,466,000	675,550,000	500,550,000	600,550,000	−25,916,000	−75,000,000	+100,000,000
Urban Technology and Research							
Urban research and technology	11,000,000	[31] 30,000,000	25,000,000	25,000,000	+14,000,000	−5,000,000	
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	(2,000,000)	(2,510,000)	[32] (1,000,000)	[32] (2,000,000)		(−510,000)	
Total, urban technology and research	11,000,000	30,000,000	25,000,000	25,000,000	+14,000,000	−5,000,000	
Mortgage Credit							
Homeownership and rental housing assistance:							
Homeownership assistance, increased limitation for annual contract authorization	(70,000,000)	(100,000,000)	(80,000,000)	(100,000,000)	(+30,000,000)		(+20,000,000)
(Cumulative annual contract authorization)	(70,000,000)	(170,000,000)	(150,000,000)	(170,000,000)			
Rental housing assistance, increased limitation for annual contract authorization	(70,000,000)	(100,000,000)	(70,000,000)	(100,000,000)	(+30,000,000)		(+30,000,000)
(Cumulative annual contract authorization)	(70,000,000)	(170,000,000)	(140,000,000)	(170,000,000)			
Appropriation for payments	7,000,000	[33] 46,500,000	46,500,000	26,500,000	+19,500,000	−20,000,000	−20,000,000
Rent supplement program:							
Increased limitation for annual contract authorization	(30,000,000)	(100,000,000)	(50,000,000)	(100,000,000)	(+70,000,000.		(+50,000,000.
(Cumulative annual contract authorization)	(72,000,000)	(172,000,000)	(122,000,000)	(172,000,000)			
Appropriation for payments	12,000,000	[34] 23,000,000	23,000,000	23,000,000	+11,000,000		
Low- and moderate-income sponsor fund	500,000	[35] 3,000,000	2,000,000	2,000,000	+1,500,000	−1,000,000	
Salaries and expenses	1,975,000	[36] 4,100,000	3,500,000	3,500,000	+1,525,000	−600,000	
Total, mortgage credit	21,475,000	76,600,000	75,000,000	55,000,000	+33,525,000	−21,600,000	−20,000,000
Federal Insurance Administration							
Flood insurance	1,500,000	[37] 2,400,000	2,400,000	2,400,000	+900,000		
Fair Housing and Equal Opportunity							
Fair housing and equal opportunity program	2,000,000	[38] 10,500,000	5,000,000	6,000,000	+4,000,000	−4,500,000	+1,000,000
Departmental Management							
General administration	6,230,000	[39] 9,000,000	7,000,000	9,000,000	+2,770,000		+2,000,000
Regional management and services	6,778,000	[40] 10,500,000	9,800,000	11,905,000	+5,127,000	+1,405,000	+2,105,000
Working capital fund		5,750,000	4,338,000	4,338,000	+4,338,000	−1,412,000	
Total, departmental management	13,008,000	25,250,000	21,138,000	25,243,000	+12,235,000	−7,000	+4,105,000
Participation Sales							
Payment of participation sales insufficiencies	47,638,000	56,238,000	56,238,000	56,238,000	+8,600,000		
Special Institution							
National Homeownership Foundation		[41] 250,000		250,000	+250,000		+250,000
Total, Department of Housing and Urban Development, title II	2,155,612,000	[42] 2,042,638,000	1,660,326,000	1,896,181,000	−259,431,000	−146,457,000	+235,855,000

Footnotes at end of table.

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Agency and item	New budget (obligational) authority enacted to date, fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Increase (+) or decrease (—) Senate bill compared with—		
					Appropriations NOA, 1969	Budget estimates NOA, 1970	House bill NOA, 1970
TITLE III							
CORPORATIONS							
Federal Home Loan Bank Board							
Construction of headquarters facility		[43] $8,400,000	$8,400,000	$8,400,000	+$8,400,000		
Grand total, new budget (obligational) authority	$15,049,246,000	15,512,969,600	14,909,089,000	14,981,949,000	−67,297,000	−$531,020,600	+$72,860,000
Consisting of—							
Appropriations:							
Fiscal year 1969	(14,299,246,000)				(−14,299,246,000)		
Fiscal year 1970	(750,000,000)	(15,337,969,600)	(14,734,089,000)	(14,981,949,000)	(+14,231,949,000)	(−356,020,600)	(+247,860,000)
Fiscal year 1971		(175,000,000)	(175,000,000)			(−175,000,000)	(−175,000,000)
Memorandum—							
Appropriation to liquidate contract authorization	(77,000,000)	(2,510,000)	([44])	([44])	(−77,000,000)	(−2,510,000)	
Grand total	(15,126,246,000)	(15,515,479,600)	(14,909,089,000)	(14,981,949,000)	(−144,297,000)	(−533,530,600)	(+72,860,000)

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[1] Amounts have not been reduced to reflect reserves established pursuant to Public Law 90-218. Includes 2d supplemental but interaccount transfers are excluded.

[2] Includes $175,000,000 advance funding for fiscal year 1971.

[3] Includes $25,000,000 in H. Doc. 91-113 and $125,000,000 in S. Doc. 91-36.

[4] Reflects reduction of $210,000 in H. Doc. 91-100 and addition of $160,000 in S. Doc. 91-34.

[5] Reflects reduction of $80,000 in H. Doc. 91-100.

[6] Reflects reduction of $2,052,000 in H. Doc. 91-100.

[7] Reflects reduction of $19,672,000 in H. Doc. 91-100.

[8] Reflects reduction of $7,477,400 in H. Doc. 91-100 and addition of $7,396,000 in S. Doc. 91-29.

[9] Reflects reduction of $80,000 in H. Doc. 91-100.

[10] Reflects reduction of $45,000,000 in H. Doc. 91-100.

[11] Includes $300,000 in H. Doc. 91-113.

[12] Reflects reduction of $405,000 in H. Doc. 91-100.

[13] Reflects reduction of $17,600,000 in H. Doc. 91-100.

[14] Reflects reduction of $5,000,000 in H. Doc. 91-100.

[15] Reflects reduction of $333,000 in H. Doc. 91-100.

[16] Reflects reduction of $2,200,000 in H. Doc. 91-100.

[17] Reflects reduction of $41,151,000 in H. Doc. 91-100.

[18] Reflects reduction of $4,000,000 in H. Doc. 91-100.

[19] Reflects reduction of $3,728,000 in H. Doc. 91-113.

[20] Reflects reduction of $7,500,000 in H. Doc. 91-100.

[21] Advance funding for fiscal year 1970.

[22] For fiscal year 1970. Original budget estimate fo $1,250,000,000 advance funding for fiscal year 1971 deleted in revised estimate in H. Doc. 91-100.

[23] Reflects reduction of $28,000,000 in H. Doc. 91-100.

[24] Reflects reduction of $1,250,000 in H. Doc. 91-100.

[25] Reflects reduction of $5,000,000 in H. Doc. 91-100.

[26] Reflects reduction of $500,000 in H. Doc. 91-100.

[27] Reflects reduction of $10,000,000 in H. Doc. 91-100.

[28] Reflects reduction of $150,000 in H. Doc. 91-100.

[29] Reflects reduction of $75,000,000. Original budget estimate of $1,250,000,000 advance funding for fiscal year 1971 deleted in revised estimate in H. Doc. 91-100.

[30] Reflects reduction of $100,000 in H. Doc. 91-100.

[31] Includes $5,000,000 in revised estimate in H. Doc. 91-100.

[32] By transfer from previous items.

[33] Reflects reduction of $22,500,000 in H. Doc. 91-100.

[34] Reflects reduction of $7,000,000 in H. Doc. 91-100.

[35] Reflects reduction of $2,000,000 in H. Doc. 91-100.

[36] Reflects reduction of $4,900,000 in H. Doc. 91-100.

[37] Reflects reduction of $70,000 in H. Doc. 91-100.

[38] Reflects reduction of $4,000,000 in H. Doc. 91-100.

[39] Reflects reduction of $1,100,000 in H. Doc. 91-100.

[40] Reflects reduction of $400,000 in H. Doc. 91-100.

[41] Contained in H. Doc. 91-100.

[42] Reflects reductions of $15,000,000 for "Grants for tenant services"; $5,000,000 for "Urban information and technical assistance"; $10,000,000 for "Planned areawide development"; and $7,750,000 for "Urban transportation."

[43] Contained in H. Doc. 91-117.

[44] Included in Urban Research and Technology.

Mr. ALLOTT. Mr. President, I wish to thank the distinguished chairman for his kind remarks. I have worked on this bill a long time, with the distinguished Senator from Washington (Mr. MAGNUSON), who was the chairman of the committee for so many years. I wish to congratulate the distinguished Senator from Rhode Island on the very able and expeditious manner in which he has handled the bill. I think it is fair to say on behalf of the committee that had it not been for the situation of waiting for three different authorization bills our committee would have had this bill before the Senate and passed by the Senate prior to the August recess. Our hearings were completed by that time and we would have had it passed. We did order it out of committee as soon as we had those authorizations and that is the occasion for its being before the Senate today.

I have two things in general that I wish to say about the bill. One of them pertains to a matter which really affects the jurisdiction of the Committee on Appropriations. I do not see the chairman of the other committee that is affected in the Chamber at the moment, but I do want to make this part of the RECORD.

As explained by the chairman, on the Appalachian bill there was $350 million that we did not appropriate for this year. The reason we did not appropriate for that was that the Committee on Public Works granted advanced contract authority for the Appalachia program for $350 million for each of 2 years for roads in the Appalachian region. This particular matter is of great concern to me, as I am sure it is to every member of the Committee on Appropriations.

The net effect of advance authorizing is to take over complete jurisdiction of the appropriation process from the Committee on Appropriations. In this particular instance the Committee on Public Works, having given the advanced authority for contracting for $350 million, if the Appalachian Region Commission makes these contracts the Committee on Appropriations is then left with no jurisdiction whatever to act at all except to fulfill a contract that the Government has previously made.

I personally feel this is a very great error. I think it deprives the Committee on Appropriations of the right of discretion and it puts all of the authority in one committee. I would particularly hope that we try to avoid this sort of situation in the future, because one of the two committees is deprived of the right of discretion to act. It is perfectly ridiculous to assume that once the Government has made the contracts, the Committee on Appropriations will not appropriate the full amount of money.

Then, I would like to comment on three items in the bill, to which the distinguished chairman has referred. One of them is the rent supplement program, together with section 235 funds and section 246 funds, the latter two being the interest subsidy funds for home rental and the interest subsidy funds for homeownership. There is $100 million in each of these three items.

To a person who is particularly concerned about urban affairs and the social problems of the day, $300 million might not seem like a lot of money, but I invite the attention of the Senate to the fact that these contracts go up to 40 years, and with $300 million contained in this bill alone; that the total commitment of the Government can be as high as $12 billion over the next 40 years.

As we appropriate each year in each of these areas, if we multiply the annual appropriations by 40, we will get some concept of the kind of commitment the Government is making to housing in one way or another.

My personal feeling is that I hope to see the time when we will gradually phase out the rent supplement program. It was the intention of the Committee on Banking and Currency, with the inception of section 235 and section 236 funds last year, to phase out the rent supplement, and that the section 235 and section 236 funds would fulfill and fill the need in our home development, home construction, and home rentals in this country.

Other than those three items, I think there are no other remarks I want to make at this time. I would invite attention to the fact that last year, up through July 1 of this year, we had already appropriated $72 million for rent supplements. To get the full impact of that, it is necessary to multiply that figure by 40, although we may come out a little under that, but the round figure will give some idea of the commitment the Federal Government has made to housing.

Mr. PASTORE. Mr. President, I should like to pursue two of the points the Senator just made and wish to confer with him in that regard.

I call attention to page 2 of the report where we show a chronology of the three authorization bills the Senator spoke of; namely, NASA, the National Science Foundation, and the Appalachian regional development programs.

There one will readily see that the first one, NASA, was resolved in conference on November 4.

So far as the National Science Foundation is concerned, that conference report was filed October 27.

So far as the Appalachian regional development program is concerned, the conferees agreed to file a report on October 21, and later the conference report was filed.

As we stand here today, I do not think that the President has yet signed the authorizations.

Mr. ALLOTT. I am not sure.

Mr. PASTORE. Further, we explain that the subcommittee undertook hearings on June 12 and completed them on July 22. We have been waiting to mark up the bill. We could not mark up the bill until the authorization conferences were resolved. They were not resolved until November 4. Here we are, and today is November 10, the day before Armistice Day, and we acted as expeditiously as we could; but we have been waiting since July 22.

We say this with no impertinence at all to any of the legislative committees, but it seems a poor way to run a railroad.

I think the time has come when we have to be more expeditious concerning the authorizations if we are going to get the appropriation bills out.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report, beginning on page 2 with the caption "Authorizations," and ending with the second paragraph on page 3.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> ### AUTHORIZATIONS
>
> Since the House passed the bill, authorizations have progressed as follows:
>
> For the National Aeronautics and Space Administration, the authorization passed the House June 10 at $3,966,377,000, passed the Senate September 19 at $3,715,527,000, and the House named conferees October 30 and agreed in conference November 4 at $3,715,527,000.
>
> For the National Science Foundation, the House reported the authorization June 5 and passed it October 7, the Senate passed it on September 18 and the conference report was filed October 27, authorizing their regular programs totaling $477,605,000. For national sea grants, the authorization is contained in Public Law 90–477, at $15 million.
>
> For Appalachian regional development programs, the authorization passed the Senate July 8, passed the House July 15, was sent to conference July 17, and the conferees on October 21 agreed to file a report, authorizing appropriations for the highway program of $175 million for each fiscal year from 1970 to 1972 and $170 million for 1973. The authorization also substitutes contract authority for new obligational authority for the highway program, with liquidation payments to be provided later. Nonhighway programs are authorized at $268,500,000 for the 2-fiscal year period ending June 30, 1971.
>
> As this report is filed, none of these authorizations have been enacted.
>
> ### COMMITTEE ACTION DELAYED
>
> The committee began hearings on the bill on June 12 with statements from some of the agencies on budget estimates. After the House reported the bill, on June 19, the committee continued hearings with statements from the remainder of the agencies on budget estimates as well as requested restorations. The committee also heard statements from numerous public witnesses on various subjects and concluded the hearings on July 22.
>
> At that time it was the intention of the committee to report the bill promptly, with the hope that the bill could be finally enacted in the comparatively early days of the new fiscal year beginning on July 1.
>
> The good intentions of the committee have been hopelessly stymied month after month after month by the failure of the legislative committees to act upon three authorizations which are essential to the consideration by the committee of the funding required for those agencies in the bill—National Aeronautics and Space Administration, National Science Foundation, and Appalachian Development Act.
>
> The real victims of this frustrating delay are the other agencies in the bill that do not require annual authorization. Personnel and funding restrictions in recent years have held them back, including the continuing resolution, and they must await the enactment of the bill for any relief in the way of new authority.
>
> ### CONTRACT AUTHORITY
>
> The Appropriations Committee takes note that a practice is developing which it feels is unwise and economically inadvisable; namely, the granting of contract authority by various legislative committees without consultation with the Appropriations Committee as to what ultimate effect this might have on our fiscal stability. We would hope that the Appropriations Committee, which is responsible for all Federal appropriations, would not be denied through this process the opportunity and the jurisdiction of determining the funding process of the Senate.

Mr. PASTORE. Mr. President, this is what we say:

> The real victims of this frustrating delay are the other agencies in the bill that do not require annual authorization. Personnel and funding restrictions in recent years have held them back, including the continuing resolution, and they must await the enactment of the bill for any relief in the way of new authority.

Then, of course, speaking on this question about the contract authority, our committee is pretty much irked over the procedure taking place, because we feel, there again, that is not the proper way for the Senate and the Congress to proceed.

This is what we say:

> The Appropriations Committee takes note that a practice is developing which it feels is unwise and economically inadvisable; namely, the granting of contract authority by various legislative committees without consultation with the Appropriations Committee as to what ultimate effect this might have on our fiscal stability. We would hope that the Appropriations Committee, which is responsible for all Federal appropriations, would not be denied through this process the opportunity and the jurisdiction of determining the funding process of the Senate.

Mr. President, my colleague from Colorado and I both feel very strongly about this, and so does the whole committee.

I thought I would point that out again, with no impertinence, that it should be called to the attention of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 45 minutes tomorrow at the conclusion of the morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate stand in recess until 5 minutes of 2 today.

There being no objection, at 1 o'clock and 36 minutes the Senate recessed until 1 o'clock and 55 minutes, when called to order by the Presiding Officer (Mr. MANSFIELD in the chair).

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INOUYE in the chair). Without objection, it is so ordered.

TRUTH IS THE FIRST CASUALTY: THE GULF OF TONKIN AFFAIR

Mr. FULBRIGHT. Mr. President, in recent years it has become distressingly apparent that there is often a great discrepancy between the facts of a given international crisis and the image of them as presented by the executive branch to the American public and Congress. This may be attributed in part to the increasing complexity of our foreign relations. Upon closer examination, however, other, deeply disturbing, explanations are revealed. Foremost among these is an increasing tendency on the part of the executive branch policymakers to make arbitrary decisions regarding what the public needs, or has a right to know. In some instances, it is difficult, if not impossible to avoid the conclusion that the "facts" selected for public revelation have been chosen with an eye to their utility in justifying actions contemplated or, indeed, already taken.

There are, to be sure, certain restraints which inhibit this practice: the greater the body of openly available information, the greater the difficulty in staging selective presentations. When all the pertinent evidence of a highly classified intelligence nature, as was the case in the events in the Tonkin Gulf on August 2 and August 4, 1964, is in the hands of the policymakers, however, the public and Congress are relatively helpless.

An even more serious aspect of such situations is the degree to which the highest policymakers themselves may be in the hands of intelligence technicians and managers operating without policy guidance or responsibility.

This problem has been carefully documented in the recently published book "Truth Is the First Casualty: The Gulf of Tonkin Affair" by Mr. Joseph C. Goulden. There is no single piece of writing on this subject which I could commend more highly to my colleagues as we struggle to extricate ourselves from the aftermath of the Tonkin Gulf affair and to assess the implications of the secret war in Laos.

Mr. Goulden's book has already received widespread and highly favorable recognition in book reviews and news articles. I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Dallas Morning News, Oct. 9, 1969]

THE BIG QUESTION: WHAT HAPPENED?

(By Jim Wright)

In trying to evaluate our entry to the Vietnam War, one of the first steps—and one of the hardest—is trying to find out what happened.

A new book, just out, is the result of an expert's attempt to find out what happened during the two confusing days in the summer of 1964 in the Gulf of Tonkin. In the writing business, the experts at finding out what actually happened are the reporters.

Author Joe Goulden, who once worked in that capacity for The News, was and is an excellent reporter, skilled at digging up facts, interviewing witnesses, comparing stories and giving an account of events that sorts out fact from rumor or opinion.

His efforts to find out what happened in the Gulf of Tonkin have produced "Truth Is the First Casualty" (Rand-McNally, $6.95). In his conclusions, Goulden makes it clear that he believes the Johnson administration's actions during the incident were a "medley of misrepresentations, contradictions and half-truths."

But what lifts this book far above the mass of works on Vietnam is that the text is aimed primarily at getting the facts and letting them speak for themselves.

Goulden did not try to slant or choose his facts to project any particular line, hawk or dove, liberal or conservative. He just reported them, allowing the reader to form his own conclusions which may be somewhat different from Goulden's.

The combination of exhaustive research and objectivity in presenting the results has drawn praise from such disparate sources as the leading dove, Sen. Fulbright, and Holmes Alexander, syndicated conservative columnist.

If anything is clear about the incidents of Aug. 4, 1964, it is the lack of clarity in the reports back to the States on what happened.

On Aug. 2, the destroyer Maddox, on patrol through an area in which the South Vietnamese had recently staged commando raids, intercepted radio messages indicating that the North Vietnamese intended hostile action against the ship.

When three Red PT boats approached the Maddox in what appeared to be a high-speed torpedo attack, the destroyer fired three "warning shots." Then, when the boats launched torpedoes, she opened fire with her main batteries, hitting one boat. The air cover called in damaged the other two boats.

The Maddox left the area, but was ordered back and two days later, accompanied by the Turner Joy, patrolled the waters off North Vietnam. Earlier on the morning of Aug. 4, the South Vietnamese raided two Red bases and the Maddox picked up radio traffic indicating that the North Vietnamese considered the U.S. destroyers to be part of the raiding force. Later that day, the Maddox' sonar went on the blink, but the ship later reported that repairs had been made.

That night in the rain and darkness, the ships intercepted Red radio messages that suggested an ambush of the two destroyers was planned. Shortly thereafter the ships began to pick up on radar what appeared to be a night torpedo attack. However, the ships had difficulty with their radars in finding and locking onto firm targets in the darkness. The Maddox sonar reported torpedoes in the water, but there were serious doubts by one sonarman that the noises were in fact torpedoes. The reports that began to go back to Washington were, as Secretary McNamara put it, "ambiguous and confusing."

The skipper of the Maddox reported back that the "entire action leaves many doubts except for apparent attempted ambush at beginning. Suggest thorough reconnaissance in daylight by aircraft."

After the engagement, the destroyers' officers tried to get eye witnesses together to form a coherent picture. The Maddox gunnery officer said he didn't think any of the Red boats had come "within gun range." The men on the bridge of the Turner Joy reported having seen a searchlight flicker briefly.

The Maddox skipper sent back another cautious report, "Review of action makes many reported contacts and torpedoes fired appear doubtful . . . Freak weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by Maddox. Suggest complete evaluation before further action."

And later: "Maddox scored no known hits and never positively identified a boat as such . . . Weather was overcast with limited visibility . . . Air support not successful in locating targets . . . There were no stars or moon resulting in almost total darkness throughout action . . . First boat to close Maddox probably fired torpedo at Maddox which was heard (on sonar) but not seen. All subsequent Maddox torpedo reports were doubtful in that it is supposed that sonarman was hearing ship's own propeller beat."

In Goulden's efforts to find out what happened, his most notable finding was that nobody knows, even now, exactly what really happened in the Gulf of Tonkin that night or, in fact, if there really was an attack by the Red PT boats at that time.

Months later, according to Goulden, President Johnson brought up the incident of Aug. 4 in private conversation and said, "For all I know, our Navy was shooting at whales out there."

The significance of this event and the confusion surrounding it goes far beyond the event itself, the handling of it by the Johnson administration or even the U.S. war effort in Vietnam.

It bears directly on two agonizing problems of survival in a nuclear-armed world. There is, first, the intelligence and technological problem of trying to get the facts straight in a fast-moving situation. It is often hard enough for the men on the spot to get a clear picture, let alone the nation's leaders who are 10,000 miles away and forced to rely on second hand information.

And it is the latter who must make decisions on the survival of men and nations.

The second problem is that of determining who makes the final war decisions and by what procedure. The constitutional power to commit the nation to war belongs to Congress, yet it has increasingly been exercised by the executive in this century. Declarations of war are outmoded for missile wars.

Yet the hair-trigger response needed to deter nuclear war may lead to dangerous miscalculation when tripped by mistaken or conflicting reports from the field.

Both of these problems require serious national debate that is designed to reach workable solutions, Goulden's book does not furnish any pat answers, but it gives a better understanding of the question.

[From the Boston (Mass.) Christian Science Monitor, Sept. 20, 1969]

RED TARGETS VANISHED? BOOK GIVES NEW LOOK AT TONKIN GULF AFFAIR

(By Richard L. Strout)

WASHINGTON.—Seaman Patrick N. Park, United States Navy, had his finger on the device that would fire the 6 five-inch guns of the Destroyer USS Maddox near midnight Tuesday, Aug. 4, 1964.

"Open fire!" ordered the bridge.

The target was right on him, about 1,500 yards off the side, a nice fat blip on his radar controls. The two destroyers, Maddox and C. Turner Joy, had been firing for three hours in the eerie, lightning-lighted overcast at what they took to be enemy attackers like those in the daylight attack two days before.

More than 20 times the sonarman called out "torpedoes in the water," sending the destroyers into zigzag turns.

Time and again the Turner Joy reported ranges of "targets" upon which it was firing. But the Maddox's own radar room, near to anguish, could find nothing since the first contacts and was having trouble locating even the Turner Joy.

Seaman Park's hand went to the trigger—hesitated. "Where is the Turner Joy?" he demanded through the intercom.

COMMAND REPEATED

"Open fire before we lose contact!" came back the command in his earphones. The seaman faced possible court-martial. "I'm not opening fire until I know where the Turner Joy is," he said.

The bridge spoke to its sister ship over the phone: "Turn on your lights, Turner Joy."

There she was, right in Park's cross hairs.

"I had 6 five-inch guns right at the Turner Joy, 1,500 yards away," Patrick Park told Joseph C. Goulden, author of a new book, "Truth Is the First Casualty: the Gulf of Tonkin Affair—Illusion and Reality" ($6.95; Rand McNally & Co.).

"If I had fired, I would have blown it clean out of the water. In fact I could have been shot for not squeezing the trigger. . . . People started asking, 'What are we shooting at? What is going on?' We all began calming down. The whole thing seemed to end then."

Only it didn't end.

JOHNSON DRAWN IN

The Tonkin Gulf incidents—the actual attack by North Vietnamese boats on the Maddox Aug. 2, 1964, and the supposed engagement between the Maddox, the Turner Joy, and North Vietnamese vessels the night of Aug. 4—triggered a reaction in Washington in which President Johnson did not withhold his finger.

Here is the reported chronology from then on:

Mr. Johnson ordered retaliatory bombings within 12 hours of the supposed (second) attack. It was not till after the first U.S. bombers had started out that Capt. John J. Herrick, commander of Tonkin Gulf Patrol, reported to the Pentagon that air support did not locate any targets; that Maddox scored no known hits; that it never positively identified a boat; that a "probable" torpedo was detected on sonar but that "Maddox torpedo reports are doubtful in that it is suspected that sonarman was hearing ship's own propeller beat."

Mr. Johnson late at night solemnly told the nation over TV that "air action is now in execution" against North Vietnam.

RESOLUTION RESULTS IN BUILDUP

On Aug. 7, 1964, at Mr. Johnson's request, Congress passed with but two dissenting votes—Sens. Ernest Gruening (D) of Alaska and Wayne Morse (D) of Oregon—a generalized Tonkin Gulf Resolution which Undersecretary of State Nicholas deB. Katzenbach later called the "functional equivalent" of a declaration of war. Within a year U.S. troops in Vietnam rose from 16,000 to half a million.

It is possible that the second Tonkin Gulf attack never occurred. There is no doubt about the first, however. It did occur. But there were elements which Congress did not know.

Then Secretary of Defense Robert S. McNamara told Congress that there had been "unprovoked and deliberate attacks in international waters on our naval vessels."

Congress did not know that on July 30 and 31 South Vietnamese patrol boats attacked a Communist area (Hom Me). Just subsequent to this the USS Maddox began its patrol in the same area. It apparently came within four to six miles of the area previously attacked by the South Vietnamese.

RADIO WARNING REPORTED

On Aug. 2 radio intercepts by the Maddox indicated preparations to attack it. It put out to sea on the ground of "unacceptable risk." The Seventh Fleet commander, however, ordered it to resume patrol.

Later, an attack actually occurred by three high-speed Communist PT boats. The Maddox had moved from 4 miles off the Communist area to 30 miles off coast. The enemy PT boats were damaged, the U.S. destroyer was not.

On Aug. 3 Captain Herrick recommended termination of the patrol; Adm. Ulysses S. Grant Sharp, then Pacific Forces commander, refused. Captain Herrick reported that radio intecepts indicated that the enemy considered the U.S. patrol part of the South Vietnamese attack.

When Congress passed the Tonkin Gulf resolution, Mr. Goulden recalls, it did not know that the Communists apparently thought the U.S. patrol and the South Vietnamese attack were one operation. Nor, he said, did they know that the so-called second "attack" may not have occurred at all.

[TRB from Washington]

THE SHORT WAR

In the summer of 1967, I took a 10,000-mile trip across America in a battered old Rambler, asking people everywhere what they thought of the war. They didn't think much of it. It had been going on 17 years for the Vietnamese but only about two for the US if you start from the big troop buildup. People shrugged; they didn't like the war but felt it had to be finished; it was bound to be short, thank God.

Then about midsummer President Johnson suddenly said that the nation faced a $25-billion deficit and that he wanted a $10-billion tax increase. Maybe it was my imagination but I thought I felt the mood stiffen. By Denver I was pretty sure of it. "President Johnson is in trouble, bad trouble," I wrote.

The war still goes on and two or three hundred Americans get killed every week. There have been several new developments. Ho Chi Minh has died. The State Department is weighing what Hanoi's chief negotiator at Paris meant when he said a sizable withdrawal of US troops *might* break the deadlock (was this a signal?). In Saigon, our man Thieu picked a new premier (a general), and enlarged his cabinet (soldiers and technicians of the old regime) but didn't broaden its base which is what it agonizingly needs. Truong Dinh Dzu, the runner-up peace candidate in the September, 1967 election, got five years in jail for his presumption.

Here at home, the draft generation is going back to college. Everybody hopes they won't be violent. After all, why should they be? The country is prosperous! It is in the eighth year of the longest uninterrupted upswing in history, and the Vietnam war is fattening dividends, making big corporations bigger and pumping $30 billion a year into the economy. Why should those kids behave so uncooperatively; what's bugging them, anyway? They have nothing to lose but their lives.

"But what are we fighting for?" ask the youngsters. Ah, to be sure; that's the question. Glad you asked me that.

We are fighting, I suppose, for reasons that go back a long way. America has a yen for world-crusading, followed by resentful periods of isolationism. After World War II our ersatz partnership with Russia collapsed suddenly in angry confrontation. If you believed spheres of influence were bad, that a balance of power was a makeshift, that Soviet control was temporary, that saboteurs in the State Department had "betrayed" China, that nations would implacably put ideology ahead of national interest, and that Communism was a monolithic world conspiracy—then the war in Vietnam made sense.

So, perhaps, would any war of containment. The US had very good reason for wanting to stop Moscow after the war, but it developed into a frenzy that threatened to commit the country beyond its capacity. General Douglas MacArthur warned that anyone who got the US into a land war in Asia ought to have his head examined. Walter Lippmann looked at the matter with Olympian calm. He urged succeeding Presidents to uphold our presence in Asia by sea and air forces and not to get bogged down in guerrilla fighting. It would be like an elephant fighting a swarm of mosquitoes, he said. Vietnam was not external aggression, he declared, but a civil war. In December, 1966, he wondered in print whether Lyndon Johnson "will not withdraw before 1968?" He wrote that "if the only way out of the quagmire is to elect a Republican it is not improbable that there will come forward a Republican to elect." Mr. Lippmann has made his share of mistakes in 60 years of journalism but as he reaches his 80th birthday, September 23, he can boast remarkable prescience on Vietnam.

The great theory of monolithic Communism fell apart when Peking and Moscow split. (There is even now talk of a preemptive Russian strike against China.) In Europe Mr. Nixon has just visited a Communist country, Rumania. This softens a little the rationale of our Asian crusade.

But there was the "domino theory." Depending on circumstances it may have validity, but then, why is the U.S. so agonizingly alone in the war? James C. Thomson, Harvard East Asian specialist, says, "the domino theory was not merely inaccurate but also insulting to Asian nations." Again, there was Walt Rostow's theory that phased bombing would bring North Vietnam quickly to its knees. Well, it didn't. It is now almost universally acknowledged that the bombing strengthened Vietcong morale.

There was the 1964 Tonkin Gulf incident that gave LBJ the functional equivalent of a declaration of war. Only two senators voted against the resolution, Morse and Gruening—both defeated in 1968. A startling book is just to be published, "Truth is the First Casualty: The Gulf of Tonkin Affair," by Joseph C. Goulden ($6.95; Rand McNally). I can read it with no other thought than that Congress was deceived, perhaps deliberately. Even while U.S. retaliatory bombs were falling on North Vietnam the Administration was frantically pleading for verification that enemy patrol boats in Tonkin Gulf had actually attacked our destroyers, and getting foggy answers. In fact, in that eerie, overcast night, with fitful lightning flashes and a damaged sonar system, it is not certain that enemy boats were even present.

The public now mostly thinks the war was a mistake. One casualty is social reform at home—the poor old Great Society. Lyndon Johnson was saying only last year that the amount of money required to bring every last American up out of deep poverty was only the equivalent of a quarter of the nation's annual economic growth. In a war with bands and banners, and patriotic zeal, you can wage war on two fronts, but this was different. A taxpayers' strike doomed the double effort.

Two years ago people across America were not bothering much about the merits of the war, the big thing was that it would be over quickly; it would be cheap and easy. Anybody could see a primitive land of 16 million couldn't stand up long against a giant of 200 million. . . .

So why fight now? Because, I suppose, we feel we have certain obligations and to save face, and because we are trapped. Is that worth 200 to 300 lives a week? Not for me, it isn't.

[From the Army Times, Oct. 15, 1969]

PROVOCATIVE STUDY: TONKIN BAY INCIDENT: FICTION VS. FACT

(Reviewed by John Romer of "Truth is the First Casualty" by Joseph C. Goulden. Rand McNally, N.Y., 285 pages, $6.95.)

After reading this shocking, provocative account erupting from the Gulf of Tonkin incident, one would almost be forced to admit that the truth no longer hurts. It is frightening.

"Nothing overshadows truth so completely as authority," said a wise man, particularly when authority has the ability to shade facts and fill the gaps with fiction. And the characters who played lead roles in this living drama at times as if they were performing (in reality they were campaigning). At least this is the conclusion this reader draws from this expose.

Take the best efforts of Perry Mason, James Bond, Adam Smart and Commander McHale. Put Perry on the Hill to conduct Senate Foreign Relations Committee hearings.

Unfortunately the Tonkin incident is no scenario. It had no writer to think ahead. And the results were horrendous.

According to Goulden's fact-laden account, the incident had to be played by ear. But what was heard was not always fact. A considerable dose was vague to say the least. And his book austerely hangs a dark cloud of suspicion over the credibility of some of our leaders—past and present.

He does a frightening job in piecing the conglomeration of fact and "reportedly fiction" to tell his readers what happened in August 1964. But Goulden does not cut the line there. He pulls names and events from the past to draw parallels of how similar incidents could have been.

No one escapes scrutiny which begins at the top of the ladder with President Johnson and slides down to the radarman on the destroyer Maddox at the time of the reported incident.

Unfortunately, Goulden's book does not answer all the questions which triggered escalation in Vietnam. He admits this in his epilogue. But Goulden has done as thorough a job as could be done.

Despite the negative information turned up against high-ranking officials, Goulden's candid report is rigidly objective. All accusations—and there are plenty to make—are left to the reader and the Senate investigation committee. His interjected opinion is held to a minimum. Then only to clarify a statement or sketchy fact.

The entanglements, political maneuvers. personality clashes and outright contradictions spawned by the Tonkin incident are bluntly told.

It is difficult to describe the reaction a reader could get from this book. It is frightening and can be quite depressing. Nonetheless, this book is a must for all.

[From the New York Times, Oct. 4, 1969]

Book Gives View of Tonkin Affair—Says Johnson Attempted To Stop a Full Inquiry

(By E. W. Kenworthy)

Washington, October 4.—A new book on the affair in in 1964 in the Gulf of Tonkin states that the Johnson Administration tried in December, 1967, to avert a full-scale inquiry into the affair by the Senate Foreign Relations Committee.

The title of the book, just published, is "Truth Is The First Casualty—The Gulf of Tonkin Affair, Illusion and Reality." The author is Joseph C. Goulden, a former Washington reporter for The Philadelphia Inquirer. The publisher is Rand McNally & Co.

Mr. Goulden relates how Under Secretary of Defense Paul H. Nitze and Secretary of the Navy Paul R. Ignatius visited Senator J. W. Fulbright, chairman of the committee, and Senator Richard B. Russell, then chairman of the Armed Services Committee, and "strongly pleaded that the Foreign Relations Committee should abandon any thought of reopening the Tonkin incident, saying it would be a 'bad show' for the United States."

DENIED U.S. INVOLVEMENT

According to Mr. Goulden, Mr. Nitze strenuously denied the United States destroyers Maddox and C. Turner Joy were implicated in any way in the attacks by South Vietnamese boats on the North Vietnamese islands of Hon Me and Hon Ngu on July 31 and against North Vietnamese radar security stations on Aug. 3.

Because the destroyers were not serving as cover or decoys for the South Vietnamese attacks, Mr. Nitze insisted that the North Vietnamese had no provocation for a PT-boat attack on the Maddox on the night of Aug. 2 and another on both destroyers on Aug. 4.

As to whether there was actually an attack on Aug. 4—which was to be a principal object of the committee's inquiry—Mr. Nitze, according to Mr. Goulden, conceded there had been "some initial doubts about details of the August 4 engagement because of 'reporting and communications snafus' but that all questions had been resolved before (President) Johnson ordered the (retaliatory) air strikes (12 hours later on Aug. 5.)"

MISSION TERMED "FAILURE"

Mr Nitze's mission, Mr. Goulden writes, "was an unqualified failure," and the committee continued its investigations.

The principal witness in that inquiry was Secretary of Defense Robert S. McNamara. It was on the basis of his testimony that Congress quickly passed, with only 2 dissenting votes, the resolution proposed by President Johnson authorizing the President to take all measures deemed necessary to repel attacks on United States forces and "to prevent further aggression."

Mr. Johnson later used the resolution to justify the bombing of North Vietnam and the commitment of United States soldiers to combat.

One of the Maddox crewmen interviewed by Mr. Goulden was Patrick N. Park, an enlisted sonar man, who on the night of Aug. 4 was posted in the main gun director, watching the radar controlling the six five-inch guns. This radar was more sensitive than the ship's main radar at short ranges.

NOTHING ON RADAR

Seaman Park told Mr. Goulden that although the Turner Joy had been continually reporting the ranges of targets at which it was firing, he had seen nothing on his radar "but the occasional roll of a wave as it breaked into a white cap."

"Then," Mr. Goulden writes, "A few minutes before midnight, the bridge gives Park a range reading from Combat Information Center. Park hastily directs the gun-control radar toward the area of contact

"'It was a damned big one, right on us. No doubt about this one,' he said. 'About 1,500 yards off the side, a nice fat blip.' Park asks for the firing key—that is, for control of the triggering device on the five-inch gun mounts—and for permission to fire. 'Open fire!' is the response. Park tells what happened:

"'Just before I pushed the trigger I suddenly realized, that's the Turner Joy. This came right with the order to fire. I shouted back, "Where is the Turner Joy?" There was a lot of yelling of "God damn" back and forth, with the bridge telling me to fire before we lose the contact, and me yelling right back at them.

"'I finally told them, "I'm not opening fire until I know where the Turner Joy is." The bridge got on the phone and said, "Turn on your lights, Turner Joy."

"'Sure enough, there she was, right in the cross-hairs. I had six five-inch guns right at the Turner Joy, 1,500 yards away. If I had fired it would have blown it clean out of the water. In fact, I could have been shot for not squeezing the trigger.'"

Mr Goulden writes that Seaman Park said that after this near disaster: "People started asking: 'What are we shooting at? What is going on?' We all began calming down. The whole thing seemed to end then."

[From the Chicago (Ill.) Tribune, Sept. 19, 1969]

Navy Foulup in Tonkin Gulf Attack Told—Asserts Maddox Guns Periled Turner Joy

(By Fred Farrar)

Washington, September 18.—A crew member aboard the destroyer Maddox when it and the destroyer Turner Joy were attacked the night of Aug. 4, 1964, in the Gulf of Tonkin has been quoted as saying that the Maddox nearly opened fire on the Turner Joy in the confusion of the controversial attack.

He is quoted as saying the Turner Joy would have been blown out of the water if the Maddox had opened fire.

RELATED IN BOOK

The account of the incident as related by the former crewman is contained in a book to be published here Monday by Rand McNally & Co. entitled "Truth Is the First Casualty; The Gulf of Tonkin Affair—Illusion or Reality."

The author, Joseph C. Goulden, a former Washington correspondent for the Philadelphia Inquirer and now a free-lance writer, quotes Patrick N. Park, who subsequently left the Navy and is now living in California, as saying he was working as the main gun director of the Maddox during the night of the attack and that the main radar room was having difficulty getting and keeping contact with the North Vietnamese torpedo boats which the Maddox believed were attacking it.

Then, Goulden writes:

SPOTTED BY RADAR

"Around midnight Park . . . was given a range on a target spotted by the main radar room, 'The finest target we've had all night.'

"He directed his radar toward the target. 'It was a damned big one right on us, no doubt about this one. About 1,500 yards off to the side, a nice fat blip.'

"Park asked for the firing key—control of the triggering device on the 5-inch gun mounts—and for permission to open fire. Park tells what happened next:

"'Just before I pushed the trigger, I suddenly realized—that's the Turner Joy. This came right with the order to open fire.

"'I shouted back, "Where's the Turner Joy?" There was a lot of yelling back and forth, with the bridge telling me to fire before we lost the contact, with me yelling right back at them. . . .'"

REFUSED TO FIRE

Park, according to Goulden, said he refused to open fire until he knew where the Turner Joy was and the Turner Joy was told to turn on its running lights. Goulden goes on to quote Park as saying:

"Sure enough, there she was. Right in the cross hairs. I had six 5-inch guns right on the Turner Joy, 1,500 yards away.

"'If I had fired, it would have blown it clear out of the water. All I had to do was squeeze the trigger. In fact, I could have been shot for not squeezing the trigger.'"

Elsewhere in the book, Goulden says without attribution that between the first attack on the Maddox on Aug. 2, 1964, and the attack on the Maddox and the Turner Joy two days later former President Johnson used the so-called hot line between Washington and Moscow for the first time.

CITES U.S. RIGHTS

Goulden said Johnson told then Premier Nikita Khrushchev that he was sending the Maddox and the Turner Joy back into the Gulf of Tonkin after the first attack only to demonstrate the American right to operate in international waters and that the United States did not want to widen the war.

Asked about the assertion, Johnson's office in Austin, Tex., said the hot line was not used during the time of the Gulf of Tonkin incident.

In his book, Goulden suggests that evidence uncovered after the Gulf of Tonkin incident casts doubt on whether there ever was a second attack.

Johnson used the Gulf of Tonkin resolution passed by Congress as a result of the second attack as authorization for sending American combat troops into South Viet Nam in large numbers, starting in 1965.

[From the Library Journal, Sept. 15, 1969]

(Goulden, Joseph. *"Truth Is the First Casualty."* 288p. maps. bibliog. index. Rand McNally. Oct. 1969. $6.95. LC 70-90840. Political science.)

A first-class piece of research and writing, this work shows how the Gulf of Tonkin incidents of August 1964, involving the USS *Maddox* and resulting in the Gulf of Tonkin Resolution, were handled in such a way as to deceive the American people and Congress. This deception led to the passage of a resolution that was the functional equivalent of a declaration of war. It divided the body politic and damaged the relations between President Johnson and Congress. Through careful documentation, Goulden narrates the action reports of the USS *Maddox* and indicates how they were misinterpreted and distorted at a time when the true scope of United States operations in Vietnam as hidden from the public because of impending Presidential elections. Because of the tenacity of Senator Fulbright, originally a supporter of the Gulf of Tonkin Resolution, the duplicity of the Johnson Administration was exposed. This book is worthy reading because it demonstrates how a government can knowingly or unknowingly distort the truth about any international incident and bring its people into a war. Of comparable importance is how the Congress of the United States has allowed much of its power to be taken over by the executive branch of the government. Recommended for all libraries.—*Alex Birkos, ABC-Clio Press, Santa Barbara, Calif.*

[From the Houston (Tex.) Chronicle, Sept. 28, 1969]

The Tonkin Affair—Fact or Fantasy?

(By Nathan Broch)

(Truth is the First Casualty, the Gulf of Tonkin Affairs—Illusion and Reality, by Joseph C. Goulden, Rand McNally, $6.95.)

Among history's least pleasant ironies are the battles and incidents fought or manufactured on the world's most placid waters. It is therefore not surprising that the Gulf of Tonkin should have been the setting for America's open-ended involvement in Vietnam. What is astounding, however, is the ease with which an American Congress, comprised in its entirety of adult U.S. citizens, accepted with only two opposing votes what even in that long-ago summer of 1964 looked and almost smelled either like an American error or suicidal North Vietnamese madness: On Aug. 2, 1964, North Vietnamese boats attacked the U.S. warship Maddox. During the night of Aug. 4, 1964, the North Vietnamese again indulged in a "supposed engagement between the Maddox and the Turner Joy." Both events took place in the Gulf of Tonkin and were promptly labeled by Washington as "unprovoked and deliberate attacks in international waters on our naval vessels." On Aug. 7, 1964, Congress passed the now-somewhat-limping but still historic Tonkin Gulf Resolution which led President Johnson to raise the 16,000-man U.S. Advisory force in Vietnam to well above the half-million nonadvisory and highly combatant mark.

Joseph C. Goulden, a longtime Washington newsman with excellent connections and a fine nose for details, dissects the Tonkin Gulf incidents with equal measures of brilliance and candor—one as salutary as the other. He believes the Tonkin Gulf Resolution should not have been passed and that it "contains the fatal taint of deception" on the part of the Johnson administration. He condemns President Johnson for having used the resolution "as his basic congressional authority for conduct of the war."

[From the Livermore (Calif.) Herald & News, Sept. 18, 1969]

A Shameful Chapter in Navy History

(By Holmes Alexander)

WASHINGTON.—For years our U.S. Navy has been in a streak of bad luck, and a just-published book about Tonkin Gulf indicates how remorselessly misfortune rides the waves.

Worse, this book by Joseph Goulden, "Truth Is the First Casualty," has given inordinate delight to a couple of unilateral disarmament buffs, Senators Bill Fulbright and Frank Church.

"It was a fitting book for me to read over the Fourth of July," says Fulbright in a mash-note to the publisher.

"Thank you (Rand McNally & Co.), and Mr. Goulden," gurgled Church is a similar letter.

Why any American should be happy over such terrible events, I just dunno. It's a book to make the angels weep. I think they must have begun sobbing for the Bay of Pigs (a Navy officer was President then), and kept right on moaning for the USS Liberty, the USS Pueblo, the Navy EC–121 and so much else that has gone wrong in the Stressful Sixties. Joe Goulden, the author, shudders, to do him credit, as he tells Maddox and USS Turner Joy during the first week of August, 1964.

These two destroyers became a pair of pawns in one of the crookedest chess-games ever played on the international board. To begin with, President Johnson needed a pretext to get what was described as the "functional equivalent" of a declaration of war out of Congress. The document, later the Tonkin Gulf Resolution of Aug. 5, 1964, had been drafted by McGeorge Bundy back in June. It was quickly updated between Aug. 2 (after a flea-bit attack on the Maddox) and Aug. 4 (when attacks on the Maddox and the Turner Joy allegedly took place, but in all probability never did).

"For all I know, our Navy was shooting at whales out there," the President privately admitted later, in one of the many astonishing revelations in this book. His administration did not produce a single member of the two ships' crews, including their commanders, who could testify that North Vietnam ships fired on the U.S. vessels that dark night of August 4.

The closest moment of peril came when Seaman Patrick Park, the Maddox sonarman, was ordered to press a button that would have fired six five-inch guns into a supposed enemy target, which turned out to be the sister ship.

"Just before I pushed the trigger," Park said afterwards, "I suddenly realized, 'That's the Turner Joy.' "

What would have happened if one U.S. destroyer had blown another out of the water at a time when the Navy was trying, under political orders, to draw enemy fire? Had this happened and been truthfully revealed, it's conceivable that Johnson would have taken himself out of the presidential race, as he did some five years later. We might have had Barry Goldwater elected on his policy, "Why Not Victory?" instead of Johnson elected on his devious policy of preaching peace, planning escalation, posturing as a world strategic, waging limited and indecisive war.

This lively book actually becomes tiresome in listing and exposing all the deceits of Johnson and the yes-men liars around him. The Maddox was not on a "routine patrol" but was an electronic spyship. The Communists had every reason for supposing it was a decoy for South Vietnam raids simultaneously being carried on in other ships supplied by the U.S. Navy. The retaliation bombing of North Vietnam took place while Johnson was still frantically trying to get "proof" that the non-attacks on the Maddox and Turner Joy had been real attacks.

It is a sorry story. It involves high-ranking Navy officers, as well as their commander-in-chief and Defense Secretary. It is a book that should have been written and published, for the sake of shameful truth.

But I can't imagine how Senator Fulbright, writing on Foreign Relations Committee stationery and signing himself "chairman," could call it "fitting" reading for the Fourth of July.

[From the Chicago (Ill.) Sun-Times, Sept. 21, 1969]

Book, "Truth Is First Casualty," Adds to Tonkin Doubt

WASHINGTON.—"For all I know, our Navy was shooting at whales out there," President Lyndon B. Johnson is quoted as saying in a new book purporting to give the full story of the Gulf of Tonkin incident that led to full-scale U.S. involvement in Vietnam.

The book, "Truth Is the First Casualty" by Washington newsman Joseph C. Goulden, says Mr. Johnson made the statement in 1965 referring to Navy reports the previous year of Communist torpedo boat attacks on the American destroyers Maddox and Turner Joy.

Goulden's book, to be issued Monday by Rand-McNally, presents an in-depth report on the incidents which led to congressional passage of the "Tonkin Gulf Resolution" which gave the President authority to use whatever force might be necessary in Vietnam.

The resolution subsequently was cited by Mr. Johnson and Sec. of State Dean Rusk as legal authority for the commitment of a full-scale U.S. war effort there.

Yet soon after the double incidents in the gulf in August, 1964, rumors began circulating that the reported second attack by North Vietnam on the destroyers never really happened.

As presented by the Navy to Congress at the time, the facts were that the patrol ship Maddox was attacked by three small North Vietnamese gunboats in international waters of the gulf on Aug. 2 and repelled the vessels after sustaining minor damage.

Mr. Johnson promptly warned Hanoi the United States would retaliate if any additional such attacks occurred. On the night of Aug. 4, the Navy said, the Maddox and the Turner Joy were steaming south out of the gulf when they were fired upon by an undetermined number of the little boats, which the Vietnamese call "swatows."

Within hours, a fleet of U.S. bombers attacked naval installations on the North Vietnamese coast, and the Tonkin Gulf resolution was sent to Congress.

OR WERE THE "BOATS" JUST WAVES?

The Senate Foreign Relations Committee conducted a full investigation last year into the circumstances of the second incident. It took place on an "ink black" stormy night in which cresting waves could be mistaken on radar screens for small pursuing boats, and when the heavy wakes created by the destroyers' own evasive courses were virtually identical with torpedo tracks on sound detection units.

The committee drew no conclusions as to whether the attacks occurred but did determine there was sufficient doubt indicated in the official messages at the time that Washington should have been more cautious about reacting.

REVEALING INTERVIEWS WITH CREWMEN

Goulden's book described the Senate investigations in depth and added another dimension to the story through interviews with many of the crewmen involved, something committee chairman J. William Fulbright (D-Ark.) has since conceded the committee should have done itself.

One of the interviews cited in the book was with a Maddox sonarman, Patrick N. Park of California. He described the hours he spent vainly watching for targets on his screen and wondering where the Turner Joy was finding the targets at which it was firing.

Finally, a few minutes before midnight, the bridge gave Park a range reading.

"It was a damned big one, right on us," Park is quoted by Goulden. "No doubt about this one. About 1,500 yards off the side, a nice fat blip."

WHERE IS THE TURNER JOY?

Park asked for, and got, control of the firing key for the five-inch gun mounts, along with permission to fire. Park's story continued:

"Just before I pushed the trigger I suddenly realized, that's the Turner Joy. This came right with the order to open fire. I shouted back, 'Where is the Turner Joy?' There was a lot of yelling back and forth, with the bridge telling me to fire before we lose the contact, and me yelling right back at them . . . I'm not opening fire until I know where the Turner Joy is.' "

Finally the bridge radioed the Turner Joy to turn on her lights, and Park said: "Sure enough, there she was, right in the cross hairs. I had six five-inch guns right at the Turner Joy, 1,500 yards away. If I had fired, it would have blown it clean out of the water, In fact, I could have been shot for not squeezing the trigger."

[From the Saturday Review]

(By William R. Corson)

(NOTE.—William R. Corson based his controversial book, "The Betrayal," on his experiences as the Marine colonel with the principal responsibility for the pacification program in Vietnam.)

("Truth Is the First Casualty: The Gulf of Tonkin Affair—Illusion and Reality," by Joseph C. Goulden, Rand McNally, 285 pp., $6.95.)

The blunders and perfidy surrounding America's entry into the Vietnam War are devastatingly bared by Joseph Goulden in *Truth Is the First Casualty*. By meticulous attention to detail the author has reconstructed the actual events surrounding the

Gulf of Tonkin affair, related these events to the general situation of which they were but a part, and shown how they bear on our future ability or inability to avoid national catastrophes like Vietnam.

Goulden's presentation of the tangled web of official deception surrounding the Gulf of Tonkin "attack" is straightforward and reportorial. In Part One, entitled "The Illusion," he shows how the Gulf of Tonkin incidents were described to the United States Congress and the American people by the Johnson administration between August 2 and August 9, 1964. This section of *Truth Is the First Casualty* reveals quite clearly President Johnson's arm-twisting style of leadership and the confusion it created among his principal advisors as each subordinated his responsibilities to the task of keeping the Chief Executive satisfied. Theirs is not so much a tale of conspiracy in high places as one of surrender of independent judgment to President Johnson's ego.

Part Two—"The Reality"—reviews the same incidents, *not* as they were depicted to the Congress and the American people, but, as Goulden is able to demonstrate, the way they actually occurred. He also points up how those who direct America's hydra-headed world-wide electronic and scientific espionage *apparat* exist almost as a law unto themselves and, in fact create the very conditions that make war by accident more likely than not. This portion of Goulden's book is of considerable significance because it shows most clearly the menace to our nation from faceless, nameless individuals who are able to define the national interest according to their own lights. From Goulden's disclosures about the "dangerous business of electronic espionage" and the paramilitary activities of the United States before Tonkin it seems evident that, regardless of the true intentions of the President and those who surround him, all are captives of an intelligence/information system that is beyond their capacity to control or understand.

President Johnson's information/decision system is starkly revealed in all its inadequacies by the actions of one lone sailor, Patrick N. Park, who refused to be swept along by the pressures originating in Washington to execute his assignment of firing the guns of the *USS Maddox* against the "enemy" targets in the Gulf of Tonkin on the night of August 4, 1964. Park, who was in control of the *Maddox's* main gun battery firing key, said:

"I finally told them, 'I'm not opening fire until I know where the *Turner Joy* is.' The bridge got on the phone and said 'Turn on your lights, *Turner Joy*.' Sure enough, there she was, right in the cross hairs, I had six five-inch guns right at the *Turner Joy*, 1,500 yards away. If I had fired, it would have blown it clear out of the water. All I had to do was squeeze the trigger. In fact, I could have been shot for *not* squeezing the trigger.' "

Goulden comments: "What if Seaman Park *had* fired? The possible consequences are too frightening to contemplate." But one think is certain from reading Goulden's book: never was it so necessary for one man to defy so many.

In Part Three—"The Revelation"—the author recounts the process through which the United States Senate learned of the difference between illusion and reality in the Gulf of Tonkin affair. Here Goulden traces the incidents leading to Senator Fulbright's disenchantment and final awareness that he, like the rest of the Senate and the public, had been deceived by President Johnson's and Secretaries McNamara and Rusk's distortion of the facts about Tonkin. These events underscore the decline of our nation's system of checks and balances to prevent such an anomaly as a "Presidential War." Fortunately, there was a few hardy souls in the government hierarchy who were willing to jeopardize their own positions in order to expose the truth about Tonkin to Mr. Fulbright and other members of the Senate.

For those who have been growing increasingly uneasy about the operations of our national security machinery *Truth Is the First Casualty* is an important book. By revealing the actual story and the significant issues of the Gulf of Tonkin affair Goulden has raised serious questions concerning the drift of national policy, the division of warmaking power between the President and the Congress, and the almost frenetic efforts of elected and appointed officials to keep unpleasant truths from the American public. Thanks to his sharp focus on the last, Goulden has performed a major public service by showing the explicit and implicit hazards in "government by secrecy."

Truth Is the First Casualty provides the factual basis on which to begin a full reexamination of our national security goals and how they might be achieved, or changed. The book is highly recommended to those who may be disposed to believe that in times of war and hostilities the one casualty we cannot afford to sustain is Truth.

THE TRUTH ABOUT THE TONKIN GULF

(By Wayne Morse)

("Truth Is the First Casualty," by Joseph C. Goulden; Rand McNally, $6.95.)

"Truth Is the First Casualty" is an appropriate title for this book of disclosures about the cover-up job done by the Johnson Administration in concealing the truth from Congress and the American people concerning the events in the Gulf of Tonkin between August 2 and August 9, 1964. An equally appropriate title would be: "Truth Will Out."

The author carefully documents the misrepresentations by spokesmen for the Johnson Administration. The Congress and the American people were deceived. If only a small percentage of the truth had been told, the Tonkin Gulf Resolution never would have passed the Senate; I doubt if it even would have been called up for a vote.

This book should be read by all who have doubted the charge, which I made in the Senate, that the United States was a provocateur in the Gulf of Tonkin. It should be read by those who have doubted that the United States committed acts of aggression there. It should be read by those who never knew or chose to ignore that—to use the words of Under Secretary of State Nicholas deB. Katzenbach, as quoted by the author—"It was subsequent to the Tonkin Gulf Resolution that North Vietnam used regular military forces to come across the demilitarized zone and down the Ho Chi Minh Trail to engage in support of the insurgency movement there . . . Indeed to invade and to commit an act of aggression against South Vietnam. That came subsequent to Tonkin."

Secretary Katzenbach, in keeping with the Johnson Administration line, called the military intervention by North Vietnam "an invasion to commit an act of aggression against South Vietnam." To the contrary, North Vietnam responded to the acts of aggression committed by the United States against her in the Gulf of Tonkin. She also responded to the acts of aggression committed by South Vietnam in the bombardment of two security posts on the mainland, and two islands a few miles off her coast.

The author discloses that these acts of aggression by South Vietnam were committed July 30 and July 31, 1964. The code name for the naval attack by South Vietnam against North Vietnam was Operation 34. It was a plan of which the United States Navy was fully aware. In fact, the United States supplied South Vietnam with the boats, trained the crews, supplied the weapons and torpedoes, and advised in the preparation of the plans for the attack.

Yet, as the author points out, Secretary of Defense Robert McNamara testified at the Senate hearings on the Tonkin Gulf Resolution that the United States Navy played absolutely no part in, was not associated with, or was not aware of any South Vietnamese actions in connection with the bombardment of North Vietnam by South Vietnamese naval vessels during Operation 34. Secretary McNamara's statements simply were not true.

The author documents the references to Operation 34 in various U.S. Navy and Pentagon messages exchanged throughout the period of the Tonkin Gulf incidents. In fact, the record made by the Senate Foreign Relations Committee in its subsequent investigations of the Tonkin Gulf crisis produced its disclosures of February, 1968, showing that truth was the first casualty in the Johnson Administration's account of the Gulf of Tonkin incidents.

The United States involvement in the Tonkin Gulf incidents helped direct attention away from our country's military intervention into a civil war in Vietnam. It clouded the thinking of many Americans concerning our violations of the United Nations charter, the Geneva Accords, and our own Constitution.

The author also indicates some of the dangers of government by executive supremacy, government by secrecy, and government by abdication of Congressional powers and responsibilities.

He pinpoints the turning point of our military involvement in Southeast Asia. We have suffered casualties of more than 38,000 American soldiers dead, and 200,000 wounded because the President proposed the Tonkin Gulf Resolution, and the Congress passed it without constitutional right or moral justification.

"Truth Is the First Casualty" is a valuable contribution to the history of the Vietnam war. It should be read by all who want the truth, and all who don't.

[From the Philadelphia Magazine]

(By Joe McGinnis)

("Truth is the First Casualty, The Gulf of Tonkin Affair—Illusion and Reality," by Joseph G. Goulden, Rand McNally, $6.95.)

The first question I asked Joe Goulden a year-and-a-half ago, when he told me he was going to write a book about the Gulf of Tokin incident, was "why". The war was big and growing. August 1964 and a shadowy sea battle that involved no casualties seemed long ago and far away.

Goulden did not answer my question at the time. The answer, in fact, did not come until this October, when he sent me the finished book: *Truth is the First Casualty*, subtitled *The Gulf of Tonkin Affair—Illusion and Reality*. It is such an overwhelming, chilling, infuriating piece of work that the only one sentence comment I can think to make is that it is a book I wish *I* had written.

Joe Goulden was Washington bureau chief for the *Inquirer* until the daily incompetence of desk men in Philadelphia drove him into a frenzy and he quit. With this, his third book (the others: *The Curtis Caper*, a study of Curtis publishing, and *Monopoly*, a powerful, uneven and totally ignored muckraking job on AT&T), he has gained a prominent place among that small coterie of Washington-based investigative reporters which is really all that stands between the rest of us and the bureaucratic steamroller that is crushing truth and decency all over the country.

Reporters like Goulden are rare. That is because what they do is hard and not much fun. A reporter can catch the Pentagon, the Navy, even the President in a lie: Goulden has. But it takes the tenacity and investigative skill of a Ralph Nader to do it. There are hundreds of thousands of words crammed into secret, half-secret and public reports that must be absorbed, understood and then checked out against each other before the inconsistencies that reveal the deceit come to light.

All this Goulden did, and then he did more. He compressed his data into a tight, realistic narrative that, at its best, reads like a

Fletcher Knebel novel. But Goulden's story is true. And its epilogue is the 25,000 or so Americans who have been killed in its wake, not to mention that percentage of the country of Vietnam that has been bombed and shelled to pieces because Lyndon Johnson and his friends felt like winning a war and decided they needed an excuse.

August 2, 1964: the United States has 16,000 troops in Vietnam and two spy ships in the Gulf of Tonkin. The commander of the lead ship, the U.S.S. *Maddox*, is apprehensive because he knows the South Vietnamese have been conducting nighttime raids on the North Vietnamese coast and his proximity to them, he feels, might cause the North to consider his ship somehow involved in the raids.

The commander asked if he could abort his mission because of this excessive risk, but was told no by the Pacific Naval Command.

Then, to summarize what Goulden relates in marvelous detail:

The United States ship fired *first* at approaching North Vietnamese patrol boats.

When fire was returned the commander reported he was under attack, and the message, by the time it reached Washington, somehow neglected to mention the fact that the American ship, engaged in a mission which the North Vietnamese obviously and with good cause regarded as hostile, had fired first.

Two nights later, when, incredibly, the *Maddox* and its sister ship, the *Turner Joy*, were sent on a mission straight toward the recently shelled coast of North Vietnam, an attack upon them was reported and Lyndon Johnson went on television to tell America he had ordered bombing of North Vietnam begun—*despite the fact that the commander of the* Maddox *had already cabled fleet headquarters that the whole thing might simply have been a faulty interpretation of radar and sonar blips and beeps.*

Goulden's organization is masterful. He divides the book into three sections: the illusion, or the story as it was reported by the Pentagon at the time; the reality, or what really happened, as he pieced it together from the hundreds of reports and from interviews with personnel from both ships, and the revelation, or how Senator Fulbright (who had been deceived so thoroughly that he actually served as floor manager of the Tonkin resolution) finally learned the truth and tried to let the nation know.

To return to my original question of a year-and-a-half before: Why write it now? Goulden takes up the point in his introduction: "Of what relevance is Tonkin to us today? Johnson and the men who handled the Tonkin affair are out of office. . . . But the legacy of mistrust Johnson bequeathed will be in the minds of Congress and of the discerning public for years to come."

And there is even better reason to write the book, and to read it, now, five years too late: the bombing of a foreign country by the United States of America was begun under a false pretense by a President who, in the years after Tonkin, sent more than half a million additional troops to the same country to fight a war that he said had been provoked by the Tonkin attack.

A lot of men are dead because of this false pretense, and although Johnson, McNamara, Rusk and the others, mercifully, are gone, the system goes on. The Navy is still there, roaming the Pacific, and the Pentagon desk officers are there, and the temptation to deceive the public—and to get men killed—for the sake of an admiral's pride, still exists.

Joe Goulden has rendered a real service to his country. He has also written a hell of a book. Read it, and if you get as angry and scared as I did, lend it to a friend.

And for now between the time you finish reading this and the time you buy the book, you might keep yourself angry and scared by remembering what Goulden quotes Lyndon Johnson as saying, privately, six months after he ordered bombing begun because of Tonkin: *"For all I know, our Navy was shooting at whales out there."*

[From the Des Moines (Iowa) Register, Sept. 24, 1969]

TONKIN GULF DECEPTION

Did high officers of the U.S. Navy order the destroyers Maddox and Turner Joy into Tonkin Gulf Aug. 2–4, 1964, in such a manner as to provoke a North Vietnamese attack and involve the United States in the Vietnam war? Or did sheer Navy incompetence and poor communication with higher headquarters "create" the incidents which brought forth the Tonkin Gulf resolution, which President Johnson later used to bring U.S. forces into the war?

These questions cannot be definitively answered, but the new book, "Truth Is the First Casualty" by Joseph C. Goulden (Rand McNally), goes a long way toward doing so. The author, an experienced newspaperman, fully supports his recommendation that the Tonkin Gulf affair should be investigated further by the Congress.

Goulden's report, based on study of documents obtained by the Senate Foreign Relations Committee and interviews of Navy personnel, is a damning story of deception by the military establishment and by the Johnson Administration. It deserves the close attention of the American public.

President Johnson rammed the Tonkin Gulf resolution through the Senate on the argument that North Vietnam, without provocation, had attacked U.S. naval vessels on the open sea. The Senate believed Defense Secretary McNamara's report of the attack and gave Johnson the unlimited authority he wanted to bomb North Vietnam and deploy U.S. ground troops in the war.

The Administration did not say that the Maddox was a spy ship, like the Pueblo which got captured off North Korea, and was spying on shore installations. The Maddox and Turner Joy were within waters that North Vietnam had declared its territorial waters. The commander of the Maddox, an experienced combat veteran, warned against the patrol course and told his superiors that North Vietnam regarded the Maddox as a belligerent. Nevertheless, he was ordered to continue his patrol.

Admiral Ulysses Grant Sharp, Jr., from Pacific headquarters of the Navy in Hawaii, confirmed to Secretary McNamara that an attack on the Maddox had occurred Aug. 4, though Capt. John J. Herrick, the commander on the scene, would not confirm the attack. Goulden's research indicates no objective evidence that the North Vietnamese actually fired torpedoes or that the American vessels had sunk any PT boats which were alleged to have fired the torpedoes.

At 1:30 a.m. Aug. 5, Herrick told Pacific headquarters, "Review of action makes many reported contacts and torpedoes fired appear doubtful. . . . No actual visual sightings by Maddox. Suggest complete evaluation before any further action." This message went to Washington, and McNamara called Admiral Sharp immediately. He said the retaliatory air strikes which President Johnson had ordered were to be held up "until any doubts as to what went on are eliminated, at least to the point of justifying retaliation."

Admiral Sharp was able to convince himself and McNamara within 75 minutes that the ambush by the North Vietnamese torpedo boats was bona fide. Sharp's additional "evidence" was nothing but vague reports of "lights" and "torpedoes" seen. The air raids went ahead.

The kindest thing that can be said about the Administration's actions in the Tonkin Gulf affair is Goulden's statement: "The weight of the evidence . . . is that the Administration acted hastily, upon incomplete and misleading information, and then refused to admit error."

Actually, the evidence points to a group of Navy officers and the White House searching for an "incident" which would justify attacking North Vietnam.

Administration claims that the Maddox was on routine patrol, its activity not related to South Vietnamese smallboat raids on North Vietnam, do not stand up.

The Administration deceived Congress and the people about the Tonkin Gulf affair, and the Administration may have been deceived by its own military officers. Congress and the people have reason to continue the review of this affair which began in early 1963 and then was dropped after President Johnson stopped the bombing of North Vietnam and decided not to run for re-election.

The admirals should be questioned about why they continued to push the Maddox and Turner Joy into provocative patrol routes when the commander on the spot advised against it—and why they could be so sure of the raids on U.S. ships that the commander of the task force could not confirm.

Former U.S. Senator Wayne Morse proposed a thorough study of the operations of the military establishment. The Tonkin Gulf business would be a good place to start such a study. Gen. David M. Shoup, retired commandant of the Marine Corps, has himself said that lack of credibility in reporting the Vietnam war by the Johnson Administration stemmed "from schemers in the military service."

[From the Fresno (Calif.) Bee, Sept. 21, 1969]

PRELUDE TO WAR: PANIC AND THE GULF OF TONKIN "ATTACKS"

(By Howard Miller)

("Truth Is the First Casualty," by Joseph C. Goulden; Rand McNally; $6.95.)

It was an outrage! North Vietnamese torpedo boats wantonly attacked two U.S. destroyers not once but twice in the Gulf of Tonkin.

The President went on television. "My fellow Americans," he began, grim visaged, and then told the story of this unprovoked attack. Clearly the pipsqueak country of North Vietnam must be taught a lesson.

The President asked for and got the so-called "Gulf of Tonkin" resolution from the Senate with only two dissenting votes. The House passed it 416–0. Sen. William Fulbright, stagemanaging the resolution through the Senate, dissuaded Sen. Gaylord Nelson from putting in a clause that the resolution was not to be construed as permitting the administration to field a land army in Southeast Asia. "I have no feeling this would be considered," Fulbright said.

President Lyndon B. Johnson had his blank check and he lost little time drawing on it. However this was August. The presidential election was due in November and Johnson pledged, "American boys will not be sent to fight a war Asian boys should be fighting."

This book is the story of those two "attacks"—if such they were. The conclusions of the author, a veteran Washington newsman, are that the first certainly did happen although the North Vietnamese could be forgiven for believing the two destroyers were there as a screen for a South Vietnamese naval attack on the coast. In any case neither ship was touched.

But the second attack, the one which prompted the retaliatory raid by American warplanes on the North Viet patrol boat base, is a different story.

Was there really an attack? An examination of the records of the communications between the two destroyers and their higher headquarters, even back to Washington, would seem to make it doubtful. About the best they were able to come up with was that "a reliable officer reported seeing the wake of a torpedo" as it passed the destroyer.

Goulden opens his book with a dramatic account of that black, stormy night in the radar room of the Maddox and senior radarman Patrick Park watching his circular green screen. It was full of blips—but they were no more than breaking waves.

The sonarman, an inexperienced youth, kept picking up the beat of engines—but the experienced Park was sure he was picking up the beat of the Maddox's own engines. Trained sonarmen learn to distinguish. Park could find no targets until—

"There she was. A fat blip no more than 1,500 yards away," Park said later. The Maddox guns trained on the unseen target. Park asked for the "firing key," that is, the trigger; the guns would fire when he depressed the key showing they were lined up on the radar target.

"Fire" came the order from the bridge. Park's hand hesitated over the palm-sized button. A thought flashed through his mind. "Fire, dammit," the order was screamed at him. He still hesitated.

"Where is the Turner Joy?" he yelled back. After much confused shouting he screamed back he would not press the key until he knew where the Turner Joy was. "I could have been courtmartialed for refusing," he said later.

A measure of sanity returned to the bridge and the Maddox skipper radioed the Turner to turn on her lights.

There she was, smack in the sights of all the guns the Maddox could bring to bear and only 1,500 yards away. 'We would have blown her out of the water," Park said, "if I had pressed that key."

The damage was done back in Washington and the orders were already going out for a retaliatory strike on the North Viet base. But there was no real confirmation of any North Viet attack. And even as the bombs fell on North Vietnam the Pentagon was still frantically seeking reassurance from the two destroyers that there had been an attack.

And that is how we got into the Vietnamese war, Goulden says, step by step, from escalation to escalation, from blunder to blunder. The "American boys" went to fight for "Asian boys" but not right away, not until LBJ had been elected by an overwhelming landslide over the "war candidate" Barry Goldwater.

Now, Goulden notes, the Kennedy and Johnson administration people are busily preparing their memoirs and glossing over and revising their participation in the Vietnamese war.

He prefers the record as it happened then rather than the "self-exculpatory memoirs written four years after the fact," he writes.

Goulden also notes that he had little or no cooperation from any Johnson officials and most of his sources have to remain anonymous.

This is probably as true and unvarnished account of the "Gulf of Tonkin Incident" as we are ever likely to have.

[From the Providence (R.I.) Sunday Journal, Oct. 8, 1969]

TONKIN: THE GULF AND THE GAP

(By Charles Spilman)

("Truth Is the First Casualty: The Gulf of Tonkin Affair—Illusion and Reality," by Joseph C. Goulden. 285 pages. Rand McNally. $6.95.)

It has been quite evident for some time that there are some very big questions about what happened in the Gulf of Tonkin in 1964, about the incident that resulted in the Tonkin Gulf Resolution in Congress that has been the authority for everything else that the United States has done in Vietnam.

Joseph C. Goulden, a Washington reporter specializing in national security affairs, now brings a vast amount of information—much of it pried reluctantly out of the Navy—bearing on that time.

By putting two and two together—one two from the beginning of the book and another from the end—it is possible to arrive at an answer that Goulden himself never gives: the Navy, watching the other two services gain all the decorations and promotions while it stood on the sidelines, promoted the Gulf of Tonkin incident in such a way that it, too, could get into the action.

What Goulden does say is that the Navy at the top pushed ships into a situation that the senior officer present declared to be an unacceptable risk. Then the Navy withheld vital information from the Secretary of Defense and the President so that the President ordered the first bombing attack on North Vietnam at a time when the Navy still was unsure that an attack on U.S. ships had taken place, when the Navy, in fact, had a message from the Gulf that the entire operation should be reviewed.

The facts are these:

On Aug. 2, 1964, the destroyer Maddox was on a spy-ship mission in the Gulf of Tonkin with orders to go to within 8 miles of the North Vietnam mainland and 4 miles of North Vietnam islands although North Vietnam maintained its national waters extended out 12 miles. The destroyer was taken under attack by three torpedo boats. It evaded several torpedoes but took one hit from a gun that did little damage.

Two days later the Maddox was ordered back into the gulf, this time in company with the destroyer C. Turner Joy. Capt. John J. Herrick, commanding the force, received a message from Adm. R. B. Moore, the task force commander, saying: "It is apparent that DRV (Democratic Republic of Vietnam) . . . now considers itself at war with the United States." U.S. ships, he continued, will be treated as belligerents "and must consider themselves as such."

This time the ships were ordered to move in toward the North Vietnam shore by daylight and retire toward the sea during night hours.

On the night of Aug. 4, an extremely dark and rainy night, the two ships reported that they had come under attack. It was because of this second "attack" that the President asked for and got his Tonkin Resolution after he had ordered Navy planes to bomb North Vietnam installations in retaliation.

And it is this second "attack" that, from the evidence Goulden presents, almost certainly did not take place.

"The record of the Gulf of Tonkin affair," he writes, "emerges as a multi-level deception: a deception of the Congress and the American people by the Johnson Administration . . . a deception of the Johnson Administration by the military . . . and a deception of the Johnson Administration by itself, in its overeager acceptance of unconfirmed field reports as justification for a grave act of war."

When he began looking into the Tonkin Gulf affair, Sen. J. William Fulbright received several anonymous letters from knowledgeable persons within the Pentagon. One of them summed the affair up this way:

"It was clearly a case of making a definite decision when operational circumstances dictated haste but the facts suggested caution.

"The Tonkin Gulf incident . . . was not a put-on job. But it was not the inexcusable and flagrant attack upon U.S. ships that it seemed to be, and that would have justified the resolution and retaliation had there been so. It was a confused bungle which was used by the President to justify a general course of action and policy that he had been advised by the military to follow. He, like the Secretary of Defense, was a prisoner. He simply put his trust in the wrong people."

The "wrong people" began with Admiral Ulysses S. Grant Sharp Jr., commander in chief of United States Forces in the Pacific, and included Admiral Thomas H. Moorer, now chief of naval operations, and Vice Adm. Roy L. Johnson, then commander of the Seventh Fleet.

One of the things that these people failed to inform the President of was that South Vietnamese Swift boats had made attacks on North Vietnamese islands in the Gulf of Tonkin at the time the U.S. ships were nearby. In fact, the order to the Maddox suggested that its near approach was to draw off North Vietnamese defense forces and thus assist the South Vietnamese in their operation—although the Navy later was to deny that the U.S. had any part in these 34-A operations.

Goulden located a Maddox sonarman who had an interesting tale to tell. Patrick N. Park had left his sonar apparatus to a less experienced man and had taken over the fire direction radar, where his experience would be more valuable. At one point on that confused night of Aug. 4 he got a solid blip in his director scope and was given the order to fire on it. At that moment he realized that he didn't know where the Turner Joy was and, despite repeated orders to him to fire, he demanded to know the location of the other ship. Finally the bridge asked the Turner Joy to turn on its lights. There it was in the Maddox's cross hairs. It makes one wonder what the Navy would have done about the Tonkin incident if the Turner Joy had been blown out of the water.

Park later reviewed the sonar tapes and reported that every sound of a "running torpedo" reported by the acting sonarman was in fact the sound of the ship's wake as it turned.

There is a footnote on Park. When the Navy investigators later began trying to reconstruct what had happened, they did not interview Park. When Golden was given a list of the Maddox crew at the time of the Tonkin Gulf incident Park's name was not on it.

From all the evidence it seems apparent that somebody in the Pentagon or the Pacific wanted to bring the Navy into a more active role in the Vietnam war and used the confused and confusing Gulf of Tonkin incident to advance this purpose. By providing the Secretary of Defense and the President with selected information, this was done.

Goulden quotes a private conversation of the President's, given in 1965 "during a lengthy, critical monologue on military handling of the Vietnam war." The President brought up the Tonkin Gulf affair as an example "of what I have to put up with" from the military arms. Goulden says the President's comment was this:

"For all I know, our Navy was shooting at whales out there."

[From the Richmond (Va.) News Leader, Oct. 8, 1969]

SEMINAL INCIDENT: ATTACKS ON U.S. DESTROYERS IN GULF OF TONKIN STUDIED

"(Truth Is the First Casualty," by Joseph C. Goulden; Rand McNally & Co., $6.95. Reviewed by Robert P. Hilldrup.)

In the seemingly endless agony of Vietnam, perhaps the only simple and eternal truth is death. All else, the words, phrases, high-flown objectives, are subject to editing, censorship and revision.

This book is exceptionally welcome, therefore, because it helps clear some of the fog which shrouds the facts of just how we came to be so bogged down in this bloody Asian mess.

It was the Gulf of Tonkin affair—the attack(s) (?) on two U.S. destroyers—which led to American air strikes aganist North Vietnman and the ultimate military escalation.

But did those attacks by North Vietnamese torpedo boats really take place? And, if so, were the North Vietnamese fully justified because the destroyers were serving as covert cover for South Vietnamese commando raids?

That one attack did take place is apparently proved, according to Goulden. But there is serious doubt that a larger subsequent attack, the one which actually provoked the retaliatory air strikes, ever occurred.

Thus, what might have been simply an incident less serious than countless others the U.S. has endured in border brushes with the Communists was allowed through precipitous action, faulty intelligence and communications, to explode into a national disaster.

Goulden offers strong reasons to suspect, in fact, that the major "battle" fought with North Vietnamese boats was in fact fought against an empty sea. Freak weather conditions and inexperienced crew accounted for the radar contacts and "torpedo" wakes.

All right then, Goulden's book is must reading for those who would understand how we ever got ourselves in this mess.

And yet. . . .

Whenever possible, Goulden seems to go to tedious lengths to make the North Vietnamese' one abortive rush against the American destroyers a model of compliance with international and maritime law.

The destroyers were within North Vietnam's self proclaimed 12-mile limit, he says. They were equipped with electronic intelligence gathering equipment. Oh, woe.

Well, baloney. Perspective demands that, unless there is more to the sins of the U.S. than he divines, the conduct of the destroyers was no worse than that of the Russians' "fishing" fleets off Norfok.

The American position may have been wrong, but if so it was wrong because of panicked reactions without the facts on the part of the Johnson administration.

There is a note of grim irony here, too. For years, American conservatives of the persuasion of the late Sen. Robert Taft of Ohio tried to warn against over extension of our commitments in other land. But the bleeding heart liberal prevailed. Now, in trying to defend those commitments, it is the bleeding heart liberal who castigates his nation. It is a point to ponder in puzzlement while reading this volume.

Mr. FULBRIGHT. Mr. President, as I have noted in my remarks above, the events in the Tonkin Gulf in August 1964 provided proof that serious consequences can follow from intelligence operations, consequences that sometimes go to the supremely important questions of war and peace. There have been many other instances in which intelligence gathering activities have affected our national interests out of all proportion to the value of the intelligence obtained, the U-2 incident being a case in point.

It has come to my attention that within the past few weeks the United States has resumed reconnaissance flights over mainland China after an 18-month interruption. The resumption of these flights comes soon after two steps the new administration has taken purportedly as a conciliatory gesture to the Chinese. I refer to the decision to validate the passports of certain categories of American citizens for travel to mainland China and the decision to permit Americans traveling abroad to bring with them on their return up to $100 worth of goods originating in mainland China. These were steps in the right direction, but any effect they might have had is, it seems to me, undercut by the resumption of reconnaissance flights.

I would like to point out, in addition, that no sooner had these flights been resumed than reports appeared in the press here and abroad—reports which I gather are accurate—that a pilotless reconnaissance aircraft had been shot down by the Chinese. The story was given very little attention in the American press and, therefore, may have escaped general notice. The last pilotless reconnaissance aircraft was shot down over mainland China in March 1968.

At a time when we are hoping to resume talks with the Chinese in Warsaw, it seems to me ill advised at best to begin again to send surveillance flights over China. I do not know whether this is a case of uncoordinated decision-making. If so, it surely deserves inquiry. If not, it defies logic.

AGREEMENT WITH CANADA ON ADJUSTMENTS IN FLOOD CONTROL PAYMENTS

Mr. FULBRIGHT. Mr. President, I call the attention of the Senate to the fact that the agreement we are about to vote on is, in fact, a slight amendment to the treaty which the Senate passed upon several years ago in order to provide assistance in the building of two dams, the Arrow and the Duncan Dams, in Canada.

The amount of $248,000 for additional flood control benefits resulting from the early completion of the Duncan and Arrow Dams is what the agreement is about. Because the Canadians built the dams ahead of time the United States is now to pay this amount for benefits from flood control.

Personally, I believe that our Government representatives were mistaken in taking the claim seriously. However, our representatives have negotiated the agreement and it has been presented to us.

It is a small amount of money. I did not and do not feel justified at this late stage in rejecting it. However, I do strongly disapprove of the Executive branch's being so profligate with even this small amount of money.

The original deal with Canada was a very good one for them and for us. They made a great deal of money out of it, as we will, too. However, to come here because they finished the contract ahead of time and to expect the United States to pay an additional $248,000, seems to me to be improvident.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate go into executive session.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

CONSULAR CONVENTION WITH BELGIUM

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Executive F, 91st Congress, first session, which the clerk will state.

The BILL CLERK. Executive F, 91st Congress, first session, the Consular Convention with Belgium.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from West Virginia (Mr. RANDOLPH), are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Tennessee (Mr. GORE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Louisiana (Mr. LONG) would each vote "yea."

Mr. SCOTT. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Iowa (Mr. MILLER) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting, the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. PROUTY) would each vote "yea."

The yeas and nays resulted—yeas 71, nays 0, as follows:

[No. 142 Ex.]

YEAS—71

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Ellender
Ervin
Fong
Fulbright
Harris
Hart
Hartke
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff

Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—29

Allen
Burdick
Cannon
Cranston
Eagleton
Eastland
Fannin
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Hollings
Jordan, N.C.
Long
McCarthy
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Prouty
Randolph
Saxbe
Sparkman
Yarborough

The **PRESIDING OFFICER**. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

AGREEMENT WITH CANADA ON ADJUSTMENTS IN FLOOD CONTROL PAYMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Executive H, first session, 91st Congress, the agreement with Canada on adjustments in flood control payments.

The question is, Will the Senate advise and consent to the resolution of ratification? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), are absent on official business.

I also announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Louisiana (Mr. LONG) would each vote "yea."

I also announce that if present and voting, the Senator from Tennessee (Mr. GORE) would vote "nay."

Mr. SCOTT. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Iowa (Mr. MILLER) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting, the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The yeas and nays resulted—yeas 67, nays 3, as follows:

[No. 143 Ex.]

YEAS—67

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dole
Dominick
Ellender
Ervin
Fong
Harris
Hart
Hartke
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
Mundt
Murphy
Muskie
Packwood
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—3

Nelson
Pastore
Russell

ANSWERED "PRESENT"—1

Fulbright

NOT VOTING—29

Allen
Burdick
Cannon
Cranston
Eagleton
Eastland
Fannin
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Hollings
Jordan, N.C.
Long
McCarthy
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Prouty
Randolph
Saxbe
Sparkman
Yarborough

The **PRESIDING OFFICER**. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

Mr. PASTORE. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1970

The **PRESIDING OFFICER**. The Chair lays before the Senate the unfinished business which the clerk will state.

The BILL CLERK. H.R. 12307, making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. PROXMIRE. Mr. President, today the Senate is being asked to appropriate $3.715 billion for the National Aeronautics and Space Administration for the present fiscal year. Although not the largest sum ever requested by the space agency, this appropriations request embodies a clear commitment to a continuation of the manned lunar landing program, as well as the first steps toward interplanetary exploration.

We should not make such commitments without a wholesale reevaluation of our space program, and what we expect of it. We have achieved the goal set by President Kennedy in 1961 of landing an American on the moon in this decade. It was a marvelous achievement. Now, this is the time, before we commit this Nation to vast new programs, new huge expenditures, new journeys into the unknown, to ask ourselves a few questions. Where is the space program going? What do we hope to accomplish? Can we justify such gigantic expenditures in a time of spiraling inflation? Where does the space program belong in our list of national priorities? How soon should we—not, can we—achieve our objectives? And, what are the prospects for international cooperation in space exploration?

These questions should be aired thoroughly before Congress approves appropriations for NASA this year. Congress would be remiss in its duties if it failed to do so.

Mr. President, when the authorization bill for the space agency was before the Senate, I did discuss the bill in some detail. I wanted to bring up some questions on it. The timing of the bill was unfortunate for those of us interested in reducing the size of the bill, because it was immediately after we had had nearly a 3-month debate on the military procurement bill and the Senate was quite weary and obviously was not disposed to go into another detailed and long-drawn-out series of amendments and discussions on the bill.

Furthermore, our astronauts had just landed on the moon in the relatively short time before that, and they were being feted all over the country, so it was obviously not the best time in the world to provide for a critical, objective, and dispassionate reexamination of the program.

Mr. President, 4 months ago, this Nation achieved its long-sought-after goal of landing a man on the moon. This achievement earned for the United States the praise and admiration of peoples throughout the world—and deservedly so. The Apollo 11 flight, and the flights which preceeded it, played to television audiences of millions and succeeded in whipping up tremendous enthusiasm and support for these space extravaganzas. And, of course, TV coverage of the Apollo 12 flight, coming up in just a few days—in fact, starting Friday—will provide the viewing public with another good show.

However, Mr. President, there is another side to this coin. When the smoke has cleared from all this pomp and circumstance, the harsh fact remains that the American taxpayer has been billed $24 billion for the privilege of watching two of his fellow countrymen walk on the moon. Even by Broadway standards, this is a pretty stiff price for front row seats.

While $24 billion was being spent to put a man on the moon, our urban ghettos exploded, our poverty programs languished, our surface transportation system choked to a crawl, our housing shortage intensified, and our national crime statistics grew to alarming proportions. Far too little progress was recorded in the key areas of education, medical research, and environmental control. In short, while our attention was focused on the heavens, our social problems have festered to a critical level and we are suffering the worst inflation in many years—an inflation caused in large part by heavy military and space spending and we have an understandable tax revolt on our hands, too.

Mr. President, this country can ill afford to continue this folly. We cannot afford to continue to fund the space venture at the rate of three manned lunar landings a year while other demands on our resources are swept under the rug.

Now is the time to reassess our spending priorities in these areas.

INTERNATIONAL COOPERATION IN SPACE

Perhaps the most important question we should be asking ourselves is: Must we go it alone?

When the space age opened on October 4, 1957, with the dramatic flight of Sputnik 1, the United States, and the Soviet Union entered into a breakneck race to be first with a man on the moon. In recent years, though, there appears to have been a slackening in the Soviet effort, prompted perhaps by the Soviet realization that the space race was not worth the tremendous investment of limited Soviet resources. For the past few years, the United States has had the field largely to itself. This solitary position at the head of the space race has brought some intangible dividends—I think very important dividends—in terms of international prestige.

But having achieved this preeminent position, the United States can afford—in terms of prestige—to share the knowledge we have gained, and the opportunity to extend the reaches of that knowledge, with the international community.

Moreover, when one considers the dollars that could be saved, to the taxpayer relief, I say we cannot afford not to do everything in our power to encourage other nations to join with us in the space venture.

Accordingly, Mr. President, I plan to introduce a resolution later this week which will call upon the Senate Foreign Relations Committee to study and explore all possibilities for international cooperation in space.

In the past, every time the suggestion for internationalizing our space program has been made, we have been told by NASA: "We have tried over and over again to get the Russians to cooperate, to share mutual secrets, and they will not do it. Why should we keep on trying?"

And, because of this negative, defeatist attitude by the space agency, the Senate has gone right on giving NASA the money it has asked for, without giving the prospects for internationalizing a second chance.

I say it is worth that second chance. I say it is worth every chance we can give it. For one thing, my proposal encompasses not only the Russians, but every nation on earth. Even though nations other than the U.S.S.R. may not have the technological knowhow, they can certainly contribute a great deal in terms of manpower—both skilled and unskilled—equipment, and of course money, to the common expansion of man's understanding of his universe. To my knowledge, no effort on a large scale has been made to invite other nations to participate with us in exploring space, and this possibility should certainly be considered.

Moreover, even as far as the Russians are concerned, I am not convinced that every avenue for cooperation has been explored. For example, have we invited a Russian cosmonaut to accompany our astronauts on a trip to the moon? Have we made a unilateral offer to share the knowledge we have gained in the space program, or has sharing been strictly conditioned on getting some of Russia's undisclosed space information in return? Have we made a concerted effort to have the Russians join us since the Apollo success in July, now that the race to the moon is clearly over? Possibly the distinguished chairman of the Independent Offices Appropriations Subcommittee can shed some light on these questions.

In any event, it is abundantly clear that not nearly enough has been done in exploring these possibilities. NASA is clearly committed to a goal of exploring space for national prestige; it is predictable, therefore, that NASA might not pursue international cooperation as vigorously as others might. This is why I intend to ask the Senate Foreign Relations Committee to make this study, so that fresh approaches can be tried, and new avenues explored.

Interestingly, Mr. President, Astronaut Frank Borman, who commanded the first spacecraft that orbited the moon, believes that a joint flight to the moon with the Soviet Union is worthwhile, and he has formally suggested this to agency officials. Borman has said:

> I think it's a damn good idea. I emphasized participation with the Western bloc first, and increasing cooperation with the Soviet Union, leading eventually to an area where I hope space becomes an ocean devoid of space flights for military purposes.

Unfortunately, NASA officials in the past have taken a position that is diametrically opposed to that of Colonel Borman, in that they have stressed the importance of competition, and national prestige, as justifications for the U.S. space program.

Dr. Wernher von Braun, in appearing before the Manned Space Flight Subcommittee of the House Science and Astronautics Committee in March of this year, alluded to the policy of the United States on international cooperation, and then observed:

> We cannot ignore that historically and still perhaps the most significant reason to progress in space both now and for the long range is competition with its many forms of stimulating challenge, intrigue, and threat. (House hearings, Vol. 2, pg. 489).

Earlier in those same hearings last March a very similar statement was made by Dr. George E. Mueller, NASA's Associate Administrator for Manned Space Flight:

> Historically, the first and still perhaps the most significant reason for this nation's need to progress in space is competition—competition on a worldwide basis and on several different fronts. . . . The visible results of the space program are taken by others as a basis for judgments of the technological and management strength of the nations engaging in the competition. Thus the competition contributes to shaping the world of the future and our country's role in that world. (House hearings, Vol. 2, pg. 14).

Mr. President, I could not disagree more with these statements. Aside from the arms race, I can think of nothing that is more wasteful, or more duplicative, than to have two countries—and possibly more—pursuing the same goal whose dividends will benefit all mankind.

These attitudes expressed by NASA make it clear why NASA is not the appropriate group to explore possibilities for international cooperation. Their minds are made up at the outset. They are undoubtedly perfectly happy to have the Russians turn us down.

That is why I intend to ask the Foreign Relations Committee to make this study. They can approach it from an unbiased viewpoint, and explore every possibility.

HOW TO COOPERATE IN SPACE EXPLORATION

What kinds of possibilities should be considered? I have no intention of limiting the committee's study, but I do have two suggestions that have not been considered in the past.

The first would involve the Intelsat consortium as a model.

The Communications Satellite Corporation—Comsat—was set up in 1962 pursuant to the Communications Satellite Act. Since 1962, Comsat has acted as manager for the Intelsat international consortium in arranging for satellites launches, and Comsat has also served as the American representative in the consortium. Member nations own and operate earth stations that are located in their country—stations are strategically situated around the globe for the purpose of tracking the satellites and communicating with them. Since all of the launch capability and most of the technological capability is presently concentrated in the United States, Comsat, the American representative, is charged with management responsibility for the entire system. Nevertheless, the goal of global communications is one in which all nations share a common interest. This has been borne out by the resounding success enjoyed by Intelsat in the 7 years of its existence. More than 60 nations now belong to the consortium and share its costs.

The possibility of establishing a similar international consortium for space missions is certainly worth exploring. Space exploration, like global communications, is a goal in which all nations have a common interest. Success of the Comsat experiment suggests that it might be worth trying here. Of course, should the committee recommend the establishment of such an organization, an act of Congress would be required to set the necessary wheels in motion.

The other approach which could be explored is the possibility of bringing space exploration under the jurisdiction and control of the United Nations. Such a step, if recommended, would emphasize the peaceful nature of space exploration, and could even provide a mechanism for insuring against the use of space for military advantage.

Utilizing the United Nations would permit each of the 120-odd member nations to contribute whatever they could—in terms of manpower, money, equipment, technology—to the common pursuit of knowledge. The mechanism could be structured along the lines of the World Health Organization, a U.N. subsidiary whose aim of advancing the cause of science and medicine is not too far different from the U.N. Space Council which I am proposing. A corollary benefit of this approach could be to bolster and revitalize the parent United Nations, which today is little better than a world debating society.

Exactly how much could be saved? No one can predict this with certainty, but I think few would deny that the savings would run to the hundreds of millions of dollars. Admittedly, at the outset savings might be relatively modest, due to the fact that only one other nation now has a space capacity that even approaches ours, and other nations might approach the joint venture with some reluctance. But as more and more nations contribute, savings for the United States would increase at a geometric rate, and the U.S. contribution would decrease proportionally.

Finally, by inviting other nations to join with us in the joint venture into space, the United States would signal its intention that it explores space not just for national gain, and not for any militaristic advantage, but in order to add to the knowledge of all mankind, and, hopefully, for the betterment of human conditions around the globe.

Mr. President, U.S. News & World Report, in their current issue out today, is typical of the national publications, local newspapers, and radio and television broadcasts, which are telling the country—and anyone who read the newspapers yesterday got the same flavor—that the moon flight now will take on a very serious and important scientific purpose.

In its issue just out today, U.S. News says, for example:

> Scientific research, not cliffhanging adventure, is to be emphasized this time and impressive results are expected.

U.S. News then goes on, as do articles in hundreds of papers across the country and statements by TV commentators and others, to indicate how serious the scientific purpose served by the manned landings on the moon will be.

Here are the questions that U.S. News said this fantastically expensive flight is going to answer. In other words, this is the prime purpose of this flight and the flights which are to follow:

> Is the moon as old as the earth, or older? Lunar surface rocks brought back last July from the Sea of Tranquillity were found to be as ancient as the oldest rocks on earth, dating back 3.5 billion years. Geologists now are anxious to find out how old rocks from other areas of the moon are.

The second question is:

> Is the moon hot inside like the earth, or a cold, dead mass? Latest evidence shows possible volcanic activity on the moon, but this could have been produced by small pockets of radioactive materials and does not necessarily indicate a molten interior.

That is the second big question for which we are going to get an answer, in exchange for our billions of dollars.

The third question:

> Did the moon originate quite differently from the way the earth did? Some scientists believe it did, and cite new clues in the rocks brought back by Apollo 11 which show a concentration of materials found only rarely on the earth. Another view is that the moon was once part of the earth, and split off.

Mr. President, these are, of course, fascinating questions which would intrigue all of us.

But the important question for us, Mr. President, is of what real benefit to any human being here on earth is this enormously expensive program?

This knowledge will not help us build a house or save a child's life, or assist a family in poverty, or defend the security of this country.

Acquiring this knowledge now will drive up prices, and taxes, make no mistake about that. But it does not serve any genuine human purpose that is so urgent as to justify this immense expenditure—now. Is there any reason on the face of the earth why these questions have to be answered at once? This year, next year, or indeed in this decade?

In fairness to U.S. News and the writing in newspapers around the country, what they are saying is precisely what the National Academy of Sciences Space Science Board reported in September of this year when they emphasized a very similar purpose, although in more complex words, for the flight to the moon. They said, for example, in their report:

> The state and chronology of the moon can be regarded as a framework into which observations can be fitted and through which relationships are most easily seen. Completion of the framework requires that we fill crucial gaps in our knowledge of the state and chronology of the moon, and these measurable quantities constitute the primary experimental objectives of the Apollo exploration program.

So it is clear, Mr. President that our prime scientific purpose in going to the moon is to get more knowledge on the formation of the moon, the earth, and the sun.

The only other purpose that NASA seems to be able to find for this moon flight is something that they have called, in a letter to me, human fulfillment.

I wrote NASA and asked them specifically to tell me what benefits, in terms of various benefits they say space flights provide, the manned lunar landing, the Apollo program, is going to provide for us, and to be specific about it; and I asked them with particular reference to the fields of communications, meteorology, earth resources, science and technology, education, and human fulfillment, because these were the areas they said the space program is designed to meet.

Here is what Dr. Paine said in reply to me about the manned lunar landings. This is what they are to do for the enormous amount we are spending—$1.7 billion in the bill before us:

> Manned lunar exploration in the near term will contribute primarily to the fulfillment of the human goal of exploration and to advancing our scientific knowledge and understanding of the moon and thereby of the earth and the other elements of the solar system.

In other words, all the moon flight is going to do is make us feel better. Human fulfillment. There is nothing about any advantage for meteorology, any serious or significant advantage in studying human physiology, or any of the other purposes for which the space program is said to have been designed. It is confined strictly to determining knowledge about the origin of the moon and to human fulfillment, which seems to me to mean that we will get spectacular satisfaction from watching this on television.

It is also, of course, going to give us a knowledge, which I do not mean to derogate at all. It is fine knowledge to have and it is good to be able to teach our children the truth about the formation of our solar system. The question, Do we have to spend all this money, and spend it now, at a time when we do have these very serious problems here on earth, when we suffer from serious inflation, and when this is a peculiarly inflationary program, because it does not satisfy an economic need?

These are dollars expended without any corresponding increase in the supply of economic goods, and that is exactly what heats up the economy most, whether it is military spending or space spending.

Mr. President, there are at least two conclusions I can draw:

First. It is simply not worth the enormous sums we will spend in the next 3 years on 10 more manned landings on the moon—sums which may be as much as $5 billion—to secure this kind of information at this time and to give people throughout the world a series of spectacular television shows.

WHY SHOULD UNITED STATES ALONE PAY?

My second point, Mr. President, is that to the extent that this is justified, why in the world should the United States pay the whole tab?

After all, this knowledge is to be disclosed to all the peoples in the world at once without restriction, without concealment. It contains not a shred of military advantage for us. There is no other advantage, economic, social, or anything of the kind to hide or conceal this information.

It should be freely and fully disclosed and I am sure it will be. This means that Germans, Russians, Chinese, French, British—all peoples in the world—will have an equal opportunity to receive this information.

And how about the benefits of so-called human fulfillment?

Thanks to the communications satellite, all the peoples of the world will also be able to enjoy this space saga as fully and completely as will Americans.

The only exclusively American pleasure—and I certainly do not want to call it a pleasure—is paying for this—the entire tab, and it is an enormous tab—for this information and this show.

This is why, in my view, we should do everything we possibly can to internationalize the space flight. To do so could greatly reduce the cost of the flight and could be a significant step toward peaceful cooperation, not only at no cost to this country but at a big reduction in cost.

And secondly, this Senator would favor eliminating manned flights until we can secure substantial international cooperation in supporting their great cost.

I realize that this view may not be characteristic of this body and for this reason I will not offer an amendment to eliminate the full $1.7 billion that is in this appropriation bill for the Apollo program—that is, for the landings on the moon.

I will, however, offer as a modest and I think much more realistic token of my concern with the waste and extravagance involved in this program, a $100 million reduction which I think is both practical and moderate.

Frankly, this amendment, if passed, would not stop the lunar landings but it would serve notice to the space agency that the Congress of the United States is concerned about the immense cost of this program and that we want it conducted with stringent economy.

AMENDMENT TO CUT $100 MILLION

So, Mr. President, I send my amendment to the desk and ask that it be printed.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table.

Mr. **PROXMIRE.** I ask unanimous consent that the amendment be printed in the RECORD at this point.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 22, between line 6 and 7, insert the following new sentence: "Notwithstanding any other provision of this Act, not more than $3,615,527,000 shall be available under this Act for the National Aeronautics and Space Administration."

Mr. **PROXMIRE.** My amendment would cut $100 million from NASA appropriations for fiscal 1970. I have decided not to earmark these funds in any way, but rather to simply cut the funds and permit the space agency to determine exactly where the money should come from. Moreover, cutting this money will put NASA on notice that the Senate does not intend to permit space spending to go unchecked, that it has serious reservations about continuing the Apollo program at the rate of three manned landings a year, that it wants to reconsider space spending in light of other demands on the Treasury's resources, and that it wants to explore avenues for international cooperation.

Mr. President, one example of the tremendously inflated costs this program entails should suffice. For the Apollo 12 flight, scheduled to take off later this week, the astronauts are to take along an Apollo lunar experiments package—ALSEP. The ALSEP package consists of a seismometer, a magnetometer, an atmosphere detector, a solar wind spectrometer, and a lunar ionosphere detector. The cost of this little package: $25,000,000. Twenty-five million dollars to find out whether the moon has a San Andreas Fault, and to find out if the moon has a magnetic field or an atmosphere—both of which we already know to be practically nonexistent.

Another example: The lunar rover—the little jeep that would take astronauts on a ride around the moon on later Apollo missions—will cost almost $5,000,000 apiece.

If we add the cost of these two "moondoggles," and consider that NASA plans three flights a year, we have just about $100,000,000 right there. This Senator, for one, would have no difficulty in cutting far, far more from the NASA budget, but I believe the two examples I have just cited demonstrate what a small drop in the bucket a cut of $100,000,000 would be. It should be the minimum amount the Senate would be willing to cut.

Mr. President, the principal reason why I do not offer a much more substantial cut is that I have learned it would be of no value to reduce the number of lunar flights from three to two or from three to one. It would save very little money because we would have to have all of the equipment there and all of the people standing by. The cost of four lunar flights would not be much more than three. We would not save very much.

At the same time, because of the preoccupation of the Senate with the military debate and many other things, it was apparent to me that I could not make much progress in eliminating all the lunar landings.

I am consequently in a bind. I think the best I can do is to offer a modest amendment which would carry the clear message that the Senate is concerned with the program and intends to cut it back. And this is one way to enforce the strictest kind of discipline we can.

The **PRESIDING OFFICER.** The amendment will be stated.

The legislative clerk read as follows:

On page 22, between line 6 and 7, insert the following new sentence: "Notwithstanding any other provision of this Act, not more than $3,615,527,000 shall be available under this Act for the National Aeronautics and Space Administration."

Mr. **PASTORE.** Mr. President, in his concluding statement the Senator from Wisconsin put his finger on my objection to his amendment. It is not the principle or the amount of money that is involved. It is the spirit of the amendment. That disturbs me considerably.

Insofar as the resolution that is to go to the Foreign Relations Committee to explore the possibility of international participation with reference to exploration in space is concerned, I point out to my good friend, the Senator from Wisconsin, that I would like to have him see me when he prepares the resolution. I would like to sponsor it.

I think we should explore as far as possible international cooperation with reference to space. However, let not the record go unnoticed that we have already tried 20 different times to engage the Russians in a cooperative effort with relation to the exploration of space.

After all, as the Senator from Nevada said not too long ago, "It takes two to tango." And we cannot have this cooperation until Russia agrees to it. That has been our problem right along.

Mr. **PROXMIRE.** Mr. President, will the Senator yield?

Mr. **PASTORE.** I yield.

Mr. **PROXMIRE.** Mr. President, when I brought the matter up during the consideration of the authorization bill, the same objection was made. I would like to see the matter documented. They have never documented what they mean by saying they have refused to cooperate. Have they ever invited a cosmonaut to go along? I asked that question of a top space official and I was told, "No. They don't speak English."

Mr. **PASTORE.** And they do not carry any money with them. And that is the objection. We do not only want their company; we want their money also.

Mr. **PROXMIRE.** We have to have a serious effort to involve the Soviet Union.

Mr. **PASTORE.** There is no need to have a visitor from a rich country like Russia unless they will pay the tab.

Mr. **PROXMIRE.** I agree. But have we asked them to do that?

Mr. **PASTORE.** Of course we have.

Mr. **PROXMIRE.** When?

Mr. **PASTORE.** Here is the record. I read from the hearings:

Mr. **PROXMIRE.** Will the Senator answer my question?

Mr. **PASTORE.** I have answered the question. The Senator asked me for the proof. Here it is:

December 7, 1959.—NASA Administrator Glennan offered U.S. assistance in tracking Soviet manned flights. The Soviet replied that they would be in touch if the need arose.

March 7, 1962.—President Kennedy proposed an exchange of tracking and data acquisition stations. The Soviet did not accept.

September 20, 1963.—President Kennedy suggested in a speech to the U.N. General Assembly that the United States and the U.S.S.R. explore the possibility of joint exploration of the moon. President Johnson later reaffirmed this offer. There has been no official Soviet response.

December 8, 1964.—NASA proposed an exchange of visits by NASA and Soviet teams to deep space tracking and data acquisition facilities. The Soviets replied on August 13, 1965, that such visits were not then possible.

May 3, 1965.—NASA suggested United States/U.S.S.R. communications tests via the Soviet Molniya I. There was no Soviet response.

August 25, 1965.—At the request of President Johnson, Administrator Webb invited the Soviet Academy of Sciences to send a high-level representative to the launching of Gemini VI. At the same time, the President said that "we will continue to hold out to all nations, including the Soviet Union, the hand of cooperation in the exciting years of space exploration which lie ahead for all of us." The Soviets did not accept this invitation.

November 16, 1965.—NASA inquired about the possibility of United States/U.S.S.R. communications tests via Molniya I. On January 23, 1966, the Soviets replied that it was not possible to consider joint experiments "in the present conditions."

January 6, 1966.—Administrator Webb asked Academician Blagonravov, Chairman of the Soviet Academy's Commission on the Exploration and Use of Outer Space, for a description of experiments on Soviet Venus probes then in flight in order that NASA plans for Venus probes might emphasize experiments which could complement rather than duplicate Soviet work. Blagonravov replied informally that he did not have authority to describe the experiments.

March 24 and May 23, 1966.—Administrator Webb suggested to Academician Blagonravov that the Soviets propose subjects for discussion with a view to extending cooperation between NASA and the Soviet Academy. Blagonravov replied informally that the Soviets were not ready for further cooperation.

September 22, 1966.—Ambassador Goldberg, speaking in the U.N. General Assembly, said that if the U.S.S.R. desired tracking coverage from U.S. territory, we were prepared to discuss with the Soviets the technical and other requirements involved "with a view to reaching some mutually beneficial agreement."

March 27, 1967.—President Seitz, of the National Academy of Sciences, proposed to President Keldysh, of the Academy of Sciences of the U.S.S.R. that the U.S.S.R. provide the United States with some results of the Luna 13 soil meter experiment in advance of Soviet normal reporting to the world scientific community in return for comparable data from future flights in the Surveyor series. President Keldysh replied 4 months later on July 28, forwarding data which had already been reported at the International Committee on Space Research (COSPAR) meeting in London.

March 27–31, 1967.—Dr. Kistiakowsky, during the visit of a National Academy of Sciences delegation to Moscow, suggested small United States/U.S.S.R. meetings to consider such topics as cooperation in weather prediction, lunar and planetary research, and orbiting telescopes. At the same time, Dr. Brown proposed that representatives of the two academies consider joint space efforts in basic science, excluding rocketry. The Soviets have not replied to these proposals.

April 4, 1967.—Administrator Webb said in his statement on the death of Cosmonaut Komarov that NASA wished to make every realistic effort to cooperate with the Soviet Union. The Soviets have not responded.

June 2, 1967.—Administrator Webb proposed to Academician Blagonravov that they meet in July at the time of the COSPAR meeting in London to review progress in the exchange of weather data as required every 6 months under bilateral agreements. Blagonravov replied on July 3 that he had been unable to arrange for the presence of the necessary Soviets experts. The required semiannual meetings have not been held since October 1965.

October 10, 1967.—President Johnson, speaking on the occasion of the entry into force of the U.N. Outer Space Treaty, listed previous U.S. offers of cooperation and said "We again renew these offers today. They are only the beginnings of what should be a long, cooperative endeavor in exploring the heavens together."

October 18, 1967.—President Seitz of the National Academy of Sciences, in a telegram congratulating Academician Keldysh on the success of Venus 4, spoke of the need to further full and prompt exchange of data on planetary exploration. Kelysh's telegram of acknowledgment made no reference to data exchange.

December 15, 1967.—President Seitz of the National Academy wrote to Academician Keldysh proposing a small working meeting between the Soviet Venera IV experimenters and the American Mariner V experimenters to compare results of the two Venus probes and to assist each other in understanding the significance of the measurements. Keldysh replied in a letter of January 24, 1968, that he would be sending proposals on this matter shortly. The proposals never came, and there has been no further Soviet response.

Mr. PROXMIRE. Mr. President, that was not my question. My question was whether we have unilaterally asked the Soviet cosmonauts to accompany our astronauts on a flight in outer space or to the moon. Have we invited them to go along and pay part of the costs?

Mr. PASTORE. Certainly we have. That is what President Kennedy asked them to do.

Mr. PROXMIRE. The Senator has not answered my specific question. Only the very generalized Kennedy invitation constituted an approach—a genuine approach—and then there was no followup.

Mr. PASTORE. The trouble is that the Senator from Wisconsin is not satisfied with the complete and detailed answer. That is the trouble. It might be a nice gesture and a gimmick to invite someone to go aboard so that we could prove that we had offered to cooperate. However, I did not understand that this gimmick was what the Senator was driving at.

The Senator said we were spending too much money and that we ought to have cooperation between the two countries and do it together. We have been looking for cooperation. I am for that. However, the fact is that we keep inviting them to do it and they never come around to it.

Mr. PROXMIRE. What effort have we made to invite other nations?

Mr. PASTORE. We did it in the United Nations. We invited all of those nations who were members of the United Nations to come in on the cooperative effort.

The trouble is that they are not yet ready to shoot Santa Claus.

Mr. PROXMIRE. But a speech to the United Nations is not the same as a formal offer in which we address ourselves to ways in which to involve them so that they can participate.

Mr. PASTORE. How did we establish the World Health Organization? Was it not under the aegis of the United Nations?

That is what we have always done. Just because it does not work out is no reason to blame us. We should not always try to make the United States of America the "bad guy." For once in our lives, let us put on a white hat.

Mr. PROXMIRE. Mr. President, may I say to the distinguished Senator from Rhode Island——

Mr. PASTORE. Mr. President, I have the floor. I did not interrupt the Senator from Wisconsin.

Mr. President, I agree that the space program should be slowed down. I said that to Dr. Paine. I do not like to spend money any more than any other Senator does. I voted today against the treaty that was a giveaway of $278,000 to Canada. We had no business giving them that money. We modified the treaty in order to legalize the payment. How foolish can we get?

I say frankly that there is no member of the Appropriations Committee that listens with more attention to presentations and tries harder to make cuts where they can be made than I do.

This is not a judicious way to slow down the NASA program. Read the report where I said that this is a poor way for us to act—to wait until November 4 at a conference on the authorization bill, when we have extended the payment by resolution since July 1, 1969, and in all probability NASA has already spent half of its money.

If a big chunk is chopped from here now, it will crucify the program. As a matter of fact, there might not be a net for the brave fellows on Apollo 12 to come down on if we keep this up. This is not good procedure, and that is my argument. If the program is to be slowed down, it should be slowed down in a systematic way. Let us have some policy. I am for the Senator's policy. But, after all, the Space Committee, together with the House Space Committee, the House Appropriations Committee, and the Senate Appropriations Committee—four agencies of this Government—scrutinized this program.

Now the Senator says we should not have so many landings on the moon. Perhaps he is right. I do not question that. But why this talk of a cut of $100 million in a $3.7 billion program just to prove to NASA that we do not like them? What a nice bon voyage that is for Apollo 12. What a beautiful bon voyage that is for them.

I repeat, it is the spirit and principle. One hundred million dollars will not make or break this program. As the Senator from Wisconsin said, let us prove to them that they have been wasting the money and that we have been wasting this money. There are a lot of things wrong in this world today, and many of them are wrong with this country; but thank God more things are right than wrong. Nothing served to lift the spirit of America more than when we all sat by our television sets and breathlessly waited for the astronauts to step on the moon. We spent $200 billion to lift our friends and our foes from despair and defeat. We spent over $3 billion in foreign aid. I think we can afford this $100 million for the glory that is America. When we looked at our television sets, it was not two Russians we saw land on the moon. Thank God they were Americans. That is worth not $100 million to me. That is worth $100 billion, and I oppose this amendment.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. PASTORE. Yes, I will yield for all questions.

Mr. PROXMIRE. Is the Senator saying that because of the great accomplishment, which all of us acknowledge, in the landing on the moon, probably the greatest technological accomplishment this Nation has ever had——

Mr. PASTORE. That is right.

Mr. PROXMIRE. I agree with that.

Does the Senator say that because of that we should go on and have nine more manned landings on the moon? Is that a reason for doing it again and again and again nine times. How often does this same achievement have to be repeated?

Mr. PASTORE. I did not say that. I am saying to the Senator that this is not the way to cut down the program or to slow it down. I think that what the Senator has said makes a great deal of sense, but you do not do it this way. You go into this detail by detail. You formulate a policy and live up to that policy.

The Senator has said that we should not have any more manned landings until we get international cooperation. Does the Senator realize what the repercussions of that statement are? It means that we disband a valuable scientific team. How can a team like that be put together again after it has been disbanded?

This has to be a gradual process. We should get out of it rationally and orderly, the way we got into it.

Mr. PROXMIRE. May I say to my good friend the Senator from Rhode Island that I do not say there should be no more manned landings. That will not result from the adoption of this amendment. I say that if I had my "druthers"—and I do not have my "druthers," and do not expect to have them in the Senate on this or many other things—we would have international cooperation in this program.

I am offering an amendment to cut $100 million from the program, not because I do not like the astronauts or the program. I think they are marvelous men. They have achieved a great deal. But I am offering this amendment partly because I think this is a good way to get efficiency from the program, and I think it is the responsible way.

I have asked people at the Defense Department and NASA whether they would rather have us single out programs and make cuts or have an overall reduction. They consistently say they greatly prefer overall cuts. After all, this is a program in which many men have spent many years. They are experts and are in a much better position to evaluate whether they can make a cut in some research program or make a reduction in the Apollo program or somewhere else. These are the men who ought to make those judgments on saving $100 million, not just offhand, off-the-cuff, on the basis of a little study of the hearing and a short debate on the floor of the Senate. A $100 million cut will not stop the program. It seems to me it is a responsible way to go about getting efficiency from the program.

Mr. PASTORE. That is not what the Senator said. The Senator said, "Let's take this $100 million to put them on notice."

Mr. PROXMIRE. To put them on notce that we want the greatest efficiency.

Mr. PASTORE. I say this is not the way to do it, and this is not the time to do it.

I will admit that the chances are that this program could be eased off or slowed down, and we should take many other priorities into account, and I will be the first to stand up for these priorities. But the idea that we are starving our people because we have a couple of astronauts landing on the moon is something I cannot buy too easily. That argument is being made time and time again just to arouse the emotions of the people, as though if we call off the flight that is to take place on Friday we are going to feed all the hungry babies and we are not going to have any more malnutrition or poverty. That is ridiculous. We should do all we possibly can in that respect.

After all, there is such a thing as spirit. The Senator is familiar with the old adage: "Man does not live by bread alone." A great nation must remain great. And how does it remain great? Is it by saying, "We're second, but we'll try harder next time"? No. Let us be on top. What is wrong with being on top? Must we always be trying to rise from second to first? Let us be first. That is what John F. Kennedy meant when he said at a joint session that we will land a man on the moon in the sixties. And thank God, we did it, with thanks too to American ingenuity.

Mr. PROXMIRE. Mr. President, may I say to my good friend the Senator from Rhode Island that this has nothing to do with being first or second. We are first. We were first on the moon. The Russians could go there 50 times. We would still be first, No. 1. There is no question that we were there first. The Russians have no apparent program to have a manned landing on the moon. The issue as to whether we will be first is not relevant to this debate. The adoption of the amendment will not make us second.

I say that this is an enormously expensive program and it can be reduced. We all know that President Nixon and Members of Congress have properly recommended economies. We all know that some of those economies go right to the heart of the programs that the Senator from Rhode Island supports and I support and many other Senators support.

For example, the Public Health Service plans to phase out five chronic disease health services programs—cancer, heart and stroke, respiratory, diabetes and arthritis, and neurological and sensory disease. This is in response to a Presidential decision to cut Federal spending in the current year by $3.5 billion as well as a House decision to cut funding for regional medical programs from $100 million to $76 million.

The Senator from Washington (Mr. MAGNUSON) is working hard, as I understand it, to put that money back in, and I will support it in the Appropriations Committee and on the floor.

But this is an example of the very painful choices we have to make. For us to say that spending this enormous amount on space has nothing to do with health, education, and other programs is not true.

Mr. PASTORE. I did not say that.

Mr. PROXMIRE. We are spending these enormous amounts militarily and in space, and we simply cannot spend the money we would like to spend on health programs and poverty programs and other programs many of us support.

Mr. ALLOTT. Can the Senator tell me how much the increase or the decrease in all of the NIH and allied organizations research was for this year compared with last year?

Mr. PROXMIRE. I do not have that information available.

Mr. ALLOTT. I will tell the Senator. It is 3 percent more than last year. Does the Senator know that?

Mr. PROXMIRE. Well, these always go up, and 3 percent impresses me.

Mr. ALLOTT. The Senator just said that all of these have been cut. They have not been cut.

Mr. PROXMIRE. The Senator from Colorado knows that we have had a 6-percent increase in inflation in the last year. In the health area it has been 15 percent. A 3-percent increase in appropriations represents a real cut in Government health services of probably more than 10 percent.

Mr. ALLOTT. The Senator from Colorado and many others voted for the limitation in the second supplemental, which we passed late in the spring or in the summer. Maybe the Senator did not vote for that limitation.

Mr. PROXMIRE. I certainly did. As the Senator knows, I favor sharply reducing the military programs and many other programs which would reduce the aggregate budget well below $192 billion.

I think the principal point that I would like to reiterate is that the space agency has done a marvelous job. I do not intend, by my amendment, to insult them or to say we are opposing them. I do intend to point out that they have engaged in some programs that are wasteful and they have not engaged in any benefit-cost system as other agencies have, or at least any that we have discovered. There are programs that can be cut back. This amendment would put them on notice that we want them to operate with the strictest efficiency. This does not mean I do not love my country as much as does the Senator from Rhode Island.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I shall yield in a moment.

I think it indicates it is perfectly consistent with patriotism and devotion to our country to feel this program should be conducted with as much economy and efficiency as possible; and we can reduce this enormous sum to $3.6 billion.

Mr. PASTORE. Does the Senator realize this is the smallest amount we have ever appropriated?

Mr. PROXMIRE. That is my understanding. I said that to begin with.

Mr. PASTORE. We have done what the Senator is talking about, but he is not satisfied and he wants to go a step further to give them notice. We gave them notice in the hearings. I suggest the Senator read the hearings. I gave them notice. The Senator should read what I said about landing a man on Mars.

Mr. PROXMIRE. We all know the reason the amount appropriated for space now is less than in the past. We had to spend enormous sums on hardware for the complex at Cape Kennedy and elsewhere. We have them all constructed now and we have achieved our goal—the goal set by President Kennedy. We have achieved our objective so it is perfectly proper for us to consider reducing the program further. But we are giving NASA $3.7 billion and the go ahead for nine more landings on the moon, three this year. We are developing momentum that will make it difficult to cut back in the future.

I think this is a limited amendment that would not prevent the three manned landings, to which I object, but it offers some degree of moderation in this expensive program.

Several Senators addressed the Chair.

Mrs. SMITH of Maine was recognized.

Mrs. SMITH of Maine. Mr. President, the distinguished chairman of the committee, the Senator from Rhode Island, has so ably stated why the amendment proposed by the distinguished senior Senator from Wisconsin would have a very critical effect on our national space program. I believe an amendment of this type ignores certain significant facts and therefore it is unwarranted.

The appropriation amount recommended by your committee is already at a minimum level necessary to maintain a viable space effort. I would remind my colleagues that President Johnson's budget request for NASA was referred to as an "austere" or "holding" budget. It was left to the new administration to provide the decisions and funding for future space programs.

Although President Nixon did provide authority for future programing by adjusting individual line items, the new administration actually reduced the budget an additional $45 million—and, Mr. President, the resulting total, $3.715 billion, is the identical amount recommended both by your Appropriations Committee and by your Space Committee.

Mr. President, criticism again has been leveled at NASA and the State Department for not obtaining increased cooperation in space with the Soviet Union. To those who know the facts this is certainly undue criticism.

I refer my colleagues to pages 636 through 638 of the hearings on NASA's authorization bill for a listing and discussion of the many, many occasions over the past 10 years when the President of the United States or NASA officials tried, unsuccessfully, to obtain some degree of cooperation from the Soviets.

There have been at least 20 specific instances where we have made an effort to obtain Soviet cooperation. The Senator from Rhode Island (Mr. PASTORE) has referred to several of these instances. More currently, it is reported that the Soviets have even forbidden their cosmonauts to accept our invitation to visit Cape Kennedy because of the fear that the U.S.S.R. may have to reciprocate.

Mr. President, I yield to no one when it comes to concern with our current budgetary situation and inflationary pressures. I fully subscribe to paring agency funding to minimum levels, but why unduly penalize our space efforts whose programs have been so successful?

The appropriation recommended for NASA by your committee is the lowest total in 8 years. For how many other agencies can the same statement be made? Very few, if any.

Mr. President, I, therefore, urge that the amendment not be adopted.

Mr. MAGNUSON. Mr. President, I was not in the Chamber when the Proxmire proposal was being debated. However, I have had considerable experience with this bill as has the Senator from Colorado (Mr. ALLOTT). We have sat for many hours on this bill in the past. This year I was not privileged to sit with the committee, as much as I would like to because I have been handling the appropriation for HEW.

I heard a statement made by the Senator from Rhode Island in which apparently there was some discussion about international cooperation. The Senator from Colorado and I have suggested many times that we were hopeful that when the so-called Apollo program was completed, that we would then reappraise this entire matter and see if it were possible to get together all the nations in the world which would benefit by the scientific knowledge if we go beyond Apollo.

I am hopeful, despite the fact we are now escalating trips to the moon under the Apollo program, we will not lose sight of this goal because once we get beyond Apollo there would be no military spinoff or anything of that nature involved. It would be purely scientific and it would be for the benefit of all the people in the world. It should be a program such as the International Geophysical Year or the Oceanographic Year, where everybody gets together and know-how is exchanged.

I wish to compliment the Senator from Rhode Island and the Senator from Wisconsin for again calling attention to something that the Senator from Colorado and I have proposed in the past; that when we get beyond Apollo there might be, and we hope there will be, a possibility for these nations to get together and explore the universe and planets in a joint way. There are many nations involved. Not only Russia is involved. England has great expertise in this matter, the French have expertise, as well as Australia and New Zealand. It would not only save money but we would learn more because all of these people would be together.

I know the subcommitee that worked on this bill has not forgotten that suggestion. So there is no disagreement between the Senator from Rhode Island and the Senator from Wisconsin in hoping that some day we can have this joint effort like we had in connection with the International Geophysical Year and in oceanography.

Mr. PROXMIRE. Mr. President, will the Senator yield? First I wish to ask for the yeas and nays on the amendment and then I shall reply.

Mr. MAGNUSON. I yield.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, may I say to my good friend from Washington that I very, very much appreciate his statement.

Let me suggest that the Senator from Rhode Island (Mr. PASTORE), as always, also made a powerful response, as did the distinguished Senator from Maine (Mrs. SMITH) in her first statement.

We have to use some initiative and take some risk. We should consider the possibility of inviting other nations to come along, even though at first they do not pay much more than a token part of the bill, just to get them involved and interested in it. We must use our own initiative to get them involved in it. Maybe they will or maybe they will not pay part of the cost.

Mr. MAGNUSON. Where the project is purely scientific is what I am talking about. What we are doing now, if it has some military value or spinoff, such as regarding platforms in space, we do not know what that will lead to, but when we get beyond, I am sure that there can be some area of agreement. I would think it would do as much to unite the people of the world as our original plan in what we are doing with the moon walk. It would be a great step forward. We will do it at some point. We have done it. I think, in the case of the International Geophysical Year, that was a great success.

When that was first proposed, I know that the Senator from Colorado and I were kind of wondering how it would turn out. It turned out to be a great success, especially in cooperation. This could be a long step toward the peoples of the world understanding one another better. We are a generous nation. We are going to give them the benefit of all the scientific findings we have if they do not have any military value, anyway. That is what we should do. I am sure that the subcommittee always keeps that in mind when it thinks about reviewing and reexamining the program, after Apollo.

Mr. PROXMIRE. Let me say to the distinguished Senator from Washington that I think few of us really appreciate fully the fantastic international response that came to us as a result of the moon landing. I have talked with people in Italy, in England, and Asia; and all over the world the people were just astounded and entranced by it.

I do not believe that we stood very well in the world's esteem during those days of 1959, through 1964. Most of the countries seemed to reject or were unwilling to take part in a meaningful way by paying part of the costs. We should, once again, try to interest them and invite them to go on it, even if we have to pay most of the costs or practically all of the costs at first. It would be worth it.

The Senator from Washington has made a very strong case in that direction.

Mr. ALLOTT. Mr. President, I want to say a few words in opposition to the amendment, although I think that everything has been said so adequately and so ably already that perhaps there is not much more to contribute with the exception of one or two points.

First of all, I congratulate the distinguished chairman and the former chairman for the way they have presented this matter. I was particularly happy that the distinguished Senator from Maine (Mrs. SMITH) was able, this afternoon, in her few, short, incisive remarks to show just exactly how important this is.

The Senator from Washington, the former chairman of the subcommittee, has been on the committee almost since the space program began. He and I were on it together almost from its inception.

Regardless of the space program, the problem and the challenge to me are: Why make a meaningless, little cut to show people that we can cut them, take a swipe at their program, just because there might be a chance of doing it?

If we really feel that the moon shots do not mean anything, aside from the first glory of placing a man on the moon, why do we not have an amendment, then, to strike out everything in space exploration from here on out? If this is all it means to anyone, then we might as well do away with it entirely.

I do not know how much my friend reads the scientific magazines, but I try to read a few, insofar as I can understand them; and I have already read, in the past few weeks, literally dozens of items speculating upon what the scientific information and fallout on this one moon shot will be.

Now, admittedly, it was basically a problem of putting a man on the moon. President Kennedy said, remember, "a man on the moon in this decade."

The Senator from Washington, the former chairman of the committee, will recall at the time President Kennedy made that statement, that we held extensive hearings to decide whether it was actually a worthwhile goal. No one official talked about that at that time. The President wanted it. We therefore moved ahead. We have done it. But, in the course of the past 7 years, many things have happened. We have come far from the place where we were so inferior to the Russians in our ability to put a vehicle into space that we were not even in the same ballpark with them.

Many times we sat in the hearings and received assurances from Mr. Webb that we were coming along on the Saturn system and that when we did we would have the most powerful booster in the world. I must say that it looked like a long and weary road ahead of us and I am sure that the Senator from Washington (Mr. MAGNUSON) felt the same way. But we did it.

Now we have 10 Saturn systems. We have the ability to put 10 Apollos on the moon. They are all on the production line today. I repeat, today.

What shall we do?

Shall we go down there and put a bomb under all of them and blow them up, or take a torch and cut them up and destroy billions of dollars worth of work?

I think not. I do not believe that would be a sensible thing to do. We have them in existence. We should therefore utilize them. The great expense is there. The research and development, the construction and fabrication of these vehicles is there.

Do we throw them away?

I think not. Only a foolish man would throw away such a great and wonderful investment.

Let me say one further thing. As the distinguished chairman of the subcommittee has already pointed out as to the efforts which have been made to cooperate with the Russians, I do not think there was a hearing conducted in the past 10 years—yes, I will say in the past 11 years—where this question was not asked; namely, what are we doing to try to cooperate with the Russians?

Mr. Webb was not of my party and he was not the appointee of my President, but I regard him as one of the greatest administrators we have ever had in this country and the man who developed the concept of systems management which alone, if nothing else, is worth its weight in gold to this country.

And time and time and time again he said to us that he was making every effort he could to find cooperation with the Russians in interlunar explorations.

One other point: It was my understanding that a little over a year ago—and the distinguished chairman of the Committee on Aeronautical and Space Sciences and the ranking minority member are present on the floor—when we were able to set down in a general way a first flight Apollo for a landing on the moon and could set down a space flight around the moon, Apollo 10, and could see pretty definitely Apollo 11 coming up, the Space Committee, headed by the distinguished Senator from New Mexico (Mr. ANDERSON) and the ranking minority member the Senator from Maine (Mrs. SMITH) decided it was going to set its sights and have hearings on what the post-Apollo program would be. The committee has done this.

As a consequence, there has been a great modification. The thinking now is far more, not about sending men to Mars, but thinking about what we can do in unmanned space explorations to find out what is in the unverse around us.

So what the Senator complains should be done has been done. The chairman of the committee and the ranking minority member of the committee are present. The Senator can ask them. They have explored the question of future exploration of space to a very great extent this year, in hearings. If the Senator has any ideas about what the future of the space program should be, I am sure the members of that committee will be happy to have them.

I do not pretend to know the extent of the knowledge they received relating to the future, long-term ranges of the space program, but I know they have gone into it and have explored it for a long time. Knowing them, I know it was explored thoroughly.

So I conclude, Mr. President. We are about to set forth on another voyage into space. Of all the dangers in the world, probably nothing can approach the dangers of such a flight, because there are literally millions of things that can go wrong. We trust in the men who designed it. We trust in the people, including the people in this Congress, who helped plan it. We trust in the people who make the vehicle. We pray to God it will be safe.

If it is safe, rather than just the achievement of being on the moon—which was perhaps our first goal, even with the scientific fallout that has come out of it—I am sure we will receive far more than we know now in scientific knowledge of the universe. Solar winds may not mean much to some people, but people in the field of meteorology and other such areas think there are great possibilities for knowledge coming out of the information on the nature of solar winds. Eventually, even from this one matter, may come something which may enable man to control our weather or forecast or foresee it, which will be of endless use to mankind in his struggle to advance.

This is just one end of a struggle to advance. Why should we, by voting for a motion or amendment like this, say to all those who have risked their lives and given their lives, "We are going to clip you back now, just to show you we can do it"?

Mr. President, I ask unanimous consent that an excerpt from the hearings, beginning on page 661, "Benefits From Space," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BENEFITS FROM SPACE

We have reached a time when we must make a momentous national decision regarding this nation's space programs. Our posterity will judge our times by the decision we make now. We have thrown open the doors that will allow us to explore our universe. We have called the environment of the universe "space" and we have boldly hurled ourselves into it. Man has proven that he can go into space and he can do good works there. Our space explorers have developed tools that they have passed over to other men. They have developed materials to be used by other builders. They have evolved techniques to challenge creative minds. Through space exploration man has learned to exercise and organize his technical creativity in such a fashion that reaching space-oriented goals is in itself not the only measure of his accomplishments. The true measure of his space accomplishments is better understood by recognizing the earthbound applications of the milestones he has passed. This booklet describes some of those milestones, and it shows part of the road he has travelled. When he reaches other planets, he can look back across this path and say, "On my way here I made my earth a better place—for all men." And this he truly did. Our posterity will read of our soul-searching, and our fears, and our doubts, and know that we were, after all, mortal men. But they will also know we accepted a role brought about by a time requiring greatness. . .

SCIENTIFIC BENEFITS FROM SPACE

Astronomy

It can be said that the advent of space research has reopened the largely dormant field of solar system astronomy, "closed" for decades because of limitations imposed by the earth's atmosphere on earthbound equipment. The Mariner IV observations of Mars are only one case in point.

Unobstructed and uncontaminated views of the radio frequency and infrared spectra can be had in no other way [observation beyond the earth's atmosphere], and we are opening up for the first time the ultraviolet, X-ray, and gamma ray regions of the spectrum. Secondly, in going beyond the earth's atmosphere, it is possible to see objects as much as 10 million times fainter than the sun, permitting the direct observation of the "vastly fainter celestial objects." By placing larger telescopes above the earth's atmosphere, it is possible to examine smaller structures by achieving higher angular resolution.

The Orbiting Solar Observatory (OSO) has been a major part of solar astronomy flight programs since 1962 (OSO I—March 1962, OSO II—November 1965, OSO III—March 1967, OSO IV—October 1967, and three more planned for 1968 and 1969). This observatory has provided "high resolution spectra of solar X-rays, and has enabled us to measure the low rate of X-ray emission during quiet solar conditions as well as during the occurrence of events like flares, when the sun's X-ray brightness rose by orders of magnitude."

Space radiation

The extension of current scientific knowledge concerning interplanetary space is necessary to help prepare for the eventual landing of instruments, and then men, on Mars and Venus. The Explorer satellites, the Pioneers—especially Pioneer V—and Mariners II and IV already have eliminated some of the mysteries of the interplanetary medium.

1966 data from the Pioneers brought further enlightenment on the nature of the solar atmosphere, including:

Findings indicate that solar winds with velocities in the range of millions of miles per hour blow outward from the sun and extend beyond Mars.

Magnetometer readings show that the sun's magnetic field consists of a "snarl" of intertwined lines of force drawn out from the solar surface by the solar wind.

Explosions on the solar surface produce cosmic rays that travel in spirals as influenced by the earth's magnetic field. (There is a need for a clear idea of the pattern of the cosmic rays in order to design manned space missions that are safe for the astronauts, in addition to the purely scientific need to know more about the origin and structure, of the universe.)

"A study of the solar wind and the interplanetary magnetic field represents essentially a study of solar weather and its changes. The environment of the earth is very responsive to solar storms and changes in solar atmosphere. Thus, we may anticipate in the future that synoptic studies of solar weather by both NASA and the newly formed agency, ESSA, will contribute further to our ability to anticipate and predict future deep-space (as well as near-earth) conditions."

Geophysics

Influences of Space Environment on Earth and Its Atmosphere

The study of the lower atmosphere, or the environment we are most familiar with because of its closeness to earth, is of both scientific and practical significance. When such fields as air pollution and weather are involved, the practical applications to be derived from knowledge of our environment are many. In addition, for future purposes, survival may well depend on more substantial knowledge of how to control and maintain our environment.

Two examples of dangerous current trends affecting our environment are worthy of considerable thought. The amount of carbon dioxide has increased 8 percent in the last 60 to 70 years. A continuation of this trend will bring about a gradual rise in temperatures on the earth's surface, which could have serious implications regarding the weather, land movement, etc. The amount of oxygen in the air also will change; it could decrease as the natural balances become more disturbed. We must be able to anticipate these changes before they become too serious to remedy.

Achievements in Space Geophysics

Progress during the past decade has revolutionized the field of geophysics through a series of brilliant discoveries on the nature and behavior of the ionosphere, the aurora, the geomagnetic field, and the upper atmosphere. Explorer I, successfully orbited in January 31, 1958, made the first major scientific discovery of the space age, the detection of "trapped particle belts" high above the earth's atmosphere. The actual discovery of the belts was made by Professor James Van Allen, who successfully interpreted the pattern of particle-counts being telemetered from the satellite, and they are called the Van Allen belts. The discovery and investigation of the magnetosphere in which they exist marked an entirely new aspect of geophysics and geoscience.

The space age has contributed new tools to geophysics (also referred to sometimes as geoscience), and sounding rockets and the artificial satellite have been able to increase the pace of definitive observation and measurement greatly. Significant findings include:

Pressure and density of the atmosphere were determined to heights over 1500 km.

Molecules and ions in the upper atmosphere were identified.

Ionized oxygen atoms were found in the middle ionosphere instead of the neutral oxygen molecules found at sea level.

A region dominated by helium was discovered higher in the atmosphere, followed by a region farther out that is mostly hydrogen.

It is possible to observe the solar spectrum at various altitudes to determine where different solar wavelengths are absorbed in the atmosphere (which is important for understanding the influence of the sun on our atmospheric environment).

The amount of oxygen in the air also will change; it could decrease as the natural balances become more disturbed. We must be able to anticipate these changes before they become too serious to remedy.

Therefore, the space approach has strengthened and extended the field of geophysics in several significant ways. It has provided powerful new tools, opened up new areas of study, extended geoscience to other planets, and has also drawn geoscience, astronomy, and physics closer together.

Space biosciences

Exobiology

Exobiology is foremost among the areas of study in the space biosciences and concerns itself with the search for extraterrestrial life and evidences of its previous existence. "Closely allied to the search for extraterrestrial life is research which seeks to identify the materials and the conditions which are the prerequisites of life." Therefore, exobiology is in a position of prime importance and "is so closely related to the central scientific questions in biological science that it is considered by some to be the most significant pursuit in all of science." The question of extraterrestrial life and the origin of life are interrelated, and it is expected that the discovery of extraterrestrial life of one sort or another will help us solve questions about the origin of life on earth.

Environmental Biology

The main objective of this division of the biosciences is to study the effects of weightlessness, radiation, removal of effects of the earth's rotation, magnetic fields, and various other stresses of space travel and environment on different forms of life. With respect to studies made on astronauts' reactions to the effects of their environment, reactions to weightlessness observed on early space flights showed:

An increase in white blood cells.

A decrease in red blood cells.

A reduction in bone calcium.

Circulatory difficulties upon return to earth.

Doctors also found that the reactions of astronauts on the 14-day Gemini flight (December 4 to 18, 1965) were less intense than those in shorter flights. This suggests that man's body may be able to adapt to longer flights in space.

DIRECT APPLICATION BENEFITS FROM SPACE

The programs of Space Applications in Communications, Meteorology, Oceanography, Navigation, Earth Resources, and Geodesy have achieved a greater degree of visible success and immediate payoff in practical benefits than any other area of the space program. These programs, along with their R&D, make up approximately one-third of the total space effort at present. Future applications are even more promising.

Communications

Communication satellites offer tremendous advantages because of the versatility and flexibility of the services they can provide. "It is evident that telecommunications is the key to all activities in outer space, not only for communication through the mass media, but also for space research, space travel, meteorology, navigation and other purposes—it has multiple aspects as far as uses are concerned."

Satellite communications are as little as $4,200 per channel each year contrasted with $25,000 per year for one circuit on new submarine cables.

"The capability for providing high quality communications links for transmitting voice, television, and data traffic between a few large, sophisticated, and expensive earth terminals by satellites has been developed, demonstrated, and reduced to commercial operational practice. Refinement and utilization of that capability are being carried out by the Communications Satellite Corporation and its foreign counterparts in Intelsat." The work of Comsat has helped the United States to achieve worldwide leadership in the communications field.

Medical training, diagnosis and consultation on a real-time basis are now possible internationally and were demonstrated in the following transmissions:

The Relay I satellite transmitted an electroencephalogram from the Burden Neurological Institute in Bristol, England, to the Mayo Clinic where it was processed by a computer. After diagnosis was made, the analysis was sent via satellite immediately to the doctors in England.

May 28, 1963, a fetal electrocardiogram was transmitted from Mt. Sinai Hospital, in Milwaukee, to obstetricians in Paris; and a two-way consultation took place.

November 6, 1963, a new medical procedure, hyperbaric pressurization, was demonstrated at the Royal College of Surgeons in England and televised via satellite to the American Society of Anesthesiologists in convention at the Mayo Clinic in Rochester, Minnesota. Such a capability may allow large conferences to be held without the necessity for moving people.

International Broadcasting has been a most widely publicized accomplishment:

One of the most widely known communication satellite demonstrations was the international TV coverage of the Olympics from Japan in October 1964. TV programs were transmitted to the United States and Europe, marking the first time that two satellites had been employed in tandem for TV broadcasting purposes.

The broadcast of the Town Meeting of the World TV program via Early Bird I brought an international discussion program to many people.

Relay I used all the capabilities that had been developed by November 1963 at the time of the assassination of President Kennedy. It handled 11 TV spot newscasts—8 between the United States and Europe and 3 to Japan—in 8 days.

In 1963, 500 overseas telephone circuits were available and, with the expected increase in volume, it was estimated that 12,000 additional circuits should be planned for the following two decades. In providing these circuits, the economic benefits are certainly in favor of the satellite. One satellite can handle up to 1000 voice channels or one TV circuit across the ocean. One cost estimate for satellite communications was as little as $4200 per channel each year contrasted with $25,000 per year for one circuit on new submarine cables and $250,000 on old ones.

Some benefits that should be highlighted include improved crops and food production, savings of life and property damage resulting from severe weather, increased safety and efficiency of air and sea transport worldwide.

"The use of a satellite for the transmission of telephone calls and telegrams between North America and Europe has been extremely successful. As of September 30, 1966, total revenue from Early Bird was $5,238,000." Its performance at that date was 99 percent reliable, and the satellite increased the potential telephone capacity across the Atlantic by over 50 percent.

Meteorology

The science of satellite meteorology applies primarily to four basic areas:

Weather observation and prediction.

Weather control and modification.

Air pollution.

Determination of atmospheric structure.

Benefits from these applications relate to all areas affected by the weather and atmosphere, including tangible benefits in agriculture, transportation, water resources, industry and commerce, and urban pollution problems, as well as less tangible economic and social benefits, both national and international, resulting from meteorological advance. Some benefits that should be highlighted include improved crops and food production, savings of life and property damages resulting from severe weather, increased safety and efficiency of air and sea transport worldwide, benefits to indoor and outdoor industry and commerce; better planning for water resources, better use of natural resources such as wind and solar energy as power sources, and health benefits that would result from air pollution control and/or elimination.

The economic motivation for developing the required satellite sensing capability is therefore significant. Dr. Lowell Krasitz, of RCA, says it has been estimated that a global satellite weather system could save at least $150,000,000 annually in operating costs, as compared with a conventional global observation system. The National Academy of Sciences National Research Council in a 1965 report estimated that the potential savings of long-range weather forecasting (two weeks or so) "could approach $2½ billion annually for the United States alone."

. . . Potential savings of long-range weather forecasting could approach $2½ billion annually.

Since the launching of the TIROS program in 1960, ten TIROS satellites have contributed approximately one-half million usable pictures that have helped to identify, observe, and track 93 typhoons and 30 hurricanes. Cloud analyses were drawn (approximately 20,000), 2500 important storm warnings were broadcast worldwide, and 750 improvements attributable to TIROS satellite observations were shown.

Safety and efficiency of transport on air, sea, and land will be improved by more accurate weather forecasting. Individual traveler convenience, perishable cargoes, and aviation operations in general will benefit by better information on storms, fogs, winds, and air temperature. For sea cargoes, also, reduction in fuel and manpower costs of one percent could bring a yearly savings of $150 million by 1975.

Meteorology applied to food production has obvious social significance, particularly in underdeveloped countries. By the year 2000, it is predicted there will be two mouths to feed for every one today. New sources of food must be discovered, and agricultural production must increase drastically to prevent large-scale starvation. Losses of food from ravages of climate and weather must be controlled, and new land for crops must be opened up. Meteorology will have a large role to play in handling all of these problems.

Former President Johnson has been quoted as stating that the ability of the United States to predict weather five days in advance will result in an annual savings of $2.5 billion for agriculture, $45 million to the lumber industry, $100 million to the transportation industry, $75 million in retail marketing, and millions in recreation activities.

Oceanography

To date, the space program has made major contributions to ocean technology, including:

Orbiting spacecraft have been used to observe marine phenomena, to aid precise navigation and location, and to interrogate surface sensors for telemetry data. Satellites, such as Nimbus, have demonstrated their ability to monitor thermal characteristics of the oceans and have discovered a close corelation between the location of fish and temperatures of the ocean. (This is significant to the United States—one-half of our fish products are still bought abroad.) The discovery of fish locations will increase the supply of fish that then can be transformed into a high protein general-purpose food useful for easing the world food shortage problem.

Transfer of space technology to ocean applications, including sensors and compact power sources; advances in metallurgy, materials, and structures, microminiaturization; computers; and data-handling systems. For example, light-weight, high-strength materials as well as many advanced materials will find applications in both space and sea. Also, improvements in fuel cell and nuclear-power systems will be equally important for both space and ocean systems.

Remote sensors in orbital operations have many possible applications to the ocean. Radar and passive microwave radiometry are particularly attractive as they promise unrestricted day-night, all-weather capability, which is of special value in the Arctic and Antarctic regions.

Who will be the most likely to benefit from space-acquired oceanographic data once it begins to be accumulated?

Fisheries—Frequent synoptic coverage on a global scale of the ocean areas can lead to identification and location of new fishing areas.

Shipping—Spacecraft techniques can enhance determination of location of and increase understanding of currents, waves, sea ice, icebergs, and shoals, thus making it possible to minimize hazards of navigation and improve ship routing.

A Gemini crew photographed 80 percent of Peru in three minutes. The resulting photographic mosaic is better than any available map of the region.

Marine Meteorology—Ocean-wide perspective and polar coverage from spacecraft may lead to better understanding of sea-air interchange and permit improved analysis and forecasting.

Coastal Mapping—The cost would be less, therefore acquisition of data would be accelerated for improving and updating charts and maps for such groups as the fishing, shipping, and petroleum industries, as well as the military.

Forecasting—Any improvement in the understanding of ocean phenomena and behavior, gained through frequent synoptic global coverage offered by spacecraft, will enhance the development of forecasting techniques and accuracy. This will benefit all who operate in the marine environment by improving planning, utilization of equipment, and greater safety.

Military—The civilian space program could contribute to national defense by assisting in antisubmarine operations.

Economic Benefits—The annual direct benefits to the United States from MORL (Manned Orbital Research Lab) applications to ocean resources are estimated at over $60 million. Five million dollars would be saved due to MORL R&D, $8 million would be saved in aid to shipping, and $50 million could be gained by increased fish production.

Navigation and transportation

The next few years will see development of improved air traffic and navigation and control devices, which will be based largely on navigation satellites and radio and inertial guidance systems originally built for missiles or spacecraft.

Navigation satellites of the future will provide a number of services for ships, aircraft and other advanced types of intercontinental transport:

High position accuracy to permit reductions in the aircraft separation standards and reduce midair and ocean collisions.

Up-to-date weather and sea state reports to ships and aircraft for improved comfort of travel.

En route monitoring of specific aircraft subsystems (engine performance, wing stress, etc.) for relay to a ground station to detect malfunctions.

Reliable solar radiation warning for SST aircraft.

Voice and data transmissions between ship and aircraft company business offices and their craft anywhere in the world.

Passenger telephone service to shore from commercial ships and aircraft.

Craft-to-craft communications.

Highly accurate locations of ships in distress, ditched aircraft, lifeboats, and exploration parties who may need assistance will be provided to search and rescue agencies.

Earth resources

The purpose of the NASA "Natural Resources Program" is to utilize remote sensors in space for the discovery, inventory, evaluation, development, and conservation of natural and cultural resources. This includes mineral districts, soils, crops, timber, water, housing, and transportation networks.

Some of the general advantages of spacecraft compared with groundbase or aerial observation cited are:

Synoptic views for regional syntheses.

Reduced costs.

Reduced data acquisition times.

Rapidity and continuing of observations.

Greater freedom from weather disturbances.

Better quality of data.

"Remote sensing from space has unique capabilities especially in the opportunity for repetitive synoptic coverage of the earth's surface. Spaceborne sensors will add to the knowledge of the figure of the earth, its mass distribution, and its magnetic and gravity fields. Movement of glaciers, growth of deltas and crops, and even population growth can be followed.

Imaging sensors in the past few years have given the first true synoptic coverage of the lithosphere, hydrosphere, and the atmosphere.

TIROS, Nimbus, and the Gemini flights have demonstrated that certain earth-related phenomena can be understood only when viewed at a great distance.

These programs have also shown for the first time that man can now survey large portions of the earth and its environment within a very limited time frame. A Gemini crew photographed 80 percent of Peru in three minutes. "The resulting photographic mosaic is better than any available map of the region."

High-speed ground and ocean transportation is benefiting from the use of materials and construction methods that stem from aerospace advances.

"One of the most promising applications of orbiting spacecraft to forest inventory lies in determining forest location and distribution." To date, the U.S. has no reliable distribution map of forest resources.

"An exact determination of cost savings resulting from a reliable map of vegetational resources is not possible, but 20 percent seems reasonable for the United States. Based on a total data-collection cost of $15 million, the savings would amount to $3 million per inventory.

"Finally, in terms of the direct interests of the United States, a gross benefit of $15 million per year would not be out of proportion to the $1 or $2 billion of U.S. funds devoted to foreign aid . . . in terms of the extremely critical food situation faced by the world's population and the potential social and political consequences, the advantages of rapid and comprehensive data collection by observation spacecraft could outweigh any cost considerations."

Along these lines, a recently developed single-channel thermal mapping and infrared imagery system has several applications. In agricultural and forestry, it will provide:

Early detection of crop and forest disease.

Fire detection and mapping.

Classification of vegetation.

Water transpiration measurement.

Insect detection and migration.

In the field of geology, satellite surveys will be used to develop a global framework of geological and geophysical knowledge to be used in studying the world's mineral resources. Infrared color photography in conjunction with multispectral remote sensors is a "powerful tool for prospecting for minerals and oil." Applications could include earth temperatures and ice temperature measurements, permafrost detection, oil and gas exploration, mineral detection and mapping, and rock classification.

The collection of hydrologic data is of particular importance to worldwide water resources management. "The principal tasks of worldwide water-resources management are to find adequate amounts of water of high quality at low cost, to forecast future supply, and to control the location, quantity, quality, and timing of that supply." The gathering of hydrologic data for large areas of the earth's surface is necessary to fulfill these tasks.

Examples of the benefits to be gained in surveying fresh water from space have been demonstrated:

Lake colors can be correlated with their biology, chemistry, sediment, and pollutant content.

Infrared imagery can be utilized to locate fresh water escaping along our coastlines.

It has also been possible to locate areas of water trapped by faults in the earth's crust.

Growth and decline of glaciers can be detected.

Satellites have demonstrated ability to monitor thermal characteristics of the oceans.

Geodesy

Science will benefit from better mapping in the future as we learn more about the shape of the earth. The "continental drift" could be more carefully calculated with an accurate global map system.

In addition to land mapping, a system for precise mapping of the ocean floor is now possible because of advances in electronic surveying; the use of the geodetic system would be available for navigation purposes, but its greatest usefulness would be the mapping of the ocean floor.

Other benefits from geodetic satellites, in addition to land and ocean mapping, will include the worldwide monitoring of land motions along fault zones for better understanding of the relation of faulting and stress release, lending to better prediction of earthquakes. Tsunami warnings may be improved by accurate satellite radar/lasar altimeter monitoring of the geometry of the ocean's surface, which may make it possible to detect tsunami waves rapidly.

DERIVED TECHNOLOGICAL BENEFITS FROM SPACE

Industrial applications of space technology are currently having direct and indirect impact upon business. Predictions for the future are optimistic, as we anticipate "the harvest from today's investment in basic research" and technological advances.

The program has had encouraging results and has made it possible for more than 1000 separate technological innovations to be transferred to industry.

General types of technological transfer

Nine broad areas of technological innovation are predicted to have the greatest impact upon our world of tomorrow in a recent report of the U.S. Department of Labor on "Technological Trends in Major American Industries."

Computerization of data processing.

Greater instrumentation and process control.

Trend toward increased mechanization.

Progress in communication.

Advances in metalworking operations.

Developments in energy and power.

New materials, products, and processes.

Managerial and related techniques.

The Denver Research Institute (DRI) survey did identify other fields of technology that have been strongly affected by intangible spinoff—including: Instrumentation, microelectronics, electronic digital computer technology, high temperature materials technology, medical technology, and communications. Unfortunately, this type of transfer often receives little recognition because it seems undramatic and obscure.

Product development

". . . there have already been numerous instances where space technology has contributed to the private sector of the economy. These have included a broad spectrum of products, such as highly sensitive instrumentation and biomedical measurement devices; power sources, of which the fuel cell is perhaps the most prominently publicized; inertial guidance control systems; magnetic tape recorders; adhesives; and microminiaturized electronic components."

Some of the product development might include:

NASA research has developed synthetic foods and food preserving techniques.

Liquid nitrogen has become available as a relatively cheap byproduct of the manufacture of liquid oxygen and is routinely used in many advanced industrial processes requiring an inert environment.

It has found practical space and nonspace applications in such areas as range finding, mending torn retinas in eye surgery, welding in manufacturing, and drilling precision in dentistry.

Actual uses for liquid hydrogen include:

Replacement of merchant gas (gaseous hydrogen distributed to customers by truck) by liquid hydrogen because of greater economy in shipping valued at several hundred thousand dollars per year now—expected to reach a value of $3 million by the end of the decade.

Use in bubble chambers and other nuclear devices—the advent of cheaper liquid hydrogen has made possible the development of "bigger and better" bubble chambers, which allows particle physicists and cosmic ray astronomers to perform research on their own campuses. The aggregate expenditure of $1 million therefore buys much more energetic particle research than $1 million would have bought before liquid hydrogen production became so cheap.

There have already been numerous instances where space technology has contributed to the private sector of the economy.

Potential uses for liquid hydrogen include:

Use as fuel for future aircraft engines.

Use in fuel cells, which may emerge as a major source of electric energy within the next 10 years.

New and improved processes and innovations

Explosion-forming, a system of forming metals by blasting them into the required shape, is one of the important new processes to come from the space age. The area of metalworking has had a large impact in technological fallout. The space age production has changed the whole appearance of the metalworking shops . . . yet explosive-forming is only one of the dozens of new processes coming from the space-age production shops.

Areas of technological transfer

Many of the new metals, alloys, fabrics, and compounds created or developed by space research are being produced commercially. Some particular examples are:

Packard Bell Electronics developed a ceramic insulation material, PSC Durock, to withstand the extreme heat of combustion of exotic fuels. It is now being used in high-temperature applications in the civilian atomic energy program.

Space-proof materials are being used to make nearly indestructible refrigerators and other appliances. New materials developed in space research will become more and more important in the air-conditioning, heating, and refrigeration industry.

Fluxless aluminum soldering, an outgrowth of space research, is being marketed and used in preparation of sandwich core of structural panels and mass production of automobile radiators.

Time-saving pots and pans are now coated with a plastics material developed to protect spacecraft from the extreme heat of launch and re-entry.

Sealants developed for the seams of spacecraft are being used in caulking tiles. Car windshields and rear windows are being sealed with a product made from solid rocket fuel.

New metals developed by space researchers, especially the titanium alloys, are coming into use in oil refineries, where corrosive chemicals destroy ordinary steel valves. Improved bearing metals and alloys are more resistant, also.

Some 10 percent of the space discoveries have been applicable to materials development and chemicals. Materials useful under high temperature conditions are needed in space, and these technologies are being translated into uses for both supersonic and subsonic transport. As for turbojet engines, "better materials hold the key to increased engine performance and decreased structural weight of supersonic transports."

High-speed ground and ocean transportation is benefiting from the use of materials and construction methods that stem from aerospace advances.

Railroad tankcars weighing one-half as much as steel cars are being produced from the lightweight plastics developed for NASA for use in its rockets.

Ocean vessels are able to increase cargo tonnages by using "higher strength structural steels and packaging employing lightweight reinforced plastic (PR) containers."

Hydrofoils, submarines, and deep submergence vessels for oceanographic research have borrowed heavily from aerospace technology and are stresssing materials research to find what fits their needs.

Electrical and electronic systems

"The influence of missile and space research on advanced computer technology has been very significant, although diffuse and difficult to pinpoint." Contributions traceable to space to date have been mostly in miniaturization, increased reliability, input/output techniques, and increased computational speed.

Among the many computer systems first designed for space vehicles is Honeywell's self-adaptive autopilot, a computer that adapts automatically to compensate for varying flight conditions such as altitude, speed, and weight. This spacecraft technology, directly transferred to a light twin-engine aircraft, helps reduce the possibility of pilot error and makes small craft flying "significantly safer by adapting to unforeseen flight conditions."

Space-age production techniques have helped make electronics one of the fastest growing industries in the United States. Some 40 percent of the civilian spinoff from space has been in the electrical and electronic fields. The principal benefits have come from miniaturization and improved reliability.

Examples of progress include:

Advance in solid-state physics.

Accelerated development of printed circuits.

Development of molecular blocks in electronic components that do the work of many components, all in one.

Development of microsystems electronics, the chief commercial use of which at this time is in computers.

Improvements in connectors, cables, and printed circuits, used extensively throughout electronics.

Energy and power sources

Coal and oil may not always be in abundant supply and other sources of producing power and energy will have to be found. In addition to atomic energy, byproducts from space-related technology might be among these. The automobile industry is already looking to the possibility of using fuel cells instead of gasoline engines, and energy from the sun will provide homes and buildings with built-in heating, cooling, and lighting systems. Besides fufilling our basic needs, unique applications also will be derived. For example, batteries that were developed for satellites are already sewn into a heart patient's body to overcome cardiac defects; Hoffman Electronics Corp. manufacturers a solar-powered radio that stems from Vanguard satellite solar cells, and a commercial wrist watch is powered by a mercury battery that was developed to operate a timing mechanism for an Explorer satellite.

The fuel cell is a relatively inexpensive device that can provide a more convenient source of power than atomic energy could to support spare vehicles. Commercial uses of the fuel cell are almost without limit. It is now being used to produce electricity aboard a one-man submarine, and to power experimental spot welders, golf carts, tractors, and fork-lift trucks.

Measuring the space environment in all of its many aspects has resulted in a wealth of new instruments, most of which have direct applications to nonspace scientific problems.

The photoelectric (solar) cell is another significant source of energy. Since Vanguard I's photoelectric cells produced the power needed to send its signals back to earth, solar cells have continued to supply electrical power in many satellites. Commercially, solar cells have been used for radios, in an emergency call system on Los Angeles freeway, and for a telephone system in South Africa.

The increasing amount of work being done on plasma engines for deep space application appears to be leading to a technical revolution in the field of plasma technology. "It is expected that in the foreseeable future, electricity will be generated directly from plasma without using turbogenerators."

Medical technology

"Some of the most significant benefits to come out of the space program will be in the field of medicine. . . . The space program marks the beginning of intensive and genuine cooperation between engineering and medicine." In fact, advanced NASA research and development has already demonstrated its contribution to modern day medical practice.

"The recent developments in cardiovascular monitoring devices emphasize the application of aerospace achievements to civilian medicine."

Sensors originally developed to measure the heartbeat, blood pressure, and other conditions of space-borne astronauts are being installed in hospitals to monitor patients' conditions continuously.

Some of the most significant benefits to come out of the space program will be in the field of medicine.

Along the same lines, a new electrostatic camera, developed for space vehicles produces moving to still "instant pictures" without any processing. This camera can focus on a patient in critical condition and can keep vital photographic records instantly available for physicians. Transducers-transmitters that relay intestinal data are currently in use, and doctors now anticipate a battery-powered television system small enough to be swallowed, which would transmit pictures from a patient's stomach.

"In the field of medicine there has been many dramatic advances. It has been reported that some small precisions valves, developed for use in booster rockets, have been adapted by medical scientists specializing in heart research."

General Electric's Space Science Laboratories drew eletric power from the body of a living rat to operate a radio transmitter. This ability to use the bioelectric potential of the body, along with the advances being made in microelectronic circuitry, will have important application for medicine.

The recent developments in cardiovascular monitoring devices emphasize the applications of aerospace achievements to civilian medicine.

Aids to the blind and deaf are also coming from space research. The principle of alternating panoramic fixation, used in satellite camera and lens systems, was applied to the development of new glasses with multidirectional lenses. General Data Corp., which develops instruments for spacecarft, is doing research on an electronic sight aid for the blind. They have also developed the small electronic sensing devices used in spacecraft for another use for restoration of hearing to the deaf by surgical implantation. Eye surgery with a pinpoint of intense light from a laser has been accomplished successfully and Kollsman Instrument Corp. indicated that the laser can be used in eye tumor removal, retinal welding, and brain surgery.

Some 40 percent of the civilian spinoff from space has been in the electrical and electronic fields.

A number of the examples previously listed in this section, as well as many more, could be said to belong to a new category labeled "bionics." Bionics is one of the most remarkable sciences of the space age: "Bionics is a technology which, through a study of living systems, seeks to create electronic circuits that perform in the same manner as living systems."

For example, an electronic radar system is being developed and perfected by an aerospace firm as a "bionics equivalent for the blind." Many other firms are doing similar research and development. General Electric's program to utilize electricity directly from the cells of the body, in addition to research being done by other groups, is expected eventually to combine in a "final human-radar mechanism for the blind, powered by the wearer's own body!"

Additional applications include:

Pressurized space suits developed by General Electric Company are helping bedridden stroke victims and invalids to be ambulatory.

Ultra-fast drills, with minute ball bearings developed through space research for satellite equipment, are available to dentists for almost painless dental work.

Use of supersensitive infrared detectors is proving useful in the early detections of cancer.

An infrared sight switch allowing an astronaut to manipulate dials and switches by moving his eyes now controls wheel chairs and hospital beds for immobilized patients. this method may eventually be used to operate stenographic machines.

A micrometeorite sensor is being studied as a possible detection system for Parkinson's disease; this may uncover muscle tremors associated with the disease.

Computer techniques developed at the Jet Propulsion Laboratory are being applied to the reading of X-ray pictures.

The lunar walker, a remotely operated instrument carrier, is being considered as a possible ambulatory device for crippled people.

In the application of aerospace technology to artificial heart research, development of "the associated pneumatic control system has drawn heavily on aerospace technology and the consulting advice of several people on the Lewis Research Center staff."

Application of new improved electrodes could be useful in EKG and respiration monitors where long term use of electrode is important.

Ultra-small cryogenic thermocouples are now used in brain and eye cryosurgery.

Instrumentation

"Measuring the space environment in all of its many aspects has resulted in a wealth of new instruments, most of which have direct applications to non-space scientific problems."

One of the best and classical examples of "tangible product transfer" in this field is the displacement of a transducer from spaceship to bird embryo. Because of the extreme sensitivity of this transducer, it can detect life in an egg as early as four days after it is laid. "Changes in heart-beat rate and intensity resulting from temperature changes or other external stimuli also can be picked up by the instrument.

DERIVED NONTECHNOLOGICAL BENEFITS FROM SPACE

Education and research

"It is the extraordinary breadth and, in an important way, the non-programmatic aspects of our great national Endeavor in Space that holds the promise of creative and lasting effects on our Society."

"The most important *enduring* contribution of the Space Endeavor to our future as a nation will be found in the field of education."

It is thought that NASA has played an especially effective role in improving the quality of education and increasing the number of trained young people in those disciplines relevant to NASA. In FY 1959, NASA budgeted $3 million for grants to higher education; this had grown to $128 million in FY 1966.

NASA, in moving ahead, is trying to increase the number of students obtaining doctors degrees in space-related fields of science and engineering. The goal stated in 1963 was to expand the program of training grants to cover a total of 4000 students over the next few years and to graduate 1000 new PhD's per year. A goal of 7500 PhD's per year by 1970 was suggested by the President's Advisory Committee.

The most important enduring contribution of the space endeavor to our future as a nation will be found in the field of education.

The aerospace industry itself has already contributed to and is involved in a number of difficult aspects of education. These include:

The joint development of industry-university science and technological urban complexes.

The development of new techniques and methods for teaching at all levels, including the application of system analyses, computers, and assorted hardware to the learning process. Several large companies have developed suitable programmed machines that could drill students in spelling, syntax, arithmetic tables, etc., leaving teachers free for the more creative aspects of education.

Exploration into the use of satellites for classroom education.

The management, staffing, and operation of Job Corps Training Centers.

Sponsorship and support of community programs for motivating and developing the youth of the nation who will be the future scientists and managers of industry and Government.

Urban and environmental applications

The aerospace techniques, described by many as the systems engineering approach, contain the seeds of success when applied to other areas of major public need. This approach—looking at the problem as a whole—has been used successfully within and without the Federal Government.

One of the most extensive experiments of this type took place in California, where several aerospace companies bid competitively to propose systems studies of four pressing problem areas—crime, information, transportation, and waste management.

In its study of a statewide Governmental information system, the Lockheed Corporation stated that, if implementation were to begin immediately, savings (primarily reductions in personnel) would total $415 million annually for state and local governments, as compared with costs projected for the present information handling methods.

North American Aviation, Inc., proposed a 52-month systems analysis of the state's transportation needs over the next 50 years. Space General Corp., after studying the crime and delinquency problem, proposed a five-year program at a cost averaging over $24 million annually. Aerojet General's waste management study analyzed the problems Californians will be facing with all types of waste disposal over the next 25 years.

NASA, in conjunction with General Electric, conducted a study in 1965 that attempted to uncover the means by which aerospace technology could be applied toward the solution of critical urban problems. The purpose of this study was, first, to identify and isolate specific critical city problems amenable to technological solutions and, second, to determine and suggest technologies resulting from past and current NASA programs which can be applied to the solution of the identified problems.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PROXMIRE. Can the Senator name any real, specific benefits that we will get out of nine space flights, other than human fulfillment and a greater knowledge of how the moon developed? I asked the space people specifically whether we got any benefit with regard to communications or meteorology, including weather, or space or earth technology. They could not find any. Dr. Payne said there were only two: human fulfillment, vague and indefinite and general as that is—it seems to me that is not very much, unless it is the satisfaction people get from watching space flights—and the other is knowledge of the origin of the moon.

It seems to me we are caught in a momentum here. This is an exciting exploration. Yesterday the newspapers were full of the forthcoming flight. We are going to have much more of it in coming days. We are getting brainwashed by the mass media of communications. What is the purpose?

Mr. ALLOTT. I am not caught up in any glamorous momentum.

Mr. PROXMIRE. The Senator is alone if he is not.

Mr. ALLOTT. Can the Senator show me any place where they have said they are going to send nine more vehicles to the moon? It is true—and this is a difference he has failed to make clear—that we now have nine vehicles capable of traveling to the moon. But, according to the information I have, it is not contemplated that they will all be used for that purpose, but some of them, rather, will be used for unmanned flights farther into space.

Mr. PROXMIRE. The answer is that they plan three in the coming year, which are authorized and appropriated for.

Mr. ALLOTT. The Senator said nine.

Mr. PROXMIRE. They have said there will be 10 or 15 Apollo flights ahead. It may be that they will not go ahead with all of them. I hope not. But the assertion has been made that there are going to be three landings on the Moon each year in the next 3 years. I hope that is not so. If the Senator will disabuse me of that and say there will be only those three and none others, I shall be delighted.

Mr. ALLOTT. I would be perfectly willing to defer to the chairman of the Committee on Aeronautical and Space Sciences as to whether there are any plans to send nine more shots to the moon. I have never so understood it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PASTORE. Mr. President, I think we must realize that what we are in is more or less a research program. I have asked the same question of the distinguished scientists who have come before our committee. I think sometimes it is rather presumptuous of us to ask the question. I do not think there is a man living, and I do not care how scientifically learned he may be, who can give us a categorical answer. I do not think we will find out in my generation or your generation just what benefits will come to the people on this earth from such knowledge. All we know is that this is a tremendous scientific achievement; that man in his scientific advance cannot stand still. That is progress. We cannot stand still. There may be great discoveries up there that nobody now can surmise. We are faced with the challenge of whether we want to be the first one to find out. That is the hallmark of greatness. It has always been the hallmark of greatness.

I could not give an answer to what the scientific benefits are. I do not think there is a man living who can do it. It is the same with those who do research. The researcher works and tests and tries. Unless he keeps trying, he will not have the answer to polio or knowledge of the atom. The word "atom" comes from the Greek. It means indivisible. Yet we split the atom. We contradicted the ancient Greek.

We do not know for sure, but the overwhelming probability is that there are sensations and solutions up there. Some people suggest, "Well, man will better understand the universe." That is a platitude, but it could be true. I could not answer that question. I think it would be foolish for us to try to measure the benefits of knowing all this against the cost. That is what the argument is all about. We spent $24 billion. Some ask, What did we get out of it except a special show? I think we got much more out of it. We proved to the world that we had superlative scientific development here in this country. We know that when we put our minds to it, we can do almost anything. That is important to us.

As I said before, spirit is absolutely necessary. A nation without spirit falls into decay. And as long as we keep up our spirit; we keep up our enthusiasm; we keep up our research. We prove to the rest of the world that here in America we have a little bit more than just demonstrations; we have a little bit more than just moratoriums; we have a little bit more than just debate—we prove we have achievement. We can make the world stand still and look up to us breathlessly to the heavens and say, "America, you did it. You did it."

The Senator from Wisconsin said he talked with someone from Italy, and they were amazed by this accomplishment. Does the Senator not think that is worth something?

Mr. PROXMIRE. Of course; it is worth a great deal, and I voted for the space program.

Mr. PASTORE. How can we tell what it is worth? Is it worth a half a dollar? Is it worth $1 billion? I cannot answer that, nor would I attempt to try.

Mr. PROXMIRE. We have accomplished our objective. We knew we wanted to put a man on the moon in this decade, and we did it.

Mr. PASTORE. That we did.

Mr. PROXMIRE. Just as we did in developing a polio vaccine, and all of those things. We had a purpose in mind, to save the lives of children, and we accomplished our purpose. Now, what is the purpose here?

Mr. PASTORE. All right, let me try to answer that question, because I asked that question of Dr. Payne. I asked him the exact question. If Senators will read the hearings, they will find it.

I asked him:

> Why do we have to go up there 10 times? We have been there; we did it.

He said:

> It is like everything else; if a man lands on Cape Code, he knows about the Atlantic Ocean, but does he know about the wheat fields in Kansas? Does he know the topography of Kansas because he landed on Cape Cod?

What we are trying to do is continue our research. Maybe we will find nothing, but who knows? Maybe the next set of rocks will be diamonds, who knows? Would that not be wonderful?

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I shall be happy to yield to the Senator from Illinois in a moment, but may I say to the Senator from Rhode Island, Dr. Payne indicated, and the hearings record shows in great detail, that we are going to get more rocks from more areas, to indicate whether the moon is a frozen mass, or whether it is hot on the inside, the way the earth is. It is spelled out in the record what we expect to find out.

Mr. PASTORE. But will not the Senator admit that if he went down to the Smithsonian Institution and looked at that rock and asked, "Is this worth $24 billion?" the answer is obviously that it is not. But, of course, that is not the purpose.

Mr. PROXMIRE. I agree with the Senator on that.

Mr. PASTORE. That is not the purpose. That was brought back for the purpose of documenting the landing on the moon. They brought a rock back; maybe it is no different than any rock you could pick up in my backyard. Maybe it does not make any difference. What do I care whether the moon got there before the earth, or the earth got there before the moon? Who cares about that? I do not, in my particular sphere.

But, after all, in the scientific world, it may mean a great deal. Man is reaching out; he is extending himself. If he does not do that, he dies. I say let us live.

Mr. PROXMIRE. We have a responsibility for the taxpayers' money. When we are spending $100 for every single American family, in effect—that is what it amounts to—for these 10 lunar landings, it seems to me we are assuming a real responsibility, and we ought to have more than just a feeling that there is something out there we are looking for, and maybe we will find something, and maybe it will turn out to be diamonds.

I yield now to the Senator from Illinois.

Mr. PERCY. Mr. President, I should like to put into proper perspective the very good debate I think we have had on this subject today.

The question really is, how much should we spend on space? No one is suggesting we should not have a space program. Certainly the Senator from Wisconsin is not. The question is, what is the right amount to spend on space?

I came to the Senate, I hope, with objectivity and a little knowledge, having been a trustee of the University of Chicago and of Cal Tech, both of which were deeply involved in the space program. I did come somewhat prejudiced, I must admit, against the amount of money we were spending for the man on the moon in contrast to instrumented space shots, for I felt JPL had an opportunity to gain a great deal of knowledge at substantially less expense than in putting a man on the moon.

The day I arrived in the Senate, we started, in the Space Committee, on the investigation of the Apollo tragedy, which had taken three wonderful lives.

I became absolutely convinced we should not only conduct these programs in a safer manner, and spend more money for safety, but we should also look very objectively at how much we were spending. We were then spending at the rate of $6 billion a year.

After a good deal of thought and study, I became convinced that too much money was being spent on the space program in the light of all our national priorities; and the majority of our committee, including the chairman of the committee and our ranking minority member, the Senator from Maine (Mrs. SMITH), became convinced we were spending too much money.

We spent 1 solid year in committee that year, not in order to justify more money, but to find where we could take money out of the program. At the end of that year, we had taken more than a half billion dollars out of the bill when we reported it to the Senate. It is rather a shock for a committee not to come in and ask for more money than it had before, for a program as popular as the space program. The next year we did not go back to find ways to justify adding it back. We went right back to work to achieve our objective of taking more than a billion dollars out. We in fact took another $400 million out, and, expenditurewise, this budget is now $2.2 billion less than the highest level of expenditure we had achieved before. But that took months of work. It took detailed analyses of programs. It took hearings. It took setting priorities within the programs, to see what should be pruned and what should not be pruned out.

I have no doubt you can take any Federal budget and cut out another $100 million. But when you keep doing that, eventually you are going to start to cut out the heart of a program. We are going to start to cut out, then, all of the intelligent work that has been put in over a period of several years and a tremendous amount of detailed work by the agency as well as the committees, both in the House of Representatives and in the Senate.

I am all for cooperative effort. In fact, I felt so strongly about it that I presented to the Economic Committee of NATO last month a resolution, unanimously adopted, that we should cooperate with other countries of both the East and West that have space programs, to cooperatively see if we cannot work together to achieve some objectives. The North Atlantic Assembly of NATO unanimously adopted that resolution. Col. Frank Borman has told me that he talked with the President of the Academy of Sciences in the Soviet Union, and he indicated a desire to do that. We have heard every head of NASA testify before our committee, when I served on that committee, that this was our objective, and that we would like to do it.

Perhaps we can achieve some of the things the Senator from Rhode Island has demonstrated and told us have been the results of this program. We have proved we can work together—the universities, the Government, the scientists, the academicians—to achieve a program together, with the military taking byproducts from the program. It has been a magnificent achievement, which the Senator from Wisconsin would, I am sure, be the first to characterize as such.

I simply maintain that you do reach a point where, after careful analysis, you are going to really start to cut into morale as well as the heart of the program. NASA will never know where the bottom is, if we, on the floor of the Senate, without giving detailed consideration to where we are going to go simply carve another $100 million out of the program. They are never finished with the program, and I hate to say how many hours they have to put in and take away from administering their program, to justify what we are doing. I think we are now down at the point of rock bottom. Inflation is going to eat into these dollars even this year. I say we ought to level off, and instead of gyrating up and down, let them plan ahead for a few years, and go on at this level of $3.7 billion, which I think is prudent and which I think is sound. I am first to fight for money for the cities, and for every other human need on earth, but I know from years of experience we cannot afford not to give adequate attention to this great area. We do not know how many problems on earth will be solved with the technology we have developed and the knowledge we have gained from these programs. I fully support the committee in this regard. I think they have done a wonderful job. For that reason, I shall vote against the amendment of my distinguished colleague from Wisconsin.

Mr. HOLLAND. Mr. President, I have the privilege and responsibility of being a member of both the legislative space committee, the Committee on Aeronautical and Space Sciences, headed by my distinguished friend from New Mexico (Mr. ANDERSON) and of which the distinguished Senator from Maine (Mrs. SMITH) is the ranking minority member; and also of the subcommittee of the Appropriations Committee so ably headed now by the Senator from Rhode Island and, up until this year, for a good length of time by the distinguished Senator from Washington, and of which the ranking minority member has been the Senator from Colorado.

I just wish to say that in both of those committees, I have seen the realization of the urgent need for economy shown with reference to this particular appropriation.

I call attention to the fact that here an appropriation is suggested to the Senate which is $279,746,000 or practically $280 million, less than the appropriation for last year. I have not figured it out exactly, but it must be a reduction of between 7 percent and 8 percent from the amount appropriated last year.

I also call the attention of my distinguished friend, the Senator from Wisconsin, to the fact that here is an appropriation which happens to be exactly the same in amount as the budget amount—which was worked on, as I recall, for some 6 weeks or 2 months by the new administration after they came into office before they sent it to us—indicating a very material reduction from the spending of last year. It recommends the same reduction, practically $280 million.

I also call attention to the fact that from the first moment of hearings before the legislative committee—and this was true not only this year but also in recent former years—there has been insistence that we not be committed ahead of time to expensive and extensive programs.

Our legislative committee has insisted, in spite of the fact that there have been eloquent suggestions from other sources, including our distinguished Presiding Officer, the Vice President, that we commit ourselves to explorations in space out to other planets. We have determined against it. We have held to the objectives in which we were engaged, and we have held to them in an economical way. We have not been without the loss of objectives which were most dear to some of us.

I think the members of the legislative committee could tell us that there was one objective in particular in which I was, and still am, greatly interested and which did not appear in the appropriations bill or in the legislative act, the authorization act, for this year. I am not happy that it did not appear. However, I was not heard in conference—and I was a member of the conference—to insist upon it or to try to put pressure on for the inclusion of an item in which I was materially interested, because I realized that both the authorization and the appropriation committees have been trying to cut the cloth here to fill the pattern that we had to fulfill.

I do not know what is going to be discovered in these additional flights to the moon. I do not suppose when Columbus came back and told the Spanish that he had found a new hemisphere and had discovered that the earth was not flat, but was round, and proved it, that the Spanish knew his next voyage was going to take him to the mainland or that subsequent voyages were going to make available the gold and silver of Mexico and Peru.

I am glad that they did not stop then because they would not have discovered Florida, and the world would have been very much the loser because of that fact.

The French had two explorations and landings on this continent which were both tragedies. However, they did not despair. They went ahead with other landings at other places. The French part of Canada is a result of their efforts.

As I remember it, one of the great heroes, from Wisconsin, the State so ably represented by the distinguished Senator from Wisconsin, Pere Marquette, was a member of that exploration by the French during those years.

The British were not satisfied when the Virginia Dare Expedition was lost or when the Jamestown Expedition was successful. They went ahead and discovered New England and other places.

And I rejoice in the fact that the later discovery gave us the great area known as New England which has made great contributions to our country throughout all the years.

I point out to my friend, the Senator from Wisconsin, with respect to his argument that one landing on the moon should suffice because we know we can do it and should not go for other landings, that I do not know what they will discover or even whether they will be successful.

I do know that we have had one pinpoint landing on an orb 240,000 miles away with a diameter of some 4,000 miles and that even the entire number of explorations which the Senator has mentioned—and which may or may not take place—would not begin to sample all areas of the moon.

I think it is quite understandable that we would want to have more information than we have.

One reason is the fact that the rocks brought back, while apparently answering some scientific questions, did not have any material value. I think we are a rather materialistic people, as well as idealistic. And I hope that we will bring back the diamonds mentioned by my friend, the Senator from Rhode Island, or the gold which the Spaniards brought back from Mexico and Peru, or the diamonds brought back from other explorations.

I call attention to the fact that we have cut this item heavily. We have worked cordially with the Bureau of the Budget. They have cut the item heavily. We have worked cordially with the House committee. That committee has cut the item heavily. And we have come out now with a united front between the legislative and the Appropriations Committee on an amount which we think is the amount which should be supplied.

I have great respect for the knowledge and the acquisitive character of my friend, the Senator from Wisconsin, because he is always probing after more facts. However, I doubt very seriously if he has had the opportunity—because he is not a member of those two committees—to go into the matter as deeply as have some of the rest of us, having been either members of the authorizing committee or the Subcommittee on Appropriations which have both gone into the particular matter.

I just point out that I think for us to make this cut at this time when the three boys who are laying their lives on the line are about to take off on a second exploration of the moon, every moment of which will be gravely dangerous, indicates that we do not have a large amount of confidence in the great adventure of which they are only a part and would be a mistake. I think it would be a very grave mistake. And I think it would be a blow to the morale of those three young men, whom I do not happen to know, but I do know that they are laying their lives on the line.

I hope that the Senate will not subscribe to that approach. I have frequently supported the Senator from Wisconsin in his attempts at economy. I intend to support him in two other attempts that I know about that will come up during the remainder of this session. However, I believe this is one time when he has gone off on a false trail. I do not think the effort he is making will be productive of good. I think it would be productive of bad results. For that reason, I will oppose, and I hope the Senate will reject, the amendment.

Mr. ANDERSON. Mr. President, the Senator from Wisconsin (Mr. PROXMIRE) is recommending that the NASA request for fiscal year 1970 be reduced by $100 million because he is worried about the Federal budget.

Mr. President, the Senator from Wisconsin is not the only Senator worried about Federal expenditures but I would call to his attention that the budget for NASA recommended by the committee is $655 million less than the agency requested last year. Moreover, it has been reduced every year for the last 5 years and that expenditures under the fiscal year 1970 space budget will be down 33 percent from what they were a few years ago. Employment on NASA programs is down over 50 percent.

Mr. President, the NASA program cannot be cut back further without impairing the leadership that we have built during the last 9 years.

Prior to the hearings and the subsequent evaluations made by the Appropriations Committee, the Senate Committee on Aeronautical and Space Sciences inquired extensively into the NASA programs and it has published 905 pages of hearings. Both committees agreed in recommending $3,715,527,000 for NASA for fiscal year 1970. These reviews reflect an in-depth examination which underlie each committee's recommendation to the Senate. Also, I would like to call to the attention of the Senator from Wisconsin that this budget has been thoroughly reviewed by two administrations. President Nixon's revised budget request is $45 million below the original budget request.

In most respects, the revised budget request differs from the original because later and better information was available. For example, at the time of the revised budget request, NASA had the successful flights of Apollo 7, 8 and 9 behind it. NASA was a great deal more confident that the first successful manned lunar landing would be accomplished this summer; consequently, President Nixon's budget provides for further lunar exploration but at a reduced launch rate which permitted a $20 million cut in the tracking and data acquisition program. The revised budget request also reduced other programs; for example, most advanced research and technology programs were reduced by amounts ranging from $1½ to about $3 million. Likewise, the programs of the Office of Space Science and Applications were reduced, the principal reduction here being in the bioscience program because the second 30-day mission of the biosatellite project was eliminated. Mr. President, it is not clear to me on what basis the Senator from Wisconsin recommends that $100 million can be cut from the NASA program.

As a matter of information, I would like to call to the attention of the Senator from Wisconsin that the committee's recommendation of $3.715 billion represents a $280 million reduction from the amount appropriated last year.

Mr. President, I believe that the foregoing facts speak for themselves. They fully emphasize the extent to which the national space program has been reduced in recent years. Mr. President, I urge that this amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio (after having voted in the affirmative). On this vote I have a live pair with the distinguished Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the

Senator from North Dakota (Mr. Burdick), the Senator from South Carolina (Mr. Hollings), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), the Senator from Texas (Mr. Yarborough), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I also announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), and the Senator from Utah (Mr. Moss) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) would vote "yea."

I also announce that if present and voting, the Senator from Alabama (Mr. Allen), would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. Baker), the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Michigan (Mr. Griffin), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Iowa (Mr. Miller) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

If present and voting the Senator from Iowa (Mr. Miller), and the Senator from Arizona (Mr. Fannin) would vote "nay."

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from Wyoming (Mr. Hansen). If present and voting, the Senator from New York would vote "yea," and the Senator from Wyoming would vote "nay."

The result was announced—yeas 22, nays 46, as follows:

[No. 144 Leg.]

YEAS—22

Byrd, W. Va.
Case
Church
Cook
Cooper
Fulbright
Gore
Harris
Hart
Javits
Kennedy
Mansfield
McGovern
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Talmadge
Tydings
Williams, Del.

NAYS—46

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cotton
Curtis
Dodd
Dole
Dominick
Ellender
Ervin
Fong
Hartke
Hatfield
Holland
Hruska
Inouye
Jackson
Jordan, Idaho
Magnuson
Mathias
McGee
Mundt
Murphy
Packwood
Pastore
Pearson
Percy
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Thurmond
Tower
Young, N. Dak.

PRESENT AND ANNOUNCING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Young of Ohio, for.

NOT VOTING—31

Allen
Baker
Burdick
Cannon
Cranston
Eagleton
Eastland
Fannin
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Hollings
Hughes
Jordan, N.C.
Long
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Prouty
Saxbe
Sparkman
Williams, N.J.
Yarborough

So Mr. Proxmire's amendment was rejected.

Mr. PASTORE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ALLOTT and Mr. HOLLAND moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. MUNDT. Mr. President, the bill, S. 12307, includes funds for fiscal 1970 for the General Services Administration.

In that connection, I am happy to note that neither the General Services Administration nor any other Federal department or agency will procure supplies for State or local government units. This matter is not expressly referred to in this appropriation bill. However, I comment on it at this time because several months ago a proposal was advanced inside the executive branch that would have authorized GSA to procure supplies and equipment for State and local governments. Proponents of that proposal sought to justify it under the terms of the Intergovernmental Cooperation Act of 1968. Neither that act nor its legislative history convey any such authority, a fact well known in Congress and well known in particular to Senators who serve on the Committee on Government Operations, which reported the bill to the Senate in the 90th Congress.

It has been my privilege for a number of years to serve as the ranking minority member of that committee. At no time during our deliberations on the Intergovernmental Cooperation Act did anyone suggest or contemplate that any Federal agency would go into the purchasing business or into the supply business for State or local governmental bodies.

And I am pleased to say that the White House moved promptly and decisively when it was alerted to the content and significance of the proposal being advanced within the executive branch. Clearly, neither the Intergovernmental Cooperation Act nor good public policy would countenance such an attempt to put the massive purchasing capacity of the Federal Government into competition with the many thousands of separate business enterprises now serving the myriad State and local government supply requirements all across the Nation.

Nothing could have been further from the intent of Congress in the Intergovernmental Cooperation Act of 1968. As I have indicated the White House, when it examined the problem, shared that view. After the matter had been disposed of, a letter from the Executive Office of the President to the Committee on Government Operations stated in part:

> Review of the matter, with the Government Operations Committee and others, has led us to conclude that the legislative history . . . does not permit an interpretation that procurement services may be authorized. Therefore . . . regulations . . . will not authorize GSA or any other agency to procure supplies for State and local governments . . .

Of course, we all know how important are the vigilance and ingenuity of those who would be injured by a mistaken government undertaking like the proposal I refer to. On that, I want to commend the efforts of many people, in and out of government, who objected to the impropriety of the proposed purchasing and supply program.

I especially want to commend the efforts of the National School Supply and Equipment Association. This national organization, headquartered in Chicago, has among its membership a number of highly respected South Dakota firms specializing in service to our schools. We in South Dakota are proud of them and proud of their contributions to the cause of education through the years. When it became apparent last summer that a proposal to put GSA into this kind of purchasing and supply activity was being considered seriously, the Association moved quickly to alert responsible Government officials to the dangers inherent to the proposal and to suggest specific means by which the Intergovernmental Cooperation Act should be put into operation without the unauthorized purchasing and supply programs that were then being considered.

These efforts prevailed, and on August 7 the association was able to notify its members that the matter was resolved—that the administration had decided that neither the law involved nor the policies of the administration could permit the kind of purchasing activity that had been proposed. So on August 7 the subject was effectively disposed of on policy grounds as well as on legal grounds. And the cause of better Government was enhanced in the process.

While commenting on the National School Supply and Equipment Association, and saluting its valued members in South Dakota, I am not unmindful of the support given this effort by many other business groups who saw the dangers inherent in Federal purchasing for State and local government units.

I point out, too, that my own view of the intent of the law and my concern about the undesirable impact of such Federal competition with private business were shared by many other Members of the Senate, and in the other body as well. The distinguished chairman of the Committee on Government Operations (Mr. McClellan) registered the same objections I did.

I am sure they and many other Members of both Houses breathed the same sigh of relief I did August 7 when we learned that the intent of Congress was being adhered to and that the GSA purchasing proposal had been stopped.

Mr. President, in order to help avert the possibility of this proposal popping up again, I feel it important that my report on this matter should be made a part of this debate and of the permanent Record of the Senate.

AMENDMENT NO. 270

Mr. HART. Mr. President, I send my amendment to the desk and ask that it be stated.

The bill clerk read as follows:

> On page 34 strike out line 1 and insert in lieu thereof the following: $837,500,000 to remain available until expended: *Provided*, That not more than $187,500,000 shall be available for grants with respect to urban renewal projects which are identified and scheduled to be carried out as projects or activities included within approved city demonstration programs in accordance with and subject to the provisions of section 113 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended: *Provided further*,".

Mr. HART. Mr. President, I would not anticipate a lengthy discussion insofar as I am concerned.

At this point, Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, would the Senator from Michigan agree to a limitation of debate on his amendment?

Mr. HART. I feel certain that I could. Yes, Mr. Chairman.

Mr. PASTORE. Would the Senator indicate what time he would like? One-half hour to each side?

Mr. HART. May I inquire of several cosponsors of the amendment now in the Chamber if, within that period of 30 minutes, they would be accommodated.

Yes, Mr. President, I would suggest, then, a limitation of 1 hour, with 30 minutes to a side.

UNANIMOUS-CONSENT AGREEMENT

Mr. PASTORE. Mr. President, I ask unanimous consent that debate on the pending amendment be limited to 1 hour, with 30 minutes on each side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. HART. Mr. President, Senators Brooke, Case, Goodell, Javits, Mondale, Muskie, Ribicoff, Williams of New Jersey, and I joined in introducing the amendment. I ask unanimous consent that Senator Montoya from New Mexico, Senator Tydings from Maryland, and Senator Schweiker from Pennsylvania, be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, the amendment which has been printed, strikes out line 1 on page 34 of the bill and inserts the following language:

> "$837,500,000 to remain available until expended: *Provided*, That not more than $187,500,000 shall be available for grants with respect to urban renewal projects which are identified and scheduled to be carried out as projects or activities included within approved city demonstration programs in accordance with and subject to the provision of Section 113 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended. *Provided further*,".

Let me explain the appropriations situation as it pertains to urban renewal.

In the Housing and Urban Development Act of 1968, Congress increased, as of July 1, 1969, the authorization for urban renewal by $1.4 billion and increased the authorization for urban renewal funds to be used in connection with model cities projects from $250 million to $600 million.

Congress last year then went on to appropriate part of the new model cities funds, leaving $187.5 million unappropriated.

That meant Congress could make available for this fiscal year urban renewal funds totaling $1,587,500,000.

However, Congress last year also appropriated $750 million in advance funding for urban renewal, reducing the unappropriated authorization for this fiscal year to $837,500,000.

Our amendment would appropriate that figure, made up of $650 million in regular urban renewal funds and $187.5 million of model cities urban renewal funds.

The House approved only $100 million in new urban renewal funds.

The Senate Appropriations Committee recommended the budget request of $250 million in new urban renewal funds.

Our amendment would increase the House figure by $737,500,000; the budget request by $587,500,000.

Mr. President, I would be remiss if I did not point out the Senate Appropriations Committee did vote to restore many cuts the House made in budget requests for housing programs.

However, even recognizing and complimenting Senator Pastore, chairman of the Independent Offices Subcommittee, and committee members for their efforts, the great demand for urban renewal funds compels me to seek the full authorization for these programs.

In discussing that demand, we can better understand the need for full findings if we talk about the amount of urban renewal money which would be available under the various appropriation recommendations rather than just the amount of new money to be contained in this bill.

Under the House bill, HUD would have a total of $850 million—$750 million in advance funds and $100 million in new money—under the budget request and Senate Appropriations Committee recommendation, $1 billion, and under our amendment, $1,587,500,000.

Perhaps the best way to document the demand is to quote from testimony of George Romney, Secretary of Housing and Urban Development, and from information he presented to the Senate Independent Offices Appropriations Subcommittee this summer.

Secretary Romney was pressing to restore the $150 million by which the House cut the administration's request, but his presentation makes a forceful case for the full authorization.

The Department's justification for restoring the cut says:

> This cutback would occur at a time when our communities are desperately dependent upon the assistance available under the Urban Renewal Programs, and when the demand has reached the highest level in this history of the program. The pipeline of applications on hand is approximately 2 billion dollars. This demand comes from new communities that are seeking to enter the program for the first time and from communities that are seeking new projects needed to supplement and expand their existing programs. The Department expects to receive applications in 1970 that will add approximately $2 billion. The $1 billion appropriation would be applied against a demand of approximately $4 billion.
>
> #### HOUSING GOALS
>
> To meet the 10-year housing goals, urban renewal must provide sites for a substantial portion of the new dwelling units required for low and moderate income persons in locations where they are most needed.
>
> The HUD Act of 1968 provides that a majority of the housing units provided in each community's total of such approved urban renewal projects as will be redeveloped for predominantly residential uses and which receive Federal recognition after the date of its enactment shall be standard housing units for low and moderate income families or individuals. Also the urban renewal program is a critical component in restoring dwelling units to standard physical condition and assuring desirable land usage with appropriate public improvements and community facilities. The level of funding for new areas must be maintained so that sites for housing in the inner cities will be available in future years.
>
> #### MODEL CITIES
>
> Extensive urban renewal assistance is a prime component in the designated neighborhoods of the 150 model cities. These neighborhoods represent large blighted areas where public facilities and improvements have been inadequate and where a high proportion of the dilapidated and substandard structures are inhabited by low income people. The model city activities cannot succeed without timely assistance from the Urban Renewal Program.

Mr. President, let me single out one portion of that statement for emphasis. The demand by the end of this year will be $4 billion. An appropriation of $1 billion will hardly suffice.

Secretary Romney made that quite clear in his prepared statement to the subcommittee when he said:

> The aggregate Urban Renewal backlog, including the revisions to existing programs, Code Enforcement, Interim Assistance, Demolition Grants, CRPs, and new conventional and NDP projects, is nearly $2.1 billion. And, of course, there will be additional applications for assistance during the year. These have been running at the level of $200 million per month.
>
> It is evident that even at the $1 billion dollar level requested in the Budget, we will not be able to meet the demand.

Mr. President, in a memo to Congressmen, the Secretary upped the backlog from $2.1 billion to $2.6 billion.

Mr. President, let me quote from another portion of Secretary Romney's testimony to underscore what the budget request means in terms of funding new projects, including the popular neighborhood development program:

> Before the Department can allocate any portion of this $850 million to the new Urban Renewal projects (whether "conventional" or "Neighborhood Development Programs") we must make provision for items required by statute or growing out of earlier commitments. Examples are the following:
>
> Increased cost of existing programs imposed by provisions of the 1968 Act, for relo-

> cation benefits, rehabilitation grants and the like, $150 million.
>
> Increases in existing conventional programs resulting from rising or under-estimated costs, more fully developed plans, etc., $150 million.
>
> Second year funding of NDPs started in FY 1969. While there is no fixed commitment here, it would be uneconomic not to continue projects which are under way and have achieved momentum. These costs would be $300 million.
>
> Now in addition to these items, the Department must also fund out of this basic Title I appropriation such things as Code Enforcement Grants, Interim Assistance Grants, Demolition Grants, and other programs on which our cities rely for reconstruction and upgrading. At 1969 levels, these programs will require $125 million.
>
> Adding up these several items, we reach a total of $725 million. On this basis, the House figure of $850 million would leave only $125 million available for new projects, including new conventional projects and new NDPs. This is particularly restrictive when we consider that the Model Cities Program depends heavily on Urban Renewal funds for the physical revitalization of the model neighborhoods, and that over 100 model cities should be starting first year action programs in fiscal 1970.

With existing commitments eating up the first $725 million of urban renewal appropriations, HUD, under the budget request of $1 billion, will have only $275 million for new urban renewal programs. That's not even enough to fund all the 287 NDP applications already on hand, let alone the backlog of applications for regular and model cities urban renewal funds.

Let me quote the Secretary just once more to reemphasize the importance of urban renewal in our effort to provide sound housing for all our citizens.

Last year, Congress set a national goal of 26 million new housing units in the next decade. Secretary Romney says he is determined to meet that goal, and is doing all that he can to do just that. I certainly support him in that endeavor.

One of his innovations is Project Breakthrough, in which HUD seeks designs to increase productivity of new housing.

In discussing the effect of the House cut, Mr. Romney said:

> I would like to go back to my comments on Breakthrough and just make one additional point. Breakthrough is only going to succeed if we have adequate funding of the housing programs that are contained in the various housing statutes. This includes 235, home ownership, 236, the rent subsidy, and the rent supplement program, as well as urban renewal. One of the toughest parts in this Breakthrough is going to be to secure the land for the housing, and urban renewal is one means of securing suitable land for such volume housing production.

Mr. President, I think that the Secretary has made the case for full funding.

To sum up that case, HUD will have a total demand for urban renewal funds of $4 billion by the end of this year.

Against that, the most Congress can appropriate is about $1.6 billion. That is hardly enough, but in the face of the demand, the least Congress should do is appropriate the full amount.

However, I would like to differ with one point the Secretary made in his appearance before the Senate subcommittee.

The Secretary noted that the administration recommended that urban renewal funds for model cities not be handled as an add-on. He explained that "we combined the two because of the ease of administration, and accounting, and so on. We are simplifying it, simplifying our own procedure by not setting that up."

That might simplify bookkeeping, but it will not simplify the task for those cities who will get no funds because that authorization remains unused.

Rather I find myself in agreement with the Senate Committee on Banking and Currency which said in its report on the Housing and Urban Development Act of 1969:

> In addition, there is $187.5 million of authority earmarked for model cities grant assistance. The committee sees no reason why this should not also be used to help fund the tremendous backlog of applications for urban renewal work in connection with the model cities program.

Mr. President, a question might be raised if the full authorization could be spent this fiscal year considering the date at which it will become available.

Frankly, I do not know, but I would guess that much of it could be, particularly those funds which would go to existing commitments.

However, we must also remember that HUD cannot approve new applications whose total cost exceeds the amount of funds available in this fiscal year. In other words, the limit on new starts does not depend on how much money will be spent this year, but on the overall cost of the projects which may take several years to complete.

Put another way, since $725 million is already committed or earmarked for existing programs, HUD would be able to approve this year only that number of projects whose total costs did not exceed $275 million.

That is why it is so important to appropriate as much as we can.

In my view, there are four strong reasons for appropriating the full authorization for urban renewal.

First, the demand for even more than the full authorization is clear.

Second, in establishing urban renewal programs the Congress made a commitment to help rebuild cities. City residents have better reason than most to question the value of such commitments. We should not go back on that commitment now. If we do, we can add urban renewal to the long list of promises that the Federal Government makes but never fulfills.

Third, the level of appropriations controls the number of new starts, whether or not the money is spent the same year.

And, fourth, by appropriating the full authorization the Senate can greatly strengthen the hand of its conferees when they meet to settle differences between the House and Senate versions of the bills.

Mr. President, in order to better understand the effect of any slowdown in urban renewal activities, I wrote the mayors or county officials of each political subdivision in Michigan which had or was seeking urban renewal funds.

On October 30, I put the responses I had received as of that date in the Congressional Record. I ask unanimous consent that the responses that I have received since that date be placed in the Record.

I also ask unanimous consent that the memo from Secretary Romney to Congressmen concerning NDP programs and the press release from a bipartisan group of 82 Congressmen to Secretary Romney about NDP guidelines be placed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of Housing and
Urban Development,
Washington, D.C., October 2, 1969.

Dear Congressman: Because of the wide misunderstanding surrounding the Neighborhood Development Programs and its applications we are enclosing a departmental position paper on this subject. We feel that this information will afford you the latest, most accurate data enabling you to communicate with your interested constituents.

This program is under continuing study and modification, and it is expected that in the near future we will have additional information forthcoming. Knowing of your great interest in this subject, however, it was decided to send this to you immmediately rather than to wait for additional information.

If there are any further inquiries you wish to make, do not hesitate to call the Office of Congressional Relations here at HUD.

Sincerely,

George Romney.

A Background Paper on the Neighborhood Development Program (NDP)

THE PROBLEM

The Neighborhood Development Program (NDP), which was launched under the last Administration upon passage of the 1968 Housing Act, has generated a demand for funds which far exceeds the money that can be made available for the program.

Approximately 1,200 communities are presently participating or have applications pending in the urban renewal program, of which NDP is a part. About 300 cities have submitted, or are on the verge of submitting, NDP applications. The estimated requests for funds from these 300 cities for this year threaten, and by 1971 would clearly exceed the total amount of money available for the entire program, even if no renewal activities are funded in any of the other 900 non-NDP communities.

In part, the large demand for NDP stems from the fact that when the program was launched and the cities were encouraged to file applications, they were given no limitations, nor were they given reason to think their full funding expectations would not be approved.

This Administration has thus been confronted with a present and potential demand for NDP which has made it essential to impose management controls on NDP funding.

THE ADMINISTRATION'S POSITION

The Administration firmly supports the NDP concept. The program is a valuable and flexible tool to aid cities in achieving their renewal objectives. The NDP is designed to make it possible to take rapid action on urgent needs and to take immediate advantage of available development opportunities within the boundaries of one or more renewal project areas in a given community.

The Department firmly believes that the management controls imposed on NDP funding will preserve the NDP concept, fund as many city programs as possible, and deal in a responsible manner with the funding crisis facing the program.

The imposition of controls at this time are necessary because the Department has no right and no intention of starting—as some have advocated—a larger program that can be funded, with a hope or wish that Congress will make the kind of rapid and major change in renewal funding levels that would be required.

Moreover, the Administration has a deep sense of responsibility to the residents of program areas to avoid any further perpetuation of false expectations and promises which, based on the facts known today, have little or no hope of fulfillment. This is a practice which has understandably embittered many neighborhood residents in the past.

AVAILABILITY OF FUNDS

The program begins with the basic fact that the total amount of money that will be available for all renewal, including NDP activities, is likely to range between $850 million and $1 billion for FY 1970.

The last Administration requested $1 billion in the budget it submitted in January 1969 for Title I urban renewal funding in FY 1970. Shortly after coming into office, this Administration submitted a request to Congress for the exact same amount. The House-passed appropriations bill cut that figure to $850 million, and Secretary Romney has strongly appealed to the Senate for a restoration of the full amount. Even if the Senate approves a higher figure, it will be subject to adjustment in conference with the House, which will meet to resolve differences between the Senate and House passed bills.

Out of whatever sum Congress appropriates, the Department must give consideration to a wide range of needs in addition to NDP applications. The Department is faced with: regular urban renewal project applications from both DNP and non-NDP communities; requested increases for on-going renewal projects; and applications for such related programs as code enforcement, demolition, interim assistance in blighted areas, assistance to certified areas, and community renewal programs.

It should be noted that shortly after the NDP legislation was enacted, the impending financial squeeze became apparent to the Bureau of the Budget under the last Administration. As a consequence it placed hard and fast limitations on the program in December 1968, in order to avoid an escalation of hopes and expectations that likely could not be funded. This resulted in the funding of only 35 cities in FY 69.

NATURE OF THE COMPETING DEMAND

To help understand the problem facing the Department at the present time, it is necessary to look at how the funds available in 1969 were actually spent:

	Million
Needed increases for on-going renewal projects that were started in prior years, and have incurred increases in land and development costs above the original estimates	$409
Approval of new projects in cities which have previously participated in the program as well as in communities seeking assistance for the first time	465
Approval of such related programs as code enforcement, demolition, interim assistance in blighted areas, certified areas, and the Community Renewal program	105
Approval of 1st year NDP action program in 35 cities (Represents the net amount of funds from the FY 1969 appropriations. In addition, the 1st year NDP action programs for these cities utilized $210 million, which the cities elected to transfer for that purpose from funds already under contract or reservation) (net)	100

The above breakdown indicates the nature and dimension of the competing demand for the renewal dollar. While the Department plans to introduce policies and practices that will reduce the amount required for increases for on-going projects this will necessarily be a gradual process that will not release significant sums of money for other purposes in the immediate future. With respect to the other components in the overall breakdown, the rates indicated above are likely to remain approximately the same, so long as NDP remains an optional rather than a mandatory approach for the cities.

Congress established NDP as an optional program, and this Administration intends to preserve that free choice, without pressuring or coercing any community into adopting one approach over another.

THE DEMAND FOR NDP FUNDS

In addition to the problem caused by all the competing demands for renewal funds, the NDP itself has unleashed a rapidly escalating demand for funds, which this year threatens, and by 1971 would clearly consume all available funds, leaving nothing for the 900 non-NDP communities.

The following table shows the projected demand for NDP funds. It does not include any estimate of demand for any communities beyond the 322 which have already submitted, or on the verge of submitting, NDP applications:

[Figures in millions of dollars]

Category	1970	1971
35 cities already approved	375	[1] 375
287 applications pending or under active preparation	[2] 858	892
Total	1,233	1,267

[1] Assumes no rate of increase over 1970 level of requests, even though the 1970 request represents a 22 percent increase over the $310,000,000 gross level undertaken in 1969.

[2] Includes $317,000,000 of net new funds from fiscal year 1970 appropriations, and $541,000,000 which the cities propose to transfer to NDP use from funds already under contract or reservation.

PROSPECTS FOR RECAPTURE OF FUNDS

At the outset of NDP, it was hoped that significant sums of money would be returned to the Department to permit funding of other NDP applications, through the relinquishment by the cities of funds already under contract or reservation which were in excess of the amount needed to fund the community's 1st year NDP action program. This expectation proved illusory.

Of the first 35 cities approved for NDP, only 11 released more than they required just for their 1st year NDP action program. In fact, on balance, the 35 cities required $100 million from FY 1969 appropriations, in addition to the $210 million they elected to transfer for NDP purposes from funds already under contract or reservation.

Thus there is little reason to expect that the NDP's will be a source for the recapture of funds in the future.

BASIS FOR NEW NDP CONTROLS

In an effort to preserve the NDP concept and its value as a flexible tool, the Administration has rejected arbitrary controls over the program, such as a $10 million ceiling or a 20-acre limitation on the size of any program. Guidelines covering the management of NDP applications will be forthcoming.

In addition, it has become clear that certain controls are necessary in order to comply with the intent of Congress as expressed in the statute that: "The approval by the Secretary of financial assistance for one or more annual increments of a neighborhood development program shall not be considered as obligating him to provide financial assistance for any subsequent annual increments."

In order to prevent waste of funds on activities which it may not be possible to complete for lack of funds in future years, it means that no NDP activities should be started which cannot provide reasonable assurance that at least 80 percent of all federal grant funds to be requested will be used in the first action year, and that all federal renewal assistance, except for temporary loans, will be terminated by the end of the second year. It also means that the activities undertaken should constitute a significant achievement in and of themselves if no renewal activity occurs outside the area.

WASHINGTON.—A bi-partisan group of 82 Congressmen today sent a letter to Secretary George W. Romney protesting the manner in which the Department of Housing and Urban Development is administering pending Neighborhood Development Program (NDP) applications submitted by communities in their congressional districts.

The Congressmen are opposed to certain guideline changes proposed by HUD which they say would "destroy the long-term effectiveness of NDP as a tool to aid the redevelopment of communities in our districts."

More than 280 communities have NDP applications pending or about to be submitted to HUD.

Rep. Daniel E. Button (R-N.Y.), one of the leaders of the group, said, "HUD's present attitude toward NDP since January has been, to say the least, extremely confusing. HUD has failed miserably to administer the NDP as Congress intended. Applications for NDP were filed, after HUD's encouragement, with the recognition that NDP offered a coordinated means by which to accelerate the reconstruction of our urban centers."

Rep. Button said, "the proposed changes announced by HUD, in defiance of congressional intent, will only lead to delay, confusion and expense for cities throughout the nation."

The text of the letter to Secretary Romney follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 21, 1969.
GEORGE W. ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: We want to indicate our deep concern about certain proposals under consideration by your Department to restrict the operation of the Neighborhood Development Program. The restrictions discussed in your October 3 press release would, in our opinion, destroy the long-term effectiveness of NDP as a tool to aid the redevelopment of communities in our districts.

We can appreciate the current financial restraints under which your Department must operate but we do not believe that this situation justifies restrictions which would alter the nature of the program. According to your October 3 release, communities will only be able to use NDP to fund those limited kinds of renewal activities which can be completed in two years. This condition automatically eliminates all projects involving acquisition or relocation activities which involve even modest complications. Such a restriction is certainly not consistent with the HUD description of the program which prompted our cities to submit applications. Many of our communities had hoped to use NDP to fund major city-wide renewal efforts but this option will effectively be foreclosed by your proposed restrictions.

We are also concerned about restrictions being placed on the conversion to NDP of projects currently approved under the conventional system. Conversion would permit the allocation during the current fiscal year of funds already appropriated by Congress and already reserved for renewal activities in many communities with pending NDP applications. Since the need for immediate redevelopment action is so great in so many of our communities, we can see no value in large amounts of renewal funds lying idle merely because administrative restrictions do not permit their transfer.

As you know, the 1969 housing bill reported by the House Banking and Currency Committee, H.R. 13827, stipulates that $400 million in FY 1970 urban renewal funds be earmarked for NDP and that 35% of all urban renewal appropriations in succeeding years be earmarked for NDP. In addition, the report on H.R. 13827 stipulates that administrative regulations for NDP should be no more restrictive than regulations for conventional renewal. Although this bill has not yet been adopted by Congress, it would seem inappropriate for the Department to issue guidelines that would violate the intent of pending legislation which has been favorably reported and scheduled for action on the House floor.

We are convinced that the Neighborhood Development Program holds the key to a new and more effective system of urban renewal, and we want to conclude by urging you to reject any proposals which will weaken this important new tool.

Sincerely,

SIGNERS OF ROMNEY LETTER

1. Patsy T. Mink (D-Hawaii).
2. James M. Hanley (D-N.Y.).
3. Don H. Clausen (R-Calif.).
4. Daniel J. Flood (D-Pa.).
5. Frank Horton (R-N.Y.).
6. Peter N. Kyros (D-Maine).
7. Ray Blanton (D-Tenn.).
8. Spark M. Matsunaga (D-Hawaii).
9. Robert L. Leggett (D-Calif.).
10. Joseph M. Gaydos (D-Pa.).
11. William Hathaway (D-Maine).
12. Don Edwards (D-Calif.).
13. Lee H. Hamilton (D-Ind.).
14. Robert J. Corbett (R-Pa.).
15. Sam Gibbons (D-Fla.).
16. Edwin D. Eshleman (R-Pa).
17. David Pryor (D-Ark.).
18. William Anderson (D-Tenn.).
19. William L. St. Onge (D-Conn.).
20. Henry B. Gonzalez (D-Tex.).
21. Joseph M. McDade (R-Pa.).
22. John E. Moss (D-Calif.).
23. Chet Holifield (D-Calif.).
24. Ray J. Madden (D-Ind.).
25. Andrew Jacobs, Jr. (D-Ind.).
26. Jeffery Cohelan (D-Calif.).
27. Lucien N. Nedzi (D-Mich.).
28. Samuel N. Friedel (D-Md.).
29. William D. Ford (D-Mich.).
30. William "Bill" Clay (D-Mo.).
31. Joseph G. Minish (D-N.J.).
32. Carl Albert (D-Okla.).
33. Frank Thompson (D-N.J.).
34. John V. Tunney (D-Calif.).
35. Frank E. Evans (D-Colo.).
36. Jerry L. Pettis (R-Calif.).
37. Herman T. Schneebeli (R-Pa.).
38. Richard L. Ottinger (D-N.Y.).
39. Brock Adams (D-Wash.).
40. Charles C. Diggs, Jr. (D-Mich.).
41. William L. Hungate (D-Mo.).
42. Gus Yatron (D-Pa.).
43. William S. Broomfield (R-Mich.).
44. Louis Stokes (D-Ohio).
45. Arnold Olsen (D-Mont.).
46. Al Ullman (D-Oreg.).
47. John C. Culver (D-Iowa).
48. Michael A. Feighan (D-Ohio).
49. Peter W. Rodino (D-N.J.).
50. James J. Howard (D-N.J.).
51. Henry Helstoski (D-N.J.).
52. Cornelius Gallagher (D-N.J.).
53. Frank M. Clark (D-Pa.).
54. Fred B. Rooney (D-Pa.).
55. Joseph P. Vigorito (D-Pa.).
56. John H. Dent (D-Pa.).
57. Thomas E. Morgan (D-Pa.)
58. James G. Fulton (R-Pa.).
59. Howard W. Robison (R-N.Y.).
60. Gilbert Gude (R-Md.).
61. James H. Quillen (R-Tenn.).
62. Thomas L. Ashley (D-Ohio).
63. Byron G. Rogers (D-Colo.).
64. John Conyers, Jr. (D-Mich.).
65. Fernand J. St Germain (D-R.I.).
66. Ken Hechler (D-W. Va.).
67. Robert "Bob" L. Sikes (D-Fla.).
68. Florence P. Dwyer (R-N.J.).
69. Bill Alexander (D-Ark.).
70. W. S. "Bill" Stuckey, Jr. (D-Ga.).
71. J. J. Pickle (D-Tex.).
72. Edward Boland (D-Mass).
73. Charles A. Vanik (D-Ohio).
74. Kenneth J. Gray (D-Ill.).
75. Paul N. McCloskey (R-Calif.).
76. Henry S. Reuss (D-Wis.).
77. John A. Blatnik (D-Minn.).
78. John Brademas (D-Ind.).
79. Donald M. Fraser (D-Minn.).
80. Charles W. Whalen, Jr. (R-Ohio).
81. Daniel E. Button (R-N.Y.).
82. Robert H. Mollohan (D-W. Va.).

CITY OF ANN ARBOR, MICH.,
October 30, 1969.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I join with Mayor Harris and many others in our community in expressing to your our gratitude for your expressed concern for the federal support of vital urban programs at a level which will make significant impact. We commit whatever specific support you may suggest to further your efforts in this direction.

Model Cities support for Ann Arbor, as with other cities, can indeed assure innovative approaches to solving the long-term needs of the lower income and socially deficient areas of our city. We have locally, as you know, the myriad educational and technical resources to put to creative and fruitful use both planning and implementation funds. Such federal assistance which we can receive will stimulate an inestimable amount of local initiative and resources.

Enclosed is a copy of a succinct description of our goals and strategy.

Thank you again.

Very truly yours,

ROBERT L. POTTS,
Director.

CITY OF ANN ARBOR MODEL CITIES PROGRAM

By community decision, city ordinance, and federal approval, the City of Ann Arbor is now engaged in planning for the improvement of the quality of life of families, youth, and other citizens who reside in what is known as the Model Cities area.

The boundaries are approximately these:

On the south: Ann Street: Division to First, Huron Street to First.

On the north: Elmcrest: Seventh to Miner, Summit Street: Miner to Daniel, Brookside: Daniel to Main.

On the east: Division: Huron to Broadway, Broadway to the river.

On the west: Seventh Street: Huron to Elmcrest.

First of all, it is important to understand:

1. This is a "citizens'" program in consultation and co-operation with public and private agencies. This means that the residents of the area and their Citizens' Policy Board are chiefly responsible for deciding the plans for the Model Cities area. This will not take place, of course, without a continuous effort to involve citizens in the process.

2. This is not an Urban Renewal nor primarily a housing concern. We are now planning, under a planning grant, for services and on-going programs which will increase citizen benefit and involvement in the education, health, recreation, economic, social, and cultural opportunities of this community. While planning is going on, however, we will as a community engage in efforts to increase and improve services which are or can be provided by local government and public and private agencies and institutions.

All of our citizens are encouraged to participate in planning for the Model Cities area.

GOALS OR OBJECTIVES

1. To achieve higher levels of education, income, and participation, which assure increased individual and community self-sufficiency. There must not continue a pattern of any marked segment of our cities alienated from these opportunities.

2. To develop more effective procedures and systems to assure a better quality and quantity in the delivery of services by both public and private agencies and institutions for the meeting of the needs of residents.

3. To substantially improve and enable residents to improve the physical environment so that the residents of the area may increasingly enjoy the quality of life which befits the affluent city.

STRATEGY TO ACHIEVE OBJECTIVES

Our strategy is to initiate, structure, and develop a viable process which will enhance the capacity of the community, residents, business, and public and private agencies and institutions to deal constructively with its long-standing problems and generate more and better co-ordinated services for people, particularly in the Model Cities area.

Relationships must be established with all components involved in the delivery of services. Maximum, creative involvement and organization of citizens must transpire. A functional information system must be established. New resources must be tapped. These are the ingredients of a strategy aimed at innovative programs and change, which are the means and ends of our efforts in the Model Cities Program.

THE PLANNING PROCESS

To accomplish the planning task, the Citizens' Policy Board has set in motion four task forces: Legal, social, economic, and environmental. These four groups, with citizen representation and leadership, are beginning to identify the problems and needs of our Model Cities area. They will support these with facts. Then, they will, with our Planning Committee, bring to the citizens and thence the City Council concrete programs for immediate and long-term improvement of life and opportunities in this area of the city.

INVOLVEMENT AND CHALLENGE TO COMMUNITY RESOURCES

Floyd H. Hyde, Assistant Secretary for Model Cities and Governmental Relations, in a recent address expresses a prime objective of the Model Cities Program:

"In developing a plan of action to combat the ills of our cities, we have declared that there must be a new role for local institutions, a building of the resources and responsibilities and capacity of cities. We are pledged to marshal the full potential of local government, the private sector and the voluntary sector into a meaningful local commitment."

Now, how can the local agencies and institutions relate to the objectives of Model Cities?

1. Be a *participant* in this citizen effort to identify and document the needs of the people of this area as related to the overall deficiencies and offerings of this total community. This may be accomplished by designating a liaison person to share the process by providing pertinent data and assisting in appropriate ways.

2. Use this Citizens' Model Cities mechanism as a vehicle for scrutinizing the effectiveness and relevance of our agency programs and resources.

3. Utilize the occasion of the planning under Model Cities to consider innovative approaches and programs to meet problems which are of priority concern to this particular part of the community.

CITY OF PONTIAC, MICH.,
October 20, 1969.

Hon. PHILIP A. HART,
U.S. Congress,
Washington, D.C.

DEAR SENATOR HART: We wish to take this opportunity to express our deepest interest and concern over the appropriations bill, now before the Senate, which contains funds for urban renewal, including the vital Neighborhood Development Program now before the Senate Appropriations Committee.

We are extremely concerned over the financial status of the Neighborhood Development Program since the City of Pontiac has submitted an NDP Application to the Department of Housing and Urban Development.

The NDP, we find, offers our City the most feasible instrument, both in concept and practice, for meeting our pressing urban problems—physical and social. Unequivocally, the NDP offers our City the soundest urban renewal approach which would provide all communities the opportunity to develop programs which match promise with performance.

Through the proposed NDP Program we have been allowed to plan and initiate developmental projections, affecting not only existing urban renewal projects but far reaching developmental programs with other private and public organizations. These include the Pontiac School District and the development of the Human Resource Center; Harambee, Incorporated, a new housing organization operated by black business acumen, supported by a one million dollar interest free loan through the General Motors Corporation for the purchase of land to be used for new housing construction within proposed NDP areas in Pontiac's Inner City. Through NDP, improvements will be made in our recreational and park facilities as well as improvements in our lake frontage and storm sewer projects in the City's NDP areas.

A most salient feature of the Neighborhood Development Program is the requirement that we, as city government, enlist the interest, involvement and participation of our citizens, as concerned partners, in carrying out the objectives of the NDP and in further building Pontiac's sense of community.

We urge your active support in backing the full funding of the $1.4 billion for urban renewal which is so desperately needed by the Nation's cities. Anything less, we believe, would result in a drastic reversal of meaningful existing renewal efforts in our City, and would compound the difficult urban problem we in Pontiac City now face.

Respectfully,
WILLIAM H. TAYLOR, Jr.,
Mayor.

VILICAN, LEMAN & ASSOCIATES, INC.,
October 23, 1969.

Hon. Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: We have been asked by the City of Hazel Park to respond to your question regarding the effect that a two year limitation would have on the City's Neighborhood Development Program. As you know, the City submitted in June an NDP Application for a large area of the City containing 1,400 structures, about 80 percent of which need rehabilitation and about 200 of which are substandard requiring clearance. Included in the area is a 1½ acre site to be cleared for a senior citizens public housing development. Because of the size of the task, the City envisioned a program lasting 8 to 10 years. In accordance with HUD guidelines, they, therefore, only requested funds necessary to acquire the public housing site and about 10 other substandard buildings in the first year. It was proposed that each succeeding year as citizen support is won and as administrative capabilities are improved, an increase in activity would be requested.

If a two year limitation is imposed, the City would have no difficulty in carrying out the activities which were budgeted for in the first year. However, if they are restricted to the funds requested for the first action year and are estimated to be necessary in the reservation year, only a small portion of the total long-range program can be carried out. A two year limitation would then destroy one of the principal advantages of the NDP—the accomplishment of a large scale program but at a pace a community can adequately handle.

It is possible that the City could untertake more in the first two years than is included in the present program but this would require resubmitting the application and requesting a larger amount of funds.

We hope this information will be helpful to you in your attempt to prevent a two year limitation being placed on a Neighborhood Development Program. If we can be of further assistance, please feel free to contact us.

Sincerely,
PATRICK BENNETT.

CITY OF RIVERVIEW,
Riverview, Mich., October 30, 1969.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: We are writing in regards to your letter dated October 9, 1969 pertaining to the appropriation bill which contains funds for Urban Renewal, including the Neighborhood Development Program and Model Cities which is presently before the Senate Appropriations Committee.

We have completed our Penn Villas Urban Renewal Project No. Mich. R-73 and are completing the final audit.

We forwarded a Survey and Planning Application in November, 1966 to Region IV, Chicago, Illinois for our second project and it was assigned Project No. Mich. R-169.

On July 3, 1967 we received a letter from the Region IV Office dated June 29, 1967 which stated that under the priorities established in LPA letter No. 418, our application did not qualify for priority consideration and they had discontinued processing our application at this time. The letter further stated that when they were in a position to reactivate our application we would be notified accordingly.

This second project consists of approximately twenty-five (25) acres which has been zoned industrial about fifteen years ago.

The proposed project area is predominately residential and approximately three-fourths of the houses have deteriorated beyond repair due to their age and lack of repair by some absentee landlords. The proposed project is in our heavy industrial section which was the reason for it being zoned industrial. Because of the condition of the houses and the area being zoned industrial we made our application for total clearance and disposition of the land as an industrial park.

Any help that you might be able to give would be greatly appreciated.

Sincerely yours,
GEORGE T. TEAR,
City Manager.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MUSKIE. I would like to nail down what I think is a very important point. As I understand the amendment, its effect is to add something like $587 million in additional authorization; is that correct?

Mr. PASTORE. That is right.

Mr. HART. It would add an appropriation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 2 additional minutes, or such time as I may need.

Mr. MUSKIE. The point the Senator has just made in his prepared remarks is that this amount would not be spent in the fiscal year that is involved.

Mr. HART. Indeed, it could not.

Mr. MUSKIE. Because it will be absorbed by the total cost of additional projects which are authorized under that figure, and those projects will presumably, if the past is any pattern, be stretched out over a period of years?

Mr. PASTORE. That is not right.

Mr. HART. That is not quite right. What it would do is increase the appropriation by the figure suggested, enabling the commitment for new projects, the total end cost of which must not exceed the amount of whatever appropriation we settle upon now.

Mr. PASTORE. To put it more simply, it would fund it up to the amount of the authorization.

Mr. HART. It would fund it up to the amount of the authorization, but the point the Senator is making is that, particularly with new starts in the first year, the actual expenditure would not be at the figure we were authorizing, and could not be, because the initial startups are relatively slow; but the inhibition is that we cannot even make the initial startup if it contemplates an end cost in excess of the figure we would now appropriate.

Mr. MUSKIE. I think the Senator from Michigan, the Senator from Rhode Island, and I are saying the same thing, but it is a little difficult to express. Let me quote into the RECORD from the progress report on Federal housing which has been printed by the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency. For example, last year, fiscal 1968, the total contract authorizations were $1.256 billion, but the actual spending, that is the budgetary impact, was $522 million.

That is an illustration of the point we are making. In other words, by adding the $587 million, we are not increasing the budgetary impact by that amount, but, rather, increasing by that amount the total cost of additional projects which can be authorized in this fiscal year.

Mr. HART. The completion of which may extend many years down the road, and the expenditure of which may not occur until then.

Mr. MUSKIE. I suppose there is no way of guessing, unless the Senator from Rhode Island (Mr. PASTORE), who is experienced in this field, can give us some guess, the amount of additional spending which might take place this fiscal year if the pending amendment is approved. How much additional spending would there be?

Mr. PASTORE. That would depend on the number of programs that came to fruition. We have already enacted the contractual authority up to the point of the budget estimate, plus what the Senator is asking for now. This just puts it in the pipeline. That is about the size of it.

Mr. MUSKIE. May I for the record indicate the increments by which the spending is increased?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. I yield myself 2 additional minutes.

Mr. MUSKIE. If I may give some figures from this progress report to show the increments by which the annual spending has increased, in fiscal 1965, the annual spending was $285 million, next year $337 million, in fiscal 1967 $431 million, and in fiscal 1968 $522 million. I note that the last increment was something like $89 million, notwithstanding the fact that the contract authorizations in 1968 were almost $700 million more than the previous year. So the spending that will result in this fiscal year as a result of this amendment will be substantially less than the $587 million in additional funds which are represented by the amendment.

Mr. HART. Mr. President, this, I think, we would all agree on: The question really is, to what extent do we want to make possible new undertakings, remembering that only about $250 million of the figure proposed will be available for that purpose? The $250 million is the outside ceiling of the end cost of all and any of the new programs. Given the backlog, I would hope very much that we would be able to increase to the full figure that we are permitted to, under the authorization, the appropriation in this bill.

I yield 5 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I shall not endeavor to duplicate the fine analysis of the figures made by the Senator from Michigan and the Senator from Maine. But, Mr. President, because I have had direct experience with efforts concerning housing in urban areas, especially with every major city in New York, I realize what this amendment means. The very base upon which the whole housing effort rests is the availability of urban renewal money, because, literally, before anything can be built there must be land to put it on. This appropriation covers both the urban renewal program and the neighborhood development program, with the funds subject to allocation by the Secretary of Housing and Urban Development; but unless you have the basis, unless you have the platform upon which to put housing, neither of these programs will have a chance to operate.

I am the first to hail the tremendous contribution which is being made to the development of the cities by the Independent Offices Subcommittee with the approval of the Appropriations Committee, dealing with the model cities programs, with the provisions of sections 235 and 236, with the very imaginative home ownership programs and low rent programs, with the rent supplement program and so forth. All of this is splendid, but I should like to point out that you still have to have a platform upon which to put these programs, and it is these urban renewal funds which give you the platform.

I think we have in my State as imaginative a unit for the purpose of trying to develop the housing picture and deal with the housing problem in the cities as there is in the United States. It is the Urban Development Corp. This corporation, organized by the State, has the power to condemn property, and to cut across county lines and zoning regulations—really to level every barrier which stands in the way of trying to develop a solution to the problem which is raised by the slums and ghettos of our big cities.

But even the corporation cannot operate, and we have representation to that effect, unless there is land available within economic reach; and it is this Federal program, which even takes up some of the essential write-down costs of condemnation, that will enable local governments to put up limited-income housing. Upon that financing structure, tax abatement and other provisions can be affixed; but that fundamental platform must be available, or everything else does not really help. So the very basis of everything we wish to do depends on adequate urban renewal funds.

In the committee—and I have served on the Appropriations Committee—there was always a very sympathetic understanding of that proposition, and I found, time and again, that the committee went farther with urban renewal funds than with other matters. But I think this time, in all fairness, they really have not gone far enough; I think the crunch is on now because we are fighting time deadlines and tremendously increased costs. I hope my colleagues will realize that if you slow up these housing programs, they cost 7½ percent more every year in escalated construction costs to ultimately build.

Every time we have tried to get a higher costs limitation, we have been successful. But we do not like it. We would rather have the construction done promptly, and not have to seek higher cost limits.

For all those reasons, Mr. President, because we are really dealing with the bedrock platform upon which all housing stands, I hope the Senate will agree to this amendment. Mr. President, I am not saying a word in criticism of the Senator from Rhode Island (Mr. PASTORE) who chairs the Independent Offices Subcommittee; he has in this respect his own problems, and will speak for himself. But I should like to testify right now to the fact, and let no one assume anything otherwise, that he is one of the greatest friends the cities have ever had in the U.S. Senate, whatever his position on this matter.

Mr. President, on the inflationary question, it seems to me that when you add to the stock of housing in the country, especially when there is an availability of materials and labor, and you create a tax-producing entity for the local government, you are not contributing to inflation. If there is any expenditure, it is a productive expenditure, and it adds to our assets and resources. It seems to me that if there is any expenditure we can justify, notwithstanding an inflationary budgetary situation, it is an expenditure which builds our assets and produces income, which is definitely what this program is designed to do. This is Federal facilitation of that purpose. Every municipality is much better off from where it presently stands when it gets an urban renewal project, in which it writes up the value of its land and puts something on it which will be tax-paying in the future.

For all those reasons, I hope very much that the amendment will be agreed to.

On behalf of my able colleague, the junior Senator from New York (Mr. GOODELL), I ask that the remarks which he has prepared, in support of the Hart amendment, be included in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. GOODELL. Mr. President, I rise to commend the members of the Appropriations Committee for the work they have done on the HUD Appropriations Bill. They have demonstrated a sensitive approach and a serious commitment to the housing crisis which plagues our nation today.

The Committee has requested the full funding requested by HUD of three vitally important housing programs which will help ease the housing shortage faced by low income families: Section 235, Homeownership, Section 236, Rental Housing, and Rent Supplements. In a letter to the distinguished Chairman of the Independent Offices Subcommittee (Mr. Pastore) I strongly urged for such full funding and I am delighted that the Committee has made these recommendations.

The Committee has restored the cuts made by the House and has recommended the Administration's request of a $100 million contract authority for each program.

Full funding of these three programs will provide 125,700 homeownership units, 118,100 rental housing units, and 84,600 rent supplement units of housing by the end of 1970. Mr. President, at this time in our history over 20 million Americans are forced to live in substandard homes. Last year, only 100,000 units of housing were built for low income families. The appropriations bill, H.R. 12307, as reported by the Senate Appropriations Committee, will provide funds for over 328,000 homes to house more than 1.2 million Americans.

Obviously, these units will not be sufficient to meet our housing needs. The recommendations do, however, indicate that the Congress is willing to begin a serious commitment of resources to ease the housing crisis.

The Committee has also recommended that the urban renewal program be funded at the Administration's request of $1 billion which was cut by the House to $850 million. While this is an improvement over the House-passed provision, it was my hope—expressed in a letter to the Committee—that urban renewal be funded at its authorization level of almost $1.6 billion.

I rise, therefore, to lend my support as a co-sponsor of the amendment introduced by my colleague from Michigan (Mr. HART) which would increase funding of urban renewal from the Committee recommendation of $1 billion to the full authorization of $1.587 billion.

The urban renewal program has been hit particularly hard by inflation and soaring construction costs. In order to offset these inflationary pressures, I believe this amendment must be passed today.

The Construction Cost Index (CCI) compiled by the Department of Commerce indicates that construction costs will rise 7.2% this year, based on national estimates. If the CCI is applied to the HUD $1 billion budget request for urban renewal, the funds in terms of actual purchasing power will be worth only $933 million. Therefore, the effects of inflation cut into the appropriation before the funds are even available.

Conventional urban renewal programs, because of their scope and complexity, often take 10 years and in some cases longer to complete. Due to the annual increase in construction costs, cost over-runs and other results of inflation, the sums originally reserved for a project normally will not be sufficient for completion. As a result, amendatory grants must be allocated by HUD to city officials to meet the higher costs. The Department estimates that of the $1 billion requested, about $400 million will be for amendatory grants attributable to past cost increases.

Inflation, therefore, consumes over 40% of the Department's $1 billion budget request. This would leave only about $500 million for new urban renewal programs.

The increased demands for urban renewal funds far exceed the available supply. The Committee Report to accompany the appropriations bill states, on page 14, that:

". . . the demand for urban renewal programs has reached the highest level in its history, with applications on hand of $2 billion in new and expanding programs, and $2 billion in additional applications expected during 1970."

An appropriation of $1.587 billion would yield almost $1 billion for existing and new applications. Needless to say, this amount falls far short of the total funds needed to meet actual needs. However, it will provide twice as much money for new urban renewal program as the HUD request, after the effects of inflation are taken into account.

While I am fully aware of the need for budgetary restraints to overcome inflation, I believe that urban renewal is of such high priority that the additional expenditures are fully warranted.

It is false economy not to provide the adequate funding for urban renewal. The funds spent for the program bring economic returns by creating jobs and a stronger tax base in blighted areas.

More importantly, if we fail to act now, decay will continue to spread, and the cost of correcting it will continue to rise with soaring construction costs. Ultimately, we will be faced with a far greater—and much more costly—task of renewal than if we take action now.

In the meantime, millions of Americans will be forced to live in substandard and deteriorating areas.

I urge my colleagues to support this amendment which will allow the urban renewal program to more adequately fill the needs of our cities.

The **PRESIDING OFFICER**. Who yields time?

Mr. **PASTORE**. Mr. President, today, speaking against this amendment is like speaking against motherhood. Already the Senator from New York has apologized for me. I am the manager of the bill, and I dare say to the Members of the Senate that the House of Representatives really used an ax on these programs under the Department of Housing and Urban Development.

I want my fellow Senators to understand that it was principally through my insistence that the money was restored to the budget estimate. I have had mayors of cities in my own State call me, and I have had visiting mayors come in. Naturally, they would like to see it go up to the contractual authority, and we would like to see the advance funding. But the Secretary of the Department came before our committee, and I must say in fairness to him he scrutinized these programs very carefully, and I want my colleagues to understand further, in fairness to George Romney, that he has insisted continuously with me that we restore the money up to the budget estimate.

If Senators will look over the charts in the back of the report of the committee, they will find that the largest amount restored in this bill was under the Department of Housing and Urban Development. That is where practically all the restorations were made. I repeat, through my insistence the members of the committee, and I was very grateful for it, finally saw it my way.

Senators will notice that on model cities, the House of Representatives cut out $175 million. We did not restore the full amount there. But that is the only place we did not restore the full amount; we did it under section 235, we did it under section 236, and we did it under rent supplements; but when it came to model cities, instead of restoring the $175 million the House of Representatives had cut out, we put back $100 million, because we were told this was phase 2, and the chances were the cities would not be prepared to come up with their share, and for that reason, we did not have to put the full amount back. I had two conferences on that subject before we reached that conclusion.

I point out to the Senate that the President of the United States has already said:

> You have limited me to spending in this fiscal year to $191.9 billion. I have pledged to the American people that I will not spend more than that.

And he made a speech on the radio not too long ago in which he talked about stopping inflation and the other things he is trying to accomplish in order to simmer down these inflationary tendencies.

I am going to have a tough enough job defending the budget estimate in conference. Does the Senate want to add another $587.5 million? It will make Senators feel good on the floor of the Senate. However, I do not know how far we will get with it.

I repeat that I am the manager of the bill. The Senators who have just talked have been managers of other bills themselves. They know that one has a mandate from the committee.

I had hoped that the amendment would not come up. I was approached by the mayors. I told them that I am for the top dollar, meaning of the budget estimate. I will hear about it later. However, that is still my position. I will vote against the amendment.

I do it with tongue in cheek. I do it regretfully. However, I have no other alternative. I think that if the Senators win, they will not get very far with the amendment. I will be mighty lucky if I can restore the amount of money the committee included.

ORDER TO RECOGNIZE SENATOR HATFIELD VACATED

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order previously entered to recognize the distinguished Senator from Oregon (Mr. HATFIELD) at the conclusion of morning business tomorrow be vacated.

The **PRESIDING OFFICER**. Without objection, is it so ordered.

Mr. **MANSFIELD**. It is hoped that some time around the hour of 2 or 3 o'clock tomorrow, that order can again be put into effect.

I make that request at this time, provided nothing extraneous develops in the meantime to require another order of vacation.

We will try to do the best we can to comply with the request of the Senator from Oregon who, because of circumstances over which he has no control, cannot be available at the conclusion of the morning business on tomorrow.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that at the conclusion of the morning business on tomorrow, there be a time limitation of 1 hour on the amendment offered by the distinguished Senator from Ohio (Mr. YOUNG), the time to be equally divided between the sponsor of the amendment and the manager of the bill; that there be a 10-minute limitation on an amendment or measure to be offered by the distinguished Senator from West Virginia (Mr. BYRD), the time to be equally divided between the sponsor of the amendment and the manager of the bill; that on an amendment to be offered by the distinguished Senator from Kansas (Mr. PEARSON), there be a time limitation of 40 minutes, the time to be equally divided and controlled by the sponsor of the amendment and the manager of the bill, 20 minutes under the control of the Senator from Kansas and 20 minutes under the control of the manager of the bill.

Mr. **JAVITS**. Mr. President, does that imply that the pending amendment will be the last amendment to be acted upon tonight?

Mr. **MANSFIELD**. Yes, indeed.

It is my understanding that perhaps the Young amendment may be pending at the conclusion of the morning business on tomorrow.

I remind the Senate that we will convene at 11 o'clock tomorrow morning. That is a very important hour in connection with Veterans Day observance, because at 11 o'clock on November 11, 1918, World War I came to a close by virtue of an armistice.

What used to be Armistice Day is now Veterans Day. Some of us expect to make appropriate remarks paying tribute to those who have served and those who have given their lives in the various wars in which this country has been engaged.

Mr. **JAVITS**. Mr. President, may I ask the manager of the bill whether a rollcall vote will be requested on final passage.

Mr. **PASTORE**. There will be a rollcall vote in view of the fact that it is an appropriation bill.

Mr. **MANSFIELD**. Mr. President, I would like to put the Senate on notice that sometime tomorrow we will try to give 25 minutes to the distinguished senior Senator from New Hampshire (Mr. Cotton) in which to talk on a very important subject.

Mr. JAVITS. Mr. President, I gather that the pending amendment will be the last amendment to be acted upon this evening, even though another amendment may be offered on the pending bill.

Mr. MANSFIELD. The pending amendment will be the last amendment to be acted on tonight.

The unanimous-censent agreement, subsequently reduced to writing, is as follows:

Ordered: Effective at the conclusion of the morning business on Tuesday, November 11, 1969, that during the further consideration of H.R. 12307, making appropriations for sundry independent executive bureaus, boards, commissions, etc., and HUD, debate on an amendment by the Senator from West Virginia, Mr. Byrd, be limited to ten minutes, debate on an amendment by the Senator from Ohio, Mr. Young, be limited to one hour, and debate on an amendment to be offered by the Senator from Kansas, Mr. Pearson, be limited to forty minutes. The debate on each amendment is to be equally divided and controlled by the proponent of the amendment and the manager of the bill, the Senator from Rhode Island, Mr. Pastore.

Mr. HART. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes remaining.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I would like to add to the observations made by the distinguished Senator from New York with reference to the performance of the Senator from Rhode Island. I know the Senator from Rhode Island is a friend of the programs and has fought for them in committee.

I know that the figure contained in the pending bill represents the herculean efforts of the Senator from Rhode Island.

I point out that what I have to say ought not to be interpreted as any kind of criticism of the Senator from Rhode Island. Indeed, I expect the Senator has given us in reality what is likely to come from the conference.

I think the case for the amendment is very strong. I think the case for the cities ought to be made on the Senate floor. I think they will feel better that it is made. However, I think there is a greater prospect that there will be better efforts in the future if we make the case today. I hope that we may strengthen the hand of the distinguished Senator from Rhode Island in conference.

Mr. President, I am pleased to support the amendment offered by the distinguished senior Senator from Michigan (Mr. Hart) to increase the appropriations for the urban renewal program for fiscal year 1970 from $1 billion to the authorized amount of nearly $1.6 billion. At this time I should like to express my concern about the serious effects of failure to provide adequate funding for conventional urban renewal and new neighborhood development projects.

Mr. President, appropriations last year for the urban renewal program totalled $1.080 billion. This figure included a carryover of $17.5 million from the previous fiscal year. Of this amount, $409 million was allocated to already existing urban renewal projects; $465 million to new, conventional urban renewal projects; $105 million to related programs, such as code enforcement; and $100 million to neighborhood development projects, which are an integral part of the model cities program.

At the present time, urban renewal applications, including both conventional and neighborhood development projects, total $2.6 billion, and they are increasing at a rate of nearly $200 million a month.

Failure to appropriate an adequate amount for the urban renewal effort will have serious consequences for the model cities program and the neighborhood development project areas, which rely in part on adequate urban renewal funding. There are currently 296 neighborhood development projects throughout the Nation with applications pending or being developed, including projects in Portland and Presque Isle, Maine. Ninety-six of these applications are from towns and cities which have had no previous urban renewal project, and the great majority of them are from small cities and towns.

Mr. President, I have seen letters and telegrams from local officials expressing great concern over the level of urban renewal funding for fiscal year 1970 and urging the Senate to support the $1.6 billion authorized level. Many mayors are deeply concerned over the commitments they have already made to the people in their communities. They fear the disillusionment and despair which will arise, if the Federal Government is unable to keep its commitment this year. One mayor of an Ohio city explained that officials of the Department of Housing and Urban Development had urged his city to undertake an NDP program, which it did and for which the city has already spent $340,000 for planning. However, Federal funds, which had been promised to the city by no later than May of this year, still have not been made available. The mayor goes on to say:

> The lack of funding of this program has created dissent, frustration and ammunition to the militants—but more so, frustration for those that had hope.

Mayors from other cities tell similar stories about the grave problems they will face if the Federal Government is unable to contribute its share of funds for neighborhood development projects, which have raised high hopes and which offer better opportunities for community involvement in renewal and development.

Other cities—like Portland, Maine, and New Haven, Conn., to name just two—with existing urban renewal projects express similar fears, as do cities like Omaha, Nebr., which is in the process of creating an urban renewal authority for the first time.

Mr. President, I fully realize the budgetary pressures facing us and the members of the Appropriations Committee who have worked on this bill. And I should like to express my appreciation to Senator Pastore, the chairman, and the other members of the Subcommittee on Independent Offices, for their action in increasing urban renewal funds to the full request of $1 billion. But I cannot emphasize too strongly my conviction that the Senate must act to meet its commitment to help rebuild the Nation's cities by increasing this amount to the full authorized level of nearly $1.6 billion. This would be more consistent with current project needs, and it would reemphasize the Senate's commitment to upgrading the quality of urban life.

The PRESIDING OFFICER (Mr. Ellender in the chair). The time of the Senator has expired.

Mr. PASTORE. I have time remaining. I will yield additional time to the Senator if he needs it.

Mr. MUSKIE. I will take 1 more minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 additional minute.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed at this point in the Record letters and telegrams I have received from city officials in my own State on this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Portland, Maine,
November 7, 1969.

Senator Edmund S. Muskie,
Senate Office Building,
Washington, D.C.:

We urge your support of the full $1.6 billion authorization of renewal funds.

John E. Menario,
Portland City Manager.

Orono, Maine,
October 20, 1969.

Senator Edmund S. Muskie,
Senate Office Building,
Washington, D.C.

Dear Senator: Today October 21, at 10 a.m. a coalition of the National Association of Housing and Renewal Officials, the National League of Cities, and the National Conference of Mayors is waiting upon the Congress in an effort to have the Senate restore 1.587 billion dollars to the HUD budget for urban renewal in FY 1970 for the Congress to be consistent with its own goals (See P.L. 171 81st Congress, Section 2. Also P.L. 90–448) it must restore these funds.

In fact, it must go the second mile, it must insure FHA commitment for dwelling construction loans, grants, and insurance in renewal areas.

I urge you to attend this meeting and restore these funds. Letter will follow.

Marshall Gibson,
Executive Director, Orono Urban Renewal Authority.

Portland Renewal Authority,
Portland, Maine, November 3, 1969.

Hon. Edmund S. Muskie,
Old Senate Office Building,
Washington, D.C.

Dear Ed: As you know, Portland is most grateful for the assistance you have given in helping us to finance our Downtown Renewal Project. This coupled with our Model Cities activity should give Portland a very fine and balanced program.

We are, however, quite concerned that urban renewal appropriations may not be adequate to finance our NDP, which is the renewal component of our Model Cities Program. The Administration has requested only

$1 billion for fiscal year 1970. We feel that the demands on renewal are so great that the $1.6 billion authorized is essential. Even more money will be needed in future years. Please give your full support to maximum funding for the fiscal year 1970. We also believe that the House Bill for fiscal year 1971, calling for $2 billion is more realistic than the $1.3 billion which the Senate Bill authorizes.

Thank you for your continued interest and support in these matters.

Sincerely,

HOWARD U. HELLER,
Executive Director.

Mr. MUSKIE. Mr. President, I say again that this is a case we could spend the afternoon making—the need for renewing our cities and the need for giving full support to efforts that have already begun in so many cities across the country, under the prod of the Federal Government and under the stimulus of the incentives which we have built into legislation over the past few years. The additional appropriation we are requesting this afternoon will not begin to fully fund the promises we have already made.

Mr. HART. Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I should like to commend the Appropriations Committee for providing an additional $20 million for section 235, for homeownership, which I think is one of the best investments we will be making. The committee is also to be commended for the faith it has shown in the National Home Ownership Foundation by providing initial funds of $250,000, so that it can start to program where this housing should go.

I should also like to indicate my support for the amendment offered by the Senator from Michigan, because I do feel that this is the way to emphasize improved housing.

The neighborhood development program was authorized in the 1968 act as an alternative approach to urban renewal.

NDP is an essential tool to the development of livable communities and the construction of housing for middle- and low-income persons. It is the vehicle for enabling neighborhood and community groups to finance professional assistance, to prepare applications, conduct planning, and effectively develop programs for submittal to HUD—either individually or through the model cities network—for funding of 235 programs, especially rehabilitation; 236 programs, rent supplement; acceptable urban renewal grants; housing for the elderly and the handicapped; model cities projects; public housing, etc.

Approximately 287 cities throughout the country have NDP applications awaiting approval. Only some 35 or so have been funded. HUD issued a freeze on such applications and it is unable to give an estimate as to how many cities have withheld filing an application because they know funds are not available. But, it is known that the program is enthusiastically supported in local communities and it is a most effective tool in involving individuals in local community affairs. This is particularly so since there is some indication that model cities may be tending in some places at least to foreclose effective citizen participation. NDP in addition is the first essential step on the road to building new housing and to rehabilitating existing housing. It is not, as some persons may suggest, a vehicle for draining funds from housing construction. If this is doubted, ask the people in the local communities who have required or who want NDP funds.

In the pending appropriations bill, no money is to be earmarked for NDP as such. Instead funds for NDP are incorporated in the overall urban renewal appropriation. The Congress has earlier authorized $1,587,500,000 for urban renewal. The House has appropriated $850 million. The Senate now plans to increase this sum to $1 billion. The Hart amendment intends raising this appropriation to the authorization level; namely, $1,587,500,000. I agree with and shall support this amendment. I do so principally because I believe adequate funds must be provided for neighborhood development programs, and I urge that HUD allocate $400 million for neighborhood development programs out of the sum of appropriations contained in the Hart amendment and the Senate bill.

Far more than $400 million is required to fund the applications pending before HUD. Clearly two or three times that sum could be expended, it is estimated, on applications that would be submitted by other cities if funds were available. I recognize, however, that fiscal moderation is required. The figure of $400 million is not pulled out of the air, however. This is the sum that was contained in the House Banking and Currency Committee bill. The committee did hold hearings on the needs of NDP and came to the conclusion that such sum was a reasonable amount to be made available.

There are those who may charge that we do not have the money to support the increased appropriation proposed in the Hart amendment.

Housing and urban development, in my opinion, is one of the six essential domestic priorities that we are duty bound to support—not starve—in our appropriations efforts. The other five are pollution, education, health, jobs, and crime control. I have argued before and I reiterate that there are many sources from which we can conserve funds in order to finance our major priority needs. Our heavy expenditure to support 600,000 troops and dependents in NATO amounting to $15 billion a year is just one possibility.

I urge that the Hart amendment be adopted to demonstrate our commitment to the needs of our urban communities and their residents.

Mr. ALLOTT. Mr. President, I shall not discuss this matter at great length, because I think the distinguished chairman of the committee has covered this matter factually as it actually occurred.

We had a $750 million appropriation from last year. We have $250 million this year, which is asked for, and this would raise it to $1 billion.

My colleague calls my attention to the fact that perhaps my remarks were not clear.

We put in $250 million this year and $750 million last year, which raises it to the full budget estimate.

There is much to be said for the arguments that have been advanced in behalf of this. The truth of the matter is that as long as we have the situation we have, and as long as the Federal Government, through the legislation Congress has provided, provides two-thirds of the money that goes into urban renewal, we can expect to see these applications continue to stack up and stack up and stack up.

As a matter of fact, this afternoon, in reviewing the hearings and the testimony of Secretary Romney, who did a wonderful and explicit job of defining exactly what their needs are, I came to realize that unless we can find some other way, these demands for urban renewal can build up beyond the point where Congress can actually ever finance them all, especially when we take into consideration the welfare needs of the people of this country, the food needs, the medical needs, the medical research needs, and all those things.

We were faced, frankly, with a very cold conclusion. It is not that we are afraid that we would lose a conference with the House. We know pretty well how the House feels about these matters. But it is this: that we would be going over the budget by the amount of this amendment, and it would be over by a great amount of money. In the first place, I am not sure that all of it can be spent—and this was the point made by the Senator from Maine and the Senator from Michigan, who just spoke. There really is no point in appropriating it except as it needs to be available. We have a supplemental coming along in January, when we will have a much better picture. But, unfortunately, we have already gone through 6 months of the year, and HUD has been able to finance this only upon the basis of a continuing resolution.

On the other hand, if we went ahead and expended this money, we would be violating or placing in jeopardy the expenditures control which we placed in the Congress some time ago. If that is the case, the question becomes, Where do we find, and out of what do we take, this extra money above the billion-dollar budget?

I see the distinguished Senator from New York in the Chamber, and I am glad he is here, because some people are inclined to believe that those of us who are from more sparsely populated States do not have these problems. This is not so at all. We have them just as much—if not in as big numbers—as any other State.

We have tried honestly in this bill to do everything we can for housing. We have even done it with respect to the rent supplement program, a program of which I have been exceedingly skeptical; and of which even some of its most ardent supporters in the past have become somewhat skeptical. We have provided for the funding, the full funding, of the 235 and 236 funds, the full funding of the rent supplement. Together, these three programs account for a commitment by the Federal Government of approximately $12 billion over the years—not this year.

So, Mr. President, I realize that all these applications are stacking up, and they will continue to stack up as long as the legislation Congress has provided is in the form it is; because the cities are going to utilize the two-thirds contribution of the Federal Government, and in some localities of less than 50,000, a three-quarters contribution. Under those circumstances, I can see nothing but a building up of the demands for these programs.

On the other hand, in the fiscal and financial situation we find ourselves, I can see nothing, either, with fiscal responsibility, but to provide the full amount of the budget. Incidentally, this not only was President Nixon's budget; it also was President Johnson's full budget, which was $1 billion.

Mr. President, this is the last statement I shall make in this regard. There are other areas in the country which are suffering a very, very great loss. There has been a 75-percent freeze on construction budgets in this country, those involving needed post offices, those involving needed Federal buildings, and in many other areas. I see the distinguished Senator from Oklahoma (Mr. HARRIS) in the Chamber. In many areas they involve needed water facilities and needed water development. This water development is not just for farms, but it is also for cities and for industries. We need to get started now, not tomorrow; but we cannot, and there is a price being paid by States all over the Union.

In view of this I hope the amendment will be defeated, not as a blow to urban renewal, but in the sense that its defeat is, in itself, a vote for full and complete fiscal responsibility. I do not see how we can do otherwise without causing a great deal of mischief down the road.

Mr. President, I hope the amendment is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. PASTORE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. PASTORE. Does the Senator from Michigan want some of that time?

Mr. HART. I yield myself my remaining time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I wish to close the discussion on the note on which it was opened, namely, the realization on the part of all of us who sponsored the amendment, and I am sure I can speak for those who may vote for it, that we recognize the enormous effort that the subcommittee, and more particularly, the chairman, the Senator from Rhode Island, have made to increase the figure now given. This reflects the deep concern of the Senator over all the years that Congress effectively responded to the needs of the urban centers of this country.

Nevertheless, I hope very much that a majority of us will give him the added strength in conference which would come from the adoption of the amendment.

It is interesting that if we settle for the $1 billion figure, we will be fixing a figure less than that of a year ago, and the figure of a year ago was less than the figure the year before. This is the wrong direction for Congress to proceed if we think we are going to persuade metropolitan leaders and the citizens of metropolitan centers that we understand what we should be doing.

Instead of letting applications stack up, we should begin to clear land, eliminate slums, and get decent housing for Americans. We are not doing that. Small wonder there are people who question the effectiveness of the system.

Mr. PASTORE. Mr. President, I merely wish to conclude by saying that regardless of how the amendment goes I shall continue my interest and activity in seeing that these programs are properly funded. That has been my record in Congress and I intend to pursue it, no matter what the outcome may be.

I shall vote against the amendment. If the amendment is agreed to, it should not be considered as an affront to me; and if the amendment is rejected, it should not be considered an affront to those who sponsored it.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. McCARTHY), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Arkansas (Mr. McCLELLAN), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Missouri (Mr. EAGLETON) would each vote "yea."

On this vote, the Senator from Alaska (Mr. GRAVEL) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Alaska would vote "yea," and the Senator from Arizona would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Iowa (Mr. MILLER) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting, the Senator from Iowa (Mr. MILLER) would vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Wyoming (Mr. HANSEN). If present and voting, the Senator from New York would vote "yea" and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Arizona would vote "nay" and the Senator from Alaska would vote "yea."

The result was announced—yeas 34, nays 36, as follows:

[No. 145 Leg.]

YEAS—34

Bayh
Brooke
Byrd, W. Va.
Case
Cook
Dodd
Fong
Fulbright
Gore
Harris
Hart
Hartke
Hatfield
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
Moss
Murphy
Muskie
Nelson
Packwood
Pell
Percy
Ribicoff
Schweiker
Scott
Symington
Tydings
Young, Ohio

NAYS—36

Aiken
Allott
Anderson
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Church
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Holland
Hruska
Jordan, Idaho
McGee
Mundt
Pastore
Pearson
Proxmire
Randolph
Russell
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—30

Allen
Baker
Burdick
Cannon
Cranston
Eagleton
Eastland
Fannin
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Hollings
Hughes
Jordan, N.C.
Long
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Prouty
Saxbe
Sparkman
Williams, N.J.
Yarborough

So Mr. HART's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NO. 272

Mr. YOUNG of Ohio. Mr. President, I call up my amendments (No. 272) and ask unanimous consent that they be stated and considered en bloc. On my amendments, I propose to ask for the yeas and nays. I am not asking for a vote at this time, but I simply ask for the yeas and nays.

The amendments (No. 272) are as follows:

One page 31, line 8, strike out "$50,700,000" and insert in lieu thereof "$47,700,000".

On page 31, line 17, beginning with "$21,-", strike out all through the second comma on line 18 and insert in lieu thereof "$16,500,000,".

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Ohio yield to me without losing his right to the floor?

Mr. YOUNG of Ohio. I yield.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, will the Senator from Ohio permit me to ask the the order of business for today and thereafter?

Mr. YOUNG of Ohio. I yield for that purpose.

Mr. MANSFIELD. Mr. President, we will have a period for the transaction of morning business tomorrow, during which, I assume, Members of the Senate will make remarks of respect and remembrance to those who have died in our wars, who have been wounded, who have served, and who are still serving.

At the conclusion of the morning business, the Young amendment will be the pending matter before the Senate. It has been agreed to have one hour to debate that amendment, the time to be equally divided; to be followed, I think, by a 10-minute amendment by the distinguished Senator from West Virginia (Mr. BYRD), again the time to be equally divided; to be followed by a 40-minute amendment on the part of the distinguished Senator from Kansas (Mr. PEARSON) and a number of cosponsors, the time again to be equally divided.

Hopefully, by that time, we will be able to vote on final passage.

There will be rollcall votes on the Young amendment and the final passage.

It is hoped we will be able to get to the distinguished Senator from Oregon and the distinguished Senator from New Hampshire for speeches they would like to make on important subjects.

Then it is hoped we will get to the military construction authorization bill; on Wednesday, the public works appropriation bill; and on Thursday, hopefully, the nomination of Judge Haynsworth. That will take us through the rest of the week and into the beginning of next week, I think.

Mr. SCOTT. Mr. President, in view of the fact that at 11 o'clock tomorrow some Senators will necessarily be absent because of memorial services out of the city, I wonder if we could have an agreement to have no votes until 2 o'clock tomorrow.

Mr. MANSFIELD. That will be fine. If we reach a vote on an amendment, we will postpone the vote and take up something else. The first vote will not be taken before 2 o'clock. I realize that many Senators are going out of the city to participate in Veterans Day observances in Pennsylvania, New York, Ohio, Maryland, and many other States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HO CHI MINH'S LETTER OF SEPTEMBER 2, 1969

Mr. PELL. Mr. President, I read with great interest the informed and interesting column by the prescient and well-informed Joseph Kraft in the Washington Post of yesterday, which to my mind adds further support to the thesis that Ho Chi Minh's letter of September 2 to President Nixon, rather than slamming the door on negotiations, left it wide open.

I ask unanimous consent that Mr. Kraft's piece be inserted in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHANNEL TO HANOI—A FRENCH EXPERT SAYS THE NORTH VIETNAMESE ARE QUITE WILLING TO BARGAIN WITH UNITED STATES

(By Joseph Kraft)

It is passing strange that so many people have made up their minds so quickly about the President's speech on Vietnam. For at the core of Mr. Nixon's argument, there is a mystery—the mystery of why negotiations have gone sour.

The President's claim, of course, is that the intransigence of the other side is to blame. But the evidence he offered argues the opposite. And so does the view of a truly weighty figure used by the President as counselor and go-between—the former French High Commissioner in Vietnam, Jean Sainteny.

The issue of negotiations is central because the President offered the country an absolute choice between immediate withdrawal and his plan for Vietnamization. Since hardly anybody favors a bugout, the tendency is to go with the President, but only if there were no other alternatives available. And in theory, at least, one obvious alternative is negotiated settlement.

It is not only an obvious alternative, but a very promising one. For negotiation offers a genuine answer to two problems usually raised sophistically by persons whose public reputation or sense of the dramatic requires that the war go on.

Through negotiations, it is possible to avoid—by an international guarantee of personal safety—the bloodbath so widely feared if the Communists gained the upper hand. Through negotiations for a neutral Southeast Asia, it would also be possible to guarantee the small states in the area against Communist domination—to prop up the dominoes.

The uses of negotiation were plainly not lost on Mr. Nixon and his chief foreign policy adviser, Henry Kissinger. Even before they took office, they had opened a line of communication to the late President of North Vietnam, Ho Chi Minh. And subsequently, they pushed negotiations through the Russians and in secret meetings in Paris.

So what went wrong? The President said in his speech that "the obstacle is the other side's absolute refusal to show the least willingness to join in seeking peace." As evidence, he released an exchange of letters with Ho Chi Minh. But Ho's letter, dated three days before his death on Sept. 2, does nothing to justify the President's staggering denunciation.

The tone is conciliatory. The text refers to the need for "good will on both sides." It speaks of an American withdrawal, but without the usual demand that it be either immediate or unconditional. It mentions the 10-point program of the National Liberation Front not as the only basis for settlement, in the manner of past demands, but more modestly, as "a logical and reasonable basis for the settlement of the Vietnamese problem."

Many American officials past and present—including the Johnson administration's chief negotiator in the Paris talks, Ambassador Averell Harriman—find Ho's letter a flexible document full of openings for negotiation. But the Nixon speech didn't say anything about making reply to the letter. Apparently it went unanswered. Why?

At this point, Sainteny becomes relevant. He was an old friend to Ho Chi Minh. He slipped into Washington this summer under somewhat mysterious circumstances, and may have been the means of passing Mr. Nixon's letter of July 15 on to the other side. Previously, Mr. Nixon had sought his counsel on Vietnam even to the point of once searching him out for a chat when Sainteny was off sailing on the Mediterranean.

I saw Sainteny at the end of September, just after his return from the funeral of Ho Chi Minh in Hanoi. He had had a long talk with Premier Pham Van Dong. He was persuaded that the other side was prepared to accept a settlement that would include an independent and noncommunist South Vietnam set in a neutralist Southeast Asia.

The obstacle to agreement, in his view, was that Hanoi did not have any faith in Mr. Nixon's claim that he wanted agreement. On the contrary, the North Vietnamese thought the United States was still trying to impose in Saigon, by military means, a pro-American government hostile to Hanoi.

Sainteny felt—and his feelings were made known to the President—that the United States could dispel Hanoi's doubts in two ways. One would be a formal statement that the United States recognized the principle of total withdrawal of American troops from South Vietnam at some unstipulated date. The other would be by broadening the present regime in Saigon to include some political figures who were not diehard anticommunists.

If these views are correct, then the responsibility for blocking negotiations does not lie only with Hanoi. Washington is to blame for not making considerable concessions, for wanting to shove the Saigon regime down the throat of Hanoi.

Maybe Mr. Nixon's plan for Vietnamization can succeed. Maybe the South Vietnamese will prove able to undertake their own defense with an American contribution so low as to be no cause for internal strife in this country. But I have looked upon the South Vietnamese government and upon its army, and I have my doubts.

In any case, the price being paid for Mr. Nixon's policy should be clear. The other side has now been confirmed in its worst suspicions of the United States. Negotiations are much more difficult than ever before—if possible at all. A long and bitter struggle, almost certain to intensify at some point, looms ahead. That struggle is, by no mere rhetorical touch, Nixon's war.

THE SEA-GRANT COLLEGE PROGRAM

Mr. PELL. Mr. President, I wish to express my specific gratitude to my distinguished senior colleague from Rhode Island and to the entire Appropriations Committee, for the consideration they have given to the appropriation of funds for the sea-grant college program. In terms of dollars, this program represents only a small fraction of the funds provided by this bill.

Yet I know that the senior Senator from Rhode Island gave this program the same careful attention accorded every item in this appropriation bill. I am delighted that the committee in its report recommended that of the total appropriation for the National Science Foundation, not less than $10 million be allocated for the sea-grant college program.

This recommendation, I might say, is very much in keeping with the deep interest my senior colleague and other members of the Appropriations Committee have shown in advancement of our national marine-science program. The support given the sea-grant college program by Senator PASTORE has been a vital element in getting this very promising program established as an important element of our national effort to preserve and develop the marine resources of the country.

Again, I commend and congratulate my colleague.

S. 3132—INTRODUCTION OF A BILL RELATING TO APPEALS BY THE UNITED STATES IN CRIMINAL CASES

Mr. HRUSKA. Mr. President, I send a bill to the desk which was transmitted to the President of the Senate by the Attorney General and which I introduce on behalf of the administration. The bill is in the form of a clarifying amendment to 18 U.S.C. section 3731, entitled "Appeals by the United States." I ask unanimous consent that the bill and letter of transmittal be printed following my remarks.

The present section 3731 provides generally for appeal by the Government in a criminal case. Under existing law, an appeal may be taken directly to the Supreme Court of the United States by the Government when the judge's decision setting aside an indictment is based on the invalidity of the statute upon which the indictment is founded. An appeal would also be well taken from a motion at bar when a defendant has not been put in jeopardy. Jeopardy usually attaches to a defendant when the jury is empanelled and sworn, and certainly by the time the Government begins to present its evidence.

Many trial court rulings, made appealable by existing law, involve questions which do not warrant Supreme Court consideration. They are questions involving narrow factual interpretations and not questions involving broad constitutional doctrines and issues. However, an adverse trial court ruling can seriously impede the administration of criminal justice, by nonsuiting the Government's prosecution of a criminal defendant, and for this reason should be appealable in fact as well as in law.

In addition, the courts have interpreted the present law to limit the time within which the Government can file its appeal. As I mentioned above, the appeal can only be taken before jeopardy attaches. But many questions of law arise during the actual presentation of evidence. These are questions that are critical to the orderly statement of facts reflecting a violation of laws. Yet, the Government has no recourse from an adverse trial ruling.

The instant bill remedies these two defects in the operation of 18 U.S.C. section 3731. First, the Government is allowed to appeal to a U.S. circuit court from the district court. Thus, the Supreme Court is no longer burdened with questions of little constitutional moment but the Government is still afforded appellate review of adverse trial court decisions. Second, the existing law is clarified to insure that the Government may file appeals at all stages of the trial process.

Mr. President, I ask that this bill be appropriately referred and hope it will get prompt committee action.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3132) to amend section 3731 of title 18, United States Code, relating to appeals by the United States in criminal cases, introduced by Mr. HRUSKA (by request), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3731 of title 18, United States Code, is amended by striking out the first seven paragraphs and, in the eighth paragraph, the words "From an order", and by inserting in lieu thereof the following:

"In a criminal case an appeal by the United States shall lie to a court of appeals from a judgment or order of a district court dismissing an indictment or information or terminating a prosecution in favor of a defendant as to any one or more counts, except that no appeal shall lie from a judgment of acquittal: *Provided, however,* That when the judgment or order is based solely on a determination of the invalidity of an Act of Congress the appeal shall lie directly to the Supreme Court.

"An appeal shall lie to a court of appeals from an order".

The letter presented by Mr. HRUSKA, is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., October 29, 1969.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Criminal Appeals Act. The purpose of this proposal is to obviate problems which have arisen with increasing frequency with respect to the government's right to appeal rulings which terminate prosecutions other than by judgments of acquittal.

Under existing law, 18 U.S.C. 3731, an appeal in a criminal case may be taken directly to the Supreme Court by the United States when a decision or judgment dismissing or setting aside an indictment or information is based upon the invalidity or construction of the statute upon which the indictment or information is founded, or when there is a decision or judgment sustaining a motion in bar when the defendant has not been put in jeopardy. An appeal may be taken to a court of appeals by the United States when there is a decision or judgment setting aside or dismissing an indictment or information, or arresting a judgment of conviction, except where a direct appeal may be taken to the Supreme Court.

Although the language of the present statute appears to authorize an appeal to a court of appeals whenever an indictment or information is dismissed except where a direct appeal to the Supreme Court is provided, it has not been so interpreted. First, the courts, in light of the historical development of the statute, have interpreted it as allowing appeals only on rulings pertaining to the process by which an indictment or information is returned or the validity of an indictment or information as a pleading. Second, the statute has been interpreted as not permitting the government to appeal from decisions made after jeopardy has attached, irrespective of whether the defendant has been acquitted.

Therefore, under present interpretation, the government is not allowed to appeal any motion which terminates the prosecution after the trial has begun. This creates an artificial boundary line and defendants can merely reserve their objections until after the trial has started and, if successful in obtaining a ruling in their favor, can render the government powerless to appeal, even upon issues of law.

Also, problems pertaining to the construction of a statute as applied to a particular narrow factual situation do not warrant Supreme Court consideration. Since that is the the only court where such appeal is presently permitted, some decisions which should be reviewed are not.

This proposal would permit the government to appeal from any decision which is not a judgment of acquittal and would require such an appeal to be taken to a court of appeals unless the sole ground for the decision is a determination of the invalidity of an Act of Congress. In such a case, the appeal must be taken to the Supreme Court.

The Department of Justice urges the prompt consideration and enactment of this important measure.

The Bureau of the Budget advises that there is no objection to the presentation of this proposed bill from the standpoint of the Administration's program.

Sincerely,

—— ——,
Attorney General.

S. 3133—INTRODUCTION OF BILL PROHIBITING CERTAIN USES OF LIKENESSES OF THE GREAT SEAL OF THE UNITED STATES, AND OF THE SEALS OF THE PRESIDENT AND VICE PRESIDENT

Mr. HRUSKA. Mr. President, I introduce a bill that was transmitted to the President of the Senate by the Attorney General and which I introduce on behalf of the administration. The bill is in the form of an amendment to 18 U.S.C. 713.

Section 713 now protects the great seal of the United States against a use which conveys the false impression of sponsorship by the United States. The law does not now protect the Presidential and Vice-Presidential seals in an identical fashion. Nor is there any protection at all for the three seals against commercial exploitation.

The Secretary of State, who is the official with custody of the original great seal, has received several reports in recent years of misrepresentation and commercial exploitation of the great seal. This symbol of the Government's authority, along with the symbols of Presidential and Vice Presidential authority, must not be subjected to abuse and must be afforded the protection of the law.

Thus the proposed amendment extends the coverage of section 713 to the Presidential and Vice Presidential seals so that a person misusing these seals and conveying the false impression of sponsorship for a venture by the President or Vice President would be subject to prosecution for a violation of the law.

The proposed amendment also subjects the commercial use of all three seals to Presidential regulation and provides for injunctive relief against improper commercial exploitation.

Mr. President, I ask that this bill be referred to the appropriate committee and that the bill and the letter of transmittal be printed following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter of transmittal and bill will be printed in the RECORD.

The bill (S. 3133) to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and of the seals of the President and Vice President, introduced by Mr. HRUSKA (by request), was received, read twice by its title, referred to Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 713 of title 18, United States Code, is amended to read as follows:

"§ 713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President.

"(a) Whoever knowingly displays any printed or other likeness of the great seal of the United States, or of the seals of the President or the Vice President of the United States, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than six months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the President, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the great seal of the United States, or of the seals of the President or Vice President, or any part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than six months, or both. (c) A violation of subsection (a) or (b) of this section may be enjoined at the suit of the Attorney General upon complaint by any authorized representative of any department or agency of the United States."

SEC. 2. The analysis of chapter 33 of title 18, United States Code, immediately preceding section 701 of such title, is amended by striking:

"713. Use of likenesses of the great seal of the United States."

and substituting therefor:

"713. Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President."

SEC. 3. The amendments made by this Act shall not make unlawful any preexisting use of the design of the great seal of the United States or of the seals of the President or Vice President of the United States that was lawful on the date of enactment of this Act, until one year after the date of such enactment.

The letter of transmittal, presented by Mr. HRUSKA, is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., October 29, 1969.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to protect the great seal of the United States, and the Presidential and Vice Presidential seals, against misrepresentative use and commercial exploitation.

Section 713 of title 18, United States Code, presently protects the great seal of the United States against uses intended to convey the false impression of sponsorship or approval by the Federal Government. There is no law similarly protecting the Presidential or Vice Presidential seals, nor is there law against the commercial exploitation of any of the three seals.

The proposed legislation would amend section 713 of title 18, United States Code, to (1) cover the Presidential and Vice Presidential seals; (2) subject commercial use of all three seals to Presidential regulation; (3) provide for injunctive relief in addition to criminal prosecution; and (4) add to the enumeration of proscribed uses and alter the present standard of proof.

The Secretary of State, into whose custody the original great seal of the United States was delivered by act of Congress on September 15, 1789, has received several reports in recent years regarding misrepresentative use and commercial exploitation of the great seal. Similar abuses have been noted with respect to the Presidential seal. The Secretary of State shares the view that the symbol of Government authority and the emblems of this country's highest offices should receive the fullest satutory protection. The proposed legislation would provide an effective sanction against objectionable usage of all types, and would additionally furnish the Government with the discretion to seek an injunction rather than to prosecute for unauthorized use of a design in cases where the usage, though deceptive, is not accompanied by a fraudulent or deceptive intent.

The Secretary of State joins me in urging the prompt enactment of this legislation.

The Bureau of the Budget has advised that this legislation is in accord with the Program of the President.

Sincerely,

——— ———.
Attorney General.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 274

Mr. BYRD of West Virginia. I send an amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. BYRD of West Virginia. Mr. President, I should like at this point to make a brief explanation of my amendment. I cannot be here tomorrow because of official business which will require my presence elsewhere, and for that reason I have offered this amendment today. I have talked with the majority leader about the amendment, and he will call up the amendment on my behalf tomorrow.

My amendment would add $2.5 million for the nonhighway programs under the funds appropriated to the President, for Appalachian regional development programs.

For the nonhighway programs, the Appropriations Committee, of which I am a member, has recommended restoration of $10 million above the House allowance of $95 million, which would make a total of $105 million. This is $7.5 million below the budget estimate. The reclama, as I understand it, was in the amount of $2.5 million more than the Senate Appropriations Committee allowed. My amendment would bring the total restoration up to the full amount that was appealed.

These programs are designed to help the poorer communities of Appalachia participate in regular Federal grant-in-aid programs. Many communities in Appalachia lack the tax base to provide the matching share required for basic Federal grants. Per capital local revenue in 1962 for the United States was $149, but in Appalachia it was only $85.

Back in 1965, when the Appalachian Regional Development Act was passed, Appalachia, with almost 10 percent of the Nation's population, was receiving only a little over 7 percent of Federal grants in aid. This year, thanks to this program, Appalachian communities are receiving almost their fair share of national grants in aid.

However, tight money conditions have imposed a new burden upon many of our smaller communities. The rise in interest rates has foreclosed many of them from being able to raise needed funds in the bond market for local improvements unless some assistance can be provided to them through grants under the Appalachian programs to reduce the amount they will have to raise in the private market. It is because of these increases in the cost to localities of borrowing money that an additional $2.5 million is required.

The Appropriations Committee has recommended restoration of $10 million over the amount recommended by the other body, and I am grateful to Mr. Pastore and Mr. Allott and others on the committee but this is still $7.5 million below the budget estimate. Of this restored amount, the committee recommends that $5 million be used to provide the full amount of the budget estimate of $35 million for the Appalachian health program and that $5 million be restored to provide the full amount of the budget estimate of $25 million for vocational education facilities.

In recommending the addition of $2.5 million to the supplemental grant program, I wish to point out that most of the supplemental grants—80 percent of them, in fact—are used to assist communities to build schools, hospitals, and other education and health facilities. If we fail to provide these needed additional funds, a number of urgently needed health and educational services and facilities cannot be provided and, thus, some of the momentum we have achieved in this effort will be lost. I hope that the Senate will agree to my amendment on tomorrow.

Mr. President, I ask unanimous consent that the amendment of the Senator from Ohio (Mr. YOUNG) be again laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order entered on Thursday, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, November 11, 1969, at 11 a.m.

EXTENSIONS OF REMARKS

THE 50TH ANNIVERSARY OF THE INSTITUTE OF INTERNATIONAL EDUCATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. BRADEMAS. Mr. Speaker, one of the most important, and least noted, aspects of our relations with foreign countries is to be found in the many programs of academic exchange, which each year bring thousands of foreign students and professors to the United States and enable many Americans to study and teach abroad.

For the past half century the Institute of International Education has played a leading role in encouraging the development of international exchange programs in the United States and abroad.

I join my friends in the academic and foreign affairs communities in extending to the IIE my warmest congratulations on its 50th anniversary.

I submit for inclusion in the RECORD the following editorial from the October 25 edition of the Chicago Tribune:

FOREIGN STUDENTS

Foreign students in the United States in the 1968–69 academic year numbered 121,362—one of many interesting figures recently released by the Institute of International Education. This is the largest number ever. It is a record that may stand for a time, as cuts in government and foundation financial support to foreign students have now been put in the pipeline.

That figure of 121,362 is large absolutely, and even larger as a proportion of the rising intellectual leadership in the 172 foreign countries represented. If it can be assumed that the experience of foreign students in this country is for the most part happy, increasing rather than diminishing their friendliness to the United States, the large volume of foreigners studying in the United States will yield political advantages for this country as well as educational advantages for the countries to which most of the foreign students will eventually return.

In the academic year 1967–68, 25,359 students from the United States were on foreign soil. In declining order, the principal host countries were Canada, France, the United Kingdom, Germany, and Mexico. In 1968–69, 5,639 United States faculty members were working outside of the country, more than half of them in Europe. Foreign scholars here in the same year totaled 12,137, with more than 1,000 coming from each of three nations—the United Kingdom, India, and Japan.

This coming and going is of benefit to the institutions concerned, of course, as well as to individuals and countries. One characteristic of a great university is its cosmopolitanism. Our distinguished instiutions of higher learning have much to offer students from other parts of the world—but the gains experienced are not all on one side.

BELLIGERENT SPEECH BY PRESIDENT NASSER

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, November 10, 1969

Mr. BYRD of Virginia. Mr. President, the Richmond Times-Dispatch of Sunday, November 9, 1969, contains a thoughtful editorial on the belligerent speech delivered last week by President Nasser of the United Arab Republic. The editorial makes the point that only the aid of the Soviet Union makes possible President Nasser's bombast. The chief editorial writer of the Richmond Times-Dispatch is Overton Jones.

I ask unanimous consent that the editorial, entitled "Fire and Blood," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Richmond Times-Dispatch, Nov. 9, 1969]

"FIRE AND BLOOD"

Gamal Abdel Nasser would be nothing more than a paper tiger, except that he has the Russian bear behind him.

On Thursday the cocky Egyptian president made another of his inflammatory speeches calling for war against Israel. The only path for the Arabs to take to recover their occupied territory from Israel is the path of "fire and blood," he told the National Assembly.

Nasser and his supporters in the Kremlin "are adding flames under a pot which is already boiling," said Virginia Sen. Harry F. Byrd Jr. The Arab nations must recognize, Byrd declared, that "Israel is here to stay."

Byrd expressed the belief that the Soviet Union "was the motivating force behind Nasser's provocative actions against Israel in 1967." Those actions, it will be recalled, resulted in a short and totally one-sided war in which Israel was the easy victor. But the Arabs' tremendous losses in war-making equipment have now been replaced, largely by the Soviets. Whether Nasser really feels as strong as he talks is a question.

The latest war talk from Cairo comes at a time when U.S. Under Secretary of State Elliot L. Richardson is able to report a "substantial degree of agreement" between Washington and Moscow on principles of a settlement of the Middle Eastern problem. He acknowledged, however, that important points remain unsettled. It is hoped that a full agreement can be reached by the Big Two, then by the Big Four powers, and ultimately by the Arabs and Israelis themselves.

Meanwhile, in Moscow on Friday, the Soview Union market the 52nd anniversary of the Bolshevik Revolution with less show of military force than normal on such occasions. Western diplomats said the military parade was "low-key," and one remarked that "the Russians want to appear these days as calm and nonprovocative."

This is encouraging. But the most casual student of modern history knows how foolish it is to read very much into what appears to be the Russian mood of any particular moment. The Reds who seem to be using a fire extinguisher today may suddenly be throwing gasoline on the international flames tomorrow.

"Our friend," said Nasser Thursday, "is the Soviet Union."

Tell it to the Czechs, Gamal, tell it to the Czechs.

PERSONAL ACTION FOR POSITIVE AMERICANISM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, November 10, 1969

Mr. THURMOND. Mr. President, Mr. Joseph B. Head, a concerned and patriotic American, has written a moving article to which I would invite the attention of the Senate. Mr. Head is the national vice president general of the Sons of the American Revolution and the past national chaplain of the Veterans of Foreign Wars. As Mr. Head has been active in a positive manner for his country, he encourages others to adopt this type of personal action program.

Mr. President, I ask unanimous consent that Mr. Head's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POSITIVE AMERICANISM—WHEN?

(By Joseph B. Head)

Recent events in our country should alert us to the need for Americanism as never before. Unless we act now with a vigor and determination to do something more than we have been—the threat of Khrushchev that "your grandchildren will live under Communism," takes on a frightening aspect. In the definition of Americanism, some years ago by the joint Veterans organizations, we find the term "Eagerness" to defend our country against all enemies. This word is usually thought of as signifying one who was alert and enthusiastic to throw himself or herself into a cause with a devotion that was out of the ordinary. Comrades and Sisters, it is going to take this "eagerness" today to put across to a complacent society the need for a type of Americanism and a re-emphasis on the factors that have made us great as a Nation.

Things are happening throughout our land that should greatly disturb us. We who fought to preserve our country will have to fight harder and longer today in order to keep what we battled for. Take a realistic look at some of the new enemies.

The moral strength of our nation is decreasing alarmingly. We are substituting materialistic values for spiritual ones. We are establishing codes of ethics that unless changed will render us impotent as a people and nation. We are witnessing an armed rebellion against American society. We are seeing the disrupting of law and order by the lawless and the hand of anarchy.

Too many people are emulating Rip Van Winkle, others are complacently going around with false colored glasses and refusing to see the "dangers to America."

Unless we can find a way to wake people up, there might not be any stoppage of the downward course of America. Every veteran has a special responsibility at the present hour to show an "eagerness" to rout the enemies of America and to defend the ideals and principles that have made us great as a nation.

The American flag has stood for the most ennobling ideals of any nation on earth. The Stars and Stripes, flying through the years have been the symbol of a strong and brave people. It has earned its right to fly over any building, any land, any water, any ship or any institution. It is emblematic of the things we have stood for—our moral strength, our spiritual concerns, our united people. Any attempt to fly any other flag alongside our flag or in any way equal with our flag—is not in keeping with the spirit of America. Any flag representing any foreign ideology, and communistic overtures, or any Godless society has no place by the side of our American flag. Real Americanism will voice its protest for such procedure wherever it may be found and will be eager to keep "The Stars and Stripes" waving as the symbol of our Americanism.

People are crying out against America. They are calling for its destruction. What used to be called treason is being accepted today as freedom of speech. Hard core anarchists and trained revolutionists disrupt our normal law administration—and then cry like whining dogs when force is applied by our law officers to quell their violence.

Our institutions of learning that we have dedicated to knowledge and sane education have been seized by Communists and others in the name of progress. Our church pulpits have been invaded by false prophets who cry out against our society, our procedure of Government and then hypocritically cry out that God is dead. Unless we take a stand against these traitors of America we will find ourselves enslaved by a greater tyranny than any foe we have ever faced.

It is so easy for veterans and others to follow the line of least resistance and say—"I can't do anything about this." Actually we can do a lot. The wrong kind of people are the ones who are saying "I can."

Somehow, somewhere an epidemic of sleeping sickness has struck our nation. The symptoms are many and if we are to cure this disease before it is too late we must find ways to stop our soaring crime rate, our juvenile delinquency problem, bring about discipline and decency, halt the riots in our cities, and return to a respect for law and order

Every veteran must adopt the kind of personal action program which Edward Hale, a former Chaplain of the United States recommended when he said, "I am only one, but I AM one, I can't do everything but I can do something. And what I can do, that I ought to do. And what I ought to do, by the Grace of God, I shall do."

Now is the time for dedicated Americans to make their strength and influence felt. We are going to have to decide now what road we are going to travel and how "eager" we are going to be to see that positive Americanism is practiced in the circles where we are.

By being silent now—you are as guilty as those who are planning for the downfall of America. We can prevent it. When? Are you going to get busy?

Write your congressman about your feeling on what is taking place. He wants your help—most of them believe as you—let us do something NOW!!

(Since this article was written the fight to restore the U.S. Flag to the top of the Minneapolis City Hall—Court House—has been won. The efforts of the Sons of the American Revolution led by President Joseph B. Head, in cooperation with The Veterans of Foreign Wars and ladies auxiliaries, The American Legion and Ladies Auxiliaries, The Disabled American Veterans, Veterans of World War I and Ladies Auxiliaries, The Jewish War Veterans, The Purple Heart, the United Veterans Military Council, The Hennepin County Joint Veterans Council, The Daughters of the American Revolution, Young Americans for Freedom, The Citizens Legislative League, Christian Research, The Minneapolis City Council led by Alderman Vern Anderson & Alderman Joe Greenstein, City Treasurer Rey Malmquist, The County Commissioners, and a host of Citizens, The Daily American, The Borger, Texas, News Herald, Life Lines, the D.A.R. National Defender and many National papers and magazines all combined to make a winning team to restore "Old Glory". For further information write Joseph B. Head, 4200 Lyndale Ave. So., Minneapolis, Minn. 55409.

TO REDUCE CRIME THE WHOLE COMMUNITY MUST BE INVOLVED

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. PELLY. Mr. Speaker, much is said these days about our environment. There certainly is a need to clean up our air; to provide for better facilities in our cities.

In this connection, recently the Seattle Times invited one of Seattle's most outstanding lawyers, Alfred J. Schweppe, to address himself to the question of crime in America, and he related it to being one of our problems of environment. As he said:

> What good are better streets if it isn't safe to walk on them? What good are more parks if it is dangerous to go there? What good is a pollution-free city if it is too risky to go out at night; yes, even by day?

Schweppe, chairman of the Seattle Crime Prevention and former dean of the University of Washington Law School, detailed community involvement and understanding, as well as governmental steps that need to be taken.

I submit for inclusion this article by Mr. Schweppe at this point in the RECORD:

GUEST WRITER ON PUBLIC SAFETY: TO REDUCE CRIME, WHOLE COMMUNITY MUST BE INVOLVED

(By Alfred J. Schweppe)

Both candidates for mayor rightly stress the needed improvement in environmental quality in Seattle. Environmental quality has many facets, but the first and foremost requirement is public safety.

I find there is tremendous citizen concern over crime and its increase in every part of the city.

While it is appropriate to talk about a balanced program for the city, there still must be priorities. As one lady said at a Lake City meeting recently (and many deeply troubled citizens have said the same thing):

"What good are better streets if it isn't safe to walk on them? What good are more parks if it is dangerous to go there? What good is a pollution-free city if it is too risky to go out at night; yes, even by day?"

So in any program for civic betterment there must be priorities. Public safety should have priority over all other programs. Without it, the other things are pleasant to think about, but illusory.

Government came into being (beginning with the primitive tribal forms) to protect life and property. That always has been, and still is, the foremost purpose of government.

Now what is there to do about it in Seattle?

1. Seattle needs many more police. Last January Chief Ramon recommended 200 additional officers and 50 clerical employes. The request was turned down for want of money. Since then reported crime has increased in Seattle more than 40 per cent. More recently, the three assistant chiefs, Fuller, Gustin and Corr, on a current appraisal, told the City Council that the needs were 287 additional officers and 70 clerical employes. The cost of this augmentation of needed manpower will be $4.5 million of annual operating revenue not now available. An additional 100 officers would cost in excess of $1 million a year, not now available.

The public must face the fact that the cost of public safety in these troubled times comes very high, and must be ready to pay the bill.

2. There must be better education of each individual concerning the means of improved protection of person and property. There are many things to do, many precautions to take, that people are unaware of or careless about.

3. There must be full acceptance by each individual of personal responsibility to prevent and reduce crime in his neighborhood by promptly reporting crime or suspicious conduct and having concern for his neighbors and fellow citizens. The expression "I do not want to get involved" is bad citizenship. Every person, young and old, has a duty to contribute to public safety. With more than

50 per cent of serious crime in Seattle chargeable to juveniles, it is vital to get young people in all parts of the city interested in constructive programs of crime prevention.

4. We must have continuous education in the causes and consequences of crime and means of prevention. Poverty is a cause in some cases, but even with poverty eliminated there would still be crime. For instance, the narcotics problem has broad ramifications, not only in the sale and use itself, but in the frequent conduct induced by the use of narcotics, such as robbery, burglary, sex offenses and others.

There are really only two curative approaches to the narcotics problem: One, to eliminate the supply (which appears most difficult), the other, to educate the consumer, or potential consumer, not to use them. This is a large order and will require a perpetual program of enforcement and education. The oft-heard statement that marijuana is no worse than liquor is illusory. Liquor is government controlled and the buyer knows exactly what he is getting. When a person, young or old, buys narcotics on the street from a peddler, he doesn't know what he is getting and may suffer permanent injury.

5. We must have swift prosecution of offenders. The certainty of punishment is a greater deterrent than its severity. The prosecutors and courts must be always alert to the need of speedy and just punishment wherever deserved.

6. We need greatly enlarged detention and rehabilitation facilities. Notwithstanding a vast growth in the area, the city jail and King County jail have not been expanded for 20 years and have long been full to overflowing, with no alternative for the judges but to release many questionable persons on bail—often to prey further on the community pending trial, because there is no place to put them. To meet this critical need, many millions of additional capital cost face the community.

7. Much larger probation and parole staffs are needed to reduce the incidence of repetition, commonly known as recidivism. This, too, will require additional millions of dollars.

In summary, to reduce and prevent crime, there must be total community involvement in crime prevention, full cooperation with the police, and a willingness to pay the cost.

SENATE—*Tuesday, November 11, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. George McGovern, a Senator from the State of South Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of the nations, for the peace which once came to the world at this hour, on this day, in this month, we give Thee thanks. And for that universal and enduring peace which is yet to come, we earnestly pray.

We remember before Thee all who have bravely lived and nobly died in the service of this Nation. May the ranks of the visible and the invisible be joined this day in unbroken fellowship. Be graciously near all parents, widows, and orphans to whom this day renews poignant pain of heart and sorrow to the soul. Assure them that neither life nor death shall separate them from Thy love.

Give to the survivors of battle who are ill or infirmed the assurance of a grateful people and provision for all their needs.

Bless the youth now in the Armed Forces. Protect them in moments of temptation, strengthen them in the hour of danger, and when war is ended make them ambassadors of good will.

O Thou God of all men, we pray that Thou wilt so dispose the issues of the present conflict that we may be led beyond mere armistice to lasting peace, and that the nations may be united in firmer fellowship for the promotion of Thy glory and the good of all mankind. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, D.C., November 11, 1969.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate, I appoint Hon. George McGovern, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.
>
> Richard B. Russell,
> *President pro tempore.*

Mr. McGOVERN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, November 10, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970—EXTENSION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, implementing the unanimous-consent request of yesterday, setting a limitation of time on amendments, I ask unanimous consent that on all amendments other than those mentioned in the agreement, there be a time limitation of 30 minutes, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, the Senate modified the above order to provide for the Senate to adjourn to 10 o'clock a.m. tomorrow.)

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk read the nomination of Maj. Gen. Jammie M. Philpott to be lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—ARMY AND MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Army and the Marine Corps which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of the legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, without losing my right to the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WITNESS FEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 509, Senate Resolution 278.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 278) relating to fees of witnesses appearing before Senate committees.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

> *Resolved*, That witnesses summoned to appear before the Senate or any of its committees shall be entitled to a witness fee rated at not to exceed $25 for each full day spent in traveling to and from the place of examination and for each full day in attendance. A witness shall also be entitled to reimbursement of the actual and necessary transportation expenses incurred by him in traveling to and from the place of examination, in no case to exceed 20 cents a mile for the distance actually traveled by him for the purpose of appearing as a witness if such distance is not more than six hundred miles or 12 cents a mile if such distance is more than six hundred miles.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–515), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Senate Resolution 278 would increase the limitation on daily witness fees payable to witnesses summoned to appear before the Senate or any of its committees from $16 to $25. The resolution would also increase to 20 cents per mile the limitation on the payment of actual transportation expenses of witnesses traveling not more than 600 miles. Those traveling more than 600 miles would continue to be reimbursed for actual transportation expenses, not exceeding the present limitation of 12 cents a mile.
>
> The proposed increase in daily witness fees is predicated upon and consistent with the increased limitation on per diem in lieu of subsistence rates for Government employees traveling on official business provided by H.R. 337, which bill received final favorable action by the Congress on October 30, 1969, and is now pending approval by the President. Such rates are and have been the criteria for determining the rate for witness fees paid by the Senate.
>
> The increase in the limitation on transportation expenses of witnesses traveling not more than 600 miles was approved upon the recommendation of the Senate Financial Clerk. He presented evidence to the committee that due to recent increases in short-haul air fares he quite frequently, under the present limitation, is unable to reimburse witnesses fully for their actual transportation expenses.

VETERANS DAY

Mr. MANSFIELD. Mr. President, in this century, over a million and a half Americans have been killed or wounded in war. That is a measure of the failure to establish peace in the international life of our times. The numbers are grim. I mention them only because the peace we sought with these sacrifices is not yet in sight. How remote it remains is to be seen in the arms race which goes on without check. How distant it remains is stark in Vietnam.

We mark this day for those million and a half lives and more which were ended or hurt in the Nation's wars of this century. We mark it, too, for the tens of millions who at one time or another interrupted their personal pursuits to serve the Nation in the armed services.

This year, as last, Veterans Day has special and somber meaning. The war in Vietnam persists; the fighting and dying continues. As of this hour, the casualties of Vietnam surpass 300,000. At last summation, the dead were more than 46,000 and the wounded over 256,000.

We have asked much of the men in Vietnam. We have asked them to persevere in a struggle which, on all sides, it is now devoutly wished had never been joined. We have asked them to stay until an honorable way out of the conflict can be found. Whatever we may do for the men in Vietnam—and we will, all of us, do everything that can be done to support them until their return—will not change that face of this conflict.

Vietnam is a war unclaimed by this administration or its predecessors. It is a war unclaimed by this Congress or the ones before. Yet, this war belongs to us all. We cannot evade it—not this administration nor its predecessors, not this Congress nor its predecessors. We are all its possessors and we are all possessed by it. We are—all of us—the makers of the veterans of Vietnam. The relentless clicking which computes the casualties is our responsibility.

This day, then, is of special significance not only for veterans, but for us as well, for all of us, in the administration and in Congress. However, reluctantly, we are partners in the continuance of Vietnam. At this late hour it will serve no useful purpose to assess blame or praise, as between the branches or among ourselves. The responsibility—the joint responsibility—is to strive to shorten the path to peace. We owe that to our conscience. We owe it to the people of the United States. We owe it to the living and the dead of Vietnam and to all the veterans of the Nation.

WE WILL REMEMBER THEM

Mr. SCOTT. Mr. President, as one who was born at this 11th hour on this 11th day of the 11th month, this day has always had special significance for me, as for all of us.

Today, at this hour, on the island of Guam, so remote from us, a bugler will sound the last, sad, silvery notes of taps in tribute to the dead. In our bases, in our places of conflict, as in Vietnam, in our communities where survivors gather, tribute is being rendered—always inadequate, when one considers the ultimate sacrifice of so many for so many more—that peace may come and that we may some day follow, as the Bible says, after the ways that lead to peace.

In Australia, at 11 o'clock today, they will be reciting, as the bells toll and the Westminster chimes are heard from church tower to church tower:

> They shall grow not old, as we that are left grow old:
> Age shall not weary them, nor the years condemn;
> At the going down of the sun and in the morning
> We will remember them.

Mr. President, November 11, a date observed in this Nation since 1918 as a tribute to our fighting men takes on a new meaning in these troubled times.

Veterans Day is more than a day set aside to honor the men and women who served their country during time of war. It is a day dedicated to world peace. The 26 million American veterans alive today would be the first to agree. Their deeds should remind all of us the unity this great Nation can demonstrate. Their spirit of courage, sacrifice, and loyalty did not end when the shooting stopped.

Drawing a profile of the American war veteran today would require an outline encompassing six wartime periods—from the few remaining Indian fighters to the young men now in Vietnam.

It is not suitable nor appropriate for us as Americans to be mere onlookers on this stage of life. We must play our own part in this observance and should demonstrate our support of those who today carry on the torch seized from the hands of the veteran of yesteryear.

Today, particularly when some Americans abuse their right to dissent by violent actions, we as veterans and as citizens of a free and benevolent country, should reassert our pride in being Americans by rededicating ourselves to the principles which gave our Nation its strength. Today we publicly demonstrate our love for America by attending and participating in our local Veterans Day ceremonies and by flying the American flag.

HISTORY

Concurrent resolution, June 4, 1926:

> Whereas the 11th of November, 1918, marked the cessation of the most destructive, sanguinary, and far-reaching war in human annals and the resumption by the people of the United States of peaceful relations with other nations, which we may hope may never again be severed; and
>
> Whereas it is fitting that the recurring anniversary of this date should be commemorated with thanksgiving and prayer and exercises designed to perpetuate peace through good will and mutual understanding between nations; and
>
> Whereas the legislatures of twenty-seven of our States have already declared November 11 to be a legal holiday: Therefore be it

> Resolved by the Senate (the House of Representatives concurring), That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples.

Act of May 13, 1938:

> The 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is made a legal public holiday to all intents and purposes and in the same manner as the 1st day of January, the 22nd day of February, 30th of May, the 4th of July, the first Monday of September, and Christmas Day are now made by law public holidays.

Public Law 380—83d Congress, June 1, 1954:

This law substituted "Veterans" for Armistice" in the act of May 13, 1938.

A GREAT NATIONAL RESOURCE

The stability and responsibility of American veterans in our society—versus the unrest often seen among veterans in other lands—is due, in large part, to laws passed by Congress and soundly administered. It is also due to the basic character of the American serviceman.

But veterans do not want to be patted on the back for wartime achievements or peacetime rehabilitation. Knowing the rigors of war and postwar, they well know best the value of peace.

Their example should give confidence to all Americans. It proves that ordinary citizens are capable of meeting the challenges set before them. When the survival of this Nation and its ideals is at stake, Americans will show the courage, loyalty, and sacrifice of our veterans, our soldier citizens.

A PROFILE OF U.S. VETERANS

It is hard to draw a profile of the American war veteran whom we honor today, but here are some highlights:

First. There are over 26 million veterans of U.S. wars living today. In addition, there are about 4.5 million veterans who have seen duty since the close of the Korean conflict in January 1955, and many of whom have faced battlefield conditions without a war actually having been declared. The Nation's veterans and their families comprise about 50 percent of the U.S. population.

Second. About 35.7 million persons have served in the U.S. Armed Forces. More than half of these served in World War II.

Third. The last Revolutionary War veteran died in 1869, more than 85 years after the war officially ended; the last War of 1812 veteran lived until 1905 or 90 years after the close of hostilities; the last Mexican War veteran lived for 81 years after that war ended in 1948 and the last Civil War veterans, Union and Confederate, lived 90 and 93 years, respectively, after the end of that war.

Fourth. There are two veterans of the Indian wars, that occurred in various parts of the Nation from its founding up until 1898, still living today.

We honor them today, one and all.

VETERANS DAY

Mr. SCHWEIKER. Mr. President, every year, America stands aside on Veterans Day to pay tribute to the brave Americans, living and dead, who have steadfastly served their country throughout our history so that we can remain free.

This year, with more than 27 million living veterans who have served in uniform, and with thousands of men risking their lives every day in Vietnam, it is particularly important that we set a day aside to pay tribute to the courage and dedication of these servicemen.

From the Revolutionary War until the present day, America's veterans have responded to every call to defend our country, and by their honor and valor have helped America grow into today's strong democracy. To the famililties who have lost loved ones in battle, and to all veterans who have suffered personal injuries in the defense of our country, we owe recognition and a large voice of thanks.

On this Veterans Day, 1969, our prayers and concerns should also go in particular to one group of servicemen who have suffered much on behalf of their country—our men being held prisoners by the North Vietnamese.

The Government of North Vietnam has been cruel and barbarous in not even taking the simple step of revealing the names of these prisoners, so that their families and friends back home do not know whether their loved ones are alive or not. That Government has also violated international agreements, and canons of human decency, by not allowing impartial international organizations, such as the International Red Cross, to visit these prisoners and inspect their living conditions.

Last week, the President called the Nation's attention to the plight of these prisoners by declaring Sunday, November 9, 1969, as a day of national prayer and concern on behalf of these prisoners of war. I urge all Americans to continue to pray that the plight of these veterans be ended, and that our Government can arrange to have them released as soon as possible.

As we observe Veterans Day, 1969, all elected officials and concerned citizens share a common desire to terminate the war in Vietnam, and are working so that our servicemen currently in uniform can be brought home. These men are not taking part in the discussion to end the war, but stand ready to serve whatever specific policy is set down by their commanders.

I think it particularly appropriate to observe Veterans Day by reminding ourselves of the unselfish dedication of our servicemen, so that we may dedicate ourselves to achieving the same peace for which they have been fighting.

Mr. President, I ask unanimous consent that a statement I prepared in recognition of November 9, 1969, as "National Day of Prayer and Concern on Behalf of American Servicemen Being Held Prisoners by the North Vietnamese" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOVEMBER 9, 1969: NATIONAL DAY OF PRAYER AND CONCERN FOR POW'S

> I join the President, and the nation, in commemoration of Sunday, November 9, 1969, as a National Day of Prayer and Concern on behalf of American servicemen being held prisoners by the North Vietnamese.
>
> All American servicemen who have fought in Vietnam, and their families, have given much to their country, but none have had to endure so much tragedy and duress, as our prisoners of war and their loved ones back home. A day of prayer on their behalf is most fitting.
>
> On August 13, I signed a bi-partisan Congressional statement deploring the refusal of the North Vietnamese to disclose the identity of all American prisoners being held captive, and pledging support to the Administration in its efforts on behalf of these American servicemen. It is my fervent hope that this National Day of Prayer and Concern can be a positive aid to the President and Secretary of State as they continue these efforts.
>
> I pray for the well-being of these gallant Americans and for an early end to this tragic war so that all Americans can safely return home. To this end, I will be doing everything I can to support the President's goals to carry out this conclusion of the war as quickly as possible.

VETERANS DAY—A DAY FOR ALL AMERICANS

Mr. MUNDT. Mr. President, this will be the first Veterans Day, or Armistice Day as it formerly was called, in many years that I have not been at one or more patriotic meetings in my home State of South Dakota addressing audiences gathered together to pay tribute to those who have died in the protection of their country.

Unfortunately because of the unusually slow progress of this session of Congress and its long-delayed adjournment which should have taken place, in my opinion, several weeks if not months ago, I, along with most Members of the Senate, find myself in Washington where we have the business of the public and the Senate to attend to. Thus, I shall not be able to visit South Dakota this year to attend and address some of the inspiring, patriotic meetings sponsored by committees of our home communities, veterans' organizations and other patriotic organizations.

Accordingly, Mr. President, I take this means today, being in Washington at a time when I would rather be saying what I am about to say back home in South Dakota, to state on the floor of the Senate some of my feelings on this particular Veterans Day, which surely is a day for all Americans.

As we salute the many generations of young Americans who have made the supreme sacrifice in behalf of our Nation in the struggles of the past to defend our freedom, I think we particularly owe a special debt and a special recognition to those who have given their lives for this country in Vietnam and to those who today are in that far-off land in our behalf and in behalf of the beleaguered people of South Vietnam.

It seems to me, Mr. President, that our men in uniform, fighting this war against the latest military aggressions of the Communists have been bearing even more of a difficult burden than we should demand of those who answer the call to the colors.

For their dilemma is not only of facing an enemy oftentimes hidden—and one who enjoys the privilege of sanctuary not afforded the defenders of freedom—but of also being confronted by the demoralizing prospects of nonsupport by many on the home front, whose freedoms they also sign to preserve.

Today, as we pay tribute to all of those who have served in our military forces—especially to the fathers, mothers, wives, sisters, brothers, sons, and daughters who have lost men in the service of our country—I think that one of the most important contributions we can make is to demonstrate in every way we can that those now wearing the uniform of our Armed Forces have every reason to be proud of their contributions. For they truly are the sentinals of peace as they strive to achieve an end to the war, as President Nixon said, "in a way that will bring us closer to that great goal of a just and lasting peace to which Woodrow Wilson and every President in our history has been dedicated."

As a part of my remarks, I ask unanimous consent to include in the RECORD portions of my newsletter, my regular weekly report to constituents, which is dated for today's release.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

ARE YOU AMONG THE "SILENT MAJORITY?"

The "silent majority"—is it really most of America? President Nixon believes so. So does this Senator. The question, however, is whether the "silent majority" will continue to remain silent and thus present to the world and particularly to Hanoi the picture that not only have the divisions deepened in this country but that most Americans actually are so desirous to end our involvement in Vietnam that we are willing to just call it quits and surrender to Communist aggression.

No matter the consequences of such an immediate withdrawal and the strong possibility that it increases the likelihood for a later and more catastrophic conflict involving American manpower on the scale of World War II, the highly vocal opponents of United States policy are saying that is what America wants.

It seems to me it is time for all of us to disabuse ourselves of any notion that opponents of our policy, as enunciated by President Nixon the other evening are recommending anything other than surrender. No matter how the words are glibly tossed about, immediate withdrawal can mean only surrender. This is the alternative posed by those busily castigating the President in terming the present Administration's action as "no different than Johnson's."

The fact that the critics can discern "no difference" in not only an approach but actual steps in a disengagement process now underway provides ample demonstration that the only real difference these critics will ever see is when we raise the white flag to North Vietnam and, in effect, say "South Vietnam is yours—what you do with the beleaguered people of that Nation and what you do with U.S. prisoners of war no longer concerns us."

In addition to being the time, if not long past that point, to recognize what the President's critics demand and calling these demands exactly what they are—capitulation to Communist aggression—it is also overdue for those who do support the American position and the President's policy to speak out in behalf of this course which President Nixon believes holds the best possibilities for achieving an end to the war "in a way that will bring us closer to that great goal of a just and lasting peace to which Woodrow Wilson and every President in our history has been dedicated.

The "silent majority," of course, can choose to remain silent. Indication in the first few days after the President's speech are such that the majority is beginning to speak out, clearly and forcefully, in behalf of the reasonable and realistic approach developed by President Nixon. However, it seems to me more such expressions and evidence of the support the President has are required to demonstrate to the North Vietnamese communists that Hanoi's hopes of winning the American public to its side will never occur and in actuality there is a developing groundswell of agreement with the President to continue to pursue the course he has set out.

SILENT MAJORITY ON CAMPUS

Last spring *U.S. News & World Report* reported that "for every hard-core radical on American college campuses today, it is estimated there are 99 other students whose main interest is getting an education. This large section of the student body has come to be known as the 'quiet majority' or the 'sleeping giant.' "

Whether it was the clamor of the dissidents demonstrating a capacity not merely to undermine but to destroy institutions of higher learning, or the fact that many were simply getting sick and tired of having our country constantly maligned and pictured as a Nation of brutal, murderous, war-mongering, money hungry people while the leaders of North Vietnam and Red China were depicted as heroes and patriots comparable to George Washington, or a combination of all of these things, I don't know, but whatever the reason, the "sleeping giant" on campus is no longer dozing!

One example of the reaction in behalf of moderation has been the organization of a group called the Association of Student Governments which now has approximately 1,000 affiliates across the Nation. It has its headquarters here in Washington. Its purpose: Develop a moderate approach to the problems of higher education and achieve participation in the decision-making process by working "with the Establishment and through the system to effect changes."

Another reaction has come from a student organization formed at Princeton, called "Undergraduates for a Stable America." It has issued a proclamation urging participation on Veterans Day "as it has never been observed in recent years . . . by young and old across the country . . . to show their respect for America's past and present Armed Forces and their support of the government for which those men fought, and died, and are dying today." The students in their proclamation expressed sharp criticism of the so-called "Peace Moratorium" as doing more "to hinder peace than to help it" by making more difficult "the task of our soldiers" and prolonging the war.

WHAT THEY CHEER WHEN THEY APPLAUD HO CHI MINH

President Nixon provided a not-so-gentle reminder of what it is the dissidents are cheering about when they wave the Viet Cong flag and loudly acclaim now-deceased North Vietnam dictator Ho Chi Minh: "For the South Vietnamese, our precipitate withdrawal would inevitably allow the Communists to repeat the massacres which followed their takeover of the North 15 years ago. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps. We saw a prelude of what would happen in South Vietnam when the Communists entered the city of Hue last year. During their brief rule there, there was a bloody reign of terror in which some 3,000 civilians were clubbed and shot to death." It should be noted that these civilians were village and hamlet chiefs, teachers, government workers, Catholic priests, and women and children. Many were not only beaten and shot, but beheaded and some were buried alive. This is but one example of the kind of "peace" which would be achieved if the mandates of the "surrender now minority" were accepted.

Mr. MUNDT. Mr. President, I would also like to call the attention of those who are on the floor, or who read the RECORD, whether Members of Congress or not, to the fact that this is probably a unique Veterans Day in the history of our Republic. I suspect, Mr. President, we have never had one even remotely resembling this day and this week as we commemorate Veterans Day. I hope and pray, Mr. President, that we never see its like again.

In a sense, however, it seems to me that this is the day in American history when citizens generally across the land on this patriotic occasion are going to give voice to their convictions by the presence of their bodies and their activities on this Veterans Day and at other meetings during this week.

I feel that this is a week which, in the final analysis, should go toward convincing our Communist enemy in Vietnam that the spirit of America lives on; that the expected and hoped for crumbling and cracking of the home front in this country is not going to occur.

I am willing to predict today, Mr. President, that when the full count is in on the various communities, organizations, groups, and individuals participating in one way or another, at one place or another, in the events of this unprecedented week, those who read the reports—and they will be read around the world—will be convinced that the vast majority of all the citizens of the United States now, as always, cherish both their freedom and their peace and recognizes that in defeat there is no future for either.

There will be gatherings of our fellow citizens today and throughout the week in many, many communities. I want to say, as a prediction, that when we count the results, evaluate the crowds either quantitatively or qualitatively, and when the evidence is all available by Saturday night, it is my conviction that, by a margin of far better than 20 to 1—perhaps, more than 50 to 1—we will have found by the vote of the people, as manifested by their presence at meetings discussing the war and discussing public policy this week, in this country, will be on the side of those supporting the President of the United States, the policies of this country, and the determination not to accept a humiliating defeat, which not only would strike a vital blow against freedom in our own country and around the world, but end our country's career as a responsible leader of the free world.

Today I am convinced that this day alone—quite regardless of the other meetings which are scheduled in other places on other days this week—under the proud banner of the Stars and

Stripes, in meetings in cities and in large metropolitan areas and in country towns, in organized communities everywhere, there will be gathered, at this very hour, far more than 20 to 1—perhaps 50 to 1 or 100 to 1—of our fellow citizens proclaiming their faith in the future of this Republic and their determination to carry on, as contrasted with those of little faith among their fellow citizens who will be meeting in other areas, at other places, at other times and for other purposes this week, to suggest that we have lost the fight; to suggest that the time has come to call it quits and to pull out of our responsibility.

I am glad these events are happening during the same week, so that Hanoi and Moscow and the uncommitted areas of the world will have reported to them, as will be reported to them by the press and television and radio, the great concentration of a majority voice and majority will in this country, of people who have faith in the future and who have not joined the disciples of despair who feel that the cause is lost and that America has lost both its will and its strength to succeed.

Mr. President, what a dramatic opportunity, what a dramatic result, what an impact this can have at the peace conference in Paris. What an impact it is going to have in the halls of the mighty in Hanoi as at the end of the week they measure up the quantities and qualities of those Americans who met this week to pay homage to their country and who engage in a rededication of faith as compared with those who meet for other purposes, in other areas, and who feel that the time has come when we must decide that we Americans have to accept a humiliating defeat for the first time in history.

I shall ask that at the end of my remarks there appear in the RECORD a very interesting and, to me, impressive letter from Mr. Malcolm Thompson, of Las Vegas, Nev., who has written a letter to those who he believes, here in Washington or in California or elsewhere, are going to carry banners in a stimulated and well-financed protest against the war bearing the names of those who have died in the war in Vietnam.

He writes about his son, Pfc. Gregory M. Thompson, who was among those who gave their lives for your freedom and mine in this cruel and unfortunate war.

He is one who hoped he could take some kind of legal action to prevent this desecration of the name of his dead, patriotic son. Failing in that, he has been doing all that he can to tell the world that he resents such a misuse of his son's name by those who now would take away from him and his memory the fruits of victory and success that this young lad had in mind when he went off to war.

The letter was published in the Las Vegas Review Journal of October 16, 1969. It seems to me that reading it should give us all cause for sober reflection, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A Father Writes to Demonstrators: When They Read the Name of My Son

When the peace demonstrators read my son's name, let them know how he felt about the Viet Nam war, and how the parents who shaped him feel about it.

It is we, the parents, who said goodbye to him when he went away to fight—not the peace agitators.

It is we, the parents, who wrote long, anxious letters to him during his three months almost continuous combat—not the agitators.

It is the ones who saw his body returned in a flag-draped coffin who first should be heard—not the protesters.

These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave.

My son was killed while fighting for his country.

America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed them.

Most of the peace demonstrations and name-reading ceremonies across this nation are an obvious propaganda device designed to influence the President of the United States into surrendering South Viet Nam to an enemy which admittedly and openly seeks to conquer it by any and all means.

When they read my son's name to advocate peace at any price—the price being defeat—let them remember that he whose name they read did not surrender.

When these pretentious mourners read my son's name, let them realize that their grief would be better served if applied to the Viet Cong whose flag they wave even as they burn the one which graced my son's casket. Let them apply their bogus sorrow to those aggressors felled by my son as he won his posthumous Silver Star for heroism in ground combat.

And when they read the name of my son, let them know that he advocated an increase in the bombing of the ammunition depots in North Viet Nam—not a cessation so that his enemy would receive unlimited war supplies with which to kill him.

When they read the name of Gregory Malcolm Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them.

And when these weak, gullible ones read his name in their avowed pursuit of peace, let them remember that a peace purchased at the price of surrender is but a brief Munich-type peace lasting only until the aggressor's appetite demands more victims.

Finally, when these hypocrites read the list of the dead who defended South Viet Nam, let them know that they have reached the ultimate low in the world-record of human infamy, in that they willfully and cunningly utter a dead man's name to achieve the defeat of the cause for which he died.—Malcolm Thompson.

Mrs. SMITH of Maine. Mr. President, today we honor and mourn those who gave their lives in defense of our Nation and the principles for which it has stood.

Our mourning is very special today because so many Americans are no longer sure of what are, or what should be, the principles of our Nation.

We have lost much of the dedication and purposiveness that characterized those who have given their lives for us.

We have lost their clarity of thinking.

We have lost their courage and their bravery.

For so many of us now seek the easy way out of crisis and confrontation.

We seek that safe way out physically now, even though it may be the disastrous way out for the children of tomorrow who may have to pay with their lives bartered for the temporary security of today that our timidity and faintness of heart have dictated.

And we do it under facades of hypocrisy and sophistry in which we try to camouflage our individual fears, lack of courage, and selfishness of living only for today.

Yes, Mr. President, the mourning that so many of us do today concerns our increasing failure to keep the faith with those who gave their lives for us—and our increasing guilt in making their supreme sacrifices for us having been made in vain.

Mr. DOLE. Mr. President, today the Nation pays tribute to the men and women who have served in our Armed Forces. When our country has been at war many fought on the battlefield and some of these were wounded or died. Others spent lonely months or years in isolated stations far from the front. In times of peace, no less than in times of war, freedom's price of constant vigilance has been paid by the members of our armed services.

It is fitting that we pay tribute to these men and women and while we remember the sacrifices of these individuals let us also reaffirm our belief in the principles and ideals which they served.

What are these ideals? No more concise definition has been reached than the one originally stated in the Constitution. In this age where the medium is supposedly the message, when "communication" is sought through flashing lights and garish noise, these simple words maintain the vitality and relevance to the national direction which they have had since their inscription in Philadelphia 182 years ago:

> We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

It is well for all of us to spend today reflecting on the significance of our veteran's contribution to today's America.

Today's America sees the right of free speech being exercised to an unprecedented extent through protest marches, rallies, seminars, sit-ins, and demonstrations. That such activities are taking place is largely due to our veterans, their time, their blood, and their lives. White crosses around the world in Verdun, Iwo Jima, Seoul, and Arlington mark the resting places of those whose lives assured that the October moratorium could take place.

We can do more than pay our fullest respects to our fallen veterans. Most of we 27 million veterans alive today want no special recognition or attention. We did our duty, take pride in having served, and seek to live our lives as good and constructive citizens.

There is a group of veterans, however, who do need and deserve special recognition and our most dedicated attention. I speak of the thousands of veterans from all wars who are confined to hospitals throughout the country. We owe these men so much, and they are so appreciative of the smallest kindnesses and interest shown them that everyone on this Veterans Day and throughout the year, should resolve to show these great patriots and heroes that their Nation deeply appreciates and acknowledges their sacrifices.

In this age when so much energy is being spent on the exercise of the rights of speech, dissent, and assembly it would be appropriate to channel some of this energy toward serving those whose sacrifice made these freedoms secure.

The President has called upon Americans to engage in volunteer programs across the country to improve their cities, their neighborhoods, and the lives of their fellow citizens. For many years, Gray Ladies and similar volunteer groups have served in hospitals. They write letters, read to patients, and otherwise brighten the lives of the hospitalized.

It would be fitting today if those who are planning to participate in the events of protest and dissent later this week would spend today in some small way repaying the great debt owed to those who have served their country and now lie hospitalized.

A visit to a veterans hospital would not take much time, and a smile, a hello, a small favor would bring incalculable brightness to the lives of our hospitalized veterans. The visitors might also learn something about the freedoms which they exercise.

Mr. JORDAN of Idaho. Mr. President, I should like to join my colleagues in paying tribute to America's veterans today, Veterans Day, which originated 51 years ago with the armistice of World War I on November 11, 1918.

From the Revolutionary War to the present, more than 38 million men and women have served their country in uniform during wartime. Those who have defended our Nation, with their lives when necessary, have rightfully earned the honor and respect which it is my fervent hope all Americans will accord them on this Veterans Day.

Today is also a most appropriate time for all of us to reassert our pride in being Americans. Our wonderful heritage of freedom and liberty has been preserved through the sacrifices of our veterans, and continues to be defended today by our men in Vietnam. Our debt to the soldiers of the past and present is much too large to be expressed in mere words.

But more important, this debt must never be forgotten, lest we forget, also, today's significance to each of us.

THE KNOWN AND THE UNKNOWN—AMERICA NEVER FORGETS

Mr. PASTORE. Mr. President, within the octave of Veterans Day, there has passed away on peaceful Cape Cod the sculptor whose skills designed the Tomb of the Unknown Soldier where the sentiments of our Nation will be centered on November 11.

This year—like each succeeding year—our observance becomes the more solemn as the honor roll of American patriotism grows greater. For we honor not alone the "soldier known only to God" but the service and sacrifice of our men and women in uniform who have served and sacrificed in many posts of duty in every corner of this earth.

Whatever our feelings about this war or that war, each of us in his innermost heart will fashion his praise and his prayers for those who went to their destiny in obedience and patriotism.

We pay tribute to those who proved they possessed that love that God has called the greatest—that man should lay down his life for his fellow man.

"Peace, victory and valor" are graven in that memorial that looks down upon the historic Potomac—and those qualities are inscribed in our memories for those who will answer the rollcall no more.

Such tribute is written in our hearts for the living as well as the dead—and that tribute is written in a country's gratitude to the homes that inspired such Americanism—homes that carried the heavy burden of personal grief in many a brave hour.

We can never restore the lives of the fallen—nor fully repay the loyalty of their souls—but neither as a nation nor as individuals can we forget the nobility of our honored dead.

November is especially the month to remember.

November 11 is especially the day of remembrance of those to whom we owe so much—a day to be proud of the living, a day of praise and prayer for those in eternal peace.

Known or unknown—let it never be said of our heroic dead that they were unwept, unhonored, unsung.

Let it always be said that America never, never forgets.

ONE MINUTE OF SILENCE

Mr. ALLOTT. Mr. President, in my community when we were growing up, November 11, Armistice Day, was very solemn. At exactly 11 o'clock in the morning the factory whistles would begin sounding.

At school, in all the classrooms, we would rise, face to the east—toward Flanders Field, if you will, Mr. President, with our hands on our hearts, and remain standing in silence for 1 minute. We knew that all over town—in the factories, the stores, on the street, and in our homes—everyone had stopped and was standing at the same respectful, silent attention, just as we were, at that very moment.

It seemed like the longest minute in the world. And we were all very quiet for a long time after we sat down.

Later during the day there were speeches and parades. But it was that moment of quiet which meant the most to us—whether we were in the fourth grade or were standing downtown, ready to cross the street to go back to where we worked.

Veterans Day is a particularly difficult holiday to observe for most Americans. We do not really live close enough to danger, to battle, to death, to realize the full measure of sacrifice laid down by all those men in olive drab, in brown khaki, in blue, and in grey.

Some of us can still hear, resounding dimly in the muffled stillness, the beat of distant drums, the purposeful cadence of troops responding to their country's call. I think of this every time I listen to the evening news of Vietnam. But it is hard for most of us—living here in the green, rich beauty of America—to think of war, of battle, or heroism, in this 69th year of the 20th century.

Our memory fades as the years fall, one after the other, since that shadowy, bleak test of our will in Korea;

Since North Africa, and Normandy, and Guadalcanal, and Iwo Jima;

Since Belleau Wood and Chateau-Thierry;

Or, since our Nation came of age, at Appomattox.

It takes real effort, today, to conjure up the fields of valor, to vision the endless columns of doughboys in World War I, trudging through mud and rain and the shell-pocked dirt of France.

Even World War II is 25 years past. And Korea, so recent, so much the bellwether of the modern conflict, is slowly fading from our day-to-day consciousness.

Yet, through all these threads of distant thunder and far-off battlefields, there is a common pattern, a deep, underlying skein which binds together the entire fabric of our Nation.

It is molded in a system that breeds American men to be resolute and determined in defense of their country, their towns, their families, their children.

What I am talking about is the inner genius, the spirit of America; the compulsion of a people who conquered a wilderness,

Who fought and survived a Civil War to forge a stronger union,

Who fought two World Wars to gain a time of peace,

Who lifted this Nation to an unprecedented, unheralded pinnacle in the history of nations—

And who gave their lives that this might be so. Before this sacrifice we stand abashed.

Surely a part of this genius is rooted in the simple belief that our Nation is one with itself. That when one American is affected, is bound up, is thrust into a foreign jungle, is cast into a war, then all Americans are similarly affected, then all Americans are concerned for his welfare, then all Americans join in to help this boy return safely home.

And honor him for what he has endured in the name of this, his country, this flag, this bit of soil which because of its heritage, has been worth to him more than life, more than a personal future, more than anything.

In countless battles on the face of this scarred old planet, the American soldier has known that once his Government sends him into battle, the American people will use all the power at their disposal to safeguard him.

For 100 years we have accepted this as a sacred duty and responsibility of our Government.

Our fighting men, often outnumbered—as at Wake Island, outgunned—as on Bataan, have waged battle far above the call of duty because, deep down, every American soldier believed his country stood behind him and would do all that it could to protect him.

How well has this ethic—this sacred duty—stood the test of time? Does this grand faith, this noble belief still hold true? Will we now let down this man—this boy with the strength of newly found manhood?

This week we will be tested, not on the battlefield of Vietnam but in the streets of Washington.

Would that we could stand, yet again, all Americans, for 1 minute of silence.

And through that silence heed the distant echo of unity; the bell that rings, faintly but clearly, for honor, and truth, and sincerity. Would that we could be truly one Nation, under God—indivisible.

VETERANS DAY

Mr. PEARSON. Mr. President, today we pause to honor the many who have sacrificed so much to keep our precious freedoms intact over the years. In this era of demonstrations, it is important for each of us to set aside at least a little of our time on this day of national recognition for our veterans to remember what they have done for all of us. Without them, our precious independence would have been lost a long, long time ago.

Our veterans continue to serve our country in a wide variety of ways. Not only as individuals, but through such fine organizations as the Disabled American Veterans, the Veterans of Foreign Wars, and, of course, the American Legion, many of our veterans are adding still more to their already illustrious record of public service. These and a number of other excellent veterans' groups are quite active in community service programs all across the country. Moreover, they sponsor a number of rehabilitation and scholarship projects that are worthy of the support of us all.

Mr. President, our veterans play another role in our society that many of us in public life, particularly those of us who are veterans ourselves, deeply appreciate. I am speaking of their continued efforts to represent service in the Armed Forces as an honor and a privilege, not a punishment. Too many of today's youth scorn the armed services and ridicule the patriotism that motivates those who have made the defense of our country their profession. Veterans, as parents, and as leading citizens, have done much to stem the rising tide of cynicism that occasionally seems to threaten to engulf our youth. The fact that it has not and will not is due in no small part to the unceasing patriotic example set by our veterans.

Mr. President, I and the 286,000 other veterans in Kansas are particularly proud today, because in many respects it is fair to say that Veterans Day had its origins in Kansas. As we all know Veterans Day used to be called Armistice Day and was celebrated primarily as the anniversary of the signing of the Armistice on November 11, 1918, in the Forest of Compiègne by the Allies and Germans, thus ending World War I. Armistice Day celebrations were regularly held each year after the end of the Great War, but it was not until 1938 that Congress passed a bill declaring that each November 11 "shall be dedicated to the cause of world peace and hereafter celebrated and known as Armistice Day."

In Emporia, Kans., on November 11, 1953, instead of an Armistice Day program, a Veterans Day observance was held to honor those who had fought in all of America's wars, not just World War I. This marked a new beginning for a national expression of gratitude to our veterans. Former Kansas Congressman Ed Rees, of Emporia, was so impressed by the 1953 ceremony that he introduced a bill into the House of Representatives to change the name of Armistice Day to Veterans Day. After this passed, the late Mr. Rees wrote to all State Governors and asked for their approval and cooperation in observing the changed holiday. The name was soon changed to Veterans Day by act of Congress on May 24, 1954.

Thus, Mr. President, you can see that the people of Kansas have played an interesting and influential role in making November 11 a national day of remembrance honoring all who have served our country in the armed services from the Revolution to Vietnam. But that is only to be expected from a State that has long been active in helping and honoring those of her sons who had been in the Armed Forces. For example, in 1945 the State legislature established the Kansas office of Veterans Affairs primarily to afford field services in all areas of the State to veterans and their dependents. This service was offered through the facilities of 15 field offices and itinerant service at more than 150 other locations.

In order to offer a better coordinated and more effective service, the legislature very wisely combined the two agencies effective July 1, 1951, and in lieu thereof established the Kansas veterans' commission as a division of the State department of social welfare. In 1953 the State legislature established the Kansas veterans' commission as a separate agency. The Kansas veterans' commission consists of a three-member commission, a director, an administrative assistant, a field service consisting of 14 field offices located strategically throughout the State, and eight offices operated in cooperation with the major congressional chartered veterans organizations located in Veterans' Administration facilities servicing Kansas veterans.

Mr. President, the Congress too has done a great deal to try and repay to some small degree the debt the people of the United States owe to those who have defended their freedom. More needs to be done and doubtless will be in the months and years ahead. Today, however, let us halt long enough in our deliberations to pay homage to all those veterans, living and dead, to whom this national day of recognition is dedicated.

Mr. President, I ask unanimous consent that the original Armistice Day proclamation issued 50 years ago by President Woodrow Wilson on November 11, 1919, be reprinted at this point in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

> To my fellow-countrymen: A year ago our enemies laid down their arms in accordance with an armistice which rendered them impotent to renew hostilities, and gave to the world an assured opportunity to reconstruct its shattered order and to work out in peace a new and juster set of international relations. The soldiers and people of the European Allies had fought and endured for more than four years to uphold the barrier of civilization against the aggressions of armed force. We ourselves had been in the conflict something more than a year and a half. With splendid forgetfulness of mere personal concerns we remodeled our industries, concentrated our financial resources, increased our agricultural output and assembled a great army, so that at the last our power was a decisive factor in the victory.
>
> We were able to bring the vast resources, material and moral, of a great and free people to the assistance of our associates in Europe who had suffered and sacrificed without limit in the cause for which they fought. Out of this victory there arose new possibilities of political freedom and economic concert. The war showed us the strength of great nations acting together for high purposes, and the victory of arms foretells the enduring conquests which can be made in peace when nations act justly and in furtherance of the common interests of men.
>
> To us in America the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it had freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations.

Mr. THURMOND. Mr. President, today is one of honor and recognition for the men and women who have served in the Armed Forces of this country. These Americans, in times of war and peace, have protected the ideals of freedom upon which this great Nation was founded. Many have died in order that we may live in a free society. However, at the present time, there are those who are willing to taste citizenship, but, at the same time, are not willing to fulfill the obligation that we all have to our country. We must remember that every right carries a responsibility and we must be willing to accept that responsibility.

This morning I visited the Veterans Administration hospital in Washington and had the opportunity to meet and talk with many of the patients. On behalf of the Congress, I expressed our gratitude for the service they have rendered to their country.

The veterans of this country as a body, represent one of the strongest forces for the preservation of our Nation. They have been asked to serve and make sacrifices for our country and in so doing have grasped the ideals and principles that made this country great. One of the strongest assets of our Nation and society has been the stability and responsibility demonstrated by its veteran population.

On this day we must all reassert our pride in being Americans and pay tribute to our veterans who have served our Nation well. But we must also remember that Veterans Day also expresses, in a unique and meaningful way this Nation's hope for peace for all mankind—peace with freedom and honor.

Mr. BAYH. Mr. President, today is Veterans Day, a time when we honor the men and women who have given their efforts and their lives to insure the continuation of our fundamental concepts of freedom and justice.

As we pay respect to our veterans and what they have contributed to the welfare of the United States, we cannot help but think of the real meaning of patriotism and its application in today's world. It seems to me that Adlai Stevenson expressed his thoughts on this in a most appropriate manner in the following quotation:

> What do we mean by patriotism in the context of our times? A patriotism that puts country ahead of self; a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a life-time. These are words that are easy to utter, but this is a mighty assignment. For it is often easier to fight for principles than to live up to them.

This is the kind of patriotism we need; this is the kind of loyalty and devotion to country displayed by so many American veterans who have fought not only for a just cause at a particular time but who have had a sustaining commitment to the United States and the principles of our Government.

Mr. MATHIAS. Mr. President, in the course of my life, I have known the veterans of six wars. In my childhood, I met and often talked with the men of Antietam and Gettysburg—the gallant boys in blue or gray who lived on to be the wizened bards of their own heroic saga. I knew the men of San Juan Hill and Santiago who always carried themselves with a little of the confidence and flamboyance of their own hero—Teddy Roosevelt. Many of the veterans of World War I will always bear the mark of the brutal war they fought.

I cannot summarize in a few words my own generation of World War II veterans, my classmates, my shipmates, the fellows I met casually as strangers and will never quite leave as long as I live.

The men of Korea fought a terrible war and its hardships are reflected in their lack of talk about it.

The men of Vietnam are perhaps the most heroic of all, since it is they who have lived and fought and died on faith alone.

The fact that we have had—and been—and known veterans is not in itself unique. All of us who have lived through the excitement of the human drama of conflict reflect on our own experience with the mixed emotions that have characterized veterans through all ages. As we grow older, we are all more like the veterans of King Henry's wars, who were described by Shakespeare:

> He that outlives the day and comes safe home,
> Will stand a-tiptoe when this day is named,
> And rouse him at the name of Crispian.
> Then shall our name,
> Familiar in his mouth as household words . . .
> Be in their flowing cups freshly remembered.

It is not that veterans are usual in human society that surprises us. It is rather that in our society we have seen veterans of so much bitter fighting and veterans of so many vital causes. To each one of them, the Nation owes an individual debt for which no adequate payment has yet been devised. It is a debt of the same character and inviolable nature as the obligation that each of us owes his nation and his people when dangers threaten.

It is the proliferation of danger to society and to our Nation that has created so many veterans. It is this same proliferation that should renew our resolves to find different ways to settle the differences that divide men and embroil armies in war.

Only when we have done this, for the benefit of all men, will we have approached a recognition of the debts we owe to the veterans of all wars.

Mr. KENNEDY. Mr. President, today, on Veterans Day, we pay tribute across the Nation to the men and women—living and dead—who have served in our Armed Forces. These brave citizens answered the call of their country in times of military need. They sacrificed opportunities. They risked their lives. They fought for freedom.

Many fell in battle. Many others continue their contribution as private citizens. Today we honor both.

At the present time, there are over 27 million living American veterans, and veterans and their families make up close to half of our population. In my own State of Massachusetts, we have over 800,000 veterans. And approximately 1,200 GI's return to civilian life in Massachusetts each month.

It is especially fitting and proper, I believe, that we should pause to honor our veterans at a time when we pause as a nation to reexamine our current military activity in Vietnam.

For no matter how any citizen may feel about the merits of that conflict, many Americans serving there and elsewhere are performing bravely in extremely difficult circumstances. They endanger their lives daily—under grueling psychological and physical pressure in unfamiliar surroundings. Many have been wounded. Most have seen their friends injured and killed. All have given up personal comfort and gain for the service of the Nation.

For their quiet sacrifice, these dedicated men and women deserve our highest admiration and respect. Whether or not we care for the war, we must show that we care for the men.

And so, on this November 11, we honor both the dedicated veterans of yesterday and the active servicemen of today. As citizens of all beliefs, from all walks of life, we express our respect for the dignity and bravery and patriotism and unselfish spirit of those who have served, and lived and died for our country.

Over 100 years ago, Abraham Lincoln stressed the duty of the United States—to care for him who shall have borne the battle and for his widow and orphan.

As a former chairman of the Subcommittee on Veterans' Affairs, I am proud to reaffirm my commitment to that sentiment. And I shall continue my effort here in the U.S. Senate to pass legislation and programs responsive to this fundamental obligation.

Finally, Mr. President, let us note that Veterans Day is a celebration not of war, but of peace—the anniversary of the signing of the armistice which ended World War I. In this spirit, let us all work together both to further the cause of peace and to honor and serve those who have sought to make it possible.

VETERANS DAY AND PEACE

Mr. RANDOLPH. Mr. President, in company with my colleagues and citizens generally, there is today a remembrance of the veterans of the United States.

The Evening Star of November 11, carries an editorial which is well balanced and meaningful. It does not stress polarization of viewpoints, but its appeal is for understanding in these times of heightened tension, between people and nations.

Yes, Mr. President, men and women of good heart and good conscience and good intent, are desirous for peace—and continue to work for peace. The editor wrote:

> Nearly all Americans want the same thing: A peaceful world and a strong, decent America.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Nov. 11, 1969]

VETERANS DAY

Half a century ago, President Woodrow Wilson proclaimed November 11 as Armistice Day, to honor those who had fallen in the "war to end wars." In 1954, a more realistic Congress changed the name of the holiday to Veterans Day, to pay homage to all those who had worn their country's uniform.

Today, in that spirit, many area residents gathered at the Washington monument grounds to rededicate themselves to the ideals which have made this nation great. They were right to do so.

It has become virtually impossible to hold a rational discussion on the question of Vietnam. We never have believed that all those who oppose the war are "effete snobs." By the same token, those who honor our nation's flag today and support the President's efforts to extricate us from Southeast Asia are neither red-necks nor jingoists.

There is no place in our politics for street clashes between followers of various persuasions. Donnybrooks only play into the hands of those who genuinely wish this country ill. Those who lie in Arlington Cemetery did not die for an America in which such things happen.

If their sacrifice, which we honor today, means anything, it means that all Americans have the right and the duty to think rationally and act peacefully on the great issues of our day.

Later this week, other Americans will be marching for what they think right. Although we do not agree with them, we take them seriously. We take even more seriously their right to march. If they take themselves seriously, they will see to it that their forthcoming march is a peaceful one.

These are difficult days for all of us. But nearly all of us want the same thing: A peaceful world and a strong, decent America. We differ only on means to that end. And this should not be enough to divide us.

No nation which does not respect its past can build its future. Those who undertake the obligations to serve in the armed forces of this country are paying off in part the debt each of us owes for all that we have here.

We are proud to pay tribute to them, and to those who fell in battles not of their own choosing, for ideals which they may have only dimly understood. We are proud of this country's past. And that is why we believe in its future.

VETERANS DAY

Mr. **MUSKIE**. Mr. President, when we pause to observe Veterans Day, we pay tribute not only to our fighting men but to the qualities of American life which they have fought to defend.

Veterans Day is an opportunity to appreciate anew the sacrifices and contributions which American fighting men have made in the pursuit of peace and national independence for nearly 200 years.

It is a day when Americans can unite in respect for those men and women, and for their deeds.

There is reason for a spirit of national unity today. If we reflect on our history, we see that different kinds of Americans have gone to war to protect different personal aspirations and values. We have fought to protect our loved ones, our neighborhoods, our family attitutes, our ethnic traditions, and many other values.

It is out of this diversity of objectives and motivations that America has had to summon the strength and the will to set national goals, to decide public policy and to build a nation.

We have succeeded, not because we were different, but because we have recognized our differences and accommodated to them.

We believe we can disagree with one another but still maintain national stability and purpose.

We believe we can pursue different careers and espouse different life styles and philosophies, and yet agree on the necessity to exercise our individuality in the framework of mutual trust and respect.

Our Armed Forces have taught us that no region, race, or creed has a monopoly on courage, valor, or wisdom under fire. We know, as John Kennedy reminded us, that at the Alamo a man was not asked for a copy of his genealogy before being put to the defense of the outpost.

Veterans Day should remind us that a sense of national unity is essential for freedom in our society, no matter what our differences may be.

In my judgment the greatest contribution to national unity each of us can make is to demonstrate restraint and forbearance in communicating with each other.

This is especially true at a time when there is a tendency to polarize Americans into conflicting camps on so many issues.

Our great challenge today is to build a whole country, one which draws strength and wisdom from the very diversity of its people and their views freely expressed.

We have repeatedly done so in time of war around the globe. Our test is to do so at home. Our experience demonstrates we can do so, and I am confident we will.

Mr. **MANSFIELD**. Mr. President, the senior Senator from Michigan (Mr. HART) is absent from the Senate on official business. However, he has prepared a statement regarding Veterans Day which he would have delivered to the Senate had he been here. I think that Senator HART's words are highly thoughtful and most appropriate. I commend his remarks to all Senators and ask unanimous consent that his statement "Veterans Day, 1969" be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

VETERANS DAY, 1969

Mr. HART. Mr. President, Veterans Day, 1969, finds the nation deeply divided over how best to end our involvement in a war.

However, as we pause to honor those Americans who have fought in the present and past wars, we should, we must make clear that this nation is not divided in its desire for peace.

We cannot know, of course, what message those Americans who have died in battle might have for us today, but I believe their plea would echo the plea of each of us—the plea for "lasting peace and domestic tranquillity."

As we look to the future, let us recall the past and that we fought World War I to make the world safe for democracy and World War II to ensure the Four Freedoms.

The fact that the struggle to achieve those goals continues, does not detract from the effort and sacrifice which went into those two global conflicts.

But if we are to remain true to those who died on battlefields, if we are to remain the people who fought for freedom, we must not sacrifice the right to disagree in the name of unity.

We find our strength in our freedom to disagree, in our freedom to march today in the name of national unity and in the freedom to march later in the week to petition for a different route to peace.

While those who may march today favor one policy, and those who may march this weekend, a different one, most of the marchers have the same end in mind—lasting peace and domestic tranquillity.

In our search for the best route to those goals, let us pledge not to seek to silence, whether by word or deed, those with whom we disagree.

Let us recognize that the right to disagree and to articulate that disagreement is vital to building the national unity we need to protect freedom.

There can be no real national unity among a people denied the freedom to petition peacefully for or against their government's policies.

We can best honor our war veterans by protecting the freedoms for which they fought.

TO THOSE WHO HAVE SERVED OUR COUNTRY

Mr. **MONTOYA**. Mr. President, today we honor the millions of Americans who have served in defense of their country. On November 11, 1918, an armistice was signed to bring an end to the war said to end all wars in the world. Regrettably history has not proven this to be true. At the end of World War I from the far corners of the world an estimated 8 million men had died in the conflict. Many American soldiers were among those who fought and died. When the guns went silent there was a tremendous celebration as America's young men returned to their homes. The Armistice Day celebration will never be forgotten by those who were there.

Now, many years later, we honor those men who fought in the "war to end all wars," and we also honor all those who have served since then. World War II, the Korean conflict, and now the Vietnam war, which has now taken more than 39,000 American lives.

Our Nation has called upon its men many times, and has always been rewarded with unmatched loyalty and dedication in defending this great country of ours. Men have interrupted promising careers, or their education—to serve in the Armed Forces where they commonly face disability or death. We have much to be thankful for in having such fine men among us. Today there are approximately 27 million veterans living in the United States whom we honor on this day, as we also honor those who paid the supreme sacrifice and gave their lives in defense of free America.

Also today we honor the many men and women who are now hospitalized because of disease or war injury incurred in the Vietnam war or as a result of past conflicts. I salute our veterans, whose patience, fortitude, and unwavering loyalty have established a high standard truly becoming this great Nation.

There is of course no way in which to measure precisely the value of each serviceman's contribution to his country and hence it is impossible to repay each serviceman and his family in a special way. There is also absolutely no way for a nation to compensate adequately for disability or death. What is possible and what continues to be a welcome reality is the continued development of a comprehensive veterans benefits program that encompasses a whole range of special needs.

I have and will continue to sponsor and cosponsor veterans benefits legislation proven essential to the wide variety of special needs of veterans and their families. Benefits such as medical care assistance needed for disabilities which are service connected, extended nursing home care, income support, and of special significance is veterans educational benefits.

In 1944 the GI bill was enacted. Since then some 11 million veterans have taken advantage of the benefits by returning to civilian life and entering school. We will never be able to measure the benefits accrued from this legislation, but its value in human terms is very clear. We have supported in whole or in part the realization for millions who fought in our behalf—a better education—and in this way helped them achieve a better life.

The Senate recognizes the importance and recently passed a 46-percent increase in veterans educational benefits. I am proud to have helped achieve Senate approval of this increase. I believe it serves as a useful symbol of our country's continuing recognition and remembrance of America's veterans.

Let us remember our veterans not only on November 11 but on all days, and in all ways. Let us remember them in their youth and help them obtain an education, let us remember them if they are disabled by providing the best available medical care, and let us remember them in their old age with income support if warranted.

All veterans deserve our unfailing support and our gratitude for giving generously in times of our country's greatest need.

Mr. MANSFIELD. Mr. President, for myself and on behalf of the distinguished Republican leader (Mr. SCOTT), I ask unanimous consent to have printed in the RECORD a letter dated November 7, 1969, addressed to us by Shaffe T. Courey, national commander of the Military Order of the Purple Heart.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MILITARY ORDER OF THE PURPLE HEART,
Washington, D.C., November 7, 1969.

Hon. MIKE MANSFIELD,
U.S. Senator, Montana,
Majority Leader,
Hon. HUGH SCOTT,
U.S. Senator, Pennsylvania,
Minority Leader,
U.S. Senate:

Whereas the Senate has elected to conduct business on the National holiday, Veterans Day, November 11, I sincerely hope that it will set aside a few moments at 11 a.m. to pay respect to the 38.5 million men and women who have contributed to the security of our Nation in seeking peace with honor. The military order of the Purple Heart is host for the National Veterans Day Observance at Arlington National Cemetery, in addition to nine regional ceremonies throughout the Nation. Never before have we witnessed such keen and sincere interest in the observance of Veterans Day as this year. Most ceremonies in schools, churches and other public meeting places are to commence at 11 a.m., signifying the time that peace came to the world on November 11, 1918. I hope that Members of the Senate will not overlook this revered occasion and will appropriately pay respect to the more than 27 million living veterans at 11 a.m., Tuesday, November 11. This will be a clear demonstration to our citizens and the rest of the world that we have united love and respect for our flag, our Nation and for those who time and again have sacrificed to maintain peace with honor.

Official:

RICHARD P. GOLICK,
Adjutant General.
SHAFFE T. COUREY,
National Commander, Military Order of the Purple Heart.

STATEMENT OF SENATOR RANDOLPH WITH RESPECT TO CONSULAR CONVENTION WITH BELGIUM AND AGREEMENT WITH CANADA ON ADJUSTMENTS IN FLOOD CONTROL PAYMENTS

Mr. RANDOLPH. Mr. President, yesterday in the Senate there were votes on two matters and inadvertently I was not recorded as favoring those measures had I been present.

The first vote was on Executive F, 91st Congress, first session, and dealt with Consular Convention with Belgium. The second vote was on Executive H, first session, 91st Congress, the agreement with Canada on adjustments in flood-control payments.

Had I been present I would have voted "aye" in both instances.

Mr. President, I was in West Virginia at the time of these rollcall votes. Earlier I had attended the funeral services in Fairmont for William D. Evans, who was a beloved and respected journalist and editor for approximately 40 years in our State.

I express at this time, for unnumbered West Virginians, their appreciation for the fruitful life Bill Evans lived and for the day-by-day counseling he gave thousands and thousands of our citizens.

JUDGE HAYNSWORTH

Mr. COTTON. Mr. President, the time is approaching when each Member must vote for or against the confirmation of Clement F. Haynsworth, Jr., as Associate Justice of the Supreme Court of the United States.

Every Senator has enough homework to do if he studies the testimony and masters the details of matters coming out of his own committees. On other matters he is justified in depending to a certain extent on the reports of the committees handling them and upon the recommendations of colleagues in whom he has confidence, who serve on the committees involved.

In this instance, however, I feel that the issues at stake in the confirmation of Mr. Haynsworth are so important, the public interest so keen, and the controversy so heated, that it is the duty of every Senator to make his own study of the testimony before the Committee on the Judiciary and not take his information secondhand either from his colleagues, the White House, or the Department of Justice, and certainly not from press reports, columnists, and commentators. Therefore, I have taken the time during the past three weekends to familiarize myself with all the evidence brought forth in the committee hearings. I do not claim that I have read every word of every witness, but I did review his testimony enough to analyze his position and I read and in some cases reread with great care the more vital testimony that bore on Judge Haynsworth's conduct as a jurist and his attitude as an individual.

As a result, I arrived at certain conclusions which I shall state as briefly as possible.

First, I did not need to rely on the searching analyses of the alleged improprieties of Judge Haynsworth by the able Senator from Nebraska (Mr. HRUSKA) and the able Senator from Kentucky (Mr. COOK) to reach the inescapable conclusion that these matters have been magnified far out of proportion to their significance and do not reflect in the slightest degree upon the honor and integrity of Judge Haynsworth. It is absurd to believe that a man of substantial wealth, both inherited and accumulated through long years of professional practice, would be swayed in his decision on a case by the remote possibility that it could affect his own pocketbook by a few cents or at most a few dollars.

If that were true, the President could not carry out his avowed intention of appointing to the Supreme Court men with previous judicial experience, because the probability is that no man with any means at all who has participated in many decisions would be entirely immune from such attack. We would have to vote upon those without judicial experience who were only practicing lawyers, as we have at least three times in recent years, or the nominations would be confined to those who were not successful enough in their profession to have acquired any of this world's goods. Indeed, most of us in the Senate would ourselves be subject to attack for much of the legislation upon which we act could affect even the least affluent of us if a dollar or a fraction thereof is to be the test.

A man's reputation should be the determining factor in a situation like the one now before us. I cannot believe that Judge Haynsworth could have spent most of his 56 years practicing law in a medium-sized town, and sitting as judge of a Federal court of appeals having jurisdiction over the southeastern part of the country, without having left in the minds of the people with whom he is associated a clear picture of what kind of a man he is. One of the tasks undertaken by the American Bar Association committee, in connection with the making of its recommendation, was to interview both lawyers and judges who have been associated with the nominee. The chairman of the association's committee, Judge Lawrence E. Walsh, gave this testimony about those interviews:

> As far as integrity is concerned, it is the unvarying, unequivocal and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is beyond any reservation a man of impeccable integrity.

The six other judges of the Court of Appeals for the Fourth Circuit, on October 9, sent Judge Haynsworth the following telegram:

> Despite certain objections that have been voiced to your confirmation, we express to

> you our complete and unshaken confidence in your integrity and ability.

I find this support from the people who know the nominee best much more impressive than the hit-and-run tactics of the opposition. I find it a good deal more convincing than the journalistic ramblings of some instant experts on ethics which this nomination seems to have produced.

I have too high a regard for the integrity of all my colleagues in the Senate and am too conscious of my own frailties to question the motives of any, but I am forced to conclude that, though they may be unconscious of the fact, these alleged irregularities are not and could not be the real reason for the opposition to Judge Haynsworth—they are only a smokescreen. The basis of the opposition to his confirmation within and without the Senate is that his opponents have an instinctive feeling that Judge Haynsworth is a biased and bigoted individual, incapable of the detachment and objectivity which is a required qualification for one who sits in judgment and interprets the law. They see in Judge Haynsworth a member of an old southern family who for five generations have practiced law in the same South Carolina community. Therefore, they assume he must be race conscious and weak on civil rights. They know that members of his family have long been identified with the textile industry. Therefore, he must be against labor.

In the 12 years that he has sat on the U.S. Court of Appeals for the Fourth Circuit, Judge Haynsworth's record is a complete refutation of these suspicions.

In the case of Lankford against Gelston, he participated in the opinion that an injunction should issue to prevent the Baltimore police from making blanket searches on uncorroborated anonymous tips. Most of the homes searched were occupied by Negroes. The court took note of the deteriorating relations between the Negro community and the police in Baltimore and said that "it is of the highest importance to community morale that the courts shall give firm and effective reassurance, especially to those who feel that they have been harassed by reason of their color or their poverty."

In Hawkins against North Carolina Dental Society, Judge Haynsworth wrote the opinion which desegregated the North Carolina Dental Association. He joined in North Carolina Teachers' Association against Asheboro City Board of Education, reversing a lower Federal court which had upheld the displacement of Negro teachers who had lost their jobs to whites when schools were integrated. He joined the Court's decision applying the Civil Rights Act in the case of Newman against Piggy Park Enterprises.

In addition to these, I note that Haynsworth wrote an opinion holding, over vigorous dissent by other members of the court, that a Federal court had properly released Rap Brown on his own recognizance—Brown against Fogel.

Mr. President, a judge, whatever his background and tradition may be, who insists, over opposition, in according to Rap Brown the full measure of his rights can hardly be charged with racial prejudice.

Reference should be made to the testimony of Prof. G. W. Foster, Jr., who prefaced his detailed statement by saying:

> By faith I am a liberal Democrat, and while Judge Haynsworth would not have been my first preference . . . I am convinced that it is both wrong and unfair to charge that he is a racial segregationist or that his judicial record shows him to be out of step with the Warren Court on racial questions. I now support his nomination unreservedly.

Reading charges made by the AFL–CIO, one might assume that Judge Haynsworth had never written a pro labor opinion. Yet, as it was subsequently pointed out, opinions in eight cases sustaining decisions by the National Labor Relations Board against various corporations were written by him, and he has participated in at least 37 pro labor decisions.

I can find no reason to believe that Judge Haynsworth has allowed any prejudice to affect his service on the court.

Mr. President, there has been so much discussion in the press and elsewhere concerning Judge Haynsworth's fitness and impartiality that too little has been said about what he can bring to the Supreme Court of the United States.

I believe that what the Supreme Court needs now, more than it needs a doctrinaire "liberal" or a doctrinaire "conservative," is a judicial craftsman who can write clear, concise opinions so that judges, lawyers, legislatures, and citizens throughout the country will be able to know exactly what the law is. Those who have objectively evaluated Judge Haynsworth's abilties and temperament believe that he is ideally suited to fill that role. Prof. Charles Alan Wright, himself a distinguished scholar of the law, stated:

> It would be very hard to characterize Judge Haynsworth as a "conservative" or a "liberal"—whatever these terms may mean—because the most striking impression one gets from his writing is of a highly disciplined attempt to apply the law as he understands it, rather than to yield to his policy preferences.

Professor Wright added that Judge Haynsworth's opinions are direct and lucid explanations of the process by which he has reached a conclusion. He faces squarely the difficulties a case presents, but he resists the temptation to speculate about related matters not necessary to decision.

One area of concern to the Congress and to the country alike is the field of criminal law, in which many people have felt that the present Supreme Court has placed too great an emphasis upon the rights of a criminal defendant, as opposed to the rights of society. Here I think Judge Haynsworth will bring a needed balance. His opinions in the field of criminal law are neither those of a "hanging judge" nor those of a "bleeding heart." Instead, they are ably written and pragmatic solutions to thorny questions, which reasonaly balance the right of every criminal defendant to a fair trial against the right of society to be protected.

In United States against Chandler, Judge Haynsworth wrote for his court a masterful opinion canvassing the law of "insanity" as a criminal defense, and concluding that the best rule was that previously formulated by the American Law Institute. But even as he adopted this modern rule which gives more latitude to modern psychiatric knowledge, he stated that "Criminal law exists for the protection of society."

In another case, Rowe against Peyton, he combined scholarship with practicality to conclude that an old Supreme Court precedent was harmful to both the prisoner and to the State, and therefore would ultimately be overruled by that Court. He proved correct in this prediction. In yet another case, Hayden against Warden, he wrote a separate opinion urging the overturning of an earlier doctrine which he felt unnecessarily restricted police in their scientific investigation of crime. In this view, he was ultimately upheld by the Supreme Court.

In his years on the bench, Judge Haynsworth has demonstrated high legal capacity. He is in every sense of the word a "lawyer's lawyer" and a "judge's judge."

The American Bar Association's Committee on Judicial Selection rates Judge Haynsworth as "highly acceptable from the viewpoint of professional qualifications."

Mr. President, I shall vote to confirm Clement F. Haynsworth because I believe him to be honorable, because I believe him to be fair, because I believe him to be competent.

It is always a grave responsibility when the Senate has to pass on the qualifications of an individual nominated by the President of the United States to serve for life on the highest court in the land. Certainly it is the duty of each Senator to satisfy himself most carefully as to the character and ability of the nominee before placing the mark of his approval upon him. It is no less the duty of each Senator to be very sure of his grounds before he votes to reject. It would indeed be a tragedy to place a stigma on one who has been universally honored and respected by his fellow citizens through long years of practice at the bar and service on the bench. In my opinion, we are not justified in doing that except for the gravest and most serious reasons. No frivolous or purely technical objections would ever justify such action.

Nor, in the opinion of this Senator, are we justified in voting to reject a nominee because we think we might not agree with his political or social philosophy. In my service here I have voted to confirm nine Justices of the Supreme Court, with whose political philosophy in the majority of cases I was quite sure I differed. Early in my service here, it was impressed upon me by those seniors who were steeped in the traditions of the Senate that the sole test which we were justified in requiring from the President's nominee was character and ability. Mr. President, I believe it would be most unfortunate if we now change that test. For if Judge Haynsworth should be rejected, I believe it would be purely because of his supposed background and beliefs and not for any other reason.

Therefore, Mr. President, in voting to confirm him, I am not only, according to my own conscience, doing justice to Clement Haynsworth but I am also in a deeper sense voting to preserve the standards of this Senate. It will be a sad day when we let politics sway our judgment on the character of men.

Mr. THURMOND subsequently said: Mr. President, the very able and distinguished Senator from New Hampshire has given a great deal of thought and study to the record concerning the nomination of Judge Haynsworth to the Supreme Court. As a result of this careful and detailed reading of all the evidence, Senator Cotton has announced his intention to support Judge Haynsworth.

It is heartening to see a man of such high character and such dedication to principle come out strongly for the confirmation of Judge Haynsworth. Senator Cotton has noted the objectivity with which Judge Haynsworth has approached various issues before him and has determined that he is a man who possesses the character, ability, and integrity to serve with honor on the U.S. Supreme Court.

I should like to commend the distinguished Senator from New Hampshire for his fine remarks and to express the hope that all those Senators who have doubts regarding this matter will study the record as carefully and thoroughly as Senator Cotton has.

BOTH SIDES SHOULD BE HEARD

Mr. MOSS. Mr. President, last week on the Senate floor and in the newspapers some dissatisfaction was expressed concerning President Johnson's efforts to provide a modern nursing home for the senior citizens of Austin, Tex. The home that was constructed features the kind of innovation that I find all too lacking in my investigations of nursing homes in America. As chairman of the Subcommittee on Long Term Care for the Elderly, I have spent many days and weeks in hearings on adequate nursing homes.

So, although I have no direct knowledge of the transactions involved, I do believe that both sides should be heard. Accordingly, I ask unanimous consent that a letter to the editor of the Washington Post from former Secretary Wilber J. Cohen be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

School of Education,
University of Michigan,
Ann Arbor, Mich., November 4, 1969.

Editor,
Washington Post,
Washington, D.C.

Usually the reader of the Washington Post can find on its editorial pages (whether he agrees or disagrees) some of the most intelligent and thoughtful discussions of the major issues of our day.

I was shocked, therefore, to read your editorial of November 3, 1969, relating to Senator John William's charge concerning the Geriatric Center in Austin, Texas. It reflects a disregard of all the facts and a judgment rendered out of that ignorance.

As Undersecretary and Secretary of Health, Education, and Welfare during 1965–68, I am thoroughly familiar with President Johnson's efforts to stimulate the construction and operation of an innovative model nursing home since all of us were appalled at costs and conditions in nursing homes.

Those efforts go back at least to 1966 (if not earlier) when President Johnson began urging us in the Department of Health, Education and Welfare to develop a model Geriatric Center in this country with modern research capability which would include nursing home facilities and housing for the elderly. I brought one of the most distinguished experts in this field from England, Dr. Lionel Cosin, to meet with the President and myself in order to plan a nursing home program which among other things, would help to rehabilitate persons for self-care.

On October 12, 1966, President Johnson established a Task Force, including health experts and architects, to put together the basic framework for a model Geriatric Center and Nursing Home.

In January, 1968, when federally-owned land at the National Training Site in the District of Columbia became available, President Johnson asked that it be used to build a "new town in town"—including housing and schools as well as a model nursing home.

At that time, it was believed that it would be possible to build the project promptly, since no one was living on the land (and therefore no one would have to be displaced), and since the Federal Government owned the land in an essentially federal city, the District of Columbia.

President Johnson and the Department of Health, Education and Welfare also encouraged the National Medical Association Foundation, a group largely composed of Negro doctors, to put the nursing home project together. The concept provided for operation in conjunction with the Medical School of Howard University. It was hoped this would set an example for the rest of the country; that it would encourage cities and states to use surplus or available government land to build new innovative projects within existing cities, complete with housing and medical facilities.

Due to a variety of local problems, and despite every effort by President Johnson to achieve this goal, it was not feasible to use this Washington site. Nevertheless, a number of ideas which we wanted to utilize had been developed for the construction and operation of an experimental nursing home.

It should be kept in mind that Congress had spelled out in Section 1902(a)(28) of the Medicaid law a series of six requirements for nursing homes and in Section 1908, six requirements for nursing home operators. I felt strongly then—as I do now—that we needed more experimental projects in this entire area.

In 1968, when the tract of Federal land in Austin, Texas became available, it seemed like a stroke of good fortune to try and utilize it for a nursing home experimental project. This land had originally been purchased by the City of Austin 30 years before for $11,000. At that time the then Congressman Lyndon B. Johnson prevailed upon the city to give this land to the Federal Government for use as a fish hatchery.

In 1968, the Department of the Interior in two separate actions, found this land to be excess to its needs. In August 1968, the first portion of this tract of Federal land to be declared excess was used to construct model low-cost housing. Ten houses were built on that land, each costing less than $8,000, in an experiment with new building materials and techniques that many feel is the genesis of "Operation Breakthrough."

The second portion of this land which was declared excess involved the remaining 26 acres, on which it was decided to build the modern geriatric center. Originally, the plan was for the University of Texas to operate the experimental nursing home. Because of legal limitations, the University of Texas was unable to finance and operate a nursing home and therefore were unable to accept the land. Therefore, a non-profit public corporation was formed for this purpose.

The three directors of that corporation during its organizational phase were Frank Erwin, Chairman of the Board of Regents of the University of Texas system; Roy Butler, President of the Austin School Board; and John Burns, President of the City National Bank of Austin and a member of the Austin Public Housing Authority. (J. C. Kellam signed the original papers as director but resigned after 3 days and was replaced by John Burns).

Mr. Erwin was chairman of this public group because it was contemplated that the University of Texas would monitor this project and would deploy its academic, medical and other scientific expertise for experimentation and research in care of the elderly. Messrs. Butler and Burns were chosen not merely because of their high standing in the Austin community, but because both were directors of St. Jude's, a non-profit organization which operates two nursing homes and a psychiatric center.

The Interior Department declared the land "excess" in late 1968. This "excess" property was declared "surplus" property shortly thereafter, a legal act solely and fully within the authority of the Administrator of the General Services Administration.

Under the law, the Administrator "in his discretion" assigned this surplus property to the Secretary of HEW for health purposes including research. This was perfectly appropriate, since the law places total discretion in the Administrator. At that time, the Administrator of GSA and his deputy indicated that there was ample precedent for such action without regard to the 30 day waiting period.

Under the law, the Secretary of HEW in fixing the value of property "shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property . . ." As is common in such cases where property is to be used for schools, hospitals, or nursing homes, I directed that the property be donated under this provision to the public non-profit corporation with every expectation that with the full cooperation of the University of Texas, the research results which would accrue to the people of the United States would be many times the value of the property.

The organization which received the land was a non-profit public corporation, to be qualified under the Internal Revenue Code and to become a tax supported institution under State law.

Subsequently, by an Act of the Texas State Legislature, the public non-profit corporation was provided tax exemption for the operation of the geriatric center and in effect made a tax-supported institution.

As I understand it, the Internal Revenue Service has already granted tax exemption under Section 501(c)(4) of the Internal Revenue Code. Technically, such exemption should be under Section 501(c)(3) of the code, but I understand that the public non-profit corporation had applied for this exemption and that no problem should exist on this point.

The salient points to remember are: 1) No one that I know of stands to make any profit out of this institution. The only beneficiaries will be the elderly poor in Austin and

all those throughout the Nation who will benefit from the demonstration and research work performed there; 2) This project was the culmination of many months of effort and many attempts to build an innovative geriatric nursing home center in this country; 3) Austin was selected because the surplus Federal property became available, and similar property in the District of Columbia was not able to be used.

There is nothing "unlawful" about the means used. There is nothing "undercover" or "concealed" about this transaction. The deed was filed of public record in Austin. The only "irregularity" may be that the wheels of bureaucracy were pressed to move at a pace that most of us interested in promoting the economy and efficiency of medical service would hope they would move more frequently.

If the Washington Post would review all the facts in this case, it is my judgment the Post would conclude that not only did everyone involved act properly, but also with the highest of motives, and with a desire to improve the quality and efficiency of nursing homes and to advance the quality of life for our Senior Citizens.

WILBUR J. COHEN,
Dean.

AUSTIN, TEX., REAL ESTATE TRANSACTION QUESTIONED

Mr. WILLIAMS of Delaware subsequently said:

Mr. President, as appearing in the RECORD on Thursday, October 30, I criticized the manner in which 26½ acres of Government property in the center of Austin, Tex., had been given to a group of Texans under procedures which were in direct contradiction to Government regulations.

Today the Senator from Utah (Mr. Moss) incorporated in the RECORD a letter written by former Secretary Wilbur Cohen as addressed to the Washington Post wherein Mr. Cohen tried to defend this transaction.

Now, I respect those individuals who are charitably motivated in contributing their money or their talents toward helping their fellow men, but let us get the record straight. The only charity in this instance was the charity of the American taxpayers, who were losing possession of property that had an appraised valuation of over $2 million, property that was being given to this group of Texans. Furthermore, this property was transferred to this group under procedures that were in direct contradiction to all rules of disposing of Government property.

While it is true that under the contract this group of Texans was committed to build and operate a geriatric center on this site for the next 30 years, it is also true that under the arrangements not only was this group receiving the real estate as a free gift but in addition the Government had approved loans totaling $8½ million to finance its construction and HEW and HUD had approved grants aggregating over half a million dollars to begin the subsidizing of its operation.

Furthermore, the property itself at the time of its selection had not been declared surplus to the needs of the Interior Department, which agency had been operating it as a fish hatchery. Nor did Mr. Cohen comment on the fact that these cash grants and the transfer of this free land had been approved by him over the objections of the evaluating board of the respective agencies.

I point out that not withstanding all the flowery statements of the charitable intentions of this group of individuals Mr. Cohen overlooked mentioning the fact that in all of these arrangements not one dime of their own money was committed. All their plans are centered around the fact that for the next 30 years they are to act as the conduit for the expenditure of millions of dollars furnished by the American taxpayers.

During this 30-year period contracts for the construction of buildings being financed 100 percent with Government money and operational contracts for the buildings after construction, again being financed with Government subsidies and grants, could all be awarded or spent as they see fit.

Likewise, in defending this project, while placing great emphasis upon their desire to help the poor elderly in that area, Mr. Cohen forgot to mention that after having operated this project for 30 years with Government subsidies and Government financing, at the end of that period this land, which has a present-day value of over $2 million, plus all improvements thereon in the interval could accrue to them as the organizers.

There is not one word in this contract which provides that at the end of the 30-year period the so-called poor elderly, for whom they now express so much sympathy, would be the beneficiaries of one dime.

Let us not be deluded: If this project had been negotiated with the charitable idea of helping these elderly the contract would have provided that at the end of the 30 years this valuable property would have accrued to the elderly and not to a group of Texans who happened to have had a close enough relationship with the White House to have gotten their hands on it in the first place.

Furthermore, at the time this property was transferred to this group it was on the premise that they had been approved as a tax-exempt organization, but in reality no such approval had ever been made.

I have already called this transaction to the attention of the Department of Justice, and I shall continue to insist that the interests of the American taxpayers be protected and that this land be returned to the Federal Government.

In order that today's RECORD may be complete, I ask unanimous consent that the complete text of my statement of October 30, outlining the details of this strange transaction, be printed in the RECORD; and for continuity, I ask unanimous consent that my remarks and insertions here today follow the earlier insertion of Secretary Cohen's letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN J. WILLIAMS

Mr. President, today I call attention to a highly questionable transaction wherein real estate with a real value of over $2 million was given away in the last 90 days of the Johnson Administration.

Between October 21, 1968, and January 20, 1969, a group of Texans Mr. J. C. Kellum, Mr. Roy A. Butler, and Mr. Frank C. Erwin, Jr., formed a nonprofit corporation and then received a free gift from the Government of 26½ acres of choice real estate in the center of Austin, Texas. A low value of $642,000 was used, but actually this valuation was far too low since in the Government files at that same time was an earlier appraisal which showed a valuation on this same land of over $2 million. As if that were not enough, in addition to receiving this gift of land this same group was approved for large cash grants from the Department of Health, Education, and Welfare and for Federal Housing Administration loans totaling over $8 million to build a nursing home and apartments on this same project. F.H.A. loans are not supposed to be for more than 90 per cent of the construction cost. To provide the necessary 10 per cent down payment the group pledged as collateral the land which the government had just given them plus the proceeds of three cash grants awarded them by H.E.W. totaling nearly a half million dollars. This meant that the group would have no money invested in the $10 million project.

The files indicate that these liberal transactions were arranged upon orders from the White House, and official approval was given by the Secretary of Health, Education, and Welfare, who overrode the strenuous objections of subordinates who recognized this deal as a land grab in which the interests of the Government were not being properly protected.

I shall review the chronology of these transactions and let the record speak for itself.

First the President developed the idea of establishing a geriatric center in Austin, Texas. The project was originally supposed to have the sponsorship of the University of Texas; but the University soon withdrew, and then a group of individuals formed a so-called nonprofit organization and proceeded with the plans.

On October 29, 1968, there was a special meeting at the White House to discuss this project. Present were Mr. M. Nimetz, Special Assistant to Mr. J. Gaither, representing the President; Dr. Thomas McCarthy, National Center for Health Services, Research and Development; Mr. H. R. Moskof, President, Committee of Urban Housing; Mr. T. Ray Ogden and Mr. C. L. Tilley, of Brooks, Barr, Graeber and White, of the Washington and Austin offices, respectively; Mr. A. H. Dilly, Vice Chancellor for Health Affairs, University of Texas, Austin; Mr. A. D. Grezzo, Chief, Elderly Nursing Homes and Medical Facilities Branch, F.H.A.; and Mr. J. A. Cunningham and Dr. Milton L. Bankoff, both of Division of Medical Care Administration, Public Health Service.

The purpose of this meeting was to develop a definitive program in response to the President's request for a new and innovative nursing home for Austin, Texas, as soon as possible.

The representatives of the University of Texas expressed their desire to cooperate completely with the President; however, they insisted on a permanent well-built building which would be operated according to high standards.

In view of the local bed situation (1,500 nursing home beds in Austin, which has a population of 200,000 and a new medicenter of 225 beds) and the low amount of financial reimbursement under current Texas regulations it was decided at this meeting that the maximum building size should be 250 beds for the nursing home.

The National Medical Association Foundation (N.M.A.F.) program was discussed in depth, and it was decided to use the N.M.A.F. plan of a continuum of care with construction of a nursing home to be followed by construction of housing for the well-elderly as rapidly as possible. Both were to be included in the master plan for the site which was to be approved as soon as possible so that construction could be begun by December 25, 1968.

The group at the October 29 meeting was told that 26 acres of federal land then being used as a fish hatchery and located five minutes east of the center of Austin, Texas, was available. That was price land and had been valued at $2 per square foot, or over $2 million, but later when transferred this valuation was arbitrarily reduced to $642,000. There appears to be no justification for this lower appraisal.

After much discussion at this October 29 meeting this federal site was chosen. Significantly as of the date this property (consisting of 2 tracts—one of 5.79 acres and one of 20.704 acres) was selected it had not even been declared surplus, nor had the Texas group filed their organization papers.

Two weeks later, on November 15, 1968, the 20.704 acres plus an easement of .390 acres, for a total of 21.094, was conveniently reported as excess to the needs of the Interior Department, and four days later, on November 19, 1968, it was declared surplus. This property was not screened for use by the other federal agencies as is required by the law.

Meanwhile a new group took over. On this same date, November 19, 1968, the Austin Geriatrics Center, Inc., was formed under the Texas Nonprofit Corporation Act with directors and incorporators as follows:

Directors: Frank C. Erwin, Jr., Roy A. Butler, and J. C. Kellam.

Incorporators: Burnell Waldrep, Richard C. Gibson, and William R. Long.

On November 20, 1968, Mr. Sol Elson, Director of Surplus Property, sent a memorandum to Mr. Donald F. Simpson, Assistant Secretary for Administration, giving a status report on the surplus property situation and raising questions which needed to be answered in order to meet tables set by his superiors (namely, to get this transaction cleared before January 20, 1969). In this memorandum Mr. Elson outlined his problem as follows:

1. They had not yet received an application, so they didn't know what the proposed program was.

2. They had no knowledge regarding the nature of the corporation that was to get the property or its financial ability.

They assumed it would be eligible as a nonprofit organization. Since the construction was going to be fully subsidized by the federal government and since the operation might have to be subsidized Mr. Elson felt serious doubt might exist as to the financial feasibility of the project unless there were a pledge for underwriting continuing long-term operations by some financially responsible organization. He requested additional information so that they could meet the Administration's wishes.

On November 22, 1968, their application was filed and sent to Mr. Sam O. Wynn, Regional Representative, Office of Surplus Property Utilization, H.E.W.

On November 26, 1968, the remaining 5.79 acres were reported as excess to the needs of the Interior Department, and the following day, November 27, 1968, Mr. Donald Simpson, Assistant Secretary of H.E.W., gave Secretary Wilbur Cohen a report promising that the property would be ready for delivery by December 11, but Mr. Simpson raised a question as to whether publicity of the transaction would be appropriate.

On November 29, 1968, the 5.79 acres, which on November 26 had been declared excess to the needs of the Interior Department, was officially declared surplus. Again there was no screening of other federal agencies as to its possible use.

On December 6, 1968, Secretary Cohen advised the President that as of December 2, 1968, the 26.5 acres had been officially declared surplus by the General Services Administration, that it had been assigned to H.E.W. for disposal, and that he would be ready to deliver the deed to the Austin group on December 10, 1968, at 2:00 P.M.

On December 10, 1968, the signed deed was delivered to the Texas group with a provision therein for a right of reverter for thirty years if:

1. The property were not used continuously for health and health research purposes in accordance with the application and "the supplement thereto."

2. The Center sells, rents, encumbers, or transfers the property without the consent of H.E.W.

3. The Center fails to report yearly to H.E.W.

4. The Center violates the Civil Rights Act.

The Texas group did have one problem regarding its ability to pledge the property as collateral to obtain financing from the F.H.A. This was soon resolved by the execution of a Consent Agreement on January 10, 1969, which allowed them to use this property, which was costing them nothing, as collateral for an $8 million low interest government loan.

The plan was for the Center to build a large facility, which meant a large loan and a fair amount of equity money. This could be difficult for the Center from a practical standpoint. From a technical standpoint H.E.W. had the right to revert if the Center mortgaged without first obtaining the Department's consent; however, if the Center could comply and had private financing without F.H.A. help it could be difficult to refuse such consent.

Assuming the Department of H.E.W. refused to consent it would be possible for the Center to abrogate the condition subsequently by paying to the Department $642,000 the low GSA appraised figure.

While $642,000 was the appraisal figure used for the transfer of the property to the Texas group, actually at the time of the transfer the agency files showed that earlier the same land had been appraised at well over $2 million. I found no basis for the lower valuation except to make this giveaway transaction appear less odorous.

As mentioned earlier, in addition to the free land this Texas group needed some cash. They were applying for $8.5 million in loans, and the Government required that they furnish ten per cent collateral.

The land they had received as a gift, while actually worth $2.2 million, had been accepted at a low appraisal of $642,000 and therefore would not cover the required ten per cent. (The Government loans are supposed to be for only ninety per cent of the construction costs.)

Again H.E.W. came to the rescue. On January 8, 1969, Mr. Thomas McCarthy, the Deputy Director of the National Center for Health Services Research and Development, wrote the Chief of the Contract Branch requesting that a contract be awarded the Center in the amount of $150,000 with a 12-month period of performance. Mr. McCarthy claimed that the Center had unique, important, and predominate capabilities to do the work they sought to undertake and that therefore it was impractical to secure competition by formal advertising. I suppose what he really meant was that only 12 days remained before the Administration would be out of office and that they did not have time for competitive bids.

On the following day, January 9, 1969, the Center was invited to submit a proposal, which was done on January 10 by Mr. Frank C. Erwin, Jr., President of the Center. The total estimated cost was $150,000, and Articles of the Center were attached indicating it to be a nonprofit corporation incorporated on November 19, 1968.

On January 13, 1969, Mr. William W. Brownholtz, Chief, Cost Advisory Branch, Office of Financial Management, submitted to the Chief of Contract Operation Section, Procurement Division, Health Services and Mental Health Administration (H.S.M.H.A.) an adverse report recommending against giving this contract to the Center. He commented that the contract was to be a cost reimbursement type and that the organization was not ongoing and had not established an adequate accounting system to implement the contract. He also noted that the contract contemplated charging many overhead costs to the contract program. This naturally would be inappropriate if the Center also carried on activities unrelated to the Contract Program as they would have the benefit of overhead cost payments made through the contract. He felt the Center should file a security bond.

On January 14, 1969, Mr. Samuel J. Dick, Contracting Officer, likewise submitted an adverse pre-award onsite evaluation. Some of the points raised in this report were as follows:

1. The Center had no legal domicile, but Mr. Erwin suggested that his office address in Austin be used.

2. The Center had no assets other than the property deeded to them by the Federal Government.

3. F.H.A. mortgage negotiations had not been concluded, but the Center hoped to break ground by January 23, 1969, and commence construction in February. The Center therefore did not have facilities to perform the contract and would not have them until the nursing home was built.

4. The Center did not have an administrative staff or employees. Mr. Erwin was to select an administrative staff and a Director of Research, and the Center hoped to obtain consultants.

5. The Center did not have an adequate accounting system or controls to administer a government contract.

6. The Center did not have financial capacity nor other resources to perform the contract, nor had it demonstrated the ability to obtain such financing. The Center felt advance payments would be necessary for operating capital.

7. The Center had no prior contracts or experience.

8. The contract contemplated was for one year, which was not within the ability of the Center, and it hoped a 2- to 3-year contract would be considered.

In this report of January 14, 1969, it is clear that Mr. Dick felt that the Center did not meet the standards of the Federal Procurement Regulations and recommended that the contract not be awarded.

On January 15, 1969, the following day, a synopsis was published in the Commerce Business Daily indicating that the Center was the sole source for the program by reason of its unique plans and capabilities and that there therefore would be no competition.

On that same day, January 15, 1969, Mr. J. Keesler, Chief, Procurement Branch Office of Procurement and Material Management, H.S.M.H.A., wrote a memorandum to the Deputy Administrator attaching Mr. Dick's memorandum of January 14. He reviewed the file with Mr. Weiner, Office of the General Counsel, and Mr. William Brownholtz, Office of Financial Management, and pointed out that they all agreed that the contract should not be awarded to this Texas group.

But White House pressure was on, and no attention was paid to any of these adverse reports.

On January 17, 1969, H.E.W. signed the contract in the amount of $150,000.

Three days later, January 20, 1969, a government-guaranteed loan in the amount of $2,283,800 was approved for the 168-bed nursing home with the San Antonio Insuring Office issuing a commitment under Section 232 (Project No. 115–43011–NP).

This loan application carried the notation that the closing requirements of about $227,000 would be cared for by H.E.W. grants.

On January 20, 1969 (the same day), a second government-guaranteed loan for $6,350,000 was approved under Section 236 for a 363-unit project designed for elderly with 20 per cent rent supplement units (Project No. 115–44006–NP–SUP).

In addition to the gift of land, this group during the same 90-day period received approval of a series of grants: From H.E.W. $150,000; and from H.U.D. $298,582 interest reduction payment (Section 236) and $58,779 in rent subsidies.

These advance cash grants and the free land received from H.E.W. were the only security advanced as representing the sponsors' ten per cent security for the $8.5-million government loan.

Thus here we have the government, in cash grants and free land, furnishing collateral for their own loans.

Mr. President, an examination of this transaction clearly shows that the free gift of this land and the approval of these cash grants and these $8.5 million in loans were obviously political decisions, and as the result of this last-minute scramble to get just one more grab from the Federal Treasury the taxpayers stand to lose millions.

To illustrate just how bold this deal was I call attention to a memo signed by Secretary Cohen on January 16, 1969, just four days before leaving office.

On January 15 two adverse reports had been received, recommending against the approval of the H.E.W. grants and the transfer of this land to this Texas group.

On January 16, 1969, Secretary Wilbur J. Cohen dictated a memorandum for the file indicating that he had personally reviewed the files, that he knew Mr. Frank Erwin, one of the directors of the Texas group, to be a man of integrity, and that he personally had discussed the project with the officials of the University of Texas who had assured him of their support of the Center. Based on said assurances he was approving the project. There is a hand-written note in the Department files on a route slip, which states:

1. Sign all three copies.
2. Sign memorandum for the record saying you reviewed, etc., and therefore approve the project.
3. Ship whole package to Lewis, and we will get a man on a plane to Texas to get them to sign before January 20.

Mr. President, I question not only the propriety but the legality of this multi-million dollar giveaway transaction wherein all rules governing the disposition of government property were ignored. Grants were made and loans were approved for this group in a manner which underscores bureaucratic contempt for the American taxpayers. This transaction cannot remain unchallenged.

I am today requesting the Department of Justice to investigate this transaction and take whatever steps are necessary to protect the interests of the Government and to recover this property. Meanwhile I am suggesting that all government agencies which approved any grants or loans to this group stop all disbursements until the Department of Justice has had an opportunity to act.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF TITLE I AGREEMENTS UNDER THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED

A letter from the Administrator, Foreign Agricultural Service, U.S. Department of Agriculture, transmitting, pursuant to law, a report of agreements signed under Public Law 480 in October for foreign currencies (with an accompanying report and agreements); to the Committee on Agriculture and Forestry.

PROPOSED RETIREMENT LEGISLATION FOR CERTAIN DISTRICT OF COLUMBIA PUBLIC SCHOOL TEACHERS

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to authorize certain teachers in the public schools of the District of Columbia to count as creditable service for retirement purposes all periods of authorized leave without pay taken by such teachers when serving as officers of employee organizations (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, St. Louis and St. Louis County, Mo., Department of Labor, dated November 10, 1969 (with an accompanying paper); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audit of financial statements of the Saint Lawrence Seaway Development Corporation, calendar year 1968, Department of Transportation, dated November 10, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the Board of Trustees of the Township of Summit, Jackson County, Mich., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments; to the Committee on Finance.

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MONTOYA:

S. 3134. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MONTOYA when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3134—DRUG ABUSE EDUCATION ACT OF 1969

Mr. MONTOYA. Mr. President, earlier this year I introduced a bill, S. 2592, to establish comprehensive treatment centers to treat drug addicts and users. This measure would also provide for an intensive campaign to publish and disseminate educational materials in drug abuse and to make State and local officials aware of current activities in the area of drug abuse and illegal drug traffic.

The lawmakers and law enforcers of this Nation have become increasingly aware of the need for massive educational programs to teach children and adults alike of the dangers of drugs. Every available piece of evidence points to an alarming increase in the rate of drug use and abuse in this country. In the annual crime report of the FBI, issued in August 1969, the Bureau of Narcotics and Dangerous Drugs revealed that the number of arrests for drug violations had increased by 329 percent since 1960. This explosion in the use of drugs cannot be attributed to any one age, racial, social, or economic group. Rather, it is a problem which exists at every social and economic stratum—the upper- and middle-income communities as well as the ghettos.

Again and again, those who are familiar with the problem have emphasized the need for drug abuse education legislation. Those who have experimented with drugs, including ex-users and ex-addicts, have consistently stated that if they had only known about the effects of drugs, they would have been less inclined to experiment with them. The overwhelming consensus of opinion has been that an effective educational program would be the best possible method of prevention of drug abuse.

Despite this agreement, however, funds available for educational purposes in this area are, at the present time, extremely limited and represent only a small fraction of the total efforts expended in attacking the drug problem. While about $50 million is now being spent by the Justice Department and the Department of Health, Education, and Welfare on the drug problem, less than 5 percent of that amount is programed into education.

Mr. President, I am today introducing a new bill which, I believe, would go far to compensate for the present lack of attention to drug abuse education within our Government. My bill, to be known as the Drug Abuse Education Act of 1969, would authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the improper use of drugs. Specifically, the bill would encourage the development of new and improved curriculums in drug abuse education; demonstrate their use; evaluate their effectiveness in model programs; demonstrate developed educational materials; provide training programs for teachers, counselors, law-enforcement officials, and other public service and community leaders; provide for grants to local educational agencies and other private and nonprofit organizations for community education programs on drug abuse; provide for coordinating the activities of the Federal Government in drug abuse education by establishing an Interagency Coordinating Council; establish an Advisory Committee on Drug Abuse Education; and provide for technical assistance by the Department of Health, Education, and Welfare, and the Department of Justice to assist local educational agencies, public and private nonprofit organizations, and institutions of higher education in the development and implementation of programs on drug abuse education.

This measure is not meant to supplant my earlier bill but to supplement it.

Mr. President, a special Alcoholic and Narcotics Subcommittee was created last spring under the Senate Labor and Public Welfare Committee. In the past few months this subcommittee has been holding extensive hearings on a number of bills relating to drug abuse and will be, I understand, reporting out legislation in this area in the fairly near future.

The bill which I am introducing today is identical to one which has been considered by the House of Representatives and is, therefore, one which can be taken up promptly by the Senate without undue delay. I urge my colleagues in the Senate to give their full support and approval to this vital legislation at the earliest possible time.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3134) to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes, introduced by Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Education Act of 1969".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that drug abuse diminishes the strength and vitality of the people of our Nation; that such abuse of dangerous drugs is increasing in urban and suburban areas; that there is a lack of authoritative information and creative projects designed to educate students and others about drugs and their abuse; and that prevention and control of such drug abuse require intensive and coordinated efforts on the part of both governmental and private groups.

(b) It is the purpose of this Act to encourage the development of new and improved curricula on the problems of drug abuse; to demonstrate the use of such curricula in model educational programs and to evaluate the effectiveness thereof; to disseminate curricula materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, law enforcement officials, and other public service and community leaders; and to offer community education programs for parents and others, on drug abuse problems.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are hereby authorized to be appropriated $7,000,000 for the fiscal year beginning July 1, 1970, $10,000,000 for the fiscal year beginning July 1, 1971, and $12,000,000 for the fiscal year beginning July 1, 1972 for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 4. (a) From the sums appropriated pursuant to section 3, the Secretary of Health, Education, and Welfare, hereinafter referred to in this Act as the "Secretary", shall assist in educating the public on the problems of drug abuse by—

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for—

(A) projects for the development of curricula on the use and abuse of drugs, including the preparation of new and improved curricular materials for use in elementary, secondary, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curricula described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding the use and abuse of drugs to public and private elementary, secondary, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectivness of curricula tested in use in elementary, secondary, and adult education programs involved in pilot projects described in paragraph (1)(B);

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on drug abuse (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel, law enforcement officials, and other public service and community leaders;

(4) making grants to local educational agencies and other public and private nonprofit organizations for community education programs on drug abuse (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Secretary may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of drug abuse education programs.

APPROVAL OF APPLICATIONS

SEC. 5. (a) Financial assistance for a project under this Act may be made only upon application at such time or times in such manner, and containing or accompanied by such information as the Secretary deems necessary, and only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) provides for carrying out one or more projects or programs eligible for assistance under section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such projects or programs;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 4, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Secretary may reasonably require and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Secretary only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

INTERAGENCY COORDINATING COUNCIL ON DRUG ABUSE EDUCATION

SEC. 6. (a) The Secretary shall establish an Interagency Coordinating Council on Drug Abuse Education which shall consist of the Secretary (or his designee) as Chairman, the Attorney General (or his designee), the Commissioner of Education, the Director of the National Institute of Mental Health, and with the consent of such other departments or agencies as the Secretary may from time to time designate as having a substantial interest in the field of drug abuse education, representatives as such departments and agencies.

(b) The Council shall advise in the coordination of the respective activities of the Federal departments and agencies concerned in drug abuse education.

(c) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other agencies and with other appropriate public and private agencies.

(d) The Secretary of Health, Education, and Welfare may not approve an application for assistance under this Act unless he has given the Interagency Coordinating Council an opportunity to review the application and make recommendations thereon within a period not to exceed sixty days.

ADVISORY COMMITTEE ON DRUG ABUSE EDUCATION

SEC. 7. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Drug Abuse Education, which shall—

(1) advise the Secretary concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recommendations regarding the allocation of the funds under this Act among the various purposes set forth in section 4 and the criteria for establishing priorities in deciding which applications to approve, in-

cluding criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review applications and make recommendations thereon;

(4) review the administration and operation of projects and programs under this Act, including the effectiveness of such projects and programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act) to the Secretary for transmittal to the Congress; and

(5) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Drug Abuse Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education, mental health, and legal problems associated with drug abuse, young persons, ex-users, parents and others familiar with drug use and abuse. The Committee shall meet at the call of the Chairman or of the Secretary.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 8. The Secretary of Health, Education, and Welfare and the Attorney General shall, when requested, render technical assistance to local educational agencies, public and private nonprofit organizations and institutions of higher education in the development and implementation of programs of drug abuse education. Such technical assistance may, among other activities, include making available to such agencies or institution information regarding effective methods of coping with problems of drug abuse, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare and the Department of Justice, or other persons qualified to advise and assist in coping with such problems or carrying out a drug abuse education program.

PAYMENTS

SEC. 9. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 10. In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 11. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

ADDITIONAL COSPONSORS OF A BILL AND A JOINT RESOLUTION

S. 2846

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Wisconsin (Mr. NELSON), the Senator from Missouri (Mr. EAGLETON), the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. JAVITS), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 120

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Connecticut (Mr. RIBICOFF) be added as a cosponsor of Senate Joint Resolution 120, providing for the preparation and submission to the Congress of a master ground transportation plan for the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 280

Under authority of the order of the Senate of November 7, 1969, the names of the following Senators were added as additional cosponsors of Senate Resolution 280, affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam:

Mr. DOMINICK, Mr. FONG, Mr. STEVENS, Mr. MCGEE, Mr. JACKSON, and Mr. RANDOLPH.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1970

AMENDMENT NO. 275

Mr. ELLENDER submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, namely:

Page 25, line 7 after the word "expended", insert the following: ": *Provided*, That not more than $100,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements with the Portland General Electric Company and the Eugene Water and Electric Board to acquire from preference customers and pay by net billing for generating capability from non-federally financed thermal generating plants in the manner described in the Committee report."

Mr. ELLENDER also submitted an amendment, intended to be proposed by him, to House bill 14159, making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

AMENDMENT NO. 276

Mr. ELLENDER submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, the following amendment, namely:

Page 6, line 17 after the word "expended", insert the following: ", of which $75,000 shall be available for the preparation of preconstruction planning for the flood control project at Minot, North Dakota, and such preconstruction planning is hereby authorized".

Mr. ELLENDER also submitted an amendment, intended to be proposed by him, to House bill 14159, supra, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

NOTICE OF POSTPONEMENT OF HEARINGS ON S. 2108

Mr. KENNEDY. Mr. President, the Senator from Missouri (Mr. EAGLETON) has asked me to announce that the hearings on S. 2108, a bill introduced by the Senator from Maryland (Mr. TYDINGS) to coordinate family planning services and population research activities of the Federal Government, previously announced for November 12 and 13, have had to be postponed because of an unavoidable conflict in scheduling.

The hearings on the bill are now scheduled for December 8 and 9.

VETERANS DAY AND THE MEANING OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, 51 years ago today the war to end all wars finally was brought to a conclusion. After 4 years of horror, man was determined to prevent any repetition of the nightmare that had destroyed a generation of young men. The League of Nations was established in order that all future disputes would be negotiated peacefully through discussion and compromise. The Versailles Treaty emphasized the absolute need for international guarantees of human rights in order that another tragedy would be averted. It was clear to the world that it was a violation of these basic rights which had precipitated the war and that only strong guarantees that these rights would be protected in the future would prevent future wars.

Although the United States subscribed in principle to these declarations, it refused to ratify the Versailles Treaty and become a member of the League of Nations. Once again, we were all too willing to give lipservice to the principle of international cooperation and resolution of disputes, but we refused to assume our expected leadership role in this movement. We refused to guarantee the basic human rights which Americans had taken for granted since the Nation's founding.

Mr. President, we cannot afford to make the same mistakes again. The next war would indeed be the war to end all wars; it would be the war that ended all mankind. Guarantees of human rights are essential to the preservation of a stable peace. It is only when one people feel their rights are being denied or trampled upon by another people that wars get started.

Mr. President, on this 51st anniversary of the close of World War I let us look to the great lessons that war provided. Let us renew our efforts toward guaranteeing these basic human rights. Ratification of the three human rights conventions covering genocide, the political rights of women, and forced labor would represent a great stride in the right direction. We must regain our leadership position as the world's principal spokesman for human rights. Only these efforts will avert future catastrophes such as World War I.

Mr. President, man only advances if he is able to learn from the bitter lessons of the past. His willingness not to repeat these bitter lessons each generation is the real measure of our progress. Guaranteeing these basic human rights would show the world that we were determined to learn from the mistakes of prewar Europe and take the necessary steps to avert a similar disaster. Let us move toward ratification of these basic treaties now.

THOUGHTS OF THE MOTHER OF A SERVICEMAN MISSING IN VIETNAM

Mr. YOUNG of North Dakota. Mr. President, we are all aware of the deep concern all over this Nation concerning the war in Vietnam and particularly how to bring this to an honorable and right conclusion at the earliest possible time.

Many good and sincere Americans are involved in the anti-Vietnam war demonstrations, but, unfortunately, many of their leaders and many of those involved have taken a position which I believe is wrong.

I am sure that many of the demonstrators are not expressing the same feelings about the war that many of our young people who fought and died believed in.

The mothers and wives of those who are missing and those being held prisoner by the brutal and murderous North Vietnam leaders have some thoughts that are entirely different from most of the demonstration leaders.

One such person is Mrs. Lois Belcher, who was formerly from North Dakota, but is now living in Texas. Mrs. Belcher has a son who is listed as missing in action. She is a person I have known, admired, and respected for many years.

Mrs. Belcher has written an open letter to President Nixon, to me, and to others in which she expresses her thoughts as the mother of a serviceman who is missing. I believe it is most appropriate to ask unanimous consent that her letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER FROM MRS. HAROLD A. BELCHER, SULPHUR SPRINGS, TEX., MOTHER OF CAPT. GLENN A. BELCHER, U.S. AIR FORCE PILOT MISSING IN ACTION IN SOUTHEAST ASIA

I am the mother of Captain Glenn A. Belcher, pilot in the United States Air Force, who has been missing in action in Southeast Asia for almost two years.

No one yearns for Peace more than I do, for only then can I hope to learn conclusive facts of my son's fate. But I want an HONORABLE PEACE—NOT PEACE AT ANY PRICE.

So I can no longer keep silent about some of the plans being made for the second "demonstration" for peace set for November 13, 14, and 15.

I am unalterably opposed to the Peace Moratorium, and especially to the March Against Death as planned by the Mobilizers and Moratorium leaders for November 13, 14, and 15, in Washington, D.C., with a similar "performance" for San Francisco on November 15.

In the program covering the incidents for those three days of activities, a copy of which I have just received, I read: "40,000 Americans from across the country will march past the White House each bearing the name of an American GI who has died in Vietnam or of a Vietnamese village which has been destroyed." The "March Against Death" begins November 13 at Arlington Cemetery" and will continue past the White House where one marcher at a time will pause and call out the name of one man. It is planned to have one marcher for each man killed, and to group by states with marchers equalling each state's dead. "Continuing in single file, the Marchers will proceed to the Capitol where the name placards will be placed in 'caskets' on our nation's Capitol steps" . . . At "11:00 a.m., November 15, a Mass March to the White House led by GIs and next of kin, with names of war dead in caskets", will take place, the program reads.

Most vigorously, do I decry this "March Against Death". I have asked supporters of the Mobilization and Peace Moratorium to give names of "GIs and Next-of-Kin" who will participate in this action. I believe they will be few.

First—This is an invasion of the personal lives and defensible convictions of men who have no opportunity to present their "side"—no "equal time"—nor will they ever have the privilege to express either their opposition to, or their approval of, this indignity.

Secondly—This, to me, is exploitation, repudiation, mockery, and denunciation of the most unsavory and offensive kind directed toward men who have fought and continue to fight and die in this conflict.

How *can* the *people* of this nation fail to raise justifiably angry voices against Moratorium leaders who claim that this is an "immoral and evil war"? Moratorium leaders who encourage "demonstrations like the March to honor the dead" (?) and to express "utterances of Christian conscience"(?)

How *can* the Moratorium *leaders* defend these actions as appropriate and gainful ways to effect peace?

Third—I abhor what seems, to me, an undermining and divisive effort toward our government.

Granted, we do not all agree, and fortunately. This is one of our most blessed freedoms. But divisiveness can carry us far along the road to destruction, when unity could bring us toward moral victory, at least.

While we are among those who do not know the fate of our missing son, I would challenge anyone, anywhere, at any time, to "call out" his name, or to place a "name placard" in any "casket"—saying, as the Moratorium-Mobilization leaders proclaim, "We are doing this to honor the men who have died".

Have these "planners", or will the marchers have, asked for, or received consent from the families of the men whose names they plan to call?

Not unless you are one of the affected ones, as we are, can you possibly understand the sickening revulsion I feel toward this proposed action. I wonder how many thousands will be sharing this additional heartache with me on Moratorium Day? Heartache caused by WHOM? Many may be well-meaning Americans, but have they probed deeply enough to know and understand the Moratorium leader's motivations and intent?

Wives of men missing and prisoners of war have gone to Paris to plead for humane treatment as defined in the Geneva Convention, which North Vietnam signed in 1957, but thus far has refused to honor.

I raise my voice today to plead for compassion for all, and for a Prayer Moratorium for unity of purpose to bring Peace at the earliest possible moment.

LOIS M. BELCHER.

SENATOR FRANK CHURCH ON U.S. AID TO LATIN AMERICA

Mr. FULBRIGHT. Mr. President, from September 9 through 11 of this year, governmental and academic leaders of the Western Hemisphere gathered in Mexico City for the Pacem in Terris Seminar, conducted by the Center for the Study of Democratic Institutions.

The seminar featured 3 days of discussions on inter-American relations and on prospects for development in Latin America. At the closing evening session of the seminar, the distinguished senior Senator from Idaho (Mr. CHURCH) proposed a new approach to U.S. aid to Latin American. The speech was enthusiastically received by the seminar participants; but because Senator CHURCH spoke only from notes, the full text of his remarks was not available.

This month, the transcript of Senator Church's speech was published in the Center magazine. The speech is a unique and major contribution to the search for effective means of assisting our Latin American neighbors; I think it should be distributed as widely as possible. Accordingly, I ask unanimous consent that the complete text of the speech be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

United States and Latin America—Call for a New Policy

(By Senator Frank Church)

Economists agree on what is fundamentally required if the sluggish rate of economic growth in Latin America is ever to be overcome. They agree on the need for drastic agrarian and fiscal reform; on the requirement for enlarging internal markets; and on the necessity for integrating the national economies into a common market. They seem to agree that internal savings must be greatly increased to achieve a much higher rate of investment. They advocate a more favorable system of trade between the underdeveloped countries of South and Central America and the developed countries of North America and western Europe. They also acknowledge that a disastrous population explosion in Latin America is presently absorbing economic growth to the point of nearly wiping out net gains.

In sum, there is a large measure of agreement among economists on the remedies necessary if the dynamic development to which Latin Americans aspire is to be achieved. There is also an apparent consensus that real development depends primarily on self-help, on meaningful internal change, rather than on massive injections of foreign capital. Indeed, some are candid enough to point out that too much imported capital would simply create burdensome debts that could easily strangle growth.

There is likewise a tacit recognition that, although economists may agree on the remedies, it remains up to the politicians, to the men who govern, to adopt these remedies and put them into effect. That, of course, will entail far-reaching changes in the existing power structure of Latin America.

I propose to discuss the political aspects of the problem involved in bringing about such far-reaching change, with particular focus on the current role of the United States.

I must say, first of all, that I am deeply disturbed by the growing gulf separating the United States from Latin America. We should not deceive ourselves. The gulf is widening. It is an urgent matter, for it distorts and endangers friendly relations between the United States and its neighbors.

The image of the United States in Latin America keeps deteriorating. What else can one conclude when, seven years after the establishment of the Alliance for Progress and after our expenditure of nearly nine billion dollars implementing the program, our relations with Latin America are worse than before. What else can one conclude when President Johnson dared not visit a major population center south of Mexico throughout his term of office? (When he finally did go to South America, he was secluded at a remote resort far removed from unruly crowds.) What else can one conclude when President Nixon was recently greeted with wild applause by more than a million people in the streets of Bucharest, a thousand miles behind the Iron Curtain, while his emissary to Latin America, Governor Rockefeller, was received with hoots and catcalls, his journey plagued by arson and violence? What else can one conclude when an American ambassador is abducted in Brazil, chosen by his captors as the "symbol of imperialism," in a move calculated to humiliate a hated military regime with which the United States is notoriously identified?

In view of these disturbing events, we must take very seriously the rising hostility toward the United States which seems to be spreading throughout Latin America. More and more, we are portrayed as holding the whole hemisphere in a kind of economic captivity, exploiting its raw materials to feed our industry while selling back our finished products at highly profitable prices.

As if this weren't enough, many young people of Latin America, whose views will largely shape the future, seem to see the United States in an even more lurid light. They envision us as a monstrous nation, intoxicated by our power, addicted to marathon warfare, controlled at the highest levels by military counsel, and determined to keep Latin America in a permanent state of quasi-colonialism. Worse still, these young people appear to believe that we are determined to preserve the status quo, that we are against changes inside Latin America which are indispensable to rapid economic and social growth.

In a word, my country is increasingly regarded in these quarters as the enemy of progress. It naturally follows that the United States has also become, in growing measure, the convenient scapegoat for failure and frustration with Latin America, for which we actually bear little or no responsibility.

As a senator of the United States, I must ask myself what accounts for this inimical attitude toward my country, an attitude at once so formidable and so foreboding. Is it, as some of my colleagues would say, due to the devilish work of communists? I have no doubt that communists are doing their utmost to defame the United States. But no person conversant with the facts of Latin-American life could possibly credit communists with such commanding influence.

Is it, then, the result of simple misunderstanding concerning the motives and purposes of the United States? Here again, one must concede that the very size of my country, with its great wealth and power, casts a long shadow over the hemisphere. Regardless of what policies we adopt, however enlightened and progressive they may be, some kind of "Yankee" hegemony in the Western Hemisphere will persist for many years to come. Consequently, the United States will inevitably remain an object of criticism, misgiving, suspicion, and distrust. However, this natural, built-in antagonism toward the United States cannot possibly account for so bitter and extreme a viewpoint as I have described.

Harder questions must be raised. I must ask, for example, to what extent the policies of my own government may have contributed to the dismal image of the United States in Latin America. I must ask myself: Does the United States really stand for development in Latin America? Or do we stand for stability instead?

The truth is, we face a hard choice. We presently sit on top of the hemispheric heap. Should we risk the consequences of drastic change throughout the hemisphere, with its attendant upheaval, violence, and revolution of unpredictable result. Or should we weigh in on the side of stability and try to preserve an existing order which works, in many ways, to our advantage?

American policy makers, faced with this hard choice between development, which is just another word for profound internal change, and stability, which is just another word for little or no change, behaved in a typical way. They chose both. The United States, they decided, would stand for change within limits, for peaceful change within the existing power structure; for evolution instead of revolution; for reforms of the kind with which we were familiar and of which we approved. But the United States would stand against unacceptable change, by which we meant communism or the threat of communism.

For example, in the case of the abortive Bay of Pigs assault the United States supported an invasion of Cuba, in the naive belief that the return of a band of dispossessed, formerly rich Cuban exiles would trigger off a mass uprising against Castro's regime, all in the cause of restoring an unloved and unwanted prerevolutionary order. In the subsequent case of Santo Domingo, American troops intervened to put down an insurrection on behalf of a deposed legitimate government because of our fear that communist elements *might be*, or *might become*, strong enough eventually to seize control of the movement.

These interventions, taken in violation of solemn commitments under the Rio Pact and the Charter of the Organization of American States, have gravely damaged the reputation of the United States throughout the hemisphere. They have given credence to the belief that we are indeed determined to act as the self-anointed sentinel of the status quo.

To overcome the injury done by such interventions, and to demonstrate that, while we strongly oppose communism, we nevertheless favor internal reforms essential to the rapid economic development of Latin America, the United States launched the much-publicized Alliance for Progress. The concept was novel, even noble. It was based on the belief that governments in Latin America, wherever necessary, would undertake fundamental land and tax reforms with a helping hand from the United States. Seven years later, the failure of that experiment must be acknowledged.

A primary objective of the Alliance was to promote the growth of democratic government, out of the belief that this was at least as important to the people as economic progress. Yet, when the Alliance was formed, 180 million people in Latin America were living under civilian governments of constitutional legitimacy. Today, 140 million of these people are living under some form of military dictatorship. The precipitous slide toward militarism in Latin America certainly underscores the failure of the political objective of the Alliance for Progress.

Moreover, I think that we must admit that feudal, oligarchical governments are not disposed voluntarily to undermine their own power base, least of all with foreign money, least of all at the insistence of a foreign government. The faith we placed in the Alliance for Progress as an effective instrument for bringing about fundamental change must certainly represent the high-water mark of American innocence abroad.

The results should have been predictable. Except for a handful of countries, the Alliance funds have been used, not to alter the existing order, but to benefit the governing elites. And, regrettably, the program itself is now being pointed to as added evidence, written in its failure to accomplish its objectives, that the underlying purpose of the United States is the preservation of the established order.

I must add, however, that other aspects of our bilateral foreign-aid program also reinforce this impression that the United States is the enemy of change in Latin America. There is the insistent effort of our government to support the military forces of Latin America. For years, some of us in Congress have tried to curtail this program, to reduce its size and scope. But, at the urging of the Executive, the program has stayed alive. I never have believed that any benefit derived from our close, cordial embrace of the military establishment of Latin America could possibly counterbalance the heavy political price we pay for this association.

When we supply the tanks later used to batter down the gates of the presidential palace during a military *coup d'état* in Lima; when we furnish the tear gas and mace, along with the training, for putting down public protest in the streets of Rio de Janeiro; when we subsidize military budgets with gifts of arms having no possible use except against the people of countries actually occupied by their own armies; then we have, by our own choice, identified the United States indelibly with that element in Latin America which epitomizes static, authoritarian rule. (If the present military government of Peru turns out to be an exception, then it will be the exception that proves the general rule.)

For many years, liberals in the United States have been critical of our close association with, and support of, the military forces in Latin America. At the same time, however, it has been chapter and verse of the liberal credo to endorse our ongoing program of economic aid. Indeed, we have been instructed that liberals must be for economic aid, as it symbolizes the American commitment to change in the world, even as our military aid may symbolize our coexisting commitment to stability. It represents, so the argument goes, our effort to uplift living standards in impoverished lands, which is part of the obligation we must assume as an affluent nation.

I can no longer accept this credo. After ten years on the Senate Foreign Relations Committee, I have concluded that the economic aid we extend to foreign governments links the United States fully as much to those governments as our military aid. I am forced to concede that our bilateral aid program, regardless of avowed purposes, has had the inescapable consequence of committing the United States to foreign governments, good, bad, or indifferent, throughout the hemisphere and the world. Its net impact has necessarily favored the preservation of the status quo.

Now it is logically possible to defend the liberal credo if our economic aid were given to certain governments that are progressive and reform-minded. But it is not logically possible to believe the credo when one recognizes that our foreign aid has been extended, over the years to no less than a hundred different governments of the world, most of which are reactionary and repressive in character. No, I can no longer accept the liberal credo, or continue giving my support to our bilateral foreign-aid program. It not only furnishes grist for the mill of those who maintain that the United States is fundamentally committed to the existing order in the underdeveloped world, but it is actually working against the best interests of the United States, even with respect to our relationship with the very governments we seek to help.

In countries receiving our aid, large colonies of American administrators live in conspicuous luxury, under conditions which can't help but feed popular resentment against the United States. Moreover, government-to-government aid inevitably puts the donor in a patronizing posture, while the recipient is invariably placed in a demeaning position. A strained relationship immediately develops. The tension is then compounded by our tendency to use aid as a means for meddling in the internal government of recipient countries. In some capitals, our aid administrators actually sit as advisors in the ministries, which can only exacerbate anti-American feeling in a most lethal way. Small wonder that we now witness an eruption of militant nationalism in so many Latin countries!

Finally, any bilateral foreign-aid program cannot help but become politicized. As long as aid is disbursed on a government-to-government basis, I would say, speaking as a United States senator, that Congress cannot resist the temptation to use the aid program both as carrot and stick to reward or punish recipient governments, depending on how we may judge their behavior. Thus have the many restrictive amendments been added to the American Foreign Aid Act. When these amendments first commenced to appear, the subdivisions were numbered "a," "b," "c," "d." Now, we have nearly run out of alphabet. Every year, new penalties are added. What appeal it has at home if a congressman call tell his constituents that he was instrumental in writing into the Foreign Aid Act a provision to discipline a Nasser or punish a deGaulle, or whoever else may have incurred our national displeasure.

Let me mention just a few of these restrictive provisions that are now a matter of law. Most notorious, no doubt, is the Hickenlooper Amendment. I believe there is no hope that Congress will repeal this provision. Few congressmen would relish explaining why they voted to strike from the law a prohibition of further aid to a foreign government which expropriates business owned by American citizens, but refuses to pay the owners just compensation. So, the Hickenlooper Amendment will stay in the law, posing an awkward problem for the President of the United States, as he attempts to avoid a final rupture in our relations with Peru.

But the Hickenlooper provision is only the most prominent of a whole series of similar amendments. There are, for instance, the fishing-boat amendments. Should one of our fishing boats be seized by a foreign government, say Ecuador or Peru, and the crew charged with illegally fishing in waters claimed by these governments, and should a fine be imposed, the Foreign Aid Act provides that military assistance to the offending country must be suspended, and that any such fine must be subtracted from the total amount of aid we give to the guilty government. Now, this is solemnly intended as an appropriate punishment for misbehavior, though sometimes it doesn't work as intended. In Ecuador, for example, our aid program was so small that the government preferred taking our money in fines to accepting our aid, with all the strings attached.

More often, penalties of this character provoke a series of diplomatic showdowns which corrode, weaken, and eventually destroy good relations. This has been true in the case of Peru. If one reviews the history of the deterioration in our relations with Peru. It goes back to the time when the Lima government decided to purchase modern jet aircraft for the Peruvian Air Force. Under the Foreign Aid Act, Congress has said that the United States should withhold aid from any country purchasing military equipment of a kind, or at a cost which, in the judgment of the President of the United States, impairs the economic growth of that country. When we told the Peruvian Government that we intended to withhold sixty million dollars in aid if it persisted in its intended purchase of modern jet aircraft from France and when Lima replied that it would proceed regardless, we bluffed it out to the bitter end, and then said, "Well, since you're going to buy the aircraft anyway, why don't you buy them from us?"

This was the reckless beginning of a running diplomatic battle with Peru, which later involved an empty threat to invoke the Hickenlooper Amendment over the Peruvian expropriation of the International Petroleum Company, and now consists of the current wrangle over fishing boats. The effect has been to jeopardize seriously our working relationship with Peru. When the United States Ambassador to Peru told me, as he did a few weeks ago, that all his difficulties with the Peruvian government stemmed from our foreign-aid program. I think it is not too much to say that this program has become a serious impediment to good relations between the United States and its neighbors.

So these are among the reasons, deeply imbedded in the foreign policy of my own government, for the worsening condition that confronts us in Latin America. The time has come to call for a drastic change in policy, not because we should grope for nonexistent panaceas, but because it is evident that the present policy has failed.

I call, then, for a new policy that will end American military assistance outright and bring home our military missions now located in no less than seventeen Latin-American countries.

I call for a new policy terminating the bilateral economic-aid program and channeling the money we are now putting into that program to the multilateral agencies: to the Inter-American Development Bank, to the World Bank, and to the developmental agencies of the United Nations, where the money can help furnish Latin America with needed outside capital for long-term economic growth. This new policy, moreover, should recognize the importance of putting less reliance on external aid and more reliance on improved trade practices, better designed to meet the real needs of underdeveloped countries.

Finally, I call for a policy that reestablishes, as the cornerstone of our future relationship with our neighbors, the principle of nonintervention in the internal affairs of Latin America. I do not mean the lip service we customarily give to the principle of nonintervention, but making that principle a governing rule. Never again should the United States unilaterally employ its armed forces within this hemisphere, except where, as in the case of the Cuban missile crisis, there is posed a clear and present danger to our national security—to the safety of the American people.

I propose this sweeping revision in our foreign policy, not alone because I believe the changes will be welcomed by Latin America, but because I think they are vital to the United States as well.

President Nixon, in his inaugural address, spoke of a "crisis of the spirit" in the United States. All of us are aware of it. I believe it exists, at least in part, because our foreign policy has gone so far astray.

In Vietnam, in Greece, in Spain, and many other places in the world, we actively support governments that are living contradictions to the historic ideals for which we have stood as a nation. I am unable to explain to vital, intelligent, idealistic young college students in my country why it is that our troops should participate with Franco's troops in exercises simulating an emergency in which Franco must put down an uprising of the Spanish people. I don't know how to explain why my government should be spending more money supporting a military dictatorship in Brazil than we have furnished any other foreign government, save India, in recent years. Young people in the United States are asking the question, "If we do not stand *against* dictatorship of this kind. then what is it we stand *for* in the world that matters?" Economists, I respectfully suggest, cannot supply the answer to that question.

For, in the final analysis, each country lives by the values it prizes most highly. That is the basis upon which governments must turn to their people for loyalty and support. When our foreign policy becomes unhinged from the historic values we prize dearly as a people, when the role of the United States in the world becomes-inexplicable to its own young people, then a crisis of the spirit arises.

That has happened to us, and it concerns me more than anything else, more than economic theory, more than technical considerations which must be given to the problems of growth abroad. Within the United States, we have to overcome our crisis of the spirit if we are to heal our divisions and reunite our people.

Finding the right role for the United States in the world at large, a role consistent with our historic ideals, would go far toward quieting the torment in our land. Then the United States once more would stand as tall as it rightly should in the community of nations.

NIXON WILL NOT CUT AND RUN

Mr. YOUNG of North Dakota. Mr. President, one of the best editorials that has come to my attention on our involvement in Vietnam is entitled "Nixon Makes One Point Abundantly Clear: He's Not Going To Cut and Run," published in North Dakota's largest newspaper, the Fargo Forum.

The editor, Mr. John Paulson, I believe speaks for the great majority of the people in North Dakota in the sentiments he so ably expresses in the editorial. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON MAKES ONE POINT ABUNDANTLY CLEAR: HE'S NOT GOING TO CUT AND RUN

In his broadcast report to the nation on the war in Vietnam, President Richard M. Nixon made one point abundantly clear: He is not going to cut and run, thereby telling the world that the 40,000 American lives went down the drain in an unworthy cause.

He is going to reduce the American military commitment to whatever extent possible as the South Vietnamese become stronger and capable of effective defense for their people and their government.

Understandably, the campus protesters and the congressional critics were disappointed. The President didn't bow to their wishes and say that the war would end by next June 30 or next Nov. 1 in abject surrender and complete admission that America was wrong from the beginning in everything it did in Vietnam.

The President asked for a convincing display of support from the American people for his present course of action. Thousands of telegrams have poured into the White House showing that a substantial number of Americans—perhaps a clear majority—support President Nixon in his effort to end American participation in the Vietnam conflict.

These three accomplishments stand out:

President Nixon has brought about a reduction in the number of American troops committed to Vietnam. The troop reductions ordered to date total 60,000, and President Nixon says that further reductions in the near future should be accomplished on even a faster scale than had been anticipated when the first troop reductions were ordered.

American casualties in recent months have declined dramatically. If the North Vietnamese and the Viet Cong keep the battlefield lull going, the American troop reductions will proceed that much faster.

There apparently is no way to negotiate a settlement with the Viet Cong and the North Vietnamese. They will never, apparently, say anything or sign anything that would make it possible for America and the South Vietnamese to claim that a "just peace" had been achieved.

But if President Nixon is successful in his program to replace American troops with South Vietnamese troops and bring most of the American troops home, the North Vietnamese can claim they have achieved their objective, the elimination of American troops from Southeast Asia.

Mr. Nixon explained it this way:

"We really have only two choices open to us if we want to end this war. I can order an immediate and precipitous withdrawal of all Americans from Vietnam without regard to the effects of that action. Or we can persist in our search for a just peace through a negotiated settlement, if possible, or through a continued implementation of our plan for Vietnamization, if necessary, a plan in which we will withdraw all of our forces from Vietnam on a schedule in accordance with our program as the South Vietnamese become strong enough to defend their own freedom.

"I have chosen the second course. It is not the easy way—it is the right way. It is a plan which will end the war and serve the causes of peace—not in just Vietnam but in the Pacific and in the world."

Now the critics say that Johnson's war has become Nixon's war, but they have no other solution except an immediate and complete withdrawal, without regard for the consequences to South Vietnam and the world.

President Nixon is taking a decided gamble for peace, and for his own political future. He is not going to adopt a course that would appease the draft dodgers, the student radicals, the big spenders who would rather spend the money being used on the Vietnam war on some far-out government aid programs.

President Nixon made it clear he realizes that most Americans want the fighting to end, want the boys to come home, but he cannot turn his back on the course that this nation has set through the presidents who preceded him in office, and on the Congresses which have endorsed American action every step of the way through their elected representatives. The fact that some members of Congress now are shifting their attitudes with the political winds when they refused to make a thorough study of the war issues during the period of escalation doesn't change the obligations of Mr. Nixon as President.

He has chosen the only course open to him. He has asked for a significant show of support from the people who support his efforts to bring the war to an end, and he is getting this support through telegrams and letters and petitions.

Maybe the flood of messages will help convince the protesters that they too are born with a commitment to support their country in times of stress, rather than to echo the claims of the enemy that America is an imperialist nation, dedicated to supporting corrupt governments. America has made some mistakes, unquestionably, in its Southeast Asia policies, but we are not in Vietnam to establish a colony or a possession. We have participated in the war in an effort to protect what we believe was the safety of one nation against outright aggression.

When the threat of this aggression goes away, American troops will come home. We should give Mr. Nixon every chance to carry out his program.

AMERICAN TRIAL LAWYERS ASSOCIATION OPINION POLL ON THE NOMINATION OF JUDGE HAYNSWORTH

Mr. BAYH. Mr. President, it is expected that this week the Senate will have before it the question of the confirmation of the nomination of the Honorable Clement F. Haynsworth, Jr., to the Supreme Court of the United States.

Recently the American Trial Lawyers Association conducted an opinion poll of approximately 1,000 of its members on their attitude toward this important nomination.

In order that the Senate may have before it, in convenient form, the results of the poll, I ask unanimous consent that there be printed in the RECORD the text of the letter from the president of the association to its members explaining the poll; a letter from a certified public accounting firm setting forth the results which had been received by October 23; a tabulation, State by State, of the returns from the poll; a letter to Senators from the president of the association summarizing the results; a resolution adopted by the board of governors of the association opposing the confirmation of the nomination; and a press release from the association dated October 31, which further sets forth its views on this issue.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN TRIAL LAWYERS ASSOCIATION,
Cambridge, Mass., October 15, 1969.

DEAR ATL MEMBER: Pursuant to a vote taken at a telephonic conference of the Executive Committee, I sent telegrams to the White House and every member of the United States Senate "firmly cautioning (them) against prematurely approving" the appointment and confirmation of Clement F. Haynsworth, Jr., to the Supreme Court of the United States "until and unless all available information is fully and fairly considered and properly evaluated."

I stated that there may have been approval "by a few individual members of this Bar Association", but that our Bar Association "has not yet evaluated or taken a position upon either his appointment or his confirmation".

I pointed out that the American Trial Lawyers Association lauds and approves without reservation the basic concept "that membership of the Supreme Court should be composed of men of unquestionable scholarly ability, and who also have demonstrated they are unquestionably discreet and sensitive in all matters that might undermine public confidence in the integrity of the Supreme Court and its membership, consistent with the need of an independent judiciary".

I further stated that since our Bar Association consists of a "large segment of the knowledgeable trial lawyers of America . . . representing the interest of the public . . ." that I would poll approximately 1,000 members—such as yourself—to obtain their opinions as to whether:

1. The Nomination should be approved;
2. The Nomination should be disapproved; or
3. The Nomination should be withdrawn.

The poll will be unsigned and confidential.

Although I stated that I would inform you that the full text of the Senate Judiciary Hearings on this appointment will be available through that committee and that the position of the White House is available through its legal counsel, some people have informed me that they have endeavored to obtain this information but without success. If you too experience such difficulty, I respectfully suggest that you respond to this poll, basing your response upon an objective analysis of the information disseminated through the communications media.

An immediate reply and prompt return of your opinion is urgent since our poll must be completed and evaluated before the Board meets next week. Hence, *your response must be received in Cambridge, Massachusetts no later than Wednesday, October 22, 1969.* Kindly send it to us via air mail.

Your anticipated prompt consideration of this matter is appreciated.

Sincerely,

LEON L. WOLFSTONE,
President.

Mail to: President Leon L. Wolfstone, American Trial Lawyers Association, 20 Garden Street, Cambridge, Mass.

CHECK THE BOX OF YOUR CHOICE

1. The Nomination should be approved ☐.
2. The Nomination should be disapproved ☐.
3. The Nomination should be withdrawn ☐.

No signature required.

BOSTON, MASS.

LEON L. WOLFSTONE, Esq.,
President, American Trial Lawyers Association:

In accordance wtih your instructions, we have tabulated the results of the poll mailed by the American Trial Lawyers Association on October 15, 1969 with respect to the appointment of Clement F. Haynsworth, Jr. to the Supreme Court of the United States. The tabulation of the replies to the poll are attached hereto.

We understand that on October 15, 1969 the American Trial Lawyers Association mailed 1,204 questionnaires to a selected sample group of its total membership of approximately 24,000. The replies to the questionnaire were returned directly to the office of the Association. We then had a member of our staff call for and return the unopened envelopes to our office for tabulation. In most cases, we were able to correlate the responses to the list of members to whom the poll was sent.

Accordingly, the enclosed summary represents only the results of the 715 replies that were received at our office through October 23, 1969.

PEAT, MARWICK, MITCHELL & CO.
OCTOBER 24, 1969.

AMERICAN TRIAL LAWYERS ASSOCIATION TABULATION OF HAYNSWORTH POLL REPLIES OCT. 23, 1969

Total number of questionnaires sent	1,204	
Replies received	715	
Percentage of total received to total sent		59.39
Votes for approval	191	
Percentage of approval to total receipts		26.71
Votes for disapproval only	264	
Percentage of disapproval to total receipts		36.92
Votes for withdrawal only	174	
Percentage of withdrawal to total receipts		24.34
Votes for disapproval and withdrawal (note)	86	
Percentage of disapproval and withdrawal to total receipts		12.03
Total	715	100.00

Note: Some replies recommended both disapproval and withdrawal of the appointment. These votes were tabulated and reported above as a separate classification and are not included in either the disapproval or withdrawal category.

AMERICAN TRIAL LAWYERS ASSOCIATION TABULATION OF HAYNSWORTH POLL REPLIES BY STATE, OCT. 23, 1969

State	Number of questionnaires sent	Number of replies received	Approval	Disapproval	Withdrawal	Disapproval and withdrawal [1]
Alabama	16	10	9			1
Percent		62.5	90			10
Alaska	4	1		1		
Percent		25		100		
Arizona	20	12	4	5	3	
Percent		60	33	42	25	
Arkansas	10	5	3	1	1	
Percent		50	60	20	20	
California	96	46	6	24	10	6
Percent		47.9	13	52	22	13
Colorado	21	14	5	4	4	1
Percent		66.7	36	29	29	6
Connecticut	23	14	1	6	3	4
Percent		60.9	6	43	22	29
Delaware	6	4	2	2		
Percent		66.7	50	50		
District of Columbia	22	7	2	1	4	
Percent		31.8	29	14	57	
Florida	63	39	16	9	10	4
Percent		61.9	41	23	26	10
Georgia	16	11	7	2	1	1
Percent		68.8	64	18	9	9
Hawaii	5	1	1			
Percent		20	100			
Idaho	5	1			1	
Percent		20			100	
Illinois	52	35	6	17	9	3
Percent		67.3	17	49	26	8
Indiana	25	19	7	7		5
Percent		76	37	37		26
Iowa	16	10	3	2	4	1
Percent		62.5	30	30	40	10
Kansas	16	11	3	3	3	2
Percent		68.8	27	27	27	19
Kentucky	17	12	5	3	3	1
Percent		70.6	42	25	25	8
Louisiana	31	17	10	5	2	
Percent		54.8	59	29	12	
Maine	15	10	1	4	5	
Percent		66.7	10	40	50	
Maryland	17	12	2	4	4	2
Percent		70.6	17	33	33	17
Massachusetts	48	27	1	13	10	3
Percent		56.3	4	48	37	11
Michigan	50	32	6	11	8	7
Percent		64	19	34	25	22
Minnesota	25	21	2	6	8	5
Percent		84	10	29	38	23
Mississippi	13	8	7		1	
Percent		61.5	88		12	
Missouri	31	22	4	11	6	1
Percent		71	18	50	27	5
Montana	9	5	3	1	1	
Percent		55.6	60	20	20	
Nebraska	13	5	2	3		
Percent		38.5	40	60		
Nevada	11	5	1		2	2
Percent		45.5	20		40	40
New Hampshire	6	3	1		1	1
Percent		50	33		33	34
New Jersey	37	17		9	7	1
Percent		45.9		53	41	6
New Mexico	9	7	1	3	1	2
Percent		77.8	14	43	14	29
New York	75	30	3	10	8	9
Percent		40	10	33	27	30
North Carolina	15	12	8	2	2	
Percent		80	66	17	17	
North Dakota	6	4		3		1
Percent		66.7		75		25
Ohio	62	37	8	14	10	5
Percent		59.7	22	38	27	13
Oklahoma	13	7	3	2	2	
Percent		53.8	42	29	29	
Oregon	19	14	4	7	2	1
Percent		73.7	29	50	14	7
Pennsylvania	47	33	3	16	6	8
Percent		70.2	9	48	18	25
Puerto Rico	6	2		2		
Percent		33.3		100		
Rhode Island	6	4		2	1	1
Percent		66.7		50	25	25
South Carolina	12	5	2	1	2	
Percent		41.7	40	20	40	
Sout Dakota	8	6	3	2	1	
Percent		75	50	33	17	
Tennessee	33	24	14	5	5	
Percent		72.7	58	21	21	
Texas	51	29	3	15	9	2
Percent		56.9	10	52	31	7
Utah	7	5		3	1	1
Percent		71.4		60	20	20
Vermont	8	2	1	1		
Percent		25	50	50		
Virginia	28	19	6	7	6	
Percent		67.9	32	36	32	
Virgin Islands	2					
Percent						
Washington	25	16	6	5	3	2
Percent		64	38	31	19	12
West Virginia	7	5	2	1	2	
Percent		71.4	40	20	40	
Wisconsin	21	15	3	7	2	3
Percent		71.4	20	47	13	20
Wyoming	5	3	1	2		
Percent		60	33	67		
Total	1,204	715	191	264	174	86
Percent		100	26.71	36.92	24.34	12.03

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[1] Some replies recommended both disapproval and withdrawal of the appointment. These votes were tabulated and reported above as a separate classification, and are not included in either the disapproval or withdrawal category.

AMERICAN TRIAL LAWYERS ASSOCIATION,
Cambridge, Mass., October 26, 1969.

DEAR SENATOR: In fulfillment of the commitment of the American Trial Lawyers Association to conduct a poll of over one thousand of its members with regard to the appointment and confirmation of Judge Clement Haynsworth to the Supreme Court of the United States as set forth in our telegram to you of October 13, 1969, you are informed as follows:

(1) The promised poll was immediately conducted of 1204 members, consisting of 680 present and former officials of this bar association, plus 524 of its membership selected by taking in proportion to the number of members in each state every 40th name, selected at random but with a special effort that at least one be polled from each city or town in which there are members of this bar association. A total of 715 responded.

(2) Those polled were informed of the availability of the record of the Senate Judiciary Committee and the position papers of the White House.

(3) Those polled were requested to submit their views as to whether:

1. The nomination should be approved;
2. The nomination should be disapproved;
3. The nomination should be withdrawn.

(4) Considering the time limitation for response, the return of 715 opinions was (as

compared to other polls by mail) unusually high and geographically widespread.

(5) The returns from the poll, when received, were turned over in unopened envelopes, to an independent firm of certified public accounts for tabulation and also for correlation of the responses to the list of members to whom the poll was sent.

(6) The results of that poll and the covering letter to that firm of certified public accountants is attached. Briefly and fairly summarized it states that only 26.71% of those responding favored confirmation, whereas 73.29% favored either withdrawal or disapproval of the confirmation of the nomination. It should be noted that some indicated *both* of the latter choices, namely "withdraw" and "do not approve." No other dual opinions were received.

(7) The poll was carefully considered by the Executive Committee and the Board of Governors of the American Trial Lawyers Association. The transcript of the "Hearings before the Senate Judiciary Committee" was extensively discussed. After full discussion, the Board of Governors adopted a Resolution, a copy of which is attached. Summarized, the Resolution states that the American Trial Lawyers Association opposes confirmation of the nomination and strongly urges withdrawal or disapproval.

(8) The American Trial Lawyers Association is always willing and anxious to fulfill its professional responsibility and public duty to weigh carefully the advisability of this or any other judicial appointment and transmit this information and recommendation to those who have the constitutional right and duty of decision.

Very truly yours,

Leon L. Wolfstone,
President.

Resolution by the American Trial Lawyers Association

Whereas, the nationwide poll conducted by the American Trial Lawyers Association among 1204 of its members established that 73.29% of the attorneys returning the questionnaire believe that Judge Clement Haynsworth's nomination to the United States Supreme Court should be withdrawn or disapproved and that only 26.71% of the attorneys returning the questionnaire believe that his nomination should be approved, and

Whereas, the Board of Governors of the American Trial Lawyers Association believes that public uncertainty over the ethical conduct of any nominee to the United States Supreme Court seriously affects public confidence in the integrity of our judicial system, and

Whereas, the Board of Governors of the American Trial Lawyers Association concurs and affirms that it is essential that there be the highest degree of public confidence in the United States Supreme Court, and

Whereas, the Board of Governors of the American Trial Lawyers Association is persuaded, based upon the record before the Senate Judiciary Committee, that Judge Clement Haynsworth has failed to demonstrate that sensitivity to the high standards of conduct required and expected of nominees to the United States Supreme Court, and

Whereas, the Board of Governors of the American Trial Lawyers Association believes that the confirmation of Judge Clement Haynsworth would not help in maintaining public confidence in the United States Supreme Court, but would instead undermine such public confidence, and

Whereas, it is clear, based upon the testimony before the Committee on the Judiciary of the United States Senate, that the confidence of our citizenry in the fairness and impartiality of the judicial system would be impaired by the confirmation of Judge Clement Haynsworth, and

Whereas, the Board of Governors of the American Trial Lawyers Association had available and considered the testimony presented in "Hearings before the Committee on the Judiciary of the United States Senate on the nomination of Judge Clement F. Haynsworth, Jr. to the Supreme Court of the United States," and

Whereas, the Board of Governors of the American Trial Lawyers Association believes that there are many eminent judges and attorneys in all sections of the nation who are qualified to serve on the United States Supreme Court, and whose selection would not undermine public confidence in the Court,

Now, therefore, be it resolved that the Board of Governors of the American Trial Lawyers Association opposes the confirmation of Judge Clement Haynsworth's nomination to the United States Supreme Court and urges that said nomination be withdrawn or disapproved.

Be it further resolved that the President and Officers of the American Trial Lawyers Association are hereby authorized and directed to take all such action as may be necessary and appropriate to oppose said nomination and cause its withdrawal or disapproval.

Press Release by American Trial Lawyers Association, October 31, 1969

Today's news reports on the various radio stations, based upon three United Press information releases from Washington, D.C., advise that the White House has mounted a nation-wide campaign amongst local Republican organizations, businessmen's groups, trade associations and others *to swamp senatorial offices with letters urging the confirmation of the appointment of Judge Clement Haynsworth to the Supreme Court of the United States.*

In 1906, Dean Roscoe Pound, who before his death was the editor-in-chief of the Bar Journals of this Bar Association, shook America by pointing out the impaired public confidence in the judicial system in the United States.

In 1969, the American Trial Lawyers Association, a responsible bar association composed of over 24,000 trial lawyers throughout America, being similarly disturbed at the present apparent or threatened loss of public confidence in the Supreme Court of the United States, conducted a poll of 1204 of its knowledgeable members as to whether the nomination should be: (1) approved; (2) disapproved; or (3) withdrawn.

After a prolonged discussion and evaluation of the sworn testimony and records before the Judiciary Committee of the United States Senate, together with consideration of the position papers of the White House in support of the nomination, and after consideration of all points of view in a lawyer-like manner, this bar association, acting through its Board of Governors, adopted a resolution urging that the nomination be withdrawn or disapproved.

Although the White House and other supporters of the nomination of Judge Clement Haynsworth to the Supreme Court have accused the press media of having presented biased and unbalanced points of view with regard to the nomination, I feel that in the aggregate and overall the press media has presented all points of view, pro and con, with regard to this nomination.

Although it clearly would be better if all now advising their Senators of their points of view had fully read and considered the transcripts of the hearings and the other available information, and had had the benefit of prolonged discussion as did the Board of Governors of this bar association, nonetheless I do feel that the public has been substantially well informed by the press media. Similarly I feel that the entire body public has been so informed and should be invited to express its views rather than those limited and select groups included in the UPI press releases, namely urging that those supporting the nomination so advise their Senators.

To the contrary, I urge that all Americans, wherever they may be, and of whatever political or philosophical persuasion, notify their Senators immediately of their views as to whether: (1) the nomination should be approved; (2) the nomination should be disapproved; or (3) the nomination should be withdrawn.

The American Trial Lawyers Association does not urge upon the American public its point of view. The American Trial Lawyers Association is, however, seriously concerned that all points of view be promptly and clearly presented to the United States Senators who have the constitutional responsibility of providing the White House with their advice and who have the constitutional responsibility of deciding whether or not to give their consent to the nomination of Judge Haynsworth.

It is imperative that the American public have full and undiminished confidence in the integrity and sensitivity of the members of the Supreme Court of the United States less public confidence in the Supreme Court and indeed the entire judiciary be undermined.

I concur wholeheartedly with the statement by President Bernard Segal of the American Bar Association reported in the October issue of the American Bar News in his discussion of the appointment of a committee to update the canons of judicial ethics. In his statement he puts it so well when he says that: "Since public confidence in the courts rests heavily upon the reliance of the people in the integrity of their judges."

We fear that in this instance that public confidence may have been or may become impaired. Hence we urge that the entire public rather than limited and select groups express their views to their respective Senators.

We urge that insofar as possible and practicable that the members of the public read and fully consider the transcript of the proceedings before the Judiciary Committee of the United States Senate and the position papers of the White House.

PRESIDENT ANNOUNCES RURAL AFFAIRS COUNCIL

Mr. PEARSON. Mr. President, last Thursday, President Nixon announced the formation of a Cabinet-level Rural Affairs Council. I consider this to be an announcement of extreme importance, and I commend the President for taking this action. Also, because this announcement has not received the attention it deserves I want to take this opportunity to call it to the attention of the Senate and the public. Therefore, I ask unanimous consent that the President's statement announcing the creation of the Rural Affairs Council be printed in the Record at the conclusion of my remarks.

Mr. President, within the past 2 or 3 years there has been a growing national recognition of the great need to expand the economic and social opportunities of the countryside and our smaller towns and cities so that those who would prefer to live in such communities will have the freedom to do so rather than being forced to move to the already overcrowded, and overburdened cities. Indeed, the development of our rural communities is now rather widely recognized as a necessary part of our efforts to deal with the growing crisis in the cities.

Without question, there is a great interest in rural development and an eagerness to move ahead with positive programs. But while there is no shortage of interest, the rural development movement has suffered from the lack of centralized leadership needed to instill a sense of direction and commitment.

The Rural Affairs Council will help to fill this need. Its creation signals the President's interest in rural development, and this alone is worth a great deal. Moreover, the Council will in due time function as a coordinator of existing Government programs and a source of new program proposals.

Thus, the creation of the Rural Affairs Council is a milestone in the rural development movement. I applaud the President for his initiative and vision.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT

Shortly after I became President, I established a new Cabinet-level Urban Affairs Council to help me develop an overall strategy for meeting the problems of the cities and to coordinate the wide variety of government efforts in this area. It is a fact of our national life that the concerns of rural America also deserve more careful consideration and more effective coordination at the highest levels of government.

We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests, mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw.

It is for these reasons that I am announcing today the establishment of a new Rural Affairs Council at the Cabinet level. The Council will meet next week for the first time. The following officials will join me as members of the Council: The Vice President, the Secretary of Agriculture, the Secretary of Interior, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, the Secretary of Health, Education and Welfare, the Secretary of Labor, the Director of the Bureau of the Budget and the Chairman of the Council of Economic Advisors.

It is to this Council that the Task Force on Rural Development will submit its report and recommendations.

As I announce the formation of the Rural Affairs Council, I would note several facts which underscore the importance of its work. It is shocking, for example, to discover that at least one-third of the housing in rural America is presently substandard. It is disturbing to realize that more than 3 million rural Americans have not completed five years of school. It is disheartening to see that one-third of our rural communities with a population over 1,000 have no public sewage facilities.

It is also important to note that the population of our country is likely to grow by 50 percent in the next thirty years. Where these next hundred million persons locate is a tremendously important question for our society. After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout our country. The Rural Affairs Council can help our nation to meet this challenge by helping rural America, once again, become an area of opportunity.

SPECIAL INTERESTS CARVE OUT NEW TAX LOOPHOLES

Mr. PROXMIRE. Mr. President, soon the Senate will begin to debate one of the most significant pieces of legislation at this session—the tax reform bill, H.R. 13270.

Tax reform is long overdue. The average American taxpayer has for too long paid taxes which should have been paid by the many special interests who can afford high priced lobbyists to present their "special" needs.

The most glaring example of special interest legislation has been the many tax loopholes for the oil industry. These loopholes have enabled the oil industry with its fantastic profits to pay less in Federal income taxes than the individual in the lowest tax bracket. And, to make matters worse, these hidden subsidies to the oil industry do not go through any budgetary review and as a result have skyrocketed far beyond what Congress would have appropriated under any circumstances.

Fortunately, we have astute reporters who watch the machinations of the oil and other special interest lobbyists. Murray Seeger is preeminent. He is a reporter who has the courage and ability to expose the lobbyists who operate best behind closed doors.

He has exposed and explained certain technical changes in the tax reform bill which benefit only a few, very powerful interests to the detriment of the average taxpayer. I have great faith in the Senate's desire to reject special interest legislation and to act on behalf of all the people once the consequences of the technical changes are explained. Therefore, I ask unanimous consent that two of his articles exposing these special interest machinations be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Nov. 4, 1969]

SENATE TAX WORK WORTH MILLIONS TO MINERALS INDUSTRY

(By Murray Seeger)

WASHINGTON.—A very expensive thing happened to one of the big tax loopholes, the minerals depletion allowance, as it passed through a closed-door working session of the Senate Finance Committee.

Administration sources estimated Monday that changes made by the Senate committee in the tax reform bill were worth $285 million to the oil, gas and hard minerals industry.

As it passed the House in August, the tax reform bill was estimated to pick up $420 million a year in new federal revenue by lowering the tax-exempt depletion allowances granted to about 100 minerals. The Senate committee provision is estimated to gain only $135 million.

The House cut the biggest depletion allowance, the 27.5% benefit given oil and gas producers, to 20%. All other mineral allowances were trimmed by the same proportion except gold, silver, copper, iron and oil shale which were maintained at 15%.

DETAILS OF SENATE CHANGES

In cutting the impact of the House bill, the Senate committee took these actions:

Restored all the depletion cuts for hard minerals to their current levels ranging from 23% for uranium and sulphur to 5% for sand and gravel.

Set oil and gas depletion at 23%.

Made depletion allowances available for the first time to minerals recovered by a small number of companies from the Great Salt Lake in Utah. Salt and saline water were exempted.

Set a new limit on the amount of depletion which can be claimed for gold, silver and copper, a benefit which will accrue largely to four big copper producers, Anaconda, Kennecott, American Smelting & Refining, and Phelps Dodge.

Established a special class of "small" oil producers, those earning less than $3 million a year, which could claim depletion up to 65% of their income instead of the present limit of 50%:

The committee went along with the House and voted to redefine the point at which oil shale would be valued for depletion purposes. This would have the effect of doubling the amount of depletion that could be claimed when this mineral goes into mass production.

MAY BE AMENDED

All these committee actions are subject to amendment on the Senate floor, with the final decision being made by the House-Senate Conference Committee that will draft the final version of the tax reform bill.

The House bill would raise $60 million a year in new revenue from the hard minerals industry. Under changes proposed by the Senate committee, this bite was eliminated and a new tax benefit worth $20 million was granted.

Adjusting the oil depletion figure to 23% would be worth $185 million to the oil industry compared with a 20% figure. The special small producers' benefit would cost another $20 million in lost federal revenue, according to reliable estimates.

The Senate bill, like the House bill, would wipe out the tax advantages in two complicated financial transactions called "carved out payments" and "ABC deals" used by minerals operators to sell shares in their properties.

These two reforms would bring in an estimated $200 million in new money when fully effective several years from now. Combined with the $135 million from lowered oil depletion as voted by the Finance Committee, the total new revenue gained by the Senate bill from the minerals industry would be $335 million.

The House-approved legislation would have raised $620 million in new taxes from the same industry.

Changes in the House bill by the Senate committee reflect the representation of mining states among its 17 members. Some of the changes also represent tactical moves made to put the Senate in a better bargaining position when, as expected, a conference committee is called with the House to draw up a final reform bill.

The depletion provision has been expanded steadily since it was first written in its present form into the tax law in 1926 to encourage exploration and development of gas and oil supplies.

DEDUCT FROM GROSS

This section allows producers to deduct from the gross, pre-tax income of a property a fixed percentage of the value of the minerals. The law sets a limit of 50% of the net income from the property for depletion claims.

The law also declares that the mineral should be valued as it comes from the ground before any manufacturing is done to increase its value.

Because of the income limit, the effective rate of oil depletion is actually about 26%. For small, independent producers with less efficient wells than the big companies, depletion benefits are estimated at 20%.

The amendment to raise the limit on depletion to 65% of the net income would thus benefit the smaller producers. This amendment was sponsored in the committee by its chairman, Sen. Russell B. Long (D-La.), who has large investments in oil and gas and represents a major oil-producing state.

Raising the income limit for copper, gold and silver producers to 70% would be a lucrative change for the companies involved in that production because of their high production costs.

A Congressional source suggested this example:

If a copper mine produced $1 million worth of ore at a cost of $900,000, the present law would limit tax free depletion to $50,000. This would be half fo the net income from the mine, considerably less than 15% of the gross which would be the potential depletion.

SEVENTY PERCENT OF NET

The Senate committee bill would raise the amount of tax-free depletion from the same mine to $70,000, or 70% of the net income.

"That's the same as a 40% increase in depletion," the congressional source observed.

The Treasury Department argued that the changes affecting gold, silver and copper were unnecessary. Little gold is mined in the United States and the federal government is about to sell its remaining silver supply. The Administration considers the copper industry, which finds gold, silver and other minerals as by-products, healthy enough without new tax subsidies.

At the Treasury, some officials terms the Salt Lake amendment "crazy." The Internal Revenue Service several years ago studied the lake and concluded its deposits were not eligible for depletion because they were being reproduced faster than they were extracted. Minerals from the oceans are exempt from depletion for the same reason.

The products most likely to benefit from the proposal are potash, magnesium, sodium sulphate and lithium.

IN THREE STATES

Although oil shale is not produced in large quantities yet, many experts believe future supplies of petroleum can be extracted from large deposits in Colorado, Utah and Wyoming.

The Treasury has historically classified oil shale with iron ore and copper in the 15% class of minerals instead of the 27.5% petroleum group.

By permitting depletion to be figured on oil shale after the liquid is extracted from the rock, the value of the tax-free rebate is doubled, according to Treasury estimates.

The oil shale provision was included in the House bill and the Treasury asked the Finance Committee to remove it. But the section was stoutly defended by Sens. Clifford P. Hansen of Wyoming and Wallace F. Bennett of Utah, both Republicans.

Bennett was also the sponsor of the Great Salt Lake amendment while Sen. Paul J. Fannin (R-Ariz.) sponsored the copper amendment.

While the committee restored all the House cuts in hard minerals depletion allowances, an attempt by Sen. Long to return oil to its full 27.5% failed on a tie vote, 8 to 8, with one member, Sen. Eugene J. McCarthy (D-Minn.), absent.

Sen. Jack Miller (R-Iowa) sponsored the move to put oil depletion at 23% to, as one committee source said, "have something to bargain over with the House."

Oil depletion was set originally at 27.5% in 1926 as a compromise between the Senate, which sought 30% and the House, 25%.

[From the Washington Post, Nov. 10, 1969]

SENATE PANEL'S TAX BILL GIVES BREAK TO TWO MAJOR FIRMS

(By Murray Seeger)

In its final closed meeting on legislation designed to close tax loopholes, the Senate Finance Committee approved new, special exemptions worth millions of dollars for two major corporations.

The firms, Uniroyal, Inc., and Mobil Oil Corp., are not named in the massive tax reform bill, but sections were drawn to fit their requests for special consideration in repeal of the 7 per cent investment tax credit.

In addition, the committee earlier voted to make McDonnell Douglas Corp. eligible for a special provision the House Ways and Means Committee put in the legislation to benefit Lockheed Aircraft Corp.

These special exemptions were noted along with more general provisions drawn to take some of the sting out of repealing the investment tax credit.

The broader privileges would apply to commercial airlines, railroads, coal producers, some shipping lines and purchasers of air and water pollution control equipment.

COMMITTED TO BUILD PLANTS

In the cases of Uniroyal and Mobil, the companies argued that they committed themselves to build big new plants on the basis that they would get tax credits amounting to 7 per cent of the investment in new machinery and equipment.

The Treasury Department at first opposed both applications with the argument that the general rules on repealing the tax credit would be violated if the exemptions were granted.

At the last closed-door session of the Finance Committee Oct. 31, the Treasury withdrew its objection to the Uniroyal amendment but stood firm against the Mobil request. The committee voted for both amendments.

The Uniroyal proposal was offered by Sen. Fred R. Harris (D-Okla.), chairman of the Democratic National Committee, who had been asked to sponsor it by Rep. Carl Albert (D-Okla.), majority leader of the House, in whose district the company is building a new tire factory.

Sen. Wallace F. Bennett (R-Utah) sponsored the Mobil proposal which he inherited from the late Senate Republican Leader Everett M. Dirksen (Ill.).

For Uniroyal, the special exemption would mean a saving of about $3 million. Mobil stands to save $12 million.

McDonnell Douglas would get a tax credit of about $6.5 million, much less than the estimated $14 million Lockheed would save under the same section.

These special provisions are subject to further change or deletion when the tax reform legislation goes to the Senate floor later this month and to a House-Senate conference committee which will write the final bill.

When the administration proposed repeal of the business tax credit last April as a reform and anti-inflationary move, Treasury spokesmen agreed there should be no exemptions to the cutoff.

The administration originally set the repeal date as Sunday, April 20, the day before President Nixon announced his tax reform proposals. The Ways and Means Committee rolled the effective date back to April 18 after some members asserted a few businessmen had advance notice of the President's decision and signed contracts over that weekend to build plants and buy machinery that would produce tax credits.

Uniroyal claimed it was entitled to the credit for its new $73-million plant in Ardmore, Okla. It is being built with money raised by a local industrial development corporation, even though there was no contract specifying the kind of facility to be built.

OBJECTIONS WITHDRAWN

Treasury officials withdrew their objections to the claim when they found the company had filed a description of the plant with the Securities and Exchange Commission.

Mobil asserted it was entitled to the credit because it has bought a pipeline and started roads to the site of a new refinery at Joliet, Ill., which will cost between $160 and $200 million. Planning for the facility started in early 1968 but the contract to build the refinery was signed on April 20, the original deadline suggested by Mr. Nixon.

ADDITIONAL CALIFORNIA WAR DEAD

Mr. CRANSTON. Mr. President, between Saturday, October 25, 1969, and Friday, November 7, 1969, the Pentagon has notified 17 more California families of the death of a loved one in Vietnam.

Those killed were:

Sp4c. Robert L. Aday, son of Mr. George W. Aday, of Santa Barbara.

Pfc. Danny E. Appleton, son of Mr. and Mrs. James R. Appleton, of Sanger.

Sgt. Arthur B. Bengen, husband of Mrs. Eva L. Bengen, of San Diego.

Pfc. Gary W. Bruhn, son of Mr. and Mrs. Walter W. Bruhn, of Torrence.

Pfc. Richard J. Coston, son of Mrs. Dorothy M. Coston, of San Jose.

Lt. Oliver E. Deal, Jr., son of Mr. and Mrs. Oliver E. Deal, of Santa Monica.

Pfc. Thomas A. Engelman, husband of Mrs. Jacqueline L. Engelman, of Imperial Beach.

Sp4c. Marcas J. Garcia, son of Mrs. Socorro V. Avila, of Vallejo.

CWO Murray W. Hearne, son of Mr. and Mrs. Roger B. Hearne, of Norwalk.

WO Kenneth R. Leach, husband of Mrs. Pamela K. Leach, of Hemet.

B1c. William C. Leght, husband of Mrs. Cleo I. Leght, of Ventura.

Pfc. Richard R. Manemann, son of Mr. and Mrs. Richard G. Manemann, of Granada Hills.

Pfc. Florencio Q. Marquez, son of Mr. and Mrs. David C. Marquez, of Westmoreland.

Sgt. Vincent Saldano, son of Mrs. Mary Saldano, of Oakland.

Sgt. Charles E. Shultz, son of Mrs. Louella P. Bieri, of Long Beach.

Sp4c. Alexander Vigil, son of Mr. and Mrs. Audenago Vigil, of Santa Maria.

Capt. James C. Woods, husband of Mrs. June C. Woods, of Fairfield.

They bring to 3,864 the total number of Californians killed in the Vietnam war.

RETIREMENT OF DWIGHT J. PINION

Mr. McGEE. Mr. President, as the coauthor of the Civil Service Retirement Amendments of 1969, which became Public Law 91-93 a few days ago, I regret to advise Senators that the advantages included in that legislation have led to the retirement of a most distinguished Federal employee. What was intended as an inducement for well-qualified applicants to enter the Federal service, or an improvement upon benefits for employees already retired, has led to the loss of a most deeply valued employee within our own Senate family.

Dwight Pinion retired on October 31 as legislative counsel of the U.S. Senate. To say that he will be sorely missed is so much an understatement that I hesitate to say it at all. Anyone who has had anything to do with Dwight during the 27 years he has served in the Office of the Legislative Counsel knows of his outstanding ability, loyalty, and dedication. He is truly the personification of what Congress envisioned in establishing an independent, nonpartisan Office of the Legislative Counsel. I have known him best in his service to the Committee on Foreign Relations and the Committee on Post Office and Civil Service. But his expertise extended to almost all fields of legislation, and his quiet, effective leadership has resolved more problems in finding out what the Senate means to say in developing legislation than many Senators ever think about.

His work has always been characterized by judicious, intelligent, and incredibly thoughtful analysis. His suggestions have been helpful, and his counsel has carried great weight with the committees and Senators he has advised. Likewise, his tutoring of and work with members of our committee and personal staffs have been a key factor in developing the able staff the Senate now enjoys.

On behalf of myself and, I am sure, my colleagues, I extend to Dwight and Mrs. Pinion my most sincere good wishes for a very happy retirement.

DRAFT REFORM

Mr. DOLE. Mr. President, during the past week we have seen the chances for Senate consideration of President Nixon's proposal for a draft lottery system improve immeasurably. First, the majority leader announced that although he would vote against anything but comprehensive draft reform, he promised not to hold up Senate debate on the President's proposal. Second, the majority whip was convinced by Yale president, Kingman Brewster, Jr., that some reform was better than none. Yesterday, the chairman of the Committee on Armed Services announced that the committee had unanimously approved a draft lottery bill, but would not allow it to come to the Senate floor without previous agreement from draft reform advocates to withhold floor amendments.

Mr. President, I have long advocated comprehensive draft reform, and requested serious consideration be given to the creation of a volunteer Armed Force. However, I am hopeful that those who so vigorously advocate complete overhaul of the Selective Service System will not forget the many young men who would benefit from a lottery system this year. I urge the Senate leadership to do everything possible to expedite passage of the proposed legislation.

The Washington Evening Star, on November 8, 1969, published an editorial directed to this problem. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Brewster Compromise

Kingman Brewster Jr., president of Yale University, told the Kennedy draft reform subcommittee nothing more than what the Nixon administration has contended all along. To wit: It makes no sense to prevent the Senate from considering the administration's lottery system plan merely because there are other aspects of the draft that also need fixing. As Brewster put it, the best is the enemy of the good.

What the Senate Democratic leaders apparently could not accept under administration sponsorship, they did accept when a New Haven label was attached. So we now have the Brewster compromise of 1969—Senators Mansfield and Kennedy will permit the Nixon bill to come to the Senate floor in return for agreement to advance the expiration date of the draft act by six months, to January, 1971. Presumably this will make it easier, next year, to amend the act.

The compromise makes good sense. For one thing, the lottery system is as fair a selection process as can be devised, leaving the choice of draftees strictly to chance. It merits prompt approval for the sake of the young men whose futures are at stake.

As for the further reforms contemplated by the Democratic leaders, they include a revamping of the Selective Service System's administrative set-up and the issuance of new guidelines for draft exemptions. Given that such proposals are more complex, and certainly more controversial, than the lottery system, they would benefit from hearings and study during the remainder of this session.

It should be noted, however, that the Brewster compromise is only the first step toward getting the administration request to the Senate floor. Unless a sufficient number of Democrats undertakes not to press for further reforms on the floor, Armed Services Chairman John Stennis will simply refuse to report a bill out of committee.

Senator Kennedy now says he can understand how other Democrats will have difficulty resisting the urge to amend the administration bill. Majority Leader Mansfield confides that he will not vote for the administration request himself, because he disapproves of such a half-way measure. In the absence of more forceful leadership than this, the Brewster compromise will exist in name only, and the administration draft proposal will remain buried in the Armed Services Committee.

INDIAN AFFAIRS—WHAT HAS BEEN DONE AND WHAT NEEDS TO BE DONE

Mr. MONTOYA. Mr. President, I recently had the pleasure of addressing the 25th annual convention of the National Congress of American Indians in Albuquerque, N. Mex. I was pleased to have been invited to address the NCAI because I have long been interested in the problems facing our American Indians, and have become increasingly involved in seeking to assist them.

During the course of the annual convention of NCAI, I had the pleasure of listening to the keynote address given by Mr. Wendell Chino, president of the National Congress of American Indians, and president of the Mescalero Apache Tribe.

Mr. President, Mr. Chino's remarks deserve the close attention of each of us, not only in Congress or in the administration, but throughout the country.

Mr. President, I ask unanimous consent that Mr. Chino's address be printed in the Record so that others may share in his thoughts.

There being no objection, the address was ordered to be printed in the Record, as follows:

Indian Affairs—What Has Been Done and What Needs To Be Done

(Keynote address by Wendell Chino, president, National Congress of American Indians, and president, Mescalero Apache Tribe, to the 25th annual convention of the National Congress of American Indians, Albuquerque, N. Mex., Oct. 6, 1969)

In the face of the agony of the Viet Nam War, revolution for relevance, and revolution of racial hatred, our Country has made tremendous progress in the fields of science and technology. We can send a man to the moon, we can go to the depths of the sea and probe its darkness. We have learned to harness the energy of the sun and use its energy, and we can build giant computers. So—we stop and take stock of our achievements—a technology that very few nations of the world can match. In spite of progress and advancements—we are failing in, and have neglected our primary duty to our people, and especially among our people—the American Indian.

I share the very deep common concern we all feel and have felt for these troubled and terrible conditions in our country and the world. Today, we, the American Indian people are faced with many problems—political, economic, financial, racial, and many more. As an individual, I am a concerned citizen of this country—the country, which, in spite of its failings, that I love so very much. Indeed, I want to do everything that I can to promote its welfare and to see that it does not neglect its people.

Therefore; I want to address myself to: "Indian Affairs—What Has Been Done and What Is Remaining To Be Done."

From that first historic encounter between the American Indians and the "white men", our Indian lands have been diminished, leaving only certain allotted lands and established reservations as the remaining land base for the American Indians.

The Congress of the United States assumed responsibility for the Indian people. That responsibility included their education, health, and their general welfare. After almost 200 years, we are even more cognizant of this responsibility and the commitment to our people and the great job which still needs to be done.

In addition to the concern and the responsibility of the Federal government, certain Indian-interest groups and non-Indian individuals have made numerous reports on the administration of Indian affairs. We have been studied to death by reports and task forces representing the expenditure of vast sums of money. With this expenditure to improve our conditions you would think that we ought to be better off than we are today with all the reports and recommendations made in our behalf, suggesting ways and means of improving our conditions and welfare.

The changes in the administration of this country have made the Indian people and their problems a political football resulting in vascillating policies. Some administrations advocated keeping the status-quo by leaving Indian matters and policies like they have been for a good many years. Some administrations have initiated action requiring premature withdrawals of Federal services to the Indian people in several states—perhaps in more of the states, if the National Congress of American Indians and their friends had not intervened in certain cases in behalf of the Indian people. A review of the present condition of certain "terminated Tribes" does not speak well of the Federal government and its termination policy.

In view of these seemingly adverse and weak efforts by all parties concerned, we need now to look ahead and ask ourselves what needs to be done in Indian affairs?

Since all of the studies and reviews reflect the weakness of the Bureau of Indian Affairs and the reticence of the Congress to deeply concern itself with the Indian people and their problems, then, in line with our theme, we must become involved! There is no other recourse but to stress the need for a strong leadership among our Indian Tribes, Pueblos and groups. If you see a need or a job that is waiting to be accomplished—put your hands to the plow, then having put your hands to the plow, request assistance if you need it. The need of this hour among Indian people is for strong, positive leadership that must come to grips with local problems—leadership that must be heard on state and national levels. It is not enough to speak only of our ills and the short-coming of the Bureau of Indian Affairs—let us provide the leadership to provide the motivation and the stimulation to attack those areas needing our time, energy and effort.

Whether we are reservation or urban Indians—radicals or conservatives, we are Indians—let us not knock one another or seek personal aggrandisement. Let us, with common interest and energy make united efforts to attack those problems affecting our people. Unite we must—lest we divide and lose our strength.

Another thing that needs special attention is to secure from the Congress, an annual appropriation that is realistic, and large enough to attack and combat our problems. At the present rate of appropriation for Indian programs, it will take centuries to accomplish the task mutually facing all of us.

Turning our attention to the New National Administration, I have some remarks to address to it:

The "New Federalism" advocated by the new administration, has no appeal or interest for me as presently enunciated and I'll tell you why. The concept of the "New Federalism" that I hear is that all grants-in-aid and all Federal funding of projects and programs are going to be channeled through the states. By channeling funds through the states, the Federal government will be abrogating its responsibility, a primary and a constitutional responsibility, to the several states for administration. I do not believe that this form of the "New Federalism" will work to the benefit of the American Indians, in fact, it will work against them. *It will put all of us out in the cold!*

"New Federalism" could work for the Indian people if it is handled in the right way. For "New Federalism" to work among the Indian Tribes, those Tribes must be dealt with on the same basis as the several states. Federal assistance must be granted to the Indian Tribes in the same way that it is granted to the states—directly! For Federal Indian help to be channeled through the states will result in only tokenism. We need only to look at the administration of funds appropriated under the Omnibus Crime Law. Have any of our tribes really gained or received any benefits from this law, a law which grants funds to the several states for administration? At Mescalero, we have not received one iota of service or benefit from the Federal grant to the State of New Mexico.

Instead of "new Federalism" and tokenism for Indian people, there must come and there must be direct funding to Tribes for Indian programs. The Indian desks now existing in the various Departments of the government must remain and continue; in fact, we need more of them.

The Congress of the United States must, without question, proceed immediately to enact Senate Concurrent Resolution Number Thirty-Four, a Resolution enunciating a NEW National Indian Policy which is being spearheaded by Senator McGovern and his other Senatorial colleagues. This proposed National Indian Policy Statement by the Congress concerning the First American must be enunciated very clearly and positively. It is a new policy that will lay to rest all the hidden and known fears manifest to us because we just do not know where we stand in our unique relationship with the Federal government. I do not believe that this decade should come to a close without a marked improvement for our Indian people.

The Congress, through this Resolution, and its disavowal of the Termination Policy will restore the confidence of the Indian people in the Federal government, making it possible for the Indian Tribes and the Federal government to go forward together to brighter future for our people and all people of this great Country. The Indian must have the right of self-determination on the selection of his way of life!

Let us not be lulled into accepting programs from the states!

Most of our Indian people do not now have, nor have we ever had political or legal relations with state governments. We do not now receive state assistance in any form except for those Federal funds given to the states specifically for Indians. Our experience with the states' administration of Federal funds in behalf of Indians has not been good. Only recently have we been allowed the vote in many states and today few of our Indian people do vote in state elections and have no power base in the state political machines.

The first Congress of the United States reserved unto itself, the power to deal and negotiate with Indian Tribes, showing a wisdom thereby which was not fully appreciated until recent times. The Indian Tribes were then, and are now legally considered as pseudo-sovereign nations—exercising the powers of residual sovereignty. As early as 1775, Article Nine of the Articles of Confederation asserted: "The United States in Congress assembled shall also have the sole and exclusive right and power of . . . regulating the trade and managing all affairs with the Indians . . ." This Article was approved in Congress in 1777. In 1787, the Constitution clearly established the Federal relationship to Indian Tribes in the "commerce clause" which reads in part . . . "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

Subsequently, Congress passed a series of Federal laws "to regulate trade and intercourse with the Indian Tribes, and to preserve peace on the frontier", such laws were commonly known as the "Indian Trade and Intercourse Acts" which served to further clarify the absolute relationship between the Federal Government and the Indian tribes, and excluded the interference of any State. The Federal government was anxious then to promote Indian friendship and prosperity because it needed the might of the Indian warriors allied with the government in the fight against European colonialism. The few thousand American whites could not stand against several million Indians at their backs and several million Europeans at their shores.

Recently, a brief article appeared, stating, and I quote—"Approximately $525 million dollars has been allotted by the government for Indian Affairs for fiscal 1970. If that money were given directly to the heads of Indian households, they would be receiving an annual income of almost $6,000.00 (There are about 100,000 Indian heads of households and not more than a half-million Indians in the United States.) At present, their average annual income is under $2,000." End of quotation. That is a nice thought, but the writer failed to realize that the major portion or share of the $525 million will go to maintain, sustain and perpetuate an empire of the Federal government—the empire of the Bureau of Indian Affairs. Parenthetically, we have offered, through our N.C.A.I. Position Paper ideas that we believe could provide solutions to the problem of getting more funds into the hands of the Tribes, and the elimination of a bureaucracy.

This great country which we call the United States of America would not have been created without Indian participation and Indian help. During the Revolutionary War, the Federal Army invited the assistance, the cooperation and the participation of the Six Nation Confederacy, the Delawares, Wyandottes, Chippewas, the Ottawas and the Shawnees to protect the northern and western fronts, and the Cherokees, Choctaws, Creeks and Chickasawa to protect the Southern Front against the invasion of the British Army.

The Indians did such an outstanding job that it resulted in total victory for the United Colonies. *Thus, was the foundation of this Country saved by the Indians.* Had the Federal Army been defeated, then, there would never have been a United States of America. The early colonists looked to the Iroquois Confederacy for the formation and framing of the United States Constitution—one of the greatest and mightiest documents this world has ever known. Again, it was Indian help and Indian influence through the Iroquois Confederacy that provided the mold for the Constitution of the United States of America.

In the war with Japan, the Japanese could not decode the Navajo language, this was one code that they could not break. What a vital role the Indian Language played in the Second World War—not to mention the large percentage of Indians who served in that war.

This is the kind of Indian involvement that we need. We will not accept anything less!

Now, how sad—how ironic, that our people—the American Indians, who have certainly played a viable and vital role in the shaping of this great country can be given only lip service by the leaders of our country, and in many cases, by the leaders of our states.

We are sick, tired and disappointed with tokenism, political platitudes and promises that were never intended to be kept; it is going to take more than "lip service" from our government, more than political tokenism from the leaders of our country to improve and accomplish the needed programs existing among our people today.

What about the pledges given to the American Indians at last year's convention in Omaha, Nebraska? How many, can we truthfully say have been kept or fulfilled to the satisfaction of our Indian people? We are sad that all of our pleading, prodding, and requests have been shrugged off and fallen on deaf ears to be ignored.

Our pleas on behalf of our people aren't shallow or slight, they affect the basic well being of our people. Our requests for better

and greater service is not welfare or tokenism! We are asking that the historic commitment of 1775 to our Indian people be fulfilled in this century.

Finally—I say to our Indian leaders and our Indian people, let your people see you take an active part in Indian affairs, and be involved in salvaging the ideals of our people, the traditions of our people. Fight the non-Indian values that would destroy our culture, and oppose the platitudes of our time and of the dominant society. Our mutual concern and protection will preserve and sustain our Indian heritage and culture for generations to come.

Thank you.

PROFESSOR MELLINKOFF WRITES ON JUDGE HAYNSWORTH

Mr. BAYH. Mr. President, a copy of a letter to Senator Eastland was sent to me by its author, David Mellinkoff, a professor of law at the University of California, Los Angeles. It seems to me that this letter sheds significant light upon the questions of appearance of impropriety which have been raised in regard to Judge Haynsworth's qualifications for a seat on the Supreme Court. I ask unanimous consent that Professor Mellinkoff's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

University of California, Los Angeles,
Los Angeles, Calif., October 20, 1969.
Hon. James O. Eastland,
Chairman, Senate Judiciary Committee, New Senate Office Building, Washington, D.C.

My Dear Senator Eastland: As a professor of law teaching legal ethics to future lawyers, I write to invite your further attention to what I believe to be the central issue in the consideration of the fitness of Mr. Justice Haynsworth for appointment to the Supreme Court of the United States.

Three instances of apparent conflict of interest have been given prominence in the press: the Justice's purchase of Brunswick Corporation stock before announcement of his Court's decision in favor of Brunswick; his substantial ownership of Carolina Vend-O-Matic, a company having a valuable business relationship with a successful litigant before the Court; and his small stock holding in the W. R. Grace Co. at the time of a decision favorable to its subsidiary Grace Lines. According to report, Justice Haynsworth has explained that the Brunswick case had been decided and forgotten before he bought any Brunswick stock, and that financial interest did not influence his vote in any of these cases. As a member of the bar for 30 years I accept Justice Haynsworth's explanation.

At the same time I cannot but observe that to the unsuccessful litigant in Justice Haynsworth's Court the explanation would ring hollow. At best losing a lawsuit is a disheartening, at worst a crushing experience to anyone convinced rightly or wrongly of the justice of his cause. The disappointment is endurable only under a system of justice in which the loser knows that the process by which he lost was a fair one.

In a grosser age, when the brilliant Francis Bacon was forced from office and forced to acknowledge that as Lord Chancellor of England he had been taking gifts from litigants, he was still able to assert, ". . . I am as innocent as any born upon St. Innocent's day: I never had a bribe or reward in my eye or thought when pronouncing sentence or order." It may have been true, but it was hardly satisfying, least of all to the man who lost his case in the Lord Chancellor's court.

In a United States district court a jury awards an injured seaman $50.00 on a claim against Grace Lines he thought worth $30,000. Saddened, he takes his case to the United States Circuit Court of Appeals. It is not difficult to imagine the bitterness in the heart of the injured seaman when he learns that one of the judges to whom he appealed in vain to right the supposed wrong of the Grace Lines was even a small owner of the company that owns Grace Lines. By the standard of the marketplace Justice Haynsworth's stockholding was trifling. It looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him.

To avoid such avoidable strains on the legal system, it has long been a maxim of the law that courts shall not only do justice but that they shall seem to do justice. This ancient wisdom finds expression in the Canons of Judicial Ethics of the American Bar Association providing that a judge's conduct should not only be "free from impropriety" but from "the appearance of impropriety." (Canon 4). The importance of the appearance of things is stressed again and again (Canons 13, 24, 26, 33), culminating in the injunction that "In every particular his conduct should be above reproach." (Canon 34).

These Canons apply to judges at every level. They apply most stringently to the men who are to grace the court which sets an example of right to the rest of the nation. I hope, Senator, that you will consider the nomination of Mr. Justice Haynsworth in this light. If you do, I believe you will come to share my conclusion that his confirmation would not promote that necessary public respect for our system of justice which each of us in his own way seeks to preserve.

Very truly yours,
David Mellinkoff,
Professor of Law.

DEATH OF JUDGE THURMAN ARNOLD

Mr. McGEE. Mr. President, yesterday, in my hometown, funeral services were held for a man whose name certainly is well known. Thurman Arnold—lawyer, teacher, judge, public servant, and a man of vast wit and humanity—died last Friday at the age of 78 at his home in Alexandria, Va.

Judge Arnold, who was born in Laramie in the second year of Wyoming statehood, 1891, and served both as mayor and as the lone Democrat in the Wyoming House of Representatives before moving to the national scene, has gone home for the last time. But he has left our Nation richer by his years of service. His contribution to America was substantial, as the Washington Post observed in an editorial salute.

I ask unanimous consent that the Post's editorial, entitled "Thurman Arnold, Teacher and Friend," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Thurman Arnold, Teacher and Friend

A friend of ours once called Thurman Arnold the "youngest senile man" he had ever met. He didn't know Judge Arnold well and it was a pity. For the judge, despite that outward appearance of bluster, brusqueness and sloppiness which made him the bane of Washington hostesses, was one of the youngest of men where it really counts—in the mind and in the soul.

We laughed with Judge Arnold, were outraged by him, and learned from him for a third of a century. He made the most difficult aspects of the law and of economics seem simple, except when he wanted to make either of them seem obscure, and he was a master at doing either. Phenomenally successful as a lawyer, he could have been just as successful as an author, a lecturer, or a humorist, all of which he was in his spare time.

It is easy now to forget what this nation was like when Thurman Arnold arrived—exploded might be a better word—on the national scene. The law was then a brooding omnipresence and laissez faire capitalism assumed the desirability and the superiority of bigness in business. Judge Arnold was a leader among those who stripped away the myth of the early Twentieth Century and raised the curtain on the operation of business in the courts. If for no other reason, and there are others—his devotion to and his willing defense of the principles of the First Amendment is one—his contribution to America was substantial.

AIR POLLUTION ABATEMENT IN SOUTHERN CALIFORNIA

Mr. MURPHY. Mr. President, for many years a critical smog problem has existed in southern California, and this problem is becoming increasingly evident in metropolitan areas throughout the Nation.

Experts agree that motor vehicle emissions constitute a major portion of the remaining smog problem.

Because the southern California area has for many years been in the forefront of efforts to counteract air pollution, I feel that it is fitting that a southern California firm is using its resources to energize development of a virtually smog-free fuel system for the motor vehicle. The Los Angeles-based Pacific Lighting companies—Southern California and Southern Counties Gas Co's. and Pacific Lighting Service Co.—have developed a natural gas fuel system that reduces the emission of air pollutants from the motor vehicle up to 90 percent. These companies should be commended for their successes in the area of air pollution abatement.

The Federal Government currently is involved in testing the natural gas fuel system on 12 General Services Administration vehicles in the Veterans' Administration motor pool in West Los Angeles. Four sedans and eight trucks have been equipped with the system. A news conference was held in Los Angeles on Monday, October 27, to mark the official beginning of the natural gas vehicle test program.

This test program is a fine example of private industry working with the Federal Government in an attempt to remedy a nationwide problem.

The system that Pacific Lighting has developed permits vehicle operation alternately on either natural gas or gasoline. A choke-like control switch on the dashboard allows the operator to switch from one fuel to the other. A vehicle can operate on natural gas in urban air pollution areas and be switched to gasoline for high-speed freeway operation or rural driving.

For the past year, Pacific Lighting's fuel system has undergone extensive tests at the California Air Resources Board laboratory in Los Angeles.

One test vehicle showed carbon monoxide emissions were reduced from 25.3 grams per mile on gasoline to 4.4 grams per mile on natural gas. Hydrocarbons were reduced from 8.9 to 0.3 grams per mile and oxides of nitrogen dropped from 5 to 0.6 grams per mile on natural gas. All of the vehicles tested showed similar results.

Based on the test results, the air resources board certified the system for use on all vehicles in California. However, Pacific Lighting is advocating application of the fuel system initially to large-fleet vehicle operations.

More than 60 vehicles in southern California have been installed with the natural gas fuel system at the present time. The gas utilities in the Pacific Lighting system have announced that they will convert more than 1,100 of their customer service vehicles to the system during the next year.

Several governmental agencies and private firms are testing or planning to test the natural gas fuel system. Among them are the California Division of Highways, the city of Los Angeles, Los Angeles County, the Los Angeles Times and Disneyland.

In conclusion, Mr. President, I feel this natural gas vehicle program of the Pacific Lighting companies proves that something can and is being done to further reduce the hazardous air pollution problem that affects and concerns us all. I congratulate the Pacific Lighting companies for their efforts in behalf of air pollution abatement.

NEED FOR INCREASED FEDERAL ASSISTANCE TO EDUCATION

Mr. PERCY. Mr. President, educational institutions across the country are in dire financial straits as they attempt to educate students on budgets too limited to meet their needs. This predicament is, in part, our responsibility since Congress has not as yet passed the appropriation for the Office of Education.

Thus, despite House action on the HEW appropriations bill providing $4,246,241,455, schools are receiving only the $3,327,049,455 provided by the continuing resolution currently funding education. They are, therefore, deprived of $1 billion that could be effectively utilized for teachers, equipment, special education programs, and student financial assistance.

The Senator from New Mexico (Mr. MONTOYA) has introduced, and I have cosponsored, Senate Joint Resolution 163, which would make this additional $1 billion available to the schools. This joint resolution would fund education programs at the level approved by the House rather than the level recommended in the budget request for fiscal year 1970.

Illinois' share of this increase would be approximately $36.8 million. Both Governor Ogilvie and Ray Page, the superintendent of public instruction in the State, have impressed upon me the vital need for this additional money. My own investigation of how this money would be allocated has further convinced me of its importance for the students and the schools in my State.

Of the $36.8 million, $8 million will be allocated in Illinois for programs to assist educationally deprived children under title I of ESEA; $2.6 million for library materials for schools; $1 million for guidance and counseling services. In addition, $10 million will be utilized as assistance to schools in federally impacted areas; $3 million for student loans, and $6 million for vocational education. The distribution of the remainder of the additional funds is indicated on a table which I ask unanimous consent to have printed in the RECORD.

Mr. President, Illinois needs the increase in Federal assistance to education provided by Senate Joint Resolution 163—as does every other State. I therefore urge rapid consideration and passage of this resolution. I can think of no better investment in our country than insuring that our educational system has the funds to teach and guide our youth.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OBLIGATIONS IN THE STATE OF ILLINOIS—OFFICE OF EDUCATION

Program	Actual, 1968	Estimate, 1969	Estimate, 1979	Nixon estimate, 1970	House passed appropriation bill
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$47,565,775	$44,407,826	$46,788,843	$46,788,843	$54,513,049
State administrative expenses	474,998	444,130	467,888	467,888	0
Grants to States for school library materials (ESEA II)	5,337,276	2,681,475	2,252,460	0	2,672,463
Supplementary educational centers and services (ESEA III)	9,382,000	8,223,590	8,648,036	5,650,541	8,251,199
Strengthening State departments of education (ESEA V):					
Grants to States	1,013,556	1,056,099	1,130,757	1,130,757	1,130,757
Grants for special projects				0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	3,056,642	3,085,357		0	3,157,687
Loans to nonprofit private schools		181,753		0	0
State administration	102,071	99,990		0	100,742
Guidance, counseling, and testing (NDEA V)	1,283,562	894,406	622,243	0	901,171
Subtotal, elementary and secondary education	68,215,880	61,074,626	59,910,227	54,038,029	68,727,068
School assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	12,220,000	12,724,000	7,217,000	4,280,000	11,805,000
Construction (Public Law 81-815)	97,094	934,000		0	0
Subtotal, SAFA	12,317,094	13,658,000	7,217,000	4,280,000	14,805,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States (EPDS B-2)		619,473	886,082	886,082	886,082
Training programs (EDPA, pts. C and D)	3,468,409			0	0
Subtotal, education professions development	3,468,409	619,473	886,082	886,082	886,082
Teachers Corps	1,109,679	1,067,674		0	0
Higher education:					
Program assistance:					
Strengthening developing institutions (HEA III)	1,068,000			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	389,618	385,726	389,721	389,721	389,721
Undergraduate instructional equipment and other resources (HEA VI-A)	641,295	627,907		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	2,776,977	3,299,943	1,706,263	1,706,263	1,706,263
Other undergraduates facilities (HEFA I, sec. 104)	10,439,144	6,640,145	4,340,960	0	1,688,339
Graduates facilities (HEFA II)	1,500,000			0	0
State administration and planning (HEFA I, sec. 105)	244,312	215,020	215,020	215,020	215,020
Student aid:					
Educational opportunity grants (HEA IV-A)	6,429,725	770,306	3,707,326	3,707,326	2,730,279
Direct loans (NDEA II)	9,192,661	9,603,647	7,628,040	7,628,040	10,931,945
Insured loans:					
Advances for reserve funds	92,355	642,626		0	0
Interest payments	(1)			0	0
Work-study programs HEA IV-C)	5,129,105	6,321,681	6,622,714	6,624,079	6,624,079
Special programs for disadvantaged students: Talent search	255,380			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	4,692,300			0	0
Training programs (EPDA, pt. E)	148,000			0	0
Subtotal, higher education	42,998,872	28,507,001	24,010,044	20,270,449	24,285,646

Footnote at end of table.

OBLIGATIONS IN THE STATE OF ILLINOIS—OFFICE OF EDUCATION—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1979	Nixon estimate, 1970	House passed appropriation bill
Vocational education:					
Basic grants	$10,397,146	$10,300,874	$9,830,472	$9,380,472	$15,169,414
Innovation			324,227	0	0
Work-study	503,371			0	503,114
Cooperative education			374,227	374,227	374,227
Consumer and homemaking education			622,822	622,866	622,822
Subtotal, vocational education	10,900,517	10,300,874	11,151,748	10,377,565	16,669,577
Libraries and community services:					
Grants for public library services (LSCA I)	1,746,355	1,746,355	1,746,355	776,280	1,746,355
Construction of public libraries (LSCA II)	656,395	1,653,747	354,115	0	354,115
Interlibrary cooperation (LSCA III)	47,539	48,925	48,925	48,925	48,925
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	23,750	25,776	25,776	25,776	25,776
College library resources (HEA II–A)	1,532,824			0	0
Librarian training (HEA II–B)	666,077			0	0
University community service programs (HEA I)	359,848	333,347	333,346	333,346	333,346
Adult basic education (Adult Education Act):					
Grants to States	1,221,492	1,460,494	1,633,780	1,633,780	1,633,780
Special projects and teacher education	483,000			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	6,775,280	5,308,153	4,181,806	2,847,616	4,181,806
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	687,167	1,488,885	1,488,885	1,488,885	1,488,885
Teacher education and recruitment	1,211,167			0	0
Research and innovation	796,468	446,441		0	0
Media services and captioned films for the deaf	77,590	49,465		0	0
Subtotal, education for the handicapped	2,772,392	1,984,761	1,488,885	1,488,885	1,488,885
Research and training:					
Research and development:					
Educational laboratories	600,000	270,000		0	0
Research and development centers	1,465,500			0	0
General education	1,554,377	137,690		0	0
Vocational education	1,022,991	363,581	32,100	32,100	32,100
Evaluations				0	0
National achievement study				0	0
Dissemination	64,312			0	0
Training	314,657			0	0
Statistical surveys	23,400			0	0
Construction	22,000			0	0
Subtotal, research and training	5,067,237	771,271	32,100	32,100	32,100
Education in foreign languages and world affairs	1,305,133			0	0
Civil rights education	264,413			0	0
Colleges for agriculture and the mechanic arts (2d Morrill Act)	50,000	50,000	50,000	50,000	50,000
Promotion of vocational education (Smith-Hughes Act)	360,319	360,319			
Student loan insurance fund				0	0
Higher education facilities loan fund	6,875,000			0	0
Total, Office of Education	162,480,225	123,702,152	109,527,392	94,280,726	131,126,164

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[1] Not available.

THE PROTEAN PROJECT SANGUINE

Mr. NELSON. Mr. President, the Janesville, Wis., Gazette struck a very responsive cord in an editorial on the protean Project Sanguine. On November 6, 1969, the Department of Defense announced that new technical developments had given more flexibility to the military in testing and designing this one-way grid system for communicating with our Polaris missile submarines. The flexibility does not imply a major breakthrough. The size of the grid could still cover the same 21,000 square miles as before with a reduction in power, or it could be reduced to about one-third of that size but require the original great amount of power forecasted.

Clearly this does not remove the reservations raised in the editorial, which I share. The potential harm to human life and the ecology of northern Wisconsin is too great to allow this program to sail forward without strong public debate. Also the military urgency has not been substantiated.

Secretary of Defense Laird has reiterated that Sanguine will not be built unless our Nation's strategic deterrent force requires it and unless it can be built in a manner entirely compatible with its surroundings. This statement places the burden on the Department of Defense to make a case for national need, not mere technical feasibility.

Mr. President, I ask unanimous consent that the editorial entitled, "Wild Statement on Sanguine," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILD STATEMENT ON SANGUINE

Rep. Alvin O'Konski is a strong supporter of Project Sanguine, a huge underground transmitter the Navy wants to build in Northern Wisconsin. The project is opposed by many conservationists who fear great damage to Wisconsin's forests, farmland and wildlife.

In defending the project, O'Konski is ranging very far afield. He said recently that Sanguine would create 5,000 jobs, and where he got this figure is a mystery.

Secretary of Defense Melvin Laird, in a speech Oct. 21 at Stevens Point, said Sanguine would have few economic benefits for the State of Wisconsin and after initial construction work, would require only a few employes to maintain. Even the Navy, which wants the project, says it would create only 300 jobs in the 26-county area the project would cover.

Even wilder was O'Konski's statement that Sanguine would be "a great tourist attraction."

Oh, sure. We can just imagine families all over the Midwest piling into their cars on a long weekend to drive to Northern Wisconsin to see miles and miles of slashes through the forest where underground cables are buried. Why, it might put Disneyland out of business.

Dr. E. L. David, a natural resource economist, said "There will be little to attract tourists since the cables and terminals will all be underground. Since the cables will be laid every few miles, the countryside will be disturbed in straight lines running as far as the eye can see. This does not seem to be very much of a tourist attraction and I would suspect that such lines would be less rather than more aesthetic . . ."

And a Gazette reader, Anthony DeWerd of Milwaukee, writes: "Who would want to travel to Northern Wisconsin to see raped forest land? Personally I would have great reservations about traveling to a prime nuclear target area and in addition subjecting myself to strong electromagnetic fields."

What is Project Sanguine? It is a giant radio antenna designed to give our nuclear submarines the order to fire their missiles in case a Soviet first strike wipes out normal channels of communication.

Why build it in beautiful Northern Wisconsin instead of in a desert out West? Because the military says a unique underground rock formation in Northern Wisconsin makes it the only place in the world where the Sanguine electrical trick can be performed.

Perhaps. And perhaps not. Sen. Gaylord

> Nelson of Wisconsin, who opposes Sanguine, said "there has never been a debate in Congress to prove that, even if the system will work, it is a necessary or justifiable expense."
>
> What really disturbs opponents of Sanguine are the electrical currents that will be given off by the giant transmitter. Even low-frequency currents far less than the 800 million watts Sanguine would throw off electrify metal objects nearby and can upset telephones, television and household lighting. Scientists don't know what effect the low-frequency radio waves would have on animals and people, although high-frequency radio waves are known to have profound effects on longevity, body weight, reproduction, growth, behavior and the central nervous system.
>
> Project Sanguine might—repeat, might—be justified if it can be proven that the radio waves will be harmless, that forests and farms will not be destroyed and it cannot be built somewhere else. Unless these guarantees are forthcoming, it should not be built.

COMMENDATION OF THE VICE PRESIDENT

Mr. CURTIS. Mr. President, I rise to commend the Vice President of the United States. He is the defender of that great body of Americans who are orderly and who bear our country's burdens.

That is why I am so proud of the Vice President of these United States. A son of immigrants, he has a real feel for this Nation of ours, a feeling of loyalty to the American dream, a feeling of being a part of the national destiny, a feeling for the real meanings of peace and freedom and honor.

In recent weeks he has sought to impart these feelings to his fellow Americans. He has sought to point out to the vast majority of decent, loyal, silent Americans that it is only a very small group that, though it makes all the noise and gets all the headlines, is involved in degrading and dishonoring our country and our flag.

I am proud of him because he continues to carry the message, though he is ridiculed and reviled. I am proud of him because he has said that he, for one, "will not lower my voice until the restoration of sanity and civil order allow a quiet voice to be heard once again."

ESTABLISHMENT OF A NATIONAL INSTITUTE FOR THE SOCIAL SCIENCES

Mr. McGOVERN. Mr. President, I introduced on Wednesday, November 5, 1969, a bill to provide for the establishment of a National Institute for the Social Sciences—S. 3115. The Institute, to be located in the District of Columbia, would function primarily as a national center where individuals of outstanding ability could identify, conduct research on, and evaluate our Nation's most pressing social problems. The proposal would provide for:

A quasi-independent agency of the Federal Government,

A board of trustees consisting of 13 members,

An Executive Director to manage the affairs of the Institute,

An annual report to the President and the Congress of the United States and, thus, to the people,

A fellowship program for U.S. citizens to allow advanced research and study by visiting fellows selected by the Board of Directors,

The designation of the Institute as the George Washington Memorial Institute for the Social Sciences.

A recent report by the Department of Health, Education, and Welfare entitled "Toward a Social Report," noted:

> Only a small portion of the existing statistics tell us anything about social conditions, and those that do often point in different directions. Sometimes they do not add up to any meaningful conclusion and, thus, are not very useful to either the policy-makers or the concerned citizen.

The Senator from Minnesota (Mr. MONDALE) in a recent hearing of his Subcommittee on Evaluation and Planning of Social Affairs observes:

> We now produce over $400 million worth of statistics in this government and it is worth about four cents when it is all done because nobody looks at it.

Mr. President, the research now being conducted or supported by the Federal Government is so fragmented and diffused as to cry for a central agency to analyze and coordinate this vast mine of information. One of my deep concerns and one I know many of my colleagues share is: What is the direction of the Federal structure—what can we do to determine the causes of unrest and relate them in a practical way to the national capability in terms of priorities and costs?

I am convinced that if an appropriate viable Federal structure is created it will make a significant contribution toward solution of the multiple social problems of today and tomorrow. This Institute will provide a practical blueprint for action by relating multifarious national problems and their priorities to fiscal reality. It will provide members of Congress with a unified body of data which 535 individual overworked staffs cannot provide. The Institute we propose can and would be of immeasurable assistance in policymaking by assumption rather than fact.

Mr. President, to better understand the relationship of this proposed Institute to the Congress we should look at this Nation in broad perspective. In less than 200 years it has grown from 13 separate colonies with divergent aims to the most powerful nation on earth. It has done so always maintaining its initial fundamental aim of life, liberty, and the pursuit of happiness. The genius responsible for this proud legislative record, I submit, is that its government has always represented a true cross section of our Nation: leaders in farming, labor, industry, education, humanities, and others. For this reason, this Institute's Board of Directors is patterned after the Congress in that it likewise represents a cross section of civic leadership from all fields.

The issues and problems facing our Nation are compounding. The means to identify and deal with them must be updated. Failure to face the need is beset with even graver consequences. The George Washington Memorial Institute for the Social Sciences is designed to serve the Congress so it may better serve the country.

Mr. President, the proposed Institute would be named after our first President for very special reasons. George Washington made a bequest of 50 shares of stock in the Potomac Navigation Co., for the establishment of a National University, with the Congress and the Treasurer of the United States as trustees. It was President Washington's wish "to see a plan devised on a liberal scale which would have a tendency to spread systematic ideas through all parts of this rising empire." It has been estimated that the 50 shares of stock were worth approximately $25,000. Assuming that this amount were compounded at 5 percent semiannually the sum would exceed $100 million today. Our Government failed to acknowledge or conserve the bequest: the securities are long since nonexistent.

I, therefore, believe the establishment of an Institute for the Social Sciences in honor of our first President is most appropriate and in keeping with his wishes.

ABUSES OF ESEA TITLE I FUNDS

Mr. KENNEDY. Mr. President, yesterday I discussed here on the Senate floor a report, prepared jointly by the Washington Research Project and the NAACP legal defense fund, on the misuse of title I funds under the Elementary and Secondary Education Act.

The findings of the report are distressing, and they highlight the need for much more careful administration of ESEA title I funds if the goal which Congress has set—to provide effective assistance to school systems with high concentrations of low-income children—is to be met.

The report found, for example, that in many cases title I money has been used as general aid to all schools or to nontarget schools, rather than being concentrated in schools with educationally handicapped children who need assistance the most. Title I funds have been used to supplant, rather than supplement, State and local money. Many schools have spent the funds for construction and equipment which did not further the end of compensatory education and which were in violation of regulations and program criteria. Community involvement and participation have been systematically excluded, despite the clear intent of the law that parents and representatives of the community play a major role in title I decisions. Citizens have been denied access to audit reports, applications and other information—despite explicit regulations to the contrary. Mismanagement at all levels—Federal, State, and local—has been serious.

The import of these criticisms, Mr. President, is not that title I should be cut back, but rather that we should firmly and vigorously cut back on the abuses. As the report concludes:

> This report is intended as a defense of title I. Our criticisms are offered in order to make its operation more effective and to ensure that the Congressional intent is implemented. We believe that Federal aid

to education is now firmly embedded in our system and should be encouraged and not weakened. We hope by bringing to light some of the more flagrant misuses of title I funds that a concerted and continuing effort will ensue to help poor children get what the Nation promised them when the act was passed.

Mr. President, I strongly share those sentiments and feel that the recent report is an important contribution for reform and call for action I ask unanimous consent that the "Introduction" and also the "Summary and Conclusions" of the report, entitled "Title I of ESEA: Is It Helping Poor Children?" appear in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Title I of ESEA—Is It Helping Poor Children?

INTRODUCTION

In 1965 Congress passed the Elementary and Secondary Education Act (ESEA), the most far reaching and significant education legislation in the history of this country. For the first time the national government recognized the necessity of providing Federal aid to elementary and secondary schools. For the first time, the special needs of poor children were recognized and effective ameliorative action promised through special assistance to school systems with high concentrations of low-income children.

Our hopes that the Nation would finally begin to rectify the injustices and inequities which poor children suffer from being deprived of an equal educational opportunity have been sorely disappointed. Millions of dollars appropriated by the Congress to help educationally deprived children have been wasted, diverted or otherwise misused by State and local school authorities. The kinds of programs carried out with Federal funds appropriated to raise the educational levels of these children are such that many parents of poor children feel that Title I is only another promise unfulfilled, another law which is being violated daily in the most flagrant manner without fear of reprisal.

We have found that in school systems across the country Title I—

Has not reached eligible children in many instances;

Has not been concentrated on those most in need so that there is reasonable promise of success;

Has purchased hardware at the expense of instructional programs;

Has not been used to meet the most serious educational needs of school children; and

Has not been used in a manner that involves parents and communities in carrying out Title I projects.

This study examines what has happened to Title I in the four school years since ESEA was passed. This is not an evaluation of compensatory programs, but a report on how Title I money has been spent and how Title I has been administered at the local, State, and Federal levels.

Since passage of ESEA, Congress has appropriated $4.3 billion for the benefit of educationally deprived poor children—black, brown, white, and Indian children. Because most of these children attend inadequately financed and staffed schools, the windfall of Federal appropriations no doubt brings many improvements to these schools that these children never had. To hear the educational profession and school administrators talk (or write), Title I is the best thing that ever happened to American school systems. Educational opportunities, services, and facilities for poor children are provided. Some poor children are now well fed, taught by more teachers, in new buildings with all the latest equipment, materials, and supplies. Early evaluations of academic gain have not been so optimistic. Some school systems report that despite the "massive" infusion of Federal dollars, poor children are not making academic gains beyond what is normally expected. Some report moderate academic gain in programs and some report real academic improvement.

Despite these reports, the almost universal assumption about Title I is that it is providing great benefits to educationally disadvantaged children from low-income families.

We find this optimistic assumption largely unwarranted. Instead we find that:

1. The intended beneficiaries of Title I, poor children, are being denied the benefits of the Act because of improper and illegal use of Title I funds.

2. Many Title I programs are poorly planned and executed so that the needs of educationally deprived children are not met. In some instances there are no Title I programs to meet the needs of these children.

3. State departments of education, which have major responsibility for operating the program and approving Title I project applications, have not lived up to their legal responsibility to administer the program in conformity with the law and the intent of Congress.

4. The United States Office of Education, which has overall responsibility for administering the Act, is reluctant and timid in its administration of Title I and abdicates to the States its responsibility for enforcing the law.

5. Poor people and representatives of community organizations are excluded from the planning and design of Title I programs. In many poor communities, the parents of Title I eligible children know nothing about Title I. In some communities, school officials refuse to provide information about the Title I program to local residents.

These practices should be corrected immediately. We recommend that:

1. The Department of Health, Education and Welfare (HEW) and the Department of Justice take immediate action against school systems where HEW audits have identified illegal uses of Title I funds, and where indicated, restitution of misused funds demanded.

2. HEW enforce the requirement for equalization of State and local resources between Title I and non-Title I in schools in districts throughout the country; in Mississippi such equalization be required by the 1970–71 school year as recommended by the Commissioner.

3. HEW immediately institute an effective monitoring and evaluation system to insure proper use of Title I funds; the Title I office be given additional staff and status within the Office of Education; and a capable director be appointed forthwith and made directly responsible to the Commissioner of Education.

4. An appropriate Committee of Congress immediately conduct an oversight hearing and examine on a systematic basic the manner in which Federal, State and local school officials are using Title I funds.

5. The provision requiring community participation under Title I be maintained and strengthened.

6. Alternative vehicles for operation of Title I programs be provided where State and local officials are unable or unwilling to operate effective Title I programs. For example, private non-profit organizations are permitted to operate Title I programs for migrant children.

7. HEW enforce the law; States be required to approve only those projects which conform with the Title I Regulations and the Program Criteria.

8. Congress provide full funding under the Act in order to ensure sufficient resources to help poor children.

9. All efforts to make Title I a "bloc grant" be rejected.

10. Further study be undertaken on issues raised in this report including:

a. use of Title I to supplant other Federal funds:

b. equitable distribution of funds to predominantly Mexican-American districts;

c. Title I programs for migratory and Indian children; and

d. relation between Title I and all other food service assistance programs.

11. Local school systems make greater effort to involve the community, including disclosure of information regarding Title I programs and expenditures.

12. Private citizens demand information and greater community participation on local advisory committees; denial of information and illegal use of funds be challenged by community groups and, where appropriate, complaints made to local, State and Federal officials; law suits filed and other appropriate community action be undertaken to ensure compliance with the law.

13. States assure that Title I programs actually meet the educational needs of all poor children and recognize the cultural heritage of racial and ethnic groups.

The goal of Title I is simple. It is to help children of poor families get a better education. Accomplishing that goal, however, is not simple. Existing educational structures at the State and local levels are the institutions responsible for the administration of Title I, but often they are the institutions least able to respond to a new challenge or to respond to the needs of poor minorities. In order to accomplish the goal of Title I, many changes will be needed. But before we can understand the nature of the changes, we need to understand what the law provides and how in fact it is operating in school districts across the country. That is the substance of this report.

Why this review of Title I

Reviews and evaluations of Federal grant-in-aid programs are usually made by "experts." This review was not prepared by educational "experts", but by organizations interested in the rights of the poor. We make this review because we feel that the accepted experts have failed to inform honestly the public about the faulty and sometimes fraudulent way in which Title I of the Elementary and Secondary Act of 1965 is operating in many sections of the country.

In December, 1968, Federal education funds were terminated in Coahoma County, Mississippi, because of the school board's refusal to submit an acceptable desegregation plan under Title VI of the Civil Rights Act of 1964. As a consequence of the termination of Federal funds, teachers, teacher-aides and janitors, all black, were fired. Their salaries had been paid by Title I, and their employment in the black schools was terminated along with the Title I funds. A group of parents and the NAACP Legal Defense and Educational Fund, Inc., brought suit against the Coahoma County School Board charging illegal use of Title I funds as well as the unconstitutional operation of a racially dual school system. The lawsuit represented the first, and thus far the only, serious challenge to the manner in which a school system utilizes its Title I funds.

In the spring of 1969 a small group of private organizations involved in the struggle for equal educational opportunities for poor and minority children agreed that they needed to pool their resources to examine how Title I funds were being used and to what extent the educational needs of these children were being met as Congress intended. We knew that the situation in Coahoma County was not an isolated situation. Our decision to look at Title I was based not only on the incident in Coahoma County, but also on a number of complaints from individuals and organizations across the country about the operation of Title I in local districts.

We had three basic concerns about Title I. First, poor people knew little or nothing about the provisions of the law and had even less to say about how these Federal funds were being used in their school districts despite the fact that the Title I Regulations require that they be involved in the planning and execution of Title I programs. Secondly, we suspected that much of the Title I investment was not being spent in accordance with the law and Regulations, and that much of the money was being used as general aid and in place of State and local education revenues. Thirdly, we felt that an independent review was needed to determine whether the money was really being spent for the educational needs of educationally deprived children.

Some may think that by inquiring into Title I we risk renewing old battles over Federal aid to education. Some may think that criticism of how Title I money is spent or the program administered could jeopardize the entire legislation. Some may take the position that it is letter to have Title I funds, even though they may not always be used exactly as Congress intended, than not have them at all. Still others may feel that any use of these funds helps in the process of educating children, even if the expenditures are in violation of the law.

We disagree. We believe poor and minority children should, indeed must, have the rights and benefits accorded them by law. We have decided to pursue our efforts because ultimately it is educationally deprived children who will be held accountable for the Federal investment. All the tests and evaluations to determine the effectiveness of Title I will be administered to poor children, not to school administrators or to State and Federal officials. Thus it seemed only right that poor people themselves, and private organizations working on their behalf, should make an attempt to find out what is happening to poor children as a result of the expenditure of billions of dollars.

This report is intended as a defense of Title I. Our criticisms are offered in order to make its operation more effective and to ensure that the Congressional intent is implemented. We believe that Federal aid to education is now firmly embedded in our system and should be encouraged and not weakened. However, we feel obliged to report to poor people, to minority people, to the President, to Congress and to the Nation what we have learned about children attending schools operated by the Bureau of Indian Affairs. Nor does this report cover poor children in institutions for the neglected and delinquent, although they are all identified in the Act as beneficiaries of Title I. This does not mean that we feel that there are no problems connected with their operation. On the contrary, we know that there are problems and hope that these programs will receive early attention. Only because of their low dollar value and because of our limited resources, are they excluded here.

This report focuses on how Title I money has been spent, how Title I is administered and some of the consequences for poor children resulting therefrom. It does not attempt to evaluate the educational value of specific Title I programs nor the impact of various kinds of compensatory education programs, although when we have discovered Title I sponsored programs which we feel have no educational purpose at all we say so.

Chapter I explains briefly how Title I works and specific references to the Title I Regulations, the law, and the Program Criteria will be found in Appendix A. Chapter II deals with the use of Title I as general aid in many school systems. Chapter III examines the illegal use of Title I in the North and South to supplant State and local expenditures and the relation between Title I and other Federal programs. The purchase of massive amounts of equipment and the excessive construction of facilities is the subject of Chapter IV. Chapter V deals with the failure of some Title I funded projects to meet the educational needs of poor children. Chapter VI deals with the exclusion of the poor community from decisions about use of Title I and the refusal of State and local school officials to provide information about Title I. Chapter VII examines how Title I is administered at the State and Federal levels.

Many organizations and individuals have contributed to this report. Although the Washington Research Project and the NAACP Legal Defense and Educational Fund, Inc. assumed major responsibility for this report, other organizations contributing to the effort included the American Friends Service Committee, The Urban Coalition, the South Carolina Council on Human Relations, the Illinois Commission on Human Relations, the Delta Ministry of the National Council of Churches and the North Mississippi Rural Legal Services. We appreciate the help we received from the Office of Education and HEW Audit Agency staff. We are especially grateful for the financial support for this report from the Aaron E. Norman Foundation and the Southern Education Foundation. Numerous individuals in communities across the country gave their assistance. Chief among these individuals are the following: Winifred Green, Roger Mills, Michael Trister, Beatrice Young and Electra Price. Ruby Martin of the Washington Research Project and Phyllis McClure of the NAACP Legal Defense and Educational Fund, Inc. had the responsibility for the final preparation of this report.

SUMMARY AND CONCLUSIONS

This is not a comprehensive report on Title I. We did not have to probe deeply to uncover violations of the law, Regulations and Program Criteria of Title I, or to learn that many Title I programs are poorly planned and executed. Many of the misuses of Title I funds are so gross that even non-experts can readily spot them. We hope that private organizations and/or public agencies will probe more deeply in attempts to correct the abuses pointed out here and others that we have not touched upon.

One of the major criticisms of some OEO Community Action Programs is that community people do not have the expertise to administer programs, particularly those involving the management of substantial amounts of money. The evidence is clear that there is a great deal of mismanagement connected with Title I, which is supervised by education experts. It might be worthwhile for someone to compare the administration of a Community Action Program and a Title I program in the same community.

In this report we have tried to spell out Title I requirements and match them against what is actually happening in many districts. We found that although Title I is not general aid to education but categorical aid for children from poor families who have educational handicaps, funds appropriated under the Act are being used for general school purposes: to initiate system-wide programs; to buy books and supplies for all school children in the system; to pay general overhead and operating expenses; to meet new teacher contracts which call for higher salaries; to purchase all-purpose school facilities; and to equip superintendents' offices with paneling, wall-to-wall carpeting and color televisions.

Though Title I funds are supplemental to regular money, there are numerous cases where regular classroom teachers, teacher aides, librarians, and janitors are paid solely from Title I funds. New school construction and equipment, mobile classrooms, and regular classroom construction and equipment are common costs charged to local Title I budgets which should be paid for out of regular school budgets.

Title I funds are not to supplant other Federal program funds. But the extent to which Title I funds have been used to feed educationally deprived children, to purchase library facilities and books, to provide vocational education for disadvantaged students, raises serious questions as to whether Title I funds are being used to supplant National School Lunch, Child Nutrition Act, Title II ESEA and Vocational Education Act funds.

Title I funds are not for the benefit of non-poverty children, yet teaching personnel, equipment, supplies, and materials purchased with these monies are found in some of the most affluent schools where not a single educationally disadvantaged child is enrolled.

And Title I funds are not to equalize racially segregated schools. Yet many Southern school systems which have steadfastly refused to comply with the Constitutional mandate to desegregate use Title I funds to make black schools equal to their white counterparts. These funds are sometimes used actually to frustrate desegregation by providing black children benefits such as free food, medical care, shoes and clothes that are available to them only so long as they remain in an all-black school.

Community involvement in developing plans to utilize Title I funds to raise the level of educationally deprived children is non-existent in many school systems, although the Federal policies require community participation. Lack of community involvement is undoubtedly one of the reasons why so much misuse of these funds goes practically unnoticed by the public.

We believe that Title I can work if properly funded and administered. By pointing out some of the misuses of Title I funds, we hope this report will provoke private organizations, community people, and Federal, State and local officials to commit themselves to fulfilling a long-needed promise to our Nation's poor children.

TRIBUTE TO THE LATE SENATOR EVERETT McKINLEY DIRKSEN

Mr. COOPER. Mr. President, I could not be in the Senate on the day when the Senate held its memorial session for the late Senator Everett McKinley Dirksen. Today, I would like to pay my respect, inadequate as it is, to our late colleague, leader, and friend.

It seems to me that Everett Dirksen symbolized, more distinctly than any modern political leader, the story of America. The son of imigrant parents, he made the hard and continuing struggle to help his family, for an education, and for a start in business life. Once finding the field—that of politics and participation in government which he loved—again he made his way, step by step, from local government to the House and Senate, to leadership of his party, and leadership in the country.

Everett Dirksen was ever conscious and appreciative of the truth that the United States had provided to him opportunity for growth and for a valuable life. He was proud that he had been able to contribute his endeavors and his abilities to our country, which, more than any country in the world, provides opportunity to those who seek it. This pride and appreciation was stated by him in many ways and often on the Senate floor. He felt and believed in patriotism. Often he referred to his military service in Europe in World War I with pride, a service in which personal desires and plans had been submerged in a cause greater than himself.

Everett Dirksen was a man who held no grudges or enmities against those who opposed him. There was a gentleness in his nature—a gentleness which gave a completeness to a life and spirit which could fight hard for the causes in which he believed.

The people of Kentucky held Everett Dirksen in great affection. He came to Kentucky often, talked to the people, mingled with them and they felt that he was one of them.

Our thoughts turn to his great wife and to his daughter, to whom he was devoted, and to his grandchildren to whom he often referred in speeches, voicing his hopes for the future of our country. His life was the story of America.

STRATEGIC ARMS LIMITATIONS TALKS—NEED FOR A POSITIVE APPROACH

Mr. KENNEDY. Mr. President, next Monday in Helsinki, representatives of the United States and the Soviet Union will begin the long-awaited series of talks on the crucial issue of the limitations on nuclear weapons. These strategic arms limitations talks—or SALT—are of vital significance to all nations and peoples of the world, and I believe that it is essential for the United States to adopt a progressive and forward-looking approach to the talks, an approach calculated to maximize their likelihood of success.

I was, therefore, troubled to read today that the administration apparently intends to enter these talks with no specific proposals, but will adopt a "wait-and-see" attitude designed to test the sincerity of Soviet intentions.

I believe that the approach we are adopting may be too cautious. The United States, as the leader of the free nations of the world and the greatest military power in history, has a special obligation to try to make the talks succeed. If we are sincere in our desire to avoid the risks of nuclear war, we must be willing to take some risks for peace.

Further, we must recognize that in the final analysis, no sane political leader in any nation of the world can afford to take the step of using nuclear weapons. The United States can enter into agreements with the Soviet Union to limit such weapons, without the danger of substantially altering the present balance of power. Surely, whatever agreement is reached could produce only a slight alteration in the current balance, so that any fears that the imminent negotiations may distort the balance are unrealistic.

Mr. President, last Sunday, the Washington Post carried two extremely perceptive articles on the negotiations. In the first article, Morton H. Halperin discusses a number of the most crucial issues involved in the upcoming talks in Helsinki. The second article, by Chalmers M. Roberts, deals extensively with the diplomatic history of the issue over the past two decades. I believe that these articles will be of interest to all of us in the Senate who are concerned with the success of the talks, and who are hopeful that the administration will make every reasonable effort to insure their success. I, therefore, ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SPARRING WILL NOT DO AT HELSINKI

(By Morton H. Halperin)

(NOTE.—A senior fellow of the Brookings Institution, Halpern has served as a member of the senior staff of the National Security Council and as Deputy Assistant Secretary of Defense with responsibility for arms control. The views expressed in this article are his own.)

The opening of the strategic arms limitation talks (SALT) in Helsinki, Finland, next week will culminate a 2½-year effort to get the United States and the Soviet Union to sit down together and talk about limiting their strategic nuclear forces.

For many, the desirability of such talks is obvious. The United States and the Soviet Union possess a nuclear capability that could destroy large parts of the world, and thus both have an interest in a treaty that would lower the risks of nuclear war—and reduce costs—by limiting and then reducing these forces.

But for others, SALT looms as a threat. Some would argue that the talks run a great risk of deluding Americans and their allies into believing that there is a detente, resulting in dangerous reductions in Allied defense efforts. Others feel that they will lead to unilateral slowdowns in our own strategic programs while the Soviets go ahead in ways that would adversely affect our security.

Perhaps the most persuasive argument against SALT is that an agreement is unnecessary. Paradoxically, even many of those eager for the talks agree with the skeptics that the Soviet and American strategic relationship is stable and is likely to remain stable for the foreseeable future.

By that they mean that neither the United States nor the Soviet Union is likely to attain the ability to disarm the other in a first strike. Assuming both sides make moderately sensible unilateral decisions, technological change will rob neither of its deterrent against a first strike. Hence the probability of nuclear war is exceedingly low and, it is argued, would not be further reduced by agreements.

Granting that calculations show the strategic balance to be stable and likely to remain so even without arms limitations, a strong case can be made for the President's giving high priority to constructive efforts at securing an arms limitation treaty.

A glance back at the strategic arms competition over the past 15 years reveals that on many occasions, leaders of both governments have been concerned about the future stability of the balance. This uncertainty has had several adverse consequences.

As Robert S. McNamara pointed out when he was Secretary of Defense, "If we had more accurate information about planned Soviet strategic forces, we simply would not have needed to build as large a nuclear arsenal as we have today."

COUNTERING A MYTH

To take the most dramatic example, the United States is proceeding with the program to deploy multiple independently targeted reentry vehicles (MIRVs) because several years ago it feared that the Soviet Tallinn system was an antiballistic missile (ABM) system and that the Moscow ABM system would appear around other cities. Although administration officials have stated publicly that Tallinn is an *air*—not a missile—defense system, the United States is proceeding with its program to put MIRVs on Minuteman and Poseidon missiles on the ground that the Soviets could deploy a new ABM system.

Thus uncertainty has caused both sides to spend unnecessarily and, in turn, to stimulate the other side to respond.

More important than whether the balance looks stable to strategic analysts is the question of whether political leaders might be tempted to resort to use of nuclear force in a crisis. In part, the arms competition itself might generate pressure toward feeling that costly strategic forces must have some use in a crisis situation. Talks themselves, and a treaty more specifically, could help reinforce the feeling that strategic nuclear weapons are not useful even in crisis situations.

What we wish to avoid is a situation in which clever briefers could convince their political leaders in a crisis that a first strike might enable the attacking country to come off with little or no damage while destroying the other.

At present, it is inconceivable that such a briefing could be credibly written. But this was not true in the past, when both sides had highly vulnerable bomber forces, and might not be true in the future, particularly if both sides build large ABM systems.

If both sides have large offensive forces and substantial defensive capability to shoot down incoming missiles, either one could, in the panic of an intense crisis, come to believe that a first strike would destroy enough of the opponent's force so that the surviving missiles could not penetrate the attacking nation's defense.

Thus the supposedly stable balance could become unstable in a crisis, when decision-makers view all other options as exceedingly unattractive, if they could come to believe that there was a serious chance of avoiding substantial damage.

From this perspective, the desirability of avoiding large ABM systems—and the difficulty of limiting such systems unilaterally once deployments exist on both sides—provide the single most important incentive for seeking arms limitation at this time.

DANGERS OF SKEPTICISM

There are other factors that make arms control both possible and desirable during the current strategic relationship:

The United States is moving toward the deployment of MIRVs and the Soviet Union may be doing the same.

At least in terms of fixed land-based forces, the two sides are approximately equal.

Both are now using euphemisms that imply an acceptance of a rough degree of parity.

The ability of each side to verify existing strategic systems unilaterally suggests that the traditional stumbling block—on-site inspections—can be avoided, at least for some agreements.

While it would be undesirable for either country to go into the talks with an exaggerated expectation of quick success, it would be equally undesirable for skepticism to prevent the necessary efforts to have a constructive dialogue.

The question that is being frequently and publicly asked in both countries is whether the other is "serious." Secretary of State William P. Rogers, at his press conference following the announcement that the talks would begin, went to some lengths to emphasize that the United States was serious and, in answer to a question, stated his belief that the Soviets were also serious. We should ask, however, not whether the Soviets are serious but rather what approach stands the greatest chance of enabling those in the

Soviet government who want an agreement to win one.

PROBES OR PROPOSALS?

The problems that might be created by testing for seriousness can be seen by considering a hypothetical illustration of how such a discussion might proceed.

We might begin by explaining to the Soviets our current plans for MIRVs and ABMs and asking them to respond by explaining to us what the Tallinn system is and what their plans are for putting MIRVs on the SS-9 missile. Nothing that we disclosed about our plans could not be found by a careful reading of the press but we would be asking the Soviets to discuss subjects that they have never talked about publicly—and which the Soviet military might not even be prepared to discuss with the Foreign Office.

Such questions, while they look serious and responsible from our side, would only serve to strengthen the arguments of those in the Soviet Union who have been arguing that SALT has from the start been a fishing expedition designed by the United States to gain intelligence information about Soviet programs and to stall Soviet strategic programs until the United States is free from the burdens of Vietnam and could again step up its own strategic spending.

If this exchange were to take place, Soviet skeptics might also be reinforced in their view that we are not serious; their criterion may be whether the United States puts forward a serious proposal for limiting strategic arms. In Soviet eyes, the United States asked for the talks and, by doing so, led the Soviets to expect the United States to present a serious arms control proposal.

Thus, probing for seriousness, might lead both sides, within a very few months, to conclude that the other was not serious. The talks could then settle down into a propaganda exercise.

A CONCRETE PLAN

By offering a proposal consistent with U.S. and Soviet security interests, we would enable those in the Soviet leadership who want an agreement to argue that the United States is serious and not on a fishing expedition. U.S. interests suggest that we should do so.

A treaty or other means that will allow restraints is in our interest as well as the common interest of the two countries. Moreover, the United States has a substantial margin of safety in its strategic forces, and therefore can afford to be somewhat more forthcoming than can the weak and divided Soviet leadership.

Expecting that the Soviets first demonstrate their seriousness, or at least that they "meet us halfway" in getting the talks off to a constructive start, would not represent the approach most likely to lead to successful talks and therefore would not respond to the strong American interest in success.

Soon after the start of SALT, the United States should present a specific, concrete proposal for a treaty. It should be relatively simple. It should be one that could command wide support on the American political scene and leave both the United States and the Soviet Union with a deterrent capability in which they could have confidence.

One such proposal would call for a halt in the deployment of land- and sea-based offensive missiles and for an agreed limitation of ABMs on both sides—as close to zero as possible. Such an agreement could be verified by unilateral means, although additional observation would enhance our confidence. We should not make onsite inspection an obstacle to agreement.

Putting such a proposal on the table would cut through the suspicions about whether the talks were serious. It would enable us to raise more general strategic issues with the Soviets in an environment that would make a Soviet response much more likely. It also would provide the Soviets with a framework in which they could indicate what forms of arms limitation interested them, and it would enhance prospects that the talks would contribute to tacit agreements on restraints.

NO BAN ON MIRV

This proposal does not include a ban on MIRVs. While a strong case can be made for seeking to limit MIRVs, the benefits of arms control in reducing the risk of war or the cost of the arms race does not depend on banning them. And an attempt to do so now would substantially complicate the negotiations.

Many Americans believe that the United States should deploy MIRVs as a hedge against Soviet cheating on ABMs and that we could not detect Soviet testing which would enable them to deploy MIRVs in violation of an agreement. Soviet leaders may believe that the United States could deploy MIRVs without further testing, and hence they may be reluctant to accept a MIRV ban. Thus an attempt to include MIRVs could generate very great controversy and lead to continued questioning of any agreement.

Banning MIRVs is not as critical as some have argued. It is true that if MIRVs were permitted, neither side could be sure exactly how many warheads the other actually had, but this would not be critical. Whether the number per missile was closer to three than ten, for example, would be known by observing tests and by the size of the missiles.

Freezing the number of Soviet SS-9 launchers would prevent a short-run Soviet threat to U.S. missiles even without a MIRV ban. Over the long run, great increases in the accuracy and reliability of strategic forces will increase the vulnerability of fixed land-based missiles even if MIRVs are banned.

Thus we should see any arms control agreement as a first step toward the total elimination of fixed land-based forces. If we are not depending on such missiles, MIRVs on sea-based forces are not in any sense destabilizing and give both sides confidence that any cheating by the other on an ABM limitation cannot upset the strategic balance, since a MIRV force could penetrate even a very large ABM.

While there is a strong case for the United States not pressing for the inclusion of MIRVs in a formal international treaty, there is also a case to be made for not going ahead now with the deployment of our MIRVs on the Minuteman or Poseidon.

We decided to deploy MIRVs because of the belief that the Soviets were constructing a large ABM system. We now know that the Soviets are not deploying such a system. We could begin deploying our MIRVs as soon as we began to see signs of a large Soviet ABM deployment and still have the MIRVs in place before the Soviet ABM deployment was completed. Thus, simply on cost grounds alone, we need not now go forward with MIRVs.

A QUID PRO QUO

For this reason, and to improve the climate for talks and keep open the option of banning MIRVs if we can get an effective ban, the United States could begin the talks by announcing a moratorium on MIRV testing and should postpone their deployment.

At the talks, we could tell the Soviets that we will not proceed with MIRVs unless they begin to deploy a large ABM system. Because of the connection between these two systems, we may also wish to tell the Soviets that we will not go forward with our ABM deployment, if they cease testing their SS-9 multiple warheads.

Even if we proceed in this manner, the negotiations will be long and difficult, and one should certainly not expect a treaty in a short time. But the introduction of a serious U.S. proposal would pave the way for a constructive dialogue between the two countries, enabling both to manage strategic forces better. And it could lead to a strategic arms control agreement that would reduce the risk of war and improve the climate in which other issues could be discussed.

[From the Washington Post, Nov. 9, 1969]

Ike's "Open Skies" Was Spying to Kremlin

However, the Baruch Plan provided that the U.N. Security Council could impose sanctions on a violator by majority vote. This meant denying the Russians the use of their veto in an organization then clearly dominated by the United States and its close friends.

In retrospect, it is apparent that to the Russians, the Bomb had upset the balance of power achieved by the end of World War II between the Red Army and the forces of the Western Allies. Hence, to Stalin, the Baruch Plan was an American attempt to impose on the world a nuclear Pax Americana, a device to relegate the Soviet Union forever to second-class status.

UNILATERAL DISARMAMENT

But in 1946, the world was weary of war and frightened at the monstrous blows only a few months earlier at Hiroshima and Nagasaki. Thus Stalin's response was not outright rejection but counterproposal and obfuscation, moves designed to play for time. American action produced Soviet reaction.

Therefore Baruch's Soviet counterpart, Andrei Gromyko, today the foreign minister, countered with a Russian plan which would have annulled the American atomic monopoly. Gromyko called for a pledge by all nations not to use atomic weapons, a prohibition on producing and storing such weapons and an agreement to destroy existing stocks within three months. Two months later, Gromyko added that the inspection proposed by Baruch to assure compliance with the American plan was not reconcilable with the principle of national sovereignty.

Publicly, Stalin deprecated the bomb. In 1946, he said that "atomic bombs are intended to frighten people with weak nerves, but they cannot decide the outcome of a war since for this, atomic bombs are completely insufficient." But the next year, in private, he told Yugoslavia's Milovan Djilas that the bomb "is a powerful thing, pow-er-ful!"

What was really in the Soviet mind was more candidly stated in 1945 by Foreign Minister V. M. Molotov who declared that it is not possible . . . for a technical secret of any great size to remain the exclusive possession of one country . . . We will have atomic energy and many other things, too."

The Soviet effort culminated Aug. 23, 1949, in Russia's first nuclear explosion. It would be a long time, however, before Moscow felt that it had enough nuclear weapons to deter Washington and thus make possible a balance of power in which arms control might be possible.

A TOUCHY PERIOD

By the time of the initial Soviet test, the Cold War was on in earnest. The United States had begun the Marshall Plan. President Truman had proclaimed the doctrine that "it must be the policy of the United States to support free people who are resisting attempted subjugation by armed minorities or by outright pressures . . . " The Truman administration had adopted George Kennan's policy for the "containment" of the Soviet Union. And five days before that first Soviet test, the North Atlantic Treaty (NATO) came into force.

The Korean war soon followed. The United States feared a Soviet attack in Western Europe, though there is no evidence that the Kremlin ever intended one. But Korea brought West Germany's rearmament and its membership in NATO.

There simply was no conjunction of Soviet-American interests to make possible any arms control measures. As Secretary of

State James F. Byrnes put it in 1947, the United States sought "collective security" whereas the Soviet Union's preference was "for the simpler task of dividing the world into two spheres of influence."

Thus the Baruch Plan was doomed from the first, although it was to remain the centerpiece of American nuclear disarmament policy for nine years. The disarmament meetings, once Gromyko had given Stalin's answer, degenerated into Cold War polemics. And both sides worked to develop their nuclear arsenals.

II. The era of reassessment

(President Eisenhower, Oct. 19, 1954: "Since the advent of nuclear weapons, it seems clear that there is no longer any alternative to peace if there is to be a happy and well world.")

Gen. Dwight D. Eisenhower entered the White House Jan. 20, 1953, and Joseph Stalin died March 6. These two events produced new looks in both capitals which, however, were not reflected at the conference table for another two years and not fully reflected until 1957.

When the two nations finally were prepared to negotiate, it was against a different backdrop, for the world meanwhile had moved from the atomic age to the themonuclear age. The first experimental American hydrogen bomb device had been exploded Nov. 1, 1952, three days before Gen. Eisenhower's election. The first Soviet H-Bomb test came nine months later.

In the Soviet Union, the post-Stalin debate on nuclear problems appears to have begun early in 1954. It was intertwined with the struggle for power in the Kremlin.

On March 12, 1954, Premier Georgi Malenkov declared that a third world war "with the existence of the modern means of destruction would mean the destruction of world civilization." But on Feb. 8, 1955, Malenkov "resigned" and Foreign Minister Molotov repudiated the Malenkov doctrine by saying that "what will perish" in a new war "will not be world civilization, however much it may suffer from new aggression," but the "rotten social system" of the capitalist nations.

This critical difference in doctrinal views, and thus in the Kremlin's approach to disarmament, does not appear to have been resolved until Nikita Khrushchev's ascendancy and his 1956 pronouncement at the 20th Communist Party Congress that "there is no fatal inevitability of war." Concurrently with this change in doctrine was the increasing stress in Moscow on "peaceful coexistence" between the two rival power groups.

The first reflection of the new thinking in the Kremlin came May 10, 1955, when the Russians unexpectedly tabled at a U.N. disarmament subcommittee meeting what the West took to be the first serious Soviet effort to deal with both nuclear and conventional weapons. It declared that "science and engineering" had produced "the most destructive means of annihilating people," a phrase which appeared to compromise the Malenkov-Molotov gap.

A POSITIVE APPROACH

The proposal had three key features. First, it divided the disarmament process into stages in place of the previous insistance that everything occur at once. Second, it proposed an end to nuclear tests with a vague international supervision. Third, it accepted for the first time the idea of having foreign control personnel stationed at "large ports, at railways and in aerodromes" in the Soviet Union (as well as in other countries) to check the arms control measures.

The United States, however, was caught unprepared. Gen. Eisenhower, seeking a positive approach, had rejected proposals to make public the grim facts about the effects of a nuclear war and instead made his "atoms for peace" speech Dec. 8, 1953. In it he offered the thesis that to develop the peaceful atom would be a step toward diminishing "the potential destructiveness of the world's atomic stockpiles."

But this was no substitute for a full-scale arms control plan. Not until March 19, 1955, did he create the post of Special Assistant to the President for Disarmament and name Harold Stassen to fill it. In August, after the Soviet proposal, he gave Stassen negotiating as well as planning power. Action had produced reaction.

Gen. Eisenhower had dramatically demonstrated to the world that July his intention to give serious attention to disarmament. Sitting at the huge square table in the Palais de Nations in Geneva, the soldier-President laid his glasses before him, disdaining the prepared manuscript, and spoke directly to Soviet Premier Nikolai Bulganin, Communist Party First Secretary Khrushchev and Defense Minister Georgi Zhukov.

"I propose," he said, "that we take a practical step, that we begin an arrangement, very quickly, as between ourselves—immediately."

His "open skies" proposal called for a swap of military blueprints and, most importantly, of overflights by the planes of one nation across the territory of the other. But before the day was over, Khrushchev had told him that the idea was nothing more than a bold espionage plot against the Soviet Union.

"Open skies" remained an official American offer long after any chance of its acceptance had disappeared. Slowly, however, Stassen evolved, out of conflicting views within the Eisenhower administration, a response to the Russians' May 10, 1955, proposal which conceivably could produce agreement.

Thus at a London meeting of the U.N. disarmament subcommittee in 1957, both sides put forward new proposals. Serious negotiations got under way based on the thesis that some form of parts or risks must be found.

THE DULLES DOCTRINE

Stassen fought within the Eisenhower administration for acceptance of the thesis that an H-bomb-armed Soviet Union, even though it lacked the vast arms stockpile and the extensive delivery system of the United States, was a formidable potential foe and therefore should be granted equality in arms control discussions.

But at this point in history, 1957, the uncertainties in Washington about the nature and extent of Soviet nuclear power were many, and those who refused to accept Stassen's parity thesis were powerful, chief among them Secretary of State John Foster Dulles. As he had fought against the 1955 Geneva Summit Conference because it meant political parity for the Soviets with the United States, so he fought against Stassen's thesis on the grounds that the United States was incomparably the more powerful in nuclear weaponry.

In early 1954, Dulles had enunciated the doctrine that the United States would rely "primarily on the capacity to retaliate, instantly, by means and at places of its own choosing," whenever there was an attack. This became known as the "instant massive retaliation doctrine" and it dominated American thinking for most of the Eisenhower era. It was based, in part, on the budget limitations of the time, which led to what became known as "more bang for the buck"—a limitation on men in uniform and conventional weapons with the emphasis on America's growing nuclear arsenal.

Dulles also never lost sight of his political aims in considering any Stassen arms control plan. A major Dulles concern was the cohesion of the Atlantic alliance, and that meant close ties with West Germany and his friend Chancellor Konrad Adenauer.

Alarmed at the Stassen proposals, Adenauer came to Washington to insist that disarmament should come after, not before, the reunification of Germany. Adenauer's rejection of any German role in a European aerial inspection zone or in a reduction of conventional weapons confined the London conference, in essence, to a possible agreement on suspension of nuclear tests.

The London conference, whatever its prospects may ever have been, was effectively killed in the summer of 1957 with a demonstration that the balance of power was shifting; that the Soviet deficiency was coming to an end with the introduction of a new weapons system.

On Aug. 26, 1957, the Soviet Union announced the first test of an ICBM. Six weeks later, on Oct. 4, came Sputnik. These events shook American confidence in its military and scientific superiority and opened for the Soviets an opportunity, eagerly seized by Khrushchev, to engage in rocket-rattling diplomacy which at times amounted to nuclear blackmail.

President Eisenhower, in what he later was to describe as "the current wave of near-hysteria" over Sputnik and the ICBM, created the Gaither Committee. Its findings pictured a rapidly arming Soviet Union with a capability by late 1959 of launching 100 ICBMs against the United States.

Later intelligence was to show that the Russians did not have a substantial ICBM capability until 1962. But the psychological damage had been done, and Khrushchev exploited it to the fullest. In the United States, such projections of Soviet strength formed the basis of the "missile gap" charge that John F. Kennedy used in the 1960 presidential campaign against then Vice President Richard M. Nixon.

THE TEST BAN

In London in 1957, the Soviets had showed a willingness to consider a nuclear test ban separate from other arms control measures. The United States long had argued that such a ban must be part of a much larger disarmament "package."

Stassen at one point did get Gen. Eisenhower's approval to untie the package. But by the time the London conference collapsed, the President had, at Dulles' urging, drawn the knot even tighter, arguing that if a test ban were "to alleviate rather than merely to conceal the threat of nuclear war," it "should be undertaken as a part of a meaningful program to reduce that threat."

But this was an untenable position. By 1958, with major American and Soviet tests further polluting the world's atmosphere, immense public pressure had built up in the United States and elsewhere outside the Communist bloc for a separate test ban agreement.

Dulles, fearing that he could not withstand such pressure, seized upon an Eisenhower proposal for convening a conference of technical experts on the practical problems of supervision and control of a test ban. The Soviet Union agreed to the meeting and an eight-nation "Conference on the Discontinuance of Nuclear Weapons Tests" was called. A 10-nation "Conference of Experts for the Study of Possible Means Which Might Be Helpful in Preventing Surprise Attack" also was agreed to by Moscow and Washington.

The former produced a Soviet-American agreement, backed by the six other participants, for a worldwide network of land- and ship-based control posts, including a degree of on-site inspection on the territory of the two superpowers. The latter conference ended in an impasse over how to separate the political from the technical issues; nonetheless, it served to force both sides to think through a mass of arms control problems.

These technical gatherings were followed by further negotiations in Geneva by the United States, the Soviet Union and Britain, then the world's three nuclear powers. To give the conference a boost in advance, both Khrushchev and Gen. Eisenhower suspended their respective tests Nov. 1, 1958.

In the course of these talks, Gen. Eisennower proposed that he and Khrushchev agree to ban only atmospheric tests which could be monitored by national detection systems, thus avoiding the thorny on-site inspection issue. This was to be the formula finally agreed on in the Kennedy administration, but the time was not yet ripe.

Khrushchev rejected Gen. Eisenhower's partial ban proposal, pressing for a total ban to include underground tests. There ensued a long, fruitless argument over the number of on-site inspections. The United States slowly whittled down the number it sought per year to 20 and eventually to 12 with a hint of less; the Soviets finally offered three.

In Washington the military largely opposed a total test ban on the grounds of necessary weapons development. Other American opponents contended that the scientists would leave their laboratories if barred from experimentation whereas Soviet scientists could be forced to continue work, thus getting a jump on the United States.

The test ban became a major domestic political issue, especially in the Senate. There Sen. Hubert H. Humphrey, who headed a disarmament subcommittee, was the leading advocate, with major help from Sen. Clinton P. Anderson, who headed the Joint Committee on Atomic Energy. And American scientists divided vehemently on the test ban issue.

British Prime Minister Harold Macmillan flew to both Moscow and Washington attempting to arrange a compromise on the on-site inspection issue. Meanwhile, France, on Feb. 13, 1959, joined the nuclear club by conducting a test over Algeria.

The shattering blow which halted the test ban talks and all other disarmament discussions was the Russians' downing Gary Powers' U-2 spy plane May 1, 1960. In the wake of this sensational development, Khrushchev faced serious internal Kremlin opposition and aborted the about-to-begin Paris Summit Conference at which the test ban was to have been a major topic, saying he would have nothing more to do with President Eisenhower, who had refused to apologize.

Arms control and all other East-West issues were shelved. The world had to await the election of a new American President.

Before the U-2 affair occurred, however, there had been one advance in the arms control field. This was the Antarctic Treaty, signed in Washington Dec. 1, 1959, by the United States, the Soviet Union, Britain, France, Japan, South Africa, New Zealand, Australia, Argentina, Chile, Belgium and Norway. It provided for maintaining that region as a nuclear-free zone and for inspection without a veto. Subsequently such inspections were made by American officials—but not by the Soviet Union.

III. The era of limited agreements

(Secretary of Defense Robert S. McNamara, Sept. 18, 1967: "What is essential to understand here is that the Soviet Union and the United States mutually influence one another's strategic plans.")

During his campaign for the Presidency, John F. Kennedy had promised to assemble a new disarmament group. By September, 1961, Congress at his urging had created the Arms Control and Disarmament Agency (ACDA), the very name a compromise between those who hoped for the utopia of total disarmament and those who felt it more realistic to attempt to control the arms race.

Now, for the first time since Stassen's failure in 1958, the United States gathered together a full staff of experts under the direction, first of John J. McCloy and later, of William C. Foster. Adrian S. Fisher was the chief deputy to both.

The new President had discovered meanwhile that what he had said about a "missile gap" had been false. The "gap" was really the other way around, though at this point neither superpower had a substantial stock of missiles.

The crucial instrument in this determination was the observation satellite. In 1960, after Power's U-2 was downed, Gen. Eisenhower had promised that there would be no more such overflights, a promise that Mr. Kennedy repeated. What Gen. Eisenhower then knew and Mr. Kennedy soon found out was that there was a development and beginning use a far more sophisticated form of reconnaissance.

It was the "spy in the sky," which was to become the keystone of American intelligence up to the present day. Again, action had produced reaction and the results were to affect the arms talks.

Between Mr. Kennedy's election and inauguration, two men who were to become key members of his administration, Jerome B. Wiesner and Walt W. Rostow, met in Moscow with Soviet officials. They came away with the feeling that the Soviets might be ready for action on arms control. Their report led Mr. Kennedy to announce at his first press conference that he had ordered preparation of a new test ban proposal as well as a general disarmament scheme.

A BERLIN REACTION

President Kennedy's June 1961 meeting with Khrushchev in Vienna raised alarms about a new Soviet-American confrontation over Berlin, bolstering the view of the fearful that more missiles were essential.

The two men talked fruitlessly about a test ban treaty. Now Khrushchev declared that more than three on-site inspections would be espionage. Then on Aug. 30, Moscow announced that it was resuming tests in the atmosphere after the long mutual pause since November 1958.

Khrushchev was to contend in 1962 that the Soviet Union had been negotiating a test ban in good faith until Mr. Kennedy "announced a mobilization of the armed forces and started threatening us with war." He was referring to the measures taken to increase readiness to defend Berlin in the wake of Khrushchev's threats at Vienna.

But the feeling in the United States was that America had been tricked; that the Soviets had been feverishly preparing for a new round of tests even while talking test ban. Mr. Kennedy's response was to announce a renewal of American testing after Sept. 5, but only of underground tests. Not until the following April 15 did he order renewed atmosphere tests.

Khrushchev had hinted to McCloy at a July 27, 1961, meeting in Sochi that he was being pressured to resume tests by his scientists and military leaders. He also dropped a hint of an incredible 100-megaton bomb, and when the tests did resume, the Soviet explosions reached the 55–60 megaton range, far beyond anything essayed before or since by the United States.

Far more serious, however, was Khrushchev's attempt to redress the nuclear balance by secretly emplacing missiles in Cuba in the spring of 1962. By now, the "missile gap" was the other way round. One semi-official estimate in 1962 was that the Soviet Union had only 75 ICBMs compared to 276 American ICBMs plus 144 missiles aboard nine Polaris submarines. Emplacement of some 40 medium- and intercontinental-range Soviet missiles in Cuba would have seriously altered that ratio, especially since warning time for missiles fired from Cuba would have been nil.

Only after that effort collapsed, with the world on the brink of nuclear disaster meanwhile, did the Soviet leaders indicate a readiness to do business on a test ban treaty. But even then, the resumption of talks failed to break the old impasse over on-site inspection.

However, the President's American University speech of June 10, extending a post-Cuba friendly hand to the Russians, provided an opening for Khrushchev. His key response came July 2 when he accepted what he had long rejected; a treaty banning tests in the atmosphere and outer space but permitting underground tests, thus avoiding the inspection nettle.

Once this Kremlin policy was settled, it took only a few weeks to negotiate the remaining details so long under discussion by the United States, Britain and the Soviet Union.

The treaty was initialed in Moscow July 25. To win Senate approval, Mr. Kennedy rallied public opinion to overwhelm the doubters, resorting to television and press conferences as well as personal contacts with potential senatorial opponents.

The core of his argument was that while there are "risks inherent in any treaty, the far greater risks to our security are the risks of unrestricted testing."

The Senate ratified the treaty Sept. 24 by a vote of 80 to 19, far more than the necessary two-thirds.

This culmination of a long argument over a test ban, an idea first suggested by Vannevar Bush in 1952 as a means of preventing the initial H-bomb test, demonstrated that there could be exceptions to an axiom advanced by Lawrence D. Weiler, an arms control expert who still works at ACDA. The trouble has not been that the Soviets and Americans do not have the same position; the trouble is that they do not have it at the same time.

In the test ban case, the mutual interests of Moscow and Washington finally coincided. But even here, it is now quite clear that one factor not even mentioned at the bargaining table played an important role in the Soviet decision. That was the growing Sino-Soviet rift.

In 1957, Moscow had promised to help develop China's nuclear potential and even to provide "a sample of an atomic bomb." But in 1959 Krushchev reneged and in 1960 he withdrew all Soviet experts from China.

Peking claimed that Khrushchev had canceled the agreements as "a gift" to President Eisenhower during Khrushchev's visit to the United States. China was on its own and the breach was irreparable.

AN "EXTRANEOUS" WAR

Mr. Kennedy was assassinated less than two months after ratification of the test ban treaty. The new President, Lyndon B. Johnson, continued the American search for new arms control agreements with the Soviet Union. But like Presidents Truman, Eisenhower and Kennedy before him, Mr. Johnson found the range of possibilities limited both by the imbalance of power and by extraneous events. In Mr. Johnson's case, the latter was the war in Vietnam.

After Mr. Johnson's election to a full term in 1964, he sought to continue the Kennedy-Khrushchev post-Cuba detente with the new duumvirate in the Kremlin. Leonid Brezhnev and Alexei Kosygin. As part of this effort, in 1965–66 he pressed for a formal treaty to prohibit the use of outer space for military purposes. Mr. Johnson also worked for a treaty to prevent the spread of nuclear weapons beyond the nuclear club, which now had five members.

The space treaty negotiations were conducted at Geneva and the U.N., producing an agreement Dec. 8, 1966. The Senate consented to the treaty April 25, 1967, by a vote of 88 to 0. This, however, was far easier to achieve than a nuclear nonproliferation treaty (NPT) since the two superpowers alone had the ability to use space for military purposes.

Serious discussion of an NPT had begun as far back as 1956 but the proposal then had a lower priority than the test ban, which itself was a technique for inhibiting the spread of nuclear weapons. A separate treaty on proliferation had differing appeals for different nations.

To the United States, it was a method of holding the nuclear club to three, then to four and then to five members, thus preventing national control in such inflammable areas as Central Europe, the Middle East and the Indian subcontinent. The Soviet Union's primary interest was, and remains, in keeping nuclear weapons out of West German hands.

Moscow had kept up a running barrage against the proposed multilateral nuclear force (MLF) for sharing operation of a seaborne missile force among the Western allies, an idea initially advanced by Washington in the final year of the Eisenhower administration, chiefly to appease non-nuclear West Germany, and formalized in the early Kennedy period. Moscow contended that despite U.S. veto control over the nuclear weapons in the proposed MLF, the MLF would give the West Germans "a finger on the trigger."

Some of the nations which were being asked to sign a pledge of nuclear abstention in an NPT were adamantly opposed to such self-denial without some compensating security guarantee. Mr. Johnson attempted to find some formula to satisfy these desires by India and other nations; the firmest guarantee he came up with was a public statement after the first Chinese test in 1964, a pledge subsequently repeated many times:

"The nations that do not seek nuclear weapons can be sure that if they need our strong support against some threat of nuclear blackmail, they will have it."

A LOOPHOLE DISCERNED

The NPT became the central issue at the Geneva meetings of the Eighteen Nations Disarmament Conference. Created by the U.N. in March 1962, ENDC resumed in 1965 after a lengthy break. In August the United States tabled a draft nonproliferation treaty and the Soviets offered their version in September.

While the two drafts had a number of similar clauses, the negotiations soon became snagged over Soviet insistence that the "loophole" the Russians saw in the American draft for the MLF scheme be closed. The American argument was that the MLF did not constitute proliferation because the American veto meant that Germany could not possibly fire a nuclear weapon on its own decision.

The Chinese reaction in June 1966, to signs that the Soviet Union and the United States were serious about the proposed treaty was an intensification of charges that the two superpowers were in "collusion." By October 1966, when the Red Guard movement in Peking had reached a new high in anti-Soviet vitriol, the Kremlin leaders apparently decided to modify their position in order to obtain the treaty.

On Oct. 15, Brezhnev welcomed "certain headway which was lately taken place," adding that "such a treaty would serve as a definite obstacle on the road of the further growth of the danger of a nuclear war and would create a most favorable atmosphere for progress in disarmament talks."

Once again there was a conjunction of self-interest in Washington and Moscow on a step to control the arms race despite basically irreconcilable national objectives. By then, too, the MLF scheme was in fact, if not formally, dead by Mr. Johnson's decision.

INSPECTION INTRUDES AGAIN

By mid-1967, the Soviet and American drafts of a treaty were brought into line except for one key article on a traditionally troublesome subject: inspection. Both superpowers originally had favored use of the U.N. International Atomic Energy Agency as the inspector of peaceful atomic plants to be sure their output was not being diverted to military use.

Several of the six European nations which comprised the European Atomic Energy Agency (Euratom), chief among them West Germany, opposed IAEA inspection on various grounds of security and competitiveness, insisting that Euratom inspectors were sufficient. Efforts at compromise within the Western alliance, to permit a period of Euratom control before an IAEA takeover, then encountered Soviet opposition.

At the Johnson-Kosygin summit conference at Glassboro, N.J., in June 1967, the two leaders agreed anew on the need for a nonproliferation treaty. But by then not only the inspection issue in Western Europe but serious reservations in India, Japan, Brazil, Israel and other nations threatened to prevent signature by key nuclear-potential nations even if the two superpowers could agree.

Furthermore, the 1967 Six-Day War between Israel and her Arab neighbors raised the specter of a later round in which Israeli nuclear weapons might be employed. There have been recurring reports, repeatedly denied, that Israel has been making its own nuclear bombs and there is the consequent fear that the Soviet Union might supply Egypt with such weapons.

China's first hydrogen bomb test, on June 17, 1967, intensified the doubts in India and Japan about the value of a nonproliferation treaty, since no absolute American, Soviet or Soviet-American guarantee against China seemed likely.

RUSSIA GIVES GROUND

Yet in the face of such developments, the Soviet-American conjunction of interests produced, on Jan. 18, 1968, a complete agreement on an NPT test. The Russians yielded on the IAEA-Euratom dispute in an apparent effort to force West German adherence, and a 25-year time limit on the treaty was accepted, rather than having it run indefinitely, to mollify several nations.

Later in the year, Moscow and Washington attempted to meet the demand of India and others for protection against nuclear blackmail by proposing that the U.N. Security Council agree to call on its members for action in case of a threat or an actual attack. Yet this amounted to no new binding commitment by either of the superpowers since they retain a veto in the Security Council against any action they might disapprove.

Thus the non-nuclear nations continued to shy away from the treaty with one excuse or another. Nationalism and national interest remained strong and many nations simply did not want to sign away the option of eventually joining the nuclear club themselves.

Soviet-American agreement on a draft treaty was reached Jan. 18, 1968. It has been signed by three nuclear powers—the United States, the Soviet Union and Britain—but not by the two others—China and France.

IV. The current era

Richard M. Nixon, Inaugural Address, Jan. 20, 1969: "After a period of confrontation, we are entering an era of negotiation. Let all nations know that during this administration our lines of communication will be open . . . I know that peace does not come through wishing for it—that there is no substitute for days and even years of patient and prolonged diplomacy."

On the balmy evening of Aug. 19, 1968, Secretary of State Dean Rusk was host to a group of ambassadors on a cruise down the Potomac aboard the Honey Fitz. In a quiet corner of the ship, Soviet Ambassador Anatoliy F. Dobrynin told Rusk what he had been waiting to hear.

The Kremlin had just agreed, said Dobrynin, to the summit meeting that President Johnson had been seeking with Premier Kosygin. It was expected that they would meet in Leningrad Sept. 30 and Mr. Johnson's idea was to give a spectacular start to what was to become known as the strategic arms limitation talks (SALT).

But the day after Dobrynin talked to Rusk, the Red army invaded Czechoslovakia. In such a climate, the meetings were impossible. And Republican presidential candidate Richard M. Nixon began calling for delay in ratification of the nuclear nonproliferation treaty as a sign of displeasure with the Soviet Union.

The delay in the SALT talks caused by the invasion may turn out to be a far greater tragedy for the world than even the Soviet suppression of the Czechoslovaks' liberal movement. For at that moment, it appeared that there was a conjunction of both interests and technologies that could have led to an important curb on the nuclear arms race.

It is now apparent that one of the first acts of the men who ousted Khrushchev in 1964 was to begin a massive buildup of their weaponry to close the Soviet "missile gap." It was some years, however, before Washington realized the sweeping importance of that decision.

In 1966, President Johnson had explored with Defense Secretary Robert S. McNamara and Gen. Earle G. Wheeler, chairman of the Joint Chiefs of Staff, the alternatives to no agreement with the Russians in the arms race. The result was a Johnson decision to make an approach to Moscow on talks about limiting ABM systems, which could preclude the necessity for building an American system.

At this point, McNamara had completed the Pentagon's program of "assured destruction" of the Soviet Union if ever the Kremlin were to order a first strike at the United States, but he had rejected a host of other military programs as unnecessary. One that he kept the lid on was an antiballistic missile system (ABM). For years, the Army had been pushing such a program, known first as Nike-Zeus and later as Nike-X.

In the 1960–62 period, while Khrushchev was still in power, there was evidence of Soviet deployment of an ABM system around Leningrad. This was enough to keep alive American ABM research, and in July 1962, an ABM missile fired from Kwajalein Island in the Pacific intercepted a missile fired from Vandenberg Air Force Base in California.

The problems of the ABM were many, however, and McNamara stuck to research and development only, despite pressures from Congress to go ahead with deployment. But on Nov. 7, 1964, three weeks after Khrushchev's ouster, the Russian's showed in their Moscow military parade what was thought to be a new ABM, the "Galosh." It was of such a size as to suggest that it had a warhead big enough to knock out several American missiles descending in a cluster.

At about the time of the Leningrad ABM reports, the United States had begun to consider how to penetrate such a defense. One result was the idea of several warheads on a single missile. This was the MRV, or multiple re-entry vehicle.

Some years later, the MRV was refined into the MIRV, a multiple and independently targetable re-entry vehicle atop a Minuteman ICBM or a Submarine-based Poseidon missile. Thus, it appears that the Soviets reacted to the big American missile lead by beginning an ABM defense, and the United States reacted to the Soviet ABM defense by developing MRVs and later MIRVs.

AN UNANNOUNCED DECISION

It was on Nov. 10, 1966, that McNamara told newsmen that there was "considerable evidence" of Soviet "action . . . to initiate deployment of such a (ABM) system . . ." He was talking about the Galosh, then being emplaced around Moscow. The Leningrad system had come to a halt, it was believed in the West because the Russian leaders had concluded that it would not be effective against American missiles.

McNamara announced two decisions but left the third unsaid. The first was what he called the "possible production" of Poseidon, whose development had been initiated "as an insurance program." The second was that it had been "concluded that it is much too early to make a decision for deployment" of an American ABM system against the Chinese missile threat and that "we have not arrived at a decision on any other deployment," meaning an ABM system to protect against Soviet missiles.

The third decision, one that did not surface for some time, was to approach the Soviet Union in hopes of agreeing on a limitation on ABM deployment by both superpowers.

On Jan. 27, Mr. Johnson wrote Kosygin asking for the ABM talks. The United States was asking the Soviet Union to forgo further ABM deployment at the same time McNamara was saying that the U.S. had 1446 land- and sea-based missiles compared to 470 for the Soviets. Furthermore, McNamara hinted in his defense posture statement Jan. 23 that the United States was developing MIRVs to penetrate the Soviet ABM system, though the term MIRV was still classified.

These signs of American determination to maintain a nuclear lead and counter the Soviet ABM apparently led to a long period of Kremlin discussion and delay in agreeing to the talks. Action-reaction was evident again.

THE RIGHT OF DEFENSE

On Feb. 10, 1967, while visiting London, Kosygin was asked about the American proposal for ABM talks. He justified a "defensive" weapons system this way: "Maybe an antimissile system is more expensive than an offensive system, but it is designed not to kill people but to preserve human lives."

Five days later, Pravda spelled out the Soviet position by saying that Kosygin had declared (though he actually had not done so) that "the Soviet government was ready to discuss the problem of averting a new arms race, both in offensive and defensive weapons."

On March 2, Mr. Johnson announced that he had had a reply from Kosygin saying that Moscow was willing to discuss "means of limiting the arms race in offensive and defensive nuclear missiles." But the Soviet agreement to talk was only in principle; no date was suggested. Meanwhile, Moscow kept building up its missile force.

At the Glassboro summit conference, Mr. Johnson pressed Kosygin for a date to start the talks and McNamara pressed his case on the disadvantage to both superpowers of deploying ABM systems. But Kosygin said he could not set a date at that time. The President concluded that this reflected disagreement in the Kremlin.

By mid-1967, Mr. Johnson apparently had decided to go ahead with some sort of ABM system, though it was not announced until Sept. 18 when McNamara accepted the idea of a "thin" ABM designed to repel Chinese missiles.

McNamara warned against the uselessness of a "heavy" ABM defense against Soviet missiles. The Russians "would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage" from such a system, he argued.

Both sides would end up, having spent billions, "relatively at the same point of balance on the security scale that we are now." He noted that the Russians had increased their total of ICBM launchers to 720 from only 340 a year earlier. They also had tested a fractional orbital weapon, dubbed FOBS.

The evidence is uncertain, but some experts guess that our announcement of the anti-Chinese ABM system (which was called Sentinel) was used in the Kremlin as the rationale for acceleration of the Soviet SS–9 missile program. The SS–9 is a massive ICBM estimated by the United States to be capable of carrying a warhead of 10 to 25 megatons.

By the end of 1967, the United States still had a large lead in the number of missiles but total Soviet megatonnage was estimated as on a par with or perhaps ahead of that of the United States. While McNamara argued that mere megatonnage was meaningless, that it amounted to "overkill" others demanded both more missiles and an ABM system as well.

Not until June 27, 1968, did the Soviet Union announce, through Gromyko, that it was "ready for an exchange of opinion" on "mutual restriction and subsequent reduction of strategic vehicles for the delivery of nuclear weapons—offensive and defensive—including antimissile."

Four days after Gromyko's speech, Mr. Johnson announced agreement with Moscow "to enter in the nearest future into discussions on the limitation and reduction of both offensive strategic nuclear weapons delivery systems and systems of defense against ballistic missiles." But the "nearest future" was not to be. It was negated by the Soviet invasion of Czechoslovakia Aug. 20.

Two other factors had entered the picture by now. A two-year American program to test MIRVs for the Poseidon and Minuteman III missiles had begun that same month, and about the same time the Russians began testing their own multiple warheads. However, the Russians slowed down in 1968 what Defense Secretary Clark M. Clifford called "the only positively identified Soviet ABM complex, that at Moscow . . ."

The other new factor was the American presidential campaign. After the invasion of Czechoslovakia, candidate Richard M. Nixon called for Senate delay in ratifying the nuclear nonproliferation treaty, and as a result, it was not ratified until after he became president.

SETTLING FOR "SUFFICIENCY"

There were two key elements in the Nixon approach to the missile talks: they must be fitted into a larger scheme of foreign policy, and the bargaining position must be Mr. Nixon's own, not the one left by Lyndon Johnson. The inevitable result was many months of delay.

As a prelude to the talks, the President at his first press conference abandoned his campaign call for nuclear "superiority," avoided the "parity" concept he had criticized and concluded that "sufficiency is a better term." And he told the NATO ministers in Brussels April 10: "The West does not today have the massive nuclear predominance that it once had, and any sort of broad-based arms agreement with the Soviets would codify the present balance."

Those most skeptical about coming to terms with Moscow on arms limitation began to suggest, however, that the Soviets were seeking more than parity in the nuclear field. There was talk by Secretary of Defense Melvin R. Laird of the Soviets' SS–9 missile as a "first-strike" weapon.

Despite the Jan. 20 Soviet initiative to sit down and talk, the new administration took an all-in-due-course posture. Mr. Nixon at that first press conference suggested what was to be called the "linkage" theory.

What he wanted, he said, was to have the SALT talks "in a way and at a time that will promote, if possible, progress on outstanding political problems at the same time." He mentioned the Middle East and he also had Vietnam in mind.

It was one thing, however, to say, as he did, that arms "reduction will not in itself assure peace." It was something else to attempt to use a carrot and stick technique with the Soviets. As to Vietnam, their influence with the North Vietnamese and the Vietcong was limited. As to the Middle East, subsequent lengthy Soviet-American talks demonstrated that neither super-power was willing to press its clients very far toward a compromise.

The policy of attempting to play off what was seen as a Kremlin deisre for SALT talks for concessions on other problems seemed an obvious failure by mid-1969. When the administration got around to suggesting July 31 as the date for starting talks, the Kremlin apparently was having serious second thoughts.

Meanwhile, Mr. Nixon faced the problem of what to do about the Sentinel antiballistic missile. On March 14, he announced that he had trimmed it down and renamed it Safeguard to go forward as "a measured construction on an active defense of our retaliatory forces."

Mr. Nixon reported that "we believe the Soviet Union is continuing their ABM development," most likely "making substantially better second-generation ABM components"; that the Russians were "continuing the deployment of very large missiles with warheads capable of destroying our hardened Minuteman forces," a reference to the SS–9s, and that they had "been substantially increasing the size of their submarine-launched ballistic missile force" and were developing their fractional orbital missile.

A ONE-VOTE MARGIN

The Nixon decision was to provide "for local defense of selected Minutemen missile sites and an area defense designed to protect our bomber bases and our command and control authorities" as well as to "provide a defense of the continental United States against an accidental attack" and "substantial protection against the kind of attack which the Chinese Communists may be capable of launching throughout the 1970s."

The decision set off a great debate in the Senate and across the nation, culminating Aug. 6 in approval of the Safeguard system by the margin of a single vote.

By the time the Senate voted, many ABM opponents had come to realize that far more important than the ABM system was the development of MIRVs. The strongest public proponent of MIRV and, indeed, of a whole spectrum of continuing efforts to ensure American superiority was Dr. John Foster, the Pentagon's development chief. His defined aim: "to make sure that whatever they (the Soviets) do of the possible things that we imagine they might do, we will be prepared . . ."

Foster argued that "an effective limitation on Soviet ABMs should be a precondition to a ban on further MIRV testing." He also cast doubt on the ability of the United States to verify a MIRV test ban.

The Soviet Union, however, was quickly aware from the American debate that just such a ban might be the initial United States proposal. Furthermore, it may have been that many of the administration arguments were found convenient by those in the Soviet Union who opposed a strategic missile agreement with the United States.

That there continued to be such opponents could be deduced from Gromyko's July 10 speech, which of course had to reflect the will of the Kremlin majority. Much of what he said was reminiscent of reasoning in the United States.

"There are problems connected with disarmament that require urgent solution," he said. "Among these problems, one of the most important is the problem of the so-called strategic arms. The point of the matter is primarily whether the big powers ought to come to an agreement to arrest the race of creating increasingly destructive means of attack and counterattack or whether each of them is to try to break out ahead in one sphere or another to obtain military advantage against his rivals, which will force the latter to mobilize even greater national resources for the arms race; and thus ad infinitum."

Then once again Gromyko said that the Soviet Union was ready for "an exchange of views" at the SALT talks. But it still would be more than four months before the talks could begin by mutual agreement.

Meanwhile, on both sides, scientific development raced on. By mid-1969, there had been nine flight tests of Poseidon submarine-borne missiles with MIRV warheads and nine of Minuteman IIIs. Foster said on Aug. 5 that he "would assume" that the Soviets "under normal circumstances would be ready to deploy the SS–9 triplet [three bombs in one warhead] some time in the latter half" of 1970, a date not far behind the American schedule.

The action-reaction phenomenon once again was evident in MIRV development. Had the two superpowers met in the fall of 1968 when testing was getting under way, they might have been able to agree on a mutual freeze and thus preverted escalation of the nuclear arms race to a new, more dangerous and more expensive level imperiling the "delicate balance of terror" so long in existence. Whether the same results could have been obtained had the Nixon administration been willing to start talks just after taking office is more debatable. But clearly, by the time the talks were finally set, the problem had grown far more difficult.

A NIXON UMBRELLA

One thing that Mr. Nixon did do in the arms control field was to give a go-ahead to Senate approval of the nuclear nonproliferation treaty. At the same time, the problem of nuclear protection for non-nuclear states was plainly on his mind.

In an exposition of his post-Vietnam policy at Guam on July 25, the President laid down the line that Asian nations would be expected to take responsibility for their own military defense with one exception: the threat of a major power involving nuclear weapons.

In short, the Nixon approach to the threat of nuclear blackmail was to hold an American nuclear umbrella over the noncommunist world. But it was doubtful that this ill-defined umbrella was any more satisfying to the non-nuclear nations than either Mr. Johnson's words or more formal statements at the United Nations by the United States and the Soviet Union.

Last month, the two superpowers reached one additional agreement: to insure that the world's seabeds be reserved for peaceful purposes only. Both Washington and Moscow easily agreed to the principle but each sought to protect its interests.

The Soviet Union called for complete demilitarization, a ban wide enough to preclude not only nuclear weapons emplaced on seabeds but also defensive mines and submarine detection devices which the United States has installed to track the expanding Soviet underwater fleet. The United States proposal was limited to a ban on nuclear weapons and other weapons of mass destruction, meaning chemical and biological weapons.

In mid-August, the Russians offered to accept the American version on the scope of the treaty if the United States would accept the Soviet proposal that the ban apply beyond the 12-mile off-shore limit rather than begin at the 3-mile limit which Washington had proposed. By fall, an agreement was reached.

On the core issue of offensive and defensive strategic nuclear weapons, agreement was finally reached Oct. 20 to have formal talks beginning Nov. 17 in Helsinki. On Oct. 25, Secretary of State William P. Rogers formally ended any "link" between the SALT talks and Soviet-American or East-West political issues. Nonetheless, the atmosphere of those political relationships in such crisis areas as the Middle East will have a bearing on what the two superpowers may decide to do at Helsinki talks, just as political issues in the past have affected arms talks.

EPILOGUE

In the nearly 25 years since the Baruch Plan's conception, both the nuclear arms race and the effort to control it have achieved lives of their own. If the successes in the latter field to control the former have been largely peripheral, if the technological developments have forced endless changes in political negotiating positions by both Moscow and Washington, it is a fact that no nuclear weapon has been exploded in anger since Hiroshima and Nagasaki in 1945.

The 1962 Cuban missile crisis led Khrushchev to remark, when it was over, that "there was a smell of burning in the air." It was widely said at the time that both superpowers had learned something of crisis control and that the Moscow-Washington exchanges on the "hot line" during the 1967 Six-Day Arab-Israeli war showed a mutual sense of restraint.

But weapons development has raced on, "the delicate balance of terror" has been shaken and new possibilities of nuclear war, including a contest between the Soviet Union and China, have emerged. Efforts to control the nuclear arms race thus are inescapable for both the United States and the Soviet Union.

While little is known of the process of decision-making in Moscow, it is a fact that over the years the Kremlin has had at its command a group of men both skilled in negotiations and increasingly well-informed in arms control problems. Since 1946, when Gromyko first replied to Baruch, only six other men have been the chief negotiators and they have been well backstopped at the conference table.

In contrast, in the United States, expertise has waxed and waned with three high points: the early Baruch period, the Stassen era and since John F. Kennedy's creation of the Arms Control and Disarmament Agency. The American personnel turnover, partly because of changes in administrations, has been far greater than that in the Soviet Union.

In the end, however, while it is the experts who provide the formulas, it is the political chiefs who make agreements. What, therefore, is critical is a President's dedication and the determination of at least a Kremlin majority.

No government in Washington or Moscow will take very much of a risk, as the record demonstrates. Each has a fear of the unknown and finds it easier to stand pat. But each is driven by economic pressures and ever recurring glimpses of the nuclear sword of Damocles to try and try again.

In 1950, the man whose formula ($E=MC^2$) made the bomb possible, Albert Einstein, appeared on American television to discuss the decision to produce the hydrogen bomb. He said:

"If these efforts should prove successful, radioactive poisoning of the atmosphere and, hence, annihilation of all life on earth will have been brought within the range of what is technically possible.

"A weird aspect of this development lies in its apparently inexorable character. Each step appears as the inevitable consequence of the one that went before. And at the end, looming ever clearer, lies general annihilation."

It has not happened, and men in both Washington and Moscow are still trying to see that it doesn't happen. They will try once again beginning Nov. 17 in Helsinki.

APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. Pursuant to Public Law 90–321, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mr. TOWER) to the National Commission on Consumer Finance, in lieu of the Senator from Massachusetts (Mr. BROOKE), resigned.

Pursuant to 67 Stat. 328 and 70 Stat. 966, the Chair, on behalf of the Vice President, appoints the Senator from Oregon (Mr. PACKWOOD) to the Senate Office Building Commission, in lieu of the late Senator from Illinois, Mr. Dirksen.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. SPONG in the chair). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS AND SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon the expiration of the recess, the distinguished Senator from Utah (Mr. MOSS) be recognized for not to exceed 30 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **MANSFIELD.** And that after that there be a brief quorum call, and that at 1:15 p.m., the distinguished senior Senator from Ohio (Mr. Young) be recognized on behalf of the pending amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Thereupon (at 12 o'clock and 8 minutes p.m.) the Senate took a recess until 12:30 p.m.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer (Mr. Spong in the chair.)

ORDER OF BUSINESS

The **PRESIDING OFFICER.** The hour of 12:30 having arrived, pursuant to the previous order, the Chair recognizes the Senator from Utah (Mr. Moss).

THE REAL ISSUE OF CIGARETTE ADVERTISING

Mr. **MOSS.** Mr. President, last week the Senate Commerce Committee voted 10 to 9 to bar the Federal Trade Commission from requiring warnings in cigarette ads for at least 2½ years, thereby serving the will of the cigarette industry and turning its back on the Public Health Service and every major public health group in this country.

The committee also voted, by the same margin, to add the word "excessive" to the mandatory warning required on the cigarette pack label so that the warning is to read, "Warning: Excessive Cigarette Smoking Is Dangerous to Your Health." Is two packs a day excessive? One pack a day? A half pack a day? Even a half pack of cigarettes smoked per day creates a substantial risk of premature death and disease. Moreover, excessive use of any drug or food or fluid is dangerous to health. So the warning is gutted.

And then the broadcasters, those honored trustees of the Nation's airwaves haggled with the committee for every possible extra year, month and day of cigarette advertising revenues, turning a U.S. Senate committee into a Turkish bazaar. Instead of granting the cigarette companies request to withdraw from television and radio broadcast advertising by September 1970, as that industry itself had previously agreed to do, the committee voted to allow the broadcasters revenues from the 1970 football season; and voted to order the termination of broadcast advertising by January 1, 1971. But the broadcasters were not satisfied even with this act of the committee, and insisted that broadcasters be given until September 1971 to wean themselves from more than $200 million annual revenue from cigarette advertising. There are times when service in this body leaves one cynical and depressed. This is such a time.

I will of course fight these moves of surrender by the committee when the bill is on the floor. Chairman Magnuson, the Senator from Rhode Island, (Mr. Pastore), the Senator from Michigan (Mr. Hart), the Senator from Nevada (Mr. Cannon), the Senator from Louisiana (Mr. Long), the Senator from Maryland (Mr. Tydings), the Senator from Hawaii (Mr. Inouye), and the Senator from New York (Mr. Goodell) have indicated their support for my effort. Others have since come to us offering their help.

Since January 31 of this year I have been on record as promising to filibuster rather than see a bill pass the U.S. Senate which again would tie the hands of the Federal Trade Commission in its honest efforts to protect the American consumer—not by banning cigarettes from the market—but simply by bringing home to every American who chooses to smoke adequate notice that cigarette smoking is a substantial hazard to his health. If necessary, I will redeem that pledge.

But I have not risen in the Senate today to debate the provisions of the committee-passed bill. The time will come for that. I thought it timely, however, to remind my colleagues what it is we are talking about. We are not talking about the economic convenience of the broadcasters. We are not talking about economic dislocation of the tobacco industry—we are talking about the lives and the health of the Nation's 70 million smokers and the generations of smokers-to-be. I think it is entirely appropriate that we review for the record what it is that we know about the harmful effects of cigarette smoking so that the magnitude of this hazard can perhaps restore our balance of judgment in viewing the regulatory efforts which we seek.

Mr. President, there is not the slightest doubt in my mind that cigarette smoking is one of the most serious, if not the most serious, public health problems in the Nation today. What is astonishing, however, is that there still are so many people who do not share this view; who continue to smoke in the face of the increasingly ominous reports from the Public Health Service on the effects of this habit on human life and health.

Everyone is familiar with the first of these documents, the Surgeon General's Report on Smoking and Health which came out in 1964. This was the first time the Federal Government had come out vigorously against a national habit—one that had become deeply ingrained in the fabric of our lives by practice and by the sheer force of advertising.

The evidence was damning: all cigarette smokers have a 70-percent higher death rate than nonsmokers; they have a 70-percent higher death rate from coronary heart disease; a 500-percent higher death rate from bronchitis and emphysema; and a 1,000-percent higher death rate from lung cancer.

All things considered, this report should have had a profound impact. It did—at first, but the net result was more like a soft landing. There was a brief drop in cigarette sales, but soon life went back to normal with the Nation's smokers puffing away, unmoved by the warning that they could be shortening their lives.

Subsequent smoking and health reports have come on stronger. Each new volume not only confirms that smoking is not a matter to be taken lightly. They have pinpointed, in a much more positive way, what happens to the man or woman who smokes cigarettes.

For instance, we know today not only that man's life is shortened, but we know by how much. A heavy smoker is cutting short his life span by as much as 8 years. This is not an insignificant amount of time when you consider that the average life expectancy today is 70 years. Indeed, we have been warned by international experts that all the gains made in extending life expectancy through control of the communicable diseases are being wiped out by losses due to smoking.

We know today that one-third of all deaths among men in the age group 35 to 59—in the very prime of life—are excess deaths which would not have occurred if it were not for cigarette smoking. We know, too, that cigarette smoking can have a profound effect on women. Contrary to earlier views that women were somehow immune to the hazards of cigarettes, the new evidence has shown that women smokers have markedly higher death rates than women who do not smoke. One out of 14 deaths among women in those important years between 35 and 59 is associated with cigarette smoking.

The 1964 report established that male cigarette smokers have a higher death rate from coronary heart disease than nonsmokers. Current reports go further; they tell us that smoking is actually a significant risk factor in the development of this disease. Smokers who also have high blood pressure and high serum cholesterol have twice the risk of fatal heart attack as nonsmokers. Among men 45 to 54, this risk is more than three times that of nonsmokers. There is evidence now that cigarette smoking promotes hardening of the arteries.

Yet, all of these risks literally can be wiped out by the simple expedient of giving up smoking.

In 1964 cigarette smoking was considered the most important of all the causes of chronic bronchitis in the United States. At that time it was stated that smoking increased the risk of dying from emphysema. Current reports use stronger language: cigarette smoking is now considered the most important cause of bronchitis; and new research indicates it may also play a role in the development of pulmonary emphysema.

The relationship between cigarette smoking and lung cancer has long been an accepted fact. The link between the two was established many years before the 1964 Surgeon General's report. Scientific evidence accumulated in the intervening years not only confirms this relationship but now indicates that smoking is also a significant factor in the causation of cancer of the larynx and is associated with cancers of other areas of the mouth and throat. The latest Public Health Service report, issued this past summer, also points to cigarette smoking as a factor in the development of cancer of the bladder, the kidneys, and the pancreas.

Now, I cannot think of anything less appealing that the prospect of succumbing before my allotted 3 score years and 10 from one of these illness. Yet, you find many confirmed smokers who feel that somehow this will not be their fate; it happens only to the other fellow. It is true that we are talking in terms of "risk"—the chance of developing a given illness. Nonsmokers do get lung cancer and heart diseases; a number of smokers do not.

What these smokers do not take into account is that even if they do not die of one of these smoking-related diseases, their bodies still suffer from the deleterious effects of this debilitating habit.

According to the National Health Survey smokers suffer more from both acute and chronic illness than do people who have never smoked. They spend more time sick in bed; they lose more days from work; they suffer more from such ills as peptic ulcers and sinusitis; they have more chronic illness. A new finding, reported for the first time in 1969, reveals that smokers have more noncancerous diseases of the mouth than nonsmokers. Those who both smoke and have poor oral hygiene are more likely to have periodontal disease and gingivitis. There is even some evidence that smoking leads to the loss of teeth.

One of the most tragic aspects of the smoking and health story is the effect that smoking can have on the health of others. Women who smoke during pregnancy may be harming their unborn children. Babies born to mothers who smoke generally come into this world weighing less than the normal average. Some studies indicate that an expectant mother's smoking habits may be related to spontaneous abortion, stillbirth, and neonatal death.

These smoking reports read like a litany of death and misery. Yet there is a theme of hope throughout. The smoker can be given a second chance, as it were, for many of the ill effects of cigarette smoking are reversible. By giving up smoking man can reduce his risk of illness and death. Indeed, if he turns back early enough, his chances of dying from such dread diseases as lung cancer, heart disease, emphysema, can be nearly on a par with those of the man who has never smoked at all.

The next logical question is, of course, why do we let this awful destruction of our human resources continue? Why do we not simply ban all cigarette manufacture and make smoking illegal? Those who are old enough to remember the Volstead Act can well verify that prohibition did little to discourage the consumption of alcohol in those unhappy days. Because millions of Americans are addicted or, at least, heavily habituated to smoking, the inevitable consequence of a cigarette ban in terms of a black market and the attendant law-enforcement chaos and social misery would make the experience of the twenties pale by comparison.

Eliminating tobacco from the American scene is not something that can be done by legislative edict. We must not forget that tobacco has always played an important role in our economic and political development. As the leading item of commerce to England it kept the colonies alive in pre-Revolutionary days. One of the earliest "protests" was over the tobacco taxes levied by Parliament. Today, tobacco is still a major export crop and an important source of national income.

Tobacco has always been a popular item for taxation; the Federal Government has collected tobacco taxes for nearly a century. Last year, over $4 billion entered Federal and State treasuries from cigarette taxes alone.

Needless to say, cigarettes add considerably to the income of the States, mainly in the South, where tobacco is grown and cigarettes are made. Thanks to Government acreage-poundage allotments and the tremendous demand for this product, tobacco has become one of the highest value-per-acre crops in this country. It is easy to imagine that the farmer who can get about $1,350 per acre for his crop, before expenses, is not going to give up growing tobacco with any great eagerness.

Obviously, even without going into the areas of distribution and advertising, a total ban on cigarettes simply would not be economically feasible.

On the other hand, I do not think that a phaseout of tobacco production is outside the realm of possibility. Already there are straws in the wind which suggest that this, in time, will become a less important agricultural crop. It will not happen overnight, of course; it will be a gradual movement, but it will come because of changes which are going on right now. According to the Department of Agriculture, current changes in cigarette styles are already altering the demand for tobacco. The amount of leaf tobacco used for cigarettes has declined 28 percent since the midfifties.

There is, for instance, the trend toward the use of filter tips which account for about 73 percent of the market today. If this trend continues, 88 percent of the market will be filter tips by 1975. In order to maintain the level of "taste" in these filtered cigarettes, manufacturers use more tobacco stems and other scraps and less of the better quality leaf. We have also seen the recent introduction of two new "slim" style cigarettes which obviously need less tobacco for manufacture.

It goes without saying that the most important factor in the declining need for tobacco is going to be the decreasing demand for cigarettes which is now becoming apparent. This year, for the first time since 1964, both overall consumption and per capita consumption of cigarettes dropped. True, the percentages were small, but it is an indication that smoking is getting to be less popular than it once was. I believe this is a trend that is going to continue.

As the demand for cigarettes diminishes and the need for quality cigarette tobacco goes down, farmers, particularly those with small allotments, may find it less profitable to continue growing tobacco. Hopefully, then, they will be encouraged to turn to other forms of agricultural production. I have pledged my support, on the floor of the Senate, for any programs that will help alleviate the plight of the tobacco farmer and assist him in seeking new forms of income.

Stimulating the decline in cigarette consumption remains the first task at hand and certainly, at this stage, the most effective way we can achieve our ultimate goals. Changing a national pastime to a thing of the past, again, will not be accomplished overnight. We must first change the climate of social acceptability that has allowed cigarette smoking to become almost a fetish among young and old alike. And we must continue to keep before the public the grim facts about the dangers of this habit.

I am very much encouraged by some events which will help in reducing the popularity of smoking. The decision of the tobacco industry to cease radio and television advertising next year is a significant step forward in this direction. TV, especially, with its animated, visual-audio impact has become the most powerful sales medium in history. The jingles and catch phrases of cigarette commercials have automatically become a part of the vocabulary of our younger generation. Future generations of children shall be spared this insidious form of brainwashing, and I am confident this will have a considerable influence on the decision of young people whether or not to smoke. Already the number of teenage smokers is going down. It should decline even more as a result of this action.

I am also pleased with the number of TV and movie personalities who are taking a firm and public stand against cigarette smoking. It would be most helpful if more of those who are in the public eye would follow this example.

The end of cigarette commercials on television may herald the beginning of increased advertising in newspapers and magazines. I must confess I am both encouraged and troubled by the attitudes of our leading newspapers toward this possibility. I am discouraged by the number which feel that there should be no inhibition on advertising a product that is legally sold, no matter how dangerous it is, and I am distressed by those newspapers who have indicated they will run antismoking ads only if they are purchased at the going rate. On the other hand, I am most encouraged by the many publications which have already halted cigarette advertising and by the number which have indicated they will cease to take such ads. One of our leading papers has solved the problem neatly by requiring a health warning in all cigarette advertisements. Needless to say, none of the tobacco manufacturers has been willing to accept this stipulation.

It is perhaps more important, however, that the pages of our Nation's newspapers and the airways be kept open for antismoking messages and continuing information on the health hazards of smoking. In this latter respect, I must say that the press has done a most commendable job already. We cannot stop now, however. We must tell the facts and tell them straight over and over again.

Virtually every product that comes into our homes has on the label a listing of the contents. Those which are especially dangerous are marked with a warning to keep out of the reach of children. We have "truth in packaging" legislation to protect the housewife. We should do no less for the consumer of cigarettes.

Every citizen has a right to know what is in his cigarette and what the consequences of his smoking may be.

I have recently called for legislation which would have required a full statement on the package of the quantity of tar and nicotine in each cigarette and in all advertising; and which would have required a stronger warning statement on cigarette packs. Regrettably, this legislation has not been enacted into law. By failing to act I believe the Congress is doing a disservice to the American public. We are, in effect, keeping from them basic information which is essential to making intelligent judgments about smoking.

I feel, too, we have done a disservice to our friends abroad to whom we sell tobacco and tobacco products without adequate health warnings. Surely people in other lands have just as much right to know of these hazards as our own citizens. Yet the Cigarette Labeling Act of 1965 specifically exempts cigarettes manufactured for export from carrying the caution label.

Our children, most especially, have a right to know the true facts about smoking. Although the external influences will be lessened with the absence of TV commercials, children will still be exposed to the lure of smoking. Educational programs in our schools and through our youth organizations must never be allowed to diminish. Smoking and health information should be an integral part of a health education program from kindergarten through high school. By the same token, health education on the hazards of smoking should continue for adults who, after all, set the patterns which youngsters so often follow. As adults give up smoking, children will be less likely to turn to cigarettes as the key to "instant maturity." And the end result, hopefully, someday will be a smoke-free world.

So I say to my colleagues: When the phone calls and the visits from the cigarette men and the broadcasters start and their pleas of impoverishment and the sophistry of their arguments begins to sound plausible, think of the enormous loss of human life to be weighed in the balance on the other side. And if the figures have no real meaning, think of just one close friend or loved one, languishing in the final agony of lung cancer or emphysema.

MEDICAL TREATMENT OF VETERANS—NOTICE OF HEARINGS

Mr. CRANSTON. Mr. President, 51 years ago today the United States participated in the signing of an armistice ending a war that marked the close of an era for this country and for the world. America had for the first time entered a European war; the world had moved closer to a type of mechanized warfare that would recur with horrible regularity. But though it was fought with new weapons like airplanes and tanks, World War I still resembled warfare as the Greeks had known it. Young men gave up their lives in the Battle of the Marne in 1917 as they had at Thermopolae in 480 B.C.

One hundred sixteen thousand five hundred sixteen Americans lost their lives in World War I. President Wilson, speaking on the first anniversary of Armistice Day in 1919, reminded his fellow countrymen that "the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service with the gratitude for the victory, both because of the thing from which it freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations."

Armistic Day was declared a national holiday by an act of Congress in 1938, as the world was once more pushing toward war. The 20th century was only in its 45th year when America mourned her 405,399 World War II dead, and gratefully thanked those soldiers who were able to return home. The modernism and technology that had symbolized the hopes of the century had been used instead to create violence and destruction on a scale never before witnessed by man.

Despite our sincere desire for peace in the postwar world and our leadership in the creation of the United Nations which, we hoped would free mankind from the scourge of war. America was soon fighting again. The 33,629 Americans who died in Korea gave their lives in an effort to show that aggressors would be punished and aggression would be prevented. Taking such action in distant Asia, it was hoped, would keep aggressors from our shores.

The sacrifices of Americans killed in the First and Second World Wars and in Korea were honored when Congress changed the name of Armistice Day to Veterans Day in 1954. Now to this list of sacrifice we must also add Vietnam where 39,232 have been killed in action so far.

Today as we commemorate the end of earlier wars and honor the men who fought and died in the hope that freedom would flourish, we must not forget those who fought and lived.

Lincoln remembered the survivors of war as he spoke at the dedication of Gettysburg Cemetery and affirmed that "it is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced." When President Roosevelt signed the first GI bill of rights in 1944 it was in recognition that veterans hold a special place in our society because of their unique contributions to our country; because of the risks they have taken; because of the precious years they have spent away from their families, their homes, and their homeland; and because of their sacrifice of private pursuits while serving the public purpose of national defense.

On this Veterans Day, the doughboys of Pershing's Army are grand old men. The marines who landed at Leyte with MacArthur and the men who captured Pork Chop Hill in Korea are middleaged. Our Vietnam veterans who recently survived Khesanh, Hue, or other bloody battles in the Mekong Delta and Aschau Valley are young men in the prime of their lives.

I believe that these young veterans merit our special attention not only on this day but on every day, throughout this year and throughout every year.

On October 23, the Senate recognized the needs of these young veterans by substantially increasing GI bill educational and training allowances and dramatically expanding veterans' education programs. But a great many Vietnam veterans must recover from the serious wounds they sustained in combat before they are able to take advantage of these added benefits. There are many who will never recover, many who will be helpless until they die.

On this Veterans Day, when our country honors its war dead, at a time when we are all gravely concerned over the weekly totals of those still dying in combat, I ask that we also consider the urgent needs of the living, and the half-living.

We must consider the unusual plight of the seriously wounded Vietnam veterans. We must consider the unprecedented number of young men suffering now—many of whom will suffer forever—from the severe but survivable injuries that uniquely characterize this war.

For example, new drugs, like sulfamylon, have dramatically reduced the death rate from severe burns. Nearly 60 percent of patients with burns covering almost half their bodies died previously; now, fewer than 30 percent die. But for men in that condition, life could be hell for a long, long time.

From January 1965 to June 1969, more than 235,000 U.S. servicemen have received nonfatal wounds in Vietnam. More than half of these men—approximately 120,000—have required hospitalization.

This war has been a terrible crippler. The fighting in Vietnam is producing total disability cases at a rate nearly double that of the Korean war and almost triple that of World War II. Out of every 100 veterans receiving compensation for wounds received in action in Vietnam, 12.4 percent are totally disabled. The comparable figure was 6.7 percent during the Korean war and only 4.4 percent during World War II.

Putting those percentages into more human terms:

That 12.4 percent reflects 11,778 totally disabled Vietnam veterans so far. Applied to the Korean war, it would have meant more than 28,000 totally disabled veterans—instead of the 15,943 who actually were totally disabled. And, applied to World War II, there would have been nearly 177,000 totally disabled, instead of the actual 62,683.

Conversely, had the Korean war rate applied in Vietnam, there would have been only 6,300 totally disabled—instead of 11,778. And the World War II rate, applied in Vietnam, would have meant less than 4,200 totally disabled.

Twice as many Vietnam veterans compared to those who fought in World War II—and Korea—are receiving disability separations as a result of crippling bone diseases which affect the arms and legs. It is estimated that this category of discharge accounts for fully 50 percent of all U.S. Army disability separations from the Vietnam war.

The ferocity of the war in Vietnam can be measured unfortunately by a stark and staggering increase, grim year by grim year, in the number of men suffering major amputations. Strangely, the rate in this year of deescalation engagement is running far, far ahead of earlier Vietnam years.

The rate of neuropsychiatric cases has doubled since 1965.

The reasons for these startling and alarming statistics appear to be twofold. First, the nature of this war, and of the new weapons and devises used in it, produce wounds of profound severity.

Second, our wounded soldiers in Vietnam are airlifted by helicopters moments after they fall and rushed to medical stations and hospitals only minutes away. This innovation—along with the new drugs and treatments rapidly administered—saves the lives of countless men who would otherwise have perished. We all rejoice that 10 percent more of our servicemen survive their wounds in the Vietnam war than did during the Korean conflict. But for many of our survivors, life is a painful, tragic ordeal. Let us remember that many of these will be forever handicapped, and many will be forever helpless.

And when these men are brought back to the United States, is the same urgency evident in the treatment and rehabilitation? Do hospitals have adequate staffs? Large enough budgets? Do they have enough beds and rehabilitation facilities to treat them?

Are they given the compassionate care and the careful attention they so desperately need as they lie in our veterans hospitals?

Do our military and veterans medical establishments have the capacity to do what must be done for our gravely wounded soldiers, in view of the increasing burden they face due to the heavy increase in disabled survivors of this war?

My concern for our Nation's ability to provide adequate treatment for our wounded men is deepened by the following disturbing facts:

The present administration has cut $70 million from the VA hospital and medical care budget estimate for this fiscal year.

If approved by the Congress, this cut would require a 3,586-person drop in hospital personnel, and the deletion of certain key hospital modernization projects.

The Veterans' Administration's full-time employment of nurses and doctors is now at approximately the same level as it was in fiscal 1965 although the number of hospitalized Vietnam veterans has increased more than 400 percent and total U.S. military troop strength has tripled during that period.

The number of part-time doctors and nurses, along with residents and interns at VA hospitals, has increased substantially—from a 1965 level of 4,463 to 7,198 at the close of fiscal year 1969. But I seriously question whether part-time personnel and doctors still in training can meet the enormous increase in casualties over the last 4 years.

Because of these stark and staggering facts, as chairman of the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare, I am today announcing that the subcommittee will hold hearings beginning November 21 to investigate the subject of the medical treatment available to the veteran. The hearings will explore unprecedented medical problems facing our veterans today. These problems really face each of us and all of us, for we are responsible now for the well-being of those who in Vietnam sought to shoulder the responsibility for our well-being.

I do not question the high dedication and professionalism of the men and women who care for our soldiers in military and veterans hospitals. In fact, I want to commend them at this time for their devotion.

But, along with other Senators on the subcommittee, I am concerned whether we are able to give intensive care to all who need it and call upon the full spectrum of specialized services from all who can provide them.

I want to be sure that the Veterans' Administration has an adequate number of plastic surgeons, neurosurgeons, and other highly skilled specialists to care for the increasing numbers of patients who require corrective medical treatment over a period of several years.

I want to be sure, too, that our boys—our men—are given the compassionate care and careful attention they so desperately need as they lie in our veterans hospitals.

I want to determine if the technology of rehabilitation is keeping pace with the advanced medical technologies that save so many of our men and with what we are learning about the human emotions and the mind of man.

I want to be sure that hospital budgets are large enough to provide the best possible care and the most rapid possible rehabilitation.

And we must be certain that the seriously wounded veteran is helped back into society as quickly as possible after he has lost a limb, or his sight, or his mental stability after brain surgery. Prolonged institutionalization itself creates a psychological disability.

The subject is not a happy one. But it must be faced, it must be a vital concern to the Congress, and to all the American people.

On a day of solemn remembrance of the heroic war dead—of those who made the supreme sacrifice—we must not forget our everlasting obligation to the heroic war living.

I know that a grateful nation joins me in wanting to guarantee that the young men who have made such great sacrifices for their country will receive the very finest medical care and the best rehabilitation that their country can provide.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Without objection, it is so ordered.

THE NOVEMBER 15 MARCH AGAINST THE WAR IN VIETNAM

Mr. PERCY. Mr. President, no issue more vitally concerns Americans today than the Vietnam war and the search for peace. Last month, many Americans joined in their communities to voice their opposition to the war. While I do not participate in Vietnam demonstrations, I deeply respect the constitutional right of our people to assemble peacefully—whether or not they happen to agree with administration policy.

The Vietnam march scheduled for November 15 in Washington has raised fears of a violent confrontation. Nothing could more damage the basic interests of the peace movement in America than violence in our Nation's Capital. In all such confrontations, reason is forgotten, innocent people suffer, and a legacy of distrust remains, thus weakening our political institutions.

A central issue between the organizers of the march and the Government's representatives appears to be the right to march past the White House. Unquestionably, the physical security of the Executive Mansion—the center of American political life—is paramount. Yet, could not a limited number of marchers be permitted to pass by? Could not their symbolic aspirations be met without raising the dangers inherent in an emotional mass gathering? And could not the pressure for violence be released through such a procedure?

Within the great body of peaceful demonstrators, there undoubtedly resides a hard-core minority that seeks to provide a confrontation and a subsequent violent clash. But we must not be panicked by these extremists, and we must not let them prevail.

In fulfilling its unquestioned duty to maintain security and order in the Capital, the Government also has a clear responsibility not to multiply the occasions for misunderstanding and conflict through its own actions or overreactions.

It would be a grave mistake to assume that the heartfelt desire for peace in Vietnam is the exclusive property of a relatively small handful of violence-prone extremists.

The strength of the peace movement in our country lies in its very diversity of backgrounds, views, and programs. It encompasses Republicans as well as Democrats, blacks as well as whites, young people as well as their elders.

The administration has wisely committed itself to reversing a long tide of military escalation in Vietnam by adopting a new policy of phased withdrawal from our combat role there.

Wisdom and restraint are needed in Washington on Saturday on the part of all concerned.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAL-

MADGE in the chair). Without objection, it is so ordered.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations; agencies, offices and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. The Senator from Ohio is recognized on the pending amendment, No. 272, under an order previously entered, the time of 1 hour on the amendment to be equally divided.

AMENDMENT NO. 272

Mr. YOUNG of Ohio. Mr. President, briefly stated, my amendment would reduce the civil defense appropriation to the precise amount approved by the House of Representatives.

My amendment involves a total reduction of $8.3 million, slightly more than 11 percent of the amount recommended by the Committee on Appropriations.

It would reduce the recommended appropriation for operation and maintenance for civil defense from $50.7 million to $47.7 million; and the recommended appropriation for research, shelter survey, and marketing from $21.8 million to $16.5 million.

I can think of no other single means whereby we could more clearly manifest our desire to save taxpayers' money than by reducing appropriations for the civil defense boondoggle. In my judgement, and I have spoken out on this matter in every year since early in 1959, the entire civil defense program should be scrapped. However, I am taking a realistic view and the amendment that I ask Senators to support, and I am hopeful that they will support, is a modest amendment that would save at least $8.3 million of taxpayers' money so sorely needed for domestic problems that deserve top priority. Surely $64.2 million should suffice for the civil defense program for fiscal year 1970.

How can we in good conscience increase the civil defense appropriation above the amount approved by the House of Representatives when we are either cutting, or being asked to cut, appropriations for aid to education programs, water and air pollution programs, antipoverty programs, and a multitude of other vital welfare programs. Vital health programs of the National Institutes of Health have been curtailed by $70.5 million; $120 million has been cut from Headstart; $75 million from the emergency food and medical services program; $16 million from legal services to the poor.

Those programs have all been cut, and the administration has approved those cuts. How can we justify increasing even slightly the utterly wasteful civil defense appropriation? Yet, this amended bill we shall vote on later today proposes to increase the amount for civil defense as passed in the other body by $8.3 million. I appeal to every Senator to vote for my amendment and to stop this further raid on the Public Treasury.

I am hopeful that those Senators who have been speaking out for economy in Government and who support the budget cuts that have been made in response to the wishes of the White House will take kindly to my amendment.

More than $1,700 million of taxpayers' money has been wasted in two decades of so-called planning on civil defense. What have we to show for it? No American is one bit safer today in the event of a nuclear holocaust than he was in 1951 despite that vast expenditure of taxpayers' money.

By the way, this morning, when I desired a little further information, I telephoned the head offices of the civil defense organization, but there was no answer. If they are so important, this would really be a good time for the Soviets to attack our Nation and hurl missiles at Washington.

Mr. PASTORE. Mr. President, will the Senator from Ohio yield at that point?

Mr. YOUNG of Ohio. I yield.

Mr. PASTORE. Today is a national holiday. We are the only ones meeting. That is why there is no answer from civil defense. It is a holiday.

Mr. YOUNG of Ohio. Well, the Japanese struck us at Pearl Harbor on a Sunday in 1941, which was also a holiday.

Mr. PASTORE. The civil defense people in Rhode Island are on the alert and may be called out on any days. The lines of communication are always open to the office of civil defense.

Mr. YOUNG of Ohio. I am glad to know that they are on the alert in Rhode Island.

Mr. PASTORE. If the Senator did not receive a reply to his telephone call, it is because today is a holiday.

Mr. YOUNG of Ohio. Mr. President, the civil defense program offers nothing whatever—absolutely nothing—toward our national security or toward the maintenance of our defense posture. It has been an utter waste of taxpayers' money since its inception.

First, there was an evacuation plan whereby people would flee from one city to another city. For example, in the event of a nuclear attack, they were to flee at the sound of sirens from Cleveland, Ohio, toward Lorain, Ohio, 25 miles west, on the Lake Road. Then, the Lorain civil defense authorities, under their evacuation plan, would have people flee east from Lorain toward Cleveland on the same road. Finally, that silly scheme was abandoned. Now they have this inane shelter-marking program.

Mr. President, today, more than 24 years after the atomic bomb was dropped on Hiroshima, and after the expenditure of almost $2 billion of taxpayers' money, the United States has no civil defense program worthy of the name. Most of what exists consists of absurd plans on paper; the rest is confusion.

The fact is that reliable American observers in the Soviet Union have reported they have not noted any civil defense shelter program or any sort of civilian defense program in the Soviet Union.

In recent years the Soviet Union has become a "have" nation and is no longer a "have-not" nation. It is veering towards capitalism. The leaders in the Kremlin seem to be determined to raise the standard of living of their people, and are erecting huge apartment buildings in the cities of the Soviet Union. A correspondent for the New York Times in the Soviet Union has reported that there are no shelters whatever marked off, in those buildings. The Soviet Union does have some survival training courses and some courses in guerrilla warfare. They also have courses of instruction in house-to-house combat, but no provision has been made for fallout shelters in newly built structures within the Soviet Union or within the huge subway system in Moscow. Evidently, the Soviet leaders have had the good sense not to squander their country's resources on futile programs that would add nothing whatever to the defense of their nation.

None of our allies—England, West Germany, France, Italy, Japan, to name a few—have civil defense programs whatever. I have ridden on the famous London underground, and there are no markings there whatever of any civil defense nature.

Still, year after year, the Congress has continued to appropriate huge sums for civil defense in piecemeal fashion, but not for any serious plan of action. I am certain that we will again hear the time-worn argument that we should have at least a minimum civil defense program "just in case." What we are being asked to do is to maintain a myth that there is such a thing as real protection in a nuclear holocaust. This fantasy has cost taxpayers huge sums of money.

With this amendment, I am hopeful that we shall at least make a little progress and save our taxpayers some money.

The fact is that there is no civil defense program imaginable that would be of real protection in the terrifying event of a nuclear attack against us. Last year more than $60 million was spent on civil defense. Do we have any more civil defense today than we had a year ago? The answer is, of course, an emphatic "No." The record of the civil defense boondoggle has been one of complete waste and inefficiency. Millions of dollars of stockpiled medicine has been permitted to spoil; food rotted; and hospital beds and equipment mildewed in one silly scheme after another. The list is endless. Hospital beds and equipment in my State of Ohio, and I am sure in every other State in the Nation, beds and equipment which could be used in Vietnam and elsewhere, have been allowed to mildew and to become useless. A few years ago, millions of dollars worth of medicines stockpiled for civilian defense purposes had become too dangerous to use. In fact, they were dumped into Lake Erie.

Does anyone really believe that these so-called fallout shelters, which are in reality apartment house corridors, office building basements, parking garages, and the like, are going to be of any real protection? Even if one could possibly accept this premise, how much more of the taxpayers' money must be spent on little black and yellow signs telling citizens where to go to meet their deaths in the horrible event of a nuclear Armageddon?

Public apathy could not be greater. Those citizens who were duped into building fallout shelters years ago today are using them as storage spaces, playrooms, or just letting them deteriorate. No citizen today would seriously consider building a fallout shelter. The very idea is ridiculed. Mayors of city after city have either completely discarded their local civil defense programs or have ignored them to the point where for all practical purposes they have been abolished.

In my city of Cleveland, seven policemen have been assigned to civil defense duty, and aside from occasionally going around and speaking to high school assemblies, they are doing nothing except sitting around, waiting for the bomb to drop. This, in a city where crime is rampant and where seven policemen, doing their job, could render needful service.

The Appropriations Committee has recommended more than $50 million for operation and maintenance of the civil defense bureaucracy. The fact is that in that agency with only 316 full-time permanent personnel, more than half receive $17,000 a year up to $38,000 a year in salaries.

Think of that—a median salary of $17,000 a year.

Miss Jane Hanna, of Missouri, had been a very personable Democratic political worker in Missouri. I knew the lady personally, and have met her socially on occasions. She had never been active in civil defense matters in Missouri, but she was appointed Deputy Director for Operations of Civil Defense, a post she held for nearly 4 years, until last January, with the change in administration. Her salary was $33,495 a year. She is now in forced retirement.

That is understandable to any of us here. She has been supplanted by a Republican lady who, no doubt, is very personable also.

The lady who took Miss Jane Hanna's place, close to the top of the bureaucracy of 316 full-time permanent personnel, is Mrs. Georgiana Sheldon. Before her appointment she was a secretary in the offices of a very fine gentleman, Representative ROGERS MORTON, who is presently the chairman of the Republican National Committee. Mrs. Sheldon was a secretary in his office. Now she, a Republican worker, and a fine lady, has succeeded Miss Jane Hanna. She too now enjoys a salary of $33,495 a year.

The median salary of all those 316 full-time employees and officials of civil defense—and this is from the director to the lowest paid filing clerk—is $17,000 a year.

Let us contrast that with the National Aeronautics and Space Administration. This is an agency with many scientists and highly skilled and educated technical personnel. I happen to be a member of Senate Committee on Aeronautical and Space Sciences. I have frequently attended hearings in which we were addressed by the scientists of NASA. Some of them, it seems to me, had as many university degrees as a Fahrenheit thermometer. The men and women in NASA are hightly educated. They have to be. They are scientists. However, the average salary of all of them is $13,700 a year. That is $3,300 a year less for each person, on the average, than is paid to officials and employees of civil defense.

The average salary for officials and employees in the Atomic Energy Commission is $13,400 a year. Contrast that to the average salary paid in civil defense. In the Bureau of the Budget the average salary is $15,300.

It would be a gross understatement to say that the functions of NASA, the AEC, and the Bureau of the Budget are more important than those of the civil defense section of the Department of the Army. It is, therefore, astonishing that the average salary of the officials and employees of NASA, the AEC, and the Bureau of the Budget is substantially lower than that of those in the Civil Defense Agency.

There are a great many overpaid and underworked employees in all the Federal agencies, but those in civil defense are among the highest paid in the entire Federal bureaucracy. In fact, the civil defense section of the Department of the Army has a well-deserved reputation as a haven for retired Army officers and defeated officeholders.

In my State of Ohio I regretfully report there are a great many political hacks of the Democratic Party as well as the Republican Party who were never any good for either party, as I know from the experience of having run for office many times in the State of Ohio. They are the ones occupying the highest paid civil defense jobs in my State of Ohio. The same is true of both Democrats and Republicans in many States.

I said a few moments ago that, Mayor Stokes having been recently reelected I am again going to call his attention to the fact that there are seven able bodied policemen doing nothing but sitting around waiting for the bomb to drop. I hope he will put them on active service.

I am hopeful we shall have an economy vote on this amendment. When I started to speak out in 1959 against civil defense, I had only two or three Senators voting with me. Last year there was a very close vote. I hope we shall have a very real economy move this afternoon in favor of my amendment.

Civil defense officials not only detract from our national defense effort, but also foster the illusion that there is such a thing as a defense against the hydrogen bomb and other deadly atomic weapons. To continue doing this is to render a disservice to all Americans except for those few civil defense characters in the Department of Defense who enjoy fancy salaries while sitting around sending messages to each other and devising costly schemes and fancy propaganda pamphlets while waiting for the bomb to drop.

These civil defense schemes were announced by Miss Jane Hanna, while drawing a salary of $33,495, and they will be announced by Mrs. Georgiana Sheldon, who was secretary to ROGERS MORTON, a Representative from the State of Maryland, now the chairman of the Republican National Committee. She suddenly acquired vast knowledge of civil defense.

It would be far better to spend this money in attempts to avert a nuclear holocaust than in absurd little schemes concocted by civil defense bureaucrats who have nothing better to do with their time than to formulate such absurdities. The Nation would be better served if this money were spent for improving homes in slum areas, for the Headstart program for underprivileged children, or for any of a multitude of other needed projects to improve the welfare of millions of Americans.

Then perhaps some of those political hacks in my party and the Grand Old Party of which I am not a member, who have been living a life of ease as civil defense workers in Washington, D.C., and in the various States, would have to get some constructive and worthwhile employment.

Let us not be misled by any assertions that in time of disaster such as floods and fires, civil defense workers are necessary to come to the aid of the people. It is in the tradition of our great Nation that in times of natural disasters citizens have always come to the aid of their neighbors in distress. We do not need a lot of civil defense workers paid high salaries for this purpose.

If my amendment is adopted and $3 million is cut from the appropriation for operations and maintenance, I am sure that the civil defense bureaucrats will certainly be able to struggle along on more than $47 million for fiscal year 1970.

No one need be sorry that they are not receiving enough money. It may even be necessary to transfer some of these high-salaried boondogglers to agencies where they can perform a needed public service—if they have the ability to do so. I doubt that there is another agency in the Federal Government where so many employees have done so little for so much—so much money that goes into their pockets every month.

Mr. President, I hope that my amendment will be seriously considered. We are talking about $8.3 million of taxpayers' money. We are debating and voting here on two amendments en bloc. In voting on these amendments, those Senators who vote "yea" on this rollcall will be voting to save the taxpayers of this country $8,300,000, without in any manner whatsoever impairing our national security or vital public services.

I know that we will probably hear the old argument that the civil defense budget amounts to but a fraction of 1 percent of the total defense budget. That is true. However, translated into dollars, that percentage exceeds $60 million this year—a huge sum of money that could be diverted to really essential programs, and will be if a majority of Senators vote "yea" on my amendments.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. I yield myself whatever time I may require.

First of all, Mr. President, I certainly shall not indulge in making a comparison of how minuscule this appropriation for civil defense is in comparison to our defense budget. That is not my argument at all. My argument will be directed toward the essentiality of the program.

Mr. President, if we carry my distinguished friend's logic to its ultimate conclusion, we should eliminate this item completely, because if it is a boondoggle and all those who are connected with it are boondogglers, the program should be eliminated completely.

But what are we confronted with here? This world has gone mad with atomic and hydrogen bombs. We have enough nuclear and thermonuclear weapons to burn the world, and until the day comes when we can put those weapons under international control, or dismantle them and drop them all to the bottom of the sea, we must be concerned about our population.

I am told that Russia has enough atomic bombs so that, on the first surprise strike, she could kill one-half of our population, or about 100 million people.

The argument is that nothing has happened since the bomb was dropped on Nagasaki in August 1945, and for that reason we can abandon all our protection. That is like saying, "Cancel your fire insurance on your house because there has not been a fire. Or cry about it, after 20 years, because your house did not burn down and you had to pay the premium for 20 years."

I say thank God that nothing happened, but the big question is, what if something does happen?

The argument is made that someone picked up the telephone and called the office downtown, and could not get an answer. Well, today is a holiday, but I want to assure Senators that it is not a holiday for the civil defense of this country, because we have a duty officer on duty all the time in Washington as well as in each regional office, and the duty officer in Washington has direct contact with the war room in the Pentagon. That is how serious it is.

I repeat, I hope the day will never come that anyone dares, in an act of madness, to fire a missile at our population. But, God forbid, what if it does happen? What do we do, just sit down and die? Or are we going to do something about protecting the people of this country?

I do not care what street you walk on, or what building you go into, you see these markings, called "shelter." That means a place where people can go, and we have down there fresh water and emergency supplies. To do what? To save all population from contamination and from being burned to death. That is the purpose of it. That is the purpose of civil defense.

What have they done? They have developed one of the best communications systems in this country, and it has been used every time we have had a natural disaster. Any time we have had a tornado, any time we have had a flood, any time we have had any kind of a national catastrophe, the civil defense people have been out there with their helmets—you have seen them with their white helmets—as public-spirited citizens, doing their jobs, to meet the emergency, and right the wrong.

That is what this is all about, Mr. President. We have scrutinized the civil defense budget very carefully. The Civil Defense Office asked for $125 million. The Bureau of the Budget allowed them $75,300,000. We have cut that figure slightly, but we restored a little bit over the House figure.

Our figure is a very modest one. I think it will help them mark up some of the shelter places that have been neglected because the budget has been cut in the past.

The former Governor of North Dakota, Mr. Davis, who has struck me as being a public-spirited man, was recently appointed Director of Civil Defense. He is not a boondoggler; at least he did not appear that way to me; and I do not care whether he is a Republican, a Democrat, or an independent, to me he is a great American. I hope that, in the public interest, the amendment will be defeated.

Mr. YOUNG of Ohio. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. PASTORE. I will give the Senator whatever time he needs.

Mr. YOUNG of Ohio. Mr. President, in this crowded Chamber so many Senators have heard the remarks of both the Senator from Rhode Island and myself that I do not think it will be necessary for me to take any time from the Senator from Rhode Island; but I am very thankful to him for offering me additional time.

Mr. President, I simply say again, the House of Representatives appropriated $64,200,000 for civil defense, and the Senate Appropriations Committee has recommended the amount be increased to $72,500,000. We have had civil defense in the United States since 1951, and $1,700,000,000 of the taxpayers' money has been spent on civil defense in those years intervening. I assert that no additional protection has been given to the people of this Nation by reason of that huge expenditure.

With reference to the nuclear attack on Hiroshima in August of 1945, and in the event of any nuclear attack on this Nation, our defense is certainly not civil defense workers scattered around the Nation. Our real and only defense is our power of instant complete retaliation. We are no better off for all our past civil defense expenditures, and I urge that my colleagues support my amendments. A "yea" vote will be a vote for economy, and will bring us back to the appropriation figure as passed by the House of Representatives.

I yield back the remainder of my time.

Mr. PASTORE. Mr. President, in accordance with the statement of the majority leader yesterday, I understand that the vote will not take place before 2 o'clock.

I am perfectly ready to yield back the remainder of my time, but time is running under the unanimous-consent agreement. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I yield to the distinguished Senator from North Dakota whatever time he may desire.

Mr. YOUNG of North Dakota. Mr. President, I oppose the cut that is being proposed. This is one of the few budgets that the Senate has been considering in recent days that has not been increased sharply from the estimate of the Bureau of the Budget. The amount of money allowed by the committee is still less than the amount of the budget estimate. We have an excellent administrator. He happens to come from my own State, so I admit to being a bit prejudiced. However, he is a man who has an excellent war record. He has been the national commander of the American Legion and twice Governor of North Dakota. He is familiar with the problems of the States—and the States do have many problems under this program.

The Civil Defense Administration has been most helpful when the States have experienced disasters, such as floods. Those who have never lived through a real flood disaster do not know or do not really appreciate the work that is done by the Civil Defense Administration.

Civil defense is a very important program, one which I do not believe should be cut further than it already has been cut.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Does the Senator from Rhode Island yield back the rest of his time?

Mr. PASTORE. I yield back the remainder of my time.

Mr. YOUNG of Ohio. I yield back the remainder of my time.

Mr. PASTORE. I understand that at 2 o'clock the Senate will vote on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The hour of 2 o'clock has arrived. The question is on agreeing to the amendment of the Senator from Ohio (Mr. YOUNG). The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from West Virginia (Mr. BYRD), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas

(Mr. McClellan), the Senator from Minnesota (Mr. Mondale), and the Senator from Maryland (Mr. Tydings) are necessarily absent.

On this vote, the Senator from Michigan (Mr. Hart) is paired with the Senator from Alabama (Mr. Allen). If present and voting, the Senator from Michigan would vote "yea," and the Senator from Alabama would vote "nay."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from Maryland (Mr. Mathias), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Iowa (Mr. Miller) and the Senator from Ohio (Mr. Saxbe) are absent on official business.

The Senator from New Jersey (Mr. Case), and the Senator from Texas (Mr. Tower) are detained on official business.

If present and voting, the Senator from New Jersey (Mr. Case), the Senator from Arizona (Mr. Fannin), the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), the Senator from Illinois (Mr. Smith), and the Senator from Texas (Mr. Tower) would each vote "nay."

The result was announced—yeas 19, nays 49, as follows:

[No. 146 Leg.]

YEAS—19

Bayh
Brooke
Church
Cook
Cooper
Cranston
Ellender
Fulbright
Goodell
Hatfield
McGovern
Moss
Nelson
Proxmire
Randolph
Schweiker
Symington
Williams, Del.
Young, Ohio

NAYS—49

Aiken
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Cotton
Curtis
Dodd
Dole
Dominick
Ervin
Fong
Gore
Griffin
Harris
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
Montoya
Mundt
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Ribicoff
Russell
Scott
Smith, Maine
Spong
Stennis
Stevens
Talmadge
Thurmond
Young, N. Dak.

NOT VOTING—32

Allen
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Eagleton
Eastland
Fannin
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Jordan, N.C.
Long
Mathias
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Saxbe
Smith, Ill.
Sparkman
Tower
Tydings
Williams, N.J.
Yarborough

So the amendment of Mr. Young of Ohio was rejected.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PEARSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). The amendment will be stated.

The legislative clerk read as follows:

On page 40, line 24, strike out the figure $6 million and insert $8 million.

Mr. PEARSON. Mr. President, I yield myself 5 minutes. If I may have the attention of the Senate I can explain the amendment in a very short time.

The amendment would increase the appropriation for fair housing and equal opportunity under the Office of Housing and Urban Development from $6 million to $8 million, which has been requested by the administration.

Mr. President, the amendment is cosponsored by Senators Javits, Hart, Williams of New Jersey, Brooke, Dominick, Schweiker, Percy, Mathias, Ribicoff, Stevens, Mondale, and Goodell.

As a matter of legislative history, this Office, under the Johnson administration requested $14.5 million. The review by the Nixon administration cut the amount to $10.5 million. The House committee appropriated $3 million, which was raised to $5 million on the floor of the House. The Senate subcommittee has recommended $6 million. Under the pending amendment the amount would be raised to $8 million.

As I have said, the amendment has the support of the administration, pursuant to the testimony of Secretary Romney, which is set forth in the hearings on page 513.

Actually, support of the amendment would rest upon two principles: First, that it is a national civil rights program; and second, that it is a program designed to give the black minority and other minorities economic opportunities. This office administers the Federal fair housing law which was passed by Congress last year. It has a caseload now of about 140 cases per month, and increasing, not on a sectional basis. Testimony indicated that there were almost twice as many regional offices in Chicago as in Atlanta and Fort Worth, although that number is increasing now. In general, coverage of law will almost double in the number of housing units——

Mr. PASTORE. Mr. President, will the Senator from Kansas yield at that point?

Mr. PEARSON. I yield.

Mr. PASTORE. The Senator from Kansas has recited the precise chronology of the amendment. There is no question that the money can be used properly. If the Senator from Kansas would modify his amendment—I have already discussed it with my counterpart, the Senator from Colorado (Mr. Allott), the Ranking Republican on the committee—if the Senator from Kansas would modify his amendment to read an increase of $1 million instead of $2 million, we would be happy to take it to conference.

Mr. PEARSON. I thank the Senator. I know of his deep interest in this matter. I should like just to make a further comment and then I shall modify the amendment as suggested by the Senator from Rhode Island.

Mr. President, this is not an appropriation of money for a great number of added personnel. There are about 285 people in the office now. The request would be for only 40 more. Really, the great amount of money being requested here is for education and technical assistance in the States so that we can approach the problem on an educational and a conciliatory basis rather than on an inspection by force.

Thus, with great appreciation to the Senator from Rhode Island and the Senator from Colorado, I ask unanimous consent to modify my amendment and have it read from $7 million, instead of $8 million.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment will be so modified.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. PEARSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to the amendment as modified of the Senator from Kansas.

The amendment, as modified, was agreed to, as follows:

On page 40, line 24, strike out the figure $6 million and insert $7 million.

AMENDMENT NO. 274

Mr. MANSFIELD. Mr. President, on behalf of the Senator from West Virginia (Mr. Byrd), I call up his amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 4, line 4, strike out "$105,000,000" and insert in lieu thereof $107,500,000."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the oral statement made by the Senator from Virginia (Mr. Byrd) on the floor of the Senate yesterday be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

AMENDMENT NO. 274

Mr. Byrd of West Virginia. I send an amendment to the desk and ask that it be printed.

The Presiding Officer. The amendment will be received and printed and will lie on the table.

Mr. Byrd of West Virginia. Mr. President, I should like at this point to make a brief explanation of my amendment. I cannot be here tomorrow because of official business which will require my presence elsewhere, and for that reason I have offered this amendment today. I have talked with the majority leader about the amendment, and he will call up the amendment on my behalf tomorrow.

My amendment would add $2.5 million for the non-highway programs under the funds appropriated to the President, for Appalachian regional development programs.

For the non-highway programs, the Appropriations Committee, of which I am a member, has recommended restoration of $10 million above the House allowance of $95 million, which would make a total of $105 million. This is $7.5 million below the budget estimate. The reclama, as I understand it, was in the amount of $2.5 million more than the Senate Appropriations Committee allowed. My amendment would bring the total restoration up to the full amount that was appealed.

These programs are designed to help the poorer communities of Appalachia participate in regular Federal grant-in-aid programs. Many communities in Appalachia lack the tax base to provide the matching share required for basic Federal grants. Per capital local revenue in 1962 for the United States was $149, but in Appalachia it was only $85.

Back in 1965, when the Appalachian Regional Development Act was passed, Appalachia, with almost 10 percent of the Nation's population, was receiving only a little over 7 percent of Federal grants in aid. This year, thanks to this program, Appalachian communities are receiving almost their fair share of national grants in aid.

However, tight money conditions have imposed a new burden upon many of our smaller communities. The rise in interest rates has foreclosed many of them from being able to raise needed funds in the bond market for local improvements unless some assistance can be provided to them through grants under the Appalachian programs to reduce the amount they will have to raise in the private market. It is because of these increases in the cost to localities of borrowing money that an additional $2.5 million is required.

The Appropriations Committee has recommended restoration of $10 million over the amount recommended by the other body, and I am grateful to Mr. Pastore and Mr. Allott and others on the committee but this is still $7.5 million below the budget estimate. Of this restored amount, the committee recommends that $5 million be used to provide the full amount of the budget estimate of $35 million for the Appalachian health program and that $5 million be restored to provide the full amount of the budget estimate of $25 million for vocational education facilities.

In recommending the addition of $2.5 million to the supplemental grant program, I wish to point out that most of the supplemental grants—80 percent of them, in fact—are used to assist communities to build schools, hospitals, and other education and health facilities. If we fail to provide these needed additional funds, a number of urgently needed health and educational services and facilities cannot be provided and, thus, some of the momentum we have achieved in this effort will be lost. I hope that the Senate will agree to my amendment on tomorrow.

Mr. President, I ask unanimous consent that the amendment of the Senator from Ohio (Mr. Young) be again laid before the Senate and made the pending business.

The Presiding Officer. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this amendment, which has just been called up, is being offered by the Senator from West Virginia (Mr. Byrd), who is away from the Senate today on official business. This is one of the few days he has ever missed attendance in this body.

On yesterday, at the close of the day, however, he introduced an amendment which has now been called up for consideration. At the time he introduced the amendment, Mr. Byrd explained its purpose. It would add $2.5 million to the funds appropriated to the President for Appalachian regional development programs. The Senator from West Virginia made a statement supporting the amendment at the time of its introduction yesterday, and it appears in yesterday's Record.

Senator Byrd has informed me that, if his amendment is adopted, it will bring the full amount for the nonhighway programs up to $107.5 million. The House had allowed $95 million, the Senate Appropriations Committee restored $10 million, to provide a total of $105 million, which, I am advised by the Senator from West Virginia, is $7.5 million below the budget estimate and $2.5 million below the full amount stated in the reclama to the committee. The amendment offered by the Senator from West Virginia would restore the full amount appealed.

Mr. President, I ask the Senate to agree to this amendment.

Mr. PASTORE. Mr. President, this is another amendment that I have discussed with the Senator from Colorado (Mr. Allott). The facts are as the Senator has stated. If we do not put the money in here, we will have to do it with a supplemental appropriation; then we are perfectly willing to take it to conference and take our chances there.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. PASTORE. Mr. President, for the benefit of Senators, the Senator from California (Mr. Cranston) was going to introduce an amendment that had to do with severe injuries received by veterans in Vietnam and the building of facilities for them, and the difference between the Johnson estimate and the Nixon estimate. He was going to explain it, then we were going to discuss it, and then he was going to withdraw it. I do not know whether he is in the Chamber at the moment, but right after that, I believe we will be ready for third reading and final passage of the bill.

Mr. President, I ask for the yeas and nays on final passage of the bill.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 273

Mr. JAVITS. Mr. President, I call up my amendment, No. 273, and ask that it be stated. Let me announce, before the clerk reports, that the cosponsors of this amendment are Senators Goodell, Hart, Muskie, Percy, Case, Mondale, Schweiker, and Williams of New Jersey.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 34 strike out line 1 and insert in lieu thereof the following: "$500,000,000 to remain available until expended".

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, this amendment would increase the amount available for urban renewal by $250 million. This contrasts with the efforts made yesterday to increase the same item by some $587 million.

There were two reasons for offering this amendment today. First, the urgent need; and, second, the defeat of yesterday's amendment by only 2 votes. This very narrow defeat indicated that perhaps a somewhat lower figure would be adopted. In the absence of the Senator from Michigan (Mr. Hart), who carried the principal load yesterday, I undertook to introduce the amendment today.

We face a very serious situation in the cities. Practically every housing program depends upon the availability of land.

I think we are all aware of the critical situation which faces the cities, including the major cities of my own State of New York. There has almost been a shutdown of low- and middle-income housing.

Mr. President, I understand the problem of the Senator from Rhode Island (Mr. Pastore). Those of my colleagues who are sponsoring this amendment and I have discussed it with him. Senator Pastore, himself, is very strongly disposed toward the very item we are discussing now. He even points out, quite properly, that the Senator from West Virginia (Mr. Bryd), chairman of the Subcommittee on Supplemental Appropriations, voted for the amendment yesterday for the full amount of the authorization. However, Senator Pastore does not have a budget estimate. In view of the urgency of the need—I think it was very clearly and without any question demonstrated yesterday—he thinks we should first try to get the administration to recognize the critical nature of the situation and that all the other objectives which HUD seeks depend upon adequate urban renewal funding. Senator Pastore, therefore, believes that we should first seek a budget estimate for a supplemental bill from the Department of Housing and Urban Development.

Quite frankly, I must say that I am motivated, also, by the fact that it is rather difficult and rough constantly to put the Senator from Rhode Island (Mr. Pastore) in the position where, although he is personally disposed toward an item of this character, he must oppose it, because he is managing the bill.

Therefore, after discussing this matter with those who joined me in this amendment, we have determined not to press it. Instead, we will do our utmost to bring the administration to the realization that its other programs, such as rent supplements, homeownership and rental assistance, are based on urban renewal, and to obtain from HUD a firm appraisal of what the administration is forced to reject, because the amount made available by this bill is insufficient. We will then do our utmost to get a supplemental appropriation.

I think it is quite extraordinary for the Senator from Rhode Island, who is quite senior on the Appropriations Committee, to inform us that, if we do not get it, he himself will move the additional amount. He is satisfied of the real need for urban renewal funds, for it is the underpinning of all the housing programs contained in the bill.

In light of the situation as I have described it to the Senate, my colleagues and I feel we are better advised not to press the amendment at this time.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PASTORE. It is not a question of seniority; it is a question of the merit of the legislation. There is tremendous merit to this legislation. I discussed it yesterday. What I am opposed to is making a compromise on the basis of cutting it in half, on the chance that it will pass because it lost by only two votes yesterday. But the danger there is that we have already cut a meritorious proposal in half. I do not want to see that. We should proceed in the regular order. We should appeal to the Secretary of Housing and Urban Development to get an estimate and to have it included in the supplemental bill. As I told my colleagues, I would be the first to support it.

I hope the sponsors of the amendment will withdraw it because, very frankly, I think we are all in accord on the objective. It is a question of how we should do it. I think the wise way to do it is in the regular order.

Mr. SCOTT. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. SCOTT. Mr. President, I am in accord with what is sought to be achieved here, too. The Senator from Rhode Island has stated a desire to proceed in a fashion which may bring to the attention of the Secretary and to the committees involved the great seriousness of the problem which the mayors of our country have presented to us so earnestly. Therefore, I very much hope that something further can be done; but I am inclined to believe, in view of this colloquy, that we are proceeding in the right direction if we agree with the suggestion of the distinguished Senator from Rhode Island.

Mr. PERCY. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, as a cosponsor of the amendment, I should like to indicate my support for this action. There is no question in my mind that not only does the Senator from Rhode Island fully support this amount as one that is justified and could be substantiated, but that the Senator from West Virginia by his vote yesterday indicated that, as manager of the supplemental bill, he would stand behind this amount.

I would like to join in whatever letter of request is prepared to the Secretary of Housing and Urban Development, and will lend my full support in the Banking and Currency Committee and the Housing and Urban Affairs Subcommittee of that committee to this very important item. This is the best way to work the matter out.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Mr. President, I appreciate the consideration which the Senator from New York and his associates are showing to our distinguished chairman. I want the record to show very clearly that the amount now in the bill is sizably larger than it was when it came over to us. The reason for that was the insistence of the Senator from Rhode Island that it be raised $150 million. The committee agreed to go along with him in that insistence. I do think the way we propose to take care of the matter is much more considerate of him, because he has been the leader of this cause in the Appropriations Committee.

I thank the Senator for yielding to me.

Mr. JAVITS. I thank the Senator.

Mr. President, I yield myself 3 minutes just to say to the mayors of the country—and they are the ones who are on the frying pan, as it were, now—they should understand very clearly, first, that we will have another opportunity on the supplemental, on any supplemental bill that comes up. Second, and very important, they are interested in delivery, not performances on the floor of the Senate. I am convinced, and my colleagues who join me in this are convinced, that the best way to get performance for them is in this way. I think it is very important that they understand that, especially since it deals with their planning and reliance on adequate urban renewal money.

I am confident we will find ourselves able to finance, through urban renewal, any project which is really worthy that any of our cities have, and that they will not be stymied by any absence of appropriations at this time.

Under the circumstances, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. ALLOTT. Mr. President, I have been very much interested in the discussion which has taken place here. Of course, this in conjunction with the discussion that took place yesterday afternoon, constitutes the record on this matter.

I think my friend from New York, as well as others here, should understand that there was no real controversy in our committee about the full amount being put in the bill. As a matter of fact, when the distinguished chairman and I met to talk over what possible areas we would recommend to the subcommittee, this was included. The distinguished senior Senator from North Dakota evidenced a very strong interest in it.

From the discussion which has occurred here, I would not want the implication left that there were, perhaps, Senators unknown who were opposing it.

I say this, therefore, to make the record perfectly clear: There was no objection to it; and it was supported by the senior Senator from Colorado, the senior Senator from North Dakota, and others.

Mr. JAVITS. Mr. President, will the Senator yield to me for just one observation?

Mr. ALLOTT. I yield.

Mr. JAVITS. It should also be made clear, because this is the record, that in the reduction I was not taking account of the merits, or acting substantively at all. We were just trying to get something in terms of a rescue mission for what is really a desperate situation. The Senator from Rhode Island and the Senator from Colorado are absolutely correct; we need the total amount. I am very grateful to them for their position.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PASTORE. I yield to the Senator from California.

Mr. CRANSTON. Mr. President, may I speak now about an amendment I shall offer at the end of my remarks?

Mr. PASTORE. I will give the Senator whatever time he needs on the bill, Mr. President.

The PRESIDING OFFICER. There is no time on the bill.

Mr. CRANSTON. Mr. President, I shall offer an amendment to this bill that would restore the original sum requested by the Johnson administration for the full Veterans' Administration's hospital and medical care budget. The House of Representatives, in its deliberations, restored 34 million of those dollars. The Senate committee has restored only 20 million of those dollars. The present administration recommended a cut of about $70 million, my amendment would fully restore.

I feel that underlying this budgetary situation is a very serious problem, of which I have become aware only in the past month. I apologize to the chairman of the subcommittee presenting the matter to us today for not having appeared before his subcommittee when the hearings were held on the matter. But the fact is that I was not fully aware of the dimensions of the problem we face in attempting to meet the obligations we owe to the men who have gone to Vietnam and have suffered wounds there that, in many cases, will be everlasting in terms of totally disabling them, disfiguring them, or restricting their ability to live the types of lives men who have not suffered such wounds live in our society.

This war in Vietnam, with relationship to the wounds suffered by the men who serve there, is totally different from any other war we have fought. This is true for two reasons. The first reason is the nature of the weapons used in this war. New, modern destructive devices, ranging from high caliber rifles which inflict shattering wounds the moment someone is hit by a bullet fired from them to light caliber weapons and new types of mines and other traps used in close combat and guerrilla warfare. These new weapons are creating wounds that are unprecedented in their destructive and crippling nature.

The second reason for the problem we face together with these men, and which hence our country faces, is that due to our ability, now, with helicopters to lift fallen men from battle the moment they have fallen, and fly them in a matter of minutes to field hospitals, these men receive medical care far earlier than in prior wars. And they receive better care, due to new medical advances and wonder drugs which were not available before.

For these reasons, more badly wounded men—10 percent more—are surviving this war than ever before in the history of any war we have fought. Let me state two startling, staggering, and alarming statistics.

Of the totally disabled veterans among our wounded, only 4 percent of those wounded who survived in World War II were totally disabled. In the Korean conflict, 6 percent of those wounded and surviving were totally disabled. Now, in Vietnam, we find that 12 percent of those wounded and surviving are totally disabled for the rest of their lives.

Another statistic is this: In World War II, when men in combat were burned over more than half their bodies, 60 percent died. Now, in Vietnam, due to one new drug, only 30 percent of the men so burned are dying. So that twice the proportion of men with the disfiguring, terribly hurtful, shattering experience of having more than 50 percent of their bodies burned—a total of 70 percent of these so burned—are surviving this war. But they need our assistance; they need our care, and I am now talking about what happens when they get back from Vietnam, totally disabled, disfigured, upset psychiatrically, and so on.

I seriously question whether we are now giving these men lying in our veterans' hospitals the careful care, the intensive care, the compassionate attention and the totally modern sort of medical assistance that they need for recovery and rehabilitation, if they can be rehabilitated, to restore their spirits, if they can be restored. I am sure all Americans would want for them only the best care and rehabilitation assistance in light of the sacrifice they have made and the risks they have run on orders from our Government, if they were not volunteers, in behalf of the rest of our society.

My Subcommittee on Veterans Affairs of the Committee on Labor and Public Welfare will begin hearings on November 21 to explore this matter, to determine what is the situation in these Veterans' Administration hospitals. What are we doing, and what are we failing to do?

I do not know whether the amendment that I shall now offer is even adequate to provide the funds that we need for this purpose. So I am simply, at this point, offering what the Johnson administration, after very careful study, felt would be adequate. The $70 million cutback that was proposed by the current administration would mean that we would fall back 3,600 in the number of personnel helping the men in our hospitals. It would mean a great reduction in the development of hospitals and other facilities needed for these purposes. Even if, in accordance with my amendment, we restore the full sum requested by the previous administration, I do not know that that will be enough, but I suggest it as a starting point, and I therefore send this amendment to the desk, and ask that it be read.

Several Senators addressed the Chair.

Mr. CRANSTON. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. Let the amendment be stated first.

The legislative clerk read the amendment, as follows:

On page 27, line 10, strike out "$54,638,000" and insert in lieu thereof "$59,638,000".

On page 27, line 18, strike out "$16,950,000" and insert in lieu thereof "$17,327,000".

On page 28, line 2, strike out "$220,865,000" and insert in lieu thereof "$223,065,000".

On page 28, lines 12 and 13, strike out "$55,217,000" and insert in lieu thereof "$96,368,000".

On page 28, lines 17 and 18, strike out "$4,000,000" and insert in lieu thereof "$5,000,000".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. FULBRIGHT. Mr. President, the Senator quoted the statistics about the totally disabled. I think it would be interesting if he could tell us about the relationship between the killed and the wounded. I mean, is it not a fact that the number of wounded in this war, relative to the number killed, is far higher than in any previous war in our history? If I recall correctly, the proportion used to be about 3 to 1, and it is now approaching 9 or 10 to 1, of wounded to killed. Is that not correct?

Mr. CRANSTON. I do not have the exact figures available, but there certainly are more of the wounded surviving in this war than hitherto.

Mr. FULBRIGHT. I think that is the approximate percentage.

Mr. MANSFIELD. Mr. President, will the Senator yield? I happen to have the exact figures here.

Mr. FULBRIGHT. I am sure they would be interesting.

Mr. CRANSTON. I am delighted to have a leader always equipped with the exact figures.

Mr. MANSFIELD. The total number of wounded in this war, up to November 6—that is less than a week ago—is 256,785. The total number of dead is 39,232 battle deaths, and 6,880 U.S. casualties not a result of action by hostile forces, but in Vietnam. So the total number dead is 46,212, and the total number wounded 256,789. The overall total for casualties combined is 302,901, as of last week.

Mr. FULBRIGHT. I am sure that is accurate.

Mr. MANSFIELD. It is. I ask unanimous consent that the table from which I have been reading be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VIETNAM CASUALTIES STATISTICAL SUMMARY

The Department of Defense released today the cumulative casualties reported in connection with the conflict in Vietnam, as of 1 November 1969.

U.S. CASUALTIES RESULTING FROM ACTION BY HOSTILE FORCES

Total U.S. deaths from actions by hostile forces is the sum of the following categories: killed in action, died of wounds, died while missing and died while captured. Lines 1 through 4 subdivide casualties by cause or category. Line 5 provides an additional breakdown of the same totals by environment (air or ground). Totals are cumulative from January 1, 1961 through 1 November 1969.

	Army	Navy [1]	Marine Corps	Air Force	Total
1. Killed	20,794	941	10,912	387	33,034
2. Wounded or injured:					
(a) Died of wounds	2,795	123	1,319	36	4,273
(b) Nonfatal wounds:					
Hospital care required	78,145	3,500	47,691	638	129,974
Hospital care not required	84,528	5,059	35,192	2,032	126,811
Total					256,785
3. Missing:					
(a) Died while missing	1,413	172	5	325	1,915
(b) Returned to control	52	7	6	24	89
(c) Current missing	192	106	88	525	911
4. Captured or interned:					
(a) Died while captured or interned	9			1	10
(b) Returned to control	36	3	4	6	49
(c) Current captured or interned	50	140	23	201	414
5. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	72	153	127	583	935
Helicopter	1,359	52	365	40	1,816
(b) From ground action	23,580	1,031	11,744	126	36,481
Total deaths [2]	25,011	1,236	12,236	749	39,232

B. COMBAT DEATHS FOR OTHER FORCES IN VIETNAM—SINCE JAN. 1, 1961

Force	RVNAF [3,4]	Other free world forces	Enemy [4]
6. Total deaths	96,456	3,433	566,501

C. U.S. CASUALTIES NOT THE RESULT OF ACTION BY HOSTILE FORCES—SINCE JAN. 1, 1961

	Army	Navy [1]	Marine Corps	Air Force	Total
7. Current missing	117		3		120
8. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	217	117	40	217	591
Helicopter	1,136	23	198	8	1,365
(b) From other causes	3,015	528	1,186	195	4,924
Total deaths	4,368	668	1,424	420	6,880

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[1] Navy figures include Coast Guard.

[2] Sum of lines 1, 2(a), 3(a), and 4(a).

[3] Does not include paramilitary losses.

[4] Includes adjustment from previous period and is subject to later adjustment in turn.

Mr. FULBRIGHT. The point is that because of the reasons the Senator from California has stated in the other wars in which we have been engaged, there have never been so many who have survived. That is, a great many of those wounded in this war do survive for the reasons he has given. I think his amendment has a great deal of merit, and I support it.

Mr. CRANSTON. I thank the Senator.

Mr. MANSFIELD. If the Senator will yield, may I say that those figures cover the period from January 1, 1961, to November 1, 1969.

Mr. PASTORE. Mr. President, first of all, I wish to make it abundantly clear that I do not think there is a Member of the Senate who is inclined to supply anything less than adequate and complete support for our wounded veterans.

No matter what amount of money is needed and no matter whether we have to take the money out of any existing program, I know that this country is not going to abandon or neglect any veteran or the widow of any veteran. I am sure of that. It has traditionally been the history of our country that we have taken care of these people.

I congratulate the Senator from California for bringing this very important problem to our attention. However, we do have a problem here. First, these wounded veterans, of course, go to military base hospitals. They do not go to veterans hospitals. Once they are released from military hospitals, they might go to veterans hospitals. That does not change the problem.

I suggest that if the Senator will withdraw the amendment, the matter should be explored exhaustively. We should go into it in depth and find out exactly what the problem is, what needs to be done, and then to do it and do it immediately.

I would hope that is the case, because whether or not the amendment is agreed to, I do not think it will reach the problem that faces us.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. MAGNUSON. Mr. President, I feel about this matter as does the Senator from Rhode Island and the Senator from California. However, I do think we ought to be very careful that we put the money in the proper place.

Wounded soldiers and all other members of the Armed Forces are taken to base hospitals and treated. Once they are honorably discharged from the military, they have the right to apply to a veterans' hospital if they need care.

If sufficient care is not being afforded to the wounded while in the military, it seems to me that we ought to investigate the matter as the Senator's committee is doing and see to it that appropriations are voted for this purpose.

The Veterans' Administration by law—and they only have so many beds in the 166 VA hospitals—can take care of only those who have actually been honorably discharged.

There might be some medical expertise in a veterans' hospital which could cause the military to suggest that a man go there. However, that would be an unusual case.

I am so glad that the Senator is going to go into this very important matter.

The pending bill provides for $1,541 million for medical care, which is $17 million over the budget request. I would not want to see this money used incorrectly.

The Veterans' Administration hospitals do a fine job particularly in the research field. However, they are available to the veteran only after he is discharged.

I hope that the Senator will go into another matter. Very few people in this country realize that every other bed in the 166 veterans' hospitals is for an m.p. case. They use tranquilizers on these patients and perform a great deal of outpatient care for them.

I want to be sure that we are doing the right thing with the money and spending it in the right place because of the importance of this program.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. PASTORE. Mr. President, I think we are more or less acting in a vacuum here. No matter what we say, we have to do it. The best way for us to do it is to get on our bicycles and do something about it. This is not a proper way in which to do it. This is merely a vehicle to bring the matter to our attention.

I think that every Senator is alert and stands ready to do everything that needs to be done, knowing that it has to be done.

Mr. CRANSTON. Mr. President, I ask the Senator when it will be possible for the Appropriations Subcommittee to launch hearings.

Mr. PASTORE. I would suggest, inasmuch as the Senator is the chairman of a Subcommittee on Authorization, that he begin hearings tomorrow. Once he finishes the hearings, he can come to us and tell us what needs to be done. The Senator has to do the job first.

Mr. CRANSTON. When will it be possible for the Senator's committee to consider the matter?

Mr. PASTORE. A supplemental bill will probably be up in January. That is about 2 months from now.

Mr. CRANSTON. Mr. President, another committee has a responsibility for exploring matters pertaining to military hospitals. That is the Armed Services Committee.

Mr. PASTORE. Why does the Senator not write a letter and I will countersign the letter.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. ALLOTT. Mr. President, there may be a tendency here to mix up the actual military hospital care and the veterans' hospital care.

The distinguished Senator from Washington and I have been following this particular matter for many years. The Senator from Rhode Island has done so very assiduously this year.

We thought we had every place covered in the bill. That is why we went $17 million over the budget on medical care. I think we have everything covered at this time. However, we do have another bill coming up.

No Senator will deny our veterans access to the veterans' hospitals.

I do not know what the Senator has heard. I received a call last night at midnight from a veteran who praised the hospital he was in to the skies because of the excellent care he receives. Perhaps we are fortunate in Colorado because we do have a wonderful hospital and the research in many areas there has stepped ahead into the very far horizons of scientific investigations.

There is no Senator who would not want to include appropriations for what is needed. If we need it, we will do it.

But I must say that as of this moment, based upon the evidence and the letters that have come to my attention and to the attention of the committee, that the legislation should take care of this for the immediate future.

Mr. CRANSTON. Mr. President, I believe it is particularly appropriate that this matter came before the Senate on Veterans Day and that we launched consideration of this problem anew on this day when we pay tribute to the war dead. This is a time when we might most appropriately dedicate ourselves to assuring that we are doing whatever needs to be done for those who survive their wounds but are among the half living in our society at the present time.

Recognizing that three committees would be involved in this matter—the Subcommittee on Veterans Affairs, the Appropriations Committee, and the Armed Services Committee—recognizing that there has not been an adequate opportunity for all members of the appropriate committees to consider the matter in the light of what I believe are new signs that we may not be doing what we should do, and recognizing the dedication of the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Mississippi (Mr. STENNIS) and of their committees in this area, along with the Senator from Texas (Mr. YARBOROUGH) and the members of our full committee, I withdraw my amendment with the understanding that all three Senate committees involved will, as rapidly as possible, see to it that we do whatever needs to be done to meet our obligations to these men.

I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 28, lines 12 and 13, strike out "$55,217,000" and insert in lieu thereof "$56,958,000".

Mr. HARRIS. Mr. President, the purpose of my amendment is to raise the figure of $55,217,000 recommended by the committee for the construction of hospital and domiciliary foundations by $1,741,000 for the purpose of providing modernization and air conditioning for the Muskogee, Okla., Veterans Hospital, an item which was included in the bill which came from the House of Representatives.

Mr. President, I can testify to the great need for this item and for the excellent care being provided the veterans in the hospital at Muskogee.

It is very important that, as other facilities have been closed down or other activities curtailed, we improve the facilities and modernize the facilities at the remaining veterans' hospitals, one of which is Muskogee, one of the larger and one of the best such facilities anywhere in the country.

I would hope that this item might be reinserted into this bill, and I would appreciate any comments that the distinguished manager of the bill might have.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. PASTORE. The issue is in conference, and the recommendation for its deletion was made by the Veterans' Administration because it exceeded the budget estimate. That was our reason for deleting the item. But it is in conference, it will be discussed there, and we hope that justice will be done.

Mr. HARRIS. On this one item alone, which refers only to my State, I would not want to press for a rollcall vote, because, since Senators have not had an opportunity to hear the discussion. I think the chances might be that the amendment might not carry, and our case thereby might be prejudiced in the conference. Especially, since the administration has recommended against the appropriation as the Senator from Rhode Island has pointed out, I do not agree with the administration that this item should be deleted, because I am convinced of its merits.

On the assurance of the distinguished Senator from Rhode Island, however, that consideration will be given to this matter in conference, I would not want to request a rollcall vote, and I would hope that the Senator would take another look at it in conference.

Mr. PASTORE. I would hope that the Senator would not weaken his case. I would hope that if he would ask for a rollcall vote, it would be adopted. But I hope he would rely on the astuteness of the conferees to carry out his intention.

Mr. HARRIS. The counsel of the distinguished Senator from Rhode Island is wise. I want the strongest possible case for this item when the matter goes to conference. It is one of great merit.

With that record having been made, Mr. President, I withdraw the amendment.

The PRESIDING OFFICER (Mr. Packwood in the chair). The amendment is withdrawn.

Mr. RANDOLPH. Mr. President, yesterday I was necessarily absent from the Senate when the explanation of the funding of programs for the Appalachian Regional Development Commission was discussed by Senator Pastore, the able manager of the pending appropriations bill. He said there was an unusual situation as he discussed the Appalachian program. That situation referred to the clarification of the deletion of the amount of $350 million in obligational authority for highway construction in the Appalachian States for fiscal 1970 and 1971.

The statement made by the able manager of the bill, of course, is sufficient. But the Senator from Kentucky (Mr. Cooper) and I have discussed the matter, as the chairman and the ranking minority member of the Committee on Public Works, with jurisdiction over the authorization for the Appalachian measure, and we are hopeful that the distinguished Senator from Rhode Island will further clarify whether the funds previously appropriated for the obligational authority could be used for the liquidation of the new contract authority.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. PASTORE. Mr. President, this has to do with the highway program for the Appalachian Regional Development Commission. The House did fund the money, $350 million, which was advance funding. The authorizing committees—that is, the legislative committees—authorized, through contractual authority, the building of the highway, which means, of course, that we defer the funding at this time. The funding will have to be made up, but it will not in any way impede the highway program. Everything is going to be the same. The only trouble is that, rather than put the money in now, we will put the money in when the bill comes due. They have a right to make commitments under the contract authority granted in legislation that has already been sent to the President for his signature.

Mr. RANDOLPH. I thank the Senator. We are grateful for this further explanation.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CRANSTON. Mr. President, I listened with interest to the remarks of the senior Senator from Oklahoma concerning the need for consideration by the conferees on this measure of the need for moderation of the veterans' hospital at Muskogee, Oklahoma, in relation to the amounts appropriated for the purpose in the House version and the Senate version of the pending bill.

In the absence of the distinguished chairman of my committee, the Committee on Labor and Public Welfare, the Senator from Texas (Mr. Yarborough), I should like to say what I know he would say, were he present. Given his fervent dedication to the welfare of our Nation's veterans, I feel sure he would beseech and plead with the members of the conference to consider also the needs for modernization and air conditioning for a Veterans' Administration hospital in Waco, Tex. There is apparently a great need, which the House version would meet.

I simply want to ask, on behalf of the senior Senator from Texas, that the conferees do all they can for that facility in the conference.

HUD APPROPRIATIONS AND RURAL PROGRAMS

Mr. STENNIS. Mr. President, in connection with the appropriations bill for independent offices and the Department of Housing and Urban Development, I wish to point out an aspect which I find disturbing.

I do not wish to imply that I do not support this bill as reported by the committee. I do, and I intend to vote for it. I offer these remarks in a spirit of promoting in this body the desire to maintain our perspective in all matters. I know this desire is shared by all my colleagues—that in the infinitely complex matters with which we deal daily, we do our best to keep all things in a proper perspective to each other and to the environment in which they exist; that by careful consideration of the full context of facts, and with all the reason and wisdom we can bring to bear, we reach our judgments in such a way as to make the laws reflect the ultimate good of our nation. A part of this, obviously, is the proper division of our fiscal resources in bringing them to bear on a myriad of pressing problems. This, of course, is in all our minds whenever we consider an appropriation bill. We are striving for a proper balance, a reasoned perspective.

I point out to my colleagues that in the bill we are considering, it is proposed that there be appropriated to the Department of Housing and Urban Development over $1,896,000,000. Of this very imposing sum, and with advanced funding provided last year, there will be $1 billion for urban renewal programs. For metropolitan development there will be $276 million. Of this latter figure, and with a carryover of $15 million, there will be $150 million in grants. These are grants to be made to local public bodies to finance basic water and sewer facilities. This is a large sum, and it is not for loans; it is for grants.

I should like to comment, by way of fostering balance and perspective in all things, that we might examine what is being done for the rural people of this country, in the matter of funds for water and sewer facilities.

The Farmers Home Administration makes loans to farmers and to nonprofit rural associations for water supply and waste disposal systems. Association members, through a fee system, repay the loans.

The FHA also makes grants for rural water and sewer systems. They can make grants, up to an authorized annual total of $5 million for preparation of plans for water and sewer systems.

They also can make development grants to nonprofit rural associations for water and sewers, up to half the cost of the project.

In the appropriations bill for the Department of Agriculture, now in conference, there was provided by the other body the sum of $40 million for rural water and waste disposal grants. I proposed a larger sum, and with the support of the committee, which I greatly appreciate, the amount proposed to and voted by the Senate was $46 million. I trust at least a substantial part of the increase will be held in conference. I might add that the budgeted amount was $28 million.

We have, then, a rather revealing comparison of the Federal funding of urban projects and rural projects made for similar purposes—$150 million for urban grants and a maximum of $46 million for rural grants, both for water and sewer systems.

I would ask that my colleagues devote some thought to this allocation of priorities on funds, to reach a reasoned judgment as to whether in fact we have achieved the balanced perspective I am sure we all seek.

I have devoted thought to it, and in my view there is a danger that the somewhat overwhelming problems of vast urban areas are allowed to divert too much attention from the very real problems of rural America. In the great urban areas there is a concentration of problems, but a concentration of resources as well. Our rural areas frequently have the problems without the resources. Let us remember that the development of rural areas is a part of the answer to the problems of metropolitan sprawl, of overpopulated centers, of outmigration from the farm and countryside.

I ask your thoughtful consideration of the comparative actions we take with respect to our great urban centers and to the heart strength of our country in the rural areas.

When the authorization and appropriation bills for the Department of Agriculture again come before the Senate, I intend that they will carry amendments, which I shall submit, to increase substantially the activities of the Farmers Home Administration. I will ask that you review the perspective to be given the whole subject, and that you support me in this cause.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from West Virginia (Mr. BYRD), the Senator from Michigan (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I also announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. ALLEN), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. JORDAN), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Iowa (Mr. MILLER) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 68, nays 1, as follows:

[No. 147 Leg.]

YEAS—68

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Ellender
Ervin
Fong
Fulbright
Goodell
Griffin
Harris
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—1

Young, Ohio

NOT VOTING—31

Allen
Burdick
Byrd, W. Va.
Cannon
Eagleton
Eastland
Fannin
Goldwater
Gore
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Jordan, N.C.
Long
Mathias
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Saxbe
Smith, Ill.
Sparkman
Tower
Tydings
Williams, N.J.
Yarborough

So the bill (H.R. 12307) was passed.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ALLOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. RUSSELL, Mr. HOLLAND, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, for the past 2 days the distinguished Senator from Rhode Island (Mr. PASTORE) has devoted his unsurpassed skill and ability to handling the funding measure for the Department of Housing and Urban Development and the independent offices of the Government. May I say that Senator PASTORE need take his hat off to no one when he leads a proposal through the Senate. I think the record speaks for itself. The near unanimous acceptance of this appropriations bill is a fine tribute to Senator PASTORE. His strong advocacy, his deep understanding his splendid presentation assured this great success. The Senate is grateful.

The Senate is grateful as well for the contributions of the distinguished senior Senator from Colorado (Mr. ALLOTT). As the ranking minority member of the Appropriations Subcommittee covering HUD and independent offices, he cooperated magnificently to make certain that this measure was disposed of swiftly and efficiently.

Other Senators added immensely to the discussion of this measure. Notably may be said for the efforts of the distinguished senior Senator from Michigan (Mr. HART) and the distinguished senior Senator from Wisconsin (Mr. PROXMIRE). They urged their own strong and sincere views on certain features of the proposal with great skill and ability. The same may be said for the efforts of the distinguished senior Senator from Ohio (Mr. YOUNG), the distinguished senior Senator from Kansas (Mr. PEARSON) and many others.

So again, to Senator PASTORE, to Senator ALLOTT and to their subcommittee goes our sincere thanks for their outstanding efforts on this highly important appropriations measure.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, first I wish to express my thanks and appreciation to the distinguished senior Senator from Oregon (Mr. HATFIELD) for allowing us to proceed with the next order of business, in spite of the fact he had an agreement to speak at approximately this time.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 520, H.R. 13018. For the information of the Senate I have been informed by the chairman, the manager of the bill, the distinguished Senator from Washington, that there will be a rollcall vote on this proposal.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(*First Army*)

Fort Belvoir, Virginia: Operational and training facilities, research, development, and test facilities, hospital facilities, and utilities, $4,316,000.

Carlisle Barracks, Pennsylvania: Community facilities, $145,000.

Fort Dix, New Jersey: Community facilities, and utilities, $1,539,000.

Fort Eustis, Virginia: Training facilities, $1,825,000.

Fort Hancock, New Jersey: Utilities, $625,000.

A. P. Hill Military Reservation, Virginia: Maintenance facilities, $364,000.

Fort Holabird, Maryland: Administrative facilities, $489,000.

Fort Knox, Kentucky: Training facilities, troop housing and utilities, $4,006,000.

Fort George G. Meade, Maryland: Administrative facilities, community facilities, and utilities, $4,845,000.

Fort Monroe, Virginia: Utilities, $534,000.

Fort Story, Virginia: Training facilities, $430,000.

Fort Wadsworth, New York: Utilities, $545,000.

(*Third Army*)

Fort Benning, Georgia: Utilities, $2,391,000.

Fort Bragg, North Carolina: Maintenance facilities, $915,000.

Fort Campbell, Kentucky: Maintenance facilities and community facilities, $1,176,000.

Fort Gordon, Georgia: Training facilities, maintenance facilities, and troop housing, $10,286,000.

Fort Jackson, South Carolina: Troop housing, and utilities, $12,372,000.

Fort Rucker, Alabama: Training facilities, supply facilities, and troop housing, $7,023,000.

(*Fourth Army*)

Fort Bliss, Texas: Training facilities, maintenance facilities, community facilities, and utilities, $4,309,000.

Fort Hood, Texas: Maintenance facilities, troop housing, and community facilities, $21,050,000.

Fort Sam Houston, Texas: Utilities, $378,000.

Fort Polk, Louisiana: Training facilities, medical facilities, troop housing, and community facilities, $2,851,000.

Fort Sill, Oklahoma: Maintenance facilities, and utilities, $738,000.

(*Fifth Army*)

Fort Carson, Colorado: Maintenance facilities, $6,865,000.

Fort Benjamin Harrison, Indiana: Administrative facilities, and utilities, $4,120,000.

Fort Leavenworth, Kansas: Medical facilities and troop housing, $502,000.

Fort Riley, Kansas: Utilities, $934,000.

Fort Sheridan, Illinois: Administrative facilities, $2,210,000.

(*Sixth Army*)

Presidio of Monterey, California: Troop housing, $2,125,000.

Presidio of San Francisco, California: Community facilities, and utilities, $745,000

(*Military District of Washington*)

Fort McNair, District of Columbia: Training facilities, $929,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland: Training facilities and utilities, $2,312,000.

Aeronautical Maintenance Center, Texas: Maintenance facilities, $1,178,000.

Anniston Army Depot, Alabama: Maintenance facilities, $1,053,000.

Atlanta Army Depot, Georgia: Supply facilities, $572,000.

Badger Army Ammunition Plant, Wisconsin: Utilities, $203,000.

Charleston Army Depot, South Carolina: Utilities, $143,000.

Detroit Arsenal, Michigan: Operational facilities, and research, development and test facilities, $4,070,000.

Dugway Proving Ground, Utah: Operational facilities, and research, development and test facilities, $420,000.

Granite City Army Depot, Illinois. Utilities, $237,000.

Holston Army Ammunition Plant, Tennessee: Utilities, $344,000.

Iowa Army Ammunition Plant, Iowa: Utilities, $503,000.

Joliet Army Ammunition Plant, Illinois: Utilities, $4,643,000.

Letterkenny Army Depot, Pennsylvania: Maintenance facilities, and utilities, $2,457,000.

Michigan Army Missile Plant, Michigan: Utilities, $354,000.

Fort Monmouth, New Jersey: Research, development, and test facilities, and community facilities, $1,778,000.

New Cumberland Army Depot, Pennsylvania: Supply facilities, $560,000.

Picatinny Arsenal, New Jersey: Utilities, $989,000.

Pueblo Army Depot, Colorado: Maintenance facilities, $1,026,000.

Radford Arsensal, Virginia: Administrative facilities, $1,641,000.

Red River Army Depot, Texas: Operational facilities, and utilities, $1,396,000.

Rock Island Arsenal, Illinois: Operational facilities, $425,000.

Savanna Army Depot, Illinois: Utilities, $274,000.

Sunflower Army Ammunition Plant, Kansas: Utilities, $251,000.

White Sands Missile Range, New Mexico: Research, development, and test facilities, $3,218,000.

Fort Wingate Army Depot, New Mexico: Utilities, $217,000.

Yuma Proving Ground, Arizona: Research, development, and test facilities, and utilities, $734,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

United States Various Locations: Operational facilities, $27,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia: Utilities, $136,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Hauchuca, Arizona: Troop housing, and community facilities, $3,740,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Training facilities and community facilities, $17,421,000.

ARMY MEDICAL DEPARTMENT

Brooke Army Medical Center, Texas: Training facilities, $9,891,000.

Fitzsimons Army Hospital, Colorado: Production facilities, $776,000.

CORPS OF ENGINEERS

Army Map Service, Maryland: Operational facilities, $134,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey: Utilities, $1,134,000.

Military Ocean Terminal, Kings Bay, Georgia: Utilities, $177,000.

Sunny Point Army Terminal, North Carolina: Operational facilities and utilities, $1,871,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska: Utilities, $743,000.

Fort J. M. Wainwright, Alaska: Training facilities, $322, 000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii: Community facilities, $1,524,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various: Operational and Training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, and utilities, $23,678,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various: Medical facilities, troop housing, and utilities, $1,756,000.

UNITED STATES SAFEGUARD COMMAND

Kwajalein Missile Range: Operational facilities, maintenance facilities, supply facilities, and troop housing, $3,273,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations: Operations facilities, $2,951,000.

UNITED STATES ARMY, EUROPE

Germany, various: Maintenance facilities, supply facilities, hospital facilities, administrative facilities, troop housing, community facilities, and utilities, $22,323,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $50,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Taiwan, Formosa: Operational facilities, $154,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 89-188, as amended, is amended, under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fourth Army)" with respect to "Fort Sam Houston, Texas", strike out "$1,300,000" and insert in place thereof "$1,510,000".

(b) Public Law 89-188, as amended, is amended by striking out in clause (1) of section 602 "$260,925,000" and "$317,786,000" and inserting "$261,135,000" and "$317,996,000", respectively.

SEC. 104. (a) Public Law 90-110, as amended, is amended, under the heading "INSIDE THE UNITED STATES" section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Dix, New Jersey", strike out "$2,585,000" and insert in place thereof "$3,471,000".

(2) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Lee, Virginia", strike out "$1,646,000" and insert in place thereof "$1,727,000".

(3) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort George G. Meade, Maryland", strike out "$4,510,000" and insert in place thereof "$5,198,000".

(4) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "$1,680,000" and insert in place thereof "$1,935,000".

(5) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "Rock Island Arsenal, Illinois", strike out "$320,000" and insert in place thereof "$492,000".

(6) Under the subheading "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "Detroit Defense Area, Michigan" strike out "$130,000" and insert in place thereof "$201,000".

(7) Under the subheading "CORPS OF ENGINEERS" with respect to "Army Map Service, Maryland", strike out "$156,000" and insert in place thereof "$201,000".

(8) Under the subheading "MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE" with respect to "Sunny Point Army Terminal, North Carolina", strike out "$70,000" and insert in place thereof "$138,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802 "$282,359,000" and "$385,752,000" and inserting in place thereof "$284,625,000" and "$388,018,000", respectively.

SEC. 105. (a) Public Law 90-408 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES (First Army)" with respect to "Fort Knox, Kentucky" strike out "$727,000" and insert in place thereof "$888,000".

(2) Under the subheading "UNITED STATES MATERIEL COMMAND" with respect to "New Cumberland Army Depot, Pennsylvania", strike out "$638,000" and insert in place thereof "$811,000".

(b) Public Law 90-408 is amended in section 101 under the heading "OUTSIDE THE UNITED STATES" and subheading "UNITED STATES ARMY SECURITY AGENCY" with respect to "Various Locations", by striking out "$5,386,000" and inserting in place thereof "$6,928,000".

(c) Public Law 90-408 is amended by striking out in clause (1) of section 802 "$363,471,000", "$85,610,000" and "$449,081,000" and inserting in place thereof "$363,805,000", "$87,152,000" and "$450,957,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Boston, Massachusetts: Utilities, $7,682,000.

Naval Station, Newport, Rhode Island: Troop housing, $685,000.

Naval Underwater Weapons Research and Engineering Station, Newport, Rhode Island: Research, development and test facilities, $754,000.

Naval Air Rework Facility, Quonset Point, Rhode Island: Maintenance facilities, $1,063,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Utilities, $1,455,000.

Naval Hospital, Saint Albans, New York: Utilities, $214,000.

FOURTH NAVAL DISTRICT

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania: Administrative facilities, $215,000.

Naval Shipyard, Philadelphia, Pennsylvania: Maintenance facilities, $10,828,000.

Naval Air Engineering Center, Philadelphia, Pennsylvania: Utilities, $222,000.

Navy Aviation Supply Office, Philadelphia, Pennsylvania: Administrative facilities, $834,000.

Naval Damage Control Training Center, Philadelphia, Pennsylvania: Utilities, $1,210,000.

Naval Air Station, Willow Grove, Pennsylvania: Utilities, $47,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Academy, Annapolis, Maryland; Utilities, $3,468,000.

National Naval Medical Center, Bethesda, Maryland: Hospital and medical facilities, $3,591,000.

Naval Ship Research and Development Center, Carderock, Maryland: Utilities at Annapolis Division, $186,000.

FIFTH NAVAL DISTRICT

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Operational facilities, $493,000.

Naval Air Rework Facility, Cherry Point, North Carolina: Maintenance facilities, $2,308,000.

Naval Shipyard, Norfolk, Virginia: Utilities, $2,319,000.

Naval Station, Norfolk, Virginia: Troop housing, community facilities, and real estate, $17,548,000.

Naval Air Rework Facility, Norfolk, Virginia: Maintenance facilities, $9,303,000.

Naval Supply Center, Norfolk, Virginia: Utilities, $111,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, $1,400,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, $1,686,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida: Operational facilities, and troop housing, $1,135,000.

Naval Station, Mayport, Florida: Operational and training facilities, $251,000.

Naval Station, Key West, Florida: Troop housing, $2,130,000.

Naval Training Center, Orlando, Florida: Training facilities, troop housing, and utilities, $12,909,000.

Naval Air Station, Pensacola, Florida: Operational facilities, $1,321,000.

Navy Public Works Center, Pensacola, Florida: Utilities, $923,000.

Naval Air Station, Saufley Field, Florida: Operational facilities and real estate, $349,000.

Naval Air Station, Whiting Field, Florida: Training facilities, $808,000.

Naval Supply Corps School, Athens, Georgia: Training facilities, $2,920,000.

Naval Air Station, Glynco, Georgia: Utilities, $252,000.

Naval Construction Battalion Center, Gulfport, Mississippi: Operational facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities, $11,988,000.

Naval Air Station, Meridian, Mississippi: Supply facilities, $277,000.

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, supply facilities, community facilities, and utilities, $5,932,000.

Naval Supply Center, Charleston, South Carolina: Supply facilities, $1,271,000.

Naval Weapons Station, Charleston, South Carolina: Supply facilities, $510,000.

Naval Air Station, Memphis, Tennessee: Troop housing, $5,233,000.

EIGHTH NAVAL DISTRICT

Naval Air Station, Chase Field, Texas: Operational and training facilities, and real estate, $2,769,000.

Naval Air Station, Corpus Christi, Texas: Utilities, $496,000.

Naval Air Station, Kingsville, Texas: Maintenance facilities, and troop housing, $3,876,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois: Utilities, $1,060,000.

Naval Avionics Facility, Indianapolis, Indiana: Research, development and test facilities, $157,000.

OMEGA Navigation Station, La Moure, North Dakota: Operational facilities, $5,690,000.

ELEVENTH NAVAL DISTRICT

Naval Shipyard, Long Beach, California: Utilities, $1,793,000.

Naval Station, Long Beach, California: Utilities, $511,000.

Navy Fuel Depot, San Pedro, California: Utilities, $90,000.

Pacific Missile Range, Point Mugu, California: Maintenance facilities, and troop housing, $554,000.

Naval Construction Battalion Center, Port Hueneme, California: Troop housing, and utilities, $2,254,000.

Naval Air Station, North Island, California: Maintenance facilities, and troop housing, $7,687,000.

Fleet Training Center, San Diego, California: Utilities, $1,335,000.

Naval Training Center, San Diego, California: Troop housing, $3,335,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California: Operational and training facilities and, troop housing, $6,007,000.

Naval Air Station, Alameda, California: Maintenance facilities, and utilities and ground improvements, $6,094,000.

Naval Hospital, Oakland, California: Utilities, $74,000.

Naval Shipyard, San Francisco Bay, California: Maintenance facilities, and utilities at Hunters Point Site and at Mare Island Site, $12,494,000.

Naval Auxiliary Air Station, Fallon, Nevada: Troop housing, $3,463,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Bremerton, Washington: Operational facilities, maintenance facilities and utilities, $7,467,000.

Naval Air Station, Whidbey Island, Washington: Operational and training facilities, troop housing, and utilities, $5,101,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, $3,557,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Utilities, $6,519,000.

Naval Facility, Barbers Point, Oahu, Hawaii: Operational facilities, $2,467,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska: Troop housing, $4,087,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, $766,000.

Various Naval Communication Stations: Utilities, $2,030,000.

MARINE CORPS FACILITIES

Marine Corps Development and Education Command, Quantico, Virginia: Troop housing, and utilities, $1,711,000.

Marine Corps Auxiliary Landing Field, Bogue, North Carolina: Maintenance facilities, supply facilities, and utilities, $620,000.

Marine Corps Base, Camp Lejeune, North Carolina: Maintenance facilities, administrative facilities, and utilities, $3,879,000.

Marne Corps Air Station, Cherry Point, North Carolina: Training facilities, and troop housing, $1,983,000.

Marine Corps Air Station, New River, North Carolina: Operational facilities, $256,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Troop housing, $5,943,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, troop housing, and utilities, $6,418,000.

Marine Corps Air Station, El Toro, California: Maintenance facilities, and troop housing, $4,150,000.

Marine Corps Base, Camp Pendleton, California: Community facilities, $2,536,000.

Marine Corps Recruit Depot, San Diego, California: Troop housing, $5,601,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Utilities, $460,000.

Outside the United States

TENTH NAVAL DISTRICT

Navy Public Works Center, Guantanamo Bay, Cuba: Utilities, $2,898,000.

Naval Facility, Ramey Air Force Base, Puerto Rico: Operational facilities, $65,000.

Naval Station, Roosevelt Roads, Puerto Rico: Troop housing, $3,995,000.

Naval Communication Station, San Juan, Puerto Rico: Operational facilities, $87,000.

ATLANTIC OCEAN AREA

Naval Facility, Eleuthera, Bahama Islands: Community facilities, and utilities, $283,000.

Naval Station, Keflavik, Iceland: Community facilities, $2,834,000.

EUROPEAN AREA

OMEGA Navigation Station, Bratland, Norway: Operational facilities, $2,954,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands: Troop housing, $1,422,000.

Naval Facility, Guam, Mariana Islands: Operational facilities, $4,419,000.

Naval Hospital, Guam, Mariana Islands: Hospital and medical facilities, $1,354,000.

Naval Hospital, Yokosuka, Japan: Hospital and medical facilities, $746,000.

Naval Air Station, Cubi Point, Republic of the Philippines: Operational facilities, maintenance facilities, and supply facilities, $1,062,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $1,770,000.

Naval Station, Sangley Point, Republic of the Philippines: Supply facilities, $120,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, $235,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $1,254,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section to that date.

SEC. 204. (a) Public Law 89–568, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to the Naval Air Station, Oceana, Virginia, by striking out "$1,466,000" and inserting in place thereof "$1,861,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "118,769,000" and "$142,932,000" and inserting respectively in place thereof "$119,164,000" and "$143,327,000".

SEC. 205. (a) Public Law 90–110, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to the Naval Amphibious Base, Little Creek, Virginia, and the Fleet Training Center, Norfolk, Virginia, strike out "$6,220,000" and $65,000", respectively, and insert in place thereof "$6,456,000" and "$97,000", respectively.

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Station, Charleston, South Carolina, strike out "$4,048,000" and insert in place thereof "$6,058,000".

(3) Under the subheading "NINTH NAVAL DISTRICT" with respect to the Naval Training Center, Great Lakes, Illinois, strike out "$6,869,000" and insert in place thereof "$8,760,000".

(4) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Marine Corps Air Station, Yuma, Arizona, and El Toro, California, strike out "$2,133,000" and "$4,918,000", respectively, and insert in place thereof "$2,179,000", and "$5,410,000", respectively.

(5) Under the subheading "THIRTEENTH NAVAL DISTRICT" with respect to the Naval Supply Depot, Seattle, Washington, and the Naval Air Station, Whidbey Island, Washington, strike out "$252,000" and "$2,626,000", respectively, and insert in place thereof "$645,000" and "$3,122,000".

(6) Under the subheading "FOURTEENTH NAVAL DISTRICT" with respect to the Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, and the Naval Ammunition Depot, Oahu, Hawaii, strike out "$7,636,000", "$2,554,000", and "$1,170,000", respectively, and insert in place thereof "$8,121,000", "$3,268,000", and "$1,619,000", respectively.

(7) Under the subheading "MARINE CORPS GROUND FORCES FACILITIES" with respect to the Marine Corps Base, Camp Lejeune, North Carolina, strike out "$12,507,000" and insert in place thereof "$12,754,000".

(b) Public Law 90–110, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "TENTH NAVAL DISTRICT" with respect to the Naval Hospital, Roosevelt Roads, Puerto Rico, by striking out "$6,283,000" and inserting in place thereof "$8,181,000".

(c) Public Law 90–110, as amended, is amended in clause (2) of section 802 by striking out $415,108,000", "$39,515,000" and "$461,407,000" and inserting respectively in place thereof, "$422,599,000", "$41,413,000", and "$470,796,000".

SEC. 206. (a) Public Law 90–408 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Hospital, Charleston, South Carolina, strike out "$13,356,000" and insert in place thereof "$15,687,000"

(2) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Naval Air Station, Imperial Beach, California, strike out "$5,674,000", and insert in place thereof "$8,517,000".

(b) Public Law 90–408 is amended in clause (2) of section 802 by striking out "$229,726,000" and "$236,591,000" and inserting respectively in place thereof "$234,900,000" and "$241,765,000".

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

INSIDE THE UNITED STATES

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Utilities, $357,000.

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities, and community facilities, $225,000.

Hamilton Air Force Base, San Rafael, California: Hospital facilities, troop housing, and real estate, $4,647,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, $303,000.

NORAD Headquarters, Colorado Springs, Colorado: Operational facilities, $20,800,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational facilities, $157,000.

Peterson Field, Colorado Springs, Colorado: Administrative facilities and troop housing, $1,992,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $1,540,000.

Volk Field, Camp Douglas, Wisconsin: Operational facilities, $208,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Research development, and test facilities, $315,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities and administrative facilities, $525,000.

Kelly Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, and utilities, $5,863,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, troop housing, and utilities, $8,735,000.

Newark Air Force Station, Newark, Ohio: Administrative facilities, $835,000.

Robins Air Force Base, Macon, Georgia: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and community facilities, $2,086,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, administrative facilities, and utilities, $2,165,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development, and test facilities, hospital facilities, administrative facilities, and utilities, $14,380,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, $1,440,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, $736,000.

Edwards Air Force Base, Muroc, California: Operational and training facilities, $394,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, troop housing, and utilities, $6,651,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, maintenance facilities, supply facilities, and community facilities, $2,446,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Research, development, and test facilities, community facilities, and utilities, $1,903,000.

Los Angeles Air Force Station, Los Angeles, California: Research, development, and test facilities, and administrative facilities, $781,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, community facilities, and utilities, $1,108,000.

Eastern Test Range, Cocoa, Flordia: Operational facilities, $43,000.

Satellite Tracking Facilities: Operational facilities and utilities, $1,021,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities and maintenance facilities, $635,000.

Craig Air Force Base, Selma, Alabama: Training facilities, administrative facilities, and troop housing, $1,139,000.

Keesler Air Force Base, Biloxi, Mississippi: Training facilities, hospital facilities, administrative facilities, and troop housing and community facilities, $3,118,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, administrative facilities, troop housing, and utilties, $13,107,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, and administrative facilities, $496,000.

Laughlin Air Force Base, Del Rio, Texas: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $1,771,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, maintenance facilities, supply facilities, and troop housing, $8,241,000.

Mather Air Force Base, Sacramento, California: Operation facilities, and troop housing, $2,223,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, administrative facilities, and community facilities, $816,000.

Randolph Air Force Base, San Antonio, Texas: Troop housing, $1,151,000.

Reese Air Force Base, Lubbock, Texas: Operational facilities, administrative facilities, maintenance facilities, and community facilities, $954,000.

Sheppard Air Force Base, Wichita Falls, Texas: Maintenance facilities, administrative facilities, and troop housing, $3,829,000.

Vance Air Force Base, Enid, Oklahoma: Administrative facilities, $152,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, $435,000.

Williams Air Force Base, Chandler, Arizona; Administrative facilities, hospital facilities, troop housing, and real estate, $4,462,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Utilities, $578,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities, troop housing and community facilities, and utilities, $3,528,000.

Various Locations: Operational facilities, maintenance facilities, supply facilities, community facilities, and utilities, $6,370,000.

HEADQUARTERS AIR FORCE RESERVE

Ellington Air Force Base, Houston, Texas: Operational facilities and real estate, $957,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities and utilities, $813,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities, maintenance facilities, and troop housing, $5,358,000.

Charleston Air Force Base, Charleston, South Carolina: Operational facilities, troop housing, and utilities, $3,192,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, supply facilities, utilities and real estate, $7,519,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities, maintenance facilities, and community facilities, $1,699,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, supply facilities, community facilities, and utilities, $1,664,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $3,134,000.

Scott Air Force Base, Belleville, Illinois: Troop housing, $329,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, administrative facilities, and utilities, $11,460,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Maintenance facilities, $209,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Administrative facilities and operational facilities, $549,000.

Beale Air Force Base, Marysville, California: Maintenance facilities, $126,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities and maintenance facilities, $236,000.

Castle Air Force Base, Merced, California: Troop housing, $597,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities, maintenance facilities, troop housing, and utilities, $2,459,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Community facilities and utilities, $1,028,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Community facilities, $587,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, $5,236,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, $178,000.

Grissom Air Force Base, Peru, Indiana: Maintenance facilities and utilities, $231,000.

Little Rock Air Force Base, Little Rock, Arkansas: Maintenance facilities, $186,000.

Loring Air Force Base, Limestone, Maine: Maintenance facilities, troop housing, and utilities, $800,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational facilities and utilities, $284,000.

Minot Air Force Base, Minot, North Dakota: Maintenance facilities, $265,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, community facilities, and utilities, $2,532,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities and maintenance facilities, $263,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities, $174,000.

Vandenburg Air Force Base, Lompoc, California: Utilities, $394,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Utilities, $488,000.

Whiteman Air Force Base, Knob Noster, Missouri: Administrative facilities, $157,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, $415,000.

Blytheville Air Force Base, Blytheville, Arkansas: Hospital facilities, and troop housing, $1,793,000.

Cannon Air Force Base, Clovis, New Mexico: Maintenance facilities and community facilities, $939,000.

England Air Force Base, Alexandria, Louisiana: Operational facilities, supply facilities, and troop housing, $617,000.

Forbes Air Force Base, Topeka, Kansas: Maintenance facilities, administrative facilities, troop housing, and utilities, $1,608,000.

George Air Force Base, Victorville, California: Operational facilities, supply facilities, administrative facilities, troop housing, community facilities, and utilities, $3,234,000.

Homestead Air Force Base, Homestead, Florida: Troop housing, $198,000.

Langley Air Force Base, Hampton, Virginia: Operational facilities and administrative facilities, $560,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, and troop housing, $5,636,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, maintenance facilities, and utilities, $642,000.

McConnell Air Force Base, Wichita, Kansas: Troop housing, $231,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing, $1,476,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, maintenance facilities, troop housing, and utilities, $6,514,000.

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $2,097,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Maintenance facilities, $137,000.

Shaw Air Force Base, Sumter, South Carolina: Operational and training facilities, administrative facilities, and troop housing, $1,835,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, administrative facilities, and utilities, $551,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various Locations: Maintenance facilities, troop housing and community facilities, and utilities, $1,324,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas: Troop housing, $957,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various Locations: Maintenance facilities, $407,000.

AIR FORCE SYSTEMS COMMAND

Western Test Range: Research, development, and test facilities, $2,292,000.

Satellite Tracking Facilities: Utilities, $287,000.

PACIFIC AIR FORCE

Various Locations: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $7,904,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam: Operational facilities, maintenance facilities, supply facilities and community facilities, $1,265,000.

UNITED STATES AIR FORCES IN EUROPE

Germany: Operatonal facilities and supply facilities, $3,620,000.

United Kingdom: Operational and training facilities, maintenance facilities, supply facilities, and troop housing, $9,895,000.

Various Locations: Operational facilities, maintenance facilities, and utilities, $678,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, and troop housing, $3,246,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations: Operational facilities, and utilities, $300,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $29,234,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) need and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: Provided, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Chanute Air Force Base, Rantoul, Illinois, strike out "$2,523,000" and insert in place thereof "$3,507,000".

(2) Under the subheading "PACIFIC AIR FORCE" with respect to Hickham Air Force Base, Honolulu, Hawaii, strike out "$2,566,000" and insert in place thereof "$3,034,000".

(3) Under the subheading "STRATEGIC AIR COMMAND" with respect to Wurtsmith Air Force Base, Oscoda, Michigan, strike out "$1,053,000" and insert in place thereof "$1,628,000".

(4) Under the subheading "TACTICAL AIR COMMAND" with respect to Langley Air Force Base, Hampton, Virginia, strike out "$2,243,000" and insert in place thereof "$2,744,000".

(b) Public Law 90–110, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Goose Air Base, Canada, strike out "$90,000" and insert in place thereof "$136,000".

(c) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$312,050,000", "$26,904,000", and "$398,376,000" and inserting in place thereof "$314,578,000", "$26,950,000", and $400,950,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Supply facilities and utilities, $495,000.

Manzano Base, New Mexico: Utilities, $36,000.

DEFENSE INTELLIGENCE AGENCY

Headquarters Defense Intelligence Agency, Arlington Hall Station, Arlington, Virginia: Operational facilities, $28,236,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio: Supply facilities, $300,000.

Defense Depot Mechanicsburg, Pennsylvania: Supply facilities, $318,000.

Defense Depot, Memphis, Tennessee: Supply facilities, $827,000.

Defense Depot, Ogden, Utah: Supply facilities and utilities, $1,052,000.

Defense General Supply Center, Richmond, Virginia: Supply facilities and utilities, $468,000.

Defense Industrial Plant Equipment Facility, Atchison, Kansas: Utilities, $39,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania: Supply facilities, and utilities, $1,099,000.

Defense Depot, Tracy, California: Utilities, $882,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Troop housing facilities and utilities, $4,678,000.

Vint Hill Farms Station, Virginia: Supply facilities, $1,000,000.

Classified Location: Operational facilities, $3,564,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, $1,903,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $25,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

SEC. 403. (a) Public Law 90–408 is amended in section 401 under he heading "INSIDE THE UNITED STATES" and subheading "NATIONAL SECURITY AGENCY" with respect to Fort Meade, Maryland, by striking out "$2,121,000" and inserting in place thereof "$2,609,000."

(b) Public Law 90–408 is amended in clause (4) of section 802 by striking out "$81,696,000" and inserting in place thereof "$82,184,000."

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Family Housing units—

(a) The Department of the Army, twelve hundred units, $25,060,000:

Fort Huachuca, Arizona, one hundred units.

Fort Carson, Colorado, one hundred and fifty units.

Fort Benning, Georgia, three hundred and forty units.

Fort Polk, Louisiana, two hundred and sixty units.

Fort Meade, Maryland, two hundred and fifty units.

Vint Hill Farms Station, Virginia, one hundred units.

(b) The Department of the Navy, one thousand nine hundred and fifty units, $47,517,000.

Naval Station, Adak, Alaska, one hundred units.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Marine Corps Base, Camp Pendleton, California, one hundred and two units.

Naval Air Station, Lemoore, California, one hundred and ninety units.

Naval Station, Key West, Florida, two hundred units.

Naval Air Test Center, Patuxent River, Maryland, two hundred units.

Naval Air Station, Quonset Point, Rhode Island, one hundred units.

Armed Forces Staff College, Norfolk, Virginia, forty-eight units.

Naval Complex, Bremerton, Washington, two hundred units.

Naval Facility, Pacific Beach, Washington, ten units.

Naval Station, Guam, two hundred units.

Naval Station, Keflavik, Iceland, one hundred units.

Naval Station, Subic Bay, Republic of the Philippines, three hundred units.

Naval Communication Station, San Miguel, Republic of the Philippines, one hundred units.

(c) The Department of the Air Force, one thousand six hundred and fifty units, $33,855,000:

Davis-Monthan Air Force Base, Arizona, three hundred units.

Luke Air Force Base, Arizona, one hundred and fifty units.

Blytheville Air Force Base, Arkansas, two hundred units.

Elgin Air Force Base, Florida, three hundred units.

McConnell Air Force Base, Kansas, one hundred units.

Nellis Air Force Base, Nevada, three hundred units.

Bergstrom Air Force Base, Texas, one hundred units.

Clark Air Force Base, Republic of the Philippines, two hundred units.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $21,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $35,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 503. Except as provided in section 504 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

Sec. 504. Nothing contained in this Act and nothing contained in section 603 of Public Law 90–408 (82 Stat. 367, 388) shall be deemed to affect the cost limitations provided in subsection 602(d) of Public Law 90–408 (82 Stat. 367, 388) with respect to construction of family housing units at George Air Force Base, California.

Sec. 505. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $1,577,000.

(b) for the Department of the Navy, $4,146,000.

(c) for the Department of the Air Force, $4,500,000.

(d) for the Defense Agencies, $439,000.

Sec. 506. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, thirty family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided*, That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of $60,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

Sec. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by (1) striking out "1969 and 1970" in the first sentence and inserting in lieu thereof "1970 and 1971", (2) inserting "and the Naval Supply Corps School, Athens, Georgia," immediately after "Kansas," in the last sentence, and (3) adding at the end of such section a new sentence as follows: "In no case may any housing unit be leased under authority of this section at a monthly rental in excess of $250, including the cost of utilities and maintenance, and operation."

Sec. 508. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by striking out "1969 and 1970" and inserting in lieu thereof "1970 and 1971".

Sec. 509. The Secretary of Defense, or his designee, is authorized to relocate four hundred and forty-four family housing units to military installations where there are housing shortages, from installations as follows: two hundred relocatable units from Kincheloe Air Force Base, Michigan, eighteen relocatable units from Sundance Air Force Station, Wyoming; and two hundred and twenty-six United States manufactured units from a classified overseas location: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

Sec. 510. (a) Section 7574 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The maximum limitations prescribed by subsections (a), (d), and (e) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

(b) Sections 4774 and 9774 of title 10, United States Code, are amended by adding the following new subsection at the end of each:

"(h) The maximum limitations prescribed by subsections (a), (f), and (g) may be increased up to 15 percentum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal "

Sec. 511. The third clause of section 501(b) of Public Law 87–554 (76 Stat. 223, 237) as added by section 606 of Public Law 90–110 (81 Stat. 279, 304), is amended to read as follows: "and (3) notwithstanding any other provision of law, for the purpose of debt service, proceeds of the handling and the disposal of family housing of the Department of Defense, including related land and improvements, whether handled or disposed of by the Department of Defense or any other Federal Agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), to remain available until expended."

Sec. 512. Notwithstanding any other provision of law limiting the term of a contract, the Secretary of Defense, or his designee, may enter into contracts for periods of not more than three years for supplies and services required for the maintenance and operation of family housing for which funds would otherwise be available only within the fiscal year for which appropriated.

Sec. 513. Subsection 601(b) of Public Law 90–408 (82 Stat. 367, 387) is amended by striking out "$15,725,000" and inserting in lieu thereof "$17,000,000."

Sec. 514. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $124,955,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $563,685,000.

TITLE VI

HOMEOWNERS ASSISTANCE

Sec. 601. Section 701 of Public Law 90–110 (81 Stat. 279, 306) is amended by changing the semicolon to a period after "$27,000,000" and deleting all language thereafter.

Sec. 602. Section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) is amended as follows:

(a) In the third sentence of subsection 1013(c) after the word "installation" delete the phrase "and prior to the one hundred and twentieth day after the enactment of this Act,".

(b) At the end of subsection 1013(d) delete the period, substitute a colon therefor, and add the following: "*Provided further,* That no properties in foreign countries shall be acquired under this section."

TITLE VII

GENERAL PROVISIONS

Sec. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $170,476,000; outside the United States, $104,135,000; or a total of $274,611,000.

(2) for title II: Inside the United States, $241,121,000; outside the United States, $24,244,000; section 202, $1,254,000; or a total of $266,619,000.

(3) for title III: Inside the United States, $218,529,000; outside the United States, $29,894,000; section 302, $29,234,000; or a total of $277,657,000.

(4) for title IV: A total of $69,897,000.

(5) for title V: Military family housing, $688,640,000.

Sec. 703. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Alaska), and by 10 per centum when outside the United States or in Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be apropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

Sec. 704. Contracts for construction made made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretary of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts awarded by each of the several construction agencies selected, together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

Sec. 705. (a) As of October 1, 1970, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90–408 (82 Stat. 367), and all such authorizations contained in Acts approved before July 22, 1968, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in these Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1970, and authorizations for appropriations therefore; and

(3) notwithstanding the repeal provisions of section 805(a) of the Act of July 21, 1968 (82 Stat. 367, 390), authorizations for the following items which shall remain in effect until October 1, 1971:

(a) utilities in the amount of $1,800,000 at Fort Richardson, Alaska, that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(b) operational facilities and utilities in the amount of $846,000 for the United States Army Air Defense Command in CONUS, Various Locations that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(c) maintenance facilities in the amount of $528,000 for Naval Shipyard, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 285).

(d) supply facilities in the amount of $110,000 for Naval Supply Center, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 286).

(e) maintenance facilities in the amounts of $260,000 and $585,000 for Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, and Naval Ammunition Depot, Oahu, Hawaii, respectively, that are contained in title II, section 201, under the heading "FOURTEENTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 287).

(f) utilities in the amount of $612,000 for Fort Lee, Virignia, that is contained in title I, section 101, under the heading "UNITED STATES CONTINENTAL ARMY COMMAND" of the Act of October 12, 1967 (81 Stat. 279).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) notwithstanding the repeal provision of section 805(b) of the Act of July 21, 1968 (82 Stat. 367, 391), authorizations for two hundred family housing units at George Air Force Base, California, and for two hundred and fifty family housing units at Mountain Home Air Force Base, Idaho, that are contained in the Act of July 21, 1968 (82 Stat. 367, 387); and

(3) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date

Sec. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $36 per square foot for cold storage warehousing;

(2) $9 per square foot for regular warehousing;

(3) $2,750 per man for permanent barracks;

(4) $10,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

Sec. 707. Section 607(b) of Public Law 89–188, as amended, is amended by deleting the words "December 31, 1970" wherever they appear and inserting in lieu thereof "December 31, 1973".

Sec. 708. Notwithstanding the restriction imposed by section 809 of the Act of October 21, 1967, Public Law 90–110 (81 Stat. 309), the Secretary of the Army is authorized to make available to the Post Office Department a site on Fort DeRussy, Hawaii, located northeast of Kalia Road and not to exceed two acres, for the construction of a post office, subject to such terms and conditions as the Secretary of the Army deems necessary.

Sec. 709. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1970."

TITLE VIII

RESERVE FORCES FACILITIES

Sec. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Army:

(a) Army National Guard of the United States, $10,950,000.

(b) Army Reserve, $6,000,000.

(2) For Department of the Navy: Naval and Marine Corps Reserves, $8,500,000.

(3) For Department of the Air Force:

(a) Air National Guard of the United States, $11,500,000;

(2) Air Force Reserve, $4,000,000.

Sec. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 803. The Secretary of Defense, or his designee, is authorized to convey to the city of Grand Prairie, Texas, under such terms as he deems appropriate, the one hundred and ten acres, more or less, together with the improvements thereon, in the city of Grand Prairie, Texas, which is presently licensed to the State of Texas, for the use of the Army National Guard, subject to the condition that said city provide alternate facilities for the Army National Guard in accordance with Department of Defense criteria, title to which alternate facilities shall vest in the State of Texas: *Provided*, That such alternate facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of the said one hundred and ten acres be in excess of the actual cost of design and construction of such alternate facilities to said city, exclusive of any contribution made by the State of Texas, the city shall pay to the Federal Government an amount equal to such excess.

Sec. 804. The Secretary of Defense, or his designee, is authorized to convey to the Commonwealth of Puerto Rico under such terms as he deems appropriate the forty-three acres, more or less, together with any improvements thereon, formerly known as the Air Force San Patricio Fuel Storage site, subject to the conditions that the Commonwealth provide new facilities for the Army National Guard in accordance with the Department of Defense criteria, title to the facilities which vest in the Commonwealth Government: *Provided*, That such facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of said forty-three acres be in excess of the total cost of design and construction of such facilities to the Commonwealth, exclusive of any contribution which would normally be required to be made by the Commonwealth, the Commonwealth shall pay to the Federal Government an amount equal to such excess.

Sec. 805. (a) The Secretary of the Army is authorized to convey by quitclaim deed to the State of Washington all right, title, and interest of the United States, except as retained in this section, in and to a certain parcel of land located in the city of Seattle, King County, Washington, containing fifteen acres, or less, together with all buildings and improvements thereon, being part of the property known as the National Guard facility, pier 91, Seattle, Washington, as shown more particularly on a map on file in the office of the district engineer, United States Army Engineer District, Seattle, Washington.

(b) The conveyance authorized by this section shall be in consideration of and subject to the following terms and conditions:

(1) The property to be conveyed shall be used primarily as a site for the construction of a nine-unit or larger National Guard Armory and related facilities for National Guard training and other military purposes, and in the event construction of the armory is not completed within five years from the date of the conveyance, or if, thereafter, the property conveyed hereby ceases to be used for National Guard purposes during the period of twenty-five years from the date of the acceptance of the completed armory, title thereto shall immediately revert to the United States and all improvements made by the State of Washington during its occupancy shall vest in the United States without payment of compensation therefor.

(2) All mineral rights, including gas and oil, in the lands authorized to be conveyed by this section shall be reserved to the United States.

(3) The Secretary of the Army shall reserve from the conveyance such easements and rights-of-way for roads and utilities as he considers necessary for the operations of the military facilities in the vicinity.

(4) In time of war or national emergency declared by the Congress, or national emergency declared by the President, and upon a determination by the Secretary of Defense that the property, or any part thereof, is useful or necessary for national defense and security, the Secretary of the Army on behalf of the United States shall have the right to enter upon and use the property or part thereof, including any and all improvements made thereon by the State, for a period not to exceed the duration of such war or emergency and six months. Upon termination of such use, the property shall revert to the State, in equally good condition less wear and tear, together with all improvements placed thereon by the United States and subject to the terms, conditions, and limitations on use and disposition previously imposed. Such use by the United States under this provision shall be without obligation or payment on the part of the United States.

(5) The Secretary of the Army is also authorized to include in the conveyance such other terms and conditions as he may deem necessary to protect the interests of the United States.

(c) Notwithstanding the provisions of section 2233 of title 10, United States Code, the State of Washington shall construct an armory on the property to be conveyed under this section without contribution of Federal funds therefore, in lieu of paying monetary consideration for said conveyance.

(d) The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the grantee.

(e) The Secretary of the Army is authorized to determine and enforce compliance with the conditions, reservations, and restrictions contained in this section and any related documents.

Sec. 806. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1970."

Mr. JACKSON obtained the floor.

Mr. STENNIS. Mr. President, will the Senator from Washington yield to me?

Mr. JACKSON. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. I want to say, on behalf of the committee and the Senate as well, that I thank the Senator from Washington and all members of the subcommittee for the great work they did on this military construction bill. Their consideration of the bill extended over many months. A tremendous amount of work was done on the bill. There was more work concerned with the bill than appears on the surface. I commend the Senator most highly. This is a very fine bill which has the unanimous support of the committee.

Mr. JACKSON. Mr. President, I thank the able chairman of the committee. I want to express, at the outset, my appreciation to him, to the distinguished ranking minority member, Senator MARGARET CHASE SMITH, and the distinguished senior Senator from South Carolina, Senator THURMOND, and all members of the committee for the unanimous support given the bill which is now before the Senate.

Mr. President, the bill provides construction and other related authority for the military departments and Defense agencies within and outside the United States, including authority for military family housing and the construction of facilities for the Reserve components. The sum total of new authority granted by this bill is $1,618,374,000 and in addition thereto, approval is granted for an increase in prior years' authority in the amount of $23,677,000 for a total authorization of $1,642,051,000. The amount granted is $275,215,000 or 14.3 percent below the budget requested.

The Army is authorized $274.6 million; the Navy $266.6 million; the Air Force $277.7 million; Defense agencies $69.9 million; military family housing $688.6 million; and $40.9 million for the Reserve components. The bill as submitted to the Congress last January was the product of the Johnson administration and called for a total authorization of about $2.5 billion. The new administration, after a review of this proposal, reduced the original request by about $600 million for a total authorization of $1,917,266,000, consisting of $1,893,339,000 in new authority and an increase in prior years' authority of $23,927,000. The difference in the program resulted primarily from the realinement of the Sentinel system to the Safeguard system.

Dollarwise, the construction program this year approximates that of last year, but there is a substantial difference in the makeup of the programs. Last year substantial amounts were provided for Southeast Asia, the Sentinel system, and for contingencies which is not true in this year's program. Accordingly, there is provided in the bill this year $445 million more for brick and mortar at established military installations than was contained in the bill last year. This year special emphasis has been given to replacing or modernizing a considerable number of obsolescent and inefficient structures which will form a large part of the military physical plant.

In considering the bill the committee took into consideration the President's order of September 4, 1969, temporarily suspending 75 percent of all Government construction and the announcement by the Secretary of Defense on October 29 concerning some 307 actions to be taken affecting military installations and activities. In order that the military departments might follow an orderly construction program once the President's moratorium is lifted, it was decided to consider the bill on its merits and the need for each construction item was carefully evaluated and approval was granted or denied on that basis. As to the President's action in reducing, closing, or otherwise adjusting the missions of various installations, the committee has deleted from the bill any project affected thereby.

Now, Mr. President, I should like to mention a few items in the bill which have excited some special interest. In the Army portion of the bill approval has been granted for a cadet activities building at the West Point Military Academy and the administrative and classroom building for the Brooke Army Medical Center in Texas. Both of these projects were denied by the House, but are high-priority items which the committee believes should be included in the bill. The Marine Corps desires to expand their badly overcrowded barracks here in the District of Columbia and have requested authority to purchase about a half acre of land adjacent to the barracks in order to accomplish the expansion. The committee does not question the need for this expansion, but the acquisition of the property in question would result in the necessity to relocate several families now residing on the property. This presents a serious problem and the request has been deferred for the present.

It will be recalled about 3 years ago the Congress approved the establishment of a third recruit training center for the Navy at Orlando, Fla., which is still in the process of being built. In considering the bill the House of Representatives denied a request for additional recruit barracks and a messhall which the committee has approved as essential if this training center is to carry out its mission. Two projects of considerable interest to the Air Force which were denied by the House have been approved; namely, a materials laboratory at the Wright-Patterson Air Force Base in Ohio, and the composite recruit training and housing facility for the Air Force Recruit Training Center at the Lackland Air Force Base in Texas.

As to military family housing, approval has been granted for 4,800 units of new housing, which is 2,800 units more than was approved last year. A new average unit cost for housing of $21,000 has been established as opposed to $21,500 requested by the Department of Defense. This increase is deemed essential in order to keep pace with the rising cost of construction. The present average unit cost is $19,500, which was established in 1967. Construction costs have risen considerably since that time and will undoubtedly continue to rise even more. The Department likewise requested authority to procure 2,000 units of housing in Japan to be financed by private capital over a 15-year period on a pay-as-you-go plan. The average monthly payments would not exceed $185 per month and the housing would be assigned as public quarters. The House of Representatives, during their consideration of the bill, added an additional 4,000 such units for the Philippine Islands. Should this proposal be approved, it would create a contingent liability of about $200 million. The committee denied the proposal in its entirety, particularly because of the potential liability that would be created in areas where troop strength and our tenure are in doubt.

Now, Mr. President, I should like to mention two actions the committee has taken to afford the Congress better control over cost and to reduce the cost of military construction. Contained in each annual authorization bill is a provision that permits operations not to exceed 5 percent of the base total in the United States, other than Alaska, and 10 percent outside the United States and in Alaska under certain circumstances. There is no limitation, however, on individual items as long as the base total is not exceeded by the limitations just mentioned. This year we have amended this provision to require an annual report to the Congress on all contracts awarded where the current working estimate based upon bids received exceeds the amount authorized by more than 25 percent. In those instances where the cost of the project is $250,000 or more and the current working estimate exceeds by 25 percent the amount authorized, the Department of Defense must advise both Armed Services Committees of the Senate and the House of Representatives of all the facts related to the increase in cost, 30 days prior to entering into a contract.

This will give the committees an opportunity to evaluate the reasons for the increased cost and to express opposition if need be. It is believed this procedure will result in more careful planning and better cost estimates on the part of the various services. We have long been concerned over the high cost of military construction, part of which may be attributable to the high cost of design, inspection, and overhead on the part of the construction agencies. Here again a provision is carried in each annual authorization bill providing that all construction authorized must be executed under the jurisdiction of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, unless the Secretary of Defense or his designee determines that it is wholly impracticable to do so. Then the construction may be executed under the jurisdiction of another Government agency or department.

This year the provision has been amended to permit the Secretary of Defense to assign the construction work to either the Corps of Engineers, the Naval Facilities Engineering Command, or such Government agency or department as he deems advisable to assure the most efficient, expeditious, and cost-effective accomplishment of the construction. The Secretaries of the military departments will be required to report annually to the Congress the dollar value of the construction contracts awarded to each agency, together with the design, construction supervision, and overhead fees charged by such agency in the execution of the assigned construction. Frankly, this will increase competition among the construction agencies by permitting the Department of the Air Force to handle more of their own work which is within their present capability if they can do so more cheaply and expeditiously. It is likewise conceivable that some work might be assigned to the General Services Administration if it comes within their capability. The committee is convinced that the increased competition and the reporting procedure will eventually result in a reduction in design, overhead, land inspection costs which are now believed to be exorbitant.

In conclusion, Mr. President, I should like to state that all overseas construction requests were scrutinized most carefully. Very substantial reductions were made on requests for various locations, particularly Europe and the Far East. For example, I have previously mentioned the denial of certain housing in Japan and the Philippine Islands, and all construction requests for Okinawa were denied pending clarification of our future base rights. Also denied was the start of a new facility at a classified location which would eventually have cost many millions of dollars.

Mr. President, I believe that I have fairly summarized the military construction program for fiscal 1970 and I am convinced the essential construction needs of the Department of Defense are adequately provided for during fiscal year 1970.

Mr. THURMOND. Mr. President, as ranking minority member of the Military Construction Authorization Subcommittee I fully support this legislation which has been ably presented to the Senate by the subcommittee chairman, the distinguished Senator from Washington (Mr. JACKSON).

This bill covers authorization for construction projects of the military departments and defense agencies, within and outside the United States, including authority for military housing and some construction of our Reserve components.

Fortunately, the subcommittee was able to reduce the budget request by 14.3 percent leaving a total authorization of $1,642,051,000. This includes an increase in prior years' authority in the amount of $23,677,000.

Mr. President, one of the most significant accomplishments of this bill is that special attention has been given to replacing or modernizing a large number of obsolescent and inefficient structures which make up a large part of our military plant. This has been a need of long standing and this year's bill provides $445 million more than the bill for last year for permanent-type construction at established military installations in this country.

Another point worthy of attention is the decision of the subcommittee to continue the expansion program at the Military Academy by authorizing funds for construction of a cadet activities center. This is an essential requirement in connection with the expansion of the Academy and was strongly supported by Army witnesses before the subcommittee.

In keeping with the efforts of the full Committee on Armed Services to tighten military spending to the barest essentials the Military Construction Subcommittee has taken some steps in this bill to better control cost overruns and to reduce the cost of military construction.

Mr. President, the work of the subcommittee has gone most smoothly because of the outstanding leadership of the chairman, the distinguished Senator from the State of Washington. Able assistance has been provided, as in past years, by Mr. Gordon A. Nease, professional staff member, and his efficient secretary, Miss Mary E. Keough. It was a pleasure for the minority members to work with them and I urge favorable consideration of this bill by the Senate.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. PASTORE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Rhode Island will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 80, after line 14, insert: "Naval War College, Newport, Rhode Island: Training facilities, $2,113,000."

Mr. PASTORE. Mr. President, this item was in the House bill and passed by the House, but was deleted by the Senate committee. I seriously hope the Senate will accept the amendment.

It was my pleasure this past summer to address the graduating class of Newport Naval College. It is in my State. The college does an exemplary job. It trains officers for greater service to their country.

I seriously hope the Senate will accept the amendment.

Mr. JACKSON. Mr. President, this was a very close question in the committee. I am very pleased to accept the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The committee amendment is open to further amendment.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment is open to further amendment.

Mr. DOLE. Mr. President, on behalf of my colleague from Kansas (Mr. PEARSON) and myself, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 70, line 18, after "$934,000", insert "and road, Custer Hill to Camp Forsyth, $1,023,000".

Mr. DOLE. Mr. President, this amendment would provide a two-lane road vehicular access from Custer Hill to Camp Forsyth and Junction City.

Upon completion of EM barracks, now under construction in the fiscal year 1968 MCA program, there will be about 10,500 men living in the troop housing area. Over 4,500 military vehicles will be assigned to the units. There are also 1,426 family quarters in the area with about 5,700 occupants. The total aggregate population housed in the area will be about 16,200 persons. The proposed road is urgently needed to provide improved vehicular access for military vehicles traveling between Custer Hill and Camp Forsyth and for all personnel traveling between Custer Hill and Junction City. Present conditions indicate that Camp Forsyth will remain fully active for many years. The new road will expedite military missions and provide for much safer travel for all affected personnel. A recent traffic engineering—planning study by the Army Transportation Engineering Agency denotes serious congestion on K–18 in the Main Post—16,000 vehicles in a 24-hour period. Their report urgently recommends that the proposed road be constructed. The travel distance between Custer Hill and Camp Forsyth will be reduced by 3½ miles. The present route cannot continue to be the only access because of traffic congestion, safety hazards, and loss of time in travel.

The amendment is offered by myself and my colleague (Mr. PEARSON).

I may say to the Senator from Washington (Mr. JACKSON) that I have had an opportunity to visit the area and am appreciative of the need for the road. I would appreciate favorable consideration of the amendment.

Mr. JACKSON. Mr. President, I do know the area. We had a real problem in committee because of the matter of priority on various construction items. This is a matter on which I would defer to the judgment of the able junior Senator from Kansas and the able senior Senator from Kansas, and be very happy to accept the amendment at this time and take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed to the committee amendment, the question now is on adoption of the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. HARRIS. Mr. President, I note that the military construction authorization bill as reported by the Senate committee recommends the deletion of $410,000 which was included in the bill as it passed the other body for upgrading of air conditioning, cleanliness, and power distribution in the avionics shop at Tinker Air Force Base. Upgrading of these facilities is considered necessary in order to support more stringent requirements of new type weapons systems avionics components. The projects as recommended by the Air Force, and funded by the House will reduce reject rates and reduce lost time due to necessary shutdowns when proper environmental control cannot be maintained. Because of these potential savings, Mr. President, I would hope the Senate conferees would accept the $410,000 as approved by the other body for this needed project and agree to the House position in conference.

MILWAUKEE—INTERNATIONAL AIR SHOW LEADER

Mr. PROXMIRE. Mr. President, there is one provision of the military construction bill, as passed by the House, about which I wish to comment. That is the House provision which authorizes such sums not to exceed $750,000 for an international air show.

For a variety of reasons this provision is not in the Senate bill. No hearings were held on it. Some objected that it should not be in the military construction bill. The Department of Defense opposed the provision in this bill. Because of that, there is no reason to believe that an amendment restoring the provision or any funds would pass in the Senate. I do not propose that action. A more orderly way would probably be to treat it as an individual bill and to hold hearings on it by the appropriate committee.

However, it is very possible that this provision will survive the conference. We face a fact, not a theory. In that case I want to suggest a course of action which could save a great deal of money and also provide one of the finest air shows for the country.

For the past 5 years the city and county of Milwaukee have had an annual air show. For the last 3 years it has been international in nature. Dignitaries from more than 15 foreign countries have attended. Planes from Canada, Great Britain, and Guatemala, to name a few, have been in attendance.

Last year more than 500,000 people attended the Milwaukee International Air Show. Two and one-half days of technical exhibits and technical meetings were held. On two and one-half further days the public took part. The show has been the most successful of shows in the country.

Milwaukee will hold its air show again in 1970 and in 1971. It will be held, as usual, under nonprofit auspices. Major air and aerospace firms will send planes and exhibits. Huge crowds are again expected.

I propose, in order to save money, that, instead of spending $750,000 as seed funds to determine whether an international air show should be held, as the House bill authorizes, that the Milwaukee International Air Show be designated as a trial run or as a model for this endeavor. I also suggest that this could be done for as little as $100,000. This would save at least $650,000 and would be a most constructive endeavor.

Milwaukee has the facilities. It has the people. It is the home of Gen. Billy Mitchell for whom the airfield is named. It has a 5-year tradition of a huge, successful show. I urge this course of action on the Government if the provision in the House bill survives the conference.

Mr. JACKSON. Mr. President, before passage of the bill, I should like to make a brief comment.

As in the past, we have had joint meetings with the Senate Appropriations Subcommittee on Military Construction, chaired by the able senior Senator from Montana and majority leader. This has been a very helpful procedure. I think it has clearly expedited the hearings and made it possible to move expeditiously on the appropriations to support the authorization.

I want to express my appreciation to the distinguished Senator from Montana for his cooperation and to the members of the Subcommittee on Appropriations who were so helpful.

We all know that the key to the successful operation of our committee systems rests with the able professional staff. Mr. Gordon Nease, of the Senate Armed Services Committee, has been handling the authorization items for military construction for many years. As in the past, he has been extremely helpful with his wise and able counsel. He has worked very closely with his counterpart on the Appropriations Committee, the able staff director, Mike Rexroad, who is extremely helpful to all of the members of the committee and who has worked from the very inception with the Armed Services Committee staff member, Mr. Nease, in making possible the bill which we have presented today.

On behalf of the committee, I express my deep appreciation to Gordon Nease and Mike Rexroad, who have done an outstanding job.

Mr. President, I ask for third reading.

The **PRESIDING OFFICER.** The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Alabama (Mr. Allen), the Senator from West Virginia (Mr. Byrd), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from North Carolina (Mr. Jordan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Alabama (Mr. Sparkman), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough), are absent on official business.

I also announce that the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Hartke), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from Minnesota (Mr. Mondale), and the Senator from Maryland (Mr. Tydings), are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Allen), the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. Fulbright), the Senator from Tennessee (Mr. Gore), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Arkansas (Mr. McClellan), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Alabama (Mr. Sparkman), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Arizona (Mr. Fannin and Mr. Goldwater), the Senator from Florida (Mr. Gurney), the Senator from Wyoming (Mr. Hansen), the Senator from Maryland (Mr. Mathias), and the Senator from Illinois (Mr. Smith) are necessarily absent.

The Senator from Iowa (Mr. Miller), and the Senator from Ohio (Mr. Saxbe) are absent on official business.

If present and voting, the Senator from Arizona (Mr. Fannin), the Senator from Wyoming (Mr. Hansen), the Senator from Maryland (Mr. Mathias), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Smith) would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 148 Leg.]

YEAS—69

Aiken
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Ellender
Ervin
Fong
Goodell
Griffin
Harris
Hatfield
Holland
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
McGovern
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—31

Allen
Burdick
Byrd, W. Va.
Cannon
Eagleton
Eastland
Fannin
Fulbright
Goldwater
Gore
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Jordan, N.C.
Long
Mathias
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Saxbe
Smith, Ill.
Sparkman
Tydings
Williams, N.J.
Yarborough

So the bill (H.R. 13018) was passed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JORDAN of Idaho. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. STENNIS, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. BYRD of West Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, I wish to thank the distinguished Senator from Washington (Mr. JACKSON), the able floor manager of the military construction authorization bill, for the outstanding manner in which he handled this proposal. The unanimous vote speaks best for the fine efforts applied. May I say that the result was not unexpected. Senator JACKSON devoted to this measure the same competent legislative skill that has characterized his many years of service in this body. We are most grateful.

The distinguished Senator from Mississippi (Mr. STENNIS) is similarly to be commended along with the distinguished Senator from Maine (Mrs. SMITH) who respectively serve as chairman and ranking minority member of the Armed Services Committee. Their contributions, of course, were indispensable to this great success. I must add that the distinguished Senator from South Carolina (Mr. THURMOND) is likewise to be singled out for his splendid efforts on this measure this year which were so typical of his strong efforts in years past.

The Senate may be proud of another fine achievement, obtained expeditiously and with full regard for the views of all Members.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 521, H.R. 14159. I do this so that the bill may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, it is not the intention of the Senate to proceed further with the consideration of this bill tonight. However, it will be the pending business tomorrow at the conclusion of the morning business. There will be no further votes tonight.

SALT—THE STRATEGIC ARMS LIMITATION TREATY TALKS

Mr. COOPER. Mr. President, the Strategic Arms Limitation Treaty talks begin in Helsinki on November 17. These negotiations are of the greatest importance to the United States and the world. A favorable outcome could result in a much more secure United States and world. For the United States, a favorable outcome would mean a considerably lower defense budget which would free moneys for our important domestic needs.

One of this country's most distinguished nuclear scientists, Dr. Wolfgang H. Panofsky, delivered a paper in the Quantrell Lecture Series yesterday at the University of Chicago on the subject of "Strategic Arms Limitation." It is a realistic statement of the difficulties faced, but with the clarity that he demonstrated so effectively during the ABM debate, Dr. Panofsky outlines in his speech the basic issues that confront the United States in these negotiaitons. Dr. Panofsky points out that a total freeze of all nuclear delivery systems would preserve the existing strategic balance. A freeze on existing weapons systems could be maintained and the problem of inspection could be carried out under existing technology, he believes.

In Dr. Panofsky's words:

> A "freeze" would tend to perpetuate for the time being many of the asymmetries between the U.S. and the Soviet Union: the Soviets are "ahead" of the U.S. in terms of total megatonnage of nuclear arms; we are ahead of them in number of bombers and missiles. Both nations could destroy the other's civilization many times over; neither side could hope to attack the other without risking its own survival. The strategic arms race would be halted and the way might be paved for future reductions.

The final paragraph of Dr. Panofsky's address is of importance. It reads:

> The nature of the questions underlying SALT is very profound; although many technical factors enter the decisions each nation faces are basically political. We must not identify narrow military planning with the "National Interest"; we should not confuse superiority in arms with "Security". SALT offers a new opportunity to redirect our national priorities from an unproductive and dangerous technological contest to the solution of urgent problems at home. At stake is the survival of civilization on this earth. There is very little time.

Because of the importance of Dr. Panofsky's address toward an understanding of the issues that confront the United States in the impending SALT talks, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STRATEGIC ARMS LIMITATION

(By W. K. H. Panofsky)

After World War II representatives of the United States and the Soviet Union have sat down together 5,000 times to discuss the limitations of armaments of their two nations. In spite of these efforts to do something about the arms race both countries combined have spent $1 trillion, that is one thousand billion dollars, on military expenses. This sum is so enormous that it is difficult to visualize: It represents approximately the total productive effort of the U.S. for a period of two years.

Why can't we do better? It is obvious that both countries have overriding interests to do something about this madness; both countries could have used this enormous effort on more constructive pursuits than escalating the threat of one against the other. Both countries would have in fact greater security if neither had engaged in this arms race.

The achievements stemming from these 5,000 meetings have been woefully inadequate, although not totally negligible: We have the Limited Test Ban Treaty, we have the U.N. resolution banning nuclear weapons in space, and we have the beginnings at least of a treaty on the non-proliferation of nuclear weapons. Yet all this is very small relative to the rate at which the arms race is progressing, and it does not take much mathematics to predict that the further we go along the road of military build-up on both sides the harder it will be to turn back without disaster.

Most arms limitation negotiations involving the Soviets and Americans have involved many other nations also; however the "strategic" arms race, that is the build-up of those weapons of mass destruction involving long-range nuclear weapons, is the province of the Soviet Union and the United States only; America and Russia possess a nuclear arsenal greatly in excess of any other nation and an arsenal vastly more than they would need to inflict total destruction on one another. It should therefore be more productive to hold bilateral talks, that is directly between the Soviet Union and the U.S., to limit the strategic arms races rather than to negotiate in as complicated a forum as the 18-nation disarmament conference (ENDC) which has been going on in Geneva for several years.

The idea of bilateral talks between the Soviet Union and the U.S. was first proposed over three years ago and personally introduced to Mr. Kosygin by President Johnson and Mr. McNamara at their meeting in Glassboro, New Jersey. It appeared the talks on strategic arms limitation, generally known as the SALT talks, would have a good chance to materialize before the end of the Johnson Administration, but the cooling off of relations brought on by the Soviet invasion of Czechoslovakia intervened and the Nixon Administration has taken its time to formulate plans of its own. Now the U.S. officially had been prepared to start talking for some time but the Soviets have just now agreed to a specific time and place for preliminary talks, to begin at Helsinki in mid-November. All this delay has occurred in the face of the formal treaty obligation assumed by both nations in connnection with the nuclear non-proliferation treaty to pursue seriously steps to limit their strategic weapons.

Clearly all this hesitation in the face of an overriding common interest to get rid of the burden and dangers of strategic weapons must be the result of some serious indecision and infighting on both sides of the Iron Curtain. What the conflicts are in the Soviet Union in arriving at definite plans we can only surmise—on the other hand from Congressional Hearings, public statements and newspaper "leaks" it is becoming fairly clear how the sides are drawn in the United States in trying to influence the U.S. position in the forthcoming SALT talks.

Both sides in the strategic arms race suffer from the lack of a clearly defined policy on their strategic objectives, and how each side is willing to modify its strategic objectives as a result of the SALT talks. U.S. strategy has been described in many public statements and Congressional Hearings by such jargon as deterrence, damage limiting capability, first strike capability, second strike capability, counterforce, countervalue, etc. What does all this mean? All this jargon is really a symptom of a dilemma. All military planners know "in their hearts" that should nuclear war break out, prediction of the outcome is really a hopeless task. The amount of destructive power available to both sides is so enormous that with all the computers and "think tanks" in the world one has little confidence in most conclusions of "war game" calculations. Therefore the primary stated policy of both nations has been prevention of nuclear war through deterrence, that is maintaining armaments at such a level that, should the one side attack first, then the other could strike back and destroy the opponent's society. Yet the lingering problem remains—what should be done in case deterrence fails, that is if war should break out anyhow by accident, by gradual escalation, or by inadvertent involvement of the two super powers in conflicts stirred up by third parties. To counter this possibility the strategists have invented "damage limiting" as a strategic objective, that is they would like to be prepared to minimize damage to the home country if deterrence should fail.

What does a strategy of "damage limiting" imply? It means that we attempt to protect our population through Civil Defense and ABM, and that we direct some of our airplanes and missiles to destroy those few airplanes and missiles which have not yet been launched against us.

But here we have the dilemma: the very things we would have to do to limit damage to the U.S. in nuclear war are qualitatively the same steps we would take if we planned a "first strike" against the USSR. As we increase the "damage limiting" forces we possess, the Soviet side would conclude that we would be more difficult to deter from a sudden attack against them; in other words, if we protect our population if war should break out, then the other side would have to raise its total destructive power in order to be convinced that we would be "deterred" from striking first. Clearly this argument applies equally whether you discuss it from the point of view of the Soviets or the Americans. Therefore the strategy of deterrence and the strategy of damage limitation effectively countermand one another, yet in all official pronouncements both ourselves and the Soviets espouse both.

This ambiguity in official attitude reflects of course an internal struggle on both sides of the Iron Curtain among the traditional military men who want to retain the ability to "fight a war and prevail" even in the nuclear age, and the group of advisors, among them the majority of civilian scientists, who see sanctuary only in prevention of nuclear war. It is clear that one can not hope for much progress in the SALT talks unless both sides implicitly or explicitly agree that reducing strategic arms to a minimum deterrent level is the common objective worth striving for at this time. But even with such a consensus there can be a wide margin of opinion as to how large a "minimum deterrent force" should be.

The current, much publicized debates on ABM and a moratorium on testing of MIRV's directly reflects the ambiguity of U.S. thinking. Let me elaborate on these controversies and how they relate to SALT.

As you know, ABM was first discussed as a defense of the cities and their population against Soviet long-range ballistic missiles. The opponents of massive deployment of ABM to defend cities, and I among them, have concluded that such a defense would be an enormously expensive technical enterprise and would buy very little; the protection offered could be negated by an increase of Soviet offensive forces at less cost than what we would have spent in providing the defense; therefore the result would simply be another step in the arms race with no increase in protection for anyone, and with much greater destruction, should war break out. This type of criticism had apparently been accepted by the Nixon Administration and accordingly the President withdrew the Johnson "Sentinel" city defense plan and instead substituted the "Safeguard" system which is intended primarily to protect the Minuteman land-based missile forces in North Dakota and Montana. In this new role ABM would increase U.S. deterrence by defending our Minuteman forces: a first attack by the Soviets could not result in destroying the ability of Minuteman to strike back. Unfortunately this strategic decision was not paralleled by a corresponding shift in engineering of Safeguard—the actual system which is now approved for deployment will do very little in protecting Minuteman, and also can easily be interpreted to be actually a first step for a city defense. Safeguard Phase II actually is intended to be a "thin" city defense against China, but is configuration is such that the Soviets may be forced to conclude that their deterrence against the U.S. is to some extent impaired.

The situation illustrates that ABM can and does have an ambiguous role: It can either serve a purely deterrent role such as defending Minuteman, or it can assist in a damage-limiting role if it defends cities, and it is very difficult for an opponent to tell which is which.

Our view of Soviet ABM is even more confusing since we can only interpret the limited information which we have; the only ABM system which we definitely know about is a very marginal deployment around Moscow; there have been "on again, off again" systems, and there are anti-aircraft defenses which may or may not also have a potential ABM role.

The situation with MIRV is similarly ambivalent as we shall see. The term MIRV stands for "Multiple Independent Re-entry Vehicles." This is a fancy way of saying that a single missile can carry a number of independent warheads carrying nuclear weapons which can be targeted against several objectives at once. MIRV's again have a dual function: On the one hand they can be used as a "penetration aid" against the enemy's defenses: the enemy's ABM can be penetrated if he has too many incoming warheads to shoot at. For this particular mission MIRV's would not need high accuracy. On the other hand if MIRV did have high accuracy then it would become a threat against the other side's retaliatory force; high accuracy would make it possible to take out simultaneously such a large number of the other side's implaced missiles in a single strike to keep most of them from striking back. It is for this reason that widespread deployment of MIRV, combined with high accuracy raises a spectre of a first strike.

This MIRV threat was pointed out by Secretary Laird when he advocated the Safeguard as a defense against the Soviet SS–9, which he described as a potential MIRV. Actually the SS–9 missile as far as we have observed, lacks essential elements to make it a MIRV; some versions of the SS–9 carry three separate warheads, but there is doubt whether each can be independently directed at separate targets. Nevertheless, because of the high explosive power of the SS–9 it would become a great threat against the U.S. Minuteman silos should it be developed into a full-fledged MIRV. A halt on MIRV testing would eliminate this danger.

The U.S. position in relation to its MIRV's has been far from unambiguous also. Historically the decision to develop MIRV's in the U.S. came as a response to penetrate a surmised Soviet ABM system which, however, did not make anywhere near as much progress as we had feared; yet our MIRV plans continued. U.S. MIRV tests appear further advanced than those of the Soviets—we have successfully tested MIRV's both for Poseidon and Minuteman; if forced to discontinue MIRV testing as a result of SALT, or a MIRV moratorium, we could still produce these devices with sufficient performance to serve in a deterrent role, i.e. to penetrate Soviet defenses.

As I mentioned above, if penetrating Soviet defense remained the only motive, then low accuracy for U.S. MIRV's would have been sufficient. However last year the U.S. not only undertook extensive tests of its MIRV's but also proposed a program to increase the accuracy of U.S. missiles. This would be very difficult to justify if penetrating Soviet defenses were really the only objective. In fact Secretary Laird candidly testified in the Senate that the purpose of increasing accuracy was to improve our efficiency against "hard targets." This is clearly inconsistent with the strategy of deterrence and unquestionably will give rise to Soviet fears of U.S. intent against striking first against their missile force.

Dr. John Foster, Director of Defense Research and Engineering, tried to back-paddle from Secretary Laird's statement that upgrading of MIRV accuracy was intended against hard strategic targets: He testified in Congress that this increased accuracy was needed against such items as industrial targets such as steel mills. This statement is technically insupportable. Even if one gives industrial targets a rather substantial resistance to blast, the *presently* programmed yields and accuracy for both Poseidon and Minuteman III are fully adequate to give a very high probability to destroy such targets.

The first slide shows a picture of the damage to a machine shop at Hiroshima caused by the first 20 KT nuclear bomb at a miss distance over half a mile. The presently programmed MIRV's for Poseidon and Minuteman have explosive power considerably larger than that of the Hiroshima bombs and are designed for accuracy higher than the "miss" which caused the devastation in the picture. It appears difficult to justify an improved accuracy program to do better than this!

What does all this discussion of MIRV and ABM have to do with the problem of formulating a U.S. position for SALT? We can now understand that, depending on how MIRV's and ABM's are deployed, and depending on their physical characteristics they can be viewed *either* as *protecting* the domestic deterrent forces or as *threatening* the deterrent forces of the other side. Specifically deployment of ABM by the Soviets has given the incentive for U.S. development of MIRV, deployment of multiple warheads by the Soviets has given an excuse for U.S. deployment of Safeguard, the possible role of Safeguard in protecting cities will give rise to Soviet fears of being able to maintain their deterrent against us, the possibility of improving the accuracy of American MIRV's appears to threaten Soviet missile silos etc. In short, because of this ambiguity, the whole ABM and MIRV complex becomes an inextricable part of the next large step of the arms race and the world would be better off without either.

It is much easier to assure compliance with treaty terms which prohibit a weapons system entirely than with a provision which permits a specified number of weapons. A "zero ABM" provision in SALT would be much easier to enforce than an agreement limiting both sides to a level corresponding to the U.S. Safeguard. Since ABM and MIRV's pose an inter-related set of problems we can see that the Safeguard decision greatly complicates the SALT talks.

It is this intertwined situation which

makes the conclusion clear that a small step in arms limitation may be harder to negotiate and be in fact more dangerous to U.S. and also Soviet security than a large step: Because of the multiple strategic roles of these systems impeding development of just one of them may be dangerous to either side. The more restrictive the SALT treaty can be on the further evolution of MIRV's and ABM, the more substantial will be the success of the treaty in achieving stability.

Starting from this conclusion we are immediately thrown into the complex question of policing the terms of a treaty. We are living in an era of mutual mistrust between the Soviet Union and the U.S. This circumstance, combined with the long-standing tradition of the Soviet Union for secrecy, raises both the question of *cheating* by the Soviet Union against the provisions of a treaty, and of *abrogation* of such a treaty following clandestine preparations. We know relatively little about the decision-making processes in the Soviet Union's military strategic issues; although our technical information on Soviet systems is remarkably good, it is nowhere as detailed as we think the information is which the Soviets have about our systems.

Most people are quite pessimistic that we will be able to negotiate into the SALT treaty a substantial amount of "on-site inspection" of Soviet installations, although this possibility cannot be excluded; most of you know that lack of agreement on such inspections proved to be the stumbling block which prevented the partial nuclear test ban treaty to become a comprehensive treaty, including prohibition of underground nuclear explosions. Therefore a great deal of attention has been given to evaluating the extent to which the SALT treaty could be verified on the basis of "unilateral intelligence," that is from information which we gather through our miscellaneous surveillance techniques of Soviet activities. How effective these techniques are in detail is impossible to discuss in public; suffice it to say here that even in private there is substantial disagreement as to how good a job we can really do in verifying Soviet activities. The opponents of a far-reaching SALT treaty tend to emphasize the ease by which the Soviets could clandestinely develop and test forbidden military systems and then suddenly "trot out" completely developed military systems which would endanger the strategic balance between the Soviet Union and the U.S. The spectre of "instant ABM" and "instant MIRV" suddenly appearing, followed by a Soviet ultimatum, is being raised. The fear of a superhuman clandestine effort on the part of the Soviets resulting in a sudden shift in the strategic balance under a treaty, has caused our more conservative military planners to oppose far-reaching arms limitation moves in the past and they are expected to do so in relation to SALT.

Yet it is true in general that under the more restrictive arms limitation agreements cheating will be much less dangerous toward upsetting the strategic balance than if the arms race continued with only small restraints. This point was illustrated above in relation to ABM and MIRV.

If one carries conservatism in military matters viewed in isolation to the extreme, any basis for a negotiable position is, of course, destroyed. The degree of absurdity to which this kind of thing can lead became apparent recently when one compares the testimony given by the Defense Department witnesses in support of the Safeguard ABM system with the testimony given to justify continued MIRV testing and deployment as needed to penetrate certain Soviet air defense systems (the SA-2 and SA-5 systems) in a possible ABM role. Specifically the SA-2 system is a very simple but very extensively deployed anti-aircraft defense in the Soviet Union; it has also been used in Viet Nam. The possibility was raised that the SA-2's would have some potential of shooting down incoming U.S. ICBM's and thereby would protect Soviet cities; the U.S. deterrent would then be endangered. At the same time when justifying the Safeguard System Defense Department witnesses maintained that a system as complex as the one proposed would be required to carry out the much simpler task, namely the job of protecting the hardened Minuteman sites.

A similar degree of "one way" conservatism pervades the argument relating to our ability to verify possible Soviet violations of a SALT treaty. One of the frequently proposed measures to control the further evolution of MIRV technology and deployent would be to prohibit testing of intercontinental ballistic missiles which appear to carry MIRV warheads, or even to prohibit or severely restrict the test firing of such missiles entirely. The question then naturally arises as to how well we can monitor the firing of such vehicles by the Soviet Union, both in regard to the total number of firings and in terms of the characteristics of the devices under test. Naturally the experts differ in their assesent of our ability to find out what the Soviets are doing. However, as was again revealed in recent Congressional testimony, most of the debate deals with the wrong subject, namely whether we can correctly identify a few single test firings carried out clandestinely or specifically designed to hide their true purpose. What is ignored in these discussions is the total picture in which such "cheating" would have to be carried out: The Soviets would have to make a deliberate decision in the face of their treaty obligation to man a large-scale program starting from design and engineering, through a clandestine test program and leading to secret deployment, and they would then have to have the confidence that the resulting system would be reliable enough that it could be used in a first strike role against the U.S. to inflict so much damage that the U.S. could not retaliate. Even if single tests escape detection, the likelihood that this long sequence of events will remain unnoticed and will have an important military consequence is very, very small.

Focusing these discussions on the physical detectability of a single test tends to obscure the basic issue: Are the kind of risks which would be involved in pursuing cheating on the scale required affecting the strategic balance acceptable to the Soviet Union?

What we face here is a symptom of the wrong avenues we are apt to pursue when purely technical reasoning, combined with highly conservative military planning, are being considered in isolation. We are contriving situations in which the Soviets could accomplish technological feats which we could not conceive of performing ourselves and we are visualizing complex scenarios where the normally conservative Soviet military planners are pursuing a long-range, clandestine course which would shift their strategic pattern overnight once the covers were removed.

Any decisions on arms limitations involve a balance of risks to the survival of the U.S. and the World. We cannot rationally pursue a course where we are willing to take no military risks at all in pursuing arms control negotiations, while we are willing to expose ourselves to the ever-increasing risk of war and annihilation which the unchecked growth of the arms race implies.

This conclusion is again part of the general pattern demonstrated before: *The more far-reaching the prohibition of the SALT treaty, the less important the question of cheating becomes.* A second, equally important conclusion is: A *freeze* of the "status quo" at present levels of strategic armaments is easier to police than a treaty specifying agreed numbers of components (missiles, radars, etc.) of permitted strategic systems. It is easier to recognize changes than to intrepret in detail what is discovered.

A "freeze" would tend to perpetuate for the time being many of the asymmetries between the U.S. and the Soviet Union: the Soviets are "ahead" of the U.S. in terms of total megatonnage of nuclear arms; we are ahead of them in number of bombers and missiles. Both nations could destroy the other's civilization many times over; neither side could hope to attack the other without risking its own survival. The strategic arms race would be halted and the way might be paved for future reductions. Yet only the future will tell whether in the present atmosphere of mistrust and under the spectre of large-scale Soviet clandestine programs, agreement on such far-reaching, but simple, treaty terms can be reached.

The spectre of sudden emergence of hitherto secret Soviet ABM or MIRV systems developed clandestinely under a treaty has given rise to another debate which is possibly of even more far-reaching significance than the debate about the SALT treaty itself. This is the controversy about the controls on the growth of technology. All of you have been exposed to the increasing clamor about man's need to put reins on the technology of his own creation lest technology control him. We have become painfully aware that when we make decisions to improve our standard of living through new technological devices we are often very short-sighted in assessing the consequences of each new step. We are apt to balance the short-range benefits of a new device only with the immediate *monetary* cost. What we tend to ignore are the long-range *social* as well as financial costs of many of our decisions in terms of disturbing the environment through pollution, through ecological damage, etc.

In the military area we are now being faced with the claim of some of our military spokesmen that we must not impede development of new military technology in order to be prepared to cope with unexpected clandestine military developments of an opponent. To put it in blunt terms—the military technicians maintain that evolution of military technology is inexorable and that we must adjust our lives and political and strategic decisions to live with that evolution. I claim that such an assumption is both dangerous to man's very existence and is also insupportable on its own merit. Our knowledge of science will indeed increase continuously—the facts of nature are there to be explored and they will not remain hidden, nor should they remain hidden. However, the step from science to military technology involves a protracted series of planned deliberate steps extending over many years; man can decide through his political processes to either undertake such steps or not to.

Although the Limited Test Ban prohibiting atomic explosions in the atmosphere and in outer space has been only a relatively minor move in the field of arms control it nevertheless is a major milestone in demonstrating that a barrier against unchecked evolution of military technology can be erected. This, of course, was the real reason why the Limited Test Ban was fought so vigorously. I see no reason why we should acquiesce to the development of the ever-increasing lethality of our weapons; if we subscribe to the belief that technology has a life of its own and that its progress in any direction, however anti-social, cannot be impeded, then it is indeed true that man has lost control over his own destiny.

I have gone far afield in discussing the specific issues underlying the debate involving the U.S. preparation for the SALT talks, and of course I do not know in detail what the issues are which are being debated in the Soviet Union and which keep the Soviets from responding to the U.S. requests to establish a firm beginning date for the negotiations. Part of the controversial issues within the Soviet Union, I am sure, are similar to the ones debated in the U.S.; some of them may well have to do with the special problems which the Soviets are facing in regard to China, that is, how to design a possible treaty which reduces the level of armaments in the bilateral race between the Soviet Union and the USA while leaving the Soviet Union freedom of action against China. Maybe the Soviet military planners are quoting Lenin who said:

"Everyone will agree that an army does not train itself to wield all arms, all means and methods of warfare that the enemy possesses, or may possess, is behaving in an unwise or even in a criminal manner."

This sounds disturbingly similar to the philosophy of some of the U.S. military spokesmen; if such views prevail in either the USA or the Soviet Union, we will see the Arms Race continue unabated by the results of SALT. Whatever the real conflicts are on both sides of the Iron Curtain, it is clear they involve questions which both societies have to resolve internally before meaningful negotiations can result.

I hope I have demonstrated to you that the nature of the questions underlying SALT is very profound; although many technical factors enter the decisions each nation faces are basically political. We must not identify narrow military planning with the "National Interest"; we should not confuse superiority in arms with "Security." SALT offers a new opportunity to redirect our national priorities from an unproductive and dangerous technological contest to the solution of urgent problems at home. At stake is the survival of civilization on this earth. There is very little time.

VICE PRESIDENT AGNEW ACCEPTS CAPTIVE NATIONS MEDAL ON BEHALF OF PRESIDENT NIXON

Mr. MURPHY. Mr. President, I had the high privilege today of being with the Vice President in his office at a ceremony at which, on behalf of the President of the United States, he accepted the Captive Nations Medal.

This medal was originated in honor of the captive nations at the end of World War II as an outgrowth of some of the ideas and thoughts of President Eisenhower.

Present at the meeting were Mr. Viktors Vikshins, chairman, Captive Nations Committee; Mr. James Howard, president of the board of directors, Captive Nations Committee, and Mrs. Howard; Mrs. Frances Kay, secretary, Captive Nations Committee; Mr. Mel Hoffmman, chairman, medal committee; and Mr. Laszlo Pasztor, director of the Heritage Group.

I ask unanimous consent that the remarks of the Vice President in accepting this medal be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by the Vice President, Captive Nations Medal Ceremony, November 11, 1969

It is a privilege to receive you and to accept the Eisenhower Proclamation Medal on behalf of the President as well as for myself.

Today, it is fitting to remember President Eisenhower's thoughts about the captive nations proclamation. He said, "this, to our way of thinking, is quite important not only because it is a matter of simple justice and human concern for all these people, but when you come down to it this country is made up of a great many of those people. . . . And it becomes sort of a personal thing with us and would be almost unusual for us to be silent all the time."

Today is also a most appropriate time for this ceremony—for today is Veterans' Day—a day to remember America's goal of peace and mark the end of the first world war.

We entered that conflict "to make the world safe for democracy." We fought for "the self-determination of peoples," and with our sacrifices, shared in the liberation of many small nations long lost within the political boundaries of great empires.

For a while they lived as free nations, politically and spiritually. Then their political independence was again abridged but their spirit was not extinguished. No force can eliminate the desire for freedom.

Nor were our sacrifices made in vain, for they provided the foundation of hope and the proof that all around the world men are concerned not only with their own freedom but all men's freedom.

Today the struggle continues. But the fact that liberty must be eternally secured is not a signal for despair but for renewed commitment.

Our Nation alone cannot win freedom for all nations. But through alliances, we can prevent aggression from without; and through concern, our prayers and our example encourage freedom within.

On Veterans' Day, 1969, America believes as deeply in the self-determination of peoples as it did on Armistice Day, 1918. And we know that while many nations are still deprived of this right, none can eternally be held captive in spirit.

Thus, I accept these medals in the abiding confidence that freedom and free men everywhere will ultimately prevail.

OREGON'S EDUCATIONAL NEEDS DAMAGED BY CUTBACKS IN APPROPRIATIONS — EDUCATION MUST BE GIVEN THE EXTRA $1 BILLION

Mr. HATFIELD. Mr. President, I rise in support of the continuing resolution (S.J. Res. 966), cosponsored by 46 Senators, which would permit our Nation's schools to receive money from the Office of Education at the increased rate of funding which was passed by the House of Representatives on July 31.

At that time, the House voted an extra $1 billion for various education programs, and I believe that it will be the will of the Senate to concur. The Senate Appropriations Committee has not, however, completed action on the Department of Health, Education, and Welfare appropriations bill, and the departments are operating at the underfunded levels of the old budget.

This continuing resolution is unprecedented, but necessary. The normal processes of legislating are being disrupted by this House-passed resolution—it passed the House October 28—and I am reluctant to go against the wishes of the committee chairmen on appropriations.

However, the crisis which faces the Nation's schools, and the desperate need to spend greatly increased amounts from the Federal Treasury is, I think, reason enough to take this step.

Congress should have voted on the education budget this spring, and certainly not after July 31. We should not find ourselves facing the falling leaves of November—4 months into the school term—with our schools and colleges still in doubt as to the amounts of money they will be receiving. How can they plan? How can they hire sufficient or skilled teachers, purchase equipment, update their programs, if they are constantly left in doubt as to the funds they will receive?

Our schools are being battered and badgered at every turn. They are criticized for doing an inadequate job in training the vast majority—about 80 percent—of students who do not graduate from college and who face the world of work, untrained for the space age. The schools have also felt the full impact of the taxpayers' revolt all across the Nation, as city after city fails in its attempt to pass school bond issues—over 50 percent last year.

Mr. President, we use the term "crisis" so often when we plead for more money for our schools, that I fear that those who prepare the national budgets are no longer listening.

We face a crisis in most areas of domestic need: Crime prevention, health care, air and water pollution control, job training, old-age assistance, to name but a few, which cry for attention and more money.

But the crisis in education is very real, particularly in the long-neglected areas of elementary and secondary education in the major cities of this country. The explosive upswing of juvenile delinquency and crime—just in the Nation's Capital alone—is real evidence of the terrible neglect of the young. The median age of those arrested for robbery in the District is 16 to 17. These are the dropouts, the pushouts from school, who begin to fail in the elementary grades when they are herded into the overcrowded, dilapidated inner city schools of Washington.

It is, however, not just the dropout, but the average youngsters of our Nation who are being shortchanged. We are not halfway meeting their needs in programs ranging from preschool to college. And the property taxpayers all across the country who are defeating school bond issues are telling those of us in politics that funding to meet the increased population demands of our towns and cities must come from the States and the Federal Government.

But the Federal Government is cutting back, not expanding to meet the demands for school construction, pay raises for teachers, better planning, and updated curriculum to meet the challenges of the new space technology.

Let us use vocational education as an example. Congress last year authorized expenditures of over $500 million for the Vocational Education Act for fiscal 1970. Yet, the administration's budget request was for only $279 million—less than the Job Corps.

The House Appropriations Committee raised this inadequate figure to $357 million. The will of the House on July 31 was to overrule its own Appropriations Committee, and they voted to appropriate $488 million for vocational education.

In 1968, $265 million was appropriated

by Congress for vocational education, with almost $10 million included for work-study. These funds are necessary for on-the-job training for thousands of youngsters who will stay in school only if they are given opportunities to work and study at the same time. However, in 1969 the total appropriation for vocational education was $255 million, with no money available for work-study.

This continuing resolution would allow the vocational education agency to fund the State programs at the $488 million level if Congress votes for it.

Mr. President, we are paying a high price for neglecting to provide in our schools the vocational training that is necessary for gainful employment. Aside from the costs of welfare and the human misery that accompanies unemployment the remedial training programs that our Nation has undertaken since the early 1960's have required more resources than would have been required if we had attacked the problem initially in our schools.

For example, it costs about $6,400 per student per year to prepare for employment through the Job Corps program. But we could be setting up residential vocational schools which could be operated by the State school systems to train disadvantaged boys and girls at a cost less than $2,900 per student per year. This is being done in several States.

In any democracy, stability and progress depend upon the intelligence, not of just the few, but of all the people. The intelligence can be developed fully only by a system of education which serves the interests, needs, and aptitudes of everybody. Our present system does not do this; we have downgraded vocational education too long; and this Nation cannot continue to do so.

The Vocational Education Act as amended in 1968 is still inadequately funded. It will go a long way toward achieving these goals, but only if adequately funded.

If we are ever to receive enough money for this program, we will have to use all our persuasive power to convince the administration that it is the will of Congress that the President allow the Office of Education to spend this money, not withhold it as it threatened.

Mr. President, in anticipation of Senate debate on Senate Joint Resolution 966, I have asked educators in Oregon to send me hard facts and figures to justify increased spending for the schools. These Oregonians have responded with wires and letters which dramatically illustrate and fully justify increasing the appropriations bill to provide another $1 billion for the Office of Education programs.

I ask unanimous consent to have printed in the RECORD at this point statistics which show amounts of money Oregon received for various programs in 1968 and 1969. They are placed alongside budget requests from the administration and the amounts of increase the State of Oregon, its students and schools would receive under the July 31 House-passed bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OBLIGATIONS IN THE STATE OF OREGON

Program	Actual, 1968	Estimate, 1969	Estimate, 1979	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION					
Elementary and secondary education:					
Assistance for educationally deprived children (ESEA I):					
Basic grants	$8,417,750	$8,094,552	$8,243,687	$8,243,687	$9,133,814
State administrative expenses	150,000	150,000	150,000	150,000	
Grants to States for school library materials (ESEA II)	998,243	485,416	407,753	0	501,940
Supplementary educational centers and services (ESEA III)	1,911,000	1,723,476	1,797,312	1,267,496	1,709,568
Strengthening State departments of education (ESEA V):					
Grants to States	332,551	392,527	382,604	382,604	382,604
Grants for special projects	30,000			0	0
Acquisition of equipment and minor remodeling (NDEA III):					
Grants to States	745,215	745,867		0	739,672
Loans to non-profit private schools		11,645		0	0
State administration	19,157	18,609		0	18,340
Guidance, counseling, and testing (NDEA V)	240,909	166,454	115,803	0	164,054
Subtotal, elementary and secondary education	12,844,825	11,788,546	11,097,159	10,043,787	12,649,992
School Assistance in federally affected areas:					
Maintenance and operations (Public Law 81-874)	2,430,000	2,535,000	1,453,000	791,000	3,076,000
Construction (Public Law 81-815)				0	0
Subtotal, SAFA	2,430,000	2,535,000	1,453,000	791,000	3,076,000
Education professions development: Preschool, elementary, and secondary:					
Grants to States (EPDA B-2)		194,038	242,301	242,301	242,301
Training programs (EPDA, pts. C and D)	2,123,269			0	0
Subtotal, education professions development	2,123,269	193,038	242,301	242,301	242,301
Teachers Corps	359,678	276,091		0	0
Higher education:					
Program assistance:					0
Strengthening developing institutions (HEA III)	142,845			0	0
Colleges of agriculture and the mechanic arts (Bankhead-Jones)	192,040	188,978	192,058	192,058	192,058
Undergraduate instructional equipment and other resources (HEA VI-A)	189,903	198,461		0	0
Construction:					
Public community colleges and technical institutes (HEFA I, sec. 103)	1,020,884	972,067	502,615	502,615	502,615
Other undergraduate facilities (HEFA I, sec. 104)	2,571,233	1,641,185	1,072,916	0	403,333
Graduate facilities (HEFA II)	1,859,065			0	0
State administration and planning (HEFA I, sec. 105)	104,015	84,837	84,837	84,837	84,837
Student aid:					
Educational opportunity grants (HEA IV-A)	1,901,170	206,165	992,230	992,230	730,733
Direct loans (NDEA II)	2,529,398	2,570,323	2,041,571	2,031,571	2,925,829
Insured loans:					
Advances for reserve funds	16,034	111,571		0	0
Interest payments	[1]			0	0
Work-study programs (HEA IV-C)	3,420,605	1,451,453	1,520,570	1,520,884	1,520,884
Special programs for disadvantaged students: Talent search	70,000			0	0
Personnel development:					
College teacher fellowships (NDEA IV)	1,745,800			0	0
Training programs (EPDA pt. E)	50,000			0	0
Subtotal, higher education	15,812,992	7,425,040	6,406,797	5,324,195	6,360,289
Vocational education:					
Basic grants	2,500,861	2,503,962	2,410,600	2,410,600	3,704,727
Innovation			224,845	224,845	224,845
Work-study	100,578			0	100,527
Cooperative education			234,845	234,845	234,845
Consumer and homemaking education			152,108	152,108	152,108
Subtotal, vocational education	2,601,439	2,503,962	3,022,398	3,022,398	4,417,052

Footnote at end of table.

OBLIGATIONS IN THE STATE OF OREGON—Continued

Program	Actual, 1968	Estimate, 1969	Estimate, 1970	Nixon estimate, 1970	House passed appropriation bill
OFFICE OF EDUCATION—Continued					
Libraries and community services:					
Grants for public library services (LSCA I)	$388,844	$388,844	$388,844	$218,650	$388,844
Construction of public libraries (LSCA II)	217,203	387,922	128,092	0	128,092
Interlibrary cooperation (LSCA III)	41,323	41,566	41,566	41,566	41,566
State institutional library services (LSCA IV–A)	38,000	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV–B)	4,735	25,136	25,136	25,136	25,136
College library resources (HEA II–A)	313,195			0	0
Librarian training (HEA II–B)	75,044			0	0
University community service programs (HEA I)	147,325	142,684	142,684	142,684	142,684
Adult basic-education (Adult Education Act):					
Grants to States	203,568	225,639	241,935	241,935	241,935
Special projects and teacher education	151,391			0	0
Educational broadcasting facilities				0	0
Subtotal, libraries and community services	1,580,628	1,251,300	1,007,766	709,480	1,007,766
Education for the handicapped:					
Preschool and school programs for the handicapped (ESEA VI)	128,794	279,058	279,058	279,058	279,058
Teacher education and recruitment	694,331			0	0
Research and innovation	429,454	363,867		0	0
Media services and captioned films for the deaf	4,699			0	0
Subtotal, education for the handicapped	1,257,278	642,925	279,058	279,058	279,058
Research and training:					
Research and development:					
Educational laboratories	1,543,500	1,690,000		0	0
Research and development centers				0	0
General education	907,859	64,723		0	0
Vocational education	281,229	50,000	15,000	15,000	15,000
Evaluations				0	0
National achievement study				0	0
Dissemination	143,921			0	0
Training	81,898			0	0
Statistical surveys				0	0
Construction	21,825			0	0
Subtotal research, and training	2,980,232	1,804,723	15,000	15,000	15,000

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[1] Not available.

Mr. HATFIELD. Mr. President, the administration as well as the Congress is not being fair to our schoolchildren, the teachers, and the administrators responsible for planning and spending the money to meet their needs when these programs are cut.

I call attention to the excellent and hard-hitting letters of Oregon's superintendent of public instruction, Dr. Dale Parnell; of the new superintendent of schools in Portland, Dr. Robert W. Blanchard; and the president of Portland Community College, Amo De Bernardis.

It is worth attention to read the letters and wires in full, as well as the cold statistics, keeping in mind that these statistics represent human beings whose educational and job propects will be diminished if we do not spend more money.

I shall read a few excerpts from a letter from Dr. Parnell:

> The greatest weakness in education is inadequate planning. Federal programs are the biggest offenders in helping us be good planners, due to their funding patterns.
>
> The haphazard way in which funds are received now makes planning nearly impossible.
>
> We are four months into the present school year and still don't know how much money is available for vocational education.
>
> Effective, efficient programs demand that services, supplies, and materials are available when needed: they cannot be dependent on funds available after programs have started or the school year is half over. It takes time to plan programs, to recruit instructors, to obtain equipment and to schedule students. These cannot be done until adequate funding is assured.
>
> Even at full funding of vocational education amendments, all funds are needed for program operation—at least $3 million per year addition is needed for facilities for minimum program growth . . . No federal funds can be spared now for developing exploratory programs—greatly expanded opportunities for Oregon youth are critical—$1 million per year is needed.
>
> Present Title I, Elementary and Secondary Education Act (ESEA) is $5,781,872 for providing needed supplementary services for 50% of the 49,078 disadvantaged children . . . To provide adequate services for all such children, a minimum of $9,816,000 would be required.

Mr. President, I draw your particular attention to the following excerpt from Dr. Parnell's letter. Oregon is an important food-producing State, and each year over 30,000 migrant laborers are involved in picking our crops. Their children have extraordinary educational needs. We have been aware of the neglect of these children which has continued since "The Grapes of Wrath" novel and dustbowl depression days.

Oregon has pioneered in the education of these children, but the funds are always insufficient for the need. The State spent $1.1 million in 1968–69. Coupled with Federal funds, this only meets half the need. Dr. Parnell continues:

> Present ESEA title I migrant amendment funding in the amount of $890,951 will provide nominal educational and ancillary services for fifty-five percent of the 7000 school-age migrant children. To provide adequate services for all migrant children, a minimum allocation of $1.5 million would be required.

At this point in the RECORD I ask unanimous consent to have printed Dr. Parnell's entire letter, which speaks as well of the hardships caused by the cutbacks—to zero funding—in the administration's 1970 budget for libraries and for school equipment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPERINTENDENT OF PUBLIC
INSTRUCTION,
Salem, Oreg., October 31, 1969.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

SIR: Re your request October 30, I have three big ideas that need your help in putting across:

1. The Oregon Board of Education has adopted some priority objectives to improve instruction. If we are to really "zero in" on these management objectives, the following additional amounts are estimated to be needed in Oregon per year for at least three years:

Early childhood primary education development	$42,330,000
Improving education for the disadvantaged	11,316,000
Adding the fourth "R" responsibility to curriculum (character and citizenship education)	2,500,000
Career education development (vocational education)	19,259,000
Improve teacher education and certification	11,000,000
Community college development to match State moneys for:	
Operating	11,000,000
Construction	23,000,000
Total	120,405,000

(A copy of our organization chart and objective is enclosed.)

2. The greatest weakness in education is inadequate planning. Federal programs are the biggest offenders in helping us be poor planners due to their funding patterns. The haphazard way in which funds are received now make planning nearly impossible. For example, we are four months into the present

school year and still don't know how much money is available for vocational education.

Evaluation of and accountability for programs will never be possible until we get lead time for identifying problems, setting objectives, establishing baselines and all the other planning steps necessary.

3. Let's face it, the greatest ability to raise money is at the Federal level. 161 local property tax levy defeats in Oregon school districts this year are vivid testimony of property tax limitations. Overall, Oregon elementary and secondary education is now financed 71 percent locally, 21.8 percent by the State, and only 7.2 percent by Federal funds. I returned today from public hearings on education in eastern Oregon. I sense a dramatic swing in public sentiment toward wanting the Federal income surtax dedicated to the support of education. Our sales tax proposal that was defeated eight to one last spring would have raised $100–114 million per year: Whereas Oregon's share from the Federal surtax might amount to as much as $140 million per year. Let's let education be controlled at the State and local level but let more of the burden of financing fall at the Federal level with its great ability to raise revenue. What would be wrong with a one-third local, one-third State and one-third Federal partnership in funding elementary and secondary education?

Some additional backup statements follow. Thanks for the opportunity to provide information. Good luck next week.

DALE PARNELL.

OREGON BOARD OF EDUCATION,
Salem, October 31, 1969.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.:

Following statements re your request October 30:

1. Effective, efficient programs demand that services, supplies, and materials are available when needed: they cannot be dependent on funds available after programs have started or the school year is half over.

2. It takes time to plan programs, to recruit instructors, to obtain equipment, and to schedule students. These cannot be done until adequate funding is assured.

3. It is estimated that at least 600 Oregon high school students were denied vocational insruction in 1968–69 because no assurance of funding for proposed classes could be given to local educational agencies.

4. Even at full funding of voc ed amendments, all funds are needed for program operation—at least $3 million per year addition is needed for facilities for minimum program growth. Also see Leonard Kunzman's letter to you of October 29, 1969.

5. No Federal funds can be spared now for developing occupational exploratory programs—greatly expanded opportunities for Oregon youth are critical—$1 million per year is needed.

6. In connection with NDEA title V–A, 189 out of the 315 secondary schools in the state and only 128 out of the 987 elementary schools in the state have counseling and guidance programs meeting requirements. On hand and ready for final approval if and when Federal funds become available are applications from 62 schools (35 elementary and 27 secondary) involving a total expenditure of $598,828 of which $239,531 would be reimbursed by Federal funds.

7. Present title I ESEA funding of $5,781,872 for LEA's provides needed supplementary services for 50 percent of the 49,078 disadvantaged children comprising the base formula for allocations to school districts. To provide adequate services for all such children, a minimum of $9,816,000 would be required.

8. Present title I ESEA migrant amendment funding in the amount of $890,951 will provide nominal educational and ancillary services for 55 percent of the 7,000 school-age migrant children. To provide adequate services for all migrant children, a minimum allocation of $1,500,000 would be required.

9. During 1965 to 1969 Oregon schools meeting minimum library standards increased from 20 percent to 56 percent by aid of ESEA title II. Funding of title II is essential to continued progress in meeting the goal of adequate school library services for all pupils.

10. On April 18, 1969, the Oregon board of education approved eight innovative projects (three for handicapped children) for funding under ESEA title III. The total budget for the eight projects is $450,000 which is equal to the proposed reduction in Oregon's allocation under the President's budget. The eight districts that submitted these projects will not receive funds during fiscal year 1970.

11. Of Oregon's 36,627 handicapped children, 18,727 or 51 percent are receiving needed special education; $2,576,495 in State support and $279,058 in title VI–A of ESEA were spent on special education last school year. To provide necessary programs for all handicapped children, an additional $2,750,000 is needed.

12. A doubling of the $750,000 per year now received under NDEA title III is required to replace obsolete, worn-out equipment and meet new equipment demands.

Re telephone request October 30, the following is provided:

1. During the past year the following districts have had bond election defeats:

West Linn No. 3J, Clackamas.
Eugene No. 4, Lane.
Pendleton No. 16, Umatilla.
Myrtle Point No. 41, Coos.
Scappoose No. 15, Columbia.
Rainier No. 3, Columbia.

2. During the past year the following districts have had repeated bond election defeats:

Bethel No. 52, Lane.
Crook County Unit.
Coos Bay No. 9, Coos.
Rogue River No. 35, Jackson.
Linn-Benton IED.

3. Using the U.S. Office of Education definition of current expenditures for elementary and secondary day schools, Oregon's actual and estimated expenditures are:

1965–66, $257,485,000—$622 per pupil in average daily attendance.

1966–67, $272,000,000—$647 per pupil in average daily attendance.

1967–68, $303,788,000—$715 per pupil in average daily attendance.

Estimated 1968–69, $347,700,000—$807 per pupil in average daily attendance.

Estimated 1969–70, $384,955,822—$882 per pupil in average daily attendance.

4. There is a noticeable contrast in the ability of urban and rural areas to support an educational program. The following data, representing averages taken at the intermediate level, illustrate this.

School millages, 1968–69

Sherman	5.58
Morrow	11.45
Gilliam	10.16
Multnomah	15.18
Lane	21.22
Marion	15.33
Washington	15.87

5. The expenditure data below is based on 1967–68 audits. Essentially the same pattern continues regardless of year, however. Note the inverse relationship between the dollars spent in these regions and the local tax effort that the region must make in raising those dollars. One could conclude that the concentration of people in a given area creates educational problems but does not necessarily produce the wealth necessary to finance the solution to those problems.

Current operating expenses per average daily memberships, 1967–68

Sherman	$1,083.82
Morrow	1,002.32
Gilliam	953.51
Multnomah	597.02
Lane	689.31
Marion	560.41
Washington	648.11

Finally, two general observations:

1. A basic fallacy in the Federal funding exists in the assumption that the States through the local districts will pick up the costs of the federally initiated programs when the Federal funding is discontinued or reduced.

2. Teacher preparation is an essential part of the Federal programs. The uncertainty of the amount and kind of Federal funding discourages this aspect of the program.

DALE PARNELL.

Mr. HATFIELD. Mr. President, I call your attention to the House debate on this continuing resolution, which took place October 28. I was gratified to learn that the House leadership—including Chairman GEORGE MAHON of the Appropriations Committee—promised that the appropriations bill for education next year would be cleared by the House by next April.

This promise should reassure those of us in the Senate who are fearful of setting an unwanted precedent in voting on such continuing resolutions as Senate Joint Resolution 966. If these education appropriations bills are cleared by April, there will be no need for such continuing resolutions again. The Senators supporting this continuing resolution—and we are in the majority I believe—know this is unprecedented, but the needs of the schools warrant such action.

It is clear notice to the administration, particularly the Budget Bureau, that Congress insists that this money be spent for education, not impounded. We need some reordering of national priorities, as I have been pointing out in the past—particularly my vote against the recent $20 billion military procurement bill for military weaponry—and education is but one area in which more attention and money should be lavished.

Mr. President, I plan to write to President Nixon this week and will be including these wires and letters in support of increased spending for education.

I will urge him to reconsider his warning to Congress that he will not permit the Office of Education to spend the extra $1 billion if we vote the increase.

The Congress, for several years past—at least since the revamped Vocational Education Act of 1963 was passed, followed by the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1963–65—has been clearly telling the administration and its Budget Bureau that Congress wants increased amounts of money spent for education.

But in the years intervening since 1963, we have seen the Johnson and then the

Nixon administrations cut authorized amounts almost precisely in half. Our cities are reaping the whirlwind now because of this and decades of past neglect. Attention must be paid.

Mr. President, I wish to read excerpts from the letter of Dr. Robert W. Blanchard, superintendent of schools in Portland, Oreg.:

> Cutbacks and lateness in federal funding have stricken our already (hard) pressed schools another blow . . . Early notification of funding can provide for the sound long-range planning that assures efficient use of money.
>
> Title I (ESEA) funds in 1965 for Portland were $1.9 million; and that year Congress indicated there would be an annual increase of 10%. However, instead of an increase we have experienced a continued reduction in these funds, accompanied by runaway inflation that has reduced their dollar value . . .
>
> The Portland Public Schools' 1968–69 Title I ESEA allocation amounted to about $1.48 million. Estimated for 1969–70 is $1.34 million, a reduction of 10%.
>
> In order that these funds may be concentrated sufficiently to make an impact, many youngsters in desperate need of compensatory education must be excluded from programs.
>
> Although nearly 20,000 students in Portland have been identified as disadvantaged and could qualify, *only a fourth of these students* are allowed to benefit, because their inclusion would disperse the limited funds so widely that the impact would be totally ineffectual.
>
> The great need for the most costly vocational education is so acute that the District has been increasing money allocated to the development and strengthening of vocational education programs at the expense of preventive, compensatory and remedial programs for younger students.

Please notice the above, Mr. President, for the experts in early childhood education have been telling us for years that we must concentrate on the elementary grades—and preschool programs—but we do not have the money to spend.

Dr. Blanchard continues:

> The educational and cultural handicaps exhibited by our disadvantaged students can be far more crippling and socially damaging than physical handicaps, yet we spend far less per pupil for treatment.
>
> A youngster alienated from society will cost us $4800 or more per year, for life perhaps, in custodial or welfare care. Surely the expenditure of a few hundred dollars per student now can serve as an ounce of prevention.

Mr. President, Dr. Blanchard tells us that—

> A second critical need is in the area of dropout prevention. School officials and the community alike are alarmed by the numbers of students who are not completing high school and thus are barred for life from entry into most vocations. Last year 1387 students left the Portland Public Schools to face a future dimmned by lack of a high school diploma.
>
> Reductions in Title I and Vocational funds mean that the schools are limited in the efforts they can make to rectify the problem. "Vocational Village" a 'last chance" school for actual dropouts, can handle an enrollment of but 250. An additional 300 youngsters currently remain on a waiting list, and additional hundreds have been discouraged from applying. Funds to operate this program amount to $294,000, including approximately $204,000 in local funds and $90,000 from federal vocational funds.

Mr. President, until we pass a desperately needed general school construction bill, the impact aid legislation will have to suffice. Impact aid meets a need; it is not equitable, but it helps. If the administration attempt to cut back on impact aid is successful, Oregon will lose needed resources for its schools. Dr. Blanchard wired me as follows:

> Portland receives $400,000 for PL 874 (Category) B students. If HJR 966 fails to pass Senate these funds would be dried up.

At this point in the RECORD, I ask unanimous consent to have printed the full text of Dr. Blanchard's letter to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Cutbacks and lateness in federal funding have stricken our already (hard) pressed schools another blow. In reference to delayed notification of funding, school personnel responsible for planning have repeatedly stated that it is nearly impossible to plan adequately without the assurance of funds. Supplemental allocations of Title I funds result in "add on" programs. Early notification of funding can provide for the sound long-range planning that assures efficient use of money.

It is significant to note that Title I funds in 1965 for Portland were $1.9 million and that Congress indicated there would be an annual increase of 10%. However, instead of an increase we have experienced a continued reduction in these funds accompanied by runaway inflation that has reduced their dollar value. The Portland Public Schools' 1968/69 Title I, ESEA, allocation amounted to about $1.48 million. Estimated for 1969/70 is $1.34 million, a reduction of 10%. In order that these funds may be concentrated sufficiently to make an impact, many youngsters in desperate need of compensatory education must be excluded from programs. Although nearly 20,000 students in Portland have been identified as disadvantaged and could qualify for Title I services, only a fourth of these students are allowed to benefit because their inclusion would disperse the limited funds so widely that the impact would be totally ineffectual. Yet, these other thousands of children should have the help necessary for their success. The great need for the more costly vocational education is so acute that the District has been increasing money allocated to the development and strengthening of vocational education programs at the expense of preventive, compensatory and remedial programs for younger students. The average cost per pupil in schools outside the Model Schools is $695. In Portland's Model School area comprising ten of the lowest achieving inner city schools, local and state funds are being used to shore up federal monies. The chart on the following page will show resources of funding for the Model School Program:

Per pupil costs, model school program

Average district per pupil cost	$695
Title I	200
State fund	190
Local supplement	100
Total	1,185

The Portland Schools average from $1,600 per pupil in the program for deaf children to $2,600 per pupil in the crippled children's center for education for the physically handicapped. The educational and cultural handicaps exhibited by our disadvantaged students can be far more crippling and socially damaging than physical handicaps, yet we spend far less per pupil for treatment. A youngster alienated from society will cost us $4,800 or more per year, for life perhaps, in custodial or welfare care. Surely the expenditure of a few hundred dollars per student now can serve as "an ounce of prevention."

Areas other than compensatory education for the disadvantaged will be crippled by reduced federal funding. Carefully developed programs such as those for "dropouts" or the behaviorally distressed child have had to be shelved and discarded for the lack of funding. It is frustrating to both school people and the community to develop programs in anticipation of funding, only to be let down when federal resources dry up.

Were increased federal resources available, two general areas would assume high priority. Presently OEO funds are used through a contractual arrangement to conduct programs in early childhood education. Approximately 340 four year old children are served by our Early Childhood Education (Headstart) program and 400 kindergarten, first grade and second grade children by Follow-Through. An additional 600 four year olds are shut out of Headstart by the lack of funds and the entire three year old population of 1,000 children meeting the poverty criteria is not served in any way. We, in the Portland Public Schools, would like to see substantial increases in funding to cover these shortcomings and strongly urge that such funding be through the State Department of Education, as is the ESEA. Although Headstart technically has been transferred to the U.S. Office of Education, in reality the same OEO people who are social action, rather than education, oriented are determining policy and procedure.

A second area of critical need is in the area of dropout prevention. School officials and the community alike are alarmed by the numbers of students who are not completing high school and thus are barred for life from entry into most vocations. Last year 1,387 students left the Portland Public Schools to face a future dimmed by lack of a high school diploma. Reductions in Title I and vocational funds mean that the schools are limited in the efforts they can make to rectify the problem. Vocational Village, a "last chance" school for actual dropouts, can handle an enrollment of but 250. An additional 300 youngsters currently remain on a waiting list and additional hundreds have been discouraged from applying. Funds to operate this program amount to $294,000, including approximately $204,000 in local funds and $90,000 from federal vocational funds. Additional funds must be found to expand Vocational Village which is having phenomenal success in helping youth become productive, employed, responsible people, and start other programs as alternatives for the dropout prone.

Schools are facing increasing reluctance on the part of the public to fund budgets locally. This, as you know, is especially true in Oregon where state aid from the basic school fund provides the minor part of the cost of education and particularly in Portland where only about 18% of school costs come from the state. The property tax burden has been increased to the point of rebellion and property tax relief has become an important issue. School boards must pare budgets to critical levels to reach voter acceptance.

For the reasons mentioned in the above statements, we should like to urge the Senate to give high priority to educational legislation, particularly to the proposed addition of $1,000,000,000 to the education budget for ongoing programs. Further, we would urge consideration of funding in advance for subsequent years to assure timely and efficient use of federal monies.

FEDERALLY FUNDED PROGRAMS, PORTLAND PUBLIC SCHOOLS PORTLAND, OREG.

	1968-69	1969-70
Elementary and secondary education act:		
Title I, Compensatory education for disadvantaged students	$1,480,000	$1,340,000
Title II, School library resources	78,000	0
Title III, Innovative programs:		
Grow program (Columbia school)	42,700	0
Supplemental services for blind children	35,200	38,000
Title IV, research and curriculum development:		
Kindergarten perceptual motor experiment	9,100	0
Language arts AIDS (grades 1-6)	12,400	0
Child program (kindergarten)	9,200	0
High school pilot project	15,000	0
PREP (handicapped children)	35,900	0
Title V, High School Planning:		
Adams High School planning assistance	21,845	0
Research		15,000
Title VI, Handicapped children:		
Deaf-blind preschool children	18,000	27,000
Summer programs, 1969	14,300	
Economic Opportunity Act:		
Early childhood education (Headstart)	397,700	263,000
Follow-Through (K-2)	177,200	239,000
Neighborhood Youth Corps	282,100	231,200
Teacher Corps	76,900	131,600
New careers (teacher interns)	(¹)	(¹)
National Defense Education Act:		
Title III-A, equipment and materials	16,600	(²)
Title V-A, counseling program (Arleta School)	7,000	0
Federally Impacted Areas (Public Law 81-874):		
Allotment based on students who are children of Federal employees	367,100	350,000
Vocational Education Act:		
Assistance with general vocational education and special programs such as Vocational Village	220,000	320,000
Education Professions Development Act (approved in 1968-69):		
Title II-B, urban teacher education project (Adams)		65,200
Teacher aide and training program (Ball)		14,850
Title V-B, secondary education institute, Adams		153,900
Prescriptive education for handicapped children		86,300

[1] 24 aides.
[2] Unknown.

[Telegram from Mark Hatfield]

Need your help in Senate fight to add $1,000,000,000 to total new education budget for ongoing programs. Please wire or write immediately on effects of cutbacks and lateness in federal funding on the following programs. Also give amounts received 1968, estimated 1969, and expect to receive Nixon budget 1970 for Elementary and Secondary Education Act (all titles illustrating effects of the cutbacks on your programs, not only remedial, but all), give number of children affected by cutbacks, those left out Title I program, for example, plus the needs which are not being met, even if restoration of money is made. Also, list other programs affected: NDEA, EPDA, vocational education, etc. Give me dropout figures from schools and what cutbacks do to your programs aimed at keeping students. This and any other information you develop, plus a strong statement on needs of more federal education money would be put to use next week in the battle with the Appropriations Committee and the Budget Bureau and will be great help in making the case for extra education money. Thanks very much.

Mark Hatfield.

Portland Public Schools,
Portland, Oreg.

Senator Mark O. Hatfield,
Washington, D.C.:

Approval HJR 966 now pending before the U.S. Senate Committee is of vital importance to Portland and other city school districts. Portland receives about $400,000.00 annually from P.L. 874 for so-called "B" students. If HJR 966 fails to pass Senate these funds would be dried up. The already financially hard pressed Portland School District would find itself again without a needed and significant source of revenue. Your support of HJR 966 would be greatly appreciated and would be of great help to the students and taxpayers of the Portland public schools. Would you notify my office as to date Senate committee will report HJR 966 and date of Senate floor action?

Robert W. Blanchard,
Superintendent.

Mr. HATFIELD. Mr. President, I also ask unanimous consent to have printed in the Record another letter from Dr. Dale Parnell, Oregon's superintendent of public instruction, which calls particular attention to the needed funding for vocational education.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Superintendent of
Public Instruction,
Salem, Oreg., October 13, 1969.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.

Dear Mark: I appreciated very much your letter of September 30, 1969, and your request for more specific information relative to Oregon's educational needs. I will respond to your inquiries in the order in which they appeared in your letter.

1. Effect of late funding of federal programs:

(*a*) Local school districts can give no assurance to staff working in these programs that they will have a job, so the better teachers seek other assignments that they can count on and not have to chance a break in their employment. Consequently, the federal programs tend to get the poorer, less qualified teachers when they should have the very best because of these programs' difficulty, unique requirements (e.g., programs for migrants, educationally-disadvantaged, handicapped).

(*b*) Project applications have to be based on minimum funding levels. If funding levels improve later during a given year, programs are expanded or added on a patchwork basis resulting in less effective use of funds. Time loss and additional paperwork are also involved.

(*c*) Lack of lead time means that there is inadequate planning for facility use, staff assignment, and materials and equipment acquisitions. Less than optimum programs are the result.

(*d*) Federal appropriations, even when made in November, are 12 months late. Local school districts start planning programs and budgets in November for the fiscal year commencing the subsequently July 1.

2 Effect of cutbacks in ESEA Title I:

The President's budget for programs for educationally-deprived children is $180 million less than the House action on this item. Cutting back to the President's budget would mean a loss of approximately $1,980,000 for Oregon for 1969–70. Since about 50,000 educationally-deprived children in Oregon will need special programs in 1969–70, the loss would amount to approximately $39 per child. (A copy of a document "Distribution of Children From Low-Income Families in Oregon" is enclosed.) The loss of these funds would mean:

a. The reduction of the number of teacher aides working in these special programs

b. Decreasing the number of social workers and teachers in some of the larger programs

c. Loss of some of the special instructional materials and equipment required in these programs

d. Reduction of salaries that can be paid these special teachers, resulting in hiring teachers with less experience and training

e. Reduction in in-service training for teachers and (in larger programs) loss of some coordinators, resulting in less supervision of programs

f. Loss of instruction in some special instructional areas. For example, a local math or reading program might have to be cut out, thus reducing the effectiveness of the total local program.

3. Amount needed to give primary education (K–3) the attention it requires:

a. The estimated cost of providing kindergartens for 26,389 Oregon children of kindergarten age, for which this program is not now available, is $7,412,406 per year. This is exclusive of 12,019 children now enrolled in district-supported kindergarten programs. The estimate is conservative because it is based on 1967–68 per-pupil costs.

b. The estimated cost of reducing the pupil-teacher ratio in grades 1–3 from the present average ratio of 23:1 to 19:1 (the average for high schools in Oregon) is $13,657,169 per year.

c. The estimated cost of helping to upgrade teacher quality for grades 1–3 by requiring master's degree teachers instead of baccalaureate degree teachers for these grades is $11,260,681 per year (computed on the basis of a pupil-teacher ratio of 19:1).

The assumption in both b. and c. above is that the primary grades in Oregon ought to have at least the same pupil-teacher ratios and quality of teachers as the secondary schools.

4. Vocational education and comprehensive high school programs:

a. Estimated expenditures for vocational education programs in Oregon high schools and community colleges in 1969–70:

(1) Expenditures directly identifiable for Federal reporting purposes:

State	$5,900,000
Local	4,130,000
Federal	2,410,000
Total	12,440,000

(2) Capital expenditures for construction, equipment, etc.:

State	$3,500,000
Local	4,000,000
Total	7,500,000

b. Application of additional Federal funds for vocational education for 1969–70, if restored:

(1) Restoration of 1968–69 level of support of continuing programs as budgeted by local education agencies	$1,480,000

(2) Increasing the scope and effectiveness of developmental programs now underway	60,000
(3) Expansion of teacher recruitment and training program	45,000
(4) Curriculum development:	
Secondary	80,000
Postsecondary	40,000
(5) Program planning for 1970–73—secondary programs	$30,000
(6) Instructional equipment:	
Secondary	160,000
Postsecondary	180,000
(7) Administration and development at State level	24,000
(8) New program operation cost support	210,000
Total	2,309,000

c. Estimated additional funds needed to develop an adequate statewide program of career oriented, relevant education over a three-year period:

(1) High school programs:

(a) Support of excess operating costs of vocational programs over other programs	$8,400,000
(b) Curriculum and curriculum materials development (based on a career cluster approach)	650,000
(c) Development and support of occupational exploration programs	2,500,000
(d) Improvement and expansion of occupational guidance	1,500,000
(e) Facilities, construction, and equipment	3,500,000
(f) Demonstration programs	500,000
Subtotal	17,050,000

(2) Community college (postsecondary and adult) programs:

(a) Support of excess costs of program operation	$7,000,000
(b) Improvement and expansion of occupational guidance and exploration	1,200,000
(c) Curriculum and program development	200,000
(d) Facilities, construction, and equipment	5,500,000
(e) Demonstration and developmental programs	350,000
Subtotal	14,250,000

(3) Ancillary services:

(a) Teacher recruitment and educational and professional personnel development	$600,000
(b) Action research projects and program studies	250,000
(c) Program administration, supervision, development	300,000
Subtotal	1,150,000
Total	32,450,000

The $32,450,000 for the three-year period ought to be funded approximately as follows:

1970–71	$6,950,000
1971–72	10,500,000
1972–73	15,000,000

I hope I have responded adequately to each of your inquiries, Mark. Your testifying before the Appropriations Committee will be greatly appreciated by all of us. If you or your staff have questions or wish additional information, please call or write any time. We want to give you all the ammunition possible.

Best personal regards.

Cordially,

DALE PARNELL,
Superintendent, Public Instruction.

Distribution of children in schools for handicapped children operated or supported by a State agency, P.L. 89–10 as amended by P.L. 89–313

School or institution:	*Number of children*
Board of Control:	
Clackamas Child Training Center, Oregon City	17
Fairview Hospital and Training Center, Salem	502
Oregon State School for the Blind, Salem	90
Oregon State School for the Deaf, Salem	274
Department of Education:	
Children's Farm Home School, Corvallis	51
Crippled Children's Hospital School, Eugene	28
Dammasch Hospital School, Wilsonville	17
Eastern Oregon State Hospital, Pendleton	3
Oregon State Hospital, Salem	46
Shriner's Hospital for Crippled Children, Portland	43
University of Oregon Medical School Hospital, Portland	27
Total	1,098

Distribution of children in schools for neglected or delinquent children for whom a State agency is directly responsible for free public education, P.L. 89–10 as amended by P.L. 89–750

Board of Control:	
Hillcrest School of Oregon, Salem	130
MacLaren School for Boys, Woodburn	437
Subtotal	567
Oregon Board of Education: Wynne Watts, subtotal	52
Total	619

Migratory children of migratory agricultural workers, P.L. 89–10 as amended by P.L. 89–750

Department of Education, total	7,000
State totals:	
Low-income children	40,361
Handicapped children	1,098
Neglected or delinquent children	619
Migratory children	7,000
Total	49,078

Mr. HATFIELD. Mr. President, Oregon receives about $2.5 million from the Federal Government, and State and local contributions bring the total to $12 million. Capital expenditures are about $7.5 million.

Dr. Parnell has told me that the State should be spending about $32 million during the next 3 years to meet the needs of the majority of our youngsters who need vocational education either in the high schools, or the technical training which could be made available to them in our community colleges if $32 million became available. Oregon could use at least $10 million from the Federal Treasury, he said, instead of $2.5 million a year.

President Amo De Bernardis, of Portland Community College has a stringent comment to make regarding educating these young people which we in the Congress and in the executive branch need to ponder and act upon:

> I hope that Congress will understand that the educational component is probably one of the most important when it comes to developing the economic and social system which all of us cherish. Without each individual reaching his full potential in his chosen area of life's work, our economy will continue to have problems.
>
> Many students are assisted in obtaining an education which will make them more productive and useful citizens. In this period of high school dropouts and disenfranchised people, it is important that a community college meet its commitment to all its people. In our experience the financial aid and work-study monies have been most important elements in keeping students in school.

But, Mr. President, what do we find?

Construction cutbacks for these vitally needed community colleges means that places will not become available for the students who need vocational training. Administration cutbacks for work-study and loans and grants for students guarantees that poor and lower income students will not receive adequate training.

These cutbacks, which affect the high schools and community colleges at a time they are being challenged to expand opportunities for minority groups, especially, to compete in the space age, should be changed to expansion of opportunity. Private industry is telling us that postsecondary education is necessary for employment these days. A high school diploma is no longer enough.

The Portland community has invested heavily in the Portland Community College and has voted substantial sums for bonds to build this needed facility. It is a new college. In 1968–69 PCC applied for approximately $1.5 million but received no funds from the Government. In 1969–70 PCC applied for approximately $500,000 and received $388,000. In 1970–71, President De Bernardis advises me:

> The college is eligible for $3.5 million, but no funds in sight.
>
> Lack of federal funds has delayed construction of our college facilities,

De Bernardis continued:

> We are still housing students in buildings over fifty years old and many of them are in substandard facilities.

For work-study programs, De Bernardis tells us that—

> We made application for $226,000 and received $73,642.

It was the same cutback story for the equal opportunity grants—and these two programs are especially aimed at qualified low income students who otherwise would have no chance at college:

> We applied for E.O.G. totaling $151,000 and received $50,720 . . .
>
> In 1970–71 we have requested college work-study of $405,792, Educational Opportunity Grants of $234,500, National Defense Loans of $72,000, for a total of $712,292.
>
> We *must* receive very close to this full amount if we are to satisfy the needs of the students of our Metropolitan Area and cannot afford to be cut back at a percentage equaling that of past years. We need a minimum of $500,000 to keep pace with our present program.
>
> Approximately 150 to 200 students seriously needing financial aid to secure financial education were deprived because of lack of funds.

I ask unanimous consent to have printed in the Record the full text of President De Bernardis' letter.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Portland Community College,
Portland, Oreg., October 30, 1969.

Hon. Mark O. Hatfield,
U.S. Senate,
Washington, D.C.

Dear Senator Hatfield: In reply to your telegram of October 30, we are forwarding the following information which may be of help to you as you attempt to get additional funding for HEW educational programs. Federal funds are an important item in our budgetary process.

Many students are assisted in obtaining an education which will make them more productive and useful citizens. In this period of high school dropouts and disenfranchised people it is important that a community college meet its commitment to all its people. In our experience the financial aid and work-study monies have been most important elements in keeping students in school.

I hope that Congress will understand that the educational component is probably one of the most important when it comes to developing the economic and social system which all of us cherish. Without each individual reaching his full potential in his chosen area of life's work, our economy will continue to have problems.

In the area of construction, federal funds are an important factor in helping us complete our campus. At the present time we are contemplating a Health Science Building and I understand that no funds are available for assisting us in the construction of this most important facility. Because of limited funds we will be delayed in the construction of this building and our Communications building. We are still housing students in buildings over fifty years old and many of them are in substandard facilities.

I know of your tremendous interest in the matter of education and I again want to point out that we as a nation better take a look at our priorities.

A summary of what I sent to you in the telegram is as follows:

1. In 1968–1969 we applied for approximately 1.5 million dollars and received no funds.

2. In 1969–1970 we applied for approximately $500,000 and received $388,000.

3. In 1970–1971 we will be eligible for approximately 3.5 million dollars for construction of Health Science and Communications Buildings.

4. Because the money has not previously been available, the Health Science and Communications Buildings have been delayed one to two years. It is impossible for us to have these facilities available before we must vacate our present temporary facilities.

5. Facilities approved for funding during 1970 will not be completed until 1972, at which time we will have an anticipated growth of 3,000 full-time students. In addition, we must provide facilities for approximately 1,000 full-time students now housed in temporary facilities which will not be available to us after June 1972.

The following summarizes the Financial Aid Implications:

WORK-STUDY

1. In 1968–1969 we made application for $226,000 through the work-study programs and received $73,642.

2. In 1969–1970 we asked for $306,000 in work-study and received $150,098. We applied for Educational Opportunity Grants totaling $151,000 and received $50,720. The total received for 1969–1970, therefore, was $256,182 less than the requested funds.

3. In 1970–1971 we have requested college work-study of $405,792, Educational Opportunity Grants of $234,500, National Defense Loans of $72,000, for a total of $712,292. We must receive very close to this full amount if we are to satisfy the needs of the students of our Metropolitan Area and cannot afford to be cut back at a percentage equaling that of past years. We need a minimum of $500,000 to keep pace with our present program.

4. By June, 1969, we had encumbered all anticipated Financial Aid funds for the 1969–1970 school year. Approximately 150–200 students seriously needing Financial Aid to secure further education were deprived because of the lack of funds.

Sincerely yours,

Amo De Bernardis,
President.

P.S.—I am sending you a copy of a paper I have written on "The Role of The Community College in Vocational Education."

Mr. HATFIELD. Mr. President, Oregon's community colleges serve a need for continuing education for adults in our cities and towns, as well as to provide the technical training which our young men and women must have if they are to have the qualifications necessary for our increasingly complex technological society. Let me quote to you from some of the wires and letters I have received from the community colleges of Oregon.

From President Harry Jacoby, Umpqua Community College, Roseburg, Oreg.:

Figures indicate the amounts we hoped to receive and placed in our budget in order to continue normal operation. However, we now estimate this will be cut by 50 percent which would be a decrease of $67,534.

We have applied for and can document need for $61,865 in student aid, even though we probably receive only $25,000 this year and have been told to expect a cut.

We are assisting one out of every 375 of our students in a county where over one out of every seven people is on public assistance or social security.

Mr. President, I contend that the above wire is a dramatic illustration of the desperate need for more assistance for vocational education and community colleges.

President Frederick H. Boyle, Central Oregon Community College, Bend, Oreg., writes:

Reductions in and inadequate funding of financial aid programs have affected about 75 students (about 10% of our full-time enrollment) this Fall. We expect this number to reach 150 to 200 students next year as our enrollment increases. While the guaranteed student loan program has taken up some of the slack resulting from these reductions, it has not solved the most serious financial problems because banks have been very selective in the students to whom they will lend money.

Construction funds to the State of Oregon have been severely limited. Consequently, the amount available for community colleges has been minimal and none available to Central Oregon Community College.

The area of funding most critical to CCC has been the reduction under the Vocational Education Act. This reduction (about 40 percent) has meant that no new programs have been introduced and that the local taxpayer has had to pay an increasing portion of these more expensive programs.

Mr. President, the authorizing committees of Congress and the Congress itself last year, as I have previously stated clearly indicated that it wanted the President and the appropriating committees to spend well over $500 million in fiscal 1970 for vocational education, and part of that money was set aside for post-secondary education. The full amount should be funded.

From President Jack E. Brookings, South Western Oregon Community College, Coos Bay, Oreg.:

Received 1968 for construction zero. Expect to receive 1969 and 1970 zero. Could use $330,000.

From Alan Goodell, administrative assistant to president of Mount Hood Community College, Gresham, Oreg.:

Anticipate and need $1,183,000 1970 to continue building program, purchase vocational equipment, student loans. Cutback would seriously hamper allied health and other vocational building progress . . .

President E. J. Skinner, Treasure Valley Community College, Ontario, Oreg.:

Federal cutbacks show significant reductions that seriously affect program . . . many students unable to attend from lack of money (14% current enrollment).

From President Wallace W. McCrae, president, Blue Mountain Community College, Pendleton, Oreg.:

Our first building project in the year 1964–65 was given 25% federal funding. The second building project in 1965–66 was given 17% federal funding. Our third project in 1968–69 which is now occupied received no federal funding. We are now faced with postponement of the final phase of our construction at Blue Mountain Community College due to cutbacks in state funds and total elimination of federal funding.

Mr. President, I ask unanimous consent to have printed in the Record the wires received from the Oregon community colleges.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Portland, Oreg.,
October 30, 1969.

Mark O. Hatfield,
U.S. Senate, Washington, D.C.:

Federal funds critical to operation of Portland Community College. Construction grants 68–69 applied 1.5 million, no funds received, delayed construction; 69–70 applied 500,000, received 388,000; 70–71 eligible for 3.5 million, no funds in sight; lack of Federal funds has delayed construction of our college facilities. Financial aid 68–69 applied 226,000, received 73,642, 69–70 applied in work study 306,000; reecived 150,098, educational opportunity grants applied 151,000, received 50,720; 70–71 requested work study 405,792, educational opportunity grant 234,500, National Defense Loan 72,000. Lack of financial aid funds will deny 200 students further education. Airmail letter following.

Amo De Bernardis.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Oregon Technical Institute,
Klamath Falls, Oreg.

Hon. Mark O. Hatfield,
U.S. Senator,
Washington, D.C.

HEW education funds received 1968, $217,786; 1969, $275,837, and estimate $375,169 for 1970. Cutbacks in 1969 has affected unduplicated 47 students because of inadequate allocations. Estimated request for HEW funds in 1970 showed an increase, although this amount is still inadequate. HEW guidelines has prevented requesting adequate funding. We estimate that 70 unduplicated students will be affected by the 1970 guideline restrictions.

Winston D. Purvine,
President.

Mount Hood Community College,
Gresham, Oreg.

Senator Mark O. Hatfield,
Senate Office Building,
Washington, D.C.:

Mount Hood Community College received $606,000 Federal money 1968; $751,000, 1969. Anticipate and need $1,183,000 1970 to continue building program, purchase vocational equipment, student loans. Cutback would seriously hamper allied health and other vocational building progress. Urge your assistance in adding one billion dollars to HEW education budget.

Regards,

Alan Goodell,
Administrative Assistant to President.

Clatsop Community College,
Astoria, Oreg.

Senator Mark Hatfield,
U.S. Senate,
Washington, D.C.:

Replying your wired request 30 October, (1) have committed all funds allocated to us under the E.O.G. and N.D.S.L. programs. Expect to have between 25 and 30 qualified students who will not receive aid. Requested $17,700 for the E.O.G. program this year and were allocated $9,412. The N.D.S.L. request was $13,725 with an allocation of $8,359. (2) Oregon formula for distribution of Federal construction funds eliminates eligibility of small community college. No Federal funds received or anticipated for said catagory. (3) Federal funds for operation and capital outlay in voc-tech programs reduced approximately fifty percent since 1967. 1969–70 reduction approximates $18,000. (4) Title II funds for library instructional material appears firm.

Stewart F. McCollom,
President.

Lane Community College,
Eugene, Oreg.

The Hon. Mark O. Hatfield,
Senate Office Building,
Washington, D.C.:

In response to your wire for information, we are pleased to provide the following:

	Needed	Received
Fiscal 1967–68:		
Construction	$2,800,000	$881,935
Student aid	204,200	135,899
Library books	15,000	13,201
Adult basic education	24,000	21,193
Total	3,043,200	1,052,228
Fiscal 1968-69:		
Construction	2,000,000	310,870
Student aid	281,650	171,592
Library books	22,500	13,175
Adult basic education	39,888	22,208
Total	2,344,038	517,845
Fiscal 1969–70:		
Construction	2,000,000	([1])
Student aid	592,900	149,132
Library books	25,000	15,629
Adult basic education	39,270	
Total	2,657,170	164,761
Fiscal 1970–71:		
Construction	1,600,000	
Student aid	873,000	

[1] Estimated receipts.

Applications have not been filed on others. If there is further information needed, most happy to provide it.

Dr. Robert L. Pickering,
President.

Treasure Valley Community College,
Ontario, Oreg.

Hon. Mark O. Hatfield,
Senate Office Building,
Washington, D.C.:

Re telegram October 30, Federal money cutbacks for TVCC show significant reductions that seriously affect program.

Vo-tech support, 1968, $57,760; 1969–70, $65,600; 1969–70, estimate, $40,200—38.7% decrease.

Library funds, 1968, $7,965; 1969–70, est., $6,907. Down 13.3%. Student aids, 1968, $129,107; 1969–70, $165,012; 1969–70, est., $94,947, down 42.5%.

Students assisted, 1968–69, 232; est. 1969–70, 85 to 100; decrease over 50%. Drop in student aid has affected anticipated enrollment. Many students unable to attend from lack of money. Follow-up study shows approximately 100 students not attending for financial reasons (14% of current enrollment).

We have been discouraged from applying for much needed library facility due to apparent absence of funds.

Thank you for your interest in our school problems.

E. J. Skinner,
President.

Southwestern Oregon Community College,
Coos Bay, Oreg.

Senator Mark Hatfield,
Washington, D.C.:

Re your telegram October 30. Received 1968 for construction, zero. Expect to receive 1969 and 1970, zero. Could use $330,000. Received 1968 for student financial aid, $15,000. Expect to receive 1969, $20,000 and 1970, $20,000. Could use $35,000 to $50,000. 35 to 50 students affected by cutback in aid. Vocational cutback this year was $30,000 to $40,000.

Jack E. Brokins,
President.

Central Oregon Community College,
Bend, Oreg.

Hon. Mark O. Hatfield,
Washington, D.C.:

Reductions in and inadequate funding of financial aid programs have affected about 75 students (about 10 percent of our full-time enrollment) this fall. We expect this number to reach 150–200 students next year as our enrollment increases. While the guaranteed student loan program has taken up some of the slack resulting from these reductions, it has not solved the most serious financial problems because banks have been very selective in the students to whom they will lend money.

Construction funds to the State of Oregon have been severely limited. Consequently the amount available for community colleges has been minimal and none available to Central Oregon Community College.

The area of funding most critical to Central Oregon Community College has been the reduction under the Vocational Education Act. This reduction about 40 percent has meant that no new programs have been introduced and that the local taxpayer has had to pay an increasing portion of these more expensive programs.

Letter detailing Federal programs, figures, follows.

Frederick H. Boyle,
President.

Mr. HATFIELD. Mr. President, I received a letter from Mr. Leonard E. Kunzman, State director of vocational education, Salem, Oreg., I will quote a bit from its text and include the rest for the Record.

There is a dire need for an expansion of funds for the 1968 Vocational Education Amendments because of the restriction on use of money for the handicapped, disadvantaged and auxiliary services. These restrictions on funds have reduced considerably the total funds that can be devoted to basic types of vocational education and, of course, the need to expand the total vocational education program.

There has been a trend in recent months from parents and taxpayers to in general support the expansion of vocational training. There is greater sympathy to train and educate the 80 percent who do not go on to college.

Mr. President, I ask unanimous consent to print the letters of the same date from Mr. Kunzman in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Oregon Board of Education,
Salem, Oreg., October 29, 1969.

Mrs. Yvonne Franklin,
Special Assistant to Senator Mark O. Hatfield,
Senate Office Building, Washington, D.C.

Dear Mrs. Franklin: During my recent visit to Washington, D.C., I discussed with you the need for Senator Hatfield's support in providing sufficient federal funds to implement the 1968 Vocational Education Amendments. It is my understanding that appropriation of funds for this act will be acted upon between now and some time in December.

There is a dire need for an expansion of funds for the 1968 Vocational Education Amendments because of the restriction on use of money for the handicapped, disadvantaged, and auxiliary services. These restrictions on funds have reduced considerably the total funds that can be devoted to base types of vocational education and, of course the need to expand the total vocational educational program.

There has been a trend in recent months from parents and tax payers in general to support the expansion of vocational training. There is greater sympathy to train and educate the 80 percent that do not go on to college. In order to accomplish this we need your understanding of the problem and the support from Senator Hatfield.

We believe vocational education has done a good job, in spite of the shortage of funds, and if given the projected federal funds has the organization and know how to move quickly into providing vocational training for all the people.

If I can be of any help in providing additional information, please get in touch with me.

It was indeed a pleasure to visit with you while in Washington, D.C.

Sincerely,

Leonard E. Kunzman,
State Director, Vocational Education.

Oregon Board of Education,
Salem, Oreg., October 29, 1969.

Hon. Mark O. Hatfield,
Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: During my recent visit to Washington, D.C., I discussed with you and your Special Assistant, Mrs. Yvonne Franklin, my concern for vocational education. I have written Mrs. Franklin of the necessity for obtaining sufficient funding to complement the 1968 Vocational Education Amendments and to solicit your support.

In addition I wish to reiterate my feelings for vocational education and the Manpower Development and Training Program as it relates to bills introduced in the Congress calling for a Comprehensive Manpower Program. Senate Bill 2838 was introduced by Senator Javits and is referred to as the Administration Bill on Manpower Training, called the Manpower Training Act of 1969, to implement the President's far-reaching domestic program outlined in his address to the nation. This bill would give complete authority to the Secretary of Labor to assign educational responsibility to any agency throughout the country and could completely bypass the state boards of education.

We in vocational education are especially concerned since there appears to be a willingness in Congress for the first time to adequately provide necessary funds to provide the kind of out-of-school vocational training we have always wanted, and now they want to take the authority away from education.

Because of a recent persistent effort being made to take the out-of-school vocational education phase of education away from the established state and local public education systems in Oregon we believe:

1. Vocational education has capability, years of experience and know-how to do the job of manpower education.
2. There is need for full funding the 1968 Vocational Education Amendments.
3. Vocational education must remain a part of the total educational system.
4. The education function of the manpower programs is education.
5. The function of all vocational education, including the education under the manpower and development and training program, should be under the control of the State Board of Education.
6. Vocational education, in conjunction with all education, should work for the establishment of a separate Department of Education and Manpower at the federal level.
7. That two agencies can participate and cooperate when duties and responsibilities are clearly defined and assigned.
8. Long-range vocational education goals must emphasize prevention rather than remediation.
9. Vocational education has done a good job, in spite of a shortage of funds, and if given the projected federal funds has the organization and know-how to move quickly into providing vocational training for all the people.
10. Vocational education has not been given enough money in the past to complete the job and, now that funds are to be provided, the job of vocational training should not be given to another agency.

I also believe these issues are complex and constitute a crisis with respect to our role in education and manpower development, and deserve your consideration to see that the responsibility of providing out-of-school vocational training is not taken away from the state boards of education.

For your information, I have just been informed that our State Plan for Vocational Education has been approved. As soon as we get a supply printed, I will send you a copy.

It was indeed a pleasure to get to visit with you while in Washington, D.C., and I appreciate your taking time from your busy schedule to meet with me without previous arrangements.

Sincerely,

LEONARD E. KUNZMAN,
State Director, Vocational Education.

Mr. HATFIELD. Mr. President, I should also like to place into the RECORD, and ask unanimous consent to do so, an article by Doug Baker, columnist for the Oregon Journal, on one of the fine innovative vocational education programs which has begun at Jefferson High School in Portland.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oregon Journal, Oct. 30, 1969]

JEFFERSON HIGH BOASTS FIRST "WORK-IN" CAFE

(By Doug Baker)

It's surely too early in the school year for any copper-bottomed predictions about anything, but the educators believe Jefferson High School may have turned the corner.

"There's a new spirit in the air," said Dr. William Proppe, Jeff's principal, at luncheon the other day. "You can feel it in the corridors and throughout the school."

"You know, it's hard to believe," added Proppe, "but I have three letters on my desk today, all saying nice things about Jeff. People are actually taking pride in the school."

At the luncheon table was Dr. Kenneth Erickson, onetime principal at Franklin and now wiith the University of Oregon. He had a sage comment. "Before people can be conservative, they must have something to conserve," he said.

And the student body at Jeff does have something material to conserve this year—a whole new approach to vocational education with some posh facilities good enough for bragging on. There's a new automotive shop with five bays, for instance.

And perhaps most remarkable of all, there's a restaurant. It's a real restaurant with fancy oak furniture and menus and a gleaming chromium kitchen with all the latest gadgets and it's all run by students. As far as anybody knows, it's the only true commercial restaurant inside a high school anywhere in the United States.

"We spent more than $100,000 converting two classrooms into the T.J. Room," said Jim O'Gara, director of vocational education for the Portland public schools. "Everybody said it wouldn't work. They said the kids would throw Coke bottles through the windows and write dirty words on the walls. You know, there hasn't been so much as a scratch?"

It's not hard to see why the Jeff student body takes pride in the T.J. Room. (The initials, naturally, stand for "Thomas Jefferson.") Designed by architects Norman & Stanich, it is an attractive blend of natural lumber, purple formica and brilliant banners in school colors draped to hide the old classroom ceiling. The kitchen is a model of new equipment of which any restaurant would be proud. "Sid Stanich has kids here," said Proppe, "and he came in to make sure this place had more than a green paint and bleached birch decor."

Thirty-nine juniors and seniors staff the T.J. Room in two shifts each day. They are preponderantly female and black and nearly all of them are enthusiastic about the project. Each of the 39 must perform all of the restaurant tasks on a rotating basis. One week a student will be assigned to the dishwashing detail and the next to acting as maitre d'. The students do their own baking and are even learning meatcutting. The program, thus far, has been remarkably free from absenteeism and dropouts.

Students in the restaurant skills program also take regular classes, but the subject matter is specially designed to fit into a study of the restaurant industry. Vocational Education Supervisor George Kalman explained, "In a mathematics class, for instance, the students might be assigned a problem involving a ham. They would compute the initial weight and cost of the ham, the shrinkage involved in cooking and would then be asked to determine the portion and cost control factors." In their English classes the students will work on menu preparation and, conceivably, will learn something of French terms used in the culinary arts.

To whom does the restaurant cater? To just about anyone who has the price of the luncheon. Cafeteria meals cost students only 40 cents, so there is little student demand for regular restaurant luncheons at $1.25. But on special days students are offered cut prices so they can sample the restaurant fare and service. Ordinarily, the T.J. Room caters to faculty and school visitors.

Evenings, the room is available for special meetings and banquets. The other night the students prepared Beef Wellington for a banquet of 40 persons. They are paid nominal wages for such duty.

Floyd Hewitt, a 16-year-old junior, is typical of students who want to make the restaurant business a career. When he finishes the course at Jeff he plans to take the restaurant management course at San Francisco State. "Floyd made the peach cobbler this week," said one faculty member. "He was on Cloud 9 with all that pastry."

While the facility is peerless, the backbone of the project is the supervision by experienced restaurant personnel. Mrs. Rae Knox, formerly a waitress at Mr. C's Hippopotamus in the Lloyd Center, supervises the front end of the business. "The kids all call me Rae," says Mrs. Knox. But she oversees the restaurant on a no-nonsense basis. "Every day the girls learn things which I've just picked up through experience," says Mrs. Knox. "Today I told them how to use ice to clean the coffee urn, a trick I've known for years."

Perhaps even tougher with the class is Lawrence Sanders, the professional chef who supervises the kitchen. Sanders has been with such restaurants as Jake's Crawfish and Timberline Lodge and insists the students learn the culinary arts from the ground up.

"They want to use the potato peeling machine," said Sanders. "They'll use it after they've learned to work with their hands. They'll make their own soup stocks and their own dressings—no pre-prepared foods here."

So far, Sanders says he thinks only 16 of the 39 enrolled students will "make it" this year. "I don't know that we'll be giving any 'A's' or 'B's' this year," he said. "Maybe we'll give some 'C's'."

Sanders probably won't be as tough on grading as he advertises, but he and Mrs. Knox will undoubtedly turn out the kind of restaurant trainees which Portland restaurants are eager to employ.

Meanwhile, vocational education people such as Kalman are pleased as punch with the whole concept. Kalman points out that by the 1980s it will still be true that fewer than 20 per cent of the nation's job opportunities will be four-year college graduates. The real need will continue to be for technical skills and Kalman and his colleagues see vocational education as part and parcel of the newest wave in American education.

Mr. HATFIELD. Mr. President, I call your attention to the excerpts of a letter I have received from Mr. Lee DeLance, supervisor of early childhood education, Oregon public schools, Portland.

Early childhood training is especially crucial to the children of the disadvantaged, and its benefits are such that preschool training should be made available to all.

Mr. Lee DeLance wrote:

We know, through recent studies and research, that the early years of a child's life (those before four) are the most formative and perhaps have the most bearing on the eventual life style of each individual. Due to . . . broken homes, poor nutrition, overcrowding, lack of suitable educational materials (especially books), many children from poverty homes enter school deprived of the experiences which would enable them to reach their maximum potential and who upon entering kindergarten are already one to two years behind their more advantaged peers. Many of them never catch up. By fifth grade many have become mental if not physical dropouts.

We calculate there are roughly 3,000 three and four year old children who are eligible to be enrolled in Early Childhood Education classes. The Portland Early Childhood Education Program as currently funded by O.E.O. has an enrollment of 345 with 147 applicants on the waiting list. As you can immediately see, about 21% or less than one-fourth of the needy children of Portland have access to the Early Childhood Education Program.

Mr. President, these facts illustrate the heartbreak in these cutbacks. The Federal money is so inadequate that it is spread too thin; meanwhile little children lacking this early break, are destined to become the dropouts of tomorrow, the statistics on the welfare roles and juvenile delinquency lists if attention is not paid at an early age.

I ask unanimous consent to have Mr. DeLance's letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Early Childhood Education

The following is excerpted from October 23, 1969 letter from Portland, Oregon Public Schools, Dept. of Elementary Education, Lee DeLance, Supervisor, Early Childhood Education:

We know, through recent studies and research, that the early years of a child's life (those before four) are the most formative and perhaps have the most bearing on the eventual life style of each individual. Due to varying factors such as broken homes, poor nutrition, over-crowding, lack of suitable educational materials (and especially books), many children from poverty homes enter school deprived of the experiences which would enable them to reach their maximum potentials and who upon entering kindergarten are already one to two years behind their more advantaged peers. Many of them never catch up. By the fifth grade many have become mental if not physical dropouts.

Although children of poverty most often are identified as disadvantaged, there are many youngsters equally disadvantaged from so-called "affluent" or "good" homes. Therefore, we believe that Early Childhood Education should be available for every child who meets the age criteria regardless of family income.

We calculate there are roughly 3,000 three and four year old children who are eligible to be enrolled in Early Childhood Education classes. The Portland Early Childhood Education Program is currently funded by O.E.O. has an enrollment of 345 with 147 applicants on the waiting list. As you can immediately see, about 21% or less than one-fourth of the needy children of Portland have access to the Early Childhood Education Program.

Because the largest number of needy youngsters seemed to be located in the Albina district, this area was selected as the original major target area to be served. Later, one additional center in southeast Portland was added. The ethnic composition of the program is approximately 70% Negro and 30% white, with perhaps a single child or two each year of Oriental, Indian, or Mexican descent.

Those children who still need a chance at a Headstart are primarily those from four other predominantly white target areas of the city—especially St. Johns in north Portland, Lent in the Southeast area, and the new Hillsdale Public Housing Project in southwest Portland.

Mr. HATFIELD. At this point in the Record I should like to include copies of letters received by me from Mrs. Forrest E. Rieke, a respected member of the Portland School Board, a hardworking lady who is concerned for the educational needs of our children. She is angry at these cutbacks, especially those having to do with the cutbacks in funds for training elementary school teachers in the basic subjects. To me, it seems ludicrous that we have the Commissioner of Education calling for an end to illiteracy in this country and a concentration on reading programs, yet at the same time the administration is cutting into badly needed funds to train these teachers of basic subjects.

Attached are letters received protesting cutbacks from the basic studies budget from Mr. John M. Fessant, industrial arts specialist, Oregon Board of Education, and from Mr. James W. Simmons, director of libraries, Eastern Oregon College, protesting the cutbacks in the administration budget for libraries. Also attached are correspondence from Eloise Ebert, State librarian, and Gaylord Thorne, protesting the cutbacks for libraries.

I ask unanimous consent that the communications I have referred to be printed in the Record.

There being no objection, the communications were ordered to be printed in the Record, as follows:

Portland, Oreg., October 18, 1969.

Hon. Robert H. Finch,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Sir: On October 4, the National Advisory Council on Education Professions Development noted that a line item cut of eight million dollars from a thirteen million dollar program resulted in the practical elimination of funds for Basic Studies. Cutting out basic studies components of any training program makes no educational sense whatever. So the Council made careful inquiries. The decision was made by budget analysts in the Department, USOE appealed the decision and suggested areas where the cut could be made with less disastrous effect. The appeal was denied. The Council took the only route open to it and reported to the President and the Congress that more funds were needed if the policies of the new administration were to be put into effect.

In short, the educational and administrative problems highlighted by that budget cut were matters of concern to me as a member of the Council.

Since my return to Oregon, I have found that the political effect of that decision is perhaps even more serious. As an individual (independent of the Council) and as a Republican, I am writing to call your attention to the widespread negative reaction I discovered here. It is far beyond the size of the cut in relation to total funds for EPDA. The hostility is directed toward EPDA generally, and toward your administration of HEW. People believe that basic studies have been eliminated from federal policies, and that EPDA funds will be concentrated in the South. Neither assumption is true, but I urge you to do what you can to alleviate the immediate problem in budget allocation, and to correct the system which made this kind of distortion possible.

I have been a member of a core city school board for 12 years. I recognize the problems created when funds are cut, and I know what can happen to policy in a system of 6000 employees. It is presumptuous to relate that experience to the enormous structure of your office, but it seems to me that the mistake resulted from three questionable practices:

1. At no time were policy people invited to advise the analysts on the effect of the cut. I doubt that your immediate staff were consulted. Consulted, and I know that EPDA officials were not consulted. It's impossible to run the railroad when someone is removing pieces of the track at random.

2. Decisions were made without assessing the effect on the overall policies for EPDA, or on the relationships between programs. EPDA is a great mechanism for getting the personnel training job done, using all other agencies and resources in the field. But its strength is in its flexibility and its ability to focus on needs. To do this it must have every possible chance to strike a balance among programs and resources. Arbitrary decisions from outside the mechanism only pull the rug out and cause an imbalance.

3. It appears that the decision was made with incomplete information about the nature of the programs and cost per student. The old summer institute programs were high cost-low yield, and there are better ways to achieve the desired results. But throwing out the basic studies in the effort at instant reform simply threw out the baby with the bath.

EPDA is apt to be unpopular with special interest groups in education which thrive on direct pipeline funding from the Congress. Outside of those groups, the EPDA idea has broad appeal and great potential for effective use of federal funds in cooperative partnership with other levels of government and all kinds of educational institutions. I hate to see it tarred for the wrong reasons by all the people who are normally friendly.

I have enjoyed working on EPDA. It has been very exacting and very hard work. I am the only school board member, but all of the Council members believe, as I do, that programs succeed or fail depending on the competence of the people involved. All of our educational goals as a nation depend on the quality of the personnel, including their competencies in the basic studies.

I hope you will place this problem on the "urgent" list, and do what you can to keep EPDA alive and healthy.

Sincerely,

Mary W. Rieke.

Department of Health, Education, and Welfare, Office of Education.
Washington, D.C., October 27, 1969.

Mrs. Mary W. Rieke,
Portland, Oreg.

Dear Mrs. Rieke: Secretary Finch has asked me to respond to your letter regarding the Basic Studies Program supported by the Education Professions Development Act.

As you are aware, the necessity for reducing Federal expenditures for fiscal year 1970 has made it necessary for the Department of Health, Education, and Welfare to curtail the amount of money to be obligated in fiscal year 1970 in many of its programs. *The overriding concern is the need to combat inflation. The quality and importance of the programs sustaining cuts were and are not at issue.* After much deliberation, the decision was made in DHEW to cut the amount of money to be obligated for the Basic Studies Program from $13 million to $5 million.

This reduction does not indicate that there is any lessening of concern about teachers knowing the subjects they teach. Emphasis on content runs throughout BEPD programs. Nor does the reduction imply any fundamental changes in BEPD's relations with colleges and universities. In fiscal years 1970 and 1971, for instance, the great majority of the training projects in such priority areas as Early Childhood, School Administration, TTT, Special Education, Pupil Personnel Services, and Media Specialists will be college based. More importantly, however, we will continue to encourage institutions of higher education to work in partnership with the schools and the communities they serve as in TTT projects, the Teacher Corps and the Career Opportunities Program.

May I also point out, that a reduction in the Basic Studies budget does not affect EPDA projects already funded and under way in the 1969–70 academic year. Nor does it affect a variety of other programs planned for 1970–71, to be conducted by State and local education agencies and colleges and universities.

Sincerely,

Don Davies,
Associate Commissioner.

Portland, Oreg., November 5, 1969.

Hon. Robert H. Finch,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Sir: I have before me your reply to my letter of October 18, 1969, written at your request by Dr. Don Davies, Associate Commissioner, BEPD. I have attached copies of both letters with key sentence underlined.

I submit that quality and importance of programs *are* at issue. *PL 90–35 states clearly and repeatedly that these values are precisely the issue,* even if it were possible to defend the position that Basic Studies Program is somehow 60% more inflationary than other programs.

Someone who analyzes budgets in your department has missed the vital responsibility of EPDA as set forth in PL 90–35. In two years of hard work since 1967 eight critical needs have been identified, including Basic Studies. A "critical need" is not adequately served by other agencies of the Federal, State, or Local Governments. EPDA must use its funds and programs to encourage a different balance.

I direct your attention to *Program Information, Basic Studies Program, EPDA Parts C and D,* Page 11, which states the problem:

"EMPHASIS ON THE ELEMENTARY GRADES

"Without minimizing the needs of high school teachers, the Bureau clearly could offer a better balanced program if those institutions capable of designing strong programs in relevant academic disciplines for teachers of earlier age groups—the elementary and junior high schools—would seriously consider this possibility.

"It is usually easier for college teachers in academic departments to design programs for secondary school teachers than for teachers in the elementary school. Consequently, nearly four-fifths of the proposals for NDEA institutes have been designed for secondary school teachers. Furthermore, the institutes in mathematics and science conducted by the National Science Foundation are by law directed at the secondary level. Yet there are many more elementary teachers, serving in the Nation's schools, their need for sounder academic preparation in the wide variety of subjects they are called upon to teach is immense, and their success or failure in teaching the children at this age affects the children's interest in and capacity for further learning to an extent that defies description."

If the judgment of BEPD and the National Advisory Council for Education Professions Development is insufficient, I call your attention to the position of Dr. James Allen regarding the importance of reading instruction. Neither the prestige nor the money of the Universities, profession, or public has yet been directed to the critical function of teachers in the elementary grades.

Eight million dollars should be restored to the Basic Studies Program immediately.

Sincerely,

Mary W. Rieke.

Oregon Board of Education,
Salem, Oreg., November 3, 1969.

Hon. Mark O. Harfield,
Senate Office Building,
Washington, D.C.

Dear Senator Hatfield: I am concerned, and the 759 industrial arts teachers in Oregon are concerned about the $8,000,000 cut in the basic studies budget.

This program funded institutes attended by industrial arts teachers in Oregon. The benefits to education of Oregon youth cannot be measured. Several Oregon teachers attended a variety of these institutes. The reports they brought back to fellow educators were invaluable.

If there is any way you can help restore any of these funds it would upgrade education in our state. This program was originally started during the Eisenhower administration as Title XI, NDEA, and was sponsored by Republicans.

Please let me know if I can help in any way in this effort.

Cordially,

John M. Fessant,
Industrial Arts Specialist.

Eastern Oregon College,
La Grande, Oreg., November 3, 1969.

Hon. Mark Hatfield,
U.S. Senate,
Washington, D.C.

Dear Mark: It is my understanding that both this year's education bill and the 1971 budget will be considered in the Senate between now and December for presentation in January.

I am sure you realize how vital to our continuing development of educational resources funds from the Higher Education Act have been, particularly Title II (library resources and training), and I am writing to ask your support for passage of the appropriations.

Respectfully yours,

James W. Simmons,
Director of Libraries.

Executive Department,
Salem, Oreg., October 29, 1969.

Hon. Mark O. Hatfield,
U.S. Senator,
Washington, D.C.

Dear Senator Hatfield: We would like to urge you to give special attention to the proposed Administration budget cuts in Labor-HEW Appropriations Bill—H.R. 13111 for libraries. Those of us in state government conducting reesarch will be severely penalized by such action. We cannot conduct research into new treatment programs and program modifications without the availability of current, relevant scientific literature. The whole question of national goals and the bringing of systematic study to priority setting is ultimately involved in such proposed reductions.

Thank you for your attention to this matter.

Sincerely yours,

Gaylord L. Thorne, Ph. D.,
Institution Research Coordinator.

Salem, Oreg.,
November 4, 1969.

Senator Mark O. Hatfield,
Senate Office Building,
Washington, D.C.:

The Oregon State Library is experiencing severe fiscal difficulty in lack of specific information on appropriations for fiscal 1970 which will be available for library programs. We will appreciate your support of H.J. Res. 966 when it comes to the Senate floor. Thank you for co-sponsoring S.J. Res. 163 supporting House action on education funding.

Eloise Ebert,
State Librarian.

Mr. HATFIELD. Mr. President, the article which I will now place in the Record is by a fine Oregon education writer, John Guernsey of the Portland Oregonian. It tells what is happening to the private colleges in my State. Their enrollments are dropping at a time when the enrollments at our public colleges are increasing tremendously. They are being hardpressed financially to meet the needs of today's youth, and they are falling behind in the competition for funds, not only for construction, but needed expansion of education programs and, particularly student aid. The Federal Government has encouraged these colleges to seek out well qualified youth, promising to help the colleges with a combination of aid programs: loans, grants and work-study, and now we are placing these colleges in an embarrassing and precarious position by inadequate Federal funding. Allowing the Office of Education to spend higher amounts for loans, grants and work-study would be of tremendous value to these colleges.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Oregon's Private Colleges, Universities Hurt by Steep Decline in Fall Enrollment

(By John Guernsey)

Klamath Falls.—The crisis facing some of Oregon's privately operated colleges and universities was pointed up Monday when fall term enrollments for all institutions were reported by the State Board of Higher Education.

The 18 independent colleges and universities this fall have a total enrollment of 12,086 students, down about 5.5 per cent from their fall term total last year.

In the past four years, the combined independent institutions have fallen about 13 per cent from their peak total enrollment of 13,627 in the fall of 1965.

This year's enrollment reports indicate that while the independents fell 5.5 per cent, the public four-year colleges gained 5.4 per cent, and the number of community college students taking academic college transfer courses climbed nearly 24 per cent.

The big losers in the independent college field are Northwest Christian College of Eugene, down 12.6 per cent from 460 students last year; Marylhurst College, down 17.3 per cent from 750 students last fall; Mount Angel College, down 10.3 per cent from 370 last year; and Linfield College, down 7 per cent from 1,147 last year.

Lewis and Clark College climbed 6.1 per cent to 1,989 students; Reed College gained 7.3 per cent to 1,379; University of Portland is up 5.2 per cent to 1,879 students; and Willamette University is up 3.9 per cent to 1,632.

The over-all college enrollment declined in spite of enrollment-luring innovations such as new study programs on many of the campuses and despite state scholarship support for private college students.

The issue of state fund assistance for the independents is expected to be a major one during the 1971 Oregon legislative session.

The enrollment reports also alerted legislators and educators to keep a close eye on the two-year community colleges, to see that they do not become strictly academic-flavored junior colleges, with little or no attention paid to vocational-technical courses and students.

Whereas the number of community college students taking academic courses climbed nearly 27 per cent to 14,991 students, the total community college enrollments gained only 15 per cent this fall.

The history of community colleges and

junior colleges in other states indicates they are inclined to develop into academic institutions, with vocational instruction having only the country cousin role.

Legislators have made it clear that they do not intend this to happen in Oregon.

Total enrollment in the nine public colleges and universities has reached about 54,000, up 5.4 percent over last fall.

The figures indicate that 1969 legislative action to curb the number of graduate students has produced the desired effect.

The System of Higher Education now has about 8,240 graduate students, up about 2.7 per cent over the 8,023 of last year.

More than 9,000 had been anticipated before legislative restrictions went into effect.

There are about 6,468 out-of-state students in the public four-year colleges this fall, up about 12.5 per cent over the 5,755 of last year.

Even though the out-of-state number is up considerably, the legislative intent of not having more than 900 new out-of-state freshmen at the University of Oregon and Oregon State University has been accomplished.

FACILITIES SOUGHT

In other business, the board:

1. Voted 5–1 for installation of nine covered tennis courts and nine covered handball courts at the University of Oregon. Cost will be about $630,000. The project will have to be approved by the State Emergency Board.

Board member Elizabeth Johnson objected on grounds she believes the cost is too high, that dormitory students will have to pay too big a share of the cost, and because she does not believe tennis and handball courts come within the "emergency" category.

Board member and ex-Gov. Robert Holmes contended the courts are badly needed for general student use, and that the university is woefully short of such recreational facilities when compared with need and the number of such courts at other large universities.

2. Approved basic plans for a $4.8 million agriculture and Division of Continuing Education building at Oregon State University. The proposed project will be brought before the 1971 Legislature.

COST $16 MILLION

3. Completed specifications for the sale of $16 million in bonds, to finance part of the higher education building program during the next two years.

4. Approved expansion of the Eastern Oregon College boundary by 15.7 acres, bringing the total camps to 120 acres. The expansion will be north of Gekeler Lane, to accommodate long-range building plans at the La Grande campus.

5. Reported that three low-cost housing units are now in operation at Portland State University, and five others will be by January, 1970.

Student corporations, with some support from the System of Higher Education, have taken over old apartment buildings in the campus area until they have to be razed within two years to make way for new campus buildings.

About 739 students will be accommodated by the apartment rooms, with rents ranging as low as $25 per month.

Mr. HATFIELD. Included as well for the RECORD is an Associated Press story by Matt Kramer listing another blow to the small private colleges, failure to qualify for State funds, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRIVATE COLLEGES FAIL TO QUALIFY FOR FUNDS

(By Matt Kramer)

SALEM.—The state set aside $1.3 million to help private colleges in 1969–70, but now it is finding the schools cannot qualify for even 50 per cent of that.

This is a blow to the private schools, which are hard-pressed for cash.

The Legislature budgeted $648,000 for this year—the money to go at $100 a head for Oregon residents who are full-time students in the private colleges.

With registration almost complete, the schools have found only 3,188 students who can qualify. That means the schools will get only $318,000 or less than half of the money available.

Jeffrey Lee, executive director of the State Scholarship Commission, says the reason is in the tight language the Legislature wrote on residency.

The colleges estimated 6,484 of their students this year would be Oregon residents. That was based on the students' own declaration of where they resided.

But the Legislature said they also must be graduates of Oregon high schools. This ruled out many students who have come to Oregon since high school and consider themselves residents.

The scholarship commission has sent partial payments to the schools and expects to write a final check about Nov. 1.

The list:

George Fox College, 170 students.
Lewis and Clark, 636 students.
Linfield, 415.
Mt. Angel College, 142.
Marylhurst, 197.
Museum Art School, 55.
Pacific University, 303.
Reed, 137.
Portland University, 536.
Willamette, 523.
Warner Pacific, 64.

Mr. HATFIELD. Let me read a partial quote from Associate Dean of Admissions Kenneth B. Mayer, Pacific University, Forest Grove, Oreg.:

> There is no question that expectations had begun to rise. In low-income areas there is widespread distrust of the news media and government agencies. But, as students who left these areas to go to colleges and universities under federal and state programs, returned, the truth began to be believed, i.e., higher education was available to all who prepared for it. Hope was beginning to filter through many communities, albeit slowly.

Because of cutbacks, Mr. Mayer writes:

> Pacific University had to revise its admissions policies. Plans for recruiting more low-income and minority students had to be abandoned. Pacific had the highest percentage of black students in the Northwest, and we had felt we could do even better. We had planned to recruit more Mexican-American and Indian students and to begin giving the forgotten man, the low-income white, a better chance at higher education.
>
> Instead, we had to discard these plans and return to concentrating on recruiting in middle income and upper-class secondary schools where students would not require financial aid.
>
> Many low-income students with good potential who did apply had to be rejected for admission because neither personal nor public funds were available. We advise these students to try for Guaranteed Student Loans but they were refused by the banks in almost every case.
>
> The tragedy here as far as Pacific University is concerned, lies in the fact that this year we have rooms available in our dorms, space available in our classes, and hours of staff-time available that could have been put to use by students who had a dream but who were forced to resort to the bitter alternatives to education that exist for the poor.
>
> The tragedy as far as the low-income communities throughout the United States are concerned is that a few dramatis personae on the college campuses may be permitted to squelch the aspirations of hunderds of thousands of people for themselves and for their children. The promises which have been so hard to convince them to believe are in danger of being withdrawn as are so many other promises.
>
> The poor need hope—hope that their aspirations will become reality. Pacific University would like to resume its program and be permitted to play a strong role in raising the educational level and thus the prosperity and well-being of our Nation.

President Miller F. Ritchie, Pacific University, sent me the following wire, from which I quote:

> A significantly smaller sum is expected to serve a significantly larger student body. We enter this year anticipating an operating loss of $140,000 almost entirely attributable to under-realized enrollment. In turn, almost entirely attributable to 70 students who did not come because we could not offer them aid at anticipated levels. No less than 25% of our students on aid are funded at less than the level recommended by the college scholarship service.
>
> Unless the Federal Government makes some large scale commitment to increase aid to students, we are going to have very serious problems.

President E. P. Weber, Concordia College, Portland, Oreg.:

> Twenty-five to thirty additional students presently enrolled at Concordia College could benefit from Federal student aid programs if funds were available. Since they are not available, Concordia College must supply these funds through its own resources, and thereby complicate an already difficult financial picture.
>
> Because financial aid funds are limited it is impossible to recruit larger numbers of disadvantaged students who could profit from the educational program at Concordia College.

Mr. President, in a moment I shall ask unanimous consent to have printed in the RECORD wires and letters which I have received from private colleges as well as public colleges and universities in Oregon. But first I wish to read quotations from a few of them.

President David C. LeShana, George Fox College, Newberg, Oreg.:

> Under encouragement of intent of Higher Education Act of 1965, and similar Act, George Fox has greatly improved its program through the few resources provided. When they are reduced or not increased to meet growing needs, we must either cut back or absorb these costs . . . we will exceed budget by about $20,000 on student aid . . .

President Gordon C. Bjork, Linfield College, McMinnville, Oreg.:

> In 1969–70 over 500 applications for NDSL, EOG and WORK–STUDY (National Defense Student Loans, Equal Opportunity Grants) funds were received from students who had substantial need. Only 275 grants could be awarded. The shortage of EOG funds made it necessary for Linfield to use its own funds to meet prior commitments to students originally funded under the EOG program.
>
> Students are desperately short of money. The cutback in federal aid coupled with the difficulty in securing guaranteed student loans because of tight money . . . has forced a sizeable number of students to drop out of school.

Mr. President, Oregon is a small State. There are about two million residents, and over one-quarter of our population is enrolled in some form of education, from preschool to college and graduate school. In 1968 Oregon received about $50 million for all its educational needs. The bulk of the money went to our universities, about $30 million, for research and other programs.

I ask unanimous consent to have printed in the RECORD at this point wires and letters from public and private colleges and universities in Oregon.

There being no objection, the wires and letters were ordered to be printed in the RECORD, as follows:

LINFIELD COLLEGE,
McMinnville, Oreg., October 31, 1969.
Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: In response to your telegram of Thursday, October 30, the following are figures for funds received for 1968, estimated for 1969, and proposed for 1970:

1968 Federal allocations

NDSL	$99,461
EOG	62,400
Work-study	47,358

1969 Federal allocations

NDSL	$87,699
EOG	48,846
Work-study	30,485

1970 requested allocations

NDSL	$189,000
EOG	86,145
Work-study	62,402

Sincerely,

GORDON C. BJORK,
President.

OREGON COLLEGE OF EDUCATION,
Monmouth, Oreg., October 31, 1969.
Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: In response to your telegram, information on Federal money for construction and for personnel development and libraries is as follows:

PERSONNEL DEVELOPMENT AND LIBRARIES

Grants awarded	Construction	Personnel development and libraries
1968	[1]$571,667	$45,476
1969	0	10,080
1970 (estimated)	25,571	10,000

[1] Science building.

STUDENT FINANCIAL AIDS

Amount received	College work study	NDSL	EOG initial awards	EOG renewal awards
1968-69	$153,620	$217,792	$80,880	$72,550
1969-70	158,521	152,256	60,299	108,974
1970-71 (requested)	352,773	257,690	105,028	117,432

Financial aid was denied approximately 250 OCE students for lack of funds so far in the 1969–70 year. Funds were not in adequate amounts for those receiving awards. The number of students applying for federal financial aid has increased in excess of 125% during the past five years.

Thanks for your efforts.

Sincerely,

LEONARD W. RICE,
President.

CONCORDIA COLLEGE AND
HIGH SCHOOL,
Portland Oreg., October 30, 1969.
Hon. MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: Thought it would be better to send this airmail special delivery so that you would have all the figures available. Kindest regards.

Cordially,

E. P. WEBER,
President.

Year	Library			Construction			Education opportunity grant			College work-study			NDEA loan		
	Requested	Granted	Deficit	Requested	Granted	Deficit	Requested	Granted	Deficit	Requested	Granted	Deficit	Requested	Granted	Deficit
1968	$5,968	$5,277	$691				$10,625	$5,515	$5,110	$11,616	$5,854	$5,762	$4,950	$3,610	$1,340
1969	5,107	5,050	57				10,800	6,061	4,739	10,505	6,734	3,771	3,885	3,200	685
1970	6,000	5,800	200	$138,700		$138,700	9,800	5,500	4,300	12,765	6,000	6,765	6,000	4,000	2,000
Total			948			138,700			14,139			16,298			4,025

Because financial aid funds are limited it is impossible to recruit larger numbers of disadvantaged students who could profit from the educational program at Concordia College.

Twenty-five to thirty additional students presently enrolled at Concordia College could benefit from federal student aid programs if funds were available. Since they are not available, Concordia College must supply these funds through its own resources, and thereby complicate an already difficult fiscal picture.

REED COLLEGE,
Portland, Oreg., November 3, 1969.
Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: In answer to your telegram, no money was received for construction by Reed College from the government in 1968, 1969, nor is it expected for the year 1970.

Student aid includes federal work study: 1967–68, $72,843, 1968–69, $75,013, July to December 1969, $35,869; educational opportunities grants: 1967–68 $45,850, 1968–69, $60,350, 1969–70, $58,088; institutional assistance for Master of Arts in Teaching: 1967–68 and 1968–69, $10,300 each year; Prospective Teachers Program Inner City Fellowship: 1967–68, $67,600, 1968–69, $50,600, 1969–70, $34,210; Libraries: 1967–68 $5,000, 1968–69 $6,469, 1969–70, $5,444.

The number of students affected by cutbacks is 325, including 305 student loans and 20 EO grants.

A four million dollar building program, greatly needed on campus, will not be undertaken for lack of federal and other support.

Thank you for your help and interest.

Sincerely,

VICTOR G. ROSENBLUM,
President.

P.S. Please let me know if there's any other information that would be of help in your work on this matter.

LA GRANDE, ORE.,
November 6, 1969.
Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.:

Federal funds for Eastern Oregon college total student financial aid:

Received fiscal year 1968	$178,228.99
Received fiscal year 1969	178,055.00
Expected fiscal year 1970	150,438.00
Applied for 1970	250,055.00
Students affected	191
Construction received fiscal year 1968	78,461.00
Construction received 1969	None
Expected fiscal year 1970	52,900.00
Eligible projects not yet funded	343,286.00

Others:

Library fiscal year 1968	7,710.00
Library fiscal year 1969	7,800.00
NDEA Institutes 1968–69	47,634.00
NDEA Institutes 1969–70	None
Migrant program 1968–69	87,552.00
Migrant program 1969–70	119,451.00
NSF Institutes 1968–69 Boleb	42,686.00
NSF Institutes 1969–70 Bolen	14,327.00
NSF Institutes 1969–70 Hermans	8,416.00

LEWIS AND CLARK COLLEGE,
Portland, Oreg., November 5, 1969.
Senator MARK O. HATFIELD,
New Senate Office Building,
Washington, D.C.:

Total HEW funds received 1968 was $1,059,968 estimate for 1969 is $1,504,184 projection for 1970 is $458,000 or a reduction of 70 percent students receiving aid reduced by 76 this year. Freshman on EOG reduced from 45 to 9 cutback in construction funds may halt law school building before completion Building and equipping of science center delayed indefinitely because Federal assistance not available.

JOHN D. PHILLIPS,
Vice President for Administration.

LINFIELD COLLEGE,
McMinnville, Oreg., November 4, 1969.
Honorable MARK O. HATFIELD,
U.S. Senate, Washington, D.C.:

Additional student aid information 32,000 NDSL loans quoted in excess of allocation enabling fifty students to attend college.

LLOYD R. SWENSON,
Director Financial Aid.

MT. ANGEL COLLEGE,
Mt. Angel, Oreg., November 4, 1969.
Hon. MARK O. HATFIELD,
U.S. Senate Building,
Washington, D.C.:

Student aid in fiscal year 1969, $84,800; in 1970, $100,300; in 1971, $110,300. Estimated increase in number of students aided over 3 year period, 195 to 228. No grant for developing institutions 1968 to 69. Present grant $59,900, this year must be maintained.

Library grant of approximately $6,000 also of indispensable assistance to academic programs.

Dr. THOMAS SULLIVAN,
Chairman, Administrative Team.

ASHLAND, OREG.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, D.C.:

Received and estimated Federal receipts follow:

	1968	1969	1970
Construction		$558,333	
Student aid	$420,170	636,350	$750,000
Personnel development			
Libraries		11,287	50,000

Cutbacks could affect 1,500 to 2,000 students. Substantial dropout of students would occur without Federal support. This help urgently needed.

JAMES K. SOURS,
President.

FOREST GROVE, OREG.,
November 1, 1969.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.:

Pacific University in 1968 received construction grants totaling $647,000. There were none in 1969 and none are anticipated for 1970. In 1968 Pacific University received a 1.2 million dollar 3 percent loan. In 1969 a $250,000 3 percent loan. None is expected for 1970.

Except for anticipated construction cutbacks we would have expected to qualify for grants and loans sufficient for a one million dollar project in 1968. Various forms of student aid at Pacific University totaled $302,500. In 1969 the total was up to $350,000 and in 1970 $333,000 is presently expected. The increase for 1969 was commensurate with enrollment and for 1970 a significantly smaller sum is expected to serve a significantly larger student body. We enter this year anticipating an operating loss of $140,000 almost entirely attributable to underrealized enrollment. In turn, almost entirely attributable to 70 students who did not come because we could not offer them aid at anticipated levels. No less than 25 percent of our students on aid are funded at less than the level recommended by the college scholarship service. Letter follows.

M. A. F. RITCHIE.

WILLAMETTE UNIVERSITY,
Salem, Oreg., Nov. 1, 1969.

Senator MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.:

Willamette received in 1968 for library $6,307; student loans $90,837; grants $67,575, work study $34,888. Estimated for 1969 for library $15,358; student loans $95,647; grants $51,515; work study $28,187. Estimated for 1970 for library $16,000; student loans $103,120; grants $50,200; work study $67,832. Willamette received no Federal monies for personnel development or construction during this period. Have faint hope to qualify for $500,000 for either 1970 or 1971 fiscal budget for proposed physical.

Education building. Please note present regulations penalize institutions which practice sound fiscal policies. Wilamette's eligibility for construction grant therefore very doubtful and have anticipated physical plant needs by raising money from private sources. Student aid cutbacks of $22,000 ('68) $47,500 ('69) and $61,200 ('70) have drastically reduced help for 260 well qualified students of whom 110 are Oregon residents. Appreciate your fighting for education. Howard Runkel shares good news that you will be speaker on January 31 to honor Herb and Eugenia.

ROGER FRITZ,
President.

Senator MARK O. HATFIELD,
Senate Office Building, Washington, D.C.:

Here is the information that you have asked for. Hope that it will be of help to you in developing new education budgets. Under encouragement of intent of higher education act of 1965 and similar act George Fox has greatly improved its program thru the few resources provided. When they are reduced or not increased to meet growing needs we must either cut back or absorb these costs. We can only absorb cut backs by deficit spending. During current 69–70 fiscal year we will exceed budget by about 20,000.00 on student aid. Due to cutback involving adjusting aide program of about 70 students with a student body of 400 this amounts to $50.00 per student. Title three commitments not covered costs additional $5000.00. George Fox moved the music department from only remaining war surplus frame buildings. Sufficient appropriation would make this grant available. Figures requested follow:

CONSTRUCTION, FISCAL YEAR 1968–69, FISCAL YEAR 1969–70

	Received	Received	Nixon
Requested	0	0	$450,000
Higher Education Act, 1965:			
Title II	$5,326	$5,400	5,400
Title III:			
Requested	75,000	75,000	80,000
Received	47,000	41,000	(1)
Title IV:			
Requested	228,098	185,206	200,669
Received	137,086	111,695	(1)

[1] Pending.

With warmest regards,

DAVID C. LE SHANA.

WARNER PACIFIC COLLEGE,
October 31, 1969.

Senator MARK O. HATFIELD,
U.S. Senate, Washington, D.C.:

Reference your wire regarding new education budget for Oregon programs following Warner Pacific College participation in Federal aid. Received 1968 construction $112,900. Student aid $79,597. Development $47,900. Libraries $5,492. 1969 estimate student aid $84,891. Development $41,000. Libraries $5,000. 1970 student aid $158,156. Development $60,000. Libraries $5,000. 100 students lost from F.I.S.L. failures arrears $150,000. From cutbacks student aid and development 1969. Immediate need construction student union, classroom and dormitory we heartily encourage you in this pursuit. If we can assist further please advise. Best regards.

E. JOE GILLIAM, *President.*

MUSEUM ART SCHOOL,
Portland, Oreg., Nov. 3, 1969.

Hon. MARK O. HATFIELD,
Senate Office Building,
Wasihngton, D.C.:

Construction grant awarded 1968 under title I for $542,352. To date $177,186 has been drawn from this grant. Received 1968 for C.W.S. $5419. Received 1968 for E.O.G. $6640. Awarded for 1969–70 $9022. Awarded for 1969–70 E.O.G. $7345. Awarded for 1969 library grant of $1046. Requested for 1970–71 C.W.S., $13,616. Requested for 1970–71 E.O.G. $10,800. Request for 1970 library grant $1500. Thank you for assistance in our behalf.

WILLIAM H. GIVLER.

UNIVERSITY OF PORTLAND

1. Effects of student aid cutbacks: (1970)

(a) 173 students who had been receiving some kind of aid through Federal loans, EOC, or work-study—could not be assisted in this current year. The university used its reserve funds to help 82 of these students; the others were unable to continue in school.

(b) An estimated 225 additional students applied for help and did not attend the university when we were unable to assist them.

(c) We have a serious problem with the nursing scholarships and loans; since we had been led to believe that there would be a 20% increase for 1970 in this program, we committed $23,800 in scholarships and $53,600 in loans. The actual amount we have received is $15,529 for loans, and $8,579 in scholarships. We were told that the scholarship figure was approximately one-half of what we would receive, but that the loan figure was the total for the year. Hence we are faced with a deficit of $44,713 to make up from some other sources.

2. Effects of cutbacks in construction grants:

In April 1969, a fire destroyed three buildings, housing our music department, drama department, theater, Air Force ROTC offices, student government and publications offices.

We need to replace these immediately and have begun architectural drawings. The insurance will provide about one-fourth of the estimated cost of replacing these academic facilities.

Our library must be expanded by 1971 as it is just about at capacity.

We need in 1969–70:

Title I assistance: Music, theater, fine arts building	$650,000
Title III loan: Music, theater, fine arts building	850,000

During 1970–71, we estimate a need for:

Title 1: Student offices, study areas	$300,000
Library addition	300,000
Title III: Loan student center	800,000
Library addition	500,000

UNIVERSITY OF PORTLAND

Construction projects	1967–68 Received	1968–69 Received	1969–70 Needed-deferred	1970–71 Needed
Title I		$579,571	$650,000	$600,000
Title II		152,600		
Title III		970,000	850,000	1,300,000
Total		1,702,171	1,500,000	1,900,000

UNIVERSITY OF PORTLAND

Federal student aid programs	1967–68 Received	1968–69 Received	Requested	1969–70 Authorized	No. of students effected	1970–71 Authorized needs
NDSL	$77,653	$90,177	$140,000	$80,848	60	$150,000
EOG:						
Initial awards	16,950	22,150	37,100	22,977	15	40,000
Renewals	19,600	24,500	49,750	33,362	17	55,000
CWS	26,736	22,960	40,650	24,198	40	60,000
Nursing:						
Scholarships	10,350	20,400	31,000	17,158	11	40,000
Loans	20,000	44,000	89,250	15,529	30	120,000
Total	171,289	224,187	387,750	194,072	173	465,000

PORTLAND STATE UNIVERSITY,
November 1, 1969.
Senator MARK HATFIELD,
U.S. Senate, Washington, D.C.:

CONSTRUCTION

1968–69 asked for and got $1,230,259. Formula would have provided $400,000 more—precluded for lack of Federal funds. Asked for $362,967—lack of Federal funds precluded. Asked for $904,000 title 11 graduate facilities—lack of Federal funds precluded—petition on our behalf continued.

1969–70 asked for nothing—no projects.

1970–71 asked for nothing—no legislative approval of our projects.

Grant programs	Personnel development	Library	Equipment
1968-69	$1,158,672	$32,496	$20,000
1969-70 [1]	1,448,340	87,000	45,000
1970-71 [2]	1,810,425	115,000	45,000

[1] Awarded and pending.
[2] Projections

Student financial aid	NDSL	EOG	GWSP
1968-69	$149,924	$111,330	$8,808,636
1969-70	141,117	135,741	[1] 536,160
1970-71 [2]	269,600	250,200	1,195,200

[1] Plus estimated $236,041.
[2] Applied for.

Note: 1969–70 received only 49 percent of request for NDSL and EOG and 39 percent of GWSP funds. For 1969–70 unable to fund 200 EOG requests and 350 NDSL's; so far 86 percent of initial EOG's given to students from disadvantaged grounds and and in special programs.

The CWSP allocation for January–June 1969, was cut back so much that we knew the 1,500 students on the program could not continue to work through that period without causing a deficit. We hoped our summer allocation would cover this. When we learned that the summer allocation had been cut we were forced to reduce work hours of the 1,500 students from 15 to 10 hours per week during spring quarter. Approximately 700 of these students continued to work from the end of spring term until June 30 at 10 hours per week instead of the usual 40. We were not able to accept any new applications during this time. We cut back our summer program to include only the most needed students. Our immediate concern is whether the students employed now will be able to continue the "second half" January through June. The impossibility of planning a student's aid package from fall quarter into the second half has always been a serious problem because of the two-part CWSP funding pattern. The inability of assist students who qualify both as to need and academically is a contributing factor to unrest in the campus. Federal funding, at a level which will allow continued assistance to these 1,500 qualified students and others whose applications have been deferred is of the utmost importance.

GEORGE B. WOLFE,
President.

OREGON STATE UNIVERSITY,
November 1, 1969.
Senator MARK HATFIELD,
Senate Office Building, Washington, D.C.:

HEW budget amounts received and expected in categories you named are as follows: 1968 student aid, $772,000; fellowships, $371,800. Libraries, $41,000. 1969 Student aid $791,000. Fellowships $462,000. Libraries $43,000; 1970 student aid, $643,000; fellowships $401,000. Libraries zero.

240 students qualified for grants of $150,000 who were not funded; 320 students qualified for loans of $280,000 who were not funded. Cutback of construction funds eliminated badly needed agricultural sciences building.

R. A. YOUNG,
Acting President.

Mr. HATFIELD. The quotations which follow are from communications received from presidents of some of our public colleges and universities.

From President R. A. Young, Oregon State University, Corvallis, Oreg.:

240 students qualified for grants of $150,000 which were not funded; 320 students qualified for loans of $280,000 which were not funded. Cutbacks of construction funds eliminated badly needed agricultural sciences building.

President George B. Wolfe, Portland State University, Portland, Oreg.:

Received only 49% of request for NDSL (National Defense Student Loans) and EOG (Equal Opportunity Grants) and 39% of College Work-Study funds. 1969–70 unable to fund 200 EOG and 350 NDSL's so far 86% of initial EOG's given to students from disadvantaged backgrounds and in special programs . . . The impossibility of planning a student's aid package from Fall quarter into the second half has always been a serious problem because of the two-part work-study funding pattern.

The inability of assisting students who qualify both as to need and academically is a contributing factor to unrest in the campus. Federal funding at a level which will allow continued assistance to these 1500 qualified students and others whose applications have been deferred is of the utmost importance.

Mr. President, I quote at length from the letter of President Paul E. Waldschmidt, University of Portland:

Enclosed is a more detailed listing of the problems we face. The cutback in student aid programs hurt us badly since we were counting on the EOG, NDSL and CWS funds to assist us in our efforts to enroll students from low income and minority groups.

We began this program last year, and could not in conscience cut off these students whom we had motivated and who were doing such a great job in college.

We dipped into our very slim reserve to help them, but we certainly cannot keep on doing this. We over-committed $44,713 to our nursing students. The amount these students could borrow was raised to $1,500 and we had been led to believe that the amount of the funds would be increased to enable us to continue with at least the same number of students on the programs as last year.

As I wrote you earlier, Congress has to recognize that some lead time is required if student aid programs are to be phased out or curtailed. There should be some way to indicate a two-year level of funding for the EOG, NDSL, and CWS and Nursing Scholarship-loan programs at least since these programs directly and immediately affect the lives of thousands of students.

The colleges are placed in an impossible situation and so are the students. Even if we could be given at least a basic funding level for a two or three year period; this would be helpful. Congress could then decide the preceding year whether or not to increase this funding level. The colleges could counsel students properly and not accept students who will need help for a four-year period, but direct them to some other institution which may have sufficient funds available to provide the help the students will need.

I ask unanimous consent to have printed in the RECORD the complete text of Father Waldschmidt's letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF PORTLAND,
Portland, Oreg., October 31, 1969.
Senator MARK O. HATFIELD,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: Thank you very much for your dedicated efforts in behalf of education. I hope that the information I wired you will be of some help.

Enclosed is a more detailed listing of the problems we face. The cut-back in student aid programs hurt us badly since we were counting on the EOG, NDSL and CWS funds to assist us in our efforts to enroll students from low income and minority groups. We began this program last year, and could not in conscience cut off these students whom we had motivated and who were doing such a great job in college. We dipped into our very slim reserves to help them, but we certainly cannot keep on doing this. We over-committed $44,713.00 to our nursing students. The amount these students could borrow was raised to $1,500.00 and we had been led to believe that the amount of the funds would be increased to enable us to continue with at least the same number of students on the programs as last year. As I wrote you earlier, Congress has to recognize that some lead time is required if student aid programs are to be phased out or curtailed. There should be some way to indicate a two-year level of funding for the EOG, NDSL, CWS and Nursing Scholarship-loan programs at least—since these programs directly and immediately effect the lives of thousands of students. The Colleges are placed in an impossible situation and so are the students. Even if we could be given at least a basic funding level for a two or three year period; this would be helpful. Congress could then decide the preceding year whether or not to increase this funding level. The Colleges could counsel students properly and not accept students who will need help for a four-year period, but direct them to some other institution which may have sufficient funds available to provide the help the students will need.

If I can be of any further help, please do not hesitate to call on me. Again, my prayerful good wishes for the continued success of your efforts.

Cordially,
Rev. PAUL E. WALDSCHMIDT, C.S.C.,
President.

Mr. HATFIELD. President Leonard W. Rice, Oregon College of Education, Monmouth, Oreg.:

Financial aid was denied approximately 250 OCE students for lack of funds so far in the 1969–70 year. Funds were not in adequate amounts for those receiving awards. The number of students applying for federal financial aid has increased in excess of one hundred twenty five percent the past five years.

From President James K. Sours, Southern Oregon College, Ashland, Oreg.:

Cutbacks could affect 1500 to 2000 students. Substantial dropout of students would occur without federal support. This help urgently needed.

Mr. President, all these messages I have received have an urgency about this which I wish could be felt as strongly downtown as I feel as I read them.

The following is an excerpt from a letter received from Mr. W. N. McLaughlin, business manager, of the University of Oregon, Eugene, Oreg.:

For the State system as a whole, the impact of the cutback in Federal capital construction support for the 1969–71 biennium is dramatic. In 1967–69, the total State authorization for capital construction was $55,742,000. In 1969–71, the authorization has dropped to $37,945,000, a nearly $18,000,000 (−33%) decrease in support. This decrease is principally the direct result of the continuing cutback in Federal grant funds which would normally be received by the State.

I ask unanimous consent to have printed in the RECORD at this point the entire letter, dated October 31, 1969, from Mr. W. N. McLaughlin, business manager, University of Oregon.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF OREGON,
Eugene, Oreg., October 31, 1969.

Re Telegram addressed to President Robert D. Clark, dated October 29, 1969.

Hon. MARK O. HATFIELD,
The U.S. Senate, Old Senate Office Building, Washington, D.C.

DEAR SENATOR HATFIELD: The following information is furnished in order that you may have additional information regarding HEW appropriations bill coming up on the Senate floor next week:

1. *Construction.*—The following monies were received for construction: 1967–68—PHS Clinical Services Building—$968,928; 1968–69—Title I, Women's P. E. Building—$414,317, Title II, Law School—$766,316, NIH Neuro Biology Lab—$50,000; 1969–70—Title I Science III—$299,222, NIH Science III—$1,222,000; 1969–70—Requested funds—Title II College of Education—$988,549; in process pending State approval NIH Behavioral Science—$1,237,278.

2. *Student aid.*—Monies received for NDEA Loans: 1967–68—$510,500, aiding 1429 students; 1968–69—$500,300, aiding 1148 students; 1969–70—$341,700, aiding 783 students—this figure was estimated taking into consideration inflation and Federal monies available.

Monies received for NDEA Fellowships: 1967–68—$1,400,500 aiding 191 students; 1968–69—$1,279,000, aiding 219 students; 1969–70 $848,100, aiding 157 students.

EOG monies received: 1967–68—$275,550; 1968–69—$320,210, aiding 536 students; 1969–70—$320,759, aiding 500 students.

CWSP monies received: 1967–68—$102,735; 1968–69—$576,857, aiding 2,266 students; 1969–70—$406,581, aiding 1528 students. A combined figure of 1176 students aided by EOG and CWSP funds for 1967–68.

3. *Personnel Development.*—

Monies received for Training of Professional Personnel in the Training of Handicapped Children, Experienced Teacher Fellowship Programs and Prospective Teacher Fellowship Program grants and Career Development Awards—1967–68—$857,821; 1968–69—$985,242; 1969–70—$1,034,075.

Monies received for SRS grants—1967–68—$466,027; 1968–69—$570,280; 1969–70—$724,155.

4. *Library.*—

Monies received for grants: 1967–68—$71,634; 1968–69—$112,657; 1969–70—$246,206.

Monies received under College Library Resource Section of HEA of 1965, amended: 1967–68—requested $235,000 and received $24,305; 1968–69—requested $205,000 and received $41,751; 1969–70—requested $77,000 and received $40,978. Also 1969–70 the State System of Higher Education combined request—$285,000; nothing received.

The University Graduate School reports cutbacks caused by lack of HEW funds as follows: College of Education—cut 35 graduate students; Department of Sociology—9 students can be funded for only 9 months instead of 12 months; Molecular Biology—cut 5 undergraduates and 2 graduate students; Chemistry—cut 17 graduate students and 7 postdoctorals; Psychology—training grants cut 40 percent, and 35 students will not receive adequate equipment and supplies; Biology— cut 16 graduate students and 2 postdoctorals.

The Graduate School also reports that the University has received no new NIH grants or competitive renewals, even when approved scientifically by NIH, since July 1.

In the 1967–69 biennium the State Legislature authorized $10,681,351 for capital construction projects at the University of Oregon. Of this total the University received $3,812,841 in Federal Funds for partial support of these projects. The balance of $6,868,510 was from both State general funds and State bond revenues. The construction of the eight University projects in this biennial program could not have been undertaken without this Federal support.

For the 1969–71 biennium the Legislature authorized $8,466,800 for capital construction projects at the University, considerably less than in 1967–69. Of this total it was not anticipated that any Federal funds would be available in view of the cutbacks that had been experienced and those anticipated. The Governor had stated in his budget message that if Federal matching funds became available they would be used to enable the State to go further down the priority list. This would have been especially important in funding of the Marine Science Center at Charleston which was not reached by the Legislature in the capital projects priority list. Currently the University has two Federal grant proposals pending in a total amount of $2,203,827. These would add significantly to the University building program in needed areas. We believe that because of the bleak Federal funding prospect for 1970-71, there is little chance of success for support of these proposals.

For the State System as a whole, the impact of the cutback in Federal capital construction support for the 1969–71 biennium is dramatic. In 1967–69, the total State authorization for capital construction was $55,742,000. In 1969–71, the authorization had dropped to $37,945,000, a nearly $18,000,000 (−33%) decrease in support. This decrease is principally the direct result of the continuing cutback in Federal grant funds which would normally be received by the State.

Sincerely,

W. N. MCLAUGHLIN,
Business Manager.

Mr. HATFIELD. In closing my comments today, I should like to add a few words by way of reiteration.

I think we must realize that we are not dealing with the problems of education for the sake of the educators, or even just for the exclusive benefit of the students who are the recipients from such educational programs. I think we must realize, as was eloquently stated in one of the letters to which I have referred, that our entire outlook and social patterns of this country, and the problems we face in connection with these patterns and life styles, will be corrected only as we find adequacy of funding for educational programs.

I am not one who believes in education for education's sake, necessarily. I think there are too many who think we, in providing educational funds, are benefiting only those direct recipients, the students and teachers.

I believe the welfare of our entire Nation is dependent upon an educational program the adequacy of which meets the needs of the people of all our communities; and that is why I urge Senators to support the resolution to add the $1 billion which can be effectively, economically, and efficiently expended in behalf of our educational needs.

Mr. ALLOTT. Mr. President, I compliment my distinguished colleague, the senior Senator from Oregon, for calling attention to some of the factors which have made it so difficult for our educational institutions, and particularly one thing that seems to have been constantly overlooked: the need for advance information and advance planning, which has been very much absent from many of our educational assistance programs.

It would make it much easier for everyone concerned if we could do this and take this into consideration as we go into these programs, from here on out.

The Senator has made a very fine contribution this afternoon.

Mr. HATFIELD. Mr. President, I should like, in expressing my appreciation for the comments of the Senator from Colorado, to draw an analogy to an area in which the Senator is expert, and has served with great distinction in this body. He is the ranking minority member of the Senate Committee on Interior and Insular Affairs. The analogy is that when we are dealing with natural resources, we very obviously recognize the need for planning, much planning, and long-term planning. We do not undertake to support, or even introduce the idea for a project into Congress, without adequate planning and program, in order to be able to defend and justify the project. We use such terms as "cost-benefit ratio," which are but part of the measurement of the planning that goes into all these projects.

I think the Senator from Colorado certainly focuses upon one of the most important problems of education today, and that is the inability of education to look ahead and to make the same kind of planning and programing in dealing with human resources that we do with respect to natural resources.

We are very cautious in reference to the need for natural resources. I hope that we can sense the same need and support the program in the area of human resources.

I appreciate the comments made by the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator. I believe what he says is true. Too often Congress formulates a program and acts upon it while it somewhat blithely ignores the fact that our educational institutions do begin in the fall, except for their summer sessions, and terminate in June. That fact seems to be ignored.

Ignored also is the fact that during the 3, 4, or 5 months prior to the time the institutions begin their school year, the colleges have to begin accepting applications and making plans for the coming year.

It is quite analogous to the situation involved in natural resources.

The remarks of the Senator have been very contributive to the information available on the matter.

Mr. HATFIELD. Mr. President, I thank the Senator.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

ORDER FOR RECOGNITION OF SENATOR ALLOTT

Mr. ALLOTT. Mr. President, after conferring with the majority leader, I ask unanimous consent that the previous order for the adjournment of the Senate to 11 o'clock tomorrow morning be vacated, that when the Senate completes its business, it adjourn until 10 o'clock tomorrow morning, and that immediately after the prayer and the disposition of the Journal the senior Senator from Colorado be recognized for a period of not to exceed 1½ hours.

Mr. KENNEDY. Mr. President, reserving the right to object, I understand it is certainly not the intention of the Senator from Colorado to interfere with regular committee meetings.

Mr. ALLOTT. Not in any way. I had my back turned to the Senator and did not realize he was in the Chamber. I realize that the Senator should have made the request. However, the majority leader had left the Chamber, and I was making it in his absence.

There would be no interference with committee meetings in any way. There is a unanimous-consent agreement that all committees may meet tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order, that the Senate adjourn until 10 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 53 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, November 12, 1969, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 11, 1969:

IN THE AIR FORCE

Maj. Gen. Jammie M. Philpott, 444-03-6237FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

IN THE ARMY

The nominations beginning Thomas J. Brantley, to be major, and ending Roland J. White, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 28, 1969.

IN THE MARINE CORPS

The nominations beginning Peter F. Angle, to be major, and ending Joseph J. Yetter, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 27, 1969.

EXTENSIONS OF REMARKS

FRANK C. CARLUCCI, OF PENNSYLVANIA, NAMED AS ASSISTANT DIRECTOR OF THE OFFICE OF ECONOMIC OPPORTUNITY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 11, 1969

Mr. SCHWEIKER. Mr. President, an outstanding young man from Pennsylvania has been appointed assistant director for operations, a key post in the Office of Economic Opportunity. He is Frank C. Carlucci III, who, at 38, is coming to OEO after a distinguished career in the Foreign Service.

A native of Scranton, he resides in Bear Creek, Luzerne County, near Wilkes-Barre and Scranton. Just as he made his mark in the Foreign Service in several posts in Africa, I am confident that Mr. Carlucci will be a credit to the new team at OEO being assembled by the Director, Donald Rumsfeld.

In his hometown, the Scranton Tribune recently announced Mr. Carlucci's appointment in an article by Frank Froncek describing in some detail Mr. Carlucci's exciting career in the Foreign Service. I ask unanimous consent to have printed in the RECORD the text of that article, so that Senators may learn more about this new official at OEO.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Scranton (Pa.) Tribune, Sept. 24, 1969]

DISTINGUISHED, BUT VIOLENT DIPLOMATIC CAREER: SCRANTON NATIVE GETS OEO POST

(By Frank Froncek)

A Scranton native who has led a turbulent and at times a violent life in the foreign diplomatic service will be appointed assistant director of operations in the Office of Economic Opportunity, Washington.

The intention of President Nixon to appoint Frank Charles Carlucci III to the post was announced jointly Tuesday by Pennsylvania Senators Hugh Scott and Richard Schweiker in Washington. It was not disclosed, however, when the appointment would take effect.

As the director of operations, Carlucci's function will be to create and maintain a liaison between the Washington headquarters of the OEO and the bureau's regional offices. Simply expressed, Carlucci will control the reins of the office and see to it that people who are supposed to benefit from the OEO's programs do so through effective management.

At 38, Carlucci comes to the job with a wealth of experience in the diplomatic corps, which he entered after graduating from Princeton University with a bachelor of arts degree, a year of study in the Harvard School of Business, service in the Navy and a brief career in private business.

For his exploits, Carlucci had earned nationwide recognition and a fitting tribute in the New York Times at the time of his appointment as charge d'affaires in Zanzibar.

Carlucci first came into the national spotlight in 1960 when he was stabbed in the left shoulder by a mob of screaming Congolese while attached to the U.S. Embassy in Leopoldville. The incident was touched off when the car in which Carlucci was riding along with three other Americans, including an embassy second secretary and a chief warrant officer, accidentally struck and killed a cyclist. The mob of about 80 Congolese rushed the car, burned it, dumped it in a ditch and looted the trunk of luggage.

Taking danger in stride, Carlucci was ready to move on to his next assignment in Zanzibar. On that occasion the New York Times said of him:

"If Frank Charles Carlucci III, the new United States charge d'affaires in Zanzibar, finds things a bit difficult in his new post, it will be no new experience. Trouble was his steady diet for two years in the Congo, and he met it in a manner to do credit to the class of 1952 at Princeton University.

"Carlucci hardly fits the popular image of a diplomat . . . but his youth and athletic energy have been assets in posts where courage and physical agility have sometimes counted as much as statesmanship."

Continuing, the article mentioned the stabbing incident.

"In this period he was stabbed and beaten by an angry Congolese mob, challenged at bayonet point by Congolese soldiers and threatened with arrest by the breakaway leftist regime of Antoine Gizenga in Stanleyville.

"On that occasion, he marched into the office of the provincial president of the Gizenga regime, Jean Foster Manzikala, to demand assurances for the safety of the 50 Americans still living in territory it controlled. His audacity so surprised the Gizenga forces that they gave the sought-for assurances and did not molest him personally." The article went on for several more paragraphs to describe more of Carlucci's daring adventures.

True to the New York Times prediction, Carlucci encountered much difficulty in Zanzibar and on Jan. 16, 1965 he was given 24 hours to leave the country on government charges of subversive activities.

The United States at the time explicitly denied the charges and privately expressed concern that the action foreshadowed a switch to active anti-American activities.

Before going to the Congo in 1962, Carlucci had been stationed in Washington for about six months after spending three years as vice consul in Johannesburg, South Africa.

Now a resident of Bear Creek, Luzerne County, Carlucci is married to the former Jean Anthony, Seattle, Wash., and is the father of two children.

In 1962 the State Department presented him with the Superior Service Award, its highest honor for foreign service.

THE 80TH BIRTHDAY ANNIVERSARY OF PRESIDENT ZALMAN SHAZAR OF ISRAEL

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, November 11, 1969

Mr. SCHWEIKER. Mr. President, the modern State of Israel has been blessed with a number of outstanding leaders whose hard work and vision have helped make possible the tremendous achievements Israel has made in such a short time.

One such leader is the current President of Israel and head of state, Mr. Zalman Shazar, who is today marking his 80th birthday. I wish to join with members of the American Jewish community who are honoring President Shazar on this occasion.

Mr. Shazar became Israel's third President in 1963. His position is largely ceremonial, since the Prime Minister is actually the chief executive of the Government. However, in Mr. Shazar's case the office of President came after an active and history-making role in the founding and development of the new state.

Mr. Shazar was born in Russia and came to Palestine in 1924. He became editor of a major newspaper in Tel Aviv and was active in the Mapai Party headed by David Ben-Gurion. He wrote the Declaration of Independence for Israel in 1948, and became the first Minister of Education in the new Government. He is well known both as a crusader for women's rights in Israel and as the father of the Israel law making education compulsory. As an avocation he has been a devoted scholar of the Bible.

I wish to extend to President Shazar of Israel my warm greetings on his 80th birthday anniversary, and I salute the many accomplishments of this man who now occupies a revered position in the State of Israel.

HOUSE OF REPRESENTATIVES—*Wednesday, November 12, 1969*

The House met at 12 o'clock noon.

Rev. Joseph M. Champlin, associate director, Bishops' Committee on the Liturgy, Washington, D.C., and Syracuse, N.Y., offered the following prayer:

O God, give these men the help they need.

Make them—

Courageous: Speaking when this entails a risk.

Patient: Bearing with those who misunderstand or unjustly accuse.

Noble: Placing the common good over personal gain.

Wise: Weighing the needs of constituents with the welfare of our Nation.

Healthy: Coping with frantic schedules and unending pressure.

Firm: Standing alone, if necessary, for what is right and true.

Open: Willing to listen, learn, and change.

Flexible: Accepting what is possible and better, instead of desirable and best.

Laugh: At themselves and with others, to ease tension, heal wounds, keep perspective.

With such gifts, Lord, they may lead us to be truly free at last; to become a country of justice, a people at peace. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, November 6, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14030. An act to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11363. An act to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 13018. An act to authorize certain construction at military installations, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12307) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. MAGNUSON, Mr. ELLENDER, Mr. RUSSELL, Mr. HOLLAND, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 13018) entitled "An act to authorize certain construction at military installations, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. JACKSON, Mr. ERVIN, Mr. CANNON, Mr. BYRD of Virginia, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 329. An act for the relief of Dr. Paolo (Paul) Genoese Zerbi;

S. 614. An act for the relief of Franz Charles Feldmeier;

S. 823. An act to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information;

S. 1442. An act to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section;

S. 1456. An act to amend section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising;

S. 1786. An act for the relief of James Harry Martin;

S. 2339. An act for the relief of Dr. Maria Luisa Gorostegui de Dourron;

S. 2353. An act for the relief of Dr. Leonardo M. Cabanilla;

S. 2354. An act for the relief of Dr. Bernard Weston March;

S. 2363. An act to confer U.S. citizenship posthumously upon L. Cpl. Andre L. Knoppert;

S. 2426. An act for the relief of Dr. Delsa Evangelina Estrada de Ferran;

S. 2481. An act for the relief of Dr. Farid M. Fuleihan; and

S.J. Res. 131. Joint resolution to welcome to the U.S. Olympic delegations authorized by the International Olympic Committee.

The message also announced that the Vice President, pursuant to Public Law 90–321, appointed Mr. TOWER to the National Commission on Consumer Finance in lieu of Mr. BROOKE, resigned.

The message also announced that the Vice President, pursuant to 67 Stat. 328 and 70 Stat. 966, appointed Mr. PACKWOOD to the Senate Office Building Commission in lieu of Mr. Dirksen, deceased.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 7, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

SIR: Pursuant to authority granted on November 6, 1969, the Clerk received from the Secretary of the Senate today the following message:

That the Senate agree to the Report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11271) entitled "An Act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes."

Respectfully yours,
W. PAT JENNINGS, *Clerk*.
By BENJAMIN J. GUTHRIE.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, November 6, 1969, he did on Friday, November 7, 1969, sign the following enrolled bill and joint resolution of the House and enrolled bill of the Senate.

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000.

S. 2546. An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

AIR TRANSPORTATION—COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–190)

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

THE WHITE HOUSE,
Washington, D.C., November 6, 1969.
Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Air transportation is a rapidly growing and vital part of the national economy. It is essential that we keep our air transportation system safe, economic and efficient. I have stressed many times my determination to take the steps necessary to maintain the safety and improve the effectiveness of the nation's air traffic control system.

The airport and airway development bill now moving through Congress will provide the revenues and the means for assuring that the facilities which support air transportation will keep pace with its growth. I strongly urge that the Congress approve this legislation promptly. As soon as it is enacted, including the new user charges, I will propose the additional appropriations for new and expanded programs for airways facilities and airports so that we can begin to meet air transportation needs of the 1970s.

Meanwhile, I am now proposing that we take a step toward meeting and anticipating the needs for additional air traffic controllers. These men and women carry much of the responsibility for facilitating the efficient and rapid flow of air traffic, and for preventing mid-air collisions of aircraft. The system requires many controllers, and it takes up to two years to train a beginner until he reaches journeyman status.

Accordingly, at the recommendation of the Secretary of Transportation, Mr. Volpe, I ask that the Congress approve the addition of 1,000 more controller positions in the current fiscal year. These are in addition to the 2,800 positions already included in the Department of Transportation's budget estimates now being considered by the Appropriations Committees. Supporting documentation for this proposal will be supplied to the Committees by the Department.

Since the continuing resolution has held the operation of the Department of Transportation so far in the fiscal year to the fiscal year 1969 level, no additional appropriations beyond the pending 1970 budget request will be required to support these additional 1,000 traffic controller positions.

I urgently request that the Congress approve this proposal.

Sincerely,

RICHARD NIXON.

FATHER JOSEPH M. CHAMPLIN

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I am delighted today that my good friend and truly a dedicated servant to God could be with us for the purpose of the opening prayer.

Mr. Speaker, Father Joseph M. Champlin was formerly assistant pastor of the Cathedral of the Immaculate Conception in my hometown, Syracuse, N.Y., and most recently with the Bishops' Committee on the Liturgy here in Washington, D.C. Certainly his invocation was thought provoking and inspiring to all men.

ATTORNEY GENERAL MITCHELL'S ACCUSATION OF POLITICAL DECEPTION BY THE JOHNSON ADMINISTRATION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, on Tuesday of last week, 100 Members—50 Democrats and 50 Republicans—introduced a bipartisan resolution expressing the support of the House of Representatives for the President of the United States in his efforts to negotiate a just peace in Vietnam.

Since that time, the House Committee on Foreign Affairs has reported this resolution with a favorable recommendation to the House, and the original 100 Members as of this hour have grown to some 225 cosponsors.

As one who has been extremely active in this matter, and as one who earnestly believes in the great importance of demonstrating bipartisan support for the President in delicate international negotiations of this kind, whoever the President may be, I was considerably upset by the account in this morning's Washington Post which paraphrased Attorney General John N. Mitchell as having said last night in Milwaukee "that political deception by the Johnson administration is the reason why so many Americans distrust the Federal Government." This article purports to quote the Attorney General as saying that there is a national "disease of cynicism" and blaming this on the Johnson administration.

I earnestly hope that the Attorney General was misquoted. I want to believe that he was. Such comments not only are thoroughly untrue and distinctly unfair, but in very bad taste and hurtful to the present occupant of the White House in his attempts to achieve a broad bipartisan showing of support for the efforts of his administration in Vietnam. I hope the Attorney General will make clear that he was incorrectly paraphrased in this morning's Washington Post.

Bipartisanship is a two-way street. In vital matters of foreign policy, I intend to travel it responsibly. Others—and particularly those in the administration—should be conscious of their obligation to do so as well.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield.

Mr. WRIGHT. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I want to compliment the gentleman from Texas on the initiative, the help, and the leadership that the gentleman has given in seeking to secure maximum bipartisan support for the resolution which the gentleman originally sponsored.

As the gentleman knows, I have been working with him, and I can report that as of a few minutes ago we have approximately 160 Members on our side of the aisle who have agreed to jointly sponsor this resolution. I applaud the efforts of the gentleman to get the Members on his side of the aisle to join with the Members on our side of the aisle in this bipartisan resolution.

I want the gentleman to know, as former President Johnson knows, that I strongly supported the President's objectives in Vietnam. I had some differences on the way we should implement or execute those objectives, but I want the gentleman to know that, speaking for myself, and I believe the President of the United States, that there has to be a bipartisan solution if we are going to be successful in Vietnam.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for his comments.

The SPEAKER. The time of the gentleman from Texas has expired.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORTS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file reports on H.R. 12785, Senate Joint Resolution 121, and Senate bill 2000.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONFERENCE REPORT ON H.R. 474, COMMISSION ON GOVERNMENT PROCUREMENT

Mr. ASPINALL submitted the following conference report and statement on the bill (H.R. 474) to establish a Commission on Government Procurement:

CONFERENCE REPORT (H. REPT. 91–613)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of goods, services and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive bidding to the maximum extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

(9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(11) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

ESTABLISHMENT OF THE COMMISSION

SEC. 2. To accomplish the policy set forth in section 1 of this Act, there is hereby established a commission to be known as the Commission on Government Procurement (in this Act referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of twelve members, consisting of (1) three members appointed by the President of the Senate, two from the Senate (who shall not be members of the same political party), and one from outside the Federal Government, (2) three members appointed by the Speaker of the House of Representatives, two from the House of Representatives (who shall not be members of the same political party), and one from outside the Federal Government, (3) five members appointed by the President of the United States, two from the executive branch of the Government and three from outside the Federal Government, and (4) the Comptroller General of the United States.

(b) The Commission shall select a Chairman and a Vice Chairman from among its members.

(c) Seven members of the Commission shall constitute a quorum.

(d) Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and the organizations by which procurement is accomplished to determine to what extent these facilitate the policy set forth in the first section of this Act.

(b) Within two years from the date of enactment of this Act, the Commission shall make a final report to the Congress of its findings and of its recommendations for changes in statutes, regulations, policies, and procedures designed to carry out the policy stated in section 1 of this Act. In the event the Congress is not in session at the end of such two-year period, the final report shall be submitted to the Clerk of the House and the Secretary of the Senate. The Commission may also make such interim reports as it deems advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) Members of the Commission who are Members of Congress or who are officers or employees of the executive branch of the Federal Government, and the Comptroller General, shall receive no compensation for their services as members of the Commission, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

SEC. 6.(a)(1) The Commission, or at its direction any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or Vice Chairman and may be served by any person designated by the Chairman or the Vice Chairman.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(b) The Commission is authorized to acquire directly from the head of any Federal department or agency information deemed useful in the discharge of its duties. All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not in excess of $100 per diem.

(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED TO AID COMMISSION

SEC. 7. Any department or agency of the Government is authorized to provide for the Commission such services as the Commission requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

TERMINATION OF THE COMMISSION

SEC. 8. One hundred and twenty days after the submission of the final report provided for in section 4 of this Act, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

And the Senate agree to the same.

CHET HOLIFIELD,
FERNAND J. ST GERMAIN,
FRANK HORTON,
Managers on the Part of the House.
HENRY M. JACKSON,
ABRAHAM A. RIBICOFF,
KARL E. MUNDT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for clerical corrections and incidental changes made necessary by reason of agreements reached by the conferees.

MEMBERSHIP OF COMMISSION

The House bill provided for a Commission of 14 members of whom four were to be appointed by the President of the Senate, two from the Senate and of different political parties, and two from outside the Federal Government; four were to be appointed by the Speaker of the House, two from the House and of different political parties, and two from outside the Federal Government; and six were to be appointed by the President, three from the executive branch and three from outside the Federal Government.

The Senate amendment provided for a Commission of nine members, of whom two were to be appointed by the President of the Senate from Members of the Senate of different parties; two were to be appointed by the Speaker of the House from Members of the House of different parties; and five were to be appointed by the President from persons who are not officers or employees of the Federal Government.

In addition, both the House bill and the Senate amendment provided that the Comptroller General of the United States or his designee would be an ex officio member of the Commission.

The conference substitute provides for a 12-member Commission consisting of the Comptroller General; three members appointed by the President of the Senate, two from the Senate and of different parties, and one from outside the Federal Government; three members appointed by the Speaker of the House, two from the House and of different parties, and one from outside the Federal Government; and five members appointed by the President, two from the executive branch and three from outside the Federal Government. In conformity with this provision of the conference substitute, the substitute also provides that a quorum of the Commission is seven members.

SUBPENA POWER

The House bill authorized the Commission to hold hearings and take testimony, but did not confer on the Commission the power to issue subpenas. The Senate amendment contained an additional provision empowering the Commission for purposes of carrying out the provisions of the bill, to require by subpena or otherwise the attendance and testimony of witnesses and the production of books, records, correspondence, memorandums, papers, and documents. Subpenas could be issued under the signature of the Chairman or Vice Chairman or any duly designated member, and could be served by any person designated by the Chairman, the Vice Chairman, or such member. In the case of contumacy or refusal to obey such a subpena by any person within the jurisdiction of a district court of the United States, such court, upon application made by the Attorney General of the United States, would have jurisdiction to issue to such person an order requiring him to appear before the Commission or a subcommittee or member thereof, to produce evidence or to give testimony touching the matter under inquiry. Failure to obey any such a court order would be punished as a contempt of the court.

The conference substitute adopts this provision of the Senate amendment with clarifying changes (1) assuring that a subpena will be issued by a member or subcommittee of the Commission only at the direction of the Commission, and (2) requiring subpenas to be signed by the Chairman or Vice Chairman of the Commission.

CHET HOLIFIELD,
FERNAND J. ST GERMAIN,
FRANK HORTON,
Managers on the Part of the House.

NOMINATION OF JUDGE HAYNSWORTH

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, last night I saw a program on WTOP-TV concerning the nomination of Judge Haynsworth. One advocate of the nomination was Clark Mollenhoff, a special assistant to President Nixon. Mr. Mollenhoff pulled no punches in his descriptions of columns and TV comments by Tom Braden and Frank Mankiewicz. Mr. Mollenhoff was a perfect example of a man who is sick and tired of tactics used by liberal columnists to discredit the character of a man just because they do not approve of his political philosophy.

These two new reporters on the Washington scene have attempted to use the techniques of reporting half-truths, taking facts out of context, and casting suspicion on Judge Haynsworth. The only factual complaint Mr. Braden and Mr. Mankiewicz have against Judge Haynsworth is the fact that he is considered a conservative and he is from the South. But since these are not valid reasons for keeping a man off the High Court these reporters have resorted to tactics that are considered unfair in most circles. I, for one, applaud Mr. Mollenhoff for calling the hand of these two reporters on live television last night.

SUPPORT FOR THE PRESIDENT IN HIS EFFORTS TOWARD PEACE IN VIETNAM

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, a few moments ago the gentleman from Texas (Mr. WRIGHT) pointed out to us the importance of the bipartisan effort now being made in this House to show support for the President of the United States as he and his assistants seek diligently to find a just peace in Vietnam. I certainly subscribe to what the gentleman said on that occasion and the remarks made by the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

If we are to provide those who are negotiating for us with maximum strength, we must let it be known that there is a great deal of unity in this country in support of the President's effort.

The Communist propagandists make much of the fact—often distorting the facts indeed—that there is a great divisiveness here upon the question of war and peace in Vietnam. To the extent that we show unity and singleness of purpose, a great deal of that propaganda will be negated, and thus facilitate the ending of the war.

OCTOBER PARITY

(Mr. ZWACH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, the Department of Agriculture has released parity figures for October 1969, showing average parity at 74 percent—the same figure as September. This figure is 2 percent higher than the January parity figure of 72 percent but 2 percent lower than the June figure of 76 percent.

In accordance with my practice, Mr. Speaker, of inserting the farm parity figures for October 1969, along with January and September figures for comparison:

PARITY, OCTOBER 1969

[In percent]

Commodity	January	September	October
Cotton	41	41	45
Wheat	47	45	46
Corn	65	67	65
Butterfat	74	75	75
Milk	83	81	81
Wool	44	43	42
Barley	65	60	61
Flax	67	60	62
Oats	69	58	60
Sorghum	64	71	68
Beef	78	83	81
Chicken	67	71	66
Eggs	83	75	75
Hogs	74	96	95
Lambs	85	88	90
Turkey	65	66	69
Soybeans	70	63	61
Average	72	74	74

NO TRENCHES FOR MONUMENT AREA

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the next 12 months will see the Nation's Capital take its greatest transportation strides with the first subway construction and implementation of its freeway plans. Encouraging progress has been made by the District of Columbia government following the City Council's September decisionmaking. Previously approved plans have been dusted off and brought up to date, and in some instances old studies are reconsidered.

However, recently suggested plans of the District Highway Department for a possible surface expressway in the vicinity of the Lincoln Memorial and the Washington Monument cause some concern. Such a route, even in a depressed trench, would be destructive of the precious environment of this national shrine area. This route has previously been studied and rejected. It should be accorded no further attention today as it would inject a discordant note in the plans to establish a balanced transportation system harmonious with our Nation's Capital and our metropolitan area.

FIRING OF ERNEST FITZGERALD

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, most of us have heard about my good friend Ernest Fitzgerald who has been fired by the Air Force for telling a congressional committee the truth about the cost of the C-5A airplane.

Some of us expected some changes when the new administration took over regarding the practice of economy. But indifference to cost is apparently so deeply ingrained in the Government bureaucracy now that it makes little difference what party is in control of the executive branch.

This case is just one more example of the Government's attitude toward economy. It seems that if Mr. Fitzgerald had been a militant, an anarchist; if he had threatened to burn the Pentagon down or start a riot, we probably would have a job for him in a hurry, or a promotion, or more likely a handout. We do it all the time. Billions are being spent right now to bribe those who threaten us. We are sowing the seeds of our own destruction, doing it with taxpayers' money, and there is no end in sight.

I am really concerned about this situation. We cannot continue indefinitely to ask our constituents to pay ever higher prices while we ignore waste and corruption. What we need is an Ernest Fitzgerald in every agency of this Government looking for waste, exposing it, and eliminating it. We promised the taxpayers we would do this last year, Mr. Speaker. We must keep that promise.

Mr. Speaker, how can we continue to hire, retain, and promote incompetents, malcontents, militants, and those who denounce our Government and openly threaten to disrupt it, and at the same time fire loyal, outstanding, honest, and sincere career public servants such as Ernest Fitzgerald. This is indeed a strange situation. I fear we may have cause to regret it.

"LIGHT OF PEACE" DEMONSTRATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, there is scheduled for this weekend a so-called march on Washington on behalf of peace. The leftwing sympathizers who are the prime movers in this march pose the danger of it becoming violent. I propose that the silent majority of the American people, those who know the Vietnam problem, who are patriotic and loyal Americans, give their answer to this rally by "lighting up for peace" on November 14.

By turning on their porchlights on the evening of this march they can show that they are behind President Nixon's efforts to establish a just and honorable peace in Vietnam, and that they are opposed to those who believe that violence in the name of peace is acceptable.

I propose that all Americans turn on their porchlights Friday from 7 to 10 p.m. in the "light for peace" demonstration of their own. The glow of millions of porchlights will be a symbol all across the land of the earnest desire for peace and of support for our President who is striving to bring peace to America and the world.

Alfred Lord Tennyson once asked:

> Ah, when shall all men's good be each man's rule, and universal peace lie like a shaft of light across the land?

While universal peace may be a long way off, we in this country can show our desire for an honorable peace in Vietnam, and back our President from the heart of America—its family homes—by lighting our porchlights Friday night.

OPERATION SPEAKOUT

(Mr. RANDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANDALL. Mr. Speaker, this past weekend, along with many other Members of the House, I received a telegram from Bob Hope asking support for a week of national unity. He requested a resolution be introduced urging the President to proclaim a week of national unity. I telegraphed my support and promised to introduce the resolution this morning.

I proposed a resolution but after a conversation with the Parliamentarian I find it must be referred to the Judiciary Committee. Now with the week half gone because we were not in session, to proceed now could be an unproductive effort.

I take this time to express the hope that the President may on his own announce a proclamation which will endorse the week of national unity.

Mr. Speaker, tomorrow night, Thursday, the 13th, a former national commander of the Veterans of Foreign Wars, the gentleman from Indiana (Mr. ROUDEBUSH) has reserved 1 hour under special orders. I have also reserved 1 hour. I make this announcement because I hope that all our colleagues who are members of the Veterans of Foreign Wars or the American Legion, as well as any who may be of like mind will be on the floor at the conclusion of business to participate in what is called Operation Speakout. We will be on the floor at about the same time of the so-called death march. At a time when the misguided swell the ranks of the moratorium crowd I hope we may be able to say something positive for the silent majority—that we are proud of our country and we plan to make it plain the majority of Americans do not agree with the negative minded minority who advocate peace at any price.

CONFERENCE REPORT ON S. 1072, APPALACHIAN REGIONAL DEVELOPMENT

Mr. JONES of Alabama submitted the following conference report and statement on the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended:

CONFERENCE REPORT (H. REPT. No. 91–614)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969

SEC. 101. This title may be cited as the "Appalachian Regional Development Act Amendments of 1969".

SEC. 102. Subsection (b) of section 105 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended to read as follows:

"(b) To carry out this section there is hereby authorized to be appropriated to the Commission to be available until expended, not to exceed $1,900,000 for the two-fiscal year period ending June 30, 1971. Not to exceed $475,000 of such authorization shall be available for the expenses of the Federal cochairman, his alternate, and his staff."

SEC. 103. (a) The second sentence of section 201(a) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows: "The provisions of sections 106(a) and 118 of title 23, United States Code, relating to the obligation, period of availability, and expenditure of Federal-aid highway funds, shall apply to the development highway system and the local access roads, and all other provisions of such title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary determines are not inconsistent with this Act shall apply, respectively, to such system and roads."

(b) Subsection (g) of section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended to read as follows:

"(g) To carry out this section there is hereby authorized to be appropriated to the President, to be available until expended, $175,000,000 for the fiscal year ending June 30, 1970; $175,000,000 for the fiscal year ending June 30, 1971; $175,000,000 for the fiscal year ending June 30, 1972; and $170,000,000 for the fiscal year ending June 30, 1973."

SEC. 104. (a) The first sentence of subsection (a) of section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202(a)) is amended to read as follows: "In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers and other facilities and services necessary for the purposes of this section."

(b) The second sentence of subsection (c) of such section 202 is amended by striking out "50 per centum" and inserting in lieu thereof "75 per centum".

(c) Subsection (c) of such section 202 is further amended by inserting immediately following the second sentence the following new sentences: "The Federal contribution may be provided entirely from funds appropriated to carry out this section or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health services. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection."

(d) Subsection (e) of such section 202 is amended to read as follows:

"(e) In order to provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung."

Sec. 105. (a) The first sentence of clause (2) of subsection (a) of section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended by striking out "in accordance with the" and inserting in lieu thereof "or to make grants to the States for carrying out such projects, in accordance with the applicable".

(b) Subsection (b) of such section 205 is amended by striking out "and 1969" and inserting in lieu thereof "1969, 1970, and 1971".

Sec. 106. Subsection (e) of section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207(e)) is amended to read as follows:

"(e) The Secretary is further authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families in such areas of the region."

Sec. 107. Subsection (c) of section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended by striking out "December 31, 1967" in the first sentence thereof and inserting in lieu thereof "December 31, 1970", and by adding at the end of such subsection the following: "For the purpose of this section, any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under such section shall be regarded as if constructed with such assistance."

Sec. 108. Section 302(a)(1)(B) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended by inserting before "a local" the following: "a State agency certified as".

Sec. 109. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $268,500,000 for the two-fiscal-year period ending June 30, 1971, to carry out this Act, of which amount not to exceed $90,000,000 is authorized for section 202, $15,000,000 for section 203, $15,000,000 for section 205, $3,000,000 for section 207, $50,000,000 for section 211, $82,500,000 for section 214, and $13,000,000 for section 302.".

Sec. 10. Section 403 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 403) is amended by adding at the end thereof the following:

"The President is authorized and directed to make a study of the extent to which portions of upper New York State which are geographically part of the New England region or the Appalachian region and share the social and economic characteristics thereof should be included in either of such regions. He shall submit the results of such study together with his recommendations to Congress not later than June 30, 1970."

Sec. 111. Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by inserting immediately after "Act" the following: ", other than section 201,".

TITLE II—AMENDMENTS TO TITLE V OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Sec. 201. This title may be cited as the "Regional Action Planning Commission Amendments of 1969".

Sec. 202. Section 501 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181) is amended by redesignating section 501 as section 501(a) and adding the following new subsection (b):

"(b) Upon resolution of the Committee on Public Works of the Senate or the House of Representatives, the Secretary is directed to study the advisability of altering the geographical area of any region designated under this section, in order to further the purpose of this Act."

Sec. 203. (a) Subsection (a) of section 505 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3185) is amended to read as follows:

"(a)(1) The Secretary is authorized to provide to the commissions technical assistance which would be useful in aiding the commissions to carry out their functions under this Act and to develop recommendations and programs. Such assistance shall include studies and plans evaluating the needs of, and developing potentialities for, economic growth of such region, and research on improving the conservation and utilization of the human and natural resources of the region, and planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act. Such assistance may be provided by the Secretary through members of his staff, through the payment of funds authorized for this section to other departments or agencies of the Federal Government, or through the employment of private individuals, partnerships, firms, corporations, or suitable institutions, under contracts entered into for such purposes, or through grant-in-aid to the commissions. The Secretary, in his discretion, may require the repayment of assistance provided under this paragraph and prescribes the terms and conditions in such repayment.

"(2) In carrying out their functions under this Act the commissions are authorized to engage in planning, investigations, studies, demonstration projects, and training programs which will further the purposes of this Act and which have been approved by the Secretary. Such activities may be carried out by the commissions through the payment of funds to departments, agencies, or instrumentalities of the Federal Government, or through the employment of private individuals, partnerships, firms, or corporations, or suitable institutions under contracts entered into for such purposes or through grants-in-aid to agencies of State or local governments. In the case of demonstration projects and training programs, to the maximum extent possible, such projects and programs shall be carried out through departments, agencies, or instrumentalities of the Federal Government or of State or local governments."

(b) The second sentence of subsection (b) of section 505 of such Act is amended to read as follows: "Thereafter, such expenses shall be paid 50 per centum by the Federal Government and 50 per centum by the States in the region, except that the administrative expenses of the Federal cochairman, his alternate, and his staff shall be paid solely by the Federal Government. The share to be paid by each State shall be determined by the Commission. The Federal cochairman shall not participate or vote in such determination."

(c) Subsection (c) of section 505 of such Act is amended to read as follows:

"(c) Not to exceed 10 per centum of the funds appropriated under authority of section 509(d) of this title for any fiscal year shall be expended in such fiscal year in carrying out subsection (a)(1) and subsection (b) of this section."

Sec. 204. Section 506 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3186) is amended by inserting "(a)" immediately after "Sec. 506." and by adding at the end thereof the following new subsection (b):

"(b) The Federal cochairman shall establish and at all times maintain his headquarters office in the District of Columbia."

Sec. 205. (a) Subsection (a) of section 509 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended to read as follows:

"(a) In order to enable the State and other entities within economic development regions established under this Act to take maximum advantage of Federal grant-in-aid programs (as hereinafter defined) for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient funds available under the Federal grant-in-aid Act authorizing such programs to meet pressing needs of the region, the Secretary shall, once a comprehensive long-range economic plan established pursuant to clause (2) of section 503 (a) is in effect, provide funds pursuant to specific recommendations, to each of the Federal cochairmen of the regional commissions heretofore or hereafter established under this title, to be used for all or any portion of the basic Federal contribution to projects under such Federal grant-in-aid programs authorized by Federal grant-in-aid Acts, and for the purpose of increasing the Federal contribution to projects under such programs above the fixed maximum portion of the cost of such projects otherwise authorized by the applicable law. No program, or project authorized under this section shall be implemented until (1) applications and plans relating to the program or project have been determined by the responsible Federal official to be compatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this Act, and (2) the Regional Commission involved has approved such program or project and has determined that it meets the applicable criteria under section 504 and will contribute to the development of the region, which determination shall be controlling. In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant-in-aid program is proposed to be made under this subsection, no such Federal contribution shall be made until the responsible Federal official administering the Federal grant-in-aid Act authorizing such contribution certifies that such program or project meets all of the requirements of such Federal grant-in-Aid Act and could be approved for Federal contribution under such Act if funds were available under such Act for such program or project. Funds may be provided for programs and projects in a State under this subsection only if the Commission determines that the level of Federal and State financial assistance under titles of this Act other than this title, and under Acts other than this Act, for the same type of programs or projects in that portion of the State within the region will not be diminished in order to substitute funds authorized by this subsection. Funds provided pursuant to this Act shall be available without regard to any limitations on authorizations for appropriation in any other Act."

(b) Subsection (c) of section 509 of such Act is amended by striking out in the first sentence thereof "December 31, 1967" and inserting in lieu thereof "December 31, 1970".

(c) Subsection (d) of section 509 of such Act is amended to read as follows:

"(d) There is authorized to be appropriated to the Secretary to carry out this title, for the two-fiscal-year period ending June 30, 1971, to be available until expended, not to exceed $255,000,000. After deducting such amounts as are authorized to carry out subsections (a)(1) and (b) of section 505, the Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year to the regional commissions, except that not less than 10 per centum nor more than 25 per centum of such remaining amount shall be allocated to any one regional commission. All amounts appropriated under this authorization for any fiscal year shall be apportioned by the Secretary to the regional commissions prior to the end of the fiscal year for which appropriated."

SEC. 206. Title V of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181 et seq.) is amended by adding at the end thereof the following new sections:

"COORDINATION

"SEC. 511. The Secretary shall coordinate his activities in making grants and loans under titles I and II of this Act with those of each of the Federal cochairmen in making grants under this title, and each Federal cochairman shall coordinate his activities in making grants under this title with those of the Secretary in making grants and loans under titles I and II of this Act.

"ALASKA

"SEC. 512. There is hereby authorized not to exceed $500,000 for the two-fiscal-year period ending June 30, 1971, to the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs and projects in Alaska in cooperation with the government of the State of Alaska. Nothing contained in this section shall be construed as precluding the establishment of a regional commission for Alaska.

"REGIONAL TRANSPORTATION SYSTEMS

"SEC. 513 (a) The Secretary of Transportation, acting jointly with the regional commissions, is authorized to conduct and facilitate full and complete investigations and studies of the needs of the economic development regions established under this title for regional transportation systems which will further the purposes of this Act, and in connection therewith, to carry out such demonstration projects as he determines to be necessary to the conduct of such investigations and studies. The Secretary of Transportation shall report to Congress not later than January 10, 1971, the results of such investigations and studies together with his recommendations and those of each regional commission."

"(b) There is authorized to be appropriated not to exceed $20,000,000 to carry out this section. Such amount shall be in addition to those sums otherwise authorized to be appropriated to carry out this title."

TITLE III—AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

SEC. 301. Title I of the Public Works and Economic Development Act of 1965, as amended, is further amended as follows:

(1) The first sentence of section 101(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131(c)) is amended by inserting before the period at the end thereof a comma and the following: "except that in the case of a grant to an Indian tribe, the Secretary may reduce the non-Federal share below such per centum or may waive the non-Federal share".

(2) Section 105 is amended by striking "June 30, 1969" and inserting in lieu thereof "June 30, 1970".

SEC. 302. Section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by adding at the end thereof the following new subsection:

"(f) The Secretary is authorized to make grants, enter into contracts or otherwise provide funds for any demonstration project within a redevelopment area or areas which he determines is designed to foster regional productivity and growth, prevent outmigration, and otherwise carry out the purposes of this Act."

SEC. 303. Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3152) is amended by striking out "1970." and inserting in lieu thereof "1969, and $50,000,000 for the fiscal year ending June 30, 1970."

SEC. 304. (a) Subsection (a) of section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161) is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and the following:

"(6) those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964, and those areas which the Secretary determines meet the purposes of section 150 of part D of title I of the Economic Opportunity Act of 1964, and which otherwise meet the requirements of this Act, except that no redevelopment area established under this paragraph shall be eligible to meet the requirement of section 403(a)(1)(B) of this Act."

(b) Subsection (b)(3) of such section 401 is amended by inserting after "(a)(3)" the following: "or (a)(6)".

(c) Subsection (b)(4) of such section 401 is amended by striking out "and (a)(4)" and inserting in lieu thereof the following: "(a)(4) and (a)(6)".

(d) The second sentence of subsection (d) of such section 401 is amended by inserting immediately after "any other subsection of this section" the following: "other than subsection (a)(6)".

And the House agree to the same.

That the House recede from its amendment to the title of the bill and agree to the same.

ROBERT E. JONES,
JOHN A. BLATNIK,
JIM WRIGHT,
ED EDMONDSON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
JAMES C. CLEVELAND,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
W. B. SPONG,
HOWARD H. BAKER, Jr.,
JOHN SHERMAN COOPER,
ROBERT DOLE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1072) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, and titles I, III, IV, and V of the Public Works and Economic Development Act of 1965, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause and inserts a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted in the following outline, except for minor technical, clerical, and clarifying changes.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1969

Sections 101, 102, and 103(a) of the conference substitute are the same as sections 201, 202, and 203(a) of the House amendment, and are provisions relating to the short title, administrative expenses, and contract authority.

Appalachian development highway system

Section 103 of the Senate bill amends section 201(g) of the Appalachian Regional Development Act of 1965 which provides the monetary authorization for the Appalachian Development Highway System, to authorize $175 million per fiscal year for fiscal years 1970, 1971, and 1972 and $170 million for fiscal year 1973. The Senate bill further authorizes the expenditure of not to exceed $150 million of these funds for engineering work and advance right-of-way acquisition on sections of the highway system whose construction is not expected to be accomplished under the authorizations contained in the Appalachian Act.

Section 203(b) of the House amendment is a comparable provision which provides, however, only for a 1-year extension of the system through fiscal year 1972, thus reauthorizing the unexpended balance of the existing appropriation and limiting the obligation of such authorization to not more than $195 million in any one fiscal year.

Section 103(b) of the conference substitute is the same as the Senate amendment with the deletion, however, of the authorization of expenditure of up to $150 million for engineering and advance right-of-way acquisition on sections of the system not expected to be constructed under the authorization.

Demonstration health projects

Section 104(a) of the Senate bill amends section 202(a) of the Appalachian Act to expand the grant authority for multicounty demonstration health projects to specifically include nutrition, and child care projects.

The House amendment contained no comparable provision.

Section 104(a) of the conference substitute is the same as the Senate bill.

Section 104(b) of the Senate bill increases the Federal percentage payable in the case of operating grants for demonstration health projects from 50 to 75 percent for the third, fourth, and fifth years of operation.

The House amendment contained no comparable provision.

Section 104(b) of the conference substitute is the same as the Senate bill.

Section 104(c) of the Senate bill authorizes the Secretary of the Treasury to pay to a State not more than 60 percent of the non-Federal share of expenditures for furnishing services described in clauses (14) and (15) of section 402(a) of the Social Security Act.

The House amendment contained no comparable provision.

Section 104(c) of the conference substitute amends section 202(c) of the Appalachian Act to provide that the Federal contribution in the way of grants for operating expenses for these multicounty demonstration health, nutrition, and child care projects (whether or not constructed with funds authorized by section 202) may be provided entirely from funds appropriated to carry out this section or in combination with funds appropriated to carry out other Federal grant-in-aid programs for the operation of health-related facilities and for providing health services, and further waives any limitation on the Federal share contained in such other program to permit funds appropriated to carry out this section to be used to increase the Federal grant for operating components of a demonstration health project to the maximum percentage authorized by this subsection.

Section 104(c) of the Senate bill also amends section 202(e) of the Appalachian Act to require that in making grants under that section special emphasis be given to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining such as black lung.

The House amendment contained no comparable provision.

Section 104(d) of the conference substitute is the same as the Senate bill in this regard.

Mining area restoration

Section 105 of the conference substitute is the same as sections 105 of the Senate bill and 204 of the House amendment which were identical provisions.

Housing

Section 106 of the Senate bill amends section 207(e) of the Appalachian Act to authorize the Secretary to provide directly or by contract information, advice, and technical assistance relating to construction, rehabilitation, and operation by nonprofit organizations of housing for low- or moderate-income families in Appalachian region areas.

The House amendment contained no comparable provision.

Section 106 of the conference substitute is the same as the Senate bill.

Manpower development projects

Section 107 of the Senate bill amends the Appalachian Act to add a new section 206 authorizing 80-percent Federal grants for manpower development demonstration projects and authorizes $10 million for this purpose.

The House amendment contained no comparable provision.

The conference substitute contains no provision relating to manpower development demonstration projects. However, the conferees agree that in the administration of section 302 of the Appalachian Act and the administration of the Manpower Development and Training Act and all other provisions of law authorizing grants for manpower training, retraining, and rehabilitation, there should be increased emphasis placed upon projects for training, retraining, and rehabilitating coal miners, particularly those in the rural areas of Appalachia.

Sewage treatment works

Section 108 of the Senate bill amends section 214(c) of the Appalachian Act to extend the definition of Federal grant-in-aid programs to those authorized on or before December 31, 1970.

Section 205 of the House amendment is identical and, therefore, section 107 of the conference substitute contains this provision.

Section 108 of the Senate bill also amends section 214(c) of the Appalachian Act to provide that for the purposes of that section which deals with supplements to Federal grant-in-aid programs any sewage treatment works constructed pursuant to section 8(c) of the Federal Water Pollution Control Act without Federal grant-in-aid assistance under that section shall be regarded as if constructed with such assistance.

The House amendment contained no comparable provision.

The proposed conference substitute in section 107 is the same as the Senate bill in this regard.

Administrative expenses

Sections 110 of the Senate bill and 206 of the House amendment are identical, and this provision is found in section 108 of the conference substitute.

Authorizations

Section 111 of the Senate bill authorized $294 million for the 2-fiscal-year period ending June 30, 1971. This amount was broken down as follows:

Sec. 202. Demonstration health projects	$95,000,000
Sec. 203. Land stabilization, conservation, and erosion control	15,000,000
Sec. 205. Mining area restoration	15,000,000
Sec. 207. Housing assistance	3,000,000
Sec. 208. Manpower development	10,000,000
Sec. 211. Vocational education	50,000,000
Sec. 214. Supplemental grants	90,000,000
Sec. 215. Cultural programs	1,000,000
Sec. 302. Administrative expenses of local development districts and research	15,000,000

Section 207 of the House amendment authorized $250 million for the same 2-fiscal-year period, broken down as follows:

Sec. 202. Demonstration health projects	$85,000,000
Sec. 203. Land stabilization, conservation, and erosion control	15,000,000
Sec. 205. Mining area restoration	15,000,000
Sec. 207. Housing assistance	2,000,000
Sec. 211. Vocational education	50,000,000
Sec. 214. Supplemental grants	75,000,000
Sec. 302. Administrative expenses of local development districts and research	8,000,000

Section 109 of the conference substitute authorizes not to exceed $268,500,000 for this 2-fiscal-year period as follows:

Sec. 202. Demonstration health projects	$90,000,000
Sec. 203. Land stabilization, conservation, and erosion control	15,000,000
Sec. 205. Mining area restoration	15,000,000
Sec. 207. Housing assistance	3,000,000
Sec. 211. Vocational education	50,000,000
Sec. 214. Supplemental grants	82,500,000
Sec. 302. Administrative expenses of local development districts and research	13,000,000

New England study

Section 208 of the House amendment amends section 203 of the Appalachian Act to require the President to make a study of the extent to which portions of upper New York State, Massachusetts, Vermont, New Hampshire, and Maine which are geographically part of the Appalachian region and share the characteristics thereof should be included in the Appalachian region. The results of this study are to be submitted to Congress not later than June 30, 1970.

The Senate bill contained no comparable provision.

Section 110 of the conference substitute requires the President to make a study of the extent to which portions of upper New York State are geographically part of the New England region (established under title V of EDA) or the Appalachian region (established by the Appalachian Act) and share the characteristics of either of such regions, should be included in either of such regions and to report his recommendations to Congress not later than June 30, 1970.

Termination date

Sections 112 of the Senate bill and 209 of the House amendment both exempt from the termination date of the Appalachian Act, section 201 relating to the highway system. This is required as a result of the amendments made to such section in both the bill and the amendment.

This provision is found in section 111 of the conference substitute.

REGIONAL COMMISSIONS

Sections 201 of the Senate bill and 101 of the House amendment are identical, and this provision (relating to the short title) is found in section 201 of the conference substitute.

Establishment of region

Section 202 of the Senate bill amends section 501 of the Public Works and Economic Development Act of 1965 to add a new subsection (b) requiring the Secretary to study the feasibility of altering the geographical area of any economic development region, upon resolution of the Committee on Public Works of the Senate or of the House of Representatives.

The House amendment contained no comparable provision.

Section 202 of the conference substitute is the same as the Senate bill in this regard.

Regional, technical, and planning assistance

Section 203(a) of the Senate bill amends section 505(a) of the Economic Development Act to require the Secretary to provide funds to each commission to enable it to carry out its functions and to develop recommendations and programs (including studies, investigations, planning, research, and demonstration projects and training programs), to be carried out on a reimbursable basis by departments or agencies of the United States or by contract with private individuals, agencies, or institutions, or by grants to State or local governments.

Section 102 of the House amendment amends section 505(a) of the Economic Development Act to authorize the Secretary to provide assistance to the commissions, including planning, investigations, studies, demonstration projects, and training programs which will further the purposes of the act.

Sections 203 (a) and (c) of the conference substitute are essentially the same as the House amendment with the following modifications:

First, the commissions are given independent authority to engage in planning, investigations, studies, demonstration projects, and training programs which will further the purposes of the act if these planning activities, investigations, studies, projects, and programs have been first approved by the Secretary. These activities of the commission are to be carried out through the departments, agencies, and instrumentalities of the Federal Government or by contracts for the employment of private individuals and institutions or through grants-in-aid to State or local governmental agencies. To the maximum extent possible, however, these programs and projects are to be carried out through public agencies.

Second, the Secretary is limited to the expenditure of not more than 10 percent of the appropriated funds under section 509(d) in any fiscal year for carrying out either the assistance he is authorized to provide by paragraph (1) of subsection (a) of section 505 or in the expenditure of funds for administrative expenses under subsection (b) of section 505.

Subsection (b) of section 203 of the Senate bill and subsection (b) of section 102 of the House amendment are substantially the same and the provisions of the House amendment (relating to administrative expenses) are contained in section 203(b) of the conference substitute.

Administrative powers of regional commissions

Section 204 of the Senate bill amends section 506 of the Economic Development Act to require each Federal cochairman to establish and at all times maintain his headquarters office in the District of Columbia. In addition, the Federal cochairman is authorized to establish a field office or offices at other places within the region as the commission and the Secretary deem essential to carrying out the functions of the Federal cochairman under this act.

The House amendment contained no comparable provision.

Section 204 of the conference substitute amends section 506 of the Economic Development Act to require each Federal cochairman to establish and at all times maintain his headquarters office in the District of Columbia.

Supplement to Federal grant-in-aid programs

Both section 205 of the Senate bill and section 103 of the House amendment amend subsection (a) of section 509 of the Economic Development Act in essentially the same manner to authorize funds to be used to make all or any portion of the basic Federal grant for any project or program authorized by an existing Federal grant-in-aid law in a case where funds are not available within the region from the national program for that purpose. No such basic Federal grant could be made until the responsible Federal official administering the Federal grant-in-aid act which authorizes the basic grant certifies that the program or project for which a basic grant is proposed under this act would meet all of the requirements of such Federal grant-in-aid act and could be approved for a Federal contribution under that act if funds were available under that act for that program or project. Thus in order to make such a certification the Federal official would be faced with but two questions. First: Does the project or program meet all the requirements of the law? Second: Could I approve this project for a Federal contribution if the money were available for that purpose? If the answers are yes in each instance the certification must be made. There is an additional requirement that the Commisison can approve basic grants and supplemental grants only if it determines that the level of Federal and State financial assistance for the same type of programs or projects in that portion of the State within the region will not be diminished in order to substitute funds authorized by section 509(a).

Section 205(a) of the conference substitute is the same as the provisions of section 103 (a) and (b) of the House amendment with the exception of the substitution for the last sentence of existing law of the requirement contained in the Senate bill that funds provided pursuant to the Economic Development Act shall be available without regard to limitation on authorization for appropriation in any other act.

Subsection (b) of section 205 of the Senate bill and subsection (c) of section 103 of the House amendment make identical amendments to 509(c) of the Economic Development Act in extending the definition of the term Federal grant-in-aid programs to all programs in existence on or before December 31, 1970.

This provision is found in section 205(b) of the conference substitute.

Authorizations for regional commissions

Section 206 of the Senate bill amends the Economic Development Act to add a new section 511 authorizing appropriations for the regional commissions for the 2-fiscal-year period ending June 30, 1971, as follows: Not to exceed $50,000,000 for the Ozarks Regional Commission; $75,000,000 for the New England Regional Commission; $45,000,000 for the Upper Great Lakes Regional Commission; $45,000,000 for the Four Corners Regional Commission; $60,000,000 for the Coastal Plains Regional Commission and $10,000,000 for the Federal Field Committee for Alaska.

Section 103(d) of the House amendment provides for such authorizations by amending section 509(d) of the Economic Development Act to authorize for the same 2-fiscal-year period a total of not to exceed $225 million, of which not less than 10 percent nor more than 30 percent of the amounts actually appropriated for any fiscal year shall be made available to any one regional commission.

Section 205(c) of the conference substitute amends section 509(d) of the Economic Development Act to authorize for the 2-fiscal-year period ending June 30, 1971, not to exceed $255 million. After deducting amounts authorized to carry out section 505(a)(1) (technical assistance) and 505(b) (administrative expenses) the Secretary shall apportion the remainder of amounts appropriated for any fiscal year to the regional commissions with the exception that not less than 10 percent nor more than 25 percent of such remaining amount shall be allocated to any one regional commission. While the Secretary may withhold amounts from the initial allocation, he is required to allocate all amounts appropriated to the regional commissions prior to the end of the fiscal year for which appropriated.

The conferees would expect that in making his allocations the Secretary would consider all relevant factors, including, but not limited to, those relied upon by the Senate in making the specific authorizations contained in the bill as passed by the Senate.

Coordination

Section 206 of the conference substitute is identical to section 104 of the House amendment and requires coordination of activities between the Secretary and the Federal cochairmen.

Alaska

Section 206 of the Senate bill amends the Economic Development Act to add a new section 510 authorizing the Federal Field Committee for Development Planning in Alaska and any successor organization to be treated as if it were a regional commission for the purposes of title V of the Economic Development Act and in section 511 the Senate bill authorizes $10 million for such Committee.

The House amendment contained no comparable provision.

Section 206 of the conference substitute adds a new section 512 to the Economic Development Act authorizing not to exceed $500,000 for the 2-fiscal-year period ending June 30, 1971, to the Federal Field Committee for Development Planning in Alaska for planning programs and projects in Alaska in cooperation with the State, and further provides that nothing in such section 512 is to be construed as precluding the establishment of a regional commission for Alaska.

Regional transportation systems

Section 206 of the Senate bill amends title V of the Economic Development Act to add a new section 512 authorizing the Secretary of Transportation to assist in planning and developing regional transportation system including construction of development highways, local access roads, airports, and urban mass transit facilities serving economic development regions established under this title. Such new section 512 contains detailed provisions relating to the establishment and implementation of such transportation systems and provides for up to $20 million to be expended by each commission for these purposes.

The House amendment contained no comparable provision.

Section 206 of the conference substitute amends title V of the Economic Development Act to add a new section 513 authorizing the Secretary of Transportation acting jointly with the regional commissions to conduct and facilitate investigations and studies of the needs of the regions for regional transportation systems and in connection therewith to carry out demonstration projects necessary for the conduct of these investigations and studies. The Secretary of Transportation is authorized to report the results of these studies together with his recommendations and those of the regional commissions to Congress not later than January 10, 1971. There is an authorization of up to $20 million to carry out this section in addition to any amounts otherwise authorized for title V of the Economic Development Act.

The conferees expect the Secretary and the commissions in carrying out these investigations and studies to consider all types and modes of transportation relevant to the needs of the region including, but not limited to, development highways, local access roads, airports, urban mass transit facilities and railroad commuter services. It is further the expectation of the conferees that the recommendations submitted to Congress will include the establishment of priorities for the development of these systems, together with, to the extent practicable, designations of highway corridor locations, and specific information on locations of facilities proposed to be constructed, such as airports, railroad and mass transit projects. The conferees expect that the State members of the regional commissions will seek and obtain the recommendations of all interested departments and agencies of State governments with respect to the transporation facilities recommended in such report.

Nothing in this section shall be construed to prevent advancing to construction any transportation project authorized by any other section of the Economic Development Act.

AMENDMENTS TO THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Grants for public works and development facilities

Section 301 of the Senate bill amends section 101(c) of the Economic Development Act to authorize the Secretary to reduce or waive the non-Federal share of a grant to an Indian tribe below the minimum 20 percent otherwise required and further authorizes $500 million for title I grants for the fiscal year ending June 30, 1970.

The House amendment contained no comparable provision.

Section 301 of the conference substitute is the same as the provisions of the Senate bill in this regard.

Technical assistance, research, and information

Section 302 of the Senate bill amends section 301 of the Economic Development Act to authorize the Secretary to make grants for any demonstration project which he determines is designed to foster regional productivity and growth, prevent outmigration, and otherwise carry out the purposes of this act.

The House amendment contained no comparable provision.

Section 302 of the conference substitute is the same as the Senate bill, limited, however, to grants for demonstration projects within a redevelopment area or areas.

Authorizations

Section 303 of the Senate bill amends section 302 of the Economic Development Act to increase the authorization for title III of that act for the fiscal year ending on June 30, 1970, from $25 million to $50 million.

The House amendment contained no comparable provision.

Section 303 of the conference substitute is the same as the Senate bill in this regard.

Area eligibility

Section 304 of the Senate bill amends section 401(a) of the Economic Development Act to require the Secretary to designate as redevelopment areas those areas selected for assistance under part D of title I of the Economic Opportunity Act of 1964. This section of the Senate bill also amends section 401(b) of the Economic Development Act to exempt from the area and boundary limitations contained in paragraphs (3) and (4) of that subsection the areas selected for assistance under the Economic Opportunity Act of 1964.

The House amendment contained no comparable provision.

Section 304 of the conference substitute is the same as the Senate bill in this regard with the following modifications:

(1) The Secretary would also be authorized to designate as redevelopment areas those areas which he determines meet the purpose of section 150 of part D of title I of the Economic Opportunity Act of 1964 and otherwise meet the requirements of the Economic Development Act. The purpose of section 150 of the OEO act is to establish special programs for the solution of critical problems in particular communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban areas having especially large concentrations of low-income persons, and within those rural areas having substantial out-migration to eligible urban areas.

(2) The areas which the Secretary would be

authorized to so designate would also be exempt from the population and boundary limitations in section 401(b) (3) and (4) of the Economic Development Act.

(3) Areas selected for assistance under part D of title I of the Economic Opportunity Act or by the Secretary under the authority referred to in paragraph (1) would not be eligible to meet the requirements for establishing an economic development district in accordance with section 403(a)(1) (B) of the Economic Development Act and would not be considered a redevelopment area for the purposes of determining the continued eligibility of an area designated in accordance with section 401(d).

TITLE

The conference substitute would retain the title of the bill as it passed the Senate.

Robert E. Jones,
John A. Blatnik,
Jim Wright,
Ed Edmondson,
William C. Cramer,
William H. Harsha,
James C. Cleveland,
Managers on the Part of the House.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 673) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 673

Resolved, That during the remainder of the Ninety-first Congress, the Committee on Banking and Currency shall be comprised of thirty-six members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 12307, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none, and appoints the following conferees: Messrs. Evins of Tennessee, Boland, Shipley, Giaimo, Marsh, Pryor of Arkansas, Mahon, Jonas, Wyman, Talcott, McDade, and Bow.

CALL OF THE HOUSE

Mr. SAYLOR. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 265]

Abbitt
Ashley
Barrett
Betts
Boland
Bow
Brock
Brown, Calif.
Burleson, Tex.
Cahill
Celler
Chisholm
Clark
Clausen, Don H.
Clay
Collier
Corbett
Davis, Ga.
Dawson
de la Garza
Denney
Dennis
Dent
Diggs
Dwyer
Flynt
Ford, William D.
Frelinghuysen
Fulton, Tenn.
Gallagher
Giaimo
Goodling
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hamilton
Hammerschmidt
Hawkins
Hays
Hébert
Hosmer
Howard
Jarman
Jonas
Jones, Tenn.
Karth
Kirwan
Lipscomb
Long, La.
MacGregor
Martin
Mathias
May
Mollohan
Morton
Nichols
Nix
Ottinger
Pollock
Powell
Price, Tex.
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Rooney, Pa.
Rosenthal
Rostenkowski
Roudebush
Roybal
Sandman
Sisk
Springer
Staggers
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Whalley
Winn
Wylie
Wyman

The SPEAKER. On this rollcall 346 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MOVIE BOYCOTT

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, in the past few weeks many requests have been made of myself and members of my staff regarding the so-called moratorium. Quite frankly, I have not been able to go along with many of them, but this morning a request was made that I can agree with. Paul Newman, Peter Fonda, Dennis Hopper, and Jon Voight, at a press conference, asked us to boycott the movies "Butch Cassidy and the Sundance Kid," "Easy Rider," and "Midnight Cowboy."

Mr. Speaker, I have not agreed with most of the things the promoters of the moratorium have done, but I certainly will agree that under no circumstances will I go to see those three movies.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON THE MILITARY CONSTRUCTION APPROPRIATION BILL

Mr. SIKES. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the military construction appropriation bill for fiscal year 1970.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 13018, TO AUTHORIZE CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. Rivers, Fisher, Lennon, Long of Louisiana, White, Arends, Hall, King, and Foreman.

RESIGNATION FROM COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following resignation from a commitee:

November 12, 1969.

Hon. John McCormack,
Speaker, U.S. House of Representatives, Washington, D.C.

Dear Mr. Speaker: I hereby submit my resignation as a member of the House Committee on Public Works.

Sincerely yours,

David R. Obey.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 674) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 674

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: David R. Obey, of Wisconsin;

Committee on Banking and Currency: Michael J. Harrington, of Massachusetts.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

POTATO RESEARCH AND PROMOTION ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 611 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 611

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2777) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potato and potato products that are made available to the consumer, and all points of order against sections 8, 9, and 18 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 2777, it shall be in order in the House to take from the Speaker's table the bill S. 1181 and to move to strike out all of the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 2777 as passed by the House.

Mr. YOUNG. Mr. Speaker, I yield myself 30 minutes, pending which I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen).

Mr. Speaker, House Resolution 611 provides an open rule with 1 hour of general debate for consideration of H.R. 2777 to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potato and potato products that are made available to the consumer. All points of order are waived against sections 8, 9, and 18 of the bill because sections 8 and 9 provide for the use of unappropriated funds and section 18 provides for a transfer of funds. The resolution further provides that, after passage of H.R. 2777, it shall be in order to take S. 1181 from the Speaker's table and amend it with the House-passed language.

H.R. 2777 provides for potato research and promotion in a manner similar to that provided in the Cotton Promotion Act. A National Potato Promotion Board would be established and the members of the Board would serve without compensation other than reasonable expenses.

The potato producers would propose the issuance of a potato research and promotion plan to the Secretary who, if he has reason to believe that a plan will effectuate the policy of the act, shall provide an opportunity for hearings upon the plan. If the hearings are favorable, the Secretary shall issue a plan, which would then be submitted to a referendum of producers to be approved or disapproved. The plan would not be approved unless favored by two-thirds of the producers voting or by the producers of not less than two-thirds of potatoes produced during the representative period required for eligibility to vote and by not less than a majority of those voting.

The Board would enter into contracts or agreements to carry out programs or projects of promotion and advertising and it would recommend and submit to the Secretary a proposed budget and the assessments to be collected.

Upon approval of the programs by the Secretary, the Board would maintain books and records from which it would prepare and submit to the Secretary reports that may be prescribed for appropriate accounting showing completely the receipts and the disbursements of the assessment fund. A complete audit will be submitted to the Secretary at the end of each fiscal period.

The Board may have the authority to exempt potatoes used for nonfood purposes and to designate different handler payment and reporting schedules recognizing differences in marketing practices and procedures in the different production areas. Also, it might be empowered to accumulate reserves from the assessments to permit a continuous program but the total reserve could not exceed the amounts budgeted for 2 years operation.

Any potato grower who had paid an assessment and did not favor supporting the program could demand and receive a refund of his payments.

Growers of less than 5 acres of potatoes would be exempt from assessment and would be ineligible to vote in any referendum held under the act.

Any person subject to the plan might, upon written petition contending that the plan is not in accordance with law, seek modification or exemption therefrom and receive a hearing upon such petition.

The plan may be suspended or terminated upon a referendum held at the request of the Board or of 10 percent or more of the producers whenever a majority of those voting in the referendum and who produce more than 50 percent of a volume of the potatoes produced by the persons voting favor suspension or termination.

The assessment would be not more than 1 cent per 100 pounds of potatoes handled and would, of course, be used to provide research, development, advertising, and promotion.

Mr. Speaker, I urge the adoption of House Resolution 611 in order that H.R. 2777 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as the gentleman from Texas (Mr. Young) has ably stated, House Resolution 611 makes in order for consideration H.R. 2777 under an open rule with 1 hour of general debate.

The purpose of the bill is to provide for the creation of a National Potato Promotion Board which shall be empowered to create and conduct a promotion and research program for potatoes.

Today there are over 300,000 potato producers growing on about 1,500,000 acres. Estimated sales value of the crop is about $560,000,000.

Producers want to expand their markets; this bill is viewed as a vehicle.

The bill provides that the Secretary of Agriculture may give notice of hearings on a proposed plan when he believes it would further the purposes of the bill. After hearings, if the plan is acceptable, the Secretary shall issue the plan. A referendum shall be called at which producers will make their preferences known. Two-thirds of producers voting must approve the plan and these must grow at least two-thirds of the potato crop. If the plan is adopted, the Secretary will appoint a National Potato Promotion Board to administer the plan. Members shall be nominated by potato producers. Each grower covered will be assessed up to 1 cent per 100 pounds grown to support the program. General revenues will be used to cover the cost of the administration of the program. Any grower who does not approve of the plan may demand a refund of his assessments.

All growers of potatoes on fewer than 5 acres are exempt from the provisions of the bill. They would be ineligible to vote and could not be assessed.

The cost of conducting hearings and holding a referendum is estimated at $325,000 by the Department of Agriculture. This could be reduced to $180,000 if suitable mailing lists of potato growers were available. The annual costs of administration are estimated at about $80-000.

It is estimated that the assessment on the growers for the research and promotion will return about $2,000,000 annually to the Promotion Board.

Dissenting views, with which I am in complete agreement, were filed by the gentleman from Pennsylvania (Mr. Goodling), the gentleman from Ohio (Mr. Miller), the gentleman from Indiana (Mr. Myers), the gentleman from Kansas (Mr. Sebelius) and the gentleman from New York (Mr. McKneally). These views state in part:

We oppose H.R. 2777 because it would establish a poor precedent, it would benefit only a small minority of potato growers, and it would cost the U.S. taxpayers a considerable sum.

POOR PRECEDENT

This bill would, if enacted, represent the first checkoff program for financing the competition of one food against other foods. There is of course a checkoff program for both cotton and wool. But these programs are for fibers, not foods, and they finance programs designed to increase consumption of crops which face competition from manmade or artificial substitutes.

Carried to its illogical conclusion, the precedent established by this bill can perhaps mean a bonanza for Madison Avenue, but it can only mean increased costs to the potato consumer, the potato producer, and the U.S. Treasury.

SMALL MINORITY BENEFITED

Based on the hearing record, it is obvious that the bill will benefit only a small minority of the potato growers in the Nation. Since this bill—in section 3(e)—defines a producer as "any person raising 5 or more acres of potatoes," it follows that those growing less than 5 acres are not subject to the legislation. Since there are 310,000 potato producers and only 17,000 produce 5 acres or more, it is obvious that only 6 percent of the growers will be subject to the assessment envisioned by the bill.

Yet how are potato handlers going to know whether the potatoes they have purchased have been grown by a farmer who had 4.9 acres or 5.1 acres? In our opinion the exclusion of 94 percent of the potato growers will very seriously complicate the administration of the program as brokers and market agencies grapple with an additional maze of paperwork and redtape.

COSTLY TO TAXPAYERS

In its report on the bill the Department of Agriculture stated that the cost of conducting a referendum and related items for initiating a program would be $325,000. In addition, the annual cost for administration would run an estimated $80,000 a year. The Department further explained that referendum costs could possibly be reduced to $180,000 if suitable mailing lists for eligible potato growers could be obtained.

Under the provisions of H.R. 2777 all these costs are to be paid out of section 32 funds. In the course of considering the bill, the gentleman from Pennsylvania (Mr. GOODLING) offered in subcommittee and in full committee an amendment to require the potato promotion board to pay the costs of initiating and administering this program. The gentleman from Indiana (Mr. MYERS) offered an amendment to require the board to at least reimburse the U.S. Government for its annual administrative expenses. It seemed to us that with an anticipated collection of $2 million a year, the board could afford to reimburse the U.S. taxpayers the cost of setting up and administering this program. Unfortunately, these amendments were rejected. Subsequently the Department of Agriculture, in presenting its views on similar legislation dealing with honey, adopted as an official administration position our contention that the costs of these so-called self-help programs should, at the very least, be borne by those who seek this method of collecting funds for research and promotion activities.

SUMMARY

In summary, H.R. 2777 should not be approved by the House. It establishes a poor precedent, benefits only a tiny minority of potato growers, will cause a great deal of inconvenience and redtape, and will be costly to taxpayers.

Mr. Speaker, I am opposed to this bill on a nonpartisan basis. This rule should be defeated and, if not, then the bill should not be approved by the House.

I have no further requests for time, but I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, as I understand it, points of order are waived against sections 8, 9, and 18 of the bill for the reasons that these sections reappropriate or transfer money within the Department for the purpose of financing, in part, this proposal.

Is that a correct statement?

Mr. QUILLEN. That is correct. That is my understanding.

Mr. GROSS. Why should not the House have the opportunity for a direct vote as to whether they want to transfer money within a department or reappropriate money within the department rather than doing it by indirection through the waiver of points of order? In other words, we accept or reject on final passage those provisions of the bill.

Mr. QUILLEN. I will say to the gentleman from Iowa that he has made a very good point. I voted against the rule in the committee. I feel that this bill should not be passed. I am opposed to the rule. The gentleman has made a very good point.

Mr. GROSS. I thank the gentleman for his reply.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Speaker, it seems to me that it is quite clear that the rule as it comes in does give the House the opportunity of voting on any of these sections that it wants to. Without this rule it would be possible to strike these sections on a point of order without any action on the part of the House.

The gentleman from Iowa inquires as to why the House should not have the opportunity to make its own decision. I believe the answer is clear that the House does have that opportunity under this rule, and has the opportunity to amend any of these sections that it wants to, and that if we did not have this provision in here then the House would not have the opportunity.

The only opportunity then would be, for one who objected to one of the sections in question to raise a point of order—and for those who favor such section would never have an opportunity to express themselves or to submit the matter to the vote of the House as the gentleman from Iowa suggests is so vital.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I gladly yield to the gentleman from Iowa.

Mr. GROSS. Of course, what the gentleman is doing by indirection is waiving points of order, an expeditious way, by which these sections in the bill could be knocked out. In other words, he is protecting what amounts to in part an appropriation bill by seeking and obtaining a rule waiving points of order and setting aside the proper legislative procedure.

Mr. POAGE. Mr. Speaker, will the gentleman from Tennessee yield again?

Mr. QUILLEN. I am glad to yield again to the gentleman from Texas.

Mr. POAGE. I want to repeat again, the gentleman from Iowa protests that the House should have an opportunity to express itself and that this rule is cutting him off from that opportunity. I understood that to be the gentleman's objection.

Now what I am pointing out is that unless we have this rule waiving points of order, the House will never have that opportunity that he seeks to secure for the House. But with this rule, the House will have that opportunity.

Under this rule the gentleman can offer an amendment to any section of this bill. He can strike it out if he gets the votes. The fact that we protect certain sections from a point of order does not protect them from an amendment so the gentleman has the opportunity which he said he wanted the House to have.

Mr. GROSS. Mr. Speaker, will the gentleman from Tennessee yield further?

Mr. QUILLEN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Texas, I am sure, wants to follow the normal and orderly procedure in the House and that is bringing bills to the House under a completely open rule. I am sure he will vote down the previous question on this rule so that I can offer an amendment to the rule to strike out the waiving of points of order.

Mr. POAGE. Mr. Speaker, will the gentleman from Tennessee yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Texas.

Mr. POAGE. If I may just reply to the gentleman from Iowa, the gentleman's point, I would again repeat, was—and maybe it has changed—but it was when he got up here—that he wanted the House to have a right to vote; that is, for the House to make this decision. The point was not that he wanted the right for himself to kill a section, in spite of what the majority of the House wanted to do.

So if the gentleman is really interested in freedom of action for the House, this rule, as written, gives it to him. Apparently, the gentleman is now changing and wants the right for himself to deny to the House the opportunity to make this very decision.

Now the gentleman has a perfect right to insist that he should have the opportunity to kill something. But he cannot in one breath claim that he should have that right and in the other breath claim that this House should have an opportunity to make this decision. The gentleman is making a turnabout now from what he was stating when he first started making his remarks.

Mr. GROSS. Mr. Speaker, will the gentleman from Tennessee yield?

Mr. QUILLEN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. All that I want to do is put the shoe on the foot on which it belongs. That is to say, it fits you who offered the affirmative resolution to make this something of an appropriation bill. That is all I am bringing out, instead of hiding behind waivers of points of order to accomplish your end.

Mr. POAGE. Mr. Speaker will the gentleman yield?

Mr. QUILLEN. I am glad to yield to the gentleman from Texas to make a reply.

Mr. POAGE. I would want to point out that I did not ask for this rule. I am sure the gentleman from Tennessee will recognize that. I did not ask for this waiver, but I think the House should understand what this waiver does do. Without this waiver, the amendments that he talks about and that he would like for us to offer would not be in order. Without this we could not offer any amendments. With this he can offer an amendment. He says he is bothered about who wears the shoe. But if we had no waiver there would be no way in which anyone could offer an amendment to achieve this result. With this rule the gentleman can offer an amendment to avoid this result, if he so desires.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Who did ask for the waiver of points of order?

Mr. QUILLEN. The gentleman who brought the bill before the Rules Committee, the gentleman from Washington (Mr. Foley). I yield to the gentleman from Washington.

Mr. FOLEY. The gentleman will recall that at the time the matter was presented to the Rules Committee the question was raised concerning the use of funds from producer contributions.

Under the act the Secretary is authorized, under certain conditions, to submit a plan for ratification to the potato producers, and if they approve, they are charged 1 cent per hundredweight. Those funds are then allocated by the Board for advertising and promotion without appropriation by Congress.

Second, the administration cost comes from title 32 funds. Since there was a feeling that it might be subject to a point of order on the floor of the House, I requested a waiver of points of order on specific sections of the bill. As I recall, the sections are sections 8 and 9 and section 18.

Mr. QUILLEN. The gentleman is correct. I yield to the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Speaker, we have quite properly been considering the technicalities of the rule. I would like to point out something to my colleagues. Whether the previous question is voted up or down, certainly this rule should be adopted. I think it is highly important to understand that this is not another farm subsidy bill out of the Committee on Agriculture. It happens that I personally oppose most of the general farm legislation which we bring before you. I am in support of this bill. This is a self-help program which people from the city areas certainly should favor. It is beyond me to understand how anyone from a farm area, interested in receiving subsidies on feed grains, cotton, tobacco, and so forth, could oppose this bill, which allows the potato industry, if it votes to do so, to adopt a self-help program at a cost to the Federal Government only of conducting the election and some $80,000 a year to maintain the program thereafter in administrative costs.

So I hope the rule will be adopted and the bill will be acted upon favorably by the House.

Mr. QUILLEN. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota (Mr. Andrews).

Mr. ANDREWS of North Dakota. Mr. Speaker, as you may be aware, I was privileged to introduce H.R. 4220, an identical bill to H.R. 2777, for which we are now considering a rule.

I sincerely feel that this measure can do a great deal to benefit the potato industry which, at the present time, is in dire need of assistance.

The potato growers in this Nation are subject to some fairly significant market price fluctuations. This legislation, which I also introduced in the last session of Congress, is, in my opinion, the best means by which the growers of a commodity can receive the help they need without significant cost to the taxpayer and with a minimum of interference on the part of the Federal Government.

The aspect of this proposal that most appeals to me is that the success of the whole plan depends upon the ingenuity of the growers themselves, the people who know the most about their industry and what is the best action which can be taken to solve their own problems.

Under the proposal, the function of the Secretary of Agriculture is restricted to one of monitoring the program to insure that it conforms to the enabling legislation. Thus, a very minimum of Federal control is involved and then only to the extent necessary to provide overall fairness, uniform administration and effectiveness.

Advances made through research on other commodities have shown what great possibilities there are for potatoes. In addition to improved potato products that may be found for the marketplace in the United States, this research can do much toward contributing solutions to the problem of the hungry poor, both here and abroad. I know this is one of the goals of the industry and I heartily endorse it.

In the area of promotion, there is also much that can be done. Competitive products have been waging an intensive campaign which in some cases has misrepresented the properties of potatoes. This legislation would give the industry the wherewithall to set the record straight and make American consumers aware of the wonderful qualities of potatoes.

In conclusion, I want to emphasize the strong support that this bill has from the potato growers throughout the United States. In my own Congressional District, the Red River Valley Potato Growers Association, which represents growers on both the North Dakota and Minnesota side of the valley, is squarely behind it; and I have received a great deal of individual indications of support from growers during my trips home.

I strongly endorse this legislation and urge that the House act favorably upon it.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time.

I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2777) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

The SPEAKER. The question is on the motion offered by the gentleman from Washington.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2777, with Mr. Henderson in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Washington (Mr. Foley) will be recognized for 30 minutes, and the gentleman from Oklahoma (Mr. Belcher) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the purpose of this legislation is to authorize a program by which the commercial potato growers of the United States can assess themselves an amount specified as not more than 1 cent per hundredweight to develop a program to encourage the research and promotion of potatoes and potato products.

Under the authorizing legislation, the Secretary of Agriculture would be permitted to hold hearings to determine whether a plan for research and promotion of potatoes should be implemented. After the hearing, if the Secretary is satisfied that such a plan should be implemented, he may submit a plan to a referendum of potato growers in the United States for their approval.

Under the terms of this bill, all potato growers who produce less than 5 acres of potatoes are exempt from the bill. There is a total of about 310,000 potato growers in the United States, but only a small fraction of this number are really commercial potato producers. The vast number produce less than 5 acres of potatoes.

The referendum could be conducted by one of two means, either a full referendum in which the individual potato growers would come to voting places and vote their approval or disapproval, or a referendum by mail. During testimony on the bill, it was stated with some assurance by the National Potato Council that they had mailing lists which would enable the referendum to be conducted by mail with accuracy; this would substantially reduce the effort and cost of such a referendum.

If the referendum is approved by two-thirds of the potato growers, then the plan would come into effect, and a National Potato Board would be established.

The Board would be authorized to assess the potato growers not more than 1 cent per hundredweight. These funds would then be used for promotion and advertising and research and development of markets here and abroad.

Mr. Chairman, any single producer under the bill—and we are not talking about the small producers who are immediately exempt—would have the opportunity to petition for a return of all the assessments against him, and that petition cannot be required sooner than 90 days after the assessment and shall be repaid within 60 days after receipt by the Government. No producer is required to stay in this program if he wishes to take himself out. There is an absolute requirement for the return of these assessments on simple application by the individual producer. The committee in its report states it is not the intention of the bill to make it difficult for any producer to obtain this refund, if he so chooses. In fact, the report indicates it is to be made easy and every effort is to be made by the Department to see that that intent is carried out.

So what this amounts to is a program of self-help which producers will voluntarily bring into being and which any individual producer may exempt himself from if he wishes to do so. All of us are familiar with farm legislation that means heavy costs to the Government. The programs that I and others have supported for commodities like wheat and feed grains and cotton are expensive programs. I believe they are necessary and desirable. This is another approach entirely. It is not a marketing order. It is not a support program. It is an authority for producers to help themselves, to develop their own markets, and to pay the great bulk of the cost themselves of engaging in this effort and initiative to improve their product and to improve the marketing of their product.

I should surely think that this committee and the House will recognize that as a valid and worthwhile endeavor and support this bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. KYL. I wonder if the gentleman or the committee has given attention to a matter which I believe is very important. I believe it is important because of the experience we have had in other product areas.

Is there any mechanism in the bill which would make sure that the people who serve on this board are actually producers rather than processors or some other element of the industry? I am thinking, for instance, of the problem with which the gentleman is familiar in the case of lamb, where the lamb producers are having their will frequently subverted by processor representatives on such boards controlling the relations with and promotion of the industry.

Mr. FOLEY. The Secretary has to approve members of the Board. The clear intent of the law is that he would select those who have close connection with the potato producing industry. I will say to the gentleman, he is not limited specifically to appoint producers to the Board.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FOLEY. Mr. Chairman, I yield myself 2 additional minutes.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding further.

Is there anything in the legislation or in the legislative history, so far as the committee action is concerned, which suggests that the Secretary should or has to include on this Potato Board representatives of elements of the industry other than producers?

Mr. FOLEY. No. There is no such requirement.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from California.

Mr. TEAGUE of California. I commend the gentleman from Washington for so clearly and succinctly explaining the bill and the fact that this is not another farm subsidy program. It is a self-help program.

We are not blazing new territory today. We authorized similar programs for 17 other agricultural commodities.

Once more I recommend highly to my colleagues that they support this bill.

Mr. FOLEY. I thank the gentleman.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in full support of H.R. 2777. I am very pleased to be one of the sponsors of this legislation.

The purpose of this program would be one of improvement; improving the quality of potatoes and potato products, improving consumer acceptance of these potato and potato products, improving the markets for potatoes and to improve the competitive position of those farmers who grow potatoes.

My interest in the program has been sparked by my friends in the potato industry. Two counties in my congressional district raise more than 90 percent of all the potatoes grown in the State of Virginia.

This legislation could be the turning point for the potato industry and it has received overwhelming support.

Some months ago I received an interesting and informative letter from Mr. Walter F. McCaleb, Jr., executive vice president of the Virginia Potato and Vegetable Growers Association, regarding the support for this program. He stated:

> Out of curiosity, I counted up the number of potato producer organizations testifying in favor of this legislation at the three hearings mentioned. Amazingly, these totaled seventy-eight producers organizations testifying for the bill. In almost twenty years of working on potato legislation and various potato rules and regulations, I have never seen anything that even approached the unanimity of support behind this legislation.

Mr. Chairman, I urge the prompt passage of this legislation.

Mr. GOODLING. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, let me first say, as a farmer I want to do everything possible to help the American farmer. Most of us know that he needs help.

I oppose this legislation because it establishes a bad precedent, is inequitable, would be difficult to administer, and is an unfair burden to the taxpayer.

Essentially, this bill would, as pointed out in the dissenting views of House Report No. 91–311, represent the first checkoff program for financing the competition of one farm food against another.

It should be remembered that there are checkoff programs in effect for both cotton and wool, but one very important thing must be remembered, and it is this: These products are fibers and not foods, and the pertinent checkoff programs are designed as an assist to help these fibers compete with synthetic substitutes. This bill before us would—by giving a special benefit to potatoes and, thereby, improving their competitive position—perform as an inducement for other commodity groups to seek the same privileges extended to potatoes under this legislation—it would invite a mad merry-go-round in the field of agricultural commodities. The committee already has similar legislation on honey, milk and olives.

Again referring to the pertinent report on this legislation and based on the hearing record on this legislation, it is obvious that only a small minority of the potato growers in this country would benefit from this bill. Under the legislation, a producer is defined as "any person raising 5 or more acres of potatoes." Inasmuch as there are 310,000 potato producers—and only 17,000 produce 5 acres or more—we arrive at a condition where only 6 percent of the growers of potatoes will be subject to the assessment envisioned by this legislation.

This raises the serious question of just how potato handlers are going to know whether the potatoes they buy were grown by a farmer who had just a little over 5 acres or a little under. Potato brokers will be utterly confused, trying to figure out whether to levy the assessment or not. Exclusion of 94 percent of the potato growers cannot help but have the effect of creating an administrative nightmare, with brokers and market agencies finding themselves smothered in paper and tangled up in redtape.

Over and above this, there is a heavy cost to the taxpayer involved. The Department of Agriculture reported—in its report on this legislation—that the cost of conducting a referendum and initiating the program would be in the vicinity of $325,000. Furthermore, the annual cost for administration would run an estimated $80,000 per year. All these costs would be paid out of section 32 funds, a regularly appropriated and, consequently, a taxpayer supported item.

Now, I have been told by various individuals that this would cost the taxpayer nothing simply because the funds would be taken from section 32 funds. Section 32 funds are derived from collections of import duties on goods brought into the United States. They are part of the funds raised by Government tariff.

When this legislation was before our

subcommittee, I offered an amendment to require the Potato Promotion Board to pay the costs of initiating and administering this program. I felt the Board—which would collect about $2 million a year under the program—should reimburse the U.S. taxpayers the cost of setting up and administering the program. Unfortunately my amendment did not carry.

Mr. Chairman, it is a generally accepted rule of thumb that those who receive a benefit should pay the costs associated with such benefit. This potato bill before us deviates from that policy, for while it produces a prime benefit for the seller of potatoes, it passes some of the costs on to the taxpayer.

It would be different if some kind of public service were provided under this legislation, but it is not—the only ones who would benefit would be a minority of potato growers.

There are some agricultural services that bring a very obvious and definite benefit to the consumer, providing him with protection for his health and quality foods for his table. Services such as this are in the public interest and should, therefore, be paid for from the public purse. Meat inspection, for instance, is paid for by the Department of Agriculture, and well it should be. The consumer is given a reasonable guarantee that red meat and poultry products he buys at the meat counter will not be injurious to his health.

I think it is time that we cleared up this confusion as to what kind of agricultural programs should be supported by the taxpayers.

Mr. Chairman, a simple rule of thumb, could be one like this; where the service provides a public benefit, the cost should be borne by the Federal Government and where the service supplies predominantly reward and benefit for the seller of the agricultural commodity, the cost should be borne by that seller. Let us start then right here and now to implement this policy.

This legislation is a good place to begin.

One final point, Mr. Chairman, and one which deals with honey which I have already mentioned. It contains a provision similar to the checkoff provision contained in this bill which has been tabled by our Committee on Agriculture. It is also interesting to note that the Department of Agriculture took the official position in the case of the honey legislation that the cost of this self-help program should at the very least be borne by the benefactors of the program. In other words, what is good for honey should also be good for potatoes. Unless we act with some consistency here we are going to create a scrambled egg policy on checkoff programs for agricultural commodities.

Let us defeat H.R. 2777 or at the very least, in the interest of consistency and fair play, require producers of potatoes to pay for all the benefit that they will secure to themselves under this program.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Why are the States of Alaska and Hawaii written out of this bill? It deals with 48 contiguous States and I assume that those are the two States which have been written out of the bill.

Mr. GOODLING. I do not believe potatoes are produced in Alaska and Hawaii. That is, perhaps, why they are not contained in the bill.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Washington.

Mr. FOLEY. In answer to the question which has been asked by the gentleman from Iowa, there was no specific reason that they were excluded except that there is a very small production of potatoes in those two States and there was no particular interest expressed on the part of those potato growers in this legislation at the time it was under consideration in the committee. That is the reason for this.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, did they not try to raise potatoes in the Matanuska Valley years and years ago? What happened to their experiment in that direction?

Mr. FOLEY. Mr. Chairman, if the gentleman will yield, I am not familiar with that particular area. There has been potato production of a kind in Alaska and some in Hawaii on the island of Maui, but they are not commercially significant and that is the reason they are not included in the bill.

Mr. FOLEY. Mr. Chairman, I yield 6 minutes to the gentleman from North Carolina (Mr. JONES), the sponsor of the bill.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, if I may have the attention of the gentleman from Iowa (Mr. KYL), and in order to explain more fully to the gentleman the matter of appointments to the Board which question the gentleman raised. The relevant section of the bill is as follows:

> *Providing*, That the Board shall be composed of representatives of producers selected by the Secretary from nominations by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the Board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

I wish my earlier statement to be corrected.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I am in full support of this proposed legislation to establish a potato research and promotion program.

The potato-producing industry has long played an important role in our national agricultural program. Production and marketing of potatoes is carried on in every State in the United States. Yet uncoordinated marketing habits have resulted in the failure of the potato industry to keep pace with the ever-changing trends in consumer buying. I believe this bill will provide a vehicle whereby the industry can develop new markets, promote its product, and develop more effective marketing techniques.

I became a sponsor of this legislation at the request of the Maine Potato Council, a trade association which represents all potato growers in Maine—the Nation's second largest potato producer. I am satisfied that this bill has the unanimous support of potato growers in my State, and base this conclusion on reports from the Maine Potato Council and on my personal contacts with numerous growers. The potato producers of Maine have joined with their counterparts across the Nation in deciding it is time to act on a unified, industrywide basis in planning and carrying out more effective research and marketing programs.

This proposal is purely enabling legislation. If passed, it would enable the majority of the Nation's potato growers, if they so desire, to establish a self-help program at their own expense. The bill does not propose Government subsidies or price supports. It would be a truly self-help measure, allowing producers to tax themselves and use the proceeds to improve their product, develop new and better methods of handling potatoes, and promote increased consumption of their product. The legislation will benefit consumers by improving grading, packaging and other marketing and merchandising practices.

I strongly endorse this bill and urge my colleagues to give it their full support.

Mr. JONES of North Carolina. Mr. Chairman and members of the committee, I rise in support of H.R. 2777 and hope to be able to answer some of the objections and the opposition which might be raised.

First, to those of you within this body who are apprehensive and against farm support prices, which we believe necessary to sustain an agricultural level, let me assure you that this is not any type of support legislation.

This is nothing more and nothing less than an effort on the part of an important portion of our agricultural economy to do something for themselves. This legislation was not conceived in the minds of any Member of this body or the Senate, but rather it came to my attention and to the attention of the members of this committee from the potato producers or growers themselves. It is the result of some 3 or 4 years of study and analysis as to what was in the best interest in a self-help approach to improve the sale and the use of the American Irish or white potato.

It is a product we have known for generations as a staple food. It is one of the least costly foods, and it is one that a majority of our citizens, particularly those in the lower economic levels, must rely upon to a great degree.

Mr. Chairman, something has been said about the 300,000 potato producers, and only 16,000 or 17,000 would be affected under this bill. This is true. The bill provides that anyone producing less than 5 acres of potatoes is not to be considered to be included under this coverage and for the payment, if you will, of the assessment.

But certainly if this program—and I am convinced that it will—improves the quality of potatoes, increases the demand for potatoes, then those planting less than 5 acres cannot help but indirectly benefit. Those who plant less than 5 acres of potatoes are in the main the family garden type of producer, or perhaps they produce 1 or 2 acres and dispose of them at the local corner store, or locally. Certainly anything that would increase the demand for potatoes and improve the quality of potatoes would help these producers.

Something had been said about the great expense to the Department of Agriculture for conducting this referendum. The Department has supplied varying figures, and you can choose whichever one you would like. The latest and highest is $325,000. But let me put it to you in this manner, there will be involved approximately 16,000 or 17,000 voters, and if it is going to cost the United States Department of Agriculture over $20 per vote to conduct a mail ballot, then I venture we ought to investigate the Department of Agriculture as well as the U.S. Post Office system.

I cannot by any stretch of the imagination agree with this exorbitant figure. I believe a more realistic figure would be somewhere near $3 or $4 or possibly $5 for each of the ballots to be prepared on the local level.

But in the event that I am wrong, let me ask you this: What was the Department of Agriculture created for if it was not to render service to all segments of the U.S. agriculture economy? And if it costs $300,000, and if it did not improve the lot of this hard-pressed segment of our farm economy, after all, they pay taxes also, and I think they are entitled to assistance and cooperation from the United States on this very fine program.

Again, Mr. Chairman, let me repeat in closing that this is a bill that has been asked for by the people themselves who will pay the assessment of 1 cent per hundredweight. Admittedly, it will raise a large sum of money, but obviously it is necessary in order to improve the economy to have this type of money.

Mr. Chairman, I hope that the Members of the House will vote favorably for this bill.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman.

Mr. GOODLING. I am absolutely certain that the gentleman in the well does not want to create any bad impression or make any misstatements. A letter from him reached my desk this morning and it says:

> These projects would help the potato industry solve its own problems; and the cost would be borne by the industry.

That is not a statement of fact.

Mr. JONES of North Carolina. The cost of carrying on the promotion program is carried by the industry.

Mr. GOODLING. That is not correct.

Mr. JONES of North Carolina. The research and advertising are paid by the people in the industry.

Mr. GOODLING. You say also:

> Such expenses incurred by USDA for promulgation, referendum, etc., would come from Section 32 funds.

Mr. JONES of North Carolina. That is my impression, I think that is what the bill says.

Mr. GOODLING. I think we all have to admit that if we do it that way, we revert to backdoor spending and I know many are opposed to that kind of spending. This would be another case where it would occur. I wanted to correct the misstatement you made in your letter.

Mr. JONES of North Carolina. I apologize if I have misled the gentleman in any way, but in view of his brilliance and his knowledge of this bill, I am sure that is not possible.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Teague), a member of the committee.

Mr. TEAGUE of California. Mr. Chairman, I would like to say to my colleagues, and I want to make this point, that among the few things that we do not grow commercially in my district are potatoes and polar bears. We grow almost everything else. So I have no personal interest in this legislation.

Once more I do point out that it is obvious there is some dispute about this bill and there may be more opposition on this side than there is on the other side of the aisle. Personally, I favor this bill as I did a similar proposal having to do with the cotton industry some years ago.

This is not the usual farm subsidy legislation. This is a self-help program.

I probably will support the amendment which I understand will be offered to place the administrative costs on the industry rather than on the Federal taxpayers, otherwise I see no reason why this bill should not be adopted.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman.

Mr. FINDLEY. I find myself so often, in fact, almost always in agreement with the gentleman from California, but I do want to clarify one point. We were together on the committee when the cotton checkoff promotion bill was enacted and we had discussed at that time as to whether or not the producer could have an option instead of seeking a refund, simply to decline the assessment in advance.

I understand an amendment was considered by the committee on this point. I do have in mind offering such at the proper time today.

I just wonder if the gentleman had any comment on that point.

Mr. TEAGUE of California. No, I am not on the subcommittee which considered this legislation. Due to the illness of my wife, I was in California when the committee as a whole considered the bill. I will certainly listen to the gentleman's amendment and the arguments for it, and I make no commitment until that time.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Findley).

Mr. FINDLEY. Mr. Chairman, on page 2 at the top of the page, beginning on line 2, there is this language: "the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position."

That language to me carries the clear implication that the assessments made on all potatoes harvested for commercial use would be adequate to meet the expenses and carrying out the program as well as financing the advertising connected with it.

I wonder if anyone would respond on that point? Does it not seem to the gentleman from Washington that this language is a bit misleading, if in fact the assessments would not be adequate to cover the annual administrative expenses of the program.

Mr. FOLEY. There is an administrative cost to the operation of the board which would be borne by assessment. There is an $80,000 estimated Department of Agriculture administrative cost in the overview responsibilites of the Secretary of Agriculture which would not be borne by assessment.

Mr. FINDLEY. Does the gentleman see any reason why the annual expense of the Department in this activity should not be fully reimbursed along with other expenses of the Board?

Mr. FOLEY. Yes. If the gentleman will yield further, I think it is a matter of principle. This is the normal kind of service that the Department of Agriculture renders. For example, there are over 60 marketing orders in the United States, each one of which has an annual estimated cost of administration of the Department which is borne by the Government, by public funds, and I see no reason why we should single out a self-help program, such as this one, and select it for a special charge of paying the cost of Government. The Government maintains all kinds of programs, as the gentleman knows, for the benefit of industry and for the benefit of various segments of the economy, which are not charged against the beneficiaries.

Mr. FINDLEY. One reason for bringing the matter up is that each year, for 4 or 5 years, I have pointed out the heavy investment in administrative expense that the taxpayers are required to bear in connection with Federal crop insurance activities. It varies between $6, $8, and $12 million a year. I do not anticipate that the cost of the proposed program would get that high, but in effect, by that administrative funding, we are financing competition for private enterprise in the insurance business.

In somewhat the same way, by requiring the taxpayers to finance the administrative costs of a program which does create promotion for a given commodity, this does require in some degree that the producers of commodities which are sold without the benefit of a similar type of program be at a disadvantage. It would seem to me fair play to begin with this legislation by setting a new standard, if indeed one is required, a new standard under which all the costs of the marketing order checkoff promotion programs would be borne by the producer of the commodity.

Mr. FOLEY. Mr. Chairman, will the gentleman yield further?

Mr. FINDLEY. I yield to the gentleman from Washington.

Mr. FOLEY. I would like to comment on that. I think the gentleman need have no concern that the administrative costs of this program will exceed $80,000. In my own personal judgment, that is a very high estimate of the cost, since the responsibilities of the Secretary are limited under the bill.

Mr. FINDLEY. If indeed it is a relatively insignificant amount, then would not this be the right time and place for us to set a good standard for all other marketing orders that may come in the future?

Mr. FOLEY. If the gentleman will yield further——

Mr. FINDLEY. I yield to the gentleman from Washington.

Mr. FOLEY. I think it is not an opportune time, and I would respectfully suggest that we have existing programs, marketing orders, promotion programs which the Department administers without cost to the producer. If we are going to suggest that the producer bear this administrative cost in the Department, then I think the proper way to do it is to continue to propose general legislation for that purpose and cover all commodities and not just single out this one.

Mr. FINDLEY. If there would be any chance that such legislation would be considered by the committee, I would certainly be in the forefront of those advocating it. Actually as a practical matter I believe the best way to get started on that reform is for us to start today.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Idaho.

Mr. McCLURE. I would like to ask this question with regard to funding the program. I do not see a great deal of distinction between the people who would benefit from this program paying their own costs and the recipients of loans from the SBA, the Federal Housing Administration, and those who benefit from rivers and harbors programs. These costs are borne by the Federal Government because there is a social benefit to the entire country in aiding a particular group of people. I cannot see why you would pick out a particular agricultural program, or agriculture as a whole, and say they must pay their own way and all other programs of the Government can pass the costs to the taxpayers.

Mr. FINDLEY. I believe this bill represents a slightly new departure in the field. The cotton program was intended to deal promotionwise with the threat of synthetics. Here we are financing a promotion of one commodity in competition with other commodities produced by farmers without marketing orders, and therefore I think this is in a class by itself. I believe it would be a good step for us to set a new standard for self-financing on the part of these various agricultural programs.

Mr. McCLURE. Mr. Chairman, will the gentleman yield further?

Mr. FINDLEY. I yield to the gentleman from Idaho.

Mr. McCLURE. Again I point out, the SBA is in competition with private enterprise; the Federal Housing Administration is the business of loans, and the recipients of the loans are the beneficiaries. They do not pay any administrative overhead.

Mr. FINDLEY. I will say to the gentleman, I do not think the circumstances are exactly parallel, but I am intrigued with the idea of having the users pay the full cost of other Government services, so maybe that is well worth exploring.

I did want to raise one other question, which is in regard to the provisions on the referendum. As I read the language of the bill, 51 percent of the producers of potatoes could put into effect, conceivably, this checkoff system, so that theoretically if there were 1,000 commercial producers of potatoes altogether in the 48 States involved here, then 501 of the producers could require that the other 499, against their will, must pay the checkoff. Am I correct there?

Mr. FOLEY. It is an affirmative two-thirds.

Mr. FINDLEY. The language as I read it on page 16 leaves a different impression. It says "not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes" and it goes on to say "and by not less than a majority of the producers voting in such referendum." So I would take that to mean, assuming the potato producers are concentrated among a relatively few, and there are 1,000 commercial producers, then 501 of that 1,000 could require the other 499 to pay the checkoff.

Mr. FOLEY. If they produce two-thirds of the potatoes.

Mr. FINDLEY. If they produce two-thirds. This seems to me a rather sharp departure from the one-man, one-vote ideas that have been spawned so widely in recent years.

Mr. FOLEY. This provision requires more than a majority of producers. In the case where a majority of producers is sufficient, then they must produce two-thirds of the potatoes. I remind the gentleman again, each producer who produces less than 5 acres is exempt from the bill, and those who are covered who wish to receive a refund have a right to receive such a refund.

Mr. FINDLEY. I thank the gentleman from Washington.

Mr. FOLEY. Mr. Chairman. I yield myself 5 minutes.

Mr. Chairman, it seems to me the suggestion which has been made by the gentleman from Illinois that all the costs of this program should be borne by the producers is really somewhat of an anomaly. We have in the field of agriculture and in the field of transportation and in many other fields in our national economy substantial inputs of Government funds. Now we have a program where the producers are going to assess themselves to pay for the cost of the program, and it has been suggested that they should pay even the cost of Government.

The gentleman from Idaho made a sound observation when he commented that each department of Government conducts programs which are of benefit to some segment of our economy, but those segments are not assessed to pay for the costs.

Indeed, that is the reason the Government exists—to carry on public programs.

I think the suggestion of the gentleman from Illinois, if carried to a logical extreme, would result in charging against every citizen of the United States who benefits from some program, a pro rata share of the cost of that particular departmental program. Maybe the gentleman feels that is wise, but administratively it seems to me that suggestion is totally unfair to a group of producers who are trying to help themselves and who are paying for the great and overwhelming portion of the cost of this program.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Chairman, I think, as has been already pointed out, we are talking about an $80,000 probable cost, which indicates it is not of such major importance to the program that we would like to see the program fail on the horns of this particular argument.

I believe we are talking about a principle here which is perhaps more important than the dollars involved.

I believe the majority of the potato growers in my State, while they would prefer not to have this amendent added, would accept the bill with the amendment if that is the price of getting the legislation passed.

Mr. FOLEY. I am not so concerned about the cost, either, but I am concerned very much about the principle. I suggest to the members of the committee that it is rather strange when producer groups come in and say, "Let us assess ourselves so that we can pay the costs of promotion and research and development," and we say to them, "Yes, but you also have to pay the incremental costs of Government associated with it." We appropriate funds of great magnitude for many other programs without asking anything by way of such contributions from their beneficiaries.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. I should like to ask a question with relation to page 7, which I raised with the gentleman from California (Mr. TEAGUE).

This section permits a person—and I quote from the bill—"who is not in favor of supporting the research and promotion program as provided for under this Act" the right to demand and receive a refund of such assessment. It is the refund provision to which I direct the gentleman's attention.

If in fact this language is intended to

be a convenience to the person who does not want to go along, would it not be much better and more fair to permit him simply at the outset to decline to participate by a written notice to the ASCS Committee or whoever will administer the program.

Mr. FOLEY. I will answer the gentleman's question in this way: That particular suggestion was made to the subcommittee and was considered by the subcommittee. There are two problems associated with it.

One is an administrative problem. The bill calls for these funds to be collected by handlers.

Mr. FINDLEY. By whom?

Mr. FOLEY. By handlers.

Mr. FINDLEY. By the first handler?

Mr. FOLEY. By the first handler. It is impossible for the Department to know where a particular potato grower is going to take his potatoes. He might select any one of a number of handlers. So a written notice to the Department, that a producer does not want to participate, would have to be communicated to every handler in the United States. They would have great lists of those people exempting themselves by notice to the Department. It would be almost impossible to carry out that provision; and, I might add for those concerned about expense, very expensive.

Mr. FINDLEY. Could the producer not simply furnish a copy of his notice to the Department, at the time he markets the potatoes?

Mr. FOLEY. That would put a burden, we felt, unjustifiably on the handler. It would also create a tremendous accounting problem, because the handler is responsible for turning over the appropriate funds based on the amount of potatoes he handles.

If we provide an exemption with people presenting papers and taking themselves out, that would have to be deducted when the records were presented and the funds transferred. In addition it would require an immense amount of accounting to be sure the handlers were not violating the law by withholding the funds rather than turn them over to the Government.

For administrative simplicity it was much simpler to require that all assessments be made, and then provide for refunds.

I wish to answer the gentleman's question thoroughly and candidly. This program will not operate, in my judgment and in the judgment of the committee, if the assessments are not first collected, because as a matter of human nature we have found that when people are required to make the assessment and then subsequently to get a refund, however easy it is, most of them do not apply for it and thus support the program. We found that to be the case in the cotton program.

If you ask a man at the handler's door whether he wants to submit the money, some will say "No," and the program will fail as almost all voluntary programs have failed.

I have not heard of any such program voluntarily carried out in the country that has been very successful. That is the reason why we suggest this alternative.

Mr. FINDLEY. It is there because of the fear, mainly, that most of them would take the easy way to get out of the assessment.

Mr. FOLEY. For the two reasons; both for the administrative difficulty of following the gentleman's suggestion and then to make the program workable.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. MYERS), a member of the committee.

Mr. MYERS. Mr. Chairman, I thank the gentleman for yielding this time to me.

The question has arisen this afternoon that we are singling out the potato industry here for different treatment than we have some other commodities. As a signer to the dissenting views, I want to make my position clear. I certainly support the general thrust of this legislation. I think any industry that wants to help itself through a checkoff, paying its own assessment to improve its own lot on the agricultural scene, should be encouraged, particularly at a time when American agriculture finds it most difficult to find a profit. However, I do not completely agree with some of the arguments this afternoon that we in this instance, who are asking that the administrative costs be paid from the funds collected, are singling this industry out. All of the others cited are those whose competition is from outside of agriculture.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I am glad to yield to the gentleman.

Mr. FOLEY. The gentleman is aware, is he not, that there is a cotton research program?

Mr. MYERS. Against synthetics. Yes.

Mr. FOLEY. And the gentleman is also aware that there is a wool research program?

Mr. MYERS. Yes. Against synthetics.

Mr. FOLEY. And does the gentleman say that wool and cotton are not in competition with one another?

Mr. MYERS. They are somewhat competitive, yes; but the real thrust here is not of cotton against wool in this country, as the gentleman well knows. The general activity today in the usage of the fabric does not come from competition between wool versus cotton but comes from that outside which is not produced from American agriculture.

Mr. FOLEY. Is it not true that some synthetics use agricultural products such as the soybean?

Mr. MYERS. A very few do, but a lot of them use petroleum products, too. Will the gentleman concede that petroleum products are used in synthetics, and they are not produced on farms?

It was said by the gentleman from Idaho that the Small Business Administration, the Veterans' Administration, and some of the other agencies use Federal funds. That is quite true. But they do not collect funds from individuals for promotion of that particular industry against another industry. It is an entirely different analogy here. The question here is not that we are going to deny the potato industry access to all of the other facilities and services offered by the Department of Agriculture—not at all—because the potato industry is going to continue to use the Research Department of the Department of Agriculture, the Extension Service, and many other areas of the Department of Agriculture and of our Federal Government. However, this is an area where they are going to check off from producers a figure estimated to be about $2 million a year, and it seems to me at a time when we have such a drain on our Treasury why should this not be the place to start to let an industry pay its own way. If they have $2 million, then I think the $80,000 you ask to charge to the taxpayers should be assessed back to the industry promoting itself with research to improve its industry competitively with other segments of agriculture.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I would like to think out loud for a moment or two and then ask for some assistance in helping me to make up my mind as to how I should vote on this bill. Frankly at this point I do not know.

As to the matter that the gentleman from Indiana spoke of, competition is something of a concern. The bill speaks of placing the potato industry in a better competitive position. With what? The housewife, in using a substitute for potatoes, might use rice or spaghetti or other such products that are produced by other elements of the agriculture of the United States. If this is the kind of competition we mean, we help one farmer and hurt another. This is one concern.

There is a broader matter that concerns me. At the present time anyone interested in agriculture knows we have difficulty in getting a good loud voice for agriculture collectively. We already have bills before the committee as I understand to do something like we are proposing today in the field of pecan production, milk production, and honey production. If we continue to fragment agriculture ad infinitum, I wonder if in concentrating on particular segments of the industry, we do not actually help reduce the combined voice of the farmers in the United States.

Are we here actually making it a little easier for farmers to say, "No; I am not going to belong to this organization or to that organization which are general farm groups because I have my own specific producers organization which is taking care of me."

I do not want that to happen. I do not know that it would. But that is one of the things that concerns me here, as does this voluntary, but not voluntary situation we get ourselves into. The gentleman from Washington is right when he says the potato people would like to help their industry and they do not mind contributing if we have some kind of voluntary-compulsory system. But they are not going into it in the absence of some kind of compulsion, and the gentleman is right.

There is another argument about whether the Government should be reimbursed for its services.

Actually, we have a congressional policy on the books which says specifically that inasmuch as it is possible to do so the Federal Government should collect from the people served the cost of the Government service provided for them. Let me make this distinction. When we do research in meat, in cotton, in wool, and anything else, we really are trying to provide a better product for the consumer at a reasonable cost as much as we are trying to help an individual producer of a product.

These are some of the things that bother me.

I would be happy to yield to the gentleman from Washington or someone else for a response to these questions.

Mr. FOLEY. If the gentleman will yield, touching on the last point the gentleman raised first, I would certainly agree that research activities conducted by the Government on agricultural products and processes which make it possible, among other things, to offer agricultural products to consumers at a cheaper cost. If this bill is passed funds will be put into research which I am sure will benefit consumers and at substantially lower cost to the Government than 100-percent financing of research activities.

I think it is possible that this bill could save the Government money in not requiring as much research to be conducted by the Government when there is an ongoing research program carried on by the producers themselves.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FOLEY. Mr. Chairman, I yield the gentleman 2 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 2 additional minutes.

Mr. FOLEY. Mr. Chairman, will the gentleman yield further?

Mr. KYL. Yes; I yield further to the gentleman from Washington.

Mr. FOLEY. I think that in terms of assessing these costs, the costs are not excessive. They could be borne by this particular group of producers. But I am concerned that a program which is almost entirely self-help should be penalized by being made subject to repaying the Government for normal Government activity administrative cost. I think we ought to encourage producers to develop self-help programs. We should not discourage them by putting a penalty upon them.

Mr. KYL. Let me interject at that point. I am not as much worried about these costs as some of the other Members apparently are, because even in the case of price supports for such products as corn, for instance, I believe I can make a perfectly logical case that this subsidy has been for consumers rather than producers. My producers of corn are getting the same prices for corn as they were 10 years ago, and not as much as they were 20 years ago.

Mr. FOLEY. I can say the same thing for wheat.

Mr. KYL. But let us get to this other item about farm organizations and possible fragmentation.

Mr. FOLEY. I think on that too, that the committee has viewed each of these particular bills separately. We cannot establish one overall policy for all commodities. The gentleman knows that feed grains and corn are different from wheat, and we have specifically laid aside a honey bill because the committee was not convinced that this bill was in the proper shape.

But if we use the excuse that we are not going to give producers the opportunity to help themselves because it will fragment agriculture's voice, I think the result will be a further fragmentation, or a failure of agriculture to be heard.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. FOLEY. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. KYL. I thank the gentleman for yielding, and I again yield to the gentleman from Washington.

Mr. FOLEY. But it gives a group of producers a chance to have a program which they tailor, which they design, which they largely finance. It seems to me that this is in the interest of the entire country, of agriculture, and of the Congress. And I do not argue that other farm programs are bad, I think they are good, but the gentleman and I know that they are all expensive. This program is not expensive and is self-financed. We are defeating self-help programs if we defeat this bill today.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. FOLEY. Mr. Chairman, I yield myself 1 minute.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I wonder if I might ask the gentleman a question? Would the gentleman rephrase his last statement? I understood the gentleman to say if we charge this administrative cost back to the potato industry you would defeat the self-help program? Does the gentleman mean they would not go along with it?

Mr. FOLEY. No; the gentleman misunderstands. I think we would be discouraging such programs from being developed. I think charging the cost of Government constitutes a kind of a penalty on these people for coming into a program of this sort. I said later that if the Committee and the House defeated the bill today we will be defeating self-help programs.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, first of all, in rising to support this bill I would like to commend the chairman of the subcommittee, the gentleman from Washington (Mr. FOLEY) for the leadership which he has brought to the floor today.

I might point out also that the State of Idaho, which is the leading potato-producing State in the Nation has had some 30 years of experience with this kind of a potato research and promotion program. Back in 1939 the State of Idaho adopted a potato promotion and research program financed by an assessment on potatoes produced within the State. The main difference between the program in Idaho and the one that is proposed here is that in Idaho there is no right to a refund of the assessments that are paid. But the program has worked successfully for the State of Idaho, and I believe that it can work successfully to help the potato industry across the Nation.

Mr. Chairman, it has been pointed out that this bill represents a new departure. I welcome a new departure. Make no mistake about it; the American farmer is in trouble. By any standards, the crisis in rural America is deeper and more serious than the urban crisis.

Until we come up with the answer to the problem of decreasing farm income, we cannot afford to overlook any kind of program that offers some hope. This program offers some hope for a solution.

There is no price support program for potatoes. None is asked for here. But they do ask for an opportunity to cooperate in the development of a program for the promotion and sale of their product.

The enactment of this bill will provide the Nation's potato industry with an important instrument of self-help. It will permit the establishment of a coordinated nationwide research and promotion program for potatoes to be financed by potato growers.

The need for the kind of a program that is anticipated by this bill is clear. Potatoes are among our most nutritious food products and have always been one of the consumer's best food bargains. Nevertheless, according to information furnished by the Department of Agriculture, per capita consumption of potatoes declined from 122 pounds 30 years ago to about 110 pounds where it has remained since the early 1950's. Per capita consumption of fresh potatoes has continued to decline during the past decade. This trend has reflected a growing preference for processed potato products.

The passage of this legislation will enable potato growers to help themselves develop programs that will help to overcome problems that confront the potato industry and marketing its products. The industry frequently faces a problem of imbalance of supply and demand. The grower must sell his potatoes in a market that is highly competitive and subject to rapid change. When there is a surplus of potatoes, the effect is often a depressed price that causes a sharp decline in the income of potato growers.

The proposed Potato Research and Promotion Act would provide potato growers with the means to develop a program designed to increase their income by expanding and stabilizing the market for potato products. Such a program could yield significant benefits to the potato producer.

The legislation will also benefit the consumer. Among the objectives of a potato research and promotion program will be the establishment and maintenance of quality standards, accurate information on the nutritional value of potatoes and the development of new potato products to meet consumer demands.

Mr. Chairman, my own State of Idaho

leads the Nation in the production of potatoes. The value of the 1968 potato crop in Idaho was estimated to be $111,000,000 which is a little more than one-fifth of the total value of all potatoes produced in the Nation in 1968 which is estimated to be $609,000,000. Total production in the Nation in 1968 was 305.4 million hundredweight. Of this amount, Idaho produced 59.5 million hundredweight. It is evident, therefore, that the potato industry is an important part of the economy of the State of Idaho.

Idaho has had long experience with programs of potato research and promotion. The Idaho Advertising Commission was created by the State legislature in 1939. The primary purpose of the commission was to promote the sale of Idaho potatoes under a program financed by an assessment made on all potatoes produced in the State. The name of the commission was later changed to the Idaho Potato and Onion Commission. Through its efforts to establish and maintain high standards of quality and to expand the market for Idaho potatoes, the commission has contributed greatly to the reputation Idaho now enjoys as the producer of the finest potatoes in America. The commission's work has been aided greatly by other organizations within the potato industry including the Potato Growers of Idaho, Inc., an orginzation of farmers who grow potatoes, the Potato Processors of Idaho, Inc., and the Idaho Grower-Shippers Association.

The same techniques that have worked for the Idaho potato industry can work for the Nation's potato industry. And, all potato-producing States, including Idaho, will benefit from any successful efforts to expand the market for potato products.

H.R. 2777 is supported by the Potato Growers of Idaho, Inc. At the hearings held earlier before the Subcommittee on Domestic Marketing and Consumer Relations of the House Committee on Agriculture, Mr. Clarence Parr, immediate past president and current vice president of the organization, which represents most of Idaho's potato growers, presented testimony in support of this bill. I am satisfied that the great majority of potato growers in Idaho favor the passage of this legislation.

I should point out, however, that opinion in Idaho is not unanimously in support of H.R. 2777. Many growers and other industry representatives have written to me to express opposition to the bill or to certain provisions in the bill. Some who oppose the bill say they would rather use the money to promote the sale of Idaho potatoes. I believe, however, that if we continue to maintain high standards of quality and do an effective job of merchandising our products, Idaho can win a fair share of any expanded potato markets that result from the nationwide research and promotion program that would be permitted by the passage of this bill. I am happy, therefore, to give H.R. 2777 my full support.

The bill provides two important safeguards which I would call to the attention of those who have expressed some misgiving about this legislation. First, section 14 of the bill provides that no plan issued pursuant to the act shall be effective unless it has been approved by a vote of the potato growers. Any plan must be approved by not less than two-thirds of the producers voting in a referendum or by the producers of not less than two-thirds of the potatoes produced by the producers voting, provided that at least the majority of the producers voting have approved the plan.

Second, section 8(g) provides that any potato producer from whom an assessment has been collected and who is not in favor of supporting the research and promotion program shall have the right to demand and receive a refund of any assessment paid.

Mr. Chairman, the bill before us today represents a promising step in the right direction. It will provide potato growers across the Nation with essential tools that will enable them to help themselves in a cooperative effort to stabilize and expand the market for potato products, raise farm income, and at the same time render a service of great value to the American consumer.

I urge your favorable vote.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time remaining.

Mr. Chairman, I listened with a great deal of interest when the gentleman from Washington talked about the self-help programs. I want to assure him there is not anyone in this Congress who is more interested in self-help programs than I am. But let us make it a self-help program.

I would also like to point out to the gentleman from Washington and to the membership of this House that the Washington State Apple Commission has the finest promotion program of any commodity group in the entire United States, and it is done strictly by the commission. It has not come to the Federal Government and asked for one penny. It assesses members approximately 6 cents per bushel for every box of apples packed.

Just recently, a day or two ago, this came to my desk:

> [From the Goodfruit Growers, Yakima, Wash., Oct. 15, 1969]
>
> RESEARCH COMMISSION STARTS COLLECTION
>
> Following a favorable growers' referendum in August, the Washington Tree Fruit Research Commission is collecting a 10 cents per ton assessment on Washington tree fruits. The 1969 assessments apply on peaches, prunes, pears and apples that were shipped fresh or processed commercially Aug. 12 or later. In 1970, the assessment will apply on all Washington deciduous tree fruits.
>
> Assessments are paid by the growers. However, in most cases these funds are deducted by dealers or processors from their growers' accounts and then transmitted on to the Research Commission in the ways prescribed.
>
> To minimize collection costs, the Washington State Apple Advertising Commission is collecting assessments on fresh apples for the Research Commission along with its own advertising funds (directly following shipment). Similarly, the Washington State Fruit Commission is collecting the research assessment along with its own soft fruit assessments on peaches, prunes, Bartlett pears, cherries and apricots. In addition, research assessments on processing apples and on fresh and processing winter pears will be collected by the Research Commission through the Washington State Fruit Commission. The research assessment will apply on all fruit that is sold for commercial processing, but not on fruit that is culled out by a processor (such as when he pays the dealer for processing grade number 1 and 2 Bartlett pears and nothing for the culls).
>
> Dealers and processors will report and pay both research and promotional assessments to the Washington State Fruit Commission by means of Shipper Reports and Processor Reports respectively. These report forms are distributed by the Fruit Commission as a way to report the packout or pack and determine the total assessments to be transmitted on a particular commodity. The forms are adaptable to listing both assessments.
>
> All fruit buyers are legally responsible to withold and pay a grower's assessments unless it is certain that the grower will remit directly himself (such as when he sells his fruit directly to a retailer).

Here again they are doing everything on their own.

Mr. FOLEY. Mr. Chairman, I yield myself the time remaining on this side.

Mr. Chairman, I would just like in closing to thank the gentleman from Pennsylvania for this very kind reference to the Washington Apple Commission in my State. I agree with him wholeheartedly. They do a splendid job. They promote, of course, Washington apples. They do not promote Pennsylvania apples or Virginia apples or New York apples. Each State is entitled to set up these programs, and they are very useful.

The purpose of this program is to set up a national program for all potato producers throughout the United States and this is a much different undertaking than carrying on a promotion program for a particular product within the borders of a State.

I think the debate has covered fairly most of the issues here. I would just like to appeal to the members of the committee that what we do today will be observed very carefully throughout agricultural America.

If it appears that this House is not willing to endorse the efforts of this group of producers to assess themselves, to develop their own product and to promote it and to advertise it and to build stability and strength into their markets, then the result I think will be to discourage these self-help efforts.

It seems to me, and I must repeat this, because the amount of money is not large—it seems to me absurd that gentlemen would quibble about the administrative cost of a program so largely to be borne by the producers themselves.

As the gentleman says, about $2 million would be assessed under this program by these people out of their pockets to carry on the advertising research and promotion which would be of benefit to the consumers as well as to themselves. That ought to be encouraged. It ought to be lauded and supported. We should not single out these producers for a particular and unusual assessment of Government costs in connection with the program which is not borne by any other comparable program that I know of. I think that would be unfortunate and undesirable.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. GROSS. Has the gentleman heard of the old adage that it is not always the first cost but the upkeep that really costs?

Mr. FOLEY. I have heard of the adage, but as I said to the gentleman from Illinois, I would be most surprised—and I assure the gentleman and I am very sincere in saying so—I would be most surprised if these costs actually reached $80,000 a year.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Indiana.

Mr. MYERS. I believe the gentleman stated that no other industry paid its own way. How about rice?

Mr. FOLEY. There are inspection programs, but not programs of promotion and advertising; the latter do not pay for the administrative costs of the Department of Agriculture.

Mr. MYERS. Under the Perishable Commodities Act there is a checkoff provision, by which they pay their own policing and administrative costs of the program, is that not correct?

Mr. FOLEY. That is an unusual program, the cost of which is borne by those who are members. That is correct. The Perishable Commodities Act is a program which has nothing to do with research and promotion. Here the Government is merely a part of the program, an overseer. In the situation the gentleman describes, the Government does a major investigation and enforcement job.

The two are not comparable.

Mr. MYERS. That is correct, but the industry, the producers of the commodity, pay their own way. If the gentleman will yield further, what food product has a program just like the one proposed? What food product has a checkoff for promotion and research which is just like this program?

Mr. FOLEY. I cannot give the gentleman the exact number, but I believe under about 17 marketing orders there is a checkoff for this purpose.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. It is the declared policy of the Congress and the purpose of this Act that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person who handles potatoes except a common or contract carrier of potatoes owned by another person.

(e) The term "handle" means to transport or sell potatoes or otherwise place potatoes in the current of commerce, except that the sale of unharvested potatoes and the transfer or delivery of potatoes from the farm on which they are produced to a temporary storage facility, packing shed or processing plant shall not be considered handling.

(f) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(g) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this Act, to present a favorable image for potatoes to the public with the express intent of improving their competitive positions and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this Act, the Secretary shall, subject to the provisions of this Act, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this Act, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this Act. Any order issued by the Secretary under this Act shall hereinafter in this Act be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this Act, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions or modifications thereof will tend to effectuate the declared policy of this Act.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this Act shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a) (4) of this section.

(g) Providing that, notwithstanding any other provisions of this Act, any potato producer against whose potatoes any assessment is made and collected under authority of this Act and who is not in favor of supporting the research and promotion program as provided for under this Act shall have the right to demand and receive from the board a refund of such assessment: *Provided,* That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this Act.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this Act may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further,* That such promotional activities shall comply with the provisions of section 8(f) of this Act.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made some efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this Act, to permit an effective and continuous coordinated program of research and development or advertising and promotion in years when the production and assessment income may be reduced: *Provided,* That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this Act and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) The first handler of potatoes shall be responsible, under the provisions of this Act and any plan issued pursuant to it, for payment to the board of any assessments levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assesment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this Act or of any plan or regulation issued pursuant to this Act.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secetary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The District courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this Act.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this Act.

(b) Any handler who willfully violates any provisions of any plan issued by the Secretary under this Act, or who willfully fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be liable to a penalty of not more than $1,000 for each such offense which shall accrue to the United States and in addition shall be subject to civil suit brought by the United States to collect any unpaid assessments levied under this Act.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this Act, or of any plan, or rule or regulation issued under this Act. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district where of such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this Act, or of any plan, or rule or regulation issued thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in pararaph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this Act, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board of or 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

Sec. 16. The provisions of the Act applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

Sec. 17. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

Sec. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this Act: *Provided*, That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this Act.

EFFECTIVE DATE

Sec. 19. This Act shall take effect upon enactment.

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the bill may be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there any objection to the request of the gentleman from Washington?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. FOLEY. Mr. Chairman, I ask unanimous consent that all committee amendments may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read as follows:

Committee amendments: Page 2, lines 19 through 21, delete all of subsection 3(d) and substitute the following:

"(d) The term 'handler' means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this Act or in the rules and regulations issued thereunder."

Page 3, lines 3 through 8, delete all of subsection 3(e). Redesignate subsections (f) and (g) as subsections (e) and (f), respectively.

Page 4, line 6, delete the period and add the following: "and as are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes or potato products.".

Page 5, line 1, delete "or modifications".

Page 9, lines 21 and 23, delete "research and development or advertising and promotion" and substitute "research, development, advertising and promotion".

Page 10, line 12, delete "The first handler of potatoes shall be responsible, under the provisions of this Act and any plan issued pursuant to it, for payment to the board of any assessments levied on potatoes;" and substitute:

"Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes;".

Page 10, line 6, insert the following sentences at the end of section 10(a):

"To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes."

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Findley: On page 16, line 18, strike the comma and all following language to and including the word "referendum" on line 22.

Mr. FINDLEY. Mr. Chairman, my amendment would strike the language which permits a single majority of the potato producers subject to this act to invoke the provisions of the act.

If the amendment is accepted, the period would occur right after the word "referendum" on line 18, so the plan would take effect only if it is favored by not less than two-thirds of the producers voting in such a referendum.

There is ample precedent for this. In fact, the provisions of the bill as now before us represent the exception rather than the rule in the handling of referendums. The most familiar referendum perhaps to the country at large is the wheat referendum, which has a provision under which the terms cannot be invoked unless they are approved by two-thirds. The same is true in the case of the tobacco, rice, and cotton programs. It is true that in a few other programs there are some exceptions which have authority such as that set forth on this page which would permit a bare majority of the producers to invoke the provisions of the program.

The reason I feel it is entirely in the public interest to require at least two-thirds of the producers to approve is that in effect what we have before us today is a tax bill. It authorizes the imposition of a tax on potato producers. To be sure, it does have a cumbersome way out by which refunds can be secured, but the real effect of this bill is to authorize the imposition of a tax. Instead of placing in the hands of a simple majority of potato growers the right to impose a tax upon the minority that might not wish to go along with it, I think we ought to extend this to the customary two-thirds level.

As I pointed out earlier, the language as now written did permit just one over the one-half of the total producers to invoke this program. Let us assume, for example, the total number of commercial producers of potatoes comes to 1,000. This means that 501 of that 1,000, assuming all 1,000 were voting in the referendum, could invoke and impose a tax upon the other 499.

Under the provisions of my amendment, the requirement would be changed, instead of a simple majority, to a two-thirds majority. That is the effect of my amendment. I would be glad to answer any questions.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Illinois has called this a tax. If it is, it is a self-imposed tax, which is a rather unusual kind of tax. It is an assessment, but whatever we call it, I think the provisions of this bill require an unusual degree of interest on the part of the producers before the plan can come into existence.

First of all, the Secretary must convince himself that such a plan is desired.

Second, the Secretary holds hearings at which anyone can testify.

Third, if the Secretary makes a determination to present a plan for referendum, he does so.

Initially he decides whether to submit the plan for referendum. If he does not feel it is fair or desirable, he does not submit it. Then, when the referendum is before the producers, two-thirds of them have to agree or a majority producing two-thirds of the crop.

The gentleman suggests that these voting levels are inadequate. The gentleman is elected by a simple majority and sits in the House by a simple majority. The Congress of the United States by a simple majority can impose a tax on our citizens for which they are not able to obtain a refund.

So I think we have built into this bill great protection against any potato producers being dragged into a program which they do not favor.

I might also point out in the hearings we conducted in the subcommittee on April 17, not one single producer witness appeared in opposition to this bill—not one who was a potato producer.

There was an unusual degree of unanimity.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. If that is the case, then why does the gentleman oppose an amendment requiring two-thirds approval? If there is no objection in the country on the part of the potato producers, they will get 100-percent approval on the referendum. Why not raise it to the two-thirds level, which has been the common practice on all referendums ever carried out by the USDA?

Mr. FOLEY. Because we have a provision for any producer who wishes to obtain a refund. I believe we have taken full and complete care of that problem. Any producer can get out who does not want to participate.

The gentleman used the example of the wheat referendum. The wheat referendum used a two-thirds vote, but that was to set up a mandatory marketing quota, and no producer was entitled to remove himself from such a program, if approved.

Mr. FINDLEY. Will not the gentleman agree that as a practical matter it will be so cumbersome that very few of those even with the greatest determination will go through the redtape to get a refund of the assessment?

Mr. FOLEY. I do not agree with the gentleman that it would be cumbersome or that there would be redtape. In fact, the committee has gone as far as it can go to make it very easy for such people to obtain refunds.

Mr. FINDLEY. Yet the gentleman just a little earlier today in arguing against my proposal that the producer have an option to refuse the assessment said that would make it too easy. So one must assume that the provision set forth in this bill is a more difficult procedure and would therefore discourage producers from utilizing it.

Mr. FOLEY. I said, with reference to being able to just say "No" at the gate, that would discourage participation. The problem with that is that it puts a burden on those who are more willing to contribute, and the others will just ride along.

There is a slight, minimum—very minimum inconvenience involved in applying for a refund. If a person wants a refund he ought to be able to go through that slight inconvenience.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Idaho.

Mr. McCLURE. Is it not correct—the gentleman in the well can perhaps tell us—that the usual provision under the 1937 act, the provision under which the various marketing orders have been made, was for this kind of a participators and volume test?

Mr. FOLEY. That is correct.

Mr. McCLURE. This is not the exception, but this is the rule.

Mr. FOLEY. The gentleman from Illinois used an example taken from a referendum—a mandatory program—the wheat referendum. This is not such a program.

Mr. FINDLEY. It is my understanding, however, that this truly is the exceptional type of language under marketing order authority, not the rule. I realize I cannot present the documentation at this moment, but I believe I am correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Findley).

The amendment was rejected.

Mr. FINDLEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 266]

Abbitt
Ashley
Barrett
Belcher
Brock
Brown, Calif.
Burleson, Tex.
Bush
Cahill
Celler
Chisholm
Clark
Clay
Collier
Conyers
Dawson
de le Garza
Delaney
Denney
Dennis
Diggs
Dingell
Flynt
Frelinghuysen
Garmatz
Giaimo
Green, Pa.
Gubser
Halpern
Hamilton
Hammerschmidt
Hansen, Wash.
Hawkins
Horton
Hosmer
Howard
Ichord
Jacobs
Jarman
Jones, Tenn.
Kirwan
Kuykendall
Lipscomb
Long, La.
McCarthy
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Nichols
Nix
Ottinger
Pollock
Powell
Price, Tex.
Rees
Reid, N.Y.
Rivers
Rooney, Pa.
Rostenkowski
Roudebush
Roybal
Sandman
Scheuer
Sisk
Smith, Calif.
Springer
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Whalley
Wilson, Charles H.
Winn
Wylie
Wyman

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Henderson, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 2777, and finding itself without a quorum, he had directed the roll to be called, when 351 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Goodling: Page 18, line 15, change the period to a colon and insert the following: "*Provided further*, That notwithstanding any other provision of this Act, the National Potato Promotion Board shall reimburse the United States Treasury for all expenses, except those incurred in conducting referendums pursuant to sections 14 and 15(b) of this Act, incurred by the Secretary in administering the provisions of this Act and all such reimbursements shall be deposited in the United States Treasury as miscellaneous receipts."

Mr. GOODLING. Mr. Chairman, this amendment would require the Potato Promotion Board to reimburse the Federal Government for its annual administrative expenses.

The U.S. Department of Agriculture estimates that these expenses would be approximately $80,000 annually.

The Department has testified in favor of a similar proposition in respect to the pending honey promotion bill—see pages 11 and 12 of the printed hearings on H.R. 9655, serial K, June 10 and 11, 1969.

The amendment would not require reimbursement for the cost of any referenda.

This amendment was offered in the subcommittee, where it failed on a three-vote tie, and in the full committee, where it failed by a four-vote margin.

With anticipated income of $2 million per year, the Potato Promotion Board could well afford in my opinion, to reimburse the Government for its administrative costs.

And now to show how inconsistent we are, let me quote from the committee hearings on honey promotion bills. Mr. Nicholson, Deputy Director, Consumer and Marketing Service, U.S. Department of Agriculture:

We recommend that the bill be amended to provide that any costs to the U.S. Department of Agriculture incurred in administering any program developed pursuant to this legislation shall be financed by assessments collected from handlers which handlers may deduct in settlement with domestic producers.

Thank you.

Mr. Foley. Thank you, Mr. Nicholson. My memory may be faulty but I do not recall that the Department recommended the recovery of costs in the recent report on the Potato Research and Promotion Act. Do you recall?

Mr. Nicholson. Yes, I recall it, and I believe we did not. This was, I do not believe, mentioned in the testimony or the report. I think the bill itself provided that the funds should be obtained from section 32 funds and I think we left it that way.

Mr. Foley. Could you enlighten us as to why the Department has taken the position of recovering the funds from assessments on this legislation?

Mr. Nicholson. Only to the extent that this is the policy on this bill. That was my instruction, to so proceed.

Mr. Foley. I see.

Mrs. May?

Mrs. May. I would like to follow up Mr. Foley's question, Mr. Nicholson, because I think the question will be brought to us. I think we might appreciate if you would get a reading from the Department on why their policy on this is one way and they did not recommend it on the potato bill. If that would be possible in a letter from you representing them or someone down there at that level, because I am sure Mr. Foley and I and others on the committee will be asked this question.

I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I ask the gentleman, Am I correct that the effect of the amendment that the gentleman offered would be to require that the assessments against the commercial potato growers would be high enough not only to cover the cost of advertising but to cover approximately $80,000 a year in ongoing administrative expenses of the Department of Agriculture? Am I correct in that?

Mr. GOODLING. You are correct. I stated at one time during this debate that they anticipate a take of about $2 million a year if this bill becomes law.

SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment in the nature of a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. Goodling).

The Clerk read as follows:

Substitute amendment offered by Mr. Findley for the amendment offered by Mr. Goodling: Page 18, line 15, change the period to a colon and insert the following: "*Provided further*, That notwithstanding any other provision of this Act, the National Potato Promotion Board shall reimburse the United States Treasury for all expenses, except those incurred in conducting referendums under which the decision is negative, pursuant to sections 14 and 15(b) of this Act, incurred by the Secretary in administering the provisions of this Act and all such reimbursements shall be deposited in the United States Treasury as miscellaneous receipts."

Mr. FINDLEY. Mr. Chairman, I believe the Clerk read incorrectly one of the words. The decision made is "negative" is a part of the amendment in the form of a substitute. In other words, it should read under which the decision is "negative." That is the language of the amendment in the nature of a substitute.

The CHAIRMAN. Does the language to which the gentleman refers follow the word "referendum"?

Mr. FINDLEY. It does.

The CHAIRMAN. The Clerk read it correctly.

Mr. FINDLEY. Mr. Chairman, the effect of the pending amendments offered by the gentleman from Pennsylvania (Mr. Goodling) would be to provide self-financing by commercial potato producers of the administrative expense of the program which is admittedly rather modest. It is certainly in the public interest for us to set a new precedent here for self-financing fees for users who are benefited by a program of this type. It is a good amendment.

The amendment which I offer in the nature of a substitute I believe is a better amendment because it would also recover by the same procedure through the assessments against the commercial potato producers the cost of a successful referendum. Now, of course, if a referendum is held and it has a negative outcome, it certainly would not be fair to assess the cost of a referendum against the potato producers. But assuming the outcome of the referendum is favorable and every indication is that it would be, then the Treasury would be reimbursed out of the assessments against potato producers. The effect on the U.S. Treasury would be considerable because the estimated cost of the referendum would be about $300,000 a year.

Mr. Chairman, this added to the annual administrative cost would mean that for the first year the assessments against the potato producers would be adequate to cover both the administrative cost and the cost of the referendum, about $400,000, assuming the outcome of the referendum is affirmative. And, on subsequent years, assuming there are not subsequent referendums, then the cost spread by means of assessments would be $80,000 a year.

There is a good precedent for this. We have self-financing user charges under the rice program, for meat grading fees and user fees which are required in many activities authorized by the Federal Government such as the Perishable Agricultural Commodities Act. Earlier this year this Congress authorized a higher license fee under the PAC in order to cover adequately the administrative cost of that program.

This is an effort on my part to make a good amendment which has been offered by the gentleman from Pennsylvania (Mr. Goodling) better.

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. Goodling), and to the substitute amendment.

Mr. Chairman, both of these amendments seem to tack on additional burdens of paying the cost of the Government administration of a program that is a self-help program.

For those members of the committee who were not in the Chamber during the course of the general debate on this bill, this bill proposes to permit potato growers to assess costs—to assess themselves—up to 1 cent per one hundredweight in order to develop a fund to advertise and promote new research in potatoes.

It is one of the first bills—not the first bill—to place an assessment upon an agricultural commodity to be paid by the producers themselves.

It seems ironic that such a program should be the occasion for the gentleman from Pennsylvania (Mr. Goodling) and the gentleman from Illinois (Mr. Findley) to propose an amendment to recover the cost of the additional costs in the form of Government salaries—the salaries of the Department officials and supervisors, who would oversee the program otherwise privately financed.

We do not know whether this program is going to cost $80,000. It is not an amount of money paid out of the Treasury, it just represents a share of the administrative budget of the Department.

If the logic of the gentleman were extended, every small business loan applicant would have to pay an additional amount of money to take care of the costs of the Small Business Administration.

The Government supports a variety of programs which benefit various areas of our economy. Most are completely Government financed. This is one, which is not mainly a Government program, will be mainly a privately financed program. I suggest that if we want to encourage the side of initiative and self-help that we should vote against the amendment and the substitute to the amendment.

Mr. MYERS. Mr. Chairman, I rise in support of the substitute amendment, and the amendment.

The analogies used this afternoon are not analogous at all because they are in entirely different areas. The various agencies of the Federal Government, as has been said earlier, of course provide service, but they provide service in most cases for people who are unable to help themselves; they are doing a service that the people are not able to do for themselves, but the very intent of this bill is to allow an industry to do for itself. I believe this, of course, is in the tradition of the American way, to allow industry to do for itself.

So, Mr. Chairman, it seems to me that the substitute, as well as the original amendment, certainly deserve the support of this House.

Of course, it is quite true that there are not any exact precedents in other bills just like this, I grant that, but I also say the examples that have been given of cotton and wool—and these are the only two that have been mentioned by many this afternoon—are certainly not like this bill at all. So we are really blazing a new trail here, and I do not know what better opportunity we might have to start such a precedent than right now to pay its own way.

Mr. Chairman, there will be a motion to recommit if these amendments fail. The gentleman from Pennsylvania will offer that motion, and I yield to the gentleman from Pennsylvania to explain the motion to recommit.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

I want to point out to the Members of this House that my motion to recommit will contain the language of the amendment offered by the gentleman from Illinois (Mr. Findley). This will give us a clear-cut vote on whether the House and this Congress want the taxpayers to pick up the tab for a promotional program, or whether it wants the commodity group that is interested to pick up that tab.

Again I thank the gentleman for yielding.

Mr. MYERS. Mr. Chairman, in closing I just want to say that it is not a case this afternoon of anyone who votes for this motion to recommit and for these amendments, of being in opposition to the potato industry helping itself. This is not really the issue at all.

It would seem to me that the bill before us this afternoon is a bill to provide an opportunity for an industry to help itself, and it would seem to me that if an industry is going to help promote itself against other competition from agricultural products within agriculture itself that the only fair way to do that is to allow that industry, as has been said earlier, to pay its entire way, and the potato industry can do so on the basis of these amendments; let the industry really do for itself.

Mr. Chairman, I plan to support the motion to recommit. I shall vote for the bill if it contains either one of these amendments, but I cannot support the bill if it does not have either one of these amendments in it.

I yield back the balance of my time.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would ask my colleagues to take a look at the bill and see what the Secretary is asked to do, for which the bill provides he will pay for from Department of Agriculture funds. The amendments require that the producers use the money raised to promote their products, to pay for the administrative costs of the Secretary.

In the bill the Secretary is asked to fix the assessment rate. Recommendations will be made by the Board to the Secretary, but he has to make the determination. This should be an independent judgment that he makes and not something that the Board or the supervisors pay the Secretary, because whoever pays the piper calls the tune.

The Secretary is also asked to authorize decisions of the Board, for research, development, advertising and promotion of potatoes and potato products.

The Secretary should make independent judgments himself.

Also, the Board submits to the Secretary for his approval any research, development, advertising or promotion programs or projects.

He should make that independent judgment himself. When we call on the Secretary to make that determination to protect the consumers of this country, then they ought at least pay for the cost of it.

You can go through 10 different places in the bill where the Secretary is asked to make judgments. They have to submit their books and records for the Secretary to look at to insure that they will be protected adequately.

It provides authority that the Board use funds collected, but the Board must have the approval of the Secretary for the development and expansion of the product production and sales.

In section 15(a) the Secretary has authority to declare that the plan is not within the declared policy of the act and can terminate and suspend operation of the plan.

Under any of these, he ought to make his independent judgment.

The reason why he is asked to do it is because this is the service the Government provides for all the people of this country to make sure that the promotion is according to Hoyle and protect the producers who are asking for this self-help plan. The cotton and wool promotion programs require the same type of judgments and action by the Secretary of Agriculture financed by Department funds.

This may be a forerunner of some other promotional legislation. I hope the committee will bring one out on honey. I am all for that myself. But in the omnibus farm bill, there is one for dairy products as well. That proposal, as I understand it, provides for block voting. There is only individual voting in this bill.

The dairy provision also provides that there shall not be any refund. I believe in protecting the rights of those who disagree. This bill provides for a refund to those who do not want to go along with the promotion program. I think it is good that we set this precedent for any promotion program.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. FINDLEY. I am sure that the gentleman will agree that none of these responsibilities and burdens upon the Secretary would exist were it not for the advertising and promotion by potato producers. Therefore, I think it quite proper that these producers bear the expense.

Mr. QUIE. The Secretary would not have the responsibility of all the other programs if they were not passed by the Congress. In fact, the budget of the Department of Agriculture would be pretty small if we did not give the Secretary any responsibility.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. MYERS. Would the gentleman agree that a group of independent grocers' association known as the IGA, who are independent businessmen throughout the country, but get together collectively to advertise and to promote their industry—why should not the Federal Government pay the administrative costs for this organization or any similar organization of businessmen to promote their industry?

Mr. QUIE. We prohibit the use of brand advertising in this legislation and the IGA, surely, would not be advertising for their competitors.

What is happening here is the potato producers are advertising together and it does not make any difference, if the farmers compete with each other for the market—we are all in this together. If potato producers want to raise their own money to promote their own product without brand labeling, we should permit them to do so. The promotion and development of our agricultural resources is a benefit to the entire Nation.

Mr. GROSS. Mr. Chairman, I move to strike out the last word and rise in support of the substitute amendment.

Mr. Chairman, I rise in support of the substitute amendment. I see no reason why the potato growers who might benefit from this legislation, if there is any benefit, should not pay the bill. In the first place, I have not heard this afternoon what the competition is to potatoes, why there needs to be a promotional campaign or a research campaign, with respect to the sale of potatoes. What is there in competition with potatoes?

My wife is not about to whip up a batch of cornstarch for me to adorn with pork chop or beef gravy. When I want potatoes and gravy, I want potatoes. So what is the substitute for potatoes?

This is not a question of butter against oleomargarine. There is no substitute for a good Irish potato. If so, some of you Irishmen tell me what it is.

Having read several articles recently about the rapidly expanding catfish farming, I can envision the day if this bill is approved, when we will be confronted with a catfish checkoff. I hope the catfish farmers will pay for their own promotional campaign, even though there is competition in the fish market. But I cannot think of a more luscious meal than catfish. Does the gentleman from Alabama know of anything more delectable than a good channel cat out of fresh water? Nothing better. Nothing better.

I can also see the day when we might have a chitlin checkoff coming up if we approve this bill to soak all of the taxpayers of the country to promote potatoes.

You had better believe that in this day of financial stress and strain in this country, the potato industry had better pay for its own promotional campaign. I certainly support the substitute amendment, and I would hope the bill would be defeated for I am not convinced legislation on this subject is necessary.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. FINDLEY) for the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and on a division (demanded by Mr. FOLEY) there were—ayes 55, noes 35.

Mr. FOLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. FINDLEY and Mr. FOLEY.

The Committee again divided, and the tellers reported that there were—ayes 58, noes 48.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING), as amended by the substitute.

The amendment was agreed to.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in order to inquire of the gentleman from Washington with respect to a problem that occurs to me on page 11 of the bill. In the committee amendment that has been adopted, on page 11, line 9, it says:

> No more than one such assessment shall be made on any potatoes.

I have looked through the bill and I do not find there any provision that protects against Federal preemption.

Mr. Chairman, I cannot believe it is the intention of the committee to accomplish this result, but I suggest the possibility, and I think it fair to pose the possibility that a court could so construe this language as to mean that any State program, such as in Idaho or Maine or Michigan, would be completely stricken from the books, because here we have a Federal law that says: "No more than one such assessment shall be made on any potatoes."

I can imagine in a program such as has been described with respect to Idaho, where there is absolutely no possibility of getting out from under it, the producer, once this became the law, could take the position he did not have to pay anything to Idaho, that he paid the Federal assessment, and then he could get the Federal assessment back.

Would the gentleman care to respond to that argument?

Mr. FOLEY. Mr. Chairman, if the gentleman will yield, I will say to the gentleman I respectfully disagree with him that this creates a problem of preemption. The clear purpose of the statement on page 11 which refers to one assessment is to apply that to the assessment under this program. It does not refer to any State programs conducted under authority of any State law.

Mr. HUTCHINSON. Mr. Chairman, then I submit as a matter of legislative history the gentleman will state that, in an attempt to make it clear, there is no intent anywhere in this bill to preempt any State programs.

Mr. FOLEY. The gentleman is absolutely correct.

Mr. HUTCHINSON. Mr. Chairman, I have one further question, if the gentleman would answer me.

On page 7 of the bill there is set forth the machinery whereby a producer can get his money back if he disagrees with the program, and it says he shall have the right to make a personal demand. It says the "demand shall be made personally by such producer in accordance with regulations and on a form" and so forth.

Is this intended to be broad enough to include the administrator or executor of a producer?

Mr. FOLEY. The particular requirements to obtain a refund are to be spelled out in the plan approved by the Secretary and submitted to referendum by the producers.

I refer the gentleman to the committee report, on page 3, which indicates the right of a producer to demand and receive a refund of assessments paid by him. The report goes on to explain that such a demand, although being made in accordance with regulations described by the Board, must not be required early, not less than 90 days, and must be paid within 60 days.

The report goes on to say:

> The applicable regulations and forms be so designed as to facilitate the refunding with a minimum of delay, inconvenience and expense. To this end, the regulations and forms should be so readily understandable

that the producer himself may comply with their terms and complete them without assistance from professionals or the employment of counsel.

I will say to the gentleman, the language does not prohibit the representational application by counsel or anyone else in behalf of the producers.

Mr. HUTCHINSON. But the language of the statute uses the word "personal".

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the chairman of the committee.

Mr. POAGE. May I suggest an interpretation which is I believe the interpretation the committee placed on this language. The requirement that it be made in person includes any personal representative, of course, such as the administrator or executor of an estate who represents the person of the deceased. He can make the application in behalf of the estate of the deceased. I believe, clearly, under general probate law, that includes the personal request of the applicant who made the payment.

Mr. HUTCHINSON. I thank the chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2777), to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer, pursuant to House Resolution 611, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 171, nays 198, not voting 62, as follows:

[Roll No. 267]

YEAS—171

Adams
Albert
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Aspinall
Belcher
Bell, Calif.
Biester
Blanton
Blatnik
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Ohio
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Bush
Byrne, Pa.
Cabell
Casey
Clark
Clausen, Don H.
Conte
Corman
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Dickinson
Donohue
Dorn
Downing
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Findley
Fisher
Flood
Foley
Ford, William D.
Fountain
Fraser
Friedel
Galifianakis
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Green, Oreg.
Griffiths
Hagan
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Hathaway
Hays
Henderson
Hicks
Holifield
Hungate
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Langen
Leggett
Lennon
Lloyd
Lowenstein
McCloskey
McClure
McDade
McFall
McMillan
Mahon
Mailliard
Matsunaga
Mayne
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Mink
Mizell
Mollohan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pepper
Philbin
Poage
Podell
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Quie
Reuss
Rivers
Roberts
Rogers, Colo.
Rosenthal
Ruppe
Ruth
Saylor
Scheuer
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Staggers
Stanton
Steed
Stephens
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tiernan
Udall
Ullman
Van Deerlin
Waggonner
Wampler
Watson
White
Wilson, Charles H.
Yates
Young
Zablocki
Zwach

NAYS—198

Abernethy
Adair
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Arends
Ashbrook
Ayres
Baring
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Blackburn
Boggs
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Utah
Button
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Cohelan
Collins
Colmer
Conable
Conyers
Corbett
Coughlin
Cowger
Cramer
Daniel, Va.
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Devine
Diggs
Dingell
Dowdy
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Farbstein
Fish
Flowers
Ford, Gerald R.
Foreman
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Gibbons
Gilbert
Goldwater
Gray
Griffin
Gross
Grover
Gude
Haley
Hall
Harrington
Harsha
Harvey
Hastings
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Hull
Hunt
Hutchinson
Ichord
Jarman
Keith
King
Koch
Landgrebe
Latta
Long, Md.
Lujan
Lukens
McClory
McCulloch
McDonald, Mich.
McEwen
McKneally
Madden
Mann
Marsh
Meskill
Michel
Mills
Minish
Minshall
Mize
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Natcher
Nelsen
Ottinger
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poff
Price, Ill.
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Riegle
Robison
Rodino
Rogers, Fla.
Rooney, N.Y.
Roth
Ryan
St Germain
St. Onge
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Smith, Iowa
Snyder
Stafford
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Taft
Talcott
Thomson, Wis.
Vander Jagt
Vanik
Vigorito
Watts
Weicker
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wyatt
Wydler
Yatron
Zion

NOT VOTING—62

Abbitt
Ashley
Barrett
Bingham
Brock
Brown, Calif.
Burleson, Tex.
Cahill
Chisholm
Clay
Collier
Dawson
de la Garza
Denney
Dennis
Fascell
Feighan
Flynt
Frelinghuysen
Garmatz
Green, Pa.
Gubser
Halpern
Hammerschmidt
Hanna
Hawkins
Hosmer
Howard
Jones, Tenn.
Kirwan
Lipscomb
Long, La.
McCarthy
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Nichols
Nix
Pollock
Powell
Price, Tex.
Rees
Rooney, Pa.
Rostenkowski
Roudebush
Roybal
Sandman
Sisk
Springer
Sullivan
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Whalley
Winn
Wright
Wylie
Wyman

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Garmatz for, with Mr. Roybal against.

Mr. Green of Pennsylvania for, with Mr. Dennis against.

Mr. Barrett for, with Mr. Winn against.

Mr. Mathias for, with Mr. Nichols against.

Mr. Macdonald of Massachusetts for, with Mr. Collier against.

Mr. Hanna for, with Mr. Frelinghuysen against.

Mr. Nix for, with Mr. Thompson of New Jersey against.

Mrs. May for, with Mr. Wyman against.

Mr. Kirwan for, with Mr. Watkins against.

Until further notice:

Mr. Long of Louisiana with Mr. Brock.

Mr. Feighan with Mr. Cahill.

Mr. Fascell with Mr. Denney.

Mr. Wright with Mr. Gubser.

Mr. Abbitt with Mr. Utt.

Mr. Howard with Mr. Whalley.

Mr. Bingham with Mr. Pollock.

Mr. McCarthy with Mr. Martin.

Mr. Rees with Mr. Lipscomb.

Mr Sisk with Mr. Hosmer.

Mr. Rooney of Pennsylvania with Mr. Price of Texas.

Mr. Hawkins with Mr. Halpern.

Mr. Rostenkowski with Mr. Wylie.

Mr. Wright with Mr. Hammerschmidt.

Mr. Jones of Tennessee with Mr. MacGregor.

Mr. Burleson of Texas with Mr. Roudebush.

Mr. de la Garza with Mr. Sandman.

Mr. Flynt with Mr. Springer.

Mr Tunney with Mr Clay.

Mr. Ashley with Mr. Dawson.

Mr. Brown of California with Mrs. Chisholm.

Mr. Waldie with Mr. Powell.

Messrs. PASSMAN and DICKINSON changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE INTERNATIONAL BIOLOGICAL PROGRAM

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 603

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 589) expressing the support of the Congress and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, and all points of order against section 2(b) of said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to my distinguished colleague from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 589 expressing the support of Congress and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program. The resolution also provides that all points of order are waived against section 2(b) of the joint resolution. The waiver was granted in order to authorize all Federal departments and agencies having functions or objectives related to the international biological program—IBP—to obligate or transfer money from appropriated funds and to provide such other support as may be appropriated to that effort. There is no new authorization or specific appropriation. It would assure that appropriate Federal agencies will be able to support the IBP as the Office of Science and Technology has requested without any question as to legality or congressional intent.

It expresses the support and endorsement of the Congress for the IBP and declares that adequate financial and other support is a matter of first priority.

The international biological program is a 50-nation program which has been under development since 1959 and was voted into formal reality in July 1964 by the International Council of Scientific Unions. The United States elected to participate in the program in February 1965.

The IBP's specific objectives are: First, worldwide study of organic production on the land, in fresh water, and in the seas, so that adequate estimates may be made of the potential yield of new as well as existing natural resources; and, second, a worldwide study of human adaptability to the changing conditions of the environment.

Mr. Speaker, I urge the adoption of House Resolution 603 in order that House Joint Resolution 589 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Tennessee. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding to me, and I am glad that in accordance with the new custom of the Committee on Rules he made the statement he did as to the waiver of all points of order against section 2(b). However, Mr. Speaker, I am constrained to object with all of the fervor and all of the heartfelt feeling I have, against this all-too-often custom of waiving points of order for open-ended transfers of funds or even the appropriation of funds in an authorizing bit of legislation. I will say to the gentleman from Tennessee that I believe in the international biological program. I think time has been wasting for us to adequately study the effects of man in his efforts to destroy himself on this planet. I do not believe there is the slightest question but what we need more and more work in this area if we are to prevent simple ecological developments such as smog, the decimation of forests so that they do not have any oxygen regeneration, the erosion of the sea, and other efforts causing the demise of mankind in the face of the population explosion.

Mr. Speaker, I must object bitterly to a report that starts out by saying or inferring that it will cost no money, when the background is that it simply is a coordinating effort, and then in reading the rules which takes away all of our rights to amend or rights to object, we see that in section 2, paragraph (b), on page 3 of the bill itself, against which all points of order are waived, it says:

> The Congress—

Having already supported these principles which I say I do believe in—

> authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions.

I well realize the need for the rule if we are going to consider and pass this bill. It is, in itself almost a "sacred cow." But this is open-ended spending at its worst! It is authorizing something that we will have to appropriate for later on, without the right of the amendment process. I object bitterly to the rule, regardless of the distinguished gentleman's explanation therefor.

Therefore, I am going to advocate voting down this rule unless section 2(b) can be taken out of the resolution and regular appropriations made for this very worthwhile program in the regular manner established by the Constitution and by past precepts and traditions of this House of Representatives.

Mr. ANDERSON of Tennessee. I appreciate very much the gentleman's contribution for which he is so eminently well qualified.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the distinguished gentleman from Tennessee (Mr. ANDERSON) has ably stated, House Resolution 603 makes it possible to consider House Joint Resolution 589 under an open rule for 1 hour of general debate, waiving points of order against section 2(b).

The purpose of the joint resolution is to express congressional support and endorsement for the international biological program. It also authorizes all Federal departments and agencies having functions or objectives related to the international biological program to obligate or transfer money from appropriated funds and to provide such other support as may be useful to that effort.

The international biological program is a 50-nation effort, organized in 1965, whose broad objective is to provide insight and foresight about the changing relations between man and his environment. A three-stage program, over an 11-year period aims at: First, stimulating ideas and proposals, covering 3 years; second, a 5-year operational phase during which the research programs will be undertaken; and, third, a final 3-year period of synthesis and evaluation during which the results of different studies can be correlated and suitable applications implemented. Stage 1 of the program is about completed.

Some 11 Federal agencies and departments are presently involved in the international biological program either through support of ongoing related research or the development of integrated research proposals appropriate to the particular agency.

No funds are auhorized by the resolution. None will be for support of the international biological program. All support funds from the U.S. departments and agencies will be made available from previously appropriated funds.

The resolution provides this by authorizing "all Federal departments and agencies having functions or objectives which coincide with or are related to, those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate."

The total amount to be made available by Federal agencies during fiscal 1970 is unknown now. In 1969 about $622,000 was made available by the Atomic Energy Commission, and the Departments of Health, Education, and Welfare, the Interior, and Agriculture.

Letters of support are contained in the report from the National Science Foundation, the Department of Agriculture, and the Department of State.

There are no minority views.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I would be delighted to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Did I understand the gentleman to say that there are 11 other departments and agencies of the Government involved in this same sort of work?

Mr. QUILLEN. They are involved to the point that they can give their support to this biological program if they desire to do so.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, did the Rules Committee obtain any information as to how much money will be made available by the 11 other agencies and departments of Government?

Mr. QUILLEN. Yes, we did. The total amount to be made available by Federal agencies during 1970 is unknown now. In 1969 about $622,000 was made available by the Atomic Energy Commission, the Department of Health, Education, and Welfare, the Department of the Interior, and the Department of Agriculture.

Mr. GROSS. Well, if the gentleman will yield further.

Mr. QUILLEN. Yes, I would be happy to yield further to the gentleman from Iowa.

Mr. GROSS. If over one-half million dollars was made available to the international biological program by these departments and agencies, in heaven's name how much was made available by the other 11 groups that are interested in the same work or this particular enterprise?

Mr. QUILLEN. That was in 1969. Only the agencies that I mentioned made funds available that year. However, all of the 11 Federal agencies can make funds available in 1970.

Mr. GROSS. Yes, under the terms of this open end provision of section 2(b) I suppose any agency or department of Government can be construed to have an interest in the international biological program.

I doubt if there is a single agency or department of the Government that could not relate to this in some one way or another, so that the sky could be the limit, is that not right, in the matter of donations?

Mr. QUILLEN. I could say they could only make funds available out of their appropriated funds, and they could make, if they so desire—and the gentleman is correct in saying so—any amount of funds that they could reasonably make available in the interest of the program.

Mr. GROSS. It must be, then, that 11 other departments and agencies of the Government are overfunded if they have money to turn over to the IBP; they must be overfunded if they can just reach into the till and pull out a half million dollars and hand it over.

Mr. QUILLEN. The gentleman has made a very good point. On the other hand, departments and agencies have not made the funds available, and we do not know at this time whether those that I did not mention specifically by name will make any funds available.

Mr. GROSS. I must have misunderstood the gentleman from Tennessee. I thought the gentleman said that they did make available $629,000, or approximately that amount, for fiscal year 1969.

Mr. QUILLEN. If the gentleman will allow me to continue, the Atomic Energy Commission, HEW, Interior, and Agriculture, these four agencies did, there are seven others which could contribute during the next year if they so desire to do so.

Mr. GROSS. That makes it even worse for the four agencies to put out a half million dollars for this purpose. That means that they were badly overfunded, if that is true.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

I too would like to pursue this funding just a bit further.

As the gentleman from Tennessee has stated very clearly, the U.S. role in the international biological program has rested on three phases, as I understand it. The first was a 3-year development phase which included a study in regard to approaches to manpower, stimulation of ideas, and the actual initial funding. Now we are coming up on the end of that period, and actually we, the United States of America, are getting ready to fund it, and we are funding it through this approach that waives points of order on otherwise legislative business.

Then there is another 2- to 5-year operational phase, during which research will be done, and then phase three is a synthesis, evaluation, and application period. As I said in the beginning—and I appreciate the review that the gentleman has made in his colloquy about the past finding, but is it not true from the committee's own report that they estimate that there will be a $12- to $15-million requirement for the next year as a result of these studies that came out of their first 3-year period which found four gross defects in the international biological program today.

And if I can read correctly at the bottom of page 7 it says very clearly under "Current Financial Status," everything that the gentleman has stated plus the fact that it is estimated that, based upon plans for formation of integrated research proposals—and that is phase two of the program—$12 to $15 million would be required—that is annually—if the IBP were to be fully funded in fiscal 1970. We are working on the fiscal 1970 budget at this time. However, the committee approved a lesser request for $5 million toward direct National Science Foundation support for the IBP. Then in addition they will have the Atomic Energy Commission, the Department of HEW, the Department of the Interior, the Department of Agriculture, NASA, the Military Services, and the total in the 11 agencies, I presume, to make up the $12 or $15 million.

Again, I have no particular objection to this. I think it is worthwhile and vital. But I do object to this technique of the backdoor raid on the Treasury.

I would like to ask the gentleman or the sponsor of the bill for the Committee on rules or for the committee which brings in the report, how much of this total international biological program is the United States underwriting? Are we underwriting the same amount that we do for the World Health Organization which is 30.02 percent? Or are we undertaking to underwrite the entire international biological program in this $12 to $15 million?

Mr. QUILLEN. The gentleman from Missouri has raised a very important question. I yield to the gentleman from Connecticut (Mr. DADDARIO) to answer the gentleman.

Mr. DADDARIO. I thank the gentleman for yielding. This is not the kind of international program in which all countries get together and the United States ends up by picking up the whole tab for the overall activity. It refers only to that activity which the United States is doing itself. The United States spends no money for the assistance of any other country. This is purely a U.S. program through which the U.S. IBP research activities are related to those IBP activities going on in 50 other countries throughout the world.

There is no overall figure as yet because this program is still just getting underway in many of these countries.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman.

Mr. HALL. That is no answer to the question of what are the other 50 countries that made this international organization contributing in a like manner to the sum total required for the study of ecology and the effect on humankind.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman.

Mr. DADDARIO. I thank the gentleman from Tennessee for yielding. If I may say, in answer to the gentleman, at the present time countries which are participating in the IBP are in about the same situation as we are. They are just beginning. There is no clear price tag that we can attribute to any of these activities, except to say that there is considerable financial involvement and investment in many of these countries. Our involvement is related purely to the U.S. expenditures. The United States does not in any way contribute to any of the other participating countries.

It is clear, however, that as our IBP program activities get underway, their activities will increase proportionately.

And I think that as we stimulate this growth of activity, we will be able to develop better the kind of information which will enable us to get a clearer picture of the international funding situation.

Mr. HALL. Mr. Speaker will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman.

Mr. HALL. I want to reaffirm that the study of ecology and its effect on human beings, the program of the IBP is important. I am not against it.

But I think the answer that the gentleman gives should at least recall history. We did the exact same thing with the United Nations and the World Health Organization including the Pan American Health Organization and their study of comparative anatomy and the study of biology and the study of malaria and everything else. We funded over 67 percent of that at the beginning. Then we reduced that funding finally, by negotiation through the United Nations and the General Assembly as other nations became more able, to something over 40 percent, and finally have it down to 30.02 percent.

If history means anything, and even Santa Ana years ago down across the border, said that "those who do not study history are destined to relive its errors," we should not go through exactly this same process even in this important program, and we certainly will, if we go ahead and initially fund this, and then expect every other sovereign country to follow suit.

I will say one thing and I will wager ten to one on this, I am sure there is no other parliament or sovereign nation in the world that is going along on this basis of open-ended funding and backdoor raid on their Treasury, or the funds of their Congress or Assembly or Chamber of Deputies or Parliament or anything else to give a carte blanche against the taxpayers of their own country or any sovereign nation, in order to start this program off.

I think the gentleman will agree with me. I am opposed to this rule. I oppose this method of funding. I am for the basic intent of the bill as presented by the distinguished gentleman of the committee.

Mr. QUILLEN. The gentleman from Missouri has made a fine contribution.

Mr. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Ohio (Mr. LUKENS).

Mr. LUKENS. I thank the gentleman. I would like to make an observation at this stage of the discussion for the information of the individual Members of this body. One of the most important things overlooked here is that these programs are already existing ongoing programs in these agencies of Government. What we are attempting to do is to make obvious to the world, the scientific agencies, and persons in the scientific field that we support their efforts in the IBP.

Furthermore, I believe we overlook the logical and the statutory restrictions contained in these authorizations for the agencies already doing this work. We would provide a program under which the agencies could cross transfer agency funds as they see fit. Every scientific agency is fighting for existing scientific funds. The joint resolution would simply provide a greater degree of flexibility to transfer those funds among agencies for a program.

In response to the gentleman from Missouri, whose opinions I value highly, I believe he has raised a legitimate point. I do not think we have done a good job as we could have in the type of programs we have provided. But this is an initial effort. It is a beginning for these programs, and I believe in the future we will have regulated funding. This is a trial effort and as such deserves our support.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. QUILLEN. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Where does the gentleman from Ohio think these funds that are available and that would be put into the IBP "kitty" come from if they do not come out of the taxpayers' pockets, and if the agencies are not overfunded in the first place; when we authorize the transfer of anything by any agency of the Government? Furthermore, we are giving the blessing of Congress by saying it is the "sense" of the Congress that we should participate and that all agencies should contribute.

Mr. LUKENS. If I might be allowed to disagree with the gentleman, the language is—"The Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the IBP."

You cannot cause the transfer of funds merely to those that are related. I would respectfully submit to the gentleman that a mistake might have been made in funding the UN program, and I agree with the gentleman's implied criticism of that agency, but this is different. This is the IBP, with which we are all familiar, and from which mankind in general and our country in particular, benefits directly from these programs and the scientific advances made therein.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. What is not related if the definition is "for the benefit of mankind"? I take it that every agency and department of this Government is interested in the benefit of mankind. Now you tell me what would be the prohibition against unlimited appropriations?

Mr. LUKENS. Will the gentleman yield—

Mr. GROSS. In just a minute.

Mr. LUKENS. You are asking me a question that I would like to answer.

Mr. GROSS. Add to that this subsection (c) of section 1, whatever it is, of the bill:

> (c) In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

I emphasize "of first priority." The order of first priority should be to make some reduction in the Federal debt of this country so that we can reduce the $18 billion annual interest payment on it, and stop inflation. That should be a first priority of this Government. How far out in wonderland can you go with this kind of language?

Mr. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Ohio.

Mr. LUKENS. The first question the gentleman asked is, What agency is not related to the benefit of mankind? I would suggest that the Department of Agriculture has to do with animals first and mankind second and indirectly. Next, you imply that I am without feeling for the need of tax deductions for the average taxpayer, for debt reduction of our national debt, which is important. Those are certainly first priorities. I suggest that our environment and our total ecology—I suggest that this international biological program is as important as anything that faces us. I say most humbly and sincerely that this is also a matter of first priority. It is a matter of life and existence itself.

Mr. GROSS. If the gentleman will yield further, as ancient as I am, I do not expect to expire tomorrow or even next year.

Mr. LUKENS. I would hope that the gentleman would not expire tomorrow. You provide many moments of information and humor to this body.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 230, nays 100, not voting 101, as follows:

[Roll No. 263]

YEAS—230

Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boland
Brademas
Brasco
Brooks
Brotzman
Broyhill, Va.
Buchanan
Burke, Mass.
Burton, Utah
Bush
Button
Cabell
Camp
Carey
Casey
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Daddario
Daniels, N.J.
Davis, Ga.
Derwinski
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Farbstein

Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, William D.
Fraser
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Grover
Gude
Hamilton
Hanley
Hansen, Idaho
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Langen
Latta
Lloyd
Long, Md.
Lowenstein
McClory
McDade
McDonald, Mich.
McFall
McKneally
Madden
Mailliard
Marsh
Matsunaga
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Minish
Mink
Mize
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Reifel
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rosenthal
Roth
Ruppe
Ryan
St. Onge
Scheuer
Schwengel
Sebelius
Shipley
Smith, Calif.
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Stokes
Stubblefield
Symington
Taft
Talcott
Taylor
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watson
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Yates
Yatron
Young
Zablocki
Zwach

NAYS—100

Abernethy
Alexander
Andrews, Ala.
Ashbrook
Belcher
Bennett
Betts
Bevill
Bow
Bray
Brinkley
Brown, Mich.
Broyhill, N.C.
Burke, Fla.
Burlison, Mo.
Burton, Calif.
Caffery
Carter
Cederberg
Clancy
Cleveland
Collins
Cramer
Daniel, Va.
Davis, Wis.
Dellenback
Dent
Dowdy
Edwards, La.
Eshleman
Fisher
Flowers
Foreman
Fountain
Fulton, Pa.
Gettys
Griffin
Gross
Hagan
Haley
Hall
Harsha
Hastings
Hébert
Hull
Hungate
Hunt
Hutchinson
Jonas
Jones, N.C.
Kazen
King
Kuykendall
Lennon
Lujan
Lukens
McCloskey
McClure
McCulloch
McEwen
McMillan
Mahon
Mann
Miller, Ohio
Mills
Minshall
Mizell
Montgomery
Natcher
O'Konski
Passman
Pelly
Poage
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Roberts
Rogers, Fla.
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Scott
Sikes
Skubitz
Smith, Iowa
Snyder
Steiger, Ariz.
Stuckey
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Watts
Wyatt
Wydler

NOT VOTING—101

Abbitt
Adair
Adams
Arends
Ashley
Baring
Barrett
Berry
Bingham
Boggs
Bolling
Brock
Broomfield
Brown, Calif.
Brown, Ohio
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Cahill
Chisholm
Clay
Cohelan
Collier
Cunningham
Dawson
de la Garza
Delaney
Denney
Dennis
Devine
Diggs
Edmondson
Edwards, Calif.
Evins, Tenn.
Fallon
Flynt
Ford, Gerald R.
Frelinghuysen
Garmatz
Goldwater
Green, Pa.
Gubser
Halpern
Hammerschmidt
Hanna
Hansen, Wash.
Hawkins
Hays
Hosmer
Howard
Ichord
Jones, Tenn.
Kee
Kirwan
Landgrebe
Landrum
Leggett
Lipscomb
Long, La.
McCarthy
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Mikva
Morton
Nichols
Nix
Pepper
Pollock
Powell
Price, Tex.
Rees
Reid, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
Roybal
St Germain
Sandman
Shriver
Sisk
Slack
Springer
Stratton
Sullivan
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Whalley
Whitten
Wilson, Charles H.
Winn
Wright
Wylie
Wyman
Zion

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Long of Louisiana with Mr. Winn.
Mr. Landrum with Mr. Hammerschmidt.
Mr. Delaney with Mr. Dennis.
Mr. Kee with Mr. Wylie.
Mr. Tunney with Mr. Wyman.
Mr. Rees with Mr. Dawson.
Mr. Hanna with Mr. Stratton.
Mr. Hawkins with Mr. Roybal.
Mr. Clay with Mr. Waldie.
Mr. Bingham with Mr. Nix.
Mr. Ashley with Mr. Diggs.
Mr. McCarthy with Mrs. Chisholm.
Mr. Brown of California with Mr. Powell.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Hays with Mr. Arends.
Mr. Macdonald of Massachusetts with Mr. Morton.
Mr. Barrett, with Mr. Byrnes of Wisconsin.
Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.
Mr. Garmatz with Mr. Lipscomb.
Mr. Evins of Tennessee with Mrs. May.
Mr. Rooney of Pennsylvania with Mr. Berry.
Mr. Rostenkowski with Mr. Adair.
Mr. Green of Pennsylvania with Mr. Broomfield.
Mr. Whitten with Mr. Springer.
Mr. Thompson of New Jersey with Mr. Cahill.
Mr. Sisk with Mr. Utt.
Mr. Leggett with Mr. Reid of New York.
Mr. Kirwan with Mr. Devine.
Mr. Teague of Texas with Mr. Roudebush.
Mr. Edwards of California with Mr. Halpern.
Mr. Pepper with Mr. Brock.
Mrs. Sullivan with Mr. Martin.
Mr. Charles H. Wilson with Mr. Hosmer.
Mr. Howard with Mr. Sandman.
Mr. Ichord with Mr. Gubser.
Mr. Wright with Mr. Collier.
Mrs. Hansen of Washington with Mr. Cunningham.
Mr. Baring with Mr. Shriver.
Mr. Adams with Mr. MacGregor.
Mr. Jones of Tennessee with Mr. Brown of Ohio.
Mr. Cohelan with Mr. Mathias.
Mr. Abbitt with Mr. Landgrebe.
Mr. Nichols with Mr. Whalley.
Mr. Burleson with Mr. Zion.
Mr. St Germain with Mr. Goldwater.
Mr. Mikva with Mr. Pollock.
Mr. Slack with Mr. Watkins.
Mr. Flynt with Mr. Price of Texas.
Mr. Edmondson with Mr. Denney.

Mr. PASSMAN, Mr. BURKE of Florida, and **Mr. FULTON** of Pennsylvania changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 589), with Mr. HENDERSON in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Connecticut (Mr. DADDARIO) will be recognized for 30 minutes, and the gentleman from California (Mr. BELL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, the Committee on Science and Astronautics on May 27, 1969, unanimously voted the House Joint Resolution before us today (H.J. Res. 589) which simply expresses the support of the Congress for the U.S. effort within the international biological program.

This resolution provides no new authorization or appropriation. It is designed simply to assure that appropriate Federal agencies will be able to support the IBP as the Office of Science and Technology has requested without any question as to legality or congressional intent.

It states that:

> The Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the International Biological Program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate.

This provision appears to be necessary in view of the uncertainty of some of the departments and agencies concerning their present authority to aid the IBP through the Interagency Coordinating Committee for the IBP even though the amounts involved are relatively nominal.

Mr. Chairman, in order to clarify the questions which have been raised over section 2(b) of this resolution, I am prepared to offer an amendment to insert on page 3, line 8, after the word "objectives" the following: ", which moneys were appropriated for the fiscal year ending June 30, 1970, or any prior fiscal year."

It has been the intention of our committee that the language as presently stated in the bill is only for the purpose of expressing congressional support for the IBP, and for those research activities of all Federal agencies that coincide with or are related to the overall objectives of the IBP. The IBP is just now fully getting underway, under the control and direction of the Interagency Coordinating Committee. Therefore, it has not been possible in the appropriations process to establish budget "line items" for specific programs and funds directly related to the IBP. In the future, we expect that this will occur.

Mr. Chairman, before I describe in further detail the IBP, let me explain why I believe this resolution, while relatively simple and straightforward, is especially significant at this time.

I do not have to dramatize for this body the facts about the ever-growing public concerns over environmental deterioration and pollution. These concerns are evident in the mail we receive daily; they are at the roots of many of our national domestic problems; they are coming to rival in importance even the two major public concerns over the war in Vietnam and inflation in the economy.

I believe that the Congress, in recent years, has been and is being responsive to these demands for a cleaner environment. At the same time, however, it must be realized that many of the solutions that have been proposed and even implemented are often only stop-gap measures, designed for a temporary alleviation of long-range, deep-seated problems. To treat only the symptoms of the problem—whether they be air or water pollution—is to overlook the much greater underlying causes.

If we are ever going to come to grasps with this problem of environmental quality in its entirety, if we are going to develop the kind of ecological controls that will go beyond just the short-term impacts, we are going to have to seek the very principles that have been violated.

For the plain and uncomfortable fact is this: there are many subtle and complex laws and forces that govern nature, and we are a long way away from understanding them thoroughly.

And this is the goal of the international biological program—to provide the kind of insight and foresight about the changing relations between man and his environment that is so lacking at present. Its focus is upon establishing an ecological base for the management of our environment and for the prevention of the deterioration which is threatening our entire planet.

This resolution, then, by expressing the endorsement and support of the Congress for the IBP, will facilitate IBP support by Federal agencies and provide the executive branch with a clearer means for reviewing in a unified manner funding requirements of and program progress toward the national objectives of the IBP.

The background to this resolution reaches back to March 1967 when Chairman MILLER first introduced House Concurrent Resolution 273 at the request of the National Committee for the IBP. Since that time, three sets of hearings have been held before our Subcommittee on Science, Research, and Development to review the status of the IBP and progress made toward its objectives.

During our most recent hearings held last May, Dr. Lee A. DuBridge, Director of the Office of Science and Technology, reaffirmed OST's continued support for the IBP. He said, in part, that—

> To the extent that the agencies involved may feel that they do not have congressional approval for supporting IBP activities . . . the resolution should help. In this sense, passage of the resolution could remove a stumbling block to the program. It clearly places the IBP in a position to compete on an equal footing with other programs which the agencies considered worthy of support.

A great deal has transpired over these 2½ years to justify our original enthusiasm for the IBP and to eliminate the reservations we had concerning its organization and management. The scope of the program has been focused on the most pressing problems, the national committee for the IBP has evolved into a decisionmaking body, and agreements on points of responsibility have been worked out with the National Science Foundation as the lead agency.

The U.S. effort is organized under two major components, environmental and human adaptability. Within each of these components, studies called integrated research programs have been developed as separate, but interlinking research efforts. Twelve IRP's have been endorsed by the U.S. National Committee for the IBP, and five more are under consideration.

Within the environmental component of the IBP, the grasslands ecosystem project has developed into a model project in systems ecology. This project provides the confidence we need for further developing our efforts and Federal participation in other ecosystem biomes, such as the deciduous and coniferous forests, tropical, and tundra biomes. Similar favorable progress has been made within the human adaptability component, and integrated research programs are in advanced planning stages relating to Eskimos, the American Indians, and high-altitude groups.

Mr. Chairman, the IBP is not merely a series of unrelated programs, tied loosely together. It aims, rather at an entirely new concept, a concept of totality. Its programs are interrelated and the results will be synthesized into a whole. Its frame of reference is not focused solely upon one discipline. The IBP employs scientists from every discipline; sociologists, physicists, chemists, biologists, oceanographers, and others. It provides, in sum, the kind of integrated, interdisciplinary approach not possible in other programs in the past.

It is this pragmatic, problem-solving approach that has led ecological practitioners in the United States and in over 55 other countries to undertake the complex task of planning and designing the international biological program, which will produce the kind of manpower, knowledge, and experience that is essential to the effective management of our environmental resources.

The international biological program will not give us the solution to our environmental problems. What it will provide, however, is the kin of knowledge that will help us to attack these problems with wiser perspective and more confidence in the future. Thus, as I have stated before, the IBP may be one of the most crucial programs, in spite of its mild-sounding title, to evolve in our time.

Favorable response to the resolution before us today will mean that Federal agencies which conduct relevant scientific work will be expected to support the IBP to the extent that meets the needs of the U.S. projects under that program. This resolution also provides us with the opportunity of expressing our support not only for the objectives and program of the IBP, but for the efforts of American scientists and those of other nations, who have committed themselves to the difficult and complex task of restoring the quality to our environment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I should like to suggest to the gentleman that I believe we could expedite passage of this resolution, or whatever the fate of it may be, if we could somehow come to an understanding with respect to the financing provision, and the paragraph dealing with priorities, but particularly the financing. The gentleman has said he is prepared to offer an amendment. I wonder if he would devote some attention to that. As a result of previous debate, we understand the remainder of the resolution and the purpose of it. Will the gentleman again explain the amendment he proposes to offer?

Mr. DADDARIO. The purpose of the amendment is to make it clear that it is the intention of Congress to allow other agencies of Government to participate in the international biological program during this fiscal year with programs that are related to the objectives of the international biological program and which can be directed to that purpose through an interagency coordinating committee.

The funds which are available in the biological and ecological areas are naturally limited by the appropriating functions which have already taken place this year. In future years, these agencies should be directed to explain and defend their IBP-related research programs during the annual authorization and appropriation processes.

Mr. GROSS. So that after June 30, 1970, next year, there would be resort to the regular budgetary process for the fiscal years thereafter?

Mr. DADDARIO. The gentleman is correct.

Mr. GROSS. And between now and June 30, the international biological program would be financed as it is presently being financed; is that correct?

Mr. DADDARIO. That is correct.

I should like to say to the gentleman that when we began work on this program as part of the total NSF fiscal year 1970 budget, the request was for over $11 million. We have now authorized $5 million for the IBP.

The recent appropriation action with regard to the National Science Foundation will, however, bring that down somewhat. The other agencies that are involved are naturally under the same financial restraint. I can see no danger of this program getting out of hand.

Mr. GROSS. If the gentleman will yield further, I think that is a reasonable solution to the dilemma that we were in a little while ago. I trust that the gentleman will offer his amendment and that it will be adopted.

Mr. DADDARIO. I thank the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. DADDARIO. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Under the report it shows that $622,000 was actually spent by agencies other than the NSF for the international biological program during the fiscal year 1969. Would it be satisfactory to have a limitation in the form of an amendment to the effect that at the end of the bill, on page 3, line 9, we strike the period and insert a comma, and add the following words "not to exceed $622,000 in total amount."? All that this means is that you do not go over the 1969 expenditure for this fiscal year without having the regular budgetary process of authorizing and appropriating money. Why not hold it at this figure until we get started on the regular process during the next fiscal year?

Mr. DADDARIO. I would doubt sincerely that the amendment the gentleman from Pennsylvania is now proposing would in fact do very much. The activity and support which is anticipated from these other Federal agencies may not, in my opinion, be much over that particular amount in this fiscal year.

Mr. FULTON of Pennsylvania. If it cannot be over it, then why not just insure that transfers are not made before the appropriate time next year?

Mr. DADDARIO. In reply to the gentleman from Pennsylvania, I believe we have already answered the questions with regard to the way in which these funds are being handled. If the gentleman insists on putting through his amendment, of course, the gentleman from Connecticut cannot stop him. However, I instruct him that it would not serve any useful purpose.

Mr. FULTON of Pennsylvania. It puts a limit on the expenditure of $622,000 during the fiscal year 1970, until the regular budgetary and appropriation processes are gone through and until they also go into effect in 1971. So it does have a useful purpose in that regard.

Mr. DADDARIO. The gentleman has explained that that would be the purpose of his amendment. It would appear to me, considering the lateness of this fiscal year, that we would find ourselves most likely much under that particular figure.

Mr. BELL of California. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I rise in support of House Joint Resolution 589, particularly with the amendment offered by the gentleman from Connecticut, which expresses congressional support for the involvement of Federal departments and agencies in the international biological program—IBP.

Because the objectives of this program are so vital to our Nation's concerted efforts to restore quality to our environment, it is necessary that our departments and agencies have the flexibility required to support IBP-related research out of existing authorized and appropriated funds.

We have had more recognition of the complexity of problems of environment and ecology in the Congress this year than ever before.

Approaching these environmental and ecological problems from a worldwide perspective is why the IBP was established.

This program provides the opportunity for scientists to cooperate internationally in formulating plans to cope with our ever-changing world—a world in which fantastic population growth and technological revolution are changing the very essence of our environment.

The fact that the quality of all life depends upon the balance of the earth's ecological system cannot be overstated.

To ignore man's position in nature's ecological balance would be grossly negligent.

To ignore the necessity for international cooperation in understanding better this delicate relationship would be shortsighted.

And to ignore the critical importance of the potential contributions of our Federal agencies to the IBP would be most unfortunate.

The international biological program is already an ongoing effort with strong support from this administration.

We expect that the President's newly-created Environmental Quality Council will play a key role in support of the IBP.

Approval of this joint resolution will, therefore, assure that the appropriate Federal agencies can contribute to the IBP with a clear congressional mandate.

Mr. Chairman, I urge my colleagues to support this resolution.

Mr. DADDARIO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MILLER), the chairman of the full committee.

Mr. MILLER of California. Mr. Chairman, I take this time merely to express my appreciation for the work done by the subcommittee that has carried this bill. I want to impress upon you the importance of this legislation. After all, we have heard a great deal about foul air, pollution, and the other things that disturb and limit the health of this country.

These problems are universal today. This is really an effort to draw into the fight against them the brains and the resources of other nations. I think this is a great resolution. I think we can look back upon the International Geophysical Year and the things that came out of it and take great satisfaction out of what was accomplished. I am sure the same will come out of this.

Mr. Chairman, again I want to acknowledge the work of the subcommittee and the work of the staff of the subcommittee in bringing this legislation out.

Mr. DADDARIO. Mr. Chairman, I have no further requests for time.

Mr. BELL of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I take this time in order to inquire of the chairman of the subcommittee and the ranking member of the subcommittee, the gentleman from California (Mr. BELL), with reference to section (c) on page 2 under section 1 to which I have an amendment at the desk that, if adopted, would take that particular provision out of the joint resolution. That provision is this:

> (c) In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

To me it is of high priority. I really do not put this above defense and above many other programs. I think that this provision overemphasizes this program.

I, therefore, ask the chairman of the subcommittee if he will accept the amendment and then we will go on to the next one. This program is of high priority.

Mr. BELL of California. Would the gentleman from Pennsylvania direct his question to the chairman of the subcommittee, the gentleman from Connecticut (Mr. DADDARIO)?

Mr. FULTON of Pennsylvania. I shall be glad to do so. I do not believe this should be called a matter of first priority. I think it is of high priority.

Mr. DADDARIO. Mr. Chairman, if the gentleman will yield, it is not being called a matter of first priority. It simply says it is a matter of first priority which makes it a matter of high priority. I think the gentleman is quibbling with words.

Mr. FULTON of Pennsylvania. No, I believe it is of high priority. However, I think there are programs at home such as slum clearance, such as housing, such as urban renewal and such as the war in Vietnam as well as many other programs that are of high priority. I do not put this program as first, but high in priority.

Will the gentleman accept the amendment and then we can take it up with the other body and if they make it a question of higher priority we can go to conference on it.

Mr. DADDARIO. Mr. Chairman, if the gentleman will yield further, I find it particularly difficult to agree with the gentleman because this language certainly does not make this the first priority over those items which you mentioned but, rather, it would be a matter of involving every one of the items that he mentioned as an important effort.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BELL of California. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. DADDARIO. Mr. Chairman, if the gentleman will yield further, if the gentleman would like to change the word "first" to "high" perhaps that would be acceptable.

Mr. FULTON of Pennsylvania. I, therefore, have an amendment to strike on page 2, line 21, the word "first" and insert "high" which has been accepted by the chairman of the subcommittee.

The CHAIRMAN. The Chair will inform the gentleman from Pennsylvania that we have not as yet reached the amendment stage.

Mr. FULTON of Pennsylvania. Also, at the end of the bill I propose to limit the amount that can be spent during the 1970 fiscal year to the same amount that was set up and was adequate in fiscal year 1969. That figure is $622,000.

The gentleman from Connecticut who is chairman of the subcommittee has already said that he does not think the money to be used for the balance of fiscal year 1970 will exceed $622,000.

In order that the Congress can have a limit so that we know what the amount for fiscal year 1970 would be.

Would the gentleman accept that amendment, putting on the same limit as the funds for fiscal year 1969, which seems to be a reasonable figure? Otherwise it is an open-end authorization, or appropriations. If these departments and agencies want to get a little fancy they can certainly do a lot of transferring without limit before the 1971 fiscal year.

This amendment prevents that kind of maneuvering.

Would the gentleman accept that kind of amendment?

Mr. DADDARIO. Mr. Chairman, I would state to the gentleman from Pennsylvania that when the amending process comes, and the gentleman from Pennsylvania offers that amendment, I will oppose the amendment.

Mr. BELL of California. Mr. Chairman, I have no further requests for time.

Mr. DADDARIO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and is sponsored in the United States by the National Academy of Sciences and the National Academy of Engineering, deals with one of the most crucial situations to face this or any other civilization—the immediate or near potential of mankind to damage, possibly beyond repair, the earth's ecological system on which all life depends. The Congress further finds and declares that the international biological program provides an immediate and effective means available of meeting this situation, through its stated objectives of increased study and research related to biological productivity and human welfare in a changing world environment.

(b) The Congress therefore commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the responsibility for planning, coordinating, and carrying out the program in the United States.

(c) In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

Sec. 2. (a) The Congress calls upon all Federal departments and agencies and other persons and organizations, both public and private, to support and cooperate fully with the international biological program and the activities and goals of the United States National Committee and the Interagency Coordinating Committee.

(b) For this purpose, the Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate.

Mr. DADDARIO (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the joint resolution be dispensed with, that it be printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fulton of Pennsylvania: On page 2, line 21, after "matter of", strike out "first" and insert "high".

Mr. DADDARIO. Mr. Chairman, if the gentleman from Pennsylvania will yield, I have no objection to his amendment.

Mr. FULTON of Pennsylvania. Mr. Chairman, in view of that statement I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Fulton).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Daddario: Page 3, line 8, after "objectives", insert the following: ", which monies were appropriated for the fiscal year ending June 30, 1970, or any prior fiscal year,".

Mr. DADDARIO. Mr. Chairman, I touched on this point during the course of the general debate. It simply limits the funding from other agencies within this program to items not directly appropriated for uses only during this fiscal year and during the formation process of the international biological program.

Mr. BELL of California. Mr. Chairman, I have no objection to the amendment and accept it.

Mr. FULTON of Pennsylvania. Mr. Chairman, I will be glad to support this amendment, because this amendment likewise limits expenditure, just as the amendment I propose to put in would limit the amount to $622,000 in fiscal year 1970.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. Daddario).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fulton of Pennsylvania: On page 3 line 9 strike the period, insert a comma and add "not to exceed $622,000 in total amount for fiscal year 1970, without ordinary budgetary process and specific appropriation".

Mr. FULTON of Pennsylvania. Mr. Chairman, I will explain simply what this amendment does. The amendment of the gentleman from Connecticut places this program in the ordinary budgetary process and appropriation in the fiscal year 1971. My amendment says that as we are still in the fiscal year 1970, then there should be no more spent for this program in the fiscal year 1970 than was spent in the fiscal year 1969—that is, $622,000—without going through the ordinary budget procedure, and also specific appropriation.

If the agencies want to go above current 1969 expenditures—all right, then they have to go through the regular budgetary process and specific appropriation in the fiscal year 1970.

If we do not do this, then these agencies, knowing that the limit is going to be imposed in the fiscal year 1971, can do all the transferring they want in the fiscal year 1970, we are then having the Congress' wishes and intent set aside, or ignored.

The chairman of the subcommittee has said that $622,000 is probably more than adequate for this program for fiscal year 1970. So, if it is more than adequate in the fiscal year 1970, I think it is wise for the Congress then to set that limit. Otherwise, if the authorization and appropriation are open-ended, these agencies can transfer any amount that they want during fiscal year 1970. This is not good efficient and economical government procedure.

Mr. DADDARIO. Mr. Chairman, I rise in opposition to the amendment. I would like to call the attention of the Committee to the gentleman's amendment because it refers to "all Federal departments and agencies which have functions and objectives which coincide with or are related," and so forth.

It does, thereby, include the National Science Foundation, to which funds have already been authorized and appropriated in the vicinity of some $5 million for this very purpose.

The amendment would be a limiting factor beyond the intention and direction, really, of the objectives of the Congress in approving the Foundation's 1970 budget.

I believe that there are sufficient safeguards, as I indicated in general debate, through both the National Science Foundation's authorization and through the Interagency Coordinating Committee which will suffice to assure the necessary final controls of this particular program.

Mr. Chairman, I urge that the amendment be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Iowa.

Mr. GROSS. If $622,000 is the amount

that would have supported this or that is supporting this organization for 1 fiscal year, is there any necessity for $622,000 for the remainder of the current fiscal year, that is, until June 30, 1970?

Mr. DADDARIO. In answer to the gentleman, I would find it difficult to relate exactly the amounts of moneys that would be involved in any particular activity. That is being worked out at this time.

As I said earlier, however, I would seriously doubt that any non-Foundation funds during the balance of the year would much exceed this amount.

The problem is that the gentleman's amendment curtails not just the activities of these agencies but all of the international biological program activities. Because of this I object to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOLIFIELD) have assumed the chair, Mr. HENDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, pursuant to House Resolution 603, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BELL of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 589.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BANKING AND CURRENCY COMMITTEE GOES TO THE PEOPLE

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Domestic Finance Subcommittee has held the first of its series of grassroots hearings on economic problems.

The first meeting at the Federal Building in Newark, N.J., on Monday was highly successful. The subcommittee received a great deal of worthwhile testimony from all segments of the population in the Newark area.

During the day, we heard from 3 dozen witnesses, ranging from bankers to the poor. We heard from representatives of organized groups, housewives, savings and loan officials, small businessmen, neighborhood action organizations, homebuilders, homebuyers, and working people. The subcommittee gave everyone a chance to testify on the economic problems of the day.

Hearing testimony in addition to myself were Representative JOSEPH MINISH of Newark, Representative FRANK ANNUNZIO of Chicago, Representative WILLIAM B. WIDNALL, of New Jersey, of the Domestic Finance Subcommittee, Representative PETER RODINO of Newark also sat in on the hearings and contributed greatly to their success.

Mr. Speaker, the subcommittee will go to Los Angeles on December 1 and 2, and to Atlanta on December 8 and 9 to hear testimony. Later we will be at cities in the Midwest, the Rocky Mountain area, the Southwest, and possibly other points.

Mr. Speaker, I place in the RECORD copies of news stories from the Washington Post, the New York Times, the Newark News, and the Newark Star-Ledger, about the committee hearings in Newark:

[From the Washington Post, Nov. 11, 1969]

PATMAN UNIT CONVENES IN NEWARK

(By Jan Nugent)

NEWARK, November 10.—Economic policymaking took a giant step away from Washington today when congressmen came here to solicit grass-roots sentiment on financial issues directly affecting the people.

Probably only Rep. Wright Patman (D-Texas), Congress's resident populist, could have conceived such a notion. He convened a meeting of his House Banking and Currency Committee in Newark's city hall, with three other members present, to monitor a day-long parade of 34 witnesses.

Some of the statements were predictable. Labor union spokesmen called on business to absorb lower profits and pay workers more. Two officials from Newark's city government posed long series of complicated questions that they indicated could be solved with generous applications of one main ingredient: more federal money.

COST OF LIVING

The other witnesses arrived with much simpler queries to which neither they nor the congressmen could provide satisfactory answers.

Mostly they were concerned about the cost of living and why they couldn't afford to buy homes of their own.

The proceedings were in marked contrast to committee sessions held in the austere, marble chambers of the Rayburn Building, where celebrated witnesses customarily arrive trailed by coveys of public relations men dispatching mimeographed copies of their testimony.

"HYPOCRITICAL" POLITICIANS

At today's session, most of the witnesses displayed a refreshing lack of reverence for the panel.

Two had the effrontery to blame "hypocritical" politicians, who vote for housing legislation which they refuse to fund, for the country's present housing crisis.

For the most part, the legislators bore it in unaccustomed equanimity and silence.

Hubert Boyd, a utility operator who makes $3.64 an hour at a nearby General Motors plant, told of selecting a suitable $23,000 home for his family. But the $247 monthly mortgage payment was beyond his means and "every bank in Newark refused me credit," he said. "I need the house . . . I have three children and my wife is pregnant again," Boyd said.

Arthur Padula, a Newark homebuilder, blamed both Democratic and Republican politicians for present housing difficulty. He also denounced the Federal Housing Administration for devoting its major efforts in Newark to insuring home mortgages in the suburbs. "We don't need government guarantees where there is no risk," Padula contended.

HIGH RATES BLAMED

Helen Schnider wanted to know why her son, a builder specializing in restoration of substandard housing, "can't get money to build with?" She also criticized lending institutions such as banks and insurance companies, for requiring equity participation or "a piece of the action" before granting loans.

Patman, a long-time foe of big banks, identified the real problem as "high interest rates." On the conduct of money lenders generally, he noted: "Ever since Christ threw them out of the temple they've been trying to get on both sides of every transaction . . . now with credit cards they've made it."

Sources close to the committee said legislation could be forthcoming from the sessions, which will be held at several cities throughout the country in coming months.

Rep. Joseph Minish (D-N.J.) said today's proceedings should be "a message to economic policymakers that there is trouble in the country. These people can't come to Washington, so they were here telling their story in their way," he said.

[From the New York Times, Nov. 11, 1969]

ECONOMICS WOES HEARD BY PATMAN—"GRASS ROOTS" SESSION HELD IN NEWARK—MORE SET

(By Robert J. Cole)

NEWARK.—Representative Wright Patman, Democrat of Texas, opened the first of a nationwide series of "grass roots" meetings here today "to learn what the people are thinking on the key economic questions of the day."

Although the all-day meeting of the domestic finance subcommittee of the House Banking and Currency Committee failed to bring to light any new issues, it did succeed in giving witnesses a chance to be heard on such key questions as the high cost of mortgages, the growing use of mortgage points, a growing tendency among lenders to seek a portion of builders' profits, the scarcity of building funds, the high cost of food, the scarcity of apartments and similar problems.

To give as many people as possible a chance to speak, Mr. Patman continued to hear testimony through the lunch hour, halting proceedings briefly at 2:05 P.M. to eat a sandwich and coffee at his seat.

Norman Schiff, a lawyer in Newark who represents a number of building groups, spoke of cases where as many as nine mortgage points were required to buy a house in New Jersey. Mr. Patman shook his head in agreement and noted that points, in some cases, seemed "almost like extortion to me."

Points are charges a lender makes to grant a loan. Seven points on $20,000 are $1,400, for example.

Arthur H. Padula, a widely known builder in the area, read into the record a recent letter he had received from the National Bank of North America. The letter, signed by George R. Hansen, a vice president in the West Hempstead, L.I., office, set forth such requirements for a commercial loan as a standby loan commitment of 2½ to 3 per cent a year, an interest rate of 10½ per cent, a compensating balance to be left on deposit of 50 per cent and a personal guarantee of the loan by the builder and his wife.

"How can we allow this kind of hypocrisy to continue," Mr. Padula asked. "Well, we've had Captain Kidd's before," Mr. Patman replied.

BANKER CITES COST

Sidney Friedman, Chairman of the National Bank of North America, reached at his office in New York, replied: "If the implication in that remark is that we're charging a high interest rate, I would say that this must be considered in relation to what we're paying for money, which is approximately 11 per cent right now."

Again when Raymond L. Bramucci, manager of the International Ladies' Garment Workers' Union, Locals 148 and 162, in Union, N.J., spoke of the usury of money lenders, Mr. Patman responded, "Ever since Christ drove them out of the Temple, they've been trying to get on both sides of the transaction."

Mrs. Helen Schneider, of East Orange, N.J., told the committee that her son, a builder, had had difficulty getting funds from lenders without "giving a piece of the action" in the form of a share of the gross rentals for 10 years. Mr. Patman said he thought Mrs. Schneider had "a valid complaint" and one the committee would look into carefully.

Mayor Hugh J. Addonizio of Newark also heard testimony along with Mr. Rodino, Congressman Joseph G. Minish, Democrat of New Jersey and William B. Widnall, Republican of New Jersey.

The hearing will reconvene Dec. 1–2 in Los Angeles, Dec. 8–9 in Atlanta and during December and January in undesignated points in the Midwest, Rocky Mountain area and the Southwest. A report on the findings is expected to be presented to the Congress late in January.

[From the Newark (N.J.) Evening News, Nov. 10, 1969]

PANEL HEARS COMPLAINTS ON INFLATION, PRODUCTS

(By Alexander Milch)

A congressional "grass roots" hearing on economic problems of the people in a time of inflation today heard a $145-a-week automobile worker from a Newark slum area complain of his financial inability to buy a home in Irvington. A housewife told the committee of hidden fat in a prepackaged cut of roast meat.

Four members of the domestic finance subcommittee of the House Banking and Currency Committee, headed by Rep. Wright Patman, D-Tex., held the first of a series of hearings at the Federal Building in Newark.

The next sessions take place in Los Angeles Dec. 1 and 2, and in Atlanta, Ga., on Dec. 8. Several additional cities will be announced later.

LINDEN PLANT

Hubert Boyd of 132 Belmont Ave., Newark, who works as a utility operator at the General Motors assembly plant in Linden, said he had to move because the area is being cleared for urban redevelopment. He has a wife and three children, and is expecting a fourth child.

Boyd said he found a $23,000 home in Irvington, mortgaging cost of which was finally fixed at $5,000 down and $200 a month—whereas the Veterans' Administration will only guarantee a mortgage of $150 a month for him. He said he was still unable to get a mortgage and has figured out that at present interest rates that house will cost him $90,000 over 30 years.

Mrs. Lucie Jacobson of South Orange who says she does comparison shopping in food places to fight against erosion of the household dollar, besides telling the committee about fat in meat, showed members two chocolate bars of the same appearance but with different weights. She cited this as an example of sharp practices which victimize consumers.

PRICES CLIMB

Mrs. Jacobson, whose husband is Joel Jacobson, director of community relations for Region 9 of the United Automobile Workers, said that workers are forced to strike to get money to meet skyrocketing prices, and that prices do not go up because of workers' demands.

Jacobson, who also testified, said that New Jersey industrial workers in the past five years had had wage increases of almost $25 a week on the average, but nevertheless, have less to spend than before because of inflation. Economically, he said, they are worse off.

A statement by Mayor Addonizio was read by P. Bernard Nortmann, city economist, in which augmentation of the powers of the Small Business Administration was urged so that greater help can be given to minority groups.

Sitting today with Patman are: Reps. Joseph Minish, D-11th Dist., Peter W. Rodino, D-10th Dist., William B. Widnall, R-7th Dist., all of New Jersey, and Frank Annunzio of Illinois.

[From the Newark (N.J.) Star-Ledger, Nov. 11, 1969]

HOUSE PANEL INTERVIEWS JERSEYANS—WHY IT'S TOUGH TO MAKE ENDS MEET

(By Lawrence Resnick)

A congressional subcommittee yesterday heard 36 witnesses identify the rising cost of living and soaring interest rates as their chief economic woes.

The panel, conducting the first of a series of nationwide hearings in the Federal Building in Newark, listened to housewives, wage earners, city officials, businessmen, builders and welfare clients.

All of them told virtually the same story of a constant struggle to make ends meet in the face of rising prices and frustrated efforts to obtain financing for redevelopment and housing construction.

Rep. Wright Patman (D–Tex.), chairman of the House Banking and Currency Committee's panel on domestic finance, said at the conclusion of the hearings that the testimony reinforces his own long-held opinion that something must be done to control interest rates.

"I believe we got good results from the hearing," he said. "The testimony came straight from the heart."

Other hearings are scheduled this year in Atlanta and Los Angeles and more are planned next year.

"The testimony is certainly an indication of what the major problems are," commented Rep. Joseph T. Minish (D-11th Dist.) of West Orange and a ranking member of the banking committee.

Among those who testified was Norman Schiff, former Newark corporation counsel and a representative of several housing construction groups. Schiff complained that the practice of banks to charge as much as nine points over and above the mortgage interest rate is defeating federal programs designed to stimulate the growth of home ownership among black people.

Patman commented that in some cases the practice of charging points "almost looks like extortion to me."

A number of house and apartment builders complained that banks and insurance companies, besides charging better than 10 percent for corporate mortgages, "want a piece of the action."

Sam Herzog, president of the New Jersey Home Builders Association, said that some financing institutions are asking for a percentage of the gross rents of apartment projects besides the interest for the life of the mortgage.

In addition, he said, they are demanding that the borrower keep a certain percentage of the loan on deposit at the institution.

Arthur Padula, builder of apartment houses, blamed the city's economic woes on the "hypocrisy" of Congress and the Federal Housing Administration.

He took Congress to task for failing to appropriate funds to implement the 1968 Federal Housing Act, designed to stimulate housing construction.

"And every time Congress has passed laws to spur housing construction, the Federal Housing Administration has adopted rules that negate the purposes of the law," he said.

MAYOR COMPLAINS

In a statement read in his behalf, Mayor Hugh J. Addonizio said that inflation, high interest rates and governmental indifference is crippling efforts to rebuild the city.

The committee also heard from a number of individual consumers. Mrs. Eileen Daly, an East Orange housewife, told the committee that her family wants to buy a house, "but we can't afford the necessary one-quarter to one-third down payments required for mortgages."

Turning to food prices and marketing, she said, "We have no way of checking the fat content of meat at supermarkets."

"The meat looks wonderful under the bright lights, but when you step away, it doesn't look so good," she said.

She also attacked the practice of manufacturers of soap products for adding "gimmick" ingredients to their products and charging higher prices.

"QUALITY DOWN"

"As the prices go up, the quality seems to go down," commented a Newark housewife.

Willie Wright, president of the United Afro-American Association, told of how his group has been frustrated by growing interest rates in its efforts to develop an apartment complex in the city.

"The tight-money situation hits black people very hard," he said.

Mrs. Maudie Nelson, president of the Dayton Community Council in Newark, said Congress "hasn't been hitting the target" with its programs. "We haven't felt a thing," she said.

Robert Blakely, a Newark builder and businessman, said that the interest rate is not the leading problem, but the problem is lack of funds for loans, even at a 10 per cent rate.

BLAMES POLS

He blamed "the politicians" for manipulating behind the scenes and delaying much-needed urban development projects.

Mrs. Christine Jackson, home economist for the Welfare Department in Newark, said that "welfare mothers" desperately need increased monthly allotments. She said that the welfare recipients' money problems are forcing them into a "whirlwind of credit buying" at high interest rates.

Others who spoke were:

Paul Krebs, executive director of the New Jersey Office of Consumer Protection, who called for new consumer protection laws.

Rep. Peter W. Rodino (D-10th Dist.) who welcomed the panel to Newark and said Newark's problems are identical to the urban problems of all cities throughout the nation.

James H. Blair, director of the New Jersey Division on Civil Rights, who said that at the bottom of many complaints from minority citizens are economic inequities, such as inflation and tight money.

Rep. Williams B. Widnall (R-7th Dist.), a committee member, who summed up, "Everybody is trying to shortchange everyone else."

DDT: IS THE JIG UP?

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. OBEY. Mr. Speaker, 1 week ago 20 Members of this House joined me in signing a letter to the President asking him to issue an Executive order or directive banning the use of DDT except in emergency situations. We did so because of our feeling that the implications for human health and environmental quality of its continued use could no longer be ignored.

In a November 4 reply to our letter, Mr. William Timmons, Deputy Assistant to the President, noted that our "comments concerning the possible hazards of DDT have been noted, and your recommendations will receive most careful consideration."

At the same time we wrote the President, but completely independent of our actions, a number of the most respected conservation groups in our Nation joined together to petition the Secretary of Agriculture, Clifford Hardin, requesting him to use the authority he has under the Federal Insecticide, Fungicide, and Rodenticide Act to ban the use of DDT. Among the groups joining in that petition are the Environmental Defense Fund, the Sierra Club, and the National Audubon Society.

That petition presents a well-documented and cogent case, and reaches the following conclusion:

> The overwhelming scientific evidence establishes that DDT is a cancer-causing agent, is injurious to animal, bird, and fish populations, and is causing serious ecological damage. For these reasons, the continued use of DDT poses an imminent hazard to the public, threatening human health and environmental resources.

Mr. Speaker, in the 10 days since our letter was sent to the President, and the petition was placed before Secretary Hardin, I have received mail from persons throughout the country.

The concerns expressed by these citizens are similar to those expressed by many of us in Congress—that study after study indicates continued use of DDT is a potential detriment to our environment and to human health.

In April 1969, Health, Education, and Welfare Secretary Robert Finch created a Commission on Pesticides to "reappraise the problem of persistent pesticides with special emphasis on DDT." It had been my understanding that some of the subcommittees of the Commission have reported to the parent committee, and indications were that DDT had not come through its examination with a very good bill of health.

Now, according to newspaper reports this morning, the Secretary's Commission has, indeed, reconfirmed earlier studies which show that, like cyclamates, DDT is a potential cancer-causing agent. Those reports go on to indicate that Secretary Finch has forwarded information to the White House indicating that DDT ought to be banned.

If this is true, this is one time when a Democrat can take great pleasure in praising a Republican Cabinet official.

I urge the President to act on this matter at the earliest possible moment. The potential harmful effects which DDT and some other persistent pesticides have for our environment and the human inhabitants on this earth are important—so important that a study which shows DDT detrimental to our health should not be allowed to collect dust on the shelf of a Government agency or the White House.

Mr. Speaker, I insert the letter which we sent to the President last week, the answer of Mr. Timmons which we received from the President's Office, and the petition recently filed with the Secretary of Agriculture be printed below for the benefit of my colleagues.

I ask that those of you who are interested in this subject and have not yet contacted the President do so at the earliest possible date urging his action on this most important matter.

The material follows:

LETTER TO THE PRESIDENT

NOVEMBER 3, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: On April 21, 1969, Health, Education and Welfare Secretary Robert Finch declared that "the health of our citizens is properly and first concern of this Department." Citing his "increasingly concerned" attitude toward pesticide pollution, the Secretary said, "it is time to question the continued use of persistent pesticides from our environment. . . ." At that time he appointed a Commission on Pesticides to study "environmental pollution and its consequent risks to the health of our citizens." This Commission was to make a report and submit suggestions for action within six months.

Last week concern for the health of our citizens prompted Secretary Finch to announce that cyclamates would henceforth be removed from the list of substances generally recognized as safe for use in foods. The Secretary's action was in response to findings that "the presence of malignant bladder tumors (were found in laboratory animals) after these animals had been subjected to strong dose levels of cyclamates for long periods."

We believe recent evidence makes it clear that persistent pesticides including DDT, are as potentially damaging to human health as cyclamates. In light of Secretary Finch's action last week and recognizing the fact that his Commission on Pesticides has not publicly come forth with any evidence to the contrary, we hereby urge you to ban the use of DDT except in cases where it may be absolutely necessary to protect the public health and safety.

Available scientific findings certainly suggest that DDT may have cancer-causing potential, and is, therefore, a potential risk to the public health. Some of these findings include the following:

1. As far back as 1947 a study by the Food and Drug Administration showed that when DDT was fed to rats there was an increased incidence of liver tumors.

2. Hungarian scientists recently examined more than 1,000 mice from five generations after adding three parts per million DDT to their diets. They found that 28% of the mice getting DDT developed tumors, while only 3.8% of the mice on clean food had tumors. Leukemia appeared in 12.4% of the DDT mice, but only 2.5% of the others.

3. On May 1, 1969, the National Cancer Institute reported that DDT added to the diet of mice quadrupled the frequency of tumors of the liver, lungs, and lymphoid organs. According to that report, DDT was one of 11 compounds "clearly tumorigenic for the strains of mice used at the high dose levels which were administered". Similar evidence was found by scientists at the Rowsell Park Memorial Institute in Buffalo, New York. Certainly this is no less compelling evidence regarding the dangers of DDT than that which caused Secretary Finch to act against cyclamates.

4. In studies done at the University of Miami School of Medicine, it was found that the human victims of cancer had more than twice as much DDT in their fat as did victims of accidental death. We do not know if the increased amount of pesticides caused the cancer of these victims, or if there was any relationship between the two, but this is something which can be ignored only at our own risk.

5. Researchers at the University of Wisconsin, among other places, have found indications that pesticides are a genetic hazard to man, capable of producing mutations. And, as one scientist at the University of California recently stated: "No responsible persons could now get up here and say that this constant nibbling at our steroids (sex hormones) is without any physiological effect, it would be irresponsible."

6. We know that DDT is passed on to the human fetus via the mother's placenta. We know, too, that the situation has become so serious that the DDT concentration in mothers' milk has been found to be more than twice as great as the concentration permitted in cows milk which is sold for public consumption.

Czechoslovakia, Sweden and Denmark no longer allow the use of DDT. Arizona, California, and Michigan have banned its use. We believe it is time that DDT be banned in every state, consistent with measures which may be needed to protect the public health and safety.

Because a number of government agencies deal with DDT—including the Department of Agriculture, which registers it for use, the Food and Drug Administration which sets tolerance levels for food, the Interior Department, which conducts research on the hazards it has to fish and wildlife, and the Public Health Service, which does research on the hazards associated with the use of pesticides—it would be difficult for just one agency to act on this matter.

Therefore, we strongly urge that you issue an executive order or directive banning the use of DDT except in instances where it is absolutely required, and that all government agencies take whatever action is required to fulfill the intent of this order.

Sincerely yours,

David R. Obey, Marvin Esch, Daniel Button, Joseph Karth, Arnold Olsen, Don Edwards, Clarence Long, Jonathan Bingham, William Clay, Thomas Rees, George Brown, Jr., Jerome Waldie, James Kee, Edward Koch, Richard McCarthy, Abner Mikva, Benjamin Rosenthal, James Scheuer, Leonard Farbstein, Bertram Podell, William Barrett, Members of Congress.

THE WHITE HOUSE,
Washington, November 4, 1969.

Hon. DAVID R. OBEY,
House of Representatives,
Washington, D.C.

DEAR MR. OBEY: The President has asked me to thank you for your November 3 letter urging that he take steps to ban the use of DDT except in instances where it is absolutely required.

Your several comments concerning the possible hazards of DDT have been noted, and your recommendation will receive most careful consideration.

With cordial regard,

Sincerely,

WILLIAM E. TIMMONS,
Deputy Assistant to the President.

[Before the U.S. Department of Agriculture]

Petition Requesting the Suspension and Cancellation of Registration of Economic Poisons Containing DDT

Environmental Defense Fund, Incorporated; Sierra Club; West Michigan Environmental Action Council; and National Audubon Society, *Petitioners*.

To: Honorable Clifford M. Hardin, Secretary of Agriculture.

(Appendices B through E not attached)

Petitioners request the Secretary of Agriculture to exercise his authority under the Federal Insecticide, Fungicide, and Rodenticide Act, 61 Stat. 163, as amended, 7 U.S.C. §§ 135–135k, to take immediate action to ban the use of DDT. Scientific evidence which has been accumulating at an accelerating rate clearly establishes that DDT is causing irreparable damage to the environment, and present scientific information establishes that DDT is a cancer-causing agent. Many other jurisdictions, in this country and abroad, have banned or severely restricted the uses of DDT. The Federal Government, charged with responsibility for protecting the health and welfare of its citizens and the protection of the nation's natural resources, must take appropriate action to stop the use of DDT. The Department of Agriculture has the power to suspend the registration of DDT and economic poisons containing DDT. The Department should exercise that authority at once.

I. PETITIONERS

Petitioner Environmental Defense Fund, Incorporated (hereinafter "EDF"), is a nonprofit, tax-exempt membership corporation organized under the laws of the State of New York. EDF is made up of scientists and other citizens dedicated to the protection of man's environment, employing legal action where necessary. EDF has, through litigation, sought to protect the environment from various forms of pollution. Its Scientists Advisory Committee, with more than 200 members, including some of the world's foremost environmental scientists, assures that positions taken are thoroughly supported by scientific evidence. An extensive bibliography on DDT has been compiled by EDF. The articles on DDT which are cited in this petition are listed in Appendix A, attached hereto.[1] In its activities, EDF does not concern itself with the pecuniary interests of individuals; rather, it seeks to assure the preservation or restoration of environmental quality on behalf of the general public.

Petitioner Sierra Club is a non-profit membership corporation organized under the laws of the State of California with membership of 80,000. The Sierra Club has been in existence since 1892. Among its stated purposes is the preservation of scenic resources, forests, waters, wildlife and wilderness. In furtherance of its purposes, the Sierra Club engages in many educational activities, including an extensive publishing program and wilderness outing program. In addition, the Sierra Club has participated in several legal actions to preserve the environment and maintains staff offices and membership chapters in all regions of the country.

Petitioner National Audubon Society (hereinafter "Audubon") is a non-profit membership corporation organized under the laws of the State of New York. Audubon has as its purposes the protection of wildlife and the natural environment, and the education of man regarding his relationship with and his place within the natural environment as an ecological system. Audubon has over 80,000 members and a history of 65 years devoted to these purposes. Audubon owns and operates 40 wildlife refuges, five nature interpretation centers and three adult ecological summer camps, and maintains a lecture program that reaches 200 cities annually. Audubon supports important research on endangered species and publishes papers on ecological research.

Petitioner West Michigan Environmental Action Council (hereinafter "the Environmental Action Council") is an unincorporated association. Its membership consists of 25 civic organizations and 300 individual members, primarily in West Michigan. Among the Environmental Action Council's stated purposes is assisting and coordinating the efforts of individuals and organizations to protect and restore the quality of the environment and to take necessary and appropriate action in furtherance thereof, including the dissemination of information through newsletters, lectures, seminars, participation in official hearings, and preparing and promoting model legislation.

II. DEFINITIONS

"DDT," sometimes called dichlorodiphenyltrichloroethane, is a mixture of substances which has as its major ingredient the chemical compound 1-,1,1-trichloro-2,2-bis-(*p*-chlorophenyl)ethane. DDT is widely used, in a variety of economic poisons, as a pesticide.

"DDT residues" include DDT; DDE, 1,1-dichloro-2,2-bis(*p*-chlorophenyl) ethylene; DDD, also known as TDE, 1,1-dichloro-2,2-bis(*p*-chlorophenyl)ethane; and several other closely related chemical compounds derived from DDT by conversion processes within the environment.

III. OTHER RELEVANT PROCEEDINGS

A. Petition to the Secretary of Health, Education, and Welfare requesting repeal of tolerances for DDT

On October 7, 1969, a petition was filed by six individuals and EDF with the Secretary of Health, Education, and Welfare requesting the repeal of the tolerances for DDT on raw agricultural commodities. The petition, a copy of which is attached hereto as Appendix B, was based upon evidence that DDT is a carcinogenic or cancer-causing agent. (See, *infra*, pp. 16–17) Five of the individual petitioners therein are nursing mothers or are expecting to give birth in the very near future. The petition has not been acted upon as of this date.

On this day, said six individuals and EDF have requested the Secretary of Health, Education, and Welfare immediately to repeal the existing tolerances for DDT on raw agricultural commodities and to set such tolerances at zero. In addition, Secretary Finch has been requested to take all further steps to protect the health and welfare of the nation by banning the use of DDT on the ground that it is a carcinogen or cancer-causing agent. A copy of this petition was attached to the request addressed to the Secretary of Health, Education, and Welfare. A copy of the request to the Secretary of Health, Education, and Welfare is attached to this petition as Appendix C.

B. Requests for information on DDT from the Department of Agriculture

The petitioners have made diligent efforts to obtain from the Department of Agriculture documents relating to the registration of DDT and economic poisons containing DDT, and information in the Department's files relating to damage to the environment and to living man caused by DDT and such economic poisons.

On September 18, 1969, a request for access to such information was made by Petitioner Environmental Action Council. On October 14, 1969, Petitioner Environmental Action Council renewed its request of September 18, 1969, and sought some related information. On October 24, 1969, Petitioners EDF and Sierra Club joined in the above request of Petitioner Environmental Action Council.

As of this date, the Department of Agriculture has failed to respond to any of these requests and has failed to give Petitioners Environmental Action Council, EDF, or Sierra Club access to any records of the Department of Agriculture. As a result, petitioners are unable to identify with particularity those economic poisons containing DDT that have been registered by the Department of Agriculture. As a further result, petitioners have been unable to determine the extent to which the matters presented herein have been considered by the Department of Agriculture.

C. Recent actions by administrative agencies against carcinogenic substances and other substances posing substantial risks to public health

1. Cyclamates

A recent precedent was set by Secretary of Health, Education, and Welfare Robert Finch for immediate administrative action to protect the public where there is evidence that a substance on the market and in common use has carcinogenic qualities. On October 18, 1969, the Secretary acted to remove cyclamates from the market only five days after learning of scientific evidence of their carcinogenicity. His action was based on "recent experiments conducted on laboratory animals which disclosed the presence of malignant bladder tumors after these animals had been subjected to strong dosage levels of cyclamates for long periods." See statements of Secretary Robert H. Finch and Jesse L. Steinfeld, Deputy Assistant Secretary for Health and Scientific Affairs, October 18, 1969, attached hereto as Appendix D.

Secretary Finch emphasized "in the strongest possible terms that we have no evidence at this point that cyclamates have indeed caused cancer in humans." However, he stated that he felt it "imperative to follow a prudent course in all matters concerning public health." Appendix D, Statement of Secretary Finch, p. 1.

Deputy Assistant Secretary Steinfeld added:

"We can in no way at this time extrapolate the new data from rat experiments to human beings. Nevertheless, we in this Department—whether from a legal or from a scientific point of view—cannot afford to ignore any possibility of the rat data being applicable to the human population. As long as this possibility exists, a prudent concern for the health of the public dictates that precautionary action taken." Appendix D. Statement of Deputy Assistant Secretary Steinfeld, p. 6.[2]

2. The Herbicide 2,4,5–T

Dr. Lee A. DuBridge announced this week that the Federal Government will shortly initiate a coordinated series of actions to restrict the use of the herbicide 2,4,5–T. Among other actions, he stated that the Department of Agriculture would cancel the registration of the herbicide for use on food crops unless a basis can be found for establishing a safe legal tolerance before January 1, 1970. Office of Science and Technology, Executive Office of the President, Press Release, October 29, 1969.

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[1] Also attached to the copy of the petition filed with the Secretary is a copy of the entire EDF bibliography, with reprints of the articles which are of special relevance.

[2] In an action in 1959, Secretary of Health, Education, and Welfare Flemming made it clear that the strong policy against permitting cancer-causing agents in the market applies to pesticides as well as other products. By administrative interpretation, he ordered the seizure of all cranberries found to have residues of the pesticide aminotriazole, which had been found to cause cancer in mice. See CCH, Food, Drug, and Cosmetic Law Reptr., 54,109.03. See *Bell* v. *Goddard*, 366 F. 2d 177, 181 (7th Cir. 1966) (use of food additive barred where it caused cancer in animals notwithstanding small quantities ingested by man.

The Department of Agriculture's cancellation of the registration was based on a finding that the herbicide caused deformities in rats and mice. The data relied upon did not establish that the herbicide would have deleterious effects in man. The measure was explained as having a prophylactic purpose: to "assure safety of the public while further evidence is being sought."[3]

D. Actions in other jurisdictions

The Michigan Agriculture Commission cancelled, effective June 27, 1969, the registrations of DDT except for control of bats, mice and head lice. Cancellation was based on the facts that DDT is injurious to vertebrates and and that there are safer alternative modes of pest control; thus DDT violated § 2z(2)(g) of the Michigan Economic Poisons Act. 12 Mich. Stat. Ann. § 352(2)(z)(2)(g). This standard is substantially identical to a parallel provision of the Federal Insecticide, Fungicide and Rodenticide Act. 61 Stat. 163, as amended, 7 U.S.C. §§ 135–135k (hereinafter "FIFRA").

On October 29, 1969, the Director of the California Department of Agriculture issued a regulation cancelling the registration of DDT for use in that State on 47 field crops.

On March 27, 1969, Sweden announced a moratorium on the use of DDT and several other chlorinated hydrocarbons.

In Canada, several of the provinces have taken action to ban DDT. Ontario, by Order-In-Council 3654–69, issued on September 24, 1969, banned all uses of DDT, effective January 1, 1970, with limited exceptions. Several other provinces have taken action regarding DDT or announced that action is impending. The Federal Government in Ottawa will shortly adopt stringent measures limiting the use of DDT.

IV. APPLICABLE LAW: FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

A. Economic poisons

The Secretary of Agriculture regulates economic poisons under FIFRA. "Economic poisons," as defined in FIFRA § 2a, 7 U.S.C. § 135(a), include the various mixtures which have DDT as their active ingredient and appear on the market under trade names.

B. Registration requirements

Section 4a of FIFRA, 7 U.S.C. § 135b(a), requires that:

"[E]very economic poison . . . which is shipped or delivered for shipment from any State, Territory or the District of Columbia to any other State, Territory or the District of Columbia, or which is received from any foreign country shall be registered with the Secretary [of Agriculture]."

C. Suspension of imminent hazards

Under § 4c of FIFRA, 7 U.S.C. § 135b(c), the Secretary of Agriculture has the duty to suspend by order the registration of an economic poison "when he finds that such action is necessary to prevent an imminent hazard to the public." See also 7 C.F.R. § 364.4(c), published at 34 Fed. Reg. 13822.

Either the fact that an economic poison is a cancer-causing agent or the fact that it is destructive of fish, wildlife and useful animals would be sufficient in itself to qualify it as an "imminent hazard to the public."

1. Carcinogenicity

Proof that an economic poison is a carcinogen is a prime example of the kind of showing which establishes that it poses "an imminent hazard." The rapid response of HEW in banning cyclamates and the announced actions against the herbicide 2,4,5-T by the Department of Health, Education and Welfare and the Department of Agriculture (see pp. 6–7 *supra*) confirm the Federal policy of banning cancer-producing agents by immediate action.

Congress has evinced special concern about carcinogenic or cancer-causing agents, declaring in the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 348(c)(3)(a):

"[N]o additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal, or it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal . . ."

In 1960, Congress passed the Color Additives Amendments to that Act and included a similar anticancer clause. 21 U.S.C. § 376(b)(5)(B).

Arthur S. Flemming, the Secretary of Health, Education and Welfare at the time of the passage of the Color Additive Amendments, summarized the philosophy embodied in the anticancer provisions in testimony before the House Committee on Interstate and Foreign Commerce:

"The preponderance of scientific evidence clearly dictates our position: Our advocacy of the anticancer provisio in the proposed color additives amendment is based on the simple fact that *no one knows how to set a safe tolerance for substances in human foods when those substances are known to cause cancer when added to the diet of animals.* I should like to underline again one statement in particular which I read earlier from the summary of Dr. [G. Burroughs] Mider's review of the role of certain chemical and physical agents in relation to cancer. It is this:

"'No one at this time can tell how much or how little of a carcinogen would be required to produce cancer in any human being, or how long it would take the cancer to develop.'

"This is why we have no hesitancy in advocating the inclusion of the anticancer clause.

"Unless and until there is a sound scientific basis for the establishment of tolerances for carcinogens, I believe the Government has a duty to make clear—in law as well as in administrative policy—that it will do everything possible to put persons in a position where they will not unnecessarily be adding residues of carcinogens to their diet." (See House Rpt. No. 1761, June 7, 1960, 2 U.S.C. Cong. & Admin. News, 86th Cong., 2d Sess., 2887 (1960).) (Emphasis supplied)

2. Damage to Fish, Wildlife, and Useful Animals

Congress intended to include the hazard of destruction of fish, wildlife and useful animals as an "imminent hazard." The "imminent hazard" provision was added by the 1964 amendments to FIFRA (78 Stat. 190). The Senate Committee Report, in discussing the imminent hazard concept stated that damage to fish and wildlife should be given due consideration. See Senate Report No. 57 on S. 1605, 88th Cong., 1st Sess. (1963).

D. Cancellation of economic poisons not in compliance with FIFRA

In addition to immediate suspension of an economic poison as an imminent hazard, the Secretary of Agriculture has the duty to issue a notice of cancellation of the registration of an economic poison when it appears that the economic poison, its labeling, or other materal do not comply with the provisions of FIFRA. FIFRA § 4c, 7 U.S.C. § 135b(c). Any economic poison which is "misbranded," as the term is defined, FIFRA § 2z(2), 7 U.S.C. § 135(2)(z)(2), is not in compliance with the Act. The Section 2z(2) definition of "misbranded" products states, in relevant part:

"The term 'misbranded' shall apply . . . (2) to any economic poison . . . (c) if the labeling accompanying it does not contain directions for use which are necessary and if complied with adequate for the protection of the public; (d) if the label does not contain a warning or caution statement which may be necessary and if complied with adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals . . . (g) if in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds to which it is applied, or to the person applying such economic poison; . . ."

An economic poison is necessarily "misbranded" when it cannot be used in a manner which protects the public and prevents injury to man and animals. Where that is the case, a notice of cancellation should be issued.

The regulations of the Department of Agriculture reflect the above standards in several provisions. See, *e.g.*, 7 C.F.R. §§ 362.6, 362.9, 362.10(k), 362.105(c), 362.105(h), 362.106(f)(4)(v), 362.108(c)(6), 362.121(g).

E. Burden of proof

The suspension and cancellation procedures of § 4c of FIFRA, discussed above, were added to FIFRA by amendment in 1964 (78 Stat. 190).

The purpose of the 1964 amendment was to give the Secretary full authority to remove hazardous and unlawful economic poisons from the market and to shift the burden of proving their safety to the registrant. House Report No. 1125 on H.R. 9739, 88th Cong., 2d Sess., 64 U.S.C. Cong. & Admin. News, 2166–2167.

V. THE DAMAGE CAUSED BY DDT TO MAN AND THE ENVIRONMENT

The Secretary must take account of the weight of scientific evidence which establishes that the continued use of DDT is inconsistent with the scheme of FIFRA. The Act presupposes that no economic poison will be registered, or where already registered that such registration will be suspended by the Secretary, if the economic poison poses an imminent hazard to the public or if it is injurious to man, animals or the environment. The hazards of DDT are now well documented and require immediate action.

In this section petitioners will describe the damage which DDT has caused to the environment and the threats it poses to human health. Because of the technical character of the issue and the numerous citations to scientific materials, petitioners have attached to this petition a list of leading authorities. The numbered references in this section correspond to numbers in the list of authorities. See Appendix A.

The Affidavit of Charles F. Wurster, attached to this petition as Appendix E, also provides support for the propositions set out in this section. Dr. Wurster, the Chairman of the Scientists Advisory Committee of petitioner EDF, is a leading environmental scientist.

DDT, a pesticide which has been in common use since World War II, performed a useful function at a time when alternative pesticides were unavailable. Alternative pesticides and procedures that are of equal effectiveness but cause less damage are now available. (267, Appendix E, ¶17). The time has come for the Federal Government to act against the use of DDT. Because it is an imminent hazard to the environment and to human health, such action should be taken immediately.

DDT combines in a single molecule the properties of broad biological activity, chemical stability, mobility, and solubility, characteristics (139) that cause it to be accumulated by living non-target organisms, thus presenting dangers that are unusual among major pollutants (268). DDT not only enters food chains from the inorganic environment, it is increasingly concentrated toward the top of food chains, thereby posing a particular threat to carnivores (90, 155, 156, 161, 208, 209, 214, 260).

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[3] It was also reported that research evidence showed that the herbicide increased the incidence of cancer. *Los Angeles Times*, October 30, 1969, part I, p. 11.

Because DDT residues are mobile, (4, 20, 21, 22, 41, 157, 181, 201), chemically stable (60, 137, 201), nearly insoluble in water (20) but quite soluble in lipid or fat-like materials (139), DDT cannot be used and released in the environment under any circumstances, whether or not in accord with any label or directions, without the eventual contamination of food chains, (86, 90, 106, 131, 155, 156, 161, 208, 209, 214, 252, 260), including human foods, and the tissues of non-target organisms, including man (50, 149, 223, 258).

The entire biosphere has, in fact, become contaminated with DDT residues, including such seemingly unlikely places as air (1, 2, 9, 157), rainwater (181, 205), birds living hundreds of miles at sea (155, 214), Arctic and Antarctic animals (71, 174, 182, 220, 225), and cosmetics, and human milk (148, 221). DDT residues are regular contaminants of human foods, including many foods never treated with the material, and contaminate the tissues of virtually all human beings (50, 149, 223, 258).

DDT residues retain their broad biological activity long enough to be hazardous to contaminated non-target organisms, most of which are far removed by both time and space from the original site of the DDT application. (Appendix E, ¶ 7.)

The relationships between DDT residues and hazards to bird populations, by both direct mortality and reproductive failure, have been particularly well documented. DDT causes carnivorous birds, including birds of prey, sea birds, and many other species, to lay eggs with abnormally thin shells (88, 150, 211, 233). These eggs break prematurely, resulting in sharply reduced reproductive success (105). Populations of these species have in many cases undergone catastrophic declines, in some cases approaching extinction (7, 87, 154, 214). The decline in eggshell thickness occurred shortly after the large scale introduction of DDT into the world environment in the late 1940's (88, 150). Controlled feeding experiments with DDT and its metabolites have established the causal relationship between DDT residues in the environment, the production of eggs with abnormally thin shells, and greatly reduced reproductive success (218, 232, 256).

DDT causes direct mortality of large numbers of birds. This has been especially true where attempts were made to control Dutch elm disase with DDT, but has also occurred under many other circumstances (89, 191, 213, 236).

DDT inhibits reproduction in fish, with abnormal mortality of the fry following the contamination of the adult fish and their eggs. This has occurred in several freshwater situations, with mortalities of 100 percent of the fry in some instances (28, 47, 235). Controlled experiments confirmed that DDT residues were the causative agents (244, 245). Many fish from other areas, including commercially important fish from marine waters, show concentrations of DDT residues in their tissues that approach those that caused this abnormal fry mortality (8, 156, 224, 241). Important freshwater and marine fisheries are seriously threatened by present and anticipated future concentrations of DDT residues in the tissues of the fish. DDT also causes the direct mortality of large numbers of fish, a phenomenon that has occurred under a variety of circumstances 46, 62, 198).

DDT residues do great damage to useful invertebrates of many species. Insect communities are frequently disrupted by the killing of beneficial predatory and parasitic insects, thereby frequently aggravating the insect pest problem DDT was intended to control (100, 267). It kills pollinating insects. It damages various crustaceans such as crabs and shrimp (77, 117, 168, 253). Even the base of oceanic food chains, the phytoplankton, can have their photosynthetic activity reduced by a few parts per billion of DDT in the water (215).

By eliminating certain organisms, especially carnivorous organisms, from biotic communities, DDT residues are causing widespread ecological damage (208). Such ecosystem simplification contributes to population explosions of certain organisms lower in the food chain and normally controlled by the carnivores. Proliferation of herbivorous insect pests or herbivorous birds like blackbirds are examples of this phenomenon (267). The stability of ecosystems is thereby reduced by the disruptions caused by DDT.

DDT and its residues cause these serious environmental effects by virtue of the great variety of their biological activity within living systems. These residues are nerve toxins (49, 217), induce hydroxylating enzymes in the liver (42, 112, 145, 229), inhibit certain other enzymes, and interfere with the photosynthetic process (215). They also are known to induce estrogenic activity (17, 264).

DDT residues exhibit this broad range of biological activity within a great diversity of animals and even some plant species; their activity extends to all five classes of vertebrates—amphibians, reptiles, fish, birds, and mammals. With these non-target organisms serving as warning signals or monitors, showing the great and diverse biological activity of DDT within a broad range of animals, it is hardly surprising that DDT has now been shown to operate by yet another biological mechanism—it is a carcinogenic or cancer-causing agent. Appendix E, ¶12.

In a definitive study supported by the National Cancer Institute, DDT was added to the diet of mice and compared with both positive and negative control groups of mice (238). The frequency of tumors of the liver, lungs and lymphoid organs was four times greater in mice fed DDT than those in the negative control group. The carcinogenicity was clearly established because DDT caused cancer of the same kind and at approximately the same frequency as did known cancer-causing agents (the positive controls) (238).

The National Cancer Institute study confirmed earlier evidence indicating the carcinogenicity of DDT. As early as 1947, a study by the Food and Drug Administration showed that when DDT was fed to rats there was an increased incidence of liver tumors (226). Similar results were obtained using rainbow trout, where DDT in the food of the fish caused the formation of hepatomas (231). Other experiments with mice carried through five generations showed that the DDT mice had a substantially higher incidence of leukemia and of tumors than the non-DDT mice (262).

In studies done at the University of Miami School of Medicine, human victims of terminal cancer were found to contain more than twice the concentration of DDT residues in their fat as did victims of accidental death (223, 258). The accident victims carried 9.7 parts per million in their fat, about average for Americans, while the cancer victims contained 20 to 25 parts per million.

Evidence that DDT causes cancer in human beings is not conclusive, but DDT is clearly carcinogenic in test animals. The evidence on DDT is similar to the evidence of the carcinogenic activity of the cyclamates. The Secretary of Health, Education and Welfare promptly withdrew cyclamates from the market on the basis of such evidence. The Secretary of Agriculture should do no less with DDT.

Alternative integrated control techniques, including the use of chemical, biological, and other pest management procedures are available that are as effective as DDT (37, 65, 251, 267). Alternative techniques would not cause the injury to the environment nor pose the threat to human health described above if substituted for all of DDT's uses. (Appendix E, ¶17). DDT is a highly disruptive material in the environment and causes outbreaks of mites, aphids, and scale insects by killing their natural enemies (267). It has been stated by a leading authority in the field that DDT has no place in an integrated pest control system (267).

VI. CONCLUSIONS

The overwhelming scientific evidence establishes that DDT is a cancer-causing agent, is injurious to animal, bird and fish populations, and is causing serious ecological damage. For these reasons, the continued use of DDT poses an imminent hazard to the public, threatening human health and environmental resources. Petitioners have long been concerned with the interrelationship of a wholesome environment and human welfare. Further introduction of DDT into the environment is entirely inconsistent with the values which the Secretary of Agriculture is bound to preserve.

Specifically, petitioners have shown that DDT does not comply with the Federal Insecticide, Fungicide, and Rodenticide Act in the following respects:

(1) DDT is an imminent hazard to the public under section 4c of FIFRA, 7 U.S.C. § 135b(c), and the registration statements of all economic poisons containing DDT should be immediately suspended.

(2) DDT does not comply with the provisions of section 2z(2)(d) of FIFRA, 7 U.S.C. § 135(2)(z)(2)(d) since it is causing serious, permanent and irreparable injury to entire populations of non-target vertebrate and useful invertebrate animals. No warning or caution statement contained in any label is or would be adequate if complied with to prevent this injury. The injury is occuring under the commonly recognized practices for the use of DDT.

(3) DDT does not comply with Section 2z(2)(c) of FIFRA, 7 U.S.C. § 135(2)(z)(2)(c), for the reasons that it is causing serious, permanent and irreparable damage to the public in that it is causing injury specified above in the preceding paragraph and that it (a) is causing serious, permanent and irreparable damage to the fish and wildlife resources of the United States; (b) is causing serious, permanent and irreparable ecological damage; (c) is a carcinogen, and (d) is causing serious, permanent and irreparable damage to large numbers of diverse non-target organisms essential or beneficial to the public. No directions contained in any written material would be adequate if complied with to prevent said damage. The damage is occurring under the commonly recognized practices for the use of DDT.

(4) DDT does not comply with Section 2(z)(2)(g) of FIFRA, 7 U.S.C. § 135(2)(z)(2)(g), since when used as directed or used in accordance with commonly recognized practice it is injurious to living man and other vertebrate animals to which it is applied and to persons applying such economic poison.

(5) Alternative integrated control techniques, including the use of chemical, biological, and other pest management procedures are available that are substantially as effective as DDT and that do not presently cause the injury and harm set forth above and would not cause such harm if substituted for substantially all of DDT's uses.

VII. PRAYER FOR RELIEF

Petitioners request that the Secretary:

By order, immediately, (1) suspend the registration of all economic poisons that contain DDT; and (2) issue Notices of Cancellation for all registered economic poisons that contain DDT, affording petitioners an opportunity to participate fully in any administrative proceedings held following the issuance of notices of cancellation including the right to adduce evidence, to rebute and to cross-examine.

Respectfully submitted,

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October 31, 1969.

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(Reference numbers cited in section V of this petition correspond to the numbers in the more extensive bibliography, one copy of which was submitted to Secretary Hardin, entitled "A Bibliography on the Effects of DDT on Non-Target Organisms")

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VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS OF 1969

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, yesterday we commemorated our veterans with symbolic praise and rhetoric. Today we can pay tribute to our veterans by action.

Yesterday we acknowledged their sacrifices, their victories, and thanked the veterans for their service in the name of the United States. Today we can illustrate our gratitude by passing needed legislation.

We have the opportunity to concur with the Senate amendment to H.R. 11959, the Veterans Education and Training Assistance Amendments Act of 1969.

The need for this legislation is clear. In fiscal 1969, approximately 216,200 of the enlisted separatees from the armed services were high school dropouts. Only 6.1 percent of the eligible high school dropouts are taking advantage of the educational program conducted by the Veterans' Administration.

There are two primary causes of the low rate of participation. The first cause is the unrealistically low level of allowance rates. The GI educational benefits have not risen to cover the skyrocketing costs of education. The second cause of low participation is the lack of knowledge, by those who need it the most, of the program under the GI bill.

Both of these causes are rectified by the Senate substitute amendments to H.R. 11959. A 46-percent increase in educational benefits will make the program economically attractive. At least, a veteran will be able to meet nearly all of the expenses of an education.

A second provision adopted by the Senate will expand the veterans outreach services program. This program aims at searching out recently discharged veterans, especially the educationally disadvantaged, and advising them of the benefits to which they are entitled. Finally, the expanded program will assist the veterans in obtaining their hard earned benefits.

I see no more fitting way to pay tribute to our veterans than by assisting them in getting better education and training and, thus, improving their earning capabilities.

SMOKING AND HEALTH

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PREYER of North Carolina. Mr. Speaker, new evidence has just come to hand that casts grave additional doubt on the findings of the 1964 Report of the Surgeon General on Smoking and Health. It comes to light just 7 days after the introduction of my bill to create a Commission to review and assess all available data on the question. More importantly, it comes from a scientist who must be considered as the father of the hypothesis that cigarette smoking causes cancer: Dr. E. Cuyler Hammond, vice president of the American Cancer Society for epidemiology and statistical research.

Dr. Hammond has just reported that a chemical found in cigarette smoke, benzo(a)pyrene, may have to be ruled out as a possible cause of lung cancer. Benzo(a)pyrene is no innocuous component of smoke. The 1964 Surgeon General's report labeled it "one of the most potent of all the carcinogens now known."

For years, this chemical has been a link in the indictment of cigarette smoking. For years, individual physicians, private health organizations, and Government officials have accepted presence of benzo(a)pyrene in cigarette smoke as evidence that cigarettes cause cancer, and that, if necessary, the tobacco industry may have to be liquidated.

But now a powerful link in the chain of evidence has snapped. Dr. Hammond of the American Cancer Society now reports that studies of nearly 6,000 roofers who are exposed to large doses of benzo-(a)pyrene had no more lung cancer than the average man. He told a meeting of the American College of Chest Physicians that, "It is most unlikely that benzo(a)-pyrene has anything to do with lung cancer in man."

The roofers, I should point out, work with pitch, and in an average day might inhale the amount of this carcinogen contained in 715 cigarettes, or more than 35 packs a day. If there was indeed a cause-and-effect relationship between benzo(a)pyrene and lung cancer, Dr. Hammond reported, these roofers would have had a two to three times higher death rate from the disease than the average.

Mr. Speaker, Congress does not now know enough about the relationship between smoking and health to make crucial policy determinations. I submit that science does not now have sufficient data. The existing data must be reviewed and assessed objectively by scientists, not crusaders. Furthermore there is a pressing need for original medical research and investigation.

The situation as it now exists is very much in line with Mark Twain's view that "it's not what we don't know that hurts us, it's what we do know that isn't so." Congress has before it the remedy to this situation. House Joint Resolution 969 would give us the means to get at the facts, to ask questions—and get answers—first before we "shoot" an industry.

Mr. Speaker I would like to insert an account of Dr. Hammond's "new evidence" as it appeared in the Chicago Tribune. I call particular attention to the headline "Cigaret Link to Cancer May Be in Error."

[From the Chicago Tribune, Oct. 31, 1969]

CIGARET LINK TO CANCER MAY BE IN ERROR

(By Ronald Kotulak)

A chemical found in cigaret smoke that has been implicated as a possible cause of lung cancer may have to be ruled out, a top official of the American Cancer society reported yesterday.

The chemical, which is called benzo [a]-pyrene, exists in extremely small amounts in cigaret smoke. When the chemical is painted on the skins of rats for long periods, it can produce skin cancers.

Dr. E. Cuyler Hammond, A. C. S. vice president for epidemiology and statistical research, said that studies of nearly 6,000 roofers who are exposed to large doses of the chemical showed that they had no more lung cancer than the average rate for the population.

"It is most unlikely that benzo [a]-pyrene has anything to do with lung cancer in man," he reported at the meeting of the American College of Chest Physicians in the Palmer House.

The chemical is contained in the pitch used by the men and in an average day a worker might inhale the amount of benzo [a]-pyrene contained in 715 cigarets, he said.

LITTLE GROUP DIFFERENCE

If there was an association between the chemical and lung cancer, then this group of roofers would have had a death rate from cancer that was two to three times higher than average, Dr. Hammond said. Instead, 43 roofers in the group died of lung cancer compared to 36.6 that would have been expected from a similar age group, a difference that is statistically insignificant, he said.

In another report, two University of Louisville doctors reported that a study of 300 Kentucky coal miners showed that coal dust is not as bad a villain as many people expected.

The miners did not have any higher rate of chronic bronchitis, emphysema, heart disease, lung cancer, or high blood pressure than the general population.

TAX RELIEF FOR COLLEGE EXPENSES

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing legislation that could result in substantial tax savings for the parents of college students.

My bill is nearly identical to a measure introduced in the Senate last month by Senator RIBICOFF, who for years has championed the cause of tax relief for persons bearing the increasingly heavy costs of higher education. Both proposals are designed primarily to assist middle and lower middle income families by awarding tax credits of up to $325 for each student when gross adjusted income does not exceed $15,000 a year.

Only today I received fresh evidence of the need for this relief, from a good friend who wrote that he must pay $8,000 a year through 1972 to maintain just two children in college.

The credit authorized by the legislation would be computed on the basis of 100 percent of the first $200 of qualifying expenditures for tuition, fees and books, 25 percent of the next $300 and 5 percent of the subsequent $1,000. No credit would be permitted, however, for living and other expenses not purely educational, or for allowable student costs in excess of $1,500. Institutions for which the credits could be claimed would include colleges and junior colleges, universities, graduate schools, and vocational and business schools.

The ramifications of the bill would be felt in every part of the country. At San Diego State College, the largest institution of higher education serving my own district, California residents are not charged any tuition, as such. But the cost of required books and supplies is about $180 a year, an amount that could be claimed in full as a credit under terms of the legislation I am offering. The degree of relief would, of course, be even greater for expenses incurred at institutions that charge tuition.

The bill is definitely not a rich man's measure. It would not open any loopholes in the ominous sense of that much bandied-about word. For a family paying the expenses of one child in college, the credit would gradually be phased out between the income levels of $15,000 and $25,000. If a family's income were greater than $25,000, no credit at all would be allowed, unless two or more college level students were being supported.

The bill would give the most help to the family—or individual of modest means—the sort of people who might be a bit too well off to qualify for conventional scholarships but are also desperately hard-pressed to pay the full costs of providing even one child with a college education at today's soaring price rates.

I hope this bill, which has drawn broad, bipartisan support, can be enacted with a minimum of delay.

BUSINESS TAXES ARE TOO HEAVY TODAY

(Mr. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, the plan today in Congress is to find ways to tax business more. What this country needs is lower taxes. We need to realize that business is the foundation of our prosperous economy. Business means jobs—and jobs are essential, as they keep people busy and in turn provide more taxable income.

Let me refer to you for study the tax analysis from this middle-sized factory in Pennsylvania. The 260 employees on their payroll are the base of their hometown economy. Wages from this factory provide jobs for grocery stores, gasoline stations, clothing stores, appliances, homebuilders, and general merchants.

Business needs more cash profits to help increase sales to offset inflation. Plants need more cash profits to buy more modern machinery so as to stay competitive in price and progressive in growth. This company needs more cash profits to encourage investors to stay in this stock.

In 1968, this company had sales of $5,548,000 and made $106,685 in net profit. At the same time, it collected and paid taxes for governments totaling $715,949. Dividends to stockholders were $25,000.

Corporate Taxes

Payroll taxes, employer (FICA and State and Federal unemployment)	$81,735
Real estate taxes	17,373
Federal corporate income taxes	29,928
Pennsylvania State income taxes, corporate	7,783
California State income tax, corporate	1,800
New Jersey State franchise tax	480
California personal property tax	2,667
Pennsylvania capital stock tax	360
U.S. income tax employees withheld	255,051
F.D.C.A. tax withheld	73,010
Local wage taxes withheld	17,576
New York State income tax withheld	1,228
New Jersey State income tax withheld	118
New York City income tax withheld	83
Pennsylvania use taxes	437
Sales tax on purchases	11,320
Income tax, dividends	9,000
Estate taxes, stockholder	206,000
Total	715,949

During the year, old stockholders died and passed on their stock worth $550,000. The estate consisted of land and stocks. The estate had to sell the stock to pay the $206,000 estate tax on the stock. How can the person who bought the stock repay the loan or even maintain his bank loan with 8-percent interest. Dividends were much lower than bank interest payable on the investment.

Let us encourage business to make money. When business is profitable, our country is prosperous.

LET US ENCOURAGE PRESIDENT NIXON IN HIS EFFORTS TO ACHIEVE PEACE IN VIETNAM

(Mr. McDONALD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDONALD of Michigan. Mr. Speaker, on Monday evening, November 3, the President embarked upon one of the hardest programs ever undertaken by an American Chief of State. He must hold the support and gain the understanding of the American people in reference to Vietnam. As you know, our involvement there has been the cause of the deepest division and broadest national confusion since the Civil War.

The President has explained the objectives and policies on Vietnam. In outlining his plans for the future, he made a straightforward appeal for national support particularly focusing upon the backing from "the great silent majority" of American citizens.

I join the President in soliciting the support of all the people who want a just peace and not just any peace in Vietnam. The President has categorically stated that he is working to end the war on two fronts.

First, he reiterated his peace proposals in great detail. He itemized his efforts since his election to make progress in the negotiations in Paris. Also, in an unprecedented move, he revealed to the public his secret initiatives for peace which were all blithly rejected by the inflexible leaders in North Vietnam. We have repeatedly made overtures to get the negotiations underway and yet they have fallen on apparently deaf ears. One must wonder who really wants peace.

Second, he disclosed a plan to bring the war to an end regardless of what happens on the negotiating front. He emphatically stated he has a withdrawal timetable, that it is known to the South Vietnamese leaders, that it would progressively lessen America's role in the war, and that the South Vietnamese are assuming a much greater responsibility in the protection of their people.

The President hopes enough Americans, although weary of the war, will support an orderly and viable peace to enable him to move along these broad lines. The success or failure of his hope depends upon how convinced the people remain that the war is being Vietnamized and that no peace initiatives are being neglected.

In light of his stand, I feel it would take a crass cynic to deny the fact the President is dedicated to resolving the conflict in Vietnam. Under his leadership over 50,000 troops have returned home and American casualties have dropped to the lowest levels in years. Granted, he rejected the simplistic and politically expedient course of an immediate American withdrawal. But how many people would be willing to accept the consequences of such a move? How would the humanitarians who decried the bombing of North Vietnam feel about a reenactment of the bloodbath at Hue? How would those people who deplored the use of napalm react to the repeat of wholesale burning and slaughter that followed the French retreat from Vietnam in 1954? And what about our prisoners of war and the many refugees in the countryside who face annihilation if we were to leave? In making his decision the President realized that the precipitate withdrawal of American forces from Vietnam would be a disaster not only for South Vietnam but for the United States and for the cause of world peace.

The President recognized that some people, many of whom are honest and patriotic Americans, are disappointed by his actions. However, as Mr. Nixon eloquently stated:

> I would be untrue to my oath of office if I allowed the policy of this nation to be dictated by the minority . . . who try to impose their will on the nation by mounting demonstrations in the street . . . If a vocal minority, however fervent its cause, prevails over reason and the will of the majority, this nation has no future as a free society.

I receive many letters from concerned citizens who want to be involved in solving our Nation's problems and who ask "What can I do?" If you believe, as I do, that the President has a plan for peace and you want to help him implement it, here is what you can do.

Contact the President and tell him you want the war to end and that you have confidence in him to achieve this goal. The President has acted in a positive manner, reversing the troop buildup which characterized the last two administrations. There are indications that all of our combat troops will be removed by the end of 1970. What the President needs now is a positive response from the American body politic. With strong public support, the President can proceed forthrightly and confidently with his efforts to achieve a just peace. For, as Mr. Nixon stated:

> Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

It is now incumbent upon all of us to end this silence and acknowledge to our President that we encourage his efforts to achieve peace in Vietnam.

DOMINATION OF THE VIETNAM MORATORIUM ACTIVITIES BY EXTREMISTS OF THE LEFT

(Mr. TAFT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, at the end of today's business, I have reserved a special order of 60 minutes to discuss certain information relating to the Vietnam moratorium activities planned for Washington later this week. I ask unanimous consent that I be permitted to revise and extend my remarks in that special order and to include extraneous matter in it.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TAFT. Mr. Speaker, there appeared in the Washington Post this morning a column by Evans and Novak describing the domination of the moratorium planning by extremists of the left. I ask unanimous consent that the article be printed at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

The article is as follows:

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE 'PEACE' MOVEMENT

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedly spent this week in frantic eleventh-hour efforts to coopt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committee is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore, the New mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Stewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hard-line speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

Mr. TAFT. In my special order, I will discuss in detail a considerable amount of additional information sustaining that viewpoint, including an internationally circulated memorandum of the Stockholm Conference of October 12. That memorandum discloses the plans made at that time relating to the next few days in Washington. I do not believe this memorandum has been published previously in this country.

I invite all Members who are interested or who may have other information of this nature to join with me at that time.

CAN A DISORDERLY SOCIETY SURVIVE?

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEBELIUS. Mr. Speaker, ever since radio broadcasters accepted the responsibility of becoming a vital and necessary voice in our democracy and began editorializing on a regular basis, several stations have proved to the public they not only exercise their right to editorialize, but also safeguard that right by doing so in a most responsible way.

Such is the case of WIBW in Topeka, Kans. Mr. Thad M. Sandstrom, general manager of WIBW, recently broadcast two editorials that are most timely and appropriate. The first raises the question, "Can a disorderly society survive?" This is most appropriate as we anticipate this week's activities protesting the war in Vietnam.

The second editorial involves an issue that is much less controversial—legislation that I have introduced regarding limiting daylight saving time to the 3 summer months.

Many informed and interested citizens of Kansas share my view that our State is fortunate to have such a responsible radio voice as we search for answers to our many pressing problems.

Mr. Speaker, I submit the following editorials for inclusion in the RECORD:

[WIBW editorial, Oct. 12, 1969]

Former United States Supreme Court Justice Charles E. Whittaker, raises the question: "Can a disorderly society survive?" Justice Whittaker answers his own question this way: "In all recorded history, none ever has. On the contrary," he says, "History shows that the first evidence of each society's decay appeared in the toleration of disobedience of its laws."

Whittaker then relates this fact of history to certain groups in this country which hold that it is proper, indeed that they have the right, to violate those laws with which they do not agree. Of this, the former Justice says: "The great pity here is that these groups are actually eroding and destroying the legal processes which alone can ever assure to them, or permanently maintain for them, due process and equal protection of the laws, and that can, thus, protect them from discrimination and abuses by majorities."

Without the rule of law there can be no freedom. Any man has the right to protest any law and urge its repeal or change. But no man has the right to violate any law simply because he does not agree with it.

President Theodore Roosevelt, in a message 65 years ago, said:

"No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it."

[WIBW editorial, Oct. 5, 1969]

As the first touches of autumn dot the Kansas hills, we're reminded that summer is at an end. And as the days grow shorter, it seems that this part of the country is being forced to live by the rules of the big cities of the east. We don't object to Daylight Saving Time during the summer months. In fact, we found the long evenings when it doesn't get dark till nine o'clock or so to be right pleasant during the months of June, July and August.

But along about this time of year, we wonder about the wisdom of having Daylight Time extend from late April till late October. Already, it's pretty dark when some children are on their way to school. Many workers now go to work before sun up, while farmers . . . whose livestock knows no time table . . . find their way to the barn with a flashlight. With the amount of leisure time growing, it seems certain that Daylight Time during the summer will be with us for a long time to come. If you've visited in the big cities of the east during the summer, you can see why they want as much sunlight as possible after normal working hours. And we certainly recognize the need for a national time standard that is as uniform as practical.

But it does seem to us that six months is too long for Daylight Time to last. There are several proposals to revise the number of weeks of daylight time—including one introduced by western Kansas Congressman Keith Sebelius. His proposal deserves the support of the entire Kansas Congressional delegation . . . and in fact, Congressmen from throughout the Middle West.

In essence, we think it would be a good idea to have Daylight Time start on Memorial Day, late in May . . . and go through Labor Day, the first Monday in September. The extension of Daylight Time through the end of October is an example of taking a good thing too far.

SOCIAL SECURITY PRETENSES

(Mr. PHILBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILBIN. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I include therein a very meaningful article touching on the administration's decision to request a 10-percent increase in social security benefits that will not require raising payroll taxes.

It would appear, according to the chief actuary for the Social Security Administration, that the social security trust fund is now overfinanced and could absorb the 10-percent increase in benefits that the administration will seek from Congress.

The chief actuary, Mr. Robert J. Myers, states that there will be enough in the trust fund to finance a 10-percent increase of social security benefits which is, according to that official, about the cost-of-living increase, although I personally believe it is much closer to 20 percent.

At present each worker and his employer pays 4.8 percent of the worker's first $7,800 in income, or a maximum of $374.40 each year toward social security. The tax rate will rise to 5.2 percent on January 1, 1971, under existing law. This tax is unduly burdensome.

Benefits now average $99.69 a month, with a minimum of $55 and a maximum of $165.50 a month. These are picayune and inadequate in this day and age, and our inflated economy.

I am greatly concerned about these figures, because I do not believe that the payments constitute even half-decent support for human beings in this high-cost, inflationary period when prices of ordinary necessities of life, housing, food, clothing, and other indispensable items are skyrocketing above previous levels and causing untold hardship to people living on fixed incomes.

Time and again, I have urged the Committee on Ways and Means, which has jurisdiction over social security legislation, to conduct hearings and speed action on several bills, including one introduced by myself, to bring social security benefits up to current price and living cost levels. I hope these hearings will be held according to schedule.

Notwithstanding the hardship being experienced by very many worthy older people, who simply cannot exist tolerably and decently on current benefits, the social security trust fund has been richly replenished by high employee earnings, contributions, greater employment, and increased interest earned on the fund this year.

Whatever the cost, and I believe it will be high, the Congress must take urgent action to increase social security benefits, to provide some much needed relief for a great many social security beneficiaries, who are eking out a bare existence with totally inadequate income.

The time has long passed for action, and I urge our friend, the able distinguished chairman of the House Committee on Ways and Means, and his great committee, to give this critical matter attention on a real crash basis, at the earliest possible time, so that substantial relief can be provided to those veterans of industry, agriculture, business, the professions, our American economy, who in their advanced years, in many instances, are living lonely, frugal lives on meager incomes that do not permit them to enjoy even the barest necessities of life, but compel them all too often to eat the bitter bread of poverty.

The fact is that our affluent society has become an exploitative society where price gouging is rampant, where profits are skyrocketing, where some people are enjoying unimaginable luxuries, housing, and extravagant living, while other needy ones are almost without the bare means of keeping body and soul together. This is the real gap separating our people that must be closed.

This situation is doing much to bring bitter disillusionment and loss of confidence among the poor and the needy, and other people as well, in our vaunted, free-enterprise system, with its high and rich productivity that does not furnish the bare minimum necessities of life to millions of worthy Americans wending their way through the last years of their lives in poverty and hardship.

I hope this Congress will no longer delay in providing the relief that higher social security payments could readily furnish out of funds set aside in large part from the earnings of the people, or out of lush, national revenues.

It is the old story of which the English poet wrote years ago: "Ill fares the land to lingering ills a prey—where wealth accumulates and men decay."

Some in this country today are swollen with excessive profits, while others go hungry, helpless little children among them, while prices bound toward the monetary stratosphere, while exploiters are sated with a surfeit of gold and inflated prices, at a time when many languish in hunger on the streets, and others are gouged and rifled by incredible prices, excessive interest rates, while others blandly affix daily price increase tags on necessaries of life and indispensable food people must buy or starve.

These things, and a senseless, ill-fated, frustrating war, are fragmenting the confidence of the American people and the outside world in the capacity of this Government to solve the problems of economic and social stability, freedom, equality in the Nation, and peace in the world.

These things are driving many of the people into the arms of the Marxists and other visionary zealots, who strive to convert this Nation into a dictatorial, collectivist police state. Are we going to stand by and let them do it? I think not. But we certainly must put the peace-freedom-prosperity show on the road. It is late.

The above-mentioned article follows:

[From the Worcester (Mass.) Sunday Telegram, Sept. 21, 1969]

HIKE SEEN IN THE WORKS FOR OLD-AGE PENSIONERS

WASHINGTON.—The Nixon Administration is believed to be preparing a request for next week for a 10 per cent increase in Social Security benefits that will not require raising payroll taxes.

Robert J. Myers, chief actuary for the Social Security Administration said yesterday that the Social Security trust fund is now overfinanced and could absorb the 10 per cent boost in benefits that the President said Wednesday he would seek from Congress.

Nixon did not say how he planned to finance such an increase. But Myers, who makes cost estimates of social insurance and related programs, told UPI that Administration officials asked him whether the trust fund could cover the boost and that he replied it could.

"There will be enough there to finance a 10 per cent increase, and 10 per cent is about the cost-of-living increase," Myers said.

A worker and his employer each pays 4.8 per cent of the worker's first $7,800 in income, or a maximum of $374.40 each a year, toward Social Security. The tax rate will raise to 5.2 per cent on Jan. 1, 1971, under existing law.

Benefits now average $99.69 a month, with a minimum of $55 and a maximum of $165.50 a month.

Some congressional leaders, notably Sen. Russell B. Long, D-La., chairman of the Senate Finance Committee, have called for even higher benefit increases. But Myers said "10 per cent is about right."

He said the 15 per cent boost proposed by some Democrats would be a "step in the expansionist direction." Expansionist is Myers' favorite word for those he says would greatly broaden Social Security coverage to the detriment of the program.

Myers attributed the system's financial health to higher employe earnings this year, greater employment and increased interest earnings on the trust funds.

REVERSION FAVORED BY OKINAWANS

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Speaker, Prime Minister Eisaku Sato of Japan is scheduled to be here in Washington next week to confer with President Nixon on the primary issue of the reversion of Okinawa to Japan. It is hoped that the conference will result in the finalization of a mutually satisfactory agreement.

In the meantime, some concern has been expressed by certain Members of Congress as to whether or not the people of Okinawa themselves would prefer to remain in status quo. In this regard, the Mainichi Shinbun, one of the three leading newspapers in Japan, conducted a public opinion survey in Okinawa proper and published its findings on November 4, 1969.

The survey showed that 86 percent of the people responding to a questionnaire favored reversion, 8 percent opposed, and 6 percent were undecided. A total of 926 persons responded to the Mainichi inquiry.

The survey also showed that 91 percent of the men favored reversion, 6 percent opposed, and only 3 percent were undecided, as compared to 82 percent of the women who favored, 9 percent who opposed, and 9 percent who had no opinion.

Other polls conducted by the Okinawa Junior Chamber of Commerce and other interested organizations have shown about the same results.

There has been, and still is, some difference as to the time when the reversion of Okinawa to Japan should be effected. Three divisions are noticeably present: First, those who advocate immediate and unconditional reversion; second, those who prefer a 5-year or more delay; and third, those who support the government effort toward reversion in 1972.

Mr. Speaker, from all indications the position which the Sato government has taken, that of revision sometime in 1972, represents a compromise which may in the final analysis be acceptable to the majority of the people of Okinawa. President Nixon no doubt will be guided by this thought as he considers Prime Minister Sato's proposal at their meeting next week.

Because the reversion issue is not only a political dynamite, but also an emotional powderkeg, I for one, as a student of East-West relations, hope that a firm date for reversion will be agreed to at the meeting between the leaders of the two great nations.

PATRIOTISM, LIKE DISSENT, MAY BE ABUSED

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, today patriotism has become the all-purpose response used by some in authority to those who take issue with established Government policies. The implication is that those who do not support a given policy are at least unpatriotic and perhaps guilty of treason. Such feeble logic is as severe an abuse of the flag as burning it. Name calling instead of feasible alternatives is as flagrant an abuse of our tradition as demanding a Vietcong victory. Only the frightened with little faith in our beliefs and institutions demand simple solutions or hide behind catchwords. Only those who lack understanding of patriotism's real rationale seek to utilize it as a panacea or all-purpose cover.

America has never lacked for patriots; those who have been willing to sacrifice their well being and security for a cause they believe to be just. Their reasons were as diverse as the times they lived in and causes they espoused. Love of country is not always a slogan or a charge through the smoke of bloody battlefield. It can be found on the lips of a dissenter as often as upon those of a dying hero.

Only those who love their land will stand up for it. Only those who retain passionate faith in her ideals will sacrifice for her. And the greater a danger to a nation, the more is required of her true patriots. Only vibrant ideals and principles command fervent love of country. Any society worthy of such sacrifice prizes the rights of its dispossessed, placing its highest premium upon the privilege of dissent. Often it takes far more courage and patriotism to disagree than to conform. Many a society has clicked its collective heels in the name of patriotism and allowed its national soul to be betrayed.

Patriotism, Mr. Speaker, comes in many forms. In determination of a country to guarantee a fair trial. In determination of her citizens to defend such a right. Patriotism is to love your country enough so you will not shame her. Patriotism is to hold high office and respect it enough not to degrade it by slinging unbecoming language at dissenters. Patriotism is to have faith in the vitality and endurance of its ideas and promise. Patriotism is to question doubtful values, wrong policies, and outdated institutions.

Patriotism is sacrificed for by many, yet understood by few. It is often a protective robe for reactionaries, who in the process degrade both the Nation and its priceless heritage. Slogans and marble statues are cold parents of such a warm word as patriotism. We must look elsewhere for its progenitors. We find it in a poor man raising his eyes to the heights of new opportunity. In an underpaid, exploited person daring to join a union. In a minority's desperate clutch for rights under our Constitution. In an outcry against that which pollutes our land, poisons our dream, and degrades our brothers. It is a belief in America causing people to seek redress of grievances within our system rather than trying to destroy it from without. Peaceful protest, then, can be patriotism, for it is also an affirmation of belief in our values.

Is it rational or patriotic, then, for a freely elected government to show little faith in ideals it is sworn to uphold and defend? To accuse dissenters of treason by implication or to deny them their rights? Take issue with them, by all means. But do not perpetrate the scoundrelly act of using Government power to suppress dissent and call it love of our country.

By British definition, our Founding Fathers were traitors. Confederate leaders were all placed in the same bag by their opponents. Joe McCarthy's foes were called traitors. Are they considered such today? One man's treason is another man's sublime sacrifice. One man's patriotism is another person's blackhearted betrayal.

One of America's prime assets is allowance of many definitions of what is patriotic and what is not. Government here has traditionally taken a mature view of disagreement, allowing divergent concepts to flourish. From such ferment effective alternatives have emerged, offering grounds for compromise on which were based policy changes and new directions. We are in danger of losing this atmosphere today.

When Government leaps into the streets, seeking political advantage by betraying and degrading its authority, there is no meaningful exchange, only polarization. Repression and tyranny are the offspring of such policies. Patriotism then can become the last refuge of scoundrels. It is unworthy of any American Government to behave so.

It is to be fervently hoped that this administration will abandon such a flimsy, unnecessary, and ignoble shield. If its policies are more right than wrong, they will be vindicated in spite of all dissent. If they are not, they will topple into the gutter no matter what effort is expended to save them. Therefore, let us have an end to accusations of treason now being bandied about by highest authority. Such activity does not aid our troops in the field. Instead, it erodes the foundations of our society's ideals. It weakens faith in our institutions, which already are under major assault. It erodes, instead of strengthening the patriotic tradition.

America has produced some noble sons

and daughters. Many have perished in one way or another for our land, often gladly. Many of them would turn in bitter disgust from such antics as our Government has indulged in in recent days.

A noble tradition need never fear weak ideas. Great principles do not need a mailed fist to protect them. License is as great an evil in the hands of authority as in the clutch of fools.

Mr. Speaker, far back in American history a premature "effete snob" stood up on the floor of the House of Representatives to protest another war, which he said was "unnecessarily and unconstitutionally commenced." He referred to another President's speech on that war, asking for patience and allegiance, terming it lacking in substance or a date when the war would end. He continued, saying, "The President is wandering and indefinite." For sticking to his guns of protest, this Congressman was then branded a traitor to his country. Yet today his action is vindicated as altruism of the highest sort. He was criticizing President Polk over the Mexican War. He was a Whig Congressman from Illinois, now venerated as America's greatest patriot and founder of the party now utilizing tactics he then condemned. His name was Abraham Lincoln.

AID PROGRAM IN LATIN AMERICA

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I would like to call your attention to a little-known success story within our great alliance for progress program at the Agency for International Development.

As you know, we still have many problems in the Latin American nations—not the least of which is to help provide decent shelter for families in the developing countries. During the past decade, however, through one program at AID, the United States has been making tremendous strides in accomplishing that very task.

Working with private enterprise groups the State Department has been able to enlist the unselfish support of some of our most highly respected housing and home finance experts to travel to these nations and to help establish the concept of thrift and home financing in these areas which, until this program began, had no workable method of providing mortgage finance for their residents.

One of the most successful of the private enterprise groups working with the AID is the National League of Insured Savings Associations, and my good friend, Arthur H. Courshon, chairman of the Washington Federal Savings & Loan Association of Miami Beach, Fla., has just completed his term as president of this great trade association. The accomplishments of the National League and other similar trade groups in working to establish savings and loan associations in Latin America and elsewhere around the world are, in themselves, a major success story of the AID program.

President Nixon has recognized the National League's value in this program. He wrote to Mr. Courshon and, in speaking of the National League, stated:

> I want to commend you on your exceptional work extending the savings and loan concept to the nations of Latin America and other parts of the world. In teaching the value of systematic savings and home ownerships, you are sowing the seeds of self help, and you are assisting others to build a more rewarding life. There is no surer way than this to advance peace in the world and prosperity for its people.

The President went on to extend his best wishes "for your sustained success in serving this Nation and all mankind."

Mr. Speaker, I echo President Nixon's comments. The National League is, indeed, responsible for helping to give people in developing nations a new lease on life—through the possibility of homeownership. Their record of achievement is a great one. I am honored to be able to take advantage of Mr. Courshon's completing his term in office to take note of some of the National League's accomplishments in this very important area of a national and international policy.

The National League is no newcomer to the international field.

It was providing technical competence and expertise in the developing countries for many years prior to entering into a formal contractual relationship with AID.

During these years savings and loan executives journey to Nicaragua, Peru, Guatemala, Panama, Chile, Ecuador, Brazil, Venezuela, El Salvador, Argentina, Colombia, and Jamaica, as well as to countries outside the Western Hemisphere to help set up local savings and loan systems.

Proof of their success lies in the fact that by the end of last year, over 800,000 savers in Latin America have accumulated net savings of over $350 million—and this is money being saved to purchase a home.

In addition, over a half billion dollars of mortgages have been recorded in this period. Thus, tens of thousands of homes have been financed in countries where many felt people could not save.

In 1961, under the Foreign Assistance Act, Congress created a new program of housing investment guarantees. Since then, the original guarantee authority of $10 million has been increased to a total of $550 million through fiscal 1970.

As a result of this private investment program, 91 projects have been authorized throughout Latin America, which means 66,000 new housing units.

Since the guaranty program is backed by the full faith and credit of the U.S. Government, it is essential that the interests of the United States be safeguarded.

Adequate management services must be provided in all areas. Preliminary proposals must be reviewed, as well as plans and specifications.

Construction and urbanization must be reviewed and inspected to insure compliance with the plans and specifications AID approved.

Local on-the-job inspectors must be properly supervised. Sales techniques and handling of funds connected with each project must be carefully watched and appraised.

The National League was asked by AID to provide a team of construction-inspection specialists to carry out continuing on-the-spot reviews of these programs to safeguard the guarantee pledged by the U.S. Government.

The NLISA performs similar inspection services for housing guarantee projects in Africa, as well, continuously reviewing the financial mechanisms, construction, and urbanization on the projects. Although the African program is smaller than in Latin America, it will provide over 3,000 dwelling units in developing countries—and again, all this is being done with private funds.

The national league also performs valuable services for AID by publishing a monthly newsletter in English, Spanish, and Portuguese. The league's domestic publications, including its monthly magazine—the National League Journal—contains articles on the league's activities in the international field and what is happening to the developing savings and loan systems around the world.

The national league provides valuable information to the public regarding the progress in housing being made overseas by introduction of the savings and loan concept.

Related to this type of activity is the league's recent study of the Pakistan Savings and Loan System. The league called on two of its members to study the Pakistan Savings and Loan System for a period of 2 months. The report they have developed as a result of their study is for the guidance and use of the Pakistan Government in attempting to solve its housing problems.

We are frequently told by the AID Administrators and others that the savings and loan industry has played a big role in the success story of the Alliance for Progress.

Arthur H. Courshon has been in the forefront of these efforts, both personally and as president of the National League of Insured Savings Associations. I wish to publicly congratulate him for his fine work in this area.

GALLAGHER INTRODUCES LEGISLATION TO PROTECT CONSUMER PRIVACY

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, I rise today to introduce into the House of Representatives a companion measure similar in almost all respects to the one which passed the Senate on November 6, 1969. This bill, the Fair Credit Reporting Act, is the result of a long series of investigations and hearings held by the Congress and I feel that the House must take prompt and forthright action.

The procedure leading to the introduction of this bill had its beginnings, in reality, when my Special Subcommittee on Invasion of Privacy held hearings into a proposed national data bank in 1966. We were able to stop the "running start" toward the immediate construction of such a compilation of all federally held information on Americans.

However, I frequently heard that in spite of our achievement in this area, there was a national data bank in private hands and totally outside Federal scrutiny or concern. This was the credit industry, which collects and exchanges information on virtually everyone in the Nation who has ever applied for credit, insurance, or employment.

Credit is vital to the American economy. Before my special subcommittee initiated congressional concern with the credit industry, I was worried that their procedures appeared frequently to be so outmoded that they represented a threat to the continuation of the free flow of credit and, thus, to the health of our economy. At the same time, I felt that if the Congress were to rush in with legislation severely restricting the exchange of credit information, we might do more harm than good.

Accordingly, on March 12, 1968, we began a series of investigative hearings into the credit industry. These hearings were favored by the informed testimony and criticism of the industry generally by Dr. Alan Westin, a leader in the struggle to preserve privacy in America. In addition, we heard from the representatives of the Associated Credit Bureaus, Inc., a trade association speaking for over 2,200 credit bureaus and the president of Credit Data Corp., the pioneer in computerized credit bureaus.

On May 16, 1968, we heard from the president of the leading firm in the insurance reporting field, Retail Credit Co., of Atlanta, Ga. Until our hearings, Retail Credit Co. was frequently confused with retail credit bureaus and this dangerous illusion has continued to cloud some of the debate. One extremely practical result of our Retail Credit hearings was that we were able to draw the admission that Retail Credit makes approximately 31,000,000 reports a year, not the widely quoted figure of 35,000,000.

The Senate moved into this area when Senator HART's Antitrust and Monopoly Subcommittee held hearings in December 1968. On May 19, 1969, Senator PROXMIRE's Subcommittee on Financial Institutions also directed its attention to the industry.

In response to a specific request at the conclusion of our hearings with the Associated Credit Bureaus, Inc., I was able to announce, on January 13, 1969, "The Credit Bureau Guidelines To Protect Consumer Privacy," which were voluntary and only applicable to member credit bureaus of the ACB. I hailed those guidelines as a promising first step, for it showed the willingness of the industry to move to meet altered times and social conditions, and it provided a basis for further consideration.

Mr. Speaker, the bill which I am introducing today will basically extend those guidelines to cover insurance and employment investigative credit reporting agencies. Further, it will bear upon other orthodox credit bureaus which do not belong to the ACB. This is a vitally needed extension of social responsibility and legally enforceable procedures.

I will only make several brief comments on this legislation. First, it makes it possible for the individual to be guaranteed access to information which has been used to unjustly deny him deserved credit, insurance, or employment. This is probably the most important section of the bill, for no longer can any part of the credit industry operate as a "closed society." By letting the light and the fresh air of citizen participation into the compiling of a credit history, it will cleanse and sanitize what have been rather dank recesses in credit repositories.

For, Mr. Speaker, these provisions of the Fair Credit Reporting Act permit the individual to confront the record, if not to confront his accuser directly. I am convinced that it will make the entire credit reporting field much fairer and much more responsive. The time is long past, in my judgment when any group of men can vitally affect our citizens without taking serious and responsible note of the citizen's wishes. I will add, tangentially, that this is true for college professors, social scientists, Washington functionaries, agency personnel, and even Congressmen. The people are demanding the right to be heard, the right to know what is being said in a derogatory sense about them, and the right to alter and influence decisions. Certainly the credit industry has recognized this overwhelming social fact of our time and I believe the Congress must do the same by translating their guideline into law.

Second, I am delighted that outmoded information will no longer be allowed to be reported. I have long been concerned that one derogatory item could "damn a person to the grave," that an early mistake could haunt a man all throughout his adult life, and that redemption is in the process of being programed out of American society. This legislation forbids the reporting of any piece of information after 7 years, or the expiration of the relevant statute of limitations, whichever period is longer. The only exception, and a wise one in my opinion, is bankruptcies, which may be reported for 14 years.

The bill I am introducing today contains other excellent provisions—data gained in "investigative" reports for insurance or employment, may not be reported in a simple credit report; the consumer must be informed where he can go to have what he feels to be an inaccuracy corrected; when the consumer is disputing with a merchant over the quality of goods sold, he will be permitted to explain the dispute and not be merely reported as a nonpayer; and many other excellent provisions.

Mr. Speaker, the entire bill is filled with fair and effective procedures to protect the privacy of the consumer. Legislation coming down hard on the side of privacy is long overdue in America and it is for this reason particularly that I am delighted to introduce the Fair Credit Reporting Act. The general problems confronting privacy are now widely known and the response of the Congress to them has, in my judgment, been lagging behind. I would hope that we could promptly move to translate that approval and the widespread concern over privacy and the credit industry into effective legislation. I believe the Fair Credit Reporting Act will do that and I urge my colleagues to consider favorably the legislation I am introducing today.

THE OIL IMPORT PROGRAM: ITS IMPORTANCE TO TEXAS

(Mr. BUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, the mandatory oil import program, now under study by a special Cabinet task force, was implemented in March 1959 by President Eisenhower following a finding that imports had reached such volumes as to "threaten to impair the national security." Under the import program, imports of crude oil and light petroleum products have been limited to about 20 percent of domestic production, increasing, proportionately, as demand has increased.

In recent months, criticism of the program has intensified, based primarily on allegations that import controls result in a large "cost" to consumers. Critics argue that the consumer price of petroleum products, primarily motor fuels and home heating oils, could be sharply reduced by eliminating the import quota system.

Hypothetical savings estimated by various sources analyzing the impact of decontrol range from a low of $2.2 billion to a high of $8.3 billion. The wide variation in these estimates attest to the fact that they are, at best, highly speculative. Other sources have argued, contrary to those who attribute a high cost to the import program, that import controls may actually result in an overall lower cost to energy consumers. One study reaching this conclusion was released only recently by Stanford Research Institute.

The Stanford study concluded that the economic benefits flowing from the import program would, in fact, justify limitations on oil imports even without a national security need to maintain a viable domestic oil and gas producing industry. The facts which emerge in an objective economic analysis clearly support this conclusion. Based upon conservative impacts of import decontrol on State and local tax revenues, lease bonus, rental and royalty payments to State and Federal governments, royalties to private landowners, industry employment, purchases from petroleum suppliers and service companies, Federal income taxes, and our balance-of-payments position, the Independent Petroleum Association of America ascribed a "cost" to our economy of $6.8 billion yearly within 5 years, should imports be decontrolled.

The IPAA study assumed an increase in total imports of about 4 million barrels daily, accompanied by a decline in domestic crude oil production of about 3 million barrels a day. Allocating to the State of Texas its present share—35 percent—of the domestic market, this would involve a reduction in Texas alone of 1,050,000 barrels daily in crude oil output.

Similarly, proportional costs to the

economy of Texas can be allocated from the various applicable categories contained in IPAA's study of the economic impact on the United States as a whole.

These "costs" to the United States and to the Texas economies from the assumed 4 million barrels increase in oil imports are as follows:

[In millions of dollars]

	United States	Texas
1. Loss in local, State production taxes	350	120
2. Loss in bonuses, rentals, and royalties from Federal lands	450	(1)
3. Loss in royalties to private landowners	700	250
4. Loss in wages to oil and gas production employees	500	175
5. Loss in Federal income taxes	200	(1)
6. Loss in income to supply, service, and allied businesses	2,400	850
7. Adverse effect, balance of payments	2,200	(1)
Total	6,800	1,395

[1] Not applicable.

From this example, assuming the 4,000,000 barrels daily rise in imports in the absence of controls, it becomes clear that a very large adverse impact on the economy and on State revenues in Texas would be inevitable. In total, this adverse impact on Texas would be on the order of $1.4 billion a year, and this estimate is on the conservative side.

Petroleum production is Texas' No. 1 industry. The value of crude oil and natural gas produced last year was $4.3 billion—exceeding by 50 percent the value of all Texas crops and livestock production. One of every 16 employed persons in the State worked in some phase of the petroleum industry. The industry payroll in Texas is $1.5 billion yearly.

Taxes on the petroleum industry and its products are the largest single source of funds to support all public services provided by the State of Texas. Total petroleum taxes collected by the State in fiscal 1968 amounted to $513,518,000, or 40.1 percent of total revenues which came to $1,282,000,000. These tax collections did not include $61,246,470 which the industry paid the State of Texas for lease rentals, bonuses and royalty payments.

It is clear that a $1.4 billion adverse impact on the petroleum industry's income, employment, equipment purchases and tax payments would be tremendously harmful to the State's economy and to Texas' ability to provide public services. Not only would unemployment problems be severe; fewer jobholders would face the responsibility of paying larger tax payments to offset revenue losses resulting from declining production.

It is clear that displacing a significantly larger portion of the domestic petroleum industry with foreign oil would impose a very large cost on the domestic economy. This fact brings into serious question the validity of widely conflicting estimates of "savings" which critics of the import program claim could be made by decontrolling imports. It is also apparent that the State of Texas, the Nation's largest producer of oil and gas, would bear the brunt of the economic impact of decontrolling or radically loosening import levels.

CONGRESS AND THE COMMISSIONER OF EDUCATION

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I rise to speak today because of two significant developments affecting American education.

First, I understand that the other body is shortly to vote on appropriations for education programs.

Second, I have learned that yesterday the distinguished Assistant Secretary of Health, Education, and Welfare for Education and U.S. Commissioner of Education, James E. Allen, Jr., testified on behalf of the Nixon administration before the Subcommittee on Labor-Health, Education, and Welfare Appropriations of the Senate Labor and Public Welfare Committee.

Mr. Speaker, I am frankly puzzled. I had thought that the Assistant Secretary of Health, Education, and Welfare for Education and U.S. Commissioner of Education, the chief education official of the Federal Government—customarily spoke on behalf of American education.

Indeed, Mr. Speaker, Dr. Allen's distinguished predecessors, Francis Keppel and Harold Howe II, spoke out frequently and with eloquence for better schools and colleges and for improved educational opportunities for the American people. And Dr. Allen, for whose leadership in education I have long had great respect, has often spoken and acted eloquently and effectively in championing the need for greater support, financial and in other ways, of education in our country. As recently as July 8 of this year, for example, Dr. Allen, speaking in Denver, Colo., before the Education Commission of the States, declared:

> The outstanding single fact today about Federal aid to education is its scarcity. There simply isn't enough of it . . . we must continue to press for full funding of present programs.

But, Mr. Speaker, as I have said, I am puzzled—and disappointed, as I am sure many other Americans must be who also feel strongly that we must press for full funding of programs of Federal aid to education. For yesterday, before the Senate Appropriations Subcommittee on Labor-Health, Education, and Welfare. Dr. Allen testified against the interests of American education.

Mr. Speaker, Dr. Allen asked that the Senate cut $1,161,242 from the funds voted by the House of Representatives this year by a two to one margin.

I am sure, Mr. Speaker, that Members will recall the 293–120 vote by which the House voted for the so-called Joelson amendment on July 31, 1969—and I here observe, Mr. Speaker, that a majority of Members of the House of Representatives of both our great political parties voted for these additional funds—funds beyond the figures recommended by the Appropriations Committee and some $1 billion above the figure recommended by President Nixon in his budget request for the current fiscal year.

A majority of the elected Representatives of the American people in Congress of both political parties were going on record as saying that we believe education must have a much higher priority among our national investments.

And I would also recall, Mr. Speaker, that when, on October 28, the Members of the House were once more asked to vote on this same issue of funds for education programs for this year, once again, with strong support from both sides of the political aisle, the House spoke out for American education when we passed the so-called Cohelan amendment.

We were simply, Mr. Speaker, taking seriously the campaign promise Mr. Nixon, then a candidate for President, made approximately 1 year ago when he said:

> When we talk about cutting the expense of government—either Federal, state or local—the one area we cannot shortchange is education.

Mr. Speaker, I hope that both the House and Senate will heed seriously the admonitions of Mr. Nixon in the campaign last year, of Dr. Allen in his Denver speech last summer, and that we will vote the funds our Nation needs for the education of the people of this country. As I have said, I have been both puzzled and disappointed by Dr. Allen's testimony yesterday. But if the U.S. Commissioner of Education will not speak up for American education—or, perhaps, is ordered not to—I hope that Congress will.

Mr. Speaker, following are the relevant excerpts from Dr. Allen's testimony yesterday, November 12, 1969, before the Senate Appropriations Subcommittee chaired by the distinguished Senator from Washington, Senator MAGNUSON:

EXCERPTS OF TESTIMONY BY DR. JAMES E. ALLEN, JR.

Senator MAGNUSON (Chairman). But looking at all of these figures, despite the fact that you wanted $4.579 billion, it was your professional opinion that you want the Senate to cut out $1,161,242,000 from the House-passed bill?

Dr. ALLEN. From the House allowance.

Senator MAGNUSON. Generally speaking, what will that cut out?

Dr. ALLEN. It cuts out most of the things dealing with the disadvantaged.

* * * * * * *

Senator BIBLE. The House completed action in what amount [for elementary and secondary education]?

Dr. ALLEN. $1.761 [billion].

Senator BIBLE. In your appearance here today you are asking that that be cut back to the budget approved figure?

Dr. ALLEN. To $1.406 [billion].

Senator BIBLE. Even less than the original budget allowances?

Dr. ALLEN. Yes, sir.

* * * * * * *

Dr. ALLEN. Of course, we all know that the needs of our education system are enormous today. We are presenting a budget based on priority set by the Administration to reduce inflation. . . . I think we would all say once we can do something about inflation, then the added dollars we would provide would bring a greater return.

Senator BIBLE. In the meantime, what do you do with the children starting out in elementary school?

Dr. ALLEN. There is no doubt there will be a squeeze.

DANGERS IN MORATORIUM DAY ACTIVITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. TAFT) is recognized for 60 minutes.

(Mr. TAFT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, I have taken this special order today because I feel it is my duty to discuss some of the apparent dangers of the next 3 days in Washington, and possibly elsewhere in the Nation, from the Vietnam moratorium activities, planned or unplanned.

It is not my purpose at this time to persuade anyone as to what is the right course or the wrong course in connection with the war, nor to try to dictate personal or public opinion in that regard. My own views, supporting the President's plan for orderly staged withdrawal and Vietnamization have been expressed many times.

Nor is it my intent to launch a witch hunt against those who constitute the leadership, steering committees, or membership of the organizations that appear to be directing the activities planned for Washington and elsewhere, regardless of their backgrounds.

Certain information has come to my attention, however, that gives reason to discourage participation in, and to caution those who would participate in, some or all of the activities planned.

This information has two areas of impact. The first lies in the very present danger of incitement to violence and injury to those who may be present. The second goes to judging the motives of some who have been involved in the promotion and planning of the events.

On the first point, because of inquiries and concern about safety of participants from my constituency and relatives of people I represent, I felt constrained to speak out yesterday afternoon through a press release, in order to give warning at a time early enough for those persuaded to abandon travel plans. Before doing so, I visited the New Mobilization Committee headquarters in Washington last week and consulted with representatives of MOBE and of the Vietnam Moratorium Committee. I also consulted with representatives of the Justice Department, and some of my information comes from its Interdivisional Investigation and Intelligence Unit.

My press release reads as follows:

> I urge all who have planned to take part in this week's demonstrations and marches to reconsider before doing so.
>
> I caution any who do take part. There is a very real danger that violence will be fomented by groups seeking to promote their causes by subjecting thousands of well-intentioned Americans to the great dangers risked by anyone involved in a riot.
>
> The potential for violence shown in the New York bombings, in extremely well-guarded buildings, is a warning that we should heed.
>
> I believe there is ample evidence to indicate that the Weatherman faction of the SDS that brought havoc to Chicago in August, 1968, and again on October 9th and 11th this year will be on the scene doing *their* thing. (Their thing is violence.)
>
> I defend the right of each to exercise his constitutional rights of free speech and petition, but they should know that the parasites of violence have crept into this week's plans.
>
> These fringe groups, whether or not part of the Viet Nam Moratorium Committee or the New Mobilization Committee, who are planning the marches, are ruthless professionals who can bring about violence even if opposed by those organizing the demonstration.
>
> Such action might be wholly contrary to the plan and design. It may represent more the power struggle between the left wing groups, rather than any attempt to affect U.S. foreign policy.

Elaborating further upon the dangers I foresee in this connection, I want to call particular attention to some additional reports and material indicating the nature and extent of the danger. Admittedly, the proof of intentions of violence is so subjective as to be difficult if not impossible to state with any certainty, but the pattern of past violence is clear, especially in Chicago on October 9 and 11 this year. As to what happened there in part, I insert at this point two newspaper reports from the Washington Post of October 10 and October 13, and of the New York Times of October 14, 1969:

[From the Washington (D.C.) Post,
Oct. 9, 1969]

RAMPAGE FOLLOWS RALLY IN CHICAGO

(By William Chapman and Robert M. Krim)

CHICAGO, October 9.—A mob of about 300 young persons rampaged through Chicago's near North Side late tonight, breaking windows in automobiles and swank apartment buildings.

Chicago police responded with gunfire, tear gas and billy clubs to break up the mobs. Two persons were wounded by gunfire and an undetermined number of others were beaten. More than 30 persons were reported under arrest.

The melee—reminiscent of the 1968 Democratic National Convention violence here—erupted on the first of four days of marches, rallies, high school organizational drives and other antiwar activities planned by the radical Students for a Democratic Society.

The students left an SDS rally in Lincoln Park about 10:30 p.m. and raced shouting in and out of the side streets. They broke plate glass windows in stores and apartments and bashed in automobile windshields with bricks and rocks.

The students were shouting "Ho, Ho, Ho Chi Minh, NLF Is Going to Win" and one yelled "Let's get Hoffman," an apparent reference to Judge Julius J. Hoffman who is presiding over the trial of eight radicals on charges of conspiring to incite last year's Democratic convention disorders.

Police chased them on foot and in squad cars, trying unsuccessfully to bottle up the mob on small side streets.

On one street, police caught the tail end of a crowd and clubbed at least a dozen persons to the pavement. One girl's mouth was bleeding profusely. Police threw her comrades into a paddy wagon.

One officer ordered the press to stand back from the scene and said of the girl: "She fell against a car."

Police used tear gas to break up one crowd. Helmeted students had knocked one officer to the pavement.

As the students raced down Lake Shore Drive, squads of police leaped from automobiles toward them and several explosions, sounding like gunfire, were heard.

Two persons—a young man and a young woman—lay wounded in a garage behind a swank apartment building. Details were lacking, but the girl said she had been hit twice by gunfire in the left leg.

The crowd had gathered earlier in Lincoln Park where SDS was holding a rally in memory of the death of Cuban leader Che Guevara. They had lighted two bonfires using wooden slats from park benches.

Police had been stationed nearby but had not intended to move on the students until 11 p.m. However, the students, waving banners and red flags, broke away from the rally 45 minutes before the curfew hour.

They raced down Clark Street and first smashed in large plate glass windows in a savings and loan building. Then they moved in and out of side streets flinging rocks and bottles and bashing in windows with sticks.

The four days of demonstrations were organized by an SDS faction known as the "Weathermen." Another faction, known as "RY-M2" or Revolutionary Youth Movement-2, joined the Black Panthers earlier in disassociating themselves from the Weathermen. A Black Panther leader, Fred Hampton, accused the Weathermen of "Custerism"—a futile battle against overwhelming odds similar to Gen. George Custer's last stand at the Little Big Horn.

[From the Washington (D.C.) Post,
Oct. 13, 1969]

ONE HUNDRED AND THREE ARRESTED AFTER CHICAGO RAMPAGE

(By William Chapman)

CHICAGO, October 11.—More than 250 young radicals raced through downtown Chicago this afternoon smashing windows and attacking police. One hundred and three persons were arrested.

They broke out of a peaceful march through the financial district and ran shrieking and throwing rocks for about a block before splintering into small groups.

In brief but bloody brawling, police beat several rioters with clubs, and pounded the heads of others against automobiles while an astonished crowd of afternoon shoppers watched or scurried for cover.

Twenty-three police officers, two city legal officers and an assistant state's attorney were injured. Police arrested 86 women and 17 men. They were charged with mob action, aggressive aggravated battery and lesser charges.

The young radicals used clubs, chains and pipes in the fracas.

The march was led by a radical faction of Students for a Democratic Society, whose national leader, Mark Rudd, was arrested earlier in a surprise move by plainclothes policemen.

Within a half hour, about 150 Illinois National Guardsmen were called out of their armories to patrol a section of Michigan Avenue.

It began as a legal protest parade of the "Weatherman" faction of SDS, whose members on Wednesday night had stormed through the city's Gold Coast residential section, breaking windows and damaging automobiles.

Led from Haymarket Square by helmeted SDS leaders, the march headed into the Loop about 1:30 p.m. with police lining the sidewalks and clearing the streets with motorcycles and a squad car. The city had granted a permit for the march.

Fifteen minutes later, at La Salle and Madison Streets, the leaders suddenly yelled a signal and raced eastward. Thrown rocks broke windows in an office building and at Maxim's Restaurant.

Police grabbed those in the back ranks and clubbed them to the pavement. Those in front fled down Madison or into alleys trying to escape capture. Many of them ran into police cordons stationed for blocks around.

Assistant Corporation Counsel Richard Elrod, the chief city prosecutor, was knocked to the sidewalk and lay moaning, "My arm . . . my arm." Hospital officials later reported that Elrod also suffered a possible broken neck and was paralyzed from neck down.

Police said Elrod's assailant was Brian D. Flanagan, 22, of Southampton, N.Y. They said Flanagan seized Elrod and pounded his head against the side of a building. He was charged with mob action and aggravated battery.

A plainclothes police officer, Lt. Joseph Healy, had a stream of blood trickling down the side of his head. He told reporters he was hit from behind with a club.

Several rioters were beaten to the ground and struck repeatedly with police clubs. One girl's head was pounded again and again against the trunk of a police car. Blood spots sprinkled the curb at several points.

A half-hour later, with the main body of the mob fragmented, police were still picking up suspects on the sidewalks. They arrested two boys and two girls who protested that they had not been in the march.

Meanwhile, a less militant faction of SDS—known as Revolutionary Youth Movement II—led a separate march north of the Loop in a peaceful protest rally. Joined by a Puerto Rican group known as the "Young Lords" and the Illinois Black Panthers, they drew a crowd of about 3,000, according to police estimates.

The RYM II faction and the Black Panthers have denounced such intentional street confrontations as those provoked this week by the "Weatherman" faction.

Early this morning, police staged a surprise raid on an Evanston Church where many SDS members had been housed this week.

At least 43 young radicals were arrested, and many of them were charged with mob action for participating in the brawl Wednesday night. Police said radicals were identified as rioters by an undercover agent.

Shortly before the "Weathermen" march started this afternoon, police arrested Rudd and four others seated at the foot of a police memorial statue that had been blown apart by a bomber last Monday night. About 10 police wearing rough, workmen's clothing sidled nonchalantly up to Rudd and his friends and jumped them without giving them an arrest order.

[From the New York Times, Oct. 14, 1969]

Radicals Detect Gain in Chicago Strife

(By John Kifner)

CHICAGO, October 13—By most standards of militant activism, the four days of demonstrations here by the Weatherman faction of Students for a Democratic Society seem less than a total success.

The turnout was far less than anticipated, the vast majority of the demonstrators were arrested, the attempted rampages were quickly snuffed out, two of the major planned confrontations—an attempt to stop the conspiracy trial of eight radicals for last summer's convention disorders and announced "jailbreaks" in the high schools—never happened, and the demonstrators appeared to cut themselves off from any sympathy and support.

But for the small, isolated, dedicated group of revolutionaries—many of whom said when they came to Chicago that they fully expected to be jailed or shot down in the streets—the standards do not seem to apply.

EXEMPLARY FORCE

Driven by frustration, they view themselves as an "exemplary force" that will trigger a revolution within the "mother country," primarily among disaffected youths of high school age.

The Weatherman faction takes its name from the line "You don't need a weatherman to know which way the wind blows," in Bob Dylan's song "Subterranean Homesick Blues."

The biggest force the Weathermen mustered on the streets here appeared to number about 300. This was the group, wearing white helmets and stiff new denim jackets with Vietcong flags sewn on the back, that smashed windows and battled with the police Wednesday night. Saturday's climactic attack in the Loop was carried out by 200 demonstrators.

REVEL IN COVERAGE

The police said this afternoon that there had been 290 arrests during the demonstrations. One hundred and three were arrested in Saturday's clash, 60 in Wednesday night's, 43 in a raid on a church in suburban Evanston and 12 during a "women's militia" action. The rest were picked up on the street at various times by "red squad" detectives from the police intelligence division.

The Weathermen reveled in local newspaper coverage depicting them as "hoodlums" and "mad dogs" on a brutal, ferocious rampage and in the seriousness of the charges lodged against them, taking this as an indication of how much they are hurting the state.

The Weatherman philosophy was first expounded in five and a half closely printed pages in the June 18 issue of the SDS New Left Notes. The faction gained control of the S.D.S. national office during last June's convention of the organization.

Briefly, the Weatherman position paper argues that a revolution is already in progress among what the faction regards as colonized "Third World" peoples in Asia, Africa and Latin America and among blacks in this country.

In order to support a Third World revolution, the Weatherman contend a revolution must be waged at home and a potential revolutionary class lies in alienated, propertyless high school youths, most affected by the draft and "jail-like" schools. Workers are dismissed as hopelessly bigoted and college students as inherently middle class.

To win high school students to their cause, the Weathermen believe, they must fight to prove they are not timid, physically ineffectual intellectuals.

The tactic was developed by midwestern S.D.S. collectives during the summer and presented to other S.D.S. members at a conference over Labor Day weekend in Cleveland.

WHITE SKIN PRIVILEGE

During the summer, for instance, Detroit S.D.S. members would take a red flag to beaches frequented by white working class youths to provoke a fight. The S.D.S. members, who had been studying karate and working out daily, would battle the youths.

Then they would try to explain to the youths what they were fighting for.

Several S.D.S. members, including Mark Rudd, a national leader, have been severely beaten in attempting to spread their beliefs in this fashion, but their enthusiasm remains undimmed.

The Weathermen seemed almost religiously obsessed with turning themselves into true revolutionaries and in escaping their own middle-class backgrounds, which they scornfully term "white skin privilege."

After the Cleveland conference, the fighting technique—and particularly a tactic of charging into high schools shouting "jailbreak"—spread to other areas of the country.

One of the sets of heroes of the Weathermen is the Motor City Nine—nine women in Detroit who broke into a junior college during an examination, locked the doors and began speaking against the war and the exploitation of women. When two male students objected, they were felled with karate blows.

One measure of how isolated the Weathermen have become is the difficulty they are having in raising bail funds from previously sympathetic sources. There were still 150 demonstrators in the Cook County jail this afternoon, and the total bonds were expected to run over $2-million.

One Weatherman sympathizer was unable to raise any money at all on the Urbana campus of the University of Illinois, where the local S.D.S. chapter has already dropped the S.D.S. name in reaction to the Weatherman action.

Many on the left view the Chicago demonstrations as a pathetic failure. But Friday night a Weatherman spokesman said:

"We think it's been a tremendous success, a total success. For the first time in this country white people are showing they're willing to fight against imperialism. Even when they raised the level of oppression against us, we raised the level of struggle against them."

Whether or not the reported tactics and activities of the police described in the articles were justifiable, planned violence is apparent. And members of the Weatherman faction are reported by the Associated Press to have announced they will be here for the November 15 march.

With the massive crowds of young people expected here, reported plans to break into the Department of Justice and the Vietnam Embassy, the New York bombings, and the reported continued rivalries of extremist factions within the SDS, the dangers are too great to ignore, and there is an obligation to warn those endangered. Already developed tactics of introducing such groups between innocent crowds and police to evoke indiscriminate police response seem extremely likely and very difficult to prevent.

While information as to what has been going on within the SDS must be protected as to source, certain developments should be reported. For instance, reports this month indicate that SDS members have been selling tickets on the campus of Columbia University in New York City for travel to Washington. SDS has been planning a shift in its policy in an attempt to unite all factions for participation in the Washington action.

SDS intends to use the 1968 Democratic Convention demonstrations and the October 1969 Chicago demonstrations as a model for its future tactics. While in Washington, D.C., elements of the SDS plan to get the liberals beaten up.

On November 14, 1969, the same forces in SDS will attempt to provoke the National Guard and the Washington Metropolitan Police Department into being as violent as possible. They intend to carry their activities beyond the rallies of the antiwar movement and go into the streets.

Recently members of the New York SDS Weatherman and Mad Dog factions attended a mobilization meeting in Washington, D.C. They tentatively decided to come to Washington, D.C., on November 14 and 15, to "do their thing." On November 14 they plan to assemble at Dupont Circle in preparation for a march to the Embassy of South Vietnam where they plan to "do their thing." On

November 15 they plan to demonstrate at the Department of Justice after dark. A representative of the violent extremist Weatherman faction has indicated the need for accommodations here for 800 members.

Moving from the danger of violence to the other area calling for consideration of those who plan to and those who do participate in the marches, granting the greatest measure of freedom of thought, conscience, and right to expression through peaceful assembly, many may not know the backgrounds of some of the company they keep and the possible motivations involved. It seems very likely that some of the active militant leadership is pledged to destroying the processes and the institutions of our Government.

Many Americans have been asked to participate in these demonstrations. Support for the plans of the New Mobilization Committee come from, at least in part, what might ordinarily be called highly respected and well-meaning sources.

But in my opinion, support of the planned demonstrations of the New Mobilization Committee is both naive and dangerous and will aid the Communist Hanoi government in futherance of its objective to conquer all of South Vietnam by aggression and assassination.

Evidence exists that plans of the New Mobilization Committee for its "fall offensive" were made—not in Washington, or New York, or Chicago, or San Francisco but—in Stockholm, Sweden, at a meeting dominated by representatives of the Communist Hanoi government and supported by representatives of Communist Russia, Communist East Germany, Communist Yugoslavia, Communist Hungary and the Communist National Liberation Front of South Vietnam. The man who serves as project director and one of the cochairmen of the New Mobilization Committee was instrumental in laying the plans at the Stockholm meeting for the "fall offensive." Encouragement for the plan was brought to the Stockholm meeting by the Communist North Vietnam representative directly from Hanoi. It has been outlined recently in a newsletter circulated to select international contacts and I insert that newsletter in the RECORD at this point:

TEXT OF NEWSLETTER NO. 5 FROM THE INTERNATIONAL LIAISON COMMITTEE OF THE STOCKHOLM CONFERENCE ON VIETNAM

NOVEMBER 15: Day of International Mobilization to End the War in Vietnam.

The American movement against the Vietnam war has launched a large, "Autumn Offensive" beginning 10 October at Chicago and ending with a demonstration on 15 November at the White House in Washington. This "Autumn Offensive" is the most encouraging enterprise undertaken in the United States for a long time. It is organized by the "New Mobilization Committee to End the Vietnam War" which groups the most active and powerful peace organizations which oppose the policy of war being undertaken by Mr. Nixon.

We call on all the organizations to support this campaign, which is the largest organized up to now against the Vietnam war, and the immediate retreat of all the American forces from Vietnam. It ought to find an echo in all the countries by means of demonstrations and all sorts of actions on 15 November and on the days close to this date in order to show Mr. Nixon that all the peoples demand that he end American aggression in Vietnam.

Calendar of the Autumn Offensive:

8–11 October: Actions organized in Chicago by the SDS on the theme "Make Known the Realities of the War in Vietnam."

15 October: "Moratorium for Vietnam." This action was launched by the students who worked in the electoral campaigns of Kennedy and McCarthy. During this day, normal daily activities will be abandoned and be replaced by education activity on the war in Vietnam. This moratorium will be repeated in November.

25 October: Actions at Chicago organized by the "New Mobilization" to support the eight leaders of peace movements who are accused of "conspiracy."

8–15 November: A week of local activities against the war and American imperialism. The aim of these will be to form local organizations of a permanent character and to prepare the demonstrations at Washington and San Francisco on the 15th. These activities will be designed to appeal to broad local and political interests. They will be launched by the "Joe Hill Caucus (SDS)."

13–14 November: Preliminary dates for the Vietnam Moratorium of November.

14 November: Student strike launched by the "Committee for Student Mobilization."

14–15 November: "Commemorative march for the Dead" at Washington. A number of Americans corresponding to that of the numbers of Americans who died in Vietnam will march from the National Cemetery in Arlington to the front of the White House and on to the Capitol.

15 November: Mass march and meetings at Washington and San Francisco.

The program of activities of 14/15 November is divided into two parts: A silent march of 36 hours which will start 13 November. That will be the culmination of all the local, regional and national autumn activities. Since it is not practical to expect a large number of people to go from the Pacific coast to Washington, a march and a meeting will take place at San Francisco the same day.

At the head of the "New Mobilization" are six co-presidents (Sid Lens, Doug Dowd, Steward Meacham, Cora Weiss, Sid Peck and Dave Dellinger) who will assume the direction of the large demonstrations at Washington, Chicago and San Francisco. To elaborate its general political line, the "New Mobilization" formed a large national committee composed of nearly 100 persons who represent different regions and tendencies. The "New Mobilization" constitutes the decisive project to mobilize the American people against the war of aggression and counter-revolution in Vietnam. Its importance resides in its broad coalition character that reflects a majority movement and brings together to the greatest possible extent the new forces which oppose the Vietnam war. The task of the "New Mobilization" is to mobilize the political will of the American people to demand the immediate and unconditional retreat of all American forces and arms from Vietnam and, afterwards, to insist in the interior or the exterior of the United States, against the oppressed and exploited who claim their rights of self-determination and human liberation.

MARCH AGAINST DEATH

The demonstrations at Washington will be organized by a large alliance of groups which oppose the Vietnam war. The demonstrations will begin by a "March Against Death" to commemorate those who died in Vietnam. This will begin at midnight 13 November and will continue 36 hours until the morning of 15 November. This march will have the form of a silent, solemn parade with the participation of 43,000–45,000 persons (the number of persons coming from each state ought to correspond to the number of Americans from this state who died in Vietnam which will pass the White House).

Each participant in this march will carry a placard with the name of a dead American and, in passing in front of the White House, this name will be called out. In addition, they will carry and call out the names of the cities and villages of Vietnam destroyed by the United States and its allies—razed, bombed or burned down. This march will leave from the National Cemetery at Arlington for the Capitol where the placards with the names of the dead will be placed in baskets and then carried to the White House together with the list of demands of the "New Mobilization."

15 November: March and meeting to demand the immediate withdrawal of troops.

Sunday morning at 0900 hours the persons coming from all over the country will congregate on the mall to march to the White House. Before the departure there will be a brief commemorative service. At the White House a delegation will present the demands of the "New Mobilization" as well as the baskets containing the placards with the names of the dead American soldiers and the cities and villages destroyed. The march will end in a mass meeting.

At the center of the New Mobilization there is a special committee for the Vietnam Moratorium. This was formed by the forces which participated in the electoral campaigns of McCarthy and Robert Kennedy. It has called for a "Moratorium on Daily Activities" for 15 October. The students, the faculty members and the citizens politically engaged are invited to consecrate the entire day to carrying the discussion of peace in Vietnam to broad sectors of society. In its appeal signed by almost 200 presidents and editors of student organizations, the committee for the moratorium has called upon the university students, faculty to rally others so that an even larger and longer moratorium can be held in November. They are preparing to have a moratorium of two days in November, three days in December, etc., for as long as the war continues. The Vietnam Moratorium committee set itself the objective to contact businesses, homes, factories, high schools and other social centers and to call upon citizens to participate in the moratoriums in the months which will follow.

THE NEW MOBILIZATION DEFENDS THE CONSPIRATORS

At the origin of the Chicago demonstrations is the legal action against Rennie Davis, Dave Dellinger, Tom Hayden, John Freines, Abbie Hoffman, Jerry Rubin, Bobby Seale, and Lee Warner who are accused of "criminal conspiracy." These eight men took an active part in the demonstrations at the Democratic Convention in Chicago. They are the first to be prosecuted in connection with provision 18 of the 1968 civil rights law which stipulates that it is illegal to "travel between states . . . with the intention to incite, promote, encourage, join or continue violent protests". The eight refuse to let themselves be intimidated by the Government's label of "conspiracy". On the contrary, they have adopted the name of conspirators in order to confront one of the most serious attacks against political liberty since the epoch of Senator Joe McCarthy.

In support of this decisive act to defend the right political opposition, the New Mobilization will organize an action day in Chicago on 25 October centered on the questions of conspiracy and the war.

Among the activities will be a *guerrilla style march*, a tribunal where prominent persons will conduct a trial, and rock concert.

Begin now the preparations of 15 November.

This is only a brief summary of the activities prepared by the New Mobilization for October and November.

We all, in our respective organizations and countries, ought to act in support of this grand campaign.

Start now to prepare actions which will make 15 November the International Day of Mobilization Against the Vietnam War. The International Liaison Committee of the Stockholm Conference on Vietnam will meet on 11–12 October in Stockholm to launch an appeal for action on 15 November in support of the American Autumn Offensive. We must strongly emphasize the decisive importance of these American activities and our support of them.

BERTIL SVAHNSTROEM.

A great deal of information has been disseminated and a great many pleas have been made that this will be a "nonviolent" and "peaceful" expression by "average Americans," all of whom are simply interested in proving to the President their sincere interest in ending the war.

But let me tell you what some of the unannounced plans are.

A group which has held meetings in New York, Washington, and Chicago plans to turn the November 15 demonstration into another "Chicago disturbance." They have distributed leaflets telling their members how to block street traffic, break store windows, run against pedestrian traffic and harass business in the downtown area—all with the avowed purpose of doing as much damage as they possibly can and, of course, with the full knowledge that this will result in confrontation with police and result in personal injury and possibly death.

The plans include an attack on the Justice Department Building, including breaking of windows and the use of Molotov cocktails and an attempt to blow up the Vietnam Embassy.

And let no one tell you that some members of the steering committee are not fully and completely aware of the fact that violence is planned. On Wednesday, October 22, 1969, a rabbi in Philadelphia read a letter to his congregation from a responsible Jewish organization urging them not to attend the November 15, Washington, D.C., demonstrations because "there will be violence." Myrtle Feigenberg, a member of the steering committee of the New Mobilization Committee, was present in the congregation. She sent a message relaying the fact of the letter to Rev. Richard Fernandez through Fred Halsted, both members of the steering committee, with instructions to contact one O. Nathan Abromovitz of Washington, D.C., in order to "do something about this."

Ths information should come as no surprise as we look at the backgrounds of some of those who serve on the steering committee. Let me for just a moment give you a profile of some members of that committee.

Perhaps one of the best known members of the steering committee is Rennie Davis, presently on trial in Chicago as part of the "Conspiracy Eight." At 29, he brings a wealth of experience to the committee, having worked extensively in planning and participating in antiwar and radical movements since 1965. Among these were the Political Perspective Conference of the Young Socialists Club in East Lansing, Mich. in 1965; the anti-Rusk demonstration in Boston in 1967; the Militant Labor Forum in 1968; the National Draft Card Turn-in Day, also in 1968; and the Inauguration Day demonstrations in 1969. He has also found time to become a "world traveler" in spite of his heavy domestic schedule. In 1967 he visited Czechoslovakia to meet with representatives of the Vietcong and Hanoi and then went on to Hanoi itself for 18 days to meet with officials of the North Vietnam Government. And 1969 saw Davis journey to Paris for additional meetings with the Hanoi delegation and then in July went to Toronto and Hanoi again for additional conferences with the North Vietnamese. His speeches are anti-United States and pro-North Vietnam, and he describes this country as a "police state" with dissent stifled by the "pigs"—that is, the police.

Another committee member on trial in Chicago as one of the Conspiracy of Eight is 54-year-old David Dellinger. He has not led a sheltered life. Beginning with World War II, he was jailed for 3 years for refusal to serve in the Armed Forces. His most recent plans for activity were outlined in a speech to the national antiwar conference in July, when he advocated, first, a confrontation with President Nixon in San Clemente; second, a massive, militant, and disobedient demonstration at Chicago in September; and, third, a demonstration in Washington on November 15. Dellinger's foreign travel is certainly on a par with many other committee members. As early as 1951 he was in France, Switzerland, Austria, and the Soviet zone of Germany with a group to distribute antiwar literature. He was in Cuba in 1964 at the invitation of Fidel Castro to attend the May Day festivities there. Two years later we find him in Japan addressing the Japanese-American Citizens' Congress and urging demonstrations against U.S. policy in Vietnam. Then in October and November 1966 he made an unauthorized trip to North Vietnam and Communist China, for which the State Department revoked his passport.

After regaining his passport on the promise he would not engage in similar activity, he proceeded to make an unauthorized trip back to North Vietnam in May 1967. That was a rather hectic year for him for in June he was in Paris to meet with North Vietnamese representatives, in July and August he was in Cuba for the Latin American Solidarity Conference, in September in Czechoslovakia for the Bratislava Conference, and in December back to Paris for another meeting with the North Vietnamese before going on to Denmark for the Bertrand Russell War Crimes Tribunal. In both 1968 and 1969 he again made trips to Paris to meet with members of the French peace movement and representatives of the Vietcong.

Steering committee member Larry Seigle, at 24, is already a full-time employee with the national office of the Young Socialist Alliance, the youth arm of the Socialist Workers Party. This young Trotskyite serves as national organizational secretary for the YSA and is active in the senior party as well.

The New Left membership on the committee is also represented by John McAuliff, 27 years old. He serves as national chairman of the Committee of Returned Volunteers, a group engaged in protesting the "inequity of the American system." McAuliff is presently on bail awaiting trial for failing to report to his draft board for instructions concerning civilian work in lieu of military service. He had previously been arrested during the 1967 Pentagon demonstration. His other questionable activity includes two visits with the Cuban mission to the United Nations in 1968 and 1969.

Another member with longstanding credentials is Sidney Lens, who as early as 1946 was national secretary of the Revolutionary Workers League. In 1960 he appeared as a member of the Fair Play for Cuba Committee. His travel covers the familiar circuit: Posnan, Poland, in 1956, Cuba in 1961, and Stockholm in 1967, to attend a conference on Vietnam and speak with representatives of the Communist NLF and Hanoi. His present activity with the New Mobilization Committee includes meeting with the Black United Front to discuss paying $1 per head to them for demonstrators at the November 15 protest. Most recently, on November 1, he acted as moderator at a Chicago rally for the Conspiracy Eight.

Hard-core Communist representation on the committee is provided by Irving Sarnoff, who was active in the Southern California District Communist Party from 1944 to 1961. In 1966 he participated in a meeting of the Southern California Communist Party for persons active in the peace movement. In June of 1969 he attended the World Assembly for Peace in East Berlin, and then led a delegation on a trip to Tashkent, U.S.S.R., all expenses for both trips paid by the Soviet Union. Quite a number of other members of the MOBE steering committee have similar records. Many of these are detailed in the remarks of the Senator from Arizona, Mr. FANNIN, on October 13, 1969, to be found on pages 29581–29583 of the CONGRESSIONAL RECORD.

Mr. Speaker, I believe in honest dissent, motivated by the pride of man's convictions and conducted in a lawful manner. It seems clear, however, the November 15 action that some plan for Washington, D.C., and other cities in this country will not be peaceful and lawful. On the contrary, some seem to intend planned violence, and if these hard-core agitators, anarchists, and revolutionaries are successful, Washington, D.C., could be a holocaust of death and destruction.

Mr. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. TAFT. I shall be glad to yield to the gentleman from Ohio.

Mr. LUKENS. Mr. Speaker, I would simply like at this time to commend my distinguished colleague from the State of Ohio (Mr. TAFT) for bringing to the attention of this body a topic for discussion which is most timely and most needed.

The radicals of the New Left have marked another red letter day on the calendars—colored with the blood of 40,000 American men who have died in Vietnam.

Renewed preparations are underway now by questionable elements for demonstrations against the war in Vietnam beginning across the country on October

15. This so-called Vietnam Moratorium Committee—a front organization for the Mobilization Committee To End the War in Vietnam, is part of a nationwide student effort by radical groups such as SDS and other marxist-oriented groups to focus national attention on the Vietnam war.

The October 15 meeting was to be accompanied by student strikes and demonstrations across the country as the beginning of an attempt to arouse national criticism of President Nixon's Vietnam policies. The goal was to gain public support of an immediate cease-fire and withdrawal of our troops. Other demonstrations are planned for 2 days in November and 3 days in December.

The November demonstrations will undoubtedly be given headlines when the sometime baby doctor, Benjamin Spock, leads a 36-hour "March Against Death" from Arlington National Cemetery to Capitol Hill. Dr. Spock, free to resume his anti-Vietnam activities after escaping a Federal charge of conspiring to violate the draft law, expects more dissidents than took part in "Resurrection City."

The efforts of the New Mobilization Committee to spur such demonstrations is an obvious effort to arouse students to a fever pitch in order to achieve further disorders—if they run true to form.

There is no doubt that there is some kind of tie-in with the present Chicago trial and the planned demonstrations. The interlocking directorate of the New Left calculates each move carefully and precisely.

Presently in Chicago, trial proceedings are underway for eight of the New Left who precipitated the disorders of the 1968 Democratic National Convention. They will go on trial for conspiracy to incite riots. The "Eight" are widely hailed in New Left media as martyred heroes and have formed a New York-based group called "The Conspiracy." One radical spokesman, Rene Davis, who helped draft the Chicago upheaval, is diligently working to launch the October 15 demonstration.

These individuals and groups admittedly oppose some of our country's most basic institutions and many are self-avowed Communists. The underlying motive of this demonstration is to undermine the morale of our troops in Vietnam and to impede the President in his earnest efforts to achieve an honorable and lasting peace in Vietnam.

It is tragic that these demonstrators are directing their fire at the U.S. Government to end the war. A more appropriate focus of attention and petitions would be the Hanoi regime, the real aggressors. Of course, such demonstrations would not be permitted in Hanoi, for leaders would be eliminated as North Vietnam Communist leaders killed 50,000 in their climb to dictatorship. These demonstrations will only serve to aid and comfort the enemy. In an earlier day we would have called that treason.

QUESTIONABLE LEADERSHIP

The coordinating organ of this movement is the Vietnam Moratorium Committee—VMC. The principal leaders are avowed revolutionaries and draft evaders, most notably, David Hawk, a former member of the National Student Association—NSA—who had gained notoriety for coordinating pledges from 250 college student leaders to refuse induction. It should be noted that NSA has a record of supporting Castro and calling for recognition of Red China and its admittance into the United Nations, among many other leftist and pro-Communist stands. Sam Brown, chief spokesman for the VMC, holds strong anti-American sentiments and has been quoted by the Presidential historian, Theodore White, as saying:

> We have recognized the true nature of the United States. We saw the United States attack Cuba, it attacked the Dominican Republic, it attacked South Vietnam. The communists are now a fragmented force; the United States is now the great imperialist aggressor nation in the world.

Though the VMC is not completely dominated by Communists and Communist sympathizers, it is a tactic being used by the Communists to obtain support from as many individuals as possible who are not Communists. The pro-Communist leanings and affiliations of the VMC have been played down in an attempt to place an aura of concerned citizens image about their organization's effort.

NEW MOBE

A closer look at the VMC reveals its relationship with the New Mobilization Committee which is referred to as "New Mobe," made up of many revolutionary and pro-Communist groups, is the outgrowth of the demonstrations at the Democratic National Convention in Chicago. The New Mobe's steering committee is comprised of such notables as David Dellinger and Rennie Davis, both self-avowed Communists, who are presently being tried in Chicago on charges of conspiracy for their leadership in the violent demonstrations in Chicago. Fred Halstead, an admitted Trotskyite, is also a member. Robert Greenblatt, another member, went to Paris with a letter of introduction from Tom Hayden of the SDS to meet with the North Vietnamese. Hayden, a friend of the Communists, said in his letter of introduction that Greenblatt is a trusted friend and worker in the cause and ended his letter to the North Vietnamese with wishes for "Good fortune. Victory."

The interesting and direct tie is emphasized by the fact that David Hawke, who also sits on the steering committee of the New Mobe, is also one of the leaders of the VMC.

There is little doubt that there are further interlocking relationships with the World Peace Council and the World Peace Movement which, according to Senator Paul Fannin in his remarks in the September 30 Congressional Record, are international Communist-front organizations and are active tools for subversion and the spread of Marxist Communist principle.

There are more demonstrations or moratoriums planned by the VMC and New Mobe between October 15 and November 15. The word "moratorium" was substituted for the original word "strike" as the leaders felt strike connotated violence. Yet, past history, and already the number of people arrested in Chicago for their part in the disturbances and fighting the police, would certainly lead us to anticipate violence.

OHIO SCHOOLS INVOLVED

Senator Fannin in his statement indicated that the organization of the Vietnam moratorium is going on in the Ohio colleges—namely: Antioch, Bowling Green State University, Capital University, Cleveland State University, College of Mount St. Joseph-on-the-Ohio, College of Steubenville, Denison University, Heidelberg College, Kenyon College, Miami University, Oberlin College, Ohio University, University of Cincinnati, University of Dayton, Wilberforce University, Wilmington College, and Youngstown State University.

It is especially alarming to see well-meaning religious organizations and private citizens getting involved with these Communist-related activities. Many of these same people, who claim to be pacifists do not hesitate to use violence in behalf of their causes, which is rather paradoxical. The revolutionaries, when the law is enforced, yell foul as they seem to fail to realize that the government is obligated to counteract revolution. These revolutionaries, who relish martyrdom, still wish to be fed to toothless lions.

SHADES OF FASCISM

In this regard, I stated on the floor of the House:

> It is amazing to follow the perversion and illogic of their thought pattern. They can break the law; nobody else can. Only they are in a position of questioning authority, questioning law, questioning the system. . . . nobody else, they infer. Only they can make the judgment as to which laws, at which time can be broken, yet, feeling that they should be at the same time immune from the established law's penalty.
>
> I have no sympathy for these particular militants who would destroy everything but what they like and silence everyone but those who agree with them. If there were ever fascism, if there were ever Nazism, if there were ever dictatorship, it has arrived in the form of militant, wild, swinging and often brutal organizational people who come with the purpose of destroying the democratic process.

THE SILENT MAJORITY SPEAKS

Hundreds of groups, service organizations, Veterans of Foreign Wars, the American Legion, Undergraduates for a Stable American—founded by T. Harding Jones of Middletown at Princeton University—and the National Committee for Responsible Patriotism have formed to permit the silent majority to be heard. They call for:

First. All out support to Veterans Day ceremonies on November 11.

Second. Flying flags the entire week.

Third. Turning on headlights during daylight hours.

Fourth. Writing letters and sending telegrams to the President and other public office holders.

Fifth. Ringing of bells for a 5-minute period at 11 a.m., followed by 2 minutes of reverent silence.

I urge you to participate and demonstrate your support for our President's policy in Vietnam. Speak out.

COMMUNISTS IN PEACE MOVEMENTS

The Communist involvement is more and more apparent in the "peace demonstrations." This was indicated in my October 15 column which was criticized by the critics of the administration's Vietnam policies. At that time, names, and quotations of some of these individuals were revealed, along with their relationships to Communist organizations and Communist front organizations. The column also indicated interlocking relationships between national organizations and their coordinating activities.

The November 15 demonstration is coordinated by the National Mobilization Committee To End the War in Vietnam—New Mobe. This present effort is infiltrated and directed by more Communists—all varieties—radicals and revolutionaries, than the October Vietnam moratorium.

THE NEW MOBE

The MOBE has a 3-year history involving violence and civil disobedience. MOBE sponsored the 1967 march to the Pentagon which ended in a bloody melee. The MOBE also joined and executed the disruption of the 1968 Democratic National Convention in Chicago. This action was planned as a massive demonstration to oppose the war and indirectly attack the American political function.

In an effort to revive agitation, the MOBE group called an antiwar conference on July 4 and 5, 1969, at Case Western Reserve University in Cleveland to broaden and unify the antiwar forces. Plans were made for the coordination of the national antiwar actions for the fall, or the fall offensive campaign. The steering committee of the conference was composed of these Communists:

Arnold Johnson: Public relations director for the Communist Party in the U.S.A.—a Communist for over 30 years and he has admitted that he has "no difference with Moscow on ideology or tactics."

Fred Halstead: 1968 presidential candidate of the Socialist Workers Party, a Trotskyite Communist organization.

David Dellinger: A self-proclaimed Communist.

Jack Spiegel: One-time Communist Party candidate for Congress in Illinois.

LeRoy Wolins: An identified Communist and a leader in the Veterans for Peace in Vietnam.

Phil Bart: Chairman of Ohio CPUSA.

Jay Schaffner: W. E. B. Du Bois Clubs—a Communist youth organization.

Gene Tournour: National secretary of the W. E. B. Du Bois Clubs.

Of course, the balance of participants was made up largely of radical and revolutionary types. Needless to say, these activities have received loud proclamations of support by the Communist publication, the Worker and, of course, the North Vietnamese officials. We can go on and on and we can quote colorful biographies with names and dates. Many others have actually publicly stated they favor a Vietcong victory as did Sam Brown, coordinator of the October 15 Vietnam moratorium, in an interview with New York City's Metromedia television commentator, Dr. Martin Abend.

NEW MOBE GOALS

On the surface the call to the public to participate is based on the antiwar theme. "Protest the war," they say. "Bring home our boys." Yet, the printed goals of the New Mobe are far more sweeping:

First. Immediate and total withdrawal from Vietnam.

Second. Self-determination for Vietnam and black America.

Third. End ABM and all forms of militarism.

Fourth. End racism and poverty.

Fifth. Free speech for GI's.

Sixth. Self-government for Washington, D.C.

Seventh. Stop the repression—free all political prisoners.

Eighth. End the draft.

Ninth. End support to the Thieu-Ky regime.

Tenth. Priorities for social needs, not war.

It is an obvious manipulation by the Communists to take advantage of the antiwar sentiment to destroy our system of government.

Already many of these strong elements who supported the October 15 moratorium are turning out to be weak in their dedication to the November demonstrations. McCARTHY men, Congressmen, and senatorial supporters and columnists who lent their earlier respectability to the demonstrations are now seeing the skin of the animal and are withdrawing their support.

THE HONORABLE DONALD JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS, GIVES PRINCIPAL ADDRESS AT VETERANS DAY NATIONAL CEREMONY AT ARLINGTON NATIONAL CEMETERY

The SPEAKER pro tempore (Mr. HOLIFIELD). Under a previous order of the House the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, yesterday, Donald Johnson, Administrator of Veterans' Affairs, gave the principal address at the Veterans Day national ceremony at Arlington National Cemetery.

As most Members of the House know, Don Johnson is from West Branch, Iowa, which is in the First Congressional District of Iowa. He is doing an excellent job as VA Administrator. He has already proven himself to be an able and dedicated public servant.

On Veterans Day yesterday, Don Johnson gave an eloquent address. Representing President Nixon, he spoke of "Peace With Honor." Certainly, he expressed the hope and prayer of every American.

Mr. Speaker, Don Johnson's remarks should be read by every American.

REMARKS BY THE HONORABLE DONALD E. JOHNSON

President Nixon has given me the high honor of representing him at this Veterans Day National Ceremony.

President Nixon's Veterans Day proclamation . . . and the separate Veterans Day message which he sent to all of our hospitalized veterans . . . bespeak more eloquently than any words of mine his great esteem for America's veterans . . . his constant concern for their welfare . . . and his firm resolve that their government shall care for them and for their widow and their orphan.

I do not bring you President Nixon's message. And I do not presume to speak for him. However, I do know how dedicated he is to the task of achieving the theme of Veterans Day 1969 . . . peace with honor.

And we all know of his fervent hope for the understanding, the support, and the prayers of the American people.

Thus . . . as we pause today to remember . . . and to thank America's veterans of all wars for their service and sacrifice that all of us might live in freedom . . . let us ask ourselves:

What can we do . . . we citizens, Americans all . . . what can we do to help achieve peace with honor?

We can begin by recognizing the truth.

No American can quarrel with the noble and eternal goal of peace with honor.

But some of our people disagree today over the means . . . the strategy, if you like . . . of achieving this goal in Vietnam.

To those who may think . . . or would have others think . . . that they alone understand and abhor the suffering and savagery of war . . . to them I say now that they do an injustice to America's 40 million veterans, living and dead.

And they deceive themselves.

For America's veterans . . . there has never been a "popular" war . . . nor a cause for which they eagerly sought to die.

Our honored war dead desired and deserved to live just as much as any citizen of our nation.

And our disabled veterans would welcome a moratorium in the pain and illness and injuries they now endure.

But they answered freedom's call because they understood freedom's cost.

In his inaugural address . . . President Nixon said that the greatest honor history can bestow is the title of peacemaker.

He is right.

However, on this day when we recognize and applaud honor and courage and duty . . . as exemplified by our veterans . . . on this day I would call the attention of all Americans to an inspiring inscription.

It is engraved on the Confederate War Memorial a short distance from this amphitheater in Arlington National Cemetery.

Not for fame or reward
Not for place or for rank
Not lured by ambition
Or goaded by necessity
But in simple obedience to duty
As they understood it
These men suffered all
Sacrificed all
Dared all
And died.

We, the living, also have a duty.

A duty to unify America. A duty to bring together our great and good people.

The unity that has always been the bedrock of America needs expression today more than at any time in the past century.

Not as a facade . . . but as the firm foundation for the future of America of freedom and opportunity and justice which we must build for ourselves and for our posterity.

As we build this future . . . on a foundation of unity . . . not unanimity . . . in our land . . . our citizens, Americans all, can learn from the veterans we honor today.

In battle . . . our veterans freely admitted the toughness of their enemy.

But they summoned forth courage to attack him.

And they gained the confidence to defeat him.

We, too, need candor and courage and confidence.

Candor to admit the toughness of the problems we face at home and abroad.

Courage to do the difficult, to bear the costs . . . in understanding and fortitude as well as in money . . . demanded by these problems.

And confidence that peace will be won . . . and the wrongs that make us a less perfect union will be righted . . . if we but carry on.

It is precisely because America's veterans have demonstrated their love of our country . . . their understanding of the cost of freedom . . . and their leadership as responsible citizens . . . that we can use this day set aside to honor them to call for a new depth . . . a new era . . . of unity.

Unity to save the America for which they have sacrificed so much . . . and which they have served . . . and still serve . . . so well.

Our veterans need no spokesman. For nearly two centuries . . . their valor has been their valedictory.

But it is gratifying . . . indeed inspiring . . . to note that today . . . in Veterans Day ceremonies throughout our land . . . thousands of Americans are speaking up . . . proudly proclaiming their unashamed love of America . . . and urging the overwhelming silent majority of their fellow-Americans to join them in this declaration of love for . . . and faith in . . . our great country.

I believe sincerely that our honored war dead . . . to whom we pay special tribute today . . . would approve of this use of their "DAY."

The America they felt was worth fighting for is not a perfect America.

But only a united America can win the peace for which we all yearn . . . and for which we should all pray.

Only a united people will have the will and the strength and the determination to curb inflation . . . combat crime . . . cleanse our waters and our air . . . alleviate poverty . . . and discrimination . . . train the undereducated . . . provide meaningful work for the underemployed . . . and cure the other ills that beset us.

On this Veterans Day, then, let us pledge and let us act to make our beloved country . . . in fact as well as in name . . . the United States of America.

To succeed in this difficult but vital task will be to insure that no veteran shall have served in vain.

"OPEN DOOR" TO CHINA POLICY

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. FINDLEY) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, this week, the General Assembly of the United Nations rejected a resolution offered by Albania which would, if adopted, have ordered the expulsion of Nationalist China on the island of Formosa from membership or participation in any of the bodies of the United Nations, and in its place offered membership to Communist China. The United States voted against this resolution and wisely so. There was no justification for expelling from U.N. membership a nation of over 13 million people—a population more than most of the other U.N. members—and a nation which has been a member of the U.N. since its founding and has committed no act which would justify expulsion under the charter. I support the position taken by our Government upon the Albanian resolution. Red China should not be admitted if this requires the expulsion of the Republic of China.

At the same time, I am glad that the United States is beginning to show a progressive attitude toward Red Chinese participation in the world community. It is most timely.

On September 18, President Nixon stated to the General Assembly of the U.N. that our country is ready to talk with the leaders of Communist China in a frank and serious spirit whenever they choose to abandon their self-imposed isolation. I was also glad to note that our colleague, Representative IRVING WHALLEY, who is a U.S. representative at the United Nations and who delivered the official U.S. statement of position on the Albanian resolution, did not at any point preclude future membership for China in the United Nations or place unreasonable restrictions upon such membership. Rather, he stated that the United States "shares the conviction that it is important for mainland China to return to the family of nations." And Representative WHALLEY reiterated Secretary of State Rogers' comment that "Communist China obviously has long been too isolated from world affairs."

While it is fair to describe China's isolation as self-imposed, it is also true that this isolation has been encouraged by U.S. policy. Our Government has but limited potential for influencing internal China policy, but at least we can discard our own outdated, self-defeating, and ineffective effort to isolate China.

The time is long past, if it ever existed, when Communist China can be isolated within her Asian borders merely by the fact that the United States pretends that politically and economically it does not exist. The time is past when this giant among nations can be ignored and relegated to the ranks of those either too weak or too muscle-bound to deserve attention. The time has gone, if it ever existed when simple bilateral power politics between the United States and the Soviet Union is sufficient to assure the security of the world—Eastern and Western alike. The time has gone when the United States can afford—either politically or economically—to stand idly by in the make believe of mythology while other countries adapt to the reality of the changing balance of power, the changing facts of life in Asia, and the changing relationships among Russia and the two Chinas.

It may be argued that there never was such a time; that only minor countries separated by huge geographical, economic and cultural expanses could afford to conduct their policies as if China did not exist. The Asian countries which rim China, while many have welcomed our support, have never for a moment felt that China was isolated. Rather, like Prince Sihanouk of Cambodia, they have only hoped that Communist China could be "balanced" by Western support.

The balance was based upon the fact that while China was as close as next door to many of these countries, it had not yet achieved the status of world power. Thus, what the United States and other Western countries lacked in proximity and understanding of their Asian friends, we made up in military and political power.

This balanced situation no longer exists. While the geographical separation still exists between the East and the West, China has itself truly become a world power in the fullest sense of the term, and one to be reckoned with whenever major policy is formulated, whenever world security is discussed, whenever conditions of peace are sought.

The enormous power of this Asian giant has been demonstrated most convincingly within the Communist family of nations. China's behavior over the last decade and a half caused her great ally, the U.S.S.R., to withdraw all economic and military support, to cut off diplomatic and trade relations, and to begin making preparations for all-out war with Peking. Western intelligence shows a marked shifting of some Soviet nuclear-tipped missile installations into positions threatening China, not the West. In the early months of 1969, both sides reported bloody clashes between armed regulars of the two countries along the 4,575 miles of territory which form their common border. Western newsmen who have spoken with soldiers while traveling the trans-Siberian railway confirm these incidents and testify to the rapid and heavy buildup of armed material, tanks, troops, and other war supplies which could be used either defensively or offensively. And Soviet correspondent Victor Louis, who often operates at the behest of the Soviet officials, reported after one of these border incidents over islands in the Ussuri River that "the whole surface of the island was burned together with any Chinese troops and equipment there." Such "scorched earth" tactics at least suggest the possibility that tactical nuclear weapons may already have been employed by the Soviets in their hot and cold war with China.

Perhaps the most significant piece of news to come out of Moscow since the invasion of Czechoslovakia was the report that the U.S.S.R. was giving serious consideration to the possibility and consequences of mounting a surprise attack upon China, with the intention of knocking out China's nuclear facilities in Lop Nor and perhaps other industrial and population centers. This possibility of a preemptive first strike was apparently broached to member nations of the Warsaw Pact in preparation for any expanded conflict. Whether or not the Russians ever seriously contemplated such a conquest, no one can doubt that its satellites in Europe, still smarting from the invasion of Czechoslovakia, viewed the possibility as a very real one. The Brezhnev doctrine, which proclaims the right of socialist countries to intervene in each other's internal affairs, is surely as applicable to China as it was to Eastern Europe. Recognizing this, Peking leaders have consistently denounced the Czechoslovakia invasion and the man who promulgated the doctrine, referring to him as "Brezhnev & Co." and a "renegade."

This rising crescendo of mutual vilification between Moscow and Peking has abated somewhat since Premier Kosygin's visit with Chinese Premier Chou En-lai on September 11. However, Victor Louis' justification for Soviet intervention in China in terms of the Brezhnev doctrine came 1 week after the meeting in Peking. And on the evening the Sino-Soviet talks were to begin, Tass distributed a summary of an article describing "the adventurist and chauvinistic policy of the present leaders of the Chinese Communist Party."

Of course, Moscow's continued militance and threatening stance may be only a tactical position designed to gain the most advantageous bargaining position vis-a-vis the Chinese in the weeks and months ahead. But this does not lessen the importance of the conflict between these two giants of communism, nor does it lessen their impact upon world security and peace. Therefore, it is essential that the United States realistically evaluate its own position in such a controversy, and more broadly its attitude toward the emerging world power status of Red China.

What must be realized in making such a policy judgment is that with the rise of China to the status of world power—one of the three great powers—world diplomacy and power politics have become much more complex. At the same time, a world with three great powers instead of two also presents new opportunities for great national leaders.

The United States, as the only one of the three great powers committed to individual liberty, is fortunate to have as its President in this crucial, challenging, formative stage in world diplomacy a man willing to think anew and act anew. His actions thus far have, in my judgment, greatly added to the stability of peace and the stature of the United States in the eyes of all mankind.

For example, consider President Nixon's visit to Rumania just 6 months after taking office. To the Soviet Union, Eastern Europe is private property. Just how private was amply demonstrated by the invasion of Czechoslovakia and the "Brezhnev doctrine" which it spawned. The fact that an American President actually visited an Eastern European Communist nation at the invitation of its President speaks well of the future course of our relations with that part of the world. But more important is what that visit symbolizes to all Europeans—East and West alike.

When the Soviets invaded Czechoslovakia, many in West Germany feared that troops from the Warsaw Pact would not stop at the German borders. Yugoslavia, Rumania, and Albania, members of the Eastern bloc who are to varying degrees independent, also felt the icy breath of Moscow upon them. Similarly, the message was not lost upon Red China. As a consequence, Peking issued a warning to the Soviets that intrusions upon the territorial integrity of its European allies would not be tolerated, and the Rumanians and Yugoslavs pledged their mutual support for each other and began organizing people's militias to protect their own independence.

Seizing upon these signs of defiance in the face of overwhelming Soviet military might, President Nixon decided to solidify the position of the United States on the side of national independence by visiting the Rumanians and talking with their President. The rest is history.

The Rumanians accorded him a tumultuous welcome, unprecedented even for their own national heroes. The President earned more good will for the American people than our national leadership had engendered in almost a decade. And in the international diplomatic game of "one-upmanship," the President had clearly won the first round.

Similarly, in the dispute between the Soviet Union and Red China—a dispute which often erupted into open conflict and into threats of total warfare—the Nixon administration adopted a stance which greatly contributed to the peace and security of the world while at the same time maximizing the stature of the United States.

He wisely rejected the forecast from some quarters that an all-out war between the two Communist giants would benefit the United States. While the resulting holocaust might well cripple both and perhaps demolish one of the Communist power centers, it could not possibly leave the United States unscathed.

The conflict might quickly spread to worldwide proportions, engaging the United States itself. Even if Soviet and Chinese military operations were aimed only at each other, its consequences inevitably would seriously endanger other nations.

For one thing, the possibility of massive nuclear fallout would present a grave danger to life and health in the Western Hemisphere. For another, peace, security, and stability would hardly be enhanced; the survivor in such an engagement would emerge as the unchallenged leader of the Communist world, a development certain to influence neutral nations and complicate U.S. policy problems.

In a carefully worded statement, Assistant Secretary of State Elliot Richardson announced the U.S. policy of nonalinement in the Sino-Soviet dispute. Stating that the conflict would not deter the United States from trying to improve relations with the Chinese, Richardson said:

> President Nixon has concluded that our national security would in the long run be prejudiced by associating ourselves with either side against the other. Each is highly sensitive about American efforts to improve relations with the other. We intend, nevertheless, to pursue a long-term course of progressively developing better relations with both.

As intelligence and other evidence began to show that the Soviet Union was actually giving serious consideration to mounting a military offensive against the Chinese, the United States acted to make sure that the entire world was apprised of this possibility and to bring world opinion to bear on the Russians to forestall such action.

The surprise of the invasion of Czechoslovakia was still fresh in mind. This daring move by the Soviet Union had paid off handsomely, and its success might prompt an act of even greater daring against China. The world needed to be put on notice concerning the possibility of a Soviet invasion of China.

The positive acts by the United States may well have kept the Soviets from this adventure. They also served a valuable purpose in laying the foundation for additional peaceful initiatives.

Our administration now has the rare opportunity to facilitate an important advance in United States-Chinese relations. This is so because of the convergence of several major factors.

First, there is little likelihood that the U.S.S.R. and Red China will work out their differences sufficiently to permit any real cooperation between them to the detriment of the West. Present differences are long standing and will not be overridden in a few meetings. China adamantly maintains that Russia appropriated 100 million square miles of Chinese territory in unequal treaties imposed upon them in years past by the czars. While China does not presently demand its return, this disputed territory remains a sore point. Moreover, about 40,000 additional square miles of land are in active dispute between the two nations.

In addition, China is unlikely to forget being "stabbed in the back" by its Soviet allies in 1960, when Premier Khrushchev, spurred by the widening ideological gap between the two countries, suddenly withdrew all economic and military aid and support from China. This left the Chinese in an extremely sensitive and precarious position, with many industrial factories incomplete, and others unable to operate because of the lack of trained technicians. China was prematurely and summarily forced into a position of self-sufficiency, and it is unlikely that it will soon, if ever, put faith in the Soviet Union.

Second, China feels challenged by Russia in what it regards as its own legitimate sphere of influence in Southeast Asia. The heavy support given by Russia to Hanoi, Soviet gestures toward Chiang Kai-shek, and Russian proposals to hold an Asian collective defense meeting—all suggest Soviet intrusion.

The U.S. corollary of this is obvious. As we extricate ourselves from Vietnam, reduce forces in Thailand, and retire—at least politically—from Okinawa, our own effectiveness and bargaining position vis-a-vis the Chinese will be substantially improved.

Third, the traumatic cultural revolution in China seems to have finally wound itself out and the country is beginning to return to some degree of normalcy. China is expected soon to resume diplomatic relations with a number of countries with which it severed ties a few years ago. These developments would help China to shed its "backstreet" complex.

Fourth, China has given some indication it wants to become a member of the United Nations. Recently at a banquet in honor of Premier Alfred Raoul of the Congo, Chou En-lai thanked the Congo representative for his country's advocacy at the U.N. of the "restoration of China's legitimate rights in the United Nations and the expulsion of the Chiang Kai-shek clique." This was "a great support and encouragement to the Chinese people," he said.

Fifth, China has stated that it will never attack another country unless it is itself attacked, and it has also set forth five basic principles for peace. They are "mutual respect of territorial integrity and sovereignty, mutual nonaggression, mutual noninterference in internal affairs, equality and reciprocal advantages, and peaceful coexistence." In addition, China has also stated that it favors the elimination of nuclear weapons. These points could form the basis for fruitful discussions between Washington and Peking when a dialog finally begins.

Sixth, as China begins what may become a long series of talks with the U.S.S.R., it may see the advantage to some friendly diplomatic gestures toward the United States simply to improve its own bargaining power with the Russians.

Seventh, China has condemned U.S. policies which maintain an embargo on all trade between our countries. This may indicate a desire for some limited economic intercourse.

Eighth, as the United States continues to withdraw combat forces from Vietnam, China may well decide to use its own influence to wind down the war. This could be justified as a means of minimizing long-term Soviet influence in that area. Certainly, China could hardly be pleased with the prospect of a Hanoi regime subservient to Moscow. Nor could we. In the coming decade the United States will be better off dealing on an equal footing with two major Communist powers, rather than being forced to deal only with one.

Ninth, the climate of U.S. public opinion is favorable to initiatives toward China. To illustrate, early this year the administration announced two small but significant gestures. First, U.S. tourists could purchase up to $100 in Chinese merchandise; this was the first modification since the Korean war of the total embargo on China trade the United States had imposed on itself. Second, the endorsement on U.S. passports prohibiting travel to China was modified to permit travel by journalists, Government officials, teachers, doctors, and students.

Public reaction was unexpectedly favorable. To my knowledge, no editorial or person of any prominence accused the administration of going soft on communism. To the contrary, comment was almost uniformly favorable.

The "China lobby" which for years urged that Chiang be "unleashed" no longer packs a wallop on Capitol Hill, mainly because the ritualistic claims by Taipei of political authority over mainland China are no longer considered seriously either in the United States or Formosa.

My own personal experience attests to a change in public opinion. When I first suggested a new "open door' policy toward China nearly 3 years ago, the reaction, while generally favorable, included some sharp attacks from some of my colleagues in Congress as well as elsewhere. As I have repeated similar suggestions periodically since then, reactions have become favorable, almost without exception.

The convergence of these nine factors presents to the United States the opportunity to undertake, with great advantage to its own security interests, additional initiatives looking toward better relations with China.

Therefore I propose a major change in our basic policy toward China—one seeking to place relations with Peking on exactly the same basis as Moscow.

I suggest that the United States announce publicly that in the future it will seek to treat the Soviets and the Chinese in exactly the same manner in matters of military, economic, trade, and diplomatic policies. No longer should we place primary emphasis on improved relations with Moscow. Rather, we should put an equal emphasis upon seeking ties with Peking in order to improve simultaneously our relations with both Communist capitals.

Removal of the present double-standard approach we have so obviously employed in recent years would give Russia a strong incentive to improve its own relations with the United States by reducing pressures in Europe, the Middle East, and Asia. It would also be an essential first step on the long road to improved relations with Communist China.

To implement this basic policy of treating both major Communist powers equally, the United States should officially recognize the territorial integrity of Communist China, and profess our complete opposition to any violation of Red China's borders whether by the Soviet Union, Nationalist China on Formosa, or any other nation.

For more than 20 years our Government has pretended that Chiang Kai-shek's regime is the political authority over mainland China as well as the population of Formosa. Never before in our history has our Government lived with a total myth of such magnitude for so long.

At the same time that we drop this aged and pointless pretense, we should reaffirm our pledge to defend Formosa from attack.

We should also seek to initiate and expand diplomatic contact with Peking. A good start would be the designation of a special high-level emissary, with competence in Chinese affairs, who would stand ready to meet any time and any place with Red Chinese officials to discuss matters of mutual interest.

We should express our desire to have the agenda include arms control, nuclear testing, military security, economic and diplomatic intercourse between our countries, and the possibility of establishing a Washington-Peking "hot line," similar to that connecting Moscow and Washington.

We should announce that we will no longer oppose membership for Communist China in the United Nations, but we will oppose any seating arrangement which would deprive Nationalist China of a seat in the U.N. Although this would not likely bring China into the U.N. at an early date, it would nevertheless be a decided improvement. Our position on U.N. membership for China, up to now, has been uniformly negative, simply opposing Albania's resolutions and thus being unable to influence the course of those who do favor Red China's admission.

By giving lipservice to the goal of enlarging Chinese participation in world affairs while at the same time persisting in a totally negative position on U.N. membership for the most populous nation in the world, the United States makes an unbecoming spectacle of itself.

A more progressive posture on the part of the United States might be to encourage China to adopt a more responsible stance in its endeavors to win support among smaller nations.

We should permit trade with China. The present total prohibition, relieved only by the tourist exception, works no hardship on China, only upon our own citizens who are denied a valuable foreign market. In this regard, we should also act to eliminate requirements of special licensing, cargo preference and part cargo on grain shipments to Eastern Europe, as well as China. Each year millions of bushels of grain are sold to Red China by Canada, yet the United States, which exports more wheat to the rest of the world than any other country, does not send one bushel to this Asian giant. It is similar with other agricultural products. Yet, China has no difficulty securing what it needs elsewhere. Our trade embargo hurts only us, especially the American farmers.

The prohibition on travel to China, now stamped on most U.S. passports, should be removed entirely. Except for security restrictions, which apply to all countries, travel should be unlimited. Although actual travel is unlikely to develop very soon, due to the need for cooperation by China, this step would help to demonstrate the sincerity of our desire for better communication and understanding.

Taken together, these steps would show convincingly our desire to end the double standard which we have applied to relations with Peking and Moscow. The promulgation of a single standard would add substantially to our own security, as well as to our stature in the eyes of the world.

It would strengthen our position relative to the Soviet Union by lessening the likelihood of a future Moscow-Peking coalition against the United States. Indeed, it would make the Soviets anxious to curry favor with Washington in their own cold and hot war with China, and likely would cause the Soviet Union to ease tensions in Europe and the Middle East.

In recommending this new "open door" policy toward China, I do not wish to leave the impression that an era of good relations with China is about to begin, or that vigilance is no longer needed. Like the Soviet Union, China is ruled by a dictatorial, conspiratorial system that is characterized by hostility and suspicion toward the outside world.

Our own national security interests require that we accord to China the same consideration we have long extended to the Soviet Union. They also require that we keep our guard up.

LEGISLATION TO STOP THE CONTINUAL INCREASES IN BUS FARES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 14759, legislation to authorize the use of the highway trust fund to subsidize bus operations.

In New York City, passage of this legislation would mean the 20-cent fare could be retained. For many low-income families, retention of the 20-cent fare makes the difference between bread on the table and no bread.

In other cities, it would function to stop the continuous spiraling of bus fare increases which have imposed an undue hardship upon low income families and have driven the more affluent to their cars and brought on the increasing traffic jams being experienced by our large metropolitan areas.

The last year has seen bus fares in Chicago increase from 25 to 40 cents, St. Louis from 30 to 40 cents, Pittsburgh to 35 cents and nearly every major line has gone up at least a nickel.

While it is easy to pinpoint the cause of these increases—increasing maintenance, capital and labor costs—very little is being done to prevent its continuation.

My bill would authorize Governors to use a portion of their State's highway trust fund for subsidizing and improving bus operations. New York received $63 million through the trust fund this year. The New York Transit Authority's operating deficit for fiscal 1969 was $79 million. This legislation would have a similar and tangible effect in other cities as well.

The Administrator of the Federal Highway Administration, Francis C. Turner, has called for the use of the trust fund for bus subsidization. He told a recent conference of the American Society of Civil Engineers that a bus occupies the pavement space of only two automobiles, but carries 50 or more persons. Subsidizing increased low-cost bus service would permit the most efficient use of freeways and other main roads to move traffic. It would have the same effect as widening the freeways over which they operate.

I believe this legislation is one segment of the practical solution to our urban transportation problem. I have introduced it in the hope that Administrator Turner will stand behind his position and the residents of our central cities. For if he does, this approach can have a tangible effect on urban transportation.

A Washington Post account of Turner's remarks and the text of H.R. 14759 follow:

[From the Washington Post, Sept. 10, 1969]

ROAD CHIEF URGES CITY BUS SUBSIDY

Federal highway money should be used to subsidize bus operations in urban areas, including Washington, the nation's chief road builder declared yesterday.

Highway Administrator Francis C. Turner said subsidies of increased low-cost service would permit the most efficient use of freeways and other main roads to move commuters.

While government subsidies for capital costs of transit improvements, including the purchase of buses, have been provided since 1964, no serious consideration has been given to a federal subsidy of operating costs. Many cities, however, do provide such subsidies locally.

The Nixon administration's proposed $10 billion mass transit program, which would be financed from general tax revenues, is limited to capital costs. Much of the money would go for rail rapid transit.

WIDER FREEWAYS

Turner, speaking to the Washington section of the American Society of Civil Engineers, said granting subsidies for buses would have the same effect as widening the freeways over which they would operate.

A bus, he said, occupies the pavement space of only two automobiles but carries 50 or more persons.

"I'm a great advocate of buses," Turner declared. "Strange as it may seem to people, I ride the darn things. I believe a lot of the rest of you should do likewise."

Turner, who lives in Arlington, made his statement in response to a question by Albert A. Grant, president of the local engineering group and transportation planning director of the Metropolitan Washington Council of Governments.

The proposal was applauded by George A. Avery, chairman of the Washington Metropolitan Area Transit Commission, who was seated next to Turner at the luncheon.

"I think it's great. It's music to my ears," said Avery, who has suggested to Congress that it grant a subsidy for Washington buses. Lacking one, the transit commission is now considering higher fares for D.C. Transit System.

Turner, talking to a reporter later, said his advocacy of a subsidy is personal and not official. But he said the idea is being explored within his agency, possibly for inclusion among proposals for an extension of the national highway program after the interstate freeway system is completed in the 1970s.

NO VIOLATION

He said subsidies for buses from the highway trust fund would not violate a commitment that the money be used for highway purposes. "Buses are highway users," he said.

The trust fund is composed of tax revenues mainly on gasoline, diesel fuel and tires. It amounts to $4.6 billion per year.

Turner said he would not support a public subsidy for rail transit from either the highway fund or another source.

However, some political figures, among them Sen. William Proxmire (D-Wis.), Rep. Jonathan Bingham (D-N.Y.) and Maryland Gov. Marvin Mandel have advocated the merger of the highway trust fund into an all-purpose transportation fund.

H.R. 14759

A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of improving motorbus transportation services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motorbus Transportation Services Improvement Act."

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "Federal-aid highway system apportionment" means an apportionment for a fiscal year to a State under one of the five paragraphs of section 104(b) of title 23, United States Code;

(2) the term "Governor" means the chief executive officer of a State;

(3) the term "State" means a State, the District of Columbia, or Puerto Rico.

GRANTS

SEC. 3. The Governor of a State may elect to apply all or part of one or more of any Federal-aid highway system apportionment for such State for a fiscal year to making grants in that fiscal year for improving mass transit bus services. Grants may be made to State or local public bodies or agencies or to private mass transit bus operators for purposes including, but not limited to, the acquisition of buses and other operating equipment, the reimbursement of operating expenses, and the financing of terminal and other facilities provided for the comfort and convenience of the bus-riding public. Before any such grant may be made to a private mass transit bus operator, the Governor proposing to make the grant shall first certify to the Secretary of Transportation in a form and manner prescribed by the Secretary, that the intended grantee operates on a financially sound basis and in an efficient manner and that the grant will not be used as reimbursement for wages paid pursuant to a labor contract not arrived at in true arm's length negotiation. The election authorized herein shall be made in such manner as the Secretary of Transportation shall by regulation prescribe, within sixty days after the Secretary of Transportation certifies to the Governor, pursuant to Title 23, United States Code, the sums apportioned to that State for a fiscal year.

AMENDMENT TO TITLE 23, UNITED STATES CODE

SEC. 4. (a) Section 104(e) of title 23, United States Code, is amended by inserting after "State highway department" the following: "and the Governor or chief executive officer of each State".

(b) Section 104(b)(5) of such title is amended by adding at the end thereof the following: "Rules, regulations, and standards adopted by the Secretary for estimating the cost of completion of the Interstate System and taking into account all previous apportionments shall prescribe a consistent and equitable procedure for taking into account amounts of apportionments which the Governor of a State has elected to use to carry out section 3 of the Motorbus Transportation Services Improvement Act."

(c) Section 104 of such title is amended by adding at the end thereof the following new subsection:

"(f) No amount which the Governor has elected to use to carry out section 3 of the Motorbus Transportation Services Improvement Act in a fiscal year shall be available for expenditure for Federal-aid highways under this title."

(d) Section 118(a) of such title is amended by striking out "On and after" and inserting in lieu thereof "Sixty days after".

AMENDMENTS TO HIGHWAY REVENUE ACT

SEC. 5. (a) Section 209(f)(1) of the Highway Revenue Act of 1956 is amended by inserting "(A)" before "making expenditures" and by striking out the period at the end thereof and inserting in lieu thereof the following: "and (B) for the purposes of section 3 of the Motorbus Transportation Services Improvement Act."

(b) Section 209(g) of such Act is amended by adding at the end thereof the following: "An election by the Governor of a State under section 3 of the Motorbus Transportation Services Improvement Act to use funds to carry out such section 3 shall not be taken into account in making any adjustment under this section."

EFFECTIVE DATE

SEC. 6. This Act shall take effect upon the first certification of Federal-aid highway system apportionments under section 104(e) of title 23, United States Code, following the date of enactment of this Act.

REV. ROBERT J. HENLE, S.J., 45TH PRESIDENT OF GEORGETOWN UNIVERSITY: INAUGURAL ADDRESS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, Georgetown University is one of our country's great educational institutions. Founded in 1789, the same year when the U.S. Government under the Constitution was established under President Washington, its influence has become worldwide. Its faculty has included such notable figures as Dr. James Brown Scott, William Franklin Sands, and the Reverend Edmund A. Walsh, S.J. Its graduates have served in virtually all agencies of our Government, including the field of foreign service.

On October 7, 1969, after a nationwide search, Georgetown University, in an impressive program attended by delegates of many institutions of higher education, inaugurated its 45th president, the Reverend Robert J. Henle, S.J.

Because of the breadth of Dr. Henle's record of experience, what he said in his inaugural address is of unusual interest not only to Georgetown University faculty, students, and alumni, but as well to other institutions of learning. A biographical sketch of Dr. Henle and his October 7 address follow:

Robert John Henle, S.J.

The Reverend Robert J. Henle, S.J., the new president of Georgetown University, was formerly academic vice-president of Saint Louis University, a Jesuit institution in St. Louis, Missouri. He is the 45th President in Georgetown's 180-year history.

Since coming to Georgetown June 16, Father Henle has written and spoken widely on such diverse topics as tax reform legislation and its possible effects on private universities; student unrest; methods of funding federally-financed research programs; the university's relationships with the inner-city; and ways of educating disadvantaged minority-group students.

Father Henle, 59, widely known as a writer and thinker about American Catholic higher education, was born Sept. 12, 1909, at Muscatine, Iowa, to Edward M. and Mary Ann (Hauber) Henle. He enrolled at Creighton University, Omaha, Nebraska, in 1926 and entered the Society of Jesus in 1927. He received his A.B. degree in 1931, his A.M. degree in 1932, his Ph.L. (Licentiate in Philosophy) in 1935, his S.T.L. (Sacred Theology Licentiate) in 1941, all from Saint Louis University, and his Ph.D. degree in 1954 from the University of Toronto. Father Henle also studied theology at St. Mary's College (Kansas), and Saint Stanislaus Novitiate, Cleveland, Ohio. He was ordained a priest in 1940 at Saint Mary's College, St. Mary's, Kansas.

Father Henle began his teaching career at Saint Louis University High School, serving as an instructor in classics. He was named an instructor in philosophy at Saint Louis University in 1943, was promoted to assistant professor in 1947, to associate professor in 1954, and to full professor in 1958. He served as dean of its Graduate School from 1950–64 and also held deanships in the School of Philosophy and Letters and the School of Philosophy and Science. He was named acting vice-president in charge of academic administration in 1958, and vice-president in 1964.

Father Henle was instrumental in developing programs that extended Saint Louis University work into several Latin American countries under the Agency for International Development. He has visited Latin America yearly since 1960 and also traveled in Europe. At Saint Louis University, he also served as member of the Board of Trustees, of the Council of Regents and Deans, and as research administrator.

Father Henle has written several Latin textbooks and two works in philosophy, *Method in Metaphysics* and *Saint Thomas and Platonism*. He was editor of *The Modern Schoolman* from 1945–50. He has also written more than one hundred articles on such diverse subjects as graduate education, Thomism, the place of the Ph. D. degree in the American educational system, the role of the social philosopher in the Space Age, Jesuit aims in higher education, and the relationship of science and the humanities. He has written and spoken widely about the accomplishments and problems of Catholic higher education.

Georgetown's new president has also been active nationally in academic, professional, and governmental organizations. He is a member of the advisory committee for administering Title IV of the National Defense Education Act. He has advised and has been a consultant to the U.S. Office of Education, the Bureau of Higher Education, and the U.S. Public Health Service.

UNIVERSITY REFORM: USA 1970

Rev. **Henle**. Ladies and gentlemen: First of all I would like to thank my very good friends who have come to be on this panel with me today and discuss with us some of the deeper concerns of the university in the United States, and our concern about the future of the American university.

This university that we've been talking about is, of course, a product of history, of social experiment, and of human decisions. There is nothing eternal, nothing pre-ordained, about this institution. There have been societies, and highly-developed societies, that did not have a parallel institution to the American university.

It has been amply demonstrated and amply referred to in our discussions already, here, that this institution is now undergoing a great deal of change. As a matter of fact, certainly since the second World War changes have been instituted in the American university in its curriculum, its organization, its emphases.

This change has been in fact a rejection of some older models for a college or university, and has turned into a search—perhaps not always consciously—into a search for a new total model for a college and university in today's world.

The American college, whether it was a religious institution or not, for a long time, really, was based upon a sort of a family model. This was the origin of the in loco parentis doctrine which was the principle of discipline in the American college for many, many years.

The residential college, particularly, was looked upon as being an extension of the home; the staff an extension of the authority of the father and the mother.

This model has disappeared. I think it has disappeared for good. The principles that were involved in that are slowly passing away.

In the case of the Catholic college in the United States, there was a similar model at work; namely, the model of a religious community or a religious order. The Catholic college was very often the product of a group of religious women, religious men, or of priests, whose experience—educational experience, mature educational experience—has been that of the seminary. And it was very often impossible in the organization and direction of Catholic colleges to distinguish between a lay student's relationship with the authorities of the college, and the young seminarian's relationship—or the relationship of a religious to his superior. And this was complicated by the fact that frequently the president of a Catholic university was also the religious superior of the community in that particular university.

This model also is dissipating and disappearing, partially due to the things that Fr. Hesburgh has talked about. Also due to many changes in the internal model of religious communities themselves, which are now looking for a new model and may well be taking its model from the political state or the university, rather than from the older monastic traditions.

There are, of course, people who would like to see us introduce into the university something more of the model of a large business organization. Businessmen sometimes ask us why we can't run the university like General Motors. I've had members of boards of trustees refer to the internal structure of their own company as the ideal way that a president or a vice-president should be able to handle the university, and particularly to handle the faculty.

I think that there's not much danger that this model will take over the university. I think there is a serious danger that this model will influence certain parts of the operation of the university, and perhaps already has.

But I think there is such immediate resistance on the part of faculty, students and academicians generally—and that's academic administrators—to any thought of using the corporation model for universities, that there isn't any danger.

But the model to which we have referred already in this panel discussion, and which of course is more and more consciously recognized throughout the country, is the model of the political society. Some of its dangers have already been pointed out, and its difficulties.

I, for one, think that to conceptualize the structure of the university and to organize it along political lines is a deadly mistake. And if it were to become the permanent principle of operation and organization of universities, I think it would be the—really the end of the kind of institution that the university has been in our society, and the purposes it has served. I'm not sure that it could survive long as an educational institution under this kind of political structure.

Much of the change to which I referred, however, in the university, has not been due, really, to any scholarly examination of the university and its relationship to society. We have been very remiss in higher education in this country in developing anything like an overarching theory that would lead to the understanding of the university. Not that we haven't written our heads off about this, but I don't think we've been very successful in developing a guiding theory. And consequently, the changes have been ad hoc—we've tinkered with committees, and we've changed staff relationships; we've tried senates, and if the faculty were particularly demanding, we didn't put any administrators in it. If they were gracious and kindly, we put some administrators in it.

The students want something, they'd push hard enough, finally we'd say, "Well, let's put them on these committees, and those committees."

And no real planning, as far as I can see, has gone into the shifting and changing that's been taking place in the American university.

One of the difficulties about this, of not having some kind of a general plan or a general understanding, or a general model, one of the difficulties of this is that we forget that a college—and particularly a modern, complex university—is a system of systems. It's not merely a system, it's a system of systems. And no one part of any system within this complex organization can be changed, modified, without automatically—at least in time—shifting the whole arrangement of the entire system.

This is basic to the very motion of a system in which every part is in some way a function of every other part.

And so if we change a committee here, or we shift a responsibility there, we're not just changing one position within this, or adding one new committee; we're making a subtle change throughout the entire system. And I think we've done this disastrously, without being aware of what we were doing and without really planning to do the things that resulted.

When the system begins to creak at some other point, then we go to that point and make another ad hoc decision as to how to handle it. We've not really, therefore, studied it as a system.

Mrs. Green has already referred to another serious factor that interferes with the development of an independent model of the university. Any institution has to fit into the society in which it operates. It bears the marks of that society. For example, however much we would like to think of the university as not being a business enterprise, or an economic entity, in our society no institution can exist unless it has a structure that fits it into the structure of our economy in general. No institution like the university can exist in the United States unless it has some kind of state incorporation.

In a clerical society of the middle ages it was possible for a university or other institution to exist simply by a Papal charter. It didn't need any civil organization. Most of us would be very happy if we could run parishes, dioceses, religious communities, hospitals, orphanages with no thought of the economic structure of our society. But we simply can't do it, and therefore there is a kind of a pressure on all our institutions to begin to think about themselves as part of an economic society.

And in the case of the university I submit that this is in basic conflict with what I think is the basic business of the university and its basic goals. But the presence of the Federal Government in the scene, of the state governments, of all kinds of organizations, the demands to which Mrs. Green has referred, all of these things are pushing in on the university. And while inside the university we do not have a clear vision of our own structure and our own future, all of these are inevitably, day by day, helping to shape the internal structure of the university, and determine its internal functions even.

I think that the university structure or organization and function is a unique thing. I don't think it's good to model it on a family or a state, a political government, or a business enterprise, or a church. It has a unique business.

And I'd like to suggest that we don't sit down and meditate and think enough about the basic business of the university. If we could identify what that business is in such a way that it doesn't tie us to any given structure, or any given time.

I have suggested that there have been societies, and highly-cultivated societies, that did not have institutions like the ones that exist in our society. So the institution may vary considerably, and has varied. But perhaps we can identify within the institution something that is unique about it, and that ties it to every other cultivated society and every other situation in which men interact in human life.

It is no new idea for me to say that I think the fundamental business of the university is learning. I'm not using learning now as a substantive for things learned, but basically for the process of learning.

I suggest that we would be well-advised to meditate on the basic process of human learning, to examine it. It's a complex concept. It's an operation, a human operation, a total human operation.

Learning, taken in its broadest sense, is the whole development of a human being. It is not merely the training in some individual skill, even if that skill be intellectual. A Berlitz school of languages may teach a language skill. It may teach 50 languages, or 100 languages. But by multiplying the languages or the levels of achievement, the Berlitz school never becomes a university. And so we can easily distinguish off technical training aspects in society.

But there is always this basic learning in which people seek to grow, to understand life, to understand human culture, to understand the universe, to understand themselves. Not only in a rationalistic way, but to understand themselves in a very humanistic way, an artistic way, in relation to values and goals and goods of human life.

In every society this kind of learning has gone on under some kind of organized process. In a primitive society it may be instruction by the elders during a period prior to initiation rites. In India, the classical Indian scheme, people put themselves to school to great masters. In China, the relationship between a disciple and his master in this mutual learning process is one of the prized things of the culture.

It's a process in which an older learner assists a younger learner. It's a social process. It's not the business of a man going off quietly into a corner and learning by himself.

Society has always had a social learning process. And this means a very unique kind of relationship between the older learners and the younger learners. A unique relationship, in which a common life of learning is lived. In which there is a strong human bond of understanding and sympathy. In which there is a feeling of the importance of the activity in which they are engaging.

And when this is seen in its naked, human reality it is not thought of as being an economic commodity. We go to a technical school and we pay ten dollars and we learn a skill. This kind of learning that I'm talking about, which is a total human learning, this kind of human learning really cannot be translated into economic terms. We have to do it because that's the kind of society we're operating in.

But in fact, there is no correlation between money and this process. We read in the life of Justin Martyr, one of the first great Christian professors, academicians, that as a young man he longed for wisdom, for this kind of total understanding. And he tells us of his passage from philosopher to philosopher looking for a true teacher with whom he could learn, from whom he could learn about life. And he tells of going to one famous Aristotilian and talking to him about learning with him. And he remarks very briefly, "But when I found that this man, before talking about the philosophy which I was to study, insisted on settling his fee, I decided this was no philosopher, and went on my quest."

This basic human relationship of learning is the basic business of the university. It is the only place where at a high level this kind of learning goes on.

I'll reflect once again—this learning is a basic human development. Its knowledge, and its understanding; its values and its facts; its integration and its depth—taken together in a total human process of development. This is the way human beings grow into greater human beings. And this is the process.

It is not a collection of skills. And you can have a technical institute that taught all sorts of things—engineering and medicine, agriculture, typewriting, Swahili—and you wouldn't have this process necessarily. And business of the college and the university.

Now I feel very deeply that if we would take this view of the fundamental activity, then we would see the university in a new light. We've got so many fixed categories with which we talk about the university and with which we come to the university—we can't talk about the people in the university without talking about faculty, students, administration and staff.

Now I think if we took a look at the university from the standpoint of this deep educational process, that we'd get a different classification. If we were looking for the kinds of people in the university who are playing the role of the older learner of wisdom, of the older human developing person, we would find that some of what we now call faculty really do this, and some don't. And some of the people that we refuse to give faculty status do this much more than many of the people to whom we give faculty status.

I think we would begin to look not for a faculty organized around disciplines, but we would begin to look for a corps of what I prefer to call educators—a corps of true teacher-learners. And these people, in my mind, are the people that are carrying on the work of the university, and the work that is fundamental to the university. The rest of it the university may have to do. They may have other things to do. But this is the relationship and the operation that we've got to protect.

Again, if we would take a look at this total learning process I think we would discover that in more recent years the university within the university, we've developed a dichotomy which is fatal to this concept of human growth. I refer to the highly-specialized separation between purely academic people and what we call variously "student personnel" people, "student development" people, student psychologists, and the rest of it. We've split—we've tried to split the human development of the student and the total living of the older learner into two pieces, and we've tried to keep the academician as pure of all the other concerns as possible, and then turn these concerns over to other people, to whom we deny the right to be academicians.

I think that this has been a fatal development in the university and college, and one of the reasons why the whole teaching and understanding of values has become such a desperate matter in most of our institutions—I think desperate to the point that in some of our universities and colleges the total university effort is now directed away from being involved in the students' values or motivation, that this is no business at all of the university or the college.

This is partially reinforced because people think that to teach values or work with people developing values, that you have to do it within the framework of an in loco parentis doctrine. And you don't, at all.

My point is, therefore, if we really try to think of the learning process in its total human dimension—this is what is important here, its total human dimension, which means a wisdom dimension, which means a human dimension, which means values and facts all growing together—then I think we would stop talking also about courses and curriculum as being the method of educating people.

I have tried to eliminate the word "curriculum" from my vocabulary. I find it is practically impossible to do. But I think we immediately—we talk about changing the educational pattern, what do we talk about? Curriculum reform. What is curriculum reform? Fiddling around with a bunch of courses—make a three-hour course four hours. Instead of requiring History I we'll give them an option of History I or Sociology I.

But we've made—in the curriculum in the United States in the, what I prefer to call the "total educational process" and the educational strategy of helping young people become more and more self-directive persons as well as self-directive learners, we have simply failed to do anything really drastic with our educational strategy.

I can foresee that if we really looked at this thing in this light, that in the 70's, with the tremendous new resources we have, all the new educational technology, the marvelous ways that we have of getting at information and getting—and transmitting information and even techniques and knowledge, so quickly and effectively, with all these new things coming in I think we have to develop a strategy that doesn't translate itself immediately into a certain number of contact class hours, or into a curriculum or into set snippets—or even into disciplinary divisions. Because again, if you look at the organization of the university from the standpoint of total human learning, you would have to say to yourself, "I think that there is something from the educational standpoint, there is something drastically wrong with departmental structures." Be-

> cause the departmental structure is structured around a discipline, and not around an educational process. It is structured sometimes around pure professionalism, the production of a research biologist, and not around human development and human learning.
>
> What, therefore, I'm suggesting is this: that we go back to the basic process of education, and when we reach the collegiate and university level, we reach a level of very mature, deep, development in the human being. And I repeat, this is knowing things. People can't develop totally and humanly without learning information and facts, and theories and understanding—I'm not saying that at all.
>
> But you can understand disciplines without the total education process going on that I'm talking about.
>
> Now, if we did this, and used this as a touchstone for the changes we're making in the university or for the present structure of the university, then I think perhaps we might gradually evolve a structure and a function and an order in the university that would be true to this basic function, and therefore would be unique. It would not be borrowed from politics and government. It would not be borrowed from ecclesiastical organizations. It would not be borrowed from any of the mundane organizations that exist in our society. It would be a unique organization, a unique structure, a unique functioning.
>
> To restore it fundamentally, we have to restore the total self-vision of the educator, the older learner, the seeker-after-wisdom, as being the central person in the university community who is in contact with the younger members of the community in a kind of a spectrum. Because if you think of the learning process as being the important common denominator and basic business of the university, then the oldest learner who is still seeking the last bit of human wisdom is somewhere along the other side of the spectrum into which the youngest freshman has already entered. And there is a continuity, and not a polarization, and not a conflict of interests, and not hostility involved in this relationship.
>
> And we will not have community—this is another word—people talk as though somehow you can create a structure and you've got community; or you throw people together, and "community" happens. We're not going to build community, we're not going to build human communities, we're not going to build a community of learners—until we restore the human view of the people involved in this process of learning, and until it becomes really a close, human relationship, a relationship that is described as master to pupil, as master to apprentice, as an older adult to a younger adult, a brotherly relationship—it's one of the great, unique human relationships in the world.
>
> In India, the deepest debt that a man owed was to his master. And this has been true in many cultures, where the process of learning through human cooperation has not been obscured, and hidden, and lost in a maze of institutional organization. If we cannot restore this heart of the process that goes on in the university, the rest of our structures aren't worth anything.
>
> Thank you very much.

SUPREME COURT TIPS ITS HAND

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. Rarick) is is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the men presently occupying the chairs of the Supreme Court ruled against the working people of my State Monday. Apparently, the Court could not find any reasons for its ruling. In such an important decision, affecting the lives of thousands, there was not even a written opinion.

The inference, by their silence, was that the Federal Judges approved destruction of freedom of choice in Louisiana by the fifth circuit. What they have actually accomplished is but to destroy public education.

The Supreme Court has simply ruled that only the children of wealthy and affluent parents retain freedom of choice in the school they would attend. Their parents have the means to take care of them and see to it that they receive a quality education. Knowledgeable Americans have known since 1954 that polarization of the classes as well as destruction of public education were the prime objectives of the racial agitation. The class war was sought and is now one step closer.

Affluent parents, who are the taxpayers and who have been funding our once proud public school system, cannot be expected to finance a dual school system—a superior private system and an inferior public system. Just as suburban parents in the North can no longer see the wisdom of voting for bond issues and paying taxes to support inferior public education in the cities, we will now find disillusioned southern parents rejecting judicially wrecked schools. Taxation without representation has a history of unpopularity in this country.

After 15 years the members of the U.S. Supreme Court, with some of the original judges still sitting, have now tipped their hand. Having made a political decision to destroy the Southern school system, to initiate their assault in the South, in 1954, they came up with a specious rationalization seeking to justify their ruling.

In the Brown case, pupil assignment by race according to State action or majority rule—branded by the news media as segregation—was declared repugnant to the Constitution of the United States. For 15 years, no one could assign any pupil to a public education institution because of his race. Both races, free to exercise their freedom of choice, did so. The result was, for the most part, a preferred voluntary segregation.

The Brown case has failed to destroy public education because of the perseverance of the Southern people and their desire to live together in peace. Having failed in its initial assault, the court has now unashamedly reversed its field. The same Constitution is now held to require pupil assignment based on race—with the fifth circuit court doing the assigning.

It is truly unfortunate that the men temporarily occupying the chairs of the Supreme Court would prostitute the law and betray their trust to give the color of legitimacy to tyranny. They set dangerous precedent.

But of this I am sure. Freedom is the law of the land so long as this is the United States. Tyranny such as sought to be imposed by the Supreme Court only brings the judges a step closer toward a direct confrontation with the true sovereign of this land—the American people.

Ultimately, the people—not judges—will hand down the final decision.

GRAS LIST REVIEW LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New Jersey (Mr. Minish) is recognized for 15 minutes.

Mr. MINISH. Mr. Speaker, I am today introducing legislation in the House of Representatives that will provide for a review of substances on the generally regarded as safe list by the National Research Council of the National Academy of Science.

This GRAS list contains an estimated 680 substances that are accepted by the Food and Drug Administration as generally safe, although many have never been tested.

In view of the widespread use of these substances, it is necessary that the safety of such food additives be proven and not merely assumed. The present Food and Drug Administration guidelines are inadequate, since they permit untested additives to be included on the so-called safe list.

Anyone wishing to market additives not on the list has to provide extensive safety studies to insure that such products are acceptable for public use. Yet additives presently listed as "safe," without conclusive proof of their safety, are not regarded as cautiously. In view of recent alarms sounded about substances on the list, ranging from MSG to modified starch, such practice should be altered.

We cannot take any risks with the public's health. The safety of food additives must be proven, and not merely assumed.

HEARINGS ON PRESCHOOL EDUCATION AND CHILD DAY-CARE LEGISLATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I take this time to announce that the Select Education Subcommittee of the Education and Labor Committee will begin public hearings next Tuesday, November 18, on preschool education and child day-care legislation.

My distinguished colleagues, Representatives Patsy Mink, Democrat of Hawaii, and Ogden Reid, Republican of New York, both members of the subcommittee, and I are co-sponsors of the Comprehensive Preschool Education and Child Day Care Act of 1969—H.R. 13520—which the subcommittee will consider during hearings.

Mr. Speaker, I believe that preschool education and child day-care services are potentially the most important area for Federal education legislation since the 1965 Elementary and Secretary Education Act.

More and more authorities recognize that much of a child's mental and emotional development occurs before he reaches the age of 6.

President-elect Nixon's task force on education several months ago strongly recommended action in this area. The task force stated:

> We believe that nothing happening in American education today can be regarded as

tragic the non-availability of these programs to some two-thirds of our children, including three-quarters of children from disadvantaged homes who so badly need them.

I am concerned, for example, that over 4 million working mothers lack adequate care for their preschool children while a million more mothers on welfare are daily tied to responsibilities of caring for young children under 6.

Yet, Mr. Speaker, present Federal programs in day care help fewer than 250,000 of the Nation's 24 million preschool children.

Our subcommittee plans to invite the foremost experts in the Nation on childhood education to testify on the needs, priorities and issues in this area.

COMPREHENSIVE APPROACH

Too often the needs of young children have been dealt with in a piece-meal rather than a comprehensive way. Childhood development programs should include physical and mental health services, nutritional and specialized social services as well as educational programs.

It seems to me that in addition to taking an overall approach to early childhood programs, we must explore the varying needs of different communities and children.

We plan therefore to hear the views of specialists advocating several approaches to early childhood education, and we shall also listen to teachers and administrators from local day-care and preschool centers who work daily with young children.

We want to hear from working mothers, as well as from those dependent on welfare, about the preschool challenge from their perspectives.

Mr. Speaker, our subcommittee hopes to examine firsthand some of the current efforts in preschool education across the country.

I am confident there will be strong support for early childhood legislation. A June 1969 Gallup poll indicates that 64 percent of the American people favor Federal funds for day-care centers for very young children, with only 30 percent opposed, and 6 percent of no opinion.

ISSUES IN PRESCHOOL EDUCATION

Mr. Speaker, among the issues in preschool education which the subcommittee would consider are:

Need for added facilities;

Child development opportunities in day care;

Health and social needs of the young child;

Parent involvement; and

Training of staff, including paraprofessionals.

The subcommittee will examine alternative methods of providing childhood services, such as:

Public and private "mini" programs located in individual homes;

Vouchers which parents may use to purchase a variety of preschool services;

Programs developed in cooperation with private industry;

Linked programs developed in conjunction with a followup for older children; and

Parent-run cooperative day-care programs.

WITNESSES

Mr. Speaker, among the witnesses for the first week of hearings are:

Tuesday, November 18: Dr. Milton Akers, National Association for the Education of Young Children; and Dr. Jerome Kagan, Harvard University.

Thursday, November 20: Mrs. Leon Ginsberg, National Committee for Day Care of Children; and Dr. Sheldon White, Harvard University.

Mr. Speaker, I include at this point in the RECORD the text of H.R. 13520, the Comprehensive Preschool Education and Child Day-Care Act of 1969:

H.R. 13520

A bill to provide comprehensive preschool education programs in the Department of Health, Education, and Welfare

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Preschool Education and Child Day-Care Act of 1969".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The Congress recognizes the value of early childhood educational programs. Millions of preschool age children whose parents work have no opportunity to participate in these programs. It is the purpose of this Act to provide comprehensive preschool educational programs which will assist children of preschool age to attain their full potential. It is further the purpose of Congress in enacting this Act to enhance the ability of families affected to become or remain self-sufficient and to more fully participate in regular educational, employment, training, and other social and economic activities.

TITLE I

AUTHORIZATION OF PROGRAMS

SEC. 3. (a) The Secretary of Health, Education, and Welfare is authorized and directed to provide grants to public and private agencies in carrying out comprehensive preschool educational and day-care programs including programs which are focused on the needs of economically disadvantaged children; (2) other early childhood programs focused on the needs of children three to five years old; (3) day-care programs to aid working mothers; and (4) combinations of such programs.

(b) Grants may be used, in accordance with applications approved for—

(1) planning for and taking other steps leading to the development of early childhood programs as described in paragraph (1) including pilot programs designed to test the effectiveness of plans so developed; and

(2) the establishment, maintenance, and operation of programs referred to in section 3(a), including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies, designed to provide a total preschool child development program for economically deprived children including but not limited to activities and services such as:

(i) comprehensive physical and mental health services for children needing such assistance in order to profit fully from their educational opportunities;

(ii) food and nutritional services, including family consultation to improve nutrition in the home environment;

(iii) specialized social services designed to improve the home environments of such children and to involve parents in the child's development;

(iv) a program of daily activities designed to develop fully each child's potential;

(v) other specially designed health, social, and educational programs for economically deprived children (including summer, weekend, and vacation programs) which meet the purposes of this title; and

(vi) direct participation in development, conduct and overall program direction by parents of the children benefited by programs assisted under this part, as well as participation in activities designed to assist parents in meeting their family responsibilities.

(3) the establishment, maintenance and operation of other early childhood programs including the lease or rental of necessary facilities and the acquisition of necessary equipment and supplies designed to provide or supplement programs for children not eligible for programs referred to in section 3(a) and section 3(b) as the Secretary shall determine by regulation to be appropriate or necessary for other children of preschool age.

AUTHORIZATION

SEC. 4. There is authorized to be appropriated for the fiscal year ending June 30, 1970 for carrying out the purposes of this Act such sums as Congress may deem necessary.

ALLOCATION TO STATES

SEC. 5 (a) From 50 per centum of the sums appropriated the Secretary shall allot for each State an amount which bears the same ratio as the number of families having an annual income of less than $3,000 in the State bears to the total number of such families in all the States.

(b) The number of children aged three to five, inclusive, and the number of families having an annual income of less than $3,000 in a State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(c) From the remainder of sums appropriated he shall allot for each State an amount which bears the same ratio as the number of children age three to five, inclusive, in the State bears to the number of such children in all the States.

STATE COMMISSIONS AND PLANS

SEC. 6. Any State desiring to participate in the grant program under this title shall:

(a) designate or create for that purpose a State agency (hereinafter referred to in this title as "State commission") the membership of which shall be broadly representative of public and private education including the State educational agency, community action agencies qualified under title II of the Economic Opportunity Act of 1964 (hereinafter referred to in this title as community action agencies), and public and private child welfare and health agencies in the State, except that not less than one-third of the membership of the State commission shall consist of parents appointed from time to time (not less often than annually) from nominees selected in accordance with democratic selection procedures adequate to assure that they are representative of parents of children in the State served under the program: *Provided,* That for the purpose of the initial designation or creation of a State commission such parent representatives may, in accordance with regulations of the Secretary, be chosen from nominees selected by the parents of children served under the Project Headstart program under section 222(a)(1) of the Economic Opportunity Act of 1964 in the fiscal year ending June 30, 1969, and parents of children enrolled in day-care programs financed under title IV of the Social Security Act.

(b) Submit to the Secretary through the State commission, in such detail as the Secretary deems necessary, a State plan which:

(1) provides that it shall be administered by or be under the direction of the State commission;

(2) provides for an allocation of funds between section 3(a) programs and other early childhood programs, provided that the allocation to section 3(a) programs shall be not less than the amount available to such programs in the year prior to approval of the State plan;

(3) with respect to both section 3(a) programs and other early childhood programs, sets forth objective standards and methods for determining the school attendance areas in the State having the highest concentration of economically deprived children, and a method for determining the highest priorities for programs among such areas;

(4) provides (i) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible programs submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part, except that exceptions to the priority system may be made in the refunding of headstart programs funded prior to July 1, 1969, under section 222(a)(1) of the Economic Opportunity Act of 1964, and (ii) for approving and recommending to the Secretary, in order of such priority, applications covering such eligible programs;

(5) provides for affording to every applicant which has submitted a program to the State commission an opportunity for a hearing as to any determination of the State commission adversely affecting such applicant: *Provided*, That applicants shall have the right to seek a review from the Secretary;

(6) provides that in the case of a program to be carried out by a local educational agency, children in the area served by such program will in no case be denied the benefits of the program because of their attendance in nonpublic preschool programs or because of the intention of their parents to enroll them in nonpublic schools upon their attainment of school age;

(7) contains satisfactory assurances that the non-Federal share requirements specified in section 8(a) shall be met; and

(8) provides (i) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State commission under this part, and (ii) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his functions under this part.

(9) An application for a grant for a preschool program will be approved only if:

(1) the applicant meets the criteria prescribed;

(2) the application provides for (i) appropriate employment of nonprofessionals (including parents of children to be served), and (ii) the use of nonpaid or partially paid volunteers, in the program;

(3) sufficient personnel will be available in the conduct of the program covered by the application to assure attention to the needs of the individual child;

(4) no person will be denied employment in the program because of a State certification procedure specifically for early childhood programs; and

(5) the program (i) will provide opportunities for parents of children to be served to participate in activities developed under the program for parents to assist them in rearing their children and improving their home and neighborhood environments, and (ii) provides for direct participation of the parents of such children in the development, conduct, and overall direction of the program.

(c) The Secretary is authorized to expend not exceeding $10,000,000 during each of the fiscal years of this program under this part in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part, including expenses which he determines necessary for the preparation of such plans.

(d) The Secretary is authorized to designate a State commission as his agent for final approval of grants and payment of funds to grantees when he finds that:

(a) a State commission has operated successfully for at least two years; and

(b) the State commission possesses the competence necessary to act as such agent.

A designation may be revoked, after notice and hearing, if the Secretary finds that the State is failing to carry out the purposes of this Act.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

Sec. 7. (a) Applications for grants under this part may be submitted by any (1) community action agency, (2) local educational agency or other public or nonprofit agency, with the approval of a community action agency, or (3) local educational agency or other public or nonprofit agency in an area where there is no community action agency. Any such application shall be made at such time or times and in such manner as may be required by or pursuant to regulations promulgated and published by the Secretary for the purpose of enabling him to make the determinations required by him under this part.

(b) The Secretary shall approve an application which:

(1) has been approved and recommended by the State commission;

(2) has been assigned, in accordance with the State plan, a priority that is higher than that of all other applications within such State (chargeable to the same allotment), which meets all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved; provided that the State may reduce the size of a requested allotment in accordance with its system of priorities;

(3) provides that the funds under this part will be administered by the applicant agency and that the agency or the State pool referred to in section 6(a) will make an appropriate non-Federal share contribution;

(4) sets forth a program for carrying out the uses and purposes as described in section 3 and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

(5) provides assurances that in the planning of such program there has been, and in the carrying out of such program there will be active participation of parents of economically deprived children in the areas to be served;

(6) provide satisfactory assurances that the programs will be carried out by public or nonprofit private agencies possessing the capabilities necessary to the success of the program;

(7) provides, with respect to any program carried out by a local educational agency, that adequate methods are employed to involve eligible children in the area served by such program who attend nonpublic schools, and that in no case shall economically deprived children in such area be denied the benefits of the program because of their attendance in nonpublic schools;

(8) provides assurances that State and local funding of early childhood programs shall not be reduced on account of the availability of funds under this act;

(9) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of any accounting for Federal funds paid to the applicant under this Act; and

(10) provides for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this part and to determine the effectiveness of the program in meeting the purposes of this part, and for keeping such records and affording such access as the Secretary may find necessary to assure the verification of such reports.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

(d) During the fiscal year ending June 30, 1970, the Secretary may approve applications of eligible agencies in those States for which there is no approved State plan, providing that the application meets all the requirements of this Act except those relating to a State plan, and for any fiscal year thereafter the Secretary may in like manner approve applications in any State which has failed to designate or create a State commission, or to submit a satisfactory State plan.

(e) If, in the opinion of the Secretary, a State plan or implementation thereof fails, or will fail, to carry out the purposes of this Act because (1) State constitutional, legislative, policy, or administrative restrictions prevent full participation of qualified private agencies or organizations in the operation of programs under this Act, or (2) it does not meet the needs of eligible children without regard to race, color, sex or national origin, or (3) fails to give priority to the refunding of Headstart programs funded prior to July 1, 1969, under section 222(a)(1) of the Economic Opportunity Act of 1964, which are operating in an adequate fashion, the Secretary shall withhold the allocation or a portion of the allocation provided for such State until he has assurance satisfactory to him that the State plan or implementation thereof has been corrected, and in the absence of a satisfactory plan or implementation the Secretary is authorized to make grants from such State allocation directly to eligible applicants within such State for the provision of programs.

NON-FEDERAL SHARE

Sec. 8. (a) Funds granted under section 3(a) shall not exceed the proportions of costs specified in the schedule below:

(1) for programs pursuant to section 3(a)—80 per centum;

(2) for other early childhood programs:

(A) during the first two years of the operation of each program—70 per centum;

(B) during the subsequent two years of the operation of each program—60 per centum; and

(C) during succeeding years—50 per centum.

(b) The non-Federal share may be provided through public or private funds, and may be in the form of cash, goods, services, or facilities reasonably evaluated.

(c) The State commission may establish a pool arrangement whereby non-Federal contributions accruing to the benefit of any grantee and in excess of its needs may be reassigned to other grantees within the State.

(d) In programs combining children served, pursuant to section 3(a) and other children, the non-Federal share requirement shall be calculated according to the proportions of children involved from each group.

(e) Such fees as may be collected from parents for day care or other programs shall not be considered as non-Federal share.

PAYMENTS

Sec. 9. (a) From the amounts allotted to each State under section 5 the Secretary shall pay to each applicant in that State which has an application approved under this Act an amount (subject to the requirements of section 8) equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) The Secretary shall immediately cut

off funds to any applicant agency when he determines that such agency is not complying with the conditions for grant approval in section 7 and that compensating non-Federal funds are not available from the State pool authorized in paragraph (c) of section 8.

(d) Payments made under this part are to be considered and treated by the State commission and by each grantee as Federal funds and may be merged with other public or private funds only under joint funding agreements approved by the Secretary.

RESEARCH, DEMONSTRATIONS, AND TRAINING

SEC. 10. The Secretary of Health, Education, and Welfare may provide for—

(a) research to improve child development programs;

(b) training programs to familiarize persons involved in child development programs with research findings and successful pilot and demonstration projects in child development;

(c) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings in the field of child development;

(d) demonstration, evaluation, and dissemination projects in the field of child development;

(e) the development of new child development curricula; and

(f) projects for the development of new careers and occupations in the field of child development.

CONSTRUCTION AND RENOVATION OF FACILITIES

SEC. 11. (a) The Secretary is authorized to provide financial assistance in the construction or renovation of facilities for the programs authorized by this Act when he finds that:

(1) there is a severe shortage of suitable facilities in a community; and

(2) suitable facilities cannot be rented or leased.

(b) Assistance may be provided only to public agencies or to private agencies which agree that the assisted facilities will be available for public purposes for at least ten years.

(c) Assistance may take the form, under regulations prescribed by the Secretary, of grants, loans, loan guarantees, or subsidization of interest costs, provided that the total funds advanced by the Federal Government shall not exceed 25 per centum of the estimated costs of the facilities.

ADVISORY COMMITTEE

SEC. 12. (a) The Secretary shall establish an Advisory Committee on Early Childhood Programs, consisting of a chairman, and not more than fourteen members appointed without regard to the civil service laws, by the Secretary.

(b) The Advisory Committee shall advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications thereunder. The Secretary may appoint such special advisory and technical experts and consultants as may be useful in carrying out the functions of the Advisory Committee.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

DEFINITIONS

SEC. 13. (a) As used in this Act—"Economically deprived children" means children of families having an annual income (as determined by the State commission pursuant to criteria established by the Secretary) insufficient to provide a home environment conducive to learning, or who are recipients of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

(b) "Other early childhood programs" means programs focused on children age three to five without regard to economic status and meeting the requirements specified in section 3. Such programs may include for experimental purposes or to meet special needs not more than 15 per centum of children drawn from younger or older age groups.

(c) "Combined programs" are those which involve children eligible under both Headstart and early childhood criteria.

(d) "Programs" means part-day and full-day programs conducted in child development facilities. It includes kindergartens, nurseries and day care programs. It also includes other special arrangements under which early childhood programs may be provided.

OFFICE OF CHILD DEVELOPMENT

SEC. 14. The Secretary of Health, Education, and Welfare shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency in that Department for programs and activities relating to child development.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 15. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

COORDINATION OF PROGRAMS

SEC. 16. The Secretary of Health, Education, and Welfare shall take all necessary steps to coordinate programs under this jurisdiction which provide day care or child development services, with a view to establishing, insofar as possible, a common set of program standards and regulations, and mechanisms for coordination at the State and local levels. In approving applications for assistance under this part, the Secretary shall take into consideration—

(a) the extent to which applicants show evidence of coordination and cooperation between their projects and other child development programs in the areas which they will serve, and

(b) the extent to which unemployed or low-income individuals are to be employed, including individuals receiving or eligible to receive assistance under the Social Security Act.

Mr. Speaker, I include at this point a statement by the distinguished gentlelady from Hawaii (Mrs. MINK):

STATEMENT OF HON. PATSY T. MINK ON CHILD DEVELOPMENT HEARINGS, NOVEMBER 12, 1969

Mr. Speaker, I am happy to join Congressman Brademas and the other members of the Select Subcommittee on Education in announcing hearings on pre-school education. I believe this is one of the most important proposals which will come before Congress this year.

Early childhood education and day care do not ordinarily make front-page headlines, but I believe that many of the headlines we do see can be attributed to the shortcomings in this field which have gone back for many years in our nation. The issue of early childhood education is directly related to the many social problems which afflict our society. The issue of day care is directly related to the welfare debate and the President's sweeping proposal in this regard.

All of these matters are affected by the "Comprehensive Preschool Education and Child Day-Care Act of 1969" which we have introduced. But let me issue a note of caution to members of the press who have the responsibility for reporting on and interpreting this proposal for the benefit of the public at large.

The bill, H.R. 13520, which I am cosponsoring with Congressman Brademas, the Chairman of the Subcommittee, and Mr. Reid of New York, is not limited to merely some groups within our society such as those in slums or disadvantaged neighborhoods. This bill is not intended as a panacea for social disorders or another measure to hand out welfare to those in need.

Rather, we have designed this legislation on a far broader and more comprehensive scope, benefiting our entire population. I firmly believe that parents all over the country can use this program, and enroll their children irrespective of whether they are working parents or not, and certainly regardless of whether they are rich or poor.

This bill introduces an entirely new concept into our educational system—extending the benefits of early childhood education, and not merely custodial care, to all pre-school children in our nation. We must be careful here to distinguish between mere babysitting, which is all too often what happens in existing day care systems, and true developmental education which is designed to help in the child's intellectual and personality growth as well as his incentive to learn. Between birth and age 4, half of all growth in human intelligence takes place; another 30% occurs between the ages of 4 and 8. We must reach our children early in life—even kindergarten is too late.

When I speak of educational opportunities for the pre-schooler, I mean the same type of opportunities as are found at other levels of education—a properly designed physical location, a group situation, an adequate program of instruction or activity, and trained personnel. I believe pre-school children have an innate curiosity about their surroundings which can be nurtured into a life pattern of initiative and learning.

Often, what is called "pre-school education" now is merely custodial care. The children are kept amused and fed, and put to bed. This is a tragic waste of time and money since during the period they are "captive" members of the group they could be exposed to learning which would help in their overall development. This is what H.R. 13520 is all about.

Our bill recognizes the existing Head Start program as the type of approach that we seek to expand and bring to all citizens. The Secretary of Health, Education, and Welfare is authorized to make grants to public and private agencies for carrying out comprehensive preschool educational and day-care programs in four areas: (1) those focused on the needs of economically disadvantaged children, which is the existing Head Start program; (2) other early childhood programs focused on the needs of children three to five years old, but not limited to those at least three; (3) day-care programs to aid working mothers; and (4) combinations of such programs.

In all cases the emphasis will be on as much developmental activity as possible. We do not specify the amount of funds authorized for this sweeping program since the extent of Federal participation will depend on the budgetary decisions made by Congress at the time of enactment. My other bill, to improve the educational services in public and private a non-profit child day care centers, provides $300 million per year for the program not including Head Start.

Grants would be made to the States through a State agency which is broadly representative of public and private education including the State educational agency with at least one-third of the membership made up of parents. We include in H.R. 13520 $10 million for aid to States in administering the plan.

One of the most important features of the bill is the provision of funds for research to improve child development programs, and training programs utilizing the results of research and successful pilot and demonstration projects. We also provide for experimental, developmental, and pilot programs and projects. What is envisioned is a massive Federal effort to upgrade and uplift the quality of the educational subject matter offered in these day-care and preschool centers. Priorities shall be given to centers with children in greatest need of such programs which best demonstrate that they can achieve the objectives of the act, while still leaving maximum flexibility for the development of the State plans and standards.

This to me is an exciting prospect and major challenge for our nation. I am looking forward to the opening of hearings so that we can explore the diverse viewpoints and attitudes concerning this need in all areas of our nation.

WHAT DO AMERICA'S AIRLINES REALLY SAY ABOUT THE SST?

(Mr. PELLY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, nine of America's leading airlines have responded on whether or not they support America's development of a supersonic transport, and their voices are unanimous. Despite statements to the contrary, responses to the advisability of proceeding with an SST program are 100 percent in favor.

Mr. Speaker, to substantiate this statement, I include the statements of the presidents of nine U.S. airlines which were submitted to the House Transportation Subcommittee and the dates at this point in the Record:

AIRLINE RESPONSES—HOUSE TRANSPORTATION SUBCOMMITTEE FISCAL YEAR 1970 HEARINGS

AMERICAN AIRLINES, OCTOBER 20, 1969

George A. Spater: In my judgment, the technical and development work thus far accomplished on the U.S. supersonic transport makes it desirable to fund the prototype phase. We believe prototype development and testing is required to assure adequate experience leading to eventual production of U.S. supersonic commercial aircraft and continued world leadership of the U.S. aviation industry. You may make my views available to the Congressional Committees.

BRANIFF INTERNATIONAL, OCTOBER 15, 1969

Harding L. Lawrence: Strongly urge you to give full support to SST prototype program. Engineering and development have proceeded to a point when little if any benefit can be obtained from further effort in this area. Only through the building and flight testing of prototype aircraft can we produce a safe, efficient, economic SST. Some of the delays in the program to date have been unavoidable but we have now a sound design and must get on with construction and testing of prototypes.

CONTINENTAL AIRLINES, OCTOBER 15, 1969

Robert F. Six: In response to your wire of 14 October, we offer our opinion relative to U.S. SST prototype construction. Now is the time to begin the prototype phase of the U.S. supersonic transport. I believe there is nothing to be gained by additional paper exercises as the proposal state has been extended over a very long period. Only the construction of a flying prototype will prove the concepts and pinpoint areas needing additional engineering development. With the development of the SST as the next logical step in air transportation and the status of the Concorde and TU–144, we believe this program should move forward to maintain our country's position as the leader in air transportation.

DELTA AIR LINES, OCTOBER 15, 1969

C. H. Dolson: In response to your telegram of October 14, Delta Air Lines does believe that technical work accomplished to date indicates that it is now desirable to proceed with construction of a prototype of the U.S. supersonic aircraft. While it does not appear that the first generation of SST aircraft will be usable by Delta, whose route system is basically domestic in nature, and while we are thus not prepared to commit still additional corporate funds to the program at this time, nevertheless, we would anticipate that public demand and continued technological developments eventually will result in SST aircraft becoming operational over domestic as well as overseas routes. Further R&D efforts probably could be continued almost indefinitely, but we believe that the best interests of the United States call for our Government to now move toward overcoming the SST lead held by other countries, although at a reasonably deliberate pace and not as a crash program.

EASTERN AIRLINES, OCTOBER 16, 1969

F. D. Hall: The technical and development work on the SST has been proceeding in general accordance with the established plan. The results indicate that a successful competitive American SST can be built and placed into service late in the 1970's. While there has been little customer demand for supersonic flights just as there was little or no demand for the first jets, the competitive advantage of carriers having a foreign made SST would make it mandatory that United States airlines obtain similar equipment. If the United States is to avoid loss of leadership in air travel and the additional loss of leadership in producing and selling a major portion of airframes and engines throughout the world, it is essential that the prototype phase of the U.S. SST be undertaken now and completed as efficiently as possible. Further delay in developing the SST may involve substantial economic penalties to the U.S. airline and the airframe and engine industry.

NORTHWEST AIRLINES, OCTOBER 17, 1969

Donald W. Nyrop: In reply to your wire dated October 14, Northwest Airlines is in strong support of the budget amendment to begin construction of the prototype U.S. supersonic transport. We believe the technical and development work already accomplished points to the present time for proceeding with the prototype phase. We reiterated these views as expressed in our letter dated March 1, 1969, another copy of which is being mailed to you today.

PAN AMERICAN WORLD AIRWAYS, OCTOBER 16, 1969

N. E. Halaby: Response to your telegram of October 14 must be based on knowledge that there will always be a degree of risk in any technical development program. However, it is our judgment that such risk would not be substantially reduced by further studies and the prototype program should proceed. A considerable amount of prototype flying must be completed and evaluated before the production phase should be initiated. Further delay in the prototype phase would push production too far into the future for adequate competition with the Concorde and the TU–144. Even now it appears that the production model of the U.S. SST will have to compete with the improved models of the Concorde and TU–144 which must be expected by then to be flying or on the order books and drawing boards. If the airlines of the world are ordering or are actually flying improved foreign/built SST's when the initial U.S. SST is offered our long time leadership as well as our balance of trade may be seriously jeopardized. You are free to make these views available to Congressional Committees.

TRANS WORLD AIRLINES, OCTOBER 16, 1969

F. C. Wiser: Your wire of this date solicited TWA's views on the ability of proceeding with the prototype phase of the U.S. SST program. TWA remains convinced that national interest considerations relating to the balance of payments and the competitive position of our aeronautics manufacturing industry would be best served by development and production of U.S. SST's at an early date. It is TWA's considered opinion that the U.S. supersonic transport program remains at a stage from which further proggress can best be achieved by the construction and testing of experimental prototype aircraft. The prototype program should continue to be oriented toward achieving maximum design state of the art advances in structures propulsion, aerodynamics, and systems design. This program should enable production aircraft which follow to have the most operationally practical and best economic characteristics possible. We agree that definition of production aircraft should wait on prototype program experience, therefore, TWA considers that the technical and developmental work already accomplished make it desirable and timely for the continuation of the U.S. SST program in an uninterrupted and aggressive manner. The next essential step is the construction of experimental prototype aircraft. You may release this wire to interested Congressional Committees.

UNITED AIRLINES, OCTOBER 17, 1969

G. E. Keck: It is United Airlines' position that the United States continued leadership in commercial aviation requires continuation with the prototype phase of the Boeing supersonic project.

LOOKING AHEAD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I believe all the Members of the House and those who read this Record will profit greatly by an able address entitled "Looking Ahead," made by one of my friends and associates, Arthur Courshon, as president of the National League of Insured Savings, delivered before the 26th annual meeting of the National League of Insured Savings Associations in Boston on October 13, 1969. Mr. Courshon, chairman of the board of Washington Federal Savings & Loan Association, member of the Advisory Counsel to the Federal Home Loan Bank Board, adviser to the United Nations on housing and to our Government on housing matters pertaining to Latin America, is one of the most knowledgeable men in the country in the savings and loan and the housing field. He deals with challenging problems which confront Congress and the country today in a very able manner. I include Mr. Courshon's outstanding address in the Record following these remarks:

LOOKING AHEAD

(By Arthur H. Courshon, president, National League of Insured Savings Associations, delivered to the 26th annual meeting of the National League of Insured Savings Associations, October 13, 1969, Boston, Mass.)

Fellow Members of the National League of Insured Savings Associations, Honored Guests, Ladies and Gentlemen, I had the opportunity to address you one year ago in Hawaii upon the occasion of the Twenty-Fifth Anniversary of the League's existence and the beginning of my term of office as its President.

Since then our country has elected a new President from a party that has not been in control of the executive branch of our Government since 1960. The Federal Home Loan Bank Board was completely changed with a new Chairman and two new members. The Board also received a new General Counsel, new Chief of Supervision—the Insurance Corporation a new General Manager. Thus we can see that a new crew mans the Ship of State nationally.

In October 1968 very few people could have foreseen that housing starts projected to the end of 1969 would in all probability be the lowest in the country's history since the end of World War II; that interest rates would be at the highest level of the country's experience in the past 100 years; that inflation would be creating havoc with our nation to the extent that money was actually in such scarce supply as to be unobtainable in certain markets at any cost.

I doubt that any saving and loan manager would have predicted that Congress would seriously be considering doubling the taxes of the savings and loan business at a time of extreme tight money and at a time when the need for housing was never greater. Yet all of this is the reality today.

We appear to be closing the decade of the 1960's having demonstrated to the world our ability to put a man on the moon but equally demonstrating our inability to properly house our citizens, insure their domestic tranquillity, provide for their civil rights, and live at peace with our fellow man on this globe.

Having just about completed the privilege of serving you as President of this association, I would like to lift the veil covering the doorway to the decade of the '70's.

Our business, if it is to survive at all, must serve America more than it ever has before.

It must lead the way towards providing our country with the housing that it sorely needs for all of its citizens.

It must do a better job in seeing that the disadvantaged of our people are decently housed in order that they will feel that they live within our society rather than upon its fringes.

While we must devise means to financially survive during times of great competition from our competitors in the financial field, we nevertheless must remain basically long-term housing lenders.

Without maintaining this basic purpose, there is no real need for our existence.

The new members of the Federal Home Loan Bank Board have thus far taken meaningful steps towards making the bank system more useful by providing credit to our business when it is at a disadvantage competing for funds. What can we, as an industry, do as we enter the decade of the '70's to insure that America will be better housed?

I suggest that we ask ourselves first whether or not we have done a proper job in insuring that the Congress of the United States really understands our function.

I submit that the Congress cannot possibly understand the savings and loan business and its function if it suggests, as it does, doubling the taxes of the industry at a time when the industry is at a great competitive disadvantage in the money market.

I suggest that we have failed in properly acquainting the Congress of the United States with the special needs of our business, including our reserve requirements because of the nature of the loans we make.

I suggest we have failed to impress upon the Congress that higher taxes on our industry will increase the cost of housing and decrease the funds available for housing.

We need, therefore, to do a better job of educating the Congress as to the structure and function of the savings and loan business in America today.

We, as an industry, can stop talking about helping the disadvantaged and should in the 70's start building for the disadvantaged.

We can do this in a multitude of ways: (1) By financing those builders who will take advantage of the Government's federally insured low cost housing or rent subsidy programs; (2) We can press for and receive, if we are diligent, added powers to insure that our industry can itself build such housing in those areas where private industry refuses to avail itself of the funds we are willing to lend it; (3) We can devise, by the issuance of our own debentures, within the limits of our present borrowing authority, more imaginative and competitive inducements to obtain money from the market for our institutions.

As we enter the '70's, it is my belief that we should reexamine the legal structure of the business itself. There are many who feel that the savings and loan industry would be further advanced if its regulatory body, whose primary function is to promote thrift and home ownership, were separated from the responsibilities of acting as insurance underwriter as well.

There are some who maintain that the Federal Home Loan Bank System would be a better credit mechanism serving the industry if it were not also indirectly burdened with the additional duties of supervision.

There are those who ask how it is realistically possible for the board of directors of a home loan bank to make the bank president responsive to their credit needs when he is also their individual institution's supervisory agent with tremendous powers affecting their personal careers.

The natonal banking system as it is structured, is serviced by an Insurance Corporation that is independent from its supervisor and has the resources of its central banking system, which central banking system is also not its supervisor.

The decade of the '70's should see a great debate concerning the structure of financial intermediaries. There are those that predict that in the end there will only be one type of financial intermediary which will perform the dual function of a bank and a savings and loan association, and likewise that there should only be one central supervisory department for this financial intermediary and one central reserve bank.

I suggest that competition must be maintained between financial intermediaries.

I suggest that the country needs banks whose main lending function should be to take care of the short-term credit needs of the country, and savings and loan associations whose main lending function should be to take care of the long-term housing credit needs of the country.

If 1969 has taught us anything, it has revealed that banks, at the time of a credit crunch, abandon long-term lending, as they should.

Savings and loan associations, on the other hand, structured primarily for long-term lending, continue to function lending on a long-term basis subject only to the limitation of the availability of funds.

In conclusion, it is my hope that as always the National League will face the '70's optimistically, dedicated to using its resourcefulness towards better housing America by continuing to realistically encourage thrift and actually creating housing for all of its citizens.

AN AMERICAN SST BUILT BY AMERICANS

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, before the successful supersonic flights of the French-British SST and the news that the Soviet Union is proceeding to develop their TU-144, a task force report of non-top-rank U.S. agency officials set forth some negative opinions as to the present urgency of the United States pushing its prototype SST program.

Now, of course, that report is obsolete and has no significance.

The facts are that all Americans who travel across the oceans a few years hence are going to fly at supersonic speeds.

The only issue is will they fly in a foreign-built SST or in an American-built SST. The question is do we want America to retain her supremacy in the air transport manufacturing field because if Congress decides not to continue support of the development of a prototype supersonic civilian plane, then all Americans are going to travel across the oceans in foreign-built SST's. They are going to do this in a few years if they travel at all, because no American airline or foreign airline will be able to compete unless they operate SST's.

Further, the issue for Members of Congress to decide is whether they support a policy which would contribute to the economy of Russia and the economy of Britain and France by turning down the U.S. SST program; or, rather, if they want to provide for many thousands of jobs in America for Americans in practically every State by supporting the program. This is the decision that is to be made with the vote on the supersonic transport.

If those who oppose the $95.9 million asked by President Nixon think it is not important to build American industry and labor, of course that is their privilege. But, I hope my colleagues will bear in mind that certain Aeroflot officials in Russia recently announced that the Soviet TU-144 will be flying the commercial air routes of the world in 1973. That, Mr. Speaker, is just a little over 3 years from now.

And, in addition, Pan American World Airways says her 707's will not be able to compete with the TU-144, so Pan Am may be forced, because of the commercial competition to buy foreign-built SST's.

As for me, Mr. Speaker, there is only one choice. I want to continue the only advanced aeronautical program now going on in the United States. I want to support the SST because it will provide direct employment for a minimum of 50,000 skilled and unskilled American workers. I want to support these jobs also because they will be located throughout our land; located in most Members' States.

The policy set forth by the Congress years ago was to support and support financially if needed, fast, frequent, and low-cost air transportation.

Let us not discard that policy. Let us continue work on the SST and keep America in her hard-earned position as the world leader in the production of aircraft.

LEAD POISONING—THE SILENT EPIDEMIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ryan) is recognized for 60 minutes.

Mr. RYAN. Mr. Speaker, this morning over 100 people—Members of Congress, congressional staff members, representatives of Federal, State, and local government, health professionals, social workers, spokesmen for community and citizens' groups, and industry representatives—attended an informational breakfast on the problem of lead poisoning in children.

The breakfast, which took place in the Rayburn House Office Building, was conducted by the New York Scientists' Committee for Public Information, a nonprofit organization which has as its purpose providing the necessary information to citizens so that they may have a better understanding of the scientific aspects of public policy issues.

I sponsored the breakfast, which was cosponsored by Senator Edward Kennedy and 20 Members of the House.

The problem of lead poisoning in young children, caused by the ingestion of peeling paint and plaster, is one of the most extensive public health disasters in our country.

However, most of the children suffering from this totally preventable disease are undiagnosed and untreated. For this reason, the disease has rightfully been called the "silent epidemic."

The purpose of this morning's breakfast was to better inform Members of Congress about this problem: its causes, its effects, and its cures.

The panelists for the program were Dr. J. Julian Chisolm, Dr. Edmund O. Rothschild, and Dr. Joel Buxbaum. Glenn Paulson, cochairman of the Scientists' Committee for Public Information, served as moderator.

Dr. Chisolm, associate professor of pediatrics at Johns Hopkins School of Medicine, discussed clinical observation and consequences of acute lead poisoning in children.

In the acute stage of lead poisoning, a child may die. If not, he will suffer permanent brain damage—mental retardation, epilepsy, or cerebral palsy.

Lack of environmental treatment permits a child, after he has been cured, to contract lead poisoning a second time. Oftentimes, this increases chances for permanent damage to the child's nervous system.

Dr. Chisolm also discussed treatment techniques. He stressed that, although it requires several days of hospitalization, the treatment for lead poisoning is highly effective. However, if the child is allowed to return to the poisonous environment, the treatment is frustrated.

Dr. Chisolm said that it costs $220,000 to put a severely retarded child in an institution. It costs over $17,000 for a retarded child who needs special schooling. Hospitalization and treatment costs $100 a day, and the child must be kept in the hospital for several days.

Dr. Chisolm compared this expense to the cost in the city of Baltimore of covering interior surfaces which have lead-based paint—$250 to $500. This initial cost would insure that the unit was protected for many years.

Dr. Edmund O. Rothschild of the Sloan Kettering Institute discussed the epidemiologoy of lead poisoning.

This is a disease which principally affects 1- to 5-year-olds in the ghettos. But it also is found in rural areas. There is no difference in incidence between boys and girls. Studies in several cities have shown that between 5 to 10 percent of the children between ages 1 and 6 have lead poisoning in urban areas with dilapidated housing.

Dr. Rothschild said that the Scientists' Committee for Public Information has made an estimate on the total incidence of lead poisoning based on housing and population data.

In New York, for example, it is estimated that between 9,000 to 18,000 children are lead poisoned. The New York City Health Department has estimated that this number is between 30,000 to 35,000.

The Scientists' Committee for Public information conservatively estimates that between 225,000 to 400,000 children, in the Nation as a whole, are suffering from this disease.

There is no known study of incidence in rural areas.

Dr. Rothschild said that only the city of Chicago has an extensive screening program.

Dr. Joel Buxbaum, of the Albert Einstein School of Medicine, discussed the environmental aspects of lead poisoning.

There are many potential techniques for treatment of the environment in order to prevent lead poisoning, which Dr. Buxbaum feels must be tested. The National Academy of Sciences has listed such techniques in a report on the lead poisoning problem.

Dr. Buxbaum said that lead poisoning is a social disease; a disease which has been inflicted on defenseless members of society and which is totally preventable.

Mr. Paulson, cochairman of the scientists' committee and researcher in the department of biomedicine at Rockefeller University, raised another medical question. Children who have an increased lead level in their system, but not a high enough level to cause brain damage, retardation, or cerebral palsy, may be suffering other impairments such as IQ loss. Instead of a loss of 20 to 40 IQ points, which is suffered by acutely poisoned children, they may lose 5 to 15 IQ points.

The result is that 25 percent or more of each first grade class may be showing inability to perform not because of their cultural background but because of lead poisoning.

I have expressed my concern about the problem of lead poisoning many times in the past. I have introduced three bills, which have been reintroduced to include 19 of my colleagues as cosponsors: Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton of California, Mr. Button, Mr. Daddario, Mr. Edwards of California, Mr. Halpern, Mr. Horton, Mr. Hawkins, Mr. Koch, Mr. Mikva, Mr. McCarthy, Mr. Murphy of New York, Mr. Podell, Mr. Pucinski, Mr. Rosenthal, Mr. Scheuer, and Mr. Wolff.

These three bills—H.R. 9191, H.R. 9192, and H.R. 11699—are aimed at attacking the problem of lead poisoning. They would aid identification and treatment of children afflicted with lead poisoning, detection of the presence of lead-based paints and require that local governments have an effective program for detecting and eliminating lead-based paint as a prerequisite to receiving Federal funds for housing code enforcement or rehabilitation.

Senator Edward Kennedy, at the breakfast this morning, announced his intention to introduce similar bills in the Senate. Senator Kennedy also expressed his intention to explore the possibility of administrative action through existing law. He said that environmental diseases must be given the same attention and concern as has been given to communicable disease.

I include at this point in the Record some of the materials which were included in the informational packet which was given to all those attending the breakfast: a synopsis of my lead poisoning legislation, the report of the National Conference on Lead Poisoning in Children held in March of 1969, several articles on lead from the April 1968 issue of Environment magazine, the findings of the Buildings Research Advisory Board of the National Academy of Sciences on the lead poisoning problem, an article from the July 1969 issue of Health News by Dr. Herbert Roffman and Dr. Laurence Finberg, and a September 18 article by Jack Newfield of the Village Voice.

I urge my colleagues to review this material, and to support efforts to combat this silent epidemic which needlessly kills and cripples American children.

The material referred to above, follows:

Proposed Federal Legislation To Combat Lead Poisoning

Congressman William F. Ryan with 19 cosponsors has introduced three bills designed to alleviate, and hopefully, terminate lead poisoning in children:

H.R. 9191 (H.R. 13256 and 14736 with cosponsors).

This bill establishes a fund in the Department of Health, Education, and Welfare from which the Secretary could make grants to local governments to develop programs to identify and treat individuals afflicted by lead poisoning.

H.R. 9192 (H.R. 13254 and 14735 with cosponsors).

This bill is directed at the problem of slum housing itself, and the need to eliminate the causes of lead poisoning. It authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 11699 (H.R. 13255 and 14734 with cosponsors).

This bill is a potentially effective tool to combat the spread of this disease. It would require that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any federal funds for housing code enforcement or rehabilitation. It also requires that the plans be enforced.

Those cosponsoring this legislation with Congressman Ryan are: Mr. Brasco, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton of California, Mr. Button, Mr. Daddario, Mr. Edwards of California, Mr. Halpern, Mr. Horton, Mr. Hawkins, Mr. Koch, Mr. Mikva, Mr. McCarthy, Mr. Murphy of New York, Mr. Podell, Mr. Pucinski, Mr. Rosenthal, Mr. Scheuer, and Mr. Wolff.

CONFERENCE ON LEAD POISONING IN CHILDREN[1]

FINDINGS AND RECOMMENDATIONS

Lead poisoning is a major epidemic in most cities, particularly New York City. As many as 30,000 New York children between 18 months and six years are being poisoned. Among the survivors, brain damage occurs in at least 25% of the cases. Elimination of the hazard involves social, economic, legal and technological problems. But in the summarizing remarks of Conference Chairman, Rene Dubos:

"The problem is so well-defined, so neatly-packaged, with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it."

SPECIFIC PROBLEM AND ACTION-AREAS

1. Most lead-loaded houses will be used for many more years, probably a generation, and with thousands of children being raised in them now and in the future, these houses must be de-leaded, or the paint surfaces made unavailable to children. Replacing them with new housing which the conference recommended, will be very slow and gradual. In the interim protective measures must be instituted quickly.

2. De-leading a house or making the lead unavailable is not technically difficult, but improved methods of removal or covering must be sought. Manufacturers, trades unions, and technological groups must be brought into the crusade, and demonstration projects set up. Counsel and research was offered by the Paint, Varnish and Lacquer Association (Daniel S. Ring at 1500 Rhode Island Avenue NW., Washington, D.C. 20005) and the Buildings Research Advisory Board of the National Research Council, 2101 Constitution Avenue, Washington, D.C. (Robert M. Dillon, Executive Director.)

3. The development through private and public research of tough, self-adhering plastic films for covering walls, ceilings, sills and wainscoting might serve as temporary safeguards in some situations. Community and youth groups might be trained to apply the film or use other remedies in houses deemed dangerous. Cost in New York might be shared by landlord, City Housing and Development Administration and State Urban Development Corporation.

4. All housing 30 or more years old contains lead-bearing paint. The Health Department was urged to identify dangerous housing and publicly designate them as such. Mothers should be warned; bi-lingual posters might be placed on dangerous premises. Since dangerous amounts of flaking paint constitute a health hazard, the Health Department should force correction of the hazard, whether by removal, replastering, coverings, or by issuing "Emergency Vacate" orders.

5. Greater awareness of lead poisoning must be fostered among physicians, nurses and social workers. Public education must be stepped up, by personal warnings through health and social service, through posters, radio, TV, and other media.

6. Screening of children for abnormal increased lead exposure is deemed an immediate must. In the long-range view, blood lead determination must provide the basis of any screening program in children. Pending this, the urinary ALA test provides the best available screening technique. With minor technological improvements, currently available procedures can be made more reliable. It is suggested that for screening purposes, the value of 0.5 mgm % be taken as the upper limit of normal. Cost of large-scale screening programs in New York City was put at $2 million and funds for ALA screening have not yet been allocated. The use of store-front stations and mobile units was suggested. Confirmation of ALA tests by lead level determination is the function of the Health Department's Laboratory, but shortages of funds for personnel equipment and facilities are a problem here.

7. Legal remedies suggested included: 1) Use of Article 78 proceedings to compel Health Department to enforce sanitary code, 2) Use of the so-called "rent strike" by one-third of the tenants of a building which would escrow rents until the paint hazard is abated, 3) Issuance by the Health Department of Emergency Vacate orders when dangerous paint conditions exist and where a child has been found to have elevated lead levels, 4) Court orders to permit rent withholding until danger is abated, 5) Revision of Health Code to mandate correction of the hazard, 6) Application for Federal funds for both screening and abatement.

8. At a final meeting, Thursday, March 27, by an ad hoc "Continuing Committees on Lead Poisoning" the following sub-committees were named to carry on efforts in various areas of action:

TECHNICAL SUBCOMMITTEE

Chairman: Dr. Edmund Rothschild; Dr. Julian Chisolm, Dr. Bernard Davidow, Dr. Felicia Oliver-Smith.

PUBLIC EDUCATION SUBCOMMITTEE

Acting Chairman: Mr. Franklin E. Brill; Dr. Donald Dickson, Dr. Lawrence Finberg, Dr. Desmond Callan, Mr. Robert Light, Miss Loretta Fargo, Mrs. Clara Schiffer.

HOUSING SUBCOMMITTEE

Chairman: Dr. Jonathan Lanman; Mr. Frederick S. Kent, Mr. Robert M. Dillon, Mr. Daniel S. Ring.

GOVERNMENT-COMMUNITY LIAISON SUBCOMMITTEE

Chairman: Mr. Glenn L. Paulson; Dr. Donald Dickson, Dr. Joel Buxbaum.

CONTINUING EFFORT

It should be stressed that the two-day Conference was designed primarily to explore the problems involved; their solution in the months ahead will be the task of the sponsors of the conference and the sub-committees named above. For further information:

Scientists' Committee for Public Information, 30 East 68th Street, New York, N.Y. 10021, (212) AG-9-2886.

[From Environment magazine, April 1968]

CHILDHOOD LEAD POISONING

(By David Elwyn)

In the last decade, 138 children have died of lead poisoning in Chicago; from 1954 through 1964 128 New York children were victims of this disease (see Table I). These are relatively small numbers when compared with those who died in the same period from bacterial or viral diseases, but they assume added significance when it is realized that lead poisoning, unlike the others, is virtually unknown in a natural environment. Lead poisoning is as much a product of modern society as auto accidents, but it can be prevented much more easily. Yet it continues, even today, to threaten thousands of children in cities across the nation.

Lead poisoning is a hangover from the recent past, and a deadly one. Lead is one of the oldest known minerals; it has been used in industry for hundreds of years, and its effects on the human body are not news to the medical profession or to the general public. The sources of lead contamination in the environment are well known, and the means to control them are readily available. In view of this widespread awareness, and in the absence of any pressing social necessity for risking the effects of lead poisoning, how can such a hazard continue to exist? Why do children die from a disease which can be eradicated now with the means at hand? The answers are disturbingly simple.

Lead poisoning is a man-made disease. Lead in assimilable form may be almost entirely absent from a "natural" environment. The use of lead and its derivatives was introduced early by civilized man, and with lead came lead poisoning. Today there is lead in our food, in our drinking water, and in the air we breathe. The body of an average adult in the U.S. contains about 200 milligrams of lead, as compared to a "natural" body content of about two milligrams.[1] The extent of biological damage from this "normal" lead exposure will be, for some time to come, difficult to assess. But beyond this "normal" exposure is the problem of high level chronic or acute exposure to lead: lead poisoning, a disease which has been widely studied and reasonably well defined. The two groups mainly affected by lead poisoning are workers in lead-using industries and small children; it is the latter who are the concern of this article.[2–8 15]

Childhood lead poisoning is almost entirely restricted to slum neighborhoods, where lead poisoning afflicts about one of every fifteen children between the ages of one and five. Most display no symptoms, but about three per cent of those afflicted develop the physical symptoms that indicate acute lead poisoning.

Besides being a major cause of death among young children, lead poisoning causes permanent injury to many survivors. A recent study[8] of 425 Chicago children suffering from lead poisoning reports that thirty-nine per cent had neurological injury, mental retardation, and epileptic seizures. Cerebral palsy and optic atrophy were less frequent results.

The main cause of the disease is the eating of lead-bearing non-food objects by children. The main source of ingested lead is old paint peeling from walls and ceilings in slum dwellings. Until twenty years ago, most interior paints contained lead pigments, but these have now been replaced by titanium pigments. Walls and ceilings in good repair, even though containing lead, are not an important source of ingested lead.

For hundreds of years, men put lead into paint and paint into buildings, with no inkling of the hazard they created for themselves and for future generations. We know now of the effects of lead poisoning—retardation, cerebral palsy, epilepsy, death—and we know now the cause: lead in paint flaking and peeling from deteriorated surfaces.

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[1] Held March 25–26, 1969 at Rockefeller University, New York, under the sponsorship of The Health Research Council of the City of New York, The Department of Health of the City of New York, The Public Health Association of New York City, The New York Scientists' Committee for Public Information, Inc., and The Scientists' Institute for Public Information.

Footnotes at end of article.

The victims of lead poisoning are the children of slums where paint, plaster and putty falling from walls, ceilings and window sills are available to those children who like to eat them. (Pica, as the eating of non-food objects is called, occurs in about twenty per cent of all children between the ages of one and five; it is prevalent in all economic classes. Pica is possibly related to emotional disorders, but is not related to physical hunger.)

Once inside the body, the lead borne by paint and plaster begins a deadly cycle that culminates, in severe cases, in organic and nervous tissue damage such as that demonstrated in the Chicago study cited above.

EFFECTS OF LEAD ON THE HUMAN BODY

When lead is absorbed by the body, it is distributed in soluble form throughout the soft tissues. It is subsequently precipitated in an insoluble form in the bones. It may be several months after he stops taking in lead before the precipitation is completed in a child's body.

The toxic effects of lead occur while it is in the soluble form, and the extent of damage is a function of the concentration of lead in the soft tissues and the length of time high concentrations remain. The relative concentration of lead in the soft tissues can be determined approximately by measuring the concentration of lead in the blood.

Concentrations of six parts per ten million or higher in the blood are considered abnormal and suggestive of lead poisoning.[7] [8] In its insoluble form in the bones, lead is presumed to be inert. However, under certain conditions, such as increased acidity, or during treatment for lead poisoning, the body can reverse the precipitation process, and release deposited bone lead into the blood stream. Bone lead is therefore a potential source of increased soluble lead. In children, the mobilization of bone lead is unpredictable and may cause severe lead poisoning even when lead is no longer being ingested.

While it is probable that lead has a damaging effect on all tissues, the effects on blood, kidneys, gastrointestinal tract and nervous system are most apparent.

The effects on blood are mainly related to interference with production of the hemoglobin of red blood cells, which is responsible for transport of oxygen to the tissue cells. Disorders include anemia, a stippled appearance of the red blood cells, and the excess production and excretion in the urine of coproporphyrin, a side product of hemoglobin production. One of the most sensitive and widely used tests for lead poisoning is the determination of the amount of coproporphyrin in the urine.[10]

Kidney damage may take the form of increased excretion of sugar or amino acids, or decreased urine output. An Australian report [11] indicates that childhood lead poisoning may result in severe chronic nephritis, a disease which can cause hypertension, kidney failure and death.

Vomiting, constipation, and stomach cramps are usually early symptoms of lead poisoning.

Nervous system disorders include behavioral problems, convulsions, and coma due to massive swelling of the brain. These may develop slowly or rapidly, and if not caught in time may lead to permanent mental retardation, seizures, cerebral palsy, and death.

DIAGNOSIS AND TREATMENT

Any or all of these symptoms may be absent in lead poisoning. Furthermore, all can be simulated by other diseases or conditions. Diagnosis of lead poisoning, therefore, is made only when the physician is looking for it. As a result, the reported incidence of lead poisoning parallels public interest and education on the subject, and official figures on lead poisoning almost certainly underestimate the true incidence of the disease.

Lead poisoning may be divided into two overlapping categories, symptomatic and asymptomatic.

Symptomatic lead poisoning is normally diagnosed when the child is brought to the physician evidently ill with gastrointestinal or nervous system disorders. Lead poisoning may be suspected and can be confirmed by laboratory tests. These include microscopic examination of red blood cells, determination of coproporphyrin in the urine, blood and urinary lead determinations, X-ray of the abdomen for radio-opaque objects (paint and plaster), and X-ray of the long bones for evidence of lead deposition in the bones.

Asymptomatic lead poisoning is diagnosed from laboratory findings in the absence of other observed symptoms of lead poisoning. Usually two or more positive tests are considered necessary to confirm a diagnosis.

The most important treatment of lead poisoning is to administer a drug, edathamil, which forms a complex with lead and greatly increases its rate of excretion. One of the most sensitive measurements of the extent of lead poisoning is the urinary lead output on the first day after treatment with edathamil.

Extreme care is necessary with this treatment, however, for oral administration of edathamil also increases the rate of absorption of lead from the gastrointestinal tract; if lead-containing objects are present, it may kill the patient. All lead-containing objects must therefore be removed from the gastrointestinal tract before treatment, and the child must be completely removed from the lead-contaminated environment thereafter. Edathamil may also mobilize lead from the bones, thus increasing the concentration in soft tissues; this is a particular hazard in acute, severe cases.

COMBATING LEAD POISONING IN THE COMMUNITY

The reported incidence of symptomatic lead poisoning in New York and Chicago is shown in Table I. The figures show a steady rise in reported lead poisonings and a decrease in the case fatality rate. There is no reason to believe that the actual incidence of lead poisoning has increased since the 1950's and therefore the rise in reported cases reflects a growing awareness on the part of the medical community. The decrease in case fatality rates indicates that more cases are being discovered in the early stages. There is as yet no way of estimating how many cases are not properly diagnosed. It is possible that, despite growing awareness, the true incidence of lead poisoning is two or three times that reported.

At least two studies have been made of the occurrence of asymptomatic lead poisoning, one in Chicago.[12] [13] and one in Cleveland.[14] The conduct and results of both studies show many similarities. Total sample groups ranged in number from 900 to 1500, and included persons from poor areas with dilapidated housing as well as from control areas where housing was new or in good condition. Urine samples were collected from children age one through five and tested for abnormal coproporphyrin or lead levels, or for both. Children with abnormal urines were given further laboratory tests to definitely establish the presence or absence of lead poisoning.

Incidence of asymptomatic lead poisoning (about seven per cent of those tested) is about twenty-five times that of symptomatic lead poisoning (about 0.3 per cent of those tested). On the basis of these studies, then, approximately 2,500 children in Chicago and 50,000 children throughout the country are victims of asymptomatic lead poisoning. It is clear that these projections, based as they are on a very small sample, are quite inaccurate. They do, however, give a valid indication of the magnitude of the problem.

Current practice in treatment of lead poisoning usually requires hospitalization of the child for five days or more. The problems this raises in terms of the cost of adequate treatment are obvious. Hospitalization of an additional 2500 children for five days each summer in Chicago would require 200 additional hospital beds, and an estimated additional $500,000 to $1,000,000 per year for patient care alone.

Outpatient therapy for asymptomatic lead poisoning is currently being tried by a number of institutions. Intra-muscular injection of edathamil has proved safer than oral administration. Other drugs, such as penicillamine are being tried out. Although still at an experimental stage, carefully controlled outpatient therapy, combined with elimination of lead from the environment, probably holds the most promise for wide scale treatment.

Uncertainty as to the dangers associated with asymptomatic lead poisoning add to the difficulties of treatment. There have been no adequate studies made of the extent of associated organic damage. Such studies would take several years to perform, and action based on their results would be too late for many. One can presume that in many cases there has already been severe damage, since the subjects may have had symptoms in the past, including mental retardation, without a diagnosis of symptomatic lead poisoning. Almost certainly, future cases of diagnosed symptomatic lead poisoning will come largely from this group, since both the districts of high incidence and the underlying causes (pica associated with peeling paint) are the same for both categories of the disease. Until it is proven to the contrary, the only safe assumption is that all cases of asymptomatic lead poisoning are associated with continuing organic damage.

EDUCATIONAL AND CASE-FINDING PROGRAMS

Educational programs have been aimed both at the medical community and at the general population. With the former they have had a good deal of success. In many areas, pediatricians have a considerable awareness of lead poisoning, with the result that symptomatic lead poisoning is now diagnosed earlier and more frequently, and treated sooner, than was the case ten years ago. Educational programs directed to the public also have undoubtedly contributed to a greater awareness of lead poisoning, and since they have emphasized the role of pica and peeling paint, serve to some extent as a preventive measure with regard to both symptomatic and asymptomatic lead poisoning.

A second type of approach consists of case-finding, or locating asymptomatic subjects before they present themselves to the physician. The two epidemiological studies cited above are such studies, but on a very limited scale.

The New York City Department of Public Health has carried on an active case-finding program since 1955.[6] Its child health stations follow over 200,000 children from birth to school entrance. Their most useful tools for locating asymptomatic lead poisoning have been blood lead determinations and histories of pica. In addition to case-finding, according to Jacobziner,[6] they have followed up all lead poisoning cases with examination of the buildings where victims lived and have enforced repainting and replastering of apartments.

A direct result of this program, as shown in Table 1 and Figure 1 [Figure 1 is a graph and is not printed in the RECORD], is a marked increase in the number of reported cases and a marked decrease, particularly since 1960, in the case fatality rate.

Footnotes at end of article.

TABLE 1.—INCIDENCE OF LEAD POISONING IN CHILDREN IN NEW YORK AND CHICAGO

Year	Chicago[1]						New York[2]		
	All accidental poisonings			Lead poisonings			Lead poisonings		
	Total cases	Deaths	Case fatality rate[3]	Total cases	Deaths	Case fatality rate[3]	Total cases	Deaths	Case fatality rate
1954							80	12	15.0
1955							115	18	15.7
1956							99	9	9.1
1957	975	10	1.0	24	7	29.2	85	9	10.6
1958	2,397	8	.3	13	3	23.0	116	21	18.1
1959	3,156	20	.6	193	19	9.8	171	12	7.0
1960	3,254	32	1.0	172	28	16.3	146	18	12.3
1961	3,443	25	.7	178	15	8.4	181	6	3.3
1962	3,827	21	.5	154	21	13.6	198	9	4.5
1963	4,552	30	.7	203	19	9.4	338	7	2.1
1964	4,635	13	.3	156	8	5.1	509	7	1.4
1965	5,359	29	.5	218	18	8.2			
1966[4]				[4]304	[4]5	[4]1.6			
Total through 1965	31,598	188	.6	1,311	138	10.5	2,038	128	6.3

[1] Figures for Chicago were obtained through the kind courtesy of Dr. William Fishbein and Dr. Herbert Slutsky of the Chicago Board of Health.

[2] Figures from New York taken from Jacobziner.

[3] Deaths per 100 cases.

[4] Estimated figures through November 1966.

By contrast, Chicago had not until 1966 conducted a case-finding program. Reported cases of lead poisoning had risen more slowly and the case fatality rate had decreased more slowly than in New York. In 1966, however, the Chicago Board of Health launched a major case-finding program. Over 40,000 children were tested for urinary coproporphyrin or blood lead, according to Drs. William Fishbein and Herbert Slutsky of the Board of Health. The figures for lead poisoning in 1966, though still preliminary, indicate a marked rise in cases reported and a sharp decrease in case fatality rate, consistent with the New York experience. There has also been a decline in the severity of symptoms associated with lead poisoning, according to Dr. Joseph Greengard, Chief of Pediatrics at Cook County Hospital.

The results of these programs show that active case-finding can significantly reduce death, mental retardation, and neurological disorders arising from lead poisoning. A well-informed public can take an active role in programs to reduce or eliminate lead poisoning. The effectiveness of such action by private citizens was illustrated by recent events in Chicago.

In the summer of 1965 as a result of several cases of lead poisoning, the Citizens' Committee to End Lead Poisoning was organized in the East Garfield Park district of Chicago. With the assistance of Project House of the American Friends Service Committee, they organized an educational and case-finding campaign described in the account by Ann Simon in this issue. The Board of Health and later the Medical Committee for Human Rights assisted with urinary coproporphyrin and lead testing. High school students were trained to collect urine samples and to perform lead tests on these samples. Several hundred urine samples were collected and more than twenty cases of lead poisoning were identified. Considerable publicity attended these efforts, and other community groups in the city instituted similar programs. Most important, these events led to the decision of the Chicago Board of Health to undertake the massive case-finding program described above, which has been accompanied by a reduction of seventy per cent in deaths from lead poisoning.

Whether lead poisoning will flourish much longer is a question that has yet to be answered, and the efforts of the medical profession alone have not been enough; they can deal only with the effects. Educational and case-finding programs are also inadequate to cope with the basic cause of childhood lead poisoning, which will continue as long as we permit peeling paint and plaster in slum dwellings. For the most part, city building codes are adequate, if enforced, to eliminate peeling paint and plaster. However, such enforcement transcends the authority of Boards of Health and requires the active cooperation of other departments of city government.

The cost of lead poisoning is borne by the whole community in terms of wasted human resources, institutionalization of victims, and the resulting burdens on municipal health facilities and finances. The benefits accrue only to those owners of slum property who find it unprofitable to keep their properties in good repair.

Despite increasing attention, childhood lead poisoning remains a major public health problem. Although there are large gaps in our knowledge of the disease, enough is known to eliminate it. All that remains to be accomplished is the effective social utilization of this knowledge.

(NOTE.—David Elwyn, Ph.D., is Associate Director of Surgical Research at the Hektoen Institute for Medical Research, Cook County Hospital, Chicago. He is a biochemist whose research interests are the movement of amino acids between organs in the intact mammal and the metabolism of shock and trauma. Dr. Elwyn was a founder of the Chicago Science Information Speaker's Bureau in 1962.)

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CITIZENS VS. LEAD IN THREE COMMUNITIES

How common a problem is lead poisoning? Is it much of an issue in the United States? The answer seems to be, it depends on how hard you look. I must say very frankly that if you live in an American city with a slum population—and there are kids living there—and you don't have many cases of lead poisoning—then your health department isn't doing its job.

I make this statement because the communities that have looked at this problem—Chicago, Cleveland, Baltimore, and my own community of Rochester—have all found the same thing. If you look carefully into the slums of your own community—look where the paint is peeling—and if you test the kids between one and five for lead, you will find that something like five per cent of them are poisoned by lead.—*Dr. Evan Charney, remarks at the SIPI Workshop, St. Louis, 1968.*

1. CHICAGO

(By Ann Koppelman Simon)

From the late summer of 1965 to the spring of 1966, a small community organization on Chicago's West Side, under the auspices of the American Friends Service Committee, carried out a campaign against lead poisoning which was to influence dramatically the preventive lead poisoning program of the Chicago Board of Health. The Citizens' Committee to End Lead Poisoning, basically concerned with severely inadequate housing conditions in the Negro slum community of East Garfield Park, focused on lead poisoning as one tragic result of the housing problem.

Sparked by the experience of one family, CCELP was born overnight through the joining of forces of a number of local organizations and teenagers. One August evening a young mother of two arrived at her block club meeting distraught with the news that both her children in recent weeks had become feverish and convulsive with what doctors reported as lead poisoning. What was this disease, she wanted to know, how did they get it, and what could be done about it? The block club president relayed the question to the local Project House of the AFSC's Urban Affairs Program, and an emergency information meeting was called for the following week.

Representatives from a number of block clubs, parents groups, social agencies, churches and other organizations heard a report from the mother and an explanation of lead poisoning and its causes—mainly peeling paint—from a pediatrician with the Medical Committee for Human Rights. It became clear to the group present that this disease was indeed caused by the living conditions of their slum community when the doctor mentioned that in his thirty years of suburban practice he had treated only one case of lead poisoning, while during the summer it is a daily occurrence at the clinic of Cook County Hospital. So the group decided to become the permanent Citizens Committee to End Lead Poisoning with the goal of launching a large scale effort to alert the community to the dangers of lead poisoning and to try to prevent it.

Through representatives of the Mayor's Committee on Youth Welfare, CCELP learned that the Board of Health had termed the twelve lead poisoning deaths reported so far for 1965 "of epidemic proportions," and was also discussing plans for a preventive campaign. With its offer of volunteer manpower and extensive community contacts, CCELP was able to provide the Board of Health with a missing link in its existing program: systematic community canvassing for children's urine samples. An experimental project was established with CCELP collecting urine samples and the Board of Health testing them for urinary coproporphyrin (see "Childhood Lead Poisoning," p. 54). The Board of Health also conducted further testing and treatment when necessary, and reported to the city Building Commission the addresses of apartments in which lead poisoning cases were found.

A dedicated group of teenagers spent their weekends canvassing from September through November, and during that period close to 600 samples were tested and four children with definite signs of lead poisoning were identified and treated.

This arrangement enabled the Board of Health to experiment with the use of nontrained personnel doing field work. The availability of door-to-door canvassers also made it possible to conduct a systematic screening program for lead poisoning victims who had not yet displayed acute symptoms. In December the Board of Health announced plans to launch a similar city-wide testing program with canvassing to be carried out by local War on Poverty neighborhood workers. CCELP decided to continue its campaign in East Garfield Park (with the same group of teenagers performing a dithizone test for urinary lead) in order to continue to serve as a reminder to the city of the seriousness of community concern about lead poisoning and the need for a high quality preventive testing program.

Laboratory facilities were provided by a local small private hospital where testing was carried out several evenings a week from February through May. Seventy-three samples were tested and nine children were identified and taken by CCELP volunteers to hospitals for further testing.

CCELP ended its canvassing and testing program in April when the city program was operating full scale in East Garfield Park and doing a more extensive job than CCELP could attempt. Through September 1966, the Chicago Board of Health tested 30,000 urine specimens. In October they switched to a blood lead test, using an atomic absorption spectrometer. An additional 8,000 blood lead tests were performed. More than 700 children were treated for asymptomatic lead poisoning as a direct result of this screening program. While the greatest number were treated at Cook County Hospital, many private hospitals participated.

The city is continuing to screen by blood lead tests. In addition, a special center for diagnosis and treatment of childhood lead poisoning has been established by the Board of Health.

Despite this great advance in finding and treating lead poisoning, the work that CCELP set out to accomplish is not complete. A great deal of effort is needed to alert parents to the dangers of lead poisoning and to proper preventive measures.

Finally, it is clear that there will be no solution to childhood lead poisoning as long as there are thousands of slum apartments where peeling paint and plaster are constantly available to young children.

(NOTE.—Ann Simon has worked in civil rights and community organizations for several years, and is now a graduate student in the Master of Arts in Teaching program at the University of Chicago. At the time the Citizens' Committee to End Lead Poisoning was formed, she was assistant director of the Urban Affairs Program of the American Friends Service Committee's Chicago Regional Office.)

2. ROCHESTER

(By David J. Wilson)

About a year ago three members of the Rochester Committee for Scientific Information—George Berg, Tom Fink, and I—attended a workshop of the Scientists' Institute for Public Information in New York City. We had gone to discuss our Rochester water pollution studies (see *Scientist and Citizen*, March, 1967). As is so often the case, we returned to Rochester with the feeling that we had gotten more from the meeting than we had brought to it. Since it had become apparent that in the Rochester Committee for Scientific Information we had an extremely effective instrument for attacking certain types of community problems, we had sought an entrance into the arena of the really big community problems. This arena is our urban slums. We were not interested in trying to compete with the Community Chest, the County Welfare Agency, or various other groups—we were looking for something on which we could bring to bear the experience and knowledge our Scientific Information group had developed during the water pollution operation.

At last year's symposium Dr. David Elwyn presented a summary of a Chicago group's work on lead poisoning in young slum children, and we realized instantly that this was our entrance. Rochester's slums, while not so extensive as those of Chicago, are older and at least as badly run-down. It seemed unlikely to us that a lead poisoning problem did not exist in Rochester.

George Berg, President of the RCSI, then did what is probably the single most important thing in carrying out a scientific information project. He appointed a chairman of our new lead poisoning subcommittee. His choice was Dr. J. D. Hare, Associate Professor of Microbiology at the University of Rochester Medical School. Hare was professionally qualified to quarterback the project, and he showed the patience, tenacity, and ability to deal with people which the job required.

We soon found that we had been beaten to the punch on lead poisoning. When Hare began to do his homework for the project, he learned that in the fall of 1964 Drs. Evan Charney and Arthur Kopelman had carried out a study of lead poisoning in Rochester. The RCSI's first report on lead poisoning was therefore a presentation to the general public of Charney's and Kopelman's findings. Their report, which they had submitted to the Monroe County Health Department, had not, to our knowledge, ever been made public, nor had the health department done anything to try to solve this serious health problem. The essence of the Charney-Kopelman report is as follows:

In September, 1964, five cases of lead poisoning were found in a group of twelve children living in an apartment house in Rochester. This stimulated Kopelman and Charney to attempt an estimate of the true prevalence of lead poisoning among children under five years of age in a slum area in Rochester's Third Ward, a part of the city's "Black Belt."

A screening test for lead poisoning, the urinary coproporphyrin determination, was carried out on urine samples from sixty out of sixty-five pre-school children in an area of about two city blocks. Eleven out of sixty showed a positive test and eight of the eleven were still positive on a repeat exam. This test is sometimes positive in certain other illnesses; therefore, to confirm the presence of lead poisoning, they took blood samples from the eight children with positive repeat tests and analyzed the blood for lead. Three of the eight children were found to have elevated blood levels. A fourth child, who was not included in the original screening but was a sister of one of the children found to have lead poisoning, was tested for blood lead level and also found to be positive.

On this basis then, it was shown that four out of sixty-one children (6.6%) from a small slum area in Rochester were poisoned by lead. This figure coincides reasonably well with the incidence of lead poisoning among preschool slum children in Chicago (8.8%), Baltimore (7.1%) and Cleveland (6.4%). The seriousness of the situation is accentuated since lead poisoning produces a variety of grim effects, including permanent brain damage and death.

The report noted that lead poisoning is a significant health menace among young children who swallow peeling, crumbling lead-containing paint and putty from the walls and woodwork of rundown, dilapidated dwellings in Rochester. Properly painted and repaired dwellings present less of a hazard, for lead-containing debris is removed or covered thoroughly. (Modern paints sold for indoor use do not contain lead.) It is clear, then, that this serious problem is directly related to the existence of inadequate and substandard housing.

The report made five recommendations:

(1) Screening of children for lead poisoning by the County Health Department.

(2) Establishment of a blood lead testing service by the Health Department.

(3) Treatment of recognized cases and adequate testing of children exposed in the same manner or who lived in the same house.

(4) Education of parents, doctors, and visiting nurses to the hazard of preschool children eating paint in slum buildings.

(5) Slum clearance.

Despite the fact that the report had been submitted in the winter of 1964–65, we found that little had been done to implement these recommendations. In view of our previous experiences with the County Health Department on water pollution, this came as no surprise to us.

Our resurrection of the Charney-Kopelman report last fall produced a spate of publicity in the local press, with whom we enjoy a very cordial relationship, but did not seem to produce any activity on the part of the County Health Department or the City Building Bureau. Dr. Hare therefore prepared a report on recent cases of lead poisoning, and I began a study of the incidence of lead paint in slum dwellings. Hare contacted the Pediatric Department at the teaching hospital associated with the medical school. Through the help of house officers and the out-patient clinic staff, he was able to locate nine children ranging in age between two and six years who were being treated last fall at that hospital for clinically significant lead poisoning. He noted that there was no way of knowing how many more cases remained to be discovered.

The report continues, "It is significant that three children of one family and two children of another were poisoned. There were no deaths in the group and in general the indications are that all children will respond favorably to treatment. One child, for instance, came to the hospital in convulsions and delirium, and is now alert. However, at present, it is too early to predict whether there will be residual impairment of health. Residual effects do occur in many cases of lead poisoning . . ." The children lived in the Third and Seventh Wards, which are Rochester's slum wards. The report concluded that a serious menace to the health of pre-school children continues to exist in Rochester, and that this will only be eliminated by aggressive control over the conditions of the paint on the inner walls of dilapidated slum housing.

We were displeased but not particularly surprised that the fairly wide publicity given this second report in the local press failed to stir our city and county governments from their torpor. The County Health Department kept saying that the whole problem of poisoning in children was gargantuan in size, that they certainly couldn't go at it in a limited way, and that a program they were studying would cost hundreds of thousands of dollars to implement.

Some weeks before the publication of our second report I had begun a study of the occurrence of lead paint in slum dwellings. At the advice of a Negro friend and colleague, Dr. Walter Cooper, I contacted Mr. David Anderson, deputy director of the Urban League of Rochester. We needed people to collect paint samples for us, a group that could reach people in the slums and warn them of this hazard to their children. The Urban League of Rochester, with a well-earned reputation for hard-nosed, rational militancy and carrying out boot-strap self-help projects in the slums, seemed a good representative of the people most in need of the information we had to offer.

I gave Anderson the information we had on the lead poisoning problem, explained what we wanted to do next and why, and asked for help. We got it. The Urban League people decided to interest a group of "Project Uplift" teen-agers in the problem of collecting paint samples. We had a briefing and organization meeting with these young people at the Urban League, where I gave them a rundown on the problem, demonstrated the methods of testing for lead in paint, and turned over to them envelopes and information sheets for their use in collecting samples. Anderson and his staff workers took complete charge of this phase of the project. My next visit to the Urban League office was to pick up 112 catalogued paint samples which the Project Uplift people had collected.

Let me quote now from the report we published jointly with the Urban League this January:

"Previous RCSI reports of August and December, 1967, have documented the occurrence of chronic lead poisoning in young children in the inner city. We considered it likely that these children were getting poisoned by eating peeling paint which contained lead pigments, as was found to be the case in Chicago. Other possible causes of lead poisoning (battery burning at automobile junkyards, contamination of foodstuffs with lead-containing insecticides, etc.) we thought would produce different patterns of poisoning (poisoning of adults as well as children, poisoning in a very localized area, etc.). Actually only young children seem to be poisoned; and, aside from the fact that they come nearly without exception from older homes in the inner city, there does not appear to be any geographical factor.

"If our suspicion that the children are poisoned by lead-based paint is correct, we should find such paint on the inside walls of homes in the city. The paint would probably be old, since modern indoor paints are not prepared with lead pigments. Further, the poisoning would be most likely to come from deteriorated walls, with paint peeling, flaking, and dropping within the reach of children."

A summary of the rest of the report is as follows: Of 112 samples of cracked and peeling paint collected in the north end of our Third Ward, twenty-seven were found to give positive tests for lead, demonstrating that ample opportunity exists for inner-city children to get lead poisoning by eating paint indoors. Of the fifty-nine households from which samples were taken, twenty-two yielded samples containing lead.

The teen-age collectors removed samples of peeling paint from the walls of rooms and sealed them in envelopes. Cataloging data were immediately recorded on each envelope at the time the sample was taken—collector, name, address and phone number of occupant, room and color of paint, and whether or not young children live in the household.

The samples were tested qualitatively for lead by two means; by treatment with sodium sulfide solution, which turns lead-containing samples black by forming lead sulfide, and by ashing a sample and doing a benzidine spot test on the ash for lead. Only samples giving positive tests by both procedures were counted as positives—one sample giving a weak positive with benzidine and a negative with sulfide was counted as negative. Ten of the twenty-seven positive samples were then analyzed spectrographically by Dr. Luville Steadman of the Medical School and Mr. John Temmerman of the County Public Safety Laboratory. All ten samples were found to contain lead as a major constituent (of the order of ten per cent by weight), giving ironclad verification of our qualitative tests. Anderson and the Urban League were appalled at the results, as they were fully aware of their significance in terms of illness, brain damage, suffering, and death of children in the inner-city. They got mad. What followed was one of the more constructive applications of "Black Power" to our local governments. One of the results was that about three weeks ago Dr. Hare, our lead subcommittee chairman, was asked to supply the city building inspectors with instruction sheets for testing paint samples for the presence of lead. I wrote up a detailed description of our sodium sulfide procedure, and such testing will now be routinely carried out during the inspection of slum housing by the City Building Bureau. The Urban League has also launched a large-scale public education campaign to warn parents living in the slums of the hazard to their children of lead poisoning. The Visiting Nurses' Association has alerted its people to the problem. We are also collecting more paint samples. And Dr. Hare, a couple of medical students, and the Urban League are now doing urine tests on the kids living in the houses where we found lead paint, so that any of them that have been poisoned can be given treatment.

(NOTE.—David J. Wilson is professor of chemistry at the University of Rochester and vice president of the Rochester Committee for Scientific Information. This article was presented at the Scientists' Committee for Public Information Workshop on the Urban Environment, St. Louis, March 29–30, 1968.)

THE PRICE OF MISSING EARLY INDICATIONS OF LEAD POISONING

"By far the most important damage from lead poisoning is to the child's central nervous system. The exact mechanism isn't entirely clear yet, but certainly the increased lead burden is reflected in increasing cerebro spinal fluid pressure. The pressure around the brain increases, and as this continues, the child becomes irritable and lethargic—later come coma, convulsions, and death.

The symptoms of lead poisoning are very insidious. All too often we are not sensitive enough to detect them. Initially, when the child is presented at the clinic, he may be irritable or sleepy and a little bit cranky. He may have a little bit of diarrhea or he may be a little constipated. He may be a little pale due to anemia, and possibly due to some lead deposited in the skin.

The clustering of symptoms I just mentioned describes half of Rochester's kids in the summertime—so you can imagine why it is hard to identify lead poisoning unless you are really looking for it.

Unfortunately, the penalty for not identifying lead poisoning at that level is a harsh one. If the doctor doesn't diagnose the case early, and the child's lead-eating continues, the central nervous system symptoms will become prominent and ataxia will develop, and stupor, and then coma and convulsions.

Unfortunately, it's only then that the kids are brought to medical attention. When they have a convulsion, they are brought to the emergency room of one hospital or another, but at that point it's often too late. The case fatality rate, once the child has a seizure is about twenty-five per cent.

So one out of four will die. Of those who recover, about half will suffer long-term residual damage. They will have continuing seizures, they will show evidence of mental retardation, of brain disorder, of behavior disorder. Half of them will have these problems for life. So the price of missing the early case is a tremendous one—for the child. . . . *Dr. Evan Charney, remarks at the SIPI Workshop, St. Louis, 1968.*

3. NEW YORK

The New York Scientists' Committee for Public Information has announced that it will assist a community action group in a case-finding study of lead poisoning in New York slums. *Scientist and Citizen* received this letter from SCPI:

The New York Scientists' Committee for Public Information has recently started to concern itself with the problem of lead poisoning in slum children. We have profited greatly in our early stages from the experiences of the Chicago and Rochester groups, which we learned about at the SIPI workshop in St. Louis earlier this spring, and also from later personal communications.

Now that we have the scientific information, we plan to use it in two ways. First, we will attempt to carry the information to the affected populations in ghetto areas in New York City. We started this process at a meeting held April 22. Over thirty people were present, including representatives of ten community action groups from Central and East Harlem, the South Bronx, the Lower East Side, and the East New York section of Brooklyn. At this meeting we described the problem of lead poisoning, and we in turn learned several interesting things about other ghetto phenomena. We foresee having more such meetings, as well as sending speakers to community groups in the areas.

Second, we hope to find a community group that will join with us to carry out a study on the actual incidence of lead poisoning in a slum area of New York. We plan to screen a large number of children during the summer months, identify the children needing treatment, and publicize the results of our study in all possible ways. So far we have not found a definite group to work with, but we have received some encouragement in our search.

"This program is a new departure for New York SCPI, involving as it does the necessity of forging a close link between the scientist and the citizen to approach a problem unique to the urban ghetto. Those of us involved are finding it an exceedingly challenging and stimulating task; we may, in fact, end by learning more than we teach.

GLENN L. PAULSON,
EDMUND O. ROTHSCHILD,
JOEL BUXBAUM,
Scientists' Committee for Public Information.
NEW YORK, N.Y.

MEETING OF THE BUILDINGS RESEARCH ADVISORY BOARD OF THE NATIONAL ACADEMY OF SCIENCES, MAY 1969

This is a summary of a meeting assembled informally by the Buildings Research Advisory Board of the National Academy of Sciences at the request of the New York City Health Research Council and the New York Scientists' Committee for Public Information. (Additional copies of this document are available from the Scientists' Committee, 30 East 68th Street, New York, N.Y. 10021.)

The meeting opened with a discussion of childhood lead poisoning which covered the following points: The disease occurs in children between the ages of one and six living in poorly maintained housing. They may come to the hospital ill with anemia, cramps, kidney trouble or convulsions. A considerable number of these children develop permanent brain damage. An even larger number has less obvious evidence of excessive exposure and must be discovered by the use of various screening tests; the degree of nervous system damage in these children is unknown. 90–95% of lead poisoned children become intoxicated by eating lead contained in older paint which is readily accessible on deteriorating plaster walls and on doors and window sills.

Present-day indoor paint contains insignificant amounts of lead. However, most exterior paints continue to employ a lead base; therefore exposure to exterior surfaces continues to present a potential danger for children.

Children found to be poisoned must be hospitalized for de-leading with chelating agents, a procedure which is not totally without hazard. In addition, they cannot be returned to their former environments unless the home is de-leaded, or they run a great risk of becoming re-poisoned.

In accutely poisoned children the costs become obvious. 25% of these children may suffer overt permanent mental retardation. Each child hospitalized for diagnosis and treatment costs the City of New York $100 per day. Those who suffer permanent damage and require institutionalization (or are unable to support themselves) will ultimately cost the State $200,000–$300,000 over a lifetime.

These are the established facts, but some questions remain. What are the effects of long-term subclinical increased body burden of lead? Studies must be carried out to determine how much this contributes to the incidence of mental retardation in poor urban children. At present there is little data available concerning the intellectual and psychosocial development of children with this kind of exposure to lead.

Is there a preferred topographic site from which children ingest the most lead? Information provided by the New York City Department of Health, after investigation of the homes of 680 lead poisoned children, revealed that 15% of woodwork samples and 23% of painted plaster samples tested contained more than 1% lead. These data were discussed particularly with respect to the relatively low incidence of positive results. Similar investigations in Baltimore yielded 90–95% positive households in cases of lead poisoning. Three areas of possible error were discussed. The methods of analysis were standard and reproducible and when tested against unknown specimens were found to be adequate.

The sampling procedures in this New York study were discussed at length. It was generally conceded that an insufficient number of samples were being obtained and/or samples were being taken from places unlikely to reflect the presence of lead, i.e. a peeling spot which had previously been replastered, or areas which may have been wallpapered in the past and covered with paint only in the last twenty years. The third area discussed was that of additional sources of exposure. The Department of Health indicated that only 2.5% of all water samples tested had any significant lead content, probably eliminating lead pipes as a consideration. However, outdoor fire escapes, window moulding and railings should not be ruled out. In addition, plaster ingestion in a friend's or relative's house would produce illness with negative samples from the patient's own home.

It was suggested that the environmental aspects of lead poisoning could be viewed as two basic problems. The first is detection. The second is prevention of the interaction between child and poison.

Detection seems to be a problem of manpower and methodology. Epidemiologic studies suggest that all apartments of a certain type under conditions of poor maintenance represent a clear hazard. The present methods of detection in New York City involve the collection of three samples per apartment by a sanitarian, with subsequent analysis in a central laboratory. This approach was felt to be inadequate, because present manpower places an unsatisfactory limit on the number of samples obtained. In addition, too few apartments are investigated per unit time. Obviously, more sanitarians and more efficient use of the number presently available are needed. One approach presently being tested in New York City is a lead detector. The surface to be tested is illuminated with gamma rays from a Cobalt-57 source. If lead is present, it responds with its characteristic 74 KEV X-rays and can be monitored easily. In tests to date, it has been able to detect a layer of 5% lead paint under 15 coats of non-lead paint with a 15 second response time.

Questions were raised relative to X-ray scatter and the absorption of the X-rays by other materials which may overlay the bottom layers of lead-containing paint, particularly barium sulfate, a major component of lithopone paints which were in wide use from 1920–1950. One of the participants offered the investigators a supply of lithopone paint to perform the appropriate studies on this point. It was noted that the City hopes to start field trials of the instrument in July. It was suggested that Western Nuclear Research, a branch of the State University of New York, might to be able to furnish further technical aid.

An approach to interference with the child-lead interaction in a realistic and humanistic way is a much more difficult problem and was viewed in terms of possible behavioral and environmental modification. Once a dwelling was found to have significant lead on its walls, several steps could be taken. The family could be moved to a lead-free apartment. At present this is difficult because of the limited number of dwelling units available and the reluctance of many of the involved families to move. Second, the affected rooms, apartments and buildings could be clearly labelled so that parents would be constantly reminded of the danger and attempt to keep their children from it. The psychosocial difficulties involved in this type of approach were discussed briefly. Thirdly, the question of lead free "playrooms" or "mini day-care centers" in each affected building was proposed. This was felt to be a good suggestion but not adequate to meet the total problem.

The proposed environmental solutions fell within three categories: The first suggested making the paint and plaster taste so vile that no child would want to eat it by applying a distasteful non-toxic substance in a highly permeable oil-base spray. The experience with this approach to nail-biting and thumb-sucking has not been notably successful, hence its application here will probably not be profitable. The second was the "inactivation of lead approach." One could overcoat the wall with chemicals (anions) which combine with lead to decrease its solubility under physiologic conditions so that ingested lead would not be absorbed. Borates and sulfates were proposed and discarded, since the former is too toxic and the latter too soluble.

The third and most extensively discussed was the application of an inert substance to the wall which, in effect, would isolate the lead-loaded wall from the child. The ideal materials would be strong, i.e., hard to puncture or scrape, vermin-proof, and fire resistant with a high ignition temperature. It would not release noxious vapors at high temperatures. It would place no additional strain on the existing structures of the building. It would have a reasonable installation cost (labor and materials) and have a low maintenance cost.

Such materials are presently available. The major points of discussion were which materials, what cost is reasonable and what techniques should be applied? For flat surfaces the following were suggested and discussed:

1) Gypsum board—The installation of this material creates a new wall in front of the old. It has two main drawbacks. It costs 5 cents per square foot for materials, and installation is expensive and sophisticated, with a total cost of 40–50 cents per square foot.

2) Fiberglass wall—cover materials—These are made by Owens-Corning or Johns Manville for Sherwin-Williams. Loose paint and plaster must be removed prior to application. Some patching of the wall may be necessary. It is supplied in 40 inch wide sheets; an adhesive compound is applied with a roller over the sheets. This costs 10 cents per square foot for materials. In some buildings, with two coats of paint over it, this has lasted very well for ten years. The estimated total cost is 43 cents per square foot.

3) Paper wall-cover materials—These can be made strong, fire-retarding and attractive, and can be applied on an unsound wall in a horizontal fashion. The cost of materials runs about one cent per square foot. U.S. Plywood has used paper adherent to wood, then covered with a single coat of paint for up to 30–40 years with good durability. The manufacturers who might be helpful are St. Regis Paper, Union Camp, Kimberly-Clark and Crown Zellerbach.

4) Vinyl coat sheeting—This material must be applied with an industrial adhesive. It is the least combustible of the plastics, but does give off some hydrochloric acid fumes in fire. It has very low maintenance, can be tailored to order and has a cost (including adhesive, not labor) of 10 cents per square foot. The disadvantages of this material are possible surface tackiness under some conditions and brittleness at very low temperatures. It was felt that neither of these was a significant problem. Rigid vinyl board is available but sheeting seemed preferable to all participants largely because of labor factors. The actual costs of these materials can be obtained from Armstrong Cork, and it was further suggested that other companies to contact were Union Carbide, Diamond Alkali, Firestone Rubber, B.F. Goodrich, Grace Chemical and Borden Chemical Company.

Liquid surface coverings were then discussed. The general problems involved in the use of liquids include adequate strength (i.e, vinyl paints are not as strong as vinyl films), thickness control, adhesive problems with heavier films and the general need for some wall preparation (sanding, raking, cleaning, etc.). Urethane-base paint was mentioned as one possible method. A second suggestion was the use of pigmented masonry conditioner. This was felt to be an excellent substance if flaking, scaling paint could be removed from the underlying wall. It has a tung oil base which makes it penetrate very well. In drying, several coats add binding strength to the wall, and it can contain zinc oxide to prevent mildew. The only reservations concerned its strength of finish in the face of an aggressive child.

Technically, curved surfaces can be handled with the liquids described above; however, if sheeting is used on flat surfaces some other technique must be used for sills, moldings, etc. It was felt that where possible, surfaces should be scraped down to bare wood. Otherwise the use of vinyl chloride lacquer applied by spray was suggested. This requires masking of the surfaces not to be sprayed. There is some hazard during application but little or none afterwards. The film is quite tough, but not as strong as the wall films. It should be applied as a spray. Portable self-atomizing airless spray units can be used. Aerosol cans are quite expensive.

The consensus of the group was that wainscoating to a level of five feet seems adequate no matter what method is used. The second point of agreement was that no *single* method would be appropriate in *all* affected dwelling units. A variety of methods must be available. In order to establish such an armamentarium, a demonstration project should be set up consisting of no less than twelve comparable apartments. These would be lead-proofed with a variety of methods using both union and indigenous labor. Time, materials, labor, costs of installation and maintenance and effectiveness would be analyzed and compared over a period of at least two years. It was felt that other approaches might be available from professional groups such as Union Carbide or National Starch and Adhesives; these might also be willing to donate materials and some service.

Once effective practical methods of correction are demonstrated, they must be tested for their ability to prevent children from being excessively exposed. This is a somewhat more difficult study but can be probably worked out by a multidisciplinary group including physicians, environmental engineers, social workers, housing experts and people from the involved industries and labor groups—perhaps under the auspices of the Department of Housing and Urban Development. There is a need to motivate industry to develop solutions. It would be helpful to industry's effort if concrete performance criteria were available and an adequate market could be offered. Otherwise research and development support might be underwritten by some federal or regional agency. Programs could be proposed which offered landlords or tenants financial incentives and professional aid for attempts at rehabilitation. Low interest loans could be made available for this kind of rehabilitation. Housing code violations must be handled more effectively and realistically. The imposition of financial penalties on landlords cannot be equated with the physical and mental penalties a lead-loaded environment imposes on its victims and society.

[From Health News, July 1969]

Lead Poisoning in Children—A Disease of the Environment

(By Herbert Roffman, M.D. and Laurence Finberg, M.D.)

(Note.—Dr. Roffman is Chief Resident of the Pediatric Division, Montefiore Hospital and Medical Center, and Assistant Instructor, Albert Einstein College of Medicine. Dr. Finberg is Chief of the Pediatric Division, Montefiore Hospital and Medical Center and Professor of Pediatrics, Albert Einstein College of Medicine.)

In our contemporary urbanizing society, there are many defects which lie just below the surface, unseen and unheralded until the surface is scratched. Such is the nature of the problem of lead poisoning in the children of our cities, which, until the last two decades, went unnoticed as a public health problem of major magnitude. To the lay community and even to a major part of the medical community, this problem exists much as an iceberg, only a small part of its enormity visible on the surface. The core of the problem lies in the old, leaded paints which are flaking and falling from the walls and ceilings of the ghetto housing in our eastern and mid-western cities. Since lead poisoning, or plumbism, in our society is an entirely preventable disease, it is appropriate that the public and the medical community be aware of the problem.

MOST LIKELY VICTIMS

The "high risk" population for lead poisoning are the children of the slums and ghettos of the older cities where deteriorated housing is the rule. Also to be included in this "high risk" population are workers in lead-using industries. The children in the slum communities ingest the lead by eating paint and plaster chips which flake off the walls and ceilings in poor repair. Until the mid-1940's, lead-based paints were commonly used in interiors. At that time, the development of cheaper, non-toxic titanium-based paints, and of lesser importance, belated legislation, made the use of toxic leaded paints in interiors not only unwise but also economically inappropriate. Therefore, it is our older cities, where the ghettos are synonymous with deteriorating housing, in which we find the major incidence of lead poisoning in children. In the newer western cities such as Los Angeles, the incidence of this disease is almost nil because the major part of the housing was built in the post World War Two era.

ABNORMAL APPETITE

Children between the ages of one and six are the usual victims. The great majority of those victims are children between the ages of one and three years. About one-half of all the deaths reported from lead poisoning are in two-year-olds. Pica, or abnormal appetite, is common to about 20–30 per cent of all children between the ages of one and six, which in part explains the high incidence of plumbism in children of this age range. Lead poisoning is probably the largest single cause of death by poisoning in children of the ages one to four. Estimates indicate that between five and 20 per cent of the children living in the ghettos of the old center-core cities suffer from asymptomatic lead poisoning. Every year, three to five per cent of these children develop symptoms of plumbism which may lead to death or severe neurological damage. It would be interesting to consider the fettering nature of the yet unknown biological damage caused by asymptomatic lead ingestion on a significant segment of the children of the slums, the very same population that we are trying so hard to make upwardly mobile in a socio-economic sense.

HISTORY OF PLUMBISM

Plumbism is a disease which has advanced hand-in-hand with the civilization of man. Lead has been used in an ever growing number of purposes by man since the dawn of the first "industry." Studies of snow taken from the Greenland Ice Sheet show a 200 per cent increase in the amount of lead per ton of snow between 800 B.C. and 1960 A.D. Lead is almost completely absent from a "virgin" environment in forms assimilable by man. However, the body of an average adult U.S. citizen contains about 100 times that of a "natural" body content of lead. There is even evidence to suggest that one of the factors in the decline of the Roman aristocracy, and therefore, in the fall of Rome, may have been lead poisoning. It is known that the Roman aristocracy had a great liking for pewter tableware, and pewter is a heavily leaded alloy. Major sources of present day contamination with lead, aside from deteriorating housing, include solder, food processing, gasoline engine exhaust, and industrial waste.

When flaking paint and painted plaster chips containing lead are eaten by children, lead is absorbed and distributed in soluble form through all the soft tissues. Later, it appears in the bones as an insoluble phosphate compound. The toxic effects of lead are produced by the soluble form, and therefore, the amount of damage done is a function of the lead in the soft tissues and the amount of time that high concentrations exist in the soft tissues, as well as the presence of any factors which may cause the mobilization of the insoluble form from the bones. Experience shows that from six weeks to four months of uninterrupted mild exposure results in soft tissue concentrations high enough to cause symptoms to appear. The precipitation of lead in the bones is a process which may vary in rate. Anything, such as infection which interrupts bone mineralization, may cause a sudden rise in soft tissue lead concentration even though ingestion is constant. An approximation of the lead in the soft tissue can be made by determining the blood lead concentration. Concentrations up to 0.04mg/100ml are normally found in the general urban population and concentrations of up to 0.06mg/100ml are generally found in ghetto children. Concentrations of higher than 0.06mg/100ml are considered abnormal and diagnostic of an increased soft tissue lead burden. The precipitated phosphate compound in the bones is considered inactive, but can be mobilized and drastically increase the concentration of soluble lead in the soft tissues. This can occur during acidosis and even during treatment for lead poisoning. One interesting phenomenon in the study of the incidence of lead poisoning in children is its seasonal variation. Symptomatic lead poisoning is much more common in the spring and summer months than during the rest of the year. This is probably owing to the enhanced absorption of lead from the intestinal tract because of the vitamin D increase brought on by the effect of sunlight on the skin; lead being treated by the gut in much the same way as calcium. The epidemiology of lead poisoning is such that a very small part of the problem appears symptomatically on the surface and the great bulk, all children with precipitated lead in their bones and flakes of plaster and paint in their abdomens, remains unseen, waiting to appear.

EFFECTS OF LEAD

The most apparent and well known effects of lead are on the nervous system, the blood, the kidneys, and the gastrointestinal tract. It is very likely that lead also has damaging effects on other body organ systems, but these have not yet been clearly defined. Lead interferes with hemoglobin synthesis and causes a mild anemia where abnormal stippled red blood cells are present in the marrow and sometimes in the peripheral blood. Coproporphyrin, a metabolic product in hemoglobin synthesis, is produced and excreted in the urine in excess amounts. This coproporphyrin excretion provides the basis for one of the easiest and most widely used tests for plumbism. Similarly, another hemoglobin precursor, delta amino levulinic acid (ALA) also appears in the urine, a fact of considerable practical importance in present day screening of children.

The kidneys may be affected and excrete excess amounts of sugar and amino acids. It has also been reported that a long-term effect of lead ingestion in children may be a severe chronic nephritis. Plumbism in children commonly causes poor appetite, vomiting, and constipation; all are usually early symptoms.

COMMONEST SYMPTOM

Probably one of the earliest and most common central nervous system symptoms of lead poisoning is marked irritability. This is often described by the parent as "a change in personality" or simply as "crankiness." This symptom may be part-and-parcel of actual encephalopathy (brain disorder) or may precede convulsions, increased intercranial pressure, and encephalopathy. Lead poisoning in adults has been known to produce peripheral neuritis which can be cured. This is not usually seen in children who more frequently develop encephalopathy and are at greater risk for long term aftereffects. All these effects may be produced slowly or very quickly and can lead to permanent retardation, seizure disorders, cerebral palsy, or death.

Unfortunately for both physician and patient, lead poisoning as a disease entity is not often obviously unique. All the previous mentioned symptoms may be absent, and all can be produced by other diseases. The diagnosis is more likely made when the community and the physicans are aware of its submerged presence, and the reported incidence follows very closely the ebb and flow of public and professional interest.

DIAGNOSIS

Treatment of lead poisoning necessarily involves making the diagnosis first. When a symptomatic child is brought to a physician, the diagnosis can be confirmed by determinations for urinary coproporphyrins and ALA, blood and urine lead, morphologic examination of red cells, X-ray of the abdomen for the presence of radio-opaque plaster and paint chips, and long bone X-rays to reveal the presence of increased bone densities commonly known as "lead lines." Asymptomatic lead poisoning, a much more common occurrence, necessitates an awareness and suspicion on the part of the physician in order to be diagnosed. He may be tipped off by the child's apparent irritability, poor appetite, or chronic constipation. A positive response to questions about a history of pica in the child or the state of disrepair of the dwelling are also suggestive. A high urinary ALA and a high blood lead level are absolutely essential for diagnosis. However, an increased lead burden may be present without positive findings in these tests. It is again apparent that since the overwhelming majority of patients with toxic blood lead levels at any given time are asymptomatic, the degree of case finding will be sensitively dependent upon the inquisitiveness of the community physicians and the informed awareness of the public.

At present two compounds are in widespread use for the treatment of plumbism. These agents form a complex with the soluble lead, allowing for a much increased rate of excretion. Both may be toxic and require careful use.

MORE THAN MEETS THE EYE

Since the incidence of lead poisoning reflects only four or five per cent of the actual incidence of toxic blood lead levels in the community, it is very easy to greatly underestimate the problem at a casual glance. In a city such as New York, conservative estimates of the occurrence of toxic blood lead levels in children extrapolatd from statistics of known symptomatic cases, state that ten to 20 thousand children are affected. On a national level, there are probably several hundred thousand potential lead poisoning victims. In New York alone, the facilities necessary to detoxify these children during the summer months would be three to five hundred city hospital beds, a gigantic increase over the existing number of pediatric hospital beds in New York City. Plumbism is also a recurrent disease by the very nature of the social and economic conditions which foster its existence. As a disease entity, it is not necessarily limited to the ghetto. Older, affluent residential communities in the center-core cities, such as Park Avenue, Georgetown, and Cambridge, await deterioration and the creation of a slum in which lead poisoning prevails.

There are several levels at which action may be undertaken to eradicate this problem. Building codes in most cities are generally adequate. Walls and ceilings with undercoats of old leaded paints which are in good repair are not significant sources of lead for children. However, enforcement of these codes remains the major obstacle since this necessitates the cooperation of other city departments as well as the health department. In our large cities, very often interdepartmental programs become submerged in a bureaucratic morass. In some instances, it is financially expedient for the landlord to pay the fine or abandon the building because of the high cost of rehabilitation. New techniques of getting rid of the leaded paints and plaster are currently being evaluated. Present methods include covering the walls and ceilings with a plaster board, removing the old paint, and covering the old flaking walls and ceilings with a tough plastic spray layer which can be painted.

MASS INVESTIGATION

One aid in successfully dealing with the problem is wide scale case-finding. This not only delineates the areas in which lead poisoning is most prevalent, but also brings the victims to the attention of the medical community before the disease produces its more telling effects. Screening tests such as urinary coproporphyrin levels and blood lead levels, as well as newer inexpensive techniques such as urinary ALA determinations, make massive investigation feasible. In cities where such programs have been begun, the reported incidence of lead poisoning has greatly increased, whereas the proportion of mortalities has greatly decreased: an obvious result of earlier detection. It seems appropriate that public health departments on both city and state level should have an incisive interest in a problem with such great health and social inferences.

An informed community also seems a rational deterrent to plumbism in children. Families made aware of the danger of peeling and flaking paint in deteriorating housing will bring their children to medical facilities for screening and will be more likely to report housing code violations to the proper authorities, putting more pressure on the offenders. Community education by means of public forum and news publicity helps ensure an informed public. In some cities, the community is already involved. In Rochester, New York, teen-agers of the Urban League's Project Uplift helped collect paint samples from the ghetto housing. In Chicago, high school students were trained to collect urine samples in the community for lead and coproporphyrin screening.

IT CAN BE PREVENTED

This summer, as in previous summers, children will again suffer the consequences of lead ingestion. Most of these children will live in older ghettos. Most will not come to the attention of the medical community. Of the many who are seen by physicians, about two out of five will suffer residual brain damage and about one out of 15 will die. Lead poisoning as it occurs in the children of our cities is, even now, a preventable disease. Its continued presence must be considered intolerable by an enlightened society.

[From the Village Voice, Sept. 18, 1969]

LEAD POISONING: SILENT EPIDEMIC IN THE SLUMS

(By Jack Newfield)

Except for its ironic name, Tiffany Street looks like a hundred other decaying streets in the Southeast Bronx. Mounds of uncollected garbage strewn all over. Idle young black and Puerto Rican men sitting on crumbling stoops. Mangy dogs looking through the garbage for scraps. Boarded up, burnt out houses freckled with graffiti.

At number 1051, on the fourth floor of a tenement whose dark halls stink from urine, Brenda Scurry was sitting in her clean, neat apartment telling me how her 23-month-old daughter Janet had died of lead poisoning in April.

Brenda, 23, is pretty, street smart, and black. She writes informed and angry letters to President Nixon—and gets back impersonal form letters thanking her for interest in the "New Federalism." She has two other children, four- and five-year-old boys. Her husband works in the garment center, and Brenda had gone to the local Public school and discovered her five-year-old sitting in a third-grade class, and had to explain to the indifferent teacher that her child belonged in kindergarten.

"I used to live at 1113 Teller Avenue," she began quietly, but with a bittersweet edge to her voice. "Plaster from the walls started falling all over the place last November. I asked the landlord a couple times to do something about it, but he never did. Then in April one morning my daughter wouldn't eat anything. She started trembling and couldn't breathe. I got scared and she started to change colors. A neighbor called a policeman and we took her to Morisannia Hospital. A doctor looked at her and told me to go home, that she would be okay. They didn't know what it was, but they sent me home. They asked me if Janet ever ate paint or plaster, and I told them yes. I went home but her temperature kept going up and down. After five days they gave her a blood test for lead poisoning. And then she died the next day. The day after she died, the blood test came back positive. . . . Later they sent me a death certificate that said Janet died of natural causes. The doctors did an autopsy, but I still haven't got the results. I called the administrative director of the hospital twice, and they still haven't sent it to me. The hospital doesn't want to say it was lead, I guess.

"I asked welfare if they would pay for Janet's funeral, but they made me fill out a bunch of forms. So I paid for the funeral with the rent money. Then I asked welfare to pay for the rent. They said I had to fill out some other papers and that it would take a while. Then I got an eviction notice. I went to the central welfare office with it, but they still wouldn't give me any money. So I borrowed some money and moved out because I didn't want that landlord to put me on the street."

Lead poisoning is a disease endemic to the slums. The victims are hungry, unsupervised children between the ages of one and six, who get it by eating pieces of paint and plaster from flaking walls. Lead in paint was outlawed 20 years ago, but the bottom layers of walls in 800,000 run-down dwelling units in New York City still contain poisonous lead.

The city estimates that about 30,000 children each year suffer lead poisoning, but only 600 cases were reported during each of the last three years. (There are probably 300,000 victims nationally.) The early symptoms are vague—nausea, lethargy, vomiting, crankiness—and doctors and nurses are not trained to look for it since they are told that lead has been outlawed as a paint ingredient. Ghetto parents are also ignorant of the disease. In three years, Harlem Hospital has not reported a single case of lead poisoning.

But surveys by researchers and activists keep discovering thousands of undiagnosed cases living in the ghettoes; lead poisoning has been called "the silent epidemic" by microbiologist Dr. Rene Du Bos of Rockefeller University, a Pulitzer Prize winner last year.

According to doctors, five per cent of the children who eat lead die. Of those who survive, about 40 per cent suffer permanent brain damage, mental retardation, and deterioration of intelligence. A recent Chicago study of 425 children who had been treated for lead poisoning showed that 39 per cent had neurological disorders years later, and 22 per cent suffered from mental retardation as adults.

Two young, white, middle-class radicals have taken up the cause of lead poisoning, and for a year now have been waging a lonely crusade, bereft of money, manpower, or organizational support, to pressure the city and the health establishment, and to alert parents. One is red-haired, 30-year-old Paul Du Brul, the housing director of the University Settlement House on the Lower East Side. The other is bearded, 24-year-old Glenn Paulson, co-chairman of the Scientists' Committee for Public Information.

Du Brul met me for lunch two weeks ago. He was particularly frustrated that day over the media's failure to take an interest in lead poisoning. He had called the Post's Joe Kahn earlier that morning, and Kahn had apologized, but the city desk wasn't interested in a story without a hard news peg. The Times had printed a story a few months before, but it had been buried in the real estate section on a Sunday, "where only landlords would see it."

Mrs. Scurry had written a personal letter to the Times man who wrote the Sunday story, telling him of her experience with her landlord, the hospital, and the Welfare Department. And he wrote back a moving letter how he felt lead poisoning was a tragic problem, but there just wasn't a news story in her case because the hospital denied lead was the cause of her daughter's death.

And lead was a story hard to make visible or dramatic for the television networks. It didn't involve famous leaders, or exotic militants, or public violence. How do you show a *process*, how do you show indifference, how do you show invisible, institutionalized injustice, in two minutes on Huntley-Brinkley? How do you induce the news department of a television network to get outraged about nameless black babies eating tenement paint, when the public health professionals, school teachers, housing experts, scientists, the NAACP, and the politicians haven't given a damn?

Du Brul then began to explore some of the ramifications of this silent epidemic.

"Look," he said, "doctors say the effect of lead poisoning is to damage the nervous system. Kids can't concentrate. They become disruptive and lose points on I.Q. tests. So I think some of Jensen's findings (geneticist Arthur Jensen) about race and chromosomes might just be the effects of environmental conditions like lead poisoning. In the last ten years, 300,000 slum kids have been sent into the New York City public school system with lead poisoning. They're not culturally inferior; they're sick. What are now considered problems of remedial education might be doctor's problems, not teacher's problems."

Two nights later Du Brul and Paulson went to Judson Church on Washington Square to speak to a meeting of about 75 doctors, nurses, interns, and radical students sponsored by Health-PAC (Policy Advisory Center). Here the discussion focused on tactics, on how to fight the problems, how to make it visible.

Du Brul proposed a "fill the hospitals" strategy, coupled with the demand that every slum child between one and six receive a free laboratory test to determine if there is lead in his system. He said Chicago and Baltimore had been using a test that has proved 90 per cent effective, and the Lindsay Administration was holding back because of "bureaucratic bungling."

Some of the radical young doctors at the meeting disagreed. They said the hospitals would not, and could not, absorb the 30,000 walking cases in the city. They argued that such a tactic would collapse the already fragile hospital system. A few proposed rent strikes to force landlords to remove the paint or cover it up. Others suggested direct action at hospitals, particularly at Lincoln Hospital, which has lead on its own peeling walls. And still others urged a direct attack on the "slum system" as the root cause of lead poisoning. The meeting broke up at about 11 p.m., with even those few motivated on the issue divided over what to do first.

I spent the next few days working up an interior rage, trying to find out if anyone, with any responsibility, was doing anything about lead poisoning.

The NAACP had no program, nor any plans for any. The Department of Health, Education, and Welfare (the "good guys" in Nixonland) had no existing program and no funds allocated for any future program, but they did have a 21-page pamphlet. I could not find a copy of the pamphlet in any ghetto health office and had to acquire a copy from Glenn Paulson. The pamphlet turned out to be written in an opaque jargon that would hardly enlighten a second-year medical student, much less a welfare mother. The following is the second sentence on the first page:

"Its etiology, pathogenesis, patho-physiology, and epidemiology are known."

Nineteen Congressmen, including William F. Ryan, have introduced a package of three bills to provide federal funds for a mass testing program in the slums. But the bills are given no chance of emerging from the limbo of committee, or even generating public hearings.

I also called the United Federation of Teachers to see if they were doing anything to detect cases in the schools, but no one called back.

Werner Kramarsky, Mayor Lindsay's staff man in the health field, advised me to call Health Commissioner Mary McLoughlin, to find out officially what the city was doing. When I called her, I was told the commissioner was not in, so I left a message. The next day the commissioner's press secretary called me and said I couldn't under any circumstances have a direct interview with the commissioner, but that he would answer any questions. I gave him a list of four.

After three days Dr. Felicia Oliver-Smith, the department's lead specialist, called back and reported that 1) the city had tested 7000 children last year, compared to 35,000 in Chicago; 2) the city "hoped to" have a mobile testing unit "within one year"; 3) there were 725 cases last year, and more than 7000 already so far this year; 4) "We have no legal authority to make a landlord remove lead-based paint from tenement walls."

The only politician in the city who seems genuinely involved in the issue is Carter Burden, the Democratic-Liberal candidate for City Council in the polyglot East Harlem-Silk Stocking district. Burden has written angry letters to Lindsay, called press conferences, talked up the problem, and tried to energize grass-roots groups.

"It's terribly frustrating," Burden said last week. "The press just isn't interested at all. When I held a press conference in March on lead poisoning, not one daily paper and not one television station showed up. Just yesterday I had lunch with one of the religious leaders in East Harlem, and I tried to turn him on about lead. But he told me it was a phony issue, that *asthma* was a bigger communty problem . . . Kramarsky promised us three months ago there would be a crash program of 40,000 tests in the slums, but it didn't happen. Now I hear the city is about to start, but the summer is over, and 80 per cent of the cases develop during the summer. There was no reason for the delay."

Burden also revealed that a private blood test for lead poisoning had just been conducted in his district—in the new, middle-income cooperative Franklin Plaza, which was completed *after* lead was banned from paint.

"That's a scandal," he said. "Of course there are no cases of lead poisoning in Franklin Plaza. But now they can release the results of the survey to prove lead is not a real problem in the slums." The survey was sponsored by Metropolitan Hospital and the American Cancer Society.

Some minimal testing program seems ready to be announced by the municipal bureaucracy. But it is not clear how the test will be distributed, or if it will reach the children who need it. And no one seems about to challenge the landlords to remove the deadly paint. And no one is doing anything about the hundreds of children now living in slum appartments with lead in the walls.

Today there is still lead in the walls of the apartment where Janet Scurry lived on Teller Avenue. There is lead in the two other tenements on the same block, owned by the same landlord who sent Mrs. Scurry the eviction notice. There is still lead in the crumbling walls of Lincoln Hospital, where lead victims are sent. There are still thousands of undiagnosed, lead-poisoned children walking the streets, sitting in classrooms.

As Dr. Rene Du Bos said at a conference on lead poisoning earlier this year: "The problem is so well defined, so neatly packaged with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it."

THE CRIME WAR: PRISON REFORM IS A VITAL PART OF IT

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, an editorial in today's Washington Post discusses what I feel is the most important and most neglected effort in the war against crime: prison reform. The recent report of the Joint Commission on Correctional Manpower and Training has confirmed what the statistics on recidivism have shown for a long time—that our prisons are almost uniformly failing to rehabilitate persons convicted of crime.

Reports indicate, for example, that 70 percent of convicted offenders have a prior record of juvenile offenses. Two years ago the District of Columbia Crime Commission reported that 40 percent of all District court offenders had a prior felony conviction. Indeed, Police Chief Wilson has remarked that convicted criminals are not rehabilitated; they just get too old to keep up the pace. I think it is time we all faced this fact. Court reform and swift justice are necessary to reduce crime, but we will never have safe streets so long as our prisons are nothing but warehouses for unfortunate and embittered men.

I look forward to studying the recommendations of the Joint Commission outlined in the Post editorial, and I am hopeful that they will provoke the public debate and legislative action required at all levels of government to make our correctional system worthy of the name.

The article referred to follows:

THE CRIME WAR: PRISON REFORM IS A VITAL PART OF IT

Almost three years ago, the President's Crime Commission made it plain enough that the national crime problem is not going to be solved by just passing new laws in random fashion or by just hiring new policemen or by tackling any one of the many elements that are involved in preventing crime and handling criminals—or all of them one at a time. The whole range of things, from bad homes and unemployment to prisons in which inmates learn how to commit more crimes, must be attacked simultaneously, the commission said, and in a comprehensive way.

The Joint Commission on Correctional Manpower and Training, created by Congress three years ago, has now underlined that finding. It has recommended, to sum up its conclusions in somewhat harsh language, that national and state leaders put their leadership and tax money where their mouths are. Its point is very simple: the number of men who make a career out of crime is not going to be reduced until the institutions of the correctional process (jails and prisons, parole and probation agencies) have the funds and the personnel to rehabilitate—rather than just confine or harass—those convicted of crime. "The public and their legislators most understand," the report says, "that there can be no solution to the problem of recidivism as long as harsh laws, huge isolated prisons, token program resources, and discriminatory practices which deprive offenders of employment, education, and other opportunities are tolerated."

The commission points out that the ability of a man who has committed a crime to stay out of trouble once he is released is directly tied to his ability to get and hold a job. Yet the success of prisons in training convicts for jobs and their ability to get one in the field of that training has been notoriously low. Coupled with this has been the inability of the entire correctional process to get either the money or the staff to do the kind of work it ought to be doing. There are, of course, bright spots in the field of corrections, as we noted a few days ago, but not enough young people have been drawn to it as a career and not enough innovative work has been encouraged.

The response of Congress a year ago to the Crime Commission report was to establish and finance a federal program to help states improve their police forces and law enforcement agencies. Its response to this report ought to be to do the same thing for state and local correctional operations. Since less than 10 per cent of all such operations are in hands of federal agencies, this appears to be another area in which President Nixon's "creative federalism" could produce worth while results.

The Joint Commission, however, put its finger on the real problem. It addressed its report to the President, Congress, the Secretary of Health, Education and Welfare, and the 50 governors. For anything worth while to happen, it said, the people in the correctional field "about whom it is addressed—*have to care.*" The results of a national poll show that 72 per cent of the public "cares"—or at least believes that the primary goal of correctional institutions is rehabilitation, while only 7 per cent thinks it is punishment. So the public support is there. It remains for national leaders to catch up to the public, to accept the vital importance of prison reform in the context of a comprehensive, across-the-board assault on crime, to begin, in short, *to care.*

HEROISM OF PATROLMAN COMER

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, there are many times every day when the police of our country are maligned, criticized, and attacked, verbally and physically. But far more often than not they are there when we need them, acting selflessly in line of duty.

Such a case occurred very recently in Decatur, Ga., when a patrolman, J. R. Comer, risked his life to save the lives of two 7-year-old girls.

A newspaper account of Patrolman Comer's heroism follows:

POLICEMAN SAVES PAIR FROM CAR

(By Sam Hopkins)

"Both of these little children would have been run over and maybe killed if that policeman hadn't acted so fast," the Decatur witness to an accident near Westchester Elementary School said Wednesday.

He was referring to the valor of Decatur Patrolman J. R. Comer, a 23-year veteran on the police force, who was struck down by an automobile about 8 a.m. Wednesday after he had quickly shoved two seven-year-old girls out of the path of the car.

Comer, who has two children of his own in Decatur High School, was taken to DeKalb General Hospital for X-rays. He had no broken bones but suffered a bruised hip and hand.

Comer, who became a hero in the eyes of the parents of the two children, school officials and his fellow officers, said later in the day he had raised his hand to stop traffic and had begun escorting the two second-grade school children across the street.

Suddenly the car swerved around to the right side of a stopped vehicle on Scott Boulevard, Comer said.

"He was bearing down on us pretty hard," the officer said. "It happened so quick I just didn't have time to think, I gave the children a shove over the curb and before I could get out of the way the car hit me on the right side."

The two children Comer saved are Virginia Geddes, daughter of Mr. and Mrs. P. A. Geddes of 222 Garden Lane, and Hamby Bryant, daughter of Mrs. Jack Bryant of 167 Garden Lane.

The two are good friends and often walk to school together.

"We've had calls all day from people who saw the accident and who wanted to praise Patrolman Comer." Police Chief Lee Cole said. "One lady told me she saw the car coming and was creaming and hollering but she couldn't do anything about it, and then she saw Comer suddenly push them."

"There's no doubt both children would have been hit," said Jack Sherwood, who had stopped his car and saw the accident.

Dr. Vee Simmons, principal of the Westchester school, said it was "wonderful the City of Decatur had a policeman on duty there. Usually we have a lady policeman there, but we're short one and have been unable to find another one." Two other women traffic officers are stationed at intersections near the school on Scott Boulevard.

"That was a great thing that officer did," said another witness, C. G. Townley. "The police have gotten so much criticism in the past I think something like this ought to be written about in the paper."

Police Chief Cole said the driver of the car which struck Comer was identified as William Wilson, 74, of 2526 Clifton Road NE, who was on the way to the Veterans Hospital for a physical checkup.

Cole said Wilson was charged with speeding in a school zone and failing to obey a police officer's signal. He said Wilson's car skidded 60 feet.

Patrolman Comer, although bruised and aching, left the hospital and returned to duty later in the day.

Mr. Speaker, I wish to add my congratulations to those Patrolman Comer has already received. Not only is he to be congratulated for his heroism, but he is to be thanked by a grateful society that it has men of his caliber protecting them.

IN HONOR OF VETERANS

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, I would like to pay tribute, along with my colleagues in the Congress, to the many brave men who have fought for freedom and defended our great way of life. The 38 million American men and women who have served in the armed services represent the willingness to do whatever is necessary to insure the blessings of liberty to ourselves and our posterity.

Of the 38 million veterans, 27 million are alive today to be honored on this Veterans Day. Their ranks are increasing at the rate of 70,000 each month.

On this date 51 years ago, most people of the world were told and made to believe that peace loving nations had in fact defeated the aggressive nations and war was an unnecessary instrument of solving international difficulties. That conclusion was wrong. War continues to plague our embattled world.

During the wars in which the United States has fought since my home State of Minnesota was admitted to the Union, men from my State have distinguished themselves under fire. Soldiers from Minnesota have received 27 Congressional Medals of Honor. Men of Minnesota fought in the Civil War while they fought the Indians on their frontiers. Minnesota soldiers were conspicuous in the war with Spain, both World Wars, and wars in Korea and now in Vietnam.

Mr. Speaker, may I tell two stories of outstanding military service from the history of Minnesota. The first involves the War Between the States and the second concerns the Second World War.

Minnesota's war veterans do not go back to the War of Independence; in fact, the first military activity in my State came in 1805, 2 years after the Louisiana Purchase, when Lt. Zebulon Pike was dispatched up the Mississippi to determine the source of the river. Pike met with the Sioux Indians and struck what was a pretty good transaction. Pike bought 155,520 acres of land for 60 gallons of whisky and about $200 worth of trinkets or roughly 1¼ cents an acre. Work on Fort Snelling was begun in 1820.

Aside from occasionally chasing the Sioux or the Chippewa Indians away from a French trading post or an American settlement, there was no military activity in Minnesota until the Civil War. Minnesota was the first State to answer President Lincoln's call for 75,000 men. Minnesota Governor, Alexander Ramsey, offered Secretary of War, Simon Cameron, 1,000 troops. Considering the population of the State, that offer was a little optimistic.

In April 1861, the 1st Minnesota Infantry was commissioned in the Union Army and began training. There were great dinners and festivals and the men the State of Minnesota had promised were ready to march. Historical accounts of the first weeks of the 1st Minnesota indicate that the prospect of war appealed to the frontiersmen and they went about their training with considerable excitement. The troops were generally equipped and fed through private contributions.

Continuing to enjoy the whole idea of war, the 1st Minnesota received temporary orders to defend the frontier and then permanent orders to go to Washington. Under the command of Col. Willis A. Gorman, the 1st Minnesota traveled by luxury steamboat down the Mississippi to the railroad connection.

As the *Northern Belle* and the *War Eagle* would approach a town, soldiers would disembark, march through the city and reboard their boats all to the delight of townsfolk. The regiment then traveled by first-class railway car to Harrisburg. Cattle cars took them to

Baltimore where the crowds were more hostile.

The 1st Minnesota, which had seen no action, was joined with the Army of the Potomac and in 3 weeks was in the thick of the fighting. Their first battle was at Bull Run where during half an hour of fighting, 42 were killed, 108 were wounded, and 30 were listed as missing.

For 2 years, the First Minnesota fought battles with familiar names in Maryland and Virginia. The Union was not doing well. The Minnesota regiment was down from nearly 1,000 men to 262 soldiers.

Communications were bad as the 262 men sat on a ridge awaiting orders in Pennsylvania. It was July 2, 1863. Union troops were retreating on both sides of the First Minnesota but it stayed put.

In order to protect the Union retreat, the First Minnesota was ordered to charge—it did. Col. William Colvill, in charge at the time, led his 262 men against the Confederates at Gettysburg. They charged without firing a shot even though the enemy 20 times as strong fired repeatedly. The First Minnesota, with bayonets only, broke the first two ranks of the Confederate lines.

That night, 57 men were left; 215 were dead or wounded. It was not over. Those who could walk were put in the front of the Union lines because of their experience. At 1 in the afternoon, 15,000 Confederate troops started across the field in Pickett's charge. The First Minnesota was the first unit to engage the enemy. And 17 more were killed or wounded. General Lee began his retreat.

Two Minnesota men were accorded the Congressional Medal of Honor. Three other Minnesotans were also given the Nation's highest honor for action during the Civil War in other engagements.

Minnesota contributed 22,000 troops to the Civil War while it was, at the same time, putting down the Sioux Uprising in 1862. And Minnesota had a population of less than 200,000 people. Over 2,000 men were killed or died while in service.

Men from Minnesota continued to serve with distinction through the Indian wars, the war with Spain, the First and Second World Wars, and the wars in Korea and Vietnam. There are now 476,000 veterans in Minnesota. Each of them a proud man of whom we are proud.

Mr. Speaker, in the Second World War, it was again the men from Minnesota who were at the front. Minnesota naval militiamen were aboard the U.S.S. *Ward* when the Japanese attacked Pearl Harbor. While the American base was caught virtually unprepared to defend itself, the men of the *Ward* were ready. The first shot fired in that attack was by the Americans from Minnesota and they sunk a Japanese submarine before the attack. The men of the *Ward* were almost entirely from Minnesota and they were the ones who scored a direct hit a full hour before the first bombs fell on the harbor.

I salute the veterans of Minnesota for the service they have rendered. We have a great Nation and I am eternally grateful to the men who have defended it. Freedom will be preserved by men from all States like the ones from my State who were willing to pay whatever price was asked in the defense of liberty.

AMENDMENT TO RESOLUTION ON VIETNAM

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FINDLEY. Mr. Speaker, although a cosponsor of House Resolution 612—and therefore its supporter—I nevertheless strongly feel it should be improved by amendment when it reaches the House floor.

It is fine as far as it goes, presenting a commendable bipartisan expression of support for the President's diplomatic initiatives for a just settlement in Vietnam. Certainly, these initiatives deserve united support. Indeed, what American opposes them? Unfortunately the outlook is grim. In his November 3 statement, Mr. Nixon summed up with these words:

> No progress whatever has been made except agreement on the shape of the bargaining table.

In all candor, the impact of House Resolution 612 on our bargaining position will be limited at best.

The resolution is totally silent on "another front" which the President described as "more encouraging." That "front" is the scheduled withdrawal of all our ground combat forces, which represents a fundamental change in basic policy. Here an expression of united support from the House could have significant impact. It would serve to remove any doubt—if such exists—that the American people support the ground combat troop reductions already directed by the President and his plan to remove the remaining such forces. It would encourage the President to go forward with this courageous, practical means of dealing with one of the most complex problems that has ever confronted our Nation.

Troop withdrawal was the heart of the plan which the President said "will bring the war to an end regardless of what happens on the negotiating front." He said:

> We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. ground combat forces and their replacement by South Vietnamese forces on an orderly scheduled timetable.

Several months ago, in cooperation with my colleagues, Representatives VERNON W. THOMPSON of Wisconsin, WILLIAM L. HUNGATE of Missouri, and THOMAS P. O'NEILL, JR., of Massachusetts, I drafted a resolution—House Resolution 564—on this very point. It now has 128 cosponsors. It reads as follows:

> *Resolved,* That it is the sense of the House of Representatives that the substanial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

When the Committee on Foreign Affairs reported House Resolution 612, I sought to amend it by combining with it the language of House Resolution 564. The amendment I proposed—shown below in italics—would have changed House Resolution 612 to read as follows:

> *Resolved,* That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, *expresses its sense that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in our national interest,* approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and the United States is willing to abide by the results of such elections, supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results, to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southwest Asia, *and supports the President's expressed determination to withdraw our remaining ground combat forces at the earliest practicable date.*

The amendment was rejected on a close vote. When House Resolution 612 reaches the House floor I will seek recognition for the purpose of offering the same amendment.

I hope that many others will join the 128 original sponsors of House Resolution 564 in supporting my amendment. A strong affirmative vote would give our President the congressional support he deserves in the fulfillment of "this plan which will bring the war to an end regardless of what happens on the negotiating front."

Clearly, the House of Representatives has a duty to formulate a position on basic Vietnam policy, and I would hope it will endorse the policy being pursued by the President. This will be the first time the House has spoken on this subject since 1964 when it passed the Gulf of Tonkin resolution. Since that time many things have changed. The Vietnam war is altogether different than 5 years ago. Our new Commander in Chief deserves a vote of confidence in the fundamental policy change he has initiated.

The Constitution delegates to the House a responsibility in the formulation of foreign policy. Too often we have shirked it. We have shrunk from judgments and decisions which seemed difficult because of their complexity and the uncertainty of their outcome. Nevertheless, this neglect did not absolve us from the responsibility. Rather, it denied the President—and the Nation—the galvanizing support of public opinion formulated and hammered out on this great anvil of democracy.

If we fail to speak up in support as the President pursues his announced policy of "withdrawal of all United States combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable," we will once again deprive our country of a vital service which only we can render.

HASTE MAKES WASTE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, as my colleagues know, I have not been a firm supporter of the activities of the Atomic Energy Commission, but I admit that the Commission does endeavor to follow a very detailed plan of preparation before detonating any underground nuclear blast. Ultimately abandoning a proposed project in Alaska, which was part of its "Plowshare" program, the AEC studied for over 2 years the physical land, the biotic systems and the bioenvironment of the land, before even approving the underground blast.

Now consider the activities of the major oil companies in bringing to market the oil discovery in Prudhoe Bay. The Alaskan oil rush is on and Congress is being pressured to acquiesce—overnight—to policies that would affect the economy, ecology, and environment of Alaska for generations to come. And yet, the officials of Interior itself have acknowledged that scientific studies to determine the impact of the construction of the oil pipeline on even the tundra of the land have never been done by their Department.

What is the rush? The oil has been there untold millions of years and I assume it will still be there next year and the year after that. "Haste" in granting permission to construct the trans-Alaska pipeline system could lead to "waste" of the environment of Alaska. Calm deliberation is the proper course for Congress and the Department of the Interior at this time. In line with such deliberation, our colleagues will appreciate the editorial remarks on the subject in the New York Times on Monday, November 10. The article follows:

SLOW DOWN THE OIL RUSH

Governor Keith Miller of Alaska is reported to be indignant over the Federal Government's hesitation in approving construction of the giant pipeline to bring out the wealth of the fabulous oil strikes on the Alaskan North Slope. Refusal of the appropriate Congressional committees to be rushed into giving Secretary of the Interior Hickel a green light is regarded by the Governor as "illegal" and "an unwarranted interference in the affairs of the sovereign state of Alaska."

The indignation is misdirected. It should be addressed, instead, to the Atlantic Richfield Company, the Humble Oil Company and the British Petroleum Company for the greedy haste with which they are prepared to endanger a vast territory—the land, its people and its wildlife—for the sake of a quick and enormously profitable return on their investment. A measure of their over-readiness to risk what is not theirs to gamble with is the fact that pipe for the project has already been brought in—and there is good reason to believe that preliminary work on the right of way has been started, without benefit of permit or of law.

Governor Miller and the oil companies need to be reminded of a few simple facts which may have been overlooked in the hurry to cash in on the treasure of the fields near Prudhoe Bay. Almost the entire length of the projected 800-mile pipeline to Valdez is over public lands belonging to all the people of the United States. Alaska will in time resume its right, under the act that gave it statehood, to acquire more Federal lands, but not before Congress has had a chance to deal with the claims of the native Aleuts, Eskimos and Indians to whom it owes the solemn obligations to see that they do not go the tragic way of the American Indian.

While that land is still Federal property it is the plain duty of the United States Government to make as sure as it is humanly possible that this vast region is not exploited, polluted or otherwise ruined for the profit of the oil companies or even for the sake of the short-run revenues that will accrue to the Alaskan state treasury.

To date there is not the least assurance that oil can be piped over such a distance, across land that can be scarred for a quarter-century by the track of a bulldozer, without causing irremediable destruction. In this tundra a 48-inch pipeline filled with hot oil could produce rapid and disastrous erosion in the underlying permafrost. Taking gravel from the river bottoms to lay a foundation over the tundra for roads, camps and airstrips would destroy spawning grounds, and running the pipe above ground would create a barrier to migrating caribou and other wildlife—all necessary to the ecological balance of the region.

Beyond these dangers, the risk of leaks in the line, or outright breaks, is extremely grave. Last year there were more than 500 such leaks in the United States, not to mention the devastation off Santa Barbara. The Alaskan line would pose a far greater hazard, being four times as wide as most—a half-million gallons of oil for every mile of pipe—and traversing an area notoriously prone to earthquakes. In the slow-healing permafrost of the Arctic a huge oilslick would last for decades, perhaps for centuries, killing all the wildlife in its way, with unforseeable damage to the total environment.

To his credit, Secretary Hickel has drawn up an impressive list of stipulations for the builders of the pipeline in the event they are allowed to go ahead, including constant inspection and plans for emergencies. But so far neither of the Congressional committees has been convinced that the Interior Department has the resources or the manpower to enforce the Secretary's proposed regulations. A handful of low-salaried inspectors stationed great distances apart is hardly the force to cope with the enormous pressure of companies bent on quick completion and of state officials understandably eager for a lift to the economy.

Like the Congressional committees, we cannot see the case for swift action now, with the chance of infinite regret later. On the side of haste is money; on the side of study, of careful and coherent planning, is the life of a state and its people.

REPEAL OF SECTION 5(a)2 OF THE MILITARY SELECTIVE SERVICE ACT OF 1967

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. HALL. Mr. Speaker, the Committee on Armed Services, acting in accordance with the proposal submitted by President Nixon, agreed to H.R. 14001, which would repeal section 5(a)2 of the Military Selective Service Act of 1967.

I think that we can also agree that some sort of selection system is necessary at this time to maintain our military posture.

To this end, the House of Representatives recently passed H.R. 14001, legislation to modify the system of selecting persons for induction into the Armed Forces. This legislation, whereby all young men would know by the end of their 19th year whether they would be required to do military service, is most important. It is essential that these young men be given some opportunity to plan their future course of action without feeling themselves vulnerable for a period of 7 years.

The change in the Selective Service System proposed by the President and passed by the House is now awaiting action in the other body. The change is fair and equitable. It should be acted upon immediately.

SEATING COMMUNIST CHINA IN THE UNITED NATIONS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, on the eve of the United Nations debate on the question of seating the Communist Chinese in the United Nations, former Congressman Walter Judd and the Committee of 1 Million Against the Admission of Communist China to the United Nations, of which he is chairman, have released a white paper analyzing recent Communist Chinese history and its qualifications for membership in the U.N.

It is an authentic and accurate history in brief and sets forth in far clearer terms than I could compose the reasons why the admission of Communist China is out of the question. I am pleased to see that the Nixon administration has reiterated our opposition to the seating of the Communists and I commend the President for so doing.

This report is well worth the time and attention of every Member, and I hope they will read it as I have.

The report follows:

COMMUNIST CHINA: AN ASSESSMENT

(NOTE.—Twenty years have elapsed since Mao Tse-tung and his Communist followers completed the subversion and conquest of the China mainland.

(For the estimated 650 to 700 million Chinese people the past two decades have been marked by a turbulence and tyranny seldom, if ever, paralleled in 4,000 years of recorded Chinese history.

(It is both timely and proper that an assessment be made of Red China today. This report will attempt, as briefly as possible, to provide such an assessment.)

On April 1, 1969, 1,512 delegates, handpicked by the supporters of Mao Tse-tung after repeated delays and much difficulty, convened the Ninth Congrers of the Chinese Communist Party in Peking's "People's Hall."

Though the Party Constitution adopted by the Eighth Congress in 1956 ordered that a session of the National Party Congress be held annually, none had been called since the end of the second session of the 8th Congress in May, 1958—a span of 11 years.

Why?

Largely because Mao Tse-tung embarked on programs that were to send mainland China into severe convulsions during those eleven years, beginning with his Great Leap Forward and ending with his Great Proletarian Cultural Revolution.

The principal result of the great Leap was to set back China's economy by uprooting its agricultural plant through the institution of rural communes and by dislocating the small but promising industrial plant the Reds had captured from the Chiang Kai-Shek period.

The principal result of the Cultural Revolution has been to unravel the entire fabric of traditional Chinese life, close down its schools, create near-anarchy in cities, towns and countryside and submit an entire nation to the stifling memorization of the Thoughts of Mao Tse-tung, the wisdom of Mao Tse-tung, the omniscience of Mao Tse-tung and the idolatry of Mao Tse-tung.

Between what amounted to a Great Leap Backward and a Revolution Against Culture, the most heavily populated nation in the world has been placed in limbo, literally going nowhere fast in a century when social, economic and political progress are mankind's most urgent business.

According to testimony from the endless procession of refugees from Communist China and by the admission of some of Mao's ardent Western supporters who have been permitted to visit Red China in recent years, most of Mao's much heralded "agrarian reform" programs have been failures. Food gain production alone dropped by five million tons in 1968.

China's industry is still woefully miniscule for a nation with such a vast labor pool. It is particularly retarded in providing consumer goods that would be considered commonplace in any other land—even in other Communist countries.

The simple hoe is still the primary agricultural tool. The bicycle is the most cherished and popular available mode of transportation. Not a single mile of sorely needed new railroad track has been built in the past ten years. Matches, soap, most meats, many vegetables, tobacco and other everyday consumer goods are strictly rationed. Cloth is so hard to obtain that relatives living outside Communist China are urged by their loved ones within to send pieces of yard-goods rather than money in order to provide new patches for worn out clothing.

Even in the field of education where the Communists initially continued the great strides made before the Japanese invasion in reducing illiteracy and expanding the number of schools and teachers in China, Mao's personal campaigns of "leaps" and "anti-culture" have slowed development to a virtual standstill.

During the "cultural revolution," largely as a means of making available large numbers of young people for the Red Guards and the resultant riots and demonstrations, Peking ordered schools closed, colleges and universities shut down, and faculties purged.

It is estimated that since 1966 the stifling effect of limiting all reading, discussion and thinking to the "thoughts" and "works" of Mao Tse-tung, coupled with the closing of schools and the sending of 160,000 competent teachers to work in the countryside in order to learn the "wisdom of the peasants," may have set mainland China's future back more than a decade.

Even the People's Liberation Army newspaper "Red Flag" recently had the courage to admit that the young people of Communist China were becoming bored with reading nothing but Mao's words and suggested, editorially, that perhaps it would be healthier if Red China's youth was exposed to outside writings even though these might, of course, convey "dangerous" ideas.

Only in the field of nuclear weapons where Peking has fanatically concentrated its economic and scientific resources has Communism managed to produce any significant advancements.

By ignoring the needs of the Chinese people, Mao Tse-tung's followers have been able to saturate vast reaches of the world with propaganda, subversion and—in the case of Southeast Asia—outright promotion of terrorism and violent revolution in the name of so-called wars of national liberation.

It is little wonder, therefore, that it took so long to call a Party Congress, particularly after Mao's costly "leaps" and "revolution" led to sharp schisms within the Party hierarchy and forced him to turn to the mob rule of the youthful Red Guards in order to stay in power at all.

Like everything else Mao has tried in China, the Red Guards got completely out of hand. Today Peking rules uneasily over a strife-torn, anti-Maoist and increasingly anti-Communist population of restive peasants, workers and intellectuals only by virtue of the PLA—the misnamed People's Liberation Army.

To keep that army on his side, Mao has paid a tremendous price. He forced the Ninth Party Congress to officially designate his trusted comrade, Defense Minister Lin Piao, as his successor. He gave PLA commanders a disproportionate share of the seats in the Party Central Committee. He has also turned over control of key regions and provinces of mainland China to Lin's generals. Although a dedicated Marxist-Leninist whose famous "thoughts" include an admonition that the Party must always be master of the army—never the reverse—Mao now relies almost entirely on the military to maintain his dictatorship over the Chinese masses.

Aside from Mao and Lin, who runs China today?

First, consider the composition of the new Central Committee elected by the Ninth Congress.

Of the 170 full members, 58 are Communist revolutionary cadres including Mao himself. Seventy-three are PLA military chiefs, including Lin Piao. Thirty-nine appear to represent so-called organizations of the masses—peasant unions, workers groups, etc.

The Ninth Congress was in secret session for 24 days—the longest meeting of a Chinese Communist Party Congress in history. This tends to confirm reports that even with hand-picked delegates Mao and his closest aides had difficulty in arranging their new Constitution and the composition of the Central Committee.

On April 28, the Committee elected a new Politburo chaired by Mao with Lin Piao as Vice Chairman. The Standing Committee of the Politburo, which formerly consisted of eleven members, was reduced to five to give Mao absolute control the decision-making process. Aside from Mao and Lin, the others are Chou En-lai, Mao's long-time Premier, Chen Po-Ta and Kang Sheng, both of whom are old-line regulars in Mao's camp.

Of the 21 Politburo members—including the five on the Standing Committee—eleven are from the army—assuring the PLA control of Red China's political affairs in the future.

Since the Ninth Party Congress, two important internal developments have occurred. One is that official Peking publications are suddenly listing Mao—for the first time since he gained control of the mainland in October, 1949—as a co-equal commander with Lin Piao of the Peoples' Liberation Army. This is being interpreted by Hong Kong observers as an indication that Lin's health may be sufficiently in doubt to force Mao to assume a title he so long frowned upon simply to protect the continuity of his grip on the army.

The other development is the emergence of Finance Minister Li Hsien-nien as acting (if not actual) Foreign Minister amid strong indications that he may become Premier if another strong indication becomes a fact: Premier Chou En-lai may be named the figurehead President of the Chinese People's Republic. Peking has become sensitive to the fact that since the purge of President Liu Shao-chi no one has replaced him. When Chou led the delegation to the funeral of North Vietnam's Ho Chi Minh, Cambodian Premier Sihanouk noted that no head of state except himself paid homage to the deceased dictator of Hanoi—not even a "President of the Chinese People's Republic."

In the eyes of Asians—even Communist Asians—this is almost unforgiveable.

Such is the hierarchy which rules China today.

Since it is obvious the military now governs Communist China, what is its strength and composition?

At the present time, Communist China presents an overall picture of military weakness rather than strength. The People's Liberation Army (PLA) can, of course, draw upon an enormous population base, amounting to perhaps 150 million men of military age. The Chinese Communists themselves claimed in 1958 that there were 170 million people in the "People's Militia." But it is obvious that the economic and technological base of mainland China is capable of supporting only a fraction of such numbers in terms of all-important equipment and logistics. Fighting on their own territory, the Chinese masses would constitute a formidable problem to any invader. But in terms of offensive capability, Peking is still in no position to take on any first class military power.

The numerical strength of the PLA is estimated to have been between 2,150,000 and 2,540,000 before the outbreak of the Cultural Revolution in 1966. It may be slightly higher at the present time. Most of the estimated 110 to 130 divisions still consist of lightly equipped infantry. There are only seven or eight completely motorized divisions. Tanks number about 3,500 and artillery pieces 6,500. Modernization of heavy equipment is lagging, but there has been a thorough modernization of light weapons since the early 1960's, so that by now nearly all units of the army should have received new rifles and light machine guns.

During the early and middle Fifties, the Chinese Communists received a great deal of assistance from the Soviet Union in building an Air Force. In 1958 the numerical strength of the Air Force reached 3,332 aircraft, including 2,614 jets. The development of the Sino-Soviet dispute, however, brought an end to Soviet aid and throughout much of the 1960's both the quantity and the quality of the Chinese air forces has declined. In December, 1966, the overall strength of the Air Force had dropped to 2,792 aircraft, according to intelligence sources. This figure included 2,354 jets, of which, 1,844 were fighters. Only 290 of these had been manufactured after 1960, and nearly 1,200 were more than 8 years old.

The Chinese Communist Navy is still the weakest part of Peking's military establishment, although the adaptability of missiles to small surface ships and submarines may soon increase its effectiveness.

The Navy is designed primarily for coastal defense. In addition to an assortment of old destroyers, frigates, escorts and minesweepers, the Chinese surface navy is built primarily around high speed patrol boats of the Osa and Komar classes, which are armed with short-range surface-to-surface missiles. The effectiveness of such vessels—designed by the Russians—was demonstrated in 1967 when one was used to sink the Israeli destroyer *Eilat*. The Chinese are continuing to build these types of ships as well as gunboats and torpedo boats.

The Chinese have perhaps 40 to 50 submarines—all of them diesel-powered. Secretary of Defense Laird reported in May, 1969, that the Chinese Communists do have one Soviet-type diesel-powered G-class missile-launching submarine, although there was at that time no evidence that they had as yet developed a missile for it.

Red China's major military threat to the United States (or the Soviet Union) will come into being when, and if, she develops an ICBM capability. Through September 30, 1969, Red China has detonated nine nuclear devices, including six with thermonuclear materials. It is probable that she now has a limited stockpile of nuclear bombs, and her nuclear capabilities can be expected to grow gradually over the next few years.

The ICBM development program has not, however, progressed as rapidly as had been estimated. The first flight test was expected before the end of 1967, but has not been confirmed. And although tests have been conducted with medium range ballistic missiles (MRBM), no actual deployment has as yet been discovered. Inasmuch as this deployment is now two years behind schedule, either technical or political problems must be the cause of the delay. In any event, testing is continuing, according to Secretary Laird, up to ranges of about 1,000 miles. The intelligence community continues to believe that the Chinese intend to deploy a MRBM system. But even if they were to do so soon they could not have an operational MRBM force until late in 1970. By the mid-1970's they could have a force of 80–100 operational MRBMs, which would pose a direct threat to Red China's Asian neighbors.

A serious military weakness of Communist China is that purely military training has often been sacrificed at the expense of political indoctrination.

Until the Cultural Revolution showdown and the Red Guards convulsion, the military avoided direct intervention in what was developing into a civil war between pro- and anti-Mao factions. When Mao finally ordered the army to support him with force if necessary, many of the local military commanders sided with the anti-Maoists. Consequently, there is considerable speculation that PLA morale is currently at a low ebb.

The current Sino-Soviet dispute dates from about 1956–57. Peking reacted negatively to Khrushchev's "de-Stalinization" speech in 1956, while the Soviets opposed the economic misadventures of the Great Leap Forward. At the 12-nation conference of Communist parties in November, 1957, the Chinese Communists challenged the thesis that there could be a "peaceful transition" to socialism in the capitalist world. A further sharp conflict erupted at the World Communist Conference in November, 1960. Relations were also exacerbated by the Soviet failure to support Communist China militarily during the Quemoy Crisis of 1958, and by what the Chinese called Soviet "capitulationism" at the time of the Cuban missile crisis in 1962.

During 1964–65, Communist China sought to organize an Afro-Asian Conference which would exclude all whites, including the Soviet Union, which it branded a "colonial power" in Asia. The attempt to ban the U.S.S.R. failed, and the Conference had to be abandoned.

This and other Chinese foreign policy reversals almost certainly played a part in the initiation of the Great Cultural Revolution in 1966. The Cultural Revolution adopted an extremely virulent anti-Soviet tone, resulting in the purging of all those elements in Communist China which might be at all favorable to the Soviet Union. For example, there is some evidence that the purged military Chief of Staff, Lo Jui-ching, wished rapprochement with Moscow for the purpose of making common cause in the Vietnam war. And such Party opposition leaders as Liu Shao-shi and Ten Hsiao-ping may have wished better relations with the U.S.S.R. for the purpose of achieving economic assistance for China's internal development.

The Sino-Soviet conflict approached the explosion point in the summer of 1969, following military clashes along their border which were probably provoked by the Chinese. The ostensible reason for the border trouble was Peking's claim to territories which were seized by Tsarist Russia a century ago. The leaders of both Communist giants have now formally warned their peoples of the danger of war with the other.

In July and August of this year the Soviet Union substantially increased its military forces along the Chinese border and conducted a series of military maneuvers. Rumors have been circulated concerning a possible preemptive Soviet strike against China. It was in this charged climate that Soviet Premier Kosygin met with China's Chou En-lai in early September, following the death of North Vietnam's Ho Chi-Minh. Since then Peking has agreed to further talks and a Soviet delegation arrived in Peking for preliminary discussions in October.

Communist China's Ninth Party Congress was shrouded in mystery. Only three official releases were distributed and the number of delegates present fell far short of the original plan of the Maoists which called for a "mass rally of 10,000 people" with seven to eight thousand delegates and about 2,000 foreign guests.

Unlike previous meetings of the Party high command, the Congress came forth with more theory than practical planning although they did reaffirm their devotion to Mao and his "thoughts."

Lin Piao's political report received the most attention and the Congress adopted the new constitution. The constitution also gave co-equal status to the Soviet Union and the United States as Red China's number one enemies: the first because of alleged revisionism, "social imperialism" and opposition to Mao, the second because Peking views the U.S. as the leader of capitalist imperialism.

Lin's speech was significant because it amplified Mao's famous statement of October, 1968, in which he declared:

"Therefore, we cannot speak of final victory, not even for decades. We must not lose our vigilance. The final victory of a socialist country not only requires the efforts of the proletariat and the great masses of the people at home but also depends on the victory of the world revolution and the abolition of the system of exploitation of man by man over the whole world. . . ."

Mao also stated at that time, and Lin repeated it during the Congress:

"With regard to the question of world war, there are but two possibilities. One is that the war will give rise to revolution and the other is that revolution will prevent the war."

Lin's political report sounded forth most strongly on two fronts. First, he denounced foes of Mao Tse-tung as "heretics" who must be obliterated from the China scene. He insisted that Mao is both the founder and leader of the international Communist movement following Marx and Lenin. (In the 24,000 words of his message to the Congress, Lin mentioned "Chairman Mao" and "Mao Tse-tung's thought" a total of 148 times.)

Second, Lin discussed revolution at home and abroad. Internally, he declared that the Cultural Revolution must continue to weed out class opponents of Mao. He admitted there are deep divisions within mainland China that make the so-called class struggle between "the socialist road and the capitalist road" so touch-and-go that Communist China is faced with "the danger of capitalist restoration."

Lin asserted that the only hope for Mao's regime is to "exercise all-around dictatorship of the proletariat in the superstructure including all spheres of culture, and strengthen and consolidate the economic base of socialism."

With respect to the outside world, Lin added that Maoists are convinced that the only way to preserve and consolidate political power is to strengthen their rule by internal violence and speed up the export of external revolution.

Lin also quoted Mao as saying that the PLA is "the main component of the state" which must do all in its power "to engage in all types of revolution around the globe."

He specified—in no uncertain terms—that winning the war in Vietnam by forcing America's withdrawal is of prime concern to Peking and that Red China intends to step up its efforts to promote "revolutionary struggle" in Laos, Thailand, Burma, Malaysia, Indonesia, India, Palestine and regions in Asia, Africa and Latin America.

He hailed the "just struggle" of the "proletariat, students and youth, and the masses of black people of the United States" and "all the just struggles of resistance against aggression and oppression by U.S. imperialism and Soviet revisionism."

He even called for a revolution in the Soviet Union but he said after Vietnam, Mao and he would direct their attention to the export of violent revolution throughout southeast Asia.

It is because of this virtual declaration of war against what remains of free Asia by Lin Piao—and Communist China's aggressions against Tibet, India, South Korea, etc.—that so many free Asian leaders are now speaking openly of their fears for the future of their countries.

Finally, Lin reminded his audience at the Ninth Congress of his September, 1965, declaration in favor of so-called "People's Wars." He likened the less developed regions of Africa, Asia and Latin America to the "countryside" in which Communist revolutionaries could launch violence, terrorism and subversion on so many fronts that eventually they would encircle and engulf the advanced countries of Western Europe, North America and Japan, which he described as the "cities." It is just this strategy that succeeded in the conquest of China itself and which has been applied to Communism's aggressive subversion in Vietnam.

Thus, it is appropriate to recall a speech delivered by North Vietnamese General Nguyen Van Vinh in 1966 to the fourth Vietcong Supreme Headquarters Congress:

"China holds that conditions for negotiations are not yet ripe, nor until a few years from now, and—even possibly—seven years from now. In the meantime, we should continue fighting to bog down the enemy, and should wait until a number of socialist countries acquire adequate conditions for strengthening their main force troops to launch a strong, all-out, and rapid offensive, using all types of weapons and heeding no borders. What we should do in the South (Vietnam) today is try to restrain the enemy and make him bog down, waiting until China has built strong forces to launch an all-out offensive."

There is nothing in either the words or the actions of the Mao-Lin groups to suggest that any moderation of past policies is in store. The Peking regime indicated at the Ninth Party Congress this year that it feels free to pursue its external revolutionary goals with even greater diligence and virulence.

Behind this conclusion is the Mao-Lin hierarchy's stated objective of "leading" the international Communist movement while spreading the gospel of Mao to the far corners of the world.

Unstated is Peking's undoubted aim of distracting the restless, rebellious populace at home by embarking on "foreign adventures" that may also hold some appeal for China's jingoists.

Regardless of motivation, as the Prime Minister of Malaysia stated so clearly in a recent interview, it is clear that Communist China is dedicated to the subversion of "first, southeast Asia . . . then all of Asia," and thus free Asian leaders approach the future with fear and uncertainty.

In the light of its record and stated objectives, does Red China qualify for membership in the United Nations? Would its admission make the United Nations more united—and more effective? Or less united—and less effective?

A LONG AND TOUGH ASSIGNMENT ENDS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, as both an investigative and legislative committee, the old House Committee on Un-American Activities—HCUA—recently renamed the House Committee on Internal Security, has figured prominently in matters involving national and internal security since the 1940's. Whether delving into the subversive activities of the Communist Party USA or exposing the Ku Klux Klan's onslaught against basic civil rights, the committee's work has necessitated confrontation with various types of extremists individuals, organizations and ideologies alien to our way of life. Not too many other congressional committees have had their public hearings disrupted by radical elements or have entertained witnesses who owed their allegiance to a foreign totalitarian power. From hearings on Communist infiltration of the radiation laboratory and atomic bomb project at the University of California at Berkeley to the operations of the Communist Party of western Pennsylvania or the District of Columbia, HCUA assignments covered the widest range of subjects and areas in dealing with subversive activities in the field of internal security. Needless to say, those of the HCUA staff labored under grave responsibilities in collecting and evaluating information in these highly sensitive areas.

One HCUA staff member who perhaps is more knowledgeable concerning the history and operation of the committee is Donald T. Appell who joined HCUA in 1947 and who has recently retired. Shortly after joining HCUA, Don received his baptism of fire in the celebrated Alger Hiss case. The Hiss case was an excellent example of the painstaking care and hard work required of those investigating subversive activities. The monumental KKK hearings of 1965–66 provides yet another example of the difficulty and, at times, danger of carrying out HCUA assignments. This has been the sum and substance of most of Don Appell's adult life, and I am sure there were times when he wearied of the responsibilities of his unusual and exacting profession.

When one reads about the flag-burners, the anarchists and America-haters who make headlines today in our midst, one appreciates even more the loyalty and devotion to country which has characterized Don's long and difficult tour of duty in defense of this Nation's security.

The Chicago Tribune of November 9, carried an excellent article by veteran newsman Willard Edwards on Donald T. Appell's eventful career with the House Committee on Un-American Activities. I insert it in the RECORD. at this point:

EX-PROBER FOR NIXON IN HISS CASE ENDS HIS CAREER IN HOUSE

(By Willard Edwards)

WASHINGTON, November 8.—Richard M. Nixon, a young California congressman newly arrived in Washington in 1947, had a good eye for talent.

He had just been appointed to the House committee on un-American activities and was aware that its staff needed qualified investigators, diligent in the digging out of information about the communist conspiracy, accurate, and scrupulous in the assessment of evidence.

Nixon happened upon a report by a staff worker which appeared to disclose these qualities. His recommendation put Donald T. Appell on the un-American activities investigative staff, introducing him to a spectacular career which ended in his retirement this week.

PROVED GOOD DETECTIVE

Appell was 23 when he came to Capitol Hill in 1939 and began working for the House claims committee. His duties were administrative and nobody suspected that he had the instincts of a good detective until, after he had shifted to the un-American activities committee in 1947, he was pressed into service for an inquiry in North Carolina.

Nobody expected the 31-year-old novice, with no investigative experience, to come up with more than routine findings when he was assigned to explore the operations of the Food and Agriculture Workers union in the southern state.

But Appell, patiently interviewing prospective witnesses, eventually located a young woman who had just been expelled from the Communist party for having an illegitimate child by a nonparty member. He succeeded in gaining her confidence and when she finished talking, 19 members of the union board had been identified as Communist party members. The evidence stood up at hearings, resulting in a memorable exposure.

TAKES PRIVATE LESSONS

It was this achievement which called him to Nixon's attention and resulted in his appointment as an investigator and two decades of service in which he frequently served as chief of staff and counsel. He had only a high school education but he took private lessons in law to school himself in the technicalities demanded of his post.

Within a year after Nixon sponsored Appell, both were thrust into central roles in what remains as the greatest spy story of the 20th century—the Alger Hiss case.

Appell was one of the two committee investigators [the other, William Wheeler, has retired] who accompanied Whittaker Chambers, an admitted ex-soviet agent, to his farm in Westminster, Md., on a frosty fall night in 1948.

CHAMBERS NAMES HISS

Chambers had named Hiss and other former government officials as spies for Russia, precipitating a storm which convulsed the nation at the time. Hiss, a former state department official, denied the charges and sued Chambers for $75,000 in a libel action.

Chambers produced documents at pretrial hearings to support his charges. These papers were impounded by the court. With President Truman raging that the House committee was politically motivated and the case against Hiss "a red herring," there were reports that the evidence would never be disclosed.

At this point, Chambers told the House committee that he had "held something back." Served with a subpena, he took the two investigators to his farm and walked to a patch where a number of pumpkins were still attached to their vines.

HIDDEN IN PUMPKIN

Appell will never forget the scene. He recalls his own moments of incredulity as Chambers stooped over, picked up a pumpkin, removed the top, and took out three rolls of developed film and four canisters of undeveloped film from the hollowed-out interior.

"I think this is what you're looking for," said Chambers mildly.

Two days later, the nation was talking about "The Pumpkin Papers." There was a good deal of ridicule but the developed film revealed clearly that Hiss had stolen secret state department papers. Eventually, after two trials, Hiss was convicted of perjury to conceal espionage. He served three years and eight months of a 5-year prison sentence.

"I don't believe Chambers would ever have given us the film if Hiss had not sued for libel," Appell said. "It's a classic example of a man pushing his bluff of innocence too far."

BROKE KLAN POWER

It would take a book to detail all of Appell's exploits. He is proud of a 14-month investigation in 1965–66 in which he exposed the Ku Klux Klan's operations. The job almost undermined his health. He acted both as chief investigator and counsel in the hearings which followed. The result—complete destruction of the Klan as an operating force in the United States.

Talking of the work of the committee, now called the House internal security committee, Appell said that it has been under increasing attack since its creation more than 30 years ago. The most popular charge is that it has destroyed the careers of men and women summoned for interrogation.

"In all the years I have served with the committee," he remarked, "I do not know of one investigation which resulted in a hearing at which the committee could not prove the witness had knowledge in the communist area.

RETIRES RELUCTANTLY

"To my knowledge, no innocent man has ever been subpoenaed for questioning."

Appell is going into retirement reluctantly. He will have a comfortable pension, based on more than 30 years of legislative service, but he is only 53 and has four youngsters to put thru college.

His old sponsor is now President, but Appell's applications for employment in some government security agency have presumably never reached his attention. There are too many holdover officials in the Nixon administration who have little interest in hiring an expert on subversive activities.

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE "PEACE" MOVEMENT

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, the Evans-Novak column appearing in today's Washington Post deals with an important aspect of the upcoming anti-Vietnam protest demonstrations which has been either overlooked or ignored by some segments of the press; namely, the radical nature of the New Mobilization Committee To End the War in Vietnam—New Mobe. Just 2 days ago I emphasized this theme in a press release which was disseminated widely. The text of the release follows:

PRESS FAILS TO DEFINE CHARACTERS AND VIOLENT HISTORY OF PROTEST LEADERS

The ranking Republican on the House Internal Security Committee today charged that much of the press—especially the liberal press—has not accurately portrayed the true character of the New Mobilization Committee to End the War in Vietnam (New Mobe) or its leaders, sponsors of the November 13–15 Vietnam demonstrations.

Rep. John M. Ashbrook (17th Ohio) said in a statement issued today, "Some elements of the press are doing a grave disservice to sincere objectors to the war in Vietnam by ignoring the violent history of the New Mobe Committee, the successor to the National Mobilization Committee.

"The present leaders of New Mobe—this vast assortment of extremists, communists, radicals, and militant leftists—engineered National Mobe efforts which led to the most violent planned confrontation of the decade, the Chicago convention riots. Two of the National Mobe leaders, Dave Dellinger and

Rennie Davis, also leaders in New Mobe, now stand trial in Chicago on charges of conspiring to incite riots.

"Chicago leaders produced some 10,000 demonstrators who were well organized for disruptions which resulted in some 650 arrests, 200 injured policemen and an estimated 900 other injuries.

"National Mobe sponsored the demonstration in Washington on October 20–22, 1967, the goal of which was to confront the warmakers and to 'shut down the Pentagon.' They forced their way into the Pentagon but were promptly removed. The demonstration was marked by a scandalous display of obscenity and immoral behavior and more than 600 arrests resulted.

"National Mobe was again active during President Nixon's inauguration and planned a counter inaugural. Although small, there were still disorderly demonstrations, mutilation of the U.S. flag, and 119 arrests.

"Of the 48 sponsors of New Mobilization, at least 30 of them were leaders, sponsors, or officials of the violence-prone National Mobe.

"Those who would participate in the protests should be advised that a calm protest is the exception, not the rule. Many people were surprised that the October demonstrations did not break down into violence. Most people will be amazed if the November phase does not. A spokesman for the riot-prone Weatherman faction of SDS recently told the press that they would join with 'other explosive elements.' Moreover, Yippies also plan to do their 'thing.'

"Tragically, the press has emphasized primarily the 'bright' side of the demonstrations and avoided the character, the background, the history of the rioters who are in the lead. The evidence is available. For example, the remarks of Attorney General Mitchell, of FBI Director Hoover, the study I inserted in the Congressional Record (October 16, 1969, page 30477), and the study prepared by Rep. Richard Ichord, and many other reports of the Congress, including Vietnam Week, 1967, reports of the Democratic Convention Riots, and reports on the New Left.

"Some news media are attempting to present a complete picture, but for the most part the liberal press, especially such well-known papers as the Washington Post and the New York Times, are tragically misleading major segments of the population."

As pointed out in the release, there is ample public information available on the extremist character and history of many of those who are calling the shots for New Mobe. Yet readers of some major newspapers have been saturated with every detail concerning the operations of New Mobe and its November protest activities with the conspicuous exception of who the New Mobe people are, what they have done in the past, and the radical bent of their leftist ideologies.

Essentially the same objection has been raised by the Press Ethics Committee here in Washington which on November 9 issued the following release:

Dave Dellinger met at Bratislava in Czechoslovakia with Viet Cong Agents just before launching the "peace march" against the Pentagon.

Dave Dellinger met with agents in Communist Rumania just before triggering the violent demonstrations in Chicago at the time of the Democratic National Convention.

Dave Dellinger is now a key sponsor of the New Mobilization Committee to End the War in Viet Nam which is planning demonstrations in Washington, D.C., November 14–15.

Why are not television and other elements of our news media informing the American people of his record and that of others on the letterhead of the New Mobilization who have similar or worse records?

Why are the major television networks instead trying to make it appear that these demonstrations are led by loyal Americans instead of by leaders whose actions have helped our enemies?

Why does the *Washington Post* confine itself to reporting on the front page that the New Mobilization "is an umbrella for diverse anti-war groups" instead of revealing that the hard-core leadership of the New Mobilization has little relationship to any sincere U.S. peace elements?

The attack upon Vice President Agnew who far understated the case against such leadership instead of upon those whose actions can harm this country is but one of many signs pointing to possible misreporting of a dangerous sort in connection with the upcoming demonstrations.

Television was severely criticized by independent commissions, officials and by many individuals, for actually inciting violence in Chicago by irresponsible reporting of the demonstrations there.

The New Mobilization's November 14–15 demonstrations offer an opportunity for responsible, objective and full reporting of the facts instead of compounding past errors by dangerously misleading and overemotional reporting. It should be kept in mind that the White House itself is involved in the plans of the New Mobilization's questionable leadership.

The Press Ethics Committee, headed by writer and author Chairman Frank, lists among its members veteran columnist Walter Trohan of the Chicago Tribune, Pulitzer Prize-winner Edgar Ansell Mowrer, and syndicated Washington correspondent Sarah McClendon.

The Evans-Novak column entitled "Liberals Capitulate to Extremists, Reds Dominate 'Peace' Movement" gives in capsule form important information for sincere, peace-seeking citizens who are in danger of being duped and used by New Mobe to further its radical ends. I insert at this point in the Record the above-mentioned column by Rowland Evans and Robert Novak as additional background material on the demonstrations which are scheduled to begin here in Washington tomorrow:

Liberals Capitulate to Extremists, Reds Dominate "Peace" Movement

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedly spent this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committee is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers' Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore, the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Stewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hicks, for Thursday, November 13, and the balance of the week on account of business in his district.

Mrs. May (at the request of Mr. Gerald R. Ford), for November 12 through November 20, on account of official business as a representative of the Agricultural Attaché Conference in Bonn, Germany.

Mr. Denney (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of recurring knee injury.

Mr. JONES of Tennessee (at the request of Mr. ALBERT), for November 12 through November 20, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes, on Tuesday, November 18; to revise and extend his remarks and to include extraneous matter.

Mr. PATMAN, for 30 minutes, on Thursday, November 20; to revise and extend his remarks and to include extraneous matter.

Mr. FINDLEY, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LUKENS) and to revise and extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 15 minutes, today.

Mr. BROTZMAN, for 15 minutes, on Wednesday, November 19.

Mr. ASHBROOK, for 60 minutes, on November 18.

(The following Members (at the request of Mr. MATSUNAGA) and to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 20 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. MINISH, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS and to include extraneous matter.

Mr. PHILBIN in six instances and to include extraneous matter.

(The following Members (at the request of Mr. LUKENS), and to include extraneous matter:)

Mr. PETTIS.

Mr. QUIE in two instances.

Mr. HALPERN.

Mr. MIZE.

Mr. TAFT.

Mr. DAVIS of Wisconsin in two instances.

Mr. GOODLING.

Mr. MESKILL.

Mr. GUBSER.

Mr. WIDNALL.

Mr. MCKNEALLY in two instances.

Mr. BUSH in two instances.

Mr. SEBELIUS.

Mr. CHAMBERLAIN.

Mr. BROYHILL of Virginia in two instances.

Mr. MYERS.

Mr. ASHBROOK in two instances.

Mr. RUPPE in two instances.

Mr. FINDLEY.

Mr. MOSHER.

Mr. MORSE.

Mr. DERWINSKI in two instances.

Mr. BUCHANAN in two instances.

Mr. ROTH.

Mr. WHITEHURST in two instances.

Mr. HORTON in three instances.

Mr. REID of New York.

Mr. FOREMAN in two instances.

Mr. BROCK.

Mr. STAFFORD.

Mr. SCHWENGEL.

(The following Members (at the request of Mr. MATSUNAGA), and to include extraneous matter:)

Mr. MURPHY of New York.

Mr. WOLFF in three instances.

Mr. ROONEY of Pennsylvania.

Mr. LONG of Maryland.

Mr. PUCINSKI in 10 instances.

Mr. POWELL.

Mr. OTTINGER in two instances.

Mr. MIKVA in six instances.

Mr. FISHER in three instances.

Mr. BURTON of California.

Mr. BURKE of Massachusetts.

Mr. RODINO.

Mr. GALLAGHER in two instances.

Mr. DENT in two instances.

Mr. DULSKI in three instances.

Mr. MONAGAN.

Mr. RARICK in three instances.

Mr. RIVERS in two instances.

Mr. BIAGGI.

Mr. JACOBS.

Mr. BRINKLEY in two instances.

Mr. GONZALEZ in two instances.

Mr. DINGELL.

Mr. ANDERSON of California.

Mr. STOKES.

Mr. MOORHEAD in three instances.

Mr. RYAN in two instances.

Mr. HATHAWAY in two instances.

Mr. CHARLES H. WILSON in two instances.

Mr. WILLIAM D. FORD.

Mr. FRASER in two instances.

Mr. BLATNIK.

Mr. FASCELL.

Mr. YATES.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 329. An act for the relief of Dr. Paolo (Paul) Genoese Zerbi; to the Committee on Judiciary

S. 614. An act for the relief of Franz Charles Feldmeier; to the committee on Judiciary.

S. 823. An act to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

S. 1442. An act to amend section 131 of title 23 of the United States Code, relating to control of outdoor advertising along Federal-aid highways, in order to authorize one or more pilot programs for the purpose of such section; to the Committee on Public Works.

S. 1456. An act to amend section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising; to the Committee on Agriculture.

S. 1786. An act for the relief of James Harry Martin; to the Committee on Judiciary.

S. 2339. An act for the relief of Dr. Maria Luisa Gorostegui de Dourron; to the Committee on Judiciary.

S. 2353. An act for the relief of Dr. Leonardo M. Cabanilla; to the Committee on the Judiciary.

S. 2354. An act for the relief of Dr. Bernard Weston March; to the Committee on the Judiciary.

S. 2363. An act to confer U.S. citizenship posthumously upon Lance Cpl. Andre L. Knoppert; to the Committee on the Judiciary.

S. 2426. An act for the relief of Dr. Delsa Evangelina Estrada de Ferran; to the Committee on the Judiciary.

S. 2481. An act for the relief of Dr. Farid M. Fuleihan; to the Committee of the Judiciary.

S.J. Res. 131. Joint resolution to welcome to the United States Olympic delegations authorized by the International Olympic Committee; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 14030. An act to amend section 358(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments; and

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal year 1970 to $610,000,000.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2546. An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, November 13, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1325. A communication from the President of the United States, requesting approval of an additional 1,000 air traffic controllers under the budget for the Department of Transportation (H. Doc. 91-190); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

1326. A letter from the Comptroller General of the United States, transmitting a report of the audit of financial statements of the St. Lawrence Seaway Development Corporation, calendar year 1968, Department of Transportation (H. Doc. 91-191); to the Committee on Government Operations and ordered to be printed.

1327. A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting a report of agreements signed under Public Law 480 in October for foreign currencies, pursuant to the provisions of Public Law 85-128; to the Committee on Agriculture.

1328. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report on the operation of section 401 of the Second Supplemental Appropriation Act, 1969, limiting fiscal year 1970 budget outlays, through October 1969, pursuant to the provisions of the act; to the Committee on Appropriations.

1329. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize certain teachers in the public schools of the District of Columbia to count as creditable service for retirement purposes all periods of authorized leave without pay taken by such teachers when serving as officers of employee organizations; to the Committee on the District of Columbia.

1330. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, St. Louis and St. Louis County, Mo., Department of Labor; to the Committee on Education and Labor.

1331. A letter from the Special Assistant to the President for Consumer Affairs, transmitting a draft of proposed legislation to establish an Office of Consumer Affairs to advise the President with regard to all matters affecting the interests of consumers, to have central responsibility for coordinating all Federal programs and activities affecting consumers, and to assure that the interests of consumers are considered by Federal agencies; to establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest; and to establish a Consumer Protection Division within the Department of Justice to represent the interest of consumers in administrative and judicial proceedings; to the Committee on Government Operations.

1332. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats irrigation project; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(*Pursuant to the order of the House on Nov. 6, 1969 the following report was filed on Nov. 10, 1969.*)

Mr. MILLS: Committee on Ways and Means. H.R. 14705. A bill to extend and improve the Federal-State unemployment compensation program (Rept. No. 91-612). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Nov. 12, 1969*]

Mr. HOLIFIELD: Committee of Conference. Conference report on H.R. 474 (Rept. No. 91-613). Ordered to be printed.

Mr. JONES of Alabama: Committee of Conference. Conference report on S. 1072 (Rept. No. 91-614). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 675. Providing for agreeing to the conference requested by the Senate on the bill H.R. 12829 (Rept. No. 91-615). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 676. Resolution for consideration of H.R. 14705, a bill to extend and improve the Federal-State unemployment compensation program (Rept. No. 91-630). Referred to the House Calendar.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2751. A bill to amend section 715 of title 32, United States Code, to authorize the application of local law in determining the effect of contributory negligence on claims involving members of the National Guard; without amendment (Rept. No. 91-628). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 10124. A bill to amend section 2401 of title 28, United States Code, to extend the time for filing tort actions by persons under the age of 21, or insane or mentally ill, or imprisoned on a criminal charge; with an amendment (Rept. No. 91-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 12785. A bill to declare that the United States holds in trust for the Southern Ute Tribe approximately 213.37 acres of land, with amendments (Rept. No. 91-631). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. Senate Joint Resolution 121. Joint resolution to authorize appropriations for expenses of the National Council on Indian Opportunity; with an amendment (Rept. No. 91-632). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Environmental dangers of open-air testing of lethal chemicals (Rept. No. 91-633). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 677. Warning points of order against H.R. 14751 (Rept. No. 91-634). Referred to the House Calendar.

Mr. SIKES: Committee on Appropriations. H.R. 14751. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes; with an amendment (Rept. No. 91-635). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 2000. An act to establish the Lyndon B. Johnson National Historic Site; with an amendment (Rept. No. 91-636). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on Judiciary. S. 476. An act for the relief of Mrs. Marjorie Zuck; without amendment (Rept. No. 91-616). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on Judiciary. H.R. 1697. A bill for the relief of Jack Brown; with an amendment (Rept. No. 91-617). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on Judiciary. H.R. 2241. A bill for the relief of John T. Anderson; with an amendment (Rept. No. 91-618). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on Judiciary. H.R. 2481. A bill for the relief of Commander John W. McCord; with an amendment (Rept. No. 91-619). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on Judiciary. H.R. 3530. A bill for the relief of Janis Zalc. anis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders; with an amendment (Rept. No. 91-620). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on Judiciary. H.R. 4105. A bill for the relief of Doctor Emil Bruno; with amendments (Rept. No. 91-621). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 7264. A bill for the relief of Mrs. Pearl C. Davis; without amendment (Rept. No. 91-622). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 7830. A bill for the relief of James Howard Griffin; without amendment (Rept. No. 91-623). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 8100. A bill for the relief of the Burrowes Manufacturing Corp.; without amendment (Rept. No. 91-624). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 9092. A bill for the relief of Thomas J. Condon; with amendments (Rept. No. 91-625). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 10662. A bill for the relief of Walter L. Parker; with an amendment (Rept. No. 91-626). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 12622. A bill for the relief of Russell L. Chandler; with amendments (Rept. No. 91-627). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROCK:

H.R. 14740. A bill to amend the Internal Revenue Code of 1954 to allow a depreciation deduction with respect to the taxpayer's residence; to the Committee on Ways and Means.

By Mr. FALLON (for himself, Mr. KLUCZYNSKI, Mr. EDMONDSON, Mr. CRAMER, Mr. HARSHA, and Mr. DON H. CLAUSEN):

H.R. 14741. A bill to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System to amend chapter 4 relating to highway safety, and for other purposes; to the Committee on Public Works.

By Mr. JACOBS:

H.R. 14742. A bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL:

H.R. 14743. A bill to amend title 10 of the United States Code to provide for additional nominations by Members of Congress of persons for appointment to the service academies by the Secretaries of the military departments; to the Committee on Armed Services.

By Mr. MATHIAS:

H.R. 14744. A bill to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds; to the Committee on Agriculture.

By Mr. PEPPER:

H.R. 14745. A bill to amend the Social Security Act to increase OASDI benefits and raise the earnings base, with subsequent adjustments as the cost of living rises, to increase widows' and widowers' benefits, and to liberalize eligibility for disability benefits; to make disabled beneficiaries eligible for medicare without regard to age, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; and to provide for a study of child health care; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 14746. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 14747. A bill to prohibit commercial flights by supersonic aircraft within the United States until the Secretary of Health, Education, and Welfare finds and reports that such flights will not have detrimental physiological or psychological effects on persons on the ground; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.R. 14748. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. VAN DEERLIN.

H.R. 14749. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 14750. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. SIKES:

H.R. 14751. A bill making appropriations for military construction for the Department of Defense for fiscal year ending June 30, 1970, and for other purposes.

By Mr. ANNUNZIO:

H.R. 14752. A bill to authorize the Secretary of Labor to set standards to assure safe and healthful working conditions for working men and women; to assist and encourage States to participate in efforts to assure such working conditions; to provide for research, information, education, and training in the field of occupational safety and health, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Mr. Scheuer, Mr. Reid of New York, and Mr. Hansen of Idaho):

H.R. 14753. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. BURTON of California:

H.R. 14754. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes; to the Committee on Interior and Insular Affairs.

H.R. 14755. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMP:

H.R. 14756. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 14757. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mrs. DWYER (for herself, Mr. Erlenborn, Mr. Brown of Ohio, Mr. Gerald R. Ford, Mr. Findley, Mrs. Heckler of Massachusetts, Mrs. Reid of Illinois, Mr. Harvey, Mr. Coughlin, Mr. Smith of New York, and Mr. Hunt):

H.R. 14758. A bill to establish an Office of Consumer Affairs to advise the President with regard to all matters affecting the interests of consumers, to have central responsibility for coordinating all Federal programs and activities affecting consumers, and to assure that the interests of consumers are considered by the Federal agencies; to establish a Consumer Advisory Council to advise the Director of the Office of Consumer Affairs on matters relating to the consumer interest; and to establish a Consumer Protection Division within the Department of Justice to represent the interests of consumers in administrative and judicial proceedings; to the Committee on Government Operations.

By Mr. FARBSTEIN:

H.R. 14759. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of improving motorbus transportation services; to the Committee on Public Works.

By Mr. FISH:

H.R. 14760. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY (for himself, Mr. McCloskey, Mr. Pettis, Mr. Coughlin, Mr. Pelly, Mr Weicker, and Mr. Tiernan):

H.R. 14761. A bill to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 14762. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 14763. A bill to provide additional mortgage credit, and for other purposes; to the Committee on Banking and Currency.

H.R. 14764. A bill to extend for 1 year the authority to limit the rates of interest or dividends payable on certain deposits and accounts, and for other purposes; to the Committee on Banking and Currency.

By Mr. GALLAGHER:

H.R. 14765. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. HENDERSON (for himself, Mr. Fountain, Mr. Lennon, and Mr. Jones of North Carolina):

H.R. 14766. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 14767. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. MINISH:

H.R. 14768. A bill to provide for a review by the National Research Council of the National Academy of Sciences of the safety of substances that have not been regulated under the Federal Food, Drug, and Cosmetic Act as food additives because they are generally recognized as safe for their intended food use; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 14769. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 14770. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities, affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

H.R. 14771. A bill to provide a pension for veterans of World War I and their widows; to the Committee on Veterans' Affairs.

H.R. 14772. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of $125 per month to World War I veterans, subject to a $2,400 and $3,600 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pensions shall be increased by 10 per centum where the veteran served overseas during World War I; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RYAN (for himself and Mr. Burton of California):

H.R. 14773. A bill to provide for a comprehensive income maintenance program; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 14774. A bill to protect the public health and safety by amending the depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14775. A bill to protect the public health and safety by amending the narcotic drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr. MINISH:

H.J. Res. 981. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BURTON of Utah:

H. Con. Res. 444. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. FRASER:

H. Con. Res. 445. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and its allies complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. ANDREWS of North Dakota (for himself, Mr. Ashbrook, Mr. Beall of Maryland, Mr. Blackburn, Mr. Brown of Michigan, Mr. Brown of Ohio, Mr. Broyhill of Virginia, Mr. Burton of Utah, Mr. Button, Mr. Carter, Mr. Collins, Mr. Conable, Mr. Coughlin, Mr. Cowger, Mr. Dellenback, Mr. Dennis, Mr. Derwinski, Mr. Edwards of Alabama, Mr. Eshleman, Mr. Foreman, Mr. Frelinghuysen, Mr. Frey, Mr. Goldwater, Mr. Goodling, and Mr. Smith of New York):

H. Res. 678. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GROVER (for himself, Mr. Harsha, Mr. Hosmer, Mr. Jonas, Mr. Keith, Mr. Landgrebe, Mr. Lujan, Mr. Lukens, Mr. McClory, Mr. McDonald of Michigan, Mr. McEwen, Mr. Meskill, Mr. Miller of Ohio, Mr. Mosher, Mr. Pirnie, Mr. Poff, Mr. Pollock, Mr. Price of Texas, Mr. Quillen, Mr. Robison, Mr. Ruppe, Mr. Ruth, Mr. Schadeberg, Mr. Scherle, and Mr. Sebelius):

H. Res. 679. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. JARMAN (for himself, Mr. Alexander, Mr. Blanton, Mr. Cabell, Mr. O'Neal of Georgia, and Mr. Passman):

H. Res. 680. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. McDADE (for himself, Mr. Hammerschmidt and Mrs. Dwyer):

H. Res. 681. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. MAHON (for himself, Mr. Colmer, Mr. Flynt, Mr. Stephens, Mr. Haley, Mr. Andrews of Alabama, Mr. Patman, Mr. Landrum, Mr. Griffin, Mr. Gettys, Mr. Perkins, Mr. McMillan, Mr. Mann, Mr. Chappell, Mr. Byrne of Pennsylvania, Mr. Murphy of New York, Mr. Monagan, Mr. Charles H. Wilson, and Mr. Lennon):

H. Res. 682. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. SNYDER (for himself, Mr. Stafford, Mr. Stanton, Mr. Steiger of Arizona, Mr. Taft, Mr. Thompson of Georgia, Mr. Wampler, Mr. Weicker, Mr. Whalen, Mr. Bob Wilson, Mr. Wyatt, Mr. Wylie, Mr. Zion, Mr. Biester, Mr. Esch, Mr. Dickinson, Mr. Skubitz, Mr. Reifel, Mr. Wiggins, Mr. Hall, Mr. Springer, Mr. Martin, Mr. Horton, Mr. McCloskey, and Mr. Gude):

H. Res. 683. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. ULLMAN (for himself, Mr. Mollohan, Mr. Kazen, Mr. Edwards of Louisiana, Mr. Jones of North Carolina, Mr. Melcher, Mr. Hicks, Mr. Bevill, Mr. Pryor of Arkansas Mr. Evins of Tennessee, and Mr Stuckey):

H. Res. 684. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GIAIMO (for himself, Mr. Biaggi, and Mrs. Green of Oregon):

H. Res. 685. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. HAYS:

H. Res. 686. Resolution providing for reimbursement of certain travel expenses incurred by employees in the offices of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 687. Resolution expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself and Mr. Riegle):

H. Res. 688. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mrs. HECKLER of Massachusetts:

H. Res. 689. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. YOUNG:

H. Res. 690. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COHELAN:

H.R. 14776. A bill for the relief of Italo Vittorio Marricchi; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 14777. A bill for the relief of Mrs. Libera Scrocca de Girolamo; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 14778. A bill for the relief of Charles S. Gordon; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 14779. A bill for the relief of Murray Swartz; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 14780. A bill for the relief of James P. Cook; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

327. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to legislation clarifying the operation of the 25th amendment to the Constitution of the United States; to the Committee on the Judiciary.

328. Also, petition of Walter M. Seiter, Aurora, Colo., relative to pensions for veterans of World War I; to the Committee on Veterans' Affairs.

SENATE—*Wednesday, November 12, 1969*

The Senate met at 10 o'clock a.m. and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Sovereign God of the nations, we earnestly pray that Thou wilt keep the United States in Thy holy protection. Incline the hearts of all citizens to cultivate a spirit of reconciliation and unity. Bring the people to a firm consensus for peace with freedom and give us resolution to obtain it for ourselves and for all men.

Bless all who serve Thee in this place that they may have the higher wisdom of Thy spirit, exercise brotherly affection for one another, and in all things demean themselves with the charity and humility of Thy Son who went about doing good.

In whose name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington D.C., November 12, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Robert C. Byrd, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On November 6, 1969:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna; and

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

On November 10, 1969:

S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 11, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the able Senator from Colorado (Mr. ALLOTT) is recognized.

Mr. ALLOTT. Mr. President, I yield to the distinguished majority leader, and I also want at this time to thank him very much for his accommodation with respect to this particular time.

Mr. MANSFIELD. It is a pleasure.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day the Senate modified this order, to provide for the Senate to adjourn to 9:45 a.m. tomorrow.)

THE NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. ALLOTT. Mr. President, recently the most distinguished Senator from Michigan (Mr. GRIFFIN) submitted for printing in the RECORD, his individual views, as an outstanding member of the Judiciary Committee, on the President's nomination of Judge Clement F. Haynsworth to be one of the Associate Justices of the U.S. Supreme Court. Because of my profound respect for the opinion of the Senator from Michigan, I have most carefully reviewed this document in order to determine if it contained anything that would cause me to conclude that my judgment of the matter was in error and that my vote should be against the choice of the President.

Mr. President, I found nothing to cause me to doubt my previous conclusion. I am compelled to say to my good friend from Michigan that I believe his first impressions were right. When he said on a prior occasion that Judge Haynsworth could not be rejected on the basis of his philosophy, he was right. And, when he questioned whether Thurgood Marshall or Arthur Goldberg would have been confirmed if the criteria had been the nominee's philosophy, he was right.

He was right when he said it would be an error for a judge to attempt to avoid hearing a case by merely pointing to some remote or insubstantial interest and that if this were allowed it would not only snarl the procedures of the courts but would unfairly burden the other members of the judiciary.

I wholeheartedly agree with his assessment then, that the same judge who is required to disqualify himself when he has a substantial interest in a case is under an equally compelling duty not to disqualify himself in cases where he does not have a substantial interest. I affirm his conclusion, arrived at after reviewing all of the pertinent facts in regard to the Darlington Mill case and the Judge's interest in Carolina Vend-A-Matic Inc., that "Judge Haynsworth did not have a substantial interest in the Darlington case, decided by his court" and that "not only was he not guilty of impropriety, interestingly enough, under accepted doctrines of judicial ethics, he really had a duty to hear and decide it."

I hasten to emphasize that the September 14 speech of my good friend from Michigan did conclude with the reservation of a right to change his mind, if new facts should develop to necessitate it. What I am saying today, is simply that I have now carefully reviewed the individual views and there are no new facts recited which convince me that Judge Haynsworth should not be confirmed by this body.

Most of us, here in the Senate, have been studying this matter closely, and will soon come to the point of debate concerning it. That debate and the prior expressions of both opponents and the proponents are calculated to provide a full airing of the charges against the nominee so that each of us may cast an informed vote, and together arrive at a just conclusion. To this end, and only this end, it is my purpose to briefly review the matters set forth in the individual views as I see them, based on a complete reading of the hearing transcript.

I

Under the caption of "Genesis of Doubt," the initial matter mentioned is that of the June 2, 1969, testimony of Judge Haynsworth before the Judiciary Committee's own Subcommittee on Improvements in Judicial Machinery. It is a tribute to Judge Haynsworth that he was asked to testify as a most respected member of the Federal judiciary in connection with desired congressional improvements to upgrade our judiciary. It is important that he was not testifying in regard to an inquiry concerning his personal conduct as a judge, but instead was testifying as an adviser to the subcommittee. On June 2, the subject before the committee was judicial disclosure, not the business interests of Judge Haynsworth. By the way, I am a cosponsor of the Senator from Michigan's bill, S. 2109, on the subject of judicial disclosure which attests to his sincere interest in this matter.

Mr. GRIFFIN. Mr. President, will the Senator yield for a half moment?

Mr. ALLOTT. I am happy to yield.

Mr. GRIFFIN. I do not intend, of course, to debate the matter with the Senator this morning. I should like to have it clear, however, that the preliminary statement I made, indicating a tentative conclusion, was made before the hearings on the Committee on the Judiciary began, and that such facts as were subsequently revealed came to light during the hearings of the Judiciary Committee, the record of which the Senator is now about to turn his attention to.

Mr. ALLOTT. I thank the Senator.

The judge has been an ardent supporter of judicial reform and in these June 2 hearings, he was asked his opinion about requiring a disclosure of business interests by Federal judges, upon assuming the bench. Judge Haynsworth replied, stating that he supported such a requirement. That answered the question asked of him, but he went on to comment that he, himself, had resigned from "directorships and things of that sort" with the exception of a trusteeship of a small foundation when he became a judge. It is stated by the Senator from Michigan that when Judge Haynsworth appeared before the Judiciary Committee in connection with his appointment to the Supreme Court, he "found it necessary to admit" his testimony in June on this other matter was erroneous.

First, I am afraid that this statement could readily be misconstrued as an indication of an admission of false testimony or misleading testimony by those not as intimately familiar with the proceedings as the Senator from Michigan. It is my view that while we well could be concerned if it had been revealed that the judge had misstated his business connections at a time when that matter was the subject of an inquiry, I am convinced that it would be wholly erroneous for us to, in any way, construe this volunteered comment as any kind of false testimony.

Secondly, although the important thing is that the statement on June 2 was not an incorrect answer and did not mislead the subcommittee, I believe that it is entirely reasonable and logical to conclude that when Judge Haynsworth went before the subcommittee in June to testify with respect to guidelines to be laid down by Congress for men serving as judges in the future, he would not have taken an inventory of his past business relationships or in any way be prepared to testify concerning them. Particularly, not for the year 1957 to which his offhand comment in 1969 pertained, a period of 12 years prior to that.

Third, as a footnote to the matter, I deem it worthy of note that the judge's relationship to Carolina Vend-A-Matic when he became a judge in 1957, which he neglected to mention on June 2, was not secret in the court of appeals where he was then a judge; nor was it a secret to the Justice Department. Exactly the contrary is true. It had been dramatically focused upon in 1963, when the Textile Workers Union tried to use it to gain a reversal of a case which they had lost. Even if there had been some reason for Judge Haynsworth to attempt to deceive the subcommittee, I find it hard to believe that anyone would think the judge would have tried it in regard to that instance. Commonsense leaves only the conclusion that I urged; namely, that there was no false testimony or thought of false testimony and there is nothing whatsoever of value in our considering the testimony given on June 2 in making our determination.

The next matter discussed in the individual views of my esteemed colleague is that of the judge's testimony before the Judiciary Committee with respect to his appointment.

On page 91 of the hearing record, the

Senator from Indiana (Mr. BAYH) again brought up Carolina Vend-A-Matic, Inc. He asked Judge Haynsworth when it was that he resigned as one of the vice presidents of Vend-A-Matic. The judge replied that he had thought he had formally severed the connection with the company when he assumed the bench in 1957, but in effect, later in 1963 when he decided to resign as a director, he found he was still being carried in the minute book of the company as one of its vice presidents and he resigned that post also. Again, the implication is that of false testimony; that he had given previous false testimony.

There is no false testimony here. The judge's account of when he resigned is not contested. Instead, the statement of the judge as to his belief in 1963 of what he had done in 1957 is made the issue. For what purpose? There was nothing wrong legally, ethically, or morally, in the judge being shown as a vice president in that minute book during those years, and I think this is very important. What I suppose is inferred is that, when the judge said he thought he had previously resigned as a vice president, it is not reasonable for him to have thought that. As evidence of this alleged wrong the fact brought out by the judge himself, that he continued to be shown as a director and vice president is cited. I must confess that I cannot find logic in this at all.

The matter of whether the judge did, or did not, know he was a vice president, as I have said, is of no importance, in my view, yet it is taken one step further: It is said he must have known he was a vice president because these yearly pages in the minutes from 1958 through January 1963 contain his signature acknowledging receipt of notice of the yearly meetings. Then, as additional proof that Judge Haynsworth knew he was a vice president from 1957 to 1963, it is pointed out that his wife should have known it because she was the secretary of the corporation, and that she prepared the minutes. In connection with this, the individual views give page 92 of the hearing record as the source of the statement of what Mrs. Haynsworth's role was and I am constrained to point out that the testimony on that page gives quite a different picture. I want to read the pertinent part but before I do, lest there be some misunderstanding, it should be noted that Mrs. Haynsworth was the "secretary" of the corporation in the sense that she was a corporate officer. By title, she was its secretary. The statement on page 92 pertaining to the preparation of the minutes and Mrs. Haynsworth is in testimony of Judge Haynsworth as follows:

> As far as the minutes are concerned, I am sure *she signed what was prepared and what was handed to her*, and she did sign the minutes in 1962 and 1963.

To the best of my knowledge there is nothing to the contrary in the transcript. As I said, however, I am not convinced that there is any justification for even delving into the matter of whether the judge was a vice president, or whether he or his wife knew it but beyond that, the Senator from Michigan fails to convince me that the judge came before the committee and erroneously stated what his knowledge was.

Before I move on to other grounds in these individual views, I want to refer to page 67 of the hearing record for the Judge's explanation of why he believed his name continued to appear as one of the vice presidents of this corporation formed and controlled by his friends:

> Senator TYDINGS. In your statement that you submitted to the committee, you stated that your recollection was that you resigned as vice president of Carolina Vend-A-Matic in 1957. Can you explain why you were carried on the books of the company as vice president until 1964?
>
> Judge HAYNSWORTH. Yes. It's a case of the shoemaker's children. The meetings we had were extremely informal, as I said, usually at lunch, and I am sure what happened was that after this a motion was made to re-elect the same group to serve as officers from the year before, and the minutes for that year were picked up for the next year.
>
> Senator TYDINGS. Did you ever receive any salary or remuneration as vice president of Carolina Vend-A-Matic while you were on the Federal bench?
>
> Judge HAYNSWORTH. No, sir.

The next ground in the individual views recites that Judge Haynsworth testified in regard to the vice presidency of Carolina Vend-A-Matic after he was appointed to the bench: "I did not have any active duties in that office," and the letter of the Chief Judge of the Fourth Circuit Court of Appeals, written at the time the Textile Workers Union attempted to use Judge Haynsworth's connection with Carolina Vend-A-Matic as a reason for reversal of the Darlington case, is quoted:

> We are assured that Judge Haynsworth has had no active participation in the affairs of Carolina Vend-A-Matic, has never sought business for it or discussed procurement of locations for it with the officials or employees of any other company.

That letter, as these individual views relate, absolved Judge Haynsworth of criticism in connection with the Darlington case.

However, the Senator from Michigan says:

> A perusal of the corporate records does not leave one with the assurance that the nominee had no active participation in the affairs of Vend-A-Matic.

What this amounts to is, at least, a conclusion that there is a substantial question as to the truth of the judge's testimony before the committee and the accuracy of the investigation and report in the Fourth Circuit Court of Appeals. I might add I think it amounts, in effect, to asking the judge to prove himself innocent before any charges have been made against him. I see nothing in the record for any conclusion of substantial question raised as to the truth of his testimony.

In support of this ground, my esteemed friend from Michigan has cited what appears to me, on the basis of my previous practice of law in Colorado, which occurred over some 25 years, a routine type of paragraph that the attorneys, who were actually responsible for keeping the corporate minutes, probably inserted in the corporate minute book on June 3, 1957, right after Judge Haynsworth had been appointed by President Eisenhower to the Fourth Circuit Court of Appeals. I, personally, cannot squeeze one drop of suspicion or doubt of the testimony of Judge Haynsworth or the report of the Fourth Circuit Court of Appeals, out of this "before the fact" insertion in the corporate minute book, particularly in view of the evidence which was elicited in the hearings which pertained to the actual facts as they did occur from the time Judge Haynsworth was appointed until he completely severed his contacts with Carolina Vend-A-Matic.

As I recall, there is a rule of law that would preclude its use in a court as evidence, under circumstances such as we have here, to prove what he did, in fact, do. The uncontradicted unaltered testimony of Judge Haynsworth, from the beginning of the hearing record to the end, as to what he did for Carolina Vend-A-Matic from the time he assumed the bench until the time he decided to resign, comes through loud and clear. Never was there a deviation nor a doubt. His testimony coincides with all other testimony perfectly. I specifically refer to the following pages of the transcript as examples: 15, 20, 26, 42, 43, 59, 60, 61, 62, 67, 87, 91, 292, and 311.

Still directed to the testimony of Judge Haynsworth and the findings of the Fourth Circuit Court of Appeals in regard to his connection with Carolina Vend-A-Matic, the next allegation pertains to the nominal director's fees received by Judge Haynsworth—to which there is no question that he could legally or ethically receive. The first reason in support of this ground is that the judge failed to provide information to the committee. The Senator from Maryland (Mr. TYDINGS) was inquiring as to the highest amount of fees received, at page 61 of the transcript, and Judge Haynsworth thought it was what he received in 1963 and provided that figure to the committee, but he also said he could not at that point locate the figures for the previous years, to be sure. Four or five sentences previous, on the same page, he had just reminded the committee that it had his income tax returns and reiterated that the figures could be seen there. But, as part of the colloquy, the Senator from Maryland said:

> Well, you can supply that report for the record.

And the judge responded affirmatively. However, it was after that that he produced the 1963 figure. In view of the fact my colleague from Michigan could have either inspected the income tax returns filed with the committee, or advised the judge that the committee was expecting a separate report, I believe that this aspect of the reasons for not confirming the appointment is, at best, not well taken. That the committee had the income tax returns can also be seen from the judge's letter of September 6, on page 25 of the hearing record, and I have also noted that this letter specifically notified the committee that the director's fees appeared in those income tax returns—page 26. I certainly would favor checking the income tax returns before citing the figures contained in the newspaper article as is done in these individual views. Nevertheless, even with the figures contained in the newspaper article—$12,270 total for 8 years—I am not personally persuaded to doubt the testimony in the hearing record with respect to the duties the judge performed for the corporation. He testified that he was no longer "active" in the corporation as a vice president, and that a Mr. Wade Dennis was hired in 1957 to take over those duties performed prior to his appointment. As a matter of fact, Wade Dennis later became a vice president. The Judge specifically advised the committee that the only real duty he continued to perform was acting as an endorser of some of the company's notes—see, for instance, pages 42 and 43. It should be noted at this point that the testimony of Judge Haynsworth on page 60 of the hearing record, as set forth by the Senator from Michigan, is apparently the same testimony that resulted in the Senator from Indiana's so-called bill of particulars containing a statement that:

> Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987.

Which statement, in turn, prompted the able Senator from Nebraska to call it to our attention on October 15 (30220) together with a correction. He pointed out that the last such endorsed loan was made on January 14, 1960, and was repaid on February 16, 1960. He further directed our attention to the fact that Judge Haynsworth never endorsed "notes in amounts as high as $501,987" and that, as a matter of fact, the cumulative total of endorsed loans ever outstanding for the corporation was only $55,550.

Mr. President, under these circumstances, I find the statement of the Senator from Indiana that Judge Haynsworth had endorsed notes for the corporation in amounts as high as $501,987 not only a great error but also a great injustice to Judge Haynsworth. I think it calls for an apology and I think it should be forthcoming. This statement has been quoted in the newspapers, in articles, and in columns all over the country and it should be set to rest once and for all, because upon this statement many people have formed snap judgments as to the part Judge Haynsworth was playing in the affairs of Vend-A-Matic.

Mr. HRUSKA. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am happy to yield to the Senator from Nebraska.

Mr. HRUSKA. With reference to the notes for the $501,987 as cited by the Senator from Indiana, is it not a fact that the records of the Securities and Exchange Commission show that that was corporate indebtedness, and did not disclose the amount of the personally endorsed notes of any of the stockholders, including Judge Haynsworth?

Mr. ALLOTT. Yes. That is my understanding, that it always was, and always was considered corporate indebtedness, although Judge Haynsworth did endorse the notes.

Mr. HRUSKA. I called the attention of the Senate to that fact and included in the RECORD the letters and communications from the Securities and Exchange Commission. I carefully and meticulously pointed out that I would not fault the Senator from Indiana for assuming something that had probably been given to him by his staff or by investigators on whom he relied. I still hold that feeling, because I know the Senator from Indiana would not participate in anything that is not founded upon fact.

I agree with the Senator from Colorado in the suggestion that the Senator from Indiana should confess to the inaccuracies contained in his statement, because otherwise it will continue to be batted around back and forth and reference will be made to that statement when, plainly, it is not so. A clear acknowledgment of that on the part of the Senator from Indiana would be very much in order, and I believe that he would feel better if he did so.

Mr. ALLOTT. I thank the Senator from Nebraska very much. As he said, it is one of the things that came out early and will be batted around for a long time unless those who used it put it to rest.

Personally, I can understand how the Senator from Indiana might have been led into a trap, in that he might have said to some of his staff, "For how much did he obligate himself?" and so they went back through all the corporate records and the notes and total them up and said, "It is $501,987." Thus, he might have made his statement in very good faith but, at the same time, it is a statement which has caused incredible mischief and has helped to create an aura of emotionalism based on inaccurate facts which could preclude a decision on this matter, based upon the true facts.

I believe, as the Senator from Nebraska has suggested, it should be corrected. I thank the Senator very much.

Mr. President, as we consider the details of Judge Haynsworth's life under a microscope with an apparent fervor for locating inconsistencies and discrepancies, I have been interested to observe how many mistakes we are making ourselves.

In any event, the thrust of this particular reason for my respected friend from Michigan's opposition to the appointment is summed up by him with the conclusion that Judge Haynsworth was in fact "active" in the affairs of Carolina Vend-A-Matic after becoming a judge while he believes that Judge Haynsworth denied it. I most respectfully suggest to the Senator from Michigan that I cannot agree. What is "active" is subjective. I might buy 10 shares of common stocks and consider myself exceedingly "active" in the stock market, but if my next door neighbor only had those shares, he well might not consider that he was in the stockmarket at all.

Mr. President, I interpolate here to say using this example, that I believe I also could take my combined wealth and invest it in some common stock on the stock market and consider myself extremely "active," while other Senators who invested the same amount would consider it a very, very minor or negligible position in the stock market.

We both could find people who would agree with our view. I have already demonstrated that Judge Haynsworth spoke out loud and clear and defined very clearly just what he meant when he said he was no longer active as a vice president of Vend-A-Matic, and I cannot disagree with him. Prior to assuming the bench, the judge and several members of his law firm had conceived the idea of a vending machine business. I think how this matter originated is very important.

They incorporated and organized the business structure. They started out small in 1950 with a coffee machine here and a coke machine there, and then they built the business into a bigger one. The company had no credit and the organizers had to cosign its notes at first in order to be able to buy machines. Judge Haynsworth handled the arrangements with the banks.

I might, by way of interlineation, presume that there are a great many Members of the Senate who have done just exactly the same thing in their lifetimes with the commencement of small corporations.

Seven years or more later, Judge Haynsworth was named a judge of the Circuit Court of Appeals. He immediately took steps to remove himself from his prior role, the one that went with being a vice president. Wade Dennis was hired to take over those duties the judge had performed. The record is uncontroverted on this. The only thing the judge did continue was to endorse those notes where his signature was required for the company to get its loans, but even this ceased in 1960. On the basis of these clearly established facts, I do not believe that Judge Haynsworth lied to the committee, nor do I have any doubts about it. I do believe, from the record, that the first thing in his thinking in regard to whether or not he was "active" in the business was his state of mind about the company. Prior to 1957 he was actively interested in doing what he could to advance the business. After he assumed his judicial responsibilities, I believe the facts bear out the conclusion that he was no longer actively interested in promoting the interests of the business, but he could not, in view of his responsibilities to his associates, immediately terminate all contact with the business. However, the wheels were put in motion to accomplish that result and, on the basis of the record, it is my personal belief that it was accomplished in January 1960, when he endorsed his last note for the company. His being present at the weekly gathering of his law partners at what they termed weekly luncheon meetings of "Directors," I am convinced, was, as the judge testified, only an occasion for him to see them when he was in town from Richmond. The only other remnant of activity was his initial occasional giving of advice to Wade Dennis and others about obtaining financing. As I said, I readily accept and believe Judge Haynsworth when he said he ceased to be "active" in the company upon being appointed to the Circuit Court of Appeals.

I must say I see nothing in the record that would cause me to believe otherwise.

(At this point Mr. Griffin took the chair as Presiding Officer.)

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. We are dealing with an honorable man, who has a high reputation for integrity, and therefore his statements should be taken as the truth in this regard. In addition to that, let me ask the Senator from Colorado whether his perusal of the record disclosed any testimony or evidence of any kind which would controvert the judge's testimony regarding his dealings with Carolina Vend-A-Matic, which the Senator has so commendably set forth in his statement.

Mr. ALLOTT. I cannot recall a single thing which points to facts other than as stated by him. He, according to the record, in fact, became inactive in 1957. It is unquestioned that Wade Dennis was employed to take over the functions he performed for the company. He did, it is true, have to continue his name on the notes. Probably the company would have gone out of business if he had not continued to endorse the notes until 1960. At that time he separated himself completely from it.

I point out that there is nothing in those few things he did contrary to the oath of office he took. There is nothing contrary to such action in the Federal statute. It also does not violate the judicial code of ethics in any way.

Mr. HRUSKA. Nor did it violate any court rule on that point. It was not until later, when the Judicial Conference in 1963 issued a resolution which made it improper for a judge to continue any directorship or office in a corporation. At that time Judge Haynsworth resigned from the directorship of the family corporation, which was a closely held corporation, and which was not of interest to the public, as well as from the directorship of the Carolina Vend-A-Matic corporation. Is that true?

Mr. ALLOTT. That is correct.

Mr. HRUSKA. I want to corroborate what the Senator from Colorado has said about the absence of any testimony controverting the testimony of Judge Haynsworth on the point of his involvement in Carolina Vend-A-Matic. The Senator from Nebraska was present at most of the hearings. I have reviewed the record carefully and diligently. I know of no evidence that controverts the judge on this point. Yet that issue of his activities is belabored, obviously as a pretext, obviously for the purpose of supporting the conclusion, "We do not want him on the Supreme Court." In my opinion this conclusion is desired by some because they do not agree with the nominee's philosophy. They do not agree with President Nixon's idea of lending a little balance to the Supreme Court personnel by appointments such as this.

I commend the Senator for spreading the facts on the Record in such a splendid way.

Mr. ALLOTT. I thank the Senator very much for his remarks. I personally know how much time he has devoted to the hearings and to an analysis and study of the case. His advice and counsel on this matter have been extremely valuable, not only to the Senator from Colorado but to everyone in the Senate.

I am reminded, with respect to his remarks, that someone once said that one can take any statement, no matter how ridiculous or how absurd it may be, and if it is repeated often enough, people will start to believe it. So with the repetition of these statements by certain people in the news area who are totally committed to a kind of philosophy which would make them wish to see Judge Haynsworth defeated we can see that many members of the public would become perturbed and would believe, in fact, that something was wrong, when, in fact, nothing was wrong. It is our duty to see through these things, not perpetuate them.

Again, let me emphasize that it is my opinion that there was nothing illegal, unethical, or immoral in the judge's doing those things that he did after he became a judge. The only way that this has been suggested is in connection with his participation in the textile union—Darlington case, which reasoning I cannot accept. My good friend from Michigan (Mr. Griffin) also apparently does not accept it, as his individual views do not even mention that case and the charges which some have been trying to generate from it.

That, Mr. President, concludes my review of the grounds of the Senator's individual views, which appear under the caption of "Genesis of Doubt."

II

The second portion of these individual views is entitled "Participation in Brunswick and Other Cases." Initially, the Federal statutes, 28 United States Code 455, is set out. It provides that a judge shall disqualify himself in any case in which he has a substantial interest—and "substantial interest" is underlined. Next, the highly regarded Senator from Michigan notes that Judge Haynsworth's stockbroker purchased 1,000 shares of stock in the Brunswick Corp. for him on December 26, 1967, and sets out an excerpt from page 305 of the transcript as follows:

> Senator Mathias. You consider that your interest (in Brunswick) was substantial then?
>
> Judge Haynsworth. Yes, I do, without question, though it was not in the outcome in terms of that but more substantial than I think a Judge should run the risk of being criticized.

Then the fact that Judge Haynsworth had sat on a case, together with two of his fellow judges, involving the Brunswick Corp. on November 10, 1967, is stated, and it is then further stated that the written decision on this particular case was not issued until February 2, 1968. By now, it starts to appear that here, indeed, Judge Haynsworth truly did violate the statute, but the additional facts set out make it appear worse. One of the other judges—Judge Winter—is quoted as saying that, under law, no case is really concluded until the written decision is filed and the losing party has had an opportunity to file any available motions directed at that decision. Subsequently, it is recited that in the Brunswick case, on March 12, 1968, the losing party did, in fact, file a postdecision motion which was denied in an order signed by Judge Winter and Judge Haynsworth, and later, on April 3, 1968, the losing party filed a motion asking the court to reconsider its order of March 12. This motion was denied by an order prepared by Judge Haynsworth. Those are the facts set out in the individual views of the Senator from Michigan.

Mr. President, I have considered other aspects of this matter in arriving at my conclusion that the Brunswick case should not prevent Judge Haynsworth from assuming the place on the Supreme Court to which President Nixon has appointed him.

As is stated, the Brunswick case was heard by Judge Haynsworth, sitting with two other judges of the court, on November 10, 1967, and the decision was issued in February, 1968; but I do not think we can stop with knowledge of those facts alone. I deem it a prerequisite that we consider all of the facts in connection with that case. I would expect Judge Haynsworth to consider all of the facts if I had a case in his court and I believe I must give him the same consideration here. First, what was the Brunswick case—what did it involve? It was a case where the court of appeals was doing just what its name implies, hearing an appeal of a decision of a trial court. The decision made by the trial court, on the basis of hearing the evidence and applying the law, was affirmed by the circuit court of appeals in a decision written not by Judge Haynsworth, but by Judge Winter—hearings record, page 240. In other words, there was no trial as such of a lawsuit before the three judges in common vernacular. They reviewed the record of what transpired in the trial court and listened to the arguments of law by the attorneys as to whether or not the trial judge had properly applied the law.

What was involved in the case, according to Judge Winter—hearing record, page 237—was some used bowling alley equipment that Brunswick had sold to a bowling alley when new. The purchase price had not been completely paid and Brunswick wanted to repossess it. However, the landlord of the bowling alley had not been paid his rent, which was in arrears, so he claimed he had a lien on the equipment not only for the unpaid back rent but for future rent.

So we had these two people, the one that sold the bowling equipment and the other the landlord on whose property the bowling equipment was located, quarreling as to who had the prior right to a lien upon the equipment. Brunswick was willing to pay the unpaid rent but did not think it should pay the future rent. That is what the lawsuit was all about. Then the case was heard in the trial court, the judge there agreed with Brunswick and so ruled.

What were the proceedings before the court of appeals when the landlord appealed? As I said, the three judges heard the legal arguments of the attorneys on

November 10, 1967, long before Judge Haynsworth owned any Brunswick stock. It was the third case the judges had heard that day, and when they left the courtroom, they briefly put their heads together and agreed unanimously that the trial judge had made the right decision. Judge Winter was assigned the task of writing the opinion to reflect this determination, and Judge Haynsworth, of course, proceeded in the following days, to continue to hear the numerous cases of the court.

The Brunswick case was not a close case; there was no reversal of the decision of the trial judge—it was routine. It involved no "inside information" on Brunswick—page 251—and there was no reason at all for Judge Haynsworth to single out the names of the parties to it for preservation in his memory. As a matter of fact, it was properly testified to that the appeals court judges do not pay any attention to the names involved in the cases. What they are interested in is understanding the legal arguments so they can make a proper decision. Particularly when Judge Haynsworth was not assigned to write the opinion, I cannot in good conscience charge him with the knowledge that one of the cases of the court had involved the Brunswick Corp. when on December 15, 35 days later, he perfunctorily met with his stockbroker to approve his recommendation for the reinvestment of some funds that had recently become available. The stockbroker recommended Brunswick, as he had to his other clients, and the judge approved.

Up to this point there was no error, no illegal act, or anything at all about which a question could be raised. The only thing which occurred subsequently was that Judge Haynsworth finally received the opinion which Judge Winter had been assigned to write on November 10. At that time Judge Haynsworth noticed the name of Brunswick and remembered he had, in the interim, agreed to the Brunswick stock purchase. The written opinion, however, only contained what he had agreed upon with the two other judges when they heard the appeal and the judge determined that he should go ahead and sign it. It has been suggested that he should have notified the other judges and disqualified himself which would, by the way, also disqualify them, and cause the whole case to be reheard and all their efforts to be for naught. The judge did not think this was necessary and I agree.

The motion for rehearing by the landlord was filed after the time prescribed for filing such motions and I find no fault in Judge Haynsworth remaining in the case, thus keeping the other two judges in, by signing the order denying that motion and the same is true as to the later motion asking the judges to change their minds about the late filing. The expert on judicial disqualification, Mr. Frank, was not provided with the facts on the Brunswick case and, therefore, could not comment on it. Judge Winter, however, under very specific cross examination, stated that he did not view the Brunswick facts as being either a violation of the canons of ethics—page 252—or of the statute cited by the distinguished Senator from Michigan, 28 United States Code 455—page 259.

That Judge Haynsworth did not own the stock when he sat on the case, had no inside information, the manner in which he came to purchase Brunswick stock, and that he only became an owner of one hundred eighteen ten-thousandths of the stock of a company which only has 3 percent of its activities in bowling related matters also persuades me that the Brunswick matter does not merit recognition as a reason for not voting for the nomination. The question of the Senator from Maryland (Mr. MATHIAS) and the reply of Judge Haynsworth set forth initially in the individual views and mentioned by me previously, I believe, can be better understood on the basis of the facts as I have here related them. I also suggest that knowledge of the context in which that statement was made could be of help. The question immediately preceeding the quoted exchange is as follows:

> Senator MATHIAS. It is a hypothetical question to which, of course there can only be a hypothetical answer, but had you been a stockholder of Brunswick at the beginning of that hearing—
>
> Judge HAYNSWORTH. I would not have sat on it.
>
> Senator MATHIAS. You would not have sat on it at all?
>
> Judge HAYNSWORTH. I would not have sat on it.

Following the quoted portion set out in the Individual Views the Senator from Maryland (Mr. MATHIAS) asked Judge Haynsworth if the two orders entered on the posttrial motions involved the application of discretion, and Judge Haynsworth correctly answered that they did not.

I think it is very important, and want to emphasize, that these two subsequent orders did not involve discretion for the court, but were ministerial. The motions were passed their statutory time for filing, and there was really no discretion on the part of the court.

It is clear that to those knowledgeable in the field, including Judge Haynsworth, what was a "substantial interest" to prevent him from sitting on the case when it was argued and decided was not a substantial interest when it came merely to performing the ministerial tasks of signing the written order and denying motions when the time for filing had already elapsed.

I quote the Senator from Indiana's own assessment of the substance of this interest:

> I do not suggest for a moment that the $16,000 or $18,000, whichever price you want to take on this particular Brunswick stock, is of such significance that *any man*, particularly Judge Haynsworth would be tempted by the case in question. I am just trying to arrive at some line of demarcation (page 249).

An interest that is not of such significance to "tempt any man," I submit, is an insubstantial interest. I am told that even if it had been possible to give the landlord everything he sued for, including punitive damages, the charge, or expense, to the judge's interest in the company would be no more than $5.

After the Brunswick case, the respected Senator from Michigan goes on to mention, in less detail, five other court cases as being further evidence of why the nomination of Judge Haynsworth should not be confirmed:

First. Farrow against Grace Lines, Inc.: It is stated that the nominee participated in this case despite his ownership of 300 shares of W. R. Grace & Co., the parent company of Grace Lines, Inc.

The jury in the trial court had returned a damage award of $15.12 for overtime to a seaman which he claimed was due him because of overtime he would have been able to work if he had not injured his wrist while working.

The trial court increased the award to $50. Here truly was a momentous case. Then the case was appealed. All Judge Haynsworth did was to join the other judges of the court in issuing a per curiam opinion upholding the decision of the jury, as increased by the trial judge. Even if Judge Haynsworth had owned stock in Grace Lines—which he did not—it is doubtful that he would have had a "substantial interest" in it as the statute cited by the Senator requires. However, he did not own stock in that company. He had a very small fraction of the stock in its, so-called, "parent company" which owned at least 53 subsidiaries companies of which the litigant was only one. The maximum that was asked for by the seaman in this case was $30,000—and I think we all know that it is a pretty common practice when a lawsuit of this type is filed, to ask for the sky—and of course he did not get $30,000, but got only $50—but if he had been awarded the full amount it still would only calculate out as being a 48-cent charge against the judge's stock interest on this subsidiary company.

Second and third. Maryland Casualty Co. against Baldwin and Donahoe against Maryland Casualty Co.: As the individual views state, Judge Haynsworth owned no stock in the litigant. And the distinguished Senator is very frank in saying this. The connection which has been ferreted out is that he did own stock in its parent company, American General Insurance. There was no showing whatsoever that Judge Haynsworth knew or even suspected, that American General had this subsidiary named Maryland Casualty Co. among its 12 subsidiary companies. His interest was anything but "substantial," if it can be said there was an interest at all.

I point out by way of interlineation that until this case came up, I did not know that Maryland Casualty was a subsidiary of American General Insurance either. I believe that I represented the Maryland Casualty Co. locally in Colorado for perhaps as many as 20 years of the 25 years that I practiced law. And I never had any idea that it was owned by the American General Insurance Co., the parent company in which Judge Haynsworth owned stock. I would wager that among the many lawyers who are Members of the Senate, and have probably done business with the Maryland Casualty Co. and tried cases either for or against that company, few, if any, knew this until the case was brought up during the hearings.

The interest in the parent company figures out to 0.0059 percent of its common stock and 0.0015 percent of its preferred stock. As far as I can tell, no one has even attempted to calculate the infinitesimal fraction of indirect interest the judge is said to have had in the litigant in these two cases or in the results of the cases.

Fourth and fifth Nationwide Mutual Insurance Co. against Akers and Toole against Nationwide Mutual Insurance Co.: I must confess my surprise that these cases are cited. The only thing I know is that it had been indicated Judge Haynsworth had some sort of interest in the Nationwide Mutual Insurance Co. as a result of his owning a small number of shares in companies named Nationwide Life Insurance Co. and Nationwide Corp. The Senator from Indiana (Mr. BAYH) mentioned this matter on page 288 of the hearing record but, when he did, Judge Haynsworth replied that he once made an inquiry to see if there was some relationship but was told that Nationwide Mutual was, in fact, a mutual insurance company and thus had no stock which the Nationwide Corp. or Nationwide Life Insurance could own so as to tie it in with those companies. The Senator from Indiana (Mr. BAYH) stated that he accepted that explanation and thanked Judge Haynsworth for clearing it up. I am sure he was remembering cases such as those pertaining to the J. P. Stephens Co. where the judge did disqualify himself because he knew he had a stock interest—hearings record page 96.

The general counsel for the Industrial Union Department of the AFL–CIO made a passing reference to the Nationwide stock but did not claim Nationwide Mutual was in any way related—page 334 of hearing record.

I assume that when the word "affiliate" is used in these individual views to describe Nationwide Mutuals' relationship to the company in which Judge Haynsworth owned stock, it was intended to distinguish this situation from the relationship that existed between Maryland Casualty Co. and American General. As to these, the latter is denominated the "parent company." Even without the very strong doubt that the judge had any kind of interest in Nationwide Mutual when it was before his court, however, I believe his uncontroverted testimony—and it is uncontroverted—that he endeavored to check on this and he then believed, and still does believe, that he had no interest in the case before his court is a complete answer. In view of it, I find no ground of criticism of Judge Haynsworth in participating in these cases. For the record, however, I still would appreciate my learned friend from Michigan (Mr. GRIFFIN) advising us of what the relationship is that constitutes Nationwide Mutual an "affiliate" of Nationwide Corp.

In trying to check it out, I found that perhaps Nationwide Mutual happens to have Nationwide Corp. stock in its portfolio. If this is the connection, it would only mean that both Judge Haynsworth and the litigant before his court owned stock in the same company; and I have no doubt that judges all across the land have heard cases where one or both, of the litigants happened to own stock in the same corporations as they. I have never heard that there was any impropriety or illegality in that.

In closing his discussion of this part of his individual views, the most able Senator from Michigan (Mr. GRIFFIN) said it is difficult for him to understand how Judge Haynsworth could tell the committee by letter dated September 6, 1969, that he had disqualified himself in all cases in which he had a stock interest in a party. This, as I see it, is a reversion to his first section where he questions the integrity of the testimony given by Judge Haynsworth. I differ in that I do not believe that this statement of Judge Haynsworth has been shown to be erroneous but actually believe that, by the record, it has been demonstrated to be correct.

III

The third phase of the individual views of my worthy colleague pertains to the allegations that Judge Haynsworth sat as a member of the circuit court of appeals in cases where he should not have because clients of his former law firm were litigants. Canon 13 of the judicial code of ethics and Opinion 594 interpreting it are set out as being the criteria. Only two cases are mentioned. The client is the same in both cases: the Judson Mills Division of Deering Milliken Research Corp. However, there are two key reasons why the canon of judicial ethics and Opinion 594 are not applicable.

First, when Judson Mills appeared in the cases cited, it was not represented by the judge's former law firm but of equal importance is the fact that it really was not the same Judson Mills his firm had represented previously. Previously, it was run and owned by an entirely different company; and when the mill was sold, the Haynsworth law firm lost the mill as a client—pages 97 and 134. The fact that it was the same physical plant—if it was—does not violate the canons, the opinion, or any statutes.

The opinion of the American Bar Association—No. 594—as cited by the Senator from Michigan says:

> (1) A Judge *may* sit on a case where his former law firm is providing representation, but,
>
> (2) He should not sit on such a case (where his former law firm is involved) when the client they are representing was also a *regular* client of the firm when the Judge was a member of the firm.

If anyone can tell me how, in this instance, he could have violated the canon of ethics and this opinion, when the company that his law firm represented had been sold to someone else and his firm had extinguished its relationship with it at the time of the sale, I would be very happy to be so informed. If I do not understand this, then I cannot read English.

There are no other cases cited in the individual view as examples of violation of the requirements of Opinion 594, but there is a reference to a portion of the testimony of the president and the general counsel for the International Union of Electrical Radio & Machine Workers, AFL–CIO. I have read the pages referred to and find no indication there that the two factors contained in Opinion 594 are alleged to be present in the cases the union mentions. What I do find is only a charge that former clients of the law firm later were involved in cases that came to the Fourth Circuit Court of Appeals. In one case cited, both parties were former clients of the firm. It is hard to imagine that the union could seriously urge that case as being one where someone was prejudiced because Judge Haynsworth was one of the judges who heard it. As to that case, and the others cited by the union, there is no reference to the key facets of Opinion 594 of first, whether his former law firm was the attorney for the former client when they appeared in court and second, whether the former client was a regular client of the firm when the judge was a member of it.

In the light of the failure of any showing that Canon 13, as interpreted by Opinion 594, applies, and in view of all the favorable evidence in the record as to the judge's integrity and, further, in the absence of any indication that any litigant has ever complained because Judge Haynsworth heard a case and rendered an erroneous or prejudiced decision as a result of a litigant being a former client or because his former law firm was involved, I am not in the least persuaded that the judge has acted contrary to the guidelines mentioned. I also take cognizance of the reviews made by the American Bar Association of Judge Haynsworth's judicial activities and the clean "bill of health" it provided and also of his unequivocal statement, "I have not sat on any cases in which my law firm was interested"—page 98.

In further regard to my position on the allegations in connection with former clients or his former law firm and Canon 13, I noted in the hearing record that Judge Haynsworth did not hesitate to disqualify himself when a case came before the court where the litigant was represented by a law firm which employed his young cousin—page 95 of the transcript. Nor did he hesitate to disqualify himself from cases involving the J. P. Stephens Co. for which he had provided legal representation—pages 96 and 156.

As a matter of interest, after I reviewed pages 396, 397, and 400 of the hearing record, to which the individual views refer, I reread the testimony of the general counsel of the union and was interested to note that he compared the cases he mentioned on which Judge Haynsworth sat to the situation of one of the highly respected Members of the Senate, and, apparently, applying the same reasoning that brought forth his citation of these cases, on page 412, he also stated that this particular Senator should disqualify himself from those hearings of the Judiciary Committee, because as an attorney, he had once represented one of the companies with respect to which Judge Haynsworth was being questioned. I have difficulty in associating myself with that kind of thinking by accepting the conclusions in that testimony.

The esteemed Senator from Michigan (Mr. GRIFFIN) entitles his last section of these individual views, "Resolving the

Doubt." He says that the record raises legitimate and substantial doubt concerning Judge Haynsworth's "sensitivity" to the high ethical standards expected of those who are to sit on the Supreme Court. No one in the Senate expects a higher degree of sensitivity to these ethics than I. However, I, as I have said, am not caused to believe that there is any doubt of Judge Haynsworth's sensitivity to them. To the contrary, to be sensitive, according to the dictionary, is to be able to discern even slight differences. After studying the record in this matter I am led to believe that those things which the critics of Judge Haynsworth have seized upon to use against him came about as a result of a high degree of sensitivity on the part of Judge Haynsworth. He has demonstrated his ability to discern the cases in which he should not participate from those in which he had a duty to participate. A man of lesser sensitivity, or ability to draw the proper line, might have disqualified himself in all these cases where anyone by any stretch of their imagination, might suggest or might dream that there was impropriety and in doing so shirked his duty, merely because he was unable to properly apply the rules of judicial ethics.

Neither did Judge Haynsworth try to shift that job of making the distinction to his fellow judges. To those who are not of the legal profession I might say it would not be proper for a judge to try to shift this responsibility to his fellow judges. It is his responsibility to make this determination, whether it is respected here or not.

In the Brunswick case, he has been criticized for not asking the other judges whether he could do those remaining ministerial tasks necessary to bring that litigation to an end. I do not criticize him for making the decision for himself, but, instead, commend him. Likewise, in the Nationwide Mutual cases he was concerned about the possibility of a conflict of interest but investigated himself and concluded, applying his own "sensitivity" to the governing rules, that there was no conflict. The abiding conviction with which I am left after reviewing the record is that if Judge Haynsworth had not been possessed of a high degree of sensitivity, or ability, to distinguish the proper cases from the improper ones, he probably would have followed the probable course of those who do not have such competence, and disqualified himself in any case which has been searched out to use against him. I discount without hesitation the claims of those who say "yes, but, in the process, he created an appearance of impropriety" which is contrary to the canons of ethics, for the plain and simple reason that he was doing his duty as he saw it and because there is no evidence at all that anyone believed that there was an appearance of impropriety at the time the various matters mentioned transpired, or before the opponents to the nomination started making charges, with the lone exception of the Carolina Vend-A-Matic matter, which I have already discussed. In that case, the facts have been examined and there was no improper conduct by Judge Haynsworth. The only ones who ever claimed to believe there was an "appearance of improper conduct" were the unhappy losing parties to the case who later apologized.

Having reviewed the individual views of the astute Senator from Michigan in order to set forth my somewhat different thinking, I will conclude without providing this body with any sage words of wisdom from the past, or comments on other allegations which have been levied, but by telling my good friend from Michigan of my great admiration for his expression that the philosophy of the nominee is not a proper factor for our consideration, and for, thus, excluding it from his individual views.

With respect to the philosophy of the nominee, the Constitution provides the only test—that the nominee be bound by oath to support that great governing document of the United States of America.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I have received from Representative JAMES R. MANN, a Congressman from the Fourth District of South Carolina.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 8, 1969.

Hon. GORDON ALLOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: As the time for a decision on the confirmation of Judge Haynsworth approaches, I am hopeful that these few words from this member of the Democratic Party will be of some value to you.

Shakespeare could well have been describing Clement Haynsworth when in Scene I, Act 3, of Timon of Athens he wrote, "Every man has his fault, and honesty is his." You and I know that the shrewd, the clever, the unscrupulous, the dishonest, in the judiciary or in politics, have no trouble covering their tracks. On the other hand, he who is inherently honest goes about his duties with no thought in mind but to do fairly and justly, with no search for, or even awareness of, reasons why he should be other than fair and just.

I mentioned my Democratic affiliation to emphasize my feeling that this matter is above party and to form a basis to join mentally with you in agreeing that this is not a decision based upon being "pro" this or "anti" that. I know that you do not regard your decision as one of either politics or advocacy. There are segments of the press, of special interest groups, and of the public which would not recognize that this is one of those rare instances when responsible objectivity and deep conscience are your foundation stones, and the clamor, from whatever source, will be resisted and ignored.

Of course the decision is not to be mine. If it were, I would find it easy. I would rather have the honesty, objectivity, and judgment of Clement Haynsworth applied to my rights of life, liberty and property than that of any judge who graces the bench of this great nation.

Sincerely,

JAMES R. MANN,
Member of Congress.

Mr. ALLOTT. Mr. President, I wish to quote one paragraph from the letter written to me by Representative MANN. Ordinarily we receive many letters on many issues. Here is a man of another party, a distinguished man, recognized by his own State. Although I have asked to have the entire letter printed in the RECORD the last paragraph so gripped me that I would like to close my remarks by reading it.

> Of course the decision is not to be mine. If it were, I would find it easy. I would rather have the honesty, objectivity, and judgment of Clement Haynsworth applied to my rights of life, liberty and property than that of any judge who graces the bench of this great nation.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. HRUSKA. Mr. President, again I wish to commend the distinguished Senator for his statement which is obviously the product of a very careful and diligent search of the entire record. He has served the Senate well and he has served the public well to bring out these facts in this readable and readily understandable fashion.

I was particularly interested in the part of the Senator's discussion in where "appearance" of impropriety is mentioned. I would like to ask the Senator if charges and attacks made upon a nominee, or on any person, for that matter, which are proven to be unfounded and unjustified, create an appearance of impropriety would it not be true that in cases of this kind, the fate of a man would be placed in the hands of his accusers? No one could ever be confirmed as long as someone would step forward and accuse him of a lot of things, whether justified or not.

Mr. ALLOTT. The Senator is correct and particularly if the Senator adds one other thing to his statement. The added ingredient is, having access to enough news media or advertising material to the point where it becomes a matter of widespread dissemination, as this has been; and, therefore, things that have no justification, no guts, no bone in them, if repeated often enough become an appearance of impropriety because people have come to accept what they read in newspapers and magazines or take what they hear over television or radio on the face of it.

So widespread dissemination of matter, whether there is any bone or substance to it or not, is an element the Senator has to add to his hypothetical situation. Then, there could be taken an appearance of impropriety because there are gathered along the way enough unthinking people who say, "Let us toss him out." Of course we all know that extolling the virtues of a man, especially one in, or slated for, public office, never seems to be any competition for the public eye and ear when there are allegations of corruption and vice on the menu for consumption.

Mr. President, I debated a long time in my mind before deciding to support the nomination of Judge Haynsworth. I am sure that every other Senator has given this matter the most serious consideration too. I did so with the experience of 25 years in the practice of law in Colorado. I hope I am not being immodest when I state that I believe it was a respectable career. I know the other considerations but I have made my decision on the basis of the hearing record. I hope other Senators will also. That is where the facts are. Such a decision is one which I can never regret.

Shakespeare wrote:

> Who steals my purse steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor indeed.

We have heard that many times. Since I came to the Senate—and the distinguished Senator from Nebraska preceded me—one case came up for consideration in which a nominee of President Eisenhower was defeated. It was not for the bench but for confirmation as Secretary of Commerce. I shall not mention his name here. I am sure the Senator knows about whom I am talking. Try as I may, I cannot recapture today one single argument that was used against the confirmation of his nomination. It was a personal vendetta. Those things which received so much publicity then had so little substance that I cannot recall them now, but I will never forget what we did.

This man is a good man, a great man; and he has a great intellect. He fulfilled a great place in this life and is still respected when he speaks. But the stigma of having been rejected for an important position by the Senate will never leave him, I am sure. There are probably few days in his life when the pain of that stigma does not come back to him.

Mr. President, there is no one that I know of, except Jesus Christ, to whom criticism could not be applied in one case or another, justified or not. We find that out very quickly around here.

Judge Haynsworth is a man who has made a success of his life. He has made a success of his chosen career. He is recognized in his own State as a great and honorable judge. My inquiries of members of the Judiciary Committee confirm that he is held in high esteem. Because of these attributes he was chosen to be a member of the Supreme Court.

But now, the opponents pick around the edges and bring forth such things as an "appearance of impropriety." They wish they had something of real substance but must, they believe, try to convince us that there is substance where there is none.

They take a case like the Brunswick case and say those facts are a reason that this man cannot be permitted to be a member of the Supreme Court. I ask myself, "Gordon Allott, on the basis of such things, are you going to vote against this man? Are you going to destroy him?" If the Senate of the United States declares that he may be an improper person to sit on the Supreme Court, I cannot conceive how, out of his own pride, he would want to retain his seat on the Court of Appeals.

When I look at the whole career and the life of Judge Haynsworth, I can find no basis for destroying him.

I will not do so.

I will not vote to destroy him, because there is nothing in the record of any serious consequence. Nothing.

If there were, I would not hesitate to vote against confirmation of his nomination.

But, there is nothing in the record.

I will vote for him.

I want to thank the distinguished Senator from Nebraska very much for his kind remarks.

Mr. MURPHY. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am happy to yield to the Senator from California.

Mr. MURPHY. Mr. President, I am glad that I was in the Chamber to have heard the clear and obviously carefully considered presentation of the distinguished Senator from Colorado.

I keep coming back to the use of the term "appearance of impropriety."

I am not trained in the law, but the word "appearance" indicates to me a lack of substance, that we are creating the appearance, that we cannot bring proof of substance of impropriety.

Those of us in public life know how easy and simple it is for those of bad character to make baseless charges, that once they are made publicly, create the appearance of impropriety.

I can recall years ago, when a man holding an important position in our Government headed by President Franklin D. Roosevelt, said to me, "You let me write the headlines and you can write the story, and my position will obtain." In other words, by writing the headlines he could create the appearance of impropriety—any appearance he wanted.

Mr. President, in listening to the Senator's excellent presentation, I recall an attempt to create the appearance of impropriety which was made on three occasions, to destroy the character and, therefore, the public life of the man who is now the President of the United States.

I stood next to him many years ago when the original announcement was made. No one took the time or the trouble to find out whether there was any basis of fact for it, whether there was any wrongdoing, or whether he had actually done anything that was improper. Merely by the pronouncement of an irresponsible individual, whom most people did not even know, not even his name before, the appearance of impropriety was immediately created in that case.

Then there was the second attempt. I know the details because I was party to it, at the request of the then candidate for President, General Eisenhower, when he said to me, "Will you go to Indianapolis, and will you ask the following questions, and come back directly to me and report the answers?" I had the unfortunate and unhappy duty to do that. Here again was the second attempt to create the appearance of impropriety. There was no substance whatever to it.

Then there was the third attempt, which was planned but never activated because it was obvious it would have exploded before it got off the ground, but here was a definite attempt by some—I do not know who they were—to destroy the character and the career, without any basis of fact, of a man who is now the President of the United States.

What a dangerous practice that is. What a terrible thing to be party to. What a terrible thing to whisper a rumor and then watch that rumor circulate until finally a man who, so far as I know, has had the high regard and respect of all the people in his community with the possible exception of a few who, as a result of his legal duties he may have found against, a man of high character and respect, what a terrible thing—as the Senator from Colorado has so carefully pointed out—that the life, the work, the reputation and the character of such a man can be destroyed, by a few who oppose him, not because there is an appearance of impropriety on their part. I would say that there is an actual case of impropriety on the part of some of those who are attempting to bring the charges which are so obviously without foundation.

So, I wonder if once again perhaps we are not looking for the improper action in the wrong direction.

I congratulate the distinguished Senator from Colorado. As I say, I am not trained in the law, but I can read. I read slowly, and I try to read carefully, and I try to understand what I am reading. I found nothing, from the standpoint of a layman—a U.S. Senator, if you will—that for the slightest moment gave me pause in what my decision will be when this name comes before the Senate.

I do know, from long experience in the past that, unfortunately, practices sometimes used by those who are leading the opposition. I do not refer to anyone in this Chamber. I mean those who have tried to bring forward the different points of impropriety. I have had great experience with pressures. I have had phone calls with regard to votes on this floor and decisions I would make. I know what it is. I understand. We all do.

I congratulate the distinguished Senator from Colorado for stating concisely and briefly, much better than I ever could, exactly his feeling in this matter, and for clarifying the case as completely as I think it could be clarified for any of those who are uncertain.

I would recommend that all study this presentation, and study it carefully, and take advantage of the clear and concise logic which it presents.

I again highly commend my distinguished colleague and would like to associate myself with his presentation. I wish I could take credit for some of the excellent logic and preparation of this paper.

Mr. ALLOTT. Mr. President, I thank the Senator. I am not sure what anybody has in mind by the expression "appearance of impropriety," but I suppose it would lead to the conclusion that he would do something, whether we believed it or not. I can give the Senate a specific example. I remember a Member of this body some years ago who was very well liked and very well respected. He was not adverse to taking a drink now and then. By no means could he have been considered an alcoholic. He was nothing more than what we call a moderate, social drinker, and he was moderate. He began to have some fainting spells. Many people were convinced that he had turned into a full-blown alcoholic. One day he suddenly keeled over and died. It was then found that he had a very serious disease. His actions, such as stumbling against a desk were the result of the disease. That would be an appearance of impropriety. I might say that it was discovered he had a massive brain tumor. I think the record should be clear on that.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MURPHY. Mr. President, will the Senator yield to me for one second before he yields to our distinguished colleague from Kansas?

Mr. ALLOTT. I yield.

Mr. MURPHY. I knew that gentleman and Senator, and I remember the condition exactly as the Senator has described it. I recall that some of us who had been close to him suspected what was happening. I think he suspected it, as is so often the case in a serious condition. I also remember the condition of the other gentleman whose name has been brought before this body.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the Senator from Colorado be extended 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. I thank the distinguished Senator from West Virginia.

Mr. MURPHY. Reference was made to the other name that came up for approval. I know, from firsthand personal knowledge, the reason for the creation of the appearance of impropriety—shocking reasons, personal reasons—destroyed part of this man's spirit forever, in a manner which had no connection whatsoever with his duties. It was a personal matter, between two other people, entirely unrelated. This is the thing that disturbs me.

Of course, I lived through the time in Hollywood when a whisper about the character or association of some of my colleagues could do great damage to their public careers and their ability to continue. I am glad to say I was active in one group that, in a great many cases, had the good fortune to be able to destroy the appearance of impropriety and thereby preserve the good reputation of the character of those people.

I am very sensitive to this condition, but I think the distinguished Senator from Colorado has made possibly the most important point. The word "appearance" is a word without too much fabric. You can do it very easily. You can do it by a suggestion. You do not even have to make a straight declaration. You just whisper. You think it sometimes, and it begins to permeate and circulate. What a terrible manner in which to operate.

I thank the Senator for yielding. I apologize for commenting to such an extent.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. DOLE. Again I want to commend my distinguished colleague from Colorado. I recognize the great amount of work and research he has done in an attempt to reach a fair conclusion.

I do not question anybody's motives with reference to the Haynsworth confirmation or any other matter before this body. In the course of my investigation, I have found there may be some who stated their position early, before the evidence was complete, and now attempt to justify that position. Many of these stated their opposition to Judge Haynsworth.

One whom I have consulted about the nomination is former Supreme Court Justice Charles Whittaker, who served on the court from 1957 to 1962. I called Justice Whittaker, seeking his advice and counsel. He stated, as I repeated on Monday, it would be a travesty if Judge Haynsworth were not confirmed. He also said, which I have not repeated, "If you cannot confirm Judge Haynsworth, you are going to have to find a trapeze artist." He did not say that lightly. He had read the press reports, listened to and watched the biased news media reports on the Haynsworth nomination night after night. But after reading the hearing record—the best place to ascertain the facts, as the Senator knows—he felt very strongly the nomination of Judge Haynsworth should be confirmed.

I was impressed by many things in the hearing record and as stated before had one serious question about the Brunswick case. I was also impressed by the statement by George Meany, who has said labor is going to block the Haynsworth nomination if it can. It is going to be interesting, in the next few days, to see how much "muscle" labor has. It was pointed out how labor helped block the nomination of Judge Parker, during the Hoover administration. It was pointed out, after Parker was blocked, that he became a great judge and perhaps labor leaders had made a mistake.

I think we should lay it on the line. The nomination in question is going to demonstrate just how much power labor has in America.

I would also remind some of my fellow Senators who still seem to think they should have the power of appointment that they did not win the election last year. The liberals lost the election last year. And as far as philosophical arguments are concerned, as the Senator has so well pointed out, this is no reason to reject any nominee; and no one, who really understands the process, feels we should reject a man who has been nominated for the Court because of his philosophy.

But aside from that, I am convinced and the Senator from Colorado is convinced that Judge Haynsworth has a good record and a positive record. There is no need to be defiant about Judge Haynsworth; he has a balanced record in civil rights and a balanced record with reference to labor.

So I thank the Senator for going into detail and setting forth his reasons, which will be helpful to all of us in the days ahead.

Mr. GRIFFIN. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield to my distinguished colleague from Michigan.

Mr. GRIFFIN. I shall not attempt to present a rebuttal to the statement made by the able Senator from Colorado. I wish to say that to my mind he is one of the most distinguished Members of this body as well as an esteemed leader of my party. As he knows, I have the highest respect for him, as an individual, as a lawyer, and as a Senator. It is unfortunate, and it pains me a great deal, that we disagree on this particular issue. Fortunately, we do not disagree often, although when we do, we respect each other's views. I am particularly grateful to the Senator from Colorado for his reaffirmation of that fact as he made his statement today.

I wish to comment on two points. First, I think the Senator from Colorado does a service by making clear that no one should be misled by so-called appearance of impropriety which are created by those who may be in opposition to a given nominee. The only appearance of impropriety which are meaningful, and which are referred to in the cannons of judicial ethics, are those which are created by a member of the judiciary.

In a situation where a judge owns stock in a party litigant, it may be altogether true, as a subjective matter, that there is no conflict of interest as he views the particular matter. In his own mind, he might not be influenced in any way by the fact that he has some remote interest in a party litigant. But nevertheless, in a situation he—not someone else—has created the appearance of impropriety, an appearance which puts others in the position of having to make a subjective judgment as to what influenced him or did not influence him.

So I agree with the Senator; and I hope other Senators will not be misled. We should not be guided astray by so-called appearances of impropriety which are created by persons other than the nominee. The only references I have made have been to appearances of impropriety which, in my judgment, have been raised by the nominee.

Let me make another point, and perhaps the Senator might have further comments. I am very much disturbed by some remarks which might be interpreted to indicate that, in the event Judge Haynsworth's nomination should not be confirmed, he would then not be eligible to serve in his present position on the Fourth Circuit Court of Appeals. I regret such interpretations because to my mind they diminish or reduce what I consider to be the appropriate role of the Senate in the matter of appointments to the Supreme Court.

Judge Haynsworth is not on trial for any crime. He is not being tried at all, and the test is not whether he is guilty of any particular charge. At least to my mind that is not the test. The question is whether the Senate, which shares the appointive power with the President, wishes to promote this particular nominee to the Supreme Court.

A similar question was before the Senate in the Fortas case, though the facts were different and the considerations were different. When the Fortas nomination was before this body, the Justice was not on trial. Rather, the question was simply whether the Senate agreed to his elevation to Chief Justice of the United States.

In the case of the Haynsworth nomination, Senators are going to arrive at their conclusions for a varying number of reasons. To read into a decision against Judge Haynsworth that he has been convicted in any sense would be very unfortunate.

It ought to be noted again, in passing, that more than one-sixth of all the nominees for the Supreme Court whose names have been submitted to the Senate in the history of the United States have been rejected. I am sure no one could say that rejection in each of those cases amounted to a finding of guilty of particular charges. In each case, the decision of the Senate was no more than a determination that the particular person should not be elevated to the Supreme Court.

Traditionally, the Senate has applied a different test with respect to nominees to the Supreme Court than it has applied with respect to those who have been nominated by Presidents to serve in the Cabinet or in the executive branch. I think the reference which the distinguished Senator from Colorado made earlier to the appointment, or attempted appointment, by President Eisenhower of a Secretary of Commerce is altogether appropriate, as far as his conclusions are concerned. Particularly with respect to nominations for the Supreme Court, however, I do not believe, as I have argued previously, that the Senate is limited to accepting every nomination merely because it cannot be proved that the nominee has beaten his wife, or has done this or that.

I think the responsibility of the Senate is much higher than that. Under the constitution, the President is vested with only one half of the appointing power. He nominates and the Senate confirms. Accordingly the Senate's advice and consent responsibility is at least equal to the President's responsibility in nominating.

If the judiciary is to be an independent branch of the Government, it is essential that, its members owe no greater indebtedness for an appointment to one particular branch of our Government.

So it pains me to hear a statement made that if the Senate rejects the nomination of Judge Haynsworth, he therefore will not be fit to sit on the court of appeals. That is not the question. The only question before the Senate is whether the nominee should be elevated to the Supreme Court of the United States.

Mr. ALLOTT. I hope the Senator is not attributing to me the last statement that Judge Haynsworth is not fit to sit on the court of appeals.

Mr. GRIFFIN. No.

Mr. ALLOTT. If he is, he has completely misunderstood me, because I did not say that.

Mr. GRIFFIN. Let us straighten that out.

Mr. ALLOTT. What I did say was that I thought that if the Senate were to refuse to confirm Judge Haynsworth's nomination, his services would probably be lost to the judiciary. I say this because I think he himself would be inclined to withdraw himself from the judiciary.

Mr. GRIFFIN. If I may continue, suggestions have been made in other quarters to the effect that if Judge Haynsworth's nomination is rejected by the Senate, then other members of the judiciary may be subject to impeachment, as though the test for impeachment were the same as the test for confirmation of a nomination. There is a world of difference between the two, as I understand the role of the Senate, and its responsibility with respect to confirmation of a nomination.

The PRESIDING OFFICER. (Mr. PELL in the chair). The Senator's additional 15 minutes have expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Colorado may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. When an officer of the United States is impeached, it is the responsibility of the Senate, sitting as a court, clearly to find, by weighing the evidence, whether an accused is guilty of particular charges. But that is not the function of the Senate when a nomination is up for confirmation. I wish to make that point clear.

Mr. ALLOTT. I agree with the Senator from Michigan as to that. I do not think there is any reason for getting into that. It would only cloud the issue to get into the impeachment area at this time.

However, I must say, as I stated at the conclusion of my speech, that as to philosophy, the only qualification set up is that the nominee must support the Constitution of the United States. If the Senate does not confirm his nomination, it can only be for one reason: That is, that somehow, collectively, the Senate has reached a decision that the nominee is unfit for the office. There can be no other conclusion. So on this basis I stated how I felt about Justice Haynsworth and the effects of what some would do here.

I do not know whether Judge Haynsworth has a son or not. I do not know whether he has grandchildren or not. However, I am thinking of what it would do to him, to his children, and to his children's children. I have tried without passion to examine the record. I do not think that I have been unfair in any instance to my friend the Senator from Michigan. As I have looked at the record, I have come to the conclusion that I could not do this, no matter what other considerations depended on it. And I have had all the pressures that everyone else has had exerted on him concerning this matter. I refer to pressure from the pressure groups who are out to get the judge and to pressure from people who reason with their glands rather than their brains.

It is a price that I would not pay, nor could I do it to any fellow human being.

Mr. President, I yield the floor.

EXECUTIVE REPORT OF A COMMITTEE—(EX. REPT. NO. 91-12)

Mr. HRUSKA. Mr. President, as in executive session, on behalf of the Committee on the Judiciary and at the request of its chairman, I ask unanimous consent to file the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an associate justice of the Supreme Court, and the committee report together with individual views on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The Acting President pro tempore laid before the Senate the following letter, which was referred as indicated:

PROPOSED MICHAUD FLATS IRRIGATION PROJECT

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats Irrigation Project (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, signed by Peggy and Earl Hanrahan, of Denver, Colo., praying for the enactment of legislation to provide that bank holding companies may not establish and maintain travel agencies; to the Committee on Banking and Currency.

A petition, signed by Daniel E. LeVeque, of Sheboygan, Wis., praying for a redress of grievances; to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the bill (H.R. 14030) to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments, and it was signed by the Acting President pro tempore.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Appropriations, with an amendment:

H.J. Res. 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91-529).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MUSKIE:

S. 3135. A bill to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Muskie when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McINTYRE:

S. 3136. A bill to confer U.S. citizenship posthumously upon Guy Andre Blanchette; to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. Bayh, Mr. Burdick, Mr. Griffin, Mr. Hart, Mr. Hartke, Mr. McCarthy, Mr. McGovern, Mr. Nelson, Mr. Percy, Mr. Proxmire, Mr. Saxbe, Mr. Smith of Illinois, Mr. Young of North Dakota, and Mr. Young of Ohio):

S. 3137. A bill to amend the Act creating the Saint Lawrence Seaway Development Corporation in order to cancel the indebtedness of the Corporation to the United States; to the Committee on Commerce.

(The remarks of Mr. Mondale when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3135—INTRODUCTION OF A BILL TO MAKE AVAILABLE CERTAIN ORGANIZED TRIBES, BANDS OR GROUPS OF INDIANS RESIDING ON INDIAN RESERVATIONS ESTABLISHED UNDER STATE LAW CERTAIN BENEFITS, CARE, OR ASSISTANCE FOR WHICH FEDERALLY RECOGNIZED INDIAN TRIBES QUALIFY AS RECIPIENTS

Mr. MUSKIE. Mr. President, today I am introducing legislation to extend Federal benefits to Indian tribes and certain organized bands or groups of Indians residing on Indian reservations established under State law. The benefits include care or assistance for which federally recognized Indian tribes qualify as recipients.

Because the eastern seaboard States existed prior to the formation of a Federal Government, lands in these States reserved to the Indians were not ceded to the Federal Government to become part of Federal responsibility.

Thus, for years American Indians residing on State reservations have been denied the benefits of many Federal programs because these tribes are not "federally recognized tribes" within the definition of the Federal Bureau of Indian Affairs. I have been aware of this discrimination, and at appropriate times have introduced legislation which specifically included State Indian reservations in particular Federal programs. For instance, the Public Works and Economic Development Act of 1965—Public Law 89–136—contains explicit language designating State Indian reservations as eligible for assistance under the act.

There are over 100 acts of Congress, rules and regulations authorizing aid and assistance to American Indians. Some of these acts confer on the Secretary of the Interior control over Indian property. Consequently not all of these acts, rules, and regulations would be beneficial to State reservation Indians. The purpose of my bill is to qualify State reservation Indians, at their option, to participate in Federal Indian aid programs. This approach will insure full independence of the State reservation tribes.

I would like particularly to call to the attention of my colleagues the fact that in Maine we have three State Indian reservations—the Penobscot Reservation on Indian Island in Penobscot County, and two Passamaquoddy Reservations in Washington County. A total of 1,200 Indians reside on the three reservations under the guardianship of the State. Yet these 1,200 Indians are excluded from participating in a great many Federal programs because of restrictions limiting the programs to Federal Indian tribes. For example, the Omnibus Crime Control and Safe Streets Act of 1968—Public Law 90–351—was amended to allow Indian tribes to benefit from its programs, along with other "units of general local government." The definition of these units includes "an Indian tribe which performs law-enforcement functions as determined by the Secretary of the Interior." The Maine Law Enforcement Planning and Assistance Agency has indicated that this provision, with its requirement that the Secretary of the Interior determine tribal law-enforcement functions, excludes State Indians from its coverage. This is only one of many examples where State reservation Indians cannot avail themselves of beneficial Federal programs.

Eight States—Connecticut, Maine, New York, Pennsylvania, Rhode Island, South Carolina, Texas, and Virginia—have a total of 27,311 Indians residing on non-Federal reservations. There are approximately 15,000 Indians living in New York State. Out of this number, about 10,000 reside on nine State reservations.

The numbers involved here are small, but the needs of these State reservation Indians are urgent and unmet. Like their brothers on Federal reservations, our State Indians have too often had policy imposed from without. They have been encouraged to sever their tribal and cultural ties. They have faced harassment, hostility, and discrimination in the world outside the reservation. Within the reservation they have faced despair and deterioration of the culture they hold dear and which gives them distinction as Americans.

Our American Indians want what so many of us have and take for granted—adequate and relevant education, job opportunities, health care, and decent housing. They want dignity. They want to be judged as individuals in their own right, and they want to maintain and nurture their uniqueness.

The choices most of us make in life, such as what career to enter, where and how to live, are not always easy to implement, but we take for granted our right to make these decisions from a broad range of alternatives. We make such choices, confident that our happiness and success are limited only by our abilities, our training and our ambition.

The bill which I introduce today will provide a new approach toward filling the needs of a unique group of Americans. It will give State reservation Indians the right to decide, the opportunity to choose, to participate in Federal Indian programs.

I ask unanimous consent that the text of the bill be printed in the Record at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3135) to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients, introduced by Mr. Muskie, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of all Federal programs and laws providing benefits, care, or assistance, financial or otherwise, to Indian tribes or members thereof, any organized tribe, band or group of American Indians a majority of the members of which reside on an Indian reservation established under the laws of a State, but which has not heretofore been recognized as an Indian tribe for purposes of such programs or laws, shall, in its discretion, be entitled to receive such benefits, care, and assistance for which Federally recognized Indian tribes or members thereof qualify as recipients.

S. 3137—INTRODUCTION OF A BILL TO BE KNOWN AS THE "SAINT LAWRENCE SEAWAY AMENDMENTS OF 1969"

Mr. MONDALE. Mr. President, I introduce for appropriate reference for myself and Senators Bayh, Burdick, Griffin, Hart, Hartke, McCarthy, McGovern, Nelson, Percy, Proxmire, Saxbe, Smith of Illinois, Young of North Dakota, and Young of Ohio a bill to put the St. Lawrence Seaway Development Corporation on a sound financial basis. The bills sponsors include Senators from both parties from all of the States in the upper Midwest.

This bill should not be regarded merely as a regional measure. The seaway has clearly benefited the entire Nation. The Great Lakes-St. Lawrence waterway system permits extremely economical water transport serving one of the world's richest agricultural regions and leading industrial complexes.

In the year before the seaway opened less than 12 million tons of cargo moved through the St. Lawrence. This jumped to over 20 million tons in 1959 and has continued to grow to almost 50 million tons last year. As we will document in testimony, much of this growth in volume represents an increase in the United States share of world trade.

There are only five countries competing in the world wheat market. The seaway has helped to secure a significant portion of that market for U.S. farmers. It has provided an excellent low-cost route for exporting surplus agricultural production. And so it is for other commodities and industrial products, such as automobiles, locomotives, gasoline engines, farm equipment, turbines, earth moving equipment and heavy machinery.

Manufacturers and processors have also found that the seaway provides efficient and economical access to raw materials from Canada and abroad. Here too, the benefits of increased U.S. production are shared by the entire Nation.

According to a study by the Maritime Administration, the additional income to the Great Lakes area in a single year, as a result of the waterborne commerce, is estimated at $300 million. This represents a return of more than 200 percent per year on the total U.S. investment in the seaway.

The bill differs in a number of ways from legislation which I introduced in the 89th and 90th Congresses with bipartisan sponsorship. Two years ago, while the earlier legislation was pending, we were successful in securing a 4-year moratorium on toll increases on the St. Lawrence Seaway. Two years have passed without the action which is necessary to prevent new proposals for toll increases.

It is abundantly clear that the financial projections underlying the original Seaway Act are unsound. The time to put the seaway on a solid financial footing is now. The United States will soon have to agree with its Canadian partner on new toll rates to be effective in 1971. Accordingly, I urge prompt action on this bill.

The St. Lawrence Seaway Act of 1954 requires that the Corporation pay, out of toll revenues, the entire cost of construction by the year 2009. In addition, toll revenues must cover fully the cost of operation and maintenance.

This self-sustaining requirement is unique for waterways in the United States. The Federal Government has developed and maintained waterways and ports throughout the United States entirely out of general revenues.

For example, the United States has spent over $56 million for the development of the Gulf Intercoastal Waterway and an additional $50 million for operation and maintenance. The same region has been benefited by an expenditure of $62 million for the 76-mile Mississippi River-Gulf Outlet and close to $11 million has already been spent on operation and maintenance. The 50-mile Houston Ship Channel has cost the taxpayers almost $33 million and more than $37 million has been paid for operation and maintenance. The 96-mile Delaware River Channel to Philadelphia was developed at a public cost of $130 million—slightly in excess of the U.S. investment in the St. Lawrence Seaway. Moreover, $140 million from general revenues has gone into operation and maintenance of that channel.

No user charges whatsoever have been levied in the case of any of these facilities. For this reason, there is growing recognition that the financial framework of the St. Lawrence Seaway is unfair and unreasonable and discriminates against the Nation's "fourth seacoast."

This discrimination in financing an essential link in a 2,342-mile waterway into the heartland of America is dramatized by contrasting the Federal transportation aid given to other regions, such as Appalachia. Up to the end of the last fiscal year, the U.S. Government had invested $470 million in developing roads to serve Appalachia. And much more remains to be spent there. I do not begrudge those expenditures and I am sure that my fellow Senators from the Great Lakes area do not either. But we are compelled to wonder why this unequal treatment for the seaway.

The seaway and the Great Lakes have been short-changed in a number of ways. For many years, the Great Lakes have been deprived of Federal assistance under the Merchant Marine Act of 1936. As a result, the lakes have had very little American-flag service. In turn, this has prevented the use of the Great Lakes-St. Lawrence system for the shipping of Government cargo because of statutory requirements for shipping in U.S. bottoms.

Virtually no cargo financed by the Export-Import Bank, AID, or the General Services Administration has moved in recent years through Great Lakes ports. The Department of Defense, which alone exported 30 million tons last year, shipped only 2,000 tons, or less than 1/100 of 1 percent, via Great Lakes ports even though 35 percent of the cargo was made in the Great Lakes area.

Similar discrimination can be documented with respect to rail charges for shipments to Great Lakes ports, as compared to sometimes lower charges to more distant coastal ports. In addition, under section 22 of the Interstate Commerce Act, free or reduced rates are often given for Government cargo moving to coastal ports. But such rates are seldom offered on traffic to Great Lakes ports.

For all of these reasons, I was quite distressed to learn that the President had, unaccountably, omitted the Great Lakes shipping industry from the administration's proposed 10-year program to rebuild the U.S. merchant fleet. I pledge to work for fair treatment for the Great Lakes under any new maritime program.

Perhaps, when the Congress authorized this historic project, there was reason to believe that the seaway could, indeed, bear the unprecedented financial burden which was placed upon it. But this belief has proved unfounded. Since the seaway was opened in 1959, it has not been able to make any significant payments toward reduction of the bonded debt. Although it has made substantial interest payments to the Treasury, it had fallen in arrears $12½ million in interest charges.

Thus, the original debt of $124 million, plus $7 million in interest during the construction period, and $5 million for lock rehabilitation, has grown to a total of $148.3 million. Based on present traffic projections and current toll revenues, the debt of the St. Lawrence Seaway Corporation will not be eliminated by the year 2009. In fact, it will grow to $821 million if corrective action is not taken.

Raising toll revenues is not the solution. Those who propose this easy remedy may be unaware of what the toll rates are. Perhaps, when they think of tolls, they have in mind the $1.75 for an automobile to drive the length of the New Jersey Turnpike. Or perhaps they think of the $5 a truck might pay. How many realize that, for example, a ship named *Andwei*, carrying 22,636 tons of iron and steel, paid a toll of $21,225.28 on October 12, 1969, to use the St. Lawrence Seaway?

The existence of competitive modes of transportation which were once, themselves, heavily subsidized, would draw off the necessary traffic if the tolls were significantly raised. But the existence of the seaway has already served a very useful purpose in keeping the rates on other transportation down.

A principle was laid down in 1954 that transportation facilities should be self-supporting. As already noted, no other waterways have been built or operated in accordance with this principle. Air transport is also subsidized by the Federal Government. Should the seaway be forced into bankruptcy in the interest of preserving this principle?

Under existing law, the current break-even point would be some 56 to 58 million tons of seaway traffic annually. In contrast, only 48 million tons were handled in 1968. Thus, it can be seen that intensive traffic-building efforts would still fall far short of making the seaway self-supporting under present statutory provisions.

Based on existing practice with respect to all other federally assisted waterways and ports, it would be entirely reasonable to propose that the bonded debt of the seaway be written off and that operating and maintenance costs, henceforth, be paid out of general revenues. We do not make that proposal, however. We merely propose to relieve the seaway of the crushing burden of debt service so that it can pay its fair share by fully covering its operating and maintenance costs, maintain reasonable toll levels, and continue to return substantial funds to the Treasury.

The bill would cancel the existing debt of the seaway to the Treasury. It would, however, require the seaway to pay operating and maintenance costs, and payments in lieu of taxes, out of toll revenues. Any money remaining would be returned to the Treasury.

The Corporation has already returned more than $33 million to the Treasury in the form of interest on the original bonded debt. Based on probable toll rates, which will be set by agreement with Canada, and estimated traffic growth, the seaway would have a surplus after paying operating and maintenance costs. Under our bill, and in light of existing Canadian law and international agreement, this surplus would result in payments to the Treasury at approximately the current rate. Such payments, if continued for the next 40 years, would approximate the cost of building the seaway. If this were done, the effect of the bill would be substantially the same as converting the original bonds to an interest-free loan.

It does not seem unreasonable for the United States to pay out of general revenues the approximately $5½ million annual interest cost on the U.S. investment in the seaway. This seems very small in relation to the billions of dollars in Federal revenues which have been paid for the construction and operation of other waterways. Considering the extensive public interest and national defense value of the seaway, it is clearly appropriate to have general revenues assume this modest portion of seaway expenses.

I wish it were possible for the U.S. Congress to require that seaway tolls be substantially reduced and, eventually, eliminated. But we own only two of the seven locks. Accordingly, I will merely state at this time the objective of the sponsors that everything possible be done by the United States to prevent any toll increase and to move as rapidly as possible toward reduction in tolls.

I suggest that, in hearings on this bill, the committee explore possibilities for reducing toll charges on the seaway. If a formula could be devised to assure such reductions, I would like to see it incorporated in the bill. If not, I would hope the committee would express its intent about toll rates in its report on the bill.

Perhaps enactment of the bill will encourage our Canadian partner to consider changes in the financial structure of its seaway authority. If Canada adopted similar legislation, then surely there could be significant toll reductions.

Mr. President, if action along the lines of this bill is not taken, the seaway will be forced to consider toll increases in the order of 30 to 60 percent in the near future. That would clearly be disastrous.

I believe that the national benefits already realized from the construction of the St. Lawrence Seaway are fully appreciated by my colleagues in the Senate. It has been estimated that seaway traffic could be doubled over the next 20 years, with vastly increased contributions to the security and well-being of America. I hope that the bill will be enacted speedily so that it will be unnecessary for the United States to agree to an increase in tolls, which would seriously jeopardize the seaway's potential.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3137) to amend the act creating the Saint Lawrence Seaway Development Corporation in order to cancel the indebtedness of the Corporation to the United States, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Saint Lawrence Seaway Amendments of 1969".

SEC. 2. Section 5 of the Act of May 13, 1954, creating the Saint Lawrence Seaway Development Corporation (33 U.S.C. 985) is amended to read as follows:

"CANCELLATION OF INDEBTEDNESS"

"SEC. 5. Effective as of the date of enactment of the Saint Lawrence Seaway Amendments of 1969 all indebtedness of the Corporation to the United States pursuant to this section prior to such Amendments is cancelled subject to the condition that the Corporation shall pay annually into the Treasury of the United States any revenues determined by the Corporation to be in excess of those needed for operating and maintaining the works under the administration of the Corporation, including administrative costs and payments in lieu of taxes."

SEC. 3. Section 12(b)(4) of the Act of May 13, 1954 (33 U.S.C. 988(b)(4)) is amended by striking out "depreciation, payment of interest on the obligations of the Corporation, and"

SEC. 4. Section (b)(5) of the Act of May 13, 1954 (33 U.S.C. 988(b)(5)) is amended to read as follows:

"(5) That for the purpose of any such negotiations for the division of any tolls due consideration shall be given to the total investment of the United States in the Seaway project."

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2983

Mr. CURTIS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Dakota (Mr. MUNDT) be added as cosponsors of S. 2983, to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3068

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Minnesota (Mr. MCCARTHY) and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of S. 3068, the Agricultural Stabilization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 163

Mr. MONTOYA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of Senate Joint Resolution 163, to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 39

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. GOODELL) be added as a cosponsor of Senate Concurrent Resolution 39, relating to the withdrawal of U.S. forces from Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 277

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to the bill (S. 2218) to amend the Elementary and Secondary Education Act of 1965 and related acts, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON JUDICIAL ETHICS AND FINANCIAL DISCLOSURE

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the further consideration of S. 1506, 1507, 1509, 1510, 1511, 1512, 1513, 1514, 1515, and 1516. The hearings are designed to review the activities of the Judicial Conference of the United States in the sensitive areas of judicial ethics and financial disclosure to which these bills are related.

The hearings will be held on November 24 and December 8, 1969. The hearings on November 24 will begin at 11 a.m. in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years, vice D. Clive Short.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, November 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

WE MUST ACT NOW IF THE BIG THICKET IS TO BE SAVED

Mr. YARBOROUGH. Mr. President, on October 15, 1969, the Fort Worth Star-Telegram published a thoughtful and penetrating letter written by Mr. B. W. Hallmon, of Dallas, Tex. Mr. Hallmon's letter correctly points out the danger that confronts the scenic Big Thicket area of southeast Texas.

Once, the Big Thicket covered more than 3.5 million acres. Today, it has been reduced in size to approximately 300,000 acres. With each day that goes by, another 50 acres disappear as a result of the actions of large lumber and real estate companies. Unless something is done soon, future generations will not have the benefit of this unique wilderness.

To save the Big Thicket, I have introduced S. 4, which would establish a 100,000-acre Big Thicket National Park. The bill has received the enthusiastic support of conservation and civic groups throughout the country. I am hopeful that the Senate will soon take action on S. 4.

Mr. President, I ask unanimous consent that Mr. Hallmon's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Save Big Thicket

Last weekend I drove through Texas' famed Big Thicket. Everywhere large openings were scraped out of this last pocket of primeval wilderness. Because of public apathy the Thicket is being systematically reduced by lumber companies and land speculators. Once the Big Thicket covered 3,350,000 acres; today its scattered stands total 300,000 acres—less than one-tenth of the original.

This area northwest of Beaumont has been the home of many plant and wildlife species. It is representative of East Texas pine and hardwood forests; certain trees such as magnolia attain record size there.

The Thicket lies near centers which are destined for heavy population growth, with increasing recreational and tourist requirements.

Senator Yarborough is supporting a Big Thicket bill. The Department of the Interior had considered feeble action toward a national park at the urging of the Big Thicket Association. East Texas is lacking in representative parks. Our rate of commercial and technological progress virtually guarantees the elimination of this region's unprotected primitive areas within a few years. The people of Texas must act soon if they are to preserve the Big Thicket for this and future generations.

B. W. Hallmon.

Dallas.

DEATH FROM THE NATION'S AIR

Mr. MUSKIE. Mr. President, in the past few weeks the States have begun to submit the proposed regional air quality standards for particulates and sulfur oxides required by the Air Quality Act of 1967. The provisions in that act which called for strong public participation in the determination of those standards, based on criteria issued by the Department of Health, Education, and Welfare, have paid off in strict standards proposed by most of those regions. Nevertheless, many industries which will be affected by these strict standards have complained that the levels required cannot be met.

Yet the proceedings of the American Public Health Association's meeting in Philadelphia yesterday show that they must be met. There can be no excuse which will compromise the Nation's health. The reports at the meeting showed definite relationships between excess concentrations of pollutants in the air and sickness and death, rebutting the claims made by those who would prefer to lag behind in the fight against air pollution that there is no proof of harm.

I hope that Americans all over the country will take these findings to heart and participate as much as possible in the conferences which will determine the air quality standards in their communities. Their health and their children's health is at stake.

I ask unanimous consent that an article concerning the Philadelphia meeting, written by Stuart Auerbach, and published in this morning's Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reports Tie Air Pollution to Deaths, Asthma, Eczema

(By Stuart Auerbach)

Philadelphia, November 11.—Badly polluted air frequently causes 10 to 20 deaths a day in New York City. In Buffalo, the number of children hospitalized with asthma and skin inflammation increases significantly when the air is particularly dirty.

These reports today at the American Public Health Association's meeting bolstered the view of many scientists that pollution is one of the nation's greatest health hazards.

The report also underscored complaints made at the meeting about the lack of progress in the fight against pollution.

"Every year pollution has grown worse," said Charles C. Johnson Jr., head of the federal agency that deals with environmental health. "Every year there is more evidence of self-damage from environmental contaminants. Every year our cities have become less liveable, our highways more death-dealing. Every year, the barrage of chemicals, physiological, biological and psychological stresses to human health has increased.

"Yet we seem to have thought that we had to wait until we count the corpses in the streets before we could mobilize our forces in defense of human health," he told the nation's public health leaders. Johnson is head of the Consumer Protection and Environmental Health Service of the Department of Health, Education and Welfare.

The New York study found a direct relation between the amount of sulfur dioxide and smog—major components in polluted air—and excess deaths in the city over a five-year period.

"For the first time we are satisfied that we have some definite relations between sulfur dioxide in the air and excess deaths—almost like the relation between smoking and cancer deaths," said Leonard Greenburg, a pioneer student of air pollution and health.

He did the study at the Albert Einstein College of Medicine in New York with Dr. Marvin Glasser, a statistician.

Other studies of deaths and pollution have concentrated on periodic episodes of extremely dirty air. But Glasser and Greenburg showed that deaths started to rise sharply when there was as little sulfur dioxide filtered outside into the air as .2 parts per million.

The number of excess deaths varies from 10 to 20 a day when the level of sulfur dioxide is between .2 parts per million and .4 parts per million.

The air pollution level was that high on at least 10 per cent of the days during the five-year period of the study.

Sulfur dioxide is caused by the burning of gases and other fuels in industrial plants. The smog is a measure of solid particles in the air.

In Buffalo, Doctors Harry A. Sultz, Joseph G. Feldman, Edward R. Schlessinger and William E. Mosher measured the number of children under 16 hospitalized with asthma and eczema, a skin inflammation, against air pollution levels.

They found 32.4 hospitalized asthma cases for 100,000 children when there was little air pollution. The rate jumped to 50.7 cases per 100,000 at the highest pollution level.

The figures for eczema were even more striking. The low pollution rate of 2.9 hospitalized cases per 100,000 children jumped under conditions of high pollution to 10.2 per 100,000.

The study found "a striking association" between air pollution and the hospitalization of boys under five with asthma or eczema.

"These figures do not take into account the effect of air pollution on the vast majority of asthma and eczema patients who never require hospitalization," the study said. "If air pollution affects the incidents of the more severe cases among children, as is strongly suggested, there are important and widespread implications in terms of medical costs, physician and hospitalization utilization and personal suffering."

A study at the University of Rochester by Drs. David Rush and Walter W. W. Holland strengthened reports given by Sir George Godber of increased respiratory illness among smokers. Sir George is chief medical officer of the British Ministry of Health.

High school students who smoke more than 15 cigarettes a day have 10 times as many coughing attacks and production of sputum as nonsmokers. And, the study said, this was true of children as young as 13.

NEW TECHNOLOGIES FOR MASS TRANSIT

Mr. TYDINGS. Mr. President, I count myself as one of the many advocates of a balanced and efficient transportation policy. This policy will require that we employ all modes of transportation: car, air, water, and mass ground transit. It is this last area that we are most lacking. If we are to meet the needs for rapid, safe, and expensive mobility in our urban areas, we must develop new technologies to provide new transportation systems.

For our dense urban areas, such as the northeast corridor, more superhighways are too costly because of the land they would require. Our rail facilities cannot provide the speed that we need in the future. Our airways are too overcrowded already, making them inefficient for all but long haul travel.

In the search for a new way to travel in high density areas, farsighted engineers and planners have been exploring the area of high-speed travel through underground tunnels. Such mass travel could offer almost perfect safety, huge capacity, near to jet-plane speeds, no pollution, no surface land use, and city-center to city-center travel. This picture of travel by tunnel is attractive indeed, except for one catch; the cost of tunnel excavation. Of course, when comparing the costs of other modes, we realize that the sums of money that any transit system would require is great. For example, to double the interstate highway capacity from New York to Washington—which we must do in some way if not with more roads—carries a price tag of almost $5 billion.

Most encouraging is the fine work that private industry and Government, especially the Office of High Speed Ground Transportation, has done to stimulate research into tunnel boring technology. New techniques, involving high frequency, high pressure water, and lasers, are now underway. All this and more was discussed at the second symposium on rapid excavation held at Sacramento, Calif., this October. I ask unanimous consent to have printed in the RECORD at this point a paper on the future of tunneling techniques that was presented at the conference. I do this to alert the Senate to the problems that must be overcome and to attract attention to the fine work that is at present being done in this field.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

SOME COMPLICATIONS IN THE FUTURE IMPROVEMENT OF TUNNELING TECHNIQUES

(By A. A. Mathews)

INTRODUCTION

In recent years, the need to improve our tunnel excavation technology has been widely recognized, and a concerted effort toward this end is being organized. Our Federal Government, through many of its agencies, is actively pursuing a program of study and research. Many of our technical societies have joined the effort through the collection and dissemination of knowledge and information. Some of our institutions of higher learning have sponsored symposiums to further stimulate interest in the subject. Others have contributed through research and development programs in their laboratories.

The announced objectives of this collective effort are a substantial increase in the speed and a reduction in the cost of performing underground excavations. Many of the shortcomings of our present methods have been examined, and the development of a continuous system for tunnel construction has been deemed to offer the greatest promise of success.

In order to systematically approach the problem, the following aspects have been defined:

1. Determination of Geological Conditions.
2. Utilization of Rock Mechanics Theory and Practice.
3. Rock Disintegration.
4. Materials Handling.
5. Ground Control.
6. Environmental Control and Safety.

It is then proposed to attack each of these items specifically and more or less individually.

The purpose of this paper is to point out some of the problems which are likely to arise from this approach and to suggest areas of study or research for meeting them.

HIGH SPEED VERSUS COST

Most of the publications on this subject imply that the final cost of the tunnel is inversely proportional to speed at which it is excavated. It is true that with a given size of crew and complement of equipment, the unit cost of performing the work will decrease as the productivity, or speed at which the work in completed increases. However, one should not ignore the fact that at a given productivity or speed the unit cost will decrease as the labor, material, and equipment requirements decrease.

For a given tunnel which can be excavated at the rate of 70 ft. per day but where the final lining installation progresses later at the rate of 100 ft. per day, the average overall progress is only 41 ft. per day. This value could be doubled by means of excavating at the rate of 140 ft. per day and lining at the rate of 200 ft. per day. However, the same overall speed could be achieved by increasing the driving rate by only 15% if the final lining were installed simultaneously with the excavation. Of course in this latter case the total costs might be quite different from those in the former.

Another example might be a tunnel where 50,000 lin. ft. is driven in 100 days at the rate of 500 ft. per day. If the next 500 lin. ft. is difficult ground and requires another 50 days, the total costs are increased by about 50%. On the other hand, suppose that a much more efficient but slower system were used so that the 50,000 lin. ft. required 200 days but the total costs were the same as for the faster system. Now, the 500 ft. of difficult ground, which still requires 50 days, increases the total costs by only 25%.

While it is certainly commendable to marshal an all-out effort to speed up all phases of the tunneling system, the overall efficiency and the ultimate costs must always be considered.

CONTINUOUS VS. INTERMITTENT SYSTEMS

It is certainly true that in any endeavor, potentially productive time is lost when one phase of the work must be stopped before the next can begin. Again, however, it is the ultimate efficiency which is important.

For example, our material handling technology is certainly capable of developing a continuous system for batching and mixing concrete. Yet, it is doubtful that any such system would be competitive with our present batch system for most applications.

Another example is found in our procedure for hoisting ore from deep mines. We are capable of developing a continuous system, but our present practice of hoisting individual loads is not likely to be supplanted soon.

The advent of the mole, or tunnel boring machine, has probably magnified the advantages to be gained from continuous processes. As a matter of fact, the mole itself is not a truly continuous machine. At its present stage of development, its gripper plates, thrust rams, or pulling anchor must be reset intermittently, and the machine cannot excavate while this is being done.

Obviously, we should not arbitrarily assume that all steps in the tunneling operation should ultimately be continuous just because one is.

DETERMINATION OF GEOLOGIC CONDITIONS

The accurate prediction of geologic conditions is one of the most important aspects of any tunnel project. And as the speed of tunneling in predicted conditions increases, the importance of anticipating unusual or anomalous conditions multiplies.

By the same token, the obtaining of adequate subsurface information in advance becomes increasingly difficult. For a tunnel advancing at the rate of 500 ft. per day, any information which cannot be obtained from a distance of several hundred feet away would be of very little benefit. Obviously, any present methods of physically obtaining subsurface information would be of little benefit in this problem. Research should be directed toward seismic and electronic solutions.

ROCK MECHANICS

The recently developing science of rock mechanics is proving to be a tremendous aid to the tunnel designer and builder. With a better knowledge of the physical properties of the rock mass and its state of stress, we are able to predict more accurately the behaviour of the ground during and after excavation as well as the loading pattern on the support system. We can also better evaluate the performance of methods and equipment for breaking and excavating the rock.

The need for improving our techniques for testing and measuring the physical properties of intact rock and rock masses is well recognized. We also see an urgent need for developing better methods and procedures for determining the state of stress in rock, particularly at points distant from human access.

There is one aspect of rock mechanics which has received far too little attention. That is the effect of the excavation method upon the behaviour of the ground.

Recent theory states that when a deep excavation is made in rock, a zone of loosening develops around the opening. If this loosening process results in a failure or disintegration of the loosened rock, then such rock must be supported or it will fall into the excavated cavity.

If no loosening, no change in the in situ state of stress, and no movement in the rock mass were permitted, the excavated opening would require supports capable of resisting all of the forces represented by the in situ stress pattern in the rock. In deep excavations, a support system having such capabilities would be impractical if not impossible to achieve. Consequently, we permit the loosened zone to develop and we provide whatever support is required for the particular set of conditions.

The extent of the loosened zone which ultimately develops depends upon the amount and flexibility of the support which is provided, as well as upon the time at which it is installed. In excavations made by means of drilling and blasting, the loosening, and the associated stress redistribution, is encouraged by the disturbance of the blasting. The supporting system is installed shortly thereafter, and as the loosening process continues, the supporting system assumes a load and resists further loosening. Eventually, equilibrium is attained.

In the tunneling fraternity, it is generally felt that the earlier the supports are installed, the smaller will be later problems and the lower will be the ultimate loads. In other words, if the first small fragment of rock is restrained from falling out, succeeding fragments will be supported and the ultimate demand on the supporting system will be reduced.

Practically, this principle is valid for most tunneling methods and techniques which are used today. But it is apparent that its validity has some limit. As we have noted before, if the time interval, after ground disturbance, for installing a perfectly rigid support were zero, the support requirement would be maximum. However, if the support were somewhat flexible so that some loosening could take place, the ultimate support requirement would be reduced.

When a tunnel is excavated rapidly by means of a mechanical method, such as a boring machine, the disturbance to the surrounding ground is minimized. However, the stress redistribution must still take place and the zone of loosening must still develop. Without the encouragement of the shocks of blasting, this process may consume considerable time and the manifestations of the loosening process may appear some distance behind the heading. Corrective measures initiated at that time are likely to be inconvenient, expensive, and unsatisfactory.

Today we are contemplating vast projects where we will tunnel thousands of feet below the ground surface and at phenomenal speeds. The mode of stress relief and redistribution to which we are accustomed will not prevail, and we may be in for some surprises. There is an urgent need for research and the collection, correlation, and dissemination of data so we can relate the mode of stress relief to the method and speed of tunneling.

The foregoing discussion applies particularly to deep tunnels, or to those in ground having high in situ stresses. Obviously, it would have little application in very shallow tunnels. We then confront the question of what are the depths or pressures where the problem becomes critical. No doubt these would depend on the physical properties of the rock mass as well as the size of tunnel contemplated. Again, we are in need of study and data in order to develop criteria for answering this question.

ROCK DISINTEGRATION

This is recognized as the key to the excavation process, and the factor that ultimately limits the rate of advance. Of all of the aspects of the high-speed tunneling problem, this one has probably received the most attention and achieved the greatest results.

It is obvious that we are on the threshold of perfecting machines and methods to rapidly and continuously break in the heading the hardest of rock. As this development continues, there are two principal factors which will emerge. These are cost, and the effect on other aspects of the problem.

MATERIALS HANDLING

The removal of excavated material from the heading and transferring men and materials into the heading are critical elements in the tunneling process and they are receiving well-deserved attention in studies to improve our tunneling methods.

Because the trend in rock disintegration methods is toward a continuous process, it is natural to look for an associated method of continuous removal of excavation from the tunnel. While such attempts should certainly not be discouraged, it should not be taken for granted that a continuous muck removal system is either necessary or economical for a high speed excavation system.

At the present stage of development of our materials handling processes, it can be shown that railroad cars on steel rails offer the most efficient means for transporting large quantities of bulk materials for long fixed routes over relatively level grades. Belt conveyors, while apparently very efficient after the initial investment, are notorious consumers of power and maintenance when compared to a railroad. Therefore, they can usually be justified only on the basis of extenuating circumstances, such as terminal conditions, terrain to be traversed, or grades to be overcome.

While other methods should, of course, be given every consideration, the possibilities for tremendous improvement in current railroad practice in tunnels should be exploited. Speeds of more than 100 m.p.h. are practical on operating railroads and should not be barred from the field of tunnel construction. Hydraulic and pneumatic pipelines offer the possibility of occupying less of the tunnel space than a railroad, but do not offer a practical means for transporting men and construction materials into the tunnel.

GROUND CONTROL

Ground control, or the system for maintaining the shape, size, and integrity of the excavated tunnel, is intimately related to the speed with which the tunnel can be constructed. Much attention is being given to improving our procedures for designing support systems and for devising systems which are compatible with high-speed driving.

As discussed earlier, the mode of stress relief and redistribution as the tunnel is constructed is influenced by the method of construction and by the nature of the supporting system. In turn, this affects the ultimate demand on the supporting system. This is particularly true for supporting systems utilizing a maximum of soil-structure inaction, such as shotcrete or rock bolts.

Since both of these supporting systems are particularly adaptable to rapid excavation methods, they are likely to receive increasing attention. Consequently, we must increase our knowledge of soil-structure interaction as developed by these systems.

We know that a surprisingly small thickness of shotcrete, when properly applied at the right time, will safely support tunnels where we would ordinarily use much stronger support of conventional types. Yet, we have no rational method for designing the thickness of shotcrete for a given tunnel. Generally, the practice has been to utilize rule-of-thumb, or pure judgment, and then observe the results.

To help meet this problem which will become more important as our tunnel driving techniques improve, we are in urgent need of further work in two areas. These comprise the collection and correlation of information from actual projects and the performance of experimental studies in our laboratories.

Our interested governmental agencies should actively support a program to properly instrument and monitor every shotcrete tunnel job available, and classify the resulting information into usable form. The instrumentation program should measure the stresses and strains in the shotcrete, the apparent pressures on the shotcrete—rock interface, and the stress redistribution pattern in the surrounding rock. The resulting information should be correlated with the geology of the site, the method of tunnel construction, the size of the tunnel, the physical properties of the shotcrete and the surrounding ground, the depth of the tunnel, and other related factors. Only in this manner can we really evaluate the possibilities of this supporting system.

The same need applies to the system of support by means of rock bolting. Presently, our method for designing a rock bolt support system is based mainly on rule-of-thumb. Some designers try to maintain a given ratio of rock bolt length to tunnel width. Others relate rock bolt length to the spacing, which in turn may be chosen arbitrarily or with reference to the orientation and distribution of defects in the rock. Grouting of rock bolts is commonly specified in order to attain long-term corrosion resistance. However, the grouting may provide important structural benefits to the bolt and the surrounding rock.

Again, the need is two-fold. We must obtain more information from the field as to the actual behaviour of the bolts and the rock. We must obtain more data on the build-up of stress in the bolts and the deflections or movements of the rock mass, both for grouted and ungrouted bolts.

In our laboratories, we must perform more experiments to measure the effect of the rock bolts on rock mass behaviour under load.

All of the data obtained must be classified and correlated so that a more rational design theory than any now in use, can be devised.

Another item which will demand increasing attention as our capability for high speed tunnel driving increases is the effect of small areas of bad ground or different ground. As pointed out earlier, the greater the driving speed, the greater is the percentage effect of a slowdown to cope with different conditions.

One obvious answer is ground beneficiation, or the advance improvement of ground conditions. Various techniques and material for grouting adverse ground conditions have been used, and no doubt substantial improvements will be made in the future. Likewise, the technique of freezing difficult, water-bearing ground has been successfully used for many years.

Nature has utilized many other methods for consolidating loose materials. Heat and pressure are nature's most common tools, but electricity and seismic forces have also been used. Some of our research institutions could profitably study the possibility of utilizing some of these means for ground beneficiation.

Compressed air has long been utilized for ground control during tunnel driving under certain conditions. As our capability for driving at high speeds and with reduced manpower increases, it is quite possible that compressed air would be beneficial over a greater range of conditions. For example, at our present state of knowledge of the medical factors involved, it would be entirely feasible to utilize pressures well over seven atmospheres.

ENVIRONMENTAL CONTROL AND SAFETY

Many of the effects of the tunnel construction method upon its environment are obvious. The generation of explosive fumes associated with the drill and blast method and dust with the mechanical mole are well known. Good ventilation and dust collection equipment are the standard answers, and these are being improved as our excavation rate increases.

As driving speeds continue to rise, it is quite likely that new concepts will be necessary in order to cope with greatly increased volume of air pollutants. At the same time, it will be necessary to eliminate the pollution at its source whenever possible. Locomotives having the power and flexibility of the diesel, but without its fumes, must be developed.

One environmental hazard, although well-known, deserves special attention. That is heat. As our tunnels go deeper, the natural rock temperatures increase. Even with our current excavation methods, air temperatures in the tunnel frequently reach very high levels.

As we increase our tunneling speed, we must introduce tremendous increments of power into the tunnel and expend vast amounts of energy. This results in substantial increases in the temperature of the tunnel atmosphere. Even today, in some of our machine-mined tunnels, air temperatures rise above 90 degrees fahrenheit and the relative humidity is also high.

While refrigeration is the obvious answer, it is quite likely that in the future, this may not be sufficient. It may be necessary to exhaust the hot air from the heading through an insulated pipe and conduct fresh, refrigerated air in through another. It is even conceivable that sometime in the future, the air will be taken into the heading in liquid form, where its evaporation will absorb the heat generated by the equipment.

As far as the tunnel environment and safety are concerned, it must be remembered that as excavation rates increase, these problems will also increase, and probably at an accelerating pact. To develop the corrective measures after the conditions become unbearable will be too late and such procrastination could effectively block the progress of the entire endeavor.

AUTOMATION

One answer to many of the problems outlined above is automation. If we could eliminate the people from the heading, the environment there becomes less important. And delays due to bad ground become less costly. In fact, even extremely high speeds become less urgent.

One can conceive of the tunnel building process of the future almost completely automated, and monitored by closed-circuit television. The labor force, other than the controllers, would be the trouble-shooters and maintenance crews. These people would be highly trained and equipped to deal with unexpected situations and to keep the system working.

Regardless of the problems which our rapid tunnel driving system of the future must face, their effects will be greatly ameliorated by automation.

AREAS OF NEEDED WORK

It is obvious that as we solve the problems of rapid and more economical tunnel driving, related complications will arise. The method of rock disintegration affects the behaviour of the ground and this affects the ground control problems. The methods for coping with many of the production problems affect in turn, the tunnel environment.

As each aspect of the rapid excavation development program is attacked, its effect on the other aspects must constantly be kept in mind. In order to anticipate as many of these complications as possible, work is required now in the following areas:

1. The development of remote sensing methods for geologic exploration.
2. The correlation of rock behaviour with excavation methods.
3. Further research on soil-structure interaction as specifically applied to actual tunnel support systems.
4. Development of automation for all phases of tunnel construction.

Compared with other industries, and other branches of the construction industry, the problem of improving tunneling techniques is unique in that the focus of the work is centered at one point—the heading. There is only one way to get to it—through the completed work; and once there, there is no way to move aside to permit diversification of effort.

However, as long as the intimate interrelationship of each aspect of the problem is recognized, and as long as preconceived notions and conclusions are avoided, there is no reason why the challenge cannot be met.

CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Rights, under the chairmanship of the senior Senator from North Carolina (Mr. Ervin), has been holding a series of very important hearings on the rights of mentally ill persons. Senator Ervin is to be commended for taking the leadership in this most important area which the subcommittee has been studying for the past several years.

Recent decisions by State and Federal courts have focused increasing attention on the legal rights which should be accorded those unfortunate members of our society who become victims of mental illness. Evidence seems to be abundant that in many instances the laws, administrative standards and procedures, and judicial decisions have not always treated such persons on a completely equal basis with the majority of other citizens.

Recently an article was brought to my attention which highlights some of the representative difficulties and problems experienced by mental patients in one State. The New York Civil Liberties Union and the American Civil Liberties Union have sponsored a 2-year study of the denial and deprivation in New York of rights of the mentally ill. The director of this project, Mr. Bruce J. Ennis, has written a very informative and interesting description of the study and has spelled out a number of specific examples of treatment where there is doubt that the individuals concerned received full constitutional protection. Because this article, which was published in the October 1969, issue of Civil Liberties, is timely and presents first-hand knowledge about a question of national significance, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Civil Liberties, October 1969]

Mental Commitment

(By Bruce J. Ennis*)

In 1966, a federal circuit court announced two decisions that reflected serious concern for the civil liberties of the mentally ill. In *Lake* v. *Cameron*,[1] the court ruled that before an indigent person can involuntarily be committed to a mental hospital, the state must explore alternatives less drastic than full-time hospitalization. And in *Rouse* v. *Cameron*,[2] the court ruled that a mental patient must either be given *adequate* treatment, or be released. There were, of course, dissents in both *Lake* and *Rouse*. The dissenting opinion in *Lake* was written by a judge who, in a subsequent case, adopted the dissent in *Rouse*[3]. His name is Warren E. Burger. For advocates of increased civil liberties for the mentally ill, Judge Burger's appointment as Chief Justice of the Supreme Court may be a disappointment, but it should not be a surprise.

Judge Burger has been both praised and condemned for his criticism of the Supreme Court's liberal "law and order" rulings. But in the law of mental illness, Judge Burger is not a reactionary; he is very much in the mainstream. And that is what is disappointing. The majority opinions in *Lake* and *Rouse* are clearly the exception, not the rule. They are more honored in the breech than in the observance.

I, for one, believe that most, and perhaps all, mental patients should not involuntarily be confined. But challenges to the philosophical justification for their confinement, as in *Lake* and *Rouse*, and challenges even to the short-cut procedures by which they are confined, are difficult. They are difficult precisely because decisions to confine persons to mental hospitals are made, for the most part, by responsible men who, like me, are concerned with the dignity of human life.

There are, of course, exceptions.

For example, I know of a legal aid lawyer in Westchester County, N.Y., who was told he could not leave a mental hospital unless he surrendered a petition for a writ of habeas corpus signed by a patient of the hospital. He finally surrendered the petition, left the hospital, and filed a new petition, explaining to the judge why it was not signed by the patient. One week later, after a hearing, the judge found the patient was not mentally ill and ordered her release.

That type of experience is rare. Less rare, indeed distressingly common, are the myriad deprivations of civil liberties motivated not by malice but by concern. Let me give you a brief example.

PATERNALISM

In New York, a "voluntary" mental patient is not, as you might suppose, free to leave the hospital when he pleases. He must first give written notice of his desire to leave. The hospital can then hold the patient for 10 days, at the end of which it must either discharge him or convert him to involuntary status. (After conversion the patient can request judicial review.) The law provides no alternative.

I received a call one Wednesday afternoon from a voluntary patient at Brooklyn State Hospital. Twice he had requested release and twice the hospital had simply ignored his request. I spoke to his psychiatrist, who told me that he personally would prepare the papers authorizing the patient's discharge the following Tuesday. Tuesday came and went and, on a hunch, I called the psychiatrist to learn if the patient had, in fact, been released. He had not. The psychiatrist thought it would be better for the patient to remain in the hospital. Apparently, however, the patient was not sufficiently disturbed to warrant involuntary hospitalization. I called the hospital administrator and told him I was coming out to investigate the matter. By the time I arrived, the patient had been discharged.

It was clear the patient had been illegally held as a "voluntary" patient for many months. The reasons given for ignoring his request to be discharged were no doubt well intentioned: "first you have to get a job," "you have no place to live," "you're too sick." But those reasons do not justify abrogation of a clear legal right.

Because New York's Commissioner of Mental Hygiene is deeply concerned with civil liberties, I brought this case to his attention. After an investigation, he replied, ". . . there is a good possibility that [the patient's] rights were abrogated. It seems quite clear, however, that there was no malice involved and that the violation was motivated by a benign paternalism. This makes the problem more difficult since we must try to eliminate the paternalism without diluting the concern."[4]

Let me tell you a little of what the Civil Liberties Union is doing in this very difficult area of the law.

TEST CASE PROGRAM

The tax-free foundations of the ACLU and the New York CLU recently began a two-year litigation project designed to expand the civil liberties of the enormous number of persons alleged to be mentally ill. In the United States today, the number of persons involuntarily confined because of mental illness is three times the number of all prisoners, state and federal. If statistics did not lie, I could with confidence announce that every tenth reader of this article has been, or soon will be, an involuntary mental patient.[5] But statistics do lie. Very few in this audience are black, or poor, or both. And the population of our mental hospitals is notably devoid of white, middle-class Americans.[6]

The abuses in this area have prompted many scholarly and thoughtful criticisms. Much has been written, little has been done. The CLU project hopes to achieve through litigation, reforms which should long ago have been achieved through legislation.

Space permits discussion of only a very few of the issues the project has been and will be litigating.

Last May, in a habeas corpus proceeding, the project challenged the constitutionality of two sections of New York's civil commitment law. Most citizens would be surprised to learn that the standard civil commitment procedure in New York does not require or authorize a judicial hearing prior to commitment. Commitment for 60 days is generally based on the certificate of two physicians, who do not have to be psychiatrists. And *emergency* commitment for 30 days can be based on nothing more substantial than the unsworn and perhaps fraudulent allegation of a layman, unsupported and unconfirmed by any doctor, and unexamined, either prior or subsequent to commitment, by any court. The emergency commitment with which I am here concerned does not require any allegation that the prospective patient is dangerous to himself or others, only that he is "in need of immediate observation, care or treatment for mental illness."

The emergency, or 30-day, patient has very few rights. If he requests release, he can be held for 10 days and then administratively converted from emergency to non-emergency status and held for an additional 60 days. Only after he has been converted does he have the right to request judicial review, and that review, when it comes, will be limited to the need for his *retention*. It will not examine the legality or properiety of his emergency commitment.

NO NOTICE

I should mention, too, that patients committed for 30 days are not given any notice of their "right" to request release or conversion. And they are not given any notice of their ultimate right, after conversion, to request judicial review. Even if the emergency patient promptly initiates all the required steps, the time period between admission and judicial review can be, at a minimum, three weeks.

In the test case, I am arguing that a deprivation of liberty for a minimum of three

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Footnotes at end of article.

weeks without notice or hearing is not consistent with due process of law. I argue also that, absent emergency, non-judicial commitment proceedings are impermissible under the equal protection clause. The irrationality of medical commitment of the non-dangerous mentally ill is evident when we consider that mental defectives, epileptics, narcotics addicts and persons afflicted with communicable diseases cannot involuntarily be deprived of liberty until after they have been heard in a court of law.

These arguments are so deeply rooted in American law that there should be no need to make them.

An entirely different type of problem is presented by the incompetent defendant.

The project is now working on two cases in which we are trying to secure for allegedly incompetent defendants substantially all the procedural protections they would receive if they were treated as civilians, as in fact they are, rather than as criminals. Specifically, we will assert that a defendant should have the right to have the factual question of his competence to stand trial decided by a jury, as it was at common law.[7]

People v. *Lally*[8] held that the present mental condition of a man acquitted of crime because of insanity at the time of the offense must be tried by jury. And the recent case of *Schuster* v. *Herold*[9], argued by NYCLU board members George Alexander and Faith Seidenberg, held that the mental condition of a prisoner serving an unexpired sentence must be tried by jury. Thus, before they can be committed to a mental hospital, persons acquitted of crime and persons convicted of crime have the right to demand a jury trial. No less protection should be given a person only *charged* with crime.

EX-PATIENT'S RIGHTS

Of course, the project is primarily concerned with the process of commitment and retention. But even after the patient is released, he is not free. I think it can be said without exaggeration that it is better to be an ex-felon than an ex-mental patient.

In May I argued a case which points up rather clearly the burden former mental patients bear.

In the first week of April, I received calls from three ex-mental patients who had been denied hack licenses. Each of the three had submitted current reports from psychiatrists attesting to his present mental soundness. But the New York City Hack Bureau has a written policy against licensing former mental patients.

The case involves a 30 year old man who was committed, with his father's consent, when he was 13, just after his mother's death. Following her death he had begun to act up in school and the father didn't know what to do with him. At the hospital his diagnosis was "primary behavior disorder in children, conduct disturbance." He was certainly not "mentally ill" as that term is commonly understood. And his diagnosis is not even *listed* in the American Psychiatric Association's glossary of psychiatric terms.

Shortly before he was 18, he was discharged. He finished high school and has worked steadily for the same employer for 11 years. For seven years he was a nurse's aid and for the last four years has been an ambulance attendant. Both jobs require better than average intelligence and mental and emotional stability. There is literally no doubt that he is, at present, competent to drive a cab, and six psychiatrists have so stated. But ex-mental patients don't get jobs, largely because of the incorrect assumption they are dangerous. The little evidence there is suggests the opposite.[10] For example, a five and a half year study of 5,000 patients discharged from New York mental hospitals showed that "patients with no record of prior arrest have a strikingly low rate of arrest after release . . . Their over-all rate of arrest is less than 1/12 that of the general population and the rate for each separate offense is also far lower, especially for more serious charges." [11]

Society is becoming increasingly aware first, that mental patients are no more dangerous than the average citizen, and second, that predictions of future dangerous behavior are incredibly inaccurate.[12] This awareness no doubt played an important part in the passage of California's revolutionary new Mental Hygiene Law, the Canterman-Petris-Short Act, which became effective July 1 of this year. The California law establishes three classes of persons: those who are "gravely disordered" and whose care can be entrusted to a conservator, those who are imminently suicidal, and those who are imminently dangerous to others.

Under that law, a person who is imminently suicidal can be confined for two successive 14-day periods. At the end of that time, even if he is still suicidal, he must be released. A person who is "imminently dangerous" to others and who has actually attempted or inflicted physical harm to another can be confined, after a hearing, for 90 days. Thereafter, he can be confined for an additional 90 days but only if he has threatened attempted or actually inflicted physical harm on another during his initial 90-day confinement.

In effect, except for persons for whom conservators are appointed, California has abolished long term hospitalization and has abolished commitments based solely on prediction of future dangerous behavior.

The NYCLU Board of Directors last January adopted this resolution: "Mental illness can never by itself be a justifiable reason for depriving a person of liberty or property, against his objection. Even when such deprivations are accompanied by fair procedures, they are unjustified except on a basis—for example, a violation of the criminal law—that would be equally applicable in the absence of mental illness."

The California law and the NYCLU resolution represent different but constructive approaches to expanding the civil liberties of the mentally ill. Hopefully, the current litigation project can contribute to that goal.

FOOTNOTES

*Mr. Ennis is director of the Civil Liberties and Mental Illness Project, sponsored by the tax-free funds of the New York CLU and the ACLU. His article is an adaptation of remarks he delivered to the ACLU Foundation's Board of Overseers, May 28, 1969.

[1] *364 F. 2d 657 (D.C. Cir.)*

[2] *373 F. 2d 451 (D.C. Cir.)*

[3] Dobson *v.* Cameron, *383 F.2d 519 (D.C. Cir. 1967) at pp. 523–524. And see* Rouse *v.* Cameron, *387 F.2d 241 (D.C. Cir. 1967), at pp. 246–247.*

[4] *Letter of April 9, 1969.*

[5] Mental Illness and Due Process, p. *v (1962)*.

[6] *Hollingshead & Redlich,* Social Class & Mental Illness *at p. 301.*

[7] *4 Blackstone's Commentaries 25,* Frith's Case's, *22 How. St. Trials 307.*

[8] *19 N.Y. 2d 27 (1966)*.

[9] *N.Y.L.J. April 25, 1969, p. 1 (2d Cir. 1969)*.

[10] *See generally, Livermore, Malmquist and Meehl, "On the Justifications for Civil Commitment," 117 U. Pa. L. Rev. 75, at 81–85, and the authorities cited therein.*

[11] *Dr. H. Brill and Dr. B. Malzberg, "Statistical Report Based on the Arrest Record of 5354 Male ex-Patients Released from New York State Mental Hospitals During the Period 1946–8."*

[12] *See* Psychoanalysis, Psychiatry & Law, *Katz, Goldstein, Dershowitz, The Free Press, 1967, pp. 588–592. "The Psychiatrist's Power in Civil Commitment: A Knife that Cuts Both Ways," Dershowitz,* Psychology Today, *p. 47 (Feb., 1969)*.

REDS DOMINATE VIETNAM PEACE MOVEMENT

Mr. DODD. Mr. President, on October 15, I issued a statement explaining why I refused to participate in the Vietnam moratorium.

I said that the moratorium's demand for an immediate withdrawal was, in fact, a demand for immediate surrender. I pointed out that some of the chief spokesmen for the moratorium committee had called for a Vietcong victory in Vietnam, and that the New Mobilization Committee, with which the moratorium committee was working, had a steering committee packed with Communists and known Communists.

I said that the demonstration was bound to give massive aid to Hanoi, and that the majority of the demonstrators, despite their sincerity, were being used for purposes which they did not approve or understand.

There were some at the time who considered my characterization of the peace movement harsh and unfair. But the evidence that this movement is controlled by Communists and other extremists is now so conclusive that no reasonable person can dispute it.

Today's Washington Post contains an article written by the liberal columnists Rowland Evans and Robert Novak to which I invite the attention of Senators. It is entitled "Liberals Capitulate to Extremists, Reds Dominate 'Peace' Movement."

The article is all the more remarkable because Evans and Novak have been anything but hawks on the Vietnam war and because they obviously lament the fact that the liberal opponents of the Vietnam war have permitted the far left to take control of the movement.

The article says that:

> The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the United States who openly support Communist forces in Vietnam.
>
> Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Mr. President, I ask unanimous consent that the Evans and Novak column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 12, 1969]

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE "PEACE" MOVEMENT

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedy spent this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committee is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Sewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

SENATOR TOWER'S ADDRESS CAPS SUCCESSFUL FREEDOM RALLY

Mr. FANNIN. Mr. President, yesterday on the grounds of the Washington Monument, thousands of people were stirred to a great outpouring of patriotism by the distinguished Senator from Texas, JOHN TOWER.

Many distinguished Americans were there for the occasion. I only regret that my own previously scheduled Veterans Day speaking engagements in Arizona kept me from attending.

Members of my staff who were there, and who talked with the U.S. Park Police, said they estimated the crowd to be at least as large as, possibly larger than, the October 15 gathering, when press reports put estimates of the crowd at above 20,000.

The Senator from Texas made one of the most cheered speeches of the afternoon. I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the speech was ordered printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN TOWER, REPUBLICAN, OF TEXAS, AT WASHINGTON MONUMENT "FREEDOM RALLY," NOVEMBER 11, 1969

It's an inspiring sight to see you here today as a manifestation of the fact that the silent majority has now become very vocal indeed. I trust this will not be the last such gathering. I am hopeful that we will have continuing demonstrations of the fact that we still love liberty more than life itself.

We are all rational people. I think we all know that war is ugly. War is a detestable means by which men resolve their differences. I think we recognize, too, that we Americans do not start wars, we only finish them. War is a terrible instrument of national policy. We Americans do not initiate war as an instrument of national policy. We have gone into four wars in this century reluctantly and ill prepared, but we are determined that if there is to be peace in this world we must convince the enemies of freedom that war is too costly an instrument of national policy for them to employ.

We today maintain the greatest military establishment the world has ever seen. We are indeed the strongest nation in the world militarily. We did not ask to become a great military power. After World War II we were on the way to disarmament. It was the Communist aggressors who started the arms race and don't let anybody forget that. And so today we maintain military superiority not just to defend our own shores against aggressive nations, but to try to create a climate in this world in which all people can aspire to self determination, to peace, and to security and have some reasonable hope of realizing that aspiration.

Today we have a commitment to Southeast Asia and should we unilaterally withdraw; should we accept a camouflaged surrender; should we do as the advocates of the moratorium and accept Hanoi's demand for unconditional withdrawal, we will destroy the credibility of the United States as a leader of the free world.

Generations of Americans have laid down their lives in the defense of liberty. I think that we would certainly break faith with those who created this great land for us and those who fought for it if we decided to surrender and to withdraw to fortress America and to let what will happen happen to the rest of the world and endanger any prospects for the continuing freedom of generations in this country yet to come.

There was a moving poem that came out of World War I and I think it expressed the sentiment that we must all accept as our own. The last stanza says:

"Take up our quarrel with the foe
To you from failing hands we throw the torch
Be yours to hold it high.
If you break faith in this, we die
We shall not sleep,
Though poppies grow in Flanders Field."

Let us today raise our voices so loudly that they are heard all the way over to Vietnam where our gallent lads are daily risking their lives and too often losing them.

Believe me this is a dirty filthy war. I've been through the field hospitals and I've seen our boys maimed and torn. I've seen the life ebbing from their bodies and I want this war to end as desperately as anyone, but I want this war to be the last war we have to fight.

So let us make sure our boys know the vast majority of Americans believe in them. This is the finest generation of American fighting men we have ever seen and I say that in the presence of my old buddies who fought in World War II. This is the greatest generation of American fighting men we have ever seen. He fights with guts and with intelligence. He does more than is required of him. He is a little bit puzzled by the attitude of some people in public light in this country who should know better.

So let's let him know without a doubt that those who have already died will not have died in vain, and those who make sacrifices will not have sacrificed in vain; that we believe in them, that we support them, and that this generation of Americans, as have all other generations of Americans, still know that freedom is our greatest gift and that we would rather die as free men than lives as slaves.

AMERICANS HAVE A DUTY TO SPEAK

Mr. HARTKE. Mr. President, Americans, as members of a democracy, have a duty to speak out courageously on controversial issues. In doing so, they honor their country's past and offer hope for its future. There are those, apparently, who do not understand that divergency and dissent are an integral part of democracy, and are in fact essential to the workings of democracy. There are those who apparently feel that the permissible limits of debate are the narrow limits of their own opinions. Unity that is forced is a false unity. Unity based on fear and intolerance is the unity of tyranny, not of democracy.

In yesterday's New York Times, Herbert Mitgang discussed the second moratorium. I believe that Mr. Mitgang, with his customary insight, raised important questions and suggested significant historical parallels. I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECOND STAGE OF THE VIETNAM MORATORIUM ROCKET

(By Herbert Mitgang)

Speaking out strongly for a moratorium, a Congressman who could be called a premature "effete snob" stood up in the House and said that the war was "unnecessarily and unconstitutionally commenced." As for the President's speech to the nation asking for allegiance and patience, the Congressman said the big omission was the failure to fix a date when the war could be expected to end.

"The President is wandering and indefinite," continued Representative A. Lincoln (Whig, Ill.) in criticism of the Mexican War. At the time President Polk was strongly under the influence of the Southern wing of his party. But Lincoln wanted to cut the losses and leave what he considered an illegal little war. For daring to stick to his antiwar guns, the future President was branded a traitor to his country.

MORATORIUM PLANS

So will many thousands of Americans be maligned—perhaps by the Administration's phrasemaker, Vice President Agnew himself—for participating in the second Vietnam Moratorium this week. The plans call for a "march against death" in towns and cities Thursday and Friday, culminating in a huge rally in Washington Saturday.

The leaders of the Vietnam Moratorium have let the word go forth that participants should be nonviolent and nonexclusive. One of the venerable groups, the War Resisters League, stresses that the marches should be conducted peacefully with "non-violence, individual war resistance and individual responsibility." But some of the more leftist groups may choose not to be dignified demonstrators, especially if restricted by marching limitations.

WHAT MAY CAUSE DROPOUTS

Words can be more eloquent than nightsticks. If the marches are as educational as they were last month, fence-sitting public officials will join in and give them the impact of respectability. If unrully the so-called "silent majority"—which Mr. Nixon claims is his but which participated as a visible constituency in the first Vietnam Moratorium—will become dropouts. This will not mean that they are any less against the war; only that they will be embarrassed or afraid to take to the streets openly.

Two fundamental questions about the Vietnam Moratorium persist: Does the right of petition and assembly exist in 1969 as it did when inserted in the Constitution in 1791? Does another outpouring of people help to wind down the war sooner?

The first question would hardly have to be raised—the answer is found in the First Amendment—were it not for the fact that Attorney General Mitchell is putting roadblocks in the way of a direct march from the Capitol to the White House on grounds of possible violence and interference with the flow of normal traffic. But tying up the United States in an unwanted war in Vietnam for at least two more years seems more serious than a traffic tie-up on the way home to Georgetown for one day.

HOOPES'S TESTIMONY

The answer to the second question is not as ephemeral as it appears. A remarkable inside view of the effect of demonstrations has been given by Townsend Hoppes, who served President Johnson as Under Secretary of the Air Force. In his new book, "The Limits of Intervention," he tells how a small civilian group in the Pentagon and in other Government offices persuaded the President to halt the bombing of North Vietnam and scale down the war because (among other reasons) the American public was no longer behind him.

ANTIWAR ELEMENTS

The effect of demonstrations upon the decision-making process are cited by the former Pentagon Under Secretary. He quotes ex-Secretary of Defense Clifford heeding the anti-war crescendo: "What seems not to be understood is that major elements of the national constituency—the business community, the press, the churches, the professional groups, college presidents, students, and most of the intellectual community—have turned against the war."

Nobody believes that President Nixon is less of a political animal than President Johnson. Silent or vocal majorities in this country all vote. From civil rights demonstrations to anti-war demonstrations, there is precedent for the belief that the White House watches the numbers—especially in that middle constituency that makes or breaks Presidents.

DRAFT REFORM

Mr. SCHWEIKER. Mr. President, as a member of the Committee on Armed Services, I am delighted that the committee and the Senate will be proceeding in the immediate days ahead to take up the administration's proposal to repeal the language of the Selective Service Act of 1967 which prohibits a lottery form of draft selection.

As sponsor of S. 1433, the Draft Reform Act of 1969, I share the strong feeling of many Senators that comprehensive draft reform is essential. I look forward to the hearings which the chairman of the committee (Mr. Stennis) will schedule early next year, and will work actively within the committee to help bring about the draft reform we all seek.

However, since lottery selection is a significant part of the reform package needed, removing the statutory impediment to the administration's ability to implement the lottery selection system President Nixon proposed in his May 13 message to Congress, is an important first step. The passage of the repealer bill at this time is an opportunity for progress which must not be missed.

Mr. President, in my newsletter for this month I wrote at length to my constituents about the prospects for draft reform. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Draft Reform

Draft reform has moved from a good abstract idea to a concrete possibility because of the personal commitment and leadership President Nixon is giving it. Since many Pennsylvania parents and young people are interested in these developments, I want to devote most of this newsletter to the draft.

The President's leadership.—In May, President Nixon outlined many recommendations in a message to Congress on the draft, including a youngest-first order of call, a lottery form of random selection, continuation of undergraduate deferments, and a policy review of guidelines and standards for deferments and exemptions.

When no Congressional action resulted, the President, on October 10, wrote Congress that "I see no reason why this vital piece of legislation cannot be enacted *now*," and he warned, "We have the administrative power—and we will exercise it if Congress fails to act—to make far-reaching reforms in the Selective Service System." The President was referred to a number of steps he can take by executive order, without Congressional approval, including drafting youngest first, implementing national standards, revising the deferment and exemption system, modernizing the selective service administrative system, and reforming the appeals process within the selective service.

One thing the President can *not* do, however, is to institute a lottery selection system. The 1967 Selective Service Act contained language requiring Congressional action to change the mode of selection within age groups from the oldest-first system then in effect. However, the President sent a bill to repeal this prohibitory clause to the House, which has already been approved by the House Armed Services Committee, and I am hopeful that full House and Senate approval will take place soon. As a member of the Senate Armed Services Committee, I will be doing everything I can to speed passage on the Senate side.

Student advisory committees.—One positive step which the President and current Selective Service Director Lewis B. Hershey have taken is set up student advisory committees in the various States to discuss the draft system, and to make recommendations for improvements and changes. As I said in a letter I wrote in September to General Hershey commending him for his student advisory plans, I am confident these committees will be fruitful. By the end of October, more than 30 states and territories have instituted these committees, and although Pennsylvania unfortunately was not included in this list, I hope the State Selective Service System will follow suit in the near future.

A new director.—The President recently announced that General Hershey, who has served long and well as Selective Service Director, will become a Manpower Advisor, and that a soon-to-be-announced Deputy Director will take over the Selective Service. I have long felt that new blood is needed to bring about the many needed draft reforms, and I look forward to working actively with the new director.

Comprehensive reform.—Early next year, I will take part in Senate Armed Services Committee hearings on the subject of detailed and wide-spread review of the entire draft system, and I look on these hearings as an outstanding opportunity for Congress and the President to work together on vital and meaningful change.

Uniformity.—One of my main efforts will be to bring about mandatory national uniform standards. For too many years, men of equal background and experience have been treated differently merely because of the geographical location of their draft boards. In a day when we have national civil service examinations, national tax laws, and national communications of all issues through the various media, there is no reason why we do not have a truly national army. My bill, the "Draft Reform Act of 1969," includes this idea, as well as the idea of a computerized national pool of draft eligible men, and the idea of wider educational deferment policies, including vocational education, with the proviso that every deferred man spend a year in the prime eligible group.

I first became actively interested in the draft in 1965 when I discovered that Pennsylvania, which had 6% of the nation's draft-eligible men, was providing 10% of the draftees, and I will never forget my shock when in response to my complaints, a Selective Service officer came to my office with scribbled notepad figures, representing the draft "formula" in use since World War II. As a result of my inquiries, the formula was revised so that no State would have a disproportionate share of draftees, and Pennsylvania's quota dropped markedly.

My concern with this antiquated formula led to investigation in other areas of the draft, and I concluded that the entire Selective Service System needed drastic revamping. In 1967, I submitted a *mandatory* national standards amendment to the House draft bill in the Armed Services Committee, which passed both the committee and the full House, but which was watered down by the Senate-House Conference Committee to merely *authorize* national standards. Unfortunately, nothing has been done to implement these standards.

President Nixon's leadership should prove to be the ingredient to enable us to have an equitable and efficient draft system, and I hope to be able to report significant progress in the near future.

TENNESSEE WALKING HORSE

Mr. TYDINGS. Mr. President, the soring of Tennessee walking horses, whereby the front feet of the horse are deliberately made sore in order to induce the desired gait, is a cruel practice. It is also unnecessary, because these horses can be trained to walk in their distinctive fashion.

I have introduced a bill to prohibit this practice and have been joined by 11 Senators. Hearings have been held on the bill, and I am hopeful of favorable consideration by both the Committee on Commerce and the Senate.

In the October, 1969, issue of Horse Show, the official publication of the American Horse Shows Association, a steward wrote of the cruelty practiced on the Tennessee walking horse. The article is vivid proof of both the cruelty involved in soring and its undeniable existence. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Walking Horse Cruelty

The following is taken from a Steward's Report with the names of those persons involved deleted.

During inspection of Walking Horses, ten minutes before the start of this class on Wednesday evening, the Veterinarian, and I, AHSA Stewart, found a mare had an open sore which was bleeding. This sore had been covered by some medication but had cracked open and blood was seeping out. I excused the mare from competition, and then was asked by the Trainer, if the lady could go into the class just for the ride. This seemed to me an odd request as all of his horses appeared to be "sore" and in no condition to show. I told the trainer to put the mare back in the barn and not to show her again for the duration of the show.

The following I did not witness. Thursday morning early, six horsemen came to the Horse Show Office very much incensed by this same Trainer's treatment of all of his horses. They claimed he had to beat them to even get them out of their stalls. One mare fell flat after having been forced out of her stall. Then the Trainer and his grooms got her on her feet, put a rider on her, and she took three steps and fell again. She had to be helped back into the stall.

The Show Manager called me and I went over to the stable area and found the mare in serious condition; she looked to me as though she had been beaten all over. I told the Trainer he could not show any of his horses for the duration of the show.

The Manager then called the State Humane Officer who arrived a few minutes before the first class Thursday night and remained on the grounds until 1:00 a.m., checking on the Trainer and the horses under his care. He gave him three hours to get his horses off the grounds and he left the grounds just before 10 a.m. Friday morning.

What further action will be taken by the State Humane Officer, I do not know. I gave him my card and he said he would let me know, and I will so inform the Association. I expect to be called to attend a hearing on this matter.

THE UNITED STATES-THAI CONTINGENCY PLAN

Mr. CHURCH. Mr. President, for some months the Committee on Foreign Relations has been asking the executive branch to provide the committee with a copy of a plan prepared in 1964–65 for the combined use of American and Thai forces for the defense of Thailand, one of the members of SEATO. Neither the committee nor the Senate had knowledge of this document at the time of its preparation or subsequently. The committee discovered its existence by chance when, in connection with some of its work, there was received a top secret document prepared in the Department of Defense. That Defense Department document purported to summarize the activities which the United States and its Armed Forces would undertake upon the happening of certain events.

After referring to the Rusk-Thant understanding of March 6, 1962, which assured the Thais that the United States viewed the SEATO obligation as of bilateral significance—as well as multilateral—the official document in the committee's possession outlined plans that went far beyond anything approved directly or indirectly by Congress. Indeed, after many references to the commitment involved in the plan, it went so far as to assert that the plan had special political significance because its bilateral charter represented more concrete evidence of a U.S. commitment to Thailand.

As might have been suspected, language of this kind in an official document aroused the interest of the Committee on Foreign Relations, and it sought opportunity to examine the "agreement," "contingency plan," or "understanding"—whatever it might be.

On July 14, 1969, in a public session of the committee, Secretary of State Rogers, in answer to a specific request, stated that he would procure the plan for the committee.

When the plan was not forthcoming within a reasonable period, the Committee on Foreign Relations in executive session on July 29 unanimously instructed Chairman Fulbright to renew the committee request that the agreement be delivered to the committee for its examination.

On August 4, Acting Secretary of State Richardson described the document sought by the committee as a "military contingency" plan "for Thailand, developed in connection with the SEATO Treaty" and stated that the Department of Defense was "extremely reluctant to allow the full text to get out of its own hands." Secretary Laird, continued the letter, had indicated that he would be happy to provide the committee with an extensive briefing on these plans by "officers from the Joint Staff" at the convenience of the committee.

When that briefing took place on August 12, 1969, the agreement was not made available to the committee. In fact, the representatives of the joint staff were quite explicit in stating that they were without authority to show the agreement to the committee. Some committee members received an oral summary of what were alleged to be its contents.

The chairman stated that such a procedure was "not satisfactory" to him. I stated, with respect to the document being withheld, that the committee was "entitled to have it, to examine it, to determine whether or not it does, in fact, extend our commitment beyond the treaty that the Senate ratified." I added that I "was not going to be a party" to just another briefing when the committee was entitled to the document. I left the meeting.

Two days later, on August 14, I held a press conference to elucidate my view that the administration's refusal had implications far deeper than a test of strength between a congressional committee and a Cabinet department. I ask unanimous consent that my statement opening that news conference be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[A news release from Frank Church, U.S. Senator from Idaho, Aug. 14, 1969]

The People Have the Right to Know

What is the Pentagon concealing? What is it in the basic nature of the military contingency plans drawn up between the United States and Thailand that cannot be revealed? Why has the Pentagon repeatedly refused to submit the plans, behind closed doors, to the Senate Foreign Relations Committee?

We are told from all sides that there is nothing to worry about. The Pentagon assures us that the plans involve no commitment of any kind, least of all a commitment which goes beyond our formal obligation under the SEATO treaty. The President assures us that he has no intention of ordering American combat troops into another Asian country to put down a new insurgency like that which occurred in Vietnam. Even Thailand hastens to explain that it wants no foreign troops. Indeed, Foreign Minister Thanat Khoman has asserted that "local people" should fight "revolutionary wars," because foreign troops are unsuited "physiologically, psychologically and morally" for fighting wars of internal subversion. These are strange words from a government which for so long has served as the lustiest cheerleader for our mammoth military involvement in Vietnam. Strange words they are; but I hope we will hold our Thai friends to them.

If our contingency plans with Thailand are as innocent as portrayed, why hide them? Why should their examination be so long denied to a Senate Committee which is trying, against stubborn resistence from the Executive, to discharge its basic constitutional responsibilities?

The Pentagon's refusal to submit these plans to the Foreign Relations Committee has given rise to a crisis in confidence which extends far beyond this Capital. No longer is the question confined to a contest between the Senate and the Pentagon, nor can it be resolved on the basis of whether the Committee has a Constitutional right to see the plans in its own chambers or must go to the Pentagon, hat in hand, for a peek at them. The issue is much larger: it lies between the American people and their government.

Presumably this Republic is founded upon the sovereignty of the people. But, more and more, the Executive Branch of the government behaves as though it were the master—not the servant—of the people. Our last two foreign wars have been fought by conscript armies, without benefit of a declaration of war by Congress, as the Constitution prescribes. We have been involved by Presidential decision, implemented on the spot by a huge military machine which feeds on compulsory service. The draft has become a permanent fixture in American life.

An elementary civics lesson should hardly be necessary at the highest levels of government, but the Pentagon apparently needs to be reminded that it is the Congress which is supposed to declare wars and ratify foreign commitments; that it is our young people who pay with their lives for these wars in distant lands, and our people at home who bear the burden of war taxes and war-inflicted inflation.

Under these circumstances, the people have the right to know the general nature and the basic commitment involved in any military arrangements their government has entered into with the government of Thailand. Specifically, with regard to these contingency plans, the people are entitled to be told:

(1) If the contingency for which the plans are drawn is an insurgency in Thailand like that which developed in Vietnam.

(2) If, in case of such a contingency, the plans contemplate the use of American combat forces in Thailand.

(3) If, under such conditions, the plans provide for placing the American troops under the overall command of the Thai Government.

These questions do not relate to military tactics, troop levels or deployment, or to any other military matter that should properly remain confidential. These questions have to do with two fundamental issues. One is whether we are embarking, once again, upon a road that could lead to another Vietnam. The other is whether we are going to make these decisions through constitutional processes or through the devious and surreptitious means which have become all too familiar in recent years.

The American people have a right to know.

Mr. CHURCH. Mr. President, in view of these developments, and at the urging of other members of the committee, Chairman FULBRIGHT once again sought to have the original agreement sent to the committee for its examination.

On August 19, Secretary of Defense Laird wrote the committee, stating that "any member of your committee is welcome to come to my office and review the document."

This procedure, it seemed to me and to other members of the committee, was not only demanding, but a denigration of the constitutional responsibilities of the Senate and its agent, the Committee on Foreign Relations.

Negotiations on making this document available to the Committee on Foreign Relations have been continued since that time. With the permission of the chairman of the committee (Mr. FULBRIGHT), and in order that the historical record may be complete, I ask unanimous consent to have printed at this point in the RECORD a letter dated September 6, which the chairman sent to the Secretary of Defense.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 6, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: With further reference to our conversation on Friday and to your letter of August 19, 1969 responding to my request on behalf of the Committee on Foreign Relations for a copy of the 1965 agreement between Thailand and the United States relating to United States-Thai military actions on the happening of certain events.

Your letter to me states that "any member of your Committee is welcome to come to my office and review the document." This is in essence the same position taken verbally by officers of the Department of Defense in connection with this Committee's request for a copy of the Institute of Defense Analyses study of the Tonkin incident.

In the case of the Thai document, copies of which are presumably in the possession of that government, I believe the Committee on Foreign Relations, on behalf of the Senate, is entitled to know what is in the document and related instruments. Any arrangement, plan, or agreement signed or approved by officials of the United States and a foreign government and which stems directly or indirectly from a treaty approved in accordance with our constitutional processes should, without question, be made readily available to properly constituted authorities of the United States Senate.

The Committee does not request permanent possession of these documents. Rather, we seek opportunity to examine them with the care they deserve and in order independently to confirm for the benefit of the Committee your Department's determination that the arrangements with Thailand are within the scope authorized at the time the Senate approved the SEATO Treaty.

It is not satisfactory to the Committee that this examination be undertaken by Members themselves in your office. It is essential, because of their volume, that these documents be examined by a trusted and cleared member of the Committee staff who would report to the Committee calling members' attention to portions of particular interest or significance.

If your Department's main concern is that custody of these documents should not be removed from security control, I suggest the Department of Defense bring the documents to the Committee rooms under such continuous guard as the Department believes is necessary, but with the understanding that the documents would be available here to Members at fixed times and for staff analysis as indicated above.

As you know from our public hearings, I expected the Department of State to make this document available to the Committee, and, of course, if this can be arranged, it would still be satisfactory.

The Committee's long-standing request for access to the Tonkin study is of a different category in that it does not relate to communications to which a foreign government is privy. It would be my expectation, however, that should my suggestion for access and study of the Thai documents be satisfactorily arranged, similar arrangements might be made for study of the Tonkin document.

In conclusion, I express the hope that these irritants to our relations with the Department of Defense may be removed along the lines I have suggested. We have both had experience in the Executive and Legislative branches of our Government and respect the constitutional doctrine of the separation of powers. It does seem to me that the requests discussed in this letter are not of a nature to justify a claim of executive privilege which I am pleased to note you have not suggested.

I hope you will find this proposal acceptable, thus enabling the Members of this Committee, on behalf of the Senate, effectively to discharge their responsibilities.

May I again thank you for a good lunch and a very interesting exchange of views.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

Mr. CHURCH. Mr. President, I have gone to this length in discussing the efforts of the Committee on Foreign Relations on behalf of the Senate to examine the agreement between the Thais and ourselves because this is an event that should at least be footnoted in the history books.

On last Friday, November 7, the Thai plan was finally brought to the rooms of the Commitee on Foreign Relations and, with the assistance of the committee staff, examined at length and in depth by members of the committee.

Secretary of State Rogers and Secretary of Defense Laird, after months of footdragging, have taken the proper action, and for this they should be commended. I regret, however, that the document was not forthcoming earlier, because much acrimonious debate and needless speculation might have been avoided.

It is my view that agreements, plans, or understandings—whatever they may be called—which involve arrangements between governments, and which give foreign governments expectations of what may happen in certain contingencies, are documents to which the appropriate bodies of Congress are entitled to have access.

This is a subject which needs exploration in much greater depth than I wish to undertake at this time. But it should be examined most carefully.

Mr. President, I should like to conclude by asking unanimous consent that a portion of my September newsletter to the people of Idaho—in which I attempt to put this issue into its political perspective—be printed in the RECORD.

There being no objection, the newsletter portion was ordered to be printed in the RECORD, as follows:

THE STRANGE STORY OF THE SECRET UNITED STATES-THAI WAR PLANS

As one of the first Senators to protest the American takeover in Vietnam, I often have wondered whether we might have escaped our deep involvement if Congress had been told, at the start, what it later discovered in the course of its own investigations.

The lesson is that Congress must insist, from the outset, on having all the facts. I decided never again to accept the assurances of others, but to hold out for the actual evidence itself, if ever we faced the threat of engulfment in another Asian war.

So, when secret military contingency plans between the United States and Thailand were withheld from the Senate Foreign Relations Committee last month, despite our repeated requests to examine them behind closed doors, I was determined that we should not acquiesce in the Pentagon's insistence that there was nothing to worry about, nor even in the President's declaration of his good intentions to avoid another Vietnam. After all, the road into the original Vietnam was paved with good intentions.

"If our contingency plans with Thailand are as innocent as portrayed, why hide them?" I asked. But Lt. General Stillwell came to the Committee with definite orders not to divulge the plans; he was to offer the customary "briefing" instead. When this became clear, I registered my objection and walked out of the meeting.

Later, at a crowded press conference, I said I no longer regarded the issue as confined to a contest between the Senate and the Pentagon. "This issue is much larger; it lies between the American people and their government."

"Specifically, with regard to these contingency plans, the people are entitled to know: (1) if the contingency is an insurgency in Thailand like that which developed in Vietnam; (2) if, in such event, the plans contemplate use of American combat forces in Thailand; and (3) if, under such conditions, the plans provide for placing American troops under the overall command of the Thai government."

Once raised, such questions couldn't be ignored. The following day, a State Department spokesman acknowledged that the plans did call for use of American combat troops in Thailand and, furthermore, that they were to be placed under Thai command!

Such an admission, I felt, would compel a repudiation. It was not long in coming. Secretary of State Rogers announced the plans would not be invoked without "consulting" Congress. Then, Defense Secretary Laird completed the *de facto* repeal of the whole arrangement, declaring it "does not have the approval of this Administration."

The Thai government retaliated by calling for the withdrawal of the 45,000 American troops now in Thailand. Foreign Minister Thanat Khoman explained that "local people" should fight "revolutionary wars," because foreign troops are unsuited for fighting wars of internal subversion. It was a surprising statement, coming from the lustiest cheerleader of our mammoth military intervention in neighboring Vietnam. But I hope we have the good sense to hold him to it.

As the month ended, it looked as if the high tide of American penetration into Thailand had been reached. At long last, the grim prospects of another Vietnam began to fade.

ALASKA RESOURCES AND THE JONES ACT

Mr. STEVENS. Mr. President, the distinguished former Senator from California, Tom Kuchel, has made a most significant contribution to Alaska's future. He has clearly pointed out the impact of the Jones Act on the cost of transporting Alaska resources to market. For years, the Jones Act has caused Alaskans to pay higher prices for goods brought to Alaska by waterborne freight. Now, the resource consumer-oriented industries recognize that the Jones Act must be reckoned with.

We are indebted to former Senator Kuchel for his help.

I ask unanimous consent that the statement by former Senator Kuchel made before the Subcommittee on Minerals, Materials, and Fuels be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. KUCHEL

Mr. Chairman and members of the subcommittee, my name is Thomas H. Kuchel. I am a partner in the firm of Wyman, Bautzer, Finell, Rothman & Kuchel, with offices in California and Washington, D.C. I am appearing today as an attorney for the Pacific Lighting System which, through its constitutents, Southern California Gas Company, Southern Counties Gas Company of California and Pacific Lighting Service Company, serves the greater part of Southern California including the City of Los Angeles. All of these companies are subsidiaries of the Pacific Lighting Corporation.

The Pacific Lighting companies constitute the country's largest and fastest growing natural gas distribution system. The two distribution companies, Southern California Gas Company and Southern Counties Gas Company, provide natural gas service to more than three million retail customers, and sell gas at wholesale to supply another 470,000 customers in Southern California. These sales represent a reliable and dependable supply of natural gas to more than 12 million people at a regulated, reasonable price. The gas operations of the Pacific Lighting System trace back over 100 years, and for at least 40 years, Southern Californians have been heavily dependent upon natural gas as an energy source. In Southern California this dependence has manifested itself in the investment of billions of dollars in gas-energized appliances and equipment.

For over 20 years, production of natural gas in Southern California has been inadequate to supply the needs of the Pacific Lighting System and its customers. This circumstance has prompted the Pacific Lighting Companies to look to out-of-state sources for their natural gas supplies. The major portion of their needs traditionally has been met by interstate pipeline companies . . . in particular, El Paso Natural Gas Company and Transwestern Pipeline Company.

The purpose of these hearings is to study the situation respecting supplies of natural gas and to make appropriate recommendations. You have invited parties concerned with production and distribution of natural gas to appear and testify. I appreciate this opportunity to present the facts with respect to the gas supply problems in Southern California.

In order to provide this Subcommittee with a perspective from which to view the gas supply problems of Southern California, I shall relate some of the recent history and future prospects of the natural gas market in Southern California. In 1960, the Pacific Lighting System supplied an average of 1¾ billion cubic feet of natural gas per day to Southern California. Today, the Southern California market consumes more than 3 billion cubic feet of gas per day. The Pacific Lighting companies anticipate that by 1978 the consumers they serve will require an average daily supply of about 4½ billion cubic feet of gas. Stating it another way, the users of natural gas in Southern California will on the average require an additional 58 billion cubic feet of gas each year.

The Pacific Lighting companies are presently engaged in a search for the most feasible means of satisfying this phenomenal increase in demand.

There is deep concern today about a coming national gas shortage. Such a shortage would be an economic, rather than a physical one. Potential gas supplies exist in the ground in large quantities, but must be found and brought to market at reasonable prices to be useful to the gas consumer. It is most important to bring to bear all the resources we can command to assure that adequate, reasonably priced supplies of natural gas continue to be available to meet the country's growing needs.

The Federal Power Commission has addressed itself to this problem. It is studying the role that incentives might play in bringing forth greater domestic gas supplies. Gas distributors—the Pacific Lighting companies among them—are investigating the possibility that imports from Canada might help meet their supply needs.

The Pacific Lighting Companies are also carefully canvassing the possibilities of utilizing Alaska gas supplies. The American Gas Association and the American Petroleum Institute estimate that the proven gas reserves in Southern Alaska alone totaled approximately 5¼ trillion cubic feet of gas as of December 31, 1968. Some of these Southern Alaska reserves have been committed to a project to supply natural gas to Japan. This Subcommittee is aware of the recent oil and gas discoveries on the North Slope of Alaska. It is estimated that the potential supplies from all of Alaska will exceed 400 trillion cubic feet.

The essential problem with utilizing Alaska gas in the "lower 48" United States stems from the fact that Alaska is noncontiguous and remote from the market. While it is theoretically possible to move gas from the proven reserves of Southern Alaska to United States centers of population by conventional pipelines, such pipelines would be extremely expensive since they would traverse some of the most difficult terrain possible for pipeline purposes. There is, however, another means of moving this valuable resource to the market place: specifically, the movement by sea of Alaska gas in liquefied form. Existing liquefied natural gas, or LNG, technology is such that natural gas can be transported by ship from one part of the world to another. Natural gas in liquefied form takes less than 1/600th of the space it would occupy in its natural state. It is shipped in tankers especially designed to maintain liquefied gas at the required temperature of minus 258 degrees Fahrenheit. These cryogenic vessels are essentially floating thermos bottles.

A substantial amount of commerce in LNG has already developed between North Africa and markets in Western Europe. Closer to home, El Paso Natural Gas Company has recently announced plans for the importation of LNG from Algeria to the East Coast of the United States. Still closer to home, Alaska gas is being exported now to Japan by this means. No Alaska LNG is being transported to any other state of the Union. The prospects for such commerce are materially handicapped by the operation of a federal statute. That statute—known as the Jones Act—prohibits the transportation in foreign-built vessels of goods between American ports.

It is estimated that LNG vessels constructed in the United States would cost 50 to 75 percent more than vessels built abroad. This difference in costs imposes a serious handicap on the ability of Alaska gas to compete in the domestic market. This construction differential is not offset under existing federal law. The law does authorize offsetting construction subsidies for U.S. vessels built for the foreign trade.

Other cost differentials arising from the Jones Act, such as the requirement for American crews, would not impede this LNG commerce.

The natural gas industry is faced with a paradox. The "lower 48" states are experiencing a rapid growth in the demand for natural gas, while generous supplies remain untouched in Alaska. Gas consumers in Japan and other countries may ultimately reap the benefit of these valuable Alaska reserves, since Alaska LNG can be transported to those countries in lower-cost, foreign-built vessels. On the other hand, American gas companies may find it economically advantageous to import LNG from foreign countries because such supplies can be carried in lower-cost tankers.

Mr. Chairman, Alaska Natural Gas should be available to the American consumer. We urge Congress to explore every reasonable means to achieve this goal. One way would be to provide that vessels built in the United States for the domestic LNG trade be eligible for construction differential subsidies. Another would be to provide appropriate tax incentives for construction of such vessels in domestic yards. A third alternative is appropriate modification of the construction requirements under the Jones Act. There may be other alternatives. The national interest requires that steps be taken now to assure an adequate supply of this important fuel—natural gas—for the growing domestic market.

I want to express my appreciation for the opportunity to appear before this Subcommittee.

A FITTING TRIBUTE TO A DESERVING COLLEAGUE

Mr. PELL. Mr. President, on October 20, the distinguished senior Senator from

West Virginia was singularly honored by the Davis and Elkins College when the library of that college was named "Jennings Randolph Hall." To my mind, this was a most fitting tribute, for, as a young man, the Senator served on the faculty of the school, and in his work as a Representative and a Senator he has championed the cause of education in Congress. I was honored when asked to speak at the dedication, but already committed to be out of the country.

Senator RANDOLPH remains one of the chief supporters of education programs. In the Subcommittee on Education of the Committee on Labor and Public Welfare, his counsel is most valued. He is, along with the Senator from New Mexico (Mr. MONTOYA), the Senator from New York (Mr. JAVITS), and myself, a principal sponsor of Senate Joint Resolution 163, which would fund education programs at a level substantially above either last year's appropriation or this year's administration budget request.

I ask unanimous consent that an article published in the Elkins Inter-Mountain newspaper, describing the honor bestowed upon Senator RANDOLPH, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Elkins (W. Va.) Inter-Mountain, Oct. 11, 1969]

LIBRARY AT DAVIS AND ELKINS WILL BE NAMED "JENNINGS RANDOLPH HALL" OCTOBER 20

On Monday, Oct. 20, the Davis and Elkins College Library will be named "Jennings Randolph Hall" to honor the U.S. Senator who left D&E campus 36 years ago as a 30-year-old college professor who had just won an election as a member of Congress.

Senator Randolph, who was once a faculty member and athletic director at Davis and Elkins, will be given the Founders Award at a convocation prior to the library dedication. Dr. James E. Allen, Jr., U.S. Commissioner of Education and assistant secretary for Health, Education and Welfare will be the speaker at the convocation at 10:30 a.m. in the Memorial Gymnasium.

The library dedication will take place in front of the library at approximately 11:45 a.m. Following the dedication a reception will be held in Halliehurst Hall. College officials have extended an invitation to area residents to attend all the activities.

A photograph of Senator Randolph and a bronze plaque listing his achievements will be placed in the vestibule in the library.

The library is a two and one-half story brick structure which was built in 1959. An addition to the second floor was completed in August at a cost of $140,000.

Senator Randolph was a member of the faculty at Davis and Elkins from 1926 to 1932. He taught public speaking and journalism, coached the debating team, and served as adviser of the student newspaper, "The Senator."

In addition to his other duties, he served as athletic director and was responsible for scheduling games with leading teams from coast to coast. It was during his tenure as athletic director that the "Scarlet Hurricanes" gained nationwide recognition for their exploits in basketball and football.

Senator Randolph was employed at Davis and Elkins during the time that James E. Allen served as president. His son, the present U.S. Commissioner of Education, was a student in one of Senator Randolph's classes.

Dr. Allen and Senator Randolph have maintained a warm friendship through the years. When Dr. Allen appeared before the Labor and Public Welfare Committee at the time of his nomination for U.S. Commissioner of Education, Senator Randolph spoke in his behalf.

Both Dr. Allen and Senator Randolph have served on the Board of Trustees of Davis and Elkins.

College officials are expecting a large number of West Virginia college presidents, newsmen, industrial executives and personal friends of Senator Randolph and Dr. Allen to attend the Founders Day activities.

TITLE V OF MDTA SHOULD BE FUNDED

Mr. MURPHY. Mr. President, last year I offered, and the Senate accepted, an amendment adding a new title to the Manpower Development and Training Act. This new program, supplementary State programs, was designed to give the States flexibility and freedom so that they may develop imaginative programs in the manpower area.

I ask unanimous consent that my statement before the Appropriations Committee in support of $20 million, the amount requested in the administration's budget, be printed in the RECORD.

In addition, I ask unanimous consent that a description of the bipartisan package of bills enacted by the California State Legislature in 1968 be printed in the RECORD.

There being no objection, the statement and description were ordered to be printed in the RECORD, as follows:

TITLE V, SUPPLEMENTARY STATE PROGRAMS OF THE MANPOWER DEVELOPMENT AND TRAINING ACT AS AMENDED

(Statement of Senator MURPHY before the Senate Appropriations Committee)

As the author of the Supplementary State Program of the Manpower Development and Training Act, I urge the Committee to appropriate the $20 million budgeted by the Administration to implement this promising new manpower program.

Members will recall that we considered the extension to the Manpower Development and Training Act in the closing days of the last session. As a result, there was considerable pressure to extend the Act without any amendments. Notwithstanding this pressure and the time problem, the Congress adopted my amendment adding the new Supplementary State Program to the Manpower Act. This, incidentally, was the only major new amendment added last year. I believe this indicates the importance of the program. The Supplementary State Program is designed to encourage State initiative, creativity, and coordination in an effort to improve manpower programs. Under this program, a state may receive federal matching funds not to exceed 75 per cent "for the purpose of supplementing, coordinating and improving the effectiveness of, or correcting imbalances among, the services available from all federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment".

Although enacted late in the last session, states have responded enthusiastically to the new program. Thirty states have already expressed interest in the program. Of those expressing an interest, twenty-four have said that they have state matching funds available. H.R. 13111, the Labor-HEW appropriation bill, passed by the House, fails to fund this important program. The reason given was "that grant programs in this area should be consolidated rather than proliferated . . ." Mr. Chairman, no one has been more concerned than I with the twin problems of program proliferation and inadequate coordination. As the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Manpower, Employment, and Poverty, these problems have received my continued attention. When I introduced the Supplementary State Program amendment I spoke in some detail on the proliferation of programs and lacks of coordination.

Concern over program proliferation and inadequate coordination has been a recurrent theme sounded by experts, advisory committees and congressional committees. In the Senate Report accompanying the 1968 Manpower Amendments, the Senate Labor and Public Welfare Committee sharply criticized the "plethora of different and largely uncoordinated federal manpower programs" which "do not result in any comprehensive manpower policy." Instead, the Committee said "individual acts were written, considered and amended in rapid succession to meet current crises, real or imagined, with little attention to their interrelations." Although very critical of program proliferations and inadequate coordination, the Senate Labor and Public Welfare Committee and the full Senate adopted my amendment obviously feeling that the supplemental state program would help pull together and improve the total manpower effort. The 1969 report of the Department of Health, Education and Welfare on the Manpower Development Act also spoke of the program's potential. I quote:

"The new Title V program in the 1968 Amendments to the Manpower Development and Training Act provides potential to the states to strengthen their capabilities to plan and coordinate manpower programs".

Thus the Title V program in the judgment of the Congress, the Department of Labor, the Department of Health, Education, and Welfare, and the states has a great potential in helping to remedy some of the existing defects in the present manpower programs. Title V encourages state initiative and innovation towards meeting these defects. Under the Title V program, we should see:

Better coordination as states move to tie together manpower programs at the state and local levels;

Improved services for the program's participants as existing program gaps are filled and imbalances corrected;

New ideas and approaches by the states based on local and state experiences as the states move out and chart new directions in the manpower field.

No greater example of the program's potential can be found than my State of California where we have attempted to put together the various pieces of the manpower effort in a logical coordinated manner. In California, last year, the State Legislature passed a package of bipartisan measures designed to deal with the problems of the disadvantaged in an imaginative way. This legislation has been signed into law by Governor Reagan. I want to emphasize the bipartisan nature of this effort. Some have remarked that the cooperation by the two political parties in California during last year, an election year, was almost a "miracle". I personally attribute this meeting of the minds to the realization of the importance of the problems confronting California in the country and determination by the State Legislature and executive branches to shape programs to match the dimensions of the problems. California rightly has placed the problems of the people before the politics of the parties. This bipartisan effort is a tribute to the high level of state government in California.

One of the bills in the bipartisan package, Assembly Bill 1463, established a new state

Department of Human Resources and Development designed to coordinate the various state programs aimed at the disadvantaged. The State of California hopes to provide the hard core unemployed with a "unbroken sequence of services from intake through placement in a job and periodic followup and evaluation" so that we will know exactly what is being done and what progress is being made. It is the intent of all of us to try to break the barriers of the bureaucracy that tie up the getting of needed services to our people. Presently, we too often force people into existing programs. California hopes to make the individual the focus and tailor programs to fit the individual for employment rather than force an individual into a program. In other words, California hopes to personalize programs so they serve the needs of the individuals rather than force the individual to conform to the requirements of the program. To do this, a new civil servant, a "job agent" would be created and assigned the task of securing the necessary training needed by his disadvantaged unemployed client in order to make him employable. To accomplish this, California needs a little flexibility in the use of highly categorical federal aid funds. The Title V program would provide this flexibility and thus encourage California and other states to be creative.

I would also point out that many other states have started to reorganize their state structures to create departments similar to the California Department of Human Resources and Development.

Too often, however, creative state efforts are thwarted by restrictions and regulations of federal laws. On July 15, 1968, I outlined in some detail the problems that California was having in implementing its program. Other states have relayed to me similar frustrations as they attempted to embark on a new course in the manpower field.

Mr. Chairman, the problems of our country are so immense and diverse that initiatives and cooperations by all levels of government as well as the private sector is needed. We hear, Mr. Chairman, a great deal of criticism regarding the states. I realize that all the criticism is not without justification. Yet, I know too well that all the brainpower in this country is not centralized in Washington.

If there is one thing that is becoming clear, it is that Washington cannot prepackage "canned solutions" to solve all the local and state problems. There are too many local communities and the distances from Washington to them are too great for federal foresight to make a federal program work everywhere. Hindsight and experience clearly show us this.

The same is also true of program fragmentation and inadequate coordination. Steps taken at the federal level toward consolidation and coordination must be accompanied by similar strides at the state and local level or we will not accomplish our purpose. For program proliferation, multiplicity of funding, and lack of coordination are not problems solely peculiar to Washington. To the contrary, these problems seem to multiply at the local level. Secretary Shultz and the Administration recognize that "making sense" out of the present "manpower maze" requires leadership at all levels. The Secretary of Labor's reorganization of the Labor Department and the Administration's manpower proposals evidences such leadership at the national level. The Secretary also recognizes that planning, coordination and reorganization at the state and local levels are even more important for, after all, this is the action level where in the final analysis the success or failure of our programs will be determined.

Mr. Chairman, for the Congress to slam the door on the enthusiastic response made by the states to Title V's invitation to them to be creative in the manpower field would be a big blow to all our efforts to not only improve our manpower programs, but also to strengthen the states' roles and their responsibilities. I, therefore, strongly urge that the committee provide the $20 million recommended by the Administration to support this program.

BIPARTISAN JOB DEVELOPMENT AND TRAINING PACKAGE—SUMMARY

PREFACE

These bipartisan bills, which represent the most comprehensive effort developed by any state to deal with the problems of job training and development in economically disadvantaged areas, are supported by Governor Reagan, Lieutenant Governor Finch as well as legislative leaders of both parties.

AB 109—(CAMPBELL)—CALIFORNIA JOB DEVELOPMENT CORPORATION LAW

This bill authorizes the creation of regional non-profit California Job Development Corporations to provide loan capital and management assistance to create small business opportunities and create jobs in economically disadvantaged areas.

It would:

1. Set up a State Executive Board to set guidelines for the operation of regional corporations.
2. Provide that members (financial institutions, businesses, non-profit corporations) commit loan capital or other resources to the corporation as a condition of membership.
3. Provide $1 million for "start-up" loans for regional corporations and for regional guarantee funds to back up loans.
4. Require that persons who receive small business loans maintain a consulting relationship with the corporation for two years, to avoid business failures.

AB 1463—(UNRUH) CREATES DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

This measure:

1. Fixes responsibility for the delivery of services to the chronically unemployed, by establishing a single agency (the Department of Human Resources Development) to provide a full-range of needed services to the hard-core unemployed on an individualize basis.
2. Creates a new kind of civil servant—a "job agent"—who is held responsible for getting the necessary services to each client and following through until his client is on a job. The job agent develops a "plan" for each client and a timetable for providing those services. He may contract with public or private agencies in providing these services, be they education or vocational training, medical services or housing for the client.
3. Consolidates a number of existing state agencies dealing with employment and poverty problems into the new agency, including the Department of Employment, the Multi-Service Center program, and the State Anti-Poverty Office. The several scattered funds supporting these programs are consolidated within one "Manpower Development Fund".
4. Designates target areas within the state with the most serious unemployment problems and requires the department to focus its prime attention on those areas and their unemployed residents.

AB 1777—(MONAGAN) POOLED MONEY INVESTMENT FUND

This bill would:

1. Provide an incentive for banks to make high risk loans in urban poverty areas as members of a California Job Development Corporation.
2. Permit the Pooled Money Investment Board, consisting of the State Controller, Treasurer, and Finance Director, to increase the amount of state surplus money available for time deposits and place the money in banks which are members of CAL–JOB corporations and have made loans to such a corporation or to corporation-approved borrowers.
3. Declare the intent of the Legislature that the Pooled Money Investment Board give due regard to assisting such efforts as the CAL–JOB program established by AB 109 in administering its investment program.

It is anticipated that utilization of reserve funds to provide incentives could also bolster the entire state economy, as any new money made available to banks would be used and reused, having a "multiplier effect" of roughly two and one-half times the amount deposited.

AB 1046—(UNRUH) SMALL BUSINESS ASSISTANCE PROGRAM LAW

This bill:

1. Creates a two-year pilot program, to be administered through the CAL–JOB Executive Board formed by AB 109, whereby the state will contract with private non-profit associations to provide technical business assistance to small businessmen who live in and desire to locate their enterprises in specified disadvantaged urban areas.
2. The bill appropriates $150,000 and requires the CAL–JOB Executive Board to report to the 1970 Legislature on the effectiveness of the program.

AB 1966 (VENEMAN) TAX INCENTIVE FOR JOB TRAINING

This bill would:

1. Provide a tax incentive on a two year pilot basis for employers to hire long-term unemployed persons, with priority to recipients of public assistance. It is limited to 2,500 certified trainees per year or a revenue loss of no more than $300,000 per year.
2. Permit an employer to deduct from his gross income an amount equal to 50 percent of the training costs and wages paid an approved trainee, providing the term of employment is at least six months. It is anticipated that the resulting loss of tax revenue to the state would be offset by savings in public assistance expenditures on a minimum three to one dollar ratio. Employers would realize a tax saving up to seven percent of wages and training costs expended. This should encourage small and medium size employers, who account for most of the California labor force, to participate in training unskilled and unemployable workers.
3. Protect against potential abuse by providing that both the employer and trainee would have to be certified by the Administrator of the Health and Welfare Agency before the tax incentive could be claimed.
4. Appropriates $50,000 for administrative costs.

AB 1464—(RALPH) ELIMINATION OF DISCRIMINATION IN APPRENTICESHIP PROGRAMS

This bill requires the Joint Apprenticeship Council, which sets guidelines for apprenticeship programs, to insure that selection procedures are impartially administered without discrimination. It requires that complaints alleging discrimination be filed with the Fair Employment Practices Commission, but that the Division of Apprenticeship Standards investigate the complaint, holding at least one open hearing and act upon it within 60 days. Cases may be reassigned to FEPC upon their request at which time they would act upon it within 30 days.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, it is reported by Frank Mankiewicz and Tom Braden in today's Washington Post that Secretary Finch has signed an order banning the domestic sale of DDT, one of the best known and most persistent pesticides. The story goes on to say that Secretary Finch's order has been sent to the White House for approval and will be made public shortly.

It is my hope that this story is correct, for I have long believed that both the Department of Agriculture and the Department of Health, Education, and Welfare have unwisely permitted the widespread and indiscriminate use of DDT and other poisonous chemicals.

Last summer I introduced wide-ranging legislation providing protection for our environment from these pesticides. The bill, S. 2747, is unlikely to be enacted, but it has contributed to the momentum now evident regarding these poisons. My bill, among other things, places a 4-year moratorium on DDT and three other particularly persistent pesticides. Such stringent action is necessary to protect our environment and I fully support Secretary Finch's reported action to ban the use of DDT here in the United States.

As Dr. Charles Wurster of the State University of New York at Stony Brook has stated, non-persistent alternatives to DDT exist. A Nation such as ours, with a growing population and an increasing concern over the deterioration of our environment, must now use these if we are to pass on to the next generation of Americans an environment that is both healthy and safe.

RURAL AFFAIRS COUNCIL

Mr. CURTIS. Mr. President, if the next generation of Americans is to enjoy a true freedom of opportunity and selection of a place to live, then the Nation must take urgent steps to see that rural America is prepared to provide a good life for most of them, in terms of jobs, services, and environment.

By the year 2000, America's population is expected to increase by 100 million. Since some 65 percent of Americans now live within metropolitan areas, most of the increase will probably be born in the cities, where conditions have already become intolerable for too many.

America's course lies in preparing both the cities and the countryside for the newcomers. It would be a grave mistake to prepare just the cities.

Recognizing this, the President took a vital step last Thursday to help rural America meet the challenge. He created the Rural Affairs Council.

On Monday of this week, Secretary of Agriculture Hardin outlined the goals of that Council and what the Department plans to do to help implement them.

The President's statement in announcing the Rural Affairs Council and Secretary Hardin's address to the 83d annual meeting of the National Association of State Universities and Land-Grant Colleges, in which he describes the Council and the departmental efforts, are both landmark documents in the history of this country.

I invite all Senators, both from rural and urban America, to examine them carefully.

Mr. President, I ask unanimous consent that the President's statement and the address by Secretary Hardin be printed in the Record.

There being no objection, the statement and address were ordered to be printed in the Record, as follows:

[From the office of the White House Press Secretary, Nov. 6, 1969]

Statement by the President

Shortly after I became President, I established a new Cabinet-level Urban Affairs Council to help me develop an overall strategy for meeting the problems of the cities and to coordinate the wide variety of government efforts in this area. It is a fact of our national life that the concerns of rural America also deserve more careful consideration and more effective coordination at the highest levels of government.

We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests, mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw.

It is for these reasons that I am announcing today the establishment of a new Rural Affairs Council at the Cabinet level. The Council will meet next week for the first time. The following officials will join me as members of the Council. The Vice President, the Secretary of Agriculture, the Secretary of Interior, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, the Secretary of Health, Education and Welfare, the Secretary of Labor, the Director of the Bureau of the Budget and the Chairman of the Council of Economic Advisors.

Is is to this Council that the Task Force on Rural Development will submit its report and recommendations.

As I announce the formation of the Rural Affairs Council, I would note several facts which underscore the importance of its work. It is shocking, for example, to discover that at least one-third of the housing in rural America is presently substandard. It is disturbing to realize that more than 3 million rural Americans have not completed five years of school. It is disheartening to see that one-third of our rural communities with a population over 1,000 have no public sewage facilities.

It is also important to note that the population of our country is likely to grow by 50 percent in the next thirty years. Where these next hundred million persons locate is a tremendously important question for our society. After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout our country. The Rural Affairs Council can help our nation to meet this challenge by helping rural America, once again, become an area of opportunity.

Remarks of Secretary of Agriculture Clifford M. Hardin at the Eighty-Third Annual Meeting of the National Association of State Universities and Land-Grant Colleges, LaSalle Hotel, Chicago, Ill., November 10, 1969

For several reasons I welcome this opportunity to meet with old friends and colleagues in the National Association of State Universities and Land-Grant Colleges. I continue to view my own involvement in the affairs of the Association with pride and a touch of nostalgia.

Today I will touch principally on a topic which is not new, but which is becoming urgent. I am referring to the development of rural America—that part of our great nation that lies outside of the metropolitan areas—that part which encompases most of our geography and around a third of our people.

The further development of rural America must proceed with speed and dispatch because of the people and the problems that exist there, *and* also, because of the utter necessity of relieving the population pressures that are growing daily in our large cities.

While rural America is the home for around a third of our people, it contains approximately 60 percent of the sub-standard housing and nearly half of the nation's poor people. These facts, and the conditions associated with them, have accounted for a significant part of the large scale rural-urban migration that has occurred during the past two decades.

It is not enough that we think in terms of improving conditions and opportunity for the people living today in rural America, and thereby stemming the flow of people to the cities. We must do much more. We must make it a matter of urgent national policy that we create in, and around, the smaller cities and towns sufficiently good employment opportunities and living environments that large numbers of families will choose to rear their children there.

We are not talking about making the huge cities smaller, but in establishing conditions that will make it unnecessary for the great urban centers to have to somehow absorb most of the 100 million or so new Americans who will arrive during the next 30 years. And that most certainly will happen unless strong positive steps are taken to prevent it.

During the past 20 years the total population has grown by 54 million, and all of the growth has taken place in the metropolitan centers. Think of the problems and the expenses involved if that pattern should continue and an additional 100 million persons were crowded into the existing urban centers in the short span of 30 years.

These are some of the things President Nixon had in mind several weeks ago when he appointed a Task Force for Rural America and requested them to "review the effectiveness of present rural assistance programs, and make recommendations as to what might be done in the private and public sectors to stimulate rural development."

It was recognition of this same set of conditions that prompted the President to announce just four days ago the creation of a Rural Affairs Council within the Cabinet.

In making these moves, the President hopes to establish a national rural policy that will be coordinated with the drive for a new national urban policy that has been underway for several months.

The options are as varied as the face of America. But development of the magnitude that is necessary can come about only with the most energetic and innovative efforts on the part of State and local governments working in close cooperation with persons and corporations in the private sector. The Federal departments and agencies can provide assistance, and hopefully more in the future, but initiative must invariably come from the communities themselves.

And this is where the State universities and especially the Cooperative Extension Service comes in. These institutions played a vital role in an earlier movement, from East to West as Americans tamed the frontier and built a thriving nation. The acceptance of the mandate to educate the sons and daughters of the working classes may have been the most important component in our country's development and leadership.

In any event, the institutions represented here have long experience in working effectively with people in the private sector and with people in government at all levels. You have great competence in many areas and you enjoy the well-earned confidence of the public. And this is why we call on you now to accept a position of leadership and to lend your efforts and know-how toward a mobilization of the people and the resources of rural America.

Development can occur in many directions. For example, the National Committee on Urban Growth policy—a non-government group—recommends Federal assistance in the creation of 100 new cities of 100,000 each and 10 new cities of a million each. That's a large vision! Yet even an effort as enormous as this would provide for only 20 percent of the additional people we expect in the next 30 years.

Perhaps community development can and should be based principally around existing towns and cities, thus gaining the economic advantages of existing institutions and services, existing history, culture, identity, character, and continuity.

In any case, the decisions must be made by people living within the communities and within the States. State and local policies for urban suburban and rural growth must be decided and promoted at the State and local level.

Communities which have already exhibited strong growth potential should be helped to development. When local community leadership and private enterprise have shown the initiative necessary for sound development, government at all levels should be willing to help.

This is in line with a philosophy expressed by President Nixon. He has stated many times his desire for the enhancement of the role and influence of State and local government and he has urged the Federal departments to cooperate fully toward this end. Additionally he has recommended to the Congress the sharing of Federal funds with States and local governments.

While the initiatives are expected to come from the State and communities, it is important that the resources and services of the Federal establishment be properly ordered and directed. The role of the Rural Affairs Council is to provide this sense of direction and to bring with it the dedicated support of the President.

In announcing the Rural Affairs Council, President Nixon said:

"It is a fact of our national life that the concerns of rural America also deserve more careful consideration and more effective coordination at the highest levels of government.

"We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests, mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw.

"After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout our country. The Rural Affairs Council can help our nation to meet this challenge. . . ."

Those words reflect the President's personal support of a program that goes beyond the idea of "mailing rural America a better place to live"—and looks toward major changes in the distribution of population in America—toward giving Americans a real choice as to where they want to live.

The Rural Affairs Council includes those officers of Cabinet level whose agencies can make a significant contribution to community development. The Council includes:

The President, the Vice President, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Director of the Office of Economic Opportunity, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Commerce, the Director of the Budget and the Chairman of the Council of Economic Advisors.

The Rural Affairs Council will ensure that the government is a full partner, that all the programs that have application to rural America will be brought to bear—HUD's housing and planning money, Labor Department's training programs, HEW's educational and assistance programs, Commerce Department's economic development projects, the Small Business Administration's funds and guidance, these and many others.

The Council will carry on the closest cooperation with the Urban Affairs Council, and other Federal agencies.

Specifically, the Rural Affairs Council will see to:

Achieve coordination between Federal departments in all matters that may affect rural Americans.

Encourage decentralization of government and coordination of programs between the Federal and State and local governments.

Encourage the effective utilization of voluntary organizations.

Secure up-to-date comprehensive information on the problems that confront rural America. Then identify the causes of those problems and develop solutions, either through existing programs or by initiating new programs.

Encourage action on a regional, State and local basis.

We will seek to improve the effectiveness and timeliness of delivery of public services to rural America. Still, program responsibilities must remain vested to the greatest possible extent in State and local government.

The recommendations of the President's Task Force on Rural Development should provide guidelines for this work.

Immediately, we will get to work on such problems as:

The best means of creating new jobs and new economic opportunity to rural America.

How best to adapt extensive manpower training programs to small towns and rural areas.

How best to ensure decent housing for more rural people. Within the Department of Agriculture, we are moving in several ways to meet the challenge that the President has put before us.

We are asking the Federal Extension Service to work closely with the State Extension directors. In turn we are hoping that the Cooperative Extension Services will assume a leadership role in organizing and promoting community interest.

In urging this role for Extension, we are in no way reducing the responsibility of the other agencies of the Department.

Every agency in the Department with a contribution to make to rural development has been directed to provide aggressive leadership in its area, assigning appropriate resources and personnel to the effort.

We plan to choose a few special project areas in which to concentrate all Federal activities—areas that represent specific problems in rural America. We expect to learn a lot in those areas that will be useful in the rest of America, both urban and rural.

You know the programs of the Department that are especially important in rural development: the housing, water and sewer loans of the Farmers Home Administration; the small watersheds and resource conservation and development programs of the Soil Conservation Service; the credit potentials of REA and the resource surveys and development programs of the Forest Service. They are most effective when employed in coordination with all other available resources.

The administrators of these agencies, the FHA, SCS, REA, Forest Service, along with the Federal Extension Service, are meeting now as the Departmental Rural Development Committee. As a group, their assignment is to develop the vital policies, programs and priorities necessary for the Department to carry out its rural development mandate.

Dr. Tom Cowden, Assistant Secretary for Rural Development and Conservation, is chairman of this group. He will have a special rural development staff to assist him in program coordination and leadership.

Each member of this committee will be assigned specific liaison responsibilities with other departments of the Federal government, on a similarity-of-service basis. For example, the Farmers Home Administration will assign key men to coordinate with Housing and Urban Development.

Each agency also will be maintaining liaison with national organizations to help make their programs and services more available to rural people and their communities.

One of the key elements of USDA's rural development organization will be the committees set up in each State by the Director of that State's Cooperative Extension Service. These committees will maintain liaison with State governments, other agencies and whatever organizations are involved in the development of our countryside.

Department members on these committees in each State will be representatives of the Forest Service, Soil Conservation Service, Farmers Home Administration and Rural Electrification Administration. They will provide whatever staff services are needed to support activities of the committee.

These committees will decide what kind of USDA rural development organization should be established on a local basis.

Rural development begins at home. It is the responsibility of State and local organizations, groups and leaders. They will provide the channel through which the people may improve their situations: analyzing their local needs, assessing their local potentialities, matching their community's potential with private and public programs at all levels of government.

The work of the Cooperative Extension Services in these basic activities is obviously essential.

The effective development of America depends upon the Cooperative Extension Service working with public and private agencies at the State, regional and local levels. The Service is invaluable in developing an understanding of the nature of development, and in helping Federal agencies to assist in State and local development activities.

To quote from "A People and a Spirit," our joint report: "Extension can bring cohesiveness into many community development programs through its role in educational leadership. It can help people obtain the right kind of planning, financing and technical aid from other agencies."

The role of Extension, which is significant now, will become more so as it trains new personnel to meet modern demands; as it reorganizes to provide a wider variety of experts to serve more people; as the great State Colleges and Land-Grant Universities become even more active in community development.

Again, from "A People and a Spirit": "Extension's ability to extend the modern land-grant university to the people is limited only by the breadth of the university and Extension's willingness to function university-wide."

Each American has a role to play in determining the destiny of his country—in creating a fuller more attractive life for everyone—in both rural and urban America.

Beyond the boundaries of metropolitan America lies a fertile land of beautiful landscape, open space, rich resources and an energetic, proud people.

This rural and small town America offers opportunity and hope for a better life for all of us and our children's children, for those who prefer to live in the country and for those who prefer the city.

We can achieve this better life by joining together in common effort to reach our common and realistic goals.

STAND UP FOR AMERICA

Mr. DOLE. Mr. President, in our Nation is a small faction of anarchists, terrorists, and Communists who have set out deliberately to disrupt and hopefully, for them, to destroy our country.

Unfortunately, thousands of other fine young Americans who are concerned about the war in Vietnam and wars generally and who wish to make their voices heard may be unwittingly aiding the cause of those mentioned above.

Washington, D.C., is bracing now for a weekend of demonstrations which, it is hoped, will not end in violence leading to loss of life, personal body injury, or destruction of property. It should be clear, however, that there is widespread concern, not only by those who oppose any demonstration, but even by many of the responsible leaders of the so-called peace march itself. They know what has happened in California, in Chicago, in our Nation's Capital, and on many college campuses in the past, and there are some who are fearful it could happen here again before the week is out.

Those who are not concerned about the best interests of America have attacked policemen and innocent civilians, they have spit on the American flag and trampled it under foot and burned it. They have set out to disrupt governments and institutions. They have offered no tolerance or toleration of other points of view or of others' rights. They have lifted strident voices in shouts of pig, fascist, nazi, warmonger. We have heard them shout:

> Hey, hey, L. B. J., how many babies have you killed today?

We have heard them speak out for victory for Hanoi and we have seen them carrying the Communist flag and heard their battle cry:

> Ho, Ho, Ho Chi Minh.

We have seen and heard all these things and more. But only a few indignant voices have been raised in protest. Only a few have dared to point out who these people are and what they are and what their purpose is and what they are doing to our America.

One of these is the Vice President of the United States. He has dared to label these hatemongers for what they are. He has dared to attack those who use the word "peace" as they set out to foster revolt and inflame violence. He has dared to call on decent Americans "to raise our voices in spirited defense of the most successful society the world has yet known."

He has not, despite reports from a biased media, included all young Americans who dissent in his criticism because he recognizes this right is basic to the foundation of America's principles.

He has dared to stand up for the United States of America. And for this courage we see not only the far left and the new left, but others—loyal patriotic Americans who have differing political views—use the Vice President's statements to insult him.

In the name of fighting McCarthyism, we have seen them stoop to McCarthyist tactics against the second highest ranking elected official in our land.

And we have seen them blame him for dividing a nation because he has the courage to defend the institutions that have made that nation great.

Mr. President, there are those among us who decry a Vice President with the courage of his decent convictions, yet condone the convictions and actions of those who seek to divide and destroy us, who seek to drag the United States down to defeat.

Mr. President, those who are so eager to criticize the Vice President may be out of touch with the great majority of Americans. Again, despite the efforts of the liberal and biased media in America, who too often report only what might inflame Americans, the great majority has rallied behind the Vice President. He is fast becoming a symbol for the "forgotten" American, the man who works and pays his taxes, goes to church and thanks God he is an American. He does not profess to have the answers to all America's ills; he may not be satisfied with every governmental decision or policy, but he still has respect for his Government and is not hoodwinked by the self-appointed zealots who say they speak for America. These Americans, and countless others—by and large—are grateful to Vice President Agnew for reflecting their views.

I ask unanimous consent to have printed in the Record an editorial published in the Washington Post today.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Liberals Capitulate to Extremists, Reds Dominate "Peace" Movement

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedly spent this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committe is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore, the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Stewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

THE MEANING OF PEACE

Mr. GRIFFIN. Mr. President, the news media tell us that on this coming Saturday there will be a mass demonstration in Washington against the war in Vietnam.

According to what we read, the demonstration will focus upon a demand for immediate withdrawal of American forces in Vietnam. I am sure that many of those who make such a demand sincerely believe they are advancing the cause of peace.

Now, Mr. President, I do not question in any way the right of Americans to protest and dissent peacefully—a right which is not enjoyed by those who live under Communist domination.

But I believe it would be well if those who are about to demonstrate were also aware of another important difference between the free world and the Communists. I refer to the meaning and purpose of "peace."

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Keyes Beech, the distinguished foreign correspondent of the Chicago Daily News, and published in the Philadelphia Inquirer of November 4, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HANOI DEFECTORS WARNED UNITED STATES OF DUPLICITY, "PEACE" BLOODBATH

(By Keyes Beech)

SAIGON.—One year ago four senior Communist defectors from North Vietnam with a total of 89 years as loyal party members were interviewed on what they thought of the U.S. bombing halt over North Vietnam.

In the light of what has happened since then their comments make interesting reading. Here are excerpts:

Lt. Col. Phan Viet Dung, former Communist regimental commander: "Hanoi wants this bombing stop and the apparent peace it will bring only so that she can better prepare to gain her ends . . . Even after the bombing is halted the Paris talks will yield nothing for the U.S. because Hanoi will then claim the halt proves the Americans were guilty. This will be just what they need to boost morale in the north."

Lt. Col. Huynh Cu, 23 years a party member: "You must take a lesson from what happened in Laos in 1962. When our North Vietnamese forces attacked we could easily have taken Vientiane. Then Ho (Chi Minh) ordered the troops to pull back rather than risk any real military intervention by the U.S.

"Now, if North Vietnam moves some troops out of the South in an apparent move to deescalate, the South must not be fooled but must go and take back the land regardless of what Hanoi or anybody else says.

"But I don't really understand what the Americans hope to gain. This is like any other kind of trading. If you give something, you must get something. But what are you going to get in exchange? Nothing but words . . .

"I want to remind you what an important Japanese Communist has said. The Westerner believes war and peace are two different things. The Westerner thinks it is right to deceive people in wartime but not in peacetime.

"The Communist believes that it is also right to deceive people in peacetime when making agreements with the enemy because the Communist believes war and peace are the same thing.

"Mao (Tse-tung) said the closer to peace, the greater the danger. Now is the time to be most alert. The idea of peace may blind you."

Lt. Col. Le Xuan Chuyen, 21 years a party member:

"Stopping the bombing is only going to lengthen the war and eventually you will suffer greater, not lesser casualties. Also you will see the antiwar movement in the U.S. become greater. You will encourage the demonstrators by convincing them they are right.

"When I first heard of the bombing halt I thought it must be a joke and I laughed. But when I realized the U.S. was serious I was dumfounded by their stupidity.

"Of course your people want peace, but if a cease-fire comes don't be happy. There will be really nothing to be happy about, for it will be sure to lead to great suffering here and many, many deaths * * *

"You will see, the deaths here in the South will be at least one thousand times greater. But by that time your Western press will have believed that peace is here and they will have gone home and won't be around to see it happen.

"Only the Vietnamese will be left for there is nowhere for them to go this time. There are 3 million people on the blood list and you will have condemned them."

Col. Tran Van Dac, 24 years a party member, who led 8000 men in an attack on Saigon during the 1968 Tet offensive:

"It will be impossible to get Hanoi to keep her promises. The only promise they will keep is the one they have made to themselves that nothing can keep them from eventually conquering South Vietnam.

"If there is a cease-fire many people will think that peace has really come and let their guard down. Then the Communists will act suddenly. You must be warned that when it seems like peace has come, then it will be the most dangerous time of all."

BRIEFING OF SENATORS ON SALT NEGOTIATIONS

Mr. GORE. Mr. President, I ask unanimous consent that a memorandum to the Foreign Relations Committee from my Subcommittee on International Organization and Disarmament Affairs be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
November 12, 1969.

Memorandum to: All Members of Foreign Relations Committee.

From: Albert Gore, Chairman, Subcommittee on International Organization and Disarmament Affairs.

The meeting in Executive Session of the Subcommittee on Disarmament, which was to be held at 4 o'clock this afternoon, is cancelled. As the notice sent to all members of the Committee yesterday inviting them to attend the meeting stated, the purpose of the Executive Session was to receive a briefing from the Arms Control and Disarmament Agency on the forthcoming SALT talks.

An authorized official of the Arms Control and Disarmament Agency informed a member of the Committee Staff yesterday afternoon that the Agency had been instructed to refer all requests for briefings on the SALT talks, and all congressional liaison matters relating to the talks to the Assistant to the President for National Security Affairs or to the Congressional Liaison office of the White House as the Agency had been directed not to conduct such briefings itself.

No one from the Office of the Assistant to the President for National Security Affairs, the Congressional Liaison office of the White House, or the Department of State (which has statutory responsibility in this field) has responded to the aforedescribed Subcommittee request for a briefing on the talks to begin on November 17th.

This is the first time to my knowledge that an Agency charged with a responsibility in the field of foreign affairs has not been willing, or, as in this case, free, to meet with the Disarmament Subcommittee on a subject on which the Subcommittee has had jurisdiction.

The reason for the prohibition upon the Agency's freedom to meet with and brief the Disarmament Subcommittee is beyond my understanding. It is particularly mystifying and disturbing in this case since members of the Subcommittee have been in the forefront in not only urging the necessity of this conference but have been in the forefront in both cooperation with previous Administrations and in securing approval of treaties and agreements in this field of armament limitation and control.

Inasmuch as the SALT talks will hopefully produce an agreement for some limitations regarding nuclear weapons, it is regrettable that officials charged with conducting these negotiations are prohibited from briefing responsible Members of the Senate so that the Senate will be in a position conscientiously to discharge its Constitutional responsibilities.

THE ST. LAWRENCE SEAWAY

Mr. TYDINGS. Mr. President, the St. Lawrence Seaway system is without doubt a major engineering accomplishment and has stimulated the economic development and prosperity of the Great Lakes region. Although at present unable to support regularly scheduled U.S.-flag vessel service, the seaway is indeed entitled to its description as the "fourth coast" of the United States.

At the present time the seaway is $148 million in debt. This includes $129 million of outstanding 50-year bonds and $19 million of accrued interest debt. Lately, however, some proposals have been advanced stating that the seaway's debt should be assumed by the Federal Government. Proponents of seaway refinancing contend that it is the only federally supported waterway that is required to be self-supporting. They feel that this is discriminatory.

Such a position was recently stated in the Senate. The question was posed: "If the Great Lakes are free and open to all, why should the seaway linking the lakes even have toll charges?"

This is an important question. The answer is quite simple: the legislation authorizing the St. Lawrence Seaway Development Corporation was accepted by the Senate in 1954 on the basis that the seaway would pay its own way. Let me for a moment refresh the memory of Senators and point out a statement made on the floor some 15 years ago by the late Senator Alexander Wiley. On January 13, 1954, Senator Wiley, one of the seaway's most forceful advocates, upon calling up the seaway legislation summarized the five reasons why he felt it should be passed. The No. 3 reason was that "the project would pay for itself, and the pending bill would not put an additional burden on the Treasury."

Senator Wiley no doubt felt then, as I do now, that the U.S. Treasury already has enough burdens without imposing additional and unnecessary ones.

The basic point to stress is that the Senate authorized the St. Lawrence Seaway on the condition and with the understanding that the seaway would pay for itself. Any proposal to have the Federal Government assume all or a part of the $178 million debt, thus permitting the seaway to forfeit its obligation, would constitute a breach of terms and have very serious implications indeed.

OIL POLLUTION SETTLEMENT

Mr. MUSKIE. Mr. President, as the conference between the Senate and the House approaches on the Water Quality Improvement Act of 1969 (S. 7 and H.R. 4148), I invite the attention of Members of both Houses of Congress to an article published today concerning the settlement of oil pollution claims arising from the *Torrey Canyon* disaster in 1967.

Although the Governments of France and England brought suits against the owners of the tanker for $22 million, the settlement was made in the amount of $7.2 million. As the article points out, Britain alone was estimated to have spent more than the amount of the settlement in clean up costs, and no estimate was available from France.

This settlement comes at an auspicious time, as our conference approaches and as the International Maritime Consultative Organization meets in Brussels to consider changes in international maritime law. I hope that both of these bodies will accept the principle which the Senate approved in passing S. 7 last month; that is, that the responsibility for cleanup of oil spill should not be borne by the public, but must instead be considered to be a risk of doing business.

I ask unanimous consent that the article, published in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRM PAYS TWO NATIONS $7.2 MILLION FOR TORREY CANYON'S OIL DAMAGE

LONDON, November 11.—The American owners of the oil tanker Torrey Canyon paid $7.2 million today to Britain and France in an out-of-court settlement for oil pollution claims filed after the giant ship ran aground off southwest England in March, 1967.

The payment, split evenly between the two nations, came from the Barracuda Tanker Corp. in Bermuda, a subsidiary of the Union Oil of California. The 119,000-ton vessel was under charter to Union Oil when it broke apart and spilled about 35 million gallons of crude oil.

The joint government announcement also said the owners had agreed to set aside another $60,000 to compensate any claims from persons not already reimbursed by the governments for their losses.

BIGGEST SETTLEMENT

British Attorney General Sir Elwyn Jones told the House of Commons it was "full and final settlement of the claims of the two governments." Lloyd's insurance brokers said they believed it was the biggest settlement in marine history for oil claims.

Britain virtually assured itself of legal satisfaction recently when it caught the Torrey Canyons sister ship, the Lake Palourde, in Singapore harbor when its captain put in for some minor supplies.

In order to gain the ship's release, the Barracuda firm was required to post a bond of $7.2 million—the precise amount of today's settlement.

$22 MILLION SOUGHT

In the aftermath of the Torrey Canyon spillage, the two governments sued the tanker owner for $22 million. But the owners claimed that under maritime law they were liable only for a certain value per ton of the ship's weight, which would have been $4.2 million.

In addition, there was a jurisdictional problem: the ship ran aground on the Seven Stones rocks off Land's End, which is British. But its cargo damaged 40 miles of French beach as well as 120 miles of English coastline.

In view of the "uncertainties, inevitable delays and expense of litigation, complex and unique points of law involved in proving liability, and finally the difficulty in qualifying and proving damages," Sir Elwyn told Parliament "this settlement is eminently fair and satisfactory to all parties."

Britain was estimated to have spent more than $7.2 million in 1967 to save beaches and wildlife from the oil. An estimated 50,000 sea birds perished and more than 25 million gallons of detergent were used to emulsify the crude oil so the beaches and birds could be cleaned. No French estimate was available.

The British also wanted the payment to cover the cost of the Royal Air Force bombing runs that finally destroyed the ship and sent it to the bottom. The ship reportedly was insured for $14 million.

Because the ship was registered in Liberia, a Liberian Board of Inquiry investigated and found Capt. Pastrengo Rugiati of Genoa, Italy, guilty of "a high degree of negligence." He is reportedly a broken man, his career and health shattered.

The settlement came while international lawyers are meeting in Brussels to consider revisions to maritime law covering oil tanker accidents.

The Union Oil Co. also faces claims involving an offshore rig in the Santa Barbara channel of California that leaked in January, creating an 800-square-mile oil slick that polluted more than 25 miles of coastline.

LEROY G. AUGENSTEIN

Mr. GRIFFIN. Mr. President, I invite attention to the unfortunate death of Dr. Leroy G. Augenstein, a personal friend and the distinguished chairman of the Biophysics Department at Michigan State University. He was killed Saturday, November 8, 1969, in the crash of his private plane.

Dr. Augenstein served ably and with imagination as a member of the State board of education.

His interests and pursuits were wide and varied. He was considered an expert in several fields of scientific endeavor. Regarded as a national authority in the field of genetics, he authored a book on the science of genetic manipulation entitled "Come Let Us Play God."

He had served as a research administrator for the Atomic Energy Commission. He was a national lecturer for the AEC, and was a consultant to the American Institute of Biological Sciences. He had served as science coordinator for the Seattle World's Fair.

Dr. Augenstein was also a theologian, serving as adjunct professor at the San Francisco Theological Seminary.

A devoted family man, he was a concerned, compassionate human being with a driving desire to improve the world in which we live.

His outstanding work touched the lives of millions who are living, and will serve generations yet unborn.

A great loss was suffered by his wife, Elizabeth, and their children, David and Kimberly. Mrs. Griffin joins me in extending to them our deepest sympathy.

Mr. President, I ask unanimous consent to have printed in the RECORD newspaper articles reporting the death of Dr. Augenstein.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Detroit (Mich.) News, Nov. 10, 1969]

AUGENSTEIN RITES SLATED—VICTIM OF CHARLOTTE AIR CRASH

EAST LANSING.—Funeral services for Dr. Leroy G. Augenstein, State Board of Education member and a nationally known scientist and lay theologian, will be held at 2 p.m. tomorrow in the Peoples Church in East Lansing.

Dr. Augenstein, 41, chairman of the biophysics department at Michigan State University, was killed Saturday when his twin-engine plane crashed in the fog about two miles from Beech Airport at Charlotte, Mich.

Dr. Augenstein was returning home from Richmond, Ind., where he had given a speech Friday night at Earlham College.

He vanished after checking area landing conditions at 12:24 a.m. Saturday.

Eaton County sheriff's deputies found Dr. Augenstein's body and the wreckage of the plane about 8 p.m. Saturday, ending a 20-hour search by Civil Air Patrol volunteers and friends of Dr. Augenstein.

Sheriff Elwyn Smith said the apparent angle of the aircraft where it crashed indicated Dr. Augenstein may have lost his way in fog and low clouds and veered away from the airport. His plane was not equipped for instrument landings.

William Walbeck, president of the Eaton Flying Service at the Charlotte airfield, said Dr. Augenstein had complained to him on Friday of a defective gyroscope in the plane. Walbeck said the defect could lead to a pilot becoming disoriented on his directions during fog or clouds.

Dr. Augenstein, prominent in Republican politics, was elected to the State Board of Education in 1966. He campaigned for the GOP Senate-nomination in 1966 until the party picked Senator Robert P. Griffin, who had been named by Gov. George Romney to the seat vacated by the death of Patrick McNamara.

Dr. Augenstein had been expected to try again in 1970 for the GOP nomination for the Senate.

Gov. William Milliken said Dr. Augenstein's death "stills a vital voice. It is particularly tragic that his death occurred so early in an already outstanding career."

The governor said that Dr. Augenstein "embodied in that career the best tradition of public service—working in the public interest with energy, imagination and determination."

Dr. Augenstein's term on the State Board of Education was to run until the end of 1974. The law states that the governor is to fill any vacancy on the board by appointment.

The MSU professor's death leaves only one Republican on the eight-member board, James O'Neil, of Livonia.

The state board was to meet tomorrow and Wednesday in East Lansing. The meetings have been canceled as a measure of respect for Dr. Augenstein, officials announced.

Dr. Ira Polley, former superintendent of public instructions, said Dr. Augenstein's life "was characterized by excellence, high ethical values and ceaseless efforts to achieve a better life for all."

Dr. Walter Adams, acting president of Michigan State University, said Dr. Augenstein "lived an active and exciting life, combining a fervid interest in education and politics."

"Both as a faculty member at Michigan State and a member of the State Board of Education, he worked untiringly for what he believed to be the public good," Adams said.

* * * * *

He also was known as a lay adjunct professor at the San Francisco Theological Seminary.

In 1968 he said he received 1,200 requests for speaking engagements and estimated he was able to accept an astounding 500 during the year after he bought his 1955 Piper Apache to help whisk him about the state and nation.

Before 1962, when he joined MSU to become chairman of the biophysics department, he led research projects in biology at Brookhaven National Laboratories on Long Island, N.Y., and served with the Atomic Energy Commission in Washington.

Dr. Augenstein received his Ph.D. from the University of Illinois in 1956 after earning a master's degree at the University of Chicago.

He was a member of the People's church, where his funeral services will be held. Dr. Wallace Robertson, pastor of the church, will officiate.

Dr. Augenstein's family will receive friends in the church parlor following the service tomorrow.

There will be a private burial service Wednesday in Evergreen Cemetery near Lansing.

The body will lie in state at Gorsline-Runciman Funeral Home in East Lansing today. Friends may call between 2 p.m. and 4 p.m. and 7 p.m. and 9 p.m.

He is survived by his wife, Elizabeth; a son, David Leroy; a daughter, Kimberly Beth; his parents, Mr. and Mrs. Roy H. Augenstein, of Decatur, Ill., and a brother David, also of Decatur.

Michigan State University announced it has established the Leroy G. Augenstein Memorial Scholarship Fund and that donations may be made directly to the university.

[From the Grand Rapids (Mich.) Press, Nov. 10, 1969]

TRIBUTES SWELL FOR AUGENSTEIN

CHARLOTTE.—Politician-scholar Dr. Leroy G. Augenstein, killed early Saturday when his private plane crashed near here in heavy fog, will be buried at East Lansing Wednesday, a Michigan State University spokesman reported.

Augenstein, 41, a member of the State Board of Education and possible candidate for the U.S. Senate next year, had been returning home from a dinner speech at Earlham College in Richmond, Ind., when his twin-engine Piper Apache missed a landing here and smashed into a stump in a marshy area about two miles from the airport.

Funeral services were scheduled Tuesday at Peoples Church, East Lansing. A Leroy G. Augenstein Memorial Scholarship Fund has been established.

The biophysicist was flying alone in the plane. He did not have an instrument rating, although he had been flying about three years.

Kenneth Briggs, a farmer, discovered the wreckage some 18 hours after Augenstein was scheduled to have returned to the Charlotte airfield.

Sheriff Elwyn Smith of Eaton County said the apparent angle of the aircraft where it crashed indicated Augenstein may have lost his way in fog and low clouds and veered away from the airport.

Gov. William G. Milliken, like Augenstein, a Republican, said Augenstein "pursued public service with warmth, wisdom and compassion." Dr. Walter Adams, acting president of MSU, said he "lived an active and exciting life, combining a fervid interest in education and politics."

Dr. Peter Oppewall, president of the State Board of Education, and acting superintendent Dr. John Porter said Augenstein "personified the questing mind of the scientist together with a compassionate concern for people." Former superintendent Dr. Ira Polley said his life "was characterized by excellence, high ethical values, and ceaseless efforts to achieve a better life for all people."

James F. O'Neill, treasurer of the State Board of Education, canceled a scheduled Monday news conference "out of respect for my fallen colleague."

"Society is a better place because of Leroy Augenstein and those associated with him are better people as a result of having known and worked with Leroy Augenstein," O'Neil said.

There had been speculation O'Neil would announce his intentions of running for U.S. Senator against Philip Hart at the news conference.

A biophysicist with a wide reputation in the fields of genetics and brain function, he was the author of "Come Let Us Play God," a study of genetic manipulation. When astronauts reached the moon last summer, Augenstein gained national attention by protesting the precautions taken to prevent contamination from whatever might be found on the moon.

He also was known as a lay theologian and had served as adjunct professor at the San Francisco Theological Seminary.

In 1968 he said he received 1,200 requests for speaking engagements and estimated he was able to accept an astounding 500 during the year. It was in 1968 that he bought his 1955 Piper Apache to help whisk him about the state and nation.

Before 1962, when he joined MSU to become chairman of the Biophysics Department, he led research projects in biology at Brookhaven National Laboratories on Long Island, N.Y., and served with the Atomic Energy Commission in Washington.

Augenstein received his Ph.D. from the University of Illinois in 1956 after earning a master's degree at the University of Chicago.

He was elected to the State Board of Education in 1966. He campaigned for the GOP Senate nomination in 1966 until the party picked then-Rep. Robert P. Griffin to head off a primary battle. Augenstein had been expected to challenge Sen. Philip A. Hart, D-Mich., next year.

He is survived by his widow, Elizabeth; a son, David Leroy, 4; a daughter, Kimberly Beth, 1; his parents, Mr. and Mrs. Roy H. Augenstein of Decatur, Ill., and a brother, David, also of Decatur.

VETERANS DAY REMARKS BY THE HONORABLE DON E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. DOLE. Mr. President, many speeches were given yesterday to honor our veterans. One of the most thoughtful was that delivered by the Honorable Don E. Johnson, Administrator of Veterans' Affairs, at Arlington National Cemetery. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF DON E. JOHNSON

President Nixon has given me the high honor of representing him at this Veterans Day National Ceremony.

President Nixon's Veterans Day proclamation . . . and the separate Veterans Day message which he sent to all of our hospitalized veterans . . . bespeak more eloquently than any words of mine his great esteem for America's veterans . . . his constant concern for their welfare . . . and his firm resolve that their government shall care for them and for their widow and their orphan.

I do not bring you President Nixon's message. And I do not presume to speak for him. However, I do know how dedicated he is to the task of achieving the theme of Veterans Day 1969 . . . peace with honor.

And we all know of his fervent hope for the understanding, the support, and the prayers of the American people.

Thus . . . as we pause today to remember . . . and to thank America's veterans of all wars for their service and sacrifice that all of us might live in freedom . . . let us ask ourselves:

What can we do . . . we citizens, Americans all . . . what can we do to help achieve peace with honor?

We can begin by recognizing the truth.

No American can quarrel with the noble and eternal goal of peace with honor.

But some of our people disagree today over the means . . . the strategy, if you like . . . of achieving this goal in Vietnam.

To those who may think . . . or would have others think . . . that they alone understand and abhor the suffering and savagery of war . . . to them I say now that they do an injustice to America's 40 million veterans, living and dead.

And they deceive themselves.

For America's veterans . . . there has never been a "popular" war . . . nor a cause for which they eagerly sought to die.

Our honored war dead desired and deserved to live just as much as any citizen of our nation.

And our disabled veterans would welcome moratorium in the pain and illness and injuries they now endure.

But they answered freedom's call because they understood freedom's cost.

In his inaugural address . . . President Nixon said that the greatest honor history can bestow is the title of peacemaker.

He is right.

However, on this day when we recognize and applaud honor and courage and duty . . . as exemplified by our veterans . . . on this day I would call the attention of all Americans to an inspiring inscription.

It is engraved on the Confederate War Memorial a short distance from this amphitheater in Arlington National Cemetery.

> "Not for fame or reward
> Not for place for for rank
> Not lured by ambition
> Or goaded by necessity
> But in simple obedience to duty
> As they understood it
> These men suffered all
> Sacrificed all
> Dared all
> And died."

We, the living, also have a duty.

A duty to unify America. A duty to bring together our great and good people.

The unity that has always been the bedrock of America needs expression today more than at any time in the past century.

Not as a facade . . . but as the firm foundation for the future America of freedom and opportunity and justice which we must build for ourselves and for our posterity.

As we build this future . . . on a foundation of unity . . . not unanimity . . . in our land . . . our citizens. Americans all, can learn from the veterans we honor today.

In battle . . . our veterans freely admitted the toughness of their enemy.

But they summoned forth the courage to attack him.

And they gained the confidence to defeat him.

We, too, need candor and courage and confidence.

Candor to admit the toughness of the problems we face at home and abroad.

Courage to do the difficult, to bear the costs . . . in understanding and fortitude as well as in money . . . demanded by these problems.

And confidence that peace will be won . . . and the wrongs that make us a less perfect union will be righted . . . if we but carry on.

It is precisely because America's veterans have demonstrated their love of our country . . . their understanding of the cost of freedom . . . and their leadership as responsible citizens . . . that we can use this day set aside to honor them to call for a new depth . . a new era . . . of unity.

Unity to save the America for which they have sacrificed so much . . . and which they have served . . . and still serve . . . so well.

Our veterans need no spokesman. For nearly two centuries . . . their valor has been their valedictory.

But it is gratifying . . . indeed inspiring . . . to note that today . . . in Veterans Day ceremonies throughout our land . . .

thousands of Americans are speaking up . . . proudly proclaiming their unashamed love of America . . . and urging the overwhelming silent majority of their fellow-Americans to join them in this declaration of love for . . . and faith in . . . our great country.

I believe sincerely that our honored war dead . . . to whom we pay special tribute today . . . would approve of this use of their "DAY."

The America they felt was worth fighting for is not a perfect America.

But only a united America can win the peace for which we all yearn . . . and for which we should all pray.

Only a united people will have the will and strength and the determination to curb inflation . . . combat crime . . cleanse our water and our air . . . alleviate poverty . . . end discrimination . . . train the undereducated . . . . provide meaningful work for the underemployed . . . and cure the other ills that beset us.

On this Veterans Day, then, let us pledge and let us act to make our beloved country . . . in fact as well as in name . . . the *United* States of America.

To succeed in this difficult but vital task will be to insure that no veteran shall have served in vain.

FAILURE OF AUTOMOBILE AND TIRE EQUIPMENT

Mr. NELSON. Mr. President, the National Highway Safety Bureau on November 10, 1969, disclosed that compliance testing in the last several months indicated a failure rate of about 10 percent of automobile and tire equipment. This rate will continue to undermine the confidence of the consumer in the manufacturing process of the automotive and tire industries.

I commend the National Highway Safety Bureau for its efforts to enforce the Federal tire safety standards. Constant vigilance is the price of insuring that the tire industry meets minimum standards. The tire industry, as the Wall Street Journal article I am submitting indicates, has made notable adjustments to the mandatory standards and is categorically not dragging its feet in the matter. Nevertheless, testing and production procedures by the tire industry are in need of notable improvement before an equitable balance is struck between public and private interests.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 11, 1969]

UNIROYAL TOLD TIRES FAILED SAFETY TESTS; UNITED STATES SEEKING PENALTIES—OTHER MAKERS MAY BE ACCUSED; BUREAU BEGINS RELEASING DATA ON AUTO, TIRE STANDARDS TRIALS

WASHINGTON.—The Transportation Department is seeking penalties against Uniroyal Inc. for alleged violation of the 1966 Federal auto and tire safety laws, and is considering whether to do the same to some other unnamed tire makers.

The department, on Friday, mailed a letter to Uniroyal, asking the tire maker to show cause why the Government shouldn't seek civil penalties for the alleged violations, David Wells, chief counsel for the department's Federal Highway Administration, said after a press conference here.

In New York, a Uniroyal official said the company couldn't "comment meaningfully" on its "alleged failure" to meet Federal tire safety standards because the Transportation Department's letter hadn't yet arrived. But he added that Uniroyal "believes that it has complied fully with the law."

At the press conference, officials of the National Highway Safety Bureau disclosed that three Ford Motor Co. cars, one General Motors Corp. car and a Checker Motors Corp. car, all 1968 models, had failed Government-financed tests run by outside contractors, involving seat-belt and other standards. The Bureau is a unit of the Highway Administration.

One Ford case and the Checker case have been closed, however, because of testing or standards technicalities, while the other cases are still under evaluation. All five involved the first test run on the vehicles.

The five failures were among 91 reports released by the Safety Bureau, dealing with tests to gauge compliance with Government standards under the 1966 law. The other 86 reports dealt with both failing and passing tires produced by General Tire & Rubber Co. and Mohawk Rubber Co.

The bureau also said all compliance testing from the program's start in May 1968 through September 1969 showed that vehicles, or car and tire equipment failed tests about 10% of the time. The tests dealt with such standards as tire performance, brake systems, seat belts, brake hoses and door latches.

The failures in the General Tire and Mohawk tests led to previously announced out-of-court settlements in the Government's first move toward civil penalties under the 1966 law. General Tire recently agreed to pay $50,000 in settlement of the tire-safety violation charges and Mohawk settled for $25,000. In a separate part of that civil-penalty move, Italy's Fiat Motor Co. agreed to settle for $15,000 on charges that rear-view mirrors on some 1968 Fiats violated Federal safety standards.

The alleged Uniroyal violations involve the Bonanza line of tires made by Uniroyal for Mohawk, and Uniroyal's own Laredo and Tiger Paw tire lines.

Mr. Wells said that in tests of the Bonanza line, one of 21 tires first tested failed to meet Government standards, and five of 49 failed in a second test. Three of 84 Laredo tire tests produced failures, then 46 of 100. Initial Tiger Paw failures totaled four of 48 tests, with subsequent testing turning up seven failures out of 42 trials.

In the past 30 days, the Safety Bureau has handed the Highway Administration 12 tire-test cases for possible action, Mr. Wells said. Three involve the Uniroyal tires, he said, and three were closed as being insignificant. Another three are likely to be closed, he said, but penalty-action may be decided on for remaining three in the next 10 days.

During the press conference, Mr. Wells mentioned the show-cause action against Uniroyal without naming the company; he was responding to charges made over the weekend by auto critic Ralph Nader that Mr. Wells has delayed in taking legal action against tire manufacturers, despite test failures of many tires.

Government tire tests deal with minimum requirements for endurance, strength, dimensions and high-speed performance. Under the 1966 law, violators of standards can be subjected to civil penalties of up to $1,000 for each violation, or a maximum of $400,000 for a related series of violations.

The 91 initial compliance-test reports are the first released by the Safety Bureau under a new policy of making public the results of all tests administered by outside contractors. The Transportation Department recently announced the new policy after coming under pressure from Congressional committees to drop its previous stance of secrecy.

They said the Government currently is investigating 70 cases of possible nonconformance, arising from compliance-test failures, accident reports, letters from vehicle owners or consumer magazine articles. The 91 reports are the first in a backlog of 800; the next group of 150 to 200 will be released in two weeks, Robert Brenner, acting bureau director, told newamen.

The five 1968-model vehicle test failures were a Ford Mercury Cyclone hardtop, which failed a seat-anchorage test; a Mercury Colony Park, a Ford Mustang hardtop and a GM Chevy II Nova, all of which failed seat-belt assembly anchorage tests and a Checker Marathon sedan, which failed a fuel-tank test.

The Mustang seat-belt case was closed because of "ambiguities" in the standard, Mr. Brenner said. The Checker fuel-tank case was closed because the car was driven at 31.6 miles per hour, while the Federal standard requires adequate performance at 30 miles an hour. Safety Bureau officials said that the Checker fuel-tank connections ruptured during the test and spilled gasoline onto the road, but added that Checker has corrected the problem.

SUBCOMMITTEE ON INDIAN EDUCATION—FINAL REPORT

Mr. KENNEDY. Mr. President, today the final report of the Senate Subcommittee on Indian Education was made public. For more than 2 years the members of this subcommittee have been gaging how well American Indians are educated. We have traveled to all parts of the country, including Alaska; we have visited Indians in their homes and in their schools; we have listened to Indians, to Government officials, and to experts; and we have looked closely into every aspect of the educational opportunities this Nation offers its Indian citizens.

We are shocked at what we discovered.

Others before us were shocked. They recommended and made changes. Others after us will likely be shocked, too—despite our recommendations and efforts at reform. For there is so much to do—wrongs to right, omissions to fill, untruths to correct—that our own recommendations, concerned as they are with education alone, need supplementation with other recommendations covering all aspects of Indian life.

We have developed page after page of statistics. These cold figures mark a stain on our national conscience, a stain which has spread slowly for hundreds of years. They tell a story, to be sure.

Let me cite just a few of these statistics:

Drop-out rates are twice the national average in both public and Federal schools. Some school districts have drop-out rates approaching 100 percent;

Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school;

The BIA spends only $18 per year per child on textbooks and supplies, compared to a national average of $40;

Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent;

Only 3 percent of Indian students who enroll in college graduate; the national average is 32 percent;

There is one Bureau of Indian Affairs employee for every 18 Indians;

If the BIA budget were divided up

among the Indian families, it would raise the average Indian family income from about $1,500 to about $5,500.

But these statistics cannot tell the whole story. They cannot, for example, tell of the despair, the frustration, the hopelessness, the poignancy, of children who want to learn but are not taught; of adults who try to read but have no one to teach them; of families which want to stay together but are forced apart; or of 9-year-old children who want neighborhood schools but are sent thousands of miles away to remote and alien boarding schools.

We have seen what these conditions do to Indian children and Indian families. The sights are not pleasant.

We have concluded that our national policies for educating American Indians are a failure of major proportions. They have not offered Indian children—either in years past or today—an educational opportunity anywhere near equal to that offered the great bulk of American children. Past generations of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, renew our commitments, and reinvest our efforts with new energy.

It is this latter course that the subcommittee chooses. We have made 60 separate recommendations. If they are all carried into force and effect, then we believe that all American Indians, children and adults, will have the unfettered opportunity to grow to their full potential. Decent education has been denied Indians in the past, and they have fallen far short of matching their promise with performance. But this need not always be so. Creative, imaginative, and above all, relevant educational experiences can blot the stain on our national conscience. This is the challenge the subcommittee believes faces our own generation of lawmakers, administrators and private citizens alike.

It is heartening that all the members of the subcommittee share this view, and have done so under the chairmanship of Senator Robert F. Kennedy, Senator Wayne Morse, Senator RALPH YARBOROUGH, and myself—all of whom have served as chairman at various times during the subcommittee's existence. Of particular importance in the development of this report were subcommittee members, Senator WALTER MONDALE and Senator PETER DOMINICK, the ranking minority Member. Both of them come from States with appreciable Indian populations, and both contributed their knowledge and experience to our deliberations.

We reacted to our findings by making a long series of specific recommendations. These recommendations embrace legislative changes; administrative changes; policy changes; structural changes—all of which are geared to making Indian education programs into models of excellence, not of bureaucratic calcification.

We have recommended that the Nation adopt as national policy a commitment to achieving educational excellence for American Indians. We have recommended that the Nation adopt as national goals a series of specific objectives relating to educational opportunities for American Indians. Taken together, this policy and these goals are a framework for a program of action. Clearly, this action program needs legislative and executive support if it is to meet its promise. Most of all, however, it needs dedicated and imaginative management by those Federal officials, and State and local officials as well, who have the principal responsibilities for educating American Indians.

One theme running through all our recommendations is increased Indian participation and control of their own education programs. For far too long, the nation has paid only token heed to the notion that Indians should have a strong voice in their own destiny. We have made a number of recommendations to correct this historic paternalism.

We have recommended programs to meet special, unmet needs in the Indian education field. Culturally-sensitive curriculum materials, for example, are seriously lacking; so are bi-lingual education efforts. Little educational material is available to Indians concerning nutrition and alcoholism. We have developed proposals in all these fields, and made strong recommendations to rectify their presently unacceptable status.

The scope of this subcommittee's work was limited by its authorizing resolution to education. But as we traveled, and listened, and saw, we learned that education cannot be isolated from the other aspects of Indian life. These aspects, too, have much room for improvement. This lies in part behind the recommendation for a Senate Select Committee on the Human Needs of American Indians. Economic development, job training, legal representation in water rights and oil lease matters—these are only a few of the correlative problems sorely in need of attention.

It also lies behind the recommendation for a White House Conference on American Indian Affairs, to be planned and run by the Indians themselves. It is time the Nation heard the Indians talk, and talk from a position of high national attention. No longer should we sweep this national disgrace under the rug.

Mr. President, let me say that this report is a strong indictment of the way we have, as a nation, treated the 600,000 American Indians who live in the United States. It traces a history of promises made, then broken; of good intentions developing, then falling idle; of hopes raised, then dashed; and of spirits of trust building, then breaching. It pictures a national failure of major proportion.

This is why we view it as a national challenge.

Mr. President, last week the Citizen's Advocate Center of Washington released a volume entitled "Our Brother's Keeper," analyzing Federal Indian policy and the implementation of that policy by the Bureau of Indian Affairs. I commend this book to all who are interested in the Indians' view of the programs affecting them, as it is the product of an American Indian Task Force called together by the Center and reflects the sensitivities of the Indians to their problems, viewed from a grassroots level.

This week the Indian Task Force came to Washington to discuss with Senators and Congressmen and representatives of the administration a number of issues and problems raised by the book and of pressing concern to the Indians and Alaskan natives. On Monday the Task Force met with the Vice President and White House staff, and on Wednesday with Congressmen and congressional staffs. I ask unanimous consent that the statements released by the Task Force on these two occasions including the names and addresses of the Task Force be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TASK FORCE'S STATEMENT PRESENTED TO VICE PRESIDENT SPIRO AGNEW AND WHITE HOUSE STAFF, MONDAY, NOV. 10, 1969

We speak as Indians who care about what has happened to our people. We speak out because every individual must and there must be some who are willing to start a process. We do not view ourselves as "chosen leaders" or an "Indian elite", though we come from various backgrounds and diverse tribes. But we do claim to be a cross-section of concerned non-establishment Indians.

We came together initially to assist in providing information for the book "Our Brother's Keeper" and to state whether, within our own personal knowledge it spoke the truth.

The national concern aroused by "Our Brother's Keeper" cannot be allowed to dissipate. One of the main points made by this book is that, unlike most Americans, the Indians have little or no forum for redress of grievances and wrongs committed against them. The Task Force believes that there must be a direct channel of communication so that Indian voices are not lost in the Bureau of Indian Affairs, the Department of Interior, the Bureau of the Budget, Congressional Committees, or other parts of the bureaucratic and political maze in which Indians are now trapped. We are, therefore, proposing a process which could provide a way in which Indians could speak directly to the government of the United States, both to seek a redress of grievances and to initiate and shape Indian policy.

The Task Force has always and consistently been opposed to the idea of becoming another Indian organization. The membership has remained open and fluid. The length of time the Task Force will be in existence is limited in duration and consistent with this thought, that it views its objective to serve as a catalyst in beginning a process of dialogue for American Indians, and by American Indians, to have real input into the national decisions that affect our collective fates and national reality. We do not intend to supplant Indian organizations. We want this catalyst to be limited in scope of time to some definite period. We want the idea of an Indian controlled process to be one that transcends the limitations of various organizational agendas and is open to all. Today provides a forum to begin this process.

The Task Force proposes that a process of dialogue be initiated in all areas which shall coincide with the eleven area offices of the Bureau of Indian Affairs.

Each of these eleven areas is partially represented by individual members of the Task Force but it would be the responsibility of the entire Task Force, working with others, to expand in each area to insure that it included a broad spectrum of representation from numerous tribes, tribal chairmen, local organizations, individual spokesmen involved in issues, and representatives of urban Indians from cities within each area. Thus, the Task Force will establish separate and broadly representative Boards of Inquiry which would conduct hearings, receive grievances, and generate recommendations in the manner set forth below.

1. That a working meeting of the Task Force, with NCIO, be convened to determine the best way to present the idea of conferences and hearings.

2. That further area conferences be held to explain the need to begin the hearing process with each area's representatives to the Task Force and NCIO to discuss ways to expand the concept and lay groundwork for the hearings.

3. That there be hearings in each of the eleven areas—these hearings are to take testimony in open meetings from groups, tribes, and individuals about the needs and situations of the various people and to call for specific recommendations from the people. We urge federal agencies to attend the hearings as observers.

A. After the hearings, there will be continued input into the process through complaint and evaluation process by having a local center or person to take complaints in each local community. A "circuit rider" is to be hired by the local Board of Inquiry who will take the complaints and make recommendations about solutions.

B. Red ribbon "grand juries," composed entirely of Indians, should be convened in order to investigate and report upon deprivations of rights, charges of inaction or unresponsiveness by officials, lack of effectiveness of educational, health and other services—and that where the facts appear to warrant it, the red ribbon "grand jury" shall not only come forward with findings of fact, but should also, by prior arrangement with the U.S. Attorney, present an "indictment" which the U.S. Attorney, or (in the event of conflict of interest) a lawyer provided by the government shall be called upon to investigate such charges and represent Indians in such a manner as to protect their rights and make government programs genuinely responsive to the desires and needs of Indians.

4. The Boards of Inquiry in the eleven areas are to meet again to evaluate the first round of hearings, include the continuing complaints, consider the circuit rider's findings, and take recommendation from another round of testimony to deal particularly with proposals and recommendations.

5. From each of the hearings and Boards of Inquiry, there is to be a National Board of Inquiry, composed of three members from each of the eleven areas to meet and make national recommendations. These members are to be chosen by an elective process by Indians. Finally the entire process will result in the creation of a permanent ongoing local watchdog on bureaucratic programs.

We make this proposal because as Indians, we choose to go beyond talking about process and dialogue and consultation and to try to think through what would be a process that would be honest and would give Indians a genuine opportunity to be heard, to seek a redress of grievances and to take the initiative in shaping government policy.

We propose that the Task Force, supplemented by additional Indians from additional tribes and organizations, form a core of a group which would contract to implement this proposal. We believe that the time has come, not only for Indians to be consulted, but for them to design and implement a process of consultation whereby they can speak out their own grievances as they know them, articulate their problems, shape proposals, draft recommendations, circulate proposed legislative or administrative action for widespread discussion among Indian peoples. We believe that such functions should be performed by Indians—that there is no question here as to whether qualified Indians exist when this proposal has come from Indians—and we believe there is a clear statutory duty to contract this function to Indians under 36 Stat. L. 861. We submit that this is not only desirable—but that it would be a major symbolic break with the past practice where no Indians have been the ones paid to become Indian experts, while Indians served as volunteer educators for non-Indians.

We do not come here to blame this administration for the failures of the past—it is our hope that by implementing a listening process, that another group like this, in some future time, will not be needed because this administration failed to hear the Indian peoples.

Press Statement to Congress Made by American Indian Task Force, November 12, 1969

I

We, the first Americans, come to the Congress of the United States that you give us the chance to try to solve what you call the Indian problem. You have had two hundred years and you have not succeeded by your standards. It is clear that you have not succeeded in ours.

On Monday, we asked the Vice President of the United States to set into motion a process which would insure that our people could secure redress of grievances and could shape the government programs that affect and control their lives.

We know that a request to the Executive Branch—even if heeded—is not sufficient. We know that there are three branches—the Executive, the Legislative, and the Judiciary.

We come here today to ask you to do three things:

1. To serve as watchdog on the Executive Branch;

2. To facilitate—and certainly, not to bar—our access to the judicial branch; and

3. To use your legislative powers to make it possible for Indians to shape their own lives and control their own destinies.

We have asked the Vice President of the United States for Indian boards of inquiries which would hold hearings throughout the areas where Indians live, for area conferences, for red ribbon grand juries, for circuit riders to take complaints and for a National Board of Inquiry to meet and make national recommendations based upon the complaints and recommendations received on the grass roots level.

And we ask you to help us see that the process we proposed to the Vice President somehow becomes a reality. We hope that he will be willing to do it on his own. But we ask you, as the representatives of the people of the United States to serve as our representatives too—to help us see that assurances do not become empty promises. And, if necessary, to enact legislation which will create such a process where Indians can really shape government policy and control their own lives and destinies if that is not done by the Executive Branch.

II

We come to you with a sense of impending betrayal at a moment when we wish to seek redress of grievances to ask you to broaden our access to the courts to protect the rights guaranteed us by your treaties and statutes. And we find, with a sense of sorrow, and impending doom, that instead, the Congress of the United States is on the verge of passing an Amendment to the Economic Opportunity Act which would effectively diminish the slight access to the courts we have gained in recent years through the advent of the OEO Legal Service Program. And, it is an even greater irony that we find this to be the case when the Governor's veto in at least one state has already killed a legal service program for Indians. What right do the Governors have to interfere with what goes on on the reservation. What right do state governors have to interfere with the solemn promises made to us by the federal government in statutes and treaties which can only be enforced by resort to the courts. What right do you, or any generation of Americans, have to rip up the solemn promises of the past—promises made to us both by the Constitution and by the President of a nation which still holds and enjoys the land received in exchange for those treaties. There are none among you who would suggest that rights—and above all the right to petition one's government—can have any meaning at all without lawyers and without access to the forum where the people traditionally petition their government.

III

We come to you today to ask that you set your own house in order. We say that until the congressional committees which control nearly all Indian legislation cease to be hostile to the interests of the Indian, that we have been deprived of one of the three branches of what we have been repeatedly told is our government as well as yours.

The present committees have pushed for termination, and have fostered on Congress seemingly neutral and technical legislation, under the guise of Indian expertise, which has taken away our land, our water rights, our mineral resources and handed them over to the white man.

You have been duped—as we have been duped. These committees have created a monstrous bureaucracy insensitive to Indians which trembles and cringes before them. The Indian suffers—and the nation pays the bill. Nothing will change so long as this unholy alliance exists between the BIA and these Congressional Committees.

On Monday we asked the Vice President to seek a new arrangement within the Executive Branch of Government—one which will bypass those channels which are hostile and insensitive to our interests. We asked him to set in motion a process by which our voices could be heard on our needs within the Executive Branch of Government.

Today, we come to seek a new arrangement with the Congress. We have come to seek a change in the committees that deal in Indian affairs. We ask that the committees of Congress not be dominated by interests which are hostile to our own survival. We ask that these committees act as a watchdog on federal programs which are passed especially for our benefit but which do not in fact benefit us because of the way the BIA runs them. And, we ask that these committees insure that we get our fair share of general legislation passed to help all citizens—highway legislation, health legislation, education legislation, economic development legislation. We do not get our fair share of these programs now. And we do not have any means to seek redress when the very programs that are passed to help us in fact are used as means to enslave and oppress us.

We come here today to remind you that you are not just the representatives of local districts or of states. You are members of the Congress of the United States. You have national obligations. We know you are highly conscious of your national obligations when you deliberate on such problems as the war in Vietnam. We know that you have even taken those obligations seriously enough to go to Vietnam in order to personally inform yourself on how the Executive carries out the commitments of the United States.

We ask that you do no less at home—for the United States has made older and more sacred national commitments to the people who have occupied these shores for twenty-five thousand years. The United States has made national commitments in the form of treaties, legislation and the Constitution, itself, to our peoples. We ask you to come to our homes—in the cities and on the reservations. We ask that you seek with equal vigilance to determine whether national commitments have been kept to us. Guided tours by bureaucrats will only serve to hamper you in your search for truth.

You, the Congress of the United States, are being asked to come to see how we really live and to try to understand the values, the culture and the way of life we are fighting to preserve—an American way of life. A way of life which we believe is built upon respect for differences, a tolerance of diversity.

We cannot come to Washington. We are not rich. And we cannot afford the high price of democracy.

In essence, we ask the restoration of what you claimed at the founding of your nation—the inalienable right to pursue happiness. We cannot fail worse than the experts and the bureaucrats. We do not lack for knowledge—and we are not ashamed to hire experts and technicians. But our people do not lack for leaders, for sensitivity, for talent and ability. We ask for the right to pursue our dream—and we ask for you to respect that dream. That is the American way. We claim our birthright.

CITIZENS ADVOCATE CENTER

INDIAN TASK FORCE

D. J. Banks, 1315 E. Franklin Street, Minneapolis, Minnesota 55404.

Thomas Banyacya, Sr., P.O. Box 112, Oraibi, Arizona 86039.

John Belindo, Executive Director, National Congress of American Indians, 1346 Connecticut Avenue, N.W., Room 1010, Washington, D.C. 20036.

Paul Bernal, Taos Pueblo, Taos, New Mexico.

H. Miles Brandon, 1535 Nelchina Street, Anchorage, Alaska.

E. Ray Briggs, 814 Lemmon Avenue, Rapid City, South Dakota.

Wendell Chino, Tribal Chairman, Mescalero Apache Tribe, Mescalero, New Mexico (former President, NCAI).

Mary Cornelius, Little Shell Tribe, Belcourt, North Dakota.

Mrs. Lucy Covington, P.O. Box 451, Nespelem, Washington.

Mrs. Rose Crow Flies High, New Town, North Dakota, 701-627-4878.

Kesley Edmo, Box 138, Fort Hall, Idaho.

Al Elgin, Intertribal Friendship House, 523 East 14th Street, Oakland, California 94606.

Mrs. Martha Grass, Route 1, Marland, Oklahoma 74044.

George Groundhog, Tahlequah, Oklahoma.

Mrs. Viola Hatch, P.O. Box 448, Canton, Oklahoma 73724.

Ted Holappa, P.O. Box 248, Skanee Road, L'Anse, Michigan.

Johnson Holy Rock, Oglala Sioux Tribe, P.O. Box 425, Pine Ridge, South Dakota.

Simon Howard, P.O. Box 42, Cass Lake, Minnesota.

Roger A. Jourdain, Red Lake Band of Chippewa Indians, Red Lake, Minnesota.

Archie J. LaCoote, Princeton, Maine.

Angelo LaMere, Great Lakes Intertribal Council, Community Action Program, Bowler, Wisconsin.

Charles H. Lohah, P.O. Box 141, Hominy, Oklahoma 74035.

Janet McCloud, Route 1, Box 709, Yelm, Washington 98597.

Peter MacDonald, Executive Director, Office of Navajo Economic Opportunity, Fort Defiance, New Mexico.

Dr. Taylor McKenzie, Shiprock, New Mexico.

Francis McKinley, 344 East Palmcroft Drive, Tempe, Arizona.

D'Arcy McNickle, 508-4545 Rae Street, Regina, Saskatchewan, Canada.

Cipriano Manuel, 1115 South Lebanon Street, Tempe, Arizona.

Mrs. Margaret Nick, P.O. Box 432, Bethel, Alaska.

Earl Old Person, Chairman, Blackfeet Tribal Council, President—NCAI, Blackfeet Indian Reservation, Browning, Montana.

William Pensoneau, 802 South Sixth Street, Ponca City, Oklahoma 74601.

David Risling, 1349 Crawford Road, Modesto, California.

Douglas L. Sakiestewa, Bureau of Indian Affairs, 5301 Central Avenue N.E., P.O. Box 8327, Albuquerque, New Mexico 87108.

Bernard Second, Mescalero Apache, General Delivery, Mescalero, New Mexico.

Jess Six Killer, American Indians—United, 1630 West Wilson Street, Chicago, Illinois.

Ernie Stevens, Intertribal Council of California, 2015 J Street, Suite 18 A, Sacramento, California.

Seferino Tenerio, 1901 Las Lomas, University of New Mexico, Albuquerque, New Mexico.

Cato Valandra, Rosebud Sioux, St. Francis, South Dakota.

James Vidovich, Chairman, Pyramid Lake Paiute Tribe, Nixon, Nevada.

James Wahpepah, P.O. Box 214, McLoud, Oklahoma 74851.

Monroe M. Weso, Keshina, Wisconsin.

Peterson Zah, DNA Legal Services, Window Rock, Arizona.

SUPPORT BUILDS FOR RATIFICATION OF HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, recently I received from the Milwaukee chapter of the Federal Bar Association a letter supporting the ratification of the three human rights conventions covering genocide, forced labor, and the political rights of women. The suppport of the Milwaukee chapter is most welcome and is now added to the growing number of groups and individuals favoring ratification of these treaties.

Mr. President, we cannot afford to ignore these treaties any longer. I ask unanimous consent that the text of the Milwaukee chapter's resolution be printed in the RECORD. The time for action on these treaties is now. Let us begin working toward ratification immediately.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE FEDERAL BAR ASSOCIATION,
MILWAUKEE CHAPTER,
Milwaukee, Wis.

DEAR SIR: Please be advised that the Milwaukee Chapter of the Federal Bar Association has approved the following resolution:

"Whereas the United Nations Conventions on the Prevention and Punishment of the Crime of Genocide, the Political Rights of Women, and the Abolition of Forced Labor are pending before the United State Senate for advice and consent to ratification, and

"Whereas the United Nations treaty on the *elimination* of all *forms* of *racial discrimination* has been signed by the United States but not yet presented to the United States Senate for its advice and consent to ratification, and

"Whereas the ratification of these treaties by the United States would be in keeping with the tradition of our country and in the interest of the United States,

"Now, therefore, be it resolved by the Milwaukee Chapter of the Federal Bar Association that it favors ratification of these treaties, and be it resolved further that copies of this resolution be forwarded to the U.S. Senators from Wisconsin, to the President of the American Bar Association, and to the Secretary of State and to such other persons as the President of the Chapter now deems desirable.

"Be it further resolved that the Chairman of this Chapter, and such other persons as the Chairman may designate be authorized to appear before the appropriate committee of the Congress to present the views of this Chapter in support of ratification."

Very truly yours,
FRANKLYN M. GIMBEL,
President.

THE PROLONGED WAR IN VIETNAM

Mr. MURPHY. Mr. President, our country is nearing the end of the fifth year of combat involvement in what has become the longest war since the Revolution. Despite the continuing efforts of our Government to find a realistic and honorable solution to the conflict, one that will enable the people of South Vietnam to rebuild their lives in peace and under a government of their own choosing, an irresponsible segment of our population is raising a clamorous cry against our Nation's policies and leadership. Inspired by persons who would take pleasure in the downfall of our Government and encouraged by the leaders of North Vietnam, these voices call for peace—but only give nourishment to the tragic war that still goes on in Vietnam.

It might be well to ponder the factors which have drawn out the war over so many years. David Lawrence has stated them well in his editorial published in U.S. News & World Report for November 17. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHO IS PROLONGING THE WAR?

(By David Lawrence)

The United States is militarily the most powerful nation in the world. Certainly a tiny country like North Vietnam would never have been able to deprive an American army of victory if the commanders of our forces had been permitted to use military strategy and air power in the customary ways.

Who interfered with our own military operations? Who in this country prevented our armed services from using their maximum strength? Who, indeed, must accept the responsibility for the long list of casualties? This would never have been so large if American forces had been authorized to employ the military means necessary to attain victory.

But ever since we went to the aid of the South Vietnamese, there have been pressures inside the United States. These have been called "political." Basically they were influences which catered to pacifist elements and sought to sway the uninformed citizens who never really knew how or why the war was being lost.

General William C. Westmoreland, who commanded U.S. ground forces in Vietnam for four years and now is Chief of Staff of the Army, revealed in an interview in this magazine on Sept. 29, 1969, some of the frustrations of our military commanders. He said:

"One of the interesting things about this war is that responsibility has been divided. I had the U.S. ground war in the South, Admiral Sharpe had the air war in the North. The political, psychological, economic factors implicit in this entire equation were vested in the Ambassador in Saigon and the Secretary of State. Also, operations were conducted in the territory of an ally who exercised sovereign authority over his land and his people and control of his troops.

"No U.S. authority short of the President had cognizance over the entire conflict. Therefore, the President had to get into all sorts of details. And he had many pressures brought to bear on him—numerous factors to consider: international opinion, domestic opinion, as well as the military situation. The war has been more than military. I'm not unaware of the many complex factors that had to be considered."

Psychological warfare is in some respects as important as military operations. The newspapers, radio and television are filled with pronouncements from persons, inside and outside of Congress, who have publicly denounced the foreign policy of their Government in the middle of a war.

In Hanoi, everything said in this country is studied carefully day by day. The Red Chinese and the Soviets also note that the United States seems to be wavering and apparently is unwilling to pursue the war to a military decision.

When President Johnson acceded to the wishes of the "anti-war" elements and announced that he would halt the bombing of North Vietnam in the hope of initiating peace negotiations, the enemy was sure that the critics of the Vietnam war within the United States were making headway. Hanoi concluded that it was just a question of time before America would have to acknowledge a humiliating defeat and withdraw from Asia altogether.

For more than a year now the United States has made every effort to get a constructive peace settlement. But North Vietnam has refused to negotiate meaningfully. Encouraged no doubt by both Peking and Moscow, Hanoi feels that it needs only to wait a year or two and all American troops will be withdrawn. Then the Saigon Government could be ousted and a Communist-controlled regime would take over.

Many people in America think that the Vietnam war is a remote affair and that the United States "has no business" in Asia. This is an erroneous concept because the underlying issues can make the difference between world war and world peace.

The safety of nearly every country—in Asia, Europe and Latin America—is at stake and will be threatened if Communism achieves a victory in Vietnam.

Speeches and statements being made day after day in the United States decrying American policy are giving "aid and comfort" to the Hanoi Government and are prolonging the war.

The demonstrations by so-called "peace" groups are helping to prolong the war.

The carping criticisms by politicians who mistakenly think they are currying favor with the public are also prolonging the war.

The war could be ended honorably by the President if he were given the wholehearted support of the American people.

If we could develop right now a united America, the fighting in Vietnam would be promptly terminated. We could, for instance, announce the date of a cease-fire. If it were not respected, we would be able to retaliate immediately with maximum military power.

When the enemy becomes convinced that the United States means what it says and that the dissenters in this country are a small minority, peace will come soon in Vietnam, and we might well avoid World War III.

TRAGEDY IN NIGERIA AND BIAFRA

Mr. KENNEDY. Mr. President, I wish to speak to the Senate on the tragedy in Nigeria-Biafra.

The civil war continues—and so does human suffering—and the death rate from starvation and disease steadily climbs. As the situation deteriorates even more, the active sense of urgency which is needed among governments to help bring peace and relief to a troubled area, seems further away than ever before.

The United Nations chooses silence over leadership.

Most governments stand paralyzed in selfish political concern. Our own Government, which earlier this year showed promise of moving on this issue, has conveniently pushed it aside. There is, today, little public or private evidence to suggest that we are really much concerned—let alone inclined to take some truly meaningful action.

It should be clear by now, however, that the war and the massive suffering of the people on both sides of the battle—but especially in Biafra—will not disappear by waiting a while longer for a final push by federal forces.

For our own Government, at least—if not for others—stalemate and death is the reality to which policy must be adjusted.

What does this mean for the United States? First of all, Mr. President, it means that we must do more to help save a starving people. We must attach more urgency—at the highest level of Government in helping to implement and support the maximum relief effort possible.

For months, the survival of some 3 million persons, mainly women and children in Biafra, has depended on the mercy airlifts operated by the International Committee of the Red Cross and joint church aid, an international consortium of religious groups. Since early June the Red Cross airlift has been unable to function, and efforts by Red Cross officials to renegotiate a mercy agreement with the combatant leaders have failed.

As a result the death rate from starvation and related causes has steadily climbed. It now stands at nearly 2,000 per day, according to some reports.

When this number is added to the estimated 1,500,000 persons who have lost their lives through starvation since early 1968, it is easy to see that we are in the midst of one of the greatest nightmares of modern times.

Admittedly, the situation is difficult and complex.

Political pressures from all sides seek to influence the concern and work of the relief agencies.

But should we be less concerned because our action to help might offend the political sensibilities of those who show too little human sensibilities?

Are we as a nation so morally bankrupt that the threatened death of thousands more—on both sides of the battle—can be swept under the rug and into the pages of history without an effort to save them by the United States?

Perhaps this massive starvation of people is not in our vital interest.

But it is in our conscience. And that is reason enough for this Nation to act.

The United States is great and powerful, and we freely use our influence and power in many ways, and for many ends.

But the power to heal, to salvage, and rehabilitate the hapless victims of conflict is not being exercised in a measure commensurate with other uses of our power, or the needs of our time in Nigeria-Biafra, and elsewhere.

Perhaps this is true, because, in purely political terms, humanitarian causes lack the strong lobbies and constituencies backing other interests. But great power creates and carries with it great responsibility.

In the continuing impasse over a resumption of the Red Cross airlift into Biafra, it is easy to shift the blame from one side to the other. It is easy to pass the buck. It is easy to take refuge in questioning the feasibility of what might be done—and so we hesitate. But starving people remain an unmistakable fact—and by the Department of State's own admission, the situation for hundreds of thousands is desperate, and the future is bleak.

Cannot our Government speak out on this issue in the United Nations and elsewhere—in terms of human values and lives? I think we can.

Cannot we move more decisively and strongly in using our diplomatic skills and influence to support the efforts of the Red Cross to resume its airlift? Again, I think we can.

Can we not lift the ceiling on what we are prepared to do in supporting the continuing airlift of joint church aid?

Again, Mr. President, I think we can.

In this connection, I am distressed to learn that what we are prepared to do is apparently measured more by what the Federal Nigerian Government is willing to tolerate, than by the maximum capabilities of joint church aid in delivering food and medicine into the Biafran enclave.

This is not a satisfactory situation. And I know I speak the view of many in the Congress and elsewhere, in suggesting that nothing should be lacking in the commitment of the United States to meet the overriding demands of humanity, on both sides of the battle.

Mr. President, in addition to a more energetic posture on the question of meeting the urgent relief needs produced by the war, I think the United States must finally move, as well, in taking a more active role in promoting a cessation of hostilities and a deescalation of great power involvement.

The overriding need today, as it has been for many months, is the honoring of a truce by both parties to the conflict, followed by negotiation under international auspices.

It is true that the conflict can be finally settled only by the Nigerians and Biafrans themselves. Nevertheless, third party diplomacy can contribute a great deal by helping both sides to understand their own interest in an early peace, and by assisting them to find formulas for a settlement.

As the only great power not involved in the military objectives of either side, the United States has a unique opportunity to lend its good offices, directly or through others.

I am skeptical of the administration's view that we lack influence with both sides—unless it is because of our continuing political support of British goals and action in the area.

The administration should not only review its policy in this regard, but change it.

For the evidence suggests that the degree of political and diplomatic support which we are giving to the campaign against Biafra—however passive this support may be—is a decisive factor prolonging the conflict.

To help bring peace to Nigeria-Biafra, and better serve our humanitarian objective, the United States should use every tool of diplomatic leadership to help set the stage for a cessation of hostilities and the reconciliation of both sides.

I urge again that the President appoint a special representative to pursue the question of peace, as a complement to the activities of Ambassador C. Clyde Ferguson, Jr., the Department of State's special coordinator in relief to the civilian victims of the Nigerian civil war.

We should move as well in taking initiatives for early consultations among the Ambassadors to the United Nations from the United Kingdom, the Soviet Union, France, the United States, and perhaps others, on the question of an arms embargo and a general deescalation of great power involvement in the Nigerian conflict.

Mr. President, in conclusion let me add that I am deeply troubled by some of the projects in the current aid request for Nigeria. The aid presentation for fiscal year 1970 mentions, among others things, the rebuilding of key road sections as part of short-term rehabilitation assistance to Federal Nigeria.

I understand that a substantial amount of this so-called rehabilitation assistance is apparently slated for areas immediately adjacent to the Biafran enclave. I understand, as well, that part of this assistance has already been implemented.

In my own mind, it raises the question as to whether or not this assistance has military significance.

If it does, I strongly feel it should be withdrawn. I find it difficult to believe that our policy interests get a benefit commensurate with the risk of such involvement, including Biafran attacks on AID projects and the possible loss of American personnel.

Hopefully, the foreign relations committee will be able to pursue this matter before it reports the foreign aid authorization bill to the Senate floor.

Mr. President, today's Washington Post contains a relevant editorial on the Nigerian civil war. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

How To End the Nigerian War

The situation now in the Nigerian war is grotesque. Biafra, reduced to an enclave of valor and suffering, is putting out ambiguous signals of compromise. Nigeria, gripped by a heady vindictiveness, insists on surrender instead. The Biafran signals come down to an indicated willingness to accept something less than full sovereignty if guarantees of security can be put into effect. This is a reasonable condition, given the massacres Biafrans have previously incurred at Nigerians' hands and given, too, the passions of their 2½-year war. Lagos has offered security guarantees, but even as it offers them it applies military pressure, tightens the food noose and demands that Biafra renounce sovereignty at once. These are unreasonable conditions. Biafra cannot be expected to return to the federal union other than by gradual means allowing it to preserve respect as well as security.

The immediate political question is how to bring Nigeria to the understanding that its own best chances for national union lie in relaxing the pressures on Biafra. The United States, which supplies the bulk of Biafran relief but no arms to either side, could help most by assuring continued relief, so as to remove from Nigeria's hawks the sustaining expectation that Biafra can be starved into submission. Washington could, for instance, publicly criticize such Nigerian acts as the destruction of yet another relief aircraft just the other day. Washingon should also show more alarm and urgency about the failure of the International Committee of the Red Cross to arrange daylight relief flights to Biafra. That Biafra bears its own measure of blame for this failure is irrelevant. The central consideration should be to get more food into an area where thousands of humans are dying every week.

On Britain, however, falls the chief responsibility for bringing Nigeria to its senses. The British seem to have counted on Biafra being starved or shot into surrender. This has not happened, and Biafran fortitude makes it unlikely that it will happen. London should now recognize the bankruptcy of its previous policy. It should accept an obligation to urge accommodation upon Lagos. The best way to pursue this policy is in league with the French, who still—despite de Gaulle's exit—support Biafra. Certainly the British should be as insistent about urging negotiation as they are about selling arms.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further business? If not, morning business is concluded.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order under which the Senate was to convene at 12 noon tomorrow be vacated; that at the completion of business today, the Senate stand in adjournment until 10 a.m. tomorrow; that upon the disposition of the Journal, the Senator from South Carolina (Mr. Thurmond) be recognized for not to exceed 30 minutes; that after the completion of the statement by the Senator from South Carolina, there be a brief period for the transaction of routine business, not to extend beyond 10:40 a.m., with statements limited to 3 minutes therein; that if the pending business is completed today the Senate proceed to the consideration of Calendar No. 510, S. 2577, a bill to provide additional mortgage credit; that the debate on that bill be limited to 1 hour, and on any amendments to 1 half-hour on each amendment, the time to be equally controlled and divided between the Senator from Wisconsin (Mr. Proxmire) and the Senator from Utah (Mr. Bennett) with respect to the bill, and by the proponent of the amendment and the Senator from Wisconsin (Mr. Proxmire) with respect to amendments; and that no amendments not germane to the bill be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, this matter has been worked out, and it has been agreed to on all sides. The only kicker in the pot is that if we do not finish the Public Works appropriations bill which is now the pending business, it will remain the order of business rather than the bill to provide additional mortgage credit.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. Mr. President, it is my understanding that the ranking Republican member, the Senator from Utah (Mr. Bennett) is aware of the time arrangement. Is that correct?

Mr. MANSFIELD. Yes; and it meets with his full approval.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That, effective on Thursday, November 13, 1969, at the conclusion of routine morning business, during the consideration of the bill S. 2577, to provide additional mortgage credit, and for other purposes, if the bill is then before the Senate, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Wisconsin (Mr. Proxmire): *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senators from Wisconsin and Utah (Mr. Proxmire and Mr. Bennett): *Provided,* That the said Senators or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. DOLE. Mr. President, does the distinguished majority leader have any indication of whether we might consider this afternoon the continuing resolution with reference to education appropriations?

Mr. MANSFIELD. I would be in a better position to answer the question of the distinguished Senator from Kansas around the hour of 3:30 or 4 o'clock, because the full Appropriations Committee has been called into session at 2:30 p.m. by its distinguished chairman, the President pro tempore, the senior Senator from Georgia, for the purpose of discussing the continuing resolution to which the Senator has referred.

Mr. DOLE. I thank the Senator.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Before the Senator from Louisiana begins, would aides and attachés of Senators be seated. There will be order in the Senate.

The Senator from Louisiana is recognized.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

COMMITTEE AMENDMENTS AGREED TO EN BLOC

Mr. ELLENDER. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 19, strike out "$1,884,269,000" and insert "$1,840,269,000".

On page 4, line 3, after the word "aircraft", strike out "$343,500,000" and insert "$377,525,000".

On page 5, line 22, after the word "construction", strike out "$40,600,000" and insert "$41,760,000".

On page 6, line 14, after the word "construction", strike out "$671,982,000" and insert "$740,469,000"; and, in line 15, after the word "expended", insert a comma and "of which $75,000 shall be available for the preparation of preconstruction planning for the flood control project at Minot, North Dakota, and such preconstruction planning is hereby authorized:".

On page 7, line 23, after "(33 U.S.C. 702a, 702g-1", strike out "$74,600,000" and insert "$87,040,000".

On page 8, line 14, after the word "navigation", strike out "$245,700,000" and insert "$253,000,000".

On page 9, line 3, after the word "investigations", strike out "$22,600,000" and insert "$22,980,000".

On page 9, line 18, after the word "exceed", strike out "$175,000,000" and insert "$178,000,000".

On page 14, at the beginning of line 10, strike out "$85,382,000" and insert "$86,482,000".

On page 14, line 15, after the word "expended", strike out "$600,000,000" and insert "$1,000,000,000".

On page 15, line 4, after the word "expended", strike out "$16,000,000" and insert "$16,060,000"; and, at the beginning of line 15, strike out "$14,900,000" and insert "$14,960,000".

On page 15, at the beginning of line 22, strike out "$146,381,500" and insert "$149,381,500".

On page 17, line 14, after the word "expended", strike out "$26,110,000" and insert "$30,240,000"; and, in line 15, after the word "which", strike out "$23,610,000" and insert "$27,740,000".

On page 18, line 8, after the word "Act", strike out "$1,000,000" and insert "$1,200,000".

On page 24, line 25, after the word "expended", insert a colon and "*Provided* that not more than $100,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements with the Portland General Electric Company and the Eugene Water and Electric Board to acquire from preference customers and pay by net billing for generating capability from nonfederally financed thermal generating plants in the manner described in the Committee report.".

On page 30, at the beginning of line 3, strike out "$50,600,000" and insert "$50,300,000".

On page 30, line 12, after the word "including", strike out "$760,000" and insert "$795,000"; and, in line 15, after the word "Act", strike out "$790,000" and insert "$755,000".

Mr. ELLENDER. Mr. President, we have under consideration H.R. 14159, a bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

Mr. President, the hearings on the bill started on March 19 and continued through October 15. The subcommittee held 45 sessions for the purpose of taking testimony, and an executive session for the purpose of marking up the bill. The subcommittee heard 1,215 witnesses, which included representatives of various organizations and local communities.

The hearings comprise seven volumes. The volumes are so voluminous we could not put them on each Senator's desk so we have stacked them under each Senator's desk and they are there for use. The hearings contain 7,194 pages of testimony. Heretofore the Subcommittee on Public Works was divided into three special panels of the subcommittee. One panel was handled by my good friend, the former Senator from Alabama, Senator Hill, who dealt with TVA and atomic energy. Then, we had reclamation hearings conducted under the supervision of Senator Hayden, who was chairman of the panel on the Department of the Interior and related agencies and chairman of the whole committee.

Mr. President, during this session of Congress the Subcommittee on Public Works held all hearings pertaining to public works, all surveys, construction items of the Corps of Engineers, and the Bureau of Reclamation, as well as the TVA and other independent agencies.

The hearings contained the basic information upon which the subcommittee based its recommendations to the full committee.

Mr. President, the amount of the bill as passed by the House totaled $4,505,446,500. The Senate Committee on Appropriations made net increases in the amounts approved by the House of $487,982,000. Therefore, the total in the bill as reported to the Senate is $4,993,428,500.

The amount of the budget estimates considered by the Senate committee for fiscal year 1970 was $4,203,978,000.

The bill as reported to the Senate is over the budget estimates by $789,450,500, of which $781,100,000 is for construction grants for waste treatment works, and for administration of these grants; and over the appropriations for 1969 by $310,443,500.

Mr. President, I have been a member of this subcommittee for over 20 years and its chairman for over 15 years, and the bill as recommended is inadequate to meet the water resource needs of the country.

I mentioned previously the increase recommended over the budget for construction grants for waste treatment works. The other major increases in the bill are for the construction program for the Corps of Engineers and the Bureau of Reclamation.

When President Johnson submitted his budget for construction for the Corps of Engineers and the Bureau of Reclamation of $1,037,920,000 it was represented as an austere request. Construction schedules for most projects were delayed. Subsequently, President Nixon reviewed the budget estimates and reduced the requests for these programs by $180,365,000. The House approved increases in these programs of $61,518,500 and the Senate committee recommended further increases of $88,057,000 for a total increase of $149,575,000 over the revised budget. The Senate bill as reported for these programs is still $30,789,500 below the austere budget recommended by President Johnson. Many additional worthy projects were presented to us which, unfortunately, we could not incorporate in the bill because of the fiscal situation.

Many of these projects were authorized anywhere from one to as long ago as 20 years and many of them should have been included in the program.

The committee report explains the committee action. However, I will summarize the major changes recommended by the committee.

TITLE I. ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

The committee recommended a net reduction of $44 million.

The committee added $4 million to provide for full operation of the two K reactors at Richland, Wash.

The committee recommended a reduction of $2 million for the advanced systems research and development program which the House committee directed to be closed out; and an overall reduction for anticipated slippage of $46,000,000.

PLANT AND CAPITAL EQUIPMENT

The committee recommended an increase of $1,500,000 for waste storage tanks at Richland, associated with the full operation of the two K reactors restored under operation and maintenance; an increase of $25 million for the 200 Bev accelerator near Chicago; and an increase of $7,525,000 for capital equipment.

TITLE II.—DEPARTMENT OF DEFENSE, CORPS OF ENGINEERS

GENERAL INVESTIGATIONS

The committee increased navigation studies, $300,000; flood control studies, $350,000; beach erosion studies, $25,000; the San Francisco Bay study, $30,000; and International Hydrologic Decade to $445,000, for a total of $1,150,000.

CONSTRUCTION, GENERAL

PLANNING

There were 21 new starts, $2,355,000; with four increases, $660,000; and the restoration of three House cuts, $1,422,000. There were two decreases in planning, $1,000,000—a decrease of $500,000 for Gaysville; and for Union Reservoir the committee allowed $1,050,000 for construction in lieu of $500,000 for planning—the final planning total was $3,437,000.

Mr. AIKEN. Mr. President, will the Senator from Louisiana yield right there?

Mr. ELLENDER. I yield.

Mr. AIKEN. What is that item the Senator is reading?

Mr. ELLENDER. For Gaysville.

Mr. AIKEN. That is in Vermont. I thought that was stricken out.

Mr. ELLENDER. There are two separate projects, Gaysville and Union Reservoir.

Mr. AIKEN. Where is Union Reservoir?

Mr. ELLENDER. In Missouri.

Mr. AIKEN. I thank the Senator from Louisiana.

CONSTRUCTION

Mr. ELLENDER. Continuing reading the figures, Mr. President, 26 new starts, $15,788,000; 52 increases, $43,902,000; and seven miscellaneous, $5,350,000; total, $65,040,000.

MISSISSIPPI RIVER AND TRIBUTARIES

Increases: Investigations, $358,000; nine construction, $9,510,000; restoration of House cut, $172,000; and maintenance, $2,400,000; total, $12,400,000.

OPERATION AND MAINTENANCE

Increase of $7,300,000 for additional maintenance required as a result of Hurricane Camille.

GENERAL EXPENSES

Restoration of House cut of $380,000.

TITLE III. DEPARTMENT OF THE INTERIOR, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

POLLUTION CONTROL OPERATIONS

Increase for Great Lakes demonstration project, $800,000.

Increase for administration of construction grants for waste treatment works, $300,000.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

Increase of $400 million.

I have for months been working toward an appropriation very much above the administration's request of $214 million, as well as an increase over the $600 million approved earlier this year by the House. I was, therefore, very pleased that the Appropriations Committee approved the full billion dollars which I and my able subcommittee felt was necessary. I feel certain that the Senate will support the committee recommendation.

Unless we take positive action now, our great country will smother and drown in its own waste matter. Even dumb animals have enough sense to avoid that sort of ignominious end.

I propose to fight vigorously for the Senate position when this bill goes to conference with Members of the House of Representatives.

BUREAU OF RECLAMATION

General investigations: Increase of $60,000.

Construction and rehabilitation: three increases, $3,000,000.

UPPER COLORADO RIVER STORAGE PROJECT

One new planning, $130,000; and one increase in construction, $4,000,000.

BONNEVILLE POWER ADMINISTRATION

No change in the amount allowed. However, the committee approved a reprograming of the amount allowed by the House of Representatives as set forth on page 50 of the committee report.

That, by the way, simply authorizes Bonneville Power Administration to act as an agent for preference customers in obtaining power from non-Federal Government generating plants.

TITLE IV. TENNESSEE VALLEY AUTHORITY

The committee has recommended a net decrease of $300,000 as follows: Decrease of $1,300,000 for Duck River project. Increase of $1,000,000 for Mills River Reservoir.

Mr. President, in my opinion, the development of our land and water resources requires a substantial number of new starts each year if we are to protect and preserve these priceless resources for future generations. Last year the budget estimates provided for the completion of 42 Corps of Engineers projects and the initiation of six new projects; and the Congress added three additional new starts. This year, the budget provides for the completion of 21 Corps of Engineers projects and the initiation of only seven new construction starts.

Unless we assign a higher priority to water resource projects, in a few years we will have a water crisis similar to the one we are now facing in connection with water pollution. To adequately satisfy our water needs, we must have both the quantity and the quality available when and where the need arises. To meet these needs, both the House and Senate committees recommended some new starts for fiscal year 1970.

Mr. President, in its report, the committee set out reasons why we should continue, and expand, the programs authorized by the Congress for the future good of the Nation.

As all of us know, it takes almost 10 years from the surveying stage through the planning and then construction of many of our major conservation projects. It strikes me that we should not neglect our two precious resources of land and water.

It has been my privilege to see, with my own eyes, what happened in countries that neglected the protection and preservation of those two most important resources, land and water.

At one time, old Persia, in Asia, was capable of feeding a population of 100 million. The great area of Mesopotamia, between the Tigris and the Euphrates Rivers, sustained the lives of 50 million people. Today, that whole region can barely sustain the lives of 14 million people. The neglect of the great water resources of that area brought that about. The Tigris and the Euphrates Rivers were permitted to overflow year after year; and carry precious top soil into the Persian Gulf. The great port of Bushire, which I have visited, was at one time located on the Persian Gulf. Today it is 20 miles inland. A once fertile region has become largely desert.

It has been estimated that by the year 2000, which is just 30 years off, we will need 10 times more electricity than we now produce and 2½ times more water than we now have. The way to obtain it is simply by protecting and preserving the resources that we now have.

Land is a finite resource to which we cannot add. We lose from 2 to 2¼ million acres a year by erosion, and by the expansion of cities and roads. It seems to me every effort should be made to retain this great resource of ours, land, which is so often taken for granted but which has been protected for the last few years by means that were not known more than 40 years ago.

We have been able to harness many rivers in our country. Take, for instance, the great Mississippi Valley. At one time, the waters that dropped from the skies into that great valley, which constitutes almost 40 percent of our territory, went down the Mississippi River in the space of 3 months. Great floods were caused throughout the area. Now we have harnessed most of the rivers that flow into the Mississippi, so that today we can control the flow and let the water come down that great river system in 12 months instead of three, thereby preventing floods and ensuring and thereby providing a constant supply.

It is true that in many areas in the valley there are still flash floods, for which we have found no remedy as yet. But, Mr. President, what I am advocating with this bill is not for my time or the time of Senators here on the floor. We must think in terms of decades ahead, in order to sustain the vitality and the economy of our great Nation.

Mr. JAVITS. Mr. President, will the Senator yield very briefly if it is convenient?

Mr. ELLENDER. I yield.

Mr. JAVITS. I just wanted to thank the Senator, because he obviously reads his mail and pays very serious attention to what Senators submit to him. On three occasions I wrote the Senator from Louisiana concerning five projects of great importance to the State of New York including the New York Harbor anchorages program, the Fire Island-Montauk Point beach erosion prevention program, the Lake Erie-Lake Ontario Waterway study, the Port Jefferson Harbor dredging project, and the Great Lakes research and demonstration program.

The New York Harbor anchorages project in the port of New York to deepen the harbor's anchorages is one of the most critical needs of the port, and will benefit not only New York State, but the entire Nation. I have supported this ongoing project and am grateful to Senator ELLENDER and his subcommittee for recommending the Senate appropriate $2,900,000 for this program.

The beach erosion prevention program between Fire Island and Montauk Point on Long Island is of crucial importance to the preservation of one of the State's priceless natural resources. I requested the Senate Appropriations Committee consider reinstating the administration's cutback for this program, and the committee responded most responsibly and thoughtfully by increasing the appropriation to a total of $880,000. In view of the necessity for completion of this program at the earliest possible time, and in light of the new capability offered by the corps and the State's indication that sufficient State funds are available, I hope the House conferees will now see fit to concur with the Senate's support of this program.

With respect to the Lake Erie-Lake Ontario Waterway study, I requested an appropriation to permit the completion of this report which will permit the continued development of the St. Lawrence Seaway system so important to the maritime economies of this Nation and Canada. I am pleased to note the Senate Appropriations Committee has recommended $100,000 for this study.

I requested $50,000 to permit the Army Corps of Engineers to commence a preconstruction study for the dredging of the Port Jefferson Harbor on the north shore of Long Island and this amount was recommended by the committee. This study involves a reexamination of the plan of improvement and project economies.

The Great Lakes research and demonstration program is of great import to the abatement of pollution of the Great Lakes, and it is most gratifying to know that the Appropriations Committee has recommended the full $5.1 million capability of the Federal Water Pollution Control Administration for this program.

Examination of the work done by Mr. ELLENDER and his subcommittee indicates that serious attention and satisfaction were given to the needs of New York State.

I would like to express to Senator ELLENDER what I know to be the thanks of the people of New York for his courage, and that of the Senator from North Dakota (Mr. YOUNG), and my other colleagues on the Appropriations Committee, in directly meeting the problem of water pollution. I commend them for appropriating $1 billion for water pollution control construction projects, and I assure them that they have my support for that appropriation. The appropriation is of tremendous importance to us in New York where we have a great number of ongoing and planned projects. New York State, by voting for a $1 billion pure waters bond issue in 1965, has taken upon itself the initial task of cleaning up its waters, and I am proud to say that the Federal Government, under the distinguished leadership of the Senators from Louisiana (Mr. ELLENDER) and North Dakota (Mr. YOUNG), is now facing up to the Nation's needs for clean waters also by this appropriation of $1 billion.

I think it is a splendid example of what can be done by dedicated men when they see the great national issues involved.

I thank Senator ELLENDER and the members of the Appropriations Committee for their diligent efforts in preparing recommendations for the public works appropriations. I know they and their able assistants have weighed each appropriation according to its need. They deserve the thanks of the Senate.

I thank the Senator for yielding.

Mr. ELLENDER. I wish to thank my friend from New York. I also wish to add that we have a very hard-working subcommittee. When one has to sit behind a table or desk and listen to as many as 1,200 witnesses, as we have done, and have 45 sessions in which to hear those witnesses, either verbally or as a result of putting their statements in the hearing record, and then taking all that information and putting it together and then trying to distribute the small amount we have available for those projects, it becomes quite a tedious task to try to develop ways and means of taking the amount of money that can be provided and spreading it around so that no important area will be neglected.

The subcommittee and the whole committee were proud to do what we did for the great State of New York, and I am only sorry we could not have done more. We shall have to wait for another occasion. But I can assure the Senator from New York, as well as Senators representing all the 50 States, that, with the aid of the Senator from North Dakota (Mr. YOUNG) and the other members of the committee, we worked diligently to try, not necessarily to solve entirely the problems in the various States, but to do something to maintain the work already done, to try to protect and preserve our land and water resources, and to make the water more useful.

As I have stated to the Senate on many occasions during my tenure on the committee—for more than 20 years, now—and as chairman of the subcommittee, with the assistance of Senators who have served on that committee devotedly, we have recommended many unbudgeted items, which we felt at the time should be considered at once, I do not believe that we should wait for the White House to tell us how much to provide for the good of the Nation. I am proud, Mr. President, of the work this subcommittee has accomplished in the past. Taking as an example the Ohio Valley, in the past 20 years we have reconstructed many of the locks and dams that make possible the navigation on that great river. We have made it possible by these works to carry heavy loads of freight as far up the Ohio River as Pittsburgh and on down the Mississippi River to the Gulf of Mexico.

If we had not started this program 20 years ago, and if we had not provided the moneys even though they were not budgeted, today our national economy would be lacking in transportation facilities. Our railroads can no longer cope with the transportation requirements that exists in our great country today. Take, for example, the bulk transportation of oil, coal, or steel. The railroads do not usually make money by transporting these heavy loads; but by water, it has been made possible to carry huge amounts of these commodities at a much greater saving than would be the case otherwise. If it were not for the fact that we have spent many millions of dollars to provide adequate navigation on the Ohio, on the Missouri, and on the Mississippi, today our country would be caught short of means for meeting our transportation requirements.

We have built the intracoastal canal, starting at Brownsville, Tex., and following the Gulf Coast across Florida and on up the Atlantic coast to New Jersey in the Northeast. There is now only one missing link in it, the great Florida Canal, for additional work on which the committee has provided money in the bill. The justification for the construction of that canal has been shown by the large tonnages that have been carried over that waterway. We said originally that it would be advisable to build the Gulf Intracoastal Waterway when the tonnage was estimated at around 8 to 10 million tons. Now in excess of 80 million tons annually are being transported on that waterway.

What we have tried to do in the past has been not only to protect and preserve the water, but to make it work for us. In the case of the Ohio Valley, the record shows that we have constructed, or have almost completed, 14 new modern locks; and behind each of those locks great pools of fresh water have been formed. This improvement has attracted industry. In the Ohio Valley area, the estimates are that more than $30 billion of new industry has been developed because of the presence of fresh water and low-cost water transportation.

Or take the Mississippi River. In my own State, between Baton Rouge and New Orleans, it is now possible to control the flow of water. In the upper river, and in all of the tributaries that flow into it, it is now possible, through control facilities, to maintain a constant flow of fresh water down that great river. As a result, several large chemical plants have recently been constructed in that reach of the river. I attended the dedication of the Union Carbide plant just a few weeks ago. That great organization started out intending to spend about $50 million there. When I visited their facility 2 weeks ago, they had spent $200 million, and propose to spend $200 million more.

Why? Because of the availability of deep water navigation, as well as a large supply of fresh water. That could not have been done, Mr. President, except that for the past 20 years we have been working to make the waters of the Mississippi and its tributaries flow down more or less evenly during a space of 12 months of the year, rather than only the 3 months when the spring floods come.

Through the methods that are now in effect, it is possible to control even salt water intrusion. Salt water had invaded the Port of New Orleans on occasions, but now the flow of water can be so regulated that it is possible to allow 200 million gallons a second to pass, let us say, Baton Rouge and New Orleans. All this has come about through the foresight of some of us in Congress and of the Corps of Engineers, who have worked on this program.

I want to see that this progress continues. There would be a shortage of facilities in many areas of this great country if the subcommittee of which I now have the honor to be chairman had not provided in the past for the construction of many facilities that have made these benefits possible.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I am happy to yield.

Mr. YOUNG of North Dakota. I want to give credit where credit belongs. Many persons have done much to develop the water resources of this Nation, as the Senator from Louisiana has just explained. But one of the most powerful advocates of the better use of water and the better conservation of soil and water resources is the distinguished Senator from Louisiana (Mr. ELLENDER). No one has given more consideration to any appropriation bill than he has to this public works bill.

In fact, the Subcommittee on Public Works Appropriations probably heard more witnesses than did the other 12 subcommittees on appropriations together.

I know something about the many long hours of work that the distinguished Senator from Louisiana and his able assistant, Mr. Kenneth Bouquet, devoted to the bill. The fair and thorough handling of the bill year after year by the Senator from Louisiana has won for him the high confidence of the Committee on Appropriations and of the Senate as a whole.

The work of the full subcommittee this year encompasses more agencies than ever before. For example, it includes the appropriation for the Atomic Energy Commission, with all its difficult, complicated problems. But the chairman held hearings on this item for days. He dug into it thoroughly, and for that he won the respect and admiration of the Atomic Energy Commission and of all others who witnessed those hearings. The Senate is deeply indebted to the distinguished Senator from Louisiana for his able and fair handling of the public works appropriation bill for many years.

Mr. ELLENDER. Mr. President, it is music to my ears to hear that commendation from my distinguished friend from North Dakota. But let us not overlook the fact that, as a whole, we have a good committee, one that works together.

The fact that we have the courage to speak out and advocate these projects, in the light of our present fiscal condition, is, to me, a tribute to all the members of the committee. I am hopeful that President Nixon will see to it that all the funds we are now appropriating will be spent for the purposes that we intend.

As I said, any new program of any consequence we initiate now will require at least 10 years to complete. And when we consider that the people of this country are now short of water and that we will have to spend billions of dollars to correct air and water pollution—since these things are handmaidens and go together—we realize that unless we take care of the situation now, tomorrow will be too late.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BIBLE. Mr. President, I asked the Senator to yield to me at this point because what I am about to say largely echoes what the distinguished Senator from North Dakota has just said so very well.

I rise to pay tribute, as did the Senator from North Dakota, to the distinguished chairman of the committee. I recognize that many people work in the field of conservation, protection, and development of our water resources. However, I am frank to say that I cannot think of anyone who works harder or more diligently or puts in longer or more tedious hours than does the Senator from Louisiana, the chairman of the subcommittee. I also want to commend the able staff work of Ken Bousquet, the able staff assistant assigned to this bill.

I note that the Senator started hearings on the bill back on March 19. He was still hard at work on October 15. He did not work every single one of those days, of course. However, he did work at 45 sessions, and almost invariably the Senator sat as chairman and presiding officer of the committee, with perhaps one or two exceptions.

I think, as was commented on, Senators only have to look under their desks to see the record that has been compiled from those hearings, some 7,194 pages. I think that is living testimony of the hard work involved in hearing more than 1,200 witnesses, either in person or through their written statements which were submitted to the committee. This is all immensely time consuming. It takes long hours and diligence and great patience.

If the distinguished senior Senator from Louisiana is not the foremost leader in this field, he is at least one of the foremost leaders. I commend the Senator for it.

I heard much of the Senator's opening statement. I am not sure that I heard it all. I hope that the Senator will develop the many benefits that flow from these projects. The Senator may have covered that before I came to the Chamber. If not, I think it is a message that should be told time and time again to the people of this country because the benefits that flow from flood control projects and reclamation projects save lives and dollars and build economy.

I do not know that we can reduce those things to dollars, but it certainly means that many billions of dollars worth of property has been saved by reason of projects that go to fruition.

Additionally, and I think this point should be underscored. I could not agree more with the statement the Senator just made urging the President of the United States to get on with these projects. I know that if they are delayed it will cost far more money. I do not know what figure that delay would occasion if translated into actual dollars.

I was very happy and very proud to support the Senator from Louisiana in his efforts to get a higher funding level and to get on to the work of water conservation and preservation.

I think that is an important point, because every year of delay is a costly year. And in the long run, we will pay very dearly for it.

Mr. ELLENDER. Mr. President, I thank my good friend, the Senator from Nevada.

It would require much more time than we have for me to stand here to tell the people of America what the protection and preservation of the two most important resources, land and water, have meant. I do not say this boastfully, but I have been working with the problem since I was a teenager. I lived on a farm. My father managed a large sugarcane farm. Even at that age I could see what could happen if we did not try to alleviate the conditions which existed at the time.

I saw the tragedies which happened in our country because of our neglect in permitting the rich topsoil to go out into the sea instead of trying to retain it.

As I began to look around, even as a teenager, I did some of the things that are now being done for soil conservation. I did these things to try to protect and retain this precious topsoil in our area.

I can well remember advising my father that we had to place lateral drains at a distance of about 150 feet apart to carry off the water. We had these drains from 2½ to 3 feet deep.

After plowing the land in between the drains, big rains would come. And I have seen these drains completely closed and clogged because the rains would carry the topsoil on into the bayous of south Louisiana.

I wondered why it was that we could not try to stop this. As time went on, we found ways and means to alleviate the situation.

I later became a farmowner. I bought

a farm on credit. There I practiced a lot of the soil conservation techniques which are today being practiced all over the Nation. And I am proud of that.

When I see some of these columnists writing article after article about this bill being a pork barrel, and the money being wasted and being used for the political advantage of Representatives and Senators, I could sometimes use a whip on them. I am sure that many of the people who write such columns do not understand the problems that are facing our Nation.

Today, the amount of land we have for cultivation is limited, and we cannot produce land as we can produce other matter. Unless we protect and preserve what we have now, with our population increasing at the rate of approximately 2 percent a year, I wonder what will happen, in 30, 40, or 50 years, when we will need more food and more fiber.

It has been my purpose all my life to try to protect and preserve these two great resources. To me, they are the greatest wealth the Nation has. You can have all the gold, diamonds, emeralds, and whatnot, but unless you protect your land resources and your water, so that food and fiber can be produced in order to sustain your population, all those things will amount to nothing.

I wish that some of the people who cry "pork barrel" would take the time to go out in the country and study these problems and see what is happening and see the efforts that are being put forth to prevent the washing away of our topsoil. In my opinion, if they have any sense at all, they will change their minds. To me, there is no doubt that unless we continue to protect and preserve these resources, the time will come when our land will be almost barren in many areas.

I have seen that happen all over the world, as I said earlier, one can trace back conditions that exist there now to neglect by the people of those areas to the protection and preservation of their land and water resources. I do not want that to happen in our country. It should not happen. That is why I have been insistent on seeing that as much money as possible be provided, so as to build these programs to protect our water resources and to make the water serve the needs of the Nation, instead of being a destructive force.

I could be more specific with respect to the good that has resulted.

Take the great Northwest, specifically the area drained by the Columbia River: We have been building programs there for many years, and I am proud that I was here to help and to vote for funds in order to develop the great dams that have been constructed to aid in the production of electricity. In the pending bill, funds are provided to develop more electricity at these great dams, because we were able to enter into an agreement with Canada whereby we could prevent the swift flow of water into the Columbia and could store it, so that more and more water could be used in order to produce more and more electricity at the facilities already built.

Take the Grand Coulee Dam. We are now producing there about 1,900,000 kilowatts. Because we entered into this agreement with Canada, we will be able to double the installed capacity there—all with the same dam—this additional power will require only the installation of new generators and powerhouse. This will be possible because we are able to hold back more water up the Columbia River in Canada and on its tributaries, so that a more regulated flow of water can be released down the Columbia. This higher regulated flow makes possible the installation of more generating facilities.

All these things can be done as we go along. We can add to the generating facilities at Grand Coulee, at Bonneville, at Chief Joseph, at McNary, and the other great projects that have been built on the main stem of the Columbia. It will take time. It cannot be done overnight. Let us begin now, while we can.

I am hopeful that President Nixon is going to adhere to a letter that I mailed to him on August 26, 1969—I have not yet received an answer—in that letter I pointed out the necessity for the expenditure of the funds in order to maintain these programs and develop them now, for future generations.

Mr. President, I ask unanimous consent that this letter, which I wrote to President Nixon almost 3 months ago, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C., August 26, 1969.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the past several weeks, the nation has witnessed several natural disasters and near-disasters which have worked extreme hardship on our people. For example, note the following:

The brutal hurricane Camille that wrecked the Gulf Coast and resulted in more than 250 known deaths and perhaps half a billion dollars of property damage in Mississippi and Louisiana alone.

The water shortage that threatened our Capital City in midsummer, followed immediately by severe flooding in the Washington metropolitan area.

The current floods on the James River in Virginia which may result in as many as 200 lives lost and missing and $150 million in property damage.

Although we do not have the means totally to prevent such natural disasters, this great and wealthy nation certainly does possess the means to fortify our most vulnerable areas against these ravages of nature and to minimize their toll of damage and human suffering.

We do have the know-how to minimize the effects of severe drought on our municipal and industrial water supplies. We do have the ability to prevent flooding of our great river valleys. We do know how to minimize the impact of the tidal waves which accompany coastal storms.

The fact is, however, that we are doing far too little either of a preventive or of a developmental nature and are in fact annually *decreasing,* rather than increasing, our actual effort in the field of water resources and flood control projects.

This unfortunate situation seems to me to call for a reevaluation of our priorities in the allocation of Federal funds. In effect, the Congress and the Administration must become as generous and as urgently concerned in our efforts to guard against damage resulting from hurricanes and floods as you yourself have been in your recent efforts to bring relief and rehabilitation to those who have suffered so gravely on the Gulf Coast and in Virginia.

Appropriations for water resource development has been a matter of concern to me for a number of years. On April fourteenth of this year, the senior Senator from West Virginia, Senator Randolph, discussed on the Floor of the Senate a statement which Budget Director Robert P. Mayo had made before the Senate Committee on Finance, indicating that he was considering a freeze on public works construction. I joined in the colloquy that followed Senator Randolph's statement, at which time I discussed my growing concern over the delays in the completion schedule on most of the going public works projects which had been revealed to our Committee during the hearings on the Public Works appropriation bill I concluded my remarks by restating my belief that we must do what we can to protect our two most important resources, land and water. If we failed to do that, our country will sustain great losses.

Subsequently, in May, I addressed the National Rivers and Harbors Convention at which time I pointed out that in 1964 the construction program of the Corps of Engineers and the Bureau of Reclamation was $1,188,428,700, or about 1.09% of the 1964 budget. I noted that for fiscal year 1970, the original budget request for these two agencies was $1,038,920,000, or about .49% of the budget.

The request for the Corps of Engineers and the Bureau of Reclamation was subsequently cut by your Administration by $181 million. The revised budget represents a dollar reduction in the past six years of about 15.39%. When you take into account the rise in the cost of construction, the level of appropriations in the revised budget for these agencies represents a drop in construction capability of about 50% since 1964!

Similarly, the efforts being made by the Federal Government to control air and water pollution are completely inadequate to cope with the severe damage these problems are working on our environment and, in fact, on the very health of our citizens. For instance, in the last few years that the Federal Water Pollution Control program has been under the jurisdiction of the Subcommittee on Public Works, I have noticed an increased disparity between the authorization for construction grants for sewerage treatment facilities and the appropriations requested, as indicated below.

Fiscal year	Authorization	Appropriation requested in the budget	Percent of authorization request in budget
1968	$450,000,000	$200,000,000	44.4
1969	700,000,000	203,000,000	29.0
1970	1,000,000,000	214,000,000	21.4

I have received well over 1,000 letters from individuals and organizations urging the Committee on Appropriations to provide the full amount authorized for construction grants for fiscal year 1970. Most of these letters point out the extent to which the states and their political subdivisions have approved bond issues to finance the non-federal costs, relying on the Federal Government's ability to meet its share of the cost.

In spite of the fact that next to the air we breathe, water is our most precious resource, it seems the Bureau of the Budget first looks to the water resource program for a disproportionate share of any contemplated cuts whenever there is a need to reduce Federal expenditures.

If we are to meet the water needs of the 300 million people that you recently estimated will occupy our land by the year 2000, we must not only support adequate annual appropriations for the orderly development of these resources, but it is also essential that the unrealistic and arbitrary restrictions placed on project evaluations be removed.

For instance, the basis for the benefit-to-cost ratio for water resource projects had its origin in the 1936 Flood Control Act, where the policy was established that the Federal Government should improve or participate in the improvement of rivers and other waterways for flood control purposes in the interest of the general welfare if the benefits to whomsoever they may accrue are in excess of the estimated cost and if the lives and social security of people are otherwise adversely affected.

The terms, "benefits" and "costs", have no meaning in the abstract. They must be related to objectives in order to give these terms meaning. Since the passage of that Act, the technicians have chosen national economic efficiency as the sole criteria for project evaluation and have disregarded the phrases, "in the interest of the general welfare" and "if the lives and social security of the people are otherwise adversely affected".

The result of such an interpretation has been that as far as flood control and hurricane protection projects are concerned, we have become a "cow society". If, for instance, a thousand cows were lost in a flood or hurricane, we could consider the economic loss involved since a cow had an economic value in the market, and the monetary losses sustained can be used in the justification of protective works. On the other hand, if a thousand human lives were lost, it would not add one dollar to the all-important economic evaluation of the project. The loss of life and human suffering associated with the havoc wreaked on the Gulf Coast by Hurricane Camille transcends the imagination.

Fortunately, the Water Resources Council is attempting to find a way to deal with this problem of recognizing loss of life and misery associated with disastrous floods, by setting up four separate accounts which recognize national objectives other than economic efficiency such as regional development, environmental benefits, and the wellbeing of man. The Council's efforts along these lines are to be commended and they deserve and need your personal encouragement.

Had the center of Camille been 50 miles east, the damage to New Orleans in terms of lives lost and property damaged would have been incalculable. Yet, despite this near miss and in spite of the constant threat of hurricane damage to the New Orleans area, the hurricane protection project for Lake Pontchartrain will continue to drag along with inadequate appropriations, unless the Administration loosens the purse strings and cooperates with the Congress in revamping the national priorities vis-a-vis such projects.

The budget estimate for this project for fiscal year 1967 was $450,000 for planning, at a time when the Corps of Engineers had a capability of $1,600,000, which would have permitted the initiation of construction. Recognizing the potential danger to New Orleans, the Congress provided the full capability of the Corps of Engineers.

For fiscal year 1968, the original budget was $2,300,000, which was subsequently revised to $3,260,000, at a time when the Corps' capability was $4,500,000. Again, recognizing the potential loss of life and property, the Congress approved the $4,500,000.

For fiscal year 1969, the budget estimate was $7,800,000, compared with a Corps capability of $10,800,000. But in view of the expenditure ceiling contained in the Revenue and Expenditure Control Act of 1968, the Committee, although recognizing the risk involved in not moving forward expeditiously on this project, did not increase the budgeted amount for this project or any other project in the bill.

For fiscal year 1970, the budget estimate is only $6 million, compared with the Corps' capability of $8,500,000. Neither New Orleans nor the nation can afford the gamble of procrastination on this project.

Similarly, the hurricane protection project, New Orleans to Venice, proceeds at an alarmingly slow rate. Since 1967, the estimated completion date for this project has slipped from June 1975 to December 1977.

Two years ago, I secured authorization for a study of the Louisiana coastal area, looking toward hurricane protection, the protection of the physical features of the coastline, and reestablishment of the former ecology of the area which contributed so much not only to the wildlife but to the marine resources of the entire Gulf Coast. Naturally, I was disappointed this year to find that the budget provided only $60,000 for the continuation of this study in fiscal year 1970. At least double that amount will be required for satisfactory progress on the study, and I intend to urge my subcommittee and the Congress to expedite the project to this extent, at a minimum.

A few weeks ago, this nation—indeed, the whole world—was thrilled when man first set foot on the moon. In reflecting on this accomplishment, I had occasion to recall the hearings which I had recently completed on the Public Works appropriation bill, where the effect of the budget cuts which your Administration made in an already austere budget submitted by President Johnson were graphically revealed to the Committee.

Among the most serious cuts that I recall were those affecting the Southern Nevada Water District, the Folsom South Canal in Southern California, the Bonneville unit of Central Utah Project, the Chatfield Reservoir in Colorado, the Newark Bay, Hackensack and Passaic Rivers Project in New Jersey, the Wynoochee Reservoir in Washington, the New Melones Reservoir in California, the Lake Kemp Reservoir in Texas, and many more.

In a number of cases, we are finding that the expenditure ceilings imposed on the Corps will not permit contractors to pursue their work in accordance with the terms of the existing contracts, even though in many cases the funds are available or requested. Failure to provide funds and expenditure ceilings adequate to permit accomplishment of existing contracts inevitably will increase costs on all Government contracts and could even result in legal actions being taken by the contractor against the Government. I cannot help but feel that our priorities are out of balance.

These thoughts led me to a review of the requests for research and development appropriations requested by President Johnson for the NASA program, and I found that he had requested $3,051,427,000. Further research revealed that in the review of the 1970 budget, your Administration recommended a reduction of $45 million in this program, or about 1½%. In contrast, the "Construction, General" appropriation request of $769,420,000 for the Corps of Engineers was cut $142,415,000, or about 18½%. I realize that our space program is based on a national objective—but so is our water resource program.

It would require a good deal of imagination to attempt to identify the tangible benefits that will result from man's flight to the moon. Any attempt at a monetary evaluation of those benefits would be almost impossible. If, however, these benefits could be identified and evaluated, the realization of most of the benefits would be projected far into the future.

If we applied the same economic principles to the benefit-cost evaluation of our space program as are required in our water resource program (where future benefits are discounted at a rate of 4⅞ percent) the benefits expected to result from the space program would shrink drastically. For instance, benefits evaluated at $1 million to be realized 25 years from now would be worth only $304,200 in terms of economic justification for a project under today's regulations. A $1 million benefit to be realized 50 years from now would provide justification for the expenditure of only $92,600 today. Such a system would probably kill the space program, just as it is now strangling our vital water resources, flood control and hurricane protection programs.

I am enclosing a list of selected hurricanes and their damages, compiled from information provided by the Office of Emergency Preparedness. It should be recognized that many hurricanes of earlier years are not listed. In fact, during the recorded history of Louisiana alone at least 150 hurricanes or tropical storms have battered or threatened the coast of my state.

I think it is interesting to note that, based only on the partial statistics available to us, the average damage from hurricanes since the turn of the century is over $85 million per year. During the last 30 years, the damage averaged $185 million. During the last 20 years, the damage averaged $200 million and during the 10-year period from 1958 to 1968, the damage averaged about $320 million. If this progression continues, we can expect average damages of $500 million a year (or a total of $5 billion) over the next decade.

Such damage tabulations are always on the conservative side because, by their nature, they tend to exclude many categories of physical and economic loss. As I have already mentioned, the loss of human life is a factor that is incalculable in monetary terms. In addition, there are the inaccuracy of complete inventory estimates, the impossibility of fixing replacement costs, the loss of business and trade to local enterprises and to the local economy in general, the loss of employment income, the loss of earning ability by those who are too old to "get started" again and who instead become public charges. All of these factors and many others add substantially to the damage estimates that are ascribed to various hurricanes.

Yet, even these staggering figures tell only part of the story of the "cost" of hurricanes, for they generally do not include the multimillion dollar rehabilitation expenditures by Federal, State and local governments following the disaster. In the case of Camille, the Army, Navy, Air Force, NASA, SBA, HUD, HEW, GSA, USDA, OEP, and numerous other federal agencies are spending large sums to assist in the recovery effort. Also, in terms of the federal costs, over the next several years both individual and corporate tax payers will be deducting from their income taxes considerable sums to which they are eligible as a result of the hurricane damages suffered.

All things considered, we might properly *double* the so-called "damage estimates." In order that you might see the disparity between these enormous damages and the feeble efforts being made to provide protection, I am also enclosing a status report of the authorized hurricane protection projects for your review.

In view of the magnitude of the floods that this nation has experienced this year, the recent hurricane, and the lack of adequate progress being made in meeting the water resource needs of our expanding population, I expect that our Committee will respond to the needs of the Country. I cannot help but feel that you also will want to take another look at your recommendations for water resource development projects, particularly those relating to health,

safety and the protection of human life, prior to the time the Congress acts on the Public Works appropriations requests you have submitted, and I urge that you do so.

I would welcome the opportunity to discuss this matter with you personally, or with a small bipartisan group of concerned members of the Congress.

Respectfully yours,

ALLEN J. ELLENDER,
Chairman,
Subcommittee on Public Works.

RECENT HURRICANES AND TROPICAL STORMS

Name	Date	Areas affected	Deaths	Estimated damage (millions)
Carol	August 1954	North Carolina to Maine	60	$461
Edna	September 1954	New Jersey to Maine	21	7
Hazel	October 1954	South Carolina to New York	95	252
Connie	August 1955	North Carolina to New York	25	46
Dianne	do	North Carolina to New England.	184	832
Ione	September 1955	North Carolina	7	88
Audrey	June 1957	Texas and Louisiana	390	150
Donna	August 1960	Florida to New England	50	500
Carla	September 1961	Texas and Louisiana	46	408
Great Atlantic coast storm	March 1962	Florida to New England	33	200
Cleo	August 1964	Florida	3	129
Hilda	October 1964	Louisiana	38	100
Betsy	August 1965	Florida and Louisiana	75	1,420
Alma	June 1966	Florida	7	7
Beulah	September 1967	Texas	15	500
Gladys	September 1968	Florida	5	7
Camille	August 1969	Central gulf coast and Virginia	500	750

AUTHORIZED HURRICANE PROTECTION PROJECTS

Project	Year authorized	Total cost, estimated	Federal cost	Appropriation to date	1970 budget	Capability of corps
Freeport, Tex	1962	$19,000,000	$13,300,000	$4,637,000	$2,200,000	$2,200,000
Port Arthur, Tex	1962	59,900,000	41,600,000	8,557,000	5,000,000	5,000,000
Texas City, Tex	1958, 1968	44,714,000	31,200,000	15,132,000	1,100,000	1,100,000
Lake Pontchartrain, La	1965	166,000,000	113,562,000	12,498,000	6,000,000	8,500,000
Morgan City and vicinity, Louisiana	1965	6,067,000	4,180,000	347,000	150,000	200,000
New Orleans to Venice, La	1962	43,400,000	25,885,000	1,654,000	950,000	1,400,000
Grand Isle and vicinity, Louisiana	1965	11,310,000	3,393,000	408,000		
Hillsborough Bay, Fla	1968	13,088,200	9,163,200			15,000
North River dike, North Carolina	1966	500,000	358,000			(1)
Top Sail Beach and Surf City, North Carolina	1966	2,500,000	1,430,000			(1)
Brunswick County beaches, North Carolina	1966	24,400,000	14,400,000			110,000
Hyde County dike, North Carolina	1966	3,272,000	2,290,000			60,000
Neuse River barrier, North Carolina	1965	15,900,000	11,100,000			100,000
Ocracoke Island, North Carolina	1965	2,150,000	1,880,000	109,000		500,000
Bodie Island, North Carolina	1966	16,400,000	8,800,000			(1)
Fire Island Inlet to Montauk Point, New York	1960	68,600,000	33,900,000	3,578,000	500,000	500,000

[1] Awaiting action by local interests.

Mr. ELLENDER. I am going to ask the President again to look into this matter and be sure that the money we are appropriating today, and what we have appropriated in the past, will be used for the purposes that Congress intends.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BIBLE. I repeat my commendation of the Senator for his great leadership and his vigorous chairmanship of this committee in moving this bill forward. I subscribe to what he has said—he is the true leader in this field—because it does take money to get these projects going.

I am still interested in just rough figures as to the amount of money spent, and the benefits that have resulted. The Senator has already mentioned the benefits that come back to the people in terms of property saved by virtue of flood control projects. That must be measurable in billions of dollars, I would think.

Mr. ELLENDER. As the Senator will recall, we had two great floods on the Missouri River 8 or 9 years ago. We had them in 2 successive years, as I recall—perhaps one in 1 year and one 2 years later. The estimate of the loss sustained in that area alone, which was over $2 billion, would have at least paid for the construction of all the projects that were then authorized.

Mr. BIBLE. That was the additional question I was asking. I did not expect the Senator to total them all together, but he is just naming two projects.

Mr. ELLENDER. When Hurricane Camille occurred, the eye of the hurricane passed approximately 60 miles east of New Orleans. We had started a project there 4 years before, and we had spent $11 or $12 million on it. The Engineers told me that if those projects had not been started and the work that was then done had not been there, the loss in that area would have been over $91 million—almost as much as it will cost to complete the protection program.

I say that it is shortsighted on the part of the President—not only President Nixon but also President Johnson. President Johnson did not spend all the money that was appropriated, but it is my belief that the expenditure of that money in order to protect and preserve these resources for future generations is as important to us as to win a war anywhere. Without those resources, our country would simply die on the vine. That is what would happen.

Mr. BIBLE. I agree with the Senator. Is it not also true that every year 5 percent is added to the construction cost of these projects?

Mr. ELLENDER. At least 5 percent. As to some of the projects, the increase may be as much as 7½ to 8 percent. And that is a cost that continues to increase. In other words, on a project that could have been constructed 10 years ago for a million dollars, the amount might have to be doubled today.

Mr. BIBLE. I certainly agree with the Senator from Louisiana and I salute him for his able leadership in this field.

I have one last observation. Coming from the West, I am interested in reclamation. There are 18 reclamation States. The Senator commented on the benefits from these projects. Largely, I think they pay their own way. I think it is safe to say that reclamation projects in the West, when they pay out with interest, pay about 90 percent of the investment. Of course, there are nonreimbursables, such as flood control, navigation, and wildlife, but over and above that they will pay about 90 percent of their way.

I want to underscore that as far as it deals with reclamation projects, those are necessarily an adjunct of the overall water conservation and preservation program.

Mr. ELLENDER. Without those projects—and the Senator knows because he lives there and he has seen it—the economy of States such as Nevada, Washington, Oregon, and California, where there are huge deserts and where water is brought to the land, and the land has been made to bloom, never would have been developed except for the fact that we built these projects to preserve and protect the water and bring it to those areas.

In some instances, I might say to my good friend from Nevada, we have gone a little far in providing Federal funds. I do not wish to be critical by any means but a few years ago I found some instances in the reclamation program where the cost to the Government was as much as $2,500 per acre to bring water to the thristy ground. That is a little excessive, but examples of that kind are rare.

Mr. BIBLE. They certainly are.

Mr. ELLENDER. We have a lot of them, though, in which the Government puts up as much as 30 to 40 percent of the cost. In some instances this money is put up from the profits that are made from a generating plant that was established in the area to be irrigated. Those are all right.

I want to continue that process, and in order to continue that process we have to have a minimum amount of money each year. Here we have provided a good deal of money for 1967, 1968, and 1969, which we voted on, in order to continue this great work. But we are doing now about 50 percent of what we did 6 years ago. That is unconscionable. We can afford to let that decline in appropriations go on as it has been in the past 3 years.

Mr. BIBLE. It is also true is it not that the population is growing?

Mr. ELLENDER. Certainly.

Mr. BIBLE. We have more people now.

Mr. ELLENDER. Certainly.

Mr. BIBLE. So that creates more demand for water, as well as food and fiber.

I salute the distinguished chairman of the committee.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in connection with the questions asked by my good friend from Nevada, some of the language in the report of the Subcommittee on Public Works of the Committee on Appropriations of the House of Representatives that is specific on some of the benefits that have been derived from these water resource projects.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROJECT BENEFITS

The present value to the Nation of completed projects for flood control, pollution control, navigation, water supply, reclamation, power development, and recreation is evident from the following:

Flood control.—Benefits realized to date, compared with expenditures for construction of flood control facilities by the Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority are as follows:

[In millions of dollars]

	Estimated flood damages prevented	Expenditures for flood control facilities
Corps of Engineers	18,000	5,400
Bureau of Reclamation	674	576
Tennessee Valley Authority	500	200
Total	19,174	6,176

Water pollution control benefits.—From the inception of the program 12 years ago, more than 9,500 grants have been made to local communities to assist in the construction of waste treatment works. These facilities, in providing or upgrading the treatment of waste from approximately 75 million persons residing in the areas served, are helping to prevent or abate pollution of the Nation's waters. The total Federal cost has been $1.36 billion with State and local investment totaling nearly $4.7 billion.

Navigation benefits.—The navigation system of harbors and waterways constructed by the Corps of Engineers now carry almost 1.4 billion tons of traffic annually, principally in those commercial items which do not require rapid movement, but which are essential to the growing industrial economy of the Nation. Prominent among these commodities are 504 million tons (about 148 billion gallons) of petroleum and its products, 221 million tons of coal and coke, 152 million tons of iron ore, iron and steel, and 110 million tons of sand, gravel and stone. The waterways now carry annually about 281 billion ton-miles of freight traffic, continuing their increasing trend, and account for the movement of approximately one-sixth of the total ton-mileage of the Nation's intercity traffic.

Water supply benefits.—Storage in the reservoirs constructed by the Corps of Engineers and the Bureau of Reclamation furnishes about 2,516 billion gallons of municipal and industrial water to about 18 million people annually.

Annual power benefits.—Power benefits arising from hydro-electric projects constructed and operated by the Bureau of Reclamation, Corps of Engineers, and Tennessee Valley Authority annually provide the following:

Installed generating capacity, 36.4 million kilowatts.

Net generation, 179.4 billion kilowatt hours.

Gross revenues, $700 million.

Reclamation benefits.—The 201 completed reservoirs and facilities constructed by the Bureau of Reclamation now irrigate about 8 million acres producing annually crops valued at over $1.8 billion.

Federal income tax payments on reclamation projects since 1940 of about $8.3 billion exceed the total appropriations (since 1902) of $7.4 billion for project facilities, of which 89 percent will be repaid by the immediate beneficiaries.

Recreation benefits—	*Visitors days annually*
Corps of Engineer projects	227,000,000
Bureau of Reclamation projects	49,500,000
Tennessee Valley Authority projects	45,400,000
Total	321,900,000

Mr. HANSEN. Mr. President, will the Senator yield further?

Mr. ELLENDER. I yield.

Mr. HANSEN. Mr. President, I wish to call to the attention of the distinguished chairman page 47 of the report. On page 47 I find this language:

> The committee has no objection to the Secretary of the Interior, pursuant to section 303(b) of the Colorado River Basin Project Act (Public Law 90–537), entering into an agreement, including provisions for indemnification and liability, with non-Federal interests to acquire thermal generating capacity required to provide pumping power for the Central Arizona project. The committee allowance includes provision for payment of the Government's share of the costs to be incurred in fiscal year 1970 for initiating construction of the Navajo steam-electric plant. The committee has no objection to the advance of funds by local interests to expedite planning on the Central Arizona project.

I am well aware of the fact that studies undertaken by the Secretary of the Interior have led him to conclude that the best way to provide water for the central Arizona project is to build a thermal generating plant and to pump water from the river onto the higher elevations, which would be typical of the central Arizona project.

I assume that this language in the report deals only with the determination as to a practical way to bring the water up. Am I right about that?

Mr. ELLENDER. The Senator is correct. We have, of course, a similar situation, as the Senator will recall, at Grand Coulee.

Mr. HANSEN. Yes.

Mr. ELLENDER. We raise water there from the Columbia River about 250 feet above the level of the river so as to create a lake in the old bottom of the Columbia River and by use of that water we have been able to irrigate there some 2 million acres of land. The Senator is familiar with that.

Mr. HANSEN. Yes.

Mr. ELLENDER. There is much of that which is going to be done in the Arizona project.

Mr. HANSEN. I wish to ask another question of the distinguished chairman of the committee.

We have two basic compacts which constitute the law of the river on the Colorado. One is the Colorado River compact, and the other is the Upper Colorado River compact. The committee, in the language used here, is not trying to make any determination insofar as the amount of water that would go to Arizona.

Mr. ELLENDER. No.

Mr. HANSEN. Nor to invalidate in any way those two compacts. Am I right about that?

Mr. ELLENDER. The Senator is correct. In other words, that is fixed already.

Mr. HANSEN. Yes, it is fixed according to those compacts.

Mr. ELLENDER. This would not abrogate those compacts by any means.

Mr. HANSEN. And it is not intended to in any manner change or abrogate them.

Mr. ELLENDER. The Senator is correct.

Mr. HANSEN. I thank the Senator from Louisiana.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. TYDINGS. Mr. President, I wish to congratulate the distinguished chairman of the Subcommittee on Public Works of the Committee on Appropriations for his responsible and forward-looking action with respect to the appropriation for the construction of water quality treatment facilities. This particular appropriation was increased $400,000 over the House figure to the full Clean Water Restoration Act authorization of $1 billion.

There are few actions by Congress which will meet with greater response and acclamation, at least among the citizens of my State, than this action by the committee. In my judgment, the committee has met a critical problem in the United States; namely, the problem of water pollution, with foresight and understanding.

The pollution of our waterways is a national disgrace. Every major river system in the country is in part polluted. In Maryland, the Potomac, Patapsco, Severn, and Patuxent Rivers have all been fouled. The fact is that our Nation is no longer a land of clean and sparkling waters. We have permitted these resources to be abused and are now, individually and collectively, paying the price for our foolish, wasteful, and costly ways.

In order to clean up our waters, substantial funding of Federal programs is required. The programs already exist. The technology is available. All that is lacking is the money and the action of the committee, if accepted by the Senate and then the House, will do much to alleviate this. I congratulate again the Senator and the committee for the leadership in taking that very forward-looking position. I fully support this appropriation recommendation and urge the committee to accept it.

Mr. President, three other items in H.R. 14159 are of particular interest to me. The first is the Chesapeake Bay Basin study which includes the hydraulic model of the bay to be constructed on the Eastern Shore of Maryland.

In 1965 Congress recognized the importance of the Chesapeake by authorizing a special study made necessary by the fragile ecology of the basin, the great growth of the area, and our basic lack of knowledge about this great body of water. In the River and Harbor Act of 1965, $6 million was authorized for the study and model. In June of this year the two Maryland Senators, advised that the costs had escalated, introduced legislation, S. 2356, increasing the authorization to $15 million.

In this present bill, only $330,000 is provided for the Chesapeake Bay Basin study. This, really, is sufficient only to keep the preliminary planning alive. While disappointed in this appropriation, I recognize the financial restrictions under which the committee operated. I wish to call attention to the Bay study and model and express both my hope and the urgent necessity of next year providing the appropriate level of funding for this most important project.

The second item of interest is the Chesapeake & Delaware Canal. This canal is vital to the economic prosperity of Baltimore and the entire State of Maryland. Presently, it is being enlarged by the corps in order to accommodate the larger ships, particularly container ships, now coming into service. The project was authorized in 1954 with actual construction begun in 1962. Fifteen miles of the canal's 46-mile length have yet to be enlarged. Already the project has been delayed 42 months, and I feel it is imperative that these 15 remaining miles be completed at the earliest possible date. The action of the committee, in recommending a $7 million appropriation, which is a full million dollars above the administration's budget request and $750,000 above the House appropriation, will do much to accelerate the completion of the canal. I thank and congratulate the distinguished Senator from Louisiana for his consideration of this project. The Chesapeake & Delaware Canal is essential to Maryland's well-being and the funds appropriated are urgently required.

The third item concerns our national coastal erosion program.

Mr. President, I wish to ask the distinguished chairman whether or not he would now consider an amendment increasing the appropriation for the national shoreline study by $100,000. If I may for a moment refresh the Senator's recollection, in 1967 Congress enacted my legislation authorizing a 3-year study by the Corps of Engineers to determine the extent of coastal erosion on the 93,000 miles of our tidal and Great Lakes shoreline. A third of this, approximately 33,000 miles is probably eroding at a rather uncomfortable and rapid rate, resulting in well over a loss of $50 million per year. The legislation provided for a 3-year authorization of $1 million. Funds were to be appropriated in fiscal year 1969, fiscal year 1970, and fiscal year 1971.

However, the Appropriations Committee had already passed out the fiscal year 1969 appropriations before the legislation authorizing the study was passed on in 1968 so that, in effect, this is the first year we will be appropriating for that study. The corps, thus, has to compress 3 years of work into 2. The Bureau of the Budget requested, the House appropriated, and the committee recommended $150,000 for this, the second year of the study, although actually it is the first year funds have been appropriated.

The additional $100,000 would be used to assist the corps in accelerating its study, and provide a more balanced allocation of funds.

Mr. President, I am told that erosion exists along the coastline of Maine with some 3,000 miles; South Carolina, 2,000 miles; Georgia 1,000 miles; Louisiana 7,000 miles; Texas 3,000 miles; Washington 3,000 miles; Alaska 5,000 miles; Michigan 2,800 miles; Massachusetts 1,000 miles; and Oregon 1,000 miles. Other States have erosion problems also.

In these areas, we have very little actual identification as to just how bad the erosion is, or what steps should be taken. We do not know the cost of the damage or of the required protection desired.

The 1969 Authorization Act directed the Corps of Engineers, first of all, to conduct a basic inventory to determine the extent of erosion, to determine those areas where significant erosion takes place, to describe generally the remedial action required and to estimate roughly its cost, to provide a set of priorities for remedial action, and then to set up shore protection guidelines and coastline management guidelines for proper protection and management of our coasts. A final report from the Secretary of the Army is to be submitted to Congress.

The $150,000 included in the budgetary request this year would enable or would begin the fieldwork of the district Corps of Engineers in collecting data and examining inventory. The fact that only 2 years remain before submission of a report to Congress means that the $150,000 would have to provide that most of the fieldwork and much of the inventory analysis be completed during fiscal 1970. This would leave the finishing of the inventory analysis, the establishment of shoreline protection and management guidelines, and the wrap-up and final report to fiscal 1971. This is a great deal of work for 1 year, regardless of funds appropriated.

However, in view of the fact that the authorization runs out next year, I should like to request that the distinguished chairman accept an amendment increasing the amount by $100,000—that is, from $150,000 to $250,000, in order, this year, to finish up both the identification of the erosion areas and the analysis part of the inventory in the first year.

This latter part would cover the general plans for protective devices and the general cost estimates, and leave for next year the protection and management guidelines, the wrap-up, and the final report. The additional $100,000 would enable the corps to complete the fieldwork, to cover the data collection, and the plans and cost of protective devices that together make up the inventory. Otherwise I am fearful that we will not be able to get the project properly completed within the 3 years of the original authorization.

I feel that this problem of coastal erosion is of such significant national concern that the additional $100,000 is warranted. The finding of the study is out of balance, considering that only 2 rather than 3 years are left for the corps to complete the study. I would like to point out that this amendment benefits the whole country. Its scope is national rather than regional or limited to a single State. And the amount, $100,000 is relatively small.

Already, each year, the cost of erosion runs into literally millions of dollars, particularly when we have hurricanes where there are no protective devices to begin with.

We have never had a complete inventory on the problem of coastal erosion, particularly in regard to priorities and guidelines. I should now like to get the thinking of the distinguished chairman of the committee on my proposed amendment.

Mr. ELLENDER. Mr. President, let me say to my good friend from Maryland that no one appeared before the committee asking for the sum he is now requesting. It is my belief that there are erosion control studies now being made in many areas of the country which will assist in assessing the overall requirements which the study referred to is intended to provide. The committee has had a rule in the past of confining the allocation of increases recommended by the Senate to requests for moneys by the witnesses that come in and show why additional funds are required. There are many other studies for which requests were made, that we had to pass over, as the Senator knows, which are of longer vintage than this one. Because of the fact that we have funds here which will eventually assist the program that the Senator has in mind. I would suggest that he postpone action on this matter.

Next year, when the committee meets, and that will not be far off now, we will again consider this matter. I have not gone beyond the requests made by witnesses that appeared before the committee. That was my reason for calling in the Corps of Engineers after we heard from all the private groups, and the local people in the various areas who desired certain projects.

In this case, as I said, there is no testimony supporting the increase, I would therefore hesitate to accept his amendment, particularly in view of the fact that there were many others, on which we heard a lot of witnesses whose cases we did not feel to be justified.

So far as I am personally concerned, I would like to put in all the funds possible. At the same time, we have to meet with the House and maintain our responsibility to the Senate here. What the subcommittee and committee is trying to do is provide for certain areas enough moneys to proceed with vital projects. This project covers many more States than the State of Maryland. As I said, I will be glad to go into the matter the next year, and try to comply with the Senator's wishes.

Mr. TYDINGS. Mr. President, I defer to the thinking of the distinguished chairman on it and I will not offer the amendment. I appreciate the opportunity to engage in this colloquy.

Mr. ELLENDER. We must consider the capabilities of the Corps of Engineers. They are so busy with other things that we should not overload them but should see to it that they carry on as they should.

Mr. TYDINGS. I thank the Senator.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the Senate report, beginning on page 2 and containing all of page 3 down to the last full paragraph of the three pages. It covers some of the matters we discussed and puts it in a succinct form and I think it will be very informative for readers of the CONGRESSIONAL RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

WATER RESOURCE DEVELOPMENT

The House committee, in its report, clearly set forth the urgent requirements for water resource development to meet the needs of our expanding population, and the critical funding situation facing the projects which are under construction by the Corps of Engineers and the Bureau of Reclamation.

The importance of water and its conservation and development was placed in its proper perspective by President Johnson on September 30, 1968, on the occasion of his signing of the Colorado River project bill, when he asked those present to consider several very crucial facts of the time in which we live.

Fact No. 1. Next to the air we breathe, water is our most precious resource.

Because of its inflexibility as to quantity, water is somewhat comparable to real estate since it increases in value with increased population similar to the increase in land values as our population increases and competition grows for the land and water. One has little value without the other.

On September 17, 1964, President Johnson stated:

"By the year 2000, more than 300 million Americans will need 10 times the power and 2½ times the water that we now consume."

Four years later, President Johnson transmitted to Congress the first national assessment of the Nation's water resources under the Water Resources Planning Act of 1965. That report showed a population projection of 340 million by the year 2000 and 468 million by the year 2020.

Many areas of the country are experiencing falling ground water levels, necessitating deeper wells and increased pumping costs. These are just signposts of things to come. Testimony before the committee this year revealed that in one area the water pumped from wells, based on carbon-14 tests, was last exposed to the atmosphere 6,000 years ago; and in another area the subsidence of ground levels resulting from the mining of water is increasing construction costs about 2½ percent a year.

When one considers the time required to develop a major project—3 years or more for planning and 8 to 10 years for construction—it is evident that it is none too early to start projects needed and justified. They will become critically urgent long before they can be completed on an economical program. Crash programs should be avoided if at all possible, since they are always more expensive than necessary, and frequently do not provide for the optimum use of the site.

President Johnson, in his budget message on the fiscal year 1970 budget, pointed out that between 1964 and 1970 the outlays for major social programs increased by 123 percent. During this same period, there was an actual reduction in the funds recommended for water resources development.

The total budget estimate for fiscal year 1964 was $109 billion, of which the construction programs of the Corps of Engineers and the Bureau of Reclamation were $1,188,428,700, or about 1.09 percent of the budget. For fiscal year 1970, the budget estimates total $210.1 billion, and the estimate for the construction programs of the Corps of Engineers and the Bureau of Reclamation totals $1,038,920,000, or about 0.49 percent of the budget. In actual dollars, there is a reduction of $149,508,700, or about a 12.5-percent decrease.

When one considers the fact that the cost of construction has increased about 5 percent a year, the estimate is about the equivalent of $727,300,000 in terms of construction costs in 1964. From the standpoint of actual construction which can be accomplished, the 1970 program shows a reduction of about 39 percent.

The budget submitted by President Johnson has subsequently been reviewed by President Nixon and the construction requests of the Corps of Engineers and the Bureau of Reclamation were reduced by another $181 million. This represents a dollar reduction of 15.3 percent, and a drop in construction potential since 1964 of almost 50 percent.

On September 4, 1969, the President directed all agencies of the Federal Government to put into effect immediately a 75-percent reduction in new contracts for government construction.

This year has been a year of disaster. The months of January and February saw unusually destructive floods in California; the spring floods of the Midwest were particularly damaging and, except for the costly emergency work undertaken by the Government in Operation Foresight, would have been the most destructive floods in the history of that area. In August, the devastation resulting from Hurricane Camille along the gulf coast and the accompanying heavy flood-producing rains as far north as Virginia resulted in damages exceeding any other storm of this century.

For these reasons, the committee feels that duty and responsibility to provide the funds for the continuation of the water resources program in excess of the budget requests, and, notwithstanding the President's directive for a 75-percent reduction, for new contracts for Government construction. The committee believes that the Congress has the duty and responsibility to provide the funds necessary to continue these essential programs. If the administration refuses to spend the funds appropriated, it will be their responsibility to explain to the victims of flood and hurricane disasters the higher priority of other Federal programs over the programs for the protection of their lives and security.

In line with the above, the committee has provided increases in projects underway and for additional new planning and construction starts.

Mr. ELLENDER. Mr. President, all in all, it is my opinion that we have reported a good bill to the Senate. I wholeheartedly support it. I hope that my colleagues will join me in supporting the bill and voting for it, so that we can go soon to conference with the House.

CONGRESS MUST APPROPRIATE NECESSARY FUNDS TO PURIFY OUR WATERS

Mr. RANDOLPH. Mr. President, a new sense of urgency for national environmental quality is embodied in title 3 of the appropriation bill pending in the Senate today. This legislation, very importantly reasserts the initiative of the Congress in funding the water quality improvement program.

I commend my colleague, the Senator from Louisiana (Mr. ELLENDER), as I commend also all members of the Senate Appropriations Committee, for emphasizing, as we do in this measure, the need to protect this Nation's water quality.

We have been, until now too timid, in that we have not followed the authorizations with the necessary appropriations to come to grips with the contamination of the water supplies of this country, especially in the metropolitan areas of the Nation.

Those Members of the Senate who have worked on this particular matter—that is, the approval of $1 billion for water pollution control—have my sincere thanks. They have taken another and a significant step in what I hope will be a united frontal attack on the very serious problem of improving water quality.

Mr. President, I am not a carping critic, but I do remind my colleagues that the present administration has requested only $214 million for this program. That amount, of course, was raised considerably in the House, when $600 million was approved. But now the Senator from Louisiana (Mr. ELLENDER) ably presents a well-reasoned argument for the full authorization of $1 billion to take care of this imperative need, which affects millions and millions, directly or indirectly, of the people of this country.

I call attention to the fact that in the House of Representatives, although the $1 billion was not contained in the affirmative action taken there, the figure that is now contained in this appropriation bill failed by only two votes. So it is my hope that, after the measure is passed in the Senate and goes to conference with the House, the almost even vote, as it were, in the House will prevail as the conferees of that body meet with the conferees of the Senate, hopefully to agree upon the $1 billion figure.

I think it is appropriate for me to commend by name certain Senators who serve on the Public Works Committee, the authorizing committee in the Senate. I have the very greatest admiration for the pioneering work which is being carried forward by the Senator from Maine (Mr. MUSKIE) in this field. He chairs our Subcommittee on Air and Water Pollution. The efforts which he and other Senators have made, including Senator COOPER and Senator BOGGS, regardless of party, have reenforced my feeling, as the chairman of that committee, that our work has begun, but in no sense has it been completed, and we must move forward.

The members of the Public Works Committee, the authorizing committee, have been privileged to have had the superb leadership of the Senator from Louisiana (Mr. ELLENDER) in developing the sound basis for the $1 billion appropriation. If we had not justified it, if it had not been needed, then it would be another figure. But the need is there. The urgency is there. The reasons why we should do it now, and not later, are apparent.

As I said, this measure provides for $1

billion, but I think it is important to point out that it is a cooperative effort. The program cannot succeed solely by the Federal Government's spending money. It must proceed with the cooperation of the States and other political subdivisions. The political subdivisions must provide necessary funds.

So to what use do we put the $1 billion in Federal funds? This is matching money. It will contribute to the construction of sewage treatment facilities throughout the country.

It will serve as a stimulus to the States as they undertake, with the political subdivisions, to do the job which must be done. It is a commitment, and Congress must not fail in its responsibility to provide the necessary moneys after authorizing the program.

Let us think, as this appropriation comes before us today, what the background is. I remind my colleagues that it was 3 years ago that the Senate unanimously passed the bill that came from the Committee on Public Works, which provided a dynamic new program of grant-in-aid to State and local governments for the construction of these facilities, sewage treatment plants, which I have emphasized today.

We remember that the Clean Water Restoration Act of 1966 was, in a sense, the finalization of our effort.

I want my colleagues to realize that when the Congress enacted the $3.5 billion program in 1966, compromised down from the Senate-passed version of $6 billion, we recognized the time which was necessary to move this program forward. It was to be a 5-year effort.

Only slightly more than $550 million have been appropriated for the original authorization of $3.5 billion.

I repeat, the administration asked only $214 million this year. There are only 2 years remaining, I remind my colleagues, and it is obvious that we have fallen far behind the commitment which the Congress made in the area of improving the environment and purifying the water supply for many sources and for many needs in the United States.

The issue is clearly stressed in editorial comment in the Morgantown, W. Va., Dominion-Post of this past Sunday, the editorial emphasizes that: "clean streams are a lofty ideal toward which Americans in general and West Virginians in general are proceeding in an agonizingly slow manner." I agree with that statement.

We made a promise, Mr. President, in 1966, to help the States aid their municipalities to develop clean water programs, which would assure benefits not to just segments of our population, but to all Americans; and we did it not only with the thought of partially meeting the immediate need—although we were too late then—but in terms of realistic programs for the future.

The Federal Water Pollution Control Administration has estimated the backlog of projects for 5 years—that would be through 1973—at $8 billion. We had $3.5 billion, I repeat, in the measure as finally authorized. So we have already failed in part; how can we continue to lag in our effort to meet the responsibility which we have set for ourselves by our past authorizations?

Some of the States, Mr. President, in anticipation of Federal expenditures, have set aside sums for construction, in anticipation of reimbursement. They expect the Federal Government to help them in these areas, in fact, there are seven States which have already prefinanced construction; and, if the Record does not show it at another point, I ask unanimous consent to have printed in the Record at this point a chart showing that information.

There being no objection, the chart was ordered to be printed in the Record, as follows:

ALLOCATIONS OF REIMBURSEMENT FUNDS UNDER PROPOSED TYDINGS AMENDMENT

States	States' funds Advanced	Percentage of total prefinancing	Possible appropriations		
			$300,000,000	$200,000,000	$100,000,000
Connecticut	$60,900,000	20.79	$62,370,000	$41,580,000	$20,790,000
New York	150,315,000	51.31	153,930,000	102,620,000	51,310,000
Maine	3,500,000	1.19	3,570,000	2,380,000	1,190,000
Massachusetts	8,500,000	2.90	8,700,000	5,800,000	2,900,000
Vermont	677,000	.23	690,000	460,000	230,000
Pennsylvania	16,095,000	5.50	16,500,000	11,000,000	5,500,000
Maryland	52,957,000	18.08	54,240,000	36,160,000	18,080,000
Total prefinancing	292,944,000				

Mr. RANDOLPH. This legislation, I conclude, is a reaffirmation of our commitment—a commitment, I think, to all the alert citizens of our country. If we are to be a responsible Congress, we must be responsive to responsible citizens; and in this area of legislation, there exists an almost unanimous agreement by the American people, crossing all party lines, that the job must be done, and must be done now, to purify the waters of the United States and insure to all of our people, including the little children, fresh, clean water in our rivers and our lakes. In West Virginia, the State which we call the Mother of Rivers because so many rivers originate in our highlands, we understand this problem full well.

Again I commend all those Senators, particularly the Senator from Louisiana (Mr. Ellender), and the members of the Appropriations Committee and the Committee on Public Works, who have brought this measure before us today. I respectfully suggest that our action on this measure will be in the nature of underscoring our recognition of the need for not partial, but full commitment to the effort envisioned by the action of Congress in 1966.

Mr. SPONG. Mr. President, I am gratified that the committee has recommended an appropriation of $1 billion in fiscal 1970 to provide Federal grants for construction of sewage treatment plants.

I support the appropriation as an indication of my desire to improve the quality of the Nation's water resources. The Congress committed itself in 1966 to funding the program at the billion-dollar level in fiscal 1970.

The urgency of solving the Nation's water pollution problems amply justifies an appropriation in excess of the $214 million recommended by the administration. The committee is to be commended for its action on this matter.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I understand that the distinguished senior Senator from Tennessee desires to offer an amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, on behalf of my distinguished colleague (Mr. Baker) and myself, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the benefit of the Senate.

The legislative clerk read as follows:

On page 30, line 3, strike out the figure $50,300,000 and insert in lieu thereof the figure $51,600,000.

Mr. GORE. Mr. President, the amendment would provide for beginning a very worthwhile and severely needed development of the Duck River tributary of the Tennessee River.

This river valley is a populous area. It is a rapidly growing area in which the need for a fresh water supply is very pressing.

The project has been carefully surveyed and several towns and communities within the area have formed the Duck River Association. They have a close working relationship. It is remarkably cooperative. They have approached the Tennessee Valley Authority for consideration of their needs. The TVA in turn has surveyed the proposed project. And as I understand it, the Tennessee Valley Authority has favorably recommended the project.

I am very hopeful that the distinguished chairman of the committee will be willing to accept the amendment. An expenditure of this sort would in no sense be wasted. The benefits to be realized from this development will be lasting and will be very substantial.

I will not take the time of the Senator to give a detailed discussion. However, I ask unanimous consent to have printed into the Record a justification for the project.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

INTRODUCTION

The purpose of this report is to provide evidence to show that the benefits derived from public investment are more likely to be maximized if the investment is made in an area where a regional agency as the Upper Duck River Development Agency exists. The report describes the activities of the Upper Duck River Development Agency and Association and considers its projects in relation to the expansion benefits which will result from the public investment in the Upper Duck River Area.

The Upper Duck River Development Agency, Upper Duck River Development Association, and the Upper Duck River Regional Planning Commission work together on both long range and short range plans for comprehensive development of the natural and human resources of the Upper Duck River Valley. The activities include a wholesome working relationship with other Agencies and groups on local, State, and Federal levels.

A summary of the history and aims of the Agency and Association are given as background information.

HISTORY

Leaders in the Upper Duck River Basin recognized there were problems and tasks that require the unified efforts of several communities and several Counties. In July, 1964, the Upper Duck River Development Association was organized for the purpose of planning and executing programs to implement development of the resources in the four-County Upper Duck River Basin. In due course of time, the Association was chartered under the laws of the State of Tennessee as a tributary area. The Association's first task was an inventory of its resources. Resource work groups were organized with the cooperation of the technical representatives from TVA, and resource inventory reports were prepared and published in June, 1965.

The leaders in this area-wide effort recognized the need for legal status and financial assistance. This was accomplished with the enactment of legislation creating the Upper Duck River Development Agency, which was signed into law on March 3, 1965, by the Governor. The Agency Directors were appointed in July, 1965 and the organization of the Agency was finally consummated in September, 1965. One of the early efforts of the Agency was toward the establishment of a junior college to serve a seven-county area in the Upper Duck and Elk River Watersheds. This was undertaken in cooperation with the Elk River Development Association and Agency. There was complete unity of effort toward the establishment of the college to be located in Moore County.

In order to utilize the assistance available from various Federal programs, it was essential that the Upper Duck River Area have a comprehensive Planning Program Early in 1966, the four Counties Quarterly Courts and the City Councils passed Resolutions urging the exploration of a regional planning commission. The Commission was organized and became a reality in May, 1966. The Commission consists of representatives from each of the Quarterly Courts, each of the City Planning Commissions, the Upper Duck River Development Association, and the Upper Duck River Development Agency.

The Association represents some 130,000 people in the Upper Duck River Watershed. The Agency represents the power structure of the County, City, and State levels. The planning commission is a technical servant which assists the Association and the Agency in regional planning. With the respective functions of these organizations, the area is well-equipped to handle a wide variety of regional projects. These organizations are supported by the financial participation of the Counties, the Cities of the area, the State, and an individual participating membership in the Association of $1.00.

The people of the Upper Duck River Basin recognized that its development is multi-purpose and involves an inter-relationship of one resource with another. They also recognize the fact that water is our most important resource as it is basic to industrial expansion, economic growth, and development.

AIMS

The hope of our future involves the faith of the individual, the governmentally independent individual's right to think, to plan, to create, to stand on his own feet and to be rewarded. The ultimate objectives of the Upper Duck River Development Agency and Association are to maximum the economic development of the watershed, provide gainful employment for its people, and to make the area in general a better place in which to live. We will extend the benefits of our inventiveness, enterprise and skill to our people.

The foregoing broad objectives may be broken down into several parts as they relate to our various resources.

1. To provide for adequate water supply and flood control by establishing a series of dams and a water-control system on Duck River.

2. To up-grade the areas' educational systems with particular emphasis on vocational training.

3. To develop health-education programs that will bring about a better understanding of the health services available to the areas.

4. To work with various Agencies at the local, State and Federal levels to up-grade our environmental conditions and industrial climate.

5. To work with TVA, State Industrial Department, Middle Tennessee Industrial Development Association, and others to interest industrial firms in locating their plants and distribution centers in the Upper Duck River Area.

6. To improve transportation facilities throughout the basin with the establishment of an East-West Highway that will meet primary highway specifications.

7. To encourage the estalishment of both public and private recreational, facilities throughout the watershed.

8. To organize agricultural commodity management clubs and to strive for an average gross annual income of $10,000 per farm family.

PROJECTS

The above objectives provide a framework for an almost limitless resource development. The Agency is a leader in coordinating the activities of local government which relate to the economic development on an area-wide basis. UDRDA has worked closely with various State Agencies—The Tennessee Valley Authority, Housing and Urban Development Department and other groups. The Agency and the Association have embarked on promotional campaigns and work projects designed to maximize economic growth and make the valley a better place in which to live.

Duck River project

The Duck River Project (Normandy and Columbia Reservoirs) Planning Report No. 65–100–1 was submitted to the Bureau of Budgets by TVA in October of 1968.

This project was determined feasible by TVA and provides for construction of a water control system on Duck River consisting of Normandy Dam and Reservoir and Columbia Dam and Reservoir at an estimated cost of 73.5 million dollars. The reservoirs will consist of sixteen thousand surface acres of water at normal pool. Certainly this project will mean much to the Duck River area and to the State as a tool in total resource development. Recognizing the importance of public support for any project, we proceeded with the campaign to mobilize support. Resolutions endorsing this project and urging Congress to approve and fund it at an early date. It was passed by the four Quarterly Courts of the area, twelve City Councils, and many Civic Clubs and organizations. A House Joint Resolution was passed by the Tennessee General Assembly in April of 1969. All of these Resolutions were forwarded to our Congressmen and Senators. On Wednesday, April 30, 1969, Congressman Joe L. Evins introduced House Joint Resolution No. 72 into the Congressional Record: It is significant what Congressman Evins said:

"Mr. Speaker: The Tennessee General Assembly has passed House Joint Resolution 72 calling for construction of Columbia and Normandy Dams by the Tennessee Valley Authority on the Upper Duck River."

"The Tennessee Legislature in its resolution urged the appropriation of funds to initiate construction of these two most important projects."

"Mr. Speaker, the Tennessee Valley Authority has recommended these two projects to the Bureau of the Budget which has denied TVA's request despite the broad range of support by the Upper Duck River Development Association and counties and cities in the area."

"These are needed projects, fundamental to the growth and progress of this area, and funds to initiate construction should be appropriated for the next fiscal year."

"Because of the importance of these projects to our people, I herewith place in the Record House Joint Resolution 72."

The Agency designated a special Committee to work with TVA, State and local Governments in developing contractural arrangements with TVA that will depict non-federal participation in the Duck River Project. The Committee has had two meetings with the various Departments of State Government and TVA. The Department Representatives were keenly interested and willingly pledged participation and support. Progress in this endeavor has been made. Subsequent meetings between the State Departments of Government, local Government and TVA will be necessary to finalize this arrangement.

Although Duck River Project was not included in the President's budget submitted to Congress, the people of the area were not discouraged. In June, 1969, nine of the Duck River leaders appeared before the House Public Works Sub Committee on Appropriations, in behalf of the Duck River Project Report No. 65–100–1. Formal statement was filed and there was an interchange of questions and answers with members of the Committee. The Duck River group was encouraged with the hearing before the Committee. We are hopeful this project will be approved and funded by the Congress this year.

Water grid system

During the year very substantial progress has been made in the construction of the Water Grid System. The objective of this project is to distribute potable water to smaller communities and rural areas throughout the watershed.

1. The first phase of the Lewisburg segment was completed last year. The second phase application of Lewisburg has been filed with HUD.

2. The first phase of the Columbia project was completed. Columbia's second phase was approved by HUD with a $500,000 grant. Bids on the second phase have been received, opened, and the contract awarded.

3. The Shelbyville first phase has been completed. It is contemplated that the second phase application will be submitted in the next fiscal year.

4. Tullahoma's first phase is complete. Their consulting engineering firm is working on the second phase application.

5. Manchester's first phase got underway late in the fiscal year.

6. Cornersville, a small community serviced from the Lewisburg Water Grid System made application to up-grade their water distribution. Cornersville received a grant of $75,000.00 and a loan of $90,000.00 from HUD.

7. The Wartrace community has submitted application to HUD, for an expansion of their rural distribution and will provide tie-in with the Shelbyville System and ultimately the Manchester System at Beech Grove.

Legislators and State officials

The Agency and the Association had a joint meeting in December to which they invited their Legislators and State Officials. The meeting provided a means of communication and exchange of ideas relative to the Upper Duck River program. This meeting was very worthwhile and it resulted in a better understanding between our Legislators, State Officials and Duck River Leadership.

UDRDA brochure

A brochure entitled "Economic Development in the Duck River Area" was prepared and printed. The brochure treats three phases of our program: the Upper Duck River Area, a program of action and partners in development. This publication has been effective and has created a great deal of interest among the children in Junior and Senior high schools within the Duck River area and was helpful in the Duck River membership campaign.

TVA support

The Duck River leaders recognize the need for public support of TVA, not only in our immediate Valley, but throughout the Tennessee River Region. We prompted Tennessee River Valley Association of Decatur, Alabama to hold a series of meetings toward the development, organization of public support for TVA. We hope these meetings will result in far reaching support.

Transportation center idea

The Duck River people conceived the idea for a Transportation Center which might be located within the Northern region of the Upper Duck River Watershed. Such a Center would serve Metropolitan Nashville and all of Middle Tennessee. It would enhance all modes of transportation, including international and domestic flights, air freight, rapid rail facilities into Metropolitan Nashville, rapid automotive transportation, pipelines, rail and trucking services for air freight. Preliminary studies show there are many pluses in favor of such a development. The aircraft of the 70's will have to avoid Metropolitan areas because of safety factors. FAA has indicated that Nashville needs a new airport facility. The number of air passengers, transportation to and from the airports, indicate the need for a Transportation Center. Working with TVA representatives a study of the transportation situation is in process. In addition, Duck River is maintaining contact with the aviation and transportation leaders of Metropolitan Nashville. The Duck River people and the Legislators from this rural area cooperated with the Metropolitan areas of the State in the passing of legislation which provides for setting up of an airport transportation authority. It is felt that this legislation was the initial step in the development of the Transportation Center idea.

Planning project

Late in the year the Upper Duck River Planning Commission and Agency entered into a contract with the Tennessee State Planning Commission to perform the services as outlined in Developmental Planning Project Tenn P–66. This Project includes three major phases:

1. Long range planning (20 or more years).
2. 5 year planning.
3. A year to year plan (this phase is designed to meet the planning situation for any development project that may be initiated).

Tennessee State Planning Commission is scheduled to initiate work on July 1, 1969.

BENEFITS FROM PUBLIC INVESTMENTS

It is obvious from the nature of the various projects undertaken by UDRDA that the benefits from the Agency's and Association's activities extend into all phases of economic development in the watershed. The Agency and Association offer the organization framework through which leaders in the watershed communities can participate in the developmental work. Past efforts of the area's citizens acting through the Agency and Association have demonstrated their ability to initiate and follow through with projects which have beneficial effects on income in the area. The leaders in the Agency and Association believe that the additional income to the region, which will be projected as expansion benefits in the Duck River Project, (Normandy and Columbia Reservoirs), can become a reality through the cooperative efforts of UDRDA, the local, State and Federal governments, and the people of the Upper Duck Watershed.

The amount of total income to the area's residents which will result from the proposed project on the Upper Duck is dependent not only on the increment income in the form of new wages which are directly attributed to the projects, but also on the income generated by respending the wages. Total income generated in a given period of time will depend on the frequency of respending which in turn will depend on the relative amount of economic activity in the watershed. Leaders in the Agency and Association believe that the generation of new income, called the multiplier effect, will be of relatively large magnitude in the Upper Duck River area because of the activities of the Agency and Association which tend to promote economic development within the watershed and surrounding areas.

Activities to attract new industry and provide support for existing industry will create more jobs in the four County area. New gains in manufacturing will result in the addition of new jobs in trades and service industries. Projects to improve education and skill levels have the effect of up-grading the area's labor force and preparing young people to take advantage of better job opportunities within the watershed. The Water Grid System will affect practically every citizen in the area through improved water supply for residential, commercial, and industrial developments. Other activities in the fields of highway construction, agriculture, recreation, and water pollution control will help stimulate economic expansion in the four County area which will be affected by the proposed projects on the Upper Duck River. This economic expansion will, in turn, supply the necessary acceleration to maximize the new income to the area resulting from the project.

MEMBERSHIP

The Upper Duck River Development Association has an active membership of 2,548. The general public is enthusiastic about the Upper Duck River Development Program and its several projects. The Agency and Association, Officers, Directors, and Committeemen and Work Group Members have given voluntarily of their time, talents and energies to promote and improve the Upper Duck River Watershed. The citizens participation for the fiscal year of 1968–1969 was as follows:

3,217 man hours.

31,077 automobile miles.

Other expenses $1,595.00 (to attend the regular meetings, work group meetings, committee meetings, and other activities).

PUBLICITY AND PUBLIC RELATIONS

Projects and activities of the Agency and Association have been of local and wide spread interest. The press, radio, and television have been most helpful in publicizing our efforts, our dreams, and our accomplishments in the development of the Upper Duck River Area. A wholesale awareness of our program exists through the four County area. Some of our projects have attracted interest in many areas. The Water Grid System Project has national recognition. HUD representatives speaking before the Governor's conference in Honolulu made numerous references to this project. Several regional and national magazines have carried featured stories pertaining to the UDRDA activities.

The Officers, Directors, and Staff have maintained contact with our public officials in the State and in Washington. We have endeavored to keep them fully apprised of the problems and developments in our program. Congressman Joe L. Evins, Congressman William Anderson, Senator Albert Gore, Senator Howard Baker, Governor Ellington, State Senator Reagor Motlow, State Senator Ernest Crouch, State Senator Joe Kelley, Representative Pat Lynch, Representative Joe Majors, Representative W. R. (Spot) Lowe, Representative Thornton Taylor, Representative W. A. Richardson, Representative Edward Blank, Officials and Staff of TVA, HUD, and TSPC have been most helpful with the many aspects of our Upper Duck River Program. To them individually and collectively we express our sincere thanks.

PLANS FOR 1969–1970

The people of the Upper Duck River Valley are dedicated to the goal of total resource development of the area. All of our activities and projects are designed to obtain maximum benefits and optimum economic development.

An immediate task is to obtain Congressional approval and initial funds for construction of the Duck River Project (Normandy and Columbia Dams and Reservoirs, Report No. 65–100–1).

The people will continue their efforts on the Water Grid System, recruit and expand industry, maintain amicable relationship with all the Agencies, on local, State and Federal levels and pledge unity in our actions.

Upper Duck River Development Agency Financial Report, July 1, 1968 Through June 30, 1969

RECEIPTS

General account:	
Brought forward	$1,907.64
Town of Spring Hill	50.00
Maury County	1,000.00
Town of Normandy	25.00
Town of Bell Buckle	30.00
City of Columbia	1,000.00
City of Tullahoma	750.00
City of Lewisburg	1,000.00
Marshall County	750.00
Coffee County	750.00
City of Shelbyville	750.00
City of Manchester	750 .00
Town of Wartrace	25.00
State of Tennessee	5,000.00
Bedford County	750.00
Town of Chapel Hill	50.00
Total	14,587.64
Water account: Brought forward	50.54
Planning account:	
Brought forward	8,751.28
City of Manchester	1,250.00
Coffee County	1,250.00
Marshall County	1,750.00
Maury County	2,500.00
City of Shelbyville	1,750.00
City of Lewisburg	1,500.00
City of Tullahoma	1,500.00
City of Columbia	2,500.00
Bedford County (cash $1,270.00, Rent $480.00)	1,750.00
Total	24,501.23
Total receipts	39,139.43

Upper Duck River Development Agency Financial Report, July 1, 1968 Through June 30, 1969—Continued

EXPENSES

General account:	
Salaries	10,500.00
Taxes	443.40
Office supplies postage	216.79
Printing	129.60
Telephone	634.60
Travel	1,256.38
Equipment	203.77
Contingency	$124.78
Bond	50.00
Travel insurance	55.00
Total	13,614.32
Water account	48.73
Planning account:	
Salaries	11,000.00
Taxes	394.55
Travel	1,729.52
Office supplies and postage	21.00
Rent	480.00
Total	13,625.07
Total expenses	27,288.12
Balance—General account	973.32
Balance—Water account	1.81
Balance—Planning account	10,876.21
Total balance	11,851.34

THE TENNESSEE UPPER DUCK RIVER DEVELOPMENT AGENCY, SHELBYVILLE, TENNESSEE, 1968–69 REPORT TO THE GOVERNOR

OFFICERS AND DIRECTORS

Mr. Hardin Hill, President—Columbia, Maury County.

Mr. Theron Bracey, Vice President—Shelbyville, Bedford County.

Judge Sam Clark, Secretary—Lewisburg, Marshall County.

Judge John W. Ray, Treasurer, Manchester, Coffee County.

Mr. L. B. Jennings, Tullahoma, Coffee County.

Judge Mac Farrar, Shelbyville, Bedford County.

Judge John S. Stanton, Columbia, Maury County.

Mr. Wade Arnold, Shelbyville, Bedford County.

Mr. Kennie Moses, Chapel Hill, Marshall County.

Mr. Clair Eoff, Jr., Tullahoma, Coffee County.

Mr. E. Boyd Garrett, Nashville, State of Tennessee.

Mayor James H. Dowdy, Columbia, Maury County.

Mayor J. A. Biggs, Lewisburg, Marshall County.

Mr. Edwin Allen, Lewisburg, Marshall County.

Mr. Sam Worley, Jr., Maury County.

THE UPPER DUCK RIVER DEVELOPMENT ASSOCIATION, 1968–69

OFFICERS AND DIRECTORS

Mr. L. B. Jennings, President, Tullahoma. Coffee County.

Mr. Hardin Hill, Vice President, Columbia, Maury County.

Mr. W. D. Copeland, Secretary, Shelbyville, Bedford County.

Mr. James Stammer, Treasurer, Lewisburg, Marshall County.

Mr. Tom Green, Nashville, Davidson County.

Mr. Theron Bracey, Shelbyville, Bedford County.

Mr. John P. Jewell, Columbia, Maury County.

Mr. Lloyd Payne Shelbyville, Bedford County.

Dr. J. C. Leonard, Lewisburg, Marshall County.

Mr. Floyd Mitchell, Tullahoma, Coffee County.

Mr. Sam Kennedy, Columbia, Maury County.

Mr. Franklin Yates, Shelbyville, Bedford County.

Mr. C. F. Norman, Manchester, Coffee County.

Mr. Frank Grisard, Manchester, Coffee County.

Mr. Lon McFarland, Columbia, Maury County.

Mr. Doug Rogers, Chapel Hill, Marshall County.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. BAKER. Mr. President, we are dealing with an additional item of $1,300,000 for these two projects. That is a substantial amount of money. However, I point out, as my distinguished senior colleague has pointed out, that the projects are well justified by cost benefit ratios and the House of Representatives has seen fit to include it in its appropriations. It is an innovative program uniquely suited to the pattern in our area for the development of water resources, electrical energy, or recreation in industrial location.

I believe these projects are eminently worthy of the consideration of the Senate for inclusion in this appropriation measure.

Mr. President, this amendment would increase the appropriation for the Tennessee Valley Authority from $50,300,000 as recommended by the committee to $51,600,000, an increase of $1,300,000.

The purpose of the amendment is to restore to the pending bill $1.3 million included by the House for preliminary planning and land acquisition for two interrelated Tennessee Valley Authority projects on the Upper Duck River in Tennessee, the Normandy Dam project and the Columbia Dam project.

Mr. President, these two projects are vital parts of an overall plan for the development of a five-county region in the south central part of my State. The Upper Duck River Development Agency, chartered by the General Assembly of the State of Tennessee, has developed and begun the implementation of a bold and innovative redevelopment plan that has gained national attention. An ambitious multi-county water grid system is well under way, a system that could well serve as a model for rural water supply throughout the country. Many other Federal, State, and local programs—including urban renewal projects and OEO community action programs—have been developed and coordinated by the Upper Duck River Development Association.

The Columbia and Normandy dams and the reservoirs that they will create form the heart of this promising experiment in local redevelopment. The two projects combined have an annual combined benefit to the area of nearly $5 million and a cost benefit ratio of 1.2 to 1. These benefits are allocated to such improvements as flood control, water supply, water quality control, recreation, shoreline development, fish and wildlife, transportation, and job expansion.

The most urgent of these needs is a chronic water shortage that grows worse every year and which severely limits the opportunities for industrial and residential expansion within this area. The reservoirs that would be created by these two projects are essential to the future growth of the region and to the success of the water grid system that I mentioned earlier.

Mr. President, $1.3 million is a relatively small amount of money. The House committee and the House as a whole saw fit to include these funds in H.R. 14159. The Senate committee, in its wisdom, saw fit to delete this modest amount, at the same time providing $1 million not in the House bill for a very similar series of dams on the Upper French Broad River in the great State of North Carolina. I am confident that the Upper French Broad project is an excellent one—it has a benefit cost ratio of 1.4 to 1—and I am delighted for the people of North Carolina that the distinguished committee has seen fit to recommend to the Senate that this project not funded by the House be funded in this body. But I am not so happy that the committee has seen fit to delete a similar amount for a similar project in Tennessee where I feel, and the House feels, the need is just as great.

Mr. GORE. Mr. President, I thank my distinguished colleague. I am very pleased to join in the amendment which he drafted and which I cosigned and sent to the desk.

I noticed that the committee has approved an item of some $1 million for a project in North Carolina. From my limited knowledge of this project—and it is a worthy project—I do not wish to offer any criticism of the project or offer any hindrance to that project. I suggest to my distinguished friend, the able chairman of the subcommittee, that we receive similar sympathetic treatment.

Mr. ELLENDER. Mr. President, I wish to state to the able Senators from Tennessee that the subcommittee gave a good deal of thought to the projects that were submitted by the Tennessee Valley Authority.

In working out a program, as I stated earlier, we tried to see to it that the various States were treated similarly. Three States in particular benefit a great deal from the TVA, and those States obtain money for resource development from at least three sources of which I know—the Corps of Engineers, civil; the Tennessee Valley Authority; and the Appalachia development program.

It will be recalled that I did not speak against the Tellico Dam, which is in the Tennessee Valley Authority program, but at the time it was put in the bill for appropriation, I stated that I thought it should be postponed. I did the same thing with respect to the Tims Ford Dam, and I am now doing the same with respect to the Duck River project.

I assure the Senators from Tennessee that I do not look with disfavor upon these projects, by any means, and I am all for the TVA. I have been for it ever since its inception.

It will be recalled, however, that the TVA was originally authorized in order to produce electricity from falling water. There were great rivers across which dams could be constructed, and as long as these great water resources could be used, I am sure the Senators from Tennessee will agree that the TVA had my individual support.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GORE. I want to affirm the record of the able Senator as he has stated it and to express, on my own behalf and on behalf of the people of Tennessee—and I presume on behalf of all the people who are served by the TVA—our gratitude for the support he has steadily given for hydroelectric development.

As the Senator has said, he also has consistently questioned the advisability of the generation of power by steam, by fossil fuels. So, insofar as the development of the water resources of the Tennessee Valley is concerned, the Senator has been a firm champion.

Mr. ELLENDER. I have never been found wanting, I may say to the Senator from Tennessee.

As I have said, the TVA was established originally on the assumption that the great rivers in that area would be developed to the end that large amounts of hydroelectric power would be produced. But the power needs grew so fast, that it was felt necessary by some to advocate that steam plants be constructed in order to provide more electricity. I voted for steamplants in order to firm the hydro power that was then being produced in the valley. I never objected to that.

Later, as time went on, with the greater demand for electricity, more steamplants were constructed. That is when I began to object to the use of money from Texas, from California, from New York, and from other States in order to construct more steam-generation plants.

I got the last report from the Administrator of the Tennessee Valley Authority indicating that, of all the electricity that is produced by the TVA, 79 percent comes from steamplants; the early steamplants were paid for out of the general fund. Of course, the cost is ultimately paid back, only 21 percent of the power produced is hydroelectric. It was my belief at the time that other States would like to have the Federal Government construct steamplants to produce more cheap electricity, to help bring in industry. I objected, but to no avail. The Senators from Tennessee, as well as the Senators from Mississippi and other States, were all for it, and we proceeded to build these plants. Later, as the Senator knows, we permitted the bonding of some of the revenues in order to produce more power from hydroelectric sources.

It is my understanding that studies are being made as to whether more hydroelectric power can be developed. I hope they do find it feasible to develop more power from this source.

Three or four years ago we started Tellico Dam. We provided the funds for it, and there was a great deal of opposition to it from people in the area and from all across the country. Those objecting felt it simply was not good for the Nation to put dams on those wild rivers and cover the wilderness areas with water. Many desired that the region remain in the natural state. But we were overridden with respect to that.

The Tims Ford Dam is another one which we started, and it is now in the process of being constructed.

I want to tell my good friends from Tennessee that we are going to conference with this matter. The Duck River project was put in by the House. There is no budget estimate for it.

I would like to find out more about it. I would like to find out more about the benefits that are reflected in the benefit-cost ratio and things of that nature. Then, there is quite a bit of opposition. Many letters came in opposing the construction of these dams. As a result of all of these factors, the subcommittee decided to strike it out. We did add another item for the area, to take up with the House.

Since the proposal of the Senator is in the bill, it is my hope, and I feel reasonably certain that in conference, we will come to some conclusion as to both of them.

We do have language in the bill leaving the funds in, but with the understanding that they are to be used only for planning the dredging of the port and not for construction of the other facilities, because it is my belief, in a case like that, that we are going a little too far.

I know that in New York, New Orleans, and in all the great cities in the country where we have great harbors, all the engineers did was to provide the depth of water in the main channels, but when we came to the construction of warehouses or railroad tracks necessary to operate the harbor, that is usually left to the local authorities to provide, and is a condition of local cooperation that must be met before any Federal funds are expended. We did not examine this project in depth, but it appears that all the State of Mississippi is going to furnish, as I understand it, is some 1,200 acres of land. I do not know if that much land is needed. The committee agreed to go along with the planning and the actual dredging of the port. We will look into this entire matter later and get our teeth into it and decide the extent to which we can go along with the project as contemplated.

We had another project included by the House, a project for the State of my good friend from Mississippi, the Yellow Creek Port project. I had never heard of the Federal Government building a harbor project, and providing at Federal expense all the facilities necessary for that harbor, including railroad tracks, highway connections, warehouses, pilings for the wharves, and so forth. I thought we should look into that more thoroughly before we agreed to construct it.

Mr. GORE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GORE. Mr. President, first I want to thank the able Senator for complying with the personal request I made of him with respect to the construction of a small bridge in Crocket County in west Tennessee. It was ultimately to be in the plan for Corps of Engineers construction, but it has become in such dilapidated condition now that a schoolbus must stop and the children must walk across the rickety bridge, no mater how hard it might be raining.

The Senator kindly provided for the construction of this bridge in the bill and I want now publicly, on behalf of the people of Crockett and Gibson Counties, to thank him for so doing.

I take encouragement with respect to what the Senator said with reference to the two projects, one on the Duck River in Tennessee, and the other in North Carolina.

There is no greater bargainer in the Senate than the Senator from Louisiana. He is experienced at it and successful.

If my distinguished colleague from Tennessee is agreeable with the understanding as I interpret it to be, that in conference these two projects will be considered together on their merits, if the merits indicate a division of the funds, that would be a bargaining position.

Mr. ELLENDER. We can certainly come to some agreement, as the Senator knows, and we have done that before. I do want to be frank and candid in saying to my good friend that it is always good to have some bargaining power in these bills, not only in connection with public works or the Tennessee Valley Authority but also in other bills. I am very hopeful we can come to some conclusion which will be satisfactory to both of the Senators from Tennessee.

Mr. GORE. Mr. President, in view of the colloquy, for which I express gratitude, and seeing a favorable nod from my distinguished junior colleague, I wish to ask my distinguished colleague if he joins me in withdrawing the amendment.

Mr. BAKER. I am happy to join the senior Senator from Tennessee. I think the purpose is resolved, and I am perfectly agreeable.

Mr. GORE. Mr. President, I ask unanimous consent that I may withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, in my experience in the Senate there have been very few occasions when a committee has reported out a bill containing the highest appropriation possible for a particular program, one that is 100 percent equal to the authorization. There have been even fewer instances when a Senate Committee, the Senate itself, or the Congress for that matter, has reflected the funding levels needed to make a major impact on our environmental problem. So my enthusiasm for the $1 billion appropriation approved by the Senate Appropriations Committee for matching grants with the States for water treatment plants is understandable and great. And it is a cause which has the enthusiastic support of the American people.

I have spoken before in the Senate regarding what I believe to be the dwindling odds of our civilization surviving as we have known it in the midst of a polluted environment. We have come perilously close to losing this battle; the public in past years has remained largely unaware of the enormity and importance of the pollution problem; technological advances have been primarily academic accomplishments since funds were unavailable for their implementation; and elected officials at every level of government have failed to accept the initiative in sounding the battle call. Thus pollution has flourished while pollution control efforts have floundered.

The immediate problem has been evaluated in money terms, and Congress has committed itself to meeting this amount when it authorized the $1 billion appropriation in 1966. Congress record in fulfilling the $3.5 billion program unanimously approved in 1966 to extend over 5 years has been embarrassingly inadequate: in fiscal year 1968, out of $400 million authorized only $203 million was appropriated; in fiscal year 1969, only $214 million was appropriated from the $700 million authorized. In fiscal year 1970, $1 billion was authorized and the committee has recommended an appropriation in that same amount. I commend the members of the Appropriations Committee for their foresight, wisdom, and leadership. All that remains is for the Senate to make good its earlier commitment. The country will welcome Congress new resolve to improve and control the quality of our environment.

Had the committee reported an appropriation less than the full $1 billion amount, I was prepared to offer an amendment to meet this deficit. I have discussed environmental issues with numerous experts through the years. In closely studying the whole water pollution problem, and in taking many other key factors into account, I am completely convinced that we would be doing a great disservice to the American people were we to appropriate less than the full $1 billion amount at this time.

In Illinois, even with the $1 billion appropriation, we would not receive enough Federal funds to meet anywhere near the existing needs. However, that for which we are eligible is substantially greater—some $22.3 million more—than would have been available with the House-passed appropriation of $600 million.

I shall be working hard in the future, in league with my colleagues in the Senate, to make sure that we have sufficient amounts appropriated to meet the Nation's continuing and critical water pollution control needs.

Once Lake Michigan goes the way of Lake Erie and becomes another dead sea, one of the Nation's great resources serving Illinois and its sister States will be lost to the millions of citizens it serves.

Today, we have the opportunity to further the effort to curb the downward course of this country's environment. On October 8 the Senate passed the Water Quality Improvement Act. This legislation offered a good beginning to our water cleanup efforts. I am keenly aware that by appropriating this $1 billion we are choosing among many national priorities, a choice which is made more difficult at this time when every effort is being made to control Federal spending. But in my judgment, as I have stressed so often, there are adequate financial resources available if the Congress establishes proper priorities to meet the public needs. In this case, the pollution threat is so grave, and the need for remedial action so great, that we must support an all-out effort to bring water pollution under control.

Mr. ELLENDER. Mr. President, I am very glad to note the support given to the bill by our good friend from Illinois. As I said during the course of debate, it is my belief that it will be rather easy for us to appropriate the money. Where our trouble will be will be in getting the executive branch to spend the funds I am hopeful that the Senator from Illinois will join a little committee, which I hope to put together, and go to the White House with us to prevail upon the President. These needs should be met now, without delay.

I have no doubt that Congress itself will support and vote for this program of pollution control. The same proposal was put before the House and it lost there by only two votes. I am quite sure that Congress will provide much more than the $214 million which is in the budget. Thus, with Congress taking favorable action, I am very hopeful that we can get to work and get the executive branch to see to it that the money is made available for the purpose intended.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Louisiana. I would not only be happy to join such a committee and call upon the President, or whomever he should designate, but I would also do so taking into account that inflation is the great hazard in this country today and that we must live within our budget means. Not only must we balance the budget but also show a surplus in order to combat inflation. In the adjusting of national priorities, I would even accept the target that we stay within the overall budget and find other areas of a less critical nature where the damage to society, our environment, and to humanity in general will be less if we deferred expenditures of those funds.

As to public works, I have supported the administration, not even continuing the construction of the Federal building which is leaving a hole in the middle of the downtown area of Chicago right now. But there are other and more urgent needs that must be put ahead of those projects. I would be happy to take a share out of Illinois in order to place the highest priority on the control of water pollution and the stability that must be provided to our environment.

Mr. BOGGS. Mr. President, I wish to state my strong endorsement of the recommendation by the committee for an appropriation of $1 billion for construction grants for waste treatment works, As the committee's report states:

> The urgency of moving forward in the program of water pollution control fully justifies the appropriation of one billion dollars.

Also, I wish to congratulate and thank Chairman ELLENDER and the members of his subcommittee for their lengthy investigation of the needs of this program, an investigation that led to what I believe is a very wise decision on the level of appropriation.

Without an appropriation of this magnitude, we will see a continued deterioration in water quality across the country, with the States failing to meet water quality standards.

In a recent report to the Congress, the General Accounting Office made this assessment:

> A serious question exists, however, as to the attainability of the water quality standards by the dates in the implementation schedules because, due to Federal funding in amounts significantly less than amounts authorized, construction is proceeding at a rate well below that which was anticipated.

The report then arrives at this conclusion:

> G-A-O believes that the present level of Federal funding will not be sufficient to enable a significant increase in the effectiveness of the program in abating, controlling, and preventing water pollution.

The message is clear: The Federal Government has failed in its pledge of support to the States and to the people. The Congress must fund this program to the level of need, as established in the authorizations laid down in the Clean Water Restoration Act of 1966.

In case there is any doubt, it should be pointed out that the States are fully capable of utilizing the full $1 billion. The Federal Water Pollution Control Administration has applications on hand for projects that require well in excess of $800 million in Federal funds. Another half a billion dollars has been advanced by the States and local communities as prefinancing of the Federal share on various projects. The States and local governments are entitled to reimbursement on this money.

Money spent on water pollution control benefits every single American alive today, and every American who will ever live. By supporting the $1 billion appropriation, we are insuring these benefits to the Nation. In addition, we are telling the States that the Federal water pollution abatement program no longer is one of promises met by fractional appropriation.

Therefore, I urge my colleagues to support unanimously the committee recommendation of $1 billion.

Mr. YARBOROUGH. Mr. President, I congratulate the distinguished Senator from Louisiana (Mr. ELLENDER) for his great work on this public works bill. He has done so much work which has made it possible for the bill to come before the Senate today.

Senators will note the seven volumes of books stacked on my desk, which I placed there to show the tremendous amount of work that went into the bill. These volumes comprise over 7,200 pages of hearings and contain a 93-page index.

I congratulate the Senator from Louisiana on one of the greatest series of hearings on an appropriation bill ever held in the history of the Senate.

I want to say that while I am personally very thankful to the Senator from Louisiana for what he has done for some of the specific projects that I was interested in in my State, and I congratulate him even more for his job, his foresight, and his wisdom, as well as his fairness and concern for all concerned. Above all, I congratulate him on his great leadership in connection with appropriations for pollution control. He has shown great leadership not only in the committee but also in the Senate and for the Nation.

Mr. President, the public works appropriation bill, as reported by the Senate Appropriations Committee, represents one of the most equitable and effective efforts of the Congress to meet the Nation's needs for water development and pollution control that I have seen since becoming a Senator over 12 years ago.

I strongly urge its passage. The Senate reported bill, H.R. 14159, with amendments, calls for a total appropriation of $4,968,703,500, which exceeds the amount appropriated by the House by $463,257,000, and the amount in the revised budget by $764,725,500. The Senate committee increase is vital and badly needed for several reasons.

The increase includes provision for several new starts for water development projects which have been delayed for far too long, and individual appropriations for each of the new starts is very small when compared to the benefits which will be received in a few years. In other words, for comparatively small additional amounts several new projects can be started which are vital to the future water needs of different areas of the country.

An example of this is the Millican Reservoir, a dam to be built on the Navasota River, approximately 7 miles north of Navasota, Tex. This dam will be the first stage of a two-stage development consisting of Millican and Navasota No. 2 Dams, both of which would be units in the overall plan of improvement for the Brazos River Basin.

The appropriations for Millican Dam is based on the long-range needs of the Texas gulf coast. The Texas Water Development Board has reported that Millican Dam will be needed in the future to supply water to portions of Harris, Brazoria, and Galveston Counties. I have been working for years to secure the initial appropriation. I rejoice with the people of that area who have waited so long for this dam.

Preconstruction planning money has been desperately needed for this project. Not only will this dam ease the future demand for water, but it will also be of tremendous value as a flood control dam and as a recreational site, with an anticipated 2,800,000 annual visitors. Excellent provisions have been made for the protection and extension of fish and wildlife. We cannot sit by and flirt with disaster. Funding for the project is necessary to meet the flood control and water needs of the Texas gulf coast.

Senator ELLENDER and the committee recognized that further delay would jeopardize the future water needs of the Texas gulf coast. It was in response to this critical need and the committee included $200,000 for the Millican Reservoir. This is a relatively small amount, but a big step forward for the people of Texas.

Other examples of new starts in Texas, where Senator ELLENDER and the Appropriations Committee responded to critical situations, were the Aubrey Reservoir near Dallas, Cedar Bayou on the gulf coast, and the Corpus Christi ship channel. In the case of the Aubrey Reservoir, the committee allocated the small sum of $150,000 in preconstruction planning money, but here again, this constituted a response to a situation that was becoming desperate. It is no secret, Mr. President, that the construction of an average-size reservoir normally requires 10 years from preconstruction planning to the reality of a full reservoir. The Dallas Water Survey Committee and other studies conducted by the Texas Water Development Board demonstrated that Metropolitan Dallas, particularly the west half thereof, and Denton County, will need water from Aubrey Reservoir before it is completed. Thus, it is imperative to set the preconstruction activities in motion and this can be done with the Senate committee's recommendation of $150,000.

In the case of Cedars Bayou and Corpus Christi ship channel, the Senate committee allocated $15,000 and $35,000, respectively. Again, these small amounts have a disproportionate salutory impact in enabling vital projects to have a beginning.

Allocations made by the House for other projects, including some in Texas, were increased by the Senate Committee and in each instance those increases were not only wise, but essential. They include an additional $300,000 for the Sabine-Neches Waterway in the east gulf coast area of Texas, $150,000 for the Whitney Reservoir in central Texas and $250,000 for additional land acquisition on the San Gabriel River tributary to the Brazos River.

The Sabine-Neches Waterway is another example of how the Senate committee acted to meet critical needs.

The Sabine-Neches Waterway is approximately 75 miles of navigable channel ranging from 30 to 40 feet in depth. Since 1937, the tonnage shipped on the waterway has nearly doubled, from 41 million tons to 77 million tons. Industry has grown rapidly, thanks to the availability of water transportation, but greater progress would be made, if we had a sufficiently deep channel. The presently authorized project—including the deepening and widening of the channel in various places, the construction of three turning points and a new shallow-draft extension of the Sabine River Channel—is 41 percent completed. The project is a proven success and if the Senate committee had failed to increase the allocation, the delay could have been crippling to the far eastern gulf coast.

For example, local government would be hurt. A large portion of these funds for this project were raised by local participation in a bond issue. These funds must be used on a cost-sharing basis with Federal funds. This leaves the local communities paying large amounts in interest for money they cannot spend.

The petroleum industry would be hurt. About 10 percent of the Nation's petroleum products are refined by the oil companies with refineries along his waterway. The city of Port Arthur has modernized its harbor facilities to handle the larger vessels which could be accommodated by the deeper channel. Until the deeper channel is completed, vessels in and out of the harbor must reduce their capacity load by 10 to 20 percent.

Our transportation system would be hurt if this work is not done. The bridge across the Sabine-Neches Canal at Port Arthur is the only incomplete U.S. link in the "hug-the-coast" highway from the Yucatan Peninsula through Louisiana. Mexico has completed 95 percent of her part of the highway.

Mr. President, I do not want to infer that all the legislative initiative was taken by the Senate committee. A great deal was taken by the House and I want to commend them for it. The House appropriated moneys for a great number of projects which were entirely omitted from the budget or for which the budget had allocated too little. Examples of this action in connection with Texas projects were the Belton Reservoir, which the House increased from $100,000 to $200,000; the Cooper Reservoir and channel, increased by the House from $500,000 to $1,580,000; the El Paso project, from $300,000 to $350,000; the Highland Bayou, from $100,000 to $300,000; the Lavon Reservoir modification and channel improvement, from $2,500,000 to $3,750,000; the mouth of the Colorado River which had been budgeted no money but was allocated by the House $75,000; the San Antonio Channel, which was increased from $900,000 to $1,200,000; Taylor's Bayou in which case, again, the budget allocated nothing, but the House appropriated $250,000; the important Trinity River bridges project, which was raised by the House from the budget allowance of $1,300,000 to $1,400,000 and the critically needed Palmetto Bend reclamation project, for which the budget made no allowance, but the House allocated $200,000. In all of these instances, these vitally needed increases, made by the House, were wisely retained by the Senate committee.

Mr. President, the pollution of our water and air threatens the very existence of man. I am not a doomsdayer but I am realistic and willing to face up to facts. The fact is that with the world population doubling, from 3.5 billion to 7 billion by the year 2000, and with the accelerating amount of pollution that will be produced by these people and their industrial and technological activities, we are fast approaching the day when the process of the decay of our environment will be irreversible.

Mr. President, I want to report that this morning, at 10:30 a.m., a delegation of the IPU arrived from Tokyo. Tokyo is located on a plain which is the main area of Japan. There are some 11 million people in Tokyo and the pollution problem there is one of the worst in the world.

The problem of air pollution is worldwide. It is threatening the very atmosphere of the entire earth. It is a world problem. The distinguished Senator is doing a great job in placing this hazard before the Nation.

We have too much talk about pollution control and too little action. The time to act is now. The appropriation of money with which to act is proof in the pudding.

An effort was made in the House to increase the amount allocated to construction grants for waste treatment works from $600 million to $1 billion. This effort failed on a teller vote by only two votes, though by a wider margin on a later rollcall vote.

During the debate in the House, Gov. Preston Smith, of Texas, wired that the success of the amendment to increase the treatment facilities appropriation to $1 billion "would be significant to controlling water pollution and to the economy of Texas."

I ask unanimous consent that the telegram from Governor Smith to Representative BOB ECKHARDT, dated October 7, 1969, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, the increase for pollution control facilities, reported by the Senate committee, acting in response to the leadership of Senator ELLENDER, is, I am frank to say, the most important increase in the bill. The Congress must give priority to those programs which seek to halt environmental deterioration.

It has been argued by the Secretary of the Interior that "no more than $600 million in Federal grants effectively could be used." But a survey of State officials conducted by the Izaak Walton League of America, and reported to Senator ELLENDER, revealed that at least 29 States, including Texas, could utilize grants in addition to their respective shares of the $600 million allocated by the House. There is no question about the need for the increase to $1 billion, and there is no question about its being utilized.

Mr. President, the battle to save and preserve our environment must become one of the highest and most urgent priorities of our Nation. Time is running out. But we can do something about it now by adopting the Senate committee's recommended increase, and if the executive branch will carry out the mandate of Congress. The Executive has said, remember, that if Congress appropriated the money, it would not spend it; in other words, that it would defy the Constitution of the United States.

The Constitution vests in Congress the duty to levy and vote taxes. It also vests in Congress the duty and the power to vote appropriations. When we vote the taxes and vote the appropriations, it is the duty of the executive branch to spend the appropriations and not to hold them up, or, if given the opportunity, to spend them in some other part of the world. That is what the Executive has been doing for years—both parties. It is time for Congress to call a halt to that. We are entitled to call a halt to it. If the Executive continues to do that, we can cut off their salaries. The legislative bodies of England and of this Nation have done that. That kind of parliamentary control is written into the Constitution of the United States.

Once again, to the distinguished Senator from Louisiana, I say a great job, well done, and I congratulate him.

Mr. President, an excellent editorial which appeared in this morning's Washington Post, entitled "The Pollution Crisis," points up the urgency in approving the increase for pollution funds. As the editorial notes:

> The issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. YARBOROUGH. Mr. President, I urge adoption of H.R. 14159 as reported to the floor by the Senate Appropriations Committee.

EXHIBIT 1

AUSTIN, TEX.,
October 7, 1969.

Hon. BOB ECKHARDT,
House Office Building,
Washington, D.C.:

When H.R. 14159 for waste treatment facilities construction is considered on floor of House tomorrow, October 8, your earnest consideration and support respectfully urged to bipartisan amendment to increase fiscal 1970 appropriation to one billion dollars which is the amount authorized by the Clean Water Restoration Act. Success would be significant to controlling water pollution and to the economy of Texas. Thank you.

Sincerely,

PRESTON SMITH,
Governor of Texas.

EXHIBIT 2

[From the Washington (D.C.) Post, Nov. 12, 1969]

THE POLLUTION CRISIS

The Senate Appropriations Committee has once more raised, the clean-water issue in very pointed fashion. Its call for $1 billion in the form of matching grants to the states for water-treatment plants is in line with the demands of many civic, political and conservation groups that are alarmed by the deterioration in our environment. If the Senate looks at the problem as carefully as its committee has done, it is difficult to see how it could reach a different conclusion.

No one seems to question the need for at least $1 billion for clean water this year. That goal was set in 1966 when Congress passed the Clean Water Restoration Act. But the government has been long on promises and short on performance. Last year Congress authorized the expenditure of $700 million for treatment-facility grants but appropriated only $214 million. The same figure was kept in both the Johnson and Nixon budgets for fiscal 1970, but the present administration is said to have offered a compromise figure of $750 million when the demand for appropriation of the entire sum authorized was being pushed in the House.

In view of the fact that the $1-billion-for-clean-water proposal failed by only two votes in the House, it is difficult to explain the final acceptance in that body of a compromise figure of $600 million. If the Senate now takes a strong and positive stand for rescuing the country's rivers and lakes from their man-made filth, the chance of finding the two extra votes needed in the House would seem to be excellent.

Congress must be mindful, of course, of excessive spending in this era of inflation. But the issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment. It is not a question of voting a luxury which the country cannot afford. It is a question of reclaiming an asset which the country once had and has now lost from neglect.

Mr. YARBOROUGH. Mr. President, again, I congratulate my colleague from our neighboring State.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2864.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Housing and Urban Development Act of 1969".

SEC. 2. Section 305(g) of the National Housing Act is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu thereof "$2,500,000,000";

(2) by inserting "at par" immediately after "and to purchase"; and

(3) by striking out "$15,000", "$17,500", and "$22,500" and inserting in lieu thereof "$17,500", "$20,000", and "$25,000", respectively.

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "1969" in the first sentence and inserting in lieu thereof "1970".

(b) Section 217 of such Act is amended—

(1) by striking out "or title X" and inserting in lieu thereof "title X, or title XI"; and

(2) by striking out "1969" and inserting in lieu thereof "1970".

(c) Section 221(f) of such Act is amended by striking out "1969" in the fifth sentence and inserting in lieu thereof "1970".

(d) Section 809(f) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(e) Section 810(k) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(f) Section 1002(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(g) Section 1101(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

LOWER DOWNPAYMENTS FOR FHA-FINANCED SALES HOUSING

SEC. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(b) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(c) Section 222(b)(3) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(d) Section 234(c) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

MOBILE HOMES

SEC. 103. (a)(1) Section 207(a) of the National Housing Act is amended—

(A) by striking out "trailer coach mobile dwellings" in paragraph (1) and inserting in lieu thereof "mobile homes";

(B) by striking out "trailer court or park" in paragraph (6) and inserting in lieu thereof "mobile home court or park"; and

(C) by striking out "trailer coach mobile dwellings" in paragraph (6) and inserting in lieu thereof "mobile homes".

(2) Section 207(c)(3) of such Act is amended by striking out "trailer courts or parks" and inserting in lieu thereof "mobile home courts or parks".

(b) Section 207(c)(3) of such Act is amended by striking out "$1,800 per space" and inserting in lieu thereof "$2,500 per space".

(c) The last paragraph of section 207(c) of such Act (immediately following paragraph numbered (3)) is amended by inserting after "such term as the Secretary shall prescribe" in the first sentence the following: "(not exceeding 20 years in the case of a mortage for a mobile home court or park)".

MAXIMUM MORTGAGE AMOUNT UNDER SECTION 220 MULTIFAMILY HOUSING PROGRAM

SEC. 104. Section 220(d)(3)(B)(i) of the National Housing Act is amended to read as follows:

"(i) not exceed $50,000,000;".

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

SEC. 105. Section 222(b)(1) of the National Housing Act is amended by inserting "or 234(c)," immediately after "221(d)(2),".

ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING MORTGAGE

SEC. 106. (a) Section 235(c) of the National Housing Act is amended by striking out "subsection (j)(4)" and inserting in lieu thereof "subsection (i) or (j)(4)".

(b) Section 235(b)(2) of such Act is amended by striking out the first proviso and inserting in lieu thereof the following: ": *Provided,* That if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 107. (a) The second sentence of section 235(h) of the National Housing Act is amended by striking out "by $100,000,000 on July 1, 1969" and inserting in lieu thereof "by $125,000,000 on July 1, 1969".

(b) The second sentence of section 236(i)(1) of such Act is amended by striking out "by $100,000,000 on July 1, 1969" and inserting in lieu thereof "by $125,000,000 on July 1, 1969".

INTEREST REDUCTION PAYMENTS UNDER SECTION 236 ON CERTAIN PROJECTS FINANCED UNDER STATE OR LOCAL HOUSING PROGRAMS

SEC. 108. The proviso in section 236(b) of the National Housing Act is amended by striking out "with respect to a rental or cooperative housing project" and inserting in lieu thereof "with respect to a mortgage or part thereof on a rental or cooperative housing project".

MAXIMUM RENTALS FOR UNITS IN SECTION 236 PROJECTS AND UNITS QUALIFYING FOR RENT SUPPLEMENT PAYMENTS

SEC. 109. (a) The second sentence of section 236(f) of the National Housing Act is amended by striking out "25 per centum of the tenant's income" and inserting in lieu thereof "20 per centum of the tenant's income".

(b) Section 101(d) of the Housing and Urban Development Act of 1965 is amended by striking out "one-fourth of the tenant's income" and inserting in lieu thereof "20 per centum of the tenant's income".

ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS UNDER SECTION 235

SEC. 110. Section 235(h)(3) of the National Housing Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) 30 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1971,".

SECTION 236 PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES

SEC. 111. (a) Section 236(a) of the National Housing Act is amended by inserting after "occupancy by lower income families" the following: "(including a project designed primarily by occupancy by lower income elderly or handicapped families)".

(b) The second sentence of section 236(e) of such Act is amended by striking out "at intervals of two years" and inserting in lieu thereof "at intervals of five years in the case of elderly or handicapped families and two years in any other case".

(c) The second sentence of section 236(f) of such Act is amended by striking out "or such greater amount" and inserting in lieu thereof "or (except in the case of a dwelling unit in a project designed primarily for occupancy by lower income elderly or handicapped families) such greater amount".

(d) The first sentence of section 236(i)(2) of such Act is amended—

(1) by striking out "shall in no case exceed 90 per centum" and inserting in lieu thereof "shall in no case exceed (A) $5,500 a year for an individual or $6,600 a year for a couple in the case of an elderly or handicapped family, or (B) 90 per centum"; and

(2) by inserting before the period at the end thereof the following: "in any other case".

(e) The second sentence of section 236(i)(2) is amended by inserting "in any project" after "accord a preference".

(f) Section 236(j)(2) of such Act is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A),

(2) by striking out subparagraph (B), and

(3) by redesignating subparagraph (C) as subparagraph (B).

(g) Section 236 of such Act is further amended by adding at the end thereof the following new subsection:

"(n)(1) In making and contracting to make interest reduction payments and insuring mortgages under this section in the case of projects designed primarily for occupancy by elderly or handicapped families, and in administering the provisions of this section insofar as they involve or relate to such projects, the Secretary shall to the maximum extent possible apply the same definitions, terms, and conditions and utilize the same personnel, facilities, and procedures as in the case of loans under section 202 of the Housing Act of 1959."

(b) As used in this section, the term "elderly or handicapped families" shall have the same meaning as in section 202 of the Housing Act of 1959.

10 PER CENTUM INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA INSURANCE PROGRAMS

SEC. 112. (a)(1) Section 203(b)(2) of the National Housing Act is amended by striking out "$30,000", "$32,500", and "$37,500" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", and "$41,250", respectively.

(2) Section 203(h) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$13,200".

(3) Section 203(i) of such Act is amended by striking out "$13,500" and inserting in lieu thereof "$14,850".

(4) Section 203(m) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(b)(1) Section 207(c)(3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 207(c)(3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "24,750", and "$28,050", respectively.

(c)(1) Section 213(b)(2) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 213(b)(2) of such Act is further amended by striking out "$10,500", "18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(d)(1) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$30,000", "$32,500", "$37,500", and "$7,000" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", "$41,250", and "$7,700", respectively.

(2) Section 220(d)(3)(B)(iii) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500" and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 220(d)(3)(B)(iii) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" wherever they appear and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(4) Section 220(h)(2) of such Act is amended by striking out "$10,000" and inserting in lieu thereof "$11,000".

(e)(1) Section 221(d)(2) of such Act is amended by striking out "$15,000", "$17,500", "$20,000", "$27,000", and "$33,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", "$22,000", "$29,700", and "$36,300", respectively.

(2) Section 221(d)(2) of such Act is further amended by striking out "$25,000", "$32,000", and "$38,000" and inserting in lieu thereof "$27,500", "$35,200", and "$41,800", respectively.

(3) Section 221(d)(3)(ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(4) Section 221(d)(3)(ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(5) Section 221(d)(4)(ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(6) Section 221(d)(4)(ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(7) Section 221(h)(6)(A) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(f) Section 222(b)(2) of such Act is

amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(g) (1) Section 231(c) (2) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", "$21,175", respectively.

(2) Section 231(c) (2) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(h) (1) Section 234(c) of such Act is amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(2)) Section 234(e) (3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 234(e) (3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(1) Section 235 of such Act is amended by striking out "$15,000", "$17,500", and "$20,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", and "$22,000", respectively.

(j) Section 237(c) (2) of such Act is amended by striking out "$15,000" and "$17,500" and inserting in lieu thereof "$16,500" and "$19,250", respectively.

INCREASE IN GNMA PURCHASE AUTHORITY

Sec. 113. Section 302(b) of the National Housing Act is amended—

(1) by striking out "exceeds or exceeded $17,500" in clause (3) of the proviso in the first sentence and inserting in lieu thereof "exceeds or exceeded $22,000";

(2) by striking out "that exceeds $17,500" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) by striking out "did not exceed $17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

GNMA SPECIAL ASSISTANCE PURCHASES

Sec. 114. Section 305 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other provision of this Act, the Association is authorized to purchase pursuant to commitments or otherwise mortgages otherwise eligible for purchase under this section at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association. Mortgages issued under title V of the Housing Act of 1949, except mortgages for above moderate income families issued under section 517(a) of such Act, are eligible for purchase under this section."

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

Sec. 201. (a) The first sentence of section 103(b) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", of which increase at least $400,000,000 shall be for grants under part B, and which amount shall be further increased by $2,000,000,000 on July 1, 1970, of which increase at least 35 per centum shall be for grants under part B".

(b) The first paragraph of section 103(b) of such Act is further amended by adding at the end thereof (immediately after the sentence amended by subsection (a) of this section) the following new sentence: "In making any grants under this title, the Secretary shall give priority to applications for projects which are identified and scheduled to be carried out as projects or activities included within approved comprehensive city demonstration programs assisted under the provisions of section 105(c) of the Demonstration Cities and Metropolitan Development Act of 1966."

NEIGHBORHOOD DEVELOPMENT PROGRAMS

Sec. 202. (a) Section 131 of the Housing Act of 1949 is amended by striking out "annual" in subsections (b) and (c) (1) and inserting in lieu thereof "twenty-four month".

(b) Section 132 of such Act is amended—

(1) by striking out "twelve-month period" in subsections (a) (1) and (b) and inserting in lieu there of "twenty-four month period"; and

(2) by striking out "twelve months" in subsection (a) (1) and inserting in lieu thereof "twenty-four months".

(c) Section 133(b) of such Act is amended by striking out "twelve-month period" and inserting in lieu thereof "twenty-four month period".

(d) Section 134(a) of such Act is amended by striking out "annual" in paragraphs (3) and (5) and inserting in lieu thereof "twenty-four month".

(e) Section 134(b) of such Act is amended to read as follows:

"(b) The approval by the Secretary of financial assistance for one or more twenty-four-month increments of a neighborhood development program shall not be considered as obligating him to provide financial assistance for subsequent increments; except that amounts approved by the Secretary for the succeeding twenty-four-month increment shall be reserved for obligation out of grant funds which may be provided under section 103(b) for the fiscal year applicable to such subsequent increment."

(f) The amendments made by this section shall apply with respect to contracts under part B of title I of the Housing Act of 1949 executed on and after July 1, 1970; and any contract under such part B executed prior to July 1, 1970, shall, at the request of the municipality involved, be amended (effective on or after such date) to reflect such amendments.

EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN URBAN RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROJECTS

Sec. 203. (a) The second paragraph of section 110(d) of the Housing Act of 1949 is amended—

(1) by inserting "(except the second sentence of this paragraph)" after "any other provision of this subsection"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the three-year period referred to above shall be extended to a period of four years prior to the authorization by the Secretary of a contract for loan or capital grant for the project."

(b) Section 112(b) of such Act is amended—

(1) by striking out "No expenditure" and inserting in lieu thereof "Subject to the second sentence of this subsection, no expenditure"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the seven-year period referred to in clause (1) of the preceding sentence shall be extended to a period of eight years prior to the authorization by the Secretary of a contract for a loan or capital grant for the project."

(c) Section 133(a) of such Act is amended—

(1) by striking out "For" and inserting in lieu thereof "Except as otherwise provided in this subsection, for";

(2) by striking out "the second paragraph" and inserting in lieu thereof "the first sentence of the second paragraph"; and

(3) by adding at the end thereof the following new sentence: "In connection with any neighborhood development program for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and for which no contract for financial assistance under the program has been authorized by the Secretary, the three-year and seven-year periods referred to above shall be extended to periods of four and eight years, respectively, prior to authorization of (1) the first contract for financial assistance under the program which includes the urban renewal area benefited by the public improvement or facility, or the expenditures, for which credit is claimed, or (2) a contract for a loan or capital grant for an urban renewal project authorized after the date of the enactment of the Housing and Urban Development Act of 1969, in an area which is benefited by the public improvement or facility, or the expenditures, for which credit is claimed and which was included in the neighborhood development program application."

INCLUSION OF ENCLOSED PEDESTRIAN MALLS AS ELIGIBLE URBAN RENEWAL ACTIVITIES

Sec. 204. (a) Section 110(c) (3) of the Housing Act of 1949 is amended by inserting after "playgrounds," the following: "pedestrian malls and walkways (including in the case of an enclosed mall or walkway any necessary roofs, walls, columns, lighting, and climate control facilities),".

(b) The first sentence of the second unnumbered paragraph following paragraph (10) of section 110(c) of such Act is amended by inserting after "provided" the following: "in paragraph (3) with respect to enclosed pedestrian malls and walkways and as provided".

REHABILITATION GRANTS

Sec. 205. Section 115(c) of the Housing Act of 1949 is amended by striking out "or (2) $3,000" and inserting in lieu thereof "or (2) $3,500".

LOCAL GRANT-IN-AID CREDIT FOR CERTAIN FACILITIES BUILT ON BEHALF OF PUBLIC UNIVERSITIES

Sec. 206. Clause (A) (ii) of the second proviso in section 110(d) of the Housing Act of 1949 is amended by striking out "by a public university" and inserting in lieu thereof "by or on behalf of a public university".

INCOME LIMITATION UNDER REHABILITATION LOAN PROGRAM

Sec. 207. Section 312(a) of the Housing Act of 1964 is amended by striking out the last sentence and inserting in lieu thereof the following:

"In making loans with respect to residential property under this section, priority shall be given to applications made by persons whose annual income, as determined pursuant to criteria and procedures established by the Secretary, is within the limitations prescribed by the Secretary for occupants of projects financed with below-market interest rate mortgages insured (in the area involved) under section 221(d) (3) of the National Housing Act."

Sec. 208. The proviso in the first paragraph of section 102(c) of the Housing Act of 1949 is amended by—

(1) striking ", if";

(2) striking ", the interest rate on such a loan from a source other than the Federal Government is greater than the rate at which funds could be made available under the Federal loan contract,";

(3) striking "from such sources" and inserting in lieu thereof "from a source other than the Federal Government"; and

(4) inserting "or a supplemental grant in an amount which he determines is necessary to enable a local public agency to obtain funds from a source other than the Federal Government" immediately following "contract rate".

LOANS FOR PUBLIC HOUSING PROJECTS

SEC. 209. Section 9 of the United States Housing Act of 1937 is amended by striking out the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 210. (a) The proviso in section 10(b) of the United States Housing Act of 1937 is amended by inserting after "any contract" the following: ", although not limited to debt service requirements,".

(b) The first sentence of section 10(e) of such Act is amended by striking out "on July 1 in each of the years 1969 and 1970" and inserting in lieu thereof "on July 1, 1969, and $170,000,000 on July 1, 1970".

ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

SEC. 211. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out "$2,400", "$3,500", "$4,000", and "$750" wherever they appear and inserting in lieu thereof "$2,640", "$3,850", "$4,400", and "$825", respectively.

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 212. The last sentence of section 15(10) of the United States Housing Act of 1937 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

ELIMINATION OF WORKING PROGRAM REQUIREMENT WITH RESPECT TO LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS AND OTHER LOW-RENT PUBLIC HOUSING, AND WITH RESPECT TO MORTGAGE INSURANCE UNDER SECTION 221(d)(3) PROGRAM

SEC. 213. (a) Section 101(c) of the Housing Act of 1949 is amended—

(1) by striking out "or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956,";

(2) by striking out "or section 221(d)(3)";

(3) by striking out "(i)", and "or (ii) section 221(d)(3) of the National Housing Act if payments with respect to the mortgaged property are made or are to be made under section 101 of the Housing and Urban Development Act of 1965,", in the first proviso; and

(4) by striking out "or a contract for annual contributions or capital grants was entered into pursuant to the United States Housing Act of 1937,".

(b) The second proviso in section 10(e) of the United States Housing Act of 1937 is amended by striking out "no such new contract" and all that follows down through "Housing Act of 1949, and".

(c) Section 23(f) of the United States Housing Act of 1937 is amended by striking out all that follows "this Act" where it first appears and inserting in lieu thereof "shall not apply to low-rent housing assisted or to be assisted under this section."

REVIEW OF RELOCATION PLANS UNDER URBAN RENEWAL PROGRAM

SEC. 214. Section 105(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"(3) Within one year after the date of enactment of this paragraph, and every two years thereafter, the Secretary shall review each locality's relocation plan under this subsection and its effectiveness in carrying out such plan."

REQUIREMENT OF SUBSTANTIAL RESIDENTIAL REDEVELOPMENT WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES

SEC. 215. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(h) In the case of any project which includes the demolition or removal of any residential structure or structures and which receives Federal recognition after the date of the enactment of this subsection (whether or not it is a project taken into account for purposes of applying subsection (f))—

"(1) the redevelopment of the urban renewal area shall include the provision of standard housing units for law and moderate income families and individuals at least equal in number to the total number of dwelling units in the structure or structure demolished or removed; and

"(2) the portion of the total cost of such redevelopment which is attributable to the provision of standard housing units for low and moderate income families and individuals (as determined by the Secretary) shall be at least 35 per centum or, if greater, a percentage bearing the same ratio to 100 as the total appraised value of such residential structure or structures bore to the total appraised value of all the structures in the urban renewal area immediately prior to their demolition or removal (as determined by the Secretary, without regard to any decrease in such value which may have resulted from the imminence of such demolition or removal)."

AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 216. Section 202(a)(4) of the Housing act of 1959 is amended to read as follows:

"(4) There is authorized to be appropriated for the purposes of this section not to exceed $500,000,000, which amount shall be increased by $150,000,000 on July 1, 1969. Amounts so appropriated shall constitute a revolving fund to be used by the Secretary in carrying out this section."

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 217. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "exceed" and inserting in lieu thereof "$20,000,000, which amount shall be increased by $4,200,000 on July 1, 1970."

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears;

(2) by inserting before the period at the end thereof the following: ", and not to exceed $750,000,000 for the fiscal year ending June 30, 1971"; and

(3) by adding at the end thereof the following new sentence: "Under regulations prescribed by the Secretary, 10 per centum of the amounts appropriated pursuant to this subsection for the fiscal year ending June 30, 1970, and for any fiscal year thereafter shall be used for assistance to city demonstration agencies in smaller cities, and may be so used (to the extent specifically provided in such regulations) without regard to the limitation set forth in the first sentence of section 105(c)."

(b) Section 111(c) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $390,000,000 prior to July 1, 1971".

URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES

SEC. 303. (a) Section 701(a) of the Housing Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) States, including statewide agencies or instrumentalities of a State or its political subdivisions which are designated by the Governor of the State and acceptable to the Secretary, for programs focused upon the needs of communities having populations less than one hundred thousand which provide information and data on urban needs and urban assistance programs and activities and technical assistance to such communities with respect to the solution of local problems."

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is repealed.

AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION GRANTS

SEC. 304. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking out "and not to exceed $460,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $460,000,000 prior to July 1, 1971".

AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTARY ASSISTANCE GRANTS

SEC. 305. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

COMMUNITY FACILITIES GRANTS

SEC. 306. (a) Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "1969" in clause (2) and inserting in lieu thereof "1970".

(b) Section 708(b) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

(c) The second sentence of section 708(a) of such Act is amended by inserting before the period at the end thereof the following: ", and not to exceed $100,000,000 for the fiscal year commencing July 1, 1970".

URBAN MASS TRANSPORTATION

SEC. 307. (a) The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" the second time it appears; and

(2) by striking out the period and inserting in lieu thereof "; and $300,000,000 for fiscal year 1971."

(b) Section 5 of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 308. Title VIII of the Housing Act of 1964 is amended to read as follows:

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development, and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Secretary as follows: Three from public institutions of higher learning and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"MATCHING GRANTS TO STATES

"SEC. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

"(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"STATE LIMIT

"SEC. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

"TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

"SEC. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

"APPROPRIATIONS

"SEC. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed $30,000,000. Any amounts appropriated under this section shall remain available until expended.

"MISCELLANEOUS

"SEC. 807. (a) As used in this title the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title."

TITLE IV—MISCELLANEOUS

AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

SEC. 401. Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) a new paragraph as follows:

"(4) assure, to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under this section, that there is no restraint by contract building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs, except where such restraint is necessary to insure safe and healthful working and living conditions."

SEC. 402. The first sentence of section 1010 (c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by inserting "(1)" after "authorized"; and

(2) by inserting before the period at the end thereof the following: ", and (2) notwithstanding any other provision of law, to acquire, use, and dispose of land and other property as he deems necessary to carry out the purposes of subsection (a)(1) of this section".

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

SEC. 403. Section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

"SEC. 3. In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

"(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

"(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project."

URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

SEC. 404. Section 1222(d) of the National Housing Act is amended by striking out all that follows "thereafter" the first time that word appears and inserting in lieu thereof a period.

URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

SEC. 405. Section 1223(a) of the National Housing Act is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body following the date of the enactment of this title, adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that were incurred during such period;".

STUDY OF REINSURANCE AND OTHER PROGRAMS

SEC. 406. Section 1235(b) of the National Housing Act is amended by striking out "one year following the date of the enactment of this title" and inserting in lieu thereof "June 30, 1970".

EMERGENCY FLOOD INSURANCE PROGRAM

SEC. 407. Part A of chapter II of title XIII of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new section:

"EMERGENCY IMPLEMENTATION OF PROGRAM

"SEC. 1336. (a) Notwithstanding any other provisions of this title, for the purpose of providing flood insurance coverage at the earliest possible time, the Secretary shall carry out the flood insurance program authorized under chapter I during the period ending December 31, 1971, in accordance with the provisions of this part and the other provisions of this title insofar as they relate to this part but subject to the modifications made by or under subsection (b).

"(b) In carrying out the flood insurance program pursuant to subsection (a), the Secretary—

"(1) shall provide insurance coverage without regard to any estimated risk premium rates which would otherwise be determined under section 1307; and

"(2) shall utilize the provisions and procedures contained in or prescribed by this part (other than section 1334) and sections 1345 and 1346 to such extent and in such manner as he may consider necessary or appropriate to carry out the purpose of this section."

EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM WATER-CAUSED MUDSLIDES

SEC. 408. (a) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

"(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground."

(b) Section 1370 of such Act is amended by inserting "(a) after "SEC. 1370.", and by adding at the end thereof the following new subsection:

"(b) The term 'flood' shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program."

NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

SEC. 409. (a) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "June 30, 1970, permanent" and inserting in lieu thereof "December 31, 1971, adequate".

(b) Section 1315 of such Act is amended—

(1) by striking out "June 30, 1970" and inserting in lieu thereof "December 31, 1971"; and

(2) by striking out "permanent" and inserting in lieu thereof "adequate".

(c) Section 1361(c) of such Act is amended by striking out "permanent" and inserting in lieu thereof "adequate".

INTERSTATE LAND SALES

SEC. 410. Section 1403(a)(10) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(10) the sale or lease of real estate which is free and clear of all liens, encumbrances, and adverse claims if each and every purchaser or his or her spouse has made a personal on-the-lot inspection of the real estate which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the Secretary. As used in this subparagraph, the terms 'liens', 'encumbrances', and 'adverse claims' do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State or other public body having authority to assess and tax property which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, if (A) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser or lessee with a statement, the form and content of which has been approved by the Secretary, setting forth in descriptive and concise terms all such reservations, taxes, assessments, and restrictions which are applicable to the lot to be purchased or leased, and (B) receipt of such statement has been acknowledged in writing by the purchaser or lessee, and a copy of the acknowledged statement is filed with the Secretary in accordance with such rules and regulations as he may require."

REPORTS

SEC. 411. Section 1603 of the Housing and Urban Development Act of 1968 is amended by striking out "January 15" and inserting in lieu thereof "February 15".

RURAL HOUSING

SEC. 412. (a) Sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are each amended by striking out "October 1, 1969" wherever it appears and inserting in lieu thereof "October 1, 1970".

(b) Section 517(c) of such Act is amended by striking out all that follows "section" and inserting in lieu thereof a period.

(c) Section 517 of such Act is amended by adding at the end thereof the following new subsection:

"(k) Any sale by the Secretary of loans individually or in blocks, pursuant to subsections (c) and (g), shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser."

(d) Section 517 of such Act is further amended by adding at the end thereof (after subsection (k), as added by subsection (c) of this section) the following new subsection:

"(l) The Secretary may also, upon the application of lenders, builders, or sellers and upon compliance with requirements specified by him, make commitments upon such terms and conditions as he shall prescribe to make or insure loans under this section to eligible applicants."

(e)(1) Section 517 of such Act is further amended by adding at the end thereof (after subsection (l), as added by subsection (d) of this section) the following new subsection:

"(m) The assets and liabilities of, and authorizations applicable to, the Rural Housing Direct Loan Account are hereby transferred to the Fund, and such Account is hereby abolished. Such assets and their proceeds, including loans made out of the Fund pursuant to this section, shall be subject to all of the provisions of this section."

(2) The first sentence of section 517(d) of such Act is amended—

(A) by striking out "(a) and (b)" and inserting in lieu thereof "(a), (b), and (m)"; and

(B) by inserting "or otherwise acquired by" after "loans made from".

(3) Section 518 of such Act is repealed.

(4) Section 519 of such Act is amended by striking out "or the Rural Housing Direct Loan Account" and "or Account".

(f) Section 520 of such Act is repealed.

AUTHORITY TO TRANSFER ADDITIONAL AMOUNTS FROM GENERAL INSURANCE FUND TO SPECIAL RISK INSURANCE FUND

SEC. 413. Section 238(b) of the National Housing Act is amended by striking out "the sum of $5,000,000" in the first sentence and inserting in lieu thereof ", at such times and in such amounts as he may determine to be necessary, a total sum of $20,000,000".

SAVINGS AND LOAN ASSOCIATIONS

SEC. 414. (a) Section 5 of the Federal Home Loan Bank Act (12 U.S.C. 1425) is amended to read as follows:

"SEC. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of the lawful contract rate of interest applicable to such transactions, or, in case there is no lawful contract rate of interest applicable to such transactions, in excess of such rates as may be prescibed in writing by the Board acting in its discretion from time to time. This section applies only to home mortgage loans on single-family dwellings."

(b) Section 5(c) of the Home Owners' Loan

Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provision of this subsection, any such association is authorized to invest in shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and is authorized to invest in any partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

(c)(1) Section 404(d)(2)(B) of the National Housing Act (12 U.S.C. 1727(d)(2)(B)) is amended by striking out "1966" and inserting in lieu thereof "1965".

(2) Section 6(b) of the Act of September 21, 1968 (Public Law 90–505), is amended by striking out "1968" and inserting in lieu thereof "1965".

(d) Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

"(c) Subject to such regulations as may be prescribed by the Board, one or more Federal home loan banks may acquire, hold, or dispose of, in whole or in part, or facilitate such acquisition, holding, or disposition by members of any such bank, of loans (or interests in loans) having the benefit of insurance under section 221(d)(3), 221(h), 235, or 236 of the National Housing Act, as now or hereafter in effect, or any commitment or agreement therefor."

TEMPORARY EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 415. Section 3(a) of the Act of May 7, 1968 (Public Law 90–301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "October 1, 1971", and by amending the proviso to such section to read as follows: "*Provided,* That notwithstanding any other provision of law, the Administrator of Veterans' Affairs is authorized, until October 1, 1971, to establish a maximum interest rate for guaranteed or insured loans to veterans under chapter 37 of title 38, United States Code, not in excess of such rate as he may from time to time find the loan market demands.".

MEDICINE CABINETS IN FEDERALLY ASSISTED HOUSING

SEC. 416. (a) The head of the appropriate Federal agency shall prescribe reasonable standards with respect to the type or design of latches hereafter installed on medicine cabinets in federally assisted housing with a view to preventing injury to young children as a result of gaining access to the contents of such cabinets.

(b) As used in this section—

(1) The term "federally assisted housing" means (A) housing constructed, rehabilitated, or otherwise provided with assistance under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, section 202 of the Housing Act of 1959, title V of the Housing Act of 1949, the Consolidated Farmers Home Administration Act of 1961, section 7(b) of the Small Business Act, or chapter 37 of title 38, United States Code; and (B) family housing constructed by the Department of Defense.

(2) The term "appropriate Federal agency" means (A) the Secretary of Housing and Urban Development with respect to housing constructed, rehabilitated, or otherwise provided under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959; (B) the Secretary of Agriculture with respect to housing constructed, rehabilitated, or otherwise provided under title V of the Housing Act of 1949, or the Consolidated Farmers Home Administration Act of 1961; (C) the Administrator of the Small Business Administration with respect to housing constructed or repaired with assistance under section 7(b) of the Small Business Act; and (D) the Secretary of Defense with respect to family housing constructed by the Department of Defense.

(c) The respective appropriate Federal agencies shall, in prescribing standards under this section, seek, through consultation or otherwise, to achieve the greatest practicable uniformity in such standards.

MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 417. (a) Section 235(c) of the National Housing Act is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further,* That the Secretary is authorized to continue making such assistance payments where the mortgage has been assigned to the Secretary".

(b) Section 236(b) of such Act is amended by striking out "*Provided,* That" and inserting in lieu thereof the following: "*Provided,* That the Secretary is authorized to continue making such interest reduction payments where the mortgage has been assigned to the Secretary: *Provided further,* That".

(c) Section 223(d) of such Act is amended by inserting at the end thereof the following new sentence: "A loan involving a project covered by a mortgages insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be the obligation of such fund, and loans involving projects covered by mortgages insured under section 236 or under any section of this title pursuant to section 223(e) shall be the obligation of the Special Risk Insurance Fund."

(d) Section 214 of such Act is amended by inserting "or mobile home courts or parks" in the first sentence after "construct dwellings".

(e) Section 1101(c)(2) of such Act is amended—

(1) by striking out "value of the property or project" and inserting in lieu thereof "replacement cost of the property or project"; and

(2) by striking out "The value" and inserting in lieu thereof "The replacement cost".

FHA FINANCING FOR MOBILE HOMES

SEC. 418. Section 2 of the National Housing Act is amended by—

(1) inserting "(i)" after the words "for the purpose of" in the first sentence of subsection (a);

(2) inserting "; and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence" before the period at the end of the first sentence of subsection (a);

(3) inserting "(other than mobile homes)" after "new residential structures" in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);

(4) inserting the following new sentence at the end of subsection (a): "The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.";

(5) inserting ", except that an obligation financing the purchase of a mobile home may be in an amount not exceeding $10,000" before the semicolon at the end of clause (1) in the first sentence of subsection (b);

(6) inserting ": *Provided,* That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days" before the semicolon at the end of clause (2) in the first sentence of subsection (b); and

(7) striking out "real property" each place it appears in subsection (c)(2) and inserting in lieu thereof "real or personal property".

Mr. SPARKMAN. Mr. President, the House-passed bill differs from the Senate-passed bill. The House has asked for a conference and requested that the Senate appoint conferees.

I move that the Senate disagree to the amendment of the House to the bill (S. 2864); agree to the request of the House for a conference on the disagreeing votes thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. BROOKE conferees on the part of the Senate.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

Mr. ALLOTT. Mr. President, I am happy to see the distinguished Senator from Florida (Mr. HOLLAND) is present on the floor. If I may have the attention of the distinguished chairman of the subcommittee, I would like to draw his attention to pages 24 and 25 of the committee report, dealing with the central and southern Florida project. As the chairman is very much aware, the issue of assuring an adequate water supply for the Everglades National Park was one of the primary reasons for the 1968 modifications which the Congress authorized with regard to the central and southern Florida project.

Also I am sure the chairman is aware that the Committee on Interior and Insular Affairs of the Senate conducted informational hearings in June of this year on the problems facing the Everglades National Park.

This subject of providing an adequate water supply for the Everglades National Park has been a subject of tremendous controversy in the past, and has been rankled by historic divisiveness between various competing interests. I think that everyone recognizes that there has been recently an effort on the part of all the competing interests to deal with a certain measure of good faith in trying to resolve this most important issue. Certainly one of the great leaders here in the Senate is the senior Senator from Florida, who has historically balanced his strong views in support of the park with recognition of the legitimate interests of the State of Florida to certain waters produced by the central and southern Florida project. In addition, of course, representatives of the Department of the Interior have been working very actively in this particular field, and I want to pay particular tribute to their fine efforts, which have shown a good deal of the cooperative spirit which is so important to the resolution of this matter. As the Senator well knows, members of his staff as well as those of my own have been working on this issue for some time prior to the final markup of this bill to see if there was not some way in which the issue might be resolved at an early date.

I do have several questions I would like to ask the Senator at this time. It is my understanding that none of the funds for fiscal year 1970 are being appropriated for the 1968 modification of the project. I note, for example, that $10 million is recommended in this bill for appropriation for fiscal year 1970 for flood control for the central and southern Florida project. Is this correct?

Mr. ELLENDER. That is correct. I understand that discussions and negotiations are currently going on between the Department of the Interior, the Corps of Engineers, and the State of Florida in an effort to come to some conclusion. As the Senator knows, this matter cannot be settled overnight. It will require a great deal of time, and I am sure it will require money to raise the levees of Lake Okeechobee.

The Senator from Florida is, of course, better versed in this matter than I am. I would like to have him comment.

Mr. ALLOTT. I wonder, then, if the Senator from Florida would assist in answering some questions on this matter to enlighten the Senator from Colorado and other Senators who have had to deal with the matter in the Committee on Interior and Insular Affairs.

Mr. ELLENDER. Mr. President, I shall be most pleased to yield to the Senator from Florida. He is most familiar with it. He has lived with it. It is his home State. He has participated in the work done, in order to get the central and southern Florida project on the way.

I feel confident that, with the cooperation of the Corps of Engineers as well as the Department of the Interior, we can reach some conclusion.

Mr. ALLOTT. I thank the Senator.

I note that $170,470,000 has been allocated to date for the construction of the central and southern Florida project. Am I correct that the funds recommended for appropriation for fiscal year 1970 are included in this bill for the previously authorized raising of the levees around Lake Okeechobee which, when completed, will provide some increase in the storage capacity of the lake?

Can the distinguished Senator from Florida answer that question?

Mr. HOLLAND. Mr. President, I am informed by the able clerk of the committee that that is correct. All I know is that we are well behind the expected appropriations and the expected dates of completion of this project, due to the reduction in appropriations and reductions in the budget which have reached us in recent years.

I simply answer now, on information given me by Mr. Bousquet, that these appropriations do in part apply to the raising of the dikes of Lake Okeechobee.

Mr. ALLOTT. I thank the Senator.

Mr. HOLLAND. I think I should make it clear, however, that there are two acts providing for that raising. One of them is the act of 1954, which would provide for the raising of the dikes to impound water at 2 feet above the level permitted prior to that time. The other is the act of 1968, which we passed last year.

It is my understanding that we have not yet seriously entered upon the completion of the works required by the act of 1954, and that part of these appropriations will go to the raising of the dikes, to reach, as speedily as we can, that height of the dikes that was provided by the amendment of 1954, which would have been to such a height as to allow the raising of the waters of Lake Okeechobee, which is the principal storage area of some 750 square miles, 2 feet above the prior permitted level.

Mr. ALLOTT. That is also my understanding. I thank the Senator.

I note on page ix of House Document 369, which contains the recommendation of the Corps of Engineers with regard to the modification of this important project, that the Bureau of the Budget stated, on July 24, 1968, that the Bureau was making no commitment as to when any estimate of appropriation would be submitted for the construction on the project if authorized, "Since this would be governed by the President's budgetary objectives as determined by the then prevailing fiscal situation."

In light of this information, can the Senator from Florida give me any information as to when it is estimated that the first money will be recommended for appropriation for the 1968 modification, which we passed last year?

Mr. HOLLAND. Upon seeing that language which the Senator from Colorado has read, and upon inquiry of Mr. Bousquet, I understand that that is the language that is normally included by the Bureau of the Budget in clearing such a report for transmission to the Congress, because the Bureau cannot speak for later actions of the administration or of the Bureau of the Budget.

As to when the Bureau of the Budget will begin to recommend amounts to raise further the level of the dikes, as provided by the act of 1968, I wish I could say that that would take place in the next year. It would certainly be acceptable to me if that were the case. But knowing the budgetary situation, as both the Senator from Colorado and I do, I am not at all sure that it will take place in the next year.

First, it will be necessary to complete the elevation of the dikes to the degree required by the 1954 amendment, and then to raise the level of the dikes further to the degree required by the 1968 amendment. Of course, those two things cannot be done at the same time, because the lake has a long perimeter, and it will be necessary to complete the work up to the 1954 requirement level, and then, having done that, proceed to the higher level authorized by the 1968 act. I do not think we have reached that point yet. I would be most happy if we were reaching it today, but we are not.

By way of background, I may say to the distinguished Senator from Colorado, first, that I have had a most active and enthusiastic interest in the Everglades National Park, dating back into the 1930's, when I was a member of the State Senate. The completion of that park was one of my primary planks when I was elected Governor in 1940.

After struggling with it for 4 years while I was Governor, we got the matter firmly on the tracks in December of the last year of my 4 years' service. Since I have been here, I have been working on it in every way I know how, and I do not suppose there is any other Member of the Senate, with all due regard to my distinguished friend from Colorado and my distinguished friend from Wisconsin, who has anything like the degree of enthusiastic interest in the preservation of the park that the Senator from Florida has, because it is a part of his efforts, in a way. It is one of his public children, and he will always feel that way.

The raising of the level of the storage of water in Lake Okeechobee is directly related to the continuing supply of water to the Everglades National Park, as the distinguished Senator knows. I thought that, by the wording in our report to which the Senator has referred—I believe it is on pages 24 and 25 of the report—the committee had shown its complete interest in that objective, and was insisting upon that objective being carried over. If that is not the case, I shall be disappointed, because that was the effort of the committee.

Mr. ALLOTT. I must say to the distinguished Senator two things. First, I think that the committee report does do what the Senator has stated, particularly in the first paragraph on page 24 and in the second paragraph on page 25, which I ask unanimous consent to have printed in the Record at this point.

There being no objection, the excerpts from the committee report (No. 91–528) were ordered to be printed in the Record, as follows:

> The committee recognizes the Everglades National Park as a legitimate water user and the maintenance of an adequate water supply to the park is essential to its unique ecosystem and all efforts must be made to provide the 315,000 acre-feet of water annually to the park, as provided for in paragraph 127b (2) of House Document 369, 90th Congress, second session. The 1968 modification is designed to provide additional capacity for storing water to further alleviate water shortages in the park and southern Florida.
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> Accordingly, the committee desires that the State of Florida, the Department of the Interior, and the Department of the Army complete as soon as possible their current negotiations in developing an operating agreement which will insure deliveries of water to the park whenever adequate water is available to meet park purposes, as stated in paragraph 127b of the project report. The committee further desires that these agencies continue their negotiations to develop operating regulations for the sharing of adversity in water-short years.

Mr. ALLOTT. Second, my distinguished friend certainly does not have to convince me of his great devotion and paternal interest in this national park. He will recall that some years ago, at his request, I went down to Florida as a member of the Committee on Interior and Insular Affairs to find out some facts to adjust the boundary of the park. I subsequently, because of the considerable interest I had acquired in the Everglades, spent a very interesting vacation down there, of which the Senator well knows.

Mr. HOLLAND. May I say, to digress a moment, that every time I go to the park now, I am asked, "When is that handsome Senator from Colorado coming to see us again? I hope it will be soon." That is a common expression of the personnel down at the park. They enjoyed his visit and his enthusiastic interest in the park.

Mr. ALLOTT. I thank the Senator for his comments, which I am sure are undeserved. I should like to ask another question on this matter. Is it possible, considering the budgetary restrictions which have been in effect for the last few years, that the 1968 modification of the Central and Southern Flood Control project might not be completed until sometime around 1985? I do not know whether the Senator has that figure at his fingertips or not.

Mr. HOLLAND. I do not have it at my fingertips, but it would be my ardent hope that it will be completed long before that time. Of course, the answer to that question depends upon congressional appropriations, though the State pays 20 percent of that construction cost, and all the cost of the acquisition of rights-of-way, storage areas, and the like, so that the State is now paying, in a State and local way, better than 30 percent of the total cost, in addition to supplemental work, the cost of which has now risen, as I recall it, to about $85 million. The clerk tells me it is more than that, but that was my recollection.

There are 13 subdrainage districts down there, with which the Federal Government has no connection at all insofar as financing is concerned, and then there are a number of pumping plants, able to pump in both directions, which have to do with water control in that area, and which were put in by private interests.

My recollection is that the figure was $85-million. We will have that exact figure in a moment.

Mr. ALLOTT. I might say to the distinguished Senator that, while I said "around 1985," the graphs in the House document to which I referred show the date of possible completion as 1984. This is taken from the third chart in the graphs of the House of Representatives, which appear in the House document at page 72.

It is my understanding also that the Corps of Engineers is preparing an additional report, which I would assume would be available prior to 1985, regarding additional recommendations concerning southern Florida's water requirements.

Mr. HOLLAND. May I supplement what I stated earlier?

Mr. ALLOTT. Yes.

Mr. HOLLAND. The budget justification on this matter shows that the cost of the central and south Florida works themselves is divided as follows: $330 million from the Federal Government, $146,300,000 from the State and local governments, plus some $85 million necessary secondary work, as described in the budget, which is supplied either by local landholders or by the local units of government, such as drainage districts and the like.

So this is by no means solely a Federal project, and it should not be. I supported its original enactment. I have supported its amendments from time to time, because I am not one of those who think that the State should come here for a solution to all of its problems. I think we should do our share in solving them, and we have done that insofar as this project is concerned, as the figures indicate. In addition, in the way of supplemental work, local governments and individuals are contributing some $85 million, over what the budget justification shows, as I have indicated to the distinguished Senator.

Mr. ALLOTT. I thank the distinguished Senator for that information. It is my understanding that the modified project added about $66 million to the previous authorization. The Federal Government bears about 75 percent of these costs, I believe, and 48 percent of the costs are attributed to the park benefits. I believe the House document makes it very clear that although the cost estimates include the costs of works for the benefit of Everglades National Park, the evaluation of benefits to the park was not attempted because of the unique nature of the park, its importance to the Nation and posterity, and the impracticability of expressing these values in monetary terms. The benefit-cost ratio, estimated at about 2.8 to 1, would be even higher for the modification if it were feasible to evaluate park benefits. Now, my question is this: In light of the corps findings and recommendations as found in House Document 369, paragraph 127 b(2), is it the Senator's view that the Appropriations Committee in the language of the report which accompanies the bill before us, tried to make it clear that all efforts should be made to provide 315,000 acre-feet of water annually to Everglades National Park?

Mr. HOLLAND. That is quite clear to me, with one exception, and that is that if there are starvation years, drought years, it is understood by all concerned that the loss will be ratably felt by all concerned, including the park; and that has never been otherwise, because even in the days before there was any central and south Florida flood control district, there were times of drought when the park did not get the water from the north at all, but was confined, as to its receipt of fresh water, solely to what fell by way of rainfall within the park. I know that, because I have been there after disastrous fires during such times, one of which, incidentally, was after the Federal Government had taken over the whole park area under a deed signed by the Senator from Florida when he was serving as executive of his State.

They took it over through the Fish and Wildlife Service for a period of years until the requirements of Federal law as to how much land could be drawn together contiguously to justify the creation of the park as such and be put under the Park Service. Even when the Fish and Wildlife Service was there, through its personnel, trying to defend and protect the area, and particularly the most interesting parts, there was a disastrous fire.

I never dreamt when I saw the result of the fire that nature could so quickly and completely repair it. If the Senator was there at the Tamiami Trail and the other area known as the Royal Palm Hammock, I doubt if he saw any evidence at that time of the fact that a terrific fire had swept through there.

I am therefore telling him that following that fire I went there. The area looked as if it could never be repaired. However, nature is kind in that climate, and with that amount of water and soil available, I doubt if anyone, except for the fact that there were still a few stalks of royal palm that were destroyed and still standing there above the trees, could see any serious fire damage.

There had been periods of water shortage resulting from drought long before there was any flood control program there, and so forth—Geological Survey records show that in the first 12 years after the construction of that part of the central and south Florida flood control program about which we are particularly concerned—that is the storage area three, and so forth—the park received more water than it had over the preceding 12 years and received more water regularly. However, there will never be any arrangement under which it can have an equal amount of water each month of each year. And there will never be such a time unless we can control rainfall much better than we can over the whole peninsula of Florida so that the park will be able to get a uniform amount of water throughout the year.

All I can say is that we are doing our best with the wording with which the Senator is familiar, as mentioned in the report, to point out that we expect the park to be taken care of as set forth in the official documents mentioned by us which I hope the Senator will have printed in the Record at this time.

Mr. ALLOTT. Mr. President, I just asked to have that printed in the Record a few moments ago.

Mr. HOLLAND. Mr. President, the Senator had printed in the Record the recitals from our report. However, I did not hear him ask unanimous consent to have printed in the Record the section of the engineer's report mentioned in our report.

Mr. ALLOTT. Mr. President, the Senator is quite correct. I ask unanimous consent that that material be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From paragraph 127b(2) of House Document 369, 90th Congress, second session]

127. b. *Project purposes.*—The specific purposes that are to be served by the works of the authorized project plus those of the plan here recommended are summarized as follows:

(2) Provide water for Everglades National Park—such amounts are now estimated to be an objective of 315,000 acre-feet annu-

ally—and provide, to the maximum feasible extent, for the delivery of excess waters.

Mr. HOLLAND. Mr. President, I thank the Senator. I think that shows the whole picture as to what we were trying to do. I believe it shows rather conclusively that we were trying to do the fair thing and the decent thing for the park. If I did not think so, I would not be a party to it. I have already stated my longstanding interest in the park.

Mr. ALLOTT. Mr. President, that brings us now to the nub of the situation as I see it, and that is the preparation of an agreement regarding operating procedures for sharing adversity in water-short years. This is one of the most difficult water problems I have ever encountered.

I suppose I have difficulty in understanding it because in our area of the country, as the distinguished Senator knows, we have a lot of water law which is based upon the doctrine of prior appropriation, which does not apply here. So I do not quite know how to deal with it.

Mr. HOLLAND. Mr. President, I point out that in the Senator's State—and it is a great one—they have an abundance of ups and downs which we do not have. There is just a 1 inch to 1 mile of slope in the 65 miles from Lake Okeechobee to the Tamiami Trail. In times of great drought, the release of water from Lake Okeechobee does not mean that any of the released water will get to the park. We have to realize that because of thirsty muck and substructure which is very porous in between the two locations, unfortunately much of the water which is released 65 miles away on a gradual slope of only 1 inch to 1 mile does not get down to the park. It does make the whole problem an exceedingly difficult one.

Mr. ALLOTT. Mr. President, I appreciate that. It is my understanding from the committee report that the committee suggests that in the negotiations for sharing adversity, the State of Florida, the Corps of Engineers, and the Interior Department should recognize that demand graph as it appears in House Document No. 369, found in figure 11, following page 72 of the House document in question.

I think it is very important to point out that the committee language specifically excludes from sharing in times of adversity any demands for water which exceed those contemplated in the project document.

Mr. HOLLAND. We put those in specifically because we know that we cannot foresee what the additional developments will be. And we do know that the Engineers did their very best to try to foresee what future demands would be created. We thought that since we were trying to do something specific there, we had to rely upon some standards. We are relying upon the standards set forth in the Engineers' reports. If there are developments that go beyond that, we are saying in very clear words that the park shall not be adversely affected by the specific other interests not projected in the report of the Engineers which included present developments and developments anticipated during these years when these improvements are going on and being regarded on parity with the park, but no developments which are not anticipated. They will just have to take what is left.

I do not see how we could be any fairer than that.

Mr. ALLOTT. Mr. President, according to the House document, whenever this project modification is completed, possibly after 1985, approximately 655,000 acre-feet of additional water will be made available. It seems to me, and perhaps I am in error—but I would like to have the Senator's comment on this—that during times of adversity, the park would be required to share the increasing demand as projected by the Corps of Engineers in House Document 369. Accordingly, there seems to be an element of inequity here, because the park's proportional interest in the available supply of water will be diminished as these demands for water go up. This is proposed even though no one has any idea as to when an additional supply of water will be available. I want it clearly understood that I would like to see the State of Florida, the Corps of Engineers, and the Department of the Interior try to negotiate this aspect so that a guaranteed proportion of an available supply of water could be made available as quickly as possible. I would like to see this tied to the availability of water—that is the water supply, rather than the demands as they may appear at a particular date contemplated in House Document 369.

This is a very difficult subject, but I would be happy to have the Senator's comments on it.

Mr. HOLLAND. Mr. President, I thank the Senator. This is the first time that I find myself in a minor disagreement with him.

The amendment of 1954 and the amendment of 1968—and we have not reached really the construction under that later amendment—were both passed in the light of certain anticipated uses, including the Everglades National Park use. It took into consideration prospective increases in agricultural and urban demands. Whether those increased authorizations and the appropriations thereunder could be acquired from Congress without having had a balanced approach of that kind, I am very doubtful.

I could not have had the united support I have had from Florida on all of the amendments unless it had been done under the standards set up under the Engineers prior to the 1954 and the 1968 acts.

Therefore, the idea of holding the participation of the park to figures now and holding the participation of the urban and the agricultural interests to figures now, when the authorizations were made against the projected needs that were fully known to Congress and were fully supported by the whole State, including the legislature, which incurred substantial additional claims upon the State budget in connection with both of these functions would not be fair. Whether or not it could possibly be fair to ignore what was set up by the Engineers as anticipated, I think would be hard to conclude.

To the contrary, it seems to me that we have been completely fair in holding the distribution of the water to those standards, stating that if the developments were greater than anticipated by the Engineers and then shown to Congress when these two modifications were viewed with the degree of their exceeding the reports of the Engineers, they would not be permitted to share equitably with the park and with the other interests that were estimated by the Engineers. I think we would have immediate trouble, both in Florida and elsewhere, if we applied this kind of standard.

It seems to me that the committee has done all it could do and all it should do in what it has stated. The Senator from Florida is going to be here at least next year. He hopes to see the result of what we have done this year. He is happy to report that there has been no shortage of water this year, as yet. He is happy to report that, in his opinion, the requirement now in the report for a new survey and report on this situation in 1980 is about the best that can be done to bring the project to date prior to the time that the excess quantity of water that will be made available through the 1968 modification will become available.

Mr. ALLOTT. I thank the Senator for his patience and his discussion and his explanation of this matter.

I wish to make one thing clear on behalf of myself. My interest in this matter does not relate to imposing unreasonable or inequitable restrictions on the water development of the great State of Florida. But I do have a genuine interest in seeing that Everglades National Park receives an equitable share of water, even when there is a severe shortage of water.

I do not think anybody wants to see any situation develop in which anyone would be disastrously affected in the time of short water supply, and I come from an area of the country where we are fully cognizant of what that means.

In light of the committee language on this subject, I would hope that negotiations among the State of Florida, the Department of the Interior, and the Corps of Engineers can begin at a very early time for the time of entering into a permanent arrangement which will be satisfactory to the people of Florida, who are basically involved in this. The rest of us are involved in it in a broad, general sense, with our natural interest in the Everglades National Park.

I just want to express my appreciation to the Senator and to the distinguished chairman of the subcommittee for engaging in this colloquy on what will be, I am sure, a very important matter.

Mr. HOLLAND. I thank my distinguished friend.

I think the Senator from Louisiana, the chairman, has been fully cognizant of the difficulties involved in this matter. I believe that his instructions to our able staff engineer, who wrote the reports—which, of course, were somewhat modified later—were to take care of the park as fairly as could be done under the modifications of 1954 and 1968. That is certainly my intention and my hope. I will be very active in trying to carry that out.

There are other comments I wish to make about the park, but it is my understanding that my distinguished friend, the Senator from Wisconsin (Mr. NELSON), has an amendment he wants to offer; and I shall withhold any further statement until he has had a chance to be heard.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that after the remarks by the Senator from Washington, I be permitted to explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 6, line 23, after the colon insert "*Provided further*, That no part of his appropriation shall be used for the Central and Southern Florida Project until June 1, 1970:".

Mr. JACKSON. Mr. President, I should like to make a brief statement on the Everglades National Park matter, as a follow-up to the colloquy that has already occurred.

The PRESIDING OFFICER. The Senator from Washington is recognized.

RELATIONSHIP OF THE CENTRAL AND SOUTHERN FLORIDA PROJECT OF THE CORPS OF ENGINEERS TO THE WATER SUPPLY FOR THE EVERGLADES NATIONAL PARK

HISTORY OF DEVELOPMENT

Mr. JACKSON. Mr. President, the Everglades National Park was authorized by the Congress in 1934 (48 Stat. 816 as amended). It was formally opened in June of 1947.

In the fall of 1947, floods resulting from hurricanes and heavy rains caused nearly $60 million in damages in south Florida. The severe and persistent damage coincided with completion of a flood control plan by the Corps of Engineers.

The initial plan, known as the central and southern Florida flood control project was authorized by the Congress in the Flood Control Act of 1948 (62 Stat. 1175). Construction of the works was initiated in 1949. The project plan involved water control and conveyance features to intercept flood flows and store them in large, shallow reservoirs known as conservation areas. Construction based on this plan is still underway.

In 1964, the corps initiated a further study of a comprehensive water supply plan for central and southern Florida known as the water resources plan. This plan, which was completed in 1968, recommended additions to the earlier plan to provide for the projected water supply needs of the project area until the year 2000. The plan involved increases in the capacity and improvements in the operations of Lake Okeechobee and improvements in conveyance facilities. Construction of the water resources plan was authorized by the Flood Control Act of 1968 (82 Stat. 731) and it is contemplated that it will proceed concurrently with the continuing construction of the previously authorized work.

The Central and Southern Florida Flood Control District, created by the State legislature in 1949, is the agency which cooperates with the corps on this development. The total cost of all authorized features of the project is $476,300,000, of which $330,000,000 will be Federal costs. Through fiscal year 1969, $170,479,000 of the Federal funds were appropriated and allocated to the project.

HYDROLOGIC SITUATION

The natural water supply of the Everglades depends upon the flow of surface waters generally from north to south, not in defined channels but in a massive and slow moving sheet covering many square miles. The ecology of the Everglades requires for its maintenance not only minimum quantities of water but also deliveries on a prescribed schedule approximating the natural wet and dry cycles of the region.

As development of southern Florida took place, both by community expansion and agricultural development, drainage and diversion works were constructed. Significant work of this kind existed prior to the authorization of the corps project in 1948.

The progressive development of water control works in the area now has increased the capability of controlling natural flows for retention in Lake Okeechobee or diversion and storage in conservation areas. The water supply available to the Everglades National Park is now substantially controlled by the facilities of the corps' project, and the park depends upon the project's operations for its continued biological existance. The project must deliver sufficient water on a schedule which reproduces the natural hydrologic cycles for unique ecology of the Everglades will be lost.

During the period 1961 to 1965, south Florida experienced a severe drought. The entire area suffered from water shortages, and the park was particularly hard hit. The loss of wildlife was great and public demands for relief were strong.

As a result of public opinion and negotiations among the Department of the Interior, the Corps of Engineers, the Central and South Florida Flood Control District, and the State of Florida, an interim regulation schedule was finally arrived at which provided water to the park from Lake Okeechobee and the conservation areas. Releases under the schedule were initiated in March of 1966. Apparently, an important factor causing delay in giving relief to the park during this emergency situation was the corps' insistence that it had no authority to establish a schedule of operations for the project without the concurrence of the flood control district.

The interim schedule has remained in effect since 1966. It has delivered adequate supplies in 1966, 1968, and 1969. In 1967, the deliveries fell short because of dry conditions.

The park requires a minimum of 315,000 acre-feet of water annually, supplied according to a monthly distribution schedule. The interim regulation schedule does not fully satisfy this requirement. The corps and the flood control district have proposed a new schedule, in conjunction with the water resource plan, which appears adequate.

The water resources plan is designed to meet the water supply requirements of the project area until the year 2000 and to accommodate the needs of the Everglades National Park among those of existing users and future increases in demand. If the contemplated construction program is maintained and if the projections of demand prove realistic, it will provide an adequate water supply for the park until the year 2000.

PRIORITY OF USE

Agreement seems iminent upon an operating schedule for the central and southern Florida project which will provide a satisfactory water supply for the Everglades National Park under existing conditions. It is clear, however, that development will continue in the area and that new municipal, industrial, and agricultural users will be competing for water in the future.

The new water resources plan is intended to meet the new demands until the year 2000, however, if the growth should prove to exceed projections or if the funding of construction should be inadequate, the park's water supply will be in jeopardy at some earlier date.

The Department of the Interior, in commenting upon various Corps of Engineers project proposals, has requested that the park be given a priority to use of water from the project, at least against the uses which result from future development. The Corps of Engineers has repeatedly and emphatically denied that it has the authority or any obligation to establish priorities among the users of project water.

The legal question of the corp's authority remains unresolved. An opinion from the Attorney General was requested by the Department of the Interior in November of 1968 but was not made prior to the close of the past administration. No request for such an opinion has been made during this administration.

ANALYSIS

The Everglades National Park was established by the Congress as a national asset for the use and enjoyment of all of the people of the Nation in perpetuity. The park, besides having unique natural values, represents a significant national investment in acquisition and maintenance costs.

The natural values of the park depend upon an insured water supply. It is an unfortunate discredit to the environmental management mechanism of the Federal Government that the central and southern Florida project was planned, and has been permitted to be implemented, without provisions for the protection or replacement of the park's natural water supply.

The situation now exists that a project has been constructed with the help of a very sizable Federal investment, much of which is a nonreimbursable investment financed by the taxpayers of the entire Nation. The viability of another significant national property, the park, depends upon the operation of the project, and yet the taxpayers of the Nation are refused a guaranteed share in the new water supply which is being made available by the project. Furthermore, significant future Federal investments are being sought to provide new water supplies for further development of central and southern Florida. And the park still is to be denied a priority against the water demands of these new users.

In justice to the interests of the American public, the Everglades National Park should receive an assurance of an equitable share of the water made available by the central and southern Florida project. Agreement should be reached upon a suitable operating schedule based upon current conditions. The park, of course, may be expected to share shortages with existing users when natural drought conditions preclude the provision of a full supply by the project.

As the project is expanded to accommodate new users, however, the park's water supply should be guaranteed against shortages resulting from the new demands. This priority would be a reasonable consideration for the additional Federal investment contemplated, even without regard to the Federal investment which has already been made. The park requires only a fraction of the increased water supply which is being made available by the project, and future expansion of the project under the water resources plan would replace the water provided to the park many times over.

The division of shortages which has been recommended in the report of the Senate Committee on Appropriations is a step in the right direction. I believe, however, that the Park deserves a better priority than that set forth in the report.

A priority to the park over future water users should be required as a condition of continued Federal funding of the project. If the State of Florida and the central and southern Florida flood control district would concur in such a priority, there would be no necessity to establish the Corps of Engineers' authority or obligation to impose such regulations.

Furthermore, it is logical for the State and the district to recognize the needs of the park. Such recognition would provide a basis for sound planning to provide other sources of water when future growth requires them. If the State refuses to recognize the park's water supply as an established priority, it must be assumed that the State views this water as available to defer shortages which may occur as a result of new uses.

If this latter situation exists, it is incumbent upon the Congress and the administration to explore all alternative means of protecting the national interests in the park. The legal authority of the Corps of Engineers to establish priorities should be ascertained, and the situation should be a consideration of future appropriations for further work on the project.

Mr. President, lastly, I wish to observe that the able Senator from Florida has been very diligent and has worked very hard on this matter. I fully appreciate the complex and conflicting problems in his State, in trying to resolve this difficult situation. I wanted to make that statement very clear because, as chairman of the Committee on Interior and Insular Affairs, I know of his fine support for conservation measures, not only in Florida but also throughout the United States. I commend him very highly.

I want to emphasize what I think is the remaining problem here. It is the problem of future development of the project area which could impinge rather severely on the water supply required for the national park.

THE 200 BEV WESTON ACCELERATOR

Mr. PERCY. Mr. President, I rise to support the recommendation of the Appropriations Committee for $89 million to continue construction of the National Accelerator Laboratory in Weston, Ill. This sum is absolutely necessary to keep the construction of this 200-Bev particle accelerator on schedule.

The initial estimated cost for building the accelerator was $350 million. Three years ago, Dr. Robert Rathbun Wilson, director of the project, committed himself to building the accelerator for $250 million. His commitment, however, was conditioned upon his receiving adequate funding on time to keep the project on schedule. To maintain this schedule, Congress must appropriate $89 million for fiscal year 1970 as the barest minimum required. Dr. Wilson's commitment was placed in severe jeopardy, therefore, when the House passed an appropriation of only $64 million.

The magnitude of this threatened reduction would not be clearly reflected merely in the dollar cut of $25 million. Rather, due to the delays in construction and the need to revise engineering requirements due to the appropriations cut, a minimum of $20 million in additional funds would have to be added to the already committed cost. In all likelihood the actual additional wasted cost could be double or triple this amount.

In our desire to conserve public funds today, an inordinate cutback in the necessary appropriations clearly would be dollar foolish. In effect what we are doing today by restoring $25 million is to save taxpayers $50 million or more in the Congress.

As important as it is to conserve the taxpayers' money, however, it is even more important to spend the public's money wisely for essential priority purposes.

The 200 Bev. accelerator will be one of the great technical achievements of our age. The accelerator, when constructed, will provide the United States with the most advanced nuclear research facility in the world. It is through such basic tools of research that our country develops the knowledge to support a modern industrial base, to produce amazing breakthroughs in the physical sciences and medicine, and to preserve our national security. Many of the basic building blocks and forces of nature are yet to be uncovered. Some, so we are told, may be on the verge of discovery. The construction of the accelerator will help us realize these discoveries. A sizable staff of eminent scientists and engineers have been gathered at Weston to work in this behalf both for the benefit of mankind and for the prestige of our country. We must support this endeavor.

Thanks to the farsighted leadership of Senator ELLENDER, Senator PASTORE, and Senator YOUNG of North Dakota, the Appropriations Committee has reported out the necessary $89 million. It is through the action of this committee and the Senate that Congress will be able to fulfill its original commitment through support for this most promising scientific endeavor.

Mr. HARTKE. I wish to commend the distinguished Senator from Louisiana for the splendid job he has done in handling this public works appropriation. Once again he has demonstrated not only a superb understanding of public works projects but has also shown a compassionate concern for the flood control needs of this Nation.

I am especially appreciative that the esteemed chairman has seen fit, once again, to look kindly on the flood control needs of my home city of Evansville, where I was honored to serve as mayor.

The recommendation of his subcommittee that $500,000 be appropriated for the Evansville floodwall will enable construction to be resumed on this vital project. I know the people of Evansville share my sentiments when I state that this appropriation will greatly decrease the chances of a disastrous flooding such as that experienced by the city in 1937 and 1938.

As well, I wish to commend the distinguished Senator for his foresight, and that of his subcommittee, in appropriating $750,000 for the much-needed Lafayette Reservoir. At long last it would appear that the initiation of construction will not be long off.

Likewise, the recommendation of $3,600,000 for the Newburgh locks and dam project on the Ohio River is greeted with great enthusiasm by myself and other Indiana and Kentucky, residents who live close to the still untamed Ohio River.

By way of conclusion, let me again express my compliments, and thanks, to the Senator from Louisiana for the fine work, and foresight, exhibited in this appropriation bill.

Mr. ELLENDER. I thank the Senator.

ORDER OF BUSINESS

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Illinois in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from Wisconsin (Mr. NELSON), which the clerk will state.

The assistant legislative clerk read as follows:

> On page 6, line 23, after the colon insert "*Provided further*, That no part of this appropriation shall be used for the Central and

> Southern Florida Project until June 1, 1970:"

Mr. NELSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, the amendment which I have sent to the desk would withhold the use of funds in this appropriations bill for the corps' central and southern Florida flood control project until June 1, 1970. This action is necessary in order to prevent the destruction of Everglades National Park.

The $10 million contained in the bill for the corps' project would be delayed for the sole purpose of putting the U.S. Army Corps of Engineers and the Department of the Interior on notice that they must reach and report to Congress a mutually satisfactory arrangement for providing an adequate water supply from the corps' project to Everglades National Park.

The history of the corps' project and the testimony of Federal witnesses at a Senate Interior Committee hearing in June make it quite clear that without such congressional action the corps and the Interior Department will not reach an agreement that will prevent the park's destruction by a lack of water.

The corps project goes back 20 years, and is programed through the year 2000. Congress has appropriated $170 million on the project thus far, and has authorized an additional $160 million. It is the responsibility of Congress to assure that before any of these further funds are expended, the necessary steps are taken to protect the park.

The objective of the amendment is merely to call to the attention of the Corps of Engineers quite directly, that many Members of both Houses of Congress are interested and anxious to see that the Corps of Engineers reaches an agreement with the Interior Department to guarantee the 315,000 acres of Federal water in the Everglades National Park annually; and in water-short years, to agree that the park will share adversity for that particular year only with users existing at the time of the agreement.

Mr. President, I appeared before the Appropriations Committee in June on behalf of the Senator from Florida (Mr. Holland), and presented a proposal, and sent a letter to members of the committee in June or July, explaining my position.

I have discussed this issue with the distinguished senior Senator from Florida. I recognize, as does every conservationist in the country that the Senator from Florida (Mr. Holland) is recognized as the father of the Everglades National Park and that he has spent more than a quarter of a century, even before he was Governor of Florida, and since the time he came to the Senate, he has been the primary spokesman on behalf of the Everglades. He has defended it, promoted it, and protected it. He must receive the greatest credit from all conservationists and all thoughtful people who know anything about the Everglades. The Senator from Florida has made a great and lasting conservation contribution to this country.

Mr. President, the Everglades National Park is a unique park. It has the most extensive combination and variety of birds, animals, marine creatures, and flora found in such abundance, greater than any other area in the world. It is the greatest source of information and study of the creatures that live there, more than in any other place in the world.

The contribution of the Senator from Florida has certainly been a great one, and continues to be so.

My concern is with the position of the Corps of Engineers, in the hearings before the committee, that it was not necessary to reach an agreement to guarantee the water supply to the Everglades until, as General Cassidy put it, the "crunch" was on some time 20 to 30 years from now.

Mr. President, I do not agree with that, and there is not a single conservation organization in America that agrees with that position of the Corps of Engineers.

The problem, as I see it, is that as long as the Senator from Florida is here, there is no doubt in my mind that the interests of the Everglades National Park will be protected. The Senator has made it almost a lifetime career. If we wait as long as General Cassidy thinks we should wait, the Senator from Florida (Mr. Holland) will not be here to protect that park, and neither will any other current Member of the U.S. Senate.

Mr. GURNEY. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. GURNEY. I would remind the Senator from Wisconsin that there are other people in Congress who represent Florida, both in this Chamber and on the other side of the Capitol, and they are just as keenly interested in this project in Florida as the senior Senator from Florida (Mr. Holland).

I can also assure the Senator that there is able representation in the State of Florida which is just as keenly interested in the preservation of the Everglades National Park as is the Senator from Wisconsin.

Mr. NELSON. I am sure there is. I am addressing my remarks to the distinguished senior Senator from Florida (Mr. Holland) because he has been the outstanding leader and spokesman on behalf of the park for a quarter of a century.

I am well aware that the junior Senator from Florida (Mr. Gurney) and other members of the congressional delegation from Florida are certainly interested in this matter and are concerned with the quality and the future of the park.

I assure the Senator that I do not wish to imply that they were not interested. I know that they are.

Mr. President, the crux of the issue is that the guarantees can and should be made right now by the Corps of Engineers.

In many parts of the report the language is excellent; there is no question about that. But, in my judgment, there is one serious fault in the language, and that appears on page 25, which reads:

> The committee further desires that these agencies—

The State of Florida, the Department of the Interior, and the Department of the Army—

> continue their negotiations to develop operating regulations for the sharing of adversity in water-short years.

I know very well that the members of the committee hope and desire that the agencies involved will reach agreement. I do not think there is any question about the desires of the two Senators from Florida, the other members of the Florida delegation, and conservationists throughout the country that the Corps of Engineers should reach agreement with the Department of the Interior and the State of Florida.

My concern is that they may not reach agreement, and my hope is to put some additional pressure upon the corps, to let them know that many Members of Congress are insisting that agreement be reached.

Starting in 1948, the Corps of Engineers said that one of the objectives of the project was to assure water to the park on an orderly basis.

In 1968, according to the House document that has been referred to so frequently, the Corps of Engineers agreed with the Department of the Interior on a formula that would guarantee 315,000 acre-feet of water a year to the Everglades. The commanding general wrote his agreement to the Secretary of the Interior. I shall place that in the Record.

Mr. HOLLAND. It has already been placed in the Record.

Mr. NELSON. Then the Corps of Engineers backed off from the agreement.

A chart, figure 11, in House Document No. 369, demonstrates the agreement that the park will be guaranteed 315,000 acre-feet starting in 1970 and continuing through 2020. As projected, everyone thought that it was a fine agreement. But the Corps of Engineers backed off, and that is the only reason we are speaking on this subject today.

I know from my reading of the committee report that the corps, because of the influence of the committee, will carefully read the desires of the committee.

But as one Senator, who has the responsibility along with all other Senators, I am not satisfied to rely upon the corps' agreeing or consenting to this proposal, after they agreed once, put it in writing, then backed away without an inadequate explanation to anyone.

Anyone who wishes to look at the chart will see that the guarantee of 315,000 acre-feet starts in 1970 and extends all the way to the year 2020; and that in years of adversity, the water shortage will be shared with current users of the water. That is the crux of the matter. If the park must share adversity with additional users 10, 20, or 30 years from now, we may just as well close up the park, because it will be dead. Everybody knows that. Every conservation organization in the country, including all the major ones that appeared before the Committee on Interior and Insular Affairs, made that point.

I do not see any reason why we should not require the Corps of Engineers to act now. This is not an issue of the Senator from Wisconsin. The Republican Secretary of the Interior, Mr. Hickel, wants that agreement now. The previous Secretary of the Interior wanted that agreement. The Department of the Interior supports the agreement now. It is the Corps of Engineers that is not for the agreement. Obviously, I am not seeking out some strange position that nobody else holds.

There are important nationwide reasons for this issue to be raised and settled as soon as possible. One of them is that this is a national park. Every single person in this country has an interest in the uniqueness of Everglades National Park. Second, the appropriations of taxpayers' money for corps projects, from 1948 to 1968, have totaled $160 million.

The projected further appropriations for the completion of the works are $170 million, of which the State will pay approximately one-third. This is not a reclamation project. None of the Federal moneys will be paid back. So the taxpayers have an interest.

This project has been supported by conservationists across this Nation since 1948 on the assumption and the assurance that the water of the Everglades would be protected. We have a contract—a moral contract—with the people of this country who furnished the money to be sure that their part of the project, the Everglades itself, is protected.

Mr. President, I want to read from a letter written to General Cassidy by the Assistant Secretary of the Interior on June 12, 1968:

> Dear General Cassidy: We have reviewed the Martin County Report and the Water Resources Report for Central and Southern Florida and concur in the principal features of the project and the proposed operation of the plan. We have also compared it with the National Park Service letter of October 20, 1967 by Deputy Director H. L. Bill. (Appendix K, Exhibit K–11). In that letter we stated in part, that:
>
> "The park shares adversity whenever the supply of water is insufficient to provide 315,000 acre-feet * * *. To share further adversity requires that we restrict that sharing with contemporaneous water demands. * * * The National Park Service, therefore, cannot accede to sharing water shortages with demands that develop after the establishment of the park. * * *"
>
> In our October 20 letter, we noted that when our comments appeared in House Document 643, we expressed "concern over the lack of a guarantee of sufficient water." Continuing in that letter we said: "Problems that have remained unresolved in the past must be resolved with specific clarity. The obligation of the Corps to supply the water necessary to preserve and restore the park, as stated in 1948, must be given strong emphasis in the current report. The report must claim water for the park as a Federal project purpose and establish a priority right to a given quantity of water from the project. Otherwise, the needs of the park will continue to be evaluated relative to all other project needs. * * *"
>
> We are pleased to see that the report recognizes that furnishing water to the Everglades National Park is a Federal purpose of the project. The report of the Board of Engineers for Rivers and Harbors provides additional clarity in designating 315,000 acre-feet per annum would be available for the Federal requirements in Everglades National Park in addition to providing supplemental supplies of water during times of flood. These supplies are recognized in the report as Federal project purposes and objectives. These are seen as desirable features, but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basis water supply to the park will be unaffected by reductions caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if this park is to survive.

I emphasize the Assistant Secretary's comment that if this park is to survive, the basic supply must not be diminished.

> We, therefore, cannot recommend the plan without written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions.
>
> Technical comments, including comments of other Bureaus of this Department, will follow.

Signed by the Assistant Secretary of the Interior.

That was June 12, 1968. Two days later, on June 14, 1968, F. J. Clarke, major general, Acting Chief of Engineers, gave that assurance in writing, and then they backed off it. That is my objection.

On June 14, 1968, General Clarke wrote:

> By letter of 12 June 1968 the Assistant Secretary of the Interior stated that although the general objectives of the project and the purposes for which the project would be operated were acceptable, the Department requires further assurances in order to support the proposed modification of the Central and Southern Florida Flood Control Project.
>
> In particular, it was indicated that your Department cannot recommend the plan unless the Secretary of the Army assures you of future delivery of the water supply as set forth in the report undiminished by new incursions.
>
> The concept expressed in the report and in the graphs—

This is the graph, figure 11—

> is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report.
>
> I understand that the letter of 12 June 1968 constitutes the official comments of the Secretary of the Interior; the technical comments of the other Bureaus will be addressed in the advance engineering and design stage.
>
> Copies of the letter from your Department and this reply will accompany the report of the Chief of Engineers when it is transmitted to Congress.

All I am proposing to do with this amendment is simply to provide that none of the $10 million for the central and southern Florida flood control project may be spent prior to June 1.

The reason I am doing that is to serve notice on the Corps of Engineers that there are many Members of Congress who do not propose to continue to support the provision of further money for these projects unless the national interest in the Everglades Park is protected. It is as simple as that. It is a reasonable amendment, and I believe that the Senate should adopt it.

Mr. President, I ask unanimous consent to have printed in the Record the following items:

A letter dated June 12, 1968, from the Assistant Secretary of the Interior to General Cassidy.

A letter dated June 14, 1968, from General Clarke, the Acting Chief of Engineers, to the Secretary of the Interior.

A statement which I made to the Senate Appropriations Subcommittee on Public Works on June 12, 1969.

A letter which I sent to all members of the Subcommittee on Public Works on July 1, 1969.

A letter which I sent on July 21, 1969, to Dr. DuBridge, Executive Secretary of the Environmental Quality Council.

An opinion by the Solicitor of the Department of the Interior dated October 8, 1968.

There being no objection, the material was ordered to be printed in the Record, as follows:

Comments of the Department of the Interior

U.S. Department of the Interior,
Office of the Secretary,
Washngton, D.C., June 12, 1968.

Lt. Gen. William F. Cassidy,
U.S. Army, Chief of Engineers,
Department of the Army, Washington, D.C.

Dear General Cassidy: We have reviewed the Martin County Report and the Water Resources Report for Central and Southern Florida and concur in the principal features of the project and the proposed operation of the plan. We have also compared it with the National Park Service letter of October 20, 1967 by Deputy Director H. L. Bill. (Appendix K. Exhibit K–11). In that letter we stated in part, that:

"* * * the park shares adversity whenever the supply of water is insufficient to provide 315,000 acre-feet * * *. To share further adversity requires that we restrict that sharing with contemporaneous water demands. * * * The National Park Service, therefore, cannot accede to sharing water shortages with demands that develop after the establishment of the park. * * *"

In our October 20 letter, we noted that when our comments appeared in House Document 643, we expressed "concern over the lack of a guarantee of sufficient water." Continuing in that letter we said:

"Problems that have remained unresolved in the past must be resolved with specific clarity. The obligation of the Corps to supply the water necessary to preserve and restore the park, as stated in 1948, must be given strong emphasis in the current report. The report must claim water for the park as a Federal project purpose and establish a priority right to a given quantity of water from the project. Otherwise, the needs of the park will continue to be evaluated relative to all other project needs. * * *"

We are pleased to see that the report recognizes that furnishing water to the Everglades National Park is a Federal purpose of the project. The report of the Board of Engineers for Rivers and Harbors provides additional clarity in designating 315,000 acre-feet per annum would be available for the Federal requirements in Everglades National Park in addition to providing supplemental supplies of water during times of flood. These supplies are recognized in the report as Federal project purposes and objectives. These are seen as desirable features, but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basic water supply to the park will be unaffected by reductions caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if this park is to survive. We, therefore, cannot recommend the plan without written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions.

Technical comments, including comments of other Bureaus of this Department, will follow.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

LETTER TO THE SECRETARY OF THE INTERIOR

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., June 14, 1968.

Hon. STEWART L. UDALL,
The Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: By letter of 12 June 1968 the Assistant Secretary of the Interior stated that although the general objectives of the project and the purposes for which the project would be operated were acceptable, the Department requires further assurances in order to support the proposed modification of the Central and Southern Florida Flood Control Project. In particular, it was indicated that your Department cannot recommend the plan unless the Secretary of the Army assures you of future delivery of the water supply as set forth in the report undiminished by new incursions.

The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report.

I understand that the letter of 12 June 1968 constitutes the official comments of the Secretary of the Interior; the technical comments of the other Bureaus will be addressed in the advance engineering and design stage.

Copies of the letter from your Department and this reply will accompany the report of the Chief of Engineers when it is transmitted to Congress.

Sincerely yours,

F. J. CLARKE,
Major General, USA, Acting Chief of Engineers.

THURSDAY, JUNE 12, 1969.

To: The Chairman and Members of the Senate Appropriations Subcommittee on Public Works.

From: Senator Gaylord Nelson.

Subject: Central and southern Florida flood control project and the Everglades National Park.

This memorandum proposes that in the appropriations bill or in the committee report accompanying the bill, the committee require that no part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Evergades National Park.

In 1934, Congress authorized the Everglades National Park. Fourteen years later, in 1948, the Congress authorized the Corps of Engineers to construct the Central and Southern Florida Flood Control Project.

Congress did not place these projects in conflict with each other, and yet, the experiences of the Everglades National Park since the advent of the flood control project have been such that the very life of the park, which is dependent upon an assured supply of water, is being continuously threatened. As a result, the intent of Congress in 1934 to preserve a unique area in its pristine state has been and continues to be frustrated.

Water is the life blood of the park. Its normal inflow is absolutely essential, if the extraordinary life processes which in themselves provide the uniqueness of the Everglades National Park are to be maintained. Fish populations swell with the rising waters of summer and fall, and as the water runs off to the sea, these millions of fish concentrate to the densities required by the hundreds of bird species, including some that are rare and endangered, that depend on the park for food and habitat. The water which runs off to the sea greatly influences the food production of the estuaries by providing salinity changes needed to accommodate the great fishery resources which the park supports. It is hardly a coincidence that the pink shrimp, newly spawned in the Gulf of Mexico, arrive at the park estuaries when these salinities are at their optimum. Within these nurseries, the shrimp grow to maturity and leave to return to the Gulf where they are harvested.

In 1948, when the Department of the Interior provided its comments to the Corps of Engineer report (H.R. Doc. 643, 80th Congress, Second Session), it wrote that the park's problem was not one of too much water but of too little water. The Department had misgivings about the project in 1948 because it recognized then that the park's vital water supply could be cut off. However, it was recognized that timely releases of water from the project could be complementary to the park.

As the project progressed, releases were anything but timely, and the National Park Service has been hard pressed to preserve the park as the Congress intended. If the park is to last forever, then so must its water supply. To date, long range efforts to ensure that supply have been thwarted.

In 1962, a levee was constructed by the Corps of Engineers across the Shark River, the principal drainageway which brings water to the park from the great Everglades region to the north. The flow was blocked and no water released for the next two years, and then only meager amounts until 1966, when heavy rainfall outside the park brought relief. The consequence was a systematic dehydration. The park has now become critically dependent on releases from the project for its water supply, and can not survive on the rain falling within its boundaries. It must have the historic pattern of inflow across these boundaries. It is for this reason that the supply to the park must be resolved.

Water shortages have destroyed multitudes of fish and wildlife and encouraged an unnatural succession of vegetative changes which may forever alter the unique ecology of this subtropical park. Securing an assured supply of water is the single most critical element in meeting the intent of Congress when it authorized the park.

Last year the Corps of Engineers completed a new study to improve the water supply for the park, and these improvements were authorized by Congress. The 1968 report indicates that water to meet the park's needs will be available and could have been made available in the past had certain operational practices been met.

However, the evidence is clear and amply supported by the report (House Doc. 369, 90th Congress, Second Session) that in the future, conflict between all water users is inevitable.

The plan acknowledges that by the year 2,000 the increased growth of southern Florida largely encouraged by this project will, in effect, use the park's minimum requirement of 315,000 acre feet per year as a pool from which all further growth and new water demands may draw upon.

The disastrous consequence is inevitable: the park will be destroyed by gradual but positive dehydration, and what was once one of the wettest places in the world will become the Death Valley of Florida.

Included in the Corps of Engineers' 1968 report is a June 12, 1968 letter from the Department of the Interior to the Corps which stated that the Department of the Interior could not recommend the Corps' plan without written assurance from the Secretary of the Army that he would provide the water supplies required by the park unaffected by reductions caused by future demands of urban and agricultural growth.

In his reply of June 14, 1968, Major General F. J. Clarke, as acting Chief of Engineers, acknowledged the condition required for Department of Interior approval and went on to say:

"The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report."

The 1968 report itself is based on the requirements of the water users. The requirements for the park were furnished by the National Park Service and were used in the development of the plan of modifications of the Central and Southern Florida Flood Control project, justified by the report. And the report further shows that had the plan been in operation throughout the period of rainfall record, which reaches back to 1930, the water supply to the park could have been provided in all years with only one exception.

Despite this exchange of correspondence, however, and the apparent agreement therein, a mutually satisfactory arrangement for protecting the park's water supply from future demands still does not exist.

There can be no reasonable doubt that the Corps has the power to regulate the project. The original 1948 authorization of the flood control project specifies that the project will be managed in accordance with House Document 643, which states that the works may be turned over to the responsible local interests for operation but that they will be operated "in accordance with regulations prescribed by the Secretary of the Army . . ."

Testimony presented before the Senate Interior Committee's informational hearings on Everglades National Park matters June 3 and June 11 by the Corps of Engineers, the Department of the Interior and conservation organizations makes it very clear that the question of adequate water supply for the Everglades National Park remains unresolved notwithstanding any of the commitments which have been made. I ask unanimous consent that an opinion by the Solicitor of the Department of the Interior on this matter be included in the hearing record.

Your committee, in its responsibilities for programs constructing the great public works of this country, should seek to bring the Department of the Interior and the Corps of Engineers together and require of them that they bring back a satisfactory arrangement for the review and approval of this committee before any further funds are expended on the Central and Southern Florida Flood Control Project.

In the absence of such an agreement, the expenditure of further funds adds to the confusion and conflict in the administration and the management of the park and the flood control project.

Over the past 20 years, the Federal government has expended some $170 million on this project. We are being asked to expend nearly $160 million more in years to come, $9 million in this appropriation. In all, we will be making somewhat more than three million acre feet of water available for Florida water users, including the park. The park requires from the project but a small fraction of that total amount, far less proportionally than the amount of Federal investment. There seems to be little purpose in spending millions to acquire and protect the park and even more millions to develop the water project, a principal purpose of which is to provide the park with water, without requiring a satisfactory arrangement for supplying the park with waters now and in the future.

Therefore, I propose that language be added to the appropriation bill or to the committee report which states that: "No part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Everglades National Park."

I would like to add that it is my understanding that Senator Jackson, Chairman of the Interior Committee, and with whom I have co-chaired the Everglades informational hearings, will be submitting a letter shortly to the Appropriations Committee for the hearing record supporting my general position in this matter.

I very much appreciate this opportunity to appear before the committee to propose this language and discuss this matter with you.

LETTER TO MEMBERS OF SUBCOMMITTEE ON PUBLIC WORKS, SENATE APPROPRIATIONS COMMITTEE, JULY 1, 1969

Recently I testified before the Senate Appropriations Subcommittee on Public Works in regard to the impact of the Corps of Engineers' Southern and Central Florida Flood Control Project on the water supply of Everglades National Park.

I enclose a copy of the memorandum which I presented for the hearing record, in which I proposed that your committee act to require a resolution of the long standing dispute about water supply to the park before further federal funds are expended for the flood control project.

However, after reviewing the hearing transcript, I am not sure that I made it clear that the proposal I urged the committee to accept is based on the fact that the Department of the Interior and the Corps of Engineers last year reached agreement on a formula for providing water to the park.

The agreement was reached in an exchange of correspondence between the two departments. Interior wrote the Corps that it could not support proposed modifications in the Southern and Central Florida Control Project without written assurance that the Corps would provide the water supplies required by the park unaffected by reductions caused by future demands of urban and agricultural growth.

In his reply of June 14, 1968, Major General F. J. Clarke, as acting Chief of Engineers, acknowledged the condition required for Interior approval, and went on to say:

"The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not diminished as the requirements to support growth and new development increase. Accordingly, under the authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report."

Under the formula in the report to Congress referred to in General Clarke's letter, the park would have no priority over current water users, and would be required to share adversity equally with them. The park would receive no guarantee beyond the capacity of the water project. But the formula would assure that new users could not be brought into the picture on the assumption that they could take water from the park's supply.

Regulations should be adopted now to put the formula into effect as the project is completed. Establishing the rules now for the use of additional waters the project will be making available is essential if there is to be rational planning and development by current and future users. In the meantime, temporary arrangements for supplying water to the park could be continued.

Since 1948, the Federal government has spent $170 million on the Corps' water project. The situation which concerns conservationists and certainly concerns me is that, from the beginning, the project has been supported on the assumption that the park would be protected by a reasonable formula for water supply—and yet, after 20 years, we still have no assurances that this will be done, even though one of the project's principal purposes has been to provide the park with water. To date, the Corps of Engineers has not put the 1968 agreement into effect, and apparently has no intention of doing so.

We are being asked to spend nearly $160 million more in the future for the water project, including the $9 million in this year's appropriation request. I don't see how we can in good conscience expend further funds for the project until this matter is resolved.

Protection for the park can readily be accomplished with language in the Public Works Appropriation Bill or the committee report. I have prepared an amendment which I will introduce to the committee when the House appropriation bill arrives. The amendment will state that: "No part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Everglades National Park."

However, it seems to me that we could just as effectively assure that a reasonable formula—such as the one agreed to in 1968—would be implemented by including the above language in the committee report.

It seems to me this is the time for appropriate Congressional action to assure that Everglades National Park will be protected in perpetuity. Further delay will only make a satisfactory solution more difficult, if not impossible, to achieve.

If there is any aspect of this which you wish to discuss further, I am available at your convenience.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

JULY 21, 1969.

Dr. LEE DUBRIDGE,
Executive Secretary, Environmental Quality Council, Office of the President, the White House, Washington, D.C.

DEAR DR. DUBRIDGE: Enclosed is a copy of a letter and a memorandum I have sent to all members of the Senate Appropriations Subcommittee on Public Works regarding the water supply difficulties faced by Everglades National Park.

Since 1948, the federal government has spent $170 million on the Corps of Engineers' Southern and Central Florida Flood Control Project. From the beginning, Congress and conservationists have supported the project on the assumption that it would provide the park an adequate or even enhanced water supply.

And last year, as the enclosed material indicates, the Corps and the Department of the Interior worked out a formula for water supply to the park to which the Corps agreed in writing. The formula would assure that new water users would not be brought into the picture on the assumption that they could take water from the park's supply.

Now, however, the Corps is refusing to implement the agreement, and instead, is taking the position that it should wait until a squeeze is on from new water demands before it takes action. By then, it will be too late. As was pointed out at a recent Congressional hearing, the practicalities will be that without the adoption of effective regulations now, people will come first, agriculture will come second, and the park will come last in any crunch on water supply.

As the enclosures indicate, I have asked the Senate Appropriations Committee to require that before any further funds are expended for the Corps project, the Corps and Interior must reach mutually satisfactory arrangement on water supply to the park. Senator Jackson, chairman of the Interior Committee, has also written the subcommittee members in support of this position. However, there is no assurance that the committee will require such action.

It seems to me that the park's water supply is a problem that is uniquely subject to settlement by the President's Environmental Quality Council. It is a classic case of the lack of coordination and cooperation between federal agencies which has contributed to one environmental disaster after the other. Yet as last year's agreement between Interior and the Corps demonstrated, a proper water management plan *can* be arranged, and it can be implemented administratively.

In my judgment, the Council could solve this matter very readily by using its authorities and responsibilities for interdepartmental coordination to bring the Corps and Interior together to get agreement on water supply plan that will protect the park and to assure that the plan is implemented.

In this regard, I was pleased to see that in the May 29 press conference announcing the establishment of the Council, you took note of the President's deep interest in the preservation of the Everglades. You also noted that through the Council, necessary action could be taken at the top levels of the government to resolve the tough environmental problems that come up.

Everglades is just such a problem. It is a test of whether or not we are really committed in this country to protecting our environment. And I am convinced that if we don't act now, we are going to allow the destruction of the park.

I urge the Council to take the leadership in this important matter, and I would be happy to be of any assistance that I can.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., October 8, 1968.

MEMORANDUM

To: Secretary of the Interior.
From: Solicitor.
Subject: Authority and responsibility of the Secretary of the Army to deliver water to the Everglades National Park.

In the course of negotiations between this Department and the Department of the Army regarding the delivery of water to the Everglades National Park from the Corps of Engineers Central and Southern Florida Flood Control Project, the Department of the Army has asserted that although it recognizes the desirability of delivering water from the project to the park, the Secretary of the Army, must, as a matter of law, obtain the concurrence of the State of Florida in promulgating any regulations which would accomplish this objective.

In view of this position and the frequent droughts which have plagued the park, you have requested my opinion on the following question: "Does the Secretary of the Army have authority to issue, unilaterally, regulations for the delivery of project water to the Everglades National Park"

At the threshold it is necessary to review the establishment of the park, the water problems affecting the park, and the authorization and modification of the Central and Southern Florida Flood Control Project.

In 1934 Congress authorized the establishment of the Everglades National Park by the act of May 30, 1934, 48 Stat. 816, as amended, 16 U.S.C. 410 (1964), in order to preserve a variety of subtropical ecosystems found nowhere else in the world. On October 22, 1934, President Roosevelt, by Executive Order 6883, withdrew from settlement, location, sale or entry all unappropriated and unreserved public lands within the established park boundary. The park was formally opened on June 20, 1947 (12 F.R. 4189).

Under natural conditions, which predated the establishment of the park, water flowed into the park area from a hydrologic drainageway beginning in the Kissimmee River Basin 100 miles north of Lake Okeechobee, through the lake into the broad expanse of everglades south of the lake. Earliest efforts at drainage began in the 1880's, but were largely ineffective. The major works began after 1907 by the Everglades Drainage District. In the early 1920's dikes were constructed along portions of the southerly shore of Lake Okeechobee. These developments, which are more fully summarized in House Document No. 643, 80th Congress, 2d Session, interferred, in only a limited respect, with the water supply of the park area.

The increased drainage works, however, affected normal flow conditions and increased flood hazards. Occasionally, flood waters caused severe damage to local communities. To alleviate flood damage and conserve water for other uses Congress, in the Flood Control Act of 1948, 62 Stat. 1175, authorized the Corps of Engineers to construct the Central and Southern Florida Flood Control Project, in accordance with the Corps of Engineers comprehensive plan presented to Congress in House Document 643, *supra*.

In the initial authorization of the project the Corps of Engineers represented to Congress in House Document 643 that water would be released from project storage facilities to assist in restoring and maintaining natural conditions within the park by reducing damage due to drought. H.R. Doc. 643, *supra.*, pp. 4, 35, 56. House Document 643 also stated:

"In dry periods it would be possible, because of the proposed conservation areas, to release water into the park area which would assist in reducing fires and other damages [sic] which accompany periods of drought. In brief, it is believed that this comprehensive water-control plan and the national park plan are complementary features of Federal activity necessary to restore and preserve the unique Everglades region." (*Ibid.*, p. 56.)

The concern of this Department was never a question of too much water for the park, but rather an assurance that there shall not be too little water. *Ibid.*, p. vi.

Recent events have proven this concern of the Department to be well justified. The construction and operation of the project facilities have had a detrimental impact upon the Everglades National Park. The extent to which the authorized project facilities interfere with the natural flow of water into the park can be readily observed from the attached map of the project. The project intercepts and retains almost all of the water which once flowed into the park from the north. As a result, the park has become directly dependent upon the project for its water supply.

On many occasions the project has been operated in such a manner that surplus project water was wasted to the ocean, even though there was a critical need for the water in the park. In addition, the project has been operated so that other water demands were given a priority over the Federal water needs of the park. In summary, the survival of the ecosystems, which were intended to be preserved by Congress by the establishment of the park, are today dependent upon the park receiving an adequate supply of fresh water from project storage and distribution facilities.

In view of the manner in which the project has been operated, serious water shortages which plagued the park in the 1960's and their devastating effect on the park ecology, Congress directed the Corps of Engineers to restudy the project for the purpose of modifying the project and its operation. (See attached resolutions of House and Senate Public Works Committees). The 1968 modification of the project was intended to resolve, among other things, the delivery of sufficient water to the park.

As a result of the restudy of this project and its operation, the Corps of Engineers proposed to reauthorize the project and modify its operation. This modification, which is presented in House Document 369, 90th Congress, 2nd Session, restates the fact that the supply of water to the park is a project purpose and commits the Secretary of the Army to regulate the project in a manner so as to provide 315,000 acre-feet of water annually to the park in accordance with a monthly distribution schedule. (See paragraphs 67, 105, 127(b) of the District Engineer Report, H.R. Doc. 369).

The District Engineer's Report, however, went on to say:

"b. *Project purposes.*—The specific purposes that are to be served by the works of the authorized project plus those of the plan here recommended are summarized as follows:

* * * * *

"(4) Use a system-sharing concept of meeting any unsatisfied water demands in the area from the Lake Okeechobee water service area . . . . In extremely dry periods, when all demands outlined above could not be met, the water available would be shared in order to meet the purpose of the project to the extent possible. (Section 127(b)(4) of the District Engineers Rept. H.R. Doc. No. 369).

"(5) . . . In addition, a supply of water for present and projected other water uses to permit continuing urban, agricultural, and other development is also recognized as a project purpose. (*Ibid.*, section 127(b)(5))."

The Department of the Interior took exception to sharing water shortages with new water users resulting from increasing urban, agricultural and other water uses. This Department was of the opinion that the total project must be operated to assure that the minimum water requirement of 315,000 acre-feet for the park would not be diminished by the new developments which may occur within the project area. To require the park to share water with these new developments would result in the park sharing water with an ever increasing number of new water users. The consequence of this course of action could only be the eventual loss of the park and its unique water-based ecology.

In commenting on the project, as proposed by the District Engineer in House Document 369, Assistant Secretary of the Interior Cain stated by letter of June 12 (copy attached) to the Chief of Engineers:

". . . but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basic water supply to the park will be unaffected by reduction caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if this park is to survive. We, therefore, cannot recommend the plans without the written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions."

By letter of June 14, 1968, the Acting Chief of Engineers acceded to the requests of the Department of the Interior and corrected the deficiencies by providing the requested assurance. (Copy attached). This letter stated that the Chief of Engineers would assure that the project is regulated so as to provide the water requirements of the park and that these water requirements would not be diminished as the requirements to support new developments or water uses increase.

The exchange of correspondence also accompanied and became a part of the report of the Chief of Engineers, which was transmitted to Congress as House Document 369.

The understanding reflected by this exchange of correspondence was reconfirmed by representatives of the Secretary of the Army in a meeting with the Secretary of the Interior. (See attached copy of July 24, 1968, letter from the Secretary of the Interior to Special Assistant to Secretary of the Army (Civil Function)).

This correspondence, in my view, removed any doubt as to operation of the project in water short years. The assurances of the Acting Chief of Engineers to the Assistant Secretary constitutes a modification of the recommendations of the District Engineer.

Under the provisions of the *Flood Control Act of 1968, supra,* the report of the Chief of Engineers, including the exchange of correspondence, was incorporated into the Congressional authorization of the project. This act, as did the 1948 Flood Control Act, directs that the project be prosecuted in accordance with the plans contained in the reports of the Chief Engineers and subject to the conditions set forth therein. (See section 203 of the Flood Control Act of 1968, 82 Stat. 731, 739). The specific section of the 1968 act modifying the project provides:

"The project for the Central and Southern Florida authorized by the Flood Control Act of June 30, 1948, is further modified in accordance with the recommendations of the Chief of Engineers in Senate Document numbered 101, Ninetieth Congress at an estimated cost of $8,072,000 [this as the Martin County plan], and in accordance with House Document Numbered 369, Ninetieth Congress at an estimated cost of $58,182,000." (82 Stat. 740).

* * * * *

Initially, it seems obvious that making provision for the water supply of the park as a project purpose and that purpose being superior to other uses subsequently arising, it follows that the Secretary of the Army possesses the necessary authority to operate the project or to direct its operation to accomplish that objective without resort to approval of the State of Florida. It is fundamental constitutional law under the supremacy clause of the Constitution that the various states may not interfere with or regulate an authorized Federal activity. U.S. Const., art. VI, clause 2; *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819); *Ohio* v. *Thomas,* 173 U.S. 276 (1899); *Johnson* v. *Maryland,* 245 U.S. 51 (1920); *Arizona* v. *California,* 283 U.S. 423 (1931); *Mayo* v. *United States,* 319 U.S. 441 (1943); *Federal Power Commission* v. *Oregon*, 349 U.S. 435 (1955).

Moreover, far from imposing a requirement that the Secretary of the Army secure the consent of the State of Florida to his operating regulations, the Congress has, in fact, imposed the opposite requirement. That is to say, the Congress has made it a condition of the project that the State or any local authorities involved give assurances that they would comply with the Army's operating regulations.

The Congressional authorization of the Central and Southern Florida Flood Control Project in 1948 and the modification of the project in 1968 are expressly subject to the provisions of section 3 of the act of June 22, 1936, 49 Stat. 1571, as amended, 33 U.S.C. 701(c)(1964). [See section 201 of the Flood Control Act of 1968, 82 Stat. 731, 739]. Section 3 provides, *inter alia,* that no money "shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of the Army that they will . . . (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army."

Nothing in the legislative history of the 1936 act, the Flood Control Act of 1968 or House Documents 643 and 369 supports a contrary conclusion. [See H. Repts. 1223, 2918, S. Rept. 1963, 74th Cong., 2nd Sess., and H. Rept. 1709, 90th Congress, 2nd Sess., 132.] The plain language of these acts supports the regulatory authority of the Secretary of the Army.

It may be noted that in recognition of this requirement of the Federal law, Florida has enacted legislation which empowers local flood control districts to cooperate with the United States and furnish the assurances concerning the maintenance and operation of project works after completion. Fla. Stat. Ann. section 378.07 (1960).

There can be no question of the power of Congress to authorize the Corps of Engineers to construct, operate and regulate a project of this type in accordance with the terms and conditions of the Congressional authorization and of the administering agency. This power stems from its authority under both the commerce and general welfare clauses of the Constitution. U.S. Const. art. I, section 8, clauses 1 and 3; *Ivanhoe Irr. Dist.* v. *McCraken*, 357 U.S. 275 (1958); *United States* v. *Gerlach Livestock Co.*, 339 U.S. 725 (1950); *United States* v. *Commodore Park Inc.*, 324 U.S. 386 (1945); *Oklahoma* v. *Atkinson*, 313 U.S. 508 (1941).

In conclusion, it is my opinion that the Secretary of the Army not only has the statutory authority but also a Congressional mandate to issue, unilaterally, regulations for the delivery of project water to the park, and that the regulations must grant the park a priority over all future uses of water within the project area.

EDWARD WEINBERG,
Solicitor.

Mr. ELLENDER. Mr. President, I shall not indulge in discussing this question too long. I know that the Senator from Florida wishes to take part in the debate on this issue. But I wish to say that I do not like this kind of legislation, by offering amendments wherein it is sought to use a big stick to get a department to do certain things which particular interests want accomplished.

I think the language that was placed in the report which states that it is the desire of the committee that the agreement take place, or that a meeting of the minds takes place between the Department of the Interior, the Corps of Engineers, and the State of Florida, is very strong. I do not know of any law that would give the right to the Corps of Engineers or the Department of the Interior to allocate waters within the State of Florida. That is why the committee wanted the State of Florida brought into the picture, so as to be a party to any agreements that are made pertaining to the question involved.

As the Senator from Wisconsin has stated, this project was authorized in 1948, and there have been six modifications of the project. The current estimate of the cost of the project is $476,300,000, of which $330,000,000 is Federal and $146,300,000 is non-Federal. Moneys have been appropriated from year to year to carry on the project. So far, the amount appropriated by the Federal Government totals $170 million. The amount that will be provided by Florida through State contributions totals $146,300,000 for the primary works.

Aside from that, Mr. President, the residents of Florida will have to put up more than $85 million for secondary works to carry the water for irrigation purposes. In addition, local interests pay an annual operation and maintenance cost of $4,200,000.

It strikes me that the proposal to deny this appropriation is wrong. For the information of the Senator from Wisconsin, a good deal of this $10 million he refers to will be used to raise the levee around Lake Okeechobee, so that more water can be stored for use. This will benefit not only the park but the farmers and the urban areas also. Mr. President, I think this is a fine program. Congress thought so in 1948, and every year, without fail, it has put up a sizable amount of money to carry on the project as proposed in 1948.

As I have stated, the committee desires that an agreement soon be entered into between the Interior Department, the Corps of Engineers, and the State of Florida. It is my hope and belief that will be accomplished. The next time we consider this project I believe such an agreement will have been reached.

All of these difficulties concerning the Senator from Wisconsin have occurred only as a result of a drought that occurred a few years ago; before the conservation areas were operable. There was a very severe drought in that area. There has never been any trouble to such a degree before that drought, and it is my belief that some agreement can and will be worked out. But to try and force the issue by the method and in the manner suggested by the Senator from Wisconsin is not the proper procedure for the Senate. It allows one Federal department to hold a big stick over another, and also over the Governor of Florida. I do not think that is proper, and I very much hope that the amendment proposed by the Senator from Wisconsin will be decisively defeated.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad we have some new friends for the Everglades National Park in Florida. I have been fighting for it a long time. I started fighting for it in 1933, when I went to the Florida State Senate. It was one of the principal planks in my platform when I was elected Governor in 1940 to set up that park. I did all that I could to set it up, and signed the deed conveying 850,000 acres of State lands and waters to the Federal Government before I left office as Governor.

I subsequently came here, and I have sponsored all the legislation that has been considered, or all that has been passed and all that I know about that has been considered, since I have been here; and I am now in my 24th year.

If anyone has a personal interest in this park, it is the senior Senator from Florida. And I appreciate the kind words of the Senator from Wisconsin who mentioned my interest in connection with the park.

Let us go a little further. If any State has an interest in the park, it is the State of Florida. I have already mentioned the fact that we conveyed 850,000 acres of State land and water, some of it being very valuable land, as an inducement to the setting up of the park.

I could add to that statement the fact that the Collier interests, which at the time owned nearly all of Collier County named for the late Baron Collier, conveyed the site containing between 30,000 and 35,000 acres of land to the park, which was accepted by the Federal Government in the 1958 legislation which my then colleague, Senator Smathers, and I introduced in 1957, which was passed in 1958.

In addition to that, the Federation of Women's Clubs from Florida many years ago bought the Royal Palm Hammock, which comprises two of the leading attractions of the park, especially the Tamiami Trail and that portion of the Taylor Creek which runs through the Royal Palm Hammock. They conveyed that to the Federal Government. That, of course, is a highly valuable area.

In addition to that, the State of Florida, later, under the jurisdiction of my distinguished successor as Governor, Millard Caldwell, granted $2 million to the Federal Government to allow the acquisition of certain inholdings which were necessary to set up the first part, a contiguous area big enough to comprise a park, but always with the understanding that we go ahead and enlarge the park to that size the Park Service felt was adequate.

Later, the park was enlarged. At the time of enlargement, the Collier grant was accepted and certain grants from the State were accepted. The legislation in 1958 finalized the borders of the park, cut out some that had been along the Tamiami Trail, but included everything within the present borders of the park.

I am sorry to say that Congress has not been as interested in following up the park efforts up to this time as I would have liked them to be.

My 1957 legislation proposed an authorization for acquiring all of the remaining inholdings in the park and included and recommended open-ended authorization. No one could tell how much it would cost at that time to accomplish that purpose.

The Committee on Interior and Insular Affairs at that time saw fit to amend that portion of my bill to cut down to $2 million the money authorization for the acquisition of inholdings which has long ago been used up.

There is now pending in Congress a bill to authorize the acquisition of the remaining 66,000 acres, as I remember the figure, that are still inholdings in the park.

Congress has recently passed—and I am highly appreciative of the diligence of the present Committee on Interior and Insular Affairs in pushing the enactment of that bill—a bill which authorized an appropriation to acquire 6,640 acres known as the Flagler Tract, which is in a very strategic position and was very badly needed in the park. That has been done.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. NELSON. Mr. President, as a member of the Committee on Interior and Insular Affairs, I strongly supported the authorization for the acquisition of inholdings which the Senator from Florida has advocated for the past 10 years, recognizing, as I know he does, that it is important to the protection of the integrity of the park that the inholdings be acquired and protected rather than developed as some of them are now being developed.

Mr. HOLLAND. Mr. President, I thank the Senator. The Senator from Wisconsin was active in supporting that bill. And I appreciate it.

I hope that he will be equally active in supporting the enactment of the bill now pending before Congress which was introduced at the time of the other bill. However, the other measure was in the nature of an emergency bill and was properly handled first.

I hope that the Senator will support with equal vigor the bill to authorize the acquisition of 66,000 acres of inholdings.

The point I make is that Congress has not always had the interest in this park that now exists. I am glad there is getting to be a keener appreciation of the value of the park and of the needs of the park.

One of its pressing needs now is for the completion of the acquisition of the inholdings.

I hope that the distinguished members of the Committee on Interior and Insular Affairs will support my efforts which are so ably supported by my distinguished colleague from Florida, Senator GURNEY, to authorize that measure and complete the acquisition of inholdings.

I should add that the final boundaries of the park were set up by the Park Service itself. They drew the bill and sent it over. It was for a lesser amount of acreage than I had expected.

I called Mr. Wirth, who at the time was the Director of the Park Service, and he explained to me why the borders were to be as he suggested.

I am sure the distinguished Senator from Wisconsin has read his testimony in the hearings which ensued and in which he made it very clear that he felt that the borders he was suggesting were those which were required and which would be necessary to allow the park to fulfill its objective. He did so testify in no unmeasured way.

I have called attention to this matter because I want the Senate to understand that the State of Florida has a very material interest in this park from the standpoint of having contributed so heavily to its being set up, not only by official contributions but also by the contributions of many of its fine citizens.

The State of Florida also has probably a greater interest in this park than any other part of the Nation, because this park brings to our State many people. Last year, as I recall, there were about 1,300,000 guests of the park. I suspect that some two-thirds of them were Florida people. However, that is only my rough estimate, which I have heard expressed by others. That would still leave several hundred thousand people who have come to our State from outside of our State to see the park.

I am sure that they have enjoyed what they have seen there.

Florida is a large State from the standpoint of trying to attract tourists and visitors. It is no small thing to have this park attract so many good friends from outside our State.

So we have an enormous interest in the park.

I want to go a little further. The central and south Florida flood control program is not a one-sided program.

The State of Florida had to supply all of the storage areas and had to supply 20 percent of the construction costs and had to maintain the various structures after they were completed.

I do not know what the total contribution of the State of Florida will finally be. However, the contribution through the time of the construction and acquisition of rights-of-way and storage areas will be something better than 30 percent of the total.

The State of Florida has not been behind in contributing its portion. It is right that Florida should contribute its portion, because while the program is an important flood control program—and that, of course, is chargeable to the Federal Government flood control program—it is also a program to make available more land, a program to conserve water and make the water available for agriculture, and a program to conserve water in the storage areas underneath the surface for the supply of our great cities along the east coast.

It also has made possible the continued cultivation of crops, because in times of drought water is available and in times of flood water is kept off the crops.

So we should have to pay a substantial part of this cost, and we are paying it, and we are glad to pay it, because we think it subserves our own local interests as well as fulfills the national concern for flood control.

I do not think I have to say for the record that the floods around Lake Okeechobee in 1926 took something over 300 human lives, in 1928 took 2,200 human lives, and the disastrous flood of 1947, which immediately preceded the setting up of the central and southern Florida flood control program, cost between $57 and $58 million in measurable damages to that area. So Florida gets its benefits from this project and is paying for them.

The reason why I mention this is that at the time of the enactment of the 1954 modification and at the time of the enactment of the 1968 modification, both of which called for impounding more water in the storage area of Lake Okeechobee by raising the dikes, the State of Florida had to accept, if it saw fit to do so, 20 percent of that construction cost besides the additional costs of acquisition of rights-of-way and other properties as well as maintaining and operating the structures when completed.

The three major storage areas which we acquired and which the State of Florida, through its various agencies, has paid for are twice as big as Lake Okeechobee. Lake Okeechobee is 700 square miles. These three storage areas are between 1,400 and 1,500 square miles. In addition, we are now acquiring the great storage area behind Cape Kennedy, which is underway.

Incidentally, one of the contracts underway now, which is a continuing contract and which will have to go ahead or be stopped at great loss, is the contract for the storage area behind Cape Kennedy, with which I am sure the Senator from Wisconsin is familiar.

I state these things for two reasons: First, I want to make it clear that at the time of the 1954 and 1968 modifications of this act, what Congress did was not a completion of the program. The State of Florida, through its legislature, had also to complete its commitment to pay 20 percent of the additional construction cost, which it has done. The State of Florida, therefore, has a substantial interest in what occurs, first, when the raising of the dikes around Lake Okeechobee, under the 1954 act, is completed; and, second, when the even greater raising of the dikes around Lake Okeechobee, under the 1968 act, is completed; because the State of Florida is being required to pay and will pay its full share as assessed by the Engineers, which I understand is 20 percent of the added cost.

The second reason for my mentioning this fact is that we could not expect to do either of these two things without the joinder of the State of Florida through its legislature, through its putting up the money by the State or a subdivision of the State, and it remains a joint venture to this date. Part of the joint venture is to provide added storage for waters which, among other things, will supply more uniform and adequate supply of water to the Everglades National Park.

Mr. President, much as we would wish it, it can never be said that prior to the completion of the 1954 level of the lake or of the 1968 section of the lake, the objectives that are to be fulfilled through those two construction measures can be realized, because they simply cannot be. The water is not going to be there.

I say to my distinguished friend that I object very greatly to his amendment, for two reasons, aside from what has been stated by the distinguished chairman. I do think that this is in the nature of compulsion. It is in the nature of trying to force the State and property owners, the Central and Southern Florida Flood Control District and all others concerned—the great urban areas which are so vitally affected as to their water supply—to come along with what my distinguished friend thinks is a fair settlement of this matter. I do not think that is the way to go at this kind of measure. I would never be a party to it.

In addition to those things, I just want to make it completely clear that these ongoing contracts have to be continued; and if they are shut down, the cost is very greatly increased. The amendment offered by my distinguished friend will do nothing else than shut down these continuing contracts, because it says, in effect, as I hope to quote it without looking at it—I can be corrected if I am wrong—that none of the funds made available for the central and southern Florida flood control program by this act shall be expended or committed for expenditure until June 1 of 1970. That will simply cut the heart of continuing contracts underway.

I want my distinguished friend to understand that some of the continuing contracts underway relate to structures which tend to serve the Everglades National Park, and others have no relation whatever to that objective. Particularly, the one behind Cape Kennedy is an effort to make available a continuing water supply through the installations of the Federal Government that are there—Patrick Air Force Base, the Kennedy Space Center—and the cities which have grown up around those great ventures, to the point where the county is now several times as big in population as it was before those activities were located there.

That is only a part of the picture. One of the things that would be interfered with is the completion of important structures necessary to permit the completion of Disney World, which is being constructed southwest of Orlando, and which I visited only a few weeks ago. I do not think that my distinguished friend wants to be a party to shutting down continuing contracts which will be shut down if his amendment prevails.

I am willing to help work out this matter. I would be willing to have a sense of the Senate expressed here, to the effect that if this is not worked out within the course of this particular commitment of the funds appropriated here, the Senate expects to reexamine the entire situation and retains freedom of action as to what it regards as necessary. But I think it is not a wise provision and is an exceedingly uneconomical provision, and it tends to defeat the very thing the Senator is interested in, because part of this money is being expended in assuring quicker flow and readier flow of water from Lake Okeechobee and from the storage areas into the Everglades National Park, and the cutting off of those continuing contracts will be harmful.

So I am just suggesting that I think this amendment is ill conceived and unfair. I would not be a party to urging it as such an amendment to an appropriation for any other Senator's State. I happen to know a good bit about this matter. I happen to know that this would be a very hurtful amendment.

I might add that I have been working with the authorities in trying to get this underway. The Senator, of course, is familiar with the recent discussions with reference to the projected new airport. I was glad to see the other day that Secretary Hickel had set underway some surveys which will tend to give us more light on that picture.

Mr. President, I ask to have printed at this point in the RECORD a copy of my letter of November 11 to the Honorable Walter J. Hickel, Secretary of the Interior, with respect to these matters, because I am eagerly hoping that those surveys will throw additional light on the matter, which will help us to solve these problems with greater wisdom.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 11, 1969.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I was pleased to read your announcement of Friday, November 7, 1969, that you had directed the U.S. Geological Survey to make a study of the water resources in the Big Cypress Swamp watershed, site of the proposed jetport facility near the Everglades National Park, Florida, and that you had also directed the Bureau of Outdoor Recreation, National Park Service, and the Bureau of Sport Fisheries and Wildlife to work with state and local agencies on how best to utilize the Big Cypress Swamp for fish, wildlife and recreation. I note also that the study is intended to determine how much of the Big Cypress must be preserved to maintain an adequate supply of water to those communities on Florida's west coast which depend upon the area for their domestic water needs.

I am hopeful that this study, which you indicate will be undertaken immediately and on which a preliminary report is expected in 180 days, will encompass the many factors which are involved and that coordination with other interested agencies will be obtained. I feel this is essential since there have been many studies, all of which endeavor to stress certain aspects of the water problem and needs of South Florida but to date I know of no study that considers all factors involved, including the population growth, pollution, and the manner in which the area could be utilized to the best general public interest. Unless all of these factors are considered, the study to be undertaken will be just one of many that have limited objectives in mind.

I also feel that the U.S. Geological Survey in its study should determine once and for all the volume of water that the Big Cypress Swamp provides the Everglades National Park. Your release indicates that source provides 40% of the water coming from outside the Park. Information currently available from Geological Survey reports indicates that the Park relies on natural rainfall for 81% of its fresh water and 19% from sources outside the Park, such as the Central and Southern Florida Flood Control District and the Big Cypress Swamp. If this is correct, the Park may rely on the Big Cypress for about 7.6% of its fresh water.

With kind regards, I remain
Yours faithfully,
SPESSARD L. HOLLAND.

Mr. HOLLAND. These problems are great because of two things: One is the flatness of the land. From Lake Okeechobee to the Tamiami Trail, where waters could enter the Everglades National Park, some 65 miles, as I remember it, and the incline is so small that any water released at Lake Okeechobee in a time of drought, when the land is thirsty and the underground porous rock is thirsty, does not get to the Tamiami Trail or to the Everglades National Park. It is hard for us to realize when we are in an area of ups and downs and slopes and valleys just what the situation is. The mere release of water from Lake Okeechobee does not mean that a drop will ever get to the park. We are trying to improve that situation.

My assistant, who is a civil engineer, has said that the slope is somewhat less than 1 inch to the mile from Lake Okeechobee. That is one of the things that make this problem so very difficult.

There is another problem involved. I shall not go into great detail. I have discussed the matter with my good friend, the Senator from Wisconsin. I want the RECORD to show that I have no doubt that he is making a conscientious effort, only I do not think he understands all the factors involved. I have no objection and in fact I welcome his interest in the park. When he gets through with it I am sure he will not be as interested over as long a period of time as the Senator from Florida extending back 33 years, including 8 years in the Florida State Senate, 4 years as Governor of Florida, and going on 24 years I have been here. I welcome his interest. I do not think he wants to do a hurtful thing. If this amendment were agreed to it would be a hurtful thing because it would require knocking out continuing contracts which should continue, and this project covers 18 counties, the entire eastern part of the peninsula from Orlando to Cape Sable, and extending out through Florida Bay to the Keys.

The amendment of the Senator from Wisconsin would provide that this money should be arbitrarily withheld until June 1, and it is something to which he would not want to be a party if he understood what is involved.

I have a little more to say. I have taken too much time already, but I am terribly interested in this matter, as is my colleague, the junior Senator from Florida.

I want to make clear that the money spent from the State of Florida, and it has been a very large amount, has come from Republican pockets and Democratic pockets, as well. I want the Senator to understand that those persons who enjoy the park belong to both parties. They are from both parties in our State, and I am sure that is true of other States.

I want the Senator from Wisconsin to understand that the legislature is comprised of people of both parties. Our present Governor, and this has not happened for some time, is a member of the party represented by my friend the junior Senator from Florida. This is not a party issue. This is not a local issue. We think we have made a large contribution to the national welfare by various things we have done in connection with the park.

We would be the last people to hurt it; we are the first people to help it. We simply protest against this kind of help because we think it will be hurtful.

Does my friend, the junior Senator from Florida desire that I yield to him now; or he may have the floor if he wishes.

Mr. GURNEY. I will wait until the Senator has completed his remarks.

Mr. HOLLAND. Mr. President, before yielding I wish to say that anybody who thinks the great cities of Miami, Fort Lauderdale, and West Palm Beach and similar areas are going to stop growing is not thinking very soundly.

Anyone who thinks the Engineers, in making their studies, neglected to take into account the possibility of such growth; and anyone who thinks an act could be passed here or that a similar act could be passed in Florida without taking into account growth, is not thinking soundly.

This has been a joint effort from the

beginning, an expensive effort for our State and more so for our State than for the Federal Government.

My feeling is that my distinguished friend from Wisconsin should realize we are anxious to help in this matter and we are going to help in every way we can. We thought we had done so by the wording we put in the report. But we cannot forget that the State, its legislature, and its people have a part in this matter also.

The growth of the State must be included in connection with this matter and the modifications of the height of Lake Okeechobee. They were not made just to take over the Everglades National Park. That was one of the objectives. We urged it at the time those estimates were made. But we also took into account estimates made by the Corps of Engineers.

We are saying now if those estimates were inadequate we are willing to be bound by them. We also want to make clear that 315,000 acre-feet of water can be made available to the park. We are glad to do that and we are willing to make it available in the meantime on a basis of sharing of misfortune, sharing of shortage when we do have drought. There will be droughts and there will be times when not a drop of water flows from storage area No. 3 into the park simply because the Good Master had not let the rain fall in a sufficient amount. That was true before it came into existence and since the park it has been getting more water.

There are three parts of the park. One is not affected by storage area No. 3, another is only modestly affected and one is affected in a great way by water from storage area No. 3.

I want to make clear that a geological survey already has reported that natural rainfall within the park contributes 81 percent of the fresh water supply of the park, which means only 19 percent comes from outside from any source.

So we are talking about something here which applies to only one source and applies very importantly to that area.

We think we are doing what we should to take care of this park. We have an immense interest and we hope our friend will not insist on the amendment.

I am glad to yield to the junior Senator from Florida.

Mr. GURNEY. Mr. President, I wish to join my distinguished colleague, the senior Senator from Florida, and also the distinguished chairman of the subcommittee, the Senator from Louisiana, in urging the defeat of the amendment. The amendment is unsound and it should be rejected.

First of all, I think it assumes bad faith on the part of the executive branch of the Government, in this case the Department of the Army, and bad faith in the past and bad faith in the future by suggesting the language of the amendment.

In reading the committee report, as I have carefully done here on the central and south Florida flood control project, I call attention to pages 24 and 25. I do not see how the language of the report could be any stronger.

I invite the attention of the Senate to some quotations in the report. I read from page 24, where the language of the report could hardly be stronger, in calling attention to the problems of water supply in the Everglades National Park and urging that all parties cooperate, the Corps of Engineers, the Department of Interior, and the State of Florida.

On page 24, it states, in part:

> It is the committee's belief that every effort must be made to furnish an adequate water supply to the Everglades National Park.

It goes on to say:

> It is the opinion of the committee that any adversity in the water supply to meet the projected demands, as set forth in a report, must be equally shared by all.

Mr. President, on page 25, it states, in part:

> The park should not be required to share adversity to a greater extent than contemplated in the report.

Then it says that the committee further desires that the agencies continue their negotiations to develop operating regulations for the sharing of adversity in water short years.

Mr. NELSON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. If the Senator will let me finish, then I shall be glad to yield.

Continuing reading:

> The park's share of the available supply of water will not be diminished as a result of any demands for water in Southern Florida exceeding those contemplated in the projected document.

Mr. President, it seems to me it is hard to contemplate a stronger use of language in urging adoption of the agreement among the parties on water supply to the park.

I am now happy to yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I was going to point out the language on page 25, that the committee desires that the agencies continue their negotiations to develop operating regulations for sharing adversity in water-short years. Where the Senator suggests that the language could not possibly be stronger, that is the heart of the matter.

When there is no shortage of water, it would not make any difference whether we had a guarantee of 315,000 acre-feet of water or not. Many times they get all the water they need without any guarantee.

The heart of the matter is that the committee report does not take the position, as the Secretary of the Interior indicates, or the position that the Corps of Engineers agreed to in 1968, in which they established the formula and put the chart figure of 11 in the House document and agreed to guarantee the 315,000 acre-feet of water without agreeing to share adversity only with current users, that is the heart of the whole argument. I know that the committee is urging and believes and wants and desires that they reach an agreement. My point is that if they do not—and it has been the wish on the part of the committee and the agreement of the Corps of Engineers and the Department of the Interior in their exchange of letters—it is much, much stronger than the language here.

Mr. GURNEY. I thank the Senator for bringing to the attention of the Senate that particular language. I also had it underlined. I skipped over it here, but it strengthens the argument I was making that the language in the report, of course, is strong and does urge that the very thing the Senator wants occur and take place.

One thing that I think should be brought to the attention of the Senate is that in the amendment, and in the arguments of the Senator from Wisconsin, the central and southern Florida flood control project is being used as a whipping boy. The Everglades National Park was there millions of years before the C. & S. ever came on the horizon. As the Senator from Florida has so ably pointed out, what this flood project does, so far as the Everglades National Park is concerned, is to augment and insure an adequate water supply to the park through water that goes through the park itself.

Any money that goes into the central and southern Florida flood control project is accomplishing the very thing that the Senator from Wisconsin wants accomplished. But I would also like to point out, because this argument is being made here, and again it is fallacious, some sort of notion is being espoused that the central and southern is shortstopping water and stealing water from the Everglades National Park. Nothing could be further from the truth. Of the water supply that goes into the park, 95 percent comes from the heavens in the way of rainfall. The 300,000-odd figure mentioned by the Senator from Wisconsin is only 5 percent of the water that flows into the Everglades National Park. The rest of it comes from rainfall.

I should like to point out also that the importance of the central and southern Florida flood control project, insofar as the State of Florida is concerned, cannot be overemphasized. One would be led to believe, in listening to the arguments, that the C. & S. has to do only with furnishing a water supply or taking a water supply from the park. As a matter of fact, this area encompasses a vast area in the State of Florida in which some 2.5 million people live. The counties go from the southern part of Florida up through the central part, through two river basins, one is St. Johns—one of the largest rivers in this country—and the other is the Kissimmee River Basin.

As a representative from that area of Cape Canaveral, again and again, year after year, I emphasized the importance of the C. & S. for this area so that we would have an adequate water supply.

What the Senator from Wisconsin proposes to do is, perhaps, to hold up water that is absolutely essential to the needs of about 2½ million people in Florida. It is essential to the needs of the Nation's space program because without an adequate water supply in this particular area of central Florida, in which C. & S. plays a very important part in the storage of the water, we will not have a water supply to take care of the Nation's space program.

Of course, the Senator from Wisconsin says that there is no danger of there being a shortage of water because of his agreement, which says that there shall be an agreement. Of course, if they do not get any money down there, then they will be forced to sign an agreement. That is all well and good. Let me point out that very often it takes time to get an agreement from a State, from a Department of the Interior, or from a Department of the Army. As a matter of fact, it takes a little time in the Senate to accomplish some routine things sometimes.

I expect we will get an agreement one of these days, but there is no telling that we might get it within a few months that the Senator's amendment permits us here. If we are not able to get it, then the water supply for 2½ million people in a vast area of the State of Florida will be in severe jeopardy. It seems to me that this is a most unsound, unwise way to force an agreement. I really do not believe that the Senator from Wisconsin, if he considers the implications of this, and its possible results, would want to continue to force this sort of agreement.

Mr. President, in closing, let me say that I, for one, am happy and confident to rely upon the judgment in this matter of my senior colleague from Florida. If anyone could be called the father and the guardian of any specific project, certainly the senior Senator from Florida (Mr. HOLLAND) would be considered so in this case. No man in our State has interested himself in public life in any project as long and as deeply as the Senator from Florida (Mr. HOLLAND) has in the Everglades National Park.

It has been his opinion through the years that this is the proper way to get at this and work out the solution among the three parties involved, all of whom have a very vital interest.

The Federal Government plays only a part of this. The State and local interests play a large part. I might point out, at that point, that it would be interesting to take a look at some of the other national parks in the country and see whether the local interests surrounding the parks actually subject themselves to taxes in order to carry on the business of the parks. Yet, in this particular instance, so far as furnishing water supply to the Everglades National Park and to the Central and Southern Florida Flood Control District is concerned, indeed, the local citizens of the State of Florida are taxing themselves to augment and help the Everglades National Park.

I doubt seriously if our friend from Wisconsin could furnish a like instance.

I hope the Senate will turn the amendment down. I think the committee is showing good judgment by the language it has inserted in the report, in suggesting how agreement can be reached. I am sure if we followed its wise lead in this matter, we would be in good shape.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HOLLAND. Mr. President, I have one more comment that I would like to state briefly, and that is that my friend from Wisconsin may have overlooked a part of the letter written by the Acting Chief of Engineers, Maj. Gen. F. J. Clarke, to the Honorable Stewart L. Udall, then Secretary of the Interior, on June 14, 1968.

Contrary to denying the concept expressed in the report, he called attention to the report. This is what he said, and I read from the letter:

> The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report.

I do not see how it could be any clearer than that.

The only thing stated in the committee report that in any way varies from that is this: Insofar as the letter goes and the report of the Engineers goes, there must be 315,000 acre-feet a year, but if the growth is greater than that estimated by the Engineers, our report provides that that greater growth shall be the one that will be adversely affected, and not the park; that the park will not be adversely affected in any way.

I do not see how it could be clearer than that. That is what the report says.

If the Engineers had been pessimistic in their estimates of growth in agricultural and urban needs, so that they were greater at the time than the supply of additional water which came into being, then, not the park would suffer, but the agricultural or urban areas, which had exceeded the rate of growth estimated by the Engineers would suffer.

That is the wording in the report. It is in sympathy with the report of General Clarke, which says that the Engineers are standing by and they report to Congress that they will see this is carried through and that the water supply to Everglades National Park is not diminished.

Mr. NELSON. I thank the Senator from Florida. I read that entire letter. The only reason why I am on the floor of the Senate with an amendment is precisely that the Corps of Engineers backed off from their commitment. All one has to do is call up the Secretary of the Interior, call up the Solicitor, call up Mr. Cain, or call up the department which made the commitment in the letter. If they had stood up for that commitment, I would not be on the floor. But they backed away from it, and they backed away from the chart.

I have gone into this matter in detail with the best expertise I could find in Washington and in the Department of the Interior. If the Corps of Engineers would stand by the letter the distinguished senior Senator from Florida read, I would not be here. Before our committee, General Cassidy backed off it. In the testimony, General Cassidy said:

> We cannot at this time, or will not, guarantee the 315,000 acre-feet.

I will have to look in the documents before me to find the exact quotation, but that is the crux of the matter. If they had stood by what the Senator has read, I would not be here. General Cassidy said:

> We will make that agreement to guarantee these 315,000 acre feet when the crunch is on, which might be 10 or 20 years away.

That is why the Interior Department is upset. The Secretary of the Interior said in the last administration, and the Secretary of the Interior in this administration is saying they are upset because the Corps of Engineers refuses to keep the commitment it made in the letter the distinguished senior Senator from Florida read. If the Corps will say tomorrow that it will implement the chart, will keep its word given in the June 14, 1968, letter, then this will all be over with. That is what the Corps of Engineers has not done.

Mr. HOLLAND. Mr. President, what the corps says is one thing. What has been said in that portion of the prelude to the legislation of 1968 is another thing. The matters we are talking about now are matters that occurred in the showing to the Congress on which the 1968 action was based. Those matters are quoted in our report. Our committee is standing by those matters. We expect them to be fulfilled.

As I see it, the only difference at all that exists now is the question of whether, after the completion of these new works, the civilian, agricultural, or urban growth will be greater than the Engineers estimated. If it is, our report says that those agencies that have grown more than was estimated are the ones that will have to take the shortage. That is how clear we are on it. The park will not, in any shape or instance, be affected adversely. I do not see how we can make ourselves clearer than we have by that wording.

I hope the Senate votes down the amendment.

Mr. NELSON. Mr. President, I do not wish to prolong the debate. All I can say is that my interpretation and the interpretation of those I talked with in the Federal agencies is different from the interpretation of the distinguished Senator. The Corps of Engineers published the chart. Anybody can read it. The chart says they will guarantee 315,000 acre-feet. The chart shows they will share the adversity with current users. The corps letter and the Secretary of the Interior say, "We will do exactly what the chart says. We will guarantee the 315,000 acre-feet. Starting now, we will share adversity with future users."

But the Corps of Engineers backed away from that position before the committee hearing, a hearing which I conducted. I have the testimony here for any Senator to read.

Next—and this is crucial—the committee report does not implement the agreement that the Secretary of the Interior thought he had with the Corps last year. The sharing of adversity is the crucial thing. The agreement desired by the Department of the Interior, and by the park authorities themselves, is that adversity would be shared with current users. If they would share adversity with current users, guaranteeing 315,000 acre-feet, there would be no problem. But the committee report does not say that. I quote the language:

> The committee further desires that these agencies continue their negotiations to de-

velop operating regulations for the sharing of adversity in water-short years.

So the committee has urged them—and I know sincerely—to come to the agreement that the Department of the Interior and the Corps had in their exchange of letters a year ago.

The PRESIDING OFFICER (Mr. Boggs in the chair). The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, a point of order. I ask that all attachés either be seated or get out of the Chamber, and I ask the Presiding Officer to so order.

The PRESIDING OFFICER. The Chair thanks the distinguished Senator from Ohio, and so orders. The Sergeant at Arms is instructed to carry out the order.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from North Dakota (Mr. Burdick), the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. McClellan), the Senator from Mississippi (Mr. Stennis) and the Senator from New Jersey (Mr. Williams) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Iowa (Mr. Miller) is absent on official business.

The Senator from South Carolina (Mr. Thurmond) is detained on official business.

If present and voting, the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) would each vote "nay."

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from New York would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 33, nays 55, as follows:

[No. 149 Leg.]

YEAS—33

Bayh
Brooke
Case
Church
Cooper
Cranston
Gore
Harris
Hart
Hughes
Inouye
Jackson
Javits
Kennedy
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Tydings
Young, Ohio

NAYS—55

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hartke
Hatfield
Holland
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mundt
Murphy
Pastore
Pearson
Pell
Prouty
Randolph
Russell
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Williams, Del.
Yarborough
Young, N. Dak.

NOT VOTING—12

Anderson
Burdick
Eastland
Goldwater
Goodell
Mathias
McClellan
Miller
Stennis
Thurmond
Tower
Williams, N.J.

So Mr. Nelson's amendment was rejected.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ELLENDER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, this year both the House of Representatives and the Senate Committee on Appropriations have recommended the appropriation of $450,000 for the construction of a transmission line between Great Falls and Browning, Mont. This new line has been supported by the administration for several years now, and it is essential to insure adequate and efficient sources of power to the cooperatives in north-central Montana.

This line has not been constructed because of prolonged negotiations between the Bureau of Reclamation and the Montana Power Co. in an effort to develop a satisfactory wheeling agreement.

This year the report states:

> In the event no satisfactory agreement can be reached, the Bureau of Reclamation is directed to report to the House and Senate Appropriations Committees and secure prior clearance before any of the $450,000 available is expended for initiation of construction of the Federal line.

This language underscores the interest that the Congress has in this project. One thing I would like to state at this time is that I hope the negotiations between the Federal agencies and the private utilities will get down to the hard, cold facts in the situation or report to the Congress that it is impossible to reach an agreement. Those who will be dependent on this new transmission line cannot wait any longer. I am most appreciative of the attitude that the Senate Committee on Appropriations has maintained in recent years.

To the people of Montana, the bill now before us means a great deal in the way of natural resource development. This year, I am very pleased with the action of the Senate Committee on Appropriations. There is very little fat, and it provides funds for an orderly continuation of these important flood control, power, irrigation, and other resource development projects.

In the instance of Montana, I am delighted that the committee has provided an additional $4.1 million for construction at the Libby Dam project in northwestern Montana. $52,600,000 recommended is necessary to keep this project on schedule. This is one Corps of Army Engineers project which cannot be slowed down or held up for budget reasons. Libby Dam and Reservoir project has a tight schedule because of the Columbia River treaty. The project must be completed within a 5-year period and, in order to meet this deadline, we cannot permit a slowdown.

I also was very pleased that both the House and Senate have recommended $400,000 to proceed with the initial construction on the flood control project at Great Falls, Mont. This project cannot be held up any longer because each year brings another threat of a disastrous flood similar to those which have plagued sections of Montana's largest city. The Bureau of Reclamation has been very active in Montana, and I believe that the program outlined in the revised budget and as approved by the House of Representatives is an orderly continuation of these programs.

The Bureau of Reclamation will have an active year on smaller construction projects in Montana, $1,300,000 is provided for additional facilities and cleanup work at the Yellowtail Dam, the recently completed power and recreation facility in southeastern Montana. There are several construction items under the Bureau's drainage and minor construction program to which I would like to refer: Crow Creek pump unit, $11,000; the East Bench unit, $336,000; the Helena Valley, $270,000; the Lower Marias unit, $310,000; and the Buffalo Rapids unit, $30,000.

I have already referred to the allocation for the Great Falls-Browning transmission line, and in closing, I would like to compliment the chairman of the Senate Subcommittee on Public Works Appropriations for his leadership in recommending a fully authorized appropriation of $1 billion for construction grants under the water pollution control program. At long last, the people of the United States are becoming very conscious of our environment and of the threats to it. Our cities and towns are finding it very difficult to up-date their facilities to meet existing standards. The Federal Government has a real responsibility aiding in the construction of waste treatment works. The increase recommended by the Senate committee will give Montana approximately double that indicated under the program as recommended by the administration's revised budget. I understand that if the $1 billion is approved, it will mean $5,751,469, perhaps an insignificant amount under the total authorization, but it will mean considerable to my State.

Mr. METCALF. Mr. President, I am pleased that the Senate Appropriations Committee has again approved the budget request for funds for the Bureau of Reclamation transmission line between Great Falls and Browning.

This line is sorely needed to achieve adequate and reliable electric service in Montana. It was proposed almost 2 years ago, by the previous administration. The Senate approved the expenditure last year but the House suggested negotiation of a wheeling arrangement between the Montana Power Co. and Bureau of Reclamation, rather than construction of the Federal line. This year the new administration recommended the appropriation and the House voted money for the Federal line, while still requesting that negotiations be resumed in an effort to reach a satisfactory wheeling agreement with the company. The Senate committee, in approving the $450,000 expenditure, directed that the Bureau of Reclamation report back to both Senate and House Appropriations Committees in the event no satisfactory agreement can be reached between the company and the Bureau.

Mr. President, the record to date is clear that a wheeling arrangement satisfactory to both parties, and which will also serve the power needs of Senator Mansfield's and my constituents, is unlikely. It is also clear from the record that the proposed 161,000-volt Bureau of Reclamation line is needed, and soon, to provide reliable electric service. Unless a satisfactory agreement is negotiated in the very near future I trust that the Appropriations Committees will speedily clear the expenditure of $450,000 for initiation of construction of the Federal line.

Mr. President, to elaborate the case for this line, I ask unanimous consent to insert at this point in the Record my testimony, on behalf of Senator Mansfield and myself, before the Senate Subcommittee on Public Works Appropriations, on June 12, 1969.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

BUREAU OF RECLAMATION TRANSMISSION LINE

Mr. Chairman, I am very concerned over electric power reliability in Montana, and also for the integrity of the electric utility systems there. I am convinced that the proposed 161,000-volt line from Great Falls to Browning, which would be built by the U.S. Bureau of Reclamation, would best serve these purposes. Included in President Nixon's budget for Fiscal 1970 is $435,000 to plan and survey this line.

The Montana Power Company has opposed construction of this line, giving various reasons which the company says are based on cost comparisons of several transmission plans for the northcentral Montana area. These comparisons do not hold up under engineering analysis, and I don't believe anyone knows for certain the company's real reasons for opposing the line—except the company. The company traditionally has had no customers in the area to which the transmission line would go, but claims that a small oil company pumping load near Cut Bank justifies its construction of a 115,000-volt line from Great Falls to Cut Bank. Glacier Electric Cooperative is perfectly capable of serving this small load, and I must join with the Montanans for Reliable Electric Service in questioning the good faith of the company in its decisions, first, to build the 115,000-volt line, and, second, to oppose the heavier line.

I would like to outline some of the history of those decisions.

On 6 May 1969, the president of Montana Power Company filed a statement with the House and Senate subcommittees which set forth the company's plan to construct the 115,000-volt line from Great Falls through Conrad to Cut Bank and urged that funds for the proposed Bureau line not be approved for Fiscal 1969, pending further study. A Conference Committee thus did not appropriate the funds, making a request that the Bureau of Reclamation and the company work out an agreement. Bureau officials accordingly met with the company's representatives and representatives of Glacier Electric Cooperative a number of times. No agreement has been reached. The company indicated it had no interest in joint construction with the Bureau. Then it unilaterally went ahead and began construction of its 115,000-volt line.

The actual beginning of construction—in August 1968—before an agreement was reached with the other entities involved is in disregard of the intent of the Congress, because no agreement was reached with the other entities before construction began. It is also in disregard of the best interests of the other utility systems—the cooperatives and the Bureau—which have a far greater stake in electric service in the area than does the Montana Power Company. Thus the company not only is building a line into the northcentral Montana area which detracts from meeting the real needs of the area, it is also doing so as an intruder which heretofore has had no load in the area and no reason for any interest.

The company has discussed with the Bureau the possibility of an alternative transmission scheme which would include completion of its 115,000-volt Great Falls-Cut Bank line, a new Bureau 161,000-volt line from Great Falls to Shelby and a second co-op line of 115,000-volts from Shelby to Browning. The company has indicated it would support the Bureau request for funds to construct this 161,000-volt line.

All engineers involved, except the company's, insist that this alternative proposal would not provide the reliability to the Cut Bank-Browning area that the proposed U.S. Bureau of Reclamation Great Falls-Browning line would. Under the alternative plan, reliability for the area west of Cut Bank would be provided by the second 115,000-volt co-op line from Shelby through Cut Bank to Browning which would be in close proximity to the existing 115,000-volt line and subject to the same hazards.

Why anyone should consider this alternative acceptable, I cannot imagine. It would be an alternative imposed upon the traditional power suppliers of the area by an intruder, and it would be an alternative which does less than achieve the optimum system for the area. It also is an alternative involving a proliferation of transmission lines and consequent loss of valuable farm land.

The proposed Bureau line from Great Falls to Browning, on the other hand, would create exactly the kind of loop service which the area needs. Let me explain this in more detail. The area involved is roughly a triangle, Havre, Great Falls and Browning at the three points of the triangle. Transmission lines now exist on two sides of the triangle, from Browning to Havre and from Havre to Great Falls. The most reliable kind of transmission system is a "loop" or a system that describes a complete circle. Thus if there is an outage at any given point on the loop, points on either side can continue to receive power, because the power can come from either direction.

So the obvious best move now would be to close the Havre-Browning-Great Falls triangle by building the proposed line from Great Falls to Browning, thus creating loop service for every point on the triangle. What Montana Power Company is doing with its 115,000-volt line, instead, is making the triangle smaller by building from Great Falls to Cut Bank. The result will be that the existing line from Cut Bank to Browning will be a "radial" line, that is, a line which allows power to come from only one direction. If there is an outage on that line, all points beyond the outage will be without power. In reality, the situation is even worse, because there is no provision right now for the company's line to interconnect with existing lines even at Cut Bank. Thus, until the interconnection is made, the entire transmission system will remain a radial one, and overall reliability will not be improved by the company line.

The company indicates that its 115,000-volt line will be fully loaded by about mid-1972. The proposed Bureau line from Great Falls to Browning will thus be needed by mid-1972—the time it will be completed if the $435,000 is made available for Fiscal 1970—regardless of whether the company and Bureau are able to reach an agreement for public use of the company line.

Finally, the proposed Bureau line, of 161,000-volts, will have actual carrying capacity in kilowatts about twice that of the company's 115,000-volt line—because carrying capacity in kilowatts increases geometrically in relation to voltage. Of the annual cost of the line to the Bureau of $198,290, Glacier Electric Cooperative would pay $66,020 under an agreement made when Glacier asked the Bureau to build the line in preference to an earlier proposal.

The balance of the annual cost of the line to be borne by the Federal Government is, of course, an investment rather than an outright expenditure. This line will better enable the government to meet growing power needs in the area—reliably—and thus produce revenues from sale of power from Federal hydroelectric projects.

The entire matter of reliability in northcentral Montana was called into question 4 April when this area experienced a severe outage due to malfunctioning of the company system. The company contends that this particular outage is irrelevant to questions being discussed here. I disagree. A report from the Federal Power Commission indicates that outmoded and badly-maintained equipment at the company's Rainbow Substation near Great Falls was the real cause of the outage—although the precipitant was a rifle bullet—and I believe this gives some indication of the company's general attitude toward reliability. Already the company is experiencing reliability problems on its system and now the company is building a new line which would add little to overall reliability of electric service in the area, while at the same time it opposes a line which would manifestly improve reliability.

I have an engineering analysis of the costs of the capacities, that would be involved in alternative transmission schemes for the area, which clearly shows the superiority of a system which would include the Federal line from Great Falls to Browning. The analysis was prepared by the Missouri Basin Systems Group, a regional engineering and power coordinating organization for rural electric cooperatives and public power systems. I ask that it be accepted for the Record. Senator Mansfield and I ask that this Subcommittee approve the $435,000 Fiscal 1970 request to begin construction of the Great Falls-Browning line.

Mr. BENNETT. Mr. President, I rise in support of the public works appropriations bill for 1970, and to express my appreciation to the Senate Appropriations Committee for their consideration of the Bonneville unit of the central Utah project and the Little Dell project in Utah.

In addition to my testimony before the Subcommittee on Public Works in June, I also appealed directly to the members of the subcommittee in August for a more realistic funding schedule for the Bonneville unit of the central Utah project. Therefore, I was not gratified when the committee recommended $12,000,000 for fiscal year 1970, a $4,000,000 increase over the budget figure and the House allowance. This increase will avert a serious setback to the Bonneville unit.

Although it may be argued that reclamation deferrals are in the interest of national economy, the fact remains that this project cannot be postponed repeatedly without raising public costs in several ways. Thirteen years have now passed since authorization of the project, and only relatively minor construction has been completed.

The central Utah project is the key to development of Utah's resources for the next 100 years. It provides for the beneficial use of most of Utah's remaining undeveloped share of Colorado River water. The Bonneville unit alone eventually will serve 12 counties with more than 60 percent of our State's population.

I would also like to point out that the reimbursable costs of this project, which represent 90 percent of the total cost, will be paid back to the Federal Government.

The committee's recommendation of $400,000 for planning funds for the Little Dell Reservoir, a Corps of Engineers project, was also highly gratifying. The Little Dell project, in Salt Lake County, was authorized by the 90th Congress, and it is vitally important to the orderly water development of Utah to get advanced-design and construction phases underway as soon as possible.

The $23 million Little Dell project will consist of a dam and 50,000 acre-foot reservoir near the present Mountain Dell Reservoir in Parley's Canyon. It will provide greater flood control measures on the major trans-city tributaries to the Jordan River and furnish additional water supplies for the Salt Lake metropolitan area.

Again, Mr. President, may I express the gratitude of the people of Utah for the actions taken by the Senate Appropriations Committee.

Mr. COOPER. Mr. President, I commend the senior Senator from Louisiana (Mr. ELLENDER), the chairman of the Public Works Subcommittee of the Committee on Appropriations, on which I serve as an ex-officio member for public works items, the Senator from North Dakota (Mr. YOUNG), and the members of the committee which have brought to the Senate the pending bill. I know the long hours, hard work, and conscientious attention that Senator ELLENDER devotes to this subject each year. It is a bill which touches every section of the country. Through this effort communities are protected from floods; our great water resources are developed; the work to clean up our streams and rivers is proceeding; and economic benefits flow from navigation, power, and development projects.

In my own State of Kentucky, the efforts of the Senator from Louisiana and his committee have speeded and enhanced the development of the Ohio River Valley through the great system of locks and dams on the Ohio River, and flood protection is being provided on every major river system in the State. We have worked together on these matters, and with the members of the Kentucky delegation in the House, and the Senator knows of the great credit I have often acknowledged to him. The people of Kentucky know his work, and appreciate it.

The bill before the Senate today maintains the items in the bill as passed by the House of Representatives which affect Kentucky, as follows:

For construction: Cannelton lock and dam, $7,100,000; Carr Fork Reservoir, $3,380,000, an increase of $1,250,000 over the budget; Cave Run Reservoir, $3,800,000; Frankfort floodwall, $824,000; Laurel River Reservoir, $2,740,000; lock and dam No. 52, $1,684,000 to complete; Martin local flood protection, $150,000, not included in budget; and Uniontown lock and dam, $4,540,000.

For planning: Bonneville Reservoir, $230,000; Dayton floodwall, $89,000; Eagle Creek Reservoir, $178,000; Kehoe Reservoir, $150,000; Mound City lock and dam, $436,000; Paintsville Reservoir, $157,000; southwest Jefferson County floodwall, $50,000; Taylorsville Reservoir, $236,000; and Yatesville Reservoir, $181,000.

As these items are identical with the amounts approved by the House, they will not be subject to change in the Senate-House conference, and are assured.

The Senate bill increases the amounts for two of the Ohio River locks and dams, providing $3.6 million for the construction of Newburgh lock and dam, an increase of $400,000 over the House amount and $1.5 million over the budget; and providing $1 million for the construction of Smithland lock and dam, an increase of $500,000 over the House and budget recommendation.

MARTINS FORK RESERVOIR

This year I again strongly urged the construction of Martins Fork Reservoir, to protect Harlan and communities downstream. I am very glad that the Senate committee added $500,000 to initiate construction for the Martins Fork Reservoir, for a construction start on this important project was not included in the budget or by the House of Representatives. I will urge the Senate conferees to maintain funds to begin the construction of Martins Fork Reservoir.

RED RIVER RESERVOIR

The chairman and members of the committee will remember, I am sure, the Red River Reservoir, about which I spoke in the Senate last year when the annual public works appropriations bill was then before the Senate, and which has been the subject of great interest throughout Kentucky and in fact among conservation groups such as the Sierra Club and others throughout the Nation.

Beginning in 1967, objections were raised to the construction of the reservoir on the grounds that it would adversely affect an area of great beauty, a gorge of unique geological and ecological characteristics.

Because of the intense controversy that arose, I asked the distinguished chairman of the Appropriations Subcommittee that opportunity be given those opposing and supporting the project to be heard, and this was done. In its report last year, the committee directed the corps to examine alternatives, and on my motion substituted for construction funds an amount to develop plans at the alternate downstream site; but the Senate-House conference did not adopt the Senate language. Later, in February of this year, the Governor of Kentucky, the Honorable Louie B. Nunn, announced his support for relocating the Red River Dam to the lower site, I wrote to the President about it, and met with the Director of the Budget. As a result, the budget revision of President Nixon deleted the amount of $1.9 million previously submitted for construction at the original site, and recommended $500,000 which the Corps of Engineers stated to the House and Senate Appropriations Committees, by letter and in their testimony, would be used to proceed with detailed planning and engineering design of the dam at the downstream site—which is a location acceptable to conservation groups and others.

I am very glad the House of Representatives approved the item of $500,000 to plan the Red River Reservoir at the lower site, which will make it possible to proceed without further delay. I know that Congressman WATTS did not wish to see the construction of the Red River Reservoir delayed. It was a responsible position, and I do want to publicly acknowledge Congressman WATTS' good faith and his efforts on behalf of his constituents.

The Senate committee has recommended an identical provision to the House item on Red River, so there will be no issue in the Senate-House conference. I am glad to say that I consider the matter settled, and we look forward now to the design and construction of the dam at the downstream site in a way that will largely preserve the beauty of the area and minimize intrusion upon the now famous Red River Gorge.

The position of Gov. Louie Nunn was decisive in support of the lower site. I acknowledge that it was the vision and the initiative of hundreds of men and women concerned about the environment of the future, of organizations such as the Sierra Club of Kentucky and later the Audubon Society, of papers such as the Lexington Leader, the Louisville Courier-Journal, and the New York Times, that have brought this matter to a happy and proper conclusion. I am sure also that the people of the counties immediately affected, who fought so hard for the upper site, will receive the same benefits from the lower site and will enjoy with countless others the natural wonders of their home area. Red River Gorge is now known throughout the Nation.

FALMOUTH RESERVOIR

The Falmouth Reservoir was authorized by the Flood Control Acts of 1936 and 1938, and after some planning in the late thirties was placed in a deferred category and for many years was inactive. Following the floods on the Licking and Ohio Rivers in 1964, a hearing was held by the Corps of Engineers at Falmouth, a feasibility study prepared, and the project was reactivated. The committees have received testimony on the project each year since that time, but funds to resume advanced engineering and design have never been included in the budget.

The public works appropriations bill for fiscal year 1970, as passed by the House of Representatives and sent to the Senate, includes $50,000 for the Falmouth Reservoir. This step was not recommended by the administration or included in the President's budget, but does represent the capability stated by the Corps of Engineers that would permit a start to be made on preconstruction planning, now estimated at $611,000 and which will probably take at least 3 years.

When the subcommittee met on Monday, Senator ELLENDER expressed his great concern about the large percentage of benefits allocated to recreation at two projects—Falmouth Reservoir, Ky., approximately 50 percent, and Tocks Island Reservoir on the Delaware River between New Jersey and Pennsylvania.

I discussed the Falmouth Reservoir at length, both in the subcommittee and in the full Committee on Appropriations, pointing out also that the reservoir as planned would take 45,000 acres of land, productive farm land, in an area where hundreds of farmers who would be displaced could not relocate on similar land. I recalled the testimony that the reservoir could have an adverse impact on the agricultural economy of the region, and could reduce farm income by several million dollars a year.

I asked that the $50,000 recommended by the House be used by the Corps of Engineers to determine in the coming year, before consideration by the Congress in 1970, whether local flood protection at Falmouth, Covington, and Newport is feasible. If the corps should find that such local flood protection is feasible, by floodwalls at Covington or Newport, by stream diversion or deep channeling at Falmouth, or through a smaller reservoir, these two objectives—flood control and the saving of thousands of acres of farmland—could be achieved. But if this issue is not finally settled, the battle will go on before the Bureau of the Budget and the Committee on Appropriations of both Houses every year.

Some misconceptions have arisen about the use of the Falmouth Reservoir for water supply for various communities and large cities—among them the city of Cincinnati. The project justification and the benefit-cost ratio does not now include benefits for water supply. The usual method for providing water supply is to raise the height of the dam to provide additional storage capacity. The cost of such additional capacity is then guaranteed by agreement with the States affected, the amortized cost being repayable to the Federal Government by the States over a period of years. The States secure reimbursement by contracting to supply water to the communities served. I do not say this would be the absolute procedure that might be followed in the case of Falmouth, but it is the usual procedure and because much has been said about water supply I wanted to give this information.

As the Falmouth Reservoir project has not been approved for funds for advanced engineering and design by the Bureau of the Budget since its revival in 1964, and as the controversy will undoubtedly continue, I believe the proposal of the Senate Committee on Appropriations, which appears on page 27 of the Senate committee report, is the way to provide the specific and up-to-date information needed to resolve this matter.

Again, I thank the chairman of the subcommittee for his attention this year and every year to these projects which are of such great value to my State, and for his patience and interest in hearing the State and local officials and citizens who come to testify. He understands these problems, and brings to them wisdom and judgment. And I would like to make a special comment about the clerk of the subcommittee, Kenneth J. Bousquet. In all these efforts, so important to people and communities in every section of the country, the constant supply of information and objective counsel provided by Ken Bousquet are invaluable. We have learned that his experience and knowledge can be relied upon. I know his ability is recognized by all who deal with him, but I wanted to take this opportunity to give credit where credit is due, and did not believe the chairman would mind my saying that.

POLLUTION

Mr. RIBICOFF. Mr. President, for too long the water resources of our country has been stained by shortsighted exploitation and willful contamination.

This destruction must be halted.

Once, water's natural purification process was able to decompose the organic matter fed it. But accumulated population growth and increased industrial expansion have critically diminished this capacity and every river system in America now suffers some degree of water pollution.

One of the major causes of water pollution is the dumping of inadequately treated community sewage into our rivers and streams.

Without adequate treatment, this waste will continue to blight and destroy.

The Clean Water Resources Act passed by Congress in 1966 authorized $1 billion for Federal sewage treatment facility construction grants-in-aid for fiscal year 1970.

The administration budget for fiscal 1970 requests only $214 million.

This request is woefully inadequate.

The House of Representatives, earlier this year, voted to appropriate $600 million for community waste treatment plant construction.

This sum is not adequate either if Congress is to live up to its promise and avoid harmful and expensive delay in ending water pollution.

We have the technology to end water pollution—only a full commitment of will and resources is lacking.

I strongly support the Senate Appropriation Committee's recommendation that $1 billion be appropriated for waste treatment plant construction.

If we are to have a future with clean water, this sum is needed now to help erase the manmade filth in our rivers and streams.

I would like to call to the attention of my colleagues a thoughtful editorial from this morning's Washington Post entitled, "The Pollution Crisis."

I ask unanimous consent that this article be included at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POLLUTION CRISIS

The Senate Appropriations Committee has once more raised the clean-water issue in very pointed fashion. Its call for $1 billion in the form of matching grants to the states for water-treatment plants is in line with the demands of many civic, political and conservation groups that are alarmed by the deterioration in our environment. If the Senate looks at the problem as carefully as its committee has done, it is difficult to see how it could reach a different conclusion.

No one seems to question the need for at least $1 billion for clean water this year. That goal was set in 1966 when Congress passed the Clean Water Restoration Act. But the government has been long on promises and short on performance. Last year Congress authorized the expenditure of $700 million for treatment-facility grants but appropriated only $214 million. The same figure was kept in both the Johnson and Nixon budgets for fiscal 1970, but the present administration is said to have offered a compromise figure of $750 million when the demand for appropriation of the entire sum authorized was being pushed in the House.

In view of the fact that the $1-billion-for-clean-water proposal failed by only two votes in the House, it is difficult to explain the final acceptance in that body of a compromise figure of $600 million. If the Senate now takes a strong and positive stand for rescuing the country's rivers and lakes from their man-made filth, the chance of finding the two extra votes needed in the House would seem to be excellent.

Congress must be mindful, of course, of excessive spending in this era of inflation. But the issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment. It is not a question of voting a luxury which the country cannot afford. It is a question of reclaiming an asset which the country once had and has now lost from neglect.

Mr. McINTYRE. Mr. President, at this time, we in the Senate are given the opportunity to take another step toward solving one of the greatest domestic problems now facing this Nation—pollution.

For many years we have been warned about this, warned by professional conservationists and ecologists, and, indeed, warned by a few far-visioned politicians. For years we have heard descriptions of the tragic condition toward which our Nation is headed—a time when we will no longer be able to breathe the air, drink the water. But the warnings for the most part failed to reach enough people to mobilize concern and action.

All that has changed. The issue today provokes widespread concern and considerable media attention. The people of this Nation are demanding that we in Congress act to solve the problem.

Several domestic events have focused public attention on the issue. We have all read about the impending death of Lake Erie, for instance. Lake Erie is the major source of water supply for the city of Cleveland, yet it has become so polluted it can support no life but microorganisms, and now residents of Cleveland have been warned that these microorganisms may include typhus and other dread disease causes.

And we have all heard about the Santa Barbara Channel, how one of southern California's most beautiful sites has been desecrated by the black slick of an oil well blowout that is still leaking hundreds of barrels of oil a day into that channel.

In New Hampshire, we have long prided ourselves on clean water, but we also find some stark reminders that the problem is our problem, too.

The Androscoggin River in the north of the State is so polluted that some sections have water that is even unsuitable for most industrial processes. Indeed, this river is so polluted that the State of Maine has taken legal and remedial action because its waters may constitute a potential health hazard.

All but 15 miles of the once beautiful Merrimack River in the southern part of the State is unsuitable to support anything but minor marine organisms.

Yet in my lifetime, there was always news of large fish being caught by sportsmen in the Merrimack.

This is all the result of terrible and unforgivable neglect.

And today we have the chance to act—to move a little closer toward the goal of preserving our clean waters. We cannot pass it up, or we must be prepared to answer to the people for our inaction.

The Clean Waters Act of 1966 authorized massive financial aid in the form of grants to States and municipalities for construction of pollution abatement facilities. But only a third of the funds authorized by this act have been distributed to the States.

Today we must distribute more of those funds. We must appropriate the full $1 billion which we have authorized for fiscal 1970.

What has happened is that many States have had to stretch their overburdened budgets to finance what the Congress has failed to provide. My own State of New Hampshire has had to spend $5½ million more than anticipated to help in sewerage construction that should have been paid for with Federal funds already authorized but never appropriated.

Since the passage of the Clean Waters Restoration Act of 1966, New Hampshire has taken a position of leadership in assisting a bold program of reclamation and water pollution control.

The most recent session of the legislature, for instance, passed a measure to prefinance pollution efforts over the next 2 years, in the amount of $2 million. The various municipalities have also played a part in this effort by prefinancing an amount approximating $11½ million in eligible funds.

But our State's resources are limited. We cannot continue this effort without adequate Federal funding of the pollution control grant program.

There are projects already in progress which will be jeopardized if the Congress does not fully fund this program. A project in Newport, N.H., needs more than half a million dollars to be completed. Projects in Merrimack, Durham, Dover, and Laconia need the $4 million which the Federal Government owes, in order to be completed. Projects in Concord, Farmington, Franklin, Jaffrey, Lebanon, Newport, Pembroke-Allenstown, and Peterborough are approved and ready to go as soon as they are funded. These projects need at least $7 million in Federal funds in fiscal year 1970.

Even the full appropriation of $1 billion will not suffice to pay off what the Federal Government owes the States. But it will be a step in the right direction.

The issue is not whether we can afford it. We must afford it. Because we know that we cannot afford the consequences of not acting.

The late Adlai Stevenson once characterized our responsibilities in this area:

> We travel together, passengers on a little spaceship; dependent on all its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work and the love we give our fragile craft.

Mr. MANSFIELD. Mr. President, a most informative speech was made by the distinguished senior Senator from Massachusetts, the assistant majority leader (Mr. KENNEDY) at the dedication of the Water Pollution Control Facility, North Andover, Mass. It should be of benefit to all interested in this field.

I ask unanimous consent that it be included in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDWARD M. KENNEDY AT THE DEDICATION OF A WATER POLLUTION CONTROL FACILITY, NORTH ANDOVER, MASS., NOVEMBER 7, 1969

It is a great pleasure for me to be here today as Western Electric dedicates its new water pollution control facility. The initiative, leadership and civic-mindedness of Western Electric deserve the praise of all of us. For it is abundantly clear, as we struggle with the growing litany of evil side-effects of our fast-paced technology, that a partnership of government and the private sector is essential if we are to rid this nation's waters of pollution.

Western Electric, one of our leading industrial giants, has been in the forefront of private industry's participation in the national pollution control effort. The plant we dedicate here today commits over a million dollars in corporate funds. As a result of this investment, Western Electric guarantees that the Merrimack River will not be polluted by any outflow from the Merrimack Valley Works. This new facility is part of a combined Western Electric-Bell System anti-pollution program, which calls for the outlay of between $15 and $20 million in a ten-year period.

I applaud the responsible and substantial commitment of Western Electric to this country's pollution control effort. I hope it will serve as a catalyst for action by those other industries which have not yet made a similar contribution.

Pollution is a persistent and pervasive national problem. And it is one which, increasingly, the American people no longer tolerate.

A recent national survey, for example, conducted by a prominent public opinion analyst, indicated that 86 percent of Americans are deeply worried about the effects of water pollution. Furthermore, the survey told us that 75 percent are willing to pay additional taxes to improve the quality of our environment. Sixty-six percent of those citizens who have had the opportunity since 1964 to cast their votes in statewide elections, on water pollution control bond issues, have voted in favor of these measures. Each one of our 50 States have adopted state-wide water quality standards since 1966. The majority of our 50 state legislatures have enacted new laws to help cope with this tremendous challenge of restoring and preserving our waters.

The people of Massachusetts are among the nation's most vocal and insistent in their demands for firm commitments to pollution control. And this should not be a surprise. Every one of our rivers is polluted—and most at an unacceptable level.

But our rivers in Massachusetts have not always been such a disgrace. Just over a hundred years ago, for example, Henry David Thoreau spent a week on the Merrimack River, and on the Concord River which flows into it. He kept a journal of his travels, and I would like to read from his discussion of the Merrimack for a moment.

"I have traced its stream," he wrote, "from where it bubbles out of the rocks of the White Mountains above the clouds, to where it is lost amid the salt billows of the ocean on Plum Island beach. It flows on down by Lowell and Haverhill, at which . . . a few masts betray the vicinity of the ocean. Between the towns of Amesbury and Newbury, it is . . . backed by high green hills and pastures, with frequent white beaches on which the fishermen draw up their nets."

Thoreau would not recognize the Merrimack today. The steady march of technology has brought homes, and factories, and jobs, and schools, and roads to the banks of the river. None of these by themselves have destroyed the Merrimack, turning it into what it is today—an open sewer. But this marching technology has brought with it an unchecked, ever-spreading stain—the stain of pollution.

At low tide, the evil smells of the Merrimack are almost overpowering. Dead fish wash up on the river's shores. Unspeakable filth floats in it. It is, truly, shocking.

And because it is so shocking, it has generated a growing public clamor for change. We heard much earlier this year of the taxpayers' revolt. Well, I believe the demands of the people of the Merrimack River Valley for a cleaned-up river could well be called a pollution revolution.

Government officials at all levels have been responding to this pollution revolution. We have passed quite literally hundreds of new laws. We have spent billions of dollars. We have built many treatment plants. But I do not think we have yet done nearly enough. Let me briefly review our most significant steps.

Ten years ago, President John F. Kennedy called the condition of our waters a national disgrace, and pledged his efforts to make the waters cleaner. In response, in 1961, 1965 and 1966, sweeping amendments broadened and strengthened the Federal Water Pollution Control Act. In 1963, the Senate formed a special Subcommittee on Air and Water Pollution. In 1965, the Water Quality Act was passed. In 1966, the Clean Waters Restoration Act was passed.

These and other legislative measures, adopted by the Congress in this present decade, set national goals for the reclamation of our water resources. New agencies and new studies were authorized. Broad and liberal programs were approved. New regulations were adopted. States were required to enforce strict water quality standards. State and local governments were prodded into enacting stronger and broader pollution control programs. Appeals were made to the conscience of business leaders, to accept responsibilities and begin corrective programs to curb industrial pollution. Congress adopted unanimously in 1966 a massive program of Federal matching funds as the basis of a Federal-state-local partnership in this expanded national commitment to clean waters.

State and local authorities responded to these new Federal programs with immediate and constructive action. The response of Massachusetts was most heartening.

The General Court passed four different water pollution control acts in 1966. Under this and other authority, the Division of Water Pollution Control of the Department of Natural Resources has made significant progress. It has, for example, identified for the first time the specific sources of pollution. There are, today, some 456 significant sources of pollution in the state. Of these, 121 are communities and 324 are industries.

The costs of restoring our waters will range from $500 million and $1 billion, primarily for the construction of waste treatment and interceptor facilities. The voters of the Commonwealth have already approved a bond issue of $150 million for pollution control. The General Court has passed all the necessary legislation to permit the state to participate to the fullest extent in existing federal programs.

Yet all this activity has not yet cleaned up our rivers. Just this week a number of reasons for this apparent lack of progress have become clear.

In Washington, the General Accounting Office released a report which said that despite a federal expenditure of some $1.2 billion in the last 12 years, and an overall expenditure of some $5.4 billion, to construct 9,400 water pollution control facilities, pollution is as bad or worse than before. The G.A.O. blames this lack of progress on those businesses and towns on rivers which make no effort to control pollution, even though at other locations on the same river other businesses and towns are taking strong steps. It is ironic, I think, that this report cites the Nashua River "as one of the most disgusting . . . in the country."

In Boston, the State's Division of Water Pollution Control announced that it intended to take court action against a number of towns along the Merrimack for their failure to comply with state-ordered water-pollution efforts. These towns include Dracut and Merrimac.

Thus, while we have made progress, we certainly cannot rest on our oars. We must keep up the pressure if the pollution revolution is to win for us clean, safe water.

To win the war against pollution, we will need money. The cost of controlling pollution is high. A recent Harvard Business Review article estimated the cost at $110 billion over the next 30 years. Of that astonishing figure, $26 billion will be needed in the next five years.

The 1966 Clean Waters Restoration Act, hailed as a giant step in the war on pollution, authorized a five-year, $3.5 billion Federal program of matching grants for the construction of municipal waste treatment facilities. The Act authorized $450 million for fiscal 1968; but Congress appropriated only $203 million. For fiscal 1969, the Act authorized $700 million; but Congress appropriated $214 million. For fiscal 1970, with an authorization of $1 billion, the Administration requested only $214 million. The Congress has not yet finished action on this 1970 figure.

As of today, consequently, the Congress has only appropriated $417 million in the face of an authorization of $1.2 billion. This leaves a gap of $733 million in this critical program. If the Congress accepts the Administration's request for this year's funding, the gap will be $786 million for just this year alone. I consider this existing funding gap—and its potential doubling—a serious breach of faith.

Early this year, in an effort to force the Congress to live up to its word, concerned citizens, organizations, and state and local governments formed a coalition to demand the full $1 billion appropriation. As a result of the tireless work of this coalition, the House of Representatives approved an appropriation of $600 million—nearly $400 million more than sought by the Administration. Many members of the House of Representatives fought for the full $1 billion appropriation. They were almost successful, and lost by only two votes. This loss has been attributed by conservation-minded commentators to equally hard work. The Administration, aimed at keeping the appropriation at its $214 million request.

The Administration maintains that neither the Department of the Interior nor the states could spend the funds available under full $1 billion funding of the Clean Waters Restoration Act. It maintains, in fact, that the highest possible level of funding which could be committed is $600 million. I challenge this position.

A late October survey, which polled the Directors of every state's Water Pollution Control Agency, indicates that 23 states plus the District of Columbia could spend their share of a $1 billion appropriation; that five other states could spend amounts considerably in excess of the $600 million approved by the House of Representatives; and that an increased level of Federal support would encourage a much higher level of grant application from those states currently discouraged by the low Federal appropriations.

At least seven states which have prefinanced the Federal share of projects constructed since 1966, might also have the chance to be reimbursed the $235 million they are owed—but only if $1 billion is appropriated. Massachusetts is currently owed almost $10 million by the Federal government.

This is now being considered by the Senate Appropriations Committee. It will be reported to the floor in a matter of weeks. It is my firm hope that the Committee will report a bill appropriating the full $1 billion. In order to determine the extent of support for this appropriation among my colleagues in the Senate, I have written to every Senator, expressing my intention to introduce—if necessary—an amendment to the Committee bill for the full appropriation. I have asked those who would join with me in this effort to indicate their willingness to co-sponsor such an amendment.

If we win this full $1 billion appropriation, then we will have added new force to the drive for clean waters. We will have given public officials the tools they need to enforce water quality standards. And we will have encouraged the partnership between government and the private sector so essential to success in cleaning up the waters.

I think there are four separate elements to bringing the pollution revolution to a successful climax.

First, commitment. Americans want their waters clean. We must make it perfectly plain to all public officials that they must firmly resolve to work tirelessly towards this goal. And it must be made equally plain to business leaders. Words are not enough. It is action we need.

Second, regional planning. It makes little sense for Leominster and Ayer to spend their scarce tax dollars on pollution facilities if Fitchburg does not. Similarly, it makes little sense for Massachusetts to prohibit pollution of the Merrimack if New Hampshire does not. Thus, regional, interstate, intrastate planning for pollution control is one of the keys to a successful effort. The G.A.O. study I mentioned earlier proposed a model, regional systems approach to the task of cleaning up the Merrimack River. This approach would actually cost less than fragmented, individual efforts. This is a signal of how important regional planning is.

Third, funding. Money is the lubricant of the engine driving clean water efforts—Federal money, State money, local money, and private sector money. These funds will only be made available if the people make plain their approval of clean-up efforts.

Fourth, technology. It is hard to believe that the chemistry of water pollution is still a mystery to our scientists, but it is. We heard the testimony of the president of the National Academy of Sciences to this effect earlier this year, when he testified on the National Science Foundation legislation. He made a forceful case for using our scientific and engineering skills—so well demonstrated in the Apollo moon flights—on problems such as water pollution. I certainly think we must.

These four ingredients are all equally important. If we shortchange on one, we prejudice the success of the entire effort. All four ingredients have come together in the plant Western Electric is dedicating today. The corporation has proven its commitment; pledged its own funds; complied with the river basin pollution control plans; and used the most advanced technology in the treatment plant's construction. This makes the Western Electric plant a good neighbor in the Merrimack Valley, and one worthy of emulation. The management of Western Electric, and the local officials with whom they have worked, deserve our concerted praise.

In closing, let me remind you that in six short years, we will celebrate our 200th anniversay as a Nation. Now is the time for us to move aggressively on programs to move America forward, forward towards the goals and the hopes of those who nurtured our early growth. Now is the time to reassess our national priorities, and to order them with the goals set for us by the framers of our government.

We cannot hope to do in only 6 years what we have failed to do in 190. But we can make a new beginning and a new commitment. If we act today, and if we plan, then we can make great strides in every area of high national concern. One of these areas is most certainly controlling and eliminating pollution.

Down through our history, we have always been able to match our visions with our deeds—if, and only if, we had the will the energy, and the dedication. More and more, we are learning that the people of this great land have these three essential characteristics in ample supply. It is on this knowledge, I think, that we can look to the future with some hope.

Robert Frost wrote often of the New England countryside, and of his love for it. In his poem "Spring Pools," he spoke of the pools of water formed every spring in the forests by melting snows, and of their disappearing in the summer. The first four lines of that poem have a lesson for us. He wrote:

"These pools that, though in forests, still reflect
The total sky almost without defect,
And like the flowers beside them, chill and shiver
Will like the flowers beside them soon be gone."

Only by dedicated, hard work can we be sure that our rivers will not, like spring pools, "soon be gone."

Mr. MURPHY. Mr. President, speaking for the citizens of California and for myself personally, I would like to commend the chairman and members of the Senate Public Works Appropriations Subcommittee and of the full Senate Appropriations Committee for the outstanding work they did on the bill before us today.

As all of my colleagues know, there are enormous problems connected with any public works appropriations bill, even in the best of times.

This year, though, the Nation's fiscal situation as well as other domestic and even foreign considerations added new burdens to those whose task it was to decide upon a responsible public works program.

In addition, certain areas of our country—my own State of California, for instance—had recently suffered disastrous floods, and these special factors had to be weighed, too, along with all of the other evidence.

It was a herculean challenge but the bill before us today is concrete proof that the challenge was met in a spirit of determination and surmounted in a spirit of understanding and responsibility.

Again, to Senator ELLENDER and to each committee member who has left his imprint on this bill, I want to convey my congratulations and appreciation.

Furthermore, my State and I owe a special vote of gratitude to Ken Bousquet for without the type of competent and generous assistance he provided to the representatives of my State and to my office on the staff level, our task of attempting to make an adequate presentation of California's legitimate needs would have been much more difficult.

I can assure the members of the Senate Appropriations Committee and my other colleagues in this body that the works approved for California in this bill will provide benefits far in excess of the costs of the works and I hope that those who approved these projects will be able to enjoy some measure of justifiable satisfaction in the knowledge that their action will result in a significant saving of lives and property as well as a sounder economy.

MONTOYA APPLAUDS COMMITTEE ACTION ON FREEING EDUCATION FUNDS

Mr. MONTOYA. I am gratified by the U.S. Senate Committee on Appropriations action in approving my resolution to infuse an additional $1 billion into the Nation's public school districts for this fiscal year. This represents a great victory for the supporters of quality education, for the future of our most precious commodity, our children.

This resolution will insure proper Federal funding of schools during the fiscal year, giving the Congress additional time to act on an appropriation for the Department of Health, Education, and Welfare.

I wish to thank the chairman of the Appropriations Committee, the senior Senator from Georgia (Mr. RUSSELL), and my colleagues on the committee for the promptness with which this resolution has passed the committee today.

I also wish to thank the 46 Senators who cosponsored the resolution and supported me in this effort. In particular I wish to thank Senator JAVITS, Senator YARBOROUGH, Senator RANDOLPH, and Senator PELL for their assistance on this effort. It has been a bipartisan effort. The timing on this was crucial. The continuing resolution which this one replaces expired the 31st of October holding up any funds for those agencies whose appropriation bills have not yet passed the Congress. Those agencies would not have been able to meet their payrolls, many of which become due this Friday, without the resolution.

The resolution we passed in committee is identical to one passed earlier by the House of Representatives except for the addition of a December 6 expiration date. Representative COHELAN, of California, was the chief sponsor in that body and my gratitude goes to him and the 227 Representatives who cosigned the resolution there.

I again would like to express my appreciation to the leadership of the Senate for the cooperation these Senators are extending. I realize our action in seeking the education amendment to the continuing resolution was without precedent and I can appreciate the discomfort it caused.

In addition to making funding available to all agencies whose appropriation bill has not become law, our resolution now makes it possible to fund education at higher levels than were allowed under the continuing resolution which recently expired. That was a composite of last year's education appropriation and the President's budget request for this fiscal year, an item-by-item list determined on which amount was the lower.

The items getting the largest increases are:

An additional $398 million to federally impacted school districts, bringing a total $600 million for schools with children whose parents are Federal employees. This is very important to many districts, especially those in which the Federal Government is the mainstay of the local economy. Until passage of this resolution, these districts have no way of budgeting for their own needs.

A $274 million increase for educationally deprived children, bringing that total to $1.397 billion. This is a major program aimed at closing the gaps in our sometimes splintered society.

An increase of $241 million in vocational-technical training, bringing a total of $489 million for this program. Vocational training is vital to the full employment of a skilled labor force and a boon to economically depressed areas.

A $28 million increase in library and community services to a total of $135 million.

The remaining $340 million increase goes for such necessary programs as student loan assistance, construction of higher education facilities, supplementary educational centers, and education for the handicapped.

Mr. NELSON. Mr. President, I would like to commend Senator RUSSELL and Senator ELLENDER for their leadership in recommending to the Senate the full $1 billion for Federal aid to waste treatment works. I congratulate the distinguished Senators for responding to the crucial needs for the full appropriation to help ward off a threatening crisis in water purity.

We are well into the critical year of the Federal Government's commitment to clean water. The emphasis has shifted from standard setting to requirements for action by municipalities and industries to upgrade their waste treatment systems to meet the timetables set by the standards.

A $1 billion appropriation, will serve notice that the Federal Government is genuinely concerned and is to take urgently needed steps in meeting its commitment to aid in cleaning up our Nation's water supplies.

Without adequate funding of this crucial sewage treatment plant aid, our Nation's water quality programs face total collapse. For example, applications from cities and towns across the Nation for the Federal grants for municipal treatment plant construction now total $2.2 billion. If costs continue to rise, the total bill for municipal and industrial waste cleanup is expected to amount to $26 to $29 billion in the next 5 years. This would include up to $8 billion for sewage treatment plants, for which up to 50 percent Federal aid is authorized.

The administration's request to Congress for the Federal grant money totaled only $214 million, the same figure proposed by the previous administration. But after vigorous debate last month, the House almost tripled that figure by voting $600 million. It is important to note that the House failed by only two votes to approve the full $1 billion.

Senator ELLENDER'S subcommittee asked for an executive branch report justifying its statement that the full amount of the Federal grant funds cannot be effectively utilized now. After studying the report carefully, the subcommittee recommended the full appropriation because of the urgency of moving forward in the program of water pollution control.

Ask Wisconsin whether it can spend that pollution control money. Our State has more applications pending for Federal aid than can be provided even by the full $1 billion appropriation.

Even if Congress appropriates the full $1 billion, Wisconsin will get only about $20 million in Federal money when the State needs, and is ready to use, $24.7 million.

Unless the necessary funds are forthcoming, it is dramatically clear that the grisly tide of pollution in our State is going to be worse instead of better.

Wisconsin is not alone in this situation. The State of New York could use over $1 billion alone this year. There are 18 States whose needs still will not be met by the full $1 billion appropriation.

According to the committee report, a total of 17 States and three jurisdictions will have their needs met by the $214 million requested by the administration. However, even if these States will not use their full allocation, as the committee report states:

> Present law permits the reallocation of unused allocations 18 months after the start of the fiscal year for which the funds are appropriated.

Because of this situation, next year I plan to introduce an amendment which will provide a two-thirds increase in Federal sewage treatment plant aid to States like Wisconsin which are providing their own matching funds. I think it is time the Federal Government shows its commitment by rewarding such State initiatives with incentives such as those provided by my amendment.

It is abundantly clear that even the maximum authorization by Congress is not enough. It is evident that over the long term, Congress must act to provide a system of aiding municipal pollution control needs that does not rely on the annual whim of the appropriation process, but instead, provides the Federal financing guarantees that will permit the States and cities and towns to plan ahead and know the money will be there.

Nevertheless, I give my wholehearted support for the full appropriation because it is my belief that this step is an important and significant one in the right direction.

Senators Russell and Ellender are to be commended for their bold and thoughtful efforts to report favorably the full appropriation to the floor of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Evins of Tennessee, Mr. Boland, Mr. Shipley, Mr. Giaimo, Mr. Marsh, Mr. Pryor of Arkansas, Mr. Mahon, Mr. Jonas, Mr. Wyman, Mr. Talcott, Mr. McDade, and Mr. Bow were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rivers, Mr. Fisher, Mr. Lennon, Mr. Long of Louisiana, Mr. White, Mr. Arends, Mr. Hall, Mr. King, and Mr. Foreman were appointed managers on the part of the House at the conference.

ESTABLISHMENT OF A COMMISSION ON GOVERNMENT PROCUREMENT—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report as follows:

Conference Report (H. Rept. No. 91-613)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

DECLARATION OF POLICY

Section 1. It is hereby declared to be the policy of Congress to promote economy, efficiency and effectiveness in the procurement of goods, services and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive bidding to the maximum extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

(9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(11) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

ESTABLISHMENT OF THE COMMISSION

Sec. 2. To accomplish the policy set forth in section 1 of this Act, there is hereby established a commission to be known as the Commission on Government Procurement (in this Act referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

Sec. 3. (a) The Commission shall be composed of twelve members, consisting of (1) three members appointed by the President of the Senate, two from the Senate (who shall not be members of the same political party), and one from outside the Federal Government, (2) three members appointed by the Speaker of the House of Representatives, two from the House of Representatives (who shall not be members of the same political party), and one from outside the Federal Government, (3) five members appointed by the President of the United States, two from the executive branch of the Government and three from outside the Federal Government, and (4) the Comptroller General of the United States.

(b) The Commission shall select a Chairman and a Vice Chairman from among its members.

(c) Seven members of the Commission shall constitute a quorum.

(d) Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

Sec. 4. (a) The Commission shall study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and the organizations by which procurement is accomplished to determine to what extent these facilitate the policy set forth in the first section of this Act.

(b) Within two years from the date of enactment of this Act, the Commission shall make a final report to the Congress of its findings and of its recommendations for changes in statutes, regulations, policies, and procedures designed to carry out the policy stated in section 1 of this Act. In the event the Congress is not in session at the end of such two-year period, the final report shall be submitted to the Clerk of the House and the Secretary of the Senate. The Commission may also make such interim reports as it deems advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

Sec. 5. (a) Members of the Commission who are Members of Congress or who are officers or employees of the executive branch of the Federal Government, and the Comptroller General, shall receive no compensation for their services as members of the Commission, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

Sec. 6. (a)(1) The Commission, or at its direction any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or Vice Chairman and may be served by any person designated by the Chairman or the Vice Chairman.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection by any person who resides, is found, or transacts business within the jurisdiction of any district court of

the United States, such court, upon application made by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(b) The Commission is authorized to acquire directly from the head of any Federal department or agency information deemed useful in the discharge of its duties. All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not in excess of $100 per diem.

(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED TO AID COMMISSION

SEC. 7. Any department or agency of the Government is authorized to provide for the Commission such services as the Commission requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

TERMINATION OF THE COMMISSION

SEC. 8. One hundred and twenty days after the submission of the final report provided for in section 4 of this Act, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

And the Senate agree to the same.

HENRY M. JACKSON,
ABRAHAM A. RIBICOFF,
KARL E. MUNDT,
Managers on the Part of the Senate.
CHET HOLIFIELD,
FERNAND J. ST GERMAIN,
FRANK HORTON,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, as enacted by the Senate, this bill would have established a Commission on Government Procurement composed of nine members and the Comptroller General, or his designee, ex officio. The President of the Senate and the Speaker of the House of Representatives would have appointed two members each from their respective Houses, on a bipartisan basis; and the President of the United States would have appointed five members from outside of the Government. It was further provided that the Commission was authorized to hold hearings, take testimony, and issue subpenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and so forth, to carry out the provisions of the bill.

As enacted by the House of Representatives, the Commission would have been composed of 14 members of the Comptroller General, or his designee, ex officio. The President of the Senate and the Speaker of the House were each to appoint four members, two each from their respective Houses, on a bipartisan basis, and two each from private life; the President of the United States was to appoint six members, three from the executive branch and three from the private sector. The House bill authorized the Commission to hold hearings and take testimony, but did not confer on the Commission the power to issue subpenas.

The conference substitute provides for a 12-member Commission consisting of the Comptroller General as a regular member; three members appointed by the President of the Senate, two from the Senate, on a bipartisan basis, and one from outside the Federal Government; three members appointed by the Speaker of the House, two from the House, on a bipartisan basis, and one from outside the Federal Government; and five members appointed by the President, two from the executive branch and three from the private sector. In addition, the House conferees agreed to the Senate provision conferring the subpena power on the Commission, with clarifying changes assuring that a subpena will be issued by a member or sub committee of the Commission only at the direction of the Commission, and requiring that subpenas so issued be signed by the Chairman or Vice Chairman of the Commission. Several conforming and incidental amendments were made in order to reflect the changes agreed to.

Mr. President, I move that the conference report be agreed to.

The report was agreed to.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

MOTION TO RECOMMIT

Mr. WILLIAMS of Delaware. Mr. President, I have a motion at the desk. I ask that the clerk read it.

The PRESIDING OFFICER. The motion will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware (Mr. WILLIAMS) makes the following motion:

> Mr. President, I move to recommit the bill (H.R. 14159) with instructions that it be reported forthwith with reductions of the total appropriations of $4,993,428,500, as provided in the bill, to $4,203,978,000 the amount of the budget estimates; *Provided however,* That the final amount of the appropriations provided for in this bill may be reallocated with possible variations in accordance with emergency needs and with priorities given to national needs.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate I shall want a RECORD vote on this motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, the bill as it was reported by the House called for $4.505 billion, which was approximately $300 million more than the budget figure. The bill as reported by the Senate increased that amount $487,982,000, to a total of $4,993,428,000. This is $789,450,500 over the budget estimates for fiscal 1970.

The purpose of this motion is to order the bill recommitted with instructions to report back forthwith, but to be reduced by the committee to a figure not to exceed the $4,203,978,000 as recommended in the budget. This motion would allow the committee full discretion to make the variations in the cuts wherever they see fit and wherever they think most appropriate.

I remind the Senate that on June 19 of this year the Senate passed H.R. 11400, and one of the amendments of that bill provided for a ceiling on the expenditures for fiscal 1970. The Senate placed the expenditure ceiling at that time at $191.9 billion, which was $1 billion below President Nixon's revised budget of $192.9 billion.

The pending bill would violate that ceiling by requiring an additional expenditure of $789 million more than is provided in the budget. Unless we in the Senate establish a set of priorities—that is, spell out some other place where we can make an offsetting reduction—we will be delegating to the President not only the authority but also a mandate that if he spends the money that is provided under this bill he will be obligated by the previous action of Congress to make cuts in some other programs, perhaps in education or in some other social program.

I think that we in the Senate have a responsibility if we want to raise that ceiling to do it affirmatively; but if we want to hold to that ceiling and if we expect the President to hold to it then by all means we should keep these appropriations within this budget. If the Senate wants to raise a particular item which we think justifies an increase beyond the budget estimate then let us at the same time spell out where we want the offsetting reductions.

I should like to read excerpts from a letter from the President wherein he confirmed the action of the Senate and wherein he pledged that, as the President, he would support this ceiling and keep expenditures within the prescribed limits:

> There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.
>
> I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.
>
> For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to imposing offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

Mr. President, I ask unanimous consent that the letter from the President, dated July 16, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, July 16, 1969.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending, thereby raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

Richard Nixon.

Mr. WILLIAMS of Delaware. Mr. President, there are many items in this bill to which we would all subscribe and which we would like to support, but I think that if we increase an appropriation in any category we shall at the same time make a corresponding reduction elsewhere.

As a result of this expenditure ceiling passed by the Congress the President has initiated a program to curtail and suspend all new authorizations for public works projects unless they are absolutely essential to the national interest; yet I call attention to the fact that not only in this bill is there an increase mentioned for air and water pollution, but also there are 62 new public works projects which have not been approved by the budget—new public works projects for which appropriations are in the pending bill. These new projects account for much of the $800-million increase over the budget.

Of these new projects 32 when completed, will call for expenditures totaling in excess of $700 million. Those projects have not been approved by the budget. As yet not a dime has been spent on those projects, so it cannot be said that if we stop them there will be a loss. These are entirely new projects which are being approved in this bill, involving total expenditures of approximately $720 million—new projects over and beyond the budget estimates or recommendations.

There are another 30 projects which have been started but which the budget does not recommend that we continue or expand at this time. Small amounts have been appropriated heretofore for planning stages. When completed they will cost in excess of $550 million more.

In other words, there is approved in the bill now before us, if we accept it in its present form, a commitment of expenditures in excess of $1 billion. This amount has not been approved or recommended by the Bureau of the Budget. It may have been authorized by Congress, but it has not been approved or recommended as a part of the 1970 budget. It is true that the appropriations in the bill before us today for those projects do not equal that amount, but we know that once those projects are started it will be argued that if funds are not provided to continue them we will lose the millions that have already been spent.

I repeat that on 32 of these projects not a dime has been spent as yet, but it is estimated that when completed they will cost the taxpayers in excess of $700 million. Why start all these new projects at this time?

I think the bill should be sent back to the committee with instructions that it go through it with a fine tooth comb to determine those projects or programs which are most essential—establish priorities—and cut back in the areas where we can afford to cut back. The bill should then be reported back to the Senate in an amount not to exceed the budget request.

The taxpayers just cannot afford such pork barrel legislation. Our Government is already operating at a deficit.

I do not have to remind Senators that the country is in the midst of one of the most dangerous inflationary periods that it has ever experienced. The cost of living is moving up at the rate of about one-half percent a month. Interest rates are now at their highest level in many years. Certainly at some point we shall have to cut back on the need for additional capital. The only way to do that is to stop the authorization of some of the new projects, both in private industry, and in government. Certainly the Government cannot expect private industry or labor and management to cut back on their expenditures and hold down in this time of shortage of money unless Congress sets an example.

I hope that the motion to recommit will be agreed to.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. I should like to make sure that I understand the meaning of the Senator's motion. As I understand, it is not directed to any particular item or area in the bill. The Senator states that while funds have been increased for pollution abatement, his motion, as I understand, does not necessarily direct the committee to cut back on any particular amount, such as the amount for pollution abatement, provided that the total amount of the bill will be in keeping with the budget estimate.

The Senator has stated that millions of dollars provided in the bill have been approved for unbudgeted public works projects and other items.

Mr. WILLIAMS of Delaware. That is correct. The ultimate cost of the unbudgeted items in this bill total over $1 billion.

The committee should establish a set of priorities, taking into consideration how much we can afford. I accept the proposition that taking any single project by itself, an excellent argument could be made as to why it is meritorious.

A good argument can be made on many items we would like to approve and for which we would like to authorize appropriations at this time. The point, however, is that Congress has instructed the President to hold expenditures within the $192.9 billion ceiling for fiscal 1970, and at the same time the Congress must accept a responsibility. If we see an area that has a high priority and needs extra money we have a responsibility to provide that money, but as we do so we should look elsewhere to see where we can make offsetting reductions.

If Congress does not want to do that let us tell the President and the country that the Congress had no intentions of living within the ceiling and we are not going to try. Congress has no moral right to instruct the President that we expect him to hold expenditures for fiscal year 1970 at $192.9 billion and then authorize new projects and programs which will require billions of additional expenditures.

I will not be a part of such hypocrisy.

If the Senate is only appropriating this money in order to go home and tell our constituents what we have done for them and then quietly pass the word down to the White House that we really do not expect him to spend the money, that is sheer hypocrisy, and I do not think the Senate wants to adopt that attitude. This is our responsibility. We voted to tell the President we expected the administration to live within this ceiling. These were our directions to the President.

I have placed in the RECORD the letter of the President wherein he said he will do his part. Let the Senate act equally responsible. This motion gives the committee full discretionary authority to add in any area where it thinks priorities so require but then to make corresponding reductions in another area.

Mr. GRIFFIN. I thank the Senator for his explanation. I intend to support the motion.

Mr. HANSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. Mr. President, I, too, would like to congratulate the Senator from Delaware for bringing before the Senate the motion to recommit the bill.

Having served for just a short while on the Committee on Finance, I am well aware that we have worked long and hard in trying to keep the imbalance that was created by recommendations coming from the Committee on Finance within tolerable limits, so that, if we vote for tax reform, we would not do violence to a budget that would have resulted had we given more tax relief than would have been offset with tax increases.

It seems to me that the Senator's motion this afternoon is in keeping with the philosophy, attitude, and concern of the committee in the weeks when we were trying to report a tax-reform bill.

It makes no sense to say to the President to keep the budget within $192.9 billion, as we did some months ago, and then turn around and in this instance appropriate more than was recommended by the administration; and we are likely to do it again and again, so that what we said several months ago loses its meaning completely unless we take the responsible position, as was recommended by the Senator from Delaware and face up to the tough job of saying what we propose in this instance.

Unless we follow through in every one of these appropriation bills and do this, I say that all we have done so far is simply to make a gesture in our proclaimed fight against inflation and we will have done nothing in the way of substantive action in helping the President to keep within the meaningful guidelines we lay down.

I intend to support the Senator's motion.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. President, there is one additional point. By expending these appropriations far beyond the budget request we are moving forward the date when the taxpayers of this country can expect real tax reductions, let us face it. They are not going to see a reduction in taxes until there has been a reduction in expenditures.

For anyone to argue that we can have increased expenditures and reduce taxes at the same time is an open invitation for a devalued dollar, and it would further fan the wild inflation and destroy the life savings of many Americans.

Mr. President, I hope the amendment is agreed to. I am ready to vote.

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend the Appropriations Committee, the Subcommittee on Public Works and its chairman (Mr. ELLENDER), on the quality of the bill reported to the Senate today. Most especially, Mr. President, I want to make mention of the courageous and responsible action taken in appropriating the full $1 billion authorized for the programs of the Clean Waters Restoration Act of 1966.

There can be no question that these funds are needed—and needed urgently. To my mind, the committee has taken the only responsible course on this matter. The programs authorized under the Clean Waters Restoration Act of 1966 are the programs basic to any national effort to rid this Nation of the stigma of pollution. And, the demands of our citizens for such a national effort have been both vociferous and reasoned.

Much of the credit for the passage of the legislation authorizing a true commitment by the Federal Government in this area of demonstrated national concern is due to our distinguished colleague from Maine (Mr. MUSKIE). And, again, Mr. MUSKIE deserves our gratitude for his work, in cooperation with Senator ELLENDER, in this final appropriation of $1 billion for the construction of pollution control facilities.

I know that every Senator will carefully consider this measure today. I am confident that the measure will receive the support of all Senators who have recognized the wishes of our citizens to restore and preserve the natural resources which made this country the leader it is today. And I am confident that this bill will be passed, today, by an overwhelming vote.

There remains, however, the need for a conference on this bill. I was more than pleased to note this morning Senator ELLENDER's pledge to press for the full $1 billion in conference. In light of the fact that passage of the full appropriation failed in the House by only two votes, I am convinced that the conference bill can accept the full funding level of the Senate bill.

I was also pleased to note Senator ELLENDER's remarks urging President Nixon and the administration to spend the money appropriated for this program. I join the distinguished chairman in this request. The sense of the Congress should be respected by the administration. The bill we consider today was not drafted overnight. Senator ELLENDER and his committee have spent many months in serious consideration of the measures included in the bill, especially the provision of the full amount authorized for pollution abatement.

Mr. President, I endorse the bill reported today. And I truly welcome the full appropriation of funds for the Clean Waters Restoration Act.

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate long, but I do wish to commend the committee for bringing before the Senate such a constructive bill. It is a rare occasion in these days when we have the opportunity to vote for a bill which provides something for the benefit of the people of this country.

I am not overly impressed with the argument to cut the budget when I recall that in recent months there were many opportunities to cut the budget which has grown out of all proportion to our real interests, and I refer to the military budget we had of $21 billion to begin with.

There have been a number of significant opportunities to cut the budget. In that instance and in nearly every instance it was rejected. These arguments about the need for cuts in the budget had no weight at that time. I think what we are interested in are the specific projects that we are concerned with here.

If the Senator from Delaware can pick out specific projects and say these are not in the interest of this country and they should be deleted because they are not meritorious, I think it would be an acceptable argument; but to argue generally that he is interested in the budget when he showed no such interest when we had a bill for $21 billion before this body, does not impress me.

I think the chairman of the committee and the chairman of the subcommittee did an excellent job. It is high time this country began to give some notice to the development of our resources. If we do not do this, our capacity to pay the kind of taxes to support this huge budget in all its respects will soon dry up.

I hope that the Senate will not turn its back on the committee. I support the bill as it is written.

Mr. ELLENDER. Mr. President, I hope that the Senate will turn down the motion of the Senator from Delaware (Mr. WILLIAMS). We labored for many days on the bill. I think it is a good bill, as I have said before.

The expenditure ceiling for fiscal year 1970 contained in the Second Supplemental Appropriation Act for fiscal year 1969 has a great deal of flexibility. I ask unanimous consent to insert at this point in the RECORD a portion of the statement of the managers on the part of the House and section 401(a) of Public Law 91-47—the Second Supplemental Appropriation Act, 1969.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Since the conference agreement sets a comprehensive ceiling which would be continuously adjustable based on congressional actions or inactions on budgetary proposals whether initiated by the President or by the Congress and whether or not inside or outside the April 15 budget review totals, there is no necessity to exempt any area of the budget that Congress normally acts upon each year. Approval of supplemental appropriations to meet existing unbudgeted requirements would be the basis for a corresponding adjustment in the ceiling on budget outlays.

TITLE IV

LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $191,900,000,000: *Provided,* That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages 9351–9354 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further,* That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further,* That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of $191,900,000,000 unless and until such actions or inactions result in a net reduction of $1,000,000,000 below total expenditures and net lending estimated for 1970 in the "Review of the 1970 Budget".

Mr. ELLENDER. Mr. President, I am hopeful that the Senate will vote down the motion to recommit the bill to committee.

Let me say in passing that the main reason for the provision of funds over and above the budget relates to only one item. The House voted, as all of us know, $600 million for water pollution control. The Appropriations Committee recommends to the Senate that $1 billion be provided. I know that is money that will be well spent. I am hopeful that the executive branch will be able to allocate the funds during the remainder of this current fiscal year.

I repeat my belief that the committee has done a good job, and I hope that the motion of the Senator from Delaware will be defeated.

Mr. MUSKIE. Mr. President, I support the distinguished Senator from Louisiana with regard to the point he has made in connection with financing waste treatment plants. The amount of the difference between the budget estimate and the amount of the bill as reported to the Senate is roughly $789 million, almost exactly the increase in the bill as reported to the Senate over the budget estimate for water pollution control.

I think it is important that this point be made to the Senate, that the Senate consider it carefully, and that the Senate deliberately support or disapprove this increase.

Mr. President, the $1 billion appropriation included in this legislation for the Nation's water pollution control program represents the culmination of a great deal of hard work by a great many people. It represents to those of us who have lived with, developed, and maintained a deep interest in this program for many years, a significant victory for national priorities over budgetary expediency.

Mr. President, this victory could not have been achieved without the dedication, the interest, or the commitment of the senior Senator from Louisiana and the chairman of the Public Works Appropriation Subcommittee, Senator ELLENDER.

Senator ELLENDER promised to do his best to maintain a strong water pollution control program, and he has carried out that commitment. Last year, when nearly all domestic programs suffered from both budgetary and Appropriations Committee cuts, Senator ELLENDER achieved a Senate increase in the water pollution construction grant program of $22 million. The conference committee agreed on an increase of $11 million more than the budget request for water pollution—perhaps the most significant program increase in any of the national priority programs last year. When Senator BOGGS and I appeared before Senator ELLENDER in 1968, he told us of his desire to see the level of funding equal to the demand for water pollution construction grants.

The information we had last year was inadequate. The Clean Water Restoration Act, at that time, was effectively 1 year old. The States had not begun to move to assess their own needs—to date a great many States have not. The demand for construction grants as estimated by the Department of the Interior reflected budgetary expediency more than program need.

This year when Senator BOGGS and I joined the Citizens Crusade for Clean Water before Senator ELLENDER's subcommittee, the demand had changed. Several additional major States had joined the list of States with an inventory of water pollution needs. It was obvious that the demand for water pollution funds far exceeded the $214 million requested in the President's budget. Secretary of the Interior Walter Hickel attested to this fact when he indicated that $600 million could usefully be spent in fiscal year 1970. But the Citizens Crusade, Senator BOGGS, Senator ELLENDER, and I were not satisfied with that estimate.

Senator ELLENDER asked the Department of the Interior to provide a detailed estimate of the backlog of construction grant applications. The Citizens Crusade for Clean Water, in cooperation with the Council of State Governments, requested the Governors of all affected States to provide up-to-date information on the amount of grant funds which could be effectively obligated in this fiscal year. The information provided by the Department and the Crusade indicated that more than the authorized billion dollars could be obligated, that the States were moving faster than had been anticipated and that even a fully funded program would be inadequate if reimbursable requirements were considered.

Mr. President, a man with a lesser commitment would have accepted the initial information of the Secretary of the Interior and appropriated an amount equal to that which was voted by the House of Representatives.

A man of lesser commitment would have accepted budgetary expediency over national priorities. Senator ELLENDER has fulfilled the faith of those of us who worked with the Public Works Appropriations Subcommittee, who committed ourselves to support the level of appropriation which he thought could be justifiably obligated, and who believed that he would work to see that the Nation's water pollution program is funded at the level of need.

In the Clean Water Restoration Act of 1966, Congress pledged $1 billion for fiscal year 1970 for water pollution control. This is the first time that Congress has made an effort to meet that commitment. That commitment was made in 1966 for the purpose of stimulating State and local efforts without which we will not be able to deal with the pollution of our rivers and waterways in this country.

The States have responded to that incentive. They have approved bond issues. They have raised taxes. They have set water quality standards on the assumption that we would meet our commitment.

Just this past week, in my State of Maine, the people approved a bond issue of $50 million—that is $50 per capita—to meet the State's responsibility generated by our action in 1966.

That is a lot of money in Maine, and is an indication of their concern with water pollution. The voters of Maine turned down a highway bond issue referendum on that very same day.

Concern for this problem is sweeping the country. The people are far ahead of Congress and the State legislatures in their insistence that we deal with it.

Mr. President, let us see how the budget estimate for water pollution control measures up to the response the States have made to our legislation of 1966.

Under the funding level of $214 million proposed by the President, only 8 percent of current requirements could be met. The needs of 12 States would be met but programs in 38 States would be underfunded if the $214 million provided in the budget were allocated according to the formula in the authorizing act. This is far short of the commitment we made in 1966. At a level of $600 million, the figure approved by the House of Representatives, only 22 percent of nationwide needs could be met. The needs of 24 States would be met, but those of 26 would be underfunded.

Even at the full funding of $1 billion, only 37 percent of the current national requirements would be met. At this level, the needs of 32 States would be filled but 18 would remain underfunded.

The States have assumed that the Federal Government would keep its promise of 1966 and on that basis enact effective programs.

Mr. CASE. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I yield.

Mr. CASE. I think the Senator from Maine has made a very important statement. From our experience in New Jersey I want completely to support it.

This past Tuesday, among other beneficent accomplishments made by the voters of New Jersey, was approval of a referendum for pollution control based upon the 1966 act and dependent upon it in the amount of several hundred million dollars.

The action of the New Jersey voters, and the voters of Maine, and other actions of the people throughout the country, would indicate the awakening realization in this country that its resources are too precious any longer to squander them, that the time has come to turn away from the pollution of our environment and to preserve and rehabilitate it.

The action proposed by the distinguished Senator from Delaware, whom I have very often supported in matters of fiscal integrity, if it should succeed here, would be most unfortunate.

While I am on my feet, I should like to say a word on behalf of our distinguished chairman, whose actions in this matter have been highly responsible and taken with the greatest of care.

The distinguished Senator from Louisiana (Mr. ELLENDER) is a man who is as much a pennypincher as anyone I know of in this body. For him to have come along with this program of water pollution control is the best indication in the world of the seriousness of the problem to the Nation.

I hope very much, for that reason specifically, that the motion of the Senator from Delaware will be defeated.

I pay my highest tribute to the distinguished chairman of the committee for his actions in this matter and on the bill generally.

Mr. MUSKIE. Mr. President, I should like to add to the tribute just paid to the Senator from Louisiana. I have worked with him in three Congresses now on this question of funding the water pollution program. He has always refused to add any funds which could not be supported by the facts as to need. This was the measure we applied this year. I have been in touch with him throughout the year in connection with this problem and this program, and I must say that I could not ask for a more effective fighter in any cause in which I believe than the Senator from Louisiana (Mr. ELLENDER).

He has brought out the full funding figure, which I never expected to get out of the Appropriations Committee. He did it because he is convinced of the need for that level of funding, and for his actions I pay honor to him here this afternoon. I hope that we will give him the support that his hard work and commitment and dedication have so richly earned for him.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. HANSEN. I would like, first of all, to express the great regard I have for my colleague from Maine. I think, as he made his initial statement, it would be well to emphasize or underscore what he said about the voters in his State. As I understood my distinguished colleague, he spoke about their approving a bond issue for water pollution control. Is that correct?

Mr. MUSKIE. That is right, the second one in the last 10 years, for $50 million. The earlier one was for $25 million. For a State with a population of 10 million, that would be the equivalent of $750 million.

Mr. HANSEN. Did the Senator say that at nearly the same time the people of his State rejected a highway bonding proposal?

Mr. MUSKIE. That is right.

Mr. HANSEN. I think the people of the great State of Maine are being very responsible. It is this kind of discriminating bit of judgment that I find not in evidence this afternoon. I do not for one moment challenge the wisdom of a water pollution control bill. I am in support of it. I think what needs to be emphasized, however, is that there is great concern throughout the country, and certainly this administration is very much concerned, over having a balanced budget. If we approve the bill before us, then it seems to me we have a responsibility, if not this afternoon, then perhaps at some later date, to cut back an appropriation proposal that has been made by the administration, in order to accommodate the increases that are provided in the bill before us.

I certainly could not say where we should cut this bill. I think what the distinguished senior Senator from Delaware is saying is that no one would know better than the Public Works Committee where cuts could be made in order to assign the proper priorities to the moneys we propose to appropriate here this afternoon.

It is with that thought in mind that I shall be voting in support of the motion made by my distinguished colleague from Delaware.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have included in the RECORD copies of telegrams and letters received from almost every State supporting the $1 billion item for water pollution control in this bill.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

CHARLESTON, W. VA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Mr. Norman Billings telegram to Dr. N. H. Dyer referred to this agency for reply your item 1; exact amount of Federal funds not known at this time. Legislation being studied by legislative interim committee to provide State matching funds which, if passed and funded, would require more Federal funds than currently required under straight 30 percent Federal participation. Your item 2; the reply is no.

EDGAR N. HENRY,
Chief, Division of Water Resources.

PIERRE, S. DAK.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Response to Norman Billings wire on Federal financing for P.L. 660. One—One million from July 1, 1969, to Dec. 31, 1970. Two—No, we have always had sufficient funds available.

CHARLES E. CARL,
Secretary and Executive Officer, South
Dakota Committee on Pollution.

MONTGOMERY, ALA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Replying to Billings telegram, 11 million could not be expended between July 1, 1969 and December 31, 1970. Have not been discouraged from submitting applications.

ARTHUR N. BECK,
Technical Secretary, Water Im-
provement Commission.

DES MOINES, IOWA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.
(Attention Norman Billings:)

Retel Oct. 14 1. On basis of 600 million dollar appropriation. Iowa would be able to fund all anticipated grant applications to December 31, 1970.

2. Present Federal fund allotment has been adequate to fund nearly all grant applications up to present fiscal year.

R. J. SCHLIEKELMAN,
Director, Water Pollution Division,
Iowa State Health Department.

AUSTIN, TEX.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street, Washington, D.C.:

Urge consideration and support of bipartisan amendment to increase fiscal 1970 appropriation to $1 billion as authorized by the Clean Water Restoration Act of 1966 for H.R. 14159.

Funding is needed to control water pollution and to enhance the economy of Texas. Recent crises in the municipal bond market along with defeat of a statewide water plan bond proposal require significant attention to using and reusing water supplies already available through efficient refineries. Control of water quality through effective and efficient waste treatment facilities is significantly needed.

From the inception of KP.L. 660 twelve years ago, more than 9,500 grants have been made which provide or upgrade the treatment of waste from approximately 75 million persons—total Federal cost has been $1.36 billion with state and local investment totaling nearly $4.7 billion.

Substantial lead time is needed on waste treatment facilities planning and construction; therefore, continuing adequately funded commitment from Congress necessary for adequate waste treatment facilities.

In view of these statistics and changing conditions in Texas, it is recommended that the 1970 appropriation be at a level of one billion dollars as authorized by the Clean Water Restoration Act. Thank you.

Sincerely,

PRESTON SMITH,
Governor of Texas.

NEW ORLEANS, LA.

NORMAN BILLINGS,
Council of State Governments,
Washington, D.C.:

Appears P.L. 660 allocation of 4 million under continuing resolution adequate for fiscal 70. High interest rates are severely curtailing projects and cast some uncertainty on prospects for utilizing the full 4 million however a substantial improvement in bond markets could stimulate grant needs higher than are now anticipated in our state P.L. 660 applications have not been appreciably discouraged for lack of Federal funds.

JOHN E. TRYGG,
Director, Bureau of Environmental Health, Louisiana State Board of Health.

BOSTON, MASS.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

In regards mass water pollution control program #1 can expend 32 million dollars between July 1st 1969 and December 31st 1970 of PL660 fund #2 state pre-finance Federal grant. Federal grant pre finance to date 14 million dollars.

T. C. MCMANN,
Director of Division, WPC Mass Water Resource Commission.

HARRISBURG, PA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street,
Washington, D.C.:

In accordance with request from Norman Billings, acting chairman, Interstate Conference on Water Problems, information concerning Pennsylvania's sewerage construction grants under Public Law 660 follows: 1. If availability of Federal funds not a limiting factor we could expend $76.3 million between July 1, 1969 and December 31, 1970. This includes repayment of $20 million to State for State advances and 50% Federal grant payments to eligible projects. 2. Many municipalities, especially smaller ones, have been reluctant to submit applications as result of awareness of lack of Federal funds. No estimate available.

WESLEY E. GILBERTSON,
Deputy Secretary for Environmental Protection.

INDIANA STREAM POLLUTION CONTROL BOARD,
Indianapolis, Ind.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street,
Washington, D.C.:

Question 1. Estimate Indiana could match (25%) and expand $13 million in Federal funds between July 1, 1969, and December 31, 1970. Applications for fiscal 1970 total 135 requesting $44,264,900; Federal grants and State grants totaling $22,018,721 one of Indiana's criteria for priority is submissions of completed plans and specifications and 49 applicants have complied question 2 to a limited degree. No estimate available.

B. A. POOLE,
Technical Secretary.

SOUTH CAROLINA POLLUTION CONTROL AUTHORITY,
Columbia, S.C.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

Reference Norman Billings, acting chairman, Interstate Conference on Water Problems, eighth floor, Stevens T. Mason Building, Lansing, Mich. 4892. No. 1 twelve million Federal dollars expendable between July 1st, 1969 and December 31st, 1970. If no limiting factor No. 2 yes. No estimate.

W. T. LINTON,
Executive Director.

CHARLESTON, W. VA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

DL660 funds are administered in West Virginia by E. N. Henry, chief, Water Resources Division, Dept. of Natural Resources. Your request has been referred to his office.

N. H. DYER,
State Director of Health.

TENNESSEE STREAM POLLUTION CONTROL BOARD,
Nashville, Tenn.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

1. Tennessee could expend $39 million Federal grants for present applications on file and expects applications for at least $31 million more by April 1970 for next year grants. 2. At least the $31 million grant applications have been discouraged.

S. LEARY JONES,
Executive Secretary.

MISSISSIPPI AIR AND WATER POLLUTION CONTROL COMMISSION,
Jackson, Miss.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

October 14 telegram to Mississippi State Board of Health referred this agency for reply. Response to questions as follows: (1) No immediate estimate but doubtful we could expend our portion of $600,000,000 allocation. (2) No.

ROBERT S. WRIGHT,
Exective Secretary.

NEW MEXICO WATER QUALITY CONTROL COMMISSION,
Sante Fe, N. Mex.

NORMAN BILLINGS,
Council of State Governments,
Washington, D.C.:

Below is response to your telegram of October 15, 1969, 7:53 a.m.

1. There are about five projects underway to be completed by December 31, 1970, at a Federal dollar commitment of about $400,000. No additional projects are planned or needed.

2. No. New Mexico has not been discouraged from submitting applications because of lack of Federal funds.

3. Additional information—100 percent of all sewered communities in New Mexico have secondary sewage treatment. Additional Federal dollars under Public Law 660 are not needed in New Mexico unless additional percentages can be given or funds for operation can be obtained.

JOHN R. WRIGHT,
Executive Secretary.

STATE DEPARTMENT OF WATER AND AIR RESOURCES,
Raleigh, N.C.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Recently proposed $600 million for appropriation for P L 660 grants adequate to meet North Carolina's needs between July 1, 1969 and December 31, 1970.

E. C. HUBBARD,
Assistant Director.

DIVISION OF ENVIRONMENTAL PROTECTION,
Madison, Wis.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Wisconsin each year applies for, uses all available FWPCA funds.

In response to questions: (1) $24.7 million of Federal grants could be utilized in Wisconsin during fiscal year 1970; (2) we accept all applications and have certified 23 to proceed under reimbursement in addition to those proceeding with grants. Additional grant funds are urgently needed in Wisconsin.

THOMAS G. FRANGOS,
Administrator.

KENTUCKY WATER POLLUTION CONTROL COMMISSION,
Frankfort, Ky.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Regarding telegram of Norman Billings this date question No. 1 information not available question No. 2 No.

RALPH C. PICKARD,
Executive Director.

MICHIGAN WATER RESOURCES COMMISSION,
Lansing, Mich.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Supporting data for present Senate hearings to justify increase over $600 million for P.L. 660 is as follows:

1. If availability of Federal funds were not a limiting factor; $248 million for some 224 projects would be required in Michigan between July 1, 1969 and December 31, 1970.

2. In the past, experience has shown that only a fraction of the grant requests could be funded. In 1968 Michigan was discouraged from submitting applications for approximately $170 million worth of construction costs because of lack of Federal funds.

RALPH PURDY,
Executive Secretary.

WATER AND AIR RESOURCES COMMISSION OF DELAWARE,
Dover, Del.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

The 600 million for PL660 program is mandatory if Congress is serious in its 1967 clean waters act that our streams be cleaned up by 1972. The States made commitments based on the authorized appropriation Congress should not expect the States to meet the five year goal unless the funds of at least 600 million are provided. With this amount Delaware can accomplish its goal of clean streams within the approved time.

JOHN C. BRYSON.

UTAH STATE DIVISION OF HEALTH,
Salt Lake City, Utah.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Following are answers to your questions wired to us today. No. 1 less than present allotment No. 2 No.

LYNN M. THATCHER.

MISSOURI WATER POLLUTION BOARD,
Jefferson City, Mo.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

Missouri cities could use $50,212,900 Federal dollars between July 1, 1969 and December 31, 1970. Our State has been discouraged from submitting applications for Federal assistance because of the lack of Federal funds. It is estimated that approximately $25 million in Federal funds could have been used if funds were available in the past.

JACK K. SMITH,
Executive Secretary.

MINNESOTA POLLUTION CONTROL AGENCY,
Minneapolis, Minn.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Minnesota, this fiscal year, has sewage treatment projects ready for construction to utilize 16.9 million dollars of Federal grant in aid with an additional late request of two million dollars for Duluth totaling 18.9 million dollars. Expected allocation to Minnesota under administration appropriation is 3.9 million dollars. Under 600 million dollar appropriation Minnesota share would be eleven million dollars. Under one billion dollar appropriation, the Minnesota share would be 18.4 million dollars. Minnesota could use higher appropriations. Some out-state communities have been discouraged because of lack of Federal funds. No estimate of amount, would be small. Minnesota has always had more projects than Federal grant money available.

John P. Badalich,
Executive Director.

State Water Resources Control Board,
Sacramento, Calif.

Council of State Governments,
1735 DeSales St., Washington, D.C.

Reference telegram to H. B. Foster, California Dept. of Public Health, regarding PL 84–660 fund increase.

Response to your questions as follows:

1. Between July 1, 1969 and December 31, 1970, the State of California could use $100 million in Federal grant monies to fund current projects on fiscal year 1969–70, priority listing and estimated need from July 1 to December 31, 1970.

2. Adequate information not available to determine applicants that may be discouraged from filing because of lack of Federal funds.

Jerome B. Gilbert,
Executive Officer.

S. Dak. Committee on Pollution,
Pierre, S. Dak.

Council of State Governments
1735 DeSales St., Washington, D.C.

Response to Norman Billings wire on Federal financing for PL660: one—$1,000,000.00 from July 1, 1969 to Dec. 31, 1970. Two—no we have always had sufficient funds available.

Charles E. Carl,
Secretary and Executive Officer.

Boise, Idaho.

Council of State Governments,
1735 DeSales St., Washington, D.C.

Answer to Mr. Norman Billing's first question is $2,305,000. Answer to second question is no.

Terrell O. Carver, M.D.,
Administrator of Health.

New Hampshire Water Supply and
Pollution Control Commission,
Concord, N.H.

Council of State Governments,
1735 DeSales Street, Washington, D.C.:

In response to question included in your telegram of October 15, 1969: 1. Between July 1, 1969, and December 31, 1970, $9,600,000 Federal dollars could be expended if available. 2. All Federal funds for 1970 fiscal year now committed. Applications now on hand for $5,800,000 in Federal aid with no funds available from FWPCA.

William A. Healey,
Executive Director.

Water Pollution
Control Commission,
Olympia, Wash.

Council of State Governments,
1735 DeSales Street, Washington, D.C.:

Washington State presently has an unfunded backlog of Public Law 668 grant applications in the amount of $10.7 million it is anticipated that $17.3 million will be requested before December 31, 1970 for a total of $28 million. Washington State has not been discouraged from submitting applications for construction grants we have lively pursued construction on a reimbursement basis.

James P. Behlke,
Director.

Arizona State
Department of Health,
Phoenix, Ariz.

Council of State Governments,
1735 DeSales Street, Washington, D.C.:

In answer to your wire of October 14 we wish to inform you that the current allocations of Public Law 660 have been adequate to meet the demand in Arizona and we anticipate that they will be adequate in the current fiscal year.

Joseph E. Oer,
Director.

Pollution Control Commission,
Little Rock, Ark.

Council of State Governments,
1735 DeSales Street, Washington, D.C.:

In re telegram from Norman Billings dated October 14, 1969. Answers to questions are as follows: 1. Approximately $8 million. 2. Yes, approximately $3 million. Present allotment totals $2.8 million while new requests and increases to existing grants total $5.2 million.

Andy Sacrey.

Division of Health and
Medical Services,
Cheyenne, Wyo.

Council of State Governments,
1735 DeSales St., Washington, D.C.:

Wyoming has operated with surplus construction grant funds since the first year of the program presently returning approximately one million dollars per year to FWPCA.

L. J. Cohen, M.D.

S. Dak. Committee on Pollution,
Pierre, S. Dak.

Council of State Governments,
1735 DeSales St., Washington, D.C.:

Response to Norman Billings wire on Federal financing for PL 660: One—$1 million from July 1, 1969 to Dec. 31, 1970. Two—No we have always had sufficient funds available.

Charles E. Carl,
Secretary and Executive Officer.

Department of Health,
Richmond, Va.

Council of State Governments,
1735 DeSales St., Washington, D.C.:

In reply to your telegram from allocations under PL 660 handled by State Water Control Board am forwarding your telegram to that agency.

E. C. Meredith,
Director.

Division of Environmental
Protection,
Madison, Wis.

Council of State Governments,
1735 DeSales St., Washington, D.C.:

Wisconsin each year applied for USIS all available FWPC funds. In response to questions (1) $24.7 million of Federal grants could be utilized in Wisconsin during FY 1970; (2) we accept all applications and have certified 23 to proceed under reimbursement in addition to those proceeding with grants. Additional grant funds are urgently needed in Wisconsin.

Thomas G. Frangos,
Administrator.

Rhode Island Department of
Health,
Providence, R.I.

Mr. Norman Billings,
Acting Chairman, Interstate Conference on Water Problems, Council of State Governments, Washington, D.C.:

1. $7,000,000 in Federal grants for water pollution control could be expanded in Rhode Island if available between July 1, 1969 and December 31, 1970.

2. No indication that lack of Federal assistance has discouraged application for same.

Joseph E. Cannon, M.D.,
Director.

Missouri Water Pollution Board,
Jefferson City, Mo.

Council of State Governments,
Washington, D.C.:

Missouri cities could use $50,212,900 Federal dollars between July 1, 1969 and December 31, 1970. Our State has been discouraged from submitting applications for Federal assistance because of the lack of Federal funds. It is estimated that approximately $25 million in Federal funds could have been used if funds were available in the past.

Jack K. Smith,
Executive Secretary.

Department of Environmental
Quality,
Portland, Oreg.

Council of State Governments,
Washington, D.C.:

Re telegram from Norman Billings 10–15–69: (1) Total eligible cost of grant applications on file for fiscal year 1970 is $45 million. At 30 percent Federal participation $13,500,000 in Federal funds would be required to fund project and start construction before December 31, 1970. (2) We are not aware that lack of Federal funds has discouraged local governments from submitting applications.

Ely J. Weathersbee,
Deputy Director.

Rhode Island Department of
Health,
Providence, R.I.

Council of State Governments,
Washington, D.C.:

1. $7,000,000 in Federal grants for water pollution control could be expended in Rhode Island if available between July 1, 1969 and December 31, 1970.

2. No indication that lack of Federal assistance has discouraged applications for same.

Joseph E. Cannon, M.D.,
Director.

Bismarck, N. Dak.

Council of State Governments,
Washington, D.C.:

N. Dak. does have adequate funds with present construction grant allocations under PL 660. However, we urge the increase to 600 million as it is recognized that a large majority of the States do not receive adequate funds to meet the demands from applications received.

James R. Amos, M.D.,
State Health Officer.

Carson City, Nev.

Norman Billings,
Council of State Governments,
Washington, D.C.:

1. There are five projects on hand in Nevada which have been processed asking for 3.6 million dollars of PL–660 funds. Two are being delayed because of lack of funds. There are 17 additional projects asking for 1.5 million in PL–660 funds. They are in planning stages and intend to be under construction by December 31, 1970. Total of 5.1 million dollars needed for period July 1, 1969 through December 31, 1970.

2. Nevada has not been discouraged from submitting requests although these requests have been curtailed because municipalities knew funds were not available.

Karl R. Harris,
Director, Health Welfare and Rehabilitation.

October 15, 1969.

Deane: Mr. T. A. Filipi Secretary of the Nebraska Water Pollution Control Council, called and rapidly replied to the "Billings" telegram.

Fortunately, you had explained some of it to me, but he said that his telegram read "increase over $600 million."

Anyway, you may have to call him back at Area 402, 473–1484, but this is the gist of his remarks:

"Nebraska could live very happily with $600 million. This would leave about $5,112,400. . . . This means that Nebraska would have about $15 million construction funds. Actually, Omaha could use it all, but can't get the funds because its credit is not good enough.

The main problem in Nebraska is "local conditions. Local conditions mean that the localities are awaiting state grants from the legislature . . . they are sitting back saying it is up to the legislature.

On the hunch that some of this doesn't make sense, I offered that you may wish to call him back at our expense. The number is in para. 3 above.

A. B.

Council of State Governments,
Washington, D.C.:

Re telegram from Norman Billings our reply to the questions is as follows 1 Hawaii can commit but not expend 4,000,000 dollars of Federal funds for PL 660 between July 1, 1969 and December 31, 1970. 2 yes approximately 1,300,000 dollars.

Walter B. Quinsenberry, M.D.,
Director of Health.

Georgia Water Quality
Control Board,
Atlanta, Ga.

Council of State Governments,
Washington, D.C.:

Attention: Norman Billings, acting chairman, inter-state conference on water problems, 8th floor, Stevens T. Mason Bldg., Lansing, Michigan. Responding to questions in your telegram of October 14th, we advise as follows:

1. Georgia could expend approximately $35 million in federal grant money between July 1, 1969 and December 31, 1970.

2. City and county governments have been discouraged from developing abatement programs and applying for federal construction grants because of the gap between federal funds authorized and federal funds appropriated. It is estimated that an additional $25 million in grant applications would have been filed last fiscal year, if authorized federal funds had been appropriated.

John H. Venable, M.D.,
Chairman.

Division of Health,
Jacksonville, Fla.

Council of State Governments,
Washington, D.C.:

Re-senate hearings on P.L. 660 fund appropriations increase, the following comments are offered for Florida: (1) for FY 70 Florida could use at least 30 million dollars. Bond market improvement would permit use of federal funds in excess of 35 million dollars. Anticipated state assistance funding to be considered by legislature could materially increase federal funds utilization (2) federal fund limitations have discouraged certification by the state to federal agency of projects. For FY 59 difference between requested funds and available amount was in excess of 11 million dollars. For FY 70 the disparity if original budget request is maintained would be 30 million, and if proposed 600 million is appropriated, the amount would be 15 million dollars. Please refer future requests for information on P.L. 660 to Vincent D. Patton, Department of Air & Water Pollution Control, Tallahassee.

Wilson T. Owder, M.D.,
Director.

Division of Pure Waters,
Albany, N.Y.

Council of State Governments,
Washington, D.C.:

The following answers are in response to the telegram from Norman Billings, acting chairman, interstate conference on water problems.

1. Our latest estimates indicate that if New York State could avail itself of the maximum Federal grants for the construction of sewage treatment works, $847 million of Federal funds can be obligated and utilized prior to December 31, 1970.

2. Due to the billion dollar bond issue approved by the voters of the State of New York the State has been able to profinance funds unavailable from the Federal Government. Therefore, due to this policy no project applications have been delayed due to the shortage of Federal funds.

Eugene F. Seebald,
Associate Director.

State of Alaska,
Juneau, Alaska.

Council of State Governments,
Washington, D.C.:

Re your telegram. Encourage support of appropriations for full billion authorized. Question 1: Alaska could use three million federal dollars.

2. Although no discouragement to date, anticipate pressure to meet 1972 deadline set for waste treatment in Alaska community.

J. W. Betit,
Commissioner, Department, Health and Welfare.

Division of Clean Air and Water,
Trenton, N.J.

Council of State Governments,
Washington, D.C.:

New Jersey has 115.6 million dollars worth of eligible sewerage projects either already certified to Federal Water Pollution Control Administration and not funded, or projects which have been completed through the design phase. Additional to these there is an estimated 38 million dollars worth of treatment projects currently under design and which are scheduled for design completion in time for funding before the end of calendar year 1970. It is thought that a significant volume of design work has proceeded slowly if at all on account of apparent inability to finance the construction if financial problems can be resolved. New Jersey is in a high state of readiness to build. On November 4, New Jersey voters will decide on a State bond issue referendum which would provide 242 million dollars in State grants of 25 percent of eligible projects. We believe it will be approved.

Richard J. Sullivan,
Director.

Department of Public Health,
Washington, D.C.

Council of State Governments,
Washington, D.C.:

The District of Columbia will be eligible for an estimated 61.35 million dollars in PL 660 funds during the period July 1, 1969 to December 31, 1970. This sum represents an estimated project cost of 111.55 million dollars. From July 1, 1966 to June 30, 1969 the D.C. Department of Public Health did not withhold any grant applications due to a lack of Federal grant funds. During that period projects eligible for $8,115,560 in Federal funds were submitted to FWPCA. Grant offers for these projects total $5,028,840.

Malcolm C. Hope,
Associate Director.

Environmental Health Services,
Topeka, Kans.

Response to Norman Billings, Acting Chairman, Interstate Conference on Water Problems.

Council of State Governments,
Washington, D.C.:

State of Kansas is in an unusual position due to fact we have had water pollution control program for 60 years and little or no backlog of construction needs.

Kansas currently receives $2,800,000 per year in construction grant funds. This amount is approximately equal to our needs for 30% grant funds.

Kansas does not have State grants. Legislation is proposed for early 1970 and if passed and funded would enable us to use approximately $6 million Federal funds under present program. The proposed increase of total P.L. 660 grants to $600 million would provide an estimated $7.5 million to Kansas which would take care of all anticipated needs within present program allowances.

Melville W. Gray, P.E.
Acting Chief Engineer and Director.

Illinois Sanitary Water Board,
Springfield, Ill.

Council of State Governments,
Washington, D.C.:

Assume Federal funds not limiting, Illinois needs 53 million through 1970. Current grant requests total 55 million at 30 percent. No applications for fiscal year 1970 funds processed to date due to delay in Federal action and uncertainty regarding local funds needed. Some 25 million request immediately pending.

C. W. Klassen,
Technical Secretary.

Montana State Department of
Health,
Helena, Mont., October 20, 1969.

Council of State Governments,
Washington, D.C.:

With the interest rates in excess of our legal limits and with the U.S. Supreme Court decision relative to Louisiana revenue bonds, such decision also effecting Montana, we anticipate a practical shutdown of all sewage treatment construction until the 1971 legislature meets to change our existing laws. Present amount of money allocated will be more than sufficient for us. We have not been discouraged from submitting applications for Federal assistance. The State has been returning unused money.

C. W. Brinck,
Director,
Division of Environmental Sanitation.

Tennessee League of Women
Voters,
Nashville, Tenn., October 16, 1969.

Re: Ammunition from Tennessee regarding funds needed for construction of sewage treatment plants.

Council of State Governments,
Washington, D.C.:

Priority list of projects approved for grants by the Stream Pollution Control Board list 26 projects with a total estimated cost of $81,044,048. Amount needed for 33 per cent grants for these projects is $24,286,573. (Tennessee's allocation for construction grants if the $600 million appropriation remains is given at $11,900,000.) The bleak picture is complicated by our state appropriating $2.2 million which means that the top priority projects on the list must get 55 percent of their total cost from this allocation for the whole state. It's a bleak picture from our state.

The above figures are from the office of the Director of the Stream Pollution Control Board.

Sincerely yours,

Mrs. John W. Wade,
Water Resources Chairman.

State of Louisiana,
Stream Control Commission,
Baton Rouge, La., October 14, 1969.

Hon. Allen B. Ellender,
Chairman, Subcommittee on Public Works,
Senate Office Building, Washington, D.C.

Dear Sir: The Association of State and Interstate Water Pollution Control Administrators strongly urges that the one billion dollar appropriation be approved for financing municipal waste treatment grants. States with prefinancing procedures and the backlog of treatment plants now being planned can reasonably be expected to use the entire amount of this appropriation.

Thanking you for your consideration in this matter, I am

Very truly yours,
ROBERT A. LAFLEUR,
President, Association of State and Interstate Water Pollution Control Administrators.

STATE BOARD OF HEALTH,
Indianapolis, Ind., October 16, 1969.
COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

On October 15 after repeated attempts to reach Western Union (no one answered the phone) to send the following wire, I telephoned it to Mr. Conrad of the Council of State Governments. He asked that I confirm the information by wire on October 16. This has been done. The wire follows:

Question 1. Estimate Indiana could match (25%) and expend $13 million in federal funds between July 1, 1969 and December 31, 1970. Applications for fiscal 1970 total 135, requesting $44,264,900 federal grants and state grants totaling $22,018,721. One of Indiana's criteria for priority is submission of completed plans and specifications, and 49 applicants have complied.

Question 2. To a limited degree—no estimate available.

B. A. POOLE,
Technical Secretary, Indiana Stream Pollution Control Board.

STATE DEPARTMENT OF HEALTH,
Oklahoma City, Okla., October 16, 1969.
COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.

DEAR SIRS: In reply to the telegram of October 14, 1969 from Mr. Norman Billings, Acting Chairman, Interstate Conference on Water Problems, Lansing, Michigan, we are enclosing a copy of an identical letter which has been sent to Oklahoma's Congressional Delegation on this date, encouraging their support for $600 million appropriations for the waste treatment construction grants program of the Federal Water Pollution Control Act.

Sincerely,
A. B. COLYAR, M.D.,
Commissioner of Health.

STATE DEPARTMENT OF HEALTH,
Oklahoma City, Okla., October 16, 1969.
Hon. FRED R. HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: It has been called to our attention that the Congress is considering legislation which will increase the appropriation under the Federal Water Pollution Control Act from $214 million to $600 million and that such an allocation was passed by the House of Representatives on October 8, 1969.

Records of this office developed in connection with the administration of the sewage treatment construction grants program under the Federal Water Pollution Control Act indicate that the City of Oklahoma City has recently voted $37 million and the City of Tulsa has voted in excess of $16 million for sewerage improvements, and that most of this construction will be eligible for grants under current criteria. When these anticipated five-year programs for Oklahoma City and Tulsa are combined with the forecasts for the rest of the state, it is apparent that Oklahoma's allocation under the current appropriation of $214 million will need to be substantially increased to maintain planned municipal waste facilities on schedule over the next five years.

The $600 million now being considered appears to be reasonably consistent with Oklahoma's needs as indicated at this time. Depending on the number of new projects which might be generated through the availability of construction funds, planned project construction may be speeded up to meet water pollution control needs at earlier dates than planned and to take advantage of increasing construction costs.

During recent years, actions by the Congress in water pollution control and other environmental programs has stimulated great public concern and interest, which is being reflected in public support of programs in Oklahoma.

Your continued support of these programs is needed and appreciated.

Sincerely,
A. B. COLYAR, M.D.,
Commissioner of Health.

Mr. WILLIAMS of Delaware. Mr. President, I shall comment only briefly. I do not take a back seat in my interest in water and air pollution. Certainly we are all interested in that problem. We are all interested in motherhood, too. I could name a lot of other favorite topics on which we could all agree.

The only point I make is that if the Senate is going to hold the budget to $192 billion it will have to establish priorities. As we increase expenditures in one area we have to offset them by decreases in others.

Mr. WILLIAMS of Delaware subsequently said: Mr. President, much was said in the earlier colloquy about the great interest of our colleagues concerning air and water pollution. We are all interested in that subject. However, lest there be a misunderstanding that the pending bill and the $8 million increase provided in the bill above the Budget estimates dealt only with air and water pollution. I ask unnaimous consent that a list of the many public works projects provided for in the bill as listed in the report on pages 10 through 23 be printed in the RECORD immediately following my earlier remarks before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTRUCTION, GENERAL, FISCAL YEAR 1970

	Construction, general, State and project (1)	Total estimated Federal cost (2)	Allocations to date (3)	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	Alabama:								
(N)	Alabama River channel improvement	$3,520,000	$2,071,000	$100,000		$100,000		$100,000	
(N)	Claiborne lock and dam	25,100,000	19,798,000	3,000,000		3,000,000		3,600,000	
(R)	John Hollis Bankhead lock and dam	34,600,000	790,000	[1]2,000,000		2,000,000		2,000,000	
(MP)	Jones Bluff lock and dam	52,000,000	13,548,000	11,000,000		11,000,000		12,300,000	
(MP)	Millers Ferry lock and dam	58,500,000	54,305,000	2,584,000		2,584,000		2,584,000	
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss	291,000,000	2,114,000		$500,000		$500,000		$500,000
	Tombigbee River and tributaries, Alabama and Mississippi. (See Mississippi.)								
	West Point Dam, Ala. and Ga. (See Georgia.)								
	Alaska:								
(MP)	Bradley Lake power project	71,900,000	49,000		100,000		100,000		100,000
(FC)	Chena River Reservoirs, Fairbanks	116,355,000			150,000		150,000		150,000
(N)	King Cove Harbor	630,000							60,000
(MP)	Snettisham power project	52,600,000	13,060,000	[1]2,200,000		5,350,000		5,900,000	
	Arizona:								
(FC)	Gila River and tributaries below Painted Rock	30,600,000	511,000		774,000		2,489,000		2,489,000
(FC)	Phoenix and vicinity	69,900,000	100,000		1,000,000		1,000,000		1,000,000
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	7,090,000	706,000	[1]100,000		150,000		150,000	
(FC)	Winslow	3,770,000	470,000	[1]100,000		550,000		550,000	
	Arkansas:								
(N)	Arkansas River and tributaries, Arkansas and Oklahoma:								
	(a) Bank stabilization and channel rectification	133,000,000	121,692,000	3,500,000		3,500,000		3,500,000	
	(b) Navigation locks and dams	463,000,000	372,126,000	[1]58,000,000		58,000,000		59,500,000	
(FC)	Bayou Bartholomew (1950 and 1966 acts), Ark. and La	17,200,000	451,000		119,000		119,000		119,000
(FC)	Bell Foley Reservoir	25,400,000	68,000				150,000		150,000
(MP)	Dardanelle lock and dam	82,300,000	77,954,000	4,346,000		4,346,000		4,346,000	
(MP)	De Gray Reservoir	59,600,000	41,012,000	5,600,000		5,600,000		5,600,000	
(FC)	De Queen Reservoir	11,500,000	4,670,000	[1]300,000		300,000		300,000	
(FC)	Dierks Reservoir	12,700,000	2,394,000	[1]466,000		466,000		466,000	
(FC)	Garland City	1,310,000	1,005,000	200,000		200,000		200,000	
(FC)	Gillham Reservoir	14,800,000	8,629,000	[1]1,100,000		1,600,000		1,600,000	
(MP)	Narrows Dam (3d unit)	1,790,000	1,448,000	200,000		200,000		200,000	
(N)	Ouachita and Black Rivers, Ark. and La	97,000,000	33,197,000	9,000,000		9,000,000		9,560,000	
(MP)	Ozark lock and dam	67,400,000	45,451,000	8,000,000		8,000,000		8,000,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	16,200,000	13,414,000	600,000		600,000		1,000,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

Construction, general, State and project (1)	Total estimated Federal cost (2)	Allocations to date (3)	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
			Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
California:								
(FC) Alameda Creek, Del Valle Dam	$21,860,000	$12,885,000	$2,200,000		$2,200,000		$2,200,000	
(FC) Bear Creek	3,185,000	3,058,000	127,000		127,000		127,000	
(FC) Buchanan Reservoir (land acquisition)	16,900,000	1,595,000	150,000		500,000		500,000	
(FC) Butler Valley Reservoir	38,500,000			[1] $200,000		$200,000		$200,000
(FC) Corte Madera Creek	9,890,000	2,878,000	1,850,000		1,850,000		1,850,000	
(N) Crescent City Harbor	2,170,000			[1] 25,000		25,000		25,000
(FC) Cucamonga Creek	30,700,000					400,000		400,000
(FC) Dry Creek (Warm Springs) Reservoir	74,100,000	6,454,000	1,500,000		1,500,000		2,500,000	
(FC) Hidden Reservoir	19,500,000	1,593,000	360,000		360,000		600,000	
(FC) Klamath River	4,750,000	2,005,000	[1] 100,000		447,000		447,000	
(FC) Lakeport Reservoir, Scotts Creek	11,100,000	391,000		359,000		359,000		359,000
(FC) Los Angeles County drainage area	322,000,000	320,270,000	200,000		200,000		200,000	
(FC) Lytle and Warm Creeks	12,200,000	862,000					500,000	
(FC) Martis Creek Reservoir, Calif. and Nev. (See Nevada.)								
(MP) Marysville Reservoir	155,000,000	876,000		750,000		750,000		750,000
(FC) Mojave River Reservoir (West Fork)	14,750,000	3,550,000	3,600,000		3,600,000		4,000,000	
(FC) Napa River	18,190,000	764,000			50,000		50,000	
(FC) New Bullards Bar Reservoir (reimbursement)	13,100,000	7,849,000	3,155,000		4,500,000		4,500,000	
(FC) New Don Pedro Reservoir (reimbursement)	5,800,000	1,065,000	1,940,000		1,940,000		1,940,000	
(MP) New Melones Reservoir	145,000,000	9,668,000	[1] 1,230,000		3,000,000		3,000,000	
(N) Oakland Harbor	8,950,000	307,000	100,000		100,000		100,000	
(FC) Pajaro River (1966 act)	14,900,000	194,000		200,000		200,000		200,000
(FC) Pine Flat Reservoir	40,700,000	40,434,000	266,000		266,000		266,000	
(BE) Point Mugu to San Pedro breakwater (reimbursement)	3,810,000	196,000	900,000		900,000		900,000	
(N) Port Hueneme	1,070,000							50,000
(FC) Russian River Basin (Coyote Valley Dam)	15,052,000	13,675,000	100,000		100,000		100,000	
(FC) Sacramento River and major and minor tributaries	11,900,000	10,661,000	200,000		200,000		200,000	
(FC) Sacramento River bank protection	24,400,000	11,787,000	2,000,000		2,000,000		2,500,000	
(N) Sacramento River deepwater ship channel	41,340,000	39,528,000	100,000		100,000		100,000	
(N) San Diego Harbor	5,880,000					100,000		100,000
(N) San Diego River and Mission Bay	12,200,000	10,135,000	670,000		670,000		670,000	
(FC) San Diego River and Mission Valley	17,600,000	366,000		400,000		400,000		400,000
(N) San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	54,700,000	250,000	[1] 300,000		550,000		550,000	
(N) Santa Cruz Harbor	1,860,000	1,600,000					260,000	
(FC) Santa Paula Creek	2,390,000	160,000			250,000		250,000	
(FC) Sonoma Creek	12,000,000	97,000		343,000		343,000		343,000
(BE) Surfside-Sunset, Newport Beach (reimbursement)	5,940,000	1,593,000	1,754,000		1,754,000		1,754,000	
(FC) Sweetwater River	5,830,000			150,000		150,000		
(FC) Tahquitz Creek	4,620,000	300,000			250,000		250,000	
(FC) Walnut Creek	21,100,000	11,836,000	1,800,000		1,800,000		1,800,000	
Colorado:								
(FC) Bear Creek (Mount Carbon) Reservoir	36,100,000			[1] 150,000		150,000		150,000
(FC) Chatfield Reservoir	82,700,000	21,419,000	[1] 7,000,000		9,500,000		10,000,000	
(FC) Trinidad Reservoir	23,400,000	4,538,000	[1] 2,100,000		2,350,000		2,350,000	
Connecticut:								
(FC) Ansonia-Derby	17,600,000	3,620,000	4,000,000		4,000,000		4,000,000	
(FC) Black Rock Reservoir	8,220,000	6,885,000	1,335,000		1,335,000		1,335,000	
(FC) Derby	5,510,000	612,000	[1] 100,000		700,000		700,000	
(FC) New London Barrier	5,110,000	395,000	100,000		100,000		100,000	
(FC) Stratford	5,810,000	294,000		246,000		246,000		246,000
(FC) Trumbull Pond Reservoir	6,150,000	265,000		255,000		255,000		255,000
Delaware:								
(N) Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland	101,000,000	73,739,000	[1] 6,000,000		6,250,000		7,000,000	
Florida:								
(N) Apalachicola River channel improvement	4,737,000	3,167,000	500,000		500,000		500,000	
(N) Canaveral Harbor	8,700,000	5,224,000	[1] 0		150,000		150,000	
(FC) Central and southern Florida	330,000,000	170,479,000	[1] 9,000,000		9,500,000		10,000,000	
(N) Cross-Florida Barge Canal	161,000,000	45,575,000	6,000,000		6,000,000		9,000,000	
(FC) Four Rivers basins	56,800,000	8,617,000	[1] 3,000,000		3,500,000		4,000,000	
(N) Intracoastal Waterway—St. Marks to Tampa (Ecological study)	90,100,000					20,000		20,000
(N) Jacksonville Harbor (1965 act)	9,010,000	833,000	[1] 200,000		700,000		700,000	
(N) Miami Harbor	6,480,000							140,000
(BE) Palm Beach County, Lake Worth Inlet to South Lake Worth Inlet (reimbursement)	535,000	190,000	4,000		4,000		4,000	
Georgia:								
(MP) Carters Dam	86,500,000	35,424,000	[1] 6,300,000		6,700,000		6,700,000	
(N) Savannah Harbor, 40 feet (1965 act)	8,760,000	2,800,000	[1] 1,500,000		1,850,000		1,850,000	
(N) Savannah Harbor (sediment basin)	7,430,000	653,000	[1] 500,000		1,100,000		1,100,000	
(MP) Spewrell Bluff Dam	76,700,000	1,100,000					1,100,000	
(MP) Trotters Shoals Reservoir, Ga. and S.C	89,700,000	785,000		900,000		900,000		900,000
(MP) West Point Reservoir, Ala. and Ga	64,200,000	19,398,000	[1] 10,200,000		10,200,000		20,200,000	
Hawaii:								
(N) Barbers Point Harbor	9,220,000	268,000					1,000,000	
(N) Kawaihae Harbor	2,084,000	184,000					1,000,000	
(BE) Waikiki Beach	3,270,000						500,000	
Idaho:								
(FC) Blackfoot Reservoir	1,500,000	90,000		90,000		90,000		90,000
(MP) Dworshak (Bruces Eddy) Reservoir	252,000,000	106,761,000	[1] 44,700,000		44,700,000		47,000,000	
(FC) Ririe Reservoir	15,000,000	2,650,000	[1] 600,000		700,000		700,000	
Illinois:								
(FC) East St. Louis and vicinity	8,920,000	49,000		200,000		229,000		229,000
(FC) Fulton (1968 act)	4,950,000			[1] 30,000		30,000		30,000
(N) Horse Island and Crescent Bridge (Mississippi River), Ill. and Iowa	2,550,000	1,433,000	750,000		750,000		750,000	
(FC) Hunt Drainage District and Lima Lake Drainage District	4,040,000	3,209,000	831,000		831,000		831,000	
(N) Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	86,900,000	74,763,000	2,700,000		2,700,000		2,700,000	
(N) Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana	75,400,000	56,000		50,000		50,000		50,000
(FC) Indian Grave Drainage District	3,510,000	3,233,000	277,000		277,000		277,000	
(N) Kaskaskia River (navigation)	80,200,000	18,821,000	9,377,000		10,188,000		11,000,000	
(FC) Levee District 21 (Vandalia), Kaskaskia River	5,820,000	387,000		59,000		59,000		59,000
(FC) Levee District 23 (Dively), Kaskaskia River	755,000	75,000		75,000		75,000		75,000
(FC) Levee unit No. 1, Wabash River (restudy)				10,000		10,000		10,000
(FC) Lincoln Reservoir	36,600,000	530,000					1,500,000	
(N) Lock and Dam No. 26, Alton, Mississippi River	203,000,000					350,000		700,000

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Illinois:								
	Lock and dam 52, Illinois and Kentucky. (See Kentucky).								
(FC)	Louisville Reservoir	$25,900,000					$75,000		$75,000
(FC)	Milan (1968 act)	1,350,000					30,000		30,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:								
	Regulating works	72,200,000	$61,257,000	$1,000,000		$1,000,000		$2,000,000	
(N)	Mound City lock and dam Illinois and Kentucky	127,000,000	1,204,000		$436,000		436,000		436,000
(FC)	Oakley Reservoir (land acquisition)	71,100,000	2,665,000	[1] 500,000		100,000		$50,000	
(FC)	Peoria	16,900,000	491,000		50,000		50,000		50,000
(FC)	Rend Lake Reservoir	38,400,000	18,600,000	8,200,000		8,200,000		8,200,000	
(FC)	Rockford	8,300,000	195,000		155,000		155,000		155,000
(FC)	Rock Island	5,540,000	400,000	[1] 150,000		150,000		150,000	
(FC)	Saline River and tributaries	7,450,000	870,000	[1] 1,200,000		1,350,000		1,450,000	
(FC)	Shawneetown (restudy)				30,000		30,000		30,000
(FC)	Shelbyville Reservoir	35,000,000	29,711,000	[1] 3,000,000		3,150,000		3,150,000	
(N)	Smithland locks and dam, Illinois and Kentucky	110,000,000	855,000	500,000		500,000		1,000,000	
(FC)	Wood River Drainage and Levee District	320,000	49,000		31,000		31,000		31,000
	Indiana:								
(FC)	Big Walnut Reservoir	21,600,000			50,000		35,000		35,000
(FC)	Brookville Reservoir	25,500,000	10,123,000	[1] 1,400,000		1,400,000		1,400,000	
(N)	Burns Waterway Harbor (reimbursement)	13,600,000	8,080,000	5,520,000		5,520,000		5,520,000	
(N)	Cannelton locks and dam, Indiana and Kentucky	83,900,000	60,762,000	7,100,000		7,100,000		7,100,000	
(FC)	Evansville	18,800,000	5,943,000					500,000	
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)								
(FC)	Island levee	1,560,000	203,000	[1] 100,000		100,000		100,000	
(FC)	Lafayette Reservoir	34,600,000	450,000					750,000	
(FC)	Mason J. Niblack Levee (pumping facilities)	730,000					40,000		40,000
(N)	Newburgh locks and dam, Indiana and Kentucky	79,500,000	34,147,000	[1] 2,100,000		3,200,000		3,600,000	
(FC)	Patoka Reservoir (land acquisition)	19,300,000	983,000	[1] 400,000		400,000		400,000	
(N)	Oniontown locks and dam, Indiana and Kentucky	63,900,000	29,722,000	[1] 4,500,000		4,500,000		4,500,000	
(FC)	West Terre Haute	990,000	109,000	[1] 170,000		235,000		235,000	
	Iowa:								
(FC)	Ames Reservoir (land acquisition)	14,500,000	395,000			400,000		400,000	
(FC)	Big Sioux River at Sioux City, Iowa, and South Dakota	3,070,000					70,000		70,000
(FC)	Clinton (1968 act)	10,200,000			30,000		30,000		30,000
(FC)	Davids Creek Reservoir	2,890,000					100,000		100,000
(FC)	Dubuque	11,900,000	2,775,000	2,100,000		2,550,000		2,550,000	
(FC)	Guttenberg	2,130,000	290,000					100,000	
	Horse Island and Crescent Bridge, Mississippi River, Ill. and Iowa. (See Illinois.)								
(FC)	Iowa River Flint Creek Levee District No. 16	6,170,000	5,183,000	100,000		150,000		150,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	110,000,000	46,108,000	1,200,000		1,500,000		2,000,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	416,000,000	373,828,000	4,500,000		4,500,000		6,000,000	
(FC)	Rathbun Reservoir	25,200,000	21,194,000	2,600,000		2,600,000		3,000,000	
(FC)	Red Rock Dam and Lake Red Rock	85,000,000	81,830,000	2,000,000		2,000,000		2,000,000	
(FC)	Saylorville Reservoir	52,700,000	19,160,000	3,700,000		3,700,000		3,700,000	
(FC)	Waterloo	17,200,000	494,000			200,000		200,000	
	Kansas:								
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).								
(FC)	Cedar Point Reservoir	12,000,000	[2] 21,000						75,000
(FC)	Clinton Reservoir (land acquisition)	38,800,000	2,030,000	1,000,000		1,000,000		1,000,000	
(FC)	Cow Creek, Hutchinson	2,300,000	284,000	[1] 100,000		200,000		200,000	
(FC)	El Dorado Reservoir (land acquisition)	28,700,000	663,000			700,000		700,000	
(FC)	Hillsdale Reservoir	21,600,000	294,000		275,000		275,000		275,000
(FC)	Kansas City (1962 mod)	24,300,000	380,000	[1] 350,000		425,000		425,000	
(FC)	Lawrence	6,200,000	2,963,000	[1] 1,000,000		1,200,000		1,200,000	
(FC)	Melvern Reservoir	28,800,000	10,479,000	7,700,000		7,700,000		7,700,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)								
(FC)	Onaga Reservoir	28,500,000	97,000		250,000		250,000		250,000
(FC)	Osawatomie	2,060,000	1,098,000	962,000		962,000		962,000	
(FC)	Perry Reservoir	47,200,000	42,219,000	3,800,000		3,800,000		4,000,000	
(FC)	Topeka	20,400,000	18,723,000	850,000		850,000		850,000	
(FC)	Towanda Reservoir	28,700,000							100,000
	Kentucky:								
(FC)	Booneville Reservoir	28,400,000	345,000		230,000		230,000		230,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Carr Fork Reservoir	25,600,000	11,149,000	[1] 2,130,000		3,380,000		3,380,000	
(FC)	Cave Run Reservoir	30,100,000	10,944,000	[1] 8,800,000		3,800,000		3,800,000	
(FC)	Dayton	3,490,000	121,000		89,000		89,000		89,000
(FC)	Eagle Creek Reservoir	23,700,000	347,000		178,000		178,000		178,000
(FC)	Falmouth Reservoir	46,200,000	264,000				50,000		50,000
(FC)	Frankfort, North Frankfort area	2,990,000	1,966,000	824,000		824,000		824,000	
(FC)	Kehoe Reservoir	17,700,000	332,000		150,000		150,000		150,000
(MP)	Laurel River Reservoir	28,400,000	8,223,000	[1] 2,740,000		2,740,000		2,740,000	
(N)	Lock and dam 52, Illinois and Kentucky	9,750,000	8,066,000	1,684,000		1,684,000		1,684,000	
(FC)	Martin	4,020,000	157,000			150,000		150,000	
(FC)	Martins Fork Reservoir	5,450,000	299,000					500,000	
	Mound City lock and dam Illinois and Kentucky. (See Illinois.)								
	Newburgh locks and dam Indiana and Kentucky. (See Indiana.)								
(FC)	Paintsville Reservoir	20,500,000	593,000		157,000		157,000		157,000
(FC)	Red River Reservoir	13,800,000	1,031,000	[1] 500,000			500,000		500,000
	Smithland lock and dam Illinois and Kentucky. (See Illinois.)								
(FC)	Southwest Jefferson County	19,800,000			50,000		50,000		50,000
(FC)	Taylorsville Reservoir	26,200,000	289,000		236,000		236,000		236,000
	Uniontown locks and dam Indiana and Kentucky. (See Indiana.)								
(FC)	Yatesville Reservoir	21,100,000	569,000		181,000		181,000		181,000
	Louisiana:								
(N)	Atchafalaya River Bayous Chene Boeuf and Black	10,100,000					50,000		50,000
	Bayou Bartholomew Ark. and La. (See Arkansas.)								

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Louisiana:								
(FC)	Bayou Bodcau and tributaries	$2,240,000	$339,000					$100,000	
(N)	Bayou LaFourche and LaFourche Jump Waterway	6,180,000	903,000	[1] $100,000		$250,000		250,000	
(FC)	Caddo Dam	3,030,000	1,233,000	1,200,000		1,200,000		1,200,000	
(FC)	Lake Pontchartrain, and vicinity	113,562,000	12,498,000	6,000,000		6,000,000		8,500,000	
(FC)	Mermentau River	3,900,000	207,000					800,000	
(N)	Michoud Canal	1,320,000			$15,000		15,000		$50,000
(N)	Mississippi River, gulf outlet	171,000,000	62,191,000	800,000		800,000		800,000	
(FC)	Monroe Floodwall (1965 and 1966 acts)	1,800,000	234,000		116,000		116,000		116,000
(FC)	Morgan City and vicinity	4,180,000	347,000	[1] 150,000		175,000		200,000	
(FC)	New Orleans to Venice hurricane protection	25,885,000	1,654,000	[1] 500,000		1,400,000		1,400,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)								
(N)	Overton-Red River Waterway (lower 31 miles only)	12,100,000	1,172,000	[1] 200,000		600,000		600,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
	Red River emergency bank protection	5,400,000						1,900,000	
(N)	Vermilion lock (replacement)	6,200,000	24,000		70,000		70,000		70,000
	Maine:								
(MP)	Dickey-Lincoln School Dam and reservoirs	229,000,000	2,154,000		807,000				807,000
	Maryland:								
(FC)	Bloomington Reservoir, Md. and W. Va.	76,700,000	4,414,000	[1] 1,300,000		1,400,000		1,400,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & O. Canal), pt. II. (See Delaware.)								
	Massachusetts:								
(FC)	Charles River Dam	18,620,000			150,000		150,000		150,000
(N)	Fall River Harbor, Mass. and R.I.	12,000,000			100,000		100,000		150,000
(FC)	Nookagee Reservoir	6,840,000	68,000		200,000		200,000		200,000
(R)	Plymouth Harbor	1,015,000	470,000	395,000		395,000		395,000	
(N)	Provincetown Harbor	3,040,000	332,000	[1] 100,000		250,000		250,000	
(N)	Weymouth Fore and Town Rivers	17,500,000	840,000	[1] 100,000		1,000,000		1,000,000	
(FC)	Whitmanville Reservoir	4,830,000	225,000		245,000		245,000		245,000
	Michigan:								
(N)	Cedar River Harbor	633,000	58,000					150,000	
(N)	Lexington Harbor	770,000					45,000		45,000
(FC)	River Rouge	24,000,000	5,323,000	[1] 500,000		500,000		500,000	
(FC)	Saginaw River (flood control)	28,300,000	4,864,000	1,200,000		1,200,000		1,200,000	
(FC)	Saginaw River (navigation)	6,670,000	4,174,000	2,496,000		2,496,000		2,496,000	
(R)	St. Joseph Harbor	735,000	385,000	350,000		350,000		350,000	
	Minnesota:								
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak. (land acquisition)	6,140,000	685,000					200,000	
(FC)	Roseau River	3,290,000	248,000			50,000		50,000	
(FC)	Warroad River and Bulldog Creek	1,340,000	150,000		50,000		50,000		50,000
	Mississippi:								
(N)	Biloxi Harbor	753,000	423,000	330,000		330,000		330,000	
(FC)	Tallahala Reservoir	14,900,000							200,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)								
(FC)	Tombigbee River and tributaries, Alabama and Mississippi	25,400,000	1,888,000	[1] 300,000		650,000		650,000	
	Missouri:								
(FC)	Brookfield Reservoir	15,800,000					100,000		100,000
(FC)	Chariton River (1944 act)	8,960,000	5,667,000	[1] 1,300,000		1,400,000		1,500,000	
(MP)	Clarence Cannon (Joanna) Reservoir	77,000,000	7,434,000	[1] 2,750,000		2,925,000		2,925,000	
(FC)	Gregory Drainage District	1,600,000	1,062,000	538,000		538,000		538,000	
(MP)	Kaysinger Bluff Reservoir	213,000,000	34,200,000	6,500,000		6,500,000		10,000,000	
(FC)	Little Blue River Reservoirs (land acquisition)	38,100,000		[1] 500,000		650,000		650,000	
(FC)	Long Branch Reservoir	6,700,000	246,000		54,000		54,000		54,000
(FC)	Meramec Park Reservoir (land acquisition)	57,000,000	2,620,000	700,000		700,000		700,000	
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry)	4,590,000							120,000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)								
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Pattonsburg Reservoir (Highway I–35 crossing)	7,200,000	900,000	500,000		500,000		500,000	
(FC)	Platte River	6,430,000	147,000		103,000		103,000		103,000
(FC)	St. Louis	75,500,000	69,010,000	[1] 2,700,000		2,800,000		2,800,000	
(FC)	Smithville Reservoir	28,600,000	429,000		275,000		275,000		275,000
(MP)	Stockton Reservoir	69,100,000	59,200,000	5,000,000		5,000,000		5,000,000	
(FC)	Union Reservoir	32,600,000	778,000		500,000		500,000	1,050,000	
	Montana:								
(FC)	Great Falls	4,920,000	1,162,000	[1] 0		400,000		400,000	
(MP)	Libby Reservoir	373,000,000	149,221,000	[1] 48,500,000		48,500,000		52,600,000	
	Nebraska:								
(FC)	Columbus (section 205)			(300,000)				(300,000)	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Papillion Creek and tributaries	30,400,000			[1] 75,000		75,000		300,000
	Nevada:								
(FC)	Martis Creek Reservoir, Calif. and Nev.	7,250,000	2,300,000	520,000		520,000		520,000	
	New Hampshire:								
(FC)	Beaver Brook Reservoir	1,335,000			25,000		25,000		25,000
	New Jersey:								
(FC)	Elizabeth	12,100,000	750,000	[1] 100,000		100,000		100,000	
(N)	Newark Bay, Hackensack and Passaic Rivers (1966 act)	16,300,000	800,000	[1] 500,000		2,000,000		2,700,000	
(FC)	Raritan and Sandy Hook Bays	6,700,000	2,083,000	2,350,000		2,350,000		2,350,000	
(N)	Shrewsbury River Inlet	4,730,000	297,000		153,000		153,000		153,000
(FC)	South Orange, Rahway River	2,000,000	110,000			125,000		125,000	
(MP)	Tocks Island Reservoir, Pa., N.J., and N.Y. (land acquisition)	214,000,000	9,340,000	4,000,000		4,000,000		4,000,000	
	New Mexico:								
(FC)	Albuquerque diversion channels	17,300,000	13,506,000	[1] 1,700,000		2,200,000		2,200,000	
(FC)	Cochiti Reservoir	58,200,000	13,596,000	[1] 700,000		1,850,000		3,000,000	
(FC)	Galisteo Reservoir	13,800,000	11,731,000	2,069,000		2,069,000		2,069,000	
(FC)	Los Esteros Reservoir and modification of Alamogordo Dam	12,000,000	700,000		100,000		100,000		100,000

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—*Continued*

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	New York:								
(BE)	Fire Island Inlet to Jones Inlet	$11,640,000	$600,000					$500,000	
(FC)	Fire Island Inlet to Montauk Point	33,900,000	3,578,000	[1]$500,000		$500,000		880,000	
(N)	Hamlin Beach Harbor	535,000							$40,000
(N)	Irondequoit Bay	2,420,000	120,000			100,000		100,000	
(N)	New York Harbor (anchorages)	46,800,000	800,000	[1]500,000		1,700,000		2,900,000	
(FC)	North Ellenville	2,630,000	350,000	[1]50,000		50,000		50,000	
(N)	Port Jefferson Harbor	2,890,000							50,000
(FC)	Rosendale	3,390,000	1,573,000	1,300,000		1,300,000		1,300,000	
(FC)	Salamanca	2,600,000	1,801,000	799,000		799,000		799,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)								
(N)	Wilson Harbor (1968 mod.)	238,000						238,000	
(FC)	Yonkers	2,330,000			[1]0				25,000
	North Carolina:								
(N)	Cape Fear River above Wilmington	1,400,000	1,043,000	357,000		357,000		357,000	
(BE)	Cape Lookout	7,200,000							70,000
(FC)	Falls Reservoir (Land acquisition)	27,000,000	740,000			500,000		500,000	
(FC)	New Hope Reservoir	33,800,000	7,103,000	[1]2,500,000		4,700,000		5,000,000	
(FC)	Randleman Reservoir	13,500,000							100,000
(FC)	Reddies River Reservoir (deferred)								150,000
(N)	Wilmington Harbor, 38- and 40-foot depth (1962 act)	8,000,000	6,235,000	1,765,000		1,765,000		1,765,000	
(N)	Wilmington Harbor (32 ft project)	2,270,000	2,070,000					200,000	
(BE)	Wrightsville Beach	874,000	577,000					200,000	
	North Dakota:								
(R)	Garrison Reservoir (embankment repair)	6,500,000	1,900,000	1,800,000		1,800,000		1,800,000	
(FC)	Minot (not authorized)	3,920,000							75,000
(FC)	Missouri River, Garrison Dam to Lake Oahe	7,040,000	4,000,000	900,000		900,000		900,000	
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)								
(FC)	Pipestem Reservoir	6,080,000	630,000	400,000		400,000		400,000	
	Ohio:								
(FC)	Alum Creek Reservoir	35,500,000	1,580,000	[1]1,300,000		1,400,000		1,400,000	
(FC)	Athens	6,700,000	822,000	2,800,000		2,800,000		2,800,000	
(FC)	Bellaire (restudy)				$40,000		$40,000		40,000
(FC)	Caesar Creek Reservoir	26,900,000	2,982,000	[1]1,800,000		2,250,000		2,250,000	
(FC)	Clarence J. Brown Dam and Reservoir	14,800,000	5,900,000	[1]1,600,000		1,600,000		1,600,000	
(FC)	East Fork Reservoir	30,200,000	3,218,000	[1]1,900,000		1,900,000		1,900,000	
(FC)	Fremont	6,540,000	840,000	[1]0		200,000		200,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	73,000,000	25,060,000	[1]11,000,000		11,000,000		11,000,000	
(N)	Huron Harbor (deferred)	11,600,000					20,000		20,000
(FC)	Ironton	62,000				62,000		62,000	
(FC)	Newark	1,620,000					75,000		75,000
(FC)	North Branch Kokosing River Reservoir	6,460,000	1,601,000	[1]300,000		800,000		800,000	
(FC)	Paint Creek Reservoir	24,600,000	10,462,000	[1]2,400,000		2,400,000		2,400,000	
(N)	Racine locks and dam, Ohio and West Virginia	64,400,000	53,950,000	[1]11,000,000		11,000,000		11,000,000	
(FC)	Salt Creek Reservoir	18,700,000	473,000		227,000		227,000		227,000
(FC)	Utica Reservoir	32,400,000			[1]75,000		75,000		75,000
(N)	Willow Island locks and dam, Ohio and West Virginia	74,400,000	8,871,000	[1]12,000,000		12,000,000		15,000,000	
(FC)	Youngstown, Crab Creek	2,720,000	835,000	[1]100,000		100,000		100,000	
	Oklahoma:								
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)								
(FC)	Birch Reservoir	6,620,000	303,000					500,000	
(MP)	Broken Bow Reservoir	40,300,000	37,972,000	2,328,000		2,328,000		2,328,000	
(FC)	Candy Reservoir	6,270,000	158,000		232,000		232,000		232,000
(FC)	Clayton Reservoir	16,500,000	97,000		225,000		225,000		225,000
(FC)	Copan Reservoir	40,400,000	724,000					1,000,000	
(FC)	Crutcho Creek	2,000,000	330,000	[1]100,000		300,000		300,000	
(FC)	Hugo Reservoir	34,300,000	5,740,000	7,500,000		7,500,000		7,500,000	
(FC)	Kaw Reservoir	96,000,000	9,305,000	[1]6,400,000		6,850,000		6,850,000	
(FC)	Lukfata Reservoir	13,900,000	509,000			350,000		700,000	
(FC)	Oologah Reservoir	8,500,000	4,621,000	3,400,000		3,400,000		3,400,000	
(FC)	Optima Reservoir	27,300,000	5,071,000	[1]500,000		500,000		500,000	
(MP)	Robert S. Kerr (Short Mountain) lock and dam	91,300,000	76,948,000	8,800,000		8,800,000		8,800,000	
(FC)	Waurika Reservoir	37,500,000	981,000	[1]1,100,000		1,100,000		1,100,000	
(MP)	Webbers Falls lock and dam	73,000,000	46,137,000	10,000,000		10,000,000		10,000,000	
	Oregon:								
(MP)	Bonneville lock and dam (2d power unit) Oregon and Washington	125,000,000	1,085,000		715,000		715,000		715,000
(MP)	Bonneville lock and dam (mod. for peaking) Oregon and Washington	13,500,000		[1]350,000		375,000		400,000	
(FC)	Catherine Creek Reservoir	9,630,000	97,000		300,000		300,000		300,000
(N)	Chetco River	1,630,000	1,016,000	614,000		614,000		614,000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	24,200,000	13,737,000	2,000,000		2,000,000		2,000,000	
(MP)	John Day lock and dam, Oregon and Washington	457,000,000	422,620,000	[1]14,500,000		14,500,000		14,500,000	
(MP)	Lost Creek Reservoir	95,700,000	5,485,000	[1]1,750,000		3,650,000		3,650,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	10,600,000	3,763,000	400,000		400,000		750,000	
(FC)	Lower Grande Ronde Reservoir	15,100,000							250,000
(MP)	McNary lock and dam, Oregon and Washington	296,000,000	286,765,000	2,500,000		2,500,000		2,500,000	
(FC)	Scappose Drainage District	1,820,000	49,000		46,000		46,000		46,000
(MP)	The Dalles lock and dam, Oregon and Washington (additional power units)	57,200,000	8,615,000	[1]8,000,000		9,000,000		9,000,000	
(N)	Tillamook Bay (south jetty)	10,500,000	530,000	1,800,000		1,800,000		1,800,000	
(FC)	Willamette River Basin bank protection	13,280,000	12,620,000	375,000		375,000		500,000	
(N)	Yaquina Bay and Harbor	18,700,000	10,553,000	[1]100,000		150,000		500,000	
	Pennsylvania:								
(FC)	Beltzville Reservoir	19,300,000	14,683,000	4,200,000		4,200,000		4,200,000	
(FC)	Blue Marsh Reservoir (land acquisition)	23,500,000	1,240,000	700,000		700,000		1,000,000	
(FC)	Chartiers Creek	19,100,000	2,942,000	[1]2,600,000		2,600,000		2,600,000	
(FC)	Cowanesque Reservoir	34,700,000	1,384,000		316,000		316,000		316,000
	Delaware River, Philadelphia to sea, Delaware, Pennsylvania, and New Jersey. (See New Jersey.)								
(FC)	Dubois	1,830,000	103,000			100,000		100,000	
(FC)	Foster Joseph Sayers Dam (Blanchard)	29,600,000	26,988,000	1,912,000		1,912,000		1,912,000	
(FC)	Muddy Creek Reservoir	11,900,000	225,000		100,000		100,000		100,000
(BE)	Presque Isle Peninsula (reimbursement)	2,222,000	1,444,000	300,000		300,000		300,000	
(FC)	Raystown Reservoir	57,500,000	6,988,000	[1]8,200,000		8,400,000		8,400,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project (1)	Total estimated Federal cost (2)	Allocations to date (3)	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	Pennsylvania:								
(FC)	Tioga-Hammond Reservoir (land acquisition)	$60, 100, 000	$3, 156, 000	$1, 000, 000		$1, 000, 000		$1, 000, 000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)								
(FC)	Tyrone	13, 900, 000	428, 000		$72, 000		$72, 000		$72, 000
(FC)	Union City Reservoir	12, 200, 000	5, 145, 000	4, 500, 000		4, 500, 000		4, 500, 000	
(FC)	Woodcock Creek Reservoir	15, 200, 000	1, 877, 000	1, 550, 000		1, 550, 000		1, 550, 000	
	Rhode Island:								
(BE)	Cliff Walk	470, 000	137, 000	100, 000		100, 000		100, 000	
	Fall River Harbor, Mass. and R.I. (See Massachusetts.)								
(N)	Providence River and Harbor	18, 100, 000	8, 450, 000	4, 000, 000		4, 000, 000		5, 000, 000	
	South Carolina:								
(N)	Cooper River-Charleston Harbor (1968 Act)	39, 000, 000					200, 000		200, 000
	Trotters Shoals Reservoir, Ga. and S.C. (See Georgia.)								
	South Dakota:								
(MP)	Big Bend Dam-Lake Sharpe	103, 000, 000	100, 911, 000	900, 000		900, 000		1, 100, 000	
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa.)								
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (land acquisition). (See Minnesota.)								
(FC)	Cottonwood Springs Reservoir	1, 740, 000	1, 200, 000	540, 000		540, 000		540, 000	
(MP)	Oahe Reservoir, S. Dak. and N. Dak	341, 000, 000	336, 513, 000	2, 000, 000		2, 000, 000		2, 600, 000	
	Tennessee:								
(MP)	Cordell Hull lock and dam	64, 800, 000	39, 727, 000	[1] 7, 550, 000		7, 550, 000		7, 550, 000	
(MP)	J. Percy Priest Reservoir	51, 600, 000	49, 464, 000	2, 136, 000		2, 136, 000		2, 136, 000	
	Texas:								
(FC)	Arkansas-Red River chloride control (pt. I), Texas, Oklahoma, and Kansas	57, 000, 000	478, 000		436, 000		436, 000		436, 000
(FC)	Arkansas-Red River chloride control (supplemental studies), Texas, Oklahoma, and Kansas	2, 500, 000	1, 751, 000		749, 000		749, 000		749, 000
(FC)	Aubrey Reservoir	41, 200, 000							150, 000
(FC)	Belton Reservoir (raise water level)	2, 070, 000	82, 000	[1] 100, 000		200, 000		200, 000	
(FC)	Buffalo Bayou and tributaries	69, 500, 000	48, 516, 000	1, 000, 000		1, 000, 000		1, 000, 000	
(N)	Cedar Bayou (deferred)								15, 000
(FC)	Cooper Reservoir and channels	29, 718, 000	4, 099, 000	500, 000		1, 580, 000		1, 580, 000	
(N)	Corpus Christi Ship Channel	19, 700, 000							35, 000
(FC)	Duck Creek channel improvement	4, 870, 000	29, 000		125, 000		125, 000		125, 000
(FC)	Elm Fork Floodway	13, 700, 000			50, 000		50, 000		50, 000
(FC)	El Paso	16, 000, 000	753, 000	[1] 300, 000		350, 000		350, 000	
(FC)	Fort Worth Floodway, Clear Fork extension	4, 400, 000	3, 040, 000	[1] 1, 360, 000		1, 360, 000		1, 360, 000	
(FC)	Freeport and vicinity	13, 300, 000	4, 637, 000	2, 200, 000		2, 200, 000		2, 200, 000	
(R)	Galveston Harbor and Channel (groins)	1, 550, 000	610, 000	940, 000		940, 000		940, 000	
(FC)	Highland Bayou	4, 300, 000	353, 000	[1] 100, 000		300, 000		300, 000	
(FC)	Lake Kemp Reservoir	6, 800, 000	1, 568, 000	[1] 1, 000, 000		1, 000, 000		1, 000, 000	
(FC)	Lakeview Reservoir	38, 900, 000	513, 000		300, 000		300, 000		300, 000
(FC)	Lavon Reservoir modification and channel improvement	47, 400, 000	5, 543, 000	[1] 2, 500, 000		3, 750, 000		3, 750, 000	
(FC)	Millican Reservoir	75, 700, 000							200, 000
(N)	Mouth of Colorado River	7, 750, 000					75, 000		75, 000
(FC)	Pat Mayse Reservoir	9, 200, 000	9, 000, 000	200, 000		200, 000		200, 000	
(FC)	Port Arthur and vicinity (hurricane flood protection)	41, 600, 000	8, 557, 000	5, 000, 000		5, 000, 000		5, 000, 000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas)								
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	28, 500, 000	14, 143, 000	4, 700, 000		4, 700, 000		5, 000, 000	
(FC)	San Antonio Channel	26, 000, 000	12, 154, 000	[1] 900, 000		1, 200, 000		1, 200, 000	
(FC)	San Gabriel River tributary to Brazos River (land acquisition)	65, 400, 000	2, 342, 000	750, 000		750, 000		1, 000, 000	
(FC)	Taylors Bayou	6, 640, 000	250, 000			250, 000		250, 000	
(FC)	Texas City, hurricane protection	31, 200, 000	15, 132, 000	1, 100, 000		1, 100, 000		1, 100, 000	
(N)	Trinity River bridges	11, 400, 000	1, 417, 000	[1] 1, 300, 000		1, 400, 000		1, 400, 000	
(N)	Trinity River project	1, 019, 100, 000	[1] 361, 000		150, 000		150, 000		150, 000
(FC)	Vince and Little Vince Bayous	5, 250, 000	1, 337, 000	700, 000		700, 000		700, 000	
(N)	Wallisville Reservoir, Trinity River	19, 400, 000	7, 205, 000	[1] 1, 900, 000		1, 900, 000		1, 900, 000	
(MP)	Whitney Reservoir (raise power pool)	550, 000				150, 000		300, 000	
	Utah:								
(FC)	Little Dell Reservoir	25, 200, 000							400, 000
	Vermont:								
(FC)	Gaysville Reservoir	26, 800, 000	149, 000		500, 000		500, 000		
	Virginia:								
(FC)	Gathright Reservoir	23, 300, 000	5, 190, 000	[1] 1, 500, 000		1, 900, 000		1, 900, 000	
(N)	Hampton Roads	31, 700, 000	17, 391, 600	[1] 2, 300, 000		3, 200, 000		3, 500, 000	
(N)	James River	47, 300, 000			[1] 0				50, 000
(MP)	Salem Church Reservoir	82, 800, 000			[1] 150, 000		35, 000		150, 000
(BE)	Virginia Beach (reimbursement)	1, 350, 000	450, 000	85, 000		85, 000		85, 000	
	Washington:								
	Bonneville lock and dam (2d power unit), (mod. for peaking) Oregon and Washington. (See Oregon.)								
(MP)	Chief Joseph Dam (additional power units)	67, 200, 000	900, 000		500, 000				500, 000
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)								
(N)	Everett Harbor and Snohomish River (1968 act)	1, 230, 000			53, 000		52, 000		52, 000
	John Day lock and dam, Oregon and Washington. (See Oregon.)								
(MP)	Little Goose lock and dam	149, 000, 000	129, 430, 000	[1] 13, 000, 000		13, 000, 000		13, 000, 000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(MP)	Lower Granite lock and dam	204, 000, 000	42, 630, 000	[1] 0		1, 000, 000		3, 000, 000	
(MP)	Lower Monumental lock and dam	177, 000, 000	162, 990, 000	8, 000, 000		8, 000, 000		8, 000, 000	
	McNary lock and dam, Oregon and Washington. (See Oregon.)								
	The Dalles lock and dam, Oregon and Washington. (See Oregon.)								
(FC)	Vancouver Lake	6, 100, 000					50, 000		50, 000
(FC)	Wynoochee River Reservoir	17, 400, 000	3, 901, 000	[1] 750, 000		2, 000, 000		2, 000, 000	
(FC)	Yakima River at Ellensburg (restudy)				13, 000		13, 000		13, 000
	West Virginia:								
(FC)	Beech Fork Lake	17, 700, 000	1, 405, 000	1, 000, 000		1, 000, 000		1, 000, 000	
	Blooming on Reservoir, Md. and W. Va. (See Maryland.)								
(FC)	Burnsville Lake (land acquisition)	28, 100, 000	1, 077, 000	700, 000		700, 000		1, 000, 000	
(FC)	East Lynn Lake	25, 900, 000	13, 305, 000	7, 800, 000		7, 800, 000		7, 800, 000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	R. D Bailey (Justice) Lake	83, 600, 000	16, 725, 000	[1] 10, 700, 000		10, 700, 000		10, 700, 000	
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	Rowlesburg Lake	109, 000, 000	1, 606, 000					1, 000, 000	
(FC)	Stonewall Jackson Lake (land acquisition)	40, 500, 000	618, 000			425, 000		600, 000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	West Virginia:								
(FC)	Wet Fort Lake	$21,400,000	$161,000		$250,000		$250,000		$250,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)								
	Wisconsin:								
(N)	Green Bay Harbor (1962 act)	5,600,000	2,619,000	$1,250,000		$1,250,000		$1,250,000	
(FC)	La Forge Reservoir, Kickapoo River (land acquisition)	20,800,000	1,333,000	750,000		750,000		750,000	
(R)	Racine Harbor	1,040,000		100,000		100,000		100,000	
	Miscellaneous:								
(FC)	Emergency bank protection			300,000				300,000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)			8,000,000		6,500,000		8,000,000	
(FC)	Snagging and clearing			200,000				200,000	
(N)	Small navigation projects not requiring specific legislation costing up to $500,000 (sec. 107)			2,500,000		1,740,000		2,500,000	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $500,000 (sec. 103)			500,000				500,000	
	Recreation facilities, completed projects			[1]6,000,000		[1]6,400,000		7,500,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)			600,000		600,000		600,000	
	Aquatic plant control (1965 act)			1,000,000		1,000,000		2,000,000	
	Employees compensation			705,000		705,000		705,000	
	Reduction for anticipated savings and slippages			−44,100,000		−44,100,000		−44,100,000	
	1969 reserve applied in fiscal year 1970			−43,785,000		−43,785,000		−43,785,000	
	Grand total, construction, general			608,681,000	18,374,000	650,801,000	21,181,000	715,851,000	24,618,000
				(627,055,000)		(671,982,000)		(740,469,000)	

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[1] Reflects changes made by the revised approved budget, submitted in House Document No. 91-100, dated April 15, 1969.

[2] Restudy funds only (col. 3).

Mr. WILLIAMS of Delaware. Mr. President, I call attention to the fact that included in the above list are 62 new projects not one of which has anything to do with air and water pollution, nor were they approved by the Budget.

Of those projects 32 are entirely new projects which were not listed in the budget. The total cost when completed of these alone will be around $725 million.

There are 30 other projects which are past the planning stage but which are not budgeted items. The total cost of them when completed will be around $525 million.

Altogether the increased expenditures in the pending bill on new projects that have nothing to do with water and air pollution and which have not been recommended by the Budget have a total cost in excess of $1.25 billion.

The record should be clear that when Senators go home and expound their great interest in water and air pollution and motherhood they can also let it be known that they do not have quite as much interest in the American taxpayer.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware to recommit. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Iowa (Mr. MILLER) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 5, nays 82, as follows:

[No. 150 Leg.]

YEAS—5

Byrd, Va.
Griffin
Hansen
Proxmire
Williams, Del.

NAYS—82

Aiken
Allen
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gravel
Gurney
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—13

Allott
Anderson
Burdick
Eastland
Goldwater
Goodell
Mathias
McClellan
Miller
Stennis
Thurmond
Tower
Williams, N.J.

So the motion to recommit was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. ELLENDER. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I ask the distinguished majority leader, What is the order of further business?

Mr. MANSFIELD. Mr. President, responding to the question raised by the distinguished minority leader, I announce that the Senate will convene at 10 o'clock tomorrow morning, and the distinguished senior Senator from South Carolina (Mr. THURMOND) will be recognized for not to exceed 30 minutes. Then there will be a 10-minute period for morning business. After that, the Senate will proceed to the consideration of S. 2577, a bill to provide additional mortgage credit, and for other purposes. A time limitation on that bill has been agreed to on the basis of an agreement between the distinguished Senator from Utah (Mr. BENNETT) and the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Following that, it is hoped to take up the continuing resolution relative to appropriations, and following that, the nomination of Judge Haynsworth will be laid before the Senate, and the debate will be started.

Mr. JAVITS. Mr. President, I need about 15 minutes for a speech. Will the majority leader accommodate me?

ORDER FOR ADJOURNMENT TO 9:45 A.M., AND FOR RECOGNITION OF SENATOR JAVITS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate convene at 9:45 a.m., and that the Senator from New York be recognized for not to exceed 15 minutes immediately after the reading of the Journal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, my colleague, the Senator from New York (Mr. GOODELL), is unable to be here and I ask unanimous consent that his remarks, prepared for the debate today, be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. GOODELL. Mr. President, I wish to commend the distinguished Chairman of the Public Works Subcommittee (Mr. Ellender) and the members of that Subcommittee for their comprehensive work on the FY '70 Public Works Appropriations Bill.

Earlier this year, I was greatly alarmed to learn that the revised budget request for public works construction in the State of New York had been reduced from $7 million to $3.1 million.

New York State constitutes over 9% of the population of the United States. Many of our facilities, most notably the Port of New York, serve the entire Nation. Yet, the revised budget would have allocated only 5% of the total funds for public works construction in the country.

Although I fully appreciated the fact that the inflationary cycle made budgetary restraints necessary, the drastic cuts suggested in the revised budget would have seriously hampered the ability of the State to service its urgently needed construction projects.

In view of this great need, I contacted the Chairman (Mr. Ellender) and strongly requested that the funds be restored. I am delighted by the Committee's response which recommends an appropriation of almost $6.8 million in construction funds for New York State projects—more than twice as much as the revised budget request.

Among the funded projects, several were of particular concern to me:

THE NEW YORK HARBOR ANCHORAGES

The Port of New York, which serves the metropolitan area and the Nation, desperately needed funds to permit work on the deepening of anchorages to accommodate the ever increasing tanker traffic in the waters. As the Port of New York is our Nation's major harbor, this construction would ultimately benefit U.S. economy. Although almost $3.5 million was requested by the State of New York, the City of New York and the Port of New York Authority, only $500,000 had been recommended by the Administration.

The Committee responded to my request for more funds for this project by recommending a total of $2.9 million. I believe these funds will permit the significant continuation of construction on this important project.

NEWARK BAY-HACKENSACK RIVER

This project in New Jersey is a bi-state concern. The channel dimensions of this waterway in Newark Bay have become a serious safety problem and threaten to impede traffic in the Port of New York area.

This vitally needed Port of New York Project has only received $100,000 in pre-construction funds over the past three years and as a result, no construction work has been started. The Administration budget request for this project was a mere $500,000 despite the fact that all those involved in the project recommended a minimum appropriation of $5 million. The Committee has approved a sum of $2.7 million, which will allow construction to begin on the project.

FIRE ISLAND INLET AND MONTAUK POINT, BEACH EROSION

Protection of the beaches in this area has become imperative because of the severe storm damage which has been incurred on the South Shore of Long Island in the past. A total of $500,000 was recommended by the Administration for this local flood control project. I strongly endorsed additional funds for this project and the Committee has recommended a total of $880,000. In addition, the State of New York has given assurance that sufficient State funds will be available to match the Federal share.

In addition, I note that the Committee has also recommended an appropriation of $500,000 for the Fire Island Inlet to Jones Inlet. This strip of beach has also been severely damaged by storm and is in great need of protection.

Protection of the natural shoreline is essential for the conservation of the entire area.

IRONDEQUOIT BAY

This project, authorized in 1958, proposes a channel access between Irondequoit Bay and Lake Ontario so that recreational navigation can be pursued in the area. The Committee has recommended an appropriation of $100,000 to begin construction on this long-awaited project which will greatly benefit the people of Monroe County and surrounding areas.

The Committee has also approved funds for several important studies on State projects which I have supported. These projects include preconstruction planning of harbor refuge at Hamlin Beach State Park with a recommendation of $40,000; and completion of the Lake Erie-Lake Ontario Waterway which will improve the St. Lawrence Seaway system so vitally important to the maritime economies of the United States and Canada. A recommendation of $100,000 has been made by the Committee for this study.

I thank the Committee members for their recommendations on behalf of New York State and I am grateful for their responsiveness to my requests. Many of these projects are designed to protect and preserve the natural resources of the State. Many will make these resources more usable. I am hopeful that the recommendations, will prevail in conference.

DICKEY-LINCOLN SCHOOL PROJECT

Mr. MUSKIE. Mr. President, the public works appropriations bill includes an item of $807,000 to continue advance engineering and design on the Dickey-Lincoln School hydroelectric project in northern Maine.

The record of the past several years is filled with evidence of the benefits which New England's first Federal hydroelectric power project would bring, the relationship of those benefits to cost, the need for low-cost power in northern New England, the need for peaking power throughout New England and New York, and the inability of the New England electric utilities to meet growing power demands.

The record will show that the other body has consistently rejected the funds needed to move this project ahead and has turned its back on one region of the Nation while continuing to provide funds for sources of low-cost power in virtually every other region of the United States.

The record will show that an investment of $2,154,000 has already been made in the project and that only $1,346,000 is required to complete the advance engineering and design on this project. Failure to appropriate the funds included in this bill will be a greater waste of money than the cost of completing that task.

The record will show that the senior Senator from Maine (Mrs. SMITH) has worked diligently to obtain appropriations for this project only to be set back by the other body time and again. The record will show that neither the senior Senator from Maine, who is on the Appropriations Committee nor I, as a member of the Public Works Committee, has ever attempted to withhold authorization or appropriation for needed, economically feasible projects in other parts of the country.

I believe that the Dickey-Lincoln School project will stand on its own in comparison with any project constructed anywhere in the United States. I believe it will help to assure an adequate supply of low-cost power and a Federal yardstick for New England and that it is needed to avert the major critical power failures which continue to threaten New England due to the inability of the private utilities of the region to fulfill their obligations to supply power.

The record of the past demonstrates that these private power companies would rather invest their funds in advertising campaigns about what they might do and lobbying campaigns against what should be done than in developing the region's power resources and supplying power needs.

I hope that the conferees will support the appropriation of these vitally needed funds so that New England can get on with the job of meeting her power supply demands and protecting the health and welfare of citizens by making available an adequate supply of power whenever it is needed, not just when New England's private utilities are prepared to make it available.

Mr. COOPER. Mr. President, I support the bill H.R. 14159, the public works for water, pollution control, and power development and Atomic Energy Commission appropriation bill, 1970. In addition to the matters I have already discussed, I direct attention to title III of the bill in which the Committee on Appropriations, for the first time since enactment of the Water Pollution Control Act of 1965, has recommended full funding of the authorization for waste treatment works. This action on the part of the committee, which will be adopted by the Senate, represents a significant congressional redirection to meet our environmental needs.

Full funding of pollution control is an action which recognizes today's priorities, an action which is needed and will be well received by the public. There is a growing and proper demand for protecting and improving the quality of our environment if we and future generations are to live. And this step provides a solid indication that the Congress is responding to that demand and need.

I want particularly to compliment Senator ELLENDER, chairman of the Committee on Appropriations, for his judgment and leadership in recommending and reporting this provision from the committee. The ranking minority member of the subcommittee, Senator MILTON YOUNG, together with the full committee has done a great service to the country and all its people. I cannot let this occasion pass without paying similar respect to Senator MUSKIE, chairman of the Subcommittee on Air and Water Pollution, of the Public Works Committee, and to Senator BOGGS, ranking minority member of that subcommittee, for whom this action today gives evidence of their long and steadfast efforts in the continuing battle to abate air and water pollution. As the ranking Republican member of the Public Works Committee, which has jurisdiction over basic legislation on water and air pollution and solid waste disposal, I would like to say that every member of the committee and its able staff under the leadership of Senator RANDOLPH, the chairman, have worked and contributed fully to this important cause.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Arkansas (Mr. MCCLELLAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Iowa (Mr. MILLER) is absent on official business.

The Senator from Colorado (Mr. ALLOTT) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. GOODELL), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 86, nays 2, as follows:

[No. 151 Leg.]

YEAS—86

Aiken
Allen
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Thurmond
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—2

Proxmire
Williams, Del.

NOT VOTING—12

Allott
Anderson
Burdick
Eastland
Goldwater
Goodell
Mathias
McClellan
Miller
Stennis
Tower
Williams, N.J.

So the bill (H.R. 14159) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. RUSSELL, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG of North Dakota, Mr. HRUSKA, Mr. MUNDT, and Mrs. SMITH of Maine conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, for this great success the Senate owes a deep debt of gratitude to the distinguished senior Senator from Louisiana (Mr. ELLENDER). His handling of this measure today marked yet another outstanding achievement for the able chairman of the Public Works Subcommittee of the Appropriations Committee. Senator ELLENDER is a skilled and highly effective advocate. His command of every facet of a measure he leads is exemplary. The dedicated service he has always given the Senate and the Nation is unexcelled in this body. With this success today he has again demonstrated the fine qualities that have distinguished him over the years. May I add, that he is to be particularly commended for assuring an effective fight this year against the ravages of water pollution by defending so successfully the full funding of that program. The Senate is deeply grateful.

Assisting Senator ELLENDER in the task of preparing this bill in committee and presenting it to the Senate was the very capable and distinguished ranking minority member of the subcommittee, the distinguished Senator from North Dakota (Mr. YOUNG). He, too, contributed to the success of the measure with his strong and effective support.

The other members of the subcommittee are also to be praised for their contributions to the debate and for the high caliber with which this measure was handled.

Noteworthy also, were the contributions of the distinguished senior Senator from Delaware (Mr. WILLIAMS) and the distinguished Senator from Wisconsin (Mr. NELSON). They offered their own strong and sincere views on the measure and cooperated splendidly to assure its efficient disposition.

But especially, I should say again, we are indebted to Senator ELLENDER. His devoted efforts have produced an appropriations measure of very high quality, indeed.

PROVISION OF ADDITIONAL MORTGAGE CREDIT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 510, S. 2577. I do this so that the bill will become the pending business.

There will be no votes on this bill tonight. There may be Senators who wish to speak on it.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2577) to provide additional mortgage credit, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That section 7 of the Act of September 21, 1966 (Public Law 89-587; 80 Stat. 823), is amended to read:

"SEC. 7. Effective September 22, 1970—

"(1) So much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act;

"(3) The last three sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed; and

"(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

Sec. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentences: "The authority conferred by this subsection shall also apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond."

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"Sec. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers of their depositors, shareholders, or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits; shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board with respect to such nonmember associations and banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

"(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministrative expenses."

Sec. 3 Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu of "$4,000,000,000";

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: "Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States."; and

(3) by adding at the end thereof a new paragraph as follows:

"It is the sense of Congress that the authority provided in this subsection be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and that any funds so borrowed will be repaid by the Home Loan Bank Board at the earliest practicable date."

Sec. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit for the purposes of subsection (j).".

(b)(1) The fourth sentence of section 18 (g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

Sec. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States".

Sec. 6. Section 708(b) of the Defense Production Act (50 U.S.C. 2158(b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

Sec. 7. Section 708('f) of the Defense Production Act (50 U.S.C. 2158(f)) is repealed.

EXPANDING THE MORTGAGE MARKET

Mr. PROXMIRE. Mr. President, the purpose of S. 2577 is to increase the supply of mortgage credit during periods of tight money and to strengthen the execution of monetary policy. The objective of the bill is not to blunt the overall fight against inflation, but rather to assure that the impact of anti-inflationary policy is distributed more equitably among different sectors of the economy. The committee is specifically concerned that the housing sector of the economy not bear a grossly disproportionate share of the burden of slowing down inflation.

In the 1968 Housing Act, Congress reaffirmed our national housing goals and set forth a specific goal of building 26 million housing units over the next decade, including 6 million units for lower income families. Likewise, the Full Employment Act of 1946 established as national goals the achievement of full employment, stable prices, and economic growth. The Committee believes that our national housing goals rank equally with the objectives of the Full Employment Act and should not be abandoned or ignored during periods of restrictive fiscal and monetary policy.

The purpose of the bill would be achieved in the following ways:

Section 1 extends until September 22, 1970, flexible authority to regulate the rates of interest paid by financial institutions on time-and-savings deposits. A failure to extend this authority could precipitate another rate war between banks and savings and loan associations such as we had in 1966 with disastrous effects upon the supply of mortgage credit.

Section 2 extends limited rate control authority over nonfederally insured financial institutions in those States where uninsured deposits are greater than 20 percent of total deposits and the State banking commissioner lacks comparable authority.

Section 3 increases from $1 to $4 billion the authority of the Home Loan Bank System to borrow from the Treasury. In addition, the section indicates it is the sense of Congress that the authority be used to help stabilize the mortgage market during periods of tight money.

Section 4 permits the Federal Reserve Board to limit the rates paid on commercial paper obligations issued by the holding company affiliates of commercial banks. Through this device, large commercial banks have been able to raise funds by offering rates higher than the rate ceilings permitted under the Board's regulations.

Section 5 gives the Federal Reserve Board added authority to establish higher reserve requirements on Eurodollar borrowings from foreign-owned banks. Large commercial banks have been able to evade the monetary actions of the Federal Reserve Board by borrowing in the Eurodollar market.

Sections 6 and 7 reactivate the authority once contained in the Defense Production Act for establishing a voluntary credit restraint program similar to the one used during the Korean war. Under this authority, the President could establish committees of financial leaders to work out programs for allocating credit to the most essential uses.

THE IMPACT OF TIGHT MONEY ON HOUSING

Mr. President, when the National Association of Real Estate Boards testified on S. 2577, its witness observed that "we are now facing the worst housing shortage this country has experienced since the years immediately following World War II." The current figures on housing starts, vacancy rates, and savings flows fully support this claim. The restrictive monetary policies of the Federal Reserve are having a disastrous effect upon our national housing goals outlined in the 1968 Housing Act.

It is no secret that tight money uniquely discriminates against the home buyer. Periodic savings in monetary policy over the last 20 years have led to corresponding swings in the level of housing starts. Housing has traditionally been the balance wheel in our economy, bearing the main burden of fighting inflation. Moreover, the discriminatory impact on housing is likely to become more acute in the future given the increased reliance placed upon monetary policy to help stabilize the economy.

Following the 1966 experience, Gov. Sherman Maisel, of the Federal Reserve Board, estimated that the housing sector was forced to absorb between 60 to 70 percent of the impact of tight money whereas that industry comprises only 3 percent of our gross national product. When an industry accounting for only 3 percent of the economy takes 70 percent of the cutback because of policies that result in tight money, the impact is clearly discriminatory and unfair.

The instability in the housing industry is not inevitable nor is it due to natural economic forces. It is a direct result of government economic policies. Since government itself creates instability in the housing industry, it is perfectly reasonable to call upon the Government to reduce at least part of the instability for which it is responsible. We are not subsidizing the homebuyer or homebuilder by increasing the supply of mortgage credit during periods of tight money. On the contrary, we are attempting to alleviate at least part of the damage caused by the Government itself when it tightens up on the money supply.

During the current period of tight money, housing starts have skidded from an annual rate of 1,878,000 in January to 1,383,000 in August, although the September figures show a temporary recovery to 1,518,000. However, both the Commerce Department and the National Association of Homebuilders are predicting further declines to the end of the year. For the entire year, it is expected we will build only 1.3 million units whereas we should build at least 1.8 million units to maintain the schedule for meeting our 10-year housing goals.

When we look at our annual rate of expenditure in the third quarter compared to the last quarter of 1968, we find that housing is the only sector which has been forced to cut back. Overall GNP is up 5.6 percent, consumer spending on durable goods is up 4.6 percent, State and local construction is up 3.5 percent, Federal spending is up 1.4 percent, business spending on new plant and equipment is up 9.8 percent, but residential construction is down 2.5 percent.

One would think that housing would be forging ahead. We have the greatest demand; the worst housing shortage in years. Vacancy rates are at their lowest points in years. Family formations are at an all time high. The potential demand for housing is tremendous. Moreover, we as a nation are committed to better housing, particularly for low and moderate income citizens.

The reason housing has fallen off is simple—it is due to the restrictive monetary policies of the Federal Reserve Board. The reduction in the growth of the money supply has squeezed the total supply of credit and sent interest rates sky high. Effective interest rates on conventional mortgages climbed from a nationwide average of 7.23 percent at the start of the year to 8.08 percent at the end of September. This is unheard of, and of course it is catastrophic for home building when interest rates average over 8 percent. Likewise, effective interest rates on FHA mortgages climbed even higher—from 7.36 to 8.36 percent.

High interest rates have an onerous impact upon the average family budget. Twenty years ago, a veteran could purchase a $10,000 home with a 4-percent mortgage and his monthly payments for principal and interest were under $50. Today, a similar home would cost the veteran at least $20,000. He would be mighty lucky if he could get an 8-percent mortgage. At this rate, his monthly payments would be nearly $150.

The price of the home has doubled; the rate of interest has doubled; but the monthly payments have tripled. If this keeps up, the American family will be spending all their income on interest.

There can be no quarrel with the administration's efforts to control inflation. However, certain high officials in the administration seem to have a callous indifference to the fact that the average homebuyer is called upon to pay most of the cost.

Last March, the Senate Banking and Currency Committee held hearings on the alarming increase in interest rates. A number of proposals were advanced for cooling down plant and equipment spending by large corporations. These were summarily rejected by Under Secretary of the Treasury Charls E. Walker. When asked how the administration plans to control big business spending, Mr. Walker replied:

> I have a proposal that worked every time in the past. It worked in 1966; it will work this year. A restrictive monetary and fiscal policy.

Mr. Walker did not mention, of course, that the 1966 restrictive monetary policy worked largely at the expense of homebuilding.

During those same hearings, Mr. Walker optimistically predicted that the administration's policies would soon bear fruit. On March 25 he said:

> I feel we are moving close to a cresting out in inflationary expectations, interest rates and capital spending.

Since his statement 7 months ago, the Treasury bill rate increased from 6.1 percent to 7.1 percent; the annual rate of corporate capital spending went up by $3 billion; and the annual rate of price increase went up from 4.9 percent to 5.4 percent. Some cresting.

I am glad to see the President is finally calling in the leaders of the business community to enlist their aid in the fight against inflation. This action was urged upon the administration over 6 months ago. Had it been adopted sooner, we might not have had the intolerably high interest rates we have today. Nevertheless, I am hopeful that the President will take a firm tone with business. The latest economic surveys show the corporate capital spending boom will run well into 1970 notwithstanding Mr. Walker's deep and abiding faith in the effectiveness of general fiscal and monetary policies.

RENEWAL OF RATE CONTROL AUTHORITY

This section extends until September 22, 1970, the authority to establish flexible ceilings on rates paid by financial institutions on time and savings deposits. The authority was first enacted by Congress during the 1966 credit crunch to restrain excessive competition for funds by commercial banks and savings and loan associations. Unless renewed by the Congress, the authority expires on December 22, 1969.

The 1966 legislation also for the first time gave the Federal Home Loan Bank Board authority to prescribe the maximum rates of interest which federally insured savings and loan associations can pay on savings deposits. Under this authority, the Bank Board has established a ceiling of 4¾ percent on passbook accounts and 5¼ percent on certificates of deposits.

The 1966 legislation also requires that the Federal Reserve, the FDIC and Home Loan Bank Board consult with one another prior to establishing deposit rate ceilings for their respective institutions.

A failure to renew the 1966 legislation could precipitate another rate war between banks and thrift institutions. Similar unrestrained competition in 1966 caused thrift institutions to lose billions of dollars of savings to commercial banks—savings which otherwise would have gone into mortgage investments.

UNINSURED FINANCIAL INSTITUTIONS

Section 2 extends Federal deposit rate control authority to nonfederally insured financial institutions including mutual savings banks in those States where State officials lack comparable authority and where uninsured savings deposits exceed 20 percent of total savings deposits. This authority would not become fully effective until July 31, 1970. During the interim, the Federal financial agencies would have authority to prevent the rates paid by nonfederally insured institutions from exceeding 5½ percent. Rate control authority over nonfederally insured institutions would expire on September 22, 1970, along with the expiration of the flexible rate control authority for federally insured institutions provided for under section 1.

The requirement that uninsured deposits exceed 20 percent of total deposits confines the application of Federal rate control authority over nonfederally insured institutions to one State—Massachusetts—where deposits in savings institutions not subject to Federal rate ceilings comprise over 60 percent of total deposits. Moreover, under Massachusetts law, the State banking commissioner does not have comparable authority to establish ceilings on the rates of interest paid by nonfederally insured institutions.

TREASURY BORROWING AUTHORITY

Section 3 amends section 11(i) of the Federal Home Loan Bank Act which authorizes the Federal Home Loan Bank Board to borrow up to $1 billion from the Treasury. The authority would be increased to $4 billion.

The amendment also requires that the rate charged on such borrowing be set at the current market yield on Treasury obligations. Existing law permits borrowing at a lower rate, hence the proposed amendment would remove any subsidy involved in such borrowing.

The amendment also provides the Treasury with a positive mandate from the Congress to permit such borrowing authority to be used in order to prevent a drastic reduction in housing starts. Despite many erratic swings in housing construction, the authority to borrow from the Treasury has never been used since its original enactment 19 years ago.

Specifically, this legislation indicates that it is the sense of the Congress that the authority to loan to the Home Loan Bank Board "be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates."

The funds borrowed from Treasury would be reloaned by the Bank Board to those savings and loan associations about to undergo a sharp reduction in their volume of mortgage lending. The Home Loan Bank System would be required to repay the Treasury at the earliest practicable date which in most cases should be within 6 to 12 months. Hence there would be no permanent impact on the Federal budget.

Mr. President, the purpose of this section is to increase the availability of mortgage credit on reasonable terms during periods of tight money. The home loan bank system has done an excellent job in loaning funds to our savings and loan associations so that they can continue making mortgage loans. During the first 9 months of 1969, the home loan banks advanced $2.6 billion to savings and loan associations. Without this $2.6 billion, the housing industry would have taken an even more severe blow.

But the home loan banks must also borrow the funds they loan to member associations. During a period of tight money the ability of the home loan banks to borrow is curtailed. Home loan bank obligations are backed by the Treasury. Nonetheless, investors demand that a higher rate be paid on home loan bank obligations compared to a Treasury obligation of comparable maturity. This differential can grow to as much as one percentage point during periods of tight money.

Since the home loan banks must pass along their borrowing costs to member associations, who in turn pass the cost on to the home buyer, a difference of one percentage point can be crucial. It means the monthly payments can be reduced by $15 for the average home buyer. In a tight market, a one percentage point reduction in the rate means that thousands of young families can afford to buy a house when they otherwise could not.

It has been charged that the use of Treasury credit facilities somehow constitutes an unjustified subsidy to the home buyer. In actual fact, the use of Treasury borrowing authority will not cost the Government a penny. The home loan bank system will repay the Treasury with interest at the same rate it costs the Treasury to borrow.

It has also been argued that a subsidy is still involved since the Home Loan Bank is permitted to borrow at a rate lower than it would have to pay if it issued its own obligations. We are now dealing in semantics. I fail to see how anything can be called a subsidy if there is no cost to the taxpayer. If we accept this twisted definition of subsidies, then many other programs already on the books are backdoor subsidies. For example, commercial banks can now borrow from the Federal Reserve at 6 percent, which is at least 2 percentage points below what they would have to pay on the open market. I do not hear any cries that commercial banks or their customers are being subsidized by the Federal Government.

The increased borrowing authority, together with the congressional mandate that it be used to help housing, is a modest attempt to redress the imbalance in our monetary policy. I hope that it will be used by the administration to help ease the heavy burden on the American homebuyer.

COMMERCIAL PAPER BORROWING

Section 4 strengthens the authority of the Federal Reserve Board to administer reguation Q which establishes the maximum rate of interest which commercial banks can pay on time and savings deposits. There is a loophole in regulation Q permitting large banks to obtain funds in excess of the ceiling through the bank holding company device. Under this device a bank holding company or its nonbanking subsidiary can issue short-term notes in the commercial paper market at prevailing rates which at the present time are more than 2½ percentage points higher than the regulation Q ceiling. The proceeds can then be channeled by the parent holding company to its subsidiary bank. This can be done by purchasing loans outright or by purchasing participation shares in the bank's loan portfolio. In either event, the bank has additional loanable funds to continue its business lending activity. Commercial banks have raised over $2.9 billion through this device over the last 9 months.

The Federal Reserve Board has testified that it felt it would be desirable to clarify its legal authority to control commercial paper borrowing under regulation Q. Since the committee acted, the Board has issued proposed regulations to place commercial paper borrowings under the regulation Q ceiling. While I am glad to see the Board move in this direction, I believe the legislation is still needed to preclude any potential legal challenge to the proposed regulations.

EURODOLLAR BORROWING

Section 5 permits the Federal Reserve Board to establish reserve requirements of up to 22 percent on funds borrowed by U.S. member banks from foreign-owned banks. The practice of borrowing funds abroad in the Eurodollar market constitutes another offset to the Federal Reserve Board's monetary policy. Large commercial banks have borrowed over $7 billion in the Eurodollar market during 1969, notwithstanding the restrictive monetary policy of the Federal Reserve Board. The funds so obtained have permitted these large banks to continue making business loans to their corporate customers, thus adding to the inflationary pressures on the economy.

The authority to promulgate higher reserve requirements can make it more expensive to borrow Eurodollars and thus curb their excessive inflow. As a result, commercial banks would be forced to curb their lending sooner than they otherwise would, thus contributing to the effectiveness of our anti-inflationary policy. It is not fair that the homebuyer, the small businessman, the farmer, and State and local governments should be forced to cut back while large corporations forge ahead on Eurodollar financing.

VOLUNTARY CREDIT RESTRAINT PROGRAM

Sections 6 and 7 reactivate the authority under which the Federal Reserve Board administered a voluntary credit restraint program during the Korean war. This authority was contained in the Defense Production Act of 1950. It authorized the President to consult with representatives of the financial community in order to establish voluntary programs of credit restraint.

Under this authority, as delegated by the President, the Federal Reserve Board established industrywide committees of banks, investment banking firms, life insurance companies, savings and loan associations, and mutual savings banks. The committees established voluntary lending criteria designed to ration credit to the most essential uses without drastic increases in interest rates. While there were a number of problems in the implementation of the criteria, by and large the program achieved its objectives.

A National Voluntary Credit Restraint Committee issued a statement on March 10, 1952, evaluating the success of the program. This statement was published in the March 1952 Federal Reserve Bulletin and reads as follows:

> At the outset of the program, which was without precedent in the country's financial history, there was widespread skepticism as to what might be accomplished by a self-regulation effort in the highly competitive field of lending. This has been supplanted by a recognition that the program has proved practicable, workable, and effective as a supplement to fiscal, credit, and other anti-inflationary weapons * * * The program has been an important factor in holding prices level during the first year of its operation. (Statement released by National Voluntary Credit Restraint Committee, Mar. 10, 1952.)

Mr. President, during the hearings on this provision, the administration presented a complex but unconvincing argument against it. The essence of their argument seems to be a fear of a perverse expectational effect. That is, businessmen might mistakenly think that full-scale price and wage controls are coming and therefore increase their spending plans even more to beat the deadline.

I do not think this is a realistic view. In the first place, we are talking about voluntary credit controls, not mandatory price and wage controls. There is nothing in the legislation to authorize mandatory price or wage controls. In the second place, there is no reason to assume that the business community has closely followed this legislation, ready to spring into action if enacted. Thirdly, I would think the average businessman would not go on a spending spree if he thought voluntary credit controls were to be tried. On the contrary, he might very well delay his capital outlays in the expectation of lower interest rates.

I believe the enactment of the authority will strengthen the hands of the President in the war against inflation. It is purely discretionary. There is nothing in the bill which requires the President to use the authority unless he sees fit to use it. I can see nothing wrong in giving the President the additional authority to be available if needed.

Should interest rates continue their meteoric rise and should the administration conclude a voluntary credit restraint program is necessary, the authority would be there to use. On the other hand, if we do not enact the authority now and the administration is forced to ask for the legislation at a later date, the financial panic which the administration fears might very well take place. It is much better to put the authority quietly on the books now so that it is available if needed.

Another argument raised against a voluntary credit restraint program is that it is unworkable and unfair. This was not the case when the program was successfully tried during the Korean war. I believe the program can work, at least for a short period of time. But that is all that we may need before general fiscal and monetary policies begin to take hold. In the meantime, voluntary credit rationing can avoid an excessive increase in interest rates and channel credit to high-priority uses such as housing and State and local spending.

Why should we be building fancy resort hotels and cutting back on schools? Why should we be financing conglomerate mergers and starving the homebuilding industry? Why should we be feeding an unsustainable corporate investment boom and squeezing the small businessman?

The proposal for a voluntary credit restraint program is certainly a modest and responsible proposal. First, it is voluntary; second, it is discretionary with the President. Some business groups testifying before our committee called for mandatory price and wage controls to channel funds into housing. The administration characteristically endorsed a policy of cautious inaction. The committee has wisely rejected these two extremes and instead has recommended a middle ground approach. Unless we lack confidence in the ability of the administration to act wisely, I believe we should put the authority for a voluntary credit restraint program back on the books, to be used by the President if needed.

CLARIFICATION ON THE LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–530)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably with an amendment the bill (H.R. 7491) to clarify the liability of national banks for certain taxes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with individual views.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

PERSONAL STATEMENT OF MR. BYRD OF WEST VIRGINIA WITH RESPECT TO H.R. 12307, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, yesterday I was absent from the Senate because of official business. I wish to state that had I been present during the consideration of H.R. 12307, I would have voted "nay" on the amendment offered by the able Senator from Ohio (Mr. YOUNG) to reduce the civil defense appropriation by a total of $8.3 million. The rollcall vote is indicated in the RECORD at page 33699, as No. 146 Legislative. I want the RECORD to show that I would have voted "nay" had I been present and voting.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 13, 1969, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate, November 12, 1969:

IN THE AIR FORCE

Maj. Gen. Royal B. Allison, 541-05-8588FR, Regular Air Force to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Joseph G. May, 479-22-3917, Adjutant General's Corps.

Brig. Gen. LaClair A. Melhouse, 501-10-0704, Adjutant General's Corps.

EXTENSIONS OF REMARKS

EDUCATION TAX EXEMPTIONS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. PHILBIN. Mr. Speaker, with reference to the pending proposal to amend the Internal Revenue Code of 1954 to allow credit against income tax to individuals for certain expenses incurred in providing higher education, I am strongly convinced that this bill, which I am cosponsoring in the House, or something based on its principles, is necessary to meet urgent needs of parents struggling these days to provide their children with higher education.

The previous experience of Congress concerning legislation of this kind, for one reason or another has not been very successful. House and Senate committees have, apparently, not been convinced of the need or practicability of this legislation.

The Senate wisely inserted an amendment to H.R. 6950 during the 90th Congress, and, as is often the case with these matters, it was deleted in the conference at a time when it was well on its way to becoming law. This was lamentable.

I would not belabor the point of the vastly increased cost of modern, college education with regard to secondary and higher levels. It is truly prodigious. This cost has been rising in leaps and bounds, getting far beyond the means of a great many people in our society, who are intent upon educating their promising boys and girls.

The situation in regard to this soaring expense is somewhat akin to that obtaining in medical and hospital costs, in that the rich and the poor, for different reasons, have it easier. In the case of the rich, there is no serious problem, and the poor, though grievously burdened, are in a position to obtain scholarship benefits and other aid for their young folks, even though their struggles and sacrifices are great.

It is the rank and file in middle-income groups, so to speak, who have the majority of eligible scholars, who are harried and handicapped by the heavy burdens of prohibitive, rising costs of higher education.

With about 50 percent of high school graduates planning to attend colleges these days, and this percentage, fortunately rising every day, almost 8 million college students are pursuing advanced, college education, and the huge sum that is required to defray its costs cannot possibly in all or even a high percentage of cases, be met by the family of young students, and we must have massive, public support in this area, if we would meet drastic needs.

I realize there are some people who do not want such a program, and there are those who think we are doing enough. But the plain fact is that many very bright, promising boys and girls and their families are having a desperate struggle to get a college education, and I think the Congress must be willing to take the bull by the horns, and put enough money into this program in order to educate the millions of young people who are qualified, deserving, and seeking higher learning at all levels, to fit themselves for business and the professions.

Obviously, tax relief for their parents is one way by which these burdens can be lightened for millions of American families. Other steps are necessary, including large funds for loans and grants for programs providing scholarships, aid and jobs for the students.

I hope that the Ways and Means Committee, and its counterpart on the other side of the Capitol, will take a sharp, sympathetic look at this problem, and come up with some real, generous, adequate help for our young people, and their folks, so they can be assured of getting a good college education without bankrupting their families and causing their parents concern and frustration because they are not able to help them as they would like to do, or cannot help them adequately at all.

I compliment my colleagues in the House and other people who have given so much attention to this problem, and hope that before long some reason, and understanding, and generosity of spirit will take hold here in the Congress to put these education programs on a solid, funding basis, so they can meet the needs of our young people aspiring to higher, academic training. No other nation should be ahead of us in education, or in anything else that is needed.

I realize that fixing taxing credits is a complex, intricate problem that must be accomplished by experts in this field attached to our committees, the Internal Revenue Service, academic and lay tax experts, whose views should be considered and carefully weighed, and written into law.

The important thing is to make the credits substantial enough to relieve parents who are contributing as much as they can to the higher education of their children.

I realize, of course, that this must be done without imposing unabsorbable loss of tax revenues that would put our basic tax bills out of line, though I do not believe this would necessarily follow, if proper expertise is exercised by our committees, their gifted advisers and other available experts.

In a rapidly changing world, where our young generation is being buffeted by unprecedented influences pulling them in all directions away from safe moorings, Congress must stick to basic fundamental principles and techniques that have been responsible for the growth and success of this great free system of ours in guarding our liberties and making possible unprecedented prosperity and well-being.

We would be foolish, indeed, to scrap the things that have made us great, just because we have some people in the country who think the ideas of Karl Marx are superior to those which built our unrivalled free economy and libertarian institutions, which have served us so well, and which can be changed and adjusted to any need that may develop in our society without pulling basic principles up by the roots and without letting them pass us by.

Let us go forward across a broad front with policies, programs, and measures designed to provide primary, elementary, secondary, higher, and professional education for the children and the youth of this country.

Let us change our laws and our institutions in every way that may be sound and necessary to meet and solve our problems. Let us enact such laws as we may need to serve our social programs at appropriate levels, and provide fully and adequately for the health, education, and well-being of the American people of every age.

Let us keep our great country free and prosperous, with opportunities for all who aspire to them, a place where liberty, individual rights, and equality under the law in an ordered society shall be the lot of our humblest fellowmen and women.

INDONESIAN JOINT VENTURE OPERATION HAILED

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 12, 1969

Mr. SCOTT. Mr. President, recently Mr. Julius Tahija, chairman of the Pacific Indonesia Businessmen Association Investment Promotion Council, delivered a most thoughtful address to the American Management Conference. While his concern was primarily with the impact of American management on a growing Indonesia, his ideas have wide importance for the continuing development of enlightened social policy on the part of American business throughout the world. I commend this address to Senators and ask unanimous consent that it be printed in the RECORD:

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INDONESIAN JOINT VENTURE OPERATIONS HAILED

(By Julius Tahija)

During the Pacific Industrial Conference in Sydney in April 1967, sponsored by the S.R.I., I stated:

". . . The Indonesia of today is a challenge to the established Private Business World that we, participants to this Conference, represent.

Will we take up the challenge?

We who live with the current problems in Indonesia each day see clearly this challenge. However, sometimes it seems to us that a large part of the business and political leaders of this world who preach the virtues of democracy and free enterprise, hesitate. They hesitate to display the very moral courage, self-confidence and enterprising spirit of the private entrepreneur. Are they interested in investing their judgment, their thoughts, time and money in the developing nations? Such investment, as you are well aware, is vital and indispensable to keep this world truly free.

At that time, I would not have dared to predict the tremendous response of International Private Enterprise to this challenge. The success so far in attracting Overseas and Governmental investment and aid to Indonesia should also be attributed to what has been expressed by His Excellency, Sultan Hamengku Buwono IX at the S.R.I. Djakarta meeting on August 2, 1967, and implemented by the Indonesian Government:

"No matter how great the desire of the outside world to help Indonesia and however important overseas credit and foreign investment, the overcoming of our economic weakness and especially our economic development must be based on the determination to surmount these problems with our own forces, beginning by putting our own economic house in order ourselves."

This we have now begun to accomplish. First we have had the foreign Investment Law in January 1967. Now inflation is cut very sharply.

The result has indeed been most gratifying, to see what has taken place in the field of foreign investment in Indonesia.

In order to ensure social and political stability while promoting Foreign Investment in Indonesia, the Government in Indonesia has wisely also promulgated and is implementing a Domestic Investment Law. It is important that the growth of Overseas investment goes hand in hand with the development and growth of domestic private capital and expertise. After all, private enterprise, whether domestic or foreign, operates on the same basic principles.

It is vital that small and large indigenous businesses have the opportunity to flourish as well as foreign and joint ventures. This is a prerequisite for a strong political stability with the citizen of Indonesia feeling and experiencing in his own life the advantages of the free economic system, in better opportunities to provide more for his family. This is the objective of private enterprise truly built on a firm foundation.

When the events in October 1965 took place, private enterprise in Indonesia was almost non-existent. It was only a matter of time before private enterprise would have been totally annihilated. Having gone through so much frustration, intimidation and anxiety, private enterprise in Indonesia now does appreciate the fact that the present Indonesian Government, headed by President Sukarno, is offering every possible facility and opportunity for private enterprise to actively participate in the development of Indonesia's economic growth.

This opportunity offered to us, brings simultaneously certain responsibilities to the private sector, irrespective whether Foreign or Domestic. The newly born Indonesian business world and management hopes to share in and benefit from the experience gained by the American Management. It is for this reason why we welcome the seminar of A.M.A., the meetings organized by S.R.I. and the activities of N.I.C.B.

At present the largest investment committed in Indonesia comes from the U.S.A. This means that American Management will play an important role in Indonesia. In fact, American Management has exercised a great influence in the promotion of private enterprise all over the world. That American Management has been successful in expanding American business interest where private enterprise is welcomed, is beyond any doubt.

In a way it has been a blessing in disguise that the domestic private enterprise in Indonesia had to start almost over again since 1966 with new methods, new perspective, new goals.

American Management in Indonesia can contribute very much by sharing her experience with the newly born private enterprise in Indonesia.

There is a completely new relationship emerging between the business world and the world in which we live. The businessman is no longer only responsible for the economics of his enterprise. He can no longer think just of the profit picture this year and next.

Let us now take the case of considering a joint venture in Indonesia today. The businessman must consider that the policies he makes today will take into account the growing vitality and economic and political awareness of the Indonesian people and of Indonesia's place in the world in the years ahead. As Indonesia grows economically, developing her resources, as her people learn the skills and knowledge of the business world, so the Indonesian people will become very acutely aware of what is fair to them, what is a "good deal" for them in joint ventures.

Thus it is vital that the joint ventures which are made today are contracts which five or ten years from now will still look fair to the Indonesian people when the economic situation will be far brighter. Today, as there is such an immediate necessity for fertilizer plants, consumer products and other basic manufacturing industries to cut down on the large imports of these necessary products, Indonesia, might be pressed to accept contracts which, though in the deep need today may look fairly good, will not be so in the light of probably a better economic future of Indonesia in 5 or 10 years. Then the people of Indonesia may say, how could you make this contract, it is not fair to us *now* and that might cause political problems.

As private businessmen we all naturally need to make a profit. That is basic to the free enterprise system. But today there are also other considerations. As the world is changing so rapidly, profit to be sustained, may have to be less quickly made. Business must become more enlightened to ensure that there will be steady profits within a favorable political climate in the years ahead.

Even in the United States this appears to be true.

The businessman's environment holds him responsible for the general welfare of the environment in which he operates. Unless the people of any community can physically enjoy, directly or indirectly, the benefits created by the presence of business ventures operating in that community, the days of private enterprise are limited.

The business world is being called upon to participate in many activities of national concern that previously have been the exclusive domain of government—social, educational, and other non-profit developments. No longer is it enough to be imaginative and inventive in our technological research, but we have to be competitively creative in meeting the challenge of our new environmental responsibilities, if we wish to realize the maximum potential of our business.

Some managers do either ignore or overlook this new relationship between the business world and the world we live in. They are heading for trouble and will fall by the wayside, because the "Good Old Days" of profit, with no considerations for political and human factors, are gone.

However, I know there are a substantial number of managers who do comprehend current developments and react most positively.

Perhaps now we should take a look at the role of American Management not only in the developing areas such as Indonesia but also their overall policies within the U.S. For whatever actions American business takes in the United States will very much affect the developing countries. The methods and creativity of American Management have been responsible for the success of American business established in other countries.

This success has left a great impact in many of the host countries and has been responsible for the fact that the host countries and their people do expect much from the American Management, such as American expertise, efficiency, foresightedness, inventiveness, etc. To the host countries American Management reflects the basic thinking and aspirations of the American nation and people.

Current political, social and economic developments in the world, but particularly in the U.S., have raised such questions as:

"How are conditions within the U.S., today and tomorrow? How much do events here have an impact on us outside the United States who do believe in the cause of private enterprise and democracy?"

Management starts at the birth of an individual. The kind of family and social environment in which a young person is brought up will have a major effect on how perceptive a human being and businessman he will be in the future.

What role is being played by the American Management in surmounting the problems in the U.S.A. such as the inflationary trend, minority problems, the seemingly uncontrolled expression of emotions, but most of all, the overcoming of disunity?

Unity is one of the strongest characteristics we do most admire in the American people. In no other management but the American Management can everyone concerned express his views so freely, but once a decision has been made, everyone including those who have held a different opinion, will loyally and without reservation implement the decision. The team work and team spirit without suppressing certain democratic principles, are the most commendable features of American Management.

It is in this human and social field within which we feel that American Management not only can, but must operate to keep free enterprise free in today's world.

Many of us outside the U.S. count on the success of American Management in solving within the U.S. these domestic, social and economic problems.

The governments and peoples of the developing countries look to the monetary success of the United States. However, they also watch to determine the happiness and individual fulfillment that that money has given to your people.

Naturally, we Indonesians and other developing peoples must ourselves adapt the free enterprise example of the United States to our own mores and culture. It is a necessity of which we in Indonesia are very conscious, that we meld our Indonesian family living, spirituality, and culture into the best of the modern developments. Only in this way can we try to give our people, as best possible, within all our human frailities, in government and in business, the best of both worlds. That is our responsibility.

However, as we are only beginning to build our foundation of a better economic and business structure in Indonesia, some of the present cultural and social developments in the U.S., despite the high standard of economic living may give new ammunition to those who are staunch opponents of free enterprise.

So you see what happens in the United States does affect us in the immediate future, as to how enlightened you are and how much you look to the long run stability of society.

Thus your enlightened social business policy in the United States and in other developing countries at this time will keep free enterprise alive in the years ahead and it is a necessity for the long term survival of not only American business, but also private enterprise in this world.

We believe that the free enterprise system with a full social consciousness, modified by each country to meld with its indigenous culture is the best system to give the most food and work and leisure time to the people. Always there are inequities, as we are all human. As the late Jack Kennedy said, "Life is not fair." But let us together try to make life as fair as possible. Since we do have a common goal and objective, we need the help of each other. We need your expertise and monetary assistance now and you need our vitality and stability for the future.

I hope you understand why we are intensely interested in the conditions in the United States today and in the future of the American Nation. We cannot remain indifferent in this respect since any weakening in American unity and stability also affects us who do believe, as you do, in private enterprise and democracy.

Thank you.

SALUTE TO CAMBODIAN INDEPENDENCE

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. POWELL. Mr. Speaker, on November 8, 20 years ago, Cambodia was granted control over her own internal affairs. Four years later, Cambodia was granted total independence. Since that time, under the skillful leadership of Prince Norodom Sihanouk, Cambodia has maintained her independence and neutrality in a part of the world where their continued existence requires adept diplomacy and force of will. Like their Khmer ancestors, the Cambodians of today must be recognized for their proud and influential voice in Southeast Asian affairs.

Small though it is, Cambodia has exemplified the unusual ability to get along with its Asian neighbors, despite various ideologies and quarrels. A longtime champion of a neutral Southeast Asia, Prince Sihanouk has attempted to live in peace with all of his neighbors, realizing that war can only damage the area's hopes for development and stability. So precious has Cambodia's neutrality been that she has proved herself willing to forgo substantial amounts of foreign aid to avoid compromising her international position. Cambodia's recently reactivated membership in the Asian Development Bank and her new membership in the International Monetary Fund augur well for her economic future.

Despite the financial hindrance caused by reluctance to be tied by the strings of foreign aid, Cambodia has made considerable strides toward modernization in her two decades of independence. The gross national product has grown by about 10 percent in the last 5 years, and the transportation network has expanded with the construction of roads, railroads, and a modern airport.

Prince Sihanouk's imaginative proposals for the future, such as the Sihanoukville Free Port Zone, are not only sure to increase foreign investment in Cambodia, but also to increase her considerable attractiveness as a tourist center. Cambodia's historical temples and lovely capital have already proved irresistible to tourists from around the world.

Nor has Cambodia neglected her own citizens. The wealth in Cambodia is more evenly distributed than in most other Asian countries, and as a result of the Prince's frequent visits throughout his country, each town has its schools, parks, and development schemes. The emphasis on education since independence has produced a dramatic drop in illiteracy; today, only 2 percent of the population cannot read or write.

With the care that he has shown in both domestic policy and foreign relations, Prince Sihanouk is certain to lead his country toward increasing prosperity for the future. With the balanced approach toward different parts of his own country that he has shown toward other nations of the world, the Prince will be able to unify political factions and subdue internal threats to Cambodia's stability.

We in the United States look forward to future decades of Cambodian independence in anticipation that the relations between our two countries will prove cordial and enduring. Let us hope that the recent resumption of diplomatic relations between our nations augurs a new era of cooperation and understanding between the United States and Cambodia.

EDUCATION FOR THE NATION'S HANDICAPPED

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 12, 1969

Mr. DOLE. Mr. President, in our Nation, education has become the major route to full participation in society.

It is appropriate during this National Education Week that we consider the needs of between five and seven million American children whose handicapping conditions are severe enough to limit their ability to profit from regular education programs.

However, only one third of our handicapped youths are receiving an education that will provide them with the basic skills they need to become active, productive citizens.

My remarks are not intended to be a blanket condemnation of the public schools of our Nation, since the problems they face are staggering. Rather I believe we must all share the guilt for the present situation as indeed we must all bear the responsibility for improvement in the future.

The simple, stark truth is this: We have not committed ourselves to the concept of providing equality of educational opportunity for all children—an education based on the unique needs of the child, rather than a single stereotype.

The problem as it pertains to the handicapped is serious, particularly because it is generally true that education for the handicapped can only be as good as our Nation's commitment to and success in providing adequate education for the so-called masses of normal children.

Our failure to guarantee adequate instructional services to handicapped children not only inflicts undue hardship upon the child and his family, but afflicts the Nation as a whole. As adults, for example, our handicapped children today would have an earning capacity of more than $15 billion.

The problem is well stated in the Kerner Commission Report on Civil Disorders:

> A 1963 survey of Chicago Public Schools showed that the condition creating the highest amount of dissatisfaction among teachers was the lack of adequate provision for the treatment of maladjusted, retarded and disturbed pupils. About 79% of elementary school teachers and 67% of high school teachers named this item as a key factor. The need for professional support in dealing with the extraordinary problems is seldom, if ever, met.

We can all point with pride to the achievements of people like Helen Keller and others who, with handicaps, made significant contributions to our country. With an adequate educational foundation, many more of our Nation's handicapped today could also achieve more active and useful lives and the independence, security, and dignity to which they are entitled.

COST COMPARISON

Realistically, we must wrestle with the omnipresent financial question. What will it cost if we need to support the handicapped as wards of society, rather than providing them with the opportunity to become productive contributors? The costs of lifetime residential care for the handicapped are overwhelming. It can cost as much as $200,000 to support a handicapped person in a residential setting. On the other hand, $20,000 provides a full elementary and secondary education to a handicapped child.

STILL NEEDS DESPITE PROGRESS

Mr. President, it cannot be denied that America has achieved much toward expending educational opportunity for handicapped youth in the last decade. Ten years ago, only 15 percent received educational services; today, 33 percent of our handicapped youth are receiving educational assistance. Ten years ago, there were only 15,000 teachers of the handicapped; today 83,000 men and women are deeply and daily involved in education of the handicapped.

The challenge today is to direct our energies toward guaranteeing every child the education he needs. The hour is past when we can tell parents the door is barred to their children because facilities, teachers, and other resources are not available.

We must find and pursue new ways to do the job.

FIRST SENATE SPEECH

In my first major Senate speech, on April 14, I suggested the creation of a Presidential Task Force on the Handicapped to review the efforts of the public and private sectors in providing services for the handicapped and to recommend how the job can be better done.

I am pleased that President Nixon has appointed a Task Force on the Physically Handicapped which is working now to pinpoint major problem areas and to suggest remedial legislative and voluntary action. We can all look forward to their recommendations on education for the handicapped.

I am also hopeful that the President will appoint a similar task force on the mentally handicapped to include the same kind of in-depth review and recommendations for the educational needs of those suffering from mental illness and mental retardation.

EDUCATION: CONTINUING PROCESS

In my judgment, there are three major areas which demand consideration and commitment if we are to improve educational services for the handicapped.

First, education does not arbitrarily begin at age 6 and end at age 18, but rather is a continuing life process. Our institutions of formal education have been generally created and confined to a more fixed span of life.

We have also generally accepted the family and community as providers of stimulation and development necessary during the early and later years of life. Yet during the past quarter century, we have all witnessed increased interest in development of preschool and adult education programs, community colleges, and various forms of manpower training for more capable members of our society.

YET LITTLE FOR THE HANDICAPPED

Yet little has been initiated and accomplished in these areas for the handicapped.

A child who is born handicapped suffers great deprivation, and without the resources of highly skilled professionals he will have little opportunity to gain from his family and community the skills needed to function within the educational system.

The same is true for the person who becomes handicapped in later years and is denied access to the normal channels or reeducation and forced to select from limited training and employment opportunities.

If continuous educational opportunities are important for the average American, they are imperative for our handicapped citizens.

SENATE ACTION

The Senate has shown leadership in recognizing this problem.

Last year this body initiated the Handicapped Children's Early Education Assistance Act for the purposes of establishing experimental and demonstration centers throughout the Nation for the education of preschool handicapped children.

The valid concept behind this program is development of programs and materials designed to meet the unique needs of preschool handicapped children, to prepare personnel to work with such children, to provide parents with counseling and guidance and to inform and stimulate the community to the problems of handicapped children and their possible solutions.

In addition, the Senate last year concluded that less than 1 percent of vocational education resources were available to the handicapped and thus required expansion.

While Congress has provided some leadership, it is time that we all address ourselves to the full range of educational programs that are needed.

SOME NEEDED PROGRAMS

We must develop ways to guarantee that every parent who learns that his child suffers from a handicapping condition, has services available to help his child develop to the fullest extent possible.

We must develop the capabilities to guarantee that every adult can participate fully in all educational opportunities regardless of the particular disability.

We must assure the dissemination of key information on technological advances and vocational opportunities, and the means to coordinate these services.

CHANGING PUBLIC ATTITUDES

Second, to fully assimilate the handicapped into our society, education is going to have to play a major role in changing public attitudes toward the handicapped. Noted sociologist Erving Goffman has pointed out that a person is only handicapped in the eyes of his fellowmen, and it is their attitudes that will determine the extent of the disability.

Too often we tend to look at and try to solve a problem in isolation. For example, we provide technological training to the handicapped individual, sometimes forgetting that an employer may be unwilling to hire him because of the stigma of his handicap and regardless of his skills. A child on crutches may be barred from a swimming pool without the chance to demonstrate that he can swim.

With greater public sensitivity to the abilities and disabilities of the handicapped, we can reach the objective of enabling every individual to participate fully in society.

SEE WHAT WE HAVE DONE

Third, I think we need to examine carefully the direction, substance, followup, and success of the efforts which we have undertaken to date. This includes all levels of government and the private, voluntary sector.

To date, for example, Congress has authorized considerable program development. There now exists authority for State grants-in-aid, preschool education, recruitment and information programs, regional resource centers, media centers for the deaf-blind, personnel training, research, and vocational education.

We have not, however, committed substantial financial resources to these programs.

CONCLUSION

We know that two out of three handicapped children are not receiving special education assistance.

We know that more than 300,000 additional teachers are needed.

We know the States are now spending about $1 billion to provide education for the handicapped, with estimates that they need an additional $2 billion.

The impact of our 6 million handicapped children on their families, schools, and communities is deep and wide.

That any educable child—handicapped or unhandicapped—does not receive an education irreparably cuts against the grain of the very heritage and hope of the Nation.

THE SILENT MAJORITY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MYERS. Mr. Speaker, there has been much written and said recently about the silent majority. I want to share with you a description of that dedicated group of loyal Americans written by Mr. John K. Lamb, civic leader and businessman in Terre Haute, Ind. His letter, signed a "Concerned American," appeared on the front page of the Terre Haute Star on Monday, November 10, 1969.

The letter follows:

THE SILENT MAJORITY

The silent majority works 8 to 10 hours each day and has little time to organize or participate in protests against anything or anybody—nor has it the money since it must pay a substantial portion of its hard-earned money to support the very institutions which the protestors would desecrate and destroy.

The silent majority believes in the right to dissent—believes in that right so strongly that it has tolerated the spectacle of an ex-university president plastered with pie as he attempted to address a student audience. It has suffered in shame as a former secretary of state was subjected to humiliation by a howling mob. The majority has stood still as campus after campus has been made an arena—as administrative offices have been overrun and seized by mobs or disrupters and despoilers who would negate 200 years of progressive efforts and who offer not one single constructive idea nor a method to implement it even if they had one. As they make a mockery of our Bill of Rights they clothe themselves in its protection.

They would have us write off 40,000 young Americans who have died in an unpopular war. They would say to a quarter of a million wounded that their sacrifice was a stupid gesture in subservience to established tyranny when they themselves constitute the real tyranny. They say to the parents of those heroic dead and maimed that the sacrifice to their nation was in support of an establishment which fosters war and is imperialist in nature. We have watched in disbelief as dissenters display the enemy flag and we listen in dismay as they support victory for the same enemy—all these and more the silent majority has suffered in silence in its dedication to that right to dissent.

The true record will show that no nation in recorded time has been so quick to forgive; no nation so generous in its efforts to rehabilitate those who have attacked it.

The silent majority resents the implication of the moratorium and other such antics—the implication that the silent majority is not for peace. The fact is that the majority does want peace but a peace with honor. The majority implements that desire by supporting our men and our government. It demonstrates its belief in and affection for our way of life by keeping order in its own ranks and going about its daily business. Concerned, yes. Worried, yes. Deploring the necessity of involvement in Asia, yes; but certain that our leadership will find an honorable solution with which we can live and preserve our integrity and self-respect.

The silent majority believes these to be the most trying days since our civil war and is convinced that strong leadership is a paramount ingredient in any formula for peace with honor.

It believes that honorable peace can be attained only through strength, tempered with compassion and good will.

The silent majority supports the president of the United States in his dedication to the accomplishment of peace with honor—a peace which will assure the safety of our friends in Vietnam and the early return of our gallant American fighting men.

Concerned American.

A FATHER WRITES TO DEMONSTRATORS

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. GOODLING. Mr. Speaker, this is a season of demonstrations, and many times in the process of demonstrations, the demonstrators read off the names of American military personnel who lost their lives in Vietnam.

The loss of American lives under any circumstances is, indeed, a tragic thing, and reference to such losses undoubtedly has great emotional impact. Whether or not the use by demonstrators of the names of honored American dead is in good taste is, of course, a moot question. The father of one of our servicemen lost in Vietnam has written a letter expressing his view with respect to this matter. This letter appeared in the November 8, 1969, issue of Human Events, and because it represents the feelings of someone who has lost a loved one in this conflict, I submit it to the Congressional Record for the attention of my colleagues:

A Father Writes to Demonstrators: "When They Read the Name of My Son"

(The letter below was written by the father of Pfc. Gregory M. Thompson, an 18-year-old Las Vegas (Nev.) high school graduate who was killed May 17, 1967, in Viet Nam. This letter is reprinted from the Las Vegas Review Journal, Oct. 16, 1969.)

When the peace demonstrators read my son's name, let them know how he felt about the Viet Nam war, and how the parents who shaped him feel about it.

It is we, the parents, who said goodbye to him when he went away to fight—not the peace agitators.

It is we, the parents, who wrote long, anxious letters to him during his three months almost continuous combat—not the agitators.

It is the ones who saw his body returned in a flag-draped coffin who first should be heard—not the protesters.

These transparent propagandists were not there to see my son buried, nor do they accompany me on my trips to lay flowers on his grave.

My son was killed while fighting for his country.

America cannot be permitted to perpetually persuade its citizens to instill in their sons a sense of patriotism, loyalty and a determination to defend the oppressed, and then, after the sons have died, suddenly change her mind and yield to those who killed them.

Most of the peace demonstrations and name-reading ceremonies across this nation are an obvious propaganda device designed to influence the President of the United States into surrendering South Viet Nam to an enemy which admittedly and openly seeks to conquer it by any and all means.

When they read my son's name to advocate peace at any price—the price being defeat—let them remember that he whose name they read did not surrender.

When these pretentious mourners read my son's name, let them realize that their grief would be better served if applied to the Viet Cong whose flag they wave even as they burn the one which graced my son's casket. Let them apply their bogus sorrow to those aggressors felled by my son as he won his posthumous Silver Star for heroism in ground combat.

And when they read the name of my son, let them know that he advocated an increase in the bombing of the ammunition depots in North Viet Nam—not a cessation so that his enemy would receive unlimited war supplies with which to kill them.

When they read the name of Gregory Malcolm Thompson, let them realize that they are proving before the world the truth of the oft-repeated Communist claim that many Americans have become soft, decadent and yielding to any determined force which opposes them.

And when these weak, gullible ones read his name in their avowed pursuit of peace, let them remember that a peace purchased at the price of surrender is but a brief Munich-type peace lasting only until the aggressor's appetite demands more victims.

Finally, when these hyprocrites read the list of the dead who defended South Viet Nam, let them know that they have reached the ultimate low in the world-record of human infamy, in that they willfully and cunningly utter a dead man's name to achieve the defeat of the cause for which he died.

Malcolm Thompson.

VIRGINIA BRIZENDINE RETIRES, FRIEND OF STAMP COLLECTORS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. DULSKI. Mr. Speaker, a friend of stamp collectors everywhere, Mrs. Virginia Brizendine, is leaving for a new home this week.

After 33 years in the postal service—the last 23 in the Division of Philately—Mrs. Brizendine will retire from Government service today. She has been in a key role since 1957 and Director of the Division since 1965, when it was completely reorganized.

Mrs. Brizendine actually put in her retirement papers last February, shortly after new administration took over. But, at the request of the Postmaster General, she agreed to remain temporarily on a consultant basis.

The postal service serves every citizen of our Nation, and the Division of Philately serves a greater share of our populace every day. There is no accurate way of estimating the figure because many do not belong to stamp clubs, but the total is reported approaching 10 million in the United States alone, with half again as many elsewhere in the world.

Two Postmasters General gave Mrs. Brizendine the highest awards which the Department could bestow upon an employee. These were well-deserved recognition of her endless devotion to duty in a role that required much tact and reasonableness in dealing with the public.

Mrs. Brizendine leaves the Department with a distinguished record of achievement, and those of us who have had an opportunity to be associated more closely with her in her work will miss her cheerful and helpful assistance as she went about supervising the Department's mushrooming philatelic activity.

Mr. Speaker, Belmont Faries, stamp editor of the Washington, D.C., Star, and a member of the Citizens' Advisory Committee on Philately, has devoted his entire November 9 column to Mrs. Brizendine, as follows:

Virginia Brizendine Retires

(By Belmont Faries)

Wednesday will be Mrs. Virginia Brizendine's last day as director of the Division of Philately, the position which is, for stamp collectors at least, the most important in the Post Office Department.

After 33 years in the postal service, all of them in jobs connected with stamps, she is leaving to make her home in Florida. Tomorrow night many of her friends will gather at Blackie's House of Beef, 22nd and M Streets, for a farewell dinner arranged by Robert C. Graebner, who can be reached by phone at 247–1434.

The former Virginia Gamble attended Guilford College and the Women's College of the University of North Carolina in her home town of Greensboro, N.C. In 1936 she began her postal career as a Grade 2 stenographer in the old Division of Stamps. On her first day on the job she had a little trouble spelling an unfamiliar word "philately." She has had a great many problems involving philately and philatelists since, but has managed to solve most of them to the satisfaction of both stamp collectors and her postal superiors.

In 1946 she became secretary to the late Robert E. Fellers, then superintendent of the Division of Stamps, who for the next 11 years, until his retirement in 1957, guided the department's philately activities from a variety of positions ranging up to deputy third assistant postmaster general. The work, which she has been doing ever since, was excellent on-the-job training for the position to which Postmaster General John A. Gronouski appointed her in 1965, director of the newly reorganized Division of Philately.

In it she has been responsible for subject matter and design of new stamps, serving as secretary of the Citizens' Stamp Advisory Committee and maintaining liaison with stamp artists and the Bureau of Facilities which is responsible for stamp procurement.

In addition she has supervised arrangements for first day ceremonies, processing of first day covers, preparation of philatelic news release and speeches, the Philatelic Exhibition Room, display panels, cooperation with stamp shows and correspondence with the public on philatelic matters.

One of the Government Printing Office's best sellers, year after year, is "Postage Stamps of the United States." It carries no by-line, but Mrs. Brizendine has prepared all of the information added since 1946, the great bulk of the book.

In 1966 Postmaster General Lawrence F.

O'Brien gave her the department's highest career service recognition, the Distinguished Service Award, for "dedicated and distinguished work that has significantly improved the quality of the philatelic programs of the United States."

Late in 1968 Postmaster General Marvin Watson proposed her for the award again, and finding it could be given an employee only once, substituted the department's second highest honor, the Meritorious Service Award.

Mrs. Brizendine actually put in her retirement papers last February, but was persuaded by Postmaster General Winton M. Blount and his special assistant, James Henderson, to stay on as a consultant until the new administration was firmly established.

Now, with her home in Arlington sold and and a new apartment waiting for her in Fort Lauderdale, she is saying her good-byes to her co-workers in the department and her hundreds of friends throughout the country.

No successor has been named.

NEW CONCEPT IN HEALTH CARE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. GROSS. Mr. Speaker, my friend and colleague, the gentleman from Missouri (Mr. HALL), testified on Tuesday, November 4, before the Committee on Ways and Means on a totally new concept in health care.

The gentleman, a physician and surgeon himself, is highly qualified to speak on the subject of quality health care.

His testimony before the committee has evoked so much interest and comment that I am inserting it in the RECORD for the enlightenment of those interested in learning more about this vital subject.

The testimony follows:

STATEMENT BY DURWARD G. HALL, MEMBER OF CONGRESS, BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS, NOVEMBER 4, 1969

Mr. Chairman, members of the committee, the purchasing power and stability of the social security retirement system has been sorely tested, by inflation and by actual and pending threats of raids on its trust fund (from both the disability and medicare programs), which were erroneously costed to the Congress by *eager salesmen*.

Your committee has just heard that part "A" of medicare needs a fifty percent increase in funding—and part "B" needs about $1.25 increase from both the aged, and the Federal Treasury.

My interest in preserving the integrity of the retirement "foundation stone" our social security program, and to assure solid actuarial arrangements for future health programs, compelled me to seek an opportunity to appear as a witness before this committee.

I would hope, that as Congress struggles with "medicaid" for our poor, that a realistic *"test of need"*, be our goal, in deference to our overburdened wage-earner-taxpayers, who expect Congress not to tax them to support others, who are capable of providing health care for themselves.

Like all of you, I have been reading about the recent Governors Conferences and their demands for larger Federal participation in medicaid. Additionally, my attention has been attracted to the Reuther, Rockefeller, and American Medical Association proposals.

The Reuther proposal, to place the *entire* population under medicare, is by far the worst of all possible solutions! Blanketing all under one Federal program as it does, when the large majority of our population are well able to, and desire to purchase their own health care programs it is unthinkable, in these times of inflation, tax needs and revision, and dollar declines.

We are today, providing Federal dollars to support more than fifty percent of the cost of medicaid, currently covering 10.2 million individuals. We spend about 4.5 billion Federal and State dollars (2.6 billion Federal), or approximately $400 per individual.

The *Rockefeller Plan* would have the Federal Government assume the total cost of "medicaid," then make it compulsory for the rest of the population to cover themselves with private insurance plans—employers, if any, paying half the cost. Yesterday the American Medical Association suggested both a Federal assumption of "medicaid" and a tax-credit plan giving incentive credits to persons who purchase their own insurance, with the size of the credit being related to the extent of their income.

In light of this background of possible solutions, and based on my own background, experience in practice, and evaluation in Congress, I would propose a new two-part program—not within the social security system but doing away with medicaid and creating a whole new category.

One program that I feel Congress will accept at this time, would be directed at the "medicaid" type recipient. And another, that you might wish to consider more thoroughly at a later date (should Congress decide to institute some type of *universal coverage*).

PART I—MEDICAID

Currently, there are 10.2 million individuals covered by medicaid, all of whom sorely need medical care protection. The young in the A.D.C. program generally don't have *high* medical expenses. However, the aged are spending about 40 percent of medicare's total dollars and about 30 percent of the total is going into nursing home expense. Yet, the average cost per person served is, as I said earlier, $400 annually.

This fiscal year, the Federal Government will have need to spend $2.6 billion and next year the cost would rise to $3 billion, but the States *can't* go on meeting their share. In fact, about a dozen States *haven't even started*. I do not propose that the Federal Government take over the whole financial load, but rather we offer each State this proposition: The Federal Government will supply the cost of a health insurance certificate to every eligible recipient. Said certificate will entitle them to a health plan of certain specified basic health protection (defined by Congress) and which would be purchased from existing private carriers including the "blues" and would amount to perhaps 85 percent of the average $400 annual health care expense, provided, however, that the State will assume the balance of health expenses for each individual who exhausts his basic benefits. In other words, the States would assume this rare but financially devastating, catastrophic expense.

The merits of this suggestion (to mention just a few), are:

1. The States will be required to spend less than they are currently spending, and could plan, budget, and appropriate for it.

2. The Federal Government will expend approximately a billion dollars more annually, (3.6 vs. 2.6) but, the Federal Government's share would not be subjected to unexpected escalation, and could be budgeted with fair certainty.

3. When the States are called upon to spend their catastrophic dollars, they will be acting in their traditional and historic role in assuming such long term care as mental illness, and T.B.

Now the question becomes, who would be entitled to a free health insurance voucher? This is a critical decision that could be decided on the same basis as that used in the Hill-Burton program, where the Federal share is determined by the per capita wealth of a State, as compared to the national per capita wealth. Perhaps the average eligibility figure will be in the neighborhood of say $3,000 or $3,200, where New York with a high cost of living pegged at say $4,500 for a family of four, and in the case of some of the poorer States, where living is cheaper, the figure could be $2,600.

PART II—THOSE WHO CAN AFFORD TO PURCHASE THEIR OWN HEALTH PLAN

For those Americans with income above the eligibility line set in part I of my suggestion, and in any universal health plan designed by Congress for the more affluent, I would oppose any Federal subsidy—with one single exception: protection against economic catastrophic type illness. I want to repeat that again—for those Americans with income above the eligibility line set in part I—I would oppose any Federal subsidy—with the lone exception being protection against catastrophic-type illness. This is the only area where the Federal Government should properly involve itself with those who are able to care for their own needs. And it should be noted that catastrophic coverage will need careful definition by the Congress.

Let me give you an example, not by disease category, but by expenditure. Whenever an individual or a family is forced by health reasons to exhaust their life savings, or to mortgage their home, then help is needed, even it it has to be from their Government!

Thus Congress might attempt to establish a pool from funds supplied for this specific purpose by the financially able public itself. It could be drawn upon after an individual or family expended a percentage of his or their annual income, and after having exhausted the benefits of their health insurance coverage, when such percentage let's say, exceeded 20 percent of the level of last year's adjusted income. Or you may wish to make it the level of his income the month or two just prior to his illness, figured on an annual basis.

Mr. Chairman, I know that the statement I have just read might well come as a shock to those, who thought of me as a foe to any federal participation in health care. Of course, that is not the case, as my support of the "eldercare" proposal in the 89th Congress will attest.

My suggestions have come about as a result of my professional background, as well as my realization and recognition of changing times, customs, and acceptances!

I have considered some type of catastrophic health coverage for a long time, yet I have, in my own mind, hesitated to involve the Federal Government further in the field of individual responsibility than absolutely necessary. However, it is obvious that the time is upon us when changes in the nation's health programs are on the horizon, if in fact not already here. It is therefore, my intention to try and make the best deal possible, not only for the government, but for the States, the family and the individual.

Mr. Chairman, I am speaking of quality health care for all our people, not just those in absolute need. I, for one, would like to assure you that members of the medical profession are also concerned about providing good health care for all Americans. I believe that there is a need for this kind of legislation, and I think the time has come for its enactment.

U.S. AGRICULTURAL EXPORT INDUSTRY IS BIG EMPLOYER

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MIZE. Mr. Speaker, few persons realize how many jobs are dependent upon agricultural exports. The Department of Agriculture, under the leadership of Secretary Hardin and Assistant Secretary Clarence Palmby, has worked diligently to promote increases in U.S. commodity export—not only to strengthen domestic prices and provide outlets for increased production, but also to insure that the substantial labor force dependent upon these exports is protected.

While we are often reminded of those jobs threatened by increased imports, we sometimes forget that many U.S. workers depend upon export markets and a healthy flow of goods overseas from our farms and processing factories.

Because of the importance of U.S. agricultural exports as a supplier of U.S. jobs, I submit for the RECORD the following article from the November 3, 1969, issue of Foreign Agriculture, published by the Foreign Agricultural Service of USDA:

U.S. AGRICULTURAL EXPORT INDUSTRY IS BIG EMPLOYER

(By Charles Bowman, Bureau of Labor Statistics, U.S. Department of Labor)

A recent study by the U.S. Department of Labor reveals that U.S. agricultural and food exports, on the basis of 1966 data, supported jobs for an estimated 729,000 U.S. workers. These jobs represent some 30 percent of the 2,464,000 jobs related to all merchandise exports.

About three-fifths of the 729,000 workers were on the farm while the other two-fifths were in many other industries which benefit directly and indirectly from U.S. agricultural exports. For example, a large number of farm jobs are supported directly by exports of U.S. wheat, about half of each year's crop normally moving to overseas markets. But there are also jobs involved in moving the wheat from farms to U.S. ports and in turning out the fertilizers and other materials required to produce it.

MOST JOBS ARE ON-FARM

The largest number of jobs related to agricultural exports—433,000—are on the farm in the production of commodities such as grains, oilseeds, cotton, tobacco, and livestock. In 1966 these jobs represented almost 11 percent of all agricultural employment in the United States as it is measured by the U.S. Bureau of Labor Statistics. While a large part of this production is exported directly, some of it is sold to the food industry where it undergoes further processing before being exported. In the food processing industry an additional 49,000 jobs are supported by the export of such farm-related products as fresh and prepared meats, feed-grains, and frozen foods. The remaining jobs—supported indirectly by farm and food exports—are concentrated in the trade, transportation, and chemical industries.

The relationship between the value of agricultural exports and the number of jobs supported depends mainly upon labor productivity, or output per person. As the volume of exports expands, export employment tends to increase. However, the increase in employment is limited by gains in productivity. For example, between 1960 and 1966 the value of agricultural exports, adjusted for price change, increased by 27 percent; at the same time the amount of employment directly or indirectly related to these exports declined by 6 percent.

The effect of productivity increases on export employment can be expressed in another way. In 1960 about 160,000 workers were required directly and indirectly for each billion dollars of agricultural exports. Six years later only 118,000 were needed. Such gains in labor productivity are of course a major element in reducing costs which, in turn, lead to expansion in demand and employment. In the years ahead, increased use of chemicals and machinery on the farm and improved handling methods can be expected to continue the trend toward a more efficient use of labor in the production of agricultural products.

These estimates do not include agricultural employment related to manufacturing other than processed food, although for example, textiles and similar items are made from agricultural products. Also excluded is employment involved in providing capital equipment such as farm machinery and structures.

In addition, calculations are based on the recorded U.S. port value of exports. Employment related to agricultural exports will be understated to the extent that, due to subsidies, these values are lower than comparable domestic values.

U.S. employment attributable to farm exports

Industry:	*Jobs supported by exports, 1966*
Agricultural products	433, 000
Forestry and fishery products	1, 000
Agricultural, forestry, and fishery services	21, 000
Manufacturing:	
Food and kindred products	49, 000
Chemicals	11, 000
Other manufacturing	38, 000
Services:	
Trade and transportation	99, 000
Other services	55, 000
Other industries	22, 000
Total	729, 000

A CHERISHED LESSON IN HUMILITY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, on the November 7, 1969 edition of the Boston Herald-Traveler, there was printed the letters to the editor section a letter written by Mr. Edward M. Ginsburg of Boston, Mass. with respect to our beloved Speaker, the Honorable JOHN W. MCCORMACK, of Massachusetts. In my opinion, Mr. Speaker, this says it all. There could be no better illustration of humility from a man of greatness than is recounted in this letter. This act of wisdom stemming from an act of charity is the mark of the man and shows how the Speaker "does his thing."

Mr. Speaker, I insert the letter written by Mr. Ginsburg in the RECORD at this point:

A CHERISHED LESSON IN HUMILITY

TO THE HERALD TRAVELER EDITOR:

As a recent graduate from Harvard Law School, I was taken by my father to meet John McCormack 11 years ago. They had been friends since the 1930's, when my late uncle, Bernard, as a Republican, had run for Congress against the speaker and had received over 30,000 votes, a number unheard of for a Republican in that Democratic district.

While waiting to see the speaker, I noticed the front page of the New York Times on the table in the waiting room, showing a picture in which John McCormack was standing with President Eisenhower and the other leaders of Congress. As I looked up from the paper, a constituent, obviously down and out, came out of the speaker's office and left. The speaker noticed my eyes go from the picture in the New York Times to the man leaving the room. He asked me what I was thinking. Although my thoughts about the man before me, being with the President one day and the next day with a poor bedraggled soul, obviously showed on my face, I said nothing. The speaker then asked me if I had ever been to the top of the Empire State Building. When I said yes, he took a ball point pen from his pocket and pointed to the top of it and said:

"From the top of the Empire State Building we all look like a dot. It is all a matter of perspective. Never forget that, young man."

The encounter was a lesson in humility I shall always cherish.

To impliedly criticize John McCormack because he puts a high premium on loyalty and friendship is unfair. We all put a high premium on those two values. Furthermore, a man who has remained a leader in Congress for as long as John McCormack, a leader among his peers of able and ambitious politicians, must be doing something right. He and his loyal aides should not be tarnished after 40 years of service to this Commonwealth and to the nation.

EDWARD M. GINSBURG.

BOSTON.

VETERANS' EDUCATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. ANDERSON of California. Mr. Speaker, in order to compete in today's job market, a veteran needs an education, a skill, a trade. The first questions an employer asks of a job seeking veteran is, "What is your level of education? Have you any experience?" If the exserviceman cannot respond favorably to these questions, he is not going to get the job he seeks. The result is unemployment. The result may be crime. The result is increased welfare rolls.

We are obligated to encourage our returning servicemen to resume their schooling, if that schooling was interrupted. We are obligated to encourage the returning veteran to seek the best education and training he can attain.

Between 1950 and 1967, U.S. census data and estimates show that the median years of education completed by a person 25 years or older had risen from 9.3 to 12 years. Further, census figures show that for 1966, among persons considered to be in the labor force, the unemployment rate among high school dropouts was 18 percent and was 14.2 percent among those with no more than a high school degree.

In no area has our obligation been more evident than in the field of veterans' education. Many of our sons have gone in the armed services and served our Nation well. Some have returned in the service; most have returned to civilian life. What are they going to do in civilian life if they have no trade? Twenty-three percent of our enlisted separatees from military service in fiscal 1969 were high school dropouts. At present, only 6.1 percent of the eligible high school dropouts have taken advantage of the post-Korean conflict educational program.

We can rectify this apparent failure by concurring in the Senate amendment to H.R. 11959, which increases GI bill allowance rate by approximately 46 percent in all programs.

Another provision of the Senate amendment provides for a newly oriented and greatly expanded veterans' service program designed to search out recently discharged veterans, especially the educationally disadvantaged, to advise them of the benefits to which they are entitled and assist them in obtaining these benefits.

Currently the Veterans' Administration operates 71 U.S. veterans assistance centers. In 1969, of the 232,125 initial interviews at the centers, only 37,176—16 percent—were educationally disadvantaged. Of the 216,200 separatees who were high school dropouts, only 17 percent were contacted. This situation can be corrected by expanding the veterans' outreach program.

The need for this legislation is clear. The time to act is now. Investments in veterans education and training will bring into the Treasury much more than the cost of the program. Increased earnings and increased skills will result in a stronger, more viable nation.

GENERATION GAP

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. SEBELIUS. Mr. Speaker, I think I have a partial answer as to why our Nation is experiencing a so-called generation gap. An article from my hometown newspaper, the Norton Daily Telegram, tells about an "experiment in democracy" by seventh and eighth graders in the Norton public schools.

The students, as part of a school assignment, designed a question-answer experiment to check adult reaction to our basic freedoms. In going door-to-door, one would have expected the youngsters to find among their elders a reservoir of good will plus a firm personal commitment to our country's principles. The results, however, were rather disturbing. Many adults did not recognize the first amendment to the Constitution and many did not agree with the basic freedoms it sets forth.

Young people today constantly hear the admonition they must do their homework and experience the hard knocks of life before their voices can be heard—and listened to. We tell them our problems can be solved only in an atmosphere of calm and reason. It is also clear that adults, as well as students, must do their homework before they can become truly effective citizens. It is most disappointing to find some citizens do not understand or want to understand the precepts upon which their very own freedom is based. It is just as disappointing to find citizens who full well understand their responsibility in making our democracy work but who will not take the time to help pass on this responsibility to our youth.

Freedom is easily abused and I am sure many citizens are tired of seeing opportunists and self-acclaimed revolutionaries hide behind basic freedoms while violating the rights of others. Controversy and emotionalism seem to have blocked rational discussion of our problems. This is no reason however, to refuse to take the time to communicate with our young people. As President Nixon has said, it is necessary to stop all of the shouting before we can hear each other—that is good advice, especially for those of us who are adults.

I submit for inclusion in the RECORD the following article from the Norton Daily Telegram:

PETITION SHOWS FIRST AMENDMENT NOT FAMILIAR TO MANY IN NORTON

Pupils in the Seventh and Eighth Grade Reading Improvement Class in the Norton Schools recently circulated a petition throughout Norton seeking signers for a document they had prepared. The document actually was the first amendment to the Constitution of the United States and they reported that they were going to present the petition to Congress and ask that it be passed.

The circulation of the petition followed discussions in the class which is taught by Ray Fitzpatrick. Mr. Fitzpatrick reported that the class had been reading articles concerned with America and its problems. The articles, he said, could well be divided into two categories, "What Is Wrong With America," and "What Is Right With America."

Mr. Fitzpatrick's account of the class discussions, the circulation of the petitions and the report of the class following the project, follows:

I discovered that many of my students were well informed, and quite concerned about current, domestic problems in the United States, and that they are familiar with their rights as individuals and citizens. I became quite aware that these students cannot be classified like many of their counterparts seen on television or read about in the newspapers. My students are quite aware that "freedom isn't free," and that "there is a cost in being free."

Some of my students made comments such as, "Freedom is having the ability to choose right from wrong, good from bad, etc." "Here in the United States, freedom means freedom of religion, of the press, of speech, and of movements." "Freedom is a wonderful thing, but sometimes it can be terrible. It could destroy a nation if anyone could do anything they wanted to do."

After hearing these comments, I wondered how many adults are aware that there are many young people today who try not to abuse, nor take for granted, the freedom they have. We decided it would be interesting to find out how many adults knew what freedom they have and how they agree with them.

I had the class conduct an experiment to find out this information. The class, under the name of Students To Petition (STP), circulated the following information in the petition:

When in the course of human events, it becomes apparent that the fundamental democratic concepts of life, liberty, and freedom are threatened, we feel it necessary as young American citizens to petition our elders to pass a law that will enable all rights of men to be recognized.

Therefore, we of the Students To Petition (STP), with the help of various adults, deem it necessary to submit the following document to be considered and acted upon by the Congress of The United States.

"Congress shall make no law respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech; or of the press; or the right of the people peaceably to assemble; and to petition the government for a redress of grievances."

The First Amendment to the Constitution is contained within this petition. The students were to explain that they intended to submit this to Congress as a petition.

The First Amendment, of course, guarantees to all U.S. citizens freedom of religion, speech, press, peaceable assembly, and the right "to petition the government for redress of grievances."

RESULTS INTERESTING

The results were very interesting. Of the 300 people polled, 250 did not recognize the First Amendment. Of these 250, 200 agreed with the statement, 30 disagreed, and 20 would not commit themselves. Of the 50 who recognized the statement, 20 disagreed with all of it, or parts of it; 20 agreed to it, and 10 would not commit themselves.

What was most astonishing to the students was the treatment they received from many adults. The students were instructed to be courteous and polite no matter how they were treated. They also were to conduct themselves in a serious manner.

Some of the comments of the adults to the student pollsters were:

ADULTS COMMENT

"You young kids don't know what's good for you. You're spoiled."

"I don't read any more; the paper is full of nothing but war and riots. I don't care to sign."

"I agree, but I'm afraid of getting into trouble because of working for the city."

"I don't believe in freedom of religion."

"Show me your right to petition. Has this been cleared by the Board of Education for you to do this?"

"What's this mean? What if the Communists move in, Congress won't be here to help us."

"I'm not interested!!!" (slamming the door.)

"Go to hell!!" (slamming the door.)

"I don't think you are smart enough to know what this means."

"Throw it in the trash can."

"If this means to kick Madelyn Murray out of the country, I'm for it. I'll sign."

"I don't know what it means, but I'll sign it."

"I don't like the way it is worded." (It is worded exactly as the Constitution reads.)

"Sounds as if you are trying to do away with the First Amendment." (This article was the First Amendment.)

"I'm not going to sign anything I have to pay money for." (No contribution was asked.)

"I have a cold and can't stand up without getting dizzy, so I can't sign."

"I don't believe in religion in the schools."

"You dirty old bums."

"I don't agree with peaceable assembly."

"Heaven's no. You must think I'm a dumb dumb."

Besides receiving some rather abusive remarks and having doors slammed in their faces, two of my students had the sheriff call on them. After asking a few questions, the sheriff let them continue.

This was a very enlightening experience for all of the students participating. I asked each of them to write their comments about the experience and some of them were:

STUDENTS COMMENT

"Many people did not sign it because they did not want to get involved in anything. That seems to be the cry nowadays."

"I think the people of The United States should be interested in their country enough to know what they are signing and should know the Constitution. If they don't, should they call this their country?"

"I think people should be a little more courteous and should watch their language; after all, they are supposed to set an example for us."

"It was funny to find out how ignorant the adults are of their rights."

"Most of the people should get hearing aids and glasses."

"I feel every American should know their own Constitution. Most riots are started by people who want more freedom and don't even know the freedoms they do have."

"The adults say, 'These kids! They go around rioting and killing and trying to change things.' And the adults don't even know about our own government."

I can see why many of these experiences did happen to the students. People see violence and rioting and protesting on TV, and read about it in the newspapers every day. They are growing very tired of all the commotion going on. I feel that we are all concerned with the welfare of our country, but I also think the students' feelings are justified. How can the adults be an example and guide for our youth of today when they are so in the dark themselves?

Many adults were very cautious about signing anything and this is the reason for many acting as they did. There were quite a few who signed the petition without any interest in what it said.

TAFT ASKS AGAIN FOR WAIVER OF BIG TEN RULE TO SEND OHIO STATE TO ROSE BOWL

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. TAFT. Mr. Speaker, last week I suggested that since this year marks the 100th anniversary of collegiate football, it might be an appropriate time for the Big Ten to waive its prohibition against a team's consecutive participation in the Rose Bowl, to permit Ohio State's Buckeyes to play in the January 1 game, should they repeat as Big Ten champions.

While chances do not appear bright for such an occurrence, I still believe it would be a tremendous way to properly celebrate this historic year in college football.

The following article, from the New York Times of November 10, gives a rundown on sentiment across the country:

OHIO STATE FUELS ROSE BOWL FUROR BY ROMPING MINUS STARTING QUARTERBACK

BIG TEN RULE BARS RETURN TO COAST—BUCKEYES CALLED "GREATEST" AFTER WEEKEND OF ROUTS BY 8 OF TOP 10 TEAMS

(By Neil Amdur)

Early in college football's centennial season, Fred Taylor, coach at Texas Christian, praised Ohio State as "the greatest college team ever."

Last Saturday, John Coatta of Wisconsin wondered whether the Buckeye players put their shoes and socks on one at a time like everyone else, or if they changed clothes in telephone booths.

"I forgot to go over and check to see if they had a big S [for Superman] on their chests," Coatta said, after Ohio State amassed 62 points and 595 yards total offense with the No. 1 quarterback, Rex Kern, resting an ailing shoulder. "This is one of the greatest college teams I have ever seen and I don't think I will ever see one better."

Maybe not, but fans of Texas, Tennessee, Arkansas and Penn State still are waving popular hand-made banners and proclaiming their unbeaten sectional favorites, as what else? No. 1.

Ohio State's ineligibility to repeat as a Rose Bowl representative, under Big Ten Conference rules, has caused its share of commotion this year and has been logged in The Congressional Quarterly as an injustice. Last weekend's results solved nothing in the greatest cross-country debate since the Notre Dame-Michigan State dispute over a tie game three years ago.

Eight of the top 10 teams (Penn State and U.C.L.A. were idle) won by margins of at least three touchdowns. Not even a virus epidemic that struck 27 players could slow Texas from its 16th straight victory, 56–14, over Baylor.

The absence of a postseason playoff in football is taxing more than the patience of alumni, fans and television sponsors. It has bowl officials, the strongest opponents to such a proposal, in a dither trying to second guess the feelings of their prospects, a week before formal invitations can be issued.

Will Penn State desire Miami sun or the challenge of meeting the Texas-Arkansas survivor in the Cotton Bowl? What postseason deal will be worked out for the loser of the Southwest Conference title game on Dec. 6? And where do such once-beaten powers as Missouri and Louisiana State fit into the major bowl picture after convincing victories over Oklahoma (44–10) and Alabama (20–15), respectively, last weekend?

The air should clear in several directions this Saturday when Ohio State and Tennessee face their toughest tests against Purdue and Mississippi. Woody Hayes, coach of the topranking Buckeyes, already has announced that all workouts will be closed to the public and press—even to the local press in Columbus.

The lack of competition last weekend was so pronounced that John McKay, coach of unbeaten but tied Southern California, suggested that his club was "flat, down or whatever" in whipping Washington State, 28–7. "I can't account for it," McKay said.

Johnny Pont, the Indiana coach, blamed "the emotional drain" in the black athlete crisis at the school for Indiana's 28–17 loss to Iowa, a defeat that may have squelched the Hoosiers' hopes of a Rose Bowl berth.

But emotions were high for at least two teams last weekend, Wesleyan and Allegheny. Allegheny knocked off unbeaten Thiel College with a 21–14 victory. Wesleyan won its seventh straight game, 18–17, over Williams with a touchdown in the last 67 seconds for its first Little Three title since 1966.

RURAL AFFAIRS COUNCIL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. QUIE. Mr. Speaker, I applaud the President's decision to establish a new Cabinet-level Rural Affairs Council to deal with the present and future problems of rural America.

It is appropriate that the problems of the countryside receive the same high-level attention as has been focused on the problems of the cities through the Urban Affairs Council.

A great many urban problems originate as rural problems. Rising production expenses, higher taxes and farm prices equal to or lower than he was receiving 20 years ago are forcing out of business nearly 600,000 farmers—and particularly farm youths—every year.

Turning to the overcrowded cities for new opportunities, they often find themselves lacking the skills necessary to gain good jobs and support their families adequately. As a result, they become part of what we refer to as the "urban crush."

When he was at Purdue University, the distinguished agricultural economist Don Paarlberg, now an assistant to Secretary Hardin, estimated the export of brains and brawn from the countryside to the cities runs about $12 billion a year. That is twice the total agricultural budget and several times the actual subsidy to farmers.

Rural America cannot afford that type of a subsidy to the urban areas and the economy in general.

Nearly 14 million new jobs have been created in the last 15 years—nearly all of them in the cities. Close to 70 percent of America's population lives on 1 percent of the land. Obviously, we need some economic incentives to reverse the migration, to get people out of the overcrowded, smogbound cities and into the open air of the countryside where half the population would like to live and work if opportunity existed.

So I am heartened to see President Nixon taking initiatives to redress the imbalance.

A good beginning agenda for the Rural Affairs Council can be found in the full-page advertisement the National Rural Electric Cooperative Association has been running in the Saturday Review and other national magazines.

That advertisement makes these points:

Over half the Nation's substandard homes—more than 4 million—are in rural America. Many who live in these homes are old. Many are poor.

Nearly 30,000 rural communities are without adequate water systems—about 45,000 without sewer systems. Thousands lack medical centers, libraries, good schools, recreation programs.

Few of the nearly 14 million new jobs created in the last 15 years were in rural America. And rural unemployment figures in many areas run nearly 18 percent, compared to a national average of about 4 percent.

The effects of high interest rates are most sharply felt in the countryside where there is a chronic shortage of capital for housing and community and industrial growth.

If the Rural Affairs Council can pinpoint means of providing decent housing, adequate water and sewage systems and other community facilities, industrial development, job training, and low-cost credit, its contribution to revitalizing rural America will have been immense.

On top of this, of course, we in the Congress must provide sound farm programs so the farmer may be rewarded more adequately for his investment, time, and labor. I know that goal is uppermost in the minds of Secretary Hardin and the House Agriculture Committee members in their current deliberations.

Creation of this council does not relieve Congress of its responsibilities in this area. But it will provide an ongoing, high-level appraisal of how to help rural America in cooperation with the Congress and with private effort.

A TRIBUTE TO ALL VETERANS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MONAGAN. Mr. Speaker, I have joined with approximately 100 of my colleagues in cosponsoring House Resolution 663 in recognition of the efforts and sacrifices of the American servicemen in Vietnam which unfortunately are often overshadowed by the emotional debate on our future course in Vietnam.

The resolution was filed just prior to Veterans Day and for my part I intended it as a tribute to all veterans. With this in mind I call attention to a realistic and impressive statement made on Veterans Day by Comdr. John Olear of the American Legion, Corporal Coyle Post No. 1 in Waterbury, Conn.

Commander Olear is a friend and constituent of mine. He is school inspector for the city of Waterbury, president of St. Mary's Russian Orthodox Greek Catholic Church, chairman of the Waterbury Veterans Day Committee, and chairman for the Waterbury Committee of United Nations. Mr. Olear's Veterans Day statement follows:

A TRIBUTE TO ALL VETERANS

(By Comdr. John Olear)

It is appropriate on this Veterans Day of 1969, since we are observing it during a period of national unrest and uncertainty, to look realistically at some facts that have been forgotten.

First and foremost, let it be remembered that no one wants peace more passionately than those who have fought for it.

There is no greater dedication to the cause of a world at peace than that of a man or woman who has lived through the hell of war. Can anyone know the importance of peace more than the man who served with the A.E.F. at Seicheprey, or the soldier or marine who fought in the sugar cane fields of Okinawa, or the sailor on convoy duty through the submarine-infested North Atlantic, or the airman in lonely battle in the sky, or the nurse or WAC under enemy bombardment?

These people cherish peace because they know what war is.

But they cherish honor also.

And they cherish simple love of country.

The veterans want peace; of course they do; but they want peace with honor.

When American troops have marched off to war they have marched in freedom's cause. They have sought no new territory, no new peoples to enslave. They have fought for freedom and for the right of each people to choose its own government in its own way.

These men who fought—the veterans whom we honor today—were and are the real champions of peace. Only those who have lived intimately with the horrors of war can truly know how vitally urgent it is that we build a world in which all men and all nations can live together as neighbors in peace and harmony.

These men know also that surrender to aggression does not mean real peace. They know that a temporary cessation of hostilities resulting from a yielding to the aggressor will be used by the aggressor only to build up his strength for new and greater assaults on free nations and free men.

It would be a mockery if we let the social unrest of today serve to downgrade in the slightest the valor and the sacrifices of those who have fought in freedom's cause from Valley Forge to Vietnam.

Today should instead be an occasion for paying even greater tribute to them—those veterans who fought under the flag of the country they loved. Veterans Day should be a time for remembering—and today, in remembering, let us seek a deeper appreciation of our veterans.

On this day of remembering, let us make the record show that we in Waterbury have deepened our admiration for those who have served their country in uniform—that we are etching deeper into the metal of history our gratitude to those who went to war in freedom's cause. Let us remember those who fell in battle, giving their all on the altar of freedom, and let us hail with affectionate pride those who returned safely from the field of battle.

Let us remember, on this day for remembering, that it is only because of the courage and the sacrifices of those who fought for America and freedom that Americans are able to meet today in an assembly such as this. But for what the Veterans did, this city and this land would today be under the jackboot of a foreign dictator.

Our veterans fought for the freedom of all Americans—even those who today consider it fashionable to dishonor their contributions and belittle their memories.

Let it never be forgotten that the men and women we honor on this veterans day fought and bled to bring peace to the world.

The cause for which they fought lives on because of them.

Peace and freedom—freedom and peace—these are the real lessons and the real legacy left to us by the veterans, living and dead, in whose honor we gather today.

ILLINOISANS SPEAK OUT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MIKVA. Mr. Speaker, I have completed tabulating the results of a questionnaire I recently sent to 90,000 residents of the Second Congressional District of Illinois which I represent. I am placing in the CONGRESSIONAL RECORD the responses received from over 10,000 residents of my district. I believe that my colleagues and others will find them of interest.

The Second Congressional District of Illinois is diverse and heterogeneous: its residents come from all walks of life, from all occupations and professions and from all economic brackets. The district includes urban areas, suburbs, steel mills, universities, urban renewal areas and slums. Although predominately urban in character, it contains a substantial number of farms as well. Thus, I believe that the results of this poll have more than local significance; they show what a representative cross section of America thinks about pressing national problems.

On the subject of Vietnam, responses showed that in August and September of this year, over 65 percent of those who responded favored a reduction of U.S. military efforts in South Vietnam, with over half of these favoring immediate withdrawal of our troops. On related issues of military spending, 70 percent favored reducing U.S. military forces and over 65 percent favored cutting the defense budget. Seventy-five percent favored some change in the present system of drafting men for military service.

More than half of those responding favored increased Federal efforts in areas like aid to education, aid to cities, antipoverty programs, and health.

Responses to the question on electoral college reform—over 76 percent favoring abolition of the electoral college in favor of direct popular election—confirmed the results of a poll of Illinois State legislators which Congressman RAILSBACK and I had conducted earlier this year.

Perhaps most significant, over 90 percent of those responding considered air pollution a most critical problem. I believe this justifies increased efforts at the national level to remedy what an overwhelming majority of Americans consider a serious threat to their health and welfare.

The complete results of the poll are summarized below:

[Answers in percent]

1. Vietnam: I favor—

Reducing the level of fighting while peace negotiations are in progress	32
Continuing military operations at the present level regardless of developments in the Paris peace talks	9
Immediately withdrawing all our troops from Vietnam	37
Discontinuing negotiations and stepping up military operations to attain a military victory	14
Did not reply	8

2. Draft law: I favor—

The present system which permits student deferments	18
A lottery system with no student deferments	34
An all-volunteer army	41
Did not reply	7

3. Surtax. I favor the surtax as a weapon against inflation—

Yes	23
No	60
Undecided	13
Did not reply	4

4. Surtax and tax reform: I believe these should be linked together—

Yes	46
No	36
Undecided	13
Did not reply	5

5. Military forces: I favor the reduction of U.S. military forces by 10 percent by the end of fiscal year 1970—

Yes	70
No	15
Undecided	10
Did not reply	5

6. Future Government spending: I think the Federal budget for the following programs should be as follows:

	Decreased	Same	Increased	Did not reply
Defense budget	66	23	7	4
Aid to education	8	19	70	3
Poverty program	25	17	53	5
Welfare	33	20	40	7
Aid to cities	13	24	58	5
Space program	47	38	10	5
Foreign aid	65	21	7	5
Health	5	21	69	7

7. ABM: I support—

A limited ABM system	24
Only research on an ABM system	24
No ABM system	32
An expanded ABM system	14
Did not reply	6

8. Voting age: I favor lowering the voting age to 18—

Yes	57
No	36
Undecided	6
Did not reply	1

9. Air pollution: I consider air pollution to be a critical problem—

Yes	92
No	5
Undecided	2
Did not reply	1

10. Post Office: I favor the proposal to convert the Post Office Department into a Government-owned corporation operating on a self-sustaining basis—

Yes	64
No	18
Undecided	16
Did not reply	2

11. College campuses: I believe the Federal Government should become involved in enforcing order on college campuses—

Yes	32
No	60
Undecided	6
Did not reply	2

12. Federal welfare programs: I favor—

Standardizing welfare payments in all States	50
Replacing existing programs by a guaranteed annual income or negative income tax	39
Retaining present programs as they are	4
Did not reply	7

13. Electoral College: I favor—

Retaining the Electoral College as it is	10
Abolishing the Electoral College and electing the President and Vice President by direct popular vote	77
Abolishing the Electoral College but having the vote in each State on the basis of Congressional Districts	9
Did not reply	4

14. Hunger: It is my opinion that—

Hunger is a very serious problem in Illinois	33
Hunger is a somewhat serious problem in Illinois	34
Hunger is not a serious problem in Illinois	29
Did not reply	4

ADDRESS BY DR. WILLIAM McELROY

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MOSHER. Mr. Speaker, on October 14, Dr. William D. McElroy delivered his first public address since becoming the Director of the National Science Foundation. It is most appropriate that the audience on this occasion were his colleagues of the National Academy of Sciences, in session on the campus of Dartmouth College for their annual fall meeting.

In his address, Dr. McElroy highlighted three hard problems he believes cannot be ignored by the science community—leadership, communication, and social responsibility.

Recognizing that basic research in the various disciplines continues to be essential to the progress in science, the NSF Director expresses a leadership concept for the science enterprise which is concerned about "the whole of our society, its environment, and the growth of the individuals who make it up." Accordingly he cites the need for interdisciplinary research and stresses that high priority also be given environmental and ecological studies.

While acknowledging the Foundation's capability to accept leadership for these programs, he suggests two necessary steps to insure "the proper base on which academic science can carry out its changing role," an increase in Federal funding of academic science, and raising the NSF proportion of Federal support for academic science so that it can achieve its objectives to advance science and science education.

Dr. McElroy urges that the story of science be told to the public at large, and cautions that the "scientific community isolates itself only at its own peril."

Mr. Speaker, Dr. McElroy's speech to the National Academy of Sciences is not only provocative but holds import for all of us in the Congress. It is indeed a reflection of the constructive and forward looking style of leadership we can expect from him, and I urge careful reading of the full text of his remarks which follows:

REMARKS OF DR. WILLIAM D. MCELROY, AUTUMN MEETING, HANOVER, N.H., OCTOBER 14, 1969

QUESTIONS AND ANSWERS

I can think of no audience whose attention honors me more. My pleasure at being here this evening is heightened still more by the fact that this is my first talk, in my present position as Director of the National Science Foundation, to a group of people outside the Government. As such, picking a topic poses a particularly hard choice for me.

I could tell you about my new job and what it consists of. But that has been done better by the late Robert Frost at the time he was appointed Consultant in Poetry at the Library of Congress. He described his job as making "the politicians and statesmen more aware of their responsibility to the arts." Substitute the word "science" for "art" and you have a fair fix on my job too.

I could talk about money, but judging from recent events, if money is the answer to our problems, we must be asking the wrong questions. Since tonight is a beginning for me, it seems fit to start by asking what are, or might be, the right questions.

There are two basic ways of looking at our situation and each generates entirely different sets of questions. The first views the science enterprise as an institutionalized system seeking to maintain equilibrium and a balanced growth. Ecologically speaking, this is good. In this world of rapid, often threatening change, continued viability may well be based on how well stability is preserved. However, I remind you of a fact that living systems cannot remain alive if a true equilibrium is reached. Energy must be continuously fed into the system.

When stability is in danger, or is upset, the questions posed tend to orbit around the idea of restoration. Typically, the query is "how can we bring the system back to normal?" or "what is needed to smooth out the turbulence?" If the disturbance is outside the system, we ride off to bring it under control. Perhaps the most extreme version of that response is to be found in the cartoon, which some of you may have seen, in which the Evins Subcommittee on Appropriations of the House of Representatives is depicted as a large dragon, and a small lone figure, Knight McElroy, is galloping forward to do battle. Naturally, I was pleased to be shown as a brave and resolute fighter in the battle for science. But this feeling was tempered, however, by the thought that maybe the cartoonist was doing more harm than good by suggesting the wrong answer to what may also well be the wrong question.

The second way of assessing our situation emphasizes change, not equilibrium, and process rather than structure. When we look at the changes that are underway and what we are in the process of becoming, quite a different set of questions arises. Aside from trying to understand what is going on among all the variables involved, a new factor of direction comes into play. We are confronted with the classical question of where we are heading and why? This is, in my view, the primary question. Let me elaborate.

In the past we had little control of our destiny. Now, for the first time in man's history, we are at the point where we can do virtually anything we wish if we are willing to pay the price. But with this power to choose comes a bewildering variety of hard questions. These questions seem all the harder because of the widening gap between knowledge and wisdom, and the questioning of authority and precedent.

Although the questions met in the process of change are more difficult than the questions that arise from restoring or maintaining system equilibrium, I am convinced that the continuity of the past is best preserved by confronting the questions of what we are becoming.

I believe there are three hard problems we must solve—leadership, communication and social responsibility.

The problem of leadership

Science leadership today must be grounded in an effective concern for the *whole* of our society, its environment, and the growth of the individuals who make it up. This leadership must be broad in view and long in perspective, while at the same time involved in current problems to which science can make unique contributions.

The problems that obstruct and endanger our hopes for a decent society are too well known to need listing here. That the solution of social problems will be tied to a significant degree to science and technology is also widely accepted. To be sure that science can preserve its integrity in such a coupling needs careful leadership; that science must increasingly come to accept such a coupling is also a responsibility of leadership. If such a coupling makes for hard choices in our hierarchy of priorities, then this is also a burden to be shouldered by leadership. But however heavy this burden may be, we cannot justify a primitive level of scientific knowledge in areas of vital social concern.

It is clear that the nation must undertake interdisciplinary approaches to many, if not most, of our current problems. But let me hasten to add that good, in depth, basic research in the various disciplines is and will continue to be the essential element of progress in the sciences.

In addition to various types of interdisciplinary studies, I believe that environmental and ecological studies are clearly of high priority.

None of us view such studies as a panacea for social ills, and however gifted ecologists may be, their abilities as generalists rest on the skills of many specialties. For this reason, while we vigorously pursue every pathway of advancement, let us be careful not to oversell the merits of ecological analysis. Rather, let us deliver more than we promise.

To carry out these and other types of activities we need to stimulate young people to develop the highest scientific and technical skills they can. This does not mean, however, that everybody need be a Ph. D. It may take many Ph. D. physicists or engineers to develop a nuclear reactor, but after it is built a team of reactor operators must run the plant on a routine basis. Each individual in such a situation is trained up to the level at which he is engaged. Of course, Ph. D.'s must also be available in order to teach and to ask the right research questions and even find some answers. But we also need engineers and technclans able to apply scientific and technical knowledge in a great many social circumstances not requiring the fullest extent of advanced training.

Clearly the new or augmented undertakings represented by my reference to interdisciplinary research, environmental sciences, and educational reforms, require a period of dynamic growth so that worthy programs of a more traditional type are not harmed. It is also clear that a substantial share of the additional funding needed must come from the Federal Government. The NSF has the experience and the capability to accept leadership for these programs—provided adequate funds are available.

Almost all agencies support some basic research. However, our experience over the last few years tells us that despite the benefits, the pluralistic pattern of Federal support as it is now operating has some severe disadvantages. Mission agencies now providing major support to academic science have had fluctuating appropriation patterns reflecting changing priorities as well as the completion of specific programs. Priorities, of course, change and jobs get done. But, as a result, academic science has been hit harder than necessary. I believe that the time has come for NSF to take the leadership by ensuring the proper base on which academic science can carry out its changing role. To do this, two specific steps must be taken. The first is an increase in Federal funding of academic science. The second step is to allocate this increase so that the NSF proportion of Federal support for academic science can be raised to the point where the needed leverage or influence on the system can be exerted. A doubling of the NSF's fiscal year 1969 level of about 15% of the Federal support for academic R & D would be the right order of magnitude.

The problem of communication

If progress were solely a matter of leadership I could end my remarks now—but it isn't. I am troubled by the fact that we scientists don't seem to have been able to tell the story of science adequately to enough people—certainly not to those who must make political judgments.

It is unfortunate, perhaps unavoidable, that the scientist's servitude to his discipline creates ways of thinking and modes of expression which may be alien to some in our society. The scientist lives not only with his public utterances and publications but also with his interior notion of what he thinks he has done and what he will do. The world sees only a fragment of this. Is it any wonder that the signals of the scientists are scarcely legible through all the surrounding noise?

And yet, can we afford to shrug our shoulders, and go on speaking only to our scientific peers? The answer is obvious of course, but it needs restatement—the scientific community isolates itself only at its own peril.

We, who are in a sense the trustees of science, have an obligation to translate science at a variety of levels and from many perspectives. This does not just mean an informal talk on the wonders of science before the local PTA or an impassioned letter of protest, either singly or in groups, to your Congressmen when the budget is cut. It does not always mean pleading for more science money. It certainly means explaining what good science is and what it can do—to our elected representatives and others.

We need a commitment to this problem of communication which is continuous and significant. There are numerous possibilities, but time will only let me speak of a few. Alvin Weinberg suggests, and I agree, that we need scientific critics or pundits to "examine the scientific-political scene with the same comprehensive understanding as Mr. Walter Lippmann or Mr. James Reston show in discussing national and world politics." Joshua Lederberg has shown us the feasibility of this idea through his columns.

Another good idea was made by Robert Morison who suggested that we devise some analogy for presenting science to adults that would do for the general public what agricultural extension has done for the farmer. Possibly an organization comparable to the League of Women Voters. Such an organization would present information on issues involving science which is non-partisan, factual and reliable—with the reader to draw his own conclusions.

The communication possibilities are endless, ranging from scientific exhibits of the moon rocks to celebrations of the 500th birthday of Copernicus. With a total eclipse of the sun due to pass over some of the most populated areas of the United States next spring, have we made our plans for the public as carefully as those we have made for science?

But whatever we do, the scientific community should apply to this problem the conceptual tools it uses in its scientific studies. Do we test our assumptions or engage in wishful thinking? Do we consider the relevant facts that are operative in the political and social systems in which the science enterprise is embedded? Do we confuse expertise for opinion and substitute slogans for solutions? The answers to these questions may seem obvious, but if answered objectively we might find some explanation for our current condition.

Problems of social responsibility

Earlier in these remarks I mentioned the need for an effective concern for the whole of our society, its environment, and individual growth—in short, social responsibility. Without such concern science leadership and communication efforts can never develop the kind of broad support required for science's long-term health.

Many commentators have written that our society is sick; that it has gone off the track. I don't accept the truth of this view, but I am bothered by the fact that science is so often identified as a cause for the abnormalities in our society. For every friend who rises to salute science for what it has done for better health and the general welfare, others rise to denounce the flaws of society which they attribute to science or technology—without making any distinction between the two. Although we protest, on the one hand, that the destructive side effects of technology should not be charged to the account of science, on the other hand we often try to justify science by the material benefits which flow from it.

Obviously, we cannot, nor should we, have it both ways. If we had any doubts about this question, a recently completed report by the Illinois Institute of Technology should put them to rest. This report demonstrated that there is a continuum between science and technology by tracing the key research discoveries and developmental events which led to 5 specific technological innovations with major economic and sociologic impacts.

This continuum did not always exist, nor do the benefits which flow from it always move from science to technology. Much of the great advance we have made in in recent years is based on the useful symbiotic relationship between science and technology. The side effects of technology, of course, often lead to undesirable social effects. Thus, the responsibility we scientists ought to feel for technological effects is grounded not only in logic but in self-interest.

It is for this reason that I find the report of the National Academy of Sciences on "Technology: Processes of Assessment and Choice" to be of exceptional interest, quality, and importance. Most of us here would find little to quarrel with the idea that we must take into account the direct and indirect effects of technological change in regard to both environmental and social quality. We would also want to be sure that our decision-making mechanisms for technological assessment are effective.

Science and technology were once thought of as a liberating force; today they are viewed by many as destructive of freedom. Why? Perhaps some of this attitude stems from the sophisticated concept that if you reduce the quality of a man's environment without his consent, you reduce his freedom. Seemingly the partnership of science and technology with business corporations and Government has leached some of the sense of freedom of the individual. When, as Dean Price points out "the main lines of our policy, over the long run, are likely to be determined by scientific developments we cannot foresee rather than political doctrines," the individual cannot be blamed if he feels that still another dimension of freedom—control over his environment—is lost.

I have mentioned some very fundamental trends in the relation of science to society which seem to have produced, and understandably so, animosity toward science. The Academy's report is right when it urges "meaningful public participation in choices having major public consequences." It is also right when it warns of "unreasoned political reaction against all technical innovation."

There are no easy answers to questions of the responsibility of science to society. But because there are no *easy* answers doesn't mean that there are no answers. The increasing recognition by the scientific community of the importance of these problems gives me reason to be hopeful.

Conclusion

I began my remarks by asking what the 'right' questions are. The 'right' questions, that go to the tree—not to the branch, seem to be mostly those which ask where we are going, why, and with whom. Although every question doesn't deserve, or for that matter, have an answer, I believe that the questions presented to you tonight—concerning leadership, communication, and social responsibility—cannot be ignored. As answers develop they will likely be tentative, partial, and unsatisfying. As scientists we have learned to live with such unsatisfying results and found instead that they are a stimulus to advance. Why not in this instance?

HORTON CITES YOUTH CAMP SAFETY AS AREA OF NEGLECT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. HORTON. Mr. Speaker, youth camps deal with our most precious commodity—our children. It amazes me that most States either have no regulations or very spotty ones concerning summer camp safety, sanitation, and personnel.

Jack Dempsey, news director for Malrite Stations and WNYR in Rochester, brought to my attention that almost all types of public service jobs have to be licensed except working for a youth camp. He also pointed out that very little is known about camps and their need for greater health and safety standards.

I know that most camps take great care for the safety of young campers, but there is a real need for more attention in this area.

The last survey of camp safety was taken in 1929—that is 40 years ago. Right now, we do not even know the exact number of summer camps across the country, and information about deaths or injuries is hard to come by.

To help correct this situation, I have introduced a youth camp safety bill, which was originally sponsored by Senator ABRAHAM RIBICOFF of Connecticut. This bill directs the Secretary of Health, Education, and Welfare to establish Federal safety standards for youth camps. It will provide matching funds up to $50,000 a year to each State which implements camp safety programs and standards.

The standards spelled out in my bill pertain to counselors and staff qualifications, staff-camper ratios, sanitation, public health, medical services, food handling, waste disposal, equipment, and vehicle condition.

Mr. Speaker, every year parents and children happily anticipate camp time. The children look forward to the companionship, the outdoors, the boating, swimming, hikes, campfires, and field trips. Parents feel confident that the people who will take their place for the summer, or for a month or a week are competent and reliable. And yet every year we hear of another tragedy, a bus accident, a drowning, a youth badly burned, insufficient supervision of campers in emergencies. Unfortunately, we do not have the statistics available to determine what can be done to improve this situation.

Youth camp safety has been neglected too long. It is time to protect the safety of our children. I urge my colleagues to consider this carefully and to support this measure.

A GOOD FRIEND OF ERNEST HEMINGWAY

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WHITEHURST. Mr. Speaker, during the 18 years in which I taught at Old Dominion University, it was my privilege to claim as a colleague and friend Prof. William W. Seward, the author of "My Friend Ernest Hemingway." Mr. Seward teaches English at Old Dominion, and was for 20 years a friend and correspondent of Hemingway. In that time, Mr. Seward came to know the warm, human side of the great 20th century author.

It gives me great pleasure, Mr. Speaker, to include for publication in the RECORD several of the reviews which have been written praising Professor Seward's book. I have read the book myself and found it to be a well-written "affectionate reminiscence."

The reviews follow:

[From the Richmond News Leader, Sept. 10, 1969]

HEMINGWAY "ADMIRABLY HUMAN"

(By Harry M. Meacham)

On July 2, 1961, 19 days short of his 62nd birthday, Ernest Hemingway blew the top of his head off with a double-barreled shotgun. Since that fateful morning there has been a steady stream of books about the man and his work. As in the case of Ezra Pound, the dust kicked up by his personality tends to obscure the serious and highly gifted writer. In the light of rumors, gossip and misinformation, it is refreshing to read a book such as Professor Seward's "affectionate reminiscence."

Mr. Seward, who teaches English at Old Dominion University, knew Hemingway for more than 20 years, and while they did not often meet they did correspond regularly, and the letters (paraphrased, for Hemingway declined to permit his letters to be published) are the foundation on which these memoirs are built. The author was uniquely qualified to write this book. He has long been recognized as an authority on the 20th Century novel, and he has taught a course on Hemingway's novels for many years.

If the reader wants to understand the subject of this study, he will find Carlos Baker's biography helpful, but nothing will take the place of memoirs such as Professor Seward has written. No man has precisely the same relationship with two people, not even with members of his immediate family. It follows that the great writer's discussions with the author will become an important part of the Hemingway canon. And they will, as the author points out, "help explain what the gathering myth obscures—that Hemingway was endearingly and admirably human."

[From the Los Angeles Times Calendar, Oct. 5, 1969]

HOW AUTHOR KEPT HIS COOL WITH HEMINGWAY

(By Wirt Williams)

Ernest Hemingway and the English professors were never close, and there are signs he was wistful about it.

Understandably, he felt his own credentials as a literary man were impeccable, if a bit exotic. He had been a youthful coeditor of Transatlantic, the distinguished Paris magazine. He was the protege of those dazzling theoreticians of the written word—Ezra Pound and Gertrude Stein. So he was unmistakably hurt and aggrieved by the coolness that so many scholars maintained toward him.

One of the very few academic friends he had was William W. Seward, chairman of the department of English of Old Dominion University at Norfolk, Va. So Seward's chaste memoir of that relationship has a unique and lasting value. "Bill, you are my shortstop whom I admire," Hemingway told Seward. "Anyone can play second or third base, but a good shortstop is hard to come by."

Shortstop Seward's book is written with delicacy, grace and devotion, but the devotion is so tautly controlled that it never slops into sentimentality. His portrait of the great Nobel Prize winner is that of a warm, generous and above all chivalrous human being.

Throughout their acquaintance, Hemingway was lavish with acts of consideration and thoughtfulness to all of those with whom he came in contact. Noting how impressed Seward was with his extraordinary affability to a waiter on one occasion, Hemingway explained, "If you want people to be polite to you, you have to be twice as polite to them."

Not that he ever lost his capacity for balefulness. Refusing to go to a certain funeral, he said, "A son of a bitch alive is a son of a bitch dead."

These direct glimpses of the author are fascinating; one wishes—guiltily—that Seward was a shade less scrupulous about refusing to quote Hemingway's correspondence directly. But there are enough conversational tidbits.

Years after he had won the Nobel Prize Hemingway took inordinate pride in the fact that his books were finally taught in college classrooms. He proudly told a Pullman conductor, "Mr. Seward teaches my books in his classes at the university."

In a warm summation, Seward writes, "Since Ernest's use of the spoken language was extremely uninhibited, I have tried to adhere to the obligations of a trusted friend in presenting his conversations. He loved to talk and talked at length about the things he believed in. Also he had a way of drawing out your opinions that made you feel as if you had really said something. . . .

"The man I knew was an adventurer and a compulsive reader, a sportsman and a husband and father, an athlete and a businessman. But most of all he was an artist with unlimited interests and talents. Always, the marvelous side of Ernest's intellection is what came through to me most and I hope it is what will come through to the reader. When he was not writing, he felt he was wasting his life."

COMMENT FROM CARLOS BAKER TO A. S. BARNES AND CO., RE "MY FRIEND ERNEST HEMINGWAY"

Dr. William Seward of Old Dominion University in Norfolk is one of the few professors of English that Ernest Hemingway knew and genuinely liked. In this generous and warm-hearted memoir of their twenty-year friendship, Seward paints an engaging portrait of a side of Hemingway that is perhaps too little known; it shows, incidentally, that Hemingway could be as generous and warm-hearted as Seward is himself.

AMERICANS MAKE CLEAR TO HANOI THEIR CONFIDENCE AND SUPPORT OF OUR PRESIDENT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. CHAMBERLAIN. Mr. Speaker, each day brings new indications that the silent majority are not without their voices. The three daily newspapers serving Michigan's Sixth Congressional District in recent editorials have expressed their conviction about how important it is for the country and for the prospects for peace in Vietnam that Americans make clear to Hanoi their confidence and support of our President. I commend them to the attention of my colleagues and to all who are visiting the Nation's Capital this week. The editorials appearing in the Owosso Argus Press, November 6; the Jackson Citizen Patriot, November 5; and the State Journal of Lansing, November 5 follow:

NIXON PUTS HIS PRESTIGE ON LINE

It would be a tragedy if a course of action which offers the only hope of ending the Vietnam war within the reasonable future without entailing an outright surrender to

Hanoi and abandonment of South Vietnam, a strategy which would have been greeted with overwhelming enthusiasm in 1968, were to prove to be in 1969 not too little but too late.

It may be that the time is out of joint, by at least a year.

Had presidential candidate Richard Nixon 12 months ago revealed a plan to "Vietnamize" the Vietnam war, and had he promised that one of his first acts if elected president would be to withdraw 50,000 American troops immediately and as many thereafter as military conditions permitted, he would likely have been swept into office with a far greater margin than the razor-thin plurality he achieved.

There may be any number of reasons why he did not make such an announcement at that time, including the very good reason that he had not yet arrived at such a solution to the war. A presidential candidate, while something more than an ordinary private citizen, is still is not a president, with access to all the information which floods the Chief Executive's desk.

There was, also, the hope that a fresh team of negotiators could get the stalled peace talks in Paris moving. Or, from a more cynical viewpoint, candidate Nixon may simply not have wanted to lay himself open to the charge of playing politics with the lives of 500,000 American fighting men.

But the ironic possibility now is that, having achieved the presidency and having decided upon this plan in the face of continued North Vietnamese obstinacy, Richard Nixon may be swept, not out of office, but out of effective leadership over the nation, even as Lyndon Johnson in his final months became a shadow of the strong, consensus-wielding president he once was.

The time is not only out of joint but growing short. Its temper can be read in the fact that those who have supported the President in his handling of the Vietnam problem throughout the first 10 months of his administration praised his television address to the nation as a vigorous reaffirmation and defense of his policies. But those who have opposed him or who have supported him only tentatively expressed reactions arranging from disappointment to outright rejection.

So weary have Americans become of this war, so far has emotion replaced calculation regarding Vietnam, so many have the disillusionments been in the past, that a policy which is a 180-degree turnabout from the policy of the previous administration can be dismissed as offering "nothing new."

As the President said, North Vietnam cannot defeat or humiliate the United States. Only Americans can. It all depends upon that "silent majority" he referred to.

If the President can beg, borrow or steal another 10 months of support, grudging though it may be, from the American majority, and if Vietnamization does indeed begin rolling, he spoke truly when he said that it will not matter then what the critics say now.

In the meantime, however, America seems as sadly divided as it was before the President's speech. A period of even greater domestic turmoil may be ahead for the nation.

Nixon Doing His Best To End Vietnam War

President Nixon's carefully-phrased report to the nation on the course he intends to take with respect to the Vietnam war disappointed those who expected the dramatic.

The common comment on the speech was that he said nothing new but said it rather well. Indeed, there was little else the President could say and remain, as he put it, faithful to his oath of office.

President Nixon invoked the philosophy behind the favorite expression of one of his predecessors. President Harry S Truman was fond of saying: "The buck stops here," meaning at the President's desk.

The President's critics do not have to make the hard decisions which affect American and South Vietnamese lives. They do not have to chart and follow a course which may affect the history of a large segment of the world for years, or even for centuries to come.

The President is denied the luxury of making popular statements or demand such as "stop the killing and bring the troops home—now." He can't influence those who lack a sense of history or understanding and world affairs by laying down a timetable for troop withdrawals.

Coming from a war critic in the streets, on the campus or even in the halls of Congress, a call for a precipitous American retreat from an unpopular war, soothes a people who have become weary of the struggle. The same line coming from the President constitutes a major policy decision.

Agitation for an immediate withdrawal of United States forces is welcome in Hanoi as an indication that popular support is swinging away from the President and that the practice of waiting for still the next concession . . . and the next . . . is working, coming from the President a promise of a rapid retreat becomes a signal to the Communists that their victory has been won.

To put it another way, the President went as far as he possibly could by laying out the two courses to peace which are open today.

He indicates that he has not given up hope completely on the Paris negotiations, although they have moved exactly nowhere. He obviously expects that the alternative will be followed: The de-Americanization, and the increasing Vietnamization, of the conflict. Even so, he dares not set a timetable for withdrawal of troops and neither can he assume that de-escalation of the American role in the conflict will work. A new violent offensive by the Communists could upset even this hope of winding down the war.

Those who lead the protests against the war were, of course, disappointed by the President's words. They had hoped that he would announce a cut-and-run policy and fully meet what they see as a great popular demand for an end to the killing.

The President spelled out his feelings on that very point. He was frank in saying that an immediate end to the war would be the popular thing—for the moment.

He was on sound ground when he stated his reasons for rejecting an early end to "Johnson's war" before it became "Nixon's war."

President Nixon reminded his listeners of points of history which so many of his critics conveniently have forgotten. He mentioned the atrocities at Hue and the genocide practiced against the South Vietnamese leaders when Ho Chi Minh made his first bold and brutal moves to take over all of Vietnam.

Mr. Nixon's position is that no American President possibly can put himself in the position of exposing thousands, perhaps hundreds of thousands, of South Vietnamese to violent persecution or death.

The war, the extent of it, and the scale of American participation, are accomplished facts. Debating over the wisdom of American involvement or the conduct of the war under either President Johnson or President Nixon is pointless at the moment.

The over-riding question in the minds of Americans, as demonstrated in public opinion polls, and even in the Vietnam moratorium demonstrations, is how to end our participation in the war without a disaster, either for America or the South Vietnamese people.

As a man who sits in the seat of awesome power and responsibility to match, President Nixon's plan for winding down the war goes as far as is possible under the circumstances.

He has responded, so far as a President can respond, to the demands for bringing American forces home.

Thus he deserves the support of the American people and is entitled to as much freedom of action as is possible.

He has made as many commitments for peace as he can and still honor, as he puts it, his oath of office.

The impatient ones who criticize him for not going all the way on ending the war tomorrow, who insist on hampering his peace efforts by giving Hanoi hopes of an early and total surrender by America, should not be able to influence the "silent majority" which retains the ability to see things as they are and which surely must realize that President Nixon is doing the best he can with a situation bordering on the impossible.

President Outlines Program for Peace

President Nixon Monday spelled out a program for bringing an end to the American involvement in the Vietnam war through gradual military withdrawal and it is a course we believe the vast majority of Americans will support.

He did not take what some consider to be the popular road, immediate withdrawal of all U.S. forces and leaving the South Vietnamese people to defend themselves anyway they can. That, in fact, is a formula for surrender.

The President made it clear to all that, as chief executive of this nation, he has explored virtually every avenue of compromise and negotiation with the North Vietnamese government in an effort to bring an end to the fighting. The Hanoi leaders have simply rejected anything short of a U.S. surrender with no concessions whatever on their part.

It would appear that the President, for the time being at least, has crossed off all hopes of any meaningful peace negotiations in Paris and instead has turned to the American people, seeking their support while he carries out the disengagement policy of giving the government and people of South Vietnam time to take over the defense.

This will take time.

But as the President indicated, it is the only way to prevent a Communist victory through American default. It is a realistic policy which keeps in mind the potential for murderous purges by Communist forces if the military balance suddenly gets out of kilter, as well as the vital factor of protecting American forces while they are in the process of withdrawal.

There is also the grave danger that an immediate pullout of American forces would demolish the faith and confidence of other nations in our willingness to stand behind our commitments.

Persistent critics of the Nixon administration have continued to demand that the President take the intitiative to end the war. The President is doing just that in spite of the refusal of Communist forces to negotiate.

There is little question that the President's Monday speech was directed at the American people—particularly the so-called silent majority. He is seeking our help against a militant minority of anti-war leaders who are, in effect, demanding an immediate end to U.S. military activities in South Vietnam no matter what the cost.

An example of the latter was evident in a statement put out by the New Mobilization Committee to End the War in Vietnam several days before the President's Nov. 3 talk.

A leader of that group stated that nothing President Nixon might say would be acceptable to them unless all U.S. forces, ground troops, air and navy personnel, as well as equipment, are withdrawn; and unless all U.S. military or economic aid is withdrawn from the Saigon government.

Furthermore, the committee demanded that the U.S. make war reparations to the Vietnamese people.

There was nothing in their demands concerning discontinuance of Russian and Red Chinese military aid to Hanoi; nothing about withdrawal of North Vietnamese forces from South Vietnam.

It is evident that these types of professional anti-war organizers are interested in one thing—attempting to dictate the foreign policy of our government from the streets.

There is a definite dividing line between those sincere people across the nation who want to see an end to this war and those who see in this turmoil a chance to grab for power. President Nixon pointed that out clearly.

A great deal is heard about the organizations such as the one mentioned above. But we would like to quote from another organization, "Citizens Committee for Peace With Freedom in Vietnam." It was founded in 1967 by the late President Dwight D. Eisenhower, former President Harry S. Truman and former Sen. Paul H. Douglas of Illinois.

The committee said last week:

"Hanoi is fighting on three battlefronts—in Vietnam, in Paris, and in American public opinion. The enemy's only remaining chance for total victory lies here in the United States—in the pressures of American public opinion."

We hope the American people will also recognize this fact and support the President in his sincere and determined efforts to bring about an honorable peace.

CONGRESSMAN HORTON SEES LAOS AS FIRST TESTING GROUND FOR NIXON DOCTRINE

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. STAFFORD. Mr. Speaker, in his speech on November 3, the President reported to the Nation his thinking on what policy future U.S. foreign involvements should be based on.

He spelled out in welcome terms the meaning of the new Nixon doctrine of U.S. foreign policy which will be aimed at helping our free world allies to help and to defend themselves.

Two days ago, in a speech before the Rochester Association of the United Nations, our colleague, the gentleman from New York, expressed strong support for this new direction in foreign policy. He went on to cite the present situation in Laos as one where the tenets of this new doctrine should receive their first real test.

Congressman Horton made several points in his Rochester speech which I feel should be brought to the attention of the Congress and the public. Mr. Speaker, I would like to insert at this point in the Record the full text of his remarks:

First Testing Ground—Laos

(By Hon. Frank Horton)

This meeting of the R.A.U.N. Board comes at a time of both great optimism and great pessimism about the future of U.S. foreign policy as it relates to peace in the world.

On the one hand, the great national debate over Vietnam has grown into a symbolic popularity contest between peace marchers and telegrams on the President's desk. But the heat of this debate has caused many Americans to overlook the essential change in the Vietnam debate in the days since President Nixon took office. We are no longer debating whether or not to bomb the North. The debate is now focused between those who seek quick but gradual withdrawal from Vietnam, leaving behind a strengthened South Vietnamese Army and Government, and those who seek withdrawal immediately without regard for the consequences in Southeast Asia. It is no longer a debate "whether to get out," it has now turned into a discussion of "how to get out, and how quickly."

Despite the lack of dramatic withdrawal announcements in President Nixon's speech a week ago, I am convinced that he feels our involvement in Vietnam and the policy assumptions on which that involvement was built are wrong. Whether or not you think the President is moving fast enough toward withdrawal, the American people who feel we can no longer police the world alone must welcome at last, a President who is taking a hard look at the way we have carried out the policies of containment of communism which were forged under President Truman over 20 years ago.

With all of the despair, pessimism and frustration our nation feels with each passing day of war and bloodshed in Asia, I feel there is great reason for optimism about the future of American foreign policy. Last Monday, the President underscored the importance of the policies he announced last summer in Guam and Manila which he called the "Nixon Doctrine." Unlike the Monroe Doctrine, the Truman Doctrine and the Eisenhower Doctrine, the Nixon Doctrine is not founded on a threat or promise of landing U.S. Marines on the shores of allies in threatened regions of the world. Instead, it seems genuinely to be a self-help doctrine, offering material, economic and equipment aid to free world governments threatened by invasion or by communist guerrilla wars. But the Doctrine specifically states that the threatened nation and her regional allies will have to stand in their own defense, without reliance on U.S. troops.

I think that if the President's speech could have been given last week without the emotional backdrop of the Vietnam war, his enunciation of new guidelines for the way in which America will honor her treaty commitments would have been loudly and publicly acclaimed.

There is particular significance in the Nixon Doctrine for the concept which underlies United Nations peacekeeping.

As you know, for three straight Congresses, I have sponsored resolutions that would put the United States on record as favoring use of the U.N. as a multi-lateral peacekeeping establishment. My particular resolution which this Board has endorsed, calls for the setting up of a peacekeeping force made up of earmarked units from U.N. member nations. My resolution takes the further step of asking the United States delegation to the U.N. to offer, as a measure of our sincerity, an American support unit of 1,000 men earmarked for U.N. peacekeeping duty.

I am sorry to have to report at this time, that despite the number of Congressmen and Senators who have co-sponsored similar resolutions, neither the House Foreign Affairs nor Senate Foreign Relations Committees have scheduled hearings thus far.

I am firmly convinced that with the rising pitch of nationalism within every region of the world, we have just seen the beginnings of regional "brush-fire" wars. We cannot continue to gamble with the safety of the world by juggling a balance of power in each region with tugs of war between the great powers. The ideal solution would be to move immediately to a truly international peacekeeping structure, centered around the U.N. Obviously, competing international interests, and a festering cold war will prevent this from happening overnight—just as it has stymied U.N. peacekeeping progress up to now. But I think any steps that are taken toward making responses to brush-fire wars multilateral, are steps in the right direction.

That is why I am so encouraged by the Nixon Doctrine, and why it will be crucial in the months and years ahead to see how it is carried out. By removing the pledge of quickly and massively deployed U.S. troops as the first line of defense of the free-world's outer boundaries, we can take a major step toward de-fusing potential military confrontations between the great powers.

By putting our allies around the world—in Europe, in Asia and in Latin America—on notice that the responsibility for providing well-trained manpower to preserve freedom will be theirs, and not ours, we accomplish several positive results. First, we remove the complacent dependency on American military might that has lulled the Western world into laxity and de-emphasis on self-defense. Second, we encourage the development of regional treaty organizations which are truly regional. Instead of sharing only a mutual dependency on U.S. intervention, the new generation of treaty organizations will, of necessity, involve active and proportional military participation by all member nations seeking to benefit from the regional defense umbrella. In SEATO there must come about a strong, well trained alliance, manned by the free nations of Southeast Asia and partially supplied and trained by the U.S. NATO, too, will have to revert to a more truly mutual alliance if the Nixon Doctrine is carried out to its full implications.

Another benefit of implementing the Nixon Doctrine would be a gradual lessening of the proportion of the Free World's defense burden that will have to be borne by American tax dollars. If our military establishment does not actually shrink in the years to come, I think at least that its rapid rate of growth in this decade can be stopped or slowed to a trickle as the world becomes convinced that the President is serious in pursuing this new policy direction.

This brings me to the final, and disturbing point of my message. How serious is our government about implementing this new and hopeful policy guideline? Because the 91st Congress, more than any of its predecessors, is closely scrutinizing every aspect of U.S. foreign and military policy, and because this Administration is making an honest effort to level with the public on foreign policy moves (as evidenced by the President's speech last week), we know a great deal more today about our foreign interests and maneuverings than we have in the past. One outgrowth of this is the growing public awareness and concern over recent events in Laos. I believe much of this concern is justified. On October 15, moratorium day, I ended a speech on Vietnam policy with the following warning:

> The clouds which hang today over Laos look ominously like those which shadowed Vietnam five years ago. Reports that American advisors are there in substantial numbers are disturbing if they mean that the Vietnam experience is being recycled a few hundred miles northwest of Saigon. If we have not already learned the lesson that the nature of our military commitments must change in a world-wide context, let us learn it now before a new Vietnam is born in the wake of this tragic war.

When I was in Vietnam in January of 1968, the members of my Military Operations Subcommittee were fully briefed on U.S. military operations in Laos. At that time, there was very heavy infiltration along the Ho Chi Minh trail in Laos by the North Vietnamese, and we were trying to slow it down with bombing raids along this jungle corridor as part of our war effort in South Vietnam.

Recent reports indicate that the number of U.S. advisors in Laos, today is believed to be over 1,000. The main mission of these men is to advise the Royal Laotian Army of Prince Souvanna Phouma. At the same time, it is believed that there are 50,000 North Vietnamese in the portions of Laos controlled by the Communist Pathet Lao.

Our present role has recently been said to include activities by the Central Intelligence Agency in funding and training an army of Meo tribesmen in Northern Laos. This army is said to be the best trained and equipped anti-communist force in Laos. While the State Department has not officially disclosed the functions of our personnel in Laos, it is clear that we have undertaken in a major way to help stave off the advance of the Pathet Lao, which today threatens the neutralist government of Prince Souvanna Phouma. Under the Geneva accords of 1962, foreign intervention in neutralist Laos was prohibited. This understanding has been violated by everybody, from the Soviet Union and Chinese who have helped to equip and train the Pathet Lao and North Vietamese in Laos, to our own country which found it necessary to take steps to limit the use of Laos as a sanctuary for communist troops and supplies destined for South Vietnam.

The question we are faced with in Laos is not whether we should desert the neutralist government to face alone the risks of a Pathet Lao takeover. We agree that communist takeover of Laos would be as undesirable as total Viet Cong victory in South Vietnam. But the serious question here is how can we strengthen the neutralist government without getting involved in another Vietnam, in a nation which is a less attractive Asian battleground than South Vietnam itself—if that is possible.

Laos can become either the Guadalcanal or the Waterloo of the Nixon Doctrine. If our unilateral intervention, clandestine or not, continues to grow—then the dependency of the Laotians on America will grow along with it. We cannot permit this to happen. Other Southeast Asian nations—particularly Thailand—have a vital interest in preserving the neutral status of Laos. I would think that India, the major neutralist power, would have an interest in discouraging the takeover of fellow Asian neutralists.

Two steps must be taken immediately before the situation in Laos becomes a *fait accompli* for irreversible U.S. intervention.

We must call for an immediate session of the 1962 Geneva signatories who originally guaranteed the neutral status of Laos. The alarming increase in North Vietnamese troops in Laos makes such a meeting that much more urgent. The communists are now in a position to allow world opinion against American intervention in Southeast Asia to feed on the publicity Laos is now getting here at home. Calling for a new meeting of the Geneva signatories could serve to point up the real danger that the neutral regime may face in a short time.

Second, we must take immediate steps to de-Americanize the Western military aid and personnel in Laos while the numbers are small. The free Asian governments must decide among themselves whether Laos is vital to their own well-being, and if so, they must, with our material help, take steps to replace the Americans now helping to build Laotian defenses.

By making Vietnamization of the Vietnam war his primary objective, President Nixon is forming the cornerstone of his new foreign policy in Laos, he has the chance to build on this foundation at an early stage. Whether or not the struggle in Laos explodes into a neutralist war against the Pathet Lao and North Vietnam, we must not be caught in the same position in which we found ourselves in Vietnam in 1964.

I urge your support for these steps to replace direct American intervention in Laos. As directors of the Rochester Association for the United Nations, you are in a position to help lead public opinion on foreign policy in the Rochester area. I firmly believe that the Nixon Doctrine is a very meaningful and welcome step away from the dangers of "red button" confrontation and toward the eventual goal of truly international peacekeeping through the United Nations. I hope you will lend your support to this vital element of the President's policy.

Public acceptance and recognition of the Nixon Doctrine new policy goals will help to demonstrate to our allies around the globe that the American people and their government are sincere in setting this new course. If this support is forthcoming soon enough, it could help immensely to establish this doctrine as the basis for free world foreign policy for years to come.

CLOSING THE WORLDWIDE LEARNING GAP: AN IMAGINATIVE PROPOSAL FROM AMERICAN INDUSTRY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. FASCELL. Mr. Speaker, during the closing days of October, a very significant conference took place in San Francisco. Arranged as part of the 50th anniversary celebration of the Institute of International Education, the conference had a single, challenging objective—a workable program of educational assistance to developing nations involving private enterprise in cooperation with the United States and foreign governments.

Cochaired by Mr. Ernest C. Arbuckle, chairman of the board of Wells Fargo Bank, and Mr. O. Meredith Wilson, director of the Center for Advanced Study in the Behavioral Sciences, the conference featured a number of prominent speakers from industry, the academic sector, foundations, foreign countries, and the U.S. Government. Their presentations suggested new and exciting dimensions for social development-oriented programs of American and multinational firms operating in the developing countries.

One of the most interesting presentations at the conference was delivered by Mr. C. W. Robinson, president of Marcona Corp., which firm has a long and inspiring record of supporting education in Latin America.

Fully conscious of the important role which education plays in the processes of development, and of the great and urgent need to close the worldwide learning gap, Mr. Robinson urged American and multinational firms to contribute of their own resources to the accomplishment of that objective.

He said:

> I urge every multi-national corporation to adopt a "fair sharing" approach in its foreign operations as is becoming increasingly common in domestic affairs. We accept with only minor grumbling, the cost of insurance protection against fire, earthquake, and other natural calamities. I now propose a "business survival" insurance policy; this to be based on an annual contribution to an educational foundation in each developing nation equal to 1 per cent of the investment in that country . . .

Mr. Speaker, I believe that Mr. Robinson's thoughtful remarks will prove of considerable interest to my colleagues and I am, therefore, placing them in the CONGRESSIONAL RECORD at this point:

CLOSING THE WORLDWIDE LEARNING GAP

LESSONS FROM BUSINESS INVESTMENTS IN EDUCATION IN DEVELOPING NATIONS

(Address by Charles W. Robinson)

Mr. Chairman, ladies and gentlemen, I feel honored to be able to participate in this conference dedicated to the exchange of ideas on "Closing the Worldwide Learning Gap". It has brought together here in San Francisco distinguished representatives of education, government and private enterprise from throughout the world. This evidences the importance which we all attach to this key problem in the elimination of inequities between so-called developed and developing nations.

I have been asked to share with you my views on business responsibility and opportunity in the field of international education. I must confess that I was in a state of shock when I received a copy of the program and found that I was to be the lead off speaker with a subject entitled "Lessons from Business Investments in Education in Developing Nations". This poses a real challenge as it implies that I am to provide you with a solution to a problem which we haven't yet defined. However, I would like to discuss with you some convictions which I have gained from direct exposure to the problem of encouraging education in a developing nation. I do this, however, not to suggest any one solution, but rather in an effort to bring the problem into clearer focus.

There are many ripples on the sea, most of which soon disappear back into the surface; however, every now and then one appears at the right time and it continues to build into a giant swell eventually to crash on a distant shore. The need to encourage and support worldwide education as an essential step in closing the "economic gap" represents just such a ripple—an idea whose time has come. We are at a crossroads where the way in which we deal with the human resources in the developing nations will determine whether we are to be successful in controlling the explosive forces in our world today.

Some of you may recall an advertising campaign conducted by one of our zipper manufacturers some thirty years ago. Each ad contained a photograph of an item of personal clothing improperly secured by the use of buttons. In these ads there was always the question, are you suffering from gaposis? There was the obvious suggestion that the affliction could be cured by replacing buttons with a zipper.

Today, our world is suffering from a serious case of gaposis; however, we have a "zipper" in the form of international education which is essential for the ultimate cure.

We are fortunate to have represented in this two-day conference, leaders from the three fields of education, government and business. I say fortunate because I feel that the solution of our problems in international development calls for coordination of effort between these three groups. It's what I might refer to as the new "alliance for progress", if that expression had not come into ill repute.

Others might refer to it as an "unholy alliance" to the extent that representatives of business are involved. For this reason it is appropriate that I confess my personal bias in order that you may place my views in proper perspective. I am President of Marcona Corporation, a multinational company with operations in mining and shipping throughout the world. This has led to deep involvement in both developing and developed nations. I confess to profit motives but with what I view as long range orientation.

Furthermore, businessmen generally are evidencing growing recognition of a basic responsibility to the society in which we operate. I believe that we must first *earn the right* to *make the profit* which our stockholders demand through effective concern for our environment—both physical and social.

It would be fair to say that our objective is to create a climate in which we can maintain and expand profit in the future. However, in our international investments we face a still more serious problem in that the climate must offer hope for survival itself.

Most of the developing nations are passing through a dynamic stage which poses a serious threat to both foreign business and government relationships. Gabriel Valdes, Chilean Minister of Foreign Affairs, and current spokesman for much of Latin America, comes right to the point when he explains that in spite of the foreign investors' desire for fixed rules of the game—that just isn't in the cards. The developing nations are in a state of flux and the rules will change and foreign investors must adjust to these changes if they are to survive. Obviously, we can't look to our contracts or existing legislation in these countries for our security. We must seek other forms of insurance for continuity of operations.

The multinational corporation is becoming a powerful economic force throughout the world. With the increasing acceptance of a direct responsibility to the community this must have a tremendous impact on overall development. I am convinced that within the next ten years multinational corporations, including those represented here today will rival our own State Department as a factor in U.S. international relations.

However, to achieve the positive results which are absolutely essential for the future of our world, we must have a quality of business leadership which is all too rare today. By leadership I mean those qualities of *sensitivity* to the problems brought about by accelerating change; the *imagination* to develop solutions, and the *courage* to carry them out.

Our technological revolution has made available much more relevant data on a more timely basis which should support more effective leadership; however, in some respects it seems to have had an opposite effect. It has introduced into both the worlds of politics and business a disease which I refer to as 51%ism. Our politicians can now readily determine the attitudes of the average voter on a wide range of issues. This encourages the development of policies to conform to the majority view. This same disease affects the business world where our executives can more easily determine the consensus of stockholders, consumers, and employees. Faced with these facts it is tempting to take the easier majority route and increasingly difficult to support a minority position.

Here in California we have what we sometimes refer to as the 49er spirit. This evolved out of the soul testing experience of our pioneers during the Gold Rush days of the last century. A belief in goals and the courage and determination to achieve them sustained these pioneers during their efforts to cross the mountains or round the Horn into California. What we need today is a renewal of that 49er spirit; leaders who are willing to fight for a 49% minority position because they believe it right and in the best long range interests of all.

Our graduate schools of business have contributed to a much more effective administration of increasingly complex business enterprise. However, sometimes I wonder if we haven't become overly entranced with the idea of manipulating sophisticated management tools. In seeking to convert the *art* of business management into a *science* we are in danger of losing the *art* of leadership. Perhaps we should redirect our efforts to encourage greater sensitivity to the needs of our world of accelerating change. We must develop a leadership philosophy to guide us in the hard personal decisions required in complicated situations involving great risk.

We are at a crossroads, a time for reappraisal and redefinition of our goals in both political and business worlds. We have a special need today for courageous leadership to ease the rising tensions between developing and developed nations. Our previous efforts in this area have failed, with the problems more acute today than ever before.

Since World War II accelerating technological growth has had a revolutionary impact on communication and transportation. The freer exchange of ideas, of people, and of goods within and across national boundaries has stimulated an irreversible movement toward the interdependence of all nations. We are rapidly becoming a one world family with all the stresses which exist within any family group, particularly where unequal opportunities exist.

At the beginning of the so-called "Soaring 60's" we had few doubts as to our ability to solve this problem through merely doing more of what was done in the 50's. However, our concept of foreign aid suffered from what I think of as the Taiwan syndrome. We pointed with pride to our experience in that country where the infusion of financial assistance primed the pump and the economic motor then ran without further U.S. financial fuel. Based on this experience it was argued that U.S. Government financial aid alone would solve the developing nation problem.

Unfortunately we failed to recognize two key factors which made Taiwan a unique situation. Number one, there were in Taiwan, educated and dedicated people with managerial experience who had been forced out of China by the Red Revolution. There was a highly developed human resource waiting to take advantage of the opportunities created by financial assistance.

Secondly, we poured into that country financial aid per capita which greatly exceeded the amount we could ever hope to supply to other developing nations of the world.

It is increasingly clear that financial assistance alone will not provide the answer. In areas with limited development of the human resources financial aid flows largely through government channels and quite often ultimately into the hands of vested interests. This encourages preservation of the status quo and discourages an atmosphere of change which is absolutely essential for development.

Our current problem arises from the increasing awareness of the differences in economic levels without the educational opportunities required to satisfy individual and national needs. From this has come the frustration which is the basic cause of the growing strain in our relationships—both political and commercial.

To reduce these frustrations, we must first find ways to encourage development of human resources through education. I believe in the universal equation: "Education equals Development". There will be no hope of closing the economic gap with the developing nations until we find a way to deal effectively with this problem.

If we accept this premise, we still face the difficult question of how to encourage education in the developing nations. What little U.S. Government financial assistance has been granted for education to date, has been largely on a government-to-government basis. Unfortunately the governments in these developing nations have been handicapped by lack of funds; lack of continuity and often by basic conflicts with political objectives. Local vested interests in many of these countries have been reluctant to support any activity which might upset the status quo.

Traditionally the economic powers behind the "throne" have feared education for the masses. They have equated *education* with *awareness*, and *awareness* with *discontent*. However, the technological revolution in communication and transportation has created *awareness* without *education*, which is doubly dangerous.

However, in Latin America where I have had more exposure to this problem, I sense a significant change in this traditional attitude. Local businessmen are awakening to the need for education to broaden economic opportunity for all. The need for private support of education in these countries is essential and, in my opinion, this is where the U.S. multinational corporation can and must play an important role.

I'd like to turn briefly to an experience which we have had in Peru, which I hope will help to give this problem clearer definition. We have an iron ore mining operation in that country and have faced all of the problems of a foreign investor in an extractive industry. We have been seriously concerned about attitude problems as they might affect our future in that country.

We have always believed that a foreign investor has responsibility far beyond contractual and legislative obligations. We also felt that a broader level of education in Peru represented good insurance for our future. Therefore, during the 1950's we supported the construction of schools and other physical facilities for education. Unfortunately, after the fanfare and inauguration speeches the buildings soon deteriorated into crumbling stone monuments. This was the result of the lack of trained personnel to administer and operate these facilities.

From these abortive efforts came the conviction that we should start at the top and work down. In this way we could encourage university level activities, the results of which would filter on down to secondary and ultimately to the primary school level. To carry out this program we decided that a private educational foundation should be established in Peru. We also concluded that this program should be organized and administered by Peruvians who had evidenced serious concern with their own development problems.

With this in mind I visited Washington in 1960 to discuss the project with representatives of the State Department and foreign assistance organizations. Although their enthusiasm was somewhat restrained, there was a feeling that this might develop into a mechanism for U.S. financial aid to education outside of normal government-to-government channels. On returning to Peru, I discussed this project with some of the more progressive and enlightened business leaders. They were sufficiently inspired with the idea to form the Instituto Peruano de Fomento Educativo, now better known as IPFE. This was the first truly private foundation in Latin America dedicated to support expanded educational opportunity.

This foundation has continued to grow with activities today throughout Peru based on support from many other foreign corporations. There is also increasing financial support from local Peruvian businesses and individuals which offers real hope for a basic change in the traditional opposition to expansion of educational opportunity.

As IPFE grew in importance there was a natural desire on the part of the Peruvian Government to bring this activity under the wings of the Ministry of Education. However, this effort was successfully resisted and today the government is actively encouraging its private nonpolitical status by treating any financial contribution to IPFE as a double deduction for income tax purposes.

We have also been encouraged in this effort by the increasing financial support from the U.S. Government. Early in 1968 AID volunteered a $3 million low interest loan to support further expansion of the

IPFE program. Unfortunately, the threatened application of the Hickenlooper Amendment in Peru during the past year has delayed consummation of this agreement. However, we have reason to believe that Washington is increasingly sympathetic with this approach and will soon reactivate this loan.

The planning required for effective human resource development is a highly complex matter. Each nation faces different problems in terms of specific education needs and each must seek its own solution. I hope that our better qualified participants in this conference can contribute some ideas for an effective attack on this facet of the educational challenge.

The question often arises—do we have the time? Don't we need a more direct solution? My answer is that there is no other solution; furthermore, creating educational opportunity brings hope and with hope comes a lessening of frustration and very possibly the additional time required to solve the basic problem of economic growth.

Because the need is so great and so immediate, I urge every multinational corporation to adopt a "fair sharing" approach in its foreign operations as is becoming increasingly common in domestic affairs. We accept with only minor grumbling, the cost of insurance protection against fire, earthquake, and other natural calamities. I now propose a "business survival" insurance policy; this to be based on an annual contribution to an educational foundation in each developing nation equal to 1% of the investment in that country. Let's consider for a moment the chain of events which would follow this decision:

First, this assurance of financial support will stimulate the development of private foundations, which are today largely nonexistent in these countries.

This in turn would encourage financial contributions from local sources which will help to bring about a change in traditional negative attitudes towards education.

Once functioning, the foundation would attract U.S. Government financial assistance providing a highly leveraged situation. Hopefully by this time we will have created the proposed U.S. nonprofit government corporation—the Inter-American Social Development Institute. This channel for financial assistance offers many important advantages over direct government aid to overseas education.

And finally for the school age generation there will be an increasing awareness of the "opening doors" of opportunity for those students who are qualified by ability and financial need. This will bring a positive change in attitudes—a lessening of frustration—and ultimately the capacity to contribute to accelerating economic growth.

For these reasons I am convinced that a multinational corporation will receive an important and prompt dividend from this investment. Furthermore, this should be viewed not as a burden but rather as a great opportunity.

I know that to some of you this suggestion will seem to be a bit far out and perhaps anti-establishment. For this reason I would like to quote from David Rockefeller's address at the International Industrial Conference here in San Francisco last month. As most of you know, this was a conference that brought together more than 700 of the leading business executives from throughout the world to discuss the developing nation problem. Mr. Rockefeller asked the question, and I quote—Can we perhaps fashion for the Seventies a new development contract that is free of the illusions of the Sixties and appeals not just to the generosity of rich nations but to their self-interest as well? Further in his address he added this thought—"In the Seventies, development should be seen primarily as a process of training and educating more and more people to play a constructive and self-fulfilling role in our society" . . . End of quote.

I believe that the achievement of these goals demands the active participation of private nongovernment interests along the lines I have just proposed. Certainly the U.S. multinational corporation can and must play a leading role in this effort.

The success of this conference will not be judged by the views expressed here, but rather by their impact on future government and business policies aimed at narrowing the "Worldwide Learning Gap". It is my sincere hope that the exchange of ideas which will take place here over the next two days will produce that ripple on the surface of the sea whose time has come; a ripple which gathers size and strength as it races towards the shore. Our very existence may depend upon it.

A COGENT COMMENT ON THE PRESIDENT'S VIETNAM SPEECH

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, on Monday evening, November 3, the President's image had hardly faded from the television screen before some of the network commentators and congressional critics were using the same media to belittle, carp, and disagree.

Like a breath of fresh air from the heartland of the Nation came the voice of the editorial staff of WTMJ–TV, radio, and FM, Milwaukee. Presented by John McCullough and Don Parcher, this editorial cogently and succinctly placed our grievous Vietnam problem in true perspective. Would that I had the eloquence to say what WTMJ said so well.

The editorial follows:

WTMJ Milwaukee, Wis., Editorial

The importance of President Nixon's Monday night's broadcast to the nation lies not in what he didn't say but in what he did say. While the President didn't disclose figures on future troop withdrawals from Vietnam as anticipated, he did give a timely refresher course on how we got into the war in the first place. He also fully explained the consequences of an abandonment policy.

Mr. Nixon revealed his frustrations at trying to negotiate peace personally, at the United Nations and in Paris. Yet, while he was unable to get results through established avenues of negotiation, Hanoi showed its preference to speak to private individuals in this country. This method, it apparently believes, will wear down our determination to hold our commitments, fire up anti-Nixon sentiment at home and abroad and finally cause the United States to accept North Vietnam's demands. Hanoi even brazenly stepped up its offensive action on the eve of Nixon's broadcast to force a counter-action.

The war has now been put into a true perspective by the President. He has stopped the escalation and cut casualties. He is not sending more troops to Vietnam but instead bringing them home. Our side has attempted to cool off the fighting while Hanoi steps it up.

On the basis of Hanoi's past performances, an abrupt U.S. pullout from Vietnam would bring about a bloodbath with thousands of South Vietnamese slaughtered. Furthermore, America's word and leadership throughout the world would be sharply devalued and the development of peace and democracy in Southeast Asia an other underdeveloped parts of the world would be reversed or slowed down.

President Nixon has growning public support for his Vietnam policy. He has asked for the great silent American majority to speak out. He could have no better selling point for peace than their support. We urge that you speak out on this issue.

SMOG: THE KILLER CAN BE HALTED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BROWN of California. Mr. Speaker, for many years the dangers arising from significant air pollution—what we tend to term smog—seemed to be taken rather lightly. Visibility was hampered, eyes watered, coughs lingered, clothes drying out on the line came out gray; all these things were irritations, but they soon went away. Now, the situation is changing.

Now we know that smog is a killer.

According to reports published during the current American Public Health Association meeting in Philadelphia, smog frequently causes 10 to 20 deaths daily in New York City. Stuart Auerbach of the Washington Post detailed the situation in this morning's paper, and I insert his article at this point:

Reports Tie Air Pollution to Deaths, Asthma, Eczema

(By Stuart Auerbach)

PHILADELPHIA.—Badly polluted air frequently causes 10 to 20 deaths a day in New York City. In Buffalo, the number of children hospitalized with asthma and skin inflammation increases significantly when the air is particularly dirty.

These reports today at the American Public Health Association's meeting bolstered the view of many scientists that pollution is one of the nation's greatest health hazards.

The report also underscored complaints made at the meeting about the lack of progress in the fight against pollution.

"Every year pollution has grown worse," said Charles C. Johnson Jr., head of the federal agency that deals with environmental health. "Every year there is more evidence of self-damage from environmental contaminants. Every year our cities have become less liveable, our highways more death-dealing. Every year, the barrage of chemicals, physiological, biological and psychological stresses to human health has increased.

"Yet we seem to have thought that we had to wait until we count the corpses in the streets before we could mobilize our forces in defense of human health," he told the nation's public health leaders. Johnson is head of the Consumer Protection and Environmental Health Service of the Department of Health, Education and Welfare.

The New York study found a direct relation between the amount of sulfur dioxide and smog—major components in polluted air—and excess deaths in the city over a five-year period.

"For the first time we are satisfied that we have some definite relations between sulfur dioxide in the air and excess deaths—almost like the relation between smoking and cancer deaths," said Leonard Greenburg, a pioneer student of air pollution and health.

He did the study at the Albert Einstein

College of Medicine in New York with Dr. Marvin Glasser, a statistician.

Other studies of deaths and pollution have concentrated on periodic episodes of extremely dirty air. But Glasser and Greenburg showed that deaths started to rise sharply when there was as little sulfur dioxide filtered outside into the air as .2 parts per million.

The number of excess deaths varies from 10 to 20 a day when the level of sulfur dioxide is between .2 parts per million and .4 parts per million.

The air pollution level was that high on at least 10 per cent of the days during the five-year period of the study.

Sulfur dioxide is caused by the burning of gases and other fuels in industrial plants. The smog is a measure of solid particles in the air.

In Buffalo, Doctors Harry A. Sultz, Joseph G. Feldman, Edward R. Schlessinger and William E. Mosher measured the number of children under 16 hospitalized with asthma and eczema, a skin inflammation, against air pollution levels.

They found 32.4 hospitalized asthma cases for 100,000 children when there was little air pollution. The rate jumped to 50.7 cases per 100,000 at the highest pollution level.

The figures for eczema were even more striking. The low pollution rate of 2.9 hospitalized cases per 100,000 children jumped under conditions of high pollution to 10.2 per 100,000.

The study found "a striking association" between air pollution and the hospitalization of boys under five with asthma or eczema.

"These figures do not take into account the effect of air pollution on the vast majority of asthma and eczema patients who never require hospitalization," the study said. "If air pollution affects the incidents of the more severe cases among children, as is strongly suggested, there are important and widespread implication in terms of medical costs, physician and hospitalization utilization and personal suffering."

A study at the University of Rochester by Drs. David Rush and Walter W. W. Holland strengthened reports given by Sir George Godber of increased respiratory illness among smokers. Sir George is chief medical officer of the British Ministry of Health.

High school students who smoke more than 15 cigarettes a day have 10 times as many coughing attacks and production of sputum as nonsmokers. And, the study said, this was true of children as young as 13.

These reports from the APHA meetings tie in with a paper given last year at the Ninth American Medical Association Air Pollution Medical Research Conference in Denver. That paper, written by three doctors in the Bureau of Occupational Health and Environment Epidemiology of the California State Department of Public Health, concludes that "an association could exist between myocardial infarction case fatality rate and atmospheric carbon monoxide pollution." In lay terms, the doctors say that fatal heart-muscle seizures are related to smog levels. I shall insert the entire paper at the end of this statement.

Both these reports contribute to the mounting indictment against the private sector—and, more specifically, against the automobile manufacturers—which has continually, and predictably, shown more initiative in maintaining huge profits than in advancing the public interest.

All we have to do is add the billions of dollars spent over the past 15 years by car makers for annual model style changes, and then compare that to the piddling amounts allocated to reduce smog and the priorities become evident for these bastions of free enterprise.

Indeed, the case against automobile manufacturers can be even more devastating. After all, in the recent antitrust suit settled after closed-door negotiations between the manufacturers and the Justice Department, the Antitrust Division had accumulated enough evidence to consider making a criminal action, charging a 15-year conspiracy by the carmakers to retard development of effective air pollution controls; instead, political pressures prevailed and the lesser civil complaint was lodged and then settled.

While Federal District Court Judge Jesse W. Curtis' decision to accept the consent judgment left the door partly open for future damage suits against the auto manufacturers, I am diappointed that the proposed consent decree was accepted. This move blocks the public's right to see and analyze for itself the information detailing the automobile manufacturers strategy to avoid providing stringent pollution controls.

And I know that I am not alone in this opinion. Over 200,000 southern Californians have written me during the past month expressing their deep concern over the dangers of smog and their demands for positive action.

I remain convinced that public and Government pressure and appropriate legislation must be wielded to cause the auto industry to assume a proper responsibility and act to cut out smog. Given our society's existing and potential technological capabilities, I cannot accept any arguments from carmakers that they cannot accomplish this objective at a reasonable cost.

The logical place to start is here in Congress. Certainly, I am aware that numerous air pollution statutes already exist, but they are not halting rising pollution levels, and the one area existing measures are weakest is where they deal with the largest of all polluters—motor vehicle emissions.

As an initial step, I recently introduced three bills which propose to make the auto industry proceed—without delay and regardless of costs—to produce effective antismog cars.

These bills augment my strong "Omnibus Environmental Quality Act" introduced earlier in the session which sets out a powerful Government program to maintain and enhance our environment.

The first new bill, H.R. 14577, amends the Clean Air Act and is based upon the Petris bill which passed the California State Senate a few months ago; it bans, after January 1, 1978, the sale or use of any vehicle powered by an internal combustion engine producing pollutants above very stringent levels.

The second bill, H.R. 14578, termed the "Smogless Vehicle Development Act of 1969" proposes a $300 million 3-year Government grant program to develop and produce a working nonpolluting car. I believe this to be a much stronger approach to getting a low emission car than those programs which allow the Government to decide among various proposals which one might be purchased for Government use. No matter how large the incentive, the auto industry to date refuses to give serious consideration to building cars powered by other than gasoline engines.

The third measure, H.R. 14579, changes only one word of an existing law, but that one small alteration would create significant progress in this crucial struggle against smog.

The current National Emissions Standards Act loses much of its strength because car makers are given a convenient "catch"—pollution standards can be set to permit the fewest possible emissions, but only if the costs involved are low. My amendment requires manufacturers to comply with the most severe standards "to the extent technically feasible and without regard to economic costs."

I am aghast that we have let cost factors outweigh health considerations. No matter how expensive the most stringent standards can be, we must set them and we must adhere to them.

It cannot be a matter of economics in the traditional sense of profits and prices; it is a matter of economics in the sense of maintaining our increasingly scarce, abused, and depleted nautral resources, and the future costs of remedying damages resulting from our failure to impose these strict standards today can be stupendous.

Prompt action by Congress is imperative if we are to halt the smog menace. Public response on this issue overwhelmingly supports the need for stronger controls. The burden now rests on us to translate public demands into effective legislation.

Mr. Speaker, I now insert the report on carbon monoxide and myocardial infarctions into the RECORD:

CARBON MONOXIDE AND MYOCARDIAL INFARCTION

(By Seymour I. Cohen, M.D., Margaret Deane, M.P.H., and John R. Goldsmith, M.D.)

INTRODUCTION

Carbon monoxide (CO) is a major urban air pollutant derived primarily from vehicular exhaust. In most cities, moderate levels of CO are restricted to the areas adjacent to heavily traveled streets and highways. In several metropolitan areas, however, high values may occur over large sectors of the community.[1] Ambient CO levels appear to have increased in the last decade though the increase has been erratic. Other exposures to CO result from combustion products of cigarettes, cooking and household heaters, as well as industrial operations.

Carbon monoxide combines with hemoglobin forming carboxyhemoglobin (COHb) and to a lesser extent with myoglobin forming carboxymyoglobin. In the presence of COHb, there is a shift to the left of the oxyhemoglobin dissociation curves.[2] This shift is a result of the increased affinity of hemoglobin for oxygen in the presence of CO. There is, therefore, a decreased oxygen partial pressure for a given blood oxygen concentration resulting in a further reduction in the availability of oxygen supplied to body tissues.

A small fraction of the absorbed CO is normally oxidized to carbon dioxide. Endogenous CO is produced in small quantities when hemoglobin and other cyclic tetrapyrroles are catabolized. Concentrations of CO resulting from endogenous formation are insignificant except in hemolytic disorders

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Footnotes at end of article.

or during special situations when expired air is recycled without removal of CO. This can occur during closed-circuit anesthesia as well as in submarine and space capsule environments.

In 1959 the California State Department of Public Health set an air quality standard for ambient CO of 30 parts per million average over 8 hours. This is a level which will produce a COHb concentration of approximately 5%.[3] It was predicted that if this level occurred frequently, it could interfere with the survival of patients who had vascular disease, particularly these with myocardial infarctions (M.I.). This prediction has not been tested but several kinds of evidence suggest that exposure to CO may be a relevant factor in vascular disease.

Although an important source of CO exposure results from cigarette smoking, studies of health effects of smoking have tended to place almost all their emphasis upon other components of cigarette smoke. A recent report by Hammond [4] shows significantly higher coronary disease mortality among smokers. (Table 1).

Although several occupational health studies [5,6,7] report no increase in the incidence of disease in men exposed to CO concentrations approaching 100 ppm during an 8-hour day, other studies indicate that there may be an increase in hemoglobin and hematocrit in individuals with similar exposures.[8,9]

Studies to determine the health effects of CO have usually utilized short CO exposures at high concentrations and therefore the observed clinical effects have been attributable to asphyxiation. Acute CO exposures have resulted in transient as well as permanent electrocardiographic changes in man.[10] Animal studies utilizing very high concentrations of CO (1000 ppm) over long periods of time have consistently resulted in necrotic myocardial lesions.[11] Additional exposure studies with continuous or intermitent long term exposure to 50 ppm CO have also been suggestive of myocardial effects.[12,13]

In environmental epidemiological studies, mortality data have been relatively insensitive indices for measuring air pollution health effects. This is often because of inappropriate cause of death designation as well as the frequent unavailability of autopsy data for verification of diagnoses. Biases in morbidity data such as hospital admissions for specific diseases can result from differential admission policies, availability of hospital beds, and changes in medical staffing. Some of these problems have been dealt with by Sterling [14 15] in a study utilizing Blue Cross hospital admissions as an index of morbidity.

We have currently undertaken a re-examination of admissions to thirty-six Los Angeles area hospitals during 1958, to test the hypothesis that increased exposure to ambient CO is associated with a decrease in the probability of survival of patients who have been admitted because of myocardial infarction. The basic strategy involves comparisons of morbidity in which exposure to CO varies by place as well as time.

METHODS

Selected data were obtained from the records of patients admitted to thirty-six hospitals in the Los Angeles metropolitan area between January 1 and December 31, 1958 with specific cardiac and/or respiratory disease discharge diagnoses. The charts were abstracted by medical record librarians at each of these hospitals. Information obtained included age, sex, date of admission, date of discharge, date of onset of the illness, discharge diagnoses, disposition of patient (recovery or death), area of residence, area of employment, and number of days hospitalized.

Our present analysis is limited to the 3,080 admissions for M.I. (I.C.D. 420.1). Two case fatality rates were calculated. The "admission case fatality rate" was based on number of M.I. admissions on a given day with the numerator being the number of these people who subsequently died during their hospitalization although not necessarily on the day admitted. The "man-days at risk case fatality rate" was based on the number of M.I. patients in the hospital on a given day with the numerator being the number of individuals who died on that day. However, if an individual stayed in the hospital more than seven days, he was considered at risk only for the first seven days. The decision to limit "M.I. patients at risk" to this period of time is based upon the observation of markedly diminished risk of dying from an M.I. after the first week of hospitalization (Figure 1). These two different case fatality rates allow contrasts to be made of the importance of ambient CO on the day of admission versus the ambient CO level on the day of death.

Carbon monoxide measurements were available from monitoring stations operated by the Los Angeles Air Pollution Control District. Data recorded for each station include hourly and daily averages as well as the maximum 5-minute peak concentration occurring during the day. The daily average value was selected to represent dose-exposure to CO because of evidence which indicate that approximately 3–4 hours are required for equilibrium to be reached with fixed CO exposures under conditions of normal respiration and activity.

We have not made any attempt to utilize specific stations as an index of exposure for a given hospital because patients may live in an area sufficiently distant so that the level utilized is nonrepresentative of the exposure. A Los Angeles "basin average" value was therefore calculated using five monitoring stations which were in operation during the entire year of the study. A station was not incorporated in the computation of the daily basin average unless measurements of CO were available for at least 8 consecutive hours of that day. This limitation insured that excessively low or high periods of any day would not artificially alter the basin average. Examination of the data indicates that no systematic omission of any of the five stations occurred.

To introduce a spatial component in our examination of M.I. case fatality rates, the hospitals were divided into those located in relatively "low" and "high" pollution areas based on isopleths of CO prepared by the Los Angeles Air Pollution Control District. The presumptively "low" area was outside the 8 ppm isopleth for 1955. Figure 2 indicates presumptively "high" and "low" CO pollution areas in Los Angeles during 1958. Since the majority of hospitals are located in the "high" area, 2,484 M.I. admissions were to hospitals in this area and 596 M.I. admissions were to hospitals in the "low" area.

RESULTS

Weekly hospital admissions, M.I. case fatality rates and deaths from M.I. as well as basin averages for carbon monoxide during 1958 are shown in Figure 3. No obvious seasonal trends are observed for case fatality rates, admissions or deaths; however, CO shows the expected increase usually observed during the winter months in Los Angeles.

Several analytical methods were considered to explore the hypothesized relationships between the environmental variable, CO, and case fatality rates. In the first method regression analysis was used. In order to normalize the data and obtain approximately equal variance an arc sin transformation was applied to the M.I. case fatality rates (which are proportions), and a logarithmic transformation of CO was used.

Correlation coefficients between the two M.I. case fatality rates (arc sin transformation) and log CO were calculated for the total Los Angeles area as well as the "high" and "low" areas separately by each day of the week to eliminate day of week effect and to reduce possible auto-correlation (Tables II and III). No significant association was found between CO and hospital admission for M.I. The greater frequency of significant correlations between CO and "admission case fatality rates" for the total Los Angeles area compared to those between CO and "man-days at risk case fatality rates," suggests that CO on day of admission is of greater importance in predicting M.I. case fatality rate than the CO on day of death. In the "high" area, significant correlations were found for several days of the week, but no correlations were significant in the "low" area (Table III). The major source of significant associations of case fatality rates with CO appears, therefore, to be contributed by hospitals in the "high" pollution area.

A second analytical method uses a nonparametric statistical technique. Weekly M.I. case fatality rates were calculated separately for the "high" and "low" pollution areas. For each week, the sign of the difference between the case fatality rates were determined. If spatially dependent factors, including the overall air pollution exposures of the "high" area, had no effect on the case fatality rates, about 50% of the weeks would be expected to show a positive difference. The method as described so far is principally a spatial one since the variation of air pollution over time is not involved.

Temporal factors were introduced by dividing the year into quartiles of weeks on the basis of CO basin averages, and performing the analysis separately upon each quartile. The same approach could have been used on a daily basis but the small frequency of admissions for myocardial infarctions daily in the "low" area makes this impractical.

An example of the sign test used in the temporo-spatial model is shown in Table IV. In the 52 weeks during 1958, there were 35 occasions in which "high" area hospitals had a greater "admission case fatality rate" than "low" area hospitals. This result is significant at the 5% level, suggesting that some factor operating in the "high" area is associated with increased "admission case fatality rates". When the weekly case fatality rates (both "admission" and "man days at risk") are further examined by quartiles, a significant difference between "high" and "low" area hospitals occurs only in the highest quartile. This is shown in Figure 4 for the "admission case fatality rate". A Wilcoxon matched-pairs signed-rank test verified the significant increase in both case fatality rates in the "high" area. This was noted in the highest quartile for the "admissions case fatality rate" and in the highest two quartiles for the "man days at risk case fatality rate". This indicates that significant differences in case fatality rates between the two areas are only evident during periods of relatively increased CO pollution and suggests that CO may be the responsible factor.

DISCUSSION

Traditional approaches to the study of health effects associated with air pollution have often utilized regression analysis. Spurious or undetected associations may result from bias due to day of week or seasonal effects upon morbidity. In an attempt to deal with these problems, we have incorporated in our analysis a temporo-spatial comparison utilizing a nonparametric statistical technique. This method also avoids to some extent the problem of auto correlation in analysis of sequences of time intervals as well as the problem of whether or not a time lag should be used between the "cause" and the "effect" variable.

The division of Los Angeles County into relatively "high" and "low" pollution areas

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Footnotes at end of article.

is based upon CO measurements from monitoring stations during 1958 and is additionally strengthened by studies recording the differential pattern of eye irritation in areas of Los Angeles. Since differences in M.I. case fatality rates in the relatively "high" and "low" areas may be based upon other factors which characterize the populations, we have examined our data to see whether this is the case. The age, male-female ratio, and percentage of individuals having hospitalization insurance did not differ between the two areas. Factors other than these, especially socioeconomic level, may be of importance, but we are not able to determine this from out data. A census tract study carried out in 1960 by the Los Angeles County Regional Planning Commission shows that a greater proportion of individuals 65 and older live in the relatively "high" pollution area of Los Angeles County. Since this is not reflected in the age of individuals admitted to hospitals for M.I. in these two areas, we do not feel this factor is likely to have any influence upon the occurrence of higher M.I. case fatality rates in the relatively "high" pollution area.

SUMMARY AND CONCLUSIONS

To test the hypothesis that during high periods of carbon monoxide pollution, persons with acute cardiovascular accidents would be adversely affected, we have studied admissions and case fatality rates for patients admitted with myocardial infarction to thirty-six Los Angeles hospitals during 1958.

No significant association was found between number of admissions for myocardial infarction and carbon monoxide levels. Significant correlations were obtained for myocardial infarction case fatality rates with carbon monoxide on day of admission. The significant associations occurred in the area of the county with higher carbon monoxide levels and during selected days of the week. These results could have been due to factors other than carbon monoxide exposure such as hospital admittance and hospital care practices or effects associated with time of year. The results of nonparametric tests indicate that differences in "high" and "low" area M.I. case fatality rates are only evident during periods of relatively increased CO pollution.

At the present time, our interpretation of these findings is that an association could exist between myocardial infarction case fatality rate and atmospheric carbon monoxide polution but that additional studies would be required to draw any firm conclusions about causality.

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TABLE I.—CORONARY HEART DISEASE MORTALITY RATIOS AMONG CURRENT CIGARETTE SMOKERS, BY AMOUNT SMOKED DAILY

Age	Nonsmokers	Under 10 per day	10 to 19 per day	20-plus per day
45 to 54	1.0	2.4	3.1	3.2
55 to 64	1.0	1.5	1.9	2.0
65 to 74	1.0	1.3	1.6	1.6
75 to 84	1.0	1.2	1.4	1.1

TABLE II.—RELATIONSHIP BETWEEN NUMBER OF HOSPITAL ADMISSIONS FOR MYOCARDIAL INFARCTION, M.I. CASE FATALITY RATES AND AMBIENT CO BY DAY OF WEEK, 195 HOSPITAL ADMISSION STUDY

	Carbon monoxide (basin average)	Mean myocardial infarction admissions	Correlation [1] coefficient admissions versus CO	Mean case fatality rate per 100 admissions	Correlation [2] coefficient "admissions case fatality rate" versus CO	Mean case fatality rate per 100 man-days at risk	Correlation [2] coefficient "man-days at risk case fatality rate" versus CO
All days	7.41	8.46	0.002	26.0	[3]0.114	3.30	0.067
Weekdays	7.66	8.94	-.120	24.7	[3].130	3.30	.039
Weekends	6.80	7.26	-.022	30.2	.177	3.29	.149
Sunday	6.53	6.94	-.251	28.3	.04[illegible]	3.21	.254
Monday	7.71	9.54	-.234	25.4	.019	2.55	-.016
Tuesday	7.45	9.41	-.071	23.5	.134	3.75	.160
Wednesday	7.53	9.13	.150	24.2	[3].273	3.34	.045
Thursday	7.71	8.08	-.019	26.9	-.030	3.33	-.167
Friday	7.90	8.56	.121	23.6	2.62	3.54	.210
Saturday	7.07	7.58	-.040	32.0	[3].309	3.38	.040

[1] Correlation between M.I. admissions and log CO (basin average).

[2] Correlation between arc sin transformation of M I. case fatality rate (x') and log CO.

[3] Significant at the 5-percent level.

Note: $x = \text{arc sin}\sqrt{\frac{N+1}{M+1}} + \text{arc sin}\sqrt{\frac{x}{N+1}}$, where x is the number of deaths and N is the number of admissions or man-days at risk.

TABLE III.—RELATIONSHIP BETWEEN DAILY MYOCARDIAL INFARCTION CASE FATALITY RATE AND AMBIENT CO BY DAY OF WEEK—1958 HOSPITAL ADMISSION STUDY

	High area				Low area			
	Mean case fatality rate per 100 admissions	Correlation [1] coefficient admissions case fatality rate vs. CO	Mean case fatality rate per 100 man-days at risk	Correlation [1] coefficient man-days at risk case fatality rate vs. CO	Mean case fatality rate per 100 admissions	Correlation [1] coefficient admissions case fatality rate vs. CO	Mean case fatality rate per 100 man-days at risk	Correlation [1] coefficient man-days at risk case fatality rate vs. CO
All days	27.3	[2]0.161	3.41	0.099	19.1	-0.003	2.85	-0.075
Weekdays	25.8	[2].161	3.44	.084	18.4	.050	2.75	-.071
Weekends	31.7	[2].280	3.34	.151	22.0	-.112	3.11	-.078
Sunday	29.3	.070	3.30	[3].346	22.8	.002	2.83	-.182
Monday	26.3	.057	2.75	.096	11.7	.081	1.89	-.207
Tuesday	24.5	.057	4.05	.159	21.8	.206	2.47	-.067
Wednesday	24.7	.192	3.50	.070	24.1	.228	2.65	-.019
Thursday	29.4	.164	3.45	-.160	18.4	-.131	2.86	-.031
Friday	24.3	[3].346	3.46	[3].304	23.5	-.133	3.84	-.082
Saturday	34.0	[2].482	3.38	-.054	21.2	-.193	3.38	-.001

[1] Correlation between arc sin transformation of M.I. case fatality rate (x') and log CO. $x' = \text{arc sin}\sqrt{\frac{x+1}{N+1}} + \text{arc sin}\sqrt{\frac{x}{N+1}}$ where x is the number of deaths and N is the number of admissions.

[2] Significant at the 1-percent level

[3] Significant at the 5-percent level.

TABLE IV.—COMPARISON OF ADMISSION CASE FATALITY RATES FOR MYOCARDIAL INFARCTION BETWEEN RELATIVELY HIGH AND LOW POLLUTION AREAS 1958 LOS ANGELES HOSPITAL ADMISSIONS STUDY

Week	CO (p.p.m.) weekly basin average	Admission case fatality rate		Sign[1] + or −
		More polluted area	Les polluted area	
1	9.56	21.28	50.00	−
2	9.20	27.42	0	+
3	9.41	30.61	14.29	+
4	7.52	24.07	0	+
5	6.84	39.13	28.57	+
6	8.62	30.00	23.08	+
7	8.43	24.07	44.44	−
8	6.58	21.57	20.00	+
9	6.51	32.00	50.00	−
10	5.78	26.67	14.29	+
11	5.81	29.51	10.00	+
12	6.67	23.40	33.33	−
13	6.58	15.79	45.45	−
14	5.87	28.33	35.71	−
15	7.20	25.42	27.27	−
16	7.04	14.00	30.00	−
17	5.81	22.45	14.29	+
18	5.96	24.53	30.77	−
19	5.57	21.15	58.33	−
20	5.83	26.53	28.57	−
21	6.43	25.53	28.57	−
22	5.96	13.04	15.38	−
23	5.36	24.24	20.00	+
24	5.84	45.24	33.33	+
25	6.19	32.73	26.27	+
26	6.21	22.45	9.09	+
27	5.63	29.17	22.22	+
28	6.58	26.09	23.08	+
29	5.54	22.86	8.33	+
30	5.56	20.93	0	+
31	6.97	41.46	7.14	+
32	6.95	24.44	22.22	+
33	7.17	23.81	8.33	+
34	6.11	15.00	15.38	−
35	5.78	18.60	27.27	−
36	7.19	33.33	28.57	+
37	7.33	23.08	13.33	+
38	8.49	22.92	16.67	+
39	7.73	33.90	15.38	+
40	8.30	24.24	0	+
41	7.88	37.21	28.57	+
42	8.19	22.86	30.00	−
43	7.64	28.95	18.18	+
44	9.50	29.55	17.65	+
45	8.99	29.63	22.22	+
46	5.64	26.23	28.57	−
47	11.58	28.85	8.33	+
48	8.61	28.57	14.29	+
49	10.46	31.25	25.00	+
50	10.39	41.03	27.27	+
51	14.53	58.62	20.00	+
52	9.31	28.57	8.33	+

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[1] A "+" sign is assigned if the case fatality rate in the more polluted area exceeds the case fatality rate in the less polluted area.

MARINE RESERVISTS AID SANTA CLAUS COLLECTING CHRISTMAS "TOYS FOR TOTS"

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, there are thousands of organizations across the country who perform a myriad of volunteer services for the welfare of their fellow Americans. There is one organization among these that I feel is particularly deserving of special recognition at this time of year for its monumental effort to make Christmas a happy day for millions of America's less fortunate youngsters.

I speak, of course, of the U.S. Marine Corps Reserve's "Toys for Tots" program.

Initiated by three marine officers in Los Angeles, Calif., in 1947, "Toys for Tots" has grown until the present day when Marine Reserve units are spearheading toy drives in over 200 cities in 45 of our 50 States. During more than two decades of operation, "Toys for Tots" has collected 48 million toys for distribution to 20 million children.

For the past 17 years the Lehigh Valley Marine Corps reservists in my own congressional district have been collecting, repairing, and distributing toys. Last year 35,000 toys were distributed to children who might otherwise have had a bleak Christmas.

With Lehigh Valley newspapers providing news space and radio and television stations providing air time to help publicize the toy collection program, over 100 merchants, civic groups, colleges, governmental agencies, and clubs aided the marines' effort.

This year, 200 reservists of Headquarters and Service Company, the 4th Service Battalion, 4th Marine Division, U.S. Marine Corps Reserve, of Freemansburg, Pa., plan to collect over 50,000 toys. The collection begins today and will continue through December 17 under the direction of Capt. George B. Hanily, commanding officer.

This is a fine program deserving of broad community support everywhere and I congratulate the Marine Corps reservists for making each Christmas so very bright for so many unfortunate children.

A TELEGRAM TO THE PRESIDENT

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1969

Mr. KOCH. Mr. Speaker, I know the President is receiving many telegrams and letters on the subject of his recent speech. He may not have an opportunity to read all of that mail and it may be that his staff likewise is overburdened. I suspect, however, that the President and his staff read the CONGRESSIONAL RECORD and I thought that one telegram which was sent to him and which may still lie on his desk unread, might, if reported in this RECORD, be seen either by him or a member of his staff. That telegram, a copy of which follows, states a point of view with which I concur:

NEW YORK CITY,
November 4, 1969.

RICHARD M. NIXON,
White House,
Washington, D.C.

MR. PRESIDENT: We had expected your address last night to offer some hope that at last the disastrous course taken by your predecessor, which also was so sadly unfortunate for him, personally, would be reversed.

Such was not the case. We were in fact served more of the same stale explanations, excuses and historical inaccuracies.

Your mandate was and is for peace, to get us out of this loathsome, debilitating war . . . not to attempt to save the last shreds of tarnished honor. The inference that all dissent be labelled irresponsible or disloyal we found frightening carrying as it did the foreboding of repressive measures to come.

It also suggests that you have followed the pattern of insulation from the people started by Mr. Johnson. Mr. President, your silent majority is finding its voice and it calls for peace now. If you doubt this we suggest you try a plebiscite on the question of withdrawal.

Respectfully,
RITA and THEODORE BIKEL.

CONGRESS AND THE COMPUTER

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MOORHEAD. Mr. Speaker, a recent issue of Modern Data magazine carried an article concerning "Congress and the Computer."

Washington Editor Harold Semling has shown a grasp of the "information problem" on Capitol Hill, and the great need for modern management tools and techniques to help solve it.

I include the article at this point in the RECORD for the attention of my colleagues:

CONGRESS AND THE COMPUTER

Congress has a long way to go before it joins the computer age, but there are signs that it is making progress in this direction.

Greater access to information, principally through the application of modern information technology to the tasks of Congress, is readily available. Only recently, however, has Congress started to become concerned about the possibilities of bringing this technology to bear on its legislative and other responsibilities, and to take steps toward utilizing the new instruments and techniques of data processing.

Increased demands on the Congress have been brought about by rapid economic, technological, and population pressures. Its workload has been drastically increased in recent years. In a recent Congress, for example, out of 26,566 measures introduced, 4,016 were passed.

Congressman William S. Moorhead told a recent conference of the American Management Association that this growing role of the Congress is complicated by the fact that the present problem facing it is "not one of too little information, but too much." The big problem, he explains, is "to distinguish between the significant fact and the inconsequential detail."

Congress is slow to adapt modern management methods. In 1966 there were no computer activities in Congress except for one small payroll unit in the Library of Congress. Now there are a few more data processing systems at work on Capitol Hill, but the legislative branch is still far behind the executive branch in the use of modern data systems. Congressman Moorhead is greatly concerned about this situation. He believes that this lack of use has "jeopardized the balance which Congress must maintain between it and the executive," and that imbalance could be corrected by increased installation of computerized systems by the Legislative branch.

One of the chief promoters of the use of computers by Congress is Rep. Jack Brooks (D., Tex.), Chairman of the Government Activities Subcommittee of the Committee on Government Operations. "The state of the art in data processing and information handling has developed to the point where it can be of material assistance to the Congress in coping with the constantly increasing complexity and volume of data inherent in the legislative process. The time has come for us to make full use of these new capabilities. In Congress every day," Rep. Brooks explains, "we witness increasingly serious symptoms of the inadequacies of traditional information handling techniques to meet present and future demands.

"If data processing were to provide us with only a 5% increase in efficiency in handling budget and appropriation matters, the savings under present budgetary levels would exceed $4 billion annually."

LEGISLATIVE LAG

"It's time the United States Congress joined the 20th Century," according to Congressman Dante B. Fascell (D-Fla.). "The massive volume of information and statistics which constantly accompanies matters before the Congress and its committees cannot possibly be accorded the time and study required for the members to understand fully and act upon them intelligently."

As an example, Congressman Fascell cited the "fifty-one federal departments and agencies employing approximately one million people and expending sums in excess of $150 billion annually" that must be provided for in a budget which, in condensed form, is contained in a book larger than the telephone directories of most major cities. "The use of computers by the legislative branch would enable Congress to have budgetary and cost analysis information from every federal agency immeditately available."

Congressman Fascell points up a paradox. "The federal government is the world's largest user of computers, with more than 4,000 computer systems. Yet the legislative branch, which from a decision-making standpoint probably has the most complex and difficult role of any of the branches of government, has not kept up with these advancements. Only in recent months has the House of Representatives applied computer techniques to such mundane operations as payroll and inventory. No facet of our legislative responsibilities is supported by an adequate flow of accurate, up-to-date information such as can be obtained through the application of these techniques.

"The design of efficient computer systems is a costly and time-consuming process. Exploitation of these techniques by the Congress will take many years. We cannot afford to delay any longer in establishing an efficient management system to allow for the fullest application of computers to assist us in meeting the growing responsibilities we have to the American people," according to the Florida Democrat.

Equipped with EDP and the staff to employ it, Rep. John Brademas (D. Ind.) believes "Congress will be able far more effectively to tackle thorny public policy problems in defense and space, transportation, health and education, pollution control, and urban rejuvenation." The possibilities for using EDP to support Congress seems to him "almost unlimited."

Congressman Brademas asks if Congress will "continue to deny itself the tools of modern information technology and permit the executive virtually to monopolize access to such capability?"

The stakes are immense, Rep. Brademas warns, and "if Congress fails to create its own information analysis and retrieval capacity or to assure itself adequate access to the data machinery of the executive and the private sector, Congress will ultimately destroy its power both to create policy and to oversee the executive."

Congress is far behind the executive in its utilization of EDP. "The current disparity in computer usage between the legislative and executive branches both symbolizes and helps explain at least some of the advantages which the executive now enjoys over Congress in both generating and supervising policy," Rep. Brademas believes. He points out that the executive currently uses over 4600 computers while Congress, as of January, had only three EDP facilities.

Congress is also behind several state legislatures in the development of fairly sophisticated computer systems (e.g., New York, Penn., Texas, North Carolina, and Florida).

The areas in which Congress might apply EDP include: determining the status of pending legislation, obtaining information about the activity of lobbyists, directly accessing legislative files, searching legal information and literature, developing an automated index and catalog of Congressional documents, and maintaining the payroll accounts of Congressional employees. Each chamber of Congress, as an entity, could use EDP for obtaining information on issues up for a vote, analyzing post-vote information, and electronic (remote) voting by Congressmen. Congressional committees of subcommittees could use it to schedule meetings and hearings, print histories of committee action, update committee files, collect information on Federal contract awards, and gather statistics and information on appropriations. Individual congressmen could use it to compare constituent information, reply to correspondence, and aid them in selecting their reading.

Congressman Brademas sees a further system in Congress which would provide:

Legislative research reports transmitted from the Library of Congress to members' offices.

Schedules of committee meetings and hearings automatically printed or flashed on screens in committee rooms and members' offices.

Status information on all federal contracts.

A full index of all information on file in the executive branch's data banks, which could be tapped by Congress.

Detailed analyses and background on the President's budget proposals (now almost totally lacking).

A resolution passed by the House Democratic Caucus in February called on all House Democrats to support the use of computers in Congress.

PRESENT FACILITIES

There are only a few computers now serving Congress. The largest computer is located in the Library of Congress as part of the Legislative Reference Service and serves both the House and Senate. It provides every Congressional office twice monthly with a "Digest of Public Bills," including synoptic and status information on all bills and resolutions in both chambers. Each month, it prints a "Legislative Status Report" on two hundred bills and generates selected bibliographical information which Congressional officers can request.

A smaller computer is used by the House for payroll purposes.

In mid-February, the House Banking and Currency Committee instigated a computerized system for keeping track of legislation within its jurisdiction. The Committee installed in its office an IBM 2741 communications terminal connected to a legislative memory bank in the Library of Congress. The same type of system, Congressman Benjamin R. Blackburn (R.Ga.) suggests, could be used for committee hearings and reports. He has proposed legislation which would require all legislative reports and hearings over 25 pages in length to be indexed.

About two years ago, House Clerk William Pat Jennings obtained approval from the House Administration Committee to install the first computer in the House of Representatives. This machine, an NCR–500, is presently being used in the Rayburn Office Building to maintain the payroll accounts of 7000 Congressional employees and control an inventory of more than 50,000 items of property. An NCR–100 was recently added to the system, and additional applications are under study.

FUTURE PLANS

Since becoming clerk of the House, Mr. Jennings has suggested several areas he believes could benefit by computerization. Among the most important applications he has asked the House Administration Committee to consider are (1) a computerized addressing service, (2) an electronic voting system, and (3) an information retrieval system.

Computerized addressing service

A centrally-located, high-speed, selective addressing service would save clerical time and provide additional space in offices by eliminating addressing machines and cabinets. A similar system is presently being used by the Senate and about one-third of the Senators' addresses have been already converted to magnetic tape.

Electronic voting systems

The office of the House Clerk has for over a year been conducting research on the automated approach to member voting in the House Chamber.

"Voting electronically on the House floor is a delicate, highly-sensitive thing, and should be looked at completely and carefully." Mr. Jennings said. "A modern system should be installed which will be capable of providing functions beyond electronic voting as new technological developments occur." In addition, it should provide optimum reliability and simplicity of operation, and conform to the aesthetic and traditional environment of the Chamber.

A basic system would require individual voting stations for each member, a full display board containing all names, a projector and screen for displaying statistical data and amendments, and a CRT input console for the Clerk. Satellite CRTs placed in the offices of the Speaker, the Majority and Minority Leaders, the Whips, the Parliamentarian, and the Clerk of the House would allow them to follow closely all activities on the floor from their offices. The Clerk would be responsible for monitoring the condition of the system.

Mr. Jennings believes that if the approach is feasible, a small pilot system could be built and demonstrated to the House Administration Committee within nine months.

Information retrieval system

Mr. Jennings believes Congress should have some way to access information related to the status of legislation, committees, the budget, federal agencies, and other pertinent subject areas quickly, easily, and accurately. Because "the complexity, size, and cost of such a system is such that very careful study and planning is necessary for its proper and most expeditious implementation." Mr. Jennings recommends that a pilot system of up to 30 terminals (CRT with keyboard) using the data categories of the demonstration be installed at key locations in the House. The terminals in the pilot system could be peripherals of the computer recommended for centralized addressing.

Information retrieval systems of the type proposed by the Clerk of the House are extremely complex, and Mr. Jennings is aware of this fact. He therefore recommends that, in view of the need for the system, an independent consulting group be called in while other work is progressing. He does not think Congress can afford delaying the system any longer than absolutely necessary: "In order to meet the increased technical complexity and volume of Congressional legislation, the Congress must have dependable information which is readily available to assist in the decision-making process," Mr. Jennings states. "We have for sometime been faced with a rapidly-growing data gap—one which must and can be closed by the use of automatic data processing."

EFFORTS AND EFFECTS

For a number of years, Congress has been considering various ways it might modernize itself. The net effect of these studies, however, has been all out of proportion to the effort expended. After a 17-month study, a

Joint Committee on Congressional Reorganization suggested legislation which passed the Senate in 1967 only to die in the House.

Since a key provision of most proposed Congressional reform legislation involves the use of EDP by the General Accounting Office and the Legislative Reference Service, the major obstacle has not been the EDP provisions, but the effect new legislation might have on established seniority.

A bill sponsored by Rep. Jack Brooks and seven other Representatives and approved by the House attempts to overcome some of these obstacles. The bill (H.R. 10791), which would provide Congress with an efficient information system, clearly states that the proposed system will not alter the jurisdiction of authority of any committee or any other Congressional unit.

The bill would delegate the Comptroller General of the United States (the General Accounting Office) the authority to provide and coordinate electronic data processing usage in Congress. Three responsibilities would be given to the Comptroller General:

(1) He would be charged with cooperating with the Bureau of the Budget in the development of a compatible data system to support the budget and appropriations cycle and seeing to it that any system developed by the executive branch also met the needs of Congress.

(2) He would be required to extend the basic concepts of compatibility to any other data processing system developed for the purpose of processing legislative data.

(3) He would coordinate the general management of computers in the legislative branch to assure their effective and efficient use.

CAPABILITY AND COMPATIBILITY

During a one-day hearing on April 23 to discuss the coordinated use of computers in Congress, Deputy Budget Director Philip A. Hughes said that "Modern information systems and computers play a vital role in insuring effective handling and analysis of information, not only within the respective branches of government, but in the continuous communication and dialogue which takes place between them at all levels."

By the middle of the 1970's, the Bureau of the Budget hopes to have a fully comprehensive management information system to support legislative and executive decision making. Present efforts of the Bureau of the Budget are aimed, broadly speaking, at improving the usefulness of federal program and budget information, information systems, and information management concepts.

In September 1968, the Bureau of the Budget issued BOB Circular A–90, "Cooperating with State and Local Governments to Coordinate and Improve Information Systems." This circular was designed to assist state and local governments to develop compatible information systems. Mr. Hughes stated that this was typical of the government's efforts to eliminate the incompatibilities presently handicapping the exchange of data.

A CLEAR NEED

Robert L. Chartrand, of the Legislative Reference Service of the Library of Congress, has prepared a number of studies for Congress on the use of modern data technology to solve its problems. In one of them, Mr. Chartrand concludes that "the ultimate effect of providing Congress with a sophisticated, computer-oriented information system defies foretelling by even the most experienced expert. No such development could occur without an impact that would be discernible within Congress and throughout the entire nation. Each Congressional element may undergo subtle changes in thinking and mode of operation."

It is clear that it is time to bring Congress into the computer age.

ARE VIOLATIONS OF DISTRICT FIRE AND ZONING REGULATIONS TO BE ALLOWED?

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, the question has been raised as to whether officials of at least two area universities and of the District of Columbia government are going to permit violation of District of Columbia fire and zoning regulations during the coming so-called moratorium.

Local press reports strongly suggest that officials of the American University and of George Washington University are going to "look the other way" when outsiders move into their university buildings, including dormitories, to sleep and to proselytize the students on behalf of those seeking the defeat of the United States.

The front page of the American University students' newspaper for November 7 is primarily devoted to honoring the 52d anniversary of the Bolshevik overthrow of democracy in Russia and victory for communism.

Inside, on page 4, a spokesman for the Student Mobilization Committee is quoted as saying, to quote the newspaper: "That he had talked with various administrators"—of the university—"and they had said that if a building was used at the time of the march without formal permission, there was not very much the university could do about it."

On page 5, the vice president of the AU Student Association is quoted directly as saying:

> Come Moratorium day, the University will close its eyes to people and will permit people in an orderly way to move into various facilities on campus.

He warned against premature moves.

For the record, on page 4, the newspaper quotes the university facilities review board as rejecting a wholesale, overt turnover of facilities to the outsiders, stating:

> The University cannot assume risks arising from obvious considerations for fire prevention, health, sanitation, safety and personal security which directly affect the members of the University Community.

But the board did grant use of one major building, the new lecture hall, for all-night "meetings" November 14 and 15. And the newspaper adds:

> SMC leaders . . . said they would not be surprised if most of those participating in the rally happen to fall asleep during the proceedings.

This certainly raises the question as to whether university officials do indeed plan permissiveness toward overt plans to violate fire prevention and health regulations.

Meanwhile, as to George Washington University, its president, Lloyd Elliott is reported to have said on the one hand that it is against zoning laws to house people in nonresidence buildings while on the other hand he has given permission for use of some buildings recently purchased by GW from the American University in the GW area. The AU newspaper, on page 13, states that SMC leaders told President Elliott that "their national headquarters" had been informed by the District of Columbia Zoning Commission that it was not against District of Columbia zoning laws to house people in nonresidence buildings. The paper continues:

> "Elliott replied to this saying if the SMC could supply him with a written statement from the zoning commission that it was legal, he would reconsider his statement" denying some SMC requests.

All this raises questions as to whether university and city officials should encourage such permissiveness and, in effect, tacitly encourage acceleration of demands which can only lead to mob action and disruption of our system of government.

Maryland University, meanwhile, reportedly is going to permit guests in dormitory rooms for the regular $4 fee. I wonder if fire regulations will be enforced.

SUPPORT FOR THE PRESIDENT

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MORSE. Mr. Speaker, recently my distinguished colleague, the gentleman from Illinois (Mr. FINDLEY) introduced a resolution expressing the sense of the House that "the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date."

I was pleased to become one of the well over 100 Members of the House who cosponsored that resolution. It is one of the most widely cosponsored resolutions relating to Vietnam, with the broadest support, introduced in the House of Representatives.

In response to the introduction of his resolution, Mr. FINDLEY received a most warm and appreciative letter from President Nixon and I would like to take this opportunity to bring it to the attention of my colleagues.

Mr. Speaker, I insert the President's letter to Congressman FINDLEY at this point in the RECORD:

THE WHITE HOUSE,
Washington, October 30, 1969.

Hon. PAUL FINDLEY,
House of Representatives,
Washington, D.C.

DEAR PAUL: I would like to express my thanks to you for your role in the introduction of the House Resolution concerning my scheduling of troop withdrawals from Vietnam. This legislative action is greatly appreciated.

Also, please convey my sincere appreciation to the students at Quincy College for their petition in support of my efforts to bring the hostilities in Vietnam to an honorable conclusion. This undertaking on the part of the students is most heartwarming and their sincere statement is most meaningful.

With warm regard,

Sincerely,

R. N.

SENATE COMMITTEE ACTION ON FUNDING OF THE CLEAN WATER RESTORATION ACT

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BLATNIK. Mr. Speaker, just a few weeks ago a vigorous campaign launched by our group of seven Congressmen from both sides of the aisle came within two votes of our goal—appropriating the full $1 billion for water pollution abatement. The $600 million finally appropriated by the House was labeled a "realistic figure," the only one the FWPCA could reasonably be expected to handle.

Now the Senate Appropriations Committee has reported out their bill calling for the full $1 billion. Of course, we are delighted and applaud their action. While the House vote was a significant step forward—for finally we have broken through the $200 million level of appropriations where water pollution control has stagnated in recent years—the Senate committee was far more "reasonable" when we consider the awesome backlog of unmet needs facing the Nation's water pollution control program.

Unquestionably, the Senate Appropriations Committee has taken a courageous, positive stand on the issue of clean water, and has acknowledged that it is not a luxury—it is a necessity, one we can no longer afford to ignore. Now let us hope that our House conferees will support the Senate action and vote in the joint conference committee for the funds promised 3 years ago: $1 billion.

An editorial in today's Washington Post eloquently and succinctly expresses my feelings, and those of everyone who joined in the full funding fight. The editorial follows:

The Pollution Crisis

The Senate Appropriations Committee has once more raised the clean-water issue in very pointed fashion. Its call for $1 billion in the form of matching grants to the states for water-treatment plants is in line with the demands of many civic, political and conservation groups that are alarmed by the deterioration in our environment. If the Senate looks at the problem as carefully as its committee has done, it is difficult to see how it could reach a different conclusion.

No one seems to question the need for at least $1 billion for clean water this year. That goal was set in 1966 when Congress passed the Clean Water Restoration Act. But the government has been long on promises and short on performance. Last year Congress authorized the expenditure of $700 million for treatment-facility grants but appropriated only $214 million. The same figure was kept in both the Johnson and Nixon budgets for fiscal 1970, but the present administration is said to have offered a compromise figure of $750 million when the demand for appropriation of the entire sum authorized was being pushed in the House.

In view of the fact that the $1-billion-for-clean-water proposal failed by only two votes in the House, it is difficult to explain the final acceptance in that body of a compromise figure of $600 million. If the Senate now takes a strong and positive stand for rescuing the country's rivers and lakes from their man-made filth, the chance of finding the two extra votes needed in the House would seem to be excellent.

Congress must be mindful of course, of excessive spending in this era of inflation. But the issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment. It is not a question of voting a luxury which the country cannot afford. It is a question of reclaiming an asset which the country once had and has now lost from neglect.

THIS IS WHERE IT HAPPENS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. HORTON. Mr. Speaker, I doubt if there is a Member in this body who questions the statement, "This is where it happens." We know the time and effort that each of our colleagues puts into the job of being a Congressman.

I would like to share with all of you a television commentary that is direct and to the point. Dick Tobias, director of broadcast services for Darcy Communications in Rochester, N.Y., presented the commentary on WOKR-TV, October 30, upon his return from a trip to Washington.

He had met with me and my colleagues; Mr. Conable, the minority leader (Mr. Ford), and the chairman of the Ways and Means Committee (Mr. Mills). I am sure you will find the following comments a pleasure and join me in expressing appreciation to Mr. Tobias:

Viewpoint With Dick Tobias

This probably isn't very important to anyone. But, from a selfish point of view, I want to record it. I watched our Congress in action yesterday . . . for a while, through the courtesy of Congressmen Horton and Conable, I sat above our Congress as they debated the issues great and small. Later in the day we met with a couple of America's best known leaders and were invited to the White House for a chat with the director of the U.S. Budget. All told, we weren't in Washington more than a very few hours . . . a city I have known since childhood. Nonetheless, it is refreshing and important to go back on occasion. Because, as commentators we often . . . we frequently, criticize the action and the inaction of Congress. A sharp reminder reminded me of all of this at the Capitol today. I stood with Congressman Gerald Ford just off the floor of the House as the Hub-Bub of legislative activity whirlwinded by us. The Congressman said to me . . . "I suspect you as a commentator have had at us frequently . . . which is right and proper. But may I remind you . . . this is where it happens . . . this is where just a few hundred of us are responsible for the welfare of millions. And as of this moment, no one has invented a better system." I agree completely . . . a frequent trip to washington is an excellent reminder of how lucky we really are.

DRONES SET NEW RECORD: BOOST SAVINGS IN FLIGHT TRAINING

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. SIKES. Mr. Speaker, the monumental costs of maintaining a superior posture of national defense in this country are sometimes beyond the comprehension of most taxpayers. On occasion, this causes the taxpayer to wonder what is being done by the military to reduce or minimize expenditures, and to inform the public of their efforts.

It is particularly refreshing to me to witness cost-consciousness within the military community. It commands my strongest praise and encouragement, and I am sure yours as well, when economics are made apparent.

TYNDALL EXAMPLE CITED

I wish to bring one example to your attention, one which reflects not only a cost-effectiveness objective but, in return, has helped develop a new level of professionalism for those involved.

The U.S. Air Force, Air Defense Weapons Center at Panama City, Fla., recently issued a news report concerning the use of jet-powered aerial target systems which simulate hostile aircraft. These remote-controlled targets are used in weapons development, evaluation and training programs over a Gulf of Mexico target range adjacent to the Tyndall installation.

TARGET LIFE DOUBLED

These aerial targets, called Firebees and produced by Ryan Aeronautical Co. of San Diego, Calif., have been used at Tyndall for 11 years as stand-in aircraft for the "enemy." Experienced combat fighter-interceptor pilots claim there is no more realistic simulation for aerial combat.

In the published report, Brig. Gen. James L. Price noted that the average life of a Firebee target is 15 flights. He estimates the target value, with ground support equipment and all accessory hardware, to be about $135,000.

The report pointed out that three of these Firebee targets, which are designed to automatically parachute themselves to a recovery area after a mission, had been flown 38 times. This represents the highest number of flights by a Firebee achieved in more than 20 years of use by the Army, Navy, and Air Force.

TAXPAYER SAVINGS REALIZED

This record number of flights and usage, the general estimated, saved taxpayers more than $630,000 in replacement costs.

He pointed out that one of the Firebees has been fired at by fighter-interceptor pilots 181 times. At the time of his report, the drone target had attained 31 hours of actual flight time.

The general's report explained that a variety of electronic systems are carried by the Firebees which score weapons miss distances, eliminating the necessity of actually destroying a target to determine the weapons effectiveness or pilot skills.

FINDS REPORT HEARTENING

Finally, it is evident in this report that General Price reflected deep pride in the achievement of his officers and men in effecting this cost savings. His first and most demanding duty, as commander of the Air Defense Weapons Center, is to perfect in those who use the Tyndall facilities a degree of military professionalism that will assure them success in actual combat.

Tyndall's contributions toward this objective have been reflected many times over in the performance of our men who experienced air combat in Vietnam.

Too few of us, I fear, can share the feeling of self-confidence a combat pilot must experience as he engages the enemy over hostile territory. And the only way he can develop this feeling is through training programs such as those at Tyndall.

APPLAUDS POSITIVE ATTITUDES

It is a personal pleasure for me to apprise you of General Price's report. Through the report, we are witnesses to a source of self-confidence and security which all in our country can share. Beyond this critically important aspect, the report points to a constant, compelling effort exerted by his command to do the job under stringent economic circumstances.

I applaud this objective most profoundly, and believe I am joined by my colleagues in sharing this enthusiasm.

I append to these remarks a copy of the news report as published by the official U.S. Air Force newspaper, Jet Scope, of September 17, 1969:

THREE FIREBEES SET NEW RECORD—38TH FLIGHT SURPASSES NAVY MARK

A new flight record in remote-controlled aerial targets was set in a big way by the Aerospace Defense Command base at Tyndall AFB Tuesday when three Ryan Firebees soared into the air at one hour intervals on the 38th flight for each . . . breaking the old record of 37 flights by a jet drone target.

The Navy's Pacific Missile Range at Port Mugu, Calif., held the record until the Air Defense Weapons Center's triple launch.

The multi-numbered target missions flown by these targets represent a big dollar savings for the U.S. Air Force as each target costs in the neighborhood of $135,000. Or figured another way . . . the three birds have flown a total of 114 missions representing a cost of approximately $300 per flight.

The first record-breaking drone airborne from the ground launch site at Tyndall has been nicknamed the "Red Phantom" by Aerospace Defense Command pilots firing their weapons at the target.

This target has been fired at 181 times over the Gulf of Mexico firing range and has accumulated 31 hours of flight time. From launch to parachute recovery, a typical flight ranges up to 50 minutes with six to eight attacks made by ADC aircraft.

ALL THREE TARGETS WILL FLY AGAIN

All three record setting Ryan Firebees were recovered following flights Tuesday and will return to fly again for even greater marks. Two of the jet targets completed their missions and were flown back to the land recovery area. The third went down in the Gulf of Mexico and was quickly retrieved by the Tyndall drone recovery boat crews.

Actually the targets are augmented with various systems which prevent direct hits by the Air Force's heat-seeking and radar controlled missiles. Instead, the broad range of electronic and mechanical devices record near-miss distances of weapons fired by the pilots from their supersonic jet aircraft.

The average life-span of Firebee targets is 15 flights, according to Bill Sved, manager of the Ryan Aeronautical Company's 57-man support team at Tyndall. He noted that Infrared and other electronic devices mounted on the tips of Firebee wings help lengthen the target system's life span. Weapons fired at the target diverted from the exhaust pipe as a prime heat source by the augmentive devices.

Recovery is commanded automatically when a hit occurs in flight and a self-contained parachute system lowers the target to recovery areas on water or land.

The three record breaking drones have been recovered and returned to the hangar for refurbishing and flown repeatedly more than any other target in existence, Sved pointed out. Such target reuse offers a substantial savings to the military.

Ryan Firebees have been used at Tyndall over a period of 11 years as prime targets for Aerospace Defense Command and Tactical Air Command fighter-interceptor pilots.

These fast, elusive, high-flying targets are used at Tyndall to evaluate the efficiency of air-to-air missiles and a pilot's firing skill. The targets fly at more than 700 mph at 50,000 feet for more than one hour.

A huge overwater firing range embraces hundreds of square miles of open water, extending into the Gulf of Mexico. This makes it ideal for interceptor weapons firing, because the supersonic speeds of these jet aircraft and the range of their missiles require an ample safety margin to protect the public, real property and shipping.

As the Firebee enters the firing range, ground control intercept issues commands of "Scramble!" to the waiting pilots. Smashing into the air, the speeding jets move in for the search, intercept and kill of the foreign "invader."

Vectored into position as it zooms to altitude, the fighter's radar scans space, and locks on the target. The pilot presses the firing buttons and waits for the automatic firing as he closes range.

In a stream of fire and smoke, a deadly missile is unleashed at the drone—out of sight and pushing the speed of sound.

As the package of destruction homes in, the target records the missile's range and transmits the data to the ground scoring station. The target's electronic scoring system permits the important weapons system evaluation. It accurately records the "hit and miss distance" of the fired missile. These systems give quick results of the pilot's effectiveness in "killing" the target.

Regardless of the final outcome of the mission—kill or miss—the pilot has benefited. The training received is stored in his pocket of experience, ready to go into action instantly upon the sound of the klaxton horn that warns of an air attack.

SGT. JAMES ROBERTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Sgt. James Roberts of Mt. Oliver, Pa., who was killed in Vietnam on October 28, 1969.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Sergeant Roberts for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

VIETNAM WAR TAKES LIFE OF MT. OLIVER MAN

Sgt. James Roberts of Mt. Oliver was killed in action on Tuesday, October 28, 1969, while serving in Vietnam with the Army Infantry.

Sgt. Roberts, a 1967 graduate of Baldwin High School, is survived by his mother, Mrs. Alberta Roberts of Margaret St., three sisters, one brother. Grandparents are Mr. and Mrs. Henry Swartz of Mt. Oliver.

REDUCE POLITICAL CAMPAIGN COSTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. OTTINGER. Mr. Speaker, as we have seen from recent gubernatorial and mayoral elections across the country, the costs of political campaigns continue to soar. It is vital, in my view, that this trend be reversed and I believe that Congress should give full and careful consideration to a number of proposals which have been made in recent weeks.

In this regard, a thoughtful and perspective analysis of the issue was presented by Newton N. Minow, former Chairman of the FCC and current chairman of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era. Mr. Minow's analysis appeared in the November 9 edition of the New York Times and I present it herewith for inclusion in the RECORD and commend it to the attention of my colleagues:

ISN'T CHOOSING A PRESIDENT AS IMPORTANT AS A MOON SHOT?

(By Newton N. Minow)

Jack Gould's column of October 12, "Will We All Have to Listen to Big Brother?," is a valuable addition to public debate on the issue of escalating costs of radio and television time for political candidates. His criticism of the Report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era represents a point of view which our Commission anticipated—but I regret that he did not give any attention to our arguments on the other side.

Our Commission was composed of five men with widely different political views and backgrounds. Dean Burch, former Chairman of the Republican National Committee, was long identified with the campaigns of Senator Goldwater. Robert Price, former Deputy Mayor of New York City, managed the Mayoral campaign of John Lindsay in 1965. Thomas Corcoran, a key adviser of President Franklin D. Roosevelt, has been active in Democratic politics for four decades. Alexander Heard, Chancellor of Vanderbilt University, is a leading scholar and headed the bipartisan commission on the question of campaign finance appointed by President John F. Kennedy. I have been involved in four Presidential campaigns, most intimately in the 1952 and 1956 campaigns of Gov. Adlai E. Stevenson.

Nevertheless, the five of us came up with unanimous recommendations arrived at only after deliberate study, extensive debate, and subordination of our own partisan positions. We recognize that Voters' Time—our proposal that all radio and television stations in the country be required to carry some prime time one-half hour broadcasts simultaneously in each time zone—is a fundamental change in the way campaigns are now carried on. But we believe such fundamental change is essential unless we accept the idea that a candidate's access to the electorate should depend upon his access to big money.

The democratic process requires open forums for political ideas and the widest possible dissemination of information. As Gould points out, this can perhaps best be achieved by debates between the candidates. We agree, and said so in our report. But no unwilling candidate can be forced to debate. President Johnson in 1964 and Mr. Nixon in 1968 both thought they were ahead—and declined to debate. It still takes two to tango—or debate. Wishing it otherwise, as Gould does, simply won't produce a debate.

There are now two kinds of political broadcasting. One is the kind the candidate purchases; the United States is the only country in the world where this kind of broadcasting exists. The other kind is the program which the broadcaster provides as a public service, e.g., "Face the Nation," "Meet the Press," the Great Debates of 1960. We applaud the latter enthusiastically—and indeed we recommend that the equal time law be suspended in 1972 as it was in 1960 to permit such debates to occur again.

But our Commission's main concern was with the other kind—and the more than $40-million spent by the parties and candidates for radio and television time in the 1968 general election campaigns. The Presidential candidates alone spent more than $20-million in the general election campaign of 1968 for broadcasting time—which was four times the amount spent in 1956. Around three-quarters of this was spent on "spots"—short, commercial-like announcements which contributed little to a serious discussion of the issues.

Our Commission concluded that the voter has much to lose from present arrangements. We concluded: "Letting ability to pay determine access to the great audience and fostering the development of commercial-like campaign spots rather than rational political discussions may in time subvert the democratic process."

Therefore, we propose a new kind of political broadcasting: one which does not belong to the candidate and which does not belong to the broadcaster. Instead, it will belong to the voter. Thus Voters' Time would be purchased with public funds by the Federal government from the broadcaster—at half rates—and would be carried simultaneously by every radio and television station for at least six half-hour periods in prime time in the five weeks preceding a Presidential election. The cost? Less than mailing a 5-cent postcard to every voter.

The broadcasting industry has objected to this proposal on the ground that the public would give up its freedom of choice during those half-hours. Gould argues that this would be a terrible precedent "save in a moment of genuine national emergency."

We believe a Presidential election is as crucial as a genuine national emergency. For on the decision of the American electorate hangs the fate of millions at home and abroad, war and peace, survival itself.

Of course, there will be some people who will object to their favorite program being pre-empted for a half-hour every four years. We suggest that they are under no obligation to turn on their radio or television sets during this imposition, or they can turn them off, and thus tune out their responsibilities as citizens of a republic which depends upon its citizens to cast informed votes.

We think that if Voters' Time were in effect, a great new American tradition would quickly develop in which Americans would sit down together to watch, listen, and make judgments about the men who would lead them. We also believe that to compare Voters' Time with conventional programing is to lose sight of the unique importance of Presidential elections and would compromise the seriousness of the Presidential race. We also believe that as the institution of Voters' Time developed, this direct and regular confrontation with the candidates would give voters a sense of direct participation in Presidential politics heretofore unknown.

Broadcasters pre-empt regular program schedules periodically for events of great importance. A Presidential speech, a moon shot, a Presidential funeral. Is a Presidential selection less important?

NEW YORK NEWSPAPER ENDORSES ATLANTIC UNION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. FINDLEY. Mr. Speaker, the October 17 issue of the Citizen-Advertiser of upper New York carries an editorial written by the publisher, Mr. Lithgow Osborne, in which the newspaper urges favorable action on House Concurrent Resolution 283 which proposes the establishment of an 18-member U.S. delegation on Atlantic union. This expression of support is most gratifying and I include the text of the editorial at this point in the RECORD:

FEDERATION OF THE FREE:
A POSSIBLE FIRST STEP

This year marked the 20th anniversary of the North Atlantic Treaty Organization (NATO). Official observance took place in Washington last April 10th when President Nixon set new objectives for the alliance in the presence of the foreign ministers of the 14 member nations. And next Monday the General Assembly of the Atlantic Treaty Association (ATA) will meet in Washington. The gathering will be attended by some of the original signers of the treaty among 300 other delegates.

The ATA is a private organization with branches in all NATO countries. It exists to promote closer relations and better co-operation between the peoples of the Atlantic democracies.

In our current absorption with Vietnam, there is a tendency to forget Atlantic affairs. Yet NATO has been responsible—and is still responsible—for creating the conditions of security in Europe which have allowed the non-Communist countries to attain an unprecedented level of political stability and economic prosperity.

However, the importance of the Atlantic Alliance has not been forgotten by any means, as the ATA five-day conference shows.

And on Capitol Hill two similar Concurrent Resoltuions (Nos. 283 and 284) have been introduced in the House calling for the appointment of a commission to meet with representatives of other Atlantic nations to explore the long-range possibilities of federation.

These resolutions have been introduced by Rep. Paul Findley of Illinois, Republican, and Representative Donald M. Fraser of Minnesota, Democrat. Recorded support of them is also non-partisan. Ninety-two representatives, about two thirds Democrats (including Sam Stratton) and one-third Republicans, are co-sponsors.

A resolution in very similar terms was before the last Congress and received the explicit approval of Richard Nixon, Hubert Humphrey, Nelson Rockefeller, Robert Kennedy, Eugene McCarthy and many other leaders of both parties. It was approved by the House Committee on Foreign Affairs by a wide margin. It was held in the Rules Committee and did not reach the floor of the House. The prospects for passage are much better today.

If the proposed convention ever meets, it cannot commit any of the participating countries even though they send official delegates. But it could draft a plan for greater unity for submission to the various governments, just as our Constitutional Convention of 1787 drafted an instrument of government to end the political and economic chaos which had ensued after the Revolution, which was then submitted to the thirteen states and eventually ratified.

We shall not see a Federal Union of The Free next year or the year after. But an Atlantic Convention would be a necessary first step in that direction. And a desirable one.

Because the democracies have presently so much economic and military power, we are prone to forget their weakness when divided, particularly the fact that about 70 per cent of humanity is ruled by Communist or Fascist despots whose chief objective is to destroy democracy wherever it exists.

Believers in human freedom need the strength that only comes through unity.

OUR STATE IS FAIR—A SESQUICENTENNIAL TRIBUTE TO THE STATE OF ALABAMA

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BUCHANAN. Mr. Speaker, 1969 marks the 150th year of statehood for the State of Alabama and our citizens have been proud to honor Alabama's sesquicentennial year in a number of ways. The pride which we have in our State and in its illustrious history is well expressed in the following poem, "Our State is Fair," by Mrs. Katherine Hale Hanlin. Mrs. Hanlin, of Birmingham, Ala., is the general secretary of the Alabama State Poetry Society. The poem follows:

OUR STATE IS FAIR

(By Katherine Hale Hanlin)

Heaven's ruling "Executive Board" had motion well in hand
To make a certain earth terrain into a special land.
They took the beauty, fruit and nature of a panorama,
Where, Indians, smitten with that Eden, named it "Alabama".
They rested verdant woodlands, goodly hills against her breast;
Amazing natural wealth was found a part of vale and crest;
They traced the freshest waters through her multi-favored veins,
Enriching soils and forests, making lovelier the plains.

In 1699, Canadian French brothers, LeMayne,
With four conscripted vessels, one of which was the ship, "Bodine",
Brought first of permanent colonists to tend this lovely land,
Following 1540 Spanish men who had to disband.
Frenchmen, Bienville and Iberville, a colony provided,
With detachments at Biloxi, Mobile and Dauphin Island.

Thrilling venture, builded country, village, city or a town.
Invited kindness kissed the land; stars fell softly on her crown.

Yet, under five of sovereign flags, the country grew and flourished;
A State evolved from Territory, which was rightly nourished
From 1819, when that most blessed land became a State
To 1969, our Sesquicentennial date.
William Wyatt Bibb, first Governor of that Panorama,
Was also chosen to head the new State of Alabama,
The Latin words, "Audemus Jura nostra defenderé",
On our coat-of-Arms, means "We Defend Our Rights", always.

SUPPORT FOR PRESIDENT NIXON ON VIETNAM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, one of the ways in which the silent majority is heard is in the editorial columns of the newspapers that serve them. Far from the fevered banks of the Potomac reporters and writers report and observe every day the events in this country. If we lay aside the great national organs of opinion and pick up the papers from home, we often get a more accurate picture of the Nation's pulse.

Following the President's televised speech on Vietnam last Monday, a number of newspapers and radio stations in and around the Sixth District of Wisconsin made themselves heard on the President's policy statement. During this "Week of National Unity" I believe it is worthwhile to survey the diverse yet unified observations of these spokesmen.

The editorials follows:

[From the West Bend (Wis.) News, Nov. 6, 1969]

NIXON BEGS VIETNAM SUPPORT—TIME FOR SILENT MAJORITY TO SPEAK OUT

Now is the time for all good men in the silent majority to make their views known concerning the war in Vietnam.

On Tuesday, the President asked for the support of that majority, stating: "The more support I have from the American people, the sooner that pledge (to end the war in a way that we can win the peace) can be redeemed; for the more divided we are at home, the less likely the enemy is to negotiate in Paris."

The unusual Presidential plea for backing for a war policy became necessary because of the broad response to the demonstrations mounted by a vocal minority in the country last month. That minority has parlayed the basic desire of peace on the part of most Americans into a public opinion force the President most cope with.

Millions responded to the Moratorium activities on Oct. 15, and millions more will surely participate when the moratorium demonstrations begin again in ten days, this time for two days instead of one.

There is the very real possibility that these demonstrations, unless checked by visible support for the President, will back the Administration into a corner.

President Nixon has showed he intends to end the war, and he has already taken most of the steps advocated by critics of the war during the 1968 campaign. He has made substantial progress, and deserves the time and support necessary to carry his plan further.

The demonstrators would have him get out immediately—at any price.

But he cannot do that. The peace that ends the war must be a relatively stable arrangement, not one that paves the way for a takeover by Hanoi. We have paid too much in lives and national treasure to settle for less.

The silent majority, including most of the people in the Washington county area, realize this and support the President in his methods.

The demonstrators have no monopoly on the desire for peace.

They may, however, have a monopoly on short-sightedness.

They accuse the government of having blundered into the war. Now they want to blunder out of it.

While the President has refused to be pinned down to a specific timetable on disengaging from Vietnam, he did say in no uncertain terms that as the South Vietnamese become stronger, the American commitment will be reduced.

This change-over will take some time, perhaps several more years.

In the meantime, President Nixon needs support.

The demonstrators, effectively using the media, made their point of view known last month.

The silent majority should make its viewpoint known this month.

[From the Sheboygan (Wis.) Press, Nov. 4, 1969]

NO CHANGE IN VIETNAM

Americans, we believe, were disappointed Monday evening. They were disappointed, not so much because they have reason to disagree with Mr. Nixon's Vietnam policies, but because the President had very little to report.

They expected more in a major presidential address which had been heralded for three weeks. It will be useless, however, to speculate on why all the fanfare about the address. Why the big build-up for the dramatic announcement that there was a fruitless exchange of letters with Ho Chi Minh? Why a national telecast to tell us that the American policy is to Vietnamese the war—a policy announced long ago? We all knew that there was a schedule for the withdrawal of American troops; that for obvious reasons the schedule could not be publicly announced, and that in reality it was flexible depending on the level of enemy activity in the field. These things the President and his spokesmen had made clear.

The situation in Vietnam today is much the same as it was Monday with little hope of dramatic change. The same then is true of American policy. If that policy, as retierated by Mr. Nixon, was a sound policy last week, it continues to be a sound policy today. The unhappy disappointment must not be allowed to cloud an appraisal of the situation. Although we were hopefully prepared to examine a new set of facts, changing attitudes in North Vietnam and even the domestic consequences of a lower level of hostility, we must again face the familiar, frustrating Vietnam war as we have known it for so long.

Disappointing as the situation is, we continue to count ourselves among those who support the President's policies—those policies which have regard for the South Vietnamese people and their right for self-determination without coercion from the north. Those policies, difficult and challenging as they are, remain the same today, the President's speech notwithstanding.

[From the Ripon (Wis.) Commonwealth Press, Nov. 5, 1969]

PRESIDENT NIXON'S SPEECH

Pres. Nixon didn't release the magic genie or drop a verbal bomb Monday night when he discussed Vietnam.

There were no dramatics, no flash, no anger. Just a plea for national unity and an understanding of this country's commitments and heritage. Just plain talk and a request for Americans to understand why we can't just turn our backs on a people and dump them.

Nixon made it quite clear that moratorium or not he will not bend to the wishes of those persons who advocate a quick withdrawal. Not that he wants the war. He would like nothing better than to become the "peace president." This is the kind of stuff election victories are made of.

But Nixon has expert intelligence from people who are "on the scene" in Vietnam. They state that to abandon a people who are trying to defend themselves would expose an innocent people to subjugation and mass terror and would severely damage American relations around the world.

He has stated his plan for peace—an orderly withdrawal based on a firm show of good faith on the part of the North Vietnamese.

Is this poor judgment? Is this a man who wants war to continue?

We are certain the moratorium people are 100% true blue American. We are certain Nixon is too. But, Nixon is also a realist, working with facts and faced with the awesome responsibility of preventing a World War.

Americans should rally behind the President. Some will march against him. Moratorium fever will burn in mid-November. But until the "instant withdrawal" advocates come forth with a positive, practical program that will not undermine the American position, we suggest they keep still and let the North Vietnamese and Vietcong fight their own battle.

Pres. Nixon has called for the "silent majority" to become vocal in their support of his attempt for peace. We hope this majority will make its voice heard, especially on November 14 and 15.

Nov. 5, 1969.

[From the (Wis.) Post-Crescent, Nov. 5, 1969]

THE NIXON REPORT ON VIETNAM

President Nixon's report to the nation on Vietnam was a calm and reasoned one. He did all that he can do at this time, tell it like it is. He didn't have any surprises to announce, because there are no surprises. And he didn't make any dramatic promises, because there are none to make.

The gist of the current situation is that there has been absolutely no progress in attempting to negotiate a settlement with North Vietnam and there is little likelihood that there will be any progress in the future; that we are going to withdraw our troops from South Vietnam on a planned schedule which will at least offer the government of that country the opportunity to organize its own defense.

The strategy of North Vietnam also becomes crystal clear. The President said that "I have not and do not intend to announce the timetable for our program" because Hanoi "would simply wait until our forces had withdrawn and then move in." The fact is that Hanoi has always believed time was on its side in this struggle and certainly continues so to believe. They will wait out our withdrawal, whatever the timetable is, and then attempt to move in. The key question is whether Saigon in the interim can organize an effective defense.

The President's program is a logical course for this nation to follow. We are not abandoning South Vietnam. But we are telling President Thieu bluntly and clearly that we can no longer help him if he won't or can't help himself. This is the so-called new Nixon policy in practice. As he phrased it: "We shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

This is, incidentally, exactly the policy Russian and Red China have followed toward North Vietnam.

We offer one criticism of the President's address. In his initial summation of the phases of our involvement in Vietnam and the situation as he found it when he took office in January, he omitted a most significant event, an omission which failed to recognize an important contribution his predecessor, President Johnson, made toward ending our involvement in the war. He said that in January, "540,000 Americans were in Vietnam with no plans to reduce the number."

This is factually correct. But what the President did not say was that during the year 1968 President Johnson came to a memorable decision that we could not win a military victory in Vietnam as the Defense Department had maintained, that he ended the bombing of North Vietnam, that he vetoed a Defense Department request to send thousands more troops to Vietnam, and that he established diplomatic contact with North Vietnam by offering to scale down our offensive military efforts, thus giving Hanoi an opportunity to reduce its own offensive efforts.

And it was that decision which prepared the way for President Nixon to begin the withdrawal of American forces. The record should be made complete in that regard.

President Nixon has answered critics of the war in this country, and he has answered them well. Surely his answer will not quiet or satisfy the most extreme of those critics. Their demand for immediate withdrawal with no regard for the consequences to the South Vietnamese people is entirely illogical and therefore it cannot be answered with logic.

His report was designed to appeal rather to what he called "the great silent majority of my fellow Americans." He appealed for their support. And on the basis of his report he is entitled to that support.

[From the Fond du Lac (Wis.) Commonwealth Reporter, Nov. 7, 1969]

Nixon Puts Prestige on Line

It would be a tragedy if a course of action which offers the only hope of ending the Vietnam war within the reasonable future without entailing an outright surrender to Hanoi and abandonment of South Vietnam, a strategy which would have been greeted with overwhelming enthusiasm in 1968, were to prove to be in 1969 not too little but too late.

It may be that the time is out of joint, by at least a year.

Had presidential candidate Richard Nixon 12 months ago revealed a plan to "Vietnamize" the Vietnam war, and had he promised that one of his first acts if elected president would be to withdraw 50,000 American troops immediately and as many thereafter as military conditions permitted, he would likely have been swept into office with a far greater margin than the razor-thin plurality he achieved.

There may be any number of reasons why he did not make such an announcement at that time, including the very good reason that he had not yet arrived at such a solution to the war. A presidential candidate, while something more than an ordinary private citizen, is still not a president, with access to all the information which floods the Chief Executive's desk. There was, also, the hope that a fresh team of negotiators could get the stalled peace talks in Paris moving. Or, from a more cynical viewpoint, candidate Nixon may simply not have wanted to lay himself open to the charge of playing politics with the lives of 500,000 American fighting men.

But the ironic possibility now is that, having achieved the presidency and having decided upon this plan in the face of continued North Vietnamese obstinacy, Richard Nixon may be swept, not out of office, but out of effective leadership over the nation, even as Lyndon Johnson in his final months became a shadow of the strong, consensus-wielding president he once was.

The time is not only out of joint but growing short. Its temper can be read in the fact that those who have supported the President in his handling of the Vietnam problem throughout the first 10 months of his administration praised his television address to the nation as a vigorous reaffirmation and defense of his policies. But those who have opposed him or who have supported him only tentatively expressed reactions ranging from disappointment to outright rejection.

So weary have Americans become of this war, so far has emotion replaced calculation regarding Vietnam, so many have the disillusionments been in the past, that a policy which is a 180-degree turnabout from the policy of the previous administration can be dismissed as offering "nothing new."

As the President said, North Vietnam cannot defeat or humiliate the United States. Only Americans can. It all depends upon that "silent majority" he referred to.

If the President can beg, borrow or steal another 10 months of support, grudging though it may be, from the American majority, and if Vietnamization does indeed begin rolling, he spoke truly when he said that it will not matter then what the critics say now.

In the meantime, however, America seems as sadly divided as it was before the President's speech. A period of even greater domestic turmoil may be ahead for the nation.

[From the Milwaukee (Wis.) Sentinel, Nov. 5, 1969]

The Only Way

Without a zig or a zag, President Nixon, in his Monday night address on Vietnam, outlined the only honorable course to be followed to a just peace.

In all the advance speculation about the speech, the worry developed that Mr. Nixon might have zigged to the left to make some gesture intended to placate the bugout Charlies.

The possibility that he might have zagged to the right to please the hawks was more remote, for their pressures, compared with those of the doves, have been moderate.

Courageously, Mr. Nixon avoided the temptation to play politics with the war, to raise false hopes or to appease his unappeasable critics. He chose instead to tell it as it is and he intends it to be during the 1,173 days left in his term as commander in chief.

Mr. Nixon's "plan for peace" is to withdraw American forces from South Vietnam as fast as possible consistent with our one and only—and reasonable—nonnegotiable condition, the right of the people of South Vietnam to determine their own future. The withdrawal already is well underway.

Altogether properly, Mr. Nixon said he does not intend to announce a timetable for the withdrawal. To do so, he pointed out, "would completely remove any incentive for the enemy to negotiate an agreement."

Mr. Nixon said the rate of withdrawal will depend on developments on three fronts. One is the Paris talks, which might as well be forgotten. The other two factors are the level of enemy activity and the progress of the training program of the South Vietnamese forces.

The rate of withdrawal also depends on developments on a fourth front which Mr. Nixon did not list but which he was acutely conscious of in his conclusion calling for unity and the support of "the great silent majority of my fellow Americans." That would be the home front.

The loud minority, aided by the biased news media, undoubtedly will continue its efforts to force the United States to surrender to the Communists. As soon as Mr. Nixon's speech ended, the critics renewed their pressures for a precipitate withdrawal from Vietnam. Another national protest demonstration is being planned for Nov. 14–15. It threatens to be ugly.

But there is a tide running the other way. Patriotic Americans are awakening and rallying. The great silent majority is being urged to express itself during the week of Nov. 10–16, and particularly on Veterans day next Tuesday.

Such an outpouring might help show the Communist aggressors that they are not going to be able to win in the streets of America what they haven't been able to win on the battleground of Vietnam. They have to be shown that their friends in America have won them all the concessions that they are going to get.

Protesters are saying they were "disappointed" in Mr. Nixon's speech, which is exactly the reaction to be wished for them. We were disappointed by it, too. But for an entirely different reason—that Mr. Nixon was unable to report that the Communists have indicated the slightest inclination to negotiate a settlement on any terms other than absolute victory for their side.

Enough of putting all the pressure on America to end the war! It's high time to put the pressure where it belongs, on North Vietnam. As the growing dissent to the dissenters movement puts it, "Tell it to Hanoi!"

WTMJ Editorial

The importance of President Nixon's Monday night's broadcast to the nation lies not in what he didn't say but in what he did say. While the President didn't disclose figures on future troop withdrawals from Vietnam as anticipated, he did give a timely refresher course on how we got into the war in the first place. He also fully explained the consequences of an abandonment policy.

Mr. Nixon revealed his frustrations at trying to negotiate peace personally, at the United Nations and in Paris. Yet, while he was unable to get results through established avenues of negotiation, Hanoi showed its preference to speak to private individuals in this country. This method, it apparently believes, will wear down our determination to hold our commitments, fire up anti-Nixon sentiment at home and abroad and finally cause the United States to accept North Vietnam's demands. Hanoi even brazenly stepped up its offensive action on the eve of Nixon's broadcast to force a counter-action.

The war has now been put into a true perspective by the President. He has stopped the escalation and cut casualties. He is not sending more troops to Vietnam but instead bringing them home. Our side has attempted to cool off the fighting while Hanoi steps it up.

On the basis of Hanoi's past performances, an abrupt U.S. pullout from Vietnam would bring about a bloodbath with thousands of South Vietnamese slaughtered. Furthermore, America's word and leadership throughout the world would be sharply devalued and the development of peace and democracy in Southeast Asia and other underdeveloped parts of the world would be reversed or slowed down.

President Nixon has growing public support for his Vietnam policy. He has asked for the great silent American majority to speak out. He could have no better selling point for peace than their support. We urge that you speak out on this issue.

EDUCATIONAL PROBLEMS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, there is no one better qualified to speak on a given topic than someone who deals with that topic as his everyday occupation. That is why we seek a physician's advice about health, an attorney's advice on legal matters, or a plumber's advice about leaking water taps.

It is obvious, then, that there is no one more qualified to discuss educational problems than an educator.

There are few problems more pressing in our Nation today than that of education. These problems were outlined sharply and graphically in a recent statement by George D. Fischer, president of the National Education Association.

Mr. Fischer made some pointed comparisons between the campaign promises of last year of presidential candidate Richard Nixon, and the subsequent actions and recommendations of President Nixon.

In a direct attack on the Nixon education record, Mr. Fischer charged that the President had reneged on his campaign promises by ordering drastic cuts in key Federal education programs. He accused the President of playing politics with the Nation's schoolchildren by proposing to eliminate illiteracy while "wiping out money for the purchase of reading materials."

Mr. Fischer also challenged President Nixon's recommendation of Judge Clement F. Haynsworth, Jr., for a seat on the U.S. Supreme Court, charging that the Nixon administration had "sold out to racism" in making the nomination.

Mr. Speaker, I ask unanimous consent at this point to reprint Mr. Fischer's statement in the CONGRESSIONAL RECORD, and highly recommend it to the attention of my colleagues as an excellent analysis of this Nation's educational crisis from a highly respected educator who speaks for some 1 million teachers throughout the Nation.

The statement follows:

STATEMENT BY GEORGE D. FISCHER

Earlier today, I testified before the House General Education Subcommittee in favor of general federal aid to education, in the form of an NEA-drafted bill to provide about $8 billion per year to state and local education agencies. This bill would provide for increased teacher salaries and help meet the urgent needs of our public schools. It would improve the education of every child, and ease the tremendous pressure on our state and local tax bases.

This program is in sharp contrast to the non-program of the Nixon Administration. You may recall that during his campaign for the Presidency, Mr. Nixon wrote a letter to the nation's teachers, soliciting their support for his candidacy. In this letter he stated:

"As we wind up the 1968 campaign, I ask your help in achieving the goals to which Governor Agnew and I are dedicated—

American opportunity begins in the classrooms of this nation for young and old alike;

When we talk about cutting the expense of government—either federal, state, or local—the one area we can't short-change is education;

Education is the area in which we must keep doing everything that is necessary to help achieve the American Dream; and

We call upon every citizen to join with us in an action program for education."

Upon his election, however, the Nixon tune changed. Not content with the cuts in education proposed by the Johnson Administration budget, the Nixon Administration proceeded to slash programs to the extent that some would be wiped out entirely.

Here are a few examples:

Mr. Nixon proposed only 39% of the authorized amounts for Title I of the Elementary and Secondary Education Act—the program for deprived children and youth; 20% of the authorization for vitally-needed supplementary education centers and services; 37% of the authorized money for strengthening state education departments; only 15% of the money earmarked for educating the handicapped; 25% of the authorization for bilingual education; and just 30% of the funds Congress deemed necessary for school operating expenses in areas with high concentrations of federally-connected children—the "impacted areas" program which has been almost fully funded since its inception in 1950.

The most cynical action of this Administration was the declaration, by Commissioner of Education James E. Allen, Jr., that we need an "educational moonshot," a program to teach everyone to read. Yet the Administration requested no funds at all for Title II of ESEA, which provides funds for textbooks and school libraries. We did not reach the moon without the kind of commitment that resulted in spending tens of billions of federal money in the effort. I just frankly resent anyone, especially the President of the United States, assuming that you can sell platitudes about the elimination of illiteracy at the same wiping out money for the purchase of reading materials.

Here is another example. In 1967, Congress transferred control of the innovative and supplementary services program, Title III of ESEA, to the states. The states have been funding local projects that, on the whole, are more meaningful and will have more real impact on improving education—and at less cost—than those formerly funded by the Office of Education, often through profit-making agencies.

Now that the states have begun to make a good start on spurring innovative programs under Title III, the Nixon Administration recommends that federal grants for this Title be cut by $50 million.

The Nixon rhetoric on education is the same as his promise to end the Vietnam war. I don't blame the President for either problem—he inherited both—but I am startled and chagrined by his lack of convincing proposals to solve these problems.

Furthermore, the NEA is disturbed with Mr. Nixon's postures on desegregation of public schools. The Association is on record, through its official resolutions, in opposition to dual school systems and any other form of racial discrimination.

On November 4, 1969, the NEA asked President Nixon to withdraw the nomination of Judge Clement F. Haynsworth to the U.S. Supreme Court. On that day, the NEA Executive Committee held a telephone conference call at which I raised the question of whether NEA should take a stand on the Haynsworth nomination. I reported at that time that the Southern Council of the California Teachers Association had passed a resolution that week urging Senators to vote against the nomination. The members of the NEA Executive Committee shared the view that NEA should oppose the nomination. During the discussion it was pointed out that such opposition would be consistent with NEA resolutions on equal educational opportunity and desegregation and with the 1969 action of the Representative Assembly on the school desegregation guidelines.

A motion was made proposing that I send a telegram to President Nixon urging withdrawal of the nomination and a telegram to members of the United States Senate urging them to vote against confirmation of Judge Haynsworth. This motion was seconded and approved by a unanimous roll-call vote.

The action of the NEA Executive Committee was fully consistent with NEA policy, which has supported prompt school desegregation involving the actual integration of students and teachers. Continuing resolutions of the NEA state the belief of the Association that education should "be nonsegregated" (1969 Resolution C–1) and that "individual personality is enhanced and the national interest furthered by educational opportunity that involves children, formally and informally, in diverse cultures" (1969 Resolution C–4).

In its Philadelphia resolution the NEA Representative Assembly insisted that there be no deviation by the federal government from the established timetable for desegregation set by the Department of Health, Education and Welfare guidelines. The Assembly directed me at that time to send a telegram to President Nixon informing him of this resolution—a telegram that has produced no adequate reply. In addition, NEA has filed, as a friend of the court, briefs in support of prompt and meaningful school desegregation, such as the brief supporting the decision of Judge Skelly Wright in *Hobson* v. *Hansen*, and, more recently, the brief filed in the Mississippi school desegregation case just decided by the U.S. Supreme Court.

As an analysis of his judicial opinions amply demonstrates, the accession of Judge Haynsworth to the High Court bench would conflict with basic NEA philosophy reflected in the foregoing actions. Judge Haynsworth has consistently taken judicial positions which would have the effect of retarding rather than advancing meaningful school desegregation. In 1962, he dissented from the majority opinion in Charlottesville school desegregation case, which outlawed the practice of granting transfers to pupils in the racial minority in a particular school. This dissent subsequently was repudiated unanimously by the Supreme Court. In 1963, Judge Haynsworth held that the Court of Appeals should stand by idly while Negro children in Prince Edward County continued to go without schooling. Judge Haynsworth has repeatedly upheld freedom of choice plans, which were conceived to retard and did in fact retard the integration of school children in the South. In *Bowman* v. *County School Board of Charles City County, Va.*, and *Green* v. *County School Board of New Kent County, Va*,. he upheld freedom of choice, a position reversed unanimously by the U.S. Supreme Court in the *Green* case.

These actions of Judge Haynsworth had the effect of perpetuating unequal dual school systems in the South and postponing desegregation of teachers as well as students. Indeed, in *Bradley* v. *School Board of Richmond*, he wrote a majority opinion which failed to take action against the practice of allocating teachers on a racial basis. That decision was unanimously overruled by the Supreme Court, which did not even hear oral argument.

In light of this record, it is evident that the Haynsworth nomination is inconsistent with the basic goals and principles of the National Education Association, and with the best interests of quality education in the United States.

AMERICAN LINKS WITH RHODESIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. RARICK. Mr. Speaker, November 11, our sister Republic of Rhodesia celebrated its fourth anniversary of independence.

Probably no other people in the world have a more common bond with us of the United States.

Rhodesians, like Americans, became independent by the unilateral severance of their ties to the British Crown.

In each case, independence was not achieved by the revolt of indigenous natives against the rule of a colonial power. It was, rather, the act of civilized colonials casting off the yoke of tyranny from a faraway sovereign which had become unresponsive to the needs of the people. They, like us, acted to preserve their civilization.

Despite the politically motivated U.N.O. boycott sanctioned by the party in power, all liberty-loving Americans applaud these courageous Rhodesians on this their fourth anniversary of freedom and self-determination.

Since the earliest days of civilization in Rhodesia, America has had close links with that country and her people. In fact, many Americans live in Rhodesia today and there are the descendants of other Americans among her population.

I include a story by the renowned author, Prof. R. W. S. Turner, describing the American links with the early days of Rhodesia, and several news clippings following my remarks:

AMERICAN LINKS WITH EARLY DAYS OF RHODESIA

(By R. W. S. Turner)

For more than a hundred years Americans have been attracted to that part of Africa which has been named after one of the greatest Englishmen of the nineteenth century—Cecil John Rhodes. Probably the first American to come into the Rhodesian area was Adam Render who, in 1867, penetrated to the Zimbabwe ruins. He thus became the first white man to see the massive, mysterious, dry-stone structures that some have held to be the source of King Solomon's golden riches.

Before Rhodesia was so named the country was rather vaguely referred to as "Zambesia", the "Far Interior", or the "Far North". Certainly, there are many striking resemblances between the African "Far North" and the American "Far West". There was, for example, the limitless freedom and the challenge of an open frontier; there was the unrivalled excitement of the chase—bison in America, elephant in Africa; there was the danger of hostile tribes; there was ample work for the torch-bearers of Christianity; and there was the same spark that ignited a great chain reaction of events—the lure of gold.

Several Americans served with distinction in the Pioneer Column. This famous body of men was organised by Rhodes to occupy Mashonaland, and its dangerous trek through hundreds of miles of trackless veld was to Rhodesia what the voyage of the *Mayflower* was to New England. The Column was guided to its destination, Salisbury, where the Union Jack was hoisted in September, 1890, by Frederick Courteney Selous—of whom more shall be heard later.

The best-known of several Americans in the ranks of the Pioneer Column was Captain Maurice David Heany, a Virginian and cousin of Edgar Allan Poe. Heany had served in the U.S. Army and fought in several engagements against Red Indians, narrowly missing being massacred at Custer's last stand during the Sioux campaign of 1876, when over 200 men lost their lives. Heany commanded "A" Troop of the Pioneer Column, fought in the Matabele War, and took part in the Jameson Raid in the Transvaal, where he was taken prisoner and sent to London for trial. He was later released because of his American citizenship. Heany junction on the Bulawayo-Salisbury line is named after him.

Another prominent member of the Column was William Harvey Brown. He was born in Des Moines, Iowa, and came to Africa in 1890 on the quest for specimens for the Smithsonian Institute—joining the Pioneer Column to further this aim. He subsequently engaged in mining and farming, becoming a prominent Rhodesian and a member of the Legislative Council. Salisbury's Harvey Brown Avenue is named after him.

The son of an Alabama cotton planter, Thomas Alexander Ross joined the survey section of the Pioneer Column. He has the distinction of laying out both Salisbury and Bulawayo townships. The intersection of streets and avenues at right angles in both these centres, which are now Rhodesia's major cities, is therefore entirely American in origin. Henry George Sawerthal, a later surveyor from across the Atlantic, rose to be Assistant Surveyor-General of Rhodesia, and to him several names of American origin, such as Shiloh, can be traced.

The six-gun, rough-riding days of the American West produced a tough breed of frontiersmen who were matchless in the arts of the wilderness—of hunting, of finding their way over trackless terrain, of scouting and smelling out the enemy. Americans with these skills were in demand in Rhodesia. Two American scouts, Frederick Russell Burnham and Pearl Ingram, an ex-miner from California, have the distinction of being the first men to enter the smouldering ashes of Bulawayo when the Matabele abandoned their capital during the war of 1893.

Burnham, the author of *Scouting in two Continents* and *Taking Chances,* was a colourful and flamboyant character who returned to Rhodesia to take part in the uprising of 1896, serving in the Matopos with Colonel R. S. S. Baden-Powell, later Lord Baden-Powell, the founder of the world-wide boy scout movement. The scout movement was conceived amongst the granite boulders of the Matopos, where Rhodes now lies buried.

Once Rhodes established a settled administration a steady stream of immigrants with their families were attracted to Rhodesia. American enterprise was not lacking in this process of colonisation. Such farm names as "Bunker Hill", "Arlington Heights" and "Kentucky" (the last mentioned being the site of Salisbury's international airport), remind modern Rhodesians of the part that some of their adventurous forebears from the other side of the Atlantic have played in the development of their country.

Americans who played a prominent part in the early history of Rhodesia. Captain, afterwards Major, Maurice David Heany, a Virginian and cousin of Edgar Allan Poe. He commanded "A" Troop of the Pioneer Column. Heany Junction is named after him. Bishop Joseph Crane Hartzell of the American Methodist Episcopal Church. He established the mission in Old Umtali. John Hays Hammond, from San Francisco, was Rhodes's chief mining engineer. Major Frederick Russell Burnham, from Tivoli, Minnesota. He was the first man to enter Bulawayo during the Matabele War. William Harvey Brown from Des Moines, Iowa.

Coleman Joseph, an ex-Philadelphian, was one of these early farmers, and was a famous marksman despite the disability of only having one arm. He built the first synagogue in Rhodesia in the new Bulawayo after the conquest of Matabeleland. Most of these early colonists arrived in stage coaches made by the California firm of Cobb and Company.

Many American missionaries have blazed trails over the Rhodesian veld, and many have sacrificed their lives so that the gospel may be brought to the "Far North". Probably the first of this intrepid band was Myron Pinkerton, who trekked to the Eastern Highlands in 1871 and perished somewhere near the virgin forest of Mount Selinda. The American Board Mission established a permanent station in this area in 1893, and Dr. W. L. Thompson became its first medical missionary.

Another pioneer was the tireless Bishop Joseph Crane Hartzell, of the American Methodist Episcopal Church. When Umtali had to be moved to a site near the railway, the Bishop negotiated with Rhodes and took over Old Umtali, where his mission flourishes to this day.

An intimate friend of Rhodes once said of the great man that he was devoted to the old flag but his ideas were American. This explains many of the strong bonds between America and Rhodesia. John Hays Hammond, who was born in San Francisco, was Rhodes's consulting engineer. Hammond and another American, Gardner Williams, drafted Rhodesia's first mining laws, which have remained substantially unchanged.

Rhodes's regard for Americans is perhaps best illustrated by the allocation of his famous scholarships: there are more American Rhodes Scholars than any other nationality.

Frederick Courteney Selous, the man Rhodes chose to guide the Pioneer Column, has already been mentioned. What is not generally known is that this outstanding Rhodesian pioneer was a close friend of Theodore Roosevelt and that there is a wad of letters in the National Archives of Rhodesia, extending over almost 20 years, addressed to Selous from the 25th President of the United States.

Theodore Roosevelt was one of America's greatest presidents. A man of tremendous vitality, widely versatile and completely self-confident, he was unafraid of the jungle, be it inhabited by wild animals or equally dangerous big business-men with vested interests. When Roosevelt began writing to Selous he was Assistant Secretary of the U.S. Navy, a post he resigned to command his battalion of Rough Riders Regiment that fought with sparkling distinction at San Juan Hill, Cuba, during the Spanish War.

Roosevelt's next post was Governor of New York State; he was next elected Vice-President of the U.S.A., succeeding to the Presidency when William McKinley was assassinated in 1901. He was re-elected in his own right in 1904 with an overwhelming majority, and was awarded the Nobel Peace Prize in 1906. He put America on the international map.

But to return to the Roosevelt letters that repose in the Rhodesian Archives in Salisbury, Roosevelt, like countless Victorians, especially the younger generation, admired Selous to the point of worshipping him. Selous, the son of the chairman of the London Stock Exchange, was, indeed, an outstanding character. Sir Henry Rider Haggard's hero Allan Quartermain in *King Solomon's Mines* was modelled on him.

Selous was a great hunter and also a great naturalist. At first, Roosevelt's letters to him were confined to these subjects, but gradually the letters took on a personal note and he opens his heart to Selous on a wide range of subjects. Selous' biographer, John G. Millais, makes this point: "Selous' intimacy with the President was of the charming character which unfortunately we now only associate with early Victorian days."

Roosevelt's letters thus have a significance that transcends their African context. Space will permit extracts from only a few of them. During the Second Anglo-Boer War, Selous refused to fight on the British side and his sympathies with the Boers got him into trouble in Engalnd. Roosevelt, himself of Dutch extraction, in a letter dated March 8, 1901, comments:

"It makes me melancholy to see the Boer War hanging on. Your limit of 18 months is rapidly approaching. Of course there can be but one ending; but it is a dreadful thing to have that ending come only by the exhaustion of the country and of the fighting men. How I wish you could be made administrator of all South Africa! Somehow I felt that you could do what no other man could do and really bring about peace. I begin to be afraid you have been right about the war. I hope we shall see things go right hereafter."

On February 7, 1908, Roosevelt gives an illuminating insight to his personality:

"I am up to my ears in work and am ending my Presidency with all kinds of fighting. But I guess it is inevitable in an office like this; if the man really tries to run the office as it should be run, and I don't mind it much; at any rate I don't mind it enough to have it spoil my genuine enjoyment."

During childhood Roosevelt suffered from delicate health. His determination that overcame this drawback affected his entire attitude to life. On December 4, 1914, he writes to Selous:

"I wish to heavens that this country would wake up to the hideous damage, moral and physical, caused by the deification of mere industrialism, of softness, and of self-indulgence. National acceptance of the need of hard labour, of facing risk, and of the exercise of foresight is necessary to national greatness. If I must choose between a policy of blood and iron and one of milk and water—especially of skimmed milk and dish water—why I am for a policy of blood and iron. It is better not only for the nation but in the end for the world."

About America entering the First World War, Roosevelt remarks in a letter dated August 28, 1915:

"The professional pacifists have done this country a damage that cannot be overstated."

Apart from letters there is the original draft of Roosevelt's foreword to Selous's *African Nature Notes and Reminiscences,* published in 1908. Has any other author had the distinction of having a nine-page foreword by the President of the United States of America? Roosevelt's admiration for Selous is clear from his first few lines:

"Mr. Selous is the last of the big-game hunters of South Africa; the last of the mighty hunters whose experience lay in the greatest hunting ground which the world has seen since civilised man has appeared thereon."

Soon afterwards Selous organised a hunting trip for Roosevelt to East Africa. The correspondence continued until shortly before Selous was killed at the age of 65 by a German sniper in 1917. Roosevelt died two years later.

These then are some of Rhodesia's links with the Stars and Stripes. There are many others. And what is more important, new links are continually being forged between the two countries. In particular, Americans have played a notable part in developing Rhodesia's resources—mineral, industrial and agricultural—thereby not only building up the country of their adoption but also making a major contribution to the strength of the Western World.

[From the Washington Star, Nov. 11, 1969]

RHODESIAN SANCTIONS REVEAL DOUBLE STANDARD

(By James J. Kilpatrick)

It is Veterans Day in the United States, but it's Independence Day in Rhodesia, marking the fourth anniversary of Rhodesia's historic separation from the Crown.

The act of Nov. 11, 1965, was historic for two reasons: It marked the first time a British outpost had declared its unilateral independence since another small country, better known to us all, proclaimed the same intention on July 4, 1776. Second, Rhodesia's action produced within the United Nations the worst blunder in the U.N.'s brief history—a blunder that may yet prove fatal.

The punitive sanctions imposed upon Rhodesia have proved a great folly. As Dean Acheson has remarked, the sanctions constitute a flagrant violation of the U.N.'s own charter. More than this, the sanctions stand as a continuing monument to the emptiness, the impotence, and the massive hypocrisy of the United Nations as an instrument of international order.

Manifestly, the sanctions have failed in their purpose, which was to bring Rhodesia to its knees. The sanctions have had precisely the opposite effect: Rhodesia survives; it flourishes; its economy is strong and growing stronger. And instead of whipping Rhodesia back to the arms of Mother England, these toothless mandates have succeeded merely in obliterating any prospect of reunion.

It is the purblind hypocrisy—the imposition on Rhodesia of a naked double standard—that reduces the U.N. to imbecility and contempt. Why were these drastic sanctions imposed? It was because the established government of Rhodesia, in the view of the General Assembly, had failed to provide for majority rule and for participatory democracy by all the Rhodesian people.

The notion that Rhodesia's independence constituted a threat to the peace was pure fiction. Rhodesia had failed to provide a system based upon one man, one vote; and Rhodesia, therefore, must be ostracized and her economy destroyed.

It is useful to glance at the news from Africa in recent weeks.

President Shermake of Somalia was assassinated on Oct. 15. A military junta seized power the following day. All civil liberties, including a right to vote, have been suspended. What will the U.N. say of democracy in Samalia? Not a word; not a single word.

On Oct. 19, the government of Burundi uncovered a "plot" and jailed 30 putative leaders of the opposition. Here, too, participatory democracy is a fiction. Will the U.N. reproach Burundi? Men will walk on Mars before that day arrives.

On Oct. 26, the government of Tanzania jailed six prominent politicians under the same kind of "preventive detention" that is so denounced in South Africa and Rhodesia. Tanzania has not even a pretense of majority rule. But the U.N. will remain as silent as the desert sands.

On Oct. 27, Jomio Kenyatta jailed his only major political opponent, along with all opposition members of his parliament, and outlawed the Kenya Peoples Union. Democracy is a dead letter in Kenya. But you will not learn this from the United Nations.

The same picture obtains in Uganda. It obtains in Zambia. It obtains in Ethiopia. One-party rule is the almost universal practice of Africa. Participatory democracy, under the rubric of one man, one vote, is unknown. The only difference, when it comes to imposing sanctions and discovering threats to the peace, is that the ruling minority in Rhodesia is white; and the ruling minorities elsewhere are black. And so long as the United Nations adheres to this indefensible and hypocritical position, the U.N. is doomed.

[From the Barron, Nov. 10, 1969]

SANCTION FOR DECEIT: IT'S TIME TO END THE ECONOMIC WAR ON RHODESIA

Elder statesmen in or outside of government, have one thing in common with middle-aged editors; unlike ordinary mortals, they can speak their mind and generally get away with it. After a long and distinguished diplomatic career, Dean Acheson, adviser to Democratic Presidents and one-time Secretary of State, lately has been making the most of the privilege. In an eyebrow-raising newspaper interview last month, Mr. Acheson took deadly pot shots at such sacred cows of the liberal establishment as John Kenneth Gailbraith, J. Robert Oppenheimer, the Bulletin of the Atomic Scientists ("the greatest bit of nonsense since The New Republic") and Dr. Spock. Turning to foreign affairs, the ex-diplomat was savagely quotable. "France is more deeply split than appears. Italy is hardly a country and the Germans have a Government with a parliamentary majority of two . . . the British are a bankrupt people conducting a banking business, and they should get out of it." The world, he concluded waspishly, is "very largely a struggle" between long- and short-term views, between "intelligence and stupidity."

Vintage Acheson, and pretty heady stuff. For our money, however, nothing cited above or in his new book, "Present at the Creation" (Norton. $12.50 until December 31, $15 thereafter), matches the force of his scathing denunciation 18 months ago of U.S. policy toward newly independent Rhodesia. "It will surprise some of our fellow citizens," so the senior partner of Covington and Burling told the American Bar Association, "though hardly anyone here, to (learn) that the United States is engaged in an international conspiracy, instigated by Britain and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one." Since then, of course, Lyndon Johnson has left the White House, while Arthur Goldberg, renegade Democrat, is no longer U.S. Ambassador to the U.N. Late last month the Subcommittee on Africa of the House Committee on Foreign Affairs held hearings on the impact, at home and abroad, of Washington's sanctions against Salisbury. For perhaps the first time since they were imposed nearly three years ago, someone in authority is questioning their wisdom.

High time, too. By any standard of power politics, not to mention international law, sanctions have been a disaster. For one thing, they have dismally failed to achieve their purpose: far from bringing Rhodesia to her knees in a matter of "weeks, rather than months," as Prime Minister Harold Wilson once cockily forecast in London, they have served to unify the country and to stiffen its resolve. Today, on the eve of the fourth anniversary of independence, Rhodesia is richer and stronger than ever. What is worse, as executives of Foote Mineral and Union Carbide—as well as an Assistant Secretary of Commerce and the Deputy Director of the Office of Emergency Preparedness—testified the other day, sanctions have cut off the U.S. from its principal supply of strategic chromite, thereby raising the threat of a serious shortage by the end of next year and making industry and the national security dependent on the Soviet Union, which happens to be the only other major source. Finally, to appease the so-called Afro-Asian bloc, whose anti-

Americanism is legion and whose racism makes any other look pale, Foggy Bottom, in Dean Acheson's eloquent words, has pursued a course of "barefaced aggression, unprovoked and unjustified by a single legal or moral principle." Even in the Parliament of Man, that's too much to pay for votes.

The Great Society evidently felt otherwise. Pursuant to a resolution of the U.N. Security Council in December 1966 (reaffirmed and strengthened in May 1968), President Johnson by Executive Order promptly imposed sanctions on Rhodesia, violations of which are punishable by fines of $10,000 and prison terms up to 10 years. Thereby Washington actively sought to oppose—"overthrow," in the Acheson view—a government the existence of which, by U.N. lights, constitutes an affront to humanity and a threat to world peace. Rhodesia, you see, rejects the concept of one man, one vote; indeed, in its newly approved constitution, it has taken pains to provide that the huge black majority, while amply represented in the legislature, can never rule. That's not apartheid; white and black mingle freely, in and outside of Parliament. It is white supremacy, enforced by a regime with perhaps more emergency power than it should have (Salisbury not long ago is reported to have jailed a financial editor for allegedly revealing state secrets, a move that strikes uncomfortably close to home). In liberal circles, not to mention those with more sinister motives, it is anathema.

Hence the sanctions, about which the first thing to note is their failure ("utter," according to the Secretary-General of the Organization of African Unity). True, they have had an impact, notably on Rhodesian tobacco farmers and their native help (many of whom doubtless in their own best interests, have been thrown out of work). By and large, however, the country has never enjoyed greater prosperity. Industrial production last year increased by 5%, while consumption of electricity rose 15%. Compared with $986 million in 1965, the year of independence, gross national product in 1969 will reach an estimated $1.2 billion, up 10% from 1968. In foreign exchange markets the Rhodesian pound (still officially valued at $2.80, by the way) is firm, while local stocks have boomed. Foreign goods, supposedly banned by the U.N. resolution, are plentiful. Here is a recent first-hand account of Salisbury by a foreign correspondent of The Wall Street Journal: "The O.K. Bazaar, like other of the city's department stores, teems with shoppers. Appliance stores display Grundig and Zenith radios, Sony and Akai tape recorders and various other electronic gadgets from major nations of world. New French-made Citroen and Peugeot automobiles vie with German-made BMW cars. There are so many automobiles on the streets that parking is a problem. A gasoline station attendant scoffs at suggestions of fuel rationing . . ."

From the U.S. standpoint, indeed, sanctions—to judge by last month's Congressional testimony—have backfired. Thus, according to the vice president, purchases, of Corning Glass Works, a growing scarcity of petalite, a unique lithium-bearing mineral available in commercial quantity only in Southern Rhodesia, threatens the continued output of glass-ceramic products and the jobs of over 20% of its 18,000-man domestic work force. Far more serious is the looming shortage of metallurgical-grade chromium ore, which, in ferro alloys, is vital to the production of stainless and high-temperature alloy steel. Since sanctions were imposed, U.S. industry has grown heavily dependent on chromite from the USSR; like the most rapacious capitalist, Moscow charges all that the traffic will bear (prices, for a product of dubious quality have doubled). Nonetheless, according to industry and federal officials alike, the U.S. by the end of 1970 will face a shortfall of 200,000 tons, or roughly one third of total demand. Government stockpiles have been depleted to the point where cessation of Soviet shipments—such as occurred for nearly a decade after the outbreak of the Korean war—would leave industrial users empty-handed in barely 12 months' time.

By boycotting Rhodesia, in short, the U.S. has fostered trade with the Soviet Union, a mortal enemy in Vietnam and elsewhere, and a totalitarian state which denies its people freedom of any kind. There's a triumph of hypocrisy of which the State Department might well be proud. Any alleged threat to world peace, moreover, comes not from Salisbury (it wants only to be left alone), but from hostile neighbors which time and again have mounted terrorist forays across the border (while simultaneously doing a brisk business, in transportation, tourism and tobacco with the "racists"). As for Rhodesia's blacks, their plight periodically moves The New York Times to righteous wrath. Yet somehow—as even African Nationalist leaders concede—they shun their would-be liberators and line up with their alleged oppressors. Perhaps—like some in more progressive lands—they can't tell friend from foe. Perhaps they can.

In any case, as Dean Acheson has persuasively argued, it's nobody's business but their own. President Nixon, another good lawyer, seems to agree. Thus, in his Inaugural Address, the Chief Executive observed: "Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no one our enemy." Rhodesia is a fine place to begin.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. SCHWENGEL. Mr. Speaker, I have recently received a letter from the Honorable John Volpe, Secretary of Transportation, relative to the administration's position on the big truck bill. His letter very clearly sets forth the unequivocal position that the bill, H.R. 11870, as introduced, will be totally unacceptable unless all of the amendments requested by the administration are adopted. This is a very forthright position and Secretary Volpe is to be commended for speaking out so clearly. I feel the letter should be made a part of the Record so that proponents of the bill clearly understand the administration's position.

Mr. Speaker, I should at this point also make it quite clear that my position on the bill has not changed. I am unalterably opposed to the bill until we have adequate study and research on the safety questions involved. I will oppose the bill even if all of the amendments requested by the administration are adopted. I intend to introduce a bill in the next few days which will provide for the establishment of a Presidential Commission to conduct a study of these safety questions.

The letter referred to, follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., November 7, 1969.

Hon. FRED SCHWENGEL,
House of Representatives,
Washington, D.C.

DEAR FRED: In reply to our telephone conversation yesterday it is our position that if Congress should decide to approve a bill to provide for increased truck sizes and weights using the Federal-aid Highway System, that bill should include all of the amendments or revisions which were discussed in the testimony of Federal Highway Administrator Turner before the Committee on Public Works September 3, 1969.

We feel strongly that these conditions are essential. It is our opinion that without these revisions the bill as introduced would not be in the public interest.

Sincerely,

JOHN A. VOLPE.

LOOK FOREIGN EDITOR VISITS VIETNAM AND SAYS "GET OUT NOW"

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WOLFF. Mr. Speaker, the current issue of Look magazine contains a powerful argument for the orderly, deliberate, and complete withdrawal from Vietnam that I and several of my colleagues have advocated.

J. Robert Moskin, Look foreign editor, is well versed regarding all aspects of the situation, including the Paris negotiations.

Quite significantly, the editors of Look have written a short editorial following Mr. Moskin's article endorsing his position.

Because of the thoroughness of Mr. Moskin's article and the significance of the action he urges, I commend this article to my colleagues' attention and, under leave to extend my remarks, wish to include it in the Record at this point:

VIETNAM: GET OUT NOW

(By J. Robert Moskin)

We should get out of Vietnam immediately. That—bluntly and simply—is the conclusion I bring back from my most recent trip to South Vietnam, plus conversations with leaders on both sides of the negotiations in Paris. I have never been a dove over Vietnam, but I cannot close my eyes to these hard facts: We have failed to win the war in the field. Even with 500,000 men there, we cannot win it.

We have also failed to create a Vietnamese Army that can carry on its own struggle. To try to achieve that long shot will cost more tens of thousands of American lives.

And we have failed to help build a popular or democratic or cohesive government in Saigon. The current regime is a military dictatorship that depends wholly on our presence.

I have never been a Vietnam hawk either, but I respected the judgment of four U.S. administrations that called the fate of South Vietnam vital to our national interest.

Now, President Nixon has reversed this judgment, for which 39,000 Americans have died, 250,000 have suffered wounds and about $100 billion have been spent. In his policy-setting May 14 speech, he said, "We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves." This means our Government no longer believes that it is in our vital national interest to keep South Vietnam free from Communism.

It is a fair standard that young Americans should not be ordered to die unless their sacrifice is vital to their country.

We have absolutely no sane reason left for killing more than 1,000 young Americans before the end of this year. Our present course—spooning out American lives in an infinitely complex, inscrutable Asian game—is inexcusable.

It is difficult to conceive that the present South Vietnamese Government can survive the end of the hostilities or that South Vietnam, even if we go on fighting, will not be Communist-dominated soon after we leave. It really doesn't seem to matter whether we march to the transports today or dribble out before the 1970 U.S. elections or over the next three years. The results will be the same—except in the number of the dead.

In 1967, I traveled for Look along the frontier of American power on the western edge of the Pacific Ocean, and came home convinced that our involvement in the future of Asia is irreversible. That conviction remains. We are not about to scurry back into a Fortress America. Our presence across the Pacific is too massive, our interest too deep. But on this latest trip to Vietnam, I saw that we have overreached ourselves. America's historic westward-driving wave has crested.

No one I talked with—certainly no Vietnamese—believes we should stay in Vietnam. Everyone said we should get out. They differed only on the speed with which we should do so. The most militant—sometimes those most scared for their own skins—said in three years. At a conservative estimate of 100 U.S. dead per week, that means 15,600 more coffins.

Why is South Vietnam's political self-determination still worth dying for? Because, I was told in Washington and Saigon, we have committed our word, and if we leave precipitously, our word will be dishonored. We will lose face. Three years ago, Secretary of State Dean Rusk gave me the same reason for continuing this war. He called it "the credibility of the American commitment."

The Nixon Administration believes we will be "severely hurt" if we "bug out." It wants "a reasonable solution," praying for reasonableness from Hanoi while recognizing that it is against the Communists' interest to be "reasonable."

But by staying, are we telling Thailand, for example, that if it gets into trouble with Thai or North Vietnamese guerrillas, we would help? No one expects, I was told, that we would then send an expeditionary force to Thailand.

The outcome of this "war of national liberation" has no relevance to the chances of having more such wars in the future. Just about every Asian leader knows we have had enough in Vietnam.

Singapore's Prime Minister Lee Kuan Yew told me, "Vietnam was a bad place to draw the line."

Why then are Americans dying today in Vietnam? To give the South Vietnamese time to prepare to govern themselves and defend themselves. Are these reasonable goals?

We thought they were. We thought the South Vietnamese leaders would use the time we helped buy for them—with American lives and money—to good advantage. But they have not.

You need only go out in the countryside to see the failure of the succession of South Vietnamese governments to win the people's loyalty. Go to the upriver village of Dien Ban, about ten miles south of Danang, our great northern base in Quang Nam Province. You can get in safely only by helicopter. Here, American marines have to wear their flak vests in the road just outside their walled compound. This area has been fought over for years; there is still fighting every day. If the refugees were resettled in the countryside, officials fear, they would join the Vietcong.

I visited Dien Ban with the chief of the pacification program, Ambassador William G. Colby, who ranks Quang Nam 38th out of the 44 provinces in security. Terrorist attacks are heavy: government officials and ordinary civilians are being assassinated, wounded, kidnapped. The province chief, an Army of the Republic of Vietnam (Arvin) colonel, figures that the Vietcong have 900 officials of their own in the province. Our side sends out "Political Recon Units" to terrorize and kill VC leaders.

Destruction in Quang Nam Province has been massive. Five years ago, the province had 557 hamlets; only 308 are left. The number of refugees has jumped in five years from 35,000 to 124,000. (One of every 12 people in South Vietnam is a refugee today.) Less than half of the province's rice land is cultivated. Fishermen may not return to shore after 6 p.m. Anyone walking about in the countryside after dusk without a light is shot automatically. In this province of 540,000 people, only one Vietnamese doctor remains, and while I was there, he was vacationing in West Germany. The people in the villages know nothing about the peace negotiations in Paris.

"Ninety percent of the people would cut our throats if they had the chance," a top American in Quang Nam told me.

Ambassador Colby says, "It's been a war between two apparatus, and the people wish they would both go away."

Warren E. Parker, senior U.S. adviser in the province, describes the situation today: "It's like a Cadillac pushing a Model T through a muddy road with four flat tires with a driver who doesn't know where he's going and doesn't really care."

On an island in the river below the provincial capital of Hoi An sits the Xyuen Long Refugee Camp. It vividly tells part of the story of Vietnam's hopelessness. Here live 3,125 refugees. Only 240 are men. Until this summer, these people all lived on another nearby island that was regarded as a VC stronghold. A swift military sweep scooped up the women and children and a few of the men and transferred them to this desolate sand-dune camp. The rest of the men still are hiding with the VC in the tall grass. Moving their families in this manner made no converts, won no friends.

Yet President Nixon found himself able to tell U.S. troops in Vietnam this summer: "I think history may record this as one of America's finest hours."

In Paris, the diplomats debate semantics over whether troop withdrawals should be called "mutual" or "simultaneous." In Saigon, the politicians, fragmented in dozens of parties, struggle for a piece of the spoils. And out in the countryside—where there is firing every night, assassinations repeatedly, where 12-year-old girls carry rifles—you feel that whatever happens in Paris or Saigon, the word will never get down to the bitter, frightened peasants in the fields and the thatch huts. The struggle, the terror, the dying of this desperate 23-year war—in which more than a million people have been killed and wounded—will go on and on. Says a wise American official there, "You can't negotiate an end of this war. We can only negotiate our way out of it."

In a lovely house in the handsome Paris suburb of Verrières-le-Buisson, Mrs. Nguyen Thi Binh, foreign minister of the National Liberation Front's self-appointed Provisional Revolutionary Government, told me much the same thing in more dogmatic terms. An attractive woman, she left a husband, a boy, 13, and a girl, 9, in Vietnam to head the VC delegation in Paris. Wearing a pale pink *ao dai* and black silk trousers, she sat in a sunny upstairs parlor next to a vase of red roses. Her eyes were hard, but she smiled as she talked: "I am, politically, a woman who resists American aggression for national independence. I am not a Marxist or a buorgeoise. I love my country. I long for peace to come back so I can lead a normal life with my children."

But there is no hint of compromise: "If the American Government realizes its erroneous policy of aggression and is willing to end the war of aggression, we are ready to discuss with the American Government putting an end to the conflict. . . . If the American Government obstinately pursues its policy of aggression, the South Vietnamese people are resolved to struggle to victory."

Both sides claim they want elections in South Vietnam, and Mrs. Binh says, "The question is how to organize genuinely free, democratic general elections. The first condition is there must be no presence of American troops of aggression—and without foreign interference.

"I consider the Saigon administration has no competence to organize these elections because if the Saigon administration would organize these elections, they would only give birth to another puppet government.

"The Provisional Revolutionary Government has not asked to organize these elections or put forth election laws, and we (advocate) the formation of a provisional government that will organize the election."

That same day, Nguyen Thanh Le, the thin bespectacled spokesman for the North Vietnamese Government, sat in a room behind a heavily guarded stone wall in the Paris suburb of Choisy-le-Roi, puffed English State Express cigarettes, sipped amber tea from a signeted cup and said, "There can be no genuine free election while 500,000 American troops and 60,000 satellite troops remain in Vietnam." He asked if there could have been free elections in France when it was occupied by Hitler's troops.

I asked him why his government, if its objective is to get the United States out, doesn't agree to a cease-fire and simultaneous withdrawal of U.S. and North Vietnamese troops—and then the Americans would be gone.

Le tapped his right forefinger emphatically on his yellow cigarette box and said slowly, "Let me make it simple. Suppose there is a house, and a robber broke in and wrecks the property and killed the wife and children. The master of the house has the obligation to fight back. Simultaneous mutual withdrawal equates the bandit and the master of the house." He added, "The Johnson war is now becoming the Nixon war. Mr. Nixon is even more cunning, more perfidious."

I asked Le about the fear of many that when U.S. forces get out, there would be a bloodbath, especially of anti-Communist Catholics. He called this propaganda of the ruling class. "There are now in South Vietnam many Catholic patriots and many Catholics and people of other religions who participate in the advisory council of South Vietnam and in the leadership of the NLF and the PRG.

"We have no discrimination against any religion. We unite with every patriot to defend the country. So far, those who previously participated in the puppet administration or army, no matter how their pasts were, if they favor the independence, peace and neutrality of South Vietnam, we will cooperate with them and we welcome them."

In Saigon, Sen. Nguyen Gia Hien, who heads South Vietnam's largest Catholic party and who studied at the University of Montana and Iowa State for six years, disagrees. He foresees a massacre. "I'm sure of it. We are not scared of it. The killing is going on now already, not only soldiers but civilians. They will attack anyone who is not working with them—not only Catholics."

The truth is somewhere between a massacre and a welcome. Certainly, the Communists will try to eliminate their most ardent opponents, and asylum will have to be provided for thousands. But this is a problem that will have to be met whether we get out now or later.

Hien's party, a member of President Nguyen Van Theiu's six-party coalition, the so-called National Social Democratic Front, is strongly anti-Communist and consists mostly of refugees from the North. Hien says it was originally subsidized by the late Francis Cardinal Spellman of New York, and Hien had a three-hour meeting last winter with Cardinal Terence Cooke in New York Today, Hein accepts the eventual withdrawal of U.S. troops. "Withdrawal of the main American force should take about three years. Give us a period of three years. Two years is too quick for us. If after three years we cannot take care of ourselves, we have nobody else to blame. If the Communists take over, some people will fly off, and we will be guerrillas. And it will go on again."

Meanwhile, he presses Thieu for social and land reforms. "We can do more for peace by being more liberal, being better organized, less corrupt."

Truong Dinh Dzu, who ran second to the Thieu-Ky ticket in the 1967 presidential elections and who favored talking peace with the Vietcong and creating a coalition government, was thrown into jail. But there are still some political figures in Saigon who advocate what Le and Mrs. Binh call "independence, peace and neutrality." One group of intellectuals calls itself the Progressive Nationalist Force. Its chairman is Tran Ngoc Lieng, a 46-year-old lawyer. He told me, "We advocate a complete and immediate ceasefire. We call for a government of reconciliation that will have the responsibility for holding elections in Vietnam." Such a government, he says, would be composed of non-Communist nationlists of both sides, and all its members would have to be acceptable to both sides. This rather idealistic plan would naturally exclude members of the Thieu government as well as the Communists in the PRG.

Although Lieng will not admit it, he is reportedly close to Gen. Duong Van "Big" Minh, who is perhaps the nearest thing South Vietnam has to a popular politician and who has now been allowed to return from exile in Thailand.

Saigon politics is atomized among northerners, southerners, several factions of Buddhists, Catholics, religious sects like the Cao Dai and the Hoa Hao, neutralists and anti-Communists. Splitting these groups are layers upon layers of individual feuds and historical animosities that go back to the period of French rule. And, above all, most of the politicians are out for their own gain.

Says retired Maj. Gen. Edward G. Landsdale, who knows Vietnamese politics, "It's a family quarrel, and a very savage one, as a family quarrel can be."

The feuding factions seem no longer able to get together before it is too late. But if these anti-Communist and non-Communist nationalists do not unite, there is no chance that they can survive in the postwar political turmoil.

Sen. Tran Van Don, a former general who led the 1963 overthrow of President Ngo Dinh Diem, says, "The problem is with the NLF. The problem is inside ourselves. . . .

"I don't believe President Thieu can lead the country alone. He needs to rally the army and the people. It is not enough to rally the United States. But he is very proud. He is very jealous of his power. He wants to keep power for himself. I think he would like to become a dictator."

Responsible estimates of the number of political prisoners being held by the Thieu government range as high as 30,000. Many politicians, editors, intellectuals have been jailed by military courts or by "administrative procedures" at the government's whim. They are held for arbitrary lengths of time. The secretary general of the House of Deputies of the National Assembly, Tran Ngoc Chau, says, "Many times people get kidnapped in the streets and taken to places no one knows about."

A woman secretary in the National Assembly was jailed for a month because she has a relative in the Vietcong. A neutralist politician was given a year in prison for calling an illegal meeting—a press conference. A Saigon University professor's two-year sentence for criticizing U.S. policy was suspended; but ten months later, he was still held on the prison island of Poulo Condore. Publisher Nguyen Lau of the Saigon *Daily News* was sentenced to five years because he talked with a Vietcong agent. (Thirty newspapers have been closed down.) Such cases do not increase confidence in the possibility of free elections.

U.S. Ambassador Ellsworth Bunker does not condone these actions, but he says, "We have to remember they are at war. The war is right on their own soil—right in Saigon."

A courageous lawyer, Tran Van Truyen, 56, who has represented a number of such political defendants, says, "We have a national assembly, the president of the republic elected by a general election. But I tell you we have a *seeming* democracy. . . . This government permits no criticism."

Sen. Tran Van Lam, a leader of Thieu's National Social Democratic Front who became South Vietnam's foreign minister in the recent cabinet shuffle, wants the military courts eliminated and all cases tried in civil courts.

Of an American withdrawal, Lam says: "Personally, I think it would be a very good thing. This must be a Vietnamese war."

The government in Saigon is not a popular government. It is basically an army regime, and the people universally fear the army—any army. Hopes that the cabinet changes in September would bring into the government a broader range of civilian views were dashed by the appointment of a right-wing general as prime minister.

The real power behind this government is in the hands of the generals, and Thieu has constantly resisted American pressure to democratize his methods and broaden his political base. What little has been achieved is mainly the result of American persuasion and arm-twisting. Ambassador Bunker, Thieu's confidant, has by all accounts been superb at this. But it has not been enough. A knowledgeable American in Saigon says of Thieu, "He wouldn't have a chance in hell if the Communists weren't pounding at the gates."

The Vietcong obviously want to avoid an election, even if internationally supervised, that would be managed on the rice-roots level by province chiefs, district chiefs, soldiers and police beholden to Thieu. The common guess in Saigon is that the Vietcong's Provisional Revolutionary Government would win 20 to 25 percent of the vote. But since Thieu won in 1967 with only 35 percent, and a major part of that came from the army and the bureaucracy, he has little margin of safety. With PRG putting up a common front and the Saigon politicians divided, the political struggle threatens to be as hopeless as the military one has been.

Since a political solution that will leave South Vietnam non-Communist is so iffy, it's up to the army, the Arvin, to hold off the Communists. Crucial is the speed with which the Arvin can replace the GI's. The process of preparing the Arvin to take over the fighting is what we mean by "Vietnamization."

U.S. officers now admit that one of the great failures of our military effort has been our neglect of the Arvin. The result of this—plus the Arvin's war weariness, corruption, low pay and the killing off of many of the best officers—is an army that is incapable of defending its country, even if given all the benefits of the United States technology.

Says one American general in a position to judge, "They'll be reasonably self-sufficient in time—three years from now." The question is, can we wait?

When Vietnamization started, no one expected to prepare the Arvin to handle the North Vietnamese Army. The hope was that, in time, it could stand up to the Vietcong. Now, the Nixon Administration dreams of preparing the Arvin to cope with the NVA, too, as a possible alternative to mutual withdrawal.

Of course, even if a cease-fire or peace were arranged and/or American forces withdrawn, there is no way to insure against reinvasion from the North in overwhelming force months after we go.

Ironically, the greatest American hero of the war, Gen. William C. Westmoreland, who commanded our forces there and now is the U.S. Army's Chief of Staff, has become a scapegoat in Vietnam. Some American officers who want to keep fighting today claim that Westmoreland fought the war all wrong, "clobbering everything in sight" in World War II style with big unit battles and massive air support, while the enemy was fighting a semi-geurrilla war.

The military public relations people's new hero is Gen. Creighton W. Abrams, the able current U.S. military commander, whom they love to call "The Spoiler." Abrams' approach is not to wait until the enemy has massed but to hit him as he is preparing his battlefield and gathering his forces from his headquarters safely out of reach in Cambodia.

Abrams told me, "There is a limit to what the United States can do. The solution here has to be Vietnamese." He adds, "I'm in favor of taking out some American troops. There is such a thing as helping too much."

Yet, the fact remains that the Arvin continues to need a great deal of help. It has three main problems. First, it is hated and feared by its own people. One American official in the field tells how a Vietnamese Ranger battalion, supposedly an elite unit, recently went through a village, stealing chickens and belongings. He said with disgust, "You don't make friends that way."

Second, a tremendous effort is needed to train the Arvin's officers and men to handle complex weapons and communications systems, from radios to helicopters. As an American officer told me sardonically, "We'll know we're making progress when we can get a phone call to the Arvin straight."

Third—and most urgent of all—is the problem of leadership. American observers say the Vietnamese, when properly motivated and led, can be excellent soldiers. But the Arvin's officers and even noncoms are too often personally over-ambitious and corrupt.

All in all, I return from Vietnam this time with a sense of hopelessness, deeper perhaps than the personal despair expressed by Look correspondent Sam Castan before he was killed in combat there in 1966.

Politically and militarily, the South Vietnamese are still, after all these years, not yet prepared to take care of themselves. It would cost more thousands of American lives to give them any chance to do so. Now that our Government no longer judges it vital to our security that South Vietnam not go Communist, what justification is there for further American sacrifices?

The simple truth is that the price of keeping South Vietnam non-Communist has been raised to a level the American people are no longer willing to pay. That is a realistic definition of defeat.

If we learn the lesson of Vietnam—that American power has its limitations—this war may at least mark the end of an era and the beginning of a new, less punitive and more imaginative role in the world for the United States.

Look's May 14, 1968, issue carried an editorial which concluded that "the most important national business before us in this year of political debate is to wind up our involvement in the Vietnam war as quickly and as honorably as possible, and to go on from there to the creation of a world order in which America's ingenuity will truly serve the cause of peace."

Eighteen months, scores of meetings, hundreds of speeches, thousands of deaths, millions of tears and billions of wasted dollars later, we think these words are worth repeating—here at the end of Bob Moskin's eloquent report—in the hope that someday soon, someone in Washington will have the courage to say: "We made a mistake. This is not our war. Let's stop it—now."

Simple? Yes. Politically risky? Perhaps. Humiliating? No—because that would be a new kind of American victory—a victory won over our own willful and self-defeating pride. A victory the whole world would applaud.

PRAISE FOR UNIVERSITY OF DELAWARE FOOTBALL TEAM

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. ROTH. Mr. Speaker, with all the concern over trials and taxes, murders and maimings, poverty, protests, and pot, I certainly welcome this opportunity to speak a few words of praise.

This past Saturday I watched one of the finest football teams in the history of the University of Delaware beat Lehigh, 42 to 14.

The game was not unusual. In six contests prior to Saturday, the Blue Hens have run rampant over their opponents; the Delaware team has lost only once.

I would like to point out to my distinguished colleagues that I am not alone in my praise for the University of Delaware football team. According to the latest UPI poll, the Blue Hens are the third-ranked small-college football team in the country.

Rather than single out any individual star on the field, I must say that I applaud the entire team for a string of fine performances. I would also like to add that after the final game of the season, when Delaware beats Bucknell, I will be delighted to salute the Blue Hens as the champions of the University Division of the Middle Atlantic Conference and, I hope, the winners of the Lambert Cup.

It would be appropriate, too, to say a few words here about Delaware's outstanding quarterback, Tom DiMuzio. Those who are critical of today's young people should have been with me on Tuesday, Veterans Day, when Tom and I toured the veterans' hospital at Elsmere, Del., together. I was particularly impressed with Tom's poise, intelligence, and congeniality, and can easily understand how such a leader off the gridiron can instill drive and determination among his teammates at game time.

THE SHAPE OF THE PARIS PEACE TABLE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. HORTON. Mr. Speaker, a week ago Monday, when the President spoke to the Nation, he stated that in over a year of talks with the North Vietnamese and Vietcong in Paris, we have been able to agree on nothing except the shape of the peace table—and as I recall, that alone took several months.

When President Nixon took office, he began formulating what was to be the first major Vietnam peace formula for our delegates to propose in Paris. He announced this peace offensive last spring. Still, like the first year of Paris negotiations, talk sessions since then have been nothing more than talk sessions. For a long time, the Communists were able to use the Paris platform to reiterate absolute demands that we withdraw unconditionally. Finally, last month, Ambassador Lodge responded to a repeated onslaught of North Vietnamese propaganda by walking out of one of the talk sessions.

The resistance of the Communists to any solution of the war by negotiation evidences their determination to wait out the willingness of the United States and its people to assist the people of South Vietnam.

So gloomy have the prospects for a political settlement of the war been, that the President has wisely set a course for Vietnamization of the war and withdrawal of U.S. troops even without progress at the peace table. He has said that the pace of U.S. withdrawals will depend on the safety of remaining U.S. troops, on American casualty rates, Communist infiltration rates, and on our progress in readying the South Vietnamese to carry the full burden of combat.

In his November 3 speech, the President expressed optimism on the pace of future withdrawals because of the progress of the South Vietnamese forces, the much reduced pace of infiltration from the North, and reduced American casualty rates.

Earlier this fall, I cosponsored a resolution introduced by Congressman PAUL FINDLEY of Illinois, which supports the President's efforts to withdraw American forces from Vietnam at the earliest practicable date. In a speech on the floor on October 15, I indicated that the program of troop withdrawals should proceed without regard for progress or lack of progress at the Paris peace table. At that time I indicated my belief that no political solution would be arrived at anytime soon, and that there was a high probability that war would rage on South Vietnamese soil for years after American withdrawal. Thus, while we must work for a just peace in Paris, the goal of American troop withdrawal and strengthening of the South Vietnamese for self-defense must proceed upon the assumption that the next 18 months of negotiations in Paris will bring little more in terms of a settlement, than the last 18 months have produced.

But by separating the prospects for a political settlement from the much brighter prospect of early and substantial U.S. troop withdrawals, we do not have to abandon all hope for political self-determination for the Vietnamese people. We must still work on the diplomatic front for a just peace, at the same time that we prepare the South Vietnamese to fight on without American ground troops.

Thus today, Mr. Speaker, I joined with a firm majority of House Members in a resolution expressing support for the planks of the President's plan for a negotiated peace. I feel it is important for Ambassador Lodge and the North and South Vietnamese delegates in Paris to know that a majority of the Congress supports the plan for a negotiated peace which President Nixon launched last spring.

This resolution reads as follows:

> *Resolved,* That the House of Representatives affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and supports the President in his call upon the Government of North Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

The President has proposed a plan for internationally-supervised free election in South Vietnam which would give candidates advocating every kind of political and economic system a chance to win the support of the people. It would not preclude a free government; it would not preclude a Communist government; it would not preclude a coalition government; and it would not require or guarantee that those who now hold power in Saigon would continue in power.

I think it is important to underscore the meaning of this plan for a political settlement of the war. Our delegates should be given every chance to negotiate meaningfully the points of this plan, simultaneously with continued Vietnamization and de-Americanization of the war. There could be no clearer or more sincere demonstration of our desire to leave the defense and the political destiny of the South Vietnamese people in their own hands.

The resolution I have coauthored today does not in any way mean or imply that American troops can or should be kept in Vietnam until the political self-determination envisioned in our peace proposal is accomplished. On the contrary, the resolution goes hand in hand with the earlier Findley resolution together, they express support for the President's efforts to remove American troops from the battlefield, and to remove American influence from a political solution which should be determined only by the South Vietnamese themselves.

Today, Members of Congress representing nearly 150 million Americans joined in support of a negotiated settlement which would offer true, internationally supervised free election and self-determination for the South Vietnamese people. I join in the hope that this support will strengthen the hand of our delegates in Paris, so that the shapely block of wood which we and the North Vietnamese agreed on months ago will at last begin to resemble what it was meant to be—a table of peace.

RAILROAD RETIREES FACE DELAY IN ANNUITY CHECKS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. PETTIS. Mr. Speaker, I rise, today, to bring to the attention of my colleagues the serious condition facing our retired railroad workers. In a time when inflation is on the rise these senior citizens, on a fixed income and least able to cope with rising prices, are being notified of a delay in the payment of their supplemental annuities. The situation is described in the following letter dated October 29, 1969, from Mr. Howard W. Habermeyer, Chairman, Railroad Retirement Board, addressed to the National Railway Labor Conference and the Railway Labor Executives' Association. I quote:

GENTLEMEN: As I explained in my letter of September 16, we have been temporarily withholding new supplemental annuity awards. This action was taken to conserve funds for the November 1 supplemental annuity checks due annuitants already on the rolls.

Now that all November 1 checks have been issued, we are going to resume making new awards. Payment of the backlog cases should begin some time before November 15.

Though we will have enough funds to cover new awards, we will not have enough for the December 1 supplemental annuity checks. Issuance of those checks will have to be delayed unless additional funds are made available by legislation. The delay will apply to everyone on the supplemental annuity rolls, including those just awarded.

Any related tax credits to employers will be withheld during the period the annuities are withheld.

Advance notice of the delay in the December 1 checks will be mailed to annuitants on November 10. It will be released to all annuitants who were on the rolls for the November 1 supplemental annuity check. Annuitants awarded a supplemental annuity in November will get a similar notice with their award letter.

Some time between December 20 and December 31, we will be able to issue the checks due December 1. We are not certain about exact date of payment because we will have to wait to see when enough taxes have been collected to cover the December 1 benefit rolls.

Sincerely yours,
HOWARD W. HABERMEYER,
Chairman.

On September 30 this House passed by a vote of 372 to 17, H.R. 13300 which contains the necessary legislation to correct the financial deficit of the fund and to insure that never again will our retired railway workers have to fear for the payment of their supplemental annuity.

There was, and there still is, opposition to some features of the bill. Unanimity on all sides is not, and never has been, either a realistic expectation or a prerequisite to action on a complicated matter such as this. The provisions of H.R. 13300 reflect the agreement reached by the majority and it does offer what appears to be the best solution available consistent with the purpose of the legislation.

I ask my colleagues of this House to join with me in urging immediate consideration of H.R. 13300 by the Senate in the hope legislation can be enacted in time to prevent the delay to the payment of the December annuity checks. Surely the Congress can act with dispatch and prevent these senior citizens from receiving a reduction in their supplemental annuity at Christmas time.

S. SGT. DAVID D. WINKLER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. LONG of Maryland. Mr. Speaker, S. Sgt. David D. Winkler, a fine man from Maryland was killed recently in Vietnam. I wish to commend his courage and to honor his memory by including the following article in the RECORD:

SECOND MINE IS FATAL FOR LA PLATA GI, DAVID WINKLER

A 30-year-old career soldier from La Plata, Md., who was wounded by an exploding land mine in April, was killed in a second mine explosion Sunday while on a mission in Vietnam, the Defense Department reported yesterday.

Army Staff Sgt. David D. Winkler was aboard a personnel carrier outside Da Nang when the fatal explosion occurred. Seven months earlier, he received internal injuries when a tank he was commanding rode over a land mine.

He spent about three months in Walter Reed Army Medical Center in Washington after the mine explosion destroyed his tank. He then served several months at Fort Knox, Ky., before returning to Vietnam October 13 to begin a second tour.

"He loved the Army. That was his life. He never had anything bad to say about the government. He was a professional soldier," Mrs. Barbara Hitt, the sergeant's cousin, said yesterday.

Sergeant Winkler served in Vietnam with the 1st Battalion, 69th Armored Division, and he was awarded a Purple Heart.

He graduated from Archbishop Neale High School in La Plata. In 1959, a year after his graduation, he enlisted in the Army.

He was raised on a farm near La Plata. The sergeant married his childhood sweetheart, the former Nancy Wedding, of Indian Head, Md., in 1964.

Surviving, besides his wife, are two sons, J. C. and Tommy Lee Winkler, both of Indian Head; a sister, Mrs. Martha Cantrell, of La Plata; four brothers, Navy Seaman Charles Winkler, of Norfolk, Mac Winkler, of Waldorf, Md., William Winkler, of Wheaton, Md., and Michael Winkler, of La Plata; his mother, Mrs. Mary Edith Winkler, of La Plata, and his paternal grandmother, Mrs. Hattie Winkler, of Pomfret, Md.

AN OPEN LETTER TO THE PRESIDENT

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. DENT. Mr. Speaker, I put into the permanent RECORD an open letter to the President, signed by Eugene A. Simon, president and publisher of the Daily Dispatch, New Kensington, Pa.

Mr. Simon has been a longtime worker in the field of peace, international good will, and human relations.

I believe this letter is worth reading by the Members of Congress. It shows the type of editing, and reporting Mr. Simon is known for in the four newspapers that come under his publishing firm. These dailies, the Daily Dispatch and the Valley Daily News, cover 43 municipalities in our four-county Allegheny-Kiski Valley area of Westmoreland, Allegheny, Armstrong, and Butler Counties. Their daily circulation is now almost 41,000. The weeklies, the North Hills News-Record and Butler County News-Record, which are averaging 60 pages standard size per issue, have nearly 32,000 circulation and represent the largest and fastest growing weekly operation in Pennsylvania and this section of the country. The Butler County News-Record covers 23 municipalities in the area north of Pittsburgh to the Butler County line. The News-Record not long ago, received the top "General Excellence" award among 2,300 weeklies in 44 States. This organization has nearly 300 employees, with about half being shareholders.

It is also noteworthy that these newspapers devote far more space to news as related to advertising than does almost any newspaper in America. This is simply because they believe that news is the guts of this business. These newspapers have also won an unusually large number of writing and public service awards.

Mr. Simon believes in keeping public officials informed, and has never closed his columns to any worthwhile news or opinion expressed by public officials or the everyday citizen.

Mr. Simon and his staff portray clear-cut positions when they editorialize, and factual reporting of the news in their news columns.

I am very happy to be privileged to serve this district, and personally compliment Mr. Simon and his organization for their excellent productions.

The open letter follows:

AN OPEN LETTER TO THE PRESIDENT

DEAR MR. PRESIDENT: The wire services and nation's newspapers, including ours, quoted you during the presidential campaign last fall as saying you knew how to end the war in Vietnam. You indicated you had "a plan for peace" and would "act on it quickly and vigorously" if elected President.

Nearly 10 months have passed since you have been our President. It seems reasonable to inquire what has been accomplished to back up your campaign promise. There is strong evidence that your "peace we can be proud of" is no closer to realization now than it was when you became President last January. Further, your tendency to ignore sincere and conscientious disagreement on the part of millions of Americans who equally love their country, and to equate this with a lack of patriotism, is sounding more and more like your predecessor.

The futile impasse and needless killing in tortured Vietnam meanwhile continues and American boys are still dying beyond the 40,000 whose lives have already been sacrificed. And still there is no end in sight nor any "quick and vigorous action on a plan for peace."

Increasing skepticism of our generals about the Army of South Vietnam indicates it is no more prepared to take over the fighting now than it was in 1962. It was then that Vice President Johnson called South Vietnamese President Diem "the Churchill of Asia", Defense Secretary McNamara later said "the boys would be home for Christmas" and the Joint Chiefs of Staff maintained we would stop the flow of men and supplies and bring North Vietnam to her senses if we started the bombing. No matter now that the bombing greatly increased the flow southward and escalation simply brought on more escalation.

Now while the Saigon regime sells our hardware for the profit of its generals, President Thieu asks for more and more, including atomic weapons so his shattered country can be further shredded and desolated. Yet his million troops and our half million still cannot contain the less than quarter-million Viet Cong and North Vietnamese troops combined that our military experts say are in Vietnam. Perhaps it would be helpful if some of our government's military and civilian geniuses ascertained the reasons for these incongruities.

We realize the problem of Vietnam is tremendously complex and extremely difficult. We know you inherited the mess from previous administrations. We also appreciate that you are pulling some troops out while the last President was sending them in, and that casualties and violence currently seem to be declining while in 1968 they were rising.

But we also realize that our President and Commander-in-Chief, in the most powerful office in the world's most powerful country, can make the difference if he fulfills the leadership potential of his tremendous office. Only YOU can do this, Mr. President, and only you are the President of the United States of America. As former Vice President Humphrey said, "We only have one President at a time", and now he is Richard Nixon in the office he so rigorously sought.

And so, Mr. President, when are you going to demonstrate the imagination, the intelligence, the vision, the courage, the leadership necessary to get our country out of Vietnam? Hasn't there been enough disruption and waste of human life and resources as taxes and prices continue to rise without crucial national problems being solved, with crucial needs going begging? When are we as a great nation going to stop the destructive futility of a conflict that never was in the best interests of America? When are we going to establish and implement the national priorities and needs that will truly make our country great and a real beacon to the world?

Only then will the tremendous resources and potential of our wonderful country be fully marshaled and united under a common effort for the national good and benefit of all mankind by all our people working together. So stop the killing, Mr. President, and get out of Vietnam before it destroys you as it did your predecessor.

Sincerely,

EUGENE A. SIMON,
President and Publisher.

FREEDOM RALLY

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. RIVERS. Mr. Speaker, at the Freedom Rally on November 11 at the Washington Monument, the Honorable JOHN H. BUCHANAN delivered a magnificent and stirring address to the patriotic Americans who came to demonstrate their loyalty to this country, to stand behind those gallant men who are fighting and dying in Vietnam and to prove to this country and to the world their faith and confidence in the leadership of President Nixon in his effort to resolve the Vietnam war with honor.

I was present at this rally and I heard the magnificent address of Mr. BUCHANAN. A great speaker, a great theologian, and a dedicated American, Mr. BUCHANAN stirred the crowd with one of the greatest addresses to which I have ever listened. I asked Mr. BUCHANAN to permit me to insert this valuable document in the CONGRESSIONAL RECORD for present and future generations to read. I am enclosing herewith the address of this great and good American:

REMARKS BY HON. JOHN H. BUCHANAN, JR. AT VETERANS DAY FREEDOM RALLY—WASHINGTON MONUMENT, NOV. 11, 1969

We are gathered here today in support of world peace, that just and lasting peace which can only be maintained when tyrants know that the forces of freedom are strong and have the will to use that strength to resist aggression. We are gathered to pay tribute to those brave men who have fought in American uniforms to preserve freedom and resist aggression in a series of conflicts through our nation's history and those who are doing so today in Southeast Asia. We particularly honor this day those who have given their lives that freedom might live in our time.

There are those in our country who do not seem to understand that we are confronted today by a world-wide communist movement which in its varied expressions controls more than 25% of the earth's surface and more than one billion of the world's people and which challenges the freedom and self-determination of the remainder of the world. This force has chosen the path of militant atheism, of repression of the human rights and liberties of those who fall under its power, and of government of the many by the few through means of military force and police power. It could well be characterized a neo-nazi or neo-fascist movement.

This is the nature of the enemy we face in Vietnam, which would destroy the freedom and self-determination of the people of that Republic. In this situation we do indeed need a moratorium—a moratorium on totalitarianism and on communist aggression. I for one recognize the right of American citizens to dissent from government policy and to demonstrate and voice their protest. But given the nature of the challenge we face in our time, it is my personal conviction that there is more hope for the world in one Boy Scout standing tall, proudly holding this flag of freedom in his hand than in the entire protest movement in the United States.

As my colleague has well said, the true aggressors, the peace breakers, the law breakers who have destroyed the world's peace are not those who fight for their own freedom or those American soldiers who sacrifice to help the courageous people of South Vietnam to preserve that freedom; but those who would impose upon an unwilling population a communist dictatorship in South Vietnam.

There is in truth an evil force which we are fighting against in Southeast Asia. Let us look for a moment at what we are fighting for. Within the past two years we have witnessed the birth of a miracle in Vietnam. For in the midst of the fire and upon the ashes of a protracted war, the courageous, resourceful, energetic people of the troubled land have drafted a constitution, adopted by popular referendum, establishing a democratic republic with elected executive and legislative branches and an independent judiciary. They have added to this by holding local elections in over 80% of the hamlets and villages. The government in Saigon, so scorned by its critics here and elsewhere, is one created and elected by the people of that country as an expression of their self-determination.

This stands in vivid contrast to the government in Hanoi, as well as to every other communist government in the world. Not one was created as an expression of self-determination of a people. Not a single leader of any communist country has been elected in a free election. None have ever been held and none will be held. For every communist government, up to and including the Soviet Union itself, has reason to fear the exercise of self-determination by the people which it governs.

In South Vietnam, even as we have helped our courageous allies to fight, we have helped them to build. One concrete example is in the educational system, so vital to a developing country, or for that matter any country. Since 1954 we have assisted in building more than 12,000 local schools in Vietnam, transforming education from a privilege of a favored few to an opportunity for the many. We have assisted in the building of new colleges in that land and college enrollment has increased from 8,000 to 40,000.

It has been my privilege to meet many of the men who serve in the legislative and executive branches of the government of the Republic of Vietnam. I have found among them character, dedication, high ability and a deep determination to build a strong and truly free society there. The 1968 Tet offensive, so misunderstood in this country, was a disaster for the communists, destroying much of their political infrastructure and military leadership and most of the truly Vietcong manpower. North Vietnamese regular army forces have constituted the overwhelming majority of the enemy forces we have faced since February 1968 and this is increasingly the case. The people who had already learned to fear the communists were horrified by the communist atrocities committed during that offensive and for both negative and positive reasons have increasingly swung behind the Saigon regime, giving it their growing support. Governmentally, militarily, and in public support the government in Saigon is growing consistently stronger.

The above is testified to by the unbelievably high morale of the American forces fighting in Vietnam. Despite the voices of protest at home and the cynical use of the protest movement in Vietcong propaganda which, of course, damages this morale, most of us who have visited the troops there know that our American fighting men deeply believe in the rightness of their cause and that they shall succeed in their mission. I share that faith and that confidence.

Because these things are true, it is my conviction that the President's policy of step-by-step withdrawal and Vietnamization of the war can and will succeed. For too long the raucous voices of dissent have filled the microphones and noisome protesters have occupied the spotlight and the center of the stage. It is time for the 77% to make our voices heard loud and clear. We love our country. We honor its flag. We stand behind our President. We support our fighting men. And we believe that under the providence of God and with the support of the American people, they shall succeed in their mission in Vietnam. In so doing, we the American people will truly serve the cause of peace.

POINT REYES NATIONAL SEASHORE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BURTON of California. Mr. Speaker, the urgency of authorizing additional funds to complete purchase of land for the Point Reyes National Seashore was vividly pointed out in an editorial of the San Francisco Chronicle on November 10, 1969. The editorial commends Congressman Aspinall for recognizing the necessity for immediate action if we are to preserve the Point Reyes National Seashore from commercial development.

It is imperative that we complete the acquisition of land for Point Reyes and do so now.

I should like to share with my colleagues, the full text of this editorial which I place in the Record at this time:

More Funds for Point Reyes Park

Congress created the Point Reyes National Seashore in 1962, but, seven years later, has authorized only enough money to acquire less than half of the 53,483 acres which are included with the park's proposed boundaries. Inflation and a land boom triggered by the mere decision that the area would become a National Seashore have sent land values spiraling.

Congressman Wayne Aspinall's renewed effort to obtain additional funds for the project, which he announced last Thursday, is thus both wise and prudent. He has lent his powerful support to a bill for new appropriations, which is expected to be approved by the Committee on Interior and Insular Affairs, of which he is chairman.

Aspinall decided to seek the money in the face of continued lack of action by Robert P. Mayo, the director of the Bureau of the Budget, who has clamped a budgetary limit on the funds available to the National Park Service for new parks or proposed ones.

The funds, it is contended, are available. Congress has authorized an annual $200 million appropriation to the Land and Water Conservation Fund, but the director of the Bureau of the Budget has refused to allocate all of the money up to this limit.

Point Reyes National Seashore provides a persuasive argument for release of some of this money and for its expenditure immediately. For escalating land prices make it predictable that delay means only sharply increased cost. And delay also means that some areas within the park's proposed boundaries are increasingly threatened with subdivision development.

Secretary of the Interior Walter Hickel, speaking recently in Chicago, said that the department was planning intensive concentration in the development of parks in metropolitan areas "where urban recreation of outstanding quality can be provided by the Federal Government." He wanted, he said, to put the parks where the people are.

There are certainly few areas in the Nation which fit the Secretary's definition more precisely than Point Reyes. It is easily accessible to the 4.5 million people of the nine Bay Area counties. It is already heavily used. It is urgent that it be saved.

PROXY CONTESTS, CONFLICTS OF INTEREST, AND THE PUBLIC INTEREST

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WIDNALL. Mr. Speaker, there has been much discussion recently of corporate mergers, acquisitions, and the way they are accomplished. Mr. Thomas J. Deegan, Jr., chairman of Thomas J. Deegan Co., Inc., a New York public relations firm, spoke to the Federal Bar Association in Washington recently and discussed the involvement of public relations in mergers and acquisitions, particularly those with proxy fights.

In considering the public interest, Mr. Deegan has made some valuable points. I commend the speech, which follows, to my colleagues:

Proxy Contests, Conflicts of Interest, and the Public Interest

(By Thomas J. Deegan, Jr.)

I am delighted to be here with you today. I understand it was my old friend, Joe Borkin, who suggested that I be invited to speak to you, and I feel very much indebted to him.

After all, how often does a man in public relations get to talk while more than 300 lawyers listen quietly? I have frequently had trouble getting even *one* lawyer to listen to me.

We usually have a kind of snake and mongoose act, your profession and mine. We are often, and sometimes justifiably, accused of trying to practice law, and you are charged with practicing just about everything but law. Or worse yet, you too are sometimes accused of *trying* to practice law.

Having had much to do with legal counsel, I know your admonition that a lawyer who pleads his own case has a fool for a client. Same here.

To put a new tooth in another old saw, it is sometimes said that a good lawyer knows that if the facts are against him, he must argue the law; if the law is against him, he must argue the facts; if they are both against him, he has to retain a good public relations firm. But I beg your leave to amend that. If the law and the facts are against him, then heaven help him. A public relations firm cannot. I have passed too many summers and winters to accept the idea that we are miracle-workers.

I have been reading about Washington lawyers in the current *Fortune*, which purports to explain why many of the best lawyers in the country gravitate here. But it does not say why some of the best "public relations" men also come here—I mean people like Clark Clifford, John Mitchell, Richard MacLaren and Richard Nixon.

And Ralph Nader is such an ace at publicity that most of the country isn't even aware he is just another Washington lawyer in disguise.

Well, there are many times and places when our two professions are seriously at odds with each other. But one place where they come together, and where close collaboration between them is essential—to come to the subject of my talk today—is in proxy contests for control of corporations.

As I am certain you are aware, it is all but impossible to pick up a newspaper today without reading about a proxy contest—or its first cousin, a tender offer—for a major corporate prize.

If it isn't Ling-Temco-Vought or Northwest Industries, then it's Gulf & Western or Textron or I.T. & T. absorbing some other company, or quite frequently a smaller fish swallowing a bigger one. In one story on Page 63 of the *New York Times* last week, there was news of ten different corporate takeovers, involving names like Corning Glass, Chase Manhattan Corporation, Shell Chemical Company, International Salt Company, Mead Corporation and Colt Industries—some of these acquiring and some being acquired.

In this year's tabulation of the 500 largest industrial corporations in the U.S., *Fortune* announced that 31 had disappeared from the list since 1968—26 of these via the acquisition route.

The *Harvard Business Review* just reported that, between 1960 and 1968, the number of mergers and acquisitions in this country had more than tripled, from around 1,200 and 3,800. Not all mergers and acquisitions involve the kind of blood on the floor that often goes with proxy fights and tenders, by any means, but they usually go up or down together. Between 1962 and 1966, for example, the number of proxy contests involving election of directors increased from 17 to 37.

These developments have made such subjects as corporate raiding and the growth of conglomerate enterprises a matter of major public concern. The government, as you know, has been anything but a silent bystander while all this has been going on. Both the SEC, with new disclosure rules, and the Anti-Trust Division of the Justice Division of the Justice Department, with legal action against conglomerate takeovers, have moved in on the act. There is also a lot of interest among members of Congress, including Wilbur Mills.

Proxy contests have been an important concern of the SEC as long as there has been an SEC, and rightly so. And over that period of many years I have been involved in quite a few major proxy fights myself.

Most recently our firm counseled M–G–M management in two successful proxy contests in 1966 and 1967 when it staved off the challenges of Philip Levin, a major stockholder. Just last week, of course, it was announced that Kirk Kerkorian had been able to obtain about a third of the M–G–M's stock via the tender offer technique. What he plans to do has not yet been disclosed, but there has clearly been a substantial change in the situation.

Of course, the classic proxy contest was the so-called "Battle of the Century," the fight for control of the New York Central Railroad. Maybe it was because we were all younger then, but somehow that was much more exciting than the power struggles we read about today. And maybe it was because all the things we had learned in the fights for the Chesapeake & Ohio, for the Pullman Company and in our first try for the Central were being put to work for the first time and we were inventing new techniques as we went along. As Joe Borkin pointed out in his fine book on Robert R. Young, we spent seven years in preparation, and we went after this $2½ billion empire with everything we had.

It was a hard and bitter battle, and the opposition gave us no quarter. As for our side, we managed to throw a few punches that fell within the Marquis of Queensberry rules of proxy fighting at that time. They were legal, of course, then—although I'm not sure the SEC would be too happy about them today.

For one thing, there was a little matter of 800,000 shares of New York Central stock that were owned by Young's Alleghany Corporation, but that were tied up as collateral in a trust. Those shares were sold to Clint Murchison and Sidney Richardson, but in a way that was so hedged over with safeguards against loss as to hardly constitute a real sale. But Young felt that he had to find some way to have the stock owned by his own company voted in his favor.

There were also our newspaper ads which constituted one of the first efforts ever made to rally broad public opinion behind one side in a proxy fight.

Since the whole communications strategy was pretty much my affair, this may sound a little like boasting, but it is also a little in the nature of *mea culpa*. A lot of you will remember, and others will have seen it in Joe's book, the great ad that was headed "A hog can cross the country without changing trains, but you can't."

There were also several ads that ran as "memos" from the Chesapeake & Ohio to the New York Central—one urging the elimination of tipping in rail travel, and another pressing for the development of the high-speed "Train X" for passenger service. And one ad was published in Yiddish!

The point here is that the C&O sponsored these railroad passenger service ads although its passenger revenues amounted to only about 3 percent of its total. But we knew, even then, that one day we would be playing a larger role in the railroad industry, so we used the C&O as our sounding board—in the public interest.

It was a pleasure to serve as Chief of Staff to Robert Young. As Joe's book makes clear, he was an innovator. He understood the use of mass communication techniques to seek the support of the public.

I remember the occasion, for example, during the Battle of the Century, when the late William White, who was then president of the New York Central, was undergoing a pretrial examination, in a public hearing. The prestigious law firm of Lord, Day & Lord was handling the matter for us, with a senior partner in charge. Young instructed him, somewhat to his chagrin, to let me sit at the counsel table and feed questions to him. The way Young explained it to me was, "We probably aren't going to win this one, anyway, but the press will all be there, and you know which questions will embarrass Bill White."

I suppose gambits like that always have their own use and their own rationale. Our justification for them was that a proxy fight in those days was pretty much loaded on the side of management. To a lesser extent, the same thing is true today.

Both state laws and the SEC Proxy Rules, for examples, forbid an insurgent group from submitting a proposal to a stockholders meeting, unless it is a proper subject for stockholder action. Management is under no such constraint, however, and it can be a good idea for management to get good marks from the shareholders by asking their advice on running the business.

The management side also has a lot more information at its disposal about the stockholders. If it is wise, it will get even more information and work on establishing a sound line of communication. That can best be done when everything is going well, not when things get rough.

The SEC Rules don't require that management turn over its shareholder list to a dissident group, but most state laws do. When we asked for the Central's stockholder list, they sent it right over—a big bundle tied together with an old pair of suspenders. I don't know whether that idea came from their public relations adviser or from their general counsel, but it became our first collector's item in that historic contest. You might say that there was some symbolism in it—we got the suspenders because our adversary would soon no longer need them.

Insurgent groups have some natural advantages, however, if they stop to think about them. For one thing, there are all the unhappy and disgruntled stockholders out in the woods. Every company manages to accumulate a few, whether they are presidents who have been fired or people who bought the stock at the top of the market.

For another thing, there is the basic American sympathy for the underdog, the come-from-behinder—and small stockholders tend to feel this more than the big ones. Insurgents may also have the advantage of surprise, because the first move is usually up to them—although this is an edge that the SEC has just about managed to eliminate.

There are also a lot of proposals that an insurgent group can legitimately bring before a meeting. They can pick issues that might embarrass the management without alienating too many other stockholders, such as calling for cumulative voting, a new firm of independent auditors, or a woman or minority group on the board.

For either side, it is vital to use all its resources as well as it is able. A major proxy contest combines the elements of a national election and a war. The other side's weak spots must be sought out and exploited, and salt poured in the rawest wounds; the public must be wooed; the available forces have to be deployed where they can do most good, and *time* and a fine sense of *timing* are always of the essence.

Over the years, I have been involved on both sides of a number of proxy fights, and I have watched a great many more. What has been most amazing to me is the frequent assumption by corporate management that it is loved by the stockholders and that the fight will take care of itself. It will not. It must be worked at.

My own starting point is a document that I call "the 39 steps." There may be considerably more or considerably less than 39, because companies and proxy contests differ. But this is the check list. There are some items on it that are common to all companies with stockholder rebellions on their hands.

Item Number One on the list is to assume, at the very first sign of trouble, that there will *be* a proxy contest. Here are just a few others:

Security is a prime consideration, because the element of surprise is so important.

The shareholder list has to be analyzed and broken down from many aspects—a straight marketing task.

The "swing" is vital. When you get a large block to vote for your side, you are also eliminating that block as potential votes for the other side.

There should be *one* key spokesman for your side.

In addition to the overall plan of a campaign, there is no substitute for knowing all the nitty-gritty details. It can usually be assumed, for example, that a mailing is going out. But does the mail room know that it should go first class? And is the envelope the right size for the mail slots in apartment houses? The good visual impression of a mailing piece may be undermined when the letter is folded on the bias, the way all mailmen love to do.

Lack of attention to detail can be almost fatal. So can too much attention, sometimes.

I remember an overzealous minor aide to Bob Young who almost fouled up our end of the New York Central contest. Young was here in Washington to address the National Press Club, and he and I came down early and stayed at the Mayflower. That day Clint Murchison and Sid Richardson were meeting with Bill White and Harold Vanderbilt in New York to see if a compromise could be worked out.

We were hanging on our chairs, waiting for the phone to ring. And no call came, we sweated out the best part of three hours in dead silence. It turned out, we later learned, that this young aide had left explicit instructions with the hotel that we were not to be disturbed by calls from anyone. It also turned out that no agreement had been reached with the Central. But if one had, Young would not have been available to ratify it!

A well-run proxy contest has to be organized like any other well-run enterprise, with defined functions and clear lines of authority. The team needs lawyers, accountants, public relations experts, professional proxy solicitors, security analysts, and often others.

The lawyer, of course, should know the statutory provisions and common law decisions on any problem that may come up. He should be especially familiar with the SEC and its procedures. Corporation counsel should not be bashful about calling in outside firms with that knowledge.

The same thing is true in the communications area. The company may have a very able public relations staff, but most company men usually have not had much experience in proxy contests. These executives on the team must not only be competent, but they have to be given a significant voice in major decisions affecting the campaign.

In a proxy fight, after all, it is important to create a vast public conversation. This is more than a mere dialogue or debate, because many parties must be reached and many must be heard from—among the public, in business, at many levels of government.

Even though the major effort is to influence important groups of stockholders—and surely we all agree that, in the corporate democracy, some stockholders are more equal than others—it is most important to get the message across in an idiom that most people will understand. You must be able to talk to the stockholders as partners and as people—and in order to reach them you have to talk to everybody.

The same thing is true of a proxy statement or a prospectus. These documents, circumscribed by a maze of legal and technical requirements, can be bewildering to laymen. The stockholder may very well resent them, unless special efforts are made to clarify and simplify them.

In their book called *Proxy Contests for Corporate Control*, two lawyers, Edward Aronow and Herbert Einhorn, ask for clearer and better language that "calls for the advice and assistance of one skilled in writing for the general public."

The same kind of recommendation came just a week or two ago from SEC Commissioner Richard B. Smith, who said that some proxy statements and prospectuses "almost defy understanding." It is obvious that such documents, bogged down in a miasma of prolix and complex prose, must fail in their primary purpose, which is simply communication. And those of us in the profession like to think that an important part of our expertise lies in communication through the written word.

Beyond that capability, the public relations specialist in a proxy fight, like the lawyer, must have some background in dealing with the SEC. He would know, for example, whom to call and when to discuss a press conference or a public announcement.

He would be aware of the techniques in which a last-minute press release can be cleared with the SEC.

I must emphasize, however, that usually neither the legal nor the public relations expert in proxy contests get enough opportunity to perform his very best services. For the time when his advice is most needed is long before the trouble begins. And we both know that our most beleaguered clients have a tendency to wait until the last minute before calling us.

An insurgent group of stockholders is rarely successful without a good measure of unwitting cooperation from management. What paves their way is very often the apathy, arrogance and unawareness on the part of those who control a business.

In stockholder relations, preventive medicine is always better than remedial measures. Of course, the best way to prevent proxy contests is to run a business so well that no one would dare to challenge such management.

But the trouble with this today, is that a business that is being run exceedingly well can look especially tempting to the astute corporate raider. If the proxy contest normally aims at a sick company, the acquisition by tender more often focuses on a healthy one.

The tender offer as a means of acquiring control of a company is a device that has flourished in England for a long time, but it became popular here only a few years ago. When Manuel Cohen was chairman of the SEC, he pointed out that cash tender bids had grown from a total of $200 million in 1960 to about five times that much just six or seven years later.

There are bona fide corporate acquisitions by tender that can be advantageous to all concerned. There are some that take place with the knowledge and approval of management. And surely some of the tender bids we have been hearing about would have been knock-down-drag-out proxy battles just a few years ago, before it became obvious that an insurgent group with real issues to work with could be pretty effective.

The great danger lies in the possibility of destructive take-overs. We are all familiar with the "Chinese money" operators, the raiders who look over a situation, note the presence of large amounts of cash or other liquid assets, and who move in for the kill—or the killing.

These people are essentially predators, who use corporate assets for their own purposes and their own aggrandisement, and who may be totally ignorant of the operation of the businesses they acquire. Usually they couldn't care less about the stockholders, the management or the future of the company itself.

There is also another clear and present danger in the Mafia takeover, in which illegitimate operators acquire a business to use as a front and a tax cover. These elements are usually both destructive and insensitive to the practices of normal business men, and they sometimes bring illegal methods into businesses that until then operated entirely within the law.

Under our system, there is not too much that can be done about corporate acquisitions on the open market. If someone wants to pay the going price for stock, no one asks where the money comes from. Even the Michigan Supreme Court has said:

"It is one of the risks of publicly-held corporations that a total stranger may purchase a controlling interest in a particular corporation. If the purchase is not unlawful, the courts may not superimpose their suspicions, predilections, and judgments upon the actions of the entrepreneur."

As far as the Mafia is concerned, all we can say is—some entrepreneur! But we have to agree with the court, until some more effective way is found to fight legally against badly-motivated takeovers and the shady characters who engineer them.

All of business, Justice Brandeis once said, is invested with a public interest. Over the years, however, there have been gradual changes in just what constituted the public interest, in who it was felt could serve it best and in what regulation and legislation were required to safeguard that interest.

There was a period in the development of our country when business leaders felt they were the proper custodians of the public interest. And, except for occasional diatribes, like Teddy Roosevelt's against "the malefactors of great wealth," that position went largely unchallenged.

Chauncey Depew—again as Joe Borkin pointed out in his book—was chairman of the New York Central from 1898 to 1928, and held that office right through the period when he served in the United States Senate. "Conflict of interest" was a phrase one just didn't hear in those days.

It was once pretty easy in this country for the managements of most large corporations to perpetuate themselves by simply asking the stockholders for their proxies. They didn't tell the stockholders any more than they absolutely had to about the business, and that wasn't very much.

That know-nothing era came to a fairly abrupt end in 1935, when federal regulation of proxy solicitations began to provide what was called "fair opportunity for the operation of corporate suffrage." This introduced the somewhat revolutionary notion that if publicly-held companies were to be run on a democratic basis in our business society, then even the smallest stockholder must have some voice in selecting or rejecting management. It said furthermore that he was entitled to the information he needed to make an intelligent judgment.

On the whole, Congress and the SEC have done a pretty good job of keeping up with the changes needed in a time of transition, and with curbing the worst abuses in corporate disregard of its constituencies. The SEC got its real franchise with the Securities Act amendments of 1938, and the amendments of 1964 closed some broad gaps, such as those in unregulated companies. When the Williams Bill was passed last summer, it sewed up a major loophole by putting cash tender offers under SEC control. Its key provisions lay in the required disclosures of information—who was making the offer, what was its purpose, and where the money was coming from.

All these measures have helped define, not just what the public interest is, but who the many publics are. One sizable public, for instance, is made up of the employees who depend on a company for their livelihood and well-being. Another is made up of the members of the community in which a business operates; the wrong kind of management has been known nearly to destroy a community that depended heavily on a single industry or plant. And many of our larger corporations have an appreciable impact on our total economy, as well.

Stockholders themselves make up an increasingly large part of the general public in the United States. The number of Americans who own stock in corporations and mutual funds rose from 17 million in 1962 to more than 26 million last January, according to the New York Stock Exchange. Another 100 million people—which is about half our population—have an interest in stocks through their memberships in pension and profit-sharing funds and their ownership of insurance policies.

It is to the interest of all these people to have our corporations succeed, grow and prosper. It is also in their interest that there be proxy contests and the threat of proxy contests by bona fide interests.

These are the public's guardians against complacency, against managements that get mired down in the past, against managers so preoccupied with their own compensation and perquisites that they fail to provide for the needs and future of the business.

It is also to the public's interest, however, that there be some regulation, some limitations and some reins on proxy contests and on takeovers. These regulations should not be strangulating, but they ought to provide some clear-cut ground rules.

The rules we have today are just not good enough, either to protect the public or to give corporations and insurgent groups a clear understanding of their rights and obligations.

Take the simple matter of money spent in contests, for example. The New Haven Railroad fight cost each faction $94,000. The Fairchild Engine battle cost management $134,000 and the challengers $126,000. The Republic Corporation contest of a few years back cost the management $257,000 and the insurgents $365,000. The New York Central fight cost the management group $857,000 and it cost us $1,309,000.

In every one of these instances, the insurgents won. By precedent fairly well established some 15 years ago, both sides were entitled to reimbursement of their expenses by the corporations.

That means that the stockholders had to pay both sides for fighting over them. The battles may have been fascinating to watch, but were the ringside seats really worth that much?

The Northwest-Goodrich fight, won by management, was said to have cost the challengers $2 million. And this may very well be only the first round, since we have seen that such battles don't end simply because the tender offer expires. The mere possession of a large block of stock in the hands of one group is a sword of Damocles hanging over a corporation's head.

Unfortunately, while the amounts of money involved in proxy fights may seem sizable, they are actually considered very small by management, when compared to other intangible costs—but these are costs that the stockholding and general public ultimately pays.

The New York Central contest ran for about four months, and the recent Northwest-Goodrich thing for about seven months. These absorbed most of the effort and energies of management, with little thought given to anything but the contest. The stockholders have invested heavily in their managers—not to fight off challenges, but to run a business!

A proxy or tender fight can shatter the morale of an organization. Employees at many levels, never knowing which way the cat's going to jump, may be frightened into immobility. And when it is all over, there are inevitable residues of factional bitterness. The company will have suffered both as an organization and competitively. The costs of all this dwarf the dollars spent on the contest.

There ought to be ways to make this warfare less costly, less destructive, less debilitating. There must be some workable formula, for example, on limiting the dollars spent, based on the sales of size of the company. And it should be possible to make this work through honest reporting, in the same way that the income tax is made to work.

Even better, however, would be some limitation on the time that a contest is permitted to take. The longer a contest continues, as a rule, the more bitter it becomes and the longer-lasting are its effects.

Ideally, a proxy fight should be held to the minimum time required—say two or three weeks—to prepare a single statement for each side, and to have a single solicitation. Perhaps this could be stretched to a statement and a rebuttal, but not to endless rebuttals and counter-rebuttals. The quicker and more cleancut a proxy contest can be made, the closer it gets down to just enough time to accomplish the basic physical things, the more everyone will benefit.

There will still be some loopholes, of course. The shrewdest and sharpest operators can always find ways to duck or get around laws and rules, both in tender offers and in proxy fighting. As in any kind of warfare, new offensive weapons can be devastating until a new method of defense is developed to neutralize or counteract them. Then the planners and signers on the offensive side have to go back to the drawing board.

Unlike warfare, however, proxy fighters and proxy regulators have a different underlying purpose than just to destroy. That is to make our business society work better and more effectively for most of the people. If we really believe in the values of an open, competitive society, this is the distinct and necessary service that must be performed.

One of the great strengths of our society is that we have some built-in machinery for change. That machinery usually grinds to a halt or rolls into action in some reasonable relationship to the time when change is most needed.

I know that we have a role in promoting change and in informing about change and in keeping it fluid. I know that lawyers and the law have a very vital role in defining the limits of permissible change and in holding it to those limits. I know that we must both exercise our roles as a matter of doing our jobs and earning our keep.

But we also need to exercise those roles as a matter of serving the public interest. The public interest is our interest, too, both as citizens and professionals. Should we ever lose sight of that, there will not be much else worth working for.

A NEW DAY FOR THE MERCHANT MARINE

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WHALLEY. Mr. Speaker, in his message to Congress on the U.S. merchant marine, President Nixon recommended legislation to provide new initiatives for strengthening the maritime industry. Mr. Speaker, I support the President's program as an effort to reverse the present downward trend of the merchant marine.

The decline of our merchant marine is particularly acute in the vessel and shipbuilding aspect. The privately owned U.S. fleet has dropped sharply during the past decade or so, and now consists of about 950 vessels. Though this number may appear large, it is inadequate to maintain the growth of the entire American economy. Even more significant, more than two-thirds of these vessels are over 25 years old or fast approaching this age.

It is alarming that our present vessel replacement schedule is only about 10 ships a year, or far less than the number of vessels which will be entering obsolescence annually in the next 4 or 5 years.

The President's proposal, projected for a 10-year period, will permit the construction of about 30 vessels a year. During this duration, a strong, modern merchant marine could be developed and once it has reached a state of vigorous health, it should be maintained.

I hope that Congress will speedily consider the legislation which implements this program.

JUSTICE VITO J. TITONE—DEFENDER OF DEMOCRACY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MURPHY of New York. Mr. Speaker, from Staten Island to Shea Stadium, the American flag flew high throughout New York City last October 15, despite the misguided views of a small minority that it should be flown at half-staff on moratorium day. One man refused to remain part of the "silent majority," and in speaking out—clearly and firmly—delivered a landmark decision rivaling all free speech cases. State Supreme Court Justice Vito J. Titone was that brave, patriotic jurist who took politics out of the classroom by courageously ordering the board of education to rescind a directive allowing pupils and teachers to skip school for the protest and permitting schools to hold special discussions on the war. Justice Titone ordered the board to see to it that schools conducted "usual and normal" activities. He held that the board directive forced pupils to take positions for or against the war in Vietnam and that the board had no authority to "involve itself in such controversial matters or moral issues." Under the leave to extend my remarks in the RECORD, I include Justice Titone's landmark opinion.

MEMORANDUM OF THE SUPREME COURT, RICHMOND COUNTY, OCTOBER 14, 1959

The petitioners are James A. Nistad, 13, a student at Junior High School 27, and his mother, Mrs. Marian Nistad. They seek an order directing respondent Board of Education of the City of New York to hold classes as usual on October 15, 1969 and such other relief as the Court deems appropriate. On October 8, 1969, the respondent issued a statement declaring that teachers and pupils who wish, as a matter of conscience, to participate in planned programs outside the schools would be permitted to do so, and the pupils would not be penalized for their absence; the teachers are permitted to charge the day against their personal business allowance. The programs referred to are the so-called Viet Nam "War Moratorium" for which October 15 has been designated. The petitioners assert that this action of the Board of Education violates their right of freedom of speech under the First and Fourteenth Amendments to the United States Constitution in that it places the affirmative support of government behind a controversial political hypothesis, and that it illegally compels the infant petitioner to profess his views on this conflict.

The issue before this Court is whether or not the Board of Education of the City of New York has the power to act in an area so touching upon matters of opinion and political attitude. The Court thinks it has not. No one takes issue with the fact that the Viet Nam War question comes high in the order of priority, and that it is an emotional and controversial and moral matter. There is no argument with the fact, nor is there an issue before the Court, as to whether or not we are all involved in this. However, the propriety of the issue, emotion, involvement, good intent, etc. cannot be allowed to cause us to turn our backs on our Constitutional heredity and allow the slightest breach of our personal liberties in the name of good intent or honest effort.

The Board has stated that during the so-called Viet Nam "War Moratorium" on October 15, 1969, no pupil will be required to attend school, although absences will be noted, and that all teachers may refrain from their duties that day, although it will be charged against personal leave, if in good conscience they are opposed to the Viet Nam War, without penalty. The element of compulsion is clear. Students and teachers who do not attend school that day will be deemed to be against the Government's Viet Nam War policy, and those who attend will be assumed to favor such policy. It forces people to take a position when, as a matter of constitutional law, they are not required to do so.

The case of *W. Va. Board of Education* v. *Barnett*, 319 U.S. 624 (1943) is in point. There, the Supreme Court held unconstitutional a resolution of a Board of Education that required all public school students to recite the pledge of allegiance to the flag. The petitioners in that case objected to the recitation on religious grounds and claimed that it violated their right to freedom of speech. After observing that it was dealing "with a compulsion of students to declare a belief" (319 U.S. 631), the Court said:

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, to free press, and freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

The Court also said:

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

"We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control."

Highly pertinent to the instant case is the following from the concurring opinion of Mr. Justice Murphy:

"The right of freedom of thought and of religion as guaranteed by the Constitution against state action includes both the right to speak freely and the right to refrain from speaking at all, except insofar as essential operations of government may require it for the preservation of an orderly society, . . . as in the case of compulsion to give evidence in court. . . . To many, it is deeply distasteful to join in a public chorus of affirmation of private belief." Id. at 645.

Those people who are strongly against this country's Viet Nam involvement have a constitutional right to remain silent; some of these might prefer to attend school on October 15th, rather than participate in any visible demonstration favoring their position. Yet, their school attendance would be interpreted as supporting the very view they oppose. Similarly, those who support the government's present Viet Nam stance are not required to make their views known. Members of this group also may wish to attend school for the sake of receiving an education and not as a show of their support for the war. Nevertheless, the action of the Board compels the implication that those who attend school on October 15th support the Viet Nam war. Similarly, there may be those for and against the government's policy who are ill on October 15, 1969, and physically unable to attend school. The implication will be that they support the "Moratorium" and are opposed to the war. All these groups are being pressured to reveal their position by the Board's action.

Equally important are those who fear for the safety of their children, both because of the anticipated absence of supervisory personnel at the school and the real possibility of demonstrators, picket lines, and the like, in school areas.

There is a further and more compelling reason why the Board's action cannot stand. The Board has relegated to itself the power to determine what is or is not a momentous "Issue" of great moral magnitude, apparently thereby justifying the action it has taken. Its own statement, as shown in its opposing papers, begins: "The Board of Education and the Acting Superintendent of Schools recognize the universal desire of the American people to end the war in Viet Nam. We also recognize that there are differences among the people and their leaders as to how this can best be achieved." It is no business of the Board to "recognize" the desires or differences of the American people.

The action of the Board falls within conduct proscribed by the Supreme Court in Engel v. Vitale, 370 U.S. 42 (1962), which declared that recitation of the so-called regents' prayer violated the First Amendment clause prohibiting an establishment of religion. The prayer was composed by the New York State Board of Regents and recited on a voluntary basis at the beginning of each school day. The Court pointed out that as a matter of history the very practice of establishing governmentally-composed prayers was one of the reasons which caused our early forebears to emigrate from England to this country, and that it was part of the basis for the establishment clause in our Constitution. The Court referred to the Book of Common Prayer and stated:

"The controversy over the Book and what should be its content repeatedly threatened to disrupt the peace of that country (England), as the accepted forms of prayer in the established church changed with the views of the particular ruler that happened to be in control at the time." (370 U.S. at 46).

The same result would occur if the Board of Education were permitted to determine what issues and controversies merited some sort of participation or observance or action by the public schools in various and sundry causes. This determination would depend upon the political outlook of the board members at a particular time. Indeed, it is entirely possible that a year from now participation in a demonstration in support of the Government's Viet Nam policy would be declared. The point is clear: Government may not involve itself in such controversial matters or moral issues. The following excerpt from the Appeal of American Civil Liberties Union, 36 State Dept. Rep. 97, 98, is appropriate:

". . . The public schools are supported by the whole body of citizens; within their walls assemble children of rich and the poor, the children of parents of every shade of religious belief and unbelief, the children of almost every race and color. Therefore, nothing that will tend to foster intolerance, bigotry, animosity or dissension should be allowed to inject itself into the public school system of this great state". . . .

The prestige and power of the Board of Education may not be used to support, influence or condone on matters of this nature.

There is a practical problem also, namely, where does this sort of thing end? For example, the leaders of this "Moratorium" publicize their intention of having a *two*-day moratorium next month, and *three* days the month after that. The Board may very well find itself morally committed to allow students to participate, as in the instant case.

Students would quickly get the impression, if they have not already, that they have total freedom, by official edict, to move about and participate in whatever they, in "good conscience," feel right at any time, and absent themselves from school in so doing. An implication might arise, contrary to state law, that attendance in school is secondary to their right to participate in causes morally worthwhile in their minds.

The respondent contends that it is in fact observing normal attendance regulations in that there is no punishment or penalty for a one-day absence. Then it states:

"Attendance records are considered by colleges and employers and for purposes of school awards. It is self-evident that a pupil with a poor record will be hindered thereby."

The Board failure to warn the students of these possibilities in its statement of October 8, 1969. Also, if attendance records are available to employers and others, as respondent states, a prospective employer could check specifically to determine whether or not a person was absent on this highly publicized day, October 15, 1969, and might draw an inference about that person's politics. The harm is obvious.

The respondent's contention that the petitioners lack standing is without merit (*Engel v. Vitale*, 18 Misc. 2d 659 (1959), 11 A.D. 2d 340 (2nd Dept. 1960), 10 N.Y. 2d 174 (1961), 370 U.S. 421 (1962)), as is their assertion that the petition fails to state a cause of action, *W. Va. Board of Education* v. *Barnett, supra.*

Accordingly, the Court orders that the respondent shall forthwith issue a statement or directive rescinding its statement or directive of October 8, 1969 and also stating that the public schools will conduct their usual and normal school day on October 15, 1969.

The foregoing constitutes and shall be deemed the order of the Court.

VITO J. TITONE.

SPEECH OF HAMILTON FISH, SR.

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. McKNEALLY. Mr. Speaker, under leave to extend my remarks in the RECORD I am pleased to include the following address by a former distinguished Member of the House, Hon. Hamilton Fish, Sr., before a meeting of the Fishkill Historical Society on Thursday, October 23, 1969. Mr. Fish's remarks are entitled "New York State—the Battleground of the Revolutionary War" and very accurately describe the historical significance of New York State with respect to the Revolutionary War. I am very honored to represent the 27th Congressional District which includes Newburgh and New Windsor where Gen. George Washington had his headquarters for 3 years during that war.

The address follows:

SPEECH OF HON. HAMILTON FISH AT THE FISHKILL HISTORICAL SOCIETY, OCTOBER 23, 1969

We are rapidly approaching the 200th anniversary of the Declaration of Independence, the greatest event in the history of the United States and one of the most important in the history of the world. The Declaration of Independence not only gave the reasons for our separation from Britain, but was also our birthright of freedom. It was dedicated to the fundamental truths of freedom and had enormous influence among the civilized nations of that era.

The committee that wrote the Declaration of Independence was presided over by Thomas Jefferson, but he had distinguished colleagues in John Adams of Massachusetts, Chancellor Robert Livingston of New York, and Benjamin Franklin of Pa. When that immortal document was proclaimed in Philadelphia on July 4, 1776 it was a mere scrap of paper until, under the leadership, courage, determination and faith of George Washington in war and peace, it was translated into a government actuality as our Representative and Republican form of government, the oldest continuous form of government in the world today.

I am naturally proud of the fact that my direct ancestor, Lewis Morris of New York, was one of the signers of the Declaration. The 200th celebration, which is less than seven years away, should be the greatest national celebration in the history of our country. The preservation of freedom, which was vital to our ancestors, is even more important in our day and generation. The world Communist conspiracy and totalitarian forces seek to undermine and destroy our free institutions, our Constitutional freedoms and Freedom, in all the free nations. The preservation of those freedoms is the paramount and single greatest issue in the world. It transends all partisanship. It amounts to the survival of our country and civilization, based on our heritage of Freedom.

We in the Hudson River Valley, particularly Dutchess, Orange and Ulster Counties, played a very vital part in winning our war of independence. They were all on the American side whereas Queens and lower Westchester were pro-British. At that time Dutchess County which then included Putnam, was the second largest county in population in the State. Albany was first because it included most of Columbia, Schoharie, and the adjoining counties. Actually, Dutchess was larger in population than either Westchester or New York, but not by much.

I hope to be alive for the 200th anniversary celebration of the birth of our great country. I hope to live to see the truths of history re-written from the distorted and slanted Revolutionary War history as written by eminent historians from Massachusetts. They over-emphasized the Boston Tea Party, Paul Revere's Ride, Lexington, Concord and Bunker Hill, and virtually ignored the part played by New York State, which was the center and battleground of the Revolutionary War for seven years. Approximately 90 battles and skirmishes were fought in New York State including Ticonderoga, Crown Point, Brooklyn, Harlem, White Plains, Fort Washington, Oriskany, Fort Stanwity, Bemis Heights, Saratoga, Bennington, Fort Montgomery, Stony Point, and Sullivan's campaign against the Iroquois Indians. Furthermore, New York produced some of the greatest individuals in the Revolutionary War; General George Clinton, Governor half a dozen times and Vice President for two terms; Alexander Hamilton, first Secretary of the Treasury and the greatest genius of the Revolution; John Jay, US Chief Justice and Governor of New York State; Gouveneur Morris, Ambassador to France who played a conspicuous part in writing the U.S. Constitution; Chancellor Robert Livingston, and a host of other distinguished patriots.

I want on this occasion, to emphasize the important part played during the war by the little town of Fishkill in Southern Dutchess. It was the center for the maintenance and distribution of quartermaster's stores of all kinds from munitions to clothing and food, for our Continental Army stationed on both banks of the Hudson River. It also contained a hospital and a prison. No army can fight without food, clothing and equipment and Fishkill was the great storehouse of these supplies during the war. It should be one of our historic revolutionary shrines as it was not only a storehouse, but was also an army encampment.

I visited the Freedom Foundation at Valley Forge on Constitution Day, September 17th of this year as a guest of the Foundation. Valley Forge was only used as a winter quarters for Washington's Army for one cold and stormy winter. Fishkill was the center of our army supplies for seven year.

I suggest that within the next seven years, the old Wharton House in Fishkill be renovated, that some Revolutionary War huts be built in proper locations as they have been at Valley Forge, and that a Revolutionary War Museum be established in the Wharton House. All of this could be done at a moderate cost which probably could be raised locally and throughout Dutchess County. And from a small acorn there might develop a mighty historical oak, as has been done at Valley Forge.

Within a few miles of Fishkill, there was another hospital adjoining the Brinkerhoff House. Here General Lafayette, the French champion of Freedom, was hospitalized with a very serious case of pneumonia for several months and was on the verge of death. He was visited there by General Washington a number of times, who was then in camp at Fredericksburgh, 18 miles to the East. I also urge that a road be constructed from Cold Spring, only about a mile to Constitution Island, opposite West Point, where there are a number of Revolutionary War stone fortresses, of which there are very few left in our country. This could easily be made into an historical attraction and possibly a picnic ground for motorists from New York, just as Fishkill should also be made into an attractive historical center for motorists from New York and New England.

The time has come to change and revise the history of the Revolutionary War, written by distinguished New England historians, in order to place New York State in its proper position, on the basis of truth, as the center and battleground of the Revolutionary War. We even forget now that New York City was in the hands of the British Army for seven years and half the population of patriots amounting to 7,000, were mostly destitute and poverty stricken refugees living in the towns and on the farms of the Hudson River Valley supported by the people in those districts. These refugees lived out a tragic life as refugees generally do, for seven long years. These thousands of refugees from New York City, who suffered all kinds of hardships, were among the greatest patriots of the Revolutionary War.

I am four score years and a large part of my life has been devoted to public service. I believe the people in the Mid-Hudson district will approve of my non-partisan remarks as they are loyal and patriotic Americans. The Communists, subversives and the anarchists will naturally disapprove as they despise freedom and hate our Constitutional form of government, which is the greatest charter of human liberty and freedom ever devised by the mind of man. I served the Dutchess, Orange, Putnam district in Congress for 25 years and never was defeated in that district. I never had the support of our enemies from within and perhaps that is why I was always re-elected. Condemnation from such sources is the highest possible commendation.

I give this advice as a legacy to all office holders—Democrats and Republicans—never to compromise with those elements who would destroy our free institutions and the Government of the United States.

Let us join in Dutchess County in rebuilding Fishkill as a shrine of Revolutionary War Freedom and above all, let all of us in New York State on the 200th anniversary of the Declaration of Independence, make clear the historical truth; that New York State was the center and battleground of the Revolutionary War.

On our 200th anniversary, let Freedom ring from every city, town, village, hamlet and mountain side. If there is any country worth living in, defending, fighting for, or even dying for, it is the United States of America. God Bless America.

To those who may question that N.Y. State was the center and main battleground of the Revolution, let me point out that George Washington, Commander-in-Chief of our Armed Forces had his headquarters in New York City or within 60 miles of it in New York State for almost four years and for another 8 months in the State of New Jersey within 60 miles of New York. Several important battles such as Trenton, Princeton and Monmouth were fought there.

After the Declaration of Independence there were virtually no battles fought in Massachusetts or in New England outside of British raids on New London, New Haven and Southern Connecticut. There were, however, important battles fought in Pennsylvania at Brandywine and Germantown and in Virginia there were numerous small battles before the surrender of the British Army at Yorktown. North Carolina was also a famous battleground; Guilford Courthouse and Cowpens; South Carolina had its Camden and Charleston and Georgia its Savannah.

During the war Virginia, Massachusetts and Pennsylvania had a larger population than New York State and their enlistments in the Continental Army were larger. These troops participated gallantly in most of the battles fought in New York State and helped equally in winning our freedom and independence. But actually there were more battles fought in New York State during the Revolutionary War than in all other states combined.

It is time the record was made crystal clear. Veritas magna est et prevalebit—the truth is mighty and will prevail—even it if takes 200 years.

THE FATE OF MAYOR LINDSAY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. HALPERN. Mr. Speaker, first it was the Jets; then the Mets and now John Lindsay has moved from near defeat to triumph. As one reporter observed, "there seems to be no bounds to New York's pretensions."

State Senator John Marchi and Controller Mario Procaccino deserve due recognition for running public-spirited campaigns, but as an old philosopher once said, "You can't fight City Hall," Indeed.

Now who would have begun to say
A year ago today
The ups and downs of Fate
Would play
To give the win to Lindsay . . .

The other two men had support
With party's help, and "Time for Change"
But finally a switch! John's sort of luck and
skill arranged
A win for him!

A fickle hand of Fate plays on.
And with this start, perhaps we'll see
Less strife and trouble
For our great City!!!

MESSAGE OF THE PRESIDENT OF THE REPUBLIC OF POLAND TO THE POLISH NATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. DERWINSKI. Mr. Speaker, yesterday was Veterans' Day and the Nation dramatized is respect for the contributions which the veterans have made for the defense of our freedom. We must recognize that our veterans have fought and preserved our freedom, a fact which is too often taken for granted.

Other nations have been less fortunate. November 11 is also the Independence Day of Poland commemorating the restoration to that country of freedom in 1918. We recognize that history shows the tragedy of Poland being the first nation to fall in battle against the Nazi hordes, then to have its people denied freedom by the Soviet-imposed government in 1945.

I remind the Members that the Polish government in exile continues to function in London and the voices of its officials are far more representative of the people of Poland than the mutterings of the Moscow-controlled puppets in Warsaw.

Therefore, I insert into the Record the address of His Excellency August Zaleski, president of the Polish Republic in exile, on November 11 on the occasion of Poland's Independence Day:

Message of the President of the Republic of Poland to the Polish Nation

Polish Government (in Exile),
Ministry of Foreign Affairs,
London, November 1969.

Citizens of the Republic of Poland and Poles in the Free World:

The eleventh of November marks the anniversary of events of great importance not only in the history of the Polish people. On this day which saw the fall of the dynasties responsible for the partitions of our Commonwealth not only Poles regained their independence. Still, not all the nations of the former Commonwealth, that had been a voluntary association of "the free with the free" and of "equals with equals", were able to throw off the yoke of oppression, notwithstanding the aid which the new Polish State was in a position to render them under its Chief of State Joseph Pilsudski.

The right of peoples to self-determination, reaffirmed in the Atlantic Charter as one of the war-aims of the Allies in World War II, could not become a reality owing to the imperialism fo Russia which has remained unchanged, in spite of the Russian Communist revolution.

This imperialism has destroyed the Baltic States, all of which have been forcibly incorporated into the Soviet Union. Poland, Hungary, Rumania and Czechoslovakia are being held captive in the sphere of Russian colonialism. The acquisition by Russia of these Central European areas presents a threat to the entire free world.

We trust to God that the world will come to see that there can be no peace without restoring freedom to peoples who are being kept in a state of subjection against law and justice.

August Zaleski

THE BIG MESSAGE FOR SMALL FAMILIES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 11, 1969

Mr. BUSH. Mr. Speaker, the Washington Post carried an editorial today that I hope all Members of Congress will read. The editorial is directed to a change in our thinking about family size. As chairman of the Republican Task Force on Earth Resources and Population, I commend this editorial. We all have an enormous task to educate the American public about the consequences we face in environmental degradation, resource depletion, and generally, in human needs, as a result of continued population growth.

A 3-year study just released by the National Research Council concludes that there are already too many people on the earth. This is not very encouraging. If we are to solve our pollution problems, our hunger problems, our transportation problems, our housing shortage, and know a world in peace, we must direct ourselves to some new thinking.

The Nixon administration's goal to provide family planning services to the estimated 5.3 million poor and near-poor American women who want these services, but cannot afford them or do not know how or where to get them, is an excellent start. The United Nations increased effort in world population activities is very promising. The proposed Commission on Population Growth and the American Future requested by President Nixon can contribute significantly to the creation of public awareness needed to convince young Americans that small families are economically advantageous, not only to the individual family, but to the society as well.

The American communications media would perform a great service by giving the population problem more and more attention in an effort to reach the general public and make visible the related problems between population growth, environmental quality, and depleting resources.

Mr. Speaker, the editorial is offered at this time for the benefit of my colleagues:

THE BIG MESSAGE FOR SMALL FAMILIES

Speaking recently to the Planned Parenthood World Population organization, Dr. Roger O. Egeberg offered the usual, but still alarming statistics of dire overpopulation. The United States now has 200 million people and in 30 years it will have 300 million; we will have to build the equivalent of one new city of 250,000 inhabitants every 40 days for the rest of the century. After calling for more family planning services for the estimated 5 million American women who likely want but can't get them, Dr. Egeberg correctly said we needed a different goal, "one much harder to achieve. We are going to have to work for change in national mores, a change based on public acceptance of the demographic facts of life."

What this means, precisely, is that if the country is to solve the population problem collectively, it will have to be done individually—couples saying, in effect, "because of overpopulation, we will limit our offspring to two or less children."

The number of children a couple will propagate is not a matter the government or anyone else should legally intrude upon. But neither is family size strictly the sole concern of an individual husband and wife. The traditionally large family of four or more children was often thought to offer comfort and security. It was also doing God's work, as commanded in Genesis, "be fruitful and multiply." In addition, the desirability of a large family is a carry-over from the era of high infant mortality.

The time has not yet come when tax burdens should be levied on many-childrened families, but voices like Dr. Egeberg sound more and more reasonable, if not convincing. Repeating the same idea, but in more direct language, author Marya Mannes said this week, "with the condition the world is in today, to have a large family is public disservice."

No one has yet proposed a way of getting married couples to take individual responsibility for the overpopulation problem. But at least the idea is now going beyond the push for birth control and into the area of human attitude. Perhaps this is what was needed all along.

NEED FUNDING FOR PARK LANDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. DINGELL. Mr. Speaker, the Washington Post of October 22, 1969, carried a most perceptive column by Marquis Childs with regard to the folly of the present policy of inadequate funding for acquisition of park lands. I agree with Mr. Childs that the time is running short and the Federal Government must act if we are to preserve many unique areas for the use of future generations. So that my colleagues may be aware of Mr. Child's comments, I include his column at this point in the CONGRESSIONAL RECORD:

SUBDIVIDERS ARE THREATENING LAST AREAS OF UNSPOILED LAND

(By Marquis Childs)

SAN FRANCISCO.—The lure of California is one of the most remarkable phenomena of our time. Like a great magnet it pulls people—young, old, a vanguard of hippies, escapees, opters out—from the rest of the country to this slope on the Pacific shore.

Even for the Chamber of Commerce boosters this is almost too much of a good thing. Like the frantic movement of the lemmings to the seashore, with an instinctual drive that sends them finally to their destruction, there will soon be standing room only if the present rate of growth continues.

Nothing could illustrate this better than the controversy over the Point Reyes national seashore. A beautiful, still relatively untouched peninsula about an hour from San Francisco, Point Reyes is one of the few spots on the coast that has not fallen to the developers and the subdividers. With the parks in the metropolitan bay area hideously overcrowded, Point Reyes is a natural outlet for city dwellers in search of quiet and unspoiled beauty.

But the sub-dividers are on the doorstep and pressing hard. Less than half the land for Point Reyes has been acquired by the federal government since the project was authorized in 1962. With each passing year land values have sharply increased. And now the White House is saying through the Bureau of the Budget that a freeze is imperative through 1973 to hold down spending and hold inflation.

Other parks and seashores staked out by Congress to save a part of vanishing America before it is all paved with concrete are also threatened by the double-squeeze of inflation and economy. Besides Point Reyes, Cape Cod in Massachusetts, Assateague Island in Maryland and Padre Island in Texas are in half-completed state, threatened by the land speculators who stand to gain from federal delay.

The Nixon administration has been generous with rhetoric. Secretary of Interior Walter Hickel, in a speech to the National Park and Recreation Association in Chicago, proposed a $6.3 billion development program for urban parks.

Point Reyes precisely fits this description. But Hickel in the same speech included an escape hatch that negated much of the fine rhetoric. "Present fiscal restraints" would very likely make it impossible to ask Congress for any funds to make the grandiose dream a reality. The Hickel speech coincided with a letter from Budget Director Robert Mayo to House Interior Chairman Wayne Aspinall warning that under "present constraints" land purchase for parks and recreation areas would not be completed until mid-1973.

The conservationists are going into battle over Point Reyes, and nowhere is the breed more aggressive and determined than in California. Aspinall is moving to get added funds out of Congress. So, that untouched shore may still be saved.

But the economizers have the final say. Congress can propose by the Bureau of the Budget disposed by freezing extra money that may be voted. As the people push accelerates, the standing-room-only sign covers more and more of a once-free land.

PORNOGRAPHY—THE CORRUPTER OF YOUTH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BIAGGI. Mr. Speaker, I am deeply troubled over the rash of pornographic movies and the distribution of smut through the mails. There does not seem to be any limit to the filth that has been spreading across our Nation like a prairie fire.

I have come to regard pornography as a kind of poison infecting the minds of an increasing number of our young people. Their elders, who engage in this field for the sake of either profit or depravity, are directly responsible for one of the worst evils of our time.

The film industry, for its part, has been disturbingly deceptive with the American people. To reach that conclusion, one has only to look at the rating code adopted by the industry last year. The code has proved to be a self-serving, transparent gimmick that has actually promoted pornography for profit—especially among young Americans.

Films given an "X" rating, for example, are supposed to be for adults only. But we all know how many times the "X" has been used to add to, rather than to restrict the potential audience. After giving a film an "X" rating, the industry will constantly use that fact to its advantage with the placement of advertisements containing passages such as: "Rated X Naturally."

In short, the film industry does everything within its power to arouse the interest and curiosity of our young people in order to draw them into the theater to see the movie which has been given an "X" rating. Now, we all know how very few youngsters are turned away from the box office when they are willing to pay to see a movie with an "X" rating.

As a parent concerned for his family and neighbors, I am fully aware that the process of corrupting our youth also extends to the distribution of mail. And as a Member of this Congress, I say it is time we did something about it.

American homes are being bombarded with the largest volume of sex-oriented mail in history. Many who receive such mail do not solicit it, do not want it and are deeply offended by it.

Some may argue about the right of free speech and the liberty of human expression. But there are other rights involved—the right of a parent to shield his child from what he may consider harmful, the right of a person not to have his privacy invaded, the right of a community to maintain high moral standards.

In my own New York City congressional district, there obviously has been a sharp rise in recent weeks of unsolicited pornography mailed to adults and young people alike. These mailings are not only increasing in volume, but also in the repulsive nature of the enclosures.

One woman turned over to me very lewd material promoting the sale of a book, entitled "Illustrated Sex." It was mailed to her 9-year-old daughter. It was so obscene that I seldom saw the likes of it during the 23 years that I spent on the New York City police force.

When do we draw the line and say we have had enough of this kind of business? I say we have waited too long, but let us not wait any longer.

If a bill that I introduced some 3 months ago was enacted into law, it would surely represent a good beginning for a crackdown on the spread of pornography. My distinguished New York colleague, LESTER WOLFF, joined me in the sponsorship of that bill known as H.R. 13510.

Passage of this bill would go a long way toward controlling unsolicited mailings because it would require the senders to pay the postage when such materials are returned by individuals who do not want them. In addition, the sender would be required to pay administrative costs to the post office for the return of the unsolicited material.

To achieve the maximum results from such legislation, I am sure that parent-teacher organizations and other civic groups would be only too happy to encourage and coordinate a campaign that would prompt the wholesale return of unsolicited mail to the senders. Once the profit is taken out of smut, the evil of pornography will die or destroy itself.

I ask that you give H.R. 13510 your utmost consideration in light of this worsening problem. I also ask that this body strive for the ways and means of strengthening existing laws to curb the rising tide of pornography that is sweeping our Nation.

We can no longer afford complacency. Too much is at stake. The issue is clear and simple. It is the corruption of young Americans in increasing numbers. We owe them and their parents much more than we have given them.

EFFECTIVE STATE ACTION ON NARCOTICS HIGHLIGHTED IN RECENT BULLETIN

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, a great deal of attention is currently being focused on the Federal Government's attempts to crack down on the current levels of illegal drug smuggling into this country, primarily from Mexico. I have watched the fortunes of "Operation Intercept" and "Operation Cooperation" with interest—interest which rises from my concern with the increasingly serious drug abuse situation in our country today.

While the Federal Government naturally must and does carry a great portion of the responsibility for antismuggling efforts, I would like to cite the high degree of aid and cooperation which our State government in California has lent to the Federal and international efforts. Many State groups and agencies have played a role not only in the recent activities related to Federal border operations, but in the whole, continuing spectrum of activities designed to aid in law enforcement, education, treatment and rehabilitation related to drug abuse.

The narcotics problem is one of the most complex we have ever had to face and it demands more than single-purposed, myopic solutions; rather, we need a multisided approach that takes into account the myriad types of individuals who turn to drugs, the levels of use or addiction involved and the varying degree of potency contained in the great variety of drug substances.

Accordingly, individuals and groups in California are active on many fronts. The California Council on Criminal Justice circulates a most interesting and informative bulletin on anticrime activities, and I would like both to commend them for this service, under the chairmanship of California Attorney Thomas C. Lynch, and to bring some of the contents of their recent bulletin to the attention of my colleagues:

[From the California Council on Criminal Justice Bulletin, Oct. 15, 1969]

ACTION ON NARCOTICS

The Council's State and local Task Forces on Narcotics, Drug and Alcohol Abuse were alerted this month to the widespread impact of "Operation Intercept," now known as "Operation Cooperation", and other current efforts to control the drug problem.

Attorney General John N. Mitchell and Treasury Secretary David M. Kennedy issued a joint announcement from Washington on the goals of "Operation Intercept" which was described as a massive enforcement program to cut off the flow of narcotics, marijuana and dangerous drugs into the United States from Mexico.

Governor Reagan pledged "full support" for the federal drug blockade which he said would help put an end to the epidemic of narcotics and drug abuse in California.

"Most officials estimate that as much as 80 percent of the narcotics and dangerous drugs that flow into this country are smuggled across the Mexican border," he told a press conference in Sacramento. In the past eight years, he said, the volume of marijuana, narcotics and dangerous drugs have increased 300 percent among adults, and more than 2,000 percent among young adults.

The California Delinquency Prevention Commission reports the narcotics problem is costing the nation in excess of $3 billion each year. Added to this, says the Commission, is the "loss to society of productive human beings." A report issued by the Commission earlier this year emphasized the difficulties in controlling narcotics smuggling from Mexico. It was pointed out that more than 22 million persons cross the border from California into Mexico each year.

The newly announced "Operation Cooperation" continues the earlier mission of "Operation Intercept" to reduce the flow of narcotics into the U.S. The main difference between the program will be the involved strategy. Operation Cooperation will result in the lessening of the number and extent of border inspections with a reciprocal increase in enforcement by Mexican officials.

The Commission of the Californias, which brings together representatives of both the State of California and the border cities of the State of Baja, endeavored to find a cooperative approach to the problem. The Commission was created to strengthen the existing bonds of friendship between the United States and Mexico, and to foster economic and cultural ties.

TESTIMONY IN WASHINGTON

Attorney General Mitchell, testifying before the Dodd Committeee in behalf of the administration's proposed "Controlled Dangerous Substances Act of 1969", stressed that prison is not the only alternative in dealing with drug offenders. "In some cases, it may be advisable to use Federal rehabilitation programs, halfway houses and private medical treatment while on probation and parole," he told the lawmakers.

State Attorney General Thomas C. Lynch, chairman of the California Council on Criminal Justice, voiced concern at a Senate Juvenile Delinquency subcommittee hearing in Washington, D.C., that a crackdown on marijuana would lead to increased use of dangerous drugs. "As the sources of marijuana continue to be cut off and prices rise, the abuse of dangerous drugs will rise accordingly—this is the history in California in this decade," he told the lawmakers.

The Attorney General pointed out that California law enforcement agencies booked 29,947 juveniles and 64,639 adults on drug offenses during 1968 and that the figures are running even higher this year. "Dangerous drug arrests have doubled and marijuana has increased, but at a slower rate," he said.

ACTION AT STATE LEVEL

Major steps have been taken during the past year by Governor Reagan, assisted by the Office of the Lieutenant Governor, to develop solutions to the drug abuse problem—emphasizing help from private and volunteer segments of the community.

Action was initiated in mid-1968 with the California Parent-Teachers Association, California Medical Association and California Peace Officers Association to encourage formation of drug abuse committees on junior and senior high school campuses.

An Interagency Council on Drug Abuse was formed last October through cooperative efforts of the Governor's Office and the California Medical Association. Dr. Edward R. Bloomquist of Glendale was named chairman of the group.

Goal of the Interagency Council is to bring together all agencies of government and concerned citizens in a coordinated attack on the drug problem. The group includes doctors, lawyers, judges, law enforcement and correctional officers, educators, public health officers, student representatives, State and local lawmakers and others. Statewide Task Forces were formed in the fields of research, education, legislation and government, treatment, and administration of justice.

First action was a mass media public education program started in June of this year to reduce the information vacuum about the effects of dangerous drugs with informational material that is direct, accurate and medically sound, Reagan said. More than 55 business firms, associations and foundations have contributed funds to sustain the public education campaign, and Jack Webb and other celebrities have contributed their talent to the drive. Pledges of support were received from the California Newspaper Publishers Association, California Broadcasters Association, Southern California Broadcasters Association and the California Outdoor Advertising Association.

The California Medical Association and California Blue Shield cooperated with the Interagency Council on Drug Abuse in publishing two new pamphlets which are currently being distributed to inform the public on the hazards of drug abuse. They are "Drug Abuse: The Chemical Cop-Out" and "Damaging Effects of Drug Abuse." Both pamphlets are available by writing to the Drug Abuse Information Center at 693 Sutter Street, San Francisco, California.

NARCOTICS WORKSHOP

A "Workshop for College Deans and Campus Security Officials" relating to the drug abuse problem will be held March 17–20 in San Francisco, sponsored by the Bureau of Narcotics and Dangerous Drugs, U.S. Department of Justice.

The workshop will include instruction in Federal laws dealing with narcotics and dangerous drugs; drug identification; use and abuse of narcotic, stimulant, depressant and hallucinogenic drugs; Supreme Court decisions on drugs and narcotics; search and seizure laws, and other topics.

Enrollment will be open to college deans, security personnel and certain other officials concerned with the problems of drug abuse and control on the campus.

The Juvenile Delinquency Act further provides that States submitting a comprehensive plan are eligible to receive block grants to fund sub-grants to local units of government. These include allocations for rehabilitative and preventive services, and technical assistance, to be administered by the Council. Under the act, rehabilitative programs will be 60 percent federally funded, and 20 percent each from State and local government. Preventive programs, which will constitute a major portion of the juvenile delinquency allocations, will be 75 percent federally funded, with State and local contributions of 12½ percent each.

Until further notice applicants seeking funds for experimental or research programs should apply directly to the Department of Health, Education and Welfare, since allocations in these areas are not presently contained within the block grant concept. In this connection, planning for projects or programs may be financed with 90 percent federal funds. Applications for improving training, techniques and practices have no specific matching requirement and may receive 100 percent federal financing if approved by the HEW director. A copy of all applications sent directly to HEW for juvenile delinquency monies must be forwarded to the CCCJ for review and comment.

WORKSHOP PROCEEDINGS

A new "Plan for Action" publication of the Council entitled "Santa Barbara Workshop" is being distributed. The 362-page volume contains proceedings of the Criminal Justice Workshop, held May 25–29 at UC Santa Barbara. A limited number are available from General Services, Documents Section, Post Office Box 20191, Sacramento, California 95820. All orders for the "Santa Barbara Workshop" publication must be accompanied by a check or money order payable to the State of California. Price for a single volume is $5.25, including sales tax and cost of mailing.

The Workshop presented outstanding speakers in the field of criminal justice program planning, budgeting and evaluation.

VETERANS DAY

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MESKILL. Mr. Speaker, it is a pleasure and an honor to pay tribute to all the loyal and patriotic veterans in our country who originally were brought together by this Government to wage war in the defense of freedom.

Within the many veterans' organizations, several million American survivors of this century's four major wars are banded together to continue their former military association along constructive civilian lines.

With their distaff auxiliaries they are a potent force for good. They are concerned citizens alert to the demands of citizenship and responsive to those demands. They are bolstered in their work by an unshakable faith in God and country, the kind of faith which enabled the Founding Fathers to create a self-governing Nation.

That same spirit, and that same faith, are needed today to perpetuate and enlarge upon that which the Founding Fathers and all of our forebears insured for us by their personal sacrifice and their love of country.

It was from that spirit of unity and service for America that veterans took the strength and the courage to accept the Spartan life of the Armed Forces, to turn back the ambitions of power-mad dictators and totalitarian governments, to preserve the freedoms, not only of Americans, but of America's free-world allies.

It is in that spirit that our men and women serve today in Vietnam.

Even as man has reached the moon and continues to reach for the stars, we recognize the need here on earth for the veteran's sense of unity of purpose, of dedicated service, of love of country, and faith in God, to help us find the answers to our more mundane problems of crime in the streets, riots that rock our major cities and campuses, and the poverty, illiteracy, and despair which hold sizable segments of our population in bondage.

One of the more important and vital roles that veterans' organizations can and do play is in the field of legislation before Congress. Time and again, different veterans' groups have acted as well-organized and equally well-informed bodies acting in an advisory capacity to Congress.

I believe such organizations of veterans are beneficial because they help to bring to the attention of the Nation's lawmakers needed legislation, improvements and revisions in programs already in effect, as well as measures under consideration.

A good example of this was the bill to increase compensation for disabled veterans due to the rising cost of living, which passed Congress during the last session and was strongly supported by veterans' organizations.

I further believe these veterans' groups to be necessary because they voice their opposition to legislation and proposals which may be unjust or biased.

Exemplifying this is the veterans' stand against the bill to grant, regardless of need, a general pension to every veteran who served in World War I for at least 90 days.

We can be proud of our veterans. They represent everything that is good and fair in our democracy. Their lofty principles and constructive action are needed more than ever before. Let us pray that there are no more wars, but let us hope that there is always a majority of Americans who conduct themselves as our veterans do.

Veterans Day is a time to commemorate the dedication of American servicemen. Veterans Day is a time to take note of the bravery which our GI's have displayed. It is therefore fitting that Congress commemorate the American serviceman who has given his life or has been wounded in the Vietnam conflict. It is fitting that the House of Representatives honor each serviceman and Vietnam veteran for his individual sacrifice, bravery, dedication, initiative, and devotion to duty.

For this reason, I am cosponsoring a resolution in Congress to do just this. Only by letting our veterans know that we are proud of them can we hope to sustain and protect the democracy for which the American serviceman has fought and died.

We should not permit the efforts and sacrifices of our servicemen in Vietnam to be clouded or obscured by the debate in America today over the future course of the war. Whatever Americans may personally think about the rightness or wrongness of our involvement, they should understand that the GI is fighting in Vietnam out of a sense of duty to his Nation and its people.

It does not make it any easier for the serviceman in Vietnam to risk his life for a war that is politically unpopular back home. This kind of sacrifice takes unusual devotion, and it is the kind of devotion to America of which we as a Nation can be proud.

SENATE—*Thursday, November 13, 1969*

The Senate met at 9:45 o'clock a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, King of Kings and Lord of Lords, from whom proceedeth all power, and whose kingdom is everlasting, we beseech Thee to look with favor upon all who serve in the Government of this Nation. Imbue them with the spirit of wisdom, goodness, and truth, and so rule their hearts and bless their endeavors that justice and peace may everywhere prevail. Preserve us from public calamities, from conspiracy, rebellion, and violence. Amid the turbulence and uncertainty of these days give both poise and peace to the Members of this body. Help us to translate our dreams into deeds. Make us strong and great in the fear of God and in the love of righteousness, so that being blessed of Thee, we may become a blessing to all nations, to the praise and glory of Thy name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 13, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. SCOTT. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 12, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, it is my understanding that, under a previous order, the distinguished senior Senator from New York (Mr. JAVITS) is to be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Pursuant to the order of yesterday, the able Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WESTERN EUROPE AND JAPAN: TRADE WAR OR TRADE PEACE

Mr. JAVITS. Mr. President, I speak today because early next week the Prime Minister of Japan, Mr. Sato, will be here on a very important mission having to do with future trade, and because we have just had a report from the President relating to trade with Latin America that made some very historic proposals.

I have just been to the North Atlantic Assembly meeting as chairman of its Political Committee where the question of the access of U.S. products to the Common Market has met with very great resistance. So we are heading up to what may very well be an historic test in respect to the trade policy of the United States.

I have, therefore, felt that this was the moment to make some recommendations and propose some ideas in this field with which for some two decades I have been very intensely occupied.

In our foreign relations, public attention and public debate continue to focus on Vietnam. Unfortunately, only an unusual event brings our relations with Europe, Japan, Latin America, or the other countries of the free world to the front pages of our press. We pay a dear price for this practice of concentrating so much attention and so much effort on a divided country of 17 million people to the at least partial neglect of a world of 3½ billion people. For, this results in a tendency to overlook the fact that the very economic premises that have governed our relationships with other industrialized countries of the world are changing before our eyes.

A basic premise of our foreign economic policy during the 1960's was to work for the integration of Europe through the expansion of the European Common Market to include the United Kingdom and the other countries of the Outer Seven—which we still desire. The 1960's, through the Kennedy round, also moved the United States forward on the road of trade liberalization. And we also maintain a sustained commitment to foreign economic assistance for national security and moral reasons.

But while the United States was fighting in Vietnam, events in Europe and Japan have altered the economic foundations of this policy. Some American policymakers are now pondering the question of whether expansion of the EEC is indeed in the U.S. national interest. And looking across the Pacific, the forthcoming visit of Prime Minister Sato will highlight our growing economic problems with Japan.

As the 1960's marched by, two fundamental structural changes have taken place.

First, the United States lost its trade surplus, and became a deficit nation with an overall balance-of-payments deficit running to an order of magnitude of $4 billion annually. This year, this deficit was held to this level only because of the unusually heavy influx of capital to take advantage of high U.S. interest rates—a condition that is temporary. It thus can be said the $4 billion figure understates rather than overstates the seriousness of our position; and a deficit in the U.S. balance-of-payments position of up to $10 billion annually is being freely forecast.

As the United States has moved from a surplus to a deficit position—and this movement is another legacy of the Vietnam war—support for liberal trade and aid policies was eroded. A nation, like a household, has less freedom of action and can be less liberal as the bank account—the surplus—is drawn down. The second car becomes a luxury that can no longer easily be afforded—and this second car as we all know frequently bears a Japanese or West German trademark. In a deficit situation, aid programs also are increasingly viewed as expendable expenditures, and the expansion of our gross national product is now being matched by our shrinking outlays for foreign economic assistance to the developing nations of the world. We rank not first but eighth in the list of industrialized countries granting aid—in terms of development assistance as a percentage of GNP.

The shrinkage in the trade surplus is also directly connected with the growth of protectionist pressures in the United States. This pressure has grown to the point that the Emergency Committee for American Trade has warned:

> This year 1969 could be remembered—like the year 1929—as the date that a trade war began—the second of the 20th century. The first shot in a new trade war might be fired at any moment—here in the United States or in France or in Great Britain—in any country where new restrictions on imports are imposed.

It is clear that the troops for such a trade war have been mobilized. Over 70 Senators recently sent a petition to the President requesting action against rising shoe imports. If the forthcoming negotiations with Japan do not bear fruit, the trade war may open—a trade war that would be declared by the Congress. The omens are clear. I refer in particular to S. 2885—a bill to establish an "orderly trade" in textiles and in leather footwear—a quotas bill. That textiles may become the battleground will particularly distress our European and Japanese friends since they are convinced that a sound economic case for a comprehensive, bilateral agreement establishing quotas has not been made.

This brings me to the second major change that has occurred.

Second. In the same time span that

the United States was moving into a deficit position, the economic policies of the Common Market have become more protectionist and those of Japan have not moved toward the liberalization which logically could be expected. As a result, these nations must bear partial responsibility for the mobilization of protectionist forces within the United States.

I regret that the European Common Market is increasingly taking on the appearance of a narrow, inward-looking protectionist bloc whose trade policies as they affect agricultural as well as industrial products increasingly discriminate against nonmembers.

The Europeans know well the concern existing in the United States and among American exporters over the system of border tax adjustments. The use of these border tax adjustments, which combine a tax on imports and a tax rebate system for exports, erects barriers to trade which work to the disadvantage of U.S. exporters.

Other examples of potentially restrictive arrangements include the French, British, and West German move toward the establishment of a system of common standards for electrical components that could serve to restrict trade, and the highly restrictive European textile import quota system which has the net effect of channeling increased textile flows to U.S. shores. More open European government procurement procedures are also very much in order since the present system has the effect of excluding competitive bidding by the United States and other suppliers.

These trade policies in the industrial field, which are moves toward protectionism, are serious, but the implications of the EEC's common agricultural policies, CAP, are overwhelming. If pursued, the CAP's policies of high agricultural support prices combined with no limitations on production could score a knockout punch not only to the world agricultural market structure, as we presently know it, but also to the possibility of the United States continuing the liberal trade policies that this Nation has pursued over the past 25 years. Western Europe should know from a friend that the CAP as it is presently constituted runs the risk of alienating the U.S. farm bloc which traditionally has had a liberalizing effect on U.S. trade policy. Such alienation of support could be decisive.

Dr. Harold B. Malmgren, formerly of the White House's Trade Office, in a recent widely publicized speech, eloquently outlined the case against this common agricultural policy of the EEC. His words are worth recalling:

> Defenders of the Common Agricultural Policy have sometimes argued that the level of exports from the U.S. and other countries would continue to rise, in spite of the system. They believed internal demand would continue to grow fast enough to offset the damaging effects of the import levies. Until 1965–66 this did in fact happen. But subsequently, after the full system fell into place for many products, there has been a reversal. In the last three years, U.S. farm exports to the EEC have fallen nearly 20 percent. The items subject to the variable import levy system amounted to $736,000,000 in 1965–66; in 1968–69 they were $441,000,000. They fell, in other words, nearly 40 percent.
>
> This is not the whole picture, however. While increasing its import protection, the EEC has simultaneously been raising its level of domestic farm production. This has resulted in increasing need to unload surpluses in world markets at heavily subsidized, distress prices. Export subsidization has been used more and more aggressively, in a wide range of products, including poultry, lard, dairy products, barley and now wheat. Thus the workings of the Common Agricultural Policy have resulted in reduced imports, increased production, and artificially assisted exportation. Obviously, this means increased competition for other exporters in remaining markets and a downward pressure on world prices.
>
> These developments would be harmful enough by themselves. But there is likelihood that the practice will spread.

The CAP policies strangely have not even benefited Europe. Dr. Malmgren notes:

> It may surprise you, but the total costs to the six member countries of the Common Agricultural Policy run about 14 to 15 billion U.S. dollars annually. About $8-billion dollars of this is accounted for by government spending and $6- to $7-billion is accounted for by costs to consumers resulting from artificially high prices. At this juncture with farm surpluses building up rapidly, and the costs skyrocketing, you would think that the European Commission would admit that the system has not worked well, and must be restructured.

I join in Dr. Malmgren's warning that these developments are not only harmful enough by themselves, but that there is the clear and present danger that the practice will spread. It is also clear that U.S. policymakers will consider the evolving nature of the Common Market, as they develop the U.S. posture toward moves presently underway to enlarge the EEC. The question must be posed of whether U.S. policymakers might indeed not be compelled by U.S. sentiment to shift their support away from enlargement of the EEC if the economic price in terms of U.S. trade particularly in the field of agriculture were too high.

Turning to another facet of EEC-trade policy, it is regrettable that just as a major diplomatic effort was underway to negotiate a system whereby all industrialized countries of the free world would agree to grant generalized, nonreciprocal, nondiscriminatory tariff preferences to the products of all developing countries, the EEC opened negotiations with Spain pointing toward the establishment of another comprehensive bilateral preferential trade agreement. Recent preferential trade agreements negotiated or renegotiated by the EEC include the Yaounde agreement, the agreement with the East African communities, and an agreement with Tunisia and Morocco. Most of these agreements cover a wide range of products—agricultural and industrial—and the Yaounde agreement even extends reverse preferences to EEC products in African markets. Yaounde contains the carrot of $918 million in developmental assistance over the life of the agreement. In my opinion, all these agreements are inward looking and benefit only the ingroup to the exclusion of other developing and developed states. It also seems clear that they tend to erode the General Agreement on Tariffs and Trade and the principle of most-favored-nation treatment. It is also clear that these discriminatory agreements do not strengthen liberal trade forces in the United States.

In light of these facts, President Nixon's statement on preferences made when Governor Rockefeller's report on Latin America was released is a logical sequence. The President said:

> If the type of international agreement proposed by the United States could not be negotiated within a reasonable time, then the United States will be prepared to consider other alternative actions it can take to assure that the American nations will have preferential access to the U.S. market.

The significance of this proposal cannot be overestimated. It moves the world one step further away from the principle of most-favored-nation treatment in trade and toward the further proliferation of regional trading groups; and once the United States steps down this road, the process will be difficult to reverse. Such a development will have profound implications in the political sphere also. World policymakers should now carefully pause and look ahead into the future and decide what path they should follow and consider what shape they wish the world to take for the remainder of this decade. I would greatly prefer our following the path whereby all the industrial nations of the world grant nonreciprocal, nondiscriminatory generalized trade preferences to the developing world. This clearly is also the wish of the developing world including Latin America as the UNCTAD conferences and the Consensus of Vina del Mar have made abundantly clear.

Again, looking across the Pacific, I must observe the apparent double standard which has resulted in a Japanese trade surplus in relation to the United States of more than a billion dollars annually for 2 years running. I must point out that trade is a two-way street, and that continuance of such a billion-dollar surplus is unsustainable—both politically and economically. This is particularly true since more than any other nation in the free world, Japan has erected the most severe nontariff barriers to goods and capital. Since the war, our corporations have actively promoted U.S. sales in the Japanese market, but have been faced with continued and, in my view, increasingly unjustified trade and investment barriers. For example, while even Japanese tariff schedules are relatively high and restrictive—particularly on luxury items, chemicals and machinery—the greatest discrimination continues to be the non-tariff regulations imposed or perpetuated by the Japanese Government. The more substantive of these barriers to free trade include: First, quantitative import controls, many of which are on agricultural products; second, restrictive licensing requirements; third, sizable commodity taxes on automobiles and liquor which affect imports more severely than domestic production; fourth, a prior import deposit requirement of 1 percent or 5 percent which can be disastrous to the importer when credit is tight or profits are slim; and fifth, a widespread system of state trading. In the investment area, U.S. investment in many fields is either prohibited or severely restricted. The impact of these restrictions varies according to the products and the barriers they face, but all contribute substantially to Japan's growing trade advantage over the United States. Unfortunately, liberalization moves have taken place at a very slow pace and have not been significant. I think we have reached the point where the alternatives are clear: Japan needs to liberalize trade and investment or Japan will increasingly encounter such restrictions in foreign markets as Japan has erected to insulate its own market.

Fortunately, the international trade slate is not totally black and measures can still be taken before full and irrevocable mobilization of protectionist forces is ordered.

I applaud not only the words but also the actions of Chancellor Willy Brandt in the short time he has been in office. No one can question the Chancellor's words that by the reevaluation of the West German mark "we have made a major contribution in the foreign trade sector toward further liberalization of world trade and toward stabilizing the international monetary system." No one can fail to admire the political courageousness of the decision to reduce West German agricultural support prices by 9.3 percent and the institution of a direct farm subsidy system. This contrasts with the community's inability to adjust European agricultural prices when the franc was devalued.

Chancellor Brandt's statements on trade also indicate that West Germany has indeed come of age.

He stated:

> The world can expect of an economically strong country such as ours a liberal foreign trade policy designed to promote the trade of all countries. We contribute toward this end by our policy and by our participation in all organizations dealing with world trade. We tend to promote our trade with the developing countries and here I mention but the universal preferences for commodities from the developing countries.

Finally, I applaud the statement that the enlargement of the European community must come and the movement toward this end at the recent EEC Foreign Ministers' meeting in Brussels. Chancellor Brandt stated:

> The Community needs Great Britain as much as other applicant countries. In the chorus of European voices, the voice of Britain must not be missing, unless Europe wants to inflict harm on herself.

I urge the countries of the Common Market to take cognizance of the new fresh winds blowing from West Germany. I ask that these countries ponder the possible grim alternatives to the liberal trade policies proposed by Chancellor Brandt.

Regarding Japan, there is evidence that pressures within Japan for trade and investment liberalization are growing. There is hope that mutually satisfactory arrangements—whose elements may well include Japanese trade and investment policy and U.S. policy toward Okinawa—will emerge from the forthcoming visit of Prime Minister Sato.

I find it encouraging that the Japanese are apparently willing to negotiate a limited, selective understanding governing their textile exports to the United States. I do not feel that the economic facts justify the United States pressing for a comprehensive, bilateral agreement at this time. Such a posture would make agreement difficult, would have unfavorable political repercussions in Japan and could even affect Japan's relationship with friendly Asian nations—such as South Korea, Taiwan, and Hong Kong—which are also textile exporting nations; and possibly could encourage Japan and Western Europe to take additional restrictive steps against our exports.

This brings me to the issue of the change in the status of Okinawa which will be discussed during Prime Minister Sato's visit to the United States next week. The Senate has just passed a resolution which I opposed which held that "it is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in article III of the Treaty of Peace with Japan shall not take effect without the advice and consent of the Senate."

I opposed this resolution since I felt that its rationale was not protection of the Senate's prerogatives in the area of foreign affairs but rather an effort that could prove embarrassing to both Governments to derail an agreement with Japan.

I view it of high importance that the change in the status of Okinawa should not only take into account defense considerations, but also should be accompanied by Japanese trade and investment liberalization. In this way, the negotiations over Okinawa would be creative leading to a greater two-way flow of trade and investment. In my opinion, it would be a serious mistake to use the forthcoming bargaining over the change in status of Okinawa to press Japan unilaterally to impose comprehensive quotas on its textile exports to the United States. Regarding our textile problem, let the United States, Japan and other interested nations rather sit down in Geneva under the rules of the GATT and negotiate a fair and just multilateral agreement—fair and just to our textile industry as well as to exporting nations.

It is against this background that the foreign economic policy of the United States is being formulated. As indicated earlier, President Nixon has now made clear the alternative to OECD acceptance of a generalized system of tariff preferences for the developing countries. The negotiating authority of the Trade Expansion Act has expired, and the full tariff cuts won in the Kennedy round will have been implemented by January 1, 1972. It is likely that the trade bill the administration will send to the Congress in the near future will not be more than a holding action—meaning that it will not request the authority to engage in negotiations leading to additional tariff reductions. The bill is likely to contain proposals for liberalizing escape clause procedures which are necessary and may request negotiating authority in respect to nontariff barriers. I am concerned that liaison between the executive and legislative branches on these crucial trade questions are not yet close enough and that we are not yet working in concert.

In the near future, the Joint Economic Committee will open crucial hearings on U.S. trade, aid, and investment policies which will have an important molding effect on any trade legislation which is likely to emerge in the early 1970's. The hearings of the Joint Economic Committee played a similar role during the early 1960's before the Trade Expansion Act was introduced. Presidential task forces on trade and aid will also be working and making their recommendations early next year. It is fair to say that the economic and trade policies of Europe and Japan will help determine the eventual shape of our policies. They will also help determine the actions of the 91st Congress in the months ahead.

Finally, I would like again to turn to the words of Donald M. Kendall, distinguished business leader and chairman of the Emergency Committee for American Trade, when he said in January of this year:

> What the world needs now is trade peace, not trade war.

It remains for all parties to construct such a trade peace—particularly when the omens seem to be pointing in the other direction. I also believe that if indeed the first shots of a trade war already have been fired, they were not fired by the United States. The opening salvos perhaps are represented by the Japanese billion-dollar trade surplus for 2 years running and the movement of the European Common Market toward protectionism. The time is short before American defensive actions accelerate. To Europe and Japan I say in effect: "It is your choice."

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I commend the Senator from New York for his comments. He has long been an exponent of freer trade, a policy supported by every administration we have had in Washington since the days of the Smoot-Hawley tariffs. We saw the calamitous consequences of that high tariff policy which shut off the United States from world markets and kept all countries from having the economic benefits that freer trade offers.

I would like to indicate that I related the very spirit and words of the distinguished Senator's message, in company with Ambassador Armin Meyer, to Mr. Aichi, Foreign Minister of Japan, before he left for the Soviet Union. I tried to point out to him that Japan no longer can claim it is a developing nation. It no longer needs protection on imports. Rather it is now a powerful economic force. It has broad markets throughout the world. It has a huge balance-of-payments surplus and it must now respond as a developed nation rather than as a developing nation. It cannot expect to export steel to the United States and then limit imports going into Japan which have steel in them, such as refrigerators, automobiles, or whatever they may be.

They must recognize that if a trade war starts, they would be the country most severely penalized because every country would retaliate against Japan, just as the European Economic Community cannot expect to impose tariffs on soybeans and not expect retaliation.

Mr. President, I congratulate the Senator on his message urging peaceful trade relations rather than a trade war, and attempting to lay a foundation for those trade relations.

Mr. JAVITS. Mr. President, I am grateful to the Senator, and I thank him for his endorsement. His comments are most gratifying.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the previous order the Senator from South Carolina is recognized for 30 minutes.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may proceed for 10 additional minutes, if I need the time.

The PRESIDING OFFICER. Is there objection?

Mr. YOUNG of Ohio. Mr. President, reserving the right to object, and I shall not object, I shall have the honor of presiding over the Senate from 11 a.m. until 12 o'clock noon. I desire to have not more than 5 minutes before that time to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

THE MORATORIUM AND THE INTERNATIONAL COMMUNIST MOVEMENT

Mr. THURMOND. Mr. President, thousands of American citizens are gathering here for the so-called Vietnam moratorium scheduled to climax on Saturday. They are coming here, in the words of their slogan, "to work for peace." Doubtless, many of the people coming here believe that these demonstrations are the best way to work for peace. Such people are unaware that they are being mobilized by the strategy of the international Communist movement for the immediate political purposes of that movement.

Many of my colleagues have discussed on this floor and on the floor of the House the documented account of Communist and radical infiltration of the New Mobilization Committee. This documentation is on the record, and I see no need to repeat it at this time.

The U.S. Attorney General has voiced his opinion on this subject, and I quote the UPI story:

> Attorney General John N. Mitchell says some of the promoters of the November 15 Vietnam War Moratorium are avowed members of the Communist party and "hard-core militants whose sole interest is the destruction of this country."
>
> Mitchell said at a news conference yesterday that intelligence gathered by the Justice Department indicates persons outside the United States are aiding and abetting the effort.
>
> "Some of that leadership do not have the best interests of our country in mind," he said.
>
> Mitchell acknowledged that many participants in the anti-war protest planning are well-intentioned persons.

Anyone who wishes to learn the truth of the domestic Communist involvement can do so if he has the good intention and the will to do so.

Unfortunately, what is not understood is the way this mobilization is integrated into the worldwide activities of the Communist movement and the dominant role still played by Moscow.

We must recognize that times have changed and our understanding of the Communist movement must change with the times. In my view, the Communists are doing a good job of adapting to changed conditions so that their movement can have a more powerful effect and be much more solidly established throughout the world.

What the average participant fails to understand is the way in which this mobilization is integrated into the worldwide activities of the international Communist movement. While the attention of the United States is focused on Washington, the Communist play out their strategy all around the globe. U.S. Communists take roles in these international operations, and return home to direct or influence propaganda activities here.

The keystone of these international activities was the World Conference of Communist and Workers' Parties held in Moscow last June. This meeting deserves close scrutiny, since it laid down Communist policy for their followers all over the world. It was an entirely new event. No such meeting had ever taken place before. It is the modern substitute for the old Comintern, or Communist International, providing central coordination and direction. Those who think that the Communist movement lacks unity need to take these meetings seriously. I do not have the time to go into a full study of the meeting, but I have studied the speech of Gus Hall, general secretary of the Communist Party U.S.A.

Gus Hall was made general secretary in 1960. This date coincides with the opening of the new assault by the Communists to infiltrate and manipulate the youth movement in the United States. Today we are witnessing the fruit of Gus Hall's efforts. Although some choose to treat the Moscow-controlled Communist Party as a group of tired old men, no longer radical enough to appeal to youth, Gus Hall knows different. He was a young Communist himself in the thirties. He knows how the discipline of the Moscow Communists outlasts the emotional radicalism of some revolutionaries. He knows how to direct and control the wild excesses of those who claim to be "to the left" of the CPUSA. His speech at the world conference in June laid down the line which even those who profess to be independent are following.

Before I go into detailed analysis of this speech, I would like to cite just one example. The Black Panthers are supposed to be a violent revolutionary group out of harmony with the supposedly stodgy doctrine of the Moscow Communists. Yet the Black Panthers have their little role to play in the Moscow-directed drama.

A short while ago, a number of Senators discussed on the floor of the Senate the activities of William Kunstler, attorney for Dave Dellinger and the "conspiracy 8," in negotiating with Hanoi to get information about Americans held as prisoners of war by North Korea. Kunstler returned from Paris and reported that American relatives would have to work with the Communist-dominated New Mobilization Committee—the very committee organizing the current mobilization—to obtain information about their loved ones.

This was shocking enough. However, few even now realize that the same group of individuals—Kunstler, Dellinger, and representatives of the Hanoi regime—are also trying to engineer a so-called "exchange of prisoners." Their idea of such an exchange is to trade Americans held in Hanoi for Black Panthers held in American jails for such common crimes as murder, incitement to riot, and assault. Whether or not such a "prisoner exchange" could be arranged is beside the point. From the perspective of propaganda, such efforts seek to place guerrilla warfare in Vietnam in the same category as guerrilla warfare in the United States.

In other words, those who become entangled in such byplay are actually drawn into supporting those in the United States who advocate the violent overthrow of the Government of the United States.

In the same way, the multiple goals of the international Communist movement are too complex to be studied in isolation. Thus thousands of people are being "mobilized" with little understanding of the ultimate ends they serve.

Such people think that they can promote their own activities without reference to the backdrop of the world around them. They think that a narrow-minded interest in "peace" will actually serve to establish harmony and friendship between nations.

Modern propaganda no longer seeks to change the minds of the people upon which the propaganda is designed to have influence. The object of propaganda is to move people toward precontrived goals without those affected realizing that they are moving toward those goals. This is a key element in the Communist strategy today. Instead of trying to convert millions of people to Marxist-Leninist ideology, the Communists seek to mobilize the people toward the specific goals of the current strategy rather than to the long-range doctrines of the classic revolutionists.

The so-called peace demonstrations being organized here this week fit into the pattern of propaganda designed to mobilize masses of people. The Vietnam war is only one element of a program of total conflict carried on at all levels between the Communist system and the free world. The Communist strategy of war has moved beyond fighting on the battlefield. Such fighting is only one tool, one weapon, in the Communist assault. In addition to the war in Vietnam, one must consider the relationship between the Soviet Union and the United States, the changed balance of strategic nuclear power, the rising tide of Soviet naval strength, the Soviet program of wars of liberation in many areas of the world, including the Middle East. These goals were articulated at the World Conference of Communist and Worker's Parties held in Moscow last June.

The goals of the Moscow conference were summarized in an official lengthy document containing nine points approved by the delegates. I will mention each of these briefly:

First. The Communists called for united action to support the heroic Vietnamese people and welcomed the formation of the Revolutionary Provisional Government of South Vietnam.

Second. They proclaimed that the main link of united action remains the antiwar struggle.

Third. They claimed that the defense of peace is inseparably linked up with compelling imperialists to accept peaceful coexistence.

Fourth. They called upon all delegates to intensify the struggle against militarism of all forms, especially against the so-called military-industrial complex of the United States.

Fifth. They demanded the seating of Communist China in the U.N. and the handing over of Taiwan to the Peking regime.

Sixth. They demanded the elimination of the vestiges of colonialism in South Africa, Mozambique, and similar areas.

Seventh. They called upon their members to step up the fight against the Fascist menace in Greece, Spain, Portugal, West Germany, and elsewhere.

Eighth. They called upon the delegates to be united against racialism.

Ninth. They called upon the delegates to defend and win the right of freedom of speech and to release those languished in jails.

This is the agenda of Communist agitators the world over. These issues are being exploited here in an attempt to weaken the power and influence of the United States. They are to be used as issues to split the people of the United States and the free world.

At least six of these goals are being exploited in the November Vietnam moratorium. The first four provide the theme for the Communist propaganda machine. By continuous attacks upon the Government of the United States, they seek to instill a notion that the United States is against peace and that the Government is dominated by warmongers and aggressors. Distinctions between ways of approaching peace are ignored. The key point is to polarize public opinion against the Government, not for the sake of the goal of peace, but to weaken the Government itself and to divide the people from confidence in their leaders.

Thus, those who have a genuine desire for peace and are not sympathetic with the Communist goal nevertheless are lending satisfaction to the momentum of this propaganda operation, whatever disclaimers they may put out in the midst of their activity. It simply is not possible to participate in this moratorium without assisting in the overall goals of the Communists. I think that the majority of American people think likewise. According to the Harris survey published yesterday, 62 percent of the sample interviewed agreed that the protesters are giving aid and comfort to the Communists. This is simply a matter of commonsense, especially when we study the background of the Communist operation.

Mr. President, the speech of Gus Hall at the Moscow conference is extremely important to understanding this background; ideally, it should be read in its entirety, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, however, my method here will be to cite statements of Hall, and then give a random example of how this "line" was pursued by Communists and radicals in their activities.

Hall dwelt upon struggles against imperialism by all activists, but especially praised those "in rebellion in the black community, in the nations' universities, in rank-and-file struggles in the shops and unions, and in the rising peace movement." He paid special tribute to soldiers and sailors involved in such struggles through their desertions, by becoming draft delinquents, in establishing numerous underground and open antiwar papers, and risking jail rather than entering military service.

It is no surprise that Gus Hall proclaimed the weakening of free world alliances like NATO and SEATO, and asserted that there even exists a challenge to the "U.S. military grip on Latin America." He advised his comrades that the United States and its military advisers were being driven—slowly but steadily—from foreign bases in one country after another, claiming as a contributing factor the relative strengthening of the Socialist camp in economic and military power, especially of the Soviet Union.

It was the aggressive and hostile policies of the Soviet Union following World War II that resulted in the North Atlantic Defense Pact, NATO. After the pact was signed in 1949, the Soviet Union made it a special target of a huge Moscow-directed movement which paraded under the name of "peace," but which was actually intended to weaken the defenses of the non-Communist world. Now, 20 years later, Gus Hall is able to boast of its success.

He saluted Cuba for having "lit the beacon light of socialism 90 miles from the shores of the center of world imperialism" and pledged support to North Korea and to the "people of the Middle East and Africa." Following the Moscow conference the Communist Party's Daily World, as well as the whole periphery of new left publications, initiated a campaign to recruit movement activists into the Venceremos Brigade to travel to Cuba in two separate contingents to demonstrate, actively and materially, their solidarity with the Cuban revolution by working in the 10-million-ton sugar harvest. Moreover, they cooperate with Radio Havana, Cuba, in promoting such ventures as an Havana-based essay contest to select 12 winners to be awarded a free trip to Cuba for the July 26, 1970, celebration. The essay topic is "What Is the Significance of the Cuban Revolution for Latin America?"

Simultaneously, activists openly support national liberation movements not only in Vietnam, but all over the world, including those in the Middle East and Africa.

Hall lashed out against capitalism generally, but stressed specifically monopolies in the United States and those in control of great wealth here. Following that line were more than 500 demonstrators carrying red banners, who snaked through the financial district of San Francisco in mid-September to picket outside the Fairmont Hotel, where the International Industrial Conference was being held. The evening's keynote speaker was David Rockefeller, a name representing capitalism, monopolies, and imperialism in the Communist Party view. Even the fact that his speech aimed at the necessity of closing the "income gap between the rich and the poor" failed to soften the demonstration.

Hall emphasized the importance of the struggle against fascism, anti-Semitism, and all forms of chauvinism. He explained that to raise the level of the anti-imperialist struggle it is most important to raise to a new level the struggle against racism in all its forms. Reflecting the message, Danny Rubin, newly appointed national organizational secretary of the Communist Party U.S.A., caused the following objectives to be published in the Daily World in mid-October:

> End imperialist aggression in Vietnam. End racism, anti-Semitism, chauvinism, fight repression of people's movements. End runaway prices and taxes. Fight for a Communist U.S.A.

I repeat the last sentence: "Fight for a Communist U.S.A."

On the same date a Daily World item described the difference between the black liberation movement which is applauded by the party, and racism and chauvinism; the difference between Jewish nationalism and Arab nationalism as applied to aims of the Communist movement based on the study of Lenin; nationalism in Asia, Africa, and Latin America. To understand these matters, party members were directed to selected "Collected Works by Lenin," and writings by Claude Lightfoot, Gus Hall, Henry Winston, W. E. B. Du Bois and others who have interpreted Communist policy over the years.

Last July the Black Panthers called a conference to form a united front to combat fascism, at which prominent Communist leader Herbert Aptheker was keynote speaker. He applauded the Black Panthers, stating they certainly do represent a decisive challenge to the internal security of the United States—if such security is identified with the interests of its present ruling class.

Notorious west coast Communist Party leader, Archie Brown, another conference speaker, noted that he was grateful to the organizers of the affair because it was about time somebody realized the need for a united front against reaction and racism. He added that the working class would lead the way to take over the Government and make it a government for the workers and for the people. He called for progress and socialism in this country.

Delegates representing many nations including the United States have attended numerous international Communist and Communist-backed conferences since the Moscow conference in early June. At the World Congress of Women, held in Helsinki in late June, Bettina Aptheker reported in the Communist press that Charlene Mitchell, secretary of the party's black liberation commission, explained to those assembled that racism was not incidental to the United States, but that "the oppression of black people is an integral part of U.S. capitalism." Therefore, she declared, "the struggle for peace must be waged with a simultaneous struggle against racism and in support of the movement for black liberation. This is true not only for the movement in the United States, but for the world movement."

The World Peace Assembly convened in East Berlin with approximately 40 persons serving as delegates of sundry U.S. "peace" organizations. Among them was Herbert Aptheker, and Jarvis Tyner, member of the Communist Party's national committee and national chairman of the party's youth arm, the W. E. B. Du Bois Club. Aptheker returned home to a position lecturing at fashionable Bryn Mawr College and in his spare time at the new antidraft school established by the Philadelphia resistance.

In early October a symposium on national liberation struggles was held at Alma Ata, Kazakhstan SSR, with Ismael Flory in attendance, representing the Afro-American Heritage Association. Flory, among others closely associated with the Communist Party, U.S.A., had attended the national antiwar convention in Cleveland last July 4–5, where plans for the present mobilization were laid by scores of top-level activists. At Alma Ata, in company with such notables as Leonid Brezhnev, General Secretary of the Communist Party of the Soviet Union, representatives from North Vietnam, and others from 50 countries including many from Asia, Africa, and Latin America, Flory outlined the mass struggles of the black liberation, peace, students, youth, and labor forces in the United States, and hailed the symposium for bringing together representatives of militant national liberation forces whose broad experiences may be drawn upon and become invaluable to the forces fighting for black liberation and peace in the United States.

The level of militancy in the black liberation field is, indeed, rising with plans for crippling whole cities by establishing "Solidarity Days" involving general strikes among all black people as a show of black unity. Calling for work stoppages is only a first step viewed by "Solidarity Day" leaders as a means for showing cities what black power can accomplish. Carlos Russell, presently an associate professor of urban studies, but who had previously worked in new left organizations and has traveled abroad to confer with representatives of North Vietnam, is among the leaders of this new movement.

During a conference in Algeria last July, Eldridge Cleaver, a self-imposed exiled Black Panther leader, told a journalist that he was then working on creating the "North American Liberation Front." In September, Cleaver traveled to North Korea to attend the international conference of anti-imperialist journalists. During that affair three U.S. Black Panthers sent fraternal greetings stating their support for the struggle for the unification and liberation of Korea and the expulsion of U.S. imperialism. North Koreans replied with a message of solidarity and support for the Panthers. One apparent result of Cleaver's presence in North Korea is his message that the enemy in North Vietnam is interested in an exchange of U.S. military prisoners for Black Panthers held in custody in this country. Moreover, it is suggested that Rennie Davis and David Dellinger, two of the defendants in the Chicago Eight trial, along with the presently imprisoned Bobby Seale, national chairman of the Black Panther Party, act as the go-betweens in the proposed swap.

Mr. President, I ask unanimous consent that the article "Cleaver's Reported Seeking an Exchange of Black Panthers for U.S. Prisoners in Vietnam," published in the New York Times of October 22, 1969, and another article, published in the pro-Communist newspaper, the Guardian, of November 1, 1969, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, at the October Stockholm Conference on Vietnam, Irving Sarnoff and Ronald Young, American activists, were among representatives from 110 nations. The conference's international liaison committee laid plans for international action to coincide with antiwar action on the United States on November 15, such action to rise in intensity following that date until the goal is reached.

Indeed, a nationwide effort to expand the defense of "victims of reaction" has been initiated by the Communist Party, U.S.A., National Committee. Such defense would include help for Eldridge Cleaver and also for Robert Williams who had gone into exile to escape the law here. He returned to Detroit in September and now asserts that if he is extradited to North Carolina where he is wanted on an old kidnap charge, he will appeal for demonstrations at American embassies abroad.

Charlene Mitchell, mentioned earlier as attending the World Congress of Women, proposed a program approved by the CPUSA's National Committee to set up a special party committee on the issue of defense, involving support for an "ad hoc national emergency defense committee based on the broadest public appeal, participation in the building of local defense committees around specific cases, support for cases that have national significance and inclusion of the struggle against repression in all the party's political campaigns."

In October, Charlene Mitchell told a Chicago meeting sponsored by Ismael Flory's Afro-American Heritage Association that national focus should be the defense of the Black Panther Party and its leadership, adding that they are "drawing closer to Marxism-Leninism." Like Flory in Alma Ata, she also developed the need to link up the "struggles around the world and Vietnam with the fight for democratic rights here at home."

The Communist Party, U.S.A., is establishing new Marxist-Leninist training schools, one example being the Center for Marxist Education in New York City. A course on black liberation is being taught by Jarvis Tyner; Marxist theory of the state and evolution is headed by Charlene Mitchell; Victor Perlo will teach U.S. monopoly capitalism; and Eleanor Leacock will guide students on the subject of women's suppression and women's liberation. Many other courses too numerous to mention are also included.

No secret was made of the fact that Arnold Johnson, Communist Party U.S.A. National Committee member, attended the national antiwar convention in Cleveland last July and remained on the steering committee of the New Mobilization to End the War in Vietnam, the new name for the older mobilization committees, to guide demonstrations for the fall offensive.

Following the October 15 moratorium day demonstrations, Gus Hall hailed the occasion, declaring: "America has never seen anything like this."

He said it was "the most magnificent demonstration of pro-peace and anti-imperialist sentiment in the history of our country."

The Daily World called for moratorium day to "become an avalanche of antiwar, anti-imperialist sentiment descending on Washington and San Francisco, November 15."

A new Marxist-Leninist youth organization is in the making with the call issued in September by the temporary organizing committee for a founding convention in Chicago in late December. Spokesmen for the effort are Jarvis Tyner and Mike Zagarell, Communist Party secretary for youth affairs and Communist Party National Committee member. Zagarell said the need for the new organization arose out of the tremendous radicalization in the country. He believes new leftists generally are unable to deal with working class youth who must be brought into the movement. He stated there is a need for a separate Marxist youth organization which would have close fraternal ties with the Communist Party, and would work with other young people's organizations in a united front.

Finally, Gus Hall summed up the present situation speaking in Cleveland on October 10:

> The qualitative lead in social progress is now on the order of the day; its time has come. The process of life will give birth to it. That is what the turmoil is all about. It is a fundamental change in the basic nature of systems. It is a transition to a new way of life. In a sense the revolt is against everything related to man's exploitation of man. This is not a transition to a new form of exploitation, but to a system that ends all forms of exploitation. This is mankind's greatest leap.

Mr. President, these are just some examples which show the way in which the Communist line is integrated in radical activity throughout the world. In this day and age, no one can work in isolation. He must judge the effect of his activities on the total structure of world trends. I submit that the New Mobilization Committee and its present activities are part of the international Communist movement, no matter how sincere some of the participants may be. The only kind of peace such activity will promote—whatever one's personal goals—will be the "peace" imposed by the Communist drive for world domination.

Exhibit 1

Toward Unity Against World Imperialism

Dear comrades,

For our Party, we want to express our deep appreciation to our hosts, the Communist Party of the Soviet Union, for the magnificent way they have provided to make our stay here productive as well as pleasant.

It has taken a lot of hard work by many hard-working comrades but the World Conference of Communist and Workers' Parties is now an important part of reality.

This conference will make an important imprint on the revolutionary pages of our times. Archives will record what we decide here, but the revolutionary ledger of our class will record what we do after we leave here. It will record that this historic gathering will fulfill its purpose, that it served as the propellant, as the catapult, that raised the struggle against imperialism to new heights.

There is no objective reason why we cannot fulfill this great promise. There have been few moments in history when so many objective factors have converged, as pressure, for united concentrated action. There is no insurmountable reason why we cannot meet this central challenge of our times.

HISTORY'S GREATEST TURNING POINT

We represent the most advanced forces of the working class, that class which history has assigned the task of guiding human society through this, the most profound revolutionary turning point in mankind's existence.

Some are having difficulty in adjusting to the unique and unprecedented fact that human society's sharpest, most revolutionary turning point is neither ancient history nor speculation about some occurrence in the distant future. It is integrated into the current events of our times. The transition from capitalism to socialism is history's greatest happening. It is human society's most explosive qualitative leap. It is both an historic process and a current event, precisely because it is a total shift in a way of life. We are witnessing the death agony of the last of a succession of social systems based on man's exploitation of man.

This process is explosive—it is revolutionary. It is a many-sided process—economic, political, military and ideological. This is the essence of the events that give life its present direction. All processes of social progress, all movements and struggles, are related to this qualitative leap.

This turning point has given rise to, and is propelled by a worldwide, three-pronged revolutionary development that now converges into a single process. There are periods when the process does not produce a shift of state power in any country. There are setbacks, frustrations, periods when the process levels off on a new plateau. There are moments of explosions and periods of revolutionary development. There are violent transfers of class power and some transitions that are not so violent.

Through all this, the revolutionary process goes on, the constant maturing and gathering of the forces of the revolution. There is the accumulation of experiences. There is the internal deterioration of capitalism, resulting in the sharpening of internal class relations, and of the relations between imperialism and the oppressed peoples and nations. And there is the ideological and political growth of the forces of the transition. This many-sided process of the unfolding of reality is based on the laws of social development. In this sense, this is a conference of the turning point of history.

Our Party has a deep sense of pride in being a part of this historic event. We draw great strength from the world-wide nature of the Marxist-Leninist movement. We place a high priority on our working class concept of internationalism.

We do not view internationalism as a burden, a concession, or a cross to bear. It is not as if it were a frosting on a cake that one adds simply to improve its taste and appearance. It is a basic ingredient that adds indispensable, revolutionary content to the class struggle.

There is much talk about the rise of nationalism. What is not always seen clearly enough is the unprecedented growth of a mass desire for internationalism. The very nature of world developments has given rise to a new mass sense of anti-imperialism and internationalism. The three-pronged world-wide revolutionary process is the propellant—the new source of internationalism.

This is truly a new, historic phenomenon, especially amongst the new generations.

Because of this, the internationalism of the Communist movement is a source of strength in a new way. We need not apologize for our internationalism. On the contrary, we must find new and bolder ways to demonstrate this side of our movement.

The recent Nineteenth National Convention of our Party, without a dissenting vote endorsed the line, the political essence and the spirit of the main draft document presented by the Preparatory Committee to this Conference. In our opinion it correctly reflects the Marxist-Leninist essence of this moment. Considering all of the problems the drafting committee faced, it is a very fine piece of work. It is a collective document, therefore it cannot, in every word or phrase, have the wording or style of any one of the parties. The passage of the appeal on ending the U.S. aggression in Vietnam is of special importance for our Party. We fully support the statement on the observance of Lenin's one-hundredth birthday.

It is the opinion of our delegation that this conference was a success before we convened here. The eighteen months of preparations have been a process of reunification. The process of molding the document has served to clarify positions, to narrow down the areas of differences.

The habit of working together is itself an invaluable asset for the world movement. We are hopeful that the lessons of working collectively have struck deep roots. We are hopeful that the world Communist movement will become addicted to this habit.

There are 75 parties represented here. This is a technical count. By political count there are over eighty parties, because there are many parties who are not represented here solely for technical reasons, and who have expressed their oneness with the political essence of this gathering.

This is itself a significant fact.

We are in agreement with so many of the very fine contributions made here, by Comrades Brezhnev, Gomulka, Rochet, Arismendi, Corvalan, Ulbricht and others, that it is not necessary to go into all areas or all questions.

Permit us from the podium of this world Communist forum to again express our deep sense of warm comradeship and oneness with the fighters against U.S. imperialism the world over. We feel especially indebted to the valiant people of Vietnam, who by their unparalleled heroism and sacrifice are administering U.S. imperialism a historic defeat. They are giving the world a most magnificent demonstration of the invincible nature of the forces of world socialism and national liberation.

We hail the peoples and Communists of Latin America who by militant mass actions have just sent Mr. Imperialism himself, Nelson Rockefeller, bag and baggage, back to his Wall Street lair.

We salute the people and Communists of socialist Cuba who continue to repel the acts and policies of U.S. aggression—and have successfully lit the beacon light of socialism ninety miles from the shores of the center of world imperialism.

We express our ardent support to the anti-imperialist fighters for national liberation of the Middle East, and to the plundered and oppressed peoples of Africa. We greet with joy the resolute actions of the people of Sudan.

We hail our fellow Communists and the people of the People's Republic of Korea, who have stood firm against U.S. provocations. To these fighters the world over, we can only promise to increase our efforts to match their great contributions in the struggle against U.S. imperialism. It is clear that the upsurge of the three-pronged world revolutionary process has entered a new and higher stage.

THE CHANGING REALITY OF U.S. IMPERIALISM

When we are dealing with the phenomenon of imperialism, we are dealing with a constantly changing reality. The struggle against it must reflect these changes.

There is the continuing, irreversible shift in the balance of forces between imperialism and anti-imperialism. There is the changing picture of relationships between the countries of imperialism, reflecting the law of uneven development of capitalism. And there are the contradictions, shifts, and changes within each of the imperialist countries. The forces of anti-imperialism are compelled to take note of these changes, because they are reflected in the changing and shifting battle plans of imperialism.

Imperialism develops new tactics, new ideological arguments to meet the changing reality. We cannot be satisfied either with the scope or the effectiveness of our anti-imperialist propaganda, on the level of mobilizing the millions.

The changes in objective reality are world-wide. The shifts in tactics and ideological positions of imperialism are world-wide. Any idea that each sector of anti-imperialism can effectively deal with this changing and shifting global challenge in a piecemeal fashion is a dangerous illusion. Such illusions can only result from an underestimation of the resourcefulness, the craftiness and the totally aggressive and brutal nature of imperialism.

As the draft document correctly states, U.S. imperialism remains the most aggressive, war-like force in the world. It continues its bloody aggression against the people of Vietnam. It continues its policies of aggression against the people of socialist Cuba. It is the main force of military, political and economic aggression in Latin America, Asia and Africa.

It remains the base of operation for the forces of imperialism everywhere in their futile attempts to halt the world revolutionary processes. It is the greatest danger to world peace. It poses a nuclear Damocles' sword, and is held in check only by the forces of this new epoch and especially by the powerful military and nuclear shield of the Soviet Union.

U.S. imperialism is in an ever deeper crisis, and it can be defeated, but to underestimate the aggressiveness and the danger that it presents would be the height of folly. Creating the illusion that it presents no danger of war is imperialism's own trump-card in preparation for war. Only this week, Nixon announced the fake withdrawal of 25,000 U.S. troops in order to create the illusion of disengagement, while it resumed the bombing of the territory of the Democratic Republic of Vietnam.

In fact, with the election of Nixon, the forces of reaction have become emboldened. Nixon continues the politics of the old Johnson Administration, but minus its small tactical concessions.

Aggressive continuation of the old policies without tactical concessions is the new U.S. format for both the policies at home and the imperialist policies beyond its borders. Nixon has already abolished the "Alliance for Progress" with its appearance of concessions to its Latin American empire and has replaced it by the grand tour of the number one robber of the continent—Nelson Rockefeller. He has wiped out even the appearance of concessions in the foreign aid programs.

In place of tactical concessions the Nixon Administration is placing a higher priority on the use of open terror—on the use of the para-military forces, of the CIA and the FBI. Nixon will continue the tactic of the carrot and the club—but with less carrots.

This is the main direction, the new emphasis in the U.S. policy of aggression. Of course, one has to keep in mind that the new administration has not yet dealt with the real world, which includes the wrath of the people of the U.S.A. And it is a fact that a policy with less sugar-coating on it can be exposed faster.

For an effective struggle in any arena, one must know one's enemy. Because the U.S. is the center of world imperialism, permit us to dissect some of its bloated innards. It is a powerful, dangerous foe, but it is in serious difficulties. In cash values, the annual price tag on the U.S. policy of aggression is reaching the $100-billion level. For the people, this becomes translated into runaway inflation, skyrocketing prices and rents. Forty percent of all workers' wages are now extracted in taxes. Because of this, real wages are now declining for the third year in a row.

No people or nation has ever been in such debt. The total debt by individuals, corporations and the government has now reached over one and one-half trillion dollars. We are the most mortgaged people in the world.

The Nixon policies of cutting back on tactical concessions is setting the stage for new explosions in the ghettos, for more bitter strike struggles—for ever greater mass upheavals.

The U.S. financial-industrial capitalist complex, interlocked with the powers of the state machinery at its service, with the new scientific breakthroughs at its command, organized and controlled through monopolies and ever greater monopolies known as conglomerates, has developed into history's most brutal, inhuman, fiendishly efficient, cold-blooded exploiter and devourer of resources—both nature's and man's. It has become an ever more savage monster of exploitation geared to the extraction of maximum profits. It finds ever new forms for squeezing a little more. During the last ten years the rate of exploitation of labor has been forced up by seventeen per cent.

The especially brutal nature of U.S. capitalism is shown in its oppression of national minorities. For three hundred and sixty years it has maintained a special system of oppression, applied today to twenty-five million Afro-American citizens. And after the long years of militant and heroic struggles, even though some important victories have been won, the special system of racist oppression remains largely intact. Thus the system continues in force the discrimination and inequality, the segregation and the ghettos, with its degradation, hunger and misery. It results in an income that is one-half of the national level, in an unemployment rate that is three times higher, in a death rate that is double, in slum housing and chronic hunger for the majority, in denial of education, in Black Americans being forced to work at the lowest-paid and most dangerous jobs, in their being at the bottom of the seniority lists. Despite all the heroic struggles of the Negro people and allied forces among the majority white population, this system in its essentials remains intact.

After the passage of many new laws and after many fine speeches, racism still stalks the land. It is still capitalism's most widely used and most useful tool for extracting superprofits.

No ruling class has ever singled out for special oppression so many of its people, within its own national boundaries—a fact that constitutes an enduring indictment of anti-humanist U.S. capitalism.

To the special oppression of twenty-five million Afro-Americans, U.S. capitalism has added special forms of oppression against eight million Mexican-Americans, two million Puerto Ricans and the segregation of what numbers remain of the original Indian Americans into reservations which are barren graveyards of hunger, social deprivation and inhuman wretchedness. This same policy is applied to the Eskimo people of Alaska. The capitalist equation according to which racist oppression—divide and rule—equals superprofits remains a central feature of U.S. capitalism.

IMPERIALISM'S FOES

Capitalism has thus created a monster. But it has also created something more. It has given rise to a militant working class. It has created a mass revolt. It has generated a courageous, militant freedom movement of black Americans, of the mass of Negro people. It has given life to a youth and student revolt. It has set multi-millions into motion and struggle.

It has spurred a mass struggle for peace and against militarism, which cuts across class lines and has penetrated deeply into the armed forces of U.S. imperialism.

It has stirred into action millions of women who in many areas of struggle are more active and militant than men—a point of which this Conference could well take note. It has given rise to a deep probing—to a national uneasiness, to widespread dissatisfaction, distrust and contempt for the bourgeois establishment. It has set into motion a process of radicalization. In a word, it has created a storm of protest and struggle.

We pay special tribute to the heroism of our soldiers and sailors who are challenging the autocratic military regime, who are raising the banner of peace and equality, who are exposing the aggressive character of U.S. imperialism's wars—in the barracks, in the military mobilization and induction centers, and at the military bases.

Never before in the history of our country have so many members of the armed forces taken direct action against militarism. Just look at these official government figures: more than fifty-three thousand desertions took place in the year ending June 30, 1968. This means that in the two-year military hitch of the average GI, approximately one out of thirty men risks a long prison term, loss of jobs and ostracism for life, because his conscience will not permit him to act as an instrument of the racist, colonialist, genocidal U.S. military establishment.

There are more than twenty-three thousand draft delinquents. There are thousands fleeing the U.S. for Canada, and added thousands seeking refuge in Sweden, France and many other countries. There are underground and open anti-war papers published by the GI's on the major military bases. No wonder the ruling class is exploring the possibility of abolishing the conscription system of the draft and raising military salaries, in order to build an army of paid professional servants of imperialism.

The most dynamic and potent expression of the new wave of struggle and the process of radicalization in the United States is the rapid growth of organized rank-and-file movements in the shops and trade unions. The power of these movements can be seen in the trade union elections, in which old, encrusted trade union bureaucracies are being overthrown.

The qualitative political shift on the American scene finds expression in these rank-and-file caucuses. The most dynamic of all the expressions of this upsurge are the caucuses of the Afro-American union members. The popularly-named "black caucuses" are now an active force in hundreds of shops and locals. A glimpse of the level of this development can be obtained from the names they adopt. The designation of "revolutionary" workers' caucuses is an accepted form among increasing sections of black workers.

Motivating this rank-and-file upsurge are the new problems of the class struggle, the special problems of black workers, and the desire to reshape and to retool the trade union movement as an instrument of class struggle, so that it can meet the problems of today. The workers who make up the rank-and-file movements are the shop militants, the radicals and, of course, the Left and the Communists.

This development is the key link in the class struggle in our country today. More, it is the key link in the struggle for social progress.

This rank-and-file upsurge is reflected in the formation of a new national trade union center. The base of the new center is the three million members of the Teamsters and the Automobile Workers. It is a direct challenge to the infamous, reactionary Meany-Lovestone AFL–CIO leadership.

This new formation has taken up the task of organizing the unorganized, especially in the racist South. But most important, it has taken a stand against the further militarization of the country. This is an important step away from a position of open and aggressive support given by the AFL–CIO's leadership to policies of United States imperialism. It has a position of seeking new ties with all sections of the world's trade unions.

Needless to say these developments on the working-class front have had great significance in all areas of struggle, including the struggle against the policies of imperialism.

The shock-brigaders of the revolutionary transition, the youth, are continuing to set the pace of militancy. The ruling circles are praying for the return of the good old days—the days of the student pranksters—of the panty raids and goldfish swallowing. The liberals are now also worried because the students are not just "letting off steam" but have presented some non-negotiable demands.

These demands reach into some very basic issues of our capitalist society. The students are demanding that higher education be recognized as an inherent right and a realistic possibility for all youth. They are demanding an end of the system in which the wealthy benevolently dole out college entrance permits. They are demanding an end to the racist bars and the system of tokenism in all institutions of higher learning. They are demanding that educational institutions break their ties with the military-industrial complex. They want to close the doors of our colleges and universities to recruiting for the military and for the manufacture of lethal gases and other instruments of mass death. They want to abolish the elitist Reserve Officer Training Corps.

These are fundamental demands that not only affect our schools but go to the heart of the basic problems of our capitalist society—they are demands for domestic reform in place of the war policies and expenditures of imperialism.

The young workers, who are new in industry, are also in great numbers becoming the shock brigades for the working class. They spark the rank-and-file movements. They are pushing for a revitalization of the trade-union movement. It is these young workers, many of whom were themselves recently students, who form the link between the students and the working class.

They are a strong force in the struggle against racism because they do not have some of the hangups afflicting many of the older workers. They are of the radicalized generation. They are more open to new socialist ideas. In our industrial concentration efforts these young workers are our central concern.

There is absolutely nothing on the U.S. class scene that in any way challenges the basic concepts of Marxism-Leninism. That non-working-class sections of the population move into action separately or differently than the working class is not new or unique for the United States. This "discovery" should not be used to uphold theories that reject the Marxist concepts of the role of the working class.

On the basis of the upsurge in non-working class sections many petty-bourgeois theoreticians in the U.S. have developed theories of revolution without the working class, theories of revolution made by those who are not involved in the production process. These concepts were articulated especially by ideologists on the C.I.A. payroll, such as Marcuse.

What is new and most significant on the U.S. class scene is the historic rise of struggle—the process of radicalization in the ranks of the working class. Also of great significance is that movements representing millions are recognizing the fact that in industrially developed countries there is a built-in limitation to non-working-class upsurge—unless they become allied with the working class. These movements are rejecting the theories of petty-bourgeois radicalism.

Our Party has paid special attention to the youth in rebellion. But the question is not only one of attention it is also one of the content of that attention. This is not a generation that can be won over by paternalistic, classless bouquets. They want answers to their problems. They have to be won in sharp ideological struggle, especially against petty-bourgeois radicalism. They have to be won to a revolutionary path, to learn about the hollowness of reformism and liberalism. They have to be won to Marxist and working-class ideas.

Our Party is a part of these mass currents of struggle and reflects them. We have emerged from years of extreme political oppression on the crest of the waves of mass struggles. Our Party has become united in giving leadership to the mass upsurge. We remain in many ways semi-legal and illegal. There are some new acts of terror and new legal moves against our Party. There are new dangers of reaction and fascism.

With great difficulty, we have now published a daily Marxist paper for almost a year. The next sage in the consolidation and building of the Party is taking place on the crest of the new wave of struggles now taking place. The struggles and the process of radicalization now developing in the ranks of the working class are the new propellants for social progress. The Party is now giving its maximum concentrated attention to this key area of struggle.

U.S. MONOPOLY CAPITAL: NEW DEVELOPMENTS

It is necessary to take note of and to emphasize some important changes that are taking place both internally, amongst the monopoly groups within the United States, and externally in relationships between the United States and the other imperialist countries. Some significant shifts and inner structural changes are taking place in both areas. They are true especially for United States imperialism, but they are the forerunner of similar changes of things to come in all imperialist countries. These new features are a further development of the cancerous growth of the general crisis of capitalism. They signify a new level of its parasitic development.

Internally, there is a new stage in the monopolization of the economy. The United States, as is true also of some of the other industrially developed countries, is at the height of a totally unprecedented avalanche, a frenzy of corporate mergers.

In the capitalist process the big fish have always swallowed the smaller fish. But there are three new factors to this latest wave of mergers. First, it has become an uncontrollable avalanche. Second, the dominant movement is by the very large corporations; it is the merging of the giants into supergiants. Giant corporations with assets up to a billion dollars are being swallowed up. The third new feature is the rise of monopoly formations called "conglomerates." This new structure is adding a different quality to capitalist anarchy.

In the trade language of the monopoly thieves, mergers and acquisitions are usually distinguished as either "horizontal," "vertical," or now, as "conglomerates."

Horizontal mergers are those between corporations in the same industrial classification; vertical mergers are those between corporations which are related to one another as actual or potential buyer and seller. The new conglomerate mergers are those for which there is no technological or market rationale. There are neither technological nor marketing reasons for these mergers or acquisitions. From the point of view of production or marketing such mergers are irrational. They are reaching the outer limits of capitalist anarchy.

The merger movement has spread over the entire economy. Conglomeration is the new, predominant trend, in contrast to horizontal or vertical merging.

The very pinnacle of this lunacy is reached when these conglomerates are, in fact, only irrational aggregates in a galaxy of conglomerates, all financially owned and controlled by a handful of giant banks.

These monstrous anarchistic formations result from the inner laws of monopoly capitalism. They are signs of its deep inner sickness in its final stages of development.

The boom in the acquisition of irrational conglomerates is the result of financial blood clots in the aging veins of imperialism. The shift in the balance of world forces is affecting the internal processes within the major imperialist countries.

United States capitalism increasingly has faced the problem of accumulation of unused capital. This is related to problems of capitalism in this epoch. The shift in the world balance of forces becomes increasingly an obstacle to opening up new areas of investment. Thus the accumulated unused capital tends to become blood clots in the veins of imperialism. These become a source of pressures and irrationality.

And when the channels for the investment of this unused capital become restricted the monster tends to turn upon itself to devour its own. Under this pressure, its actions become more irrational. Thus it turns to conglomerates, a development which brings significant political and social consequences.

This process has greatly accelerated the process of polarization of our society. It adds to a sense of mass alienation. It gives the inner contradictions of monopoly capitalism a new quality. It is also creating new problems for the class struggle. But in the main it is a further weakening of the structure of United States imperialism.

The rise of the irrational conglomerates can be a strong argument for the need of a rational planned system of socialism.

The rise of conglomerates is not limited to the domestic scene. It is becoming a form and a structure for imperialist acquisitions. Increasingly, the imperialist bank has become the means of imperialist control by developing foreign conglomerates under its control. For this purpose the United States has become the world's largest exporter of banks. These banks are becoming the main centers of imperialist holdings. They are the controlling centers of U.S. imperialist conglomerates. For example, Chase Manhattan Bank, a Rockefeller bank, now has over sixteen hundred overseas banking facilities of its own—plus hundreds of other foreign banks it controls.

When Peru moved to end U.S. imperialist domination it nationalized Standard Oil, but it also had to move on Banco Continental with its forty-four branches because only a few years ago it was acquired by Chase Manhattan—the Rockefeller Bank. And it is Rockefeller's Chase Manhattan Bank that is at the jugular vein of Venezuela by its control of Banco Mercantile Agricola.

This same Chase Manhattan Bank is the head of the racist imperialist conglomerates in South Africa, through its control of Standard Bank of South Africa and its nine hundred branches in the southern part of the African Continent.

Chase Manhattan is a private imperialist empire. It is one of the big stockholders in the U.S. war industries. It coordinates its profits from the war industries with the Pentagon and with its world-wide network of banks. To Vietnam it has exported both napalm and banks.

Thus with the banks at the control of industrial conglomerates, U.S. imperialism has added a new link to its chain of imperialism. Through these banks it controls industries and governments.

It advances the direct imperialist control one step further. It ties the noose one notch tighter around the neck of the capitalist class of the enslaved nations. Till now it has picked the pockets of the oppressed. Now it is eliminating the pockets.

INTER-IMPERIALIST ANTAGONISMS

In the present period of advanced general crisis of capitalism, the main contradiction is between socialism and imperialism. Contradictions exist and are sharpening between the imperialist powers but they have taken second place to this main contradiction.

Since World War II, almost all small wars have been between imperialism and the national liberation movements, wars of intervention of imperialism against progressive and Communist-led governments, and imperialist wars against socialist states.

The imperialists go to great lengths to avoid wars among themselves as they lack the reserves to fight such wars and survive. Moreover, the extreme inequality of power, the absolute supremacy of U.S. military power in the imperialist camp, has tended to render less likely the outbreak of wars among the imperialists. In particular, the military treaties, joint forces and U.S bases established in the decade after World War II made such wars difficult. However, contradictions among the imperialist powers are now mounting, even though they express themselves in different forms. Uneven economic development among the imperialists makes for rising economic and financial contradictions. These are intensified by the increasing pressures and stuggles for national liberation, struggles to restrict the plunder of the imperialists and to stop it altogether.

Uneven development economically is repeating the pattern of the interwar period. However, the extent of unevenness is more marked than between the two world wars. In fact, it is more extreme than at any time in the history of imperialism. Japanese imperialism, at one extreme, is gaining in economic strength with unprecedented speed. British imperialism, on the other extreme, is losing positions most rapidly.

There are also new, important shifts in the relations between imperialist countries. There are important shifts in the world imperialist pyramid.

In a period when the current of history is running against imperialism, a war-orientated economy, such as U.S. imperialism has built since the Second World War, becomes a factor in the operation of the law of uneven development between capitalist countries.

It is the overseas expenditures that annually turn the U S. trade balance against itself. This has an accumulated negative effect on the U.S. economy. U.S. imperialism is caught in the vise of its plans for conquering the world.

Now it either has to retreat or keep spending billions of dollars to maintain the operation of the 3,405 overseas military bases, while its chief imperialist rivals spend much smaller amounts for their military establishments.

This and other factors have drastically changed the position of Japan in the imperialist pyramid. For example, during the past ten years the U.S. industrial growth rate has been about 5½ per cent per year. During the past fifteen years the growth rate for Japan has been 13½ per cent. But even more dramatic, during the past eight years the Japanese growth rate has been 14.7 per cent a year and during the past three years it rose to 16.5 per cent. In 1960 Japan's industrial output was 20 per cent of the U.S. level and 85 per cent of the West German level. But in 1968 it rose to 36 per cent of U.S. level and 157 per cent of West Germany's level. In gross national product, Japan has surpassed West Germany. Thus Japan has clearly now become the second industrial producing nation in the capitalist world. This has shifted many of the imperialist rivalries. The contradictions between U.S. and Japanese imperialism have greatly sharpened. The struggle over Okinawa is only symbolic of more far-reaching antagonisms between them.

This uneven development is undermining the hegemony of U.S. imperialism in the world of capitalism—in all phases, economic, political and military. The drive of the fastest-growing imperialists for a larger share of investment opportunities, markets and sources of raw materials is increasingly bringing to the fore elements of rivalry between U.S. imperialism and the other imperialist powers.

This economic rivalry contributes to growing contradictions in the political and military spheres. NATO and SEATO, the main systems of bases and alliances of U.S. imperialism, are significantly weakened. Even the U.S. military grip on Latin America is now being challenged. The U.S. and its military advisers are being driven—slowly but steadily—from foreign bases in one country after another.

Contributing to this is the relative strengthening of the socialist camp in economic and military power, and especially the growing economic, military and political might of the Soviet Union. This increases the risks to any capitalist power in being involved with the Pentagon planners militarily.

It is, however, a continuing part of reality that the centripetal forces tending to bring the imperialist powers together against the "menace" of communism remain strong. Consequently, we cannot take for granted the continuation of any given split among the imperialists. On the contrary, there is always the striving to patch things up, and to restore relative unity among themselves.

To ignore the possibility of an imperialist military unity directed against either the socialist sector, the forces of national liberation, or both, would not only be an illusion about the nature of imperialism, but it would be a misreading of what is the main contradiction of our times.

One must not ignore the element of desperation and irrationality of imperialism.

From this it follows that only an unbreakable unity and a constant and total mobilization of the forces of anti-imperialism can keep this possibility defused.

These are only examples of the changing scene of imperialism. We must get used to the idea that this is a period of fast-moving events. This applies to changes within class forces.

The draft before us correctly raises the struggle against racism, against anti-Semitism and all forms of chauvinism. Based on our experience we would like to emphasize sharply the importance of this phase of the struggle against imperialism.

Racism has always been a tool of imperialism. It is its most effective ideological tool. The use of the color of a man's skin is an age-old weapon of slavemasters. Imperialism has refined it. It has given it a global character.

The influence of racism is the most serious roadblock to the development of an anti-imperialist consciousness in the imperialist countries. It is an obstacle to the development of class consciousness in the ranks of the workers. Class consciousness is the strongest antidote against racism.

Racism is a live virus everywhere. Struggle and experience create the conditions for its elimination. But like all enemy ideologies it does not disappear without a struggle. It must be taken head on. U.S. imperialism is the main world dispenser of racism. For U.S. imperialism it is an extension of its racism at home. U.S. capitalism directly exploits some sixty million wage workers to the amount of $100 billion in profits each year. If we add such items as interest, rents, proprietors' income and corporation officials' salaries, the total extracted exceeds $250 billion a year. In addition, U.S. capitalism extracts close to $30 billion in additional superprofits each year from a special system of racial and national oppression practiced against 40 million of its citizens at home. They can continue these policies and practices only because of the influence of racism on the white Americans who permit it to go on.

We are speaking about raising the level of the anti-imperialist struggle. As an important feature of this effort we must raise to a new level the struggle against racism in all its forms.

We would like to see a world ideological conference devoted to burning out the influence of racism. Communists must not only be the staunchest but also the most skillful fighters against racism. This struggle must be seen as a key and most crucial feature of the struggle against the ideology of imperialism.

STRUGGLE AGAINST OPPORTUNISM

Marxism-Leninism, the world and class outlook of the Communist movement, has been largely molded in the struggle against the influence of opportunism.

In an earlier period the acid of opportunism, unseen and unnoticed, weakened the ideological fibers within the revolutionary movement, and at a crucial moment in history it finally destroyed powerful working-class parties of socialism. The acid had done its harm. It is of great importance that the crisis brought on by opportunism came in the struggle against imperialism. When the test came the professed internationalism of the different working-class parties vanished. The unity between parties first was diluted to a formal unity. But very quickly even the formal ties became obstacles. World class ties between parties became an embarrassment.

Each party stated that its internationalism would be expressed through effective work, each within its own national entity.

The leaders of the socialist parties very quickly made new discoveries. Very quickly they decided Marx was wrong. There were no laws of capitalism that applied universally. There were no worldwide concepts of the class struggle. In each country they discovered fundamental national peculiarities that overshadowed international similarities.

The class struggle became purely a people's struggle. Class concepts became "national" concepts. No party condemned internationalism, it just put it on the shelf "for the duration."

Many of the parties became large mass parties. This was good. But what was *not* good was that they became broad popular parties by going along with popular concepts of nationalism and classlessness. They became mass parties by giving up their advanced working-class positions. They ceased to be revolutionary parties and became mass reformist parties.

Only Lenin saw the nature of the acid Only Lenin took up the struggle before it reached the crisis stage. Only Lenin saw its creeping insidious nature.

Much has happened since then. Much has changed. The ideological fiber of Communist parties is stronger. But the need to be on guard against the acid of opportunism has not lessened. The acid is the same. It still eats at the fibers of internationalism. It still erodes class concepts. It feeds on and itself feeds nationalism. It still leads to an accommodation to the pressures of the enemy. It still leads toward reformism. In its "Left" cloak it still leads to petty-bourgeois radicalism, to dogmatism.

The relationship of forces is different—the pressures are different—the influences of opportunism are different. But as long as there is a struggle between the two classes there will be a need for a struggle against opportunism. In the absence of such a struggle the pressures of opportunism keep mounting.

There are two opposite approaches to the question of relationships between internationalism and national interests. Whenever there are momentary differences between one's class international responsibility and some specific national interests, opportunism will in all cases lead to the discounting of internationalism. Opportunism leads to an emphasis on difference and on seeming contradiction by its emphasis on nationalism. A working-class revolutionary concept will lead to a search for the points of unity. Opportunism will seek to widen the points of difference. A revolutionary concept leads to the elimination of the differences. The struggle for concepts of internationalism is a struggle against opportunism.

Theories of disunity are also not new in the history of the revolutionary movement. They appear in exact ratio to opposition to working-class internationalism.

In the parties of the Second International, internationalism was never actually condemned. It was simply dispensed with, as an obstacle to inner class unity. Their scuttling of internationalism was also covered by numerous theories of disunity.

We are for the rejection of all theories of disunity.

We rejected the theory that constant splitting is as natural for the revolutionary movement as it is in nature. It is an open theory of disunity. It is a disguise for nationalism. It is also a distortion of the dialectics of nature.

It is also one thing to take note of and examine differences and momentary contradictions within the world socialist sector. But it is another matter to use this as the basis for a theory of disunity that in essence says "that's how things are and that is how it will be," that we must therefore accept this as a fact of reality, and that any attempt to find a path of unity is only an illusion.

Opportunism leads to theories based on nonexistent internal contradictions within the socialist world. Marxism-Leninism seeks the path of cohesion and of overcoming momentary differences.

We reject all theories that efforts to bring about working-class unity in fact only bring disunity.

We also reject the concept that silence can disperse ideological differences and thus create the basis for unity. U.S. imperialism has never for a moment given up its drive to chip away at the unity of the socialist world. For it, the focus of the class struggle on the world scale is the Soviet Union. For it, the Soviet Union is the political and military power base of the world's working class. It views the Soviet Union as the main roadblock to its plans of world conquest. This has been and remains the pivot of its imperialist policies.

Thus its main ideological attack is on the Soviet Union. U.S. capitalism is ready to make significant short range concessions to any group, party or state, if these concessions fit into the tactical or strategic plans of U.S. imperialism against the Soviet Union, into its plans of dividing the socialist sector and the other forces of anti-imperialism.

For example, for years there has been a well-organized, high-power political group, composed of some of the most reactionary imperialist forces and called the *"China Lobby."* It has been the organizational and ideological center for the U.S. policies of aggression in the Far East. This most reactionary force has now undertaken a drive, both in the open and behind the scenes, to bring about a working relationship between the U.S. and the People's Republic of China. This is a well-financed drive, supported by some of the most aggressive monopoly circles in the heartland of world imperialism. Needless to say, these forces are not interested in U.S.-Chinese friendship. Their main interests are not even trade with Communist China. Their aim is to use the split in the socialist world. Their aim is to try to use the People's Republic of China in their anti-Soviet plans. Their aim is to open the doors of China for political penetration. One cannot blame China for what U.S. imperialism does, but one cannot ignore policies that lead imperialism to conclude that it can use them.

The use of such negative policies is not necessarily a matter of agreements or contracts with imperialism. The same end is accomplished by giving the massive imperialist networks the material with which to vilify and slander the Soviet Union, socialism and the Communist parties of the world. The imperialist network is much more anxious to spread slander coming from such a source than slander from its own barn of ideological fabricators. They are fully aware of the credibility gap of a Morgan, a Nixon or a Rockefeller.

U.S. imperialism has such a specific, worked-out plan of action for every socialist country—for every newly liberated country—for every political party throughout the world.

What the progressive forces of the world must understand is that no world power has ever had an active policy of penetration, of subversion, of corruption, of buying off, of terror and murder on such a massive scale as is the case with U.S. imperialism.

The policy is world-wide but the pivot around which these plans revolve is the plan against the Soviet Union.

Any accommodation to the ideological pressures that arise from this reality weakens the forces of anti-imperialism. No amount of ideological tiptoeing or sidestepping is going to change this hard rock of reality. Any attempt by one socialist country or one Communist party to gain favors by being silent or by any other form of accommodation can only lead to capitulation and defeat.

It is true that the Soviet Union does not ask for nor does it need the kind of defense it did as the first young socialist republic. But even then the significance of the world-wide campaign was far more than the defense of the Soviet Union *per se*. It was an important ideological campaign. In fact this was its central purpose.

For this same reason the statement by some people concerning Soviet self-sufficiency, while correct, cannot be a cover for not taking up the challenge of the anti-Soviet campaign. Such silence, for whatever reason, has political and ideological consequences—not in the Soviet Union, but for the masses in the rest of the world. Herein lies the importance of replying to the slander no matter where it comes from. Anti-Sovietism is a form of anti-Communism. It is a special ideological instrument in the imperialist drive to create dissension in the socialist world, to mislead the anti-imperialist movement.

THE FIGHT AGAINST MAOISM

No one wants to condemn or to "read out" any other Communist party. The best possible of all solutions would be for all Communist and Marxist parties to be here in this comradely and democratic discussion. This is the only path to greater unity. However, no one can honestly say that every possible effort has not been made to bring this about. I am sure we are of one mind in our determination to continue to work to bring about such a collective dialogue between all parties.

But let us not forget—there is a long history to the efforts of most Communist parties in trying to find a basis for a dialogue with the present leading group in the leadership of the Communist Party of China. In this history there have been periods of private exchanges, periods of public discussions, periods of no public or private retorts, to the vituperative and slanderous attacks from Peking. But as we know it has all fallen on deaf ears. Silence in the face of injustice, silence in the presence of slanders and falsehoods, silence in the knowledge of a military attack is acquiescence, is support for the slanders, the falsehoods and the attacks. Whether one inwardly means to acquiesce or not, is not important. It is the effects of such silence that count. The imperialist network spreads such silence as support for the slanders. Silence in the face of the slanders and acts of provocation by the Marxist group is itself opportunism.

The main content of the Maoist ideological attack is anti-Soviet. It is directed against the other socialist countries and the world Communist movement, but it is sharply focused against the Soviet Union. This, as we all know, is the main focus of U.S. imperialism's attack also. How are we, then, to separate these attacks. They cannot be separated in content, in their viciousness, in their scope and persistence.

Where then is the logic in the position of some parties of remaining silent in the face of every possible kind of slander, and of vilification that has no limits. Remaining silent when there is proof of military attacks and provocations is acquiescence. But on the other hand, as soon as there is even the most responsible and measured reply to the slanders and attacks, then the silence of these parties ends and the response to these slanders, is called slander and abuse—these responses are called divisive. During this Conference the Mao group has said: "The Soviet Union and its socialist satellites are a fascist prison camp of peoples." How can partisans of socialism, partisans of the working class, remain silent? Must not one weigh the effects of such silence? Do not masses have a right to draw the conclusion that such silence is, in fact, acquiescence? Whether they have such a right or not, they do draw such conclusions.

Under these circumstances those who remain silent and those who dig into the pile of slander and falsehoods, in search of a word or two from which they can construct some far-fetched positive connotation, may do so. But they must also accept the responsibility for what conclusions the millions draw from such positions, from such silence. That responsibility cannot be escaped.

What should concern all, of course, is the slanders and the attacks, but what is of even greater concern is the consistent direction of the Maoist policy.

It is not a policy of confrontation with the forces of imperialism anywhere. The policy moves in the direction of a sharper confrontation with imperialism—anywhere.

The point is not to read the Communist Party of China out. The real question is how to reverse the present direction of the Maoist policy and to bring the Chinese people and nation back into the stream of anti-imperialism, and into the world communist and socialist movements.

We are in full agreement with the draft document in its emphasis on the centrality of the struggle against U.S. imperialism. This is a world-wide struggle.

In the other imperialist countries, however, this struggle will be most effective if it related to the struggle against the imperialism of one's own country. Communists can never be in the position of supporting the replacement of one imperialist domination by another—especially if the replacement is the imperialism of one's own country. A revolutionary party cannot evade or soften the struggle against one's own imperialism in the name of the struggle against world imperialism.

This can also be a form of opportunism.

THE BARBARIC WAR AGAINST VIETNAM

The U.S. Air Force and Navy have destroyed most of the substantial structures and bridges in North Vietnam, including, by their own claim, tens of thousands of trucks, thousands of railroad engines and cars, large numbers of vessels, the bulk of all industrial installations. They have destroyed the majority of above-ground schools and hospitals, and countless homes. They have damaged the invaluable dikes and irrigation systems.

The U.S. Armed Forces have destroyed most of Hue, large parts of Saigon, Cantho, and other cities in South Vietnam, and countless villages and hamlets, by aerial bombardment and artillery fire.

The U.S. Armed Forces have ruined a million acres of arable land through defoliation, bulldozing, conversion into military bases. They have destroyed vast rubber plantations, and rice fields, shops, and small industrial establishments in South Vietnam. They have destroyed or stolen hundreds of thousands of tons of rice, tens of thousands of head of livestock.

The U.S. Government strives openly to kill the maximum number of Vietnamese people, boasts daily of the number killed, and of the "kill ratio." It has in fact killed more than one million Vietnamese men, women and children.

The U.S. Government has surpassed all of its past efforts at destruction in this war. It has dropped more tons of bombs than in any previous war. The damage has been correspondingly colossal.

The U.S. is completely responsible for this war, and is guilty of unprovoked aggression against the people of Vietnam, North and South. Similar massive destruction has been carried out in Laos, and serious damage has been done in Cambodia.

World public opinion must force U.S. imperialism to pay full reparations for the damage it has wrought. Nobody needs or wants the charity of U.S. imperialism, and their so-called aid is only given to their clients and puppets. But what is involved here is reparations, which by international custom are paid by the aggressor to the country attacked. And it is our supreme duty to make sure that U.S. imperialism is in fact defeated in its criminal attempt to make a de facto colony of South Vietnam.

How much reparations? There is no sum big enough to pay for human lives lost. The damage done to property in Vietnam, measured by U.S. standards, by the prices the U.S. pays its munitions makers, by the actual costs of rebuilding at world prices, would mount into the tens of billions of dollars.

Undoubtedly, the Vietnamese people themselves will be able to add up the bill accurately. But I think that to make economic amends, to pay its just material debt to Vietnam, the U.S. must pay at least the amount it spent in a single year striving to conquer and to destroy Vietnam—$30 billion. Let the American workers now producing munitions be put to work on providing some of the goods represented by these $30 billion owed to Vietnam.

This must be made an issue in the anti-imperialist movements and struggles.

The U.S. is not only the economic and military citadel of world imperialism. It is also its political and ideological center. It has in its service the most massive propaganda machine of any power in history. It has at its service tens of thousands of well trained ideological and political specialists. This is a most highly class-conscious cadre. This imperialist network is sharply keyed to this Conference. Its agents have been briefed and rebriefed. They have been supplied with political, ideological, health and psychological dossiers on most top Communist cadres. They are not afraid of any secret decisions from this Conference. They are worried about the effects the Conference will have on the millions.

This network is geared to minimize the effects. It can do this to the extent that it can create an impression of disunity. Every discordant note is being magnified a thousand fold. In this sense the statement of Comrade Rodriguez for the Communist Party of Cuba that they would not let their absence here be used by the forces of imperialism is of very great importance.

Let us not feed this imperialist network of propaganda.

Let us rather feed the spirit of struggle, the sense of new confidence, that masses will gather from a new level of unity symbolized in the historic Conference of Communist and workers' parties.

There are some in the Communist movement who feel that the draft document is too positive in tone. We do not think so. Communist analysis must of course be rounded out. But there is one special quality in Communist assessments. We are dealing with processes in motion. We are dealing with currents in the process of emerging. It is necessary for us to seek out that which is positive, that which is emerging. We must examine weaknesses, but we must build on that which is positive. Communists deal with currents and forces that contain within themselves the future. Our assessments reflect our deep confidence in the future of these forces. We have a positive posture because we are the present—but because we are also the future.

EXHIBIT 2

CLEAVER IS REPORTED SEEKING AN EXCHANGE OF JAILED PANTHERS FOR U.S. PRISONERS IN VIETNAM

(By J. Anthony Lukas)

CHICAGO, October 21.—Eldridge Cleaver, the Black Panther leader who is now in Algeria, was reported today to have begun discussions with the enemy in Vietnam about an exchange of United States military prisoners for Panthers in custody in this country.

This was announced today by Rennard C. Davis, one of the defendants in the trial of the Chicago eight, at a news conference during the trial's noon recess.

Mr. Davis has helped to negotiate releases of several United States military prisoners held by North Vietnam.

He said today that the proposed exchange would involve Bobby G. Seale, national chairman of the Black Panther party, who is also a defendant in the trial, and Huey P. Newton, a Panther leader who is serving a sentence of two to 15 years, in California for shooting a policeman.

Mr. Seale is being held in Cook County Jail on charges of conspiracy to commit murder in Connecticut. He, Mr. Davis and the six other defendants in the Chicago Eight trial are charged with conspiracy to incite a riot during last year's Democratic National Convention.

Mr. Davis told newsmen that the report of the discussions of the prisoner exchange had come from the national office of the Black Panther party in Oakland, Calif., several days ago.

Later, it was learned that the news was passed to Thomas E. Hayden, another of the defendants in the trial, during a meeting last Sunday in Oakland with the Black Panther party's central committee.

In Oakland, leaders of the Black Panther party could not be reached for comment.

Mr. Davis and Mr. Hayden said that, as far as they knew, the United States Government knew nothing of the discussions initiated by Mr. Cleaver.

Mr. Hayden said the Panthers had not made it clear whether the discussions involved the North Vietnamese Government or the National Liberation Front of South Vietnam.

He said the discussions took place "sometime during the last two months." He said the Panthers did not say where they were held, but he noted that within the last two months Mr. Cleaver had been in several Communist countries, including the Soviet Union and North Korea.

Mr. Cleaver dropped out of sight in California last year after parole was revoked. Several months later he turned up in Cuba and later moved to Algiers, where he is reported to be living with his wife.

Mr. Davis said the eight defendants had been asked to assist in the prisoner exchange, should it come about.

Mr. Hayden and David T. Dellinger, another defendant, who is chairman of the Mobilization Committee to End the War in Vietnam, have previously helped arrange the release of United States prisoners in Vietnam.

Mr. Hayden said there was at least one precedent for an exchange such as that proposed by the Panthers. He said that during the Algerian war the French had exchanged political prisoners for French prisoners of war held by the Algerians.

Asked why North Vietnam would be interested in the release of Mr. Seale and Newton, Mr. Davis declined to answer.

He referred all questions to Mr. Cleaver in Algiers and David Hilliard, chief of staff of the Panthers, in Oakland.

Mr. Seale has been embroiled in several bitter clashes with Judge Julius J. Hoffman during the trial's first four weeks. The most bitter came yesterday when he called Judge Hoffman "a fascist and a racist" after the judge denied a motion to let him act as his own lawyer.

Mr. Seale asserted that he had been deprived of the counsel of his choice because his attorney, Charles Garry, had just undergone a gall bladder operation and Judge Hoffman had refused to postpone the trial until he recovered.

Judge Hoffman warned Mr. Seale yesterday that he had means to deal with a defendant who refused to be quiet in court. This was interpreted by legal observers here as a warning that Mr. Seale could be shackled and gagged in court if his outbursts continued.

This morning as an undercover Chicago policeman was about to leave the stand, Mr. Seale protested again.

"Judge," he said, "will you ask the witness a question for me."

Judge Hoffman said Mr. Seale could ask any questions he wanted through a defense lawyer, William M. Kunstler.

Mr. Kunstler rose to say that he had been dismissed by Mr. Seale and no longer regarded himself as Mr. Seale's lawyer.

"Somebody's got to ask questions on my behalf," Mr. Seale said. Judge Hoffman refused to let him continue.

For the rest of the day, another undercover Chicago policeman testified about events during the Democratic convention.

Kenneth Carcarano, a plainclothesman assigned to the police department's "subversive unit," said he had seen Mr. Davis lead a march into Grant Park on the evening of Aug. 26, 1968.

He testified that Mr. Davis had shouted through a bullhorn, "What do you want?" and that demonstrators had responded, "Revolution!"

Mr. Davis yelled "When do we want it?" and the crowd responded, "Now," the policeman said.

When the demonstrators reached the park, Mr. Carcarano said, Mr. Davis yelled, "Take the hill. Take the high ground. Don't let the pigs take the hill."

PRISONER EXCHANGE DOUBTED

WASHINGTON, October 22—State Department officials expressed doubt today whether North Vietnam had any interest in exchanging American prisoners of war for Black Panthers in the United States and said it had no information about such a proposed exchange.

The report that Eldridge Cleaver, a Panther leader in self-imposed exile, has begun discussion on an exchange with the enemy in Vietnam was issued in Chicago yesterday by Rennie Davis, one of the defendants in the Chicago Eight trial.

A State Department spokesman said that "we have no information about this report." Later, other officials said privately they doubted that the enemy would be interested in the proposed exchange.

"GROUNDWORK" PREPARED

SAN FRANCISCO, October 22—The Black Panther party said today that "the groundwork has been set" for the release of American prisoners of war if jailed Panther leaders are freed.

At a news conference this morning, David Hilliard, the party's national chief of staff, said that the Panthers are seeking the freedom of Huey P. Newton and Bobby G. Seale, the party's co-founders.

In exchange for their release, he said, the Government of North Vietnam would free an unspecified number of American prisoners.

Mr. Hilliard added that the "final details" of the proposed exchange are being worked out by Eldridge Cleaver, the Panther's exiled minister of information.

Mr. Hilliard said that the Vietnamese would ask that Rennie Davis and David Dellinger, two of the defendants in the Chicago eight trial, along with Mr. Seale, act as the go-betweens in the proposed swap.

The proposal could become active "as soon as Davis and Dellinger are cleared to go and meet with Eldridge," Mr. Dellinger said.

CONSPIRACY TRIAL

(By Tom Hayden)

CHICAGO.—The Conspiracy trial no longer seems to be the carnival it was in the first week.

We no longer humorously refer to federal judge Julius Hoffman as "Magoo" (a reference to a comic character the judge is said to resemble) but as "Adolph Hitler Hoffman."

The first 21 government witnesses have been from the Chicago police department and the FBI. Their testimony has unfolded as an attack on the movement, political ideas, language and style rather than on concrete crimes. The most concrete action charged any of the defendants so far was letting the air out of police car tires, throwing sweaters at undercover agents and other trivia which defense attorney William Kunstler asserts belong in a municipal police court, not before the federal bench.

Occasionally there is a fantastic claim such as the one that Rennie Davis arranged for live television coverage in front of the Conrad Hilton hotel Aug. 27 and then ordered Mobilization marshals to kick the line of policemen in the shins so demonstrators would be clubbed before the TV audience. On this particular charge as on many others, cross-examination revealed no shins were kicked.

The heavy emphasis in the police testimony has been on the provocative language and identity of the defendants. With a pretense at embarrassment officer after officer tells the jury that the defendants shouted, "——— LBJ," "Ho, Ho, Ho Chi Minh" and other chants.

When defense attorneys ask police if any obscenities were used by them while clubbing demonstrators, they are given pious denials. The most any police witness has acknowledged is that he heard one officer say to another, "These little ——— are really tough . . ."

The Conspiracy is attempting to pinpoint the blame for the Chicago melee on authorities at the highest level and show that the trial is an integral part of a national policy to institute a legalized fascism. The Nixon administration, according to the defendants, is rigging the Supreme Court and Justice Department with reactionary political figures prepared to go beyond present Constitutional standards towards a new policy of reaction.

As examples of a move toward fascism, there are the proceedings of the Conspiracy trial itself. For example, the government has admitted illegal wiretapping of defendants but asks the court to uphold wiretapping in the overriding interest of national security. Furthermore, the prosecution case cites as "evidence" of crime speeches given before and during the convention to public meetings where there was no evidence whatsoever of a "clear and present danger to the peace."

The Conspiracy is waging a struggle coordinating the defense inside the courtroom with a political campaign on the outside to stop the trial. The defense case will try to re-enact what happened in Chicago and bring political figures such as Lyndon Johnson and Mayor Richard Daley to explain their policies. Leaders of the civil rights, academic and liberal communities are expected to testify about what happened in Chicago as well as ordinary people who were beaten or gassed in the streets.

The Conspiracy hopes to make part of its defense a "people's case" and encourages all witnesses to return to testify.

Since the trial has sparked widespread international concern, the Conspiracy hopes to turn it into a political showdown.

Dave Dellinger, at the request of the Black Panther party, announced the possibility of releasing U.S. military prisoners in Vietnam if and when the U.S. unconditionally released Bobby Seale and Panther leader Huey Newton. Panther Eldridge Cleaver has been in consultation with the Vietnamese about this. The political import is that Seale and Newton are not simply political prisoners but prisoners of war because it's a military policy the government utilizes against the Panthers.

Dellinger and Davis asked to be allowed to go to Paris to discuss release of American prisoners with the North Vietnamese delegation to the peace talks. Hoffman denied permission, but lawyer Kunstler went instead.

One of the most tumultuous scenes in the court last week was when seven Panthers were not permitted to bring a cake into the courtroom to celebrate defendant Seale's 34th birthday. Hoffman denied a request from Kunstler to celebrate the birthday. After a recess, as the defendants emerged from the conference room in ceremonial procession with the cake inscribed "Free Huey and Bobby" across it, a line of marshals wrestled the cake from Jerry Rubin.

"That's a cake-napping!" shouted Abbie Hoffman and Rennie Davis turned to Seale and said "Hey, Bobby, they've arrested your cake."

"They've arrested a cake," said Seale loudly, "but they can't arrest a revolution."

The Panthers seated in the second row shouted "Fight on!" and raised their fists.

When Hoffman ordered the spectators to be silent Seale turned to his supporters and said, "Okay, brothers, just sit in the courtroom and listen and don't say anything."

"I give the orders here, sir," said Hoffman.

"They don't take orders from a racist judge," Seale replied.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 4 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, it is so ordered.

RISING TEXTILE IMPORTS FROM JAPAN

Mr. THURMOND. Next week the Prime Minister of Japan will visit in Washington for 3 days of meetings with the President of the United States on problems of mutual interest between the two countries.

We welcome the Prime Minister to this country and hope his stay will be a pleasant and meaningful one. He comes when relations between Japan and this country are relatively stable.

For over 10 years textile producing States, such as my State, South Carolina, have been viewing with alarm the steady rise in imports of cotton, wool, and manmade fiber products, the majority of which are coming from Japan.

In 1969 these imports reached a high of 3.7 billion yards, an increase of 400 million yards over 1968 and a considerable increase above the 1.5 billion yards coming into the United States in 1964.

Over the last 8 years imports of manmades have doubled roughly every 2 years. In 1969, these imports will constitute half of our total imports.

Mr. President, there is absolutely no doubt the import flow in textiles has become a flood, if not a tidal wave. Even more alarming is the fact that we have lost 33,000 jobs in textiles and apparel since January of this year. Total textile and apparel employment, which fell below 2.4 million workers in August for the first time in 15 months, continued to decline in September.

No government can ignore such an alarming trend. President Nixon made plans to solve this problem even before his inauguration, and he and his administration have given it high priority since that time. Commerce Secretary Maurice Stans has visited abroad in an effort to obtain voluntary quotas which would insure orderly progress of the textile interests of all concerned. The problem has been a generally uncooperative attitude by the Japanese Government. Ample time has expired to correct this situation. If our friends in Japan continue to keep their heads in the sand, then the Congress should take forthright action to insure the survival of our textile industry. It is my feeling that Congress would not hesitate to act.

Another point worthy of note is the fact that our textile industry is essential to the military security of our country. The textile industry was described by the World War II Army Quartermaster General as second only to steel in essentiality. In 1959 the Office of Civil and Defense Mobilization made the following statement to the Senate Textile Subcommittee:

> The OCDM regards the textile industry as an essential industry and considers it an essential part of the nation's mobilization base.

At the present time the textile industry is supplying an average of 200 yards of cloth for every man and woman in uniform. In all, some 10,000 textile items from socks to bulletproof vests are used by our servicemen.

In a speech last October, Stanley Nehmer, Deputy Assistant Secretary of Commerce, revealed some interesting facts. He stated:

> The United Kingdom sets quotas on various wool and man-made fiber products from Japan. Italy restricts imports of various wool and man-made fiber products from Japan. France has similar restrictions on Japanese imports, but restricts imports from Hong Kong as well. West Germany has restrictions against Japan, Hong Kong, India and Pakistan. Austria has restrictions on Japanese textiles but also has an "anti-dumping and market disruption law" which permits automatic action when prices of specified textiles are considered too low. The Benelux countries have a bilateral agreement setting quotas on Japanese textiles and apparel, while the Japanese-Canadian agreement imposes quotas on some synthetics. Canada has similar agreements with Korea and Hong Kong. Denmark uses licenses to regulate textile imports from Japan, Korea and Taiwan. Switzerland employs a "price certificate system" for textile imports under which textile imports are kept out if prices are too low. This is administered through a system of import licenses for all textiles at the fabric stage and beyond, regardless of origin. However, the licenses have been granted automatically to high-cost countries. Norway and

> Sweden have restrictions on imports from several Asian countries. Even Japan has a global quota on imports of woven woolen fabrics under which Japan sets quotas for France, Italy and the U.S.

Mr. President, these facts amply illustrate the dilemma with which this country is faced. It is my hope this administration can reach a negotiated solution, but if our friends abroad think we lack the determination to pass a unilateral arrangement in the Congress, then they are sadly mistaken. Hopefully, such a solution will not be necessary, but let it be understood we stand ready to act if the present deadlock is not soon broken.

SALT—GIANT STEP IN THE LONG JOURNEY TOWARD PEACE

Mr. YOUNG of Ohio. Mr. President, November 17, 1969, the day set for preliminary discussions at Helsinki, Finland, on strategic arms limitation talks, commonly referred to as SALT, could mark a historic turning point in history. Since the first atomic bomb was exploded in August 1945, mankind has lived precariously under what the late, great President John F. Kennedy described as "a nuclear sword of Damocles."

In urging Senate ratification of the Limited Nuclear Test Ban Treaty, President Kennedy, quoting an ancient Chinese proverb said, "A journey of a thousand miles must begin with a single step." Since then additional meaningful steps have been taken toward permanent peace—the Nuclear Nonproliferation Treaty and the treaty banning the use of nuclear weapons in outer space. Now, with the SALT negotiations, the opportunity presents itself for a giant step forward on that long journey toward permanent peace.

The armaments race between the major powers continues unabated. The insane nuclear arms and missile race between the United States and the Soviet Union has brought all mankind nearer the possibility of total destruction. Many of these armaments systems are obsolete before they even reach completion. The emphasis may change from bombs to missiles, from missiles to antimissile missiles, but the armaments race continues. Hundreds of billions of dollars and rubles are wasted on the seemingly insatiable demands of militarists of both nations for more and more weapons.

After years of this dangerous rivalry, neither our Nation nor the Soviet Union is any more secure than it was at the beginning of this decade. Every effort to develop and stockpile new superweapons has only resulted in a similar action by the other side. After each nation has developed a new one, the race starts all over again to produce new, more expensive and more sophisticated weapons.

Despite assurances to the lesser powers, the Soviet Union and the United States have used the 15 months since the signing of the Nuclear Nonproliferation Treaty not to curb the armaments race but to proceed with the testing of new weapons systems.

The first order of business at Helsinki must be to seek a mutual moratorium on all testing. Then, efforts may proceed toward more comprehensive arms agreement that can only be arrived at after years of difficult and painstaking negotiations. Senators will recall that it took years of such tedious and often discouraging negotiations to arrive at the Limited Nuclear Test Ban Treaty and the Nuclear Nonproliferation Treaty.

It is of utmost importance that none of the superweapons be excluded from the discussions—the ABM, the multiple independently targetable reentry vehicles, commonly referred to as MIRV's, and others. The continuing development by the Soviet Union and the United States of the testing and deployment of MIRV systems and further deployment of ABM systems must be halted.

MIRV is the major factor that could cause a tragic spiral in the arms race and preclude for many years the opportunity for meaningful arms limitation negotiations. Unless MIRV flight testing is halted soon, we may reach the point of no return toward being able to halt the mad momentum of the arms race.

We may never have a better opportunity to do so. Administration leaders and leaders in the Kremlin both appear willing to negotiate seriously. More important, it appears that both sides can negotiate from a position of approximate nuclear equality. The fact is that there is no such thing as nuclear superiority when each side has it within its capability to totally destroy the other.

The President's decision to enter into SALT negotiations is, without a doubt, his most significant act since assuming office. These negotiations are only the beginning. We harbor no false hopes that firm agreements will be arrived at in a week, a month, or even a year. The negotiations will be long, arduous, and frustrating. However, the outcome will determine whether the United States and the Soviet Union will be forced to continue to expend vast amounts of their resources and energy on nuclear weapons; whether mankind will be confronted with the bleak prospect of nuclear weapons proliferation; whether the horrible uncertainty of a horrible nuclear war will continue to hover over mankind; and possibly whether civilization as we know it will live or die.

Mr. President, I am proud to be a cosponsor along with 41 of my colleagues of the resolution introduced by the distinguished junior Senator from Massachusetts (Mr. BROOKE), calling for a halt in the testing of all multiple-warhead missiles by the United States and the Soviet Union. I can think of no better way of expressing the good faith of our Nation in the SALT negotiations than by prompt approval by the Senate of that resolution.

Mr. President, in announcing that I would not be a candidate for reelection in 1970, I stated "the most important vote of my senatorial career to date was cast in support of the Limited Nuclear Test Ban Treaty." In 14 months I shall retire from the Senate. It is my hope that before those 14 months have ended, I shall have the opportunity to cast an even more important vote—a vote for a meaningful Strategic Arms Limitation Treaty.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 3138. A bill for the relief of Ruth E. Calvert; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3139. A bill for the relief of Grant J. Merritt and Mary Merritt Bergson; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF A BILL

S. 2168

Mr. BENNETT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of S. 2168, the mink quota bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—AMENDMENT

AMENDMENT NO. 278

Mr. PERCY. Mr. President, today there are approximately 20 million Americans aged 65 or over in this country. Of these Americans, 3.2 million are restricted in their movements or confined to bed; 3 million are classified as illiterate or functionally illiterate; 4.4 million live alone, many divorced from community life; and 1.2 million are confined to hospitals or other institutions.

These people need more than a social security or welfare check to make their lives meaningful or comfortable. They need programs designed to meet their specific needs and to help them contribute to the development of their communities despite their advanced years. Title III of the Older Americans Act provides them with these programs by allocating money for training, planning, and service projects for the elderly.

With the help of title III funds, communities can establish home health, transportation, reassurance, personal counseling, and job training services for their elderly residents. In addition, they can develop hot meal, recreation, and leisure time programs, many of which depend upon the assistance of the senior citizens themselves to operate.

There are currently 4 million older Americans residing in areas covered by local planning programs of title III. Last year, nearly 600,000 of these people participated in the 1,100 projects financed by title III funds.

In Illinois alone, 18,000 older Americans were assisted through 38 pilot projects ranging from senior centers for recreation to homemaker, health assistance, adult education, transportation, and referral services. In addition, 192 elderly men and women who might not otherwise participate in community activities were trained to help operate these projects. They worked along side of 754 older volunteers who gained a sense of significance and recognition that elderly people desire but too often do not achieve.

While the progress being made by title III programs in Illinois and across the United States is encouraging, there is still much more to be done. Less than 2 percent of the elderly in the State and in the Nation are being served by these activities. And they will not be served unless the programs multiply and receive adequate funding.

I am today submitting an amendment to the Labor, Health, Education, and Welfare appropriations bill that will increase the funds for title III. This legislation will provide for the appropriation of $20 million, the full authorization, for that title, rather than the $9 million recommended in the revised budget.

The additional funds provided by this amendment will make a significant impact in every State. For Illinois, they will make the difference between a $700,000 grant—a slight increase from the $613,000 approved last year—or a $318,087 grant for title III programs representing almost a 50-percent decrease from the previous year. They will thus contribute to the expansion rather than the reduction of many worthwhile projects. There is no earthly reason why in a rich America of the 1970's we cannot provide better for poor senior citizens in great need of help.

Mr. President, I believe that every State, and the elderly of every State, will derive great benefit from an increased level of funding for title III of the Older Americans Act. I urge, therefore, that this amendment be adopted when it is considered by the Senate.

The **PRESIDING OFFICER**. The amendment will be received, printed, and appropriately referred.

The amendment (No. 278) was referred to the Committee on Appropriations.

AMENDMENT OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 AND RELATED ACTS—AMENDMENTS

AMENDMENTS NOS. 279 THROUGH 286

INCREASED AUTHORIZATIONS FOR VITAL EDUCATION PROGRAMS

Mr. **MONDALE**. Mr. President, today I am submitting for the RECORD a series of amendments to S. 2218, which I proposed during the executive sessions held this week by the Education Subcommittee on bills to extend and improve the Elementary and Secondary Education Act. The amendments I am submitting today complement an amendment I offered last week to establish a National Advisory Commission on School Finance.

COMMISSION ON SCHOOL FINANCE

That amendment, which will be considered in the executive session of the full Labor and Public Welfare committee, would amend the Elementary and Secondary Education Act by establishing a National Advisory Commission on School Finance to study and make recommendations regarding the severe financial crises faced by school districts throughout the Nation. It would focus attention on the tremendous educational burdens faced by rapidly growing communities, on the serious inequities within and among States of this Nation with respect to the quality of education offered in elementary and secondary schools, and on the appropriate structure for local-State-Federal partnerships in financing education.

This Commission would pay particular attention to the problems of school construction assistance—problems that are perhaps best illustrated by fast growing suburban and isolated rural school districts in my own State of Minnesota. The suburban school district of Anoka-Hennepin, for example, faces annual enrollment increases of almost 10 percent. It is dependent upon a relatively limited tax base. The average age in this community is 14. Its public school enrollment has tripled in the past 10 years. As a result, the residents of this district have found their taxes increasing by as much as 30 percent in a single year.

On the other hand, the Aitkin school district, located in a rural area, faces financial problems typical of many communities. With much of its land either unproductive or owned by the State and, therefore tax forfeited, the district has been forced to increase the school taxes at a rate approaching 40 percent in a single year.

The tremendous financial burden placed on educational agencies trying to provide quality education in situations such as these requires serious consideration by talented individuals representing all aspects of the educational process. The amendment I offered last week would establish a qualified Commission to do this task, and I am hopeful that it will be adopted by the committee.

AUTHORIZATION INCREASES

The amendments I am submitting today were adopted yesterday by the Education Subcommittee. If they are retained by the full committee, the Senate, and the Senate-House conference, they will make increased funds available to elementary and secondary schools throughout the Nation. They recognize the need to maintain and increase the Federal Government's commitment to quality education. They are designed to insure that inflation and increased enrollments do not dilute that commitment.

These amendments will provide that the authorizations for elementary and secondary educational programs, and several of the vocational education programs being considered in this bill, are increased annually to the levels consistent with, and in some cases superior to, our existing commitments. They are based on an understanding that education must rank as a high priority item on the post-Vietnam national agenda. They are grounded in the belief that as our Nation struggles to reorder its priorities, the education of our children must receive greater attention and support. Finally, they were offered with the feeling that as the Congress is now beginning to apppropriate for education at a level approaching full funding, it would be a tragic mistake to cripple future funding of education programs by leaving existing authorization levels as inflexible ceilings.

The remainder of my statement will be devoted to a discussion of the specific authorization amendments I have offered.

I ask unanimous consent that the text of these amendments be printed in the RECORD at the close of my remarks.

The **PRESIDING OFFICER**. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD, as requested by the Senator from Minnesota.

(See exhibit 1.)

PROGRAMS FOR THE DISADVANTAGED

Mr. **MONDALE**. Mr. President, title I of the Elementary and Secondary Education Act of 1965 was designed to make our educational programs more responsive to the special needs of children from poor families. It is estimated that 9 million disadvantaged children benefit from this program each year. Since its inception, over $4 billion has been appropriated under title I.

While a recent report issued by the Washington research project and the NAACP legal defense and educational fund has criticized certain aspects of the administration of this program—pointing out many severe administrative difficulties which must be corrected, and which other provisions in the bill reported by the Education Subcommittee are designed to correct—few people have contested the validity of the purpose and goal of title I. The unmet needs which disadvantaged children face throughout our educational process are overwhelming. The purpose of this program is eminently sound. In my judgment, the authorization and appropriations for the title I program must be increased substantially.

The amendment to title I which I introduced yesterday seeks to improve and strengthen the programs for disadvantaged students in two very important respects. First, it increases the authorization for title I from an anticipated $3.6 billion in fiscal year 1971 to an estimated $4.7 billion in that year. It accomplishes this increase by changing the title I formula so that the authorization is based on the number of children from families with incomes under $4,000, rather than on the number of children from families with incomes under $3,000, as existing legislation provides.

This increase is necessary to improve and strengthen our ability to provide educational assistance to disadvantaged children. As Mrs. Charles Hymes, former member and vice chairman of the Minneapolis Board of Education, stated in her testimony this year before the Education Subcommittee:

> Even if all the funds authorized and appropriated were available, it (the Elementary and Secondary Education Act) would not meet the needs of education today.

This comment is particularly relevant to programs for the disadvantaged. Present authorizations do not provide funds for millions of poor children. Government statistics, for example, indicate that the poverty line for a family of four is now above $3,500 a year, and that larger families with incomes as high as $4,000 are living in poverty. If title I is expected to provide assistance to disadvantaged children, I believe it is essential that this bill extending the program for another 4 years include an amendment raising the family income eligibility criteria for title I from $3,000 to $4,000. A change in the formula along the lines of my amendment will increase authorizations for title I assistance for the State of Minnesota in fiscal year 1971 from an estimated $61 million to an estimated $84 million.

This amendment will also strengthen existing assurances that, if the program is not fully funded, money would be allocated first to help the most deprived children. Presently, the legislation requires that money be first allocated on the basis of the number of children from families with incomes under $2,000. However, if sufficient funds are appropriated to reach more than these children, then the entire allocation is based on the number of children from families with incomes under $3,000. In other words, a drastic change in allocations among districts and among States will occur as soon as there is $1 more appropriated than is necessary to meet the requirements under this title for children from families under $2,000.

My amendment will prevent such a drastic and sudden shift from occurring. It will provide that, no matter how much money is appropriated, it will be allocated first on the basis of the number of children from families with incomes under $2,000, with any excess then allocated on the basis of children from families with incomes between $2,000 and $3,000. Similarly, if sufficient funds were available to meet the needs of all children from families with incomes under $2,000, and all children from families with incomes under $3,000, then any excess would be allocated on the basis of the number of children from families with incomes between $3,000 and $4,000.

This portion of the amendment will maintain the program's focus on the most severely disadvantaged children. It will assure that children from school districts currently receiving assistance will not suffer large reductions under their title I assistance as a result of increased appropriations. It will help prevent the diversion of funds from the most desperately needy children.

The Office of Education has provided a table estimating the authorizations by State for fiscal year 1971 under both current formula and the formula proposed in my amendment.

I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—ESTIMATED AUTHORIZATIONS, PUBLIC LAW 89-10, TITLE I: FISCAL YEAR 1971

	Existing law ($3,000 income level, 50 percent Federal percentage)	Mondale amendment ($4,000 income level, 50 percent Federal percentage)	Increase under Mondale amendment
United States and outlying areas	$3,620,543,719	$4,683,646,105	$1,063,102,386
50 States and District of Columbia	3,520,946,751	4,554,880,590	1,033,933,839
Alabama	120,723,655	157,096,133	36,372,478
Alaska	5,182,890	6,032,035	849,145
Arizona	24,269,187	34,784,292	10,515,105
Arkansas	75,242,236	96,109,476	20,867,240
California	213,753,553	239,405,739	25,652,186
Colorado	24,837,369	35,995,846	11,158,477
Connecticut	27,798,211	31,324,874	3,526,663
Delaware	6,239,166	9,085,856	2,846,690
Florida	96,722,568	143,622,060	46,899,492
Georgia	130,982,907	173,295,437	42,312,530
Hawaii	6,392,303	11,888,271	5,495,968
Idaho	9,641,030	15,317,091	5,676,061
Illinois	132,369,410	160,737,108	28,367,698
Indiana	51,159,494	81,235,363	30,075,869
Iowa	46,483,052	67,346,210	20,863,158
Kansas	30,456,244	43,957,875	13,501,631
Kentucky	97,741,893	127,233,929	29,492,036
Louisiana	108,592,124	143,041,970	34,449,846
Maine	13,825,505	24,258,299	10,432,794
Maryland	46,012,318	63,642,379	17,630,061
Massachusetts	52,365,779	65,677,782	13,312,003
Michigan	112,612,540	141,812,839	29,200,299
Minnesota	60,737,072	83,893,020	23,155,948
Mississippi	116,266,320	139,061,636	22,795,316
Missouri	$74,131,049	$105,678,065	$31,547,016
Montana	10,240,185	15,587,035	5,346,850
Nebraska	23,558,449	36,491,559	12,933,110
Nevada	2,624,520	3,962,941	1,338,421
New Hampshire	5,464,977	9,198,396	3,733,419
New Jersey	79,463,171	91,548,667	12,085,496
New Mexico	22,700,392	32,234,959	9,534,567
New York	419,413,566	427,160,414	7,746,848
North Carolina	170,961,808	226,665,737	55,703,928
North Dakota	15,286,471	22,739,519	7,453,048
Ohio	104,269,518	146,685,478	42,415,960
Oklahoma	51,687,869	71,717,807	20,029,938
Oregon	21,192,115	29,564,662	8,372,547
Pennsylvania	155,219,094	209,045,430	53,826,336
Rhode Island	10,922,991	15,611,404	4,688,413
South Carolina	102,718,077	130,913,501	28,195,424
South Dakota	17,987,886	24,948,623	9,960,737
Tennessee	116,167,313	154,968,343	38,801,030
Texas	236,976,705	331,884,493	94,908,188
Utah	8,842,672	13,604,525	4,761,853
Vermont	6,765,254	10,420,476	3,655,222
Virginia	95,582,122	132,839,875	37,257,753
Washington	33,294,281	43,601,883	10,307,602
West Virginia	53,461,140	71,099,271	17,638,131
Wisconsin	52,135,057	74,136,512	22,001,455
Wyoming	3,855,996	6,385,917	2,529,921
District of Columbia	15,617,246	20,329,578	4,712,332
Outlying areas	99,596,968	128,765,515	29,168,547

LIBRARY ASSISTANCE

Mr. MONDALE. Mr. President, one of the most effective programs funded under the Elementary and Secondary Education Act has been title II, which makes funds available to public and private schools for the purchase of library and audio-visual materials. This program has been a popular ESEA program because of its visible and direct effect on the schools. In modern schools, the instructional materials center has become a focal point upon which the educational program is based. Title II has enabled schools across the Nation to make dramatic advances in the quality and quantity of instructional materials available to their students and teachers.

My amendment which was adopted by the Education Subcommittee yesterday, provides that the authorization for title II be increased from its basic 1970 level of $200 million—plus its 3 percent set aside—to $225 million in fiscal 1971 with $25 million annual increments through 1974. In view of potential cost increases, these authorization levels will maintain the Federal commitment at its present level and maintain a modest, yet important, goal for our efforts to obtain full funding for these vital programs.

INNOVATIVE AND EXEMPLARY PROGRAMS

Title III has sparked major educational innovations in thousands of school districts since its inception in 1965. At a time when our educational system is facing unprecedented demands for change and renewal, title III—PACE—is one of the major sources of financial support available to the imaginative educator.

The 1968 report of the National Advisory Council on Supplementary Centers and Services stated:

> We believe that this title is in a unique position to serve as a catalyst for the innovative ferment that is becoming known as the "permanent revolution in education," giving direction and purpose to it. In this role, the value of PACE can extend far beyond its limited appropriations.

I recommend authorization levels which will permit us to maintain the innovative thrust and objective of title III which has done so much to improve the quality of education in the schools of Minnesota and the Nation. The amendment I proposed—and which was adopted—increases the basic 1970 title III authorization of $550 million—plus the 3 percent set aside—to $600 million for 1971, $650 million for 1972, $700 million for 1973, and $750 million for 1974. We cannot afford to let inflation and increasing enrollment dilute our commitment to encouraging innovation and experimentation in our schools. The modest authorization increases in this amendment are designed to preserve these very worthy objectives.

STRENGTHENING STATE DEPARTMENTS OF EDUCATION

The role of the states in improving education is becoming increasingly critical. Local communities are looking to state governments for financial support and proposals are being made for shifting more discretion and responsibility to the state level for administering federally funded programs. In this context, it becomes increasingly important to provide adequate resources to state Departments of Education.

Title V of ESEA has been providing needed assistance in this area. In 1968, alone, title V funds enabled state departments of education to add one thousand staff members to broaden their consultative services to local districts and their departmental management capabilities.

The President's Task Force Report on Education stated:

> The third (question) is whether the funding for Title V, under which grants are made to strengthen state departments of education, should not be substantially increased. We believe it should, because we regard an improvement in the capacity of state governments to handle their responsibilities in education as being of absolutely critical importance.

I am in complete agreement with this viewpoint, and the amendment I proposed provides that the 1970 title V authorization of $80 million be increased to $90 million in fiscal year 1971, $100 million in fiscal year 1972, $110 million in fiscal year 1973, and $120 million in fiscal year 1974. The Education Subcommittee accepted the amendment in its action during yesterday's executive session.

I have also cosponsored an amendment introduced by Senator JAVITS extending the title V concept to provide Federal grants to strengthen local educational agencies as they attempt to improve their capacity for revitalization and sound planning.

EDUCATION OF THE HANDICAPPED

Mr. President, it is absolutely essential that the legislation now being considered be amended to include significantly increased authorizations for programs providing education for the handicapped. The barriers which confront the handicapped child as he enters and seeks to benefit from our educational system are immense. His special needs demand special attention. Our attempts to provide equality of educational opportunity will continue to be thwarted until we make a full commitment to providing necessary services to the handicapped.

The outstanding leadership which Senators YARBOROUGH, PELL, and PROUTY have given to the cause of education of the handicapped over the years has provided an important framework for progress, yet tremendous unmet needs still remain. There are, for example, nearly 6 million handicapped children in our country and only 40 percent of them receive special educational services.

We must build on the framework that exists and declare as a national commitment the provision of a full educational opportunity for every handicapped child in America.

I strongly supported amendments offered by Senator YARBOROUGH, and adopted by the Education Subcommittee, which will provide substantially increased authorizations for various programs serving the handicapped.

I look forward to supporting these necessary amendments on the floor of the Senate, and then fighting to obtain full and adequate funding for them.

BILINGUAL EDUCATION

On January 2, 1968, the Congress adopted an amendment to the Elementary and Secondary Education Act to provide special bilingual programs for schoolchildren with limited English-speaking ability. This significant amendment—title VII of ESEA—was due in large part to the tireless efforts of the distinguished Senator from Texas, the Honorable RALPH YARBOROUGH, who brought public attention to our Nation's insensitive approach to the education of Spanish-speaking Americans through hearings of his Special Subcommittee on Bilingual Education.

Senator YARBOROUGH's subcommittee revealed to us, for example, that: In the five-State Southwest area of Texas, New Mexico, Colorado, Arizona, and California, at least 1.75 million Mexican-American schoolchildren experience academic failure in school because of linguistic, cultural and psychological handicaps; the average number of school years completed by the Mexican American in the Southwest is 7.1 years, as compared to 9 years for the Negro and 12.1 years for the "Anglo"; 50 percent of Spanish-speaking students in California drop out by the eighth grade; the language barrier is largely responsible for keeping six to seven million Spanish-speaking citizens from climbing the economic ladder; and, almost two million children—Mexican-Americans, Indians, Puerto Ricans, and others—drop out of school because of language difficulties. More than a million others who could use language assistance manage to get through school, but only under a serious handicap.

While serving as chairman of the Migratory Labor Subcommittee and as a member of the Indian Education Subcommittee I have seen firsthand how Mexican American and American Indians are educated in our Nation.

Many of these children enter school with the ability to speak only their native language. A 1967 study by the U.S. Office of Education found that more than half of all Indian children between the ages of 6 and 18 speak in their native tongue. The Smithsonian Institution reports there are nearly 300 recognizably separate American Indian languages and dialects existent today, and that 65 of these languages are spoken by more than 1,000 persons.

In most instances, the non-English child is thrown into a classroom in which the teacher speaks and understands only English.

The teacher has little, if any, knowledge about the student's language or culture. The textbooks are all in English, and often deal with ideas and concepts foreign to the student's native culture. I was shocked, for example, to find in Alaska that natives are taught to read with the "Dick and Jane" reading series, which describes a world of automobiles, cows, farms, and grass—a world totally unknown to the Alaskan native. In many schools, Alaskans and Indians are forbidden to use their native languages. They are actually taught that the language used by their parents is undesirable and inferior.

Education experts tell us that language is the most important manifestation of the human personality. The consequences, therefore, when the school rejects a child's native tongue are grave. The child's concept of his parents, his home, his way of life, and himself, is adversely affected. The Office of Education's Coleman Report entitled "Equality of Educational Opportunity" bore this out with its findings that Indian children, more than any other group, believe themselves to be below average in intelligence, and that Indian children in the 12th grade have the poorest self-concept of all minority groups tested.

Dr. Bruce Gaarder, formerly chief of the U.S. Office of Education's modern foreign language section, and an expert in bilingual education, described the situation this way:

> The official language policy has kept the Indians in the primitive status of non-literate peoples, and the constant effort to eliminate the differences, forcing each child, in greater or lesser degree, to choose between his own people and the outside world, is nothing less than attempted assimilation by alienation. The language and alienation policies together have effectively prevented the formation of an Indian intelligentsia and have systematically cut away from the tribes most of their potential leaders. The overall result has tended to keep the Indians in a condition of unleavened peasantry.

It becomes our task, therefore, to build upon the cultural strengths a child brings into the classroom, to cultivate in that child a pride in his ancestry and to reinforce, not destroy, the language he natively speaks. We must give that child the sense of personal identification so essential to his social maturation, so essential to his growth in learning.

Educators tell us that a bilingual approach to education, an approach in which the indigenous native tongue is used as a teaching medium to assure acquisition and mastery of the content of the curriculum while English is still being mastered as a vehicle of instruction, is the way to accomplish our task. This approach means the curriculum must reflect the student's cultural background, and that teachers must be trained in bilingual education and sensitive to the differences between cultures. I saw for myself the effectiveness of a bilingual program at the Rough Rock Demostration School on the Navajo Reservation and am convinced of its value. At Rough Rock, students use bicultural materials prepared by the Navajo people themselves. Bilingual techniques are used, and the students are learning English rapidly while at the same time sustaining pride in their culture. These are the kinds of programs we need.

The bilingual education amendment submitted by the Senator from Texas (Mr. YARBOROUGH) sought to provide such programs for the more than 3 million schoolchildren in this country who have limited capabilities in the English language. But funding for this ESEA title has been so poor that the surface of the problem has barely been scratched.

In fiscal 1969, only 76 title VII bilingual education programs were funded. Another 239 program applications were denied because of lack of funds. The fiscal 1969 appropriation was only $7.5 million. The Office of Education reports that they would have needed $41 million just to fill the 1969 applications.

The 76 programs presently in operation are serving 26,531 children. That means that more than 3 million children are still failing, dropping out of school and developing personality problems because their language is different from their teachers and because the school is unable to provide the special bilingual programs necessary for them to have equal educational opportunities.

Massive increases are essential in both the authorization and appropriation of title VII ESEA if we are to stop the destruction of our greatest natural resource, the citizens of our Nation. We can start by doubling the fiscal 1971 authorization for this title, raising it from its fiscal 1970 level of $40 million to $80 million. We must continue to increase that authorization level so that by fiscal 1974 we are providing at least $250 million for these programs. I was pleased to be able to support Senator Yarborough's amendment adopted by the subcommittee yesterday providing these necessary authorizations for bilingual education programs.

Considering the millions of dollars the Government spends annually to teach languages in the Foreign Service, the Department of Defense, the AID, the USIA, the CIA, and other agencies and departments, I do not believe it is asking too much to provide programs to help American children who speak the same languages natively—and who suffer severe educational handicaps because of that.

DROPOUT PREVENTION

One of the greatest and unnecessary wastes of our country's human resources is the tremendous number of American youth who drop out of school each year. Every year approximately one million children in this country drop out of school. Almost one quarter of the children who enter fifth grade leave school before their class reaches high school graduation.

A recent amendment, sponsored by the distinguished Senator from California (Mr. Murphy) established title VIII of the Elementary and Secondary Education Act. This title authorizes the resources, flexibility, and commitment necessary to permit our educational institutions to prevent and reduce this tragic loss of human potential. It offers the schools in our Nation an opportunity to provide the kinds of services which are desperately needed to encourage youth to stay in school.

Unfortunately, this promising program has been severely hampered by limited funding. The amendment which I offered yesterday and which was adopted substantially increases authorization for title VIII, raising existing authorization ceilings from $30 million to $70 million in fiscal year 1971, $120 million in fiscal year 1972, $180 million in fiscal year 1973, and $250 million in fiscal year 1974. Authorization increases of this magnitude, coupled with fuller and more adequate appropriations, are necessary if our Nation is to fulfill its commitment to the education of its children.

VOCATIONAL EDUCATION

The Vocational Education Amendments of 1968 signaled an important change in emphasis for American education. In addition to making job preparation geared to the realities of a changing society one of the major goals of the public schools, this legislation paid special attention to the training of persons largely ignored in previous Federal vocational education programs—the disadvantaged, the handicapped, the potential dropout, and persons seeking training in fast growing technical specialities.

Vocational educators were provided with far greater flexibility to meet the changing needs of our population with new and imaginative approaches. I supported then and continue to support this expansion and redirection of our vocational education effort.

Amendments were adopted by the Education Subcommittee extending for 2 years a number of important vocational education programs which would have expired in 1970. I supported the extension of these programs and recommended that their authorizations be increased to insure that the intent of this legislation can be met.

My specific amendments for vocational education—which were adopted by the subcommittee—provide: First, that the work-study program authorization be increased from its 1970 level of $35 million to $45 million in 1971 and $55 million in 1972; second, that the special programs for the disadvantaged be increased from the 1970 authorization level of $40 million to $50 million in 1970 and $60 million in 1972; and third, that part F of the Education Professions Development Act be increased from the 1970 authorization level of $35 million to $40 million in 1971 and $45 million in 1972.

I regret that the programs for the disadvantaged and the work-study program have yet to be funded. The House has, however, taken action in the HEW appropriations bill to begin these programs in fiscal 1970, and I will do all I can to insure that the House action on these programs will be preserved or improved in the Senate.

I am confident that these increased authorizations, and increased appropriations we will fight for, will be of great assistance to outstanding vocational educational efforts underway in Minnesota and the entire Nation.

The amendments (Nos. 279 through 286) were referred to the Committee on Labor and Public Welfare, as follows:

EXHIBIT 1

AMENDMENT NO. 279

Insert at the appropriate place:

"LOW-INCOME FACTOR

"SEC. —. (a) Subsection (c) of section 103 of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end of the last sentence a comma and the following: 'and for each fiscal year thereafter, they shall be 50 per centum and $4,000, respectively'.

"(b) Paragraph (2) of section 108 of title I of the Elementary and Secondary Education Act of 1965 is amended by redesignating subparagraph (B) as subparagraph (D) and by inserting immediately above such subparagraph the following new subparagraphs:

" '(B) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $3,000, any amount remaining after allocations are computed pursuant to subparagraph (A) shall be allocated by using a low-income factor of $3,000 with respect to children described in section 103(a)(2) who are not counted for purposes of subparagraph (A); and

" '(C) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $4,000, any amount remaining after allocations are computed pursuant to subparagraphs (A) and (B) shall be allocated by using a low-income factor of $4,000 with respect to children described in section 103(a)(2) who are not counted for purposes of subparagraphs (A) and (B); and'."

AMENDMENT NO. 280

On page 17, strike out lines 20 through 24, and insert in lieu thereof the following:

"SEC. —. Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out 'and' where it appears after '1969,' and by inserting before the period at the end thereof a comma and the following: '$225,000,000 for the fiscal year ending June 30, 1971, $250,000,000 for the fiscal year ending June 30, 1972, $275,000,000 for the fiscal year ending June 30, 1973, and $300,000,000 for the fiscal year ending June 30, 1974'."

AMENDMENT NO. 281

On page 19, strike out lines 12 through 15 and insert in lieu thereof the following:

"(1) The first sentence of section 301(b) of such title is amended by striking out 'and' where it appears after '1969,' and by inserting before the period at the end thereof a comma and the following: '$600,000,000 for the fiscal year ending June 30, 1971, $650,000,000 for the fiscal year ending June 30, 1972, $700,000,000 for the fiscal year ending June 30, 1973, and $750,000,000 for the fiscal year ending June 3, 1974'."

AMENDMENT NO. 282

On page 24, strike out lines 13 through 17, and insert in lieu thereof the following:

"SEC. —. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out 'and' where it appears after '1969', and by inserting before the period at the end thereof a comma and the following: '$90,000,000 for the fiscal year ending June 30, 1971, $100,000,000 for the fiscal year ending June 30, 1972, $110,000,000 for the fiscal year ending June 30, 1973, and $120,000,000 for the fiscal year ending June 30, 1974'."

AMENDMENT NO. 283

On page 52, strike out lines 17 through 21 and insert in lieu thereof the following:

"SEC. —. Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended by striking out 'and' where it appears after '1969,' and by inserting before the period at the end thereof, a comma and the following: '$70,000,000 for the fiscal year ending June 30, 1971, $120,000,000 for the fiscal year ending June 30, 1972, $180,000,000 for the fiscal year ending June 30, 1973, and $250,000,000 for the fiscal year ending June 30, 1974'."

AMENDMENT NO. 284

On page 145, strike out lines 5 through 10 and insert in lieu thereof the following:

"Sec. —. Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after '1970,' the following: '$45,000,000 for the fiscal year ending June 30, 1971, and $55,000,000 for the fiscal year ending June 30, 1972'."

AMENDMENT No. 285

On page 144, strike out lines 4 through 7 and insert in lieu thereof the following:

"Sec. —. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after '1970,' the following: '$50,000,000 for the fiscal year ending June 30, 1971, and $60,000,000 for the fiscal year ending June 30, 1972'."

AMENDMENT No. 286

On page 145, strike out lines 21 through 25 and insert in lieu thereof the following:

"Sec. —. Section 555 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out 'and' where it appears after '1969,' and by inserting before the period at the end thereof a comma and the following: '$40,000,000 for the fiscal year ending June 30, 1971, and $45,000,000 for the fiscal year ending June 30, 1972'."

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years, vice Robert I. Nash.

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years, vice Tully Reynolds.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, November 20, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARING BY THE SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION, SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, ON S. 2225, THE AGRICULTURAL MARKETING AND BARGAINING ACT

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will hold a hearing on Thursday, November 20, on S. 2225, the Agricultural Marketing and Bargaining Act.

All persons interested in testifying should contact the committee staff as soon as possible to schedule their appearance.

PEACE DEMONSTRATIONS

Mr. DOLE. Mr. President, there has been much speculation about what effect the so-called marches for peace may have on not only our country but also on the enemy in North Vietnam. To make the record perfectly clear, let me recite a wire service story of this morning which says:

> North Vietnam and the Vietcong made it plain today they were counting on growing protests in the United States to speed the end of the Vietnam war on their terms.

Let me hasten to add that our Ambassador, Henry Cabot Lodge, then told the North Vietnamese they were harboring "false expectations." He said:

> The great majority of the American people support President Nixon as he seeks a just peace.

We can speculate and debate and discuss, pro and con, what effect the so-called march against death or the peace march might have on our role in Vietnam. But when the enemy says that it will lead to a quick end of the war on their terms, it is crystal clear what effect these activities have.

I recognize that many of those assembled in Washington today are well-intentioned young Americans who are concerned about war—concerned about all war, not just the war in Vietnam. I recognize that there are others who may not be so concerned about what is best for America.

I would only say to those who are here with a sincere desire to end the war in Vietnam that they should make certain there is no violence this weekend, because if they become the violent minority, I am not certain what response there would be from the silent majority.

Let me also add that those who are here with nothing to do might consider visiting some of our historic shrines. They might want to visit Arlington Cemetery. They might want to visit Mount Vernon. They might want to visit the Nation's Capitol. Or they might want to go back home to avoid the possibility of even remotely giving comfort to the enemy.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Kansas on his statement, and I wish to associate myself with what he said.

Many thousands of well-intentioned people from all walks of American life are beginning to assemble in the Nation's Capital to protest and demonstrate against the war in Vietnam.

If the activities are peaceful, these young citizens will be exercising their constitutionally guaranteed right to dissent—a right which they would not enjoy if they lived under Communist domination.

There can be no quarrel with their exercise of this precious right. They should thank God they have it; and they should also thank thousands of brave young men who have fought and died in the uniform of our country to protect that right.

Since I, too, enjoy the right of free speech, I want to say, as these activities begin, that I stand firmly with my President in his dedicated pursuit of a fair and just peace in Vietnam.

In a dramatic, moving address to the Nation just 10 days ago, President Nixon called for broad citizen support of his policies. Since then, I believe it has become more apparent to many more people that cohesion and unity in support of the President and his policies can speed the day when we will have a meaningful peace in Southeast Asia.

The great silent majority to which the President has appealed is responding. A Gallup poll taken shortly after his address indicated that at least 77 percent of the American people support the President and his policies.

In the last few days there has been an impressive outpouring of public support across the length and breadth of our great land in connection with ceremonies commemorating Veterans Day.

It is encouraging that so many citizens of this great Republic are coming to realize that by supporting the President they are taking the shortest path to a lasting and honorable peace in Southeast Asia.

As a result of the outpouring of support for President Nixon, I believe there is a better chance that the Hanoi regime and the Vietcong will not misread our intentions as a nation.

They should be on notice that the protests of a vocal minority are not a sign of national weakness.

They should avoid the false assumption that a free society, which tolerates dissent, is a weak society. The very fact that we tolerate dissent is a sign of the strength of our Nation—an indication of faith we have in the viability of our democratic institutions.

On the other hand, the enemy would do well to take serious note of the resolutions of support for President Nixon and his policies which have been introduced and are strongly backed in both Houses of Congress.

Perhaps it would be too much to expect that the enemy suddenly, or overnight, will become reasonable and willing to negotiate rationally in Paris. But in any event, the representatives of our Nation are prepared to remain at the peace table in the hope that a belligerent and intransigent foe will eventually undergo a metamorphosis.

We hope that genuine negotiations will get underway soon at Paris. And in the meantime, as one American, and as one U.S. Senator, I join in the appeal to all Americans to steadfastly support our President and his wise policies for ending the war.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the previous order allotted for the transaction of routine morning business be extended by an additional 15 minutes.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed at this time for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Chair would request the Sergeant at Arms to keep the floor clear of staff members. Those staff members who are talking must be seated at once or must get out of the Chamber. This will be enforced throughout the day.

The Senator from Missouri may proceed.

THE NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR.

Mr. SYMINGTON. Mr. President, in making appointments to the Supreme Court, tradition is that the President has the right to name to that high and independent branch of government, men of his political persuasion; and insofar as his clairvoyance permits, those whose constitutional views he considers might carry the Court on a course which the Chief Executive believes to be in the best interest of the Nation.

There has been much written, and considerable discussion, about the strong objections to this appointment that has come from various important segments of the people in our land; and I do believe that an appointment, if it were possible, should be one that would help heal, rather than further fragment, the deep divisions that are now all too evident among millions of our citizens. But I do not believe that either geography or ideology should be the major factor in reaching a decision in this matter.

I do also believe, however, that as an individual Senator it is my obligation to evaluate the qualifications of the nominee in the light of all the circumstances; and a nominee to the Supreme Court of the United States is perhaps the most important nomination that ever comes before this body.

To a Supreme Court seat recently vacated by a Justice accused of errors in "personal judgment," as well as "injudicious conduct," the President has nominated Chief Judge Clement F. Haynsworth, Jr. of the Fourth Circuit Court of Appeals.

The nomination has been subject to lengthy and controversial testimony before the Senate Judiciary Committee; and by a vote of 10 to 7, that committee recommended this confirmation.

During the committee hearings a number of issues were raised concerning Judge Haynsworth's adherence to the principles embraced in the Canons of Judicial Ethics. Since each Senator now must make a judgment on those matters in deciding how to vote on this nomination, it is desirable to state the facts on which my decision turns; and this I now do.

In 1957, Judge Haynsworth was appointed to the Fourth Circuit Court of Appeals. Prior to his appointment, Judge Haynsworth had been a respected lawyer and a member of a South Carolina law firm that numbered many textile concerns among its clients.

Seven years before his appointment, Judge Haynsworth and some of his law partners organized and founded the Carolina Vend-A-Matic Co. With a $2,400 investment, he held one-seventh of the stock and served as vice president and a member of the board of directors.

The business of this company was to place coffee and food vending machines in business offices and industrial plants.

Upon his appointment in 1957, Judge Haynsworth resigned from whatever other company directorships he held, but retained his position with a company called the Main Oak Corp.; and also his directorship and vice-presidency of Carolina Vend-A-Matic.

From 1957 to 1963, while serving as a Federal judge, Judge Haynsworth was not an inactive officer and director in that company. He attended regularly weekly board meetings. He endorsed notes for the corporation, and his wife served for 2 years as secretary of the corporation. For 3 years he served as a trustee of the Carolina Vend-A-Matic "profit sharing and retirement" plan.

The record also shows that this one-seventh interest held in Carolina Vend-A-Matic was substantial. When Judge Haynsworth ultimately disposed of the stock in 1964, the amount involved almost a half-million dollars.

In addition, Judge Haynsworth's 1963 portfolio included stock investments in a number of textile companies.

Over the years, Carolina Vend-A-Matic grew and prospered, with sales increasing from $169,355 in 1951 to $3,160,665 in 1963. In that latter year, the large majority of its business was with textile concerns.

Carolina Vend-A-Matic had several contracts to supply vending machines to textile mills, including one with Judson Mills. That company, along with the Darlington Manufacturing Co. and 15 other textile plants, was owned or controlled by Deering-Milliken.

For many years, Judson Mills had been a client of the law firm in which Judge Haynsworth had been a partner; and when the management of Carolina Vend-A-Matic sought a new manager in 1957, they brought in Mr. Wade Dennis of Judson Mills.

In May 1963, when Carolina Vend-A-Matic set up a North Carolina subsidiary, it retained the law firm of McLendon, Brimm, Holderness & Brooks to incorporate the vending company. That law firm represented the Darlington Manufacturing Co. in the now-celebrated second case of Darlington Manufacturing Co. against National Labor Relations Board. That case was argued June 13, 1963, before the Fourth Circuit Court of Appeals sitting en banc; and was decided November 15, 1963.

Carolina Vend-A-Matic was not a litigant in the Fourth Circuit Court of Appeals. The Darlington case, however, was one of six coming before Judge Haynsworth in which one of the parties was a customer of Carolina Vend-A-Matic.

In regard to Personal Investments and Relations, canon 26 of the American Bar Association Canons of Judicial Ethics advises:

> Personal Investments and Relations: A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.
>
> He should not utilize information coming to him in a judicial capacity for purposes of speculation: and it detracts from the public confidence in his integrity, and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

Ordinary common knowledge of the growth and importance of the textile industry in the South would lead any reasonable person to anticipate that there would be a fair amount of litigation in the courts involving textile firms.

Prior to his judicial appointment, the nominee had represented a number of textile companies. For these reasons there would appear a need to exercise a higher degree of care to assure public confidence in his impartiality.

Judge Haynsworth, however, continued his financial investments in textiles; and also his business activities in a vending machine company primarily involved with textile plants.

Under these circumstances, the character of these ties would, in my opinion and according to the words of canon 26, "normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties."

Canon 29 provides:

> A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

Despite the large number of stocks he held, and traded, Judge Haynsworth apparently made no effective arrangements to assure that he did not in fact sit on cases involving corporations in which he owned shares and thus observe the principles of canon 29.

In three known cases, Judge Haynsworth held a financial interest in one of the corporate litigants, but did not disqualify himself. It is almost universally agreed that if a judge has a pecuniary interest in a party, he may not sit; and canon 29 so provides.

American citizens are more acutely aware than ever before that the highest standards of conduct should prevail in public office.

As skepticism has increased, so have the expectations of the American people risen in regard to the character and conduct of those who hold public office in all three branches of government. With particular reference to the judiciary, we should expect the highest sense of propriety, because from the standpoint of fact and appearance, the quality of impartiality is the cornerstone on which public confidence in our judicial system rests.

I believe Judge Haynsworth to be an honest man. Nevertheless I am persuaded that the record of lack of care exercised in avoiding reasonable grounds for suspicion of impartiality should not serve as a steppingstone to the Supreme Court.

The Court, a powerful and important institution in our democratic society, has the unique function of interpreting our Constitution; and through that interpretation, it has been only in recent years that many Americans have won important rights of citizenship.

The feeling of hostility and frustration which this nomination has evoked could only be exacerbated by honoring a jurist who does not have the highest sense of ethical considerations. At this stage in the development of our Nation, we are in great need of the service of men and women who can and will inspire confidence and unity.

Surely there are many such capable American judges and lawyers among us whose constitutional views may span a reasonably wide range of the spectrum.

It is for these reasons that I shall vote against the confirmation of Judge Haynsworth.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my friend from Kansas.

Mr. DOLE. Mr. President, I listened with great interest to the statement of the Senator from Missouri and understood, as I listened to his last few words, that the Senator feels Judge Whittaker is a man of integrity and a man of honesty. He does not question the man's honesty or question the man's integrity. He questions what others have termed his "sensitivity," which I have been unable to find reference to in any of the Canons of Ethics. But, assuming there are such canons, I would remind the Senator from Missouri that Justice Whittaker, whom he probably knows personally, served the Court with great distinction from 1957 to 1962. In an interview which appeared in the Kansas City Star, I believe, Sunday, Justice Whittaker is quoted as saying that he felt, after reading all the records and all the statements and every word of the testimony, that there were no grounds for believing that Judge Haynsworth was guilty of any improper or unethical conduct. I am wondering, therefore, what the Senator might wish to say in light of the statement of former Justice Whittaker.

Mr. SYMINGTON. Mr. President, what I was presenting was primarily a question of ethics. I say to my good friend from Kansas, that I do know Justice Whittaker and have great respect for him. It was my privilege to see him when he was here in Washington. I was only sorry he felt he was not able to continue with his work on the Supreme Court of the United States and therefore resigned from that body.

May I say to my good friend that I have read in the RECORD the Senator's statement with respect to Judge Whittaker, and also have great respect for him as a lawyer and a gentleman. After examining the case to the best of my ability for many weeks and having had an opportunity to look at both the majority and the minority reports, this does not change my mind.

Mr. DOLE. There is another basic issue in this case which will be explored in great detail. I do not want to take the time of the distinguished Senator from Missouri now but does the Senator see any parallel between this case and the Fortas case? I do not know what the position of the Senator from Missouri was on the Fortas case as I was not a Member of the Senate at that time.

Mr. SYMINGTON. Mr. President, I would say to the able Senator from Kansas that at no time did I take the floor to defend the action disclosed which resulted in the resignation of an able lawyer, Justice Fortas.

Mr. DOLE. My point is, does the Senator feel there is a difference between the Fortas case and the Haynsworth case?

Mr. SYMINGTON. Mr. President, I have great respect for my distinguished colleague from Kansas, but would prefer not to compare any problems that had to do with Justice Fortas with those now being considered with respect to Judge Haynsworth. There does not seem to be be any reason to comparison between those two gentlemen.

Mr. DOLE. That is a fair statement and I say so because there are some who see some great parallel between the Haynsworth nomination and the Fortas nomination. The Senator from Missouri has stated it fairly and clearly and we will discuss any comparison when we consider today, tomorrow, and probably next week, the confirmation of Judge Haynsworth. I was in the category of the Senator from Missouri, in the undecided column for some time. I thoroughly read the record with great care and tried to apply it to the legal questions involved and the ethical questions involved, including canon 26 and canon 29.

There was also another canon I looked at as a lawyer, Canon No. 1 on professional ethics, which says that a member of the court is, of course, in a peculiar situation in that he cannot defend himself. In this case it is sometimes incumbent upon a member of the bar, when there is no showing of improper conduct or fraud or impropriety, to defend a member of the court, whoever he may be, wherever he may come from, whatever his party may be.

I hope that in the debate of the next few days we can lay this matter to rest.

Of course, I hope the nomination of Judge Haynsworth may be confirmed.

I thank the Senator for yielding.

Mr. SYMINGTON. I thank the Senator from Kansas. Be assured that I have full respect for his position.

ORDER OF BUSINESS

Mr. MUSKIE. Mr. President, I ask unanimous consent that the period for transacting morning business may be extended for 5 minutes so that I may make a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

STRATEGIC ARMS LIMITATION TALKS

Mr. MUSKIE. Mr. President, the U.S. delegation has now left for Helsinki for the first round in the strategic arms limitation talks with the Soviet Union. The negotiations which are about to open are of overriding importance to the peoples of all countries. We all wish our representatives every success in their efforts to halt the nuclear arms race

The newspaper stories which came out of the administration's background press conference following last Monday's National Security Council meeting indicate that the President has decided to defer substantive proposals until the second round of discussions, hopefully to be scheduled to open in January at the earliest. Accordingly, the discussions in Helsinki are described as "exploratory" and "preliminary" even though it is reported that our representatives can discuss substantive issues during this phase.

Deferral for at least 2 months of substantive proposals may have the most far-reaching consequences. The director of research and development at the Pentagon, Mr. John Foster, has previously stated that our testing program for multiple independently targeted reentry vehicles, the so-called MIRV's, will be completed by May or June 1970. Accordingly, the decision to defer until January at best a proposal to freeze the testing of these new weapons is equivalent to a decision to complete 2 more months of the projected additional tests.

Once these weapons have been tested to the point at which deployment could be undertaken with assurance of success, we will have entered a new and extraordinarily more dangerous and difficult period in the arms race between the two great powers. A freeze on deployment would obviously require onsite inspection to monitor—a provision which we are highly unlikely to be able to negotiate. Once deployment is possible any agreement coming out of the SALT talks based on an agreed number of launchers on both sides will be of radically reduced value, since each missile may hold an unknown number of warheads, each capable of inflicting immense damage. In addition, we will be committed to a vast new level of expenditure to reequip and deploy the new multiple warheads on each of many missiles in our arsenal.

Some of the stories about the administration's backgrounder indicate that there is still hope in the executive branch that a MIRV moratorium might be possible as a first item of business when the substantive talks do begin. Let us hope that this assumption is correct, and that the administration will decide to put forward such a proposal at that stage if not earlier. I note that none of the stories based on the backgrounder indicate that there was any substantial doubt about our ability to monitor a multiple warhead testing ban, and that no one in a position of responsibility about these talks is characterizing such a proposal as "Russian roulette."

It is my fervent hope that this delay until next year of putting forward substantive proposals in this crucial area will not prejudice an early agreement on this all important subject.

As the stories about the administration's decision also indicate, the Johnson administration was prepared to table concrete proposals at the opening of these talks if that had occurred before last January. This was based on the strong advice of those with longest experience with the Soviets. They believe that in order to bridge the wide gulf of suspicion between us on a subject of such basic importance a concrete proposal would be needed from the start or encouragement would be given to those in the Soviet military and elsewhere who favor a cautious and limited approach toward us. Obviously the administration has chosen to ignore this advice, and we can only hope that this tactical decision will not adversely affect the outcome of the negotiations.

For all these reasons, Mr. President, I believe it is imperative that the administration give serious consideration to a suspension of multiple warhead testing now. I cannot stress too strongly the importance of halting development of multiple warhead testing before it is too late. The issue is not whether an agreement on MIRV is part of a larger agreement between the United States and Russia on strategic arms control. The question is whether the larger agreement is possible without stopping deployment of multiple warhead missiles. If the administration does not answer that question now, and take action to prevent that deployment, the hope of meaningful arms control can be snuffed out. I urge my colleagues in the Senate to do all in their power to impress this hard fact on the administration and to get action on multiple warheads before it is too late.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on November 10, 1969, the President had approved and signed the act (S. 73) to amend the act entitled "An Act to authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota."

REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following messsage from the President of the United States, which, with the accompanying report, was referred to the Committee on Aeronautical and Space Sciences:

To the Congress of the United States:

I am transmitting herewith the Twentieth Semiannual Report of the National Aeronautics and Space Administration, covering the period July 1 through December 31, 1968.

This account encompasses the tenth anniversary of the National Aeronautics and Space Administration and includes space flight activities through the pioneering flight of Apollo 8. During this decade, we have successfully met many challenges and have achieved significant progress in our ability to utilize space for practical applications, scientific exploration, and expansion of man's frontiers.

We have subsequently landed astronauts upon the Moon, explored its surface, and returned these men to Earth. This historic event was made possible because of the solid foundation of a broad range of earlier activities, and through the skill and dedication of the many contributors to our space program.

I am pleased to forward this report to the Congress as part of the continuing record of our progress in space.

RICHARD NIXON.

THE WHITE HOUSE, *November 13, 1969.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration, which was referred to the Committee on Aeronautical and Space Sciences.

ARKANSAS RIVER DEVELOPMENT PROJECT

Mr. FULBRIGHT. Mr. President, the Arkansas River was opened to navigation in 1968, an event of major significance in my State. By next year the Arkansas River development project is due to be completed, providing a navigable waterway from the Mississippi River to Catoosa, Okla., near Tulsa.

Col. Charles L. Steel, who is district engineer at Little Rock for the U.S. Army Corps of Engineers, recently wrote a most interesting two-part series of articles on the history of the river and its development entitled "Arkansas—Renaissance of a River." The articles pay tribute to many of those who dedicated their efforts to the realization of the Arkansas River project.

Colonel Steel's articles appeared as a part of a series in the Arkansas Gazette reviewing our State's progress and attempting to measure this progress against the State's needs and potential. The articles are being published in conjunction with the 150th anniversary of the Gazette, which began publication on November 20, 1819, making it the oldest continuously published newspaper west of the Mississippi.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Oct. 26, 1969]

ARKANSAS—RENAISSANCE OF A RIVER: PART I

(By Col. Charles L. Steel)

For more centuries than man can count, the Arkansas River was left to its own devices. Whatever nature's whims, the Arkansas followed. Over the last 150 years, man has set himself to the task of taming and reshaping the river and the once-unpredictable Arkansas has been changed from a power of destruction to a power of production. The river now works for mankind.

By an act of Congress, Arkansas became a separate territory in 1819 and one year later the Comet, the first steamboat to nose into the waters of the Arkansas, arrived at Arkansas Post. The date was March 31, 1820.

Thus did the River establish itself as the water route for the settlement of the first communities just as it had served as the route for the explorations of La Salle and Henri de Tonti.

The first 60-mile steamboat trip from the mouth of the river to Arkansas Post was usual in one respect: the Comet ran aground. In another way it was unusual: the captain took the "long" way up the river by staying in the main stream, rather than the more practical way of entering the White River and cutting over to the Arkansas a few miles below the Post. The short-cut was well known, even in those early times, and the pilot's failure to follow the route can only be attributed to his inexperience on the river.

In the same year, another steamboat—The Maid of Orleans—ventured up the river to Arkansas Post. The Maid was noteworthy in that she was built to sail on the high seas and to traverse inland waterways under steam power.

These early adventurous steamboat captains were at least as daring as the hardy pioneers who were then beating back both the Indians and the wilderness in the struggle to establish themselves in the interior. The rivers, especially the Arkansas, were capricious, indolent, raging, turgid, ominous, and even peaceful according to the whims of nature, but captains took them on with amazing success. As in cat-and-mouse games, captains eyed currents with nervous concern, and took their chances when those chances seemed practical. Miscalculations were generally disastrous.

Five years before the first of a long list of enterprising steamboat captains commenced plying the Arkansas, President James Madison turned the attention of the nation toward improving the waterways and roads of the country. In his Seventh Annual Message on December 5, 1815, President Madison expressed his point of view:

"Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our Country the roads and canals which can be best executed under the national authority. No objects within the circle of political economy so richly repay the expenses bestowed on them."

The legislative branch supported this policy of federal responsibility for waterways improvement and three congressmen—Daniel Webster of Massachusetts, John C. Calhoun of South Carolina and Henry Clay of Kentucky—frequently voiced their support for such a program.

In 1818 the House passed the following resolution:

"Resolved that Congress has power, under the Constitution, to appropriate money for construction of post roads, military and other roads, and of canals, and for the improvement of water courses."

This resolution has had a far reaching impact on the growth and the economy of Arkansas—and the ultimate development of the Arkansas River.

By 1824 traffic on the inland waterways expanded so rapidly with the development of the steamboat that Congress acted to improve the rivers and harbors on a planned basis. The president was authorized to utilize the services of the Army Corps of Engineers for this work. Ever since that time, the Corps has had the responsibility for the planning, improving and maintaining of the Nation's navigable waters.

Yet, even before the Corps was charged with the responsibility of maintaining the water routes, the adventurous river captains had pushed on above Arkansas Post to the tiny settlement of Little Rock. In the spring of 1822, the villagers of Little Rock were jubilant over the safe arrival of the steamboat Eagle as it puffed into view. The Eagle was little more than a packet, at 118 tons, but it was a harbinger of greater days. Margaret Ross, an authority on Arkansas River steamboats, notes that it was not the commercial importance of Little Rock that attracted the Eagle, but rather the supplying of Dwight Missionary School farther up river, in what is now Pope County. The fact that the Eagle could not make it all the way to the Mission was an indication of the condition of the River at that moment, but it did not deter other more successful attempts to go even farther upstream. Within a few months another steamboat, the Robert Thompson, took advantage of better conditions and made it all the way to Fort Smith. It was found that in high water periods it was possible for light draught boats to ascend as far as Fort Gibson, in the heart of the Indian territory.

The first appropriation by Congress for river improvements was made on May 24, 1824. It granted $75,000 "for removing sand bars from the Ohio, and planters, sawyers, and snags from the Mississippi." This was the first practical step under federal responsibility for development of the nation's navigable channels.

The Mississippi River and its major tributaries represented the central transportation system but it was a system in poor repair. The original and almost exclusive work of the Corps consisted of snagging and dredging operations, and even these minimal efforts were often severely limited by an incredibly tight budget.

Twenty to $25,000 "judiciously and economically expended" by Congress would improve the Arkansas River for navigation. Chittenden Lyon declared on December 15, 1828.

The lower house of Congress voted $15,000 for work on the Arkansas in 1829, and both houses approved a $15,000 appropriation in 1830 but it was not approved by President Andrew Jackson.

Congress finally turned its attention to the Arkansas River in the River and Harbor Act of 1832 when it appropriated $15,000 and authorized the Corps of Engineers to maintain a channel in the Arkansas River bed.

The channel was to be wide enough and deep enough for "free passage of heavy boats" and was to be kept open from the mouth of the River to the mouth of the Grand (Neosho) River, a distance of about 465 miles. The Act did not provide for any permanent improvements, but only for snagging, dredging, revetments, and "contraction" works, as neither the nation nor the Corps were mature enough to undertake projects of any great magnitude.

Even this limited scope of authority was more often than not curtailed by insufficient funds. It was not too unusual for the Corps to work, at snagging until the money was gone, then simply stop work until the next year when additional funds might hopefully be available. Since no method of transportation was fully developed, a partially opened river was not considered any more reprehensible than a partially opened road. Man took what was offered with gratitude.

Henry M. Shreve, whose famed work with the Red River Raft caused his name to be memorialized by the town of Shreveport, La., went to work on the Arkansas River in August 1833. He removed 20 snags before he ran into another difficulty which frequently plagued the Arkansas—the River was too low for work.

He returned to the Arkansas on January 1, 1834, and reported that by February 22 he had cleared 250 miles, up to Little Rock—removing 1,537 snags. In addition, he said, "3,370 snags and logs cut from the dry sandbars, and under the banks within the bed of the river, producing together with those taken from the channel, a total of 4,907 removed from the high water bed of the river."

That averages out to one snag or hazard to navigation every 88 yards, from the mouth of the River to Little Rock. For the work, Shreve had at his command the snag boats Helepolis and Archimedes, three machine boats "worked by hand," and the steamboat Java.

Larger machine boats were needed, Shreve reported, as some snags on the Arkansas weighed "at least one hundred tons" or 200,000 pounds. Shreve recommended larger boats, and clearing timber along the river—at an estimated cost of $40,000.

Yet the Corps activities on the Arkansas were sufficient to excite further interest in the profitable river trade, and in the pre-Civil War period several little shipyards turned out not only steamboats but steam ferries. Most of them were launched as hulls and floated down to New Orleans for outfitting of engines and other hardware. Since these boats were specifically designed for Arkansas waters, and since the Arkansas often ran shallow, they were limited in size and designed for minimum draft. The Neosho, constructed at Van Buren by Captain Truesdell, drew only 13 inches of water, but even this amazing boat would be surpassed.

In 1855 Little Rock saw the launching of the Know Nothing (named after the American political party). The Know Nothing drew only three inches with an empty hull, and only six inches when outfitted with machinery, and a bare two feet when fully loaded. Two years later Little Rock launched the Rock City, a steamboat of 250 tons, 127 feet long, 28-foot beam, 16 staterooms, and other civilized accouterments. Design ingenuity kept this even relatively large packet to a scant draft of 10 inches. With this sort of engineering, and with the help of the Engineers, river trade increase in volume and value.

Successive river and harbor bills throughout the 19th Century allowed channel maintenance work on the Arkansas to be continued and also extended this type work to other less well known tributaries—the Fourche LaFave, Petit Jean, White, Black, Little Red, St. Francis, Little, Cache and L'Anguille. Since appropriations were not increased proportionately, the Corps found itself spread even more thinly.

It was not until 1878 that the first contract work on the Arkansas River was performed, and it consisted of nothing more than the construction of a brush and stone dike designed to wash away a sandbar in front of the Fort Smith landing. The success of this first effort encouraged the Corps to later undertake more ambitious projects; however, the lack of funds impeded progress. Appropriations barely covered minimal snagging operations, and with the increase in river traffic, there was the additional problem of clearing wrecked steamboats.

In 1872, the Arkansas Gazette published a list of 117 steamboats which had already been lost on the Arkansas, and the list was far from complete. Although a few terrifying boiler explosions accounted for some of the sinkings, the vast majority of the boats had been ripped apart by snags. Even snag boats were sunk by collisions with snags and submerged wrecks, and by the 1870's the Engineers were pleading for steel-hulled snag boats.

It was not until 1881 that a Corps of Engineers office was established in Little Rock. Considering the increased commercial importance of the Arkansas and its tributaries, a special district was created out of the old St. Louis and Memphis offices. Captain Thomas H. Handbury was the first Little Rock District Engineer. When Captain Handbury arrived at Little Rock, the city was still a frontier town; Main Street was a dirt path snaking between rows of one-story buildings and electric lights were still a dream of the future. Stagecoach robberies were major hazards for those traveling outside the city.

Nevertheless, the creation of a special office at Little Rock was symbolic of the new significance of the area. Captain Handbury demonstrated his faith in that future by calling for a complete survey of the River so that a permanent improvement program could be formulated.

On the Arkansas, a city with a special problem was Pine Bluff. The city was located on a bluff about 45 feet in height, but that bluff was situated on the outside of an acute bend in the Arkansas River. Even during normal flow the River gnawed into the soft limestone of the bank and during times of high water and floods the bank was eaten away in prodigious quantities until the township of Pine Bluff began to slough off into the swirling waters of the Arkansas. Street after street caved into the water and the frantic citizens sought help from the district engineer.

The problem of erosion was only one of two major problems facing the town; the other had to do with the possibility that the River would cut through at Yell Bend, approximately 3.5 miles upstream. This would leave Pine Bluff high and dry but far removed from the River. In order to resolve these two problems, Captain Handbury suggested that Yell Bend be strengthened and the curvature of the River at Pine Bluff be made more gentle. This work commenced in 1882, and it was only the second contract work on the Arkansas.

This effort would not be too successful because of the severe limitation of funds, but the citizens of Pine Bluff were much encouraged by the concern of the Engineers. Having no alternative, for the time being, the Corps continued to make these temporary improvements on a year to year basis, and just as regularly the River swept away these temporary improvements.

At about this time the railroads began taking their toll on Arkansas River traffic. But the railroads themselves were sometimes in trouble. During times of high water, the rail lines were often unusable, conversely the steamboats were in better operating environment. In 1882 train service was disrupted between Memphis and Little Rock and the railroads were placed in the embarrassing position of having to charter steamboats to maintain the railroad contacts between these two points. Also, the railroads sometimes complained that they could not compete with the low freight rates of the steamboats. But even where the railroads paralleled an established water route, the water route generally suffered from the competition. Overland hauling was not yet competitive because of the condition of the roads, or the nonexistent roads. An example of road conditions is well illustrated by an article in the Arkansas Gazette of April 10, 1880. The newspaper noted with amazement and pride that Joe Berlin had made the trip from Pine Bluff to Little Rock in the record time of five hours and 52 minutes, by using only a light buggy and a team of fine horses.

In 1884 the railroad between Little Rock and Fort Smith was completed and work was started on a bridge across the River at Little Rock. Though the day of the steamboat was past that fact was not immediately evident.

In 1884 Captain Henry Sheldon Taber was assigned as Little Rock District Engineer. During his nine-year tenure, the District would throb to an increased tempo, as Captain Taber requested, pleaded, demanded, and nagged Congress for funds. It was Captain Taber who finally succeeded in saving Pine Bluff from the River, through permanent improvements, and it was Captain Taber who established the Corps of Engineers as the most efficacious branch of the federal government in the minds of the local people.

Part of the reason for Captain Taber's immense success was that he was so often left on his own and worked at whatever he thought he could accomplish. The District Engineers usually received a lump-sum appropriation for navigation operations and allocated that money in such a manner as to be more efficiently utilized. Recommendations and requests from the District Engineers were relayed on to Congress for consideration. The requests were generally limited to the need for more and better snagboats and only occasionally were they concerned with anything approaching a major program.

Snagging was not only the major concern of the Corps; it was its most obviously beneficial work. The loss of a packet and cargo represented a loss of $15,000 to $75,000 and was very often the ruin of a small company, yet sinkings were routinely expected. In 1887 the president of the Memphis, Vicksburg, and Arkansas City Packet Company was so elated at having no boats lost during the year that he felt compelled to write the Corps and express his gratitude. He wrote that he had been involved in river traffic for many years, and "there had been no year up to the last one when there has not been one or more boats sunk by snags on this river [the Arkansas]." He attributed that immunity "wholly to the United States snag boats."

In the late 1890s the completion of various railroad spurs began to have a serious effect on river traffic. Also, the railroad bridges at Little Rock and Fort Smith proved to be serious impediments to regular River commerce. Significantly, the secretary of War approved the Fort Smith bridge, at the urging of the citizens of Fort Smith and Van Buren who considered the railroads of greater value to them and their cotton crops.

Captain Taber continued to see the future of the River in terms of ever increasing importance however, and in 1887 he wrote: "The future of Little Rock seems bright in connection with the Arkansas River. When the vast acreage of the Indian Territory is brought under cultivation, its product must go this way. That already well known and fertile state of Kansas will find Fort Smith or Little Rock its nearest water outlet." He also noted that Pine Bluff was now safe and secure due to the permanent improvements he had suggested.

"The town has taken on new life, street railways, new water works, and a fine hotel, all safe behind the point which had been most dangerous until this time," he said. He felt that his three-year study proved that the "State of Arkansas will ere long rise many files in the rank of States, and public improvements will return manifold their cost in material benefit to the entire state."

In 1894 Captain Taber was succeeded by Captain Carl F. Palfrey. Taber was in poor health, though only 44 years old, and would die within a year, but his vision and aggressiveness would be an inspiration to his successors. Within a few months Captain Palfrey was echoing the requests of his predecessors in almost the same words.

Palfrey was succeeded within a year by Lt. W. L. Sibert, later a leading figure in the construction of the Panama Canal. Like Taber, he eagerly accepted the challenge of the Arkansas River, but, he too, found his effort restricted by an economy-minded Congress.

The Arkansas rose to flood level in 1898 and wiped out the experimental work, and left the River as nature had formed it. In those days the Corps was not so deeply involved as it would be later, for floods, like depressions, were considered acts of God, best handled by God. Levees were the responsibilities of private citizens or communities and the Corps was only an interested bystander. Before the flood had run its full course, whole families had been wiped out and at Van Buren the town was under six to 10 feet of water.

Lieutenant Sibert went to Pine Bluff aboard the Beauregard to render assistance to people stranded by the flood. Fifth and Sixth Streets were completely under water and the "permanent" improvements constructed to protect Pine Bluff were washed away. Pine Bluff was once more vulnerable and the Corps was faced with the same problems it had fought for more than a decade.

To add to the disaster of the 1898 flood, nature would once again impose her will on the River—not by sending a raging torrent down the channel but by withholding normal rainfall and reducing the majestic River to a muddy stream. River commerce, already hurt by the railroads and the snags, had its problems compounded when the channel was reduced to an impassable shallow depth. The "disastrous drought" began in April 1901 and lasted to February 1902, and brought financial ruin to many.

The water level did not regain its normal depth for months, and in December of 1903 the River stages at Little Rock were recorded as "in some places not more than three feet deep." Small boys waded across the river and the water "did not come up over their knees," according to the Arkansas Gazette. A year later in 1904, the Gazette reported that boats had to be tied up at the levees because of the "thickness" of the water—estimated to be about one-third mud. Steamboat boilers could not cope with that much mud as it caused the water to foam when pumped into the boilers, and the gauges and regulating equipment would not function. Such an extreme condition did not occur too often, the last having been reported 11 years earlier, but the same condition arose in the following year, because of a flood on the Canadian River, and once again all steamboat navigation was suspended for about 10 days.

River traffic was brought to a complete halt in the winter of 1904–'05 for a different reason. For the first time in many years the Arkansas River was frozen over and at Little Rock large numbers of skaters were seen cavorting about on the ice in spite of police warnings.

[From the Arkansas Gazette, Nov. 2, 1969]

ARKANSAS—RENAISSANCE OF A RIVER: PART II

(By Col. Charles L. Steel)

For all practical purposes, the steamboats were driven from the Arkansas River in 1910. One of the most profitable legs of river traffic—daily service between Little Rock and Memphis—was discontinued.

The old St. Louis, Iron Mountain and Southern Railroad charged higher freight rates but rail traffic was considered more efficient than river movement. Since river traffic was essentially a passenger and freight business, the concept of barge traffic did not excite a great amount of interest.

The great flood of 1912, which swept the Mississippi, Missouri and Ohio River systems, created widespread support for national improvements on the waterways but the area of primary concern was the prevention of future disasters. In East Arkansas, observers saw hundreds of head of cattle and hogs floating toward the Gulf. For the first time, government aid was sought and obtained. Engineers were put in charge of strengthening the levees and were assigned the task of transporting food and supplies to the flood victims. This flood reoriented the policies of the federal government from a preoccupation with river transportation to a more direct involvement in river improvement and flood control.

In 1913, Congress appropriated about $60 million for the improvement of the Lower Mississippi. The bill allocated $285,000 for the improvement of the Arkansas and nine other rivers in the state.

The outbreak of the war in Europe in 1914 altered the attitude of Congress and the country so that $18 million was cut from the Rivers and Harbors Bill as an emergency war relief measure.

During the course of the war no major Corps activities were begun in the Little Rock District and as it turned out, national interest in river improvement would die out as soon as hostilities were ended. In spite of frantic efforts by river town chambers of commerce, the government withdrew its support for further river improvement, and the Corps would be allocated only minimal funds to carry on some snagging operations.

As an indication of the new policy of withdrawal and retrenchment, the Little Rock District was abolished as an independent office in 1921 and the area was placed within the Memphis District. Actually, the change had little local effect because the reduction of Corps activities had already been decreed.

If the flood of 1912 can be considered an event which focused national attention on the problem of flood damage, then the disastrous flood of 1927 can be considered no less than nature's punishment for procrastination. Starting early in January, unusually heavy and constant rains began to swell the rivers of Arkansas and the entire Mississippi Valley. By April the unrelenting rains had soaked 31 States and two Canadian provinces with a downpour totaling 250 cubic miles of water—enough to cover the entire area with over a foot of water, had it been spread evenly. Even after absorption and evaporation, more than 60 cubic miles of water had to find its way to the Gulf.

It was estimated that half the state of Arkansas was under water with all rivers out of their banks and all streams turned into raging rivers. On April 19, there were three feet of water in the North Little Rock business district. At Pine Bluff, some 500 persons were marooned on a bridge northeast of the city. At Arkansas City, while the Mississippi levee held, water from upstream poured into the town to a depth of 10 feet. Inland seas were formed over farmland and it was possible for sidewheelers to leave the riverbed and steam boldly across flooded fields and even over treetops to rescue stranded men and livestock. An entire herd of fat steers was seen struggling against the current and disappearing in a whirlpool. It was estimated that, aside from the animals swept downstream, over 50,000 dead animals had to be burned or buried when the waters finally subsided. Flood losses along the Arkansas exceeded $43 million, exclusive of the millions lost by the three major railroads in Arkansas. All levees between Fort Smith and Little Rock were washed away.

The Federal Government responded as best it could to this overwhelming disaster and the Corps of Engineers was utilized to fullest advantage in every possible way. The chief of Engineers, Maj. Gen. Edgar Jadwin, established temporary headquarters in Memphis and worked closely with the then secretary of Commerce Herbert Hoover, who had set up flood relief headquarters in the same city General Jadwin again advocated a system of permanent flood control measures, rather than temporary works. His plan would eventually take concrete form in the Flood Control Act of 1928, more popularly known as the "Jadwin Plan." Basically, it called for the extension and augmentation of levees along the Mississippi and later would include some of the tributaries after the 1936 floods.

The stock market crash of October 1929 crushed any hopes that meaningful activities would be undertaken along the Arkansas. Within a three-week period, some $30 billion was lost on the Stock Market and the most urgent need seemed to be for economic control rather than flood control.

The 1930's saw farmers, businessmen, Arkansas governors, and Arkansas congressmen make fervent pleas for legislation for development of the Arkansas, White, and other rivers in the state. Most of the concern was for flood-control measures but the Mississippi Valley, Arkansas River and Arkansas Valley Associations continued to promote the idea of inland waterway development. Businessmen from Arkansas riverfront communities made periodic trips to Washington to try to promote legislation favorable toward Arkansas River development.

Arkansas would again be hit by devastating floods in both 1936 and 1937, with the latter flood resulting in the re-establishment of the Little Rock District. The handful of employees who arrived in the spring, and who were later joined by another small group in the summer of 1937, to organize the District Office, could not have imagined the magnitude of work which the Little Rock District would undertake in the next three decades. Of the initial small group of employees who arrived in the spring, Earl R. Martin of 7104 Pontiac Drive, North Little Rock, the District's purchasing agent, remains active in the District Office. Harry G. Bozarth of 122 North Monroe, Little Rock, the District's personnel officer, arrived seven days after the original group. As personnel officer, he would see the employees surge in number from approximately 15, at the time he arrived, to some 6,000 people during World War II.

Following the pattern established in World War I, the Corps of Engineers massed its engineering skills as the nation mobilized itself for worldwide operations. Civil works projects, in most cases, were suspended and would lie dormant until the end of hostilities. In Arkansas, the Little Rock District concerned itself chiefly with military construction. Camp Robinson and Fort Chaffee were built and would become the training grounds for thousands of World War II soldiers. The roll call of military facilities constructed include the Blytheville Air Force Base, the Pine Bluff Arsenal, the Maumelle Ordnance Works and many others.

A few civil works projects were continued, notably the building of Norfolk Dam, which had begun in the spring of 1941, before the advent of the war. It was considered essential to the war effort that work not stop on this project so that sorely needed hydro-electric power would be produced. The generation of power began in 1944; however, the entire project was not completed until 1949. With the ending of hostilities in 1945, the District once again turned its attention to civil works. The sprawling work force of some 6,000 rapidly was reduced within one year to less than 1,000.

As far back as 1832, Congress recognized that the Arkansas River channel had to be kept wide and deep enough for free passage of heavy boats. And for the next 100-odd years, the lawmakers sporadically set aside money for snagging and revetments to hold the banks in place. Regularly, the work would be washed away by floods, curtailed by economy-minded congressmen, or suspended by wars.

The record of congressional committees contains many reports about the Arkansas River. In 1888, for example, the Corps of Engineers concluded that a three-foot channel at low water could be established above Little Rock by means of contract works—revetments and bank stabilization.

A series of locks and dams, to permit navigation as far upstream as Muskogee, then in Indian Territory, was recommended in 1907. While this plan for improving the river was considered feasible, it was not deemed advisable on account of the great cost of the locks and dams.

Again, in 1927, the year of the great floods, a report on flood control and navigation was received and studied by the Congress. This plan, too, was considered too costly. More reports followed in the 1930's.

But the foundation for development of the Arkansas River had been established, and was getting recognition.

Finally, on July 24, 1946, President Harry S. Truman signed the River and Harbor Act, which authorized the current project for development of the Arkansas River and tributaries for navigation, flood control, hydroelectric power, and other purposes; but there was no bill appropriating funds for the work.

Three decades ago a Fort Smith newspaperman wrote and talked about his pet project, the Arkansas River. It is said that the walls of his office were bare—no maps of the River. Also, it is said that Clarence Byrns, the legendary leader of the Arkansas River project, needed no maps of the River because, lodged firmly in his mind, was a graphic, up-to-the-minute picture of what he was prepared to discuss or write about at a moment's notice.

Byrns, the late Newt Graham of Tulsa, Reece Caudle of Russellville, and one or two others dared to dream the dreams that are now a reality. They could see far more than water and mud when they looked toward the River. Byrns talked and wrote about its possibilities in those days and continued to talk and write about his dreams, but in the eyes of many, his views were those of a crackpot.

Years later and for many years, Byrns chaired the powerful Tri-State Committee that handled the appropriation requests for Arkansas, Oklahoma, and Kansas. The success of the Committee and the status of the Arkansas River project today is reflective of Byrns himself.

The wheels of government sometimes move slowly and—in the views of many of the Arkansas River boosters—those wheels moved at an agonizingly slow pace as they asked Congress for money to set the Arkansas River program into motion. Finally, in 1949, some funds were appropriated—and one of the most challenging engineering jobs ever faced by the Corps was under way.

The Engineers realized the true magnitude of the project, which has been described as larger, from an engineering standpoint, than was the Tennessee Valley Authority project, or even the Panama Canal.

Here was a River that did as it pleased, a River with an infamous record of catastrophic floods, a River where bank caving of 200–300 feet was common and which carried over 100 million tons of sediment downstream year after year.

The first step was to fix the channel—to reshape and contain it within a permanent location. While the Engineers were doubtful that the River could ever be completely tamed, they knew some of its teeth could be pulled and it could be caged to limit its wanderings. The Corps knew it could build upstream reservoirs to trap the sediment, which otherwise would clog the channel. It knew that these and other reservoirs could hold back much of the flood waters and then release sufficient water during times of low flow. It knew that locks and dams on the main stream could provide suitable, navigable depths and that dredges could remove sandbars and shoals.

But those dedicated Engineers also knew that all of this could be almost immediately nullified by a single flood, and that bank caving, meandering, and shoaling would surely follow.

So, the first money appropriated in 1949 was earmarked for bank stabilization work at the most critical locations along the river. Work on most other aspects of the project would not really get under way until 1961.

It has been estimated that the bank-stabilization work would cost $120 million with the benefits resulting each year from protection of land, crops, and other improvements at $6 million.

The outbreak of the Korean War in 1950 caused the Arkansas River project again to be sidetracked as the Little Rock Engineer District was given responsibilities for military construction with the Arkansas River work, except for some bank stabilization work, suspended through 1955.

Throughout the mid-50's, the Arkansas Basin Association kept trying to keep the Arkansas River project alive by urging Congress to appropriate money—at least for bank-stabilization work. At the same time, the Association urged Congress to authorize beginning of construction of two key reservoirs—Keystone and Eufaula in Oklahoma.

Operation of both these dams was considered essential before Dardanelle Dam could be finished and effectively operated. These were the two dams which would retain silt which otherwise would be carried downstream and clog the Dardanelle project. Work started on both of the Oklahoma reservoirs in 1956 and both were essentially completed at the same time in 1964. An interesting sidelight to the complex construction plan, which would often be revised due to budget cuts, floods, and droughts, strikes, and shortage of materials, is reflected by a remark made in 1956 by the then chief of Engineers, Maj. Gen. E. C. Itschner. General Itschner predicted before an audience of river boosters from Arkansas and Oklahoma that the Arkansas River project would be completed in 1973. As this article was being prepared—some 13 years later, his prediction was borne out by the fact that the work was on schedule and overall completion still set for 1973.

Work on the first structure on the River in Arkansas started in 1959. This was at Dardanelle when the first spadeful of dirt was turned for the $81 million navigation and power project.

In that same year, the rain-swollen Arkansas River broke through a levee in Johnson County, flooding some 11,000 acres and causing heavy crop damage. At Little Rock, four fairways at Rebsamen Golf Course were under water.

In 1961, after having been scattered in four different office buildings in Little Rock, the Little Rock District moved into its present home in the Federal Building. That same year would see the District transfer its military construction activities to the Fort Worth Engineer District and began to devote all its energies to civil works construction, chiefly the Arkansas River work.

Work on the navigation locks and dams in Arkansas and Oklahoma generally began downstream and proceeded, more or less, in sequence. Locks and Dams 1 and 2 were started in 1963 and by early 1966 construction on the last lock and dam in Arkansas, Lock and Dam 13 at Fort Smith, began. By 1968, all of the navigation locks and dams in Oklahoma were under contract.

While the Arkansas River was not considered navigable, in the true sense of the word, for many years, sparse barge and towboat operations were conducted on a local basis. The dredging of sand and gravel from the river-bed by private firms was and is carried on with much of the sand and gravel used in the making of concrete for missile silos, interstate highways, and flood-control projects such as Greers Ferry Dam in North Central Arkansas.

An indication of the backing by the Congress of the Arkansas River project was reflected in the Corps of Engineers civil works budget which Congress approved in 1965. In that year, Arkansas drew $140 million for civil works construction or 11 per cent of the total amount allotted for all 50 states.

With the effective operation of the upstream reservoirs in Oklahoma and the bank-stabilization program reducing the silting problems on the Arkansas, fishing showed a marked improvement. In fact, so many fishermen flocked to the waters just below the Dardanelle Dam that the Arkansas Game and Fish Commission ruled that fishing within 300 feet of the dam was prohibited. Despite signs warning fishermen to stay beyond the 300-foot marker, several lives were lost as fishing boats capsized in the turbulent waters.

In April 1966 the Arkansas River project was 50 per cent complete and a small band of river boosters met at David O. Terry Lock and Dam to commemorate the occasion. However, the ceremonies and speech making did not slow down the furious pace of the construction and it was necessary to use a portable public address system for the word of the speakers to be heard over the din of the huge construction equipment.

In 1967, the Coast Guard announced it would spend $1 million in installing channel markers and other navigational aids along the 450-mile navigation route. The Coast Guard, which patrols all inland waterways, said it would spend $1.5 million on two 75-foot cutters for patrol duties and build dock facilities at Pine Bluff and in Oklahoma.

During the same year, the Arkansas State Health Department said the Arkansas River did not meet the minimum health standards for swimmers because of a high bacteria count. The Corps deleted swimming beaches from its plans for developing recreation areas, with the understanding that the beaches would be added later when the quality of the water improved.

The acceptance of Lock and Dam No. 1 by the Corps from the contractor as a completed structure was marked in a most appropriate fashion. On June 2, 1967, a band of Corps inspectors and officials, along with the contractor and several newspapermen, climbed aboard a towboat and took a historic ride through the lock. The ride, in itself, would have been of no great significance, except for the fact that it marked the occasion of the completion and operation of the first Arkansas River Lock and Dam. Just as on other meaningful occasions, no one recorded the name of the lock employee who pushed the button which set in motion the first lockage on the Arkansas River.

Early in 1968, the Arkansas Basin Association began planning a ceremony which would mark the opening of the river to navigation. The president of the United States was invited and indicated an interest in attending, but at the last moment he had to decline. Postmaster General Lawrence F. O'Brien issued a commemorative stamp and thousands were purchased by stamp collectors, river boosters and the public. At the dedication ceremonies, which were held at the David D. Terry Lock and Dam on October 4, Senator J. W. Fulbright called it a "memorable day for Arkansas." Delivering the principal address, Senator John L. McClellan said completion of river development in 1970 "would bring benefits and present a multitude of impressive opportunities too numerous to mention."

And so it came to pass when on the 31st day of December 1968, the Arkansas River was officially declared open for navigation by myself, the current district engineer, and a towboat appropriately named the "Arkansas Traveler" began its historic journey upstream to Little Rock. It carried 1,200 tons of steel in two appropriately marked barges, but more important, it carried with it the culmination of the dreams of the Clarence Byrns, Newt Graham, Reece Caudle and others who in so many years before saw much more than just mud and water when they gazed at the Arkansas.

Arkansas—Renaissance of a River: Part III

(By James A. Constantin)

Over the past dozen years or so, the effect of the eventual transition of the Arkansas River from its natural state to a potentially mighty resource of the region has been the inspiration for many political caucuses, speeches, discussion sessions, arguments, caricature, seminars, and articles—including this one. It has served as a springboard for countless rhetorical orgies by politicians, Army officers, civic leaders, editors, and professors—including this one. It has spawned metaphors inspired banalities, and launched cliches by the gross—including these.

I had mixed feelings when I was invited to write an article on the implications of the Arkansas River for this sesquicentennial series of the Arkansas Gazette. On the one hand, I welcomed another opportunity to express my deep concern for the lack of long range objectives, planning, and programs for the use of this great resource. On the other hand, I was not certain I wanted to say again the things that should be said because most of us like to hear how well we are doing. We have done well in planning for the opening of the port. It is not fair to say we have done poorly in planning for the long run because we have not done anything; at least I have not been able to find out what long range plans, programs, objectives and policies have been established.

At any rate, I accepted the invitation. Two sets of factors have guided me in organizing this article. I was asked to comment on the effect of the River on the total economy, and the effect of the River on transportation patterns, and I was asked what the people of the region should do to use a potentially powerful resource. What should be done? This leads to the second set of factors underlying this article. The Arkansas River, before work began on it, could probably be called a resistance to development rather than a resource because it was troublesome at certain times but more particularly it was a barrier that effectively separated the state into two parts. The River *will* develop into a resource of sorts. The River *can be* developed into a powerful resource. Splitting hairs? I think not. The difference is that which exists between sitting around waiting for something to happen or setting out to make happen those things we want to have happen.

My basic thesis is that a more valuable resource can be created out of the Arkansas River than the one which will just naturally merge if a positive approach is not made.

Several simple statements are made in order to establish the fact that this article is based upon a positive view of the future.

First, we have the River, and the project will be completed soon. Discussions of whether it should have been built are as fruitful as those centering on how many angels can dance on the head of a pin.

Second, even if we as citizens do nothing, firms will seek out the area and locate there. While the adage "build a better mousetrap and the world will beat a path to your door" is good rhetoric, it is bad logic and pure bunk. A few people will come to the door, but the mousetrap builder had better build a good path, well marked, if he wants more than a few customers. We have built *another* mousetrap, competitive with St. Louis, Louisville, etc., not necessarily a better one, and people will come to our door, path or no path. But: to realize our potential, we must make it better, and we can.

Third, various estimates have been made of the total tonnage likely to move on the River at some point in the future. Whatever the estimate is, it will probably be exceeded if experience on other rivers can serve as a predictor for the future of our River. This is not to say that the projections were either right or wrong: The growth of the economy seems to surprise even the most liberal forecasters; so even if the early projections were based on bad assumptions, they will probably be too low. Even this optimistic view must be tempered, because the new railroad rate and service policies may change things drastically.

Fourth, the fact that estimates may prove to be too conservative—even if we do nothing—does not imply that we have done well. Projections of the type discussed are necessarily made with one fundamental thesis underlying them: That nothing unexpected will happen and normal trends will continue. In resource development projects, there are assumptions which Congress requires. What we are really saying is, "if we don't monkey with the machinery, we can expect a certain amount of tonnage." To be able to get the full benefit of this resource, we should ask the question: "What if we do monkey with the machinery? Can we make it perform better?" We are saying in the first case "other things remaining the same, our development will have a certain pattern." This is the essence of much planning. It is bad planning, for we are taking a passive role by letting the environment determine our planning. In other words, we assume that we have no control over our destiny, and fatalistically plan for those things which are going to take place, "other things remaining the same."

Our approach should be to take an active role in shaping our economic environment and attempt to control our destiny by determining what we want to have happen and then planning for it. We should forget "other things remaining the same."

The effect on the economy of the region of the Arkansas River will depend upon which path is followed. Let us look for a moment at the one path of planning for those things which are going to happen, other things remaining the same.

The economy of the region behind the Arkansas River port cities does not compare favorably with the economies served by most other inland ports on the other rivers. When we draw a circle with a radius of 500 miles around Little Rock, for example, we assume that the area enclosed is within the economic orbit of Little Rock as well as the geographic range. Such an assumption may or may not be valid. Transportation rates will help determine the size of the market area of a given city. Because of the peculiarities of our freight rate structure, we may find that Little Rock producers pay a higher freight rate, mile for mile, than do producers located at other producing points. The result of this situation is an effective shrinking of the Little Rock trade area.

Further, much of this same region, potentially in the orbit of Little Rock, is also served by such well developed distribution and marketing centers as Houston, Dallas, Memphis, Kansas City, and St. Louis.

Finally, the major transportation systems which serve the region from these other distribution points have an incentive to continue to adjust their rates and services to keep goods moving in their present channels. For example, the Missouri Pacific has announced a study to determine the feasibility of shuttling trainloads of containers between St. Louis and coastal cities.

Despite these comments, some firms will locate along the River because it is natural and economic for them to do so—almost regardless of what the people of the region do or neglect to do. These new firms, some of which have already announced locations in the area, will certainly help bring prosperity to the region. The points made have one central theme: If the region does nothing, it will almost certainly prosper as a result of the River being here. The losses of the region will not be measurable, but they will be real because of potential prosperity not realized.

The first phase of our growth as a nation was influenced by water tranpsortation. Even the coming of the railroads, as would be expected, emphasized the growth of those cities located on water because of the established trade routes. Both railroads and motor trucks stimulated development of inland points.

Topographic features, such as rivers and mountains, were influential in shaping trade routes. As technology improved, the influence of these topographical factors diminished. It becomes easier and easier to go over, under, and around physical barriers to the free flow of commerce.

In the future, it is likely that commerce will become less and less dependent upon our rivers for transportation. Technology, economics, and management practice will contribute to this change.

When navigation was first proposed for the Arkansas River, it was thought by some that huge amounts of grain would move on the River. The economics of transportation and rail rate making techniques of the railroads have now combined to make this unlikely. One conclusion of a study by Dr. Richard Schermerhorn of Oklahoma State University, was that not much wheat would move from Oklahoma by water unless some drastic changes occurred.

Other things remaining unchanged, the same types of commodities which move on other waterways will move on our River: chemicals, coal, iron and steel products, paper, forest products, and the like. Rail rates on these commodities between our area and other points on or near water will almost certainly fall, and the revenue loss will hurt the railroads in at least two ways. First, they will lose some inbound traffic which is now exclusively theirs, and second, lower freight rates on the traffic they keep will reduce their revenue. A third possibility is that by rate reductions they will not lose much traffic but will lose revenue. However, because of the expected increase in production, employment, and income it is not unreasonable to expect that these losses will be more than made up from new traffic generated.

Who are the beneficiaries of the reduced transportation rates? Any answer to this seemingly harmless question almost invariably causes outraged responses. There is no argument about one part of the answer. The company which pays the freight bill, obviously benefits from reduced transportation charges. Are savings in transportation costs passed on to the ultimate consumer who buys goods in retail stores? Broad, general answers to such a question are difficult to give because there are so many complex factors that determine retail price in a given location for a particular product.

The purchaser of an automobile who is charged a certain price plus transportation would obviously benefit. On the other hand, a purchaser of gasoline at a River point and his brother located several hundred miles from water may pay the same price for their products. The same holds true for electric toasters, paper towels and detergents, made from steel, paper, and chemicals moved by water. In these cases, it is highly unlikely that the ultimate consumer buying at a retail store pays any less for his purchase because the raw materials from which it was made at one time or another, moved at low water transportation rates.

On the other hand, the taxpayers' dollar goes further if materials for public buildings, roads, bridges, etc., are capable of moving by water because the contractors' bid has probably reflected the lower transportation rate.

If the consumer does not benefit from lower transportation rates, what is his stake in waterway development? Aside from general benefits derived from a more complete use of resources, the greatest benefit to the consumer in the region is that more job opportunities are available, which leads to a higher level of income.

The patterns of air, motor, and pipeline transportation are lot likely to change, although air and motor carriers will benefit from improved economic activity in the area. (Technology surely will change air transportation, but the presence or absence of the River will have nothing to do with the change.)

Much of the above has been written on the premise that we don't "monkey with the machinery" or on the basis of planning for what is going to happen "other things remaining the same." The assumption of "other things remaining the same" implies that the same type of economic development efforts currently being made will continue to be made.

Even though the port of Little Rock does not have as favorable a location as other inland ports, it does have two outstanding advantages. First, until this year it did not exist as a port city; so it is not hampered by the dead hand of the past. Second—and probably its greatest advantage—the fact that it now is a port city attests to the vision and leadership of many persons. The port, is not merely limited to looking into the future; it can make its future.

What can be done on behalf of the total economy of the area? What can be done in transportation? The second question is an integral part of the first and should not be separated. We made an artificial separation to isolate certain issues, but now we discuss them together.

In the past decade or so, business firms, in rapidly increasing numbers, have shifted their ways of thinking about selling their product. They no longer sell it; they market it. Splitting hairs? Jargon? Perhaps, but by shifting their emphasis to marketing, they have adopted a whole new way of corporate thinking, of viewing their products, and of viewing their customers. This marketing concept implies that the firm should determine what its customers want and need (or might want and need) and then structure their entire effort to satisfying those wants and needs.

This concept involves the establishment, not only of corporate objectives in general, but marketing objectives in particular; the making of plans to reach those objectives; an internal analysis of the firm to appraise its resources and ability to make happen those things it wants to have happen, and an external analysis of the nature of the market. Then it develops strategies involving: Product design and product lines; channels of distribution; promotion policies; and price policies.

There is absolutely no difference in marketing a product and marketing economic development. Therefore, the first thing that should be done is for the Little Rock and Arkansas development agencies to do as business firms have done and adopt the marketing concept. A program for marketing economic development can and should be created.

A very significant aspect of this program involves transportation. Because of the peculiarities and importance, special attention should be given to those transportation rates which discriminate against Arkansas as a location. Further, special attention should be given to all aspects of distribution services ranging from the introduction of modern warehousing techniques to the establishment of trainload rates and the provision of improved motor carrier service to the small towns of Arkansas.

Because we have been inspired by the potential of the River, we have been inclined to wax enthusiastic, and in our enthusiasm we have mixed a few metaphors and cliches in with our rhetoric. Perhaps all of this is forgivable; certainly it is understandable. You in Little Rock have your part of the River now. Soon all of us in the region will have a $1.25 billion resource on our hands, and what do we know about it? Nothing, really, other than a few outdated guesses about the tonnage it will handle. What plans have we made for the wise use of an asset that could be the greatest thing to have ever happened to our region—including the discovery of oil? Nothing, really, other than to build a few docks, lay out a few industrial parks and talk to a few firms about locating in the region. The things that we have done needed to be done. The fact that they have been done well is a tribute to the tireless efforts of a few port directors, their staffs, and their boards of directors, who have done impossible things with inadequate resources.

In effect, the things that have been done were those things necessary to start operation; to be able to say to the world of trade and commerce that we are ready to receive all comers. When the first barge got to Little Rock, Little Rock was ready for it. The industrial park is ready. But do the cities have long range plans to help guide them in reaching their objective? For that matter, do they have specific objectives? Answers I have received to these questions over the past several years have all been negative. It has also troubled many others with whom I have talked that we will spend well over $1 billion for a resource and nothing for determining how we eventually want to use it. Sadder still, we have done very little to plan for removing some of the resistances to economic development of the area in the form of eliminating discriminatory freight rates. To my knowledge, we are not even planning for those developments which will probably take place if present economic trends continue. More important, we are not planning to make happen those things we want to have happen. Even worse, we have not clearly identified what we want to have happen. It is past time to make our move in this direction.

When I said that the River could be the greatest thing that ever happened to our region—including oil—it was not because my pen had gone on a flight of fancy. It is potentially great because it is an asset which can bring together, with a common purpose, the best of men to do the best of things. It can be better than a springboard from regional poverty; it can be an elevator to greater prosperity.

Other things remaining the same, the Arkansas River area will develop because the River is there, and increased prosperity will result. If we determine what we want to have happen and set out to make it happen, the River-resource will be a base for even greater prosperity. As things now stand, other inland ports have advantages not enjoyed by Little Rock and other Arkansas River cities. While our area has a small trade region of its own, it is in reality within the trade areas of such places as Dallas, St. Louis, Memphis, and Kansas City. With the River as one resource base, and vision, determination, and leadership as another, the area can enlarge its trade area substantially.

To put it differently, we are in the economic hinterland of other places. The crucial question is: Do we want to continue to be a hinterland or do we want to have a hinterland?

A SEARCH FOR SANITY

Mr. FULBRIGHT. Mr. President, in a message to his congregation this past Sunday, Dr. Russell C. Stroup, of the Georgetown Presbyterian Church, has put into perspective the most vital issues of our time. I commend this member of the clergy for facing with such candor the critical questions now before not only our country but the world. The timeliness of his address, entitled "A Search for Sanity," cannot be overstated. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A SEARCH FOR SANITY

(By Dr. Russell C. Stroup, Georgetown Presbyterian Church)

Veterans Day is a time to remember the men who have suffered and died in the tragedy of war. It is good for us to do so. For me it is very personal. I have served with some of these men. I have shared their suffering and buried their dead in the rice paddies, beaches and jungles of the South Pacific. I have not forgotten.

For those who have died it is a day of honor; for us, the living, it is a day of dishonor, for we have been unfaithful to our dead. It has been almost 25 years since the guns of World War II fell silent. But in those years other guns have sounded, others bombs have fallen in Korea and Vietnam, and a cold war has been conducted with unabated intensity. In 1945 we might have said with Abraham Lincoln that "it is for us the living to be dedicated with increased devotion to the cause of peace to which they gave the last full measure of their devotion; that these dead might not have died in vain" as we took up their unfinished task establishing "a just and lasting peace among ourselves and with all nations." We have failed to show increased devotion to that task; we have not dedicated ourselves to its fulfillment. On the contrary, never before in the "peace-time" history of our republic have we shown less regard for peace. Never before have we maintained so many men under arms. Never before have we fought such sustained and bloody "undeclared" wars. Never before we expended such a major portion of our treasure and talent in preparing for our own and mankind's annihilation through unspeakable weapons of mass destruction. If we survive, and the history of this time is written, surely future generations must assume that we were gripped by mass madness.

The frightful extent of this madness is brought home to us in a recent book, The Economy of Death, by Richard Barnet, who served in the State Department, the Pentagon, and the Arms Control Agency. He writes: "Since the end of World War II a veil of demagoguery and silence has hidden what is probably the greatest monstrosity in human history. A few politicians, a few generals, a few contractors have managed to loot the federal treasury of a trillion dollars and create enough bombs, hideous gasses and other methods of mass destruction to wipe out all life on the planet earth. Not even Hitler, or even Stalin considered such reckless possibilities as our Christian, Godfearing nation has done. We manufacture enough atomic bombs to kill every man, woman and child ten time over, and enough nerve gas to do the same, to say nothing of other frightful weapons in our arsenal." And we are devising more and more weapons, unimaginable weapons as well as manufacturing more and more of the weapons we have. Few questions are ever raised on this point. It is encouraging that recently people seem to be concerned, at least from an economic standpoint, with the expenditures that we are making—70% of our budget for past, present and future wars. People are questioning, and this is well. But the questioning is minute.

Until very recently, military appropriation bills were passed by Congress almost automatically. And the tragedy is that the people have been no more concerned than their Congressmen with the spiraling arms race that could lead to destruction, that *will* lead to destruction unless it is halted. We live in a highly combustible world. A single spark could ignite it. One man in Cairo could start a chain of events ending in nuclear holocaust, as one man in Cuba almost did. But who cares? How many of our citizens are deeply concerned with the disarmament talks about to begin between the U.S. and the Soviet Union? How many know about these talks? For they receive little publicity in comparison with other events in our world of much less importance. We are concentrating on November 15th. We might be concentrating on November 17th, Helsinki, and what might begin there, God willing. Some beginning, one step at least, toward that disarmament which is essential to the preservation of mankind.

Millions of Americans are deeply disturbed about the war in Vietnam. Both the vocal minority, if it is a minority, and the "silent majority," if it is a majority, are determined to end the war there. Tens of thousands will gather in Washington this week to protest. But I am not minimizing the tragedy in Vietnam when I say that it is *not* the life-and-death issue before us. We are deeply disturbed, and should be, at the loss of forty thousand young men there. But we can and do calmly contemplate and prepare for the death of ten thousand times forty thousand in a nuclear conflict. We are shocked, and should be shocked, by napalm bombs which incinerate their hundreds. But we press for the development of missiles which will incinerate their millions.

But, in addition to Vietnam, all of our many problems pale into insignificance beside the problem of controlling the armaments race and establishing some measure of peaceful coexistence between ourselves and the Soviets. The race problem is real; but in the event of nuclear war there would be few blacks or whites left to carry it on. The problem of our ghettos are real; but if there is a nuclear war both the slums and the suburbs will be destroyed. The problems of our cities are real; but if there is a nuclear war our cities will be in ruin. The conflict between the East and the West will not be resolved by a nuclear war, for after it was over there would be no Communism, no capitalism, only chaos and anarchy. Only the population problem would be solved by such a conflict, for after it was over the world would be depopulated if not empty.

If we say, as we do, that disarmanent is impossible, that peace with the Soviet Union is impossible, then we are saying in effect that the future is impossible, that life is impossible, that the world as we know it is impossible. And let us make this crystal clear: there is no defense. No ABM system, nor any other retaliatory weapons can protect us or the Russians against devastating destruction that beggars the imagination. There is no hiding place down here. Our only protection is peace. It is easy to say, and heaven knows hard to achieve. The road to peace is not easy, it is a hard road. But the road to destruction is also hard.

There is no alternative to peace. I am not an alarmist, but a realist. For hydrogen bombs are *real*, and rockets are *real*, and arms races are *real*. It is our present race to ruin which is *unreal*, which is madness. And it is for us to search for a measure of sanity in our mad, mad world. In the name of sanity let us seek to give reality to the vision of Micah of a world in which men shall beat their swords into plowshares and their spears into pruning hooks; where nation shall not lift up sword against nation, neither shall they learn war any more. But they shall sit every man under his own vine and under his own fig tree, with none to make them afraid.

Prayer: Our Father, in a world of constant fear, in a world of ever present peril, grant to us the will for peace and the achievement of it, we ask in the name of the Prince of Peace, Amen.

AID TO THE INNER CITY

Mr. PERCY. Mr. President, the need to reverse the tide of dependence and decay within our inner cities should carry the highest priority. Our society, black and white, plays a very real, although sometimes hidden cost for these grave problems.

Donald M. Kendall, head of the National Alliance of Businessmen, has noted the kind of economic distortions that occur within the ghetto society. Using Sacramento as an example, Mr. Kendall reports that 20 percent of that city's population lives in the ghetto. In Sacramento, this 20 percent pays 12 percent of its taxes, and accounts for 36 percent of its fires, 42 percent of adult crimes, 76 percent of its tuberculosis cases, requires 50 percent of its public health services, and 41 percent of its police costs.

Investment of private enterprise funds in the ghetto, coupled with Government "seed" money, can ultimately be returned in higher tax yields and lower welfare payments. We can expect for some time to see a deficit between money spent in the inner city and the return on investment. But such deficits are substantially similar to the subsidies that we grant to the maritime industry, the airplane industry, and the oil industry and are significantly more worthwhile in their social impact.

These concepts are ably discussed by Leon B. Sager, an Illinois businessman, in an article he has written for the November 1969 issue of the Center magazine, a publication of the Center for the Study of Democratic Institutions in Santa Barbara, Calif. Mr. Sager, board chairman of the Embosograf Co. entitles his article "Give Dollars, Give Jobs, Give a Damn."

Among the proposals Mr. Sager discusses are some that have been recently studied in the Senate, particularly in the Committee on Banking and Currency, on which I serve.

He discusses the creation in large cities of planning organizations comprising business, the ghetto community, and the Federal Government; tax credits for investment in innercity industry, housing, and training; expansion of mortgage loan insurance program of the Federal Housing Administration for the innercity; expansion of Federal deposit insurance to allow large corporations to deposit substantial sums in ghetto banks without risk of loss; changes in the banking laws to enable bank subsidiaries in inner cities to make high risk loans, and expansion of the 90 percent guarantee loan program of the Small Business Administration.

Mr. President, since Mr. Sager has written a most timely and interesting article, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Give Dollars, Give Jobs, Give a Damn

(By Leon B. Sager)

The problems of the inner city are so vast, so urgent that they cannot be solved by government alone or by the private sector alone. They require the combined efforts of both. Nor can the task be left to the cities, because the cities have lost their financial base. As recently as 1932, more than fifty per cent of all taxes went to local government; in the past twenty years the figure has sunk to fourteen per cent.

A nationwide effort to meet the challenge of the inner city is in progress—and it is growing. Since the establishing of the Urban Coalition in 1968, thirty-nine chapters have been set up across the nation. An additional one hundred and fifty organizations of business and civic leaders are devoting thousands of dollars and millions of hours to improve conditions in the ghettos. Businessmen are acting on the slogan of the Urban Coalition—"Give dollars, give jobs, give a damn." The efforts have moved in two directions: jobs, to improve economic conditions; and minority ownership, to provide management training and help members of minorities to become owners of businesses. The emergence of a new group of black businessmen is the most conspicuous of these developments.

One such businessman is Richard D. Allen of Los Angeles. In 1962, Allen and Warren D. Gray started American Tape Duplicators. Their investment of five hundred dollars apiece has grown. They operated a million-dollar business in 1968. A volume of $1.6 million is likely in 1969. Mr. Allen's case is, of course, exceptional. Not many black men will soon achieve presidencies of million-dollar businesses, and certainly not of billion-dollar businesses like General Motors or General Electric. What must be done, however, is to expand what is already under way by education and the development of individuals from minority groups to take over middle-level positions in white-owned firms, and the ownership and management of small businesses of their own in the inner city.

Another example is Al Hollingworth of Los Angeles. Mr. Hollingworth, now thirty, was a football star at the University of Colorado. After graduation he worked as a paper salesman in Seattle, then moved to Los Angeles and took a sales job for the Crown Zellerbach Company. Determined to have his own business, he applied for a loan from the Small Business Administration. S.B.A. referred him to the Economic Resources Corporation. E.R.C. found Mr. Hollingworth acceptable and within forty days he was in business for himself. He is now president and principal owner of a firm that, in the first year since its opening in October 1968, is doing a business of forty thousand dollars a month and making a profit. The firm, Sheet Plant Corporation, designs and manufactures corrugated boxes. Mr. Hollingworth invested about twenty-two thousand dollars of his own in the enterprise. He and his two salesmen, also black, have secured one hundred and twenty accounts. He will have to put on a second shift soon.

A considerable number of whites have become involved in helping blacks. Unfortunately, there is also a growing antagonism to the help blacks are receiving. Other minorities are asking why they shouldn't have the same help. Some skilled white union men claim that they are losing their jobs to blacks. Conflict is almost certain. Already there have been violent confrontations; more can be anticipated unless it is understood that help to the blacks must not be at the expense of the whites in the inner city. Everyone must be helped and help must come quickly.

How far is the Nixon Administration willing to go in implementing inner-city developments? The picture is cloudy.

Item: Philip Pruit, appointed assistant administrator to the newly created Minority Entrepreneur program of the Small Business Administration, tendered his resignation.

Item: Clifford Alexander, Jr., administrator, Equal Employment Opportunity Commission, also resigned "because of a crippling lack of Administration support."

Item: The Model City Program has been doubled to six hundred and fifty million dollars.

Item: An Urban Affairs Council of top Administration officials has been formed. It meets regularly once a week; Mr. Nixon attends nearly every session.

Item: The requested budget for the Small Business Administration for fiscal 1969–70 is $1,034,000,000. This compares with $816,000,000, fiscal 1968–69, and $660,000,000 fiscal 1967–68.

Item: President Nixon's tax reform program, if adopted, will benefit the residents of inner cities. Many will be exempted from all taxes; others will receive greater benefits than ever before. A considerable portion of tax-sharing will go directly to cities, but there is no guaranty, of course, that the cities will use any or most of its shares for inner-city revitalization.

The outlook for significant assistance to minorities by the S.B.A. is promising if that item of Mr. Nixon's budget is approved. These efforts are in direct line with the conclusions drawn in the 1968 *Report of the National Advisory Commission on Civil Disorders:* "Maximum utilization of the tremendous capacity of the American free enterprise system is a crucial element in any program for improving conditions, in both the urban centers and our rural poverty areas."

The banking industry of the country is participating more than ever before, thanks in part to a ninety-per-cent guaranty by S.B.A. of bank loans made to minority businessmen.

The number of individuals—businessmen, government officials, community leaders—actively engaged in trying to solve ghetto problems is large. Some businesses have created their own independent organizations; the majority work with federal agencies and community leaders.

A. Wright Elliott, an officer of the National Association of Manufacturers, has said that in the last six months, "every major leading business journal has had at least two and, in one case, as many as nine articles devoted solely to the efforts of industry in the 'social problem' area." When N.A.M. asked seven hundred manufacturing concerns "Do you feel your company should be involved in social problems?" eighty-eight per cent answered affirmatively.

Since autumn 1967, Action Report, a digest of corporate approaches to public problems, has been issued by the Chase Manhattan Bank of New York City. "Thoughtful Americans are asking searching questions about the role of the business corporation," Mr. George Champion, former Chairman of the Board of Chase Manhattan, said. "Can it perform some functions better than government itself? Many of us believe that the answer is a resounding 'yes!' " Action Report details that answer by citing the original, effective techniques to solve ghetto problems that were devised by business organizations across the country. The Bi-Weekly Report on Business and Social Responsibility, a newsletter published by Business & Society, reports both the successes and failures of these efforts. More and more business organizations, including nearly all the nation's largest, are actively participating in reporting their experiences in the inner cities.

Many white-owned businesses act on their own in the ghettos. I.B.M. recently set up a plant in the center of Brooklyn's Bedford-Stuyvesant area. Rather than search for managers in Bedford-Stuyvesant, I.B.M. drew on its own talent. I.B.M. Chairman Thomas Watson selected a white man, Ernest K. Friedli, as plant manager. Friedli had been assistant manager of the I.B.M. plant in Kingston, New York, which employs thirty-five hundred persons. He chose five men for his new management team, three black and two white. Before opening the Bedford-Stuyvesant plant, Friedli had gone around the country visiting similar projects. He decided that starting a new plant with hard-core unemployed—the unmotivated, addicts, and alcoholics—would be risky. I.B.M. officials bristle, however, when they are accused of skimming only the top of the black labor market. They cite the fact that of the two hundred Bedford-Stuyvesant residents hired, eighty-three lacked a high-school education, one hundred and twelve had been unemployed at the time they were hired, and more than forty had records of arrest.

A. Bruce Rozet, President of Commonwealth-United, a Los Angeles conglomerate, persuaded his board of directors to become actively interested in the minority problems of Los Angeles. So far, Commonwealth-United has invested three hundred thousand dollars in Action Industries, Inc., in Vernon, a Los Angeles ghetto. The purpose of the Commonwealth-United is "to encourage minority leadership and to have a stake in the community." Fifteen minority-managed businesses are already in operation, including a small supermarket that competes successfully with the larger supermarkets. Ground is being cleared for a large Auto Wash & Auto Repair Corporation under black management and ultimately black ownership.

The striking characteristic of Action Industries is enthusiasm. From cleaning man to manager they share a feeling that it is their business. Jean Lewis, black, thirty-five, and mother of six children, works part-time as a checker. When she was asked what she liked about her job, she answered, "I like people, I meet all my friends." David Scoggins, white, nineteen, is a stock boy. His job at Action Industries makes it possible for him to attend City College. He is being trained to manage a supermarket. Barney Prior, black, twenty-two, who had held several other jobs before coming to Action Industries, said that the blacks of Vernon had a new pride since Action Industries got going: "It is changing the neighborhood."

Large corporations involved in inner-city developments include the Aetna Life Insurance & Casualty Company, the American Air Lines, Inc., the American Telephone & Telegraph Company, the Armstrong Cork Company, the Atlantic & Pacific, the Avco Corporation, B. Green & Company, the Bristol-Myers Company, the Brown Shoe Company, and the Chrysler Corporation. In all, there are more than one hundred. They include the Eastman Kodak Company and the Xerox Corporation, which have enlisted the top businessmen of Rochester, New York. In Rochester two thousand six hundred jobs for hardcore unemployed have been found and fifty black-owned and -managed businesses have been created. Warner & Swazey, the Cleveland machine-tool firm, has created a subsidiary, Hough Manufacturing Company, which will eventually be black-owned and -operated. It has also established the Equitable Assurance Society's Action Housing, which is doing an imaginative job in home rehabilitation and has become a model for many others.

The most ambitious program for minority employment is that of the National Alliance of Businessmen (N.A.B.). Created in 1968 under the leadership of Henry Ford, it has now reached its first objective—one hundred thousand jobs by June, 1969. With branches across the country, N.A.B. is on its way toward its major goal—five hundred thousand jobs by 1971. Under the Manpower and Training Act, $9.5 million have been advanced by the federal government in this attack on hard-core unemployment.

In June, 1969, the N.A.B. was merged with Plans for Progress (P.f.P.). Dating back to 1961, P.f.P. was the first industry-government effort to end discrimination in American industry. A survey of four hundred and forty-one P.f.P. members shows they employ more than a million minority members in 1969, seventy-two per cent more than in 1965.

No other person in the United States has accomplished more for inner-city development than the Reverend Leon Sullivan of Philadelphia. A typical Sullivan feat is the Opportunities Industrialization Center (O.I.C.) Program. O.I.C. was begun with one hundred thousand dollars raised by the people of the community plus an anonymous gift of fifty thousand. It was the first massive grass-roots manpower training project in the United States. Today there are Centers in seventy-five American cities, and thirty-five thousand students in O.I.C. training programs, all created, guided, and controlled by the people themselves. The original (and still primary) objective of the O.I.C. was to provide the means by which uneducated and untrained persons in the inner city could develop self-respect through well-paid employment. It conducts a three- to four-week "feeder" course involving remedial reading, training in job skills, and assistance in job procurement. After that, a trainer-coach keeps in touch with the jobholder as long as necessary.

O.I.C. is supported by both business and government. Begun in 1963 in an abandoned jail, it now has an annual budget of twenty million dollars. Of this, two million dollars come from voluntary contributions, the other eighteen from four agencies of the federal government. By January, 1969, there were fifteen hundred students in the Philadelphia program. The enrollment across the country was twenty thousand. The expansion is so rapid that one hundred thousand O.I.C. students are expected by 1970, three hundred thousand by 1971.

Progress Enterprises, a second self-help program begun by Mr. Sullivan, moves into the area of entrepreneurship: blacks owning and managing their own businesses. Evolving out of what is called the "10–36 Plan"—ten dollars a month for thirty-six months—Progressive Enterprises now has three thousand members. It has built Progress Plaza, a multi-million-dollar shopping center; Progress Aerospace Enterprises, the first major aerospace enterprise in the world controlled by blacks; Progress Garment Manufacturers, which already employs over one hundred workers; and Progress Retail Store. Continuous growth and expansion of Progress Enterprises seem assured.

A third Sullivan project is Adult Armchair Education, a program for home education. It was created in 1966 to help the rural and small-town poor.

One of the most effective means of solving the inner-city problems is the Economic Resources Corporation (E.R.C.) of Los Angeles. With somewhat more than nine million dollars in federal funds from the Economic Development Administration, the O.E.O., and the U.S. Department of Labor, E.R.C. can conduct an unusually flexible program. It is an effort to produce a multiplying effect from a relatively small amount of government funds when these are tied to participation by private enterprise and involve community cooperation.

Central to the E.R.C. project is the creation of a forty-five-acre industrial park in south-central Los Angeles, the so-called Watts Industrial Park. Sections of the park will be leased or sold to large industrial firms sympathetic to E.R.C.'s objective of providing jobs and training for unskilled residents of south-central Los Angeles. Ground-breaking ceremonies were held on May 15, 1969, by the Lockheed-California Company, the first industrial tenant in the park. Lockheed's plant will open in early 1970, and will train and employ eventually three hundred persons on a single-shift basis. The plant—called the Watts-Willowbrook Plant—is an integral part of the Lockheed-California Company's operations. It is a feeder plant, which will produce subassembly parts for the new L-1011 TriStar commercial jet transport.

Although, initially the Watts-Willowbrook Plant will be managed by employees from Lockheed-California Company's main facility at Burbank, plans call for most of the employees—line operators, supervisors, and managers—to be residents of the local community. Opportunity for skilled occupations, through education and on-the-job training, will be provided for all employees. More important, the skills acquired will be marketable, providing the trainee mobility if he desires to seek employment elsewhere.

The impact on a black community of a plant employing two hundred to five hundred, with blacks holding important positions and having markets outside the ghetto, in the opinion of E.R.C. officials, is far more important than that of one hundred neighborhood-oriented firms with a handful of employees each.

A second major E.R.C. program is planned for thirteen acres of the industrial park. It will be leased to smaller minority entrepreneurs joined together in a Community Businessmen's Association, an independent, self-sufficient organization devoted to the interest of its members. At the start it will provide the specialized skills and services of a legal firm, an accounting firm, and a management-consulting firm. Other services will be added later. The method of processing loans is indicative of the care observed by E.R.C. in setting up new minority businesses—there are already seven in operation. From over one hundred and fifty requests, twelve, at this writing, have been processed—eight directly, two in participation with banks, two loans with ninety-per-cent guarantees from the Small Business Administration. Twenty other loans are being documented. The E.R.C. committee of three analysts helps the prospective entrepreneur put the package together. It is then presented as a formal proposal to a committee of credit representatives from seven or eight banks. If it is accepted by this committee, one of the banks services the loan through its nearest branch.

A minority-owned and managed business brought into being in 1968 by E.R.C. is Western Industrial Services of Los Angeles. E.R.C. loaned Robert Doss, a black man, sixty thousand dollars to set up the firm. Mr. Doss is thirty-six and a graduate of the Los Angeles Metropolitan College of Business. He himself invested eight thousand dollars. The business offers cleaning and industrial services. With yearly contracts with Pacific Telephone Company and Western Electric Company, Western Industrial Services now employs twenty-five workers and is doing a profitable business with a $12,500 monthly volume.

No task in the inner city is so formidable as the rehabilitation of rat-infested housing. In a quarter-century of activity the Federal Housing Authority (F.H.A.) has insured more than one hundred and twelve billion dollars in home mortgages. But ghetto homes, because of the high element of credit risk, were deliberately excluded. During a congressional hearing in 1967, one housing expert, Charles Abrams, said, "It would be a market phenomenon for a low-income Negro family to receive a conventional F.H.A.-insured mortgage." The percentage of existing one-family houses insured by F.H.A. for families in an income bracket of less than four thousand dollars has fallen from 42.8 per cent of the total in 1950, to 1.3 per cent in 1966.

Recognizing the failure to develop new housing in the ghettos, Congress in recent years has enacted new F.H.A. schemes for low-cost housing, including Section 221(d)(3), the below-market-interest-rate program. None of these new programs has produced any significant volume of low-income housing either inside or outside the ghetto. Instead of the sixty thousand apartment units per year planned by Congress in 1963 under 221(d)(3), six years later only forty thousand had been completed. What is needed then to get decent housing in the ghettos? The primary requirement is for expansion of mortgage-loan insurance by the F.H.A. to include mortgages on newly constructed properties in the inner city, as was done in the suburbs. Theodore L. Cross, a lawyer/director of the Banking Law Institute, and editor of Bankers Magazine, offered some suggestions in Black Capitalism. He proposed a system of self-executing loan guaranties, under which the lender is told that if he commits his capital to certain programs for enriching the slums, the repayment or his loan or investment is assured. F.H.A. now uses this automatic system for thousands of bank borrowers for home-improvement loans. Mr. Cross also proposed that federally chartered urban-development banks be created in ghettos, in order to overcome the long delay in project-loan applications and construction projects, which have been the despair of both builders and bankers.

A technique has been devised by the Office of Economic Opportunity (O.E.O.) to bypass the F.H.A. in order to speed housing.

The O.E.O. financed five thousand housing units in New York, Cleveland, Baltimore, St. Louis, Philadelphia, and Washington, D.C. This was achieved by providing two million dollars of "front-end money costs before mortgage," or seed capital, for assistance in new housing projects.

Perhaps the best hope for housing is the Model Cities Program. It is part of the Department of Housing and Urban Development under the administration of George Romney. The six hundred twenty-five million dollars granted by Congress for the fiscal year 1969–70 doubled the preceding budget. Besides, Mr. Romney has two hundred million dollars left over from the previous fiscal year because project planning took longer than anticipated.

New York City is a major beneficiary. It was recently granted seventy million dollars. Mayor John Lindsay said: "I am deeply gratified by the speedy and thorough action. It will enable the city to begin work under the comprehensive five-year Model City Program." This is significant "seed" money. Altogether New York City has a projection of four hundred million dollars—$123,000,000 in South Bronx, $82,000,000 in Harlem, and $195,000,000 in Central Brooklyn.

Many businessmen, making the best use of present legislation, are going ahead on their own. The Niagara Power Company of Syracuse, New York, has supplied six hundred thousand dollars of seed money for a combination land-planning and urban-renewal project, the Community Housing Development Corporation. Its objective is low- and medium-income housing in a ghetto area. It began with an ambitious information program (meetings, booklets, a movie depicting the city's situation) that moved key civic and business leaders and others. They are now participating in the program which in turn is being used as a model for other communities in upper New York State. Another corporation, Celotex, has purchased thirteen-and-a-half acres in Atlanta, Georgia, for a low- and moderate-income housing development. Celotex will design, finance, and construct the buildings; then the Friendship Baptist Church, the oldest Negro church in Atlanta, will take ownership. A second important partner is the F.H.A. "This F.H.A. program," said Eugene R. Katz, president of Celotex, "is one of the most effective ways of providing low-income housing; yet it is here that big capital, as a whole, has been notable by its absence." The permanent financing of the project is provided by a direct, forty-year, $2.5 million mortgage to Federal National Mortgage Association; the interest rate is three per cent. The site is located near university campuses and neighborhood commercial centers and is only a short distance from the center core of the city.

For the first time the banks of the country are involving themselves in ghetto problems. The beginning of the bankers' involvement may be traced to 1965 when William B. Walker, a native of Mississippi, a Phi Beta Kappa, a Harvard M.B.A., and a banker for more than thirty years, became president of The First Pennsylvania Bank & Trust Company. Due for retirement before 1970, Mr. Walker might easily have settled for a don't-rock-the-boat, caretaker regime; in fact, his tenure has turned out to be anything but that. One of his first moves was to hire a black man as assistant personnel officer to spur integration of the work force and advise on other black-oriented programs. First Pennsylvania has thus begun several projects—a special lending program, a cluster of special education, training, and counseling programs, financing of a shopping center, establishment of a company to purchase, rehabilitate, and sell homes to low-income families, and adoption of a Philadelphia high school.

First Pennsylvania, however, is not going into the charity or social-welfare business. "It is our thing . . . business enterprise . . . which we hope to preserve through our urban action programs," Mr. Walker said recently. Is it good for business? In the first year of its involvement in ghetto projects, First Pennsylvania enjoyed the highest percentage growth in profits of any of the nation's top twenty-five banking institutions.

Supermarkets, which take no small part of the twenty-five billion dollars of black consumer purchases, were, until June, 1968, completely white-owned. That is no longer true. The existence of the black-owned and black-managed Harlem River Consumers Cooperative, is due to the vision and untiring efforts of one woman, Cora Walker, a Harlem attorney. "It was my idea," Miss Walker said, "that there was a complete absence of realistic approaches to the problem of getting people to function in the mainstream. The 1964 riots taught me the need for something real."

For completely untrained people who lack not only capital but experience as well, to open a supermarket requires a certain daring. The ten thousand dollar stock purchased by two thousand co-op members was no more than token for a business with a $1.8 million sales potential. It needed and received unparalleled assistance from white organizations. Litton Industries Credit Corporation helped with a $160,000 loan; another $107,000 came from other co-ops. Leon Strauss, a vice-president of Supermarkets General, provided very important advice to the pioneers.

The rescue of another black enterprise, the Neighborhood Co-op of San Francisco, indicated the need for experienced white assistance. The Neighborhood Co-op is located in the Bay View-Hunters Point section, ten blocks from a Safeway supermarket. Tottering on the edge of bankruptcy it has received a massive transfusion of assistance from Safeway. By a legal agreement for the sum of one dollar, Safeway has agreed to provide management-consultant service for an indefinite period. "We want to see this co-op succeed because it symbolizes the free-enterprise system," Safeway's president, Quentin Reynolds, said. "We want to leave footprints. We want to influence others to take an active, demonstrable interest in pumping new life into Negro-owned businesses."

Other national supermarket chains followed Safeway's example. Among them were Giant Foods, the Jewel Tea Company, and the Atlantic & Pacific.

There have, to be sure, been failures in inner-city enterprises. Probably the first inner-city project after the Watts riot was the Watts Manufacturing Company plant of the Aerojet-General Corporation. The project was incorporated in August of 1966 and is still operating although on a greatly diminished basis. Starting with five hundred employees, the number has dropped to three hundred. A decision to lay off two-thirds of these was saved by a four-month contract extension from the Defense Department. This experience furnished valuable lessons to companies who began their operations later. Probably the most important was that building in the inner city is more difficult than elsewhere and that very thorough preplanning is essential. Also, inner-city plants must have experienced managers, usually white. An extensive training program should begin when the plant is opened and continue indefinitely.

The Green Power Foundation, a Los Angeles organization of one hundred and fifty black businessmen and professionals, also had troubles. Headed by Norman Hodges, a research engineer, G.P.F. decided on the manufacture of baseball bats as its first project. Named "Watts Wallopers," the bats were to be the world's best and would be chosen not only by Little Leaguers but by seasoned professionals. Unfortunately no consideration was given to the fact that the California oak of which they were made will splinter when a ball is hit vigorously. A treatment to harden the oak by irradiation was unsuccessful.

Absenteeism in the inner city often runs as high as twenty per cent. Training is usually expensive. Lower productivity can cut deeply into profit. Then there is the matter of turnover. Many ghetto employees have never been employed before and find it difficult to accustom themselves to steady work. Also the problem of finding enough managers and supervisory personnel plagues plant managers. In the early stages, some corporations have borrowed mid-management people from other plants to be replaced when blacks have received adequate training.

But there are real advantages to locating plants in the ghetto. A ghetto-based company has access to Labor Department funds for training employees. It is an area where the manpower pool is large and unemployment is high. Therefore the job of recruiting is easier, particularly when normal hiring requirements are relaxed, as they usually are. In ghetto plants employees are not faced wth arduous transportation problems to and from their jobs. And sometimes there are pleasant surprises. Ernest K. Friedli of the I.B.M. Bedford-Stuyvesant plant, said: "Once these trainees are on board, we often find skills the management didn't know they had when they were hired."

Friedli and other ghetto plant managers also stress the importance of working closely with the ghetto community and its organizations. Support from such groups helps change the cynical attitude of many slum dwellers toward Establishment ventures. In Washington, for example, Fairchild-Hiller probably could not have operated its new plant without the Model Inner City Community Organization, a local group with a broad-based ghetto support.

Conspicuous among over one hundred and fifty community-action groups is the Urban Coalition of New York City. Acting out the Urban Coalition slogan "Give dollars, give jobs, give a damn," leading corporations and labor organizations have participated in a diversity of activities. Blacks own and manage a foundry in the New York City area which employs twenty-seven persons and is doing a business of half a million dollars annually. The Association of United Contractors of America, which includes twenty-five contractors, and one hundred and fifty architects, engineers, and suppliers, is equipping black people to do their own construction work. Fifteen corporations have pledged seven hundred and fifty thousand dollars a year to establish street academies where drop-outs are drawn into the educational mainstream. Mini-parks, new and rehabilitated housing, and, above all, dialogue between blacks on the one hand and white business and labor leaders on the other are among its accomplishments.

Among other organizations whose activities have been unusually effective are Rochester Business Opportunities Corporation, which has enlisted the aid of nearly all the business leaders of Rochester, New York, and Menswear Retailers of America, whose members have pledged twenty million dollars and personal assistance enabling minority members to own and operate their own businesses. The government agency directly involved is the Office of Economic Opportunity. In 1968, it made a $1.6 million grant to a ghetto economic development corporation in the Hough area of Cleveland. In rural America, one hundred and thirty-one marketing co-operatives have been set up with $5.2 million in community-action funds. O.E.O. has budgeted ten million dollars for seed money for urban economic development projects in fiscal 1969.

Minority businessmen have had the occasional free, voluntary help of more experienced businessmen, many of whom are retired. The Service Corps of Retired Executives of the Small Business Administration and the Interracial Council for Business Opportunities have been very helpful. I.C.B.O. maintains offices in nine major cities. It assists in securing loans, and provides loan counseling and management assistance. I.C.B.O.'s limited staffs are augmented by large numbers of volunteer business people from the communities in which they are located. Though this service is of inestimable value, it is far from adequate, especially when contrasted with the one-hundred-dollar-a-day business consultative service used by experienced businesses. The voluntary consultative service is occasional; it is often given during the evening hours; it lacks the comprehensive, thorough consultation of a professional consultant; it often takes many days.

The real cost of inaction in the inner city was spelled out by Donald M. Kendall, head of the National Alliance for Businessmen.

Using Sacramento as an example, he reported that twenty per cent of Sacramento's population live in the city's ghetto and pay barely twelve per cent of its taxes, account for thirty-six per cent of its fires, forty-two per cent of its adult crime, seventy-six per cent of its tuberculosis cases, require fifty per cent of all its health services and forty-one per cent of its policing expense. Among poor blacks and whites, criticism of the government is constant: it concerns the money spent on space exploration. The criticism is succinctly stated: an investment of one thousand dollars for each of the thirty-five million men, women, and children in the ghettos would have done more good than the thirty-five billion dollars it took to put a man on the moon.

It is hoped that investment of government funds in the inner city will ultimately be returned in higher taxes and lower welfare payments. This may not happen. The deficit between what is invested in the inner city and what is returned may properly be deemed a subsidy. Subsidies, though, are hardly a new concept in the United States. There were, for example, the grants made to the railroads during Abraham Lincoln's Administration. In more recent years, recipients of huge subsidies include, among others, the maritime industry, the airplane industry, the entire military-industrial complex (including over nine billion dollars a year in research and development alone), and the oil industry.

The solution to inner-city problems is not primarily a matter of more government spending, but of spending money more effectively. Two things are called for: top-level decisions by the Administration to provide the essential seed money, and determination by business leaders to give revitalization of the inner city the high priority its seriousness demands. Only by a comprehensive program that creates identity between the ghetto's needs and the needs of the normal economy, can we begin to solve the problems of the inner cities. The components of such a program of action must surely include:

Creation in large cities of organizations comprising business, the community, and the federal government. An example is Economic Resources Corporation of Los Angeles.

Strong federal tax credits for investment in industry, housing, and training. The waste that would inevitably creep into incentive tax credits would be small compared to the benefits. Tax credits involve businessmen in a direct and compelling way. They help immeasurably in the achievement of a primary goal: the development of wealth-creating centers.

Expansion of mortgage-loan insurance of the Federal Housing Administration to include mortgages on newly constructed properties in the inner city as was done in the suburbs. After World War II, the F.H.A. mortgage-loan insurance program enabled millions of whites to move to the suburbs. No similar project extended to the inner city. While the suburbs flourished the ghetto deteriorated further.

Expansion of federal deposit insurance in such ways that corporations could deposit huge amounts in ghetto banks without risk of loss. At present, only a small proportion of the three hundred billion dollars of bank deposits is in the inner city.

Amendment of banking laws to enable bank subsidiaries in the inner cities to make high-risk loans. Senator William Proxmire, after extensive hearings by the Senate Committee on Banking and Currency, has introduced such a bill.

Expansion of the successful ninety-per-cent-guarantee loan program of the Small Business Administration. Two important benefits result from this program: it brings a great many banks into ghetto business involvement and it enables inner-city businessmen to acquire ownership and management of their own businesses.

Reallocation of federal tax income. At present only fourteen per cent of the total federal, state, and local taxes are collected by the cities, while the federal government collects seventy per cent. A significant portion of federal income should be returned to the cities.

PROPOSAL TO REPEAL TITLE II OF INTERNAL SECURITY ACT OF 1950

Mr. FONG. Mr. President, title II of the Internal Security Act of 1950, the emergency detention provision, provides that, upon declaration of an "internal security emergency," the Attorney General may apprehend and detain any person who probably will engage in or probably will conspire to engage in acts of espionage." Persons so detained under this section are denied rights to trial under law as well as other civil rights and civil liberties which are guaranteed under the Constitution.

It is well known that during World War II, 117,000 persons of Japanese ancestry, many of them loyal American citizens, were detained in so-called relocation camps under the authority of this law. These persons were totally denied their individual liberty and all of the constitutional safeguards traditionally insured all persons living under the American flag.

Mr. President, this law remains in full force and effect on our statute books. When this fact was brought to light, 26 Senators, including the junior Senator from Hawaii (Mr. INOUYE) and myself, joined in a proposal to repeal this very unjust provision.

I am sure that there is widespread agreement that this law represents an ugly symbol of totalitarianism; that it is "un-American" in the broadest sense of that term.

Mr. President, the Honolulu Star-Bulletin, on October 27, 1969, published an editorial which expresses exactly my sentiments on title II. I ask unanimous consent that the editorial and resolutions adopted by the City Council of Honolulu, and the Honolulu Japanese Chamber of Commerce be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Oct. 27, 1969]

WATCH YOUR LIP!

For the past 19 years a razor sharp ax has hung perilously over the heads of all Americans, held immobile only by a thin threat of circumstances.

That ax is Title II, the emergency detention provision of the Internal Security Act of 1950, the so-called McCarran Act.

The threat of questionable strength that keeps the blade from falling is the weak refrain of those who defend the McCarran Act that "This couldn't happen in America."

The McCarran Act gives the President the power to proclaim an "internal security emergency" in event of 1) invasion of the United States or its possessions; 2) declaration of war by Congress; and 3) insurrection within the United States in aid of a foreign enemy.

Should the "internal security emergency" be declared, the President may detain persons "if there is reasonable ground to believe that such a person will engage in acts of espionage or sabotage."

Hawaii's Sens. Daniel K. Inouye and Hiram L. Fong and Reps. Spark M. Matsunaga and Patsy T. Mink are sponsoring bills in Congress for repeal of Title II.

They point out that Title II has never been tested in the courts.

Before the Senate, Inouye noted that Title II became law over the veto of President Truman, who said the great majority of the law's provisions "would strike blows at our liberties."

Additionally, Sen. Inouye said, "widespread rumors have circulated throughout our Nation that the Federal Government is readying concentration camps to be filled with those who hold unpopular views and beliefs. These rumors are widely circulated and believed in our urban ghettos . . ."

Congressman Matsunaga noted, in his call for repeal, "As a lawyer, I find that Title II . . . is repugnant to the accepted traditions and precedents of our legal system. . . ."

The McCarran Act is reminiscent of 1942 when 110,000 Americans of Japanese ancestry were arrested, their property confiscated and they were detained in "relocation camps" for most of World War II.

Any person or group detained under this act would be assumed guilty and have the onus of proving innocence.

When it was conceived, Title II was sharpened especially for the Communists. But, as it is written, the President conceivably could apply its provisions to any group—Black Panthers, Mormons, Yippies or another.

What Title II says, in essence, is that everyone should "watch your lip," or else.

Title II is ridiculously horrifying in our "due process" society.

Its implications are readily apparent. Of course it has never been used—but it is there; it has remained a threat over the last 19 years to any group whose views run counter to those of the man in the White House.

Sens. Inouye and Fong have the backing of 24 other U.S. senators for their repeal proposal; Reps. Matsunaga and Mink are joined by 125 co-sponsors.

The sooner Title II is repealed the better. There is always a chance that the ax will be allowed to fall.

HONOLULU JAPANESE CHAMBER OF COMMERCE RESOLUTION

Whereas, the Honolulu Japanese Chamber of Commerce, being a duly ordained and organized group of Americans in the State of Hawaii, recognizes that sub-title II of the Internal Security Act of 1950 (Emergency Detention Act) presents a serious threat to the civil rights of all Americans, and

Whereas, the Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency", and

Whereas, the Emergency Detention Act fails to provide for trial by jury, or even before a judge, substituting instead hearings before a departmental preliminary hearing officer and a detention review board where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify the detention, and

Whereas, the Emergency Detention Act thus violates the basic rights of the individual guaranteed by the Constitution of these United States and provides for detention procedures which are inconsistent with our normal judicial procedures, now therefore

Be it resolved, That, the Honolulu Japanese Chamber of Commerce strongly urge the repeal of sub-title II of the Internal Security Act of 1950, and

Be it further resolved, That, copies of this resolution be forwarded to:

Governor John A. Burns.

U.S. Senator Daniel K. Inouye.

U.S. Senator Hiram L. Fong.

U.S. Congressman Spark M. Matsunaga.

U.S. Congresswoman Patsy T. Mink.

Senator David McClung, President, State Senate.

Representative Tadao Beppu, Speaker, State House of Representatives.

Mr. Ray Okamura, JACL National Co-Chairman.

Mr. Mike Masaoka, JACL Washington Representative.

Dr. Robert Suzuki, JACL Executive Liaison.

Mr. A. A. Smyser, Editor, Honolulu Star Bulletin.

Mr. George Chaplin, Editor, Honolulu Advertiser.

Mr. Takeshi Fujikawa, Editor, Hawaii Hochi.

Mr. Ryokin Toyohira, Editor, Hawaii Times.

Mayor Frank F. Fasi, City & County of Honolulu.

Councilman Walter Heen, Chairman, City & County of Honolulu.

CITY COUNCIL OF HONOLULU RESOLUTION

Whereas, the Congress of the United States has heretofore adopted subtitle II of the Internal Security Act of 1950, commonly known as the Emergency Detention Act; and

Whereas, the said Emergency Detention Act authorizes detention of any person on the mere probability that he will engage in, or conspire with others to engage in acts of espionage or of sabotage during proclaimed periods of "Internal Security Emergency"; and

Whereas, the said Emergency Detention Act fails to provide for trial by jury, or even before a judge substituting instead hearing before a departmental preliminary hearing officer and a detention review board; and

Whereas, the said detention procedures set forth in the said Emergency Detention Act, pose a serious threat to the Civil Rights of all Americans; now, therefore,

Be it resolved that the Council of the City and County of Honolulu strongly urges all members of the Congress of the United States to use their best efforts to have the said Emergency Detention Act repealed; and

Be it finally resolved that the Clerk be, and she is hereby directed to transmit copies of this resolution to: Governor John A. Burns; U.S. Senator Daniel K. Inouye; U.S. Senator Hiram L. Fong; U.S. Congressman Spark M. Matsunaga; U.S. Congressman Patsy T. Mink; Senator David McClung, President State Senate; Representative Tadao Beppu, Speaker, State House of Representatives; Mr. Ray Okamura, JACL National Co-Chairman; Mr. Mike Masaoka, JACL Washington Representative; Dr. Robert Suzuki, JACL Executive Liaison; Mr. A. A. Smyser, Editor, Honolulu Star Bulletin; Mr. George Chaplin, Editor, Honolulu Advertiser; Mr. Takeshi Fujikawa, Editor, Hawaii Hochi; Mr. Ryokin Toyohira, Editor, Hawaii Times; and Mayor Frank F. Wasi, City and County of Honolulu.

BEN F. KAITO,
CLESSON Y. CHIKASUYE.

The foregoing is a copy of a Resolution adopted by the city council of the City and County of Honolulu on November 4, 1969.

WALTER M. HEEN,
Chairman & Presiding Officer.
EILEEN K. LOTA,
City Clerk.

RESOLUTION OF THE CITY OF NEWBERRY, S.C.

Mr. THURMOND. Mr. President, this week has encouraged those of us who believe the President should be supported on his Vietnam policies. The silent majority is beginning to speak, and it is not saying the same thing we hear from the vicious and violent minority who are urging unilateral withdrawal from Vietnam.

The orderly and thoughtful crowd which gathered at the Washington Monument on Tuesday stood with the President; and all across this great land of ours, similar expressions of patriotism are occurring. The city of Newberry, S.C., passed a resolution, signed by Mayor Clarence Shealy and all six city councilmen, declaring November 10 through November 16 "Honor America Week." I should like to quote one paragraph from this resolution:

> Whereas, it is in the highest tradition of these United States of America to present a united front behind the American fighting men; to do less would be a disservice to those brave young men who, at this very moment, are fighting and dying on foreign soil in the cause of freedom.

Mr. President, I believe this thought expresses the sentiments of the vast majority of Americans—Americans who are no longer the silent majority but who are speaking out in support of the President.

Mr. President, I ask unanimous consent that the resolution of the city of Newberry be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, President Richard M. Nixon has called on the responsible citizens of these United States to join with him in a united effort to end the Viet Nam conflict through Vietnamization of the conflict and a gradual, phased withdrawal of all United States ground troops based on future actions and policies of the Republic of North Viet Nam, and

Whereas, numerous national organizations, including the American Legion and Veterans of Foreign Wars, have announced plans to sponsor various programs and events which will declare to the world that American people have the strength, courage, will and determination to bring this conflict to a victorious, just and peaceful conclusion in keeping with our American ideals, and

Whereas, private organizations and groups are sponsoring "Honor America Week", November 10–16 and other special events in efforts to make the majority will of the people known throughout this country and abroad, and

Whereas, it is in the highest tradition of these United States of America to present a united front behind the American fighting men; to do less would be a disservice to those brave young men who, at this very moment, are fighting and dying on foreign soil in the cause of freedom,

Now, therefore, be it resolved by the Mayor and City Council of The City of Newberry, South Carolina that we do hereby declare the week of November 10 through November 16, 1969 as "Honor America Week" and we call on all citizens to support the national effort by participating in the following suggested activities throughout the week; burn your car lights during the daylight hours each day; display the American Flag at all places of business and in front of your homes; write or wire your support to the President; write our boys in Viet Nam expressing your support; all organizations, private and public, are encouraged to adopt similar Resolutions, and

Be it further resolved, that a copy of this Resolution be forwarded to the President of the United States and members of the South Carolina Congressional Delegation as an endorsement and expression of support for the President's peace plan.

Done this 10th day of November, 1969 in council duly assembled.

CLARENCE A. SHEALY, Jr.,
Mayor.

THE PRESIDENT'S EFFORT TO ACHIEVE PEACE IN VIETNAM

Mr. BELLMON. Mr. President, all of us are becoming increasingly aware of the growing support of the American people for President Nixon in his efforts to achieve peace with honor in Vietnam. During recent visits to Oklahoma, I found many evidences of this among the citizens who make up the strong, silent majority in my State.

It is gratifying to me that many of Oklahoma's public officials are speaking out in support of the President. I believe it is highly significant that these statements are coming from Democrats as well as Republicans, confirming my earlier contention that this is a time for national unity rather than partisan divisiveness.

The Governor of Oklahoma, the Honorable Dewey F. Bartlett, a Republican, gave a strong endorsement of President Nixon's policies following the President's Vietnam speech on November 3. The Governor followed this endorsement with a proclamation calling on Oklahomans to observe the week of November 9 through 16 as a National Week of Unity by flying the flag and by other patriotic gestures. In his proclamation, Governor Bartlett said:

> The United States is committed to the search for peace and seeks it unrelentingly. It is, therefore, deemed appropriate that support be given the search for peace through a vigorous show of support for this country and its leaders.

On Veterans Day, November 11, Lt. Gov. George Nigh of Oklahoma, a Democrat, sent President Nixon a telegram which he read in ceremonies at the State capitol. His telegram said, in part:

> As we pause today to pay our respects to all those courageous Americans who have defended and are presently defending our country in the armed services. I am taking this opportunity to urge my fellow Oklahomans, young and old, Democrat and Republican, from all walks of life to support you, Mr. President, in your efforts to bring about an honorable and just end to the present crisis in Vietnam.

Oklahoma's Commissioner of Public Safety, Robert R. Lester, a Democrat, encouraged State highway patrolmen to participate in local Veterans Day observances throughout the State, and declared that the highway patrol would "pledge to support the safeguarding of our freedoms by continuing to combat these elements which attempt to weaken America's leadership throughout the free world."

Two leaders of the Oklahoma Legislature, Rex Privett, speaker of the house of representatives, and Senator Clem McSpadden, former president pro tempore of the State senate, called for support for President Nixon in Vietnam during speeches to the State convention of the Oklahoma AFL–CIO in Tulsa last week, and were warmly applauded. Both are Democrats.

In addition to these expressions of support, the mayors of Oklahoma City and Tulsa, as well as mayors of many other communities throughout the State have endorsed the President's stand. A particularly meaningful demonstration of community support was noted in the city of Frederick, Okla., where some 500 persons signed a resolution supporting the President. The resolution reads as follows:

> We, the people of Frederick, Oklahoma, a rural town where the fear of God, the love of Country, and loyalty to our chosen leaders still exists as a way of life, do hereby affirm our support to the President of the United States in his efforts to guide our nation toward its goal of peace and equality for all people, everywhere.
>
> Believing that our President is a dedicated, conscientious and capable Christian person upon whose shoulders we, the voters, have placed the awesome responsibilities of the highest Office of the United States of America:
>
> We support President Richard M. Nixon in his efforts to negotiate a just, honorable and lasting peace in Vietnam. We recognize that he and his advisors have access to all available information pertaining to this situation and therefore are better able to make decisions than is anyone else.
>
> We support President Richard M. Nixon in his efforts to restore law and order to our society having learned from many centuries of human misery that once a society departs from the rule of law and order, and every man becomes a judge of which laws he will obey, the result is anarchy and chaos.
>
> We support President Richard M. Nixon in his efforts to return peace and calm to the campuses of our nation's colleges and universities, where, for the past few years, a very small minority, organized, led and encouraged by well-known subversive groups, have succeeded in depriving the vast majority of students from acquiring the education to which they are entitled.
>
> We support President Richard M. Nixon in his efforts to assure equal rights and privileges for all citizens of our nation, regardless of race, creed or color as set forth in the Constitution of the United States of America.
>
> We affirm our belief that the United States of America is the greatest nation in the world and that, while injustices and inequities should be corrected by the use of the many democratic processes at our disposal, processes based on a reverence to God, love of our country and our fellow man, and an allegiance to our chosen leaders.
>
> We believe that in these critical days, policy should be set by our elected leaders who have access to all the facts and not by a vocal minority, who, for various reasons, seek to set policies based on fear, intimidation and threats of violence, and we have enough confidence in the citizens of our Country to believe that they will not allow this minority to succeed in undermining and destroying the American system of democracy and free enterprise.
>
> Therefore, be it resolved that we, the undersigned, a group of God-fearing, law-abiding, taxpaying American citizens, do affirm and declare our allegiance to the United States of America, to its flag, to its principles, to its leaders and to its laws.
>
> We further resolve to support President Richard M. Nixon, the chief executive of the world's greatest Nation in his efforts to protect the basic principles of Americanism and the Democratic way of life and we call upon all patriotic citizens to do the same.

Mr. President, these remarks are being placed in the Record to show that not only does the majority of the Oklahoma congressional delegation approve of the President's position and disapprove of the tactics being pursued by promoters of the so-called peace moratorium demonstration, but also that the leaders in Oklahoma's State government, as well as the citizens of Oklahoma, have rallied to the President's call for national unity. This is the kind of strong, bipartisan support which will see our country through this crisis.

UNMASKING THE MOBE

Mr. FANNIN. Mr. President, it is encouraging to be associated with men who are aware of the magnitude of the problems facing us in the Nation, and who are alert to the origins and aims of some who are seeking to exploit those problems to America's disadvantage.

The Senator from West Virginia (Mr. Byrd) has always been known for his forthrightness and candor as well as his courage in speaking out even when his position may be unpopular or subject to misinterpretation. Therefore, it was with great pleasure that I learned of his recent efforts to expose the leaders of the so-called "moratorium" for what they really are.

More and more Americans are coming to learn of the leftists and Marxists in charge of the New MOBE who are manipulating young students and some well intentioned but unthinking adults into doing their bidding. For my own part since as far back as September I have been trying to alert my friends and colleagues to the dangers of letting these people have their way.

I am happy to see that the Senator from West Virginia (Mr. Byrd) has received national attention for his recent efforts from nationally syndicated columnists Bob Allen and John Goldsmith. I ask unanimous consent that their column be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

MOBE Really Trotsky Mob

(By Robert S. Allen and John A. Goldsmith)

A self-appointed "steering committee" of communists, Trotskyites, socialists, radical pacifists and other extremists in masterminding and manipulating this week's series of anti-Vietnam activities.

This inner clique of Marxists and revolutionaries is the real power behind the so-called New Mobilization Committee to End the War in Vietnam.

"New Mobe" was set up by the leftists as a front to enable them to exercise control and domination of large numbers of well-meaning and respectable Vietnam dissenters. Actually, "New Mobe" is a new facade for the National Mobilization Committee for Peace in Vietnam ("Mobe"), which had a three-year history of violence and civil disobedience.

These operations include repeated attempts to storm and close down the Pentagon, the riots at the 1968 Democratic convention and the Washington demonstrations during President Nixon's inauguration.

"New Mobe" and the self-designated steering committee grew out of a "national anti-war conference" in Cleveland last July.

It was convened at the call of a group of 30 Marxist and radical leaders. Most of them are now members of the backstage steering committee. Some 900 representatives of revolutionary and pacifist organizations attended the meeting. Prominent among them were:

The Communist Party, USA; Students for a Democratic Society; W.E.B. DuBois Clubs of America; Socialist Workers Party (Trotskyite communists); Young Socialist Alliance (associated with SWP); Youth Against War and Fascism; Southern California Peace Action Council; Veterans for Peace in Vietnam; Fifth Avenue Vietnam Peace Parade Committee; Chicago Peace Council; Cleveland Area Peace Action Council; Women's Strike for Peace.

Also present were individuals who claim to be connected with "GI underground newspapers"—devoted to disseminating anti-war propaganda and denunciations of U.S. armed forces.

NAMING NAMES

In a detailed report, Senator Robert Byrd, W. Va., Deputy Democratic Whip and chairman of an Appropriations subcommittee, lists the backstage leaders who controlled and manipulated the Cleveland pow-wow. All are communists and revolutionaries, and include the following:

Arnold Johnson, public relations director and legislative representative of the Communist Party, USA; Irving Sarnoff, member of the district council of Southern California Communist Party, USA; Sidney Peck, former state committeeman of Wisconsin Communist Party, USA; Sidney Lens, leader of the now-defunct Revolutionary Workers League; David Dellinger, head of "Mobe" and one of the Chicago seven now on trial for disturbances at the Democratic convention.

Also Ishmael Flory, Afro-American Heritage Association; Phil Bart, chairman of the Ohio Communist Party, USA; Jay Schaffner, W.E.B. DuBois Clubs of America; Gene Tournour, national secretary of the W.E.B. DuBois Clubs; Sylvia Kushner, leader of the Chicago Peace Council.

Senator Byrd charges flatly that the underlying purpose of the current series of demonstrations is to "advance the insidious goals of communism and anarchy."

Many of those participating undoubtedly are well-intentioned. Byrd readily acknowledges that there is much disenchantment with the Vietnam war. But he points out that those who engineered this week's mass manifestations in Washington "include members of the lunatic fringe of the New Left as well as cunning, dedicated enemies of the United States whose ultimate goals are to subvert our citizenry, overthrow our government and establish a totalitarian society."

The great tragedy, he warns, is that "thousands of well-meaning Americans may allow themselves unwittingly to be manipulated into furthering these sinister goals."

The Senate Democratic leader contends that President Nixon is well aware of the strong disapproval of the Vietnam conflict, and is earnestly and determinedly seeking ways to bring it to an end.

"The President has spoken courageously," says Byrd. "He has articulated a positive plan for peace, and I believe it can work if the American people will unite behind him. Partisan politics should not be a consideration. Marching and waving placards in the streets will not aid the President in his difficult task, and mass demonstrations of dissent will not hasten peace.

"Demonstrations can only serve to encourage the enemy, feed his propaganda mills and further weaken the bargaining position of the United States at the Paris peace talks."

Senator Byrd points out that Viet Cong and North Vietnam have "repeatedly used the anti-war movement in this country to strengthen their demands."

"The demonstrations will make the communists turn somersaults of joy in Paris, Peking, Moscow and Hanoi," he declares. "Some Americans may have rationalized that marching on the nation's capital is an act of patriotism. Quite to the contrary. It can only encourage the communists and prolong the war which we all want to see brought to an honorable end."

Representative Eligio de la Garza, D-Tex., strongly echoed Byrd's views. He characterized the demonstrations as "an exercise in futility."

"Such organized affairs are an insult to our servicemen and their families," said the World War II veteran, who enlisted in the Navy at the age of 17. "They show an appalling lack of faith in the democratic process. They are part and parcel of the continuing efforts to wreck the American government and to bring revolution and anarchy to our country."

JUDGE THURMAN ARNOLD

Mr. HANSEN. Mr. President, last Friday, the Nation lost one of its outstanding citizens and the State of Wyoming lost one of its finest native sons.

The brilliant career of Judge Thurman Arnold has always been a tremendous source of pride to the State of Wyoming. It led him from the windswept plains of the Rocky Mountain west to the halls of power on the eastern seaboard.

Judge Arnold was born in Laramie, Wyo., in 1891, just 1 year after Wyoming gained statehood. He grew up in this railroad town in the days of the old West, days which recall memories of running cattle on the open range, train robberies, cattle rustlers, and conflicts between cattle barons and homesteaders.

After attending Princeton and Harvard Law School, and following his service in France during World War I, Thurman Arnold returned to Laramie, Wyo., to practice law. He was instrumental in founding the University of Wyoming law school and served as one of its first faculty members.

At the age of 36, he left Wyoming to become dean of the University of West Virginia law school. In turn, he became a professor at Yale Law School; the chief trustbuster of the New Deal; a judge on the U.S. Court of Appeals for the District of Columbia Circuit; and the founder of one of the most successful law firms in the Nation's Capital.

Thurman Arnold, in addition to being an attorney, teacher, author, civil servant, and judge, possessed a great sense of humor. Among my most cherished memories are hearing his tales of life in Laramie during the early days and his service as the only Democratic member of the Wyoming State Legislature.

In spite of Judge Arnold's phenomenal success in the East, he never lost his love for Wyoming, the State of his birth and early life. He returned to Laramie often to visit friends, attend to family business, and drop in at the law school he had taught at so many years before. A highlight of the school year at the University of Wyoming College of Law would be a call by Judge Arnold, who would visit with the students, entertain them with his stories of early life in Larmie, and at the same time share his legal knowledge and philosophy with those starting out on the first steps of their legal careers.

On Monday, Thurman Arnold was laid to rest on the Laramie Plains, where his life began.

Mr. President, it was a privilege to have known Judge Thurman Arnold, and certainly it can be said that the accomplishments of his life have left a profound impression on the Nation.

The prestige in which Judge Thurman Arnold was held by the citizens of the Nation was shown by the front-page article published in the Washington Post on Saturday, announcing the sad news of his death.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THURMOND ARNOLD DIES AT 78, TRUST-BUSTER, LAWYER, JUDGE

(By James E. Clayton)

Thurman Arnold—lawyer, judge, professor, author, trust-buster, defender of civil liberties, destroyer of myths, raconteur—died yesterday at his home in Alexandria.

He died in his sleep sometime between 3 and 6 a.m., thereby ending, at 78, the life of one of the most remarkable men the New Deal brought to Washington. He had suffered four heart attacks in as many years.

Judge Arnold, as everybody had called him after his brief tenure on the United States Court of Appeals here a quarter of a century ago, was a battler for his clients, for the things in which he believed. Twice in the last 30 years he was at the center of vicious struggles that shaped the nation's future.

In the late 1930's, as President Roosevelt's trust-buster, he challenged American business as it had never been challenged before.

Fifteen years later, when loyalty-security issues had replaced economic ones as the focus of national interest, Judge Arnold was in the front ranks of the attack—in the cases of Owen Lattimore, John Peters, Dorothy Bailey, and the Ft. Monmouth 12—against the position that a citizen could be ruled disloyal on evidence provided by unknown witnesses.

These were undoubtedly the highlights of a life that began in the Old West of the 19th century. But they were only part of a career in which Judge Arnold influenced an entire generation with his books, fought and won innumerable lawsuits, and helped found a law firm—now called Arnold and Porter, which is one of Washington's, and the nation's most respected and most lucrative.

But the history of what he did tells little of what he was. It was the whimsy and the impudence that marked his every move, as well as the brilliance—some would call it genius—of his thought, that made him unforgettable to anyone he encountered.

He was like the boy in the story of the emperor's new clothes. His insights into the realities of economic and legal affairs, delivered often in unexpressably humorous ways, stripped the myths of the past bare.

Judge Arnolds two most important books—"The Symbols of Government" and "The Folklore of Capitalism"—did just that to government and business. They cut through and poked fun at the practices and beliefs of the business-oriented economy of the 1920s and early '30s and cleared the way for the more realistic analyses of government and economic forces that followed.

Perhaps his spirit is caught best, however, by an event that occurred when Judge Arnold was the only Democrat in the Wyoming House of Representatives following the Republican sweep of 1920. The story is set out in his semi-autobiography, "Fair Fights and Foul":

"On the fateful day the legislature assembled to elect a speaker, there were a number of flowery speeches made for the leading candidate. After they were over and the question was about to be put to a vote, I rose and said:

" 'Mr. Speaker, the Democratic Party caucused last night, and when the name of Thurman Arnold was mentioned, it threw its hat up in the air and cheered for fifteen minutes. I therefore wish to put his name in nomination for speaker of this House.'

"I then sat down, but I got up immediately and seconded the nomination. I said, 'I have known Thurman Arnold for most of my life, and I would trust him as far as I would myself.'

BACK ON THE TRACK

"Everybody laughed except the speaker pro tem. My nomination was not on his carefully prepared agenda, and he did not know what to do. People were waving at him from all directions. So I rose a third time, and said, 'Mr. Speaker, some irresponsible Democrat has put my name in nomination and I wish to withdraw it.' After that, the train got on the track again."

It was this kind of impudence that marked every step in Judge Arnold's career. Born in Laramie, Wyo., on June 2, 1891, he came east when he was 16 to attend Princeton. "I recall," he once wrote, "that my wife once informed Robert Hutchins that I was educated at Princeton. 'You mean he went to Princeton' was the reply, which was much more accurate appraisal of the actual situation."

His view of college in his time sounds remarkably contemporary. "I can recall no other professor (except E. S. Corwin) during my stay in Princeton who said or did anything that had any relevance to the development of the social institutions that existed outside the college walls."

After Princeton Judge Arnold went to the Harvard Law School and then to Chicago to practice law. That lasted only a few months until his National Guard company was mobilized to fight Pancho Villa on the Mexican border.

Returning to Chicago when demobilization came, he soon left again when World War I broke out and went to France as an artillery officer in the Yankee Division.

After the war, Judge Arnold returned to Laramie where he practiced law until 1927 when he became dean of the University of West Virginia law school. Even his stories of that law practice have a contemporary ring. He liked to tell of the time a salesman sweet-talked his wife.

"He was selling an encyclopedia," he wrote in Fair Fights and Foul, "which his publishers were introducing for the first time into Wyoming. They had authorized him to determine who the most prominent women in the state were and to present to them a free copy of the encyclopedia. The recipients could then recommend it to their friends. There was no obligation involved, but she would want, of course, to keep the encyclopedia up to date by purchasing the loose-leaf supplements. She felt elated and quickly signed a piece of paper which she did not read."

When the bills for the supplements came, Arnold promptly sent them back. Finally a letter arrived, while his wife was away on a trip, explaining "in an eloquent and persuasive way that we lived in a world of credit and that the most precious asset a person could have was his credit. They hoped that it would not be necessary for them to give my wife's name to the National Credit Rating Agency and thus ruin her credit everywhere."

BACKED CREDIT HALT

The idea intrigued the young lawyer. "I wrote to the publishers and informed them that my wife had apparently unlimited credit in Denver, Chicago, New York, and perhaps many other places. As a result, I was continuously broke. I therefore urged them to turn my wife's name into the National Credit Rating Agency as soon as possible. I concluded: 'If you will keep up the good work on a national scale I will see what I can do on the local level.' To this date I have not received a reply."

After two years at West Virginia, Arnold moved to the Yale Law School where he was one of the most puzzzling and controversial professors in a faculty full of remarkable men. From those days at Yale came the key books of the 1930s, summer's working in various New Deal agencies, and finally in 1938 the appointment to head the Justice Department's antitrust division. Business almost never got over that appointment.

The first efforts of the New Deal to break the Depression had involved government cooperation with business. The NRA had attempted to establish codes for every industry on the theory that industry would recover when prices were stabilized and investments were safe.

When that Act fell as unconstitutional and President Roosevelt became concerned about the great concentrations of wealth and economic power in the country, the government's entire approach was reversed.

Judge Arnold, in his new government job, set out to enforce the Sherman and Clayton Antitrust Acts that had sat idly on the books for 30 years. He indicated almost everybody in sight—oil companies, motion picture companies, glass manufacturers, the American Medical Association, the Associated Press, and finally several labor unions.

His thesis—a widely held one these days but a revolutionary one in the 1930s among businessmen—was that it was illegal or immoral or both for businesses to fix prices, divide markets, drain funds from small towns to big corporate centers, and drive competitors out of business by ruthless practices.

UNDILUTED VITRIOL

Few officials ever had such vitriol poured on them as he got from the press, particularly after the AP case was filed. At one point, Attorney General Homer Cummings asked him what he thought he had accomplished by putting more than 1,000 leading businessmen under criminal indictments. "Well," said Judge Arnold, "business executives at least answer my letters more promptly."

Eventually, the Supreme Court sustained the basic antitrust attack that he had launched. He won almost every major case, except the ones he had felt most sure of—the labor cases—and he never forgave the Supreme Court for that. He warned 30 years ago that concentrated power in labor unions, especially when used for other than direct collective bargaining purposes, was just as dangerous as concentrated power in the hands of business.

After Dec. 7, 1941, Arnold's trust-busting activities began to conflict with the government's efforts to get maximum production out of business and in March, 1943, he was kicked upstairs to a seat on the Court of Appeals. He lasted only two years on the bench, finding the quiet, contemplative life of the judge not to his liking.

His major contribution during that time was a riotously funny opinion blocking the Post Office Department's effort to bar Esquire magazine from the mails as obscene. Years later, he put that opinion to good use when he successfully represented Playboy magazine when it was prosecuted under Vermont's obscenity laws.

He outraged the Vermont attorney general in that case by suggesting, in a footnote, that the only way the courts could avoid having to describe pictures in language more obscene than the pictures themselves was to hold that "no nudes are good nudes."

LANDMARK RAIL CASE

Judge Arnold's first case in private practice involved Robert Young's effort to buy the Pullman Company, an effort that failed. Arnold dated the decline of railroad passenger service in the country from that failure.

Almost immediately after that case, Arnold ended his partnership with Arne Wiprud and set up shop with Abe Fortas, who was just leaving the post as under secretary of Interior. They were soon joined by Paul A. Porter, former head of the Office of Price Administration. From six lawyers, the firm of Arnold and Fortas grew steadily so that Arnold and Porter now has some 70 lawyers.

In addition to the string of loyalty-security cases that kept the firm in the public eye, its corporate practice became immense and its members were often involved in nonpaying public service litigation.

One of those was Judge Arnold's successful effort to get a treason charge against Ezra Pound dismissed on the ground that Pound who had been in St. Elizabeths Hospital for years, would never be mentally competent to stand trial but would not be a menace to society if released.

Through the years, Arnold kept up his running fire at what he regarded as the myths of the legal profession. "Legal learning," he once wrote, "is the art of making simple things complicated . . . Paradoxically, the great lawyer is frequently one who can make simple and intelligible matters which lawyers and judges regard as complex."

That was the essence of what he had set out to do—to strip the jargon and fuzzy thinking from the cliches of law and economics. He did it better than most.

Judge Arnold's sons, Thurman Jr., of Los Angeles, and George, of Palm Springs, had been visiting him but left for California about 12 hours before his death. His wife, Frances, was with him at the time of his death. Also surviving are six grandchildren.

A private funeral service for members of the family will be held Monday in Laramie. Plans for a memorial service here were incomplete last night.

TOO MUCH NOISE

Mr. PERCY. Mr. President, noise pollution has become a major problem in our crowded, technological society. Last year, the respected American Speech and Hearing Association held a national conference on noise hazards and it plans further meetings on this subject.

Mr. President, the November 1969, issue of Government Executive contains an excellent review of current Federal and private efforts for noise abatement. To further acquaint Senators with this important subject, I ask unanimous consent that the article entitled "Boom!" and published in Government Executive, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOOM! TOO %+&* MANY DECIBELS

Considering the spate of frightening publicity about the many hazards to Americans' health and sanity in recent years, it would seem that every conceivable menace—air and water pollution, smoking, misuse of drugs and radiation, among others—already had been brought to the attention of an uneasy public.

Then late last year, the Federal Council for Science and Technology came out with a report on a new—or at least little recognized—environmental problem—noise pollution. And during the past year, the noise hazard has been a growing concern of both Government and private environmental health agencies.

"Growing number of researchers," the Federal Council for Science and Technology said, "fear that the dangerous and hazardous effects of intense noise on human health are seriously underestimated."

The Council's report also said: "Modern man . . . is surrounded by a multitude of noise sources in his home, office and place of work, which in turn are under the constant bombardment of noise from aircraft, traffic and scores of other outdoor sources.

Industrial noise—that is, factory din—has long been a subject of research. And in this area, the indictment of noise as a mental and physical health hazard has been far better chronicled than it has in the community health area.

Estimates of the physical effects of industrial noise on workers has varied.

Some researchers believe that between six million and fifteen million American industrial employees every day work under conditions which destroy hearing capacity by involuntary buildup of wax as a defense.

EAR/HEAR FEARS

The Defense Department has sponsored research on noise as a military problem. Studies have been done on aircraft sonic booms. But comprehensive research on the effect of specific kinds of noise on large civilian populations remains to be done.

One of the Nation's most respected noise researchers is Dr. Alexander Cohen, chief of the U.S. Public Health Service's Bureau of Occupational Safety and Health, based in Cincinnati, Ohio.

Evidence has been found, he said, indicating that exposure to noise causes constriction of near-surface blood vessels, and that this effect "does not seem to disappear with adaption to the noise."

There is ample evidence that sharp or prolonged noise can damage the cochlea, the part of the ear that transmits sound waves into nerve impulses. And U.S. Surgeon General William J. Stewart has suggested that noise pollution in some cases may cause mental illness, circulatory problems or ulcers.

The measuring unit of sound is the decibel (db). Conversational speech in a decibel weighing system which gives more weight to annoying high-pitched tones than to low tones has been set at about 60 decibels. Other sample levels of common sound producers:

Wind rustling through trees, 20 db; noisy air conditioners or dishwashers, 55 db; rush-hour city traffic, 90 db; the noiser power lawn mowers, 95 to 100 db; a combination of kitchen dishwasher, garbage disposal, fan and other appliances (or loud TV, outside power mower and other common simultaneous householf noises), 100 db; a jet airliner at 500 feet, 115 db; and discotheques jammed with customers who have to shout to be heard over electronically amplified hard rock music, 120 db at very high sound frequencies.

In view of the above noise readings, consider then that some scientists believe that hearing damage begins at about 85 decibels, that noise levels of over 100 db are considered excessive and that, for many humans, the pain threshold is about 120 decibels.

FAA-DIN NOISE

An operative word among noise researchers is "background" noise.

The implication is that, while a person with normal hearing and a reasonably good psychological outlook might be able to endure the assault of one, two or three of the modern mechanical sound producers in concert, he or she cannot endure the physical and psychological impact of prolonged noise of one kind (examples: a jackhammer crew's daily noise budget and the magnified traffic din afflicting the eardrums and psyche of guards stationed in tunnels) or the cumulative total of half a dozen disparate noise producers—aircraft, traffic, construction, household, human and electronic din combined with outside noises.

In Washington, D.C., there is considerable sentiment favoring noise suppression. Quite probably, this would not be so were it not that Congressmen's and agency officials' cocktail party chitchat frequently has been drowned out by the sound of aircraft going into and out of National Airport and that other big city Congressmen's constituents have increasingly complained about jet aircraft noise.

More than a dozen Federal agencies now are involved in various aspects of noise abatement. New regulations will—to some degree—curb industrial noise levels. The regulations as laid down, however, are inadequate.

Among other Federal anti-noise moves:

The Federal Aviation Administration is expected to issue an order soon setting a limit on noise limits for the new generation of big jet aircraft.

The National Aeronautics and Space Administration plans to subsidize development of quieter aircraft engines.

The National Institute of Mental Health is pondering a plan to record effects of daily noise on the system of an average housewife by telemetry.

Private groups continue to work against noise pollution. The American Speech and Hearing Association last year held a national conference on the noise hazard, and plans further meetings. The relatively new National Council on Noise Abatement has sponsored high-level symposia.

Both the Federal Government and industries wary about their public images are conducting noise studies.

While the Nixon Administration has not been deaf to the noise problem, its attitude has hardly caused jubilation in the anti-noise camp.

Nixon favors a more decentralized voluntary approach over tough Federal action. Possibly this is the proper posture. Commercial noise producers may voluntarily cut down the decibel levels of their products (some are doing so already). But some may not. In which case, the frazzle-nerved, maddened public undoubtedly will sound off at about 150 decibels to the White House.

PENTAGON HELPS CREATE SO-CALLED "SILENT MAJORITY"

Mr. YOUNG of Ohio. Mr. President, on November 3, President Nixon referred to the "silent majority" of Americans supporting his policies in Vietnam. Evidently, officials of the Defense Department are not as convinced as the President of the existence of that majority, and have taken action to make it appear that it actually exists.

I recently received a letter from a young man in the Ohio Air National Guard who was outraged over the fact that he and others in his unit were requested by their commander to send letters of support to President Nixon and actually given a form letter to sign. For obvious reasons, I withhold my constituent's name, but I ask unanimous consent that his letter be printed in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> MY DEAR SENATOR YOUNG: I am a member of the Ohio Air National Guard, and am currently attending law school at Ohio State University. At our monthly Guard meeting this past week-end, we were each given a copy of a letter in support of President Nixon's policy on the Vietnam War. We were requested to sign the letters and give them to our commander or mail them personally to the President.
>
> Instructions concerning the letter came from the Commander of the Ohio National Guard, and although the signing was supposedly voluntary, a report was to be made as to the number of men who participated. The instructions also stated that the letters would have more "effect" if we didn't include our military rank, but sent them instead as private citizens (there was nothing in the letter which linked it with its military origin).
>
> The second paragraph of the letter, in particular, states: 'The segment of Americans who demonstrate against the nation's policies and programs for ending the Vietnam War cause disunity within our country, falsely delude the enemy concerning our resolve and intentions, and create conditions which make it extremely difficult to negotiate an honorable peace."
>
> Many of my fellow guardsmen and I feel that this is clearly a statement of political opinion, lacking in factual support if not clearly erroneous. We further feel that the use of a military organization to promote such a letter, especially in regard to the sanctions it may impose to insure compliance, is totally out of keeping with any conception of a free society.

Mr. YOUNG of Ohio. Mr. President, there are many Americans in the Active and Reserve Forces of our country who disagree with President Nixon's policy in Vietnam. Daily, I receive letters, as I am sure my colleagues do, from servicemen expressing their unwillingness to fight in a war which they consider unjust. This morning I received a letter from a young draftee about to be sent to Vietnam. His letter was typical of hundreds sent me by young members of our Armed Forces. A paragraph of it reads as follows:

> I'm so mixed up I don't know what to do. I've never gotten myself into trouble, worked my way through college, just got situated in a decent job at a small pump-building firm and then wham, I'm told I've got to go and sacrifice my life for two years for a war I don't believe is just.

Mr. President, it is unconscionable that Pentagon officials would sanction or encourage a policy that allows political coercion of members of reserve units and of our National Guard units. If further similar reports come to my attention, I intend to ask the chairman of the Committee on Armed Forces to initiate an investigation by the committee of those responsible for this serious breach of constitutional principles.

THE FOREIGN RELATIONS COMMITTEE AND THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, it has been more than 20 years, now, since the human rights conventions covering forced labor, genocide, and the political rights of women were submitted for action by the providence of the United States to the Senate Foreign Relations Committee. Unfortunately, the Foreign Relations Committee has refused to release the treaties despite frequent public demands that the Senate act on these conventions. The principle arguments advanced by the majority of the committee against the treaties revolve around the assertion that the subject of the treaties is within the domestic jurisdiction, and thus not the fit subject of the treaty power. Several other constitutional arguments have also been used to justify the delay.

Despite these arguments, the facts lead one to very different conclusions. As I have stated before, these three treaties do not interfere with any domestic law. This fact has been admitted by both opponents and advocates of ratification. The convention covering the political rights of women, which has most frequently been challenged, contains nothing that is not already granted to women under the U.S. Constitution. It is not revolutionary. It does not grant sweeping new rights to American women. It does, however, seek to guarantee to women to all nations the fundamental rights now taken for granted by American women. It is only fair that we should not deny to others what we take for granted ourselves. This is hypocrisy of the worst sort. And yet, the Foreign Relations Committee continues to insist that we should not ratify the treaty because its subject falls within the domestic jurisdiction. This, despite the fact that the same committee members are willing to grant that the convention does not interfere with existing domestic law, and does not grant any new rights not already guaranteed to American women. Where is the real or potential danger? What is the basis for concern of these members?

Mr. President, the arguments against the conventions are becoming more and more ragged with the passage of time. More and more, what some would justify as logic is only a form of thinly veiled excuse for lack of action. It is time we discarded the old myths, to use the phrase of the committee's chairman, and take a hard look at the new realities. The imperative for action grows stronger with each day. Let us act on these treaties now.

TELEVISION PROGRAM ON OFFSHORE OIL DRILLING

Mr. McINTYRE. Mr. President, in view of the widespread interest in U.S. oil policy, I should like to call the attention of my colleagues to next Sunday's television program, "The Advocates," on the National Educational Television network. The subject will be offshore oil drilling, and among the topics to be discussed will be the relation of such drilling to oil import controls.

Secretary of the Interior Walter Hickel has been invited to appear on the program and to "decide" between opposing positions.

RESPONSIVE STUDENT ACTION

Mr. MURPHY. Mr. President, it has long been my conviction, based on solid evidence, that the overwhelming majority of our high school and college students are law-abiding individuals interested in obtaining an education. However, too often the rioters, vandals, and demonstrators are the ones who usually make the news. It is refreshing, therefore, to come across a news item which focuses on student action which is responsive to responsible leadership. Since such items in the press are relatively rare, I feel that they should be given the widest possible distribution. Therefore, I ask unanimous consent that a news broadcast concerning an incident which took place at a local high school football game be printed in the RECORD.

The incident involves the Cardozo High School team and their head coach, and it was reported by Mr. Warner Wolf during one of his broadcasts over radio station WTOP on Tuesday.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOLF'S DEN

(By Warner Wolf)

Unfortunately in our society, the only way to make headlines is to riot, strike or cause violence. You never hear about the good deeds; it doesn't sell newspapers, and it doesn't get listeners. However, one of those instances did occur, and you are going to hear about it right now.

Last Friday afternoon, Coolidge and Cardozo High Schools played at Cardozo, down at 13th and Clifton, N.W. to decide the Western Division Title of the Interhigh League. Going into the game, both teams were undefeated in league play. Coolidge won the game 18–0 and will now play either Eastern or Tech for the Interhigh Championship.

Late in the fourth quarter, with the game already decided, a group of troublemakers began bombing the Coolidge team bus with bottles and bricks and whatever else was around. And here is the beauty of the story. Cardozo Head Coach Bob Headen, formerly of the Virginia Sailors and briefly with the Redskins, called time out, stopped the game, tok his team over to the Coolidge bus, and broke up the barrage. Nobody wanted to mess with his football team. When the game ended shortly thereafter, Headen and his team escorted the Coolidge players to their bus. As the bus pulled out into the street, the barrage began again. This time Headen took his entire squad out into the street and broke up the bombardment, enabling the Coolidge team to leave safely.

Now here is a case of a man who really ought to get some kind of a citizen award. Even though his team was losing the title game, he knew there was something more important than the outcome of a football game. A lot of credit to Mr. Headens and his Cardozo players. Even though the scoreboard was 18–0 against them, Cardozo came out real winners.

The only disheartening lesson from this story is this; you know that if that bus was turned over and someone injured, which would have happened if it wasn't for Headen and his team, you wouldn't have missed the story, folks. It would have been right on the front page of all the papers.

Mr. MURPHY. Mr. President, I congratulate Warner Wolf for bringing us this story.

OIL TAXES—INCENTIVE OR SUBSIDY?

Mr. PROXMIRE. Mr. President, there is a debate as to whether the special tax treatment enjoyed by the oil industry is a subsidy or an incentive for additional exploration.

The CONSAD Research Corp. has prepared a thorough economic analysis of the oil industry's tax structure and how well these special tax provisions worked as an incentive.

Their findings are remarkable. They found that under the most favorable assumptions the American taxpayer was spending over $10 for each $1 worth of oil that would not have been found but for the "tax incentives." In other words, the American taxpayer was spending $10 to discover $1 worth of oil.

Naturally, the oil industry moved to attack these findings. The Mid-Continent Oil & Gas Association spearheaded the attack by delivering an alleged critique of the report to the Ways and Means Commitee.

Because this Mid-Continent response has gotten wide publicity I think that CONSAD's rebuttal also ought to be given a hearing and thus ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

If the Mid-Continent response is the best the oil industry can do, Congress is under an affirmative obligation to change the tax laws to eliminate all these special favors at the expense of the ordinary taxpayer.

I ask unanimous consent that the attached CONSAD report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMMENTS ON MID-CONTINENT (MC) OIL AND GAS ASSOCIATION CRITIQUE

I. INTRODUCTION

The critique and evaluation of the CONSAD report entitled, "The Economic Factors Affecting the Level of Domestic Petroleum Reserves," by the Mid-Continent Oil and Gas Association is so replete with inconsistencies and out-of-context references that it appears to be an outright attempt to obfuscate, confuse, and mislead.

The MC report is notably lacking in *constructive* criticism. At no point does the report indicate how the CONSAD model might be improved, how the data might be improved, or what alternative methods and models, might be used for analysis to develop more accurate estimates of the effects of the special tax provisions. This suggests that perhaps the authors prefer to have no analysis made.

The inability of the MC report to find any serious fault with the CONSAD report conclusions after apparently concerted study only serves to increase the credibility of these conclusions.

The covering letter contains a glaring inconsistency, which is repeated in the body of the report. In paragraph three, the MC cover letter implies that the CONSAD model is erroneous because when extrapolated to below-cost prices it indicates that firms would continue to find and develop reserves. In paragraph five, the CONSAD report is deprecated for extrapolating a considerably smaller amount. Thus, the MC report indicates that extrapolation beyond the range of the data is justification for placing no credence on the results, then proceeds to extrapolate even further to illustrate the "inappropriateness" of the CONSAD model. The MC report also seriously overstates the amount of CONSAD's extrapolation. The price change equivalent to the elimination of percentage depletion is about 35 cents (not *75 cents* as stated in the MC report) which is a comparatively small extrapolation—the largest year-to-year price change in the data was 30 cents.

II. OBJECTIVES OF CONSAD STUDY

The CONSAD study was designed to evaluate the efficiency of the special tax provisions in encouraging petroleum producers to maintain reserves *above* those necessary to support current production. The primary justification voiced in recent years in defense of the special tax provisions regarding the petroleum industry was the necessity of encouraging a large reserve level to insure adequate supplies of oil in time of a sudden increase in demand due to a national emergency.

Although the MC statement of a fixed technology relationship between reserves and production is not supported by available data, the existence of such a relationship would not prevent producers from maintaining excess reserve stocks if economic incentives were offered to encourage this. The CONSAD study was aimed at determining the effectiveness of the special tax provisions in increasing oil reserves *above* those levels needed solely to support production.

The conclusions of the study that the special tax provisions were inefficient means for achieving such an objective remains a valid conclusion. Throughout the study, CONSAD took pains to *inflate* the effectiveness of the special tax provisions as an incentive for holding reserves. Consequently, if better data became available, its analysis would probably show that these tax provisions were even less efficient than is concluded by the CONSAD report.

If the intent of the special tax provisions is to encourage consumption of petroleum products by keeping prices below their free market levels, the CONSAD study offers no evdence as to the effectiveness of the tax provisions.

It is very possible that petroleum production will decrease if the special tax benefits are reduced or eliminated. Such a decrease would take place if the producers passed the added tax burden on to consumers and consumers then reduced their consumpton. A decrease might also occur if producers were currently producing at the limit of available capacity, since the tax increase would make marginal wells unprofitable to operate. Such a producer-initiated decrease might not occur if production restrictions, such as allowable production days, were relaxed, allowing more efficient production from existing wells.

III. SPECIFIC COMMENTS ON THE MC REPORT

Examination of many of the allegations made in the MC report leads only to the conclusion that the authors of this report either (a) did not read the CONSAD report, (b) did not understand the CONSAD report or the economic theory on which it is based, or (c) both. The concluding statement in the summary says that "The model used is especially subject to criticism because it is based on the improper assumption that industry exploration and development expenditures are not dependent on an adequate rate of return." No such assumption is either explicit or implicit in the CONSAD models, and such a statement implies a rather extreme lack of knowledge of the contents of the CONSAD report.

The technique of quote-out-of-context is used on page two of the MC report to attempt to invalidate the supportive evidence of CONSAD's third model. What the CONSAD report actually stated was that the quantitative estimates obtained from the model of the individual firm could not be used as estimates of industry reaction, since all the various types of firms in the industry were not represented in the model.

The CONSAD report stated that the third model would substantiate the first model if the indicated reserve changes were of the same order of magnitude, and were changes in the same direction. The results obtained from the third model *did* substantiate the results of the first (or neoclassical) model.

Surprisingly enough, after indicating that only the first CONSAD model was worthy of comment, much of the MC report is devoted to specific criticisms of minor points concerning the other models discussed in the CONSAD report.

On the question of uncertainty, the MC report is somewhat erroneous in stating that the CONSAD report assumes perfect knowledge. The report does not assume this, nor is such an assumption implicit in the methodology.

Another out-of-context quote is provided on page 15, where Eisner's objections to Jorgensen's model are noted. The remainder of Eisner's article goes on to propose modifications in Jorgensen's model similiar to those used by CONSAD (the CONSAD model is credited to the Eisner article quoted in the MC report).

The MC report appears completely confused on page 21, where the CONSAD report is taken to task for using a 12 : 1 reserve ratio in the model. The 12 : 1 reserve ratio figure is not, of course, used anywhere in the model. It is mentioned as historical background, but the data used in the model were actual reported reserves and production.

The MC report seems confused again on page 31 when it indicates that "this approach leads CONSAD to compare the price of a *full* barrel of reserves with the cost of only a *fraction* of a barrel." This is not true, but as the MC report offers no explanation of its statement, no comment can be made.

There are two important points to be made concerning the "apparently incorrect information," cited in the MC report (Section IV). The first of these is that careful reading of the report would make it quite clear that all of the items cited were presented as background information in the study and do not form the basis for any results derived therein. The second of these is that, with one exception, the statements in the CONSAD report were true when the data was being collected and the report was being written. The use of 1968 data, which were obviously not available when the report was written (the study involved over a year of continuous effort) to illustrate the "incorrectness" of statements in the CONSAD report cannot be interpreted in any other way than as an obvious attempt to discredit the CONSAD report, since anyone with any knowledge of the petroleum industry would be aware of the basic sources of the CONSAD statements.

Most of the discussions in Section V, *Doubtful Petroleum Economics*, is replete with the same sort of out-of-context quoting of the rest of the MC report. The only relevant information presented here is that in reference to Professor McDonald's work on the non-neutrality of a flat-rate corporate income tax. It is interesting to note the omission from the MC report of Professor McDonald's conclusion that a percentage depletion rate of 14% would provide the desired neutrality.

Professor McDonald's work, however, does not examine the *efficiency* of percentage depletion as a method for compensating the non-neutrality of the flat-rate corporate income tax. It is certainly possible, and a subject worthy of further study, that some more direct method of compensating investors for the risk elements in petroleum investments would provide the desired neutrality at a much lower cost to the economy.

IV. CONCLUSION

CONSAD would welcome some meaningful critiques of its work, with the ultimate objective of imposing the reliability of the conclusions. Unfortunately, the Mid-Continent report is totally useless for this purpose.

HARMON KILLEBREW, MOST VALUABLE PLAYER

Mr. JORDAN of Idaho. Mr. President, yesterday a native Idahoan, Harmon Killebrew, was named the recipient of baseball's most prestigious award—that of most valuable player. Selected by the baseball writers of America, the American League's MVP winners include the game's greatest stars—Ted Williams, Joe DiMaggio, Jimmie Foxx, Joe Gordon, Lefty Grove—just to mention a few. The addition of Harmon Killebrew to this distinguished roster is a fitting capstone to the truly outstanding season which Harmon enjoyed this year.

The records which Harmon has set, and will continue to set in the years to come are sufficient testimony to his skills as a major leaguer. What the record books do not indicate, however, is that Harmon is every bit the major leaguer off the field as well as on. The respect that Harmon enjoys by those who know him personally cannot be generated by athletic prowess alone and will continue long after his playing days are over. My congratulations to a man who is a credit to his home State in every sense of the word.

VIETNAM DEMONSTRATIONS IN WASHINGTON

Mr. BAKER. Mr. President, on the eve of the Vietnam demonstrations in Washington I am concerned. I am concerned for two reasons:

First, there is the real danger of violence. Most who come to Washington, I am sure, come in a conscientious effort to express their desire for peace and their hope that the war will be ended soon. Some, however, probably are not so motivated. I am especially disturbed by the fact that a number of those in leadership positions in the so-called mobilization were directly involved in the violence attendant to the Chicago Democratic National Convention in 1968, and disturbances and disorders around the country since.

I think the Federal authorities have acted wisely and have shown restraint in their preparations for the marches, but the possibility of police harassment, property damage, and personal injury is real.

Second, I do not believe the demonstrations will contribute to the cause of an early peace in Vietnam; on the contrary, I am afraid they will heighten the appearance of division in our country and prolong our efforts to negotiate and to withdraw American troops from Vietnam.

I think the moratorium-mobilization festivities scheduled for November 13–15 are a mistake.

THE NEED TO ELIMINATE THE HAZARDS OF LEAD POISONING IN CHILDREN

Mr. KENNEDY. Mr. President, yesterday, I met with Congressman WILLIAM RYAN of New York, other Members of the House, and members of the Scientists' Institute for Public Information to discuss the urgency for the elimination of the hazards of lead poisoning in children.

Because this is a relatively little known malady mainly affecting the poorest citizens of the total population, it requires our attention to help bring an end to its devastation. Its victims number in the hundreds of thousands—mostly in the slums and ghettos of our large cities. Children get lead poisoning by swallowing bits of peeling paint and plaster from old deteriorating buildings whose walls have been covered by lead-based paints. For the most part buildings constructed within the past 20 years are not the source of this hazard. Usually it is in older buildings, those put up before World War II, that create the high risk areas for this tragic disease. Lead intoxication in children is insidious because high levels of lead in a child's body may not be detected or diagnosed until it is too late. Early symptoms of the disease are similar to those of the flu.

In more severe cases, patients suffer convulsions, lapse into comas and die. New York City's department of health reported between 20,000 and 30,000 cases of lead poisoning; while at the same time, less than 2,500 cases of poliomyelitis were reported for the year 1955, the year of the worst polio epidemic since 1940. These figures show that cases of lead poisoning are 10 times greater than those of that awesome affliction called polio. All of us will recall the publicity and the attention generated to fight the dread affects of polio; and we all remember the money and research invested to find a cure for that disease. But the public and medical awareness of lead poisoning in children are not yet nearly as visible as they were in the case of polio.

The list of hazards that confront our Nation's children is endless. For the child who lives in poverty, the hazards to health and a wholesome life are enormously more lethal than those fortunate enough to live in affluence. Children who live in our urban slums live with the danger of lead poisoning that needlessly weakens, maims, and destroys their lives. Lead poisoning strikes easily at the young child because he has a natural tendency to put in his mouth any available object. When that object is bits and pieces of peeling paint or fallen plaster in old buildings with lead-based painted walls, these youngsters are afflicted with the ravaging effects of lead intoxication. Children between 1 and 3 years of age are the sufferers in 85 percent of all reported cases. Two-year-olds account for more than 50 percent of the deaths attributable to lead poisoning. About 200 children die from lead every year. Between 12,000 and 16,000 are treated and survive. This means that every year, due to inadequate detection and diagnosis, as many as 400,000 children may be poisoned.

Half of those who receive treatment are left mentally retarded. Only about one case in 25 of these is treated. Children with lead poisoning have been found to experience a marked drop in IQ and they show unsatisfactory school progress because of intellectual defects.

This is the tragedy that is most disheartening and debilitating—not only for the children and their families, but also for the future of our society.

Certainly, we can all feel and understand the agony that the loss of a child's life may bring. But a different pain of anguish and heartache is produced for the parents of children who suffer in mental ability due to lead poisoning. The care taking costs for one child who must live out his life as a mental defective due to lead poisoning is more than $200,000.

Yet, less than $1,000 can eliminate the hazards of this disease for that child.

That is the core of hope in the fight against lead poisoning. Lead intoxication is a man-made disease. It is subject to complete control. Mental retardation due to lead poisoning can be prevented. Research is not needed to find ways to do that.

What we do need, and what we need now, is forceful action to rid our neighborhoods of this menace. Dr. Victor Sidel, who is chief of the division of social medicine at Montefiore Hospital in New York City, proposes a vigorous approach to programs for eliminating lead poisoning hazards. He insists on the full use of community residents, neighborhood workers and others who have interests in these affected areas to help search out lead poisoning victims and areas of high risk.

Representative William F. Ryan saw the urgency for legislation as far back as last March when he introduced in the House a package of reforms "aimed at combating this silent epidemic." That package realistically meets the three fundamental needs that must be attacked in the fight to end this problem. They are:

First. The need to identify and treat lead-poisoning victims.

Second. The need to seek out the presence of lead-based paints and to require property owners and landlords to remove such paints from all wall surfaces.

Third. Finally, the need to prevent lead poisoning from spreading, through the enforcement of housing codes.

To help reach these goals, I intend to introduce a bill, early next week, that is similarly designed. My bill provides Federal moneys to help cities carry out programs to identify those youngsters who are affected by lead-based paint poisoning. It will insure for cities and communities the procedures and techniques that will seek out those youngsters who are currently afflicted with high lead levels. The value of that kind of program has been dramatically demonstrated by Chicago's health department's program to seek out youngsters who live in dilapidated housing and test them for lead levels. Because of that program, the number of reported cases of lead intoxication has climbed sharply.

In his package, Representative Ryan also provided for financial assistance to help cities and communities develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning. Recognizing that this is a critical need, my bill also provides for financial assistance to run programs that will rid our cities of the menace of lead poisoning. Every community that has old homes that used lead-based paints is a potential high-risk area for this dread disease. That is a simple, plain fact. It is a fact that makes us realize that the way to prevent lead poisoning is to eliminate the source of the danger.

My bill will provide for the elimination of all lead-based painted surfaces, through programs that will identify those homes that are so painted. After identifying those structures, the provisions of my bill require prompt removal of lead-based paints from all surfaces.

Finally, in recognition of the need to insure that the rehabilitation or renovation of housing shall include plans for eliminating the causes of lead-based paint poisoning—my bill provides for Federal assistance to communities to carry out such rehabilitation only on the condition that the community also carry out an effective plan for getting rid of the causes of lead-based paint poisoning.

The reported incidence of lead poisoning parallels public and medical interest and education on the subject. Official figures on lead poisoning almost certainly underestimate the true incidence of the disease.

I shall personally join the battle against childhood lead intoxication by stressing the need for education and awareness of the problem—both in the general public and in the medical community. The tragedies of lead poisoning and the hesitancy to diagnose it are too often due to the failure to be alert to its presence.

People simply do not look for it because lead based paints are not generally used on interior walls today. But we overlook the very real fact that hundreds of thousands of people, particularly along the eastern seaboard, live in substandard, deteriorating housing built before World War II that have wall surfaces coated with lead based paints.

I feel that one way to stimulate the necessary amount of concern and awareness to combat this problem is through the periodic publication of information about lead poisoning cases.

Through the Public Health Service in the Department of Health, Education, and Welfare, accurate and current information is available on communicable diseases. I want to explore through the Office of the Surgeon General, ways to provide similar kinds of information for the environmental diseases that are also devastating in their assault on the health of American citizens. Not only would it be helpful to have systematic reports on lead poisoning in children, we could also use reports on the incidence of rat bites, insect borne, asthma, and ground water contamination due to the use of fertilizers. Some work has been done in these areas, but much more remains to be done. I am hopeful that through such publication of information on lead poisoning and other environmental diseases we can focus attention on these kinds of needs. In that way, we may be able to end the menace that causes each one of these dangers.

Lead poisoning in children is not an uncommon occurrence in the United States. Although slum areas in large cities appear to have by far the greatest incidence, this problem is not necessarily restricted to the poor; it has also been reported in children from economically and socially advantaged homes.

But we do know that it affects black and Puerto Rican children more frequently than it strikes white children. It is most likely to strike children in the same family. And, once a child has been poisoned by lead he has a substantial chance of being poisoned again.

In New York City reports show that several children were admitted to hospitals two and three times, each time with recurrent lead intoxication. In one case, repeated episodes left the child completely incapacitated. Others working in the field of lead poisoning have also stated that "we saw the same children over and over again being brought in for deleading and each time with evidence of more residual brain damage. We were seeing mental retardates and institutional vegetables created right under our eyes." The cost of lead poisoning is borne by the whole community in terms of wasted human resources, institutionalization of victims, and the resulting burdens on municipal health facilities and finances. The benefits accrue only to those owners of slum property who find it unprofitable to keep their properties in good repair.

The need to eliminate this hazard from the list of the many hazards that affect our Nation's children is very clear. My efforts will be designed to meet that need.

DEPOSIT RATES AND MORTGAGE CREDIT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The Assistant Legislative Clerk. Calendar No. 510, S. 2577, a bill to provide additional mortgage credit, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The consideration of this bill is subject to a time limitation. Who yields time?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, as the manager of the opposition to the bill, I suppose I yield myself 12 minutes on the bill.

Mr. President, the bill which we have before us today has several provisions which I believe the Senate should reject. The first of these could result in far-reaching changes in Federal regulation over State institutions. The second would provide for unappropriated, subsidized assistance of up to $4 billion to members of the Federal Home Loan Banking System through Treasury borrowing. The third would restore authority used during the Korean war to establish voluntary controls.

Mr. President, it has been suggested that our housing goals should rank equally with the goals established in the Full Employment Act of 1946. I want to make it crystal clear that I feel that we should provide adequate housing for our citizens and that we should not let the full burden of monetary policy fall on the housing sector of our economy. I must add, however, that the goals set forth in the Full Employment Act of 1946 are general goals similar to the housing goal set in the 1949 Housing Act. There is no specific number attached to any of them. The employment goal was not meant to be interpreted as no unemployment. The goal of stable prices was not written in such a manner as to indicate that prices should never rise or decline. The goal of sustained economic growth was not written in terms of a percentage increase in the gross national product annually. Likewise, the 1949 housing goal did not establish a specific number of homes to be built in any specific period. In 1968, our Housing Act did set forth a specific goal of 26 million units over the next 10 years. Such a specific goal cannot be ranked with other general goals without giving it priority over all of the others. It has been suggested that the 26 million unit goal should not be abandoned or ignored during periods of restrictive fiscal and monetary policy. As much as the housing industry has suffered as a result of tight money, I suggest that it has not suffered as much as the price level in the past 2 years. Nor has our growth been held to maximum sustainable rates any better than we have met what might be considered an appropriate portion of our specified housing goal. In other words, we have come just as close to meeting our housing goal during the past 2 years as we have in meeting any of the other goals with which it is to be considered equal. I do not say that we have no need for improvement. Indeed we do, if we are to approach fulfillment of any of these goals. The major need for improvement, however, is in the area of Federal spending and taxing. I believe that we have made more progress in these two areas during the last 9 months than has been made in the past decade. Only when we have brought stability to the economy in general will there be the type of environment in which we can expect to meet our housing goals.

The committee report, and the manager of the bill, have made a point that increases have taken place in the gross national product, consumer spending, State and local construction, Federal spending, and business spending, but that residential construction is down 2.5 percent. These figures are supposed to indicate that housing is being restricted by Federal Reserve monetary policy and not economic forces. The fact is that monetary policy is nondiscriminatory. Money is attracted by those who are willing to pay for it, regardless of monetary policy. Conscious choices are being made every day. Consumers are paying two to three times as much for credit on consumer purchases as they are for mortgages. The rise in the interest rate paid on municipal bonds used for State and local construction is much greater over the first three-quarters of this year than the increase in mortgage rates cited by the Senator as "sky high." The actual difference is 144 basis points compared to 85 basis points, and the percentage rise is over 29 percent for municipal bonds compared to less than 12-percent increase in the cost of mortgages.

The cost of Treasury financing has also increased at a more rapid rate than housing financing, as has the cost of business credit which increased by 214 basis points, or 32 percent.

When these costs are taken into consideration, one cannot say the Federal Reserve has restricted housing. It can be said, however, that the demand for mortgage money has not maintained its competitive position, with other demands, both consumer, business, and government as a result of economic forces.

If there is a preference to purchase consumer goods rather than housing at the rates available or schools and other public facilities even though the cost to finance them has increased more than mortgage financing, can we fault that decision? Mortgage costs are high, but whether measured against rates at the first of the year in 1956, 1950, or 1930, they have risen by smaller percentages than any of the other costs for money used as a comparison.

For example, while mortgage interest rates have increased 100 percent between 1955 and 1968, increases in other forms of credit have been much greater.

The increase in the rate for short-term business loans has been 140 percent.

The Federal Reserve bank discount rates have increased 216 percent.

The 3-month Treasury bills have increased 296 percent.

The rate of prime commercial paper has increased 324 percent.

These are all against the 100-percent increase in mortgage rate.

The manager of the bill indicated that certain high officials in the administration seem to have a callous indifference to the fact that the avarage home buyer is called upon to pay most of the cost of the Administration's efforts to control inflation. I have already shown statistically that other borrowers are paying rates which have increased more in actual basis points and as a percentage than the rates on mortgages. Thus, the home buyer is not called upon to pay most of the cost of tight monetary policy.

Mr. President, we have heard much about the decline in housing starts. Indeed, they have declined during some months of this year. I would like the record to show, however, that during the first nine months of this year, new housing units were started at a seasonally adjusted annual rate of 1,551,000 units, compared to the 1,548,000 units started last year and the 1,322,000 units started in 1967 and the 1,196,000 units started in 1966.

In other words, housing unit starts during the first 9 months of this year for which figures are available, seasonally adjusted on an annual basis, have exceeded housing unit starts in every other year since 1964. That throws a little different light on the housing picture than has been shown thus far in the debate.

I am surprised at the statement of the Senator from Wisconsin when he said, "I fail to see how anything can be called a subsidy if there is no cost to the taxpayer." Let me point out that there is no provision for reimbursing the Treasury for the administrative cost that would be involved in the borrowing provision of this bill. The Senator says that the Home Loan Bank System will repay the Treasury "at the same rate it costs the Treasury to borrow." Even if all costs were met by the Federal Home Loan Bank Board, this would still be a subsidy. Webster's New International Dictionary defines a subsidy as: "To aid or promote, as a private enterprise, with public money." The concept of whether it results in a net cost to the lender is not involved at all.

There is no doubt that the Senator would like this provision to aid a segment of the economy, and it is certainly the use of public money. Furthermore, other segments of the economy, including the Treasury, will pay higher rates on borrowing if this provision is ever used, and that does result in a net cost to taxpayers.

Mr. President, I intend to discuss in detail the various provisions which I believe the Senate should reject, but rather than getting into the specifics at this point, to avoid repetition and save time, I would like to begin to offer my amendments and discuss each one of them separately.

Mr. President, I send to the desk an amendment to strike sections 6 and 7 of the bill and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Utah (Mr. BENNETT) offers an amendment: On page 15, it is proposed to strike out lines 4 through 9, as follows:

SEC. 6. Section 708(b) of the Defense Production Act (50 U.S.C. 2158(b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

SEC. 7. Section 708(f) of the Defense Production Act (50 U.S.C. 2158(f)) is repealed.

Mr. BENNETT. Mr. President, on this amendment I yield myself such time as I may need.

It is my understanding that as the author of the amendment, I have 15 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. Mr. President, sections 6 and 7 of the bill would restore authority used during the Korean war to establish voluntary controls. All administration witnesses testified against the establishment of such authority at this time. While no one can rule out the possibility of circumstances which might make such authority desirable, a careful look at the economy leads us to believe that the present monetary and fiscal policies of the administration are bearing fruit and that congressional action setting up authority for controls on the economy, whether voluntary or not, could be misconstrued. More important than the actual content of these provisions is their effect on people's attitudes. Since administration witnesses told us that the administration has no intention of instituting a voluntary restraint program, we feel that the possible value of having this authority is far outweighed by the possible reaction to the enactment of this section. Admittedly, we are dealing with intangibles. If the authority to set up a voluntary restraint program were authorized by Congress, it would be normal to interpret this as Congress having determined that such controls may be necessary in order to halt inflation. Such an interpretation would add to the skepticism which has been diminishing during the recent past about the Government's capacity and determination to restore price stability without selective controls. One of the major reasons why fiscal and monetary policy have not been more successful is that too many individuals have not been convinced that the Federal Government would stick with such policy. The enactment of legislation providing for selective controls could only be a detriment, therefore, at this time to the administration's program, and could only slow down rather than supplement efforts which I believe are already bringing the forces of inflation under control.

I hope, therefore, that the Senate will agree that sections 6 and 7 should be taken out of the bill.

Mr. PROXMIRE. Mr. President, I oppose the amendment offered by the Senator from Utah. The bill can be compared with an effort made by the Federal Government to provide credit restraints during the Korean war. At that time legislation similar to the present bill was on the books. It was acted on by the President, and it worked well. The President and the Federal Reserve Board set up industrywide committees consisting of representatives of banks, industrial companies, and mutual savings banks. They developed voluntary loan criteria that reduced the tendency of banks and other lending institutions to lend to business in an inflationary way. The committee was completely voluntary and was established on the basis of the initiative of the President. It was exactly what is provided in the present bill.

Let me read a brief paragraph from the evaluation of the results of that provision, which was in existence during the Korean war. It is a statement released by the National Voluntary Relief Committee, consisting of outstanding businessmen, bankers, and others.

This was their conclusion:

> At the outset of the program, which was without precedent in the country's financial history, there was widespread skepticism as to what might be accomplished by a self-regulation effort in the highly competitive field of lending. This has been supplanted by a recognition that the program has proved practicable, workable, and effective as a supplement to fiscal, credit, and other anti-inflationary weapons * * * The program has been an important factor in holding prices level during the first year of its operation. (Statement released by National Voluntary Credit Restraint Committee, Mar. 10, 1952.)

Mr. President, there was great inflationary pressure on interest rates, which were being pushed up. With voluntary controls, mortgage rates rose less than one-tenth as much as they have risen during the last year, when we did not have these controls. But at that time, interest rates, generally, were held down because of action which, as I say, was cooperative, voluntary action, action that could be taken only if the President wished to use it.

The principal objection raised by the distinguished Senator from Utah is that there would be anticipation on the part of the business community to act now to borrow money, in view of the fact that we are attempting to put this provision on the books, and that the President might use it. I say to the Senator from Utah that this is the time for us to put such a provision on the books. If we do not provide for these controls, and if the President should feel that he would like to have a voluntary credit program in the future, and then should come to Congress, we would have to hold hearings on it, it would be necessary to have hearings in the House, debate on the floor of the Senate, and then to have the House act, and in that event there could be anticipatory power on the part of business.

However, the hearings now are out of the way. The debate will be taken care of today—in the next few minutes. The Senate can act now and get the law on the books. Under these circumstances, the President will then be in a position to put it into effect promptly, whenever he feels it should be put into effect; without adverse public action.

I might say one more thing in this connection. All Senators are aware of the great concern throughout the country about inflation. That concern is so deep that a majority of the country, according to a Gallup poll, has indicated that mandatory price, wage, and rent controls are favored right now.

In fact, a questionnaire I sent to my State, responded to by over 12,000 people, indicated that over 70 percent of them favor mandatory price-wage-credit controls right now.

We are not offering anything like that. I do not think there is a disposition in Congress or in the administration for that. I think they are right at the present time. But I do think that this moderate, mild effort to provide for a voluntary program of credit restraint is logical. We had the experience in the Korean war, and it worked.

So I hope that the amendment offered by the Senator from Utah will not be agreed to by the Senate.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Who yields time?

Mr. BENNETT. Mr. President, I yield to the Senator from Illinois (Mr. PERCY) such time as he may require.

Mr. PERCY. Mr. President, I strongly oppose sections 6 and 7 of S. 2577 which would restore the authority used during the Korean war to establish voluntary credit controls. To those who advocate a return to credit controls, the grant of such authority seems necessary to stem inflation. In contrast, I feel that the administration's fiscal and monetary policies are going to curb inflation and that authority to impose selective controls could well contribute to damaging such policies by casting skepticism on the administration's current anti-inflation fight.

The history of such selective controls is not encouraging. They were last used during the Korean war from 1950 to 1952. The regulation was limited to nonbusiness installment credit for purchasing listed consumer durable goods and to unclassified installment loans. The increased usage of many additional types of credit since 1952, including revolving credit, credit cards, elimination of down payments and sales at discount, would impose even more serious administrative problems.

Of basic importance are the differing objectives of such an authority. Pressure from many and often conflicting sources could be expected to influence the administration of this authority and the manner and the extent to which the authority should be used.

The selective control of consumer credit is discriminatory against low-income groups, younger people, small retailers and manufacturers and also against innovations in marketing. The Senate Banking and Currency Committee in 1951 criticized the controls as harming defense workers and low-income persons. The House Banking Committee in 1952 in commenting on the regulations concluded that the inevitable discrimination of credit controls against lower income groups overshadowed other existing considerations.

For both the serious administrative problems that the use of such authority would create and for such authority's discrimination against the people who need credit the most, I oppose sections 6 and 7 of the bill and support the Bennett amendment to strike these sections.

Mr. PROXMIRE. Mr. President, will the Senator yield, on my time?

Mr. PERCY. I yield.

Mr. PROXMIRE. I ask for 3 minutes on my time, on the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. I say to my good friend, the Senator from Illinois, who is a very able member of the Committee on Banking and Currency, that this amendment and the provisions of sections 6 and 7 do not provide for any regulation W, which is what the Senator was talking about in the Korean war.

This is no mandatory control at all. It would not affect consumer purchases directly. It does provide for the voluntary establishment, when the President thinks it is necessary, of businessmen, bankers, and other financial leaders to agree to limit their lending in such a way that they would not provide funds that would be spent by business to bid up prices—in other words, to try to hold down inflationary lending.

This is the part of the program that was started in 1950, in the Korean war, and the conclusion on the part of the businessmen, bankers, and others who took part was that it worked and worked well.

Mr. PERCY. In reply, I have to draw on my own experience for many, many years—some 25 or 30 years—during which I sat in corporate board rooms and in bank board rooms, trying to see what human nature does in cases such as this. I think we are dealing with human nature now. This is not a science. It is an art, almost, of anticipation; and it is the responsibility of consumers and producers to try to anticipate what the Government is going to do that is going to injure their personal interest and then find ways to get around it.

The Government has done everything it can to assure the American people that inflation is going to be curbed with present policies—that is, policies of balancing the budget, having a surplus, holding down excess spending, cutting back Federal construction projects 75 percent, and the many other steps that have been taken that I think have been prudent and sound.

If there is an implication that we do not really think this is going to work and that we will have to have controls, then people start anticipating controls. Once you start to control, it is like a featherbed. You get one corner down here and the other end pops up over there. You start controlling credit, and you have to start controlling wages. If you start controlling wages, you had better start controlling prices; and soon we will try to have a network to cover the millions and millions of economic transactions that occur in this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. May we have 2 additional minutes on our side?

If we are going to start this process of controlling or implying that present policies will not work, then I think we can expect steps to be taken by labor, by industry, by consumers, and by everyone else to try to figure out how to get around them.

I know that prices are going to go up, because if people think there is going to be price control, all people feel it is in their best interest and businessmen feel it is their responsibility to stockholders and to employees—to whom they have to pay higher wages—to get in ahead of the rush. So they are going to raise prices, just anticipating possible controls coming along.

Once this process is started, by this demonstrated lack of confidence in the present policies solidly backed by this administration, then I feel we would be starting a process we might not be able to control.

I have no real faith in controls, outside of an all-out war effort, when you can appeal then to every conceivable concept of patriotism. Even then, in World War II or the Korean war it was very, very difficult to control, unless everything was controlled. We know the disastrous results we had when we tried to do that.

So I oppose sections 6 and 7 for these reasons, which cannot be found in books on the science of fiscal and monetary policy. I just do it from an innate feeling as to how this system really works and how 200 million human beings will respond to this evidence of lack of confidence on our part that present fiscal and monetary policies will work.

Mr. PROXMIRE. I yield myself 1 minute.

Mr. President, the Senator from Illinois has made a very strong case. He is an extremely able debater. But there is no intention here to have this as the first step toward price controls or mandatory credit controls. In fact, the purpose of this section is to forestall that kind of action.

I am convinced that unless we do take further action, we are going to be driven to some kind of mandatory controls because of public sentiment. This depends upon one's judgment as to whether present policy is not working, and there is every indication that it is not working. Interest rates have been rising rapidly; prices have been going up steadily. The only reason they did not go up quite as much in the last quarter as in the second quarter is that food prices skyrocketed in the second quarter. There is every indication that unless we take some kind of more forceful action, we are going to be in the position of being forced into either very serious inflation or the kind of mandatory controls all of us oppose.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I yield myself 1 additional minute, and I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I read in the newspaper yesterday that the South Central Telephone Co., I think it is, which is triple "A," pays 8½ percent.

There just is not any mortgage money available for new borrowers.

I had a long talk with the former Chairman of the Federal Reserve Board the night before last, and he said that all over the country it just is not available. The people who already have arrangements, of course, are being serviced by the big banks. But for a new man, who wants to start something new, the money is practically unavailable.

I appreciate the Senator's efforts; but does he really think he can do anything useful here as long as this war is going on, as long as we spend $80 billion on a nonproductive activity, such as ammunition and warfare?

Mr. PROXMIRE. The Senator is absolutely correct. Wartime spending is the heart of our inflationary problem.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Recognizing that, I think that to handle this in a most practical way it is sensible first, to set up a system available to the President, if he wants to use it, of voluntary credit restraints so he can use his influence with banks not to make loans to fancy hotels and resorts, for instance, or to sustain this business plant and equipment boom, which most economists say is proceeding at an unsustainable rate and that might lead to recession in the future.

I do agree with the Senator that the heart of this matter is excessive military spending.

Mr. BENNETT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. BENNETT. Mr. President, I think we should realize there is a great difference in timing when we compare the present situation with the Korean war. Voluntary controls were basic instruments used at the time of the Korean war and they were instituted when that war began in 1950. In this war situation we have gone for many years. This is the longest war in our history. Now, at this point in time, I believe, although my friend from Wisconsin does not, that the new administration anti-inflation policies are beginning to take hold. His proposal would add an additional program on top of it on the theory that present policies are not taking hold and that this is necessary .

I am afraid of the psychological reaction in the country if this particular proposal were adopted, and adopted because it is claimed the policies are not taking hold, and this would give additional upward pressure to inflation.

The Senator from Arkansas just entered the Chamber and he said there is no money available for mortgages. In the statement I made as the debate began today I pointed out that in the first 9 months of this year, seasonally adjusted and on an annual basis, we have had more housing starts than in any other year since 1964.

Mr. President, I yield such time to the Senator from Illinois as he may need.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I thank the distinguished Senator for yielding.

I wish to say to the distinguished Senator from Wisconsin that in a few moments we will probably find ourselves on the same side in asking for additional mortgage credit and opposing my friend from Utah, but in this case I respectfully disagree with the position my friend, the Senator from Wisconsin, has taken.

I think that if we look at what happened to the municipal bond market when the House of Representatives imposed what looked like a tax, of removing municipal bonds from a position of tax exemption, we will find that interest rates shot up rapidly. In that instance no law was passed. It was just a threat to the market and everyone moved to anticipate it. This is what millions of people are doing today in the stock market, on one hand looking at what is happening on tax reform and on the other hand thinking of what we are going to do on the floor of the Senate next week, and what is going to become the law. They are trying to foresee ways to protect themselves by anticipating the action we are going to take and the net effect on them.

So what we do here is exceedingly important and this is why the Fed and the Treasury Department so oppose these sections of the bill and support the amendment of the Senator from Utah.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. PERCY. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, this is a voluntary program, as the Senator knows. It is not mandatory; it is not for people who feel there is an absolute necessity to borrow money. This should be administered as the program was administered in the Korean war, on a voluntary basis.

Furthermore, if this proposal would have an adverse, inflationary effect on mortgage rates, it should have had an effect on mortgage rates in the last couple of weeks. After all, the Senate committee acted and reported the bill to the floor of the Senate. It seems that some of that action would be reflected now and there would be comments in the press and so forth. However, there has not been any of that, in spite of the fact this has been before the country now for more than a week. If there is any anticipatory adverse reaction, we have not seen it. It seems to me that that argument would not stand up on the basis of the experience we have already had.

Mr. PERCY. Mr. President, so that I may understand the Senator's argument, is it his feeling that this is a standby authority; that it can be used only by the President if he sees fit?

Mr. PROXMIRE. Exactly.

Mr. PERCY. And, therefore, there is no real threat of using this authority.

Mr. PROXMIRE. Only that in the future the President may order its use as another tool, but his disposition now is not to use it.

Mr. PERCY. I think this is a forthright position for the Senator to take, but if it is a principle, I think the Senator should stick with it as it applies to other situations. In other words, any time we give the President standby authority in one area, we should not conceive of standby authority in another area as being a threat.

I would like to ask the Senator if he would support standby authority for the President to escalate our troops in Vietnam only if he needs to.

Mr. PROXMIRE. Of course not.

Mr. PERCY. Of course not. But what is the difference between standby authority to escalate our forces in Vietnam and standby authority for the President to impose credit restrictions?

Mr. PROXMIRE. I think the President should use this standby authority now. I favor credit restraints and they should have been in effect for the last 6 months. But as far as Vietnam is concerned, I do not think he is withdrawing troops fast enough.

Mr. PERCY. Then, the Senator would use the power of his office as Senator from Wisconsin and the powerful position he has as chairman of the Joint Economic Committee to put pressure on the Treasury Department and the White House to use this authority to move in and control credit; that this standby authority should be used.

Mr. PROXMIRE. I think they should use this proposal. The administration's attitude now is that they are not going to use it. Maybe they will change as the situation develops. There is not this adverse anticipation which the Senator from Illinois feels. This is an excellent time to put it on the books.

Mr. PERCY. I think it is well we have the complete record. Again, I say that if we started to control this end of the economy we better start controlling the other ends of the economy. We should be forthright enough to say we are going to have a controlled economy. That is why I do not favor giving the President standby authority and that is why he does not want standby authority—because of the implication that he would feel he would have to use it. I think it is the nose under the tent, the foot in the door. That is why I want to keep the door closed and the tents battened down, and to make sure we make the present policies work. We would not want any lack of confidence in those policies.

I feel we should oppose such authority. I do oppose it and I hope the Senator recognizes it would not be wise and it would not be in the interest of the economy to say we are not willing to give the present policies a full chance to work.

I have heard distinguished Members of this body on both sides of the aisle say that they are concerned about a recession and that they are concerned about unemployment. In fact, if I recall correctly, the distinguished Senator from Wisconsin himself was concerned and admonished the Secretary of the Treasury for not being more concerned about unemployment going up in one month from 3½ to 4 percent.

If we are concerned about unemployment, if we are concerned about a softening economy, and if we are concerned about a potential recession; in fact, if we do not realistically feel that the interest rates will go up—and there is a tendency now for a softening of those rates—why now, at the very instant the policies show promises of working, why would we then show a lack of confidence in them and start to move in another direction which might, by the very action we take, start to inflate the economy once again?

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Utah (Mr. BENNETT).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). Mr. President, on this vote I have a live pair with the able Senator from Pennsylvania (Mr. SCHWEIKER). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

On this vote, the Senator from Washinton (Mr. MAGNUSON) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Washington would vote "nay" and the Senator from Texas would vote "yea."

On this vote, the Senator from Michigan (Mr. HART) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Michigan would vote "nay" and the Senator from New York would vote "yea."

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Tennessee (Mr. GORE), the

Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), and the Senator from New Jersey (Mr. Williams), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell) the Senator from Maryland (Mr. Mathias), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from Iowa (Mr. Miller) is absent on official business. If present and voting, the Senator from Iowa (Mr. Miller) would vote "nay."

The Senator from Kentucky (Mr. Cook), and the Senators from Pennsylvania (Mr. Scott) and (Mr. Schwieker) are detained on official business.

On this vote, the Senator from New York (Mr. Goodell) is paired with the Senator from Michigan (Mr. Hart). If present and voting, the Senator from New York would vote "yea" and the Senator from Michigan would vote "nay."

On this vote, the Senator from Texas (Mr. Tower) is paired with the Senator from Washington (Mr. Magnuson). If present and voting, the Senator from Texas would vote "yea" and the Senator from Washington would vote "nay."

The pairs of the Senators from Pennsylvania (Mr. Scott and Mr. Schweiker) have been presently announced.

The result was announced—yeas 30, nays 49, as follows:

[No. 152 Leg.]

YEAS—30

Aiken
Allott
Baker
Bellmon
Bennett
Boggs
Brooke
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Jordan, Idaho
Mundt
Murphy
Pearson
Percy
Prouty
Smith, Maine
Smith, Ill.
Stevens
Thurmond
Williams, Del.
Young, N. Dak.

NAYS—49

Allen
Bayh
Bible
Byrd, Va.
Cannon
Case
Cranston
Dodd
Eagleton
Eastland
Ellender
Ervin
Fulbright
Gravel
Harris
Hartke
Hatfield
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
McCarthy
McClellan
McGee
McIntyre
Metcalf
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Russell
Saxbe
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Yarborough
Young, Ohio

PRESENT AND ANNOUNCING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, against.

NOT VOTING—19

Anderson
Burdick
Church
Cook
Goldwater
Goodell
Gore
Hart
Magnuson
Mathias
McGovern
Miller
Mondale
Montoya
Ribicoff
Schweiker
Scott
Tower
Williams, N.J.

So Mr. Bennett's amendment was rejected.

Mr. BENNETT. Mr. President, I have two further amendments. It appears obvious from the result of this vote, that I may not prevail on either one of them. However, I think the record involving the issues should be made clear. Therefore, I will offer each of the amendments and discuss them.

Mr. President, I send to the desk amendments and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The Legislative Clerk. The Senator from Utah (Mr. Bennett) offers amendments:

On page 12, line 18, insert "and" immediately after the semicolon.

On page 13, line 3, strike out the semicolon and the word "and" and insert in lieu thereof a period.

On page 13, beginning with line 4, strike out all down through line 15.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. BENNETT. Mr. President, my amendment would strike subsection 3 of section 3. The issue here is whether we tell the President it is the sense of the Senate that the Treasury must pump $4 billion into the mortgage lending stream while at the same time the bill on its face gives the Secretary of the Treasury the right to make that decision.

Mr. President, I am especially concerned about the interpretation of section 3 contained in the committee report. In some respects, the language and authority provided in the bill is entirely different from what the report indicates.

I have several questions to ask the manager of the bill following my remarks, which may be helpful in clearing up the discrepancy.

Section 3 of the bill could create serious problems for the Treasury and budgetary authorities. Increasing the amount that the Federal Home Loan Bank Board is authorized to borrow from the Treasury from $1 to $4 billion would not be an unwarranted change if the borrowing were to be for the purposes presently authorized. The savings and loan industry has increased in size and deposits since enactment of the provision authorizing a $1 billion borrowing authority and therefore an increase commensurate with the increase in the industry is in order. This bill, however, attempts to change the purpose for which the borrowing could be used. Admittedly, it is unclear from a reading of the language in the bill and a reading of the majority report just what the change is to be. On the one hand, the language in the report imposes on the Treasury a "positive mandate" to permit such borrowing by the Federal Home Loan Bank Board to prevent a drastic reduction in housing starts. On the other hand, it states that the Treasury borrowing authority would be used to permit the System to continue making expansion advances. It says on the one hand that the committee expects the Federal Home Loan Bank System itself to exhaust all possible sources of funds before requesting advances from the Treasury, yet on the other hand, it says that the use of the borrowing authority may also be justified if the rate of Federal home loan bank advances resulting from the issuing of its own obligations begins to exceed the rate which member associations can feasibly be expected to pay.

The report goes even further and infers that the borrowing authority is to be used if alternative means cannot be employed "to carry out national housing policy." The pertinent quote is:

> While the Secretary of the Treasury is expected to consult with the Home Loan Bank Board and the Secretary of Housing and Urban Development on matters of housing policy, the Secretary of the Treasury is the final judge as to whether alternative means can effectively be employed to carry out national housing policy without the use of Treasury borrowing authority.

According to the majority, we are about 500,000 units, or 28 percent, short this year in being on "schedule" on the housing goals set out in the 1968 Housing Act.

Turning to the actual language in the bill, one finds that no "positive mandate" is contained, nor is there anything about preventing a "drastic reduction in housing starts." One searches in vain for any reference to the use of the borrowing authority for "expansion advances" or any reference to rates members of the FHLBB can afford to pay or national housing goals. What is found in the bill is that Congress thinks the Treasury should allow borrowing "when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates."

I am appalled at the differences between the language of the bill, and the interpretation in the committee report. Even using the report figures on one- to four-family nonfarm residences—the ones most restricted by tight monetary policy—we discover that savings and loan associations increased their net supply of mortgage credit from $3.8 billion in the last half of 1968 to $4.2 billion in 1969. Other institutions which would not have access to the "subsidized" Treasury borrowing decreased their net supply. These other institutions would not have decreased their net supply of mortgage credit if rates of return on mortgage credit had been competitive with other investment alternatives. The housing "tailspin" from an annual rate of 1,878,000 units in January to a rate of 1,518,000 in September is the result of many factors—of which interest rates are only one—which influenced the business judgment of builders, buyers, and sellers alike. There is no doubt that a "drastic reduction in housing starts" has in fact occurred. If the borrowing authority section of this bill had been law, and if the amendment "provides the Treasury with a positive mandate from the Congress to permit such borrowing authority to be used in order to prevent a drastic reduction in housing starts," as the majority contends, the Treasury would have been providing subsidized financing all during this year to savings and loan associations even though these institutions have increased their mortgage lending by a greater amount than they did during the last half of 1968, while housing starts were climbing to the January 1969 peak.

I do not know what a reasonable amount of funds from Home Loan Bank Systems members is, but it does not seem appropriate that the Treasury be called upon to provide savings and loan associations with subsidized funds to offset decreases in the rate of mortgage lending by other institutions. In explaining the need for additional borrowing authority, the committee suggests that an additional source of credit is needed when the Federal Home Loan Bank System is unable to borrow in the open market. I am not aware that there has ever been a time when the Federal Home Loan Bank Board was unable to borrow in the market at a price. It is true that the Treasury holds a veto power over issues of the Federal Home Loan Bank System. I have been unable to find any indication that the Treasury has ever precluded the Federal home loan banks from issuing obligations. There have been times when the Treasury suggested that issues not be marketed during a specific short time period, so that such issues could be timed either before or after other Federal offerings. The committee wisely decided to retain this Treasury veto authority. If, however, new authority provided in this section were enacted and if the Treasury complied with the "sense of Congress" provision as described in the report, any time Federal home loan banks were prohibited from going into the market, the Treasury would be required to make funds available to the Federal home loan banks through this borrowing authority provision. The Treasury would then need to go into the market itself to get the funds to supply the Federal home loan banks. The purpose the Treasury had in vetoing a Federal home loan bank issue would be completely defeated and, in addition, the Federal home loan banks under today's conditions would receive the funds which they sought at a lower rate of interest than they would have been required to pay in the open market. Use of the veto under such circumstances would be ridiculous.

The committee report suggests that the amendment "requires that the rate charged on such borrowing from the Treasury be set at the current market yield on Treasury obligations." If that is what the committee wanted to do, the language in the bill should have been changed, because the language now reads specifically:

> Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and it bear such rate of interest as may be determined by the Secretary of the Treasury, taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States.

I read this language to say that the Secretary of the Treasury shall determine both the rate and the conditions upon which a loan will be made. There is no requirement that it be at the current market yield or above that yield or below that yield. It has also been argued that if the borrowing were at the current market yield, this would remove any subsidy from such borrowing. This is a rather strange assertion when taken in connection with a statement made later in the report that the rate on Federal home loan bank issues during periods of tight money can exceed the comparable Treasury rate by 1 percentage point or more. The difference of view here is based on a definition of subsidy. The actual yield on 1-year Treasury obligations during October was 7⅝ percent. The actual yield on all outstanding marketable obligations was 7⅜ percent. On October 27 the Federal Home Loan Bank Board marketed two issues, one with a 1-year maturity was at 8¼ percent, and an issue with a 2-year maturity was just slightly less. This is a differential of five-eighths of one percent on the 1-year obligations and seven-eighths of a percent on all outstanding marketable obligations. The nationwide average interest rate on conventional mortgages at the end of September was just over 8 percent.

The same line of reasoning used to disclaim any subsidy on Treasury borrowing by the Federal Home Loan Bank System could be used by a prospective homeowner in order to receive a loan from the Treasury at the rate which the Treasury pays on its issues. The Treasury rate would be significantly lower than the market interest rate for mortgages and would provide a subsidy to the individual homeowner. This subsidy would not require appropriations on the part of the Congress nor would it represent any payment on the part of the Federal Government to the individual. In just the same way, while no appropriation would be necessary for the Federal home loan bank borrowing from the Treasury a subsidy would be involved and it would amount to the difference between the rate at which the Federal Home Loan Bank System would pay on obligations it issues as compared with the rate paid by the Treasury on its obligations.

After specifically providing in subsection 2 of section 3 of the bill that the Secretary of the Treasury has the authority to determine the "terms and conditions" of any loans to the Federal Home Loan Bank System, I question why subsection 3 states, "any funds so borrowed will be repaid by the Home Loan Bank Board at the earliest practicable date." If the Secretary controls the "terms and conditions" when the obligations are purchased, he would also control the repayment period.

The report suggests that there would be no permanent budget impact. Under the unified budget concept, Treasury advances to the Federal home loan banks would appear as expenditures. The budget for a fiscal year could thus be altered by $4 billion. This could create a serious budgetary problem.

If the Congress wants to provide a substitute for market borrowing by the Federal home loan banks, it would be preferable to appropriate the funds rather than provide them through the "back door" of the Treasury. In that way, the need for more resources for housing would be weighed against other claims for budget dollars. Congress set the goals. If Congress really wants the housing, it should be willing to provide the financing or establish climate in which market financing is available.

One of the most unfortunate aspects of this proposal to provide Treasury financing is that it would result in an increase in market interest rates throughout the economy. As pointed out earlier the differential between market rates and the rates which savings and loan associations can pay on savings results in disintermediation. Private funds which would have been available for mortgages tend to dry up, and some lenders would have fewer funds to invest because of savings outflows. Other lenders have freedom to shift their available funds out of mortgages into corporate bonds or higher yielding investments would do so. As the flow of private funds into mortgages diminished, the Treasury would be called upon for additional financing, thus driving market rates higher and producing more disintermediation. I do not contend that the disintermediation in savings and loan associations alone would be equal to the additional financing which they could receive through Treasury borrowing. But there is no doubt that Treasury action to supply mortgage funds would be at least partially self-defeating.

I am also concerned that if the Congress begins to use Treasury financing in this manner to support the housing market, other special interest groups may claim an equal right to the use of Treasury funds.

In summary, section 3 of this bill, if used in the way the majority report suggests, would compel massive injections of public credit into mortgages. At the same time, it would probably trigger offsetting outflows by private funds from the mortgage market. The benefit gained by savings and loan associations through this type of financing rather than Federal home loan bank borrowing would be minimal and the budgetary problems created by an additional $4 billion expenditure could be serious.

Now, Mr. President, I have eight questions that I would like to pose to the manager of the bill, the Senator from Wisconsin. He has had a copy of them. If he will favor me, I would like to read these questions into the RECORD.

First. Is there any requirement in the bill that the rate charged by the Treasury be at the current market yield on Treasury obligations?

Mr. PROXMIRE. The Senator is correct. This is what the bill provides.

Mr. BENNETT. That is not my understanding of the bill. Would the Senator tell me the particular section that requires that?

Mr. PROXMIRE. On page 12, lines 20 and following, the bill provides:

> Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States.

It seems to me that would mean that it would be roughly or precisely what the Senator provides in his question, the current market yield on Treasury obligations.

Mr. BENNETT. But the words are, and I will reread them and emphasize one particular word: "and shall **bear** such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield."

That is the issue between us.

Mr. PROXMIRE. The Senator is correct. I think that is an excellent point. This does provide discretion obviously to the Secretary of the Treasury. However, the Secretary of the Treasury has interpreted similar language in other legislation to mean the current market rate as I have indicated in my original answer. It is our expectation that he would do it again under the pending bill.

The language has been used before, and this has been the precedent established.

Mr. BENNETT. That precedent, however, is not binding. And it is true that under the language of the bill, the Secretary of the Treasury could use a different market rate.

Mr. PROXMIRE. The Senator is correct.

Mr. BENNETT. Second, does the Secretary make the determination of whether "alternative means are available," in subsection (3) of section 3?

Mr. PROXMIRE. The Secretary would make that determination.

Mr. BENNETT. Does the bill refer to "expansion advances" as a purpose of this proposed borrowing authority?

Mr. PROXMIRE. Not specifically. However, this is the intent expressed on page 13, lines 10 and 11, where it states: "to supply reasonable amounts of funds to the mortgage market."

This is the intent of the language.

Mr. BENNETT. The language is: "whenever the ability to supply such funds" referring to the Home Loan Bank Board, "is substantially impaired during periods of monetary stringency and rapidly rising interest rates."

This refers to impairment and not to expansion.

Mr. PROXMIRE. The Senator is correct. The "such" refers back to the lines which I referred to on page 13, lines 10 and 11, reading: "to supply reasonable amounts of funds to mortgage market."

It refers back to "reasonable" as interpreted by the Secretary of the Treasury.

Mr. BENNETT. In view of the language on the later lines, it seems to me that this calls upon the Secretary of the Treasury to supply funds at his discretion and only when the supply of funds is substantially impaired in times of monetary stringency and rapidly rising interest rates, not to provide funds for expansion.

Mr. PROXMIRE. That is correct. Of course, in such a situation advances could be for expansion purposes.

Mr. BENNETT. It is again up to the Secretary to decide.

Mr. PROXMIRE. Exactly. It is up to the Secretary in his discretion.

Mr. BENNETT. Mr. President, is there any language in section 3 referring to the use of such borrowing to meet our housing goals?

Mr. PROXMIRE. There is not.

Mr. BENNETT. Is there any reference in the section "mandating" that the authority should be used if housing starts decline drastically?

Mr. PROXMIRE. No. However, again, on page 13, line 10, "reasonable amounts of funds" would suggest that if there is a drastic decline, it would certainly be reasonable to provide funds.

Mr. BENNETT. Mr. President, as the Senator from Wisconsin knows by virtue of its expanded authority and a change in its policy, the Home Loan Bank Board has supplied something like $2.6 billion more to the mortgage market this year than it did before.

Mr. PROXMIRE. That is my understanding.

Mr. BENNETT. They supplied more to the mortgage market than they did last year.

Mr. PROXMIRE. They did, indeed. Approximately $2.6 billion more—a substantial amount.

Mr. BENNETT. Does the Senator interpret section 3 as requiring the Treasury to permit the borrowing authority if it restricts the Federal home loan banks from issuing securities?

Mr. PROXMIRE. Not necessarily. The Treasury may restrict the Home Loan Bank Board because of a glut on the market and as a matter of timing their own issues. So it would not necessarily require it.

Mr. BENNETT. In any event, discretion is with the Secretary?

Mr. PROXMIRE. That is correct.

Mr. BENNETT. Is there any language in the bill that requires the Secretary of the Treasury ever to use this authority?

Mr. PROXMIRE. Well, "requires," of course, is the key word in that question. It does not mandate him or require him, but it serves notice, as the Senator has indicated, that this is the policy of the Senate, and it leaves up to his discretion how he meets that policy.

Mr. BENNETT. The Senate proposes and the Secretary disposes, to use the old phrase.

Mr. PROXMIRE. That is correct.

Mr. BENNETT. Does the Secretary of the Treasury, in fact, have control of the borrowing, the rate, the repayment period, and all other "terms and conditions" mentioned in section 3?

Mr. PROXMIRE. Yes; he does.

I want to say to the Senator from Utah that these are excellent questions, because they do clarify the language of the bill very well. I think they indicate to anyone who has listened to this discussion that the bill is a limited bill. We do not expect that this is going to provide an immediate infusion of $4 billion into the housing market. At the same time I hope that this bill carries the clear policy position of the Senate, that the Treasury should do all it can to prevent a catastrophic drop in housing because of scarce credit and high interest rates.

Mr. BENNETT. The Senator from Utah raised these questions because of language in the report that accompanied the bill. I think it is necessary for the guidance of the Secretary of the Treasury that these eight problems be cleared up, and I appreciate the cooperation of the Senator from Wisconsin in clearing them up.

Mr. PERCY. In the Housing and Urban Development Act of 1968, the Congress reaffirmed its national commitment of providing 26 million housing units within the next 10 years. It was deeply gratifying to me that this legislation received broad support from both sides of the aisle and from conservatives and liberals alike. I look upon the large affirmative vote of last year as a congressional vote of confidence for this new program.

However, as a member of the Senate Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee, I know not only of the pressing need for these 26 million housing units and our Nation's desire to provide them, but also of the serious problems we face in achieving our goal. One problem—the shortage of mortgage credit—has most unfortunately resulted in spiraling increases in home prices, interest rates, and rents—all of which place a burden on those who can least afford it.

The bill we have before us would take an important step forward in alleviating the difficult situation we have encountered. It would provide authority for $3 billion additional Treasury funds to the savings and loan industry. The sense of the Congress, as expressed in the Senate report, is that such legislation would assist in stabilizing the mortgage market during times of tight money.

Enactment of S. 2577 is useful as a partial step to assure that we do not abandon our housing goal during periods of restrictive monetary policy. We must be certain that our housing sector does not bear the brunt of inflation.

Therefore, let us keep moving forward to solve one of our most critical domestic problems—providing housing to those in need with S. 2577 as a useful tool.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the time for the vote on final passage of the pending measure arrives, the vote occur at approximately 2:30 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President knowing that the amendment will not be approved and having cleared up the differences between the bill language and language in the report on the bill, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BENNETT. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 7, line 14, after the semicolon insert "and".

On page 7, strike out lines 15 through 17.

On page 7, line 18, strike out "(4)" and insert "(3)".

On page 7, beginning with line 20, strike out all through line 14 on page 12.

Renumber succeeding sections accordingly.

Mr. MANSFIELD. Mr. President, at the conclusion of the discussion on the pending business, if no Members wish to make remarks on other subjects, it is the intention of the leadership to ask unanimous consent that the Senate stand in recess from that time until 2:15 this afternoon. This is just to serve notice that it is our intention to do that.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed a joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 589) expressing the support of the Congress, and urging the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the international biological program, was read twice by its title and referred to the Committee on Foreign Relations.

DEPOSIT RATES AND MORTGAGE CREDIT

The Senate resumed the consideration of the bill (S. 2577) to provide additional mortgage credit, and for other purposes.

Mr. BENNETT. Mr. President, I yield myself 8 minutes.

I have sent to the desk an amendment striking section 2 from the bill.

Section 2 introduces a totally new concept of Federal control of State-chartered institutions which are not federally insured. I believe that it is an unnecessary intrusion of Federal authority into State matters that do not affect national policy objectives. As has been discussed earlier, the provisions of section 2 set up immediate authority for the Federal regulatory agencies to limit the rate paid on time and savings deposits in nonfederally insured institutions until July 31, 1970. The maximum rate which could be paid in a State where this authority is used would be 5½ percent until July 31, 1970, or until the legislature of the State acted to provide rate control authority to a State agency similar to authority now held by Federal regulatory agencies. The provisions of this section would apply only in the State of Massachusetts, because it is the only State in which the assets of nonfederally insured institutions exceed 20 percent of the total. In most States, assets in nonfederally insured institutions are a very small percentage of the total. Some institutions in Massachusetts are now paying in excess of 5½ percent, while federally chartered or insured institutions cannot exceed that rate.

I am aware of the problem which brought about the proposal for Federal rate control of institutions other than those chartered or insured by a Federal agency. In 1966, we established authority for Federal agencies to limit the rates that could be paid by savings and loan associations and banks. This was done to prevent excessive competition for funds between commercial banks and savings and loan associations.

In imposing this limitation the Congress deliberately gave an advantage to thrift institutions and during the last 12 months time deposits in commercial banks have declined by nearly $9 billion while deposits in mutual savings banks and savings and loan associations have increased by nearly $8 billion. I supported that legislation on the grounds that it was necessary because of a particular crisis. I cannot, however, support the extension of that authority to institutions which are not under Federal jurisdiction.

Membership in the Federal Deposit Insurance Corporation or the Federal Home Loan Bank System has always been voluntary for State-chartered institutions. There is valid basis for imposing Federal regulation on State-chartered savings and loan institutions which have elected to take advantage of the benefits of the Federal Home Loan Bank System, and State banks which have elected to become part of the Federal Reserve System or members of the Federal Deposit Insurance Corporation. A case might even be made for Federal control if it could be shown that lack of Federal control over noninsured, nonmember State institutions had interfered with national policy objectives. That has not been shown nor has any evidence supporting such a conclusion been presented. In fact, Chairman Martin of the Federal Reserve Board testified in our hearings that, "Our ability to use monetary policy as an economic stabilizing device has not been seriously weakened in recent years by the ability of the noninsured thrift institutions to pay higher rates than the insured banks and savings and loan associations."

The problem which brought about this provision is primarily limited to the State of Massachusetts, and the requirements of the section are also limited to that State. It has been argued that State-chartered institutions which are allowed to pay higher rates on certain types of deposits than allowed under Federal regulation for Federal institutions are siphoning funds from the Federal institutions not only in Massachusetts but also from neighboring States. It is true that institutions allowed to pay higher rates are growing at a more rapid rate than the national average of similar institutions and more rapidly than federally controlled institutions in Massachusetts. There is no conclusive evidence, however, that these institutions are drawing funds from other institutions solely because they are not subject to the same rate controls. There are many factors which could account for the difference. No clear case can be made either way. Even if the rate differential were the sole cause for the difference in deposit growth, putting a similar ceiling on Massachusetts institutions would not necessarily improve the position of other institutions presently under Federal rate control. It is a fact that the Federal control on rates that can be paid by financial intermediaries has resulted in a diversion of funds away from savings deposits into other investment opportunities offering a significantly better return. If Massachusetts institutions have been able to stem the disintermediation through a slightly higher rate and if they can afford to pay the higher rate without jeopardizing their institutions, this represents a net gain not only to savers and to the institutions involved, but also to the housing industry in Massachusetts and surrounding areas because of the added capacity to make mortgage loans.

The committee report stresses the importance of mortgage financing and the disintermediation that takes place during periods of tight monetary policy. Indeed, this bill could add to the disintermediation and thus result in a decrease in mortgage money. To a question during our hearings, Chairman Martin of the Federal Reserve Board supplied the answer that—

> Our research studies have shown that marketable fixed-income securities are relatively good substitutes for savings accounts at thrift institutions, and the attractive yields on these securities in 1969 have served to attract funds that would have otherwise gone to both federally regulated and other thrift institutions.

What is needed to reduce disintermediation is an increase in the rate that all financial intermediaries can pay for deposits, not a decrease.

Restriction by Federal authorities on the rate that can be paid by banks, savings and loan associations, and mutual savings banks has resulted in disintermediation in all financial intermediaries greater than would have been the case in the absence of rate controls. Those who are rate conscious, and savers are becoming more rate conscious, can presently obtain 7 or 8 percent on market securities as compared with a rate of 4¾ to 5½ percent that can be paid by financial intermediaries.

It is argued that we need more money in the housing market. This proposal will certainly not add more mortgage money. It can only reduce it. It has been argued that if we do not provide for controls on savings similar to those now limiting the amount that can be paid by federally insured institutions, many Federal institutions may change their charters to State charters. Massachusetts law requires that institutions must be able to earn the amount being paid in dividends. There is no indication that Massachusetts firms paying higher than the Federal limits are not as financially sound as those which are paying the lower rates. The argument that Federal institutions will change their charters to

State charters either means that these institutions could pay more than they are now being allowed to pay or that these institutions are not as efficient as their State counterparts. In either event, I do not feel that the solution is to reduce the rates being paid to savers.

I realize that the Senator from Massachusetts (Mr. BROOKE) has attempted to work out a compromise which would avoid direct Federal rate control over Massachusetts institutions. The compromise proposal contained as section 2 in this bill is better than Federal rate control without any possibility for the State to alleviate itself of that burden, but the fact remains that this compromise, too, provides direct Federal rate control and prohibits State institutions from paying rates which they are financially able to pay to savers.

We have now had Federal rate controls for 3 years. The rates being charged for loans by banks, mutual savings banks, and savings and loan associations have increased significantly during that period. Yet the amount that can be paid by these institutions for savings has been held down by Federal authorities. No information was provided during our hearings showing that financial intermediaries cannot pay a higher rate than they are now paying and still remain solvent. If a higher rate were allowed, as I think it should be, savers would benefit, there would be an inducement to save rather than to spend for consumer goods, and the problem of establishing Federal controls over State institutions would be alleviated.

When it was alleged that federally chartered or insured institutions were losing deposits to State-chartered institutions in Massachusetts, the Chairman of the FDIC allowed federally insured mutual savings banks to increase the rates which they pay on deposits. I do not think that he would have taken this action if he felt it would jeopardize their solvency, since the FDIC insures depositors in these mutual savings banks, that their deposits up to $15,000 will be repaid even if the institution in which they have placed the deposits is forced into bankruptcy.

Before we move to restrict, by Federal law, the amount that can be paid by State associations, I wish that our committee might have been given statistical information on the financial condition of the federally chartered institutions to show us whether or not they could meet the competition of State institutions on the payment for savings.

At this time I would like to make the point that as between the original proposal and the substitute developed by the Senator from Massachusetts, I would prefer the Senator's substitute.

Mr. BROOKE. Mr. President, I rise today to address issues which are of utmost importance to me: The need to provide additional mortgage money at a time when this Nation's housing industry is in dire straits; and the need to prevent the extension of Federal rate regulation to State banking activities which are not presently regulated by the Federal Government.

Senate bill 2577 contains a series of provisions—some being very beneficial to the mortgage market and essential to this Nation's financial stability and others being of marginal utility at this time. Section 1 of the bill would extend until September 22, 1970, flexible authority to regulate the rates of interest paid by financial institutions on time and savings deposits. This authority was first enacted by Congress during the 1966 "credit crunch" to restrain excessive competition for funds by commercial banks and savings and loan associations. While the operation of a free market would certainly be preferable to the presence of such ceilings, present conditions require the extension of this authority in order to avert the possibilities of a rate war between the banks and savings and loan associations. Unrestrained competition could have disastrous effects upon the supply of mortgage credit at a time when it is already exceedingly scarce.

Section 2 of S. 2577 would extend Federal deposit rate control authority to nonfederally insured financial institutions in a two-step process. Prior to July 31, 1970, Federal financial agencies would have authority to prevent the rates paid by nonfederally insured institutions from exceeding 5½ percent. After that date, full rate control authority would go into effect until September 22, 1970, unless renewed by the Congress. Section 2 also provides that either form of rate control authority will be lifted if, under the laws of the State in question, a State bank supervisory agency has comparable rate control authority and issues regulations in the exercise of that authority.

Section 2 was drawn in such a way that Federal rate control authority over nonfederally insured thrift institutions is confined to one State, Massachusetts. I have given a great deal of time and study to the problems underlying this section and have concluded that it represents a reasonable compromise on the part of the interested parties. I also believe that it represents a long-run solution to the problems which prompted the introduction of this section by Senator PROXMIRE.

Savings institutions in Massachusetts which are not subject to Federal rate control comprise approximately 60 percent of total deposits. Currently, these institutions are paying an average of 5.34 percent on "special notice accounts"; whereas, Federal savings and loans and some cooperative banks, which are members of the Federal Home Loan Bank system, are limited to 5 percent on such accounts. The Federal Deposit Insurance Corporation (FDIC) has permitted eight mutual savings banks under its control to pay a rate which is competitive with that paid by State thrift institutions. Thus, Federal Savings and Loans and certain Cooperative Banks which have voluntarily elected to become members of the Federal Home Loan Bank system are at a competitive disadvantage vis-a-vis the State thrift institutions because of restrictions placed on those institutions by the Board.

There has been considerable pressure brought to bear on certain members of the Senate Banking and Currency Committee to remove the disparity by extending Federal rate control. Several issues have been raised in opposition to such action. Among them are the fact that both Federal and State thrift institutions in Massachusetts are suffering substantial savings drains because of higher rates paid in the bond market and other money markets. To further curtail the rate of interest which these institutions can pay on deposits, would result in a diversion of funds from both types of institutions to other higher yielding investments. In addition, the dual banking system which has operated so successfully in Massachusetts must not be encroached upon by Federal regulatory measures unless it is clearly demonstrated that the State is incapable of coping with its own problems. Following lengthy consideration of these issues the carefully devised compromise measure already discussed has been adopted by the Senate Banking and Currency Committee and, I believe, warrants the approval of my colleagues in the Senate.

It is hoped that enactment of this section will result in responsible State legislation which will avert continued pressures to extend Federal rate control authority to State institutions. It is also hoped that the Federal Home Loan Bank Board will see fit to permit thrift institution under its control to pay competitive rates in Massachusetts.

Section 3 of S. 2577 increases from $1 to $4 billion the authority of the Home Loan Bank system to borrow from the Treasury. It also specifies that it is the sense of the Congress that this authority be used to help stabilize the mortgage market during periods of tight money. The funds borrowed from the Treasury would be reloaned by the Federal Home Loan Bank Board to those savings and loan associations whose supply of funds are substantially impaired. In summary, the borrowing authority provided under this section could produce substantial beneficial effects when mortgage activity is at a standstill and when housing goals continue unsatisfied.

Section 4 of the bill permits the Federal Reserve Board to strengthen its administration of regulation Q so as to preclude commercial banks from raising funds indirectly through holding company affiliates at interest rates higher than the rate ceilings permitted under that regulation. Although the Federal Reserve Board can presently bring this kind of borrowing within the regulation Q ceiling, the Senate Banking and Currency Committee felt that clarification of this authority was necessary. I concur in the committee's judgment that this loophole must be closed to insure that Federal regulations are not circumvented.

Under section 5, the Federal Reserve Board would be given additional authority to establish higher reserve requirements on Eurodollar borrowings from foreign-owned banks. During recent months it has become evident that large commercial banks have been able to circumvent the Federal Reserve Board's monetary policy by drawing on dollars held on deposit at banks outside of the United States. Presently, the Federal Reserve Board is able to establish a 10-percent reserve requirement on additional Eurodollar inflows; however, the 10-percent figure is generally deemed to be inadequate. Accordingly, this section would permit the Board to establish reserve requirements of up to 22 percent. The Federal Reserve has concurred in the need for this additional authority, and I believe the committee's judgment in extending the authority is justified by the facts presented.

Finally, sections 6 and 7 would provide authority for a voluntary credit restraint program. I voted against adoption of these provisions because the administration has indicated it does not need such tools and, in fact, believes that enactment might have a negative impact. While many economists are optimistic about the effects of anti-inflationary policies presently being employed, I have also heard a growing number of businessmen express concern about the administration's reluctance to utilize moral suasion. I sincerely hope that in the months to come, key Government leaders will actively seek cooperation on the part of business and labor to stabilize wages and prices as a means of easing inflationary pressures.

In conclusion, I commend my very able colleague, the Senator from Wisconsin (Mr. PROXMIRE), on his fine efforts with respect to this piece of legislation, and the Senator from Utah (Mr. BENNETT) for his usual careful scrutiny of legislation. Although I do not agree with every provision, I believe that the thrust of the bill—providing additional mortgage credit—is a commendable purpose which must not go ignored by the 91st Congress. As homeowners, lenders, builders, and construction workers will attest, the housing industry is in dire straits. It must receive relief if we are to avert a further slowdown in housing starts and reverse serious trends which are reducing prospects of realizing the 1968 housing goal of "a decent home for every American."

Mr. PROXMIRE. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. PROXMIRE. I commend the distinguished Senator from Massachusetts on this section of the bill. He acted as chairman of the committee and conducted the hearings on this section of the bill. He has worked out a Solomon-like compromise under very difficult circumstances. I know how difficult it was because there were contending groups within his State.

I should like to ask the Senator from Massachusetts, is it not true that the purpose of regulation Q is to provide for protection against the flow of savings out of institutions which finance homebuilding and into commercial banks such as we experienced before we had regulation Q; that money flowed out of savings and loan institutions when we had the credit crunch, and interest rates went up. We do need regulation Q, in the judgment of many, at least as a temporary expedient, but the Senator has the situation in Massachusetts that the mutual savings banks get a benefit from the regulation Q ceiling; in other words, they are protected against potentially stiff competition from commercial banks but, on the other hand, the Massachusetts mutual savings banks are free from regulation Q and have unlimited freedom to compete against controlled institutions so that they get the benefit but they pay no cost. They are free riders, in a sense. As a matter of equality, they should be subject to the same kind of controls.

Mr. BROOKE. Well, to a degree, I would agree with the Senator from Wisconsin. I certainly admit that regulation Q has been effective and has been helpful in keeping the flow of money from going out of federally controlled banks to the mutual savings banks. But the mutual savings banks have derived some benefit as a result of regulation Q, as the Senator said. The fact remains that we do have an unusual dual banking system in the Commonwealth of Massachusetts, of which I think the Senator is well aware. Under this compromise provision, we are asking the Massachusetts General Court—which is the legislative body of the State of Massachusetts—to enact legislation which will give the State banking commissioner or the banking agency authority to establish rate ceilings on thrift institutions which are not federally controlled.

Mr. PROXMIRE. It seems to me there is special merit in the provision because it does not usurp State authority and does not have the Federal Government move in with an edict from Washington. The section provides the opportunity for State regulatory authorities to act themselves when they see fit.

Mr. BROOKE. Mr. President, in addition, if the State does not act by July 1970 the Federal controls will apply to the thrift institutions in the Commonwealth of Massachusetts as well, but at least it is giving the State the opportunity to act in this field. If they do not act, then the Federal Government will step in. This is a condition and a provision under which they can live. As the Senator has very well said, and I am grateful for his comments, we have had a knotty problem, a rather unusual problem, and we have solved it in the best interests of the dual banking institutions and in preserving State authority.

Mr. PROXMIRE. I thank the Senator from Massachusetts.

Mr. BROOKE. I thank the Senator from Wisconsin very kindly.

Mr. BENNETT. In deference to the Senator from Massachusetts—having expressed my opposition to the proposal to the extension of Federal rate control over State chartered now federally insured institutions—since the provisions of this bill apply only in his State I am prepared to withdraw my amendment.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The amendment is withdrawn.

Mr. WILLIAMS of New Jersey. Mr. President, I support S. 2577 and particularly section 3 which authorizes the home loan bank system to borrow up to $4 billion from the Treasury during periods of tight money. This provision should enable the average home buyer to obtain a mortgage loan during a credit shortage at rates he can afford to pay. I fully agree with the need to curb inflation. But we should not expect the American home buyer to carry the full load in fighting inflation.

The present law, enacted 19 years ago, authorizes the home loan banks to borrow up to $1 billion from the Treasury. The Subcommittee on Financial Institutions recommended that this authority be increased to $2 billion. When the full Banking and Currency Committee considered the bill, I offered an amendment increasing the borrowing authority to $4 billion. The committee approved this amendment and it is included in the legislation before the Senate today.

Mr. President, Congress established the home loan bank system in 1933 to help revive the depressed homebuilding industry. Today its tasks are no less urgent. The home loan banks serve as central banks for savings and loan associations. The main job of the home loan banks is to borrow funds in the national money market and reloan them to neighborhood savings and loan associations. This enables the small, local savings and loan associations to obtain funds for making mortgage loans whenever regular savings deposits are not enough. Since savings and loan associations supply about half the mortgage loans in the United States, they obviously are of crucial importance to the home buyer. By the same token, the home loan banks, which stand behind savings and loan associations, are equally important to the home buyer.

As long as the home loan banks can raise all the funds needed by savings and loan associations, the system works reasonably well. But during a period of tight money, the home loan banks must pay more for their funds. This added cost must be passed on to savings and loan associations, who in turn must pass it on to the home buyer. Thus developments in the New York money markets are transmitted swiftly to hundreds of thousands of home buyers across the Nation.

When interest rates rise too high, the home buyer is either squeezed out of the market or forced to pay an onerous rate. It is at this point that Treasury borrowing authority can help ease the burden on the home buyer. The home loan banks can borrow from the Treasury at a lower rate than they would have to pay in the open market. The difference can be as much as 1 percentage point and is due primarily to the fact that the bonds the Treasury issues to finance the loan to the home loan banks have greater investor acceptance.

From the Federal Government's standpoint it makes little real difference whether the home loan banks borrow directly from the market or indirectly through the Treasury. Both the Treasury and the Home Loan Bank Board are agencies of the Federal Government and the treatment of their debt is largely a bookkeeping matter.

However, it is much more than a bookkeeping matter to the home buyer. The savings resulting from the lower cost Treasury borrowing can reduce his monthly mortgage payments by $15 a month. This may not sound like much, but to a young family just starting out it can spell the difference between owning a home and not owning a home.

If interest rates keep accelerating, the home buyer will soon be paying 9 or even 10 percent interest. Moreover, if he is not permitted to refinance except at a stiff penalty, he is locked into these high rates for 25 or 30 years. The timely use of Treasury borrowing authority can prevent the relentless increase in mortgage interest rates and permit thousands of American families to realize the goal of homeownership.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. PROXMIRE. Mr. President, it is quite possible that the President of the United States, Richard M. Nixon, may be here at approximately 2:15 o'clock p.m.

I, therefore, ask unanimous consent that the Senate stand in recess, subject to the call of the Chair. The Senate will be reconvened, as I understand it, between 2 and 2:15 o'clock this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 1 o'clock and 29 minutes p.m., the Senate took a recess subject to the call of the Chair.)

(At 2 o'clock and 23 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer, Mr. Saxbe in the chair.)

VISIT TO THE SENATE BY THE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. The Senate will come to order. Subject to the previous order, the Chair directs the Sergeant at Arms to clear the Chamber of all staff personnel not immediately concerned with the business of the Senate. The Sergeant at Arms is directed to carry out this order at this time.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee to escort the President of the United States into the Senate Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair appoints the President pro tempore (Mr. Russell), the majority leader (Mr. Mansfield), the minority leader (Mr. Scott), a committee to escort the President of the United States into the Senate Chamber.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The President of the United States, escorted by the Secretary of the Senate and the Sergeant at Arms, and accompanied by the committee appointed by the President pro tempore, entered the Chamber.)

The PRESIDING OFFICER (Mr. Saxbe in the chair). The Senate is pleased to welcome the President of the United States, who will now address the Senate.

[Applause, Senators rising.]

(At this point the President pro tempore of the Senate assumed the chair.)

The President of the United States, from the rostrum, addressed the Senate as follows:

The PRESIDENT. Mr. President, and my colleagues in the Senate, I can use that term because I shared the opportunity of serving in this body, and I always feel that I belong here whenever I have the chance to return.

I do want to say on this occasion that this is only the second opportunity I have had to speak in this Chamber since I presided over this body; and as you know, the Presiding Officer has very little chance to speak. He makes a few rulings, but not often does he speak.

In speaking to you, I shall do so only briefly, but I do feel that at this time, with the calendar year nearing an end, it would be well to refer to the relations between the executive and the legislative branches of our Government.

When this administration came into office on January 20, we had a problem with regard to those relationships, which had really existed for nearly a hundred years, after an election—the President a member of one party, and both Houses controlled by members of the other party.

Of course, the usual dire predictions were made that, under that situation, progress would grind to a halt, and that whether it was domestic or foreign policy, we would not be able to give the Nation the kind of government that the Nation should be entitled to under our system.

I think the predictions have proved to be wrong. I do not mean to suggest, as I indicated in, I thought, a temperate message to Congress a few weeks ago, that there are not some areas where the executive would appreciate more action on the part of the legislative branch of the Government. But I do say this: I look back over these months with great appreciation for the fact that on some of the great national issues and on the great international issues involving the security of the Nation, we not only have had consultation, but we have had support.

I also want to recognize a fact of life—a fact of life that I learned when I was in the Senate and when I presided over it: Senators, more so than Members of the House of Representatives, are individuals. Senators have a great pride, and rightly so, in their right to make up their own minds with regard to the propositions that are sent to them by the executive branch of the Government. This is true whether they are members of the President's party or not members of the President's party.

I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Members of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.

This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.

I would address a very brief remark to a subject that I had an opportunity to discuss with the majority leader this morning at breakfast, and then with Members of the leadership at lunch today.

In the next few months, a number of matters will be undertaken on the world scene, some of which will require not only Senate consultations, but also, if there is agreement among world powers, including ourselves, Senate advice and consent.

This administration wants to develop a relationship in which we will have that consultation, and in which we will have the advice, not just the consent. This is not always easy, because, when such negotiations take place—negotiations involving, as is the case in the strategic arms limitation talks which will begin next week, the very future, not only of this Nation but of all of the nations in the world who depend on America's power for their own security—we must recognize that it is vitally important that the position of our negotiators not be weakened or compromised by discussions that might publicly take place here—discussions that could weaken or compromise us with those representing the other side.

On the other hand, recognizing the role of the Senate, recognizing the importance of getting the best ideas and the best thinking of the Members of this body on both sides of the aisle on these great matters, we are attempting to set up a process—a process in which we can consult, in which we can get your advice, and, at the same time, not weaken the position of our negotiators as they attempt to meet the goals of this Nation—the goal of limiting arms and the goal of a just and lasting peace.

Finally, on one other point: I am very grateful for the fact that a number of Members of the Senate—more than 60—have indicated by a letter to Ambassador Lodge their support of a just peace in Vietnam and their support of some of the proposals I made in my speech of November 3 on that subject. I am grateful for that support; and, at the same time, while being grateful for the support of more than half the Members of this body, I also have respect for those who may have disagreed with the program for peace that I outlined.

I know that this war is the most difficult and most controversial of any war in the Nation's history. But I know that while we have our differences about what is the best way to peace, there are no differences with respect to our goal. I think Americans want a just peace; they want a lasting peace. It is to that goal that this administration is dedicated and that I am dedicated.

I may say this in conclusion: That in the next few months we hope that progress—we know that progress—will be made toward that goal. I am sure, as I stand here, that we are going to reach the goal of a just and lasting peace in Vietnam, one that will, I trust, promote rather than discourage the cause of peace not only in Vietnam but in the Pacific and in the whole world. As that happens, I want everyone in this great Chamber to know that when it happens it will not be simply because of what a President of the United States may have been able to do in terms of leadership; it will happen, and it will only have happened, because the Members of this body and the Members of the House of Representatives, in the great tradition of the Nation, when the security of America is involved, when the security of our young men is involved, and when peace is involved, have acted and have spoken not as Democrats or Republicans but as Americans.

It is in that spirit that I address you today. It is in that spirit that I ask, not for your 100-percent support, which would not be a healthy thing for me personally, for this country, and certainly not for this body; but I ask for your understanding and support when you think we are right and for your constructive criticism when you think we are wrong.

I thank you very much.

[Applause, Senators rising.]

(At 2 o'clock and 48 minutes p.m. the President, accompanied by the Committee of Escort, retired from the Chamber.)

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate Chamber will be in order.

DEPOSIT RATES AND MORTGAGE CREDIT

The Senate resumed the consideration of the bill (S. 2577) to provide additional mortgage credit, and for other purposes.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF), are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), and the Senator from Connecticut (Mr. RIBICOFF), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Iowa (Mr. MILLER) is absent on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Iowa (Mr. MILLER), would each vote "yea."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 70, nays 13, as follows:

[No. 153 Leg.]

YEAS—70

Aiken
Allen
Baker
Bayh
Bible
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cook
Cotton
Cranston
Curtis
Dodd
Eagleton
Eastland
Ellender
Ervin
Fong
Gravel
Griffin
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Moss
Mundt
Murphy
Nelson
Packwood
Pastore
Pell
Percy
Prouty
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—13

Allott
Bellmon
Bennett
Cooper
Dole
Dominick
Fannin
Gurney
Hansen
Jordan, Idaho
Pearson
Smith, Maine
Williams, Del.

NOT VOTING—17

Anderson
Boggs
Burdick
Church
Fulbright
Goldwater
Goodell
Gore
Magnuson
McCarthy
McGovern
Miller
Montoya
Muskie
Ribicoff
Thurmond
Tower

So the bill (S. 2577) was passed.

Mr. COTTON subsequently said: Mr. President, I entered the Chamber late and cast my vote on the last rollcall under a misapprehension. I ask unanimous consent that my vote be changed from "yea" to "nay."

The PRESIDING OFFICER. Without objection, it is so ordered.

(The corrected result of the vote is as follows: yeas 69, nays 14, not voting 17.)

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PROXMIRE. I move to lay that motion on the table.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the mortgage credit measure just adopted by the Senate represents another major achievement for the distinguished senior Senator from Wisconsin (Mr. PROXMIRE). His outstanding advocacy, his careful preparation, and his able and effective legislative skill assured the overwhelming acceptance of this proposal. May I say that such a success for Senator PROXMIRE is characteristic of the results obtained on any proposal that wins his endorsement and leadership. The Senate is deeply grateful.

The Senate is grateful as well for the splendid cooperation offered by the distinguished senior Senator from Utah (Mr. BENNETT) during the consideration of this measure. His views on certain features of the proposal differed from those of a majority of the Committee on Banking and Currency—from which this measure was reported—but, nevertheless, he urged them strongly and most sincerely. He is to be commended.

Finally, I wish to thank the Senate as a whole for joining to dispose of this measure expeditiously and with full consideration for the views of each member.

CONTINUING APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 522, House Joint Resolution 966.

The **PRESIDING OFFICER** (Mr. **COOK** in the chair). The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations with an amendment on page 5, line 22, after "(c)", strike out "five days subsequent to the sine die adjournment of the first session of the Ninety-first Congress," and insert "December 6, 1969,".

Mr. **RUSSELL**. Mr. President, this is not a continuing resolution in the normal use of that term. It goes far beyond the customary continuing resolution.

In past years, it has been the practice merely to extend the effective date of the continuing resolution and not to change the rate of obligation for continuing projects to reflect further congressional progress on the various bills. This year, however, the House of Representatives made two departures from this customary procedure:

First. It provided, as proposed by the House committee, that the rate of obligations for the continuing projects and activities be determined by the current status of the pertinent appropriation bill for fiscal year 1970 rather than the status at the time of the original resolution, June 30, 1969.

Second. Without the approval of the House Committee on Appropriations, the House of Representatives voted to continue programs under the Office of Education at the highest rate, which is the rate of the 1970 fiscal year appropriation bill as it passed the House of Representatives in July.

The rate of obligation for all continuing activities and programs of the Government for which the regular 1970 appropriation has not been made available is explained in detail in the report which has been filed with the Senate by the committee.

The provision authorizing the Office of Education to incur obligations based on the appropriations provided in the House-passed Departments of Labor and Health, Education, and Welfare appropriation bill is a matter of great concern to the committee and the Senate. This action is, in effect, the enactment of a separate appropriation for the Office of Education at a time when the regular annual appropriation bill is pending in the Senate subcommittee on the Departments of Labor and Health, Education, and Welfare, under the chairmanship of the distinguished senior Senator from Washington (Mr. MAGNUSON).

Sound legislative procedure dictates that the committee and the Senate have the benefit of the hearings and the recommendations of the subcommittee on these education programs. Through the provision in the House-passed resolution, this has been denied to the Senate. Speaking as chairman of the committee, I want to serve notice to everyone concerned that I do not intend to report any measure with such a provision in the future. This policy which I have just announced has the unanimous approval of the Democratic policy committee and the Republican leadership of the Senate.

It can only be justified due to the fact that the failure to enact some resolution providing funds for the Department of Defense would make it impossible to pay the Navy and Air Force personnel who have a payday on November 14. That is a matter of great concern to the lower ranks in the Service. They live from month to month; they depend on their pay and housing allotments; and their pay is not exorbitant.

The Senate committee was persuaded by the importance of that particular condition to go ahead in this instance with this resolution. We shall not do so in the future.

I wish to point out, Mr. President, that the President of the United States on August 12 of this year made a statement in which he reiterates his intention not to spend in this year any funds appropriated in excess of his budgetary estimates in April of this year until after he has reviewed all of the appropriation bills.

Mr. President, I ask unanimous consent that a portion of the statement by the President be printed in the RECORD at this juncture as a part of my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATION

(Statement by the President on the Action of the House of Representatives adding to the recommended budget, August 12, 1969)

Let me reiterate my intention not to spend in this fiscal year any funds appropriated in excess of my budgetary estimates of April this year. No commitments will be made to spend these additional appropriations until the Congress has completed action on all appropriation bills and revenue measures.

At that juncture we will be in a position to measure the economic circumstances we confront, to determine which programs must be cut by the executive to accommodate increases made available by the Congress and which programs have received compensatory cuts by the Congress to offset the increases. Then, consistent with my obligation under the Constitution and the laws, I will not spend funds in excess of the expenditure ceiling.

In short, I have pledged fiscal responsibility. The Congress has imposed an expenditure ceiling; I have myself accepted the spirit of the ceiling and pledged this administration to respect a ceiling for this fiscal year of $192.9 billion.

Let the Congress and the country understand that I shall keep that commitment. I trust that the future actions of Congress will be consistent with its own commitments to fiscal responsibility.

Mr. **RUSSELL**. Mr. President, we are faced here, though, with this condition. However, in the future the other body will know that they are assuming a responsibility for any delay or any confusion in the operation of the Government if they include in a continuing resolution anything other than the standard provisions to provide for the continuation of continuing projects and activities.

I do not think there is any further statement required, Mr. President. Under the circumstances I do not see that we have any alternative other than to pass this resolution.

Mr. **YOUNG** of North Dakota. Mr. President, as the ranking Republican on the Committee on Appropriations, and a long time friend of the chairman, the Senator from Georgia (Mr. RUSSELL), I concur wholeheartedly in the views he has expressed. It is not a question of the amount of money being appropriated through this unusual procedure for education.

The Senate through all the years I have been on that committee has been more liberal with education funds than the House, so had any regular procedure been followed, it probably would have resulted in more money for education and not less.

It is the procedure to which I object. Here they send over a continuing resolution adding almost $1 billion new money without any opportunity whatever for Members of the Senate and others to be heard, hearings to be held, or the public to be adequately informed.

Mr. President, I would rather resign from the Committee on Appropriations if a procedure or policy is ever adopted, the precedent for which is being set now, where both sides of every issue could not be heard.

Those following this undemocratic procedure would be the first to be heard from and the first to holler and the loudest if a cut came over from the House of $1 billion and they had no chance to be heard. It is this undemocratic procedure to which I so strenuously object. I shall never again vote for a continuing resolution which contains an item such as this.

Mr. **ALLOTT**. Mr. President, the distinguished chairman of the Committee on Appropriations and the distinguished ranking minority member have spoken the minds of all of us on the Committee on Appropriations. This represents a most unfortunate and, to me, a dangerous situation.

Members of the Senate are already aware that historically the purpose of a continuing resolution has been to provide stopgap measures necessary to keep essential Government functions operating on a rationally minimum basis between July 1 and the enactment of the regular authorization and appropriations bills. Originally, they were designed to preserve the integrity and options of the regular authorization and appropriation processes in the committees in both Houses of Congress. Unfortunately, however, the manner in which the 91st Congress has discharged its responsibilities during this first session has fallen far short of any reasonable expectation.

Despite repeated admonitions by many of us in the Senate, the continuing resolution now before us provides the only vehicle by which continued funding of the functioning of our Government can continue. I have spoken repeatedly both here in the Senate and elsewhere with regard to the tremendous inefficiency which results from this kind of failure to deal promptly and forthrightly with the appropriations process.

In order to dramatize the chaotic condition which affects the status of our appropriations during this session of Congress, I ask unanimous consent to have printed in the RECORD at this point a table of the status of these appropriation bills as of today.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATUS OF APPROPRIATION BILLS, 1ST SESS., 91ST CONG.

Number of bill	Short title	Passed House	Received and referred in Senate	Reported in Senate	Passed Senate	Sent to conference	Conference report agreed to in—		Date approved	Number of law
							Senate	House		
H.J. Res. 414	Labor supplement	Feb. 6			Feb. 7				Feb. 9	91-2
H.J. Res. 584	Commodity Credit Corporation supplemental	Mar. 25	Mar. 26	Mar. 26	Mar. 27				Apr. 1	91-7
H.R. 11400	2d supplemental	May 21	May 23	June 11	June 19	June 24	July 9	July 9	July 22	91-47
H.R. 11612	Agriculture, 1970	do	do	do	July 7	Oct. 9				
H.J. Res. 782	Continuing, 1969	June 17	June 17		June 17				June 18	91-31
H.J. Res. 790	Continuing, 1970	June 24	June 24	June 25	June 25				June 30	91-33
H.R. 12307	Independent offices, 1970	do	June 25	Nov. 6	Nov. 11					
H.R. 12964	State, Justice, Commerce, 1970	July 24	July 25	Nov. 3	Nov. 5					
H.R. 13111	Labor, HEW 1970	July 31	Aug. 4							
H.R. 13763	Legislative, 1970	Sept. 19	Sept. 22	Oct. 16	Oct. 21	Oct. 23				
H.R. 14159	Public works	Oct. 8	Oct. 9	Nov. 10	Nov. 12					
H.J. Res 966	Continuing, 1970	Oct. 28	Oct. 28							

Mr. ALLOTT. Mr. President, the aspect of the continuing appropriations resolution now before us which causes particular concern to me is found on pages 4 and 5 of the resolution wherein it is stated:

> *Provided*, That in the case of activities for which appropriations would be available to the Office of Education under the Act making appropriations for the Departments of Labor, Health, Education and Welfare for the Fiscal Year 1970, as passed by the House, the amount available for each such activity shall be the amount provided therefor by the House action.

This provision of House Joint Resolution 966, the so-called Cohelan amendment, was added on the floor of the House on October 28. The basic impact of the amendment is to provide funding for the Office of Education at the level contained in H.R. 13111 instead of the amount provided at the fiscal year 1969 level of appropriations. Basically, the language adds $649 million to the resolution allowing the Office of Education to operate funding for title I, Vocational Education, and Handicapped Children as provided for in H.R. 13111.

Mr. President, the facts are that the appropriate Senate appropriations subcommittee, under the chairmanship of the Senator from Washington (Mr. MAGNUSON), and the distinguished senior Senator from New Hampshire (Mr. COTTON), the ranking member of the Labor-Health, Education, Welfare Appropriations Subcommittee, is considering appropriations for the Office of Education today.

By coupling this particular provision to the continuing resolution now under consideration, the Senate is really deprived, frankly, of the opportunity to have its committee operate and work its will on the particular appropriations.

Many educators have talked to me, that they may, by urging this themselves, find themselves in a situation where, some day, they will be caught on the horns of the same dilemma, so that they might be deprived of a hearing in one House or the other.

Mr. President, I have spoken with the leadership on this side of the aisle, and they are unanimous in support of the position which the chairman and the ranking member of the committee has taken; namely, that we feel this is an unfortunate thing to do, that it should not constitute a precedent, that we will not consider it a precedent, and in the event this comes before us in any such shape again, it would be the disposition of the members of the committee, as I understand them, to support the chairman in the position he has taken.

Mr. SCOTT. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. SCOTT. I thank the distinguished Senator from Colorado for having discussed this matter with some of us. I agree with him that this is no way to legislate, that it bypasses the functions of the Senate and its committees, that it does not give us an opportunity for consideration or for careful examination of the various items.

Many of us are in sympathy with all or most of the goals sought for the funds included here, but I hope that it will clearly not be regarded as a precedent and that this method will not be resorted to again, because I entirely agree it is not in the best interests of getting good and carefully considered legislation.

I thank the Senator from Colorado for yielding to me.

Mr. ALLOTT. I thank the distinguished Senator from Pennsylvania.

Mr. MURPHY. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield to the Senator from California.

Mr. MURPHY. Do I correctly understand that there is no precedent for this procedure?

Mr. ALLOTT. There is no precedent, so far as I know. The distinguished chairman of the committee who has served on it for many years says he knows of no precedent for this procedure. May I inquire of the Senator from Georgia (Mr. RUSSELL) whether that is correct? Does he know of any precedent for this?

Mr. RUSSELL. There is no precedent of which I am aware. Certainly I know of none, and I have served on the Committee on Appropriations for 30-odd years.

Mr. MURPHY. It seems to me to be a contradiction in terms. If we have a continuing resolution, it would seem to me that that means we continue under existing provisions of a bill, and if in any way we change it, it becomes new legislation rather than a continuing resolution. Is that not a proper judgment of the matter?

Mr. ALLOTT. Yes, I think that is true. We are in a paradoxical situation. Without question, we would be foolish to deny it. We are, in fact, setting a precedent here without actually attempting to set a precedent. That is a very difficult thing to do. It is clearly the intent of every member of the Appropriations Committee, at least of those present when the resolution was reported yesterday.

Mr. MURPHY. The dilemma the Senator speaks of is one I am sensitive to, having been one of the proponents in the Committee on Education and the subcommittee, and one of the proponents of vocational education in many of the other programs. As a matter of fact, several programs I take original responsibility for. They are good programs, and programs that I would support, and may have to support. But I find myself terribly embarrassed to have to give that support in that manner, which denies the Senate its proper functions in the working out of this legislation.

Mr. ALLOTT. I am sure that the Senator is embarrassed. Like the rest of us, he has supported the legislation along the general lines of appropriations in these matters. Let me make it perfectly clear that the objection which all of us are voicing in this Chamber today is objection to the manner and the method in which it is being done.

Mr. MURPHY. I thank my distinguished colleague from Colorado.

Mr. COTTON. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. COTTON. Mr. President, the Senator from New Hampshire is the ranking minority member on the Subcommittee on Labor and Health, Education, and

Welfare of the Appropriations Committee. The chairman, the distinguished Senator from Washington (Mr. MAGNUSON), is unavoidably absent from the Chamber today and also from the committee.

We have been in session morning and afternoon, all day, and every day, for nearly 3 weeks. We are in session downstairs now and I am going to return there. We shall be in session all day tomorrow. We are trying to get the hearings ended and the bill reported as fast as possible.

Mr. President, I have not had his authority, but I am sure I am voicing the position of the chairman of the subcommittee when I make the statement I am about to make. We have 150 Government witnesses from the Department alone and over 100 outside witnesses. We, too, feel keenly, as does every member of the Appropriations Committee—and I think it could almost be said of every Member of this body—that this is a most unfortunate situation. If it is allowed to set a pattern or become a precedent, it could lead to the destruction of the appropriating process and congressional control of appropriations.

If it be any consolation or reassurance to those who will reluctantly vote for this, I would like to emphasize that this so-called continuing resolution is being sent back with an amendment which provides that the continuation and the added amounts will continue only until December 6, unless we should adjourn before that time, which seems to me unlikely.

Let me say, and I am sure that the Senator from Washington (Mr. MAGNUSON) would agree, that we intend, if we have to work day and night, to get the bill reported before that date so that we can go to conference.

Speaking for the Senator from New Hampshire only—I can assure you, Mr. President, that regardless of this extension, we shall exercise our own best judgment in the amounts of the appropriations and in the priorities among the appropriations that are temporarily continued on the House basis in this resolution. I am sure that when we report to the full Committee on Appropriations, they will do likewise.

So, in a sense, we are not closing the door. When the bill comes in, and we intend that it shall, just as soon as it is humanly possible, it will represent the independent judgment of our subcommittee, and then the independent judgment of the Appropriations Committee as a whole, without regard to the amount that is contained in the resolution.

I thank the Senator.

Mr. ALLOTT. I thank the distinguished Senator from New Hampshire, who, everyone knows, over the years has devoted so much time and constructive attention to these particular appropriation bills, on which subcommittee he is the ranking minority member.

I yield now to the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. WILLIAMS of Delaware. Mr. President, as I understand this controversy it all centers around a six-line amendment at the bottom of page 4 and the top of page 5.

Mr. ALLOTT. That is correct.

Mr. WILLIAMS of Delaware. It seems to me that since the Appropriations Committee and the Members of the Senate object to that proposal so much we should merely delete those lines and send the measure back to the House. Why accept it? Why not delete it, pass the resolution, and send it back to the House?

Mr. ALLOTT. I think the chairman of the committee ought to speak to that point, rather than I, because I am quite a way down the line in the Appropriations Committee; but he has already spoken to the fact that we face a deadline by tomorrow morning, when the checks will have to start to be issued for the various government agencies, which is shown starting on page 2 of the report of the committee. That is the only answer I can give him.

Mr. WILLIAMS of Delaware. I have heard that excuse or explanation before. But why do we always operate in this state of emergency? This continuing resolution came over to the Senate on October 28. As I understand it, the committee and most of the Senate were all against it. We had plenty of time to act. Why do we have to put it on a 24-hour deadline so that we have no choice but to pass it?

It seems to me that if there were that much objection to the resolution—and I do not question the sincerity of the objection—we should have acted earlier, sent it back to the House, and let them have the last 10 days to consider it. Or, better still, the appropriation bill itself came here on August 4. Why do we have this emergency? We extend it to December 6. Then we have another emergency. I wonder if, just once, we should not pass it 48 hours before the deadline.

Mr. ALLOTT. I cannot answer the Senator as to the reasons why this matter did not come up before this time, but I think there are practical matters in connection with the bill which the Senator realizes may not have made it possible to send it to the House.

Mr. RUSSELL. Mr. President, may I say to the distinguished Senator from Delaware that this is not a matter of frequent occurrence. This is the first time I know of that it has happened. The Senator has indicated it has happened time and time again. I do not know of any time in the past when such a provision has been here, or when we have had to operate under this particular caliber of gun.

There are two reasons that prompted me not to take the steps suggested by the Senator from Delaware. I shall not complain if the Senator offers the amendment, although I shall vote against it, if offered. One of them is that this amendment was adopted on the floor of the House over the objections of the Committee on Appropriations, by a majority of more than 50 votes. That would indicate there would be vigorous opposition to its deletion in the House. That would certainly delay the payment of some of the men in the armed services, to which I have referred.

Another is that there is a resolution pending in the Senate to the same purport or effect, that has some 35 Senators as cosponsors. So there is very strong sentiment in the Senate in favor of this proposal. However, it is highly objectionable to me.

As I have said, if the Senate wishes to vote it out, I shall not complain, but under all the circumstances, and with notice being served on the other body that if they do this in the future the responsibility is theirs—whereas today we have to share it—I thought it would be better to go ahead and pass the resolution.

Mr. WILLIAMS of Delaware. Mr. President, perhaps the Senator's argument is valid considering the situation we face today; but why could not we have gotten the resolution before the Senate a couple of weeks ago, deleted that provision, and sent it to the House? Then it would have been their responsibility.

I cannot conceive of the House not providing pay for the military unless they got $1 billion extra for education. That is blackmail.

Mr. RUSSELL. If the amendment prevails, the House will be confronted with that situation.

Mr. WILLIAMS of Delaware. Why did it not get reported before today when it was sent here October 29?

Mr. RUSSELL. There were a number of reasons, as the distinguished Senator from New Hampshire indicated. The committee considering HEW matters was conducting hearings on these very items. Their views, properly, have been consulted and sought. I did seek those views. The matter was brought to the floor just as early as it was possible to get it, under the procedures we usually follow in the Committee on Appropriations.

I will say that a delay of 2 or 3 days is properly attributable to me, because I was negotiating with the chairman of the House committee in an effort to work out some modus operandi that would eliminate this objectionable matter. I failed in my effort.

Mr. WILLIAMS of Delaware. Knowing his background, I am sure the Senator was trying to achieve that result, but we are still confronted with a situation in which we are operating under a shotgun operation.

Mr. RUSSELL. It would be just as much a shotgun for the House as for the Senate. It is no more a shotgun for us than it is for them.

Mr. WILLIAMS of Delaware. We still have to consider the fact that the main appropriation bill for this agency came to us on August 4. For the past week or so the committee has been holding hearings. But this measure was around here for 3 months. Why did it lay around for 2½ months before there were hearings.

I wonder if we could appeal to the leadership which was able to get the Finance Committee to report out a bill by a certain period of time, to have this committee show the same enthusiasm and get these other appropriation bills out of the committee.

Mr. MANSFIELD. Mr. President, if the Senator will yield, the Senate has only one appropriation bill remaining, and it will be reported out within 2 weeks. There are five other appropriation bills in the House. The Senate can do nothing until they are passed by the House and sent over here.

Mr. WILLIAMS of Delaware. Earlier I would have agreed to that, but in view of the way the leadership was able to get the House to expedite action on the tax reform bill, I respect their ability and force to get that group to act. Maybe they can jack the House up and get it to expedite the appropriation bills.

Mr. MANSFIELD. The Senator wants us to tell the House?

Mr. WILLIAMS of Delaware. I have seen it done.

I think the argument that "we will pass this resolution today and it will not be a precedent" is just kidding. If the Senate passes it it will be a precedent. It will be the first time we will have adopted this procedure since I have been a Member of the Senate. In fact, this is the latest in the year that we have acted on appropriation bills since I have been a Member of the Senate. I think the whole situation of the delay in getting the appropriation bills before the Senate is an outrageous one. I think it is past time when we demonstrated to the Senate, the House, and the country that we are going to act on the business before the Congress. This is the middle of November.

Mr. MANSFIELD. Mr. President, I am sorry I did not hear all of the remarks of the distinguished senior Senator from Delaware, the watchdog of the Senate—and I say that with the utmost respect and affection. But I should like to point out that when this matter was discussed in the Appropriations Committee, the Appropriations Committee unanimously stated that this action was not to be and would not be considered a precedent. There was not one member of the Appropriations Committee as I recall who was the least bit satisfied with this procedure.

I would hope and I would expect that the Republican leadership would join the Democratic leadership, and that every Member of this body would make known his views about the unorthodox way in which we are being presented with what is, in effect, a fait accompli.

We have very little choice. The message is: "If you do not want the members of the armed services to be paid tomorrow, then just do nothing at all about it." But if we want them paid, and the other Government employees paid, perhaps ourselves included, then I think that we ought to recognize that we have little or no choice—in my judgment, no choice—but to pass the continuing resolution which was reported out of the Appropriations Committee. It is not something I like, it is not a procedure with which I agree, but I think it is something we have no choice about.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. WILLIAMS of Delaware. I agree with the Senator that we are confronted with a situation here that we cannot ignore. The point that I made earlier is that this continuing resolution did come over here October 28, and it has been here 2 weeks. I hope that in the future, if the House of Representatives ever sends us another such measure where there is a similar amendment, it will not lie around a couple of weeks until we get caught under a 24-hour deadline as we are here this afternoon. Instead, I hope that the bill will be reported to the Senate immediately and that we will promptly send it back to the House, telling them to do the job over. I hope the Senate will not again get caught in this embarrassing time situation.

I recognize that the chairman of the committee has explained the reason was that he was trying to work out a compromise agreement with the House of Representatives. I respect his position. I know he was trying to accomplish that objective, but I think if such a measure comes over here again the thing to do is just send it back to the House of Representatives and tell them to start over.

Mr. MANSFIELD. I agree with the distinguished Senator from Delaware. I think that is the only way we can operate on a sound procedural basis in the future.

I think this is an unhappy and unpleasant way to resolve an unpleasant situation. I think it mitigates what little appropriation power the Senate has, and is a situation which, as I read the minds of our Appropriations Committee yesterday, the committee is determined not to permit again.

Mr. HANSEN. Mr. President, first of all, I should like to declare anew my very high regard for the distinguished chairman of the Appropriations Committee. I want also to point out that if the appropriation bill in lieu of which this continuing resolution is now before us because the new appropriation bill is not yet available for action by this body, were itself before us, I would vote in favor of greater appropriations for HEW. I have heard from a number of people in my State, and I am convinced that there is a real need for at least, certainly, part of the additional money that probably will be included in the appropriation bill over and above what was called for by the administration.

But I wish to say that while I share the deep misgivings that have been expressed by other Senators already this afternoon, simply to say that we will not consider this as a precedent does not make it that way, any more than to call a dog's tail a leg makes the tail a leg.

I think it was President Abraham Lincoln who, in a courtroom one time, asked a witness, "How many legs does a dog have?"

When the witness replied "Four," the man who later was to become President said, "If we were to call the dog's tail a leg, how many legs would the dog then have?"

When the witness responded, "Five," Abraham Lincoln said, "No, he would have four. Calling a dog's tail a leg does not make it so."

By the same reasoning, it seems perfectly clear to me that despite what we may choose to call our action here this afternoon, as much as I would like to feel that we could say this is not a precedent, I most certainly do believe that it is a precedent, and that it will be looked upon by future historians as being just that.

So it is with great misgiving that I must go along with the sentiments that have been expressed, in giving approval to a continuing resolution which I think does great violence to the processes that have worked so well for so long a period of time.

I hope very sincerely that the Members of the other body will not take lightly the regrettable situation into which the Senate has been forced this afternoon.

IMPACTED AREAS AID

Mr. PROXMIRE. Mr. President, I intend to offer an amendment to the bill that is before us in a moment.

The continuing resolution we are considering today would provide $585 million for impacted areas. I think this amount exceeds the Nixon budget request by a whopping $398 million, or almost $400 million. This means that essentially 40 percent of the increase we are proposing to make in education spending above the President's 1970 budget request by passing this resolution would go into impacted areas assistance.

Although I believe that education should have the very highest priority as we determine our national spending goals, I cannot countenance this massive increase in impacted areas aid. The program is not, by and large, specifically aimed at areas of demonstrated need. We all know that well-to-do suburban families, such as those living in Arlington, Va., and Montgomery County, Md., are the beneficiaries of this assistance, while cities with large deprived populations such as New York and Chicago get virtually nothing.

It would be far, far better to use this great amount of money to attack some of the true crises in the field of education—college scholarships for students who would otherwise never see the inside of a college classroom, accelerated programs in elementary and secondary education for disadvantaged ghetto children, vocational education programs for potential dropouts. But to assess need on the number of Federal employees, and the key word is employees—most bringing in a salary that can be taxed by the State in which they live, whose standard of living is normally adequate to permit them to support their own schools, makes no sense at all.

For this reason I am introducing an amendment to the continuing resolution which would reduce spending for impacted areas aid to the figure requested by the President in his fiscal 1970 budget.

I send the amendment to the desk, and ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE's amendment is as follows:

> On page 2, between lines 21 and 22, insert the following: "activities of the Office of Education, conducted under title I of the Act of September 30, 1950, as amended (20 U.S.C. ch. 13) and for which provision was made under the heading "School Assistance in Federally Affected Areas" of the Department of Labor, and Health, Education, and Welfare Appropriation Act, 1969;".
>
> On page 3, line 21, before the colon insert the following: "(other than activities of the Office of Education conducted under title I of the Act of September 30, 1953, as amended (20 U.S.C. ch. 13)".
>
> On page 4, line 24, after "Education", insert the following: "(other than activities conducted under title I of the Act of September 30, 1953, as amended (20 U.S.C. ch. 13)".

Mr. PROXMIRE. I am proposing to include impacted areas aid in the major category of programs covered by this resolution that would be funded at fiscal 1969 levels or the levels included in the President's budget for fiscal 1970, whichever is the lesser. I am doing so because I do not believe that the great educational needs motivating the Appropriations Committee to increase education funding to the level provided by the House in the 1970 Labor-HEW appropriations bill truly include impacted areas assistance. And in doing so I want to make it very clear that my amendment would permit impacted areas aid to be provided to the tune of $187 million, the amount requested in the Nixon budget, so that truly essential impacted areas programs could go forward.

The criteria for receiving this assistance is that at least 3 percent, or 400 of the children in a school district, whichever is lower, have a parent or parents who either live or work on Federal property. This means that every city with a Federal installation of any substantial size, perhaps even smaller towns that have no Federal installation as such but simply have the expected number of Government workers—postal clerks, and so forth—will receive this assistance. In fact it is possible to receive Federal assistance if as few as 10 of the children in a school district have parents who work for the Government—perhaps two families of five children each, provided the school district is small enough so that these children comprise 3 percent of the total enrollment in the district.

Mr. President, Fairfax County and Arlington, Va., two of the wealthiest counties in the country, receive Federal assistance under this program because, among other Federal workers, my administrative assistant and my press assistant, both of whom earn five-figure salaries, have children in schools in these two districts.

Does it make sense to continue such a subsidy when it means a tax on Americans who are struggling along on a $5,000 or $6,000 a year salary? Does it make sense to provide a subsidy from these hard-pressed taxpayers when intercity schools cry out for more adequate Federal aid?

For this reason, I have offered the amendment to the continuing resolution.

By going back to the administration's budget request my amendment would provide for a much more equitable application of impacted areas funds while sharply limiting the expense of the program. This is how the administration puts it:

> This estimate is based on retaining the existing entitlement formula but on focusing priority of funding on school districts serving children whose parents both live on and work on Federal property. The amount requested, $187,000,000 and the proposed appropriation language would permit full funding of some 395,000 children whose parents both live on and work on Federal property but who attend local schools and 50,000 children living on Federal property for whom the Commissioner of Education is required to arrange for their education. These children's parents contribute least to local taxes for the support of schools.
>
> * * * * *
>
> A comprehensive study is now in progress to determine more accurately the economic effects of Federal activities and to help develop a more equitable program.

The PRESIDING OFFICER. The Chair calls to the attention of the Senate that the Senate has not yet acted on the committee amendment. We must act on that before the amendment of the Senator from Wisconsin is in order.

Without objection, the committee amendment is agreed to.

The amendment of the Senator from Wisconsin is now subject to consideration.

Mr. JAVITS. Mr. President, will the Senator yield, just to get the picture clear?

Mr. PROXMIRE. I yield.

Mr. JAVITS. Mr. President, is the Senator proposing to go back to last year's figure or to the budget figure on impacted aid?

Mr. PROXMIRE. We would be going back to the Nixon budget figure.

Mr. JAVITS. Mr. President, I am the ranking minority member of the Labor and Public Welfare Committee, which has responsibility for Public Law 874, the impacted area aid bill, and I speak with some knowledge on the subject.

Last year $506 million was expended. The pending measure, which is finding its way through the various processes of Congress at this time, is in the same order of magnitude—something like a half billion dollars.

The Senator is proposing to go back to the President's budget figure. What does that have to do with substantive legislation? Why should we pick that figure? Suppose the President's budget figure was nothing. Would the Senator wish to go to that figure?

Mr. President, the Senator is asking us in a continuing resolution to, in effect, repeal or substantially amend our impacted area legislation by not funding it or by substantially underfunding it.

Mr. PROXMIRE. I am not asking us to repeal it. I am providing funding. I will restate what I have already read:

> This estimate is based on retaining the existing entitlement formula but on focusing priority of funding on school districts serving children whose parents both live on and work on Federal property. The amount requested, $187,000,000 and the proposed appropriation language would permit full funding of some 395,000 children whose parents both live on and work on Federal property but who attend local schools and 50,000 children living on Federal property for whom the Commissioner of Education is required to arrange for their education. These children's parents contribute least to local taxes for the support of schools.
>
> A comprehensive study is now in progress to determine more accurately the economic effects of Federal activities and to help develop a more equitable program.

Mr. JAVITS. Mr. President, I think that the Senator—and the Senator knows that I respect him enormously—is really just rewriting the authorization bill in a manner which has been rejected by the Education Subcommittee and by the House in H.R. 514. HEW will allocate the money to the best use they can. However, that is not what Congress said when it wrote the impacted area legislation.

I happen to think that the impacted areas legislation could stand an enormous amount of improvement. The Battelle Institute will shortly publish a report done for the Federal Government on just that.

I think the Senate should understand the situation. We reported out of the Education Subcommittee late last night a measure on aid to elementary and secondary education. That bill includes impacted area aid. We not only declined to cut the impacted areas formula, but we also made some changes in it and added a provision. And it was quite hotly contested. We added a provision dealing with impacted areas resulting from public housing.

We felt that as long as this measure would provide for educational support, it ought to take care of every area impacted by Federal activity, which we felt included public housing.

It seems to me, therefore, that the Senator by just denying funding is simply going to change the program in whatever way the administrative authorities who have charge want to change it to meet funding responsibility, rather than allowing us in the Congress to deal with it substantively.

It is a fact—is it not?—that, when we bring up the ESEA, which we will, and when the HEW appropriation comes along, that we will have an opportunity to deal in a diligent way with the fundamental question. This rather aborts both processes. We would hardly be capable of any profound consideration when dealing with a continuing resolution.

Mr. PROXMIRE. Mr. President, all I am doing is making the impacted areas a part of the proposal. It is what we usually do. I am not trying to plow any new ground. We usually take whichever figure is lower.

That is what I am doing with the impacted areas. This would conform to all precedents we have had in the past.

I point out to the Senator that I share his views with respect to what the House of Representatives did. However, I have very strong feelings about the high priority accorded to other education programs. We are also appropriating for the impacted areas.

That is the way I feel, and I think it is perfectly consistent.

Mr. JAVITS. Mr. President, is it not a fact that what the Senator is doing is really breaking down a part of the principle for which the Senator from New Mexico (Mr. MONTOYA) and I, as principal sponsors of Senate Joint Resolution 163 and many other Senators have contended, which did experience quite a struggle in the Appropriations Committee and which finally emerged successfully.

All the Senator is really doing is picking out one part of that proposition which he does not like or does not feel we can afford and breaking that down.

Mr. PROXMIRE. That is exactly right. I would not express it that way. However, that is what we are doing.

Mr. JAVITS. Mr. President, I submit with all due respect that while others are very much interested in getting money for education, I do not think much of the precedent-shattering effect of this resolution. If we do not like it the next time, we can do what we want to do the next time. I am not afraid of that. We have had that argument made here many times.

So long as we keep our senses, I do not think we need to be overwhelmed by so-called precedents. However, I think when we do it right in legislation, it seems to be an open invitation to everyone. Perhaps someone else does not like elementary and secondary education or higher education. So they would move in on that until the whole thing is dismantled.

It seems to me that we are in the position where when legislation comes along, either under ESEA or under appropriations, or both, we will have to either do this or not do it.

The Appropriations Committee, I think, has very wisely given us the opportunity to do this. I am for doing it.

I am not quarreling with the Senator. However, I think for the benefit of the rest of us who feel as I do, we had better understand that we cannot just pick out impacted area aid and knock that on the head.

Mr. PROXMIRE. Why can we not do that?

Mr. JAVITS. We can. However, if we do, we will invite a very similar and perhaps successful attack on a good many other programs in the education field.

Mr. PROXMIRE. Mr. President, I point out to the Senator that I feel the impacted area part of the program is by far the least defensible. It is not a small part. It contains 40 percent of the dollars involved.

It seems to me, under these circumstances, that it is perfectly consistent to say that impacted areas should be treated as we have treated expenditures in continuing resolutions in the past. So far as the rest of the educational program is concerned, I have no objection. If other Members have other views, I have no objection. That is the glory of this body. We can have endless amendments. I am not sure that I am going to get overwhelming support.

Mr. JAVITS. There is a substantive argument, too, which is important. A good deal of educational structure, whether we like it or not has been built out of this impacted areas money. I do not think it can be snapped out that rapidly without doing some serious damage to the educational picture. As I have said, I am not entirely sold on impacted areas aid, but I rather believe that, in the interest of getting the total education package, even if we do not agree, it is a price I willingly pay because I think it is so vitally important in this continuing resolution, especially considering the icejam that we have on appropriations. We must keep our eye on the forest and for the moment do not keep our eye on the trees. That is the essence of my feeling in this matter.

Mr. PROXMIRE. Nothing I would do here would foreclose other action on impacted areas when the HEW appropriation bill comes before the Senate.

Mr. GURNEY. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. GURNEY. I ask this question of the Senator from Wisconsin or the Senator from New York.

Is it not true that the educational money in this resolution, so far as impacted aid is concerned, is practically the same as Congress appropriated last year except for the increase that would be reflected in the figures in student bodies?

Mr. PROXMIRE. It is substantially more money than was appropriated last year. It is, however, over the Nixon budget—almost $400 million. But I do not know how much of it is because of more children and how much of it is because of more generous financing. I simply do not know. I would be very surprised if most of this could be accounted for by an increase in the number of children.

Mr. GURNEY. If the Senator compares the figures in the continuing resolution with those we appropriated last year, he will find that it is approximately the same amount except that it is reflecting more the additional amount of school children that we have this year.

I bring that out because I am not sure it has been brought out, and the budget figure as offered by the Bureau of the Budget for impacted aid was considerably below what Congress appropriated last year. So that we would damage this impacted aid program considerably, and those who are affected by it, as is Florida, the Cape Canaveral area, and other areas.

Mr. PROXMIRE. That is true. The proposal I make would follow the formula proposed by the President of the United States.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MURPHY. As the Senator from New York has pointed out, as the Senator from California earlier remarked, we seem to be faced with a strange situation today. Not being a lawyer, sometimes I do not understand these things. But we have before us a continuing resolution which, as I understand it, is an emergency measure to continue the existing condition until such time as Congress can work its will for the future.

Is that a proper understanding of the resolution?

Mr. PROXMIRE. That is my understanding.

Mr. MURPHY. We find today that we have a continuing resolution which is not really a continuing resolution at all. It has been brought to the Senate from the House as a continuing resolution plus $1 billion. This has caused some concern in the Senate.

Now we find that this continuing resolution, at the suggestion of my distinguished colleague, is to be amended in order to change some of the conditions. So that I am further concerned with what is a continuing resolution and what is not.

Last night, I sat with the Senator from New York until after 6:30, in committee, working long hours. This was the culmination of long hearings with regard to an educational bill which we marked up in the full committee last night.

It would seem to me that my distinguished colleague's amendment might very well affect that bill. If the amendment is accepted, would my colleague please explain what effect that would have on the educational bill which we on the Education Committee are writing? Or, would it have no effect? Or, is the amendment a temporary matter that goes on to what started out to be a continuing resolution and which is now a continuing resolution plus $1 billion?

Mr. PROXMIRE. The continuing resolution is a temporary matter, and the amendment also would be a temporary matter. It would not prejudice any legislative action by the Committee on Labor and Public Welfare.

Mr. MURPHY. I thank the Senator.

Mr. HARRIS. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE).

The Senator from Wisconsin has been very diligent in his opposition generally to this type of educational assistance, and I do not quarrel with the zeal or with the sincerity with which he has for a long time argued that position. I respectfully disagree with it, Mr. President.

I will broaden what I have to say by stating first, that I am also concerned about the procedure that has been in a way forced upon us here.

I am one of those who is quite willing to say that, so far as this one Senator is concerned, this is not and should not be a precedent for the future, and I am glad that the distinguished chairman of the Committee on Appropriations and the leadership on both sides of the aisle have served that kind of notice on the other body. I do, however, very strongly support that portion of the continuing resolution which provides additional funds for education. I think that in this instance we can go along with that unusual procedure, given the situation which has been outlined by the distinguished Senator from Georgia.

Also, I think we ought to go along

with that portion of the resolution and the resolution in general because of the great need for the added approximately $1 billion for education. Education is the lifeblood of this country; it is the future of this country. Education is not the place where we should cut the budget, and it is not the place where we should compromise on funds. Education can make the difference between living with or rising above the problems of poverty and of despair which now trouble so many people in this Nation. Education can provide the meaningful and independent lives which all Americans are entitled to live.

I think that any short-term savings that might be realized by cutting education funds will inevitably be long-term losses.

There is a great deal concerning education in this resolution in addition to impact funds, and I support it all. I support the increase for educationally deprived children. I support the increase for vocational technical training. I support the increase for library and community services. I support the increase for other needed programs, such as the student-loan assistance program, construction of higher education facilities, supplementary educational centers, and education for the handicapped. I think these are appropriations items which have perhaps the greatest call on us and our support.

I also support the increase provided in the measure for impact funds over what would be appropriated if we followed the budget request of this administration.

I would just point out to the Senate, and to the distinguished Senator from Wisconsin, what seems to me rather obvious. If we cut, by this amendment, funds which otherwise have been available in the past to school districts of the country, without by some other formula replacing those funds, we have moved exactly in the opposite direction from which the distinguished Senator from Wisconsin wants us to go if we are to improve the educational advantages and opportunities of all the children of this country.

This money is not a subsidy to the children of those who live or work on Federal facilities.

It goes to the school district and the school district uses these funds. I was looking at the figures. In my State last year the actual amount of money that the State of Oklahoma received for both types of school assistance in federally affected areas was $12,609,173. That figure would be reduced by the administration budget request down to $3,706,000. Whereas under the House-passed appropriation bill we would have $13,963,000, an increase of about $1,300,000, reflecting increased costs and increased numbers of students.

It seems to me that the results of cutting back that much should be rather obvious to us all and we should see the disastrous effect it would have.

For example, take my home school district in Lawton, Okla. I received a letter the other day from the Lawton superintendent of schools, Mr. Hugh Bish, in which he states that Lawton, which is next door to Fort Sill, a military installation, has 55 percent of its students who are impact students.

His letter states:

> Some of these students live on the base and some live off the base. The Lawton community is voting the limit of its legal capacity for building and operational purposes in support of its educational program. This support coupled with Federal impact aid leaves the Lawton public schools $50 below the average annual per capita student expenditure in Oklahoma.

Then, he goes on to say:

> Impact aid is not a luxury within the Lawton system—it is a vital part of our basic program and an absolute necessity if we expect to offer our students a comparable educational program.

Mr. President, I shall not detain the Senate much longer. I ask unanimous consent to have printed in full in the RECORD at this point the letter I received from Mr. Bish.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAWTON PUBLIC SCHOOLS,
Lawton, Okla., October 13, 1969.

The Hon. FRED HARRIS,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: The United States will soon be considering legislation relating to schools and the Nation's investment in the education of its young people.

The citizens of the Lawton community are deeply concerned about the willingness of the Federal Government to invest strongly, not only in the Nation's educational system, but also to continue to assume a rather obvious obligation in areas where the Federal impact has placed additional responsibility on the local taxpayer and the local school system.

The Lawton community is an example of this obvious obligation. The community is located next door to Fort Sill, and 55% of our students are "impact" students. Some of these students live on the base and some live off the base. The Lawton community is voting the limit of its legal capacity for building and operational purposes in support of its educational program. This support coupled with Federal impact aid leaves the Lawton Public Schools $50 below the average annual per capita student expenditure in Oklahoma. Impact aid is not a luxury within the Lawton system—it is a vital part of our basic program and an absolute necessity if we expect to offer our students a comparable educational program. Our citizens do not think we should be penalized because of our support of the National Defense effort of our Federal Government, and since they willingly give full legal financial support locally they also expect the Federal Government to assume, as it has in the past, its share of this obligation.

It is not difficult to relate the Federal obligation to our "A" category students whose parents live and work at Fort Sill. It is obvious that the property where they live and where they work is tax-free. It is perhaps more difficult to relate the Federal obligation to our "B" category students (both military and non-military) because they live on taxable property. However, the Federal installation where the parents work remains tax-free and it is because of taxes not received from this source that the Federal obligation continues to exist. Ponca City and Bartlesville, Oklahoma, are excellent examples of the influence of huge industries on the local tax structure. In essence, all sons and daughters of personnel working in the industries located adjacent to these communities (Ponca City and Bartlesville) are "B" category students because they do not live on property owned by the industry. However, Ponca City and Bartlesville schools are supported not only by taxes on the property where the parents live, *but also on the property where the parents work.* This is the reason the annual per capita student expenditure in Bartlesville is $47 per student higher than Lawton and why Ponca City is $45 per student higher. This is also the reason the tax value per student enrolled in Bartlesville is $6,332 ($7,010 in Ponca City) as compared to $2,283 in Lawton. Money received on category "B" students is in lieu of tax money not received on the Federal installation, and it is the opinion of our citizens that this constitutes a Federal obligation if our community is expected to offer a quality and comparable education to the students of military personnel and the students of non-military personnel who live in a community which is heavily impacted. This would appear to be a poor time to tell those who are doing so much for their country that in appreciation we will offer their children a diluted and inferior education.

The Lawton Public Schools have participated to the fullest extent in the Title I (ESEA), Title II (ESEA), Title V (NDEA) and Title III (NDEA) programs. These programs have permitted us to do many things which could not have been done without Federal financial support. We are proud of our Title I program for the disadvantaged and the upgrading of our instructional program as a result of what we have been able to do financially with Title II (ESEA), Title V (NDEA) and Title III (NDEA) funds. Our teachers aide program—our summer remedial program—our increased counseling services—our increased special education program—our materials centers in all our schools—our special classes in reading and English—these, along with others, are all a vital part of our total school program, and they are all a direct result of the Federal assistance received through the NDEA and ESEA. Since our schools are committed to the education of *all* youth regardless of aspirations, motivation, ability or economic background, it is important that these programs be fully funded and that we not abandon or dilute them at a time when we are just beginning to identify and reap the benefits of their effectiveness.

Your support of a fully funded impact aid appropriation and your support of the Title programs of NDEA and ESEA would be greatly appreciated.

Very truly yours,

HUGH BISH,
Superintendent.

Mr. HARRIS. Mr. President, I would say further I think it is extremely important that we pass this continuing resolution with the portion of it dealing with education, and that we not accept the pending amendment.

Mr. President, lastly, I wish to pay tribute to the distinguished Senator from New Mexico (Mr. MONTOYA), whose leadership has been so important during the last weeks and months in bringing us to the point where we could see these increased educational funds becoming a reality. I hope the Senate will vote down the pending amendment and agree to the continuing resolution which is now before the Senate.

Mr. SPONG. Mr. President, I wish to speak briefly against the amendment introduced by the Senator from Wisconsin. Prior to that I want to say that although

I agree with those on the Committee on Appropriations who have spoken as they have about the circumstances facing us with regard to this continuing resolution and the education funds therein, I believe Congress must face up to the fact that we are now in the third month of a school year and local school divisions throughout the United States do not yet know how much Federal funds they will receive this current year.

It is particularly ironic that of all the programs involved in the resolution, the Senator from Wisconsin has chosen the impacted area program. In my judgment, the return on the dollar from impacted area funds exceeds the return from any other program. There is less administrative cost connected with the distribution of these funds; and there are better results through the use of this money in the local school divisions than any other educational program.

This is no time to single out the impacted aid program, of all of those involved in this continuing resolution, for a reduction in funding.

Mr. BYRD of Virginia. Mr. President, I feel there is not adequate appreciation throughout the Nation for the value of the impacted aid school program. It seems to me this is one of the fairest and one of the best of the Federal educational programs.

Without getting into specific figures, I would like to discuss the principle of impacted aid.

The principle, I feel, is a fair one. It provides that in those localities from which the Federal Government has taken away real estate, which otherwise would have been available for local taxes, and where the Federal Government has large numbers of Federal employees whose children must be educated, the Federal Government has an obligation to those localities to supply some of the funds necessary to do the job.

In recent years, beginning with the Johnson administration several years ago, a determined effort has been made to reduce and ultimately to eliminate the impacted aid program. In my judgment the reason that has been done is that the funds under the impacted aid program go back to the localities without strings attached. These funds are available to the local school districts to be used in the way the local school people feel is the best for their localities.

The Department of Health, Education, and Welfare under President Johnson, and apparently under the new administration, prefers that this money, the money which ordinarily would be available for impacted aid, be transferred to other programs, which programs are controlled from Washington, D.C.

So I say, Mr. President, that the Federal impacted aid school program is a fair program, it is a just program, and it is a program that I believe should be continued.

Somehow we must make Federal aid to education more responsive to the needs of the local school systems throughout our Nation. The present categorical system is entirely too limited. It is not uncommon to find dollars available for frills while basic needs go unmet because there are no funds for them.

Situations like that are absurd, but inevitable so long as the educational system remains ridden with bureaucracy, as it is today.

I would like to see all educational aid take the form of the program to assist federally impacted areas, a program I strongly support. Under the impacted aid program, a statement of the actual number of pupils is sent in and the school district gets back a check without strings attached. My objection to many other programs is that the Federal Government and the administrators in Washington attempt to dominate the local school districts.

I strongly support the Federal impact school aid programs. I strongly oppose the amendment of the distinguished senior Senator from Wisconsin (Mr. PROXMIRE), because I think the Federal impacted aid program is a sound program and, a just program, and one of the very few programs where Federal money goes back to the localities from which it first came without strings being pulled in Washington.

Mr. EAGLETON. Mr. President, I, too, rise briefly to speak in opposition to the amendment introduced by the distinguished senior Senator from Wisconsin (Mr. PROXMIRE).

As I comprehend the Senator's amendment it would cut the impact aid allocation from $585 to $187 million. This would constitute a cut of somewhere between 60 and 70 percent and in net practical effect such a cut would emasculate the Federal impact aid program.

I gather the Senator's opposition to the concept of the Federal impact aid results from the fact that, on occasion, some school districts of affluence or perhaps even opulence are recipients of Federal impact aid under the present program.

I readily concede that the present impact aid program under Public Law 874 is far from perfect. I admit it is sometimes abused. I wish to assure the Senator from Wisconsin that the Subcommittee on Education of the Committee on Labor and Public Welfare is busily at work trying to democratize the concept of impact aid.

As was previously mentioned by the Senator from New York (Mr. JAVITS) and the Senator from California (Mr. MURPHY), the Education Subcommittee met yesterday and marked up the primary and secondary education bill to be reported to the full committee. Under this bill as presently written impact aid will be somewhat democratized so that the funds will not ultimately be concentrated as they presently are under the existing law. The Education Subcommittee broadens the concept of impact aid to apply it to public housing projects which, like military bases, when they are situated in a given school district, as the Senator from Virginia (Mr. BYRD) pointed out, cause otherwise taxable property to be taken off the tax rolls, leaving the receiving school district with children stilll to be educated, but with less property to be taxed in order to pay for it. Some on the Education Subcommittee feel that we can more broadly base the concept of impact aid and in so doing democratize the current and sometimes abused current concept of impact aid. I, therefore, will vote in opposition to the amendment offered by the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Oklahoma, the two Senators from Virginia, and the Senator from Missouri have all made, roughly, the same kind of point. The assumption has been that I am attacking the whole impacted area program. I am not.

What I am providing for is that what the Secretary of Commerce worked out with the administration, with the President, with the Bureau of the Budget makes sense; that is, that we would be providing for those who work and live on Federal property. Obviously, children in families of this kind go to school and the school has to be able to pay for the education but they have no tax resource available. In view of the great need we have for educational money, in view of the fact that those who live in the ghetto areas and those whose incomes are too low to pay for a good education, and need training and need help, in view of the fact that we have many school districts throughout the country which have an inadequate basis to provide adequate teachers' salaries and facilities, I think we should provide the kind of assistance being provided in Arlington, and Fairfax, Va., who provide for their own assistance and work for the Government and live in considerable comfort and can afford to pay adequate taxes for the education of their children. To provide this kind of emergency relief under the circumstances, makes no sense to me, so I do hope that the Senate will support the amendment.

Mr. President, I yield the floor.

Mr. YARBOROUGH. Mr. President, the impacted areas operation and maintenance support given directly to school districts which qualify, is based upon an entitlement derived from the number of children being served by the school district whose parents live or work on Federal property, or both. The House appropriation is a vast improvement over the budget, which would fund only the "A" category pupils, whose parents both live and work on Federal property.

The budget provides nothing for the "B" category children, whose parents either live or work on Federal property.

When Congress creates an entitlement, based upon the careful consideration of evidence and the tests of floor and conference action, a presumption is created that is relied upon by the recipient. Hundreds of school districts and millions of children will lose what they thought the Federal Government had promised them when it enacted this entitlement. I consider it to be as much an "uncontrollable" part of the budget as any other entitlement, be it social security, veterans care, or any other. In fact, I believe we should make good on the entire amount, for both operation and construction.

For Texas schools, the Nixon budget

would provide $8,018,000 for all impacted school aid. The House appropriation would provide $34,926,000.

I need not tell you that elementary and secondary education in Texas is relying upon a reasonable fulfillment of that obligation, and I think it is an obligation they are entitled to assume Congress will make good on.

The impacted school aid is not an authorized amount. It is an entitlement. We create a standard; those who meet it are entitled to something. Then the necessary amounts are appropriated, to be used by those who made use of the entitlement.

I urge the Senate to reject this amendment. It is not in keeping with the good faith we owe to children all over the country.

The PRESIDING OFFICER. The questions is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was rejected.

Mrs. SMITH of Maine. Mr. President, as a member of the Appropriations Committee, I wish to associate myself with the remarks made by the able chairman of the Appropriations Committee, the Senator from Georgia (Mr. RUSSELL), and the distinguished ranking member of the committee, the Senator from North Dakota (Mr. YOUNG).

With respect to the resolution, I should like to vote against House Joint Resolution 966, but because of the emergency confronting us, I can see no way, in good conscience, to do so.

Mr. HOLLAND. Mr. President, I should like to address a question to the distinguished chairman of the Appropriations Committee, if I may.

As the distinguished Senator knows, the Senator from Florida was unable to attend the meeting of the Appropriations Committee yesterday afternoon when the bill was marked up, and gave his proxy to the distinguished chairman of the committee. I propose to stand by the action of the chairman in that committee.

Recognizing the unusual and very great difficulties presented, particularly in connection with the inability of the Government to pay members of the Armed Forces unless this particular appropriation is promptly passed, I can understand those difficulties and I approve the action taken. I shall, of course, support the action of the committee as stated by the chairman.

This question I want to ask, though, is: Do I correctly understand that the placing of the amendment, limiting the time of coverage of this continuing resolution, so-called, to December 6, 1969, will, to a very material degree, overcome the lengthy period of time stated in the continuing resolution which reached us from the other body?

Mr. RUSSELL. The Senator is correct. However, it may make it necessary for another continuing resolution to be sent to us by the other body.

Mr. HOLLAND. Will not the inclusion of that date encourage and expedite and even insist upon early consideration of the annual appropriation bills?

Mr. RUSSELL. That was the purpose that motivated the committee. It is the hope that it will put pressure, frankly, on the subcommittees to expedite the bills.

Mr. HOLLAND. Is the Senator from Florida correct in his understanding that however the date may pass in its final form, and I hope it will pass in the form of December 6, 1969, as a limitation as placed in the resolution by the Appropriations Committee——

Mr. RUSSELL. May I say to the distinguished Senator that that matter was the subject of controversy and votes in the committee. The chairman would feel bound to support that date vigorously.

Mr. HOLLAND. I am happy that action was taken because it seems to me it will expedite or seem to have expedited early consideration and passage of the annual appropriation bills, all of them that are not yet passed, particularly the ones for the HEW and Labor Departments which seem to be the ones that bring trouble to the bill.

May I ask if my understanding is correct that regardless of what amount is provided here temporarily, that amount will be applicable only ratably for the period of time covered by this continuing resolution, and that when the annual bill is passed, the rate provided in that bill will be substituted, whether lesser or greater than the rate provided in the resolution.

Mr. RUSSELL. That is the understanding of the Senator in charge of the resolution. I think it is clearly stated in section 105, on page 6 of the bill, which reads:

> SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

Mr. HOLLAND. If there be a very large departure from the continuing resolution principle, as has existed heretofore, relative to those funds which have been picked up and made applicable from the House bill as already passed, the agencies involved would be on touchy ground in trying to rely for any great period of time on that figure as a permanent figure.

Mr. RUSSELL. The Senator in charge of the bill would advise the Senator from Florida that that is clearly stated in the committee report on page 6. I shall not read it all, but the last sentence states:

> The Bureau of the Budget and the Department of Health, Education, and Welfare should exercise caution in utilizing the authority granted in this resolution in order not to jeopardize the integrity of the programs as they may be finally approved by the Congress.

Mr. HOLLAND. Mr. President, I certainly am grateful to the committee, which, in my absence, wrote the termination date of December 6 into this resolution as a substitute for the open ended date—at least extending until five days after the termination of the instant session of Congress—that appeared in the House measure.

Mr. RUSSELL. That may be a rather late date if we do not get more speed than we have had up to now on the appropriation bills.

Mr. HOLLAND. That would take it into the next year, possibly.

Mr. RUSSELL. Yes.

Mr. HOLLAND. I also appreciate the action of the full committee, which, again, I was unable to attend, but which I want to approve as to its action in writing into the report the very words which have been read by the distinguished chairman, because I think those are words of warning to the administrative agencies which are affected by the new and dangerous policy which I hope will never be followed again, and which can never be followed again unless the appropriation bills get so far behind.

The real vice in this whole picture, as I see it, is that the appropriation bills have been allowed to get so far behind. I think the distinguished chairman and other Members of this body know there has been a series of incidents this year which have contributed to that. It would do no good to relate them here. I simply express my approval and compliment to the chairman of the committee and the other members of the committee. I am glad the Senator was able to use my proxy for the purposes which he did.

Mr. RUSSELL. I thank the Senator for myself and the members of the committee.

Mr. President, I ask unanimous consent that the language under the table on page 5 and down to the subhead "Status of Regular Appropriation Bills" may be printed in the RECORD at this point as a part of my remarks.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

> Normally, the continuing resolutions continue a program at the lowest of several different rates of obligation; however, the amendment which was adopted on the floor of the House of Representatives authorizes a rate of obligation for the Office of Education equal to the amount in the bill for fiscal year 1970 as it passed the House of Representatives. The House provision reads as follows:
>
> "*Provided*, That in the case of activities for which appropriations would be available to the Office of Education under the Act making appropriations for the Departments of Labor and Health, Education, and Welfare for the fiscal year 1970, as passed by the House, the amount available for each such activity shall be the amount provided therefore by the House action."
>
> The committee is very much concerned with the action of the House in providing what is in effect a separate appropriation for the Office of Education at a time when the regular annual appropriation bill for the Office of Education is pending in the Senate subcommittee. The committee has reluctantly agreed to go along with this resolution, but desires to make it abundantly clear that this is not a precedent and, in the future, the committee does not intend to report such a resolution.
>
> In addition, the committee wishes to make it clear that its action in reporting this resolution does not constitute an endorsement of the appropriations included in the House-passed Departments of Labor and Health, Education, and Welfare appropriation bill, 1970 (H.R. 1311), for the programs administered by the Office of Education. The

Bureau of the Budget and the Department of Health, Education, and Welfare should exercise caution in utilizing the authority granted in this resolution in order not to jeopardize the integrity of the programs as they may be finally approved by the Congress.

Mr. HOLLAND. Mr. President, if the Senator will yield briefly, I would like to add one more thing. The Senator from Florida wants the Record to show that the Senator from Florida was not absent from the Senate, but was on the floor in debate on another appropriation bill passed out of the committee, on a very vital matter, and simply could not be in two places.

Mr. RUSSELL. Mr. President, the chairman and the committee understood the Senator from Florida was on the floor representing the vital interests of the State he so well represents in this body.

Mr. HOLLAND. I thank my distinguished colleague.

Mr. YARBOROUGH. Mr. President, as chairman of the Senate Committee on Labor and Public Welfare, I wish to take this opportunity to express my appreciation for the role that my friend and colleague, Senator Joseph Montoya, has played in fighting for increased funds for education. It was through his leadership and perseverance that the Senate Appropriations Committee, on which both he and I sit, passed unanimously House Joint Resolution 966—the continuing resolution, including substantial spending provisions for education programs.

Senator Montoya spearheaded the drive in the Senate to provide these needed moneys for the education of all American youngsters, and it was his sponsorship of such a resolution in the Senate which prompted the House to take action on education appropriations under the continuing resolution, which resulted in passage by that body of a measure adding more than $1 billion to the administration's budget for temporary education funding.

The actions of the Congress this year to date in appropriating funds for education have been nearly revolutionary. Education has come to the floor as a matter of urgent National priority; and Senator Montoya's role in this fight for improving both the quality and quantity of the education services we provided our young people comes as no surprise to me nor, I am sure, to any other Member of the Senate familiar with his record.

As a member of the Senate Committee on Labor and Public Welfare since 1958, and now as chairman of that committee since the beginning of this session of the Congress, I have had the opportunity to scrutinize the education voting records of many of my colleagues. Joseph Montoya has always been on the side of progressive education legislation.

In particular, as author of the Bilingual Education Act, I can testify to Senator Montoya's dedication to the improvement of educational opportunities for the children of Spanish descent who suffer serious educational disadvantages. New Mexico, like my own State of Texas, has a high concentration of children from such families. I am most thankful for Senator Montoya's support in providing legislation specifically designed to assist these children.

Senator Montoya's effective marshaling of support for the continuing resolution containing increased funds for education merits the appreciation, not only of the citizens of his State and of mine, but of the entire Nation.

Just yesterday afternoon the Subcommittee on Education, under the chairmanship of Senator Pell of Rhode Island, reported to the full Committee on Labor and Public Welfare the Elementary and Secondary Education Amendments of 1969, which vastly improve the educational program for the children in this country. I know that Senator Montoya, with his fine record of supporting education legislation, will join with like-minded Senators in supporting this bill when it comes to the floor of the Senate.

Mr. SPARKMAN. Mr. President, I favor adoption of this continuing resolution. Conditions in the schools in Alabama, I believe may be typical.

The State of Alabama has experienced tremendous growth in higher education during the past 6 years. Since 1963 the enrollment has increased over 100 percent—45,718 in 1963 to 94,850 in 1968. During this period of time Alabama has exceeded the national percentage increase in 5 of the 6 years. Three of the 6 years Alabama experienced more than twice the national average increase in enrollment. During this same period Alabama has exceeded the percentage increase for the southeastern region in 5 of the 6 years.

The State junior college program has just begun its fifth year of operation. The enrollment for the five fall quarters indicates the tremendous growth in this segment of post-secondary education in Alabama.

Year:	*Number of students*
1965	5,737
1966	12,910
1967	15,174
1968	17,545
1969	18,386

During the 5 years of operation $32,804,016 has been spent in capital projects in support of the State junior college program. Included in the $32,804,016 figure is $8,220,687 of title I, Higher Education Facilities Act of 1963 funds. The State-Federal partnership in supporting the construction of the facilities necessary for the State junior college program is vividly depicted here; however, the 1969 enrollment is expected to double by 1977–78—this increase in enrollment was documented in the 1969 report of the Alabama Education Study Commission.

Additional capital projects are desperately needed if adequate facilities are to be provided for this increase in enrollment. On file with the State commission for the July 31 closing date are 11 projects, with an estimated construction cost of $9,958,903. The funds requested for these projects through section 103, title I, Higher Education Facilities Act of 1963, comes to $4,682,467. These are desperately needed projects. In reviewing the master plan for the State junior colleges, in keeping with the projected enrollment, over $12 million must be spent in addition to the projects now on file if we are to keep pace with the expanded enrollment.

The 4-year institutions in Alabama have on file 17 title I applications with an estimated construction cost totaling $30,277,394, with title I funds requested totaling $8,316,484. These projects have been reviewed as desperately needed projects; however, over $20 million in estimated construction costs for additional facilities are identified if we are to keep pace with the expanding enrollment in 1977–78. The State-Federal partnership has provided over $55 million in capital projects since 1965. In these projects $20,114,252 were title I funds.

I ask unanimous consent to have two tables printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

ALABAMA STATE COMMISSION

TITLE I.—HIGHER EDUCATION FACILITIES ACT, CLOSING DATE JULY 31, 1969

Name of institution	Type of facility	Estimated construction cost	Desired completion date	Funds requested
Alexander City State Junior College	Classroom-lab. building	$825,000	January 1971	$412,500
Albert P. Brewer State Junior College	Physical education facility	538,460	do	269,230
John C. Calhoun State Tech. Junior College	Classroom building	955,456	do	477,728
Gadsden State Junior College	Student center	1,992,410	do	764,013
Jefferson State Junior College	Physical education facility	2,209,970	do	1,040,193
Northeast Alabama State Junior College	Health-P.E.	487,508	do	243,754
Northwest Alabama State Junior College	2d phase fine arts building	584,254	do	292,127
Snead State Junior College	Physical education building	836,720	do	418,360
Southern Union State Junior College	Science building and lab	700,700	do	350,350
Geo. C. Wallace State Tech. Junior College	P.E. dressing room	146,455	do	73,227
Lurleen B. Wallace State Junior College	Physical education building	681,970	do	340,985
Total		9,958,903		4,682,467

ALABAMA STATE COMMISSION

TITLE I.—HIGHER EDUCATION FACILITIES ACT, CLOSING DATE JULY 31, 1969, FISCAL YEAR 1970

Name of institution	Type of facility	Estimated construction cost	Desired completion date	Funds requested
Alabama A. & M. University	Humanities building	$1, 571, 951	January 1971	$750, 000
Alabama College	Music building	614, 975	do	307, 487
Alabama State University	Fine arts center	3, 131, 763	do	750, 000
Athens College	Library building	1, 705, 521	do	750, 000
Auburn University in Montgomery	Library building	1, 169, 750	do	576, 845
Auburn University in Montgomery	Classroom building	2, 541, 000	do	750, 000
Birmingham Southern College	Health facility	1, 543, 800	do	53, 350
Florence State University	Physical education building	2, 254, 959	do	179, 326
Stillman College	Math-Science building	1, 512, 585	do	750, 000
St. Bernard College	Physical education building	700, 000	do	319, 637
Tuskegee Institute	Physical education building	1, 787, 871	do	822, 199
Tuskegee Institute	Engineering building, partial $574,992	2, 583, 726	do	286, 164
Tuskegee Institute	Administration building	993, 496	do	438, 150
Troy State University	Classroom building	876, 300	do	438, 150
University of Alabama in Birmingham	Library facility	1, 615, 000	do	750, 000
University of Alabama in Birmingham	Building No. 3	2, 480, 000	do	79, 300
University of Alabama (Tuscaloosa)	Bio.-Complex	3, 194, 697	do	315, 876
Total		30, 277, 394		8, 316, 484

SENATE SUPPORT OF EDUCATION IS VITAL TO NATIONAL WELL-BEING

Mr. RANDOLPH. Mr. President, education is a key to the economic and social strength of our Nation, a hope in part for coping with the turbulence and uncertainties of our complex age, and a means for fulfillment of service and success in individual lives.

It is fundamental to the American ideal of equality of opportunity for worthwhile development of individual abilities. The American commitment to equality of opportunity is more fully realized through quality education which must be made available to all who can benefit from it.

Education is expected to produce citizens equipped to live and work in a rapidly changing society.

Education—quality education—is vital to our growth and well-being.

But the process of teaching and learning can be no better than the people determine it to be; therefore, these are problems to be shared by all of us—requiring utilization of every source of support.

Now before the Senate is House Joint Resolution 966, the continuing resolution which will allow over a $1-billion increase in funds for the operation of many important educational programs on a temporary basis. Educators charged with the responsibility for providing quality education for the Nation's youth have experienced a most difficult situation since this school year began. Many programs cannot be carried forward because of a lack of funds and because of other administratively imposed budgetary restrictions.

Mr. President, the education of Americans is a priority matter. Time wasted is time lost. These years of schooling are not a biding time until adulthood but a time for growth in knowledge as well as stature. On these crucial years an educational base for productive life must be built.

It was my privilege to join with the able Senator from New Mexico (Mr. MONTOYA) and other colleagues in sponsoring an education funding resolution similar to the provisions of the measure now before the Senate. It is gratifying that our diligent colleagues on the Appropriations Committee have recommended approval of this altered procedure to fund the education programs at the level approved by the House of Representatives until Congress has completed action on the Department of Health, Education, and Welfare appropriations legislation. It is my hope that the Senate will voice its support for a realistic program of educational assistance by approving this resolution.

As a member of the Senate Education Subcommittee, I have participated actively in the formulation of the many education assistance programs of this decade. These have been landmark measures. We have broken new ground, and we will continue to refine and build. In a sense the Congress made a national commitment to quality education. But that commitment has been lessened by our inability to provide the necessary funds to implement education programs. The pending resolution is a revitalization of our commitment. It is tangible evidence of the growing support to provide increased funding for education.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H.J. Res. 966) was passed.

Mr. MANSFIELD. Mr. President, the junior Senator from New Mexico (Mr. MONTOYA) is necessarily absent from the Senate today. I would not want this opportunity to pass without paying tribute to him for his untiring efforts in behalf of American education. Today we have passed a continuing resolution providing for the release of operating funds for education programs. It is no exaggeration to say that the single most important force behind this victory for education was JOSEPH MONTOYA.

Education this year has been recognized as a matter of national urgency and deserving of national priority. We have acknowledged a mandate from the people in support of education programs, and we have seen that mandate reflected in the appropriations process, through the leadership of such men as JOSEPH MONTOYA.

We cannot believe in education, however, or profess to, without supporting every opportunity which comes our way to provide a quality education for every child in this country. There are many who profess to believe in education, and there are many who do support education measures when a vote is called. But how many are there who consistently take the positive action which is so vital to the success of legislation which supports the public schools of this country?

Such a man is JOSEPH MONTOYA. He is not only a supporter but a leader in the cause of progressive education legislation, and the results of his leadership have been seen today, with the passage of this resolution which is so vital to the operation of our schools.

I ask unanimous consent to have printed in the RECORD remarks which Senator MONTOYA would have made had he been here.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MONTOYA

I wish to thank the distinguished Chairman of the Committee on Appropriations, the Honorable Richard Russell, for his cooperation in reporting the continuing joint resolution for our consideration today. I know that it was not easy for him to agree to do so because of the Montoya-Cohelan amendment in the joint resolution, pertaining to education funds.

I wish to stress as strongly as I can that I do not want to leave any indication or implication whatsoever that the distinguished Committee Chairman is any less sensitive than I to the education needs of our country. As a member of, and now Chairman of the Appropriations Committee, Senator Russell has served this country for many years in a dedicated and loyal manner. He has assisted on and presided over many bills appropriating great sums of money for education—normally far more than was appropriated by the other body.

I do appreciate, however, that there was some concern on the part of the committee chairman and others that we might be establishing a precedent by adopting this amendment with respect to education appropriations.

But more is at stake here than a precedent with respect to the nature of a continuing resolution. The very concept of providing a sound education for our nation's children is at stake.

I stand here as a spokesman for three allied interests. I speak for my constituency in New Mexico, for Senators who have joined with me in cosponsoring Senate Joint Resolution 163, and for the millions of students, teachers, and educators across the Nation.

My message is simple, and I shall try to be as brief as possible, knowing well the terrific pressures of time and circumstances under which Congress is working.

The continuing joint resolution before us provides, of course, funding for all those agencies whose fiscal year 1970 appropriation bill has not yet become law. The previous continuing resolution expired on October 31, 1969, and the agencies affected have been without obligating and funding authority since. While the agencies have been able to operate on a temporary and uncertain basis during this interim, the time has run out for them and they must have legislative authority to make payrolls that have become due. For example, this Friday the Department of Defense military personnel payroll becomes due as do those of the Weather Bureau and the Architect of the Capitol. Also this weekend, the payroll for the Coast Guard is due. Next week the payrolls for the personnel at the Tennessee Valley Authority, the Department of Defense civilian personnel, and every other agency whose appropriation bill has not been enacted, will become due. We must enact this continuing joint resolution today, unchanged from that passed by the House in H.J. Res. 966, if these agencies are to pay their employees on time.

I think every Senator fully understands that aspect and appreciates the need for urgency. We have no time for a Senate-House Conference. We must approve H.J. Res. 966 without amendment.

Of course, at this moment the subject of great concern for all of us is that portion of the continuing resolution which pertains to the interim funding of education programs. There are few among us who would not agree that education ranks very high as a national priority. That is not the issue. Rather, the issue is whether we should express our belief in the importance of education by supporting a continuing resolution which would fund education programs at a level substantially above last year's appropriations and this year's administration budget request. On this issue, at least 47 of our colleagues here in the Senate have committed themselves to education as an action priority by cosponsoring S.J. Res. 163, which I introduced. Thus, at least 47 members of this body have already stated that we should fund education programs during this interim period at the level provided for in the House-passed HEW appropriation bill for FY 1970.

H.J. Res. 966 as passed by the House was amended on the floor of the House to include the language of S.J. Res. 163. This provision simply states that the Office of Education programs will be funded during this interim period at the level contained in the House-passed HEW appropriation bill for FY 1970 (H.R. 13111), instead of at the lesser levels represented either by last year's appropriations or this year's budget request.

The following table shows the differences in these three levels of funding.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

SUMMARY OF FISCAL YEAR 1970 HISTORY

	Fiscal year 1969		Fiscal year 1970						
	Authorization[1]	Appropriation[2][3]	Authorization[1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments	House committee allowance	House allowance
Elementary and secondary education	$3, 249, 059, 274	$1, 475, 993, 000	$3, 612, 054, 470	$1, 553, 855, 000	$1, 558, 327, 000	$1, 525, 876, 000	$1, 415, 393, 000	$1, 470, 338, 000	$1, 761, 591, 000
School assistance in federally affected areas	640, 112, 000	521, 253, 000	729, 941, 000	458, 502, 000	315, 167, 000	315, 167, 000	202, 167, 000	202, 167, 000	600, 167, 000
Education professions development	352, 500, 000	95, 000, 000	445, 000, 000	146, 500, 000	116, 500, 000	105, 000, 000	95, 000, 000	95, 000, 000	95, 000, 000
Teacher Corps	46, 000, 000	20, 900, 000	56, 000, 000	31, 100, 000	31, 100, 000	31, 100, 000	31, 100, 000	21, 737, 000	21, 737, 000
Higher education	1, 689, 428, 706	808, 203, 000	1, 981, 700, 000	1, 204, 372, 000	1, 071, 188, 000	897, 259, 000	780, 839, 000	785, 839, 000	859, 633, 000
Vocational education	482, 100, 000	248, 216, 000	766, 650, 000	444, 570, 000	350, 216, 000	279, 216, 000	279, 216, 000	357, 216, 000	488, 716, 000
Libraries and community services	275, 300, 000	147, 144, 000	425, 100, 000	179, 675, 000	168, 375, 000	155, 625, 000	107, 709, 000	126, 209, 000	135, 394, 000
Education for the handicapped	243, 125, 000	79, 795, 000	321, 500, 000	111, 500, 000	100, 000, 000	85, 850, 000	85, 850, 000	84, 540, 000	100, 000, 000
Research and training	35, 000, 000	87, 452, 000	56, 000, 000	161, 755, 000	113, 200, 000	90, 000, 000	115, 000, 000	85, 750, 000	85, 750, 000
Education in foreign languages and world affairs	56, 050, 000	18, 165, 000	120, 000 000	29, 500, 000	24, 000, 000	20, 000, 000	20, 000, 000	18, 000, 000	18, 000, 000
Research and training (special foreign currency)	(4)	1, 000, 000	(4)	7, 500, 000	4, 000, 000	4, 000, 000	1, 000, 000	1, 000, 000	1, 000, 000
Salaries and expenses	(4)	40, 804, 512	(4)	58, 412, 000	46, 725, 000	43, 375, 000	43, 375, 000	42, 157, 000	42, 157, 000
HISTORY OF 1970 BUDGET, OFFICE OF EDUCATION									
Civil rights education	(4)	10, 797, 000	(4)	16, 500, 000	13, 800, 000	13, 750, 000	20, 000, 000	12, 000, 000	12, 000, 000
College for agriculture and the mechanic arts	2, 600, 000	2, 600, 000	2, 600, 000	2, 650, 000	2, 600, 000	2, 600, 000	2, 600, 000	2, 600, 000	2, 600, 000
Promotion of Vocational Education Act, February 23, 1917	7, 161, 455	7, 161, 455	7, 161, 455	7, 161, 455	7, 161, 455	7, 161, 455	7, 161, 455	7, 161, 455	7, 161, 455
Student loan insurance fund	(4)	0	(4)	10, 826, 000	10, 826, 000	10, 826, 000	10, 826, 000	10, 826, 000	10, 826, 000
Higher education facilities loan fund	400, 000, 000	104, 875, 000	400, 000, 000	154, 800, 000	54, 509, 000	4, 509, 000	4, 509, 000	4, 509, 000	4, 509, 000
Total	7, 479, 682, 435	3, 669, 358, 967	8, 923, 706, 925	4, 579, 178, 455	3, 987, 694, 455	3, 591, 314, 455	3, 221, 745, 455	3, 327, 049, 455	4, 246, 241, 455

[1] Includes indefinite authorizations.

[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.

[3] Includes supplementals.

[4] Indefinite.

Briefly, H.R. 13111 represents an increase of approximately $605.5 million over last year's appropriation and more than $1 billion over this year's administration budget request.

The question has been asked as to why we should provide funding of education programs during this interim period at the House-passed level for FY 1970 instead of at the traditional level provided for in continuing resolutions, of last year's appropriation or the new budget request, whichever is lesser. This is a fair question and deserves a straight answer.

The House in it wisdom has recognized the severe inadequacy of both the fiscal year 1969 appropriation and this year's administration budget request. Although we have authorizations for education programs totalling nearly $9 billion for FY 1970, the budget request for FY 1970 and last year's appropriations are far below this amount.

In order to remedy this inadequacy and more realistically approximate the true needs of education, the House, late in July, passed H.R. 13111. Many Senators, probably a majority, silently applauded this action on the part of the House. Although encouraged by the positive trend established by the other body, I have found that many Senators agree that the increases voted by the House do not go far enough. The Senate, during the past 10 years, except for one instance, has traditionally appropriated more money for education than has the House. There is no reason to feel that we will not do so again. Unfortunately, however, unavoidable delays have put final passage of the appropriations bill for HEW in the Senate in the uncertain future. It may be late November or early December before the Senate will have an opportunity to vote on the bill. In the meantime, we cannot cheat on our obligations to provide for sufficient funding for education programs.

From my point of view, one that is shared by the other cosponsors of S.J. Res. 163, logic and obligation demand that we uphold as a minimum the level established by H.R. 13111 while awaiting passage of the final appropriations bill. We must firmly establish our intention to meet the real financial requirements of quality education programs; and the surest way of establishing our intention is through immediate passage of H.J. Res. 966 as passed by the House. With such passage, positive gains for education, although still not adequate, become an accomplished feat in terms of desperately-needed funding.

Such action speaks with greater integrity than the acceptance of past funding levels with a promise that things will get better sometime in the future.

Thus, some specific and crucial dollar amounts are inherent in S.J. Res. 163 as incorporated into the House passed H.J. Res. 966, as compared with the one under which the U.S. Office of Education has been operating since July 1, 1969 (P.L. 91–33). Overall, the House-passed H.J. Res. 966 would add approximately $1 billion for Federal education programs. More specifically, H.J. Res. 966 would add approximately $400 million for school assistance in Federally affected areas; $350 million for elementary and secondary education programs; $26.5 million for Libraries and community services; $200 million for vocational education; and make a number of other needed additions to the presently authorized spending levels for Office of Education programs.

In New Mexico, for example, H.J. Res. 966 as passed by the House, would add $1.2 million for Elementary and Secondary Education; $5.1 million for school assistance in federally affected areas; and $900 thousand for vocational education. We face a school crisis in New Mexico—as I am sure other States do—and this measure will greatly alleviate our financial problems.

I must admit that I do not view with pleasure the necessity of making an issue of a continuing resolution. Such a procedure acts to undermine a tradition of non-controversiality which is normally a part of a continuing resolution. Nevertheless, I feel even more strongly that we must not, for the sake of tradition, hold up desperately-needed funds for our education programs. As one Senator has put it, the exigencies of time demand extraordinary action. I ask on behalf of a sound education system in this country for the support of all Senators.

Mr. MANSFIELD. Mr. President, I also wish to include in the RECORD a statement in praise of Senator MONTOYA which would have been delivered by the Senator from Washington (Mr. MAGNUSON). Senator MAGNUSON is likewise necessarily absent from the Chamber. I subscribe wholeheartedly to his remarks about the junior Senator from New Mexico, and ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATOR JOSEPH M. MONTOYA'S LEADERSHIP IN BEHALF OF AMERICAN EDUCATION

Mr. MAGNUSON. Mr. President, it is one of the most useful, though informal, functions of Members of the United States Senate, to call attention from time to time to the accomplishments of those who distinguish themselves by helping to perpetuate the ideals of service on which the health of our free democratic society depends.

It is a special pleasure for me, therefore, as Chairman of the Labor-HEW Subcommittee of the Senate Appropriations Committee, to join with my colleagues on both sides of the aisle in paying tribute to our distinguished colleague, Senator Joseph M. Montoya, in connection with the vital role he has played in providing additional funds for education which will be of such benefit to the Nation's school districts.

Senator Montoya's leadership has never been more illuminating than the way in which he has responded to the call to speak up in behalf of America's educational objectives. Education has been one of the interests closest to his heart. In his judgment there is no more worthy objective than the full attainment of our educational goals. He feels that those of us with the awesome responsibility of helping prepare youth for their life roles as employed adults and citizens must assume that responsibility by making available tools which educators and school administrators can seize upon and use to enhance and improve our national education system.

As a result, Senator Montoya has championed and voted for every substantive improvement in educational opportunities for the American people since he came to Congress—from preschool projects to graduate education. And in securing passage of this—his most recent effort—he has been working behind the scenes, giving selflessly of his ideas and energies, so that this education resolution may be enacted.

Of course many other accomplishments by Senator Montoya could be cited here, and over his many years of public service he has demonstrated that he is a devoted and loyal son of, and willing to work hard for the best interest of, the State of New Mexico and this Nation.

Mr. President, Senator Montoya's contributions remain of the highest quality and utmost importance, and we cannot do less than warmly applaud his earnest and effective efforts.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PEARSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARMON KILLEBREW

Mr. PACKWOOD. Mr. President, moving from the field of law to the field of baseball, one of Oregon's outstanding citizens—though adopted and not native—is Harmon Killebrew. I had a chance to talk with him this morning, after he received the award yesterday as the American League's most valuable player, and I was very much heartened and impressed by his comments.

Senators will recall that last year, due to an injury, he had what was, for Harmon Killebrew, a very bad season. This year he has had a marvelous recovery, and I wish him another 10 years of success.

As far as I am concerned, Harmon Killebrew is an inspiration to youth and a credit to Oregon. He bounced back this year with a tremendous performance after receiving a substantial setback in 1968, when he was injured.

I know I speak for thousands of fellow Oregonians when I say how proud we are to have such a great athlete and fine gentleman living in our State.

I ask unanimous consent to have printed in the RECORD an article entitled "Killebrew Voted as Most Valuable," published in today's Washington Post, concerning Harmon Killebrew and his selection as most valuable player.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KILLEBREW VOTED AS MOST VALUABLE

NEW YORK, November 12.—Harmon Killebrew, a quiet baldish man who led the major leagues with 49 home runs and 140 runs batted in for the Minnesota Twins, was named tonight the Most Valuable Player in the American League for 1969.

The muscular Killebrew, who bounced back strong from an injury in the 1968 All-Star Game that threatened to end his career, was a decisive winner over John (Boog) Powell of the pennant-winning Baltimore Orioles. Powell batted .304, hit 37 homers and knocked in 121 runs.

Killebrew, 33, received 16 of the first-place votes by the 24-man committee of the Baseball Writers Association of America, two from each league city. Powell received six.

PREPLAYOFF VOTING

The voting, completed before the beginning of the playoffs and thus restricted to performance in regular-season games, was tabulated and announced by Jack Lang, secretary-treasurer of the writers' group. Minnesota won the league's West Division race before losing to Baltimore in the playoffs.

Frank Robinson of Baltimore, who won the MVP award in the American League in 1966 and in the National League with Cincinnati in 1961, received this year's two remaining first-place votes. Robinson hit .308 with 32 homers and 100 RBI.

The writers mentioned 37 players in the balloting and 10 of the 12 clubs were represented. Only Chicago and Cleveland failed to draw a vote.

The point score, based on 14 for a first-place vote, nine for second, eight for third and so on down to one for 10th gave Killebrew 294 points, Powell 227 and Robinson 162.

Frank Howard, the Washington slugger who was runnerup with 48 homers, finished fourth with 115 points and Reggie Jackson, Oakland's home-run hitter who threatened in midseason to top both Babe Ruth and Roger Maris and wound up with 47, was fifth with 110 points.

Denny McLain, last year's MVP unanimous winner who shared the 1969 Cy Young pitching award with Mike Cuellar of Baltimore, had the most points of any pitcher, 85, for sixth place.

Killebrew wound up with a .276 batting average and now has hit 446 homers in his 11-year career. It was feared he was finished in the 1968 All-Star Game at Houston's Astrodome when he suffered a ruptured left hamstring muscle while stretching for a throw at first base, and he missed much of the season, in which he hit only .210. He exercised during the winter and came back to play in 162 games, splitting the season between first base (80 games) and third base (103 games).

Reached at his home in Ontario, Ore., Killebrew said he was honored to receive the award which had eluded him in previous years.

"I've always felt this was the No. 1 award, so I feel real good" said Killebrew over the phone. "Last year I was injured so was just really hoping I'd get to play a lot this year. I've always felt it is difficult to pick one guy for the MVP. It takes a lot of guys to win. It's great to receive the award."

Killebrew said he was leaving soon for Japan on a sales trip for Killebrew Enterprises, hoping to interest young Japanese players in a batting trainer.

PHILOSOPHICAL ATTITUDE

When asked for his reactions to the recent firing of Twins' manager Billy Bartin, Killebrew said, "It's hard to tell what the reaction will be among the players. They're all scattered now. Everybody had varying opinions. It's kind of tough but I think everybody realizes that's the way baseball is. You just go out and try to do your best."

Killebrew and Powell were the only players named on all 24 ballots. "The Killer" was named no lower than fourth on any vote with seven for second place and one for fourth. Powell had seven for second, seven for third, three for fourth and one for eighth. Robinson was left off three of the 24 ballots.

THE VICE PRESIDENT SPEAKS ON THE IMPORTANCE OF THE TELEVISION NEWS MEDIUM TO THE AMERICAN PEOPLE

Mr. BAKER. Mr. President, tonight Vice President AGNEW is scheduled to deliver an address to the Midwest Regional Republican Committee meeting in Des Moines, Iowa.

It is no secret that recent utterances

by Vice President AGNEW have generated a great deal of public comment. I am confident that tonight's speech will be no exception, because he discusses with characteristic directness his thinking about the role of television in America today.

I know that Senators will be interested in what the Vice President plans to say tonight, and I ask unanimous consent that the advance text of his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT, MIDWEST REGIONAL REPUBLICAN COMMITTEE MEETING

Tonight I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power. So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is . . . are we demanding enough of our television news presentations? . . . And, are the men of this medium demanding enough of themselves?

Monday night, a week ago, President Nixon delivered the most important address of his Administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of seventy million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the *majority* of whom expressed, in one way or another, their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic discloscure of his intention not to seek reelection have seen these men in a genuine state on non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was now "following the Pentagon line." Others, by the expressions on their faces, the tone of their questions, and the sarcasm of their responses, made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Viet Cong or North Vietnamese did not really want a military take-over of South Vietnam; he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

A word about Mr. Harriman. For ten months he was America's chief negotiator at the Paris Peace Talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman sems to be under some heavy compulsion to justify his failures to anyone who will listen. The networks have shown themselves willing to give him all the air time he desires.

Every American has a right to disagree with the President of the United States, and to express publicly that disagreement.

But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through. When President Kennedy rallied the Nation in the Cuban Missile Crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he had asked America to follow.

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but more importantly, wield a free hand in selecting, presenting and interpreting the great issues of our Nation.

First, let us define that power. At least forty million Americans each night, it is estimated, watch the network news. Seven million of them view ABC; the remainder being divided between NBC and CBS. According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news.

In Will Rogers' observation, what you knew was what you read in the newspaper. Today, for growing millions of Americans, it is what they see and hear on their television sets.

How is this network news determined? A small group of men, numbering perhaps no more than a dozen "anchormen," commentators and executive producers, settle upon the 20 minutes or so of film and commentary that is to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad. They decide what forty to fifty million Americans will learn of the day's events in the Nation and the world.

We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a Moratorium on the war. They can elevate men from local obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue, like ABM or Civil Rights, becomes in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge. Through news, documentaries and specials, they have often used their power constructively and creatively to awaken the public conscience to critical problems.

The networks made "hunger" and "black lung" disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and immediacy that is the gift of their medium. They have focused the nation's attention on its environmental abuses. . . . on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence . . . nor is their power confined to the substantive.

A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

One Federal Communications Commissioner considers the power of the networks to equal that of local, state and federal governments combined. Certainly, it represents a concentration of power over American public opinion unknown in history.

What do Americans know of the men who wield this power? Of the men who produce and direct the network news—the nation knows practically nothing. Of the commentators, most Americans know little, other than that they reflect an urbane and assured presence, seemingly well informed on every important matter.

We do know that, to a man, these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C. or New York City—the latter of which James Reston terms the "most unrepresentative community in the entire United States." Both communities bask in their own provincialism, their own parochialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states, "objectivity is impossible to normal human behavior." Rather, he says, we should strive for "fairness."

Another anchorman on a network news shows contends: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you. . . . I think your program has to reflect what your basic feelings are. I'll plead guilty to that"

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for fear of a hostile reaction, Richard Nixon would be giving into, and I quote the commentator, "His natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan assault. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this kind of concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by government?

The views of this fraternity do *not* represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks reviewed it.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that forty million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases.

The questions I am raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility and concern. They should have been raised by those Americans who share the view of the late Justice Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection."

Advocates for the networks have claimed a first amendment right to the same unlimited freedoms held by the great newspapers of America.

The situations are not identical. Where the New York *Times* reaches 800,000 people, NBC reaches twenty times that number with its evening news. Nor can the tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippman spoke to the issue: "There is an essential and radical difference," he stated, "between television and printing . . . the three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But, besides the mass circulation dailies, there are the weeklies, the monthlies, the out-of-town newspapers, and books. If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph."

"Networks," he stated, "which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly of the medium of print.

"A virtual monopoly of a whole medium of communication" is not something a democratic people should blithely ignore.

And we are not going to cut off our television sets and listen to the phonograph because the air waves do not belong to the networks; they belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

It is argued that this power presents no danger in the hands of those who have used it responsibly.

But as to whether or not the networks have abused the power they enjoy, let us call as our first witnesses, former Vice President Humphrey and the City of Chicago.

According to Theodore H. White, television's intercutting of the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and *false* political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police.

According to the Committee findings, one network in particular presented "a one-sided picture which in large measure exonerates the demonstrators and protestors." Film of provocations of police that was available never saw the light of day, while the film of the police response which the protestors provoked was shown to millions.

Another network showed virtually the same scene of violence—from three separate angles—without making clear it was the same scene.

While the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

Our knowledge of the impact of network news on the national mind is far from complete. But some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society.

Several years ago, Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

Gresham's law seems to be operating in the network news.

Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single dramatic piece of the mosaic becomes, in the minds of millions, the whole picture. The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus. None of these conclusions is true.

Television may have destroyed the old stereotypes—but has it not created new ones in their place?

What has this passionate pursuit of "controversy" done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans—while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show.

We have heard demands that Senators and Congressmen and Judges make known all their financial connections—so that the public will know who and what influences their decisions or votes. Strong arguments can be made for that view. But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear; should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?

Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

And the people of America are challenged too . . . challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves . . . where the citizen—not government—must be the reformer . . . where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not *my* decision; it is not *your* decision; it is *their* decision.

In tomorrow's edition of the Des Moines *Register* you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's networks.

We would never trust such power over public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. PEARSON. Mr. President, I shall vote for the confirmation of the nomination of Judge Clement F. Haynsworth, Jr., as an Associate Justice of the U.S. Supreme Court.

I do so with some concern.

Mr. President, the specific criticisms of this nomination are of two types. The charges of prejudice relate to the first essential of justice. The allegations of judicial improprieties and in fact the violation of the statutes and the code of judicial ethics relate to honesty and the first qualification of one who is to be a judge.

I make no attempt in this statement to analyze the decisions of Judge Haynsworth to prove that he is free of prejudice. No purpose is served by abstracting cases or merely counting the number of decisions rendered in favor or against a particular interest. There is a presumption that he fairly applied fact to law, which the record of the hearings does not disprove.

The circumstances of some of Judge Haynsworth's personal finances and outside business interests as they relate to his official duties have been described and admitted as "mistakes," "indiscretions," or "misjudgments."

Each, according to his own measurement or evaluation of ethical standards, may reach his own conviction. But, Mr. President, in the end one must confront the basic question, Is the nominee an honest man? Although I know him only from the cold pages of the record of the hearings, the expressions of the committee report, and the evaluations of those who do know him, I cannot judge him to be dishonest. I accept his acts as unintentional indiscretions. Having done so, I cannot vote against him on this count.

Perhaps, Mr. President, the most difficult consideration for the Senator to resolve is the effect this confirmation will have upon the prestige of the Court. The charges and allegations that this nomination is a political payoff or that it is the implementation of some political strategy, the heat of this debate, the apparent closeness of the vote, which is an expression of confidence, may ultimately serve to reduce the effectiveness and the utility of Judge Haynsworth's service upon the Highest Court of the land.

Yet perhaps few nominations or issues in our free and open and troubled society, so filled with protest, so consumed with anger, will escape the erosive effect of controversy. Long ago, in my first days of public service, it became apparent that those who are activists, those who seek to achieve, those who do things, are to be the focus of controversy. The need is not to escape controversy but to learn to control it with understanding. In a political system, political motives and philosophy are inevitably at work.

Some are affronted by this nomination, Mr. President, because the judge is said to be a "conservative." But within each public institution I would hope that there would be a balance of philosophy and a divergence of views which would sharpen debate and clearly define ideas.

Mr. President, I read and studied this record with the hope that I could support the President. That same hope existed when I served in the Senate during the administrations of President Kennedy and President Johnson. Further, I sought a decision which would be representative of the will of the people of Kansas. The instruments that are available for determining public opinion—correspondence, conferences, editorial opinion—were all referred to, but in addition, my office made a special effort to do many personal interviews to find the will of my constituency. It was overwhelmingly in favor of the confirmation of the nomination of Judge Haynsworth.

Mr. President, for my part a difficult decision has been made. I urge the confirmation of Judge Haynsworth's nomination.

THE PHILIPPINES: AN EXAMPLE TO NEW NATIONS

Mr. MANSFIELD. Mr. President, an election has just been held in the Republic of the Philippines. The Philippines has operated under a single democratic constitution for almost 35 years. It has consistently held all scheduled elections. It has had and has the freest press in the world. The opposition is lusty and open, and nowhere in the world is the party in power, and its president, so ardently and publicly criticized.

Despite the intensity of the election campaigns, the defeated party has after each election accepted the mandate of the voters and confined its protest to the courts.

Mr. President, the reelection of President Ferdinand Marcos is an event of great significance in the history of the Republic of the Philippines. For the first time, the Filipino people have given their confidence to the same leadership in two successive Presidential selections. I would like on this occasion to congratulate both President Marcos and Vice President Lopez on their election.

I want, too, to express again my admiration for the people of the Philippines for their vitality in sustaining their institutions of free government. To be sure, there are imperfections in that system; imperfections are not uncommon in the institutions of all free governments including our own. The fact remains that, for a quarter of a century, the constitutional system of the Philippines has guaranteed the traditional democratic freedoms of the individual and has assured the holding of elections at regular intervals. It has given continuity to this oldest functioning democracy in Southeast Asia.

In my judgment, the election this year may also mark the beginning of a new era in United States-Philippine relations. In my judgment, it will not be an easy period and the most careful and considerate attention to its problems will be required on both sides. In my judgment, the next 4 years may well mark the period in which the book is finally closed on the old dependent colonial relationship which began almost 70 years ago.

It seems to me that change should be anticipated by all concerned because the impetus for change has been given by both the Guam declaration of President Nixon and the emergence of a new dynamism in Philippine nationalism. Nevertheless, there ought to be every expectation that the transition can be made successfully. Successful change, however, will require an extra measure of understanding, restraint, respect, and tolerance on the part of both nations.

In my public report to the Foreign Relations Committee and my confidential report to the President, after my return from a visit to the Philippines last August, I tried to deal with these questions, without, of course, in any manner intruding into the Philippine elections which were matters of concern only to the Filipino people.

I ask unanimous consent that an excerpt from my public report be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

IV. THE NEW DOCTRINE AND SOUTHEAST ASIAN COUNTRIES

A. THE PHILIPPINES

Since the establishment of the Republic of the Philippines in 1946, the interaction of policy between that nation and the United States has been deeply influenced by a "special relationship," a phrase which is subject to two interpretations. On the one hand, it connotes the emotional interplay between the two countries which stretches back over more than half a century. This "special relationship" began, in fact, with a degree of hostility in the conflict over the annexation of the Philippines by the United States. Gradually, however, the relationship developed mutual trust, and it was finally welded by the shared dangers, horrors, and triumphs of World War II, and the U.S. pledge of independence to the Philippines, into a strong and sympathetic mutual attachment.

"Special relationship" also refers to a carryover of concessions in trade and commerce and the preferential treatment of U.S. nationals in the Philippines from the preindependence period. In the same vein, the term also describes the vested military privileges which are enjoyed by the Armed Forces of the United States in the Philippines. These privileges were assumed during the period of U.S. rule of the Philippines, and they have been extended, with some modifications, under the lease arrangements by which the United States continues to occupy a great military base complex in the Philippines.

It is perhaps not generally realized that there are about 30,000 U.S. military personnel in the Islands, and over 25,000 dependents. Over 100,000 Filipinos and U.S. civilian employees work on our military bases in the Philippines, the U.S. Department of Defense being the second largest employer in the Philippines, coming only after the Philippine Government itself. The Clark Field lease, which covers over 132,000 acres, and the Subic Bay installation are among the largest U.S. military holdings anywhere in the world. Last year, U.S. Government spending in the Philippines amounted to about $270 million, over half of which was for outlays in connection with the military bases.

With regard to special economic rights, U.S. investors are the only foreigners in the Philippines presently permitted to own a controlling share of companies engaged in the exploitation of natural resources and in the operation of public utilities. In addition, the Laurel-Langley agreement of 1955 which amended the trade agreement of 1946 provides preferential tariff treatment on trade between the two nations and, of special benefit to Philippine commerce, guaranteed access within a quota to U.S. markets for sugar and cordage as well as duty-free quotas on certain other products.

The close integration of the Philippine economy with that of the United States now shows signs of diversification. Japanese and Europeans, for example, have come to assume an increasingly important role in Philippine trade. In fact, Japan has now become the chief supplier of Philippine imports. There are also some initial explorations being made with regard to the possibilities of trade with Communist nations, although Philippine relations with these countries are still far more circumscribed than our own.

Last year, the Philippine gross national product rose 6.3 percent and the country, employing the new miracle strains, became self-sufficient in rice for the first time in memory. At the same time, however, the Philippines had a $300 million deficit in international trade incurred in considerable measure because of the import of capital goods for the developing economy. The deficit figure underscores the compensatory significance of both U.S. base expenditures and trade preferences in the present economy of the Philippines.

The carryover of economic privileges has come under press attack in the Philippines in connection with preliminary scrutiny of the Laurel-Langley agreement which is due to expire in 1974. President Nixon's new doctrine would seem to call for a readiness on the part of this Nation to make adjustments in this agreement. There will be difficulties in this connection, to be sure, but there ought not to be insurmountable difficulties. As I tried to specify in my report to the President, the shock of change can be minimized if there is restraint and understanding on both sides.

The administration's new doctrine would also seem to imply a forthcoming attitude with regard to the military base issues. As nations whose futures are interwoven with the peace of the Pacific, the Philippines and the United States have a common interest in cooperating closely in the field of defense. In that sense, the U.S. bases in the Philippines are of great significance to both nations. In the end, however, the value of the bases is dependent not only on our willingness to support them but also on Philippine acceptance of the arrangements which govern their usage. In that connection, it is important to bear in mind that, with the Philippines no longer an island possession of the United States, what transpires on and around the bases is bound to be of direct and deep concern to any Philippine Government.

In my judgment, the continued effectiveness of the bases requires an alertness to national sensitivities, a scrupulous respect for Philippine sovereignty, and close collaboration between the two governments on all matters pertaining to the usage of the bases. In that fashion, the scope and design of our military presence in the Philippines can be made to reflect not only our military needs but, equally, the wishes of the Philippine people.

When President Nixon arrived in Manila, he said: "I hope that we can initiate a new era in Philippine-American relations, not returning to the old special relationships, because the winds of change have swept away those factors, but building a new relationship, a new relationship which will be based on mutual trust, on mutual respect, on mutual confidence, on mutual cooperation."

As he left Manila, he said: "We have a special relationship with the Philippines which will always be in our hearts * * *."

The President's remarks underscore the dual significance of the phrase "special relationship." To recast all that these two words have come to imply into one mutually acceptable meaning will test the sagacity of the policies and the diplomacy of both nations in the period of transition which lies ahead.

Mr. MANSFIELD. Mr. President, I am delighted now to yield to the distinguished Senator from Alabama, without relinquishing my right to the floor.

THE ANNOUNCED RETIREMENT OF SENATOR SPESSARD L. HOLLAND

Mr. ALLEN. Mr. President, an item in the newspaper this morning caused me great sadness, for it reported the decision of Florida's great and distinguished senior Senator not to seek reelection to the Senate at the end of his present term. This is a decision that causes sadness and a sense of great loss—a loss for the Senate of the United States, a loss for the Members of the Senate, who love him and have the greatest repect and admiration for him, and a loss for the people of Florida and of the Nation.

Senator HOLLAND and Senators of his type have won for the Senate the accolade "the greatest deliberative body in the world."

His great intellect and silver-tongued eloquence; his integrity and statesmanship; his fairmindedness and sincere desire to serve the people of his State and Nation; his logic and his leadership cause him to rank as one of the greatest Senators in this body. His 24½ years in the Senate have been years of distinguished service. I have followed his career since his days as Governor of Florida. I heard him speak boldly at the Democratic Convention in Chicago in 1952 in opposition to punitive proposals leveled against southern delegations at that convention.

I admired his leadership in the successful fight in the Senate earlier this year to preserve the protection afforded by rule 22 to freedom of expression in the Senate.

I look forward to enjoying and profiting by Senator HOLLAND's remaining months of service in the Senate for I have leaned heavily on his leadership in the past and expect to continue to do so in the remaining length of time that we shall have the benefit of his services in the Senate.

On behalf of the people of Alabama, I congratulate our distinguished neighbor on his outstanding and illustrious career in the U.S. Senate.

Though Senator HOLLAND is leaving the Senate, he will continue to be active in many worthwhile endeavors for years to come.

Mrs. Allen joins me in wishing Senator HCLLAND and Mrs. Holland many happy and rewarding years in the future.

Mr. MANSFIELD. Mr. President, at an appropriate time I intend to make some remarks about the retirement of our distinguished colleague, the senior Senator from Florida. I know other Members of the Senate will, also; they have so informed me. I shall only say at this time that I regret the decision of the distinguished senior Senator from Florida, who has contributed so much to the welfare of his State and to the welfare and the security of the Nation, and who has made for himself a most momentous and memorable record as a U.S. Senator during his service as a Member of this body.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. HOLLAND. I simply want to express my grateful thanks to my distinguished friend from Alabama and my distinguished majority leader, the Senator from Montana, for these gracious comments. I assure them they are not going to get rid of me quite yet. I expect to be here until the end of my present term, which will not expire until January of 1971, at which time I shall have attained approximately the length of service for which our distinguished friend from Alabama gives me credit.

I simply wish to say that the gracious, kind, and generous treatment which I have received from these two Senators today is typical of the kind of treatment Mrs. Holland and I have received from Senators generally and their wives; and after all, that is what makes service in this body so highly treasured by all of us, on a personal basis.

I wish to express my appreciation for these overgenerous statements, and to say again that I look forward to being here for the remainder of my term. I shall not have to be away running next year, so I shall be enjoying these comradely relationships all year.

If I have been vigorous in the past, I hope to continue to be vigorous throughout that period, in doing the things which seem to be worth while, and particularly those things that are assigned to me by my majority leader, when I can see that they are things in accord with my philosophy; and he never asks me to do things which are not in accord with my philosophy, because he has been very gentle in his treatment of me.

I thank both of my distinguished friends.

Mr. EASTLAND. Mr. President, I join the distinguished Senator from Alabama and the distinguished majority leader in their tributes to the distinguished Senator from Florida (Mr. HOLLAND).

The Senator from Florida is certainly an outstanding Senator and one of the greatest Florida has ever had. At another time I shall have some additional words to say about him.

The Senator from Florida is my friend, and I think he is one of the greatest men in the history of the Senate.

Mr. MANSFIELD. Only one word: I call to the Senator's attention the fact that a year and 2 months is a long way off, and express the hope that in the meantime he may change his mind.

Mr. President, I yield to the distinguished Senator from Kansas.

Mr. DOLE. Let me say first that I certainly share the views of the Senator from Alabama and the Senator from Montana with reference to the Senator from Florida.

PRESIDENT NIXON'S VISIT TO THE SENATE

Mr. DOLE. Mr. President, I, as a freshman Member of this body, was certainly most appreciative of the fact that President Nixon today paid a visit to this body. I think what he said was said most properly. It was a great day for the Senate, and I think for all of us, to have the President visit this Chamber.

I did notice, as I am sure other Senators noticed, that there were a few in the gallery who apparently had no respect for the Office of the Presidency, who refused to stand when the President came in and refused to stand when he left the Chamber.

I suppose that those few who have so little respect for the highest office in our land and the President of our country are here for the activities this weekend. I would say they represent a very small minority of our people. As I looked around the galleries and saw the people standing and applauding, proud to be Americans, I felt very sorry for the three I saw in one row up here, who sat there and did not rise to pay respect to the high office which the President holds.

But it has been a great day for us, and despite the efforts of a few, a small minority, I would say three out of 2,000, I think the great majority of Americans share the wish expressed by the President, which I am sure is also shared by every Member of this body, that we can have an honorable peace in Vietnam, and peace throughout the world.

THE CONSTITUTIONAL PERILS OF PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, on October 29, 1969, I had the privilege of participating in a conference on preventive detention conducted by the University of Chicago Center for Continuing Education at the University of Chicago, in Chicago, Ill. I ask unanimous consent that some remarks made by me on that occasion be printed at this point in the Record.

There being no objection, the remarks were ordered printed as follows:

The Constitutional Perils of Preventive Detention

I. INTRODUCTION

Initially, I want to make it clear that I am deeply concerned about the crime problem in this country and about the safety of our law-abiding citizens. The increasing rate of criminal activity in our land is appalling. I am especially disturbed by the crime problems besetting us each day in the District of Columbia. The existence of these problems, however, should not prompt Congress towards enacting unconstitutional and unwise and deceptively appealing legislation. Rather, it should provide us with the opportunity to make those difficult legislative decisions which are essential if our court and corrective systems are to cope with the demands of modern society.

Proponents of preventive detention legislation assert that it is the only realistic and efficient way to attack the problem of crime by persons free on bail while awaiting trial. In my judgment, the supporters of preventive detention are serious mistaken in that assertion. Although it is difficult to obtain complete statistics, the available figures indicate that offenses committed by persons released on bail are approximately 6% of the total crime figure. In addition, well over half the crimes on bail are not committed until more than 60 days after release. While any crime by bailees is serious, we should recognize that only a slight portion of our overall crime problem can be attributed to those on bail. That portion could be substantially reduced by providing for speedy trial and by other measures which would not involve such drastic infringement of civil liberties as does proposed preventive detention legislation.

Advocates of preventive detention generally attribute the need for preventive detention legislation to problems caused by the Bail Reform Act of 1966. Again, I am constrained to say that they are in error. As most of you well know, the Bail Reform Act revised Federal bail law for the first time since 1789. Its purpose was to implement the two fundamental principles which have always been at the foundation of American bail law—first, that a criminal suspect shall be released pending trial unless there are good reasons to believe he will flee rather than appear for trial; and second, that a person's financial inability to post monetary bond shall not preclude his right to pretrial release. These principles constitute the American ideal of bail—one which we have always sought but had never achieved until 1966. We should not recklessly repudiate these principles by enacting a preventive detention law which raises grave constitutional questions when considered in light of the individual rights guaranteed by the Eighth, Fifth and Sixth Amendments to the Constitution.

II. CONSTITUTIONAL QUESTIONS

A. Eighth amendment—right to reasonable bail

The historical purpose of bail is to insure the appearance at trial of a criminal suspect and not to detain him in the hope that such detention will impede the possibility of his further criminal activity. The Eighth Amendment prohibits excessive bail. Clearly, if bail is set at a level higher than necessary to insure appearance, it is excessive and is serving a function not consonant with its historical purpose. The result of excessive bail is pretrial detention violative of the Eighth Amendment. In my judgment, the Eighth Amendment implicitly guarantees a right to bail in all non-capital cases.

The history of the Eighth Amendment makes this evident. The right to bail was explicitly provided by the Northwest Ordinance of 1787 and by the Judiciary Act of 1789, both of which are contemporary to the Eighth Amendment. Furthermore, the major pre-Constitutional documents of the period, including the constitutions of Virginia, Massachusetts, North Carolina and Pennsylvania all provided for a non-discretionary right to bail. It is evident that the founders of our country adopted the Eighth Amendment's prohibition against excessive bail as a means of securing a pre-existing right which was generally accepted at the time and which had been expressly decreed by the same Congress only months previously. An especially significant manifestation of that intent is the presence of an absolute right to bail in non-capital cases in the great majority of our state constitutions.

I have recently received a memorandum on constitutionality which the Justice Department prepared in defense of S. 2600, the Administration's preventive detention proposal. In the memo, the Department argues that the Eighth Amendment guarantees a right to reasonable bail only in those cases where Congress authorizes bail. According to this argument, Congress could define away the right to bail and leave the Eighth Amendment meaningless. The Constitution's purpose is to limit governmental infringement of the people's declared rights whether by the courts, the legislature, or the executive. Under the Department's theory, the Eighth Amendment guarantees could be abolished by legislative action—an untenable result which does violence to the very purpose of the document.

While arguments may be mounted on both sides of the Eighth Amendment issue, it is generally agreed that existing case law is not dispositive. The two cases, *Carlson* v. *Landon*, 342 U.S. 524 (1952), and *Stack* v. *Boyle*, 342 U.S. 1 (1951), do not deal with the issue directly. The former case concerned the right of an alien to bail pending deportation. The Court found no such right under the Eighth Amendment. Then in dicta, it discussed the Eighth Amendment in terms of English legal history. This was a basic error since the Eighth Amendment was designed to repudiate the abusive exercise of judicial discretion which had grown up under English bail practice.

The second case, *Stack* v. *Boyle*, dealt mainly with the question of how the "excessive" nature of bail is to be determined under statute and the Eighth Amendment. While the Court opinion contains some helpful language on the constitutional right to bail, the concurring opinion of Justices Jackson and Frankfurter, taken with the dissent of Justice Black and the dissent of Justices Frankfurter and Burton in the *Carlson* case, all support my view of the Eighth Amendment.

Although I am personally satisfied that preventive detention prostitutes the purpose of bail and runs afoul of the Eighth Amendment, the constitutional implications would remain unclear until a case raising them reached the Supreme Court. At best, preventive detention is a constitutionally questionable device whose survival depends on a frontal assault on the Eighth Amendment as it has been understood from its enactment.

B. Fifth amendment

1. Due Process (and the Effect on Individuals of Violation of Due Process.)

The Constitutional difficulty of preventive detention proposals does not end, however, even if the Eighth Amendment is overcome. In my opinion these proposals are fraught with even greater difficulty when viewed in light of the Fifth Amendment guarantee of due process.

For example, under S. 2600 a judicial officer must find, prior to ordering preventive detention, that there is a "substantial probability" that the individual committed the offense charged. This provision allows the government to deprive a suspect of his liberty on the basis of a vague and uncertain standard of proof. I do not believe the standard of "substantial probability of guilt" comports with due process.

Fundamental to due process of law is the tenet that a man is presumed innocent until proven guilty beyond a reasonable doubt. Preventive detention proponents argue that the presumption of innocence is merely a technical rule of evidence assigning the burden of proof to the government at the actual trial. To the contrary, I believe that the presumption inheres in due process. Under our system of justice the government cannot deprive a man of his liberty on the basis of a mere accusation or assumption that he has committed a crime or is likely to do so. In practical effect, preventive detention legislation convicts individuals of "probable" guilt and "dangerousness" and sentences them to 60 days imprisonment without trial and conviction of a crime. Such flagrant violation of due process smacks of a police state rather than a democracy under law. It is reminiscent of similar devices in other countries which have proved all too useful as tools of political repression.

The Administration's bill, S. 2600, and most other detention proposals attempt to avoid the due process argument by providing for a preventive detention hearing. That hearing is ostensibly designed to protect the accused, but in reality it does him irreparable harm without satisfying due process.

Under S. 2600 the preventive detention hearing is adversary in nature, yet the rules of evidence do not apply. Thus, hearsay and other incompetent evidence would be admissible and the hearing would not be a truly evidentiary one. Notwithstanding that fact, the accused's testimony at the detention hearing could be used pursuant to provisions of the bill for his impeachment in any subsequent proceeding. I doubt both the wisdom and constitutionality of provisions of that type.

Notwithstanding the supposed safeguard of a required preventive detention hearing, it should be noted that a suspect could be detained under the Administration's bill for at least eight days without a hearing of any sort. For good cause shown, the U.S. Attorney may secure a continuance of three days while the suspect's attorney may obtain one for five additional days or more in event of extenuating circumstances. Here again we are confronted with the question of whether due process is accorded an individual as required by the Fifth Amendment.

Furthermore, we must not overlook the fact that preventive detention rest on an untested theory of predictability. A judicial officer must be able to pick out with precision the suspect who will commit new crime while on bail. Yet there are no standards for determining dangerousness and no statistical guidelines on which to base the prediction which must be made under the proposed law. Nor will any statistics become available if preventive detention is the law because suspects who are detained will not then be able to demonstrate that they would not recidivate. A legislative judgment of predictability which does not rest on an adequate factual foundation may not be constitutionally valid where the consequences to personal freedom and a fair trial are so serious.

Throughout any consideration of the theory of predictability, on which preventive detention is based, we should remember that only a small percentage and number of suspects actually commit crime while on bail. When that fact is coupled with the fact that judges have nothing to guide them other than some enigmatic power of prophecy, a preventive detention law will most assuredly result in the imprisonment without trial of many persons who are not dangerous and who are innocent of the charges. If a preventive detention law is judged by its susceptibility to abuse, plainly it is an evil law.

As with any proposed legislation affecting the freedom and livelihood of the individual, we should examine the impact of that law upon the individual with the utmost care. It is obvious that 30 or 60 days preventive detention will cost the detained individual his job. Loss of employment plus physical absence from his home will unquestionably have a detrimental effect upon his family. The taxpayers will probably be required to contribute to the financial support of his family and will certainly pay the costs of his detention. It is interesting to note that testimony during bail reform hearings a few years ago estimated that the public cost of pretrial detention before the Bail Reform Act was $2 million.

Probably the most serious blows to be dealt the individual will stem from his subjection to the physical and psychological deprivations and degradations of prison life. S. 2600 does provide that an individual preventively detained under the bill will be confined separately, if "practicable." That provision, however, constitutes another example of the meaningless "rights" that S. 2600 and other bills offer those subjected to preventive detention.

Approximately 40% of all Federal criminal cases in the country are tried in the District of Columbia. Criminal suspects in the District of Columbia will bear the brunt of the preventive detention law. Consequently, we ought to ask where individuals selected by prophetic judges for preventive detention in the District will be incarcerated pending trial.

The D.C. Corrections Department already wrestles each day with the problems of assault, narcotics, and homosexual rape, as well as general turmoil and unrest, all of which result primarily from overcrowding and inadequate supervision. The jails of that city are already a national disgrace. Yet the advocates of preventive detention would inject untold additional individuals, many of them innocent, into our problem-ridden, overcrowded, prison system. The probability that separate confinement facilities will be available for detainees under S. 2600 or other proposals is simply nonexistent.

A period of thirty or sixty days or more of preventive detention in such a system is not likely to improve an individual's reputation. It will make securing employment difficult. It will, in all probability, increase rather than reduce any existing criminal tendencies. And it will sharply detract from the defendant's ability to secure probationary or suspended sentence in the event of conviction. Furthermore, we must realistically ask ourselves whether or not a defendant convicted of "probable guilt" and imprisonment for thirty or sixty days can receive a fair and unprejudiced trial thereafter.

2. Privilege Against Self-Incrimination

Under our system of criminal justice, the prosecution must come forward with evidence of guilt at trial. The defendant may reserve his case pending establishment by the prosecution of a prima facie case. This procedure also protects the defendant's privilege against self-incrimination and does not put him to his election on whether or not to testify at least until after the prosecution has gone forward with evidence of a prima facie case.

The procedure for a preventive detention hearing would constitute a radical departure from our traditional procedure in criminal cases and would place a defendant in an untenable position. If he wishes to avoid preventive detention, he must present his defense, including perhaps his own testimony, at this very early stage of the proceedings. The procedure prescribed by preventive detention proposals thereby strikes a serious blow at two fundamental privileges traditionally reserved to a defendant at the time of his trial.

3. Double Jeopardy

Preventive detention hearing procedures also may raise a double jeopardy issue under the Fifth Amendment. If, at the preventive detention hearing, the judicial officer finds no "substantial probability" that a suspect committed the crime, may that suspect successfully plead *res judicata* and double jeopardy at the subsequent trial? It would seem that having failed to meet the standard of "substantial probability," the government should not thereafter be allowed to try to prove guilt beyond a reasonable doubt.

4. Grand Jury Indictment

It is difficult to exhaust the list of constitutional questions raised by preventive detention legislation. Plainly, findings of "dangerousness to the community" and "likelihood to commit serious crime" under S. 2600 are not petty matters. Nor is a preliminary sentence of 60 days imprisonment. Does the Fifth Amendment provision regarding grand jury indictment apply to a preventive detention proceeding?

C. Sixth amendment

1. Effective Assistance of Counsel

In considering the constitutional problems posed by preventive detention, we must not overlook the Sixth Amendment right of an accused to have the effective assistance of counsel for his defense. Pretrial detention clearly militates against access to counsel and the opportunity to participate in preparing a defense. While the Administration's bill provides for a suspect's temporary release "for good cause", that privilege is diluted, if not totally devoid of meaning, because the release is in the custody of a U.S. Marshal and at the pleasure of the custodial official. The presence of a U.S. Marshal is hardly conducive to contacting prospective defense witnesses. Thus, preventive detention, even with a temporary release provision, substantially infringes upon a defendant's ability to assist in his defense and severely impairs his right to the effective assistance of counsel.

2. Trial by jury

Inasmuch as findings of "dangerousness to the community" and "likelihood to commit serious crime" and a 60-day prison sentence without trial under S. 2600 are matters of such great substance, is the guarantee of trial by jury secured by the Sixth Amendment applicable? Under current definitions, a distinction is made between penalties of 6 months imprisonment or more. This distinction is based less on logic than on practicality, since the judicial system would break down if all petty offenses were triable by jury. In my judgment the distinction is invalid. Certainly where the offense is "dangerousness" and a supposed predeliction to commit violent felonies, the amount of incarceration—60 days—is less important than the finding of serious criminality. Judged on this basis, a good argument can be made that the right to jury trial applies. That argument is strengthened by the facts (1) that detention is indefinite so long as the defendant seeks continuances, and (2) that the hearing will so prejudice the defendant's later trial that it may be, for practical purposes, the actual determination of guilt or innocence.

3. Speedy trial

I believe we ought also to examine preventive detention in light of the Sixth Amendment's right to a speedy trial. In so doing we must consider the administrative effect of proposed preventive detention measures. I must confess that I have great difficulty with this matter. The need for preventive detention legislation concededly rests on the inability to provide speedy trials for criminal suspects. It is an attempt to compensate for a progressive breakdown in our law enforcement structure and especially our over-burdened courts. Yet, the proposed solution would impose heavy additional administrative burdens on the already heavily backlogged courts.

The full adversary hearing, concededly required in any attempt to meet due process objections, and the need to make informed decisions on predictability would, in many instances, take as much time as would actual trial of the principal case. The judicial and prosecutional manpower required by this legislation has not been estimated, but it is no doubt great. Court congestion would get worse. Delays in criminal trials, now running 10–12 months in the District of Columbia, would increase.

Under the terms of the Administration's bill, those detained must be released after 60 days. Other proposals prescribe 30 days' detention. Measured by present delays, which will be worse because of these proposals, the suspect will be in the streets 8–10 months awaiting trial after his 30 or 60 days' detention period is over. Thus we have the curious situation where our failure to give defendants and the public their constitutional right to speedy trial has spawned legislation which will further burden the judges, and make speedy trials even less likely than at present. Yet the professed goal of protecting the public will still remain unrealized.

II. CONCLUSION

On the basis of our Senate hearings earlier this year in the Constitutional Rights Subcommittee and my study on proposed preventive detention legislation, I stand firmly convinced that such legislation is unconstitutional on its face and would initiate a disastrous policy in criminal justice. Furthermore, no compelling evidence has been presented to prove the need for such drastic legislation. Preventive detention will not solve the problem at hand. And I fear that enactment of the pending legislation would merely relax the mounting public pressure for a real and lasting solution to our crime problem.

In my judgment, the real answer to the immediate problem of crime committed by persons on bail, and, indeed, the solution to the general problem of crime, lies not in the preventive detention of individuals presumed innocent but in the speedy trial of the accused and the swift and sure punishment of the guilty. To attain that objective we must bring major improvements, long overdue, into our system of criminal justice. We must have more judges with adequate staffs and facilities, more prosecutors with sufficient supporting personnel, a more efficient system of defense for suspects financially unable to obtain counsel, and a more enlightened approach to penal reform.

As you know, the House and the Senate are both considering a variety of legislative proposals designed to achieve those ends. We must proceed with dispatch to enact carefully thought-through legislation in each of these areas affecting our criminal justice system. While working toward such long-range reform, we can, I am convinced, meet our immediate problem by greater effort on the part of our judges and prosecutors to bring about speedy trials, by the advancement of cases involving defendants believed dangerous, and by wider use of the procedures established in the Bail Reform Act of 1966 and the D.C. Bail Agency Act to supervise and control the conduct of defendants on bail.

Given the choice between a course of action fraught with constitutional perils and one clearly constitutional, let us choose the latter. Let us reject this facile and desperate detention device which repudiates our traditional concepts of liberty and pursue instead the goal of speedy trial of criminal suspects. That objective does not depend upon constitutional affront but instead plainly preserves and enhances the rights of us all under the Constitution.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination on the calendar.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of executive business.

SUPREME COURT OF THE UNITED STATES

The bill clerk read the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the nomination.

Mr. EASTLAND. Mr. President, I have received a letter which is self-explanatory. The letter is addressed to JAMES O. EASTLAND, chairman of the Senate Judiciary Committee, Washington, D.C. It reads:

> INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA.
>
> *Detroit, Mich., November 13, 1969.*
>
> Hon. JAMES O. EASTLAND,
> *Chairman, Senate Judiciary Committee, U.S. Senate, Washington, D.C.*
>
> DEAR SENATOR EASTLAND: Due to numerous reports in the news media stating that labor unions and in some instances stating explicitly that the Teamsters Union is opposed to the confirmation of President Nixon's nomination of Judge Haynsworth to the United States Supreme Court and, also, due to many inquiries from members of the United States Senate inquiring of our official position concerning Judge Haynsworth, please be advised that the International Brotherhood of Teamsters does not oppose the confirmation nor do we take a position for the confirmation of Judge Haynsworth.
>
> With kind personal regards, I remain
> Sincerely yours,
>
> CARLOS MOORE,
> *Political and Legislative Director.*

Mr. President, I rise to address myself to the nomination of Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court of the United States.

First, let me say as chairman of the Judiciary Committee, that no nomination in the history of the Senate has ever received such close and careful scrutiny. No nominee in the history of the Senate has been subjected to such extensive interrogation and exhaustive investigation.

And, I might add, no nominee in the history of the Judiciary Committee has been so open and candid in his testimony and so cooperative in his conduct.

Mr. President, this nomination was announced from the Western White House on August 18 and received by the Senate on August 21. After timely notice in the CONGRESSIONAL RECORD and in the press, the committee commenced hearings on this nomination on September 16 and continued with 8 days of testimony, during which time the committee heard 33 witnesses, including Judge Haynsworth.

Every citizen who requested to be heard was given an opportunity to testify before the committee, and those unable to testify were allowed to file statements for the record. Each witness, including private citizens representing no one but themselves, were allowed all the time they asked to testify and were accorded every consideration possible under the circumstances. At the end of the hearings each witness who had failed to appear when called was again summoned and given another opportunity to testify. Those failing to appear were allowed to file and have their statements included in the printed record.

I want to state for the record that in my 13 years as chairman of this committee—and, to the best of my knowledge, in the history of the Senate—no nominee for judicial office has made the sweeping disclosures about his personal financial condition and transactions as has Judge Haynsworth. He was completely forthright and candid with this committee. He responded to all reasonable requests made of him.

Prior to the beginning of these hearings Judge Haynsworth made unprecedented disclosures to the committee, including but not limited to the income tax returns for himself and his wife from 1957 to date, and a complete financial statement.

Judge Haynsworth voluntarily requested that the entire Justice Department file on the Vend-A-Matic charges be made available to the committee and the public.

Judge Haynsworth also supplied to the committee a list of all of Vend-A-Matic's major customers as of December 1963, and all other information in his possession, or knowledge, pertaining to his investment in Carolina Vend-A-Matic Co.

I would like to say that Automatic Retailers of America, Inc., has given this committee unprecedented cooperation in furnishing information concerning this nomination. From the very beginning, ARA has made it clear that they would comply with any reasonable and official request by this committee. For instance, prior to these hearings and immediately upon request by the committee, ARA flew the minute books of Vend-A-Matic to Washington at their own expense. In addition they have flown up to Washington all of the records pertaining to the sales and customers of Vend-A-Matic, as well as copies of all tax returns and audited statements of Vend-A-Matic that they were able to locate.

Upon request Judge Haynsworth compiled a chronological listing of all his stock transactions during his tenure on the Circuit Court of Appeals and, in addition, furnished all of the brokerage slips evidencing each purchase and sale. Judge Haynsworth also furnished a chronological listing of all of his stock transactions and copies of each deed.

On Thursday, October 2, 1969, I released to representatives of Senator BAYH the following documents pertaining to the nomination of Judge Haynsworth:

First. Records pertaining to the sales and customers of Carolina Vend-A-Matic Co. from the date of its incorporation to the date of its merger with ARA, Inc. From these records a list of customers and income from each customer of Carolina Vend-A-Matic during its entire existence can be computed.

Second. Copies of all tax returns of Carolina Vend-A-Matic Co. and its subsidiaries. The 1962 and 1963 tax returns have been obtained from the company's auditor.

Third. Copies of the audited statements for Carolina Vend-A-Matic Co. and its subsidiaries for the years ending December 31, 1961, 1962, and 1963. These were the only annual reports ever prepared for Carolina Vend-A-Matic Co.

Fourth. All of Carolina Vend-A-Matic's auditor's records, including tax returns, pertaining to the Carolina Vend-A-Matic profit-sharing and retirement plan.

Fifth. Copies of all deeds involving all real estate transactions concerning Carolina Vend-A-Matic Co. and the Carolina Vend-A-Matic Co. profit-sharing and retirement plan.

Mr. President, I have stated unequivocally, and I repeat, that no nominee in the long history of the Judiciary Committee has ever voluntarily made such full disclosure. In fact, no other nominee has ever been requested or required to do so. I can imagine the editorial abuse that would have been heaped upon this committee had we even suggested that any previous nominee file for our inspection copies of his joint income tax returns. But Judge Haynsworth has done this and much more. His adversaries have taken full advantage of it. They have pored through this mass of information with a fine-tooth comb and admit they have found nothing that would indicate that Judge Haynsworth has done anything improper, or in expectation or hope of personal gain. They have sent investigators into his State in search of something, anything, to use against him. They have pored over some 300 cases in which he was involved, one by one, in hope of finding something to discredit him. But they admit they have found nothing.

In addition to furnishing this information to the committee, Judge Haynsworth voluntarily appeared before the committee and not only answered all questions put to him but also offered to return for further testimony upon the request of any Senator.

What kind of man is Clement Haynsworth? What does his conduct before the committee and the testimony of impartial witnesses reveal?

In his appearance before the committee, Judge Haynsworth showed himself to be truthful, frank, and candid. He testified with the confidence of a man with nothing to hide and nothing in his public record or private life to be ashamed of. His testimony was well reasoned and plain spoken, as are his opinions on the bench. He did not attempt to be clever or humorous or impassioned, but, consistent with his character, was honest and forthright. He answered each question put to him directly and was neither vague nor evasive. He demonstrated the same judicial temperament before this committee that he has shown throughout his tenure as a member of the court. With dignity, restraint, and courage, he underwent an exhaustive interrogation without complaint. He withstood a trial-by-ordeal within the committee and a trial-by-rumor without the committee with no trace of bitterness, or anger, or outrage which others felt for him.

The testimony of leading Senators, noted lawyers, and recognized legal scholars showed him to be a lawyer's lawyer and a judge's judge, a man of the law from a distinguished family of lawyers. Witness after witness described him as a preeminent jurist, a legal scholar, and at all times, a perfect gentleman.

A study of his case reveals a fair minded, well reasoned, plain spoken approach to the law. Judge Haynsworth's opinions show that he writes as he speaks, with clarity and perception, in a style unpretentious and unambiguous. They reveal those qualities of mind and heart required of a great Justice. His decisions show, as does his testimony, that he is a man devoid of flamboyant style and artificial, meaningless rhetoric, a man neither impatient, impulsive, nor impassioned; a man more concerned with substance than form, more concerned with seeing justice done than coining a clever cliche or turning a phrase.

Judge Haynsworth's record on the bench shows him to be a man who has concern without emotion, compassion without tears, who can render justice without passion, who can write clearly with confidence and authority, without resort to oratory or demagoguery.

While it is true that these are my conclusions, I believe they will be inescapable to anyone who will make the effort to read the record. They are supported by the testimony of impartial unsolicited witnesses, who came to Washington at their own expense, with no score to settle, no votes to win, no cross to bear, no cause to champion, no interest to protect. They are supported by the President of the United States and by a broad cross-section of Senators, lawyers, and legal scholars.

As stated by the distinguished junior Senator from South Carolina (Mr. HOLLINGS), who is himself a noted trial lawyer:

> Judge Haynsworth comes with neither a party labor nor a label of philosophy. After outstanding academic accomplishment at Furman University and Harvard Law School, and after 32 years of practice before the bar, for the past 12 years now he has labored in the vineyards of the judicial branch. For this, the New York Times has labeled him "obscure." Appellate judges hardly make headlines. In fact, they are not supposed to. In accordance with the doctrine of stare decisis, the intermediate circuity court must hew the line of Supreme Court decisions. But, as Senator Tydings of your committee will tell you, no one has been more assidious in the advancement of the administration of justice than Chief Judge Haynsworth of the Fourth Circuit Court of Appeals. He is considered by his peers on the bench and scholars of the law as being in the vanguard for the improvement of our judicial machinery. Judge Haynsworth has not won his promotion for outstanding backdoor politics at the White House. Rather, he is promoted for his excellent record as a judge.

As Senator HOLLINGS has so eloquently stated, Judge Haynsworth is a "gentleman and a scholar" who has "labored in the vineyards of the law." He is not a national celebrity, nor one of the "beautiful people," nor a member of the jet set. He is not famous or notorious, and he has not tried to be. It is true that as an attorney he was not a Melvin Belli or a Percy Foreman, and while this type lawyer has a place before the bench, I am not sure they have a place on the bench. He has not sought fame or recognition or notoriety.

As Judge Haynsworth has himself said, the law is not only his profession, it is his life.

The committee was also privileged to hear the testimony of Lawrence E. Walsh, chairman of the American Bar Association's Standing Committee on the Federal Judiciary. Judge Walsh brought with him an illustrious record and a distinguished career. A member of the New York Bar since 1936, Judge Walsh has held numerous positions of great distinction, including district attorney and counsel to the Governor of New York, director of the New York Waterfront Commission, Federal judge, and Deputy Attorney General of the United States. He had recently returned from Paris, where he served as a personal representative of the President in the peace negotiations.

Mr. President, I hope the Senate will give careful and serious consideration to the eloquent testimony of this famous lawyer, statesman and judge. As stated by Judge Walsh:

> The committee has for many years at the request of either the Attorney General or the chairman of this Judiciary Committee evaluated the professional qualifications of persons under consideration for Federal judgeships. In this particular case the request came from you, sir, as chairman of this committee. After receiving that request, we proceeded in four ways. We had a survey made of Judge Haynsworth's opinions. Through Mr. Ramsey and Mr. Owens, we interviewed every member of his court, the Fourth Circuit of Appeals, except one who is abroad. We also, through Mr. Ramsey and Mr. Owens, interviewed a number of district judges and a number of practicing lawyers. They selected the lawyers to try to get a fair sample of the bar throughout the circuit. They interviewed lawyers from each State in the circuit. They interviewed lawyers who frequently represent defendants, lawyers who frequently represent plaintiffs, lawyers who represent labor unions, and lawyers who are in the Admiralty Bar, lawyers on both sides who sometimes are plaintiffs and defendants in that bar. I also knew of a number of lawyers and judges in this circuit and I personally talked with them.
>
> I think I can summarize the investigation this way. As far as Judge Haynsworth's opinions are concerned, he has written more than 300. Probably 90 percent of them are not controversial in any way. He has participated in many, many more, probably well over 1,000, but looking to the 10 percent of his opinions which were in areas which inevitably would invite controversy, we can see that in those areas where the Supreme Court is perhaps moving the most rapidly in breaking new ground he has tended to favor allowing time to pass in following up or in any way expanding these new precedents.
>
> The areas in which you might notice this would be in the areas of civil rights but also in the areas perhaps of labor law and in the areas of the rights of, for example, seamen and longshoremen. The Supreme Court has greatly expanded the old definitions of seaworthiness and things like that. In all of these areas, whether they are politically sensitive or not, you see the same intellectual approach.
>
> It was our conclusion, after looking through these cases, that this was in no way a reflection of bias. This was a reflection of a man who has a concept of deliberateness in the judicial process and that his opinions were scholarly, well written, and that he was, therefore, professionally qualified for this post for which he is being considered.
>
> Incidentally, in reporting to this committee for the lower courts, we usually express our qualifications without limitation. When we report on a person under consideration for the Supreme Court, we realize that professional qualification is only one of many factors that has to be considered in this case. The Supreme Court has such broad responsibilities that are many things that must go into selection besides professional qualification. It is only for that reason that we limit our endorsement to professional qualification. We feel that it is beyond the scope of our committee to go into these other factors, so we do not express any view as to the points of view expressed by Judge Haynsworth, for example. All we say is that they are within the limits of good professional thinking.
>
> Then the interviews which were conducted support completely the analysis which we had reached ourselves. Each member of his court and each member of the bar who was interviewed supported this general evaluation. I think it was Senator Tydings who posed the three questions which must be considered at this time: first, integrity, second, judicial temperament, and third, professional ability. As far as integrity is concerned, it is the unvarying, unequivocal and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is, beyond any reservation, a man of impeccable integrity. His word is good.
>
> * * * * *
>
> Going to judicial temperament, we found he is extremely popular in the circuit. He is well liked by the lawyers who appear before him. He is patient. He hears them well and gives them a full chance to develop their points of view. When he makes up his mind, he is firm, which again they like.
>
> As far as his professional qualification is concerned, he is spoken of in the highest terms. I do not think we ever quite put it in this way but among the lawyers in his circuit and the district judges, certainly those that we talked to in the circuit, in terms of professional qualification, they will put him right at the top of those who would be eligible for consideration for this post from that circuit.
>
> Now, here are reservations as to his, some of his particular points of view. I mean, there were lawyers who will differ. Some will wish that he would lean more toward plaintiffs in personal injury cases, for example, or that he was perhaps for faster progress in civil rights cases or more oriented toward labor in labor cases. They will say that and they

> will say because of this they wish the President had picked someone else. This is a minority of the group that we talked to but even they, and this I thought was the real test as far as our job was concerned, they conceded his professional qualifications and they conceded his intellectual integrity and they conceded his personal integrity and they like him as a man.
>
> Now, I knew a number of district judges and, in fact, I had gone through some civil rights matters with some of them, so I talked to them myself and they spoke in highest terms of Judge Haynsworth. I mean, whether or not they agree with particular points of view, they support him fully, as a man and as an honest man, a man of integrity.
>
> Beyond that he has been an excellent chief judge, he has been a good administrator, a fair administrator, and you sense an enthusiasm from the district judges as you talk to them in his district.
>
> I think that perhaps is a fair summary of what we found, Mr. Chairman.

Mr. President, I would also direct the attention of the Senate to the following colloquy between Senator Ervin, Senator Tydings, and Mr. Norman Ramsey, who accompanied Judge Walsh as a representative of the American Bar Association and who was described by Senator Tydings as a "distinguished lawyer from my State":

> Senator Tydings. Do you know of any lawyer who is from Maryland who has ever argued a case before a fourth circuit panel, a panel on which Judge Haynsworth sat, who felt he was not fair and impartial, and that he was not a good judge, even if the opinion or panel ruled against him?
>
> Mr. Ramsey. I have never heard that comment made. I have lost a few myself and obviously I did not agree with the court on ones I lost but I never felt it was in any way due to any bias, prejudice or improper conduct on Judge Haynsworth.
>
> Senator Ervin. Concerning lost cases, I think there is an old couplet: "Now wretch e'er felt the halter draw with good opinion of the law."
>
> Mr. Ramsey. I have never heard, sir, any adverse comments on Judge Haynsworth during his tenure on the bench.
>
> Senator Tydings. Would it be a fair statement to say that not just the great weight but the overwhelming opinion of the lawyers of Maryland who have had any contact, direct or indirect, with Judge Haynsworth would be that he, regardless of his political philosophy or political allegiance or political registration, is competent and qualified to be a Justice of the Supreme Court?
>
> Mr. Ramsey. I believe that is correct, sir, and I think our State bar association has advised the chairman of the committee that in the opinion of the board of governors of our association, he is eminently well qualified to be a member of the Supreme Court and in addition, I would concur that I think that is unvaryingly the opinion of our board.

Mr. President, the senior and junior Senators from Maryland have announced against confirmation of the nominee, so as a passing note I call special attention to the testimony of Mr. Ramsey, of Maryland, and I would also point out that every single district and circuit judge from Maryland has endorsed this nominee and vouched for his ability, impartiality, and integrity. This is the judgment of those who have served with him and know him best.

Consider the testimony of Judge Harrison L. Winter, Judge of the U.S. Court of Appeals for the Fourth Circuit. Judge Winter told the committee:

> To summarize my views, I would say that I know of no fairer judge, no more gracious, considerate or understanding leader, and no judicial officer more possessed of judicial temperament.

* * * * *

> Judge Haynsworth and I have differed on the decision of cases. At times I have sought to give decisions of the Supreme Court wider scope and wider application than he has. At times the converse has been true. And at times he and I have found ourselves in disagreement with our brethren on the Court, so that we were in a dissenting position. But I must say, sir, and gentlemen, that when he and I have disagreed between ourselves, I have never felt or thought that his position on a particular matter has exceeded the area of legitimate and informed debate.
>
> From my association with him, I have a profound respect for his capabilities as a legal scholar and as an intelligent, capable and informed judge.

The Senate should also consider the testimony of Louis B. Fine, a noted Virginia lawyer of the Jewish faith. Mr. Fine has served as president of the Virginia Bar Lawyers' Association, has been for 12 years an officer of the American Trial Lawyers' Association, and a member of its board of governors. Mr. Fine asked to appear before the committee and came at his own expense. He described Judge Haynsworth in the following language:

> I had the pleasure of meeting Judge Haynsworth when he was first appointed to the United States Court of Appeals for the Fourth Circuit. I have only known him as a judge and only socially as a member of the Judicial Council for the Fourth Circuit.
>
> I have grown to love and respect him.
>
> I represented the Teamsters, the Painters Union, the Carpenters Union, and the Longshoremen's Union of Norfolk. I have appeared for them in legal controversies before the Supreme Court of Appeals of Virginia, and I feel that it is my duty under Canon 8 to appear here, and I appear unsolicited by the Department of Justice or by Judge Haynsworth or anybody else.
>
> I feel that the criticism that has been made by labor is unfounded, and I feel that the representation that has been made here that he is anti-Negro is not true, and I say that on the same basis that I am not anti-Semitic being of the Jewish faith.

* * * * *

> Judge Haynsworth is eminently qualified by virtue of education, character, integrity and experience to be an Associate Justice of the United States Supreme Court.

* * * * *

> I have appeared before him in his Court in any number of cases. His grasp of the law and his opinions are crystal clear, and are based upon the ever-growing common law, with a total respect for law and order.
>
> He is loved, admired and respected as one of our great judges.
>
> All of his personal and official conduct reflects a disposition which is in conformity with the American ideals of equal justice for all people, regardless of race, color or creed.
>
> I can only speak for myself personally, but as one who has represented both plaintiffs and defendants from personal injury actions to antitrust suits, as well as one who has represented labor unions in my jurisdiction. I am confident that labor has nothing to fear from Judge Haynsworth.
>
> I wish to state without any hesitancy that with Judge Haynsworth on the United States Supreme Court bench he will be one of the greatest in American jurisprudence.

Several witnesses who appeared unsolicited, and at their own expense, felt compelled to do so by canon 8 of the Canons of Ethics, which expressly puts upon the bar the duty of defending judges from unjust criticism.

John P. Frank, of Phoenix, Ariz., was such a witness. I will not detail the illustrious career of Mr. Frank but I would note his unquestioned credentials as a liberal Democrat, a supporter of President Kennedy, President Johnson, and Vice President Humphrey, a leader in civil rights litigation, and an admirer of the Warren Court. Yet, Mr. Frank told the committee:

> I suppose I am one of the foremost publicists in the support of Chief Justice Warren and whom I ardently admire and the work of the Court. But I think the liberty, I hope without sanctimony, but there is another canon involved here beyond those which have been mentioned and that is canon 8 of the new Canons of Ethics. Canon 8 expressly puts upon the bar the duty of rising to defend judges from unjust cirticism, and I think for that purpose it is not material under canon 8 whether we agree with a particular judge or whether we don't. Obviously given my point of view and experience I would without doubt have preferred a different administration to be appointing a more liberal Justice. But my side lost an election, and the fact of the matter is that as a member of the bar we are called upon by canon 8 to rise to the defense of judges unjustly criticized, and it is my abiding conviction, sir, that the criticism directed to the disqualification or nondisqualification of Judge Haynsworth is a truly unjust criticism which cannot be fairly made.

Mr. President, Mr. Frank is the leading authority in the United States on disqualification of judges. Much has been made about the Darlington case. Here is what this leading authority in the country said about it:

> It follows that under the standard Federal rule, Judge Haynsworth had no alternative whatsoever. He was bound by the principle of the case. It is the judge's duty to refuse to sit when he is disqualified but it is equally his duty to sit when there is no valid reason not to. I do think that it is perfectly clear under the authority that there was virtually no choice whatever for Judge Haynsworth except to participate in that case and do his job as well as he could.

Judge Haynsworth's nomination was also supported by a number of leading law professors, including Charles Allan Wright, of the University of Texas, and G. W. Foster, Jr., of the University of Wisconsin. Charles Allan Wright, for example, is a noted scholar and a responsible, impartial voice from the academic community. Mr. Wright has studied all of Judge Haynsworth's opinions and has watched his development as a jurist since his appointment to the bench. Based upon his studies of Judge Haynsworth's record, Mr. Wright made the following observations in a statement filed with the committee:

> With this professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of those courts. We are fortunate that federal judges are, on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in Federal Reporter.

* * * * *

> There are judges who have been great essayists. We remember persons such as Justice Cardozo and Judge Learned Hand as much for their contributions to literature as for their contributions to law. Judge Haynsworth is not of this number. Very rarely does he indulge himself in a well-turned epigram or in quotable rhetoric. Instead his opinions are direct and lucid explanations of the process by which he has reached a conclusion. He faces squarely the difficulties a case presents but he resists the temptation to speculate about related matters not necessary to decision.
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> * * * * *
>
> It would be very hard to characterize Judge Haynsworth as a 'conservative' or a 'liberal'—whatever these terms may mean—because the most striking impression one gets from his writing is of a highly disciplined attempt to apply the law as he understands it, rather than to yield to his own policy preferences.
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> * * * * *
>
> I end as I began. I cannot predict the votes of Justice Haynsworth. The cases I have reviewed in this statement demonstrate, I believe, that in the areas of criminal procedure and freedom of expression the record of Judge Haynsworth on the Fourth Circuit has been a constructive and forward-looking one. But I support his nomination, not because his views on these subjects or others are similar to mine; but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

I also mentioned that Mr. G. W. Foster, Jr., of the University of Wisconsin Law School, supported the Haynsworth nomination. Mr. Foster, filing a statement with the committee, said that "by faith I am a liberal Democrat" and summed up his opinion of Judge Haynsworth in the following language:

> Judge Haynsworth is an intelligent, sensitive, reasoning man. He does not fit among that small handful of front-running federal judges who have consistently made new law in the racial area. He has earned a place, however, among those who serve in the best tradition of the system as pragmatic, open-minded men, neither dogmatic nor doctrinaire. His decisions, including those in the racial area, have been consistent with those of other sensitive and thoughtful judges who faced the same problems at the same time.

Mr. President, I would also like to draw special and final attention to the testimony of John Bolt Culbertson, of Greenville, S.C., a liberal Democrat, a member of Americans For Democratic Action, a lawyer for various labor unions, including textile and teamsters, and a representative, at times, of the NAACP. Mr. Culbertson has an unquestionable reputation as a lawyer for the poor, the weak, and the defenseless. By his own testimony his clients and his politics have not endeared him to the establishment of South Carolina, and, according to Mr. Culbertson's further testimony, have at times endangered his life.

Mr. Culbertson was considered by many members of the committee to be one of the most effective witnesses to appear before us in some time. He was effective because he obviously spoke from the heart and told the truth as he saw it. The junior Senator from Michigan was moved to tell the witness:

> You have been a very effective and very impressive witness.

The junior Senator from Indiana felt compelled to note:

> From what you told us I have the distinct impression that you told it as you thought it was in your heart.

Nor, might I add, was the standing or testimony of this witness diminished by a shoddy and shameful attempt to discredit him by a witness for the NAACP.

Mr. Culbertson, aside from his many credentials as a favorable witness, spoke as a life-time associate of Judge Haynsworth. Because of the great impression this witness made upon the committee, I would ask my colleagues to give serious consideration to the following testimony from our hearing record:

> Mr. CULBERTSON. He is absolutely honest. He has impeccable integrity. He is a man whose word I would believe about anything. I have never put into writing any agreement that I have had with the Haynsworth firm. They are honorable people. They have a different philosophy from me because I am a real genuine double-dipped Democrat, and they are not liberal enough for me. I want them, to see them go further.
>
> The CHAIRMAN. What about Judge Haynsworth's legal ability?
>
> Mr. CULBERTSON. Legal ability?
>
> The CHAIRMAN. Yes.
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> Mr. CULBERTSON. Judge Haynsworth, in my opinion, has one of the best legal minds, the most incisive mind that I have run into.
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> * * * * *
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> Clement Haynsworth's mind, legal mind, is really sharp and he is a competent man. Now, don't misunderstand me, he has decided a lot of cases. I take a lot of cases on social security for disability before that court and I haven't had much success up there, and I have got some of those, one of those cases on the way now, on the pauper's oath, to the U.S. Supreme Court, but what I am saying in response to Senator Eastland's question is that he has as good a legal mind as there is in the United States, in my opinion. Now, I don't know whether that answers that or not.
>
> The CHAIRMAN. And he has made a fair judge?
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> * * * * *
>
> Mr. CULBERTSON. If I didn't believe he was fair and honest, Senator, a thousand mules couldn't pull me from South Carolina up here.
>
> I must confess that I have, on my own, gone through Judge Haynsworth's background with a 'fine-tooth comb,' and I have not discovered anything which I think could possibly disqualify Judge Haynsworth, either as a Federal Judge or as United States Supreme Court Justice. I may not always agree with his decisions, but he is an honest man, he has perfect judicial temperament, he is both competent, industrious, and able. I am convinced that he decides each case on its merits as he sees the merits, and that he tries to do the just and right thing in all situations. He does not, in my opinion, prejudge any case. By background and education, I would consider him to be conservative in his thinking, and that he is not the kind of judge who would try to legislate law by Court decision, but who follows precedents already established. I would not be afraid to submit any case of mine for Judge Haynsworth's decision. I am a Democrat. I was for years, for a good many years ago when I was younger than that, I was State president of the Young Democrats of South Carolina.
>
> Hubert Humphrey was my candidate for President. I was asked by the way to head up the South Carolina forces for McCarthy but I told them no, I can't do that. I am a Humphrey man. I donated $500 in this last campaign and I will give him more if he is again a candidate. I will tell you where I got that $500. Had this white boy and Negro from New York charged by the FBI for stealing a car and bringing it into Greenville. I represented the Negro, some other lawyer represented the white man. I charged him $500 during that campaign, and I got a directed verdict from the judge of innocent and my colored man went back to New York and the $500 went to Hubert Humphrey and I will get him some more money if he is a candidate.
>
> Had Mr. Humphrey won I would have advocated his appointment of Arthur Goldberg to the Supreme Court. I would not have suggested Judge Haynsworth. I was happy when Arthur Goldberg was appointed to the U.S. Supreme Court by President Kennedy and I was happy when President Johnson appointed Thurgood Marshall to the U.S. Supreme Court. I might say that I spoke with Thurgood Marshall in Jackson, Miss., and Columbia, S.C., and I spoke with James Foreman of the CORE in Columbia, S.C. I am not bashful, and I would be happy to see Arthur Goldberg back on the Supreme Court. But President Nixon won the office, and it is his prerogative to appoint the members of the U.S. Supreme Court. We Democrats lost. It is my feeling that President Nixon has a mandate from the American people, including the people of South Carolina, who gave him her votes.
>
> I feel, therefore, that President Nixon owes an obligation to the people of this Nation to appoint to high office men and women who are qualified to carry out the promises that President Nixon made during his campaign. That applies, of course, to appointments to the highest Court of this land. If President Nixon searched the whole Nation over, looking for a man to appoint to the Supreme Court to fill this requirement, he could not find a more ideally suited man for the job than Judge Haynsworth. I hope that my friends in the civil rights movement and in the labor movement can understand and appreciate my position concerning this appointment because while I agree with them in many, many ways, and I think that some good will come out of the protests by them, nonetheless, I believe that they must agree with me that this is President Nixon's appointment; he has picked a fine man, and I am confident that once he is seated, which he certainly will be, that all their fears will disappear. I predict that Judge Haynsworth with prove to be one of the greatest Justices of the Supreme Court that ever has been on this Court. I believe that my friends of liberal persuasion can understand that if we have the right when our crowd is in power, to appoint our Judges, then our opponents, by the same token, have this right when they win. As a South Carolinian, I shall be proud to have Judge Haynsworth on our highest Court and if I were a Member of the U.S. Senate, I would vote for the confirmation of his appointment, and for this endorsement I do not apologize to anyone.

It has been one of the recurring themes of the Haynsworth hearing that somehow the nominee is out of touch with the real America. It is repeatedly suggested and inferred that he is not, as the senior Senator from Massachusetts says "a contemporary man of our times," that he is not in the social, political, and economic "mainstream" of America. Thus, according to Life magazine, the nominee is "far removed from the whiffs of tear gas at Chicago and Berkeley—a long and solitary distance from the dust and clangor, the desperations and urgencies of the times—invisible, refined out of existence, indifferent—like people who are living 50 years ago."

In other words, it is feared that Judge Haynsworth will not march in step with the mob in the street and is neither responsive to or sympathetic with the aspirations of the masses. In essence, it is feared that he will not maintain the forward thrust of the Warren Court.

I am especially intrigued with the reservation expressed by the senior Senator from Massachusetts that he might not be able to vote for the nominee if it were shown that "his decisions were perhaps running against the general stream of the law even though a reasonable man would not reach the conclusion that in any way he was biased or prejudiced."

That phrase, "running against the general stream," calls to mind a recent article in the American Bar Association Journal of October 1969, entitled, "Law and Communist Reality in the Soviet Union," by Charles S. Maddock and Kazimierz Grzybowski. In commenting on the state of the law in the Soviet Union the authors observed:

> In its own literature the Soviet Union describes the real Soviet man as a "person who puts the interest of society first and is imbued with a sense of collectivism". This same statement continues:
>
> "It cannot be said, of course, that everybody in the USSR measures up to that ideal. There are some who pull against the stream, against the efforts and ideas of the masses. It is extremely difficult, in a comparatively short period of time even with conditions as they are in the Soviet Union, *to rid people of an individualist outlook* (emphasis supplied). Century-old traditions and the influence of a world in which individualism is assiduously cultivated have their effect. But the experience of the USSR shows that gradually it can be done."

The stated fear that Judge Haynsworth will run "against the general stream" also calls to mind Senator Walsh's eloquent defense of Justice Brandeis wherein he said:

> It is easy for a brilliant lawyer so to conduct himself as to escape calumny and villification. All he needs to do is to drift with the tide.

Quite frankly, Mr. President, I think it is immaterial and irrelevant whether we can be assured that a prospective Justice will not "run against the general stream." History reveals that had that test been adhered to in the past, the Court would have been deprived of many of its most illustrious members. It is doubtful whether a Holmes, a Brandeis, a Cardozo, or a Frankfurter could have passed such a test. This country is big enough for men of all races, men of all faiths, men of all social, political, and economic philosophies. Surely a nine-member Court is also big enough for men of different ideals and men from different regions of this country. I will say at this point, Mr. President, that the area of this country from which he comes, in my opinion, has had much to do with this fight over Judge Haynsworth. However, since the question has been raised as to whether Judge Haynsworth is a "contemporary man of our times," I would like to make some general observations about what kind of American Judge Haynsworth is and what kind of people will identify with him. I might preface these remarks with the suggestion that it is not the Judge Haynsworths who are out of touch with America and with the values and aspirations of the American people. Perhaps it is the so-called liberal establishment that does not understand what is in the minds and hearts of the American people and does not fully comprehend the issues, the ideas, and the forces that are sweeping and changing this land of ours. They have been so busy shouting that they have not taken time to listen. With one broad sweep of the brush they have always painted everyone with a dissenting view as a racist or a bigot or a Fascist. Controlling the great communications media they have found it easier to shout down and drown out opposition rather than to answer it. They have sought to destroy and discredit every man and movement offering resistance to their policies. Ruthlessly using the power of mass communication as an instrument rather than a medium, they have given us a case study of the methods and techniques of propaganda which have been used with chilling effect at other times, in other lands, by other men.

The Haynsworth hearing is a case in point. It has shown us how attention can be focused upon unfavorable testimony and events, how words can be quoted out of context, how the truth can be ignored, and how rumor reported as fact. It has shown us how facts themselves can be shaded, twisted, and perverted with a subtle ruthlessness almost imperceptible to the casual reader or viewer, how the truth and the lie can be so intricately interwoven as to be indistinguishable. As we have seen in the coverage of the Democratic Convention in Chicago, events can even be staged for the proper effect. In a nutshell, the studied purpose of these methods and the desired result of their authors is to discredit ideas and destroy men who cannot be counted on to dance to the tune of the liberal press.

Thus, Mr. President, the liberal establishment of the East has always regarded as dull, insipid, and mediocre any man or idea out of step with their own social, political, and economic philosophy. To prove that they learn nothing from the past, I would like to read from an editorial which appeared in the New York World of April 23, 1930, regarding the nomination of John J. Parker of South Carolina to be an Associate Justice of the Supreme Court:

> It is Judge Parker's total lack of a distinguished record of public service and the total lack of proof that he has any distinction as a jurist which seems to us above all else to justify the Senate in saying that his nomination does not measure up to the standards which the American public rightly expects to see attained in the nomination of a Supreme Court justice.

Of course Judge Parker, along with Judge Learned Hand, has been judged by history to be among the greatest jurists our country has produced. Today there is not to be found one responsible lawyer, scholar, or historian who does not acknowledge his talent and pay tribute to his greatness.

And so today the New York Times refers to Judge Haynsworth as "a gray man with a gray record." The Washington Post says the President "has not distinguished himself in his first two opportunities to name Justices to the Supreme Court" and calls for men who are "truly distinguished." A columnist for the Washington Evening Star says:

> The Court needs a man of impeccable distinction, which Haynsworth plainly is not.

This columnist says that Judge Haynsworth "talks like a smalltown businessman" and his conversation is extremely "small potatoes." "Despite his limitations" he will probably be confirmed, says this writer. "So Richard Nixon will have his way and give the 'forgotten American' a rather forgettable American."

While this columnist's petty sarcasm was obviously intended as a measured insult to the nominee, I do not believe Judge Haynsworth is offended to be identified with the "forgotten American." For he may be called the "forgotten American," he may be called the "silent American" or the "average American," but by whatever name, he works in our factories, he runs our farms, and he fights our country's wars, regardless of his race, creed, religion, or the area of the country he calls home. He works hard for what he has, he loves his family and hopes to pass on to his children a stronger country, a better life, with more bountiful opportunities and a higher standard of living than he himself has known. He also has "rising expectations" and seeks a greater share of the affluent society in which we live, but he does not hope to get it by robbing a store or rioting in the streets. God is not dead to him, nor is his love for and loyalty to the country of his birth and those ideas and ideals that made our Nation great, those institutions of our democracy that have kept our country free. Those who share the viewpoint of the columnist I have mentioned charge that this so-called forgotten American is not concerned about the aspirations of the poor, about the problems of the cities, about the plight of impoverished nations, about the war in Vietnam, and about the frustrations of the young in a society of increasing complexity. This simply is not true, for, in fact, the average American is a decent, compassionate, and generous man. He has willingly given his blood to set captive peoples free and his country's treasure to aid and assist peoples throughout the world. He is a concerned American. He is concerned about the war in Vietnam, for his sons are carrying the greatest burden there and are doing most of the dying there. But if he thinks our Nation's policies are not right, he will try to set them right within the framework of our democratic processes, but right or wrong, he will not betray it. He wants peace more than anything, but he wants peace with honor; he wants the war to stop, but he does not want to see his country defeated and humiliated.

Yes, this "average American" or "forgotten American" is concerned about many things, and this "forgotten American" is also becoming a very angry American. He is angry and concerned about Supreme Court decisions that have unleashed a wave of rioting and crime in our streets. He is angry and concerned about the leniency of the courts and parole boards that unleashes dangerous criminals upon society even when apprehended and convicted. He is angry and concerned about Supreme Court decisions that mistake license for liberty and tie the hands of local prosecutors in their efforts to stop the flood of obscenity that has innundated our country. He is concerned about the preservation of his neighborhood school, his property rights, and his State and local government, and he is angry about Supreme Court decisions which threaten these time-honored institutions. He is tired of demonstrators waving Vietcong flags, agitators calling for the violent overthrow of the Government, and he is tired of Supreme Court decisions which have rendered our country helpless to deal with the threat of internal subversion. This forgotten American is pictured by the liberal press as a reactionary clinging to values and standards of conduct which are no longer relevant in our society. To the contrary, I maintain as do many others, that to value hard work, to love one's family, to be devoted to one's country, and to value moral standards of public and private conduct are traits of character to be admired in any society and at any time. When these values become irrelevant in a society, then decadence has already set in and decline and fall surely follow. These are the values which make the forgotten American subject to ridicule by such columnists as I have mentioned and it is true, I believe, that Judge Haynsworth shares these values, and therefore it is not surprising that he, too, is subject to their ridicule and vilification.

Mr. President, it would be tragic if those who do not share these values and who seek to undermine those institutions the average American holds dear, are able by a campaign of smear and slander, to prevent the nomination of an outstanding Judge and an honorable man who has displeased them.

Mr. President, this is as far as I shall speak at this time. I shall have more to say on this case later, and on Judge Haynsworth as a man.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, on Wednesday I reported the nomination of Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court. The Judiciary Committee reached its favorable recommendation by a vote of 10 to 7. The committee report, including individual views, has been filed and is available to all Senators.

Judge Haynsworth, who has served for 12 years as a member of the Fourth Circuit Court of Appeals, is a distinguished jurist. He is highly qualified to serve as an Associate Justice of the Supreme Court. His record has been analyzed by attorneys, judges, Senators, and professors; northerners, southerners, easterners, and westerners. The hearing record contains their considered conclusions that Judge Haynsworth is intelligent, scholarly, practical, precise, and analytical. His opinions are well written and easy to follow. It has been predicted that he will compile a brilliant record on the Supreme Court; he has the potential to be an outstanding Justice; he may be great as Justice Black. And the record goes on and on.

President Nixon has personally reviewed Judge Haynsworth's record and he supports the nominee unreservedly. He has stated twice that Judge Haynsworth is "the man of all the circuit judges in the country by age, experience, background, and philosophy the best qualified to serve on the Supreme Court at this time."

I ask unanimous consent to have printed in the RECORD at this point a news release, as published in the Washington Post on October 21, 1969, containing excerpts from the President's statement on this subject on that occasion.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON SPEAKS ON HAYNSWORTH

When I nominated Judge Haynsworth, I said that he was the man I considered to be by age, experience, background and philosophy the best qualified to serve on the Supreme Court at this time.

Today . . . I reaffirm my support of Judge Haynsworth with even greater conviction.

Judge Haynsworth "has had to go through what I believe to be a vicious character assassination" and still "comes through as a man of integrity, a man of honesty, and a man of qualifications."

"In all twelve cases raised in hearings, Judge Haynsworth was beyond suspicion."

The Bobby Baker matter "is guilt by association and character assassination of the very worst type."

I would agree with those Senators, many of whom are now opposing Judge Haynsworth, who in the Marshall confirmation, categorically said that a judge's philosophy was not a proper basis for rejecting him.

An editorial in the Washington *Post* said that "because a doubt had been raised, the name should be withdrawn." "I say categorically, I shall never accept that philosophy." "That isn't our system. Under our system, a man is innocent until proven guilty."

I have examined the charges. I find that Judge Haynsworth is an honest man. He has been, in my opinion as a lawyer, a lawyer's lawyer and a judge's judge. I think he will be a great credit to the Supreme Court and I am going to stand by him until he is confirmed.

It is not proper to turn a man down because he is a Southerner, because he is a Jew, because he is a Negro or because of his philosophy.

I had to consider . . . whether I would then take upon my hands the destruction of a man's whole life, to destroy his reputation, to drive him from the bench and from public service. I did not do so. There is no dishonor in connection with him.

Mr. HRUSKA. Mr. President, I shall not cite all of the many scholars and experts who are quoted, in their statements, as to their judgment of Judge Haynsworth, but I shall read into the RECORD at this point a statement from Prof. Charles Wright, of the University of Texas, an expert on the Federal courts, who said:

We are fortunate that federal judges are on the whole men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in the Federal Reporter.

I am sure many Americans are wondering if this man is as qualified as all these people say—and the record abundantly establishes he is—why he is subject to such violent attack on his ability and his ethical standards.

Mr. President, the real issue in this confirmation proceeding is not the ethical standards of Judge Haynsworth, although we will meet and refute every attack that purports to impugn his ethics and discuss the matter at length.

The real issue is not his ability. He is qualified as any nominee the Senate has reviewed in this century and far better qualified than most.

The real issue is President Nixon's attempt to restore some balance to the Supreme Court of the United States. He searched for a well-qualified, experienced man, who believed in the well-defined doctrine of judicial restraint and who would endeavor to examine and apply the law while studiously avoiding the imposition on the American people of his personal views. Judge Haynsworth is such a man. His philosophy of jurisprudence, as found in his written opinions, differs considerably from that of some other recent Supreme Court nominees.

It is his philosophy, and President Nixon's choice of philosophy, that is the real source of controversy. As I will develop more fully later in this presentation, it would be a tragic error for the Senate to reject this nominee because of his philosophy and his previous decisions.

I recognize that some of my colleagues are genuinely concerned by attacks that have been made concerning the nominee's ethics or certain of his decisions. That is why we will deal carefully with these issues. I reiterate, however, that the real issue is his philosophy. It is so made by those who are opposing his confirmation. Much of the energy of the anti-Haynsworth campaign has come from labor and civil rights groups that simply disagree with his decisions. This is the genesis of the attack on his ethics. Philosophy, not ethics, is the real controversy here.

It is important to recognize at the outset of this debate the nature and extent of the investigation that has been made of this nominee. Seldom before has a single nominee for public office received a more searching examination; and never before has the nominee cooperated more fully and more willingly. The hearing record is 762 pages long; the nominee testified over 113 pages. The testimony related primarily to his personal financial and business relations. He submitted statements and facts pertaining to Carolina Vend-A-Matic; he submitted his joint income tax returns; he submitted lists of every stock he owned or had owned since 1957; he compiled exhaustive lists of stock dividends and splits and so forth.

When it was all over, did a single person who had zealously investigated the facts challenge Judge Haynsworth's honesty? The fact is that they did not.

Did anyone charge he was corrupt? The answer is, "No." Did anyone intimate that he had been improperly influenced in the decision of a case? The answer again is, "No." To my knowledge, every Senator who has looked into this matter has concluded that Clement F. Haynsworth, Jr., is an honorable, upright, and sincere jurist. If integrity is the test, Judge Haynsworth has met that test.

I do not object to a fair and impartial examination of nominees to the Supreme Court. This concern is proper. I do not deny any Senator the right to speak his mind and reach his own conclusions on the issues before the Senate. But I do solemnly disagree with those who argue that Judge Haynsworth is antilabor or anticivil rights or ethically insensitive. His opinions show a strong divorcement from any personal bias. His conduct has met the highest standards whether prescribed by statute, canon, court rule, or conscience.

ETHICAL STANDARDS OF JUDGE HAYNSWORTH

A. THE EXISTING STANDARDS

Article I, section 9 of the Constitution of the United States states:

> No bill of attainder or ex post facto law shall be passed.

The essential unfairness of an ex post facto law was apparent to the Founding Fathers and it should be apparent to us. If the rules are established and scrupulously observed by a man, that man cannot be faulted because someone decides a new rule should be established and applied to past conduct. Yet that is precisely what is being done regarding Judge Haynsworth's conduct in several important instances.

The Congress, the courts, and the bar establish the rules of conduct for the judiciary through statutes, rules and decisions, and canons, respectively. Congress has the legislative authority and determines the policy standards while the courts and bar interpret and guide in the interpretation of the standards. The canons have no meaningful application except insofar as they are consistent with the positive mandate of the statute.

When Congress recodified what is now title 28, Section 455, United States Code, governing disqualification it made two important changes: first, it made the statutory standards applicable to circuit judges as well as district judges; second, it made the standard of disqualification "any case in which he has a substantial interest." Previously the standard had been disqualification in any suit in which he was "concerned in interest." The clear meaning of the words is that a judge shall disqualify himself only if he has a substantial interest. Paltry or inconsequential reasons will not suffice. The cases have so held and it is the recognized rule in Federal courts that a judge has an affirmative duty to sit in a case if he is not disqualified.

The standard is clear. A judge does not become more moral and more upright the more often he disqualifies himself. On the contrary, a judge who disqualifies himself for insubstantial reasons or for reasons rejected by precedent is violating his duty.

The Federal statute does not set a minimum standard and those who abide by it do not exhibit only a minimum sensitivity to the ethical problems of disqualification. On the contrary, the statute provides an exclusive standard which can be applied only by sensitive consideration of the judge's interest in the case and the public's interest in well-run courts.

The Canons of Judicial Ethics are valuable references to judges who must decide questions of their own ethical conduct. But they are guidelines only, not hard and fast rules. These canons are available to both State and Federal judiciary irrespective of the conditions of the court and the governing statutes. It is important to understand that they are not intended to be the exclusive or binding rules of conduct, at least for the Federal judiciary. If they were binding, there would have been no need to recodify section 455, make it applicable to circuit judges and change the standards. Canon 29 has existed unchanged since the 1920's and ABA Formal Opinion 170 was rendered 30 years ago, section 455 was rewritten 20 years ago, in 1949.

Then, in 1963, the Judicial Conference of the United States adopted a resolution governing the conduct of judges. It provides:

> *Resolved:* No justice or judge appointed under the authority of the United States shall serve in the capacity of an officer, director, or employee of a corporation organized for profit.

It may be observed parenthetically, Mr. President, that when Judge Haynsworth assumed the office of circuit judge, he resigned from several—I think as many as a half a dozen—boards of directors of corporations that had public listing and public ownership, feeling that he could not serve well, even though there was no rule or law against it, if he retained his membership on such boards.

Those are the rules as they existed prior to the nomination of Judge Haynsworth and those are the rules this Senate must apply to this man. As the hearings show, and as the debate will develop, he has abided by those rules and merits our confirmation.

B. CAROLINA VEND-A-MATIC

First. Judge Haynsworth was an original stockholder and Director of Carolina Vend-A-Matic, an automatic food vending company. In 1963, Vend-A-Matic was receiving 3 percent of its gross sales from machines located in Deering-Milliken plants. Deering-Milliken in turn controlled Darlington Manufacturing Co. which was a litigant before the Fourth Circuit. Judge Haynsworth participated in three decisions involving Darlington and the Textile Worker's Union. Two decisions, in 1961 and 1968, were favorable to the union and are not complained about. The 1963 decision was favorable to Darlington.

The heretofore unquestioned rule in the Federal courts is that a business relationship between a litigant and a judge who is a stockholder and director of a third party which did business with a litigant does not require the judge to disqualify himself. In fact, it does not allow him to disqualify himself.

The American Bar Association reviewed the law and the facts involving Vend-A-Matic and so concluded.

John P. Frank, perhaps one of the leading, if not the leading, authority on judicial disqualification, so concluded.

The Fourth Circuit, which had reviewed the relationship, so concluded. The Department of Justice in 1963 and 1969 so concluded.

The present rule is clear. Judge Haynsworth abided by it and cannot now be faulted for following the precedents.

Second. Judge Haynsworth has been attacked also for having a business connection with Vend-A-Matic at all. The argument is that he should have known that third party companies with business relations would be in his court and there would be an appearance of impropriety.

There is no rule that says a judge may not invest his money in a company that buys goods and services from some and sells them to others, but that is what this argument implies. Almost any business investment could fall under this prohibition.

There was no appearance of impropriety when the third party business relationship was not involved in the issues of the case.

The Vend-A-Matic Co. paid money to Deering-Milliken for the right to install vending machines. The right was awarded by legitimate, competitive bidding. Vend-A-Matic earned money by selling vending foods to employees. Where is the appearance of impropriety in a ruling that did not affect the number of cups of coffee sold?

Judge Haynsworth had several cases before him that involved Vend-A-Matic customers. He ruled against Darlington two out of the three times the company was before him. In the case of the Cone Mills Corporation, Judge Haynsworth ruled against this customer of Vend-A-Matic both times it was before the court. He did rule in favor of Homelite, another customer, allowing it to rescind a lease made with Trywilk Realty Company. Twice when the Deering-Milliken Research Corporation was before the court, he affirmed procedural rulings in favor of the company. Where in this record is there any impropriety?

There is no appearance of impropriety in holding a one-seventh stock interest in the company that submits competitive bids to sell coffee and food to the employees of these companies.

Third. It has been charged, as well, that Judge Haynsworth lied about the extent of his participation in Carolina Vend-A-Matic.

Look at the record. Ten days before the hearings began, he sent a letter to the committee outlining the following facts: He served as a director until 1963; he attended weekly luncheon meetings of the board; he discussed financial matters; he handled some of the credit matters; his wife served as secretary and they both received compensation in their respective capacities.

He testified that he orally resigned as an officer in 1957 but was carried on the corporate books as vice president until 1963.

He testified that he did not solicit business. None of this testimony has been discredited, and there is no evidence to the contrary. There is strong evidence corroborating his narration.

In his candid and cooperative manner, the nominee replied to every question and spelled out his participation in the business. To question his honesty and candor in the face of this record is ludicrous.

How can an honest man lack candor? That is the paradox posed by the arguments of some of my colleagues who oppose this nomination. They agree that Judge Haynsworth is an honest man, but they argue he lacks candor.

The testimony before the Subcommittee on Improvements in Judicial Machinery in June of this year provides a good example of the lengths to which otherwise reasonable men will go to find some "evidence" to support their position.

Judge Haynsworth was a friend, or at least an acquaintance of the subcommittee chairman who had invited him to testify on the need for legislation requiring judicial disclosure of business interests. I am sure the atmosphere of the hearing was relaxed and friendly.

The judge was asked if he favored disclosure of every firm in which a judge was an officer, director, proprietor, or partner. He repiled:

> I certainly would have no objection to such a thing as that. I don't believe most judges would.

Then he added a personal reminiscence:

> Of course, when I went on the bench I resigned from all such business associations I had.

That statement is now represented to us as an intentional lie because Judge Haynsworth had not resigned all directorships until 6 years earlier, rather than 12 years earlier when appointed to the bench. What directorships did he not mention? Carolina Vend-A-Matic and Main Oak. The first was well known to all judges of the Fourth Circuit and to the Justice Department. The second was a dormant family corporation, also disclosed by him and known to the Fourth Circuit and the Department of Justice. There was nothing wrong with these relationships from 1957 until 1963, and in 1963, in compliance with a resolution of the Judicial Conference, he resigned.

A misstatement, Mr. President, is not a lie. And this argument that Judge Haynsworth misled the Judicial Improvements Subcommittee must be difficult even for the most cynical man to accept.

C. PARENT-SUBSIDIARY CASES

The statute which governs disqualifications of a Federal judge when a party litigant is a subsidiary of a company in which the judge owns stock is 28 U.S.C. 455, the same section previously discussed. A judge should disqualify himself in a case in which he has a substantial interest. Judge Haynsworth did not have a substantial interest in any subsidiary coming before his court. The text of this section is short. It reads:

> SECTION 455. INTEREST OF JUSTICE OR JUDGE
>
> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

Farrow v. *Grace Lines Inc.*, 381 F. 2d 380 (1967) involved a $50 judgment against Grace Lines for overtime pay lost by an injured seaman. The Fourth Circuit affirmed the judgment. The nominee held 300 shares, 1/60,000 of the stock in W. R. Grece Co., the parent of Grace Lines. Assuming the entire $30,000 originally claimed had been assessed against stockholders of W. R. Grace, without reference to insurers or tax treatment of the award, Judge Haynsworth's share would have been $0.48.

Maryland Casualty Co. v. *Baldwin*, 357 F. 2d 338 (1955) and *Donohue* v. *Maryland Casualty Co.*, 363 F. 2d 442 (1966) involved a subsidiary of American General Insurance Company. Judge Haynsworth held 200 preferred shares, 59/1,000,000 of those outstanding, and 67 common shares, 15/1,000,000 of those outstanding. The impact of the cases on his interest cannot be measured.

There is no opinion of the ABA stating that this sort of negligible interest in a parent corporation is grounds for disqualification. Formal Opinion 170 does not reach the point. The California Supreme Court, the only court I know of which has ruled on this issue, held a judge was not disqualified if he owned shares in the parent company. *Central Railway Co.* v. *Superior Court*, 296 Pac. 883 (1931). Again, the Senate would be creating new rules which are contrary to the statute, if it sought to condemn this conduct.

D. BRUNSWICK CORP.

Judge Haynsworth purchased 1,000 shares of Brunswick stock on December 26, 1967. At the time, he was aware that the decision in a Brunswick case in which he had participated had not been issued. He took the position during the hearings that if he had held the stock at the time the case was heard and decided on November 10, he would have been in violation of the Canons. That conclusion is debatable because 18 million shares of Brunswick were outstanding and his 1/18,000 interest in the litigation could amount to no more than $5, certainly not a substantial sum. Nonetheless, because in his opinion, he would have disqualified himself, I will accept Judge Haynsworth's conclusion for the purpose of this debate.

Whether buying the stock before deciding the case would disqualify him is not relevant, however. The question is whether having decided the case and then inadvertently having acquired the stock, should he have disqualified himself? He reasonably concluded the answer was no, and the majority of the Judiciary Committee agrees.

Judge Winter, a distinguished member of the Fourth Circuit bench and author of the Brunswick opinion, testified at length on the propriety of Judge Haynsworth's conduct. Let me repeat some of the pertinent testimony:

> Senator HART. Now, would you regard it as proper on your part to have purchased the Brunswick Corp. stock before the release of the opinion?
>
> Judge WINTER. Before the release of the opinion? I think, sir, if I had been in that situation, I would have avoided buying the stock until after the opinion had been filed and the matter disposed of. I do not think, however, that I would have been legally disqualified, since a decision has been reached in the case in my mind, since the nature of the decision was not one which could have affected the value of the stock one way or the other." (Hearings, page 241)
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> * * * * *
>
> Senator BAYH. Judge Winter, if you had been made aware that Judge Haynsworth had purchased the stock as he did in the latter part of December, what action, if any, would you and Judge Jones have taken?
>
> Judge WINTER. I think I would have called the matter to Judge Haynsworth's attention, that this was a case in which the opinion had not been announced, but I think I would have left the decision of what part he should play in it entirely up to him, because matters of personal disqualification are peculiarly a matter for personal decision. . . ." (Hearings, page 252–253)
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> * * * * *
>
> Senator ERVIN. Now certainly this 0.0005 proportionate ownership of the Brunswick Corp. by Judge Haynsworth could not have given him any very substantial interest in the outcome of that case, could it?
>
> Judge WINTER. Sir, I think the arithmetic of it would show that it was not certainly a big interest in the absolute sense, and I would not quarrel. I do not know whether Judge Haynsworth was aware that he had this or whether he had not.
>
> Senator ERVIN. Yes.
>
> Judge WINTER. I have not attempted to talk to him or to find out about it. But let me put it this way. If he concluded that that was not a substantial interest I would not have questioned his judgment for a moment, or if he had concluded that it was a substantial interest, but nevertheless it was not improper for him to sit, I would not have quarreled with him for a moment. (Hearings, page 254)

In addition, Judge Winter testified in response to specific questions from Senator TYDINGS that Judge Haynsworth's conduct did not violate Canon 26 or Canon 29.

It was regrettable that Judge Haynsworth was put in the position of making the decision to not disqualify himself. But in view of the nature of the case—it was a clear-cut decision on a limited point of law—he concluded the burden of rehearing the case was unwarranted. We, in the Senate, must keep in mind the real burden, administratively, in setting a case for rehearing, selecting a new panel, rehearing, redeciding the case, and drafting an opinion. Justice was rendered in this case, and delaying the disposition would only have delayed justice and would not have altered the result.

Judge Haynsworth says he wishes he had never heard of the Brunswick Corp. and never purchased the stock. The members of the committee agree. This inadvertent error, however, is no reason for refusing to confirm him. A nominee must be honest, honorable, and sensitive to ethical considerations. He cannot be expected to be infallible.

E. J. P. STEVENS CO.

Judge Haynsworth holds 550 shares of stock in J. P. Stevens Co. This stock ownership has been attacked as a violation of Canon 26. The committee took testimony on this point, reviewed the canon, and concluded that Judge Haynsworth has acted properly.

J. P. Stevens Co. was a very close client when Judge Haynsworth was a practicing attorney. He concluded that it would not be proper, "in his opinion"—see 28 United States Code section 455—to sit in any case where J. P. Stevens was a litigant, and he has not.

In view of the fact that Judge Haynsworth would never have to disqualify himself in a J. P. Stevens case because of his stock ownership, the committee concluded that Canon 26 was not relevant and there was no reason for him to dispose of his stock.

F. THE AMERICAN BAR ASSOCIATION

Mr. President, for the past 18 years, it has been the custom that nominees for judicial posts be reviewed by the American Bar Association and the ABA recommendation be forwarded to the Judiciary Committee.

The Committee on the Federal Judiciary of the American Bar has been delegated the responsibility for the investigation and recommendation. The committee consists of one member appointed from each of the 12 judicial circuits, and a chairman appointed at large. The purpose of the committee is to review the professional qualifications of a nominee. This includes his ability, experience, and integrity.

The committee interviewed his colleagues on the fourth circuit, a cross section of district judges and practicing attorneys, and the nominee himself. His opinions were surveyed. The committee concluded that Judge Haynsworth was "highly acceptable from the viewpoint of professional qualifications." Judge Walsh testified on Judge Haynsworth's behalf.

At the time of the hearings as well as before, the issue of the Darlington case had been raised. The committee on the Federal judiciary included the issue in their deliberations. It was found that: "Judge Haynsworth had no interest, direct or indirect, in the outcome of the case before his court. There was no basis for any claim of disqualification, and it was his duty to sit as a member of his court."

When subsequent attacks were made against Judge Haynsworth involving Brunswick and the parent-subsidiary cases, the committee met again, and here is what it said:

> The Committee met today and carefully reviewed the matters which have come to its attention since its original report on Judge Haynsworth to the United States Senate Committee on the Judiciary. It has concluded by a substantial majority that such matters do not warrant a change in that report.

Sixteen past presidents of the American Bar Association have affirmed their confidence in the processes and judgment of the ABA committee. In a telegram to Chairman EASTLAND, they concluded:

> Accordingly, we hereby affirm our support of Judge Haynsworth and urge his confirmation as a Justice of the United States Supreme Court.

It is the professional judgment of the American Bar Association, Mr. President, that Judge Haynsworth is fully qualified to take his seat on the Supreme Court of the United States.

HAYNSWORTH'S RECORD AS A CIRCUIT JUDGE

A. AN OVERVIEW

A sitting judge compiles a record on which he himself can be judged for competence and ability. Judge Haynsworth has a 12-year record in which his competence can be measured. It is an illustrious and a proud record.

After reviewing his opinions, the American Bar Association judged the nominee to be highly qualified. Judge Walsh reported that "as far as his professional qualification is concerned, he is spoken of in the highest terms." Mr. Ramsey of the ABA committee testified that "he is eminently well qualified to be a member of the Supreme Court."

Professor Wright's statement before the committee was particularly helpful. He reviewed many of Judge Haynsworth's opinions on many different subjects besides civil rights and labor cases. It was his conclusion that: "(H) is overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court."

In every case which a judge decides, and over a 12-year period that is thousands, there is at least one dissatisfied party: the loser. It is not surprising that Judge Haynsworth's nomination brought forth criticism of his record. Careful analysis, however, shows those criticisms are themselves biased and misleading.

B. CIVIL RIGHTS

In this presentation, I will not undertake to review the many cases cited by opponents and supporters of Judge Haynsworth in an attempt to define his judicial attitudes on racial matters. He has decided cases in favor of litigants claiming deprivation of civil rights and he has decided cases against them. Eminent authorities agree that his approach is fair.

Prof. G. W. Foster served as a consultant on school desegregation to the U.S. Commission on Civil Rights from 1961 until 1963. He served as a consultant to the Office of Education on school desegregation from 1964 to 1967 and participated in the drafting of the original HEW school desegregation guidelines. His statement appears on pages 602–611 of the hearings. He says:

> To sum up: Judge Haynsworth is an intelligent, sensitive, reasoning man. He does not fit among that small handful of front-running judges who have consistently made new law in the racial area. He has earned a place, however, among those who serve in the best tradition of the system as pragmatic, open-minded men, neither dogmatic nor doctrinaire. His decisions, including those in the racial area, have been consistent with those of other sensitive and thoughtful judges who faced the same problems at the same time. And it simply cannot be said that his record in the racial field marks him as out of step with the directions of the Warren Court.

Mr. President, I submit that this is an accurate and fair description of Judge Haynsworth's civil rights record. It certainly justifies the confidence of every Senator concerned with civil rights that Judge Haynsworth will continue to work fairly and pragmatically to insure that all Americans receive their civil rights.

C. LABOR

An objective review of Judge Haynsworth's decisions in labor cases, like those in civil rights cases, establishes that he has taken a balanced, impartial attitude toward labor litigation. Sometimes he will uphold union contentions, sometimes he will not. The determinative issue is not who the parties are but what the law is.

George Meany, AFL–CIO president, testified that he disapproved of any judicial decision against labor. Mr. Meany is an advocate for his point of view, and the bias evident in his statement is not the standard against which to measure the conduct of a judge.

Judge Haynsworth has written and participated in numerous opinions that recognized the legitimate aspirations of workers to organize and engage in collective bargaining. The committee report discussed two such opinions: NLRB against Electro Motive Mfg. which extended the protection of the National Labor Relations Act to a supervisor, and United Steelworkers against Bagwell, which held unconstitutional a city ordinance which sought to regulate distribution of literature by unions.

In the Electro Motive case, Judge Haynsworth gave the following justification of the reinstatement of the supervisor despite the fact that supervisors were not within the statutory definition of protected employees:

> The effect of the discharge, in either event, is to tend to dry up legitimate sources of information to Board agents, to impair the functioning of the machinery provided for the vindication of the employees' rights and, probably to restrain employees in the exercise of their protected rights.

Writing for the court in *NLRB* v. *Webb Furniture Corp.*, 368 F. 2d 314 (1966), Judge Haynsworth discussed good faith bargaining:

> When the union tendered some concessions, the employer might reasonably be required to recognize that negotiating sessions might produce other or more extended concessions. That is the purpose of collective bargaining. By July, it was readily apparent to the union that the impasse could be broken only by concessions on its part, but it would be extraordinary to suppose that it would do so then in terms of an ultimatum, or that in its initial modification of its demands would go to the ultimate limits of its possible agreement.

These quotations from these two cases do not sound as though they came from the pen of an antilabor judge. Indeed, Judge Haynsworth joined in 45 opinions that ruled in favor of the unions. He wrote eight of them.

He also joined in opinions against labor litigants and it is these decisions which are attacked. On balance, however, it is obvious that he had no bias against labor unions.

D. THE ANALYSIS OF JUDGE HAYNSWORTH'S WRITINGS HAS COME FROM MANY SOURCES

The New Republic magazine carried an article by Professor Bickel of Yale Law School concluded:

> But Judge Haynsworth is no reactionary. His civil rights record is centrist, although more cautious than some Senators would like. If the Senate demands precisely the ideological profile it would prefer, the appointment process will be in deadlock. Judge Haynsworth should be seen ideologically as falling within the area of tolerance in which the Senate defers to the President's initiative.

Professor Wright summed up his first statement as follows:

> History teaches us that it is folly to suppose that anyone can predict in advance what kind of a record a particular person will make as a Justice of the Supreme Court.
>
> All that one can properly undertake, in assessing a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform. Clement Haynsworth has shown in 12 years on the circuit court bench that he possesses all of these qualities in great measure.
>
> I hope he will be quickly confirmed.

THE SENATE AND ITS RESPONSIBILITY

The nomination of Judge Haynsworth has unleashed a furious attack unmatched since the nomination of Judge Parker and, prior to that time, the nomination of Louis Brandeis.

In the latter case, Justice Brandeis became one of the greatest men ever to serve on the Supreme Court. In the former case, Judge Parker continued to serve with distinction as an appellate level judge, but his greater potential was never realized.

The distinguished Senator from Florida (Mr. HOLLAND) informed me during colloquy on this subject several weeks ago of what he had been told by the distinguished former senior Senator from Georgia, Mr. George. Senator George, at the end of his career, regretted more than any other vote he had cast in the Senate, his vote against Judge Parker. I hope, Mr. President, that no one serving in this body will be left with such a bitter recollection of this nomination.

Freewheeling charges have been directed at Judge Haynsworth's ethics, charges that will be hard to live down if sustained by this Senate. Yet, it is a battle, not really being fought over ethics but over the philosophy of the man.

Mr. President, what precedent will be set for the future if a man of Judge Haynsworth's reputation and ability can be brought down by often-repeated charge. If President Nixon would attempt to find another nominee to bring balance to the Supreme Court, what man would accept the ordeal of personal vilification?

Organized labor did not apologize for the campaign it waged against Judge Parker although it contributed greatly to his rejection. This is so even though it is admitted that Judge Parker was a good judge. There will be no apology if Judge Haynsworth is rejected, and he too is a good judge. This is what the next nominee will weigh in his mind.

Mr. President, I am confident that the Senate will advise and consent to the nomination of Judge Haynsworth, but I think it important to recognize the seriousness of the decision we will make within the next few days.

This Senator has served for 12 years as a member of the Judiciary Committee. I have never opposed any judicial nominee because I did not like his philosophy, and I assure the Senate I did not agree with the philosophy of some nominees. I will maintain my consistent position and call upon all my colleagues who have deferred to the President on the choice of philosophy in the past to do so in this case.

Choice of philosophy is a political consideration. To bring such considerations to bear in the Senate means to weigh 100 individual views of what is the proper philosophy against the decision made by the President. It does not work as President George Washington learned early in his administration. If 100 persons are allowed to give full sway to their own personal views, then no independent, resourceful man will ever be picked to serve on the Supreme Court.

If Judge Haynsworth is rejected because of the flimsy attacks on his record as a circuit judge, no sitting judge will be able to meet the newly established Senate test. Practicing attorneys might be a source of prospective nominees, but if they are good they will be successful and will have business relationships that will have to be scrutinized and criticized. We could turn to the law schools and find qualified men untarnished by financial dealings, representation of certain clients, or prior court opinions, but it would be difficult indeed to select a balanced court only from among teachers.

If Judge Haynsworth is judged on the merit of his record, he passes with flying colors. He is capable, possessed of judicial temperament, honest, and intelligent. I am confident, Mr. President, that a majority of my colleagues will agree with this conclusion and will in due time confirm this nomination.

Mr. BAYH. Mr. President, I have listened with considerable interest to the remarks of the distinguished chairman of our committee as well as to the remarks of the Senator from Nebraska. I have listened not only to the statements which they made today, but also to the opinions that both these gentlemen have expressed throughout the hearings.

I should like the record to show that although the conclusions that I have reached differ from the conclusions of the Senator from Nebraska and the Senator from Mississippi, I believe that they have cooperated fully to see that this matter was fully aired. They have given me, as a member of the loyal opposition, every courtesy that I could expect, and I thank them for their consideration.

Mr. President, opposing this nomination has not been an easy matter for me. And I do no think that it has been an easy matter for any of us to oppose what, at least I personally feel, is normally a Presidential prerogative: the nomination of individuals to many positions of responsibility.

I have normally been inclined to go along with the Presidential decision. On only one occasion in the past did I feel inclined to oppose a nomination. It was a nomination made by the previous administration and was the nomination of a man that I did not feel was qualified to fill the position. I learned then that opposition to a nomination is different from opposition to other issues.

I have learned from personal experience that when one opposes a man on his qualifications, he is indeed burdening himself with an unpleasant task.

Opposing Judge Haynsworth is an endeavor which I now enter only after great consideration.

Mr. President, it seems to me that when considering an appointment to the judiciary, the Senate is in a different position from that in which it finds itself when considering appointments of other public officials. The President is charged with the duty of executing the laws and making the executive branch run. It is quite reasonable that he be given considerable latitude in selecting his own people to aid him in this great task. For this reason, a Senator might well feel conscientiously bound to go very far in following the President's lead and to confirm without hesitation most of his appointments. These appointees are an integral and working part of the President's administrative team.

Just the opposite is true as to judges, however. The judge is not someone with whom the President has to work in any intimate sense. He is not a member of the administration in any remote sense. When a judge is appointed, it is contemplated that his tenure will long outlast that of the President. A Federal judge is not a part of any administration. He is not an advocate, but rather a member of the judicial branch of our Government—totally removed from either the executive or legislative branches after appointment.

The President's constitutional power to initiate the appointment process for judges is the result of a compromise at the Contitutional Convention. It was initially proposed that the power to appoint judges should lie solely with the Congress. In giving some power to the President—indeed, the initial power to nominate—the Founding Fathers reserved the right of the Senate to advise and consent. Thus the President and the Senate become partners in appointing members of the Judiciary, and the Senate has not hesitated to use the power of rejection which the framers of the Constitution granted it. In fact, the Senate has rejected more nominations to the Supreme Court than to any other office. Between 1800 and 1900, one-quarter of all those named to the High Court failed to receive confirmation. Most were rejected by the Senate; others had their nominations withdrawn because of Senate opposition. They were rejected for a variety of reasons including politics, philosophy, ability, and, indeed, temperament.

It is clear then that the scrutiny we give the nomination of Clement F. Haynsworth, Jr., to the Supreme Court is not unusual. Indeed, it is the traditional, constitutional duty of each Senator to determine in his own mind what qualifications are necessary for a Supreme Court Justice, and then to measure the qualifications of the nominee against those standards.

I believe that among public officials, judges occupy a unique position. We all know they are addressed as "your honor." They wear solemn robes. And they preside over courtrooms of ceremonial architecture. Unlike legislative or executive officials who are constantly judged by the electorate on their political choices and proposals, Supreme Court Judges are lifetime appointees and are appraised by a test of trust: Are their decisions fair, impartial, and in accordance with the law?

It is therefore imperative that judges conduct themselves in a manner that avoids even the appearance of impropriety or bias. The law and canons of ethics guide a judge along a path that insures justice has the appearance of justice. Though the rules that have been established sometimes appear strict, they are especially important today. The Senate is asked to confirm a Supreme Court nominee to a seat that for the first time in history is a seat vacated by the resignation of a Justice accused of conduct involving the appearance of impropriety. To restore public confidence in the Court, we in the Senate should consent to a nomination only if the nominee has established those ethical standards which inspire confidence.

Mr. President, it is with deep regret and with respect for the contrary opinion that I state my belief that in nominating Judge Haynsworth to the Supreme Court, President Nixon has not presented the Senate with such a man. Though I believe Judge Haynsworth to be honest, he has not shown the proper sensitivity to ethical problems which have arisen during his career. Indeed that career has been blemished by a pattern of insensitivity to the judicial precepts concerning the appearance of impropriety.

Mr. President, I point out to the Senate that I realize the gravity of this type of assessment, but I think the time has come when we have to speak out. Public officials, whether judges or Members of Congress, must live up to high standards of ethical conduct.

In the hearings on the nomination of Judge Haynsworth and in the discussion which has followed, there have been a number of charges and countercharges. Though I recognize the rights of Senators to draw conclusions different from those I have reached, I would like to set out for the record the facts as I see them.

On at least four occasions Judge Haynsworth sat on cases in which he had direct primary interests in one of the parties. By sitting on these cases, Brunswick against Long, Farrow against Grace Lines, Inc., Maryland Casualty Co. against Baldwin, and Donohue against Maryland Casualty Co., the judge violated the disqualification law and the canons of judicial ethics.

Judge Haynsworth purchased 1,000 shares of Brunswick Corp. for $16,230 while Brunswick against Long was pending. At the time of the Grace Lines decision, Judge Haynsworth owned 300 shares of W. R. Grace and Co., which wholly owned Grace Lines. That stock was worth $13,875. Similarly, Judge Haynsworth owned 66⅔ shares of common stock and 200 shares of convertible preferred stock of American General Insurance Co., which owned over 95 percent of Maryland Casualty Co., when the Donohue and Baldwin cases were decided by his court. Maryland Casualty was a major subsidiary of American General Insurance. On the days the Donohue and Baldwin cases were decided, the value of Judge Haynsworth's stock in American General Insurance was $10,201 and $10,734, respectively.

The Federal law of disqualification is found in common law, constitutional law, and statutory law. Each source indicates that a judge should not sit on cases where he holds stock in a litigant.

As John P. Frank, the country's leading authority on disqualification law, has stated:

> The law of disqualification, in the heavy majority and clearly better view, treats a shareholder as though he individually were the concern in which he holds shares. In other words, if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party. As my study shows, every state and federal court reporting agrees that if a judge has a pecuniary interest in the party, he may not sit.

When I questioned Mr. Frank directly about section 455 of title 28 of the United States Code, which is the statute governing disqualification of Federal judges, he repeated that the majority view calls for disqualification when a judge has any financial interest in a litigant.

It is true, as Mr. Frank pointed out, that there is a minority view which allows a judge to sit where his interest in a litigant is small and there is a vast amount of stock outstanding. However, the minority view does not apply to cases involving Judge Haynsworth.

In a letter to the Judiciary Committee, Judge Haynsworth espoused the high ethical standards established by the majority of cases on disqualification law. In his words:

> I have disqualified myself in all cases . . . in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation.

Unfortunately, what Judge Haynsworth said and what he did were two different things. As the record shows, he ignored the rules he set for himself by sitting in Brunswick, Grace Lines, and the two Maryland Casualty cases. Indeed, Judge Haynsworth admitted this in a colloquy with Senator MATHIAS. I quote from the record:

> Senator MATHIAS. You consider that your interest [Brunswick] was substantial then?
>
> Judge HAYNSWORTH. Yes, I do, without question, though it is not in the outcome in terms of that, but much more substantial that I think a judge should run the risk of being criticized.

Although Judge Haynsworth set strict standards for himself regarding disqualification, unfortunately, his conduct in these cases falls even below the standards for disqualification of the Fourth Circuit.

The Fourth Circuit accepts the minority view that a judge with very small holdings in a large corporation can sit on cases to the extent that the holdings are disclosed to the parties and the parties do not object. Yet, Judge Haynsworth did not disclose his interests in Brunswick, Grace Lines, or Maryland Casualty to the parties opposing those corporations in the cases which came before him.

There is also a question in my mind, and I think in the minds of many people, whether the minority view on stock ownership is sensible law. To argue that each case must be broken down according to the effect a decision might have on each share of stock which a judge holds is to urge the impossible. There is no way to ascertain a dollar amount for the value of a decision as precedent which may affect future litigation.

Moreover, the concept that disqualification depends on the amount of gain received by a judge as a result of his decisions is flatly contrary to cases decided by the Supreme Court. In *Commonwealth Coating* v. *Continental Casualty Co.*, 393 U.S. 145, at page 148, the Court noted that it was a constitutional principle that judges should not sit on cases in which they had "even the slightest pecuniary interest."

It has been contended that it was not improper for Judge Haynsworth to sit on the Farrow, Donohue, and Baldwin cases because he held stock in the parent companies of the subsidiaries which were before him, and not the subsidiaries themselves. It is obvious that this defense makes no practical sense. It improperly emphasizes a form of corporate structure as opposed to substantial ownership which is the basis of the law. In June 1964, for example, the Judge purchased 200 shares of Maryland Casualty Co. and in August 1964, upon a corporate reorganization, he exchanged that stock for 200 shares of convertible preferred stock and 66⅔ shares of common stock of American General Insurance Co., the parent company of Maryland Casualty. Both before and after the exchange, he had a substantial ownership interest in Maryland Casualty. Thus, there is no reason to apply one rule to the June-to-August period and another to the period after August. The question was, Did he have a substantial interest?

It is true that there is one State court case decided in 1931 which supports the proposition that ownership in the parent of a subsidiary does not require disqualification. However, there is no Federal authority for such a rule of law. As Mr. Frank has pointed out, the California case which supports this distinction, Central Pacific Railway Co. against Superior Court, is based on the theory "that the judge must be capable of being made an actual party to the case" in question. Mr. Frank concluded that "this is not the better view. The proper test is whether the third party has a 'present proprietary interest in the subject matter.' "

It is true that requiring disqualification in cases involving subsidiaries of corporations in which a judge holds stock can at times be a difficult standard to adhere to. Judge Harrison L. Winter, of the fourth circuit, pointed this out to the Judiciary Committee during the hearings on the nomination. He noted that on one or two occasions it was not until the "very 11th hour" that he realized a litigant about to come before the court was the subsidiary of a corporation in which he owned stock.

However, it seems to me that, if we look at the record, it is difficult for Judge Haynsworth to plead ignorance to the parent-subsidiary relationship. His interest in American General Insurance Co. was acquired in 1964 in exchange for 200 shares of Maryland Casualty Co. when the companies merged. He had purchased the Maryland stock a few months earlier for over $12,000, a fact I think he would have remembered. He also should have known W. R. Grace & Co. wholly owned Grace Lines Inc., since W. R. Grace had been a client of Judge Haynsworth's law firm before he assumed the bench. The evidence indicates, therefore, that Judge Haynsworth's disregard for the rule requiring disqualification for interest was either willful or, I would rather suggest, grossly negligent.

Judge Haynsworth defenders protest that his failure to disqualify himself in Brunswick against Long was proper on the ground that he made his investment in Brunswick after the case had been heard and had been decided. The essential facts are these: The case was heard on November 10, 1967, by a panel of circuit judges composed of Judge Haynsworth, Judge Winter, and District Judge Woodrow Wilson Jones. The judges met in conference after hearing the case and arrived at the conclusion that a judgment in favor of Brunswick should be affirmed in an opinion to be written by Judge Winter. On or about December 15, 1967, Judge Haynsworth had his regular year-end meeting with stockbroker, Arthur C. McCall, who recommended that the judge buy Brunswick stock. The judge agreed, and his order for 1,000 shares of Brunswick stock was executed on December 26 at $16 a share. A confirmation notice was sent to Judge Haynsworth on December 26, and on the 27th the judge signed and sent his check in payment to Mr. McCall, who received it on December 28. Judge Haynsworth testified that the Brunswick case did not enter his mind during his discussion with Mr. McCall or at the time he received the confirmation and signed his check as payment for the stock.

On December 27, 1967, Judge Winter circulated his written opinion in Brunswick against Long, to Judge Haynsworth and Judge Jones by mail. During the first full week of January 1968, Judge Haynsworth and Judge Winter discussed that opinion. Judge Haynsworth noted his concurrence in the opinion and also suggested the possible need for changes due to certain points of South Carolina law noticed by his law clerk. Judge Winter accepted these changes and recirculated the amended opinion on January 17, 1968. The amended opinion was finally approved by the other judges of the court, and on February 2, 1968, after a judgment had been prepared, the opinion and judgment were filed.

The Federal rules provide for 30 days in which a party may ask for rehearing. On March 12, 1968, counsel for Long filed a petition to extend the time for filing a petition for rehearing. Counsel argued that the extension should be granted because he had not been furnished a copy of the opinion by the clerk until February 27, 1968. This petition was considered on the merits by Judges Winter, Haynsworth, and Jones who decided to deny it. On April 3, 1968, another petition for rehearing was filed. On August 26, it was denied in an order prepared by Judge Haynsworth.

Judge Haynsworth testified, and I quote:

> The . . . [first] time [after the hearing], of course, that the [Brunswick] case entered my mind was when I received the proposed opinion from Judge Winter. At that stage, I realized it had not been completely disposed of, and at that time I thought what I should do. I had now become a stockholder. .
>
> My conclusion was that I should endorse it since Judge Winter had written an opinion precisely as we had agreed, since Judge Jones concurred, since no one had any doubt about it, and nothing else occurred to return the case to the discussion stage . . .
>
> I considered what I should do and I made up my own mind . . .
>
> I did not consult them at the time.

It is plain that the judge performed the following judicial acts while he was a stockholder: reviewing and joining in the judgment and opinion, reviewing and rejecting two petitions for an extension of time to file a petition for rehearing. None of these acts was ministerial—indeed, the reasoned exposition of the result reached by a court is the very essence of the judicial process.

Mr. President, I wish to point out that I have discussed the judicial decisionmaking process with several appellate court judges in an informal, off-the-record manner, and I have been informed it is not unusual for decisions to be changed after the informal decision has been arrived at. I also would like to note that Judge Winter did not believe final decisions were made when the judges informally voted for one party or the other. At the hearings, he said:

> I think it may be fairly stated that a case is never decided finally or never put to rest until an opinion has been filed, all post opinion motions have been denied, and the Supreme Court has denied certiorari. . .

This being so, Judge Haynsworth's failure to disqualify himself or even to notify the parties or his fellow judges of the situation was, in my judgment, improper.

The Canons of Judicial Ethics, though they do not have the force of law, have established accepted guidelines for the conduct of judges. Like the law on disqualification, the canons hold that a judge should not sit on cases where he has an interest. Canon 29 states:

> A Judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is a judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

In interpreting canon 29, the American Bar Association's Committee on Professional Ethics states in opinion 170:

> A Judge should not perform a judicial act, involving the exercise of judicial discretion, in a cause in which one of the parties is a corporation in which the judge is a stockholder.

Judge Winter recognized the significance of this opinion in his testimony before the Judiciary Committee. He stated:

> The American Bar Association Committee at least has taken the position that if you own any stock, that is it. You ought not to sit at all.

Judge Haynsworth's financial interests were involved in the Brunswick, Grace Lines, and Maryland Casualty cases, yet he did not refrain from performing judicial acts in these controversies. To argue that canon 29 does not apply in situations where the litigant is a subsidiary of a corporation in which a judge owns stock is unreasonable. The canon states that a judge should not sit in a case "in which his personal interests are involved," and opinion 170 further indicates that even one share of stock in a corporate litigant is interest. Certainly direct interest in a litigant through ownership in the parent corporation should be treated no differently.

Canon 4 and canon 34 also come into play when a judge sits on cases in which he has personal interests. They state that "a judge's official conduct should be free from impropriety and the appearance of impropriety" and that his conduct "should be beyond reproach."

Judge Haynsworth's conduct, if one looks at the record, was not beyond reproach. He disregarded the precedents on disqualification which have been so carefully established to avoid the appearances of impropriety. While not dishonest, he has callously ignored the ethical rules which the great majority of judges follow meticulously. Perhaps a letter I received from a professor at UCLA who teaches legal ethics to law students explains more clearly why Judge Haynsworth's conduct was improper. Prof. David Mellinkoff observed:

> In a United States district court a jury awards an injured seaman $50.00 on a claim against Grace Lines he thought worth $30,000.00. Saddened, he takes his case to the United States Circuit Court of Appeals. It is not difficult to imagine the bitterness in the heart of the injured seaman when he learns that one of the judges to whom he appealed in vain to right the supposed wrong of the Grace Lines was even a small owner of the company that owns Grace Lines. By the standard of the marketplace Justice Haynsworth's stockholding was trifling. It looms large in the mind of the unhappy litigant searching to discover just what it was that tipped the scales of justice against him.

On several occasions, Judge Haynsworth totally disregarded canon 26. The canon forbids a judge from investing in corporations apt to be subjects of litigation in his court. As I pointed out earlier, Judge Haynsworth purchased Brunswick stock while the case was still pending before his court. No business was more apt to be before his court than a company which was before his court when he purchased its stock.

Judge Winter, for example, said he would not have bought Brunswick stock at such a time. On September 23 he testified:

> I think, sir, if I had been in that situation, I would have avoided buying the stock until after the opinion had been filed and the matter had been disposed of.

Mr. HRUSKA. Mr. President, will the Senator yield at that point?

Mr. BAYH. I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, would the Senator care to read the remainder of the answer which Judge Winter gave at that point? It is found on page 241 of the hearings.

Mr. BAYH. The Senator from Nebraska may read it if he wishes.

Mr. HRUSKA. I thank the Senator. The remainder of the answer states:

> I do not think, however, that I would have been legally disqualified, since a decision had been reached in the case in my mind, since the nature of the decision was not one which could have affected the value of the stock one way or the other.

I believe that to make the record complete it would be well that the record contain the rest of the answer.

Mr. BAYH. I am glad the Senator has done that. I think we need to be consistent when we are talking about a standard. What Judge Winter would have done personally is very much a factor.

Mr. HRUSKA. Exactly.

Mr. BAYH. He personally would not have done what Judge Haynsworth did.

Mr. HRUSKA. And Judge Winter said he did not think he would have been legally disqualified, since a decision had been reached in the case in my mind, since the nature of the decision was not one which could have affected the value of the stock one way or the other.

Had the matter been brought to him he did not think he would have been legally disqualified under the canons and of statutes. That is his opinion based on his knowledge of all the facts. As an attorney, that opinion of a judge, being laid parallel with the opinion of a distinguished member of the Indiana bar, would be of some weight.

Mr. BAYH. Mr. President, I trust that we will have the opportunity to debate the points I have raised in my statement as well as the further points which I hope to bring out in debate, but since the hour is late, I should like to conclude my statement.

Mr. President, Judge Haynsworth also admitted his purchase of Brunswick stock at that time was a mistake. He testified:

> As I say, Judge Winter said that he would not have bought this stock and I agree with him completely.

Judge Haynsworth also invested in two casualty companies, Nationwide Corp. and Maryland Casualty Co. It is common knowledge, even among laymen, that casualty companies are continuously involved in litigation. As Judge Winter pointed out at the hearings, "with casualty companies litigation is a part of their business."

Finally, Judge Haynsworth maintained his holding in W. R. Grace & Co. even after Grace Lines had appeared before his court on one occasion. That litigation should have warned Judge Haynsworth that the company was apt to appear again. A sensitive judge would have disposed of his holdings.

The poor judgment of Judge Haynsworth which I have described thus far does not stand alone. There are other commissions and omission of the judge which raise further questions concerning his sensitivity to judicial ethics. Foremost among these is Judge Haynsworth's relationship with Carolina Vend-A-Matic Co. and the textile industry.

Judge Haynsworth was an organizer and founder of Carolina Vend-A-Matic in 1950, with an original investment of $2,400. He sold his interest in 1964 for $450,000. He was a director and vice president of Carolina Vend-A-Matic until 1963. Although the judge stated that he orally resigned from the vice presidency in 1957, the corporation records show he was listed as vice president until 1963. They also show that he regularly attended meetings of the board of directors and voted for slates of officers including himself through the years, 1957–63. He was, in fact, paid director's fees amounting to $12,270—including director's fees of $3,100 in 1960—during the years of 1957 to 1963 and the records show his wife, Dorothy M. Haynsworth, served as secretary of the corporation for 2 years—1962–63—while he was on the Federal bench.

Although the judge claims he was an inactive officer, the only information available from the minutes of the corporation indicates that the directors were active in locating new business. A resolution by the board of directors of Carolina Vend-A-Matic which justifies the paying of fees to directors and which appears in the minute books of the corporation states that:

> It was pointed out that the main sales and promotional work of Carolina Vend-A-Matic had been done by its directors who are also the officers of the corporation and that any new locations were the result of many conversations, trips and various forms of entertainment of potential customers by one or more of the directors or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and practically without exception, these were the result of the Board of Directors.

Judge Haynsworth took an active part in directors' meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors and the profit-sharing trust. Judge Haynsworth also endorsed notes for the corporation both before and after his appointment to the Federal bench.

In 1957, after Judge Haynsworth assumed the bench, the gross sales of Carolina Vend-A-Matic and its subsidiaries increased tremendously. Gross sales of Carolina Vend-A-Matic had only increased from $169,355 in 1951 to $296,413 in 1956. But in 1957, the year Judge Haynsworth assumed the Federal bench, sales jumped to $435,110 and continued a precipitous climb, reaching $3,160,665 in 1963, the last full year in which Judge Haynsworth owned a major share of the company. Between the end of 1956 and 1963, Carolina Vend-A-Matic sales increased by 966 percent, while sales of the vending machine industry as a whole increased by only 69 percent.

In 1963, more than three-fourths of Carolina Vend-A-Matic's total business was with textile concerns. Census figures show only 28.9 percent of the Greenville, S.C., working force was employed in textile mills. It is clear Carolina Vend-A-Matic concentrated on developing business with textile concerns.

It is also interesting to note that Judge Haynsworth's investments in stock in textile companies amounted to $49,557.60 in 1963—J. P. Stevens & Co., Burlington Industries, Dan River Mills. Thus, any precedent setting decisions in the Southern textile industry would direclty affect Haynsworth's financial position through Carolina Vend-A-Matic and through his textile stocks.

For some years there has been an exodus of textile concerns from north to south in an effort to take advantage of lower wages as a result of strong regional pressures against collective bargaining in the South. The Darlington Manufacturing Co. against NLRB came before the Fourth Circuit Court of Judge Haynsworth in both 1961 and 1963, while Carolina Vend-A-Matic had vending contracts with plants of Deering Milliken Corp., Darlington's parent company, bringing in $50,000 per year. While the litigation was pending Carolina Vend-A-Matic signed a new contract with a Deering Milliken plant, increasing their vending business with the company to $100,000 per year. The case was eventually decided in favor of Darlington in a 3 to 2 decision with Judge Haynsworth casting the deciding vote, thus establishing an important legal precedent for the textile industry. The decision was later substantially modified by the Supreme Court.

Between 1958 and 1963 Judge Haynsworth sat on at least five other cases invloving customers of Carolina Vend-A-Matic.

Judge Haynsworth's failure to disqualify himself in cases involving customers of Carolina Vend-A-Matic, particularly from the Darlington case, and his failure even to disclose his interests in CVAM again violates the strong precedents of disqualification law and the Canons of Judicial Ethics on this subject.

I do not suggest that Judge Haynsworth intentionally decided cases in a manner designed to enhance his personal financial interests. Such a charge would be unreasonable. However, such a commingling of his judicial responsibility and his financial interests gives the appearance of impropriety and leaves Judge Haynsworth open to legitimate criticism.

John Frank has testified that he believes Judge Haynsworth's interest in the litigation was too remote to require disqualification, but Supreme Court cases indicate that the law of disqualification extends to cases of considerably more remote financial relationships.

The basic standard a judge is required to follow in deciding whether or not to hear a case is set out in In Re Murchison, where the Supreme Court reversed contempt convictions handed out by a Michigan State judge who had investigated the underlying offense as a one-man grand jury. The Court stated:

> This Court has said, however, that "every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law. *Tumey* v. *Ohio*, 273 U.S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. But to perform its high function in the best way

"justice must satisfy the appearance of justice".

This standard was clarified in Commonwealth Coatings Corp. against Continental Casualty Co. In that case, one of the parties to an arbitration proceeding had done business with one of three arbitrators, a consulting engineer. The relationship between the party and the arbitrator had been sporadic over the years and amounted to less than 1 percent of the arbitartor's business. In fact, there had been no business dealings between the two for over a year. The financial relationships in Commonwealth Coatings, obviously, was far more remote than Carolina Vend-A-Matic's relationship with Darlington. There, the relationship was current, and the business amounted to 3 percent of Carolina Vend-A-Matic sales. Yet, the Court set aside the judgment of the arbitrators and applied the constitutional rules of judicial disqualification. Justice Black stated:

> It is true that petitioner does not charge before us that the third arbitrator was actually guilty of fraud or bias in deciding this case, and we have no reason, apart from the undisclosed *business* relationship, to suspect him of any improper motives. But neither this arbitrator nor the prime contractor gave to petitioner even an intimation of the close *fiancial* relations that had existed between them for a period of years. *We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge.*
>
> This is shown beyond doubt by *Tumey* v. *Ohio*, 273 U.S. 510 (1947), where this Court held that a conviction could not stand because a small part of the Judge's income consisted of court fees collected from convicted defendants. Although in *Tumey* it appeared the amount of the judge's compensation actually depended on whether he decided for one side or the other, that is too small a distinction to allow this manifest violation of the strict morality and fairness Congress would have expected on the part of the arbitrator and the other party in this case. *Nor should it be at all relevant, as the Court of Appeals apparently thought it was here, that [t]he payments received were a very small part of [the arbitrator's] income* .... For in *Tumey* the Court held that a decision should be set aside where there is 'the slightest pecuniary interest' on the part of the judge, and specifically rejected the State's contention that the compensation involved there was 'so small that it is not to be regarded as likely to influence improperly a judicial officer in the discharge of his duty . . .' "

The opinion concluded by noting the similarity in rule 18 of the American Arbitration Association and the pertinent section of the 33d Canon of Judicial Ethics which stated:

> Canon 33. Social Relations . . . A judge should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships, constitute an element in influencing his judicial conduct.

The Court went even further by suggesting that the standard required for ethical conduct rested on a broader and more fundamental constitutional concept. In the words of Justice Black:

> This rule of arbitration and this canon of judicial ethics rest on the premise that any tribunal permitted by law to try cases and controversies must not only be unbiased, but must avoid even the appearance of bias.

By sitting in the litigation when Carolina Vend-A-Matic was doing business with a litigant, Judge Haynsworth breached the standards established by the Supreme Court. His testimony before the Judiciary Committee indicated his disregard for ethical standards would continue in the future. When I asked him a question concerning the propriety of his relationship with Carolina Vend-A-Matic, Judge Haynsworth admitted he would act in the same manner were the situation to arise again. I quote from the record:

> Senator BAYH. Now, you have been quoted, and I wonder if it is accurate, that if you had that *Darlington-Deering Milliken* case to do over again, that you would still feel that you did not have a sufficient conflict of interest.
>
> Judge HAYNSWORTH. Even if I knew at the time all that I know about it now, I would feel compelled to sit.

Similarly, in answer to Senator TYDINGS' question of whether Judge Haynsworth disclosed his interests to the parties, the judge stated:

> No, sir; because I did not regard myself as having any financial interest in the outcome, and I still do not.

It is unfortunate, but Judge Haynsworth either refuses or is incapable of grasping the principle that the appearance of bias is as important as actual bias.

As in the cases where Judge Haynsworth owned stock in a corporate litigant, the canons of ethics apply to the judge's conduct in deciding cases involving customers of Carolina Vend-A-Matic. The canons were clearly stated throughout Judge Haynsworth's term on the bench. Their central theme is that judges must act in a way to avoid even the appearance of impropriety or bias. Reading a few sentences from the canons make this point very clear. Canon 13 states that a judge "should not suffer his conduct to justify the impression" that any person can improperly influence him. Canon 24 states that a judge should not accept inconsistent duties which might "appear to interfere with his devotion" to the proper administration of his official functions. Canon 25 states a judge should not give grounds for the "reasonable suspicion" that he is utilizing the prestige of his office to promote his business ventures. I could continue and read from several other applicable canons, but it would be repetitious. I will simply cite them for reference. They are Canons 4, 29, 33, and 34.

Judge Haynsworth violated the canons by maintaining his relationship with Carolina Vend-A-Matic. The size of the judge's interest in the company, his investments in textiles, the existence of customer relationships with parties appearing before his court, the dependence of Vend-A-Matic upon textiles, all give an appearance that the judge could have been biased.

Judge Simon Sobeloff recognized the dangers of a judge taking an active part in a business, and stated that a judge must disqualify himself even when a customer of his business concern is before his court. I quote his words in an article in the Federal Bar Journal:

> One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him.

Another matter also deserves notice. Judge Haynsworth was a trustee of the Carolina Vend-A-Matic Co. profit sharing and retirement plan from 1961 until 1964 and qualified as an administrator by law. The Welfare and Pension Plan Disclosure Act provides that an administrator of a pension fund must file with the Secretary of Labor an initial description of the plan and annual reports thereafter. Willful violation of the act can lead to 6 months imprisonment or a fine of $1,000 or both. On September 17, 1969, the director of the Office of Labor-Management and Welfare-Pension Reports of the U.S. Department of Labor advised my office by letter:

> Our records do not show that any reports have been received under the name of Carolina Vend-A-Matic Company, Inc., for a Profit Sharing and Retirement Plan.

The omission by the judge was in all probability an oversight and not an intentional violation. However, I cite the facts to reinforce the obvious conclusion that complicated financial relationships and judicial responsibility can become a dangerous mixture.

Finally, the statements made by Judge Haynsworth to the Judiciary Committee and the Subcommittee on Improvements in Judicial Machinery have shown an amazing lack of candor. The judge stated that he never sat on cases where a corporation in which he held stock was a party to the litigation or would be affected by the decision. This, as I have detailed to you, simply is not true. Before Senator TYDINGS' subcommittee, the judge testified that he resigned all his directorships in 1957, when he assumed the bench. The record shows he was a director of Carolina Vend-A-Matic Co. and the Main-Oak Corp. well into 1963. Similarly Judge Haynsworth claimed his role in Vend-A-Matic was inactive. Yet the record shows he regularly attended and took active part in board meetings, that he accepted director's fees, that board members were instrumental in procurring new business, and that the judge helped Vend-A-Matic obtain bank loans. The role Judge Haynsworth played in the affairs of the company does not, in short, appear to be passive.

In closing, I repeat once again that the basis of the canons of judicial ethics and the law of disqualification is that judges must be extremely careful to avoid bias or even the appearance of bias in administering their judicial functions. Judge Haynsworth entered into and maintained numerous relationships which, in view of the fact that he continued to perform judicial acts affecting other parties to those relationships, give the appearances of bias and thus constitute breaches of the Canons of Ethics and violations of the disqualification law.

He sat on cases involving litigants in which he had a financial interest; he purchased stock in corporations apt to appear before his court; he sat on cases involving customers of a corporation in which he was a major stockholder and for which he served as a director and vice president. Moreover, he failed to comply with Federal law in administering a profit-sharing trust, and he displayed a lack of candor in testimony before our committee.

This is not acceptable conduct for a nominee to the Supreme Court.

The Supreme Court is the final determinant of the standard of judicial conduct not only for itself but also for every court in the land. The Court requires men sensitive to the many ethical problems which often arise. I reluctantly suggest that the Senate must await such a nominee before exercising its power to consent.

Mr. President, I ask unanimous consent to have printed in the Record a statement which was given to the Committee on the Judiciary by Judge Haynsworth before the committee but which, for some reason or other, was not included in the record of the hearings.

It is a statement presented formally to the committee on the opening day of the hearings explaining the judge's business associations. Although the statement has been referred to widely in the hearings and elsewhere, it has never been made a part of the Record and I would like to do so at this time.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF THE HONORABLE CLEMENT F. HAYNSWORTH, JR. BEFORE THE SENATE JUDICIARY COMMITTEE

At the request of Senator James O. Eastland, Chairman of the Senate Judiciary Committee, I am happy to submit the following statement regarding my participation in the decision of the Court of Appeals for the Fourth Circuit in the case of *Darlington Manufacturing Company* v. *NLRB*, 325 F. 2d 682. That case was orally argued before our Court on June 13, 1963, and was decided on November 15, 1963. Shortly thereafter the attorney for the Textile Workers Union of America, one of the litigants, wrote a letter to Judge Sobeloff, who was then Chief Judge of the Court. The letter charged, on the basis of information anonymously furnished to the writer, that Deering-Milliken, Inc., one of the prevailing parties in that litigation, had immediately before the decision in that case deliberately conferred benefits upon Carolina Vend-A-Matic Company, a corporation in which I had an interest. This charge was fully investigated under the direction of Chief Judge Sobeloff, and was determined to the apparent satisfaction of all concerned to be totally without foundation. However, recently the charge has been revived in a somewhat different form; it has been suggested that I ought to have disqualified myself from participation in the Darlington Manufacturing Company case, because Deering-Milliken was a party to that case and because Carolina Vend-A-Matic at the time had business dealings with Deering-Milliken. The other members of my Court, when they recorded their approval of my sitting, were fully informed of all of the facts including my stock interest in Carolina Vend-A-Matic, but I welcome this opportunity to submit a full statement as to the factual background of the matter, in order that this Committee and the Senate as a whole may judge for themselves.

I became a judge of the Court of Appeals in 1957. Seven years previously, I had joined with several of my partners in the practice of law and a businessman in my hometown of Greenville, South Carolina, in incorporating Carolina Vend-A-Matic Company. The initial stock was subscribed for on April 5, 1950 and paid for. The first stock certificates were issued on June 15, 1950. Some of the initial subscribers soon dropped out, and after resulting stock adjustments and until the first part of 1957, each of the five principal stockholders—of whom I was one—owned 24 shares, for which he had paid $2,400. William Mullins, who was the General Manager of the company and in active charge of its business, owned one share. In addition, I made a capital contribution to the corporation of $600 during this period.

During the period from 1950 to 1957, the business of the company grew—slowly, at first, but then at an accelerating pace. Capital requirements for its expansion exceeded the comparatively small amount of money that had been paid in by its stockholders, and were therefore financed principally by bank loans. During this time such loans were obtainable only upon the personal endorsement of each individual stockholder. The company's accelerating growth produced a steady rise in the total amount of outstanding bank loans, and two of the original stockholders became disturbed about their individual exposure to financial loss by reason of their endorsements. In 1957, these two stockholders sold their stock to other parties, and in order that all shareholders should be on an equal basis, the three principal original stockholders each sold to the new stockholders four of their original shares for a price of $1,250 per share. As a result of this transaction, each of the six principal stockholders was then the owner of 20 shares of stock.

In 1958, Carolina Vend-A-Matic employed a new General Manager, and in 1960 the six principal stockholders each sold him sufficient of their stock so that, with stock he purchased directly from the corporation, he was on an equal basis with them. At this time, there were seven principal shareholders, each owning 18 shares, and one shareholder who owned one share.

In 1952, Carolina Vend-A-Matic placed two coffee machines in Gayley Mill at Marietta, South Carolina, which was either owned by or affiliated with *Deering-Milliken*. Other food and beverages at this plant were dispensed through a canteen operated in the plant on a part-time basis by a storekeeper until 1958, when Carolina Vend-A-Matic was requested to provide vending service. It then placed in the Gayley Mill Plant six machines to dispense coffee, cold drinks, candy, cigarettes, hot soups, and sandwiches.

Prior to 1958, Carolina Vend-A-Matic had coffee machines in Judson Mills, a relatively large plant owned by or affiliated with Deering-Milliken. At that time, foods and tobaccos were dispensed from "dope wagons" operated by a Mr. Spearman, who had been conducting that operation in Judson Mills for many years. In 1958, the management of Judson Mills decided to go to a full vending service and invited proposals from Carolina Vend-A-Matic and Mr. Spearman. Judson Mills awarded the business to Mr. Spearman, whose operation in its plant was his livelihood, and Carolina Vend-A-Matic's coffee machines were removed from the plant.

In 1958, Carolina Vend-A-Matic placed one coffee machine and one candy machine in a plant operating under the name of Jonesville Products, in Jonesville, South Carolina, which was either owned by or affiliated with Deering-Milliken. Approximately 50 people were employed in this very small plant.

In 1963, Deering-Milliken constructed a new plant known as Magnolia Finishing Plant near Blacksburg, South Carolina. The purchasing agent for Deering Milliken Service Corporation invited bids from eight established companies in the vending business and received eight proposals, among which was that of Carolina Vend-A-Matic. After an appraisal of the proposals, Magnolia awarded the business to Carolina Vend-A-Matic. Presumably this determination was influenced by the ten per cent commissions which Carolina Vend-A-Matic had proposed to pay to the plant, by the fact that Carolina Vend-A-Matic had a service installation in Gaffney, South Carolina, which was quite nearby, by the fact that it prepared its own food in its own commissaries, and by the quality of its service as demonstrated at Gayley Mill. The award of this contract to Carolina Vend-A-Matic was made upon certain conditions, relating to the furnishing of facilities, and Carolina Vend-A-Matic complied with these conditions.

In June 1963, Carolina Vend-A-Matic was invited to make a proposal for full vending service in the Laurens Mills, a larger plant owned by or affiliated with Deering-Milliken. Personnel of the Laurens Mills complimented the Carolina Vend-A-Matic proposal, but in late August or early September 1963 awarded the contract in question to a Mr. Jones, who for many years had been operating "dope wagons" in the plant.

In November 1963, the plant manager of Drayton Mill, an affiliate of Deering-Milliken, invited proposals for full vending service. At the time Automatic Food Service of Spartanburg, South Carolina, was dispensing coffee in the plant from vending machines while other food services were being supplied from "dope wagons". In inviting the proposals, management suggested employment of two people who had been engaged in the operation of the "dope wagons". Carolina Vend-A-Matic submitted such a proposal, but was notified on November 16, 1963, that the contract had been awarded to Automatic Food Services of Spartanburg which had the prior experience in operation of coffee machines in that plant.

By the end of 1963, therefore, Carolina Vend-A-Matic had placed vending machines in three of the plants affiliated with Deering-Milliken, one of which had been placed initially in 1952 and supplemented in 1958, one of which had been placed in 1958, and one of which had been placed in 1963. Earlier, it had coffee-vending machines in another larger part, but had been required to remove them in 1958. While in 1963 it sought to obtain locations in two larger Deering-Milliken plants on the basis of competitive bidding, it failed to obtain either.

The facts developed as a result of the inquiry conducted by Judge Sobeloff indicate that the approximate projected annual gross sales made by the Carolina Vend-A-Matic machines installed in the three Deering-Milliken plants for 1963 were slightly more than $100,000. The total gross income from sales realized by Carolina Vend-A-Matic during that year was $3,155,102. Sales through Deering-Milliken affiliated plants thus represented slightly more than three per cent of Carolina Vend-A-Matic's gross sales. The number of Deering-Milliken employees served by Carolina Vend-A-Matic installations was slightly less than 700, out of a total stated to be more than 19,000 in Judge Bell's dissenting opinion in the *Darlington* case.

In 1957, when I was appointed to the Court of Appeals, I promptly resigned from the directorships I held in all corporations except two: Carolina Vend-A-Matic Company and Main-Oak Company. The latter is a corporation the shares of which are owned by members of three families, and which owns fee title to two commercial properties in Greenville. At that time I refrained from resigning my directorships in these two corporations, since to the best of my knowledge the names of their directors and officers were not publicized in any way. Both were small, closely held corporations whose shareholders consisted largely of persons who were either friends or relatives of mine. Thus it was unlikely, I felt, that my continuing as a director could possibly influence anyone.

Not only were the names of the directors of Carolina Vend-A-Matic not a matter of public knowledge, but the reports submitted to Chief Judge Sobeloff indicated that none of the individuals in Deering-Milliken affiliated plants with whom Carolina Vend-A-Matic dealt, or who had in any way influenced the decisions as to whether a concession would or would not be awarded to Carolina Vend-A-Matic, had ever heard anything of my connection with Carolina Vend-A-Matic. Indeed, at least one had never heard of me at all.

I continued to hold stock in both Carolina Vend-A-Matic and Main-Oak after 1957. I presently own thirty out of 5,000 issued and outstanding shares of Main-Oak Corporation, whose income consists entirely of income from long-term leases on the commercial properties which it owns. I was a stockholder in Carolina Vend-A-Matic from its inception until the spring of 1964. At no time, however, did I play any active part in Carolina Vend-A-Matic's site locations. The information regarding site locations contained in the preceding part of this statement was largely unfamiliar to me until the matter was investigated following the decision in the *Darlington* case.

I took no active part in the conduct of any of Carolina Vend-A-Matic's business except that, until 1957, I assisted it in obtaining financing, and exerted some restraint in an effort to see that the amount of its indebtedness guaranteed by its stockholders did not reach proportions which I thought intolerable.

From the time of its organization, each of the principal stockholders of Carolina Vend-A-Matic held some titular office, and I was one of several vice presidents. I never performed any function in that capacity, unless what I did in connection with the bank loans could be regarded as appropriate to the office of a vice president. For at least two years, my wife served as secretary of the corporation, giving way at the end of that period to the wife of another director. Her activities as secretary were confined to routine office procedure.

It is my belief that I had resigned as vice president of Carolina Vend-A-Matic at the time I took office as a judge of the Court of Appeals in 1957. Other directors recall my informal submission of my resignation as Vice President at that time. However, a check of the company's minute book within the last few days indicates that on that record, at least, I was carried as a vice president until 1964.

In the fall of 1963 the Judicial Conference of the United States, moved by reports that some judges were serving as directors of corporations whose roster of directors was a matter of public information, adopted a resolution expressing the opinion that no judge should serve as an officer or director of any business corporation organized for profit. Promptly after the adoption of this resolution, I resigned as director of both Carolina Vend-A-Matic and of Main-Oak Corporation on October 15, 1963. If on that date I had had the slightest inkling that I was shown in the minute book of Carolina Vend-A-Matic as a vice president, I would of course have resigned that office at the same time.

Notwithstanding the fact that the particular anonymous accusation made in 1963 had proven untrue, I was naturally disturbed by the incident and determined to take steps to avoid questions, however, unfounded, of the propriety of my conduct in the future. Feeling as I did, and as I believe most judges who have considered the matter do, that a judge is every bit as obligated to sit in a case in which he is not disqualified by statute or by the Canons of Ethics as he is to disqualify himself where required to do so by these standards, an extremely broad interpretation of the standards for disqualification offered no satisfactory solution. By then it was clear that Deering-Milliken knew of my interest in Carolina Vend-A-Matic, and if they knew, other employers might be informed by them. While I had earlier resigned as a director of the corporation, I had retained a 1/7 stock interest which was too substantial to be treated as negligible. Feeling that it would be unfair to the remaining stockholders of Carolina Vend-A-Matic to insist that it forego future opportunities for further expansion into new locations, I offered to sell my stock to them.

Carolina had received a number of overtures for discussions about merger possibilities. My wish to sell my stock led to discussion with two companies which had grown to national proportions, the stock of each of which was listed on the New York Stock Exchange. Proposals were submitted by both of those concerns, Automatic Retailers of America and Servomation. On the basis of earnings and net worth, the two proposals were reasonably comparable, but the stock of Automatic Retailers of America was selling at a far higher ratio to earnings and net worth than was the stock of Servomation. Because the market value of the Automatic Retailers stock was so much greater than that of Servomation, the stockholders agreed to exchange all of the stock of Carolina Vend-A-Matic for stock of Automatic Retailers of America.

Automatic Retailers of America did not wish to acquire certain assets owned by Carolina Vend-A-Matic. Prior to the stock exchange, therefore, certain real estate and other assets were removed from the corporation's assets by the payment of a dividend in kind, and the stockholders received them as tenants in common.

In connection with the stock exchange, Automatic Retailers requested and obtained from the Securities and Exchange Commission permission for me immediately to sell the Automatic Retailers stock I would receive. As soon as the stock exchange was effected and I had received stock certificates which I could deliver, I sold the 14,173 shares of Automatic Retailers of America I had received in exchange for my eighteen shares of Carolina Vend-A-Matic. The gross sales price for the Automatic Retailers stock was $455,307.63, from which commissions, stamps, and other costs aggregating $17,597.47 were deducted, so that the net sales price was $437,710.16.

Mr. BAYH. Mr. President, I also ask unanimous consent to have other material printed in the RECORD.

Judge Haynsworth's stock and real estate holdings have also been made available and referred to widely. For the consideration of the Members of the Senate I offer these lists received by me as a member of the Judiciary Committee which were made public at various times during the hearings.

I realize the records are voluminous but I suggest that my colleagues attempt to correlate the lists, one with another. These lists are described as complete lists. No two lists correspond with each other. All were prepared by the Justice Department and forwarded to the committee as complete documents.

In order to analyze the transactions, I have had prepared a summary of the purchases and sales of Judge Haynsworth from April 17, 1964, when he sold his largest holding to date. This summary many be helpful to many in reviewing the very active dealings of Judge Haynsworth.

Finally there are summaries of real estate transactions of the judge and of the Carolina Vend-A-Matic Co. Again these transactions have been widely discussed and reported but do not appear in the RECORD.

All of these documents were supplied to me with the exception of the stock transaction summary which I prepared. As I previously suggested, there are a a number of discrepancies between the lists. Stocks are shown as held, not sold and no longer held.

I point this out to demonstrate some of the difficult problems faced in trying to carefully examine the judge's record. When these separate lists are supplied, each purporting to be a complete record and each different from the other, it is difficult to examine the pertinent case material, and one can never be sure of the facts because of the variances between the lists.

There being no objection, the listings were ordered to be printed in the RECORD, as follows:

Investments owned by Clement Furman Haynsworth, Jr., September 1969

[Number of shares of stock]

Allied Chemical Corp	108
American General Insurance Co	201
Brunswick Corp	1,000
Burlington Industries, Inc	400
Business Development Corporation of South Carolina	10
Chrysler Corp	119
Cole Drug Co., Inc	600
Computer Servicenters, Inc	500
Dan River Mills	1,575
Fairchild Camera & Instrument Corp	100
Georgia-Pacific Corp	5,238
Government Employees Financial Corp	106
Government Employees Life Insurance Co	110
W. R. Grace & Co	300
Greenville Memorial Gardens	72
G & W Land & Development Corp	18
Gulf & Western Industries	346
Insurance Securities Inc	100
International Telephone & Telegraph Corp	200
The Investment Life & Trust Co	321
Ivest Fund, Inc	809.925
Jefferson-Pilot Corp	250
Leverage Fund of Boston, Inc. (capital)	350
The Liberty Corp. (common)	9,523
The Liberty Corp. (voting preferred stock 40 cents convertible series)	337
Main-Oak Corp	31
Monsanto Chemical Co	219
MGIC Investment Corp	630
Multimedia, Inc. (common)	11,728
Multimedia, Inc. (5 percent convertible cumulative preferred stock)	2,932
Mutual Savings Life Insurance Co	240
Nationwide Corp	500
Nationwide Life Insurance Co	20
Owens-Corning Fiberglas Corp	100
Peoples National Bank	330
Piedmont Natural Gas Co., Inc	60
The Rank Organisation Ltd	500
Scope Inc	120
Sonoco Products Co	284
South Carolina National Bank	768
Southern Weaving Co	287
Sperry Rand Corp	400
J. P. Stevens & Co	550
Synalloy Corp	52
Tenneco Inc	200
United Nuclear Corp	104

DEBENTURES

Company:	
Government Employees Financial Corp. (Convertible Subordinated 5½ percent)	$350
Government Employees Financial Corp. (Convertible Subordinated 5¼ percent)	550
W. R. Grace & Co. (Subordinate debenture 4¼ percent)	1,700

Investments owned by Clement Furman Haynsworth, Jr., September 1969—Con.

[Number of shares of stock]

BONDS

Company:	*Amount*
Calhoun-Charleston, Tenn., Utility district	$4,000
Clemson, S.C., general obligation sewer	5,000
Greenville County, S.C., Hospital	5,000
Piedmont Park F/D Gv. Co	20,000
Greater Greenville sewer district	4,000
Town of Williston, S.C	4,000
Pickens, S.C., Waterworks System, improvement revenue	4,000
Greenville Waterworks System	10,000

LIST OF SECURITIES OWNED BY CLEMENT F. HAYNSWORTH, JR., JANUARY 1, 1957, TO DATE

Allied Chemical Corp.
American General Insurance Co.
Automotive Retailers of America.
Aztec Oil.
Bailey-Selburn, Ltd.
Broadcasting Co. of the South.
Brunswick Corp.
Burlington Industries, Inc.
Business Development Corp. of South Carolina.
Calhoun-Charleston Tennessee Utility District.
Carolina Capital Corp.
Carolina Natural Gas Corp.
Carolina Vend-A-Matic.
Carpenter Steel.
Central Bank & Trust.
Chrysler Corp.
Clemson, S.C., general obligation sewer.
Cole Drug Co., Inc.
Commerce Bank of North America.
Commonwealth Life Insurance Co. of Kentucky.
Communications Satellite Corp.
Computer Servicenters, Inc.
Consolidated Oil & Gas, Inc.
Cosmos Broadcasting Corp.
Criteron Insurance.
Dan River Mills.
Fairchild Camera and Instrument Corp.
Ford Motor Corp.
Georgia-Pacific Corp.
Government Employees Financial Corp.
Government Employees Life Insurance Co.
Grace, W. R. & Co.
Greater Greenville Sewer District.
Greenville Community Hotel Corp.
Greenville County, S.C., Hospital.
Greenville Hotel Co.
Greenville Memorial Gardens.
Greenville Waterworks System.
Gulf & Western Industries.
G & W Land and Development Corp.
Hollyridge Development Corp.
Insurance Securities, Inc.
International Tel. & Tel. Corp.
Invest Fund, Inc.
The Investment Life and Trust Co.
Jefferson-Pilot Corp.
Leverage Fund of Boston, Inc.
The Liberty Corp.
Liberty Life Insurance Co.
Main-Oak Corp.
Martel Mills Corp.
Maryland Casualty Co.
MGIC Investment Corp.
Monsanto Chemical Co.
Multimedia, Inc.
Mutual Savings Life Ins. Co.
Nationwide Corp.
Nationwide Life Insurance Co.
North Star Oil Corp.
Owens-Corning Fiberglas Corp.
Peoples National Bank.
Pickens, S.C., Waterworks System Improvement Revenue.
Piedmont Natural Gas Co., Inc.
Piedmont Park F/D Gv. Co.
The Rank Organization Ltd.
Richmond Newspapers, Inc.
Sabre-Pinon Corp.
Scope Inc.
Sonoco Products Co.
South Carolina National Bank.
Southeastern Broadcasting.
Southern Weaving Co.
Sperry Rand Corp.
Spur Oil.
Stevens, J. P. & Co.
Supervised Investors Service, Inc.
Surety Investment.
Synalloy Corp.
Tekoil.
Television Shares Management Corp.
Tenneco, Inc.
Texize Chemical.
Town of Williston, S.C.
Union Texas Natural Gas.
United Nuclear Corp.
United States Pipe & Foundry Co.
Valfour Corp.
The Warner Bros. Co.
White Staf Manufact. Co.
WMRC, Inc.
Woodside Mills.
Guaranty Ins. Trust (merged into MGIC Invest. Corp.).
Federal Intermediate Credit Bank Debentures.

[Memorandum]

LIST OF SECURITIES OWNED BY CLEMENT F. HAYNSWORTH, JR., FROM JANUARY 1, 1957, TO DATE

As previously supplied to you, a company by the name of Communications Satellite Corporation was listed as a stock owned by Judge Haynsworth. Subsequent checking indicates that Judge Haynsworth never purchased this particular stock and that the broker in question made an error in listing this particular stock as being sold to him. This error was not discovered until the new chronological list was prepared.

Stocks owned by Clement F. Haynsworth, Jr., beginning Apr. 1, 1957, subsequent purchases, sales, stock dividends, etc., through Oct. 1, 1969

STOCK SHARES AS OF APR. 1, 1957

Carolina Natural Gas Corp	75
Carolina Vend-A-Matic Co	24
Ford Motor Co	25
Martel Mills Corp., now Valfour Corp	125
Woodside Mills	350
Chrysler Corp	14
Cup O'Life Corp	100
Georgia Pacific Plywood Co., now Georgia-Pacific Corp	239
W. R. Grace & Co	100
Liberty Life Insurance Co., now The Liberty Corp	116
Greenville Hotel Co., now Main-Oak Corp	3.1
Monsanto Chemical Co	157
The Peoples National Bank	50
Sonoco Products Co	110
The South Carolina National Bank	144
The First National Bank	60
Southern Weaving Co	14
J. P. Stevens & Co., Inc	741
United Nuclear Corp., formerly Sabre-Pinon Corp., formerly Sabre Uranium Corp	50
Owens-Corning Fiberglas Corp	20
Tekoil Corp	100
WMRC, Inc., now Multimedia	990
Buckhorn Sanctuary	1
Greenville Country Club	1

APRIL 1, 1957 TO DECEMBER 31, 1957

Sales:

Martel Mills (partial liquidating dividend)	$4,375.00
Ford Motor Co. (25 shares)	922.90
Carolina Vend-A-Matic (4 shares)	5,000.00
Buckhorn Sanctuary (1 share)	1,289.01
Peoples National Bank (10 shares)	460.00
Georgia-Pacific Corp. (15/50 shares)	8.15
Carolina Natural Gas Corp. (18 shares)	36.00
Sonoco Products Co. (7 shares)	180.25
Georgia-Pacific Corp. (10/50 shares)	7.28
Georgia-Pacific Corp. (5/50 shares)	2.84
Hollyridge Development Co	3,000.00
Hollyridge Development Co	500.00

APRIL 1, 1957 TO DECEMBER 31, 1957

Stock dividends

Georgia-Pacific Corp., 35/50 shares.
Georgia-Pacific Corp., 4 & 40/50 shares.
Georgia-Pacific Corp., 4 & 45/50 shares.
Georgia-Pacific Corp., 5 shares.
Liberty Life Insurance Co., 58 shares.
Monsanto Chemical Co., 3 shares.
Westwater Corp. later North Star Oil Corp., 50 shares.

(Board of Directors of Sabre-Pinon voted their shareholders of record 9-27-57 a share for share distribution of Westwater stock).

Stock exchanges and gifts

The South Carolina National Bank received for 60 shares 1st Natl. Bank stock on basis of 1.3 shares of SCNB for each share of 1st NB, 78 shares.

Liberty Life Insurance Company—Christmas present—Mother, 137 shares. *This stock was given to me by my Mother.*

1958

Sales:

Hollyridge Development Co. (3% bentures)	$2,902.50
Greenville Country Club (certificate)	500.00
Valfour Corp. (Martel Mills) (Liquidating dividend)	3,484.38

Payable in part by $3125 face amount Burlington Industries, Inc. 5.4% subordinated debentures).

Purchases:

Hollyridge Development Co. (balance on subscription)	$1,000.00
Monsanto Chemical Co. (86/100 shares)	30.01
Georgia-Pacific Corp. (45/50 shares)	29.57
Georgia-Pacific Corp. (39/50 shares)	29.06
Georgia-Pacific Corp. (33/50 shares)	29.63
Georgia-Pacific Corp. (27/50 shares)	26.60

Stock dividends

Monsanto Chemical Co., 1 & 14/100 shares.
Georgia-Pacific Corp., 5 shares.
Georgia-Pacific Corp., 5/50 shares.
Georgia-Pacific Corp., 5 & 11/50 shares.
Georgia-Pacific Corp., 5 & 17/50 shares.
Georgia-Pacific Corp., 5 & 23/50 shares.

Stock Splits

Southern Weaving Company, 56 shares (Par value of stock changed to $10 share. New stock certificates issued which would give stockholders 5 shares of $10 par value stock for each share of no par value stock formerly held.)

1959

Conversion and/or sales

Burlington debentures (face amt. $3125) sent in for conversion into common stock of Burlington Industries, Inc. 12–22–59.

156 shares common stock Burlington Industries+check for $5.78 rec'd. 12–28–59 and is shown on 1960 income tax ret.

Valfour Corp. (Martel Mills) liquidating dividend, $625.

Purchases:

Georgia-Pacific Corp. (21/50 share)	$28.57
Georgia-Pacific Corp. (3/4 share)	34.27
Georgia-Pacific Corp. (43/100 share)	21.47
The South Carolina National Bank (23 shares and 8/10 right)	1,158.00

Stocks owned by Clement F. Haynsworth, Jr., beginning Apr. 1, 1957, subsequent purchases, sales, stock dividends, etc., through Oct. 1, 1969—Continued

1959

Purchases—Continued

White Stag Mfg. Co (now part The Warner Brothers Co. 107½ Cum. Conv. Sink. Fund P/d) (100 shares)	1,600.00
Business Development Corp. of South Carolina (10 shares)	100.00
Greenville Memorial Gardens (72 shares)	4,000.00
The Investment Life and Trust Co. (200 shares)	800.00
Voting stock Liberty Life Insurance Co. (1/6 share)	3.08
Nonvoting stock Liberty Life Insurance Co. (1/6 share)	3.08

CHANGE IN PAR VALUE

Georgia-Pacific Corp. (dividend), 5 & 29/50 shares.

Georgia-Pacific Corp. (dividend), 3 & 57/100 shares.

Georgia-Pacific Corp. issued to take care of par value change from $1 to 80¢, 71 & 1/4 shares.

W. R. Grace & Co. (dividend), 2 shares.

Liberty Life Insurance Co. (nonvoting stock). All old certificates, 1,296 shares.

Liberty Life Insurance Co. (voting stock), sent in with checks for $6.16 for effectuation of this change, 1,296 shares.

Monsanto Chemical Co. (dividend), 3 & 22/100 shares.

The Peoples National Bank (dividend), 15 shares.

Sonoco Products Co. (dividend), 11 & 7/10 shares.

The South Carolina National Bank (change of par value from $10 to $5 par share), 245 shares.

Gifts (donor)

J. P. Stevens & Co., Inc. to Christ Church (given to broker on Sept 17, 1959 for transfer to Christ Church), 141 shares.

1960

Sales:

Valfour Corp. (Martel Mills liquidating dividend)	$1,388.75
Sabre-Pinon Corp. (½ share received as part of a 5-percent stock dividend)	2.88
Carolina Vend-A-Matic Co. (2 shares)	2,500.00

Purchases:

Sonoco Products Co. (3/10 share)	$9.30
Monsanto Chemical Co. (78/100 share)	42.78
W. R. Grace & Co. (96/100 share)	38.02
Georgia-Pacific Corp. (39/100 shares)	975.00
Georgia-Pacific Corp. (35/100 share)	19.73
Georgia-Pacific Corp. (31/100 share)	14.60
Texize Chemicals, Inc. (100 shares)	$975.00
Monsanto Chemical Co. (70/100 share)	31.46
Georgia-Pacific (43/100 share)	21.47

Stock dividends

Monsanto Chemical Co. (3 and 30/100 shares).

W. R. Grace & Co. (2 and 4/100 shares).

Georgia-Pacific Corp. (3 and 61/100 shares).

Georgia-Pacific Corp. (3 and 65/100 shares).

Georgia-Pacific Corp. (3 and 69/100 shares).

Georgia-Pacific Corp. (3 and 73/100 shares).

The Peoples National Bank (25 shares).

Sabre-Pinon Corp. (2 shares) (fractional share sold) (Now United Nuclear).

Gifts (donor)

Furman University was given 333 shares Liberty Life Insurance Co. nonvoting stock on May 11, 1960.

1961

Sales of fractional shares:

Sabre-Pinon Corp. (now United Nuclear) 6/10 share	$3.83
W. R. Grace & Co. 10/100 share	5.82
Liberty Life Insurance Co.—(2/10 V and 6/10 NV)	25.21
Sale of Rights, Criterion Insurance (15)	31.30

Purchases:

Monsanto Chem. Corp., January 3, 1961 (71/100 shs.)	$31.46
Television Shares Management Corp.(Later became Supervised Investors Service, Inc. (100 shs.)	1,475.00
Government Employees Life Insurance Co. (15 shs.)	1,402.50
Government Employees Life Insurance Co. (1/2 sh.)	52.50
Class B Union Texas Natural Gas Corp. (Merged into Allied Chemical) (100 shs.)	2,775.00
Georgia-Pacific Corporation (27/100 sh.)	14.73
Georgia-Pacific Corporation (23/100 sh.)	16.37
Georgia-Pacific Corporation (19/100 sh.)	12.70
Georgia-Pacific Corporation (15/100 sh.)	8.68

Gifts (donor)

On December 20, 1961 gave Furman University 150 NV Liberty Life Insuarnce Co. shs.

Stock dividends

Georgia-Pacific Corp. shares (3 and 77/100).

Georgia-Pacific Corp. shares (3 and 81/100).

Georgia-Pacific Corp. shares (3 and 85/100).

Georgia-Pacific Corp. shares (3 and 89/100).

Government Employees Life Insurance Co. (7½ shares).

W. R. Grace & Co. (2 shares).

Liberty Life Insurance Co. V stock (259 shares).

Liberty Life Insurance Co. NV stock (192 shares).

Monsanto Chemical Co. (3 and 38/100 shares).

Sabre-Pinon Corp. (Now United Nuclear) (2 shares).

Gifts (receipt)

Liberty Life Insurance Co., Christmas present from Mother, 200 shares V.

Sales:

Dan River Mills (½ share), $4.89.

Purchases:

Monsanto Chemical Co. (62/100 share)	$31.91
Georgia-Pacific Corp. (11/100 share)	5.75
Georgia-Pacific Corp. (7/100 share)	3.60
Georgia-Pacific Corp. (3/100 share)	1.06
Georgia-Pacific Corp. 99/100 share)	37.50
Georgia-Pacific Corp. (94/100 share)	35.13
Allied Chemical Corp (4/8 share)	25.36
W. R. Grace & Co. (86/100 share)	71.68
Governmental Employees Financial Corp. $15, 7 rts. 4.81 (2 shares)	19.81
Carolinas Capital Corp. (Liquidated 1967) (200 shares)	2,000.00

Stock dividends, exchanges, stock splits

Allied Chemical Corp. acquired by merger with Union Texas Natural Gas—Basis: ⅞ths share Allied Chemical for each share Union Texas, 88 shares.

Dan River Mills were obtained in exchange for 350 shares Woodside, 1,312 shares.

Georgia-Pacific Corp. (dividend), 3 & 93/100 shares.

Georgia-Pacific Corp. (dividend), 3 & 97/100 shares.

Georgia-Pacific Corp. (dividend), 4 & 1/100 shares.

Georgia-Pacific Corp. (dividend), 4 & 6/100 shares.

W. R. Grace & Co. (dividend), 2 & 14/100 shares.

Monsanto Chemical Co. (dividend), 3 & 46/100 shares.

The South Carolina National Bank (dividend), 49 shares.

J. P. Stevens & Co., Inc. (dividend), 60 shares.

Consolidated Oil & Gas, Inc. were obtained by the surrender of 100 shares of Tekoil Corp., 40 shares.

W. R. Grace & Co. (two for one stock split), 110 shares.

Gifts (receipt)

Liberty Life Insurance Co., Christmas present from Mother, 100 shares.

Gifts (donor)

J. P. Stevens & Co., Inc., given Furman University, 200 shares.

1963

Sales: Consolidated Oil & Gas rights	$0.40

Purchases:

Aztec Oil & Gas (500 shares)	10,187.50
Mutual Savings Life Insurance Co. (200 shares)	2,725.00
Liberty Life Insurance Co. (3 NV & 1 V.) (4 shares)	160.00
Monsanto Chemical (54/100 share)	26.95
Monsanto Chemical (46/100 share	25.76
Georgia Pacific Corp. (89/100 share)	41.83
Georgia Pacific Corp. (84/100 share)	44.10
Georgia Pacific Corp. (79/100 share)	39.50
Georgia Pacific Corp. (74/100 share)	39.87
W. R. Grace & Co. (60/100 share)	24.03

Stock dividends

W. R. Grace & Co. (dividend), 4 & 40/100 shares.

Chrysler Corporation (2 for 1 stock split), 14 shares.

Chrysler Corporation (2 for 1 stock split), 28 shares.

Georgia-Pacific Corp. (dividend), 4 & 11/100 shares.

Georgia-Pacific Corp. (dividend), 4 & 16/100 shares.

Georgia-Pacific Corp. (dividend), 4 & 21/100 shares.

Georgia-Pacific Corp. (dividend), 4 & 26/100 shares.

Government Employees Life Insurance Co. (100% stock dividend), 23 shares.

The Investment Life and Trust Co. (10% stock dividend), 10 shares.

Liberty Life Insurance Co. (V, 25% stock dividend), 464 shares.

Liberty Life Insurance (NV, 25% stock dividend), 252 shares.

Monsanto Chemical Co. (stock dividend), 3 & 54/100 shares.

Sonoco Products Co. (stock dividend), 12 & 9/10 shares.

The South Carolina National Bank (stock dividend), 32 shares.

White Stag Manufacturing Co. (50% stock dividend—later merged into the Warner Brothers Co.), 50 shares.

Gifts (receiver)

Liberty Life Insurance Co. V stock given to me by my Mother, 704 shares.

1964

SALES

	Number of shares or face amount of bonds	Dollars
Consolidated Oil & Gas, Inc	40	$118.55.
North Star Oil Corporation	50	$11.46.
Supervised Investors Services, Inc. (Formerly Television Shares Management Corp.)	100	$611.51.
U.S. Treasury bills	$40,000	$39,067.22.
Do	5,000	$4,887.50.
Do	5,000	$4,893.01.
Do	30,000	$29,385.19.
Do	7,000	$6,862.10.
Do	20,000	$19,611.27.
Do	50,000	$49,178.47.
Do	81,000	$79,760.09.
Do	21,000	$20,740.16.
Do	11,000	$10,989.00.
Automatic Retailers of America (exchanged for Carolina Vend-A-Matic)	14,173	$455,307.63.
Investment Life & Trust ½ share	2.65	
Broadcasting Co. of South—fractional share.	12.63	

PURCHASES

	Number of shares or face amount of bonds	Dollars
Federal Int. Credit Bonds	130,000	$130,025.00.
U.S. Treasury	270,000	$262,948.55.
Do	130,000	$129,875.72.
Piedmont Park F/D	20,000	$20,387.61.
Liberty Life Insurance Co. (now The Liberty Corp.)	185	$6,521.25.
J. P. Stevens & Co., Inc	40	$1,499.80.
Monsanto Chemical Corp	19	$1,453.85.
Government Employees Life Insurance Co.	54	$3,510.00.
Government Employees Financial	98	$2,989.00.
Carolina Natural Gas	407	$2,856.54.
Allied Chemical Corp	12	$674.63.
United Nuclear Corp	46	$1,183.92.
W. R. Grace & Co	70	$3,851.08.
Dan River Mills, Inc	188	$3,464.69.
Chrysler Corp	44	$2,277.00.
Burlington Industries, Inc	44	$2,071.46.
The South Carolina National Bank	29	$1,595.00.
Texize Chemical, Inc	400	$1,800.00.
Owens-Corning Fiberglas Corp	80	$5,782.74.
Surety Investment Co. (now part of The Liberty Corp.)	102	$5,712.00.
Surety Investment Co. (now part The Liberty Corp.)	112	$6,272.00.
Insurance Securities, Inc	100	$2,556.63.
Do	500	$12,783.15.
Do	400	$10,276.76.
Surety Investment Co. (now part The Liberty Corp.)	165	$9,240.00.
Greater Greenville Sewer District Bonds.	4,000	$3,630.96.
Nationwide Corp., class A	500	$7,375.00.
Southeastern Broadcasting Co. (formerly WMRC, Inc. now part of Multimedia Corp.).	300	$9,200.00.
Insurance Securities	1,000	$28,229.52.
Town of Williston SC Waterworks & Sewer Bonds.	20,000	$20,420.36.
Broadcasting Co. of the South (now part of The Liberty Corp.).	105	$5,250.00.
Georgia Pacific Corp	1,200	$69,374.37.
Broadcasting Co. of the South, now Liberty Corp.	120	$6,000.00.
Guaranty Insurance Trust (now part of MGIC).	3,000	$7,500.00.
Greenville Waterworks System Revenue Bonds.	10,000	$10,366.54.
Maryland Casualty Co. (Purchased in June—in August exchanged for 200 shares convertible preferred stock and 66⅔ shares common stock of American General Casualty Co.).	200	$12,690.64.
Georgia-Pacific Corp	69/100 shares	$38.12
Do	55/100 shares	$31.49.
Do	37/100 shares	$21.00.
W. R. Grace & Co	1/2 share	$26.40.
Sonoco Products Co	1/10 share	$4.50.

STOCK DIVIDENDS: STOCK SPLITS

	Number of shares or face amount of bonds	Dollars
Chrysler Corp	4 shares	4 percent stock dividend.
The Broadcasting Co. of the South (now part of The Liberty Corp., but for a time it was known as Cosmos Broadcasting Corp.).	56 shares	25 percent stock dividends.
Georgia-Pacific Corp. (shares)	4 and 31/100	Stock dividend.
Do	100	25 percent stock split.
Do	17 and 45/100	Stock Dividend.
Do	17 and 63/100	Do.
W. R. Grace & Co. (shares)	3 and 50/100	Do.
The Investment Life & Trust Co. (shares).	10	Do.
Main-Oak Corp. formerly Greenville Hotel Co. (shares) (Old certificate turned in).	31—2 for 1, 4 for 1	Stock split and stock dividend.
Monsanto Chemical Co. (shares)	4	Stock dividend.
Southeastern Broadcasting Corp., now part of Multimedia Inc. (shares).	990 shares	100 percent stock dividend.
The Peoples National Bank	50 shares	50 percent stock dividend.
J. P. Stevens & Co., Inc	50 shares	10 percent stock dividend.
Aztec Oil & Gas Co	30 shares	6 percent stock dividend.

1964

SALE OF FRACTIONAL SHARES

	Number of shares or face amount of bonds	Dollars
The Investment Life & Trust Co	½ share	$2.65.
Consolidated Oil & Gas, proceeds of 3/5 fractional warrant		$0.90.
Consolidated Oil & Gas, proceeds of 1 right		$0.21.
The Broadcasting Co. of the South, proceeds of fractional share of stock		$12.63.

GIFTS (RECEIVER)

	Number of shares or face amount of bonds	Dollars
Liberty Life Insurance Co	531 shares	Gift from mother.
Do	100 shares	Gift from mother, Christmas.

1965

SALES

	Number of shares or face amount of bonds	Dollars
Aztec Oil & Gas Co	562 shares	$9,975.50.

PURCHASES

	Number of shares or face amount of bonds	Dollars
Sperry Rand	400 shares	$9,067.50.
Cost of additional rights to buy W. R. Grace debentures below:		$3.94.
W. R. Grace & Co. 4¼ percent subbordinate debenture.	$1,700	$1,700.00.
Monsanto Chemical Co	92/100 shares	$73.44.
Aztec Oil & Gas Co	20/100 shares	$3.75.
U.S. Treasury bills	$134,000	$133,110.80.
Texize Chemicals, Inc	1,300 shares	$6,984.25.
Do	400 shares	$2,199.52.
Do	300 shares	$1,573.89.
Southeastern Broadcasting Co. (now part of Multimedia, Inc.).	100 shares	$6,550.00.
Chrysler Corp	1 right and 15 shares	$720.75.
Georgia-Pacific Corp	19/100 share	$11.92.
Do	1/100 share	$0.64.
Do	83/100 share	$49.07.
Do	64/100 share	$38.88.

STOCK DIVIDENDS: STOCK SPLITS

	Number of shares or face amount of bonds	Dollars
Allied Chemical Corp	2 shares	Stock dividend.
Burlington Industries, Inc	200 shares	Stock split.
Georgia-Pacific Corp	17.81 shares	Stock dividend.
Do	17.99 shares	Do.
Do	18.17 shares	Do.
Do	18.36 shares	Do.
Government Employees Life Insurance Co.	2 shares	Do.
The Investment Life & Trust Co	22 shares	Do.
Liberty Life Insurance Co., now the Liberty Corp.	510 shares	Do.
Monsanto Chemical Co	4.08 shares	Do.
Nationwide Life Insurance Co	10 shares	2 percent stock dividends or 1 share for each 50 owned of Nationwide Corp.
Sonoco Products Co	142 shares	Stock split.
The South Carolina National Bank	36 shares	Stock dividend.
Aztec Oil & Gas Co	31.80 shares	Do.

GIFTS (RECEIVER)

	Number of shares or face amount of bonds	Dollars
Liberty Life Insurance Co	100 shares	Christmas present from mother.

1966

SALES

	Number of shares or face amount of bonds	Dollars
Insurance Securities	100 shares	$500.37.
The Investment Life & Trust Co	20/100 share	$1.41.

PURCHASES

	Number of shares or face amount of bonds	Dollars
Calhoun-Charleston Tennessee Utilities District bonds.	$4,000	$4,231.79.
Richmond Newspapers, Inc	200 shares	$4,400.00.
Insurance Securities, Inc	100 shares	$726.63.
Allied Chemical Corp	96/100 share	$44.74.
Warner Bros. Co., formerly White Stag.	6/7 share	$33.06.
Warner Brothers Company formerly White Stag, 107 1/7 shares received in exchange for 150 shares White Stag Mfg. Co.		
Cole Drug Co	300 shares	$4,050.00.
Government Employees Financial Corp. (7 $50 5½ percent convertible subordinated debentures)	$350	$350.00.
For the above debenture purchase it was necessary to purchase 7 rights for.		$1.35.
Monsanto Co	82/100 share	$32.85.
Georgia-Pacific Corp	45/100 share	$28.74.
Do	½ share	$22.40.
Do	57/100 share	$22.80.
Do	33/100 share	$11.43.

STOCK DIVIDENDS: STOCK SPLITS—EXCHANGES

	Number of shares or face amount of bonds	Dollars
Allied Chemical Corp	2.4 shares	Stock dividend.
Dan River Mills	75 shares	Do.

	Number of shares or face amount of bonds	Dollars
	1966	
STOCK DIVIDENDS: STOCK SPLITS—EXCHANGES—Continued		
Georgia-Pacific Corp	18.55 shares	Stock dividends.
Do	468.50 shares	5-for-4 stock split.
Do	23.43 shares	Stock dividend.
Do	23.67 shares	Do.
The Investment Life & Trust Co	24 shares	Do.
Monsanto Chemical Co	4.18 shares	Do.
Mutual Savings Life Insurance Co	40 shares	Do.
Nationwide Life Insurance Co. (or 1 share for each 50 owned of Nationwide Corp.)	10 shares	2 percent stock dividend.
The Peoples National Bank. (On Aug. 2, 1966, old certificates totaling 150 shares sent into bank—a stock certificate for 300 shares was then received in 2-for-1 split.)		
	1967	
SALES		
Texize Chemicals, Inc	200 shares	$3,648.92.
Do	100 shares	$1,886.33.
Do	200 shares	$3,723.16.
Do	100 shares	$1,799.71.
Do	400 shares	$7,396.84.
Richmond Newspapers, class A	200 shares	$3,488.12.
Warner Bros. conv. P/d	108 shares	$3,206.96.
Insurance Securities	400 shares	$2,447.00.
Do	1,500 shares	$8,990.55.
Texize Chemicals, Inc	1,000 shares	$18,739.60.
Do	500 shares	$9,246.05.
Carolinas Capital Corp. liquid distribution: Received: $1,000 cash; 120 shares Scope, Inc., 40 shares Synalloy.	200 shares owned	
American General Insurance Co. conv. P/d.	200 shares	$6,777.74.
PURCHASES		
Greenville County, S.C. Hospital bonds	$5,000	$4,907.99.
Southeastern Broadcasting Co. (now part of Multimedia, Inc.)	66 shares	$5,313.00.
Rank Organisation, Ltd	500	$4,176.00.
International Telephone & Telegraph	100	$10,849.80.
Fairchild Camera & Instrument Corp	100	$10,199.15.
Brunswick Corp	1,000	$16,230.00.
Allied Chemical Corp	90/100 share	$36.12.
Ivest Fund, Inc	728	$10,002.72.
Georgia-Pacific Corp	9/100 share	$4.21.
Leverage Fund of Boston, Inc	350 shares	$5,250.00.
Southern Weaving Co	200 shares	$5,400.00.
Liberty Life Insurance Co	.7879480 share	$14.77.
Government Employees Life Insurance Corp.	94/100 share	$45.12.
Georgia-Pacific Corp	85/100 shares	$51.21.
Gulf & Western	325 shares	$19.901.62.
Georgia-Pacific Corp	60/100 share	$36. 60.
Do	35/100 share	$19. 86.
Monsanto Chemical Co	72/100 share	$30. 69.
STOCK DIVIDENDS		
Allied Chemical Corp	2. 10 shares	
American General Insurance Co	134 shares, common	200 percent stock dividend.
Georgia-Pacific Corp	23. 91 shares	
Do	24. 15 shares	
Do	24. 40 shares	
Do	24. 65 shares	
Government Employees Financial Corp.	3 shares	
Government Employees Life Insurance Co.	3.06 shares	
The Investment Life & Trust Co	26 shares	
Ivest Fund, Inc	1.309 shares	Dividend.
Do	31. 406 shares	Capital gain.
Liberty Life Insurance Co	1211.2120520 shares	Stock dividend.
Monsanto Chemical Co	4.28 shares	Do.
Southeastern Broadcasting Corp., now Multimedia, Inc	586 shares	Do.
The South Carolina National Bank	63 shares	Do.
Southern Weaving Co	17 shares	Do.
The Broadcasting Co. of the South later Cosmos Broadcasting and in 1969 became part of The Liberty Corp.	56 shares	Do.
Gulf & Western Industries	9.75 shares	Do.
GIFTS (RECEIVER)		
Liberty Life Insurance Co	100 shares	Christmas gift from mother.
	1968	
SALES		
Fairchild Camera & Instrument Corp	100 shares	$6,104.72.
U.S. Pipe & Foundry	200 shares	$6,232.80.
Carolinas Capital Corp., final distribution, liquidation.	Cash	$325.37.
PURCHASES		
Clemson, S. C. General obligation sewer bonds.	$5,000	$5,055.00.
Tenneco, Inc	$200	$5,289.12.
	1966	
PURCHASES—Continued		
Fairchild Camera & Instrument Corp	$100	$6,858.31.
Computer Servicenter, Inc	$500	$3,000. 00.
U.S. Pipe & Foundry	$200	$5, 867. 00.
Government Employees Financial	7 rights	$3. 50.
Jefferson-Pilot Corp	$200	$8, 580. 50.
Gulf & Western Industries, Inc	25/100ths share	$15. 16.
Georgia-Pacific Corp	10/100ths share	$5.85.
Do	85/100ths share	$62. 90.
Do	59/100ths share	$49. 63.
Do	33/100ths share	$28. 92.
Government Employees Financial Corp., 11 $50 5¼ percent convertible subordinate debentures	$550	$550. 00.
Government Employees Financial Corp	94/100ths share	$31. 02.
STOCK DIVIDENDS: SPLITS		
Cole Drug Co., Inc	300 shares	1 additional share for each share held May 7, 1968.
Georgia-Pacific Corp	24.90 shares	Stock dividend.
Do	25.15 shares	Do.
Do	25.41 shares	Do.
Do	25.67 shares	Do.
Government Employees Financial Corp.	2.06 shares	Do.
Gulf & Western Industries	10.05 shares	Do.
International Telephone & Telegraph Corp.	100 shares	2-for-1 stock dividend.
Ivest Fund, Inc	4.129 shares	Dividend.
	38.081 shares	Capital gains.
Synalloy Corp	10 shares	5-for-4 split.
EXCHANGES		
Guaranty Insurance Trust:		
Exchanged on Jan. 2, 1968	3,000 shares	
Mortgage Guaranty Insurance Corp.	210 shares	
MGIC Investment Corp., exchanged on Aug. 21, 1968.	630 shares	
Southeastern Broadcasting Corp., 2,932 shares exchanged for:		
Multimedia, Inc	2,932 5 percent convertible cumulative preferred.	
Do	11,728 common	
Carolina Natural Gas Corp., 500 shares exchanged for Piedmont Natural Gas Co., Inc., 60 shares, $6 cumulative convertible 2d P/d.		
Liberty Life Insurance Co., 7,022 shares exchanged with The Liberty Corp., 7,022 shares, 1 for 1 basis.		
GIFTS, RECEIVER		
The Liberty Corp	100 shares	Christmas present from mother.
	1969	
SALES		
Synalloy Corp	1/2 share [1]	$6.59.
The Investment Life & Trust Co	2/10 share [1]	$0.65.
The South Carolina National Bank	9/10 share [1]	$32.67.
PURCHASES		
The Liberty Corp	1/3 share	$8.34.
Georgia-Pacific Corp	7/100 share	$6.60.
Do	62/100 share	$29.76.
Gulf & Western Industries	95/100 share	$38.57.
Government Employees Life Insurance Co.	82/100 share	$42.03.
G & W Land & Development Corp	7/10 share	$7.00.
STOCK DIVIDENDS		
Georgia-Pacific Corp	25.93 shares	Stock dividend.
Do	2,619 shares	2-for-1 stock split.
Do	52.38 shares	Stock dividend.
Government Employees Life Insurance Co.	3.18 shares	Do.
G & W Land and Development Corp	17.3 shares	1 share for each 20 shares Gulf & Western owned July 18, 1969.
The Investment Life & Trust Co	29 shares	Stock dividend.
Jefferson-Pilot Corp	50 shares	Do.
The Peoples National Bank	30 shares	Do.
Synalloy Corp	2 shares	Do.
The South Carolina National Bank	69 shares	Do.
United Nuclear Corp	4 shares	Do.
EXCHANGES		
The Broadcasting Co. of the South later Cosmos Broadcasting, 337 shares exchanged with The Liberty Corp., 1,011 shares common and 337 shares $0.40 voting preferred convertible series.		
Surety Investment Co., 379 shares exchanged with The Liberty Corp., 1,389⅔ shares.		

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[1] These were occasioned by stock dividends.

STOCKS OWNED BY CLEMENT F. HAYNSWORTH, JR., BEGINNING APR. 1, 1957, SUBSEQUENT PURCHASES, SALES, STOCK DIVIDENDS, ETC. THROUGH OCT. 1, 1969

[Stock Owned as of Apr. 1, 1957 (shares)]

Carolina Natural Gas Corp	75	The Peoples National Bank	50
Carolina Vend-A-Matic Co. ($30,000)	24	Sonoco Products Co	110
Ford Motor Co	25	The South Carolina National Bank	144
Martel Mills Corp., now Valfour Corp	125	The First National Bank	60
Woodside Mills	350	Southern Weaving Co	14
Chrysler Corp	14	J. P. Stevens & Co., Inc	741
Cup O'Life Corp	100	United Nuclear Corp., formerly Sabre-Pinon Corp., formerly Sabre Uranium Corp	50
Georgia Pacific Plywood Co., now Georgia-Pacific Corp	239	Owens-Corning Fiberglas Corp	20
W. R. Grace & Co	100	Tekoil Corp	100
Liberty Life Insurance Co., now the Liberty Corp	116	WMRC, Inc. now Multimedia	990
Greenville Hotel Co., now Main-Oak Corp	3.1	Buckhorn Sanctuary	1
Monsanto Chemical Co	157	Greenville Country Club	1

Date	Name of corporation	Number of shares or face amount of bonds	Dollars
	APR. 1, 1957 TO DEC. 31, 1957		
	Purchases:		
Apr. 19, 1957	Peoples National Bank	10	$460.00.
Apr. 22, 1957	Georgia-Pacific Corp	15/50	$8.15.
May 25, 1957	Carolina Natural Gas Corp	18	$36.00.
July 5, 1957	Sonoco Products Co	7	$180.25.
Do	Georgia-Pacific Corp	10/50	$7.28.
Sept. 30, 1957	do	5/50	$2.84.
Nov. 1, 1957	Hollyridge Development Co		$3,000.00.
Dec. 14, 1957	do		$500.00.
	Sales:		
Aug. 7, 1957	Buckhorn Sanctuary	1	$1,289.01.
Sept. 26, 1957	Martel Mills (partial liquidating dividend).		$1,500.00.
Dec. 26, 1957	Ford Motor Co	25	$922.90.
Dec. 27, 1957	Martel Mills (partial liquidating dividend).		$2,875.00.
	Carolina Vend-A-Matic	4	$5,000.00.
	Stock dividends:		
Apr. 15, 1957	Liberty Life Ins. Co	58	
June 27, 1957	Georgia-Pacific Corp	4 40/50	
Sept. 26, 1957	Georgia-Pacific Corp	4 45/50	
Oct. 15, 1957	Westwater Corporation later North Star oil Corp.) Board of Directors of Sabre-Pinon voted their shareholders of record Sept. 27, 1957 a share for share distribution of Westwater stock).	50	
Dec. 16, 1957	Georgia-Pacific Corp	5	
Do	Monsanto Chemical Co	3.14	
	Stock exchanges and gifts (receiver):		
May 15, 1957	South Carolina National Bank received for 60 shares First Nat. Bank stock on basis of 1.3 shares of SCNB for each share of First National.	78	
Dec. , 1957	Liberty Life Insurance Co Christmas present from Mother.	137	
	1958		
	Purchases:		
Jan. 6, 1958	Monsanto Chemical Co	86/100	$30.01.
Jan. 17, 1958	Hollyridge Development Co. balance on subscription.		$1,000.00.
Mar. 31, 1958	Georgia-Pacific Corp	45/50	$29.57.
July 9, 1958	do	39/50	$29.06.
Oct. 3, 1958	do	33/50	$29.63.
Dec. 22, 1958	do	27/50	$26.60.
	Stock dividends:		
Mar. 26, 1958	Georgia-Pacific Corp	5 5/50	
June 27, 1958	do	5 11/50	
Sept. 26, 1958	do	5 17/50	
Dec. 16, 1958	do	5 23/50	
	Stock splits:		
May 26, 1958	Southern Weaving Co. (Par value of stock changed to $10 share. New stock certificates issued which would give stockholders 5 shares of $10 par value stock for each share of no par value stock formerly held).	56	
	Sales:		
Mar. 26, 1958	Hollyridge Development Co. 3 percent debentures.		2,902.50.
Sept. 30, 1958	Greenville Country Club	1	500.00.
Oct. 27, 1958	Val-four Corp (liquidating dividend) debentures in Burlington.		3,484.38.
	1959		
	Purchases:		
Feb. 26, 1959	The S. C. National Bank	23 shares and 8/10ths right.	$1,158.00.
Mar. 17, 1959	White Stag Mfg. Co	100 shares	$1,600.00.
	(now part Warner Bros.—rec'd. cum. conv. sinking fund P/d.)	107-1/7 shares	
Mar. 25, 1959	Georgia-Pacific Corp	21/50ths	$28.57.
July 2, 1959	Greenville Memorial Gardens	72	$4,000.00.
July 6, 1959	Georgia-Pacific Corp	3/4	$34.27.
Aug. 21, 1959	The Investment Life and Tr. Co	200	$400.00.
Oct. 31, 1959	Liberty Life Insurance Co	1/6 V	$3.08.
Do	do	1/6 NV	$3.08.
Nov. 24, 1959	Business Development Corp. of SC	10	$100.00.
	Conversion and/or sales:		
Dec. 22, 1959	Burlington debentures—face amount $3,125—sent in for conversion into common stock of Burlington Industries, Inc.:		
Dec. 28, 1959	Burlington Industries	156+ck. for $5.78.	
Dec. 31, 1959	Valfour Corp. (Martel Mills)	Liquidating dividend.	$625.00.
	1959		
	Stock dividends—Change in par value—stock splits:		
Jan. 20, 1959	The Peoples Natl. Bank	15	
Feb. 20, 1959	W. R. Grace & Co	2	
Feb. 26, 1959	The S. C. Natl. Bank	245	Par value change from $10 to $5 per share.
Mar. 20, 1959	Georgia-Pacific Corp	5 and 29/50ths	
June 4, 1959	do	71 and ½	Par value change from $1 to 80 cents.
Oct. 31, 1959	Liberty Life Insurance Co., 311 sent in to company for which there were received:		
Nov. 10, 1959	129⅚ sh. NV Liberty Life Insurance Co., stock.		
Do	129⅚ sh. V Liberty Life Insurance Co., stock. Basis of exchange: 4⅙ sh. V stock for each share owned and 4⅙ sh. NV stock for each share owned.		
Dec. 6, 1959	Georgia-Pacific Corp	3 and 57/100ths	
Dec. 23, 1959	Monsanto Chemical Co	3 and 22/100ths	
Dec. 31, 1959	Sonoco Products Co	11 and 7/10ths	
	Gifts—Donor:		
Sept. 17, 1959	J. P. Stevens & Co., Inc. (given to broker at this time for transfer to Church).	141 shares	To Christ Church
	1960		
	Purchases:		
Jan. 8, 1960	Sonoco Products Co	3/10ths	$9.30.
Jan. 9, 1960	Monsanto Chemical Co	78/100ths	$42.78.
Jan. 18, 1960	Georgia-Pacific Corp	43/100ths	$21.47.
Apr. 1, 1960	W. R. Grace & Co	96/100ths	$38.02.
Apr. 29, 1960	Georgia-Pacific Corp	39/100ths	$21.82.
July 29, 1960	do	35/100ths	$19.73.
Nov. 4, 1960	do	31/100ths	$14.60.
Dec. 21, 1960	Texize Chemicals, Inc	100	$975.00.
	Sales:		
Jan. , 1960	Carolina Vend-A-Matic Co	2	$2,500.00.
May 6, 1960	Valfour Corp. (Martel Mills liq. div.).		$1,338.75.
July 18, 1960	Sabre-Pinon Corp. (now United Nuclear).	1/2	$2.88.
	Stock dividends:		
Mar. 10, 1960	W. R. Grace & Co	2.04 shares	
Mar. 25, 1960	Georgia-Pacific Corp	3.61 shares	
June 25, 1960	do	3.65 shares	
July 29, 1960	Sabre-Pinon Corp. (now United Nuclear).	2 shares	
Sept. 24, 1960	Georgia-Pacific Corp	3.69 shares	
Oct. 31, 1960	The Peoples National Bank	25 shares	
Dec. 15, 1960	Monsanto Chemical Co	3.30 shares	
Dec. 16, 1960	Georgia-Pacific Corp	3.73 shares	
	GIFTS—Donor:		
May 11, 1960	Liberty Life Insurance Co	333 NV	Given Furman University.
	1961		
	Purchases:		
Jan. 3, 1961	Monsanto Chemical Co	71/100ths	$31. 56.
Jan. 31, 1961	Georgia-Pacific Corp	27/100ths	$14. 73.
Apr. 21, 1961	Government Employees Life Ins Co	15	$1, 402. 50.
Do	Television Shares Management Corp. (later became Supervised Investors Service, Inc.)	100	$1, 475. 00.
May 5, 1961	Georgia-Pacific Corp	23/100ths	$16. 37.
July 26, 1961	Union Texas Natural Gas Corp	100 class B	$2, 775. 00.
Aug. 3, 1961	Georgia-Pacific Corp	19/100ths	$12. 70.
Oct. 2, 1961	Government Employees Life Ins Co	1/2	$12. 50.
Nov. 8, 1961	Georgia-Pacific Corp	15/100ths	$8. 68.
	Sales:		
Apr. 1, 1961	Sabre-Pinon Corp. (now United Nuclear).	6/10ths	$3. 83.
Apr. 4, 1961	W. R. Grace & Co	10/100ths	$5. 82.
June 19, 1961	Criterion Insurance	15 rights	$31. 30.
Oct. 23, 1961	Liberty Life Insurance Co	2/10ths V and 6/10ths NV.	$25. 21.
	Stock dividends:		
Mar. 17, 1961	W. R. Grace & Co	2	
Mar. 25, 1961	Georgia-Pacific Corp	3.77	
Mar. 29, 1961	Sabre-Pinon Corp. (now United Nuclear).	2	
June 24, 1961	Georgia-Pacific Corp	3.81	
Sept. 23, 1961	do	3.85	
Oct. 5, 1961	Liberty Life Insurance Co	259.2 V	
Do	do	192 6 NV	

Date	Name of corporation	Number of shares or face amount of bonds	Dollars
	1961		
	Stock Dividends—Continued		
Oct. 12, 1961	Government Employees Life Insurance Co.	7½	
Dec. 15, 1961	Monsanto Chemical Co	3.38	
Dec. 16, 1961	Georgia-Pacific Corp	3.89	
	Gifts: Donor:		
Dec. 20, 1951	Liberty Life Insurance Co	150 NV	Given Furman University.
	Receiver:		
Dec. , 1961	Liberty Life Insurance Co	200 V†	Christmas present from mother.
	1962		
	Purchases:		
Jan. 5, 1962	Monsanto Chemical Co	62/100	$31.91.
Jan. 31, 1962	Georgia-Pacific Corp	11/100	$5.75.
Mar. 7, 1962	Allied Chemical Corp	4/8	$25.36.
Apr. 12, 1962	W. R. Grace & Co	86/100	$71.68.
Apr. 27, 1962	Georgia-Pacific Corp	7/100	$3.60.
May 8, 1962	Carolinas Capital Corp. (liquidated 1967).	200	$2,000.
June 29, 1962	Govt. Employees Financial Corp	2 shares and 7 rts	$19.81.
July 30, 1962	Georgia-Pacific Corp	3/100	$1.06.
Sept. 15, 1962	Georgia-Pacific Corp	99/100	$37.50.
Dec. 18, 1962	Georgia-Pacific Corp	94/100	$35.13.
	Sales:		
Nov. 1, 1962	Dan River Mills	1/2 share	$4.89.
	Stock Dividends—Exchanges —Stock splits:		
Jan. 26, 1962	The South Carolina National Bank	49	Dividend.
Mar. 7, 1962	Allied Chemical Corp. (acquired by merger with Union Texas Natural Gas) (⅞ shares Allied for each share Union Texas).	87	
Mar. 17, 1962	W. R. Grace & Co	2.14	Dividend.
Mar. 24, 1962	Georgia-Pacific Corp	3.93	Do.
Apr. 12, 1962	Consolidated Oil & Gas, Inc. of 100 shares of Tekoil Corp.	40	Acquired by surrender.
June 1, 1962	W. R. Grace & Co	110	2-for-1 stock split.
June 23, 1962	Georgia-Pacific Corp	3.97	Dividend
Sept. 24, 1962	do	4.01	Do.
Oct. 12, 1962	Dan River Mills	1312.50	Obtained in exchange for 350 shares Woodside Mills.
Nov. 24, 1962	J. P. Stevens & Co., Inc	60	Dividend.
Dec. 18, 1962	Georgia-Pacific Corp	4.06	Do.
Dec. 26, 1962	Monsanto Chemical Co	3.46	Do.
	Gifts: Donor:		
Dec. , 1962	J. P. Stevens & Co., Inc	200	Given Furman University.
	Receiver:		
Dec. , 1962	Liberty Life Insurance Company	100 V	Christmas present from mother.
	1963		
	Purchases:		
Jan. 3, 1963	Monsanto Chemical	54/100ths	$26.95.
Feb. 23, 1963	Georgia-Pacific Corp	89/100ths	$41.83.
Mar. 29, 1963	W. R. Grace & Co	60/100ths	$24.03.
Apr. 10, 1963	Liberty Life Insurance Co	3 NV and 1 V	$160.00.
May 17, 1963	Georgia-Pacific Corp	84/100ths	$44.10.
Aug. 19, 1963	do	79/100ths	$39.50.
Aug. 29, 1963	Mutual Savings Life Insurance Co	200	$2,725.00.
Oct. 30, 1963	Aztec Oil & Gas	500	$10,187.50.
Nov. 18, 1963	Georgia-Pacific Corp	74/100ths	$39.87.
Dec. 27, 1963	Monsanto Chemical	46/100ths	$25.76.
	Sales:		
July 1, 1963	Consolidated Oil & Gas	Rights	$0.40.
	Stock dividends—Stock splits:		
Mar. 1, 1963	The South Carolina National Bank	32	Dividend.
Mar. 18, 1963	W. R. Grace & Co	4.40	Do.
Mar. 23, 1963	Georgia-Pacific Corp	4.11	Do.
Apr. 1, 1963	White Stag Mfg. Co. (merged into Warner Bros.).	50	Do.
Apr. 15, 1963	Liberty Life Insurance Co V	464V	Do.
Do	Liberty Life Insurance Co	252NV	Do.
Apr. 19, 1963	Chrysler Corp	14	2-for-1 stock split.
May 1, 1963	The Investment Life & Tr. Co	10	Dividend.
May 10, 1963	Govt. Employees Life Ins. Co	23	Do.
June 22, 1963	Georgia-Pacific Corp	4. 16	Do.
Sept. 24, 1963	do	4. 21	Do.
Dec. 20, 1963	do	4. 26	Do.
Do	Chrysler Corp	28	2-for-1 stock split.
Dec. 23, 1963	Monsanto Chemical Co	3. 54	Dividend.
Dec. 31, 1963	Sonoco Products Co	12. 9	Do.
	GIFTS—Receiver:		
May 16, 1963	Liberty Life Insurance Co	704V	Given to me by my mother.
	1964		
	Purchases:		
Jan. 31, 1964	Sonoco Products Co	1/10 shares	$4.50.
Mar. 21, 1964	Georgia-Pacific Corp	69/100 share	$38.12.
Mar. 28, 1964	W. R. Grace & Co	½ share	$26.40.
Apr. 17, 1964	Fed. Int. Credit Bonds	130,000	$130,025.00.
Do	U.S. Treasury	270,000	$262,948.44.
Do	do	[1] 130,000	$129,875.72.
	Total		$522,879.27.
May 7, 1964	Piedmont Park F/D	0,000	$20,387.61.
	1964		
	Purchases—Continued		
May 8, 1964	Liberty Life Ins. Co. (Now the Liberty Corp.).	185	$6,521.25.
Do	J. P. Stevens & Co., Inc	40	$1,499.80.
Do	Monsanto Chemical Co	19	$1,453.85.
Do	Government Employees Life Ins. Co	54	$3,510.00.
Do	Government Employees Financial	98	$2.989.00.
Do	Carolina Natural Gas	407	$2,856.54.
Do	Allied Chemical Corp	12	$674.63.
Do	United Nuclear Corp	46	$1,183.92.
Do	W. R. Grace & Co	70	3,851.08.
Do	Dan River Mills, Inc	188	3,464.69.
Do	Chrysler Corp	44	2,277.00.
Do	Burlington Industries	44	2,071.46.
Do	The South Carolina National Bank	29	1,595.00.
Do	Texize Chemical, Inc	400	1,800.00.
Do	Owens-Corning Fiberglas	80	5,782.74.
May 19, 1964	Surety Investment Co. (now part of The Liberty Corp.).	102	5,712.00.
May 26, 1964	do	112	6,272.00.
June 1, 1964	Insurance Securities, Inc	100	2,556.63.
June 2, 1964	do	500	12,783.15.
Do	do	400	10,276.76.
June 8, 1964	Maryland Casualty Co	200	12,690.64.
June 15, 1964	Surety Investment Co	165	$9,240.00.
July 6, 1964	Greater Greenville Sewer	4,000	$3,630.96.
July 8, 1964	Nationwide Corp., class A	500	$7,375.00.
Do	Southeastern Broadcasting (formerly WMRC, Inc., now part of Multimedia Corp.).	200	$9,200.00.
Do	Insurance Securities	1,000	$28,229.52.
Do	Town of Williston, S.C. waterworks and sewer bonds.	20,000	$20,420.36.
July 17, 1964	Broadcasting Co. of the South (now part of Liberty Corp.).	105	$5,250.00.
July 20, 1964	Georgia-Pacific Corp	1,200	$69,374.37.
Do	Broadcasting Co. of South (now Lib. Corp.).	120	$6,000.00.
Aug. 13, 1964	Guaranty Ins. Trust (now MGIC)	3,000	$7,500.00.
Aug. 17, 1964	American General Casualty Co (exchange).	200 convertible preferred 66⅔ common.	
Sept. 25, 1964	Georgia-Pacific Corp	55/100 share	$31.49.
Dec. 15, 1964	G'ville Waterwks. Sys. Rev. Bonds	10,000	$10,636.64.
Dec. 19, 1964	Georgia-Pacific Corp	37/100	$21.00.
	Sales:		
May 10, 1964	Automatic Retailers of America (exchanged for Carolina Vend-A-Matic).	14, 173	$438, 255. 86.
May 5, 1964	The Investment Life & Trust Co	½ share	$2. 65.
May 8, 1964	Consolidated Oil & Gas, Inc	40	$118. 55.
Do	North Star Oil Corp	50	$$11. 46.
Do	Supervised Investors Services, Inc. (formerly Television Shares Management Corp.)	100	$611. 51.
May 14, 1964	U.S. Treasury bills	40, 000	$39, 067. 22.
May 20, 1964	do	5, 000	$4, 887. 50.
May 28, 1964	do	5, 000	$4, 893. 01.
June 5, 1964	do	30, 000	$29, 385. 19.
June 17, 1964	do	7, 000	$6, 862. 10.
June 18, 1964	do	20, 000	$19, 611. 27.
July 14, 1964	Consolidated Oil & Gas, proceeds of ⅗ fractional warrant.		$0. 90.
July 15, 1968	U.S. Treasury bills	50, 000	$49, 178. 47.
July 27, 1964	Consolidated Oil & Gas, proceeds of 1 right.		$0.21.
Do	U.S. Treasury bills	81,000	$79,760.09.
Aug. 24, 1964	do	21,000	$20,740.16.
Dec. 7, 1964	The Broadcasting Co. of the South, proceeds of fractional share of stock.		$12.63.
Dec. 23, 1964	U.S. Treasury bills	11,000	$10,989.00.
	Stock dividends: Stock splits:		
Mar. 17, 1964	W. R. Grace & Co	3 and 50/100 shares.	Stock dividend.
Mar. 18, 1964	Main-Oak Corp., formerly Greenville Hotel Co.	31	2-for-1 stock split and 4-for-1 stock dividend.
Mar. 21, 1964	Georgia Pacific	4 and 31/100	Stock dividend.
Mar. 25, 1964	Southeastern Broadcasting, now part of Multimedia.	990 shares	100 percent stock dividend.
May 1, 1964	The Investment Life & Trust Co	10	Stock dividend.
May 8, 1964	Georgia-Pacific Corp	109 shares	25 percent stock split.
June 12, 1964	Aztec Oil & Gas Co	30 shares	6 percent stock dividend.
Aug. 24, 1964	The Peoples National Bank	50 shares	50 percent stock dividend.
Sept. 25, 1964	Georgia-Pacific Corp	17 45/100	Stock dividend.
Nov. 18, 1964	J. P. Stevens & Co., Inc	50 shares	10 percent stock dividend.
Nov. 20, 1964	The Broadcasting Co. of the South, now part of Liberty Corp. for a time known as Cosmos Broadcasting Co.	56 shares	25 percent stock dividend.
Dec. 15, 1964	Chrysler Corp	4 shares	4 percent stock dividend.
Dec. 12, 1964	Georgia-Pacific Corp	17 & 63/100	Stock dividend.

Footnote at end of tables.

Date	Name of corporation	Number of shares or face amount of bonds	Dollars
	1964		
	Stock dividends: Stock splits—Continued		
Dec. 22, 1964	Monsanto Chemical Co	4	Stock dividend.
	Gifts (receiver):		
Feb. 3, 1964	Liberty Life Insurance Co	531 shares	Gift from mother.
Dec. 1964	do	100 shares	Gift from mother (Christmas).
	Purchases:		
Feb. 1, 1965	U.S. Treasury Bills	$34,000	$133,110.80.
Feb. 25, 1965	Georgia-Pacific Corp	19/100	$11.92.
Feb. 26, 1965	W. R. Grace & Co. 4¼ percent sub. deb.	$1,700	$1,700.00
Mar. 29, 1965	Rights for the above debentures (additional).		$3.94.
Apr. 26 and May 3, 1965	Chrysler Corp	1 right and 15 shares.	$720.75.
May 17, 1965	Georgia-Pacific Corp	1/100	$.64.
May 24, 1965	Aztec Oil & Gas Co	20/100	$ .75.
June 1, 1965	Texize Chemicals, Inc	1,300	$6,984.25.
June 8, 1965	do	400	$2,199.52.
Do	do	300	$1,573.89.
Aug. 16, 1965	Georgia-Pacific Corp	83/100	$49.07.
Oct. 12, 1965	Southeastern Broadcasting Co. (now part of Multimedia, Inc.).	100	$6,550.00.
Nov. 15, 1965	Georgia-Pacific Corp	64/100	$38.88.
Dec. 27, 1965	Monsanto Chemical Co	92/100	$73.44.
Dec. 30, 1965	Sperry Rand	400	$9,067.50.
	Sales:		
Dec. 30, 1965	Aztec Oil & Gas Co	562	$9,975.50.
	Stock dividends—Stock splits:		
Jan. 19, 1965	Nationwide Life Insurance Co	10	2 percent stock dividend or 1 share for each 50 owned of Nationwide Corp.
Jan. 22, 1965	The South Carolina National Bank	36	Dividend.
Mar. 26, 1965	Georgia-Pacific Corp	17.81	Do.
Mar. 29, 1965	Allied Chemical Corp	2	Do.
Apr. 30, 1965	Liberty Life Insurance Co. (now the Liberty Corp.)	510	Do.
May 1, 1965	The Investment Life and Trust Co	22	Do.
May 26, 1965	Government Employees Life Insurance Co.	2	Do.
June 7, 1965	Aztec Oil & Gas Co	31.80	Do.
June 25, 1965	Georgia-Pacific Corp	17.99	Do.
July 23, 1965	Burlington Industries, Inc	200	Stock split.
Sept. 25, 1965	Georgia-Pacific Corp	18.17	Dividend.
Nov. 15, 1965	Sonoco Products Co	142	Stock split.
Dec. 17, 1965	Georgia-Pacific Corp	18.36	Dividend.
Dec. 23, 1965	Monsanto Chemical Co	4.08	Do.
	Gifts: Receiver:		
Dec. 1965	Liberty Life Insurance Co	100 V	Christmas present from mother.
	Purchases:		
Jan. 11, 1966	Calhoun-Charleston Tenn. utility district bonds.	$4,000	$4, 231. 79.
Mar. 11, 1966	Allied Chemical Corp	96/100	$44. 74.
Mar. 21, 1966	Warner Bros. Co., formerly White Stag.	6/7	$33. 06.
Mar. 25, 1966	Georgia-Pacific Corp	45/100	$28. 74.
May 22, 1966	Richmond Newspapers, Inc	200	$4, 400. 00.
June 24, 1966	Georgia-Pacific Corp	1/2	$22. 40.
July 6, 1966	Cole Drug Co	300	$4, 050. 00.
Sep. 24, 1966	Georgia-Pacific Corp	57/100	$22. 80.
Oct. 27, 1966	Government Employees Financial Corp. (7 $50 5½ percent convertible subscriber debentures).	$350	$350. 00.
Nov. 7, 1966	Government Employees Financial Corp.	7 rights	$1. 35.
Nov. 17, 1966	Insurance Securities, Inc	100	$726. 63.
Dec. 17, 1966	Georgia-Pacific Corp	33/100ths	$11. 43.
Dec. 27, 1966	Monsanto Co	82/100ths	$32. 85.
	Sales:		
July 15, 1966	The Investment Life & Trust Co	20/100ths	$1.41.
Dec. 21, 1966	Insurance securities	100	$500.37.
	Stock dividends—Stock splits—Exchanges:		
Feb. 1, 1966	Dan River Mills	75	Dividend.
Feb. 10, 1966	Nationwide Life Insurance Co	10	2 percent stock dividend or 1 share for each 50 owned of Nationwide Corp.
Mar. 9, 1966	The Warner Bros. Co., formerly White Stag Manufacturing Co. (merger).	107 1/7 shares	In exchange.
Mar. 25, 1966	Georgia-Pacific Corp	18.55	Dividend.
Mar. 28, 1966	Allied Chemical Corp	2.4	Do.
Apr. 30, 1966	Mutual Savings Life Insurance Co	40	Do.
June 24, 1966	Georgia-Pacific Corp	468.50	5 for 4 split.
July 15, 1966	The Investment Life & Trust Co	24	Dividend.
Aug. 3, 1966	The Peoples National Bank (old certificate for 150 shares turned in to bank).	300	2-for-1 split.
Sept. 24, 1966	Georgia-Pacific Corp	23.43	Dividend.
Dec. 17, 1966	Georgia-Pacific Corp	23.67	Do.
Dec. 23, 1966	Monsanto Chemical Co	4.18	Do.
	1967		
	Purchases:		
Jan. 5, 1967	Greenville County, S.C., hospital bonds.	$5,000	$4,907.99.
Do	Ivest Fund, Inc	728	$10,002.72.
Feb. 13, 1967	Southeastern Broadcasting Co. (now part of Multimedia, Inc.).	66	$5,313. 00.
Mar. 16, 1967	Allied Chemical Corp	90/100	$36.12.
Mar. 25, 1967	Georgia-Pacific Corp	9/100	$4.21.
Mar. 27, 1967	Leverage Fund of Boston, Inc	350	$5,250.00.
Apr. 12, 1967	Southern Weaving Co	200	$5,400.00.
Apr. 19, 1967	Liberty Life Insurance Co	.7,879,480 shares	$14.77.
Apr. 27, 1967	Government Employees Life Insurance Co.	94/100	$45.12.
June 15, 1967	Rank Organisation, Ltd	500	$4,176.00.
June 23, 1967	Georgia-Pacific Corp	85/100	$51.21.
July 31, 1967	Gulf & Western	325	$19,091.62.
Aug. 4, 1967	International Telephone & Telegraph.	100	$10,849.80.
Sept. 23, 1967	Georgia-Pacific Corp	60/100 shares	$36.60.
Nov. 27, 1967	Fairchild Camera & Instrument Corp.	100	$10,199.15.
Dec. 19, 1967	Georgia-Pacific Corp	35/100	$19.85.
Dec. 26, 1967	Brunswick Corp	1,000	$16,230.00.
Dec. 29, 1967	Monsanto Chemical Co	72/100	$30.69.
	Sales:		
Jan. 5, 1967	American General Insurance Co. conv. P/d.	200	$6,777.74.
	Carolinas Capital Corp. liquid distribution, 200 shares owned:		
July 18, 1967	Received		$1,000.00.
Aug. 11, 1967	Scope, Inc	120 shares	
Aug. 17, 1967	Synalloy	40 shares	
July 19, 1967	Texize Chemicals, Inc	200	$3,648.92.
July 20, 1967	do	100	$1,886.33.
Do	do	200	$3,723.16.
Do	do	1,000	$18,739.60.
Aug. 17, 1967	do	100	$1,799.71.
Aug. 22, 1967	do	500	$9,246.05.
Do	do	400	$7,396.84.
Sept. 18, 1967	Richmond Newspapers, class A	200	$3,488.12.
Sept. 20, 1967	Warner Bros. conv. P/d	108	$3,206.96.
Nov. 29, 1967	Insurance Securities	400	$2,447.00.
Dec. 15, 1967	do	1, 500	$8, 990. 55.
	Stock dividends:		
Feb. 24, 1967	Southern Weaving Co	17 shares	
Mar. 10, 1967	The South Carolina National Bank	63 shares	
Mar. 15, 1967	Southeastern Broadcasting Corp. (now Multimedia, Inc.)	586 shares	
Mar. 24, 1967	American General Insurance Co	134 shares	200 percent stock division.
Mar. 25, 1967	Georgia-Pacific Corp	23.91 shares	
Mar. 26, 1967	Allied Chemical Corp	2.10 shares	
Apr. 24, 1967	Liberty Life Insurance Co	1,211.2120520 shares.	
May 15, 1967	The Investment Life & Trust Co	26 shares	
May 16, 1967	The Broadcasting Co. of the South (later Cosmos Broadcasting and in 1969 it became part of the Liberty Corp.,	56 shares	
May 24, 1967	Government Employees Life Insurance Co.	3.06 shares	
June 23, 1967	Georgia-Pacific Corp	24.15 shares	
Sept. 23, 1967	Georgia-Pacific Corp	24.40 shares	
Sept. 25, 1967	Government Employees Financial Corp.	3 shares	
Oct. 31, 1967	Ivest Fund, Inc	1,309 shares	Dividend.
Oct. 31, 1967	Ivest Fund, Inc	31.406 shares	Capital gain.
Dec. 19, 1967	Georgia-Pacific Corp	24.65 shares	
Dec. 26, 1967	Monsanto Chemical Co	4.28 shares	
Dec. 27, 1967	Gulf & Western Industries	9.75 shares	
	Gifts: Receiver:		
Dec. 1967	Liberty Life Insurance Co	100 shares, Christmas gift from mother.	
	1968		
	Purchases:		
Jan. 4, 1968	Clemson S.C., general obligation sewer bonds.	$5,000	$5,055.00.
Jan. 15, 1968	Gulf & Western Industries, Inc	25/100 shares	$15.16.
Feb. 16, 1968	Tenneco, Inc	200	$5,289.12.
Feb. 20, 1968	Georgia-Pacific Corp	10/100 shares	$5.85.
Feb. 23, 1968	Fairchild Camera & Instrument Corp.	100	$6,858.31.
Apr 26, 1968	Computer Servicenter, Inc	500	$3,000.00.
May 16, 1968	Georgia-Pacific Corp	85/100 shares	$62. 90.
July 22, 1968	U.S. Pipe & Foundry	200	$5,867.00.
Aug. 19, 1968	Georgia-Pacific Corp	59/100 shares	$49.63.
Sept. 19, 1968	Government Employees Financial	7 rights	$3.50.
Sept. 23, 1968	Government Employees Financial Corp.*	$550	$550.00.
Nov. 1, 1968	Jefferson Pilot Corp	200	$8,580.50.
Nov. 4, 1968	Government Employees Financial Corp.	94/100 shares	$31.02.
Nov. 14, 1968	Georgia Pacific Corp	33/100 shares	$28.92.
Nov. 1968	$50 5¼-percent Convertible Sub. Debentures.		

Date	Name of corporation	Number of shares or face amount of bonds	Dollars
	1968		
	Sales:		
July 22, 1968	Fairchild Camera & Instrument Corp.	100 shares	$6,104.72.
Sept. 26, 1968	U.S. Pipe & Foundry	200 shares	$6,232.80.
Dec. 31, 1968	Carolinas Capital Corp	cash	$325.37.
	FINAL DISTRIBUTION—LIQUIDATION		
	Stock Dividends: Splits:		
Jan. 26, 1969	International Telephone & Telegraph Corp.	100 shares	2 for 1 div.
Feb. 17, 1968	Gulf & Western Industries	10.05	Stock div.
Mar. 26, 1968	Georgia-Pacific Corp	24.90	Stock div.
Mar. 29, 1968	Synalloy Corp	10 shares	5 for 4 split.
May 7, 1968	Cole Drug Co., Inc	300 shares	1 additional share for each share held May 7, 1968.
June 25, 1968	Georgia-Pacific Corp	25.15	Stock dividend.
Sept. 24, 1968	Georgia-Pacific Corp	25.41	Do.
Nov. 15, 1968	Ivest Fund, Inc	4.129 shares	Dividend.
Nov. 15, 1968	Ivest Fund, Inc	38.081 shares	Capital gains.
Nov. 22, 1968	Government Employees Financial Corp	2.06 shares	Stock dividend.
Dec. 19, 1968	Georgia-Pacific Corp	25.67 shares	Do.
	Exchanges:		
Jan. 2, 1968	Guaranty Insurance Trust	3,000 shares	Exchanged for 210 shares. Mortgage Guaranty Insurance Corp.
Jan. 1, 1968	Southeastern Broadcasting Corp	2,932 shares	Exchanged for:
	Multimedia, Inc	2,932 shares	5 percent convertible cumulative preferred and 11,728 common.
Mar. 22, 1968	Liberty Life Insurance Co	7,022 shares	Exchanged for 1 for 1 basis.
	The Liberty Corp	7,022 shares	
Aug. 21, 1968	Mortgage Guaranty Insurance Corp	(210 shares)	Exchanged for 630 shares of MGIC Investment Corp.
Aug. 28, 1968	Carolina Natural Gas Corp	500 shares	Exchanged for 60 shares.
	Piedmont Natural Gas Co., Inc	60 shares	$6 cumulative convertible 2d P/d.
	Gifts (receiver):		
Dec. 1968	The Liberty Corp	100 shares	Christmas present from mother.
	1969		
	Purchases:		
Jan. 20, 1969	Liberty Corp	1/3 share	$8.34.
Feb. 24, 1969	Georgia-Pacific Corp	7/100 share	$6.60.
Mar. 27, 1969	Gulf & Western Industries	95/100 share	$38.57.
Apr. 28, 1969	Government Employees Life Ins. Co.	82/100 share	$42.03.
Aug. 20, 1969	Georgia Pacific Corp	62/100	$29.76.
Aug. 27, 1969	G & W Land & Development Corp	7/10 share	$7.00.
	Sales:		
Apr. 16, 1969	Synalloy Corp	1/2 share (stock dividend).	$6.59.
May 23, 1969	Investment Life & Trust Co	2/10 share (stock dividend).	$.65.
Aug. 17, 1969	South Carolina National Bank	9/10 share (stock dividend).	$32.67.
	Stock dividends:		
Jan. 10, 1969	The Peoples National Bank	30 shares	Stock dividend.
Mar. 14, 1969	Jefferson-Pilot Corp	50 shares	Do.
Mar. 28, 1969	Georgia-Pacific Corp	25.93 shares	Do.
Apr. 15, 1969	Synalloy Corp	2 shares	Do.
May 5, 1969	Georgia-Pacific Corp	2,619 shares	2 for 1 stodk split.
May 15, 1969	The Investment Life & Trust Co	29 shares	Stock dividend.
May 23, 1969	Government Employees Life Ins. Co.	3.18 shares	Do.
Aug. 8, 1969	United Nuclear Corp	4 shares	Do.
Sept. 10, 1969	G & W Land and Development Corp	17.3 shares	1 share for each 20 shares Gulf & Western owned July 18, 1969.
July 15, 1969	South Carolina National Bank	69	
Sept. 24, 1969	Georgia-Pacific Corp	52.38 shares	Stock dividend.
Exchanges:			
Jan. 17, 1969	The Broadcasting Co of the South, later Cosmos Broadcasting	337 shares	Exchanged for:
	The Liberty Corporation	1,011 shares common and 337 shares $0.40 voting preferred convertible.	
Jan. 18, 1969	Surety Investment Co	379 shares exchanged for	
	The Liberty Corp	1,389 2/3 shares	

Changes to Financial Statement as directed by Harriet Wright:

The first part she says has already been given to WHR by the Judge, but she repeated it.

On page 1 under Sales, he sold in 1957 4 shares of Carolina Vend-A-Matic for $5,000. She doesn't have date, but if necessary will make an effort to find it. Sale was some time between April and December 31.

On page 2 there were three sales that were left off. Under 1958 sales they left off all sales. Add 3/26/58 Hollyridge Development Co.—3% debentures—sale amount $2,902.50.

Add Greenville Country Club—certificate—$500 sold on 9/30/58.

10/27/58 Val-Four Corp. (Martel Mills) (Liquidating dividend) (Payable in part by $3,125 face amount Burlington Industries, Inc. 5.4% subordinated debentures).

New changes follow:

12/22/58 purchase of Georgia Pacific Corp. 27/50 of a share. They listed that they paid $29.60 for it, but it was only $26.60.

On page 4—1961 under purchases.

The first purchase was left off—1/3/61 Monsanto Chemical Company—71/100 of a share $31.46.

On page 5 under Stock Dividends on 3/25/61 he received 3.77 shares of Georgia Pacific Corporation rather than 3.25 as listed.

Also on page 5 under purchases in 1962: at 6/29/62 you'll see Government Employees Financial Corporation,—2 shares and 15 rights. Correct to show 2 shares and 7 rights.

On page 13 under Exchanges. The first exchange on 1/2/68 shows Mortgage Guaranty Insurance Co. Correct to Mortgage Guaranty Insurance *Corp.*

On 1/1/68 she shows Multi Media Ins. It should be Multi Media *Inc.*

On page 14, the biggest error is the one on stock dividends in 1969: Mark out 7/15 Synalloy duplication of two shares and put in its place South Carolina National Bank—69 shares. (Synalloy is a duplicate entry. You will see it also shown at 4/15 and the typist picked it up in error on 7/15. Just x out and add instead the 69 shares of S.C. National Bank.)

She said that they would correct the pages and send them to us but in the meantime the above corrections should be made.

Purchases						Sales					
Date	Name of corporation	Number of shares or face amount of bonds	Dollar amount	Monthly amount purchased	Total amount purchased	Date	Name of corporation	Number of shares or face amount of bonds	Dollar amount	Monthly amount sold	Balance invested
Apr. 17, 1964	Fed. Inter, Credit Banks	$130,000	$130,025.00								
Do	U.S. Treasury	$270,000	262,948.55								
Do	do	$130,000	129,875.72								
	Balance April 30, 1964			$522,849.27							$522,849.27
May 7, 1964	Piedmont Park F/D	$20,000	20,387.61			May 8, 1964	Consolidated Oil & Gas Inc.	40	$118.55		
May 8, 1964	Liberty Life Ins. Co	185	6,521.25			do	North Star Oil Corp	50	11.46		
Do	J. P. Stevens Co	40	1,499.80			do	Supervised Investors Services, Inc	100	611.51		
Do	Monsanto Chemical Corp	19	1,453.85			May 14, 1964	U.S. Treasury bills	$40,000	39,067.22		
Do	Gov't. Emply. Life Ins	54	3,510.00			May 20, 1964	do	$5,000	4,887.50		
Do	Gov't Emply. Financial	98	2,989.00			May 28, 1964	do	$5,000	4,893.01		
Do	Carolina Natural Gas	407	285,654								
Do	Allied-Chemical Corp	12	67,463								
Do	United Nuclear Corp	46	118,392								
Do	W. R. Grace & Co	70	385,108								
Do	Dan River Mills Inc	118	346,469								
Do	Chrysler Corp	44	227,700								
Do	Burlington Industries Inc	44	207,146								
Do	S. C. National Bank	29	159,500								
Do	Texize Chemical, Inc	400	180,000								
Do	Owens-Corning Fiberglas	80	578,274								

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[1] The settlement date for the purchase of the Fed. Int. Credit Bonds bought Apr. 17, 1964, was May 4, 1964. These funds were invested for the interim period on Apr. 17, 1964 in, U.S. Treasury bills maturing Apr. 30, 1964, and those bills were used to pay for the Fed. Int. Credit Bonds.

Purchases						Sales					
Date	Name of corporation	Number of shares or face amount of bonds	Dollar amount	Monthly amount purchased	Total amount purchased	Date	Name of corporation	Number of shares or face amount of bonds	Dollar amount	Monthly amount sold	Balance invested
May 19, 1964	Surety Investment Co. (now part of the Liberty Corp.).	102	$5,712.00								
May 26, 1964	do.	112	6,272.00								
	Balance May 31, 1964.			$73,902.57	$596,751.84					$49,589.25	$547,162.59
June 1, 1964	Insurance Securities Inc.	100	2,556.63			June 5, 1964	U.S. Treasury bills	$30,000	$29,385.19		
June 2, 1964	do.	500	12,783.15			June 17, 1964	do.	7,000	6,862.10		
Do.	do.	400	10,276.76			June 18, 1964	do.	20,000	19,611.27		
June 15, 1964	Surety Investment Co. (now part of the Liberty Corp.).	165	9,240.00								
	Balance June 30, 1964.			34,856.54	631,608.38					55,858.56	526,160.57
July 6, 1964	Greater Greenville Sewer District bonds.	$4,000	3,630.96			July 15, 1964	U.S. Treasury bills	$50,000	49,178.47		
						July 27, 1964	do.	$81,000	79,760.09		
July 8, 1964	Nationwide Corp., class A	500	7,375.00								
Do.	Southeastern Broadcasting Co. (now part of Multimedia, Corp.)	200	9,200.00								
Do.	Insurance Securities Inc.	1,000	28,229.52								
Do.	Town of Williston, S.C., Waterworks & Sewer System bonds.	20,000	20,420.36								
July 17, 1964	Broadcasting Co. of the South (now part of Liberty Corp.)	105	5,250.00								
July 20, 1964	Georgia Pacific Corp	1,200	69,374.37								
Do.	Broadcasting Co. of the South.	120	6,000.00								
	Balance, July 31, 1964.			149,480.21	781,088.59					128,938.56	546,702.22
Aug. 13, 1964	Guaranty Insurance Trust (now part of MGIC).	3,000	7,500.00			Aug. 24, 1964	U.S. Treasury bills	21,000	20,740.16		
	Balance, Aug. 31, 1964.			7,500.00	788,588.59					20,740.16	533,462.06
Dec. 15, 1964	Greenville Waterworks System revenue bonds.	10,000	10,636.54			Dec. 23, 1964	U.S. Treasury bills	11,000	10,989.00		
	Balance Dec. 31, 1964.			10,636.54	799,225.13					10,989.00	533,109.60
Feb. 1, 1965	U.S. Treasury bills	$134,000	133,110.80								
	Balance, Feb. 28, 1965.			133,110.80	932,335.93						666,220.40
June 1, 1965	Texize Chemicals, Inc	1,300	6,984.25								
June 8, 1965	do.	400	2,199.52								
June 11, 1965	do.	300	1,573.89								
	Balance, June 30, 1965.			10,757.66	943,093.59						676,978.06
Oct. 12, 1965	Southeastern Broadcasting Co., (now part of Multimedia, Inc.)	100	6,550.00								
	Balance, Oct. 31, 1965.			6,550.00	949,643.59						683,528.06
Jan. 11, 1966	Calhoun-Charleston, Tenn., Utility District bonds.	$4,000	4,231.79								
	Balance Jan. 31, 1966			4,231.79	953,875.38						687,759.85
May 26, 1966	Richmonq Newspapers, Inc.	200	4,400.00								
	Balance May 31, 1966			4,400.00	958,275.38						692,159.85
Nov. 17, 1966	Insurance Securities, Inc.	100	726.63								
	Balance Nov. 30, 1966			726.63	959,002.01						692,886.48
						Dec. 21, 1966	Insurance Securities	100	500.37		
	Balance Dec. 31, 1966				959,002.01					500.37	602,386.11
Jan. 5, 1967	Greenville County, S.C., Hospital bonds.	$5,000	4,907.99								
	Balance Jan. 31, 1967.			4,907.99	963,910.00						697,294.10
Feb. 13, 1967	Southeastern Broadcasting Co. (now part of Multimedia Inc.)	66	5,313.00								
	Balance Feb. 28, 1967.			5,313.00	969,223.00						702,607.10
June 15, 1967	Rank Organization Ltd	500	4,176.00								
	Balance June 30, 1967			4,176.00	973,399.00						706,783.10
						July 19, 1967	Texize Chemicals, Inc	200	3,648.92		
						July 20, 1967	do.	100	1,886.33		
						do.	do.	200	3,723.16		
	Balance July 31, 1967.				973,399.00					9,258.41	697,524.69
Aug. 4, 1967	Intl. Tel. & Tel	100	10,849.80			Aug. 17, 1967	Texize Chemicals, Inc	100	1,799.71		
						Aug. 22, 1967	do.	400	7,396.84		
	Balance Aug. 31, 1967.			10,849.80	984,248.80					9,196.55	699,177.94
						Sept. 18, 1967	Richmond Newspapers, class A.	200	3,488.12		
						Sept. 20, 1967	Warner Bros. conv. P/D	108	3,206.96		
	Balance, Sept. 30, 1967.				984,248.80					6,695.08	692,482.86
Nov. 17, 1967	Fairchild Camera & Instrument Corp.	100	10,199.15			Nov. 29, 1967	Insurance Securities	400	2,447.00		
	Balance, Nov. 30, 1967.			10,199.15	994,447.95					2,447.00	700,235.01
Dec. 26, 1967	Brunswick Corp	1,000	16,230.00			Dec. 15, 1967	Insurance Securities	1,500	8,990.55		
	Balance, Dec. 31, 1967.			16,230.00	1,010,677.95					8,990.55	707,474.46
Jan. 4, 1968	Clemson, S.C., general obligation sewer bonds.	5,000	5,055.00								
	Balance, Jan. 31, 1968.			5,055.00	1,015,732.95						712,529.46
Feb. 16, 1968	Tenneco, Inc.	200	5,289.12								
Feb. 23, 1968	Fairchild Camera & Instrument Corp.	100	6,858.31								
	Balance, Feb. 29, 1968.			12,147.43	1,027,880.38						724,676.89

Purchases						Sales					
Date	Name of corporation	Number of shares or face amount of bonds	Dollar amount	Monthly amount purchased	Total amount purchased	Date	Name of corporation	Number of shares or face amount of bonds	Dollar amount	Monthly amount sold	Balance invested
Apr. 26, 1968	Computer Servicenter, Inc.	500	$300,000								
	Balance Apr. 30, 1968.			$300,000	$1,030,880.38						$727,676.89
July 22, 1968	U.S. Pipe & Foundry	200	586,700			July 22, 1968	Fairchild Camera & Instrument Corp.	100	$6,104.72		
	Balance July 31, 1968.			5,867.00	1,036,747.38					$6,104.72	727,439.11
Sept. 19, 1968	Gov't Emplys. Financial	(1)	3.50			Sept. 26, 1968	U.S. Pipe & Foundry	200	6,232.80		
	Balance Sept. 30, 1968.			3.50	1,036,750.88					6,232.80	721,209.87
Nov. 1, 1968	Jefferson Pilot Corp	200	8,580.50								
	Balance Nov. 30, 1968.			8,580.50	1,045,331.38						729,790.37
Jan. 1, 1969	Pickeris, S.C., Waterworks System improvement revenue bonds.	4,000	3,781.76								
	Balance Jan. 31, 1969.			3,781.76	1,049,113.14						733,572.13

[1] 7 rights.

REAL ESTATE OWNED BY CLEMENT F. HAYNSWORTH, JR., AS OF APRIL 1. 1957, AND SUBSEQUENT PURCHASES AND SALES OF REAL ESTATE THROUGH OCTOBER 1, 1969

Real estated owned as of April 1, 1957

1. Personal residence located on McDaniel Avenue in the City of Greenville, South Carolina, acquired by deed dated May 1, 1947.

2. Summer home known as Point Farm, Wadmalow Island, Charleston County, South Carolina, acquired by deed dated February 29, 1956.

3. A 1/5 interest in a lot on the corner of Lowndes Hill Road and Watson Road in Greenville County, South Carolina, purchased by deed dated September 20, 1956. This land was sold to Judge Haynsworth and four other individuals for $1,000 by Carolina Vend-A-Matic Company. The land in question was not needed by Carolina Vend-A-Matic for its operations. The grantees under this deed subsequently built a small warehouse on this property which they originally leased to Burlington Industries, Inc., under a recorded lease dated March 15, 1958. Over the years, this property has been leased to various other tenants. Judge Haynsworth's interest in this property is included in the list of the Judge's current assets filed with the Committee.

April 1, 1957 through December 31, 1957

Purchases: None.
Sales: None.

1958

Purchases: 1. Building and lot on Rutherford Street in Greenville, South Carolina, acquired by deed dated January 13, 1958, from Law Building, Inc. This was part of the distribution to Judge Haynsworth of his share in his law firm's assets. Although the transfer was made subsequent to the time Judge Haynsworth became a United States Circuit Court Judge, the agreement to make the transfer was made prior to the time he became a Judge as part of the overall settlement with Judge Haynsworth, who in no way participated in the profits or fees of the firm subsequent to the time he was confirmed as a United States Circuit Court Judge. Over the years, this property was leased to a succession of tenants until it was sold in 1967.

2. A 4/157 interest in a tract of land subsequently developed as Greenville Memorial Gardens, acquired by deed dated December 12, 1958, from Grace Pepper Rhodes.

Sales: None.

1959

Purchases: None.

Sales: Sale of the 4/157 interest in the tract of land described above to Greenville Memorial Gardens, a South Carolina corporation, by deed dated July 2, 1959.

1960

Purchases: A ½ interest in personal residence on Crescent Avenue, in the City of Greenville, South Carolina, acquired by deed dated May 5, 1960. The other ½ interest was purchased by Judge Haynsworth's wife.

Sales: 1. Sale of personal residence on McDaniel Avenue, Greenville, South Carolina, by deed dated May 5, 1960.

2. Sale of summer home near Charleston, South Carolina, by deed dated June 21, 1960.

1961

Purchases: A 1/5 interest in a small tract of land on Watson Road in Greenville County, South Carolina, adjacent to the tract of land on which Judge Haynsworth and four others had previously built a warehouse (see above). This tract was acquired by deed dated November 13, 1961 and was purchased by the grantees from Carolina Vend-A-Matic for $750 to provide additional parking space for use in connection with their warehouse. Judge Haynsworth's interest in this property is included in the list of the Judge's current assets filed with the Committee.

Sales: None.

1962

Purchases: None.
Sales: None.

1963

Purchases: None.[1]
Sales: None.

1964

Purchases: A 1/7 interest in a tract of land on Lowndes Hill Road and Watson Road upon which the business of Carolina Vend-A-Matic had been conducted, acquired by deed dated April 8, 1964 from Carolina Vend-A-Matic Co. and a deed dated April 11, 1964 from W. S. Mullens. The consideration for this property was a partial liquidating dividend to the stockholders of Carolina Vend-A-Matic and assumption of a mortgage on this property with a balance of $20,341.80. Judge Haynsworth testified at the hearings that this was done at the request of ARA, Inc. which purchased Carolina Vend-A-Matic Co., effective April 8, 1964, as ARA did not want to purchase any of the real estate owned by Carolina Vend-A-Matic. This property is now under lease to ARA, Inc. Judge Haynsworth's interest in this property is included in the list of the Judge's current assets filed with the Committee.

Sales: None.

1965

Purchases: None.
Sales: None.

1966

Purchases: None.
Sales: None.

1967

Purchases: None.

Sales: Sale of lot on Rutherford Road, acquired January 13, 1958 to Orders Realty Co., Inc., by deed dated March 22, 1967.

1968

Purchases: None.

Sales:[2] Gift of ½ undivided remainder interest in personal residence on Crescent Avenue, Greenville, South Carolina, to Furman University. This gift was made in connection with a major capital gifts campaign conducted by Furman University, of which Judge Haynsworth is an alumnus. This property was acquired by deed dated May 5, 1960. Judge Haynsworth and his wife retained life estates in this property.

(NOTE.—Certified copies of all of the deeds have previously been supplied to the Committee. All of the leases, with the exception of the Burlington lease, a copy of which has been supplied to the Committee, were unrecorded. Copies of all these unrecorded leases will be supplied upon request.)

FOOTNOTES

[1] By deed dated May 6, 1963, Christie C. Provost, Clement F. Haynsworth, Jr., and W. S. Mullens, as Trustees of the Carolina Vend-A-Matic Co. Profit-Sharing and Retirement Plan, acquired a farm containing approximately 90 acres. Since this farm was not acquired by Judge Haynsworth individually but as Trustee for the Profit-Sharing and Retirement Plan, this transaction is not properly includible in a listing of his individual transactions. This same tract was conveyed by the same three Trustees to W. Francis Marion by deed dated April 8, 1964, in connection with the liquidation of the Carolina Vend-A-Matic Profit-Sharing and Retirement Plan.

[2] By deed dated April 5, 1968, Clement F. Haynsworth, Jr., as trustee, conveyed a small strip of land to the trustees of Leawood Baptist Church in Greenville, South Carolina. Judge Haynsworth was acting as a substituted-trustee pursuant to an Order of Court dated March 13, 1946, and since this property was never owned by Judge Haynsworth individually, this transaction is not properly includible in this chronological listing.

CHRONOLOGICAL SUMMARY OF REAL ESTATE TRANACTIONS OF CAROLINA VEND-A-MATIC COMPANY

(1) *Deeds into Carolina Vend-A-Matic Company.* Carolina Vend-A-Matic Co. acquired three pieces of real estate during its existence. One, a lot at the intersection of Lowndes Hill Road and Watson Road in Greenville County, South Carolina, by deed from Specialty Hardwoods, Inc. dated October 8, 1955, a copy of which is attached as Exhibit 1. The second was an adjoining piece of property acquired from the South Carolina National Bank, as Trustee under the Will of Fred W. Symmes, by deed dated Oc-

tober 11, 1961, a copy of which is attached as Exhibit 2. The third was acquired by deed dated May 31, 1961, but this tract was conveyed by Carolina Vend-A-Matic Company to the South Carolina National Bank as Trustee under the Will of Fred W. Symmes, deceased, in connection with the second transaction described above. Copies of these deeds are attached as Exhibits 3(a) and 3(b).

(2) *Deeds out of Carolina Vend-A-Matic Company.* Other than the deed set forth in Exhibit 3(b), Carolina Vend-A-Matic conveyed the following parcels of property:

(a) By deed dated September 20, 1956, Carolina Vend-A-Matic Company transferred for $1,000.00 a small parcel of land at the intersection of Lowndes Hill Road and Watson Road, which was not needed for its operations, to Eugene Bryant, Clement F. Haynsworth, Jr., R. E. Houston, Jr., W. Francis Marion, and Christie C. Prevost. A copy of this deed, which was a portion of the property conveyed to Carolina Vend-A-Matic Company by Specialty Hardwoods, Inc., is attached as Exhibit 4. The grantees under this deed subsequently built a small warehouse on this property which they originally leased to Burlington Industries, Inc. A copy of this lease is attached as Exhibit 5. This property has been leased to various other tenants over the years. This property was conveyed to Judge Haynsworth and the other grantees prior to the time that Judge Haynsworth became a United States Circuit Court Judge.

(b) By deed dated November 13, 1961, Carolina Vend-A-Matic Company, in consideration of $750.00, conveyed a small tract of land adjoining tract (a) above to the same grantees, who purchased it for the purpose of providing additional parking area for the use of their warehouse. A copy of this deed is attached as Exhibit 6. Judge Haynsworth's interest in the property described in (a) and (b) was reported in the list of assets filed with the Committee.

(c) By deed dated April 8, 1964, Carolina Vend-A-Matic Company, in consideration of distribution to stockholders and an assumption of a mortgage with a balance of $20,341.80, conveyed to all of the stockholders of Carolina Vend-A-Matic Company the remaining property owned by Carolina Vend-A-Matic Company at the time. Judge Haynsworth testified at the hearings that this was done at the request of ARA, Inc., which purchased Carolina Vend-A-Matic Company, as it did not want to purchase any of the real estate owned by Carolina Vend-A-Matic Company. A copy of this deed is attached as Exhibit 7. Subsequently, on April 11, 1964, one of the stockholders, W. S. Mullins, conveyed his interest in this real estate to the remaining shareholders. A copy of this deed is attached as Exhibit 8. Judge Haynsworth's interest in this property was reported in the list of assets filed with the Committee.

(3) ***Real estate transactions involving Carolina Vend-A-Matic Company's Profit Sharing and Retirement Plan.*** The only real estate ever acquired by the Carolina Vend-A-Matic profit sharing and retirement plan was a farm containing approximately ninety acres near Fountain Inn in Greenville County, South Carolina, which was acquired on May 6, 1963, in the name of the trustees of the plan. A copy of this deed is attached as Exhibit 9. The minutes of Carolina Vend-A-Matic Company, which have been made available to the Committee, indicate that the primary motivation for purchasing this farm was to raise beef cattle for use for Carolina Vend-A-Matic's business. It was determined that this would be a sound investment for the pension and profit sharing plan which had sufficient cash to purchase this property, and title for the property was therefore taken in the name of the profit sharing and retirement plan, which in turn leased it to Carolina Vend-A-Matic Company. Subsequently, in connection with the ARA, Inc., purchase of Carolina Vend-A-Matic, the Vend-A-Matic profit sharing and retirement plan was terminated and the assets liquidated, which required the sale of this farm.

By deed dated April 8, 1968, the date when the transaction between Carolina Vend-A-Matic Company and ARA, Inc. was consummated, the trustees of the profit sharing and retirement plan conveyed this property to W. Francis Marion, one of the stockholders of the company, at a price in excess of the original purchase price. A copy of this is attached as Exhibit 10. Mr. Marion, at the time, already owned an adjoining tract of land, which he had previously acquired (See Exhibit 11), and he has continuously used this tract for a cattle farm since the date of the purchase.

EXHIBIT 1

TITLE TO REAL ESTATE BY A CORPORATION

(Prepared by Haynsworth & Haynsworth, Attorneys at Law, Greenville, S.C.)

(Book 536, p. 289)

STATE OF SOUTH CAROLINA,
County of Greenville.

Know all men by these presents that Specialty Hardwoods, a corporation chartered under the laws of the State of South Carolina and having its principal place of business at Greenville, in the State of South Carolina, for and in consideration of the sum of Seven Thousand and No/100ths ($7,000.00) dollars, to it in hand duly paid at and before the sealing and delivery of these presents by the grantee(s) hereinafter named, (the receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Carolina Vend-A-Matic Co., a corporation chartered under the laws of the State of South Carolina, All that piece, parcel or lot of land, situate, lying and being in the City of Greenville, Greenville County, State of South Carolina, being known and designated as Lot No. 42 and part of Lot No. 41 on a plat thereof, entitled "Property of Symmes and Houston, Greenville, S.C.", prepared by Dalton & Neves, Engineers, dated June, 1950, and having, according to said plat, the following metes and bounds, to-wit:

Beginning at an iron pin at the intersection of the Watson Road and the Lowndes Hill Road and running thence along said Lowndes Hill Road S. 85–00 E. 409 feet to an iron pin; thence continuing along said Lowndes Hill Road S. 87–00 E. 135 feet to an iron pin; thence along the remaining portion of Lot No. 41 S. 3–00 W. 200 feet to an iron pin on Watson Road; thence N. 65–31 W. 584.7 feet to the beginning point.

This is the identical property conveyed to the grantor herein by deed of J. P. Coleman dated September 21, 1950 and recorded in the R. M. C. Office for Greenville County in Deed Book 420, at page 41.

This deed is made pursuant to resolution duly adopted by the Board of Directors of the grantor by a meeting thereof on October 8, 1955.

Together with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

To have and to hold all and singular the premises before mentioned unto the grantee(s) hereinabove named, successors, heirs and assigns forever.

And the said granting corporation does hereby bind itself and its successors to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and their successors, heirs and assigns, against itself and its successors, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

In witness whereof the said granting corporation has caused its corporate seal to be hereunto affixed and these presents to be subscribed by its duly authorized officers, on this the 8th day of October in the year of our Lord one thousand, nine hundred and fifty-five, and in the one hundred and eightieth year of the Sovereignty and Independence of the United States of America.

SPECIALTY HARDWOODS, INC.,
By JAMES P. COLEMAN,
President.
G. P. STANLEY,
Secretary.

Signed, sealed and delivered in the presence of:

FLORA K. HAYES.
MARTHA ELLEN LEATHERS.

STATE OF SOUTH CAROLINA, *County of Greenville.*

Personally appeared before me Martha Ellen Leathers and made oath that she saw J. P. Coleman as President and G. P. Stanley as Secretary of Specialty Hardwoods, Inc., a corporation chartered under the laws of the State of South Carolina sign, seal with its corporate seal and as the act and deed of said corporation deliver the within written deed, and that she, with Flora K. Hayes, witnessed the execution thereof.

Sworn to before me this 8th day of October, A.D., 1955.

E. HOUSTON, Jr.,
Notary Public for South Carolina.

Attest:

MARTHA ELLEN LEATHERS.

Recorded October 10th, 1955 at 4:57 P.M. #26398.

EXHIBIT NO. 2

TITLE TO REAL ESTATE BY A CORPORATION

(Prepared by Haynsworth, Perry, Bryant, Marion & Johnstone, Attorneys at Law, Greenville, S.C.)

(Book 680, page 541)

STATE OF SOUTH CAROLINA,
County of Greenville.

Know all men by these presents that the South Carolina National Bank of Charleston (Greenville, South Carolina), as trustee under the will of Fred W. Symmes, deceased, banking association, organized and existing under the laws of the United States of America, for and in consideration of the exchange of real estate valued at Eight Thousand and No/100ths ($8,000.00) dollars, to it in hand duly paid at and before the sealing and delivery of these presents by the grantee(s) hereinafter named, (the receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Carolina Vend-A-Matic Company, a South Carolina corporation:

All that certain piece, parcel or tract of land situate, lying and being on the Northern side of Watson Road and the Southern side of Lowndes Hill Road in the City of Greenville, County of Greenville, State of South Carolina, and having according to a plat prepared by Piedmont Engineering Service, dated May 29, 1961, entitled "Survey for Carolina Vend-A-Matic Company", the following metes and bounds:

Beginning at an iron pin on the Northern side of Watson Road at the joint corner of the premises herein conveyed and property of the grantee herein, and running thence with the line of said property of the grantee herein N. 3–00 E. 185 feet to an iron pin on the Southern side of Lowndes Hill Road; thence with the Southern side of Lowndes Hill Road S. 85–00 E. 325 feet to an iron pin at the joint corner of the premises herein conveyed and other property of the grantor herein; thence with the line of said property of the grantor herein S. 3–00 W. 309.1 feet to an iron pin on the Northern side of Watson Road; thence with the Northern side of Watson Road N. 64–20 W. 351.2 feet to the point of beginning.

This is a portion of the property conveyed to the grantor herein by deed of Lowndes Hill Realty Company, dated March 8, 1960, and recorded in the R.M.C. Office for Greenville County, South Carolina, in Deed Book 645 at page 519.

This conveyance is executed pursuant to the power of sale contained in the Will of the late Fred W. Symmes of record in the Office of the Probate Judge for Greenville County, South Carolina (Apartment 664, File 18).

The plat referred to hereinabove is recorded in the R.M.C. Office for Greenville County, South Carolina, in Plat Book zz at page 15.

Together with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

To have and to hold all and singular the premises before mentioned unto the grantee(s) hereinabove named, its successors, and assigns forever.

And the said granting corporation does hereby bind itself and its successors to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and its successors and assigns, against itself and its succeossr, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

In witness whereof the said granting corporation has caused its corporate seal to be hereunto affixed and these presents to be subscribed by its duly authorized officers on this the 11th day of August in the year of our Lord one thousand, nine hundred and sixty-one and in the one hundred and eighty-sixth year of the Sovereignty and Independence of the United States of America.

THE SOUTH CAROLINA NATIONAL BANK OF CHARLESTON (GREENVILLE, SOUTH CAROLINA), AS TRUSTEE UNDER THE WILL OF FRED W. SYMMES, DECEASED.

Signed, sealed and delivered in the presence of:

EDWARD S. HOWLE.
MARITA C. KELLY.

By JAMES R. GRAHAM,
Vice President and Trust Officer.
JAMES D. SHEPPARD,
Assistant Cashier.

STATE OF SOUTH CAROLINA, *County of Greenville.*

Personally appeared before me, Marita C. Kelly and made oath that she saw James R. Graham, as Vice President and Trust Officer, James D. Sheppard as Assistant Cashier of The South Carolina National Bank of Charleston (Greenville, South Carolina, as Trustee under the Will of Fred W. Symmes, Deceased, a banking association organized and existing under the laws of the United States sign, seal with its corporate seal and as the act and deed of said corporation deliver the within written deed, and that she, with above named, witnessed the execution thereof.

Sworn to before me this 11th day of August, 1961.

MARITA C. KELLY.

Recorded August 20, 1961 at 4:17 p.m. No. 5532.

EXHIBIT 3a

(Book 675, page 71)

TITLE TO REAL ESTATE

STATE OF SOUTH CAROLINA,
County of Greenville:

Know all men by these presents that R. F. Watson, Jr., same as Richard F. Watson, Jr., and Evelyn P. Watson in the State aforesaid, in consideration of the sum of Eight thousand and No/100ths (8,000.00) dollars, to the grantor(s) in hand paid at and before the sealing of these presents by the grantee(s) (the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto Carolina Vend-A-Matic Company:

All that certain piece, parcel or tract of land situate, lying and being in the City of Greenville, County of Greenville, State of North Carolina, and having according to a plat prepared by Piedmont Engineering Service, dated May 29, 1961, the following metes and bounds:

Beginning at a point in Watson, the joint corner with the Greenville Airport property, and running thence in Watson Road N. 62–20 W. 242.8 feet to a point; thence with the line of property now or formerly of The South Carolina National Bank, as Trustees under the Will of Fred W. Symmes, Deceased, N. 2–15 E. 549.7 feet to a point in or near the Southern edge of Lowndes Hill Road; thence N. 3–55 E. 25 feet to a point in the said Lowndes Hill Road; thence with the center line of the said Lowndes Hill Road S. 84–00 E. 216 feet to a point in the line of the Greenville Airport property; thence with the line of said Greenville Airport property S. 2–100 W. 671 feet to the point of beginning.

This is a portion of the property conveyed to the grantors herein by deed of R. F. Watson, dated February 1, 1952, and recorded in the R.M.C. Office for Greenville County, South Carolina, in Deed Book 450 at page 392, and subsequently conveyed to the grantors herein by deeds dated October 23, 1953, and February 20, 1956, and recorded in the R.M.C. Office for Greenville County, South Carolina, in Deed Book 488 at page 37, and in Deed Book 545 at page 479.

This conveyance is subject to the rights of way for the highways or roads as shown on said plat.

Together with all and Singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

To have and to hold all and singular the' said Premises before mentioned unto the grantee(s) herein above named its Successor and Assigns forever. And the grantor(s) do(es) hereby bind the grantor(s) and the grantor's(s') Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and the grantee's(s') Successors and Assigns against the grantor(s) and grantor's(s') Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness the grantor's(s') hands and seals this 31st day of May in the year of our Lord One Thousand Nine Hundred and Sixty-one.

R. F. WATSON, Jr.
RICHARD F. WATSON, Jr.
(Same as Richard F. Watson, Jr.)
EVELYN P. WATSON.

Signed, Sealed and Delivered in the Presence of

W. FRANCIS MARION.
FRED D. COX, Jr.

STATE OF SOUTH CAROLINA,
County of Greenville.

Personally appeared before me W. Francis Marion and made oath that he saw the within named grantor(s) sign, seal and as their act and deed deliver the within written deed, and that he, with Fred D. Cox, Jr. witnessed the execution thereof.

Sworn to before me this 31st day of May, A.D. 1961.

FRED D. COX, Jr.,
Notary Public for South Carolina.

Attest:

W. FRANCIS MARION.

RENUNCIATION OF DOWER

STATE OF SOUTH CAROLINA,
County of Greenville.

I, W. Francis Marion, a Notary Public for S.C., do hereby certify unto all whom it may concern, that Mrs. Lee Howard Watson, wife of the within named R. F. Watson, Jr., same as Richard F. Watson, Jr. did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto the grantee(s), its Successors and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under my hand and seal this 31st day of May, A.D. 1961.

W. FRANCIS MARION,
Notary Public for South Carolina.

Attest:

LEE HOWARD WATSON.

Recorded May 31st, 1961 at 4:45 P.M. #29687

EXHIBIT 3B

TITLE TO REAL ESTATE BY A CORPORATION

(Book 680—Page 542)

STATE OF SOUTH CAROLINA,
County of Greenville.

Know all men by these presents that Carolina Venda-A-Matic Company a corporation chartered under the Laws of the State of South Carolina and having its principal place of business at Greenville, in the State of South Carolina, for and in consideration of the exchange of real estate valued at Eight Thousand and No/100ths ($8,000.00) dollars, to it in hand duly paid at and before the sealing and delivery of these presents by the grantee(s) hereinafter named, (the receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the South Carolina National Bank of Charleston (Greenville, South Carolina), as trustee under the will of Fred W. Symmes, deceased:

All that certain piece, parcel or tract of land situate, lying and being in the City of Greenville, County of Greenville, State of South Carolina, and having according to a plat prepared by Piedmont Engineering Service, dated July, 1961, entitled "Property of F. W. Symmes Est.", the following metes and bounds:

Beginning at a point in Watson Road at the Southeastern corner of the premises herein described at the joint corner with property now or formerly of Greenville Airport, and running thence in Watson Road N. 62–20 W. 242.8 feet to a point; thence with the line of other property of the grantee herein N. 2–15 E. 549.1 feet to a point on or near the Southern edge of Lowndes Hill Road; thence N. 3–55 E. 25 feet to a point in Lowndes Hill Road; thence with the center line of said Lowndes Hill Road S. 85–50 E. 216 feet to a point in the line of property now or formerly of Greenville Airport; thence with the line of the said Airport property S. 2–00 W. 671 feet to the point of beginning.

This is the identical property conveyed to the grantor herein by deed of R. F. Watson, Jr., et al., dated May 31, 1961, and recorded in the R.M.C. Office for Greenville County, South Carolina, in Deed Book 675 at page 71.

This conveyance is subject to the rights of way for the highways or roads as shown on said plat.

The plat referred to hereinabove is recorded in the R.M.C Office for Greenville County, South Carolina, in Plat Book ZZ at page 15.

Together with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

To have and to hold all and singular the premises before mentioned unto the grantee(s) hereinabove named, its successors in office and assigns forever.

And the said granting corporation does

hereby bind itself and its successors to warrant and forever defend all and singular the said premises unto the grantee(s) hereinabove named, and its successors in office and assigns, against itself and its successors, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

In witness whereof the said granting corporation has caused its corporate seal to be hereunto affixed and these presents to be subscribed by its duly authorized officers, on this the 11th day of August in the year of our Lord one thousand, nine hundred and sixty-one and in the one hundred and eighty-sixth year of the Sovereignty and Independence of the United States of America.

CAROLINA VEND-A-MATIC COMPANY,
W. FRANCIS MARION,
President.
GEORGE E. MCDOUGALL,
Secretary.

Signed, sealed and delivered in the presence of:

ROBT. S. GALLOWAY, Jr.
FRED D. COX, Jr.

STATE OF SOUTH CAROLINA,
County of Greenville.

Personally appeared before me, Robt. S. Galloway, Jr. and made oath that he saw W. Francis Marion as President and George E. McDougall as Secretary of Carolina Vend-A-Matic Company, a corporation chartered under the laws of the State of South Carolina sign, seal with its corporate seal and as the act and deed of said corporation deliver the within written deed, and that he, with Fred D. Cox, Jr., witnessed the execution thereof.

Sworn to before me this 11th day of August A.D. 1961.

FRED D. COX, Jr.
Notary Public for South Carolina.

Attest:

ROBT. S. GALLOWAY, Jr.

Recorded August ------------------------

Mr. BAYH. Mr. President, I particularly thank my good friend from Nebraska at this time for his courtesy.

Mr. BAKER. Mr. President, the Senate has begun debate on the confirmation of Circuit Judge Clement Haynsworth to be an Associate Justice of the Supreme Court of the United States. It may seem odd that the debate has just begun since it has been raging for several weeks, virtually since the President's announcement of the nomination. But formal debate began on November 13.

The Committee on the Judiciary, by a vote of 10 to 7, has recommended the confirmation of Judge Haynsworth's nomination. It is now the duty of the full Senate to advise and consent or to withhold its advice and consent to the nomination. The vote will be very close, in all likelihood. The outcome may turn on one or two votes.

I hope, and I think, that Judge Haynsworth's nomination will be confirmed. He is an outstanding jurist and will bring balance and judgment to the Court.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 966) making further continuing appropriations for the fiscal year 1970, and for other purposes, and it was signed by the Acting President pro tempore.

(By order of the Senate, the following proceedings were conducted as in legislative session:)

APPOINTMENT OF ELLIS L. ARMSTRONG AS COMMISSIONER OF RECLAMATION

Mr. HRUSKA. Mr. President, the Bureau of Reclamation now has on the job a new Commissioner, Ellis L. Armstrong, who was appointed by President Nixon to succeed my fellow Nebraskan, Floyd E. Dominy, who retired from the Federal service on October 31, after 36 years of service.

Mr. Armstrong is a native of Utah but he has worked for the Bureau of Reclamation in Nebraska, and I have noted an editorial from the people who know him best, down in the southwest corner of the State. The McCook Daily Gazette, whose editor is Allen D. Strunk, is the voice of the Republican River Valley and it was particularly gratifying to me to read an editorial in the paper's edition of October 24.

The headline is, "Ellis L. Armstrong Appointment Pleasing," and I want to say it is pleasing to me as well. I have full confidence that he will carry on in the best tradition of the Bureau of Reclamation in developing the water resources of Nebraska and all of the West.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ELLIS L. ARMSTRONG APPOINTMENT PLEASING

Southwest Nebraska and Northwest Kansas is pleased and fortunate in the appointment of Ellis L. Armstrong as Commissioner of the Bureau of Reclamation.

The appointment of this man is gratifying to this part of the country because of his fine character and ability but particularly because we consider him a Nebraskan even though his native state is Utah.

From 1948 to 1954 Mr. Armstrong was project engineer at Trenton Dam. During that time many persons in the McCook and Trenton areas grew to know, respect and admire Mr. Armstrong and his family.

With the completion of the Trenton project, he went on to other accomplishments and became Deputy Project Manager for consultants working for the Power Authority of New York State on the St. Lawrence Power and Seaway project. He returned to Utah in 1957 to become director of highways, Utah State Road Commission, and held this position until he was named Commissioner of Public Roads, U.S. Department of Commerce.

Since May 1968 he has been assistant regional director of Region IV including parts of Utah, Nevada, Wyoming, Colorado and Arizona with headquarters in Salt Lake City.

Among his honors is being the 29th person ever elected and elevated to national honorary membership in Chi Epsilon, national civil engineering fraternity.

Mr. Armstrong fills the seat held by Floyd E. Dominy, formerly of Hastings, who like Armstrong has had a warm spot in his heart for the reclamation interests of Nebraska and Kansas.

Mr. Armstrong's appointment is indeed pleasing to this area and puts two former Nebraskans in key positions, the other being former University of Nebraska Chancellor Clifford Hardin now Secretary of Agriculture.

We are confident both will continue doing outstanding jobs in serving the nation and this area.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask unanimous consent that all committees be permitted to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROSPECT FOR VIOLENCE IN THE ANTIWAR DEMONSTRATIONS

Mr. BYRD of West Virginia. Mr. President, there have been persistent rumors that violence will accompany the 3 days of antiwar demonstrations which are scheduled to begin here this evening.

These rumors were attributed by Dr. Benjamin Spock on November 8 to an effort by the Government to scare people away from Washington. Spock was quoted in the Washington Post on November 9, 1969, as saying:

> The government is trying in every way to intimidate people who are coming here to protest against the war.

Dr. Spock is totally wrong. The rumors have persisted, not because the Government is trying to scare anyone, but because of the extremely violent nature of some of the groups which are planning to participate in the moratorium.

These groups run the gamut of left-wing extremism, and the well organized and disciplined to fairly new brands of revolutionaries who have hastily gathered together and assumed catchy names for the convenience of identification in the press.

They are all planning to come, Mr. President—the Trotskyite Young Socialist Alliance, Weathermen, the Crazies, the Mad Dogs, the Yippies, the Anarchists, the W. E. Dubois Clubs, and Youth Against War and Facism.

I am not talking about earnest young people or older persons who believe that, by their participation, they are fulfilling their constitutional obligation as citizens. I have reference, instead, to those for whom the politics of confrontation is an end in itself and for whom violence is an instrument to be used in reaching their goal—a goal nothing less than the destruction of an orderly society and constitutional government.

These factions and certain others seek only to exploit the emotional issue of the war. While their ideological beliefs may differ, they are united in the cause of destroying our established institutions and replacing them with anarchy or a totalitarian regime.

They are, of course, going, as it were, after an elephant with a peashooter. And they will not, of course, succeed in their effort. But, as these radicals of the lunatic fringe go about their business, they may succeed in causing innocent people to be hurt.

I note that the so-called "respectable" elements behind the moratorium are already trying to disassocate themselves from any violence which may break out here either during or after the main demonstration. Pontius Pilate set a precedent for this kind of hand washing, Mr. President, and as we all know, he was not absolved for his actions. The New Mobe and anyone else who played a part in organizing the demonstration should be held to account for attracting and supporting these dregs of the New Left.

Spokesmen for Weathermen and the Yippes are being quoted now as saying that they intend to refrain from violence during the moratorium. But neither of these groups has displayed one iota of sanity or sincere conviction over any issue in the past and all of their activities heretofore have been marked by irrationality and violence. So, I think it will be quite out of character if neither organization is capable of containing itself during the 3 or more days of demonstrations which lie ahead.

I would like to call attention to the widely circulated Evans-Novak newspaper column which appeared locally yesterday in the Washington Post. In the column, Messrs. Novak and Evans warned:

> The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since last summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.
>
> Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American *far* left.
>
> Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

After explaining the planning role for the moratorium which has been played by the Communist Party, U.S.A., and by the newly invigorated Communist Trotskyite movement, Evans and Novak stated that extremists in the antiwar movement have prepared "wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy."

As best I have been able to learn, Mr. President, the Justice Department and the South Vietnamese Embassy are still likely targets of the extremists.

A coalition of 30 radical groups, calling itself the Revolutionary Contingent, reportedly plans to rally at Dupont Circle tomorrow evening and then march on the South Vietnamese chancery at 2251 R Street NW., to serve an "eviction" notice on the occupants.

There have been reports that one revolutionary group from New York City would like to blow up the embassy. That might have sounded a little farfetched a couple of weeks ago, but after the four serious bombings of buildings in New York City yesterday, we can believe that there are people who might go to such extremes.

It is not clear as to just what is in store for the Justice Department on Saturday evening following the mass rally on the Ellipse.

On October 30, 1969, the Liberation News Service—which provides news for the underground press—reported that plans are being made for an attack on the Justice Department. I should like to quote a few paragraphs from the Liberation News Service story:

> NEW YORK.—Get your red flags ready and come to Washington, D.C. on November 15. Plans are being forged for a militant "red flag" contingent to participate in the massive anti-war demonstration in Washington and to add an additional action: an attack on the headquarters of the Department of "Justice." . . .
>
> The SDSers in Newark expect to organize an anti-imperialist presence within the main march on Saturday, November 15. This contingent will march together in a disciplined way, bearing red flags, NLF flags and other banners showing solidarity with the Vietnamese people . . .
>
> During the big rally, the Red Flag contingent will constitute an agit prop (agitation-propaganda turn-on) unit to work to bring people to the Justice Department.

Mr. President, I understand that many citizens have deep convictions concerning the war. I, too, would like to see it come to an end.

The moratorium, however, will not stop the fighting. It may even prolong it because the antiwar demonstrations give direct encouragement to the Communist forces in Vietnam. This encouragement was summed up in a nutshell on October 22, 1969, in a broadcast of the National Liberation Front's clandestine radio station in South Vietnam. The NLF said:

> The American people's brilliant success of the 15 October movement is a source of strong encouragement to our troops and people.

The fact of giving encouragement to the enemy should, in itself, deter Americans from participating in the moratorium, Mr. President.

I should also think that well-meaning citizens would want to stay out of Washington so as not to further the destructive goals of many of the moratorium planners.

There is the real possibility of violence. The Federal Government did not invent Weathermen or the Yippies. It did not conjure up the Revolutionary Contingent. Such groups are inherently vicious and existed for no good purpose. Their primary goal is destruction and violence, and, while moratorium leaders may wish to disavow them, they are very much a part of the moratorium.

Mr. President, I do not wish to predict violence during the moratorium. I hope that it will pass peacefully. But I believe that the record and the published statements of certain extremist groups in the antiwar movement give us clear warning that we need to take every precaution against the possibility of trouble.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HRUSKA. Mr. President, it was with interest that I listened to that part of the statement of the Senator from West Virginia pertaining to violence and, at least, the natural appearing setup that is being created by the perpetration of violence and our concern for it.

It was with some curiosity that I listened to a former Attorney General of the United States of America on the television, I believe it was last night, in which he deplored the idea of saying that violence is going to come out of this meeting.

Apparently it was the thought of this former Attorney General that because it was the honest opinion of a present Deputy Attorney General of the United States that such violence will come about, and he says so and takes the precautions that he believes are necessary to deal with that situation, that that kind of talk will result in violence rather than avoiding and preventing it.

My thoughts went back to October 1967, when the Department of Justice under a different administration was in charge of things and plans that were submitted for the march on the Pentagon. And assurances were given that there would be no violence, that ground rules were established, that there were things that they would do and would not do, and that they would not go beyond certain lines of demarcation, and so forth. However, notwithstanding those assurances, violence did occur. And this Nation was submitted to the shame of the world because it was not able even to protect the sanctity of peace and order around its military headquarters in the Nation's Capital.

I wonder if that is not the same type of thing that the Senator from West Virginia is exercised or is certainly, at least, concerned about now, that it is nice to think in terms of coming events in a Pollyanna way, but at the same time it is well to have a little dry powder on hand and a little flint to insert in the powder horn just in case.

Would that be in line with the thinking the Senator from West Virginia has in mind with respect to the present situation?

Mr. BYRD of West Virginia. Mr. President, the Senator is correct. It would be.

I heard the same former Attorney General last night on television. My thoughts went back to Resurrection City which was set up during his tenure of office as Attorney General.

Mr. HRUSKA. Mr. President, I think we should have every sympathy for those who honestly, lawfully, and peacefully demonstrate and petition their government and make their feelings and sentiments known. However, we ought to be a little realistic about it and not criticize those in charge now who are trying to be realistic and trying to do the things that they are entitled to do under the circumstances.

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

CONSULTATION WITH SENATE ASKED ON STRATEGIC ARMS LIMITATION TALKS

Mr. PELL. Mr. President, there seems to me a contradiction between the action of the White House of yesterday, preventing the Committee on Foreign Relations from being consulted or briefed concerning the Helsinki Strategic Arms Limitation talks, and the President's statement to us of today that he intends to set up a procedure to consult with the Senate concerning the conclusion of international agreements.

I would hope today's view would prevail and steps would be taken to insure that the Senate is consulted and briefed concerning SALT.

In this connection, it certainly seems incongruous that 14 NATO nations are to be briefed tomorrow by our negotiators, although we in the Senate, who will eventually have the responsibility of consenting to whatever may be the eventual treaty, are not being briefed.

NEW MOBILIZATION MARCH IN WASHINGTON

Mr. PELL. Mr. President, during the Vietnam moratorium last month, millions of Americans took part in peaceful, orderly rallies and meetings to express their strong desire for an early end to the war in Vietnam.

I supported the goals of the October moratorium, and I support now the goals of the moratorium activities planned for today and tomorrow. If the activities planned for this week by the Vietnam moratorium committee are conducted in the same responsible and orderly manner, they can contribute much to the national dialog on this vital issue.

I must say, however, that I am concerned over the plans announced by a new and separate organization, the New Mobilization To End the War in Vietnam, for a massive march in Washington on November 15. I am concerned because this march, I believe, poses a greater risk of violent confrontation, and because the New Mobilization includes some of the more radical and militant organizations and individuals, such as the Young Trotskyites and the radical faction of the Students for a Democratic Society, who have in the past sought or welcomed physical confrontations as a tactic.

I am concerned, too, over the possible results of such a massive march in Washington, with participation by these more radical groups, particularly in the atmosphere of polarization of opinion that has developed since the recent speeches by the Vice President and the President.

In the interests of the peace we all seek, I earnestly hope there will be no violence and no disorder. I would also emphasize that not only do I oppose the use of force or violence in these rallies and meetings, but I believe that if any violence develops, it will seriously damage the ability of those who seek an early end to the war, to influence and guide American public opinion.

I say this as one who has long opposed the war in Vietnam and who believes its basic premises are incorrect. And I speak as one who has submitted, with the Senator from New York (Mr. JAVITS) a resolution calling for the withdrawal of our combat troops by the end of next year, for the termination of the Tonkin Gulf resolution, and for cooperative international efforts to provide asylum for South Vietnamese citizens whose lives might be placed in jeopardy by withdrawal of our troops.

During the moratorium period, I shall be attending to my Senate duties in Washington, and shall be more than happy to receive any of our Rhode Island citizens who may be here in connection with moratorium activities.

(This marks the end of the proceedings which, by order of the Senate, were conducted as in legislative session.)

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in executive session, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 59 minutes p.m.) the Senate, in executive session, adjourned until tomorrow, Friday, November 14, 1969, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate November 13, 1969:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

George M. Low, of Texas, to be Deputy Administrator of the National Aeronautics and Space Administration, vice Thomas O. Paine, elevated.

HOUSE OF REPRESENTATIVES—*Thursday, November 13, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The salvation of the righteous is of the Lord: He is their strength in the time of trouble.—Psalm 37: 39.

O God and Father of us all, from whom all thoughts of truth and peace proceed, kindle in our hearts and in the hearts of all men a true love for peace. Guide with Thy wisdom all who are leading our Nation in these critical days, that justice may be our rule, good will our spirit, peace our aim, and liberty our very life. Breathe upon us, Breath of God, revealing Thy way and giving us courage to walk in it.

We pray for those in the Armed Forces of our country and for our veterans everywhere. Particularly do we pray for our prisoners of war. In their loneliness make them aware of Thy presence, in their suffering give them to realize Thou art their refuge and strength, in their hopelessness may they find hope in Thee. With all our hearts we pray that ere long they may be released and find joy in a reunited family life and in living again in a free land.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On October 30, 1969:

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities; and

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

On October 31, 1969:

H.R. 12982. An act to provide additional revenue for the District of Columbia, and for other purposes.

On November 4, 1969:

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; and

H.R. 11609. An act to amend the act of September 9, 1963, authorizing the construction of an entrance road at Great Smokey Mountains National Park in the State of North Carolina, and for other purposes.

On November 6, 1969:

H.R. 5968. An act to amend the act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962;

H.R. 9946. An act to authorize and direct the Secretary of Agriculture to execute a subordination agreement with respect to certain lands in Lee County, S.C.;

H.J. Res. 910. Joint resolution to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam.

On November 10, 1969:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14159. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14159) entitled "An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. RUSSELL, Mr. McCLELLAN, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG of North Dakota, Mr. HRUSKA, Mr. MUNDT, and Mrs. SMITH of Maine, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2864) entitled "An act to amend and extend laws relating to housing and urban development, and for other purposes," agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. BROOKE, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) entiled "An act to establish a Commission on Government Procurement."

ANNOUNCEMENT OF VISIT TO THE HOUSE BY THE PRESIDENT OF THE UNITED STATES

(Mr. ALBERT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I take this time to advise the membership that the President of the United States will be in the Capitol this afternoon; that he will visit the House of Representatives; and that we will be very happy to receive him in the House.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 269]

Abbitt
Ashbrook
Barrett
Brademas
Brock
Brooks
Brown, Calif.
Buchanan
Cahill
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cohelan
Culver
Dawson
de la Garza
Denney
Dingell
Eshleman
Flowers
Flynt
Ford, William D.
Frey
Fuqua
Garmatz
Gaydos
Green, Pa.
Hanna
Heckler, Mass.
Hicks
Hosmer
Howard
Ichord
Jones, Tenn.
Kirwan
Lipscomb
McKneally
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Mikva
Morse
Morton
Murphy, N.Y.
Nichols
Nix
Pepper
Powell
Rees
Rosenthal
Sandman
Scheuer
Shipley
Springer
Stuckey
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Wilson, Charles H.
Wylie
Wyman
Young

The SPEAKER. On this rollcall, 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TWENTIETH SEMIANNUAL REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

To the Congress of the United States:

I am transmitting herewith the Twentieth Semiannual Report of the National Aeronautics and Space Administration, covering the period July 1 through December 31, 1968.

This account encompasses the tenth anniversary of the National Aeronautics and Space Administration and includes space flight activities through the pioneering flight of Apollo 8. During this decade, we have successfully met many challenges and have achieved significant progress in our ability to utilize space for practical applications, scientific exploration, and expansion of man's frontiers.

We have subsequently landed astronauts upon the Moon, explored its surface, and returned these men to Earth. This historic event was made possible because of the solid foundation of a broad range of earlier activities, and through the skill and dedication of the many contributors to our space program.

I am pleased to forward this report to the Congress as part of the continuing record of our progress in space.

RICHARD NIXON.

THE WHITE HOUSE, *November 13, 1969.*

COMMITTEE TO ESCORT THE PRESIDENT INTO THE CHAMBER

The SPEAKER. The Chair appoints the gentleman from Oklahoma (Mr. ALBERT) and the gentleman from Michigan (Mr. GERALD R. FORD) to escort the President of the United States into the Chamber.

VISIT BY THE PRESIDENT OF THE UNITED STATES

At 12 o'clock and 49 minutes p.m. the President of the United States, preceded by the Doorkeeper (Hon. William M. Miller) and accompanied by the committee of escort, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My distinguished colleagues of the House of Representatives, to the 80th Congress from a congressional district in California there came to the membership of this body a Member who served with distinction, who served as a Member of the other body, as Vice President of the United States, and is now the Chief Executive of our country. I assume that we will be able to read his mind that his heart is in the House.

We are honored in the House of Representatives to receive you, Mr. President.

It is a great honor and a high privilege, my colleagues, to present to you the President of the United States.

[Applause, the Members rising.]

The PRESIDENT of the United States. Mr. Speaker, my colleagues in the House of Representatives, I do feel very much at home in this House. My heart is truly in this House, because, as the Speaker has so very generously indicated, my first service in Government was here 22 years ago.

I have come here today for an unusual purpose, perhaps an unprecedented purpose. If it is, and can be expressed quite briefly, I want to express appreciation to the Members of this House, the Members of both sides of the aisle, for their support of a just peace in Vietnam.

Yesterday I was informed by a bipartisan group from the House of Representatives that over 300 Members of the House had joined in sponsoring a resolution for a just peace in Vietnam along the lines of the proposal that I made in a speech on November 3.

As I saw that resolution, I realized its great significance, its great significance from an historical standpoint and its great significance in terms of the effect it might—and I believe could—have in hastening the day that that just peace may come.

First, from an historical standpoint, if I could be permitted to reminisce for a moment, 22 years ago in this House, the breakdown on the Democratic and Republican side was approximately the opposite of what it is today. In the 80th Congress, it was 3-to-2 Republican, and today in this Congress it is 3-to-2 Democrat.

I remember in that period immediately after World War II, there were those who thought that with the President being a Democrat—Harry Truman—and the Congress being Republican, that this would mean that the United States in the critical areas of foreign policy, when it was vitally important to have a consistent foreign policy, would not speak with one voice to the world. And even one critic, a Member of the other body, suggested that President Truman should resign so that there could be a Republican President working with a Republican Congress.

Those predictions of division on the great issues of national security and foreign policy proved to be wrong. They proved to be wrong, and those of you who were in the House then will remember that on those great initiatives which were recommended to the country and to this House and to the other body by President Truman—the Greek-Turkish aid program, the Marshall plan, NATO—received the support not only of the majority of Democrats, but of the majority of Republicans.

As a result, America adopted policies then that, in my opinion, have been the primary factor in stopping the aggression that could have taken place, particularly through Europe in that period, and in avoiding a world war over these past 22 years.

And now today, we face a different situation, a situation of a Republican President and a Democratic House and a Democratic Senate. And the question arose at the beginning of this administration as to whether or not this could be the kind of Government, the kind of leadership, that the Nation needed in a period of very great problems abroad as well as at home.

I want to be quite candid with regard to the relationship of the President with the House of Representatives and with the Senate when it is under the control of the other party. As one who has been a Member of both bodies, I understand and I respect differences of opinion in both foreign and domestic policy.

As one who has been a Member of both bodies, I understand and respect the fact that particularly in domestic policy, there will be occasions when the administration will not be able to get perhaps the support for its programs that it might get if it controlled the majority of its own party on this side of the aisle.

But I also know this—and this goes back to that 22 years ago—I do know that when the security of America is involved, when peace for America and for the world is involved, when the lives of our young men are involved, we are not Democrats, we are not Republicans, we are Americans.

I do not suggest by that remark that there should be no criticism and no division with regard to foreign policy, because we need the constant discussion which produces superior ideas that come from debate and from constructive suggestions.

But I do know that when the great issues are involved, that in this House, that what happened yesterday with that announcement on the part of Members of both sides of the aisle of well over a majority supporting the policy of the President of the United States, I realize that that was in the great tradition of this country.

Mr. Speaker, if I could be permitted just one closing and personal note, one in reminiscence and one with regard to the present, I look over this House and I see some older Members, a few who were here then. I see many younger Members. I can imagine that some of the younger Members perhaps are frustrated by their committee assignments and are wondering when they are going to get the positions of leadership.

To give you some encouragement, I recall that when I came to the House I was assigned to the Committee on Education and Labor, and there were a number of new Members on both the Republican and Democratic side assigned in that 80th Congress to the Committee on Education and Labor.

The new Members drew straws to see what positions they would have in the seniority. On the Republican side I drew the last straw. I was the 15th member of the committee. On the Democratic side, a young Congressman, a war veteran from World War II from Massachusetts, drew the last straw, John F. Kennedy.

I can only suggest to those who think sometimes that the luck of the draw is not with them, that we both did rather well politically.

But more important, the record will show that John F. Kennedy and Richard Nixon—on those great issues in that 80th Congress and in the 81st Congress, involving security of the Nation, involving foreign policy—voted together.

Now, a personal word with regard to the present. I realize that Members of this House receive great numbers of letters on the great issues of the day. Some of them are quite partisan and some of them are stimulated and some of them come from the hearts of the people who write them. There are two, very briefly, that I would read to you that express the sentiments that I was trying to express on November 3, and I think express the sentiments of most of the Members of the House.

One is from Pittsburgh, Pa.:

> DEAR MR. PRESIDENT: A brave man, a splendid son, a devoted husband and father, Warrant Officer Robert Satterfield, was killed in Vietnam, April 16, 1969. His parents strongly support your plan to Vietnamize the war. One of Bob's taped messages to his family from Vietnam said: "We are not here to quarrel as to whether or not we should have entered the war, as only history may disclose the validity. We do have a purpose of keeping a nation of people free from aggression and we work with the trust that our children will remain free."
>
> "Monday evening you echoed Bob's wishes and we urge you to maintain your commitment and be as flexible as need be, that our son's life and that of others was not in vain."

The other letter comes from Colorado. It reads:

> DEAR PRESIDENT NIXON: As a registered Democrat who did not vote for you in 1968, and a father with a son in Vietnam, I want you to know that I am in back of you 100 percent in your stand on this crisis. I feel like you are acting like an American and you can count on me telling other people that I feel this way.

So to my colleagues in the House I say: History will look back on this period in the House of Representatives and it will judge us and judge those of us in the executive branch as to our leadership. In a way the problem that you confront was more difficult than that we confronted in the 80th Congress 22 years ago, because then the lines were more clearly drawn.

Today we have a war that is difficult, that is controversial. But in the pursuit for peace, we can act and I believe we should and will continue to act, with a majority of Americans supporting a just peace. I can say as I stand here today, I believe that we will achieve a just peace in Vietnam. I cannot tell you the time or the date, but I do know this: That when that peace comes, that it will come because of the support that we have received, not just from Republicans, but from Democrats, from Americans in this House and in the other body and throughout this Nation.

And history will record that the United States of America, in a period of crisis, in a period of controversy, met the challenge of greatness and that the representatives of the people thought of themselves as Americans, put their country first rather than their party first in the great tradition of this House.

Thank you.

[Applause, the Members rising.]

At 1 o'clock and 6 minutes p.m., the President of the United States, accompanied by the Committee of Escort, retired from the Hall of the House of Representatives.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE REPORT ON H.R. 14741, FEDERAL AID HIGHWAY ACT OF 1969, UNTIL MIDNIGHT FRIDAY

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Friday to file a report on the bill H.R. 14741, the Federal Aid Highway Act of 1969.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR AD HOC SUBCOMMITTEE ON URBAN GROWTH TO SIT DURING GENERAL DEBATE TODAY

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that the Ad Hoc Subcommittee on Urban Growth be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON BILL FOR THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year 1970.

Mr. **MINSHALL** reserved all points of order on the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON SPACE SCIENCE AND APPLICATIONS TO SIT FOR 1 HOUR DURING GENERAL DEBATE THIS AFTERNOON

Mr. **KARTH**. Mr. Speaker, I ask unanimous consent that the Subcommittee on Space Science and Applications may be permitted to sit this afternoon during general debate for 1 hour.

The **SPEAKER**. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL PLEBISCITE RECOMMENDED

(Mr. **WOLFF** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **WOLFF**. Mr. Speaker, since all points of view regarding war and peace in Vietnam are claiming for themselves, the title of "silent majority," I believe that there is only one certain way for determining what the American people really want.

Therefore, today I have introduced a "sense of Congress" resolution which asks that a national plebiscite be conducted in which all voters eligible to vote in a presidential election would participate. In addition the resolution would allow for the participation of the 18- to 21-year-olds who have such a great stake in the conduct of this war.

Therefore, Mr. Speaker, while the President has one assumption about public opinion, while many of us here in the Congress have a different assumption, and while the polls are truly inconclusive, there is only one way we can settle this issue. Let it be the "sense of Congress" that a national plebiscite be conducted on the question of this war at the earliest possible moment.

IN MEMORY OF CAPT. LOUIS SUSTERSIC, A GREAT AMERICAN

(Mr. **HAYS** asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. **HAYS**. Mr. Speaker, this afternoon at 2 o'clock, in the rolling hills of eastern Ohio, will be buried a boy whom I appointed to West Point. Of the 21 boys whom I have appointed, this is the only one whom I have known since he was a little boy, all of his life, a neighbor.

He was a captain in the Army. I called his brother this morning, his twin brother, and I said, "Ed, I am sorry I appointed him."

He said, "Don't be sorry. He wanted it. It was his life. He loved it. He had been in Vietnam 8 months. He wrote in his letters to us that he was doing his job, and that it was a job that needed to be done."

His name is Capt. Louis Sustersic—a great American.

THE BIPARTISAN RESOLUTION

(Mr. **WRIGHT** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **WRIGHT**. Mr. Speaker, the bipartisan resolution which 100 of us introduced last week expressing support for the President in his efforts to negotiate a just peace in Vietnam, now has more than 300 cosponsors in the House.

This represents, of course, more than two-thirds of the membership of the House. Among them, these 300 Congressmen represent some 140 million Americans for whom we are their chosen spokesmen.

As of today, a majority of the Democratic Members and a majority of the Republican Members are cosponsors of this resolution.

Taken simply as an expression of this many duly elected Members of the U.S. House of Representatives, the resolution is already a commanding and persuasive statement of the firm, undergirding spirit of unity which truly exists in this country despite the loud and clamorous protests which give a superficial appearance of disunity.

The need for such an expression was brought home to me by an editorial which appeared in the Fort Worth Star-Telegram on October 17. The editorial, written by my good personal friend, Editor Jack Butler, called for "national leadership in some effort to give visible strength" to the position and convictions which unquestionably are held by a majority of the American people. Under the unanimous consent request, I am including a copy of that editorial for printing at this point in the CONGRESSIONAL RECORD:

NIXON SUPPORTERS NEED ORGANIZATION

"I read your editorial ('Pullout Opponents Should Speak Now')," the voice on the phone said. "What do you suggest we do?"

It is a quandary in which many of us who back the President find ourselves. We suspect that most of the American people strongly oppose the things that are happening which seem to undermine us in Paris and on the battlefield. We suspect that we who are with Mr. Nixon are not as vocal and therefore less visible on the national scene. But we really don't quite know what to do.

A story in the Star-Telegram a few days ago told of the well-financed organization behind the moratorium. Money has been available for long-distance telephone calls, for clerical help, for printing, for all the things a well-run campaign needs to give it a national character.

We must also admit that behind the movement was the enthusiasm of many bright young people who so bitterly object to the horror of Vietnam.

Actually, all of us want out—and surely if there is a person in the country who wants out more than all the rest of us, it must be President Nixon. His hopes for his administration and his political future hang on getting out. President Johnson's administration was wrecked on the same rock.

But both of these men have had to face up to the truth that if we walk away we condemn thousands, perhaps millions, who trusted us to a reign of terror. They have had to face the fact that a victory by our ideological enemies always means that the next step is immediately taken, and that little by little the perimeter of freedom shrinks. The alternative is to take a stand—and stand there.

There are those who answer that by saying that monolithic international communism—if ever it was actual—now is certainly a myth, and decry the domino theory as false. But if this is true, it would be hard to convince the people of Cuba, of South Vietnam, of Laos, of Czechoslovakia.

All of this doesn't answer the question: What can we do to show our support of the President?

The answer seems to be that we need national leadership in some effort to give visible strength to our position. The President is to make a speech Nov. 3 to show his position on Vietnam. Perhaps this is the time he should suggest to us how we might rally around his position.

Perhaps Fort Worth could be the starting point. Perhaps those who supported Mr. Nixon and Senator Tower and Representative Wright could get together and call on them to suggest an organized way. We would be asking leadership from our leaders.

A small sidelight in the moratorium might suggest something to us. A few men—perhaps 15—in one unit in Vietnam went out on patrol wearing black armbands to show their support of the movement. In no other unit was there such a demonstration. Obviously, then, someone in that unit who cared enough organized it.

Does it suggest something to you, President Nixon? Does it suggest something to you, Senator Tower? Does it suggest something to you, Congressman Wright? Does it suggest something to you, voters of Fort Worth?

It should.

PRESIDENT NIXON

(Mr. **ADAIR** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ADAIR**. Mr. Speaker, in his remarks just concluded, the President of the United States made reference to certain historical incidents.

I think we can properly say that today was another such historical incident. In his quite informal appearance before this body, the President came to express his appreciation for something that was done here, and as he pointed out, cooperatively by Members of both sides of the aisle. I am sure that I express the appreciation of all for the fact that the President did take the time to come here and address us as he did today.

CLEVELAND BACKS PRESIDENT

(Mr. **CLEVELAND** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **CLEVELAND**. Mr. Speaker, it was good to welcome the President in this Chamber today. It was good to hear him reaffirm that great American doctrine: politics stops at the shoreline; we stand as one people where the defense of our country and the pursuit of peace are concerned.

As one of the original 100 cosponsors of the resolution supporting the President's efforts to win peace in Vietnam, I am proud to give him my warm support. With his Nation united behind him, the President will be able to lead us to peace with justice.

The resolution should be passed speedily to stand as a symbol for all the world to see, particularly our adversaries.

Mr. Speaker, I want to take this opportunity also to salute the gentleman from Texas (Mr. WRIGHT) who is the prime mover behind the resolution. He is a great legislator who has contributed to the welfare of his country through this resolution at a very critical point in history. I am proud to be associated with him in this totally bipartisan, wholly American effort to win peace with justice.

PRESIDENT NIXON'S MESSAGE TO THE HOUSE, NOVEMBER 13

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, the House was privileged this afternoon to witness the exercise of Presidential leadership at its best. In an unannounced but highly appropriate visit to the Chamber where he sat as a freshman Representative 22 years ago, President Richard Nixon gave symbolic and literal emphasis to the initiative he took in his nationally televised address of November 3, in rallying bypartisan support for our Government's Vietnam policy. He reaffirmed the great lesson Americans learned in the days of the Truman administration after World War II—that when the great issues of war and peace are involved, we are neither Republicans nor Democrats but Americans. The standing ovations which he received bore eloquent testimony to the feelings of this House, and I would go further, I would say that if the American people had been able to watch this speech live on their television sets, there would have been standing ovations in living rooms across the land.

Once again the President made clear that a just and lasting peace will not be easily or automatically achieved, that there remain ahead of us days and months of uncertainty in the search for an honorable end to the Vietnam conflict. But he made the point that this endeavor cannot succeed if it is to be a Republican effort, a partisan effort, and I personally am very glad that the House responded with such unity and feeling on this critical question. We must not and we do not seek to avoid discussion, to silence dissent, but we have reaffirmed that this discussion will be conducted in good faith that the purpose of our Government on this question is clear, and its end honorable. I thank the House for this expression of support for the spirit of a bipartisan approach to peace.

Mr. Speaker, the President of the United States honored us by his presence here this afternoon. I think I speak for more than one when I express the hope that we might honor the spirit he invoked as we continue our deliberations on these great issues of war and peace.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, I arrived in the Chamber a few moments ago too late to answer to my name, but not too late to hear the historic impromptu address of the President of the United States. Mr. Nixon not only makes me proud to be a Republican, but deeply proud to be an American citizen. Mr. Speaker, it is increasingly clear that there is, indeed, a silent majority in support of the President's policy of peace with honor in Vietnam. We, the people, salute our President, and are deeply grateful for his leadership in this troubled time.

PRESIDENT NIXON'S ADDRESS

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, the President of the United States literally "came back home" today, in a visit to the House of Representatives which he loves and respects. He did not read a speech. There was no written text before him. He spoke personally, directly, and sincerely about the search for peace, and the need for unity in our foreign policy.

Mr. Speaker, there have been many considerations which have divided and frustrated this Nation. The President, in a calm, deliberative manner has tried to put out the fires and quiet the fears. He is accomplishing the task, not by limiting dissent, but by emphasizing areas of agreement, not by shutting off the engines, but by steering the ship of state to quieter, more productive directions.

The President's remarks today go far beyond foreign policy. He knows that unreasonable confrontation on Vietnam contributes to unrest which makes it impossible to move forward in solving America's domestic problems. The physical law of action and reaction applies to human nature. In human affairs we call the reaction "backlash." Somewhere in between is the harmony, without which we cannot achieve our national goals.

In its own reaction to the short address today, the House has told the President that we are behind him, and with him in his goals for peace, and for a better America.

SUPPORT FOR PRESIDENT

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, the time has come for all Americans to unite in support of our President in his quest of a just and honorable resolution of the conflict in Vietnam.

Since the opening days of his campaign, President Nixon has clearly stated that the first priority of his administration is to bring an honorable peace to Southeast Asia. He has gone to extraordinary lengths to convince Hanoi and the world of the sincerity of our desires to settle the war on reasonable terms.

The great silent majority of Americans that support the President's course are beginning to be heard and seen. The Veterans Day observances were noteworthy examples of patriotic displays of support for our fighting men and the President's policies. The resolution originally introduced by my colleague the gentleman from Texas (Mr. WRIGHT), reflects the feelings of most Americans, and I am honored to be included on the list of cosponsors that now totals over 300.

Since the President's talk to the Nation on November 3, the mail from our constituents is overwhelming in support of his policies for peace. Our responsibility in the Congress is to represent these people without making it necessary for them to resort to mob action and verbal attacks on our governmental leaders.

There are some who will take to the streets in opposition to the President's policy and demand an immediate withdrawal of all our troops regardless of the consequences. This group even has the effrontery to carry the names of those who have died serving their country in this difficult war. I must lodge my own protest against the "protesters" who use these names without the permission of their families, and in some cases over the specific objections of the families of these brave men.

Many of our finest youth have already died for the cause of freedom and justice. We cannot turn our backs on them and disregard the sacrifices already made for these goals.

The surest way to end the war in a manner to secure peace and freedom for Southeast Asia and the rest of the World will be for the American people to heed the President's plea for unity and to display their united support for his peace efforts.

WE ARE AMERICANS FIRST

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, the President today has not only made me proud of being an American, but also, I am proud to be a Republican.

This body has overwhelmingly endorsed the efforts of the President to find a lasting peace in Vietnam. He not only has the support of this body, but he also has the overwhelming support of the people of the silent majority in the Fifth Congressional District of North Carolina. In the light of the support of this body and the silent majority of Americans, I think it would be a tragic mistake for the enemy to consider the demonstrations and activities planned by dissident groups for this weekend to be the voice of America speaking for the majority of Americans.

I agree with the President that when it comes to the security of our country, we are neither Democrats nor Republicans—but we are Americans first.

ADDRESS OF THE PRESIDENT OF THE UNITED STATES

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I am sure the membership of the House appreciates the President taking the time to come here today to say "thank you." It was a very fine gesture by one who has the responsibility of the Presidency of a nation of 200 million people.

I am one of the 300 Members of this body who has joined in the resolution supporting the efforts of the President to bring about a just peace in Vietnam. In my opinion, many of those who propose to participate this weekend in the demonstrations in Washington are loyal American citizens, but misguided. Their activities can accomplish little but bring aid and comfort to the enemies of this country and encourage others to believe that our Nation is seriously divided. The reception given our President today is an indication of the falseness of this assumption.

Let us hope that when this weekend is over, those participating in the demonstrations will join more responsible citizens in working toward a just peace and perfecting our Government through constitutional processes.

PRESIDENT NIXON'S ADDRESS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, all of us who were present in the House a few moments ago when President Nixon, a former Member of this body, addressed us have been privileged to take part in one of those rare historical events which will echo in this Chamber in future generations.

We thrilled to the depth of the sincerity with which the President spoke his appreciation to those of us in this body who have indicated our support for his efforts to achieve peace through the responsible exercise of his office.

Each of us as a Member of the House has a direct responsibility and obligation to represent here his 400,000 or 500,000 constituents who remain at home working in their daily responsibilities, paying their taxes honestly, and fighting for their Nation's principles as citizen-soldiers when called upon.

In offering our support to President Nixon in his forthright efforts to find an honorable peace and an end to this tragic war in Vietnam, we speak our own convictions in behalf of that silent majority and do so without reference to party or faction in the great challenge our Nation faces. During these difficult days it is comforting to know that we have a President who understands the lessons of history, the traditions of representative government, and the weighty responsibilities of high office. Your words, too, Mr. Speaker, were eloquent and moving. It has been one of the high moments of the House of Representatives and of this Republic.

GENERAL LEAVE TO EXTEND

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in connection with the remarks by the President in the Chamber a few moments ago.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HALIBUT IN THE HOUSE

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the first of the week the lead item on the Capitol Restaurant menu was a "slenderizer's special," halibut.

I checked with the superintendent of the restaurant and learned this halibut was the high-protein, tasty domestic fish and it, incidentally, came from my district in Seattle.

For those of us trying to watch our weight, this was a welcome addition to the menu. Dieting, with all its problems, was greatly aided the day of the "slenderizer's special," and we should be grateful.

Mr. Speaker, I recently discovered that the General Services Administration, which is responsible for the operation of 41 different Government cafeterias in the Washington, D.C., area, has been serving the foreign-import, fatty and inferior flatfish, turbot. Since my protest, I have been assured that true American halibut is being added to their menu so that more people can enjoy the flavor of halibut.

Again, Mr. Speaker, I was delighted to see halibut on the menu in the House Restaurant, and I hope it will become a regular choice to upgrade the quality of food served on Capitol Hill.

I AGAIN WARN THE PEOPLE OF THIS AREA OF THE SHODDY PRACTICES OF THE WASHINGTON GAS LIGHT CO. AND ESPECIALLY THE BADLY ENGINEERED FURNACE AND AIR-CONDITIONING UNITS OF THE BRYANT CO.

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, on two previous occasions I took the floor to criticize what I believe to be collusion between the Washington Gas Light Co. and the installers to whom they contract their work. I have introduced a resolution asking for an investigation of their practices and I am hopeful that the Investigations Subcommittee of the Interstate and Foreign Commerce Committee, of which I am a member, will carry through such an investigation.

I purchased a central air-conditioning-heating unit for our residence in northern Virginia through the Washington Gas Light Co., who farmed it out to an installer, and I have had nothing but trouble with the unit ever since it was purchased at considerable cost a little over 3 years ago. The workmanship of the Bryant furnace- and air-conditioning unit is deplorable and I would advise all people to not purchase any such Bryant equipment. Out of some three dozen or more calls for corrections in the installation, four of them were for correction of the Aprilaire unit, which malfunctioned. Not too long after the original installation I was required to buy a part, which was part of the pump used in humidifying or dehumidifying the air. A short time later I was still having trouble with the humidifier and was required to purchase an entirely new pump, at my expense.

I called the Washington Gas Light Co. several weeks ago because the Aprilaire unit was not working and it took them 4 days to respond to my call. They said they could see nothing wrong with it, but it has not worked since.

There are many other items of poor workmanship that I will enumerate on the floor of the House of Representatives for the benefit of those who might be considering installing through the Washington Gas Light Co. any Bryant units. In this day of trying to protect the consumer, I think those interested in consumer protection should become interested in the experiences I have had.

RESOLUTION REQUIRING INTERNAL SECURITY COMMITTEE TO INVESTIGATE MOBILIZATION COMMITTEE TO END WAR IN VIETNAM

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, I entered the Chamber less than an hour ago with an idea—a resolution that would require the Internal Security Committee to make an investigation of the New Mobilization Committee To End the War in Vietnam, including its sources of income and leadership.

I have asked a couple of people to cosponsor this, and I have the front cover of it nearly covered with signatures already.

I am more than grateful for the enthusiastic support I have received for this document.

There are a number of other people who have expressed the desire to become a cosponsor of this resolution.

This resolution is not intended to be offensive to anyone. It is not intended to be a witch hunt. It is intended to be a sober, dedicated effort to demand that these people come before the committee, and testify as to their allegiances, leadership, and sources of financial support.

I invite the names of my colleagues on both sides of the aisle on this resolution.

MILITARY CONSTRUCTION APPROPRIATIONS, 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 677 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 677

> *Resolved,* That during the consideration of the bill (H.R. 14751), making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, all points of order against said bill are hereby waived.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 677 provides that during the consideration of H.R. 14751, the military construction appropriations bill for fiscal year 1970, all points of order against the bill are waived.

The rule was granted due to the fact that the authorization bill, which passed the House on August 5 of this year, has not yet been signed into law. It is presently in conference.

At the time the rule was requested, the Committee on Rules was advised that the appropriations bill is in line with the authorization as it passed the House.

Mr. Speaker, I urge the adoption of House Resolution 677 so that no point of order may be raised during the consideration of H.R. 14751.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the statement made by the gentleman from California (Mr. Sisk). My understanding is that there is nothing in this bill which was not in the authorization bill, with the exception of possibly one item which was added after that time by reason of an emergency. Any other items not in the bill will have to be considered at a subsequent time. I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. Sisk) for yielding.

Mr. Speaker, I rise in opposition to the rule. I think it is very wrong on a matter of this importance—an appropriation of $1.4 billion, including a number of very controversial items, including some $14 million in new appropriations and $97 million in total appropriations on the very controversial anti-ballistic-missile system—that we should be asked to act on it without an opportunity to consider the hearings or the report on the bill.

It was not until yesterday morning that we were able to obtain from the committee hearings that are almost a foot high, that constitute twelve hundred pages of testimony with respect to this bill. It was not until this morning that we were able to get from the committee a copy of the report on the bill, or the bill itself.

We have in the House rules a very sensible and important provision—rule 21 (6), saying:

> No general appropriation bill shall be considered in the House until printed committee hearings and a committee report thereon have been available for the Members of the House for at least three calendar days.

The rule which is presented to us here today by the Rules Committee waives that rule and effectively deprives the House of the opportunity for study and for careful consideration of the measure that the rule was intended to provide.

I am fully appreciative of the fact we are behind in consideration of appropriations measures. We are subject to some criticism for being behind despite the fact that this is the fault of the authorization system rather than the Appropriations Committee, and also it is the fault of the administration in not presenting bills with adequate rapidity. I don't think the pressures to catch up are adequate justification, however, for rushing through such an important measure without opportunity for the members to study it, particularly since the delay involved would only be a few days.

I, therefore, hope the House will defeat this rule so that this matter can come up under our usual rules for orderly consideration. The very least the Members should have is the minimum of 3 days which the rules provide to consider this bill.

I do not think the House ever ought to be a rubber stamp on an important matter that concerns the security of this Nation and the expenditure of such large sums of money. If we are handed the bill and the report on the same morning we are asked to consider them, obviously no one in this House can give them proper consideration. That makes a mockery of the consideration by the House. If this is the procedure we are to follow, we might as well not have a House, but just have an Appropriations Committee, because we cannot act on appropriations intelligently with just a few hours to study the bill and the report.

Mr. Speaker, I urge defeat of the rule.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Speaker, I, too, rise in opposition to this rule. I would like to make it clear I am not opposed to the bill on the merits of the bill. I do not associate myself with the general point of view of the gentleman from New York who just spoke, but I am opposed to this procedure.

I may or may not ever again be a Member of this assembly, but I just do not think the people who sent me down here sent me to vote on a $1,450,000,000 appropriation bill without even a chance to look at the report from the committee. I think it is wrong, and I am not going to support the rule for those reasons.

I do not criticize anybody. I know the difficulties the committee has labored under, but I just cannot bring myself to go along with that type of procedure, which I think is wrong in principle, and therefore I oppose the rule.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, let me call to the attention of the House that there has been notice for a week that today's action would be proposed. On Wednesday, November 5, I made the following request:

> I ask unanimous consent that it may be in order any day next week after Wednesday to consider the military construction appropriation bill for 1970.

The Speaker put the question. There was no objection. So there has been more than usual notice to the membership.

Mr. Speaker, I have listened with interest to the comments of the gentleman from New York, who wishes to postpone action on the military construction appropriation bill. The gentleman may want to spend Christmas in Washington, but I do not. I should like to see the House move along with its work. As a matter of fact, I want to be at home with my constituents in Florida come Christmas. If the gentleman just does not want to go back to New York, I will be glad to have him come to Florida, and I extend him an invitation. But, Mr. Speaker, approval of his motion would help keep us here until Christmas.

The gentleman objects to the speed with which we are moving. Most people think it is high time that the Congress moved faster.

If the gentleman followed the action of the House early in August when the military construction authorization bill was passed and sent to the Senate, he need have no concern about the contents of the bill which is now before the House. It contains no new line items, nothing that was not a part of the House authorization bill, no new language. As a matter of fact, the committee considers that proper procedure which keeps faith with the House, requires that we submit this appropriation bill on the basis of the House passed authorization bill. There is not an authorization in law.

That means, of course, adjustments are going to have to be made in conference, after the authorization bill becomes law. This will add to the work of the committee. We simply are trying to expedite the work of the House.

I want to stress the fact that we have gone into very considerable detail in our hearings. The gentleman said they were a foot high. Well, they are voluminous. We try to be detailed. But they are about 6 inches high, not a foot high. I am sure he wants to be accurate.

I must call to the gentleman's attention the fact that volume 1, which I hold in my hand, was available to Members on September 29. Volume 2 was available October 13. Volume 3 was available November 6. Now, even a slow reader could have kept pace with the work of the committee had he been so inclined.

I regret to state this, but I find no evidence that the gentleman from New York has made any requests to any member of the Appropriations Committee staff or to me or to any other member of the subcommittee for information on the bill or the hearings.

Mr. OTTINGER. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from New York.

Mr. OTTINGER. I and my staff have made repeated requests to the committee staff for copies of the hearings and were told until yesterday, just shortly before noon, that they were not available. I also made requests of the gentleman from California (Mr. COHELAN) and the gentleman from Illinois and (Mr. YATES), to see if they had copies of these hearings, and they said so far as they knew the hearings were not available. I do not think I can properly be accused of lacking diligence.

Mr. SIKES. I have just read to the committee the official release dates, when the hearings were given to the press and made available to Members. If the gentleman was unable to get one, I am very sorry that was the case, but they were available and there was no effort to keep them out of circulation.

Mr. Speaker, let me go one step further. The gentleman's circular letter indicates this is a $2 billion bill. Frankly, I wish it were, because I believe there is a need for what much and more military construction funds. But the first page of the report and the news releases of yesterday bring out the fact that this bill contains $1,450,000,000, not $2 billion.

Mr. Speaker, the House has been roundly criticized for the delays which we have encountered in completing our year's work. Now we have reached the point that we can begin to move. The gentleman's motion would simply add to the difficulty of salvaging as much as we can of the reputation of the House as a deliberative assembly which recognizes its responsibilities and attempts to carry on the work entrusted to it.

I trust the House will support the efforts to move this bill to the floor and to complete House action on it.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, in view of the fact that the gentleman from New York has made reference to the gentleman from Illinois (Mr. YATES) and the gentleman from California (Mr. COHELAN), I think I should say in their behalf that they are experienced members of the Committee on Appropriations and they have been aware of the hearings which have been available for quite some time on this bill, some portions for several weeks. I am, after all, the chairman of the committee, and if any request had been made of me, I would have had no difficulty in getting copies of the hearings that have been published and are available to Members of the Congress and the public.

I would like to say further that if there is any question in regard to the bill that the gentleman from New York or the gentleman from Indiana would like answered, I think that the answers could be given or at least the questions could be commented upon.

This bill is a minimum effort to meet our construction requirements for the defense of the country.

I want to thank the Committee on Rules for bringing in this rule. I want to point out, as the gentleman from Florida (Mr. SIKES) did, that an announcement was made last week that the bill would be called up this week. There will be ample time for debate and for interrogation of those who will speak on the bill.

Of course, I rise in support of the rule.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. OTTINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 326, nays 43, not voting 62, as follows:

[Roll No. 270]

YEAS—326

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Evans, Colo.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wold
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—43

Ashley
Bingham
Brasco
Burton, Calif.
Button
Carey
Clay
Conyers
Dennis
Derwinski
Edwards, Calif.
Esch
Farbstein
Foley
Fraser
Gross
Halpern
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Karth
Kastenmeier
Koch
Lowenstein
Lujan
McCarthy
Miller, Ohio
Morse
Mosher
Moss
Nix
O'Neill, Mass.
Ottinger
Pike
Podell
Reid, N.Y.
Rosenthal
Ryan
Scheuer
Stokes

NOT VOTING—62

Abbitt
Ashbrook
Barrett
Brademas
Brock
Brooks
Brown, Calif.
Burton, Utah
Cahill
Chisholm
Clancy
Cohelan
Dawson
de la Garza
Denney
Diggs
Eckhardt
Eshleman
Evins, Tenn.
Flowers
Flynt
Frey
Garmatz
Green, Pa.
Griffiths
Hanna
Hicks
Hosmer
Howard
Jacobs
Jones, Tenn.
Kirwan
Lipscomb
McCulloch
McKneally
Macdonald, Mass.
MacGregor
Martin
Mathias
May
Mikva
Morton
Murphy, N.Y.
Nichols
Pepper
Powell
Rees
Roybal
Sandman
Springer
Stuckey
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Wilson, Bob
Wilson, Charles H.
Winn
Wylie
Wyman
Young

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Brooks with Mr. MacGregor.

Mr. Murphy of New York with Mr. Lipscomb.

Mr. Green of Pennsylvania with Mr. McKneally.

Mr. Barrett with Mr. Clancy.

Mr. Howard with Mr. Morton.

Mr. Hicks with Mr. Brock.

Mr. Thompson of New Jersey with Mr. Cahill.

Mr. Charles H. Wilson with Mr. McCulloch.

Mr. Macdonald of Massachusetts with Mr. Ashbrook.

Mr. Evins of Tennessee with Mr. Denney.
Mr. Garmatz with Mrs. May.
Mrs. Griffiths with Mr. Martin.
Mr. Flynt with Mr. Watkins.
Mr. Young with Mr. Burton of Utah.
Mr. Waldie with Mr. Mathias.
Mr. Jones of Tennessee with Mr. Eshleman.
Mr. Abbitt with Mr. Utt.
Mr. Tunney with Mr. Hosmer.
Mr. Brademas with Mr. Winn.
Mr. Pepper with Mr. Frey.
Mr. Hanna with Mr. Springer.
Mr. Flowers with Mr. Bob Wilson.
Mr. Cohelan with Mr. Dawson.
Mr. Kirwan with Mr. Sandman.
Mr. Brown of California with Mr. Diggs.
Mr. Roybal with Mr. Powell.
Mr. Rees with Mrs. Chisholm.
Mr. Nichols with Mr. Wylie.
Mr. Eckhardt with Mr. Wyman.
Mr. Stuckey with Mr. Jacobs.
Mr. Mikva with Mr. de la Garza.

Mr. CAREY changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. SIKES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. Cederberg) and myself.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14751, with Mr. Ullman in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida (Mr. Sikes) will be recognized for 1 hour, and the gentleman from Michigan (Mr. Cederberg) will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, let me express appreciation for the support and cooperation of my subcommittee members. We have achieved a fine degree of coordination and unity in which everyone contributes significantly to the writing of a bill. Mr. McFall, Mr. Patten, Mr. Long, Mr. Cederberg, Mr. Jonas, Mr. Talcott, together make up a very able and very fine team.

I must also comment on the really fine efforts of Bob Nicholas in his first year as subcommittee staff member. He had valuable training under Frank Sanders and this provided valuable experience. Now on his own responsibility, he has proved himself capable and served the committee well. I predict a very fine career for him in the important work of this committee. In this connection, I do not want to overlook Gary Michalak who has assisted Bob Nicholas and who also has shown promise, ability, and dedication.

In brief, we bring to you a bill under very adverse circumstances. We have had to seek a rule because there is no authorization bill. The Senate committee did not report the authorization until Monday, although it passed the House months ago. The bill was passed by the Senate on Tuesday, November 11. Therefore, we patterned the appropriations bill after the House authorization bill and undoubtedly we shall have to make adjustments in conference after the authorization is finally a law. The House leadership, and I am glad to say the House authorizing committee, support this committee's action today.

Then there is the problem of freeze and deferments. This is a most unfortunate situation. On September 4, the President directed all agencies of the Government to put into effect immediately 75-percent reduction in new contracts for construction. Secretary Laird on September 6 suspended further awards of construction contracts for military construction and family housing in the United States. On September 18, the stop order was rescinded and the military departments and defense agencies were authorized to proceed with that portion of their respective construction programs which were qualified under criteria and limitations established by the Bureau of the Budget. This reduction in obligations for new contracts or projects in fiscal 1970 would total more than $800 million if carried through the fiscal year. The Department of Defense was unable to specify the administration's plans in hearings before this subcommittee on resuming a normal program of construction, but it is anticipated construction will be resumed within 6 months.

Now let me quote to you from past history. The following comments were made in the report on the military construction appropriation bill for fiscal year 1968:

> The Committee is seriously disturbed about the numerous contradictory actions taken by the Department of Defense in the past several years in the implementation of the Military Construction Program. It realizes that national defense is a dynamic business, but constant changes which contradict testimony and assurances given to Congressional Committees have been far too typical of this program. * * *

The report goes on to recite, among others, the following actions taken by the Department of Defense:

> On October 22, 1965, Secretary of Defense deferred construction of 8,500 units of family housing authorized and funded as part of the military construction program for fiscal year 1966.
>
> On December 20, 1965, the Secretary of Defense announced that additional projects in the amount of $459,815,000 had been temporarily deferred. This brought the total amount deferred from the approved fiscal year 1966 program to $620 million.
>
> On October 5, 1967, the Secretary of Defense issued a memorandum which stated, in part: "Effective October 9, 1967, no new invitations for bids shall be issued except for those projects clearly associated with new weapons systems or in direct support of Southeast Asia * * *."
>
> This resulted in another delay in the long-range construction program. The most recent construction deferral has already been discussed.
>
> Deferrals, of course, provide a very serious delay in the availability of needed structures which have been budgeted and justified to the committees of Congress by Administration spokesmen.
>
> The Committee is constrained to comment that the serious deficiencies in facilities at military installaton largely are due to a combination of low military construction budgets and periodic large-scale deferments of just this type.
>
> Another problem which will increase the harmful effects of the construction deferral is the acceleration of the upward trend in construction costs. Construction costs are increasing at about the rate of 10 percent per year. Judging from experience with past construction deferrals, it will be found that deferments simply will require a cutback in scope of projects or funding for additional costs.

Let me repeat, regardless of the motives, the effect of the freeze and deferments has been to increase cost of construction when the work finally is accomplished. As a result in the present instance as in previous years, it will very probably be necessary to cut back on scope of projects or to incur deficiencies. An example of rapidly mounting costs actually is shown in the current bill where an additional $23.7 million is funded for additional costs on previously authorized and funded line items. The situation will almost certainly worsen rather than improve in the months ahead, for Government construction is not the controlling item in the field of construction costs.

In view of this uncertain situation, this question naturally arises—why appropriate additional funds unless we know more about the administration's plans for using those funds? Why not wait until there is a clarification? This subcommittee believes we would simply be adding to chaos if we were to follow such a policy. The facilities are undoubtedly needed. As a matter of fact, the need is much greater than the current bill would provide. It is a small program. Modernization of training and other facilities is far behind schedule. Housing of all types on many bases is inadequate or substandard. The services now are required to make do with many inadequate facilities or facilities which were not designed for present-day purposes. Some are temporary World War II structures which have long outlived their usefulness. Maintenance is increasingly costly as facilities grow older. This situation can scarcely be said to improve morale and encourage retention. The object of the military construction program is to provide adequate training, living, working, and storage facilities for permanent military bases. However, the level of requested appropriations is never more than half the amount required for a realistic program of replacement and modernization, and is usually much less. We know we have a responsibility to improve this picture. We would be derelict in the discharge of our duties if we were not to do our part of the job. Congress should support the action of the committee

The original budget recommendation for fiscal year 1970 of the Johnson administration was $2,558,450,000. The revised Nixon administration budget was $1,917,000,000. This in itself is a reduction of about 25 percent and is a very drastic cut from what would have been considered a moderate program. The authorizing committee made the most drastic cuts in my recollection—another $337 million. They recommended and the House approved an authorization of $1,580,000,000. This is a cut of about 20 percent below the revised budget. The Senate has recommended restoration of only $72 million. The final authorization figure cannot be determined, of course, until the conference action has been completed.

This subcommittee recommends new budget authority of $1,450,000,000 and in this action recommends the construction of 4,800 units of family housing. This is a reduction of $130 million below the House authorization. The reduction is achieved by line item reductions, some of which were volunteered by the services as a result of the cutback in military programs, and through a 5-percent cut in available funds. The committee consulted at length with Secretary Shillito and the departmental staffs to determine the full impact of the military cutbacks and all of their recommendations are incorporated in this bill. The 5-percent cut to which I referred applies both to the unobligated balance and to the new budget authority. It totals $82.5 million. This cut was imposed because the committee simply does not believe the money can be spent in the fiscal year.

In an effort to tighten control of large unobligated balances which inevitably result from present OSD stop-and-go policies on military construction, the committee has instructed the Department of Defense to inform the committee in advance of—

First, any major changes in the list of projects with which the Department of Defense proposes to proceed in fiscal year 1970 while the reduction in new contracts for construction remains in effect. This list was supplied to the committee on October 31, 1969, and may be found beginning on page 1246, part 3, of the hearings.

Second, any limitations on construction contracting after June 30, 1970.

Third, any actions to terminate the reduction in construction, including a description of the changes in the economic picture in the construction industry, locally or nationally, which lead to these actions.

The committee has attempted to determine policies with reference to the use of nonappropriated funds for construction. As far as I can determine, this is something that has been overlooked in the past and has never been thoroughly studied either at congressional level or at the departmental level. In any event, it is an area over which Congress has exercised no control and for which no guidelines for operational procedures have been established by OSD. Yet this is a sizable account which totaled $151 million in the past 5 years. The committee is asking that auditing procedures be established and directs that listings of projects so constructed be provided to the committee. We shall expect OSD to coordinate a plan for supervision and direction of expenditures of nonappropriated funds for construction expenditures.

The committee is not at all pleased with the progress, or lack of progress, of housing for dependents of military personnel. It has been established that a goal of 12,500 units per year is about the minimum which is required to provide a reasonable picture of housing for military dependents. I do not recall a single year in which this goal has been achieved. Last year we funded only 2,000 units. This year the budget request was for 4,800 units and this is the figure which is contained in today's bill.

The situation is particularly aggravated overseas. The departments have tried to rely on rental guarantee housing, a program which has produced only a handful of units. Now a new approach has been suggested in which the contractor assumes responsibility for construction and operation of housing on military reservations. It is known as installment purchase contracting. The entire subject is dealt with in detail in the report beginning on page 29, and there are exhaustive hearings. The committee feels that a bolder approach is required if the problem ever is to be solved. It encourages attempts to develop new concepts in an effort to overcome the deficiencies.

For a number of years, the committee has attempted to bring about a more definitive and productive planning program for military construction. Military construction in family housing planning, programing, and execution are extremely complex, particularly in the fiscal environment today. The committee has, in the past, insisted upon adequate and realistic long-range planning. Now I am glad to report there is evidence of improvement in the long-range planning procedures. This is dealt with in your report on page 5 under the heading, "General Statement." I recommend it for your consideration.

Now, a brief comment on construction in Vietnam. No additional funds are requested for construction in fiscal 1970 budget. The committee has carefully reviewed the use of funds previously appropriated and this also is treated in detail in your report on page 8 under the heading, "Progress of Construction in Vietnam." In summation, let me say that on August 31, 1969, there remained $213.7 million available for new construction projects in Vietnam. This amount is not as great as the cost of new construction needs remaining in Vietnam, as identified by the Department of Defense. However, it is estimated that the amount would be sufficient to meet construction requirements until fiscal 1971 funds are available. The program now consists primarily of providing facilities for Vietnamese Armed Forces at an accelerated rate to facilitate the Vietnamization of the war. The withdrawal of U.S. forces itself necessitates certain types of facilities, particularly port repair. There will also be some requirement for restoration and replacement as a result of battle damage or rocket attacks.

On the Safeguard program, the committee has approved new obligational authority of $14.1 million for research and development facilities and planning at Kwajalein Missile Range. The only item to be built for Safeguard in the United States under fiscal 1970 funds is a $2.5 million item which is a part of the program for improvements to the NORAD Cheyenne Mountain complex. It will provide space for Safeguard command and control facilities.

We bring you then a bill which provides minimum appropriations to apply on a very large undertaking. New defense systems which necessarily are constantly being incorporated into the Defense Establishment require new facilities or costly modernization, or they are largely ineffective. The needs for facilities at overseas bases cannot be interpreted in light of possible diplomatic agreements some time in the future, nor on campaign statements by foreign officials who may say one thing when they are seeking office and another when they appraise the hard facts of mutual defense and the economic importance of the American presence in their countries. Troop strengths at these bases are relatively fixed and constant for mutual security.

The budget request for fiscal year 1970 provides a very modest improvement in the facilities, family housing, and housing for bachelor enlisted and officer personnel at U.S. military bases. It emphasizes in moderate degree the modernization or replacement of the obsolescent and inefficient structures which represent a large part of the military services' physical plant. There are increases for reserve forces, water and air pollution control, and research and development. It is a small program which does not fully cope with needs, particularly in housing. The committee's hearings indicate that, with few exceptions, the projects allowed in this bill for the fiscal year 1970 program are to meet programed long-range requirements at permanent military bases. On that basis, we request the support by the House.

I trust, Mr. Chairman, the bill will have the overwhelming support of the House.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. First of all, Mr. Chairman, I want to thank the gentleman for the magnificient cooperation that he and his committee have given to the Committee on Armed Services, the authorizing committee. We on the Armed Services Committee enjoy a fine association with every member of the great and excellent committee of which the gentleman is a member and which has given us such splendid help.

I notice that the gentleman, among other things, is now explaining the matter of private construction overseas to provide much-needed housing. It is the feeling of the committee that we have not provided adequate housing overseas. I have in mind particularly the Philippines. At the present time the Philippines have done anything but give us their full cooperation, and our dependents in the Philippines are at the mercy of gangsters and are the victims of a lack of law enforcement. What we want to do is to see the dependents of our military housed in proper, decent and respectable housing.

Is this what the gentleman is referring to, among the other things, when he says that the committee underwrites the concept that a private contractor construct housing at his own risk?

Mr. SIKES. Yes I am talking about the very serious housing problem overseas and the need for bold new action to improve the situation.

Mr. RIVERS. I wish the gentleman would amplify that point a little further.

Mr. SIKES. Let me reiterate that the situation on housing for military dependents overseas is particularly serious. There is a great dearth of available, satisfactory housing at many overseas bases, and that is true in Europe as well as in the Pacific.

Mr. RIVERS. Particularly in the Pacific.

Mr. SIKES. That is true. The distinguished gentleman and his great committee have made outstanding contributions toward a stronger defense organization. They have done much to help those who wear the uniform and their dependents. This committee, the Appropriations Committee, has shown the same interest. We want to do all that we can. But the fact remains that, particularly in the field of housing, little progress has been made. We feel that bolder action must be taken, and we insist that those in authority assume the responsibility of finding a proper way in which to accomplish that.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield further, all this does is to tell the Defense Department to get busy and get some private contractors to provide portable housing which would be satisfactory for those of our military dependents overseas for whom they have not provided housing.

Mr. SIKES. I think the Department of Defense should do all that is necessary in an effort to find answers to the problem, rather than delay, delay, delay; rather than coming here year after year with programs which produce only a handful of houses.

Mr. RIVERS. I agree with the gentleman. I thank the gentleman for another thing. He has kept faith with our committee, in reporting out the bill. He has done so by keeping with the authorization that the House has passed. His action demonstrates the fine honor of his committee and himself. I thank the gentleman. I admire your committee. It is a real pleasure to work with you and your committee.

Mr. SIKES. The gentleman is very kind in his comments.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am happy to yield to the gentleman from New Jersey, a member of the subcommittee.

Mr. PATTEN. While we are talking about housing, I would like to be on record as strenuously opposing the policy of the Pentagon or the administration in not building more houses. I think it is a crime not to give decent housing to the fine young men we have, enlisted men and others. I think it is one of our most critical problems, from the comments and testimony I have heard. I thank the committee, and the chairman in particular, for emphasizing this and telling the Pentagon time and time again that this committee wants a better job done on housing for the people in the armed services.

Mr. SIKES. I appreciate the comment of my distinguished colleague, just as I appreciate his fine cooperation and able assistance throughout the year.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, may I direct the gentleman's attention to page 9 of his own report where the following language appears:

> The hearings before the Committee indicated that the audit of non-appropriated funds is delegated to the central audit organization of each service; that is, the Army Audit Agency, Auditor General of the Navy, and the Auditor General of the Air Force. Technical assistance is subject to review and evaluation by the Office, Comptroller of Defense. However, only the Air Force has retained audit responsibility at the departmental level, while the other services have delegated responsibility to local command levels.

The reason I direct the gentleman's attention to that language is that we have pending in the Judiciary Committee the question of giving the courts jurisdiction to entertain suits that may be instituted against these people for breach of contract and things of that nature.

Mr. SIKES. That matter was not called to the attention of the committee. If it would be of help to the distinguished gentleman in the deliberations of his own committee, we will be glad to assist in directing suitable inquiries to the Department of Defense.

Mr. ROGERS of Colorado. I thank the gentleman from Florida. We have been considering it in our subcommittee, and we anticipate going into it in much more detail.

Mr. SIKES. We will be glad to cooperate with the distinguished gentleman's committee, as with all the legislative committees of the House.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to my friend, the distinguished gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding. I notice the allowance for Perrin Air Force Base has been reduced by roughly $1 million. This, I take it, was the result of certain actions by the Air Force?

Mr. SIKES. That is exactly the situation. I assure the gentleman that I recognize the value of Perrin as a base. I recognize his own outstanding efforts in behalf of Perrin and of the fine people who serve and work there. There is to be change in the projected mission of the base which has resulted in withdrawal by the Air Force of some of the proposed facilities. The reduction in facilities shown in our report was done at the request of Air Force and Department of Defense officials who stated there would not now be a requirement for the facilities.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman and his committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I ask if this bill takes into account in terms of savings, in terms of lesser appropriations, the rather substantial number of bases that have been closed in the past few months?

Mr. SIKES. Let me state to the distinguished gentleman, that subject was very carefully taken into consideration. Just a few days before the bill was reported we had a hearing on this matter with Secretary Shillito, Assistant Secretary for Installations and Logistics, and departmental staffs, at which we had a full accounting of the effect of the base closures. Every item which they said was no longer required as a result of the base closure action has been taken out of this bill.

Mr. GROSS. Were those base closings reflected in the 1970 budget figures?

Mr. SIKES. Not in the budget figures, because the budget figures were placed before us long ago; but they were taken into consideration in the amount contained in this bill.

Mr. GROSS. Will the gentleman address himself briefly to the line items for debt payment to be found at the top of page 6 of the bill? The debt payment item is $31,648,000 in one instance and there is another item for debt payment of $87,680,000. I assume this is in part due to housing, or mortgages on housing.

Mr. SIKES. Yes, that is correct. I will read from the report.

If the gentleman will turn to page 35 of the committee report, which is before him, he will find, under "debt payment" this language:

> The funds approved by the Committee for debt payment provide for the payments of principal, interest, mortgage insurance premiums, and other expenses which result from the assumption by the government of mortgages on Capehart and Wherry housing as well as the payment of premiums due mortgage insurance provided by the Federal Housing Administration for mortgages assumed by active military personnel for housing purchased by them. The approved program also includes repayment to the Commodity Credit Corporation for remaining indebtedness for housing constructed in foreign countries with foreign currencies derived from the sale of surplus commodities

In other words, there are a number of provisions of public law which must be honored by payment of these obligations, and that is what the debt payment item in this bill incorporates.

Mr. GROSS. I thank the gentleman for his answer. If he will indulge me one final, quick question, does the gentleman anticipate we will get, later this year—perhaps not this year but early next year—a supplemental appropriation to expand the spending that otherwise might have been carried out under this bill had it not been reduced?

Mr. SIKES. There have been no indications whatever, if I may respond to the gentleman, that there will be a supplemental budget request for military construction.

Mr. GROSS. I thank the gentleman.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my purpose not to take very much time. The distinguished subcommittee chairman, the gentleman from Florida (Mr. Sikes), has covered all of the spending details; and any that he may not have covered in detail in the report.

I should like to take these few minutes, however, to emphasize my concern with regard to what is happening to military construction for our armed services.

We are faced with what I believe to be over a period of time an intolerable condition. As the distinguished chairman of the committee said, the original budget submitted by President Johnson was in the area of $2.5 billion. We are presenting to you a bill providing $1.45 billion. That is a $1 billion reduction from the $2.4 billion budget request. This ought to please a lot of people who are unduly concerned about defense expenditures. I hope we will not have any amendments to cut this bill further, because we just cannot afford to do so. Construction costs are going up and the appropriation of dollars is going down. When we find ourselves in a condition such as that, you will see that you are not getting the amount of construction necessary to provide for our military. We have been hearing much discussion from many sources—and I am all for it—that we ought to have a volunteer Army. I have some personal reservations as to how practical that is, but I think that the goal is a good one. You had better be realistic about it, though. If you are going to try to induce young people to make the military a career, you had better be sure that we start straightening out the housing situation for our military—the quarters, the bachelor officers quarters, and other facilities. I think it is a little foolhardy to talk about having a military service on a volunteer basis if we do not start, right now, planning for that time and providing the facilities that will be an inducement for men to join the service. These are facts we had better consider in the Congress.

Mr. Chairman, military construction is not something that can remain static. There are new concepts in defense. Every time we change a concept, such as the design of an aircraft, it requires modifications and changes and new construction to satisfy the operational requirements of the new weapon system. These have to be provided for every year. So, as we tackle the problem of military facilities, I only hope we will recognize that there is no shortcut to providing the military construction needed.

I think every member of our committee recognizes we are not totally satisfied by any means with the methods by which construction is sometimes carried out. I am looking at my distinguished friend, the gentleman from Maryland (Mr. Long). He pointed out, in our hearings, that we in the subcommittee, as well as the Committee on Armed Services do have a responsibility to try to get the services to use new techniques of construction so that we can get the most for the dollars we spend. There are some new concepts in housing, for example, the Turnkey project, which is going on in Colorado, as well as research going on at George Air Force Base in California. It may be that over a period of time we can work out a way to provide this housing at a cheaper cost. I happen to be one who believes that maybe we are not getting as much as we should for the dollars we spend, but it is hard for a committee of the Congress to police all of these things.

So, all in all, as the ranking minority member of the subcommittee, I do not see how we can cut this bill any further. I might also say I understand that our distinguished friend from Illinois, my very dear friend (Mr. Yates), is going to propose an amendment regarding Safeguard. And he has made the amendment available. The amendment goes to last year's funds and says none of the prior year funds can be expended.

Mr. Chairman, I think we have pretty well debated the Safeguard issue and a decision has been made both here and in the other body. I hope we will recognize such has been done and that we will dispense with this bill as quickly as we possibly can.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Iowa.

Mr. GROSS. On the subject of the necessity for spending in the military—and this does not apply alone to construction—it seems to me that the day ought to dawn soon when what some are pleased to call foreign policy should dictate that we pull our long noses out of every country around the world—the policing, the financing—stop making so many commitments that require expenditures to the extent that we have seen them in years gone by and are still faced with today.

Mr. CEDERBERG. I think the gentleman from Iowa misses the point. I am not so sure that this is going to save a lot of money, but it is something that ought to be debated. I know what the gentleman is referring to and it is a subject worthy of our consideration.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, how else can you reduce expenditures for the military; how do you get them down to manageable proportions in terms of revenue and everything else in this country unless we stop the business of trying to run the rest of the world?

Mr. CEDERBERG. I am not sure we will save money by moving all of our troops overseas back to the United States and build facilities for them here. That is going to cost you money.

Mr. GROSS. Of course, the gentleman will agree that it costs more to maintain troops abroad than it does in this country?

Mr. CEDERBERG. In some instances, yes.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I would like to concur with what the gentleman from Michigan is saying. For example, in Europe in NATO it costs less to maintain our troops over there because the NATO organization furnishes quarters and all of the infrastructures for which we only pay 25 percent. If we had them back here, we would have to pay 100 percent.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to see the figures that form the basis for the 25 percent.

Mr. HAYS. If the gentleman from Michigan will yield further, actually it is 24.2 percent which is our share of the infrastructure of NATO. It might be somewhat higher in other areas.

Mr. CEDERBERG. I feel that the question of foreign commitments is a subject worthy of discussion by the Committee on Foreign Affairs or the Committee on Armed Services. I am not so sure that the Appropriations Committee has a free hand here. But I can say that if we moved all of our troops back to the United States and built the necessary facilities for them here in the next few years, we would have to undertake a massive and costly construction program. I am not debating the worthiness of them staying over there because that is another subject.

Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. Jonas).

Mr. TALCOTT. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from California.

Mr. TALCOTT. Mr. Chairman, I thank the gentleman from Michigan for yielding.

Mr. Chairman, this is commonly known as the military construction appropriations bill. This is an inaccurate description. It should be more accurately called the military construction and reconstruction appropriations bill. Much of the proposed construction is for replacement, rehabilitation, renovation, modernization, and reconstruction. Some of our military camps are 200 years old. Many of the facilities for personnel throughout the system are outdated, substandard, not modern. The whole of the physical plant of all of the armed services is depreciating and deteriorating. Maintenance and repair are not keeping pace with wear and tear. No businessman or property manager would permit the deterioration of his properties as we Americans are permitting, even forcing, the deterioration of our defense plants and facilities.

The accelerating deterioration of the physical plant of our armed services is a wasteful extravagance which jeopardizes our defense readiness and our national security. The deterioration may become so massive and pervasive that rehabilitation becomes impossible.

While our military plant and physical facilities are deteriorating, our military system cannot perform satisfactorily. While our military plant is deteriorating, the military personnel and their families are required to live and work under substandard conditions—which is unfair and inefficient.

Every Member of the Congress, every U.S. taxpayer should know what is happening. We have an enormous investment in our Department of Defense and its properties and facilities. We should keep these assets in a good condition of repair and maintenance or they should be relinquished for other higher and better uses. Actually, some of the bases were established decades, even a century ago, and probably no longer serve their intended purpose well. A thorough review of our defense plant and facilities is long overdue.

There are many ways to confirm what I am saying. Most businessmen and industrialists who operate large plants or facilities have formulas which they can apply to determine how much or what percentage of the original cost or replacement value needs to be spent in order to keep pace with deterioration. Under any accepted formula, we are not spending sufficient amounts to keep our military plants and facilities in an acceptable condition of repair and maintenance. Our spending program for military construction during each of the last 8 years has been inadequate—and, therefore, the deterioration continues to compound itself.

The Assistant Secretary of Defense for Installations and Logistics testified that the three services estimate a $19.6 billion deficiency in military construction. The budget request was for only $1.917 billion, less than one-tenth the need.

The Defense Department claims that $8.2 billion is needed for modernization of physical plant, but requested only $380 million. It is also estimated that 121,600 additional units of family housing will be required by 1974. The budget request was for only 4,800 units. At this pace we can only retrogress.

An understanding of complicated cost-benefit formulas pertaining to expenditures for repair and maintenance of physical plant and facilities is not necessary to know that our military facilities are deteriorating.

Anyone can visit a military, naval, or Air Force base and see the conditions first hand. Every Member should visit several military bases and observe for himself. I strongly suggest that Members compare military buildings, facilities and equipment with comparable assets of other governmental agencies—State, local, or Federal. Compare a military base with a NASA base—the former is old, rundown; the latter is modern, new. Compare any military administration building with the administration building of any Federal or State agency. Compare military hospitals with private hospitals. Few military hospitals can match the condition of private hospitals.

Many facilities, in every service, need almost complete rehabilitation. Many facilities which have been rehabilitated and patched up over the years require extensive modernization. Many buildings which are used to house military personnel and their families would have been demolished years ago if military bases could qualify as part of civilian urban renewal projects.

Many social planners and urban redevelopers deplore the ghettos, the residential blight and the de facto segregation of our cities—but the ghetto situations, the housing deterioration and the enforced segregation of our military personnel on many military bases is much more deplorable. Military personnel, who are ordered to report to certain military bases, often find it impossible to find any housing for their families. More often service families have no choice but to live in housing whose standards are considerably below standards prescribed in the minimum building and zoning codes of even slum sections of metropolitan areas. In my own district, young families of military men have lived in their automobiles for weeks.

Family housing without privacy, without adequate storage, without adequate laundry facilities, without adequate floor space, with no toilet facilities on the first floor, and in a condition or process of deterioration are commonplace in all branches of the service.

This is not primarily the fault of the services. The Congress has simply refused and neglected in the past to appropriate sufficient funds to provide adequate housing for military personnel and their families.

Without adequate funds, the services cannot possibly provide the quantity or quality of housing to which military personnel are entitled.

It seems incongruous and incredible that men will be drafted into the service, moved from base to base at someone else's will, and not provided adequate housing for themselves or their families—but this is the case. This deterioration will accelerate with the inadequate appropriation which we are proposing today.

During the last 8 years the Defense Department has been so engrossed in the fighting of a war in Vietnam and maintaining our NATO and nuclear defenses, that it has been unable to pay sufficient attention to the maintenance and modernization of our national defense system. The war has demanded the talents and energies of our best military planners and researchers. The war has demanded enormous slices of our resources. The balance of the funds, of course, had to come from the other Defense Department needs. Thereby the military plant and facilities elsewhere were drained down and permitted to deteriorate; needed rehabilitation and modernization was postponed; needed new construction of family housing, hospitals, bachelor housing, and schools were deferred; essential research and planning was scratched.

We cannot permit our servicemen, a large segment of our fellow citizens, or our defense system to bear the burden of the war.

Our defense system must keep abreast of change. No segment of our society should be more responsive to progress and innovation or to the sensitivity of our citizenry. As the size of our Military Establishment decreases we ought to insist that quality and effectiveness increase.

We cannot do this without providing more funds for military construction.

We must understand that we cannot expect the morale or retention of the armed services to improve if military personnel and their families are forced to live in substandard housing on isolated ghettoized military bases.

Today the young, stable, intelligent, competent, and dedicated servicemen whom we want to attract and to retain in the defense services care about their families and especially the education of their children. Today's service family understands that the education of their children is their most important mission after survival. Not yet, especially under this military construction budget, can we provide adequate classrooms and educational facilities for dependents of military personnel.

In our debates on other authorization and appropriation bills for education and housing, we declaim loudly and passionately for more funds for education and housing for the civilian poor, and I join you. But I remind you that many of our military families qualify for all of the poverty programs, yet we continually ignore their needs and we are, in this appropriation bill, treating the military families shabbily.

The budget requests for these requirements were patently inadequate. Of course the administration is confronted with enormous pressures to reduce spending—and the military construction budget is an easy place to cut because only the military personnel will directly suffer and their numbers are small, dispersed and apolitical. But this predicament does not reduce the dire need nor relieve us of the responsibility which should be commensurate with the need.

Military construction appropriations provide the wherewithal to support personnel. Personnel is the most precious and essential ingredient of our defense forces.

Certainly we need the weapons systems, we need the munitions, we need the vehicles—planes, ships and trucks—we need the research and development programs and the other items included in the Defense appropriations bill which we will consider later this session.

But the weapons systems, the munitions, the vehicles, the research are useless without the personnel. To organize a superior defense force with which to guarantee our national security, we need to recruit and maintain the most competent and dedicated persons possible.

Morale and retention are two of the most critical problems facing the Department of Defense. We in the Congress share the responsibility of providing the Defense Department with the tools and the wherewithal to maintain high morale and the retention of competent and dedicated service personnel. Salaries are low, working conditions are onerous and often dangerous, the risks to life and personal safety are high, families are separated often with little notice and at most inconvenient times, assignments are uncertain. Because of the many unavoidable disadvantages of military service, we have some extraordinary responsibilities for providing other benefits and inducements. We also have the responsibility for providing the optimum training for all personnel.

The acquisition, construction and installation of public works, buildings and facilities for the three major military services and other defense agencies is the responsibility of our committee and the Congress.

The construction and maintenance of all housing for all military personnel, for all training facilities, for all warehousing of all materials and equipment, and for all installations to administer the Department of Defense are included in this bill.

The sites and housing for our land based weapons systems are included in this bill.

Construction and reconstruction in this country and abroad is included in this bill.

So, I cannot emphasize enough the enormity of the scope of our military construction requirements.

I cannot emphasize enough the great significance of the military construction projects to the morale and efficiency of our military personnel.

Personnel perform better with proper facilities. Housing is as critical to the performance of a serviceman or woman as to a civilian. Good working conditions are just as important to service personnel as to civilian personnel.

Unfortunately, weapons systems, planes, ships and munitions receive top priorities under the pressures of war—by military leaders and by the Congress.

Too often we have neglected our physical establishment. Too often we permit good facilities to deteriorate. Too often we overcrowd and overload facilities during a war. This diminishes efficiency and effectiveness. This increases the costs.

Too often we tell ourselves we are "getting by" with old, out-of-date, inefficient, deteriorating facilities when we are not "getting by" at all, but are actually permitting valuable and necessary facilities to deteriorate and we are inexorably permitting the degradation of our defense facilities. Too often deferments are not economy measures at all—but foolish, uneconomic judgments which simply increase costs and deprive us of facilities needed now.

The wear and tear on facilities accelerates during the increased mobilization required by war.

Overextended and massive use of buildings, housing, ports, airfields and training facilities can quickly escalate deterioration.

Wartime should require more military construction projects and larger appropriations, but your committee, because of the critical fiscal condition of the Federal Government, is recommending a reduced appropriation.

I commend the subcommittee and the full committee for appropriating as much as they did. I commend both for their concern about the military infrastructure, but we have not done enough on the basis of sound business and property management or on the basis of sound personnel management.

Mr. JONAS. Mr. Chairman, I do not intend to take the 5 minutes. The Committee on Appropriations has filed a very detailed report as to what transpired in the committee and what is contained in the bill, listing the items that were stricken by the Committee on Armed Services, and the items that were eliminated by the Department of Defense from the requests of the different services. Beginning on page 24 of the report and running to the end thereof, there is a breakdown of installations funded in this bill, State by State and service by service.

It has already been stated in the course of the debate so far that this bill has been cut three different times. The first cut was the cut brought about by reason of the revision of the budget by the Nixon administration. That amounted to a half a billion dollar cut. The second cut, I guess it would be proper to refer to it as the Rivers cut. Although the gentleman from South Carolina is not usually credited with making a lot of cuts, and on the contrary he is usually credited with increasing bills. But here is a case in which his committee made a substantial cut in the request of the administration, about $300 million.

Then the last cut, I guess, could be referred to as the Sikes cut; that is the cut of our own subcommittee, and with all of those cuts we are about $1 billion under the originally prepared budget.

Frankly, that is about all I think the services can stand in the way of cuts. As the gentleman from Michigan (Mr. CEDERBERG) stated in the course of his remarks, these substantial cuts should please many Members of the House who think we are spending too much money on defense.

I admit we are spending a great deal of money on defense, but am one of those who believes that whatever you spend on the defense of your country, or preserving your country's security is not money wasted but money well spent.

The subcommittee has made a careful analysis of the items that were authorized, and of the requirements, and I am inclined to believe that there is more danger in the long run that we have erred on the side of too much economy than to the contrary.

We, of course, are in a fiscal situation that calls for restraint, but there is a point beyond which economies in maintaining facilities are self-defeating. You know out of your own experience, with your own house, if you let it go for years without providing any maintenance money, that one of these days you will have a major repair or rehabilitation program confronting you.

So, as I say, I think we have made all the cuts that were proper in this bill. It is a good bill. It represents the best thinking of the subcommittee, and I would suspect that as many members of the subcommittee feel that it does not provide enough money as those who feel that it provides too much, so that there is a sort of a balancing off there of viewpoints within the subcommittee.

I support the bill, and I join my colleagues, the distinguished chairman of the subcommittee, the gentleman from Florida (Mr. SIKES), and the distinguished ranking minority member, the gentleman from Michigan (Mr. CEDERBERG), in urging that it be approved by the Committee of the Whole this afternoon.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I will be glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, as a member of the subcommittee, I can testify to the accuracy of the statement of the gentleman from North Carolina (Mr. JONAS) that this is a barebones bill. Everything in my district has been cut out of the military construction bill.

Mr. JONAS. I did not realize that everything had been cut, but I can vouch for the fact that it was pretty hard hit.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CEDERBERG. Mr. Chairman, I yield 1 additional minute to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I simply wanted to add that the one base in the Third District of Iowa has been closed and I am not complaining, but I notice that in half a dozen States they are really doing all right in terms of this bill.

Mr. JONAS. Since we are on this subject, I am pleased to report to my friend from Iowa that he will not find any money in this bill for the Ninth Congressional District of North Carolina either.

Now, I would like to yield to the gentleman from New York (Mr. MCEWEN) if he would like to ask some questions or direct some questions to the gentleman from Florida.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. MCEWEN).

Mr. McEWEN. Mr. Chairman, I would like to inquire regarding the item which was in the authorization and was taken out; $950,000 for reserve components at Camp Drum.

Mr. SIKES. I understand his interest and I know the matter of which he is speaking. If he wishes, I will respond at this time.

Mr. McEWEN. Yes, if you would, Mr. Chairman, and I am referring to the item in the committee report on pages 28 and 29.

Mr. SIKES. Let me say to the gentleman, I appreciate his efforts and commend him for his interest and for his desire to see that Reserve components have their needs funded properly.

This particular item is not a budgeted item. The committee went very carefully into nonbudgeted add-ons, and this is one of those.

The testimony to the committee about a week ago stated:

> The Guard Bureau for the army did not request these items to be added.

Presumably, it was intended that they would come before the Congress in a later year.

"If there is a serious need for these projects, why were they not included in the regular fiscal 1970 budget?"

The response was, that "This was a matter of funding limitations. We had originally requested more money than we were authorized in the President's budget, and the high priority items had to be considered first."

Again I sympathize with the gentleman, but the committee has to draw the line somewhere on nonbudgeted items and items which are requested by the administration.

Second, however, I should state to the gentleman the fact that Reserve Forces facilities are not spelled out as line items in the committee's action. Funds were not specifically provided for it. This does not necessarily prevent the project from being funded from available funds if the Department determines it has a higher priority than those which were identified during the course of the hearings.

Mr. McEWEN. If I may say, Mr. Chairman, I appreciate the fact that this was not budgeted. It was added by the committee to the authorization bill. But I find it a little confusing in view of the statement of the testimony that you read from the hearings. I was looking at part 3, of your hearings, pages 1101 and 1102, where you, Mr. Chairman, were questioning General Wilson on this and it concludes on page 1102 with you asking General Wilson: "You do need funds for Drum?"

And General Wilson replied: "That is correct, sir."

Mr. SIKES. I do not think there is any inconsistency there because undoubtedly they do need funds at a great many installations which could not be included within the funding limitation imposed by the administration and by the Bureau of the Budget.

If the gentleman will think back on what I said a moment ago, he will realize that the testimony I quoted was given just prior to the markup of the bill and that this item was not considered to be of as high a priority as the other items which were listed within the funds requested.

Again, I am sympathetic to the gentleman's interest. But you have to draw the line somewhere. The committee feels that it cannot, in good conscience, go beyond the Bureau of the Budget's recommendations except in very limited instances where a very strong case is made by the services for a particular facility.

Mr. McEWEN. I thank the gentleman for this information.

I would like to say now to the distinguished chairman of this subcommittee of the Committee on Appropriations that I would indeed welcome it, if the gentleman from Florida and the members of this subcommittee might visit Camp Drum. As the gentleman knows, it is the major training facility for the First Army for the Eastern United States, and to which tens of thousands of National Guard and Reserve members come for their summer training.

I would say to the gentleman, if you personally had the opportunity to see this facility and see the use that is being made of it, the needs that it serves and the inadequacy of so much of the facilities there, I would indeed welcome it. If you and the members of this distinguished subcommittee might, next summer I would suggest, visit Camp Drum and the Thousand Islands of northern New York during that very beautiful season of the year, you would see this facility at the peak of its use and see the obsolescence that is plaguing the command at this post.

I do wish to add, Mr. Chairman, that there has been recognition given by your committee. I appreciate some of the things that have been done. But there are desperate needs, I feel, and I would like very much if you gentlemen might be able to see this firsthand. I know there are many installations to see, but I think it would be very worthwhile if you would visit this particular one.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from North Carolina.

Mr. JONAS. It would not be possible, I guess, that there is any fishing in the area?

Mr. McEWEN. I am happy to respond to the gentleman from North Carolina on that. We claim the world's record muskellunge, out of the St. Lawrence River, almost adjacent to Camp Drum. Also there are even some ponds on the reservation, I am told, that have excellent bass fishing, but if you come during the training season, they are in the impact area on the artillery range, and the commanding officer might not think it appropriate to go out there in that season.

Mr. SIKES. Mr. Chairman, I yield to the distinguished gentleman from Illinois such time as he may consume.

Mr. PUCINSKI. Mr. Chairman, I wonder if the distinguished chairman of the subcommittee could give me some information in relation to a situation we have in my district involving a defense installation. We have a Defense Contract Administration center in my district at O'Hare Field. The employees there work in a very old building. They eat their lunches at their desks because there is no lunchroom facility. It is cold in the winter and hot in the summer. The General Services Administration has been trying to negotiate rental of new quarters for this agency. But I am told that the Defense Department has a fixed maximum amount of rent that can be paid. I believe the figure is somewhere around $5 a square foot, or somewhere in that area. In a big rental market like Chicago, it is absolutely out of the question to obtain any kind of rental for that kind of money. Has the committee given any consideration to providing some flexibility, or is there flexibility now to deal with a problem like that? They do not want to build a building; they want to rent one. What is the policy of the Defense Department on matters such as that? Is there a possibility that higher rental fees can be allowed?

Mr. SIKES. The policy of the Department of Defense ordinarily is to provide those facilities that are sufficiently merited and can be fitted within the scope of the available funds contained in the appropriation request. There is never enough money for all needed items. The item to which the gentleman refers is not one that was listed in the budget request. It is not one that was before the committee. Frankly, I know very little about it. I am interested because of the interest of the distinguished gentleman. If he will bring the matter to my attention and to that of the committee staff, we will be glad to explore the situation and determine if there are ways in which relief can be obtained.

Mr. PUCINSKI. The gentleman, as usual, is most kind, and I appreciate his good advice and his invitation. I thank him.

Mr. SIKES. Mr. Chairman, I yield such time as he may require to the gentleman from California (Mr. McFALL), the ranking majority member of the committee.

Mr. McFALL. Mr. Chairman, I wish to express my support of the bill presented to the House by the committee, and to also express my appreciation to the chairman of our subcommittee for the remarkably good job that he has done and to the members of the subcommittee for the care and diligence with which they have approached the subject of military construction, so important to the security of our country. There is no partisanship in this committee. The ability of this committee in approaching these problems is certainly shown by the kind of bill that we have presented to the House.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Pennsylvania such time as he may consume.

Mr. FULTON of Pennsylvania. Mr. Chairman I am glad to compliment the subcommittee on the good work it has done. I believe the saving of $1 billion in the 1970 budget for U.S. military construction is right in line with what our American taxpayers want. I am glad to hear this billion-dollar cut will not interfere with the effeciency of our U.S. military organization and U.S. military capabilities.

Mr. Chairman, I make a policy recommendation regarding joint use by U.S. military planes of the U.S. metropolitan airports that are serving the tremendous passenger jets, with greater jets to come, consisting of the international airport types. I believe that our U.S. policy should be to work to separate the military operations and regionalize them, away from the large metropolitan passenger airports as these two kinds of traffic are incompatible and the mixture is dangerous.

I hope some progress can be made on that kind of a program to insure greater air traffic control and safety for both the scheduled airlines and private planes.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BOB WILSON. Mr. Chairman, the antidefense hysteria in this country has produced an entirely new breed of bird. The doves have not been content to merely pick at our Defense Establishment on the Vietnam issue. They have recruited a new breed of bird, an amphibious ostrich, who would stick his head under the sea while Soviet submarine commanders gaze through their periscopes at the tempting target of the amphibious ostrich's rear end—big, fat, and exposed.

Let me make one thing clear. I must confess that I am an antiwar agitator. But the way that I feel we should agitate against war is to build a Defense Establishment so superior that it will deter aggression. The way to prevent war is to prepare for it. They way to encourage war and aggression is to unilaterally disarm, to ignore the enemy's buildup, and to disparage all those who would equip us to deal with a determined enemy.

The amphibious ostrich becomes infuriated and flaps into an impotent rage with its vestigal wings if you dare mention that the Soviet Union has achieved the largest submarine-building program involving the most advanced undersea craft that the world has ever known. If you point out that the Russians now have over 105 missile submarines compared to our 41, the ostrich will lay an amphibious egg. But the "yolk" will be on him—and us—if we do not activate a powerful new antisubmarine warfare program to overtake and surpass the Russian submarine threat.

Skilled ASW men may differ over technical requirements for ASW aircraft carriers, turboprop planes, sonar buoys, new and better destroyers, and submarines to fight the underwater threat. But there are no differences on the urgency of the need to perfect our antisubmarine defenses.

Admiral Caldwell has this year testified before the Congress with a request very mindful of and deferential to the prevailing congressional mood. He made a very modest and practical request for a 10-percent increase in the Navy's ASW budget. He saw this as essential to mount even a minimum response to the new Soviet challenge.

As a Member of Congress, I am more free to speak out than the admiral and other distinguished naval officers. The admiral and his colleagues know what is happening in the Soviet submarine yards. They are deeply troubled by the specter of Russian submarine power. But they must be practical and frugal when they ask the angry taxpayers for money at a time when the antiwar vogue is such that naval ROTC units are being driven from our universities and many amphibious ostriches would like to converge on the Chesapeake Bay to foul up the U.S. Naval Academy.

I may be accused of being out of vogue because I do not want to put our Navy into the new miniskirts—or the slave chains the girls are wearing around their waists. But I am less interested in fashion than in fact. I say, "damn the ostriches, full speed ahead" on a realistic ASW program.

Let me explain to you why I have become such an agitator on this ASW question. I see it as the most sincere form of antiwar expression, the only real guarantee for peace. I am a peacenik in this sense because I represent a constituency of citizens who go down to the sea in ships—citizens who are painfully aware of the horrors of war and cosmopolitan and sophisticated enough to know that war must be prevented.

It was only a year ago when we became aware that the Soviet Navy in 1968 had reached a submarine strength that our authorities did not believe they could attain until 1975. Moscow is running 7 years ahead of our best estimates, ahead of our computer projections. There were no amphibious ostriches to be found in the Soviet Union.

The Russian Navy now has more than 375 submarines; 65 of this number are nuclear powered. We have a total of 41 missile submarines compared to their 105 Polaris missile submarines. We have only 44 nuclear attack submarines.

Moscow's 105 missile submarines represent a great threat not only to our men at sea but to our cities at home. Next year, 1970, will not see us catching up. Indeed, the Russians will move even further ahead in nuclear submarine strength.

We must be concerned not only with existing Soviet submarine strength but the fantastic production base that has been established. There are also the qualitative improvements. Their submarines are quieter, faster, better than we imagined.

Fifty-eight percent of the Soviet Navy is less than 10 years old. This contrasts with our ships which average 18 years of age. All of the Soviet Navy has been built since the end of World War II. We are still using some elderly ships, destroyers as well as submarines, that should be retired forthwith.

The Russians next year will be even further ahead of us in submarine strength. The sad truth is that we are being left behind. There is no excuse for this. ASW is the essence of defense. It is linked to the safety and protection of our Nation with the traditional assignment of defending our ships and shores. Indeed, the time has come for a counterattack. Those who would defend our Nation cannot go on the defensive.

Russia now has a submarine building yard so vast that it could include more yards than our country even possesses. The Russians could build 20 nuclear submarines a year. This includes 12 of the Polaris type.

In 1966 we had 300 students in naval architecture and marine engineering. The Russians had 7,000. That is the contrast in the emerging technical base.

Admiral Rickover has said:

> Numerical superiority, however, does not tell the whole story. Weapons systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and superiority in some.

Now that Moscow has reached a point of parity with us, and are moving ahead in submarine power, are they trimming sails? They certainly are not. They are expediting the pace of submarine construction.

Congress has just learned that the Russians now have the world's fastest submarine. Emboldened by their growing power, the Russians are operating farther away from their bases, in larger numbers, and for longer periods of time. New types of submarines and improved mother ships are emerging.

Russian submarines are no longer strangers to our coastal waters. Nor is the Soviet Navy showing timidity. There was nothing timid about the naval movements in Cuban waters and the Gulf of Mexico this summer. Nor are the threats to the U.S. 6th Fleet in the Mediterranean indicating a meek posture.

Soviet submarine progress has been achieved in days when too many Americans do not want to hear about it. They have hypnotized themselves with some grandiose delusion that if we stop all defense spending our foreign enemies will fall in love with us while, at home, poverty and racial antagonisms will disappear from our cities.

I feel the time has come to take one compelling aspect of our defense and concentrate on it with an appeal to reason. That aspect is ASW. The basic sense of the American people is good. Even some of the amphibious ostriches may raise their heads out of the water.

What we can do in space, we can do on the seas and under the seas. ASW research and development must be glamorized. It must be accorded top priority.

What deeply disturbs me today as we consider the military construction appropriations bill is the elimination of funds for building a vitally needed naval undersea technology laboratory in San Diego. The laboratory would provide technical advice on the major naval efforts in ASW systems, analyze component and systems developments and conduct some operational testing, underwater environmental research and inhouse applied research. This proposed laboratory is not one that was hastily conceived. It was first studied and recommended several years ago by the President's Office of Science and Technology which stated that the laboratory would serve as "a space setter" in the ASW field. It also urged that the center be established as promptly as possible to fill a gap in the Navy's research and development capability in ASW. Our House Armed Services Committee recognized this need also and has recommended construction of the laboratory. Now, we see the money for starting the laboratory being denied to the Navy, meaning that this project so vital to our Nation's seapower will slip another year.

The Appropriations Committee states in its report that it is not convinced that the Navy has sufficiently studied the possibility of using existing facilities for housing the laboratory. I should like to comment on this point, for the Navy as well as the Armed Services Committee indeed studied this possibility quite thoroughly, and it was determined by both that a new structure would be necessary to house the laboratory.

It is my hope that the Senate will recognize the need for starting this laboratory and approve the necessary funds so that when the House and Senate go into conference on this bill, another effort can be made to grant the $6.4 million appropriations for this important laboratory.

Mr. GILBERT. Mr. Chairman, I am going to vote against H.R. 14751, the military construction appropriation bill. This bill has come to the House floor under a rule which waived all points of order. I feel that rule 21(6) has been disregarded and we have been deprived of the opportunity for study and careful consideration of this measure. The printed committee hearings, consisting of some 1,200 pages, were not available until yesterday, November 12, and the report became available just today. I do not believe we should be asked in this body to consider a $2 billion appropriation bill under these circumstances.

I am deeply concerned, Mr. Chairman, that there are some moneys in this bill, the purpose of which has not been explained, or cannot be explained. In addition, the bill involves some $14 million in new appropriations and $97 million in total appropriations for the controversial anti-ballistic-missile system, to which I am opposed.

Further, I have long been concerned over the growing proportions of military spending. I am a cosponsor of legislation to bring new perspective to the question of national priorities, and to reassert congressional control over the Nation's military industrial establishment. I feel that the Vietnam war, which I have, of course, long opposed, has provided the opening for a military budget which is no longer related to our military needs. We cannot accept the premise that our national security depends only upon military expenditures. We need more of an understanding—an explanation—of what we as a nation are buying for our money. Extravagant military spending is not going to solve our most pressing national problems. The civilian sector of our national budget is being deprived. We must turn our attention to the need to rebuild ghetto communities, to improve our schools, provide more housing, and health facilities, and to fight pollution, crime, and drug addiction.

Mr. Chairman, I cannot conscionably vote for this $2 billion appropriation in haste while the pressing needs of our country remain neglected and inadequately funded.

Mr. SIKES. Mr. Chairman, I have no further requests for time.

Mr. CEDERBERG. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $271,605,000, to remain available until expended.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if the chairman of the subcommittee might respond to a question or two. I note in the committee report that there is no construction for Vietnam, and I am sure the chairman probably covered this in his earlier remarks, but I wanted to ask if he has the figures that were in the comparable bill last year for Vietnam for that construction.

Mr. SIKES. Mr. Chairman, if the gentleman will yield, I believe the gentleman asked me how much money was provided last year for Vietnam?

Mr. FRASER. Yes.

Mr. SIKES. It is going to take me a little while to run this down because I cannot put my finger on the exact amount. I can say since 1965, $2.8 billion has been appropriated for construction in support of Southeast Asia. There is a June 30, 1969, obligational total of $2.6 billion and expenditures of $2.2 billion. As of August 31, 1969, there was a total of $213.7 million available to carry on new construction projects in Vietnam. Because of the fact that there is no new requirement for money in Vietnam, there is none appropriated in this bill. There will be available the carryover funds from last year, which will primarily be used for Vietnamization of the war, to provide facilities which are required specifically for the Vietnamese units rather than the U.S. units. It is necessary to complete some of the facilities that were under construction.

If the gentleman from Minnesota will yield to the distinguished gentleman from California (Mr. McFALL) the gentleman seems to have his finger on the item the gentleman requested.

Mr. FRASER. I yield to the gentleman from California.

Mr. McFALL. Mr. Chairman, on page 8 at the bottom of the page, the language there describes the construction in Vietnam as follows:

> This consists of providing facilities for the Vietnamese Armed Forces, including dependent shelters, at an accelerated rate to facilitate the "Vietnamization" of the war.

The Chairman has quoted the total of $213.7 million available for obligation in Vietnam as of August 31, 1969. If the gentleman will go on to read that section, he will find $110 million will be available for the shelter program and other construction items, which will be utilized out of the money which is being carried over.

Mr. SIKES. Mr. Chairman, if the gentleman from Minnesota will yield further, specifically to answer the gentleman's question, now it has been brought to my attention from the committee hearings, in fiscal year 1969, $189 million was appropriated for Vietnam.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I should like to ask the gentleman if perhaps he can clarify for the committee just why we need to spend money for new facilities? Why cannot the Vietnamese simply take over the American facilities being evacuated?

Mr. SIKES. Mr. Chairman, if the gentleman will yield further, I will be glad to go into that.

Mr. FRASER. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, there is actually to be used, out of the carryover money, $110 million for Vietnamization of the war.

This includes improving facilities or building facilities which are specifically required for Vietnam forces. Remember, they use a different type of equipment from what we use. They operate normally in smaller units. It is very costly for them to try to carry on the huge base complexes we have constructed.

This is a very significant requirement for the improvement of roads, particularly in those areas where the roads were used primarily for military traffic. They have taken a very bad beating in the course of the war, and simply have to be improved. That accounts for $40 million.

There are emergency facilities required for the safety, health and security of United States forces. That is some $57 million.

Funds are necessary to repair battle damage, which is continuing on our own installations, or from rocket attacks. That is $16 million.

There are also facilities such as port repair, to support redeployment of U.S. units back home. That is $15 million. Even though we are moving units out of Vietnam, it is still a costly operation to convert to the Vietnamese operation or to get our forces out.

The CHAIRMAN. The Clerk will read.

Mr. SIKES. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. YATES: On page 6, line 19, strike out the period (.) and insert: "but no part of such funds may be used for construction associated with operational deployment of the Safeguard Anti-Ballistic Missile System."

Mr. YATES. Mr. Chairman, this is a logical time to present this amendment. It is true that the ABM debate a few months ago was extensive and thorough both in the House and Senate. After a very spirited fight the proponents for deployment of the ABM won. I was opposed to the deployment of the ABM in that debate. I am still strongly opposed to such deployment.

This amendment offers this House a second opportunity, perhaps the last chance, to take another look at the program.

First, Mr. Chairman, my amendment will not affect any research funds at all. It goes only to deployment. There is money in this bill for research facilities on Kwajalein Island. This amendment will not affect those funds.

The opponents of deployment of the ABM favor research. They are not opposed to research. They are opposed to deployment.

Mr. Chairman, there is a time for research and there is a time for deployment. When last year Congress hurried to approve the Sentinel ABM for the reason presumably that the time for deployment had come, those of us who opposed that move pointed out that the ABM system that was to be deployed around the Nation's cities would not work for that purpose. However, we were overruled.

It took President Nixon himself, early this year, to point out the fact that we had been correct. It would not work, he said. He exploded the argument that deployment of the Sentinel ABM would work around the Nation's cities.

The President himself said it. But then he changed the name and redeployed the ABM. I find it difficult to understand why a change of name—changing the name Sentinel to Safeguard—and moving deployment to two sites in Montana and in North Dakota, to protect our intercontinental ballistic missiles, would change the efficacy of the deployment. I still maintain that this is a highly questionable system. I do not believe it will work any better in its new role.

What is more important, Mr. Chairman, Dr. Foster, who is Director of Research of the Department of Defense, has stated in testimony before the Appropriations Committee that the ABM will not protect this Nation against an all-out attack by the Soviets, for whose missile might it is supposed to be a shield.

Mr. LONG of Maryland. Mr. Chairman, I am very interested in the gentleman's remarks. As a member of the subcommittee, I spent time studying the whole question of the ABM. I came out of the study with mixed feelings. While it might work, the question is, would it work well enough to justify the expenditure of the money. It seems to me we have other defense needs that are more justifiable, giving more defense for the dollar, than the ABM. I was forced, because the whole package was presented to us, at the time of the authorization, to vote for the ABM—and I was very unhappy at that time about it—because while I was opposed to deployment just now, I wanted to see that we kept on with research and development, looking to the time when we might get a real scientific breakthrough that would make the ABM more justifiable. I am very glad that the gentleman offers an amendment which enables me to do now, what I was unable to do at the time of the authorization; namely, to vote against a waste of money for the deployment but for a continuation of a research and development program.

Mr. YATES. I thank the gentleman. The gentleman makes a very cogent argument in support of my amendment.

Mr. Chairman, we need these funds for other and better purposes, the Congress has approved an extra billion dollars for education. The Congress has approved approximately $1 billion for clean water. Both of these appropriations are above the budget. Both are desperately needed. Both are much more necessary in the national interest than this expenditure for ABM deployment. The deployment of the ABM at this time is premature.

For these reasons, Mr. Chairman, I urge striking the funds for the ABM deployment out of the bill.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have trod this ground many times before. This is the same effort to hamstring the ABM Safeguard program, which we have seen so often.

Mr. Chairman, there is no new money for the Army for Safeguard in the bill except for research and development facilities at Kwajalein, which I mentioned earlier. This money, $14.1 million, is for research and development, which I believe just about everyone supports. There is also new money in the bill for the Air Force, at the Norad Combat Operations Center in Colorado. Of the $20.8 million requested for alteration of this center, $2.5 million, is to be used for headquarters facilities for Safeguard. The committee provided $12.8 million of that request. The gentleman's amendment is really directed at prior year appropriations and authorizations. The money which is carried over must be utilized if we are going to have an orderly program. This money is to be spent for planning, land acquisition, access roads, and construction to insure the readiness of the two sites, which have been selected. If we do not continue the work which is now in progress, we will simply postpone the availability of this system for another year or two or three—an inexcusable delay for an already long delayed program.

I submit, Mr. Chairman, that this would be a most unwise procedure. No such limitations are imposed on the Russians or the Chinese. I trust that the House will reject the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. If I may, I will first yield to the gentleman from California, Mr. McFALL, and then to the gentleman from Illinois.

Mr. McFALL. I thank the gentleman for yielding. I wish to join with the gentleman in opposition to this amendment. While I think that the gentleman from Illinois certainly has presented his amendment at an appropriate time, it will not have the effect he desires because it applies to prior-year funds and the House had its opportunity to work its will as to whether or not to go forward with Safeguard.

I would join with the gentleman from Florida in opposing the amendment. The House has already considered the appropriateness of our country going ahead with Safeguard. The other body has in a memorable debate and a memorable vote decided to go ahead with Safeguard.

I feel that the committee is properly providing the money—carryover money from other years—to go ahead with Safeguard in accordance with the determination made by this House and by the other body in previous authorization bills.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. As I understand it, the amount of money that is involved in my amendment approximates $260 million; is that not correct?

Mr. SIKES. The amount of carryover money is $279 million. However, not all of it would be expended in fiscal 1970.

Mr. YATES. But these are funds that will be used for deployment, are they not?

Mr. SIKES. This is carryover money from previous appropriations which will be used during the current fiscal year for the planning and construction of two sites which have been authorized.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I rise to join the chairman in opposition to the amendment.

One of the distinctions that many of the opponents of the ABM and the installation of the ABM make is between research and development and deployment. I would suggest that the gentleman read Part I of our hearings where we went into the Safeguard matter. We went into this with Dr. Charles Johnson and General Starbird. The gentleman from Maryland (Mr. LONG) goes into quite a colloquy with them on the research and development involved in the actual installation at the sites in Montana and North Dakota. There is research and development involved at these installations. I do not know whether the gentleman from Illinois has read this testimony or not.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman has read that testimony. My amendment goes to the deployment funds. If the money is to be used for research, my amendment will not reach it, and as the gentleman testified if research was to be pursued at those installations, my amendment would not prevent that.

Mr. CEDERBERG. But the gentleman from Illinois raises a rather cloudy question here.

Mr. YATES. Not cloudy at all.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. YATES. My amendment goes entirely to the deployment. If the Department of Defense is of the opinion that what they are doing is limited entirely to research, my amendment will not touch it.

Mr. CEDERBERG. I think you have a rather difficult situation here in separating deployment from research because both are involved. If the gentleman will read the testimony of Dr. Johnson I think he will have to conclude that R. & D. is very, very much involved in the actual deployment on site.

Mr. YATES. Mr. Chairman, if the gentleman will yield, my amendment reads:

> No part may be used for construction associated with operational deployment.

I think that is quite clear.

Mr. CEDERBERG. In construction, you cannot separate operational deployment from the R. & D. You have got to have the construction for operational deployment before you can conduct R. & D.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, if it is in connection with research only, my amendment would not touch it.

Mr. CEDERBERG. As a matter of fact the gentleman from Maryland (Mr. Long) said when he questioned the witness that he wished Defense people would bring these things out more clearly.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thought Dr. Johnson's testimony was excellent. It was persuasive to me to the effect that there was much merit in some deployment at the two sites in North Dakota and Montana. I would, however, be very unwilling at this point to see any deployment at the other 12 sites until we really learn something further about this.

Mr. CEDERBERG. I do not think there is any question of construction for further deployment, particularly in the 1970 program.

Mr. SIKES. If the gentleman will yield, let me point out that, regardless of how you dress it up, this is an anti-ABM amendment.

Mr. YATES. If the gentleman will yield, yes.

Mr. SIKES. My distinguished friend from Illinois who offered the amendment agrees. We have plowed this ground very thoroughly before. I trust that we can speedily get on with a vote on the amendment, and I trust it will be rejected.

Mr. CEDERBERG. Just let me make one brief comment——

Mr. YATES. If the gentleman will yield, I want to make a correction. It is an anti-ABM deployment amendment.

Mr. CEDERBERG. I respect the desire of the gentleman not to deploy the system.

I do have serious reservations as to how, under this amendment, you could separate the research and development aspect from deployment, as stated by Dr. Johnson in testifying on the deployment of the system.

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, I would like to ask the gentleman, because it is unclear in my mind, whether it is not true that there are plans to acquire land at these other locations, dozen locations around the country, besides the two in North Dakota and Montana.

Mr. CEDERBERG. I cannot answer the gentleman from Maryland exactly as to the request for the acquisition of other sites, but you can acquire land for sites and still not deploy.

Mr. LONG of Maryland. Will the gentleman yield further?

Mr. CEDERBERG. I yield further to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding further, and I think the gentleman from Illinois made it very clear that he does not object to deployment at the two sites so long as this comes under the heading of research and development, so I see no harm in the amendment offered by the gentleman from Illinois.

Mr. CEDERBERG. I think I understand what the gentleman has in mind.

Mr. YATES. If the gentleman will yield further, may I say that I agree with the gentleman from Maryland (Mr. Long).

Mr. CEDERBERG. What the gentleman is saying is that the Defense Department says we are going to deploy in Montana and North Dakota, and we are doing it for R. & D. purposes. You want the Department of Defense to say that we have to deploy in North Dakota, for R. & D. purposes.

Mr. YATES. What they are doing at Kwajalein is just that; they are building it there because they are doing R. & D., and I have no particular opposition to that and, second, I am willing to take Dr. Long's explanation.

Mr. CEDERBERG. If you will remember what Dr. Johnson said here, that a good deal of R. & D. is involved, then obviously the proposed amendment is not needed.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. FRASER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will not take the full 5 minutes. I just want to say that, although this question has been debated before on the floor of the House, it ought not to be regarded as a closed question. The nuclear arms race continues to bear very heavily in the total undertakings of this Government, and in the larger problems that we face as we begin our meeting with the Soviet Union on the SALT talks.

The problem I have with going ahead with the ABM, apart from the question of whether it will work, is that this is another part of the major thrust which we see as the United States proceeds without any delay in the testing of MIRV warheads for both the Minuteman III and the Poseidon missile, and as we move into construction on the AMSA bomber which is another strategic, nuclear-delivering vehicle.

It seems to me that the United States ought to be looking with more care at these programs to see if it is not possible that we can either slow these down or stop them, hopefully, under some agreement with the Soviet Union.

I want to take this occasion to express my deepest disappointment in the posture of the administration as it prepares to meet with the Soviet Union at Helsinki. It would appear to me that the hard-line, military viewpoint is prevailing as the administration defines its proposed position at Helsinki. We apparently, for example, are not considering the possibility of seeking agreement with the Soviet Union at that meeting to an end to MIRV testing.

Now, I deeply regret this. I have listened to too many eminent scientists and others who tell us that if we let this point of no return be passed in the testing of the MIRV, that we will have lost a very important control device which might have made an agreement on MIRV possible.

When we look at the question of going ahead with the ABM, it should be considered in connection with the other forward motion in the construction and deployment of other nuclear weapons.

So I would hope that the House and the Committee would give sympathetic consideration to this amendment. The Soviets are not moving ahead with their ABM, and it would seem to me that we can hold off on ours, particularly we could and should hold off until we see what the results are of the talks that are just beginning with the Soviet Union.

This is a matter of grave concern to the American people. It involves potentially tens of billions of dollars. We need to spend this money for our problems here at home. The security of the United States will not be advanced by both sides—the U.S. and the U.S.S.R.—spending another $30 billion to $50 billion on these weapons.

It seems to me we ought to consider taking a stronger leadership role in urging the administration to hold back on the development and deployment of these weapons and push harder for some kind of strategic arms limitation agreement.

So I think this amendment, if it were passed, would be an indication that we are reluctant to see these many billions of dollars being spent until it is thoroughly demonstrated that the security of the United States requires this.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask a question of the gentleman from Florida.

It may well be that the gentleman is unable to answer the question for the reason that the information may be classified. I understand there is some money appropriated in this bill the purpose of which cannot be explained on the floor of the House.

Is there construction money in this bill, if the gentleman can answer the question, for Okinawa? I ask the question because of the propaganda that has begun both in and out of the Congress for the purpose of causing the Government of this country to abandon Okinawa and turn it back to the Japanese. I also ask this question because if this Government is going to maintain a military bastion in the Pacific I believe the gentleman will agree that any money expended on Okinawa now would be lost if the island is abandoned. I believe he will further agree that it will cost an untold amount of money to build another comparable base somewhere in the Far Pacific if we are compelled to do so by virtue of having surrendered Okinawa.

Personally, I am absolutely opposed to surrendering Okinawa as long as it is deemed necessary to maintain a bastion in the Pacific.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am pleased to yield to the gentleman.

Mr. SIKES. I am very glad to respond to the distinguished gentleman.

No, there is no money in this bill for military construction on Okinawa. As I stated earlier in the debate, this bill is patterned on the House authorization bill.

And in the House authorization bill, all the funds for major projects which were requested for military construction in Okinawa were eliminated. The committee in this bill also eliminated a small project there which was withdrawn by the service involved.

Now let me state that I agree emphatically with the gentleman's position on the importance of retaining Okinawa as a military bastion for our forces.

First it is very important to the security of the forces of freedom in the western Pacific. There is no other forward base which is as well located for the maintenance of a defense capability for the western Pacific. Then I must remind the House, a great many American lives were sacrificed in World War II on Okinawa because it was considered essential to our forces. I do not now see us moving out at the demand of the Japanese Government.

Not only do I feel that we should stay in Okinawa, but I think we should insist on the right to store and use whatever weapons may be required for the security of our own forces and the common defense of the area.

Let me state further to the gentleman that Okinawa base facilities are needed for our own forces. If they are restored in the conference action in the authorization bill and funded in the Senate, I intend to do what I can to see that they are accepted by the House committee and built.

I shall be very disappointed if our Government follows a weak policy in defending the interests of U.S. forces on Okinawa. New facilities for the military forces are needed in Okinawa if we are going to stay there at all, and I hope we stay there.

Mr. GROSS. I certainly thank the gentleman for the statement he has made. The gentleman is well aware, of course, that a conference, at which this subject will be, I am sure, a prime topic of consultation and conversation, will take place very shortly here in Washington. I rather hope that I am not around if Congress is ever called upon to replace Okinawa somewhere else in the Pacific. I am sure the gentleman will agree that such a replacement would cost hundreds of millions, if not billions of dollars.

Mr. SIKES. It would very well run into hundreds of millions, possibly billions of dollars, and there is not another site that would be as good for the purpose of the common defense as is Okinawa.

Mr. GROSS. I thank the gentleman. I yield back the remainder of my time.

Mr. LANGEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. LANGEN. Mr. Chairman, I wish to take this opportunity to thank the Appropriations Committee of this body for its exercise of good judgment in approving the location of a proposed Omega navigation station at Middle River, Minn. There had been some suggestion that this site should be relocated to La Moure, N. Dak., but the background of this suggestion is as yet unknown. The Navy Department attempted to justify their factually baseless decisions for relocation by presenting ambiguous and—in some cases—clearly erroneous cost figures.

In due consideration of all the facts which are presently available, the Appropriations Committee yesterday voted to retain the Middle River site. The engineering report on site investigation for the Omega navigation station, Middle River, Minn., made by MacKichan & Madsen, consulting engineers, Grand Forks, N. Dak., and submitted to the Navy Department on December 22, 1967, states on page 3:

> It is the opinion of the Consultant that the site is a suitable one for the proposed OMEGA Navigation Station. The topography, terrain, extent of cover and growth, foundation conditions, water supply, access roads, and utilities, together with ease of property acquisition are all suited to the purpose intended. *No unusual engineering, construction, or maintenance problems are anticipated at this site.* (Emphasis added.)

Likewise, the same report states on page 19:

> From a technical standpoint and from the results of the Site Investigations made, the terrain, cover, foundation conditions and water supply are satisfactory for the purpose intended. The access and utilities are satisfactory and the property acquisition would be relatively simple. *From an engineering, construction, and maintenance standpoint the site appears to present no unusual problems."* (Emphasis added.)

There are some very pertinent economic considerations on behalf of the Middle River Omega Navigation Station; namely, that there will be no cost to the Government for the land involved, there will be no cost to the Government for clearing 910 acres of land, and that power rates are the lowest possible—with a calculated cost as low as 0.01008 per kilowatt hour. The facts supporting this can be found in the statement which I submitted to the Military Construction Subcommittee of the House Appropriations Committee on October 31, 1969. For the information of the Members, a copy of the statement is available in my office, and can also be found in the House Military Construction Appropriations hearings for fiscal year 1970 on pages 1305 through 1314.

Again, let me express my appreciation to the Appropriations Committee for a thorough job and good judgment.

Mr. SIKES. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ULLMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14751) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. SIKES. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 343, nays 32, not voting 56, as follows:

[Roll No. 271]

YEAS—343

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hogan
Holifield
Horton
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Ohio

Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Yatron
Zablocki
Zion
Zwach

NAYS—32

Bingham
Brasco
Burton, Calif.
Carey
Clay
Conyers
Diggs
Edwards, Calif.
Farbstein
Fraser
Gilbert
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Kastenmeier
Koch
Lowenstein
McCarthy
Morse
Mosher
Nix
Ottinger
Podell
Reid, N.Y.
Rosenthal
Roybal
Ryan
Scheuer
Schneebeli
Stokes
Yates

NOT VOTING—56

Abbitt
Ashbrook
Bevill
Brademas
Brock
Brooks
Brown, Calif.
Cabell
Cahill
Chisholm
Clancy
Cohelan
Daddario
Dawson
de la Garza
Denney
Dorn
Eckhardt
Eshleman
Flowers
Flynt
Frey
Garmatz
Hanna
Hicks
Hosmer
Howard
Johnson, Pa.
Jones, Tenn.
Kirwan
Landgrebe
Lipscomb
McCulloch
Macdonald, Mass.
Martin
Mathias
May
Mikva
Miller, Calif.
Murphy, N.Y.
Nichols
Pepper
Powell
Price, Tex.
Rees
Springer
Teague, Tex.
Thompson, N.J.
Tunney
Utt
Waldie
Watkins
Wilson, Charles H.
Wylie
Wyman
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Rees against.

Mr. Miller of California for, with Mr. Brown of California against.

Mr. Cabell for, with Mr. Powell against.

Mr. Garmatz for, with Mrs. Chisholm against.

Until further notice:

Mr. Brooks with Mr. Hosmer.

Mr. Macdonald of Massachusetts with Mrs. May.

Mr. Pepper with Mr. Johnson, of Pennsylvania.

Mr. Young with Mr. Martin.

Mr. Brademas with Mr. Eshleman.

Mr. Charles H. Wilson with Mr. Utt.

Mr. Nicholas with Mr. Watkins.

Mr. Murphy of New York with Mr. Denney.

Mr. Daddario with Mr. Clancy.

Mr. Dorn with Mr. Ashbrook.

Mr. Howard with Mr. McCulloch.

Mr. Hanna with Mr. Lipscomb.

Mr. Abbitt with Mr. Price of Texas.

Mr. Kirwan with Mr. Landgrebe.

Mr. Hicks with Mr. Springer.

Mr. Tunney with Mr. Wyman.

Mr. Thompson of New Jersey with Mr. Cahill.

Mr. Jones of Tennessee with Mr. Frey.

Mr. Bevill with Mr. Brock.

Mr. Waldie with Mr. Mathias.

Mr. Flynt with Mr. Wylie.

Mr. Mikva with Mr. Dawson.

Mr. de la Garza with Mr. Eckhardt.

Mr. Flowers with Mr. Cohelan.

Mr. COUGHLIN and Mr. LUJAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 474, COMMISSION ON GOVERNMENT PROCUREMENT

Mr. HOLIFIELD. Mr. Speaker, I call up the conference report on the bill (H.R. 474) to establish a Commission on Government Procurement, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 12, 1969.)

Mr. HALL. Mr. Speaker, reserving the right to object, will the distinguished gentleman explain the differences between the Senate and House versions, before we have the question of consent to the conference report?

Mr. HOLIFIELD. Mr. Speaker, if the gentleman will yield, the House provided for a commission of 14 members, with the Comptroller General acting as an ex officio member. The Senate amendment to the House bill provided for a commission of nine members and placed the Comptroller General as a member of the commission.

Mr. HALL. But not as chairman?

Mr. HOLIFIELD. But not as chairman. The conference substitute was for a 12-member commission consisting of the Comptroller General and a proportionate appointment of the 12 as it was for the 14, and the Senate bill contained subpena powers which assure that any subpena that would be issued by a member of the subcommittee or commission could be done only at the direction of the commission itself and would require the subpena to be signed by the chairman and vice chairman of the commission. Those are the only changes in the report.

Mr. HALL. Mr. Speaker, as I understand the situation we have reduced by two, the number of members who would be on the $100 per diem plus expenses. Is that a fair summary? It reduces the number from 14 to 12.

Mr. HOLIFIELD. The present membership would be appointed two by the Speaker, a Republican and a Democrat, and two by the President of the Senate, a Republican and a Democrat, and each one would appoint one from the outside.

Mr. HALL. Mr. Speaker, I think the gentleman did not understand my question. As I see it, the sum total effect of the conference report is that we reduce from 14 to 12 the number on the commission, thereby saving two of the $100 per diem plus all expenses paid during the time they are in session. Is that correct?

Mr. HOLIFIELD. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, was the Comptroller General under the terms of the House bill an ex officio member?

Mr. HOLIFIELD. He was. And under the terms of the conference report as agreed to, he becomes a member of the 12-man commission.

Mr. GROSS. A member of the commission?

Mr. HOLIFIELD. Yes.

Mr. GROSS. But do we have any change with respect to the members of the commission?

Mr. HOLIFIELD. He has the regular standing of a commission member.

Mr. HALL. Mr. Speaker, in other words the Comptroller General has a vote. I presume he would not draw the per diem since he is on the payroll, and would be subject to the Dual Compensation Act, and so forth.

Mr. HOLIFIELD. He does not.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. Mr. Speaker, I yield to the ranking minority member such time as he may consume.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a unanimous conference report and I hope it will be adopted so we can proceed to the appointment of the commission, which I think is very important. I hope it will be a hard-working commission in this field.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO DESIGNATE "MINERAL INDUSTRY WEEK"

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 888) to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object—as I understand it, the gentleman from Colorado is prepared to offer two resolutions of this nature to the House. Do either of these resolutions require the expenditure of any funds from the Federal Treasury?

Mr. ROGERS of Colorado. Mr. Speaker, neither of the two resolutions, this one, House Joint Resolution 888, or House Joint Resolution 10, which I will offer later, will require the expenditure of any funds whatsoever.

Mr. GROSS. Mr. Speaker, does the gentleman have any further commemorative week resolutions he is preparing to present to the House?

Mr. ROGERS of Colorado. Mr. Speaker, we have almost 80 now pending in our subcommittee. I do not know just how many we will offer.

Mr. GROSS. Did the gentleman say 80?

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. But the gentleman does not have any more to present before Christmas?

Mr. ROGERS of Colorado. We may have some developments by Christmas.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. FULTON of Pennsylvania. Mr. Speaker, reserving the right to object—and I will not object—I have pending a resolution, now referred to the Judiciary Committee, to designate April 22 to honor the birthday of Queen Isabella, the person responsible for making possible Christopher Columbus' voyage of discovery. I would say Queen Isabella shares with Columbus the role of the chief persons responsible for the success of the voyage, and the discovery of America.

We in America honor Christopher Columbus' birthday, as he deserves every honor for his competence and courage. Equally, we should honor the birthday of Queen Isabella for her intelligent foresight in backing Columbus, which likewise took courage.

Is there any possibility that resolution can be reported out by the gentleman's subcommittee and the Judiciary Committee in the near future?

Mr. ROGERS of Colorado. I will say to the gentleman from Pennsylvania, we have it under consideration and it may be reported. It is now uncertain.

Mr. FULTON of Pennsylvania. I hope the Judiciary Committee can give attention to it, because the Daughters of Queen Isabella of the Catholic Church, many U.S. Governors and U.S. Mayors, as well as other local officials have already designated this day of celebration for Queen Isabella by resolutions and proclamations and ordinances. This resolution has wide support.

I am very interested in passage of this resolution. I feel that the woman responsible, as well as the man responsible, should get adequate and full recognition for the discovery of America.

Shall the omission be now corrected, and womankind receive their full share of credit for the discovery of America? Of course, omission of any tribute whatever or remembrance by the U.S. Congress for Queen Isabella can be outright discrimination against one of the leaders in the discovery of America, simply because Queen Isabella is a woman. No person denies the necessary and major part that Queen Isabella played in making possible the successful voyage of Columbus for the discovery of America.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 888

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of February 13 through February 19, 1970, as "Mineral Industry Week", and calling upon the people of the United States to observe such a week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE PRESIDENT TO PROCLAIM VOLUNTEERS OF AMERICA WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 10) authorizing the President to proclaim the second week of March in every year as Volunteers of America Week.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the second week of March of each year as Volunteers of America Week, and urging the people of the United States to express their gratitude for the untiring and selfless work of the Volunteers of America, and to continue their support of its humanitarian activities.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 1, line 5, strike the words "of each year" and insert "1970".

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment to the title of the joint resolution.

The Clerk read as follows:

Title amendment offered by Mr. ROGERS of Colorado:

Amend the title to read as follows: "Authorizing the President to proclaim the second week of March, 1970, as Volunteers of America Week".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

EMPLOYMENT SECURITY AMENDMENTS OF 1969

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 676 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 676

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and pending that I yield myself such time as I may consume.

The reading of the resolution makes it clear that this provides for two hours of general debate with a closed rule. The purpose, Mr. Speaker, of H.R. 14705 is to extend and improve the Federal-State unemployment compensation program. Under H.R. 14705 an employer will be subject to the Federal unemployment tax if he had one or more individuals in his employ in 20 weeks in the current or preceding calendar year or paid wages of at least $800 in any calendar quarter of the current or preceding calendar year. Approximately 1.3 million additional workers will be covered under this provision, effective January 1, 1972. Approximately 200,000 additional employees would be covered effective January 1, 1972, who are not now employees under common law rules, such as agent-drivers and outside salesmen.

There is a provision for newly covered agricultural workers who would be working in processing plants where either half or more of the commodities are not produced by the plant operator. Some additional 200,000 jobs perhaps would be covered under this provision in 1972.

Mr. Speaker, I might say that the bill does provide for some substantial additional coverage. There are those of us, I am sure, who would like to have seen this bill go a good deal further. I was personally quite disappointed that it did not go further in covering certain agricultural workers and farm employees. Of course, I can understand some of the problems that the committee has had. My feeling, if I can say it, is that in the very near future I hope the Committee on Ways and Means does see fit to look further into the question of unemployment insurance coverage for farmworkers, because it is a subject of considerable interest across the country and one in which in many cases the farmers themselves are asking that they be brought under coverage. It is a matter that I hope will be considered in the future, as I say.

Employees of nonprofit organizations and State hospitals and State institutions of higher education would be brought under the program. Approximately 2.6 million additional jobs would be covered by this provision, effective January 1, 1972.

Approximately 160,000 additional jobs, citizens of the United States employed outside the United States by an American employer—would be covered, effective January 1, 1972.

Exclusions would be provided for certain students, students' spouses, and hospital patients. These would be effective January 1, 1970.

The bill would repeal section 8524 of title 5 of the United States Code, which would have the effect of insuring that the accured leave of ex-servicemen would be treated, in each State, in the same way as the accrued leave of all other unemployed workers, including former Federal civilian employees.

Approximately 58 million jobs are now protected by the unemployment compensation system. H.R. 14705 would extend coverage to about 4.5 million.

Mr. Speaker, I urge the adoption of House Resolution 676 in order that H.R. 14705 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to my friend from Iowa.

Mr. GROSS. Does my friend from California anticipate that there will ever come the day when a bill of any importance comes from the Committee on Ways and Means under an open rule?

Mr. SISK. If I can just comment to my good friend from Iowa, I could, I suppose, anticipate that day. We raise this question quite often with the distinguished gentleman from Arkansas (Mr. MILLS) and the distinguished minority member Mr. BYRNES. They indicate that at some point they might consider such a move, but I would not want to hold my breath until that should happen, I might say to my good friend.

Mr. GROSS. I would not, either, I will say to the gentleman.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I am glad to yield to my good friend from Arkansas.

Mr. MILLS. I would like to respond to my good friend from Iowa by saying that the committee felt that if this bill was to be considered around 4:30 in the afternoon and disposed of the same day, it might be appropriate to have a closed rule on it, in view of the fact that, in all probability, it opens the entire Internal Revenue Code as well as the entire Social Security Act to amendments.

Mr. GROSS. Will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Just for a quick observation.

The gentleman from Arkansas is more clairvoyant than I thought in that when he applied for the rule several days ago he knew the bill would be called up at 4:30 in the afternoon.

Mr. MILLS. I had been told that it would come behind an appropriation bill.

Mr. SISK. Mr. Speaker, I urge the adoption of the resolution and reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentleman from California (Mr. SISK) this resolution calls for a 2-hour closed rule to consider the bill H.R. 14705, to extend and improve the Federal-State unemployment compensation program.

The purpose of the bill is to amend the Federal-State unemployment compensation program in a number of particulars. Under the bill: Coverage is extended; a permanent program of extended benefit coverage is provided to assist those unemployed who have exhausted their regular coverage; judicial review is provided for a review of decisions of the Secretary of Labor, and the tax which funds the Federal share of the program is increased.

Today approximately 58 million jobs are now protected by the unemployment compensation system; some 16.8 million jobs are now unprotected. The bill will provide coverage for the first time to some 4.5 million jobs in the following categories:

First. An employer would be subject to the Federal tax if he had one or more employees in 20 weeks of the year—current law sets the minimum coverage to employers of four or more—or if he has a payroll of $800 in any calendar quarter.

Second. The definition of "employee" is modified so as to include agent-drivers and outside salesmen.

Third. Workers in agricultural processing plants where one-half or more of the commodities handled are not produced by the plant operator will be covered. Co-op processing plants will not be covered by the bill if more than one-half of the commodities handled are produced by its farm operator members.

Fourth. Employees of nonprofit organizations and State hospitals and institutions of higher learning are included for the first time. Church employees, members of religious orders, and employees of schools other than institutions of higher learning are not covered.

Fifth. U.S. citizens employed by American companies outside of the United States would be covered for the first time—except in Canada.

Sixth. Students under 22 working as a part of a work-study program and spouses of students employed by a school under a program of assistance to the student would no longer be covered by the program.

Generally, these new coverages take effect on January 1, 1972. This date is picked to give the several States time to amend their unemployment compensation laws. The exemption for students or their spouses takes effect on January 1, 1970.

As of January 1, 1972, the State laws will have to meet four new requirements. These are:

First. A beneficiary would be required to have worked since the beginning of his benefit year—this will eliminate the possibility of one getting benefits for 2 consecutive benefit years between jobs.

Second. Compensation could no longer be denied to workers who are in approved training programs.

Third. Compensation could not be reduced or denied because a claimant lives or files his claim in another state.

Fourth. Wage credits would not be canceled or benefit rights totally reduced by a disqualifying act other than disqualifying act other than discharge for misconduct or fraud in connection with a benefit claim, on the receipt of disqualifying income such as pension payments.

The bill provides judicial review of the decisions of the Secretary of Labor. Any State which receives an adverse decision may appeal to a U.S. court of appeals within 60 days of notification of the action. The Secretary could take no further action until the 60 day period has run.

The bill establishes a new permanent program of extended benefits during times of high unemployment payable to workers who have exhausted their basic entitlements to the regular State unemployment compensation. This will go into effect on January 1, 1972. The Federal Government will pay 50 percent of the costs in each State. This program could only go into effect when, either on a national or State basis, a period of high unemployment exists in the previous calendar quarter. The bill defines national high unemployment as a figure of 4.5 percent of covered employees. A State level of unemployment benefit payments equal to 120 percent of the most recent 13 week period is defined as high unemployment for State purposes.

The extended benefit program created by a State must cover at least a 13-week period and pay a beneficiary his regular benefits, including dependents' allowances.

The Federal tax which finances the unemployment compensation program will be increased by one-tenth of 1 percent—from 3.1 to 3.2 percent beginning January 1, 1970. The taxable wage base, beginning January 1, 1972, will be increased from $3,000 to $4,200.

Finally, the bill creates a Federal unemployment compensation research program, and a program of grants to train personnel in the field. Also created is a Federal Advisory Council on Unemployment Compensation to review the operations of the program and make recommendation for its improvement. Employers, employees and the public will be represented equally and a staff of expert and technical personnel is authorized. The Commission is authorized to expend $100,000 annually for its work, such funds to be appropriated from the Federal Unemployment Tax Act revenues. There are no minority views. The administration is supporting the reported bill.

Mr. Speaker, I urge adoption of the rule.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14705, with Mr. Giaimo in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispenses with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. Mills) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. Byrnes) will be recognized for 1 hour.

The Chair recognizes the gentleman from Arkansas.

Mr. MILLS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it is a pleasure for me as chairman of the Ways and Means Committee to speak in behalf of a bill reported unanimously by the Ways and Means Committee and against which I have heard not one single word of protest from anyone with respect to what is in it. There are some, of course, outside of Congress as well as some in Congress, perhaps, who would have had the bill go to some degree further with respect to coverage and some of the other aspects than it goes. However, I know of no objection from any source with respect to what is in the bill itself. I think that is probably the reason why bills sometimes come out of the committee unanimously—that in those instances none of us hear any protest from anyone back home about them.

Mr. Chairman, let me discuss very briefly what the bill does. Let me say, however, before I do that even, that although there are 2 hours of general debate allotted for consideration of the bill, I have no requests at this time on our side of the aisle for any participation in debate beyond the time that I shall consume. I understand the gentleman from Wisconsin (Mr. Byrnes), if I am correct, perhaps will speak on his side and may have no further requests for time.

Mr. BYRNES of Wisconsin. It will be very limited.

Mr. MILLS. The debate will not take anything like 2 hours.

Mr. Chairman, this bill is the result of the most intensive review of the unemployment compensation program that has been undertaken by the Congress since the program was established by the Social Security Act of 1935. It is the product of the Committee on Ways and Means. It is a bipartisan committee bill. The ranking minority member on the committee, the gentleman from Wisconsin, joined with me in introducing the bill.

In 1965 and 1966, the Committee on Ways and Means spent months reviewing the unemployment compensation program in public hearings and executive session. The bill developed at that time (H.R. 15119, 89th Congress) was passed by the House and sent to the Senate. Unfortunately, the bill which passed the Senate contained provisions which were unacceptable to the members of the conference representing the House and as a result, no legislation was enacted at that time.

This year, the President sent to the Congress his proposals for improving the unemployment compensation program. The President's recommendations were based in large measure on the work done by the committee in 1965 and 1966. I introduced a bill (H.R. 12625) embodying the President's proposals, also with the gentleman from Wisconsin as a cosponsor. This bill formed the base for the committee's study which began with public hearings on October 1, followed immediately by executive sessions and which ended with the introduction of H.R. 14705 on November 6 and the filing of the report on this bill on November 10.

Mr. Chairman, although the Committee on Ways and Means was able to act on this legislation with unusual dispatch it did not rush in doing its work. On the contrary, the provisions of H.R. 14705 were carefully put together after an unhurried and thorough study. Some of the provisions were designed in the 89th Congress and were improved and updated this year; other provisions were created this year. I do not claim perfection for the bill, of course. I am confident, though, that enactment of its provisions would go a long way toward making the Federal-State unemployment compensation system much more responsive to the needs of present day American workers. The changes it would make are those which are most urgently needed at the present time.

I am aware that there is no crisis await-action on this legislation. The unemployment compensation system is not being threatened today. That is precisely why this is an especially good time for us to be acting on this legislation. Too often in the past Congress has been moved to legislate in an atmosphere of emergency. Now is the time we can do the best job of modernizing the system so that it will withstand future emergencies and crises.

Mr. Chairman, the bill would make major modifications to the unemployment compensation system in five general areas: First, it would extend coverage to approximately 4.5 million jobs in which workers are not now protected; second, it would establish a permanent program of extended benefits to workers who exhaust their rights to regular unemployment compensation payments during times of high unemployment; third, it would provide the States with a new judicial review procedure; fourth, it would improve the financing of the program, and fifth, it would add a few new requirements for State unemployment compensation programs and make other changes to improve and strengthen the Federal-State unemployment compensation program.

CHANGES IN COVERAGE

Today approximately 58 million jobs—including those of Federal employees, ex-servicemen, and railroad workers—are protected by unemployment compensation. Approximately 16.6 million jobs are not now covered. This bill would extend coverage to about 4.5 million jobs, effective January 1, 1972.

Mr. Chairman, at this point in the Record I would like to insert a table which shows the number of employers and the number of jobs that would be covered under the unemployment compensation program by the bill:

ESTIMATE OF NUMBER OF EMPLOYERS AND JOBS ADDED TO COVERAGE BY H.R. 14705

Coverage	FUTA		State UI laws	
	Employers	Jobs	Employers	Jobs
Employers of 1 or more in 20 weeks, or with a payroll of $800 or more in a calendar quarter	1,258,000	2,554,000	643,000	1,285,000
Definition of employee	(1)	360,000	(1)	210,000
Definition of agricultural labor	(2)	205,000	(2)	190,000
Nonprofit organizations			18,000	1,935,000
State hospitals and institutions of higher education			1,000	725,000
U.S. citizens employed by American employers overseas	(2)	160,000	(1)	160,000
Total	1,258,000	3,235,000	662,000	4,505,000

[1] Nearly all the employers involved are already covered.
[2] Information not available.

The following are the groups of workers who would be affected by the bill:

First. Workers in the employ of persons or firms with less than four employees: Present Federal law applies only to those employers who have four or more workers in their employ in 20 weeks in the current or preceding calendar year. Under the bill an employer would be brought under the Federal-State unemployment compensation system if he employs one or more individuals in 20 weeks in the current or preceding calendar year, or if he pays wages of $800, or more, in any calendar quarter of the current or preceding calendar year. Approximately 1.3 million additional jobs would be covered under this provision.

Second. Workers affected by changed definition of employee: Approximately 200,000 additional jobs would be covered by adopting the definition of employee which is now used for the purposes of the old-age, survivors, disability and hospital insurance—OASDHI—program, with a modification. Those affected by this change are persons who are not considered employees under common law rules, such as certain agent-drivers and outside salesmen. The concept of employee in the bill differs from that of the OASDHI program in that it would not apply to full-time life insurance salesmen or to people who work in their homes on materials which are furnished by another if they are not employees under common law.

Third. Workers in agricultural processing: Approximately 200,000 additional jobs would be covered by adopting the definition of "agricultural labor" which now applies to the OASDHI system, with a modification. Included among the newly covered workers would be those working in processing plants, including cooperatives, where one-half or more of the commodities handled were not produced by the plant operator or farm operator members of the cooperative.

Fourth. Employees of nonprofit organizations and State hospitals and institutions of higher education. Approximately 2.6 million jobs in nonprofit organizations and State hospitals and State institutions of higher education would be brought under the unemployment compensation system. Coverage would not be extended to certain of these employees, however, such as ministers of a church, university professors, university administrators, and so forth.

The States would be required to permit nonprofit organizations the option of reimbursing the State for unemployment compensation costs attributable to service for them rather than paying the regular State unemployment insurance contributions. They would not be required to pay the Federal portion of the unemployment tax. A separate effective date would allow the States to put the reimbursable option into effect at any time after December 31, 1969.

Each State could determine the extent to which unemployment compensation based on employment with an institution of higher learning would be paid during summer vacation periods.

This extension of coverage would apply only to nonprofit organizations that employ four or more workers in 20 weeks in the current or preceding calendar year.

U.S. citizens employed outside the United States: Citizens of the United States who are employed by U.S. employers but who are working outside the United States would be covered by adopting with a modification the definition of employment which is now used for OASDHI purposes. An exception would be made for employment in Canada, with whom there are reciprocal agreements. Approximately 160,000 jobs would be covered by this provision.

Accrued leave of former members of the Armed Forces: The provision of present law which prevents the payment of unemployment compensation to former members of the Armed Forces for periods in which they are paid for accrued leave would be repealed. As a result, each State would be free to apply its own rules in determining whether unemployment compensation would be paid for these periods. Thus, under this provision, ex-servicemen would get the same treatment during a terminal leave period as is received by all other persons in a State, including former Federal employees.

Exclusion of certain students, students' spouses and hospital inpatients: New exclusions from coverage would be provided by the bill for students employed under work-study programs, for students' spouses employed by a university under a program of assistance to the students and for people employed by hospitals in which they are patients, effective January 1, 1970.

ADDITIONAL REQUIREMENTS FOR STATE UNEMPLOYMENT COMPENSATION PROGRAMS

States would be required to amend their laws not later than January 1, 1972, in order to obtain approval by the Secretary of Labor for the purpose of Federal unemployment tax credits for employers, to provide that—

First, work requirement: A beneficiary must have had work after the beginning of his benefit year in order to obtain unemployment compensation in his next benefit year—prohibiting the so-called double dip which allows a worker to draw full benefits in 2 successive years following a single separation from work;

Second, cancellation of wage credits: The wage credits of a worker could not be canceled or his benefit rights totally reduced by reason of a disqualifying act other than discharge for misconduct connected with his work, or fraud in connection with a claim for compensation, or by reason of receipt of disqualifying income such as pension payments. But a State could, for example, disqualify a worker for the duration of a period of unemployment following a disqualifying act, such as a voluntary quit, so long as the worker's benefit rights are preserved for a future period of involuntary unemployment during the benefit year;

Third, worker training: Compensation could not be denied to workers who are undergoing training with the approval of the State unemployment compensation agency; and

Fourth, interstate and multistate claims: Compensation could not be denied or reduced because a claimant lives or files his claim in another State. In addition, States would be required to participate in arrangements, approved by the Secretary of Labor, for combining wage credits for employment covered under more than one State law.

JUDICIAL REVIEW

Under existing law a decision of the Secretary of Labor that a State law or State administration of its law does not meet the requirements of the Federal law is final. There is no specific provision in the law allowing a State to appeal such a decision to a court.

The bill would establish a procedure under which a State could appeal a decision of the Secretary to a U.S. Court of Appeals within 60 days after the Governor of the State has been notified of an adverse decision by the Secretary. Findings of fact by the Secretary would be conclusive upon the court if supported by substantial evidence on the whole record.

No adverse action could be taken by the Secretary, based on such determination, until after the expiration of the 60-day period in which an appeal could be filed. Any action by the Secretary would be automatically stayed for an additional 30-day period following the filing of a petition for judicial review. In addition, the court could grant the State such additional relief as would be warranted.

In view of the establishment of judicial review procedures, the bill contains a modification of provisions contained in the Internal Revenue Code relating to the authority of the Secretary of Labor to make findings with respect to the "labor standards" provisions of the code.

FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION PROGRAM

The bill would establish a new permanent program which would require the States to enact laws which would have to take effect no later than January 1, 1972, to pay extended benefits during periods of high unemployment to workers who exhaust their basic entitlement to unemployment compensation payments.

These benefits would be paid to workers only during an "extended benefit" period. Such period could exist, beginning after December 31, 1971, either on a national or State basis by the triggering of either a national or State "on" indicator. In addition, a State could make the program effective in the State earlier on the basis of the State "on" and "off" indicators alone.

There would be a national "on" indicator when the seasonally adjusted rate of insured unemployment for the whole Nation equaled or exceeded 4.5 percent in each of the three most recent calendar months. There would be a national "off" indicator when the seasonally adjusted rate of insured unemployment for the whole Nation was below 4.5 percent in each of the three most recent calendar months.

There would be a State "on" indicator when the rate of insured unemployment for the State equalled or exceeded, during a moving 13-week period, 120 percent of the average rate for the corresponding 13-week period in the preceding two calendar years and when such rate also equaled or exceeded 4 percent. There would be a State "off" indicator when either of these two conditions was not satisfied.

An extended benefit period would begin with the third week after a week for which there was a national "on" indicator or a State "on" indicator, whichever first occurs. The period would end with the third week after the first week for which there was both a national and a State "off" indicator. However, an extended benefit period would have to last for a period of not less than 13 consecutive weeks.

I think that it should be pointed out that when you talk about 4½ percent of the covered workers, you equate that into the total of workers by adding anywhere from 1 to 1½ percent on top of it; so you would have an unemployment rate, say, of about 6 percent in total before this program would trigger into effect nationwide.

We have had two experiences, one in 1958 and one in 1961, of enacting extended benefit programs providing unemployment payments during those periods of time. In each instance—and I had the responsibility, I guess, of being the author of the committee-developed bill in each instance, and I am not criticizing anyone any more than I am myself—but in each instance we acted after the fact. Unemployment was here. It had been with us before we ever passed the program. The recession or depression had deepened more than in all probability it would have had an unemployment program providing extended benefits been in effect that would have triggered-on, just as it was beginning.

So even though our program is in good shape and it has no problems today, we thought that while the sun was shining we would fix the roof on the house rather than wait until the rains come and the footing is rather slippery on the roof. So we think this is the time to act.

Benefits: During an extended benefit period, whether established by national or State conditions, the State must provide each eligible claimant with extended compensation, at the individual's regular weekly benefit amount—including dependents allowances—equal to one-half his basic entitlement, but not more than 13 times such weekly benefit amount, or the difference between his regular compensation and 39 times such weekly benefit amount, whichever is the lesser. The Federal Government will pay one-half the cost of the payments authorized by these provisions. The State may provide more benefits, but the Federal Government would not share in the cost of any such additional benefits.

FINANCING

The bill would increase the rate of tax under the Federal Unemployment Tax Act from the present 3.1 percent of taxable wages to 3.2 percent, effective with respect to wages paid in calendar year 1970 and thereafter. No change would be made in the 2.7-percent credit allowed to employers in the States.

The taxable wage base under the act would be increased from the present $3,000 a year to $4,200 a year for calendar years 1972 and thereafter.

The bill in effect increases the net Federal unemployment tax from 0.4 to 0.5 percent. For 1970 and 1971 the additional Federal tax receipts resulting from the one-tenth of 1 percent tax rate increase would be put into a separate new account in the unemployment trust fund to finance the Federal share of the extended benefits program established by the bill. Thereafter, one-tenth of the net Federal tax would be credited to the account.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think that is an important point to make. We are now funding extended benefits during a time when funding is most appropriate, rather than waiting to face the problem when we are confronted with a recession. Is that not correct?

Mr. MILLS. What the gentleman is referring to—and I am glad that he brought it up—we are putting into this fund in the first 2 years, 1970 and 1971, one-tenth of 1 percent across the board on payrolls. That would provide quite a lot of money, all of which, for those 2 years, would go into this special account. On January 1, 1970, with this one-tenth percent increase the total rate becomes 3.2 percent, with the State rate still being 2.7 percent, as it has been in the past. On January 1, 1972, we would raise the amount of wages paid by the employer subject to the tax, from the present $3,000 base, where it has been since 1939 to $4,200.

The Secretary of Labor had asked us to raise the amount higher than that. We did not think it was necessary for us to do it now or in the foreseeable future, to provide funds for the administrative costs of the program. We think that this would take us at least to the 1975 fiscal year. We can then look at the situation, rather than saying now that on January 1, 1975, or January 1, 1974, we will increase the base. The Congress can look at the facts then before it, rather than for us to deal with the situation on a speculative basis.

OTHER PROVISIONS

The bill also contains provisions relating to—

First. Research, training, and Federal Advisory Council: Establishing a Federal unemployment compensation research program, a Federal program to train unemployment compensation personnel, both Federal and State, and a Federal Advisory Council on Unemployment Compensation to review the operation of the Federal-State program and to make recommendation for improvements.

Second. Certification date: Changing from December 31 to October 31 of each year the date with respect to which the Secretary of Labor certifies to the Secretary of the Treasury that the State laws and administration meet the requirements of the Federal Unemployment Tax Act.

Third. New employers and treatment in certain employment: First, permitting the States to reduce the tax rates of new employers—to not less than 1 percent—during the first 3 years they are under the unemployment compensation program and second, providing for enforcement of existing prohibitions against unequal treatment of maritime and other employment with respect to which the Federal Government has a special jurisdictional interest.

Fourth. Changes in cellings, transfers, and the flow of funds among accounts in the Unemployment Trust Fund: In addition to establishing a new third account—the extended unemployment compensation account in the unemployment trust fund—the bill would specify the order of transferring amounts to each of the three accounts, the order of transferring funds between the three accounts and the maximum funds to be credited to each of the accounts.

Fifth. Employment service financing: Amounts authorized to be made available out of the employment security administration account for each fiscal year after June 30, 1972, would reflect the proportion of the total cost of administering the system of public employment offices as the President, in his budget, determines is an appropriate charge to that account.

Mr. Chairman, I have a table which shows the estimated flow of Federal tax collections under H.R. 14705 which I would like to have inserted, for the information of the Members, in the RECORD, at this point:

ESTIMATED FLOW OF FEDERAL TAX COLLECTIONS UNDER H.R. 14705[1]

[Amounts in millions]

Item	Fiscal year— 1970	1971	1972	1973	1974	1975	1976
1. Total Federal collections	$740	$970	$1,035	$1,290	$1,345	$1,395	
2. Proportion transferred to extended unemployment compensation account[2]	14	194	177	129	135	140	
3. Administrative costs	691	790	849	880	974	1,079	
4. Collections for administration minus costs	[3] 35	[3] −14	[3] 9	281	236	176	
5. Administration account:							
(a) Current excess retained					281	79	
(b) Year beginning balance	0	35	21	30	311	390	
(c) Collections over costs in year	35	−14	9	281	236	176	
(d) Retained when extended unemployment compensation account is at ceiling	0	0	0	0	0	140	
(e) Balance at end of year	35	21	30	311	547	706	
(f) Statutory ceiling	(3)	(3)	(3)	352	390	432	
6. Annual excess end year[4]	0	0	0	281	236	316	
7. For credit beginning of year	3	0	0	0	281	236	$316
(a) Retained administration account	0	0	0	0	281	79	42
(b) Extended unemployment compensation account	0	0	0	0	0	101	0
(c) Federal unemployment account	3	0	0	0	0	56	89
(d) State accounts	0	0	0	0	0	0	185
8. Extended unemployment compensation account:							
(a) Current excess credited	0	0	0	0	0	101	
(b) Year beginning balance	0	14	208	385	—	756	
(c) Monthly transfer from administration account	14	194	177	129	135	750	
(d) Balance end of year	14	208	385	514	649	750	
(e) Statutory ceiling end of year	750	750	750	750	750	750	
9. Federal unemployment account:							
(a) Current excess credited	3	0	0	0	0	56	
(b) Year beginning balance	550	550	550	550	550	606	
(c) Balance end of year	550	550	550	550	550	606	
(d) Statutory ceiling end of year	550	550	550	599	646	695	
10. Additional excess for distribution to State accounts	0	0	0	0	0	0	[5] 185

[1] Federal net tax rate increased to 0.5 percent effective Jan. 1, 1970; tax base increased to $4,200 effective Jan. 1, 1972.

[2] In 1970 and 1971 equal to ⅕ and in 1972 and thereafter equal to ⅒ of total Federal tax collections.

[3] Under the provisions of Public Law 91-53 these amounts are not regarded as excess collections which can be credited to any account; they remain in the administration account, without regard to statutory ceiling, and are available as supplements to current tax collections for appropriation by Congress to finance administrative costs.

[4] Annual excesses do not include interest earnings on funds in the 3 Federal accounts; interest amounts would range from about $25,000,000 in fiscal year 1970 to about $80,000,000 in fiscal year 1975.

[5] To State accounts only under assumptions that neither National nor State extended benefits programs would trigger on and amounts would not be needed to replenish extended unemployment compensation account, and that insured unemployment rate would not exceed 2.2 percent for any year.

Note.—Assumptions: 1. IUR in each year is 2.2 percent. 2. Extended benefit program would not trigger at either Federal or State level.

Mr. Chairman, except for certain details, each of which I consider an improvement, this bill is basically similar to the bill this House adopted by a vote of 374 to 10 in June of 1966. I urge my colleagues to give the same support to this legislation.

(Mr. MILLS asked and was given permission to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I would like to ask the chairman of the committee one question. Over the years there has been a certain amount of hostility expressed, not so much in Congress, but from certain administration spokesmen and labor economists and so forth, to the so-called experience rating factors in many States, such as my own State of Ohio. Can the gentleman indicate whether or not this bill would in any way affect the State rating factor program?

Mr. MILLS. It would not change that part of the State program. Our States have this experience rating for the purpose of taxing, which means the employer who has the least amount of unemployment will pay the least amount.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, along that line, is it not true that some of the States have built up considerable funds in their employment funds and have not needed them to be expended. If that is true, would this require them to add to that or change the rate of expenditure?

Mr. MILLS. There is nothing in this which says they must change the rate except with respect to the new business. We say the State may charge less than the maximum rate applicable in that State but not less than 1 percent. That is all I can remember in the Federal law that has to do with the rate.

We say we will tax all the wages up to $4,200 per person. They are now being taxed up to $3,000. If that develops enough money, in a State, the State can change its tax schedule. It means that we will get more flexibility. The taxpayer can have a much lesser rate at $4,200 than at $3,000 and still produce the same amount of money.

Mr. HALL. I appreciate the Arkansas Traveler repairing the roof before it rains, repairing it while the sun is shining.

Mr. MILLS. I understand that is done in southwestern Missouri, too.

Mr. HALL. Are we going to make this applicable to one single employee?

Mr. MILLS. I have always been for that.

Mr. HALL. This would apply to a physician who has one combination nurse-secretary?

Mr. MILLS. It would. I hope we will bear in mind the real objective of the unemployment compensation is to take up the slack created when a person has lost his job involuntarily.

Mr. HALL. That is true, but it also puts a tax on the employer.

Mr. MILLS. Yes. The tax would be on the employer if he has one or more employees provided that one works for as many as 20 weeks in the calendar year or he has a payroll of as much as $800 for any quarter.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, along those same lines, I cannot help being a little surprised, considering that this will require a tax from every small merchant and every small attorney and every small dentist or what-have-you, at the chairman's statement that there has been no opposition expressed to the committee at all. Were these people aware of what this is going to do to them?

Mr. MILLS. Yes. All the organizations representing these people were there. I am sure of that. The bill was introduced by the gentleman from Wisconsin (Mr. BYRNES) some time ago. We had hearings on it. The announcements of the committee with respect to its decisions were made public. As widespread publicity was given to this matter as to any matter before our committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, I believe it should be pointed out that approximately 17 or 18 States, maybe more, already cover within their States the employers of one or more employees.

Mr. MILLS. Mr. Chairman, in my own State—and the gentleman can correct me for the record if he wishes—it is my recollection any employer with one employee for any period of time is covered.

Mr. BYRNES of Wisconsin. As I recall it, it is one in 10 days.

Mr. MILLS. There are 24 States, as I recall, that now have the provision for one or more.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, as I understand it, the Federal Government pays one-half the cost of the extended unemployment compensation provided?

Mr. MILLS. Out of a special fund we are setting up. It is not out of the general fund but out of the special fund.

Mr. DENNIS. Is there any estimate available as to what the other half will cost the State?

Mr. MILLS. Yes. Altogether, if the 1961 program had been financed on the 50-50 basis provided in this bill, the States would have been out about $400 million within that general area.

Mr. DENNIS. I thank the gentleman from Arkansas.

Mr. MILLS. The States are supporting it. At least, the people who operate the program within the States were represented within our executive sessions. We wrote the program in their presence. Their organization has endorsed this extended benefit program. The gentleman's own man in Indiana is a member of the conference.

Mr. DENNIS. Mr. Chairman, I thank the gentleman.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. KYL. Let us take the case of a city employee who retires on a disability and then, for 36 months after retirement and after he starts drawing retirement pay, draws unemployment compensation. Is this type of extra assistance available in any State?

Mr. MILLS. I do not know of any State where it is. Perhaps the gentleman's State allows that.

Mr. KYL. The District of Columbia does.

Mr. MILLS. It may be that the District of Columbia does; I do not know; but if it does, it is the law of the District of Columbia that does it, not the Federal law.

We have tried to keep from prohibiting the States from doing the things the States believe are in the best interest of their people. There are a lot of decisions in this whole program which are left to the States.

For example, there are two States, I recall, which will pay unemployment benefits when employees are on strike, but only two out of 50 make that decision. That is their privilege to do so. They are taxing their employers within the State to pay unemployment benefits. If the legislature wants to do it, why not let them do it? I would not vote for it, and the gentleman would not vote for it, but if the State wants to do it we believe they ought to be given latitude to enable them to write the program they want.

Mr. KYL. Did not the Congress pass the law for the District of Columbia?

Mr. MILLS. If the Congress did, yes, but such law would apply only to the District of Columbia—that would not have been any bill from the Ways and Means Committee, however.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Would this legislation cover a domestic employed on a part-time or a full-time basis?

Mr. MILLS. Domestic employees are not required by Federal law to be covered in any State. There may be some States which cover them, but it is not a requirement of Federal law.

I should like to say further to my friend from Iowa that the District of Columbia unemployment bill was not the product of the Ways and Means Committee; it came from another committee of the House.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Texas.

Mr. GONZALEZ. The gentleman from California, in presenting the rule, mentioned that there had been some talk about the possibility of extending this to cover farm field workers.

Mr. MILLS. We talked about it at great length. The Department of Labor recommended in the bill that they submitted to the Congress the inclusion of certain farmworkers. We tried in the committee to work it out, but without success.

As the gentleman knows from experience in the Congress, if one does not have the votes in the committee to put him in a majority he ends up in the minority with an idea.

Mr. GONZALEZ. Does the gentleman detect any strong sentiment in the direction of eventually covering farm field workers?

Mr. MILLS. I do. There is a growing feeling, I believe, as pointed out by the gentleman from California (Mr. SISK), even on the part of some of the farm operators, and particularly the very largest farm operators.

I have heard not directly but indirectly that they have some feeling that if they could extend to their workers unemployment compensation comparable to that which is extended in town, they might have more of an appeal to get certain folks within the town to come to work for them on the farms.

The experience which the State of North Dakota had in covering a segment of its farmers was such as to cause practically every other State to be very cautious about how they cover them. In that State the cost of coverage for farmworkers is many times the cost of coverage of workers in the industrial plants in the towns of North Dakota. It was much higher.

Mr. GONZALEZ. I thank the gentleman.

The CHAIRMAN. The gentleman from Arkansas has consumed 24 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, H.R. 14705 recommends constructive improvements in our Federal-State unemployment insurance program. During the 30-year history of this Federal-State partnership, the program has insured the American worker against the economic loss attending unemployment while encouraging employers to stabilize their employment. The payment of benefits during economic downturns has also had a stabilizing effect on the economy. The value of this program has been demonstrated by experience. The committee's proposals build on the successful experience of the past by broadening coverage, removing inequities, improving financing, improving administration, and by providing a Federal-State program of extended benefits.

The House will recall that the committee reported and the House passed legislation in the 89th Congress that contained many improvements very similar to the ones included in this bill. However, the Senate attempted to federalize the program by imposing Federal benefit standards on the States, and an agreement was not reached in conference. The bill before the House is similar to the legislation that passed the House in the 89th Congress, although further study of the issues has resulted in some improvements. I will not go into the details of the various provisions of the bill, as they are fully explained in the committee report. However, I do want to discuss some of the areas that represent substantial improvements in the program.

First, Mr. Chairman, the committee's bill includes a permanent program of extended benefits that would be "triggered in" during periods of unusually high unemployment, either at the State level or on a national basis. I have been advocating a permanent program of extended benefits for the last 8 to 10 years. I am therefore particularly pleased that the Ways and Means Committee has developed a sound proposal for a permanent extended benefits program.

In 1958 and again in 1961, when there was an increase in unemployment due to a downturn in the economy, the Congress provided for temporary extended unemployment compensation benefits. While this action by the Congress provided needed relief, it is not efficient for Congress to approach each situation on an ad hoc basis. While we sincerely hope that we will not experience an economic downturn, history teaches us to plan now to meet the problems a downturn will entail rather than deferring action until we are confronted with a crisis.

An ad hoc approach to the problem necessarily involves some lag between the time the recession begins and the time when workers begin receiving extended benefits. Additionally, an ad hoc approach prevents the development of the necessary financing in good times that will insure that we have resources to pay extended benefits in the event of a downturn. Finally, a permanent program enables the States to structure their programs to take account of extended benefits that will be available during periods of economic downturn.

Under the committee's bill a period of extended benefits would be "triggered in" on a national basis or in a specific State when insured unemployment exceeds the levels specified in "indicators" included in the bill. The national indicator requires that insured unemployment exceeds 4.5 percent in each of the 3 most recent calendar months. The State indicator requires that insured unemployment for the State equal or exceed, during a moving 13-week period, 120 percent of the average rate for the corresponding period in the preceding 2 calendar years. Additionally, the State indicator requires insured unemployment to equal or exceed 4 percent.

An extended benefit period would be triggered in a State when either the national or State indicator is "on," that is when unemployment equals or exceeds the levels specified in these indicators. The benefit period would terminate when both the national and State indicator is "off," but will not be shorter than 13 weeks in any case.

The new extended benefits are provided within the framework of our existing Federal-State unemployment compensation system. The individual will apply for benefits through his State program, and his benefit entitlement will be determined by reference to the benefit formula contained in State law. This is accomplished by providing that during an extended benefit period an individual who exhausts his basic benefits will in general be entitled to continue receiving his regular weekly benefits under State law for an additional period equal to one-half the period during which he drew his basic benefits.

The Federal and State Governments would share the costs of the extended benefit program on a 50–50 basis. A portion of the net Federal tax, which is increased by this bill, would be transferred to a new extended unemployment compensation account to finance the Federal share of the costs.

Second, Mr. Chairman, the committee's bill broadens coverage, primarily by redefining covered employers of nonprofit organizations and certain State institutions. When the unemployment compensation law was originally enacted in 1935, it covered employers of eight or more employees in 20 weeks during a year. In 1954, the coverage was broadened by redefining an employer to include employers of four or more individuals in 20 weeks. The committee's bill would again redefine the term employer to include anyone employing one or more individuals in 20 weeks, or any employer with a payroll of $800 or more in a calendar quarter. Over one-half of the States have coverage broader than that required by Federal law, and at least 18 States already meet or nearly meet the new requirements.

The bill also extends coverage to nonprofit organizations and State hospitals and institutions of higher education that employ four or more employees in at least 20 weeks during the year. In this connection, it should be pointed out that the committee included in the bill—as it did in its recommendations in 1966—provisions that would require the States to permit nonprofit organizations to elect to be covered on a cost reimbursement basis or under the provisions of the regular program. Those that elect to be covered on a cost reimbursement basis will not be required to pay any portion of the Federal tax, and will only be required to pay into a State fund to the extent their employees actually draw benefits.

The other areas of broadened coverage include a redefinition of the term "employer" and "agricultural labor" to accord more closely with the definitions now used in the social security program, and a provision covering U.S. citizens employed by American employers overseas.

The third major area covered by the bill that I think is extremely important and represents a real improvement is the provision for judicial review of a determination by the Secretary of Labor that a State program is in nonconformance with the Federal law. If a State is found to be in noncompliance, the employers in that State may not credit against the Federal tax amounts they pay into their State program. The financial penalty involved when the Secretary makes a determination of noncompliance is so great that the States have no alternative but to comply, whether they agree with the Secretary's determination or not.

By providing for judicial review of the Secretary's determination, a State will, when threatened with the loss of certification of their State program, be entitled to an independent and impartial review of the Secretary's determination. Since I have long advocated a provision for judicial review, I am particularly pleased with the committee's recommendation. I also feel that Secretary Shultz is to be commended for supporting this constructive improvement, which has been advocated for some time by the Interstate Conference of Employment Security Administrators. Providing for an impartial determination of conflicting claims between a State and the Federal Government will improve the health of our Federal-State unemployment insurance partnership that has served our people so well.

Finally, Mr. Chairman, it is important to point out that the Ways and Means Committee's recommendations are as important for what is not included as for what is included. The bill does not include Federal standards relating to benefit amount and duration. The States will retain the latitude they have enjoyed during the history of the program to develop benefit formulas responding to economic and social conditions prevailing at the local level.

Needed improvements in the present program would be jeopardized if Federal benefit standards—which are wrong in principle and contrary to experience—are included in the bill. It will be recalled that in the 89th Congress the attempt to federalize the program prevented enactment of legislation that included many improvements in our unemployment compensation program similar to the ones now before the House. The administration is certainly to be commended for recommending constructive improvements in our present unemployment compensation laws that avoids making the Federal role predominant.

By not including Federal benefit standards in this legislation, the Ways and Means Committee reaffirms the basic structure of our Federal-State partnership in the unemployment insurance area. Due to continued pressure from some quarters to dissolve this partnership by substituting a sole proprietorship at the Federal level, it may be helpful to recall the origin of our present system and underscore its success. This Federal-State partnership in unemployment insurance was established by the Congress over 30 years ago pursuant to recommendations of the Committee on Economic Security appointed by President Roosevelt. Realizing the importance of establishing a program that enabled the States to respond to the varying economic and social conditions prevailing at the local level, the committee recommended:

> The plan for unemployment compensation that we suggest contemplates that the States shall have broad freedom to set up the type of unemployment compensation they wish. We believe that all matters in which uniformity is not absolutely essential should be left to the States. The Federal Government, however, should assist the States in setting up their administration and in the solution of the problems they will encounter.

This foresight of the original architects of our unemployment insurance program has been proven by the success of the program in the intervening years. In 1961, Frances Perkins, who was President Roosevelt's Secretary of Labor and Chairman of the Committee on Economic Security, looked back on the original decision to establish a Federal-State partnership and concluded:

> The result was a plan which has proved itself practical and effective and yet amenable to amendments and administrative changes as they have been necessary over the last twenty-five years.

During the history of the program, Mr. Chairman, the States have continually improved benefits by reducing the waiting period before which benefits are payable, increasing the duration over which benefits are payable, liberalizing eligibility requirements, and increasing benefit amounts. When the increase in weekly benefits, the shortening of the waiting period, and the extension of the benefit period are considered together with increases in benefit levels, the impressive record of the States in improving benefits is clearly seen. Beneficiaries today receive more benefits sooner, for a longer period of time, and can buy more real goods with what they received in 1939. Indeed, Father Joseph Becker, a noted scholar in the field of unemployment compensation, has observed that the establishment of Federal benefit standards might well have resulted in lower benefit levels in the larger industrial States where most workers reside than has actually prevailed.

In summary, Mr. Chairman, this bill recognizes that improvements can and should be made in our unemployment insurance program. By recommending improvements that build on our past success in order to achieve future progress, the committee's bill insures the continued cooperation of our Federal and State governments in an effort to meet the needs of the unemployed.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia (Mr. BROYHILL).

(Mr. BROYHILL of Virginia, at the request of Mr. BYRNES of Wisconsin, was granted permission to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 14705, a bill to extend and improve the Federal-State unemployment compensation program.

This measure, which comprises the most intensive review of the unemployment compensation program since its inception in 1935 as a part of the Social Security Act, bears the unanimous recommendation of the Ways and Means Committee. It is the thoughtful and careful work of the committee including the extensive hearings and studies made in 1965 and 1966 and resulting then in a similar bill that was reported favorably.

Mr. Chairman, the gentleman from Arkansas, the distinguished chairman of the committee, and the distinguished gentleman from Wisconsin, the ranking minority member, are to be commended for the thoroughness of the hearings and study. In this period of relative high employment, it is time to act after studied deliberation, rather than under the pressure and haste of concern over high unemployment. I recommend the bill.

Let me emphasize that I believe the program of unemployment compensation insurance is proper and desirable. Its value as a stabilizing factor in the Nation's economy is proven. But in a program that has paid billions in benefits, it is important that abuses not be permitted to erode it.

There have been abuses and laxity that concerns me and feeds the reluctance to liberalize the program.

Today, Mr. Chairman, as you know, the classified sections of our newspapers are filled with help-wanted ads. The tight labor market has contributed to the escalation of building costs. Representatives of the construction industry have complained to me. A brick contractor, who does several millions of dollars worth of business every year, had to shut down some of his jobs and refuse to make new ones. Why? Because he could not get laborers to go to work at $3.50 an hour. I have received similar complaints from the restaurant industry, as well as service station managers. These employers read about organizations such as Pride, Inc., funded by the Labor Department, the community action programs, and the extensive funds being provided to the poverty programs. And yet, they are desperate for workers. I do not exaggerate.

These employers feel that a large part of this abuse is due to the unemployment compensation program. Employers have made spot checks in the community, going to people sitting around doing nothing, to see if such persons can be hired as laborers. These prospective employers are asked, "What type of work is it? Will you pay me cash tonight?" Part of the problem constitutes what is a "suitable" job. For example, a hod carrier is available for work only as a hod carrier. He is not available for running a cement mixer, or something of that nature.

Mr. Chairman, what can I tell these industries? It is hard to explain to them that they must pay more in unemployment compensation taxes. How can we get these able-bodied people to work? If we can reach a better solution, I am convinced we can reduce the billions of dollars going into poverty programs. The administration of the program must be applied to make certain that idle employables are genuinely unemployed.

Unemployment insurance is an earned benefit. We must protect the fund made on behalf of those who have earned this benefit by seeing to it that the funds are paid only to those who should receive them. I am pleased that this measure includes a provision for training of personnel of State employment agencies, and the establishment of a Federal Advisory Council on Unemployment Compensation to review the operation of the Federal-State program and recommend improvements.

The bill preserves the Federal-State principle. At the same time, it strengthens and tightens the administration by such provision as the elimination of the so-called "double-dip" benefit. All States would be required to have an intervening work period before being eligible to receive benefits in the succeeding benefit year. All but 15 States now meet the new requirement proposed in the bill.

Training in occupational skills is fostered in this measure by a provision allowing individuals to continue to draw unemployment benefits while in approved training. Twenty-four States make no such provision now. These changes maintain the purpose of unemployment compensation to provide help to idle workers, and to prevent the weakening of the system by excluding benefits from those not entitled.

About 2.6 million of the 4.5 million workers to be added under coverage will be employees of nonprofit organizations, State hospitals and institutions of higher learning. Employees of church organizations or members of religious orders, however, would be excluded. Exclusion would continue also as to those performing service for a nonprofit organization in an instructional, research or principal administrative capacity.

Under the reimbursement method of financing unemployment compensation coverage for nonprofit organizations, such organizations would not be required to share in the costs of providing benefits to workers in profitmaking enterprises. Such organizations, for example, whose workers experience no compensated unemployment in a year would have no unemployment insurance costs for that year.

Research also is authorized under the bill. Such research will permit study of such matters as the problems of coverage of seasonal employees, and will enable the Secretary of Labor to turn first attention to the consideration of the extension of coverage to domestic workers in private households—who, of course, now are under the social security program.

Judicial review is assured to States concerning rulings of the Secretary of Labor relating to Federal administration grants to States and to rulings concerning the normal and additional tax credit to employers in a State under the Federal Unemployment Tax Act.

These are only some of the commendable features of the bill. This measure will extend the coverage, protect the integrity of the system, and strengthen it. With diligence of the administrators of the Federal-State system and of Congress, we can attain the purpose in providing assistance for our workers in a transitional period of unemployment.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 14705, a bill which would extend and improve the Federal-State unemployment compensation program, and to commend the distinguished chairman of the committee (Mr. MILLS) and members of his committee for the work it has done to report this measure to the House.

This bill, now before us, would operate as a forceful instrument to protect America's working force from the misfortunes of unemployment. H.R. 14705 represents a significant improvement over the existing unemployment compensation program, and it would extend compensation benefits to groups of workers who are presently not covered. It is estimated that about 4.5 million workers, whose jobs are not now covered, would receive the protection of the unemployment compensation system under this bill.

I am especially pleased that the Committee on Ways and Means has seen fit to include in the reported bill an amendment which I proposed and which is now designated as section 105. This section would extend unemployment compensation benefits to those workmen who have answered their Government's call for the development of our Pacific bases and the Trust Territory of the Pacific Islands. Section 105 also extends unemployment compensation protection to U.S. citizens who are employed outside of the country by American employers, with the exception of those citizens so employed in Canada. It is estimated that this provision would extend coverage to 160,000 additional employees. It has been my great pleasure to have had a role in the inclusion of this important section in H.R. 14705.

At this time, I would also like to voice my support of section 104, which would provide nonprofit organizations with the method of financing unemployment insurance benefits by permitting them to pay their own unemployment insurance claims without a general subsidy to the system. This provision also permits those States which now require nonprofit organizations to create the same reserves as profitmaking industry to elect to changes from a contributions basis to a reimbursement basis. These States may then receive credit for the amount by which past contributions exceeded benefit payments attributable to services for them. As I previously expressed to the gentleman from Arkansas (Mr. MILLS), I believe that this provision is both fair and just.

The nonprofit hospitals in my own State of Hawaii have reserves of approximately $1 million in the unemployment insurance fund. It would have been strange indeed if these hospitals had been forced to donate these reserves to the unemployment insurance system in order to take advantage of the alternate financing provisions of section 104.

Mr. Chairman, I feel very deeply that this legislation is both timely and necessary. Dr. Walter W. Heller, regent's professor of economics at the University of Minnesota, has been quoted as saying that there is no "earthly way to achieve price stability or disinflate without knocking people out of jobs." As business activity has begun to slow down, the national rate of unemployment has risen to an all-time high in this decade of 3.9 percent in October. Economists predict that it will continue to rise to 4.5 or 5 percent in the next few months. This means that over 3 million Americans will know the agony of being without work. H.R. 14705, if adopted, will do a great deal toward making the plight of the jobless easier to bear.

Mr. Chairman, I urge a favorable vote on H.R. 14705.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I would like to inquire whether in the hearings in connection with this bill the

States as entities appeared in any manner. Did the Council of State Governments or any organization of the States appear?

I have in mind this particular problem, if the chairman will permit me to state it. As I understand it, the States themselves, many of them, are going to have to bear their share of the cost as employers as far as employees in State hospitals and so on are concerned. This will increase their State burden. Also, in connection with the extended coverage program they will have to bear 50 percent of the cost. I am wondering if the States as entities appeared.

Mr. BYRNES of Wisconsin. May I say to the gentleman, if he will yield, that the Interstate Conference on Employment Security Administrators are the people who administer the unemployment compensation program in the States. They not only appeared before the committee, but we had representatives of their group in the committee during the executive sessions for their advice and counsel on all of the various provisions included in this legislation. In this particular piece of legislation, the States were consulted in a closer way than probably in any piece of legislation that has come before this Congress.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the distinguished chairman.

Mr. MILLS. I doubt that I remember or, at least, I do not remember but I doubt that the Governors Conference appeared before the Committee on Ways and Means or were represented on unemployment compensation. They rely on these people that they appoint on compensation programs within their State to represent the State government's views. As the gentleman from Wisconsin pointed out, they were with us not only in this development but in 1966. This extended benefit program is very similar, costwise and otherwise, to a similar program which we had in the bill which passed the House in 1966. I never heard of any objection to that from any Governor or from anybody connected with any State government.

Mr. HUTCHINSON. I appreciate the comments of the chairman and the gentleman from Wisconsin (Mr. BYRNES).

If the gentleman will yield further, I raise this point because I also, as many of us were, at one time was a member of the State legislature. We are familiar with the fact that repeatedly, as these programs are enlarged and as we impose more and more responsibility upon the State government, the members of the legislature are prone on occasion to blame the Congress for these things and to claim that they did not have any voice in them at all. And I am curious as to whether the Council of State Governments, which I understand to be an organization of State legislators, ever appeared in connection with this bill.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. They made no request to be heard. Presumably they were satisfied for the State to be represented by the Director of Unemployment Compensation.

Mr. BYRNES of Wisconsin. Permit me to add that I do not know of any group that is more zealous in protecting the rights of the States and the prerogatives of the States in this Federal-State system than the State administrators of unemployment compensation—and that is to their credit.

Mr. MILLS. Mr. Chairman, if the gentleman will yield further, the Secretary of Labor in submitting his program suggested that the entire cost of this extended benefit program be borne by the Federal Government, but here the directors of the unemployment compensation programs within the States representing the States met and voted and they overwhelmingly favored the program of Federal-State, 50–50 participation.

Mr. HUTCHINSON. I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. ANNUNZIO. Mr. Chairman, I rise to support H.R. 14705, the Employment Security Amendments of 1969. Among the provisions of this legislation are new provisions to provide unemployment insurance protection for millions of employees in nonprofit organizations.

If these provisions should become law, some 2.1 million people will, for the first time, be provided with the essential protection of unemployment compensation. This is a matter both of individual equity and also of sound national economic policy. There simply is no good reason why the technician employed in a nonprofit hospital should be differentiated from his colleague who works in a profit-making industry. There is no good reason why the one man's family should become the victim of economic circumstance, while the other's family is protected by our Federal-State system of unemployment insurance laws.

The new provision reported by the committee would allow nonprofit organizations, such as hospitals, to contribute to the system on a reimbursement basis, rather than requiring them to reestablish large reserves. Evidence produced at the committee hearings has shown that employment in hospitals is relatively stable and thus does not justify the establishment of large reserves. The new method of contribution allowed nonprofit organizations will provide this much-needed protection for their employees at a minimum cost to the institutions for which they work.

In my own district, in Chicago, there are more than 20 hospitals with several thousand employees. It is my belief that each of these individuals, employed in the hospitals and other nonprofit institutions, including our universities and colleges, will be well served by this new extension of the employment insurance laws.

Mr. Chairman, I urge all of my colleagues to support the action of the Ways and Means Committee.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that the House will promptly approve this measure before us, H.R. 14705, designed to extend and improve the Federal-State unemployment compensation program.

The National and State impact and importance of the various provisions of this bill have been fully outlined and thoroughly explained by the distinguished, learned committee chairman and his dedicated committee associates.

In summary the bill will extend coverage to an additional 4.5 million workers, allow interstate and combined wage claims, restrict cancellation of wage credits, establish a permanent automatically triggered-off program to pay benefits during periods of high unemployment, and increase the net Federal tax from four-tenths of 1 percent to five-tenths of 1 percent of covered payroll as well as raise the taxable wage base from $3,000 to $4,200.

Mr. Chairman, many of us very earnestly wish this measure was indeed more inclusive and expansive in its coverage and payments and nobody would pretend it is the perfect solution to all the complexities involved in legislating a national unemployment insurance program equitable to all concerned. However, it does represent a very timely forward step in what should be our continuing persevering and cooperative effort toward the accomplishment of an unemployment insurance program of universal standard and acceptance that is so vitally important to the economic stability of this country and our working people during occasions of economic stress and strain.

Mr. VANIK. Mr. Chairman, as I stated in my separate views, I cannot share the feeling of security which prevails on the present condition of the unemployment compensation fund and its capacity to face up to a difficult economic challenge.

At the present time, there are 50.9 million workers covered under State unemployment compensation laws. The wages of these workers in 1968 totaled $331,562,437,000. Can we assume that 3.5 percent of the total wages of 1 year is a sufficient reserve? This reserve is sufficient for only the mildest of attacks of unemployment.

For each of the almost 51 million workers in the insured work force of the United States, there is about $262 in the unemployment insurance fund. Six percent unemployment of insured workers would cost the unemployment insurance fund $6 to $7 billion per year. Two years of 6 percent unemployment of insured workers, a rate which prevailed in 1958, would completely deplete the unemployment insurance fund. It certainly would not carry us through anything more than a mild recession.

While we cannot be prophets, we must be provident. We must establish unemployment compensation reserves to measure up to the foreseeable task.

Although H.R. 14705 does not provide for minimum benefit standards, it is my hope that the several States will endeavor to increase benefit standards to a level where they are at least equal to one-half of the average weekly wages in each State. The present benefit standards are hardly sufficient to provide the cost of family housing during an unemployment crisis. The rest of the burden would have to be assumed by general welfare.

Mr. PICKLE. Mr. Chairman, there is

good reason to update and improve our employment laws in order to strengthen the Federal-State relationship which was established over 30 years ago. The bill before us does make improvement and progress. I intend to support it in its present form.

But, Mr. Chairman, the vote today on this bill should be no barometer to the other body that the House will pass any kind of unemployment bill. Many of us have serious and deep reservations about what might happen to the bill in the other body. Three years ago we passed a similar bill, and it died across the way. The precedent is laid that they might try to amend or change this bill in certain respects that would establish "Federal standards" in this vital and important program. If Federal standards are written into the bill later, and or if farmworkers are included, for instance, then this would materially affect the thinking of Members of the House. I have talked to dozens of my colleagues today who know that I served as a member of the Texas Employment Commission prior to my coming to Congress. Many of them have supported this bill today on the assertion of the Ways and Means Committee that no Federal standards will be added by the other body. If that is done, Mr. Chairman, let them know beforehand that the House will not accept them. Weekly benefit amounts, and the duration of weeks are matters which should be left to the States.

We vote for this bill today but with a caveat to the other body that Federal standards not be added unless they want the bill defeated.

Mr. DENNIS. Mr. Chairman, I find myself a member of a small minority in voting against this measure, but I believe I have been true to sound principle in so doing.

There are, in my judgment, several valid reasons for opposing this bill.

For one thing, under the provisions of this bill it is possible to draw unemployment compensation even if the recipient voluntarily quits his employment.

Again, the bill establishes on a permanent basis an extended unemployment compensation program, the cost of which is to be borne one-half by the Federal Government and one-half by the several States. This puts the Federal Government directly into the field of paying unemployment compensation, on a permanent basis, and is estimated to impose a cost on the States of some $400 million.

Above all, this measure subjects to the Federal unemployment tax—with some exceptions—every employer who had one or more individuals in his employ in 20 weeks in the current or preceding calendar year, where previous Federal law applies only to employers of four or more. In most States, including Indiana, the effect of this is that, for the first time, every small shopkeeper or merchant and every small professional man who has from one to three employees will be subjected to payment of the Federal unemployment compensation tax, and to the recordkeeping necessary as a consequence. This will necessarily be forced on the State regardless of the actual wishes of the State legislature, which will find it necessary to conform the State statutes with the Federal law. Again we have an encroachment of Federal power at the expense of the States, and again we have increased taxation upon the small business and the professional man.

The bill in this aspect is in tune with the tenor of the times; the small independent in business and in the professions finds it ever more difficult to survive. This bill adds to his difficulty, and whatever its virtues may be said to be, I am unwilling, so far as I am concerned, to help to drive one more nail into his coffin.

GENERAL LEAVE

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members have permission to extend their remarks at this point in the RECORD on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the bill shall be considered as having been read for amendment.

The only amendments that are in order to the bill are amendments offered by direction of the Committee on Ways and Means. Are there any committee amendments?

Mr. MILLS. Mr. Chairman, there are no committee amendments.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, pursuant to House Resolution 676, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 966. A joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

EMPLOYMENT SECURITY AMENDMENTS OF 1969

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BYRNES of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 8, not voting 86, as follows:

[Roll No. 272]

YEAS—337

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Derwinski
Devine
Dickinson
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fuqua
Galifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Holifield
Horton
Hull
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lennon
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Matsunaga
Mayne
Meeds
Melcher
Meskill
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
Ottinger
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Price, Ill.
Pryor, Ark
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Robison

Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—8

Camp
Dennis
Hogan
Jonas
Lloyd
McClure
McMillan
Wold

NOT VOTING—86

Abbitt
Bevill
Brademas
Brock
Brooks
Brown, Calif.
Cabell
Cahill
Chisholm
Cohelan
Cowger
Cramer
Daddario
Dawson
de la Garza
Denney
Dent
Diggs
Dorn
Edmondson
Edwards, Ala.
Erlenborn
Eshleman
Fascell
Flowers
Flynt
Fulton, Tenn.
Garmatz
Gibbons
Gude
Hanna
Harrington
Harsha
Hawkins
Hicks
Hosmer
Howard
Hungate
Ichord
Johnson, Pa.
Jones, Tenn.
Kirwan
Kuykendall
Landgrebe
Landrum
Langen
Lipscomb
Long, La.
Lukens
McCulloch
Macdonald, Mass.
Martin
Mathias
May
Michel
Mikva
Miller, Calif.
Minshall
Morse
Nichols
O'Neill, Mass.
Pepper
Pettis
Powell
Preyer, N.C.
Price, Tex.
Purcell
Railsback
Rees
Roberts
Springer
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Utt
Van Deerlin
Waldie
Watkins
Watson
Wilson, Charles H.
Wyatt
Wydler
Wylie
Wyman
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Lipscomb.
Mr. O'Neill of Massachusetts with Mr. Morse.
Mr. Miller of California with Mr. Minshall.
Mr. Cabell with Mr. Brock.
Mr. Garmatz with Mr. Martin.
Mr. Brooks with Mr. Denney.
Mr. Macdonald of Massachusetts with Mr. Michel.
Mr. Pepper with Mr. Cramer.
Mr. Young with Mr. McCulloch.
Mr. Brademas with Mr. Gude.
Mr. Charles H. Wilson with Mr. Hosmer.
Mr. Nichols with Mr. Edwards of Alabama.
Mr. Dorn with Mr. Cowger.
Mr. Howard with Mr. Johnson of Pennsylvania.
Mr. Hanna with Mr. Mathias.
Mr. Abbitt with Mr. Langen.
Mr. Kirwan with Mr. Eshleman.
Mr. Hicks with Mrs. May.
Mr. Tunney with Mr. Erlenborn.
Mr. Thompson of New Jersey with Mr. Cahill.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Bevill with Mr. Landgrebe.
Mr. Waldie with Mr. Pettis.
Mr. Flynt with Mr. Lukens.
Mr. Mikva with Mr. Dawson.
Mr. Flowers with Mr. Price of Texas.
Mr. Daddario with Mr. Harsha.
Mr. Fulton of Tennessee with Mr. Railsback.
Mr. Ichord with Mr. Wyman.
Mr. Udall with Mr. Springer.
Mr. Fascell with Mr. Wydler.
Mr. Preyer of North Carolina with Mr. Utt.
Mr. Dent with Mr. Watkins.
Mr. Roberts with Mr. Watson.
Mr. de la Garza with Mr. Wyatt.
Mr. Long of Louisiana with Mr. Wylie.
Mr. Gibbons with Mr. Purcell.
Mr. Edmondson with Mr. Landrum.
Mr. Van Deerlin with Mr. Diggs.
Mr. Cohelan with Mrs. Chisholm.
Mr. Brown of California with Mr. Harrington.
Mr. Hawkins with Mr. Rees.

Mr. LLOYD changed his vote from "yea" to "nay."

Messrs. CONYERS and SEBELIUS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that I may be permitted to revise my own remarks and to include tables and extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days during which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERSONAL EXPLANATION

Mr. MURPHY of New York. Mr. Speaker, earlier in the day I was in my district on an important matter and missed the vote on the military construction appropriation bill. Had I been present I would have voted in the affirmative.

CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 966) making continuing appropriations for the fiscal year 1970, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

> Page 5, lines 22 and 23, strike out "five days subsequent to the sine-die adjournment of the first session of the Ninety-first Congress," and insert "December 6, 1969,".

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BOW. Mr. Speaker, reserving the right to object, I very much regret that this continuing resolution has come over at this hour at this late date. You will recall that the House, by a rollcall vote of 137 to 116, adopted a recommittal motion for continuation of the resolution to 5 days subsequent to sine die adjournment. The reason for that is obvious, Mr. Speaker. The other body will not pass the HEW appropriation bill, the Defense appropriation bill, the foreign aid appropriation bill, and perhaps one or two others by December 6. This means that on December 6 we are going to have to go through the same exercise that we experienced on Tuesday, the 28th of October.

Now, the other body has waited until this late date to send the resolution back to us with this amendment, ignoring the rollcall vote of the House, ignoring the will of the House, and making the date December 6. This will put us back in the same position we were in on October 28 when we will have to consider another continuing resolution before December 6. They have today castigated the House for the resolution which we passed and said they would never accept another one like it. So, we will find ourselves in a rather poor position at that time.

But, do you not see what happened? We sent this over to them on the 28th day of October.

They could have acted long before this. Their committee reported it out only yesterday, and then, instead of taking it up when they went in session at 9:45 this morning, they waited until late this afternoon so the House would be in the position it finds itself in now.

I would object—and I may still object—because they are still in session and will be tomorrow. The thing that concerns me, Mr. Speaker, and I am sure would concern every other Member of this House, is that unless there is a continuing resolution this week our armed services will not be paid. I am not one of those who would like to be put in a position of preventing payment to our armed services, particularly the men in Vietnam.

But it still seems to me that we do not have to shoulder this entire responsibility. If this bill had been sent back any time after the 28th of October, or even earlier today, we might have compromised the date of December 6 in some manner.

I would like to ask my distinguished chairman whether he would accept a compromise so that we might take some other date—perhaps not the sine die date, but let us say December 30? Then we would not have to return to this same kind of situation. Would the distinguished chairman offer such an amendment to enable us to return to the other body and ask them to agree?

Mr. MAHON. Will the gentleman yield?

Mr. BOW. I will be delighted to yield to the gentleman.

Mr. MAHON. Of course, the situation which the House faces this afternoon is of its own making.

Mr. BOW. I cannot agree with the gentleman.

Mr. MAHON. If the gentleman will permit me to continue, I think he will agree when I have completed my statement.

We passed the continuing resolution in the House on October 28——

Mr. BOW. That is correct.

Mr. MAHON. Under normal circumstances, consideration of a continuing resolution is more or less routine. Continuing resolutions have been agreed to for years and years between the House and the Senate, usually under a unanimous consent proceeding.

The first rule is that they be noncontroversial so as to secure prompt enactment and thus assure orderly continuation of the vast array of governmental functions on some rationally minimum basis until the final decisions on appropriations are made through the regular bill processes. And I would point out, for example, that when the first continuing resolution was adopted in late June, providing for continuation of a $200,000,000,000 enterprise, it was done through a simple unanimous-consent proceeding.

But on October 28 the House, over the warnings of the gentleman from Ohio and the gentleman from Texas and others, insisted on making an appropriation bill out of the continuing resolution in respect to funds for education—something we had not heretofore done. It was explained at the time that it was the opinion of the gentleman from Ohio and the gentleman from Texas and others that such an unprecedented action was an affront to the other body because the other body was still holding hearings on the HEW bill containing funds for education. It had not acted on the appropriations for education, and in effect by our action we undertook to force the hand of the other body because of the absolute necessity of enacting a continuing resolution if Government functions were to continue in some orderly manner.

So, instead of this continuing resolution having been enacted by the first of November as it should have been, when the previous resolution expired, a delay of 13 days has occurred.

Now, I may say to the gentleman that I urged the leadership of the other body to go along with an expiration date of December 15, or, better still, go along with the date in the House version in order that we would not have to chance the uncertainties of consideration of another continuing resolution in early December. But there was no way found to bring about this situation.

If we had unlimited time, or if we had several days, then we might do something about it. But for us at this late hour and this late date to try to go to conference and work out a more acceptable date—and I would like to see a more acceptable date—I believe would be dangerous, because I am not willing, nor do I think any Member of this House is willing, to risk denying the Air Force or the Navy, which have paydays tomorrow for their men and women around the world, including the war zone, the necessary funds to meet those payments on schedule. I do not believe any Member of the House is willing to hazard their not being paid as a result of the tardiness of the Congress.

So I say to the gentleman, as unprecedented as this resolution may be, it is better than to hazard a situation which would be intolerable. We cannot tell what may develop if it should go to conference to fix any date and try to get both bodies to agree.

Under the circumstances, I would implore and urge my friend, and all other Members of the House, to go along with this continuing resolution even though we will, undoubtedly, have to go through the process of an extension before December 6.

Mr. BOW. I would like to reply to my distinguished friend that I am in agreement with most everything he has said except that this situation is of the Houses' own making. A continuing resolution could have been sent over here, anytime during the last 2 weeks, since our date of October 28. They waited until the last minute to put us in this position.

My suggestion to the gentleman is that we accept an amendment to make the date the 20th or 28th or some other date that might be agreeable, pass it here, and send it back to them. They can accept that just as well as asking us now to accept the 6th, and we will still pay the troops tomorrow. It would be a question of compromise which we do constantly and would not require a conference if it is sent back to them and they accept the date that we put in. Any compromise—not necessarily sine die—but let us make it a little longer so some of these bills may be passed and we do not have another situation of this kind. Let us send it back over with the date of the 23d instead of the 6th and let them take the responsibility of whether they accept it or not and whether the troops are paid. This is the date I think would be satisfactory.

Mr. MAHON. I think it not at all unreasonable to say that the other body was somewhat tolerant in accepting the unprecedented action of the House in making an appropriation bill out of a continuing resolution; accepting without changing a comma or a word the resolution which was sent over, except for the date. So shall we seek to extract the last pound of flesh or shall we compromise and not rock the boat?

Mr. BOW. The gentleman, I think, is familiar with the fact that those who put in this date of December 6 were not tolerant of the resolution we sent over, but knew others would support it. That is the reason the committee did what they did.

I say to you again, let us pass an amendment to send it back with the date of the 23d of December, and require them to resolve this. They can accept a later date.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. O'HARA. I would like to say what the gentleman from Ohio is saying makes a good deal of sense to me, especially in light of his earlier statement that it is his opinion, based on long experience, that the HEW appropriation will not be finally adopted by the 6th of December.

If that is the case, it seems to me if we have to bring this continuing resolution up again in December, we are going to have to go through the same kind of fight that we went through a couple of weeks ago over the appropriation for various Federal aid to education programs. I do not think any of us enjoy that kind of fight. I really cannot see us running around looking for a repetition of it.

I think if what the gentleman says is correct, and I have no reason to believe that it is not, that we would not have a final HEW appropriation by that time, then I think that is all the more reason we should seek to get a later terminal date on this resolution.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman.

Mr. MAHON. I wish to point out that if the pending resolution is approved, it will mean that the House has spoken and the other body has spoken. Both bodies will have said that for the period before the HEW appropriation bill becomes law, they want to obtain the higher figure with respect to education funds.

Of course, the figures that will ultimately control will be the amounts that are in the final appropriation bill, and if in the interim the Department of Health, Education, and Welfare follows the very unwise policy of expending these additional funds—which I do not believe it is following or will follow until the final funding level is settled—the Department of Health, Education, and Welfare will find itself required to live within the final appropriations. It would be hazardous for them to proceed at an accelerated rate based on this resolution in the interim.

I should say to the gentleman from Michigan (Mr. O'HARA) that to provide for a continuation of the pending continuing resolution beyond December 6, if that becomes necessary, only the date would need to be changed. We would not have the fight again over the education funds, because the House has already accepted the higher rate in the pending resolution. So has the other body.

I fought the Joelson amendment on education, but nevertheless the House has spoken, and I do not think this should give us any trouble if and when we have to extend the continuing resolution beyond December 6.

Mr. BOW. In reply to that statement I would say to the gentleman that the other body, in debate today and also in their committee report, have stated they will not accept another resolution such as the one that was sent to them. The gentleman has said the next continuing resolution will merely require a change in the date. But they will still have the right to refuse to accept that resolution. Let me read what they say in their report:

> The committee has reluctantly agreed to go along with this resolution. It desires to make it abundantly clear that this is not a precedent, and in the future the committee does not intend to report such a resolution.

There you have it. It is not just a question of date, but they have stated in their report that they will have no more of this. Now, let us keep this resolution in effect until the 23d of December.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the Chairman.

Mr. MAHON. Mr. Speaker, if we adopt the pending resolution as it is now before us, that becomes the action of this body and the other body.

The Senate objected very decidedly to the action of this body and has said that it will not participate in this sort of thing being done again. But nonetheless this sort of thing is being done in the pending resolution, and all that we would need to do in the future would be to change the expiration date of the same resolution. If we did that, the resolution which the Senate adopted today would be the resolution which would be before the Senate again.

Mr. BOW. I would like to say, in reply to what the gentleman has just said concerning the date, that they have taken the resolution we sent to them and have changed the date. So it is possible to just change the date.

But they have also told us they will not accept this kind of resolution again. If we send a similar resolution to them before December 6, they could well leave the date we put in and then delete all the other material which they now object to, and we will not have the same resolution.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Texas.

Mr. MAHON. We either have to accept this resolution as changed with respect to the date only by the other body or we have got to go to conference, and going to conference at this hour of the day and trying to come to an agreement with the other body and staying over until tomorrow—and I assume the other body will be in session—in my judgment would be too hazardous a course to follow, and I do not know what would be the outcome. Nobody can predict what a legislator or a legislative body will do. But if we adopt the pending resolution the employees will be paid, and we shall have this thing behind us at least until December 6. I would hope we could go along with this procedure.

Mr. BOW. Mr. Speaker, further reserving the right to object, I say to the gentleman that it is not necessary to go to conference. If we amend this resolution to make the date the 23d of December and send it back, they may well accept that, knowing the position the House has taken. It would not then be necessary to go to conference.

Mr. MAHON. The gentleman is correct in that suggestion, but how do we know that the other body would accept it, or how do we know the other body is in session at this moment?

Mr. BOW. I checked a short time ago and the other body was in session. I understand they will be in session tomorrow.

The question comes to mind as to how they know we will accept this date. I point out that the House had spoken by a rollcall vote and amended, by motion to recommit, the original date of November 30. This resolution is for only 23 more days, and sent to us after being held in the other body for over 2 weeks.

Mr. Speaker, I again implore the gentleman from Texas to offer an amendment to make the date December 23.

Mr. MAHON. Mr. Speaker, under all the circumstances, I believe the House should concur in the December 6 date.

Under leave, I include a statement of the situation governing the authorized funding rates for the period covered by the resolution.

Section 108 of the resolution provides that it takes effect as of November 1, 1969, replacing the previous resolution which expired October 31.

Thus, under the resolution the status each bill occupied on November 1, governs or determines the applicable rates of obligation authorized for the period beginning on November 1, as follows:

BILL STATUS ON NOVEMBER 1	AUTHORIZED RATE FROM NOVEMBER 1	BILLS TO WHICH APPLICABLE
A. Bill not passed the House.	The lower of the 1969 rate or the 1970 budget estimate.	Military construction. Transportation. District of Columbia. Foreign aid. Defense.
B. Bill passed the House.	The lower of the 1969 rate or the House allowance.	State—Justice—Commerce—Judiciary. Independent Office—HUD. Public Works—AEC. Labor-HEW (except special provision on Office of Education).
C. Bill passed the House and the Senate.	(a) Where the allowances are the same, that is the rate; (b) Where the allowances differ, the lower allowance is the rate; (c) Where an item is included in only one version of the bill, the lower of the 1969 rate, or the allowance in the one version of the bill (special provision for Senate items).	Agriculture. Legislative.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR WEEK OF NOVEMBER 17, 1969

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have finished the program for the week.

The program for next week is as follows:

Monday is Consent Calendar Day.

Also on Monday the Rules Committee will take up House Resolution 675, providing for agreeing to the conference requested by the Senate on the bill (H.R. 12829) to provide an extension of the interest equalization tax and for other purposes, with 1 hour of debate.

There are four suspensions:

S. 2000, to establish the Lyndon B. Johnson National Historic Site;

Senate Joint Resolution 121, to authorize appropriations for the National Council on Indian Opportunity;

H.R. 7618, to convey certian real property to the Board of Public Instruction, Okaloosa County, Fla.; and

H.R. 14517, Joint Funding Simplification Act of 1969.

Tuesday and the balance of the week:

Tuesday is Private Calendar Day.

Also we will have H.R. 14794, Department of Transportation appropriation bill for fiscal year 1970; and

H.R. 14580, Foreign Assistance Act of 1969, subject to a rule being granted.

Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

ADJOURNMENT TO MONDAY, NOVEMBER 17

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DUCKS UNLIMITED

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, duck hunting today is a sport which is enjoyed annually by thousands of Americans. In our age of expanding civilization with its problems of pollution and often damaging impact on wildlife and its breeding grounds, much of the credit for the maintenance and continued enjoyment of this sport must be given to the forward thinking of responsible men of a generation ago.

In 1929, as a result of the findings of a special commission, an organization was formed in the United States called the More Game Birds in America Foundation.

Through study and research carried out by this group, it was determined that the abundance, or lack of it, of wild duck and geese in America was dependent upon the protection and preservation of their natural breeding grounds in the main breeding provinces of Canada, Alberta, Saskatchewan, and Manitoba. Some 65 percent of these birds which use the U.S. flyways come from this region.

These findings in 1937 led to the founding of Ducks Unlimited. Its purpose, "to perpetuate the waterfowl population and the heritage of waterfowling on the North American continent by conserving and creating breeding habitat for waterfowl in the prairie nesting grounds in Canada, so vital to the production of the continental waterfowl resources."

From that day until this, Ducks Unlimited has acquired some 2½ million acres, including 8,000 acres of shoreline in Canada. On this acreage, projects ranging in size from over 500,000 acres to just a few have been undertaken and completed to protect and preserve the waterfowl nesting grounds.

However, much more work remains. To this task, Ducks Unlimited has committed itself to a 10-year, $70 million program to purchase an additional 4½ million acres of Canadian land.

To date, I am informed all the money, time, and talent that has gone into the efforts of Ducks Unlimited has come from private citizens and firms. The Federal hunting license fee is used to protect and preserve wild waterfowl in this country but none of it, of course, can be spent in Canada. Thus, the work which needed to be done in cooperation with the Canadian authorities must be supplemented by nongovernmental sources.

One of the leaders in an effort to provide these moneys for this new 10-year program is the Middle Tennessee Chapter of Ducks Unlimited in Nashville, Tenn.

The enthusiasm this organization has shown for the program is demonstrated by its aggressive membership drive. In September of 1969, the Middle Tennessee had just five sponsors. As of the first of this month, November 1969, that number had risen to 125. This makes the middle Tennessee chapter the Nation's outstanding growth chapter over the last year, ranking ahead of Minneapolis with 116 sponsors.

Each of the Nashville sponsors has pledged $200 over the coming year in the drive to raise initial funds for the new 10-year program of Ducks Unlimited. It was the feeling of the Middle Tennessee Chapter members that the best way to prove the money could be raised was to tackle the job and show results. This they have done.

In recognition of the outstanding achievement of the Middle Tennessee Chapter, one of the lake projects in Canada costing some $50,000 is being named, "Lake Nashville" and will be dedicated with appropriate ceremonies in the near future.

Mr. Speaker, in the 32 years since the founding of Ducks Unlimited, nearly 2½ million acres of game waterfowl habitat has been preserved in Canada. Within 10 years this total will be almost doubled. And it is thanks to the work of chapters such as the Middle Tennessee Chapter of Ducks Unlimited that this record will be achieved. This, and hundreds of other chapters have demonstrated an understanding of the conservation needs of game waterfowl. They are well on their way to meeting these needs.

These individuals and business firms in Nashville and across the Nation are to be commended highly for their concerned and effective conservation accomplishments and future goal. The ground they have and will sow will insure a rich harvest for generations to come.

COLONIALISM VERSUS RHODESIA

(Mr. DIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIGGS. Mr. Speaker, repeatedly Members of Congress have denounced colonialism throughout the world. We have argued that the practice of minority rule over the vast majority is grossly unjust and most unacceptable. Now is the appropriate time for us to reflect on the current travesty in Rhodesia. November 11, 1969, marked the fourth anniversary of Rhodesian Prime Minister Ian Smith's unilateral declaration of independence—UDI—from Great Britain.

Just 5 months ago we witnessed this white minority regime arrogate to itself by referendum vote of its unrepresentative electorate a mandate to prevent African majority rule forever. Secretary General of the United Nations U Thant has declared that the referendum of June 20, 1969, was a deplorable step in the wrong direction for Rhodesia, for Africa and for the rest of the world. He stated:

> The persistence and strengthening of racist attitudes and acts in Rhodesia, as exemplified by the result of the referendum are a threat to peace which cannot and must not be ignored.

Our State Department has correctly labeled the Smith regime as an "illegal white minority regime." The last official estimate—July 1969—of population in Rhodesia showed 260,000 whites—Europeans—and more than 5 million black Africans, with 20,000 to 25,000 of Asian or mixed origin. The African population is increasing at three times the rate of the European. The fact that three quarters of the white population has been in the country less than 20 years exemplifies even more dramatically the Rhodesian inequity.

The Smith regime has discriminated against the true Rhodesian or Zimbabwean both educationally and economically to the point of enslavement. Rhodesia since UDI has boasted of her performance in education. A government publication entitled "African Advancement in Rhodesia"—April 1966—states:

> Rhodesia's impressive record in African education, which is unequaled in the Commonwealth is taking another great leap forward.

However, a European child in Rhodesia has a one one-hundred twenty-fifth chance of entering the university college, the African child's chance is one six-thousandths. Moreover, at the end of 1965, private schools in European areas were instructed by government circular to stop accepting African pupils. A government report early in 1966 suggested that Africans should be given school books "in which African customary respect for elders and traditional behavior patterns upholding social order are shown to emerge as moral examples." Ten times as much is spent on educating a European child as on an African.

Most of the Rhodesian blacks are subsistence farmers. Seventeen percent of the total working population of the country, about 700,000 persons are wage earners. Of the total number of workers, 13 percent are Europeans and 87 percent are Africans. But consider this, the average annual wage by 1967 was $386.40 for Africans as compared with $3,810.80 for Europeans.

Rhodesia's labor movement began to develop after World War II. Yet the first Industrial Conciliation Act of 1945 excluded African employees. An act passed in 1959 did recognize African unions, but prohibited farm laborers, domestic, and government workers from organizing into unions. Discrimination continues to persist beneath the facade of legislation. In unions where Africans are or might become a majority, their vote counts only as one-third—a prohibitive measure preventing blacks from controlling integrated unions.

The two major African Rhodesian political parties, Zimbabwe African National Union—ZANU—and Zimbabwe African People's Union—ZAPU—are banned in Rhodesia. Nevertheless, the goals and values of these two parties embody the true democratic spirit. On December 7, 1968, a ZANU statement included:

> The only acceptable constitution for Zimbabwe is one based on the principle of one man one vote—free and unfettered by any artificial educational, income, property, or other discriminatory device or contrivance.

A ZAPU statement released in January 1969 called for the "drawing of an unqualified majority rule independence constitution with no elements whatsoever of class, racial or tribal distinctions or differentiations." So much for any pretensions to democracy claimed by the white ruling elite of Rhodesia.

It is disheartening to note that the British Government which has had primary responsibility for Rhodesia, has failed to end the Smith rebellion. Twice since 1965, the British have offered compromises to postpone majority rule if provisions were made for African advancement. However, Great Britain's original refusal to use force against Smith's white-settler regime has left her with no leverage to influence Rhodesia's future. Britain, regrettably has squandered her role as an effective force in this situation.

The United Nations under pressure from its Afro-Asian block has condemned the white minority regime of Ian Smith. The U.N. resolutions against Rhodesia are based on the illegality of the Rhodesian declaration of independence, the absence of self-determination, and threat to tranquillity posed by a white regime in the midst of a continent dominated by black people. The policy of sanctions voted by the U.N. may continue, but it does not stop the breaking of that policy by Rhodesia's neighbors, South Africa and Portuguese Mozambique. Thus, we see that U.N. sanctions have some but not a decisive effect on Rhodesian stability.

Perhaps the only alternative to perpetual white minority rule through a police state is victory by the Rhodesian nationalist forces. This probability is fraught with many problems. But these nationalists, representing the true majority of Zimbabwe cannot forever be suppressed.

Now is the time for Americans to speak out and espouse those freedoms for Rhodesia that we cherish so highly for ourselves. Our American Government must act immediately on the following measures:

First. The United States must close her consulate in Salisbury, Rhodesia.

Second. The United States must support and initiate action in the United Nations against those countries which have aided and abetted the violation of the mandatory U.N. sanctions.

Third. The United States must totally restrict American businesses from trading and investing in Rhodesia by whatever means are required.

These three steps are minimal. Yet their enactment will prove that the United States supports democracy and opposes repressive government.

LEGISLATION TO AID COMMUNITIES ESTABLISH RECREATION AREAS

(Mr. ZWACH asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, all communities need more public water-based recreation and fish and wildlife facilities for their residents and for visitors. Recreation fulfills one of man's major environmental needs, provides more available jobs, and brings an area increased income from expenditures for equipment, vehicle services, food and lodging, and other benefits.

Communities need to properly plan public water-based recreation and fish and wildlife developments to make best use of their natural resource base, blend recreation with other resource development potentials and with population patterns, and provide the needed water-based recreational facilities at a reasonable cost.

Many of the communities who have these needs for water-based recreation or fish and wildlife developments are not financially able to meet the costs because of a low tax base, heavy financial burden for public facilities and services, and low income of residents.

I am introducing legislation today which is similar to H.R. 4879, a bill I introduced previously. It would help many rural communities acquire the water-based recreation or fish and wildlife developments that they need.

These bills would add to the already substantial contribution being made to resource development opportunity in 56 resource conservation and development projects in the country. One of the first of these locally sponsored R.C. & D. projects is the west central Minnesota project. In this project, residents and communities of a 3-million-acre area have helped develop a major canoe trail; a wilderness saddle trail; a scenic drive; several lakes and camps; and other new recreation areas as part of a larger effort to increase job opportunities and community services and improve the natural resource base. Their efforts have shown the tremendous potential that exists for community action to bring about multiple-purpose resource developments.

My bill would give R.C. & D. communities the benefit of cost-sharing for needed land rights and installation of water-based recreation or fish and wildlife facilities, similar to the recreation provisions that are now in the small watershed program under Public Law 566.

Communities need to plan for recreational facilities at the same time as the other uses and developments for land and water are being considered. A better balance of resources and people's needs will result, and at substantially lower costs. It is in the Nation's interest to help speed effective water-based recreation and fish and wildlife development.

I am proud of the broad community action being taken by local people in the west central Minnesota R.C. & D. project with help of many Federal agencies coordinated by the U.S. Department of Agriculture's Soil Conservation Service. I want to help make that action even more effective, and aid local efforts in the other 55 R.C. & D. projects in the country and the dozens of other communities who have applied for R.C. & D. project assistance.

Mr. Speaker, I am proud to introduce this legislation along with Mr. HASTINGS, Mr. HATHAWAY, Mr. KLEPPE, Mr. LANGEN, Mr. MCKNEALLY, Mr. MONTGOMERY, Mr. O'KONSKI, Mr. SEBELIUS, Mr. ST. ONGE, Mr. STUBBLEFIELD, Mr. WAGGONNER, and Mr. WAMPLER.

APPROPRIATION STEP-UP

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speakeı, today I have introduced two bills and reintroduced a resolution which will collectively relieve the near crisis which occurs when Congress is unable to pass appropriation bills by the beginning of the fiscal year.

The first bill provides that the fiscal year of the U.S. Government coincide with the calendar year. I listened very attentively to the remarks made by the distinguished gentleman from Illinois (Mr. MICHEL) when he introduced an identical bill last month. Since that time, I have given the matter a great deal of thought and study, and I have concluded that having the fiscal year coincide with the calendar year is an important first step in assuring that vital governmental programs are funded at the beginning of the fiscal year.

That the Government's fiscal year should coincide with the calendar year is not a new idea. Indeed, the fiscal year and the calendar year did coincide until 1842. Our present fiscal year was instituted at that time for a very good reason. Congress was then a part-time body which finished its legislative business early in the year. It was very difficult to project the monetary requirements of the Government many months in advance, and Congress decided that by commencing the fiscal year in July, expenditures could be anticipated on a more accurate basis. Of course, the appropriation bills were always passed because Congress invariably finished all of its business and adjourned sine die prior to the first of July.

As we all know, Congress now stays in session most, if not all, of the year. Ever since Congress began holding year-around sessions, the vast majority of the regular governmental appropriation bills have not been passed by the beginning of the new fiscal year. This year, not a single major appropriation bill had been signed into law by the first of July.

Mr. Speaker, it is my hope that allowing Congress 12 months to consider the appropriation bills would be sufficient. However, just to be sure I have introduced a bill which amends the Legislative Reorganization Act of 1946 so that Congress must stay in session around the clock when appropriation bills are not passed by the end of the calendar year. Such a requirement should provide a great incentive to get the work done on time.

Of course, under the present rules of the House, it is impossible for the Appropriations Committee to consider appropriation bills until the necessary authorizations have been passed. As a general rule, this is how it should be. But, Mr. Speaker, if the committees which work on the authorization bills drag their feet to the point where appropriation bills cannot be passed by the beginning of the fiscal year, then the Appropriations Committee should be able to act without an authorization bill.

On September 25, 1969, I joined with the distinguished gentleman from New

Hampshire (Mr. WYMAN) and numerous other distinguished Members of this body in introducing a resolution which would amend the House rules so as to provide that appropriation measures might properly be considered after the first of June, irrespective of whether or not the authorizations have been passed. Today I am reintroducing substantially the same resolution, but there is one small difference. In order that the resolution correspond with the provisions of the bill to have fiscal year coincide with the calendar year, I am providing that it be in order to consider appropriation measures without the otherwise necessary authorizations 30 days prior to the commencement of the next fiscal year.

I do not think we can overestimate the importance of having regular appropriations made by the beginning of each fiscal year. Two separate kinds of governmental waste occur as a result of the practice of passing continuing appropriation resolutions providing for a continuation of programs at the previous year's levels pending enactment of the new appropriation.

The first type of waste comes about when Congress ultimately increases a program's funding over that of the previous year. In this case, the administrators of the program are forced to operate at the lower level for part of the year, and then suddenly find themselves fully funded. Of course, the administrators are anxious to at last commence programs which had been authorized by Congress. But, all too often, the money cannot be spent efficiently in the balance of the year. Nevertheless, the decision will be made to spend all of the money, because of the fear that Congress will be reluctant to refund a program which did not consume its full appropriation in the previous year.

The second type of waste occurs when Congress ultimately decides an appropriation cut is in order. Here, the department or agency will have to cut back on programs which had been funded on the basis of a continuing appropriation resolution. One result in this type of situation could be the discontinuance of much work already underway and thus, the wasting of the money already spent. Another possible result, and one which is just as bad, could be that Congress would be hesitant to kill genuinely wasteful programs simply because they had been allowed to go into the new fiscal year under a continuing resolution.

The havoc wrought by the current practice of operating the Government for up to 6 months on the basis of continuing appropriation resolutions is most clearly seen in the field of education. I will use my own State of Colorado as an example, but I am sure countless schools around the country fit the same pattern.

Colorado's schools operate on the basis of the calendar year, and must file their budgets by October 15. This entails making all of the financial commitments for the succeeding 12-month period. Mill levies must then be certified by October 31. One hardly needs a vivid imagination to visualize the difficulties encountered by the school administrators when the level of Federal funding is still uncertain in December.

The result is an utterly haphazard planning situation. After all of the sophisticated analysis and planning is completed, school officials must ultimately make their best guess as to the level of Federal support they will receive. Fortunately, educators have been able to arrive at fair estimates of available Federal funding more often than not, but when all is said and done, they still have to base their final decisions on guesswork.

This year the situation is even more critical than usual. School officials have had to make two guesses. First, they had to guess the level of Federal aid which would be available for the first 6 months of 1970 under the appropriation bill for fiscal year 1970. Secondly, they have had to guess, with respect to the second half of 1970, the amount which would be available to them under the fiscal 1971 appropriation bill. I commend school officials for the admirable job they are doing under these impossible conditions. I hope that we in Congress will be willing to ease their burden by having the fiscal year for the Federal Government coincide with the calendar year and by then making sure that the appropriations are regularly made before the first of January.

The need for this legislation becomes even more critical in view of the recent action taken by the House with respect to the amendment to the continuing appropriation resolution passed last month. Members of the House were placed in the unenviable position of being damned if they did and damned if they did not. I am sure that all Members recall the amendment to which I am referring—the one which provided for the funding of educational programs at the levels approved of by the House in the Departments of Labor and Health, Education, and Welfare Appropriation Act, rather than at the level of support accorded those programs in fiscal 1969.

On the one hand, funding at the 1969 level would delay increases in necessary programs already approved by this body. This course of action probably would have required school districts to live on a hand-to-mouth basis for the rest of this calendar year and would have also required canceling many activities which had been programed months in advance and for which the groundwork had been laid and the personnel hired. Instead, the House chose to fund the programs at the fiscal year 1970 level, even though the other body had not completed its hearings on the appropriation bill. This choice asked the Senate to accept the House bill as a floor for this year's education spending.

All of this could be avoided if the appropriation bills would be passed by the beginning of the fiscal year. Of course, it is too late to rectify the dilemma which has confronted the House this year, but this deplorable state of affairs can and should be prevented in the future.

Mr. Speaker, I realize that there are numerous other aspects of the congressional logjam which will not be solved by the enactment of this legislative package. Nevertheless, the most disastrous consequences of that logjam can be brought under control.

I further realize that conversion to the calendar year will cause some transition problems in view of the fact that the first round of appropriations under this proposal would involve only 6 months. However, this is a problem of logistics which can be resolved and I urge that hearings be commenced at the earliest possible date.

SUPPORT PRESIDENT NIXON FOR PEACE

(Mr. TALCOTT asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. TALCOTT. Mr. Speaker, President Nixon's November 4 address to the Nation on Vietnam was direct, candid, and determined. In my judgment the speech was enlightening and tremendously helpful.

For the first time in my memory, I sensed that our President was leveling with us. He was not talking politics; the speech was nonpartisan; it was directed primarily to the American people rather than to the South Vietnamese or the Communists. He took us into his confidence more than any other President. He shared private personal efforts as well as public diplomatic efforts in his quest for peace. Most Americans will appreciate this.

Every American may have wished or hoped for more—an announcement of a mutual termination of hostilities would, of course, have been welcomed by everyone. We could have "danced in the streets"—but the facts and the current conditions, of course, do not permit such a wondrous or euphoric announcement.

Presidential critics are not likely to desist in their kibitzing or harassment. Presidential criticism has become the stock in trade of some segments of our society. The President demonstrated praiseworthy courage in refusing to be sidetracked from his plans. It is often difficult to walk the narrow, middle road—no matter how wise or practical—and risk being attacked by the extremists on both sides. For the moment it might be much easier to hue the line of the vocal extremists to avoid their noisy harassments. This would only corrupt the correct course toward an early and permanent peace.

One persistent critic said, "the President did not give the American people enough hope." Of course, President Nixon did not foster false hopes—which these critics have come to expect or would want him to flaunt. His refusal to attempt to purchase time or solace with false hopes was a commendable aspect of his speech. He did give me hope that an honorable peace can be achieved. He gave me assurance that he is on the right course.

He showed that he had courage and determination. I hope that our citizenry can demonstrate equal courage and determination. I believe they can and will.

He recognized those who share other views and who would pursue different tactics, but he made a convincing case for his principles, policies, and plans.

The President is sincerely seeking a permanent and honorable peace; he has made every effort to reduce the hostilities commensurate with the safety of our troops and allies; he has made every reasonable overture for negotiations. He has gone further in his pursuit of peace in Southeast Asia than all of the proposals of the minority of the Democratic Party Platform Committee at the National Convention in Chicago. It is difficult to understand how reasonable men could ask more.

I believe the great majority of responsible, reasonable citizens of this Nation, and the world, support our President in his policies and programs in Vietnam. I believe his objectives and goals for peace are shared by an overwhelming majority of Americans. I believe every American should support the President—certainly so long as his policy and programs have a chance for success.

As a matter of good and effective parliamentary procedure, I believe that until a Member of the Congress completely loses his effectiveness in the legislative Chambers that he should not take to the streets to achieve his legislative objectives. Of course, some Members of the Congress may be taking to the streets other than for legislative purposes to improve our representative parliamentary system of government.

Even if the President had been able to announce a mutual agreement for an immediate termination of all hostilities, a small group of organized and militant dissenters would have found something about which to be "disappointed" or critical. After mutual termination of hostilities they will find something more to demand.

Now is a time for all U.S. citizens to support President Nixon for peace.

THE RIGHTS OF THE MAJORITIES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, while juveniles disrupt the colleges, riot in the streets, and obstruct the processes of government, their apologists in and out of Congress inform us that "these kids are trying to tell us something." We are advised that they are exercising the right of dissent and we hear a good deal about the rights of minorities.

This afternoon I am going to be the advocate of some other young people—those who are trying to tell us something but are being drowned out by the mob. I am going to speak in behalf of those who wish to exercise the right of assent. I am going to discuss the rights of majorities.

Only an infinitesimal minority of students is guilty of criminal, seditious, treasonable, and anarchistic conduct. The overwhelming majority of our young people, whether they are in high school or college, are anxious to continue their education and resent having it interrupted by juveniles of all ages.

While a loudmouthed student minority, which is actually a minority of a minority, seeks the destruction of our free society, the abolishment of our system of free enterprise, and the overthrow of our free country, the great silent majority is beginning to speak up. While realizing that our society is not perfect, that the capitalistic system can be improved, and that our country has vices as well as virtues, the majority of students want to make improvements within the established system.

This majority, in expressing its right of assent, wishes, not to destroy society, but to elevate it. It wants, not to abolish free enterprise, but to extend it. It seeks, not the defeat of our Nation in its continuing struggle with tyranny, but its victory over our enemies, foreign and domestic.

Mr. Speaker, I want to bring to the attention of my colleagues an example of the type of legal and constructive action that the responsible majority can use to counteract the lawless and destructive action by an irreponsible minority.

One of my constituents, Randall A. Kreiling, of Peoria, is a second-year law student at Southern Methodist University in Dallas. His activities with other students led him to believe that, as he expressed it:

> There is an unnecessary and critical lack of communication between students and the Dallas community.

In order to counteract this unfortunate and unhealthy situation, the university-community caucus was established, Mr. Kreiling being its director. I will let him describe the caucus in his own words:

> My activities with students at Southern Methodist University has led me to believe that there is an unnecessary and critical lack of communication between students and the Dallas community. The Caucus is the result of spontaneous enthusiasm from students who desperately want to work for constructive change in a working relationship with the Dallas community.
>
> An assumption of radical schools of thought among students is that the business community—the establishment—is resolutely opposed to what the students consider meaningful change. Because they have abandoned hope of communicating with the business community, they have resorted to what they consider to be their only alternative, threats and violence.
>
> Too many students advocating radical actions have abandoned existing channels for change without trying them. Nevertheless, a few radical students have cultivated a movement, a "revolutionary attitude," among an alarming number of sincere, well-intending students. An isolated protest at Columbia evolved into a riot, and a Harvard protest received overwhelming student support.
>
> Hopefully, the Caucus will offer students and the community evidence that the establishment of Dallas is concerned and will consider their point of view. It is an effort to *understand*, not to advocate. It is an effort to respond to previously frustrated attempts to communicate with the people who can change things. It is an opportunity to build confidence and channel constructive enthusiasm from the community's most vital resource, its university students.

Two sessions of the caucus have been scheduled, one for November 19 and the other for December 3. Two hundred Dallas businessmen, representing divergent backgrounds and interests, have been asked to attend. Each of them will be paired with a student.

The central issues that will be discussed by these teams are:

Does involvement in the corporate structure undermine or alter the individual's character?

Has the profit-motivated free enterprise system been abused?

Is the trend of changing social values undermining the political-economic structure of this country?

How are students and industry contributing to meaningful social change?

If my young constituent's idea proves successful, as I am confident it will, let us hope that it will inspire students and business people in other cities and towns to set up similar programs. Surely Randall Kreiling's constructive methods are better than those of the destructive militants.

Mr. Speaker, in closing I want to leave with my colleagues Randy Kreiling's definition of a conservative:

> I consider a conservative to be one who effects change through existing institutions.

THE INTEREST EQUALIZATION TAX BILL

(Mr. WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, the House is about to appoint conferees for the interest equalization tax bill, H.R. 12829. During House-Senate conference on this bill, I wish to strongly endorse adoption of the Senate language of the Bennett amendment 7 which would eliminate the present recordkeeping requirements in sales of sporting type ammunition.

The present onerous regulations are not only a travesty of justice for the law-abiding American sportsman, but of equal importance is the fact that they have proved of no value in aiding law enforcement and are practically unworkable from the standpoint of compliance.

Under section 922(b)(5) of the Gun Control Act of 1968, all that is required by law is to record the name, age, and address of the customer. But the regulations drawn up by the Treasury Department go far beyond those specifically spelled out and in reality, are a backdoor approach to firearms registration—emphatically rejected by Congress last year. Customers are now summarily required to provide additionally the date of purchase, manufacturer, caliber, gage or type of component, quantity and furnish identification, driver's license, and so forth.

Both the Departments of Justice and Treasury have stated that these recordkeeping requirements for shotgun and rifle ammunition have proved of little value in law enforcement. In correspondence of September 26, Secretary Kennedy of the Treasury Department wrote:

> Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.

This excludes .22 caliber rimfire, which is usable in handguns as well as shoulder arms.

Since ammunition shells are not serially numbered, and indeed it would be impossible to do so, they are consequently hard to identify. Once the cartridges have been purchased they lose their identity, and this registration morass only shows that someone in fact purchased ammunition.

Compliance with these regulations has proved unfeasible and places an unnecessary burden on both the licensed dealer as well as the purchaser. Last year nearly 6 billion rounds of civilian-type ammunition were manufactured. On the average, 300,000 separate ammunition sales were transacted daily throughout the country. To comply with current regulations, the 143,903 licensed dealers must expend nearly 15,208 man-days in filling out what is useless information. These records must be retained by the dealer for 2 years but he is not required to forward them to the Federal Government. If this information were forwarded to Washington, it would take many thousand more employees of the IRS to sift through these records.

My own State of Wyoming is noted for its abundance of game and the sport of hunting is one of the great pleasures and indeed way of life of Wyomingites. I have received countless letters from constituents, both sportsmen and licensed dealers, who bitterly resent the ineffectual redtape they must go through in purchasing or selling a box of shotgun shells. One often associates hunting with westerners, but the great State of Pennsylvania this year alone issued over 1,280,000 licenses to hunters within the State, and I believe 90,000 licenses were issued to out-of-Staters.

I cannot emphasize too strongly that these pointless recordkeeping requirements for sporting ammunition must be eliminated. As evidenced in the past year, they have served no useful purpose but have only imposed an undue burden upon our law-abiding citizens.

INSURANCE AGAINST DAMAGE AND LOSS RESULTING FROM EARTHQUAKES AND EARTHSLIDES

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, today I am introducing legislation that would provide insurance against damage and loss resulting from earthquakes and earthslides. This bill would establish a reasonable method of sharing the risk of losses through a program of insurance. Presently, it is uneconomical for the private insurance industry alone to make insurance available to those in need of such protection on reasonable terms and conditions.

The private insurance industry will carry out the program to the maximum extent practicable.

Recent fissures in the surface of the earth have caused hundreds of thousands of dollars damage and loss to the homeowners in the Paseo del Mar area of San Pedro, Calif. The homeowners are not insured against such losses. Under the earthquake insurance program envisioned by this bill, a policyholder could recoup all or a portion of his losses by presenting a claim to the insurance company that has insured his home and belongings. The insurance company would share its losses with the Federal Government.

Although California reportedly has approximately 700 earthquakes a year, rarely do they result in property damage. Yet, the fact remains the insurance industry does not insure homes and businesses against the hazards of earthslides and earthquakes. This will be remedied by a program that will be based on workable methods of pooling risks, minimizing costs and distributing burdens equitably among those who will be protected by earthquake insurance.

Had the program been in effect prior to the disaster in San Pedro, the victims would not, at least, suffer a total loss as they do now. We must take action to aid the unfortunate few who, by chance, happen to fall victim to a phenomena of nature.

Through cooperation between the private and public sectors, I believe we can insure our property owners against the sort of tragedy that has occurred in San Pedro. Such an earthquake insurance program as I have introduced would provide coverage of those involved in such unavoidable disasters as earthquakes and earthslides.

THE FIRING OF A. ERNEST FITZGERALD, AN AIR FORCE EFFICIENCY EXPERT

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, I was one of the 60 Members of this House who signed a letter to President Nixon condemning the firing of A. Ernest Fitzgerald, an Air Force efficiency expert. Were it not for many of us exposing this punitive action, the public might never have been told the true story and these games with the public interest might have gone on and on.

The facts read like a George Orwell novel. Mr. Fitzgerald, who was hired to reduce waste and inefficiency in weapon systems procurement which annually consumes over $20 billion of the taxpayers' money, uncovered that the C–5A giant transport plane, built by Lockheed, would cost more than $2 billion above and beyond the estimated cost by the Pentagon. For this he was fired. The Defense Department explained that this action was an "economy move" aimed at saving money. Yet on the very day that Mr. Fitzgerald was fired, John J. Dyment was employed to fill his position. Mr. Dyment is a partner in Arthur Young & Co., auditor for Lockheed and codefendant in a suit charging both companies with concealing the massive cost overruns on the C–5A.

In addition, the man who hired Mr. Dyment and fired Mr. Fitzgerald was the Air Force Assistant Secretary for Financial Management, Spencer J. Schedler. Mr. Schedler's wife, Judy, is an $11,000 a year auditor at Arthur Young's Washington branch. And we find yet one more connection: Mr. Schedler and Mr. Dyment were classmates at the Harvard Business School.

Mr. Fitzgerald has apparently been a thorn in the side of the military for some time, challenging portions of other major weapons systems such as the F–111. He has been a thorn that threatened the old-fashioned idea that the military is sacrosanct and should never be openly questioned.

Can anyone believe that such a case encourages other employees to speak out when they see government waste? No one wants to be fired for doing what his conscience tells him to do, Mr. Speaker, and no one should be confronted with such a choice.

Not only should Mr. Fitzgerald be restored to his former duties, but he and other public servants should be allowed to continue their work to the best of their ability without fear of revenge. President Nixon should go on public record, guaranteeing the right of all government officials to speak honestly and candidly. The public deserves no less.

TAX LOOPHOLES AND MEDICAL NEEDS FOR MILLIONS

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, I continue to receive numerous letters not only from my district but from other parts of the country regarding the necessity for the Congress to appropriate sufficient funds to expand medical education, hospitals, et cetera in order to at least partially fulfill the demand for tens of thousands of doctors and nurses by the medical profession.

It is indeed unfortunate that the Congress body did not in this session of Congress complete the job of repealing all of the scandalous and fraudulent loopholes enjoyed by big oil, foundations, real estate, and multimillionaire tax dodgers who take advantage of tax-free bonds et cetera. The American taxpayer will never be satisfied with the skimmed milk tax reform bill which is coming back from the other body in a few days. The meager 7½-percent reduction the House made on the 27½-percent oil depletion allowance was but a slap-on-the-wrist gesture to the big oil operators who in many cases pay no tax whatsoever on their multimillions of annual profits. A fair and just closing of loopholes in this session of Congress would have brought into the treasury many billions of dollars that could have been applied to medical science, medical care, hospitalization, housing, education, medicare, et cetera for millions of American families.

I wish to submit a letter from two former Indiana constituents who moved to the State of Texas to secure hospitalization for their invalid son. The letter speaks for itself:

BAYTOWN, TEX.,
November 10, 1969.

Hon. RICHARD M. NIXON,
President of the United States,
Hon. BIRCH BAYH,
U.S. Senator, State of Indiana,
Hon. VANCE HARTKE,
U.S. Senator, State of Indiana,
Hon. EARL LANDGREBE,
U.S. Representative, State of Indiana,
Hon. RAY MADDEN,
U.S. Representative, State of Indiana.

GENTLEMEN: As former residents, almost life-long, of Porter County, Indiana and at present residents of Harris County, Texas, we address this plea to each and everyone of you on behalf of all victims of cancer and other such insidious diseases—that you may, each, individually, see fit to do all in your own power to stop the curtailment of federal funds available for medical research in these areas.

We have left our native state of Indiana thankful to God that we were able to secure treatment for our six year old son, Peter, who is currently an outpatient at the M.D. Anderson Cancer and Tumor Institute, University of Texas Medical Center in Houston. Peter's future, even his living to maturity, and that of hundreds of other children like him, not even counting the adults who suffer from cancer and related diseases, depends almost entirely on the research being done at M.D. Anderson Hospital and a very few similar places in this country.

We are not pacifists nor war mongers but parents and it seems to us that the worst place of all to start cutting this country's budget is in areas concerning the health and welfare of our children, this country's future adult citizens. We have known more than sixteen children, personally, who have died since March because modern medicine could do only as much as present research has allowed. We would not want the cutting of research funds for medicine to be on our consciences if we were public officials. The devotion and dedication of the entire staff at M.D. Anderson Hospital is something to behold. From the lowest paid position to the highest, the main concern is for the patient and, especially, the children. We thought we had met many kind people in our lifetimes but nothing has compared to what we have experienced during the past eight months.

Also, the bravery of these little children leaves a "lump" and one cannot easily forget them. We would suggest a tour of the pediatric department at any research center by the honorable members of the Congress before they sign their name as being in favor of cutting medical research funds. We are sure that the experience in itself would be a very moving one. It would give each of them plenty of "food for thought."

Our names, we are sure, will be familiar to some of you. We were sorry to leave Indiana, but as we mentioned previously, Texas has the help we need and for that we are grateful.

Respectfully,
GEORGE and MARY CUSHMAN.

DOWN OFF THE FARMS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, my mail today contains a letter and a clipping from the Carbon County, Mont., News, which tells rather dramatically, not what is going on down on the farm, but what is going off of the farms in my State, and across the Nation.

Because of the economic depression in agriculture, increasing numbers of farmers are selling out and taking their families out of the country to urban areas in search of opportunity.

The editor of the Carbon County News reported in his column:

> Farm auctions are becoming almost a weekly event in Carbon County. Five years ago we ran maybe a dozen a year in the News; we've had more than 30 this year. Auctioneer Gus Bender has these scheduled: next Sunday, the Edward C. Kent farm 8 miles south of Rockvale; Nov. 4—G. F. Schuster and Gabe Wetch place four miles northeast of Bridger; Nov. 6—Hendricks Ranch, mile west and mile south of Edgar; Nov. 8—Elmer Webb place, four miles south of Belfry.

I am deeply concerned by this exodus of small farmers. I am concerned for humanitarian reasons. I am also concerned because the small family farm is essential to our national food supply.

I hear a great deal about the large number of small farmers producing a relatively small proportion of our total food. But they are the safety valve; they are the part of the agricultural production plant which adjusts rapidly to changes in national requirements and demand. While the large farms with heavy investment in particular types of production equipment find it difficult or impossible to shift from one product to another, the small family farm can expand or contract pork production, or cattle feeding, or lamb feeding, or move from one crop to another, with relative ease. They do not have the massive investments in specialized production that the large farms have.

I am also concerned by the social consequence of rural-urban imbalance, and I was extremely interested that Mr. M. B. Gillis, of the International Minerals & Chemical Corp., the president of the distinguished National Agricultural Research Institute, expressed that same concern in his annual presidential message to the institute here in Washington a week or two ago.

An official in a firm which has prospered helping to increase the efficiency of agricultural production with chemicals of all kinds. Mr. Gillis told his fellows in the Agricultural Research Institute:

> There has been an almost callous acceptance of the concept that the small or the "family farm" must be eliminated. That a way of life that has contributed much to the American heritage and national character must disappear if it does not meet our concepts of modern efficiency . . .
>
> In my opinion this country is long overdue for a reexamination at the national level of policies and planning which would make the rural or non-urban areas more practical and more attractive places to live.

Mr. Speaker, because I believe Mr. Gillis is speaking of a reexamination of policies which needs to be made now, by this Congress, I include in the RECORD that portion of his address to the Agricultural Research Institute which deals with the wisdom of rebuilding rural America:

CHANGE AND THE ARI

(By M. B. Gillis)

Research will continue to be one of the essential supports of a viable and progressive agriculture. In my opinion, however, in the next decade or two research will be less critical to agriculture and to our rural environment than other impinging social and economic forces. Also in my opinion the rural or non-urban areas of this country must increasingly fulfill roles of vast importance to our national well being. These will be over and above the mere provision of an ample food supply for our people and for a part of our international trade.

We have now become predominantly an urban society. The change from a rural oriented people to a society based on an urban environment did not occur abruptly. But it has occurred swiftly enough to create enormous problems—many of which we have not solved and which pessimists fear we can never solve.

Technological advances have drastcally reduced the manpower requirements for agriculture. The misplaced labour has migrated mainly to the great urban centres. There the same technology which uprooted people in the first place has been largely, but not totally, successful in utilizing them in the industrial megapoli. In addition to incomplete utilization of manpower, the growth of industry and urban centres has been effected at great social cost and with the creation of enormous problems, such as inadequate housing, decay in the urban environment, unequal opportunities, riots and other forms of social unrest, increasing dependence on government social programs, with concomitant lowering of self-reliance and self-esteem in the individual.

To some extent the same type problems have beset the displaced population stranded in small towns and cities—those forced off the land but who didn't make it to the big cities.

Meanwhile "back on the farm" there is a steady trend to bigger unit operations, to corporate farming and toward government regulation. There has been an almost callous acceptance of the concept that the small farm or the "family farm" must be eliminated. That a way of life that has contributed much to the American heritage and national character must disappear if it does not meet our concepts of modern efficiency.

Little thought and less effort has been given to ways and means of keeping the rural population out of the cities—either on farms or in smaller towns and cities. Whatever has been achieved in this direction has been mostly due to local efforts. Local efforts to attract industry or effect other community improvements.

In my opinion the country is long overdue for a reexamination at the national level of policies and planning which would make the rural or non-urban areas more practical and more attractive places to live. I am not referring merely to the development and preservation of more parks and recreational areas. Incentives must be created for wider dispersion of the industrial complex to non-urban areas. Employment opportunities for non-farm labor in rural areas will act as a damper on further urban migration. At the same time, and I know this is unpopular heresy, some attention should be given to ways and means of enabling the smaller farmers to maintain a constructive and successful position in American agriculture. Maybe as a starter we could spend one-half as much time thinking of ways to keep people on the farm as we now spend trying to get them off.

I firmly believe the long-range best interests of our country require that we stabilize, and eventually reverse the trend toward further urbanization of our society. It seems improbable to me that this automatically means a lower efficiency for either agriculture or industry.

The consequences of the alternates must be carefully weighed. Further impersonalization of agriculture, further urbanization of industry, and gradual deterioration of the rural environment will have their effects. It seems likely that the social, political and economic problems of the great metropolitan areas would become so overpowering as to demand virtually all of the nation's talent and resources. In these circumstances agriculture would suffer increasingly from neglect. Agriculture could conceivably become virtually a government-run operation to provide low cost food for the teeming cities.

At this point in time ARI needs to think carefully and clearly about its own future role. I do not think we need retreat from our vital concern with an effective research program for agriculture. We must continue that interest. I do think, however, that we must widen the areas of our concern and involvement. We must be increasingly concerned about the environmental—social, political, economic—in which agriculture exists. We must be involved with those facets of economics and sociology which determine the balance between the urban and the nonurban population and welfare. We must be vitally concerned with the quality of the rural environment as a home for both agriculture and industry. I think we ought to be concerned with helping people farm who want to farm.

I am not sure that our name "Agricultural Research Institute" is any longer entirely appropriate to the times. Certainly it does not describe all our legitimate interests, nor does it convey the capabilities of our membership for contributions to the national welfare. Perhaps another designation such as Institute for Agricultural and Rural Problems would be more appropriate to the challenges and opportunities we face.

OPERATION SPEAK OUT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks upon Operation Speak Out.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. RANDALL. Mr. Speaker, I have requested this time today along with my distinguished colleague from Indiana, RICHARD L. ROUDEBUSH, a former national commander of the Veterans of Foreign Wars, to call attention to an effort which has been named Operation Speak Out. I am proud to be associated with this program because I firmly believe that there are millions of people throughout this country that are prone to say nothing even though they have very different ideas on the major issues confronting our Nation. These are the people who represent the silent majority of citizens who so frequently fail to speak out.

They are never heard, unfortunately, but only the voices of the vocal minority are heard who again and again carry on their demonstrations.

As a former commander of Post 1000 of the Veterans of Foreign Wars in my home city of Independence, Mo., I think I know how the vast majority of the Veterans of Foreign Wars feel and I am sure they will be active all this week in participating in this patriotic program which has been designated Operation Speak Out, and the millions in the membership of 60 patriotic organizations.

Commander in Chief Ray Gallagher sent a letter to our office in which he asked that I would lend my support to this operation, "if you are in agreement with our position." Well, of course, I am in agreement and I am proud to have this part in this discussion tonight.

There will be many who have indicated they will participate in this special order. All that we can do on the floor this afternoon is to call attention to what is going on in America not only at every post of the Veterans of Foreign Wars, but in every post of the American Legion, Disabled American Veterans, AMVETS, Catholic War Veterans, Jewish War Veterans, the Navy League, the Association of the Army of the United States, the Sergeants Association of the Air Force, and the Marine Corps League.

What we are trying to emphasize here this afternoon and what every member of these distinguished patriotic organizations I have named are trying to accomplish is to make the silent majority a vocal majority.

Mr. Speaker, it is unlikely that in the 185 years of our history there has even been such a dramatization of the divisiveness as that which sweeps across the country today. It comes at a time when our need is also at its alltime high for unity among the people who are blessed with the privilege of living in the best clothed, best fed, best housed and best educated country in the world.

I have no intention to issue a blanket denouncement of the protests against the war in Vietnam. That war is opposed by many citizens whose patriotism is far above any impunity. Unfortunately, most of the leadership for expressing organized opposition has been provided by people whose motives are impure and whose morals are of such disrepute as to disqualify them for the rights of American citizenship and constitutional protection to which they so tenaciously cling in asserting their rights to protest. It is they who have led this country to such a state of disunity as to threaten our security and imperil our national position as a leader among nations. In doing so they have compromised the rights of those who, like myself, are weary of war and seek a way out, but without loss of honor and without rendering vain the loss of lives and the casualties we have already suffered in that conflict. The unscrupulous demonstrators have made tools of the really conscientious objectors; they have threatened to make untenable and impotent the present efforts of our President as he seeks a negotiated end to hostilities.

Out of the darkness that has enveloped the Nation because of the nonpeaceful war protests of the past 2 years, there have emerged three substantial developments from which all reasonable Americans can achieve new hope.

First. In late October, Raymond A. Gallagher, commander in chief of the Veterans of Foreign Wars, scheduled for the week of November 9 to 15 a national movement called Operation Speak Out. Through this observance the VFW seeks to carry to every corner of the Nation the message by which the world will be told that the people of the United States do, indeed, support their Government and their President.

Second. On November 3 the President of the United States told the Nation of the course he has plotted through which we may gain prayed-for peace in the Vietnam war and he asked for solidarity among Americans as we pursue this course.

Third. On November 6 that great American, Bob Hope, announced the formation of a committee to lead observance of a Week of National Unity, November 9 through 15. Like many of my colleagues, I have been asked to serve as a cochairman of that committee, whose objective is to urge participation in activities to display a national unity among "the great silent majority" of Americans, about whom the President had spoken last Monday night.

These three events, if successful, will focus world attention on the fact that in this country there are, among those who retire from the placard carrying, rabble rousing picket line, a great preponderance of citizens from whom there may be derived a bottomless source of assistance and support for maintaining an attitude of solidarity sufficient to put down any suggestion that America will literally retreat from her responsibilities or abandon her honor in an area where so many of her sons have fought and died.

Of special significance is VFW's Operation Speak Out. The sponsoring organization is composed of men who have known the horrors of war, the heartbreak of leaving family and home; men who have seen first-hand the tragedy of combat.

In suggesting events for observing Operation Speak Out, VFW follows a line that might be pursued by an advertising agency in making the public aware of some special promotion. It may seem unnecessary that thinking Americans be reminded of our tremendous national responsibilities and obligations. But, in total, the VFW project seeks to do this because there has been so much lack of public expression in support of the Nation's position as to suggest there is overwhelming absence of such support. To overcome this seeming indifference, and to counter the effects of those who have had much of the limelight until now, it is suggested that there be programs for the public schools for making the students more sensitive to the value of national freedom and the need for defending that priceless possession.

Basically, Operation Speak Out is to be locally implemented, with local posts and commanders undertaking responsibility for spreading the message of American unity. To do this, national headquarters has provided local commanders with a series of spot announcements for use on radio and television and suggested copy to be included in newspaper advertisements.

There can be no doubt that, as demonstrations on our streets increase in number and activity, the incidence of confidence on the part of Hanoi and her negotiators must increase. They can read the signs. They know that growing dissension, as evidenced by the one-sided expressions of sentiment pertaining to our participation in the Vietnam war, must multiply the odds that they can get at the conference table the gains they have not yet been able to win on the battlefield.

There seems to have been in this country in recent years a growing feeling that patriotic expression is passé. It has not seemed to be an "in" thing to publicly express love for country. Operation Speak Out moves to reverse this deplorable trend. They urge that especially during the week of November 9 to 15, the American flag be displayed. If I might go a little farther, I suggest that it be displayed by loyal Americans every day from now until this bitter conflict in Southeast Asia is brought to an honorable conclusion.

Let us take a moment to look at the New Mobilization Committee To End the War in Vietnam or New MOBE.

One of the leaders of the moratorium movement is Dr. Benjamin Spock, who has been characterized as "the diaper rash specialist turned military strategist." Actually, Dr. Spock's ability as a military strategist seems limited to aiding in the deterioration process at home. The truth is, Dr. Spock has the colic. By a technicality, he was recently freed by an overly benevolent court of charges of advocating, aiding, and abetting draft card burning rituals. What a grand and glorious pursuit to be followed in the name of patriotism. His skills as a medical man may be unquestioned. But his philosophies as a child psychologist might be questioned. His ability as a leader of America's young manhood can be seriously challenged. He was the great preacher of permissiveness, which advocated parental disregard of childish misbehavior. His greatest fame was achieved in the 1950's when his books on child care sold by the millions. Now those children brought up by his teachings are following him into the streets to advocate American surrender. He is one of the top leaders, working through such puppets as Sam Brown, who, purportedly is a nonpolitical, dedicated conscientious war objector with no ax to grind but that of peace in America at any cost—or at all costs. The Communist newspaper Daily World delights in quoting young Mr. Brown. But no less do they quote Dr. Benjamin Spock, because Dr. Spock, according to the Internal Security Committee of the House of Representatives, is a member of the Communist-run National Emergency Civil Liberties Committee and the Communist-created Freedom and Peace Party. He is a sponsor of the November peace demonstrations and of the "New MOBE," successor to the Student Mobilization Committee To End the War in Vietnam, which is also a Communist-influenced organization.

There are, of course, others very prominent in the leadership of the November demonstration, including Abbie Hoffman, Dave Dellinger, Jerry Rubin—who desecrated his country's flag by converting it to a hippy costume in which to try to ridicule a congressional function—and many others of known Communist affiliation. But Dr. Spock and his affiliations are dwelt upon here in order to illustrate how the name of a man who has been highly regarded in many households for his professional skills has degenerated from pediatric expert and Navy lieutenant commander in World War II to the position of actively advocating the subversion of his country and taking with him thousands, and perhaps millions, of unsuspecting good Americans who have joined in the war protest for good and conscientious reasons of their own.

Dave Dellinger has said he is not a "Russian type" Communist. Is he a Chi Com or a Mao Communist? The truth is there is only one brand of communism and it is anti-American.

Dave Dellinger met at Bratislava in Czechoslovakia with Vietcong agents just before launching the "peace march" against the Pentagon in October 1969.

Dellinger met with agents in Communist Rumania just before triggering the violent demonstrations in Chicago at the time of the Democratic National Convention.

Mr. Dellinger is now a key sponsor of the New Mobilization Committee To End the War in Vietnam, which is planning demonstrations in Washington, D.C., November 14 and 15.

Why are not television and other elements of our news media informing the American people of his record and that of others on the letterhead of the New Mobilization who have similar or worse records?

Why are the major television networks instead trying to make it appear that these demonstrations are led by loyal Americans instead of by leaders whose actions have helped our enemies?

One of our Washington papers said on the front page that the New Mobilization "is an umbrella for diverse antiwar groups" instead of revealing that the hard-core leadership of the New Mobilization has little relationship to any sincere U.S. peace elements?

Television was severely criticized recently by independent commissions, officials, and by many individuals, for actually inciting violence in Chicago by irresponsible reporting of the demonstrations there.

Notwithstanding the New Mobilization's November 14–15 demonstrations offer an opportunity for responsible, objective and full reporting of the facts instead of compounding past errors by dangerously misleading and overemotional reporting. The news media, printed, visual and audible can be a responsible part of Operation Speak Out if only through responsible reporting.

All the influence of new MOBE can be overcome if the Veterans of Foreign Wars can successfully promote their Operation Speak Out during this week. A successful observance will reawaken Americans all over the country to the vital necessity that they support their country and their President in the pursuit of a just and honorable peace.

The recent development I mentioned, from which Americans may take new hope for a united America was President Nixon's speech on November 3.

I am not of Mr. Nixon's party and there may be many things about which I disagree with him. But no one could agree with him more than I in his pronouncement of need for a rising chorus from the vast number of silent Americans in support of the Nation's policies, looking for a just and honorable peace in Vietnam.

There are more than 200 million people in this great country. All too often a very small minority of these Americans, by banding together in a common cause, can create the impression that they speak for the majority simply because they speak, or yell more loudly, and have the mobility for getting around to many places in order to make their voices heard.

Regardless of their number, indications are that large numbers of genuine, conscience-filled Americans who joined the protesters last month will be missing from this November offensive.

I have an inborn pride in my native State, Missouri, which actually needs no prodding to be kept alive. But every so often something happens to make me fairly burst anew with pride for my State and the people who live there. There was such an event last month at Missouri University in Rolla. On an almost spontaneous basis, and with practically no leadtime for preparations, a band of students there got together on Tuesday night, October 14—on the eve of the so-called M-day of October 15—and agreed to a program of peaceful responses which led to a total rout of the Vietnam Moratorium Day protest. These thoughtful students secured practically all of the red, white, and blue ribbon available in the town, from which they made armbands for themselves. They hurriedly arranged for a booth from which these armbands could be dispensed to other students. Just about every American flag in the town was obtained for display on the campus on October 15. The Jefferson City Post-Tribune, reporting on the highly successful counterdemonstration said:

> They turned M-day, which also could have been a day of ignominy, into an American day of honor to our commitments and in support of our troops who are fighting in that faraway land.

I hope "Operation Speak Out" may be just as effective nationwide.

This is the Week of National Unity effort, sponsored by a great patriot, Bob Hope.

I hate to have to admit our lack of national unity, but starting with VFW's Operation Speak Out, and moving on through the President's unifying speech of November 3 and including the efforts of Bob Hope and his Committee for a Week of National Unity, we most certainly have the makings from which our great Nation can be jolted into universal awareness of the dangers that threaten if we continue to operate in a vacuum of seemingly national indifference, permitting the mistaken impression to exist that the noisy ones in the streets speak for the majority of Americans.

In the third chapter of Mark, 25th verse, these words appear:

> If a house be divided against itself, that house cannot long stand.

If those who criticize this war would go back and properly inform themselves as to how we became involved in this conflict, they might better understand the situation as it exists today. Actually, the events leading up to this day unfolded so slowly at first, and the intertwining of U.S. interests with those of the Vietnamese people evolved so very gradually, the significance of our involvement would tend to escape us. It is not Nixon's war; nor was it Johnson's. Five U.S. Presidents, starting with Harry S. Truman, have had a part in shaping events that led us to the present point in time. It was Lyndon Johnson's misfortune to have occupied the White House at the time U.S. forces were fired upon in the Gulf of Tonkin, which precipitated us into the shooting phase of our Vietnam involvement. But the die was cast long before that night in August, 1965; it included the convention in 1962, out of which grew the Geneva accords, and it included our participation in the formulation of the Southeast Asia Collective Defense Treaty. We are not in that conflict alone; several other countries are vitally concerned with an honorable resolution of the Vietnam problem. Failure to satisfactorily resolve that conflict would, without question, lead to a crumbling of a sufficient number of defenses as to provide a wide, unobstructed corridor through which communism can march to conquer all the remainder of the free world, or to a far greater conflict than that in which we are now engaged if we are to stop that march.

I am not one who insists that the war can be won by continued fighting on the battlefield. Vietnamization of the war appears to be proceeding at a pace that promises release of the United States from that involvement within the foreseeable future. Unfortunately, there seems to be no honorable alternative to continued military action by U.S. forces while this transfer of responsibility takes place and pending more progress in negotiations at the conference table. But international politics and diplomacy are extremely sensitive arts which can be influenced by a single phrase uttered by a person in high government. No less influential can be the attitude of a substantial portion of a country's population. No country can afford the luxury of popular indifference in matters affecting national security. No country can afford unlimited, unbridled abuse of the privilege of speech unchallenged, when that privilege is exercised for no purpose but to advocate surrender.

For these reasons the Veterans of Foreign Wars has sponsored Operation Speak Out, and Bob Hope has taken time from his busy schedule to head up the activities of a Week of National Unity. The people of this Nation must depart from provincialism; separatism that tends to leave the impression that we are a divided, disunified nation. We must move toward the display of a solid national front in support of the policies to which our Nation is committed by treaty and by honor. When this comes about, then the end of hostilities in Vietnam will be in sight; our troops will be withdrawn and we can turn our attentions to domestic problems and to the priorities we must meet at home.

Mr. Speaker, in this very Chamber earlier today, we were all privileged to hear the President of the United States make some remarks about his efforts to try to obtain a just and honorable peace in Vietnam. President Nixon recounted this morning how when he first came to the Congress as a Member of the House of Representatives, he supported President Truman in his foreign policy. President Nixon pointed out how it had been his privilege to support President Truman during the Korean crisis. I mention these facts only to say that those of us who joined in the resolution which now contains over three hundred signatures of Members of the House, for a just and honorable peace in Vietnam, are not striking out on a new course or engaging in an innovation. We are simply following the course with a Republican President that was followed by many Republicans during the Truman Administration, believing that when it comes to important or vital issues of foreign policy, we become Americans first and then partisan on domestic issues. In matters of vital foreign policy bipartisan support means national unity. Let us put it this way. It is all right to differ as much and as long as one may prefer over internal or domestic issues, but when we reach the water's edge we should try hard for national unity—to resolve our differences to present a unified front not as members of either party, but as Americans.

I yield to the chairman of the House Committee on Armed Services, the distinguished gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Speaker, I want to thank the distinguished gentleman from Missouri for his participation as well as being one of the movers of this program, and also thank the great former national commander of the Veterans of Foreign Wars, the distinguished gentleman from Indiana (Mr. Roudebush) for doing what they are doing here this evening. I am honored to be listed in your company. To speak out for America is the least that we can do for those who are giving so much and sacrificing so much for our security and for the salvation of this country. The great silent masses must not remain silent. The rampant minority, the irresponsible minority, is on the move. The only way to stop them is for those who in the final analysis will lose to raise their voices and give a hand to the efforts of people like the distinguished gentleman from Missouri (Mr. Randall) and the distinguished gentleman from Indiana (Mr. Roudebush) and those others who are listed in this cause with them.

Mr. Speaker, I want to thank these gentlemen for giving me this opportunity to join with them in this noble effort of speaking out and speaking up for America. No more laudable or higher cause could you champion or promote for the salvation of America. I wish again to thank you for letting me be with you even though the hour is late. Words are too few to thank you for what you are doing. God bless you.

Mr. Speaker, I shall be glad to yield to the gentleman from Alabama (Mr. Buchanan).

Mr. BUCHANAN. I thank my colleague for yielding and I wish to commend him for his part in this great effort to give voice to the silent majority, a majority that is real and which does support not just our President but our country and our fighting men.

Mr. Speaker, if those who are participating in the "death march," so-called, should prevail, it would indeed bring about a death march for millions of Vietnamese who seek only to be free and to exercise self-help which would be taken from them by brutal Communist force without our continuing assistance. But, because of the growing strength of the Democratic Republic of Vietnam, that infant democratic republic, because of its growing capability to take over the military effort successfully, I believe our President's policy of phased withdrawal, and the step-by-step Vietnamization of the efforts of the Vietnamese will prevail and we will succeed in walking a pathway to an honorable peace, a just peace, and a lasting peace that will entail freedom and self-determination for the people of that troubled land.

I thank the gentleman from Missouri and all of those who have participated with him in this effort to give voice to the convictions of millions and millions of Americans who believe in our country and who stand behind our fighting men.

Mr. Speaker, I thank the gentleman from Missouri for yielding.

Mr. RANDALL. I thank the gentleman from Alabama for his contribution.

Mr. Speaker, I observed a moment ago that we have a past national commander of the Veterans on Foreign Wars on the floor who will have his own time and will lead a further discussion of Operation Speak Out. However, it is my privilege at this time to yield to a past national commander of the American Legion, a distinguished Member of this body and one I am proud to be associated with on the Committee on Armed Services. I yield to the gentleman from Virginia (Mr. Daniel).

Mr. DANIEL of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I desire to commend the VFW for initiating this Speak Out program and the gentleman from Missouri (Mr. Randall) for initiating the effort on this side of the aisle.

There is much debate about the method of disengaging in Vietnam. I favor an orderly withdrawal consistent with the safety of our men and our national security. To "bug out" or to announce a specific withdrawal date will serve the cause of neither.

I think the time has come for the silent majority to be heard.

It is true that our country has many faults or many shortcomings. But, it has been my experience in traveling on every continent except Australia, I have been persuaded in spite of these shortcomings, that we still are the greatest nation on the face of the earth.

We have an economic system which has provided for us the highest standard of living known in the world. In spite of the fact that some of our freedoms and liberties have been eroded away by court decisions, by executive agreement, by legislative procedure at the State and National levels, we still have more freedom and more liberty than any other people with whom I have come in contact.

It has been my experience, Mr. Speaker, to visit the battlefields in Vietnam on three occasions. I told those young men that I would take advantage of every opportunity to say something on their behalf.

It is well for all of us to remember that our young men in Vietnam are not fighting in a vacuum. The truth of the matter is, Mr. Speaker, the winds of freedom have collided with the winds of slavery in that banana-shaped country hugging the coast of Southeast Asia. The future of your children and mine will be determined by which wind prevails.

Let us unite in the true American tradition to bring this horrible war to an honorable conclusion.

A few months ago there appeared in the press of America the picture of a dirty soldier in Vietnam. In his face was a desperate, haunting look, but in his eyes was a look of courage and determination. When asked by a photographer what he most wanted in the world, he merely replied, "A tomorrow—a tomorrow."

In those simple terms he represents the hope of all mankind. We all seek a tomorrow in which life will be more abundantly worth living, a tomorrow in which the principles and ideals for which they are fighting will prevail. The great challenge to all of us is to work diligently toward that tomorrow.

Mr. RANDALL. Mr. Speaker, I greatly appreciate the fine comments of the gentleman from Virginia (Mr. Daniel).

Mr. Speaker, the hour is late, and I want to make certain that our distinguished colleague, the former past national commander of the Veterans of Foreign Wars, will have time to present his remarks.

Although some of the comments made by those of us in the well and those who have participated in this special order have been general in nature, and have covered the thinking of those of us who believe that this is a time for national unity rather than a time for divisiveness in our country, before we conclude I think it would be most appropriate that we spell out exactly what all of our colleagues who are of like mind can do the remainder of this evening, tomorrow, tomorrow night, Saturday and Saturday evening—what exactly can be done by each of us in an effective and peaceful way of counterdemonstration? Some suggestions have been enumerated, including driving with our motorcar lights on. Another has been suggested, that there be a light of peace demonstration by turning on one's porchlights on the evening of the march to show that one is in favor of a just and honorable peace. Some of us tried to show support for Operation Speak Out by attending a Freedom Rally at the Sylvan Theater on Veterans Day, Tuesday afternoon. There were countless similar rallies across the country.

The one thing that I would suggest all of you do in the 2 days that lie ahead, and ask your families and all your friends and your constituents and everyone who you may be able to influence, is to urge your fellow citizens to fly the Stars and Stripes on the 14th and 15th and to continue to fly them all the while the New MOBE is making its demonstrations. This is one certain, effective, and peaceful way to put on our own counterdemonstration. If enough of our friends and those of like mind across this great country of ours take this same course of action, then truly the great silent majority, by displaying their flag, wearing their flag, which quite affirmatively means showing their colors, can change the silent majority into a vocal majority. All of us can participate in Operation Speak Out by flying the flag and wearing a replica of the Stars and Stripes on our lapels and our ladies on their dresses, as an effective and peaceful showing that we are not a part of the New MOBE but are a part of Operation Speak Out.

(Mr. ICHORD (at the request of Mr. Randall) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, I, too, want to raise my voice on behalf of the vast majority of the American people who have too long been silent but who began during last Tuesday's Veterans Day freedom rallies to let the world know this Nation stands behind its sons in battle and its President in these most difficult times.

This week is encompassing two demonstrations nationwide, one by the New Mobilization Committee Against the War in Vietnam—abbreviated New MOBE—and the other arranged by the Veterans of Foreign Wars of the United States. Although there will be undoubtedly many citizens sincerely exercising their constitutional right to dissent in the New MOBE demonstrations, I can assure you that all the evidence in the case of New MOBE indicates that much of its leadership is more interested in serving the interests of Hanoi than in exercising the right of dissent. The VFW demonstration called Operation Speak Out is a program designed to encourage the silent majority to show their support to our Government and to demonstrate their belief in America by flying the U.S. flag during the entire weeklong activities of New MOBE. Operation Speak Out is being given strong support nationwide from veterans' groups and civic organizations and emphasizes the blessings of our American heritages.

If I were in the President's position, I would be pursuing a different policy in order to bring an end to America's combat participation in the Vietnam war. But my plan and the myriad of plans advanced are equally subject to criticism and possible pitfalls. Under the circumstances, I firmly believe that his course of action is reasonable and the chances of success appear good. Regardless of our party affiliation, Richard M. Nixon is the President, my President, your President, our duly elected Commander in Chief. I must support him on this issue which is so vital to the future of our Nation.

We hear much demagoguery about the war in Vietnam, much lamentation over the past mistakes of the Nation, but no responsible plans for disengagement. To paraphrase from the words of the President, if New MOBE prevails, this Nation has no future as a free society.

Americans have never been a people to "cut and run" from any contest worth the struggle though, at the instigation of the extremist elements of the so-called New Left, some have been persuaded that "peace at any price," including surrender, is a choice they are prepared to make.

I am not prepared to consider such a choice. Neither are the people of my district and State. Missourians still believe citizenship in these United States is a sacred trust; that the inalienable rights upon which this Nation was founded carry with them very definite responsibilities; that our flag is to be honored; that our institutions are to be cherished, that freedom's cause, whether it be in some far-off land or here at home, when threatened by tyranny's aggression, is worth fighting for and—if it must come to that—worth supreme sacrifices.

As a Member of Congress and as a citizen of this great land, I support our men in Vietnam and I support our President. None should remain silent in giving such support. It is America that needs our support at this time when our institutions, ideals and strength are being sorely tested by enemies and "sunshine" friends at home and abroad.

In truth, it is this land of liberty that needs our support. It is our flag which needs support. Our prayers and support should be with our men fighting and dying in the rice paddies and jungles of South Vietnam to deter Communist subversion, terrorism and aggression against people who want to be free. Our prayers and support should be with the President and his advisers as they seek "peace with honor." From this moment forward, let us again show the world the mettle of which we are made as a people born free and determined to remain so.

(Mr. MURPHY of New York (at the request of Mr. Randall) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.

Mr. MURPHY of New York. Mr. Speaker, I am proud to participate in this period of special orders. All too few good Americans—the silent majority—have repeatedly spoken out as have those loud voices of the minority. However, last Tuesday, Veterans Day, thousands upon thousands of the good American participated in ceremonies across the Nation honoring the dead of our wars.

Tuesday afternoon at the Washington Monument some 15,000 Americans attended a freedom rally, sponsored by both the Veterans of Foreign Wars of the United States and the American Legion. Across the Nation the some 10,000 VFW posts participated in that organization's Operational Speak Out. The VFW called on its 1,500,000 members to fly the flag throughout this week, to drive with their headlights turned on and to participate in activities affirming the people's desire for a just peace with freedom in Vietnam and around the world.

Mr. Speaker, the voice of the so-called silent majority is becoming more audible, thanks to the millions of voices rolling in from coast to coast—voices telling us that patriotism is not dead; that our faith is not dead. During the last few days, we have heard the voices of religious and civic groups speaking from the heart of America. We have heard these voices call for unity and domestic tranquility, for peace with freedom, for peace with justice, and for peace that provides self-determination for those struggling against Communist aggression.

I am proud that we have set aside this period in order to join our voices with all those patriotic Americans who are speaking out to let the world know they support their President and their country.

OPERATION SPEAK OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROUDEBUSH), is recognized for 60 minutes.

Mr. ROUDEBUSH. Mr. Speaker, I am honored to participate on this occasion—a day when we in this body express the need for unity and harmony in support of America's policy in Vietnam. My purpose in calling for these special orders is twofold: to applaud and commend those millions of patriotic Americans all over our Nation who are speaking out to combat the voices of dissent we have been hearing so much here of late; and to give us an opportunity to join our voices in support of the actions of such organizations as the Veterans of Foreign Wars in their "Operation Speak Out" to encourage the "silent majority" to show their support of the Government for the President's policy on Vietnam.

This body is not a 1-day-a-year organization, as we operate for the United States 365 days of the year. But I think it is most fitting and appropriate that on this day we underline and spotlight a spirit of unity and determination with regard to our commitments in Vietnam.

There are certain traditional days which Americans reserve for special celebrations and observations—days such as Christmas, Easter, Independence Day, and Veterans Day. Tuesday of this week—Veterans Day—we saw an unprecedented display of patriotism: honoring those valiant men of all wars who gave their lives for freedom, and affirming anew America's faith and determination to maintain that freedom for which so many have fought and died. I can think of nothing more important than a pause here today to speak out in tribute to our country and to true patriotism.

The voice of the so-called silent majority is becoming more audible, thanks to the millions of voices rolling in from coast to coast—voices telling us that patriotism is not dead; that our faith is not dead. During the past few days, we have heard the voices of religious and civic groups, as well as those of patriotic groups such as the Veterans of Foreign Wars and other veterans' organizations, speaking from the heart of the America. We have heard these voices calling for unity and domestic tranquillity, for peace with freedom, for peace with justice, and for peace that provides self-determination for those struggling against Communist aggression.

This is a day when we should accentuate the positive in our country; when we should speak out on what is right about our country, our Government and our people. Despite our frailities, the good in this Nation far outweighs the bad. Unfortunately, we too seldom hear or read about the good things—for the good things rarely make the news.

The conflicts, the frictions, the brickbats make juicy stories. Constructive activities, building programs, idealistic achievements all to frequently go unnoticed and unheralded. I am confident that our good deeds, that our positive actions and the things we do which are right will eventually win out. The fact that we are all here today testifies to the determination of this body.

Today, we have over 50 million youths under the age of 25 in the United States. They look to our generation and to this body for guidance and leadership. Therefore, we must speak with a clear voice and we must use simple words.

We believe in our Government. We cherish our ideals. We stand ready to defend our freedom against all threats—foreign and domestic. We pledge our allegiance as have our forebears from generation to generation.

I congratulate my colleagues in setting aside this period as a time to speak out in support of our President and our Government. The voice of the silent majority is the voice of wisdom and strength—for it is the true voice of America. And patriotic Americans across the length and breadth of this great land are voicing their belief in America, in our leadership, and in our determination to have peace with freedom in Vietnam.

I am especially proud of the Veterans of Foreign Wars, American Legion, and other veterans groups this week, whose performance we witnessed with great pride. I refer to the every successful Operation Speak Out at the Washington Monument on Veterans Day. The large numbers who participated in this very moving ceremony was indicative of a much larger silent majority who support our troops in Vietnam and our President in their efforts to bring about a durable and just peace.

I commend the veterans and other patriots who spoke out in behalf of the silent majority all over the Nation on Veterans Day in city, in hamlet, in towns, and county courthouses, in cemeteries, and at memorials all over this great Nation. I commend these thousands who spoke out in support of our policy in Vietnam.

This represented a change or departure from previous years. For the first time, veterans decided it was time to speak up and be heard on these vital issues which are of such intense concern to war veterans and to every patriotic American. We commend those veterans leaders who had the foresight and initiative and took the necessary action to make this Veterans Day a day to speak up for national unity and in support of our constituted leaders.

Another favorable byproduct of this past Veterans Day was the wide coverage provided by the national press, radio and TV. We all have seen how the television cameras seem to be present to provide full coverage for speeches and actions by those groups who would divide and weaken this Nation. We all know how the "way out" crowd gets the publicity. On Tuesday Americans were privileged to see and hear a large cross section of this Nation who stand for peace but peace with strength. These veterans leaders and other patriots who spoke on Veterans Day throughout the Nation brought a message, which, I am sure, the silent majority have been waiting to hear and wanted to hear. These veterans leaders understand why this Nation is the greatest nation on earth. These veterans leaders know that in unity there is strength. They served in previous wars. They know that the greatest morale booster for those who are doing the fighting and dying is that the people back home are supporting them. When there is division on the homefront, it is bad for the morale of the troops who are facing the enemy.

That is why I am particularly proud of all those who are participating in Operation Speak Out and National Unity Week. It is high time that the silent majority are taking the lead. Let us hope that those who would destroy this country will get the message and that the world will know that the great overwhelming majority of Americans support their President and their country in our efforts to achieve a lasting and durable peace.

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina (Mr. DORN), the gentleman from Texas (Mr. TEAGUE), the gentleman from Indiana (Mr. ZION), the gentleman from Indiana (Mr. BRAY), the gentleman from Indiana (Mr. ADAIR) the gentleman from Alabama (Mr. NICHOLS), the gentleman from California (Mr. TEAGUE) and the gentleman from Tennessee (Mr. DUNCAN) may be permitted to extend their remarks following my remarks.

The SPEAKER pro tempore (Mr. MATSUNAGA). Without objection, it is so ordered.

There was no objection.

Mr. MYERS. Mr. Speaker will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman.

Mr. MYERS. Mr. Speaker, I thank the gentleman from Indiana, my good friend of many years for yielding at this particular time. I want to congratulate him for his leadership this afternoon.

He is a great American and a great patriot. He has fought for his country and has served in every capacity that a man can serve his country, in making this a better place to live. It is the great men like our colleagues, the gentleman from Indiana (Mr. ROUDEBUSH) and the gentleman from Missouri (Mr. RANDALL), who have kept this country free and will keep it free.

I also want to commend the Veterans of Foreign Wars of the United States for their initiation and their leadership and other veterans organizations who have also participated in making this day a Speak Out Day.

Our country once again has reached a time of testing. Many times throughout our history we have seen our country having to arise on occasion to protect people throughout the world as well as our own people, as well as to promote justice and peace throughout the world.

These decisions, as they have happened here at home and abroad, have not always been the most popular. They have not always been universally accepted. Once again today we see that there will be a march during this weekend, the so-called death march. On last October 15, the first moratorium, I can see how some disenchanted, some young people who are frustrated and who did not understand the real issue might have taken part in that moratorium with all good sincerity in wanting an early peace. But since that time our President, I feel, has done an excellent job in presenting the position of this country, and the very reason we are in Southeast Asia, and a plan for bringing an early end to this terrible conflict.

It seems to me that any who would take part in the moratorium this weekend are making a grave mistake toward the peace of the world, justice, and the security of this country.

Today is a day that we are setting aside to speak out for the silent majority. Just how long that majority will remain silent we will have to see. There are more people speaking up each day now. But the great majority of people who consider themselves silent have feelings. Recently we have seen that in our visits back home. The people of this country have almost unanimously supported our President, not because he happens to belong to one political party, but because he is our President, and he is the Commander in Chief of our troops who are serving throughout the world and fighting today in South Vietnam. When they support our Commander in Chief, they are also supporting our troops who are fighting for justice and to save lives throughout the world.

The President said that our task was not an easy one, it was not a simple one, but it was the right one. How right he was when he made his statement. He further said that North Vietnam could not embarrass or defeat the United States, that only Americans could do that.

You know, our theme today is, "Speak Out." There is a delightful young group that travels throughout the country who are speaking out. "Speak Out, America," is their theme. I think that is the name of the song group. There are similar groups in various sections of the country. One of their songs is, "Which Way, America?" I think that song, "Which Way, America?" on which they do an excellent job, is a challenge for our generation and for us in this body and the vast so-called silent majority that we represent. It is not only a challenge of "which way, America?" but it is our responsibility to step forward today and say, "This way, America." I thank the gentleman.

Mr. Speaker, some of us who love our country, our flag, and all of its traditions and are not ashamed of letting it show, are called superpatriots. For those people who do not get a chill running up and down their spine when they see Old Glory ripple in the breeze or sense of deep pride when they hear the "Star Spangled Banner," I have only sympathy. I am proud to be called a patriot. I am proud of my country and those things it stands for, peace, liberty, justice, and opportunity.

Mr. ROUDEBUSH. I certainly wish to thank the gentleman from Indiana (Mr. MYERS), not only for the generosity of his remarks, but also for the fine contribution he has made during our "Speak Out, America," special order today.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Ohio.

Mr. DEVINE. I thank the gentleman from Indiana.

Mr. Speaker, I also wish to commend the gentleman from Indiana (Mr. ROUDEBUSH), for his taking this particular time at this particular point in history to express himself not only as a former national commander, but as a great American. I know the gentleman from Indiana is not comfortable in the Well. He carries with him some of the scars of a previous conflict in which he risked his life many time for the preservation of the very freedom that we are talking about here tonight.

Mr. Speaker, we witnessed here today a unique experience in having the President of the United States, with very little notice, address this body. A great and a grateful President came to this body, the House of Representatives, where he served 22 years ago, and he thanked the Members of the House, both Democrats and Republicans, for giving him a very definite vote of confidence in his efforts to win the peace.

I happen to have been honored to be one of the bipartisan group of Members of Congress who went to the White House yesterday afternoon, at which time we were able to present to the President of the United States the news that over 300 of the Members of this body, a substantial majority, had introduced a resolution to support the President's position, and to back him up on the remarks that he made Monday night, November 3. That was a grateful President that came to the House today to acknowledge this and to thank us for demonstrating the unity that has made America a great country.

On the occasion of our visit to the White House last evening the President was quite enthused about this expression of confidence by the Members of the House—and, of course, the 300 or so Members who represent millions of American people—and we had with us also representatives of the other body where, I believe 59 Senators have indicated their support of the President's position to win the peace. This was a thrilling experience, of course, to the President, and he, in our presence, called our Ambassador in Paris, Henry Cabot Lodge, and had the Members of the House—Mr. WRIGHT, of Texas; Mr. HAYS, of Ohio; Mr. ARENDS, of Illinois: and Mr. ADAIR of Indiana—talk to the Ambassador and to give him the news in order that he might be fortified in his negotiation with the enemy to express the freedoms. America is indeed speaking out, Mr. Speaker, and I again commend the gentleman from Indiana for making it possible for the Members to so express themselves.

Mr. ROUDEBUSH. Mr. Speaker, I certainly thank the gentleman from Ohio.

As we proceed with this debate, I want again to emphasize that is not the result of the effort of me or any one person. Certainly I pay the warmest respects to my very dear friend, the gentleman from Missouri (Mr. RANDALL) for the very good job he did in organizing the speakers on his side of the aisle.

Also, as I commented, we had, on Tuesday, Veterans Day in this country. As I saw the parades—and there were three big ones in the district I represent in Indiana—I never saw banners of any one organization or any one group predominating over the other. It was a joint effort of all the great veterans organizations.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join my colleagues in commending the gentleman in the well, the gentleman from Indiana (Mr. ROUDEBUSH) for the splendid remarks he has made today.

Also I would like to commend my colleague, the gentleman from Missouri (Mr. RANDALL) for the special order he took today and for his timely and appropriate remarks.

Certainly this is a worthwhile and wonderful project, this Operation Speak Out. As I understand it, it has been sponsored by the Veterans of Foreign Wars and the other veterans organizations. Certainly they should be commended for pushing this project we are engaged in.

I know the gentleman in the well is a former national commander of the Veterans of Foreign Wars, and I understand the gentleman from Missouri (Mr. RANDALL) is a former State officer in the Veterans of Foreign Wars and also a former post commander in his State of Missouri. I might say I have the honor of being a member of one of the largest posts in the South, located in my home State of Mississippi.

I do not think patriotism is dead. I think these two hours we have secured may have the effect of waking up and stirring up patriotism. I feel it. I know other people across the land and other people in Congress certainly feel it. One example, Mr. Speaker, is the number of Members of Congress and the people, so-called, who work on the Hill who are wearing a great number of American flags. I used to wear a fraternity pin, but now I am wearing the American flag, and I am going to continue to wear it for a good while.

If the gentleman in the well will yield further, I would like to make one brief comment. I had the opportunity on Veterans Day, last Tuesday, of going to Walter Reed Army Hospital, where I visited some of the young men from my State and from all over the country who have been wounded in Vietnam. There is no question about it, it is a bad war. People get hurt and are defaced and lose arms and legs. But the young men I talked to were in good spirits and had no bitterness toward anyone. They wanted to start a new life and wanted to do anything they could to improve this country. As far as I could tell—and I was there for a couple of hours and talked to them—and from what I could observe of these men, including those who had horrible wounds, I never did see any type of sadness. They said: "Well, I am sorry I did not get to go home on Veterans Day, but I think maybe I am going to get home on Thanksgiving. I am looking forward to getting back home and starting a new life."

So, Mr. Speaker, the people who have paid the most for the war in Vietnam, in my opinion, are not the ones who are griping and causing trouble. These young men want to get back and start a new life and make a new adjustment.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ROUDEBUSH. Mr. Speaker, I certainly thank the gentleman from Mississippi for his comments. I think as the gentleman removed the fraternity pin from his lapel and placed the flag in its place, he joined the great fraternity of all Americans.

Certainly, I too, want to comment on the patriotism and the spirit shown by these young men in our veterans and in our service hospitals.

Certainly I believe that no one could more conscientiously object against war than the man who has fought in a war. The man who has fought in a war is honestly an objector against war, because none of us like the bloodshed and the suffering that becomes a part of a war.

The strange thing to me, I say to the gentleman from Mississippi, is the great hue and cry in this country is mainly from men who never heard the first rifle crack or never suffered with their comrades on the field of battle.

I certainly commend the gentleman on his fine statement, and I appreciate very much his joining in these remarks.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I had not intended to take any part in the special orders here tonight, but I do want to commend my colleagues on both sides of the political aisle for making this time possible. I do want to associate myself with what has been said here tonight.

Some years ago I read a speech in the CONGRESSIONAL RECORD. I have absolutely no idea now who made the speech. I recall nothing in the body of the speech. But I do remember the last portion of that speech, and I should like to read that. I hope I have it just about the way it was given:

Someone must mix the mortar.
  Someone must gather the stone.
For neither the man nor the master
  Has ever built alone.
In building a roof for the lowly,
  Or a palace for the king,
It is only by working together
  That we will ever accomplish a thing.

During recent days I believe we have observed a unanimity rarely experienced among the Members of this body. We have not been Republicans or Democrats, we have been Americans. In times of crises this is as it should be. Americans always rise above partisanship when the occasion demands.

Mr. ROUDEBUSH. I certainly want to thank the distinguished gentleman from Pennsylvania. I might say that his remarks remind me of one thing. I have spent 9 years now in the House of Representatives, and I have come to the rather complete conclusion that no party has any corner on patriotism or intelligence. I certainly commend my colleagues on the Democratic side as well as my colleagues on the Republican side. I believe that this message here in the well of the House tonight, as well as that delivered by my good friend from Missouri, will be well heard throughout this Nation.

Mr. DORN. Mr. Speaker, I commend my distinguished friend and colleague, Commander DICK ROUDEBUSH, for requesting this time. I am delighted to join him in speaking out in support of our President and in support of our men in Vietnam.

The Veterans of Foreign Wars are doing their country a great service in sponsoring Operation Speak Out and giving concerned Americans a forum to express their disagreement with the demonstrators and protestors.

Our President needs and deserves the support of every American who wants to see an early conclusion to the conflict in Vietnam. Those who take to the streets merely add to the resolve of a stubborn enemy which has disregard for human lives. Those who give aid and comfort to the enemy are not in favor of peace. They prolong the war and the killing.

The moratorium demonstration in Washington is a blueprint for a future attempt at anarchy. It is a blueprint for the overthrow of legitimate governments elected by the people.

This demonstration is not the way to legislate, promote peace, or change foreign policy. It is a blatant attempt to force by sheer weight of numbers and demonstrations a change in national policy. It is pressure. It is a form of force which is a dangerous precedent—dangerous to the legislative processes and representative government. It is a threat to the President's constitutional power, duties, and responsibilities. It is an attempt to reduce the President of the United States to a cringing vassal, a stooge of mobs and demonstrators. If the President and the Congress can be pressured by mobs and demonstrations, then freedom and orderly legislative processes will become a mockery and a fraud.

This demonstration is directed at the wrong place, the wrong people, and the wrong time. Its petitions and demands should be directed to Hanoi, Moscow, and Peiping. The United States has made every effort to negotiate a just and honorable peace. We have called off the bombings. We have slowed the military tempo in South Vietnam. We have done everything possible only to be met with ridicule, epithets, and refusals to negotiate. The Communists in Paris and Hanoi could stop this war in 1 hour by agreeing to a simple cease-fire.

The demonstrators are demanding free elections in South Vietnam. They have had free elections. Eighty-two percent of the voters voted under the threat of death from the Vietcong and the North Vietnamese. The government in Saigon is a legitimate government elected by the people. The demonstrators should demand free elections in North Vietnam, China, and Czechoslovakia.

It was the imperial warlords of Japan's designs on Vietnam, Indochina, and Southeast Asia that led to a strong stand by the United States and subsequently the Japanese attack on Pearl Harbor. If ever there was a nation in the history of the world which had a responsibility in Southeast Asia and Asia, it is the United States of America. Our blood and our money saved all of the Far East from aggression during World War II.

Yes, Mr. Speaker, I am delighted to join the Veterans of Foreign Wars—those who know firsthand the horrors of war—in speaking out in support of our men in Vietnam. I support the President and call on all Americans for unity. Standing together, united, we can secure a just and honorable peace in Southeast Asia. Demonstrations encourage aggression and a continuation of the war which could mean disaster and could lead to a nuclear holocaust.

I am pleased to join in Operation Speak Out and commend these patriotic and good thinking VFW members who are sponsoring it.

Mr. TEAGUE of Texas. Mr. Speaker, the world, and particularly Hanoi, should be shown without equivocation that the great majority of the people of the United States do support their Government. The world, and particularly Hanoi, should be shown now that the great majority of the people of the United States do support our troops in Vietnam.

This week, as the organized and directed protests try to force decisions in the streets rather than in the time-honored process of democratic rule, it is imperative that those of us who do represent the great majority of sincere, patriotic, concerned Americans, speak out and speak out clearly to define for those who do not understand our ways, the nature of dissent.

Our process, our system of free and independent press, and the penchant of television and other media to focus on the dramatic may mislead those who do not understand. They may believe that those in the streets speak for the majority.

We who do understand know better, but too seldom do we challenge the demonstrators. The issue is not war or peace—the issue is whether our leaders can, by pressures from a vocal minority who know how to perform for TV cameras, be forced to hasty decisions. I do not believe they can.

The demonstrators seek to claim the desire for peace as their sole right. Let them know that those of us who know the havocs of war first have had a stronger desire for peace and the end of strife than do any who are inclined to follow the directions of some of dubious intent. Peace is not the issue. We all want peace. No thinking American wants American men to die in foreign lands needlessly. But lessons of history, the known intent of the monsters in Hanoi, and the total stability of the world are the basis for our commitment. And until the policy of this Government is changed by changed conditions, then I feel that to undermine and weaken those brave Americans who represent this Nation in Vietnam is not only misguided but nearing on treason.

There are ways, powerful ways, to express dissent to a Government policy without taking to the streets and following the lead of those whose intent is questionable to say the least. Let me quote from the words of Raymond A. Gallagher, commander in chief of the VFW:

> It may not be their intention, but these self-appointed experts of international military and political strategy are providing false hope and misleading comfort to the enemy. They—no less, and perhaps even more than the so-called anti-war demonstrators—are actually helping to prolong the war rather than to shorten it, as they so zealously claim is their objective. Their expressions of dissent and protest provide the North Vietnamese with reason to believe that they can achieve the victory our men in uniform are denying them on the battlefront through a split in our ranks on the home front.
>
> Never in the history of our nation has there been a greater need for national unity and support of our constituted leaders. The withholding of traditional bipartisan Congressional support from the President in the conduct of foreign policy can only serve to undercut his bargaining strength with our enemies and diminish his status among our friends.

I want to commend the VFW and the other civic, fraternal, and patriotic organizations who are sponsoring "Operation Speak Out." I join them in speaking out in support of our policy our Government, and most particularly those gallant men who are carrying out their orders in Vietnam and elsewhere where freedom is threatened.

Mr. ZION. Mr. Speaker, I read my mail. If I were not already in full support of our President in his herculean effort to obtain an honorable peace in Vietnam, I would be worrying a little bit. Indiana's Eighth Congressional District listened to what President Nixon had to say as he addressed the Nation on Vietnam. And the response was overwhelmingly in favor of his course of action.

My district has long been regarded as a bellweather reflector of the national mood. Apparently it still is. Housewives, businessmen, farmers, office secretaries, high school students—have written in great numbers in response to what the President had to say—and they are decidedly in his corner. They are fed up with peace marches which serve only to disrupt not unify national sentiment. They are tired of the minority of Americans who, though they may be well motivated, serve unwittingly the cause of Hanoi, Moscow, and Peking. These folks see the October moratorium as a great disservice to our young men who are still on the combat field being subjected to the renewed strength of an enemy that takes heart from the expressions of dissent in our land. They write concerned letters straight from the heart and ask that I, as their representative, support President Nixon as he chooses to follow the difficult road to peace.

Mr. Speaker, I intend to honor the wishes of this not-so-silent majority which has finally had enough of antiwar demonstrations. This other point of view has written me, too, and I respect their views. But their's are not mine and I cannot march to their drummer. Our national purpose must be for me as it is for the President.

Mr. BRAY. Mr. Speaker, the advance elements of the expected swarm of 200,000 demonstrators have descended upon the capital city of the American Republic. It has put a cloud upon the life of the city, indeed, of the entire country.

But the darkest cloud of all is now beginning to form, and will hang over the heads of the demonstrators—each and every one. It is the greatest element of tragedy in this whole senseless business. No one knows whether the march will be peaceful, or whether there will be violence. No one knows if the demonstrators will conduct themselves with the proper amount of decency and respect for their Nation's Capital, for its buildings, for its beauty, for its peace, and for its officials and leaders—and, I might add, for their millions of fellow Americans, as well, for this city is a truly national city that belongs to all of us.

No—the major tragedy, this darkest cloud of all, of which I speak, was something we knew was sure to come. At the very time the first demonstrators were arriving here in the city, North Vietnam's ambassador to the Paris peace talks spoke smugly and confidently of the "strong wave of protest in American public opinion," and made it plain Hanoi is counting on this and other demonstrations to end the war—on Hanoi's terms.

I do not, cannot, and will not question the sincerity and devotion of many thousands who will come to Washington. But I do question, for I cannot, myself, understand, how their consciences—and we hear much from them of appeals to "conscience" with the influence always being that only they have such a thing as a conscience and that their Government and their fellow Americans do not—how their consciences let them take this stigma, this blight, upon what they do.

Observers who in no sense of the word can be called "conservative" have charged flatly and openly that the demonstration has been planned since summer by, and I quote directly, "advocates of violent revolution in the United States who openly support Communist forces in Vietnam," and containing among them past and present Communist Party members and supporters of the Vietcong.

Here, then, is the real tragedy. Deception of the gullible; seduction of the innocent; duping the well-meaning; betraying the truly conscientious; perversion of the qualities of humanity and compassion that I know exist in the hearts and minds of many demonstrators.

We can forgive much, we Americans, for we are an openhearted, generous, forgiving, and tolerant people. Anyone questioning this has only to look at our actions with regard to defeated, subjugated enemies following both world wars.

But I think we are probably more forgiving, and more likely to extend this quality of patience and tolerance, to outright enemies who had made no secret of their intentions to destroy us and all we hold, rather than to our own fellow citizens who have let their dedication aline them with forces of destruction.

It is an indelible stain that can never be erased. Shakespeare has Lady Macbeth shriek her despair when she realizes that blood guilt cannot ever be erased from her hands. I believe the day will come when these same people of whom I speak today will, like Lady Macbeth, realize in horror that what they have unwittingly done has imprinted them with this same mark.

Yes, blood guilt. Hanoi is applying a dictum first enunciated by Frederick the Great in 1747:

> The art of war is divided between force and strategem. What cannot be done by force must be done by strategem.

Force alone—continued killing of American soldiers in Vietnam—is matched with strategem—playing on the credulity of Americans at home.

More tragic than the spectacle of a city virtually under siege; more tragic than the spectacle of an outright traitor who deserts and actively works against his native land; more tragic than the adherence to the foolish idea of making a country's foreign policy by use of street mobs; more tragic than all of these is the defilement of honor and abasement of wisdom among our own people.

As the preacher, in Ecclesiastes X, 1, said so well:

> Dead flies cause the ointment of the apothecary to send forth a stinking savour; so doth a little folly him that is in reputation for wisdom and honour.

A little folly; a great tragedy; a lifetime of remorse.

Mr. ADAIR. Mr. Speaker, I rise in support of my good friend and colleague from Indiana. There should be no mistake in the minds of the leaders of North Vietnam that today's events represent the real feelings of the average American. This is simply a well-coordinated propaganda attempt by Hanoi, with assistance from other Communist nations, to snatch a political victory from the jaws of military defeat. To do this they are playing upon the natural weariness and frustrations of the American people over the conflict in Vietnam. It is an effort to divide the American people over the issue just when real progress is being made in Vietnam. It is a great source of regret to many of us here in the Congress that well-meaning people are being caught up in this further attempt to pressure the President into abandoning

South Vietnam forthwith. The demands of some of the people who are sponsoring these events amount to little more than complete capitulation to Communist aggression. This we cannot allow to happen. This would make just as much sense as disbanding our police forces because the people are weary of attempting to fight crime. Do some of the critics really want the kind of peace in Vietnam that would be imposed by North Vietnam? When Ho Chi Minh took over North Vietnam 15 years ago, he murdered more than 50,000 people and thousands more died in his slave labor camps. Vietcong terrorist activities indicate it would be no different in South Vietnam. Now, more than ever, we need to show strong support of the President in his search for a just peace in Vietnam.

Mr. NICHOLS. Mr. Speaker, today begins the second in the series of antiwar protests that have been labeled moratorium day. If this is moratorium day, I wish that somebody would tell the North Vietnamese about it. Just a few days ago, American troops captured documents on North Vietnamese soldiers which called for a new wave of attacks against American troops to coincide with these demonstrations. Not only are the demonstrators giving aid and comfort to the enemy, but their actions are encouraging renewed fighting at a time when there has been a significant lull in hostile activity.

I do not believe that any of the people who will be in the streets participating in these protests would wish the consequences of their actions to result in the death of one American soldier. Some of the demonstrators are sincere in their desire to bring our troops home. Many of them undoubtedly have husbands, sons, and friends in Vietnam, but apparently they do not understand that the irresponsible actions which they are taking, and which their leaders espouse, are not only making the peace negotiations more difficult, but are, in effect, urging the North Vietnamese to increase their fighting efforts against our own boys.

I am pleased to join Congressman ROUDEBUSH and others here today who represent the great majority of Americans who support this country's efforts to bring a stable government and a lasting peace to Vietnam. The President of the United States has called upon the people of this country to stand behind him as he undertakes the most difficult role in the world—the role of peacemaker. We are supporting both the peace efforts and our young men in Vietnam when we support him.

The country evidenced much of that support in the wave of Veterans Day activities which occurred all over the Nation on Tuesday. I was gratified to see the large number of people who participated in honoring this country's men and women in uniform here in the Nation's Capital. Over 10,000 people turned out to express an old-fashioned love of country and support of this country's efforts in Vietnam. But even more important than this large demonstration were the literally thousands of planned Veterans Day activities in large and small communities throughout the land.

In my own State of Alabama, many cities followed the example set by Birmingham and held parades under colorful avenues of flags. The streets of Alabama cities were lined with hundreds of American flags waving in the November breezes. It was a beautiful sight to behold, and the streets were crowded with people who turned out to say thank you and express pride in our servicemen and veterans.

Thank you is an expression we do not hear too much of today. But the people of this great country do appreciate our servicemen and resent very much those who engage in name-calling and disruptive activities which dishonor the democratic processes and freedom that they have fought to preserve.

Mr. TEAGUE of California. Mr. Speaker, I want to commend the gentleman from Indiana for obtaining this special order to speak in support of President Nixon's policies in Vietnam. I share the President's desire for peace as does the gentleman from Indiana. The President wisely has elected to pursue the quest for peace on terms other than those dictated by Hanoi. A majority of the Congress has already voiced its support of the President's policies. Despite the action of an articulate and demonstrative minority, I am convinced that an overwhelming majority of the American people support the President's Vietnam policy.

This period in American history is unique. It is a period of radical departure from those days when our citizens, as their ancestors before them, quietly went about the business of earning a living, raising a family, playing a responsible role in their communities—and answering the call to arms when their freedom was challenged.

This day and age call for a different kind of involvement—it is a call for all of America's responsive, responsible citizens to speak out in defense of freedom, in defense of our Government, our Constitution, and our President.

This week in rallies and ceremonies across the Nation, millions of Americans, including 3 million veterans, have responded to the call and have spoken out in one positive, patriotic voice in support of our position in Vietnam, and in support of our President and our Government. The Nation's veterans organizations, the American Legion, the Veterans of Foreign Wars and others, are to be commended for sponsoring and encouraging this outpouring of support.

It is a special privilege for me to join with those millions of other Americans who take pride in our country—those normally silent Americans who have found it necessary to speak out on the grave situation that faces America today and to renew their pledge of allegiance to the flag and to the country for which it stands.

It is my earnest hope that the voices of millions of patriotic Americans across the land will be heard by those who are fighting for our freedom and the freedom of our allies, and by those who would destroy us. Then they will know we stand for freedom with justice for all mankind.

Mr. Speaker, Abraham Lincoln once remarked:

> I like to see a person proud of the place in which he lives and then so live that the place will be proud of him.

The vast majority of our citizens are proud of this great Nation of ours, and our country has reason to be proud of them.

I am proud that we have set aside this period in order to join our voices with all those patriotic Americans who are speaking out to let the world know they support their President and their country.

Mr. DUNCAN. Mr. Speaker, thousands of Americans are marching this weekend to Hanoi's tune. The background music is that of tormented imprisoned souls in communism. These marches are a blight on the image of this country, and they are a help to the enemy.

These people make a lot of noise, the kind of sound that Hanoi likes. Many good innocent Americans have joined this march. But regardless of whether or not they know what they are doing, they are nevertheless giving aid and comfort to the enemy of everything we hold dear. They are doing damage to peace efforts, and their efforts in the past have prolonged the war.

These people are again being congratulated by Hanoi. Hanoi knows that their actions are more responsible for large death lists of American soldiers on the field than even Hanoi troops.

Hanoi radio said today that North Vietnam peace organizations "warmly welcome and support" this week's antiwar demonstrations in the United States.

The leaders of this weekend's demonstrations are a weird assortment of extremists, Communists, radicals, and militant leftists.

It is no wonder that many of our colleagues who supported the October 15th moratorium have now disassociated themselves with the present demonstrations. It is my opinion that those promoratorium Congressmen have heard from home, and also they now know the true character of the leaders, and the motive for the demonstrations.

Let us take one example. Dave Dellinger is one of the chief sponsors of this weekend's demonstrations.

This Dave Dellinger is the same person who met with agents of Communist Rumania just before triggering the violent demonstrations in Chicago at the time of the Democratic National Convention.

He is the same Dave Dellinger who met in Czechoslovakia with Vietcong agents just before launching the "peace march" against the Pentagon.

It is disturbing to me to see hundreds of well-meaning protestors being led by such people, who are working hand in hand with Hanoi.

Our soldiers in Vietnam cannot understand how we can allow these demonstrations which would in past days have been judged outright treason. Those fighting our battles in Vietnam are deeply hurt by such actions as their fellow soldiers are cut to the ground by an enemy being aided by folks at home.

The next of kin of deceased men who give their lives in Vietnam are insulted that these "peaceniks" read the names of their sons in public. They ask, "What can we do?"

Many mothers, fathers, and wives of deceased servicemen have traveled for a long distance to request the MOBE to refrain from reading the name of their son or husband. It is a disgrace that people, who have already given so much, would have to humiliate themselves to retrieve the names of their deceased servicemen.

I have today introduced legislation that would prohibit the use of the names of certain deceased servicemen unless consent is given by the next-of-kin.

I urge my colleagues to join in support of this legislation.

ADDRESS BY SPEAKER MATHIAS BEFORE THE MARYLAND FEDERATION OF REPUBLICAN WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Morton) is recognized for 10 minutes.

Mr. MORTON. Mr. Speaker, on Friday, October 24, my former colleague and good friend, Senator "Mac" Mathias, addressed the Maryland Federation of Republican Women. He spoke of the pressing need for immediate draft reform and President Nixon's efforts to revise the Selective Service System. I think the topic and Senator Mathias' remarks warrant the attention of my fellow colleagues in the House of Representatives and therefore, insert the text of his speech into the Congressional Record today:

Remarks of Senator Mathias

President Nixon last week achieved a major political breakthrough. I do not refer to his welfare reform—a program that promises to revolutionize the current welfare system, nor to his revenue sharing proposal, that the New York Times has called potentially the most important reform in a generation. Both of these Presidential proposals are of overwhelming import and I am cosponsoring both in the Senate. But they are both programs that have never before been introduced with Presidential support; and Nixon's welfare, or workfare, program is a unique product of his Administration. The resistance to these initiatives has yet to be tested. The breakthrough I mean—and I celebrate—is the success in the House Armed Services Committee of the President's proposals for reform of the draft.

The President's ideas seem so logical that it is hard to believe their acceptance—by a vote of 33–0—represents a major and unexpected triumph. Only those who have for years been fighting for draft reform, and watched previous Presidents establish endless commissions to study the problem—and observed General Hershey manipulate the commission's data so that it would confirm the status quo; only those who have seen the House restrict discussion on student deferments to just 45 seconds—yes, you heard me—45 seconds for this question of life and death importance to every young man—only someone who has been long engaged in this battle—will recognize the dimensions of the President's achievement: The probable replacement of General Hershey with general reform of Selective Service.

Nixon's action was accompanied with effective elimination of the calls for November and December. When the President blew the whistle, Selective Service was gobbling up manpower at a rate even higher than last year. If calls had continued, the 1969 total would have exceeded 1968 by over 50,000.

Of course the President did not do it alone and of course the battle is not yet over. The Republican platform in both 1964 and 1968 advocated creation of a volunteer military. And widespread disaffection of young people and their parents with the present system's inequities also made Nixon's job easier.

The issue was not whether all young men should serve their country. For the draft never used more than one half of all those eligible and the eligible total was only slightly over half of all those examined, since almost 50 percent is excluded on physical or mental grounds. The issue was the capriciousness of the system of exemptions and choices that compromised the lives of all young men whether they were drafted or not. A healthy young man might well not be drafted (it would depend on where he lived and the level of the quota). But the possibility—impending for almost a decade after he finishes school—meant that he was at a disadvantage in competing for jobs with those who were 4–F or otherwise exempt. It was hard to plan sensibly for marriage—many either rushed into it in hope of exemption; or delayed in anticipation of a call that might never come. Thus, the draft not only affects its immediate victims—it casts a shadow over the marriage and career choices of all eligible young men.

The shadow of the draft, moreover, stretches well beyond our young men to affect all our citizens. I receive countless letters from constituents of all ages—from small children who cannot understand why their teacher gets taken in the middle of the year; and from elderly employers who lose key personnel at age 25 just as they become most valuable. Last week I got a letter from a teacher in Calvert County who was pulled from the classroom and is now studying Vietnamese in Fort Bliss, Texas. Then as an unfortunate symbol of our national priorities, there is the drafting of Peace Corps Volunteers. These young people work for subsistence pay in foreign countries and often suffer conditions worse than those endured by all but combat troops. Yet they often are called home right out of the field where they have learned the language and are contributing uniquely to our foreign goals.

These policies have produced the deep cynicism felt by many American young people toward the Selective Service System. This system worked well during World War II when nearly everyone served. It is out-of-date today. It has been obsolescent for many years. But only Nixon acted to change it—and talked tough to Congress to have it changed. He said if Congress didn't act, he would act himself to reform the system as much as possible by executive order. The Armed Services Committee responded to his challenge by the astounding vote of 33–0.

Nixon's reform proposals closely resemble a bill I introduced in the House two years ago and this year again in the Senate. The key provisions are one year eligibility, youngest first, and random selection, often called a lottery. Young men would become eligible for one year only, either at age 19 or after graduation from college. The draft board would still interrupt the plans of many youths, but it would no longer cast a heavy shadow over their early careers, hang a sword—or at least a board—of Damocles over their lives for nearly a decade.

This change is vital to restore the faith of youth in the integrity and rationality of the American system. For very many young men, induction is the first ceremony of citizenship. The present inequities of the draft contribute significantly to the spirit of civil cynicism evident on many campuses.

Beyond the Nixon proposals, the Senate bill introduced by Senator Schweiker, myself and eight others, including our new Minority Leader Senator Scott, includes provisions for national standards and for a national manpower pool. These measures are designed to overcome the great discrepancies currently existing between local boards in different sections of the country. Together these proposals go a long way to remove current inequities and to fulfill the Republican campaign pledges of 1964 and 1968.

The draft can never be really fair, however, as long as less than one-half of each age group is needed by the military. Secretary Laird has pointed out that even during the period of highest demand for Vietnam, only half the eligibles were called. If we return to pre-1965 levels, only one-third will be needed. And if we adopt the troop reduction proposals now contemplated by the Administration, less than 25 percent of our eligible young men will ultimately be required to serve.

Under these conditions, a lottery might seem technically fair to those who run it. But it will not seem fair to the relatively small number who lose. Nixon's draft commission study has disclosed a preliminary finding that we will soon be able to move to a volunteer military at a reasonable cost. Our party is on record for such a shift and the Nixon Administration is moving toward such a system.

The Administration's draft proposals compromise just one of several major new initiatives in its excellent legislative program. While public attention has focused on other matters—from Vietnam to Supreme Court appointments—the President has proposed a quiet revolution in the course of American policy. Included are proposals for retrenchment in Vietnam, military cutbacks, revenue sharing, tax reform, and a complete overhaul of welfare. When the Administration succeeds in directing the attention of the people toward these initiatives—and away from unnecessary controveries and divisions—I think the public will recognize that it has a potentially great new President. And my confidence in the Administration in these areas gives me a spirit of great optimism for the country as we confront this age of crisis. The willingness at last to face the inequities of the draft, as well as welfare and revenue distribution—after years of a kind of draft evasion on the part of previous Administrations—symbolizes a new Republican spirit of confrontation in Washington—confronting problems rather than people. And I hope this new spirit will dominate the Administration and uplift the national spirit in years to come.

SOLUTION TO PROPOSED INDUSTRIAL AIRPORT AT BOWIE, MD.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Hogan) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, on November 7, I stated in a press conference that I had personally discussed with the President of the United States, the question of the proposed industrial airpark at Bowie, Md. The President instructed his aides to see what could be done to block its construction.

At the same conference, I stated that I would make an alternate proposal. This is my intent today.

What is hoped for by the proponents of the airpark can be accomplished by the alternate proposal, and, at the same time, all that is objectionable to the opponents can be removed.

Allow me to review the situation briefly and to reiterate my reasons for opposition. More than ever, I am convinced that my position has been, and is, correct. The proposed airpark would be a hazard to those residents nearby and it would be unsafe for air operations.

In my contention concerning the unsafe condition for air operations I am supported by some very substantial authorities—two Secretaries of Defense and the Secretary of the Air Force and officials at Andrews Air Force Base, and the mayor and city council of Bowie, Md.

As far back as December 30, 1968, the then Secretary of Defense, Clark Clifford, wrote to the then Secretary of Transportation, Alan S. Boyd, as follows:

> Since September 1967, when we first became aware of the Prince Georges Airport proposal, we have endeavored to halt the project. . . . In our opinion, the location selected for this airport presents an unacceptable hazard to safety of flight, and portends operational delays to military traffic at Andrews Air Force Base. Axiomatically, this would also be true of Prince Georges Airport traffic. Essentially, our concern is that construction of this airport will initially interject an increasingly large volume of uncontrolled visual flight rule air traffic through existing arrival and departure paths serving Andrews. Safety would hinge upon the precarious principle of "see and avoid." In the mid-seventies it is expected that the instrument flight rule operations will reach a considerable volume at the proposed airport. The relatively small vectoring airspace, which is now barely adequate for Andrews operations, will be further eroded.

I want you to keep in mind the particular quote from the letter that in the midseventies "instrument flight rule operations will reach a considerable volume at the proposed airport," because I shall show how important this is to the view I hold in opposition.

In February 1969, the present Secretary of Defense, Melvin Laird, wrote on this question to Secretary of Transportation, John Volpe:

> Secretary Boyd responded to a letter from Secretary Clifford, dated December 30, 1968, which expressed concern with the Federal Aviation Administration endorsement of a new airport in the vicinity of Andrews Air Force Base. After detailed review of this correspondence, I am convinced that the establishment of Prince Georges County Airport within eight miles of Andrews Air Force Base would constitute a serious flight safety hazard. The site selected for this airport lies immeditaely below the departure and arrival routes serving Andrews Air Force Base which would cause high performance aircraft to intermingle with slower general aviation aircraft. The large increase of uncontrolled general aviation aircraft operating in the vicinity of Andrews Air Force Base would greatly increase the possibility of mid-air collision. Takeoffs, landing, and low approaches at Andrews Air Force Base exceed 200,000 annually. Of these operations, it is estimated that approximately 55% would traverse the Prince George's County Airport traffic area.

In this letter I call to your special attention the danger of midair collision specifically by uncontrolled general aviation aircraft as referred to by Secretary Laird. I shall discuss this later.

In addition to these two letters, I have the clear opposition by the Air Force in a letter to me from Secretary of the Air Force, Robert C. Seamans, Jr., dated July 22 of this year. Secretary Seamans writes:

> The proposal of additional air traffic in one of the most heavily congested sectors in the United States and in close proximity to three nearly saturated airports would compound safety problems. Additionally, severe restrictions would be imposed on Air Force operations at Andrews. Departure routes would be complicated and restricted from those currently in existence. Arrivals would be delayed because Andrews traffic would alternate with instrument flight rules traffic at Prince Georges County Airport. Terminal approach procedures would be more complicated and more difficult to execute. Paradoxically, it was for these basic reasons the Air Force and Navy moved their flying operations to Andrews from the Bolling-Anacostia complex at the request of the Federal Aviation Administration several years ago.

On September 30, 1969, the Department of Transportation, the Federal Aviation Administration, issued a notice of proposed rulemaking for "terminal control areas." Of the 22 major cities listed, Washington is among them with such a plan to be implemented here after January 1, 1970.

The plan seeks to create positive control airspace for heavily trafficked areas, such as our Washington airports. My concern with the FAA proposal is with the area adjacent to Andrews which is under this terminal control plan.

As proposed by the FAA, the control airspace looks like an inverted layer wedding cake. To this concept I addressed myself in a telegram to Secretary Volpe directing his attention to the question of air safety as it concerned Andrews Air Force Base operations and the location of the Prince George's airpark.

Simply stated, the overhang, which is a terminal control area, is at 1,500 feet, mean sea level—MSL—of altitude and this is directly over the proposed airpark. The control area then rises to 3,000 feet MSL at which altitude it extends out further to rise to 7,000 feet MSL. The higher altitudes are of no concern with the airpark. What I questioned was the area of airspace to be controlled at 1,500 feet which means, in effect, that aircraft from the proposed airpark will have a ceiling restriction imposed on them. At that point, the distance from Andrews is approximately 10 nautical miles. General aviation will be restricted from penetrating the controlled airspace unless they carry special equipment—the transponder. This permits the craft to be identified by the radar beacon. In addition, any aircraft operating in the control area must have a two-way radio. Further restrictions state that no pilot can take off or land in a terminal control area unless he holds a private pilot certificate. This means that student pilots would be unable to penetrate that airspace. Without the equipment I have mentioned as required under the FAA plan, an aircraft could penetrate the airspace, especially if it is operating from an airport which is right on the boundary of the controlled airspace area as is the proposed Prince George's County Airpark.

It is safe to assume that student pilots would probably constitute a majority of the offenders. Then, also, there is the question of that restricted ceiling of 1,500 feet over the airpark. This means that for all practical purposes small craft would have about 1,000 feet of vertical airspace in which to operate. They cannot fly at low level nor would they be at the 1,500-foot maximum altitude as they would want to maintain a buffer to the restricted overhanging controlled airspace.

This was the essential text of my telegram to Secretary Volpe concerning the new terminal control plan and Prince George's Airpark. However, since that communication, the Air Force has evaluated the plan and is considering an expansion of the proposed controlled airspace to the north at the 1,500 feet to 7,000 feet levels, 18 nautical miles from the outer circle of the control area, 30 degrees east thence west to the edge of the Beltsville Airport. This is a sizable increase in controlled airspace under the plan but, more important for our particular considerations, is the fact that it is completely over the proposed airpark. The Air Force has requested this additional area in order to guarantee better and safer approaches to Andrews Air Force Base.

By no means is the FAA proposal without other critics. The Aircraft Owners and Pilots Association state in a position paper:

> The FAA proposal for traffic management around major airports is a hodgepodge of shapes, sizes and attitudes. Not only would such a shape be difficult to identify and remain clear of, it would also "bunch" traffic into narrow areas at concentrated entry points and narrow altitudes.

Now we return to the points I emphasized earlier from the letters of Secretaries Clifford and Laird.

The proposed airport is intended to serve general aviation and student pilot training. Secretary Clifford clearly defines the hazard to Andrews as "slower general aviation aircraft" and, in respect to midair collision such aircraft would be described as "uncontrolled." Add to this student pilots and the peril is compounded.

As stated by the planners, the airport is intended for general aviation. The term is deceptive if one thinks that aircraft in that category are only the small ones. From the proposed runway length of 5,400 feet one can conclude that it is intended to land larger aircraft at the Prince George's County Airpark. The FAA has stated that the county commissioners plan to increase this runway to 7,000 feet.

If this proposed airpark is intended to be of any value of any industrial area nearby, it must be able to land all types of aircraft in all-weather conditions. Today, industry and business have large high-performance aircraft in their fleets—some of identical type to those used by commercial carriers.

This leads me to another important point: Such aircraft require all-weather landing systems or instrument flight rules—IFR—equipment. This complicates the situation, as Secretary Laird pointed out in his letter when he referred to the IFR operations in the midseventies at the proposed airpark. Because IFR conditions obviously demand more precision flying because of bad weather, the more airspace available the better. The airspace allotted to Andrews is small and with the airpark operational under IFR conditions it will be even smaller in the sense that maneuver space for safety reasons would be restricted.

As far as the smaller aircraft not equipped for IFR conditions, Laird points out that "uncontrolled visual flight rule air traffic," or VFR, in a large volume and uncontrolled, would be a hazard to Andrews. Add to that the IFR aircraft and you can see how the dangers would be increased.

I believe that it is quite evident that the questions of air safety caused by the difficulties in operations in the crowded airspace around Metropolitan Washington today, not to mention what it would be if the airpark becomes operational, leave no doubt about the dangers. All of these questions would not be raised if the airpark were located elsewhere.

I have addressed myself to the question of air safety to this point. However, it is closely related to the safety of those residents on the ground who are nearby. Building permits have been issued to construct homes near the airpark without any regard for a buffer zone as is recommended by the FAA itself. The community will be subjected to noise and to the ever-present danger from accidents.

In this age when we are well aware of problems caused by air operations, it appears rather ridiculous to start an airport with all the problems present before you turn a spadeful of earth. It seems to me the enlightened point of view would be to construct a facility for aviation in an area away from homes, with a proper buffer zone, so that the safety factors would be increased.

Mr. Speaker, I have said all along that FAA's desire to alleviate the congestion at National Airport by transferring some of that traffic to the Prince Georges Airpark is understandable, but it does not make sense to transfer the safety problems at National to a residential area of Prince Georges County.

I have a plan which will enable the FAA to take the stress off National through a preferable alternative to building the airport at the Bowie site. I propose that immediate consideration be given to making Andrews Air Force Base a "joint-use" facility, used for both military and civilian aircraft operations.

There are four reasons for such a use:

First, Andrews is not a tactical aircraft air base. At present, the military units there are not required for the defense of this area. The President's and VIP aircraft are already kept in a maximum security area, since the base is open to the public.

Second, the overall size of the base is adequate for a combined use. The two parallel runways—one of 9,300 feet and the other of 9,755 feet—can easily accommodate any type of aircraft currently operational.

Third, Andrews has all the needed air control equipment for all-weather flying. As a matter of fact, the Andrews tower is already operated by the FAA.

Fourth, its location. Andrews can serve the entire greater Washington area. It is located immediately off the Capital Beltway for access from communities surrounding Washington and has a direct road, Suitland Parkway, for access from the heart of the District of Columbia.

In addition there is public transportation. Andrews can be served by the proposed Metro line.

The three large airports near Washington have the following comparative statistics for operations in 1969: Washington National 341,500 and well saturated; Dulles, 217,114; and Andrews, 206,409. When one compares Andrews to O'Hare in Chicago with its 676,000 flight operations, it can be readily seen that it has not reached anywhere near its potential, which is estimated to be 500,000 flights.

The idea of joint use is not unique. There are 281 joint airports in the United States. Of these, 110 are under military control; 171 are under civilian control. So my proposal is neither new nor unique.

When I spoke to the President recently at the White House, I approached him on this subject. He said he thought it was a good idea. He saw no objection to such joint use for Andrews and instructed an assistant to check into the matter.

When we discussed the idea with FAA officials, including FAA Administrator Jack Shaffer, they reacted very favorably to it. Congressman ROGERS C. B. MORTON, Republican national chairman and himself a pilot, has endorsed the concept.

The most singular and important contribution such use for Andrews can make to the inevitable progress of aviation, is to provide facilities especially to accommodate the new giant air buses which are to go into operation next year.

These jumbo jets will deplane as many as 500 passengers. The present facilities at National and at Dulles pose a monumental problem for such a large number of passengers deplaning at one time. At Andrews we could begin with a new terminal designed and equipped especially to handle such a large number of people and their baggage.

These planes will demand such new facilities. Why spend more money at the other airports to adapt them for this new air vehicle? Why try to adapt already overcrowded terminals? In addition to the aircraft themselves, there is sufficient land area for the parking of cars. Then, too, as I mentioned, the metro would be able to handle a very large number of passengers. With a station underneath such a terminal, and a direct ride into Washington to stations near their residences it would constitute a rare luxury for passengers in these times of congested automobile traffic.

Andrews can easily handle these giant aircraft on its present runways, in addition to the other military air traffic.

Andrews can take care of the aircraft of business and industry of any size which is envisioned for the proposed Prince Georges County Airpark. With one less airport, the question of airspace becomes more orderly and safe. Since the Air Force has asked that it be given greater airspace at Andrews under the FAA Terminal Control plan, it could operate more effectively and accommodate the additional civil aircraft if it did not have to worry about traffic from the Bowie Airport.

With Andrews so ideally located in Prince Georges County and with ample underused capacity, it makes no sense to create another airport in a congested residential area which will increase the dangers in flight operations and create hazards on the ground.

As Prince Georges County grows, Andrews will become even more centrally located to the needs of its citizens and an adjunct to its development. Encouraged by first-rate facilities, safety conditions, and all-weather operational ability, all types of large aircraft owned by business and industry would be eager to use Andrews and bring stimulation to the county's economy. They will be close to any industrial park. Even Charles County stands to benefit economically, since it is closer to Andrews.

I believe that I have demonstrated that the proposed airpark should not and need not be constructed at all. First, for reasons of air safety; and second, for reasons of safety to the residents. In place of this airport, the use of Andrews in a joint military-civilian operation is a feasible and satisfactory alternative.

THE PEARSON COMMISSION REPORT: NEW EMPHASIS ON THE PROBLEM OF POPULATION GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 10 minutes.

Mr. SCHWENGEL. Mr. Speaker, as part of its comprehensive and intensive review of the challenge of international development, the Pearson Commission has dealt frankly with the problem of population growth. An approach to slowing the growth of population is a major element of their "strategy for development." The Commission says:

> We believe that the right to knowledge and means of family planning should be available to all, and that no child should be born unwanted. Rapid population growth not only affects parents and their families but also slows up economic and social advance in many developing countries. Countries which have not yet recognized the dimensions of their population problems should take cognizance of its impact on their development efforts and take appropriate action. Those which have already launched ambitious policies to bring down their birth rates should obtain energetic support. Aid-givers cannot be indifferent to whether population problems receive the attention they require, and both bilateral and international agencies should press for adequate analysis of these problems and their bearing on development programs.
>
> International organizations have a large part to play, especially in the training of population and family planning specialists. We believe that the handling of population problems by the United Nations agencies is in need of firm direction and coordination and therefore endorse the proposal to appoint a Commissioner for Population in the United Nations.
>
> The full dimensions of the population problem go beyond family planning and require deeper attention. In particular, social

policies which reduce the dependence on the family as the sole source of security would lessen the need and desire for large families.

There is also a great need for coordination, liaison, and finance for research in human reproduction, aiming at the development of a genuinely satisfactory method for fertility control. The World Bank, in consultation with the World Health Organization, should launch an international program for the mobilization of research resources in this field.

The Commission points out that as late as two decades ago, population growth was generally not anticipated as a major obstacle to development of poor countries. Paradoxically, success in reducing mortality rates—a major development effort—has made it so.

We are now beginning to understand that a sharp decrease in mortality rates is perhaps a first step in making it rational for parents in the poor countries to choose to have fewer children. Indeed, assuring a parent that his children will survive to maturity may be an essential element of programs to reduce birth rates.

The Pearson Commission spells out the now all too familiar problems associated with high birth rates. They suggest a number of ways to improve efforts to slow population growth—including the need for more research into human reproduction and contraception and the need for better coordination efforts in the U.N. in the field of population.

But perhaps the Pearson Commission's most important contribution in this critical area is in broadening the definition of the problem beyond direct family planning activities. The report points out the usefulness of integrating family planning activities with public health programs, particularly child and mental health programs. Such programs may be predominantly devoted to activities other than family planning but interest in and use of better family planning activities may be a primary result.

A broad range of social and economic institutional changes can have profound impact on parents' decisions about the ideal size of their families. The Commission recommends wide support and attention by aid suppliers and recipients to areas of social policy which are closely related to family size.

I believe the Commission's reviews are well taken. Definition of family planning activities should be broad enough to encompass related efforts which promise results in long-term reduction of birth rates. Both aid agencies and recipient nations must act in light of such broader definition if we are to achieve real progress in limiting the dangerous growth of population.

VICE PRESIDENT AGNEW SPEAKS AT REGIONAL REPUBLICAN COMMITTEE MEETING

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Michel) is recognized for 10 minutes.

Mr. MICHEL. Mr. Speaker, Vice President Agnew has again hit the bullseye with his remarks prepared for the Midwest Regional Republican Committee meeting in Des Moines this evening. The subject of his talk has been a topic of discussion not only in the halls of Congress and in the cloakrooms of both sides of the aisle, but throughout the country, where thinking people have taken the time to analyze what they have been seeing and hearing via the air waves.

Most politicians are reluctant to be critical in any way, shape or form of those connected with the news media, but we have come to know that our Vice President is a man of conviction and with plenty of intestinal fortitude to say exactly what is on his mind in no uncertain terms without mincing any words.

The Vice President has issued a challenge to those in the television news reporting business particularly to take a good objective look at their whole operation and I would heartily concur with what he has said, and I insert the full text of the Vice President's address at this point in the Record:

Address by the Vice President Mid-West Regional Republican Committee Meeting

Tonight I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power. So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is . . . . are we demanding enough of our television news presentations? . . . . And, are the men of this medium demanding enough of themselves?

Monday night, a week ago, President Nixon delivered the most important address of his Administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of seventy million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the *majority* of whom expressed, in one way or another, their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek reelection have seen these men in a genuine state of non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was now "following the Pentagon line." Others, by the expressions on their faces, the tone of their questions, and the sarcasm of their responses, made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Viet Cong or North Vietnamese did not really want a military take-over of South Vietnam; he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen him.

A word about Mr. Harriman. For ten months he was America's chief negotiator at the Paris Peace Talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failures to anyone who will listen. The networks have shown themselves willing to give him all the air time he desires.

Every American has a right to disagree with the President of the United States, and to express publicly that disagreement.

But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through. When President Kennedy rallied the Nation in the Cuban Missile Crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he had asked American to follow.

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but more importantly, wield a free hand in selecting, presenting and interpreting the great issues of our Nation.

First, let us define that power. At least forty million Americans each night, it is estimated, watch the network news. Seven million of them view ABC; the remainder being divided between NBC and CBS. According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news.

In Will Rogers' observation, what you knew was what you read in the newspaper. Today, for growing millions of Americans, it is what they see and hear on their television sets.

How is this network news determined? A small group of men, numbering pehaps no more than a dozen "anchormen," commentators and executive producers, settle upon the 20 minutes or so of film and commentary that is to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad. They decide what forty to fifty million Americans will learn of the day's events in the Nation and the world.

We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a Moratorium on the war. They can elevate men from local obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue, like ABM or Civil Rights, becomes in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge. Through news, documentaries and specials, they have often used their power constructively and creatively to awaken the public conscience to critical problems.

The networks made "hunger" and "black lung" disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and immediacy that is the gift of their medium. They have focused the nation's attention on its environmental abuses. . . . on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence. . . . nor is their power confined to the substantive.

A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

One Federal Communications Commissioner considers the power of the networks to equal that of local, state and federal governments combined. Certainly, it represents a concentration of power over American public opinion unknown in history.

What do Americans know of the men who wield this power? Of the men who produce and direct the network news—the nation knows practically nothing. Of the commentators, most Americans know little, other than that they reflect an urbane and assured presence, seemingly well informed on every important matter.

We do know that, to a man, these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C. or New York City—the latter of which James Reston terms the "most unrepresentative community in the entire United States." Both communities bask in their own provincialism, their own parochialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states, "objectivity is impossible to normal human behavior." Rather, he says, we should strive for "fairness."

Another anchorman on a network news show contends: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you. . . . I think your program has to reflect what your basic feelings are. I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for fear of a hostile reaction, Richard Nixon would be giving into, and I quote the commentator, "His natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan assault. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this kind of concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by government?

The views of this fraternity do *not* represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks reviewed it.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that forty million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases.

The questions I am raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility and concern. They should have been raised by those Americans who share the view of the late Justice Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection."

Advocates for the networks have claimed a first amendment right to the same unlimited freedoms held by the great newspapers of America.

The situations are not identical. Where the New York *Times* reaches 800,000 people, NBC reaches twenty times that number with its evening news. Nor can the tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippmann spoke to the issue: "There is an essential and radical difference," he stated, "between television and printing . . . the three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But, besides the mass circulation dailies, there are the weeklies, the monthlies, the out-of-town newspapers, and books. If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph."

"Networks," he stated, "which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly of the medium of print.

"A virtual monopoly of a whole medium of communication" is not something a democratic people should blithely ignore.

And we are not going to cut off our television sets and listen to the phonograph because the air waves do not belong to the networks; they belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

It is argued that this power presents no danger in the hands of those who have used it responsibly.

But as to whether or not the networks have abused the power they enjoy, let us call as our first witnesses, former Vice President Humphrey and the City of Chicago.

According to Theodore H. White, television's intercutting the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and *false* political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police.

According to the Committee findings, one network in particular presented "a one-sided picture which in large measure exonerates the demonstrators and protestors." Film of provocations of police that was available never saw the light of day, while the film of the police response which the protestors provoked was shown to millions.

Another network showed virtually the same scene of violence—from three separate angles—without making clear it was the same scene.

While the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

Our knowledge of the impact of network news on the national mind is far from complete. But some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society.

Several years ago, Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

Gresham's law seems to be operating in the network news.

Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single dramatic piece of the mosaic becomes, in the minds of millions, the whole picture. The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus. None of these conclusions is true.

Television may have destroyed the old stereotypes—but has it not created new ones in their place?

What has this passionate pursuit of "controversy" done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans—while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marchers and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show.

We have heard demands that Senators and

Congressmen and Judges make known all their financial connections—so that the public will know who and what influences their decisions or votes. Strong arguments can be made for that view. But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear; should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?

Tonight, I have raised questions, I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

And the people of America are challenged too . . . challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves . . . where the citizen—not government—must be the reformer . . . where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not *my* decision; it is not *your* decision; it is *their* decision.

In tomorrow's edition of the Des Moines *Register* you will be able to read a news story detailing what I have said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's network.

We would never trust such power over public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

FREE WORLD SHIPPING TO NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 10 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, the most recent report from the Department of Defense indicates that the level of free world shipping to North Vietnam continues to show a significant decline over last year. During this past October, I am advised, six such vessels, four flying the British flag and one each under the registry of Cyprus and Japan, frequented North Vietnamese ports. This brings the total for 1969 to 85 free world arrivals as compared to the 122 arrivals that took place during the first 10 months of 1968. This represents a substantial 30 percent reduction in this traffic. This is most encouraging. Still there is no reason for complacency so long as men are dying in South Vietnam from North Vietnamese bullets. I was particularly disturbed to note the appearance in this October trade of a Japanese vessel, the third such arrival this year. Regardless of whatever contribution this particular vessel may have made in terms of commerce it should serve as a signal for our Government to make the strongest representations to the Japanese Government urging the removal of vessels under Japanese registry from this traffic.

At this point I insert a chart identifying free world ship arrivals to North Vietnam during 1969 together with U.S. Maritime Administration Report No. 28 listing the names of certain of the free world and Polish flag vessels that have engaged in trade with North Vietnam.

1969 FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM

	British	Somali	Cyprus	Singapore	Japanese	Maltese	Total
January	8	2	1				11
February	6		1	2	1		10
March	6	1					7
April	7	1			1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
October	4		1		1		6
Total	60	8	9	4	3	1	85

DEPARTMENT OF COMMERCE MARITIME ADMINISTRATION REPORT NO. 28

LIST OF FOREIGN FLAG VESSELS ARRIVING IN NORTH VIETNAM ON OR AFTER JANUARY 25, 1966

Section 1. The President has approved a policy of denying the carriage of United States Government-financed cargoes shipped from the United States on foreign flag vessels which called at North Vietnam ports on or after January 25, 1966.

The Maritime Administration is making available to the appropriate United States Government Departments the following list of such vessels which arrived in North Vietnam ports on or after January 25, 1966, based on information received through September 12, 1969. This list does not include vessels under the registration of countries, including the Soviet Union and Communist China, which normally do not have vessels calling at United States ports.

Flag of registry— Name of ship:	*Gross tonnage*
Total, all flags, 53 ships	354, 232
Polish (32 ships)	243, 514
Andrzej Strug	6, 919
Beniowski	10, 443
Djakarta	6, 915
Emilia Plater	6, 718
Energetyk	10, 876
Florian Ceynowa	6, 784
General Sikorski	6, 785
Hanka Sawicka	6, 944
Hanoi	6, 914
Hugo Kollataj	3, 755
Jan Matejko	6, 748
Janek Krasicki	6, 904
Jozei Conrad	8, 730
Kapitan Kosko	6, 629
Kochanowski	8, 231
Konopnicka	9, 690
Kraszewski	10, 363
Lelewel	7, 817
Ludwik Solski	6, 904
Marceli Nowotko	6, 660
Mickiewicz	4, 344
Moniuszko	9, 247
Norwid	5, 512
Nowowiejski	9, 186
Pawel Finder	4, 911
Phenian	6, 923
Przyjazn Narodow	8, 876
Stefan Okrzeja	6, 620
Szymanowski	9, 203
Transportowiec	10, 854
Wieniawski	9, 190
Wladyslaw Broniewski	6, 919
British (14 ships)	77, 041
Fortune Glory	5, 832
Golden Ocean	3, 827
Greenford	2, 964
Kingford	2, 911
[1] *Meadow Court* (Trip to North Vietnam as the *Ardrossmore*, British)	5, 820
Rochford	3, 324
[1] *Rosetta Maud* (Trip to North Vietnam as the *Ardtara*, British)	5, 795
Ruthy Ann	7, 361
[1] *Shun On* (Trip to North Vietnam as the *Pundua*, British)	7, 295
Shun Wah (Previous trip to North Vietnam as the *Vercharmian*, British)	7, 295
Shun Wing	6, 987
Taipieng (Tanker)	5, 676
Tetrarch (Previous trips to North Vietnam as the *Ardrowan*, British)	7, 300
[2] *Tong Hock*	4, 684
Cypriot (2 ships)	7, 308
Amfithea	5, 171
Marianthi	2, 137
Somali (2 ships)	13, 531
Happy Dragon	4, 534
Yvonne (Tanker)	8, 997
Greek (1 ship)	6, 724
[2] *Leonis* (Trip to North Vietnam as the *Shirley Christine*, British)	6, 724
Panamanian (1 ship)	1, 889
[2] *Salamanca* (Trips to North Vietnam as the *Milford*, British)	1, 889
Singapore: (1 Ship)	4, 225
Lucky Dragon	4, 225

Section 2. In accordance with approved procedures, the vessels listed below which called at North Vietnam on or after January 25, 1966, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) that such vessels will not, thenceforth, be employed in the North Vietnam trade as long as it remains the policy of the United States Government to discourage such trade and;

(b) that no other vessels under their control will thenceforth be employed in the

North Vietnam trade, except as provided in paragraph (c) and;

(c) that vessels under their control which are covered by contractual obligations including charters, entered into prior to January 25, 1966, requiring their employment in the North Vietnam trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry—
Name of Ship:
a. Since Last Report: None.
b. Previous Reports—Flag of Registry:

	Number of ships
British	1
Italian	1

Section 3. The following number of vessels have been removed from this list since they have been broken up, sunk or wrecked.

a. Since last report:	*Gross tonnage*
Court Harwell (British)	7,133
Inchstuart (British)	7,043
Isabel Erica (British)	7,105

b. Previous reports—Flag of registry:

	Broken up, sunk or wrecked
British	5
Cypriot	7
Greek	1
Lebanese	2
Maltese	1
Polish	1
Somali	1

[1] Ships appearing on the List which have made no trips to North Vietnam under the present registry.

[2] Added to Report No. 27 appearing in the Federal Register issue of July 31, 1969.

By Order of the Maritime Administrator.
Date: September 16, 1969.
JOHN M. O'CONNELL,
Assistant Secretary.

NECESSITY FOR RENTAL ASSISTANCE TO VERY LOW-INCOME TENANTS OF PUBLIC HOUSING PROJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 15 minutes.

Mr. GIAIMO. Mr. Speaker, Congress enunciated the historic goal of "a decent home for every American family" when it passed the National Housing Act of 1949. We reaffirmed this goal and gave it the "highest priority" with the passage of the Housing and Urban Development Act of 1968. Today, we are faced with the prospect of potential failure of this goal in one major segment of our housing program.

Public housing has been one of the major means toward implementing the policy of a decent home for every American family. The public housing authority program places responsibility for development, ownership, and management in the hands of local housing authorities. Federal aid to local authorities consists essentially of annual contributions by the Department of Housing and Urban Development to cover the cost of retiring the locally issued tax-exempt bonds used to finance the projects. The Department of Housing and Urban Development is also authorized to pay local housing authorities an additional $120 per year for the benefit of each family which is elderly, displaced, extremely poor, or contains four or more children.

When the Federal aid formula to local housing authorities was first written into law, it was believed that Federal assistance was necessary only for capital outlays. Rent could thus be kept low and within the means of low-income families since it only had to cover operating expenses. This rationale proved correct through 1967.

Today, it is becoming increasingly apparent, however, that in many housing authorities rental payments no longer cover the costs of ordinary operation and maintenance. Because rent is the major source of operating and maintenance expense, many local housing authorities are moving toward financial instability and insolvency. This is dramatically portrayed in the results of a 1968 survey of 82 major size local housing authorities made by the Department of Housing and Urban Development. The 82 housing authorities operate a total of 400,000 dwelling units or nearly two-thirds of the dwelling units in the entire public housing program.

The Department of Housing and Urban Development found that 39 of the 82 housing authorities were operating at a deficit—that is, operating income was not sufficient to cover total operating expenditures. The 39 housing authorities operate a combined total of 271,483 dwelling units.

Fifty-one of the 82 housing authorities surveyed were operating with financial problems—that is, at least 85 percent of the total available operating receipts were being spent on "routine" expenses. This left an insufficient amount of income available for "nonroutine" needs and maintenance of reserves at needed levels. These 39 authorities operate a combined total of 326,166 dwelling units.

Fifteen of the 82 housing authorities have reached such serious financial operating condition that they are considered insolvent or nearly so. The normal rate of "routine" operating expenditures for these 15 housing authorities either exceeds operating receipts or nearly does. This does not consider income resources for "nonroutine" expenditures or reserves. These fifteen housing authorities operate a combined total of 192,541 dwelling units.

The most important point in the grim recital of these statistics is that only one of the 82 housing authorities was considered in serious financial condition in 1966. At the end of 1967, seven were considered to be in serious financial condition and 15 at the end of 1968. The 15 housing authorities listed in order of the seriousness of financial difficulty are: Washington, D.C.; Kansas City, Mo.; San Francisco, Calif.; St. Louis, Mo.; Columbus, Ohio; New York City, N.Y.; New Haven, Conn.; Omaha, Nebr.; Boston, Mass.; Newark, N.J.; Chicago Ill.; Los Angeles, Calif.; Philadelphia, Pa.; Louisville, Ky.; and Detroit, Mich.

The reason why these 15 housing authorities are in such financial danger and why more may well move into this category is simply that the cost of operation and maintenance has skyrocketed while tenant income has gone down. The trend in public housing is toward serving progressively lower income families. Thus, while the median income of families in public housing was 54 percent of the national urban median in 1944, it had dropped to approximately 33 percent of the national urban median by 1967.

While tenant income has dropped, routine operating expenses have risen. Routine operating expenses are made up of administrative expense, utility expense, and ordinary maintenance and operation expense. On a nationwide level, administrative expenses rose approximately 18.8 percent from 1967–70. Utility expenses, although rising at a lesser rate than the national average, rose approximately 10 percent for the period 1967–70. Ordinary operating and maintenance expense rose approximately 16 percent between 1967 and 1970.

The rise in expenses compared to tenant ability to bear increased rental is most dramatically shown by examining individual areas. In Detroit, for example, operating expenses have risen 106 percent since 1952 while tenant incomes have gone up only 9 percent in the same period. Albert A. Walsh, chairman of the New York Housing Authority, has reported that in New York tenant income increased 65.1 percent between 1952 and 1967 while routine operating expenses increased 125.6 percent. During the same period, according to Mr. Walsh, rents were increased 71.6 percent.

While some of the increases in operating expenses can be charged to management inefficiency, the greatest single factor is simply the increase in costs. And, these actual increases do not always reflect an accurate picture. Wages, the largest factor in increased costs, often lag behind local prevailing rates. Many projects are suffering from additional expense due to increasing age of the facilities. Because of lack of money, many authorities are forced to make temporary repairs which in the end does little more than delay and ultimately increase costs.

Tenants cannot bear the cost of further rental increases. Already, many tenants are required to pay an undue proportion of their income to rent. According to the Department of Housing and Urban Development, 50 percent of the senior citizens living in public housing paid 30 percent or more of their income to rent in 1967. Twenty-two percent of all other families living in public housing paid 30 percent or more of their income to rent. The House of Representatives recently amended section 101 of the 1968 Housing and Urban Development Act to provide for rent supplements in the leased-housing program where rent exceeds 20 percent of income.

If housing authorities are forced to raise rents, fewer and fewer low-income families will be able to afford the public housing which was originally designed to provide them with a decent place in which to live. We are already forcing many lower income families presently living in housing projects to pay far higher rents than they can properly afford. We are, in effect, forcing them to make the choice of paying catastrophic rents or returning to the slums from which they are attempting to escape.

On the other hand, if local public housing authorities continue to operate at their present deficits, we face the prospect—already becoming apparent in some areas—that public housing will end up as public subsidized slums.

Section 211 of the Senate-passed Housing and Urban Development Act of 1969 provides for rental assistance in behalf of very low income tenants of public housing projects. The following explanation of the section is contained in the Senate Committee on Banking and Currency report to accompany S. 2864:

ADDITIONAL RENTAL ASSISTANCE IN BEHALF OF VERY LOW INCOME TENANTS OF PUBLIC HOUSING PROJECTS

Section 211 of the bill would amend the U.S Housing Act of 1937 to add a new section 24 which would provide an additional assistance program in behalf of very low-income tenants of public housing projects.

This section would authorize rental assistance payments with respect to units in low-rent housing projects, including low-rent housing in private accommodations, to enable families of very low income to afford rentals with no more than 25 percent of their incomes. Assistance would be in the form of annual payments by the Secretary to public housing agencies pursuant to contracts entered into with the local agencies. Existing as well as new units would qualify for assistance and assistance could be continued for the life of the project so long as it served low-income tenants.

At the present time, annual contribution payments by the Federal Government to local agencies cover the debt service on private borrowings financing the development or acquisition cost of the projects. Operating and maintenance expenses are payable out of rentals paid by the low-income tenants. The nationwide average operating cost per unit is now about $50 a month, or $600 a year. In some geographical areas operating costs are substantially higher. These costs are too high for the very poor to bear. Section 206 of the bill, which would authorize annual contributions in excess of debt service, would not materially reduce the burden on the tenants. Local housing agencies have attempted to meet this problem by charging minimum rents for some units below the operating costs attributable to the units, with the higher income tenants making up the difference. This has helped somewhat but not enough. For the most part, the neediest families have been excluded from the public housing program.

This section would enable families, regardless of how low their incomes are, to afford the rentals necessary to support project operating costs with no more than 25 percent of their income. This is the rent-to-income ratio used in HUD's other subsidized rental programs (rent supplement and section 236 rental assistance). Standards for tenant incomes would be established by the Secretary on a uniform nationwide basis Since many low-income families are receiving welfare housing allowances, the Secretary would be expected to take steps to assure that the rental assistance payments are not relied on as substitutes for welfare payments.

Although the subsidy was authorized primarily to help families of very low income, the committee intends that it apply to all families who otherwise would be required to pay more than 25 percent of income for rent or who would be barred from public housing because their income was inadequate to pay this rent required; for example, a large family needing a four or five bedroom unit.

For purposes of determining the maximum amount of assistance payments with respect to any unit, the "rental" for such unit would be the proportionate share of the total shelter costs to be borne by the low-income tenants of a project attributable to that unit. The actual rental for any unit charged could be higher than the proportionate share of total shelter costs attributable to that unit, but assistance payments would be calculated on the basis of this proportionate share or, if lower, the actual rental charged.

One of the purposes of this section is to permit improved operating and maintenance services in public housing projects while still permitting occupancy by very low-income tenants. The Secretary would be expected, however, with respect to assistance contracts entered into with local housing agencies, to insure that excess operating costs, and consequently higher rentals, are not incurred.

This section would provide authority for the Secretary to enter into assistance payment contracts, as approved in appropriation acts, in the amount of $75 million annually. This amount should be adequate to get the program initiated with respect to all existing projects and any new projects over the next 3 years.

Mr. Speaker, this provision, which the Senate has already passed, would go far in alleviating the problems which I have previously described. I, therefore, urge that the House conference committee members give this proposal favorable consideration when it meets with the Senate conferees.

SUEZ CANAL: CENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the two key crossroads of the world are the Isthmuses of Panama and Suez. What happens at one makes its impact on the other. This interaction was dramatically brought into focus by the 1956 nationalization by Egypt of the Suez Canal and subsequent assaults by Panamanian mobs on the Panama Canal.

Unfortunately, few members of the press have studied the history of either waterway and hence have not been able to write with the objectivity required when discussing these vital matters. Both have deep historic roots.

As the year 1969 marks the centennial of the opening of the Suez Canal, I have read in the September–October 1969 issue of Aramco World magazine an illuminating article on the Suez Canal by John Brinton, a specialist in 19th-century Near Eastern history.

As the indicated article should be of interest to all concerned with the Panama Canal, I quote it as part of my remarks:

SUEZ: A CENTENNIAL

(By John Brinton)

Under the sound of the guns the echoes of the past are muted. This, on the eve of its 100th birthday, is the story of the Suez Canal.

In July, 100 years ago, Ismail, Viceroy of Egypt, toured the Continent grandly handing out to the crowned heads of Europe invitations to ceremonies marking the opening of a canal through the Isthmus of Suez. He also invited 1,000 notables of the day, including 100 famous men like Zola, Dumas and Ibsen who were to come as his personal guests—i.e. all expenses paid.

Even for a ruler known for extravagance it was an extravagant gesture. And it was only the first of many. Before the end of the ceremonies he would build a new road to the pyramids, construct a palace for the Empress Eugenie of France and build an opera house. He would also commission, but not get in time, an opera by Verdi, give a ball which 6,000 people would attend, and import 1,500 cooks and servants from Europe to tend to things. It was grand; it was splendid; it was magnificent—as befitted one of the few moments in history that was truly historic: the opening of a canal linking the Mediterranean Sea with the Red Sea, Europe with India, West with East.

The Suez Canal was not a new idea. As early, possibly, as 2,000 B.C., a canal linking an ancient branch of the Nile with the Bitter Lakes was built. Around 500 B.C., a Persian conqueror named Darius extended it, but stopped when he was warned that the Red Sea was higher than the Mediterranean and the opening of a canal would bring the sea flooding into Egypt. (A myth, that would persist through Napoleon's invasion of Egypt and get even stronger when French engineers made what Lord Kinross called "a miscalculation of major proportions.")

But history moved on. Greeks came and built locks near what is now the shell-pocked town of Suez. Romans under Trajan put slaves to work digging a new link to the mainstream of the Nile and called it "Trajan's River." Arabs, 100 years later, reopened "Trajan's River," then finally filled it up again as a defense measure and left it that way for another 1,000 years. During that time Europe found a route to India around Africa and, until Napoleon landed in Egypt, forgot about its filled-in ditch across the isthmus.

Napoleon's invasion of Egypt had a tremendous impact on England. Safe behind its shield of stout English seapower, getting rich on the returns of its swift merchantmen, England, until that moment, had been perfectly content to subdue its interests in the Mediterranean. But roused by the possibility that France would control an area from which it could threaten England's grip on India, British statesmen decided on a course of action that would shape history for the next 119 years. They decided that England would, hereafter, prop up the sagging military strength of the Ottoman Empire which still ruled, however feebly, all of the Middle East. It was a fateful decision, one that would drag England into the Crimean War, spawn the ill-fated Chesney expedition to develop a new route to India via the Euphrates river (*Aramco World*, March–April, 1969) and harden into a stubborn, illogical opposition to the dynamic Frenchman who was to become the 'Father of the Canal,' Ferdinand de Lesseps.

The story of Ferdinand de Lesseps is as odd as it is fascinating. It begins with a 19-year-old boy going off to Spain as a very junior diplomat, winning fame for some skillful negotiations there and in Egypt, but later falling into disfavor with the new rulers of Republican France and resigning, apparently a failure at a young age.

During his career, however, De Lesseps had met many interesting individuals: Thomas Waghorn who had fought such a heartbreaking fight to convince a stubborn British government that an overland route to India across the Isthmus of Suez was feasible (*Armaco World*, November–December, 1968): Adolphe Linant de Bellefonds, an engineer in the service of Egypt and a fierce proponent of a canal; Prosper Enfantin, a religious fanatic whose faith somehow saw a canal as a route to salvation and, above all, a chubby little prince with an appetite for macaroni.

The prince's name was Muhammad Sa'id. He was 13, corpulent and lazy—to the dismay of his father, the great Muhammad

Ali, Viceroy of Egypt, whose own physical prowess and vigor had been important factors in his rise to power. Insistent that this condition be remedied, the story goes, the viceroy put Muhammad Sa'id on a strict diet and sent him to the harbor in Alexandria each day to exercise on a naval vessel there, a vessel, as fate would have it, not far from the home of Ferdinand de Lesseps, then vice consul in Alexandria.

The vice consul who had amiable relations with Muhammad Ali's whole family, took pity on the boy and secretly let him into his kitchen and fed him great helpings of macaroni. It was a small kindness, but as one writer later put it, a "landmark in the history of the canal." Muhammad Sa'id never forgot that kindness and when, 20 years later, he became viceroy, one of his first acts was to repay it: he granted De Lesseps an exclusive concession to construct a canal.

As history and De Lesseps himself have made clear, this was not as fortuitous as a brief summary sounds. De Lesseps did not simply stumble into a good thing; he quite coldly planned it and had, as a matter of fact, been planning it for some time.

As one version has it, De Lesseps' plans for Suez had germinated years before when, quarantined in Alexandria, he read the report of Napoleon's engineer J. M. Lepere on the feasibility of building a canal. Soon he was to see Waghorn prove that even an overland route across the isthmus was a shortcut. He also came into contact with a mystical religious sect called the "Saint-Simonians" whose beliefs had somehow come to focus on construction of a canal. He discussed the matter with Linant and Captain Chesney, both of whom had corrected the myth that one sea was higher than the other. It is also known that he kept an eye on the possibilities during the next two decades—even to the point of making an inquiry not long before his prince came to power. In short, De Lesseps did not come to his patron with a sudden inspiration, but with a scheme that had engaged his thoughts for years. De Lesseps was a man who looked ahead.

The actual decision was made under most dramatic circumstances. It took place during military maneuvers in the desert, to which the new viceroy had invited De Lesseps, and the best version is De Lesseps' own:

"On the 30th of November, 1854, I presented myself at the tent of the Viceroy, placed on an eminence surrounded by a wall of rough stones, forming a little fortification with enclosures for cannon. I had remarked that there was a place where we could leap with a horse onto the parapet, there being a terrace outside on which the horse had clearance of footing. The Viceroy welcomed my project, and requested me to go to my tent to prepare a report for him, which he permitted me to bring him. I vaulted on my horse, which leaped the parapet, galloped down the slope, and then brought me back to the enclosure, when I had taken the time necessary to draw up the report, which had been ready for several years. The whole question was clearly set forth in a page and a half; and when the Prince himself had read it to his followers, accompanying it with a translation in Turkish, and had asked their advice, he received unanimous answer that the proposal of the guest, whose friendship for the family of Mohammet Ali was known, could not be otherwise than favorable, and that it was desirable to accept.

"The concession was immediately granted. The word of Mohammet Sa'id was as good as a contract."

In the capitals of Europe, the viceroy's decision provoked sudden meetings and long discussions. The presentations were varied but the point was the same: that an upstart with neither money nor power, and for unknown motives, had suddenly thrown a weighty new factor onto the delicate balances of power in 19th-century Europe and that this could not be permitted to happen. England, with Lord Palmerston at the head of its government, was particularly alarmed. Permit a French company to develop—and then control—a new route to India? A route through which French warships could carry troops to the vulnerable sub-continent? Never, said Palmerston, and sent off word to his envoy in Istanbul: under no circumstances can England permit the Sultan to approve this step.

It was a shrewd move. For Muhammad Sa'id, friend or not, had cautiously added a codicil to his sweeping grant to De Lesseps. The codicil simply said that before construction of a canal could be initiated the "concession must be ratified by His Imperial Majesty the Sultan." It was a natural condition; however shaky his grip, the Sultan still ruled Egypt and still laid claim to Sa'id's loyalty and obedience. But it gave England, the Sultan's chief supporter, a lever with which to exert pressure on De Lesseps and England exerted it. For the next 12 years the Sultan would steadfastly refuse to ratify the concession.

The building of the Suez Canal has always seemed like a great engineering challenge; a man-against-the-desert epic of formidable magnitude. And certainly it was not easy: to excavate millions of cubic feet of sand in the waterless wastes of a desert required an incredible effort—if just to bring a stream of fresh water close enough to permit the work to go on. But the highest point of land involved was only 59 feet above sea level, and it was being cut in a straight line. Once De Lesseps had persuaded the Viceroy—in one of his more shameless schemes—to conscript peasants by the thousands and force them to work on the excavations, the engineering problems were relatively minor. The major ones he soon solved by the bold importation of huge new steam dredgers. No, the engineering was not the main problem. The real problems were in politics, finance and diplomacy, fields, as it turned out, in which Ferdinand de Lesseps excelled.

The Sultan's initial refusal was a body blow to De Lesseps. After visiting the capitals of Europe he realized *how* serious, and developed his tactics accordingly. Instead of trying to persuade the Sultan directly, he decided it would be far easier to persuade the Emperor of France to persuade the Sultan. De Lesseps would form a company which the Emperor of France could support. Naturally the formation of a company required capital which could be accumulated by the presentation of a scientifically sound project.

It was enough to discourage a titan, but De Lesseps went confidently forward. He formed a group called the International Scientific Commission and sent it to Egypt to prepare a report on the feasibility of a canal. With the report of the commission in hand—"proving" that the canal was quite practical—he wrung a second concession from Sa'id and then, for the next five years, unflaggingly traveled, talked and planned his venture. He saw Queen Victoria and Albert. He talked to the Royal Geographical Society. He approached the Prime Minister of Austria. He harangued editors, businessmen and bankers and, simultaneously, mounted a worldwide propaganda campaign.

Support grew, especially after native troops in India rebelled and England sent troops across the isthmus to save time, thus proving one of De Lesseps' major contentions. But it didn't grow fast enough so in 1858 he formed a company—the *Compagnie Universelle du Canal Maritime de Suez*—put up enormous amounts of capital that western investors were supposed to have provided.

When even that failed to move the Sultan or affect the English position he decided on a reckless gamble. If it failed, so would the canal. But he had negotiated long enough; it was time to bring the issue to a head. It was time to see if the French Emperor was going to permit England to frustrate a project of such vast import to France. He ordered the start of construction and with appropriate ceremonies and suitable fanfare, the first spadeful of desert sand was turned and the Suez Canal got underway.

As De Lesseps had expected, Europe responded violently. From Prime Ministers, Viziers, shareholders, bankers and consuls in five countries came a torrent of arguments, and at last the Sultan stirred. He issued an order to the company to cease work. De Lesseps had not expected this. Worse, Sa'id, his friend and supporter, was losing confidence. The company was clearly foundering.

Whether the next step was taken in desperation or whether Ferdinand de Lesseps had cynically maneuvered public opinion so as to bring it about is a point that scholars can debate forever. Whichever it was, De Lesseps took it. He went personally to the Emperor and put the question to him: will the Emperor of France permit England to block a vital French enterprise? The Emperor, Napoleon III, hesitated and then said softly: "M. de Lesseps, you can count upon my support and protection. The British opposition is unimportant. We must just trim our sails to it."

This was the turning point. It solved nothing in itself; in fact the company was to totter and nearly collapse several times in the coming years as politicians and financiers, sensing victory and profit, closed in on De Lesseps and nearly snatched his prize from him. But the French Emperor's decision cleared the way and the Sultan ratified the concession in March, 1866. Construction proceeded to such an extent that it was soon clear that success was inevitable. Everyone saw it, including the Khedive Ismail, successor to Sa'id. In July, 1869 he set out for Europe issuing his invitations to the opening. He promised everyone it would be worth attending.

Now it was a race against time. Palaces were going up, a seven-mile road was inching toward the pyramids and an opera house was being completed. But the canal was still not finished and at the last minute they had found, on the bottom of a narrow passage, a ledge that had been overlooked, a ledge high enough to tear the bottom out of a ship. Try dynamite, said De Lesseps. Impossible, said the engineers. No one has ever set off that big a charge underwater. We have no choice, De Lesseps said. Try it. They tried it and in an enormous explosion that sent canal water spraying over a good part of the desert, demolished the ledge, and opened the canal.

At Port Sa'id, Cairo, Suez and Ismalia, meanwhile, royalty, nobility, wealth and fame were gathering for the momentous occasion—the voyage of the monarchs through the canal. At Port Sa'id, the *L'Aigle* already lay at anchor while the Empress went sightseeing. Around her were gathering corvettes, frigates, yachts and merchantmen from everywhere. Prince Henry of the Netherlands was there. The Emperor of Austria was coming. So were the Crown Prince of Prussia and others.

At the last minute Ismail, pale and shaking, summoned De Lesseps. A ship sent through to test the canal had gone aground and was blocking the passage. De Lesseps was stunned. We'll float it, he promised. Float it, said Ismail grimly, or blow it up!

It was not necessary. The ship floated free and not long after *L'Agile*, as majestic as its royal passenger, weighed anchor and moved into the canal followed at carefully spaced intervals by 40 other ships. In stately procession they proceeded to the first stop: Lake Timsah where thousands of spectators cheered their arrival and French warships, firing salvo after salvo, signaled the beginning of 24 hours of celebration. There was a banquet given by De Lesseps, an "equestrian fantasia," and a great dinner for 1,000 guests served on tables set in the dunes under the desert stars. As Ismail had promised, it was worth attending.

The next day the great convoy moved on to the Bitter Lakes where the royal guests rowed back and forth in the dark to visit each other as rockets soared into the sky. On the third day they reached Suez. It was the sight of the century. As the great ships slowly rounded the last turn, came about and dropped anchor, with all flags flying, cannons thundered, crowds cheered and band after band played lustily under the sun. The Suez Canal was open at last. It was November 19, 1869.

A POLICY ON ARID LANDS IS PART OF THE OVERALL ENVIRONMENTAL POLICY PROBLEM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, as a member of the House Interior and Insular Affairs Committee and as part of the band of Congressmen dedicated to the preservation and improvement of our Nation's environment, I have been privileged to receive a number of independent studies and reports on the conditions of our environment. I wish to bring to your attention a recent study by a leading conservationist from the State of New Mexico, Mr. Henry M. Zeller, conservation chairman for the Rio Grande chapter of the Sierra Club.

In a paper entitled "Arid Lands—Use or Destruction," Zeller paints a broad picture of the evils facing the Nation if we do not learn to control our burgeoning technology. This is a theme I have sounded on many occasions and I am happy to present a thoughtful and well-reasoned view of the problem particularly as it affects the status of arid lands throughout the country. Mr. Zeller points out that because space will be at a premium in the future it is extremely important what we do now about the proper utilization of our arid lands. In addition to his perceptive comments on land utilization, the paper is important for another reason. All too often, conservationists have a tendency to "tunnel in" on one particular concern to the exclusion of others. This is not the case with Mr. Zeller's paper; it is obvious he realizes that a policy for arid lands should be an integral part of a national policy dealing with the total environment.

The article follows:

ARID LANDS—USE OR DESTRUCTION?

(By Henry M. Zeller, conservation chairman, Rio Grande chapter, Sierra Club)

I. ARID LANDS—WHAT USE?

This conference is based on the premise that "arid lands throughout the world offer considerable possibilities for greater use, but also present serious problems for permanent human settlement and use." This premise is sound, but the arid lands offer no cure-all for the consequences of the human population explosion. (1)

For years people have disparaged the Malthusian theories, but the doubt begins to dissipate as we so obviously fill up the earth. In the meantime, despite the fact that Malthus does seem to be having his day, his theories need some rethinking because he related the problems of over-population too closely to food supply alone. (2)

It is now well-known what happens to mammal populations that overwhelm their habitat. They do not, as a rule, just starve. Experience indicates that crowding induces glandular hyperactivity, which in turn causes ethological and physiological effects, culminating in a die-off, which tend to cut back the population to a number that can tolerate itself within the habitat without stress. Food supply is not the controlling factor. (2)

Edward T. Hall in *The Hidden Dimension* brings out that uncontrolled human population growth, the "population explosion", may produce its effects by crowding through *implosion* at the points of concentration of population. In every such concentration there is the potential for the development of a *behavioral sink* like those suffered by John Calhoun's rats in his Rockville, Maryland, experiments. It appears that such sinks may already be forming in our city slums. It is difficult to argue that man can boast of any immunity not shared by other mammals. (1, 2, 3)

According to William Mulloy in a recent article, although European contacts finished the job, the direct cause of the destruction of the Easter Island culture was intra-island warfare in a restricted, over-populated environment. This history tends to confirm Hall's ideas. (4)

If this experience with other mammals has meaning for man, as Hall thinks it does, then food supply is no key to human survival in the fact of exponential increases in populations and the consequent pathology of the behavioral sinks which bring spreading ethological and physiological breakdown. With this in mind, but in any event, it appears that the usefulness of the arid lands in affording some relief from population pressure would lie more in the provision of living space than in intensified food production. Production in dry farming areas is strictly limited by the care needed to prevent destruction of the land. Dry farming is a considerable gamble requiring large capitalization, and only certain crops can be grown. Stock raising must give increasing consideration to ecological factors. As for irrigated farming, compared to other economic sectors it consumes very large quantities of water and the rate of return is very low. It also can be destructive. Particularly for irrigated farming, government involvement in providing water at prices far below cost, as well as other forms of subsidy and assistance, is required to keep it in existence on the present scale. It is questionable whether government intervention on the American style is economically feasible except in very special cases, being even more qeustionable when there is a surplus of cropland such as we have. At the same time, the arid lands, particularly the warm, sunny desert and semi-desert areas, are pleasant for living and attractive to industry. These areas and the mountains are invaluable for recreation and for tourism as an industry, provided the natural setting is not destroyed. (5, 6) (7, 8)

It is reasonable to conclude that land use in the arid lands should be carefully controlled, and that the bulk of the world food supply should be produced in those regions which are naturally adopted to that function. Arid lands should not be used for food production beyond their capacity for sustained yield of those crops to which they are suited. Under a free enterprise system, a preliminary judgment in the case of any given agricultural activity can be reached on the basis of whether sustained production will make a profit without subsidy. Of course, any final judgment should be made on ecological criteria.

The imminent danger to the arid lands, as the expanding population causes implosions here and there, is that there will be correspondingly expanding pressures for their over-exploitation. Promises that the "desert can be made to bloom" are particularly frightening in this respect. People involved in such promises seldom have either a long-term or an ecological outlook and have little idea of the true consequences of what they propose. Population pressures may increase to the point where any technology offering a furlorn hope of relief of some sort, or worse, bolstered by inflated advertising holding out false promises, will be tried out without regard to possible or even certain adverse effects. (6)

We must keep in mind that the productive capacity of the earth is a finite quantity. Even though the ultimate limit has not yet been fixed, and regardless of how the marginal lands are used, capacity cannot continue to improve at the same rate as a wildly expanding population. Quite apart from the chance of prior human breakdown, any general overtaxing of the earth must fail in the end, and man will find himself without habitat. I sincerely believe that without effective population control our species has no future. (2, 3, 4, 9, 10)

The antidote for the pressures threatened by over-population is population control. Any rational planning for the future must start with the assumption that the antidote will be administered before it is too late, but the antidote cannot bring an abrupt halt to population trends; there is bound to be an over-ride. For this reason, planning to accommodate more people in the arid lands is necessary for the interim period and beyond. We must plan for their increased use, but we must remember their fragility as we do so. This fragility means that their use must be carefully restricted and organized.

II. GOVERNMENT INCAPACITY FOR ARID LANDS MANAGEMENT—HISTORY

Unfortunately, our political systems seem incapable of the management required for the careful use of the arid lands. I base this statement mainly on experience in the United States. I doubt if anyone else does much better.

The history of the settlement of the American West has been marked by lack of plan and a sort of schizophrenic irrationality, divided between the opposing and equally wrong ideas that the West was nothing but the "Great American Desert" or that it could easily be made into a garden. In the latter part of the last century homesteaders with the "garden" misconception flocked westward to get their 160 acres of public land, which proved completely inadequate for making a living in the dry country, and their failures made the fortunes of the speculators and the big cattlemen. In the end, the Homestead Act defeated its own purpose, which was to provide an outlet in land for the increasing American population by helping the small farmer with his "family farm". (11)

There was one man who had a clear idea of the West, seeing neither desert nor garden. He saw the great variety of the western lands as compared to the broad arable acres of the humid regions, and the consequent need to classify lands for their best use. As for agriculture, he saw the need for the integrated use of land and water, the different requirements for farming and pasturage, the necessity for collective action in employing irrigation, and the asininity of the arbitary 160-acre homestead based on a rectangular survey without regard to water resources, soil, or topography. Knowing what we know today, we may not agree with everything he advocated but he did have a clear idea of what should be done within the limits of the applicable knowledge and philosophy of his day. If his ideas had been followed, there could have been rational adaptation to meet the accumulation of experience, because his primary tenet had to do with the application of knowledge to planning, which should be comprehensive and integrated with an eye to the future. (11)

This man was Major John Wesley Powell,

the father of the United States Geological Survey and the Newlands or Reclamation Act, besides other aspects of government. This year, 1969, is the centenary of his exploration of the Colorado River, including the Grand Canyon, the first complete and fully reported exploration of this awesome area. He was a brave and energetic man and a devoted civil servant who had much to do with the origins of the association of science with government for the good of all. (11)

Some of Powell's ideas were adopted, but the integrated whole was rejected by government so that there was no philosophy, no binding force. Perhaps the most important element rejected was Powell's ecological outlook, which was far ahead of his time. Meanwhile, those of his ideas that were adopted separately have been distorted by speculators, special interests, subjective bureaucrats, and by gullible or parochial legislators. Now we need another Powell.

III. GOVERNMENT AND WATER

In the American West, one of the greatest failures of government lies in its acceptance of the idea of a "water shortage", always looming just ahead. Government permits, even encourages, the allocation of water against ecologic and economic principles. It then compounds this error by maintaining water rights law and pricing systems, and does nothing to correct public attitudes, all of which are largely in opposition to change. In this way, inefficient and wasteful, even damaging uses of water become entrenched to the point that they are above challenge and there is no water for new uses. On the assumption that established uses have "prior rights" and so must be continued, public officials call passionately for more water. Usually, the idea is that the Federal government will come to the rescue and will provide additional water by massive works which will utilize some all-powerful technology. (5, 6, 12)

An excellent example of the consequences of the water shortage concept is the current Central Arizona Project for the delivery of water of the Colorado River to the Phoenix-Tucson area, which has been authorized by Congress but not yet funded. There is little doubt that it will be constructed eventually, although there is grave doubt that it will solve Arizona's water problem, which is to find the most efficient uses for already available water in terms of ecologically acceptable economics. Any water which the CAP may deliver to the Phoenix-Tucson area will be too costly to compete in the near future with the water already there. In addition, Arizona's unused share of Colorado River water could probably best be used nearer the river. The main effect of the CAP is likely to be the encouragement of the wasteful use of water according to precedent, thus fostering continued demands for more water. Demands for more water are inevitable if present attitudes and allocations to states continue, because the water supply available to the CAP is expected to drop to a mere fraction of the authorized quantity as the upper basin states take their share over the years. (5, 7, 13, 14)

Arizona's achievement in obtaining authorization of the Central Arizona Project is noteworthy as the result of more than forty years of contest over the waters of the Colorado River. Seven states within the river basin are involved, and their battlefield has extended to the U.S. Supreme Court and the Congress. The Colorado River itself has joined the battle, refusing to maintain the flow expected of it, thus confounding all planning through forcing the allocation of water deficits which are unpredictable. It is this imponderable which threatens the future CAP water supply as the upper basin states take their share and annual deficits must be apportioned. Every hoped for drop of water is committed, and proposals ancillary to the exploitation of the river have threatened the desecration of the Grand Canyon itself. Its reservoirs have a storage capacity five times the annual flow of the stream. (12, 13, 15)

Now, as a logical consequence of the division and sub-division of the waters of the Colorado River to the last drop, the water shortage truly comes into its own, and seven states cry for more water! (12, 15)

Such demands are extant in the form of proposals for the importation of water from distant regions that are more fortunately endowed. These proposals give no thought to ecological consequences, to true costs, or to alternatives, and they disregard many political and social factors. They are based on the idea that people must be encouraged to settle wherever they like, even in the arid country, where there is always the assurance that the Federal government will step in to supply more water when needed, from somewhere, somehow, regardless of how ill-considered and extravagant the so-called need may be. Most unthinking and selfish is the demand for irrigation water, even though the area be only marginal for agriculture and farmers cannot afford the actual cost of the water, and disregarding the fact that the water could be used more productively where it exists naturally. All this is not to mention the fact that agricultural experts predict a surplus of cropland in our country for an indefinite period. (8)

The Colorado Basin is not the only locus of water troubles, albeit creating more emotion than most. An attempt has been made at the Federal level to introduce some rationality into planning through the creation of a National Water Commission. This body is intended to carry out a thorough study of national water needs and all possible ways of satisfying them. The point of view is intended to be that of the national interest, long-term and objective. This concept is superb but it is far from unanimously accepted.

During an address at Albuquerque, New Mexico, on 18 November 1966, Congressman Wayne Aspinall of Colorado unburdened himself of his misgivings about the then proposed National Water Commission. At one point he expressed his concern that some Federal groups were "attempting to apply the scientific or theoretical approach to our national water problems," and a Federal official had said that the National Water Commission would provide an overview of water problems by experts in the field without any commitment to parochial interests. He continued, "How *can* (italic supplied) an independent evaluation, free of state, regional, or local interests resolve complicated water issues involving water rights, interstate compacts, long-standing agreements, etc?" He went on to quote a report of the National Academy of Sciences which expressed certain findings about Federal reclamation policy. He concluded, "You can imagine what might happen to water development in the West if the decisions were left to a group such as this." This reductio ad absurdum was supplied by a recognized leader in the reclamation field, who is hog-tied by the questionable constraints which he himself has helped to perpetuate. It would be difficult to express any better our basic weakness in water planning. (16)

(NOTE.—In the Appendix is an account concerning the proposed Hooker Dam and Reservoir, a unit of the Central Arizona Project. It affords in microcosm a representative spectrum of the "water shortage" fixation. To dissect it is a sort of a laboratory exercise in the examination of how water problems are handled.)

IV. GOVERNMENT AND ARID LANDS POLICY

There is a tendency to dwell almost exclusively on water problems because their solution is of such primary importance to the management of arid lands, but this does not mean that government does any better with other aspects of the overall situation. One of the foremost examples of government policy gone generally astray is the case of Southern California. Through a chain reaction of resource exploitation, advertising, and industrial buildup, coupled with a not unpleasant climate, people have come to the area in droves and are still coming. This influx, already taking on the appearance of implosion, has received, and is still receiving, the active encouragement of government. There has been some evidence of behavorial breakdown in the Watts riots and various extremist cults, the hippie aberration, and the disorders in educational institutions. Southern California is not alone in having these troubles and some are of relatively long standing, but to admit this neither invalidates the symptoms nor explains the cause, nor does it obviate the need to observe and consider them. At the same time, it is becoming evident that the physical resources of the area and the entire surrounding region are being overtaxed to support the implosion. (3, 17)

The Destruction of California and *A Different Kind of Country*, by Raymond F. Dasmann, present the Southern California situation comprehensively and thoroughly. The need to check the unending flow of people into Southern California implies that government must restrict the freedom of individuals to live where they will. The same implication applies to arid lands in general. Moreover, the proper management of arid lands requires that government oversee the uses to which they are put. Restrictions such as these need not be applied by authoritarian methods. Economic measures such as taxation, water pricing, and the like can be effective. So can the simple refusal to provide roads, schools, utilities, etc., or to encourage industrial or agricultural expansion beyond a certain capacity for population reckoned from ecological considerations. A system of land use classification enforced by strict zoning law could be very effective, as would strong anti-pollution regulations. (1, 17)

It must be recognized that a general policy of limiting immigration to an area and controlling activity there is bound to cause a wave of protest among the expansion minded. In this country there will be objections to what will be called restraints on individual freedom, and there will be dire predictions of economic collapse. Government will be hard put to keep to such a policy unless new political and economic ideas are formulated to fit the situation. For one thing we must junk the worship of perennial growth. In our country the structure of government itself will have to be redesigned if straightforward, objective planning and action are to be maintained. I am certain that there is a similar prognosis for any democratic country with a similar situation on its hands.

In countries with authoritarian government, policies can be established easily and maintained without too much regard for public opinion. There the danger lies in the perpetuation of bad decisions, because of the lack of public opinion checks, so authoritarianism in itself is no solution to arid lands management.

If greater use is to be made of the arid lands, I believe that government must assume a grave task for which it is not prepared. The task is to protect the environment while arranging to accommodate people in numbers commensurate with its carrying capacity. To take an idea from Dasmann, the best way to accommodate a considerable human population, particularly in marginal conditions, is *not* to be indulgent with the people concerned, but to be tender toward their habitat. Thus, the first requirement for more use of our arid lands is the rethinking of many of our political concepts and patterns of government. This is a problem for the social sciences which must be solved before the advances of the physical sciences can be used constructively. (1)

V. SCIENCE AND TECHNOLOGY—THE NEED FOR ORDER FROM CONFUSION

Although I have blamed many of our troubles in the American West on the ineptitude of government, science must share the onus. A recurring cause of environmental deterioration is the unscientific application of applied science. There are a number of reasons for this, but the most fundamental is the lack of coordination in the field of science, both basic and applied.

It is unnecessary to dwell on the damage to the environment which has been both the direct and the side effect of technology. Much of the trouble comes from the fact that technologies tend to become associated with vested interests, both industrial and governmental. I would like, then, to reemphasize my fear of the even greater damage that may come in the future through the misuse of technologies which may result from subjective thinking encouraged by irrational demands stimulated by population pressures. This dangerous potential must be forestalled. (10, 18)

Therefore, the second requirement for the greater use of the arid lands is the coordination of the effort in science and technology. We must make sure that sufficient work is devoted to research pertaining to the arid lands in both the physical and social sciences. Besides supplying the needed knowledge, this work must cover the organization for and the methodology of government decision-making. We must ensure that the application of the physical sciences as technology receives coordinated planning and management in the interest of the whole environment. Decisions based on the social sciences must precede the employment of technologies, but all scientific application must be grounded in ecology. Even though the use of the social sciences be stressed, there must be no over-emphasis on the purely economic, certainly not from a short-range or narrow point of view. Emphasis on the *quality of life,* including aesthetic and other abstract factors, must assume a place in all decisions. (10, 13, 16).

A major aspect of modern science is the pure bulk of knowledge. So much is known, even in specific branches of science, that no one man can retain much except in his specialty. Even so, there are many gaps in knowledge, particularly as to the side effects of applied science. Who then is to tie all this knowledge together? Who is to see that the gaps are filled? Who is to see that when a technology is developed *all* of its aspects and effects are explored? This last is a key question because often the by-products of a technology are outside the competence of its originators.

A start toward solving these problems was provided by last summer's *Joint House-Senate Colloquium to Discuss a National Policy for the Environment*. Many distinguished witnesses were called. In his written statement, Lamont C. Cole (page 172) stresses the need for the ecological overview, saying, "Many of the traditional organizations are so ignorant of the field that it never occurs to them that ecologists might know something that would not be immediately apparent to a chemist or engineer." David M. Gates, in his statement (page 174), includes a section on ecosystem management in which he says, "It seems to me that an entirely new profession is required by modern man—the ecological management of the world in which we live." Much light was cast on the problem of establishing a national policy for the environment, which has particular importance for the arid lands, but more light is required. (10)

In reaching toward solutions it is possible to get in a "hen or egg" type argument, but in my view it is a responsibility of government to coordinate science and technology, particularly the latter, although much of the necessary reform of government should be based on the results of scientific research. Without doubt, there is a large task for the scientific community, which should be accepted willingly without government pressure, even though the essential responsibility remains with government. In the United States, the groundwork for this association of government with science was laid by John Wesley Powell nearly a century ago, and it was never so necessary as now.

An important function of science or schools or government or all together is the education of people, for it is they who are fundamentally responsible for the troubles of arid land management. Everyone must understand the capabilities of the environment in which he finds himself. Society must adopt Aldo Leopold's *ecological conscience* as the basis for the *land ethic* which he also suggests. Cultural elements such as these should take their places with conventional religion and morality to form the true basis for the salvation of mankind. Men must become aware of their role as members of a community based on the land, and as any other members of the community they must adapt themselves individually and as a species to play that role. To destroy the habitat which sustains them or to pollute it should come to be recognizeed as a major offense against society.

VI. CONCLUSION

These points I have made about the need for coordination in science and technology are important, especially for the arid lands. The same is true of the need for the reform of government. Historically, the most successful use of dry country has been by those primitive peoples who have truly adapted themselves to aridity. Peoples classified as more advanced have sometimes seemed intent more on *making* deserts than in using the arid environment successfully. Now, with advanced technologies we can get very quick results at desert-making if we insist on distorting nature to our often ill-conceived designs. To prevent habitat destruction we need knowledge which can be supplied only by science through cooperation with government. We must create governmental mechanisms which will permit the full use of our intelligence both in general planning as it affects the environment, and in the evaluation of apparent opportunities for technological solutions.

If we wish to survive as a species our first thought must be to stabilize human numbers. While we are accomplishing this, the increased use of our arid lands will become necessary, but this must be undertaken with due regard for their best use, which is *not* intensified food production, but *is* the provision of living space. From what we know of the reactions of other mammals to crowding, we shall need space. As populations grow, one of the first tests of mankind will be the quality of his use of the arid lands.

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Hooker Dam and Reservoir

The Hooker Dam and Reservoir, which is one of the units of the Central Arizona Project, affords in microcosm a representative spectrum of the "water shortage" fixation. To dissect it is a sort of laboratory exercise in the examination of how water problems are handled. (1)

Much of the flow of the Gila River originates in New Mexico, but the best farm lands along its valley are in Arizona. The early use of these lands and the nearby Gila waters gave Arizona water rights senior to those which were established later in New Mexico. Meanwhile, Arizona's long-standing feud with California over the waters of the Colorado River led to the U.S. Supreme Court in 1952. The Gila, being a tributary of the Colorado, was soon brought into the case, as was the State of New Mexico. (2)

The Court decision in 1964 was unsatisfactory to New Mexico, not only because she was allowed only 31,000 acre feet per annum of the total Gila flow of some 1.75 million acre feet, but because her pleas for consideration of her future needs fell on deaf ears. Arizona was not only allotted most of the Gila flow, but this water was not charged against her share of the Colorado. The Court did make the doubtful concession that future additional needs in New Mexico could be considered in case there were a change in conditions. (2, 3)

The New Mexico authorities at once became alert for any opportunity to improve the Gila situation. Such an opportunity came in 1965 because of Congressional consideration of a bill to authorize the Central Arizona Project. The bargaining over this bill led to the fabrication of a typical legislative patchwork involving all the Basin states, this time aptly described by California's Congressman Craig Hosmer as "one of the most delicately-structured compromises ever placed before Congress." New Mexico's contribution to the patchwork was the simple declaration that the state could not agree to the CAP proposal unless she were granted additional use of Gila River waters. The senior users in Arizona would be compensated from CAP deliveries, in other words, from Arizona's share of the Colorado main stream. Arizona finally accepted this "ransom" demand, as it was dubbed during Congressional discussion. It is now written into the CAP authorization, and the Hooker project is the instrument for making the additional Gila River water available in New Mexico. (1, 2 ,3, 4, 5, 6)

Additional Gila River water for New Mexico:

1. 18,000 acre feet per annum as soon as the CAP begins operation, allocated as follows according to the State Engineer:

Consumptive uses:	*Acre-feet per annum*
Municipal (Silver City)	800
Industrial (mining and milling)	10,000
Reservoir evaporation	6,400
Irrigation	700
Not specified	100
Total	18,000

2. 30,000 acre feet per annum of *additional* water if and when the Colorado River should be augmented by water from outside the river system.

Various benefits are asserted for the project, but they do not stand examination. To begin with, its specifications have not been worked out, so the burden of proof clearly rests on the proponents. It is sure, however, that some 6,000 acre feet of water would be lost to evaporation annually simply because water would be held in the reservoir. The benefits claimed for agriculture are absurdly insignificant because there isn't much agriculture. The main benefits are said to be in the provision of additional water for municipal and industrial purposes, but no customers can be identified. Silver City, the only important community in the vicinity, has sufficient underground water for the indefinite future, according to a U.S. Geological Survey appraisal dated September 1968. The newly reopened copper mine at Tyrone was said to be the prospective user for a relatively large quantity of water, but the company has already supplied its needs through the purchase of Gila Valley agricultural land with attached water rights, thus putting this land out of irrigated production at least for the foreseeable future and weakening the already weak case for assistance to agriculture in the Valley. The reservoir's physical characteristics would make it a poor recreation lake. It would be inferior to the nearby reservoir the mining company is building on a Gila tributary to facilitate use of its purchased water at Tyrone, in which the State Game and Fish Department has an interest by agreement. (1, 7)

The alteration of the flow of the Gila below the dam would destroy or damage the uniquely interesting ecology, and the reservoir would drop much riparian and gorge scenery, above, as well as the biotic community. Just as serious from a legal and philosophical standpoint would be the fact that the Hooker Reservoir would extend upstream for several miles and would thereby encroach on the Gila Wilderness. Although the Wilderness Act authorizes the exploitation of water resources in units of the National Wilderness Preservation System if the President decides such action is required to serve the national interest, this provision clearly intends to put the burden of proof on the advocates of wilderness encroachment. The casual way in which the Hooker project was conceived, proposed, and authorized has constituted a clear violation of this principle. This fact was recognized by enough members of Congress to cause the Hooker authorization to be qualified. The act authorizes the Hooker Dam and Reservoir or suitable alterative. (1, 6, 8, 9)

Against the showing that the Hooker Dam and Reservoir as proposed would be expensively and destructively unnecessary, the defense of the State Engineer has been the assertion that if the additional water should be made available it would be used. In making this defense, he appears to join in discounting the claimed benefits other than the arbitrary provision of more water, thus tending to confirm the logical conclusion that the claims are a mere rationalization. The Hooker project thus stands out as a product of the "water shortage" fixation. In recognizing this, one must concede a certain sincerity on the part of the state officials and representatives concerned. Based on the American concept of perennial growth and development, a vague foreboding of looming water shortage is excusable, if not justified in an objective sense, especially since precedent seems to forbid the reform of water law and practices. (1)

From the conservationist point of view, hope must be based on the law as written and the search for an alternative. The failure of both the President and the Congress properly to defend the Wilderness System has placed the burden of any such search on the citizen conservationist. This is a heavy burden to bear in the absence of official status, yet from an objective viewpoint it appears possible that a satisfactory and inexpensive alternative can be conceived. It is possible, too, that the alternative can be made flexible in design so as to enable construction in stages as need is demonstrated in the course of time. Whether such an alternative will be accepted is another question, however, because of the predilection for large multipurpose dams on the part of government engineers and the desire of the local citizens for the "pork barrel" income to be derived from a large construction job. Of such stuff are water decisions made.

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A TIME FOR WAR AND A TIME FOR PEACE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, once again we stand at the center of a new maelstrom of protest against the American involvement in Vietnam. Nothing there has changed.

Our men continue to die. Their men continue to die. Our treasure continues its flow abroad in massive quantities, to vanish down the bottomless pit which has swallowed more than $100 billion. The Paris talks stand at a fruitless impasse.

Here at home, nothing has changed. Protests continue and mount in intensity. Our cities are a little shabbier and older. Our poor are considerably poorer. Our prices are much higher. Inflation rages unchecked. Young Americans increasingly lose faith in their Government, elders, and institutions. President Nixon has succeeded in exacerbating an already deteriorating situation. Civil liberties stand in more peril than ever before because of this administration. Government intransigence has increased as the administration appeals to emotions rather than reason to gain a temporary respite from criticism. Of course, it will be to no avail. What, then, has changed?

That is just it. Nothing has changed significantly. This is our main difficulty and danger. Our Nation, like a powerless ship, stands dead in the ocean of events. No new course has been charted. We drift, helplessly, prey to vicissitudes of an inscrutable fate. Instead of controling events, we are at the mercy of them. Rather than acting and awaiting reaction, we stand helplessly, reciting positions and excuses like a bankrupt litany. We await some miraculous light from the darkness to lead us to a solution or some promised land. Nothing could be more futile. Is it not a confession of intellectual and moral bankruptcy to see our President offer an appeal to jingoism as his new solution to this present incredible impasse?

Is America so bereft of ingenuity and ideas that all we can do is throw up our hands, blame enemies abroad and within and withdraw like a tortoise into a protective shell? Is this all the Government of the mightiest power the earth has ever beheld can produce? I refuse to accept such a response. To follow such a policy is to invite license on the part of every right and left wing extremist in the land.

If we are such a mighty state militarily, can we not summon up political force of equal magnitude? Must we reply through the mouth of an Agnew in response to questions of the world and the vast majority of our own people? A Gordian knot can never be unraveled. It must be cut. Leadership implies statesmanship. Power must be exercised. Yet this is exactly what the President cannot or will not do. So he demands conformity in the name of patriotism. Hollow rhetoric and solemnly delivered slogans can be no substitute for a new alternative.

Because, as President Nixon suggested, we can never be defeated in the field, we can pursue new options with impunity, sure that such efforts will not be mistaken for weakness. Standing pat behind Thieu and Ky gives them a blank military check. No pressure is placed on the Army of South Vietnam to perform any better. Heavier weight must lean upon them. A new sense of urgency must be imparted to them. Only the President can cause this to be done. If he does not, divisions in American life over the war will lead to polarization of opinion and destruction of the middle ground upon which we always meet to compromise. How ironic that the very inability of the enemy to defeat us abroad may sow seeds for our own destruction at home by our very selves. For in order to fight dissent rising to intolerable levels, government itself may become an intolerable oppressor.

The first public statement by newly reelected President Marcos of the Philippines was to promise withdrawal from Vietnam of all Filipino troops. An ominous sign. Another small but significant event which again takes an initiative away from us. I believe it would be worthwhile for this Government to begin withdrawal of nonessential support units from South Vietnam. Several hundred thousand of these personnel are there, and can be spared easily. No better notice could be served on the Saigon government. Simultaneously, this could be used effectively at the negotiating table. Certainly, it is worth trying, because as of now we seem to be losing ground rather than gaining it.

We have, by our own President's recent statement, taken an inflexible stand. No concession or even recognition has been offered dissenters. In fact, their position has been ridiculed and their rights questioned by those who are supposedly guardians of such guarantees. A national holiday has just been turned into a political forum in order to combat protest.

No democratic government can be intransigent abroad and inflexible at home and hope to survive, much less provide meaningful leadership. To surrender initiative for peace is to invite political disaster far out of proportion to any losses we may suffer on the battlefield.

Individual protestors may be irresponsible. So may individual government officials. But the national administration of the world's most powerful state and democracy cannot afford such weakness. Government must above all show maturity instead of petulance and pettiness. It must recognize failure for what it is. It must be able to define what is good in the long run for the state and what is evil. This is what separates mature civilizations from mere powerful states which wax strong, then disappear into the limbo of history.

There is a time for war and a time for peace. In case of any major threat from a menacing foe, America would unite in any effort to defend our liberties. This is not the case now. This is a time for peace, and the initiative must be seized.

IMPORTS: CLAREMONT EAGLE CLEARLY SEES SHOE INDUSTRY PLIGHT

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last Saturday, the Claremont Daily Eagle published one of the best editorials I have yet seen on the critical situation facing the shoe industry in New England.

In clear, forthright words, this ludicrous and tragic situation is described. It is ludicrous to the extent that the situation has been created in large part by our own Government: our Government tolerates shoes to be imported which are manufactured under labor wage and working conditions, and often under Government subsidy, which would be illegal in the United States. At the same time, the Government is imposing greater and greater restrictions on domestic industry through heavy taxes, rigid specifications of working conditions, minimum wages, and marketing restrictions of various kinds.

The situation is tragic because of the thousands of workers who will be thrown out of work if their Government does not come to their aid forthwith. The closing of these factories would have grave impact upon their communities.

On February 26, I introduced H.R. 7696, the Orderly Footwear Marketing Act. It is past time for action on this legislation. Very little has been done in either House or by the administration to help in this situation.

I call on my colleagues for their help and commend to them this excellent editorial. As I say, I have never seen this urgent problem more clearly described:

[From the Claremont (N.H.) Daily Eagle, Nov. 8, 1969]

FOR SHOES: A GOOD DOSE OF TARIFF

The Eagle is printing a three-part series by a United Press feature writer on the "sick, dying, New England shoe industry."

The only real trouble with the "sick, dying. New England shoe industry" is "sick, disinterested government" which fails to protect it on the one hand, makes it difficult or impossible to operate on the other hand and of the shoe labor unions which have done little or nothing to join with management in making government responsible and responsive to the needs of the industry as a whole and the men and women that work for it.

What we see is management, virtually alone, struggling in admittedly antiquated buildings with expensive equipment, to market a product manufactured by American men and women for American men and women.

And what we see, too, is pacific unionism, content with collecting dues, but not interested in joining with management in shutting off the flow of shoe imports from countries with sub-standard wages and working conditions.

We also see administrations—be they Democratic or Republican—and office-holders for the most part, turn their backs on the need for a tariff on shoe imports to save the New England shoe industry and New England jobs of workingmen and workingwomen.

How interested the government is when it pokes its nose into industry to dictate minimum wages and working conditions; how indifferent it is when this industry needs protection from competition which the same government would never tolerate in the United States.

We believe that management, in most instances, has done all that it can (and again under government supervision and law) to meet foreign competition.

Here, in New Hampshire, and even in Claremont, we have seen relatively new shoe machinery move into a new plant, employ local (mostly women) workers, and still not make a go of it.

The problem deepens when unions representing these workers are indifferent to to the major plight of the industry—a plight not caused by the shoe manufacturer—but by administrations that these union leaders have often urged their members to vote for!

The only salvation of and for the New England shoe industry is enactment of a stiff tariff on low-cost slave-labor imports.

The only hope for such a tariff is massive political pressure, pressure that must come from shoe workers, led by their union, working together with management for the common cause—survival and jobs.

The American people have been asleep at the switch.

Too much has been handed over to men—professional bureaucrats—the executors of abortive treaty agreements under congressional fiat.

There is nothing much wrong with the shoe industry that a good dose of tariff won't cure, and cure fast.

EVERYTHING BUT A HOUSE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, according to the great movers and doers of the administration, the average American lives in a newly emerging paradise. Of course, the "great silent majority" could tell them such is not exactly the case. In no area is this more evident than in housing. Today, a decent house for a worker's family at a modest price is practically nonexistent. Traditionally, for between $15,000 to $20,000 the average working man could purchase such a dwelling. Today it is a dream gone a-glimmering. Rental quarters are all that is available, usually starting at about $150 monthly. That precious word "equity" is disappearing from workingmen's vocabularies. And the situation worsens daily. Such is paradise today.

At present, a seller's market dominates the national real estate scene. Coupled with inflation and prohibitive interest rates, a home is becoming more than just difficult to obtain. It is becoming impossible. Once a thorough knowledge of this permeates the minds of America's working citizens, how much faith will they have in the Nation? Previously, a home was the tangible goal of so many. It made sacrificing worthwhile. Now this administration delivers a terrible blow at such fond hopes.

The nationwide median selling price of new houses covered by conventional mortgages has increased 31 percent in just 4 years; from $22,700 in 1965 to $29,900 this year. Less than 4 years ago, nearly 50 percent of new single family residences were constructed at costs of less than $20,000. This year, there are fewer than 25 percent being built at that price level.

When President Nixon took office last January, the yearly rate of new housing starts stood at 1.8 million units. In August of this year, it stood at 1.3 million starts. As of today, it is plunging well below the 1 million mark, eloquent testimony to the stark reality of our present situation. The homebuilding industry is of course a disaster area employmentwise. Yet the National Housing Act of 1968 envisioned a goal of 26 million new housing units by 1978.

Population increases, especially notable in marriage figures, bode even worse for the future. More than 2.1 million couples were married in one recent year, compared to 1.8 million couples 4 years earlier. What hopes do these young people have of owning their own home, given the existing situation? The old, the young, and moderate- and low-income citizens are penalized most by this trend.

In my own home city of New York, for the first time in metropolitan history, the city suffered a net loss of 21,000 housing units from 1965 to 1968. Housing units there are being retired twice as fast as new ones are being put into use. Two thirds of abandoned buildings being torn down as unsafe could be restored. High costs of land, plus outlandish interest rates are making new private housing in the city a sole preserve of the wealthy. It has been predicted that New York City will require a long term commitment of $1 billion annually in Federal funds to reverse this decay spiral, ten times what it is now receiving.

In response, what has President Nixon offered? Certainly not a new housing program. Not even a reasonable proposal—Congress has taken its own action without administration initiative. We are reaching a point where our nonhousing policy is creating slums much faster than they can ever be eradicated. Thus, our social problems are being compounded.

The American people have plently of guns. Plenty of thermonuclear weapons. Plently of poison gas and germ agents. Plenty of autos that can go 125 miles per hour. Soon we may have bigger trucks on our Interstate System. Plenty of pollution of all kinds; air, water, oil, pesticide, thermal, and noise. Soon we shall have an SST, to get us from traffic jam to traffic jam even faster. We have plenty of wiretaps and detention camps. Oodles of men in uniform. Millions of tons of garbage with no disposal plants for it. All the tax loopholes we will ever need. But no housing for the average citizen. A plethora of high interest rates and price hikes by big banking and bigger business. Not too many bungalows for the young or poor, though. Very few places for the elderly to live in comfort. Can not have that. Might spoil them. Turn them into effete snobs. Decent living quarters have been known to have that effect on people, you know.

Those are new directions, are they not? Or are they? Well, once you have seen one low priced home, you have seen them all.

IN DEFENSE OF THE UNITED MINE WORKERS

(Mr. MOLLOHAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MOLLOHAN. Mr. Speaker, the floor of the House has, in recent months, been used as a forum to malign and condemn the United Mine Workers of America. Some of this criticism has been warranted, most of it has been uncalled for and most inaccurate.

I think the time has come to put this criticism in the larger context of the history of the American labor movement and the place of the United Mine Workers within that movement.

Founded in 1890, the UMWA is America's first major industrial union, and through its efforts, the United Steelworkers and the United Auto Workers were formed. It was John L. Lewis, who broke with the AFL to form the CIO, and it was John L. Lewis at the head of the United Mine Workers who then organized the auto industry and the steel industry.

But this industrial union has found itself a pioneer in more areas than just organization. It has been a pioneer in virtually every phase of union endeavor. It was the first union to establish a private pension plan for its membership back in 1946. It, along with the rail brotherhoods was the first union to provide hospitalization for its members, and my State of West Virginia is dotted with the hospitals established for and by the United Mine Workers.

The UMWA-forged policy in an area where many other unions are just beginning to formulate their planning: The area of automation. Just after World War II, the coal industry was the sick man of American industry, and the mine workers faced the dilemma of allowing mechanization in the coal mines resulting in a reduction of personnel or the failure of the coal mining industry with the consequence of massive depression for the vast majority of the union members.

The UMWA faced this bitter decision and allowed mechanization in return for good wages for those remaining in the mines. This decision, in retrospect, seems the only rational or intelligent decision that could be made. But, ask any union leader today about the problem of automation and layoffs due to new technology and you will find that this is one of the most thorny and, as yet, unresolved problems in the American labor movement.

The UMWA, along with the major labor unions in this Nation, had to adjust to an industrial decline as severe as that of the coal industry. Alone within the industrial labor movement, it forged industrywide agreements before the Wagner Act. It was the UMWA which rallied American labor for the election of President Roosevelt and this union is responsible for the present safety regulations in the coal industry.

We are now completing our work on the most comprehensive legislation for the protection of health and safety of employees that this Nation has witnessed. The Coal Mine Health and Safety Act of 1969 will bring standards for compensation and protection through research and regulation that no other industry enjoys.

It is legislation which will save lives and protect the health of coal miners for generations to come. With its passage, we will have entered a new era of industrial relations, an era where the concern for preventing harm to the American worker will achieve a new priority in our country. All of us, who have played a part of its passage, can share with the coal miners and their union a large amount of satisfaction that we have taken a significant step toward a more humane society.

It is altogether too easy for some to forget this and other monumental triumphs of the UMWA, a union which has been responsible for the creation of many of American labor's rights and riches. Because of the desperate struggle for survival within the fuel industry, it is not always realized that the coal industry is the only member of the fuel industry which has uniform unionization and is unsubsidized by the Government.

Likewise, it is easy to forget or disregard the contributions of the many forward looking men who would not yield to the tremendous adversity that has accompanied this union's challenges since its birth.

Men like John L. Lewis forged a safer and more secure way of life, not only for an industry but for an entire section of America.

I have had the privilege of working together with the membership and leadership of this union from shop steward to president for more than 30 years. I have watched men like John L. Lewis fight day in and day out to bring a new day and a new way of life to men and their families and an entire area in one of the most competitive and dangerous industries in the Nation.

I have watched this union transform the landscape of labor relations in our Nation, and I have watched the leadership of this union fight for the safety of their members when the survival of the coal industry itself was in grave doubt.

The sheer endurance of this union and its members is a credit to their strength and their perseverance and now as the coal industry again begins to boom, they face a new day armed with comprehensive health and safety legislation which will be the model for virtually all future industrial health and safety regulations. Again, the UMWA has been a pioneer among its brother organizations in the American labor movement and once again the American labor movement owes them a debt of gratitude.

INTRODUCTION OF LEGISLATION REQUIRING REPORTING OF AIR CARGO LOSSES

(Mr. WOLFF asked and was given permission to extend his remarks at this point in the Record.)

Mr. WOLFF. Mr. Speaker, I am today introducing legislation to require air carriers to file reports with the Civil Aeronautics Board listing lost, damaged, and stolen baggage and cargo.

This is identical to S. 2737 introduced in the other body by the distinguished and able senior Senator from Nevada (Mr. Bible).

This legislation is a response to sharp increase in air cargo losses throughout the country, especially at our major air terminals. Frankly, I am disappointed that the CAB has failed to exercise its administrative authority to require such reports. But in the absence of the CAB action it is imperative that the Congress act promptly to assure that uniform and required reporting procedures are placed into effect.

I can testify firsthand the seriousness of the problem of air cargo losses. This situation was called to my attention earlier this year by many constituents who are engaged in the business of interstate and foreign shipping. I then personally visited John F. Kennedy International Airport in New York, where air cargo losses are greatest, and saw shocking instances of broken, missing, and damaged shipments.

Moreover I have studied the investigation into this problem that has been undertaken in great depth by the Senate Select Committee on Small Business, which is chaired by the gentleman from Nevada. The Senator and his excellent committee staff have compiled distressing information about the gravity of the problem of lost and stolen air cargo.

Accurate statistics on air cargo losses are necessary if we are to have adequate insurance standards for air freight and passenger baggage and if the problem is to be dealt with properly.

The absence of such statistics has proved a serious impediment to efforts to control the problem because of widely differing views about the extent of the problem among those involved.

Congress cannot be expected to legislate in this area, nor can the CAB fulfill its responsibilities, unless complete information is available. Since the CAB has failed to discharge its responsibility in requiring complete reporting of air cargo losses the Congress must step in and insist that this necessary step be taken.

CONGRESSMAN ANNUNZIO COMMENDS CHICAGO ATTORNEY BENJAMIN BECKER ON HIS NEW BOOK—"IS THE UNITED NATIONS DEAD?"

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANNUNZIO. Mr. Speaker, I am delighted to call to the attention of my colleagues a book written by Benjamin M. Becker, "Is the United Nations Dead?" with a foreword by Hon. Paul H. Douglas, former U.S. Senator from Illinois.

The author is a distinguished practicing lawyer for over 35 years in Chicago and is a member of the board of directors and past vice president of the American Association for the United Nations, Chicago, Ill., division.

I have known Benjamin Becker for more than 25 years. He has been a former Chicago city councilman and a member of former Illinois Gov. Otto Kerner's commission on State government.

He is the author of many articles and books dealing with various phases of law practice, including Federal taxation, estate planning, labor relations, and legal ethics. He is a former lecturer at DePaul University and has long been an advocate for attainment of world peace.

As all of us know that we failed in our efforts after World War I to achieve world peace through the League of Nations. Again, after World War II, it was the hope and aspiration of men everywhere that a United Nation's organization could be created to insure peace for the peoples of the world. We did eventually establish the United Nations and it was created in the belief and hope of mankind that war could be eliminated through an effective international organization dedicated to peace and fully supported by the countries of the world.

Mr. Becker deals with this entire problem in his book "Is the United Nations Dead?" and I commend him for a very comprehensive and cogent appraisal of the failures and drawbacks of the United Nations. He presents an excellent evaluation and it is a book that every American who is deeply concerned with the issue of world peace should read.

CONGRESSIONAL REFORM: A BACKGROUND SERIES—I

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, over the next several days, my colleague from California (Mr. REES) and I will be reading into the CONGRESSIONAL RECORD certain historical documents relevant to the pending issue of congressional reform.

Every Member of Congress, as well as other interested citizens, has his own opinions of what should be done to modernize the National Legislature. A special subcommittee of the House Rules Committee is in the process of preparing legislation to bring about some changes in our operations and procedures. Hearings on the subcommittee's print of the bill began this morning. I urge Members to monitor these hearings with the utmost care and to devote serious study to each of the proposed changes and to the reform package in the aggregate. The ramifications of this legislation are serious and widespread. They go to the very heart of the question of well- or malfunctioning of Government in our continuing experiment in American democracy. I believe the issue of congressional reform transcends in importance all of the issues before us except the question of war and peace.

As a part of my remarks today, I include below the text of House Concurrent Resolution 18, 79th Congress, first session, which established the Joint Committee on the Organization of Congress in 1945. Other material to follow will include the final report of this first joint organization committee, the Legislative Reorganization Act of 1946, and similar documents of the 1965 joint organization committee. Our purpose in calling attention to these documents is to give Members and others interested in congressional reform a background by which to judge the legislation currently being proposed by the Rules Committee. House Concurrent Resolution 18 follows:

HOUSE CONCURRENT RESOLUTION 18

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a Joint Committee on the Organization of the Congress (hereinafter referred to as the committee) to be composed of six Members of the Senate (not more than three of whom shall be members of the majority party) to be appointed by the President of the Senate, and six Members of the House of Representatives (not more than three of whom shall be members of the majority party) to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman and a vice chairman from among its members. No recommendation shall be made by the committee except upon a majority vote of the Members representing each House, taken separately.

SEC. 2. The committee shall make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution. This study shall include, but shall not be limited to, the organization and operation of each House of the Congress; the relationship between the two Houses; the relationships between the Congress and other branches of the Government; the employment and remuneration of officers and employees of the respective Houses and officers and employees of the committees and Members of Congress; and the structure of, and the relationships between, the various standing, special, and select committees of the Congress: *Provided*, That nothing in this concurrent resolution shall be construed to authorize the committee to make any recommendations with respect to the rules, parliamentary procedure, practices, and/or precedents of either House, or the consideration of any matter on the floor of either House: *Provided further*, That the language employed herein shall not prohibit the committee from studying and recommending the consolidations and reorganization of committees.

SEC. 3. (a) The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

(b) The committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable, but the compensation so fixed shall not exceed the compensation prescribed under the Classification Act of 1923, as amended, for comparable duties.

(c) The expenses of the committee, which shall not exceed $15,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers signed by the chairman.

(d) The committee shall report from time to time to the Senate and the House of Representatives the results of its study, together with its recommendations, the first report being made not later than April 1, 1945. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the committee shall, when received, be referred to the Committee on Rules of the Senate and the appropriate committees of the House.

Passed the House of Representatives January 18, 1945.

Attest:

SOUTH TRIMBLE,
Clerk.

Passed the Senate amended February 12, 1945.

Attest:

LESLIE L. BIFFLE,
Secretary.

House agrees to Senate amendments February 19, 1945.

Attest:

SOUTH TRIMBLE,
Clerk.

ITALIAN STYLE

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues an article entitled "Italian Style" that appeared recently in Twin Circle—The National Catholic Press of Culver City, Calif.

The article is about a recent student demonstration that took place in the city of Pescara, Italy, and how the Italian parents took the situation well in hand. I believe my colleagues will appreciate the comments made in this article, and I feel that we in America should think seriously about restoring papa as the head of his household.

The article follows:

Italian Style

In the Italian city of Pescara, a group of rebellious students decided to fight it out with the police. They had plenty of rocks and insulting slogans to hurl, and across the campus the police stood ready. But suddenly, disaster hit the students from the rear. An angry crowd of mothers, fathers, grandparents and older brothers swept in and began slapping the students and "hauling them off by the ears." Did you ever see an Italian boy when his mother has him firmly by the ear, or when his father has him by the collar? That is all it takes. Discipline has to start somewhere, and there is still no substitute for the home.

It recalls the account some years ago about Judge Leibowitz in Chicago. After 30 years in juvenile court, the judge decided to make a study of delinquency in Europe. To his surprise, he found that Italy had the lowest delinquency rate on the continent. So he went there for three months to find out why. The answer, he found, was simple: in Italy the father is the head of the house. Italian children learn to obey at home, before stepping out into that bigger society beyond the front door. Said the Judge, on his return from Italy: "If you want to stop delinquency in this country, put the father back as the head of the house."

If we just have sense enough to buy it, this could be the greatest export since Columbus.—D.L.

PRESIDENT'S SPEECH OF NOVEMBER 3

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, President Nixon's November 3 speech was a firm and reasonable answer to those Americans who ask for peace at any price in Vietnam. Refusing to let the Nation's foreign policies be influenced by mob action, Mr. Nixon courageously committed the United States to continue its firm stand against Communist aggression in Vietnam. The President promised continuing withdrawal of American troops from Vietnam, but only as the Vietnamese Army can take up the fight. These were the answers to those who took to the streets on moratorium day, seeking an American surrender in Vietnam and Southeast Asia. They got their answer. It was not what they wanted, but the President has made it plain what his policy shall be. Nationwide polls show the vast majority of Americans support Mr. Nixon's decision. Throughout our national history, we have never elected to take the easy road out of difficulties, and so broad support of the President's decision is not really very surprising.

With the Nation thus recommitted to attaining a just and lasting peace in Vietnam, the futility of further mob demonstrations is readily apparent. Nevertheless, encouraged by the rich propaganda gains of past antiwar demonstrations, the Communists are going all out to create a large demonstration in Washington on Thursday, Friday, and Saturday this week. Ignoring the hard political fact that this demonstration is a mere dead letter following the President's declared policy, they are pointedly ignoring the President's plea for unity. For these efforts, they are receiving wholehearted and enthusiastic support from the North Vietnamese, the Vietcong, and Communist sympathizers around the world.

Mr. Speaker, radicals in this Nation, because of their repugnant tactics and their determination to achieve anarchy, are steadily eroding the freedoms of the majority of this country. Though the ballot box was designed precisely for the purpose of creating or changing governments, the radicals, failing there, have resorted to the device of creating an atmosphere of violence.

Now, another large demonstration looms over Washington. Extreme leftists and avowed Communists are already gathering to attempt to blackmail the elected American Government into acceding to their demands. No one endeavors to deny any of the American people the right to peacefully petition their Government, yet the evidence is clear that many come to Washington not to peacefully demonstrate but to provoke confrontation which is a synonym for violence.

There are many valid and convincing reasons as to why I believe this to be the case. First, it is glaringly apparent that there has been collaboration between the leaders of the Vietnam moratorium and those of the so-called New Mobe from the very beginning. Although members of these groups would have us believe to the contrary, there is more than a scintilla of evidence that these groups have long been working jointly on the events of the fall offensive.

Second, a very bright Red shadow is cast by the leaders of these groups. The rosters of almost every planning session contain the names of Communists and pro-Communists, including members and partisans of both the Communist Party U.S.A. and, most particularly, the Trotskyist Socialist Workers Party and Young Socialist Alliance.

For example, at the August 15 meeting of the New Mobe in San Francisco, 17 of the 40 people invited were outright Communist Party U.S.A. members or affiliated with other organizations obviously pro-Communist or revolutionary in nature.

With such parentage, it is alarmingly clear that the November 3 moratorium is not a child of legitimate, sincere protest against the presumed inadequacies of our policies in Southeast Asia; it is the heir of outright Communist manipulation, exploitation and subversion. It can trace its conspicuously Communist lineage from its inception at the National Antiwar Conference in Cleveland last August to wherever major planning sessions have been conducted. For at every one of these meetings, trained members and supporters of the Communist and Socialist Workers Parties have been present to contribute their invaluable expertise.

With such overwhelming evidence, I cannot view this November moratorium as simply an exercise in democracy. Although there will be many who are sincerely expressing their opposition to President Nixon's Vietnam policies this weekend, they are unfortunately the emotional pawns of those whose only intent is to prolong the war to America's disadvantage. In other words, I think that many who are participating in the November moratorium are being "had."

I must ask these Americans that if they are cognizant of this fact, can they believe that by alining themselves with subversives and reactionaries, they will contribute to a peaceful demise of the Vietnam war? I would not answer for them, I would only hope that their answer would be "no." The cold facts are that new demonstrations can only serve to encourage the enemy, feed his propaganda mills and further weaken the bargaining position of the United States at the Paris peace talks. The North Vietnamese and the Vietcong have repeatedly used the antiwar movement in the United States to strengthen their own demands and to propagandize their own people to the effect that American public opinion will force the United States to eventually abandon South Vietnam to their forces.

To those who would continue to prostitute democracy in this manner, however, let them be aware of their deeds. By beginning such a contradictory program as a fall offensive for peace steered by a plethora of Communists, they are no harbingers of peace to the war torn fields of Vietnam or to the shores of the United States. Rather, they sow the seeds of needless discord that will neither stop the killing nor bring our boys home but will aid the cause of the Communists in Moscow, Peking, and Hanoi.

GENERAL CUSHMAN, FORT DEVENS COMMANDER, SALUTES CAUSE OF FREEDOM AND THOSE WHO DEFEND IT IN VIETNAM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, this week seems a very appropriate time to place in the Record a fine statement by an outstanding soldier, Brig. Gen. John H. Cushman, the commanding general of Fort Devens, Mass.

This address was given by the general last month in Nashua, N.H., during ceremonies dedicating a monument to the men of the region who have fallen in defense of liberty and their country's honor in Vietnam. It is one of the first such monuments in the country.

I was privileged to be among the official guests at the dedication and I was very struck by the forcefulness and earnestness of this capable young general. He has served two tours of duty in Vietnam, the first as senior adviser to a Vietnamese infantry division and the second as commanding officer, 2d Brigade, 101st Airborne Division.

He has led Americans and Vietnamese in battle. He has tested their courage—and his own—and drawn conclusions which are a moving tribute to the men of both nations.

I am honored to place his address in the Congressional Record. I recommend it to those who may be tempted to follow the "turn-tail-and-run" crowd which infests some of the activities that will be taking place in the Capital over the next few days.

Remarks by Brig. Gen. John H. Cushman, U.S. Army Commanding General, Fort Devens, Mass., at Dedication of Vietnam Veterans Memorial, Memorial Park, Nashua, N.H., October 12, 1969

Senator McIntyre, Congressman Cleveland, Councilor Streeter, Mayor Sullivan, Commissioner Silber, distinguished guests—

Today, we gather in this attractive town in beautiful New England to dedicate a memorial to the men of this region who have given their lives in yet one more war.

In almost every New England town one finds memorials like this—erected to men of the countryside who left their homes and went out, oftentimes to very distant places, and laid down their lives for their country's purposes.

This memorial is one of the first of its kind. It is to the men who have died in Vietnam.

I asked myself, why have I been asked to speak at this dedication? Although I command a nearby Army post, and am proud and pleased to be among the people of New England, I am really a transient. I did not come from this land as did the sons in whose memories we gather.

Nevertheless, I accept this task. Fort Devens is not ancient, but for more than fifty years it has been bound up in New England's history, and has served well the Army's purposes in this area through wars, and times of crisis, and in peacetime. It so serves them today.

Furthermore, the Army which I represent had its origins long ago not many miles from this place when our first Commander-in-Chief, General Washington, took command of the Continental Army on Cambridge Common in June of 1775. The traditions of the Minuteman and citizen soldier stem from this region as does the long cherished principle of our land by which the standing Army is subservient to the civil authority. And, although we are professional soldiers among you, our institution is fully responsive to the people and we as individuals are intimately connected with the fabric of American life and in fact inseparable therefrom.

Furthermore, I have been to Vietnam for two tours of duty. I know something of conditions in that countryside. I know, from having commanded him in battle, that the American soldier from every walk of life has handled himself magnificently in his duties there. I have seen how he has endured the hardships of that faraway battlefield.

BRIGHT, BRAVE MEN

So I will talk to you today about the young men whom we honor, and about the cause in which they died.

Let me tell you about the soldier—and what I say applies to the sailor, and the airman, and the Marine, as well.

He is intelligent—more intelligent than any soldier we have ever had. He is better educated and more aware of the world around him. He thinks for himself—even more, I think, than my generation did. He sees it like it is. These qualities do indeed put a challenge to us, his leadership. But it is a challenge we gladly accept because the results if we meet it well are most remarkable and rewarding.

He is compassionate. He has an instinctive liking for young children, for older people, and for those in difficulty. It is heartwarming to see the American serviceman overseas, and in the United States as well, surrounded by kids and playing with them. The good works of the soldier in foreign lands supporting orphanages, hospitals, churches and other causes are too numerous to recount.

He has a sense of humor. He has the ability to meet adversity and difficulty with a smile or a joke that eases the situation and makes things right. I remember one time in Vietnam when I was with a rifle platoon in the rice paddies in a driving rain that had everyone soaking wet and that we all thought would never end. A new replacement came into the platoon and asked one of the soldiers a question—"Does it always rain like this?" The young soldier replied, "No it doesn't—sometimes it rains from the other direction!"

Finally, he is heroic. He rises to the occasion. Somewhere within him, he finds the resources to take those dangerous steps forward when his duty calls for him to do so. He does not flaunt this heroism, but performs with day-to-day bravery and nonchalant indifference to danger that is truly inspiring. I have commanded him under very difficult circumstances and have never seen him unit down, or fail to do his duty.

You hear a lot today about the younger generation and its problems, but I have just described to you the younger generation of Americans, and I want to say that we must be doing something right.

DEEP RESPONSIBILITY

It is a great responsibility to have in your charge men like these. The mission of armed forces being what it is, the lives of these men are placed at risk. We, your Army's leaders, feel this responsibility most deeply. To be worthy of our trust, we must have a deep reverence for human lives. Because when we talk of military operations, we are not talking simply of weapons, and tactics, and strategy; we are talking about our men—your men—and the individual lives of each of these men.

When war comes, lives are in the balance and freedom is also in the balance. And when such profound and fundamental issues as human life and human freedom are involved, there can be no simple answers. The Army man who has thought about these matters knows that when he is called upon to do his duty, and lives must be spent in the doing of it, the basic purposes for which these sacrifices are made must indeed be good.

Today the fabric of American life is under great strain, in large part because of the war in which have died the men whom we honor today.

I would use this occasion to present to you my own views as to the purposes of this war. I suspect that what I will say is not entirely unlike what many of the men whom we honor would say if they could speak to us today.

First, I would say to you that I believe that the effort in which these men died was a worthy cause—worthy of them and worthy of our land. For in that distant land where your sons died, freedom has long been under attack. The frail, fragile society of the Republic of Vietnam, struggling to make a decent and good life for its people, and under brutal onslaught from beyond its borders, would long ago have been destroyed were it not for the assistance offered by the United States of America.

LIVES FOR FREEDOM

The assistance has been offered for one reason only—to deny to the attacker his goal of destroying that small nation—to make it possible that some day the institutions of that small country will be able to grow and develop in their own ways, so that the needs of each citizen can be met. That is all your country seeks and that is what these men gave their lives for.

It is a simple objective, but its realization seems at times agonizingly remote. Yet those who are concerned about this world and its future should ponder well what might be the result should that simple objective not be attained.

If that should happen, I for one would be deeply saddened. I say this, among other reasons, because I have come to know the Vietnamese people and to admire them. I have seen what has been done to helpless people among them who do not bend to the will of those who would take over thier village, and district, and country.

The country which we in uniform serve stands for noble ideals—ideals such as "all men are created equal," and "governments derive their just powers from the consent of the governed"—ideals which are worthy of our support and for which American men have laid down their lives for two centuries. Your Army exists for one purpose alone—to serve that country, and, under the control of our magistrates, elected by the people, to do what it is ordered to do.

On behalf of your Army, I congratulate the people of Nashua on this memorial. May it remain here as a symbol of the sacrifices which the brave men of this region have made in pursuit of the ideals for which our country stands. And may their sacrifices always be marked by the people of this region as in a worthy cause.

ADMINISTRATION CONSIDERS OCEAN AGENCY

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I have learned from my good friend and colleague from Ohio (Mr. Mosher) that within the next few weeks the administration will be making a decision on a proposed new ocean agency.

According to the gentleman from Ohio, the administration will take a position on NOAA—National Oceanic and Atmospheric Agency—following a meeting between the President's Advisory Council on Executive Organization and the President's task force on oceanography. A decision is expected within the next 30 to 60 days.

NOAA is a priority recommendation of the President's Commission on Marine Science, Engineering and Development. The Commission report, entitled, "Our Nation and the Sea," was released in January of this year. NOAA would be an independent agency comprising many of the Federal ocean-related agencies now scattered throughout the bureaucracy. It would be responsible for formulating a national policy for the oceans and for assisting and coordinating State and private industry ocean-related activities.

I would urge those who are interested in the creation of this new ocean agency to convey their views to both Mr. Roy Ash, Chairman of the President's Advisory Council on Executive Organization, and Dr. James H. Wakelin, chairman of the Presidential task force on oceanography.

At this point in the RECORD I include the press statement from Congressman Mosher's office, an article from the Sunday Star of November 9, and my testimony before the Oceanography Subcommittee of Merchant Marine and Fisheries in support of NOAA.

PRESS RELEASE FROM HON. CHARLES A. MOSHER

WASHINGTON.—Congressman Charles A. Mosher (R.-Ohio) has learned that the Nixon Administration will take an official position within 60 days on the proposal to reorganize the federal government's marine science activities.

Mosher is the ranking minority member of the Oceanography Subcommittee of the House Merchant Marine and Fisheries Committee.

In an exchange of correspondence following Moslrer's urgent inquiry to the President regarding whether he will support a reorganization plan, the Congressman learned from Peter Flanigan, Assistant to the President, that the Administration will formulate its position "within the next 30 to 60 days."

The principal question is whether a new federal agency should be created to centralize and coordinate the government's current programs relating to the marine sciences. Such a reorganization plan has been urged by the Commission on Marine Science, Engineering and Resources—a distinguished Commission authorized by Congress in 1966 and approved by President Johnson. That group released a four-volume report in January after studying all aspects of the marine sciences for two years.

The Commission recommended creation of a new National Oceanic and Atmospheric Agency (NOAA) by assigning to it the following federal agencies: Coast Guard, Environmental Science Services Administration, Bureau of Commercial Fisheries, National Sea Grant Program, U.S. Lake Survey, National Oceanographic Data Center and Bureau of Sport Fisheries and Wildlife.

The House Oceanography Subcommittee has held 27 days of extensive hearings on the NOAA proposal and is on the verge of reporting out legislation to create the new agency. Congressional observers believe the bill will pass the House of Representatives this year.

As yet, the Nixon Administration has taken no position on the NOAA question.

Mosher, along with subcommittee chairman Congressman Alton Lennon (D.-N.C.) is considered a vigorous advocate of the NOAA proposal.

"It is highly significant," Mosher said, "that the Administration has now gone on record by saying it will decide whether to support the NOAA idea, or perhaps suggest some other reorganization proposal, or recommend that nothing new be done.

"I, for one, am optimistic they will see the wisdom of rising above bureaucratic infighting and petty jealousies and will announce a full-fledged, 100 percent commitment to reorganizing our presently fragmented and diluted oceanographic efforts."

The Administration's position will be developed, Mosher learned from Flanigan, following a meeting between the Chairman of the Presidential Task Force on Oceanography, Dr. James H. Wakelin, and members of the President's Advisory Council on Executive Reorganization, chaired by Roy Ash.

[From the Washington Sunday Star, Nov. 9, 1969]

PLAN TO HARVEST RICHES OF SEAS STIRS UP STORM—CREATING OVERALL AGENCY LACKS EXECUTIVE SUPPORT

(By Bailey Morris)

The sea around us—how to harness its power, harvest its resources and prevent its pollution—has become a subject of considerable controversy between Congress and the executive branch of the government. The economic potentials are vast.

At issue in the current debate is a recommendation by the prestigious Commission on Marine Science and Engineering Resources, headed by Julius A. Stratton, that a National Oceanic Atmospheric Agency (NOAA) be established at the federal level to co-ordinate and direct a national marine policy.

The idea of a national movement is not controversial because most people agree we have been slow to learn about and develop the great bodies of water around us that offer fish, rich protein foods, recreational facilities, vast mineral resources and knowledge about our weather patterns.

But the question of who or what will direct the movement is controversial.

SUPPORT DIVIDED

The establishment of NOAA has strong support among oceanographers, and industry leaders, particularly in oil, and Congressional leaders.

It is not supported by the executive branch including the Departments of Interior, Commerce, Transportation and the U.S. Corps of Engineers, each of which stands to lose something by its creation.

They stand to lose because NOAA, as recommended by the Stratton Commission would be formed by:

1. Transferring the Coast Guard with its 5,400 officers, 31,000 enlisted men and 5,900 support personnel from the Transportation Department to NOAA.

2. Transferring the Bureaus of Commercial Fisheries and Sport Fisheries and Wildlife from the Interior Department.

3. Transferring the Environmental Science Services Administration (ESSA) which includes the U.S. Weather Bureau, the U.S. Coast and Geodetic Survey, the Central Radio Propagation Lab of the National Bureau of Standards from Commerce.

4. Transferring the U.S. Lake Survey from the U.S. Corps of Engineers to the new agency.

OTHERS INCLUDED

This is not a complete list of all agencies and functions that would go into the making of NOAA which, according to the Stratton Commission, would bring under one roof the nation's fragmented water-use policies that currently are spread out among about 20 federal agencies and departments.

But it does explain why there is vigorous opposition from the federal agencies who have publicly attacked the NOAA concept in congressional hearings with these comments: the NOAA concept is too broad, the NOAA concept is not broad enough, existing agencies are adequate to do the job, NOAA would be too big to be well managed, funding for the program is unrealistic, the Stratton Commission did not give adequate consideration to alternatives, we should not be hasty in creating such an agency.

Bills urging the creation of NOAA have been introduced on both the House and Senate sides by Rep. Alton Lennon, D-N.C., chairman of the House Subcommittee on Oceanography, and Democratic Sen. Ernest F. Hollings of South Carolina who chairs a subcommittee on U.N. suboceanic land policy.

ACTION SOUGHT NOW

Both men have held extensive hearings on the proposal, both want action on the bills this session of Congress. An aide to Lennon says they hope to have their bill reported out of committee before Christmas.

But passage of the bills once they reach the floor will, according to congressional aides, largely depend on two considerations: The amount of money it will take to create a NOAA and the administration's stand on the issue.

The President's Advisory Council on Executive Organization, currently conducting a study on NOAA, was asked in February by President Nixon to make recommendations to him on the matter.

Murray Camarow, executive director of the Council, says he expects the staff to complete its report in two to three weeks. After that, the report will go to the five-man Council who will then report directly to President Nixon.

STATEMENT OF HON. JOHN B. ANDERSON OF ILLINOIS BEFORE THE SUBCOMMITTEE ON OCEANOGRAPHY, MAY 7, 1969

Mr. Chairman and Members of the Oceanography Subcommittee of the Merchant Marine and Fisheries Committee:

I am most grateful for this opportunity to appear before you today and discuss with you the report of the Commission on Marine Science, Engineering and Resources, "Our Nation and the Sea."

When I first indicated an interest in the Stratton Commission report earlier this year, someone expressed to me his surprise that a congressman from land-locked Rockford, Illinois should get excited about oceanography. But it's really not so unusual when you consider that my district borders on the Mississippi River and my State on Lake Michigan, both of which received some attention from the Commission. But moreover, I am deeply concerned about the problems and needs of our nation, and indeed, all mankind. We are all linked by our land-air-sea environment and we are all linked by the shrinking nature of our planet and the problems this portends.

As people become more and more numerous and as land and resources become more and more scarce, we must seek new ways to cope with this imminent crisis. The upcoming decade of the oceans holds great promise and high adventure in man's quest to meet his growing needs on this last great frontier on earth—a frontier spanning over two-thirds of the earth's surface yet one which we have barely skimmed.

The Congress recognized this potential back in 1966 with the passage of the Marine Resources and Engineering Development Act calling for a national ocean program. This committee is to be commended for the excellent leadership it has exerted and continues to exert in this area, and the Marine Resources Council and Marine Science Commission deserve our highest praise for the fine work they have done to date.

But the Commission has expired and left us with an impressive report and set of recommendations and the life of the Council has been extended for only one year. We must now decide what to do about the Stratton Commission report and what direction our national ocean program will take when the Council is disbanded.

It is obvious that if we are to proceed with a national marine policy in an orderly and unified fashion, we must seek new organizational means to bring such order and unity to our efforts; we need both a national and a rational approach. For this reason, I fully endorse the recommendation of the Stratton Commission to create a new, strong and independent National Oceanic and Atmospheric Agency to coordinate and direct our national marine policy in the years ahead.

I refrain from the temptation to call this a "wet NASA" as some have done since the analogy just doesn't hold water. As Dr. Wenk has pointed out, this is not a crash program, nor is it an exclusively Federal program. Industry, Academia and State and local bodies all play key roles in ocean-related research and development, and this is as it should be.

At the same time, there is a definite need for Federal leadership in this area, for a national plan of action based on a national policy. There is a need to draw together the proliferation of marine missions scattered throughout our sprawling Federal bureaucracy. There is a need to give some central direction and support to marine missions being conducted in industry, by universities and by State and local groupings. In short, there is a need to provide for a means for undertaking a full range of marine-related activities geared to broad human needs; or, as the 1966 Act put it, "to develop, encourage and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind."

I don't see how these needs could possibly be met without a strong, independent agency like NOAA. NOAA is central to the success of a large number of the Commission's recommendations and the Commission has therefore urged its "immediate adoption" if we are to "mobilize the resources of our Government in the most effective manner to lend strength and power to the Nation's marine commitment."

I concur with this assessment and urge this Committee to give priority attention to the implementation of the NOAA proposal.

I think it is significant to note that the Commission has chosen not to adopt the wholesale consolidation of all marine activities within a single structure. It recognized that some of these programs provide close operational support to the departments and agencies in which they are presently located and should therefore not be moved. These include the National Science Foundation's marine and atmospheric science programs, the Interior Department's fresh water, seashore and mineral resource programs, the Army Corps of Engineers' coastal and waterways programs, the Smithsonian Institution's biological and geological oceanography studies, the activities of the Office of Naval Research and the Naval Oceanographer, and the marine-related nuclear energy programs of the Atomic Energy Commission.

I think the decision to keep these out of NOAA is realistic, at least for the time being, since they are major components of their parent bodies. At the same time it is most vital that NOAA exert some type of coordination and planning role over these as the Commission has recommended.

For example, the Navy is way out in front as a leader in oceanographic research and development work, especially with the "Man in the Sea" program begun last year. Much of this work has spin-off civilian benefits of great value to our civil marine program. I am most concerned that NOAA has some built-in mechanism to catch such spin-off benefits and to avoid duplication. I think any legislation to create NOAA should clearly define its role with relation to civil marine programs outside NOAA and provide an effective means for their coordination.

Hopefully, this will be one of the primary responsibilities of the National Advisory Committee for the Oceans under NOAA, as proposed by the Stratton Commission. I question whether the head of NOAA could directly assume the sole responsibility for interagency planning and coordination as the Commission report has suggested.

However, there are marine programs within various Federal departments and agencies which are peripheral to the primary missions of their parent bodies and in their present form are too small to have visibility and impact. Instead, they breed insularity, overlap and competition and are obstacles to an integrated national approach. These are the components which must be brought together in a strong independent agency of our government, an agency like NOAA.

The Stratton Commission recommends that NOAA should be comprised of the U.S. Coast Guard, the Environmental Science Services Administration, the Bureau of Commercial Fisheries, the U.S. Lake Survey, the National Sea Grant Program, the National Oceanographic Data Center, certain programs of the Bureau of Sport Fisheries and possibly the National Center for Atmospheric Research and support for the United States Antarctic Research Program.

This reorganization would shift some 55,000 employees under the roof of NOAA as well as 320 seagoing ships. The Commission is also recommending several new programs under NOAA as well as the development of an undersea capability.

The proposed bureaucratic shifts are bound to raise some controversy, especially among those who tend to jealously guard their bureaucratic preserves. This is understandable and the full implications of such shifts should receive a thorough airing. But, as Dr. Stratton so ably pointed out in his testimony before this subcommittee last week, we must look beyond mere bureaucratic interests; in his words. "The real issue here is the national interest." We must think in terms of the human problems and needs such an approach addresses itself to.

In the words of the Commission report: "How fully and wisely the United States uses the sea in the decades ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world community, and the quality of the environment in which its people live."

The time for decision has arrived. Will we turn to the sea and work together to meet its challenges and realize its potential; or will we turn our backs on the sea and reject the opportunity to improve our environment and constructively utilize its resources?

The Commission has stated: "The Nation's stake can only be realized by a determined national effort great enough for the vast and rewarding task ahead."

Mr. Chairman, I urge this Committee to spur the great national effort that is needed by establishing an agency capable of carrying out the mandate of the Stratton Commission.

PEOPLE OF BIRMINGHAM PROVE DEVOTION ON VETERANS DAY

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, the city of Birmingham once again set the pace for the rest of the Nation in this year's observance of Veterans Day. The people of Birmingham and Jefferson County left no doubt as to their devotion to this country and their appreciation of the servicemen now in Vietnam and all veterans who have previously served their country.

Beginning a week-long observance honoring all veterans, the association of the U.S. Army, Birmingham chapter, honored Lt. Gen. John C. Persons (retired), by changing its name from the "Heart of Dixie" to the John C. Persons Chapter. As a result, General Persons became the first National Guard general to have his name applied to an AUSA Chapter. Three military leaders flew into Birmingham from Washington to honor General Persons—Maj. Gen. Winston P. Wilson, Chief of the Army's National Guard Bureau; Maj. Gen. William J. Sutton, Chief of the Army Reserve; and Lt. Gen. William R. Peers, Chief of the Officers of Reserve Components.

The Annual Distinguished National Veteran Award, created in Birmingham for America's first official national Veterans Day observance in 1954, was presented to aviation pioneer Col. Roscoe Turner. The presentation was made at a formal dinner on Monday evening, November 10, 1969 by Cooper T. Holt, executive secretary of the 1.5 million-member Veterans of Foreign Wars.

On the following day, Veterans Day began with memorial services, followed by the world peace luncheon. The purpose of this annual event, one of the outstanding events of the day in America, is to reaffirm faith in the governmental principles of freedom throughout the world, and to rededicate ourselves to active and forceful opposition to aggression and the favoring of strong military forces as the best guarantee for a continuing peace. The speaker for this year's luncheon was the Honorable Stanley R. Resor, Secretary of the Army.

Then came the parade. Some 35,000 persons marched with bands, floats, and military units before an estimated crowd of 250,000 cheering, flag-waving people. It was the biggest parade in the history of the city. The day was culminated at a Red, White, and Blue Rally in the city auditorium when Alabama's Governor, Albert P. Brewer, led the march from downtown to the auditorium. There, before a cheering throng of some 4,000 people, a patriotic extravaganza unfolded to precipitate a rededication to patriotism. The crowd sat in awe and respect as Capt. James S. Sprayberry of Sylacauga, Ala., one of Alabama's two Medal of Honor winners in the Vietnam war, spoke. The other Congressional Medal of Honor winner, the late Sgt. Mathew Leonard, received the citation posthumously on December 19, 1969. His widow and their five children were present and received a standing ovation presented to the audience.

Veterans Day observances like that in Birmingham do not just happen. Under the able direction of State Representative Raymond Weeks and with the cooperation of such men as Maj. Gen. Horace B. Hanson, Jr., Commanding General of the 87th Maneuver Area Command; Maj. Gen. Alfred C. Harrison, the Adjutant General of the State of Alabama; Maj. Gen. George R. Doster, Jr., Commanding General of Alabama's Air National Guard, and the sponsoring organizations—The American Legion, Veterans of Foreign Wars, Disabled American Veterans, Marine Corps League, The Rainbow Division of the Veterans Association, the United Spanish War Veterans, World War I Association, Jewish War Veterans, and the Amvets—the annual Veterans Day observances help make Birmingham America's most patriotic city.

WM. Mc. MARTIN, CHAIRMAN, FEDERAL RESERVE BOARD, AND HIS ATTEMPT TO REWRITE HISTORY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, Wm. Mc. Martin, Chairman of the Federal Reserve Board will soon be retiring from his position by law. I have charged that Mr. Martin has been the most expensive public official this country, and probably the world, has ever known. To date Mr. Martin has cost the American people over $300 billion in excessive interest costs. Mr. Speaker, this is an expensive luxury which this Nation and its people can ill afford.

Now, with the retirement of Mr. Martin at hand, he has decided to, as he views it, set the record straight, concerning two very important events. These are the so-called "accord" of 1951 and the action taken by the Federal Reserve Board in December of 1965 when by unilateral action the Federal Reserve raised interest rates—the discount—rate by 37½ percent.

Mr. Speaker, I have personally checked the official reports of President Truman and Johnson and at this point would like to report what the record actually says on these two important historic occasions.

In his address to the Business Council at Hot Springs, Va., October 17, 1969, William McChesney Martin casts a brief glance back over the years during which he has served as chairman of the Federal Reserve Board. It is a curious speech, somewhat defensive in tone, in that it deals primarily with two specific events during Mr. Martin's tenure and, by implication, with the issue which precipitated these events—namely, the seized independence of the Fed and the opposition of two Presidents to its policies.

Mr. Martin professes, during the course of his remarks, to "like studying history" and if this is so, he should have more respect for accuracy as the fundamental requirement of the process of recording or interpreting the past. In dealing at some length with the so-called Treasury Fed "accord" of 1951 and the increase in the discount rate of December 1965, he chooses to ignore the primary issue from the point of view of his superiors, Presidents Truman and Johnson, and to substitute his assessment of their views for an account of what actually occurred. In retrospect, it appears to Mr. Martin that he agreed to his nomination to the Federal Reserve Board by President Truman with the understanding that there was a basic disagreement between them, that he and the President did not have "the same understanding of the market process." He says that he explained his position and that Mr. Truman merely asked for an assurance "that—whatever might happen—'you'll do the best that you can.'" In other words according to Mr. Martin, the President, although finding himself at odds with the man he was to appoint, put forth the nomination anyway because he had confidence in Mr. Martin's judgment. Since, however, Mr. Martin states that the President "didn't understand market processes fully," it is also possible to infer that Mr. Truman was unaware that he was nominating a man whose views were not consistent with his own.

An examination of the events of 1951 indicates that Mr. Martin's rendering is greatly oversimplified and gives a false impression of the issues involved. Unfortunately, the so-called "accord" has never been seen by anyone not directly involved in the matter. Although Randolph Burgess, who came in as Under Secretary of the Treasury for Monetary Affairs in 1953, describes it as "a lot of codicils and strings and things," Mr. Martin has denied that an actual document was drawn up. It is necessary, therefore, to piece together the events of the period from the testimony of those involved.

In his autobiography, Beckoning Frontiers, Marriner Eccles, a former Chairman of the Federal Reserve Board and a member of the Board in 1951, writes that, prior to Mr. Martin's nomination, there was a movement afoot within the Fed to stop pegging the Government securities market. As of January 1951, however, the Fed had not made a formal presentation of its views to the Truman administration nor taken any action to accomplish its objective. Meanwhile, in November 1950, the President's Council of Economic Advisers, with the concurrence of the President, told the Congress that, in its view:

> An important inflationary movement should be met by increasing the facilities and volume of production. This process requires cheap and ample credit, and until the volume of output increases, inflationary pressure will increase and must be curbed by other than monetary measures of the kind which increase the cost of capital.

The preceding statement is by John D. Clark, former member of the Council of Economic Advisers; United States Monetary Policy, Hearings before the Subcommittee on Economic Stabilization of the Joint Committee on the Economic Report, 83d Congress, second session, December 1954, page 48. The Council opposed the suggestion made by the Federal Reserve that it should cease to support the Government bond market and let rising interest rates serve as a curb on inflation because, as the Council said:

> The one and only way (such a policy) reduces prices is by bringing about less employment, less output, and less demand for goods and services than would otherwise exist (*ibid.*, p. 48).

As noted, the President concurred in these views but had an additional reason for urging the Federal Reserve to continue to support the market. In his Memoirs, Mr. Truman writes that:

> It was my position that until we could determine the extent of the defense requirements that might result we should maintain a stable position in reference to money rates that affected the management of the public debt . . . It did not seem appropriate to me that we should enter into a period of deficit financing on a rising money-rate pattern. I also felt strongly that in the amount of impending crisis we should not take deliberate steps that could possibly disturb public confidence in the nation's financing. (*Memoirs* by Harry S. Truman, Doubleday & Company, Inc., Garden City, N.Y., 1956; Volume II, p. 44).

Mr. Truman explains what happened next:

> As the head of the Government I felt I had a duty as well as right to use every available resource to make sure of the success of the defense program. For that reason I invited the members of the Federal Reserve Board to visit with me. At this conference I asked them to give the Treasury their full support for its financing program, just as they had done during World War II.
>
> I was given assurance at this meeting that the Federal Reserve Board would support the Treasury's plans for the financing of the action in Korea. This assurance was given entirely voluntarily. At no time during the conference did I attempt to dictate to the Board or tell them what specific steps they ought to take. I explained to them the problems that faced me as Chief Executive, and when they left I firmly believed that I had their agreement to cooperate in our financing program. I was taken by surprise when subsequently they failed to support the program.
>
> Eventually an agreement was reached, but not until the differences of opinion between the Treasury and the Board had caused considerable worry to the President and much added expense to the taxpayers. (*Ibid*, pp. 44–45).

The White House had interpreted the expressions of support volunteered by Board members to mean that it would concur in the following statement of January 18, 1951, by Secretary of the Treasury Snyder:

> In the firm belief, after long consideration, that the 2½ per cent long-term rate is fair and equitable to the investor, and that market stability is essential, the Treasury Department has concluded, after joint conferences with President Truman and Chairman McCabe of the Federal Reserve Board, that the refunding of new money issues will be financed within the pattern of that rate. (Quoted by Marriner Eccles, *Beckoning Frontiers*, Alfred A. Knopf, New York, 1951, p. 484).

Mr. Eccles disagreed with this position and felt that a majority of the Federal Open Market Committee concurred in his views. On his own initiative as he writes, he brought the matter out into the open by releasing the memorandum of its meeting with the President which the Board had prepared. Focusing on the fact that the President had not tried to "dictate to the Board or tell them what specific steps they ought to take," Eccles denied that the Board had agreed to continue to support the Government bond market or maintain the 2½ percent long-term rate. He interpreted the Board's offer of support as just a vague commitment "to protect the Government credit." He emphasized the fact that Chairman McCabe had suggested to the President that the Board "consult frequently with the Secretary of the Treasury, giving him our views at all times and presenting our point of view strongly, and that by every means possible we try to reach an agreement."—Ibid., page 489.

During this period of consultations between the Board and Treasury, Treasury Secretary Snyder became ill and William McChesney Martin took his place as spokesman for the Treasury at the meetings which Chairman McCabe had suggested. Describing his role during the subsequent hearings on his nomination as a member of the Board, March 19, 1951, Mr. Martin said:

> I pled with the Federal Reserve Board and with the Open Market Committee to go along with us on this operation; that we both of us jointly agree to keep within the family what our policies and programs were, and that I

> wanted to have a working relationship between the Treasury and the Federal Reserve that would make it possible for us to combine our judgments as to what proper pricing of securities should be. (*Nomination of William McChesney Martin, Jr.*, Hearings before the Senate Committee on Banking and Currency, 82nd Cong., 1st Sess., March 19, 1951, p. 10.)

During the course of these negotiations, Chairman McCabe submitted his resignation effective March 31, 1951, and President Truman nominated Mr. Martin, the Treasury spokesman, to succeed him. Subsequently, Mr. Eccles implied that McCabe resigned in protest over the terms of the accord—possibly because he was unaware that, in the end, the Fed would win. During the hearings on his nomination, Mr. Martin gave his view of the projected relationship between the Fed and Treasury:

> I don't see any way that we can move forward, regardless of how the arrangements that currently exist were arrived at, to refinance in the balance of this year $39,000,000,000 in addition to some $13,000,000,000 of bills, plus any new money demands that may be faced by the Treasury—I don't see how we can move forward to face that sort of a situation unless the Treasury and the Federal Reserve are working hand in glove. (*Ibid.*, p. 6).

Elsewhere during the course of these hearings, Mr. Martin defined the so-called "accord" in a colloquy with Senator Bricker:

> Senator Bricker. What further commitments, if any, are there on the part of the Treasury or the Federal Reserve under this so-called understanding, which of course was never reduced to writing in any way, shape, or form, or any definite promise, but what is the understanding as to the future?
>
> Mr. Martin. Well, the understanding as to the future is that the Treasury and the Federal Reserve work very, very closely together.
>
> Senator Bricker. That is what I was getting at, whether there was any definite understanding of any kind or character or whether there was just an understanding that would be a definite working arrangement.
>
> Mr. Martin. There is a working arrangement, yes, sir. (*Ibid.*, p. 13).

The "accord," then, appears to have been an arrangement for consultation between the Fed and Treasury as to policy. Both Mr. Truman's Memoirs and Mr. Martin's testimony emphasize the need for a coordination of policy. Mr. Truman writes that, after a period during which the Fed "failed to support the program," "an agreement was reached" which appears to have been satisfactory to the President. During his 1956 testimony, Mr. Martin elaborated on this point and revealed that the Fed, under his chairmanship, had acted to coordinate its policies with those of the Treasury and, while pushing through a compromise as to pricing, had continued to support the Government bond market. As Senator Douglas' interrogation in the following colloquy reveals, this was the first public acknowledgment of Fed policy in the post-accord period and contradicted a widely held misconception as to the actual timetable of events:

> Mr. Martin. Going back to the March 1951 Treasury-Federal Reserve accord, at that time it was clearly understood that the Federal Reserve would continue to be an underwriter for Treasury securities.
>
> Senator Douglas. Would?
>
> Mr. Martin. That is correct. Would continue to be an underwriter for Treasury securities during the time they were being offered. In other words, we supported Treasury issues to a limited extent and stood ready to support them all during the period of the Treasury-Federal Reserve accord, which was the last nine months of 1951—from March 4, 1951, until January 1, 1952.
>
> Senator Douglas. Then you decided not to?
>
> Mr. Martin. No.
>
> Senator Douglas. Or you did not do so?
>
> Mr. Martin. No. We gradually worked in that direction. You see, it was an evolutionary process.
>
> Senator Douglas. And you made public affirmation on September 24, 1953, that you did not intend to?
>
> Mr. Martin. We had arrived at the point where we hoped we did not have to ever again directly support Treasury securities. (*Nomination of William McChesney Martin, Jr.*, Hearings before the Senate Banking and Currency Committee, 89th Cong., 2d Sess., January 27, 1956; pp. 14–15).

A final comment on the accord, tending to support Mr. Martin's testimony, came from Randolph Burgess, Under Secretary of the Treasury for Monetary Affairs in the Eisenhower administration. Mr. Burgess said:

> Now the agreement had a lot of codicils and strings and things to it that made it far from perfect, but it was a great step forward. It did not go all the way. It did not completely free the market from Federal Reserve support. The Treasury, I think, continued to try to put over its securities at artificially low rates. When we came in, at the end of 1952 and the beginning of 1953, we recognized those principles. We felt we carried them to their logical conclusion in giving the Federal Reserve the freedom it needed to fulfill its lawful function of influencing the credit situation in the public interest. (*Conflicting Official Views on Monetary Policy: April 1956*, Hearings before the Subcommittee on Economic Stabilization of the Joint Committee on the Economic Report, 84th Cong., 2d Sess., June 12, 1956: p. 40).

These excerpts present a picture of the accord which is far more complex than the version handed out by Mr. Martin at Hot Springs in the name of "Reminiscense and Reflections." It would appear from the foregoing remarks that the Fed did not seize its independence, as so often claimed, in 1951, but, rather that it obtained its independence by administrative fiat in 1953. In other words, the Eisenhower administration granted the Fed its independence together with a specific mandate to raise interest rates. As for Mr. Martin—whatever other differences he may have had with President Truman, he appears to have agreed with the central premise of the Truman position; that is, that the policies of the Fed should be coordinated with those of the administration. His action in 1953 was not inconsistent with that view. It was a response to a new administration and a new policy.

Mr. Martin sees himself as consistent as well, but in a different sense. He links together the events of 1951 and 1965 as emanating from a single sustained point of view—his view, enunciated for the first time in his conversations with President Truman, "that markets will not wait upon Kings, Prime Ministers, Presidents, Secretaries of the Treasury—or Chairman of the Federal Reserve Board." His disagreements with Presidents Truman and Johnson arose, he implies, because they favored imposing an artificial interest rate on the market. Mr. Martin ignores the fact that the Fed's concept of a "free" market has been under attack for years and from a number of different points of view. He chooses, instead, to characterize President Johnson as a politician who liked interest rates "to be low—all the time," and as a President who would not face up to his "budgetary responsibility." Mr. Martin says he warned the President in 1965 that he would have to increase taxes and reduce expenditures and that the President agreed. But the President wanted to delay action for fear that it would result in "overkill." The implication is that, since the President would not act in the face of "inflationary pressures" which "were burgeoning," the Fed had to act on its own initiative to raise discount rates. The President objected. But Mr. Martin does not tell us why he objected. Presumably it is because of the President's bias for low interest rates.

In his statement on the Board's action, December 5, 1965, President Johnson was as "totally frank" as Mr. Martin says he was. President Johnson admits that he regrets, "as do most Americans, any action that raises the cost of credit, particularly for homes, schools, hospitals, and factories." Nevertheless, this was not the only reason that the President objected to the increase in the discount rate. As he said:

> I particularly regret that this action was taken before January when we will have before us the full facts on next year's budget, Vietnam costs, housing starts, State and local spending, and other elements in the economic outlook.
>
> My view and the view of the Secretary of the Treasury and the Council of Economic Advisers is that the decision on interest rates should be a coordinated policy decision in January, when the nature and impact of the administration's budgetary and Vietnam decisions are known. This view was apparently shared by three of the seven board members.

As this excerpt indicates, President Johnson objected to the fact that, as he said, this was "an independent decision" by the Fed. His view of the necessity for a coordination of monetary policy with the overall economic policies of the Government was no different from that of President Truman. One might add that this was also the view of Presidents Roosevelt and Kennedy and that, at one time, it was even the view of William McChesney Martin. One cannot fault Mr. Martin for disagreeing with the policies of any administration. That is the prerogative of any public official or private citizen. Nevertheless, one cannot imagine any other Government agency or department taking unilateral action on an issue in the face of the President's disapproval.

President Johnson prefaced his remarks on December 5, 1965 with the following statement:

> The Federal Reserve Board is an independent agency. Its decision was an independent decision.

The basis for the Federal Reserve's claim to independence is its role as an agent of Congress rather than as a department or agency of the administration. However, the Federal Reserve was not responding to the will of Congress in its action of December 1965, nor has the Congress, acting within the constitutional framework of a balance of powers, ever made use of its agent, the Federal Reserve, to thwart the will of the executive. Through its control of the purse strings, Congress has a substantive veto over administrative policy which it opposes. It has no such control over the Federal Reserve. Historically, whatever degree of control the Government has had over the Federal Reserve has been exercised by the administration. Up to 1935, the Secretary of the Treasury and the Comptroller of the Currency were ex officio members of the Federal Reserve Board. Thereafter, control was exercised by agreement around the principle of the necessity for coordinating policy.

The 1935 Act has been interpreted by the Federal Reserve as an expression of congressional determination to maintain its constitutional prerogative to issue money and regulate its value, and to retain the Federal Reserve as an agency of Congress as opposed to an adjunct of the administration. However, such a resolution on the part of Congress would require a greater obligation for control over the actions of the Federal Reserve than is currently exercised. The Congress must impose as much responsibility on the Federal Reserve for maintaining its goals—the goals of the Employment Act of 1946—as it has imposed upon the executive. The issue of congressional control over money must be resolved, not abrogated.

Mr. Speaker, in my opinion, Mr. Martin in this speech where he attempts to rewrite history, has as his objective that of nailing down the specious argument that the Federal Reserve is an independent agency and that this independence emanates from congressional action.

Mr. Speaker, this is a false and misleading statement and misinterpretation of the fact and law. I trust this analysis will place at rest the arguments advanced by Mr. Martin.

NO BARGAINS IN THE CREDIT MARKET

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, absolutely no indication has yet been given by the Nation's large commercial banks that they are recovering from their latest attack of paralysis of the conscience. The symptoms became apparent last December 2, the Christmas season notwithstanding, and the fever for profit did not peak out until June 9. During that 6-month period the large commercial banks raised their prime rate—the rate on loans to their largest, lowest risk customers—five times to the current, exorbitant, completely unjustified level of 8½ percent. That level has been maintained for 5 months and has had a profound effect in terms of weakening the Nation's economy because raising the prime rate has meant that interest rates on all other loans have also been increased.

The bankers were asked to explain their actions during hearings held by the House Banking and Currency Committee. They presented what could only be described as irrational mumblings that amounted to the excuse that they just could not bring themselves to say no to their big borrowers and that the only way they could reduce demands for inflationary loans and preserve their liquidity was to raise the interest rate five times. The public outcry that followed the last increase apparently checked any plans to openly raise the prime rate further. By the same token, these same bankers are now quietly saying no to prime rate applicants when they feel they should not make such loans.

In the meantime the prime rate sickness of the large bankers has crept through the economy, pushing up interest rates on consumer loans and mortgages and raising the cost of practically every item on the market. There is no escape from the fact that increasing the cost of money required by all businesses and industries to remain in operation raises the cost of the goods and services they produce. It also creates a perfect climate for small business and industry failures.

Mr. Speaker, some excellent examples of what raising the prime rate has meant to the people of this Nation, especially our low- and moderate-income families, are contained in two articles which appeared in the Guide, a new weekly newspaper being published in Rapid City, S. Dak. The editors are to be congratulated for doing a fine job and it is my hope they will be given every encouragement to continue informing the public about such vital issues. I present these articles to be printed in the Record:

[From the Rapid City (S. Dak.) Guide, Oct. 23, 1969]

How To Shop for the Money You Borrow—New York Bankers Dictate Interest Here

(By Ernie Stallworth)

Are you making more money these days and finding it buys less? If you are, maybe you've picketed grocery stores, complained bitterly about taxes, protested to a store manager, or written to Detroit.

Have you even thought of picketing David Rockefeller's Chase Manhattan Bank in New York?

Well, if you haven't, maybe you ought to. Mr. Rockefeller's bank, and a small handful of huge Eastern and Western banks, are profitably enjoying inflation—and some people here think they may be causing more of it.

Rapid City may be about 2,000 miles from New York, but the money market is national. A rise in the prime rate of interest—granted to only the best credit risks—means a rise in interest rates for loans for cars, appliances, furniture, and houses.

A rise in the prime rate of interest—it's gone up five times in the last year to 8.5 percent—also means a higher cost of doing business for corporations and other businesses. The corporations, naturally, pass on that higher cost to the consumer.

The question, then, is one of control. And, control of the prime rate is in the hands of Chase Manhattan Bank, a few other banks, and the Federal Reserve Board.

The justification for the prime rate's rise is known, and believed, by most first year economic students: men and businessmen are rational economic animals, and they'll quit borrowing money if the interest rate is high enough. When they quit or slow borrowing, the economy cools down and inflation is halted.

There's just one problem. People need cars (and houses and appliances), and businessmen need growth in their businesses. Both will pay the going rate to get what they want.

Bankers say interest rates will be "whatever the market will bear," and it will bear a lot because middle class America finds houses, cars, and appliances to be necessities.

"The big banks do get rich off this deal," one finance company manager said, "and it's running the small finance companies out of business. The small companies are still charging the top legal rate to the consumer, but money costs them more and more. The profit margin is constantly shrinking."

Large, national finance companys can get money at rates close to the prime rate (say, nine percent), but the little finance company has to borrow at 14 or 15 percent. Both firms have to obey the maximum legal rate of 30 percent for the first $300 of a loan under South Dakota's small loan law. If even a small percentage of customers default on their payments, the small companies are in trouble.

Most consumer advocates are not greatly concerned over the small finance company's plight—the small "fly-by-night" loan company is guilty of many abuses to the consumer, they say—but they are concerned over the increasingly high interest rates.

Interest rates affect all business prices, consumer advocates say, although the cost may be hidden. And, interest charges are one item most families don't figure into a yearly budget.

Direct interest charges to nearly every consumer are over $100 a year, and bad credit risks or persons who do a lot of installment buying will find credit charges in the hundreds of dollars yearly.

National labor union officials have recently called for wage and price controls to stop inflation in a war economy, and some bankers and finance company executives here tend to agree with them.

"I hope the government will see that raising interest rates is not the answer," one finance company manager said. "They should reduce the rates, and use other means—even wage and price controls—to control inflation."

Higher interest rates have not affected the national economy to any significant degree although some economists are predicting a slower growth rate in the first quarter of 1970. Bankers and other credit managers here also report no decrease in borrowing.

"It hasn't done anything to my business," an automobile credit manager reported. "In fact, I've already written more contracts this year than I wrote in the entire 1965 year."

And, the money crunch supposed to be caused by higher prime rates has not affected South Dakota. Plenty of money is available here for consumer loans and even for home mortgages, but the high interest charges—up to 8 percent—probably affect the home construction market.

"If you're a new consumer borrower anywhere in the country, you can get money," one bank executive said, "but if you're a new commercial customer in a metropolitan market, you probably won't get any."

Walter Palling, president of South Dakota National Bank, explained why local banks have funds and urban America is running short. "Most city banks are running at 85 percent in loan to deposit ratios, but we're only at 59 percent and we won't go much higher," Palling said.

Increasing finance costs due to higher wages and inflation directly affect local interest charges at banks more than the increasing prime rate, Palling said.

Banks, of course, have depositors' cash to lend. This money costs them, at most 5.25

percent interest—well below the current prime rate. For this reason, banks can afford to charge consumers less interest on loans than finance companies and their rates are affected most directly by higher overhead costs.

SHOPPING FOR CREDIT

In interviews with about 20 bankers, automobile credit managers, finance company managers, credit managers at local stores, the credit bureau, and consumer representatives, we found that a long-established wealthy resident of the community could receive his lowest interest from a bank.

The wealthy resident has collateral and is a very low risk borrower—but, of course, many credit managers say he doesn't really need much loan money.

Most consumers, however, who shop for credit to finance a car will find they will receive about the same interest charges from banks, finance companies, and car dealers. In the area of personal loans, the banks will almost always charge a lower rate than the finance companies.

There is one qualification regarding this observable trend: consumers who do not shop for credit will almost always be charged higher rates of interest.

And most Rapid City consumers are more interested in the amount of the monthly payment than they are in the hundreds of dollars of interest charged on a normal car loan.

"A guy will know what size monthly payment he can handle when he comes in," an automobile company credit manager said, "and if the payment we quote is pretty close to what he figured, that's as far as it goes. It's not that we don't tell him the true interest rate—we're in favor of truth in lending and we can give him as good a deal as anywhere—it's just that he's not really interested."

A consumer who is not really interested in interest charges could pay 14 percent annually for a three-year car loan he could have obtained for 12 percent. Or a borderline credit risk—rejected by a car dealer's normal source of credit—might pay 25 percent annually without really knowing why.

"Even one percent can make a difference over a long mortgage," a local banker said, "but the little guy doesn't know where to go for money. Some people borrow from finance companies for years without knowing they might get a two-to-three percent lower rate from us."

All credit people interviewed supported the new federal legislation requiring complete disclosure of simple annual interest rates to the consumer, but bankers were especially enthusiastic about the law which went into effect July 1.

"It takes a lot of criticism off of us," one bank said. "When other things get dull, people attack the banks, you know. We supported it, and I think it is good for the consumer."

Another banker thought it would help business. "It's really great for us," he said. "When people shop for credit they usually find that we can give them the lowest interest, so we get their business."

The new federal law might be helping banks, but of far more impact on their business is the relatively new aggressiveness in the bank loan departments. Nationally, banks have been late entering the consumer loan market which has been expanding explosively during the last 25 years.

"The banks have found out where the income is," one finance company manager said. "Years ago they wouldn't talk about personal loans. Now most of the people in their credit departments are finance company trained, they're much more aggressive, and they're hurting us."

One finance company manager said banks here were more aggressive than most banks in small towns, but not yet as aggressive as big city banks. "Banks in the cities take many more borderline risks, and they make our business there even riskier," he said.

And, for some strange reason, banks seem to have fewer defaults on their loans. "People seem to think they have to pay a bank, and that they can just leave us hanging high and dry," a finance company manager said. "The bank credit department might have 1,000 accounts in the hands of each man, but we can only handle 250 accounts per man here because of more payment problems."

Banks seem to have a smaller overhead than finance companies, but their lower interest rates on loans are actually a result of paying depositors less than the going prime rate for money. In most cases they can get depositors' money at four percent less than finance companies can borrow it.

Finance companies—with one exception—can never match the bank rates to consumers who borrow on their personal signatures without collateral because they operate under different laws than banks.

Banks operate under either the usury law (which sets a ceiling of eight percent simple interest) or the installment loan law (which has maximums of eight percent adds on interest—about 15 percent simple—on the first $1,000 and six percent add on interest—about 11 percent—on amounts above $1,000.).

Most banks, and the one finance company, operate under the installment loan law because eight percent simple annual interest is too low a ceiling to be profitable.

"We're not at the maximum under the installment loan law," the finance company manager said. "We would charge you six percent add on for a loan of $1,200." Most banks do not operate at the maximum under the law, either.

Asked why his company used the lower limits of the installment loan law, the manager laughed and said, "That's why we make more loans than most other companies. We are pretty comparable to banks in this area, but we offer fast service and we'll take a customer if he's leaving town because we're a national company."

The company, however, uses the small loan law—which is normal for finance companies—for loans under $1,000 because of higher overhead costs compared to the bank, the manager said.

Most finance companies operate under this small loan law which allows 30 percent interest on the first $300 of a loan, 24 percent interest between $300 and $600, 18 percent between $600 and $1,200, and 12 percent between $1,200 and $2,500. All of the companies operate at or near the maximum limits.

The difference between a bank loan of $1,000 at about 15 percent interest for three years and a finance company loan at about 25 percent interest can be several hundred dollars.

The consumer who would make such a loan with a finance company is probably a bad credit risk, or was turned down by a bank for one of several reasons, or did not shop for credit. However, the finance company managers do not feel they are necessarily overcharging the consumer.

"Our overhead is higher than the bank's," one finance company manager said. "We just don't have as many sources of income, money costs us more, and we have a higher loss ratio."

Finance company officials estimated that about a $500 loan is the breakeven point below which they did not make any money. Bank officials said the national bank breakeven point is $435.

One finance company official said the cost of approving a new customer is $37 and costs for posting one payment are $5. Therefore, on a $500 six-month loan the finance company cost is $67, and interest charges are only $39.

Approving a loan for an old customer costs $19, the official said, therefore the second $500 six month loan costs $49.

"We're losing money on both of these kinds of transactions," the official said "but we're building up to a larger loan in the future. We have to expect to lose some money while we're gaining a new customer."

Finance companies here vary in size and operation from a lone individually operated firm to the largest national chains. And, the amount of business, size of an average loan, and the average monthly income of a consumer also varies with the size of the firm.

The biggest chain companies here will average loans of $1,000 and other regional chains will average from $600 to $800. The average customer will usually make $500 a month or more. Other, smaller chains will take greater risks with consumers and will average smaller loans.

One local manager of a national company said the average monthly income of South Dakota borrower is $480 for his firm, and that 48 percent of the customers are military people.

Three aspects of finance company operations are particularly appealing to military people; fast service, quick checks of old financial records, and the mobility offered by national chains.

"Some military people haven't used credit for three years," one finance company official said, "if they were civilians, we'd be hesitant. But, with the military we call the old credit references and usually give them credit."

THE GREAT DISPUTE OVER CAR LOANS

Finance companies—particularly the smaller, regional chains—do a tremendous portion of their business with automobile dealers, furniture stores, and appliance stores.

The consumer usually deals directly with the businessman in such cases, and the businessman calls the finance company for a credit check and to sell the contract. The system works in two ways—either the dealer partially guarantees payment of the loan and receives some of the interest charges (cars) or the dealer acts as the finance company's agent without payment.

In the case of automobile loans, a finance company or a bank will quote a "dealer rate" to local credit managers for automobile firms. The dealer will guarantee the payment of the balance of the account if the customer defaults, and will keep part of the interest charged to the customer as a "dealer reserve" against defaults.

In Rapid City, the going dealer rate is about 5.75 percent add on interest (about 11 percent simple) and the customer usually pays between 6.5 and 7.0 add on interest (about 13 percent simple). A consumer with good credit can probably get a lower rate by shopping for credit, but the days of 4.5 or 5.0 percent add on rates for cars are gone.

Most dealers make about $100 on each contract, and when 400 contracts are written in a year the dealer reserve can reach $40,000. National Automobile Dealer Association figures say about 50 percent of a dealer's profit for the year will come out of the dealer reserve account.

Car dealers and finance companies have various arrangements and different reserve account procedures, but a good estimate would be that at least one-half of the gross dealer reserve remains at the end of the year as profit.

One credit manager for a local car dealer furnished this example of how the system works:

The dealer sells a car to a good customer who needs a $2,000 loan. The dealer offers the customer six percent add on interest (insurance isn't needed), and the finance company gets 5.75 percent add on interest off the top.

The finance charges are $369.69. The finance company gets $354.40 and the dealer puts $15.29 in the dealer reserve.

As is obvious, the greater the difference between the customer rate and the dealer rate, the more dealer reserve—and profit—made by the car dealer. Although each person concerned with credit interviewed for this story agreed interest charges had climbed about two to three percent during the last year or two, there was a big dispute over who offered the best rates for cars.

"Any time you eliminate a middle man you will get a better deal," one banker said. "It just stands to reason we can give the consumer a better rate than the dealer can."

"We're competitive with the banks—we have to be if we want the business," one dealer said. "The average customer will get the same rate here he would get at the bank. The bank isn't going to give him the dealer rate."

The consumer won't get the dealer rate because the dealer has guaranteed the balance of the loan will be repaid if the bank returns the car to him within 90 days after a default. Still, the dispute rages on about how low the rate will drop at a bank.

"GMAC—and other finance companies—pay 9.5 percent for their money," one banker said. "We don't pay that much so it stands to reason that our rates will be lower."

And, a comment from an "impartial" finance company official. "Oh, I think you'd get the same rate here, in the showroom, or at the bank. The bank has this line about lower rates because they want the business. Actually, they just make more profit, they don't have lower rates."

It is clear that a wealthy, well-established consumer can get pretty close to the dealer rate—and the best deal—from a bank, but it is unclear where the best deal awaits the average consumer. He'll have to shop to find out.

The car dealer, however, is under considerably more pressure than the bank to see that a borderline credit risk gets a loan.

"The bank doesn't have to take the contract, but the dealer has to finance cars—particularly used cars—to stay in business," a dealer said. "You can't expect us to guarantee payment without having some reserve, can you?"

The car dealer may make $20,000 to $30,000 profit yearly on his dealer reserve during good economic times, but he can be in big trouble if a recession hits or a large, local industry shuts down.

"The average dealer guarantees an amount of paper far in excess of what he can normally financially handle," a dealer said. "When you talk about 300 new units a year, you have a lot of paper in three years. And, used cars are even more dangerous."

During 1936 many car dealers went out of business because of numerous repossessions, and the recessions in the 1950's were not happy times.

"Construction booms are one thing to watch out for," a car dealer said, "the workers will make a lot of overtime and they will over buy. If the boom dies, they either refuse to pay or they can't pay. The cars become repossessions, and the dealer is in trouble."

Dealers are usually pretty careful about checking credit ratings on the purchases of new cars, but they take risks on used cars. "We have to move those used cars because we're constantly getting more trade-ins. We'll take more borderline cases and we'll try to keep a large dealer reserve to avoid being wiped out," a dealer said.

BUYING ON "TIME"

The second type of contract business done by finance companies is considerably less complicated. Small furniture and appliance dealers offer credit services to their customers, and when they write the contract they act as agents for a finance company.

"The salesman will call us, we'll check the credit and tell him whether we'll take the contract," a finance company manager said. "About 60 percent of our business is done with small appliance and furniture companies."

The larger, national finance companies handle most of the automobile contracts, and the smaller, regional companies handle most of the appliance contracts. The finance company rates are higher on appliances than either direct loans from a bank or charge accounts with department stores would be.

Many of the appliance contracts have rates of 1 percent add on interest a month or about 22 percent a year. Most charge accounts at large department stores charge 1.5 percent a month on the unpaid balance of 18 percent annually. A $500 loan from a bank can be obtained for about 15 percent annually.

Consumers who may be knowledgeable about credit shopping for automobiles many times have little interest or knowledge about the credit terms and pitfalls in the booming charge account business in America.

And, the impact of the family charge account on a nice, neat budget cannot be blamed on profit-seeking New York bankers—whatever else can be blamed on them.

[From the Rapid City (S. Dak.) Guide, Oct. 30, 1969]

HOW TO SHOP FOR MONEY YOU BORROW—CREDIT REFORM PRESSURE MOUNTING BUT CONSUMERS ARE GENERALLY APATHETIC

(By Ernie Stallworth)

The banks have a well-heeled Washington lobby which is so powerful it recently stopped a Congressional investigation of its activities. The finance companies fund studies the writing of uniform laws. Department stores can exert terrific pressure on lawmakers.

Who speaks for the consumer?

Until recently few people did. Now, a growing consumer revolt—fed by the muckraking of Ralph Nader and energetic mayoral commissions in New York and Washington—is spawning national, statewide, and local organizations to fight for consumer rights.

One right the South Dakota Consumer's League, an organization with expanding influence since its formation in 1968, will fight for next legislative session will be the right to a reasonable rate of interest, and an end to what consumer advocates call privileged laws for banks, finance companies, and department stores.

The league, armed with research done by local attorney James Abourezk, will challenge some of the credit industry's most jealously guarded assumptions and some of its most stoutly defended laws.

And, it will attempt to do this while fighting a Uniform Consumer Credit Code (UCCC) which Abourezk says is favorable to the creditors and was funded by national finance companies, and national retail chains.

"Some of my best friends are bankers," Abourezk said, grinning. "But, they only gouge you more reasonably than the finance companies."

Abourezk's major contentions in a study he is completing for the consumer's league will spark some hot arguments during the next legislative session, and the league is certain to face tough opposition if it attempts the reforms he suggests.

For the consumer, the reforms could mean more of an interest rebate when a loan is paid off early, the elimination of large payments at the end of the installment period, the guarantee that defective merchandise would always be a defense against non-payment, and the assurance that an item to be purchased would always be considered enough collateral for a loan.

Other proposals in the league study will call for lower finance charges—Abourezk calls them interest charges—on charge accounts at major department stores, and lower interest charges on small loans.

In justifying his proposals, Abourezk attacks a basic assumption of the credit industry—the existence of a free market in money.

The free market concept is used by the credit industry to justify high legal ceilings on the amount of interest it can charge. The argument is that high ceilings will make entry into the market easier, and that—after this entry is obtained—the resulting competition will drive down the price of interest.

"The free market thing is a myth," Abourezk said. "The credit industry just uses it to make bigger profits because of the higher ceilings."

There are plenty of credit outlets here, Abourezk said, and the average customer will get about the same rate of interest quoted to him all over town. "Most of the finance companies are at the maximum already. I don't see any competition here."

And, the situation will not improve. "I can't see that the supply of money will ever exceed people's demand for it because people have to have cars, appliances, and houses," Abourezk said.

Abourezk, therefore, feels the legislature should set reasonable ceilings for interest rates, but that the UCCC proposals are too high.

"I grew up in the retail business," Abourezk said, "and my family still extends a great deal of credit. But, they have never had to charge an interest rate.

"Credit losses because of non-paying customers and because of the use of money for an extended period of time deserve an interest charge, but not to the extent proposed by the large retail chains," he said.

Most retail outlets charge from 1.2 to 1.5 percent interest a month, but Abourezk said one percent would be more fair. "If this rate would force the companies to tighten up on credit, it'll be fine with me. I do a lot of personal bankruptcies because credit is too easy."

Strangely enough, many people in the credit industry agree with Abourezk in his criticisms of too easy credit and in his belief that a free market does not exist in money.

However, most of the 20 persons in banking, finance companies, department stores, and automobile firms interviewed for this series feel they are not to blame for the rising interest rates. The rates and the rising profits are made by the big New York and San Francisco banks, most said, and they advocated curbing the banks at the national level.

And, finance company executives felt they were being squeezed between the rising price for money, inflationary increases in costs, and the legal ceiling for interest rates.

The facts of an expanding credit market here and yet the disappearance of the individually owned finance company would appear to substantiate some of these fears. Four companies have sold out to large chain operations in the last two years, and one individually owned store is currently in the process of going out of business.

The fault for the closing of these individually operated companies obviously does not belong on the shoulders of local consumers who are well thought of by most in the credit industry.

Reflecting the ranch, small town, nonurban background of its residents, Rapid City people are "straight" and "square." One of the things this means is they pay their debts, are concerned about image in the community, and make up a good credit risk town.

"People still believe in people here," one newly arrived finance company manager said. "They still try to find a solution to their payment problems. In the cities, people don't believe in anybody anymore. They lie awake at night thinking of ways to beat you."

PITFALLS INHERENT IN "THE SYSTEM"

However good credit risks consumers here happen to be, they are still subject to the normal pitfalls inherent in the credit system.

For the knowledgeable credit shopper, these pitfalls are easily avoided. But, for the unknowing and trusting young person or wage earner, buying on "time" can be disastrous for the well-balanced budget.

The first guideline for the wary buyer is that a consumer who shops for credit will invariably do better than one who does not. This, of course, is a commonplace, but too many consumers forget that interest accounts for several hundred dollars in the yearly budget.

And, sometimes those who are aware of the cost are too embarrassed or too intimidated by the crisp atmosphere in a finance company to shop for money.

A knowledgeable guess would be that a shopper for car loans will be offered about the same rate of interest anywhere he shops (although there is a small debate over this which we covered in last week's installment).

A personal unsecured loan to tide a family over Christmas or an unexpected expense is probably best obtained at a bank because the bank operates under the installment loan law and offers lower interest across the board than a finance company.

For example, a $200 90-day note at a bank can usually be obtained for as little as $2, and even a $700 loan for six months can be handled for as little as $20. However, a finance company will charge about $40 for a six month $500 loan.

A second helpful factor in credit shopping is knowing where you stand with the local credit bureau. New federal guidelines require old information to be deleted from your records after seven years. Although Miss Florence Burnette, manager of the Credit Bureau of Rapid City, assured us these guidelines were followed, checking the records would not hurt you.

Miss Burnette said about 100 people a month go over their records at the bureau, but most are referred by local stores. Accurate information may not be a problem, but a consumer should be certain his good credit references are included in the records as well as the bad ones.

A knowledgeable consumer will also be aware that personal affairs unrelated to ability to pay may influence his credit risk. Among these are divorce proceedings, age, stability in residence, and stability in job. Many of these considerations are no longer as important as they once were at banks, but they are still taken into account.

For example, a person involved in divorce proceedings should know that he will receive a much lower rate of interest if he postpones buying until the divorce is completed. Most credit agencies are reluctant to lend during a divorce, and interest on a three-year car loan, for instance, could rise several hundred dollars.

A fourth guideline is to watch out for the friendly man who offers to refinance your car. "We'll be glad to handle that for you and lower the monthly rate," he'll say.

The reason he'll be delighted to handle this for you is the ceiling on annual rates of interest for over two-year-old cars is 27 percent. You are probably paying 15 percent or less annually now.

Incidentally, the helpful man is not really trying to trick you. He will show you the true annual interest (as the new federal legislation requires), but unless you are cognizant of the interest change you will probably think the lower monthly payment is a good deal.

However, someone who is trying to trick you on refinancing is the man who will sell you a high-priced car and give you a fairly low monthly payment—with a "balloon" or high payment at the end of the 36-month contract.

"I know a guy who bought a real fancy car, paid $110 a month, and had a $2,900 payment at the end," one finance company manager said. "Then, of course they refinanced him at 27 percent for another three years. He really couldn't afford the car to start with."

The "balloon" payment is legal as is another trap to watch out for—the so-called cross collateral provision. In this case, a credit source will lend a consumer money for a car, but will take the car and the household goods as collateral.

Abourezk and the Consumer's League (which has a local affiliate here in the Black Hills) will try to make both of these tactics illegal in the next legislature, and will probably have the support of bankers and most finance company officials in the attempt.

"These things don't effect us," one banker said. "If some shyster wants to operate this way, he'd probably find another way if they changed the law. Usually there's something in the past of guys who go to him."

Most bankers asked what cross collateral provisions were, and expressed surprise that anyone would do such a thing. "That's amazing," one young banker said. "We would never do that."

Another pitfall for the consumer occurs in small appliance and furniture stores which don't have their own credit departments. As a service to the customer, the store will write a contract for 1 percent add on interest per month (22 percent a year), and sell it to one of the smaller, regional finance companies here.

The stores do this to serve their customers, and oftentimes the finance companies have to loan at 22 percent annually to make a profit. However, large department stores have charge accounts for 1.2 or 1.5 percent a month on the unpaid balance (14.4 and 18 percent annually).

And, a loan of the same amount can be obtained from a bank for about 15 percent annually.

Of course, financing arrangements at large, as well as, small stores are not only pushed in order to sell goods, but also to make money for the store. This aspect of the situation should be recognized in arranging credit.

However, credit managers of large department stores here said there was a finance—not an interest-charge on the purchases and several maintained the stores did not make money on the credit transactions.

Sears, Roebuck & Co. and Montgomery Ward & Co. both charge 1.5 percent interest a month (18 percent annually) on the unpaid balance in an account. Another large department store here, whose manager asked that its name not be used, charges 1.2 percent a month (14.4 percent annually) on the first $500 in an account, and one percent a month on accounts over $500.

Officials at the unidentified store said the regional office processed all credit applications, and stressed that they did not know how much profit, if any, was made on credit.

Miss Alta Maron, credit manager at Ward's, said a completed application was cleared through the Denver regional office before credit was approved. The store attempts to accurately judge the amount of money earned and the amount spent by a customer each month, she said.

"I think you could call it financial consultation," Miss Maron said. "We have a general idea about how much money it takes to live in Rapid City, and we add that to the monthly payments a customer already has to pay. Our intention is not to sell people something they can't pay for."

Miss Maron said Wards personnel here usually could tell whether Denver would approve credit and would counsel customers accordingly. "I don't know how much money we make on credit, but there are bookkeeping and insurance expenses," Miss Maron said. "About fifty percent of our business depends on credit, so it's a necessity."

Harold G. Jansen, credit manager at Sears, said he was concerned about high interest rates, particularly on home mortgages, but stressed the breakeven nature of Sears' credit operation.

"We have to pay for merchandise," Jansen said. "Sears has to borrow a lot of money. We used to borrow at four percent, but now it's up to 6.5 percent at commercial banks. So, costs have gone up, but our rate is the same."

Although Sears clears accounts through a computer in Minneapolis, the store has one of the few fully staffed credit departments in the city. And, Jansen—who said he spoke only for himself, not the store—felt lower finance rates could possibly curtail its operation.

"A one percent a month restriction (as proposed by Abourezk) would impose real severe restriction on this type of credit," Jansen said. "We'll have to get fussy about who gets an account. Now we're real liberal, and take chances. We'd also have to cut down the size of our operation—maybe by taking a girl off collections."

A one percent limit is imposed in Nebraska, and Jansen said the chain was losing money on its operations there. One reason is that many persons use the service as a 30-day account, pay their bills at the end of the month, and are not charged interest.

"This (charge accounts) is an easier way to shop and a service to the customers," Jansen said. "We like this type of selling because it encourages people to buy. We make money on the merchandise, not on credit."

(One type of credit—the time payment or installment variety for big purchases—does yield profit for Sears. The standard rate is 10 percent add on or 20 percent simple annual interest. The rate is higher than a bank rate, but probably lower than most finance company rates.)

Although Jansen said three-fourths of Sears' customers were more interested in the amount of the monthly payment than in interest, several complaints have been registered recently. "They are somewhat concerned about rates, but if it's explained properly they understand," he said.

One person who doesn't understand is Abourezk who says, "I think they make 18 percent a year, and I'd have to see their figures to be convinced otherwise. I also think that people with good credit shouldn't be the insurers for people with bad credit. If the rates were lower and they tightened up on credit, fewer people would get in trouble with debts and the others would pay less."

The Uniform Consumer Credit Code, rejected by this years' legislature on the advice of the state's three commissioners on uniform state laws, is currently being studied by the Legislative Research Committee in Pierre.

Most knowledgeable observers don't think the code stands much of a chance of passage in the next session, probably because of the commissioners' opposition.

* * * * *

Most lawmakers, it is safe to assume, know very little about the credit industry. An illustration of this ignorance came last session when a change in interest ceilings under the small loan law was proposed by the finance companies under the heading of a "better break" for the consumer.

After only scattered and unorganized opposition, the house passed the bill, 57 to 15, and the Senate passed it, 27 to 8. The only Pennington County lawmaker to vote against it was Sen. Frank Henderson, a Republican.

One lawmaker contacted for this series said, "I can't tell you why I voted for it." Vote for it he did, and Abourezk estimates the bill will cost consumers $1.5 million more in interest charges during one year. The bill lowered the interest ceiling for loans under $300 from 36 percent to 30 percent.

But, the old bill maintained an interest ceiling for loans over $300 at 12 percent. The new bill established a 24 percent ceiling between $300 and $600, a 18 percent ceiling between $600 and $1,200, and left the 12 percent ceiling on loans between $1,200 and $2,500.

As we have discussed earlier, the finance companies operate near or at the maximum rate allowed by law, and the average loans run between $600 and $1,000.

The consumer was obviously the loser under the new law, Abourezk said, and repeal of the higher ceilings will be asked of the next legislature.

Another slip made by the legislature last session occurred when it set the maximum interest a municipality could pay for municipal bonds at six percent simple annual interest. The lawmakers meant to raise the ceiling from five to seven percent, but a mistake in the preparation of the bill means that no city can float a bond until the next session.

The going rate for municipal bonds is currently 6.2 percent and higher, and banks are refusing to lend at the maximum 6 percent, local officials said, even if a community like Rapid City is A-rated on the market.

The city of Phillip, about 70 miles from here, currently is experiencing a crisis in its waterworks, but cannot float any bonds to attack the problem even though the voters have approved them.

In view of the legislature's record in the recent past, there is no accurate way of determining what it will do with the reforms to be proposed in Abourezk's report.

Among those are the elimination of cross collateral provisions and the demise of the balloon payment Most people in the credit industry, as we have learned, will probably support these measures.

Other proposals will include the elimination of the rule of 78's payoff and the "holder in due course" doctrine, both of which will spark disagreements with the credit industry.

According to the rule of 78's, the credit source apportions the interest charges throughout the 36-month contract period, but assigns more interest to the first months of the contract than to the last months.

Thus, a customer who pays off early receives less interest back than he would if the interest charge were apportioned evenly over the period.

"There is obviously a flat expense for bookkeeping," Abourezk said, "and I believe the consumer has the right to repay his loan without penalty. The method is unreasonable. Why shouldn't you figure interest on the amount of time the money is used?"

Bankers said the beginning bookkeeping expenses—the "front-end" costs—are large and that a greater amount of interest should be charged when the greater amount of the principal is outstanding.

"We must be protected," one banker said. "After all, a customer is breaking the contract when he pays off early."

The "holder in due course" doctrine absolves the credit source (a bank, say) of any responsibility for a disagreement between a seller and a buyer over defective merchandise.

So, if an appliance or a piece of furniture is defective and the firm will not replace it, the consumer has no alternative but to pay the bank anyway. Defective merchandise cannot be a defense against a "neutral" credit source for non-payment of the contract.

Bankers and finance company officials say they must be protected in this manner. "We have no knowledge, and no responsibility, for trouble between you and a store," one banker said. "We just lend the money."

Abourezk, of course, sees things a bit differently. "The credit source is not entirely innocent," he said. "The buyer may have no expertise, but the bank does these things regularly and is in a much better position to know if a dealer is scrupulous than the consumer."

If the consumer could use defects as a defense against not paying the contract, Abourezk said, "The banks and finance companies would pressure the dealers to stand behind their products. This pressure would really be effective because the credit sources can make or break the dealer."

The final proposal for change would not require any legislation.

"I feel that counseling type help is needed here for families in trouble over their credit," a finance company manager said. "Many people need to be straightened out, and they shouldn't have to go to a court or a pro-rater."

A pro-rater company will consolidate large bills into a single payment that a family can meet, and the court will determine a settlement, but the people involved cannot afford the attorney's fees or the pro-rater's cost, the official said.

"We do some of it," he said, "but we need a full time office for family counseling funded by all the finance companies and the banks. I've suggested it several times to friends."

Whether or not a counseling service is established, we found during several days spent in the offices of the credit industry here a remarkably frank and honest group of men whose constant worry is the budget of their neighbor in the community.

And, those men wished the neighbor—the consumer—knew a bit more about credit and interest rates as the prime rate climbed, budgets stretched, and inflation continued.

FRANK TURNER, IRF MAN-OF-THE-YEAR

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. SCHWENGEL. Mr. Speaker, the October 1969, issue of American Highways features a story on Francis C. Turner, Federal Highway Administrator. The story tells about Mr. Turner's being named the 1969 Man-of-the-Year by the International Road Federation.

It would be difficult to think of a man more deserving of this award. There is no other individual in recent history to whom this Nation owes so much gratitude for its excellent highway system. Frank Turner has labored long and hard to produce the great Interstate System, which many of us utilize almost daily. He has made a tremendous contribution to the concept to which I refer to as the "Fifth Great Freedom": the freedom of movement of men and goods.

My most sincere congratulations go to Mr. Turner.

The story referred to, follows:

FRANCIS C. TURNER, IRF MAN-OF-THE-YEAR—1969

Francis C. Turner, Federal Highway Administrator, has been named International Road Federation's 1969 Man-of-the-Year. This award is considered a top recognition in the world-wide field of roads and road transportation.

In making the announcement, IRF President Robert O. Swain stated that Turner's award was predicated in part on his 40 years of service in the U.S. Bureau of Public Roads and his contributions to various countries outside the United States which he has served as consultant in the road and road transportation field. He was also recognized for his work in the development of the Alaskan Highway and the transportation rehabilitation program of the Philippines following World War II.

Turner, a native of Texas and a graduate of Texas A&M University, joined the U.S. Bureau of Public Roads in Texas in 1929. He served in various capacities with the Bureau, including Chief Engineer and Assistant Federal Highway Administrator. He was appointed Federal Highway Administrator by President Nixon in February, 1969.

Turner is the second American to receive this award. The first was former Federal Highway Administrator Rex M. Whitton who received the award in 1966.

The actual presentation of the award, in the form of a diploma and a silver plaque, will be made at the 1969 IRF meeting to be held in Addis Abba, Ethiopia.

Other Men-of-the-Year who have been acknowledged for their contributions to road transportation, world-wide, include Romulo O'Farrill, a newspaper publisher in Mexico (1951); Luis de Carli, road contractor in Argentina (1956); Luigi Tocchetti, professor of the University of Naples (1959); Vincente Mortes, former deputy minister of public works of Spain (1964); Hellmuth Swietelsky, Austrian contractor (1965); Fernando Belaunde Terry, former president of Peru (1967); and John A. L. Shaw, a former highway commissioner for Australia (1968).

Selection of Mr. Turner was made by the Board of Directors of the International Road Federation in early July at Woodcote Park, Epsom, Surrey, England and it represented the unanimous choice of the Federation whose membership includes 75 countries around the world.

THE ANTIWAR DEMONSTRATION

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. O'HARA. Mr. Speaker, I have read with concern of the plans for the antiwar demonstration which is to have its climax in a march through Washington this Saturday.

Few of us in the House object to the peaceful expression of views, pro or con, on Vietnam, or any other subject. Certainly, everyone has the right to speak out for or against Government's actions and policies, so long as they do so in a lawful manner.

Tuesday's freedom rallies and last month's observances of the Vietnam moratorium, were, for the most part, peaceful and lawful expressions of points of view.

But the November 15 march in Washington may be a very different sort of demonstration.

Most of those planning to participate in this Saturday's observance, are seeking no more than a prompt and peaceful solution to the problem of Vietnam. They view their participation in the march as an expression of this desire.

But there are others involved in the march whose objectives are much broader, who seek to destroy our democratic institutions and who hope to use the march to create confusion and division.

Among them are persons and organizations which have been at the forefront of demonstrations punctuated by violence. I specifically cite the disturbances surrounding the Pentagon march and the Democratic National Convention last year.

Even the planning sessions for this

current demonstration have not been free from violent conflict. According to newspaper reports, a meeting in Los Angeles on October 27 was disrupted by fistfights between antagonistic factions of the Students for a Democratic Society.

The SDS—and its conflicting subgroups—are only one component of the National Mobilization Committee To End the War in Vietnam. Other organizations participating include the Yippies—the Youth International Party, the Communist Party of the United States, the W. E. B. Du Bois Society, and the Trotsykite Socialist Workers Party and Young Socialist Alliance.

Some of these associated with the New Mobilization Committee are experts in what they term "confrontation politics." Their tactic is to edge over the borderline between legal activity and that which is expressly forbidden, and by so doing challenge law enforcement officers, attempting to goad them into violent reaction. When police response is restrained these militants step up their own level of unlawful provocations until a clash with police results.

It is my fear that innocent and sincere young people will come to Washington to participate in what they believe will be a peaceful demonstration, only to be exploited by publicity-seeking extremists who seek to disrupt the orderly processes of government by violent means.

I hope that those who are contemplating participation in the Washington march will consider their actions carefully. They might ask themselves this question:

"Will a demonstration deeply involving militants and extremist elements committed to the destruction of our social system really serve to express my views on the question of peace in Vietnam, or can I better express my convictions by joining with local citizens planning peaceful demonstrations in communities across the Nation?"

I believe that those who feel they must march to demonstrate their opposition to U.S. policy in Vietnam would do so more effectively and with less risk by pursuing the latter course.

PROTESTING ADMINISTRATION'S DEFENSE JOB CUT

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MINK. Mr. Speaker, on August 21, 1969, Secretary of Defense Melvin R. Laird announced that the Nixon administration would reduce military spending by $3 billion in fiscal 1970. This, at first, was welcome news to our Nation which had seen the military budget nearly double in 5 years reaching a point of requiring 40 cents out of every tax dollar collected. This decision to cut back was made by the Secretary under the authority of the Executive power of the President before either House of the Congress had acted on the military budget

On October 29, 1969, however, Secretary Laird revealed the philosophy of this administration with regard to priorities. He announced that to implement the reduction, 27,000 civilian jobs would be eliminated with a saving of $609 million. This kind of budget cutting while at the same time supporting billions of dollars for defense contracts for the ABM, MIRV and C–5A's indicates a shocking kind of insensitivity to people whose dislocation and personal hardship ought to be of prime concern rather than more hardware of dubious value.

I have opposed the construction and deployment of the ABM, MIRV, and C–5A's. Deletion of just these three items would save us billions of dollars in the future without elimination of a single job.

But the deliberate creation of unemployment is admitted as the preferred economic policy of the Nixon administration. Secretary of the Treasury David M. Kennedy testified this summer before the Senate Finance Committee that an increase in the unemployment rate was needed to help curb inflation.

I rise today to express my vigorous opposition to this ill-conceived policy. I urge the President and the Secretary of Defense to reconsider this approach to savings, as counterproductive and unnecessary particularly when so much can be saved by cutting back on defense contracts instead of precipitous large-scale unemployment of longtime, loyal Government employees.

Last week Mr. Ernest Fitzgerald was fired by the Department of Defense. He was the Air Force efficiency expert who alerted the Congress about a $2 billion cost overrun in the C–5A aircraft which was being concealed from Congress by high Pentagon officials. Shortly after his unusual and startling testimony he was removed from his responsibilities and banished to a job checking bowling alleys in Thailand. On the day Fitzgerald was fired, the same Air Force office hired at $100 a day an accountant whose firm audits one of the airplane firms involved in the C–5A scandal.

This is further indication that the Nixon administration has little regard for internal savings. Rather than reward a man for his courage in advising the Congress of these billions of dollars of cost overruns, the President instead fires him and replaces him with a Lockheed consultant. The evidence is unmistakably clear.

The real economies in the military budget have not been considered by this administration. The goal is not en masse reductions in jobs or overnight base closing, but rather reduction of manpower by gradual cutbacks, transfers, attrition, and retirements. The fast dollar savings in billions can be achieved by cutting back on the development of weapons systems like the ABM which many experts testify is already obsolete.

The list of weapons systems which we sought to delete from this fiscal year's budget totaled over $2 billion. We failed to win these deletions because of the opposition of the Nixon administration to this effort. The President has instead chosen elimination of 27,000 civilian jobs at a savings of $609 million. I hardly call 27,000 persons without jobs as any kind of savings at all.

Let us examine whether these cuts in military spending were Congress' idea, or the President's. To do so we have to go back to the Johnson administration budget request of $79 billion, including no shutdowns of military bases, or job reductions in force, for fiscal year 1970.

The Nixon administration had been in office less than 2 months when it began whittling down this figure with a view toward sizable reductions in military and civilian defense employment. On March 19, Defense Secretary Laird went before the Senate Armed Services Committee and disclosed that the Nixon administration had plans to lower defense outlays below the Johnson budget by $500 million to $78.5 billion. This was long before either House of Congress had acted on the budget request and was, in fact, during hearings on the administration's spending revision plans.

On April 11, Secretary Laird announced further slashes of $600 million in defense outlays for fiscal 1970. This brought the total reduction to $1.1 billion, or a budget of $77.9 billion. He told the House Armed Services Committee, which was just starting to consider the budget request, that the cuts were prompted by the administration's general policy of budget cutting, rather than by congressional actions. Mr. Laird told the committee:

> The Nation is confronted with an extremely difficult and dangerous economic and fiscal situation, and all demands on the Federal budget would have to be matched against a strict sense of national priorities.

The new administration began spelling out its concept of national priorities in greater detail on April 15 when President Nixon's revisions for the entire Federal budget were sent to Congress. The administration slashed $4 billion from what President Johnson had sought, including $2.9 billion from domestic programs and the $1.1 billion in defense reductions. One of the biggest savings which received publicity attention was a cut in social security increases from the Johnson request of 10 percent, to 7 percent, for a $1 billion reduction. Later President Nixon changed his mind after congressional and public criticism and endorsed the Johnson request of 10 percent.

According to the Bureau of the Budget, this across-the-board budget reduction had three purposes: to cut spending so as to curb inflation; to bring Federal spending under control; and to begin redirecting current programs toward the goals of the administration. Nowhere was there a mention of responding to any congressional pressure to reduce military spending.

On August 21, prior to congressional approval of defense appropriations, Secretary Laird announced further reductions of more than $1 billion in military spending. He said this was a first step toward eventual reductions of $3 billion in expenditures, a cutback which would be in addition to the $1.1 billion reduction which had already been made.

He said the August 21 cuts would require reductions of 100,000 military personnel and 50,000 civilian jobs. Other actions would include a slash of $500 million by the Army in non-Southeast Asia operations, the inactivation by the Navy of more than 100 ships, and a decrease of 300,000 flying hours in Air Force non-Southeast Asia training.

Some of the specific cuts to be made were disclosed on October 29 by Secretary Laird. These reductions, of $609 million, eliminated about 37,800 military and 27,000 civilian positions. Obviously, since this is only about half the $1 billion cutback announced on August 21 and about one-fifth of the overall $3 billion retrenchment which the administration plans to effect this fiscal year, far more drastic job losses, base closings, and defense reductions are scheduled over the coming months due to the administration decisions.

Certain Republican spokesmen have attempted to defend the administration for its job-cutting policy by saying it was the rising crescendo of certain Members of Congress for defense cuts that forced Secretary Laird into cutting jobs. The people of Hawaii should realize that primary responsibility for these job cuts rests with the President and not with the Congress.

A deliberate policy of massive unemployment is a tragic mistake. I oppose it, and the people of Hawaii must know that it is the administration's own choice of priorities which brought it about. If defense critics had their way these job cuts would not have been necessary. We have sought reductions in spending on new and costly weapons systems that are not necessary for national defense. By eliminating these many billions of dollars in future costs proposed by the administration, we could accomplish tremendous savings without the loss of jobs. Just one more vote in the Senate against the unwise and obsolete ABM system would have saved more than the entire job reduction plan announced on August 21 by Defense Secretary Laird. A single additional vote by any Senator could have prevented these job losses in Hawaii. In effect, those who voted for the ABM voted for massive unemployment in Hawaii.

Those opposed to wasteful and unnecessary spending on weapons of war proposed amendments in the House last month to reduce arms outlays by $2.3 billion from the total requested by the Nixon administration. The administration, however, opposed the House amendments to reduce military weapons spending. Despite this, the House did cut military weapons procurement on October 3 by $615 million from the administration request—an amount in excess of the saving the administration announced on October 29 by elimination of jobs. Congressional saving would be in the area of weapons procurement rather than elimination of jobs and would be a far more desirable approach toward balancing the budget.

The Senate on September 18 cut $1.3 billion from the administration's weapons procurement request, and I expect that the final reduction by Congress could well eliminate the alleged basis for eliminating $1.1 billion in jobs as the administration is doing. However, it appears that the administration is proceeding on its job-cutting course despite our actions.

In the absence of budgetary necessity for the defense jobs cutbacks, the administration's goal appears to be to "trade-off" inflation control for an undetermined level of unemployment. Certainly, unemployment has been the result of such administration actions as the 75 percent Federal construction cancellation. Unemployment jumped to 4 percent of the national labor force in September from 3.5 percent in August. Current unemployment is the highest in years.

Treasury Secretary David M. Kennedy has told members of the Joint Economic Committee in Congress that the battle against inflation would cost some people their jobs. On October 7 he told the committee that unemployment would increase as the administration pressed its counterinflation policies. He added that the current high level of 4 percent or more was acceptable to the administration.

It is perfectly clear that the administration wants to increase unemployment It apparently feels that when people are out of work and can no longer buy food, clothing, housing, and other necessities of life, that the demand for these things will be reduced and prices will therefore go down. This is extremely heartless and inhumane way of cooling down the economy. I protest this policy and urge its condemnation.

OCCUPIED WASHINGTON—ADMINISTRATION APPEASES HANOI FIFTH COLUMN

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record, and to include extraneous material.)

Mr. RARICK. Mr. Speaker, the moratorium crowd has now been given the keys to our Nation's Capital. Under the smokescreen of dissent, they have been issued parade permits and given free run of the Nation's Capital.

The citizens and public servants who normally anticipate use of the District streets and some freedom of movement now find that their freedoms are severely restricted to make way for those who are not here on governmental business. Extra police and military units, all at the expense of the taxpayers, are also being jammed into the District. The normal area set aside for the operation of our Nation's Government has now been converted to a marshalling yard for nonviolent riots. The regular business of the Government has been, for all practical purposes, curtailed if not shut down relying on assurances from the loud-mouthed minority that their activities the remainder of the week will be nonviolent. Every extremist group which has been identified with violence is participating and is in this city now.

The police and the military who have been summoned to the District to protect the demonstrators are under express orders not to become involved in any confrontation. They are required to submit to indignities such as, if not worse, than those we saw in Chicago.

Most Americans recognize the moratorium mob as the enemy's fifth column. Without these "dear American friends" Hanoi would have jumped at peace offers 2 years ago. Reliance on subversion in the United States has always been a key element in the enemy's war plans. The moratorium leaders must be held personally responsible for having prolonged the war. The blood of every man killed in the past 2 years is on their hands and the Nation's leaders know this well.

If, as they assure our leaders, the fifth column leaders can keep their violent members nonviolent, how did they whitewash the many acts of sabotage against our country and national defense? Sabotage, such as assaults on draft boards, disruption of railways, explosions in industries which manufacture military equipment, and this morning, attempts by some of their number to blow up Army trucks.

For the U.S. Department of Justice to make a gentleman's agreement with known Communists and subversives is as ridiculous as the billeting of the enemy's fifth column in the churches of Washington, as is also occurring.

Maybe those decisionmakers in our Government are naive enough to think they can deal with Communists by appeasement but neither side is fooling the American people who can see what is actually going on and disapprove.

I include pertinent news clippings and some representative views of the American people as expressed in letters-to-the-editor in tonight's paper:

BOMB SHATTERS WALLS IN NEW YORK COURT BUILDING

New York, November 12—An explosion shattered two walls in a washroom of the Criminal Courts building near police headquarters in downtown Manhattan tonight, and police chased down a new rash of bomb threats that came in the wake of blasts earlier this week at three major office buildings.

Two men carrying dynamite were taken into custody by FBI agents on lower Park Avenue. Further details were not immediately available.

About an hour after the newest blast in a fifth-floor men's room of the 20-story court building, a bomb threat was received by a security guard at the Columbia Broadcasting System building on Sixth Avenue near Rockefeller Center.

Three floors of the building were evacuated, taking the network's FM radio station off the air, CBS said.

The explosion at the court building occurred about 8:30 p.m.

One woman, identified as Norma Davis, 21, of Brooklyn, was in a ladies' room directly below the blast and was taken to Beekman Downtown Hospital for observation. Police said she works in the building as a typist.

Night court was in session at the time of the explosion and the building was evacuated.

Soon after the explosion, police received a telephone warning that a second device would go off in the building.

Early Tuesday morning, there were coordinated, almost simultaneous explosions in the RCA Building in Rockefeller Center, the General Motors Building on Fifth Avenue and the Chase Manhattan Building in the Wall Street area.

There have been a dozen unsolved blasts in the city in recent months. Among them were an Aug. 20 explosion at the Marine Midland Building on lower Broadway that injured 19, a Sept. 19 blast at the Federal Office Building at Federal Plaza that left no injuries, an Oct. 7 explosion at the Armed Forces Induction Center on Whitehall Street that also caused no injuries and a series of six explosions in four days early in October at Macy's in Herald Square.

The explosion at the Criminal Court building capped a day during which the city was plagued with a rash of false bomb threats.

Molotov Cocktails Found at Hotel; Fire Extinguished

While fighting a blaze apparently started by a molotov cocktail at the Madison Hotel at 15th and M Streets NW early today, firemen discovered a smoldering second incendiary device near the building but extinguished it before it could explode, fire officials said.

Firemen said they found broken glass and the "strong smell of gasoline" while fighting a small blaze in six trash bins at the rear of the hotel. They said they also found a gallon jug of gasoline equipped with a wick in a window well on the M Street side of the hotel.

The jug was wrapped in a paper bag that had been set on fire, but the small blaze was put out before the gas could explode, firemen said.

The fire caused no damage to the hotel.

Blast Destroys ARC Facility

An explosion and fire ripped through a West Hanover, Mass. production facility of Atlantic Research Corp. yesterday, totally destroying the building. There were no reported injuries.

The fire broke out in a frame structure used by the company to assemble Army cartridge launchers for a riot control agent known as CS. A quantity of CS, which is similar to tear gas, was released but company officials say it is non-toxic. Damages have not been estimated by Atlantic Research, which is a division of the Susquehanna Corp.

Six Accused of Plot To Bomb Schools: Five Cited in Indictment Are Sought—One Denies Guilt

(By Morris Kaplan)

Six men were indicted yesterday on charges of conspiring and attempting to bomb and burn two public schools in East Harlem.

District Attorney Frank S. Hogan announced the arrest of one of the men—Jose Santiago, unemployed, of 120 East 101st Street. Arraigned before Superior Court Justice Mitchell D. Schweitzer. Mr. Santiago, guilty and was held in $15,000 bail.

Mr. Hogan's office withheld the names of the five others, but a police alarm named three and described each of the two others as "John Doe." The police are looking for Edmundo Saccini, 35, of 207 East 97th Street; John Roman, 31, of 342 East 105th Street, and George Eapada, 34, of 123 East 102d Street.

All six were said to have congregated at a recently formed community organization, El Barrio Nuevo, 1567 Lexington Avenue, at 101st Street. Spokesmen for the city's Human Resources Administration and the East Harlem Community Corporation reported that the organization was not financed by city, state or Federal funds.

HARASSMENT PLAN CHARGED

The indictment charged the defendants with conspiracy to commit arson and two counts of attempted arson. On Sept. 10, the indictment said, the defendants agreed to bomb Public School 109, at 215 East 99th Street, and Public School 72, at 104th Street and Lexington Avenue.

This purportedly was part of an over-all plan to harass elements of the city government responsible for administering the welfare and public schools systems. The scheme was to focus public attention on demands by welfare mothers for clothing allowances for their children.

If the plot had succeeded, the schools would have been closed, thereby depriving the city of state aid alloted on the basis of attendance.

The defendants were alleged to have made 11 molotov cocktails and, shortly after midnight on Sept. 11, to have approached Public School 109.

Details of the arrest were not disclosed, but Detective Louis Julianelli of the East 104th Street Station seized Mr. Santiago.

Assistant District Attorney William I. Aronwold was in charge of the investigation.

Five Bombs Explode in Macy's at Night

(By William Borders)

A fifth time bomb exploded at Macy's early yesterday morning as two dozen security officers were searching the store for clues to four earlier explosions during the night.

Like the first four blasts, which were set in series on different floors of the huge Herald Square department store, the last explosion, in the shower-curtain department on the sixth floor, caused no injuries and did little damage.

"We cleaned up quickly and we'll be back at the old stand Monday, business as usual," promised David L. Yunich, president of Macy's. He said he had "absolutely no idea whatsoever" on who set out the bombs, or why.

The Fire Department and the Police Department Bomb Squad also reported no clues, although one policeman said that the small, homemade bombs were similar to those set in three Woolworth's stores here last summer.

HIDDEN BEFORE STORE CLOSED

The five bombs were apparently planted around Macy's just before 6 P.M. Saturday, when the store closed. The first one, which had been tucked into the pocket of a woman's coat hanging on a rack, exploded at 9:38 P.M.

The others, in a sofa, in the pocket of a man's raincoat, amid some Halloween costumes in the toy department, and on a shelf of shower curtains, followed at irregular intervals, ending at 5:15 A.M., yesterday.

Each explosion started a small fire, but in each case the heat automatically turned on the ceiling sprinkler system in the area. Most of the damage was from water and all of it was cleaned up by yesterday afternoon.

Saturday night, dozens of firemen spent several hours searching the store, and at 11:15, a sixth bomb was found hidden between two rugs that were rolled up on the seventh floor.

The bomb was deactivated, and the police checked it for fingerprints and studied its mechanism for clues.

CIGARETTE PACKAGE USED

The unexploded bomb, which the police presumed to be typical of all six, had been put together in an empty Parliament cigarette package, made of cardboard.

The explosive was believed to be potassium chlorate, ignited by a mechanism made from a small battery and a cheap wrist watch.

One fire official said that the use of the watch limited the life of the bomb to 12 hours, leading to the conclusion that the bombs could have been set out no earlier than 5:15 P.M. Saturday.

NO WARNING RECEIVED

Mr. Yunich said that the store received bomb threats "from time to time" but had no warning in this case. He added:

"It could have been some kind of protest, or a deranged individual, I just don't know. But people do seem often to gravitate to department stores for things like this."

In March, 1968, small fires were set in Macy's and three other midtown department stores during shopping hours. Also, in Chicago at that time, arsonists set more serious fires in several Chicago stores.

Three Jersey Schools Hit by Firebombs: 3 Commercial Buildings Also Struck in Freehold

(By Ronald Sullivan)

Freehold, N.J., August 13.—Three schools and three commercial buildings here were firebombed late last night and early today.

The police reported that no one was injured by the crude Molotov cocktails fashioned from empty wine bottles. Two buildings used to store seed grain were heavily damaged, but the three schools were only slightly damaged.

The bombings followed the conviction and sentencing of four Negroes and two whites yesterday on charges stemming from a racial fight here July 25. However, the police said they had no evidence this evening that the bombings were racially motivated.

The first two bombs were thrown against an elementary school shortly after 11 P.M. One of them crashed through a window into a hallway and caused slight damage before the police extinguished it.

Four minutes later, a third bomb sputtered out harmlessly on the grass outside the regional high school. Two more bombs burned out minutes later without damaging an intermediate school.

Similar firebombs caused heavy damage to the business office of the Holland and McChesney Feed plant and scorched a shed at Hillpot Store, a nearby grain supplier.

Another bomb caused a trash fire at a warehouse across the street.

Last month's brawl followed the picketing by the Concerned Citizens of Greater Freehold of a white-owned delicatessen. The pickets, who were virtually all black, charged that the owner, Richard Weinick, had mistreated an elderly Negro.

John Davis, the president of Concerned Citizens, received a 60-day jail term in Municipal Court. Three other Negroes also received jail sentences, although they were suspended in two cases.

Mr. Weinick was convicted of assault, too. But his sentencing was postponed. The other white, Raymond Marino, received a 15-day jail term.

The brawl came about two months after more than 100 Negro youths ran through the small downtown section here, breaking windows and looting stores.

Explosion Wrecks U.S. Offices Here

(By Thomas A. Johnson)

An explosion of undetermined origin shattered the United States Department of Commerce offices on the 40th floor of the one-year-old Federal Building at Foley Square at 2 o'clock yesterday morning.

No one was injured and there was no fire.

Teams of policemen and firemen and agents of the Federal Bureau of Investigation searched for clues throughout the day, but said last night that they just did not know what had caused the blast.

Policemen and firemen on the scene early in the morning had speculated that the explosion was caused by either a homemade bomb or accumulations of gases.

Late today, Joseph Ponder, a special agent who is supervising the F.B.I. investigation, said simply that "the investigation is still under way and it has not yet been resolved."

DEBRIS COVERS FLOOR

The north end of the 40th floor was covered with debris. A six-foot-square hole had been ripped in a wall opposite the shaftway that contained circuit breakers, electric panels, ducts and utility wires. File cabinets and furniture had been smashed by flying pieces of concrete.

A 25-by-40-foot section of the ceiling had been ripped out and the floor of the 41st floor was damaged.

Ceiling tiles fell onto the floor, desks and files of the Selective Service offices that are on the 39th floor of the Federal Office building.

No financial estimates of damages could be obtained late yesterday.

The 41-story building, housing some 60 Federal agencies, was closed yesterday to the general public and to most of the 6,000 employes. Maintenance men and some executives assisted in the investigations, however.

All water and electrical systems were out of order. A New York Telephone Company spokesman said 4,000 telephones had been rendered inoperative and that repair crews would work around the clock to have them back in service by Monday.

Edward V. Kline, regional administrator of the General Services Administration, said he hoped to have the building open to employes and the general public by Monday.

Dominating the complex of government buildings at Foley Square, the 41-story Federal Office Building is the tallest Federal structure in the nation. It has 1,147,139 square feet of usable floor space, second only in Federal structures to the Pentagon which has some 3,762,000 square feet of floor space.

The "New Mobilization"

Sir: The administration awaits the arrival of the peace marchers with all the consideration of Sitting Bull waiting for Custer. The marchers might avoid trouble and be more relevant if they realize the power is not at either end of Pennsylvania Avenue, but is across the Potomac at the Pentagon. The only thing the Capitol does well is vote money for the Pentagon—seventy percent of all federal taxes. The thing the White House does best is acquiesce. In our society money is power. So why not march where the power is, in the acres of space around the Pentagon. The Vietnam war is not the cause of our dismay, it is an effect. The Pentagon congeries are the cause.

If a half million marchers arrive, let them gather at the Washington Monument grounds and march to the area around the Pentagon. They should not sing "We Shall Overcome," for they shall not overcome. Let them stand or sit quietly for an hour, forgetting for the moment Vietnam, war dead and draft (there will be other Vietnams), and just think of money and power. No Viet Cong flags. No gibes about the Pentagon being Kremlin West. No suggestions to Pentagonians that they resign and seek honest work. No attempts to enter; a thousand cracked skulls would prove nothing.

Let them reflect that the marchers have spent, or will spend in their lifetimes, more on the Pentagon than for food and clothing for their families, or for housing, or for all the automobiles they will ever own. Let them reflect that the old War Department in the Pentagon, if memory serves, got by on $15 billion per year; but then the name was changed euphemistically to Defense, since taxpayers who might object to paying for war would not object to paying for defense. So Defense now gets $80 billion per year.

Rejoice that the name was not changed to Department of Peace, and quietly go home, remembering that even Mr. Nixon's "silent majority" dislikes high taxes for self-destructive use, and may some day be led to see the light. And I don't mean that well-known light at the end of the tunnel.

J. Sam Mawhinney, Jr.

Arlington, Va.

* * * * *

Sir: On November 15th, let veterans get out their Purple Heart or whatever it is and wear it. The rest of us will purchase a small American flag, such as you can get at a dime store. We will attach these to our dresses corsage-style. Lacking a flag, a bow of red-white-and blue ribbon would be enough.

I am not against peace, any more than I am against patriotism or honor. There has to be a way out of the present dilemma, and it will be found, but not by a slogan-following, fuzzy-thinking mob.

Gloria J. Rickel.

* * * * *

Sir: If the demonstrators insist on their "fun and games," it will show the country—the vast majority of silent Americans—that these demonstrators, with their Viet Cong flags and Ho Chi Minh chants, are more interested in a communistic victory than peace.

Tom L. Phillips, Jr.

* * * * *

Sir: It seems to me that the present administration and the Justice Department are deliberately creating a dangerous atmosphere to guarantee violence and division in our land over the upcoming Moratorium.

Name calling, frustrating people's constitutional right to protest, polarizing and pitting one group against the other—is this the spirit in which we are supposed to go "Forward Together"? Are we only to march together to praise Caesar? If so, this is no better than dictatorship. Are we only to agree? If so, this is no better than communism.

Worried American.

* * * * *

Sir: The Mobilization's structure does not appear to be in the best interests of peace, the ideals of the young activists, or our country's good. Though perhaps poorly informed, I am probably not less so than the majority of the participants in the demonstrations.

Angela Rocks.

Bethesda, Md.

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Sir: These long haired nuts are being even now congratulated by Hanoi; for they know that they are more responsible for the big death list of our American soldiers on the field than even Hanoi's troops. If they are so anxious to keep up this division in America, why don't they go over and join the enemy, for that is where they belong.

Mark J. Bennett.

Arvada, Colo.

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Sir: I cannot understand dissent which parades the flag of a enemy power, chants the name of an enemy head of state, and uses the recognized tactics of an enemy ideology. Neither can I understand law makers who by their patronizing attitude and flaccid statements give comfort and encouragement to subversive dissent against the country they swore to defend.

T. C.

* * * * *

Sir: If surrender is in the minds of the Mobilization marchers, and it seems to be, they should all carry white flags to identify them for what they are and what their true aims are.

J. Ezra Troth.

Rockville, Md.

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Sir: While the sick minority are washing their peek-a-booboos in public, the silent majority vote!

Peter K. Bros.

Alexandria, Va.

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Sir: On Oct. 15, there was no violence, and if it occurs on Nov. 15, there will be strong conviction all over the country that the administration encouraged it.

Charles and Carolyn Planck.

Fremont, Calif.

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Sir: The Moratorium on Oct. 15 was so wonderful, we hope this demonstration will be as orderly. But, if it isn't, let us remember that anything the marchers might do can't possibly be as bad as what ex-President Johnson and President Nixon have done by allowing an unnecessary war that has caused the deaths of 40,000 of our boys, and injured many many more.

Ethel P. Markel.
John M. Markel.

Tucson, Ariz.

Sir: Here is a suggestion for the "MOBE" crowd: Drop by the Red Cross and donate a pint of blood! Then they would be really doing something constructive for once in their lives. It might even impress some of the over-40 crowd that they really do have something to give to their country.

Alice Deisroth.

Silver Spring, Md.

Sir: I would like to comment on what seems to be a growing misconception concerning the recent Vietnam Moratorium.

In the first place we are not Communist pinkos, long-haired weirdos, SDS members, or anything of the sort. We are Americans who care a great deal for our country. It is the greatest country on the face of the earth. We only want to make it a place where all can live in peace. We are not against the American soldier in Vietnam—rather the policy that sends him to die for a country that can't even uphold a stable government.

Ronald Large,
University of Virginia.

Sir: I have become more than a little frustrated by the attempts of pseudo-intellectuals to conduct or influence the conduct of the business of government from the streets. I believe that they suffer from the illusion that they are speaking for and acting in the best interests of the majority of U.S. citizens. (Some of our Congressmen suffer more than a little from the same illusion.) God helps us if it is so!

Frustrated.

Group of Lawyers, Clerics To Monitor Antiwar March

About 200 lawyers and 75 clergymen will monitor the antiwar demonstrations here this week, watching the behavior of both the marchers and the authorities, former Attorney General Ramsey Clark announced yesterday.

The "Lawyers' Task Force" probably will write a report later analyzing what happens, Clark said at a press conference.

He said they will act as "objective, distinterested eyewitnesses" who could eventually provide an accurate account of what goes on.

Clark also asserted that there has been far too much talk of possible violence connected with the antiwar demonstrations.

"If you pay attention to all the rumors of violence, you can be in so great a state of nervous shock that you can't do anything," he said.

"The high probabilities are that it (the march downtown) will go off peacefully and with dignity and that's what all Americans should want."

The plan for a detached report on what happens during the march recalled the so-called Walker Report on the street confrontations during the Democratic National Convention last year. It was prepared by a large task force under the direction of a Chicago lawyer, Daniel Walker.

Clark cited the action of officials in Chicago as an example of the "repressive activity" that has characterized the response to several protest demonstrations in the past few years. "The country can't afford any more Chicagos," he said.

The lawyers and clergymen monitoring this week's demonstrations here will be stationed at points along the march route Saturday. Some of them will be in the line of march.

They will wear white armbands bearing the phrase, "Lawyers' Task Force." The attorneys were recruited from private firms and congressional offices among other locations.

Clark, who as attorney general in the Johnson administration supervised preparations for several demonstrations, also said that much information reaching the government before protests start contains unverified rumors about potential violence.

He said, for example, that before the Poor People's campaign here in the spring of 1968 he became "red-eyed" reading reports of impending violence, including forecasts that Potomac bridges would be blown up.

Protest Seen Hurting District of Columbia's Businesses

(By Robert J. Samuelson)

Unless many of Washington's leading businessmen are wrong, the Downtown shopping area is going to be a slow, dull place Friday and Saturday. The reason: The mobilization.

"I can't see where it's going to help business," said Arthur T. Lyon, executive vice president of Raleigh's. Most other businessmen contacted yesterday agreed.

Nevertheless, businessmen are resigned to the demonstration and don't appear to feel vehement about it one way or the other.

"Generally, when there's a lot of (political) activity downtown, people are not in a shopping mood," said B. B. Burgunder, vice president of Kann's. He estimates normal traffic may decline 15 or 20 percent Friday, and 25 to 30 per cent on Saturday.

A spokesman for Woodward & Lothrop said the decline "could go as high as 50 per cent on Saturday.

"I would be delighted if we lose only 10 per cent over the three days (Thursday, Friday and Saturday)," Garfinckel president William Hansen said. But he also thinks that some merchants' predictions may be too pessimistic and that shoppers are less timid than businessmen think.

"Maybe our people are getting crisis-oriented," he said.

Many executives of big chains expect that at least part of their central city losses will be offset by additional sales at their suburban branches.

However, some merchants predict that the demonstration's psychological fallout will depress sales all over the metropolitan area.

"Everyone is going to be concerned on one side or the other . . . I don't think that people will be too interested in buying shoes," says Frank Rich, the president of Rich's Shoe Stores and head of the Metropolitan Urban Coalition. Two of Rich's children—a son at Harvard and a daughter in Wisconsin—will return to Washington to demonstrate.

Despite their anxiety, most businessmen don't expect violence. No major store is closing.

Lawyers Task Force To Monitor Protest

Former Atty. Gen. Ramsey Clark announced today the formation of a task force of almost 200 attorneys to monitor activities of both participants and law enforcement officials during the coming three days of anti-war demonstration on Washington's streets.

As chairman of the unofficial but potentially influential lawyers' group, Clark will be in the unique position of passing judgment on the decisions made by his immediate successor, Atty. Gen. John N. Mitchell.

Mitchell, his deputy, Richard G. Kleindienst, and other Justice Department officials are among the principal architects of the Nixon administration's strategy aimed at containing the demonstrations and preventing violence.

Clark's announcement carefully delineated the need for an independent legal organization to monitor the actions of both the demonstrators and police, but the emphasis was clearly placed on the task force's plans to watch for the use of excessive or unnecessary force on the part of police.

GROUP'S OBJECTIVES

"As lawyers, we are committed both to nonviolence and to the constitutional right of citizens freely to express their political views and to petition their government," the task force statement explained.

Organizers of the task force said that if necessary—if the protestors are violent or if police are overzealous or brutal—they would prepare a report similar to the now-famous "Walker Report" on street violence during last year's Democratic National Convention.

"We hope this announcement will have some moderating effect on the conduct of both police and demonstrators," said a leader of the group which organized the task force, the Center for Law and Social Policy, one of the several "public interest" law firms established in Washington during the past year.

EXPECTS PEACEFUL MARCH

Clark emphasized that his group is neither supporting nor opposing the demonstrations but predicted "the high probabilities are that the march will go off with dignity and peacefully."

Asked if he would be among those actually observing conduct on the streets, Clark answered in the negative. "This is a young lawyers' project. They don't want an old man out there," he said.

Clark described the project as one of several current manifestations of a rising concern among young attorneys for "our traditions, right, and tolerances."

Reporters several times attempted to draw from Clark criticism of the current attorney general's handling of the antiwar protest situation, but Clark limited himself to saying only that when he headed the Justice Department he spent much of his time denying reports of impending violence rather than predicting it.

AT STREET STATIONS

The task force expects to have nearly 200 volunteer attorneys placed throughout the city's streets to check on all activities during the next three days. All will wear identifying armbands.

They are being recruited from the staffs of numerous House and Senate members as well as from such well-known Washington law firms as Arnold & Porter, Covington and Burling, Williams and Connolly and Wilmer, Cutler and Pickering.

City Traffic Rules Set for Saturday March

Special parking and traffic regulations will be placed in effect for Saturday's antiwar march and rally.

Beginning at 12:01 a.m. Saturday, no parking will be permitted in the area bounded by 6th Street NE and 23d Street NW, from Independence Avenue on the south to K Street on the north.

At 9:40 a.m. Saturday, police will close Pennsylvania Avenue to traffic from 1st Street NW to 8th Street NW.

Constitution Avenue, from New Jersey Avenue to 18th Street NW, will also be closed at that time.

Beginning at 9:40 a.m., the area between F Street on the north and Independence Avenue on the south will be banned to north-south traffic between 1st and 18th Streets NW.

Buses bringing demonstrators to Washington will be unloaded in West Potomac Park at Ohio Drive and 23d Street NW, Hains Point and on George Washington Memorial Parkway across Memorial Bridge.

Motorists bringing demonstrators to the city have been urged to leave their cars in the city's fringe parking areas.

MEDALS OF VALOR AWARDED ST. LOUIS AREA POLICE HEROES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record.)

Mr. PRICE of Illinois. Mr. Speaker, on Monday, November 10, it was my privilege to attend the St. Louis Chamber of Commerce Medal of Valor Awards Luncheon honoring 11 law enforcement officers from the Metropolitan St. Louis area for their performance of duty.

With the objective of improving police-community relations in the bi-State area, the St. Louis Chamber of Commerce conceived the idea of a Medal of Valor Awards as recognition of an officer's performance "of an act in excess of the demands of police service, executed under circumstances wherein the officer is fully aware of the scope of the feat attempted and the immediate present threat to his own physical safety, having confidence the objective he is attempting is, in fact, reasonably possible of accomplishment."

It is indeed appropriate that a local organization such as the St. Louis Chamber of Commerce took the lead in this program. Law enforcement is basically a local responsibility, and with the support of outstanding groups as the chamber of commerce our local law-enforcement efforts are strengthened significantly. This represents citizen participation at its best. I commend the chamber of commerce for the sponsorship of such recognition of the service police officers give day in and day out in our communities.

I am pleased to report that two of the 11 police officers honored are from East St. Louis, Ill. One is Sgt. George R. Thompson, a 5-year veteran of the East St. Louis Police Department. His citation reads in part:

> Although Sergeant Thompson has been injured two previous times in the line of duty, he is being given the Medal of Valor today for his unhesitating response to a sudden emergency. In the face of great personal peril he demonstrated his unique ability in handling a delicate situation which resulted in saving a woman's life.

Sgt. William Leroy Jeremais, a 31-year-old police officer and 6-year veteran of the East St. Louis Police Department presently assigned to the traffic division, is the other Medal of Valor recipient from the 24th Illinois Congressional District. The Medal of Valor is awarded to Sergeant Jeremais, the citation reads:

> For the courage and compassion that led him to enter a burning house three times at the risk of his own safety in his successful efforts to rescue not only an injured woman but a litter of newborn puppies as well.

It is obvious, Mr. Speaker, that the residents of East St. Louis are indebted to these two officers, both of whom, I might add, are married and fathers. The heroism of these two gentlemen at the risk of great personal sacrifice is worthy of the recognition paid these fine officers. I would like to add my personal congratulations to them.

SENATOR KENNEDY'S SPRINGFIELD, MASS., ADDRESS ASKS GREATER ADMINISTRATION ROLE IN FIGHT AGAINST INFLATION

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, the distinguished Senate majority whip, Senator Edward M. Kennedy, of Massachusetts, warned in a Springfield address last week that the administration's spartan economic policy is causing the Nation to pay a heavy price in high interest rates and unemployment.

Senator Kennedy's November 6 analysis of the war against inflation—the overriding economic issue in the Nation—was borne out the following day with the Bureau of Labor Statistics announcement of the 3.9 percent October unemployment level, underscoring an earlier indication that the big jump from 3.5 to 4.0 percent in September was no fluke.

In an address to the joint civic agencies of Greater Springfield last Thursday, Senator Kennedy said the time has come to begin to relax the tight money policy maintained by the administration. He also urged the administration to play a greater role in enlisting the voluntary cooperation of business and labor leaders in the fight against inflation.

The senior Senator from Massachusetts noted the high toll exacted by inflation, and emphasized that there are serious dangers in the monetary and fiscal policies now pursued by the administration. He pointed out that it might take as long as 6 to 9 months for a relaxation in monetary policy to take hold and reflect itself in the economy; therefore, it was time to begin to relax the heavy restraint on credit.

With respect to price and wage decisions, Senator Kennedy listed a number of inflationary price and wage increases in 1969. He renounced the use of wage and price controls or a return at this time to the strict price-wage guideposts, but he said the administration should not totally abdicate its responsibility to represent the national interest in this area.

Senator Kennedy said that by failing to make such efforts, the administration was squandering a valuable opportunity to reduce the pressures of inflation. He noted that a role for the administration was especially important at this time, when the period of excess demand in the economy appeared to have passed its peak, so that employers and unions have larger discretion over their price and wage decisions.

In discussing the need for voluntary cooperation between the administration and business and labor leaders to combat inflation, Senator Kennedy mentioned the current General Electric strike, and criticized the refusal of the administration to challenge the company's statement that it planned an inflationary price increase after the settlement.

Mr. Speaker, with unanimous consent permission, I herewith include the text of Senator Kennedy's address before the joint civic agencies of Greater Springfield, and the Washington Post newsstory of Saturday, November 8, stating that the October unemployment rate of 3.9 percent for October was essentially unchanged from the 4.0 percent rate in September:

Address by Senator Edward M. Kennedy to the Joint Civic Agencies of Greater Springfield, Mass., November 6, 1969

I am delighted to be in Springfield today under the auspices of the Joint Civic Agencies to address this distinguished audience of public officials and private citizens.

In large part because of the dedicated guidance and leadership of the Joint Civic Agencies, the greater Springfield area has made immense progress in recent years in promoting the economic, social, physical and human development of the region. The cooperation between business, labor and public officials is outstanding. Your Model Cities proposal is emulated by metropolitan areas throughout the nation. Your "Better Homes for Springfield" program has played a major role in housing. Indeed, I believe there is no Chamber of Commerce in New England that is more involved than Springfield in the development of its own community. I commend you, therefore, not only for your deep concern with the problems of Springfield, but also for your achievements in promoting a fuller life for all your citizens.

Three weeks ago in Boston, on the day of the National Moratorium, I had the honor of addressing the World Affairs Council, where I discussed the single overriding issue of our day—the war in Vietnam. Today in Springfield, I would like to discuss the overriding economic issue of the day—the war against inflation.

The facts of our inflation are distressingly clear to all of us:

Throughout 1969, consumer prices have been rising at the steady annual rate of 6 per cent, higher than at any time since the Korean War. In Massachusetts, the increase has been over 7 per cent. At the present rate, the dollar will lose half its value in a decade.

Inflation rides the market-basket of every shopper. Food prices are 5.7 per cent above their level a year ago. Beef is up 13 per cent. Eggs are up 15 per cent. Carrots 18 per cent.

The rate of unemployment jumped from 3.5 per cent in August to 4.0 per cent in September, its highest level since the fall of 1967, and the highest monthly increase since the 1960 presidential campaign. Over 3.2 million persons are now unemployed. Experts predict a rate of 5 per cent in 1970, and the Administration declines to say what an "unacceptable" level would be. In Springfield, the rate has been close to 5 per cent throughout the year.

Inflation plagues the homeowner. The cost of mortgages, taxes, insurance, repairs and all the other expenses of homeowners are up 11 per cent over 1968. Even if young couples are able to get a mortgage to buy a home, they cannot afford the payments.

The gift of good health has never been more precious. In the three years we have had of Medicare, the cost of health is up by 22 per cent, or nearly double the increase in general consumer prices. Hospital charges have soared by the astronomical rate of 55 per cent, almost five times the rise in consumer prices.

As these dramatic facts reveal, inflation is placing a cruel tax on millions of our citizens, especially those of fixed income and others who can least afford it. The special tragedy of *this* inflation is that we had the tools, we had the knowledge to avoid it.

In a very real sense, the decade of the Sixties marks a watershed in American economic thought. It is a measure of how far we have come that the bold measures of the "new economics" proclaimed by President Kennedy in his commencement address at Yale University in 1962 have now achieved wide public acceptance. The pathbreaking element of that policy was the decision to embark on a continuing program to preserve and encourage our economic prosperity.

For the first time, a President of the United States accepted the principle that the tools of economic policy are essential even in periods when the economy is not threatened by crisis, that they are best used as preventive medicine to maintain the good health of the economy, rather than as surgery to restore the health of a sick economy. The decade of the Fifties was marked by major recessions that caused enormous turbulence in our economy. Throughout the Sixties, marred only by the recent inflation that has come to plague us, we have enjoyed a period of unprecedented and uninterrupted economic growth that has brought enormous prosperity to millions of Americans.

Today, fiscal policy and monetary policy are widely accepted as the twin pillars of economic management for our modern, dynamic economy. By the use of fiscal policy, the government restrains the economy by reducing expenditures and increasing taxes. By the use of monetary policy, the government stimulates or restrains the economy by regulating the supply of money, and by modifying the availability of credit through changes in the discount rate and other actions of the Federal Reserve System.

Largely because of the skillful mix of fiscal and monetary policy in the early 1960's, the nation experienced a period of stable growth that was almost completely free of inflation. Indeed, during the entire period from 1961 until 1966, the nation enjoyed continued price stability and increased employment—a combination of happy economic circumstances that we had never before experienced for such a long stretch in our entire recorded economic history.

Our record of price stability broke in 1966 under the burden of escalation in Vietnam, an escalation that pumped far too much steam into the American economy. Had we lowered the pressure by the early tax increase called for by the new economists, we could have cooled the economy and blocked inflation, just as President Kennedy's big tax cut in 1964 got a lagging economy moving again earlier in the decade.

To be sure, we cannot trace our current inflation to a single cause. Throughout the period from 1966 well into 1969, we underestimated the buoyancy of the economy. We failed to keep our monetary policy tight after we enacted the 10 per cent tax surcharge in 1968. We did not realize the degree to which inflation had taken hold.

Yet, by the time President Johnson left office, our policy was on the proper track. Taxes had been raised, our budget belt had been tightened, and monetary policy was again doing its fair share in fighting inflation. The basic validity of this policy was accepted and continued when the new Administration took office.

Of course, every new Administration needs time to establish its policies, time to sift the policies of the old administration, time to set the distinctive course of the new one. In making the transition, errors are inevitable, and the judgments we pass must not be too harsh.

By hindsight, there were obvious early mistakes by the new administration in its eagerness to establish its own distinctive economic policy. Regrettably, the mistakes continue to impede our fight against inflation.

Four episodes stand out:

First, at the beginning the economists of the new administration made the fight against inflation look too easy. In the 1968 campaign, Mr. Nixon himself had told his audience that the only extra unemployment necessary to curb inflation was the unemployment of President Johnson's economic advisers. In April, Dr. Arthur Burns, one of the President's principal economic counselors and now the Chairman-designate of the Federal Reserve Board, told a nationwide television audience that the rate of inflation by the year's end would be down to 3 per cent, and expressed his confidence that inflation could be controlled with no substantial rise in unemployment. Today, well before the end of the year, the unemployment rate has risen to 4 per cent, and the consumer price index has risen at a rate of 6 per cent.

Second, at his initial press conference in January, confident of his decision not to resurrect the wage-price guideposts used by Presidents Kennedy and Johnson, President Nixon in effect granted carte blanche for wage and price increases, and thereby encouraged a new spiral of inflation.

Third, this same complacency contributed to the Administration's long delay and indecisiveness in taking up President Johnson's call for extension of the surtax beyond

June 30. It was late in April before Congress received a recommendation on an issue whose need was crystal clear on January 20.

Fourth, the persistent rattling of the skeleton of wage and price controls by high officials of the administration added to inflation by playing on the fears of business and labor leaders, alarmed by the spectre of such controls.

It is not my purpose here to dwell on these mistakes. In most of his other fiscal and monetary actions, the President deserves our praise for his sound economic policy. After all, the war against inflation, like the war in Vietnam, is a war he inherited from the previous administration, along with the basic economic strategy he has continued to use. Indeed, by the time the present administration took office, the strategy against inflation had already begun to take hold in major areas of the economy. Unfortunately, however, our progress in 1969 has not been as rapid as we all had hoped.

Today, because some gains have been made against inflation, a great economic debate is beginning in the nation. The issue can be phrased in relatively simple terms—is it time for the government to begin to take its foot off the brake on our economy, and relax the heavy restraints that have been imposed for so long? Or, must we continue to press the brake to the floor, and continue the full impact of those restraints?

The position of the administration is clear—it is too early, they say, to relax the restraints. We must still exert our maximum efforts to halt inflation. It is too early, they say, for the Federal Reserve Board to allow interest rates to descend by easing monetary policy.

The view of the administration has prevailed for the present. Indeed, the indications are that there is even less talk in the Federal Reserve System of easing monetary policy now than there was last month, or the month before. I suspect that the System may be over-reacting to its action of 1968, when it relaxed monetary restraint too quickly, after Congress had enacted the income tax surcharge in June. Today, the situation is different. Fiscal and monetary policy have been on a relatively well-fixed course for many months. No major new fiscal step has been taken to confuse the predicted impact of a relaxation in monetary policy.

The Administration is pursuing a spartan policy—it would have us press the fight against inflation until we are certain it is won, even though we pay a heavy price in high interest rates, high taxes, and rising unemployment—even though we would face the very real threat of a severe recession if the pressure is too heavy or is applied too long.

Many eminent economists take a different view. They say that the risks of continuing total war against inflation have now become too great. It is better, they say, to begin to relax the pressure slowly, and risk the somewhat slower conquest of inflation, than to keep the pressure on and face the risk of overkill, recession, and worse.

In recent weeks I have come increasingly to believe that the time is arriving to begin reducing the pressure we have imposed upon the economy. Even the Administration tells us that it may take as long as six to nine months for a change in monetary policy to take hold, and to reflect itself in the economy. We cannot simply look at the situation as it is today. We must assess what it will be farther down the road, in the middle of 1970 and beyond.

We know that the Administration has already pledged itself to a tight fiscal policy, including extension of the surtax into 1970, repeal of the investment credit, and strict expenditure controls. In these circumstances, the burden of tight money and the continuing credit crunch may be too heavy. If we think, as I do, that it is essential to relieve the plight of the homeowner and the homebuilder, to insure against the growing level of unemployment and against the significant risk of recession, then I think we must begin to ease the monetary pressure in a timely fashion.

The problem of unemployment deserves our special attention. When we speak of weighing the cost of unemployment against the benefit of reduced inflation, we must use a weighted measure of unemployment. As the Chairman of the Council of Economic Advisers recently put it, "Everyone does not have an equal chance of being unemployed." It is not enough simply to discuss unemployment in terms of bare percentages—3½ per cent in June or 4 per cent in September, representing so many additional millions of unemployed. We must also recognize that the people who lose their jobs because of the fight against inflation are the most vulnerable citizens of our society—the disadvantaged, the hard-core unemployed, the blacks and other minority groups, the unskilled and semi-skilled, the oppressed—on all of whom the burden of unemployment is especially heavy.

Equally important, we must be aware that it is these same groups who are involved most heavily in the social and political tensions of the nation. Therefore, to be sensitive to the needs and burdens of these citizens in setting economic policy is right not only because it is our moral and ethical obligation to do so. It is right also because in the best pragmatic tradition, it is the most effective policy to insure political and social stability in the nation.

There is another area of the economy where I feel that not enough is being done. I do not believe the Administration acted wisely when it renounced the pressure exerted by the previous Administrations on business and labor leaders to forego excessive price and wage increases. Ironically, at the very time the new President was continuing a strict anti-inflationary strategy with his fiscal and monetary policy, he was rejecting the wise voluntary restraints on wages and prices that had contributed so much to reducing the pressure of inflation in the past. As we know, business and labor wasted no time in responding to the invitation:

In 1969, the prices of copper, steel, zinc and aluminum have risen steeply. At their present rate, the price increase of many of these products will be greater in 1969 alone than the total increase for all the eight preceding years combined.

The 1970 auto models have by far the largest rise in price tags in more than a decade. The price of gasoline is rising at the annual rate of nearly 10 per cent.

In the first three quarters of 1969, total wages rose by 6.6 per cent. For construction workers, the increase was 12.5 per cent.

By failing to enlist the voluntary cooperation of business and labor in the fight against inflation, I believe the Administration has been squandering a valuable opportunity to reduce the inflationary price and wage increases demonstrated by these examples. As many economists have pointed out in recent months, the period of excess demand in the economy appears to have passed its peak, so that employers and unions now have an increasingly large discretion over their wage and price decisions.

Now that our fiscal and monetary policy has begun to work, the need for voluntary cooperation by business and labor on wage and price restraint is all the more important. Now that government has put its own house in order, it is appropriate for government to ask the private sector to do the same. I believe that efforts to enlist such voluntary cooperation can make the difference between falling back into more inflation and moving forward to a successful conclusion of the fight.

It is an unfortunate fact that the quietly effective operation of the price-wage guideposts in countless cases in the early Sixties was overshadowed by the few loud public disagreements that occurred. We know, however, that during the seven years the guideposts lived, many business and labor leaders heard the arguments of the President and the Council of Economic Advisers, and agreed in the national interest to leash their market power and trim their price and wage increases.

Today, the Secretary of Labor says we are on the threshold of an unusually difficult period of negotiations between business and labor, with the prospect of a sizable number of strikes. In coming months, there will be major contract negotiations in industries like auto, rubber, railroad, and airline, and the fact of inflation will be always present. Almost 150,000 workers of the General Electric Company—over 30,000 of them in Massachusetts—are idled by a strike. The Chairman of the company tells us in advance that there will be a price increase after the strike. The settlement is bound to be inflationary, he says, and its impact will spread to other industries. Inflation threatens, but the Administration announces it has no role to play.

I deplore the continuing refusal by the Administration to challenge inflationary wage and price decisions, especially where, as here, the threat of inflation is spread out upon the public record. When the chairman of the nation's fourth largest manufacturer publicly admits that his company plans an inflationary price increase, the Administration simply cannot abdicate its responsibility to represent the public interest.

Let me emphasize here—and these are crucial points—that I reject the use of mandatory wage and price controls. I do not propose a return to the old formula of price-wage guideposts at this time. I do not propose a knee-jerk intervention by the Administration in the collective bargaining process, either in the General Electric strike or any other labor dispute. But neither do I propose the total abdication of any possible role for the Administration in such disputes where inflation looms.

What I am advocating is that the Administration must do more in appealing to the sense of public responsibility of the private sector in helping to combat inflation. The prestige of the White House can and should be used to focus the spotlight of public opinion on inflationary developments in the economy. The need is especially great in the case of individual price and wage decisions made outside the context of collective bargaining, with its long history of free institutions important to our democracy. But the need is also present when inflation threatens the collective bargaining process as well.

The spotlight of public opinion is intense. Properly marshaled, it can be one of the greatest disinfectants against the disease of inflation in our free society. It is a force that no responsible employer or union leader should deny, a force that can be brought to bear only by the President and the power of his high office. Only he can use it, and it is his obligation to use it for the good of all the people.

Three weeks ago, President Nixon made his first public move toward invoking this power. In his personal letter to two thousand business leaders, including a number of the prominent citizens in this audience, the President urged them to be cautious in their price decisions, because, he said, to feed inflation would work against their own best interests. At last, it seems the President is beginning to move toward using the prestige of the White House to bring restraint to price and wage decisions.

Although I commend the President for embracing the philosophy of the "jawbone," I urge him to go further. *In the first place,* as we know from the early months of President Kennedy's administration, it is not enough simply to make a general plea for price and wage restraint. Gratified as they must be to correspond with the President, both sides reply that restraint is their normal way of life. The important thing, therefore, is not the general plea, but the more specific guidance that only the Administration is capable of providing.

That guidance should emerge only after the fullest consultation between the Administration and the leaders of business and labor. They should be heard, and they should be asked for their ideas on how to achieve our common goal of non-inflationary prosperity that is so vital to the interest of all our people.

Second, it is not enough simply to exhort business and labor leaders to pursue their own self-interest. When the prestige of the White House is invoked, it should be invoked in the national interest. Business and labor must, of course, attend to their own interests, but they must also heed the national interest. At a time when the nation at last appears to be turning the corner against inflation, it is especially important that every decision by a business leader, and every wage decision by a union leader, must take the national interest into account. This is what restraint is all about. This is the area where national economic policy is still at fault, where greater efforts must be made.

There are many who argue that the use of such Presidential power is unfair, because it singles out individual industries and individual price and wage decisions that are highly visible, and are therefore highly vulnerable to the pressure of the President, when similar action by others goes undetected.

That argument is wrong. We reject it in many other daily actions, and we must reject it in the crucial area of our nation's economic policy. It says in effect that the referee on the football field is forbidden to penalize any player because he knows he cannot catch all the violators. We know, however, that for every penalty called, other players are deterred to keep the peace and play within the rules.

This is the area of the economy where we need greater leadership from the Administration. We cannot continue to insist that the entire burden of the war against inflation must be carried by our tight money policy and our stringent fiscal policy. To do so is to ask too high a price in terms of unemployment, reduced output, and the danger of recession. I believe the Administration should formalize a flexible procedure that enables the national interest to be represented as an equal partner in purely voluntary consultations. The President and the Administration should be in a position to blow the whistle well in advance on inflationary price and wage decisions, without the need to resort to bitter personal confrontations over decisions by individual firms or unions.

The time is ripe for a new initiative. I urge the Administration to take advantage of the fertile opportunity that now exists, and to institute the sort of program that I and many others concerned with the war against inflation have recommended. By playing a more active role against inflationary price and wage decisions, the Administration will gain even greater flexibility in easing our brutally high interest rates, the foremost area of the economy where the strictness of our current policy should be relaxed.

In closing, let me say that I am optimistic that we can make greater progress against inflation. As we begin to emerge from the tunnel through which we have traveled for so long, the landscape we see is not a pleasant one. It is marred by the blight of the political and social problems facing all our people—rich and poor, black and white, business and labor.

A sound national economy is the cornerstone for all our plans for a better America. For far too long, the war against inflation has sapped our energy and thwarted our plans to build on the many advances we made in the early Sixties. Under stable economic growth, we can move forward to provide better education for our children, better housing for our cities, and better health for us all. We can advance in all the other areas of great need in the nation. The challenge is enormous, but with inflation under control, we will at last be able to believe that our resources are equal to our task.

[From the Washington Post, Nov. 8, 1969]

JOBLESS RATE DROPS SLIGHTLY

(By Frank C. Porter)

Unemployment was essentially unchanged last month indicating that the big jump from 3.5 to 4.0 per cent in September was no fluke.

A substantial drop in the average work week was further evidence of a general slowdown in the nation's economy. After remaining steady for seven months, it fell from 37.8 to 37.5 hours after seasonal adjustment.

In manufacturing, the work week was at its lowest level since February.

The seasonally adjusted unemployment rate slipped from 4.0 per cent to 3.9 per cent. But Harold Goldstein, Assistant Commissioner of Labor Statistics, noted a change of this size is not statistically significant because of random fluctuations and possible sampling errors.

There had been speculation that the big September rise was a one-month abbreviation. Consequently, government analysts awaited the October figure with more than ordinary anticipation. Had the rate dropped back to 3.5 or 3.6 per cent, say, the thesis would have been borne out.

As it is, the figures for only two months do not necessarily establish a trend. But since the higher jobless rates were spread broadly across worker categories and the work week dropped for all types of employment except finance, insurance and real estate, the consensus among analysts was that the rate of economic expansion has indeed slowed markedly.

There was little change in separate rates for white and non-white workers. The white rate inched downward from 3.6 to 3.5 per cent and the non-white rate crept up 6.8 to 6.9 per cent. But as the Bureau of Labor Statistics explained, neither change is statically significant.

For the second straight month the non-white rate remained slightly below the historic ratio of more than double the white rate. This appeared as a contradiction of the classic situation in which, as economic activity slows, disadvantaged workers and particularly blacks suffer disproportionately —the last-hired, first-fired situation.

Most other rates showed little or no change from the September levels. That for married men held steady at 1.7 per cent; women slipped frfom 4.2 to 4.0 per cent; blue collar workers dipped from 4.4 to 4.3 per cent and white collar workers rose from 2.2 to 2.4 per cent.

After seasonal adjustment, nonfarm payroll employment rose by 190,000 to a record high of 70.7 million. More revealing, however, was a special table showing that this employment has risen an average of only 93,000 a month over the past half-year in contrast to the average of 234,000 in the previous six months (October 1968 to last June).

Average hourly earnings for rank-and-file employees in the private economy edged up 1 cent last month to $3.11—6.9 per cent above the year-ago level. But because of the fall in hours, average weekly earnings dropped 86 cents to $116.94 or 6.0 per cent above the mark for October of last year.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McCulloch (at the request of Mr. Gerald R. Ford), for today, on account of a meeting of the Dr. Eisenhower Commission on the Causes and Prevention of Violence.

Mr. Price of Texas (at the request of Mr. Gerald R. Ford) for today, on account of official business.

Mr. Garmatz (at the request of Mr. Fallon), for today, on account of official business.

Mr. Pepper, for Thursday, November 13 and Friday, November 14, on account of official business.

Mr. Frey (at the request of Mr. Gerald R. Ford), for today, on account of a death in the family.

Mr. Charles H. Wilson (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Wold), to revise and extend their remarks and include extraneous matter:)

Mr. Morton, for 10 minutes, today.
Mr. Hogan, for 30 minutes, today.
Mr. Schwengel, for 10 minutes today.
Mr. Michel for 10 minutes, today.
Mr. Chamberlain, for 10 minutes today.

(The following Members (at the request of Mr. Daniel of Virginia); to revise and extend their remarks and include extraneous matter:)

Mr. Giaimo, for 15 minutes today.
Mr. Flood, for 15 minutes, today.
Mr. Gonzalez, for 10 minutes, today.
Mr. Olsen, for 60 minutes, on November 18.
Mr. Wolff, for 60 minutes, on November 19.
Mr. Leggett, for 60 minutes, on November 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Zablocki in two instances and to include extraneous matter.

Mr. Gross to revise and extend remarks made in Committee of the Whole on H.R. 14751.

Mr. Dickinson (at the request of Mr. Buchanan) and to include extraneous matter.

Mr. Mahon (at the request of Mr. Daniel of Virginia); to revise and extend his remarks and include extraneous matter during consideration of House Joint Resolution 966, today.

(The following Members (at the request of Mr. Wold) and to include extraneous matter:)

Mr. Roudebush in three instances.
Mr. McClure.
Mr. Ashbrook in two instances.
Mr. Scott.
Mr. Weicker.
Mr. Reid of New York in two instances.
Mr. Kleppe in two instances.
Mr. Don H. Clausen.
Mr. Zwach.
Mr. Schwengel in three instances.
Mr. Landgrebe.

Mr. HOGAN in two instances.
Mr. DERWINSKI in two instances.
Mr. WHITEHURST.
Mr. LUJAN in two instances.
Mr. PRICE of Texas in two instances.
Mr. SEBELIUS.
Mr. MATHIAS.
Mr. BUSH.
Mr. GOLDWATER.
Mr. BRAY in two instances.
Mr. BURKE of Florida.
Mr. ROTH.
Mr. DAVIS of Wisconsin.
Mr. ROBISON in two instances.
Mr. SNYDER in three instances.
Mr. CARTER in four instances.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. KOCH.
Mr. MATSUNAGA.
Mr. HAYS in two instances.
Mr. CORMAN.
Mr. SATTERFIELD.
Mr. BRINKLEY.
Mr. HATHAWAY.
Mr. RARICK in three instances.
Mr. DIGGS.
Mr. DANIEL of Virginia in two instances.
Mr. ROSTENKOWSKI.
Mr. GONZALEZ.
Mr. FRIEDEL in two instances.
Mr. HÉBERT.
Mr. FULTON of Tennessee.
Mr. LONG of Maryland.
Mr. VANIK in two instances.
Mr. EDWARDS of California.
Mr. FRASER.
Mr. BROWN of California in four instances.
Mr. SYMINGTON.
Mr. BURKE of Massachusetts.
Mr. PICKLE.
Mr. DULSKI in three instances.
Mr. JACOBS in three instances.
Mr. STUBBLEFIELD.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a Joint Resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a Joint Resolution of the House of the following titles:

On November 7, 1969:

H.R. 10595. An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program;

H.R. 11271. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamps program for fiscal year 1970 to $610,000,000.

On November 13, 1969:

H.R. 14030. An act to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, November 17, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1333. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 7, 1969, submitting a report, together with accompanying papers and illustrations, on running water draw watershed, Plainview, Tex., in partial response to resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted August 12, 1954 and June 13, 1956 (H. Doc. 91–192); to the Committee on Public Works and ordered to be printed, with illustrations.

1334. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting notification of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Naval Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Eleventh report on deficiencies in administration of Federal Insecticide, Fungicide, and Rodenticide Act (Rept. No. 91–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 4302. A bill to amend title 28 of the United States Code, section 753, to authorize payment by the United States of fees charged by court reporters for furnishing certain transcripts in proceedings under the Criminal Justice Act; with an amendment (Rept. No. 91–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 9677. A bill to amend section 1866 of title 28, United States Code, prescribing the manner in which summonses for jury duty may be served; without amendment (Rept. No. 91–639). Referred to the House Calendar.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 14485. A bill to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system; without amendment (Rept. No. 91–640). Referred to the House Calendar.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 4248. A bill to amend title 5, United States Code, to authorize civilians employed by the Department of Defense to administer oaths while conducting official investigations; without amendment (Rept. No. 91–641). Referred to the House Calendar.

Mr. HAYS: Committee on Foreign Affairs. H. Res. 613. Resolution toward peace with justice in Vietnam (Rept. No. 91–643). Referred to the House Calendar.

Mr. BOLAND: Committee on Appropriations. H.R. 14794. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–642). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 14781. A bill to amend the National Flood Insurance Act of 1968 to provide protection thereunder against losses resulting from earthquakes, and earthslides; to the Committee on Banking and Currency.

By Mr. BROTZMAN:

H.R. 14782. A bill to provide that the fiscal year of the United States shall coincide with the calender year; to the Committee on Government Operations.

H.R. 14783. A bill to amend the Legislative Reorganization Act of 1946 to provide that the Congress may not adjourn sine die in any session of Congress or recess after December 31 of each year until all appropriation measures for the fiscal year concerned have been considered and disposed of, and for other purposes; to the Committee on Rules.

By Mr. BROYHILL of Virginia:

H.R. 14784. A bill to make it unlawful for any person to drive a motor vehicle in the District of Columbia past a school bus that is stopped to receive or discharge school children; to the Committee on the District of Columbia.

By Mr. EILBERG:

H.R. 14785. A bill to provide that the corporation known as the Veterans of World War I of the United States of America shall have within the Washington, D.C. metropolitan area a designated agent authorized to accept service of process for the corporation; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 14786. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mr. GUBSER:

H.R. 14787. A bill to establish marine sanctuaries; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 14788. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HAYS:

H.R. 14789. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes; to the Committee on Foreign Affairs.

By Mr. JARMAN:

H.R. 14790. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 14791. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 14792. A bill to amend the Federal Aviation Act of 1958 in order to require air carriers to file reports with the Civil Aeronautics Board listing lost, damaged, and stolen baggage and cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH (for himself, Mr. Hastings, Mr. Hathaway, Mr. Kleppe, Mr. Langen, Mr. McKneally, Mr. Montgomery, Mr. O'Konski, Mr. Sebelius, Mr. St. Onge, Mr. Stubblefield, Mr. Waggonner, and Mr. Wampler):

H.R. 14793. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. BOLAND:

H.R. 14794. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. BURTON of California:

H.R. 14795. A bill to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California; to the Committee on Interior and Insular Affairs.

By Mr. GUBSER:

H.R. 14796. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

By Mr. HOLIFIELD:

H.R. 14797. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 14798. A bill to amend section 4311 of the Revised Statutes prohibiting the landing of certain fish or fish products in U.S. ports; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 14799. A bill to amend the Internal Revenue Code of 1954 to make qualification under State law a prerequisite to registration under the narcotic drug and marihuana laws; to eliminate the provision permitting payment of tax to acquire marihuana by unregistered persons, and for other related purposes; to the Committee on Ways and Means.

By Mr. MORGAN:

H.R. 14800. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 14801. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. ST GERMAIN:

H.R. 14802. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ABBITT:

H.R. 14803. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 14804. A bill relating to the income tax treatment of certain sales of real property by a corporation; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 14805. A bill to require the Secretary of Health, Education, and Welfare to conduct a study and investigation of the effects of the use of pesticides, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Georgia:

H.R. 14806. A bill to authorize the acquisition of certain lands for addition to Kennesaw Mountain National Battlefield Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN:

H.R. 14807. A bill to prohibit the use of the name of any of certain deceased servicemen unless consent to so use the name is given by the next-of-kin of the serviceman; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 14808. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE:

H.R. 14809. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mr. SISK:

H.R. 14810. A bill to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs; to the Committee on Agriculture.

By Mr. GALIFIANAKIS:

H.J. Res. 982. Joint resolution to provide for the establishment of a Commission by the Secretary of Health, Education, and Welfare to review and assess all available data on smoking and health including the carrying on of original scientific research; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI (for himself, Mr. Dent, Mr. Hawkins, Mr. Hathaway, Mr. Powell, Mr. Murphy of Illinois, Mr. Anderson of California, Mr. Conyers, Mr. Derwinski, Mr. Farbstein, Mrs. Heckler of Massachusetts, Mr. Matsunaga, Mr. Price of Illinois, and Mr. Roybal):

H.J. Res. 983. Joint resolution to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. QUILLEN:

H.J. Res. 984. Joint resolution authorizing the President to proclaim November 13 through November 20, 1969, as National Unity Week; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Con. Res. 446. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts, to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H. Con. Res. 447. Concurrent resolution expressing the sense of the Congress with respect to public expression of religious faith by American astronauts; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H. Con. Res. 448. Concurrent resolution Red Cross prisoner-of-war declaration; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 449. Concurrent resolution urging that a national plebiscite be held in order to determine the public will with respect to the policy of seeking the peace in Vietnam; to the Committee on Foreign Affairs.

By Mr. BOGGS (for himself, Mr. Fascell, Mr. Jones of Tennessee, and Mr. Fulton of Tennessee):

H. Res. 691. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. FLOOD:

H. Res. 692. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H. Res. 693. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. MEEDS:

H. Res. 694. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. WATTS:

H. Res. 695. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. WHITTEN:

H. Res. 696. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. BROTZMAN:

H. Res. 697. Resolution amending the Rules of the House of Representatives to expedite the enactment of general appropriation measures, to facilitate the making of appropriations for subsequent fiscal years, and for other purposes; to the Committee on Rules.

By Mr. FINDLEY (for himself, Mr. Broyhill of North Carolina, Mr. Burton of Utah, Mr. Hosmer, Mrs. May, Mr. McDonald of Michigan, Mr. McKneally, Mrs. Reid of Illinois, Mr. Sandman, and Mr. Teague of California):

H. Res. 698. Resolution relating to withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Bingham, Mr. Brown of California, Mr. Burton of California, Mr. Carey, Mrs. Chisholm, Mr. Clay, Mr. Cohelan, Mr. Conyers, Mr. Eckhardt, Mr. Edwards of California, Mr. Farbstein, Mr. Hechler of West Virginia, and Mr. Helstoski):

H. Res. 699. Resolution for withdrawal of U.S. Forces in South Vietnam on an orderly and fixed schedule; to the Committee on Foreign Affairs.

By Mr. LANDGREBE (for himself, Mr. Caffery, Mr. Ruth, Mr. Scherle, Mr. Kee, Mr. Waggonner, Mr. Lukens, Mr. Pollock, Mr. Colmer, Mr. Passman, Mr. Andrews of Alabama, Mr. Rarick, Mr. Long of Louisiana, Mr. Dowdy, Mr. Griffin, Mr. Langen, Mr. Montgomery, Mr. Wold, Mr. Hébert, Mr. Rivers, Mr. Hall, Mr. Hunt, Mr. Goodling, Mr. Watson, Mr. Foreman, and Mr. Zion):

H. Res. 700. Resolution authorizing and directing the Committee on Internal Security to conduct a full and complete study and investigation of the New Mobilization Committee to End the War in Vietnam; to the Committee on Rules.

By Mr. LANDGREBE (for himself, Mr. Caffery, Mr. Bray, Mr. Teague of Texas, Mr. Derwinski, Mr. Hastings, Mr. Roudebush, Mr. Dennis, Mr. Daniel of Virginia, Mr. Dorn, Mr. McMillan, Mr. Scott, Mr. Mizell, Mr. Gross, Mr. Dickinson, Mr. Cramer, Mr. Myers, Mr. Adair, and Mr. Edwards of Louisiana):

H. Res. 701. Resolution authorizing and directing the Committee on Internal Security to conduct a full and complete study and investigation of the New Mobilization Committee to End the War in Vietnam; to the Committee on Rules.

By Mr. LUJAN:

H. Res. 702. Resolution to proclaim National Week of Unity November 9–November 16; to the Committee on the Judiciary.

By Mr. MATHIAS:

H. Res. 703. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL (for himself, Mr. Kastenmeier, Mr. Koch, Mr. Lowenstein, Mr. Mikva, Mrs. Mink, Mr. Moorhead, Mr. Podell, Mr. Reuss, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Waldie, and Mr. Wolff):

H. Res. 704. Resolution for withdrawal of U.S. forces in South Vietnam on an orderly and fixed schedule; to the Committee on Foreign Affairs.

By Mr. ST. ONGE:

H. Res. 705. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. FASCELL:

H. Res. 706. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LUJAN:

H.R. 14811. A bill for the relief of Carol Min Houts; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 14812. A bill for the relief of Alina Polkiewicz; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

STRAIGHT TALK TO THE AMERICAN MAJORITY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BROCK. Mr. Speaker, it is always a pleasure to hear a prominent American speak out plainly and honestly on vital national issues. In a time of confusing charges and counter charges, and continual controversies, words of sound commonsense are more valuable than ever.

On October 30, in Harrisburg, Pa., Vice President Spiro Agnew made such a speech. The reaction was predictable—the very people who for years have heaped the worst abuse on this country and our leaders suddenly complained that they were being "intemperately" attacked.

In effect, they proved that they consider freedom of speech an extremist monopoly that responsible spokesmen of the silent majority are not entitled to. This is a strange and alien concept, but it reveals the hypocrisy which lies at the root of a "peace" movement that prolongs a bloody war and injures the morale of America's fighting men.

In the end, however, the few dissident howls were drowned out by an overwhelming public endorsement of the Vice President's words. So that everyone can have a chance to evaluate this important speech in full—not just excerpts or out-of-context quotes—I am including it in the Record. I recommend it to those of my colleagues who have not yet read it fully, and to all concerned, patriotic Americans:

Address by the Vice President, Pennsylvania Republican Dinner, October 30, 1969

A little over a week ago, I took a rather unusual step for a Vice President . . . I said something. Particularly, I said something that was predictably unpopular with the people who would like to run the country without the inconvenience of seeking public office. I said I did not like some of the things I saw happening in this country. I criticized those who encouraged government by street carnival and suggested it was time to stop the carousel.

It appears that by slaughtering a sacred cow I triggered a holy war. I have no regrets. I do not intend to repudiate my beliefs, recant my words, or run and hide.

What I said before, I will say again. It is time for the preponderant majority, the responsible citizens of this country, to assert *their* rights. It is time to stop dignifying the immature actions of arrogant, reckless, inexperienced elements within our society. The reason is compelling. It is simply that their tantrums are insidiously destroying the fabric of American democracy.

By accepting unbridled protest as a way of life, we have tacitly suggested that the great issues of our times are best decided by posturing and shouting matches in the streets. America today is drifting toward Plato's classic definition of a degenerating democracy . . . a democracy that permits the voice of the mob to dominate the affairs of government.

Last week I was lambasted for my lack of "mental and moral sensitivity." I say that any leader who does not perceive where persistent street struggles are going to lead this nation lacks mental acuity. And any leader who does not caution this nation on the danger of this direction lacks moral strength.

I believe in Constitutional dissent. I believe in the people registering their views with their elected representatives, and I commend those people who care enough about their country to involve themselves in its great issues. I believe in legal protest within the Constitutional limits of free speech, including peaceful assembly and the right of petition. But I do not believe that demonstrations, lawful or unlawful, merit my approval or even my silence where the purpose is fundamentally unsound. In the case of the Vietnam Moratorium, the objective announced by the leaders—immediate unilateral withdrawal of all our forces from Vietnam—was not only unsound but idiotic. The tragedy was that thousands who participated wanted only to show a fervent desire for peace, but were used by the political hustlers who ran the event.

It is worth remembering that our country's founding fathers wisely shaped a Constitutional republic, not a pure democracy. The representative government they contemplated and skillfully constructed never intended that elected officials should decide crucial questions by counting the number of bodies cavorting in the streets. They recognized that freedom cannot endure dependent upon referendum every time part of the electorate desires it.

So great is the latitude of our liberty that only a subtle line divides use from abuse. I am convinced that our preoccupation with emotional demonstration, frequently crossing the line to civil disruption and even violence could inexorably lead us across that line forever.

Ironically, it is neither the greedy nor the malicious, but the self-righteous who are guilty of history's worst atrocities. Society understands greed and malice and erects barriers of law to defend itself from these vices. But evil cloaked in emotional causes is well disguised and often undiscovered until it is too late.

We have just such a group of self-proclaimed saviours of the American soul at work today. Relentless in their criticism of intolerance in America, they themselves are intolerant of those who differ with their views. In the name of academic freedom, they destroy academic freedom. Denouncing violence, they seize and vandalize buildings of great universities. Fiercely expressing their respect for truth, they disavow the logic and discipline necessary to pursue truth.

They would have us believe that they alone know what is good for America; what is true and right and beautiful. They would have us believe that their reflexive action is superior to our reflective action; that their revealed righteousness is more effective than our reason and experience.

Think about it. Small bands of students are allowed to shut down great universities. Small groups of dissidents are allowed to shout down political candidates. Small cadres of professional protesters are allowed to jeopardize the peace efforts of the President of the United States.

It is time to question the credentials of their leaders. And, if in questioning we disturb a few people, I say it is time for them to be disturbed. If, in challenging, we polarize the American people, I say it is time for a positive polarization.

It is time for a healthy in-depth examination of policies and a constructive realignment in this country. It is time to rip away the rhetoric and to divide on authentic lines. It is time to discard the fiction that in a country of 200 million people, everyone is qualified to quarterback the government.

For too long we have accepted superficial categorization—young versus old; white versus black; rich versus poor. Now it is time for an alignment based on principles and values shared by all citizens regardless of age race, creed, or income. This, after all, is what America is all about.

America's pluralistic society was forged on the premise that what unites us in ideals is greater than what divides us as individuals. Our political and economic institutions were developed to enable men and ideas to compete in the marketplace on the assumption that the best would prevail. Everybody was deemed equal, and by the rules of the game they could become superior. The rules were clear and fair: in politics, win an election; in economics, build a better mousetrap. And as time progressed, we added more referees to assure equal opportunities and provided special advantages for those who we felt had entered life's arena at a disadvantage.

The majority of Americans respect these rules . . . *and with good reason.* Historically, they have served as a bulwark to prevent totalitarianism, tyranny, and privilege . . . the old world spectres which drove generations of immigrants to American sanctuary. Pragmatically, the rules of America work. This nation and its citizens—collectively and individually—have made more social, political and economic progress than any civilization in world history.

The principles of the American system did not spring up overnight. They represent centuries of bitter struggle. Our laws and institutions are not even purely American—only our Federal system bears our unique imprimatur.

We owe our values to the Judeo-Christian ethic which stresses individualism, human dignity, and a higher purpose than hedonism. We owe our laws to the political evolution of government by consent of the governed. Our nation's philosophical heritage is as diverse as its cultural background. We are a melting pot nation that has for over two centuries distilled something new and, I believe, sacred.

Now, we have among us a glib, activist element who would tell us our values are lies, and I call them impudent. Because anyone who impugns a legacy of liberty and dignity that reaches back to Moses, is impudent.

I call them snobs for most of them disdain to mingle with the masses who work for a living. They mock the common man's pride in his work, his family and his country. It has also been said that I called them intellectuals. I did not. I said that they characterzied themselves as intellectuals. No true intellectual, no truly knowledgeable person, would so despise democratic institutions.

America cannot afford to write off a whole generation for the decadent thinking of a few. America cannot afford to divide over their demagoguery . . . or to be deceived by their duplicity . . . or to let their license destroy liberty. We can, however, afford to separate them from our society—with no more regret than we should feel over discarding rotten apples from a barrel.

The leaders of this country have a moral as well as a political obligation to point out the dangers of unquestioned allegiance to any cause. We must be better than a charlatan leader of the French Revolution, remembered only for his words: "There go the people; I am their leader; I must follow them."

And the American people have an obligation, too . . . an obligation to exercise their citizenship with a precision that precludes excesses.

I recognize that many of the people who participated in the past Moratorium Day were unaware that its sponsors sought immediate unilateral withdrawal. Perhaps many more had not considered the terrible consequences of immediate unilateral withdrawal.

I hope that all citizens who really want peace will take the time to read and reflect on the problem. I hope that they will take into consideration the impact of abrupt termination; that they will remember the more than 3,000 innocent men, women and children slaughtered after the Viet Cong captured Hue last year and the more than 15,000 doctors, nurses, teachers and village leaders murdered by the Viet Cong during the war's early years. The only sin of these people was their desire to build their budding nation of South Vietnam.

Chanting "Peace Now" is no solution, if "Peace Now" is to permit a wholesale bloodbath. And saying that the President should understand the people's view is no solution. It is time for the people to understand the views of the President they elected to lead them.

First, foreign policy cannot be made in the streets.

Second, turning out a good crowd is not synonymous with turning out a good foreign policy.

Third, the test of a President cannot be reduced to a question of public relations. As the Eighteenth Century jurist, Edmund Burke, wrote, "Your representative owes you not his industry only but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion."

Fourth, the impatience—the understandable frustration over this war—should be focused on the government that is stalling peace while continuing to threaten and invade South Vietnam—and that government's capital is not in Washington. It is in Hanoi.

This was not Richard Nixon's war . . . but it will be Richard Nixon's peace if we only let him make it.

Finally—and most important—regardless of the issue, it is time to stop demonstrating in the streets and start doing something constructive about our institutions. America must recognize the dangers of constant carnival. Americans must reckon with irresponsible leadership and reckless words. The mature and sensitive people of this country must realize that their freedom of protest is being exploited by avowed anarchists and communists who detest everything about this country and want to destroy it.

This is a fact. These are the few . . . these are not necessarily leaders. But they prey upon the good intentions of gullible men everywhere. They pervert honest concern to something sick and rancid. They are vultures who sit in trees and watch lions battle, knowing that win, lose or draw, they will be fed.

Abetting the merchants of hate are the parasites of passion. These are the men who value a cause purely for its political mileage. These are the politicians who temporize with the truth by playing both sides to their own advantage. They ooze sympathy for "the cause" but balance each sentence with equally reasoned reservations. Their interest is personal, not moral. They are ideological eunuchs whose most comfortable position is straddling the philosophical fence, soliciting votes from both sides.

Aiding the few who seek to destroy and the many who seek to exploit is a terrifying spirit, the new face of self-righteousness. Former H.E.W. Secretary John Gardner described it: "Sad to say, it's fun to hate . . . that is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

This is what is happening in this nation . . . we are an effete society if we let it happen here.

I do not overstate the case. I am aware of the danger, the convicted rapist Eldridge Cleaver is aware of the potential. From his Moscow hotel room he predicted, "Many complacent regimes thought they would be in power eternally—and awoke one morning to find themselves up against the wall. I expect that to happen in the United States in our lifetimes."

People cannot live in a state of perpetual electric shock. Tired of a convulsive society, they settle for an authoritarian society. As Thomas Hobbes discerned three centuries ago, men will seek the security of a Leviathan state as a comfortable alternative to a life that is "nasty, brutish and short."

Right now we must decide whether we will take the trouble to stave off a totalitarian state. Will we stop the wildness now before it is too late, before the witch-hunting and repression that are all too inevitable begin?

Will Congress settle down to the issues of the nation and reform the institutions of America as our President asks? Can the press ignore the pipers who lead the parades? Will the heads of great universities protect the rights of all their students? Will parents have the courage to say no to their children? Will people have the intelligence to boycott pornography and violence? Will citizens refuse to be led by a series of Judas goats down tortuous paths of delusion and self-destruction?

Will we defend fifty centuries of accumulated wisdom? For that is our heritage. Will we make the effort to preserve America's bold, successful experiment in truly representative government? Or do we care so little that we will cast it all aside?

Because on the eve of our nation's 200th birthday, we have reached the crossroads. Because at this moment totalitarianism's threat does not necessarily have a foreign accent. Because we have a home-grown menace, made and manufactured in the U.S.A. Because if we are lazy or foolish, this nation could forfeit its integrity, never to be free again.

I do not want this to happen to America. And I do not think that you do either. We have something magnificent here . . . something worth fighting for . . . and now is the time for all good men to fight for the soul of their country. Let us stop apologizing for our past. Let us conserve and create for the future.

NEW JERSEY OFFICE OF CLEAN AIR AND WATER AN EXAMPLE OF EFFECTIVE POLLUTION CONTROL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. RODINO. Mr. Speaker, the State of New Jersey's Division of Clean Air and Water, under the State department of health, has been writing an excellent record in fulfilling its mandate to control air and water pollution. One major reason is due to the ability and determination of its director, Richard J. Sullivan.

Most of us are familiar with the highly complex technical and political circumstances surrounding the effort to restore our polluted environment. Such a task can only be accomplished by individuals who combine energy, dedication, determination and ability. Happily, Dick Sullivan meets the rigorous tests for accomplishing the task.

An article from the October 1969 issue of New Jersey Business, describing the activities of Mr. Sullivan follows:

HE FIGHTS THE POLLUTERS

(By John T. Cunningham)

If ever there was a public official in New Jersey who adheres to the old Teddy Roosevelt advice to talk softly and carry a big stick, it is Richard J. Sullivan, director of the Division of Clean Air and Water in the New Jersey State Department of Health.

Sullivan believes that legislators were serious when they enacted tough anti-pollution laws in 1967 and the new Division of Clean Air and Water was set up to administer them.

"Our job is to enforce the law," he says in rigid summary. "If the law is not proper, then it should be repealed."

Scores of individuals and firms have felt the unremitting sting of Sullivan's enforcement in the past thirty months. He has unhesitatingly and dramatically hauled air and water polluters into court after they have ignored his pleas and his warnings. He and state attorneys have successfully taken on giants—city and small town politicians, big coal companies, major railroads, labor unions, builders, even a combination of airlines charged with air pollution.

RULE OF LAW

His career has been stormy since he took over leadership of the new division in February, 1967, and immediately told his staff that the statute must be carried out vigorously and impersonally. "We are not separating the rascals from the gentlemen," he says. "We are not crusading. We are enforcing the law."

Sullivan and his staff of nearly 220 aides get the bulk of their attention from court actions, but most of their work is trying to educate individuals, industries and municipalities to the requirements of the law and the wisdom of obeying. They hope to emphasize through education and through warnings the emergency air and water situation facing New Jersey.

The Clean Air and Water Division sets high hopes on the $271 million "clean water" bond issue to be considered next month by New Jersey voters.

"That bond issue is the key," says Sullivan. "If the money is approved, there will be a rush of sewer construction. Many municipalities will move immediately. Much work already has been done in planning; only the money is needed."

Thirty months of the elusive quest of air fit to breathe and water fit to drink have not made Sullivan either totally optimistic or perceptibly pessimistic, although he might be a shade soured on the inability of many to act without pressure.

"This is such a varied state," he points out. "There are so many places, so many attitudes, so many contrasts."

PROS AND CONS

He quickly ticks off areas of the state where earnest progress has been made, without threats of court action or without appeals for major state or federal support. He can also cite examples of complete indifference or outright hostility.

Sullivan is given to quiet movement and low key statements. His voice is low, whether he is talking about enlightened local action or the need to shove some individuals or municipalities into court before they act. He sits quietly at his desk, lighting and relighting a cigar and occasionally resting both elbows on the desk when he leans forward to stress a point. He doesn't look like the vigorous champion of law that recalcitrant polluters have come to know.

Occasionally he rises from his chair to use a large wall map of New Jersey, divided into eight river drainage basins within the state or along the edges. "This is how I view New Jersey," he says with a trace of a smile. "I don't see counties or towns. I see regions. I see river drainage basins."

Tapping the region near Camden, he cites Gloucester and Camden counties as two extremes in awareness of sewer pollution.

"Gloucester County is going ahead full speed," he emphasizes. "It is designing facilities, and if the bond issue passes it will build a regional sewer system that will control its inland pollution problems."

He moves his finger slightly north on the map. "But here is Camden County, one of the worst areas of water pollution in the state. It has desperate problems, yet no town in the county would join the Camden County Sewer Authority. Camden has a Sewer Authority but no members."

ALIKE, YET DIFFERENT

Two coastal counties, Monmouth and Ocean, offer another proof that neighbors differ.

"Monmouth County has had very strong leadership," Sullivan says. "It built facilities on its own initiative in the northeastern section of the county. Now county leaders are pressing for similar facilities along the Raritan Bay."

Monmouth County's growth has been phenomenal since the completion of the Garden State Parkway about fifteen years ago. Just to the south, Ocean County's boosters also have boasted persistently of the county's growth in the same period. They have also chosen to ignore the mounting pollution of the county's waterways, including those contingent to the booming seashore resorts.

Sullivan almost, but not fully, hides his impatience with Ocean County's leaders. "They have real problems," he says in what must be a deliberate understatement. "Thousands of homes have septic tanks in the sandy soil. The water table is so high that a standing joke near Metedeconk is that you must punch a hole in the bottom of your septic tank so that it won't float away. Brick Township has no sewer plant, yet its summer population rises to 80,000 or 90,000 people."

Patience wore thin in dealing with Ocean County. Sullivan's division took fifteen municipalities into court and won a ruling that the fifteen must meet with state officials. If no progress could be reported, the municipalities would be charged with contempt of court.

"They have been cooperating," according to Sullivan. "Detailed plans have been completed. They know what has to be done. The problem is to get the money."

FISCAL AWARENESS

Sullivan is not insensitive to the huge costs involved when a municipality is ordered to get its sewage facilities up to standards quickly.

"We are not expected to make a judgment on whether an area can afford proper sewers," Sullivan points out. "That point of view was upheld in the Passaic Valley Sewage Commission case. The Commission said it did not have the money to follow what we had demanded. The courts ruled that the lack of money was an irrelevancy."

That doesn't mean that Sullivan and his cohorts are insensitive bureaucratic clods. It means that they are determined that the laws against polluting the environment must be obeyed.

Realistically, Sullivan knows that "we must recognize that unless the bond issue is passed the alternate methods of financing sewer construction would be so inadequate that facilities could not be built, no matter how vigorous our enforcement."

The crisis facing New Jersey—and all urban states—in proper treatment of sewage is not due to indifference. New Jersey now has about 750 sewer plants but the majority of them are either too small or too poorly planned to cope with modern sewage treatment. Some sewer systems have by-passes that permit raw sewage to flow directly into rivers during stress periods.

Sullivan possibly has sensed this since his childhood in Jersey City. "We were all familiar with the big sewer pipes that ran across town. Jersey City had been sewered for decades. The only flaw was that the raw sewage ran through the big pipes and was dumped directly into Newark Bay without any treatment at all.

FIRST STEP

"Jersey City built a treatment plant in the early 1950s. They felt quite heroic, as if they had at long last created a means of treating their waste. Actually, all they had done was to provide primary treatment, which is mostly screening and settlement of solids and a chlorination of the outgoing water to remove bacteria.

"The flaw in simple primary treatment is that it dumps organic-rich effluent into the waterways. Oxygen is eliminated and fish die."

Sewers were not really on Dick Sullivan's mind as he prepared for a career. He was graduated as a mechanical engineer from Stevens Institute of Technology and took a job in 1950 in the State Department of Health, working in air pollution control and various other public health engineering programs. He joined the Department of Labor and Industry in 1956 and became involved largely with enforcing the Worker Health and Safety Act. He remained there until he became head of the Division of Clean Air and Water in 1967.

Meanwhile, Sullivan continued his studies, gaining an M.A. in English at Seton Hall University and a Master of Public Health Administration from Columbia University. He then began law studies but became a "law school dropout" (his definition) after three semesters.

Sullivan thus approaches the task of fighting pollution with the technical skill of an engineer, the poetic indignation of an English major, the zeal of a public health administrator and a lawyer's faith in the courts.

STRONG POINT

Of all his varied studies, he now relies most heavily on the law. Heavy enforcement of the statute that forbids air and water pollution has "created a climate for compliance," he feels.

"There is less dallying by those responsible for pollution," Sullivan says. "They know that we will act in the courts."

Violators have come to know as well that strong publicity is given to pollution court cases. "We name names," he emphasizes. "That is one of our policies. We don't put out speeches or that kind of hogwash. We put out lists of violators."

Some of the people whose names have appeared in the press as the result of court actions have been outraged. Sullivan's reply is direct:

"We tell them that ours is public business. Our records are public. We want the public to know that we are active, that we are doing what the law says we must do."

Occasionally Sullivan is asked by a state legislator to explain or to defend his actions—as, for example, when an Assemblyman's name appeared (properly) in a list of violators. The Assemblyman agreed that the summons was proper; he just hated to see his name in print in such an action.

Other politicians call occasionally, prompted by angry constituents who complain about enforcement actions to stop air pollution or court-ordered stoppage of all building until sewer problems are solved.

There has been no "heavy-handed interference," Sullivan emphasizes. "If a legislator calls, I see him. Sensitive politicians know that people are fed up with pollution."

URBAN INDIFFERENCE

Sullivan senses particularly strong anti-pollution concern in rural and suburban areas. "People brought up in Jersey City or other cities are not generally concerned about water pollution," he believes. "They might think that foul water is one of the immutable problems of life on earth. They know that the waters flowing by their cities have always been polluted. They tend to think, 'So what?' "

The bane of Sullivan's life is in getting officials from neighboring communities to approach water pollution as a regional concern. He says, "There is still a very strong reluctance to join together.

"We show them that others have gotten together to work out their problems. We tell them of the success in northeastern Monmouth County and a similar regional success in northwestern Bergen. They sit around and look at each other.

"Even the northeastern Monmouth regional sewer program is not a complete success story.

Twelve municipalities got together to discuss regional cooperation, Six agreed to work together in an authority. The other six decided to go it alone. As work proceeded, the six independents ran into mounting troubles. The program wound up with the six original authority members and the six reluctant municipalities as their customers.

Sullivan believes that public concern will force even the most obdurate local politicians to come around. He cites a series of seminars staged last spring by the American Association of University Women at Monmouth College.

"Many people were doubtful about the seminars," Sullivan recalls. "Many asked, 'Who cares enough to attend?' More than 600 people came for each of the meetings. That astonished everybody, including local politicians. Those people set up committees and now they are attending town meetings, asking questions, demanding to know what action is contemplated."

INNER COMPULSION

Sullivan retreats behind a cautious facade if asked whether he has an emotional commitment to ending pollution. "I am a professional law enforcer," he responds. Pressed, he admits to strong personal feeings:

"When I came over to head this new division, I was well aware of air pollution. I admit that I was astonished to find the extent of the water pollution problem—astonished by the seriousness and astonished at what it would cost to fight pollution.

"I recognize that I am now very enthusiastic about this job. I have an opportunity that not many people have: to do something that will make a difference."

The strictly legal and professional attitude fades in the course of an interview. Sullivan is excited about the potential for improvement when the bond issue is passed—and he believes that it will be passed by a good majority, "if we can get across the idea that all the money will be invested in water pollution control."

This summer Sullivan, his wife and their six children (aged five to eleven) camped along the St. Lawrence River. His wife, Renee, shares his antipathy toward pollution—and sent him a card on their recent twelfth wedding anniversary to express the feeling.

The frontside of the card showed factories spewing forth volumes of horrible smoke and fumes. The message on the front cover said, "When I'm with you . . ." Inside, it finished, ". . . I don't even care if the air is polluted."

All eight Sullivans enjoyed the beauty of St. Lawrence. Sullivan leaned back in his chair in the corner of his office in Trenton after the trip and set a halcyonic mood for his future: "My goal is to make the Passaic River as clean and as pretty as the St. Lawrence."

DOUBLE IMAGE

Then, almost embarrassed that his professional role as a tough law enforcer had slipped slightly, he quickly said, "That's too poetic, I suppose, but I can't forget how things can be."

He leaned forward, the committed professional again, and said with what seemed almost like a poetic regret.

"But I suppose I'll be very much older before I ever see anyone water skiing on the Passaic."

KIDNAP TRAP VICTIM ALLEGES ASSAULT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. REID of New York. Mr. Speaker, I should like to bring to the attention of the Members another example of the strange ways in which justice is dispensed in the Republic of South Africa.

In October of 1968, Mr. Jacobus Engelbrecht, a white man, was on his way home from work when he stopped his car to pick up a box he had just seen a man deposit at the side of the road. As soon as Mr. Engelbrecht opened the box, which he discovered to contain a very large sum of money, he was approached by policemen and taken into custody as the apparent criminal caught in the trap the police had laid for the capture of a kidnap suspect.

Mr. Engelbrecht was then taken to the police station where he was brutally attacked and beaten. Only when his employer came to identify him and attest to the fact that he had been at work all day did the police consent to his employer's insistence that Mr. Engelbrecht be taken to a hospital. He spent 4 days in the hospital and was in considerable pain for some time thereafter.

Mr. Engelbrecht sued the police for unlawful arrest and assault but, after an investigation, the attorney general declined to prosecute the police.

Now, a year after the incident, the state has made a financial settlement to Mr. Engelbrecht out of court, without any public investigation, explanation, or disclosure of the amount involved.

The conduct of the police in South Africa is increasingly infringing on the rights—such as we know them—of all citizens, white and black. The erosion of the cherished Western concept of the rule of law is becoming more evident daily. The Engelbrecht incident is not an isolated case, but rather it is one of the more horrifying of the tales which are growing increasingly common. I believe it is trends such as the erosion of the rule of law which should govern our public policy toward South Africa and guide our private investment there.

Thus, I am inserting in the RECORD at this point, first, Mr. Engelbrecht's account of the events as reported in the press; second, two editorials on the matter immediately after it occurred; third, a commentary by the state-run radio praising the police; and fourth, an editorial appearing last month in the Rand Daily Mail questioning the propriety and implications of the out-of-court settlement:

KIDNAP TRAP VICTIM ALLEGES ASSAULT: "NIGHTMARE OF HELL AT HANDS OF POLICE"

(By Margaret Smith)

Mr. Jacob Engelbrecht, of Johannesburg, who became innocently involved in the recent kidnapping case of the 10-month-old baby, Charles de Jongh, alleges that he was beaten up by the police after he had picked up a box containing R10,000 in new R1 notes in the veld.

A 33-year-old lorry driver, of Mayfair, and father of four small children, Mr. Engelbrecht describes the events—which resulted in his being hospitalised—as "a nightmare from hell." He is considering what action he should take.

He said these events took place after he had picked up the cardboard box, which he saw being placed among rubbish in the veld while driving past in his car.

Brigadier C. A. Buys, Divisional Commissioner at the C.I.D. on the Witwatersrand, said this week that he was not prepared to comment on the matter at this stage.

A Staff Officer to the Divisional Commissioner of Police and spokesman for the police, told me in Johannesburg yesterday that if Mr. Engelbrecht laid charges, these would be investigated immediately.

Mr. Hendrick Engelbrecht, father of Jacob Engelbrecht, has approached Mr. C. R. Swart, former State President and one-time Minister of Justice, about the alleged assaults on his son.

Both live in Brandfort, O.F.S., and are friends. He did this because he was so "shocked and disturbed" at the attack on his son.

Mr. Swart's reaction was that he could not believe the police could have acted in such a manner. He was "most perturbed" at the allegation.

Mr. Swart told me that he and Mr. Engelbrecht senior were friends and that he had seen him about the assault on his son.

Mr. Jacob Engelbrecht is travelling to Brandfort this weekend to see his father and fetch his small twin sons. He hopes to see Mr. Swart.

He says: "Mr. Swart is the most important man I know, and I want to tell him myself about the assault on me."

Mr. Swart has known Jacob Engelbrecht since he was a child.

HIS STORY

This is Mr. Engelbrecht's story as told to the Sunday Times in an exclusive interview.

On the afternoon of Friday, October 11, after a busy day, I left work in Alberton at 4:05 p.m. to drive to Johannesburg. On the way I stopped at a cafe to have a cold drink, and two Africans asked me for a lift. I agreed, and some time later, when we had just passed the Panorama drive-in cinema, I noticed a man get out of a car parked at the side of the road, and walk into the veld with a fairly large carboard box.

Lots of rubbish is dumped in this area and I thought nothing of it until I saw how carefully he was carrying the box and with what care he placed it on the ground.

After he had done this, he cautiously looked around and then got back into his car and drove away.

My curiosity was aroused. After all, one reads of babies being abandoned in this way. So I turned my car around and went back to have a look. I looked into the box and found the contents neatly wrapped in white paper.

Back in the car, I undid the wrapping and to my astonishment I found a great pile of new R1 notes. I know now that they totaled R10,000.

I decided to take the money straight to the police at Langlaagte.

I was a bit worried that the Africans, who had seen the money, might try to overpower me and get away with it.

Near Uncle Charlie's roadhouse I dropped the Africans—with some relief.

Suddenly a car pulled up behind me. A man got out and came over to my car. He told me to switch off my engine and come with him to his car.

I did not know what to make of this, but when I got to the other car I saw the man speak into a radio such as police cars carry and I suspected it was the police.

The man started to question me and I said I was on my way to the Langlaagte police station.

I told him I had picked up a box full of bank notes and was going to hand it in. I told him the box was on the front seat of my car.

The man ran to get it and then radioed: "I have got the box and the stuff inside."

At that moment a second car, with two men, stopped next to us. One of the men got out and came over to me.

"You—dog, where is the child?" he demanded.

I stared in amazement.

Then he hit me hard with his fist in my stomach.

He continued to hit me.

"For God's sake, tell me what child and then I'll know why you are hitting me," I said.

"You think you're clever, but before tonight you'll talk," the man said.

He then lifted his knee and kicked me between the legs. I crouched over in agony and felt that I had landed in a nightmare. In fact it was then that the nightmare started.

I was put into one of the cars and driven to a bluegum plantation near Uncle Charlie's. We went in until we were hidden by trees.

One of the men shouted at me: "Get out of the car, you ——— dog. You are not going to hang. We are going to kill you."

One of the men started punching me in the face with his fist and in the stomach. I staggered, then fell down and started to crawl away on my hands and knees.

I heard one of the men shout: "Wait, if he runs away we can shoot the dog dead."

So I crawled back to them. I could not stand, but I was picked up by the back of the shirt and hit again. By this time my hair and my face were covered in blood, and it was streaming down my shirt.

FELL DOWN

All this time I kept saying: "I know nothing about the child, I know nothing. "I tried to explain, between blows, that I had simply been coming home from Alberton when I had seen the man dump the box, but each time they replied: "You lie."

I was dizzy with the pain and the blows to my head. The nightmare was a whirl of blows and pain and a terrible feeling of helplessness as I looked into their distorted faces.

Through it all came the unbelievable horror that I did not know what they were talking about. I could not answer their questions and stop the blows. I was powerless in their hands.

Eventually they put me back in the car. On the main road again they stopped for another car, in which was a high-ranking police officer.

"Did he talk?" he asked. They replied that I had not, and that they must now take me to the charge office.

At a police station I was told to get out and they took me to the wash room. They told me to wash my face. Another man joined them.

When I bent over to wash the blood out of my eyes he crashed his fist into my kidneys. As I jerked upright he hit me in the face. He went on hitting me.

I kept begging and begging them to stop. I said I would try and help them find the child. They kept on beating me. By now I was screaming at their blows.

I was completely dizzy and dazed and my body ached from the blows.

"Are you going to talk?" they kept asking me.

"Yes, yes," I said, hoping only to stop them hitting me. They let me wash my face. But when they started questioning me again I had to say: "What child do you mean?"

By this time it was about 5:50 p.m. They had picked me up about 4:20 p.m.

When I looked at them I could no longer see their faces. My eyes were filled with blood and water and my sight had gone dim.

Suddenly they stopped and I heard someone say that Brigadier Buys wanted to see me. They took me into an office.

The brigadier said: "Tell me your story."

I told him. I did not speak of the hiding because he could see it for himself.

At that stage the brigadier left his office. Quickly I went to the phone and dialled the home of my mother-in-law, Mrs. Aletta van Eeden.

"Please send someone quickly," I managed to gasp. "I am being held for kidnapping and they have beaten the hell out of me."

I must have collapsed then, for the next thing I knew my boss, Mr. Kai Botha was lifting me off the floor.

I learned later that the police had telephoned him to come to the police station to check on my story that I had been at work all day.

I remember Mr. Botha asking if I would be taken to hospital. They said that the District Surgeon would examine me in the police station.

He then insisted that he was taking me to the hospital.

Eventually they took me to the police car and drove me to the J. G. Strijdom Hospital.

I had 10 stitches in three cuts on my face and head. My body was bruised and swollen from the blows.

I was kept in hospital from Friday evening until Tuesday midday. They only discharged me then because I insisted that I wanted to go home.

Now the nightmare is over—but I will remember it all my life. There is terror in being at the mercy of men who behave as if they are not human beings.

I am filled with horror at what they did to me. These are the people who are supposed to protect us. Even had I been a criminal they acted in a way that brought disgrace to their calling.

If only they had allowed me to phone my boss at the start, the fact that I had been at work all day and could not have been involved in the kidnapping could have been proved in a minute.

If one day I go to Hell I already know what it is like. Hell is where you scream and they go on beating you. It is where you are at the mercy of people who are not human.

And all the time I kept thinking of my children. They are my sunshine and my life. Would I ever harm a little child? I tried to explain this to them, but their reply was to hit me again.

I have been told that the policemen concerned intend coming to apologise to me for what they did. I do not want their apologies. These could never make amends.

Blow by Blow

The Engelbrecht story demands a wide and searching inquiry.

The story of Mr. J. J. Engelbrecht and the parcel of money raises questions that go far beyond the particular incident in which he was involved.

A child had been kidnapped. The police laid a trap in the form of a parcel of ransom money beside the road. Mr. Engelbrecht, happening to see the parcel being placed, stopped his car and picked it up. The police detained him and, he says, in an attempt to make him say where the child was, beat him up. They subsequently arrested and charged two quite other people. Mr. Engelbrecht had to spend four days in hospital.

The facts of this incident will be established in the ordinary way. The head of the C.I.D. says the police themselves are investigating the alleged beating-up and will lay the evidence before the Attorney General, who will decide whether to prosecute. Mr. Engelbrecht is reported to have said he intends to sue for damages.

But if the facts turn out to be as they have been reported, other and wider questions arise. Why was Mr. Engelbrecht beaten up at all? One can understand the sense of urgency which must have moved the police at the time. Here was what looked like a red-hot suspect refusing to talk. But is there no more civilized and effective way of dealing with an admittedly critical situation like this?

How widespread is this practice of assaulting suspects? The Engelbrecht incident, if it turns out to be true, will make the stories about the prevalence of this procedure uncomfortably credible.

Is the clobbering of suspects spontaneous—a traditional South African expression of annoyance or impatience—or is it done on orders?

And is it necessary? As a cure for obstinacy it seems dubious. It may make an obdurate witness even more so. And it may make the other kind produce false testimony or a false confession. Where does that get us? The wrong people get punished which means that the real criminals do not, and the only thing that is achieved is the propagation of violence.

Probe into Allegations Against Cops

Allegations that police too often abuse their powers, especially when it comes to interrogation, have long been the subject of concern among our people.

Now comes the news of a disturbing incident in which it is alleged that a White man, Mr. Jacob Engelbrecht, was beaten up in the course of interrogation by the police.

It is reported that Mr. Engelbrecht picked up a box full of money which the police had planted as a trap for the people responsible for kidnapping a child.

The police detained Mr. Engelbrecht and questioned him. In the attempt to make him say where the child was, Mr. Engelbrecht alleges that the police beat him up seriously.

Subsequently, two different people were arrested in connection with the kidnap case.

Although a White person is involved in this case, there is no doubt that there is widespread interest among our people in the findings that the C.I.D. have promised to make available to the Attorney-General in this case.

Beating up arrested people to extract confessions or information is wrong and may defeat the ends of justice as witnesses give any information to escape being beaten up.

The police have no right to inflict punishment on people without the order of a court after trial.

If it is found that the assault on Mr. Engelbrecht did take place, the police should take the earliest opportunity to put their house in order and assure all people that such actions will not be tolerated.

Kidnapping Case: Allegation of Brutality Against Police

The South African Police Force enjoys a high reputation—and it deserves it. In many Western countries today, there is acute tension between public and police. This is one of the main issues in the current presidential election campaign in America—but in the Republic there is no such issue.

Here, there are good reasons for confidence in our policemen. There is their general professional proficiency: the speed with which they so often track down criminals; their tenacity in the complicated cases; their success in holding down the crime rate while, in many another country today, it is soaring. There is appreciation, also, of the brilliance with which, in recent years, the Police Force has countered subversion, and kept this a peaceful and orderly land. There is gratitude for the part which the Force is playing now in defending South Africa against guerrilla incursions from across the Zambesi.

The personal qualities of the ordinary South African Policeman has also won the trust of the citizen: his unobtrusiveness in the streets of the cities; his helpfulness to all in remote areas; his integrity; and the courage which he regularly displays, against whatever odds, in carrying out his tasks.

There is also public confidence that the South African policeman understands that it is his duty to apprehend the criminal, but that it is the duty of the Courts to punish him.

This is the context in which an occurrence reported at the weekend has caused wide concern both inside and outside the Police Force. According to the reports, a man was attacked by the police after he had been arrested, in suspicious circumstances, in the course of a kidnapping investigation. Later he was released; and in interviews now published, he says that he was so brutally assaulted that he had to undergo hospital treatment for some days.

The Police authorities have taken immediate action. They have ordered an investigation, forthwith, into all aspects of the case, and have undertaken that the full facts will be presented to the Attorney General for his consideration. This is what the public expects; whether or not the allegations made by the man concerned are well-founded, they are to be thoroughly examined. The machinery which has been set up for the purpose, and the speed with which it has been done, will re-assure the man-in-the-street. And for individual members of the Force who may be inclined for whatever reason, to over-reach themselves, it is a warning that brutality in the South African Police will not be allowed.

It cannot be allowed—particularly in these times when violence lies just below the surface of society, and it cannot be allowed in South Africa. In a mixed population like ours, it is essential that the Police Force should be known among all sections for its fair dealing. Among communities at widely differing stages of development, the policeman has a special responsibility to set the example of civilised standards. And in a multi-racial community, he has the responsibility for promoting harmony by setting the example in controlled behaviour.

In South Africa, the policeman has a role that extends far beyond catching criminals. It can be discharged only if there is confidence between him and the citizen; and the action taken in the present case is evidence that the authorities are determined to maintain it.

SETTLED IN SECRET

Again, a case involving serious allegations of assault by the police has been settled out of court without any public investigation or explanation. The State has made a payment to Mr. Jacobus Engelbrecht, who had sued the Minister of Police for R16,288. His claim arose from alleged unlawful arrest and assault by policemen investigating a kidnapping case a year ago. Mr. Engelbrecht says he has been told not to disclose the amount of the payment, and a State spokesman has refused to name it.

A settlement of this kind, virtually in secret, is disturbing. It is particularly so because of the dimensions to which police power has been extended in South Africa—and because the closing of such a case in this way is no novelty.

About a year ago the State paid Mr. Gabriel Mbindi, an elderly Ovambo, R3,000 towards his legal costs in settlement of an action for alleged assault during detention under the Terrorism Act. Without admitting liability, the Government had previously paid Miss Stephanie Kemp R1,000 plus costs for alleged assault during 90-day detention. And a similar action brought by another 90-day detainee, Mr. Alan Brooks, was also settled out of court, although the State denied the allegations.

Unlike these earlier cases, Mr. Engelbrecht's action did not involve the Security Police. He alleged that he was arrested after picking up a parcel containing R10,000 while the police were investigating the kidnapping of an infant. The summons issued on his behalf listed 26 injuries, alleged to have been caused by police assault.

The Commissioner of Police, General Gous, was quoted as saying in a newspaper interview last year that he saw nothing wrong with the conduct of the police in this matter. And in January this year the Attorney-General decided against prosecuting the police.

Yet Mr. Engelbrecht's civil action has now been settled by a payment to him. Why? This is a matter of the highest public importance. It involves not only the paying out of public money, but also the vital question of police conduct. So the public is entitled to full details of the settlement and the reasons for it. But the public interest would have been served best by a full ventilation of the facts in open court.

ADMINISTRATION'S ACTION ON DDT: A TRIBUTE TO REPRESENTATIVE DAVID OBEY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. MIKVA. Mr. Speaker, this morning's Washington Post indicates in a page 1 story that Secretary of Health, Education, and Welfare Finch is in the process of proposing an order banning the sale within the United States of the pesticide DDT. The order is reportedly now on the President's desk for approval.

I believe that this is an appropriate time to pay tribute to the leadership on this issue of my colleague, the gentleman from Wisconsin (Mr. OBEY). The gentleman from Wisconsin took responsibility within the House on this important question, and on August 5 the gentleman introduced a bill, H.R. 13340, to ban the sale and use of DDT in the United States. The bill now has 30 consponsors with some additional identical bills introduced by still other Members.

Last week, continuing his diligent efforts on behalf of cleaner water and an environment free from accumulated DDT, the gentleman authored a letter to the President of the United States urging that he take Executive action to ban DDT sales. This letter was signed by 21 of our colleagues.

Throughout the Nation numerous conservation groups and concerned citizens have joined the call for banning this and other slow degrading chemical pesticides. Every week new reports are heard of other animals or food products which are confiscated or banned from sale because of the high level of DDT residue which they contain. The question is how long will we wait before we decide that the harm which DDT is doing to our environment is not worth the benefits which it has admittedly conferred upon us? The day will certainly come when we decide that there are other less toxic, perhaps even less expensive, alternatives to DDT. On that day, the sale and use of DDT will be banned in the United States. I believe that all citizens owe the gentleman from Wisconsin a debt of gratitude for his efforts which have helped to bring that day closer.

ANTIWAR CRUSADE CALLING FOR U.S. SURRENDER TO COMMUNISTS IN VIETNAM ENCOUNTERS BACKLASH

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. FISHER. Mr. Speaker, during the past few weekends it has been my privilege to visit the district I represent in Texas. At Veterans Day celebrations, and at other gatherings, I had occasion to deliver a number of addresses and to talk with a rather substantial number of people. Two of those functions were in schools, attended by hundreds of students. I also appeared before several well-attended meetings sponsored by American Legion posts.

The chief subjects of my discussions had to do with the war in Vietnam and President Nixon's plan for an orderly withdrawal, to be synchronized with replacements of trained and equipped indigenous forces, and also assuming that the enemy does not escalate the war to the point that appropriate retaliatory action on our part would become imperative. In that event, the timetable for our disengagement of combat forces would, of course, be interrupted and heavy blows at the enemy would have to be unleashed.

I can say I have never seen the people with whom I met more united on one subject. They solidly support the President's plan. They oppose unilateral and immediate withdrawal as a dangerous and senseless move.

On every hand I could detect a resurgence of patriotism and a significant reverence for the American flag. People appear to be sick and tired of those who would sell our country short at a time when there is an urgent need for unity in support of our Government's plan for dealing with the Vietnam tragedy. They express grave concern about the activities of the merchants of defeat and despair who they feel are, either wittingly or unwittingly, giving encouragement to the enemy to prolong the war and kill more Americans.

Under leave to extend my remarks, I include a speech I recently made on Veterans Day before a gathering sponsored by the American Legion at New Braunfels, Tex. The speech follows:

VETERANS DAY ADDRESS

November 11 is Veterans Day, a day of deep and special significance among our national holidays and observances. This day has been set aside by the Congress and proclaimed by the President as a moment of homage and respect for the millions of men and women who bear the honored designation of veteran.

On this day it is well to remember that from the Revolutionary War to the present, more than 38-million men and women—of whom more than 27-million are still living—have served their country in uniform during wartime.

It is most fitting that on this hallowed day we not only pay tribute to the living veteran but also to those millions who during 190 years of our glorious history manned the ramparts of battle when their country called on them. In their lives and in their performance they embodied the finest attributes of American courage and patriotism.

AMERICANS IN VIETNAM

Today, as we meet here, Americans are being fired upon by ruthless Communist aggressors in far-away Vietnam—in a tragic war that has already claimed the lives of nearly 40,000 of our finest and most gallant young men. Such sacrifices should serve to arouse the patriotic fervor and evoke the united support of all Americans—whether or not they have reservations about the wisdom of our commitment to a land war in Asia. The fact is we are there. Our flag is there, and thousands of Americans have given their lives in support of an American commitment against Communist aggression.

It is incumbent on Americans to support measures and policies designed to vindicate those sacrifices. Let us remember that those men, living and dead, who have fought in Vietnam were there in behalf of an American mission to block Communist aggression. They have done their duty and done it well.

It is noteworthy that General Chapman, Commandant of the Marine Corps, recently reported that during the course of that conflict a total of 39,000 Marines have voluntarily requested extensions of their combat duty rather than being returned to the States which they had a right to do. And thousands of others, in all branches of the services, have done likewise. They have fought like tigers for a cause sponsored by their government. That war was not of their making, but when sent there they never faltered in performing their duty. Our nation owes them an everlasting debt of gratitude.

HAVE SACRIFICES BEEN IN VAIN?

Have these sacrifices in men and resources been in vain? Only history can give the answer. We do know that more than 550,000 Communists have been killed in that war—by actual head count. It is well to recall that General Giap, the General who masterminded the defeat of the French in 1954, joined by Lin Piao, Red China's Minister of Defense, and, of course, by Ho Chi Minh, long ago unveiled grandiose plans for conquest, and that plan was by no means limited to South Vietnam. And we know that Communist occupation of all of Southeast Asia could be expected to seriously endanger American security in the years ahead and probably advance the date of World War III.

So, regardless of the wisdom of ever allowing ourselves to become involved in a land war in Asia, the fact is there was a laudible objective. And had the military been allowed to fight that war from its inception, to plan strategy and choose targets free of political interference, it is believed a decisive military victory could have been achieved long ago—with our losses relatively low. In any event we know the Communist plan for the big take-over has been thwarted.

OUR WITHDRAWAL PLAN

Today we must be realistic and face up to the alternatives available. The President has outlined such a plan, and he has called for united support behind it. He deserves that support, and I am convinced the overwhelming masses of Americans will give it to him.

This plan is for gradual withdrawal of American combat troops, to be synchronized with replacement of trained and equipped indigenous forces. Already substantial progress in that respect has been achieved. As of this time more than 97 per cent of all South Vietnamese troops have been equipped with our superior M-16 rifles. They're now in charge of a major portion of the crucial Mekong Delta River operations; and the South Vietnamese Air Force is today handling many air support duties. The changeover is proceeding according to plan.

Many of our military experts believe the war is being won, despite the continued sporadic suicidal attacks by the enemy—apparently inspired chiefly by the anti-war sentiment which has erupted in this country. The enemy is winning more victories in this country than he is in Vietnam.

THE SURRENDER PROPONENTS

Now, the other alternative, favored by the anti-war contingent, is a policy of unilateral and immediate withdrawal, which means virtual capitulation and the surrender of the South to the blood-thirsty Communist invaders. If this course is followed at this time, before the replacement plan is completed, the Communists would overrun the South and then would come the big blood bath.

Only last night I watched a TV interview of four amputees, all veterans of the war in Vietnam. They were asked what they think of the immediate withdrawal proposal. Each of them expressed the belief it would be a major tragedy—that untold thousands of innocent men, women and children would undoubtedly be slaughtered by the Communist victors who would be expected to take over. Some indication of what to expect was learned in the battle over Hui a few months ago when the Communists for a time gained the upper hand there and proceeded to execute 3,000 helpless men, women and children.

AID AND COMFORT TO THE ENEMY

The anti-war protesters, in the manner of asserting their protests, have in my opinion done this country a grave disservice. Some of them have been seen waving the Viet Cong flag. And none of the participants have been known to criticize those who did wave the enemy flag. There is a right way and a wrong way to assert legitimate dissent. But in time of war, when Americans are being killed on the field of battle and our flag is under attack, no American in my opinion has the moral right to engage in a form of dissent which is calculated to give aid and comfort to the enemy.

Only recently I heard an escaped prisoner of war who had spent four years in a Viet Cong prison, tell about the propaganda techniques employed in an effort to convert them to the alleged unpopularity and futility of our military mission in Vietnam. Day after day the prisoners were forced to listen to recordings of statements made by American protesters—including Stokely Carmichael, Rap Brown, and five different highly placed American politicians all critical of our presence in that conflict. From this display the ex-prisoner of war said the enemy appeared convinced the American people were on the side of the aggressors and it was only a matter of time before we would be forced by public opinion to throw in the towel and get out.

WHO LEADS THE ANTI-WAR MOVE

While I feel sure some good-intentioned people have been innocently drawn into the call for American surrender, the fact is that the leaders of this movement—or at least most of them—are not concerned with what is good for America. That crowd includes the anti-draft and the anti-military advocates. They include the pacifists, and those who oppose the ROTC and our research and development outlays for improved weapons. They include the pro-Communist Students for a Democratic Society, the Black Panthers, the Communist Party USA, and their lackys who do their bidding—most of whom are too lazy to work and too cowardly to fight.

They include the same trouble-makers who led the abortive March on the Pentagon a year or two ago. Their leaders include the militants who create most of the campus riots, defy the courts, scream "police brutality" when they are challenged, and aided and abetted by fuzzy-headed intellectual radicals, they make a mockery of law and order in a civilized and decent society.

We hear much these days about the "generation gap," and some strive to use this to excuse the misconduct involving crime and violence. Right now I am more concerned about the "jail gap"—the presence of far too many unoccupied jail cells in the country—at a time when there are far too many unpunished criminals at large and too many guilty mobsters on the loose. And you can be certain most of these characters are a part of the anti-war crusade.

It's time we invoke the advice of the prophet Isaiah, who said: "If ye be willing and obedient, ye shall eat the good of the land; but if ye refuse and rebel ye shall be devoured with the sword."

In conclusion, let me say this: We have but one President—one Commander-in-Chief. Many of you heard him a few nights ago as he spoke of a plan for withdrawal from the war in Vietnam—an orderly withdrawal-replacement plan. In my judgment if this plan is followed and fully supported, more lives will be saved, the war will be ended quicker, and history will treat us better. On this Veterans Day 1969 let us resolve to support our leader.

LEGAL COUNSEL FOR THE POOR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. STOKES. Mr. Speaker, when the Senate passed the ill-conceived Murphy amendment to the Economic Opportunity Act, it did more than deliver a crushing blow to the hopes of millions of poor people in this country who seek to improve their lives through methods of orderly change. The Murphy amendment also represents a direct attack on the legal process, especially the heretofore sacred lawyer-client relationship.

The poor, like the rich, often have legal problems involving the State government. And the poor man's lawyer, like the rich man's, has an ethical duty to prosecute that case to the fullest of his abilities. Such vigorous representation forms the very basis of our legal system. Yet, if the Murphy amendment should be enacted, the poor man's lawyer, unlike the rich man's lawyer, will now face possible political repercussion for carrying out his ethical duty of maximum representation. This will obviously have a deleterious effect on the poverty lawyer faced with a possible suit against the State, and could easily force that lawyer to give his client substandard representation.

The Cleveland Bar Association, which has always been a stanch supporter of our city's excellent legal services program, has recognized the danger inherent in the Murphy amendment, and has recently passed strong resolutions which both condemn the Senate action and call upon the association's membership to work for defeat of the amendment in the House. I include the resolution in the RECORD so my colleagues may have the benefit of the bar association's thinking on this vital issue:

RESOLUTION

Whereas, on October 14, 1969, the United States Senate passed an amendment to Section 242 of the Economic Opportunity Act of 1964, the effect of which would be to give the governor of a state final authority to veto, in whole or in part, the Federal funding of any Legal Services Program operating within that state; and

Whereas, under present law, the power of veto of a governor over Federal funding of a Legal Services Program may be exercised only as to the whole of such a program and not as to a part, and such veto may be overriden by action of the Director of the United States Office of Economic Opportunity; and

Whereas, the American Bar Association has twice in recent months stated its opposition to governmental interference with zealous representation of the legal rights of the poor, as evidenced by the text of Resolution and letter attached hereto;

Now, therefore, be it resolved, that The Cleveland Bar Association, consistent with the action of the American Bar Association and with the traditional respect of the members of The Cleveland Bar Association for the right of each person or group of persons to be fully represented by independent legal counsel, hereby expresses its firm opposition to any amendment of the Economic Opportunity Act of 1964, including the aforementioned amendment, which would give the governor of a state or other state or local official final veto authority over the Federal funding of any Legal Services Program, or part thereof; and

Further resolved, that the members of this Association, as individuals, are hereby encouraged to take all steps they individually deem possible to insure the defeat of the aforementioned amendment in the United States House of Representatives; and

Further resolved, that the Executive Director of this Association is hereby directed to give appropriate publicity to the passage of this Resolution, including without limitation the communication of the text thereof to each member of the United States House of Representatives having his constituency within Cuyahoga County, Ohio.

A. ERNEST FITZGERALD

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. JACOBS. Mr. Speaker, the following is a letter sent by me on November 6, 1969, to the Secretary of the Air Force:

Dr. ROBERT C. SEAMANS,
Secretary of the Air Force, Department of Defense Building, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: On behalf of the tax paying citizens of the 11th District of Indiana, I request that you reinstate A. Ernest Fitzgerald, the government waste finder at the Pentagon.

To hold that a $31,000 salary is wasted on a man who uncovers billions in government waste is not only ludicrous; it is an act of hostility to the overburdened taxpayers of this country.

Sincerely,

ANDREW JACOBS, Jr.

THE ADMINISTRATION'S HANDLING OF THE MOBILIZATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. OTTINGER. Mr. Speaker, I am inserting herewith, for inclusion in the RECORD, several editorials which have recently appeared in the press regarding the November 13–15 marches and demonstrations planned for Washington and the manner in which the situation has been handled by the administration.

Although I am gratified that a permit has finally been granted for a march along Pennsylvania Avenue—and I particularly want to commend Mayor Washington for his intervention and assistance—I continue to be deeply troubled by the provocative attitude being assumed by the administration. Recent speeches and statements—especially by the Vice President and Transporation Secretary Volpe—can only serve to further inflame and divide our Nation.

The whole climate being created by the administration appears to seek to invite confrontation instead of avoid it. Not since the days of Senator Joseph McCarthy has there been such a frightening atmosphere of suppression of dissent and equation of disagreement with administration policies and disloyalty.

The editorials inserted put the administration's actions in the disturbing perspective they deserve:

WHO DECIDES?

A "silent majority" is a convenient thing, when opposition to presidential policies gets uncomfortably vocal, and we're not certain President Nixon has been wise to encourage his hypothetical supporters to break their silence with telegrams and other expressions about the Vietnam war. The minute a silent majority begins making noise, it risks being tallied, appraised and estimated right along with the opposition, with the possible danger of being proved smaller than the loud minority.

The president has been heartened by the flood of telegrams reaching the White House in support of his speech on Vietnam. The wires ran 90 per cent favorable, a spokesman said, and Mr. Nixon demonstrated this graphically with two piles of yellow envelopes, one tall tower of praise and one insignificant sliver of discontent. (There was a good deal of discontent in Congress after the speech, but it didn't produce telegrams.) Many, many thousands of people obviously approved of the "Nixon war" the President has vowed to end on an orderly schedule in his own good time provided the other side doesn't do anything outrageous.

On November 15 there will be quite a number of people coming to Washington to demonstrate their desire for a different policy. No one knows how many will make the trip, but the target is somewhere around a half-million—many, many thousands indeed.

Query: If many, many thousands of people send telegrams to the White House praising the President, and 500 thousand people travel all the way to Washington to march in a parade and attend a rally against the war, are the 500 thousand still a "small vocal minority" and the other thousands still a silent majority?

And who decides?

THE TEST OF AMERICAN GREATNESS IN VIETNAM

(By Anthony Lewis)

LONDON, November 7—The preeminent task of Richard Nixon's Presidency is to heal a nation torn apart by Vietnam. The President knew that when he took the oath of office, and it is no less urgently true today.

Part of the process must be to help the American people know, and accept, the unpleasant truths about the war: that we got into it by stealth and for reasons at best uncertain; that the Government we defend in South Vietnam is corrupt and unrepresentative; that in the course of fighting we have killed people and ravaged a country to an extent utterly out of proportion to our cause, and that, in the old sense of dictating to the enemy, we cannot "win."

A POLITICAL TRAGEDY

In those terms, Mr. Nixon's speech to the nation last Monday evening was a political tragedy. When he could have healed, he provoked. When he could have educated, he sought to arouse the old emotions.

Four times he warned against "defeat"; twice he spoke of "disaster," and twice of "humiliation." Those were the words of a President rallying his people to war, not one explaining the difficult but necessary price of peace.

The President did not use the word victory. But he made clearer than ever that he seeks to achieve by "Vietnamization" and gradual withdrawal exactly what we would achieve by military victory: preservation of the Saigon Government.

IMPLICATIONS FOR HANOI

Moreover, Mr. Nixon indicated that even gradual withdrawal depends on continued enemy forbearance. That is what he must have meant, if words mean anything, when he said he would "not hesitate to take strong and effective measures" in the event of increased enemy action. The Communists, then, are expected to sit by while we strengthen the troops of the regime they oppose and, perhaps, while we guarantee air and other support for years ahead; in short, they are expected to concede victory to our side.

Again, the President went out of his way to warn that, if we did not achieve our objectives in Vietnam, "remorse and divisive recrimination would scar our spirit as a people." Administration officials have been known to fear an eventual public backlash after a pull-out from Vietnam. That could be a concern, but here was the President in effect encouraging the backlash.

The puzzle is why he chose to speak as he did. He could so easily have expounded the same policy in less doom-laden rhetoric.

Any President would have to consider the possible costs of an early, total withdrawal from Vietnam: Communist savagery in the south, loss of confidence in American promises elsewhere in the area. Mr. Nixon would have been fatuous not to call those risks to the attention of the public.

But a wise President, not wanting to lock himself into one tactical position, would have mentioned the countervailing considerations that make the Vietnam dilemma so terrible. For if we would risk our honor and our influence by going, so do we by continuing to bomb and burn and defoliate a small Asian country for an uncertain cause.

The most dangerous aspect of Monday night's speech was that it may have made life more difficult for the President himself. In the end he is going to have to pull out of Vietnam, and make that fact palatable to his people and his allies. To parade the horribles of "defeat" now can only make that task harder.

Why did he do it? Parlor psychologists, who love to analyze Mr. Nixon, might see an insecurity that finds ambiguous positions intolerable and looks for support in a hard line. Those familiar with him him as a politician may think he is doing what he has done successfully because—gambling for high stakes on his political instinct. The bet is that the North Vietnamese and the American people will both give his policy time to work.

AMERICA'S GREATNESS

Mr. Nixon himself spoke of our "greatness as a nation" as the reason for fighting on. A great country, he said, cannot "take the easy way out."

But in 1969, in Vietnam, greatness consists in accepting less than victory. That would not be an easy way out; it would be a hard way through which a President would have to lead us. One of Churchill's mottoes in World War II was "In victory, magnanimity." That was asking a lot of people; it may ask more to say: In stalemate, magnanimity.

ESCALATION OF ABUSE

Under the guise of preparation for the Vietnam protest demonstrations later this week, the Nixon Administration is escalating both its verbal attacks on the demonstrators and its use of "precautionary" tactics that do more to provoke disorder than prevent it.

The Pentagon's announcement of nationwide troop alerts for possible airlifting to Washington, the Justice Department's alarmist rigidity in circumscribing the route of the protest march and the vituperative tone of every Administration utterance ignore the lessons pointed up in the Walker Report on the disorders that accompanied the Democratic National Convention in Chicago last year.

The report, made for the National Commission on the Causes and Prevention of Violence, ascribed much of the blame for the trouble to the official buildup of anxiety and inflamed passions before the Chicago demonstrations.

"The stereotyping that did occur helps to explain the emotional reaction of both police and public during and after the violence," the report said. Yet, increasingly, it is just such stereotyping of the Moratorium's supporters that seems to guide the statements and preparations being made by the Administration.

Unquestionably, an irresponsible fringe of revolutionaries would like nothing more than an opportunity to turn a broadly based appeal of conscience into a radical shambles. The Administration has at least as great a stake as all other Americans in not playing into the hands of these ultra-militants by defaming all the organizers of the Moratorium as Communists or traitors. Sobriety is the obligation on both sides in dealing with how best to extricate America from this tragic war; the Administration's incendiary tactics are the worst of approaches to that task.

IN THE NATION: MR. NIXON TWISTS AND TURNS

(By Tom Wicker)

WASHINGTON.—If it were not so disheartening, it would be fascinating to watch President Nixon's artful twisting and turning in the inexorable bind that has gripped so many others: Vietnam. Even when he manipulates the historical record, as many a President has done before him, it is hard to make out his purpose.

In his Election Eve speech, for instance, Mr. Nixon trotted out the familiar notion of the war's origins as a deliberate maneuver by world Communism. "Fifteen years ago [1954]," he said, "North Vietnam, with the logistical support of Communist China and the Soviet Union, launched a campaign to impose a Communist government on South Vietnam by investigating and supporting a revolution."

INDISPUTABLE FACT

The indisputable historical fact is, instead, that on July 16, 1955, before any "revolution" had been "instigated" by anyone, President Diem of South Vietnam repudiated that part of the Geneva Agreements of July 21, 1954, that called for "free general elections by secret ballot" to arrange the reconciliation of North and South.

"Within a few months after the deadline [for elections] had passed in 1956," according to the late Bernard Fall, the outstanding American authority on Vietnam, "the killing of village chiefs in South Vietnam began—by stay-behind guerrillas, not the 'outside aggressors' of 1959–60" later cited in State Department documents. Fall and the French authorities, Lacouture and Devillers, all agree that the fighting began in 1956, not 1954, and after Diem's repudiation of the elections and establishment of his own dictatorial regime; and that it was "launched" by South Vietnamese opponents of Diem who did not have the real support of Hanoi, much less China and the U.S.S.R., until 1959 or 1960

A FACILE INTERPRETATION

Mr. Nixon ignored all this and chose to present the war as a straight North Vietnamese and Communist aggression against a blameless, "free" South Vietnam. With an equally facile interpretation of history, he then pictured the horrendous bloodbath he said would follow victory for the Communists in South Vietnam. They would, he said, "repeat the massacres which followed their take-over in the North fifteen years before" when "they murdered more than 50,000 people."

Well, there was a massacre in North Vietnam in which as many as 50,000 may have died. But it took place in 1955 and 1956, not 1954; it resulted from a severe land reform program, as Ho Chi Minh's regime consolidated itself, not as part of the original "take-over"; and, whether for tactical reasons or otherwise, it was followed by the dismissal of Truong Chinh, who was judged responsible, and by repeated public self-criticism from Ho himself.

It is certainly true, however, that the North Vietnamese Communists eliminated their organized political opposition ruthlessly, and no doubt if they had complete control in Saigon they would do that much again. Mr. Nixon suggested that this ax would fall most heavily on "the million and a half Catholic refugees who fled to South Vietnam when the Communists took over in the North." In fact, just about 860,000 refugees fled into South Vietnam, of whom just over 600,000 were Catholic.

What is interesting about these revisions, other than the sloppiness of Mr. Nixon's research, is that to the extent they are accepted, his flexibility for making peace will be restricted, not enhanced.

If the President wants peace, either by negotiation or through his Vietnamization scheme, and wants that peace to be accepted in this country, it would be more logical for him to use such occasions as Monday's appearance to make a positive case that the American commitment to Vietnam has been honored.

The most ever claimed for that commitment was that the United States had obligated itself to halt an aggression and give the people of South Vietnam an opportunity for self-determination. Dating from the first air strikes against the North in 1964, the "aggression" has been staved off for five years, at a cost of more than 30,000 American lives and untold dollars. In that time, the American Government itself shepherded an elected and constitutional government into existence in Saigon.

Surely if the American people could be shown that the United States has done as much as possible of what it supposedly set out to do, it would be easier for Mr. Nixon to persuade the nation to accept something less than military victory.

THE OUTLOOK

Instead, the President chose to appeal to "the moral courage and stamina" of Americans. They should not, he said, allow "the last hopes for peace and freedom of million of people to be suffocated by the forces of totalitarianism." This overwrought peroration, resting on tricky variants of history, encourages the fear that Mr. Nixon really aims to continue the war at some politically "acceptable" level of American participation until a non-Communist South Vietnam can be guaranteed. And his generals in Saigon have just estimated that it will take until mid-1971 even to withdraw United States ground combat forces; they said that would leave a "reasonable hope that the South Vietnamese will be able to hold their own"—with, of course, the help of the 200,000 United States air and support troops who would still remain.

IN THE NATION: MOBILIZATION AND CONFRONTATION

(By Tom Wicker)

WASHINGTON, November 10.—Dean Rusk is said to have remarked at a White House dinner last week that as a member of the "loyal opposition," he had bceome "more loyal than opposition" after President Nixon's Nov. 3 speech on Vietnam. The all-inclusive sprawl of this speech is aptly suggested by the fact that others here heard it as an outright pledge to withdraw all American troops. One prominent antiwar Senator, Senator Mansfield of Montana, now is joining in sponsorship of a resolution of support for Mr. Nixon.

But however the speech may have obscured the facts of the President's policy toward Vietnam, it left no doubt of his attitude toward domestic critics. Mr. Nixon's theme was that the only way to get peace was to support his policy, whatever it is; and that visible dissent was, in fact, support for a Communist prolongation of the war.

The predictable result of these echoes of Lyndon Johnson was to arouse the anger of those who have learned to discount the notion of Presidential infallibility, and who are rightly convinced that if the war is one step nearer an end today that it was in 1967 it is only because of sustained public dissent and political opposition. They know that to say what Mr. Nixon said was, in fact and effect, to equate dissenters of every character with what Vice President Agnew has more forthrightly called "rotten apples."

This reaction was so predictable, in fact, that Mr. Nixon must have known—or at least feared—that his remarks would increase the emotional content, if not necessarily the size, of the Mobilization demonstrations to be held in this city this weekend. Then it also became known that the Justice Department would deny permission for a march up Pennsylvania Avenue past the White House, on grounds that the threat of violence was too great.

SPURRING A CONFRONTATION

But there can be no doubt whatever—not for anyone who has tried to learn anything from the urban riots and student demonstrations of the past few years—that it was the Nixon speech and the Justice Department's denial of the Pennsylvania Avenue permit that really raised the possibility of some kind of a confrontation.

Denying the use of streets and public places to throngs of demonstrators, as Mayor Daley did last year in Chicago, almost inevitably makes an inherently unstable situation that much more dangerous. Loosing the police to retake by force buildings seized by college students has almost always made matters worse. Building up an atmosphere of toughness and hostility in advance of an incident merely increases tensions all around.

These are not theories but the conclusions that any thoughtful person has to draw from the troubled history of demonstrations in the last few years. Yet the Justice Department appears—not only by the permit denial but by making difficulties about parking, public buildings, restrooms, and the like—to be preparing for the possibility of violence in a way that increases rather than diminishes the likelihood that it will occur. If so, it is not only bad law enforcement, it is likely in the long run to be bad politics for the Nixon Administration.

AN UNWANTED EFFECT

Surely Mr. Nixon does not wish the world to see protesting Americans clubbed in the streets with the White House as a backdrop. That would provide the exact opposite of the impression of national unity he wants to give to the world; it would mock American pretensions to political and intellectual liberty; it would inflame those passions the President said he hoped to calm when he took office promising to "bring us together."

The Johnson Administration permitted massive march on Washington in 1967, then maintained order in the city with relatively little violence. Mr. Nixon can hardly wish it said that he permitted less dissent, and more violence resulted; yet that is exactly what could happen if his Administration maintains its present attitude. And while tough action against the demonstrators might be momentarily popular with some of the President's supporters, that would be offset by the degree to which the antiwar forces would be further embittered and aroused.

In fact—aside from any pious rhetoric about the evils of violence—neither side has anything to gain from a violent confrontation. It would only dramatize the dissent Mr. Nixon wants to dampen and obscure the cause that inspires the marchers. So if a chance exists for accommodation, both sides ought to seize it out of sheer self-interest; and from the same practical political point of view, the Justice Department, which has the power to initiate a compromise, would do well to use it swiftly.

DID MR. NIXON MAKE HIS JOB HARDER?

The President's speech on Vietnam seems to have had an initially good reaction, and perhaps the political effect he intended. But as an exposition of policy on Vietnam, it was quite disappointing, and may have stirred up future trouble for him.

Mr. Nixon has an irritating debater's device (he employed it three times in his speech last week) of reducing the choices before him to two: one the "easy" and "popular" way, but, no, he will resist that temptation; the other the "right way," his.

Thus, he said, when he took office he could have ordered the immediate withdrawals of all American forces from Vietnam. "I could blame the defeat [on L.B.J.] and come out as the peacemaker," he said, and "from a political standpoint this would have been a popular and easy course to follow." Well, why so? Why would it have been so easy and popular a thing to do, if, as he argued throughout the rest of his speech, those who urge such immediate withdrawal are only a "vocal minority" in the nation who are trying to "prevail over reason and the will of the majority"?

Despite all the advance billing, the President had no new initiatives to propose—no new withdrawals to announce, no cease-fire overture, no "postwar" vision. That, it turned out, was not his purpose. Instead he wanted to explain his course—and to plead for a nation "united for peace" behind him. But in reducing the available alternatives of a complex situation, and the many shadings of how people felt about it, to two—one patriotic, the other imposed from the streets in a threat to a free society—the President did in fact take the easy way.

One of the touching aspects of Moratorium Day was the widespread anguish about participation—whether in wearing an armband or lighting a candle, one could express moral revulsion against the war, or a simple longing to have it ended, without "helping Hanoi" or being counted for precipitate withdrawal. The Moratorium sponsors, eager for numbers and respectability, encouraged this ambiguity. Some promoters of next weekend's scheduled marchers and demonstrations, however, are of quite a different kidney, eager to polarize the nation. The serious concern over President Nixon's simplistic reduction of the problem to "only two choices" is whether he has added to the unity of the country or to its continued division.

Senator Fulbright, who probably is not one of the first converts Nixon expected to make, had a cogent comment on Nixon's use of old-style rhetoric of a war against an international Communist conspiracy, which if not stopped here would spread elsewhere. "If you accept the Nixon and Johnson assumption," he said tartly, "there is no justification for winding down the war."

Nixon is in fact now winding down the war. This comes through in key passages, though it is elsewhere obscured by Nixon's particular style of argumentation. The clearest evidence is the troop withdrawals, and all that flows from them.

"Nobody wants their President to fail," Lyndon Johnson used to like to say. In Nixons' first months in office, he has had majority approval in the Gallup Poll for his handling of the war, and that majority has even increased since the Moratorium. But though casualties are down, and 60,000 troops are being withdrawn, the question bothering many Americans, whether or not they are silent or a majority, is whether all that can be done on our side to bring peace is being done.

The negotiations in Paris, Nixon says candidly, have made "no progress whatever" since Jan. 20. And he put on record some of the private approaches he has made, including a direct letter to Ho Chi Minh, answered unyieldingly by Ho a few days before his death. Some of the Peace Now demonstrators may question the sincerity of the President's commitment to peace, but it is noteworthy that governments and peoples abroad now generally accept the genuineness of America's peace intentions. But they have also concluded that Hanoi feels it can afford to wait us out.

And so, the President has begun the phased withdrawal of U.S. combat troops from a struggle we cannot hope to win militarily. This is a course LIFE supports, and we accept his argument for not announcing a fixed timetable for withdrawal.

Where men of just as much patriotism as the President can disagree is over his stated conditions for withdrawal. This, he says, has all been "worked out in cooperation with the South Vietnamese"; the "withdrawal will be made from strength and not from weakness" and phased not only to the level of enemy activity but to the "progress of the training programs of the South Vietnamese forces." Around this point debate legitimately gathers. In a new book, Townsend Hoopes, Air Force Under Secretary until last February, argues that we should not be "committed to the endless support of a group of men in Saigon" who he thinks "could not remain in power for more than a few months without our large-scale presence" and warns against "a course of partial withdrawal in Vietnam while leading the public to believe all will end well."

Optimism is indeed rising again in the U.S. command in Vietnam, though it gets expressed a little apologetically, remembering the past: security is said to be much improved in the countryside, the rice getting to market, the enemy attacks weaker. The President indicates that things are going so much better that he now hopes to get all our ground combat troops out sooner than he expected, presumably even earlier than the end of next year.

Critics like Under Secretary Hoopes also favor a deliberate, orderly withdrawal, but without the optimism: they would leave believing our original objectives unobtainable without paying too high a price in continuing domestic discord. Hoopes would use our impending departure as a pressure on the Thieu government to "move decisively to a settlement during the limited time our remaining military presence can provide supplementary leverage," and though he wouldn't "abruptly abandon" the government, he thinks there are other "submerged factions" in South Vietnamese society that should be allowed to participate in charting the country's course in the interim before our withdrawal. These groups would then have a better chance, after we are gone, to avoid being dominated in a new government by the National Liberation Front.

Perhaps the Nixon administration too is putting pressure on Thieu at this point, for in foreign affairs, a President may often do what he is not free to acknowledge. So far as the public record—and last week's speech—is concerned, however, the Nixon policy is all the way with Thieu and Ky.

At this stage in extricating us from the war, President Nixon has freed himself from too much dependency on Hanoi's cooperation. He has not, in the more complicated relationships with an ally, shown himself independent of Saigon. This is his gamble.

FINANCING GRIPS REAL ESTATE BUSINESS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. GUBSER. Mr. Speaker, Mr. Peter F. DiMaria is an outstanding real estate man in my congressional district. Recently he was invited to be the guest editorialist for the Menlo Park, Calif., Recorder, and he submitted an editorial regarding the problems of the real estate industry.

I am sure that readers of the CONGRESSIONAL RECORD will be interested in reading Mr. DiMaria's editorial, which follows:

[From the Menlo Park (Calif.) Recorder, July 30, 1969]

LENDERS KILLING REAL ESTATE BIZ?

(By Peter F. DiMaria)

How far can the moneymen go in capitalizing on an inflationary spiral and still attempt to pass off their outrageous actions as noble attempts to avoid further inflation?

At the present time it is virtually impossible to obtain a take-out loan for apartments from a conventional lending agency that doesn't contain a ten year lock-in clause. Now who is likely to get inflated when the lock-in term was increased at a time of the highest interest rates in our history? Consider this along with other gimmick contractual provisions such as points and participation.

The business of lending is so attractive now that lenders are stepping all over one another to attract depositors. And why not? Banks still pay four percent on savings and five percent on time deposits. But that is all they were paying their depositors when the prime rate was only six and one-half percent. It is now eight and one-half percent! The hot race for funds to lend would cool somewhat if lending agencies were compelled to pay their depositors in direct proportion to the prime rate, which, incidentally, is arbitrarily set by some large noble bank and is hastily followed by all other banks.

Corporations, particularly those engaged in war or space related industry, are not discouraged from borrowing because of high interest rates. The cost of money is computed into the price which the government (You) will pay. Furthermore, corporations start in a fifty-two percent income tax bracket . . . interest is deductible. Industrial expansion is attracting money away from America's largest single complex of economic activity—construction. Would it be asking too much of such corporations to issue debentures in the event expansion is desired instead of borrowing funds that would otherwise be diverted towards alleviating a fearful housing shortage? It would force them to re-consider plans for expansion. The sale of debentures for such purposes would dilute the interests of the stockholders instead of having the government, you, pay.

In the state of California it is usurious to charge interest in excess of ten percent per annum on a loan secured by deed of trust on real estate. Let's examine the methods employed to circumvent the intent and purpose of the existing legislation. "Points," delicately referred to as loan fees, are the most notorious and offensive. Any number of points may be charged as a loan fee and the amount is predicated generally on how many of the buyer is forced and willing to accept. A point is one per cent of the subject loan. If the loan fee is five points and the amount of the loan is $100,000, the borrower actually is loaned $95,000. But he pays interest on $100,000 and pays principal in the same amount. Further, insurance companies, always prominent in the business of lending, also currently insist on some form of participation, i.e., two percent of gross income or 20 percent of any increase in the projected rents upon which the amount of the loan is originally predicated.

What is this thing called usury? And in view of the demands of participation by insurance companies as lenders, are the so-called responsible lending agencies detracting from the ever-mounting and harmful inflationary psychology?

The belief that money is just another commodity and therefore is subject solely to the law of supply and demand can only be ludicrous. It just so happens it is the only commodity that controls the production and consumption of all other commodities, and this entitles it to some special considerations.

THE MAJORITY VOICE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BRINKLEY. Mr. Speaker, a fine, young constituent of mine, Mr. Steve Dugan, of Fort Valley, Ga., has founded a movement to make the voice of the silent majority heard. I congratulate Steve and wholeheartedly endorse his efforts and I hope that this movement will gain national support.

I am inserting in the RECORD the letter I received from Steve and the information he provided me regarding this effort.

DEAR CONGRESSMAN BRINKLEY: I am now chairman of a movement which is made up of members of the silent majority of Americans who love their country and the things that make it great.

Our movement is called 'The Majority Voice' and we are dedicated to speaking up for the real American attitude. I am enclosing a pamphlet that explains our movement and we hope you are able to find time to read it.

When it seems that so many of our nation's leaders are simply politicians, it is more than nice to know that our district has given America a statesman.

With warmest personal regards, I am

Sincerely yours,

STEVE DUGAN,
Chairman, The Majority Voice.

WELCOME TO THE MAJORITY VOICE

DEAR FRIENDS: For too long now, a small group of radicals has been giving the world the false impression that Americans are losing their morals, their character and their principles.

Like the vast majority of our people, I do not want to be represented by a vocal minority which has no conception of what has made this nation great. Because I do not want to be represented by these radicals, and because I feel 85% of our people do not want to be represented by them, I am beginning an alternative movement, "The Majority Voice".

By participating in "The Majority Voice", you and I can join efforts and stand up together for our nation and the principles which make her great.

We need your prayers, your membership and your contributions. If we work together we can show the world that tomorrow's America will be just as equal to its task as yesterday's. We can improve the world's confidence in us and restore our confidence in ourselves.

Please write me for information and assistance in helping our movement. God bless you and good luck.

Sincerely,

STEVE DUGAN,
Chairman, the Majority Voice.

FORT VALLEY, GA.

STATEMENT OF PRINCIPLES AND PURPOSES OF THE MAJORITY VOICE

We, the Charter Members of the Majority Voice, do organize our movement because:

(1) We believe in God and pray he will direct us, while at the same time we respect the beliefs of all men.

(2) We affirm the positive good in military service for our country because such service gives us the opportunity to put our country and our principles above our own personal lives and to work actively for world peace.

(3) We appreciate the blessings we have been given since birth.

(4) We are humbly proud to call ourselves Americans and we love our country, our region and our state.

(5) We respect the generation of our parents and gratefully acknowledge their unselfish sacrifices in war and peace for our security and happiness.

(6) We are thankful for the unprecedented freedom which our society has given us and we wish to use it wisely.

(7) We believe there is no Generation Gap, and that the only gap in society is between those working constructively and those working destructively or not at all.

(8) We believe there is a definite need in all prospering societies for moral standards and self control as expressed in reasonable laws.

(9) We respect the fact that we do not have the wisdom or the right to impose our principles or will on others and we will refuse to allow others to impose their will or principles on us.

(10) We see as harmful the unnecessary use of drugs and stimulants because these are in most cases illegal, medically unproven and represent nothing more than a retreat from reality and life.

(11) We believe that love expresses itself most beautifully in work, dedication and sacrifice and that all who say they love should strive to live accordingly.

(12) We believe that a key to happiness in life is self respect and that this can only be attained by contributing to, and not detracting from, society and mankind.

Therefore, We, the majority of our nation's people, do hereby join together in rejecting the philosophy expressed by radical groups who seek to retreat from life and destroy our country and we do further pledge ourselves to act responsibly, with the help of God, to build on the great heritage we have been given.

ORIGINAL PRACTICAL PROJECTS OF THE MAJORITY VOICE

(1) To wage a "Drug Education Campaign" on all campuses, pointing out the medically dangerous and criminal aspects of drug abuse.

(2) To support stronger enforcement of drug control laws, doing everything possible to eliminate drug abuse.

(3) To support the continuation of ROTC as an accredited subject on all campuses since it requires time and effort comparable to other subjects and contributes to strengthening the individual and the nation.

(4) To sponsor "on campus" addresses by speakers who can well represent the philosophy we share . . . believing that such speakers will give our campaign the opportunity to reach thousands of new people with a philosophy which is capable of winning their support and offering an alternative to radical groups.

(5) To make "Alternative Think Material" available to thousands of people. (Included in this would be, for instance, copies of Kenneth McFarland's speeches and his recordings.)

(6) To support candidates for local office and student government offices, as well as national offices, who run on a platform consistent with our philosophy.

(7) To work unceasingly towards greater harmony, communication, understanding and cooperation among business leaders, political leaders and college men and women by holding "exchange sessions" during which members of these groups would be brought together for informal discussions.

A VIETNAM PETITION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WOLFF. Mr. Speaker, citizen concern over the Vietnam war has manifested itself in many forms. Among those, has been the exercise of the public right to petition.

Recently, a group of faculty members from Hofstra University, one of the fine schools we have on Long Island, filed such a petition. In light of its lucid presentation and the importance of its contents, I would like to extend my remarks to include this petition and the names of the 29 full-time faculty members who signed it.

The petition and signatures follow:

PETITION ON VIETNAM

Whereas we believe the war in Vietnam to be unwise and unwinnable, possibly illegal, and in many ways immoral;

Whereas we believe that U.S. military presence in Vietnam is unjustified in terms of national interest or of human freedom;

Whereas we believe that continuance of the war can only add to the already incalculable loss of human resources, physical and spiritual, on the field of battle and on the home front;

Whereas we believe that the present South Vietnamese Government of Thieu and Ky, which the U.S. Government supports, is suppressive and is not supported by the majority of the people of South Vietnam;

Therefore we, the undersigned, as citizens and as educators of citizens at Hofstra University, call upon our representatives in Congress to put all pressure on our Government

(1) to order prompt and rapid *withdrawal of all military forces* from Vietnam;

(2) to disavow the undemocratic government of Thieu and Ky; and

(3) to work for *free elections in South Vietnam*, to be supervised by the UN.

(Signed on 24 October 1969 by the following full-time faculty members:)

E. J. Agnello, Charles M. Barry, Donald Berwick, Robert Bumcrot, Allan R. Davis, Eleanor B. Dowling, Charles Fleischman, M. Friedman, John R. Jeanneney, Shirley Langer, William N. Leonard, Alexander Lesser, L. R. Lopez, William A. McBrien.

Sylvia Pines, Ruth Prigozy, Wilbur S. Scott, Elie Siegmeister, Ruth Stauffer, Gitel Steed, Robert Stein, Richard Sypher, Albert Tepper, Lynn Turgeon, Bess Vogel, Jacob Weissman, Bowman Wiley, Murray Yanowitch, June Zaccone.

OUR NATIONAL HONOR IS AT STAKE

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. McKNEALLY. Mr. Speaker, we have just observed Veterans Day, 1969. This year, those who participated in the day's activities throughout the Nation not only honored our Nation's war veterans, they also expressed their support of President Nixon's Vietnam policy and his recently announced plan to extricate us from this tragic war.

In the next few days, we will witness the second moratorium demonstration by those who oppose our Government's policy and advocate immedaite withdrawal regardless of the consequences.

I should like to commend to my colleagues today an editorial by Ward Poche, which appeared in the Newburgh, N.Y., Evening News, which brings out clearly a point which is central to the issue which seems to be dividing our Nation today:

[From the Newburgh (N.Y.) Evening News, Oct. 20, 1969]

POLITICAL WORD SHOULD BE HONORED
(By Ward Poche)

"In my time, men would go down on their political word."

Thus the late Walter Brown, court clerk of Orange County for half a century, decried some 10 years ago the fact that no one paid much attention anymore to their "given political word."

In a larger sense, his comment is appropriate to Vietnam. This nation has given its political word and is trying to decide whether or not to honor it.

We must honor our word as a nation whether we are engaged in a popular war or not.

Because they have our word, the Vietnamese are fighting and by fighting they have given Northvietnam all the excuse it needs for a blood bath in the south when they take over if we pull out.

This is what the flower children don't want to hear—what they ignore.

The war is not popular. Surely no one in this country wants war for war's sake. No one wants to see Americans killed and maimed but how many Vietnamese are we willing to sacrifice by going back on our word through a withdrawal. We'll never know—there won't be anyone there to count the bodies.

We are in Vietnam to stop a blood bath. The lists are out. We have the example of Castro and Hitler—and who knows fully what has happened behind the Iron Curtain?

There are many things the flower children want to ignore because they're not nice to think about. One is the spread of communism which would destroy this country and the American way of life.

We are in Vietnam to stop the spread of communism. To me, it has always been that simple.

Eventually, there is going to be confrontation between slavery and freedom as I like to think of the two major powers in the world today. I expect it in my lifetime and I'm not looking forward to it.

The world is looking at this nation of wealth. Break our word with the Vietnamese and whatever trust the world has in us disappears and we will be alone at a time when we can't afford to be alone.

Sooner or later, as England found in World War II, you can no longer appease an opposing political philosophy.

The flower children, I think, disagree, which brings to mind another quotation: "The only way this nation will be destroyed is from within."

Is this what they want?

CELTIC CULTURAL SOCIETY CHARITY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. PHILBIN. Mr. Speaker, I have been informed by my distinguished friend, Mr. John Doherty of the Celtic Cultural Society, Inc., of Brookline, Mass., that the annual Thanksgiving dance sponsored by this outstanding group for the benefit of orphans in Ireland will be conducted on November 28, at the Knights of Columbus Hall, 541 Cambridge Street, Allston, Mass.

This is one of the events sponsored by the Celtic Cultural Society to raise funds for the very wonderful cause of helping to make life brighter and easier for Irish children without parents or relatives in a position to care for them.

Many prominent people, including a large number not members of this dedicated society, are identified with its campaign for funds to help this cause in support of poor, unfortunate children being cared for in Irish orphanages.

This cause is gathering national interest and sustaining support, not only from persons of Irish blood, but also from their friends, and many other people from all ethnic groups, who are eager on a humanitarian basis, to join those who are working so sincerely to secure better conditions for helpless children denied parental and family loving care, and who must rely on the generosity of persons blessed with genuine, humane spirit and love of suffering humanity.

I want to commend Mr. Doherty and his colleagues who are engaged in this work of charity and mercy, with which I am pleased to associate myself, and I hope and pray that they will have another very successful, very rewarding response from their vigorous efforts in behalf of Irish orphans who need substantial help from others if they are to exist under trying conditions and ultimately find opportunities for some measure of education, training, care and guidance that will enable them to make their own way in life and grow up as healthy, enterprizing and happy citizens of the great Irish Free State of which we are so proud.

May the Celtic Cultural Society be very successful in their fine efforts for helpless, Irish children, and may this shining body of loyal Irish-Americans and their friends, long continue to work for those who are not able to assist themselves and need a helping hand to face the difficult problems of life.

GEORGIA CAPITAL THREATENED BY FEDERAL JUDGES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. RARICK. Mr. Speaker, the leadership behind the disloyal manifestations scheduled to commence tomorrow afternoon has revealed itself to be hard-line Communist and closely allied to Hanoi. There is no point in naming again the traitors to our fighting men in Vietnam. Their names have been published repeatedly in the last 2 weeks, despite an obvious effort by the national news media to play down their Red identity and their role.

The administration appeared to have taken a proper position in planning to handle the local manifestations of this sickness. Recognizing that many of the participants are coming to Washington for the express purpose of provoking riot and civil disorder, parade permits and other encouragement were properly refused.

Something must have happened, however, and the Justice Department now announces that there is little chance of violence. At any rate, parade permits have been issued, and advance details of the 82d Airborne have arrived.

It should be of interest to the administration, which now does not anticipate violence, that there are circulating in the "inside mail" in this House calls for volunteers for what is called "M-Day Blood Drive" on November 14, soliciting blood donations to help the injured. Individuals who desire information are to call 3161 or 6987. The blood is not said to be for our troops.

Meanwhile, the assault preparations continue elsewhere in the country.

This morning in Atlanta, I picked up a local newspaper to read that a U.S. district judge appears to have assumed jurisdiction over the Governor and capital of the sovereign State of Georgia, by what authority I am at a loss to understand.

It seems that some of Hanoi's "dear American friends," filed suit to restrain the Governor from interfering with their occupation of the State capital. Perhaps they want to have Georgia withdraw its armed forces from Vietnam.

The Federal judge handed down what purports to be a ruling that the Governor of Georgia has no authority to prevent such a takeover. He broadly implied that he would act if the Governor of Georgia failed to surrender and attempted to protect the capital against Hanoi's fifth column.

If the AP story correctly reports the facts and correctly quotes U.S. District Judge Sidney O. Smith, it appears that this House should consider impeachment proceedings against at least one other Federal judge in addition to William O. Douglas. In the meantime, we should congratulate Gov. Lester Maddox of Georgia on his commonsense and patriotism, and wish him success in his impending confrontation with Hanoi's fifth column, aided and abetted by a Federal judge.

Daily, the American people become more aware that we live in a never-never land—where Americans are never right, and Communists are never wrong.

Two Georgia newsclippings follow:

[From the Atlanta Constitution, Nov. 12, 1969]

State Capitol Antiwar Rally Is Ruled Legal—Judge Refuses Writ—Says Disorder Is Forbidden

Rome, Ga.—A federal judge ruled Tuesday that the Atlanta Vietnam Moratorium Committee has the legal right to assemble peaceably on the state Capitol grounds and protest the war—and that Gov. Lester Maddox has an equal right to try to bar them if they become disorderly.

U.S. District Judge Sidney O. Smith refused to grant an injunction sought by the committee against Maddox after the governor advised moratorium organizers they could stage their demonstration on state property only if they supported the President's war program and the country's fighting men.

The group plans an anti-war demonstration Thursday in connection with national protests that include a march in Washington on Saturday.

As Smith's ruling was issued in federal court here, Maddox adressed a "Re-affirmation Day Rally" on the state Capitol steps and Georgians around the state flew flags and held parades in observance of Veterans' Day.

Judge Smith warned that "any physical interference by the governor or his agents or any arrests or prosecution solely for peaceful, orderly assembly and non-violent expression of their views by anti-war activists" would be illegal.

Judge Smith explained that he could not legally issue an injunction barring Maddox from moving against anti-war demonstrators before the governor made any such move.

Maddox's telegram to the committee advising them they could not use the Capitol to protest the war was not an executive order barring the demonstration, Smith said.

He indicated that he felt the Capitol grounds were chosen for the anti-war demonstration to cause a confrontation, and in part because of Maddox's well known stand against war protesters and civil rights activists.

The case, Smith said, seemed to have been "precipitated . . . and . . . compounded by the desire of both parties to achieve some very questionable publicity at a time when our people are divided and troubled enough by the war in Vietnam."

The dispute ought to be resolved by a simple conference between the governor and the moratorium committee, he said.

"It is manifestly unfair for the governor of a state to afford the use of government facilities to one group because of its beliefs and to deny their use to another group because of its contrary beliefs," Smith said.

And it is permissible for a public official to make private or public statements condemning the activities of any group with which he disagrees, Smith added.

However, the moratorium group also has the right to assemble on state property, based on the fact that the grounds have been used in the past for other gatherings.

Therefore, Smith concluded, "Each side has an equal right to the full exercise of free speech."

Assistant Atty. Gen. Harold Hill, representing Maddox, argued that protests against the war, staged under the constitutional right of redress of grievances, should be staged in Washington, D.C.

The State of Georgia, he said, should not be required to provide a forum for redress of grievances against the federal government.

Hill said Maddox had authorized him to tell the court that he dictated his reply to the moratorium committee hastily, and that if he had thought it over, he would simply have said "No."

One of the plaintiffs in the suit, Tom Houck of the Southern Christian Leadership Conference, said Tuesday night that demonstration organizers hope to meet with Gov. Maddox Wednesday "to arrange ground rules" for Thursday's assembly at the Capitol.

"We're going to give every thing we can to cooperate with the governor to maintain a peaceful demonstration, and we hope he will reciprocate," Houck said. He added, "We're pretty satisfied with the results of the court decision."

[From the Atlanta Constitution, Nov. 12, 1969]

Protesters To Use Pennsylvania Avenue

Washington.—The government agreed Tuesday to compromise and allow antiwar protesters to use part of Pennsylvania Avenue for a massive demonstration this Saturday.

The agreement was announced by Mayor Walter E. Washington and Deputy Atty. Gen. Richard G. Kleindienst, who declared last Thursday that "under no circumstances," could the Pennsylvania Avenue route be used.

The agreement followed several days of virtually continuous negotiations with sponsors of the march. It provides for the procession to proceed down the traditional parade avenue from the Capitol as far as 15th Street and from there to the grounds of the Washington Monument for a rally climaxing three days of antiwar activities.

This route makes no provision for a swing by the White House—one point that the New Mobilization Committee to End the War in Vietnam had demanded.

Kleindienst and Washington also said the government agreed to the route after the New Mobilization promised to provide enough parade marshals to ensure order during the mammoth march, which is expected to attract about 200,000 in what could be the biggest antiwar protest in history.

"The New Mobilization Committee has offered every assurance that order will be maintained during the Nov. 15 march," Kleindienst said.

"We are confident that the New Mobilization Committee will honor its commitments as we will honor ours to insure a peaceful assembly and exercise of First Amendment rights in the nation's capital," they said.

Meanwhile, a small advance party from the 82nd Airborne Division flew here from Ft. Bragg, N.C., to prepare for possible movement of paratroopers to the capital in connection with the weekend demonstrations.

NEW HOPE FOR THE CHILD WITH DYSLEXIA

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. QUIE. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

The "mirror reader" child baffled educators for years. This child confused "b's" and "d's" and printed letters backwards.

Through research, done extensively at the Mayo Clinic, I am happy to say, this symptom is now recognized as a neurological disfunction and the condition is referred to as dyslexia.

While no cure has been found, special education methods have been developed to help these children learn to read. For the edification of my colleagues, I submit for the Record two articles in a series on this subject appearing in the Rochester Post Bulletin:

[From the Rochester Post-Bulletin, Oct. 15, 1969]

Just What Is This Dyslexia, Specifically?

(By Barbara Cook)

How many times have you heard someone say, "I can't remember names—but I never forget a face."

Or, "I have a terrible sense of direction—you'll have to tell me where to turn."

Or, "I like to sing—but I can never remember how the tune goes."

Familiar? Chances are you're chuckling now because you recognize one of these funny little quirks as your own. If so, you're in good company because nearly everyone has a similar peculiarity.

Dr. Manuel R. Gomez, head of the section of pediatric neurology at the Mayo Clinic, calls them neurological idiosyncracies and says they reflect a minor dysfunction in the neurological area of such a slight degree to to be undetectable by electroence-phalograms or any known brain test.

But they are there—and we all have the symptoms to prove it.

And they aren't very important. Just a little inconvenient and embarrassing at times.

Unless the neurological idiosnycracy happens to be the inability to perceive and/or recall the sounds and symbols of the written word. This particular little idiosyncracy (known as specific dyslexia) is more than inconvenient and embarrassing. It is discouraging and even crippling for the child who must function in today's world of words.

His whole future—education, livelihood and even the ability to find his way by reading street signs—depends on the one thing he can't do.

His funny little quirk isn't funny at all.

"Put yourself to this test," suggests Dr. Gomez, "supposing that in order to communicate with each other we had to use music instead of a spoken, written language. I would be in real trouble."

He estimates that if musical notes or colored symbols were the only means of communicating an even larger number of the population would be affected than are now handicapped by a specific language disability.

Yet, basically, specific dyslexia is not as serious as some of the neurological idiosyncracies for which there is no remedy, since it is remedial and is often diminished by maturation.

But it is deadly serious to children for whom everything depends on learning to read and write. And waiting for maturity isn't the answer for two reasons. It doesn't always work. And, even if it did, by then the years of doubt and ebbing self-confidence will probably have created emotional problems even more difficult to overcome.

Consider the child with the minor dysfunction that results in a major handicap simply because of our method of communication. He is not a problem child—but he is a child with a problem.

His teacher may not recognize his disability (though she may herself be tone deaf or have a poor sense of direction). His parents may think he isn't applying himself and blame him for his failures at school. He is intelligent and he knows it—but he can't prove it. And eventually even he doesn't believe it anymore. By the time he's a teenager he's pretty sure he's no good. And he may steal a car to prove it.

Or, he may be lucky. He may be sent to the school psychologist by a teacher who suspects his disability by comparing his reading and writing skills with his ability and achievements in other areas.

If his parents take him to the Mayo Clinic for testing, the procedure will begin with a complete physical examination followed by a neurologic examination, vision and hearing tests and then a psychological assessment.

"We see a number of children whose parents bring them for 'reading problems' because they aren't satisfied with the child's marks at school," notes Dr. Wendell M. Swenson, head of the section of clinical psychology.

"They would rather be told that he is dyslexic than just an average or slow learner."

Obviously all poor readers are not dyslexic, but the clinical evaluation can pinpoint those who are.

By means of tests the psychologist assesses the child's intellectual potential and notes the variability in performance in several different areas (concepts, awareness of details, perception of shapes) that may indicate specific dyslexa.

His performance in the ability to perceive and reproduce symbols is examined by methods such as the Bender-Gestalt Test and is followed by an assessment of his reading ability, not including comprehension or recall, to determine his grade level in that skill.

General information, arithmetic reasoning, auditory memory and vocabulary (the yardstick for verbal intelligence) provide further clues for the differential diagnosis.

None of the patients seen in the section of child and adolescent psychiatry at the Mayo Clinic are presented as reading problems.

Yet, Dr. James Delano, head of this section, reports: "Of the 250 children seen in this section in the past year about 40 appeared to have a language disability—chiefly in reading.

"Of that number 75 percent have emotional problems that are secondary to the disability. If these children get proper help for their reading disability their behavior may improve to the point where their parents feel they no longer present a problem.

"If they hadn't been dyslexic they might never have had emotional problems. Early detection, therefore, is very important."

Dr. Gomez agrees that "failure to learn to read produces frustration and shame in many intelligent children and may explain some cases of school drop-outs, unemployment, juvenile delinquency and crime."

"Reading," he points out, "is the key to everything else."

[From the Rochester (Minn.) Post-Bulletin, Oct. 16, 1969]

THE DISABLED READERS: LOST UNTIL FOUND

A child is lost.

The news spreads on a wave of alarm as neighbors anxiously join his parents in the search. If he isn't found soon, a whole town or community may unite in tramping through fields and combing woody areas.

Often the searchers don't even know the child, or his parents—but there is something about a lost child that softens the hardest heart.

Even lost pets and animals merit a concerned search.

A farmer will make every effort to find one cow that has wandered away. And a shepherd will leave his flock to look for one lost sheep.

A child who is lost in a world of symbols and sounds he can't unscramble and/or reproduce wants someone to find him, too—and lead him out of his dilemma. But there aren't enough searchers.

In fact, no one may know he is lost.

One of the difficulties in finding the child with specific dyslexia is that the S.O.S. signals sent out aren't transmitted in a consistent or predictable pattern. And, in addition to the variations in symptoms, the severity of dysfunction ranges from minimal (the most difficult to detect) to major.

A diagnosis can only be made by the medical team, but even without training in the complexities of the disability it is possible for parents or teachers to be sufficiently suspicious of some classic symptoms—such as persistent letter reversals in reading, writing and spelling—to run up the distress flag.

The child with specific dyslexia can't differentiate between reversible letters like "b" and "d" or between words like "not" and "ton." He may transpose letters within a word ("form" for "from") and there is no consistency to the reversals and transposals.

The confusion may be auditory as well as visual. Hearing "stand" he may reproduce it in spelling as "stad" or "sand"—omitting one of the sounds of the word that he can't recall.

And each dyslexic child is unique. The only thing they have in common is their difficulty with written language skills.

Severely dyslexic children, formerly known as "mirror readers," have been recognized since 1895. And for those with less serious disabilities, the earlier teaching methods—using strictly phonic approaches—were sometimes adequate.

But the advent of the whole word method in about 1925, by which most children could learn to read more quickly, left the dyslexic child without an important tool for his learning needs. Which is one answer to the question, "Why weren't there all these dyslexic children when I went to school?"

The whole word (or "Look and Say") method presupposed that the student would be able to recognize a word when it appeared again in the same context. And many public and private schools now use methods which include some phonics.

But methods that are generally used in regular remedial reading classes for children with limited ability, emotional problems, poor schooling or other problems unrelated to specific dyslexia in origin won't work for the youngster with difficulties in visual and/or auditory perception.

The method by which most dyslexics can learn is a process of painstaking phonetic analysis in which words are unlocked by a thorough knowledge of the sounds of letters and their combinations.

This provides a system for the structuring of associations so the child no longer has to learn each word as a visual pattern. This system enables him to break down each word until it becomes sufficiently familiar to evoke its own immediate associations.

The techniques used for retraining involve the three pathways to learning:

Visual—the youngsters look at individual letters on flash cards;

Auditory—they hear and repeat the phonetic sounds of the letters; and

Kinesthetic—their muscles sense the "feel" of the letter as they write it, pronounce it, and see it simultaneously.

The imperfect sense of direction of spatial relationships can't be cured and children who "see things differently" will probably always be rudimentary spellers. But, with the exception of about one per cent, youngsters with the puzzling problem can overcome much of their impaired perception and master the art of reading.

Following the diagnosis of her disability at the Mayo Clinic, the little girl called Wendy Barbour (not her real name) in an earlier article was instructed for one summer in these techniques by a tutor affiliated with the Remedial Reading Center in Rochester, operated by Mrs. Howard Rome and Mrs. Arthur C. Osman.

Since her dysfunction was minimal her tutor terminated the sessions in the fall and Wendy was able to continue on in her own grade, using her new skills as a supplement to classroom instruction.

Now in the fourth grade, spelling and number reversals still give evidence of her problem. But she is reading well and, in addition, makes a game of "unlocking" words in foreign languages—something that many of the other good readers in her grade aren't yet able to do.

Timmy Hughes, the other case history reviewed earlier, whose name was also changed, still needs regular sessions with his tutor from the Remedial Reading Center.

But his behavior has improved with the knowledge that he isn't "dumb" after all and his progress so far has given him hope. because of his severe disability the techniques will be more difficult for him to master, but he reports that "they make sense" to him.

Children with a borderline disability such as Wendy's can be helped in the classroom under the direction of specially trained reading consultants, but the severely dyslexic youngster requires special education on a one-to-one basis or in very small groups.

Special education really means special attention.

This specialized help is not yet generally available for the dyslexic child through public education. And private tutoring spells a financial sacrifice for some parents and a financial impossibility for others.

The national advisory Committee on Dyslexia and Related Reading Disorders is aware of the problem.

And, "while it doesn't expect to be able to reconcile all the differences of opinion or produce an iron-clad definition of dyslexia, it does hope by this fall to make a report of its studies carrying recommendations pertinent to the reading problems not only of school children but of adults as well."

The search has begun. But unless they are found in time, the bright children with the "funny" neurological idiosyncracy face an uncertain future.

Their school failure—and all that it implies—can be predicted.

NEW OFFSHORE DRILLING CONTROLS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. BROWN of California. Mr. Speaker, 10 months ago all our images about existing precautions against water pollution were shattered by the tragic oil spill off Santa Barbara.

Since February when the leak was finally, but not completely, controlled, we have heard a great deal about the need for stringent Federal restraints over offshore drilling operations, but in reality, today the situation is not much better.

Significant—but not huge—leakages still stain the California coast, new leases have been granted, Federal control is still somewhat nebulous and quite incomplete.

I recently introduced a new bill, H.R. 14644, which attempts to set a hard line on two important phases of the offshore drilling program.

The first section of the bill forbids the Secretary of the Interior from granting any offshore oil, gas, or mineral lease until a full public hearing on the proposed lease is held.

The idea that the Federal Government is always the best sole judge of what is or is not in the public interest is not only wrong, but, as indicated by the disaster in Santa Barbara, very dangerous.

I believe that the people involved in a given local situation are better qualified to determine what is in their own best interests and they should have the opportunity to be heard.

It is within the Federal Government's responsibility to gather pertinent scientific data and determine whether a particular action—such as oil drilling offshore—is safe for all concerned. Thus, the second part of the bill requires that the Interior Department observe a moratorium on all further offshore leasing until standardized Federal construction codes and tough drilling standards applicable to every aspect of the offshore operation are set up.

Let us hope that the alarm and disgust created by the blackened beaches of Santa Barbara is enough to awaken the people and the Government to the serious problems concerned with conservation, and that appropriate action is taken before another such disaster occurs.

MARINE CORPS LEAGUE AT WATERTOWN, MASS.

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. PHILBIN. Mr. Speaker, I was greatly impressed with the recent installation of the distinguished Marine Corps League at Watertown, Mass., in my district, which I recently had the honor and privilege to attend. The meeting was held in the spacious and well arranged quarters of this outstanding unit and was largely attended by members and friends.

I appreciated the warm reception given me by these outstanding Americans and friends, and welcomed the opportunity to briefly address the meeting. I pointed out the fact, which is well understood by an overwhelming number of people, that we live in a very dangerous world, and that we must make sure that we realize our position, and the need for defending ourselves and our country's safety and security against every possible contingency that may arise in a world that is torn with revolutionary spirit, violence, intimidations, threats, and disorder.

I alluded to the need for unity, understanding, and brotherhood in our country, so that we can minimize dissension wherever it exists, and combat those who are doing their best to undermine our free institutions and the order, safety, moral structure, and peace of our society, and who would substitute the radical, police state for our precious freedoms.

I also stressed, as I always do, the need for peace in this Nation and the world, not only in Vietnam, but elsewhere, emphasizing that the people of our country and the world are seeking and yearning for peace and that it is a time to join hands to bring hostilities in Vietnam to an honorable end as soon as possible.

At the same time, I pointed out the urgent need to protect our forces and our boys fighting in that bloody war during their withdrawals from land, sea, and air operations.

I also said that we must do everything in our power to reach an understanding with the enemy and its powerful allies that stability and effective, peaceful conditions shall be agreed on and assured that will rule out and prevent the slaughter and bloodbaths that might well result in that war theater when fighting ceases.

We must have some concern and definite understandings about the fate of the indigenous people of Vietnam, whom we have sacrified so many precious American lives to defend against aggression, and the loss of their freedoms.

The installation was conducted with great solemnity and impressiveness, and very capable new officers were inducted to furnish the able, dedicated leadership and to continue the public-spirited activities of this fine Marine Corps League of Watertown that has made such splendid contributions and will continue to make them in the interest of the community, State, and Nation.

The new commandant is my distinguished friend, Mr. Peter Dwyer, a brilliant and very able young man, and his counterpart as president of the auxiliary is Mrs. Linda Cooper, a lovely, gracious young lady, so representative of the dedicated and charming young ladies of the auxiliary.

All of the other officers of both the league and auxiliary are able and devoted to their tasks, and I am sure that, like their predecessors in office, they will give a splendid account of themselves in what is certainly a very fine, especially, well-organized and well-conducted unit of our great Marine Corps League.

I shall long remember the very warm reception I received from this outstanding, concerned group of former servicemen and servicewomen whose background, as members of one of the world's greatest fighting organizations, the U.S. Marine Corps, and other gratifying attributes of character, loyalty, and service to the Nation, uniquely qualify them in these uneasy days, to furnish the leadership which we need so badly in our country today to fight against those abroad and at home, who are hostile to the American way of life, and to defend and protect the Nation.

Let us hold out the olive branch of peace to every nation, the Soviet Union, Red China, and all the rest that they may respond in truth and good faith to our latest of many sincere overtures of peace and friendship to stop all bloodshed and fighting and join as human beings all for the peace, prosperity and betterment of the human race.

May God grant that our pleas and our prayers may be heard and answered by all the nations throughout the world, especially our enemies, and those who support and encourage them.

May the day soon come when we lay down all weapons of force, violence and destruction forever, and blessed peace and brotherhood may come to the whole world.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. WHITEHURST. Mr. Speaker, I was displeased that I was unable to be here and cast my vote in favor of the final passage of H.R. 13827, the omnibus housing bill of 1969. I was pleased, however, that I was not alone in feeling that this was a meaningful piece of legislation, as the House passed the bill by a vote of 339 to 9.

Perhaps this legislation is not as comprehensive as some hoped it might be, but it does contain changes that are needed if we are going to meet the present and future demands for housing.

We are currently faced with a prime interest rate of 8 percent as well as a shortage of money for home mortgages. Many of the traditional long-term investors, upon which the bond and home mortgage market rely, are now investing their funds in high-yield fast-turnover investments. Since December of 1967, the cost-of-living index has increased by 12 percentage points. All of this contributes to the shortage of long-term money, since there is the reluctance to tie up large sums of money for long periods of time. We are also faced with a rising cost of construction that has caused the cost of the average home to increase from $21,000 in 1966 to $27,000 in 1969.

These problems must be overcome if we are going to supply the need of 2.6 million housing units per year for the next 10 years and still make these units available to those who need them. This is the goal of H.R. 13827 and this is what it will aid in accomplishing.

One provision of the bill I found gratifying was the expansion and liberalization of the flood insurance program. This is particularly significant in light of the devastation resulting from Hurricane Camille. In future disasters of this type, more people will be protected against complete financial catastrophe resulting from losses of real and personal property.

Urban renewal will be assisted by the expansion of the important neighborhood development program so that the financing of the first 2 years of a project, the most important and costly, will be financially guaranteed. A most significant addition to the bill was the adoption of the Anderson amendment which directs the Secretary of Housing and Urban Development to take steps to insure the development of the operation breakthrough program, recently announced by Secretary Romney. This innovative program certainly looks like a solution to the demands for urban housing.

The bill also contains provisions to assist private homeownership. Among these are lower downpayments for FHA and VA mortgages, an increase in mortgage insurance from $1,800 to $2,500 per space in a mobile home court, mortgage insurance for mobile homes, and an additional $1.5 million in order that GNMA—Government National Mortgage Association—may participate to a greater degree in the low cost home mortgage market.

These are just some of the changes that assist in making available the homes that our Nation so vitally needs.

Again, Mr. Speaker, I am happy this legislation has been given such resounding approval by the House, and I certainly hope the bill will be forwarded to the President within the very near future.

BOOKLET ON PEOPLE POWER

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SYMINGTON. Mr. Speaker, I would like to call the attention of my colleagues to an outstanding publication, entitled "People Power," which has been prepared by the League of Women Voters of St. Louis, Mo., under the guidance of Mrs. Marjorie S. Pharis, chairman of the intercity project of the league.

This booklet, concisely written and excellently illustrated, concerns the power which can be wielded by the people of this country through the ballot box. It emphasizes the importance of being informed and concerned in our society today, and of turning our concern into effective action by exercising the right to vote. The ultimate, residual, and continuing power of the people is, indeed, the vote.

I would like to commend the efforts of the St. Louis League of Women Voters in publishing this fine document. Copies of the booklet are available and may be obtained by writing to the league at 1143 Macklind Avenue, St. Louis, Mo. 63110.

SPECIAL STUDY OF RACIAL DISCRIMINATION IN THE POLITICAL, ECONOMIC, SOCIAL, AND CULTURAL SPHERES

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, November 13, 1969

Mr. JAVITS. Mr. President, on September 4, Dr. Isaac Lewin, the distinguished historian and internationally published author of the book "War on War," and other works, addressed the United Nations subcommission on the subject "Prevention of Discrimination and Protection of Minorities." His special study of racial discrimination in the political, economic, social, and cultural spheres which was delivered on behalf of the Agudas Israel World Organization, covers the areas of neonazism and Arab-Jewish relations. It has aroused considerable interest.

I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. ISAAC LEWIN

Ambassador Hernan Santa Cruz of Chile devoted Chapter X of his interim report submitted to the Sub-Commission, to the subject of "The Danger of the Revival of Nazism and Racial Intolerance." In that chapter he states as follows:

"In order to understand what nazism is, and why nazism and similar ideologies based on terrorism and racial intolerance are incompatible with the purposes and principles of the United Nations Charter, the Universal Declaration of Human Rights, the Genocide Convention, and the Declaration and Convention on the Elimination of All Forms of Racial Discrimination, it is necessary to recall how these ideologies developed in the past, how they gave rise to serious violations of human rights, and how failure to eradicate them promptly and with finality led ultimately to war and barbarous acts, including genocides."

The Special Rapporteur is undoubtedly correct in this statement. One might even add the observation that by explaining the origins of nazism we may best be able to prevent its resurgence. The most scientific method of preventing the rebirth of nazism and fascism would be to eliminate the circumstances which caused its appearance among nations.

Mr. Santa Cruz feels that "fascist movements emerged with varying success in various parts of Europe between the two World Wars." He explains their success, partly, "by their appeal to extreme and exclusive nationalism and chauvinist expansion," and, partly, "by their 'revolutionary' call to the masses."

I

Historically, however, nazism and fascism were rooted in earlier movements. There is real present danger of its resurgence because the new movement in Germany (which we call neo-nazism, but its adherents, for obvious reasons, refuse to tie to the "old" nazism) goes back to the pre-nazi ideology. It is much easier to propagate the ideas of nazism if one can avoid branding them with the nazi trademark. After all, the cruelty and barbarity of nazism are known to the world. It is easier for individuals who, in fact, are nazis to disguise their association with the ideas they believe behind a screen of false names.

The task is easy for them because they need only go back to the tradition which formed the basis for Hitler's ideology, and may simply skip the Nazi period in modern German history. Why not hark back to Christian Lassen, a professor in Bonn, who published in the year 1844 a book called "Indische Alterthumskunde" in which he wrote (Vol. I, p. 414):

"Civilization has been the gift but of a few nations. Of other races only Egyptians and Chinese, and of the Caucasian only Semites and Aryans have built up human civilization. History proves that Semites do not possess the harmony of psychical forces which distinguishes the Aryans. The Semite is selfish and exclusive. He possesses a sharp intellect which enables him to make use of the opportunities created by others, as we find it in the history of the Phenicians and, later on, of the Arabs."

It all began with an attack on the Arabs. The followers of Lassen enlarged his group libel by turning against other Semites—the Jews.

It is quite obvious that neo-nazism will follow the same pattern. It will, without identifying itself openly with nazism, follow the racist ideologies of the 19th century. It will be nazism not in name but surely in character. Here lies the real danger of the revival of nazism and of its tendency to genocide. Nobody can tell whether the "old-new" racial smears will immediately brand all Semites or, at the outset, only Jews. What is certain, however, is its character as a calculated conspiracy against the principles of human understanding and tolerance. The road toward the attainment of such goals, once it has been opened, leads to the destruction of everything that is sacred to humankind as it emerged from World War II.

Let me illustrate this by examples from the German past. In 1873, Wilhelm Marr coined the term "anti-Semitism" and applied it, in his book *"Der Sieg des Judenthums ueber das Germanenthum,"* to the fight with the Jews. He formulated the problem of the Jews in Germany not as a religious one, but as a problem of race. He asserted that the Semites left Palestine in order to conquer Europe. He stated that the Jews (or "Palestinians") had conquered the German press, parliament and political parties. If this goes on, said Marr, the end of Germany is in sight—*"finis Germaniae."* Thus was the racist movement against Jews born. An anti-Semitic league was founded in 1880. An international Congress of the league was held in Dresden in 1882, where an appeal was made by some participants that the Jews be deported to Egypt. It is ironic that the founders of modern anti-Semitism viewed Egypt as the Jewish homeland. The Congress did not accept this suggestion and instead adopted a proposal by Adolf Stoecker to abolish Jewish equality.

Distinctions among Semites were drawn by

Eugene Duehring in his work *"Die Judenfrage als Rassen- Sitten- und Kulturfrage,"* published in 1881. He asserted that the Jews were the most inferior group in the semitic race. The Bible, he said, is much below the standard of hellenism. What the Jews created was, according to Duehring, simply valueless. Christian blood should not be mixed with Jewish, and a wall must be erected between Christians and Jews. Jews should be returned to Egypt, said Duehring, in their old role as slaves.

From Duehring, the next step was Houston Steward Chamberlain, whose book *"Die Grundlagen des neunzehnten Jahrhunderts"* became the pseudoscientific foundation of nazism. Chamberlain was the father of the theory of the superiority of the Aryan (*i.e.* German) race, and the inferiority of the Semites. The two races, said Chamberlain, must battle eternally until the last Semite is eliminated from Europe.

These examples are sufficient to fix the ideological basis for neo-nazism. May I therefore suggest that the chapter dealing with "The Danger of the Revival of Nazism" be rewritten by adding a discussion of the history of racist ideology and its direct influence on the development of nazism and fascism.

II

May I now turn to the Arab-Jewish problem.

For many centuries Jews and Arabs lived in peace and friendship. History tells us that in the dark period of the Middle Ages, Jews had no better friends than the Arabs, and *vice versa*. Arabs helped the Jews, and Jews contributed tremendously to Arab culture and welfare. The Caliphate of Harun Al-Rashid in Bagdad in the 8th century and of Abd Al-Rahman III in Cordoba in the 10th century constituted real progress in the dark era. Arabs and Jews co-operated then to the fullest extent. The most important contributions to philosophy made by Jewish scholars like Saadia Gaon, Salomon Ibn Gabirol, Bahya Ibn Paquda, Yehuda Halevy, Moses ben Maimon, were written in Arabic.

When, in 1492, Jews were expelled from Spain, and, in 1497, from Portugal, the Moslem Sultans of Turkey received them with open arms. The Jews, in turn, richly rewarded their friends. Bayazid II is quoted to have said, when he learned of the explusion decree of King Ferdinand of Spain: "This King is anything but clever; he ruins his country and enriches ours." A Christian traveller, Nicolaus de Nicolai, who visited Turkey in 1551, later reported on the tremendous contributions of the Jews to the economic development of Turkey. He stressed that the Jews who came to Turkey from Spain and Portugal were instrumental in industry and in many sectors of life.

It is one of the greatest tragedies of modern history that the Arab-Jewish friendship has turned to hatred.

Who is to blame?

I must emphasize that I speak not for the State of Israel. I represent here the Agudas Israel World Organization and speak on behalf of religious Jews the world over. We have national branches in twenty countries and our members number hundreds of thousands. Before World War II, we were over a million strong because we had vibrant groups in Poland, Lithuania, Latvia, Rumania and Hungary. The Nazis, by their brutal destruction of Jewish communities in these countries also put an end to the huge Agudist centers they contained. However, what I am going to say now is, I know, a feeling shared by all Jews in the world:

We want peace with the Arabs.

The Jewish people has given enough proof in the past that it is a nation of peace. Nothing is more abhorrent to us, nothing is more strange to our people, than war and bloodshed.

Before me this honorable assembled body heard from the representative of the World Moslem Congress, and he stated that the Jews persecute the Arabs, that in the State of Israel there is no equality for Arabs (and even none for Sephardic Jews) and that the "Al Aqsa" mosque was burned so that the Jews might build, in its place, a new, Third Temple.

These assertions are so totally incorrect and without any basis in fact that they daze and astound the listener. Only blind hatred could have brought the representative of the World Moslem Congress to utter such statements. One would have imagined that the time of crusades and holy wars is past.

May I remind you of a historical incontestable truth. When, in 1947, the United Nations voted to establish a Jewish State, the Jews stood absolutely without arms and weapons. The Arabs attacked them. It was only by a miracle that the Jews survived and began to build their homeland.

In the State of Israel, democracy prevails. All citizens, Jews as well as non-Jews, enjoy full equality of rights.

The "Al Aqsa" mosque was burned by an Australian Christian who has freely admitted his guilt. To say that Jews seek now to build a Third Temple on that site is plain nonsense. Jewish tradition forbids the construction of such a Temple before the coming of the Messiah.

I appeal to Arab leaders and to the governments of the Arab States to let reason prevail and to treat the Arab-Jewish problem in the historic tradition of co-operation between Jews and Arabs. Let us return to the glorious past of peace and dignity, and solve our differences accordingly.

The People of the Bible, which was devastated by the holocaust of World War II and lost one-third its men, women, and children, wants peace. We have suffered enough from Genocide, from cruel and wanton murder, and we want only peace. The Psalms which are sacred to us and are also recognized by the Moslem tradition contained a beautiful expression of this wish (chapter 29, 10–11):

"The Lord sat enthroned at the flood;
Yea, the Lord sitteth as King for ever.
The Lord will give strength unto His people;
The Lord will bless His people with peace."

Even when a flood of hatred appears to engulf the world, the Lord sits as Supreme Judge over nations and the Jewish people appeal to Him for strength—not the strength of might and bloodshed, but the strength of peace.

Peace, the greatest blessing for Jews and Arabs alike, will be a blessing for all of mankind.

GRATEFUL FOR THE HIGHER EDUCATION ASSISTANCE ACT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. HATHAWAY. Mr. Speaker, as you know, Members of Congress are frequently criticized for their actions and words of praise and gratitude are few and far between. For this reason I wish to share with you and my colleagues in the House a portion of a letter I received recently from two parents who are extremely grateful for the Higher Education Assistance Act.

This letter was received from Mr. and Mrs. Michael F. Connolly of Portland, Maine, whose son has just entered Florida Southern College with the assistance of a student loan. Mr. and Mrs. Connolly ask the question:

> Should we write to someone to express our gratitude—if so—who?

They go on to say:

> We're making plans to go to Florida in four years to see him graduate, but meanwhile we want to thank whoever is responsible for this financial aid. Our whole economic situation would be shaky otherwise. Many thanks for your part in this educational program.

Since the Congress, through legislation, has made these loans available to students, I believe the Congress should share in this expression of thanks.

ON ENFRANCHISING THE DISENFRANCHISED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. CORMAN. Mr. Speaker, the franchising industry has enjoyed a tremendous spurt of growth in the past few years. Why it was confined for so long to gasoline stations and soft drink bottling is hard to understand when the potential for growth was there all the time. However, about 10 years ago the sleeping giant came awake and started exploding into all the fields that are the traditional preserves of small business.

This was natural, of course; franchising is the easiest and most obvious means of establishing successful small businessmen. But I suspect that one of the factors leading to this sudden awakening, in California at least, was the entry into franchising at this time of a 30-year-old businessman named Al Lapin.

That first year—1961—his company confined itself to one endeavor, developing the International House of Pancakes business into a nationwide chain of outlets. But in succeeding years it rapidly diversified into home-equipment rentals; women's apparel shops; secretarial, data processing and accounting schools; refreshment centers and restaurants. This year it is acquiring a credit collection business, the first step toward establishing franchised credit collection offices throughout the country, and at least one operation will be franchised in Europe or the Far East.

The object of giving this thumbnail sketch is not simply to recount a Horatio Alger success story, but rather to draw a picture of an American with unusual drive and vision. It comes as no surprise, then, that when such a person focuses his attention on a social problem of great importance and concern to us all—racial strife—he would propose a program to help solve this problem which is at once both practical and visionary.

He started with the fact that I mentioned—that franchising is the easiest and most obvious means of establishing successful small businesses. He added to that the premise that racial inequality is directly related to economic inequality, and therefore the basic responsibility for solving our Nation's racial problems lies with the business community. As he said in a recent address outlining the program he has developed:

> It doesn't take a sociologist to comprehend the effect of unemployment and underemployment on a black family living in a

squalid ghetto. The social impact is drastic and sweeping.

The program Mr. Lapin has developed for minority businessmen, called "Two Plus You," is built on the usual methods of franchising to start a small business, but is tailored to meet the special needs of black citizens—economic gaps, educational gaps, and social gaps between where they have been and where it is hoped they will be able to go.

The "Two" refers to the 2-percent downpayment black franchisee applicants will be required to make. This minimal downpayment recognizes the economic reality that normally a black applicant could never hope to raise the 60-percent downpayment required by the standard franchising contract. Additionally, the potential black businessman will have 10 years to repay an interest-free loan for the balance of the contract versus the standard 4½ years at 7.5 percent interest.

The "You," of course, is the black applicant with the potential—however undeveloped—to succeed in the business world. This is the heart of the program. After an initial screening of applicants neutrally designed to test aptitude—not educational levels—the applicant is carefully exposed to and immersed in a series of training experiences. Basically they are the same as for the ordinary franchisee but with greater emphasis on on-the-job training and greater availability of remedial training. Great flexibility is an essential of the program: the slower trainees may have their training programs extended; the faster may move on to night manager and assistant manager responsibilities.

During the entire program, the trainee is earning a good salary—high enough to put money aside to meet the 2-percent downpayment if he did not have it to begin with. If for any nonfinancial reason a trainee fails to qualify at the end of his apprenticeship, he is still the beneficiary of extensive training and is able to qualify for a skilled position with opportunities for advancement at the franchise level or within the parent company itself.

What follows the successful training period is almost the most significant part of the whole program. At this point, the company has underwritten the trainee to a considerable extent, and is prepared to continue to do so for another 10 years. The performance of the black franchisee now becomes a straight business proposition. To succeed, he must have the same points going for him as any other franchisee, white or black. Therefore, the new black businessman will not be located in the middle of a ghetto which usually cannot generate sufficient sales to cover costs and return a fair profit, but rather will be located in whatever area the company's marketing research indicates gives him the best chance to succeed. In most cases, this means in traditionally white neighborhoods.

I have indicated that location of the business is motivated primarily by business considerations. But with the vision you would expect, Mr. Lapin sees a plus that goes far beyond business considerations. As he put it when he introduced this program:

> We are all familiar with the Iron Curtain of Europe. But we often fail to recognize the Black Curtain, or more appropriately the Ghetto Wall, that tends to stifle and seal off Black Americans from the mainstream of our society . . . Our hope at International [Industries] is that we can help break down this wall.

Mr. Speaker, no program, however altruistically conceived, has a chance to help solve the complex and deep-seated problems of racial injustice in this country unless it is based on a full understanding of the nature and scope of the problem. I have called this program to your attention because of its clear understanding of the social and economic realities faced by disenfranchised black Americans. If this example is followed throughout the country, we can at last start to break down the artificial wall based solely on skin pigmentation which has separated one American from another throughout our history.

THE AMERICAN WAY OF LIFE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, November 13, 1969

Mr. JAVITS. Mr. President, it is always refreshing and gratifying to read the words of a constituent who finds new meaning and inspiration in "The American Way of Life."

Such words have been set down by Henry G. Mazlen, of Brooklyn, N.Y., in an essay entitled "The American Way of Life," which he has submitted for a 1969 Freedom Foundations Award. Its message has meaning for all Americans. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

(By Henry G. Mazlen)

The American Way of Life rests on the firm foundation of Jefferson's philosophy. It means freedom of the person, the mind and the spirit. As early as 1638, the Reverend Thomas Hooker of Massachusetts preached, ". . . the foundation of authority is laid, firstly in the free consent of the people." Our Constitution gives us the right to speak our thoughts or to publish them within the legal constraints we have ourselves imposed governing libel and slander. Without the laws and the courts we established by our own consent there would be neither law nor order. The *civilized* society our forebears envisioned has become part of the American Way of Life.

The American Way of Life continually reminds us of the heritage which makes us our own masters. Men of good will, in the tens of millions, cast off the shackles of bondage, took their worldly goods and their families and found sanctuary on our shores. This exodus remains unequalled in all recorded history. Here they found no iron curtains of barbaric terrorism, no psychological disintegration. With their experiences behind them they forged unbreakable bonds in our Shield of Liberty. From the heterogeneity of cultures that blended over the centuries, there has emerged a people who made the great wildernesses blossom, who cut the timber, laid the rails, dug the ores, set up the oil rigs, tended the blast furnaces—and with hand and heart constructed that unique economic covenant of free enterprise that is the mainstay of the American Way of Life.

The American Way of Life reflects a land of irrepressible minds and indominitable spirits; a land of courage, creativity and enterprise. We know what freedom of person really means to the law-abiding citizen. We go wherever it is our pleasure; to seek work and find it where it exists; to compete for the opportunities of business as our individual capabilities permit; to be scholars or artists or scientists. Ours is the right to live in peace in the community of our own choosing without fear. Ours is the right to conform or not to conform—as we please. Nobody can force us to eat the same food, wear the same clothes, read the same newspapers, attend the same church. It is this freedom of individual choice which makes our elections so entrancing to those who still live under the thumbs of despots. Unquestionably, it is a major facet of the American Way of Life.

It is the American Way of Life for any citizen to achieve the best education the nation has to offer; to aspire to any public office and to attain such objective on one's merits. We are what we choose to make of our ourselves with the gifts our Maker gave us. Aware of these blessings of freedom, we are not indifferent to the needs of those less fortunate than ourselves. Americans are the most charitable people in the world. Time and again, we have proved it by giving unselfishly of our productivity, of our incomes of our flesh and blood—to countless millions far removed from our shores. This too is the American Way of Life.

Amidst the threatening images of a world of confused human relations we are an island of refuge. In the midst of international unrest, aggression, power plays and political intrigues beyond belief we stand ready to hold out our hands to the enslaved and bewildered. The future is brightly promising on issues which require the insight, patience and perseverence of intelligent peoples the world over. The freedoms which are out birthrights require vigilant protection against abuse. In truth, we do not stand alone; but that is small consolation in the face of tenacious malevolent forces which have sapped our economic strength and taken the lives of thousands of our finest young men over the past two decades. In the United Nations we have many sympathizers. Gradually, it is our hope, humanization will be the key to ultimate agreement among peoples with divergent ideologies. Gradually, collective bargaining will become the only method used for the solution of difficult international problems. Primarily, that is why the home of the United Nations is in the United States, in our largest metropolis—where representatives and visitors from other lands can see in operation and learn to understand the many shining facets of the American Way of Life.

The stupendously dramatic impact of Apollo 11's achievement makes all earlier technological feats seem almost insignificant. No revolutionary event which altered the course of history can claim man's imagination as this encounter with the forbidding surface of the moon. Reverberations have been started in the depths of men's souls which must now echo through eternity. We may well wonder whether the moon landing will help to instill or restore faith in the free enterprise system where it was either abdicated, or just not heretofore possible. We may well wonder if it has not produced an undercurrent of belated respect for the American Way of Life among peoples propagandized for generations against it.

Perhaps America needed this wonderful feat to bring some recalcitrant nations into closer idealistic rapport. It is indeed a form of political ratiocination which works in our favor as long as we out-do. For this reason alone we cannot brook failure of our goals. We are now committed to still greater efforts in space exploration. It is the American Way of Life. Godspeed!

NEW GLORY TO OLD GLORIES

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. FULTON of Tennessee. Mr. Speaker, the Veterans' Coordinating Council of Metropolitan Nashville-Davidson County, which is my congressional district, recently sponsored a Veterans Day essay competition.

The results of this competition have been announced, and I have been impressed with the excellence—and the number—of the entries in this most worthy project.

The council is under the chairmanship of Maj. Gen. William R. Douglas, who serves as the very capable assistant adjutant general of Tennessee, along with the council directors, Allen Cornelius and Benton Crump.

There were 10 finalists in this essay contest, and each deserves recognition:

Miss Barbara Bowden, an 11th grade student at Donelson High School, was the second place winner.

Miss Nancy Johnson, a senior at Hillsboro High School, was the third place winner.

Miss Mary Jane Jordan, a senior at St. Bernard Academy, was the fourth place winner.

Miss Sharon McRedmond, of St. Bernard Academy, was the fifth place winner.

Other finalists included:

Miss Pamela Browne, an 11th grade student at St. Bernard Academy; Miss Kathleen Chatham, a senior at Stratford High School; Miss Marian Meredith Cox, a senior at Hillsboro High School; Miss Rita Fitzgerald, an 11th grade student at St. Bernard Academy; and Miss Maureen Jameson, an 11th grade student at St. Bernard Academy.

The winner was Miss Pat McNellis, a sophomore at St. Bernard Academy, and her essay, entitled "New Glory to Old Glories," is outstanding. At a time when there are deep divisions in our Nation and doubts of our purpose in various parts of the world, it is deeply gratifying to read such thoughts from one of our children who, with her prose, rekindles a spirit of patriotism and expresses with eloquence the sense of "glory" each of us has in being an American.

It is a distinct pleasure to share with my fellow Members of the Congress these thoughts, and I know that all of you join with me in extending congratulations to Miss McNellis for her award-winning essay, "New Glory to Old Glories."

The text of the essay follows:

NEW GLORY TO OLD GLORIES

(By Pat McNellis)

An uproar of cheer rose in the control room of Cape Kennedy. Hands were shaken, backs clapped, and a long round of hugs and tears encircled the occupants. The panel screen showed a flag. The American Flag standing erect on the moon's surface, and the proud grins of our astronauts alongside. Someone in the crowd whispered, "Thank God, America, we have done it!" Yes, we have done it . . . but wait a minute, what have we done? Why have we done it? I think I am confused.

The moon does not belong to America, it does not have to. She has set a path, opened a new door on progress, a progress to be shared by all nations, all peoples as brothers. Now, more so than ever, she has gained new respect, New Glory. But can you set an age on glory? Does glory achieved a hundred years ago die or become "old glory"? No. It is relived over and over, and fifty years from the present we will not want to call the first flag staked on the moon an "old glory" . . . it, like all others, shall remain new.

You have seen the kind of shape in which glory can come. But what is the recipe? What makes up "glory"? It does not just happen. Glory begins with a new idea, a flicker of hope toward a new horizon. Next comes the body, a group of men willing to sacrifice and suffer, to know that once they begin even hell cannot bar their way . . . and there you have it. This is only the foundation, of course, but on it all glory is constructed.

Glory is usually recognized in the United States with a medal, a document, a picture or notice of some sort. But this leaves us with quite a bit that is not acknowledged . . . and we can only begin to realize that it is the *glory* that is "glory" and not the recognition.

A young man clutches his gun between two mounds of dirt, and his mind wanders . . . four months of constant fighting, dirt, wounds, not many letters . . . tears form in the corners of his eyes. He recalls the words of the late John Fitzgerald Kennedy, ". . . Mankind must put an end to war; or war will put an end to mankind . . .". They echo and drift away. A tear etched a path down his grimy winced cheek. Even a brave man cries, and there is no medal for his loneliness, but there is glory; perhaps unnoticed by many, but it shines more brilliantly than *any* medal. He waits, alone, in his glory.

"I pledge allegiance to the flag . . .", young crisp voices rang out in the open lot. VISTA volunteers and the children of a poverty stricken area raised their eyes to the American flag. Some of the children had never seen an American flag nor heard the Pledge of Allegiance until a few months before, yet they were Americans, and their American brothers brought it to them. The volunteers roomed in the area and slept on hard mats, and the pay was paltry . . . but the smiles, oh! those smiles are the grandest. These are Americans; this is glory.

I could go on telling you more of glory, for America has a thousand beautiful tales of glory. Look around you, is glory so scarce that the only means of finding it is to have *me* tell you about it, need you hunt for glory? Certainly not; you're an American, you live glory. Even the fact that I can write these very words on this paper with no fea for my life or loss of rights is glorious, for not so far away any material such as this is banned and citizens dare not object.

America cannot set an ultimate for herself in glory, she will surpass this and reach heights and glories never imagined. This is Glory!

THE NEW FIORELLO H. LA GUARDIA HIGH SCHOOL OF MUSIC AND ARTS

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, November 13, 1969

Mr. JAVITS. Mr. President, the High School of Music and Art, which in 1936 opened its doors to offer special opportunities to New York City's boys and girls to develop their ability in the arts while pursuing academic high school studies, was characterized by the late Mayor La Guardia as "the most hopeful accomplishment of my administration." I am happy to report to the Senate that this school now bears the name of the man who, after serving with distinction for many years in the House of Representatives, gave New York City 12 years of the type of government which has since stood as the model for Mayor John V. Lindsay's administration and of what an outstanding municipal administration should and can be.

On October 17, 1969, a special program was held at the school's auditorium in upper Manhattan to mark the change of the name of the High School of Music and Art and the High School of Performing Arts to the Fiorello H. La Guardia High School of Music and the Arts. At this ceremony, Mrs. Marie La Guardia, his widow, unveiled a head of Mayor La Guardia by the distinguished sculptor Luis Sanguino, which was donated to the school by the Port of New York Authority. Participants in the program included President Joseph A. Monserrat of the board of education; Judge Eugene R. Canudo, chairman of the La Guardia Memorial Association, who stated:

> When one recalls La Guardia's pride in his native city, his keen appreciation of the arts, and particularly his warm affection for all young people, it is easy to understand why the creation of this wonderful institution of learning meant so much to him.

And Mayor John V. Lindsay, who said:

> This high school was one of La Guardia's proudest achievements. He believed in it, he fought for it; and he got it. In dedicating it to his memory—in giving it his name—we merely ratify the past. For this has always been the Fiorello H. La Guardia High School.

The first principal of this extraordinary school and the author of the book "Accent on Talent," which tells the story of its establishment and its first quarter century, Dr. Benjamin Steigman, was introduced by Principal Richard A. Klein with these words:

> The man who is the embodiment of the soul of music and art—the man who devoted his life to the fulfillment of the dream of a school for the musically or artistically gifted youngster—and the man who skillfully steered the course of this pioneering school from its inception and for 22 years beyond is seated on this platform for the first time since his retirement in 1959.

The following are Dr. Steigman's remarks:

If in a remembrance of Fiorello La Guardia's New York there seems to be an analogy with New York today, it's to be taken here as coincidence, and not as a political gambit.

When La Guardia was elected Mayor 36 years ago, New York was in serious trouble—financial and administrative trouble—after many preceding years of mismanagement. The voters had lost faith in the organized political parties, and when La Guardia ran as an independent candidate, he was enthusiastically elected. And he was reelected twice so that he might complete the work he had begun in his first term.

That work gave him precious few hours for himself. Of these, as many as possible were given to music. He loved music. His father was a band conductor. Fiorello learned to play the trumpet. His school program didn't include music, no credit was given for music, and that was one of the things he found wrong with our schools.

And so when he became Mayor, despite the many complex problems he faced, he had a high school of music and art established.

He kept a watchful, an affectionate eye on the school. "It's my baby," he would say. At competitions in music and art with other schools he beamed with pride when we took prizes, as we generally did. And when we didn't he'd shake a pudgy finger at us. If we got into any trouble—we sometimes did—he'd bawl us out, like any good parent. When he cooled, he showed he loved us.

There was the time when three editors of our school paper decided they must have a front page editorial from the Mayor that very day, to meet their deadline the next day. So that evening they went to the Mayor's home. He wasn't in. He was busy at City Hall. They decided to wait for him in the lobby. At one o'clock in the morning the Mayor found them there. He gave them a tongue-lashing, told them to go home and go to bed. "And report tomorrow morning at nine in my office at City Hall! You'll get all that's coming to you!" he added.

The three editors were there, at nine o'clock, shaking at the knees. The Mayor's frown changed to a grin. He dug into his pocket. "Here's your editorial. Now hurry back to school. If your teacher marks you late, say you had business to attend to at City Hall."

He would bring the school gifts to show his interest in us. Paintings presented to him at City Hall by foreign dignitaries found their way to the walls of our school.

A police sergeant on motorcycle would come dashing up St. Nicholas Terrace with a sheaf of tickets for our senior class for Carnegie Hall where Toscanini was to conduct the Philharmonic in Beethoven's Ninth. He'd send a chamber orchestra, or a famous choral group up here to our auditorium, for a rehearsal before our entire assembly, with Fiorello La Guardia an enthusiastic listener sitting among the students in the audience. Once, I remember, the bell rang at the end of the period, but it was in the middle of the concert. La Guardia raised his hand. "Mr. Principal," he said, "may we stay here instead of going up to classes, so we can hear the rest of the program?" You should have heard the applause he got. When the applause was over he said slyly to the students: "I'm sure it isn't because you're trying to escape a math or a French exam."

He understood music. He had a newly discovered Haydn symphony given its first performance in this auditorium. He introduced it at our assembly, he explained how the symphony was discovered and what its musical value was. An extraordinary tribute to La Guardia's love of music appeared the morning after his reelection in 1941. On election night a candidate for office usually sits nervously watching the returns. La Guardia spent it listening to an orchestral rehearsal in empty Carnegie Hall. The next morning a large picture appeared in The New York Times of Bruno Walter rehearsing the Philharmonic—with all the seats in Carnegie Hall empty except one—occupied by La Guardia.

Of the many gifts La Guardia sent the school the most memorable stands out there in our entrance hall: the bust of Toscanini by sculptor Ruotolo. He had it brought here, said La Guardia, to be a tribute to what excellence means. As such we hope it will be there as long as our school endures.

And now this message to our Mayor:

When this high school was established it was an uncertain experiment. There was no precedent for such a school, combining the development of talent in music or art with a full academic program. With the success the school has had, it has outgrown the limitations of this building for music and art. And the additional arts that have since become part of the school's program—the arts of the dance and the theatre arts—these are really in desperate need of new quarters. These added arts are still housed in a dilapidated old building on West 46th Street. That building should have been razed twenty years ago. The building is an alarming fire hazard, plagued with rats, lacking decent sanitary conveniences. It hasn't a lunchroom, the students must eat their lunch in the halls, or—weather permitting—on their shabby street between Sixth and Seventh Avenue.

The boys and girls who have put up with these deplorable conditions are exceptionally talented in their fields. They and their teachers have been praised by outstanding leaders in the arts of the dance and of the theatre. A group of them have joined us here today. They and their devoted teachers are deserving of something better from our city than the disheartening building they still have to use.

Now when President Eisenhower ten years ago broke ground, for what is now Lincoln Center, the plans were for erecting there not only the Metropolitan Opera, the Philharmonic, the two theatres and the music Library, but the plans were also to include Juilliard and *also* the new building for the greater High School of Music and the Arts. Juilliard's 30 million dollar building was opened, as you know, two weeks ago. There is no sign there of the planned new building for this school.

A site has been reserved there for it—across the street from the rear of the Metropolitan Opera building, on Amsterdam Avenue between 64th and 65th Streets. That block is still untouched after ten years. The architects, Belluschi and Westermann, who designed the splendid Juilliard building, designed at the same time their splendid plans for this school. Mr. Mayor, without your help the architects' plans are likely to remain on paper—indefinitely.

When La Guardia left City Hall he said this school was the most hopeful achievement of his administration.

We hope our Mayor—over whose desk there hangs, appropriately, the portrait of La Guardia—when *he* leaves City Hall (hopefully in the distant future) will then have cause to say the same about *his* achievement of the greater, rebuilt, Fiorello H. La Guardia High School of Music and the Arts.

Dr. Steigman's remarks were followed by Mayor Lindsay's assurance that the current status of the plans gives every indication of "full speed ahead" for the construction of this modern educational facility to carry on, in expanded form, this fine contribution to the cultural life of New York City.

PROBLEMS OF THE FOOTWEAR INDUSTRY

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. Congress three articles written by Mr. Philip Balboni of the United Press International on the subject of the problems faced by the footwear industry. It is very apparent that Mr. Balboni made a thorough investigation into this matter and he reveals many facts.

These articles appeared in the Quincy Patriot Ledger on November 5, 6, and 7 this year.

The articles are as follows:

[From the Quincy Patriot Ledger, Nov. 5, 1969]

NEW ENGLAND SHOE INDUSTRY IN DEEP TROUBLE

(By Philip Balboni)

PITTSFIELD, N.H.—The New England shoe industry is sick, dying, many believe.

HEADED FOR COLLAPSE

Heavy with the weight of its many problems, suffering from the effects of old age and exhausted from a battle for survival with constantly increasing imports, the shoe industry in New England and in many other parts of the nation, as textiles before it, appears headed for a collapse.

Few in the industry any longer can find the basis for hope in the future. Most of those who do look to Washington and the Congress for some assistance which, if it comes (and it is not at all likely), may come too late.

Others, the giants of the shoe industry, have found strength through diversifying operations, becoming importers themselves and by fleeing the Northeast for the South or Puerto Rico where cheap labor is still available.

How did one of the nation's oldest and proudest industries with a history dating from only nine years after the Pilgrims landed in 1620 arrive at such a dismal condition? And why did New England's approximately 220 shoe manufacturers who produce one-third of all the shoes in the United States allow themselves to travel to the brink of a major collapse?

PRICE WAR

The answers are not easy to find. Basically, however, it is now a price war between imported and domestic shoes and the spiraling cost of labor in an affluent society. Wages cost the manufacturer 30 to 40 per cent of production cost of a pair of shoes.

American manufacturers say they cannot compete with Europe and Asia where wages are one-fourth and less than paid in this country and which allow imports to sell for 25 to 40 per cent cheaper than domestic shoes, even after shipping and other costs are deducted.

Also, there has been the great battle of style as fashion-wise foreigners enticed American consumers with more appealing shoes. But the importance of the style factor seems to have declined considerably in the last three years and most directly affects high price shoes which make up the smallest proportion of the imports. More than 50 per cent of the imports sell for $10 or less and U.S. producers say they simply cannot make shoes this cheaply with wages as high as they are.

New England is the hardest-hit region of the country because its wages are the highest and because 90 per cent of its shoe factories are small to medium in size, employing 500 workers or less. In addition, the majority of New England plants are makers of women's shoes, a market in which imports have soared to the point where in 1968 they equaled 80 per cent of domestic production.

OLD-FASHIONED FACILITIES

Finally, many factories in the region are old and badly in need of modernizing. Yet given the constant rise in imports and dwindling orders from wholesalers, many manufacturers either are unwilling or afraid to invest in new plants or are unable to convince banks, already hard pressed from all sectors of an inflated economy, to loan them the money.

An example of these problems can be found in the gently rolling hills of this rural New Hampshire community where the Pittsfield Shoe Corp. is fighting a not altogether successful battle for survival.

With 400 employees in a modern plant using the best available and most modern equipment, Pittsfield Shoe like most other New England factories constitutes the economic life-blood of this small town. Only this spring Arthur Hershberg, president, was forced to close a subsidiary plant in nearby Newmarket because of import competition. He opened the plant seven years ago when it appeared business was expanding.

Hershberg hopes to hold the line in Pittsfield, but admits his business is operating at a loss this fall. But he learned from his experience in Newmarket.

"We saw the percentage of imports increasing and we decided to close. Our customers told us not to expect the normal number of orders. They advised us we better make plans not to expect as much business in the future,' he said.

"Our workers have expressed a very serious concern about the future. What will happen to Pittsfield if the plant closes? That is what really bothers me."

GROWING FAILURES

If Hershberg's plant closes, it will join a dismal and growing catalogue of failures: 18 so far this year in New England; 16 shoe plants closed their doors in 1968, 15 in Massachusetts, the nation's second largest shoe producing state and until two years ago No. 1 in the country.

But what is happening in Massachusetts, Maine (4th in the nation) and New Hampshire (6th) is only part of a nationwide phenomenon.

The total number of shoe companies declined from 900 in 1968 to 700 last year or a drop of 22 per cent. What is even more significant is that for the first time in history there were few companies entering the business; only two new plants opened in New England this year.

While over-all shoe production in the United States grew only 10 per cent in the 10 years between 1958–68, from 587 million pairs to 646 million, imported footwear was up an incredible 643 per cent from 23.6 million pairs in 1958 to 175.4 million last year.

Today, one in every four pairs of shoes bought in this country is imported.

According to latest figures, the trend is worsening in 1969. During the first seven months of this year, U.S. manufacturers produced 10 per cent fewer shoes than during the same period of 1968, while imports grew 13 per cent.

LOW WAGE RATES

Most of the increase was accounted for by Spain and Taiwan where wage rates are the lowest of any shoe exporting nation—about 50 cents an hour. In this country, wages average $2.71 an hour, including fringe benefits, and $2.86 an hour in New England where shoe workers are generally the best paid in the nation.

It is estimated that by 1975 imports will reach 90 per cent of domestic production or more than 460 million pairs, which means that there will be one pair of imported shoes on the shelf for every American pair.

Maxwell Field, executive vice president of the New England Footwear Association and also of the American Footwear Manufacturers Association, recently told his members in a confidential memorandum:

"It is imperative that you make every possible saving now in the cost of operating your business—by increasing efficiency and technical improvements, by greater productivity and by even more styles, if called for.

"Cutting down the time of operations to speed up deliveries to customers is a major competitive weapon to fight imports," Field wrote.

This message certainly has not been lost on men like Arthur Hershberg. "Until we were hit between the eyes by imports, we really didn't realize what was happening. There was a very rapid change, an explosion almost. But we have a young, aggressive organization. We hope to be one of the survivors."

[From the Quincy Patriot Ledger, Nov. 6, 1969]

AVON AGAINST STOUGHTON: SHOE MANUFACTURERS VERSUS SHOE IMPORTERS

(By Philip Balboni)

AVON.—The Victory Shoe Co. moved out of what its president called a "hellhole" two years ago and into the first modern shoe factory to be built in the Brockton area in 60 years.

BLEAK FUTURE

Today the company is suffering so seriously from import competition that it has lost $875,000 in business from only six of its customers. The future, says Herbert Nagle, president, is bleak.

The manufacturer of medium priced men's shoes, Victory is among scores of New England shoe plants struggling to survive in an industry which each year since the 1950s has watched an ever-increasing share of its business gobbled up by the major shoe exporting nations of Italy, Spain, Japan and Taiwan.

"Our business was built over the years with wholesalers, volume dealers, and for a variety of reasons in 1967 we decided to move from Brockton to a new plant," Nagle explained. "Our business when we moved had a fairly sizeable profit margin.

"When the decision was made, we were aware of imports. We knew they were here, and were going to stay.

TREMENDOUS IMPACT

"Since then the impact of imports has been so tremendous that our whole method of doing business, our whole concept of merchandising, has changed. We want to get out of the wholesaling business and sell directly to retailers. A wholesaler now says to us, 'Why am I bothering with Victory Shoe? I can buy a pair of shoes from Italy and Spain for $3.50, so why should I pay Victory $5?

"Nagle has a modern plant with semiautomated equipment, the best now possible in the shoe industry which demands time-consuming labor. He says he is doing everything possible to compete with imports: streamlining and modernizing his operations, improving his merchandising and switching to a higher quality shoe. Nevertheless, he is convinced that without large-scale help from the federal government, there is little hope for survival beyond the next two years.

"When I made up my mind to move, I sank everything into a growing American population and tried to perpetuate a family business which made American shoes for American people. We took our people out of a hellhole and gave them a place to work with conditions they deserve," he said.

Much of the criticism of the shoe industry from importers and others claim that the American manufacturers cannot compete because their operations are archaic and inefficient. The experience at Victory at least puts the lie to that argument. The problem here is not a failure to modernize, but simply the lack of business which has gone to imports because of lower price.

TURNED TO IMPORTING

Victory Shoe is only several miles away from the nation's largest importer of men's shoes, Verde Inc. of Stoughton, whose elegantly attired and knowledgeable president, Robert S. Green, once operated a shoe factory himself in Brockton before turning to the vastly more profitable business of importing.

"We would like nothing better than to be able to sell shoes made by American manufacturers," Green writes in an advertisement. "They would, however, have to give us what we need. That is, what we could sell, and what the public wants. Unfortunately, they have not been able to do this. It is sadly acknowledged that domestic footwear has generally been at a styling standstill."

Later he says of the fashion revolution in America, "Pioneers of the importing industry saw limitless sales potential in imports and have been proven right. It's largely a question of style. Imports seem to have it, people seem to want it."

There is no doubt that Green knows the ins and outs of fashion. His showroom at Verde's ultramodern plant boasts more than 150 pairs of beautiful shoes from Italy, Spain and England.

"The consumer would be the loser in the long run if there were restrictions on imports," Green says, and his display would appear to back him up.

But Nagle points out, "Sure we were complacent about style. Sure we were behind the times. But not today. We're right on top." And the quality and style in his shoes would seem to bear him out.

Of course, both men are right, at least partially. The problem, however, essentially is that Green can buy shoes in Europe for much less, because of the much cheaper labor market, than Nagle can make them in this country. Even assuming that comparable shoes in style are being made in this country, and there is every indication that they now are, it seems unlikely that Green or any other importer would reject the 20 to 40 per cent greater profits available in buying foreign shoes over U.S. products.

SEES EVENTUAL DEATH

Green believes that the small American manufacturer will eventually die out. "I believe the reason why the small manufacturer has been able to do a job in New England is on individual skill. But mass production will be a reality before too long. This will completely take out the individual skill and craftmanship once necessary. These small factories are going to go anyway. They failed to modernize, to keep up with the trends," Green said.

But Herb Nagle refuses to be written off. He demands government help in restricting imports, whether it is done voluntarily by the exporting nations or by order of Congress.

"We feel we should be allowed to exist in a suitable, equitable quota framework," Nagle said. "I question if our senators and congressmen know what will happen if our industry is allowed to be destroyed.

"Our legislators have to take a look at the shoe industry and determine where we are going to fit in, if we are going to fit in. If something isn't done about the imports, the effect will be so catastrophic in the New England area that our senators and congressmen will suddenly find themselves saying with all these people out of work, 'What happened?' "

Nagle's brother-in-law, Norman Leiber, who helps run the business, was bitter about federal government inaction. He explained that two years ago the Defense Department sent Victory Shoe a telegram "demanding that we bid on combat boots for the Vietnam War or lose our other business."

WILL BE GONE

"So we bid on them. We made them because it was an emergency. Now that the emergency is over the same government says the hell with you. This is the same government that wants to wash out the industry. They'll be sending the telegram again, but there'll be nobody left to receive them," Leiber said.

"Somebody has to wake up down there in Washington and answer the question: Is the industry important enough to survive? Unless something comes along, a hell of a big windfall, we're not going to come home," Nagle interjected.

And Leiber said, "We as an industry, we as Victory shoes, we can prove that we have been damaged to the Nth degree and we want reparations. We deserve it. We as citizens. We can prove irreparable damage.

"The government pays farmers in Maine to throw potatoes down the river and farmers in the Midwest to do the same thing. They can pay us too. They need us. We want grants to offset the effect of imports. We're entitled to grants."

And Nagle said, "We are operating at a loss right now because we can't get the volume due to imports. We have to break our backs to get an order now. We can't afford to do this much longer. There isn't a vendor who doesn't come through this plant that doesn't say, 'What is happening to this industry? I travel from Maine to Connecticut and everywhere I go there's no business.'

"It's a question of becoming a friend or foe to our political representatives now. The only help we get is government help," Nagle concluded.

[From the Quincy Patriot Ledger, Nov. 7, 1969]

POOR PROSPECTS FOR SHOE INDUSTRY PROSPERITY

(By Philip Balboni)

HAVERHILL.—Warren M. Weitzman has been making quality shoes for women for 10 years. Once he rode a small wave of prosperity, but today Weitzman says he probably would lock up his factory if he and his brother were not still young and determined to preserve a business handed down by their father.

SCANNING THE HORIZON

"If we were a public corporation with no feeling, we would probably close down in a year or maybe six months," says Weitzman, president of Seymour Shoes Inc. "Being a family business, we will stick it out and wait for a break.

"I care too much for my workers to brazenly stick the key in the door and lock up the plant."

But in scanning the horizon of the New England shoe industry and listening to the predictions of business, labor and government, several conclusions seem inescapable:

The decline will continue among the small to medium-sized firms which constitute 90 per cent of New England's 220 shoe factories.

Imports which already have soared to the point where they account for nearly one-third of the U.S. market will continue to bulge.

The top 50 shoe companies, including the handful of giant corporations which now control 50 per cent of the market leaving the remainder to about 650 shoe firms, will pick up the spoils as smaller plants close down.

CRAFTSMAN REPLACED

The individual craftsmanship which has characterized the industry since its inception in 1629 in Salem will be replaced by out-and-out mass production to avoid the increasing labor costs which have made competition with imports almost impossible.

Government will take no effective action while it continues to bemoan the demise of the shoe industry which provides nearly 7,000 jobs in New England.

Each given the determination of men like Weitzman to survive, one has only to look around this once great shoe capital to see written in idle factories and idle workers the decline of the New England shoe industry and the death of the best intentions to save it.

Maxwell Field of Boston is one of the best informed men in the shoe industry in America today. He is executive vice president of the New England Footwear Association and of the American Footwear Manufacturers Association. His analysis of industry problems and prospects is grim.

"We are hurting. We are evangelical almost that government help is the only way to save the industry. We are hoping that other companies in the meantime can really gird their loins and tighten up," he said.

"Our industry is in 1969 at the lowest level in a decade in production, and it is losing employment month by month. A delay in a favorable decision by the Administration to give our industry quota relief leaves most manufacturers in the position to decide: 1. to cease operations entirely; 2. to curtail operations to meet lower demand from customers; 3. in order to continue to compete with domestic and foreign producers to install every possible labor-saving device in the market.

OUTLOOK FOR 1970'S

"The outlook in the 70's unless effective quota measures are instituted to limit or restrict the volume of imports is for fewer manufacturers and reduced employment in the industry," Field said.

"As this trend of decreased output and employment and lower profit margins continues for the footwear industry, similar conditions will prevail among the hundreds of additional plants affecting thousands of additional workers in our supplier companies such as shoe machinery, leather tanning and the manufacturers of such items used in shoe production as threads, heels, laces, linings. Further, each community where plants are located will lose business in all activities and services," he concluded.

The forecast of a leading labor figure, James A. DeRosa, executive vice president of the United Shoe Workers of America, AFL–CIO, was no brighter. His union represents 10,000 shoe workers in New England.

"These plants trying to survive have two choices: sell out or get squeezed out. It's a slow death just waiting for the small ones to die out. There'll be enough business left for the big ones," DeRosa said.

Predicting more factory closings, production slowdowns and more strikes in the months ahead, DeRosa said, "During the past 15 years these companies have exhausted all of their competitive strength. Now they are folding. These little fellas can import shoes if they want but as far as making them, they can't stay with it. The big boys, they'll be the ones in business," he said.

INACTION ANGERS

DeRosa is skeptical about help from the federal government in controlling imports and angry about inaction in the past.

"They (the lawmakers) are just going to let the industry decay, rot away. The manufacturers are on the skids and the people in Washington, instead of putting grease on the skids, should put some sand on to slow it down.

"If I had a son or daughter, I wouldn't put them in a shoe factory. Why should a young person put his career in a sick industry, that's the word for it, a sick industry," DeRosa concluded.

Government, while not as alarmist about the problems of the shoe industry has undeniably aggravated the situation by its inability to provide assistance.

Yet government's concern is everywhere evident. On the state level the governors of the three most seriously affected New England states—Francis W. Sargent of Massachusetts, Walter Peterson of New Hampshire and Kenneth M. Curtis of Maine—have expressed their concern using terms such as "catastrophic" and "tragic."

But there is little state government can do except chronicle the decline. Carroll P. Sheehan, Massachusetts commissioner of commerce and development, says, "The state can't subsidize one industry. We just don't have that kind of money. And if we did it for one, how could we turn down the others who asked for help?"

Here in Haverhill, where 70 percent of the city's manufacturing forces is dependent on the shoe industry, Mayor James Waldron says that without some control of imported shoes, "You will eventually see the city of Haverhill and other such cities bankrupt without the necessary payroll to support its citizens and its public activities."

BACK TO FEDS

So the problem is thrown back to the federal government.

Currently there are two bills in the Senate, the Orderly Marketing Act and the Hollins-Cotton Bill, and two companion measures in the House, all of which are designed to fix a mandatory quota on shoe imports.

Informed observers in Washington and New England give these bills little chance at passage. First, they must get out of committee, and they never have. Second, they must win passage on the floor, and it is felt there are too many "free traders" left in the Congress to allow that.

The only other hope in Washington is for negotiation with the major shoe exporting nations of Japan, Spain, Italy and Taiwan to place voluntary quotas on shoes. To that end, 66 senators and 330 congressmen signed a petition to President Nixon and a large delegation met with the President in September to ask him to negotiate voluntary agreements. He promised his assistance and voiced his concern over the plight of the industry.

At least publicly, however, the Administration has done nothing to date. And again informed observers say the President, like the Congress, will duck the issue for fear of setting a precedent for textile and steel interests which long have sought import controls.

Sen. Thomas J. McIntyre, D-N.H., who is as concerned as anyone in the Congress about the shoe industry, has held hearings before his subcommittee on small business but by his own adminission, they were as much "to keep the issue alive as anything else."

Where does this leave men like Warren Weitzman who wants to continue making a living manufacturing shoes?

"I'm 33 and my brother is 28. There's nobody younger in the business. We've got lots of years ahead of us. If I were 60 and had lots of money in the bank, I might not care as much about making it go. As it is, I believe we're going to be here in the years to come. But we may not be as financially sound.

PATRIOTISM PROCLAMATION

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BRINKLEY. Mr. Speaker, Mrs. Juanne L. Dalton is a truly exceptional American. She is the wife of a serviceman in Vietnam and her perspective relates to the very foundation of our country. She authored the following document, which I commend to the attention of my colleagues.

Mrs. Dalton's effort is designed to support the Commander in Chief, our President, in his effort to bring us together again. Her wish is to make this country, in this age, truly the "United" States of America, a nation under God.

The document follows:

PATRIOTISM PROCLAMATION

(By Mrs. Juanne L. Dalton)

John F. Kennedy: "And so, my fellow Americans, ask not what your country can do for you; ask what you can do for your country. My fellow citizens of the world, ask not what America will do for you, but what together we can do for the freedom of man."

We hereby state our intent to support, uphold and defend our government—those elected officials and representatives who represent us, our fellow men and our country.

We believe we should channel any suggestions, protests and differences of opinions through the same democratic manner as our forefathers did. We recognize that "United we stand, divided we fall". And furthermore, we feel that the majority must govern, not the minority, as has been the case recently in so many instances. We offer our renewed and continued allegiance to God, under whom this country was founded.

We shall not and will not, tolerate the actions of those among us that would attempt to circumvent law and order, desecrate, destroy, vilify, agitate, pit us one against the other, ruin, overthrow, devastate, or in any manner cause harm to our country or our fellow man. We serve notice to all that we will with all the lawful means at our disposal, stand up to, resist, refuse to allow this destruction.

We deplore the sickness of spirit that is indicated in apathy, indifference, intolerance, prejudice, and exploitation of youth, for we recognize that our country need not fear the enemy without, but rather the enemy that is within our very confines. We need to renew our courage, determination, concern, intestinal fortitude, and faith.

Furthermore, we would remind all that our country—richest of all nations—was founded on strength, not permissiveness, and with faith in God, supported by Him. We can hope to endure only as long as this faith continues. We believe in freedom of religion, rather than freedom from religion, as some would have it.

II Chronicles 7:14 expresses our conviction of what America needs: "If my people who are called by my name, humble themselves, and pray, and seek my face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin and heal their land."

UKRAINIANS OF NORTH DAKOTA SUPPORT THE PRESIDENT'S VIETNAM POLICY

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. KLEPPE. Mr. Speaker, I am pleased to include the following copy of a letter I received from Dr. Anthony Zukowsky, president of the Ukrainian Congress Committee of America, Inc., State Branch of North Dakota. I believe it is important that we listen to those who know the true meaning of Communist aggression. Also, I believe we can regard this as one of the many expressions of the "silent majority."

Hon. RICHARD M. NIXON,
President of the United States of America,
White House, Washington, D.C.

DEAR MR. PRESIDENT: Speaking on behalf of over 25,000 Americans of Ukrainian ancestry in North Dakota I am honored to present to you our full support for your Vietnam policy.—We stand beside you as our elected President in your efforts to secure a just and lasting peace.

After your historical speech last week I have been in attendance at many meetings of American-Ukrainian communities and I can assure you that you have 100% support of our people. No doubt you know Ukraine, country of our ancestors was the first victim of Russian-Communist aggression, bloodbath and tyranny for many years.

At same time our people are strongly urging the United States Senators and Congressmen regardless of party affiliation to give full support to your policy in order to prevent our defeat in Vietnam and to secure freedom for our great Country the United States of America. God bless you.

Respectfully yours,
Dr. ANTHONY ZUKOWSKY,
President, UCCA State Branch of North Dakota.

SILENT MAJORITY IS NO LONGER SILENT

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, the Dousman Index is not the largest weekly newspaper in Wisconsin, but it speaks with a civic voice that has helped to make Dousman one of those progressive, interesting villages where the people who are the backbone of America live and rear their families happily. The Index's editor, Jeanne Hill, is one of those people who speaks her mind, and frequently makes her voice the voice of a solid community majority. Last week she spoke her mind in a front page editorial that deserves wider circulation than the usual readership of the Index provides. I commend to my colleagues her words that bespeak the wisdom of Smalltown, USA:

SILENT MAJORITY NO LONGER SILENT

(By Jeanne Hill)

The majority of Americans who have kept a bewildered silence the past two years are at last aroused; the "Silent Majority" is no longer smothered in stillness.

President Richard M. Nixon explained in detail the secret and public steps he has taken to bring the Vietnam war to a peaceful end. Hanoi, however, seat of the North Vietnam leaders, has ignored and defied all the U.S. government's attempts toward a peaceful end to the conflict.

The former "Silent majority" listened well to the President's Nov. 3 speech. The White House announced Tuesday the overwhelming response President Nixon received upholding his views on how to end the war and win the peace . . . honorably.

In his speech the President explained what would happen to the South Vietnamese if the U.S. simply brought the "Troops home."

Communist North Vietnamese would quickly, through mass killings, take over the South Vietnamese. This administration's thinking is positive: Our troops are being brought home as quickly as South Vietnamese are trained to take over the protection of their country from the Communists. The North Vietnamese are—remember—provided with all war supplies by Russia and China.

Those who shout for another "War Moratorium" Nov. 13–14–15 are helping prolong the war and costing our fighting men their lives. Through "End the War Now" cries . . . these people encourage the Communists to simply sit back and wait for the U.S. to "give up and pull out."

If communism is allowed to sweep through, taking over Indochina—then Asia—the chance of World War III will be vastly increased because the balance of power will be on the Communist world's side. We are actually fighting in Vietnam for the survival of all FREE countries.

For too long a time the Communists and their dupes in the United States have pulled the Red strings. Nov. 3 the President of our country asked for the vocal support of the country's majority. He has received this support because the "Silent Majority" has at last found its tongue.

GOVERNMENT SLATED FOR "MISUSE OF POWER"

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Rand Daily Mail, Oct. 22, 1969]

GOVERNMENT SLATED FOR "MISUSE OF POWER"

MARITZBURG.—Mrs. Jean Sinclair, national president of the Black Sash, last night accused the Government of "monstrous misuse of power to secure the domination of the 1½-million Afrikaner people at the expense of the welfare of the other 18-million inhabitants of South Africa."

Delivering the opening address at the Black Sash national conference in Maritzburg, Mrs. Sinclair said the powers taken to control the lives of Africans, Asians and Coloureds were "unreasonable and tyrannical."

"In a situation where only one-fifth of the population is enfranchised and the vast majority of South Africans have no say in the laws which govern them, the unpopular policy of apartheid can only be enforced by the use of excessive powers."

Rights had been removed from individuals, the judiciary, provincial councils, local authorities, the Press, publishers, artists, industrialists, businessmen and others and control over all of them was vested in the Cabinet, Mrs. Sinclair said.

"One realizes that bureaucracy is a concomitant of a modern industrial society, but in present day South Africa the number of public servants is out of all proportion to the size of the population and the extent of industrial development."

According to the latest figures, Mrs. Sinclair said, there were 322,096 people employed in the Government service, 171,183 employed by the provincial councils and 204,690 by the local authorities in December, 1968.

"The vast number of officials required to administer the apartheid laws, the numerous Government appointees sitting on boards, commissions and advisory committees, the evergrowing numbers employed in Government departments are an increasing strain on the country's manpower."

Apartheid legislation was causing misery, insecurity and poverty, but it was not only in the field of apartheid legislation that the Executive had accumulated power.

REIMPOSED

The role of the judiciary had been curtailed and its powers and responsibilities had, through legislation, been vested in Cabinet Ministers.

Detention without trial, banning orders, banishments, listing people as communists, confiscating and withholding passports were all punishment without trial.

Banning orders for many appeared to be punishment without end. Many banning orders of five years duration had been reimposed when the original orders expired as in the cases of Helen Joseph, Peter Brown and Mrs. Sisulu.

"Bannings and banishments are a particularly vicious form of punishment," Mrs. Sinclair said.

"To keep a person incommunicado, to all intents and purposes, for 10 years on end is nothing short of persecution."

Referring to the call for patriotism, she said authority in South Africa placed the narrowest construction on the meaning of patriotism. It has come to mean the compulsion to accept the policy of apartheid without question.

CORROSION

"Patriotism has become the public's refuge and its apology for its apathy, silence and acquiescence. There has been a moral corrosion of the public mind.

"It has made it easy for authority to depart from the accepted principles of parliamentary government and even from accepted standards of humanity, decency and justice.

"Patriotism is not a valid moral basis for government. Neither is the acquisition of absolute power compatible with action based on moral principle.

"If power is exercised in such a way that individual rights are violated, parliamentary government gives way to tyranny."

WE ARE ANGRY AMERICANS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DANIEL of Virginia. Mr. Speaker, the "angry Americans," those fed up with self-righteous critics of our country and the "instant foreign affairs experts," are speaking up across our land as we approach the second Vietnam moratorium day Saturday in the Nation's Capital.

A Danville, Va., radio station, WDVA, has joined the overwhelming majority by calling for support of our country in time of peril by suggesting that motorists drive with their car headlights on throughout Saturday, burn their porch lights Saturday night, and fly Old Glory to proclaim that the silent majority are "angry Americans" who believe in supporting our fighting men who are sacrificing to defend the freedom of all Americans.

An editorial by Homer Thomasson, an official of the radio station, WDVA, has been broadcast several times and appeared in the Danville Register. The editorial is so timely and expresses the views of so many that I am including it in the RECORD:

WE ARE ANGRY AMERICANS

We are angry Americans—Fed up with the mobs of unwashed, long-haired hippies who seek to rule the United States from the streets; who preach peace and breed conflict.

We are angry Americans—Nauseated by the self-righteous critics who set impossible standards for our country, yet fail to apply the same yardstick to other nations; who see nothing right in Washington, and nothing wrong in Hanoi.

We are angry Americans—Sickened by the vicious attacks on our President who assumed office during our country's most difficult years; and who is striving valiantly to lead us through these perilous times.

We believe our leaders who know far more about it than we do got us involved in Vietnam; and other leaders will get us out as soon as it is safe. But in the meantime we believe we should support our fighting men, and not support our enemies by attacking our government.

We scorn those who have set a second moratorium day on Saturday, November 15th; and we have neither patience nor respect for those citizens or lawmakers who heed their cowardly protests and threats.

And we look with shame upon the years you and I, the vast majority, have remained silent spectators while Old Glory has been burned and walked on by the dirty bare feet of the mobs.

Good citizens, we have been quiet too long!

On moratorium day, November 15th, let's show the Commie-sympathizers a real demonstration . . . and let the world know we're firmly behind our President! On demonstration day . . . D-Day . . . we're asking every solid citizen of Big D Country to come off the sidelines . . . and carry the ball.

If you believe as we at WDVA do . . . join in. On November 15th, drive with your car headlights on throughout the day. That night . . . keep your porch light burning. And, of course, fly Old Glory from your home and your place of business.

Our nation can only be defeated from the inside. Let's show one and all that the United States of America is still United . . . a fortress of freedom in a troubled world.

A BILL FOR THE RELIEF OF CAROL MIN HOUTS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. LUJAN. Mr. Speaker, in introducing this bill for the relief of Carol Min Houts, I wish to bring the uniqueness of her case to the attention of my colleagues.

Born in Seoul, Korea, in 1955, Carol Min was admitted to the United States at the age of 8 in 1963 for medical treatment as a polio patient. Her treatment was sponsored by Mr. and Mrs. Harold Houts, of Albuquerque, N. Mex.

Since 1963, Mr. and Mrs. Houts have cared for Carol Min as their own daughter and she has become a member of the Houts family. The personal love and care lavished on this child by Mrs. Houts included the cultivation of Carol Min's musical talent through piano lessons which have resulted in her becoming an accomplished pianist.

In 1967, Mr. and Mrs. Houts legally adopted Carol Min, thus giving a de jure status to a relationship that already existed de facto.

Under her present student visa, Carol Min has received an extension from the Immigration Service to December 13, 1969, at which time her student visa will expire. It is possible, of course, for her to apply for an adjustment of status to that of permanent resident, with all the attendant delays and uncertainties. This is a time when her treatment as a polio patient has a minimum remaining period of 10 years.

This private relief bill is intended to eliminate those delays and uncertainties by granting her immediate right to naturalization under all other normal requirements of the naturalization process, thus providing her access to the full rights and responsibilities of American citizenship.

I can personally attest to Carol Min's deservingness to those rights and to her willingness and ability to live up to those responsibilities. I ask my colleagues for unanimous support of this worthy case and I give my personal assurances that this young new citizen will be a credit to our Nation and to this distinguished body.

MORATORIUM AND OUR COMMUNIST ADVERSARIES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. LANDGREBE. Mr. Speaker, I would like to bring to the attention of my colleagues two excerpts from letters I have received from constituents.

One is expressing his views on those who participated in the recent moratorium and the other on our Communist adversaries and our position in the world. I commend these letters to my colleagues' attention.

First is an excerpt from a letter by Mr. Lee Ragsdale of Valparaiso, Ind.:

> This is a sad day for America. They call it moratorium day, but it seems to be un-American day. Led by those nothings and nobodies McGovern, McCarthy, Fulbright and other loud-mouths we seem to be sliding into isolationism and pacifism, with old-fashioned patriotism gone underground. Your expressions have been the clearest that have come to my notice; more power to you. It would appear they regard Russia as all sweetness and light, longing to live in peaceful coexistence. Russia dropped her veil with Czechoslovakia. Her goal since 1917 has been destruction of the U.S. and she'll never change. If the time comes when the time seems right to strike at us she'll not wait a day. Russia is the reason for Castro and Viet Nam. We'd have put Castro in his place and cleaned up on Ho Chi Minh but for Russia. She opposes us everywhere, she lies and slanders us constantly and takes her stand as the friend of every enemy we have and the enemy of every friend. The time may come for us to fight Russia, then whom can we depend on, a bunch of pacifists?

Second is part of a letter from Mr. Malcolm Anderson, an attorney, in Chesterton, Ind.:

> It is absolutely obvious to me, and I am sure to you that the Russians are out to conquer the World. Their submarine force is three times ours. In every phase of military activity they are approaching or surpassing us. I am terribly worried over this. Since the British Empire has become a third-class power, the United States of America is the only defense the free world has. If we become a second-rate nation, that means the entire

world will fall to Bolshevism. We will then experience a dark age which will make the previous dark ages like a Sunday School picnic.

Over twenty years ago when I was in school in Valparaiso University I had a professor whose father came from Czechoslovakia. Among other things he told us that in Russian history and in Russian philosophy there is a school of thought which believes that Russia is destined to become the third Rome. The first Rome, according to their philosophy, was the empire that centered in the City of Rome. The second Rome was the Eastern Roman Empire with its capitol at Constantinople. According to their point of view, the third Rome is to be Moscow, and it is to dominate the entire world. According to this professor, that view was adopted even prior to the Bolshevik Revolution. Now, with the added stimulant of Bolshevism, it seems to me they are determined to carry it out.

It is my firm opinion that the only way we can prevent a new dark age from descending upon us, is to keep the United States of America the strongest nation on earth. In fact, it is my firm opinion that we must be stronger than all other nations of the world combined. It is our Christian duty to do this. If we fail to do it, our Christian Church and our Christian people will be annihilated. The atheistic Bolshevik will stop at nothing to eradicate us.

THE RURAL AFFAIRS COUNCIL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. PRICE of Texas. Mr. Speaker, I heartily commend President Nixon on his decision to create a Cabinet-level Rural Affairs Council to deal with the problems of rural America. President Nixon's initiative demonstrates his awareness that the problems of rural America are as every bit important as are the problems of urban America.

Each year, nearly 600,000 farmers and farm youths leave the farm. They leave largely because they think the life they lead is neither enriching nor rewarding. The feelings of these frustrated individuals are grounded in dismal facts; for example:

Over half the Nation's substandard homes—more than 4 million—are in rural America.

Nearly 30,000 rural communities are without adequate water systems, and about 45,000 others lack adequate water systems.

Thousands of rural communities lack medical centers, public libraries, good schools, and public recreation programs.

In the last 15 years, 14 million new jobs were created in America. Of this number, very few were created in rural areas.

Rural unemployment in many areas averages almost 18 percent, as compared to the national average of about 4 percent.

Farmers are beset by rising production costs, rising taxes, and rising living costs. Yet when the farmer goes to market he discovers that he sells wheat at 1942 prices, cotton at 1942 prices, corn at 1944 prices, and livestock at 1952 prices. In addition, he discovers he sells most of his farm products for less than it actually costs to produce them.

Mr. Speaker, solving the problems of rural America is in everyone's best interest. By virtue of the urban migration, almost 70 percent of our entire population lives on about 1 percent of the land. It is predicted that in the years to come, this concentration of population will be even intensified.

If we are to avoid becoming a nation of urban ghetto dwellers, incentives must be created which will encourage people to move out of the over-crowded smog-ridden cities and resettle in the countryside. This would not require a reorientation of our thinking, for over half the urban population would like to work and live outside the city if it were feasible to do so.

History will record whether our society truly attempted to provide meaningful and fulfilling life styles, patterns, and opportunities for our people. Many critics think that to date, society's efforts have been largely unsuccessful ones. I am confident, however, that even our most bitter social critics will hail President Nixon's decision to create a dynamic Cabinet-level Rural Affairs Council as being a singular attempt to create a vehicle from which decent living conditions and economic opportunities can be provided all Americans.

NO PEACE AT ANY PRICE

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DANIEL of Virginia. Mr. Speaker, much is being written and said about our involvement in Vietnam. Last week the President on nationwide television asked for patience, understanding, and full support of his policy as outlined in connection with the Vietnam war.

Mr. Dan M. Tucker, editor of the Chase City Progress, a newspaper published in Mecklenburg County, Va., has written a learned and well reasoned editorial on the subject entitled "No Peace at Any Price." In order that my colleagues may have the benefit of this sound view, I am inserting the editorial in the RECORD:

NO PEACE AT ANY PRICE

President Nixon appeared "dead serious" in his report to the nation Monday night. He spoke of peace, he offered peaceful negotiations, yet he carried a big stick also. We only wish he had made this speech six or nine months ago. He told the nation what many wish to hear, that American troops would be withdrawn from Vietnam, inferring in increasing numbers. He asked the great silent majority to support him in his search for a peaceful settlement of the war with honor.

In event that Hanoi would misinterpret his desire for peace Mr. Nixon warned that if North Vietnam would step up military pressures and jeopardize U.S. Forces, "I shall not hesitate to take strong and effective measures to deal with that situation."

Another key warning was given the homefront. "I have chosen a plan for peace, I believe it will succeed . . . Let us be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only we Americans can do that."

Directing his attention to those who would apply pressures through street anti-war demonstrations and otherwise, Mr. Nixon warned: "If a vocal minority, however fervent its cause, prevails over reason and the will of the majority, this nation has no future as a free society."

From the address we conclude that Mr. Nixon is making every effort to bring the Vietnam war to a close. We would hope that he is firm in his convictions and his statements.

He has warned Hanoi. He has offered plans for peace and a plan affording the South Vietnamese to determine their destiny. If negotiations continue to drag in Paris, and if Hanoi steps up military pressures, we would hope that Mr. Nixon would use the full strength of American military to effect a just and sensible conclusion of the War. The Asiatics understand military power more than any other means. When all other efforts fail, military power remains. That is what we believe Mr. Nixon said to the North Vietnamese.

To the people at home he asked patience, understanding and full support of his policy as outlined. We agree with him and the delay in saying these things has already been too long.

AMERICAN PRISONERS IN NORTH VIETNAM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. PRICE of Texas. Mr. Speaker, in this day of "misunderstood youth" and "misguided parents" I am continually thankful for the great majority of the residents of the district I have the honor of representing in this body. Two items have come to my attention recently which renew my faith in the principles that made this country great.

One of these items is a letter I received from a young lady who attends a high school in my district. She wrote in regard to Americans being held prisoner in North Vietnam. The other is a newspaper column by Editor Wesley Izzard of the Amarillo Daily News.

I would like to share these two items with my colleagues in the Congress and insert them at this point in the RECORD:

MULESHOE TELLS IT LIKE IT IS

Members of the U.S. House Subcommittee on Education are making a survey. They want to know the sort of trouble high schools are having with their students, and how they are handling it—if they are.

Questionnaire cards have gone out, presumably to most of the nation's schools.

Muleshoe High got one. It was referred to B. M. Gramling, high school counselor.

His reply should be read in full by every member of Congress and by all officials connected with the U.S. Office of Education.

Here it is, addressed to Roman C. Pucinski, chairman, and Alphonso Bell, ranking minority member, of the subcommittee:

"The survey card is enclosed . . . The card will show that we have not had any trouble covered by the questions asked.

"Our town is somewhat isolated geographically, but our students read and watch television, and they question and challenge authority just as young people everywhere do.

"The difference here is that our young people know how far they can go without coming in for punishment.

"Punishment in our school means corporal punishment or suspension, and corporal punishment means a spanking administered by someone committed to the idea.

"Our children are really no different from children all over the world. They want to know what is expected of them—how far they can go.

"As soon as they are shown the limits they are satisfied. They will occasionally re-test these limits to see if they are real, but they will be satisfied if they are shown consistent restraint.

"The most insecure and unhappy young people are those who do not have the benefit of restraint."

"We believe that treating children as children gives them an identity. They do not always like their identity, but at least they have one.

"The most pathetic situations develop among children who have been given little or no restraint, but a lot of 'rights' they are not prepared to accept.

"This gives them no identity. Consequently, they feel compelled to superimpose one on themselves, invariably by adopting bizzare modes of dress and behavior.

"The courts, and many school officials, have fallen into the trap of trying to be all things to all people. In their preoccupation with protecting individual rights they have lost sight of the common good.

"Our school rules are all formulated for the sole purpose of maintaining a good learning atmosphere for the benefit of the students, so they can do what they presumably want to do—get an education.

"If this sometimes means abridging the 'rights' of a few, we are prepared to do it."

Private note to President Nixon: "Why don't you call counselor Gramling to Washington and put him to work in your Office of Education?"

AMARILLO, TEX.,
November 7, 1969.

Congressman BOB PRICE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PRICE: I have just finished reading an article in the *Reader's Digest* about the American prisoners of war in Vietnam. After telling of the atrocities suffered by our noble men taken as prisoners by the Viet-Namese, the article urged American citizens across the country to write letters to their Congressman urging a joint resolution demanding proper treatment for the prisoners and missing men. The article impressed upon the reader's mind that public opinion, roused and ready to fight, would be the vital factor in getting something done. This I realize to be true. So I am writing this letter to you today, Mr. Price, *urging a joint resolution demanding proper treatment for the prisoners and missing men.* I have also written a letter to the editors of the newspaper in my hometown of Amarillo, Texas, urging the citizens to send letters to you and to Xuan Thuy, chief North Vietnam negotiator in Paris. Sir, as I am only a high school senior and a girl, public opinion seems to be the only course open to me to be utilized as a weapon against the enemy. I am most sincere in my wish to help our fighting men in any way that I can. I am consumed and driven by this frenzied desire to help these unfortunate, tortured, and most gravely mistreated POW's. Please do something in your dynamic way to help these men.

If there is anything I can do to aid in this matter, please let me know. Perhaps I can help organize an all-out drive in my school and community that will evince a feeling of public opinion strong enough (at least in my city) to influence action conducive to helping American prisoners in Vietnam.

Thank you very much. I am assured that with you as our Congressman, something of value will be accomplished in relation to this matter.

Most sincerely yours,
JANIE EDDINS.

WHAT ARE STANDARDS OF OEO FIELD STAFF?

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. COLLINS. Mr. Speaker, this morning I have written a letter to Don Rumsfeld, Director of the Office of Economic Opportunity. OEO has just hired as a community organizer for the poverty program a lady with questionable qualifications. I quote below my letter which was addressed to Rumsfeld:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 12, 1969.

Mr. DONALD RUMSFELD,
Office of Economic Opportunity,
Washington, D.C.

DEAR DON: I am most concerned about a situation that has been brought to my attention by a number of concerned Dallas residents. This regards the employment of Mrs. Ruth Jefferson, a Community Organizer for the War on Poverty Program in Dallas, Texas. So many questions have been raised regarding Mrs. Jefferson's professional qualifications for this very significant position that I feel the subject is deserving of your immediate, personal attention. It is essential that the Office of Economic Opportunity establish a definite set of professional standards for employment in such major programs as the War on Poverty.

Mr. Robert Medrano, the top official in the West Dallas Center on the War on Poverty, cited the major reason for Mrs. Jefferson's selection as a Community Organizer was because of "her past performance as a Community Organizer." After a careful review of Mrs. Jefferson's record of Civic involvement, I note only the role she played in organizing was a "Sit-in" in the Dallas Welfare Office in November, 1968. For this action, she was found to be in contempt of Court by the Presiding Judge of the 160th District Court on December 6, 1968.

On August 25, 1969, several hundred of Mrs. Jefferson's fellow residents in the Dallas Housing Authority petitioned for her removal because she and a group of her associates were using her apartment as a base to "preach hate." Mrs. Jefferson numbers among her close associates Ernest McMillan and Donald Ray Williams, fugitives currently carried on the wanted list by the United States law enforcement officials.

Ruth Jefferson has been assigned to perform organizational activities for the War on Poverty in precisely the same area where her former neighbors petitioned for her removal just three months ago. At the time Mrs. Jefferson was forced to vacate her apartment in the Dallas Housing Authority, she owed over $400 in past due rental payments.

Mrs. Jefferson was convicted in Torrance, California, in 1964 for shoplifting, and was sentenced to two years in prison for the offense. The sentence was suspended. The twenty-nine year old Mrs. Jefferson was again arrested on June 25, 1969, in Dallas for burglary and disturbing the peace. The charges were later dropped. On April 29, 1969, Federal Law Enforcement Officials secured a warrant to search her Dallas Housing Authority home for the purpose of determining if there were firearms available in violation of the 1968 Federal Firearms' Act. The search uncovered three twelve-gauge shotguns, one shotgun of undetermined gauge, and eight sawed-off shotgun barrels. The stock and trigger housing groups that were originally joined to the sawed-off shotgun barrels were not found in the apartment.

On repeated occasions, Mrs. Jefferson has attempted to purchase additional weapons in the Dallas area. On April 4, 1969, she attempted to purchase an M-1 Carbine on credit at Cullum and Boren, but store personnel refused to grant her credit. On April 7, 1969, she did succeed in purchasing a twelve gauge shotgun from Ray's hardware in Dallas.

At the time Mrs. Jefferson filed her application for employment with War on Poverty officials, she failed to record the fact that she had previously been arrested or convicted of a law violation. Both the California conviction for shoplifting, and the Dallas arrest for burglary and disturbing the peace should have been recorded on the employment form.

It is also significant that Mrs. Jefferson has only held one position of gainful employment since 1964. For a period of six weeks in late 1968, Mrs. Jefferson worked as an employee of the Dal-Tex Waste Material Company of Dallas at the rate of $1.60 per hour. For the remaining four years and ten months, since 1964, Mrs. Jefferson has been a welfare recipient.

In April of 1969, Mrs. Jefferson purchased a 1968 luxury Caprice automobile with a $1,000 cash down payment, and she subsequently returned with an additional $1,700 cash payment to complete the transaction. At the time of purchase, Mrs. Jefferson listed the following as sources of income: $300.00 per month in salary; $120.00 per month from the National Welfare Rights Organization; and $243.00 per month in child support. This represented a total monthly income of $663.00 per month. On the purchase application, Mrs. Jefferson made no reference to her status as a welfare recipient.

As a Member of the House Education and Labor Committee, the Committee in the United States Congress charged with establishing guidelines for Office of Economic Opportunity programs, and as the Member of Congress from the Third Congressional District where this problem has arisen, I urge you to immediately send a representative of your Office to Dallas to investigate this appointment.

Yours sincerely,
JAMES M. COLLINS,
Member of Congress.

PETER LEKTRICH RETIRES

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DULSKI. Mr. Speaker, although I was aware of the fact that Peter Lektrich, who served under the Clerk of the House, was anxious to move south where the winters are milder, I was surprised to learn of his recent retirement.

All of us who have had the privilege to know Pete, and to seek his counsel and assistance, regret to see him leave. He gave conscientious attention to his work and always went the "extra mile" to be helpful. Nothing was ever too much trouble for him.

For several years, Pete and I were tenants in the same apartment building. Regardless of the weather, Pete was out in it and on his way to the office. Neither wind nor snow nor rain nor sleet would deter him.

In my contacts with him, and from comments that have been made by my colleagues and others with whom he was associated he showed a rare and deep understanding of the problems of others. I marvel at his constitution and his tremendous inner courage.

To say that we will miss him is an understatement.

Along with Pete's many friends, I wish him an abundance of happiness and contentment in his retirement that he has so justly earned during his many years of faithful and dedicated service in the House of Representatives.

CODE FOR REPORTING CIVIL DISORDERS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. GOLDWATER. Mr. Speaker, this week, thousands of Americans are participating in rallies both opposing and supporting President Nixon's policies in Vietnam. Naturally, the presentation and interpretation of these demonstrations in the mass media will have a strong influence on their success or failure.

Since these demonstrations apparently influence foreign observers' judgments of U.S. public opinion, I feel that it is of crucial importance that the news media place these activities in their proper perspective. Too often the press will overdramatize an event, thereby serving as the activists' press agents. Moreover, it is of equal importance that public safety remain a paramount concern of the news media.

I submit for the consideration of this body an article by Mr. Edmonde Haddad, news editor of KPOL radio in Los Angeles, in which he discusses a code for the reporting of civil disorders. This code was presented to Sigma Delta Chi, the National Journalistic Society.

I feel that this code is an excellent example of a set of rules to be followed by press, radio, and television reporters during their coverage of civil disorders. It certainly deserves the consideration of this body, and of every newsman in America, as a proof that American free enterprise can "police" itself without Government intervention.

Finally, I cite especially section 16 of the code, an injunction which should remain foremost in the minds of newsmen:

> The potential for inciting public disorders demands that competition be secondary to the cause of public safety.

The text is as follows:

The following are Suggestions for the Reporting of Civil Disorders and other events that may reflect public tension. These reminders to newsmen in Southern California are based on experience in various cities of the United States, including Los Angeles:

1. Avoid emphasizing stories on public tensions while the tensions of a particular incident are developing. Ask the law-enforcement agency involved whether the developing incident is designated as a disturbance of the peace or otherwise. Report the official designation of the incident.

2. Public reports should not state exact location, intersection, street name, or number until authorities have sufficient personnel on hand to maintain control.

3. Immediate or direct reporting should minimize interpretation, eliminate airing of rumors, and avoid using unverified statements.

4. Avoid the reporting of trivial incidents. Reporting should emphasize the partial and local aspects of the particular incident, avoiding implication that the incident represents widespread or general events. Editing also should place the reporting of an incident in realistic perspective.

5. Because inexpert use of cameras, bright lights, or microphones may stir exhibitionism of some people, great care should be exercised by crews at scenes of public disorders. Because, too, of danger of injury and even death to news personnel, their presence should be as unobtrusive as possible. Unmarked vehicles should be used for initial evaluation of events of this nature.

6. Cruising in an area of potential crisis may invite trouble. It is suggested that reporters make full use of the law-enforcement headquarters nearest such an area until a newsworthy event occurs.

7. Reporters who are at the scene of an explosive or potentially explosive situation should avoid reporting of interviews with obvious "inciters." Reporters should interview responsible representatives of the affected locality.

8. Reporters should inform in advance any person who is interviewed that the interview may be made public.

9. Scare headlines, scare bulletins, and sensationalism of other kinds should be avoided in magazines, newspapers, radio, and television.

10. All news media should make every effort to assure that only seasoned reporters are sent to the scene of a disaster.

11. No report should use superlatives or adjectives which might incite or enlarge a conflict, or cause a renewal of trouble in areas where disturbances have quieted.

12. Reporters should emphasize efforts by law enforcement officials to restore order. Advice to the public should emphasize avoidance of areas of potential danger, observance of any curfew, or similar suggestions that originate with public safety officers.

13. Advisory data for discretionary use by newsmen should be written in calm, matter-of-fact sentences. This is for the purpose of avoiding inflammatory results from unintended public report of discretionary information. Honest and dispassionate reporting is the best reporting.

14. Reporters should not detail how any weapon is obtained, made, or used.

15. Reporters should not identify precise locations of command posts of public officials, police, fire units, or military units.

16. Every reporter and technician should be governed by the rules of good taste and common sense. The potential for inciting public disorders demands that competition be secondary to the cause of public safety.

CHILDREN'S PRAYERS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ROUDEBUSH. Mr. Speaker, each week I am placing five short children's prayers in the CONGRESSIONAL RECORD.

The purpose is to provide our Nation's schools a source for children's prayers for use at the start of the school day.

This is necessary because the Supreme Court has banned prayer and Bible reading in public schools, but by reading prayers from the RECORD, which is a public document, no laws will be violated.

I think the Supreme Court decision was wrong; it is harmful to America, and it is a sad commentary that such devotional exercises have been banned in a Nation that was founded on religous principles.

The prayers follow:

I

Bless us, Lord, and grant that we Good and
true and brave may be.

II

Teach me, my God and King, In all things
thee to see,
That what I do in anything,
To do it for thee.
—*George Herbert.*

III

All good gifts around us
Are sent from Heaven above,
Then thank the Lord, O thank the Lord,
For all His love,
—*Jane Montgomery Campbell.*

IV

Make a joyful noise unto the Lord,
all ye lands.
Serve the Lord with gladness:
come before his presence with singing.
—*Psalm 100.*

V

The earth is the Lord's
and the fullness thereof:
The world,
and they that dwell therein.
—*Psalm 24.*

THE TRUTH SEEMS A LITTLE TWISTED

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SATTERFIELD. Mr. Speaker, this week's issue of Advertising Age contains an editorial which raises an interesting question with regard to the application of a dual standard of fairness, accuracy, and truth to radio and TV advertising. It points an accusing finger at antismoking commercials which contain untruthful and misleading statements. Surely regulations dealing with deceit and misrepresentation should be fairly and equally applied to all advertising regardless of the purpose of that advertising. The editorial follows:

THE TRUTH SEEMS A LITTLE TWISTED

This is not an attempted defense of cigarets or cigaret advertising.

It is a simple affirmation of the belief that the rules of fairness, accuracy and truth in advertising should apply to all advertisers—including the American Cancer Society and the American Heart Assn.

Commercials currently appearing on the air on behalf of these organizations—and they are very good commercials, as we have testified frequently—make untruthful and misleading statements which no commercial advertiser could hope to get away with.

They should be stopped.

These commercials say, without any qualification, that cigaret smoking, on the average, reduces a smoker's life by 8.3 years, and

that every cigaret you smoke takes a minute of your life. These are wild, unsupported allegations. They should not be permitted on the air.

The theory that "anything is all right if the right people do it" holds no water at all. *All* advertising should be truthful, in fact and in implication. This particular statement is neither. It should not be permitted.

THE PRESIDENT'S NOVEMBER 3 SPEECH ON VIETNAM

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1969

Mr. QUILLEN. Mr. Speaker, the "President Is Doing What He Can in Difficult Vietnam Situation," is the title of an editorial which appeared in the Greeneville, Tenn., Sun on Wednesday, November 5, 1969. It was written following President Nixon's address to the Nation on Monday night, November 3, when he called on the silent majority to speak out.

The silent majority is becoming an aroused majority.

The Greeneville Sun is one of the outstanding daily newspapers in the State of Tennessee and contributes greatly to the cause of freedom and the development of the area for a better way of life.

I am pleased to share this editorial with the readers of the RECORD:

PRESIDENT IS DOING WHAT HE CAN IN DIFFICULT VIETNAM SITUATION

President Nixon's address to the nation Monday night added to the continuing debate over Vietnam an important element that had been missing, namely, an articulate defense of his policy toward the war and his efforts in behalf of peace.

Many Americans had been led into expecting too much from the speech. The impression had gotten around that the President could be expected to announce some dramatic step—a cease fire call, perhaps, or even a firm pullout timetable—that would amount to at least a partial repudiation of U.S. goals in entering the war and pursuing it for the last several years.

So far as we could tell, this impression was pretty much manufactured by leading critics in the Congress. The President himself had revealed nothing about what he was going to say.

What he did say was neither particularly conciliatory nor particularly defiant. It did not promise more than it had a right to, but it was determined, hopeful, and guardedly optimistic. It did not offer an instant solution to the Vietnam tangle, for there was not one to offer.

The speech was, however, informative, as a review of the origins of the U.S. involvement in Vietnam and the steps that the Nixon Administration had taken toward peace. It was frank, in its clear statement of the consequences that a quick U.S. pullout would have in South Vietnam and around the world, and in the United States itself. And it was challenging, in its call for Americans to stand firm and together for the sake of long-run peace.

One thing that the address did was ask the previously silent or undecided to take a position. The effect seems likely to be that many of those in the middle on the war issue will make a choice about where they stand. Both sides will probably become vocal and determined in the weeks ahead.

In our view, the President has understood the problem correctly, set the right goals for the United States, and found the best method we can think of to work toward those goals. We would ask, in addition, that he remain constantly alert for new opportunities for a just settlement.

Beyond these requirements, however, it is unreasonable to make demands or dictate tactics. We think that President Nixon is doing the best he can to achieve the peace that all Americans want. If there are others who think so as well, this would be an excellent time to let him know.

SHAWNEE MISSION SERTOMA CLUB SUPPORTS THE PRESIDENT

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. WINN. Mr. Speaker, I am pleased to include here for the attention of my colleagues the views of 220 men and women members of the Shawnee Mission Sertoma Club and the "silent majority" who are no longer silent. These outstanding Americans stand in firm support of our President in his effort to secure peace in Vietnam. Their resolution follows:

The Shawnee Mission Sertoma Club, the oldest civic group in Northeast Johnson County, and one of the largest with 160 business and professional members, has seriously considered the Vietnam Moratorium move initiated on October 15, 1969.

Our Freedom Committee was authorized by the club's Board of Directors to present the following Resolution at an open meeting of club members, with their wives, on October 21, 1969:

"Whereas, the Vietnam Moratorium Day propagandists advocate our troop withdrawal from Vietnam, and such appeasement in the past has caused increasing demands on the part of Communists, leading to ultimate surrender to them, and

Whereas, surrender to Communists in Vietnam will signal the beginning of a monstrous massacre of the thousands of South Vietnamese people who have resisted Communist aggression in their country all these years, and such a massacre is certain, based on the history of Communists slaughtering over 50 million people during the past 52 years, and

Whereas, such a surrender would cause the United States of America's prestige to be so badly damaged throughout the free world that those resisting Communist aggression could never again trust us,

Be it therefore resolved, that the Shawnee Mission Sertoma Club commend President Richard M. Nixon for standing firm against those who would appease our enemies, and further commend President Richard M. Nixon for his efforts to secure peace without appeasement in Vietnam;

Be it further resolved, that the Shawnee Mission Sertoma Club go on record as favoring peace with honor instead of peace at the price of surrender and massacre of the South Vietnamese people, and

Be it further resolved, that a copy of this resolution be sent to the President of the United States, to all members of Congress from the States of Missouri and Kansas, and to all other Sertoma Clubs."

This resolution approved with no dissenting vote by 220 men and women present.

HAROLD GEORGE,
President.
LLOYD GRIFFIN,
Secretary.
DR. E. L. PETRY,
Freedom Commission Co-Chairman.
JOSEPH BELL,
Freedom Commission Co-Chairman.

SWEDEN

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RYAN. Mr. Speaker, in his column in the Washington Post of November 12, Marquis Childs comments on the situation of Sweden, a nation which has been known for its traditional policy of neutrality, having avoided war since 1812. As a participating nation in the United Nations' peace keeping efforts, Sweden has set aside 1,600 troops as a United Nations standing force. Some 12,000 have served over the years, mainly in the Middle East.

The United States maintains formal diplomatic relations with Sweden. However, President Nixon has failed to appoint a U.S. Ambassador to Sweden to succeed former Ambassador Heath whose service ended on January 23. The chill on United States-Sweden relations results from Swedish criticism of our policy in Vietnam and its recognition of North Vietnam.

The United States has Ambassadors serving in the Soviet Union, the Union of South Africa, and other nations with which there are strong disagreements. Yet, Sweden, which ironically was the first nation to grant diplomatic recognition to the United States—aside from the colonists' ally, France—on January 23, 1783, has not been sent an Ambassador since President Nixon took office.

Incidentally, Sweden took a very strong stand and denounced the Soviet invasion of Czechoslovakia in 1968.

In New York City George Spitz has announced that a committee—the Fair Play for Sweden Committee—is being formed to bring this issue to public attention.

As Marquis Childs said:

> The lot of a neutral is an unhappy one. The Nixon administration has not sent an Ambassador to Stockholm, which is one way of frowning. But it is also denying an authoritative voice that might help to explain American policy and, in turn, come closer to understanding the feelings that run so deep here.

The article follows:

[From the Washington Post, Nov. 12, 1969]

UNHAPPY LOT OF THE NEUTRAL IS EXEMPLIFIED BY SWEDEN

(By Marquis Childs)

STOCKHOLM.—Neutrality in today's turbulent world means balancing on a tight rope over the abyss. That balancing act, as the Swedes have discovered during the past 30 years, makes for jealousies and resentments, the suspicion and even the alienation of neighbors and friends.

Sweden is currently under the stern, disapproving gaze of Washington. Neutral? Not at all, say American policy makers; neutral in favor of America's enemy, North Vietnam.

What is happening here may or may not foreshadow the pattern elsewhere as the relentless tides of change beat against old forms and old beliefs. A new generation has taken over the Social Democratic Party that has governed the country for nearly four decades. This younger generation feels as passionately about the war in Vietnam and its horrors as do the thousands of demonstrators in the United States. Their leader and spokesman is Olof Palme, the new Prime Minister.

The frown on Uncle Sam's face was visible when Palme, then Minister of Education, marched in a demonstration with the North Vietnamese Ambassador to Moscow who was visiting Stockholm in February, 1968. The frown grew darker and sterner when on Jan. 10 of this year the government recognized the regime in Hanoi and accredited the Swedish Ambassador to Peking to North Vietnam as well. Sweden is the only country in Western Europe to recognize Hanoi as well as Saigon.

Then in September, as the leadership changed, Foreign Minister Torsten Nilsson made a speech to the Social Democratic Party Conference that brought the roof down. As reported in the first news stories, he seemed to be saying in what was apparently a fuzzily worded speech that Sweden intended to give $40,000,000 to Hanoi. The political opposition here and most of the press reacted with indignation and in the United States this was the final affront.

As invariably happens, the correction never catches up with the sensational headlines. Members of the new government explained that the $40,000,000 was to be used for reconstruction in both Vietnams and only after the war had ended in the north and south. The only exception would be for humanitarian purposes. Under this exception Sweden has given Hanoi about $1,000,000 in hospital equipment and medicines.

The tight rope in the balancing act is suspended between the two superpowers, Moscow to the east and Washington to the west. The Soviet invasion of Czechoslovakia in 1968 gave the government of the Social Democrats an opportunity to offset the attacks on America's Vietnam policy. The first response, as the Russian tanks rolled into Prague, was a sternly worded note to Moscow denouncing the action of the giant to the east.

In September the Swedes went to the polls to elect a new parliament. For the first time, the Social Democrats won a clear majority of 125 out of 233 seats in the lower chamber, which has the governing power. They would no longer be dependent on a coalition with the Farmers' Party.

Many observers believe the invasion of Czechosovakia was the reason for the victory. As elsewhere in Western Europe, Communist Party members in Sweden were outraged. The Communist voting strength dropped from 7 to 4 per cent and in parliament they were reduced from eight seats to three. Palme and the new leadership had held the left wing and the young.

That a country of 8,000,000 people, the largest of the Scandinavian powers, should have an impact on the course of world events is in itself something of a paradox. Part of the explanation may lie in the extraordinary technological and economic development of a nation that has avoided war since 1812.

Private enterprise, which is at least 95 per cent of the economy, has pushed Sweden know-how and skills to remarkable lengths. Saab, one of the larger industries, makes a supersonic fighter plane as well as a motorcar. The plane, the Draken, is the backbone of the Swedish Air Force and is sold as well to Denmark.

The Swedes have consistently carried their weight in the United Nations, with 1,600 troops set aside as a U.N. standby force and a total of more than 12,000 serving over the years, mostly in the Middle East. Sweden's foreign aid, apart from private capital investment, is projected at 1 per cent of the gross national product.

The lot of a neutral is an unhappy one. The Nixon administration has not sent an Ambassador to Stockholm, which is one way of frowning. But it is also denying an authoritative voice that might help to explain American policy and, in turn, come closer to understanding the feelings that run so deep here.

HENRY T. WASKOW: "THE SPIRIT OF '43"

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. TEAGUE of Texas. Mr. Speaker, I want to call special attention on this day to a column in the Dallas Times Herald by Felix R. McKnight. He expresses, in very moving language of his own, and by publishing a letter from a Temple, Tex., soldier who gave his life in World War II, the spirit and courage which has made this country great. This soldier's expressions are especially apt today and I do sincerely agree with Mr. McKnight that we need more such feelings in these days. Captain Waskow was well known by me and following my own battle injuries, I was attended to by his sister who was an Army nurse on duty at the McCloskey General Hospital in Waco, Tex.

The column referred to follows:

HENRY T. WASKOW: THE SPIRIT OF '43

On the bad day of Dec. 14, 1943, a pack mule clopped its way through the slosh of a muddy trail that fingered down the slopes of Mt. Sammucro, Italy.

Lashed to its back was the body of a man—quite a man.

The dog tag identified him as Capt. Henry T. Waskow, Commanding Officer, Co. B, 143rd Inf., 36th Division.

A withered little man with a leathery face waited in the valley at the trail's end. And he cried when he saw the mule's burden.

Men all around Ernie Pyle cried and cursed a war that would take Henry Waskow.

Ernie hunched in the lamplight and wrote the finest of all the stories that made him supreme as a war correspondent. He wrote easily and eloquently of a man's bravery and devotion to his country. He wrote of the men who followed Capt. Waskow into combat; saw the heart that won their leader the highest awards of valor. Far above the call of duty was the life of Capt. Waskow.

It all came back the other day while trying to figure how we've lost the flaming spirit of the Henry Waskows in the wash of today's disrespect. It was something Capt. Waskow wrote before he led his company up those Nazi-infested Italian hillsides.

We got spiritual nourishment and a girding of our guts in those days from such words. It seems time to again try them for size—the last will and testament of Henry T. Waskow, sent home after death to his family near Temple, Tex.:

"Herewith my last will and testament:

"Greetings:

"If you get to read this, I will have died in defense of my country and all it stands for—the most honorable and distinguished death a man can die.

"It was not because I was willing to die for my country, however—I wanted to live for it—just as any other person wants to do. It is foolish and foolhardy to want to die for one's country, but to live for it is something else.

"To live for one's country is to my mind to live a life of service; to, in a small way, help a fellow man occasionally along the way, and generally to be useful and to serve. It also means to me to rise up in all our wrath and with overwhelming power to crush any oppressor of human rights.

"That is our job—all of us—as I write this. And I pray to God that we are wholly successful.

"Yes, I would like to have lived—to live and share the many blessings and good fortunes that my grandparents bestowed upon me. A fellow never had a better family than mine; but since God has willed it otherwise, do not grieve too much, dear ones, for life in the other world must be beautiful. I have lived a life with that in mind all along. I was not afraid to die; you can be assured of that.

"All along I prayed that I and others could do our share to keep you safe until we returned . . . . I made my choice. I volunteered in the Armed Forces because I felt it my duty to do so. I thought I might be able to do just a little bit to help this great country of ours in its hours of darkness and need—the country that means more to me than life itself.

". . . Maybe when the lights go on again all over the world, free people can be happy and gay again. Through good fortune and the Grace of God, I was chosen a leader. If I failed as a leader, and I pray God that I didn't, it was not because I did not try. God alone knows how I worked and slaved to make myself a worthy leader of those magnificent men.

". . . As I said a couple of times in my letters home, 'When you remember me in your prayers, remember to pray that I be given strength, character and courage to lead these magnificent Americans.' I hope I have proved worthy of their faith, trust and confidence.

"I guess I have always appeared as pretty much of a queer cuss to all of you. If I seemed strange at times, it was because I had weighty responsibilities that preyed on my mind and wouldn't let me slack up to be human like I wanted to be.

"I felt so unworthy, at times, of the great trust my country had put in me, that I simply had to keep plugging to satisfy my own self that I was worthy of that trust. I have not, at the time of this writing, done that and I suppose I never will.

"I do not try to set myself on a pedestal as a martyr. Every Joe Doe who shouldered a rifle made a similar sacrifice.

". . . Try to live a life of service—to help someone wherever you are or whatever you may be. Take it from me, you can get happiness out of that—more than anything in life . . .

HENRY T. WASKOW."

No, Capt. Waskow, you weren't a queer cuss. You were one of the great Americans—the likes of which are needed pretty badly these days.—The Editor

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DOCTOR SHORTAGE IN RURAL AMERICA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SEBELIUS. Mr. Speaker, there is increasing concern throughout rural America regarding the chronic shortage of physicians. It is most distressing in this age of rapid technological progress and scientific development that we find in our rural areas only one physician to each 1,000 square miles.

This crying need has not gone unnoticed. Dr. Roger Egeberg, Assistant Secretary for Health, has specifically called for training of many more general practitioners. As Dr. Egeberg explained, there is an urgent need for family doctors who can treat most of the illnesses that afflict our population and which do not necessarily require attention of a specialist. If the training of family doctors can be stepped up, relief could be provided to all specialities of the medical profession—freeing specialists for more research and intensive study of special cases.

Dr. George A. Wolf, Jr., M.D., dean and provost, University of Kansas Medical Center, is a progressive administrator who more than realizes the vital role the general practitioners play in providing adequate health service. His leadership is having a far-reaching effect.

Mr. Speaker, I feel that Dr. Wolf's proposals merit close study and consideration by medical school administrators and everyone who is interested in improving family health service. His views are spelled out in some detail in the following comments that he presented in a recent speech to the Kansas Academy of General Practice.

His remarks are must reading for all of us who are interested in revitalizing rural and small town America. His speech follows:

A Talk to the Kansas Academy of General Practice

(By Dr. George A. Wolf, Jr.)

I have been asked to speak to you about the American Board of Family Practice—its impact on the University of Kansas Medical School. I was on the Council of the Association of American Medical Colleges when the original committee was appointed under the direction of Bill Willard to get into the matter of Family Practice and Boards of Family Practice. I had many dinners and cups of coffee with Fred Richardson and other people involved with the American Academy Committee on Education. I note a great deal of effort which the American Academy of General Practice has put into this program to develop Family Practitioners. After I came to Kansas in 1966, one of the first things that I did was to meet Mac Cahill, and of course Jack Walker was sitting on my shoulder whispering Family Practice, Family Practice in my ear—like the Chinese water torture. But don't forget I had just as many characters perched on my other shoulder saying some negative things about Family Practice—its future and its role at our Medical Center. The fact is, in spite of considerable and strong opposition at the National level, the American Board of Family Practice was established last February and regardless of predictions that are made that the program will collapse in the future in the face of specialization, it is quite clear and our faculty has been told that we must decide what we are to do for those students of ours who request qualification for the Boards of Family Practice. The decision therefore, is to develop a program or not develop a program. Obviously it would be foolish not to do so considering our closeness to the American Academy. The fact that we have Jack Walker and Jesse Rising in prominent positions on our staff, and the fact that some of the distinguished leadership of the American Academy comes from the State of Kansas, would make it impossible for us not to participate in some fashion in the development of the program.

It should be pointed out, however, that the University of Kansas, in spite of inertia on the part of some of its staff members, has not ignored this situation. Our department of Medicine has been heavily oriented towards general internal medicine although it has assisted in the appropriate strengthening of specialist training programs. Dr. Delp is one of the few professors of Medicine in the country who was fit to spend the majority of his time working with ambulatory patients and not with the exotic patients in the beds, although he didn't neglect these either. Furthermore, for the past 15 or so years, all of our students have been required to take an experience with a small town family practitioner. A recent study by Dr. Walker and our students showed that this experience apparently did not change the rate of going into Family Practice over our graduates as compared to the rate of decline on the national scene. (Kansas State Medical Journal, Walker, et al., 1967). Moreover, a grant was made available from the American Academy of General Practice Foundation which permitted us to search for a person to develop the Family Practice Program several years before the Boards went through, but no one was willing to accept this position. In retrospect, I am quite convinced that the reasons they did not accept this position was because the amount of money available for salary was insufficient, and the uncertainty about Family Practice Boards.

We have not attempted in any way to isolate ourselves from physicians in Family Practice, and I have encouraged and indeed taken upon myself, several maneuvers to bring selected Family Practitioners in closer contact with our students and faculty. However, I have been requested to say what we plan to do and this is what I am going to do, today.

My comments will be divided into several categories:

1. Student Considerations
2. Curriculum planning at the Medical Center
3. Recruitment of Physicians for Kansas
4. Recommendations to the faculty for implementation of a program in Family Practice.

So that we all understand what we are talking about the essentials for residency training in Family Practice—"The Family Physician is defined as one who:

1. Serves as the physician of first contact with the patient and provides the means of entry into the Health Care System.
2. Evaluates the patients total health care needs, provides personal medical care within one or more fields of medicine and refers the patient when indicated to appropriate sources of care while preserving the continuity of his care.
3. Develops a responsibility for the patient's comprehensive and continuous health care and when needed acts as a coordinator of the patients health services.
4. Accepts responsibility for the patients total health care including the use of consultants within the context of his environment including the community and the family or comparable social unit.

In short, the family physician must be prepared to fulfill the unique, specific and functional role in the delivery of modern comprehensive health services."

Now to be perfectly honest, I think all of you would agree that this definition says nothing about practicing in small towns in the state of Kansas or in small towns in other states. I think the record should be abundantly clear that the institution of the Family Practice Program will not solve the problem of physicians in solo practice in small communities. I think it would be dishonest if we were to claim credit for this, i.e., the relief of the problem of individual physicians services in the small communities by developing a Family Practice Program at the Medical Center. On the other hand, the concept of a family physician in a group of family physicians and specialists along with adequate help from Allied Health Professional people serving a region in an organized fashion is indeed a possible solution to some of the health care problems in the state. In any event, it is not our purpose to discuss this problem now, but we note with pleasure that a Kansas State Medical Society Committee has been appointed and is functioning to consider this latter matter.

Now what about students? In the first place, there have been increasing feelings that the preceptorship program requiring a medical student to spend a month with a physician in a small town is unrealistic and limiting and indeed may encourage young people not to stay in Kansas if they feel that their only medical opportunities here are in very tiny rural towns. The faculty has repeatedly requested that this program be modified to meet the wishes of the individual students. In other words, if students request to go with a group of general physicians in a medium sized town, or if they wish to go with a group of specialists in a region, or to a small community hospital with multiple staff—these wishes should be acceded to. I have taken the position personally and so instructed the preceptorship committee that no changes in the original program should be made until the curriculum of the future is clear.

In the past two years, two curriculum committes have been working on what we should do about the various problems which beset medical education these days and which might be solved by curriculum change. It was only two weeks ago that the curriculum committee finally came up with what seems to be a reasonable recommendation. This will be presented the day after tomorrow to the Executive Faculty and a week from now to the faculty as a whole. If the recommendations pass they will be implemented as of July 1, 1970. The recommendations are complex but boil down to the following:

It will be possible to complete the medical course in 3 calendar years, at the end of which time the student will be awarded the M.D. degree. To do this the student normally will work 11 months out of the calendar year, but if he has academic or financial problems, or if he wants to combine this with a graduate degree program, he may be permitted to extend his educational program as long as four or five calendar years. In this way we will be avoiding the lock step curriculum where all students are required to work at the same speed. Students who might make excellent physicians will not suffer from competition with more sophisticated student-types who can study rapidly and perform well at examinations. This curriculum proposal will permit us to produce more physicians in a shorter period of time and will result in 1973 in the infusion of approximately 240 physicians into the Health Care system for that one year.

The second step which we are now in the process of proposing to the faculty and subsequently to the State, is an alternate to the often-proposed increase in the production of absolute numbers of physicians. There is evidence that is published by Eiskotten and Wiggins that students are more likely to settle in the area where they take their internship and residency, than in the area where they go to medical school. On the East coast the ratio of practicing physicians to approved internship and residency slots is about 4–1, whereas in the State of Kansas and the surrounding states the ratio is about 8–1. This suggests that we are short of internship and residency programs. If we increase the number of internship and residency programs in Kansas and make them adequate for accreditation and selection by students, we may increase that rate of physicians settling in Kansas As a matter of fact, being an Easterner myself, I think many people have the wrong picture of the State of Kansas and that by bringing outsiders, as well as Kansans, into the scene through the internship and residency program they will find living is much better here than it is in a crowded metropolitan area on the East coast, Chicago, and on the far West coast. As far as cultural opportunities are concerned, the fact that "Hair" has not hit Great Bend yet doesn't dismay me at all. Therefore, the second step is a proposal to be worked out in some detail that would encourage hospitals in Kansas City, in Wichita in collaboration with the University of Wichita, and in Topeka to extend and develop training programs in the post M.D. years. It is unlikely that these hospitals should develop initially sub-specialty training programs. Therefore, we are suggesting that the emphasis should be on internships and on preparation for Family Practice i.e., by 18 month rotating experiences and 18 month Family Practice residencies, with the understanding that if sub-specialty interests exist on the part of students they could then return to the University of Kansas Medical Center or elsewhere where such programs must be maintained because of the presence of a medical school. The emphasis on training would be in the post M.D. years. Some kind of financial incentive should be built into the program so that the hospitals would be anxious to get involved and to provide help in paying physicians to serve as teachers in these programs. The last 20 years have demonstrated pretty clearly that it is difficult to run a good program unless there is someone available to serve full time as educational coordinator such as a Director of Medical Education. Full time chiefs are better.

Thirdly, we are developing a proposal to the Legislature which would permit an increase in the size of our entering medical class at the University of Kansas. The new curriculum would permit students who have had training in college in some of the basic sciences to advance into clinical work sooner and not repeat basic science work which they have already had. To increase our number of entering students, several decisions would have to be made and several facts clarified. In the first place, we have had a rather dramatic increase the last two years in the number of qualified Kansans applying for medical school. They have gone from about 170 to 275 in a two year period. This in addition to five hundred or more out of state applicants. This year we will have virtually all Kansas residents in our class of 125. We must determine whether or not this increased level of application is indeed permanent or related somehow to the draft law. If it is permanent there is certainly justification for enlarging our class by 25 or 30% to take care of these additional applicants. We should know by January 1971. If the phenomenon is a temporary one and we go back to where only a smaller number of Kansans are applying, it is possible that a decision about admitting a greater number of out of state students would be made with the hope that they may be convinced to remain in Kansas to practice during the rest of their lives. The alternate is to keep the class size where it is.

Once this picture is clear, implementation of the increase requires funds! The first item to require funds, is to provide additional teaching space for students in the basic sciences. This could be accomplished by the use of temporary buildings which some medical schools are now doing with the understanding that a permanent structure increasing our basic science capacity would be planned and constructed during the next two to four years. An important consideration here relates to the Federal Government. After the present economy drive is over federal funds might be available for significant federal matching if student enrollment is increased by 25% or more. This cannot be predicted at the present time. Laws already passed by Congress permit such to happen but as I said, at the present, the economy approach is such that the Bureau of the Budget is not releasing many funds for this purpose. A second major requirement for funds relates to a new teaching hospital. Important for the future in relation to our educational role and our function as a referral center, it is becoming increasingly obvious that the hospital facilities which we have are outmoded and should be redesigned according to modern thinking. This is an expensive proposition that will probably require bonding by the state. And it is my strong recommendation to the Regents and to the people in the state, that immediate planning be started for a new medical center hospital, designed to give the most elaborate types of medical care required by our citizens and to permit us to develop the most sophisticated educational programs befitting the needs of the residents of our state who come to us for education.

A third requirement for funds is operating expenses for the additional number of students, including fully funded faculty positions for basic sciences and clinical departments.

Finally, we are recommending to the faculty that there be established a Department of Family Practice at the Medical Center and if approved by our faculty we will be requesting funds for the establishment of such a department. Several factors are important. Number one is, that I feel personally that we will be unable to get a family physician, qualified to run this department for less than $35,000 a year in salary. The department would have to start with a minimum of three men with appropriate secretarial help and we are probably talking about a departmental budget of approximately $200,000 to be derived primarily from state appropriations. It is possible that the annual budget of the department could be reduced as time goes on—through the granting procedure either through federal or private grants and through the earning of the individuals being turned over to the department for development of the department. In addition, funds will be needed to pay salaries of interns and residents in this area. The total budget has not been worked out in detail as I say, but a reasonable commitment to the program is necessary, if we are to be able to attract appropriate persons to run it. The exact nature of the department will depend, of course, upon the leadership we obtain for it. The new program would permit students to elect a considerable experience in that department. The members of the department would be involved in teaching from the first months of the undergraduate medical curriculum all through the residency program. The major argument that has developed has been whether or not such a clinical unit would be viable in our environment. It has been suggested that we purchase a nearby nursing home or construct beds nearby that would belong essentially to the Family Practice Department. Many feel that such an arrangement would be not viable because of the existence of specialty services in the immediate vicinity. It has thus been recommended that the leadership be stationed and housed in the medical center and that the clinical activities occur in a community hospital either in Kansas City or in a community hospital at some distance. The details of this have not yet been worked out.

If the Family Practice Department of the University of Kansas Medical Center is supported financially by the state and becomes a reality, the selection of a head of such a department will be carried out in the method we have used for the last several years in selecting department heads. The Dean will appoint a committee of faculty members who will assemble names of candidates, recommendations, and so forth. They will request each candidate to visit the Medical Center and meet with the other department heads and selected faculty members, then they will make a recommendation to the Dean and the Executive Faculty. If agreement is reached the appointment will be recommended to the Chancellor and the Regents. It is my intention to appoint a family physician from the State of Kansas to the Selection Committee. To substantiate and support this contention it should be noted that I have appointed to the Selection Committee for a Professor of Medicine, an internist from Wichita; for a Professor of Surgery, a surgeon from Topeka; for Professor of Community Medicine, a general internist from Emporia. Thus it is clear that my intent is to appoint a family physician along with faculty members to the committee to select the Chairman of the new Department of Family Practice if approved.

We have studied 14 other Family Practice programs and find we can be in the vanguard.

A TRIBUTE TO THOSE WHO SERVED

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, as the Nation tries to evaluate all the complex and controversial factors associated with this week's national confrontation over the President's policy to end the war in Vietnam, I believe we should reflect on where we, as people and as a nation, stand.

This is what I endeavored to do in a speech prepared for delivery at a Veterans Day event in Napa, Calif., on November 11. In it are some thoughts I would like to share with my colleagues and, perhaps, contribute in some way toward a better understanding of events transpiring across the Nation this week.

The speech follows:

A TRIBUTE TO THOSE WHO SERVED

(By Congressman DON H. CLAUSEN)

During the past 200 years, 38 million American men and women have responded to their nation's call—from the frozen fields of Valley Forge to the steaming jungles of South Vietnam.

As we pause once again to pay homage to these veterans, I cannot forget or resist this opportunity to read a letter written by a GI serving his third tour of duty in Vietnam to his parents. Regardless of how we, as individuals, feel about the war or the efforts for peace now being made, I believe this letter sums up better than aynthing I could possibly say, just where we, as people, find ourselves on this Veteran's Day, 1969.

Let me read from this letter:

"Dear Mom and Dad: I've been doing a lot of serious thinking about the state of world affairs, mostly about America and some of the news we hear. I've got a question I'd like to ask all the people back home . . .

"My God, how can it be?

"That one boy lies rotting from malnutrition and torture in a jungle prison camp in North Vietnam and another boy spits and tramples on the flag of his country on the steps of a university of learning.

"That one boy lies sightless in a U.S. naval hospital from communist-inflicted face wounds, and another boy uses a communist flag to drape himself in defiance of the laws of our country.

"That one man of medicine begins his 30th straight hour standing over an operating table in pursuit of life for a man serving his country, while another man of medicine implores crowds of young men to refuse to serve.

"That one Negro holds the face of his dead white buddy in his arms and cries without shame in a rice paddy of mud, and another Negro screams hate against his white brother on the street of an American city.

"That one boy lies in a coffin beneath the ground because he believed in duty to country, and another boy lies on a dingy cot giving blood to the enemies of his country.

"That one man of God shields a wounded boy from an enemy bayonet with his own body and dies, while another man of God uses his cloth as a shield to preach hate, dissension and lawlessness.

"That one man spends his life in uniform serving his country, while another spends his life on drugs or in crime, hate and bigotry.

"My God, how can it be? . . ."

The flames of bitterness, resentment and division burn brightly on this Veteran's Day as America desperately searches for the answer to this young soldier's question, because certainly, it is a question that is on the minds of million of Americans.

It is ironic, I believe, and not too far removed from the theme of the soldier's letter, that we should honor America's servicemen and veterans on this day—only to be followed in a few more days by demonstrations against our government and our President who is trying desperately to end the war and secure peace, with genuine freedom, in Vietnam and to bring our troops home.

Let there be no doubt, I strongly support the right of citizens to peaceably assemble and/or express dissent against government policy. This is a basic right that I shall defend with all the vigor at my command. But, I question any demonstration against the war that criticizes *only* the President of the U.S.—that calls for the withdrawal of *only* U.S. troops—that calls on *only* the U.S. government to work harder for peace—or that condemns *only* one party to the conflict for the slow progress being made in negotiations at Paris. I also believe the American people are getting as tired of one-sided demonstrations in this country as they are of the war in Vietnam. However, isn't it about time these demonstrations start "Telling It to Hanoi?"

As most of you know, I was among the first—back in 1965, again in 1968 and 1969—to express my strong disapproval with the manner in which the war in Vietnam was being handled.

But, to express disapproval and criticism, by itself, is not enough. If one is not satisfied and disagrees with established policy, as responsible citizens, we have an obligation, in my judgment, to provide or offer a constructive alternative to that policy. Because, to me, the easiest thing in the world is to say, "I disagree." The real challenge is "What would you do differently or what course of action would you recommend?"—if you had the awesome responsibilities associated with the Presidency of these United States.

Those were the same basic questions I asked of myself. The results were, as most of you will recall, the development of our "Phase-In/Phase-Out Concept" through the creation of a Free Asian Security Organization.

This concept was presented as a "constructive alternative" to the policy in Vietnam that I submitted first in 1965 and then to President Johnson in early 1968, as well as to Presidential candidate Richard Nixon.

In describing the concept, it suggested: "Very briefly, it means redirecting the manpower emphasis in Vietnam whereby vastly more South Vietnamese and Free Asian Security forces would be injected into the ground war there and a like number of American fighting men withdrawn on a carefully conceived, methodical and realistic timetable basis.

"This could be done by creation of what I call a 'Free Asian Security Organization' composed of regular military units of the countries of Free Asia which are directly threatened by Communist expansion."

As many of you have told me, President Nixon's "Vietnamization" of the war and his November 3rd Nationwide, televised speech had a familiar ring and followed the basic concept of "Phase-In/Phase-Out" very closely.

This, of course, gives me a great sense of personal satisfaction because I firmly believe we are finally on the right course in Vietnam.

According to a recent poll, apparently 77% of the American people agree, and only 6% disagree, with President Nixon's policy.

As a recent editorial in the Santa Rosa Press Democrat said,

"Public utterances by those participating in the October 15 'Vietnam Moratorium' demonstration fell largely into two divergent categories.

"Quite predictably, those who had spent months preparing and promoting the demonstration parroted, thought for thought, what the North Vietnamese have been saying at the Paris peace conferences—the United States must immediately withdraw all forces from South Vietnam, unconditionally and regardless of consequences.

"Some members of Congress and other public figures urged instead that a phased withdrawal of American troops be made.

"What these politicos are now saying, curiously enough, is exactly what the Nixon administration has publicly announced it is doing, and intends to keep on doing. This is an easy time to say it, and a popular time to say it—but they neglect to say where they were when President Kennedy turned a military advisorship into a small-sized war or when President Johnson turned it into a major conflict.

"Or even where they were when the Redwood Empire's Congressman, Don Clausen, advanced the concept of a planned, timetabled and orderly, phase-out of American participation. It was not the politically expedient thing to say at the time Mr. Clausen said it, and he received no support from some of his colleagues who more than a year later were advancing the same concept just as though it was not already underway, and just as though they had themselves just invented it in a sudden blinding flash of inspiration.

"Well, that's political expediency, we guess. Fortunately, it also happened to be responsible statesmanship, even if some of those come lately to the principle of phased withdrawal were a long time arriving."

I say the time has come for all Americans to demonstrate by deeds, not words, that we are one Nation, under God, indivisible, seeking peace, with freedom, justice and liberty for all mankind.

I say the time has come to re-unite these "Dis-United" States, by telling Hanoi and all Communist leaders in the world that the people of this Nation are still the leaders of the Free World—we are still the symbol of Freedom and Free Institution Building—offering that ray of hope to other peoples and countries who have a common desire and yearning for freedom.

One need only look to Czechoslovakia to realize the contrast between real freedom and the totalitarian Communist regimes imposed on people by the leadership from Moscow.

Remember, no country has chosen communism as a system through free elections—It has been thrust upon people and kept in control by outside forces.

One need only recall President Nixon's warm welcome by the people of Rumania to remind us of the respect people still have for our country and our people.

Veteran's Day, 1969, has many meanings to me.

It is a day, set aside, to honor, pay our respects and our appreciation to those Veterans of all wars for the extreme sacrifices they have made in defending our Nation and the cause of freedom throughout the world.

But, on this Veteran's Day, I believe we owe a special debt of gratitude to those veterans directly associated with the Vietnam conflict.

These men did not ask to be sent to fight this controversial, complex and very unpopular war—they went there because the then-elected Presidents and Commanders-in-Chief committed this Nation to that region.

To their everlasting and resounding credit, I will never cease to be amazed at how well they've kept a high morale, demonstrated extraordinary courage, ability and leadership in what must be recognized as the "worst of all wars."

To me, these men have demonstrated something special; they've overcome great odds overseas, they've held their heads high above the internal dissention here at home and they've shown, once again, that an American fighting man is a man of character and courage that is accompanied by a benevolent and understanding attitude toward friend and foe alike.

They've shown an ability to adjust and adapt themselves to the most difficult of all threats to our security—guerrilla warfare!

They've demonstrated unusual skills and flexibility in handling very sophisticated and technical equipment, pacification, education, and training responsibilities, never before dreamed of during our time of military service.

Providing security for Free Nations in a Nuclear Age will require new dimensions, new security training and equipment, new and firmed-up alliances with our Free World friends.

It will require accelerated economic, diplomatic, and security integration among the free Nations—a merger of the Free Nations to advance the common interests, the social and economic progress of all people.

We must learn how to retain and improve our independence by maximizing our Free Nation inter-dependence.

There is no other choice in a Nuclear Age.

As we observe Veteran's Day, we, as veterans, have additional and continuing responsibilities; to keep up to date on all security matters.

In addition to "Telling It To Hanoi," we must communicate with all Americans—veterans and non-veterans alike—to tell them that all Americans need a broader understanding of the current day threats to our security—the complex problems associated with counter-guerrilla warfare techniques and the tremendously technical nuclear and space weapons systems.

We were trained to handle conventional military and warfare techniques.

This is one of the primary reasons the Vietnam and other guerrilla conflicts have been so difficult to understand. Honestly ask yourself, how many of you could explain guerrilla or nuclear warfare to your family or friends?

We must be able to explain that no Free Nation or system within that Nation can survive or endure without security.

Security is essential to political stability and political stability is essential to economic and social progress.

What we all seek is freedom of choice; fair, firm and factual free institutions through responsive and responsible government.

To me, that's what Vietnam and self-determination are all about.

We need to "tell it like it is," but we must also become better equipped to tell the *whole* story.

I hope Veterans' Day, 1969, will be a turning point in history.

I hope it will be a day of re-dedication to advancing the cause of peace with freedom in Vietnam and in all the world.

Recently, in our Nation's Capitol, I attended the funeral of one of our most colorful and greatest Americans, the one and only Senator Everett Dirksen.

There was, understandably, a second funeral ceremony in his home community in Illinois. I was told by colleagues that made the trip to Illinois that they observed, on that day, something exciting, heart-warming and rewarding.

They saw rows of people—children, parents, businesses and residences, all bedecked with American flags, holding them and waving them, unashamedly.

Somehow, I get the feeling that more and more Americans are becoming fed up with violence, militancy and wild, uncontrolled demonstrations.

I get the feeling they are tired of what some people are against and are searching desperately for something in the way of a cause they can all be for.

There is in the making, I believe, a resurgence of patriotism and pride in our country and what it stands for.

I sense a burning desire to put freedom on the move—recognizing full well that freedom isn't free—that we must all sacrifice and pay a price if we want to preserve our liberty.

I sense that the true spirit of America is coming alive, where patriotism and the pride of Old Glory will once again unite our people toward the common goal of peace on earth and good will toward man.

In the words of Douglas Jerrold: "We love peace—but not peace at any price! There is a peace more destructive of the manhood of living man than war is destructive of his material body. Chains are worse than bayonets."

And so I submit, that if the peace some seek in Vietnam only ends up chaining the people of South Vietnam, then I fear that 40,000 young American fighting men will have died in vain.

Of all the voices being heard on this vital question of war and peace, it is to those rather quiet voices of our men serving in Vietnam that I have also been listening. They believe there has been a major change in direction regarding the conduct of the war and the search for peace. They believe the level of the fighting has been drastically scaled down, and that American casualties have been substantially reduced. And, ladies and gentlemen, they believe the President is on the right track. I believe the American people should listen to these men too, because it is they who are risking their lives daily, and it is they who know better than anyone else what is actually taking place over there.

This is why I support the veterans who today, in response to those who offer only criticism and protest, are saying: "Tell it to Hanoi!"

And, they have earned the right to say it—the hard way.

Yes, Veteran's Day, 1969, is "Tell It To Hanoi Day," but let's make it "Tell It To The World Day" by walking up to a veteran or his family and saying, unashamedly, "I'm proud to be an American and everything America stands for, but, more importantly, "Thank you for your efforts to preserve our dignity, our purpose and our way of life."

Our veterans, both young and old, are the strength, the sinew, the heart, and the pulse of America. They fought, and many died, to make freedom endure, and I join millions throughout the world today in paying tribute to them—the men and women who have served in the uniform of this great country.

From the bottom of our hearts, we, your fellow Americans, thank you!!

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Nashua, N.H., Telegraph of August 8, 1969, in the State of New Hampshire. The editorial follows:

NEW ARGUMENT FOR LARGER TRUCKS

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

AMERICAN INDIANS SPEAK OUT: THE AMERICAN INDIAN TASK FORCE STATEMENTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. FRASER. Mr. Speaker, yesterday, a group of us in the House met informally with members of the American Indian task force, an ad hoc committee of Indian leaders from 15 States. Many of the task force members are leaders of local, regional, and national Indian organizations. This loosely organized group makes no attempt to speak for all American Indians, however.

Prior to our meeting, task force representatives met with members of the Senate Indian Education Subcommittee and with Vice President AGNEW and administration officials at the White House.

At these meetings, task force members proposed new ways for Indian people to become more directly involved in shaping the Government programs that affect their lives so directly. The task force feels the need for new channels of communication to Government so that Indian voices are not lost in the maze of Federal agencies and congressional committees that are responsible for the development of Federal Indian policies.

Task force members share a deep sense of outrage at the injustices their people have suffered. They are understandably bitter about the deficiencies that they see in current Government efforts to aid Indians. While other Indians and concerned non-Indians may not agree with the task force point of view, this point of view certainly deserves to be heard.

I want to take this opportunity to insert the task force statements in the RECORD, as follows:

THE AMERICAN INDIAN TASK FORCE'S STATEMENT PRESENTED TO VICE PRESIDENT SPIRO AGNEW AND WHITE HOUSE STAFF, NOVEMBER 10, 1969

We speak as Indians who care about what has happened to our people. We speak out because every individual must and there must be some who are willing to start a process. We do not view ourselves as "chosen leaders" or an "Indian elite", though we come from various backgrounds and diverse tribes. But we do claim to be a cross-section of concerned non-establishment Indians.

We came together initially to assist in providing information for the book "Our Brother's Keeper" and to state whether, within our own personal knowledge, it spoke the truth.

The national concern aroused by "Our Brother's Keeper" cannot be allowed to dissipate. One of the main points made by this book is that, unlike most Americans, the Indians have little or no forum for redress of grievances and wrongs committed against them. The Task Force believes that there must be a direct channel of communication so that Indian voices are not lost in the Bureau of Indian Affairs, the Department of Interior, the Bureau of the Budget, Congressional Committees, or other parts of the bureaucratic and political maze in which Indians are now trapped. We are, therefore, proposing a process which could provide a way in which Indians could speak directly to the government of the United States, both to seek a redress of grievances and to initiate and shape Indian policy.

The Task Force has always and consistently been opposed to the idea of becoming another Indian organization. The membership has remained open and fluid. The length of time the Task Force will be in existence is limited in duration and consistent with this thought, that it views its objective to serve as a catalyst in beginning a process of dialogue for American Indians, and by American Indians, to have real input into the national decisions that affect our collective fates and national reality. We do not intend to supplant Indian organizations. We want this catalyst to be limited in scope of time to some definite period. We want the idea of an Indian controlled process to be one that transcends the limitations of various organizational agendas and is open to all. Today provides a forum to begin this process.

The Task Force proposes that a process of dialogue be initiated in all areas which shall coincide with the eleven area offices of the Bureau of Indian Affairs.

Each of these eleven areas is partially represented by individual members of the Task Force but it would be the responsibility of the entire Task Force, working with others, to expand in each area to insure that it included a broad sepctrum of representation from numerous tribes, tribal chairmen, local organizations, individual spokesmen involved in issues, and representatives of urban Indians from cities within each area. Thus, the Task Force will establish separate and broadly representative Boards of Inquiry which would conduct hearings, receive grievances, and generate recommendations in the manner set forth below.

1. That a working meeting of the Task Force, with NCIO, be convened to determine the best way to present the idea of conferences and hearings.

2. That further area conferences be held to explain the need to begin the hearing process with each area's representatives to the Task Force and NCIO to discuss ways to expand the concept and lay groundwork for the hearings.

3. That there be hearings in each of the eleven areas—these hearings are to take testimony in open meetings from groups, tribes, and individuals about the needs and situations of the various people and to call for specific recommendations from the people. We urge federal agencies to attend the hearings as observers.

A. After the hearings, there will be continued input into the process through complaint and evaluation process by having a local center or person to take complaints in each local community. A "circuit rider" is to be hired by the local Board of Inquiry who will take the complaints and make recommendations about solutions.

B. Red ribbon "grand juries," composed entirely of Indians, should be convened in order to investigate and report upon deprivations of rights, charges of inaction or unresponsiveness by officials, lack of effectiveness of educational, health and other services—and that where the facts appear to warrant it, the red ribbon "grand jury" shall not only come forward with findings of fact, but should also, by prior arrangement with the U.S. Attorney, present an "indictment" which the U.S. Attorney, or (in the event of conflict of interest) a lawyer provided by the government shall be called upon to investigate such charges and represent Indians in such a manner as to protect their rights and make government programs genuinely responsive to the desires and needs of Indians.

4. The Boards of Inquiry in the eleven areas are to meet again to evaluate the first round of hearings, include the continuing complaints, consider the circuit rider's findings, and take recommendation from another round of testimony to deal particularly with proposals and recommendations.

5. From each of the hearings and Boards of Inquiry, there is to be a National Board of Inquiry, composed of three members from each of the eleven areas to meet and make national recommendations. These members are to be chosen by an elective process by Indians. Finally, the entire process will result in the creation of a permanent ongoing local watchdog on bureaucratic programs.

We make this proposal because as Indians, we choose to go beyond talking about process and dialogue and consultation and to try to think through what would be a process that would be honest and would give Indians a genuine opportunity to be heard, to seek a redress of grievances and to take the initiative in shaping government policy.

We propose that the Task Force, supplemented by additional Indians from additional tribes and organizations, form a core of a group which would contract to implement this proposal. We believe that the time has come, not only for Indians to be consulted, but for them to design and implement a process of consultation whereby they can speak out their own grievances as they know them, articulate their problems, shape proposals, draft recommendations, circulate proposed legislative or administrative action for widespread discussion among Indian peoples. We believe that such functions should be performed by Indians—that there is no question here as to whether qualified Indians exist when this proposal has come from Indians—and we believe there is a clear statutory duty to contract this function to Indians under 36 Stat. L. 861. We submit that this is not only desirable—but that it would be a major symbolic break with the past practice where no Indians have been the ones paid to become Indian experts, while Indians served as volunteer educators for non-Indians.

We do not come here to blame this administration for the failures of the past—it is our hope that by implementing a listening process, that another group like this, in some future time, will not be needed because this administration failed to hear the Indian peoples.

THE STATEMENT TO CONGRESS MADE BY AMERICAN INDIAN TASK FORCE, NOVEMBER 12, 1969

I

We, the first Americans, come to the Congress of the United States that you give us the chance to try to solve what you call the Indian problem. You have had two hundred years and you have not succeeded by your standards. It is clear that you have not succeeded in ours.

On Monday, we asked the Vice President of the United States to set into motion a process which would insure that our people could secure redress of grievances and could shape the government programs that affect and control their lives.

We know that a request to the Executive Branch—even if heeded—is not sufficient. We know that there are three branches—the Executive, the Legislative, and the Judiciary.

We come here today to ask you to do three things:

1. To serve as watchdog on the Executive Branch.
2. To facilitate—and certainly, not to bar—our access to the judicial branch; and,
3. To use your legislative powers to make it possible for Indians to shape their own lives and control their own destinies.

We have asked the Vice President of the United States for Indian boards of inquiries which would hold hearings throughout the areas where Indians live, for area conferences, for red ribbon grand juries, for circuit riders to take complaints and for a National Board of Inquiry to meet and make national recommendations based upon the complaints and recommendations received on the grass roots level.

And we ask you to help us see that the process we proposed to the Vice President somehow becomes a reality. We hope that he will be willing to do it on his own. But we ask you, as the representatives of the people of the United States to serve as our representatives too—to help us see that assurances do not become empty promises. And, if necessary, to enact legislation which will create such a process where Indians can really shape government policy and control their own lives and destinies if that is not done by the Executive Branch.

II

We come to you with a sense of impending betrayal at a moment when we wish to seek redress of grievances to ask you to broaden our access to the courts to protect the rights guaranteed us by your treaties and statutes. And we find, with a sense of horror, and impending doom, that instead, the Congress of the United States is on the verge of passing an Amendment to the Economic Opportunity Act which would effectively diminish the slight access to the courts we have gained in recent years through the advent of the OEO Legal Service Program. And, it is an even greater irony that we find this to be the case when the Governor's veto in at least one state has already killed a legal service program for Indians. What right do the Governors have to interfere with what goes on on the reservation. What right do state governors have to interfere with the solemn promises made to us by the federal government in statutes and treaties which can only be enforced by resort to the courts. What right do you, or any generation of Americans, have to rip up the solemn promises of the past—promises made to us both by the Constitution and by the President of a nation which still holds and enjoys the land received in exchange for those treaties. There are none among you who would suggest that rights—and above all the right to petition one's government—can have any meaning at all without lawyers and without access to the forum where the people traditionally petition their government.

III

We come to you today to ask that you set your own house in order. We say that until the congressional committees which control nearly all Indian legislation cease to be hostile to the interests of the Indian, then we have been deprived of one of the three branches of what we have been repeatedly told is our government as well as yours.

The present committees have pushed for termination, and have fostered on Congress seemingly neutral and technical legislation, under the guise of Indian expertise, which has taken away our land, our water rights, our mineral resources and handed them over to the white man.

You have been duped—as we have been duped. These committees have created a monstrous bureaucracy insensitive to Indians which trembles and cringes before them. The Indian suffers—and the nation pays the bill. Nothing will change so long as this unholy alliance exists between the BIA and these Congressional Committees.

On Monday we asked the Vice President to seek a new arrangement within the Executive Branch of Government—one which will bypass those channels which are hostile and insensitive to our interests. We aked him to set in motion a process by which our voices could be heard on our needs within the Executive Branch of Government.

Today, we come to seek a new arrangement with the Congress. We have come to seek a change in the committees that deal in Indian affairs. We ask that the committees of Congress not be dominated by interests which are hostile to our own survival. We ask that these committees act as a watchdog on federal programs which are passed especially for our benefit but which do not in fact benefit us because of the way the BIA runs them. And, we ask that these committees insure that we get our fair share of general legislation passed to help all citizens—highway legislation, health legislation, education legislation, economic development legislation. We do not get our fair share of these programs now. And we do not have any means to seek redress when the very programs that are passed to help us in fact are used as means to enslave and oppress us.

We come here today to remind you that you are not just the representatives of local districts or of states. You are members of the Congress of the United States. You have national obligations. We know you are highly conscious of your national obligations when you deliberate on such problems as the war in Viet Nam. We know that you have even taken those obligations seriously enough to go to Viet Nam in order to personally inform yourself on how the Executive carries out the commitments of the United States.

We ask that you do no less at home—for the United States has made older and more sacred national commitments to the people who have occupied these shores for twenty-five thousand years. The United States has made national commitments in the form of treaties, legislation and the Constitution, itself, to our peoples. We ask you to come to our homes—in the cities and on the reservations. We ask that you seek with equal vigilance to determine whether national commitments have been kept to us. Guided tours by bureaucrats will only serve to hamper you in your search for truth.

You, the Congress of the United States, are being asked to come to see how we really live and to try to understand the values, the culture and the way of life we are fighting to preserve—an American way of life. A way of life which we believe is built upon respect for differences, a tolerance of diversity.

We cannot come to Washington. We are not rich. And we cannot afford the high price of democracy.

In essence, we ask the restoration of what you claimed at the founding of your nation—the inalienable right to pursue happiness. We cannot fail worse than the experts and the bureaucrats. We do not lack for knowledge—and we are not ashamed to hire experts and technicians. But our people do not lack for leaders, for sensitivity, for talent and ability. We ask for the right to pursue our dream—and we ask for you to respect that dream. That is the American way. We claim our birthright.

MEMBERS OF THE AMERICAN INDIAN TASK FORCE ATTENDING THE WASHINGTON, D.C., MEETINGS—NOVEMBER 10–12, 1969

John Belindo, Executive Director, National Congress of American Indians, Washington, D.C.

Clyde Bellcourt, Chairman, American Indian Movement, Minneapolis, Minnesota.

D. J. Banks, Director, American Indian Movement, Minneapolis, Minnesota.

Mrs. Rose Crow Flies High, Three Affiliated Tribes, New Town, North Dakota.

George Groundhog, President, Original Cherokee Community Organization, Tahlequah, Oklahoma.

Simon Howard, Leech Lake Chippewas, Cass Lake, Minnesota.

Archie J. LaCoote, Passamaquoddy Tribe, Princeton, Maine.

Cipriano Manuel, Papago Tribe, Tempe, Arizona.

Miss Janet McCloud, Tulalip Tribe, Yelm, Washington.

Peter McDonald, Executive Director, Office of Navajo Economic Opportunity, Fort Defiance, New Mexico.

Bill Pensoneau, President, National Indian Youth Council, Ponca City, Oklahoma.

Jess Six Killer, Executive Director, American Indians-United, Chicago, Ill.

Ernie Stevens, Executive Director, California Inter-Tribal Council, Sacramento, California.

James Vidovich, Chairman, Pyramid Lake Paiute Tribe, Nixon, Nevada.

Florence Josiah, Devils Lake Sioux Tribe, Devils Lake, North Dakota.

Mary Cornelius, Turtle Mountain Chippewas, Turtle Mountain, North Dakota.

John Borbridge, Vice President, Alaska Federation of Natives, Anchorage, Alaska.

ISAIAH AWARD TO BENJAMIN V. COHEN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. YATES. Mr. Speaker, my good friend, Ben Cohen, has written a very distinguished chapter in the history of America. As the confidante and able troubleshooter of the late President Franklin D. Roosevelt, he conceived and drafted many of the pieces of permanent legislation which are now the basis of American administrative law.

But, Mr. Speaker, this period in Ben Cohen's life was only one phase in a life of significant contributions he made for this Nation. Recently at a dinner he received the Isaiah Award of the American Jewish Committee marking his devoted service to his fellow man. I am pleased to attach to my remarks the eloquent address of Judge Harold Leventhal bestowing the award and the brilliant response of Mr. Cohen:

PRESENTATION OF ISAIAH AWARD TO THE HONORABLE BENJAMIN V. COHEN

(Remarks by Harold Leventhal)

Mr. Chairman, honored guests, ladies and gentlemen: Tonight we gather together for the presentation to Benjamin V. Cohen of the Isaiah Award for human relations given by the American Jewish Committee of Washington.

This designation of the Isaiah Award is in recognition of Ben Cohen's contribution to the cause of justice, justice taken in the broadest sense, and contribution to the cause of peace. Joining Ben Cohen's name with that of the great prophet is uniquely fitting.

We need not carry the point to extremes. Ben Cohen's characteristic diffidence in offering his wisdom is not in the same style as that of the impassioned public orator whose poetic cadences and images are recorded in the Bible.

The essential point, however, is that our guest of honor tonight has the same harmonious blend of intellectual gifts and fine qualities of heart as the Prophet; that both find the key that opens the door from man to man not in pomp but in unflinching devotion to justice and equity.

In the familiar quotation from chapter 1 verse 17 of Isaiah enshrined in the Award the Lord has cried out against those who trample his courts and bring vain oblations. "I cannot endure iniquity along with the solemn assembly." And then: "Cease to do evil. Learn to do *good*." I interject that this typically is set forth as it is in the program—Learn "to do well,"—but I think the more faithful meaning, in terms of both Hebrew and English, is served by the wording: "Learn to do good."

The verse continues with the familiar injunction—"Seek justice, relieve the oppressed. Judge the fatherless, plead for the widow." In other words, protect those least able to protect themselves—and a close by passage teaches this includes protection against rulers. And then the next verse, the famous verse 18: "Come now and let us reason together."

In Ben Cohen these well springs of the heart prime a pump of rare intellectual power. Born in Muncie in 1894, 75 years ago, he emerged with highest legal honors first at Chicago and then at Harvard. He was law secretary to Judge Mack. By age 25 he had become counsel for the American Zionists at the Peace Conference in London and Paris, 1919–1921.

In eleven years of successful New York law practice he combined what someone termed an unworldly outward manner with a worldly understanding of the ways of corporations and securities markets. That he was able to make it for himself did not make him complacent, or untroubled by the plight of others.

He came to Washington in 1933 with the New Deal, and committed himself to one after another of Franklin Roosevelt's programs to provide the reforms needed to cope with social and economic ills, and in the ultimate to save constitutional government. The redoubtable team of Cohen and Corcoran, with its preparation, pep and persistence, was largely responsible for the emergence in three years of a trilogy of reform legislation on securities, exchanges, and utility holding companies. I hope Mr. Corcoran will include in his remarks tonight some reminiscences of that time, and perhaps of the campaign headquarters in the red brick house on R Street. Mr. Cohen then turned his attention to minimum wage legislation. He had become involved in minimum wage guarantees for the State of New York in the 1920's, and now he rededicated himself at a time when progress in this area was made more difficult by the heat of the Supreme Court plan.

Cohen and Corcoran and associates, including men like William Douglas and Robert Jackson, later elevated to the highest Court, sparked what Arthur Schlesinger has dubbed the Second New Deal. Not the sweeping plans of the NRA and kindred measures, that opened the way to all the dangers of industrial self-government, but limited and realistic programs, brilliantly drafted so as to anticipate problems and think enough through remedies, programs that have stood the test of time. In the words of the Alsops, it was Ben Cohen—"the most selfless, most brilliant . . . of the lot . . . whose inconspicuous signature is to be found on an actual majority of the truly fruitful great measure of the Roosevelt years."[1]

In the war years his "brain trust" resources were devoted to such causes as initiating the plan for lend-lease, and then to key, knotty and unglamorous assignments of the economic stabilization and war mobilization programs. James Byrnes wrote this of him:[2]

"Ben, in his quiet, shy way, has had a hand in important issues ever since the early days of the Roosevelt administration. He was with me through all my work at the White House. In addition to having a genuine affection for him, I regard his mind as one of the best I ever encountered. There is no more selfless and devoted public servant than Ben Cohen."

Then comes the culmination of his career in efforts to help build a durable system to further the goals of international peace and harmony. He served as adviser at Dumbarton Oaks and Bretton Woods, and later on the U.S. delegation to the U.N.

From 1945 to 1947 he was counselor of the State Department. Dean Acheson's recent book refers to Ben's special "nature" as pointing that post toward contribution rather than difficulty, and recalls that Ben Cohen was importantly involved in the international aspects of atomic energy, and in the formulation of the Marshall Plan.

A special word is surely warranted for Ben's contribution to peace-making.

Isaiah's vision embraced the time when the nations "shall beat their swords into plowshares and their spears into pruning hooks," when "nation shall not lift up sword against nation, neither shall they learn war any more." Ch. 2, v. 4. But Isaiah spoke out against treaty alliances for his time. While Ben Cohen was plunged in 1945 and 1946 into the exhausting and often heart-breaking meetings of the Council of Foreign Ministers and finally the Paris Peace Conference. Now he applied lessons learned 25 years before when he stayed on in London after the principal American Zionists withdrew and when, in Weizman's words, he devoted many months to "the battle of the Mandate," when "draft after draft was proposed, discussed and rejected."[3]

Now after World War II he was the exemplar of patience, exploring all possible paths for the ex-enemy states to reach agreement to join the United Nations and the international agencies trying to improve and stabilize living conditions. Byrnes recalls this memorably, and records that those times needed both firmness and patience. In our country counselors of firmness are in long supply and Secretary Byrnes properly records his debt to Ben Cohen's distinctive counseling of the unglamorous but indispensable patience and persistence.

In the Holmes lectures at Harvard a few years ago Mr. Cohen spoke on the Constitutional Crisis of the U.N. If there was keen disappointment over the residue of small envoys in great halls, there was continuation of his constructive, problem-solving spirit, of selfless devotion to the cause of international understanding.

In recent years he has continued the thread of service to his fellow Jews. His quiet counsel has been sought by those charged with guidance of the new State of Israel. Never does he thrust himself forward, but never is he unavailable when called.

That this man retains the commitment to Zionism he began with Judge Mack more than 50 years ago, though he of all men is devoid of narrow nationalism and is a profound internationalist, this is no anomaly. Nor is it an exception born out of the necessity of holocaust and terror and defined in those narrow limits. Ben Cohen's contributions reflect a philosophy that is of a piece, a passion for justice and serenity of inner conviction that distills the wisdom of pluralism, that different strands may intertwine in harmony and strength, at home and abroad. His is not a romantic cosmopolitanism that forecasts all national differences will wither away. His is the internationalism of serious people, aware that national identities are cherished and strong, but aware too that strong links abroad are best forged by nations strong at home, strong not in chimerical pursuit of solutions through violence but in fostering the mutual striving of citizens for fraternity and justice.

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[1] Joseph and Stuart Alsop, the Reporter's Trade, p. 22.

[2] Speaking Frankly, p. 67.

[3] C. Weizman, Trial and Error, p. 279–280.

No presentation of Ben Cohen today can ignore his views on Vietnam. From the start he was firmly against involvement. He held these views intensely when they were not widely shared, and though there was pain as ties of friendship frayed. He stood by his conviction though it exiled him from the councils of his once-intimate friend, Lyndon Johnson. He was ready then, as in other times, to stand by his devotion to highest principles though this isolated him from the company of those in highest office.

Today, as many join in the probing for disinvolvement, one never hears from him even a breath of, "I told you so." It always the constructive approach, to reason together, to consider what can be done now.

This has been the hallmark of this devoted, selfless servant of mankind throughout his life. His eyes are on the stars, his feet on the ground. He knows full well how many problems are not solved so much as reformulated. He is a pragmatist in human relations, understanding motivations, accepting foibles, sympathetic of frailty. Of himself, however, he is not sparing. Outwardly quiet and diffident, his inner spirit marks a totality of commitment and involvement. And in all the important things he has always been resolute and bold.

Our Award dinner is not parochial in outlook. We have honored men of other faiths, last year Carlo Christiansen, Cultural Attache of the Danish Embassy and recently Cardinal O'Boyle. Our guest has been honored by men of other faiths, many here tonight. Tonight we glow not as a religious community, but as a broader community of men, honoring a selfless servant of his fellow men, a rare spirit who has been a source of deep and abiding inspiration.

It was said of Isaiah and it is apt for the man we honor tonight—He has "his heart in the things of eternity . . . his spirit in the eternal counsel of God, and his body in a very definite moment of history." [4]

It is with a joyous heart that I ask the Honorable Benjamin Cohen to step forward to receive the Isaiah Award of the American Jewish Committee.

REMARKS OF BENJAMIN V. COHEN

I am deeply moved by your presence here tonight, by the Isaiah award and Judge Leventhal's praises. Somehow I associate the Isaiah award not only with the prophet of Biblical times, but with Mr. Justice Brandeis, of more recent memory, the great exponent of social justice whom many of us, privileged to consult with him on Jewish matters, would reverently call Isaiah.

I must confess I feel some embarrassment in receiving your award because most of the things I have done and the movements and causes I have served have been carried through not alone but with others. Indeed it is my feeling that most of the things we accomplish are accomplished with the assistance of others. I would like, therefore, to feel that I accept your award not for myself alone, but for all those who have worked at various times in the vineyard with me, many who have done as much as I, some who did much more, some of them are here tonight and many who helped unseen and unbeknown to you and me.

Great changes have occurred since I came to Washington in the early Thirties with the Roosevelt administration. Still I find striking similarities with the present. There was then as now great frustration and discontent. The generation gap may not have been so striking, but many of our literary intellectuals were saying then that our economic institutions were obsolete, broken beyond repair and some even suggested we might have something to learn from Russia. There was also a crime problem then—those were the days of Al Capone and the rackets, of bootleggers and hi-jackers. There was peaceful, and not so peaceful, resistance to law. Farmers in Iowa resisted with pitch forks and rifles efforts to foreclose on their farm mortgages. Sit-in strikers in Michigan refused to leave their employer's plants. There was no black or white back-lash, but there were militant demagogues—Father Coughlin demanding radical monetary reforms, Huey Long and Gerald Smith preaching share the wealth. Rational arguments were as impotent then as now to quiet irrational demands.

But Roosevelt deflated these divisive movements by gaining the confidence of, and winning away, their supporters—not by arguments but by action. He did this not by meeting their impossible demands, but by rehabilitating the banking system, providing aid to industry and agriculture and relief and work for the unemployed. Some of these programs were inadequate by present standards, but they were sufficient to show that he cared not for a chosen few, but for all of our people. Many Southerners then had some doubts about his attitude on the race issue, but he did so much for their people, their poor white people, that they gave him their support.

The times are equally challenging now. The frustration of our youth and the militancy of some of our disadvantaged groups should alert us to the causes of their discontent. President Nixon in a speech shortly after his election called upon us to meet our urgent problems in the spirit of togetherness. I believe that if the President does develop programs for us in the spirit of togetherness, which must embrace all of us—the unrepentant sinners as well as the silent majority, the country will respond as it responded to Franklin Roosevelt in the 1930's.

The rapid urbanization of our country has created terribly serious social and environmental problems which must be given first rank in the determination of our national priorities. Upon the meeting of these problems depend the continued health, moral strength, and vitality of our people which is the source of our national security.

But we are not likely to be able to give first priority to the growing crisis at home unless we take steps without delay to bring to an end our tragic involvement in Vietnam and, what may be more important for the future, unless we are able to guard against the presently threatened acceleration of the nuclear arms race.

Our withdrawal from Vietnam is not a retreat to isolationism. It is not an abandonment of any treaty or charter obligation. It is a retreat from what the wisdom of hindsight if not foresight we should recognize as an unfortunate misadventure in the internal affairs of another country. It is a retreat from an outmoded colonial foreign policy which we stumbled into when in the course of the cold war we supported the French return to Indo-China. Our withdrawal is not only in our own interest, but in the interest of the people of South Vietnam and of world peace. Our principal concern should be to obtain from all concerned and for all concerned guarantees of amnesty and protected asylums for those whose lives are in danger.

I have grave doubts about our supporting the vietnamization of the war without clearer evidence that that is the wish not only of the Saigon government but of the great majority of the people of South Vietnam. I hope we may help all the war-weary people of that land to find peace and to work together in peace.

Let me add that what our government does or does not do in South Vietnam should not affect what it does or does not do for Israel. The two situations are markedly different. In South Vietnam we intervened in a bitter civil war to support one side. We not only supplied aid, but with our armed forces took over the fighting and made the war our war. The State of Israel is fighting to defend its right to exist against the combined forces of neighboring Arab States. Israel is not asking for combat troops or the logistic or air support of our armed forces, but only for arms and economic aid to defend itself.

The important thing is that our government take our people into its confidence before the takeoff and not just before the crash landing.

Before the Tonkin Bay incidents, there was very little public debate on, or public knowledge of, what we were really doing in Vietnam. The activist operations of the CIA in Laos and Vietnam were top secret. Our people were not aware of the seriousness of our involvement in South Vietnam or of the unavoidable effect of that involvement on the determination of our national priorities.

I do not think our people are now aware that the success or failure of the disarmament talks starting this week in Helsinki may be the most decisive factor in determining our national priorities in the coming decade. Unfortunately we do not know what our government's position in these talks will be. We do not know what those who have labored in the disarmament agency are thinking. I fear, I hope I am mistaken, that they are still waiting instructions from the Pentagon.

The nuclear arms race between us and the Soviet Union has clearly got out of control. Neither our government nor the Soviet seems content with the approximate balance in deterrent power which each of us now possesses. Common sense suggests that we stop while we are in a situation where each is not likely to risk nuclear war with the other. Instead, however, each fears the other is going to get ahead in a race for a technological breakthrough and tries to get there first. Not only with the ABMs, but more importantly with the MIRVs and FOBs and other multiple-head missiles, we are about to engage in an alarmingly accelerated and incalculably costly arms race which if not promptly arrested, will gravely jeopardize any hope of a negotiated cessation or slowing down of the race in the foreseeable future. If these new weapons become a part of our arsenal, it will be extremely difficult for us and the Soviet to agree on the ground inspections we will consider necessary to check observance.

If the nuclear arms race continues, each of us will fear that the other may have acquired a first-strike potential, and in a crisis each may be tempted to strike first to knock out the other's ability to respond for fear that the other is planning a first strike. Consequently the accelerated arms race far from deterring, may actually precipitate, a nuclear holocaust. If we seek an illusory security in an accelerated arms race, we will be obliged to defer domestic programs vital to the domestic peace, well-being and genuine security of our country.

Many who have followed past disarmament talks are convinced that there are those on the Soviet side as well as on our side who believe that our countries have a common interest in the cessation of the arms race which drains away our resources and in the avoidance of nuclear war which threatens our common destruction. But there are also those on both sides who act otherwise. If we really want to stop the arms race, why as a prelude to arms control talks, should both countries continue to add new and more sophisticated weapons to their already overkill operational armaments, and why should each impugn the good faith of the other by ascribing to the other a possible first-strike intention? When we rightly condemn some of the younger generation's irrational and self-defeating conduct—their extravagant demands, violence, and obscenities—in opposition to our defense programs, let us remember that some of our actions appear equally irrational and self-defeating to them.

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[4] Introduction p. x to The Book of Isaiah, the Soncino Books of the Bible.

We have strayed from our old traditions, our disdain of power politics and power alliances. We fought two world wars to oppose the lawless exercise of power and at the end of each sought to establish the rule of law in place of the rule of power. We re-armed after World War II to defend the law of the Charter. We entered into defensive regional organizations to give collective support to the Charter. But then came the cold war and Korea and disillusionment. And we strayed into the field of power politics and power alliances.

But now the Congress and the American people are troubled and are having second thoughts about our arms, our alliances and wars. They want no more Vietnams. There is talk of reducing our over-extended commitments.

There is the suggestion that we limit our commitments to certain pre-determined areas of vital interest and not be concerned with the rest. But we live in an interdependent and changing world, and our interest and involvement are far-reaching and world wide. We may limit our treaty commitments, but not our interests. It is impossible to foresee where and when our interests may be significantly and vitally affected by future events. It would be highly dangerous for us to foreswear any concern with what may happen in any part of the world. Dean Acheson, you may recall, was unfairly accused of inviting the attack on Korea by doing just that shortly before the attack on Korea. On the other hand if we do make treaty commitments we should guard against their being completely open end. One generation has not the right or the power to tie the hands of the next generation. We should reserve leeway to ourselves to determine the nature and extent of our response. Resort to war is not the only means of meeting a commitment or fulfilling our responsibilities or protecting our interests in the absence of commitment. The credibility of our commitments may be shaken quite as much by stretching as by narrowing them contrary to their intent and purpose.

The most unfortunate result of our preoccupation with arms and military alliances has been our failure to develop adequate procedures in the United Nations or elsewhere to aid in the peaceful settlement of international disputes. In this nuclear age, war is no longer a practical method of settling international disputes. Yet because of the frustrations of the cold war, we have almost abandoned "our last best hope of peace on earth."

It is frequently said that the United Nations is impotent to promote peaceful settlements because it lacks power to enforce settlements. But it is not so much the lack of power in the United Nations which stands in the way of peaceful settlement as the lack of effort or will on the part of member states, particularly the great powers, to develop fair and objective processes and procedures for peaceful settlement. It is putting the cart before the horse to worry how the United Nations is going to muster power to enforce peaceful settlement before it has developed processes and procedures for peaceful settlement which can command the respect of states whose national interests and possibly very existence is at stake. There is no reason why the United Nations cannot be equipped to be as effective in assisting in the settlement of disputes among nations without compulsory powers as our government is in assisting in the settlement of labor disputes which affect our national welfare without compulsory powers.

It is not surprising that intemperate invective and cold war debate in the Security Council do not create an environment conducive to peaceful settlement, particularly when the debate is hastily followed by the counting of partisan, political votes—in many instances, pledged in advance and uninformed and unaffected by the facts or merits of the controversy.

Many of us would like to see Israel work more closely with the United Nations, but we can understand Israel's bitterness in having to plead its case before the Security Council where the Soviet Union and the Arab states can always control the votes of a majority. Israel may not always exercise due restraint in its reprisals, but the Council almost invariably condemns Israel's reprisals, but never the terrorists raids which provokes them. Finally last summer the United States announced that it would not support a one-sided resolution condemning Israel's reprisals, but not the raids which provoked them. Yet when it came to the vote, our government abstained, being unwilling to be counted because its negative vote would have been a veto. It stood by while the one-sided resolution was carried with the votes of Pakistan, Hungary and Algeria. I do not favor the arbitrary use of the veto, but I think it is the duty our government to exercise the veto to prevent the abusive exercise of powers by others.

The situation certainly reveals the urgent need of improved non-political procedures in aid of peaceful settlement.

What is needed is a corps of professional diplomats, of worldwide repute, whose experience and training qualify them to serve as a mediation and conciliation service. The service should be empowered to intervene whenever there is a breach of peace or sooner if there is an imminent threat to peace so that meaningful efforts can be made to limit the issues and bring the parties together before the fighting starts, and positions and passions hardened. The service should provide the Security Council and General Assembly with reports as objective as possible of the essential facts and issues. Every precaution should be taken to relieve the Security Council and General Assembly from having to act on the uncorroborated statements of the disputants and their partisans.

If the United Nations is to develop effective procedures for peaceful settlement, there must be a down-grading of political voting, an avoidance of broad moralistic judgments, an upgrading of efforts to create processes of conciliation and mediation to bridge and narrow differences, to find acceptable accommodations and compromises, and to devise *ad hoc* or provisional arrangements which leave to the solvent of time and the wisdom of a future generation seemingly irreconciliable conflicts.

It is now almost eight years since a delegation of the American Association for the United Nations consisting of Mrs. Roosevelt, Norman Cousins, Arthur Larson, Clark Eichelberger, Herman Steinkraus, Oscar de Lima and myself went to the White House to urge that we take the Vietnam question to the United Nations instead of beginning to participate in the fighting as the Taylor-Rostow Report had recommended. We were referred to the State Department and there we were told that they had considered that, but after talking with Dag Hammerskjold they did not think they could get the action there they wanted. They decided they could handle the situation better alone. Had they gone to the United Nations I am sure they would not have gotten what they wanted. But the American people might have had time and opportunity to learn into what a tragic pit they were being asked to leap. They might have learned it is sometimes better to endure patiently the ordeal of peaceful settlement than to put our trust in trial by battle even with our superior arms.

NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUB WEEK

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. CARTER. Mr. Speaker, recently we have recognized the celebration of the National Federation of Business and Professional Women's Club Week. I would like to pay my respects to them at this time for I feel they are one of the outstanding organizations of my State.

The national federation was founded in 1919 as the result of a call issued by the Secretary of War, Newton D. Baker, for coordinated womanpower.

The purposes of the National Federation of Business and Professional Women's Clubs, as set forth in the articles of incorporation, include the improvement of conditions in all business and profesions; the extension of opportunities to better the business and professional status of women; the preparation of women for leadership in their communities, their States and the Nation; and the advancement of women in their respective fields of work so that they may make their greatest contribution to the common good.

Health and safety are major concerns of the business and professional woman, and they are basic to all her other pursuits. In programing, our major emphasis is on the positive and preventative approach.

Another objective is a better understanding of a cooperation with the people of other nations. Through their understanding and interpretation of the work of the various agencies of the United Nations, they help to crystallize public opinion. By the support of legislative measures designed to create the necessary authority to enforce action of the United Nations, they render service to make this great experiment succeed.

An example of the work they do is a nursing home constructed in the Republic of Nationalist China in 1960. Mr. Speaker, these ladies have established an outstanding record of service to our country and I commend them on the fine work they have done and on the exciting plans they have laid for the future. At this time I would like to mention the names of a few of those persons who have helped to make the BPW an outstanding organization in Kentucky:

Mrs. Ledean B. Hamilton, State president.

A few of the outstanding club presidents are: Mrs. Bonnie Kitchens, Mrs. Francis P. Brockman, Mrs. Louise Hutchison, Mrs. Alma Henderlight, Mrs. Prentice Collier, Mrs. Bobby Carol Noland, Mrs. Evelyn Cornett, Mrs. Evelyn Burnette, Mrs. Hilda Keller, Mrs. Leone

Prater, Miss Vada Chumley, Miss Donna E. Miracle, Mrs. Irine Vertees, Mrs. Enola Wheat, Mrs. Elsie C. Matheny, Mrs. Helen Vaughn, Mrs. Mildred Bedford, Mrs. Mable Hutton, and Mrs. Sue Steely.

Some of the outstanding district directors are: Miss Kate H. Woods, district 8 director; Mrs. Mary Nell Neff, district 9 director; Mrs. Olive Davis, district 10 director; and Mrs. Martha Wirtz, district 11 director.

Two outstanding assistant district directors are: Mrs. Ruth Murphy, assistant director, district 9; and Miss Florence King, assistant director, district 10.

RURAL HOUSING NEEDS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ZWACH. Mr. Speaker, recently the House of Representatives passed H.R. 13827, the Housing and Urban Development Act of 1969.

Within this legislation was an increase in authority for the Farmers Home Administration, thereby allowing more housing in rural America. As I indicated on the floor of the House of Representatives during debate of H.R. 13827, there is a crying need for adequate housing facilities not only in urban America but also in rural America.

Mr. Speaker, while we have passed H.R. 13827, this is, in my opinion, only a step in the right direction. An example of the housing problems in rural America is expressed in a letter from one of my constituents, Mr. Leonard J. Meyer, of Belgrade, Minn. So that my colleagues may know there is much to be done in this area I hereby submit for the Record Mr. Meyer's letter:

Belgrade, Minn.,
October 28, 1969.

Hon. John Zwach,
House of Representatives,
Washington, D.C

Dear Mr. Congressman: Being a Committeeman for the FHA of this county, and a citizen of a good small community of Belgrade, I feel obligated to write you about a few problems small communities face unless some kind of action is taken to improve things.

As you are probably aware of we have here in Belgrade a housing shortage as in most small communities, and in order for a small community to grow and prosper we must have available housing for the low income families, as well as for our higher income bracket. We have two four-plex and one duplex apartments here at Belgrade and they are all filled and more people are waiting for housing. One thing that many people as well as myself think, is that the maximum income of $6,000 to be eligible for low income housing, should be raised to probably around $8,000 so we would have more people eligible. As you probably know many young people just can't get financing to build their own home if their income is below $8,000 or so. Most people have car payments, insurance to pay, and many other bills as well as the high cost of living, there-by cannot afford payments on a house. With housing available for them we could keep more people in the home area instead of leaving for the overpopulated larger cities. Our education program also suffers when we can't give teachers a place to live so they move on to a different locality and we have to take the teachers that are left. We must keep our small communities for without them the country would suffer greatly. We are as you always say the "Grass Roots" so we should keep it that way.

Our "Bel-Plex" apartments also pay local taxes derived from real estate taxes paid by them. This also gives our community a boost.

Any help you may be able to give us in this matter would be greatly appreciated. I judge by your reports etc. that you have been kept quite busy and I know you are fighting for the right things, so if you could help low-income housing we will all be grateful to you Keep up the good work.

Thank you.

Yours truly,

Leonard J. Meyer,
Crow River Twp.

VIETNAM RESOLUTION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ROSENTHAL. Mr. Speaker, on November 3, 1969, the President picked up a fallen standard, and proclaimed "Nixon's war." On a closer look, the war he proposes to continue is dismayingly close to Johnson's war: a commitment to the pursuit in Vietnam of unattainable ends, open ended in time, cost, and the use of American firepower against Vietnamese.

The fundamental flaw is in the narrowing of the choice to two positions: "precipitate" withdrawal or an indefinite commitment to prop up militarily the present government in Saigon—with the pious hope of transferring the ground war ultimately to the South Vietnamese forces. We do not propose either, and we find the President's Vietnam policy tragically ill conceived for three principal reasons:

First. Short of destroying the entire country and its people, we cannot eliminate the enemy forces in Vietnam by military means, which even President Nixon concedes; "military victory" is no longer the U.S. objective. What the President fails to recognize is that the opposing leadership cannot be coerced by any U.S. strategy into making the kinds of concessions currently demanded.

Second. Past U.S. promises to the Vietnamese people are not served by prolonging our inconclusive and highly destructive military activity in Vietnam. It must not be prolonged merely on demand of the Saigon government, whose interest in preserving its status and power is served only by continuing the war with American support, not by settling it, and whose capacity to survive on its own must finally be tested, regardless of outcome.

Third. The importance to the U.S. national interest of the future political complexion of South Vietnam does not justify the human, political, and material cost: a war which divides our people, brutalizes our minds, confounds our economy, and brings untold tragedy to hundreds of thousands of American families.

It is for these reasons that we conclude that U.S. forces in South Vietnam should be systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to provide for the safety of U.S. forces, secure the release of American prisoners of war, assist any Vietnamese desiring asylum, and enable the United States to make an orderly disposition of its facilities in South Vietnam.

The President worries, as did his predecessors, about a domestic political "hang-over" from withdrawal: after immediate relief, "inevitable remorse and decisive recrimination would scar our spirit as a people" as "we saw the consequences of what we had done." His solution remains that of his predecessors: to postpone such painful "withdrawal symptoms" simply by continuing the war, with its cost in American and Vietnamese lives. That is the course of the addict; it may be the major hidden basis for our Government's addiction to this war over so many years and so many disappointments. It is not, as he presents it, the hard, courageous way to address this real problem, but the politically easy way, for the short run: easier than admitting past mistakes and facing painful consequences. It is not "the right way."

It seems clear that the President believes this to be a just war, one he would feel dishonored to disown. In his speech, he discusses the consequences of disengagement in emotional words—"defeat, betrayal, humiliation"—that warn of years' more war. He implies a sense of U.S. responsibility for political developments in South Vietnam that can be discharged only by indefinite combat engagement. His plan for "winning a just peace" is a plan for continuing U.S. involvement indefinitely, not at all a plan for ending it.

It is a policy that must goad the Hanoi leadership to challenge it by increasing the pressure of U.S. casualties; to which the President promises to respond by re-escalation, against all past evidence—and consistent, reliable intelligence predictions—that this would neither deter nor end such pressure. In fact, we have heard a plan not only for continuing the war but for returning it to levels—in firepower, commitment of prestige, destruction inflicted—recently abandoned. It is a plan and a speech we might have heard, without surprise, from Johnson, Rusk, or Rostow: indeed, we have, many times.

The text of our resolution reads as follows:

H. Res. 704

Resolved, That it is the sense of Congress that United States forces in South Vietnam should by systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to (a) provide for the safety of United States forces, (b) secure the release of American prisoners of war, (c) assist any Vietnamese desiring asylum, and (d) enable the United States to make an orderly disposition of its facilities in South Vietnam.

The cosponsors of the resolution are:

Jonathan B. Bingham, of New York.
George E. Brown, of California.
Phillip Burton, of California.
Hugh L. Carey, of New York.
Shirley Chisholm, of New York.
William B. Clay, of Missouri.
Jeffery Cohelan, of California.
John Conyers, Jr., of Michigan.
Bob Eckhardt, of Texas.
Don Edwards, of California.
Leonard Farbstein, of New York.
Donald M. Fraser, of Minnesota.
Ken Hechler, of West Virginia.
Henry Helstoski, of New Jersey.
Robert W. Kastenmeier, of Wisconsin.
Edward I. Koch, of New York.
Allard K. Lowenstein, of New York.
Abner J. Mikva, of Illinois.
Patsy T. Mink, of Hawaii.
William S. Moorhead, of Pennsylvania.
Bertram L. Podell, of New York.
Henry S. Reuss, of Wisconsin.
Benjamin S. Rosenthal, of New York.
William F. Ryan, of New York.
James H. Scheuer, of New York.
Louis Stokes, of Ohio.
Jerome R. Waldie, of California.
Lester L. Wolff, of New York.

ONE OF CONNECTICUT'S MOST DISTINGUISHED CITIZENS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. WEICKER. Mr. Speaker, one of Connecticut's most distinguished citizens was in Washington recently for a most important meeting. Mr. Ralph A. Hart, chairman of the board of the food and beverage firm of Heublein, Inc., based in Hartford, participated in the 2-day meeting of the newly designated National Public Advisory Council of the General Services Administration. The panel of 16 outstanding Americans was named by Administrator Robert L. Kunzig to bring about greater public involvement in the affairs of GSA.

The appointment of this Council represents another forward step in President Nixon's program of making the Federal Government more responsive to the needs of the public. I am proud that a Connecticut man is serving on this important panel. That a man of Mr. Hart's stature should be chosen to serve on this Council is indicative of the importance Mr. Kunzig attaches to the mission of the panel. Mr. Hart brings a wealth of experience to the GSA Advisory Council—experience gained in his 37-year career in business and in service to his fellow man and to his country. I want to commend Mr. Kunzig for his foresight in choosing such distinguished men to serve on the Advisory Council.

POLITICAL PERSPECTIVE: CHOOSING THE PRESIDENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SCHWENGEL. Mr. Speaker, a continuing effort of the nonpartisan League of Women Voters has been to interest citizens not only in getting out to vote on election day but to take part in the nominating process. The taped recording "Political Perspective: Choosing the President" helps the citizen understand the nominating process and where he fits in. Dr. Arthur L. Peterson and Dr. Daniel M. Ogden agree that "to have a voice in the party of your choice" the citizen must start early.

A transcription of the League of Women Voters' program on this subject follows:

POLITICAL PERSPECTIVE: CHOOSING THE PRESIDENT

Participants in the order of their appearance:

Torrey Baker, former broadcaster, Voice of America.

Dr. Arthur L. Peterson, former Executive Director of the National Republican Committee, Chief of Staff of the Republican National Conventions Temporary Committee on Resolutions, and President of the American Institute for Foreign Trade. Co-author of Electing the President.

Dr. Daniel M. Ogden, former professor of political science, Washington State University, former Special Consultant to the Chairman of the Democratic National Committee, former Budget Director for the United States Department of Interior and presently Dean of the College of Humanities and Social Science, Colorado State College, Fort Collins, Colorado.

Baker. Politics is the number one sport in the United States, and probably no aspect of the game is more exciting—or meaningful—(fade in sound) than a national convention.

(Sound: National Convention. Up for 10 secs then under and fade out.)

Baker. Buttons, banners, bumper-stickers, pledges, handshakes, hurrahs, these are the familiar sights and sounds of our national political conventions. (Sound out.) But amid all the hoop-tee-doo, decisions are made that deeply affect the lives of all of us in this country, and the world around us as well.

(Theme. Establish. Then fade under and out.)

Baker. The name of this program is Political Perspective: Choosing the President, and this is Torrey Baker speaking to you from Washington on behalf of the League of Women Voters.

What is the citizen's role in nominating the President of the United States? We elect him, to be sure; but do we have a voice in the nominating process?

Peterson. In my opinion, the American people participate as directly and as fully in nominating the President as they desire. Since the nomination of presidential candidates in America is a party function, it is a function, then, of the number of people who wish to participate in that function; and in my opinion the ten or fifteen percent of the American electorate who now participate could be greatly expanded. But they do have the opportunity and from time to time they exercise this in great number.

Baker. This is the view of Dr. Arthur Peterson, a former Executive Director of the National Republican Committee and now President of the American Institute for Foreign Trade. He is co-author of a book "Electing the President." Dr. Peterson's co-author is a Democrat, Dr. Daniel M. Ogden, formerly professor of political science at Washington State University, Special Consultant to the Chairman of the Democratic National Committee, and now budget director for the United States Department of Interior.

Ogden. Both of the political parties are wide open. They are available for people who want to participate.

Baker. One type of participation is being a delegate to a national convention. We all know the actual nominations of presidential candidates take place at national political conventions where the delegates from the various states gather to make their nominations and to adopt a platform. Dr. Peterson tells us how they are chosen.

Peterson. There are actually two kinds of delegates to our national conventions. First the "at large" or state delegates and secondly, the district delegates who are selected on the basis of congressional districts ordinarily. There is some confusion about some of these delegates because they, in turn, are selected through three different means. Most are selected by a state convention. In fact, in 29 states this is done. In some 18 states the delegates are selected both at large and/or in districts by primary, and in four states by the state central committee.

Baker. Does the average citizen have a chance to attend a convention or even influence the choice of delegates? What should a citizen do in the convention states, for example?

Ogden. Well, the best advice is to be active in your political party beginning immediately. You go to the precinct caucus, and the precinct caucus which has a broad base, you see, will elect a few delegates to a county convention. The county convention, then, may have several hundred people who will elect a few delegates to the state convention; and then the state convention, which may have as many as a thousand people, will elect a handful of people to go to the national convention.

Those who want to be able to affect the selection of delegates to a caucus or a county convention and to be welcome at a precinct to do so need to be active.

Baker. Primary elections are intended to assure popular control of the political parties, and they offer the candidates a chance to test their strength at the state and local level. No two states have exactly the same system of primaries. Dr. Ogden outlines some of them.

Ogden. First of all, there is one kind of presidential preference primary in which the voters simply elect delegates and there is no designation of candidates. . . . They simply vote for delegates' names. Now if the delegates' names do not have any designation of candidate preference, and this is often the case—New York and Pennsylvania are examples of this—the voter really doesn't have much guidance in what he is going to do, and I understand that it is quite common for the delegates to be unopposed so that it is simply a process of ratifying a slate which the party organizations have already picked.

A second type of presidential preference primary is one in which . . . the candidates assembly slates of delegates and they run a slate under their name of people who will vote for them if they become delegates to the national convention.

Baker. Even in places where a delegate is presumably pledged to a particular candidate he may not have to vote for him when he actually gets to the convention. Some states such as Oregon and California require the delegates to vote for the candidate to whom they are pledged at least on the first ballot, but delegates from West Virginia, for example, or New Hampshire, need do no such thing. Dr. Ogden comments—

OGDEN. Now this is really quite practical as a matter of fact because if at the primary election the issue had happened to lie between two noncandidates when you get to the convention people who have been knocked out for one reason or another, the delegates may not wish at all to be simply the victims of the circumstances and have to vote for a candidate who is no longer in the ball game.

BAKER. Any politics-watcher worth his salt observes with keen interest the way the would-be presidential candidates pick the states in which they will test their political mettle. This is a science.

PETERSON. You have to go where the votes are . . . as in the election. You select those states which have winning combinations and numbers and go after them. . . . It is a simple matter of adding up the numbers you need to win the nomination.

OGDEN. Candidates are careful not to enter primaries which are going to create disaster for them. There is no point in going into a state where the cards are so heavily stacked in favor of an alternative candidate that you will look bad. You can't afford to be a "loser" and so the candidates generally stay out of a state with this kind of situation.

BAKER. There are five states which, according to Dr. Ogden and Dr. Peterson, are critical to winning the nomination. They are New York, California, Pennsylvania, Ohio, and Illinois. These are the so-called swing states, and a candidate must have a majority of them or he's out of the running. Dr. Ogden points out that the big winners—Roosevelt, Eisenhower, and Johnson—carried them all.

OGDEN. Getting these states in your pocket at the convention is a very important strategy. If you could carry all of these, and have some others in your hands, it would be virtually impossible to stop you. That is why the selection of delegates in New York, in Ohio where the delegates are elected in a primary, in Illinois where they are elected in a primary, and in California where there is a primary—become very important party affairs. And in California where the delegates are committed to the candidate who wins, and the selection process comes in early June—which is fairly late in the selection process, this can be critical because this can wrap it up for the candidate, and that of course is exactly what Goldwater did in 1964.

BAKER. Thus what happens *before* the Convention is all important.

PETERSON. Some candidates assume that by sheer force of persuasion they can turn the heads of delegates at the national convention. This is really a very naive position to take. Once the delegates have arrived, no amount of eloquence ordinarily will turn their heads. They are committed and they are going to support the person for whom they are committed. There are exceptions of course in the Wilkie case in which the so-called "galleries" did influence the selection but that's the exception that proves the rule.

BAKER. And Dr. Ogden recalled the 1960 democratic convention as a case in point.

OGDEN. There are a lot of people there who had been stalwart Stevenson people in 1952 and '56 and they still "loved Adlai madly" and . . . Senator McCarthy from Minnesota gave one of the most stirring and eloquent nominating speeches that any of us have ever heard in nominating Mr. Stevenson and it was, it was a real tremendous ovation that followed. But everyone knew that he didn't have a chance.

BAKER. Dr. Peterson stresses the need for organization to line up delegates sympathetic to your candidacy.

PETERSON. First of all you have to go into the hustings early. . . . If a candidate is serious as Mr. Kennedy was in '57 and as Mr. Goldwater was, the first thing he does is to go out and get effective organizational leaders.

Secondly . . . I suppose it is important also that the specific tactics are developed—how exactly are you going to organize the caucuses to your advantage, how specifically are you going to make certain those caucuses are going to turn out in your favor.

OGDEN. That's exactly the situation. It is hard work at the precinct level early in the game that gets delegates lined up for your candidates. There's no substitute for it. It means having someone from your staff go out to the state and get a state individual who will carry the ball for you and who has contacts with the state organization, who is willing to operate for your candidates—someone who has been prominent, active, and knows his way around, who can put his finger on people in the various counties who will become the organizer for your candidate and then the county organizer's job is to make sure that each precinct caucus is loaded with your friends, go to the meeting and choose delegates at the county convention.

Mr. BAKER. Dr. Peterson points out that it takes more than just attendance-at-a-meeting to get delegates favorable to your candidates selected.

PETERSON. It seems to me that often those who wish to be effective forget the little problems of parliamentary procedure; not only does one have the commitment and the concern over a candidate but before one enters the political caucus it's well, I think, to know all of the devices that one needs to know to be effective. Now to enter dilatory motions, how to delay meetings, how to speed up meetings, how to do the thousand and one things that are perfectly legitimate to do and if the citizen really wants to be effective, you have got to know how to handle parliamentary procedure.

BAKER. Eventually delegates to the national convention are chosen, and the American public is witness to two gigantic political spectacles. There are some who say that there must be a more efficient and less flamboyant way to choose a candidate for the highest office in the land. Dr. Ogden does not agree.

OGDEN. The national convention is a place and area of compromise where the party organizations leader from several states can assemble for the purpose of choosing a candidate. . . .

Now a second great advantage is it enables them to get a lot of the party people to identify with the cause. They can share emotionally in the selection process and identify with the candidate.

The third advantage is that it presents a great spectacle to the American people.

The national convention also gives the party itself a chance to work out the kind of broad direction in which it wants to go.

PETERSON. This vast nation with its many, many interests comes together as a variety of peoples and comes out of the convention with at least a central thrust—with a series of statements, even though they are really not policy pledges but a set of a statements which have in every possible sense tried to tie the party together. It is a somewhat ephemeral thing but a very important and crucial thing to us. We develop unity out of diversity, and this is one of the important reasons for our national party conventions.

BAKER. As the convention proceeds—after all the conferences, political maneuvers, promises and compromises, the roll call of the states finally begins and the candidates names are placed in nomination. Tension mounts as the balloting proceeds (sneak in sound)—until the great moment when a particular state declares for a candidate and this vote carries him over the finish line.

(*Sound: Convention climax up for "X" seconds then under and out.*)

BAKER. This is the great climax of the national convention, and pandemonium reigns as the delegates cheer "the next President of the United States." To all intents and purposes the Convention is over and the campaign for electing the President is underway. But the first job is to nominate.

This is Torrey Baker in Washington speaking for the League of Women Voters. Our thanks to Dr. Daniel M. Ogden and Dr. Arthur L. Peterson for joining us in political perspective; choosing the President.

MIDDLE EAST BOILS AGAIN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DERWINSKI. Mr. Speaker, fully appreciating the preoccupation with our problem in Vietnam, I believe it is essential that we keep a close look at continued Soviet involvement in the Middle East.

Therefore, an editorial in the Wednesday, October 29 Chicago Daily News remains extremely appropriate and I insert it into the RECORD as a profound commentary on this major crisis:

MIDDLE EAST BOILS AGAIN

"Our simple demand is to be free to operate in any Arab land."

The words are those of an Arab commando, interviewed by Georgie Anne Geyer of The Daily News Foreign Service somewhere inside Lebanon. Miss Geyer, with her usual enterprise, had managed to make contact with the guerrilla forces that have brought Lebanon to the brink of civil war.

A "simple demand" it may appear to the fanatical Palestinians bent on warring against Israel from any point on Israel's borders. But this concept of a guerrilla force roaming at will across the Arab lands, superseding the established Arab governments and their armies, has now dimmed even further the vague hopes for peace in the Middle East.

The Arab guerrilla movement has grown largely under the protection of President Nasser of the United Arab Republic. The volatile, hate-ridden regime in Syria also gave it shelter. King Hussein, whose throne is precarious at best, was not strong enough to oppose the commandos when they set up camps in Jordan.

Lebanon has tried a different tack. Alone of Israel's neighbors, half-Christian, half-Moslem Lebanon has managed to maintain relative calm on its border. It opposed the move-in of the guerrillas, correctly believing that they would inflame the border and invite retaliation from Israel.

But Lebanon's attempt to drive out the guerrillas—though apparently a failure—has brought down the wrath of the other Arab states on the Lebanese government and threatens its very foundation. A "compromise" with the guerrillas, which probably means allowing them nearly free access, is in the air.

Israel can doubtless handle this expansion of the continuing border war, in the military sense. But the repercussions of Lebanon's difficulties go far beyond the border.

The United States' relations with Lebanon have remained good—until now—in the deteriorating situation in the Arab lands. Beyond expressing a pious concern about "any threat to Lebanese integrity from any source," the United States has scrupulously refrained from any move that would smack of intervention.

The Russians, however, have exhibited less restraint. Even while warning the United States to keep its hands off, the Soviets have busied themselves with diplomatic activity that could spell further Russian influence in the Middle East, at the expense of the United States.

It may be, as the shah of Iran suggested the other day, that nothing short of big-power pressure can avert a new explosion in the Middle East. But even that prospect is remote as long as Russia seems more intent on stirring trouble than in trying to calm it down.

LEGAL AID—FOR LAWYERS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. REID of New York. Mr. Speaker, I should like to bring to the attention of my colleagues a recent New York Times editorial commenting on the Senate-passed amendment to the Economic Opportunity Act which would allow a Governor to have an absolute veto over a legal services program. The Times points out that this amendment could place "legal representation for the poor at the mercy of State and local political machines."

Of equal concern to me is the fact that this amendment might discourage young lawyers from entering the field of poverty law. Presently there are more than 2,000 lawyers serving in the OEO program. One out of every 17 June law graduates applied to VISTA in 1969, and there are now 700 lawyers in VISTA, clearly indicating a tremendous interest on the part of young lawyers to give legal assistance to the poor.

This resource should not be discouraged by any amendment which would limit the rights of the legal services attorneys. They would be reluctant to handle controversial cases because of the possible retaliation of a Governor's veto. They would hesitate to sue a public agency that is not performing its job properly because of the possibility that the Governor would discontinue the whole program. In effect, this amendment would prevent these lawyers from offering every legal right to their clients in accordance with the canon of ethics.

As a member of the House Education and Labor Committee, I have watched this program grow from 12 legal services projects in 1965 to a point where last year 1,800 lawyers in 265 projects handled over a million cases.

The bill ordered reported by the Education and Labor Committee last week does not contain the so-called Murphy amendment and I hope that the House will stand firm behind the efforts of these dedicated attorneys to provide equal justice for all.

The editorial follows:

LEGAL AID—FOR LAWYERS

One of the most effective programs in the Office of Economic Opportunity is legal services, under which 1,800 attorneys in 800 neighborhood offices in forty-nine states represent impoverished clients. Federal funds administered through the O.E.O. enable hundreds of thousands of indigent persons every year to obtain equal justice under law.

The program will perish in the areas where it is most needed if a proposed Senate amendment to this year's antipoverty bill goes through. By giving Governors veto powers over O.E.O. storefront law projects, it would place effective legal representation at the mercy of state and local political machines. It would, in many cases, prevent the disadvantaged from getting an even break before politically appointed judges. It would discourage some of the most dedicated young lawyers in the country from entering the new field of antipoverty law.

This amendment should be called the Reagan amendment because the California Governor is really the man behind it. The board of governors of the American Bar Association has described the amendment as "oppressive interference with the freedom of the lawyer and the citizen" which would "discourage actions that are politically unpopular." The conference in New York this week of the National Legal Aid and Defender Association clearly shows the deep concern of the bar all over the country for representing clients who cannot afford to pay. Their rights will be seriously infringed if the Reagan amendment is adopted.

SPEECH ON POW'S

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DICKINSON. Mr. Speaker, this past Tuesday, November 11, Mrs. Rita Hauser, our able representative to the United Nations Commission on Human Rights, delivered a major policy statement to all 126 member nations. The context of her statement was human rights—an appeal for humanitarian treatment of Americans who are prisoners of war in Vietnam.

Mr. Speaker, it was coincidence, but I might add, very appropriate that Ambassador Hauser's speech came on Veterans' Day. To most Americans, Veterans' Day is a day to reconfirm our loyalty and faith in the United States, its Government, and its people. Our servicemen who are missing and captured in Vietnam must not be forgotten. They are patriotic, brave fighting men. World opinion must be brought to bear on the North Vietnamese Communists to provide for humane treatment of our men who are POW's.

I am certainly gratified that our United Nations delegation has brought this matter to the attention of all member countries. If all the governments represented in this international body use their utmost influence, enough pressure can be brought on North Vietnam so that they will at least adhere to the tenets of the Geneva Convention.

Mr. Speaker, I commend Mrs. Hauser for her statements. She is an able spokesman. I pray that her remarks will be heard in Hanoi and that positive action can be accomplished toward our goal for the freedom of all American POW's.

A number of wives of our prisoners were present in the galleries of the General Assembly's Social Committee when the speech was delivered. They added their mute support to a cause that cannot, in good conscience, be denied.

Mr. Speaker, at this point, I am inserting the text of Mrs. Hauser's speech. I urge everyone to read it in its entirety. We must not allow these Americans to be forgotten.

SPEECH ON POW'S

(Delivered by Mrs. Rita Hauser)

I would like to turn now to a specific situation involving prisoners which, I am sure you will understand, is of very particular concern to my country. United States forces are engaged in combat in Vietnam. It is our earnest hope that this conflict will soon be terminated so that the task of rebuilding can be begun. But many hundreds of American soldiers, airmen, and naval personnel are presently missing or captured in Southeast Asia. How many of these men, and which ones, are in Communist captivity is a secret closely guarded by the authorities. For each of these men there is a wife, a child, a parent, who is concerned with his fate. They are subjected to grave uncertainty and despair which grows as each day passes.

Our concern in this matter is humanitarian, not political. It was succinctly but urgently expressed in the agonizing question asked by the many wives who have gone to Paris to ask the North Vietnamese delegation at the Paris talks: please tell me if I am a wife or a widow.

There exists a solemn convention, legally binding upon all parties concerned—the Convention on protection of Prisoners of War, concluded at Geneva in 1949. This Convention applies to "all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them." It thus binds the United States, which ratified it in 1955, the Republic of Vietnam, which acceded to it in 1953, and North Vietnam, which acceded in 1957.

This Convention, to which, I may add, 125 nations are parties, including more than 100 members of the United Nations, contains provisions which, if implemented, would tell children if their fathers were alive, parents if their sons were well-treated. It requires that—and I quote—"immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write directly to his family." The Convention assures prisoners of the right to remain in communication with their loved ones and with an international or state organization which has assumed the obligation of safeguarding his rights.

In addition to the right to receive mail and packages, and to send a minimum of two letters and four cards each month, the Geneva Convention specifies minimum humane standards of detention, of hygiene, diet, recreation, and employment. It requires that seriously wounded or ill prisoners be repatriated as soon as they are able to travel. It specifies that the Detaining Power shall accept a neutral party to the conflict or a respected international organization such as the International Committee of the Red Cross as a Protecting Power for the prisoners. It requires that the Detaining Power provide the names of the prisoners it holds to their families, as well as to the Protecting Power, or to the International Committee of the Red Cross, to pass on to their country of origin. It requires that the Detaining Party permit on the scene inspection of its detention facilities.

Madam Chairman, my fellow delegates, this Convention is not meant to create a life of privilege for captured military personnel. It is meant to insure minimum standards of human decency to helpless men who are in the power of their military enemy and can no longer pose a threat to that enemy, and to provide minimum solace to families who are far from the front lines. In wartime, when passions are inflamed, this Convention seeks to preserve those frail links of compassion and decency which are so urgently needed. Nurtured, these links may in turn help move enemies toward a realization of their common stake in finding the path to peace.

My country places the highest priority upon implementation of this Convention. There are now some 30,000 North Vietnamese and Viet Cong prisoners of war in South Vietnam who have been accorded the status and the rights of prisoners of war under the Geneva Convention, even though many of them fail to meet the requirements for prisoner of war treatment set forth in the Convention. The United States has striven again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the Convention—identification of prisoners, the right to send and receive mail, and a Protecting Power to inspect detention conditions. We remain grateful to the governments which have cooperated in these regrettably unsuccessful efforts.

In contrast, the Government of the Republic of Vietnam, with the cooperation of its allies, opened all detention camps to inspection by the International Committee of the Red Cross. The names of POW's have been made available to the ICRC. Prisoners of war detained by the Republic of Vietnam have the right to send and receive mail and packages. They are interned in six camps which are administered by the Republic of Vietnam and which, as regular international inspection has shown, conform to the requirements of the Geneva Convention.

Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the allied command has made every effort to ensure that the Convention is applied. This includes the issuance of clear and explicit orders, and, even more importantly, thorough investigation of alleged violations and punishment of those found guilty. This policy is confirmed and supported by the continuous review, both official and unofficial, which results from free access to POW's by delegates and doctors of the ICRC.

The United States neither seeks nor deserves praise for its efforts to implement the Convention. They are our duty—our legal duty and our moral duty. The tragic fact is, however, that North Vietnam and the National Liberation Front refuse to acknowledge their legal and moral duties to apply similar standards of treatment to the helpless prisoners in their power—Vietnamese as well as American.

The record is indeed sad. The Communist authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the United States Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated nor have they been identified. Prisoners have been utilized by North Vietnam for propaganda purposes. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied. The ICRC's repeated requests to be allowed to visit the prisoners at their places of detention have been repeatedly denied; nor has any other accepted intermediary been given access to the prisoners.

From the reports of the nine men actually released by North Vietnam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets, and that, in many instances, they have been subjected to physical and mental torture. For example, Lt. Robert Frishman, one of the recently released American prisoners in a public statement of September 2, 1969, shortly after his release, said American prisoners are subject to "solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, and being dragged along the ground with a broken leg . . ." Recounting the treatment of Lieutenant Commander Stratton, Lt. Frishman said—and I quote—

"The North Vietnamese tried to get Lieutenant Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his finger nails removed and put in solitary, but the North Vietnamese insisted that he make the false humane treatment statements and threw him into a dark cell for 38 days to think about it."

This record is indeed chilling. It has been noted and deplored by a great many international observers. For example, Jacques Freymond of the International Committee of the Red Cross, reporting on the work of the Committee on Prisoners of War, highlighted the contrasts between North and South Vietnam as follows:

"In Vietnam it [the ICRC] has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a Delegation in Hanoi nor even to the visiting or prisoners of war.

". . . On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also receive nominal rolls of these prisoners."

In the face of such international criticism there have been few breaks in the silence of Hanoi. We have, however, been told—though in the shrill phrases of propaganda rather than in the measured tones of statesmanship or humanitarianism—that the Geneva Convention does not apply because there has not been a formal declaration of war and that the American prisoners are "war criminals" and therefore not entitled to the rights conferred upon prisoners of war by the Geneva Convention. Despite this, Hanoi says, it treats the prisoners "humanely."

Madam Chairman, my government cannot accept these assertions. The Geneva Convention provides a detailed international standard of humane treatment against which the treatment of prisoners of war can be measured. Hanoi's mere assertion of "humane" treatment, which has never been verified by impartial inspection, is no substitute. Further, North Vietnam's denial that the Convention is applicable, and its assertion that it therefore cannot be the standard to measure their conduct, have no basis in international law. Hanoi says that the Convention applies only where there has been a declaration of war. But it is clear from the language of the Convention that the absence of such a declaration has no relationship to the Convention's applicability and does not justify a refusal to apply it.

Hanoi has also asserted that our men whom it holds are war criminals, apparently on the theory that any attacks against North Vietnam or Viet-Cong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva Conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The Geneva Convention—in addition to representing a binding international treaty obligation—represents an international consensus on what is "humane" with regard to captured military personnel. North Vietnam, even by the terms of its own arguments, cannot escape its obligations. The United States understands that every country believes that it is right and its enemy wrong. North Vietnam has said that it is inconceivable that the captured military personnel of the so-called "wrong" side should be given status equal to its own soldiers. But, Madame Chairman, the Geneva Convention was designed specifically to meet this problem. It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard.

The 21st International Conference of the Red Cross held at Istanbul in September cut through any possible quibbles that could be made by a party to the Vietnam conflict. It adopted without dissent a resolution which obtained the support of 114 governments and national Red Cross organizations. That resolution called upon all parties—and I quote—"to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention." It also recognized—and again I repeat the exact words of this resolution—"that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisal." We hope that the committee will take note this session of the resolution passed without dissent by the International Committee of the Red Cross in Istanbul, and that it will in a similar fashion reaffirm the obligations of all parties to the Geneva Convention.

Madam Chairman, two weeks ago—on October 30th—the Secretary General made the following statement:

"It is the view of the Secretary General that the Government of North Vietnam ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam."

We join in this appeal, and we urge all the governments represented here today to use their utmost influence so that at least this single step forward can be accomplished. We would welcome the intervention of any organization or group of concerned people who may be able to reduce the anguish of the prisoners and their families. But the Secretary General has made a concrete, limited proposal; its immediate implementation would bring closer the day when the observance of the humanitarian principles of the Geneva Conventions by all parties is complete.

I have spoken at length on this topic, Madam Chairman. It is of the most vital importance to the United States. What I have said here today—what my government has said—is meant most sincerely. We hope that these words will lead to deeds.

I thank you, Madam Chairman.

THE ROLE OF THE ARTS IN 20TH-CENTURY AMERICA

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BRADEMAS. Mr. Speaker, sometime during the coming weeks, the Select Education Subcommittee of the House Committee on Education and Labor will undertake hearings, in cooperation with our colleagues in the other body, on legislation to extend the life of the National Foundation on the Arts and Humanities.

I believe that Members who are interested in this legislation and in the role of the arts generally in 20th-century America will read with interest a recent address by Dr. H. Beresford Menagh, executive director of the American Education Theater Association.

Although Dr. Menagh's particular emphasis is on the theater, he makes a persuasive case for support of all the arts.

His address, which was delivered to the 1969 convention of the Tennessee Theater Association, on September 13, 1969, follows:

ADDRESS OF DR. H. BERESFORD MENAGH

I am delighted to have this chance to bring you official greetings and good wishes from the American Educational Theatre Association. The formation of a state theatre organization is an important and needed step in Tennessee and will be, I hope, an example to the many other states which have not yet awakened to the needs of the last third of the twentieth century. I wish you good luck not only at this your state meeting but throughout the year as you meet needs in the cities, in the counties, in the hamlets from Memphis to Mountain City. I promise you the full coperation of the national association and trust we may quickly establish a formal working relationship between the state organization and the national one. We need each other, but what is more important our work needs us both.

I am grateful to your officers for giving me this chance to share some thoughts with you on our work; to look with you at some problems; and to see if we might together come up with some directions we might take as we close out the sixties and move into the seventies.

THE ARTS IN THE SIXTIES

The sixties have not produced for the arts a very happy environment. If anything, the world we live in has become increasingly hostile to the arts. The arts are concerned with those uniquely human characteristics of man: individuality, dignity, controlled emotions, feelings, and, if I may use the word, the "sanctity" of man. But the world is increasingly emphasizing technology as a way of life and is almost insisting on behavior that is dehumanizing or at best dignity-limiting. Pressures have been developing in our society that will stop us right in our tracks unless we recognize them and work desperately hard to overcome them.

We can no longer afford to engage in socialized ego-inflation in community theatre and pretend we are improving the cultural level of the community. We can no longer afford to sentimentally re-hash 19th century fairy-tales with 20th century children in the name of children's theatre and think we have done something in sensitivity training. We cannot afford to place students in the lock-step of credit hours and a sequence of courses and think this will produce creativity, appreciation, or even understanding of the arts. We cannot afford to bask in the sweet sound of the much-touted cultural boom, because the cultural boom you have read about is a bust. Increased attendance at and increased money spent on the arts result directly from increased population and increased affluence of that population. Indeed the 20th Century Fund report shows that the percentage of per capita disposable income spent on the arts is unchanged in the past 20 years and is actually down from what it was 30 years ago.

The world does not seem to have been kind to the arts yet it is a wonderful world. We look at the marvels man has created and we look at the creature, man, who has created these marvels, and innocently, like Miranda in the *Tempest* we say, "Oh Wonder!

How many goodly creatures are there here!
How beauteous mankind is! Oh brave new world
That has such people in't.

TECHNOLOGY AND THE ARTS

We have created mechanical brains that are faster and more accurate than any human being's brain. We have medicine and drugs that remove not only sickness and pain but also anxiety and worry. We have transportation to the ends of the earth and beyond in a matter of hours. We have instantaneous communications that bounce pictures off satellites. We have exploration under the sea, on the moon, and space probes beyond. We have entertainment through TV and motion pictures of extreme technical excellence and frequency and finally we have energy of unimaginable power in the atom bomb, the hydrogen bomb and the cobalt bomb.

Oh brave new world that has such people in't.

But there has been a price to pay and not just in money. Bit by bit and generally willingly, we have been paying the price of fragments of human individuality, human worth, and human freedom.

We have been giving up these bits of freedom to gain other freedom. We are demanding more than just freedom from want. We crave freedom from care, freedom from worry, freedom from aloneness, freedom from being different, freedom from insecurity, freedom from decision-making, and above all, freedom from boredom. We are rushing headlong into a society that *gives* these freedoms, cooperating willy-nilly with certain enemy pressures or forces which are steadily dissolving away the basic human attributes of individual dignity and individual worth. I'm not talking about such enemies as communists or segregationists or Nazis or other such bigots, but specifically described and statistically proved forces that we cooperate with and live with as a matter of course.

POPULATION GROWTH AND OVER-ORGANIZATION

I am talking about population growth, for one. In the 16 centuries from the first Christmas day to the landing of the Pilgrims, the world's population merely doubled from 250 million to 500 million. Today as we enter the last ⅓ of the 20th century, the world's population is 3 billion and at its present rate of increase will double again in only 50 years. Our basic concern with overpopulation is that it puts a térrible strain on a country's economy, and therefore, especially in underdeveloped countries, creates a demand for the central government to assume greater responsibility and greater power and, unless there has been a strong tradition of constitutional government, totalitarianism and the negation of individualism is the result. Ten years ago economists estimated that 20 years from then the majority of overpopulated, underdeveloped countries would be under totalitarian rule. They missed by about 10 years for as we meet here this has almost come to pass. India alone is the hold-out and the elections a few months ago in that country show it to be approaching perilously close to the brink.

Another enemy force destroying individuality and dignity is over-organization. Modern, complex, expensive mass production and mass distribution has concentrated power in the organization; the corporation, and has forced the little man to become a cog in a machine, undermining as Erich Fromm points out, "the individual's inner security, happiness, reason, and his capacity for love. The individual is turned into an automaton who pay for his human failure with increasing mental sickness, and with despair hidden under a frantic drive for work and so-called pleasure." The normal person becomes one who is adjusted to an abnormal society—living without fuss in a society to which, if he were fully a human being, he ought not to be adjusted. Conformity becomes uniformity and the human individual in our society becomes standardized. Yet nature has made every individual unlike every other individual and I submit that any society which, in the interest of efficiency or in the name of some political, economic or religious dogma seeks to standarize the human individual commits an outrage against man's biological nature. In addition, the current social phenomenon of a concentration of population in the city emphasizes the organization of man, further destroying his individuality. We have William Whyte's concept of the Organization Man, with emphasis on group loyalty, group living, group thinking, group creativity, group dynamics. We teach in our schools and actually give marks on report cards for "acquisition of social skills," "Adjustment," "socially oriented behavior."

PROPAGANDA AND DRUGS

In addition to population growth and over-organization, there is yet a third enemy force operating to destroy human individuality and dignity and that's propaganda.

Formerly propaganda consisted of 2 kinds: the true or the false. But today, especially in Western democracies, there is propaganda that is neither true nor false, but simply unreal—the more or less totally irrelevant. All of us have the power to respond to reason and truth or to unreason and falsehood, but we also appear to have an infinite appetite for distractions. Games were one thing; radio another; movies yet another; but now we have constant television in our homes that provides us with an instantaneous wall of irrelevancy to insulate us against the realities of our social, political and personal situation. This is a propaganda that does not destroy by misleading, but by merely numbing. Nor does it stop there, for riding on the constant distraction of daily TV programming is the most powerful propaganda civilized man has ever invented for himself—the commercial. We are all susceptible to it, but most especially are our young people. They are TV fodder. As one TV actor frankly stated it, "Children are living, talking records of what we tell them every day." I fear that all too often young people, who we like to think are products of our schools, are in reality products of advertised products.

And this brings us to the last enemy force I'd like to mention and that's mind control. Brain washing became a frightening reality during the Korean war. We don't like to admit it, but it is a fact, and the Chinese Communists proved it, that every man has his breaking point and can be brought under absolute control. We don't have brain washing of that kind here but we have other forms of brain control in chemicals and drugs we call stimulants and depressants which do everything from calming frayed nerves to producing dreams in technicolor. We have alcohol, Benzedrine, cocain, heroin, marihuana, peyote, Miltown, meserpine, chlorpromazine, Iproniazid, LSD, and Deaner. A dream in a pill is no exaggeration and the statistics are that annually we are buying dreams by the billion. We also have subconscious persuasion. In 1957 experiments with sublimal projection were picked up by the purveyors of distractions for it was discovered that fleeting images on a screen influenced an individual unconsciously. The possibilities were frightening, so frightening that the government forbade it. But we do have both conscious and unconscious persuasion by association, as in the use of sex appeal to sell cigarettes, and we have it in so-called sleep-learning, or hypnopaedia.

THE NEED TO HUMANIZE

These, then, are some of the forces operating in our society which have somehow to be counteracted by those who work in the arts. We want people to develop as fully as possible their unique, individual, human qualities, but our efforts are directly opposed by the de-humanizing forces of population growth, over-organization, special kinds of propaganda and increasingly popular mind control.

Riding on and through these forces is a strong technological orientation that begins in babyhood, is reinforced daily from the time a child enters school and permeates every aspect of adult life. The drive from babyhood onward is to prepare for, to hold, and finally successfully retire from a job. Anything that does not contribute directly to that drive is, in the minds of most people a non-essential addendum. If it is not utilitarian it is not necessary.

Ask anyone why he should get an education. Three out of four will answer, according to a Harris survey, that an education is necessary for getting a job. 74% of parents believe the primary purpose of going to college is to get a *good* job.

Newspapers contain items about the problems of young men and women who fail to complete high school and consequently fail to obtain employment. Government on various levels exhibit concern about apparent relationship between unemployment and lack of education. Programs are proposed and instituted in which people are helped not only to complete high school but to obtain a higher education and in some cases even to engage in graduate work. It is taken as almost axiomatic that the more education a person has the greater are his job opportunities. Thus it appears to many that the function of education is to prepare people for making a living.

Because of this common conception of the function of education, students may complain about spending time, even "wasting" time on a course of study not directly related to their particular job-goals. Students preparing to teach are perhaps less prone than others to complain about such courses because they generally accept the idea that the more they know about themselves, their relationship to others and their relationship to their universe, the better equipped they are for teaching growing human beings. But there is hardly a student who has not heard another student complain, "What do I need with botany in mechanical engineering?" or, "What do I need with physics when I'm going to be a teacher of American literature?" or, "What good is a course in speech for an agronomist?" For these students, the criterion of merit in any educational pursuit seems to be utility.

Utilitarianism received a strong impetus following the successful launching of Sputnik in 1957. Clamors were heard in Western countries for greater emphasis on mathematics and science in education. One respected scientist became better known in some circles for his view on technological education than for his achievements in physical science. A well-known U.S. military officer became a regular writer in newspaper columns about a no-nonsense approach to education. A superintendent of public instruction in one of the large states was elected with a platform that emphasized the "3-R's" and no "frills." A dramatic result of this upheaval in educational thought was seen in California where in early 1962 the State Legislature passed the "Fisher Bill" which called for a major revision of credential requirements and empowered the State Board of Education to draw up the regulations necessary to implement the bill. Had the legislative measure been implemented as originally intended by the State Board, the various arts would have been eliminated as subjects for a teaching credential in California.

In spite of the utilitarian tendency in educational thought: that is, the tendency to assume human education has the practical function of preparing for making a living, making a home and raising a family in a technologically oriented society, one ancient world-wide truth still holds. Any animal makes a living, gives birth to and rears its offspring, obtains shelter, and even explores its universe. It is true that human beings have made some remarkable refinements in these basic pursuits but the unknown man who died in his cave 5,000 years ago after making a living with spear and ax made no less or no greater an impression on human progress than the man who passed away this year after making his living with an electronic computer—or the gray wolf who perished alone in the snows of the Yukon after a successful life with fang and claw. All three received educations that were practical for their societies and all three may have had a proportionately narrow or broad understanding of themselves, their relationship to their fellow-creatures and their relationship to their universe. Education for making a living, for making a home and raising a family is a part, but only a part of the story; the part which may be called animal, which is carried on in every lair, den, cave and burrow on every hill and in every valley on the fact of the earth. Education that is concerned with what a young person needs as he grows, that enables him to continue his growth after he reaches physical maturity, that helps him achieve an appreciable degree of human worth; this kind of education is the other part of the story. Meeting these needs is a function of education with which we must be concerned whether we work directly in education or not.

THE NEED WHICH THEATRE CAN MEET

Whether we are in or out of education we have many needs we must meet. Those of you who have heard me speak before have heard me recite some of these needs. Everywhere I go around the country I keep repeating that we need work with young children. We need to find out what theatre should mean to children and to find their capability for assimilating this meaning. The mathematicians have painstakingly investigated these matters in their field as have the physical scientists, have come up with content and methodologies based on their investigations and have instituted them in the schools. The arts, on the other hand, provide virgin territory for this kind of work. It is as if it were beneath the dignity of professordom so far to be concerned with little children.

Needed is work with high school students who are actually worse off than children in elementary school. At least in elementary school little is done with theatre so little damage to the child occurs. But high school theater in our country is a national scandal. At this age the adolescents are still highly suggestible and impressionable and yet they are fed garbage, thrown at them by people untrained and unqualified, who are paid, naturally, with garbage man's wages. Yet it is here, in high school, the greatest mass of our population gets its impression of what theatre is really all about. It is unfortunate that too many university theatre departments consider the education-bound students beneath consideration. The instructor wants to direct or train only those students bound for a commercial career in theater.

So we graduate 4,000 theatre majors in a year with a degree in theatre into a market glutted by 14,000 actors, mostly unemployed, in New York, and 20,000 in Los Angeles, all holders of Equity or Guild cards. And it makes me heartsick when, every few years, by accident, one of our students appears on T.V. and someone points with pride and says, "Ah, a student of mine!" as if this were the purpose of his teaching, as if this were proof positive of the success of his thousands of contact hours with an unknown number of students and as if this justified the tens of thousands of dollars paid him in salary.

Needed is basic research in theatre as a dynamic event, research done in collaboration with social scientists, psychologists and other arts researchers and practitioners.

Needed is training in the art of salesmanship. We have a tremendous product—a valuable and an exciting one—but the only people we talk to about it are ourselves, just as we are doing right now. We must take the time and expend the effort to learn how to market our beliefs, our art, our job to the people who can do us some good—our state and national representatives, our local mayors, principals, and superintendents, and the business community and labor.

Needed is a massive effort to change theatre from a toy of the privileged few to an essential ingredient in the lives of the many. Desperately needed are training institutes for teachers in the inner cities for direct work with the young people in the slums. Here is a huge laboratory that is almost untouched. Theatre may be a social art but not in our generation has it been very sociable.

Needed is a new pride by theatre people in the profession, the vocation, the art, the discipline and the institution of theatre. We can no longer afford the dilettante, the hanger-on, the self-expresser, or the social climber in theatre, especially in community theatre. Theatre seems to be the only activity in which amateurs feel they are excused from being any good and expect people to pay to see them being shabby. No amateur golfer thinks its good fun to never do better than a triple bogey on any hole. And he certainly does not want anyone watching him make an ass of himself. Even the week-end painter goes off quietly by himself and mercifully shows his work to only a few close friends. The theatre dilettante gives our work a bad name and we've been living with that bad name for so long that we have an inferiority complex about it. We need to be proud of what we are doing but of course we need to know what we are doing and be good at it.

GOVERNMENT SUPPORT OF THE ARTS

All these and many more are great needs, so great, that it seems almost discouraging when one thinks where we are, where we have to go, and the pressures in our world that tend to push us back. But starts have been made. There are some tremendously important programs being undertaken by people like Brustein, Hoffman, Schechner, Langham, Ballet and others. The nation's lawmakers have made historically important decisions in the arts with NDEA, ESEA and EPDA. Research teams are at work and some of their findings are already available with more coming up with implications which are at the same time shattering to our complacency and challenging to our imaginations. But these are only beginnings and meanwhile the needs of our people and of our children scream for fulfillment.

While it is true that the money voted by Congress to support the arts is not great, still if wisely used in each state it can exert a great influence. But this wise use and possible influence in theatre depends on the knowledge and the effort of people in the arts; it depends on you. When President

Johnson signed into law the bill establishing a National Foundation on the Arts and Humanities, he pointed out, "It is in the neighborhoods of each community that a nation's art is born. In countless towns there live thousands of obscure and unknown talents. What this bill really does is to bring active support to this national asset . . . The arts and humanities belong to the people, for it is the people who create them." "We in America," said Mr. Johnson, "have not always been kind to the artists and the scholars. Somehow the scientists always seem to get the penthouse, while the arts and humanities get the basement."

Whether the arts move upstairs, whether they ascend on foot or by elevator, or how high, will depend on us, wherever we live. What happens with theatre in Tennessee now depends on you, the Tennessee Theatre Association.

What happens across America depends on you also, and on other people like you across the country working together with you, each depending on the other, banding together to achieve capability and power.

It depends on us, all of us in theatre, whether or not we can some day say, not out of innocence like Shakespeare's Miranda, but with knowledge, with conviction and with pride.

Oh wonder!
How many goodly creatures are there here!
How beauteous mankind is! Oh brave new
world
That has such people in't.

DELAWARE MORATORIUM COMMITTEE

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ROTH. Mr. Speaker, no problem today is on the minds of Americans more than our quest for peace. In my State, the Delaware Moratorium Committee is holding a number of meetings today and tomorrow. I was invited to attend these meetings, but respectfully declined to do so for the reasons set forth in a letter. I would like to include the body of that letter in the RECORD:

As you undoubtedly know, it has always been my policy to meet with constitutents whenever possible to discuss any issue. Under ordinary circumstances, I would be happy to meet with Delaware groups to discuss our common goal of peace in Vietnam. Despite this general policy, I have, however, respectfully declined your invitation to attend the meetings being sponsored by the Delaware Moratorium Committee, as I am deeply concerned that meetings of this type tragically do not promote the lasting type of peace we all desire in Vietnam.

I served as an intelligence officer during World War II in the Pacific and we were constantly monitoring all activities in the Japanese homeland to detect any division as evidence of their willingness to surrender. Similarly, I am concerned that North Vietnam finds the moratorium activities as one reason for delaying meaningful negotiations in Paris. If the situation were reversed and the moratorium activities were taking place in North Vietnam today, I believe that most Americans would judge such events as evidence of their willingness to surrender.

I, like all loyal Americans, share your concern for peace. In seeking peace, however, I believe we must consider the safety of our allies as well as the safety of our own troops, including missing American servicemen and prisoners of war. We must act in such a manner that will serve both the short and long range interests of international peace, and must by our actions invite no further aggression.

I also believe that our success in negotiating an end to the arms race, as well as the success of our initiatives in other areas of foreign affairs, depends in large measure upon our steadfastness of purpose.

I hope, therefore, that every man who can in good conscience, will unite behind the President's peace efforts at this critical juncture. I believe our chances for an early and meaningful end to the war can best be aided by supporting the only man in a position to negotiate a lasting peace.

I recognize, of course, the important right for each American to act according to his conscience, and this includes the most important right to dissent. Although you may or may not agree with my views, I am sure you will appreciate why under these circumstances I do not want to participate in activities that I reluctantly believe may delay a lasting peace. I would, of course, be happy to meet with you or other individuals as I have in the past.

With warmest personal regards.

RESENTMENT EXPRESSED AGAINST USE OF NAMES OF VICTIMS OF VIETNAM WAR

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. FISHER. Mr. Speaker, the news media recently carried announcements to the effect that in connection with the current antiwar demonstrations in Washington it was planned for marchers to carry individual names of Americans killed in action in Vietnam, and then display and deposit those names in some receptacle.

Such a practice, particularly without the consent of the next of kin, is most reprehensible. In fact, it is known that this stunt was announced over Radio Hanoi more than a week before the plan was disclosed by those in charge of the demonstrations.

In behalf of the surviving relatives I condemn such despicable actions. It is a shame and disgrace that these loyal Americans should be subjected to such desecration of their fallen sons and husbands.

Today, I have received communications from survivors of two servicemen who lost their lives in Vietnam while gallantly performing their military duties. Under leave to extend my remarks in the RECORD, I include the full text of a telegram and letter.

The two communications follow:

UNIVERSAL CITY, TEX.,
November 13, 1969.

Hon. O. C. FISHER,
U.S. House of Representatives,
Washington, D.C.:

I vigorously object to the reading of the name of my son PFC Gary E. Young in the program sponsored by the San Antonio Moratorium Committee on November 15, 1969. Such an act would dishonor him. Further I feel that it is repulsive arrogance and an illegal act on the part of the sponsoring organization to require that relatives appear in person to object to the reading of the name of their loved one. Also I feel that the federal government should take necessary action to allow in or near a national cemetery only those who go there to honor the service men who gave their lives for their country. National cemeteries are not political forums.

Mrs. ANNA B. CONNOLLY.

SAN ANTONIO, TEX.,
November 10, 1969.

Hon. O. C. FISHER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I have learned with great personal concern that the 13–15 November "March of the Dead" will involve participants carrying the name of each of our brave Americans who have died in Vietnam.

My husband 1st Lt. John H. Farley was killed in action in Vietnam on June 2, 1969, just 30 days prior to completion of his tour there. I am not bitter but broken-hearted and proud. My husband was killed doing what he believed was best for this great nation and I have no desire to see his name paraded along the streets by anyone of questionable motives.

In behalf of my husband and all members of the family, I appeal to you, and all Members of Congress, to do whatever you can to prevent such a grotesque display which is not in the National interest.

Sincerely,

Mrs. JOHN H. FARLEY.

POTATO RESEARCH AND PROMOTION ACT

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. KLEPPE. Mr. Speaker, I strongly support H.R. 2777, introduced by the distinguished gentleman from North Carolina (Mr. JONES). Essentially this legislation would enable potato growers to finance a nationally coordinated research and promotion program aimed at expanding their markets and further improving the quality of their product.

My own State of North Dakota is among the principal potato-producing areas in the Nation. Our growers are rightfully proud of the high quality of their product and the strong demand for it in marketplaces throughout the country.

Cost of the potato promotion program would be borne by producers themselves. It would help the entire potato industry in solving its own problems.

Contemplated under the program are expanded export markets for U.S. potatoes, development of new potato products for use both at home and abroad and general quality improvement. It would include advertising and promotion plans to bring the attention of consumers to the nutritional value of potatoes.

The program has the support of potato growers generally and of their organizations. I believe we would do well here today to help the potato growers of America to embark on this self-help program.

A LESSON TO LEARN

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. HÉBERT. Mr. Speaker, Mr. Julian Richards of New Orleans, a constituent of mine, has brought to my attention an article which appeared in the October 27 issue of the National Observer.

Written by Mr. John Kay Adams, it describes what happened in Athens, Greece, when so-called peaceful protesters were given too much leeway. It might be well for those Members of Congress who condone all actions of the antiwar demonstrators to read this article.

In my opinion, it is worthy of everyone's attention, and I insert it at this point in the RECORD:

[From the National Observer, Oct. 27, 1969]

A LESSON FROM THE BLUE SHIRTS: HOW POPULAR PROTEST CAN LEAD TO DISASTER

(By John Kay Adams)

In the streets of Athens five summers ago, my teen-age son and I watched throngs of the good-hearted young people of Greece protest against the actions of their government.

In the streets of Washington on Oct. 15, my teen-age daughter and I watched throngs of the good-hearted young people of the United States protest against the actions of their Government.

We were onlookers in Greece, outsiders, emotionally not involved and obliged to watch it all with Olympian detachment. In Washington, we—or at least my 14-year-old daughter—were emotionally involved. She led a school discussion on Moratorium Day. She has strong feelings about the wickedness of war in general and the Vietnam War in particular.

She feels, as thousands do, that she helped the cause of peace by marching in front of the White House. She can see nothing wrong—nothing potentially dangerous—in such a good-hearted demonstration for a cause she feels is noble.

THE LESSONS OF ATHENS

Had she been old enough at the time to join her older brother and me at the demonstrations in Athens, she might now be more aware of how such things start and where they sometimes lead.

On summer evenings in 1965, the streets of Athens were alive with people who came downtown in the evening to shop, go to the movies, visit the *tavernas* and candy stores, or just to stroll around. They wandered through Omonias, the people's square; Syntagmatos, the tourists' square; and Kalonaki, the fashionable square. Young mothers pushed perambulators and fathers held the hands of their small sons.

The main excitement, if it could be called that, was down around the University of Athens, where there was an occasional bit of shouting on Venizelou Street. The students often demonstrated in front of the university about something or other. Frequently, it was for *Enosis*—the union of Greece and Cyprus. Villains changed from time to time. On one occasion they shouted against Dean Acheson. On another they stormed with equal fervor against Andrei Gromyko. The students seemed to be the only ones who cared very much. They stayed on the university grounds, where the police did not bother them, and the demonstrations were without rancor.

The first giant demonstration—it surely must have been the largest in the long history of the Athenian cradle of democracy—came in July after Prime Minister George Papandreou had been dismissed by King Constantine.

Perhaps he had resigned. The published accounts never were completely clear. But the people believed he had been dismissed, and one thing soon became quite clear. They had tremendous affection for Mr. Papandreou, who was then nearly 80.

TRIUMPHANT PROCESSION

A few days after he was out of office, the old man drove downtown to deliver an address from the balcony of his Center Union Party headquarters. The event became a triumphant procession. Tens of thousands of good-hearted people jammed the street to honor the old man.

From a vantage point on the roof of a building overlooking the party offices, I had an unobstructed view for a mile or so down Stadiou Street to Omonias Square. The street and square were packed with people. Rhythmic chanting shook the buildings: "Pop-on-dray-you! Pop-on-dray-you! Pop-on-dray-you!"

Here and there in the throng were little groups of muscular young men wearing blue short-sleeved shirts and dark slacks. I learned later that they were the activists, mostly dock workers and laborers from Piraeus. Without being obvious about it, the Blue Shirts seemed to start and lead the cheers. When the cheers died out, they started them again. But no one was really manipulating the crowd that night. The demonstration was spontaneous—a massive outpouring of good feeling and affection for the old leader. The half-hidden activities of the Blue Shirts could be seen clearly only from above. They are scarcely visible at street level. Down in the crowd, the people were in good spirits.

After the good people of Athens had shown Mr. Papandreou how much they loved him, the demonstrations did not stop. On the nights that followed, the focus changed to other causes. Labor-union members appeared in the streets to shout their grievances. A regular routine developed.

The demonstrators usually assembled at the university. After speeches and cheering, the marchers went down Venizelou Street to Omonias Square, around the fountain, and back up parallel Stadiou Street to Klafthmonos Square. Then they turned left one block to the university, where they broke up after a total distance of about three miles.

Usually there was no attempt to break the routine. There was no violence. Uniformed police massed discreetly in the side streets, watching, but not interfering. Demonstrations were held on week nights—not week ends, when Athenians went to the beaches. The character of the crowds remained the same, and the Blue Shirts were seldom seen. It became so unexciting that an ice-cream vendor working among the demonstrators declared business so bad that he would return to the beaches, where there were more customers.

Then things began to change. More police lined up in the shadowy side streets. Students were less in evidence, there were more Blue Shirts than before, and the shouting seemed to be uglier.

My son was with me watching a crowd form at the university one evening. For the first time that summer, one of the demonstrators had an unkind word for us. A woman remarked, "Why don't you Americans go home!" But she mumbled it in Greek, and she did not think we understood her words.

As the demonstrators set out that evening on their usual route to Omonias Square, we walked through to Stadiou to see the leaders as they came back.

They were expected to make the customary turn and return to the university. To be sure they did so, the police had blocked the way on Stadiou which led to the Parliament building. Rows of gray-uniformed men were backed up by turreted water-cannon trucks parked fender to fender and sealing the street.

As the leaders of the march, with reporters and photographers as outriders, approached the corner, a bus driver, whether by accident or design, moved his bus through the police lines. They parted to let the bus through. Suddenly, Blue Shirts materialized, surged through behind the bus, and charged the water cannons. It happened so quickly that the long following line of peaceful demonstrators and the reporters had no advance warning. All were caught in the crush.

TEAR-GAS ATTACK

By reflex my 14-year-old son started toward the action. But I hurried him into a hasty retreat across the park in Klafthmonos Square. As we paused to look back, the tear-gas canisters, smoking like miniature rockets, arched out over the crowd and into the park. Gas spread quickly, and moments later we were fleeing with the rest with burning eyes and tears streaming.

As we ran past him, an aged Athenian screamed at us in English: "Did you see that? Did you see that? They gassed us, the beasts. They gassed us. They are monsters."

As the demonstrations got rougher, some were even held in the heat of the day. We stayed off the streets in the evenings. Now the Greek children were left at home, and there were no more ice-cream vendors. Police used tear gas more often, but they continued to exercise restraint to avoid creating martyrs.

Accidentally, probably inevitably, a demonstrator was killed. A Blue Shirt died with a fractured skull. Published accounts stated that a tear-gas shell fell near the victim. He stumbled and was trampled in the rush of his companions to escape.

An elaborate funeral followed. Thousands gathered at the cathedral. I watched from a high window on Syntagmatos Square, enabling me to see the Blue Shirts pushing the mourners into formation. They herded people like sheep into tight blocks of humanity so that a huge throng appeared to fill the street from curb to curb. Though this maneuver left gaps in the procession and shortened it, the people watching thought the crowd was enormous.

The casket was carried by Blue Shirts with arms raised in defiance. As it moved along, screams of rage broke from the bystanders. These were led by strategically placed knots of Blue Shirts performing as macabre cheerleaders.

THE COLONELS MOVE IN

Trouble continued month after month. Several Greek governments were formed. All tried in vain to win public confidence and to stop the disorders. In April 1967, a few months after we had come home, the colonels seized Greece and ended parliamentary government. That result was something almost no one wanted.

It would be outrageous, perhaps, to suggest direct parallels between events in the streets of Athens and events in the streets of Washington.

In Greece the turmoil lasted so long that people came to regard their government as unrepresentative of their wishes and weak enough to be altered or overthrown by demonstrations in the streets. Greece's own politicians, including some members of Parliament, supported the demonstrators to advance personal causes and ambitions. The product, almost the by-product, of all that maneuvering was the eventual loss of confidence and loss of parliamentary government.

Most of us here regard our Government as fundamentally representative and stable enough not to be changed very much by demonstrations in the streets. Yet I saw and felt some haunting similarities between the atmospheres of Athens in the summer of 1965 and of Washington on Oct. 15.

The innocent Greek students and casual evening strollers lent their good-hearted, unquestioning support to the initial Athenian political demonstrations for the beloved old man.

The well-dressed, attractive young American political demonstrators were a lot like them in their innocence and in their quiet determination to support a war moratorium their feelings told them was just.

Certainly there were no American equivalents of the Athenian Blue Shirts. But then, the Blue Shirts did not appear in Greece until the emotional ground had been thoroughly prepared. One can scarcely predict the course of future demonstrations, or whether an American form of the Blue Shirts will appear.

TRIBUNE BANS X, R FILM ADS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ROUDEBUSH. Mr. Speaker, many Americans are finding it most difficult to locate movies suitable for the family.

I am receiving considerable mail complaining about the low caliber of movies and the immoral aspect of life they portray.

There is little doubt that our young people are being deluged by an unbelievable avalanche of filth from Hollywood, poorly disguised as "entertainment."

The Peru Tribune of Peru, Ind., recognizes this problem and is doing something about it; namely, refusing to accept advertising for these objectionable movies.

The Tribune says it will not be part of anything that pulls young America down. I congratulate the Tribune and offer the following editorial from that paper concerning its decision to ban advertising of harmful movies.

The editorial follows:

TRIBUNE BANS X, R FILM ADS

Effective with this issue, the Peru Tribune will no longer publish advertising for X or R rated motion pictures.

Why are we doing this?

We've been contemplating the action for some time, but a recent editorial in Editor & Publisher, the news industry's trade journal, provided the deciding impetus.

The editorial concerned a speech by Jenkin Lloyd Jones, editor and publisher of the Tulsa (Okla.) Tribune and president of the U.S. Chamber of Commerce. Jones charged in his speech that the press is being used by those advocating a revolt against self-discipline and a reaction against civilization.

The editorial mentioned another speech by Jones back in 1962 in which he suggested the nation's moral climate had "reached the stomach-turning point" and asked the nation's newspapers, "How about raising a little hell?"

"Not too many people were listening," the E&P editorial said, "If more editors had followed his advice the downward plunge of moral climate since then might not have been so pronounced."

There will be those who will scream "censorship" at us for the action we are taking, and they're right. We are exercising censorship. But we aren't censoring the trash and pornography that can be seen on the nation's movie screens daily. It will still be there as long as people are willing to lay down good money to watch it.

What we are censoring is the content of our newspaper, and we have a responsibility to do it. Regardless of what the Supreme Court has said, we believe most of today's X and R movies have no redeeming social value and do appeal to the prurient interests of those who watch them. In other words, they're dirty for the sake of being dirty and making their producers a few bucks.

There is a good deal of truth in what Jones said seven years ago and again just recently. The press is being used by many to gain their own ends. Too often it helps pull sales figures up by pulling young America down.

The Peru Tribune is not going to be used that way any longer.

IMPROVING THE OEO

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SCOTT. Mr. Speaker, an editorial appeared in the Richmond News Leader, a daily newspaper serving my congressional district. It related to the proposed extension of authorization for the anti-poverty program and brings out the views of our colleague, the gentleman from Iowa (Mr. SCHERLE), who unsuccessfully sought to have witnesses appear before the Education and Labor Committee, who were not a part of the program under consideration. Certainly a matter as controversial as this needs to be fully examined before a decision is reached as to its merits. Therefore, I am inserting the editorial below, in full, for the consideration of the membership:

IMPROVING THE OEO

Late last week, the House Education and Labor Committee approved a bill calling for an extension of the anti-poverty program. In the process, the committee added $295 million to President Nixon's request of $2.05 billion, for a total of $2.3 billion. The bill now goes to the floor of the House, where it is predicted that bitter partisan conflict will be staged in an effort to obtain a complete rewriting of the bill.

The prospect of dissension over the bill brings a heartening note. The measure stayed in committee for five full months, while hearings were being held. Witnesses at those hearings, however, were mostly staff members from the Office of Economic Opportunity, who hardly could be expected to give impartial testimony about the many shortcomings of the OEO. Critics of the program hardly could get a word in edgewise.

Congressman William Scherle of Iowa persistently sought open hearings on the measure, to no avail. He had plenty of support for his position, including a letter from Kentucky Governor Louie Nunn, who asked that approval of the anti-poverty bill be held up until his office could supply documentation of numerous abuses in the program in his State.

Congressman Carl Perkins, chairman of the House committee, agreed that additional witnesses could be heard on the bill, but only after the marking-up of the bill had been completed. Mr. Scherle recognized this as an exercise in futility, because there would be insufficient time to print the testimony of critical witnesses before the bill came up for debate. It is significant that the committee vote split along party lines, 21 to 12, with the Democrats in the majority.

Floor debate will give Mr. Scherle a chance to air some facts indicating the need for amending the bill to make the anti-poverty program more efficient and less subject to criticism. He knows of instances in one State where convicted felons have received high-paying jobs in community action programs. One of these felons is being paid $21,000 a year. In a Midwestern State, the $15,000 a year head of a community action program defaulted on a Federal loan in 1967, saying that he was bankrupt. Other Congressmen may have similar facts to report to their colleagues.

There is little doubt that the much-criticized anti-poverty program badly needs a complete overhauling to prevent future abuses. President Nixon had asked for no changes in the program, but those who have followed it since its inception five years ago know that many tightening-up procedures would be in order. It is up to the House to get down to brass tacks, and to stop vacillating on a program that has wasted more money than it has spent on helping the poor.

STATEMENT ON WAR PROTEST

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. EDWARDS of California. Mr. Speaker, during the next few days millions of Americans are going to participate in a matter of conscience. The events, and the movement they make up, are in a tradition consistent with our traditions and with our laws, but even so they are little understood, and often misrepresented.

Colman McCarthy, a member of the editorial page staff of the Washington Post, today outlined one of the principles of the peace movement, and some of its motivations. I recommend the article to all Members of this House, and I would hope our reading of it, will increase our understanding of the events to come:

ROLE OF CONSCIENCE IN THE WAR PROTEST

(By Colman McCarthy)

Many in this week's passion play for peace are finding it more and more difficult to keep a clear personal conscience while collectively the country wages war. Not all of those who will march, assuredly, are conscience stricken; some will come merely because they feel good in crowds, others from senseless hatred of the President, others will be easy riders or midnight cowboys. But among the many thousands converging on Washington these next days, a large number are people whose consciences will no longer be still. They do not want to be like those Germans of the early '40s who said later they never knew what their government was doing.

Too many Americans believe they know exactly what their government is doing. They see the futile war on television, they hear the generals saying since 1965 that victory is just around the corner, they know it is not the coast of California the Marines are defending, they know that few of our soldiers understand the Vietnam culture, and that much of what our army destroys in the name of protecting will never be the same again.

Unlike Germany, which waged war in the name of conquest, the United States fights in Vietnam in the name of peace. The latest presidential speech on the war used the word 39 times.

This habit of waging war in pursuit of peace may dismay many of this week's activists, but it is nothing new. In 1941, writer Henry Miller, a pacifist then and a pacifist now, described the irony: "There have always been two kinds of people in the world: those who want peace and those who want war. Logic dictates that the peaceable ones must extinguish the war-like ones. That is, in order to be peaceful you must be a better fighter than the warrior . . . The more peaceful we get, the better we fight. If we were just fighting to fight we might grow slack, because even fighting can grow dull and monotonous if you think only of fighting. But to fight for peace—that's marvelous. That puts iron in you."

Shifting style from obvious sarcasm to obvious realism, Miller warns: "In our zeal to destroy the enemies of peace we forget that war brings about the death and destruction of all that is human and sacred . . . The only peace we seem capable of understanding is the peace of the grave."

Down through history, men who oppose war and violence have rarely been understood, and even less followed. When St. Francis of Assisi founded the Third Order, which he meant for non-clericals, a basic rule was that the members "not take up lethal weapons or bear them against anybody." The appeal of St. Francis and his thinking was immediate and wide; literally thousands joined him. Expectedly, the government of the day—the feudal lords—quickly tried to suppress it. St. Francis was depriving them of serfs who were needed to fight the feudal wars.

Today, the image of St. Francis is not of a morally brave man who opposed the government's militarism; rather he is a harmless dreamer who talked to animals and flowers. The Church, instead of championing his antiwar philosophy—which was taken directly from Jesus—has mostly ignored it. Today, court theologians busily argue the "just war" theory, which fits in fine with the state's thinking. What state would admit fighting an unjust war?

The Swiss psychologist, Carl Jung, who saw doubt about Western culture and its values as the neurosis of this era, frequently wrote about the senselessness of war. His observation on the first world war is largely what many this week feel about Vietnam: "When fate, for four whole years, played out a war of monumental frightfulness on the stage of Europe—a war that nobody wanted—nobody dreamed of asking exactly who or what had caused the war and its continuation. Nobody realized that European man was possessed by something that robbed him of all free will. And this state of unconscious possession will continue undeterred until we Europeans become scared of our 'god almightiness.' "

This is the feeling of the conscience-minded this week: they are scared of the government's might. Jung: "This ghastly power is mostly explained by fear of the neighboring nation, which is supposed to be possessed by a malevolent devil. As nobody is capable of recognizing where and how much he himself is possessed and unconscious, one simply projects one's own condition upon the neighbor, and thus it becomes a sacred duty to have the biggest guns and the most poisonous gas."

Ultimately, governments, said Jung, will stop waging war when individuals begin leading lives of peace. But the trouble is, governments can make it hard on anyone who takes the peace vocation seriously. One of the most heroic stories of World War II pacifism concerned an Austrian farmer, Franz Jaggerstatter. Little is known between his birth in 1907 and his marriage in 1936, except that he had scant education but frequently read the Bible.

When Austria's Cardinal Innitzer endorsed the Nazis in 1938, Jaggerstatter balked; two years later, he refused to join the German army. His family, friends, parish priest and bishop urged him to "defend the fatherland." The uneducated peasant refused, because he said his instinct was opposed to war. He was beheaded in a Berlin prison in August 1943, for "undermining the military power."

Most likely, in the excitement of this week, few will be thinking the ideas of Henry Miller or Jung, or recalling the lives of saints. They will have their own ideas and lives. But basic to both will be the thought that motivated all men in history who opposed war: a nation can't begin to do what is right until it stops doing what is wrong.

NICK MILLER AND TRACY COKER

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. McCLURE. Mr. Speaker, during the past few days I have received many communications concerning this country's position in Vietnam. Throughout all the debates I have heard countless arguments. Recently, I received two letters which clearly illustrate how differing points of view may be expressed in a free society without disruption and chaos. At this point, I include the full text of the remarks of Mr. Nick Miller and Mr. Tracy Coker in the RECORD:

OCTOBER 20, 1969.

Hon. JAMES A. MCCLURE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: What was the purpose of the Vietnam Moratorium Day?

The stated purpose of many proponents was to end the war in Vietnam.

It is well known, however, that the primary purpose of some originators of this idea was to bring about the defeat of our Republic and our allies in the struggle against Communist terrorism and aggression in Vietnam.

These two are related ideas, but obviously they are not exactly the same.

Every decent-minded person should be for peace with justice, security and freedom.

But is not the effort on the part of any American citizen to bring about our defeat simply treason?

Is this not an old Communist trick—to entwine the honest hopes of good people with their evil purposes? Peace to them does not mean justice and freedom to anybody. It simply means Communist rule.

There are many ways to end the war in Vietnam. One is by complete victory for our side. Many people do not understand why we have never really tried that.

The simplest would be for the Communists to just stop their terrorism and aggression to South Vietnam. Short of their defeat, we can not expect them to do that. Fifty years of Communist history must convince anyone that this brand of Communism exists only as as continued war and aggression against the rights and liberties of mankind. Even within the countries they control, they have never ceased their oppression of the masses.

Another way for the war to end would be for an armistice to be signed, like the one that supposedly stopped the shooting in Korea. Unsatisfactory as the Korean Armistice was and is, it has saved lives—for the time being. The main reason that it has been otherwise unsatisfactory is that Communists over the past half-century have proved themselves incapable of good faith.

In Vietnam, as elsewhere, they will agree to an armistice only if they think there is no other way to do better in accomplishing their evil ends of enslavement and oppression. The many months of Paris negotiations must convince anyone who has not previously bothered to learn about the Communist pattern of thought, that a Moratorium Day, or any other demonstration of our lack of determination to oppose Communist oppression or aggression, will only harden the North Vietnam Communists' unwillingness to end the war by armistice.

Another way the war could end would be for both sides to just stop shooting. But this can hardly occur either unless the North Vietnamese withdraw and stop supporting the Viet Cong in their effort to destroy the South Vietnam government. Aggression is defined as the violation by force of the rights of another state. When North Vietnam became a nation by the Geneva Treaty of 1954, their government, which has not changed its basic structure or personnel except for the death of Ho, agreed in solemn treaty to the separateness and independence of South Vietnam. But ever since, they have continually interfered with the independence of that country and the rights and liberties of its people.

What other name than "aggression" can be given to these actions? In the name of justice they must stop this aggression, or if they will not, then they must be stopped.

Another way to bring about so-called peace would be to bring about the defeat of the United States and its Allies. This kind of Communist peace would be no peace, but continual slaughter, torture and war against all individuals who fall under their power. Immediate withdrawal of our forces would likely mean total defeat. This is the clear purpose of the originators of the Vietnam Moratorium, whatever may be the motives of the misguided persons who have joined and supported the movement.

Is the defeat of the United States what you really want? Sad as we all must be for the death and maiming of our boys, do you really want that it should all have been for nothing? If you go along with these movements, has the thought occurred to you that all these defeatist movements encourage the enemy, extend the war, get more Americans, and others, killed and maimed?

Are you going to be proud to have some of this blood guilt on your hands?

It can be supposed that most of those who took part in this movement somehow rationalized their motives and kid themselves that the results will be some happier thing than the inevitable, ugly, evil results.

All kinds of motives, or excuses, have been mentioned—some innocent, some even good.

Some say they want to hasten the Vietnamization of the war. Perhaps, in our selfishness, we all wish that. But this takes time. It takes years to train technicians for the mechanics of modern war. Pressure that might cause this to be done overhastely can well be disastrous, causing more bloodshed and perhaps defeat. Is this what the protesters want?

Some have said they wished to honor our dead and wounded, and to commemorate their sacrifice. That in itself, and to honor the cause of freedom, is a good thing to do every day.

But does it belong in this particular context?

Our government has set aside an official day to do this every year—Memorial Day. Every year in Nampa we have little ceremonies on that day. Every year attendance grows smaller. Those of you who are so eager to honor our dead and their sacrifice—where were you on Memorial Day? There is a right time and a right way for everything. Disruption of society and betrayal of the cause for which they fought is hardly the way to honor our Vietnam war dead.

As to any comfort the promoters of the moratorium take from the support of some young people and students, it can be largely discounted and ascribed to the almost universal urge to be out of school now and then. Any of us can remember our joy to have a school vacation, no matter what the cause. Much contact with Nampa students convinces me that the vast majority are very sound citizens and regard the moratorium as the brainchild of "kooks."

On the eve of the Moratorium, the Communist premier of North Vietnam sent an open telegram to all Americans to join this movement to defeat our own government and the cause of freedom and democracy. If you went along with it, whatever YOUR motives were, HIS and the hidden sponsors of this movement have only the motive to bring about our military and political defeat and thus aid Communist enslavement of people. If you participated on the 15th and helped them, are you proud of your accomplishment?

Remember that all we have been told by some of our officials and others about the mellowing of Communism has always proved to be nonsense. Remember that the facts are the facts, whatever your wishful thinking may be. Wake up and decide which side you are on. It is easier than you think to become guilty of unconscious treason to the causes of truth, freedom, true democracy. And remember, that if Communism finally wins in the worldwide struggle, it will be your rights and liberties that will be lost along with everyone elses.

Vietnam is only a part of the struggle. Don't give our enemies any help.

TRACY COKER.

STANFORD, CALIF.,
October 15, 1969.

Rep. JAMES A. MCCLURE,
Longworth Building,
Washington, D.C.

DEAR MR. MCCLURE: I am a sophomore at Stanford but my family lives in Caldwell. I am taking a few minutes out of this day, Vietnam Moratorium day, to write a letter to you informing you of my beliefs on the war, for I believe that citizen input into the governmental process in this form is far more important and democratic than mass protests where an individual only becomes part of a group and its feeling rather than his own. I spent this morning calling on people in the Palo Alto area urging them to do the same.

I base my objection to the war on two things: both would be argued as untrue by some, presumably yourself not the least among them, but I do think they have merit. First, that the United States should not become involved in the internal affairs of another country, jumping in on one side simply because it "is fighting communism," when the side we are defending is a corrupt, undemocratic, dictatorship of another abstraction. Secondly, that the "domino theory" is not a realistic analysis of SE Asia. It would seem that we think all communism is like the monolithic communism of post-World War II Russia (which indeed it was), and accordingly we apply the same remedies—"we must stop them somewhere before it spreads." I don't think that was the case with Ho's type of Communism.

No discussion of the war is complete without comment on its domestic implications. It is a source of frustration and doubt to all, of economic hardship to the poor and the elderly, and of sorrow to those who lose loved ones. Any long war will breed massive social change; sometimes that change is too great and comes too fast for a nation to assimilate it without considerable hardship. Witness World War I.

I realize that much discussion of the war goes beyond the realm of political reality. (Though discussion is necessary in seeking to prevent similar mistakes in the future.) It is certainly difficult to propose policy that will end the war and accomplish the goals we specify. In this area I won't have much to suggest, but then that is not my function. I'm not the Congressman—you are! To those to whom much is given much is expected.

You know my father and can, of course, guess that our politics are much the same. Nonetheless, please regard this a sincere, respectful letter written with an open mind. Thank you.

Sincerely yours,

NICK MILLER.

THE HONORABLE FRED B. ROONEY CONDUCTS A ONE-MAN CONGRESSIONAL INVESTIGATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ROSTENKOWSKI. Mr. Speaker, for the last 8 months, our colleague, FRED B. ROONEY, of Pennsylvania, has been conducting a one-man congressional investigation in the general area of the selling of magazine subscriptions. The results of his diligent work have recently been brought to light in a series of excellent articles in the Washington Evening Star. These articles were written by Star staff writer and Pulitzer Prize winner Miriam Ottenberg. Both our colleague and the author of these articles should be congratulated for exposing some of the fraudulent practices of unethical magazine salesmen who yearly exploit the public for thousands of dollars in the form of unwanted subscriptions.

I urge my colleagues to give their most careful attention to the following articles:

THE HARD, HARD SELL—I: MAGAZINE RACKETS PROBED

(By Miriam Ottenberg)

(Note.—There's a new public outcry against unscrupulous magazine salesmen who are trapping the unwary into costly, often unwanted subscriptions. Here is the first of a series of four articles about the problem and what you can do about it.)

Widespread charges of deception, fraud and even terror tactics in the sale of magazine subscriptions have now prompted two federal investigations and demands for reform through Congress.

A stream of complaints across the country deals with both telephone solicitors and door-to-door sales crews.

People claim they have been tricked or trapped into signing up for long-term subscriptions to as many as eight magazines with "something-for-nothing" promises from telephone solicitors.

Housewives protest they have been intimidated into paying for magazine subscriptions they don't want through thinly veiled threats from door-to-door crews.

A survey of state attorneys general shows a renewed concern about magazine sales abuses, court action against both subscription agencies and salesmen and a concerted drive toward consumer fraud laws aimed particularly at fraudulent magazine subscription selling.

On the federal level, Federal Trade Commission task forces have been ordered to make a "highest priority" investigation with a view to recommending formal complaints against those responsible for fraudulent operation.

The Postal Inspection Service is pursuing allegations of possible mail fraud involving several subscription agencies.

Meanwhile, the Internal Revenue Service is reported interested in possible tax evasion.

Both federal and state actions come at a time when the Magazine Publishers Association is trying through its Central Registry of Magazine Subscription Solicitors to enforce a stern code of ethics and rid a burgeoning industry of its unscrupulous fringe.

There's no question that the industry is growing "We sell 168 magazines for every 100 persons 15 years of age and older compared with 130 magazines 20 years ago," an association official said.

To boost sales, an estimated 86 million calls are now being made annually by magazine solicitors. Out of those calls, 6.5 million long-term subscriptions are sold annually on an installment plan known in the trade as Paid During Service.

Another 2.6 million subscriptions are sold through door-to-door cash sales.

REGULATION WEIGHED

Much of the federal agencies' interest centers on determining whether the complaints come from an isolated few among millions of satisfied customers or whether the industry does need more regulation.

Firmly on the side of tighter control is Rep. Fred B. Rooney, D-Pa., whose eight-month solo investigation has complaints from all over the country and allegations from ex-magazine dealers who claim they were forced to use deceptive tactics.

Equally firm for self-regulation is the Magazine Publishers Association and its Central Registry, whose aim is "to serve the public interest by maintaining ethical standards among door-to-door magazine subscription salesmen and to protect the public against fraud and loss in magazine solicitations."

Central Registry claims complaints have decreased substantially since the FTC-endorsed selling code for magazine subscription agencies went into effect in January, 1968.

COMPLAINTS CUT 38 PERCENT

Cited were figures compiled by the National Better Business Bureau showing a 38 percent decrease in the number of formal written complaints in the first half of 1969 compared with the same period last year.

Rooney disputes the figures. He asserts that thousands of complaints are not being channeled to Central Registry and that many examples of consumer deception are so neatly concealed that the consumer may never realize he was victimized.

Central Registry protests that the FTC gave the industry three years to prove its self-regulating code could clean up subscription sales, but that its had only 18 months.

The publishers contend that their magazines can be sold on their merits and their service, without fraud or deception.

TACTICS CITED

But Rooney says they're not all being sold on their merits—and displays a thick file of complaints alleging a dozen varieties of deceptive and misleading tactics as well as forgery, altered contracts and outright fraud.

Virtually every magazine subscription company is named in the complaints. Three different types of subscription selling are involved:

The cash crews—the door-to-door salesmen who collect the total amount for the subscription on the spot.

The two-pay plan where the subscriber makes one cash payment at the door and mails the balance to the sales company or publisher.

The Paid During Service plan—by far the largest—which usually starts with a phone solicitation followed quickly by a visit by a salesman to get a contract signed.

Most of the complaints about the cash crews are from women who said they paid because they were afraid of what would happen to them if they didn't.

POLICE OFFICER REPORTS

One complaint came from a police inspector in Lancaster, Pa. Reporting on the activities of three groups of magazine salesmen for Interstate Publishers Service, Inc., he said four or five salesmen would enter a business place en masse and mill around while one of the group was trying to make a sale.

In upper middle-class residential areas, he went on, five or six would stand in front of a house while one went to the door. He cited one case where the salesman became "quite nasty" and another where a crew leader was arrested for disorderely conduct when he refused to leave a hospital nurses home.

A Paxton, Mass., woman collapsed and died minutes after two salesmen for Subscription Bureau, Ltd., in nearby Virginia, asked her how she would like her house to be burned down.

Charged with assault and threatening to commit a crime, one of the pair told the judge he was only joking.

An 80-year-old man said two girls came to his door and told him to pick two numbers from a card and sign his name. As soon as he signed, the girls told him he owed $53 for several 10-year magazine subscriptions.

FULL PRICE IMPRESSION

In the two-pay scheme, the cash payment to the salesman often is represented as the full price of the subscription. It's only later that the unhappy subscriber reads the receipt and discovers that no magazines will be forthcoming until additional money is sent to the publisher.

The paid-during-service contracts usually are for long-term subscriptions, four or five years or even more. Payment is spread over 24 to 30 months after the downpayment and covers four to eight or more different magazines.

Theoretically, the principal advantage of the PDS plan is that it can be paid on the installment plan rather than in one lump sum, but that pitch isn't usually considered enough of a door-opener.

That's where the trouble starts. Subscribers are led to believe they're getting something for nothing, that the magazines are free and they only have to pay postage or handling charges, although that's banned by the PDS code.

$125 PACKAGE

A Mexican-American mother of three who told the salesman she couldn't read English was sold a $125 package of subscriptions. She was promised if she signed a piece of paper she would receive a gift. The paper was a contract and she never got the gift.

Another widely used door-opener frowned on by the PDS code is the phony quiz. One woman said she was called and asked where she got the most news. When she kiddingly said the Bible, the caller told her she had won—but didn't say what.

In a matter of minutes, a salesman from the International Magazine Service of the Mid Atlantic Inc., a Hearst organization, was at her door telling her that what she had won was a group of magazine subscriptions. All she had to pay was a small "handling" charge. She told the salesman she didn't want any magazines but he said she'd won them and had to pay. She was stuck with a bill for $112.

FREE MAGAZINES

The gimmick that caught a newcomer to a New Jersey town was a "welcome" phone call. No sooner had she said hello than the caller said someone would be stopping by to welcome her further.

Her visitor told her if she subscribed to Life magazine through Family Publications Service, Inc., she would receive four other magazines free. When she finally figured it out—long after she had signed the contract—she discovered that instead of paying about $23 for the magazine package, as she had figured it, she now must pay $108 and couldn't cancel.

Rooney contended in a House statement that the "root cause" of a deceptive practices in magazines subscriptions selling is corporate pressure for high volume sales.

He singled out magazine sales companies which are subsidiaries of Cowles Communications because of the "large volume of complaints they have generated and the substantial number of individuals familiar with Cowles' operations who have assisted in my investigation." But many of the same circumstances apply to other magazine sales organizations, he said.

"With relatively few exceptions," he said, "men who entered into contractual agreements to operate subscription sales franchises for any of a number of Cowles subsidiaries which have been in operation at one time or another since 1955 have seen their entire business seized by Cowles.

TRAPPED BY DEBTS

"Virtually all—at some point before their downfall—found themselves trapped by debts. They could accept the demise of their business and lose their shirts financially. Or they could bow to the pressures applied by corporate agents to attain higher sales production 'by whatever means possible' meant trickery, deception and fraud."

"Inevitably, 'by whatever means possible' meant trickery, deception and fraud."

Rooney said some ex-dealers had given him copies of deceptive and fradulent sales talks which they claimed had come from regional directors and other corporate officials with specific instructions to use the misleading spiels to boost sales.

He contended that dealer loans, borrowing rights and interest charges have been "manipulated by corporate officials to force dealers to use trickery to increase sales."

And he concluded that a company which "certainly exercised an overwhelming degree of control over every other aspect of its franchise operations" should also be held responsible for the sales practices of its dealers.

Speaking for Cowles, J. S. Kelly of the legal department said he had never known of a dealer "terminated" for not meeting his sales quota as long as he keeps his financial affairs in order and solicits a reasonable amount of business.

Kelly emphasized that the top management of Cowles' subscription agencies is determined to proceed at all costs—even at the expense of circulation—to improve sales and collection methods.

The Cowles subsidiaries, he reported, are being consolidated in order to police the operations of the dealers more efficiently. In the consolidation, several higher-ranking officials have left.

NAMES SOUGHT

Answering Rooney's allegation that regional directors are furnishing bad sales spiels to dealers, Kelly said he had tried without success to get the name of any officials who may have done this. Nevertheless, he said studies are now underway to make the volume of sales less important in figuring the compensation of regional directors.

Kelly reported that a field auditing force is now checking on the sales and collecting activities of franchised dealers and calling on new subscribers to see if they're satisfied and to find out what was said to them by the salesman.

A principal target for Rooney has been the practice of including gift subscriptions in the total cost of the subscriber's contract. Under this procedure, a subscriber designates a friend or relative to be given a subscription to Look magazine as a gift from him.

GIFT TO STRANGERS

Rooney charges that some subscribers have been billed for one or more gift subscriptions to people whose names were plucked from telephone directories. The unwitting donors, according to Rooney, were short-changed on the length of their own subscriptions to pay for the gift and earn bonuses for salesmen.

Using ledger sheets supplied by ex-dealers, Rooney wrote to 50 subscribers picked at random and asked if they knew they had paid for gift subscriptions and if they knew the person listed as the recipient of the gift Look.

None of those who responded was aware he was paying for a gift subscription and only one identified the recipient as a relative she had designated. As one woman put it, when asked if she knew the recipient, "I don't know he or she from Adam and Eve."

Kelly said Cowles is now reviewing the gift subscription practice. Meanwhile, he reported the company is telling dealers to make sure the subscribers know they are paying for the gifts and that the recipients get cards saying who is sending the gift.

The ledger sheets Rooney used to track down gift subscriptions date back to 1963, but a current case of a misused gift subscription turned up in a complaint to The Star's Action Line.

A railroad conductor complained of being dunned for $152.93 on a magazine contract he had never signed.

"They are threatening to sue me," he wrote. "I received a long distance call from them a couple of weeks ago threatening to attach my check."

Investigation developed that the contract was allegedly signed on a day when the conductor wasn't even in town and a gift subscription was included for a man whose name and APO address number meant nothing to him.

Cowles said the dealer who handled that obviously forged contract has been "terminated."

THE HARD, HARD SELL—II: "FREE" SUBSCRIPTIONS TO MAGAZINES COSTLY

(By Miriam Ottenberg)

"We have received a gift certificate today in your name and it entitles you to . . ."

"We are going to send you, entirely at our expense . . ." "For answering my questions, I am going to send you . . ."

Do any of those sound familiar?

They're all telephone openers to sell packages of magazine subscriptions. And they're all phony and prohibited by the self-regulating code of the magazine industry as something-for-nothing gimmicks.

The industry is trying to rid itself of deceptive and misleading sales pitches at a time when several federal agencies are investigating magazine subscription selling and Rep. Fred B. Rooney, D-Pa., is spearheading moves for more protection of unwary buyers.

The telephone spiels are cited frequently by complaints as the reason they signed contracts for magazines they didn't want at prices they couldn't afford to pay.

Victims writing to newspapers, Better Business Bureaus and Rooney range from the easily confused elderly to the inexperienced young, from busy housewives who didn't stop to count to servicemen who thought they were getting something free.

Although the self-regulating code has been in effect for 18 months, spiels implying something for nothing are still being used.

A typical spiel promises to send the lucky recipient five magazines "entirely at our expense" for the next 60 months.

"I know this is kind of hard to believe," the caller acknowledges, "but we make our money on the increased circulation. All we ask you to do in return is merely cover our editorial and sales costs."

That cost, the prospect is told, is just 49 cents a week. Nowhere in the spiel is the total cost mentioned—the tidy sum of $127.40.

The industry's code doesn't require the entire cost of the contract to be mentioned—figuring, possibly erroneously, that people can multiply--but it specifically forbids solicitors to represent that the cost is simply to cover postage and handling charges and that the magazines are free.

The sellers got around that prohibition so fast that the code's administrator issued a bulletin citing all the forbidden variations of the sales pitch.

Thus, solicitors are not supposed to say subscribers only have to pay "the cost of postage and wrapping" or "the cost of mailing and handling" or make any of these statements:

"Due to postal regulations, you must pay X cents per week." Or "There is a mailing charge required by federal law (or interstate commerce)". Or "Since postage costs cannot be controlled by publishers, you must pay them." Or "You pay a few cents a week which just covers what it costs the girls in the office to handle the magazines." Or "Just return to us a printing and editorial cost."

Then there's the reverse twist which also has been outlawed: "We are not asking you to pay the postage and handling charges and your payment will be only X amount a week." Or "you will pay X amount a week, we will pay the postage and see that these magazines are delivered to you."

SPURIOUS QUIZZES

The code also forbids the spurious "quiz" which winds up with the caller promising to send magazine subscriptions as a reward "for answering my questions."

It doesn't seem to be much of a come-on, but it can confuse, as this New Jersey woman complained:

"I was called on the telephone and told my name was chosen for the lucky one. I was supposed to get five different magazines if I'd answer a question: Where do you get the most ads from? I said the paper. Then she named the magazines I'd be getting and also a free subscription to anyone I chose to give it to.

"I told her I did not want any magazines. But she said I'd get them regardless. Then she said, Only 58 cents . . . not saying at first a week. But she meant a week and I thought a month.

ORDER TELEGRAPHED

"In a very short time, a man appeared at my door. . . . I told him I did not want the magazines. He said, 'It's too late now. They already telegraphed the order to Baltimore.'

"He said, 'Sign your name.' I didn't want to but he said 'You have to sign.' "

He was using a gambit frequently used by unscrupulous salesmen to give the impression that a contract that hasn't been signed yet is a binding document. In a variation of this, another woman wrote: "He insisted that my name had already been put in a computer and I must take the magazines."

Even more deceptive are the tricks salesmen use to get signatures on contracts.

In one of a number of complaint letters Rooney has received about salesmen for the International Magazine Service of the Mid-Atlantic, Inc. in Baltimore, a woman wrote:

"I thought I was signing to enter a sweepstakes and as it ended up I had signed a contract at almost $7 a month. If I were to pay the contract in full, it would add up to over $200.

"I am receiving threat letters in the mail and it is beginning to be a nuisance. I must be receiving every magazine there is and I think anyone who would knowingly sign a contract such as this would be crazy."

A widow on Social Security told of being roused out of a sick bed to answer the door, where a young man told her she had won subscriptions to several magazines. He asked for her signature on a piece of paper. When she told him she couldn't read without her glasses, he read to her. So she signed and found herself committed to pay $180.

SIGNATURE NON-CANCELLABLE

Another woman thought she was signing a receipt for some "gift books." She, too, signed without reading and it turned out to be a non-cancellable magazine contract.

Actually from the time the magazine code became effective, contracts could be canceled either at the time of verification of the contract or in writing within 72 hours, whichever was later.

The trouble was that salesmen didn't want to lose commissions and some dealers didn't want to give up sales so they made a secret of the 72-hour provision. Even a year after the code was approved, contracts still bore the clause: "This contract cannot be canceled or "This contract is not subject to cancellation."

Finally, in April 1969, all agencies participating in the Paid-During-Service Code were reminded of the 72-hour provision and asked to review their contract forms to be sure they complied.

PRACTICE CONTINUES

Even so, complaints about the old contract with its noncancellable clause were still trickling in months later.

The bitterest of all the protests center on the efforts of the subscription agencies to collect what's due them under the contract.

Sometimes subscribers stop paying because they're not getting the magazines and see no reason to pay for nothing. Other times, their circumstances have changed and they feel they can't afford a luxury when they're having difficulty paying for necessities.

On occasion, they want out before the first magazine arrives. They try to return the "gifts" and refuse the magazines but they can't escape the bill collector. Garnishment, court action and ruined credit are threatened in progressively harsher terms.

The mother of a 22-year-old serviceman told this anguished story:

In February 1969, while her son was an officer candidate at Ft. Benning, he and his wife were sold subscriptions to eight magazines by the Franklin Readers Service, Inc., of Washington, D.C.

They paid a deposit of $4.98. Then for the next 29 months, they were to pay $14.95 a month for a total of $438.53.

The week after they signed up, the mother wrote, the boy was dropped from OCS and later ordered to Vietnam.

On April 9, before leaving for Vietnam, he wrote the subscription agency and its payment department telling of his change of status, saying he couldn't pay for the magazines and was returning the gifts which had accompanied his subscription.

DEMOTION THREATENED

A week later, after he had left the country, his wife received a long-distance call at her Ohio home from a man in Washington who threatened to have the soldier demoted if she didn't make the payments.

And a week after that, the mother was called by a Washington attorney who said "that my son would face legal proceedings that would affect his standing in the Army, that he would be reduced in rank, that the contract was unbreakable and they would have to pay."

The mother complained to Rooney, who called it to the attention of Robert M. Goshorn, administrator of the Central Registry's paid-during-service section. A week later, Franklin Readers Service notified the young wife that the contract had been canceled.

The boy may never have learned that the magazine problem was resolved. He was killed June 22.

There are other abuses which show up repeatedly in complaint letters. Here are some of the most flagrant:

1. Failing to complete key portions of the magazine contract, particularly the payment terms and the period of time each subscription is to run, expressed in years, months or numbers of issues.

This makes it possible for the unscrupulous salesman to alter it to reduce the number of months a subscription is to run and include one or more hidden "gift subscriptions" on which he gets a cash bonus.

The practice is known as "shaving" the contract and the subscriber doesn't know he's been short-changed until the magazines stop arriving.

2. Substantially overcharging the subscriber for the magazines he ordered, thereby "watering" the contract.

3. Feigning handicaps of using similar sympathy appeals to promote sales and using abusive language to housewives who refuse to buy.

4. Misrepresenting the size of the monthly payment or the fact that payment of the five-year subscriptions must be completed in 24 to 29 months.

THE HARD, HARD SELL—III: PUSHY MAGAZINE SALESMEN MUST BE HANDLED CAUTIOUSLY

(By Miriam Ottenberg)

How can you get the magazines you want without being prodded, tricked or trapped into subscriptions you don't want or can't afford?

The magazine industry is trying to rout out the salesmen and the bosses who prey on the unwary. Several federal agencies are looking into possible violations. And an increasing number of states are establishing consumer fraud offices and passing ordinances aimed especially at door-to-door magazine selling.

But when a magazine subscription salesman comes into your life via a ringing telephone or a knock on the door, you're on your own. It's up to you to stay out of the ranks of unwilling, unwitting unhappy subscribers.

The first line of defense, of course, is your common sense, an operative sales resistance and a flat refusal to be rushed into signing anything.

TWO-WAY SOPHISTICATION

As a study of magazine complaints reveals, however, when consumers become more sophisticated so do the schemes to separate them from their money.

These do's and don'ts should help you avoid falling for magazine selling schemes prohibited by the industry but practiced by some of its salesmen:

Watch out for the magazine salesman who asks you to sign his "route book" to show he called at your home, or the one who wants you to sign a "receipt" for a gift of green stamps or some other bonus offering. Read before you sign. It may be a trick to get your signature on a magazine contract.

Be skeptical of the young man who says he's earning points toward a college scholarship by selling magazine subscriptions. Too often, the only points he's earning are commissions and the only time he goes near a college campus is to sell subscriptions.

And don't be misled by the salesman with a real or feigned handicap. Sympathy appeals are frowned on by reputable subscription agencies who believe magazines should be sold on their merits, not out of frequently misplaced sympathy. If your visitor turns nasty when you refuse him, slam the door and call the police. They'll want to know about him.

If you're going to subscribe, make sure your carbon copy of the contract is filled out completely before you sign the original. Insist that the contract include not only the names of the magazines you want, but also the number of issues of each, the down payment, the payment per month, the number of months over which you make payments, the number of months thereafter during which you continue to receive magazines and the total price.

If the contract has any incomplete sections, you're inviting "shaving"—a trick by which the number of issues of some magazines you ordered is cut down and the salesman makes himself an extra bonus at your expense. Either he inserts in your contract "gift subscriptions" to complete strangers or he includes a subscription to a magazine you didn't order. You may think it's free but you're paying for it.

When the opening pitch is made in a telephone call, take the time to ask questions and do some multiplying before you agree to let a salesman visit you to clinch the deal. If the salesman says you'll get all those magazines for just pennies a day or so much a week, don't settle for that. Ask how much you will be expected to pay each month because that's the figure that counts. Don't divide your cost over the entire length of the contract because you have to be paid up halfway through the life of your subscriptions.

Don't sign any contract until you've read and understood all of it. Remember that the unscrupulous salesman will head for the busiest person in the office to make his pitch because the busy man is least likely to read the fine print. And on home visits, that kind of salesman will reach the housewife while she's rushing to fix dinner and signs fast to get rid of him.

Too often, complainants say they didn't bother to read the contract until their payment book arrived and they found out how much they had to pay. By that time, the 72-hour cancellation period is long past and they're stuck.

Make sure to read the "receipt" given you by the door-to-door salesman in exchange for your cash. He may have tucked it away in an envelope but open and read it before he leaves. It may and often does—say that you must send the balance of your payment to the sales agency before the magazines start coming. He may have represented the cash you gave him as payment in full but what he handed you was not a receipt at all but a mail-in coupon.

If you've signed a paid-during-service contract, talk over your contract in detail with the person from the subscription agency who calls to verify it. Make sure you understand the terms. If you don't want it, that's the time to say so.

The verifier may tell you it's too late to cancel but don't you believe it. And don't believe verbal assurance that you can change the terms or cancel any time you want. It can't be done, as the collection agency will be the first to tell you.

When your payment book arrives, make sure the number of coupons coincides with your contract. One East Coast subscription agency is known to have inserted one or two extra coupons in many payment books over the past two years.

If yours is a 25-payment plan, your coupon book should contain 24 coupons. Your down payment was or should have been deducted.

Keep a detailed record of how many issues of how many magazines you're supposed to receive; the dates you started receiving them and how much you have paid.

Before you do business with a magazine salesman in your home, ask to see his Central Registry identification card as well as his license to sell door to door in your community. If he doesn't have either, refuse to deal with him.

If the salesman tells you your subscription will help buy wheelchairs for a veterans hospital or benefit a local scholarship fund or charitable cause, check it out with the Better Business Bureau or the organization being "benefitted." It may be all news to them.

If you believe you have been duped into signing a contract for magazines you don't want, ask the Better Business Bureau for a magazine complaint form. If the BBB considers your complaint justified, it will be forwarded to the subscription agency involved, the Central Registry of Magazine Subscription Solicitors and the National Better Business Bureau.

Right now, the most frequent complaints reaching The Star's Action Line come from people who have paid for their magazine subscription, gotten their canceled checks back, waited more than three months, written to the publishers and still have heard nothing—no response, no magazines.

Some complainants are shouting "fraud" but a more likely explanation is that the increase in subscribers is breaking down the creaky machinery for processing subscriptions. Because the magazine publishers can't get enough competent manpower, they're moving into computerized systems and they say it takes time to get the bugs out.

If you've written the publisher without success, try writing to the Central Registry of Magazine Subscription Solicitors, 575 Lexington Avenue, New York, N.Y. 10022. You may get only a card acknowledging receipt of your complaint, but that's more than you got from the publisher.

FASTER DELIVERY

And sooner rather than much later, you'll get your magazines.

But what about the ones who don't get their magazines because of fraud in the selling or didn't want them in the first place?

Rep. Fred B. Rooney, D-Pa., was asked what answers he has for all the complaints he has gotten.

He believes policing of the magazine industry could be done either by the Federal Trade Commission or a proposed Department of Consumer Affairs if either were given the tools for effective enforcement.

Meanwhile, he intends to cosponsor a deceptive practices act which would provide authority for a federal regulatory agency to get temporary injunctions to halt practices which the agency believes are deceptive or fraudulent.

Rooney said he also will introduce, with slight revision, a bill sponsored by Sen. Philip Hart, D-Mich., known as the Fairness in Franchising Act. Since Rooney contends that some franchised magazine dealers are forced to resort to deceptive practices to keep their franchises, he proposes to add a provision prohibiting the parent organization from disavowing its responsibility for the use of lawful business practices.

REVISED BILL PLANNED

In addition, he will introduce a revised version of the Door-to-Door Sales Act which passed the Senate in the last Congress but failed to win House consideration.

The measure, authored by Sen. Warren Magnuson, D-Wash., carries several provisions which Rooney believes would offer protection against deceptive practices of some magazine salesmen. A key feature of the bill is the establishment of a 72-hour cooling-off period during which the consumer can cancel a contract for goods or services sold door-to-door.

A similar provision is carried in the magazine code under which the major subscription agencies now operate, but confused customers don't always know this. The Magnuson bill requires that the right to cancel be printed clearly on the sales contract.

EXPIRATION DATES

Rooney plans to ask the publishers themselves to act to reduce the likelihood that consumers can be misled when buying magazine subscriptions. If voluntary action isn't forthcoming, he will introduce legislation to accomplish these objectives:

First, to clearly identify on each address label the exact month and year when a subscription will expire.

Secondly, to imprint clearly on any mail solicitation of subscription renewals the exact month and year the subscriber's current subscription is to expire.

"While I have serious reservations about licensing of door-to-door salesmen at the local level," Rooney added, "a local solicitor licensing law often is a community's only available defense against unscrupulous sellers.

"Further, it is the only means by which a local community can determine whether persons invading the community as members of traveling sales crews have serious criminal records."

The Hard, Hard Sell—IV: Model Code Would Cut Deception

(By Miriam Ottenberg)

A magazine solicitor with a long criminal record can be refused a permit to sell subscriptions in Arlington County Va., but can cross the line into Fairfax County and get a permit the same day.

Alexandria had an ordinance to weed out criminals among door-to-door salesman, but a judge called the key sections unconstitutional and now Alexandria police aren't sure just how far they can go.

In Falls Church, on the other hand police make certain a salesman has a clear record before giving him a permit to solicit from door to door.

Nearby Maryland's protection against criminal or fraudminded magazine solicitors also depends on where you live.

Montgomery County strengthened its solicitation ordinance in August 1968, and complaints have dwindled.

ONLY A CLEARANCE

But next door in Prince Georges County, all a solicitor needs to get a permit to solicit is a clearance from District police and some identification.

And in the District, License Superintendent C. T. Nottingham says flatly, "Washington residents are not really covered against unscrupulous magazine solicitors. The law is almost unworkable and unenforceable."

Informed of the Washington area's split protection against door-to-door magazine salesmen with criminal records as well as the gaps and loopholes in present law, Francis B. Francois, chairman of the board of directors of the Metropolitan Washington Council of Governments, said he will recommend a model code for the entire area to cover door-to-door solicitation.

"To me it sounds like an excellent idea," he said, "and I think it should certainly be explored. I'm going to ask the staff to do the preliminary work and bring it up at the next meeting."

A TWO-EDGED SWORD

"A model ordinance would not only be a protection to householders and an aid to law enforcement, but would be a help to legitimate solicitors. At least they would know what requirements they must meet throughout the area."

On the state level, more protection also is being sought against solicitors who make their sales through deception or outright fraud.

The Virginia Retail Merchants Association recommended to the Virginia General Assembly at its last session a door-to-door sales act similar to laws recently adopted in several states. The bill failed to pass but will be introduced again at the next session.

Maryland has a consumer protection law which has been used by Assistant Attorney General Norman Polovoy, chief of the consumer protection division, to set aside a number of magazine contracts where the consumer has been misled.

PAYMENT REALITIES

Polovoy considers it a "serious misrepresentation" when a solicitor tells a prospect she has to pay only 59 cents a week for five years' worth of magazines when she actually will have to pay by the month and her payments must be completed in two years or 30 months, not five years. This is a procedure followed by many magazine subscription agencies.

To help consumers who buy now and regret later, Polovcy said the No. 1 legislation sought by the Maryland attorney general is a measure to allow a 72-hour cooling-off period. He acknowledged that the code which magazine subscription agencies are supposed to follow allows customers 72 hours in which to cancel their magazine contract, but he contended the subscription companies don't always live up to the code.

Throughout the Washington area, even in the communities where door-to-door salesmen must be investigated and licensed, there's this one big gap in protection:

If the salesman comes to the house by "appointment" after a telephone solicitation, he doesn't have to be licensed—although this might be the most misleading pitch and the contract he gets may be much more costly than the one sold by the door-to-door salesman.

APPOINTMENT MISLEADING

Even the idea of an "appointment" may be misleading. The householder for instance may just agree to be home to receive a gift of 200 green trading stamps for answering a phony quiz, but she's a captive audience for a magazine spiel.

In the District, officials say that for several years, because of a lower court decision, they haven't required licenses for salesmen who come by prior appointment. The corporation counsel's office now says a test case will be made.

Rep. Fred B. Rooney, D-Pa., who has been crusading for tighter control over magazine solicitation has told District officials that if they feel new law is needed to control sales abuses, he would be glad to sponsor it.

Rooney also brought up the question of licensing salesmen, including those who make prior appointments, when he sent Fairfax County officials a statement supporting a proposed Fairfax County solicitation ordinance.

TRICKERY INVITED

He said failure to consider door-to-door sales which result from prior appointments, "has been the downfall of other communities' attempts to stamp out trickery by door-to-door salesmen."

He urged that the proposed ordinance be extended to cover all door-to-door salesmen "whether or not such individuals are responding to appointments with householders or other individuals pre-arranged by telephone, telegraph, correspondence other means of communication."

Rooney noted that in the District, because prior appointments are excluded only six salesmen have registered out of the hundreds working the city every year.

While none of the communities in the area require licensing of salesmen who come by prior appointment, no matter how flimsy is their excuse for an appointment, most jurisdictions are better off than Fairfax County when it comes to protection against criminals masquerading as magazine salesmen.

RECORD CHECKED

In most nearby counties, some check—sometimes a very detailed one is made of a solictor's record before a license is issued. In Fairfax, however, a solicitor gets fingerprinted, but then is able to go out soliciting without any waiting period to determine if he has a record.

By the time his fingerprint record comes back from the FBI he has already done whatever he came to do and has left the area. He may have used his time to case the area for a housebreaking gang or may have used his solicitor's license to gain entry to homes where he could filch whatever wasn't locked up.

Fairfax police who know the kind of people they are now required to license have been pleading for an ordinance that allows them enough time to complete a record check on applicants for licenses.

They believe there should be a 15-day waiting period before a license is issued, a bond such as is required in other jurisdictions and the right to refuse a license to any one with a criminal record.

HAD 74 RECORDS LISTED

At Rooney's request, Fairfax County Police Chief William L. Durrer listed 74 criminal records, selected at random from those who registered with county police to solicit magazine subscriptions from March, 1968, to March, 1969.

One solicitor operating in Fairfax County had a record of unauthorized use of a car; four counts of robbery, fugitive from justice, grand larceny and escape from custody; four counts of possession of narcotics and four counts of bank robbery.

Another had four counts of grand larceny, theft of an automobile, two counts of petty larceny, four counts of possession of heroin and armed robbery.

And a third had a record of three counts of burglary, felonious assault, manslaughter by motor vehicle and two counts of carrying a concealed weapon.

Others had been charged with rape, assault with intent to murder, receiving stolen property and "investigation of swindle."

FOES SHOW UP

"They have records like fugitives from San Quentin and here they are running around our county," commented a Fairfax police official.

"But when the County Board of Supervisors held a hearing on adoption of a solicitor's ordinance, the only people who showed up were the ones against it. The housewives who want protection from the criminals don't show up."

Officials throughout the area acknowledge that even the better ordinances don't assure that residents won't be taken in by a fast-talking, magazine solicitor. Nor is there any guarantee that a salesman won't persist to the point of harassment.

These pointers should help:

Always ask to see a magazine solicitor's Central Registry identification and local permit before doing business with him. If he doesn't have it, slam the door but get his automobile license number and call police.

CALL THE POLICE

Also call police in a hurry if a magazine salesman becomes abusive or threatening.

If you feel you were misled or deceived into signing a magazine contract, but don't discover the deception until after the 72-hour cancellation period, you can ask the Washington Better Business Bureau for a complaint form. If the BBB considers the complaint justified, it will be forwarded to the subscription agency and the Central Registry. Chances are you'll get back your down payment and relief from the contract.

Maryland residents with a justified complaint can write to Norman Polovoy, chief of the consumer protection division, Attorney General's Office, 1207 Charles Center, Baltimore, Md. 21201. Include a photocopy of the contract and a letter setting forth as fully as possible what was said to you before you signed the contract.

As always, your eyes are your best protection. Use them to read every word of a contract before you sign it.

FREEDOM OF CHOICE DENIED VETERANS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RARICK. Mr. Speaker, apparently our veterans returning from Vietnam can expect to have freedom of choice denied them in seeking to pursue higher education under the GI bill of rights.

The Supreme Court of the United States has already indicated pitiful lack of understanding of the Constitution—or outright dishonesty—by favoring executive orders and illegal bureaucratic guidelines over the precise laws enacted by Congress.

Although the GI bill provides that an eligible veteran is entitled to receive money for his education in "any public or private secondary school or other institution if it furnishes education at the secondary level or above," the Veterans' Administration to prohibit their attending the college of their choice unless it signs a "voluntary" compliance to admit Negroes to the standards illegally set by HEW.

Veterans who risked their lives fighting for freedom in South Vietnam will find they have lost their own freedom at home—to bureaucrats who operate in open defiance of the law of the land.

I include David Lawrence's column of November 12:

RACIAL SCHOOL HURDLE FOR VETERANS

Veterans returning from Vietnam may be surprised to learn that if they wish to enter a private school or college and get the benefit of tuition furnished under the GI Bill of Rights, they may not be permitted to attend the educational institution of their choice. For federal government agencies now have assumed the privilege of denying the right of choice by the veteran. He will not be given the funds unless he agrees to go only to the school or college which has "voluntarily" complied with certain regulations as to the admission of Negroes.

This correspondent wrote a dispatch in September which said that there have been no attempts to bar the use of "tuition money for attendance in schools or colleges that may be wholly or partially segregated by race or religion." It now turns out the Veterans Administration had earlier moved into at least one case with a threat not to permit white veterans receiving federal financial assistance to attend the college in question unless it signed a "voluntary" compliance declaration on the admission of Negroes. The college decided to comply. The incident was not widely publicized.

The Civil Rights Act of 1964, in its section dealing with "nondiscrimination in federally assisted programs," states that rules and regulations may be issued on the subject of racial discrimination and the withholding of federal funds, but it says specifically that "no such rule, regulation or order shall become effective unless and until approved by the President."

There has never been any such regulation signed by either President Johnson or President Nixon authorizing interference in the admission practices of private schools or colleges. Yet, whenever a returning veteran applies for tuition grants and names the school of his choice, the Veterans Administration requires from the institution an "agreement of voluntary compliance" with the "regulations" issued by the Department of Health, Education and Welfare.

If the agreement is not approved by the authorities of the school or college, the veteran who has made application at that particular institution either will lose his right to choose the college he wants to attend or will have to give up the financial assistance to which he is eligible under the GI Bill.

Veterans' benefits are described in various statutes, the latest of which was enacted in March 1966. No mention is made therein of the necessity for conformity by the educational institutions to any rules concerning the admission of applicants.

The law says that an eligible veteran is entitled to receive money for his education in "any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary level or above."

But now, through some administrative action inside the government, the Veterans Administration has apparently been ordered to intervene. The theory that the veteran is to receive financial aid for his own education has been superseded by the idea that a private school or college of his choice must agree to handle the racial, discrimination question in accordance with government dictation.

Educational institutions which are attended by students of one race or religion may decide to enroll veterans who apply and find some other means of helping them financially to get an education rather than change their longstanding customs and traditions.

While the Civil Rights Act of 1964 specifically declares that governmental action to correct "racial imbalance" is prohibited, this is being disregarded. Apparently the move to deny funds to private schools or colleges unless they conform to the rules laid down by the federal government was begun under the previous administration but is continuing under the Nixon administration.

The real question is how far a government bureau may go in dictating to a citizen where he shall get his education even though he may have risked his life in military service and earned the right to financial assistance as he seeks to attend the college of his choice.

E. S. KOCH DIES IN VIET WAR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Edward S. Koch, a fine young man from Maryland, was killed recently in Vietnam. I wish to honor his memory and to commend his courage by including the following article in the RECORD:

E. S. KOCH DIES IN VIET WAR

Army Spec. 4 E. Stephen Koch, a native of Cumberland was killed in a helicopter accident in South Vietnam October 19, the Department of Defense reported yesterday.

Specialist Koch, who was 20, died after he was struck by the tail rotor blade of a helicopter near Binh Long province 50 miles south of Saigon.

He was a helicopter crew chief assigned to C Troop, 7th Squadron, 1st Air Cavalry.

A native of Cumberland, he was graduated in 1967 from the Fort Hill High School there and received the Hazelwood Award in Industrial Arts.

After graduation he had worked as a clerk-cashier in a food market before being inducted March 17.

PARENTS SURVIVE

He was the son of Mr. and Mrs. Edward W. Koch, Jr.

Survivors include his parents; a brother, Army Pvt. Ronald W. Koch stationed at Fort Leonard Wood, Mo., and a sister, Brenda Koch, of Cumberland.

LOOKING TO THE SOUTH

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BURKE of Florida. Mr. Speaker, I previously called attention to the excellent editorial comment which the President has received in a number of Florida's outstanding newspapers, with respect to the "new directions" he has advocated in our Latin American policy.

I am sure we are all aware of our desire for friendship with our Latin American neighbors. I cannot help but feel that the President is heading on the right course with his new direction of policy in this great area of the world.

It is for this reason that I would like to again commend the attention of my colleagues to another excellent editorial, which appeared in the November 3, 1969, edition of the Tampa Tribune. This editorial, like the many others, gives full support to the President's efforts to establish a new policy toward Latin America.

The editorial illustrates the foresight displayed by the President in providing a new, simple, and practical course for our Nation to follow in order to achieve progress among the Latin American nations. The President's policy would do so in a manner which, in my opinion, will reflect favorably on our Nation and be welcomed by our good neighbors to the south.

I, therefore, commend this fine editorial, which appeared in the Tampa Tribune, to my colleagues for their perusal and study.

The editorial reads as follows:

TO THE SOUTH, STABILITY WITH RESPONSIBILITY

President Nixon's new Latin American policy is a low key, soft sell approach for dealing with our restless friends to the south. It places more emphasis on pragmatic approaches and less on the social engineering concepts of the last 15 years.

The President proposes a working partnership with all Latin American nations glued to the premise, in his own words, that "give-and-take is better than take-it-or-leave-it." The Latins now will have more to say how U.S. aid funds are spent and a bigger voice in solving mutual problems.

He also applied the surgeon's knife to grievances which have gnawed on the Latins for years. Latin Americans have groused that they were buying more and more goods from the United States while selling us less. In other words, they have been stricken with trade sickness. The Latins also have complained the United States has been too involved in the internal affairs on their land and also calls all the shots on administration of U.S. aid funds.

To eradicate these sources of friction, the President decreed this nation no longer will require that loan dollars be spent solely in the United States. They may be spent anywhere in Latin America.

He proposed that the Inter-American Committee for the Alliance for Progress be the agency to permit Latins more decision making and responsibility for administering economic assistance monies.

Mr. Nixon said this nation also will pursue a course for funneling more U.S. assistance funds into private business channels already operating in Latin countries. He also encouraged more U.S. investments while at the same time warning that recent expropriation of oil properties in Peru and Bolivia could sour investor confidence.

He will ask Congress to upgrade the Office of Assistant Secretary of State for Latin American Affairs to Under Secretary. This will provide a single office through which all Latin business can be transacted, something the Latins have wanted for a long time.

Of all Americans, President Nixon should be aware of the temper of Latin Americans. He was stoned in Venezuela and abused by other mobs in 1958. Eleven years later, his own personal representative, Nelson Rockefeller, faced angry mobs while on a fact-finding mission.

The stoning of Richard Nixon, then the Vice President, created such a shock in the United States that the Eisenhower Administration took the first positive step toward the Latins since the "Good Neighbor" days of President Franklin D. Roosevelt. Under Eisenhower the Inter-American Bank was established to make low interest loans for development and $500 million was appropriated to finance projects with a strong social flavor.

President John F. Kennedy was swept along by this momentum of helping Latin nations by creating the Alliance for Progress. Washington poured a lot of money into the Alliance for such social projects as land reform and improved schooling.

Not all in the Alliance has been bad, as President Nixon recognizes, and it has made some accomplishments. However, the distrust of Latins for the rich Yankees continues. So President Nixon wisely stressed that social reforms are needed and this nation supports them but the initiative for them must come from the Latin nations themselves. This is significant because it marks the end of American activism in Latin nations.

The President also discarded the long standing policy of loudly proclaiming we oppose military rules and dictatorships and the overthrow of existing legitimate governments in the face of which we always wind up recognizing such dictatorships and dealing with them. The Nixon approach recognizes the political status quo in Latin America, including military and dictatorial governments.

Mr. Nixon logically asked for no additional Federal funds to carry out his new policy. Logical, because such a request likely would be treated roughly in Congress, which last year halved Latin American aid requests to $336 million.

There is nothing grandiose about the new partnership approach with Latin America. Its net effect is that the United States and all Latin nations will be on a 50-50 footing, sharing both decisions and responsibility.

We have a big stake in the stability of Latin America and a responsibility to promote progress among the underprivileged. Mr. Nixon, the businessman and the diplomatic surgeon, has provided a simple, practical course for us to achieve both.

THE SILENT MAJORITY

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. STUBBLEFIELD. Mr. Speaker, much has been written and said in the past several weeks concerning the "silent majority" who have failed to speak out against antiwar demonstrations and so-called moratoriums on the Vietnam war. I, for one, am very pleased that the American people, by the thousands, are beginning to respond to the challenge presented to them. However, we tend to overlook the fact that there still remain so many Americans who have little or no opportunity to be heard when they do speak: our fighting men overseas and those others whose voices will never again be heard. For this reason, I would like to share with the American people the contents of a letter which I have just received from one of our Vietnam soldiers.

Mr. Speaker, in order to give equal opportunity for Capt. Coleman J. McDevitt's voice to be heard in protest to the antiwar demonstrators, I submit for inclusion in the RECORD his letter to me:

NOVEMBER 7, 1969.

Hon. FRANK A. STUBBLEFIELD,
New House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STUBBLEFIELD: For the past year I have watched the tide of opinion against the war in Vietnam swell. Now we have come to a moratorium conceived by some young people who have but a slight, if any, idea what the whole thing is all about. Since my first tour of duty in Vietnam I have remained a part of the silent majority. Since I am a career military man I do not feel that I have the right to aotively display my true feeling, however I feel that it is my duty to let my elected representative know just where I stand on such important issues.

You have been to war and so have I. I have served two years in Vietnam and will serve a third or possibly more. I do not like the family separation. I do not want to be killed. I can think of more pleasant things to do than fight a war. However, the world being what it is, there is a time that we must fight. Did we not fight WW I and WW II to stop all future wars? It does not seem to have helped very much.

Being a free society, each and every citizen has a right to protest whatever he or she is against. This is one of the things that we as soldiers fight for. I do feel that when this protest infringes on the rights of others that it is time for competent authorities to put a stop to it. Today it seems that discipline and authority are words that would be responsible people are afraid of. Having been in the military you must realize that the longer an undisciplined situation is allowed to go on, the harder in the end it will be to bring it under control. The silent majority is in need of some leaders to follow. I suggest the place to look for these leaders and spokesmen is in the halls of Congress. It is the duty of these leaders to speak out against the actions of the administration if they disagree with it. It is bordering on criminal to continue to voice this disagreement as well as actively support dissident groups whose actions are giving moral as well as material support to the enemy. Hanoi has publicly stated that this sort of demonstration in the United States is one of the things that gives them the spirit to fight on. It takes very little common sense and no education to see that this will cost more American lives. The irony of it all is that the people involved claim that they believe their action will shorten the war.

Having been involved in the war for two years I can tell you from experience that the communists are not the "good guys" that some of the people seem to think they are. A short review of history will show you that the communists have never bargained unless they were sure they were going to get what they wanted out of it. They are past masters at making it appear that it is a give and take proposition when in reality nothing could be further from the truth. Do people not realize that they will keep trying by any means available from open war to subversion to gain their intended goal of world control? If we pull into our isolationist shell today it will only mean that we will have to face them at a later date on another field of struggle. Our leaders, from the lowest echelon of civil government to the presidency, have a history of looking for a solution that will solve the problem right now. It is time we started looking into the future to see what today's decisions will do in times to come. What will the effect be two, five, or ten years from now. Ignoring the problem will not make it go away no matter how badly we wish it would. X number of years from now people will realize that the communists have nearly realized their goal of world conquest. The hue and cry will then be raised to stop them. No doubt the leadership at that time will agree (providing it is the "popular" thing to do) and loving scapegoats like we do will lash out at the leadership of times past for their blindness and ineptitude at handling problems.

Let there be no mistake in your mind. We could win the war, and without the use of nuclear weapons, very easily. But of course we don't fight wars to win anymore. How would you feel if you were in the shoes of today's young soldier being sent out to find and engage the enemy. You wouldn't like it in the first place. Add to this the fact that your country is near the stage of complete riot over the war. Add to this that many of our leaders both local and national do nothing but protest and say pull out. It matters little that these people for the most part have no alternate solution or if they do it does not take into consideration the long term effect of their proposal. This man wonders why he should go out and risk being killed for nothing. I think the same thing about my third tour. Are we as a country getting so callous that we can throw away 40,000 lives for nothing? Call it a mistake and quit? I do not mind protest if people know what they are talking about. A little knowledge is a dangerous thing. People protest the brutality of the American soldier toward the poor south Vietnamese villager. Have they been there? No! I have. Have they seen what the North Vietnamese and Viet Cong soldiers do to innocent civilians? No! I have. Again let me assure you that they are not nice fellows.

Why isn't this side of the war given broad coverage in the press? Is it because it wouldn't be the "popular" thing to print. It might not sell enough papers. My question is where will all this end. Why don't you drop by the G2 shop in the Pentagon and take a look at all the other locations in the world where the communists are actively engaged in the over-throw of the government. I think you will be shocked. Mr. Congressman, the communist understand but one thing and that is force. Who is the strongest. Who will stand up and fight. If you don't believe that, ask for a briefing by people who have devoted their lives to the study of the communist movement and the means it uses to attain its goals.

It is time that we as a people force ourselves to face up to the truth. People want a strong army to protect them but they don't want to serve themselves. They want us to be ahead of any would be enemy in nuclear and CBR weapons but they do not want any testing to be done in their state or locale. They want big government spending, only in their area though, all the while seeking every means known to get out of paying taxes. Unless our leaders face facts and force the people to do likewise things will never get any better.

Sincerely,
COLEMAN J. MCDEVITT,
Captain, Armor,
U.S. Army.

HIJACKING OF A COMMERCIAL AIRPLANE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. FRIEDEL. Mr. Speaker, on September 16, I joined with 49 other Members of Congress in sponsoring a House concurrent resolution condemning the hijacking of the Trans World Airlines Boeing 707 to Syria by Arab guerrillas on August 26, 1969. To compound this felony the Syrian Government illegally detained two Israeli nationals.

Under date of September 9, I wrote to Mr. Gerhard Hoeltje, president of the International Air Transport Association, urging that drastic counteraction be taken, by immediately suspending all international flights to any nation which violates the provisions of the 1963 Tokyo convention which calls for all nations to promptly release hijacked airliners, passengers, and crew members.

On that same day, I wrote to the Honorable William P. Rogers, the Secretary of State, regarding the growing menace of air piracy, and urged that he request Ambassador Yost, our representative to the United Nations, to call on Secretary-General U Thant to use his good offices to encourage support of such an international compact.

The American Jewish Congress on October 26, issued a statement passed by their policymaking national executive board, calling on the U.S. Government and the United Nations to "intensify their efforts to bring about the immediate release of two Israeli citizens imprisoned since late Summer in Syria following the hijacking of a Trans World Airlines airliner."

Mr. Speaker, I include at this point the text of the communications I have referred to above and the press release by the American Jewish Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of my recent letter to Mr. Gerhard Hoeltje, President of the International Air Transport Association, requesting that the I.A.T.A. join in the effort to bring an end to the growing menace of air piracy.

Considering the serious implications for American air travelers inherent in the circumstances surrounding one of the most recent incidents which resulted in the detention of a group of Israeli nationals in Syria, I believe it appropriate to ask that you request Ambassador Yost to call on Secretary General U Thant to use his good offices to encouraged support for such an international compact.

I also believe that our government should undertake immediate consideration of entering into bilateral agreement with all nations to provide for the mandatory extradition of hijackers, including those who request political asylum, to the flag country of the hijacked aircraft.

With my sincere appreciation for your consideration of these requests, I am

SAMUEL N. FRIEDEL,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1969.
Mr. GERHARD HOELTJE,
President, International Air Transport Association, Montreal 2 P.Q., Canada.

DEAR MR. HOELTJE: The menace of international air piracy has reached proportions which demand the most drastic counter measures.

The members of the International Air Transport Association can make a significant contribution by voluntarily agreeing to immediately suspending all international flights to any nation which violates the provisions of the 1963 Tokyo Convention which calls for all nations to promptly release hijacked airliners, passengers and crew members.

The recent action of the Syrian government in illegally detaining Israeli nationals following the recent hijacking of one of TWA's international flights by Arab guerrilla terrorists should be condemned in the strongest terms.

I urge that your Association make clear its resolve to react to any such act of air piracy or the condoning or overt support of any such act by the immediate cessation of international air flights to and from the offending nation and further that such suspension shall continue until all passengers and crew members shall be released and the hijacked airliner returned to its country of origin.

I am sponsoring a Resolution in the United States House of Representatives calling on the U.S. government to act immediately to enter into bilateral agreements with all nations to provide for the mandatory extradition of a hijacker, including a hijacker who requests political asylum, to the flag country of the hijacked aircraft.

The hijacking of commercial airplanes will cease only when an international agreement is reached that recognizes hijacking as a vicious international crime and provides that the hijacker shall be punished.

Your Association's cooperation in meeting this grave challenge will be most deeply appreciated.

Sincerely,

SAMUEL N. FRIEDEL,
Member of Congress.

STATEMENT OF AMERICAN JEWISH CONGRESS

The American Jewish Committee applauds the efforts of the United States government, of Trans World Airlines, and of various international agencies concerned with civil aviation, to secure the release of the two Israeli civilian passengers still being imprisoned in Damascus, nearly two months after they were the innocent victims of an Arab terrorist hijacking.

We call on our government and the United Nations to intensify their efforts to bring about the immediate and unconditional release of these prisoners. By freeing the hijackers and detaining their innocent victims, the Syrian authorities have compounded their own guilt and openly flouted international law and basic human decency. It is high time, therefore, that the international community make it crystal clear to the Syrian regime that air piracy will not be tolerated and that unless Syria releases these prisoners and is prepared to assure the safety of commercial passengers in the future, appropriate sanctions will be imposed, including the denial of aviation links and service.

Syria's recent election to serve on the Security Council of the United Nations, the organ assigned the primary responsibility for the maintenance of international peace and security, makes action by Damascus in this matter imperative. It demands that Syria promptly release the two detained Israelis and thus give concrete evidence that it is prepared to live up to its signature on the Charter of the United Nations, under which the Syrian people reaffirmed faith in "fundamental human rights," pledged to establish conditions under which justice and respect for international law are maintained, and promised "to practice tolerance and live together in peace" with all others "as good neighbors."

Founded in 1906, the American Jewish Committee is this country's pioneer human relations agency. It combats bigotry, protects the civil and religious rights of Jews at home and abroad, and seeks improved human relations for all people everywhere.

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE PEACE MOVEMENT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. HOGAN. Mr. Speaker, I recommend that my colleagues read this article which I am placing in the RECORD, by the noted columnists Evans and Novak in the Washington Post of November 12, 1969.

I believe that these writers have presented a very perceptive analysis of the so-called peace movement. They have given us pause for thought and for alarm. They have pointed out those dangerous and hidden forces which have not only planned the moratorium march, but which have, in the process, duped sincere liberals who have become involved by virtue of their convictions.

Any reading of history, both American and European, clearly demonstrates that parallels do exist. For, if anything is evident from any such readings, it is the fact that mass movements are led and are not spontaneous. In most cases they are calculated to achieve an ostensibly legitimate purpose, but, as history shows with tragedy, the ultimate end of many such movements is known only to those who plan and manipulate them much to the regret, when it is too late, of those who have been used as pawns.

Sincere liberals, in their eagerness to embrace a cause in consonance with their convictions, have not questioned the sinister designs of the professional revolutionaries whatever their Red hue. Perhaps, they have merely overlooked any ulterior motives, swept along as they are in the exhilaration of a new found voice to express their opinions. But, while the throngs go forth to demonstrate, those Communists who are behind the march know that it does not represent honest dissent.

The editorial referred to, follows:

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE "PEACE" MOVEMENT

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedly spend this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe) sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committee is moderate when compared with the 60-member steering committee, studied with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore, the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Stewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

LEGACY OF JOE FINE

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1969

Mr. RUPPE. Mr. Speaker, every so often our communities are blessed with dedicated individuals of rare talent and a zest for public service. Such a man was Joe Fine of Marquette, Mich. Joe Fine was a close friend of my father's and a particularly valued friend and counsellor of mine. I commend to your attention a recent editorial in the Marquette Mining Journal which captures the spirit of a loyal American who fervently loved his country and served his community:

LEGACY OF JOE FINE

Joseph Fine of Marquette, who died Saturday, was a man of great character, and will be remembered for his many actions and services.

Mr. Fine served as mayor of Marquette and was on the Marquette City Commission for two terms. He was the first chairman and later (and still at the time of his death) a member of the Marquette Board of Light and Power. Actually, creation of the utility board was an idea largely conceived by him.

For many years he had served in various committees and behind the scenes on civic projects. He didn't care for the spotlight, preferring, instead, to share in the satisfaction of knowing something worthwhile succeeded.

Mr. Fine was active throughout his lifetime. For many years he rose early to take long walks, and then walked to work anyway. He had operated a grocery store in Marquette for a decade, after immigrating here from Lithuania, via Boston.

Then Mr. Fine operated a tavern. It was an unusual place, open mainly in the daytime hours. He paid his employees well, yet restricted the serving of persons who had had enough. His operation was such a success, despite the bargain prices, that it became the subject of a feature story in a metropolitan newspaper.

After passing retirement age he disposed of his tavern. But he couldn't remain inactive long, and soon after opened a newsstand, then a cigar store. Later he went back into the tavern business. Inactivity was not for Joe Fine.

When he ran for office it was always for an ideal and with a view to service, not for a personal gain. He never accepted open support from groups or individuals. "If I can't win on my own I don't want to," he'd say. Yet Joe Fine always won any election he entered. In fact, he always ran first in the field.

In office, whatever he did he did because he sincerely believed it was in the best interests of the community. He had no selfish desires in his actions as a municipal official.

He was proud of his service to the country during the first World War. He later became active in the American Legion and was a commander of the Marquette Post. He also was active in the Masons, Elks, Odd Fellows, UCT and Kiwanis Club.

What, then should we remember most about Joe Fine? (No one referred to him as Joseph Fine.)

Perhaps this story will suffice: Mr. Fine was known as a "soft touch" for any charitable drive or cause. Once, after he had made contributions to some Christian church projects, he was asked by an acquaintance: "But, Joe, why do you want to give to those Catholic and Protestant church building projects; you are Jewish."

This was Mr. Fine's reply: "I figure that as long as I am able to give something to help build a church—any kind of a church—it must be a good cause and this must be a good country."

This, we believe, is the legacy of Joe Fine—popular businessman, patriot and public servant.

MORATORIUM AND THE SILENT MAJORITY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. CARTER. Mr. Speaker, soon after the October 15 moratorium, I received a petition from numerous students of Union College in Barbourville, Ky. I have withheld my remarks in an effort to find the right time and the right things to say as an expression of my views in relation to their activities on moratorium day.

I was impressed by the way they participated in the nationwide moratorium. They not only involved students and faculty but alumni who have received postgraduate degrees and others who have served in Vietnam as members of our armed services. They had a full day of debate which involved discussions that entertained all views on this war. They have approached this in a mature, constructive manner and I know that they have learned from this experience and will make their own independent contributions to the future developments of our country.

They came together with one common goal—the ending of the Vietnam war as quickly as possible. That is a goal which no true American can oppose, but one often forgets this goal while striving to enforce his own private plan on how this can be achieved. Debating issues is a valuable tool which we possess in this country as a means to decide upon a course of action. It is a part of our democratic way of life, but equally so it is our obligation to join in support of the commonly agreed upon course to try and make it effective regardless of the previous views we held. We have been debating issues surrounding our involvement in Vietnam for many years. Some answers have evolved from this, and while we are making progress toward peace, and I believe President Nixon will be successful in his efforts, there is not enough hard evidence to convince everyone that our goal for immediate peace will be forthcoming.

The most common criticism one hears of the moratorium demonstrations is that it is embraced by our enemies as a sign of good faith toward them and that it is subsequently anti-American. I do not agree with this position, and I believe that recent surveys by major news media bear me out on my views. The great numbers who participated in the October moratorium stated nothing more than they desire a speedy end to the war in Vietnam. Their concern is for their country, the United States, and they have not loaned their conscience and efforts to those who would kill or maim their brothers, friends, and former classmates.

We must not allow the statements of the North Vietnamese to force us into opposing things which we would otherwise heartily approve. While Congress is united in its goal for peace, they are divided upon the ways in which it can be achieved. The citizens of our country, including those who participated in the moratorium, are also united in the goal of peace and are equally divided on the ways in which it can be achieved. We must not allow our dissatisfaction of the many things that are said by our enemies or the social appearances of the participants actively opposing the war to force us into polarizing ourselves and making opponents of those who are in truth our echoes.

When President Nixon speaks of the "silent majority," I know that he is correct, for there can be no doubt that he has the support of the vast majority of our citizens including myself and many of my colleagues. And on this eve of November's moratorium, I ask each of you to look at our Government and the participants in the moratorium and the "silent majority," and I am confident that you will conclude that all of us are united in our search for an early peace in Vietnam. The only conceivable difference is in the way that it can be achieved.

On this latter point, the differences are even smaller than one might think for our points of debate are not whether President Nixon should continue his withdrawals but whether he should inform us in advance of his planned procedure for withdrawal.

Mr. Speaker, with your permission I should like to include a petition by students of Union College in which 234 signatures gathered in support of immediate peace. They have continued their debates since the 15th of October and I do not perceive of this as being in opposition to President Nixon or their Government. I respect and commend them on their concern for their Government and on the constructive way they have elected to let their feelings be known.

It is my hope that we as elected Representatives can continue our debates with an open mind so as to allow our acts to be free and responsive to the people rather than be reactions to a social element which we do not like or statements from enemies of our country.

The petition follows:

DEAR CONGRESSMAN CARTER: We the undersigned students and faculty of Union College, Barbourville, Ky. do feel that the war in Vietnam must *stop*. We demand that you do everything in your power to end this senseless war.

SIGNERS

Karen Jackson.
Emily Feeley.
Sornchai Serovinin.
Christopher Kord.
Timothy Feeley.
Rochelle Furtah.
Al Tailous.
Sue Boyer.
Alice Smalley.
Doug Werley.
Bob Barhdoll.
Orlinda E. Reid.
Christina Williams.
Nika Stallard.
Brian Sullivan.
Russell F. Silver.
Alice Woodward.
Richard Poshay.
Robert Wildrick.
Tom Burns.
Barbara Thorpe.
William R. Schad.
Robert J. Clement.
William A. Longacre.
Richard Reed, Jr.
Virginia Anne Myers.
Bob Stevens.
Juanita Bain.
Margaret Hammond.
Celleta Knuckles.
B. J. Hisk.
Jerry Yellin.
Diane Hughes.
Karl T. Merchant.
Janie Ann Nelson.
Steven Goodman.
Bill Isbister.
Lisa Long.
Linda J. Smith.
John J. Schamp.
David W. Whitcomb.
Judy Peaco.
Rick Illes.
Carol Francis.
Jim Habercan.
Dennis Hamilton.
Douglas P. Schellinskeet.
Mary Lee Wood.
Suzanne Gilliam.
Timothy Cleary.
H. Doyle Mills.
Ken Mackay.
Edward Busser.
Donald Parker.
Joe Collins.
Bruce Ricardo.
Len Dufresne.
Robert E. Jordan.
Jody Cloud.
Margo Jackson.
Vicki Wilburn.
Rev. Tyrrell Keller.
Pauline Spicer.
Doreen Johns.
Charles W. Kipp.
Ed Black.
Michael Prusina.
Owen Skaggs.
Larry Curd.
Fred Gross.
Celeste Wilson.
Ruth Ann Lakeman.
Clevis O. Carter.
Nicholas Poulos.
Barbara Lane.
Tom Hodgkins.
James L. York.
Ray King Smith.
Diane Logan.
Patricia Connor.
Debby Ward.
Vicki Caswell.
Molly Kemmer.
Edward Barber.
Nancy Blair.
Quentin Yeager.
William Phipps.
Dave J. Urich.
G. Glassman.
John R. Podlackowich.
Deborah Minard.
Bob Kimble.
Steve Gerb.
Thomas J. Flynn.
Brenda Jones.
Steve Trumble.
Billie Jean Morris.
Peggy M. Wallace.
L. H. McPherson.
Thurman Faxin.
Robin Garslauser.
Stephen B. Fowler.
Richard Child.
Cynthia Lee Merrill.
Gerry Brigante.
Haustost von deBurg-Vista.
Stephen F. Belle.
Stephen Chrisos.
Andy Savarese.
Ton R. Digell.
Douglas V. Smith.
David E. Hey.
Paul F. Kirby.
Ken Mubers.
Gregg Turner.
Emily Willis.
Martin Kumor.
Tom Richardson.
Chris Brozyno.
Pete Miller.
Demer A. Carrimita.
Denis Volpe.
William Darnell.
Tom Buddenhagen.
Eric Krebs.
Peter Quimby.
Herbert R. Harmsen Jr.
Janie Parkey.
Bob Blis.
R. Terry Bolen.
Sherry Moore.
Sandi Schnitz.
Sandra Grubb.
Doug Hinderer.
Fred Baldwin.
Herman B. Gonzales.
Paul Rudolph.
Bob McCullough.
Ralph Sherman.
Christopher Columbus.
Peter Chin.
Charles C. McDowell.
John Entehisan.
David Bandelin.
Roger Hamilton.
Kenneth Semtyader.
Steven S. Roto.
Scott M. Elliott.
Wm. A. D. Nionla.
Eric Small.
Gary Kennedy.
Mr. & Mrs. Cantrell.
Walter Yotka.
David R. Ganary.
Robert E. Bodenlos.
Bruce Aldele.
Forrest M. Wilkinson.
Bob Maguire.
Mrs. Ruth Hampton.
Randy Parmett.
Robert Henshall.
Ella Sue Logan.
David Bird.
Thomas Floy.
Jeff Guile.
Bill Pierce.
Ed Lillie.
George Fisher.
Bob Sciolte.
Paul Andrews.
Scott Anderson.
Judith Mays.
Regina Bean.
Edward R. Schneider.
Nancy L. Perry.
Elaine F. Abbot.
Neal A. Bender.
Greg L. Klinedensts.
Bruce M. Freedman.
Douglas Bownjack.
Michelle Palmer.
Kala J. Moore.
Thomas N. Cady.
Mike Esposito.
Marc Goodhart.
Ann Consiglio.
David West.
Bill Beebe.
Bruce E. Barnes.
Michael E. Carlson.
Pat Ragone.
James E. De Rocco.
Beth Ballard.
Lindsey Davis.
Stephen B. Roberts.
Rickey Pack.
Arthur Comocho.
Douglas W. Jones, Jr.
Debbie De Luca.
Marvin Miller.
Jane Doner.
Bruce Burdett.
Pam Foley.
Joseph W. Stone, Jr.
Catherine Bradbury.
Linda Gudner.
Helen Hammon.
Sallie Dodd.
Grant P. Wallace.
Greig Ferguson.
Thomas J. Stanton.
Chester R. Lyons.
Betty Valentine.
Ruth Ann Payne.
Mary Moore.
Charlene Valentine.
John P. Graham.
Glenn E. Marston.
Clark Taylor.
Paul F. Whittaker.
Clayton W. Gove.
Janice M. Prunier.

A NOSTALGIC EVENING AT THE GRAND OLD DRISKILL: FUND RAISING FOR A LIVING MUSEUM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. **PICKLE**. Mr. Speaker, with your permission I would take this opportunity to reminisce about a bygone era—but it is nostalgia with a purpose.

Last month, I was privileged to participate in an activity which I will explain in detail, but first I would call your attention to what was once the grandest old lady west of St. Louis. I refer to the magnificent, although faded, Driskill Hotel in Austin, Tex. Just to walk into the wide lobby on the main floor immediately invokes memories of a life style that used to be. This hotel has been the meeting place of Presidents, of Governors, of State officials of varying importance—and of the common man.

There are a few of us die-hards remaining who recall the gaiety and grandeur of the era.

The opening of the Driskill was heralded in the Austin Daily Statesman on Friday morning, December 17, 1886, in headlines as "What a Bonanza Austin Possesses in Its New Caravansary." The subhead continued the description, "A Blessing to the City and State Which Cannot Be Overestimated."

From that gala beginning, the Driskill grew in purpose and in legend. In its time, this grand old lady has been hostess to a President, scores of Governors, even more legislators and throngs of lobbyists, reporters, and the socialites of eight decades.

Walter Long, an Austin historian of considerable note, describes the early Driskill as—

> Originally, there were sixty rooms, very large, some later were partitioned, a few added, making a total of one hundred and fourteen. Square nails were used throughout all the woodwork and it was the most comfortable, spacious hotel south of St. Louis ... The hotel was gas lighted and steam heated. Warm mineral water from the artesian well was available to every customer.

Today, the Driskill is undergoing another of several traumatic changes. Several times in its history, the hotel has been closed. Just this year, it narrowly avoided the wrecking ball and bulldozer when some stalwarts came forth to save a portion of the grand old building.

Mr. Speaker, I realize this is quite a preamble, but I wanted to attempt the proper setting for a night that was billed as "A nostalgic Evening at the Grand Old Driskill" which was the initial fund-raising effort of the newly formed Austin Natural Science Guild. The purpose—the planning and construction of one of the most exciting educational resources dreamed of for Austin: a living museum of Texas flora and fauna.

The living museum will be a part of Zilker Park in Austin. The joint project of the Austin Natural Science Association and the ANSA will be, in effect, a native Texas zoo composed of several ecological communities representing the major regions of the State.

No better locale could have been selected for this fund raising effort than the Driskill Hotel—a museum of yesteryear.

Thus, it was the perfect setting for the rather nostalgic evening. While the old stories of the Driskill's legend circulated about the room, the crowd assumed a good, warmhearted mood. And rightfully so. For the evening, a mock hotel staff was assembled including former Gov. Allan Shivers as "hotel manager" and Mayor Travis LaRue as "bell captain." The list of notables is too long to reprint here, but I would mention the "bartenders"—namely, State Senator Charles Herring, local business leader John R. Kingsbery, and the Congressman from the 10th District, myself.

In October 1946, an official historical marker was erected for the Driskill Hotel and Mr. Walter E. Long, one of the most tremendous civic and historical men our city has ever known, made some remarks that are worthy of remembrance, and I want to include them at this time:

A PAGE FROM THE HISTORY OF THE DRISKILL

(By Walter E. Long)

On October 25, 1966, Central Texas friends of Austin's Driskill Hotel gathered in its Brazos Street entranceway to see and hear its dedication as an official historic site of Texas, Governor John Connally, Austin's Mayor Lester Palmer, Judge J. M. Watson, and other dignitaries paid tribute; relatives of the hotel's first owner, Colonel Jesse Driskill, were introduced and a general historic occasion was enjoyed under the direction of Mrs. Jessie McIlroy Smith and Mrs. Alfred W. Negley. The moving moment, however, came just before the plaques were uncovered. Mr. Walter E. Long, read the following remarks.

My Friends,

In this day of fading gratitude I shall not bore you Faithful, who are conscious of your heritage, with too many words about the history of this living moment of Austin's past, and present.

Perhaps its tomorrow will be a parking lot!

I am "much obliged" to Jessie McIlory Smith, Mrs. Jim Hart, and their fellow workers, who hold their tireless hands in the leaking dikes of a great nation's civilization. The only fundamental teacher is history.

Col. Jesse L. Driskill bought three lots from Sir William J. Oliphant, a Scotsman from Dimfirmallum, Scotland, early in the 1880's, and on six lots began construction of the Driskill in 1885 which opened December 20th, 1886. It cost $400,000 with a large debt against it.

The bust of Col. Driskill faces South, that of his son "Tobe" faces West, and "Bud" faces East.

The grandfather of Ed St. John, a noted stone masion of the 70's and 80's, directed all the stone work in this building of Romanesque architecture.

One horn was broken from the steer's head beneath the bust of "Tobe," but was dowelled back so securely by Mr. St. John, that his assurance that he could "fit it," stands good for eighty years.

Originally there were sixty rooms, very large, some later were partitioned, a few added, making a total of one hundred and fourteen. Square nails were used throughout all woodwork. "It was the most comfortable, spacious, luxurious, hotel south of St. Louis."

The tragic story of Mr. Driskill's fortunes was given me by some of the old-timers of the 80's. He and his sons, with numerous drovers, left his ranches in South Texas in the early spring of 1888 with some 3,000 head of cattle for his northern pastures in the Dakotas. On the way they were caught by one of the most severe blizzards in history and nearly every head was frozen—many of them standing. His debts on the Driskill could not be met.

The hotel changed hands several times. One of the owners being Major George W. Littlefield in 1897.

The hotel was closed several times between 1886 and 1906, about which date it was acquired by Dr. E. P. Wilmot. During these periods a negro man and his wife were the trusted custodians.

Traveling men looked forward to their stay in the Driskill in the early days of the Southern Pacific and the International and Great Northern railroads.

The hotel was gas lighted and steam heated. Warm mineral water from the artesian well was available to all customers. Salt ate out the casing every few years.

Today's inner dining room has the most beautiful wainscoting to be found in any hotel of the nation. It was fitted from the matched mahogany headboards of the first beds which Mr. W. L. Stark and Mrs. Sully Roberdeau saved half a century ago.

Mr. Stark was manager from 1906 until June 1944. He was one of the most genial and accommodating business men I have ever known.

Call bells, not telephones, connected the office with every room. Reverse calls got service.

The bar was one of the handsomest in the nation and now graces the reception desk.

The corner stone inscription on the East side Reads—"The Driskill—Erected 1885–1886—J. N. Preston and Son, Architects"; and on the South side—"This Stone Presented by the Business Men of Austin."

And the walls of this old romantic structure—if they could talk—I would cease my ramblings and listen—

LISTEN—to the sobs of the heartbroken Carlotta as I look for her beautiful face in her mirrors of 1863.

LISTEN—to the stories of my old friend, Pete Lawless, who made the Driskill his home from the day it opened until 1928.

LISTEN—to the orchestras of University Final Balls and Governors' Inaugurals as "After the Ball" fades away as the break of dawn at the Crystal Ball Room.

LISTEN—Yes, as I listen I come alert with a jolt as the bullets of a six-shooter of a noted lawyer glance from the sturdy cast-iron columns in the broad hallways and imbed themselves in these old walls as he misses his target—the other lawyer!

ONCE MORE—I listen for the tantalizing sound that comes to me over eight decades—Head Waiter Old Sam is calling, "Dinnah is now served in de Crystal Ball Room. Roast Ham, Fried Chicken, O'Possum an Sweet Potatoes, Virginia Style, thirty-five cents . . ." and the sounds from the old walls fade away.

Mr. Speaker, since the days of Jim Hogg and earlier, this great old hotel has been the center of nearly all the historical entertainments that our city has enjoyed. The walls of this old hotel hold some of the greatest secrets of Texas history. Every inaugural reception for many years was held here. An entire book could be written about the events and episodes covered with the service of Judge Ruben Gaines who served on our supreme court. Our late beloved Col. Ernest Thompson has recorded many delightful stories about this hotel and particularly about Judge Gaines for whom he served as secretary in the early 1900's.

On election night in 1964, Lyndon B. Johnson was elected the 36th President of the United States. He received the election returns from around the Nation from the Jim Hogg suite in the Driskill Hotel. Not only were we proud to have the eyes of the Nation turned to this native Texas son and his gracious wife and family—but in a smaller way, we were proud for the Nation to view the charm of this grand old hotel which has been at the pulse beat of virtually every historical event in Texas since its opening.

That was indeed a great night to remember.

RURAL AMERICA LOSES A GREAT FRIEND

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. EDMONDSON. Mr. Speaker, it was with great sorrow last week that I learned of the death of my good friend, Howard Bertsch, formerly the Administrator of the Farmers Home Administration.

During his term as Administrator, it was my pleasure to have Mr. Bertsch on more than one occasion as a visitor in my district, and though his background was in Oregon, many of us in Oklahoma considered him one of us. He was an outstanding public servant with a deep understanding of the needs of our rural areas and our rural people.

When Mr. Bertsch left Government service, he did not slow down in his efforts to help these rural people. At the time of his death he was director of program development of the Rural Housing Alliance, a nonprofit organization dedicated to providing adequate housing in rural areas.

Rural America is going to miss Mr. Bertsch.

TRUCK WHEEL INCIDENT SHOWS WHY TOUGHER AUTO SAFETY LAWS ARE NEEDED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BROWN of California. Mr. Speaker, the Senate Commerce Committee this week began considering making major changes in current automobile safety legislation. I am glad to note that many proposals up before the committee will significantly strengthen this important law.

Although the House Interstate and Foreign Commerce Committee has not yet slated action in this area, hopefully auto safety law revision will be on the committee's agenda in the near future.

One key amendment appears to be forcing a massive showdown between safety exponents and car makers. If passed, the amendment would require manufacturers to correct safety-related defects at their own expense. Since the auto industry has always been more interested in profits rather than in safety, pressure from them opposing this change has been extremely heavy.

I believe that this amendment must be passed by the Congress so that mandatory recalls and corrections are imposed upon manufacturers. As a rationale for the amendment, I need only point out an ongoing controversy in which the manufacturers exhibit what I term an extraordinary callous disregard for health and safety—all for the sake of saving a few dollars.

On May 28, 1969, General Motors notified owners of around 200,000 Chevrolet and GMC trucks that wheels supplied with their vehicles were defective, prone to sudden collapse under heavy-loading conditions. But, instead of offering to replace the defective wheels, GM told truck owners they would have to bear the cost and out-of-service time themselves.

In its letter to truck owners, General Motors admits that the wheels are a safety hazard, but then seeks to shift the burden onto the owners using the theory—one already disputed by a number of safety and engineering experts—that the trucks were not meant to be loaded with heavy equipment, such as cab-over campers. However, when the trucks were originally sold, advertisements by Chevrolet and GMC emphasized their capability for such cab-over use.

Under current auto safety legislation, the Department of Transportation is powerless to order recall. In addition, the Department's procedures for notification require that only the manufacturer—thus excluding injured parties—can appear before it.

The pending amendment to the law would correct this type problem by requiring that whenever such a defect does occur that manufacturers would recall vehicles and absorb all remedial costs.

The truck-wheel incident might have gone unchallenged had not a group of California truck owners filed a class action suit against General Motors in August. Until then, the situation marked the first time when acknowledged failure of a part in an automobile required recall, and when the manufacturer circulated notice to owners that recall was necessary, but told the owners that they had to pay for the failure caused by improper manufacture.

This class-action suit was made in the name of all owners of the specific ¾-ton truck. On their behalf, it asks $97.5 million in specific and general damages, $180 million in treble damages on price discrimination—resulting from General Motors' early free replacement of these wheels to certain fleet owners, an action denied to individual owners—plus $150 million in punitive damages.

Filing of the suit has brought about some changes. The National Highway Safety Board reopened its investigation of the incident; initial investigation and administrative proceedings had ended in May when the first letter to the truck owners was sent. Then, nearly 8 weeks after the complaint was charged, General Motors issued another letter reversing part of its previous position.

The new letter went to owners of around 40,000 of the trucks, but only to those who bought trucks with camper attachments. In the letter, GM offers free replacement of the wheels.

GM's partial capitulation still leaves the owners of approximately 160,000 trucks with the necessity of paying for replacement themselves. All the wheels are potentially dangerous, and General Motors will not escape from liability—or from the law suit—by this maneuver.

The faulty wheels represent a tremendous hazard to all drivers, not only to the truck owners, and it is well within the public interest that all the wheels be replaced. But, according to the existing auto safety law, nothing can be done to force GM into replacing the wheels on all 200,000 vehicles.

Hopefully, Congress will soon amend the law so that this situation will never arise again. But until that time, judicial action seems to be the only means of providing pressure upon the manufacturers to comply with strict safety standards.

I support this class action suit, and I now place in the Record two articles from the Wall Street Journal describing in further details the history of the truck wheel incident:

[From the Wall Street Journal, August 14, 1969]

GM, Kelsey-Hayes Sued for $427.5 Million Over Possibly Defective Truck Wheels

General Motors Corp. was served with a class action suit in the Superior Court of Los Angeles County for failing to pay for the replacement of possibly defective wheels on about 150,000 of its trucks.

In Detroit, neither GM nor Kelsey-Hayes Co. which was also named in the suit, had any immediate comment. Kelsey-Hayes manufactured the wheels for GM.

The class action, believed to be the first of its kind in the automotive industry, involves eight specific charges and asks for compensation totaling $427.5 million.

A class action means the grievance is brought on behalf of the plaintiff and all others with the same grievance. According to Ralph Nader, auto industry critic, such actions have been successfully brought in other fields in recent years.

In this instance, it revolved around a GM "advisory" made last May 28. At the time, GM sent out letters to owners of certain 1960–1965 trucks advising them that if the trucks were overloaded, they ran the danger of the wheels disintegrating. But unlike other recalls, GM did not offer to pay for the replacement of the tires or wheels. Instead, GM suggested the owners of the vehicles do so at their own expense.

At the time, Mr. Nader sharply objected to the tactic. He said that most of the trucks were three-quarter-ton vehicles that had been advertised as vacation camper carriers. He suggested that GM had misled the public by advertising the vehicles as camper carriers. when in fact the wheels were not strong enough for the added weight of a camper, which usually is a metal cabin placed on the truck bed.

The present lawsuit, filed under California laws, is on behalf of G. W. Anthony and Herbert Lockerbie, and all others who received GM's letter.

According to attorney Steve Zetterberg, replacement for each of the trucks would run about $250. However, the suit asks for $97.5 million in specific and general damages, $180 million in treble damages on price discrimination, plus $100 million in punitive damages from GM and another $50 million from Kelsey-Hayes.

Although the sums are large, Mr. Zetterberg feels that "basically we're asking that GM immediately repair, at their own expense, the failures they set forth in their advisory letter."

Mr. Nader sees the action as far more significant. He says that grievances of this kind, involving only several hundred dollars per buyer, have frequently had no recourse in the courts. Because of the relatively small amount of money involved, neither the people with the grievance nor the courts have been willing to take legal action. A class action suit, however, forces the issue on behalf of all those similarly involved and thus represents a "mass consumer remedy against the mass producers," Mr. Nader says.

[From the Wall Street Journal, Oct. 10, 1969]

GM Will Recall 200,000 Trucks; It Refused in May

Detroit.—General Motors Corp., under pressure from a multimilion-dollar class-action suit and the Federal Highway Administration, said it will notify owners of about 200,000 of its Chevrolet and GMC trucks that it will replace wheels on any with camper attachments. GM estimates that there are about 40,000 of the 1960-to-1965 models with such attachments.

In May, the company sent an "advisory" to owners of the vehicles advising them that if the trucks were overloaded there was a danger of the wheels disintegrating. But GM didn't offer to pay for the replacement of the wheels, as is common, but suggested the owners of the vehicles replace them at their own expense.

The class-action suit against GM was filed in August in superior court of Los Angeles. It asked, on behalf of all owners of such trucks, $97.5 million in specific and general damages and $180 million in treble damages on price discrimination, plus $100 million in punitive damages from GM and another $50 million from Kelsey-Hayes Co., which manufactured the wheels for GM.

GM said it still considers itself under no obligation to replace the wheels but is offering to do so "in the interest of reducing the safety hazard resulting from overloading" and as a basis for terminating an investigation by the Federal Highway Administration.

After the suit was filed, the National Highway Safety Bureau asked GM to explain why it hadn't recalled all the trucks. GM in its statement yesterday disclosed that the Federal Highway Administrator made a preliminary finding of the existence of a defect, but GM "presented test data and other evidence demonstrating that in fact these wheels are not defective."

Attorney Steve Zetterberg, who filed the class action suit, said GM's decision "is the main guts about what we have asked for." He declared that GM took the action more as "a reaction to our suit" than in response to the Federal Government's investigation. However, he cautioned that the suit might continue if some truck owners "still aren't helped by it."

The company said about 200 wheel failures were reported, almost all on trucks with campers.

While emphasizing that its offer to replace the wheels applies only to pickup trucks on which campers or special bodies have been installed, GM said it is informing other owners that the company will replace their wheels should they decide to put such bodies on their trucks in the future. GM also said it will reimburse any owner who bought wheels because of the earlier warning.

General Motors said it informed owners that wheels on trucks without special bodies or campers are adequate "as long as you do not exceed the maximum load capacity" at specified tire inflation pressures.

INVESTMENT COMPANY AMENDMENTS ACT OF 1969

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. STUCKEY. Mr. Speaker, as a member of the Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee, I have devoted a great deal of time and thought to the proposed Investment Company Amendments Act of 1969, pending before our committee as H.R. 11995. This bill stems from the 1966 report by the Securities and Exchange Commission of its study of investment company growth. Legislative proposals to implement recommendations made by the SEC in the 1966 report were introduced in 1967 and were passed by the Senate in 1968. However, various interested groups became very concerned with some aspects of the proposals, and the House took no action on the bill.

In early 1969 similar bills were again introduced in the Senate and after extensive hearings a "clean bill"—S. 2224—was reported in the Senate on May 21, 1969, and passed on May 26. That bill is H.R. 11995 which, together with other related bills, will be the subject of hearings by our Subcommittee commencing November 12.

I have in the past expressed reservations and doubt as to the need for this legislation since neither the Securities and Exchange Commission nor anyone else has up to this time come forward with any substantial evidence of mismanagement, wrongdoing, excessive profitability, excessive compensation for salesmen, or excessive compensation for the management of investment companies. The recommendations of the SEC seem to be based more upon the need for updating some provisions of the Investment Company Act of 1940 and related statutes, and simply because the staff apparently thinks investment companies having now grown to where total assets approach $50 billion that they are too large.

This seems strange in view of the fact that savings and loan associations have assets of $150 billion, bank trust departments manage assets approaching $200 billion, and insurance companies have policies in force approaching $1 trillion. Against this background, the size of the mutual fund industry would not seem to be alarming. Moreover, the Investment Company Act of 1940, under which mutual funds are regulated, gives to the SEC enormous authority to regulate the industry, much of which has never been used.

During the time this legislation has been pending, I have endeavored to learn as much as possible about the operations of the industry, the protection of investors, the level of compensation for salesmen and management, and other matters of similar importance. A great many persons and groups have discussed this legislation with me and many have suggested changes in the SEC proposals. Many others have serious misgivings as to whether such legislation is not premature, in view of the fact that Congress has authorized the Securities and Exchange Commission to conduct a study of the impact of institutional trading on the securities markets and report to Congress by September 1970. Still others think it is unwise to enact such far-reaching legislation at a time when our Government is taking drastic steps to stop inflation, which in turn has caused considerable disruption in the Nation's securities markets. Trading on the New York Stock Exchange has diminished nearly 50 percent during the past 6 months, and the sales of mutual fund shares have suffered similar diminution. There has been a certain erosion of investor confidence due to excessive and unjustified criticism of the mutual fund industry. There are over 5 million mutual fund shareholders in the United States, and they have a keen interest in not having Congress take any precipitous action which will cause a "selling panic" or otherwise affect the soundness of their investment.

The success of the mutual fund industry, like other businesses, depends upon adequate compensation for managers and for salesmen. Without this incentive, mutual funds are unable to market the shares necessary to bring in new money to replace redemptions, or to provide the management so necessary to achieve successful investment performance. Nonetheless, the Congress has a responsibility to exercise oversight and consider very carefully any recommendations made by the Securities and Exchange Commission. Our November 12 hearings are one element of meeting that responsibility. However, my study of the pending legislation persuades me that as of this time I cannot vote for the bill passed by the Senate unless it is amended in several significant particulars.

In order to provide the industry, its management and salesmen, and mutual fund investors with a vehicle for further consideration of pending proposals, I am today introducing another bill, H.R. 14737, which incorporates the various suggestions, objections, and modifications people have asked me to consider in connection with the pending legislation. I am asking various interested groups to let me have their comments prior to the hearings on November 12 so that we will have a more complete record on which to base any action respecting these far-reaching legislative proposals.

The bill I am introducing today varies from the bill passed by the Senate in the following ways:

First. It adds certified public accountants and former personnel of the Securities and Exchange Commission in addition to legal counsel as "interested persons."

Second. It restricts the Securities and Exchange Commission to administrative actions only after notice and opportunity for hearing in accordance with the Administrative Procedure Act.

Third. It provides for reasonable profitability of brokers and dealers selling mutual fund shares, as a protection for small businesses and their salesmen.

Fourth. It authorizes the Commission to allow higher sales loads for smaller companies subjected to relatively higher operating costs.

Fifth. It reduces the redemption period for persons investing in front-end load contractual plans to 1 year from the 3-year period in the bill, so small investors can participate in equity investment along with more well-to-do citizens.

Sixth. It requires the Securities and Exchange Commission to accord defendants a fair opportunity to comply before instituting actions for breach of fiduciary duty respecting management compensation.

Seventh. It limits legal action by private parties to plaintiffs acting in good faith and with justifiable cause.

Eighth. It prohibits former Securities and Exchange Commission personnel from participating in lawsuits against mutual funds for a period of 2 years after the end of their employment.

Ninth. It leaves the question of common trust funds operated by commercial banks and savings and loan associations to existing rules, regulations and judicial decisions.

Tenth. It amends the Securities Exchange Act of 1934 to recognize the legitimacy of minimum commission rates on national securities exchanges, provided such commissions are reasonable and they have reasonable access for nonmembers to such exchanges.

Eleventh. It preserves the existing requirement that oil and gas drilling programs register their securities with the

Securities and Exchange Commission under the Securities Act of 1933 and file reports under the Securities Exchange Act of 1934. It also preserves the existing exemption from registration under the Investment Company Act of 1940, so as not to destroy these programs or deny to small- and middle-income investors a right to participate in mineral exploration heretofore reserved only for the wealthy or to impair the national security by stifling oil and gas exploration and development.

Twelfth. It provides criminal penalties for persons who foment unjustified litigation against mutual funds.

Thirteenth. It gives mutual funds a chance to avoid having the SEC or NASD establish management and sales compensation, if they obtain approval of management and distribution agreements by 100 percent of the unaffiliated directors and a two-thirds vote of outstanding shares within 1 year.

I hope to have this bill considered along with other legislative proposals. In any event, I will offer as amendments to whatever bill our committee considers the substantive proposals I have introduced today. Too many of the provisions of the Senate bill are anti-small business and anti-small investor. I do not subscribe to any proposal that tends to deny to small business or to small investors the opportunity to participate in our country's economic growth.

NATIONAL BLOOD DONOR MONTH

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. CARTER. Mr. Speaker, recently I introduced a resolution to annually proclaim January as "National Blood Donor Month." This resolution has gained the interest of many people across the Nation and I am enclosing for the perusal of my colleagues an editorial by the Kansas City Times:

FOR A NATIONAL BLOOD DONOR MONTH

While one of the joint resolutions pending before both branches of Congress would hardly attract world notice, it is important to Americans. The resolution would authorize the President to declare January National Blood Donor month. The purpose would be to encourage more persons to donate blood.

Certainly the national publicity that would surround such a presidential proclamation should increase the number of volunteers. Of course many of the new recruits might prove to be one-time donors, but even that would be a great help. January is traditionally a month of shortages in the nation's blood banks, which supply blood for about 6.5 million transfusions a year. Bad weather and the Christmas holidays combine to discourage would-be donors. The demand for blood, which has a usable life span of only 21 days, does not drop accordingly. If anything, demand goes up in January. In addition to the accident victims hurt on the highways during the holidays, persons who have a choice in setting the date for surgery on themselves usually wait until after New Year's to undergo operations.

Thus the resolution, suggested by the American Association of Blood Banks, could do much to help make this coming January different. It is to be hoped that Congress acts on the matter soon enough to give President Nixon time to prepare and issue the proclamation that just might help save lives.

A BILL TO INCREASE THE NUMBER OF DROPOUT YEARS AVAILABLE IN DETERMINING SOCIAL SECURITY BENEFITS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. VANIK. Mr. Speaker, I am preparing legislation to correct a major injustice in the social security laws. Under present law, a worker's social security benefits are determined on the basis of his average social security taxable income between 1951 and the year he is eligible for benefits—65 years of age for full benefits and 62 for reduced benefits. Each worker is able to delete his 5 lowest income years before figuring his average—the average which determines the size of his benefits during his years of retirement. Most workers, of course, delete the years between 1951 and 1956 when the social security tax base was only $3,600 and their wages were much lower than present.

But this dropout provision which removes these early very low income years, is restrictive and is most unfair for those hundreds of thousands of workers who may be laid off before the age they are eligible for social security. If a man is laid off because his plant closes or he is "merged" out of a job at the age of 60, it is almost impossible for him to find new employment at his previous, often highly skilled, rate of pay.

In addition, the present dropout of low years of earning provisions conflict with an increasing number of private pension plans. For example, if a worker is able to receive the benefits of his company pension plan after 30 years of service, and decides to retire at age 55, by the time he is eligible to receive the social security benefits he has earned in 30 years of covered work and 30 years of paying into the fund, he will have to average in 10 years of zero income—thus substantially reducing his monthly social security benefits. This conflict between the provisions of the Social Security Act and private pension plans is placing beneficiaries in a difficult dilemma, reducing mobility in the working force, and causing workers to sacrifice benefit payments they have earned.

The amendment I am preparing today will provide 1 additional dropout year for every 10 years that a person has worked in an occupation covered by social secu-rtiy. Thus a person who has worked 30 years could drop 3 years in addition to the five now allowed him. In addition, the amendment changes the basis upon whch benefits are computed from age 65 to 62. In effect, this will give an additional 3 dropout years to male employees, allowing them to compute their retirement benefits on the same basis that women do.

The amendment will remove the penalties from which a worker suffers when he is laid off before age 65 and cannot get commensurate employment because of his age, or because he elects to participate in his company pension plan.

It is my hope, Mr. Speaker, that this amendment can receive consideration in the current review of the Social Security Act being made by the House Ways and Means Committee.

HAWAII'S CONCERN OVER POLLUTION AND ENVIRONMENT AMAZES EXPERTS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. MATSUNAGA. Mr. Speaker, the magnitude of the problem of pollution of our natural resources is so awesome, it is incomprehensible that it has taken so long for a national sense of urgency to develop in taking concerted action to protect the quality of our environment.

The awakening concern of the public and of the Congress has been evidenced in recent years by the passage of landmark legislation in the fields of air and water pollution. Nowhere is this concern more evident than in the Island State, where prevails among its citizens a sense of responsibility to preserve that unique natural beauty which is Hawaii's heritage.

The deep involvement of Hawaii residents in the preservation of the island environment was immediately noticed by a recent distinguished visitor, Mr. Sheldon Samuels, chief of the field services in the Office of Education and Information of the National Air Pollution Control Administration. Mr. Samuels was in Hawaii last month to meet with local conservationists and others interested in participating in the planned hearings to set air quality standards for Hawaii.

He observed:

> I've been here for 36 hours, and it's fantastic! . . . There's more concern about the environment and pollution in Hawaii than in most troubled spots on the Mainland.

Honolulu Advertiser planning writer, Harold Hostetler, has written a most informative article about the yoeman work being done by Mr. Samuels, and I think Mr. Samuels' stimulating and perceptive remarks should be read by all who are concerned with what could be and should be done to clean up our environment.

I am therefore pleased to submit for inclusion in the CONGRESSIONAL RECORD the article, "Isles' Interest in Pollution Amazes Control Official," from the October 29, 1969, issue of the Honolulu Advertiser:

ISLES' INTEREST IN POLLUTION AMAZES CONTROL OFFICIAL

(By Harold Hostetler)

A Federal air pollution control official has been floored, figuratively speaking, by the intense interest in Hawaii on matters involving pollution and the environment.

He is Sheldon Samuels, chief of field services in the Office of Education and Information of the National Air Pollution Control Administration (NAPCA).

"I've been here for 36 hours, and it's fantastic!" Samuels told The Advertiser Monday. "There's more concern about the environment and pollution in Hawaii than in the most troubled spots on the Mainland."

Samuels is in Hawaii for two days of meetings with local conservationists and others interested in participating in the planned hearings to set air quality standards for Hawaii.

If Samuels was surprised by the keen interest among Island residents in the environment, he was quick, however, to come up with a theory.

"I think it stems particularly from the haoles who've come here, many of them trying to find a place where the urban ills of the Mainland don't exist," he said. "And they resist when they see changes taking place that seem to be bringing those ills to Hawaii."

Samuels' own specialty is aiding citizen participation in the establishment of air quality standards as specified by the Federal Clean Air Act.

"In the 10 years I've been in this business, no city or state has ever begun to tackle the problem (of air pollution) unless action was instituted by the citizens of the community," he said.

"The non-expert traditionally leads the way in the fight to control pollution," he explained, although he pointed out that "technical" persons such as doctors and scientists have always been involved in supplying factual information.

"But those who are most affected by pollution are those who are most apt to want to do something about it," Samuels said.

"It's a gut feeling type of thing when you know there's filth in the air, and you know it isn't good for the plants or for your own health.

"This is one thing that everyone agrees on—blue collar worker, student, no matter who he is. When you exclude such things as the Vietnam War or race problems from a conversation, you can find everybody agreeing at least on this one thing.

"And the interesting thing is that there has been a tremendous increase in interest in areas not yet polluted to the extent cities such as Los Angeles are," Samuels said.

"People in Denver get upset because they wake up in the morning and can't see the mountains any more."

Samuels said he sees a revolution in values taking place in the United States, a revolution which demands that we clean up our environment before it affects us seriously—or even kills us.

"The most important change I've seen is the involvement of organized labor," Samuels said. "At one time, labor leaders would go to hearings and ask that no pollution controls be enacted, because they feared that economic constraints would eliminate jobs.

"Now, they go and say they are no longer going to subsidize the cost of production with the health of their workers.

As an example, he cited hearings last month in Pittsburgh, where an unusual alliance was struck up between conservationists and the United Steelworkers of America. Some 500 people showed up for a hearing on proposed air quality standards for Pennsylvania.

Samuels said that the weight of citizen testimony in Pittsburgh, combined with similar concern voiced by citizens of Philadelphia, prompted Pennsylvania Gov. Raymond P. Shafer to demand even tougher air quality standards than those originally proposed.

"The Pennsylvania hearings proved something about states," Samuels said. "It proved the Governor can be sensitive to what the people want.

"Pollution standards for Pennsylvania's air as now proposed put the allowable level just slightly above the normal background level of pollution. That's really cleaning up the air!"

Samuels also pointed out that 1967 amendments to the Clean Air Act provided the vehicle for citizen participation in the adoption of air quality standards. The law provides also that a transcript of all public hearings be included when the proposed standards are forwarded to the Department of Health, Education and Welfare for approval.

Hawaii probably will begin its efforts to set air quality standards next year. The first item is to have Hawaii declared an air quality region, probably in the spring.

After that, the Governor will have 90 days to file a letter of intent to set the standards. Following that will be 180 days for public hearings and another 180 days for completing the standards and submitting them to the Federal Government.

Samuels summed up his philosophy about the environment this way:

"If you really want to do something about air pollution, you have to do something about automobiles and transportation, about solid waste disposal and industrialization.

"There are all kinds of pollution, but if you cut air pollution, you've cut the Gordian knot. When you've solved one pollution problem, you've forced a solution to the others."

POLLUTION CONTROL: WHY HAS IT FAILED?

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BUSH. Mr. Speaker, we are all concerned about how to best improve the quality of our environment. We have wrestled with anti pollution legislation and continue to seek answers on the solution to pollution problems. The October issue of the American Bar Association Journal contained a very interesting article entitled "Pollution Control: Why Has It Failed?" I offer this article to be entered in the RECORD for the benefit of my colleagues:

POLLUTION CONTROL: WHY HAS IT FAILED?

(By Arnold W. Reitze, Jr.)

In recent years nearly every literate person has become cognizant of the "quality" deterioration of our environment.[1] However, this knowledge has not been translated into the meaningful societal actions necessary to halt the fouling of our habitat. At one time the destruction of our environment was merely an aesthetic problem. Now it threatens the survival of mankind as a species.[2]

When compared to the age of the earth, the period of man's occupation of our planet has been very short. While man has been destroying his environment throughout his recorded hisory,[3] his ability extensively to alter his surroundings to the point of complete destruction has developed during the last century. It is therefore imperative that man's myopic view should not obscure the insignificance of this span of time.[4] Assuming he survives his radiological, biological and chemical war toys,[5] he still must face the long-term effects of pesticides,[6] air pollution,[7] destruction of the soil [8] and the many other effects of abusing his habitat. War is a danger, but peace too may be deadly. Man should not be sanguine. Why then is he acting against his long-term interests?

The most obvious reasons are the ubiquitous nature of the problem, its complexity and the concomitant cost of combating it. Professor Kenneth Galbraith put it this way: "Pollution may well be the nation's most broadly based and democratic effort." [9]

Today, virtually every identifiable social or economic interest group is actively engaged in the destruction of our environment. The average citizen functioning as the operator of an automobile and as a waste-producing machine is the most significant source of air and water pollution. Industry is a large user of water and a contributor of vast quantities of pollutants. Whether it is the air and thermal pollution of the power industry, the acid pollution of the steel industry or the organic wastes that the food processors discharge, nearly every industry is a significant contributor to the pollution problem.[10] So too is agriculture, with its pesticide residuals, chemical fertilizers, organic wastes and silt.[11] The mining industry is responsible for much of the destruction of Appalachia,[12] while the construction and road-building industries follow practices inimical to soil conservation, adding to our silt pollution problem.[13] The Federal Government is a major polluter from its military installations,[14] ships,[15] and through the activities of agencies charged with other aspects of resource development.[16] With everyone contributing to the pollution problem, it is difficult to assign responsibility.

While the universality of polluters complicates abatement procedures, it would be simplistic to attribute the failure of control efforts solely to the size and diversity of the body to be regulated. Restraints on "aggressive activities" that result in limitation of individual freedom for the benefit of society are common. Traffic laws are an example. As population density increases, these limits on individual freedom continue to become more totally encompassing. The furor over firearm control legislation is an excellent example of the conflict between the necessity for group control in areas of dense population and the individual freedom that could more readily be maintained in a bucolic society.[17]

SPENDING A FORTUNE TO DEFEND WHAT WE WON'T PAY TO CONSERVE

The argument that the high cost of pollution abatement precludes adoption of controls is also unconvincing when one realizes that what is at stake is the livability of our environment. The expenditures from the public sector of our economy for defense and agricultural price supports are examples of the high fiscal commitment to policy goals for needs deemed sufficiently great. But if we consider the vast fiscal resources of the private sector of the economy, the handling of our environmental problem is certainly within our capabilities. The problem is getting the money allocated to the task.

In our society, the traditional controls have been unable to cope with the continued deterioration of our environment basically because of our failure to recognize pollution for what it is: a form of aggression against society as a whole and our neighbors in particular. Existing or possible control methods are of three types: informal (our mores), formal or legal and economic. The informal controls are those most capable of producing a high general level of conformity to the demands of society, while legal controls operate primarily to establish a minimum standard of acceptable conduct. Economic controls hardly exist. The informal controls are the most effective, as the regulated individual conforms as a result of his ingrained

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Footnotes at end of article.

socialization. Ultimately, in a democratic society, all control should be based upon this societal consensus of what is permissible conduct. The strength of such mores is aptly expressed in the ditty about

> "The young lady named Wilde
> Who kept herself quite undefiled
> Through thinking of Jesus
> And social diseases
> And the dangers of having a child." [18]

IF WE WOULD VIEW POLLUTION AS VICTORIANS VIEWED SEX

If pollution could be regarded as "dirty" in the Victorian sense, then our environmental problems would soon be solved. But this is not likely to happen. In general, polluting is socially acceptable conduct. Many of the wealthiest suburban communities inflict their inadequately treated wastes on their downstream neighbors. Eleemosynary institutions such as hospitals and universities are often major air polluters. The names of the major industrial polluters read like a who's who of industry.[19] Yet the corporate directors and officers who are responsible for these chemical and biological attacks on the rest of us are often considered the leading citizens of their communities.

This acceptance of pollution is deeply embedded in our societal psyche. The Judeo-Christian tradition is a most anthropocentric influence. The man and nature unity of ancient paganism and primitive animism has had no part in our historical tradition. As a society we still believe that man can exploit nature interminably. Our technology and our predominant social institutions have evolved in this tradition, and it is this outlook that is held today by nearly all Americans. Despite Copernicus, our relationship to the environment is still based on a man-centered universe. We reject the Darwinian notion that we are part of nature.[20]

This rejection may have been useful in creating the mental framework necessary for settling the wilderness and developing a nation from a relatively unpopulated frontier.[21] But today, in our densely populated, interdependent, twentieth-century nation, this attitude can lead to our destruction. Man cannot persist in creating an environment hostile to his continued existence.

Economic controls to protect our environment do not exist. The reason is simple: Pollution increases profits to individuals and corporations. Conversely, pollution control is expensive. When the environment is defiled by a business, the cost of production includes a harm inflicted on society for which no payment need be made. Air and water are treated as elements of production that are essentially free and are, therefore, abused or wasted with impunity. Pollution controls, when avoided, do not become a cost of production. Although the cost to society of pollution, even in economic terms, may exceed the costs of abatement, the individual polluter making the decision of how to operate his business must decide whether he will abate pollution with his own financial resources or pass the costs and harm on to the public as negative externalities of his business operation. Even if the businessman possesses a highly developed social conscience, his competition is unlikely to be similarly constrained. In a competitive world the lowest level of morality, if consistent with the desire for maximizing profits, tends to become the norm.[22]

IF PRODUCTION DOESN'T POLLUTE, THE PRODUCT DOES

Even if the production of the goods does not cause pollution, the product itself can be designed so as to become a pollution problem. Polaroid film, aluminum beverage cans, detergents and chemical pesticides are some of these. The responsibility of a manufacturer for the environmental problems caused by the use of his product is a subject that must become of increasing concern if we are to protect our water and air. The requirements for controls on automobile emissions are but a beginning.[23]

Pollution abatement is hampered, of course, by the often astronomic costs of control. The capital investment necessary to control industrial wastes can represent a substantial portion of total capital investment. Many businesses, particularly those that are small or inefficient, just do not have access to such capital. It is usually difficult to make pollution abatement financially attractive. Even if a profitable by-product can be obtained through pollution control, the economic return is rarely equal to the return which could be obtained from investing the necessary capital in more traditional investments or else in other polluting industries.[24]

Not only are capital requirements substantial, but operating costs for pollution control are significant. For most communities, proper waste treatment would engender a substantial increase in operating costs as well as a vast increase in capital expenditures. For the Lake Erie Basin, proper phosphate removal alone would double present waste treatment expenses. [25] The costs to industry for abatement programs would have to be passed on to the consumers in the form of increased costs for nearly every item purchased. The cost to municipal government would be reflected in higher water and sewage rates.

The economic cost of environmental protection is so high that a commitment of the citizenry similar to that created by war is necessary if this problem is to be successfully resolved. Environmental protection is an expense that only wealthy nations can afford, but today it is an expense we cannot afford to avoid. The capital accumulation necessary for a modern economy is obtained by exploiting natural resources. But the limits of exploitation for developed economies have been reached.[26] We no longer can afford to allow this exploitation process to continue. Rather, the process must be reversed. Continued expansion of the gross national product, if achieved at the expense of our environment, is irrational. For example, producing gas masks and distilled water for city dwellers will increase the gross national product, but it is difficult to understand how the required use of these products improves our well-being. As the production of goods of dubious value and planned obsolescence continues, it is often at the expense of our environment.

ERODE ENVIRONMENT OR PERSONAL FREEDOM?

Since economic considerations provide an incentive to pollute our air and water, only strong formal constraints have any chance of success, and these can only be considered temporary expedients. If the mental attitude necessary for developing the informal constraints is not developed, the formal regulation in the long run will not be successful. While the continued expansion of governmental powers and the erosion of personal freedom that this implies cannot be welcomed, the penalty for increased population density must be paid. The choice is either *laissez faire* treatment of the environment, followed by its destruction, or governmental regulation sufficient to prevent such destruction. The polluted condition of our air and water makes it clear that efficacious regulatory powers do not exist.[27]

The concept of governmental regulation of our waters is nothing new. From the beginning of our nation, the Federal Government has been concerned with our water resources. Most of its activity, however, was to encourage development and exploitation of these resources. Not until the end of the nineteenth century did the concept of governmental protection of resources enter our political philosophy.[28] Yet this long history of involvement in the various aspects of resource management is significant, for it helps explain the lack of a unified, coherent government policy toward our water resources or toward the larger problem of the management of all our natural resources.

DOZENS OF FEDERAL AGENCIES MOSTLY AT CROSS PURPOSES

Today water resource regulation and development is carried on by dozens of federal agencies. Many of these agencies work at cross purposes: The Department of Agriculture has paid North Dakota farmers to drain land, while the Department of the Interior spends money to create and protect such wet lands for wild fowl breeding; the Department of Agriculture pays to remove lands from agricultural production, while the Bureau of Reclamation spends large sums to create agricultural lands; the Army Corps of Engineers dredges harbors in such a manner as to increase the pollution problem the Federal Water Pollution Control Administration is attempting to abate. Examples of these inconsistent government activities are legion, and they are largely the result of numerous agencies that represent specialized economic interests.[29]

Today, most progress toward pollution control is carried out by the Federal Water Pollution Control Administration (FWPCA) of the Department of the Interior. This is one agency dealing with water resources that does not represent an economic bloc. It has been active for but four years. Its power is limited, and it has a small budget. But considering the limitations imposed on it, it has done an excellent job. Some progress finally is being made, but this progress is inadequate. As the Queen said to Alice: "[I]t takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that." [30] Our growing population and increasing rate of urbanization require an estimated expenditure of $22 billion for municipal sewage systems by 1975 and an additional $10 billion for industrial waste treatment.[31]

We must run to stand still, yet we are barely crawling. The estimated expenditures and net lending for 1968 by the Federal Water Pollution Control Administration are $190 million. Of this a little over $6 million will be allocated to Ohio.[32] The ten largest agricultural subsidies exceed Ohio's allotment.[33] With this sense of priorities, little progress can be expected. Reductions in federal outlays can be anticipated to be taken from natural resource programs out of proportion to their percentage of the total budget.[34] Few economic blocs lobby to protect water pollution control funds. Even without reduction, the present federal expenditure for water pollution is only approximately equal to the interest that could be earned on the interest that would be paid on the defense budget if invested at 5 per cent.

The state governments' attitude toward pollution control parallels that of the Federal Government. A profusion of conflicting state agencies dealing with these problems is common. Even more common are the lack of effective power and minuscule budgets.[35] Under present law the responsibility for enforcing most laws dealing with water pollution is with the states. In Ohio the Water Pollution Control Board operates with a budget of less than $500,000.[36] Though there is danger in making comparisons between systems that are not identical, it is interesting to note that the budget for the German Ruhr District Authority—the district is a fraction of the size of Ohio—is about $50 million.[37] Air pollution control in Ohio is expected to advance with a budget of $150,000. State grants to local governments in Ohio for pollution control have not mate-

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Footnotes at end of article.

rialized,[38] and this in turn denies local governments federal matching funds. Expenditures of this nature predetermine the result.

SOCIETY MUST KEEP SCIENCE'S PACE

The failure of our environmental protection program is obvious. The ability of our social organizations to deal with today's problems has lagged substantially behind our science and technology. But the reason for this failure is due largely to the lack of any consensus to effectuate the necessary change. The political pressures that encourage a high level of expenditure by the Department of Defense tend to minimize environmental controls. The general public has had but minimum concern; when its concern grows to the point where it manifests itself in a willingness to approve expenditures commensurate with the task before us, then, and only then, will there be a chance for reversing the deterioration of our environment.

Recent voter approval of bond issues for pollution control is a hopeful sign, but after two centuries of neglect and exploitation, the challenge is so substantial that these sums, while welcome, are but a beginning.[39] We can only hope meaningful recognition develops throughout the nation while the problem is capable of being solved.[40] A danger is that society will adjust to levels of pollution that apparently have only a minor nuisance value, but that this apparent adaptation will eventually cause much pathological damage.[41] Further, the ability of man to adapt to the continuing qualitative deterioration of his environment creates a political climate that makes reversal of this deterioration difficult. After a period of time citizens seem to accept as normal a long journey to areas where fish still live and swimming is safe.

It is the belated recognition that time may not be on our side that is most ominous. The air we breathe is the same as that utilized by Neanderthal man, only now 65 million tons of deadly carbon monoxide are discharged each year by automobiles in this country.[42] The long-term effects of this pollution on man's physical, neurological and even genetic make-up cannot be determined. What will the 133 million tons of pollutants that are sent into the atmosphere each year in the United States do to weather patterns and eventually to the temperature of this planet? [43] No one can be sure. Water pollution may also become irreversible. The present deterioration of Lake Erie from phosphate—mostly from detergents—that encourages vast algae growth and greatly speeds eutrophication may continue even if additional nutrient inputs are curtailed.[44]

ABILITY TO DESTROY WHAT WE CAN'T CREATE REQUIRES HUMILITY

Our technology is allowing man to upset ecological balances without having developed the degree of technological *expertise* necessary for a new artificial ecological balance to be created that can be predicted and controlled so as to assure that a place remains in our man-defiled environment for man. Until this can be achieved, we must humble ourselves to reinstate a man-nature unity. We must begin to live in harmony with our environment.[45] When this concept is accepted, the necessary money will be forthcoming and social institutions will rapidly provide the means for carrying out the mandate of the citizens. In a democratic society these attitudes can only be created through education and persuasion. Until the consensus of our citizens is that an environment undefiled by man is highly desirable, the reckless abuse of natural resources will continue. The law, particularly when large sums of money must be appropriated, can move only a short distance beyond the desires of the governed. Unless those who are led become convinced of the wisdom of the course of action, even limited leadership will have an ephemeral existence. Until Americans decide they want a livable environment, we cannot have one. Our survival may depend on their decision.

(NOTE.—Arnold W. Reitze, Jr., is an associate professor of law at Case Western Reserve University School of Law where he offers courses on natural resource law and water law. He is a graduate of Fairleigh Dickinson University (B.A. 1960) and Rutgers University School of Law (J.D. 1962).)

FOOTNOTES

[1] Numerous publications lamenting the destruction of our environment have been written in the past several years. Two general books of value are S. UDALL, THE QUIET CRISIS (1963) and RIENOW & RIENOW, MOMENT IN THE SUN (1966).

[2] In 1952 the London smog killed 4,000 people, more than the number killed in the attack on Pearl Harbor. In late October of 1963, a stagnant air mass over the Northeastern United States caused toxic gases to increase to more than five times the normal level. Only a change in wind direction prevented disaster. LEWIS, WITH EVERY BREATH YOU TAKE viii, xvii (1965).

[3] The decline of numerous ancient civilizations, for example, is attributed to poor irrigation practices. See generally CARR, DEATH OF THE SWEET WATERS (1966).

[4] Estimates of the age of the earth vary between 5 and 6 billion years. LEET & JUDSON, PHYSICAL GEOLOGY 29 (3d ed. 1965). Human evolution began only 1 million years ago, and all of recorded history encompasses but 7,000 years. STORER, GENERAL ZOOLOGY 195 (1943).

[5] Weapons can, of course, effect the environment without being used in war. Contamination from nuclear testing is a well-known danger. A more dramatic example of the danger posed by modern weapons is the death of 6,500 sheep caused by the Army's nerve gas experiments in Utah. NEWSWEEK, April 1, 1968, at 53; Hersh, *Chemical and Biological Weapons—The Secret Arsenal,* The New York Times, August 25, 1968, § 6 (Magazine), at 25.

[6] See generally CARSON, SILENT SPRING (1962); HEADLEY, THE PESTICIDE PROBLEM: AN ECONOMIC APPROACH TO PUBLIC POLICY (1967).

[7] See generally U.S. DEPT. OF HEALTH, EDUCATION, AND WELFARE, AIR POLLUTION PUBLICATIONS, A SELECTED BIBLIOGRAPHY 1963–1966 (1966).

[8] See generally MORGAN, GOVERNING SOIL CONSERVATION (1965).

[9] Galbraith, *The Polipollutionists,* ATLANTIC, January, 1967, at 52, 54.

[10] See generally JACOBSTEIN & MERSKY, WATER LAW BIBLIOGRAPHY 1847–1965 (1966); NATIONAL RESEARCH COUNCIL COMM., NATIONAL ACADEMY OF SCIENCES, WASTE MANAGEMENT AND CONTROL, No. 1400 (1966).

[11] See generally UDALL, supra note 1; HERFINDAHL & KNEESE, QUALITY OF THE ENVIRONMENT 35, 65 (1965); STILL, THE DIRTY ANIMAL 239 (1967).

[12] See CAUDILL, NIGHT COMES TO THE CUMBERLANDS (1962); LIFE, January 12, 1968, at 54.

[13] See W. DOUGLAS, A WILDERNESS BILL OF RIGHTS 147 (1965).

[14] Nationally, in 1966, at least 237 federal installations were still improperly discharging wastes into United States waterways. The New York Times, January 3, 1968, at 96.

[15] U.S. DEPT. OF INTERIOR, WASTES FROM WATERCRAFT, S. Doc. No. 48, 90th Cong., 1st Sess. 3 (1967).

[16] See generally DOUGLAS, *supra* note 13.

[17] Here the conflict over regulation as a responsibility of government should be distinguished from the merits of any specific regulatory proposal.

[18] Lewis, *The High Court: Final . . . But Fallible,* 19 CASE W. RES. L. REV. 528, 568 (1968), quoting from *A Symposium on Morality,* 34 AM. SCHOLAR 347, 360 (1965).

[19] See generally U.S. DEPT. OF INTERIOR (FEDERAL WATER POLLUTION CONTROL ADMINISTRATION), LAKE ERIE REPORT (1968).

[20] See White, *Historical Roots of Our Ecological Crisis,* 52 SIERRA CLUB BULL. 123 (1967); White, *What Hath Man Wrought?,* SCIENCE, March, 1967, at 11; NASH, WILDERNESS AND THE AMERICAN MIND (1967).

[21] MANAGING THE ENVIRONMENT, REPORT OF THE SUBCOMM. ON SCIENCE, RESEARCH AND DEVELOPMENT TO THE HOUSE COMM. ON SCIENCE AND ASTRONAUTICS 13 (1968).

[22] See generally CONTROLLING POLLUTION, THE ECONOMICS OF A CLEANER AMERICA (Goldman ed. 1967).

[23] Clean Air Act of 1963, as amended, 42 U.S.C. § 1857.

[24] For detailed information concerning industrial pollution abatement costs see 3 U.S. DEPT. OF INTERIOR (FWPCA), THE COST OF CLEAN WATER (1967).

[25] Statement of George Eagle, Conference on Pollution of Lake Erie and its Tributaries (June 4, 1968). Perhaps these additional costs may be subject to considerable reduction. See MICH. DEPT. OF PUBLIC HEALTH, WASTEWATER SECTION DIVISION ENGINEERING, & DOW CHEMCAL COMPANY, STUDIES ON REMOVAL OF SUSPENDED MATTER AND BIOCHEMICAL OXYGEN DEMAND (1967).

[26] This does not mean that underdeveloped nations do not have pollution problems, but only that their economies are less capable of absorbing abatement costs.

[27] Present government control over pollution is much better than it was prior to 1965, and we are beginning to develop a body of law capable of dealing with some of our environmental problems. However, the law has just begun to function. See Reitze, *Wastes, Water and Wishful Thinking: The Battle of Lake Erie,* 20 CASE W. RES. L. REV. 5 (1968).

[28] *Id.* at 49.

[29] See generally MOSS, THE WATER CRISIS (1967).

[30] CARROLL, THROUGH THE LOOKING GLASS, quoted in Lewis, *supra* note 18, at 566.

[31] Figures for pollution abatement costs vary substantially. There are some estimates from COHN, SEWERS FOR A GROWING AMERICA (1966).

[32] BUDGET OF THE UNITED STATES 108 (Fiscal 1969).

[33] Moore, *Slaves for Rent,* ATLANTIC, May, 1965, at 109, 118.

[34] BUDGET OF THE UNITED STATES 109 (Fiscal 1969).

[35] This is only a generalization. Los Angeles County has an effective air pollution control, though not effective enough to solve the problem. New Jersey has begun a vigorous abatement program.

[36] Reitze, *supra* note 27, at 80.

[37] Fair, *Pollution Abatement in the Ruhr District,* in COMPARISONS IN RESOURCE MANAGEMENT 143, at 171 (Jarrett ed. 1961).

[38] Reitze, *supra* note 27, at 79.

[39] Bond issues for water pollution control were approved in Ohio, Michigan and Washington. The $1 billion bond proposal in Illinois was rejected. BUSINESS WEEK, November 9, 1968, at 104.

[40] A number of environmental pollution problems include a possible irrevocable destruction. A wilderness destroyed by man-created drought cannot be restored. Pennekamp, *Disaster in Everglades National Park,* 50 SIERRA CLUB BULL. 4 (1965). Air pollution may change world weather patterns. Cole, *Can this World Be Saved?,* The New York Times, March 31, 1968, § 6 (magazine), at 35.

[41] Dubos, *Adapting to Pollution,* SCIENTIST & CITIZEN, January–February, 1968, at 1, 3.

[42] PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION, FIRST REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO THE UNITED STATES CONGRESS, June 28, 1968, at 16.

[43] Faltermayer, *We Can Afford Clean Air,* FORTUNE, November, 1965, at 159. See gen-

erally U.S. Dept. of Health, Education, and Welfare, Power Systems for Electric Vehicles (1967); Carr, The Breath of Life (1965); 1 Air Pollution (2d ed. 1968); Iglauer, *The Ambient Air*, The New Yorker, April 13, 1968, at 51.

[44] Reitze, *supra* note 27, at 19; see also *supra* note 39.

[45] For further discussion, see generally Murphy, Governing Nature (1967).

WILLIAM L. JOHNSON, COMMUNITY LEADER

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RUPPE. Mr. Speaker, as soon as the House adjourns for the week, I shall travel to Ironwood, Mich., to help pay tribute to an American who has devoted his life to community responsibility and service. This exemplary American is Mr. William L. Johnson, whom the community of Ironwood is honoring Saturday for his 28 years as a businessman, radio broadcaster, and active civic and community leader.

The list of his accomplishments and efforts for his community is entirely too long to be included in these remarks, but I would like to point out some of the highlights which mark this man as an exemplary community leader. "Bill" has always pursued one endeavor after another of communitywide significance. First, I refer to the Ironwood Airport, which he tenaciously sought as chairman of the airport development committee. Ironwood's fine airport facility has long since been put to good use. His leadership in the development of new hospital facilities led to equal success. And more recently, Bill spearheaded a drive to develop the Copper Peak Ski Flying Hill near Ironwood. This structure is unique in the Western Hemisphere, making Ironwood the American center of a great international sport. This project was termed a "far-out dream" by some, and there were many who said it simply could not be done. But Bill would have none of it. Certainly, more than any other single factor, Bill Johnson's persistent efforts to raise the needed capital and ramrod the project led to the completion of this landmark in northern Michigan.

As if these nonstop community efforts were not enough to consume his considerable energies, Bill has been a member of the board of two colleges in northern Michigan. He has also served as a member of the board of directors of the Michigan Chamber of Commerce, and the advisory council of the Michigan Department of Economic Expansion. In this capacity, Bill did more than merely advise, for his accomplishments in the Ironwood area have contributed significantly to the improvement of economic conditions since the end of the iron mining era in the Gogebic Range.

In addition, Bill has found time to become especially active in the political arena. In 1952, he was a candidate for the office of State treasurer, receiving over 1,300,000 votes. In 1958, he was an unsuccessful primary candidate for Governor against the incumbent Gov. G. Mennon Williams. Later, in 1962, Bill was a member of the State board of directors for the Romney volunteers, and he has since served as Republican finance chairman for his county.

Ironwood has long recognized the magnitude of his accomplishments for the community. He has been chosen "Man of the Year," "Citizen of the Year," and even "Boss of the Year," by the local chapter of the Jaycees. He has obviously set a fine example for the young business leaders of the area.

These are but a few of Bill's endeavors and accomplishments. This week, the grateful citizens of Ironwood will turn out to again pay tribute to the man who played such an important role in the business, civic, and educational development of the area, and who was a generating force behind the economic resurgence of his community. The occasion does not mark Bill's retirement, for a man of his stamina and energy could never really retire. While he is divesting himself of his broadcasting business, those of us who know him are convinced that he is merely "clearing the desk" for a new personal challenge.

NONE SO BLIND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. DERWINSKI. Mr. Speaker, I believe it is appropriate while many naive and misguided young Americans innocently participate in demonstrations which feed the Communist propaganda mill that attention be directed to the attitude of people who have suffered under Communist rule.

This point is very effectively demonstrated in an article by the distinguished international columnist of the Copley Press, Dumitru Danielopol, in the Tuesday, October 28, Joliet, Ill., Herald News:

NONE SO BLIND

(By Dumitru Danielopol)

WASHINGTON.—"At home everyone—even top party leaders—knows that communism is a fiasco, that it just doesn't work," said the elderly woman who came from eastern Europe.

"Some of the leaders still pay lip service to it, with an eye on Moscow, but in the bottom of their hearts they have given up."

What happened in Czechoslovakia is symptomatic of the atmosphere in all Eastern European countries. Had the Russians not interfered the whole system would have been swept away.

"We in eastern Europe see the decay. We think we see the end of communism, its collapse. We began to hope that eventually it would pass away, like a long nightmare."

The woman has been shattered by her brief experience in the West.

"We found more communists in the free world than there are at home," she said.

For one who emerges from behind the Iron Curtain, it is impossible to understand how intelligent and supposedly learned people, in politics, in the arts, in the teaching profession and students can fall prey to communist propaganda.

"It's incredible and it is pathetic," she said. "Don't these people have eyes to see? Don't they read?"

The evidence of the communist fiasco is overwhelming. So is that of the hatred of the people living behind the Iron Curtain of the regime.

The Berlin Wall is witness for anyone who wants to see.

It is a monument to communism's failure, a tombstone, if you will.

Now Czechoslovakia has clamped shut its borders to citizens who would travel abroad. The "summer" of liberalization has turned into a winter of new oppression.

When the Russians invaded in August 1968, Czechs fled by the thousands. The Russians hesitated to close the border immediately, perhaps fearing world opinion, perhaps content to let the most volatile Czechs leave.

The exodus continued for more than a year. Tens of thousands of young skilled workers arrived in Vienna as "tourists," sought asylum, moved on to new lives in Australia, Canada and South Africa.

Now this has ended. The "brain drain" of young talent is more than the Communists can tolerate.

Why are the young leaving every Iron Curtain country, the ones supposedly indoctrinated with communism?

Because they have no future. Many must feel they have escaped into a free world populated by the blind.

As the saying goes, there is none so blind as he who doesn't want to see.

FERDINAND EBERSTADT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. REID of New York. Mr. Speaker, the death of Ferdinand Eberstadt is a significant loss to the United States which he served for over four decades. His deep faith in our country, his unique powers of analysis, and the character of his vision for the future were only matched by the warmth of his friendships and the respect for him by men and women in all walks of life.

His public service began in 1929 when he served as an assistant to Owen D. Young at the Reparations Conference in Europe.

He worked closely in subsequent years with James Forrestal and Bernard Baruch. In 1941, Under Secretary of the Navy Forrestal asked him to study the machine-tool industry in terms of preparation for war and this resulted in his being named Chairman of the Army-Navy Munitions Board. In 4 months, he increased machine-tool production by some 30 percent, thereby relieving a major bottleneck, and, in 1942, he was named Vice Chairman of the War Production Board.

Subsequently, he was asked to help draft a plan for the reorganization of the armed services which ultimately resulted in the National Security Act of 1947. In a sense, Ferd Eberstadt was the author and certainly a principal architect of the present Department of Defense and the consolidation of the services.

Bernard Baruch considered Mr. Eberstadt one of his ablest associates on the

American delegation to the United Nations Atomic Energy Commission, and he did much of the actual drafting of the Baruch plan for the control of atomic weapons and energy production which was later submitted to the United Nations. The vision of that plan is more relevant and imperative today and would that it had been adopted.

Mr. Eberstadt also headed the national security organization subcommittee of the first Hoover Commission. I had the privilege of serving as a staff assistant on this committee and I will long remember hearings at which the witness frequently was seated between Mr. Baruch on one side and Mr. Eberstadt on the other. Mr. Eberstadt's questions were brilliant in their thrust and simplicity and any recalcitrant witness whose answers were rambling and not to the point soon found that he had Mr. Baruch's hearing aid shoved in front of his face on the left and a cloud of smoke from Mr. Eberstadt's cigar on the right.

In private life, Mr. Eberstadt was one of the creative minds of Wall Street who understood the dynamics of our free enterprise system. He contributed to countless underwritings, public offerings, and mergers and his firm—F. Eberstadt & Co.—pioneered in the mutual fund field with the establishment in 1938 of the Chemical Fund, Inc.

His family has been a joy and strength to him throughout a long and wonderful life wherein he was active to the last. His initial attack occurred as he was en route to testify before a congressional committee.

I know that Mrs. Reid and I join with his many friends in the House in expressing our deepest sympathy to his lovely wife, Mary Eberstadt; his son, Frederick; his three daughters, Mrs. Ann Cannell, Mrs. Mary Harper, and Mrs. Mary Unnerstall; and his 14 grandchildren.

His life will stand as a constant inspiration to all who knew him and his contributions remain a permanent and lasting part of the country he loved.

NATIONAL WEEK OF UNITY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. LUJAN. Mr. Speaker, while many of us differ on individual policies or programs of the National Government, all of us agree that such differences are secondary to our primary allegiance to the United States of America, its Constitution, and the principles of government they represent.

At this time in our national life when Americans are sorely divided on the single issue of Vietnam policy, I think it extremely important that this body demonstrate to the world our unshakable underlying firmness of commitment to these principles despite our differences on the conduct of the war.

As the first Member of Congress to accept a national cochairmanship of the Committee for National Unity Week with Chairman Bob Hope and Cochairmen Art Linkletter and Mrs. Ivy Baker Priest, I feel a special responsibility to express this commitment.

I consider it an honor to introduce this resolution proclaiming this week as a national week of unity and to commend it to my distinguished colleagues as worthy of unanimous adoption.

DON'T BE MISLED

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. HOGAN. Mr. Speaker, I would like to call the attention of my colleagues to a thought-provoking editorial which appeared in the Thursday, November 6, 1969, issue of the Catholic Standard published here in the Nation's Capital. Those sincere critics of the President's Vietnam policy should think twice about lending their support to the November 15 demonstration when one considers those who are planning it.

The editorial follows:

DON'T BE MISLED

Responsible officials, including those directly concerned with the preservation of law and order in the nation's capital, are deeply concerned about the strong probability of serious civil disorders during the three-day peace demonstrations scheduled in Washington next week. It is apparent that the organizers hope to attract between 250,000 and 500,000 persons from outside the city.

While it is impossible to predict how many will respond to the call for the massive demonstrations, it is no secret that the promoters are leaving no stone unturned in their concerted efforts to draw the crowd. Certainly there will be enough demonstrators to tax the resources of the police and other law enforcement agencies. Crowd control alone will be a real problem. But that isn't the whole story.

The promoter of what is in fact a massive march on Washington is the so-called New Mobilization Committee to End the War. Its steering committee, the controlling body, is a mixed bag of mature, experienced organizers and activists drawn together in a coalition for resistance against any meaningful search for peace, other than on their own terms.

The steering committee of this coalition has made it absolutely clear that their demands, which parallel the positions of the North Vietnamese and the National Liberation Front (Vietcong) in Paris, do not support our efforts for a negotiated peace in Vietnam. They call for the immediate and unilateral withdrawal of all American and allied troops and logistical support from South Vietnam. It is their position that there is only one issue to be negotiated at Paris: reparations to the Vietnamese people for damage done to that country by the United States.

And who makes up the steering committee of this unholy alliance? It runs the gamut. Beginning with hard-core professional Communist Party leaders, passing through the traditional Communist front organizations and special interest groups, it also includes a few of the altruistically minded peace organizations. However, it is heavily weighted in favor of the hard core professional and militant left wing activists.

Included on the membership of the steering committee are 12 Communist Party members or persons closely associated with its activities, eight or ten participants in the demonstrations at the Pentagon and five members of the SDS. It also includes representatives of the Trotskyites (Socialist Workers Party) and its youth group, the Young Socialist Alliance, as well as other, but less publicly identified, left wing activist groups.

It is a matter of public record that several members of the steering committee have met with the North Vietnamese and Vietcong in Peking, Paris, Hanoi and Stockholm. Unquestionably there have been other contacts and meetings to coordinate the efforts of the "peace movement" in the United States with plans of the North Vietnamese and Vietcong in Paris and Hanoi.

The New Mobilization Committee also has opened the door for participation in the demonstrations by violence-prone elements of the New Left. The Weatherman faction of the SDS, a violently activist group, has announced its intention to participate. This, in turn, undoubtedly will stir up a reaction from some of the militantly active right wing groups. One or more of these groups can be expected to appear on the scene.

All the elements for violence and disorder will come together in Washington next week. The presence of a large crowd with divergent ideologies and interests, sprinkled with experienced and dedicated left wing activists and combined with the catalyst provided by the presence of extremist groups from both sides could easily create very serious disorders.

We realize that many, if not the majority, of the participants will have no desire for violence. But their intentions cannot control the actions of those who will want to react violently. When violence begins, in any form, those responsible for the maintenance of peace and order will be hard put to distinguish between the good and the bad. The innocent will be indistinguishable from the guilty.

We strongly urge our readers to avoid whatever crowds may appear in Washington for the demonstrations next week. The situation could be extremely critical. The more people there are on the streets, for whatever reason, the more dangerous the situation. The best way to avoid creating a danger for yourself and others is to stay away.

THE SEARCH FOR TRUTH—ANOTHER PUTNAM LETTER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RARICK. Mr. Speaker, Mr. Carleton Putnam—scientist, attorney, scholar, and renowned author—"The Putnam Letters," "Race and Reason," and "Race and Reality"—has written another compelling appeal to reason, calling for sound judgment and leadership in dealing with ills besetting our country today. Mr. Putnam advocates policies based on truth—scientifically established fact and genuine human compassion.

Recognizing that solutions to problems can only be begun and developed after the true causes have been identified, Mr. Putnam's analysis—unmuddled by emotionalism and free of political power motivations—is grounded on the solid foundation of a clear understanding of the basic causes of our most serious domestic problem. His remedy ignores the fearful taboos and needless misconceptions of prevailing, and discredited, theories which are being forced into practice.

In a letter addressed to President Nixon, the author of the "Putnam Letters" offers an incisive evaluation of the problem and suggests constructive action to correct it.

The letter follows my remarks:

McLEAN, VA.,
October 18, 1969.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Often in recent months, as I watch the conduct of opportunists in public life, I find myself recalling a remark Theodore Roosevelt made over fifty years ago: "People always used to say of me that I was an astonishingly good politician and divined what the people were going to think. This really was not an accurate way of stating the case. I did not divine how the people were going to think; I simply made up my mind what they ought to think and then did my best to get them to think it."

Looking back across half a century and observing the areas in which our national unity has declined, I am increasingly dismayed at the preponderance of poll-taking over leadership as regards public opinion today, and the growing confusion which results. It seems to me it would be hard to find a more complete vindication of the view that in a representative republic conceived as ours originally was, and through which we grew to maturity as a nation, public servants should hold office on the strength of having explored the issues, and then submitted their findings and recommendations to the electorate, not on the basis of a guessing game by candidates as to what bewildered and conflicting groups among our people might at the moment prefer to hear.

The man in the street is occupied with earning a living. He has neither the time nor the background for the research and analysis required for the wise evaluation of modern political and social problems. But he *can* evaluate the presentation of candidates who have done such research and analysis. At least I believe our own American majority still can, although no majority has ever been under such purposeful pressure for so long from determined minorities with so great a control over the opinion forming agencies of their society.

I am sure what I say applies to many fields of public policy, but as you may know, my own concern for the last ten years has been with one particular, but very basic, area. I refer to the subject of inborn human differences, especially as these find expression in the field of race. It is no exaggeration to report that in our American society at the moment there is a more prevalent and dangerous misunderstanding of this problem than of any other, that this misunderstanding has been carefully and assiduously cultivated by those who stand to benefit from it, that the deception extends from our schools and campuses to our churches, courts and legislatures, and that it saturates our mass media in all its aspects.

The core of the deceit has been in teaching that the greater part of the differences in status of individuals and groups among us is due to social injustice, whereas the scientific fact remains that, frequent as injustice is, these differences are primarily attributable to innate differences in capacity. The net result of course is to create imaginary grounds for revenge among some groups, and imaginary grounds for guilt among others. One need look no further for the causes of tension between races, of rising crime, of attitudes of appeasement among those in authority, and of the consequent decline in respect for law and civilized behavior everywhere.

I can conceive of no more fundamental truth, no truth the recognition of which is more essential to an understanding of world conditions, than the all-embracing importance of race in human affairs. It defines the protoplasmic substance of life. From race differences spring cultural differences with their variations in ideals, traditions, and standards. The contrasts between substocks of the major races are of course less than those between the major races themselves but they are nonetheless significant. Race is basic. To assume that all races can be merged in a harmonious national symphony without maintaining the controlling theme of a culturally dominant race is the greatest folly since the story of Babel was first recorded. To the cry of racism and racist the answer is obvious: Every intelligent person who is accurately informed is a racist in the correct sense of the term, namely, one who appreciates the axiomatic relation of race to all human problems.

It is needless nowadays to review the evidence on this subject. On balance the cumulative and converging testimony from every relevant field of science and historical experience is overwhelming. You are certainly familiar with the disclosures of William Shockley, Nobel laureate and discoverer of the transistor, and with his efforts to stir the National Academy of Sciences to action. You must be aware of the research of Arthur Jensen and of all the men before him who have labored to break the stranglehold of a scientific hierarchy which for forty years has stifled the truth wherever possible. From the Boas-Herskovits-Klineberg axis of the nineteen thirties to the present minority-group control of our leading mass media, the primary motive was and is transparently self-serving. I do not hesitate to assure you that as a practical matter there is no more doubt about the facts on race differences than there is as to whether the world is flat. I am sure that if as many people today had a vested personal interest in the doctrine of a flat world as there are who have such an interest in the dogma of genetic racial equality, most of us would still be taught and still believe in a flatness dogma.

Nor need I emphasize the speciousness of the arguments used to justify the deceit. Primarily they revolve around the notion that it is harmful to remind human beings of their limitations. But as all men have limitations of varying degrees, and as the first step to happiness of any sort is to recognize this and to address ourselves to making the most of what we are, the reasoning is clearly fallacious. A quarter of a century ago the noted liberal clergyman Harry Emerson Fosdick wrote his book *On Being a Real Person,* one chapter of which was entitled "The Principle of Self-Acceptance". In it Fosdick remarked: "No well integrated life is possible without an initial act of self-acceptance, as though to say: "I, John Smith, hereby accept myself, with my inherited endowments and handicaps . . . , and, so accepting myself, I will now see what I can do with *this* John Smith." To put it more succinctly one may cite the time-honored adage: "Life's not in holding a good hand but in playing a poor one well." The concept of character contained in this principle is so fundamental to our original American way of life that only a dangerous dilution of our native traditions can account for its being so readily forgotten now.

But I fear the consequences of the equalitarian dogma go far beyond such dilutions as this. The constantly increasing taxation of success to support failure which in the end can mean only the punishment of excellence to reward its opposite; the disappearance of the word *earn* and *deserve* from the lexicon of sociology; the universal climate of disobedience of parental and other properly constituted authority in defiance of the accumulated experience and wisdom of the past; the violence and lawlessness; a mass media which often inspires and always overpublicizes and acerbates the agitation it pretends to deplore; the growing hostility between White and Negro now spreading into our police departments as well as into the armed forces; the flaunting of the one-man-one-vote principle which is totally alien to the original concept of our representative, constitutional republic; and finally the accelerating sexual morality of the barnyard and the pornography which stimulates it—all these are but a few examples of the doctrine's influence. One cannot erect a misconceived image of the underdog and fawn before it for decades in penitent self-abasement without gradually accepting many of the standards the underdog represents, as well as forfeiting all respect and obedience from those from whom respect and obedience are due.

Let me at this point clarify one essential matter. Nothing I have said is intended to disparage the great contributions made to our civilization by numerous minorities, individually and collectively. They have enriched us in countless ways. But there is one area in which our North European, English-speaking peoples have themselves excelled and that is in the establishment and maintenance of stable, free societies. The combination of intelligence and character, of even-tempered judgment and dependability, of honor and good sportsmanship, which forms the core of our native American prototype, constitutes a distinctive racial heritage, a heritage which until recent years has undergirded our entire history. Moreover, studies which are now in progress and which will be published in due course leave little question that our North European stocks are still in the numerical majority in the United States, albeit in disarray and doubtful of their own existence.

It is their heritage which, in the name of minority rights, is being challenged and diluted. I would deny no right to any minority but I would *claim* one right for the majority and that is the right to hear the truth on the most fundamental issue of our time—a right which for two generations has been flagrantly and consistently violated. Nor do I intend to suggest that our minorities alone have been responsible for this. They have provided the leadership, but they have been ably assisted by certain majority elements in our population who, either for political or other advancement, or through misguided sentimentality, are obsessed with the leveling instinct and the socialist ideology. They are blind to their own inheritance, ignoring of their debt to it, and hence willing tools of minorities who themselves are unable to see that they are destroying the fabric of a society to which more often than not they fled for survival and a new life.

The alliance between our minority groups and these majority "liberal" elements has been most noticeable in the fields of science and education where it has been reinforced in many cases by an understandable timidity. Persecution and a conformist environment have taken their toll. I might add that there is some substance to a comment made years ago by an English lecturer upon returning from an American tour. "In America," he remarked, "there are three sexes—men, women and college professors."

Such is the fundamental issue I would bring to your attention. Next to the population explosion, there is no subject of more importance. The Vietnam war and conditions in the Middle East are related to it, not to mention Africa south of the Sahara. But it is on our domestic front that the problem has its source. If it were solved here, it could readily be solved elsewhere. And no man is in a better position than yourself as leader of the republic to begin telling our people the facts.

Indeed I believe it will someday seem incomprehensible to historians that during the past 15 years of increasing racial turmoil following the Supreme Court's decision in *Brown vs. Topeka* not one President of the United States, at least to my knowledge, invited one truth-oriented scientist to the White House for consultation. Administration after Administration, with an inexcusable lack of intellectual initiative or even curiosity, blindly refused to examine the cause of our difficulties. Even today when the Jensen material has made it abundantly clear that the decision in *Brown vs. Topeka* was based upon a record from which all the essential evidence had been omitted, the Court still refuses to reopen this case in the face of repeated requests to do so. Certainly this should be a matter of some interest to a President who is himself an able lawyer.

You will note that I do not in this letter take any position for or against racial integration or for or against any civil rights or other laws or social policies. I simply point to the fundamental matter, to the erroneous assumptions upon which every court decision handed down and every law passed in this field in the last 15 years has been based. When the balance of the anthropological data today indicates that one race in the United States is on the average over 100,000 years behind another in evolutionary grade,* and when this point is ignored entirely by every branch of our government in all its actions, we are in the grip of a disruptive mania about which it is difficult to speak with patience.

My plea is that the American public, their courts and legislatures, be told the truth as to the nature of inborn human differences between and within races. Naturally it would be my opinion that, having unmasked the deception, it would be both your prerogative and your duty, in Theodore Roosevelt's words, to make up your mind what the people ought to think and then do your best to get them to think it. And it would thereafter be up to the public to accept or reject your views at the polls. But this is not the immediate problem. A minority-liberal alliance, as heretofore defined, has saturated our American majority in a colossal misconception. This error must first be corrected. What should be done next will become apparent as the process proceeds.

Finally let me repeat that however many valuable members of minority groups you may have in your Administration and however brilliant their contributions in other respects may be, you cannot *on the average* expect disinterested advice or information from them in the racial field. This caveat is especially necessary since the nation's three most influential newspapers are minority controlled, as are the three leading radio and television networks. Consciously or unconsciously their group identification with the Negro, while totally illogical scientificially, is almost complete. It is essential to remember that what you read and hear from all these sources is minority thinking, seasoned slightly at times by other views (set in a negative context) to give an impression of impartiality. The former are not the views of the American majority, who have no voice on this subject save as it reaches you as a conditioned reflex through minority channels.

Our American majority today are leaderless and confused on the paramount issue. They are as kindhearted and anxious to be fair as you are. But they are hopelessly ignorant and misled. Some may be restless over the downgrading of so much in our early history which is occurring in new school textbooks, but they scarcely know where to turn for a remedy.

In this respect the 1968 election suggests an instinctive trend. It puts you in a position which may not recur. The time available for the decontamination of our national ideals and purposes, as well as of our air and water, is not unlimited. Regardless of how slowly and tactfully it may be advisable to move, I would give this matter as high a priority as any.

Sincerely,

CARLETON PUTNAM.

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*Dr. Carleton S. Coon, Viking Medal winner, member of the National Academy of Sciences, former president of the American Association of Physical Anthropologists, and a graduate *magna cum laude* of Harvard, estimates in his definitive *The Origin of Races* that the White race crossed the *erectus-sapiens* threshold at least 250,000 years ahead of the African Negro. I have cut his time span by over one-half to allow for the approximately one-third infusion of White genes in the Negro race in the United States. However, this infusion has not been evenly distributed throughout the country. It is considerably less, for example, in the rural South than in the North.

ALONG THE RED FRONT

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. ROUDEBUSH. Mr. Speaker, the Communist organization and sponsorship of the demonstrations against the elected Government of the United States here this weekend has been well documented.

Undoubtedly many innocent and sincere people will be involved and their participation stems from a desire to assist in any activity that will hasten the end of the war.

But, nevertheless, they are pawns in a struggle the Communists have been waging for more than 50 years—the destruction of free nations and the triumph of world socialism under Soviet domination.

The Communist strategy is to seize upon any area of agitation or controversy, fan the flames, and work toward a holocaust of revolution that will destroy the United States.

Mr. Donald L. Miller, of the All American Conference, writes a regular column entitled "Along the Red Front" for the Veterans of Foreign Wars magazine.

In the current issue of the VFW magazine, Mr. Miller describes how campus unrest and street mob strategy is being utilized to Communist ends.

The article follows:

ALONG THE RED FRONT

(By Donald L. Miller)

The main conflict of the Vietnam war has shifted from the hills of Vietnam and the halls of Paris to the streets and campuses of America.

How our domestic struggle between anti-war youth and the President comes out will affect the fate of 17 million South Vietnamese and the position of the United States in Asia.

American student radicals who met with North Vietnamese military officials in Havana this summer, without doubt, are well aware Hanoi and their Soviet backers are counting on an anti-war victory in the U.S.

Five years of war have taken their toll of North Vietnamese, Viet Cong and the revolutionary infrastructure in South Vietnam. Equipping, supplying and training of South Vietnamese (ARVIN) forces also is starting to show results. Thanat Khoman, Foreign Minister of Thailand, said on Oct. 1 that the military forces of South Vietnam and some other Asian countries can now take over the active defense of South Vietnam's independence.

The proviso is that Asians themselves can take up the slack if withdrawal of American forces is not too rapid. That's why Hanoi and Moscow favor an effort to stampede our government into immediate and complete withdrawal of forces.

The spearheads of the "Bring the Boys Home" movement are student radicals. We've already had the Oct. 15 Vietnam moratorium. The second round escalation will come with mass demonstrations and marches in a number of major cities of the United States.

The primary demonstration slated for Washington, D.C., is planned to include "tens of thousands" of clergymen, pacifists, anti-war demonstrators and student radicals who want not only to end the war in Vietnam but to close down the institutions of our free society.

Agitate the discontented, merge the destructive emotions of the mob with the calculating destructiveness of the intelligent vanguard. That was Lenin's formula for insurrection and revolution. Will it work in America? Will it overheat and stampede public opinion? Will people then demand an act that will both destroy our credibility and our power in the world and bring closer a direct conflict between the major powers?

You, and millions of veterans like you, will provide the answer.

Don't waste time looking for Communists among the demonstrators. By the time the marches start, the intelligent vanguard will be back in their plotting rooms far from the scene watching it on TV, making notes for improving the next round of demonstrations.

Your greatest weapon is to create first, a groundswell of public opinion supporting America's ideals and our commitments to defend independence of peoples. Their continued independence is a guarantee of our security.

Second is to have a groundswell of opinion condemning the "totalitarian Left," the "radical disruptors," "the Typhoid Marys" who want to infect the entire nation with their sickness by "the use of mass intimidation in the name of legitimate dissent and protest."

What better time to start making these points than Veterans Day, Nov. 11?

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. SCHWENGEL. Mr. Speaker, the Washington Daily News today carried a story by Mr. William Steif on the truck bill. The story relates to the action taken yesterday by the House Roads Subcommittee, and I insert it in the RECORD for the benefit of my colleagues:

VETO OF BIG TRUCK BILL HINTED

(By William Steif)

Secretary John A. Volpe of the Department of Transportation (DOT) has indicated in a letter to Rep. Fred Schwengel, R–Iowa, that President Nixon would veto a bill permitting heavier, wider and longer trucks and buses on the Interstate Highway System.

The letter was made part of the record yesterday as the House Public Roads Subcommittee, in closed session, referred such a bill to the full Public Works Committee without following the usual practice of recommending approval or disapproval

Rep. Richard D. McCarthy, D-N.Y., a subcommittee member and an opponent of the bill, said today that he demanded that subcommittee Chairman John C. Kluczynski, D-Ill., conduct a vote, "but Kluczynski just banged down his gavel and jammed it thru without a record vote."

Rep. McCarthy said, however, that Mr. Volpe's letter to Rep. Schwengel showed "the Nixon Administration has stiffened its resistance to the bill."

70-FEET LONG

Under the measure sponsored by Rep. Kluczynski, states could permit trucks as long as 70 feet and as heavy as 108,500 pounds on interstate roads. The bill also would permit buses and trucks to be widened from eight to eight and a half feet. The present weight limit is 73,280 pounds, which effectively limits truck lengths to no more than 60 feet in most states.

SECRETARY FINCH'S MOVE TO BAN DDT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. CARTER. Mr. Speaker, Secretary Finch has recently moved to ban DDT sales in the United States within the next 2 years.

After reading the literature on this chemical pesticide which has been extremely helpful, I must voice my support of the Secretary's intention.

At the present time, fish are not marketed if they have DDT content of 5 parts to 1 million. It is further my understanding that beef is not marketed if it has DDT content of 7 parts per million.

Since DDT is a hard pesticide it lasts as long as 10 years without change. Accumulations over the years present a grave danger not only to our fish and wildlife, but also to human beings. There is no question but that DDT affects fish embryos, fingerlings, and it also affects the calcium metabolism in birds so that the shells are so soft that the embryos often die, or the shells break and the embryos are exposed and later die.

It is a known fact that DDT does affect hormone synthesis. And if the concentration becomes great enough, it could well affect the offspring of the present generation adversely.

The content of DDT in the average human being in the United States is from 12 to 14 parts per million. Concentration of DDT in 140 parts per million has produced tumors in 50 percent of the experimental animals tested.

So that more of the Members of the House may have a better understanding of the dangers, the long-range effects of DDT, I include an article from the Washington Post of November 12, 1969, and a recent article from Sports Afield:

[From the Washington Post, Nov. 12, 1969]

HISTORY OF DDT GOES BACK TO FIRST USE BY SWISS IN 1939

(By Hedley Burrell)

DDT — dichloro-diphenyl-trichloroethane—was first widely used 30 years ago.

Initially, the Swiss dumped it on their Colorado potato beetles. The insecticide was dusted on GIs in World War II to protect them from malaria, typhus and other insect-borne diseases.

After that, while some continued to sing the unqualified praises of DDT, other scientists began to have their doubts.

Botanist Barry Commoner, now director of Washington University's Center for Biology of Natural Systems in St. Louis, served as project officer in the Navy's development of aircraft dispersal of DDT during World War II.

In "Science and Survival," published in 1966, he wrote:

"Toward the end of our work, when the system was ready for fleet operations, we received a request for help from an experimental rocket station on a strip of island beach off the New Jersey coast.

"Flies were so numerous on the beach that important military developments were being held up. We sprayed the island and, inevitably, some of the surrounding waters, with DDT. Within a few hours, the flies were dead, and rocketeers went about their work with renewed vigor.

"But a week later they were on the telephone again. A mysterious epidemic had littered the beach with tons of decaying fish—which had attracted vast swarms of flies from the mainland.

"This is how we learned that DDT killed fish . . ."

ALSO KILLED CATS

Telling of an incident in Latin America, Commoner writes: "In one Bolivian town, DDT sprayed to control malarial mosquitoes also killed most of the local cats. With the cats gone, the village was invaded by a wild, mouse-like animal that carried black typhus. Before new cats were brought to restore the balance, several hundred villagers were killed by the disease."

DDT, of course, has not always had such obviously disastrous side effects. Survivors of Nazi concentration camps, for example, were often found to be suffering from typhus. Dusting of the released prisoners with DDT stopped the disease from spreading and possibly averted a serious epidemic.

And during the liberation of Italy in 1944, the Allies sprayed buildings in the Tiber delta.

"As a result," says Dr. Thomas H. Judkes, a biochemist, "primary malaria disappeared from the region and in 1945 it was reported that the health of the population was better than it had been for 2,000 years."

Jukes, professor of medical physics and associate director of the Space Sciences Laboratory of the University of California at Berkeley, writing in the Washington Post last May, said of DDT:

". . . DDT is safe, and has been studied more than any other pesticide for its effects on human beings. Without pesticides, there wouldn't be enough food to go around. Next, the campaign against DDT is emotional and unscientific, and I object to this. Most important of all, DDT is needed by the millions of 'Third World' people because it is a cheap, safe residual pesticide."

Dr. Charles F. Wurster, also writing in the Washington Post, stated the case for the critics.

Wurster, a Ph.D. in organic chemistry and an assistant professor of biological sciences at the State University of New York at Stony Brook, played an active role in efforts to restrict the use of DDT as chairman of the scientists' advisory committee of the Environmental Defense Fund.

CONSIDERABLE HARM

Massive spraying of vast areas of North America with DDT to kill insects, he wrote, had done considerable harm.

"The root of the problem," he wrote "lies with the DDT molecule itself, for it combines four properties that are responsible for its behavior in the environment:

"1. Toxicity to almost all animal life rather than simply the insect pest.

"2. Persistence, so that it remains in its original toxic form for at least a decade and perhaps much longer.

"3. Mobility, so that it doesn't remain where applied, but is carried about the earth by currents of water and air.

"4. Solubility properties that cause it to be accumulated by living organisms, instead of getting 'lost' in the oceans, in soils or in other inorganic parts of the environment."

Wurster added:

"We now know that DDT is a hepatic enzyme inducer. This means that DDT causes the liver to increase greatly its concentration of certain enzymes. These induced enzymes modify steroid sex hormones, i.e. estrogen, progesterone and testosterone, thereby changing their biological action. In birds, estrogen influences calcium metabolism.

"Since female birds of prey accumulate DDT residues from their contaminated food, induced liver enzymes destroy the birds' own estrogen supplies, thus causing them to lay inadequately calcified, thin-shelled eggs. Such eggs usually break in the nest or lose too much water through the thin shell, resulting in dehydration and death of the embryo.

"Populations therefore collapse from low reproductive success. Extinction of a species can occur from such sublethal effects without the killing of a single individual."

WORSE PROBLEM

Botanist Commoner said DDT illustrates how a new, synthetic substance can produce "a wholly unanticipated development" that "sometimes creates a problem worse than the original one."

[From Sports Afield, November 1969]

DDT: WILL IT KILL FISHING?

(By Jack Van Coevering)

On March 22, 1969, the roof fell in on Marvin Blackport, a rotund, red-faced, black-haired, pipe-smoking meat packer in Grand Rapids, Michigan.

Only 11 months before, he had bid on and won a contract to buy all the coho salmon that escaped being caught on sportsmen's hooks as they made their way upstream to spawn. The terms of his contract with the state of Michigan specified that he must take all surplus salmon and pay for them at the rate of 15.6 cents a pound.

He installed expensive modern machinery in his plant, bought trucks to transport the cohos from stream to cannery, instituted a marketing campaign. Pictures of the new Michigan salmon appeared everywhere. Prospects were glowing. The coho run did not follow the schedule of the year before and fishermen sometimes complained about the fishing, but by years end there were so many cohos that Blackport resorted to freezing the fish.

Then, when his warehouses were still full, the U.S. Food and Drug Administration made a routine check. It discovered residues of DDT in the cohos far in excess of the amount allowed in beef fat. It impounded over 14 tons of the salmon which had been shipped to Minnesota and Wisconsin from Michigan. That was March 22—when the roof fell in on Marvin Blackport.

The roof also fell in on the coho salmon itself. The miracle fish of the Great Lakes had caused a rebirth of fishing sport in waters that had been as nonproductive of sport fishing as a desert. Now, was the roof falling in on the future of fish and fishing in the Great Lakes, or was it only a wan prediction of a bigger catastrophe? At the very least, it was a warning to men everywhere that their profligate use of hard pesticides is approaching the day of reckoning.

Since the FDA has jurisdiction only over food shipped out of state, the Michigan Department of Agriculture, in obedience to a 1968 law, also made a check. It found canned cohos with residues of DDT from 13.67 to 19.48 parts per million. The FDA had by this time came up with an interim guideline allowing only five parts of DDT in fish for human consumption. (This is still in effect.) Conforming to the guideline, Michigan barred 146 cases of cohos from sale.

Blackport is an honest man, all 275 pounds of him. He had no intention of selling dangerous fish. That is why people felt sorry for him, including Lyle Littlefield of the Food Inspection Division in the Michigan Bureau of Consumer Protection who had to lower the boom.

"I am surprised that Blackport will even speak to me," he said before the Michigan Association of Conservation Ecologists last spring. "If anyone had told me a year ago that I would be in this position, I would not have believed it."

The news of DDT-drenched cohos slammed across the nation with a deadening thud. Newspapers and news magazines which headlined the disappointing development were read with astonishment and even disbelief. Few people could say: "I told you so." The coho miracle of 1967 and 1968 was about to become the coho debacle of 1969. How could all this happen and with such suddenness?

For a decade there had been warnings of the danger of pesticides. Bird lovers had been making a brave fight against DDT used for control of Dutch elm disease, but they were laughed at for seeing "burglars under the bed." Only a few scientists in the fisheries field suspected that fish were picking up DDT.

Ralph A. MacMullan, director of the Michigan Department of Conservation (now renamed the Department of Natural Resources), cautioned against the use of hard pesticides in the March 1960 issue of *Michigan Conservation*. That was after Dr. George Wallace of Michigan State University discovered dead robins on the college campus and pointed to DDT as the culprit. Also in 1961, in the *Detroit Free Press*, in my "Woods and Waters" column, I commented on the dangers of DDT. These voices may have been heard, but they were not heeded.

It was not until 1966 that the Department of Conservation itself adopted a stringent policy on the use of DDT on its public lands. The following year, this same agency went to court to stop the use of 600 pounds of dieldrin by the Michigan Department of Agriculture for Japanese beetle control in Benzie County—and lost.

That same year, Dr. MacMullan published his five-point program on pesticide use. One of his points called for a complete ban on hard pesticides in Michigan. He got little support except from such scientific groups as the Michigan Association of Conservation Ecologists.

Time, however, would not stand still. On March 17, 1968, young cohos began dying in Michigan state hatcheries. DDT was believed to be the probable cause, but even this was not immediately deemed a warning of what was happening to the rapidly maturing salmon in Lake Michigan. Those fast-growing salmon looked healthy, and they were healthy. The bigger they grew the more DDT they absorbed, but nobody knew this at the time.

The cohos thrived in Lake Michigan. They grew fat on alewives, little fish that had come in from the Atlantic Ocean to fill in the vacuum caused by the disappearance of lake trout from overnetting by commercial fishermen and ravages of sea lampreys. Success of the cohos fired up every member of the fishing fraternity to the extent that every rod-toting angler began to think that he had never been really fishing until he had caught a coho. (See my stories "In Michigan . . . They're Coho Crazy," SPORTS AFIELD, January 1968 and "Coho—The Second Year," SPORTS AFIELD, March 1969.)

During these years of coho discovery, an obscure University of Michigan student named Robert Reinert was working on his Ph.D. thesis in the School of Natural Resources. His problem was to determine the presence of hard pesticides in fish and how they got there. I got to know him well because his laboratory was next to my office. (By this time, I had been appointed a Research Associate in Natural Resources at the University of Michigan.) Since Reinert, a tall, blond fellow, liked fishing too, we had plenty to talk about.

I used to watch him grinding up fish flesh, shaking up the particles in vials for analysis in a gas chromatograph. I called this his "gas machine" and was always fascinated by the squiggle of the pens as they recorded pesticide contents of the fish fat in solution much like pens record temperatures on a barograph at the Weather Bureau.

Reinert made 1313 analyses on 29 species of fish from the Great Lakes. He discovered that fish can absorb insecticides from water which passes through their gills as well as from food, even though water may contain as little as one part per million of DDT. At the time, he considered this of minor importance. Now this has become very significant.

Insecticide levels, Reinert found, are highest in Lake Michigan, less in lakes Huron, Ontario, Erie and Superior, in that order. Fish in Lake Michigan have two to seven times as much DDT and dieldrin as fish in the other lakes. In April and May, young cohos in the southern end of Lake Michigan average 3.51 parts per million of DDT and .11 parts per million of dieldrin. By the time the salmon mature and arrive at the northern end of the lake to swim up the rivers for spawning, they may have as much as 12.28 ppm of DDT and as much as .42 ppm of dieldrin.

If the terms "parts per million" or "parts per trillion" puzzle you, let me put it this way: Dump one teaspoonful of chocolate into one million tank cars and you will have a dilution of one part per million. Now, dump one teaspoonful of chocolate into one trillion tank cars and you will have dilution of one part per trillion. This is terrific dilution and requires extremely sensitive instruments to detect it, not to mention highly trained scientists. In neither case will you be able to detect the presence of the added ingredient by appearance, smell or taste. So it is with DDT, dieldrin or any other pesticide.

The poison will be there. No one will ever know it until a beastie drinks or eats it and suffers its effects. If it happens to be a fish embryo, it will die almost immediately when it absorbs the poisonous DDT in its fatty yolk sac. (This explains the death of young cohos in the hatchery in 1968.) If it is a bird, it will cause the liver to produce enzymes which break down female sex hormones and thereby inhibit calcium metabolism, thus producing thin-shelled eggs which crack or break easily. Result: few or no young.

If it is a woman who is breast-feeding her baby, two or three times as much DDT will be in her milk as is allowed in cow's milk by the FDA. If it is a man, be he fisherman or not, he probably has too much DDT in him already to make him fit for human consumption under FDA standards. Cannibals beware!

I have previously referred to "hard" pesticides, a term which includes DDT and its relatives dieldrin, aldrin, endrin, heptachlor, chlordane and lindane. All are chlorinated hydrocarbons. Without going into their chemistry, I need only say that these "hard" pesticides are compounds which do not disintegrate or break down quickly. While other pesticides may lose their lethal powers in a year, the chlorinated hydrocarbons are very stable chemicals.

"DDT persists in the environment for ten years or more," testified Charles F. Worster Jr. of the State University in Stony Brook, New York, at a hearing in Wisconsin. "It is extremely soluble in fatty tissue. It builds up in the fat of fish, wildlife and livestock. It is highly mobile. It is a vagabond, for it tends to hitch rides on particles suspended in flowing water. It attaches itself to soil particles easily swept aloft by wind. It evaporates with water into the atmosphere."

The storing up of DDT in the fatty tissues of fish was graphically described by Dr. Joseph J. Hickey, of the University of Wisconsin, who experimented with crustaceans in Door County, Wisconsin, and found that these have about one-quarter of one part per million of DDT. Crustaceans are at the bottom of the biological food ladder. Fish eat them and the DDT contained in crustaceans concentrates in the fat of fish. One fish eats another and in turn builds up the DDT content. When a gull, which is at the top of the biologicol food ladder, eats a fish, it may get a real dose of DDT. In fact, Dr. Hickey found that gulls may have as much as 80 ppm of DDT in their muscle tissues and up to 1975 ppm of DDT in their fat tissues. This also helps explain why fish-eating birds become the ultimate victims of DDT and why ospreys, peregrine falcons and bald eagles are on the list of endangered birds.

Now, is the fisherman also a "threatened and vanishing bird?" What is he to do? Throw away his catch? Stop eating fish? Hang up his rods, store his tackle and give up his sport altogether? None of these alternatives, of course, is acceptable. Therefore, I suggest a better procedure, soundly based on what is currently known about hard pesticides.

Go ahead and catch all the cohos, lake trout and other fatty fish you can and keep what the law allows. Then, when you dress them, trim off all the fat. The remaining muscle meat should be well within the level of tolerance for consumption as set by the FDA.

Cut off the fish's head because it contains a lot of fat. Trim off all the black areas shown in the cross-section; in short, fillet your fish, remove the skin and cut off the fins including the fact that surrounds the fin bones.

Big fish are likely to have more pesticides in them than small, younger fish. For example, cohos caught before August will have much less DDT than those taken later at river mouths or in their spawning streams.

Smoking, frying or broiling helps reduce the amount of DDT in the fish you eat. Dr. Reinert found that chubs (which have a high oil content) lose from 60 to 70 percent of their oil during cooking and about 60 to 70 percent of their DDT at the same time.

Catching fish from water with low concentrations of insecticides will help. Lake Michigan, for example, has from 2 to 17 times more dieldrin than the other Great Lakes.

Bass, bluegills, crappies, perch, walleyes and pike are not on the list of "fatty fish." Their pesticide content, therefore, will be lower than that of trout, salmon or whitefish. If you fillet nonfatty fish such as perch or walleyes, you should run little danger of getting too much DDT.

Although most of the data on pesticide contents of fish comes from coho salmon taken in Lake Michigan, this does not mean that our inland lakes and even our rivers are immune. Technical Bulletin 41, 1968, of the Wisconsin Department of Natural Resources states that "every sample of fish taken in Wisconsin or its boundary waters contained DDT or its analogs." Concentrations ranged from .021 to 16.20 parts per million and averaged .845 parts per million on a "whole fish" basis. On a "fat basis" the concentration ranged from .222 parts per million to 534.6 ppm., with an average of 27.15 ppm.

It is significant that the lowest DDT residues were found in fish from forested northern Wisconsin where samples showed less than 1 ppm of the DDT complex. That leads me to conclude that, generally speaking, lakes in farming areas may be expected to contain more pesticides than those of forested areas.

A two-year pesticide study by the Bureau of Sport Fisheries and Wildlife, recently released by Senator Gaylord Nelson of Wisconsin, reveals that Lake Michigan is not alone with its contents of DDT. The bureau study found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States. DDT ranged up to 45.7 ppm in whole fish, a count more than twice as high as that found in Lake Michigan.

The study found that in 12 of the 44 lakes and rivers DDT in some or all of the fish samples reached levels higher than the five parts per million guideline limit of the FDA. Highest DDT counts were found in white perch taken from the Delaware River in the heavily populated northeastern United States.

Nelson reported that rivers and lakes where DDT counts reached levels in fish higher than the 5 ppm level include the Hudson River in New York, the Delaware River, the Cooper River in South Carolina, the St. Lucie Canal and Apalachicola River in Florida, the Tombigbee River in Alabama, the Rio Grande River, Lake Ontario, Lake Huron, Illinois River in Illinois, Arkansas, White, and Red rivers in Minnesota, San Joaquin River in California and Rogue River in Oregon. Species frequently used for sampling were carp, buffalo, black bass, channel catfish, sunfish, yellow perch and trout.

In Massachusetts, however, the Division of Fisheries and Game in 1967 monitored pesticide residues in nine species of fish in its major rivers and tributaries and found DDT levels ranging from .17 to 11.64 ppm. Within the next few years, data will become available from other states, including California, which manufactures, sells and uses more DDT than any other state. Coastal areas, with their production of shellfish, must still be heard from.

You may wonder: Why all this concern about the amount of DDT we get into our systems? Already the average American has 12 to 16 ppm of DDT in his body. This information was obtained from a study of cadavers and also from chunks of human fat taken in surgery. Perhaps a little more won't hurt. After all, there is no conclusive evidence, on the long-term effects of DDT on people.

Yet, the boys in the Food and Drug Administration are disturbed. They are charged by law to protect the public against food adulteration and contamination. DDT which may build up in a man without harm for 25 years, could exceed man's tolerance the very next year. Who knows? That is why Victor J. Yannacone of Patchogue, New York, representing the Environmental Defense Fund at the Wisconsin hearing on DDT asked: "Is man an unwilling guinea pig for an uncontrolled experiment with DDT?"

It is impossible to give an answer all done up neatly and tied with a red, white and blue ribbon. A group of professors at Stanford University, all members of the Department of Biological Sciences, said: "The evidence is overwhelming that persistent pesticide susbtances threaten the ecological systems upon which human life depends. Recent studies suggest that chlorinated hydrocarbons which are now being stored in human tissues may have direct harmful effects on man himself."

This may paint a gloomy picture; yet I do not believe I am an alarmist when I suggest that despite all its past achievements as an inexpensive miracle chemical which has done wonders for public health and for farmers, DDT now hangs over not only Lake Michigan and its fish, but also over the whole race of man like a sword of Damocles. This conclusion is not mine alone. The state of Michigan put its concern into action this year when it outlawed the sale of DDT except for a few special uses. Arizona has banned DDT spraying. Stricter controls are under consideration in Massachusetts, Wisconsin and New York.

Time magazine reported last July that Europeans have taken even more decisive action. Sweden ordered a two-year ban on DDT as well as related pesticides: lindane, aldrin and dieldrin when DDT was found in herring there. The Netherlands and Denmark have decided to stop using DDT. West Germany limits spraying so severely that only 192 tons of DDT were used there last year. France and Britain also are watching pesticides closely and the Soviet Union is much concerned.

A host of unanswered questions remain. The most immediate one is: What will happen to the coho salmon this year? Undoubtedly, thousands of fishermen will pay no heed to DDT in salmon. This was evidenced during the past summer when anglers fished Lake Michigan like never before. All they asked was:

"Where are the fish?" But will they be as eager to catch cohos in the fall when DDT levels will be at their peak?

More disturbing is the question of what to do with the tons of surplus cohos that went into commercial outlets last year. This has Michigan's Department of Natural Resources in a quandary.

It is unlikely that the FDA will change its tolerance level for DDT in fish for human consumption. What then will happen to the giant surplus of uncaught cohos which will surge upstream? They cannot be left to pollute the streams with their dying and dead carcasses.

Will a way be found to fillet the fish economically and in such a way that the product will pass FDA limits for DDT? Will it be possible to extract oil from salmon at a profit? Already coho eggs are used and sold for fish bait and bring about 50 cents a pound wholesale. Will a market be developed for cohos destined for nonhuman consumption? Will scientists discover a way to neutralize the effects of DDT?

If there is no commercial outlet for surplus fish, will licensed anglers be allowed to take them willy-nilly in the streams, perhaps developing a kind of pitchfork fishery, a far cry from sport fishing? Will the Department of Natural Resources net these fish at the weirs and make them available to anglers, perhaps at nominal cost? But could the Michigan Department of Health permit this, since it already bans commercial sale, DDT tolerances being what they are?

A second series of questions concerns the vested-interest aspects of the coho miracle. How about Michigan's lakeshore communities which have expanded facilities in anticipation of more and more coho anglers. Will there be a drop in the sale of boats, tackle, lodging and lunches? What about manufacturers who launched hundreds of products tied to the coho boom?

The third consideration stretches far into the future. What will DDT do to the fish population? At present, fish seem to be getting along all right. Despite DDT, they are growing and multiplying. But is the death of young cohos in Michigan's hatcheries a prophecy of things to come? Will fish be able to reproduce as DDT keeps concentrating in their eggs?

To carry the case just a bit further: Will there be increasing numbers of fishermen who fear DDT enough to stop eating fish until they are safe? And if these fears are general enough, will they put a brake on fishing for food and encourage fishing for fun—much as sailfish are caught more for fun than for food? If this idea spreads, will it usher in a new chapter for fishing in America when fishing for fun will become the rule rather than the exception? Should this happen, will we enter a new era when piscatorial prowess will attain new meaning and the ideal of sport-only fishing will attract a new and even more devoted coterie of anglers? Only time will tell.

SENATE—*Friday, November 14, 1969*

The Senate met in executive session at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of all history and of this single day, we pray not that Thou shouldst reveal Thyself by outward signs of mighty works, but in the quiet solitude of our inmost heart; not by wind and fire, but by the still small voice.

Set before us, O Lord, the vision of one who found joy in doing the will of Him that sent Him, and in finishing His work. When many are coming and going, and there is little quiet, give us grace to remember Him who knew neither impatience of spirit nor confusion in His work, but in the midst of all His labors, kept a tranquil heart at peace with itself. Give us steady spirits and brave hearts that we may play our part in bringing to all mankind the new world of liberty and justice for all.

In Thy holy name, we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 14, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. **ALLEN** thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The **ACTING PRESIDENT** pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session briefly, for the purpose of conducting morning business.

The motion was agreed to, and the Senate proceeded to the consideration of legislative business.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 13, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PEACE DEMONSTRATIONS

Mr. MANSFIELD. Mr. President, when I came to work at 5:30 this morning, the city of Washington was still dark. In the course of my trip to the office, I saw a great number of persons, carrying candles, crossing the Memorial Bridge from Arlington Cemetery, which contains the Tomb of the Unknown Soldier, whose identity is known only to God. I saw the candlelight procession—this "march against death"—continuing along Pennsylvania Avenue and to the foot of this Capitol.

I was tremendously impressed with the dignity, the decorum, and the order shown by these people, mostly young, but including some middle-aged individuals and couples with their very young children.

I also was impressed with the attitude of the police in the Nation's Capital and their cooperation and understanding of this peaceful demonstration being undertaken.

I happened to look at the headline of a news commentary in the Washington Star of last night, which read: "Democracy by Demonstration a Risky Business."

Mr. President, democracy is a risky business, and that is one of its strengths. It is not a case of everyone being a "yes-man" or a "no-man." It is an ideal founded in the Constitution of the United States, under which people are guaranteed certain inalienable rights. Some of those rights are set out in the first amendment to the Constitution, which is in itself a part of the Bill of Rights. The first amendment reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

What I have seen of this moratorium so far has, in my opinion, been within the best limits of the Constitution. I applaud the order, the dignity, and the decorum being shown by the marchers, both young and old, of all colors and all creeds. I applaud the police for their attentiveness to their duties and their understanding of how demonstrations should be handled. I applaud the marshals whom the demonstrators themselves have brought with them and who are responsible for seeing that the law is observed and that the demonstration is kept orderly.

I do not want to see a confrontation in this Capital or in any other place in this Nation. I do not want to see our people divided any further than they are. I want to see attempts made to keep our voices low, to bring us together, to bring among us a degree of unity. I want to see attempts in these directions rather than those—based on emotion, primarily—that seek the divisiveness which is well on the way to tearing this country apart at this time.

These people are our fellow citizens. They are our children, our neighbors, and our friends; and as I have indicated, what they are doing comes within the provisions of the Constitution.

My only sorrow is that many of these people—those who are so young—do not have the right to vote at the age of 18, and in that way help to create a policy in which they could be participants. But now they do not help to make policy. They can only protest. When their turn comes and they are called to serve their country, they do so, by and large, but they are carrying out a policy over which they have no control at all.

What I say about demonstrators applies to those who feel exactly opposite to them, because there is never one side to any question. There are always two sides, and sometimes more. Those who are antidemonstration, those who want to conduct rallies and marches in opposition to what the mobilization seeks to undertake, have just as much right to do so under the Constitution of the United States, and they are protected just as much by the first amendment to the Constitution.

I am making these remarks this morning, first, because I was tremendously impressed, in the darkness of this morning, to see what was happening and how well it was being done; and, second, as the leader of the majority party in the U.S. Senate, I feel it incumbent upon me to make these remarks to urge that respect, tolerance, and understanding be shown on all sides, so that these demonstrations, pro or con, these demonstrations which our citizens are entitled to make, will be considered in the right light and will not lead to confrontation.

I believe implicitly in the first amendment to the Constitution. When I was elected to this office I held up my hand and I swore to defend and uphold the Constitution without any mental reservation or any other reservation whatever, and when I took that oath and said "I do," I meant it. Moreover, my responsibility is not only to represent the people of Montana as a Senator from the State, but to represent the people of the United States as a Senator of the United States.

So I would hope that the tone which has been set by these people of all ages, all colors, and all creeds would be the mark of determination for the rest of this moratorium, not only here, but throughout the country; and I would hope that there would be no violence, no license, no assaults on property, and no assaults on people—from any source—because I do not believe in tactics of that sort; nor are they guaranteed under the Constitution. They are illegal, they are outside the law, and anyone who conducts himself in a manner which violates the law should be made liable to the law. I would hope that if by any chance a demonstrator or a few demonstrators try to create situations which endanger the dignity, decorum, and order of what has occurred up to this date, those who do try to break the law would be separated and placed apart, and the thoughts and prayers and hopes which are in the minds and hearts of these people who are conducting themselves so well so far would be kept uppermost in our thinking as well.

I do not know whether most of these people are the silent minority or the silent majority; that is immaterial; they are all Americans.

Because of these factors, not too well expressed, I had hoped that the leadership on both sides would make its feelings felt and that it might help maintain the orderliness which so far has marked the demonstrations, and perhaps help prevent any disorderliness which might be attributable to a few but, may well be placed on the shoulders of the many.

Mr. SCOTT. Mr. President, I sometimes wonder how we are going to keep the two-party system going when the distinguished majority leader continues to say things with which I am so heartily in agreement. This is another instance of the patriotism and the sincerity and the very genuine concern for the rights of the individual as well as the rights of society which the distinguished majority leader has expressed.

"Congress shall make no law." The Founding Fathers could not have been any plainer than that. They must have had some foresight, from the way we behave around here sometime. They thundered it: "Congress shall make no law" and, by God, they meant it when they added the Bill of Rights and that sacred first amendment. We cannot and we should not. The effort of the generations to understand each other is unending.

Mr. President, yesterday I spoke at the National Press Club and I ask unanimous consent that the remarks which I made at that time be printed at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SCOTT. Mr. President, it was an attempt to understand the present younger generation, as we hope and pray they will try to understand us. It has been said that he who is not a Socialist at 20 has no heart; and that he who is a Socialist at 40 has no head. I do not know; we are very fond of quoting it.

But this group of young people have behaved themselves in this candlelight march. To me that is news. I do not suppose it will be news to the networks, for I do not suppose the networks will care that it was a well-behaved gathering. Oh, no. With that red-eyed monster they lug around on the trucks they will look for some evidence of misbehavior, of violence, and if it happens, they will send it to Cairo, to Cincinnati, and they will send it around the world as evidence of the misbehavior of the young in the Capital of the United States.

I wish the networks would make a distinction between news and editorializing. I wish they would do what the press does, or what we hope the press does, except when they disagree with us, and that is, to run the news straight and editorialize on another page. Then one knows whether something is to be believed, and he can exercise judgment. I think the same is true here.

I hope there is no violence, and I have made clear that if there is, the law should be invoked and the proceedings should go forward to preserve the rights of those who are not violent, to preserve society's stake in these matters. But the right of protest, the right of dissent, is as sacred a right as we have in this country. We wrote it in granite and illuminated it in gold. We swore to it and by it.

So it is in a mood of congratulation that I cite the fact that nothing has happened. All of us know the story of Sherlock Holmes' dog in the night. He said, "The thing about the mystery was the dog." His fidus achates watched and said, "But the dog did not bark." Holmes said, "That is precisely the point. The dog did not bark." And he solved the mystery.

When the dog does not bark I suppose there is no news. If the dog barks, one has sound effects and if the dog bites, one is all over the 6 o'clock news and the 11 o'clock news.

I think the majority leader's plea is one in which I can wholeheartedly join. Let us welcome those who assemble peacefully and petition for redress of grievances. Let us be prepared to restrain disorder and violence but let us make a distinction between the two. Let us point out how the vast majority of these people are expressing the deepest concern of their lives so far, a desire to end a dreadfully unpopular war and end it as soon as possible. They are right and they have a right to say it. Some have feathers on their faces and some have dirt on their bare ankle and feet. Some may look to us "squares" a little scrubby and some may look odd ball to us, as we no doubt do to them.

But the time will come when they will emerge—dreadful fate—into members of the local PTA, the chamber of commerce, the local orthodox labor unions or religious groups and they will deplore, too, when their time comes.

But let them have a little joy, a little exultation, a little excitement, and an opportunity to get up and say that which burdens their hearts.

Let them be heard when they say, "This is a bad war and it should stop."

In due time, they, too, will grow old. They, too, will begin to realize that there are no simple answers to complex problems.

But, let them, meanwhile, do their thing.

EXHIBIT 1

SPEECH BY U.S. SENATOR HUGH SCOTT, REPUBLICAN OF PENNSYLVANIA, SENATE MINORITY LEADER, BEFORE THE NATIONAL PRESS CLUB, NOVEMBER 13, 1969

Again we seem at the threshold of a massive misunderstanding.

Armies of the night, who tear and scratch at the solid walls of power, gather.

Firm on the ramparts, the entrenched, secure behind shields of aloofness, stand fast.

Somewhere, the soul of America. The silent. The doubtful. The young and old. Most Americans watch, with the hope we will be brought together. Somehow.

It is time to talk of how to come together, not apart. I refer particularly to the disenchanted young.

Their concern is our making. They are our children. They will be seen, and they will be heard. They tell us, in the only way they have found effective, loudly.

Millions speak disparagingly about the "system."

The young demonstrate more and more their rising doubts that betterment, real betterment, is in the air. Discontent spans the generations, but a more basic disenchantment, with government, and with their elders, is increasingly apparent in the voteless (and the newly voting) young.

The neglect or indifference of past generations is showing up now. The unjust and inequitable draft system continues. The unworkable and degrading welfare system continues. Anguishing social problems receive less than adequate attention. The pollution of our environment thickens.

There are vast problems. Confrontation among the generations delays and confuses the search for the right answers.

Government must respect the discontented young. Their own respect for government is at stake.

The outpouring of youth deserves further examination. We cannot disregard it. We cannot even insulate the uncertain majority of young from the more active, some unwilling even to work within our political system.

It is time to stop being defensive. Government should not cater to every whim and desire of the impatient young. Violence or the threat of violence cannot be tolerated. Yet we need not be aloof. We can listen. We can show a greater sensitivity and awareness.

Failing to achieve what we so often promised, we are being closely watched. Young hopes do not spring eternal. They shrivel and sink into apathy or sullen disengagement.

Or they explode and seek change without law.

Apathy, disillusion, and explosion are all dangerous to a free society. Neither creates the climate for lasting changes, desperately needed.

We must give them good and evident reason to believe that things can change, through government, without violence. We must show them that government can be responsive.

I am convinced government must deal intelligently with this revolution of rising aspirations or find itself risking undesirable alternatives. The younger generation is trying to tell us something. They are not blind. They are more than a few. If rebuffed out of hand, many, many more will act rashly, out of a sense of frustration.

We should seek to find a common ground—a middle way—to bring vast and stable change without polarization.

Without extremes.

The goal here should be to win the confidence of those increasingly doubtful of the good in government. That confidence can be achieved by restoring faith in our institutions. Let us change the things which need change. Let us not force the numberless uncommitted to choose sides against us. There are good reasons to have them working with us.

The young care. They are supersensitive to what is wrong. They hold out refreshing idealism to a cynical world. They offer spirit. Their ideas, their energy are desperately needed.

Their deep concerns can pave the way for a positive thrust for change.

They call our attention to some basic hypocrisies. They rightfully question some of our values. They dare to tell us our system often doesn't work very well. The draft system is a mess and they know it. They don't necessarily agree that a home in the suburbs and two cars are the goal to shoot for in life. They see our rotting central cities and our welfare system. They sense an attitude of "we know best" yet what they see makes them distrust us.

The young demonstrate some deep understandings about what is wrong. Lacking blind faith, they *know* government is much at fault.

Government is being served notice. Its methods are being questioned. Its credibility is strained.

Our young see government as a cold, faceless, heartless creature whose many tentacles are hardened against change.

If the normal process of studies and commissions, of messages and legislation, and appropriations, do not bring about change, what will? they ask.

Our young do not have all the answers, nor understand all the problems, nor see all the implications. But neither do we. We lack answers—many. We lack understanding—much. Often we have not seen the implications of our actions.

The generations need to show more awareness for each other's hang-ups. There has been a tendency to reduce all issues, even other people, to two dimensions. The under 30s lack appreciation of the complexities faced, and somehow met, albeit imperfectly, by their elders. This serves to increase polarization, widen the gap, and make understanding more difficult.

The solution could include better listening, more compassion, and a willingness to respond, to show a sensitivity and awareness to the problems of the other side. Let government inject some youthful idealism. Let us not resign government to the apathetic, the cynical or the coldly pragmatic.

Let us listen to young voices of idealism, of hope for better ways. Let us have a synergistic system to harness the potential of variety. The staid corridors of bureaucracy could use their bright minds, bright posters, and bright spirits.

Let us also demand more. Let us ask the young to be willing to take time and examine further what is wrong, and how to change it Let us ask them to help us change things by reason's step as much as by emotion's leap.

Let us assist them to become involved in the complexities of power and responsibility. By realistic knowledge of, and committed involvement within the governmental process, they can produce vast changes for the good.

This plea of mine, then, is for an increase in sensitivity, in appreciation, in compassion.

Today's divisions, though less violent, are not unlike the popular thrust of Europeans around 1848 when the unconsulted multitudes found their voice.

In those days, during the demonstrations against the English Corn Laws, a group called Chartiests spoke through their hymns in the Evangelical churches.

It is time to let the people speak, they said:

"God save the people;
Thine they are,
Thy children as thy angels fair . . .
Let them pass, like leaves away,
Their heritage a sunless day . . .
The people, Lord, the people,
Not thrones and crowns, but men!"

ORDER FOR ADJOURNMENT TO MONDAY, NOVEMBER 17, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently the above order was modified to provide for the Senate to adjourn to 10:30 a.m. on Monday.)

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1970

(S. Doc. No. 91-42)

A communication from the President of the United States, transmitting an amendment to budget for the fiscal year 1970, in the amount of $270,000,000 for the Department of Agriculture, for the food stamp program (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENTS TO THE BUDGET, 1970

(S. Doc. No. 91-41)

A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1970, in the amount of $23.2 million in budget authority, and $26.9 million in a proposal not increasing budget authority (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE NATIONAL ESTUARINE POLLUTION STUDY AND PROPOSED LEGISLATION TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

A letter from the Secretary of the Interior, transmitting a report of the National Estuarine Pollution Study; also a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's estuarine and coastal zone (with an accompanying report and paper); to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. STENNIS, from the Committee on Armed Services, without amendment:

H.R. 14001. An act to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act (Rept. No. 91-531).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. STENNIS, from the Committee on Armed Services:

Maj. Gen. Royal B. Allison, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general while so serving.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 3140. A bill for the relief of Berta Palacios; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. JACKSON, and Mr. HOLLINGS):

S. 3141. A bill to provide that the Oceanographer of the Navy shall have the rank of vice admiral; to the Committee on Armed Services.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (by request):

S. 3142. A bill to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3143. A bill to amend the act known as the Death on the High Seas Act; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PELL:

S. 3144. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. PELL when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3141—INTRODUCTION OF A BILL TO PROVIDE THAT THE OCEANOGRAPHER OF THE NAVY SHALL HAVE THE RANK OF VICE ADMIRAL

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to provide that the Oceanographer of the Navy shall have the rank of vice admiral.

Enactment of this bill will carry out a recommendation made in December of last year by the Oceanographic Advisory Committee, comprised of outstanding marine scientists and engineers of industries and universities, and including several distinguished retired naval officers.

A recommendation of the Advisory Committee read:

> As a consequence of the vastly increased responsibilities of the Oceanographer in recent years and the importance of the Navy's Oceanographic efforts to the national interest, the Committee recommends that the billet of the Oceanographer of the Navy be filled by a Vice Admiral.

Responsibilities of the Oceanographer of the Navy were "vastly increased," as the committee stated, on August 19, 1966, not long after Congress enacted the Marine Resources and Engineering Development Act with its broad declaration of national policy and objectives. They were enlarged in an instruction—5430.79—by the then Secretary of the Navy Paul H. Nitze.

Secretary Nitze's instruction is so explicit that it merits quoting in full, as follows:

> This instruction defines the Naval Oceanographic Program, establishes an Office of the Oceanographer of the Navy, and prescribes the mission of the Oceanographer of the Navy.
>
> The Naval Oceanographic Program encompasses that body of science, technology, engineering, operations, and the personnel and facilities associated with each, which is essential primarily to explore and to lay the basis for exploitation of the ocean and its boundaries for Naval applications to enhance security and support other national objectives.
>
> The mission of the Oceanographer of the Navy is to act as the Naval Oceanographic Program Director for the Chief of Naval Operations, under the policy direction of the Secretary of the Navy, through the Assistant Secretary of the Navy (Research and Development), and to exercise centralized authority, direction and control, including control of resources, in order to insure an integrated and effective Naval Oceanographic program.
>
> In carrying out his assigned responsibilities the Oceanographer of the Navy is authorized to issue directives, management plans, requirements, tasks, instructions, and to allocate resources for the Secretary of the Navy and Chief of Naval Operations.
>
> The Chief of Naval Research is assigned additional responsibility as Assistant Oceanographer of the Navy for Ocean Science.
>
> The Chief of Naval Material, with approval of the CNO, has assigned the Deputy Chief of Naval Material (Development) additional responsibility as Assistant Oceanographer of the Navy for Ocean Engineering and Development.
>
> With the approval of the CNO, the Oceanographer of the Navy will designate an Assistant Oceanographer of the Navy for Oceanographic Operations. Pending this designation, the relationships of the Oceanographer of the Navy and the U.S. Naval Oceanographic Office remain as at present."
>
> The Oceanographer of the Navy shall budget, justify, and administer all funds allocated to the Naval Oceanographic Program as required for the implementation of the program; shall insure that adequate funds are budgeted by activities of the Navy Department for support of the program; and shall develop and maintain a comprehensive budget documented for presentation to higher executive authorities and Congressional Committees.
>
> All national facilities, centers, and missions of the National Oceanographic Program assigned to the Department of the Navy will be managed and administered by the Oceanographer of the Navy.
>
> The Office of the Oceanographer of the Navy is hereby established directly under the Chief of Naval Operations.
>
> The Oceanographer of the Navy, under the Chief of Naval Operations, shall command the Office of the Oceanographer of the Navy.
>
> The Chief of Naval Operations shall issue the necessary directives to implement the provisions of this Instruction.

As Assistant Secretary of the Navy for Research and Development, Robert A. Frosch stated at the time this instruction was issued:

> Its unequivocal language leaves no doubt that the Navy views its work in oceanography as a major portion of its effort to maintain the defense of the nation at sea, and that it is organizing its resources to make a major contribution to the national effort.

Since that time the responsibilities of the Oceanographer of the Navy have been further enlarged. A National Oceanographic Instrumentation Center was established on February 13 under the administrative auspices of the Oceanographer of the Navy.

With the National Bureau of Standards an active partner, new sophisticated and complex oceanographic instruments have been and are being developed which will add tremendously to man's knowledge of the ocean, its chemistry and dynamics and the speed of sound under varying sea conditions and at varying depths.

The National Oceanographic Office and the National Aeronautics and Space Administration for several years have worked together on an amazing spacecraft oceanography progam utilizing both satellites and aircraft which, utilizing infrared and other sensors, has produced valuable information including sea surface temperatures.

In addition to the three divisions of the Office of the Oceanographer of the Navy that were originally created in 1966—science, engineering, and operations—Rear Admiral Waters has initiated a fourth division of environmental prediction services.

This division collects and transmits data for forecasting sea, swell, surf, ice, sonar conditions, and any related environmental information. Antisubmarine Warfare Environmental Prediction Services—ASWEPS—and the Navy's optimum ship routing program, of great value to ocean commerce generally, are included in this division, which is headed by the commander of the Naval Weather Service, as an assistant oceanographer of the Navy.

The Oceanographer of the Navy, in addition, supervises all of the Navy's numerous and varied oceanographic efforts from the planning phases to final execution. This includes the work of 27 field activities and more than 30 survey and research ships, along with many other platforms such as aircraft, helicopters, floating ice islands, buoys, fixed towers, submarines, deep submersibles, and manned undersea habitats.

This vast responsibility, Mr. President, is of such critical importance and magnitude, that in my opinion the Oceanographer of the Navy well merits the rank of vice admiral.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3141) to provide that the Oceanographer of the Navy shall have the rank of vice admiral, introduced by Mr. MAGNUSON (for himself, Mr. JACKSON, and Mr. HOLLINGS), was received, read twice by its title, and referred to the Committee on Armed Services.

S. 3142—INTRODUCTION OF TRADE SIMPLIFICATION ACT

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, at the request of the Secretary of Transportation, a bill to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes.

This bill would declare it to be the policy of the United States to facilitate the movement of freight in international commerce and for this purpose to foster the use of joint rates by carriers by land, water, and air in the international transportation of property between places in the United States and places in foreign countries. All Federal departments and agencies concerned would be directed to cooperate to the fullest extent in carrying out this policy.

The bill proposes to permit common carriers engaged in the domestic, international, and foreign segments of international transportation to enter into agreements to establish joint rates, issue single bills of lading for through movements, and interchange or pool equipment and facilities. Such agreements would be subject to the approval of each regulatory agency having jurisdiction over a common carrier entering into the agreement. The bill would extend each agency's jurisdiction and authority to cover joint rate agreements in international transportation, making only the incidental changes in the existing authorities of the regulatory agencies to accomplish that purpose.

The purpose of the bill—the removal of unnecessary impediments to international transportation—is meritorious. The committee will welcome the comments and suggestions of the public, shippers, and carriers on the provisions of this proposed legislation.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a copy of the bill, the Secretary of Transportation's letter submitting this legislation, and a section-by-section analysis.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill, letter, and analysis will be printed in the RECORD.

The bill (S. 3142) to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Simplification Act of 1969".

DECLARATION OF POLICY

SEC. 2. The Congress hereby declares that it is the policy of the United States to facilitate the movement of freight in international commerce and for this purpose to foster the use of joint rates by carriers by land, water, and air in the international transportation of property between places in the United States and places in foreign countries. All Federal departments and agencies concerned are directed to cooperate to the fullest extent in carrying out this policy.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Agency" means the Civil Aeronautics Board the Federal Maritime Commission, or the Interstate Commerce Commission.

(2) "Carrier" means a common carrier subject to the jurisdiction of an agency, or a transporter of property by land, water, or air for hire between points both of which are outside the United States.

(3) "Common carrier subject to the jurisdiction of an agency" means:

(a) An air carrier as defined in Sec. 101 (3) of the Federal Aviation Act of 1958 except an air carrier not directly engaged in the operation of aircraft (other than companies engaged in the air express business);

(b) A "foreign air carrier" as defined in Sec. 101(19) of the Federal Aviation Act of 1958 except a foreign air carrier not directly engaged in the operation of aircraft;

(c) A common carrier by water, other than a non-vessel operating common carrier by water, subject to the jurisdiction of the Shipping Act, 1916;

(d) A common carrier subject to Parts I, II or III of the Interstate Commerce Act.

(4) "International transportation" means the transportation of property by land, water, or air carrier or by any combination thereof between places in the United States, on the one hand, and places in a foreign country, on the other.

(5) "Joint rate" means a rate jointly offered for a through service between a place in the United States, on the one hand, and a place in a foreign country on the other, and expressed as a single, comprehensive rate, by two or more carriers, at least one of which shall be a common carrier subject to the jurisdiction of an agency, provided, however, that an ocean rate and a charge for pickup or delivery service in the port area of origin or delivery cannot be combined to form a joint rate.

(6) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

ESTABLISHMENT OF JOINT RATES; INTERCHANGE AND POOLING ARRANGEMENTS

SEC. 4. (a) A common carrier subject to the jurisdiction of an agency may agree to establish joint rates for international transportation which shall become effective upon compliance with section 5 of this Act. Subject to section 8 of this Act, the division of revenues, the apportionment of liability, and the pooling or interchange of equipment, or other operating matters may be agreed upon by carriers. The establishment of joint rates authorized by this Act shall be voluntary and they may be cancelled by a participating carrier upon thirty days' notice without being subject to suspension, investigation or approval by the agency having jurisdiction of the carrier or carriers effecting cancellation.

TARIFFS

SEC. 5. Joint rates established under this Act shall be set forth in a tariff, filed, posted, and published concurrently by every participating common carrier subject to the jurisdiction of an agency with the agency having jurisdiction over the carrier. No tariffs or joint rates filed or established under this Act shall be of any lawful force and effect unless such rates or tariffs as the case may be are in effect with all agencies involved, and the use of any tariff or rate not so in effect shall be unlawful. The tariff, copies of which shall be available for public inspection, shall set forth all rates and charges under joint rates authorized by section 4, and all classifications, rules, regulations, practices, and services in connection therewith. Each agency may require the common carriers subject to its jurisdiction to set forth in a tariff or file with it for informational purposes the division of revenue accruing to each such carrier participating in any joint rate arrangement authorized by section 4. The names of the several carriers which are parties to any joint tariff established under this Act shall be specified therein, and each common carrier party thereto, subject to the jurisdiction of an agency, other than the one filing the same, shall file with each agency having jurisdiction over any one of such carriers, such evidence of concurrence therein or acceptance thereof as may be required or approved under such rules and regulations as may be established under section 7 of this Act, and where such evidence of concurrence is filed, it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties. Copies of such tariffs shall be made available by the carriers to any person and a reasonable charge may be made therefor. Except as permitted under the rules and regulations promulgated under section 7 of this Act, no new joint rate shall be established nor shall any change be made in any tariff setting forth a joint rate on less than thirty days' notice.

ADHERENCE TO TARIFF

SEC. 6. International transportation under joint rates shall be performed strictly in accordance with the tariff, and no common carrier subject to the jurisdiction of an agency shall demand or collect any greater, less, or different compensation for international transportation than that specified in the tariff in which it participates. A carrier violating this section shall be subject to a civil penalty, to be imposed by the agency having jurisdiction over it, not to exceed $5,000 for each such violation, which may, in the discretion of such agency, be remitted or mitigated by it. Every shipment in violation of this section shall constitute a separate offense. Nothing in this Act shall be construed as relieving any carrier or other person of any punishment, liability or sanction which may be imposed otherwise than under this Act.

FORMS OF TARIFFS

SEC. 7. The Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, shall, after consultation with the Secretary of Transportation, jointly promulgate a single set of rules and regulations as to the form and manner of filing, posting, and publishing of tariffs setting forth joint rates established under this Act, and the conditions, if any, under which new rates may be established and changes in tariffs may be made or existing rates cancelled on less than thirty days' notice. Any agency having jurisdiction of a carrier participating in a jont rate may reject a tariff which does not comply with the rules and regulations. The rules and regulations shall encourage to the maximum extent possible the use of simplified forms of tariffs, simplified classifications, and coordinated commodity descriptions.

JURISDICTION AND AUTHORITY OF AGENCIES

SEC. 8. Except as otherwise provided in this Act, each agency may exercise for the purpose of this Act the jurisdiction and authority which it possesses under existing law, including the jurisdiction and authority each agency has to suspend, investigate, approve, or disapprove rates and practices. The jurisdiction and authority each agency has to approve agreements between or among carriers subject to its jurisdiction and to exempt such agreements from operation of the "antitrust laws" or to disapprove such agreements between or among carriers subject to its jurisdiction is hereby extended to agreements relating to joint rates and practices or the interchange or pooling of equipment and facilities between such a carrier or carriers and a carrier or carriers of different modes not subject to its jurisdiction. Parties to such agreements shall be relieved from the operation of the antitrust laws with respect to the making and carrying out of such agreements in conformity with the terms and conditions prescribed by the appropriate agency as set forth in laws pertaining to the respective modes of transportation. Any agreement entered into pursuant to this Act shall provide that any carrier participating shall be permitted to enter into similar arrangements with other carriers. Divisions of joint rates and practices in connection with joint rates, are regarded for purposes of this Act as rates and practices of carriers and, as such, are subject to all applicable statutory provisions governing the lawfulness of rates and practices. An order of an agency directed to or arising out of a carrier's participation in joint rates is subject to judicial review and enforcement as provided under existing law with regard to other orders of that agency. The agencies may hold joint hearings pursuant to rule or order on any matter within this Act.

THROUGH BILL OF LADING

SEC. 9. A carrier participating in a joint rate may issue a through bill of lading assuming responsibility from place of origin to place of destination. The through bill of lading may be in the form desired by participating carriers, if otherwise lawful, and may include or be designed to be accompanied by waybills or transportation documents prescribed or recommended by international agreement, by law or regulation of governments, or by international organizations.

DAMAGES; OVERCHARGES AND UNDERCHARGES; VENUE

SEC. 10. For the purpose of determining (1) the rights and obligations of the shipper and the carrier in the event of loss or damage to goods or undercharges or overcharges, and (2) jurisdiction over actions brought in connection therewith, shipments under tariffs established pursuant to this Act shall be treated as if they were shipments moving under separate tariffs established pursuant to the Interstate Commerce Act, the Shipping Act, 1916, or the Federal Aviation Act of 1958.

INTERNATIONAL COOPERATION; REPORTS

SEC. 11. The Secretary of Transportation, in consultation with each agency and the Secretary of State, shall encourage and foster the adoption of procedures and documents facilitating prompt and efficient international transportation of goods within and without the United States. From time to time, the Secretary of Transportation shall report to the Congress on use of joint rates under this Act, on obstacles to employment of such rates, and on facilitation of international movements.

EFFECT ON EXISTING LAW

SEC. 12. This Act shall be deemed to be supplementary to the jurisdiction and authority which each agency possesses under existing law and nothing in this Act shall be construed to repeal, or change any provision of the Interstate Commerce Act, the Federal Aviation Act of 1958, or the Shipping Act, 1916, or any other provision of law except to the extent that the provisions of such Acts or other laws or rules and regulations issued thereunder that are clearly inconsistent with this Act: *Provided, however*, That in construing such Acts or other provisions of law each agency shall exercise its jurisdiction and authority under existing law so as to implement the policy set forth in section 2 of this Act.

AMENDMENTS

SEC. 13. (a) Section 1003 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1483), is amended by adding the following subsection at the end thereof:

"(f) This section does not apply to joint rates for international transportation of property; however, joint rates for international transportation of property established and filed under this section before the effective date of this amendment are not affected."

EFFECTIVE DATE

SEC. 14. This Act shall be effective ninety days after the date of enactment. Not later than the effective date, the agencies shall publish rules for the filing of tariffs.

The letter and analysis, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., October 16, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill "To authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property, and for other purposes," together with a section-by-section analysis.

The proposed bill would permit common carriers engaged in the domestic, international, and foreign segments of international transportation to enter into agreements to establish joint rates, issue single bills of lading for through movements, and interchange or pool equipment and facilities. Such agreements would be subject to the approval of each regulatory agency having jurisdiction over a common carrier entering into the agreement. The bill would extend each agency's jurisdiction and authority to cover joint rate agreements in international transportation, making only the incidental changes in the existing authorities of the regulatory agencies to accomplish that purpose.

A somewhat similar bill was transmitted to your predecessor by this Department on March 11, 1968. The Senate version of that bill was introduced on March 28, 1968, as S. 3235 and hearings were held before the Commerce Committee on June 17 and 19, 1968. It was introduced in the House of Representatives on March 18, 1968, as H.R. 16023, and referred to the Committee on Interstate and Foreign Commerce but no hearings were held.

The proposed bill transmitted herewith contains a number of changes from the original version, most of which are of a technical nature. The bill now excludes freight forwarders since it is not the practice of the Interstate Commerce Commission to permit forwarders to publish joint rates with underlying common carriers. Section 3 limits participation in the activities authorized by the bill to direct or underlying common carriers, i.e., those who own and operate transport equipment and who are subject to economic regulation by the regulatory agencies. Section 8 of the bill has been modified to extend the antitrust immunity which may be conferred upon the subject common carriers.

This proposed legislation is necessary if modern container technology is to provide through systems of international, intermodal transportation. Carriers capable and desirous or jointly providing through intermodal service are presently restricted in reaching agreements on international joint rates and arranging for the interchange of equipment, through documentation and uniform liability for loss and damage. Shippers, carriers and regulatory agencies have expressed views which support the need for new legislation in this area.

The proposed bill contains a provision which retains for each of the regulatory agencies involved—the Interstate Commerce Commission, the Federal Maritime Commission, and the Civil Aeronautics Board—the jurisdiction and authority it has under existing law with respect to the rates and practices of carriers subject to it, and grants to each such agency jurisdiction over that part of the joint rate relating to a carrier ordinarily subject to its jurisdiction. Recently, the Interstate Commerce Commission has indicated that it believes it already has—without benefit of this legislation—jurisdiction to accept for filing joint international single-factor rates. It is arguable that such jurisdiction exists in the ICC. Assuming arguendo that it does, however, this legislation could be considered unnecessary only on the narrow issue of where a joint international single-factor rate might be filed. In other significant ways, this legislation is intended to accomplish far more than could be accomplished by the order of any single agency, since it provides for matters such as:

1. A single set of uniform tariff rules for all carriers governing the form and filing of joint rates.
2. The filing of joint rates governing transportation from inland points in the United States to inland points abroad.
3. Intermodal rates between air carriers and carriers of all other modes.
4. Arrangement for the interchange of transport equipment (containers, trailers, etc.) between carriers of different modes.
5. A means for ocean carriers and groups of carriers to obtain antitrust exemption for dealings with inland carriers.
6. Divisions of carrier revenues, as required by regulatory agencies.
7. The use of a through bill of lading for the entire length of an international joint rate movement.

The proposed legislation has been designed to achieve these objectives without changing the authority of any carriers or altering the historic jurisdiction of the regulatory agencies. It neither creates nor certifies any new type of carrier. It provides for existing carriers to file through rates with their appropriate regulatory agency. If a tariff has to be filed with more than one regulatory body, the identical paper would be filed with each, under uniform tariff filing rules. All agreements entered into by carriers would be subject to approval by each agency in the same manner as they would under existing law.

In summary, the bill's purpose is to create a framework which allows the abilities and facilities of existing carriers to be utilized to the fullest extent in providing modern, through transportation. The approach of the bill is permissive, not mandatory. With the known needs of shippers for through service and the known desire of carriers to join together to provide such service, only the legal barriers stand in the way. Once these are dismantled, swift, simple and economical international through service should become a reality.

The Bureau of the Budget has advised, from the standpoint of the President's program, there would be no objection to enactment of the proposed bill.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS OF THE BILL TO AUTHORIZE AND FOSTER JOINT RATES FOR INTERNATIONAL TRANSPORTATION OF PROPERTY, TO FACILITATE THE TRANSPORTATION OF SUCH PROPERTY, AND FOR OTHER PURPOSES

Section 1. *Short name.*—This section provides that the Act may be cited as the "Trade Simplification Act of 1969."

Section 2. *Declaration of policy.*—This section declares it to be the policy of the United States to facilitate the movement of freight in international commerce and to foster the use of joint rates by land, water, and air carriers in international transportation of property between the United States and foreign countries. All Federal departments and agencies are directed to cooperate in carrying out this policy.

Section 3. *Definitions.*—This section defines the important terms used in the bill. The kinds of "carrier" which will participate in the transportation envisioned by this bill are (1) common carriers subject to the jurisdiction of the Civil Aeronautics Board, Federal Maritime Commission, or the Interstate Commerce Commission and (2) for-hire transporters of property by land, water, or air between points both of which are outside the United States. By including both domestic and foreign carriers, it will be possible to have a joint rate for a through movement between an interior point in the United States and an interior point in a foreign country.

"Common carrier subject to the jurisdiction of an agency" means "an air carrier defined in section 101(3) of the Federal Aviation Act of 1958 except an air carrier not engaged in the operation of aircraft;" a foreign air carrier "as defined in section 101(19) of the Federal Aviation Act of 1958 except a foreign air carrier not directly engaged in the operation of aircraft;" a common carrier by water "other than a non-vessel operating common carrier by water, subject to the jurisdiction of the Shipping Act, 1916;" and a common carrier "subject to Parts I, II and III of the Interstate Commerce Act."

"Joint rate" is defined as "a rate jointly offered for a through service between a place in the United States, on the one hand, and a place in a foreign country on the other, and expressed as a single, comprehensive rate, by two or more carriers, at least one of which shall be a common carrier subject to the jurisdiction of an agency.

"International transportation" is defined as "transportation of property by land, water, or air carrier or by any combination thereof between places in the United States, (including Puerto Rico, the District of Columbia and territories and possessions), and places in a foreign country."

Section 4. *Establishment of joint rates.*—This section authorizes carriers to enter voluntarily into agreements to establish joint rates and to provide in such agreements for the division of revenues, the apportionment of liability, and the pooling or interchange of equipment, and other operating matters. The authorization does not include pooling of traffic, services or earnings. All agreements are subject to review and approval by the regulatory agencies having jurisdiction over the carriers.

Section 5. *Tariffs.*—This section requires that joint rate tariffs be filed, posted, and published, with each agency having jurisdiction over a participating carrier. To be in effect as a lawful joint rate, the required tariffs must be in effect with each agency involved. Further, each agency may require the common carriers subject to its jurisdiction to set forth in a tariff or to file for informational purposes the division of revenue accruing to each participating carrier. Since a number of carriers subject to one agency may participate in a joint rate, this section provides that each may concur in the filing before that agency, rather than be required to file the same tariff individually. The section does not, however, require a participating carrier to file anything with any agency other than the one having jurisdiction over it. Unless a different period is provided pursuant to regulations, no joint rate tariff may become effective or be changed on less than thirty days notice.

Section 6. *Adherence to tariff.*—This section requires strict adherence to the terms of a tariff and imposes a civil penalty of up to $5,000 for every shipment which violates the duty not to charge a greater, lesser, or different compensation than set forth in the tariff. Further, it makes clear that nothing in the Act shall be construed as relieving any carrier or other person of any punishment, liability or sanction which may be imposed otherwise than under the Act.

Section 7. *Forms of tariffs.*—This section directs the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission, after consultation with the Department of Transportation, jointly to promulgate rules for the form and manner of filing tariffs, and other related matters. The rules shall encourage maximum use of simplified tariff forms and classifications, and coordinated commodity descriptions.

Section 8. *Jurisdiction and authority of agencies.*—This section retains for each agency the jurisdiction and authority it has under existing law with respect to the rates and practices of carriers subject to it. While no agency is given jurisdiction over the entire joint rate, each is given jurisdiction over that part of the joint rate relating to a carrier ordinarily subject to its jurisdiction, and over that carrier's practices in connection with the joint rate. It is specifically provided that divisions of joint rates and practices related thereto are to be treated as rates and practices, for the purposes of the Act, and the relevant agency would apply to them the statutory provisions governing lawfulness of rates and practices. The agency may exercise this jurisdiction in the same manner and to the same extent as it exercises its existing jurisdiction over the rates and practices of the carrier. The several agencies would be authorized to conduct joint hearings on any matter covered by the Act.

Each agency is authorized to treat a joint rate agreement as it would agreements entered into by competing carriers, all of whom were under its jurisdiction. This provision is intended to immunize joint rate agreements through the process of each regulatory agency acting upon such agreements according to its own statutory authority (section 412 of the Federal Aviation Act (49 U.S.C. 1382), section 5a of the Interstate Commerce Act (49 U.S.C. 5b), and section 15 of the Shipping Act, 1916 (46 U.S.C. 814) and extending such immunity from the antitrust laws as follows from approval under those statutory provisions. While no agency would have jurisdiction over the entire agreement, each would have authority to approve or disapprove participation in the agreement by a carrier subject to its jurisdiction. Agreements would be permitted between a single carrier in one mode and a single carrier in another mode or between a group of carriers in one mode and a single carrier or group of carriers in another mode. The agencies would be expected to cooperate in issuing any necessary, uniform regulations establishing procedures or requirements to be observed in entering into agreements, consistent with the policy expressed in section 2 of the bill.

Section 9. *Through bill of lading.*—This section authorizes any carrier participating in a joint rate to issue through bills of lading assuming responsibility from origin to destination. It is intended that the provisions of the Pomerene Bills of Lading Act (49 U.S.C. 81 et seq.), which deals with negotiability, legal sufficiency, and other matters, will apply to bills issued under the authority of this section in the same manner as it does to any other bill of lading.

Section 10. *Damages; overcharges, and undercharges; venue.*—This section provides that the appropriate existing law will be applicable to claims for loss or damage to goods shipped or for undercharges or overcharges which arise during movements under a tariff authorized by the Act. Similarly, jurisdiction of the various courts to entertain suits arising in connection with such movements will also be determined under existing law. The intent of the section is to permit a shipper or carrier to assert with respect to a claim concerning a movement under a joint rate the same rights and remedies which would have been available if the shipment had moved under separate tariffs established by existing laws.

Section 11. *International cooperation; reports.*—This section directs the Secretary of Transportation, in consultation with the interested agencies and the Secretary of State, to facilitate international transportation of goods, and to report to the Congress from time to time on the use of joint rates and the facilitation of international movements.

Section 12. *Effect on existing law.*—This section states that this Act is intended to supplement the jurisdiction and authority each agency has. Where provisions of the Interstate Commerce Act, the Federal Aviation Act or the Shipping Act, 1916, are clearly inconsistent with this Act they will be deemed to be changed by this Act. The agencies are directed to exercise their existing authority so as to implement the policy expressed in this Act.

Section 13. *Amendments.*—This section amends section 1003 of the Federal Aviation Act of 1958 by limiting establishment of through service and joint rates between air carriers and carriers subject to the Interstate Commerce Commission to interstate transportation of property.

Section 14. *Effective date.*—Makes the Act effective ninety days after enactment to permit the regulatory agencies to promulgate necessary implementing rules and regulations. The agencies are required to publish regulations for the filing of tariffs by the effective date.

S. 3143—INTRODUCTION OF A BILL AMENDING THE DEATH ON THE HIGH SEAS ACT

Mr. MAGNUSON. Mr. President, by request of the American Trial Lawyers Association, I introduce for appropriate reference a bill to amend the Death on the High Seas Act (46 U.S.S. 761 et seq.). The purpose of the bill is to remedy certain anomalies that exist in the laws relating to the injury and death of crewmen and others in State navigable waters and on fixed structures on the high seas.

For members of a ship's crew and for many maritime workers, the maritime law provides a remedy for full damages for injuries caused by negligence or unseaworthiness. Maritime doctrines such as the rule of comparative negligence also apply and this is true whether the injury occurs on the high seas or in State navigable waters. However, if death results from an injury occurring in State navigable waters the situation is quite different. First, there is no recovery at all for the death of a crewman caused by unseaworthiness alone. Second, the families of other maritime workers must contend with the restrictions and uncertainties of State wrongful death statutes in determining whether there is recovery for unseaworthiness, whether the rule of comparative negligence applies, and the time limit for bringing the action. In short, many of the rights that an injured party has where an injury is sustained on State navigable waters are denied to the family of the man who suffers death rather than injury.

The bill would also extend to persons dying on fixed structures on navigable waters and the high seas. In addition, the bill would more closely conform such matters as the right to trial by jury and the period of limitations to those now provided for injuries by the Jones Act.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3143) to amend the act known as the Death on the High Seas Act, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

S. 3144—INTRODUCTION OF BILL ON MINIMUM STANDARDS OF RAIL PASSENGER SERVICE

Mr. PELL. Mr. President, in the past month I have twice discussed the intercity rail passenger crisis. At this time, I would like to elaborate on the fourth element of my shortrun plan to resolve the passenger rail crisis; that is, the provision of authority to the Interstate Commerce Commission to require minimal standards of passenger service.

The Interstate Commission stated in its July report to the Congress:

> The past year has only substantiated our opinion that significant segments of the remaining intercity service, except for rail service in high density population corridors, such as the Northeast Corridor, will not survive the next few years without a major change in Federal and carrier policies.

In 1958 there were 1,400 intercity trains in operation and in 1968 there were 590 trains in operation. There were only 496 trains remaining in operation as of July 1969, when the Interstate Commerce Commission made their last report, and according to the latest information I have, 16 trains have since been discontinued leaving a total of a mere 480 intercity passenger trains in operation in a country of 200 million people. I ask that the list of those latest discontinuances be included in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

	Carrier	Point served	Number of trains	Date service discontinued
Docket No:				
25580	Milwaukee	Chicago and Minneapolis	2	July 31, 1969
25585	Penn-Central	Albany and Boston	2	Aug. 7, 1969
25596	B. & O. RR	Cumberland, Md., and Parkersburg, W. Va	2	Aug. 15, 1969
25676	Seaborard Coast Line	Richmond and Atlanta	2	Oct. 8, 1969
25704	Union Pacific	Omaha and Louisiana	2	Oct. 24, 1969
25711	Illinois Central	St. Louis and Carbondale, Ill	2	Oct. 28, 1969
25716	Kansas City Southern	Kansas City and New Orleans	2	Oct. 20, 1969
25282	Missouri	St. Louis and Kansas City	2	Oct. 17, 1969
Intercity passenger trains still in existence			480	

Mr. PELL. Mr. President, what are the reasons for these discontinuances? Obviously, as the report of the Interstate Commerce Commission has stated, the main problem is economics.

If the eight major railroads studied did not operate their intercity passenger trains, they would have avoided $1.83 in expenses for every $1 in revenue that would have been received. While I believe the costliness of passenger service is a significant factor not to be discounted, I do not believe the cost factor explains completely the reasons for the decline of the intercity passenger train. The quality of service provided by the railroads also must be examined.

Recent cases before the Interstate Commerce Commission have presented evidence that the major railroads have exaggerated the costliness of passenger service by a systematic downgrading of the quality of service afforded the rail passenger.

For example, the Commission stated in its rejection of the Southern Pacific's petition to discontinue the "Sunset Limited" between Los Angeles and New Orleans:

> The record is convincing that the Southern Pacific has deliberately set out to discourage existing, as well as new, patronage of the Sunset by reducing what was once a convenient and comfortable railroad passenger service to a slow, unreliable, uncomfortable train without sleeping facilities with only rudimentary dining facilities; a train on which a seat cannot be reserved, arrival and departure times cannot be easily ascertained by telephone, or by printed schedules because they are often unobtainable and a train for which adequate station waiting room is frequently lacking.

Unfortunately, the Sunset Limited is not an unusual example. It represents the classical situation facing potential rail passengers. The "Afternoon Hiawatha" between Milwaukee and the Twin Cities now takes an hour longer than it did in 1953. The "Twentieth Century" between Chicago and New York has been replaced by a train adding 2 hours and 15 minutes to the trip. The prime reason for this slowdown in passenger trains was recently cited in the St. Louis-Kansas City discontinuance case with the Interstate Commerce Commission stating that:

> The practice of giving schedule priority to freight business to the detriment of passengers is intolerable and should be forthwith discontinued.

Although the Interstate Commerce Commission has admitted that much of the decline in passenger service is attributable to the poor service provided by the railroads, it has denied that its regulatory authority includes the powers necessary to require the railroads to provide minimal standards of service. Consequently, the Interstate Commerce Commission asked that Congress pass legislation assigning to the Commission jurisdiction over the quality and adequacy of railroad passenger service.

While I would support the bill previously introduced at the request of the Interstate Commerce Commission to provide such an authority, I do not believe that bill would furnish the Interstate Commerce Commission with the adequate regulatory tools needed to improve the standards of passenger service. Consequently, I am today introducing a minimum standards bill which would not only provide the Interstate Commerce Commission with jurisdiction over standards of passenger service but would also require passenger operations to be conducted in a unified, coordinated, and efficient manner.

The bill I introduced today is a companion measure to H.R. 13832 introduced by Representative BROCK ADAMS with 95 other cosponsors. I ask that my bill be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3144) to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes, introduced by Mr. Pell, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of paragraph (4) of section 1 of the Interstate Commerce Act is amended by striking out "furnish transportation" and inserting in lieu thereof "furnish adequate transportation for both property and passengers."

(b) The second sentence of such paragraph (4) is amended by inserting ", including through car service," immediately after "provide reasonable facilities for operating such routes".

Sec. 2. Paragraph (10) of section 1 of such Act is amended by inserting "and passengers" immediately after "transportation of property".

Sec. 3. (a) Paragraph (4) of section 3 of such Act is amended by striking out "equal facilities for the interchange of traffic" and inserting in lieu thereof "equal facilities, including through car service, for the interchange of traffic".

(b) Paragraph (5) of such section 3 is amended—

(1) by striking out "terminal facilities" each place it appears and inserting in lieu thereof "trackage or terminal facilities" in each such place; and

(2) by striking out ", including main-line track or tracks for a reasonable distance outside of such terminal".

Sec. 4. The first proviso contained in paragraph (1) of section 5 of such Act is amended by striking out "the Commission shall by order approve and authorize, as assented to by all the carriers involved, such pooling or division" and inserting in lieu thereof "the Commission shall by order approve, authorize, or require such pooling or division".

Sec. 5. The third sentence of paragraph (1) of section 12 of such Act is amended—

(1) by inserting ", including all obligations and duties imposed upon carriers under this part" immediately after "execute and enforce the provisions of this part"; and

(2) by inserting ", including all obligations and duties imposed upon carriers under this part," immediately after "enforcement of the provisions of this part".

Mr. PELL. Mr. President, section 1 (a) of my bill makes clear that the obligation to furnish transportation upon reasonable request, set out in section 1 (4) of the Interstate Commerce Act, is applicable to passenger as well as freight transportation, and that such transportation must be "adequate."

Section 1(b) of my bill specifies that the obligation to provide reasonable facilities for the operation of through routes, as set out in section 1(4) of the Interstate Commerce Act, includes the obligation of providing through car service. By the exercise of this power, the Commission could compel two railroads, whose trains originated, terminated, or intersected at a common point to schedule those trains so as to provide a convenient connection or through cars in a unified through service.

Section 2 of my bill would bring to passenger transportation the benefits of the "car service" powers of the ICC which govern the supply and distribution of rolling stock, and which for many years have proved invaluable to the efficient movement of freight. Those powers would allow for the establishment of a national passenger car pool.

Section 3(a) is basically a technical conforming amendment.

Section 3(b) expands the provisions of section 3(5) of the Interstate Commerce Act to cover trackage as well as terminal facilities. The broadening of this section would enable the Commission to order one railroad, not now operating passenger trains, to allow the use of its tracks by the passenger trains of another line for all or part of their runs.

Section 4 of my bill amends the "pooling" provision, section 5(1) of the Interstate Commerce Act, and gives the Commission the power to require a pooling arrangement without the agreement of the involved railroads. This power would be useful in a situation where two railroads operated passenger trains between two points on parallel routes, and where one train would be sufficient. This pooling arrangement might also be an appropriate method of requiring the railroad which is allowed to discontinue its train to share in the financial burden, if any, that another railroad would incur in continuing passenger service over the route of the discontinued train.

Section 5 of my bill amends the enforcement provisions of section 12(1) of the Interstate Commerce Act and it makes absolutely clear that the obligations and duties for minimal standards of service are directly enforceable by the Commission.

Mr. President, I believe it is essential that if this Congress acts on no other rail bill that it act on the legislation I introduce today. With the exception of one or two railroad companies, the railroad companies of this country are trying to relieve themselves of their responsibilities for rail passenger service as quickly as they possibly can. Their discouragement of passenger service is forcing the premature economic death of service that the American public demands now and will increasingly demand in the future as the country becomes urbanized.

The latent demand for adequate passenger service in our Nation's urban corridors is reflected in the success of the Metroliner which by itself has reversed the downward trend in rail passenger service between New York and Boston.

I believe the bill I propose is the minimal requirement for maintaining rail service at a level least likely to hinder the ability of our country to meet future transportation needs.

Mr. President, I would also note that the passage of minimum standards legislation, as I have suggested, is a necessary concomitant to any form of Federal aid to intercity rail service. While I would prefer Federal aid for intercity rail passenger service to be funneled through nonprofit public or private corporations, I could only support the provision of limited direct assistance to the railroads if the Interstate Commission had jurisdiction over their standards of passenger service.

I do not offer my bill as the panacea for the rail problem. I only offer my bill as a reasonable first step toward the solution of our national rail passenger crisis.

I hope that its passage will bring about the improvements in passenger rail service necessary to make rail passenger service once again an appealing mode of transportation for the intercity traveler.

ADDITIONAL COSPONSOR OF A BILL

S. 2846

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Michigan (Mr. Hart), I ask unanimous consent that at the next printing his name be added as a cosponsor of the bill (S. 2846), the Development Disability Services and Facilities Construction Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 281—RESOLUTION SUBMITTED AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE SENATE REPORT ON H.R. 13270, THE TAX REFORM ACT OF 1969

Mr. LONG submitted the following resolution (S. Res. 281), which was referred to the Committee on Rules and Administration:

S. Res. 281

Resolved, that there be printed for the use of the Committee on Finance one thousand five hundred additional copies of its report on H.R. 13270, The Tax Reform Act of 1969.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Stanley B. Miller, of Indiana, to be U.S. attorney for the southern district of Indiana for the term of 4 years, vice K. Edwin Applegate.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, November 21, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON URBAN MASS TRANSPORTATION LEGISLATION

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency will hold a 1-day hearing on November 18, 1969, on urban mass transportation legislation.

The hearing will be held in room 5302, New Senate Office Building, and will begin at 10 a.m.

NOTICE OF HEARINGS ON S. 2203—CONSUMER AGRICULTURAL FOOD PROTECTION ACT

Mr. ELLENDER. Mr. President, at a meeting of the Committee on Agriculture and Forestry this morning, we decided to hold hearings on S. 2203, sponsored by the Senator from California (Mr. Murphy), on the Consumer Agricultural Food Protection Act.

Hearings will be started on January 15, 1970.

SENATOR MANSFIELD IS INTERVIEWED ON THE "TODAY" SHOW

Mr. MANSFIELD. Mr. President, on November 4, last week, I had occasion to be interviewed on the "Today" show of the National Broadcasting Co. network. The interview dealt mainly with Vietnam and our participation in the war there.

I ask unanimous consent to have the transcript of the interview printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Senator Mansfield Interviewed

Hugh Downs. Man in the Congress, in the field of foreign affairs. He's the Democratic Majority Leader. He's Chairman of the Far Eastern Subcommittee of the Senate Foreign Relations Committee. He made a report to the President recently at Mr. Nixon's request on a tour of six Asian countries.

And while he's not been a severe critic of Vietnam policy, he has urged a faster rate of troop withdrawal. And he's here in Washington now with Today Washington Editor, Bill Monroe and myself, to talk about the President's speech last night.

You've made no public comments about this up to this moment have you, Senator Mansfield?

Senator Mansfield. No, I have not.

Downs. We—let's start by asking you, has the President's speech, in your mind, unified the nation behind his policy, or has it—has it—will it result in more and more frequent moratoria and dissenting action?

Mansfield. That's a question that only time will answer. And the answer, I imagine, will be forthcoming very shortly, when the reaction to the President's speech is made known.

May I say, that I would have to agree with the Vice President of South Vietnam, Nguyen Cao Ky, who stated yesterday that there would be nothing new in the President's remarks. Who also went a bit further than the President did by stating that it was his belief that 180,000 American troops would be withdrawn from South Vietnam next year and replaced by South Vietnamese. So maybe we're getting more out of the South Vietnamese Vice President's remarks than we could get out of the President's speech.

Bill Monroe. Senator, sounds as if you were disappointed in the President's speech.

Mansfield. Well, it was a determined speech. I had hoped that he would offer the people more hope. He laid out a—his program as he saw it. There are, of course, certain elements within it which have to be read between the lines because he undoubtedly does have a plan.

I daresay he does anticipate there will be further withdrawals but he does not feel that he could make an announcement to that effect at this time, although nothing stopped Vice President Ky from so stating.

Monroe. Would you have liked to see President Nixon say a few things he didn't say that would have involved additional commitments of peace or faster troop withdrawl?

Mansfield. Oh, yes. And I have made my views known on that for months—really years. But he has the final responsibility. As Harry Truman says, the buck stops at the President's desk. He has the ultimate responsibility. We have our responsibilities. We may differ but I certainly hope that he will do all that he can, and I'm sure that he will, to bring this tragedy which is Vietnam to a close so that we can withdraw from that area lock, stock and barrel once a settlement has been achieved. But there are many obstacles in the meantime.

Downs. That words defeat and humiliation came up in the speech. Why do you think it would be in the mind of the President that it could be construed as defeat if it became national policy to withdraw, even unilaterally? Would the world consider this defeat?

Mansfield. Well, let me put it this way: I would say that a policy of withdrawal has been put into effect and except for the most extraordinary circumstances, in my opinion, it will be irreversible.

We're faced up with a situation which could be described as a win, lose or draw situation. He has indicated that we are not out to win militarily. He has indicated he is willing to settle for a draw. But Hanoi does not seem to be willing to talk along that line. And he has ruled out defeat.

I don't know what you would call a withdrawal even on the basis of what we're doing, in that category.

Of course, the alternative is that we withdraw as the Vietnamese take over more of the war. But it does appear to me that the best we can expect to get out of Vietnam—the very, very best—would be a stalemate, a draw—not even as good as what we've achieved in Korea, where 16 years after that war ended—that war has not ended. As a matter of fact, there's been no peace, only an uneasy truce.

Downs. Senator Mansfield, one of the things implicit in the President's speech last evening was an identification—this is not new—an identification of the South Vietnamese people with the government of South Vietnam. This is one of the elements that the dissenting view constantly questions—the fact that only around ten percent of the people actively support that government.

Did you feel that there was a stress of that? Was that something he felt was the general thinking of the American people that those two were to——

Mansfield. I couldn't answer that question specifically, except in this way. It's the only government that we have to hang on to at the present time. When I say we, I mean the President of the United States, the Chief Executive of this nation.

But I do not believe that the Thieu-Ky government is a popular government. I think it's army-based, army controlled, army supported.

I recall the elections two years ago last September, in which the neutralists and the Viet Cong were excluded. I do not think it represents the people of South Vietnam. And I would like to see elections held in South Vietnam among all groups, the Cao Dai and the Huahou (?) the Buddhists, the Catholics, the anamists (?) the Montagnards, the Viet Cong, the NLF, all of them. So that they could decide among themselves what kind of government they want, because, after all, they are all South Vietnamese. And the South Vietnamese themselves are going to have to decide their own destiny, their own future, their own form of government. And as far as I'm concerned, I think they should have been conducting their own war all along before this. We have spent too much money—which is really immaterial, though important. We have lost 46,000 lives. We've had 260,000 wounded. We've spent over a hundred million dollars and——

Downs. Billions.

Mansfield. Billion dollars. And there's no end in sight. There's no light at the end of the tunnel. The only hope is that we do have—thanks to President Nixon's initiative, this withdrawal of 60,000 troops, which I would hope would be speeded up considerably. But there again, I have to bow to his judgement because, I repeat, his is the ultimate responsibility.

Monroe. Senator, do you feel we should come to the point where we put the South Vietnamese Government on a genuine sink or swim basis, where they will be required politically and militarily, either to gain their country or lose it?

Mansfield. I do.

Monroe. Do you think we're doing that?

Mansfield. No, I do not. I think we're playing along. We're trying to get the South Vietnamese Government to do what we think is best. It's a long, slow, arduous process. I can understand the difficulties which the President has to contend with. He's doing the best he can.

But as I say, I wish it could be done speedier.

Downs. If the President's views represent a majority view in the United States now, do you think it will, even a few months from now—do you think it will continue to be the—the thought of middle America, or the bulk of Americans?

Mansfield. Well, there's a great malaise among the American people—all groups, all classes, all colors, creeds, and backgrounds. Everything is tied to Vietnam. Our domestic difficulties at home are made more difficult because of Vietnam.

We can't face up to the problems that confront us in this nation, which are the most important, in my opinion, because of Vietnam. We've lost prestige and standing among the nations of the world because of Vietnam.

Vietnam is a cancer. It's a tragedy. It's eating out the heart of America. It's doing us no good. And the sooner we can come to a responsible solution which the President is trying to achieve, the better off we'll all be.

It is a mistake of the worst sort, because Vietnam and South East Asia have never been vital to the security of the United States.

Monroe. Did you feel there was any element of partisanship, politically, in the President's speech last night? Or do you feel he approached the whole thing on a completely bipartisan basis—or non-partisan basis?

Mansfield. I think he approached it on a non-partisan basis. He was—he tried to lay out the case to the American people. He took them into his confidence as much as he could in view of the difficulties which confront him. He made a good case for what he had to say, but I don't think it was hopeful. And the American people are looking for hope. And if we're going to get out of this mess it's going to take some courage. A great deal of courage.

Perhaps the President has thought of all these things. I'm sure he has. And maybe in reverse, he's showing a kind of courage and a determination which he expressed in his speech to the people last night.

This was a speech to the American people, not to the world, nor to the Vietnamese.

* * * * *

Hugh Downs. Senator, old cliche attitudes, Senator Mansfield, seem to lock us into a view of what "face" would be lost or saved throughout Asia by our actions in Vietnam or our leaving.

Somebody pointed out that one poll in Japan indicated sixty-eight percent of the people thought we shouldn't be there anyway and that we'd gain face by withdrawing from Vietnam.

Senator **Mike Mansfield**. Oh, I think we will. I think we place too much emphasis on face, or prestige.

I was very pleased with Nixon's Doctrine for the Pacific, really for the world, which he enunciated at Guam last July in which he said that in the future we would consider ourselves in that area a Pacific power primarily with peripheral interests only on the Asian mainland, and that these Asian nations themselves will have to carry the brunt of the burden of achieving or maintaining their own independence; and, as far as we were concerned, except in the case of a nuclear confrontation, we would not involve manpower in any degree.

So I think he's brought about a decidedly good change in the policy for the Pacific. I'm for it one hundred percent. The other nations in that area agree to it more or less.

And I can see no reason why we should place such emphasis on "face" or prestige, because, after all, I would want to place more emphasis on people, on these young men who have given their lives, who have been wounded; on the people of this nation who have made such great sacrifices.

I think that that is what's most important; not prestige, not face, because, after all, that's ephemeral.

Bill Monroe. Senator Mansfield, President Johnson, of course, was escalating the war. He put a stop to the escalation at the end of this term.

President Nixon is deescalating the war. But aside from these differences of approach—in terms of what they're trying to do in Vietnam, do you feel that their policies are similar? Is there any difference between the goals the two men seem to be looking for in Vietnam?

Mansfield. Oh, yes. I think Johnson, in effect, in his speech of renunciation, and subsequent events brought a stop to the escalation of the war.

But President Nixon, since he's been in office, has brought about a deescalation of the war through a reduction in the bombing; through reaching an accommodation with Cambodia—a very important factor; through a withdrawal of American troops; and through a turning over to the Vietnamese some of our air bases, airplanes, naval installations, naval craft and the like.

I think that the policy has been reversed by Nixon. My feeling is that it should be speeded up and done a good deal faster.

Monroe. Isn't the goal the same in connection with self-determination: that we won't get out until we feel that self-determination is assured?

Mansfield. That's right. The question is what—what—just what do you mean by self-determination.

Is it going to be the kind that the Thieu-Ky government wants, or we think that they should have? Or is it going to be the kind that the people of South Vietnam—all of them—want?

And I think it should be the latter. It's what the people of South Vietnam want. And Nixon has said that he is in favor of such an election. He has also said that regardless of its coloration that we would accept such a government: coalition or otherwise.

This is not an imposition. This is a choice by free will of all the people of South Vietnam, who are the most important factors in the consideration of the future of that country.

Downs. Is there any danger that the hard-liners will consider moving in that direction a defeat, even though it might fulfill the stated policy aim?

Mansfield. No, quite the contrary. The President has made his declaration. It has met with unanimous approval as far as I know. And I agree with him one hundred percent.

Downs. Thanks again, Senator Mansfield, for being our guest this morning.

STRATEGIC ARMS LIMITATION TALKS

Mr. AIKEN. Mr. President, on Monday the United States and the Soviet Union will open very crucial talks in Helsinki on ways to scale down the strategic arms race. We cannot now tell what the outcome will be, but we are all hopeful that these talks will lead to a slowdown in the buildup of strategic nuclear weapons.

Last night Secretary of State Rogers delivered a talk before the Diplomatic and Consular Officers Retired which I feel sets the tone for the talks in Helsinki. The Secretary, of course, could not and did not detail the specific proposals which would be discussed at this first meeting in Helsinki. But he did broadly outline the desire of the United States to come to an agreement with the U.S.S.R. The Secretary's talk was filled with hope—a hope that sane men from the two most powerful countries on earth can curb what has been an unending competition in the strategic arms race. We have made some progress in limiting nuclear weapons. More needs to be done.

I feel all of us can agree with Secretary Rogers when he says that there is reason for hope because both superpowers are willing at least to discuss ways to limit the growing nuclear arsenal and increasing threat to world peace.

Mr. President, I ask unanimous consent to have printed in the Record the full text of the Secretary's remarks.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Address by the Honorable William P. Rogers, Secretary of State

Next Monday in Helsinki the United States and the Soviet Union will open preliminary talks leading to what could be the most critical negotiations on disarmament ever undertaken. The two most powerful nations on earth will be seeking a way to curb what to date has been an unending competition in the strategic arms race.

The Government of the United States will enter these negotiations with serious purpose and with the hope that we can achieve balanced understandings that will benefit the cause of world peace and security. Yet we begin these negotiations knowing that they are likely to be long and complicated and with the full realization that they may not succeed.

While I will not be able to discuss specific proposals tonight, I thought it might be helpful to outline the general approach of our government in these talks.

I

Nearly a quarter of a century ago, when we alone possessed nuclear power, the United States proposed the formation of a United Nations Atomic Development Authority with a world monopoly over all dangerous aspects of nuclear energy. This proposal might well have eliminated for all nations the dangers and burdens of atomic weapons. Unhappily, as we all know, it was rejected.

The implications were obvious. Others intended to develop nuclear weapons on a national basis. The United States then would have to continue its own nuclear program. It would have to look to its own security in a nuclear-armed world. Thus we established a national policy of maintaining nuclear weapon strength adequate to deter nuclear war by any other nation or nations. It was our hope then, as it is now, to make certain that nuclear weapons would never again be used.

The intervening decades have seen enormous resources devoted to the development of nuclear weapons systems. As both sides expanded their force levels an action/reaction pattern was established. This pattern was fed by rapid progress in the technology of nuclear weapons and advanced delivery systems. The mere availability of such sophisticated technology made it difficult for either side by itself to refrain from translating that technology into offensive and defensive strategic armaments.

Meanwhile, strategic planners, operating in an atmosphere of secrecy, were obliged to make conservative assumptions, including calculations on what became known as the "worst case." The people responsible for planning our strategic security had to take account of the worst assumptions about the other's intentions, the maximum plausible estimate of the other's capabilities and performance, and the lowest plausible performance of our own forces. The Soviets no doubt did the same.

Under these circumstances it was difficult during these many years for either side to conclude that it had sufficient levels of destructive power.

II

Yet that point in time has now clearly been reached. As absolute levels of nuclear power and delivery capability increased, a situation developed in which both the United States and the Soviet Union could effectively destroy the society of the other, regardless of which one struck first.

There are helpful mutual restraints in such a situation. Sane national leaders do not initiate strategic nuclear war and thus commit their people to national suicide. Also they must be careful not to precipitate a conflict that could easily escalate into nuclear war. They have to take elaborate precautions against accidental release of a nuclear weapon which might bring on a nuclear holocaust.

In brief the nuclear deterrent, dangerous though it is, has worked.

The present situation—in which both the United States and the Soviet Union could effectively destroy the other regardless of which struck first—radically weakens the rationale for continuing the arms race.

Competitive accumulation of more sophisticated weapons would not add to the basic security of either side. Militarily it probably would produce little or no net advantage. Economically it would divert resources needed elsewhere. Politically it would perpetuate the tensions and fears that are the social fallout of the nuclear arms race.

So a capacity for mutual destruction leads to a mutual interest in putting a stop to the strategic nuclear arms race.

Nonetheless technology advances remorselessly. It offers new opportunities to both sides to add to their offensive and defensive strategic systems. Both sides find it difficult to reject these opportunities in an atmosphere of rivalry and in the absence of a verifiable agreement. It raises temptations to seek strategic advantages. Yet now such advantages cannot be hidden for long, and both sides will certainly take whatever counter-measures are necessary to preserve their retaliatory capability.

This is the situation in which the two sides now find themselves. Where national security interests may have operated in the past to stimulate the strategic arms race, those same national security interests may now operate to stop or slow down the race.

The question to be faced in the strategic arms talks is whether societies with the advanced intellect to develop these awesome weapons of mass destruction have the combined wisdom to control and curtail them.

III

In point of fact, we have already had some successes in preliminary limitations.

We have a treaty banning military activities in Antarctia.

We have a treaty banning the orbiting of weapons of mass destruction in outer space and prohibiting the establishment of military installations on the moon or other celestial bodies.

We have reached agreement with the Soviet Union on the text of a treaty forbidding the emplacement of weapons of mass destruction on the ocean floors, about to be considered at the United Nations General Assembly.

These are agreements not to arm environments previously inaccessible to weapons. Manifestly there are fewer obstacles to such agreements than there are to agreements controlling weapons already deployed or under development.

But even in already "contaminated" environments there have been two important control agreements:

We have negotiated and ratified a Test Ban Treaty prohibiting the testing of nuclear weapons in the atmosphere, under water, and in outer space.

We have negotiated and are prepared at any time to ratify simultaneously with the Soviet Union, a Nuclear Non-Proliferation Treaty.

It should be pointed out, though, that the main objective of a Nuclear Non-Proliferation Treaty is to prevent non-nuclear powers from acquiring atomic weapons. The treaty does not restrain any of the present nuclear powers from further development of their capabilities. The non-nuclear countries therefore tend to look upon the treaty essentially as a self-denying ordinance.

Accordingly, during the negotiations they insisted upon assurances that the nuclear powers would seriously pursue strategic arms negotiations. We concurred and incorporated a paragraph in the treaty which would require us to do so.

I mention this to underscore two points. First, that the disarmament agreements previously concluded have widely been regarded as confidence building, preliminary steps which hopefully might lead to more meaningful agreements on strategic arms. Second, when the United States and the Soviet Union ratify the NPT, they will agree to undertake negotiations in good faith for a cessation of the nuclear arms race.

IV

However, given the complexity of the strategic situation, the vital national interests involved, and the traditional impulses to seek protection in military strength it is easy to be cynical about the prospects for the talks into which we are about to enter.

Nonetheless some basis for hope exists.

First is the fact that the talks are being held at all. The diplomatic exchanges leading up to these talks were responsible in nature. And the talks themselves will require discussion of military matters by both sides in which the veil of secrecy will have to be, if not lifted, at least refashioned. These factors lead us to the hope that the talks are being entered into seriously.

Second is the matter of timing. Previous disparity in nuclear strength has been succeeded by the situation of sufficiency of which I have already spoken. And because this condition will continue for the foreseeable future the time then seems to be propitious for considering how to curb the race in which neither side in all likelihood can gain meaningful advantage.

Third is a mutuality of interest. Under present circumstances an equitable limitation on strategic nuclear weapons would strengthen the national security of both sides. If this is mutually perceived—if both sides conduct these talks in the light of that perception—the talks may accomplish an historic breakthrough in the pattern of confrontation that has characterized the postwar world.

May I pause to point out again that I do not wish to predict that the talks will be easy or that progress is imminent or for that matter likely. Mutuality of interest for states accustomed to rivalry is difficult to perceive. Traditions are powerful. Temptations to seek advantage run strong. Developments in other areas are bound to have an impact on these discussions.

Both parties will approach the talks with great caution and pursue them with immaculate care. The United States and the Soviet Union are entirely capable of protecting ther vital interests and can be counted upon to do so. So there is little chance that either side would accept an outcome that leads to its net national disadvantage. In our case also we would not agree to anything adversely affecting the national interests of our allies, who will continue to be consulted as the talks develop.

On the other hand we must also recognize that a prime technique of international politics—as of other politics—is talk. If these talks are serious they can lead to better understanding on both sides of the rationales behind strategic weapons decisions. This in itself might provide a climate in which to avoid compulsive decisions.

Talks need not necessarily call for an explicit agreement at any particular stage. Whether we can slow down, stop or eventually throw the arms race into reverse, remains to be seen. It also remains to be seen whether this be by a formal treaty or treaties, by a series of agreements, by parallel action, or by a convergence of viewpoints resulting from a better understanding of respective positions.

What counts at this point is that a dialogue is beginning about the management of the strategic relations of the two superpowers on a better, safer, cheaper basis than uncontrolled acquisition of still more weapons.

The United States approaches the talks as an opportunity to rest our security on what I would call a balanced strategy.

In pursuit of this balanced strategy of security we will enter the Helsinki talks with three objectives:

To enhance international security by maintaining a stable U.S.-Soviet strategic relationship through limitations on the deployment of strategic armaments;

To halt the upward spiral of strategic arms and avoid the tensions, uncertainties, and costs of an unrestrained continuation of the strategic arms race;

To reduce the risk of an outbreak of nuclear war through a dialogue about issues arising from the strategic situation.

Some say that there will be risks in such a process. But it is easy to focus too much on the risks that would accompany such a new environment and too little on the risks of the one in which we now live. Certainly, such risks are minimal compared to the benefits for mankind which would flow from success. I am confident that this country will not let down its guard, lose its alertness, or fail to maintain adequate programs to protect against a collapse or evasion of any strategic arms agreement. No delegation to any disarmament negotiation has ever been better prepared or better qualified than the United States delegation. The risks in seeking an agreement seem to be manageable, insurable, and reasonable ones to run. They seem less dangerous than the risks of open-ended arms competition—risks about which we perhaps have become somewhat callous.

V

I have mentioned the rewards of progress in terms of international security, world order, and improved opportunities for replacing a stalemated confrontation with a process of negotiations.

But there are also other stakes in these talks that come closer to home. On both sides of this strategic race there are urgent needs for resources to meet pressing domestic needs. Strategic weapons cannot solve the problems of how we live at home, or how we live in the world in this last third of the Twentieth Century. The Soviet Union, which devotes a much larger proportion of its national resources to armaments than do we, must see this as well.

Who knows the rewards if we succeed in diverting the energy, time and attention—the manpower and brainpower—devoted to ever more sophisticated weapons to other and more worthwhile purposes?

Speaking before the United Nations General Assembly two months ago, President Nixon said that he hoped the strategic arms talks would begin soon because "there is no more important task before us." And he added that we must "make a determined effort not only to limit the build-up of strategic arms, but to reverse it."

Just last week President Podgorny of the Soviet Union said: "A positive outcome of the talks would undoubtedly help improve Soviet-American relations and preserve and strengthen the peace." To that I say "Amen."

He added that: "The Soviet Union is striving to achieve precisely such results." Well, so are we; and in this we have the support of the military services, of the Congress, and of the American people.

To that end this Government approaches the Strategic Arms Limitations Talks in sober and serious determination to do our full part to bring a halt to this unproductive and costly competition in strategic nuclear armaments.

NATION CANNOT AFFORD CIVILIAN-MILITARY RIFT

Mr. EAGLETON. Mr. President, it has become all too fashionable in this country to criticize blindly those with whom we disagree. Overstated rhetoric and oversimplified conclusions serve to polarize our politics and divide our society when polarization and divisiveness are already too prevalent.

The military establishment has been a prime target of this counterproductive criticism.

Some criticize the military because it is fighting the war in Vietnam or has not yet won it, while others complain that its needs devour too much of our national budget.

However, it is well to remember that civilian decisions have shaped our policy in Vietnam and the ground rules under which it is pursued; and Congress in the past abdicated its responsibility to judge military spending.

I do not wish to imply that the military is without fault. Overoptimistic military reports contributed heavily to the disastrous policy in Vietnam and often fearsome threats were found to justify military expenditures which later proved ludicrously wasteful.

But who is at fault is not at issue. What is at issue is that continuing polarization is dangerous. We do not need more intense rhetoric now. Rather we need a return to reasonable discourse and commonsense.

Mr. President, I believe that an editorial published in the Fort Gateway

Guide of Waynesville, Mo., goes a long way toward bringing both reason and commonsense to bear on criticism of the military, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATION CANNOT AFFORD CIVILIAN-MILITARY RIFT

Even the most hawkish supporters of America's involvement in Vietnam seem to have come to the conclusion that the war, as it has been fought, is not worth the candle. Its objectives, important as they were and are, have simply become outweighed by its immense costs in wealth, blood and domestic turmoil.

In this sense, at least, there is a kind of unity in America, though the controversy rages over how to cut the costs of the war while not abandoning utterly whatever achievements may still be salvaged from it.

Yet in our universal desire to end the war and our alarm at its divisive and inflationary effects at home, we are in danger of ignoring other, even more pernicious consequences of too precipitate and too complete a reversal of the policies and beliefs which led us into the conflict in the first place.

One of these consequences is a growing antimilitarism, which is shared both by those who view the war as immoral from start to finish and by those who once favored it but now feel that the military has let us down.

A recent news report told of widespread disillusionment among veteran career officers.

"Many of my contemporaries with 15 and 16 years of service are packing it in," an Army lieutenant colonel was quoted as saying, "Pride of profession has kept them going, but that pride is taking a terrible battering these days."

Air Force officer resignations jumped nearly 50 per cent in fiscal 1969 over fiscal 1968. Army resignations were up about 14 per cent. The climb was smaller in the Marine Corps while Navy figures remained the same.

The outlook for attracting new officers is dismal. ROTC recruitment on college campuses is expected to be noticeably affected by antimilitarism this year.

Americans seem to have forgotten, or no longer believe, that in this country the military is controlled by civilians. It was not a general but a civilian president who committed hundreds of thousands of American soldiers to a land war in Asia, against the long-standing warnings of some of our most eminent military men—Generals Gavin, Shoup and Ridgway, for example.

Once in the war, the armed forces fought it as well as they could with the restrictions placed upon them—restrictions that were necessary to prevent the conflict from escalating into World War III but which any armchair strategist can now see doomed it to the indecisive, endless struggle it became.

The military may be accused of deceiving three or four administrations with constant promises of a turning point or the reaching of that elusive light at the end of the tunnel. But the responsibility ultimately rests on those who gave them an impossible job to do.

"It is unjust and unwise to attack the military because they have done their best to execute directions given them by the political leadership," writes Anthony Hartley, editor of Interplay magazine. "Unjust because they are not responsible for initiating policy. Unwise because too constant and extreme an antimilitarist onslaught risks creating in a professional body of officers bitterness leading in the not so long run to the very type of militarism which the critics fear."

The present climate of antimilitarism will have done America a disservice, he adds, if it produces a psychological rift between society and the armed services, which there is so much talk of making entirely voluntary. It will also have done the world a disservice if it creates uncertainty as to the execution of American commitments and ends by leaving a power vacuum in the most crucial areas of international tension.

In a world where peace still depends upon a balance of power, says Hartley, antimilitarist emotion is as bad a guide to policy as militarist emotion.

A thoughtful and dispassionate reassessment of America's capabilities and responsibilities in the light of the Vietnam experience is one thing. A wholesale retreat into the kind of isolationism and antimilitarism that guided our policies between the two World Wars is quite another.

More calamities have been brought down on humanity in the name of peace and righteousness than by all the generals who ever lived.

CHICAGO TRIBUNE POLL BACKS NIXON'S POLICIES

Mr. GRIFFIN. Mr. President, after President Nixon's November 3 address on Vietnam, the Chicago Tribune conducted a poll to enable its readers to register their opinion on this issue.

The newspaper printed a ballot in all its editions from November 6 through November 9, and yesterday the tabulated results were released. The returns confirm what many of us have been saying all along:

A large majority of the people support the President's effort to bring the war in Vietnam to an end.

Of 50,600 ballots received, 30,341, or 60 percent, back the President.

At a time when a large demonstration is taking place in Washington against the President's policies, the Tribune's survey provides additional evidence that the demonstrators do not speak for the majority of Americans.

I ask unanimous consent that the text of a telegram to the President, setting forth the results of the poll, be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

After your address on Vietnam policy on Nov. 3, the Tribune received scores of telephone calls and letters from readers commenting upon alternative courses to end the war and expressing a desire to register their opinions on this great public issue.

To meet this need a ballot was prepared and published in all editions Nov. 6 through Nov. 9. The deadline for tabulating the ballots was set at noon Nov. 13. Counting of the 50,600 ballots received at that time has been completed and the results are forwarded to you in accordance with the wishes of those who participated in the poll.

Four propositions were offered on the ballot. The propositions and the vote on each were:

Gradual withdrawal of American troops as rapidly as the South Vietnamese can assume responsibility for their defense.

Votes for: 30,341—per cent: 60.

Immediate cease-fire with concessions in Paris acceptable to North Vietnamese negotiators.

Votes for: 864—per cent: 2.

Immediate withdrawal of American troops and aid leaving the solutions of Asian problems to the Asian people.

Votes for: 5,490—per cent: 11.

Resume bombing of North Vietnam and press for a quick military victory.

Votes for: 13,905—per cent: 27.

The Tribune has been pleased to perform this service to its readers. We hope the information will be useful to you and to congressional leaders who also will be receiving a tabulation of the results.

HAROLD F. GRUMHAUS,
President and Publisher.

EVERETT McKINLEY DIRKSEN

Mr. CURTIS. Mr. President, a feeling of inadequacy comes over me when I attempt to eulogize Everett McKinley Dirksen. He was a most unusual man. Senator Dirksen was no political accident. He was a genius in the field of government. He could analyze something in depth and when he rose to speak he had no equals.

Historians will, for many, many years, delve into the record and write concerning the life and works of Senator Dirksen. In these brief remarks I shall not attempt to compete with the historians. I do wish to make some personal observations.

Senator Dirksen was a kind man. He was interested in his colleagues. He was concerned about their families. When misfortune, illness, or sorrow struck, Everett Dirksen was a compassionate friend to all.

Everett Dirksen was fond of little children and young people. Busy as he was, he often found time to encourage a youngster or a young person. His colleagues would often seek him out as a leader to discuss matters with him. I never heard of an instance where he did not see them, take all the time that was necessary, listen to them intently, and do his very best to be helpful. Everett Dirksen will be remembered by countless people as a helpful friend.

The melodious voice of Senator Dirksen brought inspiration to millions of people. His oratory was not mechanical. It was not hollow. His words emanated from a great mind and a big heart. Everett Dirksen loved people.

When I came to Congress following the election of 1938, Everett Dirksen was one of the bright stars in the House of Representatives. All of us were drawn by the magic of his personality. We were fascinated with his grasp of public issues and encouraged by his abiding faith and his devotion to sound principles.

Throughout the history of our Republic some of our greatest men did not serve as President. We could mention Benjamin Franklin, Henry Clay, Douglas MacArthur, Daniel Webster, Robert Taft, and many others. Another name of one of America's all-time greats has now been added to that list. I refer to our friend Everett McKinley Dirksen.

To Mrs. Dirksen, to their daughter, and to the grandchildren, and to all of the loved ones of Senator Dirksen, we extend our deepest sympathy. We urge that they take comfort in the inspiring words of faith so often proclaimed by our departed friend, Senator Dirksen. His was a deep faith, rooted in the Holy Scriptures from which he so frequently quoted. Senator Dirksen's proposal for a prayer amendment to the Constitution was symbolic of his faith and his love for America.

COMMENT ON PRESIDENT NIXON'S VIETNAM SPEECH

Mr. BAKER. Mr. President, President Nixon's recent Vietnam speech has been the subject of considerable editorial comment in newspapers throughout the country. In addition, at least one newspaper, the Knoxville News-Sentinel, conducted a poll of public opinion of the President's speech. The results of the poll indicated that some 80 percent of those questioned are generally in agreement with the President's policy, while 15 percent oppose the policy, and 5 percent are undecided. Some very thoughtful comments are included in an article published in the newspaper a few days following the speech, I ask unanimous consent that that article and also an editorial on the same subject published in the Greenville (Tenn.) Sun, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Knoxville (Tenn.) News-Sentinel, Nov. 6, 1969]

Most in Knox Poll Back Nixon

Apparently most Knoxvillians feel President Nixon had little new to say in his Vietnam speech Monday night, but support his war policy in general, a News-Sentinel survey revealed.

A team of News-Sentinel reporters talked to scores of people throughout the Knoxville area in a poll taken yesterday.

About 80 per cent of those polled can be grouped in a category generally favoring the President's course in Vietnam. Some 15 per cent oppose his policy and 5 per cent were undecided.

"BEST HE CAN DO"

Here are some of the comments:

Fred V. Brown, clothing store executive: "I think it's about the best he can do. I can't think of any avenue to follow that's better than this one. I think he is determined to get us out as fast as he can in safety."

C. J. Hulen, New Beverly Church Rd., an accountant: "I agree with him. It would be best if everyone supported his policies."

"WAR TEARS US APART"

Rev. Kenneth MacLean, minister, Tennessee Valley Unitarian Church: "The idea of pulling out troops is very good. I am aware of the danger involved in a hasty kind of withdrawal, but there actually isn't a lot of time to end the war. If you pulled out all combat troops now, South Vietnam would be exposed. This war is just tearing our domestic society apart. There's so much damage that's been done already. If this kind of initiative had come earlier, it would have been much better."

Ray Moore, Kingsport, U-T business administration senior: "I don't think Nixon said much had not said before. Basically, I agree with his plan, but I don't think he is specific enough as to when he will pull out troops. His speech wasn't really too enlightening. He didn't give us much new information."

"SHOULD WITHDRAW NOW"

A judge: "When the war was first escalated I was a hawk and felt there was a real need to win the war. Now I am not so sure whether the cause is worth fighting for. However, the President will be able to do nothing without a united front, and he should have one."

A West Knoxville housewife: "He just restated his previous position. I don't think he said anything new. I believe we should withdraw our troops from Vietnam immediately."

Postal employee: "If the war is worth fighting, it is worth winning. Demonstrators in the streets simply prolong the conflict. The President deserves support."

Federal employee: "The war cannot be abandoned. The President deserves support. I am not sure how I will feel once my son becomes draft age."

"SHOULD TRY TO WIN"

A mechanic: "I think he should have said something about winning the war. I think we ought to try to win the war and be more aggressive if we have to."

A U-T student: "I agreed with almost everything he said."

Dana Wolfe, Jr., city police officer: "Amazingly, it was a fair speech. I was especially pleased to hear he had a timetable for troop withdrawal but I was disappointed to hear him whining about how free speech in a free country was a hindrance to his sub rosa negotiations."

Mrs. Mildred Kidd, senior travel counselor, AAA East Tennessee Automobile Club: "To tell the truth, I didn't even hear the speech. I've not read enough to have any opinion either."

Mrs. Polk Chambliss, receptionist at City Hall: "I think he was trying to get the monkey off his back. But I support him because I don't think we can just pull out and walk off."

Mrs. Troy Warwick, 2905 Brentwood Rd., homemaker: "Nixon is doing the best he can. The more support he has, the better he can do. I am always in agreement with whoever the President is."

DANGER OF CHAOS

Clinton Campbell, insurance executive: "I think he's doing a good job. I think that to accelerate the pull-out would lead to chaos. And we'd be as bad off that way as some think we are now. I think he has acted responsibly, and I'm for him."

Rick Chester, Sweetwater, U–T sophomore: "I didn't hear his speech. I was too busy that night. And, I've not really had time enough to sit down and read enough about it to have any opinion."

Richard Brophy, 3009 Shelbourne Rd., insurance salesman: "I am real pleased with the speech for the main reason that he called the hand of the people that are doing more to prolong the war than help it."

A hardware store owner: "I've followed Nixon's policy all along. This isn't something we can get out of easily, I feel he is trying to do the right thing. It would be a catastrophe to pull all the troops out at once. I don't like this war, but we're in it now."

"HE'S TRYING HARD"

A farmer: "Nixon is trying pretty hard. It is difficult to get out all at once. If they give him time and support, he'll get us out of Vietnam. We are giving the other side the advantage by telling everything on TV, radio and in the newspapers. Nixon should keep more things secret."

Downtown businessman: "There was absolutely nothing new in what the President said. He just said 'I'm doing what I can about the war, so get off my back.' I think the war effort is being hurt because there is no united front."

A woman Courthouse employe: "I am pretty much a Nixon follower. I think he said the only thing he could possibly say. I want peace but not by walking away from (the war) and throwing in the towel."

A druggist: "I approve of his policy. I didn't think his speech did much to change the way people think one way or another. His policy is working out in the best way that it can, so far. He was as definite as he could be under the circumstances."

"IN L. B. J.'S BOAT"

A City Hall secretary: "I think the President thinks he's in hot water and he's trying to get out of it. He can't pull all our troops out of there and win this war. And I think we should win it. I think he was sincere in what he said during the campaign, but he's found out he's in the same boat LBJ was in, and he's having to back up."

TVA stenographer: "I thought it was a very good speech. I agree with his plan. However, he didn't say anything he hadn't said before."

U–T staff member: "I was disappointed in the speech. It didn't measure up with what we were led to believe by the prespeech publicity. Basically, I agree with him, though."

A housewife: "I think he ought to be backed up on what he says and does."

BLOCKADE SUGGESTED

Businessman: "There was nothing new to note in the speech. I don't see how the country can go on fighting a war it can't win. Why couldn't North Vietnam be bombed or blockaded or something? Of course, no one knows whether this will bring on a war with Russia or China."

A secretary: "I personally think he's not doing what he said during the campaign that he was going to do about ending the war. I think he's putting us off a little bit. But I think he'll end it eventually—by winning it."

Mrs. Mildred Benson, clerk in City Court office: "I don't know any more now about what is going to happen than I did before the speech."

A secretary: "I didn't know he said anything different from what he has been saying."

[From the Greenville (Tenn.) Sun]

President Is Doing What He Can in Difficult Vietnam Situation

President Nixon's address to the nation Monday night added to the continuing debate over Vietnam an important element that had been missing, namely, an articulate defense of his policy towards the war and his efforts in behalf of peace.

Many Americans had been led into expecting too much from the speech. The impression had gotten around that the President could be expected to announce some dramatic step—a cease fire call, perhaps, or even a firm pullout timetable—that would amount to at least a partial repudiation of U.S. goals in entering the war and pursuing it for the last several years.

So far as we could tell, this impression was pretty much manufactured by leading critics in the Congress. The President himself had revealed nothing about what he was going to say.

What he did say was neither particularly conciliatory nor particularly defiant. It did not promise more than it had a right to, but it was determined, hopeful, and guardedly optimistic. It did not offer an instant solution to the Vietnam tangle, for there was not one to offer.

The speech was, however, informative, as a review of the origins of the U.S. involvement in Vietnam and the steps that the Nixon Administration had taken toward peace. It was frank, in its clear statement of the consequences that a quick U.S. pullout would have in South Vietnam and around the world, and in the United States itself. And it was challenging, in its call for Americans to stand firm and together for the sake of long-run peace.

One thing that the address did was ask the previously silent or undecided to take a position. The effect seems likely to be that many of those in the middle on the war issue will make a choice about where they stand. Both sides will probably become more vocal and more determined in the weeks ahead.

In our view, the President has understood the problem correctly, set the right goals for the United States, and found the best method we can think of to work toward those goals. We would ask, in addition, that he remain constantly alert for new opportunities for a just settlement.

Beyond these requirements, however, it is unreasonable to make demands or dictate tactics. We think that President Nixon is doing the best he can to achieve the peace that all Americans want. If there are others who think so as well, this would be an excellent time to let him know.

REELECTION OF PRESIDENT MARCOS, OF THE PHILIPPINES

Mr. MANSFIELD. Mr. President, a newsworthy article entitled "Victorious Filipino," which refers to the reelection of President Ferdinand Edralin Marcos, appears in today's New York Times. This article gives one an idea of who President Marcos is, what he stands for, and what he hopes to accomplish in bringing greater stability to the Philippines, a broader outlook to its foreign policy, and a recognition of the changes which have occurred since independence.

I ask unanimous consent that the article on the most highly decorated Filipino in the Second World War, a man whose record of cooperation and understanding with the United States is well known, a man who now has the unique distinction of being the first President to be elected to a second term in the Philippines, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 14, 1969]

VICTORIOUS FILIPINO: FERDINAND EDRALIN MARCOS

The man who was relected President of the Philippines Tuesday in an apparent landslide is cautious in foreign policy, but he is a puppet for no nation.

The issues on which Ferdinand E. Marcos, a one-time guerrilla fighter against the Japanese, waged his campaign were withdrawal of Philippine troops from Vietnam and the elimination of the United States presence at military bases.

He has initiated trade with the Communist countries on an experimental basis and has said the experiment will continue. In addition the Chinese Communists as well as members of the Soviet bloc have sent cultural representatives to the Philippines recently.

The doctrine Mr. Marcos calls for advocates "free and mature" relations with the United States and closer ties with his country's Asian neighbors, particularly for regional security. Consequently there are good reasons why he no longer wants United States bases for Philippine participation in Vietnam, even by the 1,500 noncombat troops that have been there since 1966.

When Philippine and American officials reenacted the 25th anniversary of the return of General of the Army Douglas MacArthur to the Philippines Oct 21, President Marcos spoke of the cooperation between Filipinos and Americans in the liberation as "one of the most luminous chapters in the history of Philippine-American friendship." But he also called for a kind of relationship characterized not "by reminiscence and sentimentality but by mutual respect and mutual achievement."

A RIGOROUS DAY

At 52 years of age, he demonstrated his abounding energy during a day of campaigning by delivering nine speeches, listening to dozens of others, moving by plane, helicopter, limousine and jeep, inaugurating a school, shaking every hand that reached out to him, opening a supermarket, listening with apparent joy to a middle-aged women's choir, watching aboriginal dances, sitting impassively through a mild earthquake during a speech by a senator and calmly enduring a torrential downpour and a blazing sun.

Above all he listened to local politicians and petitioners.

President Marcos looks a good deal younger than his years—hardly older than his 38-year-old wife, a beauty queen from a notable Filipino family named Romualdez, whom he married in 1954 when he was a congressman. First he made sure that he was half an inch taller than the tall girl, whose first name is Imelda. During the campaign one observer called her the "most effective campaigner in the islands, even better than her orator husband."

They have three children, a boy, Ferdinand Jr., 11, who is called Bong Bong and is the first Filipino to sign up for a commercial flight to the moon, and two girls.

Their father, a debonair, slender but combative man, was usually first in his class and passed his bar examination—while he was in prison—with record marks. He was the most decorated Filipino soldier in World War II, with 22 medals, including the Distinguished Service Cross of the United States. As a regular soldier and then a guerilla leader he was wounded five times.

He was born in Sarrat, in the province of Ilocos Norte, on Luzon Island, on Sept. 11, 1917, the son of a prominent educator and politician. His mother was a teacher, born Josea Edralin, the child of a land-owning family. Ferdinand attended the University of the Philippines before World War II.

After serving as a legislator and senator, he was elected the sixth President of his country in 1965. Now he is the first to be reelected.

WON HIS OWN ACQUITTAL

He first came to public attention in 1939, when he was convicted of shooting and killing a political enemy of his father. After the bar examination, he handled his own appeal, winning an acquittal.

The President might have been a champion golfer if he had had time to work on his game. His health is abounding and he neither smokes nor drinks.

His attitude toward the United States has usually been described as decidedly friendly. Despite his position on participation in the Vietnam war and his desire to clear his country of United States bases, he said in a September interview, "The umbrella of a United States military presence in this part of the world will be necessary for at least the next few years."

But he said that Americans overstressed their country's might, an attitude that clashes with Asian pride and has produced a decline in United States influence.

"It is a mistake," he said, "to categorize United States influence as a success or failure. What seems more to the point is that the United States should adjust to Asian growth."

EVERETT McKINLEY DIRKSEN

Mr. PACKWOOD. Mr. President, the death of Senator Everett McKinley Dirksen signaled the end of a distinguished career in the Congress of the United States. First as a U.S. Representative, and then as a U.S. Senator, Senator Dirksen charted a course of leadership which was admired by many and which will be recorded in history as among the most effective in the 20th century.

In the course of becoming one of the most powerful men in American public life, he learned the joys of victory and the frustrations of defeat. In the process of becoming a knowledgeable spokesman for the cause he espoused, his voice became as American as apple pie. Eloquent, personal, sometimes idealistic in approach, Everett McKinley Dirksen has left a visible imprint on mankind. His presence will be missed. He was a champion in life and remains a champion in death.

THE PESTICIDE PERIL—LXXV

Mr. NELSON. Mr. President, Secretary of Health, Education, and Welfare Robert Finch's announcement this week urging a ban on DDT is the most recent highlight of the lengthy controversy over the use of persistent pesticides.

I strongly endorse Secretary Finch's recommendation to ban DDT and commend him highly on this bold decision. It is my hope that this will be the first dramatic step in removing all slow-degrading pesticides from the market. In addition to its potential danger to human health, DDT has been proven a major source of environmental deterioration on a worldwide basis. Its expendability is clearly demonstrated by the fact that the U.S. Department of Agriculture recommends less persistent pesticides as substitutes for DDT for virtually every agricultural crop in the country.

It should be feasible for Secretary Finch's recommendation to ban DDT to be achieved in a matter of a few months and not delayed for the entire 2-year period he cited on Wednesday. In addition, I trust that special timetables for the phaseout of the other persistent pesticides will be established as soon as possible.

For the November 1 issue of National Journal, published by the Center for Political Research, James Singer has written an excellent summary of the pesticide issue to the date of the October 29 White House order to ban a persistent, widely used weed killer, 2,4,5–T. I ask unanimous consent that that article and editorials published in the New York Times and the Washington Post on Secretary Finch's action be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CPR National Journal, Nov. 1, 1969]

CPR REPORT/DDT DEBATE WARMS UP AGAIN: SHOULD THE GOVERNMENT RESTRICT ITS USE?

(By James Singer)

DDT, the anti-malaria hero of World War II and subsequent panacea for pest control, is once more the center of a national controversy.

Since the early 1960s, DDT has stirred argument; today, it stands accused by legislators and scientists of permanently polluting the environment and endangering the health of man.

Chances of major federal action to control the 30 million pounds of DDT used annually by U.S farmers and others, however, have appeared slim. Key Members of Congress, manufacturers, farmers, the Agriculture Department—all support its continued and point to its relatively low toxicity to man.

Yet, conservationists and medical authorities believe that recent events are shifting the controversy from a a conservation issue to a health issue. And if the health issue develops fully, they believe, it could result in a change in U.S. pesticide policy.

Touching off the current debate were two—

unrelated—developments in government. Last spring, the Food and Drug Administration (FDA) seized several interstate shipments of Lake Michigan salmon containing high levels of DDT residue. Last fall and winter, the General Accounting Office (GAO) charged that the Agriculture Department is lax in regulating the use of pesticides.

Since then:

HEW Secretary Robert H. Finch has appointed a new commission to study the health aspects of DDT and other pesticides.

A Senate Commerce subcommittee has begun a series of nationwide hearings on pollution by pesticides, particularly DDT.

The National Academy of Sciences has released a report recommending more careful use of pesticides such as DDT.

A House Government Operations subcommittee has held hearings that pinpointed specific weaknesses in the Agriculture Department's regulation of pesticide safety.

The FDA and the Agriculture and Interior Departments have taken various actions that acknowledge the dangers of DDT.

HEW COMMISSION

In March and April, the FDA seized about 34,000 pounds of frozen Lake Michigan coho salmon with high DDT-residue levels. The coho seizures were unusual in one respect: the FDA had not established a formal DDT-residue level for fish before the seizure. Hence, the shipper—Black Port Packing Co., of Grand Rapids—was without guidelines to indicate how much residue would be allowed for fish in interstate commerce; FDA guidelines for red meat allow 7 ppm (7 parts DDT per million parts fatty tissue). The residues found by the FDA in the coho salmon ran as high as 19 ppm.

REACTION

House Minority Leader Gerald R. Ford, R-Mich., who represents the district that includes Grand Rapids and Black Port Packing Co., protested strongly to HEW Secretary Finch that the FDA should have set tolerance levels before it seized the fish, not after. On April 20, the governors (all Republicans) of five Great Lakes states—Illinois, Indiana, Michigan, Minnesota and Wisconsin—urged Finch not to act hastily in setting maximum limits on pesticide residues in Great Lakes fish.

NEW COMMISSION

The next day, in response to Ford and the governors, Finch appointed a Commission on Pesticides and their Relationship to Environmental Health. Named chairman of the commission was Emil M. Mrak, retiring chancellor of the University of California at Davis.

Mrak had supported the use of pesticides during Senate antipollution hearings in 1963. Also named to the commission, however, were outspoken foes of pollution, including Lamont C. Cole, of Cornell University, and L. Eugene Cronin, of the University of Maryland.

At a press conference announcing the new commission, as one former HEW aide put it: "The reporters were really angry. I don't think they've ever given (Finch) a harder time." Typical of the questions asked the Secretary was this: "I fail to understand why we need still another study when as far back as 1963 a government commission said that DDT should be restricted and we should cut it down; the elimination of . . . pesticides should be the goal."

Finch responded by saying that the data were too uneven to set a national standard, that a lot more needs to be known before a firm policy regarding DDT levels could be set and that, in any case, it would be up to the Agriculture Department to decide whether DDT would be pulled off the market.

"There is no question but that DDT, which has been used in great quantities since the early '40s, persists in the environment," Finch said. "Our present estimates are that—and the FDA said flatly—that each American has an average of 12 ppm DDT in the fatty tissue of (his) body . . . . We don't have direct evidence what the effect of this is. We don't know that it is not harmless. We get to the point where down the road someplace we will have to be performing autopsies of bodies to be . . . able to make that kind of flat statement." Interim standard: On April 22—the day after the press conference—Finch's FDA Commissioner, Dr. Herbert L. Ley Jr., announced that residues in fish shipped in interstate commerce would be limited to 5 ppm under an interim guideline. The 5-ppm limit, Ley said, could be changed later as a result of further study.

ACADEMY REPORT

Another response to the seizures of the Lake Michigan salmon came from the Senate Commerce Energy, Natural Resources and Environment Subcommittee, which opened pesticide hearings May 19. During the hearings, two important announcements were made:

Ned D. Bayley, Science and Education Director of the Agriculture Department, disclosed that in 1967 the department had requested the National Academy of Sciences-National Research Council to make an intensive study of the impact of pesticides on the environment.

Leslie L. Glasgow, Assistant Interior Secretary for Fish and Wildlife, said that it was time to replace DDT with less hazardous pesticides. By his statement, Glasgow broke the Interior Department's long-standing public silence on the issue.

Report's findings: The study of pesticides by the National Academy of Science was released June 4. The report, addressed to Agriculture Secretary Clifford M. Hardin, concluded:

Persistent pesticide residues threaten the existence of some wildlife species.

Present levels of pesticide residues in man's food are not known to be a health hazard.

Long-term environmental effects of persistent pesticides are unknown, but uncontrolled usage should be discouraged.

Hardin termed the report "reasonable and balanced" and indicated that the Agriculture Department would make a full evaluation of it. On July 9, the department announced that its use of DDT and eight other persistent pesticides in departmental pest-control programs was being suspended pending a review of the programs. On Aug. 14, the department announced that it was resuming some of its control programs, but was substituting less persistent pesticides for those previously used.

DDT AND HEALTH

Whether DDT is harmful to man is still open to some debate. As Secretary Finch noted, practically every U.S. citizen has accumulated, in his body fat, residual DDT at about 12 parts DDT per million parts fat, but what this may mean in long-term effects is difficult to document. A number of medical authorities and scientists, including Dr. Roger O. Egeberg, Assistant HEW Secretary for Health, have expressed concern about the possible effects of such accumulations. Egeberg told a television audience July 17 that DDT is "harmful in the same way as radioactive substances."

Agreement: Other recent expressions of concern:

Dr. Richard M. Welch, a pharmacologist with the drug firm of Burroughs Wellcome & Co., told the Wisconsin Department of Natural Resources in December 1968 that sex hormones in rats are affected by enzymes activated by DDT, and the same hormones are found in man, whose residual of DDT is "within a range" to produce the same effect. "If one can extrapolate data from animals to man, then one would say that the changes in these enzymes probably do occur in man," Welch said.

In May 1969, S. Goran Lofroth, a University of Stockholm scientist, also testifying before the Wisconsin department, reported that babies who are breast fed sometimes get twice as much DDT in their systems as the maximum level recommended as safe for humans by the World Health Organization.

In *The Pesticide Problem*, a book published by Johns Hopkins University in 1967, Chicago pharmacologist Kennethe P. DuBois warned that pesticides interfere with drug metabolism and that because of this, they can have a marked effect on patients. DuBois cited DDT in particular, which he says counteracts barbiturates.

An interm report by the HEW Department's National Cancer Institute, made public May 1, states that mice that were fed DDT as a part of their regular diet developed significantly more tumors of the liver than did mice who were not fed DDT. The report stresses, however, that the dose of DDT received by the mice was "far in excess of that likely to be consumed by humans," and that more research was needed to establish a link between human cancer and DDT.

Disagreement

Not all medical researchers are agreed, however, that DDT or other pesticides present a health hazard to man. One outspoken defender of DDT is Dr. Wayland Hayes Jr., former chief toxicologist for the Public Health Service.

Toxicity of any chemical, including DDT, Hayes contends, must be measured in relation to its dosage. Appearing before the Wisconsin department in April of this year, Hayes recounted Public Health Service experiments in which prison volunteers were exposed to large amounts of DDT—in some cases as much as 1,000 times the amount normally consumed by the average person. "In each of the studies," Hayes said, "we could find no chemical effect on the men."

Critics of the studies cited by Hayes—such as the Environmental Clearinghouse Inc., a Washington-based, nonprofit organization—point out that these studies and similar ones made in DDT-manufacturing plants were made only on certain types of adults. The effects DDT might have on children, pregnant women or the aged have not been adequately investigated.

REGULATION ISSUE

Federal consumer protection efforts concerning the pesticide industry are administered under the Federal Insecticide, Fungicide and Rodenticide Act (7 USC 135–135k) and a 1964 interdepartmental agreement. Basically the Act provides that before pesticides can be sold in interstate commerce a manufacturer must register his product, attesting to its safety and efficacy, with the Agriculture Department. The Act also gives the department procedures for enforcing the registration requirement.

Registration

According to the department, more than 60,000 pesticide formulations, based on more than 900 individual chemical compounds, have been registered during the last two years. Registration is valid for a period of five years, after which manufacturers are required to reregister their products.

The interdepartmental agreement was promulgated by the Agriculture Department in 1964, after a 1963 President's Science Advisory Committee report urged legislation to give the HEW Department greater authority in registering pesticides. Under the agreement, data supplied by the manufacturers are evaluated by three departments—Interior, HEW and Agriculture—before a decision is made on the proposed registration.

Interior—The fish and Wildlife Service assesses the effects of the pesticides on wild birds, mammals and fish, and their habitat.

HEW—The FDA, which is part of the department's Public Health Service, establishes residue tolerances in raw and processed foods and other agricultural commodities and assesses the effects the pesticide may have on the health of man.

Agriculture—The Agricultural Research Service assesses the safety and effectiveness of the pesticide for controlling pests when it is used as directed on the label.

Except for the Agriculture Department, only the FDA has the power to block approval—and only then if it finds that the proposed use is likely to result in residues exceeding the tolerance level. Assessments of the dangers of pesticides to human and animal health by the FDA and the Interior Department are not binding on the Agriculture Department during registration.

Attempts to give the FDA and the Interior Department more authority and to require the Agricutural Research Service to accept their assessments have consistently failed. A bill containing such a provision passed the House in April 1968 but failed to emerge from the Senate Commerce Committee. It was opposed by both the National Agricultural Chemicals Association and the Agriculture Department.

Enforcement

The Agricultural Research Service is also responsible for enforcing the registration requirements. Procedures for enforcement include criminal prosecution, product seizure and cancellation of registration for mislabeled products. How well the Agricultural Research Service has pursued this responsibility has become a controversy in itself.

GAO audits

After auditing the pesticide regulatory activities of the Agricultural Research Service, the General Accounting Office (GAO) reported Sept. 10, 1968, to Congress:

That the service, while acting against misbranded, adulterated or unregistered products at one location, did not determine, in most cases whether shipments of the same products were available to the public in other locations.

That in its operating guidelines, the service did not include procedures for determining when shippers who had violated the law would be reported to the Justice Department for prosecution.

That in 13 years, the service had not reported violators for prosecution. This was true, GAO said, even of firms which were repeatedly major violators.

In a second audit issued on Feb. 29, the GAO reported that the service continued to permit the use of lindane pesticide vaporizers in food-handling establishments—despite the fact that the Public Health Service and other federal, state and private organizations, including the American Medical Association, had long contended lindane is dangerous to health and that its use in vaporizers could contaminate food. On April 29, the service canceled registration for lindane in food-handling establishments—almost 16 years after its safety was first seriously questioned by the Public Health Service.

Interagency friction

Rep. L. H. Fountain, D–N.C., chairman of the House Government Operations Subcommittee on Intergovernmental Relations, held hearings in May and June based on the two GAO audits. The hearings revealed that over the years, a good deal of friction has existed between the Public Health Service and the Agricultural Research Service over the health aspects of pesticide registration.

Deputy Associate FDA Commissioner Reo E. Duggan indicated in the hearings that in fiscal 1969, the Agricultural Research Service had registered or reregistered 185 products over the Public Health Service's objections.

Thomas H. Harris, director of the FDA's pesticide registration division, further underlined the conflict between the two agencies. His division, he said, had objected to registering a product that was a proven carcinogen (cancer producer) for laboratory animals. The Agriculture Department, Harris said, told the FDA "that until we could produce evidence that this product produced cancers in human beings from skin contact, that they would continue to register the product."

The key issue here, Harris told the *National Journal*, is whether the FDA should have the responsibility for producing evidence of injury, or whether the manufacturer should have the responsibility for producing evidence of safety. Other health officials agree with Harris that the responsibility should lie with the manufacturer. One who prefererd not to be named, added that as an assurance of human health, the interdepartmental agreement "is not worth the paper it's written on."

INTEREST GROUPS

The origins of the current debate go back at least to 1962, when Rachel Carson's *Silent Spring* was published and created a public outcry against pesticides. The book spurred the Senate Government Operations Committee to hold hearings in 1963 on the role of DDT and other persistent pesticides in the environment.

The day before the hearings opened, the White House released the President's Science Advisory Committee report which called for an orderly phasing out of the use of DDT and other persistent pesticides.

Since then, conservation organizations, such as the Conservation Foundation, the National Audubon Society and the Izaak Walton League, have continuously tried to make the public more aware of the potential dangers of pesticides, such as DDT, that do not readily degrade and remain unchanged in the environment for many years. Consumer groups, such as the Consumer Federation of America, which has 136 member-organizations, also have called for stricter controls on pesticide usage.

The efforts of these organizations, however, has thus far been largely ineffective in bringing about significant changes by Congress or the administrative agencies. More effective have been the efforts of the friends and users of pesticides—farmers, government officials, legislators and pesticide manufacturers and distributors—to resist further restrictions on pesticide use.

Producer organizations

Representing the producers of the two agricultural commodities on which most DDT is used (*see box*) are the National Cotton Council, which has its headquarters in Memphis, Tenn., and the Tobacco Growers' Information Committee, of Raleigh, N.C. At its annual meeting in January, the National Cotton Council, which represents both producers and manufacturers, passed a resolution opposing "legislation that restricts the sound development and use of agricultural chemicals." According to a council spokesman, this resolution "has been interpreted" as a stand opposing further restrictions on DDT. The council did not, however, actively oppose a recent Arizona ban on DDT, although Arizona is a major cotton-producing state.

According to William H. W. Anderson, spokesman for the tobacco growers, DDT use is "fading out along with the mule." Anderson points out that there are other, safer pesticides for tobacco that are rapidly gaining acceptance by the growers and that restricting DDT is not likely to be an issue with most growers.

Statistics from the Agriculture Department tend to support Anderson's statement. Domestic use of DDT has declined during the past 10 years from a high of 70 million pounds in the 1959–60 crop year to 32.7 million pounds in the 1967–68 crop year.

General farmer organizations—such as the 1.7-million-member American Farm Bureau Federation and the National Farmers Union with a membership of 250,000 farm families—have as yet taken no formal position on the DDT controversy. Spokesmen for each indicated, however, that their respective organizations generally hold the view that:

If DDT adversely affects the environment, its unrestricted use should be carefully evaluated.

Use of agricultural chemicals should not be restricted unless there is sufficient scientific evidence that they are harmful.

Industry representation

The $1.7-billion-a-year pesticide industry is represented in Washington by the National Agricultural Chemicals Association. Within the association is a special task force on DDT, comprised of representatives of the five domestic DDT manufacturers: Allied Chemical Corp., Diamond Shamrock Corp., Lebanon Chemical Corp., Montrose Chemical Corp. and Olin Mathieson Chemical Corp.

The association's position concerning not only DDT but all pesticides is simply that there is nothing wrong with any of them if they are used and handled correctly. "Our basic philosophy," says association president Parke C. Brinkley, "is that there are some safe uses for all the products and some unsafe ones. We don't think a total ban on a product is a very smart way of doing it. It would not be in the public interest."

Congressional support

In agreement with the association's position is Rep. Jamie L. Whitten, D-Miss., chairman of the House Appropriations Agriculture Subcommittee. Whitten, whose 1966 book defending pesticides, *That We May Live*, was largely researched by the Agriculture Department, summed up his philosophy on the DDT-residue controversy during the March 1968 appropriations hearings: "The worst residue problem we have to face today," Whitten said, "is the residue of public opinion left by Rachel Carson's *Silent Spring*."

Whitten and other cotton-belt Members of Congress, who largely control the agriculture committees in both houses through subcommittee chairmanships, represent a constituency that used about 70 per cent of the 40.3 million pounds of DDT applied to U.S. crops during the 1966–1967 season.

In committees dominated by farm-oriented Members, a bill to regulate further the manufacture or application of pesticides usually receives a chilly welcome. Sen Abraham A. Ribicoff, D-Conn., introduced a bill in the 90th Congress that would require the Agriculture Department to inspect pesticide manufacturers to see if proper precautions and controls were being followed. But the bill died after referral to the Senate Agriculture and Forestry Subcommittee on Agricultural Research and General Legislation. Reflecting on the fate of this bill, Brinkley told his chemicals association members: "Through the understanding of Congress, and particularly Sen. (B. Everett) Jordan (D-N.C., subcommittee chairman), we have been given some time to see if the situation might be improved without the necessity of federal intervention."

Administrative defense

The Agriculture Department comes to the defense of farmers and other pesticide users whenever the issue of further regulation arises—and Congress expects as much. Whitten made this clear during the 1968 appropriations hearings when he said: "If the department does not appear on behalf of the farm producers at hearings (on pesticide residues) as to whether it is essential on one side and to question whether it does any injury on the other side, we are in a bad way."

OUTLOOK

Commission agenda

The Mrak commission staff director, Dr. Albert C. Kolbye Jr., is reluctant to discuss the commission's work until its final report is issued in early November. He concedes, however, that the commission's principal concern mirrors that of other key health officials in the HEW Department—the FDA's lack of legislative authority under the Federal Insecticide, Fungicide and Rodenticide Act.

At minimum, these officials contend, evaluations regarding the potential human health hazards of pesticides by the FDA should be binding on the Agriculture Department. As one key HEW official, who did not wish to be named, put it: "If you want us to protect the public health, give us the authority to do it.

Congressional action

While a number of bills have been introduced in both the House and the Senate to ban DDT, there is no optimism about getting such bills out of the agriculture committees. An aide to Senate Agriculture Committee Chairman Allen J. Ellender, D-La., summed up the prospects for one bill to ban DDT: "This is hardly the most pressing matter before the committee at this time."

At present, congressional foes of DDT are attempting flanking maneuvers to by-pass the agriculture committees by amending legislation that has been reported out of committee.

Hart amendment—On July 7, when the Agriculture Department's appropriations bill (HR 11612) passed the Senate, Philip A. Hart, D-Mich., successfully amended the bill to prohibit the department from using in its pest control programs, such as those in national forests, any pesticide that has been banned by the state in which the control program is located. A similar attempt by Rep Richard L. Ottinger, D-N.Y., to amend the bill in the House May 27 failed, 25–75.

Chances that the Hart amendment will survive a House-Senate conference on the appropriations bill seem slim. But in the view of some DDT opponents, the amendment is a symbolic indication that legislation to reform pesticide policy may be gaining congressional support.

Nelson amendment—Sen. Gaylord Nelson, D-Wis., who has inserted in the *Congressional Record* more than 70 articles on the dangers of pesticides, successfully amended the proposed Water Quality Improvement Act (S. 7), which passed the Senate 86–0 on Oct. 8.

Nelson's amendment, which is given an excellent chance for survival in the forthcoming Senate-House conference on the bill, would require the Interior Department to establish pesticide residue tolerances as part of the department's water pollution control activities. The tolerances would then become mandatory on states for controlling pollution of interstate rivers, streams and lakes.

States

Two states—Arizona and Michigan—already have banned DDT. California has banned it for some uses. Other states, such as Maryland and Wisconsin, are considering banning or greatly restricting its use.

A Senate aide points out that should state bans and restrictions on DDT usage continue, they can be expected to build up considerable pressure in Congress for federal legislation, particularly with regard to residues that may be carried by interstate rivers and to crop spraying that may carry the pesticide across state lines.

White House

Balancing recent state actions, however, was a June 20 statement by Presidential Science Adviser Lee A. DuBridge. At a press briefing before the first meeting of the President's Environmental Quality Council, DuBridge appeared to side with the Agriculture Department and other defenders of DDT: "How can we balance the values of DDT against the dangers? That is the problem and it is not one that is solved easily just by wholesale banning. Every environmental problem has a price. . . . If there is something to replace DDT it may be far more expensive. Who is going to pay the bill?"

Health issue

The questions of human health, raised in the salmon seizures, and of deficiencies in the Agriculture Department's protection of the public, raised by the GAO audits, suggest that the arena for the controversy is shifting from an issue of conservation to one of human health.

Should this shift continue, it is likely that enterprising DDT foes will propose legislation based on health issues rather than on pesticide regulations. Such legislation would be referred to House and Senate health committees, rather than agriculture committees; in the health committees, it would undoubtedly fare better than it has in the agriculture committees.

Even without legislation, however, the use of DDT is declining as more effective pesticides become available. The Agriculture Department reports a 48-per cent decline in the domestic consumption of DDT (although it is still, worldwide, the most-used pesticide) from 78.6 million pounds in 1958–59 to 40.3 million pounds in 1966–67. This trend has carried to the use of DDT by the federal government on public lands. Three years ago, then Interior Secretary Stewart L. Udall banned DDT from Interior Department lands. The Agriculture Department, which sprayed 4.9 million acres of national forest in 1957 at a rate of about one pound of DDT per acre, used only 81 pounds last year on national forests.

These trends raise the possibility that, with or without further federal action, one congressional aide may be right when he says: "DDT's days are numbered."

NEW BAN

The White House Oct. 29 ordered a ban on a persistent, widely used weed killer: 2,4,5–T.

The ban, which becomes effective Jan. 1, prohibits the use of the herbicide on U.S. food crops. More than 14 million pounds of 2,4,5–T were produced in the United States in 1967.

The chemical has been widely used for defoliation in Viet Nam. The ban was ordered by Presidential Science Adviser Lee A. DuBridge after National Cancer Institute tests reportedly linked 2,4,5–T to cancer in mice.

The Vietnamese press has charged that since the herbicide's use began in that country, birth defects among Vietnamese children have sharply increased.

DDT USE

[Thousands of pounds]

	1964	1966	1968
Total production	135,749	142,329	126,936
Total domestic use	50,542	46,672	32,753
Total farm use	32,000	27,000	(1)
Cotton	23,600	19,200	(1)
Tobacco	1,200	800	(1)
Soybeans	500	700	(1)
Vegetables (including potatoes)	1,700	1,400	(1)
Fruits	1,900	1,500	(1)
Other crops	2,300	2,700	(1)
Livestock and buildings	800	700	(1)
Total nonfarm use (mosquito control, municipal parks, dry cleaning plants, household use)	18,542	19,672	(1)
Exports	77,178	94,867	92,915
Stockpiles:			
Beginning of year	26,946	13,757	8,510
End of year	34,975	14,547	9,778

(1) Breakdown not available for 1968.

Source: Agriculture Department.

[From the New York Times, Nov. 14, 1969]

Phasing Out DDT

The warning sounded by Rachel Carson in "Silent Spring" is finally being heeded in Washington. After nearly a decade of evidence of the harmful effects of DDT and other hard pesticides on the country's environment and ecology, the Federal Government plans to outlaw these chemical killers except for essential uses in the next two years.

The agreement among the three concerned departments—Agriculture, Interior and Health, Education and Welfare—recognizes the peril to natural and human life caused by the insect killers. The H.E.W. commission headed by Dr. Emil M. Mrak of the University of California reported evidence that cancer was produced in mice treated with heavy doses of DDT. Agricultural workers have become sick in the fields after breathing or touching certain pesticides. Toxologists have found that infants were ingesting twice the amount of DDT recommended as a maximum intake by the World Health Organization.

Since it was introduced into the environment about 25 years ago, DDT has performed wonders in the battle against malaria, typhus and other pestborne human diseases. It has helped to double the yield of cotton fields by controlling the boll weevil, saved fruit and other chops, and increased the production of livestock.

But, on balance, the price has been deathly high for various animal species and potentially high for unborn generations of man carrying chemicals transmitted through mothers' milk. Thanks largely to the conservationists, the perils of the pesticides began some years ago to be discovered and exposed. Research of marine biologists showed that certain chemicals such as DDT pollute rivers and lakes and oceans, contaminating fish as a source of food; other scientists discovered DDT has a disastrous effect on the fertility of some bird species, such as the bald eagle.

The indiscriminate spraying of DDT has turned it into a worldwide contaminant. In the United States 100 million pounds are released into the environment every year, uncontrolled by laws except, recently, in a handful of states and communities where the miracle has at last been recognized as a menace. DDT and the other hard pesticides have a life of their own; toxicity can remain for years after initial spraying to contaminate the food supply.

It is essential that administrative action be taken at local and state as well as the Federal level. But meanwhile, Secretary Finch's announcement is a giant step forward in reducing the menace to all living creatures of the long-lasting poisons that have been used with such careless and ignorant abandon for so many years.

[From the Washington (D.C.) Post, Nov. 13, 1969]

Official War Against DDT

The doom of DDT has long been overdue. For some years scientists and others concerned over the increasing pollution of our environment have been demanding that use of this pesticide be abandoned. Their efforts have been resisted by some because of the effectiveness of DDT in controlling agricultural pests and various organisms that are deadly to man. As use of the stuff has increased, however, it has become clearly evident that the cure is worse than the pests it is used against.

The public should realize, however, that no government action can suddenly eliminate the DDT from our environment. Its use has become pervasive. More than 100 million pounds of DDT have been released into the environment each year. Even if its use could be suddenly cut off, residual amounts of the poison will remain in the

> soil, water and food supplies and indeed in human tissues over extended periods because of the extraordinary chemical stability of DDT.
>
> What is now in the works is a governmental movement against DDT on a broad front. Some weeks ago the Environmental Defense Fund asked the Food and Drug Administration to reduce the tolerance of DDT in raw agricultural projects to zero. The law seems to require such action. But if the Department of Health, Eductaion and Welfare acted alone, it could well produce a crisis of another sort, since DDT residues are found in nearly all human foods. Environmental Defense also moved against the Department of Agriculture.
>
> Agriculture is undoubtedly the key agency in the fight, for it has permitted the use of DDT as a pesticide. Presumably the announcement yesterday of a multiagency agreement to outlaw the use of DDT within two years, except for "essential uses" for which there is no suitable alternatives, means that Agriculture will withdraw the registration of DDT, at least for general use. HEW can then move progressively toward its elimination in our food supplies.
>
> The necessity for action under the law seems clear enough. The Federal Food, Drug and Cosmetics Act provides that—
>
> No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.
>
> In recent years many scientists have produced unimpeachable evidence that large doses of DDT cause cancer in mice. That seems to give HEW a mandate to move against food containing DDT as promptly as is feasible. The danger to human life is said to be more than marginal because the reservoirs of DDT built up in the human body may release their poison in concentrated volume in the milk of women who have recently given birth.
>
> We think the whole country will be relieved that a broad program to eliminate this new man-made menace in our environment has been launched. We hope that action will not be lost in interdepartmental bureaucracy. A new enemy recently supposed to be a friend to mankind has been amply identified. The country must devote extraordinary efforts to the elimination of this cancer-producing agent which was mistakenly supposed to be harmful only to insects.

VICE PRESIDENT AGNEW AND THE MEDIA; A LONG-OVERDUE APPRAISAL

Mr. DODD. Mr. President, when Vice President Agnew last night accused the television networks of distorting the news by selective and biased presentation, he was giving voice to the thoughts of countless millions of Americans who have come to distrust the media because their bias has sometimes been so obvious.

The Vice President deserves a world of credit for his courageous statement. In a loud, clear, and refreshing voice, he has said something that badly needed saying.

The reaction of the TV networks, not very surprisingly, was defensive. They said it was untrue that their news coverage was biased. And some of the network spokesmen made the completely unfounded charge that the Vice President was calling for Federal press censorship.

My prediction is that the network officials, within the year, will have to eat humble pie, just as they had to do in the aftermath of the Chicago convention riots.

When some of us who were eyewitnesses of these riots accused the networks of biased and selective coverage, the brickbats started flying thick and fast from network sources and from certain elements in the press.

But the overwhelming reaction of the American people finally compelled the networks to rethink their position.

How the networks finally changed their position was the subject of a remarkable article in TV Guide for September 27, 1969, entitled "The Silent Majority Comes Into Focus."

NBC documentary producer Shad Northshield was quoted as saying about the public reaction to the network coverage of the Chicago convention:

> I was stunned by the public reaction to Chicago. We all were. I was stunned, astonished, *hurt*. It's the key thing that opened my eyes to the cleavage between newsmen and the majority. We didn't *know* 56 percent would have thought we were unfair. It raises enormous questions about journalism.

And Bill Leonard of CBS, while defending their coverage of Chicago, nevertheless gave voice to a bitter attack on bad reporting. Here are his words:

> Most reporting is *lousy*. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the *cheap, lousy* reporter who'll quote an attack but doesn't go to the other side, because the answer might kill his story. . . . And these producers who develop and edit a broadcast from the point of view of the way *they* want it to turn out—with their own prejudices showing. That happens quite often. . . . If we could get rid of those people we'd be a lot closer to our goal of objectivity.

In the face of the frank admissions of prejudice that were made by many top-ranking TV executives to TV Guide, it is a bit ludicrous, to say the least, when the networks now tell us that they are not prejudiced, and that they do not seek to slant the news or to put across their single viewpoint.

Network spokesmen are completely evading the point, too, when they say, in reply to Vice President Agnew, that they draw a sharp line between what they call hard news and commentary.

Vice President Agnew did not accuse them of failing to draw such a line. What he did say was that their presentation of the news was biased, because in their selection of the items to be shown, they seek to promote a viewpoint rather than seeking a conscientious balance of the news.

It is no defense to say that network news is "hard" news because film clips cannot lie. By showing certain film clips and rejecting others, a program producer can patch together a television version of a situation like the convention riots which is just as false as if it were completely fabricated.

Vice President Agnew performed a real service in describing how network news programs are produced. This is what he said:

> A small group of men, numbering perhaps no more than a dozen anchormen, commentators and executive producers, settle upon the 20 minutes or so of film and commentary that's to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad.
>
> They decide what 40 to 50 million Americans will learn of the day's events in the nation and in the world.
>
> Now what do Americans know of the men who wield this power?
>
> We do know that to a man these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C., of New York City, the latter of which James Reston terms the most unrepresentative community in the entire United States.
>
> Both communities bask in their own provincialism, their own parochialism.
>
> We can deduce that these men read the same newspapers. They draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

I have quoted these paragraphs at length because I believe they hit the nail right on the head.

I hope the Vice President will pursue the national discussion which he has inaugurated with his recent remarks, by taking up the question of the slanted presentation of the news in our press.

Mr. President, I ask unanimous consent to have printed in the Record the text of the article entitled "The 'Silent Majority' Comes Into Focus," published in TV Guide on September 27. I also ask unanimous consent to have printed in the Record the entire text of the speech made by Vice President Agnew.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the TV Guide, Sept. 27, 1969]

THE "SILENT MAJORITY" COMES INTO FOCUS

(By Edith Efron)

"The Riots."

"Chicago."

They stick like giant burrs in the newsmen's minds—symbols of the clash between them and the majority of the public.

That clash has not yet been resolved. It still flares up at the slightest provocation and is a chronic issue at the networks, where top executives wait tensely for the day's mail and look back nostalgically at the days when five critical letters were a crisis.

The nature of the public's simmering anger is well-understood. CBS's Bill Leonard says: "The right and the middle complain that we put on irresponsible people from the left." ABC documentary producer Steve Fleischman, too, says: "People feel we've given too much play to the radicals." And NBC News president Reuven Frank says: "The general view of the public is that we have too many radicals in the network news departments."

The newsmen's awareness of the seriousness of this situation was brought to a peak by the "conservative" electoral results—"conservative" being the odd "new politics" label for an amorphous antiradical coalition encompassing the spectrum from "Establishment Democrats" through the Nixon center to the far-right Wallace voters. This active antiradicalism of the majority has reoriented important aspects of the newsmen's professional thinking. As a result, something new is happening in programming. It is a development that will please many Americans and anger others.

What is happening results from a change in newsmen's thinking—so we'll start with that.

The most obvious change is the sudden emergence in strength of an attitude that has been commonplace among viewers for years. Namely, that there has been too much one-sided attacking of the United States, the institutions and its citizens, on the airwaves. This opinion, once viewed as "flag waving" by many newsmen, today is enunciated as follows:

ABC's Lester Cooper: "I want to do a show on what's right with America. We've heard so much about what's wrong. I'm not a chauvinist, but I am a patriot. There's a great America out there to cover."

CBS's Bill Leonard, on an upcoming documentary: "It will capture the spirit of America. We'll be showing strengths as well as weaknesses. It's a wonderful country and it's absurd. You'll be laughing and crying. That's what the U.S. is all about."

NBC's Eliot Frankel: "One of the themes in First Tuesday is to show what's right with America, as well as what's wrong. There's a lot that's right. Decent people, leading decent lives, knocking themselves out for others. . . ."

A good many men are also engaging in intensive soul-searching into the issue of biased reporting. NBC's documentary producer Shad Northshield says: "Bias is on everybody's mind. We've claimed we don't have it. And the viewers say, 'Yes, you do.' I was stunned by the public reaction to Chicago. We all were. I was stunned, astonished, hurt. It's the key thing that opened my eyes to the cleavage between newsmen and the majority. We didn't know 56 percent would have thought we were unfair. It raises enormous questions about journalism.

One of the issues it raises for Northshield and others is a pronounced bias in favor of minority coverage in past network operations. "In TV news departments," says Northshield, "we appear to know a lot about the black minority. It's the silent majority we must explore. We haven't done it. We didn't know it was there!" CBS's Phil Lewis says: "We're beginning to realize we've ignored the majority. America doesn't end at the Hudson!" CBS News star Joseph Benti says: "We spend so much time on angry blacks, angry youth. But what about the vast forgotten army out there? How many hard-working, law-abiding whites are mad as hell because their story isn't being told?"

Other men have taken their analyses further, in an attempt to get at the causes of this pro-minority emphasis. CBS's Desmond Smith is one of those who suspects that the newsmen have been politically used: "There's been a great deal of manipulation from the left. The left and SDS have been getting a great deal of play. Americans are getting to feel they're not getting the whole story."

Fred Freed of NBC goes further yet. He attributes the situation to the newsmen's own liberal ideology: "This generation of newsmen is a product of the New Deal. These beliefs that were sacred to the New Deal are the beliefs that news has grown on. This is true of the networks, of Newsweek, of The New York Times, of all media. Men of like mind are in the news. It's provincial. The blue- and white-collar people who are in revolt now do have cause for complaint against us. We've ignored their point of view. It's bad to pretend they don't exist. We did this because we tend to be uppermiddle-class liberals. We think the poor are "better" than the middle class. We romanticize them. The best thing that happened to me was a month I spent walking in Detroit slums after the riots. I stopped romanticizing the poor.

"I've come to understand that it's really the same with all classes. You've got to sit down with the cop, with the little storekeeper, and get their views. They're human beings like everyone else. Their attitudes emerge logically from their interests and their values. They should be covered that way."

There are those in top managerial positions who don't pour out such confessions. CBS's Bill Leonard, for example, claims objectivity for CBS News, and declares vehemently: "We have nothing to apologize for, nothing—and I personally include our coverage of Chicago." But, in the course of several hours of conversation, Leonard relaxes and launches into an attack on "bad reporting"—which turns out to be a powerful disquisition on bias: Most reporting is lousy. It's lousy because people are lazy, because people don't think ahead, because they approach things in rote ways. We have these kinds of reporters here, unfortunately. The worst problem of all is the reporter who doesn't ask the next question—the cheap, lousy reporter who'll quote an attack but doesn't go to the other side, because the answer might kill his story. . . . And these producers who develop and edit a broadcast from the point of view of the way they want it to turn out—with their own prejudices showing. That happens quite often. . . . If we could get rid of those people we 'd be a lot closer to our goal of objectivity."

And finally . . . there are those who are not theorizing about bias because they're too busy traveling back and forth between New York and Washington, coping with Congressional investigations into their alleged practice of it. CBS News producer Jay McMullen says the following: "We're getting a lot of flak from Congress and the FCC—a lot of harassment. The Congressional focus is on the news area. It has to do with this whole business of our coverage of the riots, of Chicago. Producers are being called down to Washington and asked to explain their news decisions."

With all of this ferment going on behind the scenes, what, precisely is happening to news and public-affairs programming? The trends are exactly what you might guess: there is a shifting of coverage patterns at the polar ends of the usual spectrum covered by the network. The basic coverage, which has a moderate-liberal orientation, will remain the same. But in network news there is a distinct deflation of the coverage of radical left and of radical-left causes, particularly those of a militant type.

Prime-time news, for example, which operates in a restricted timeslot, is upping its coverage of the middle and lower-middle classes. CBS has inaugurated a polling service to be used in key controversial stories to check on nation-wide opinion. Regular coverage of suburbia and lower-middle-class areas in the environs of New York City is being stepped up by CBS and NBC New York stations.

These trends are far more visible, however, in the documentary realm, where subjects are few and where the selective process is readily apparent.

Much of the vigorous planned activity for the season's opening lies in the area of "exploring middle- and lower-middle-class Americans." Various broad-gauge sketches of the Nation are ready to go. Some may already have appeared before you read this. At CBS: "A Day in the Life of the United States of America"; "The Making of the President: 1968"; two on "The Generation Gap." At NBC: a two-and-a-half-hour "From Here to the Seventies"; "Election '69: What We Learned," and, on *First Tuesday*, says producer Eliot Frankel, one of the themes will be "the malaise in middle-class life."

As for ABC, there is a veritable outbreak of Americana—with a list of shows up for sale to sponsors with names like: "The American Dream," "Hemingway's Idaho," "Small Town Judge," "A Country Preacher," "American Farmer," "Forest Ranger," "The Marines" and "Sousa Sound"—14 or 15 of such projected shows, as compared to eight last year. According to documentary vice president Tom Wolf, this reflects the thinking of sponsors, who themselves are responding to "the shift of climate in this country, the new attitudes of viewers."

By contrast to this ferment of activity on the majority front, "problem coverage"—the kind that increasingly requires the inclusion of radical opinion white and black—is in decline. The same number of documentary hours is scheduled as last year—a significant proportion of them, however, now packed into two "magazine" formats at CBS and NBC, which, of necessity, have acquired a lighter, "variety" approach to coverage. The number of straight, hour-length documentaries has shrunk and with it has come a diminution of "hard" problem coverage.

Why is this happening? Because of political pressures—defined in its broadest sense, from Congress down to the smallest grass-roots hamlet. The most visible pressure is coming from Congress. Says McMullen: "The tendency, when Congress harasses, is for individual producers to pull in their horns. I think this whole Congressional thing might be affecting the documentary operation." ABC's Steve Fleischman, too, says: "The medium is generally frightened of the documentary realm."

The three network presidents are on record with strong statements that, for the past year or so—ever since some of the public started to blast away at the networks' featuring of radicals and radical issues—Congressional pressures have been threatening the medium's First Amendment rights.

On the national grass-roots level, which underlies Congressional pressure, there is evidence that resistance is building up to coverage of the radicals and radical issues at local broadcasting stations—for whom network news and documentary production is destined. A nation-wide survey conducted by Television Age indicates that programs on these issues are declining. "It may indicate," says Television Age, "that the public has been satiated with studies of . . . urban crises . . . racial tensions . . . dope addiction and poverty"

There are many students of the broadcasting world who believe that the networks, always fear-ridden in the realm of politico-economic coverage, can scarcely afford to become more so. ("We never did have more than four or five tough documentaries a year," concedes CBS's Bill Leonard, "and at that we had more than the other networks put together.") Protests are now surfacing from the left side of the political spectrum—from liberals, radicals and militant blacks who are beginning to charge that the news departments are going "conservative."

One prominent TV journalist describes the trend as "the Nixonization of the airwaves." Variety, the industry's trade paper, accused the networks of cutting back on "hard" issues. And FCC Commissioner Nicholas Johnson charged broadcasters with squeezing out radical thought and of censoring news of capitalist-caused "death, disease, dismemberment and degradation."

Some TV newsmen, too, view the trends in the news departments as "conservative." Says Steve Fleischman, who describes himself as "ABC's kept radical": "Television is reflecting the national trend. There's a conservative, know-nothing stream in this country. And there's a liberal-progressive-radical stream. And there's a great body of people in the middle. The majority of newsmen are in that middle group. Today, that middle group is swinging back to conservatism. It's all part of the white blacklash."

Needless to say, many other newsmen actively repudiate the Variety-Johnson-Fleischman criticism.

CBS's Salant has already hurled an answer to Johnson into print (TV Guide, Sept. 20) in which he presents a long list of anti-corporation stories aired by CBS; and, in answer to the charge that there is not enough "death, disease, dismemberment and degradation" on the air, says: "Let [the Commissioner] drop into my office some time and see the viewers' mail that comes across my desk complaining that that is all we ever talk about."

And others too grow angry at being described as creatures of a reactionary "establishment."

Snaps Lester Cooper of ABC: "Such criticisms are made by self-conscious, self-righteous, guiltridden people who feel the only way they can say something is by attacking." NBC's Shad Northshield raps out: "Doctrinaire, dogmatic opinion!" And NBC's Reuven Frank groans, "Oh, it's so tendentious. Those people want so to be 'in.' The next thing you know, Nick Johnson will be wearing Pucci pants!"

What really seems to be happening is this: "Public-interest" programming—and, most of all, documentary programming—is adjusting itself in a jerky, impulsive yet fear-ridden way to the massive pressure of middle-class opinion, while straining to attain a journalistic perspective. By virtue of this trend, coverage of militant-radical groups will not be eliminated, but it is decreasing. As a corollary, the view of America as one vast abscess is now being corrected.

[From the New York Times, Nov. 14, 1969]

Transcript of Address by Agnew Criticizing Television on Its Coverage of the News

(Note.—Following is a transcript of an address last night by Vice President Agnew to the Mid-West Regional Republican Committee at Des Moines, Iowa, as recorded by the New York Times:)

Tonight I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power. So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is are we demanding enough of our television news presentations? And are the men of this medium demanding enough of themselves?

Monday night a week ago, President Nixon delivered the most important address of his Administration, one of the most important of our decade. His subject was Vietnam. His hope was to rally the American to see the conflict through to a lasting and just peace in the Pacific. For 32 minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

WEEKS OF PREPARATION

When the President completed his address—an address, incidentally, that he spent weeks in the preparation of—his words and policies were subjected to instant analysis and querulous criticism. The audience of 70 million Americans gathered to hear the President of the United States was inherited by a small band of network commentators and self-appointed analysts, the majority of whom expressed in one way or another their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek another term have seen these men in a genuine state of nonpreparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was following a Pentagon line. Others, by the expression on their faces, the tone of their questions and the sarcasm of their responses made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's message, he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Vietcong or North Vietnamese did not really want a military takeover of South Vietnam; and he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

ABOUT HARRIMAN

A word about Mr. Harriman. For 10 months he was America's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of the bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failure to anyone who will listen. And the networks have shown themselves willing to give him all the air time he desires.

Now every American has a right to disagree with the President of the United States and to express publicly that disagreement. But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having a President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he didn't have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through.

When President Kennedy rallied the nation in the Cuban missile crisis, his address to the people was not chewed over by a roundtable of critics who disparaged the course of action he'd asked America to follow.

The purpose of my remarks tonight is to focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but, more importantly, wield a free hand in selecting, presenting and interpreting the great issues in our nation.

First, let's define that power. At least 40 million Americans every night, it's estimated, watch the network news. Seven million of them view A.B.C., the remainder being divided between N.B.C. and C.B.S.

SOLE SOURCE OF NEWS

According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news. In Will Rogers' observation, what you knew was what you read in the newspaper. Today for growing millions of Americans, it's what they see and hear on their television sets.

Now how is this network news determined? A small group of men, numbering perhaps no more than a dozen anchormen, commentators and executive producers, settle upon the 20 minutes or so of film and commentary that's to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad.

They decide what 40 to 50 million Americans will learn of the day's events in the nation and in the world.

We cannot measure this power and influence by the traditional democratic standards, for these men can create national issues overnight. They can make or break by their coverage and commentary a moratorium on the war.

They can elevate men from obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others.

For millions of Americans the network reporter who covers a continuing issue—like the ABM or civil rights—becomes, in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge—for news, documentaries and specials. They have often used their power constructively and creatively to awaken the public conscience to critical problems. The networks made hunger and black lung disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and an immediacy that's the gift of their medium. They focus the nation's attention on its environmental abuses—on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence.

Nor is their power confined to the substantive. A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a Government policy.

One Federal Communications Commissioner considers the powers of the networks equal to that of local state and Federal Governments all combined. Certainly it represents a concentration of power over American public opinion unknown in history.

Now what do Americans know of the men who wield this power? Of the men who produce and direct the network news, the nation knows practically nothing. Of the commentators, most Americans know little other than that they reflect an urbane and assured presence seemingly well-informed on every important matter.

We do know that to a man these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C., of New York City, the latter of which James Reston terms the most unrepresentative community in the entire United States.

PROVINCIALISM CHARGED

Both communities bask in their own provincialism, their own parochialism.

We can deduce that these men read the same newspapers. They draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states objectivity is impossible to normal behavior. Rather, he says, we should strive for fairness.

Another anchorman on a network news show contends, and I quote: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you. I think your program has to reflect what your basic feelings are." "I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for the fear of hostile reaction, Richard Nixon would be giving into, and I quote him exactly, "his natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been dismissed by most commentators as a partisan attack. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this concentration of power in Government.

FAIR AND RELEVANT

Is it not fair and relevant to question its concentration in the hands of a tiny, enclosed fraternity of privileged men elected by no one and enjoying a monopoly sanctioned and licensed by Government?

The views of the majority of this fraternity do not—and I repeat, not—represent the views of America.

That is why such a great gulf existed between how the nation received the President's address and how the networks reviewed it.

Not only did the country receive the President's address more warmly than the networks, but so also did the Congress of the United States.

Yesterday, the President was notified that 300 individual Congressmen and 50 Senators of both parties had endorsed his efforts for peace.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

Now I want to make myself perfectly clear. I'm not asking for Government censorship or any other kind of censorship. I'm asking whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and is filtered through a handful of commentators who admit to their own set of biases.

The questions I'm raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility.

They should have been raised by those Americans who share the view of the late Justice Learned Hand that right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection.

Advocates for the networks have claimed a First Amendment right to the same unlimited freedoms held by the great newspapers of America.

SITUATIONS NOT IDENTICAL

But the situations are not identical. Where The New York Times reaches 800,000 people, N.B.C. reaches 20 times that number on its evening news.

The average weekday circulation of The Times in October was 1,012,367; the average Sunday circulation was 1,523,558.

Nor can tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago before the network news acquired such dominance over public opinion, Walter Lippmann spoke to the issue. He said there's an essential and radical difference between television and printing. The three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But besides the mass circulation monthlies, out-of-town newspapers and books. If a man doesn't like his newspaper, he can read another from out of town or wait for a weekly news magazine. It's not ideal, but it's infinitely better than the situation in television.

HOUSE REPORT CITED

There if a man doesn't like what the networks are showing, all he can do is turn them off and listen to phonograph. Networks he stated which are few in number have a virtual monopoly of a whole media of communications.

The newspapers of mass circulation have no monopoly on the medium of print.

Now a virtual monopoly of a whole medium of communication is not something that democratic people should blindly ignore. And we are not going to cut off our television sets and listen to the phonograph just because the airways belong to the networks. They don't. They belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, it's the right of the viewers and listeners, not the right of the broadcasters, which is paramount.

Now it's argued that this power presents no danger in the hands of those who have used it responsibly. But, as to whether or not the networks have abused the power they enjoy, let's call as our first witness former Vice President Humphrey and the city of Chicago. According to Theodore White, television's intercutting of the film from the streets of Chicago with the current proceedings on the floor of the convention created the most striking and false political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police.

If we are to believe a recent report of the House of Representatives Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police. According to the committee findings, one network in particular presented, and I quote, a one-sided picture which in large measure exonerates the demonstrators and protesters. Film of provocations of police that was available never saw the light of day which the film of a police response which the protesters provoked was shown to millions.

Another network showed virtually the same scene of violence from three separate angles without making clear it was the same scene. And, while the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

SERIOUS QUESTIONS RAISED

Our knowledge of the impact of network news on the national mind is far from complete, but some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society. Several years ago Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were conviction, controversy and a point of view—the networks have compensated with a vengeance.

And in the networks endless pursuit of controversy, we should ask: What is the end value—to enlighten or to profit? What is the end result—to inform or to confuse? How does the ongoing exploration for more action, more excitement, more drama serve our national search for internal peace and stability.

Gresham's Law seems to be operating in the network news. Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent.

One minute of Eldridge Cleaver is worth 10 minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or better yet, violence along the picket lines.

Normality has become the nemesis of the network news. Now the upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news.

A single dramatic piece of the mosaic becomes in the minds of millions the entire picture. And the American who relies upon television for his news might conclude that the majority of Americans feel no regard for their country. That violence and lawlessness are the rule rather than the exception on the American campus.

We know that none of these conclusions is true.

Perhaps the place to start looking for a credibility gap is not in the offices of the Government in Washington but in the studios of the networks in New York.

QUIET MEN LESS KNOWN

Television may have destroyed the old stereotypes but has it not created new ones in their places?

What has this passionate pursuit of controversy done to the politics of progress through local compromise essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans, while the loudest and most extreme dissenters on every issue are known to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show.

We've heard demands that Senators and Congressmen and judges make known all their financial connections so that the public will know who and what influences their decisions and their votes. Strong arguments can be made for that view.

But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear, should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to the minority of Americans who specialize in attacking the United States—its institutions and its citizens?

Tonight I've raised questions. I've made no attempt to suggest the answers. The answers must come from the media men. They are challenged to turn their critical powers on themselves, to direct their energy, their talent and their conviction toward improving the quality and objectivity of news presentation.

They are challenged to structure their own civic ethics to relate their great feeling with the great responsibilities they hold.

And the people of America are challenged, too, challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves; where the citizen not the Government, must be the reformer; where the consumer can be the most effective crusader.

DEPENDENT ON MEDIA

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I've said to you tonight will be heard and seen at all by the nation is not my decision, it's not your decision, it's their decision.

In tomorrow's edition of The Des Moines Register, you'll be able to read a news story detailing what I've said tonight. Editorial comment will be reserved for the editorial page where it belongs.

Should not the same wall of separation exist between news and comment on the nation's networks?

Now, my friends, we'd never trust such power, as I've described, over public opinion in the hands of an elected Government. It's time we questioned it in the hands of a small and unelected elite.

The great networks have dominated America's airwaves for decades. The people are entitled to a full accounting of their stewardship.

FEDERAL MONETARY POLICY

Mr. KENNEDY. Mr. President, I was distressed to read this morning that the Chairman of the Council of Economic Advisers apparently supports the continuation of the administration's present severely restrictive monetary policy in the fight against inflation.

In a speech last Thursday in Springfield, Mass., I stated in detail my strong belief that the time has come to begin easing monetary policy by relaxing the severe restrictions on the supply of money and credit that we have maintained for so long in this crucial area of our overall fight against inflation.

Let me make clear that I am not saying that we should now be using monetary policy to stimulate the economy. In other words, I am not advocating that we should put our foot on the accelerator. What I am saying, however, is that we must begin to take our foot off the brake.

Today, every American citizen is well aware of the heavy price we are paying in the fight against inflation, in terms of soaring interest rates, high taxes, and rising unemployment. In recent weeks, many eminent economists have stated in strong terms that the price has now become too heavy, and that if we continue our present course, we are risking the very real threat of a serious recession in 1970.

The administration appears determined to maintain its current spartan policy until it is certain that the war against inflation is won. We know, however, that any change in monetary policy may take as long as 6 to 9 months to make itself felt in the economy. In these circumstances, it is clear that if we wait until we are certain that inflation has been conquered, it may be too late to avoid a subsequent recession. The stakes are high. I believe we must start to relax the monetary pressure now and risk the danger of a slower conquest of inflation. If we keep the pressure on too long, we risk the far more serious dangers of overkill and recession. By acting now, we can begin to relieve the heavy burden of high interest rates on the homeowner, the homebuilder and all the other citizens who are especially hard hit by our monetary policy.

One of the most serious contemporary consequences of our current economic policy is the rising level of unemployment, which strikes most heavily against those in our society who are least able to afford it—the poor, the disadvantaged, the blacks, and other minority groups who are the first casualties in any war against inflation.

When I spoke last week, I noted that the rate of unemployment had jumped from 3.5 percent in August to 4 percent in September, the highest level since the fall of 1967 and the highest monthly increase since the 1960 presidential campaign. Since I spoke, the figure for October has become available, showing an unemployment level of 3.9 percent. We know that the sharp increase in September was no fluke, that the fight against inflation is taking its high and inexorable toll in unemployment.

One further point should be made clear. Although the administration is waging all-out fiscal and monetary war against inflation, it is doing far too little in another crucial area of economic policy. In recent weeks, I have repeatedly urged the administration to make greater efforts to enlist the voluntary cooperation of business and labor leaders in the war against inflation. We simply cannot fight inflation effectively without using every reasonable weapon in our arsenal. More important, by taking a more active role in opposition to inflationary wage and price decisions, the President and the Chairman of the Council of Economic Advisers can gain precious new flexibility in easing our brutal monetary policy, the first and foremost area of the economy where the strictness of our current policy be relaxed.

I am hopeful, therefore, that the administration will reconsider the apparent course it has set, and will begin to demonstrate a more flexible strategy in what we all agree is the single overriding economic issue of the day, the war against inflation.

LET THE RECORD SPEAK FOR ITSELF

Mr. PELL. Mr. President, in reading the transcript of Vice President Agnew's speech of last night, I was particularly disturbed at the manner in which the Vice President assailed Averell Harriman, and ask Senators to let the record speak for itself.

Along with so many of my colleagues, I have long known and admired Averell Harriman. He was the first major official of the Truman administration to speak out publicly of the danger of Soviet expansionism—and this was before Winston Churchill's famous Iron Curtain speech.

There is no one who knows better, and few who know as well, the leaders, philosophies, and strategies of the Communists and the Communist world.

Mr. Harriman, in the years since the Truman administration, has served us faithfully and well. He has occupied with equal vigor positions of high prestige and positions of lower rank when called upon to do so to better serve our Government and our people.

I saw and listened to his remarks following the President's speech on November 3. Contrary to the implications of the Vice President's speech, I found Mr. Harriman's remarks completely spontaneous and unrehearsed. I must add, too, that I find myself in complete agreement with Mr. Harriman's observations.

For these reasons, I ask unanimous consent that there be printed in the Record Mr. Harriman's remarks which were so assailed by Vice President Agnew.

As a matter of fairness, I ask unanimous consent that the relevant portion of Mr. Agnew's speech be printed in the Record following Mr. Harriman's remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

Transcript of ABC News Program Following President Nixon's Vietnam Speech, Monday, November 3, 1969

Scali. Governor, could you tell us what is your immediate reaction to Mr. Nixon's address?

Harriman. Well, John, I'm sure you know I wouldn't be presumptuous to give a complete analysis of a very carefully thought-out speech by the President of the United States. I'm sure he wants to end this war and no one wishes him well any more than I do. But since I'm here, I've got to answer your question. He approaches the subject quite differently from the manner in which I approach it. Let me first say, though, that I'm utterly opposed to these people who are talking about cutting and running. I'm against the Republican Senator from New York's proposal, Senator Goodell, to get out our troops in a year willy-nilly. I think we should have a responsible withdrawal. But my emphasis has been, and I think it should be on winning the peaceful contest that will come after the fighting stops. The first thing we must do is do everything we can to end the fighting and I think we could have made more progress in that direction. As far as winning the peaceful contest, we've got to look at who this government is—President Thieu. He is not representative of the people in my opinion from all that I've heard. Today, you've probably noticed that the most popular man in South Vietnam, General Duong Van Minh (Big Minh) proposed that there be a national convention to consider the future. He didn't define what it should be but it should combine what I've been saying—all of the non-communist groups. This is a very small group that are in the government—we've been talking to him (President Thieu) for two years about expanding his base and he's contracted it this last time (he changed the cabinet). There's nothing said in his speech about that, which to me is the all important question. I don't think we can be successful in Vietnamizing the war, because I don't think they can carry the weight. People should consider that. We can reduce our forces, no doubt, we can take down to a couple of hundred-thousand troops, but we will have to leave, probably, for many years a very large force. If we attempt to reduce the fighting earnestly and reduce the fighting, we can possibly get the South Vietnamese to expand the base of their government and to bring together, rally all of the non-communist forces.

Scali. President Nixon, Governor, says nothing at all about the advisability of some kind of cease-fire. Do you favor this as a step?

Harriman. Well, I have said that I thought we ought to have taken [that] up in early [last] November. You know, the trouble also—something he leaves out—was that we expected President Thieu to have his representative in Paris on November 2nd. And then progress would have been made. The North Vietnamese had disengaged in the northern two provinces where the toughest fighting had been. Ninety percent of their troops were taken out, half of those had gone to 200 miles north of the DMZ and we never had a chance to talk about it. They have stated of course, that the February and March offensive were counter-offensive to our pressures. Now, whether that's true, whether it isn't, one can't judge, but they did give us to understand that if we wanted to accept the status quo then that we could make progress. If we tried to improve our position militarily, then there would be—[just] talk. Now, even after this table question was settled, which I thought was a stall so as to wait until President Nixon was in.—Maybe I was wrong. But President Thieu said he wouldn't sit down privately [with the NLF]. Now, all these things have been left out, and I think this should be very carefully debated by the Congress, particularly by the Foreign Relations Committee and take a look at where we're going.

SCALI. But do you think one of the prompt steps should be to initiate a cease-fire—to propose a cease-fire?

HARRIMAN. Well, I think the first thing we should do is to begin to work right away to freeze the reduction in the fighting; to announce that we're going to keep this fighting down. To insist that the South Vietnamese do the same and demand the same thing of the other side—working toward the cease-fire.

SCALI. Right.

HARRIMAN. Cy Vance wants to have a cease-fire called for now. If that is what the President proposes, I would certainly support it.

SCALI. Do you agree that there would be a blood bath in South Vietnam if the North Vietnamese were to take over.

HARRIMAN. Well, you know, I may be entirely wrong, but I don't think from the talks we've had that either the North Vietnamese nor their colleagues the VC—NLF want to have a military takeover. They want to see a settlement. I think they assume that over a period of years they can win out. But I'm sure they'd agree to have the South independent from the North for five or ten years. They've already proposed that it not be what they call a communist society.

SCALI. Do you see a reign of terror there?

HARRIMAN. No. Well, there might be a reign of terror if there was a complete (immediate) pullout, but there's no need—for a pullout—if we sit down with these people and try to work out the details. Now, of course, the President gives us some inkling that he's had private talks. I found Mr. Le Duc Tho, the North Vietnamese representative in Paris, a very responsible man. He's a member of the politburo, and I would have liked to have seen some talks with him. Explore with him before we make proposals what proposition they have to make to us. I think we could have gotten more out of that—than our making formal proposals. Now these things—perhaps I'm wrong, but this is my first reaction, and my first reaction is that we ought to give more thought to whom we're supporting, whom President Thieu represents, how much political influence he has in the country and how this group could win the political contest which is going to come after the fighting stops.

SCALI. Governor, you've had a distinguished career as a politician in the United States. You're a Governor of New York, so I don't hesitate to ask you a question of this kind. Do you think that the silent majority in the United States will rally behind the President as a result of his speech?

HARRIMAN. I don't know whether it's a silent majority or not or whether it's a silent minority. I just don't know. You can pick any poll you want. There were 57% for the Goodell resolution in one poll. There's another poll which shows that 64% of the people want to see the government in Saigon changed. There are other polls which show the President has the support of the people. I think he's got the full support of the people—he certainly has got my support—in hoping he will develop a program for peace. But I think we've gone so far in Vietnam that this has to be discussed [and] cannot be accepted without more explanation and [it] seems to me the Senate Foreign Relations Committee would be a very fine place for that discussion.

SCALI. I gather, then, Governor, you were somewhat disappointed in the President's approach.

HARRIMAN. Well, I wouldn't say I was disappointed. I was not surprised. Because this is about what I thought he would say from the positions he had previously taken. He's followed the advice of many people who believe this. Many people who advised President Johnson—which wasn't successful—and I'm not sure that this advice would be successful in the future. We heard Thieu this evening [if] accurately reported saying "the war is being won now—anyone who is a neutralist is stupid". Has the President abandoned the end of a military—or he ruled out on May 14 a military solution. There are so many things we've got to know about this, but I want to end this by saying I wish the President well, I hope he can lead us to peace. But this is not the whole story that we've heard tonight.

SCALI. Governor Harriman, thank you very much.

MR. AGNEW'S REMARKS

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's message, he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Vietcong or North Vietnamese did not really want a military takeover of South Vietnam; and he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

ABOUT MR. HARRIMAN

A word about Mr. Harriman. For 10 months he was America's chief negotiator at the Paris peace talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of the bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failure to anyone who will listen. And the networks have shown themselves willing to give him all the air time he desires.

NATIONAL CONGRESS OF AMERICAN INDIANS 1969 CONVENTION RESOLUTIONS

Mr. KENNEDY. Mr. President, I had the privilege last month of attending the 26th Annual Convention of the National Congress of American Indians in Albuquerque, N. Mex. At that convention, I had an opportunity to speak with many of the representatives from the more than 100 Indian tribes, and to discuss with them the matters for consideration by the convention.

These matters were made the subject of convention resolutions, to be voted upon by all the representatives attending. I have reviewed the resolutions adopted by the convention, and because I think that the other Members of the Senate should have the opportunity to review the ones dealing with substantive matters, I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 1—TREATY HUNTING AND FISHING RIGHTS

Whereas, in their respective treaties with the United States Government many Indian tribes retained and reserved for all time the right to hunt, trap and fish on the reservation and in certain areas and at certain usual and accustomed places outside the reservations; and

Whereas, these treaties have never been amended and, although often urged by state officials and others to do so, Congress has never limited those rights or offered compensation for the wholesale elimination thereof (but has authorized compensation in certain specific cases of inundation of fishing places), but many state officials and others, including specifically the states of Oregon, Washington and Idaho, have for many years sought to avoid or eliminate or ignore those treaty rights; and

Whereas, the efforts of the state officials are actually on behalf of non-Indian commercial fishermen and sportsmen, and the state regulatory bodies are not responsive to Indian needs, and in many instances the states' efforts have been carried out through continuous harassment, arrests, threats of arrests and confiscation of guns and gear utilized by the Indians, and

Whereas, the expense to the tribes of continually being called upon to defend the treaty rights promised a century or more ago, and the hardships imposed upon the individuals who suffer such harassment, arrests, threats, and losses are becoming intolerable,

Now, therefore, be it resolved, that the National Congress of American Indians, in Convention assembled in Albuquerque, New Mexico, October 6–10, 1969, hereby adopts the following:

1. The steadfast efforts of the tribes and their members, with due regard for the conservation of game and fish, to defend their treaty rights has the full support of the National Congress of American Indians.

2. The National Congress of American Indians congratulates the Department of the Interior and the Justice Department of the United States Government for their efforts in recent years to support and defend those treaty rights as against the attacks of state officials and others.

3. The states and their officials and all others are hereby called upon to put an end to their harassment and other conduct described above, and to allow the treaty Indians to retain their treaty rights and the culture which those treaties were intended to preserve as long as the Indians wished to preserve it.

4. Copies of this resolution shall be furnished to the wildlife management agencies of such states as designated by the request of any member tribe and to the Department of the Interior and the United States Justice Department.

RESOLUTION NO. 2—INDIAN SCHOOLS

Whereas, for many years the Bureau of Indian Affairs school facilities located at Chemawa, north of Salem, Oregon, have been used almost exclusively for the education of children from Alaska and from the Navajo Indian Reservation, by reason of the shortage of facilities near their homes, and at the same time school children from the Pacific Northwest who are eligible for attending Indian schools have been required to attend Chilocco, Riverside, Fort Sill, and Concho Indian Schools, all located in Oklahoma; and

Whereas, many more schools are now being built nearer to the homes of the Navajo children, and there is hoped-for progress in connection with the needs of Alaskan children; and

Whereas, the Bureau of Indian Affairs states that it is now the policy of the Bureau of Indian Affairs to phase out the Navajo program at Chemawa and to accept applications for eligible students from Pacific Northwest tribes for attendance at Chemawa, and also states that there are now 160 students from Pacific Northwest Tribes attending Chemawa out of a total enrollment exceeding 850.

Now, therefore, be it resolved, that the National Congress of American Indians, in Convention assembled at Albuquerque, New Mexico, October 6–10, 1969, hereby adopts the following: That the above described new policy of the Bureau of Indian Affairs is hereby endorsed as is the principle that Indian schools in the Pacific Northwest should be the principal Indian schools attended by children from Pacific Northwest Tribes.

Further resolved, that the Bureau of Indian Affairs is urged not to close down any Indian boarding schools as long as needed for education of socially deprived Indian children.

RESOLUTION NO. 3—MEMBERSHIP IN INDIAN TRIBAL ORGANIZATIONS

Whereas, there has been introduced in the 91st Congress S. 1301 which is a bill relating to membership and voting rights in Indian tribal organizations and would provide for absentee ballots to those members living off the reservation so they may participate in all elections and referendums pertaining to the tribe's political offices or to its tribal estate; and

Whereas, said bill would make far-reaching changes in tribal election procedures; and

Whereas, passage of said legislation could very well shift the balance of political power to persons more interested in distributing tribal assets than in maintaining the reservation and would be a step toward termination of all tribes; and

Whereas, it has long been recognized that it is within the sovereign prerogative of each tribe to determine its own membership and election procedures;

Now, therefore, be it resolved, that the National Congress of American Indians, in Convention assembled at Albuquerque, New Mexico, October 6–10, 1969, that it strongly objects to the passage of S. 1301 in view of the great danger it poses to all Indian tribes in the United States; and

Be it further resolved, that copies of this resolution be forwarded to Senator Allott, and to the Senate Committee on Interior and Insular Affairs, and to other committees that be considering this legislation.

RESOLUTION NO. 4—WHITE HOUSE CONFERENCE ON INDIAN AFFAIRS

Whereas, there has been introduced in the past several Congresses measures which would provide for a White House Conference on Indian Affairs; and

Whereas, from past experience it has been proved that one of the most effective methods for drawing attention to a national problem is to call a "White House Conference", and such conferences in the past have led directly to far-reaching new legislation in the fields of education, civil rights, and economical development; and

Whereas, a White House Conference on Indian Affairs would make it possible for eligible states to bring together, prior to the White House Conference on Indian Affairs, interested citizens to discuss problems in the state and make recommendations for appropriate action to be taken at local, state and federal levels, and said bill would provide for a sum of money to assist in carrying on said conferences; and

Whereas, the National Congress of American Indians, in the past conventions has passed resolutions endorsing such legislation calling for a White House Conference on Indian Affairs; and

Whereas, it is necessary that Congress consider a new Indian policy which would make it possible for interested citizens to overcome a depressing situation which has been vividly described by former President Johnson, as well as President Nixon;

Now, therefore, be it resolved, that the National Congress of American Indians, in Convention assembled at Albuquerque, New Mexico, October 6–10, 1969, that it respectfully requests the 91st Congress to pass legislation which would provide for a White House Conference on Indian Affairs; and

Be it further resolved, that copies of this resolution be transmitted to members of the 91st Congress of the United States so that members will introduce and pass legislation calling for a White House Conference on Indian Affairs.

RESOLUTION NO. 5—MINING REGULATIONS

Whereas, former Secretary of the Interior Stewart Udall, shortly before leaving office, approved with only minor changes proposed regulations governing the surface exploration, mining, and reclamation of Indian lands, the new regulations (25 CFR, Part 177) being published in the Federal Register for January 18, 1969; and

Whereas, the proposed new regulations were strongly opposed by tribal leaders of many Indian Reservations due to the fact that the regulations are in apparent disregard for Indian property rights and long recognized principles of tribal self-government; and

Whereas, the new regulations as published do not give either tribal or individual landowners any real voice in the use of their property; and

Whereas, the new regulations will undoubtedly hold back reservation mineral development;

Now, therefore, be it resolved, that the National Congress of American Indians, in Convention assembled at Albuquerque, New Mexico, October 6–10, 1969, strongly opposes the new regulations to Title 25, Part 177, and respectfully requests Secretary of the Interior Walter J. Hickel to reconsider the final regulations as now published so as to provide for tribal consultation and approval of any plan for the surface exploration, mining and reclamation of Indian lands.

Be it further resolved, the copies of this resolution be forwarded to Louis Bruce, Commissioner of Indian Affairs, and to other members of the Department of the Interior concerned with the mining regulations.

RESOLUTION NO. 6—BIA TRANSFER TO DEPARTMENT OF HEW

Whereas, on February 24, 1968, Alvin M. Josephy, Jr., submitted to the White House, upon request, a study of the American Indian and the Bureau of Indian Affairs, with recommendations; and

Whereas, the main recommendation is to place the Bureau of Indian Affairs as an independent agency in the Executive Office of the President, with an alternative proposal to transfer its principal functions to the Department of Health, Education and Welfare; and

Whereas, the Affiliated Tribes of the Northwest Indians and other tribes throughout the United States have gone on record against such transfer; and

Whereas, it would be speculative, even dangerous, to assume that the placement of the Bureau as an independent agency or in the HEW could produce results beyond those now achieved, with the Congress coming across consistently with appropriations needed and requested;

Now, therefore, be it resolved, by the National Congress of American Indians in Convention assembled October 6–10, 1969 that it go on record as strongly opposed to the recommendation, calling upon its officers and membership to appear at hearings in the Congress and wherever opposition may be effectively advanced, for the following reasons;

(1) Any failures of the Bureau in the past were due in the main to interferences in operation by higher authorities within the Department of the Interior and by congressional statements of policy, with inadequate appropriations to assure sustained progress;

(2) The detachment of the Bureau from the Department of the Interior could lead to restatement of policy and principles, such as attended the transfer of Indian health to HEW, but on a wider and more devastating scale in reference to treaty and other fundamental rights;

(3) Indians tribally and individually are making progress and we feel assured that this progress could be further stimulated and accelerated by the proper reorientation of executive authority in a reorganization of the Department of the Interior in respect to Indian Affairs.

RESOLUTION NO. 7—INDIAN ACTORS IN TELEVISION AND MOVIES

Whereas, television and movie producers and television networks use much material portraying the American Indian in which they use individuals of other than Indian origin to portray the roles; and

Whereas, the American Indian has pride in his race and culture and members of the group should be used to represent the race in the public media;

Now, therefore be it resolved, that the National Congress of American Indians, in Convention assembled at Albuquerque, New Mexico, October 6–10, 1969, shall pursue every reasonable course of action to encourage television and movie producers and television networks to use Indians to portray Indians in their programs,

And, be it further resolved, that a special committee be appointed to review movies and television programs dealing with Indians and determine whether such movies and television programs are detrimental to the Indian people of this country and take all appropriate action thereafter.

RESOLUTION NO. 8—SAVE THE CHILDREN FEDERATION

Whereas, the Save the Children Federation has established a long standing record of selfless and valuable service to American Indians throughout the United States; and

Whereas, through their efforts, many hundreds of thousands of dollars have been applied directly to the benefit of deserving Indian children on many reservations and additional sums have been made available to assist Indian communities in the development of social, economic and domestic projects; and

Whereas, the thousands of SCF sponsors have been brought into closer contact with and have developed a better understanding of the problems and homelife of individual Indian children and Indian families living on the various reservations; and

Whereas, the efforts and achievements of the SCF have been recognized by national leaders and made a part of the Congressional Record;

Therefore, be it resolved, that the National Congress of American Indians in its 26th Annual Convention, assembled at Albuquerque, New Mexico, October 6–10, 1969, commend and express its appreciation to the Save the Children Federation for its efforts on behalf of all American Indians.

Be it further resolved, that the Save the Children Federation be encouraged to continue the good work that it is now doing.

RESOLUTION NO. 9—RED LAKE BAND OF CHIPPEWA INDIANS OPPOSE BIA TRANSFER

Whereas, the Senate Subcommittee on Indian Education has before it for consideration reorganization of the Bureau of Indian Affairs; and

Whereas, the Indians should have their programs co-ordinated under one office.

Now, therefore, be it resolved, that the Red Lake Band of Chippewa Indians opposes any transfer of the Bureau of Indian Affairs functions in whole or in part to any other Executive Office, Commission or Department, but that the Bureau of Indian Affairs remain in the Department of the Interior.

Be it further resolved, that the Bureau of Indian Affairs have its separate Under-Secretary of Interior or the Commissioner of Bureau of Indian Affairs be given Under-Secretary of Interior status.

Be it further resolved, that copies of this resolution be sent to the Senate Subcommittee on Indian Education, other Congressional Committees, Members of Congress, Secretary of the Interior, Commissioner of Indian Affairs, National Council on Indian Opportunity, and Minnesota State Indian Affairs Commission requesting their earnest support.

RESOLUTION No. 10—SNOHOMISH RESERVATION

Whereas, the Snohomish Tribe has never received its own reservation, despite a treaty promise to do so, and its members have been located on public domain allotments or on the Tulalip Reservation;

Now be it resolved, that the National Congress of American Indians support the efforts of the Snohomish Tribe to obtain its own reservation.

RESOLUTION No. 11—CONSTRUCTION OF BRIDGE AT CHARGING EAGLE BAY

Whereas, construction of the Garrison Dam on the Missouri River resulted in the inundation of substantial portions of the Ft. Berthold Indian Reservation and split the reservation into five parts; and

Whereas, the former line of communication between the portions of the reservation separated by the Missouri River have been cut with a resultant severe adverse effect on the economy of the reservation; and

Whereas, the Three Affiliated Tribes of the Ft. Berthold Reservation have supported the construction of a bridge across the Garrison Reservoir on the reservation at Charging Eagle Bay,

Now, therefore, be it resolved, that the National Congress of American Indians support the Three Affiliated Tribes of North Dakota in securing the necessary authorization and appropriation to construct a bridge at that site to remedy the damage to the reservation created by the construction of the Garrison Dame.

RESOLUTION No. 12—TAOS BLUE LAKE

Whereas, Taos Pueblo has for more than half a century been seeking the return of its sacred Blue Lake Area, consisting of 48,000 acres in northern New Mexico, wrongfully seized by the Federal Government and incorporated in the National Forest; and

Whereas, the findings of the Indian Claims Commission in September 1965, leave no doubt about the justice of the Bill, H.R. 471, sponsored in the Congress by Representative James A. Haley, which would place the Blue Lake Sanctuary in trust and preserve it intact as a wilderness for its rightful Indian owners; and

Whereas, that Bill, which has twice been passed by the House of Representatives, is now pending before the Senate Subcommittee on Indian Affairs; and

Whereas, that Subcommittee is also considering S. 750 introduced by Senator Clinton P. Anderson, which would deprive Taos Pueblo of many of the limited rights it now holds to the Blue Lake Sanctuary; and

Whereas, passage of H.R. 471 by the U.S. Senate would signal a repudiation of past prejudice and discrimination for all Indians and Indian tribes, not only for the Pueblo of Taos, and would usher in a new day of respect and honor for the Indian cultures and religion;

Now, therefore, be it resolved, that this Convention of the National Congress of American Indians hereby urges the members of the Subcommittee on Indian Affairs and the U.S. Senate as a whole to protect Indian rights and religious freedoms by supporting the enactment of H.R. 471 to return ownership of the 48,000 acre Blue Lake Sanctuary to Taos Pueblo, and rejecting S. 750, which would infringe upon these rights and freedoms.

Be it further resolved, that copies of this resolution be sent to all members of the Senate Committee on Interior and Insular Affairs and other U.S. Senators.

RESOLUTION No. 13—ESTABLISHMENT OF A NATIONAL INDIAN BOARD OF EDUCATION

Whereas, several proposals for the improvement of education of American Indians have been presented to the National Congress of American Indians at its Albuquerque, New Mexico Convention; and

Whereas, all of these proposals have stressed and emphasized the importance of maximum participation and involvement of American Indians in assessing quality education for their children, and assuming the responsibility and authority for the operation of schools where feasible; and

Whereas, the proposal providing for the establishment of a National Indian Board of Education appears to be worthy of further study and exploration for its possibilities for reorganizing and improving Indian education at all levels; and

Now, therefore, be it resolved, by the National Congress of American Indians that an Education Committee be created for the purpose of developing the proposal for the establishment of a National Indian Board of Education in more specific details in cooperation with other Indian-directed education organizations and the Senate Subcommittee on Indian education, and further that the detailed proposal be submitted to Indian groups at the local levels for any additional suggestions and recommendations, and further that the Senate Subcommittee on Indian Education be requested to withhold its final report until the above has been accomplished.

RESOLUTION No. 14—JOHNSON-O'MALLEY FUNDS

Whereas, States and school districts often direct Johnson-O'Malley Public Law—874 and similar Federal Funds to non-Indian purposes;

Therefore, be it resolved, that Johnson-O'Malley funds and other special education funds granted to school districts by virtue of Indian children attending school in those districts be not released to those districts by the Department of Public Instruction until an Indian Advisory Committee shall have satisfied itself that these funds are actually to be used for programs specifically designed to meet the needs of Indian students, rather than as supplemental funds for general programs;

Be it further resolved, that the National Congress of American Indians will make representations to this effect to the Superintendents of Public Instructions in the various States;

Be it further resolved, that among the requirements for the receipt of such Federal monies by a school district, shall be the eligibility of resident Indians without taxable real estate, to vote in all school, school board and school tax levy elections and, if otherwise eligible, to serve on the school board.

RESOLUTION No. 15—ESTABLISHMENT OF INDIAN EDUCATION COMMITTEE

Whereas, the Education of Indian children both on and off the reservation is given a high priority by the National Congress of American Indians; and

Whereas, the National Congress of American Indians is desirous of positioning itself as the spokesman of all Indians, both on and off the reservation on all matters, especially Indian Education; and

Whereas, there is no voice of NCAI for Indian Education in the form of/or an Education Co-ordinator, and Education Committee; and

Whereas, the lack of a Education Co-ordinator or standing Indian Education Committee at NCAI is to the detriment of Indian children and to the total voice of NCAI in Indian affairs, because it results in non-Indians writing education programs for Indians, thus reducing the self-determinism of Indians at all levels of education, from pre-school through post-grad; and

Whereas, NCAI seeks to alleviate this detriment and strengthen Indian autonomy on the education of Indian children,

Now, therefore, be it resolved, that the Executive Council be directed to set up immediately a standing committee on Indian Education, all of whom will be Indian, and this committee will select, if desired an Indian Education Co-ordinator. This proposed Education Co-ordinator and this proposed committee would be charged with liaison between U.S. Office of Eucation, National Education Association, National Council of Bureau of Indian Affairs Educators, BIA, Universities, Educational Labs, All Tribal Governments, and other National, State, and Local organizations who are desirous of improving Indian Education. Tribal reaction to ALL Indian Education proposals will be a reality through implementation of this resolution.

RESOLUTION No. 16—INDIAN WATER RIGHTS

Whereas, land without water is like a body without blood. A tiny fraction of their once vast domains remain in Indian ownership today, and many of these remaining lands, for which the United States has a trust responsibility to the Indian owners, are now threatened with the expropriation of the water the Indians must have to make their lands valuable and useable; and

Whereas, the interests fighting the Indians for their water and water rights are well-financed, well-represented and politically powerful. Some of these adverse interests, including the Bureau of Reclamation and the Bureau of Land Management, are within the Trustee's own Department; and

Whereas, among the tribes, and there are many more, whose property and property rights are threatened by attempts to deprive them of their water are: the Fort Hall Tribe, San Ildefonso Pueblo, the Nez Perce Tribe, the Flathead Tribe, the Colorado River Tribe, the Yakima Tribe, the Agua Caliente Tribe, and the Pyramid Lake Tribe, possibly the most outrageous and urgent case of all; and

Whereas, although in some cases, the Trustee has promised to take steps to protect vital Indian claims for water, the Department of the Interior has been unwilling or unable to take the immediate and effective action necessary today to assure Indian ownership of these rights tomorrow.

Now, therefore, be it resolved, that the National Congress of American Indians pledges the full power of its resources and influence to support the efforts which Indians themselves must take in the absence of action by the Trustee to protect and secure the water and water rights necessary for their present and future needs, and to this end,

1. National Congress of American Indians will continue its efforts to persuade the Department of the Interior to vigorously claim and secure for the Indian people, to whom it has a trustee responsibility of the highest order, full ownership, control and use of all water and water rights for which they have a claim or entitlement and future needs.

2. The National Congress of American Indians will assist tribes and Indian groups who must themselves take immediate action to prevent the loss of their water and water

rights, and hence the loss of the value and usefulness of their lands, and the Indian's hope for survival and progress.

3. The National Congress of American Indians will sponsor and support financial grants from foundations and other sources to aid those tribes and groups which have been carrying the full burden and expense of their battle for water, both in the courts of law and in the courts of public opinion.

4. The National Congress of American Indians recognizes the crisis facing the Pyramid Lake Tribe is typical of the situation that faces and will face other tribes, and that this shocking crisis will bankrupt those people, who have so valiantly carried on their fight alone, unless they are assisted in carrying on a cause that will establish precedents of vital importance for the protection of all Indian property rights.

5. The National Congress of American Indians recommends the creation of a National Advisory Committee of Indian leaders to recommend effective action for the protection of Indian water rights. It also recommends the establishment by the appropriate agency of a department adequately staffed to be responsible for the necessary water surveys, research, data gathering legal analysis and other work, with full authority to take all action, including legal action, necessary to protect Indian water claims and rights for the benefit of the Indian people and future generations of Indians.

Resolution No. 17—Indians of Louisiana

Whereas, there are over 5,000 Indian people living in the state of Louisiana in dire poverty; and

Whereas, these Indian people have not received any help from the Bureau of Indian Affairs or the State of Louisiana;

Now, therefore, be it resolved, that through its Washington, D.C. (staff) the National Congress of American Indians will render all possible assistance to these Indian people of Louisiana.

Resolution No. 18—Pyramid Lake

Whereas, the National Congress of American Indians had in the past supported the Pyramid Lake Tribe in its struggle to preserve its property and property rights, particularly its water and water rights for the maintenance and preservation of Pyramid Lake, the principal asset remaining to the Pyramid Lake Indians; and

Whereas, if the Indian owners of Pyramid Lake are assured of their right to sufficient water to restore its nationally known fishery and to maintain and preserve the lake for recreation and for conservation, our people will have a fair chance to survive economically and socially;

Now, therefore, be it resolved, that the National Congress of American Indians and the representatives of other groups interested in justice for Indians be requested to support the Pyramid Lake Tribe in its struggle to maintain its property and property rights and most particularly to support the Tribe's long struggle for water to maintain and preserve Pyramid Lake, the major asset of the Tribe without which the social and economic advancement to its Indian owners is impossible.

Resolution No. 19—Channeling of Federal Funds

Whereas, there is an increasing policy to channel federal funds through state agencies; and

Whereas, while this policy may be generally beneficial to state agencies and state entities such as cities and counties but is extremely prejudicial to reservations and tribes which are not a part of the state political system;

Now, therefore, be it resolved, that federal funds available to Indian tribes and reservations be, as far as possible, without denying tribes the benefit of funds that should or must come through state agencies channeled directly to the tribes and reservations rather than through the state government.

Resolution No. 20—Jim Thorpe—Restoration of Honors

Whereas, Jim Thorpe, Sac and Fox Indian, was a true American athlete born in Prague, Oklahoma, May 13, 1888, and educated at Haskell Institute, Lawrence, Kansas and Carlisle Indian School, Carlisle, Pennsylvania.

Whereas, Jim Thorpe was a member of the United States Olympic Team during the Olympic Games of 1912 and wherein he won the Decathlon and the Pentathlon events;

Be it resolved, we do hereby support the efforts of the Carlisle Junior Chamber of Commerce to petition the United States Olympic Committee and make cause before the International Olympic Committee to hold an extraordinary hearing to review the findings of the International Olympic Committee in 1912, to the end that it may be found that Jim Thorpe, Sac and Fox Indian, was a true amateur within the meaning of the rules and within the contemporary standard of his time, and in fact within present standards, that there may be restored to him, his people and his country the rightful recognition which he singularly and valiantly achieved, that the honor and glory of his achievements may be restored to the official 1912 Olympic Books.

Resolution No. 21—Transfer of BIA Services to Ft. Thompson and the Creation of the Crow Creek Indian Agency

Whereas, in the late fall of 1954 the Bureau of Indian Affairs relocated it's services from Fort Thompson to Pierre, South Dakota, thus creating undue hardship on Indian people under their jurisdiction, who do not have adequate or dependable transportation to make periodic treks to the present headquarters; and

Whereas, the Crow Creek Sioux Tribe stress the fact that social problems and economic problems which prevail can be alleviated or improved if the Bureau's services were closer to the problem, and a more realistic approach could be devised if the two tribes and the Bureau could cooperatively work on the betterment of the reservations; and

Whereas, with the establishment of the new Neighborhood Center or as improvements are completed on other tribal facilities it will be possible to provide adequate office space for all the departments now headquartered at Pierre, South Dakota; and

Whereas, the office rental to be charged will be no more or no less than that now paid by the Bureau of Indian Affairs at their Pierre location;

Now, therefore, be it resolved, by the National Congress of American Indians that the Commissioner of Indian Affairs be requested to return all services of the Bureau of Indian Affairs from Pierre, South Dakota to Fort Thompson, South Dakota, and improve the day to day services to the Crow Creek and Lower Brule Indian Reservations.

Resolution No 22—California Indian Self-Determination Act

Whereas, an Act has been proposed to be known as the California Indian Self Determination Act establishing a California Indian Self-Determination planning commission; and

Whereas, this proposed Act provides that the composition of the proposed Commission shall consist of twenty-five members with twenty members designated by the governing body of each of the following organizations in California;

1. The five tribes with the largest membership, irrespective of whether such tribes are officially recognized by the Bureau of Indians Affairs;

2. The first five in alphabetical order of the remaining tribes which have at least twenty five members;

3. The five Indian-controlled statewide organizations with the largest membership; and

4. The five Indian-controlled urban organizations with the largest membership;

The remaining five members are to be designated by the foregoing twenty members, by majority vote at their first meeting; and

Whereas, there are approximately seven thousand California Indians residing on seventy-six reservations and rancherias and approximately ninety two thousand Indians residing elsewhere in California who are not all California Indians, therefore, creating a possible situation where several members of the proposed California Indian Self-Determination Planning Commission could be non-California Indians; and

Whereas, the reservation and rancheria Indians are in the minority and the proposed composition of the membership of the Planning Commission would be in * * * to insure the * * * of this minority group would be represented, and

Whereas, the Inter-Tribal Council represents thirty seven reservations and rural Indian organizations constituting a membership of approximately ten thousand Indians in California with the proposed membership composition under the Act providing for only one representative member on the Planning Commission; and

Whereas, this Act propose that the qualification of a member to sit on the Commission when it is initially established shall be decided by majority vote of the Temporary Qualification Committee of the Commission which shall consist of one member selected by the governing body of (1) California Indian Education Association; (2), California Indian Legal Services; and (3) Inter-Tribal Council of California; and

Whereas, the members of the governing body of the California Legal Services are not all Indian and because the controlling interest of the California Indian Education Association and California Indian Legal Services are one and the same, therefore, the Temporary Qualifications Committee of the proposed Commission would be controlled by these two organizations; and

Whereas, the members of the governing body of the California Indian Legal Services refused to vote on this proposed Act. The members of the governing body directed that the proposed act be distributed to all Indian groups in California for approval or disapproval. Time has not been allowed for this proposed Act to be distributed to all interested Indian groups for their due consideration and action;

Now, therefore, be it resolved, that the National Congress of American Indian opposes the passage of the proposed Act labeled as the California Indian Self-Determination Act, and declares that said proposed Act is vague and uncertain in its terms and is not in the best interest of all California Indians.

Be it further resolved, that a copy of the resolution be sent to Congressman Tunney, Senator Church and other interested Senators and Congressmen.

Resolution No. 23—Reaffirmation of Previous Position on the Omnibus Bill, Colville Termination, Water Level of the American Falls Dam, Construction of Beaver Dam, Etc.

Whereas, at the last Annual Convention of the National Congress of Amreican Indians, resolutions were adopted against the termination of the Colville Confederated Tribes, the Omnibus Bill (5918, 5919, 5920, H.R. 6717, 6718, 6719, 6720), the proposed elevation of the water level of the American Falls Dam, the construction of Beaver Dam, and recession of Resolution 108; and

Whereas, the situation to which the foregoing resolutions were addressed is the same now as before, calling for a reaffirmation of our position at this time;

Now, therefore, be it resolved, that such resolutions, as passed at the last convention, be hereby reaffirmed by the National Congress of American Indians in convention and the President and Executive Director of the organization be directed to take any action that be necessary thereon.

Resolution No. 24—Taxation

Whereas, the Internal Revenue Service has not retreated from its systematic efforts to tax income derived by Indians and tribes from trust and restricted property; and

Whereas, the tax exemption and immunities guaranteed to Indians, which are constantly under attack in individual cases, are best defended and protected by Indians and their organizations acting together and collaborating in the mutual protection of these valuable rights; and

Whereas, the case of Stevens vs Commissioner, taxing on Indian income from trust land he had purchased, appears to have been lost because of a failure to adequately present the law in favor of the Indians; and

Whereas, that the National Congress of American Indians and its legal counsel have now become involved in the appeal of that case;

Now, therefore, be it resolved, that the National Congress of American Indians act as a clearing house for the exchange of information about pending tax cases which have implications for other tribes and Indians.

Be it further resolved, that we express our approval to the National Congress of American Indians staff and its legal counsel for becoming involved in the case of Stevens vs Commissioner, and the whenever appropriate and advisable it do so in other cases so that general Indian tax exemption will be protected.

Be it further resolved, that the direction taken in this respect be it legislation or court, action, be left to the officers of the National Congress of American Indians and their attorneys with the duty to counsel with tribal attorneys concerned with the problem.

Resolution No. 25—Indian Sovereignty

Whereas, we as tribes believe that we must make our own decisions and thereby determine our destiny, as exemplified by Bureau of Indian Affairs policy for the last few years and as exemplified by representatives of the Nixon Administration; and

Whereas, various statewide Indian agencies have become incorporated under state laws to provide some particular government service to Indians; and

Whereas, this vast array of agencies are outside responsible federal or state government; and

Whereas, we believe these agencies are beneficial to some extent, but frequently lack adequate internal administrative controls, resulting in an inferior quality of service; and

Whereas, this lack of administrative controls was originally designed to provide maximum Indian involvement, however, even though one Indian member from each tribe does sit on an agency board, local tribal involvement is not to our expectations due to lack of local tribal sophistication and other reasons; and

Whereas, these decisions made by these agencies result in the gradual chipping away of the remnants of our tribal sovereignty; and

Be it further resolved, that federal agencies concerned consider cross-funding in order to pool funds in either the Bureau of Indian Affairs or governing bodies of Indian reservations; and

Be it further resolved, that in no way would this effort at cordination lead toward termination of the special federal trust relationship to Indian tribes.

Resolution No. 26—Indian Participation on State, Federal and International Fishing Regulatory Boards and Commissions

Whereas, the Treaty guaranteed fishing rights of Northwest Indian tribes have been under constant attack and erosion; and

Whereas, fishing constitutes a major source of livelihood and income for members of Northwest Indian Tribes; and

Whereas, a recent federal court decision directs that these tribes having fishing rights be made a meaningful part of the regulation process for the purpose of assuring conservation and for the purpose of assuring the Indian a fair and equitable share of the fish landing; and

Whereas, this organization does wholeheartedly support the stand of the tribes particularly involved;

Now, therefore, be it resolved, that Indian representatives from the tribes involved be made a party to all regulatory boards, commissions, etc., that regulate the taking of fish whether such boards or commissions be state, federal or international in nature;

And, be it further resolved, that where the law forbids such participation, the laws be amended to permit such participation and pending such participation an advisory group composed of members of the tribes involved be created to officially advise said regulatory groups pending the change in the law;

And be it further resolved, that the officers of this organization be directed to take all necessary steps to assure that this Indian participation on state, federal and international fishing regulatory boards and commissions be effective in the immediate future.

Resolution No. 27—Cutback of Federally Financed Projects

Whereas, President Nixon's Administration has announced a 75% cut-back in federally financed construction projects; and

Whereas, this Anti-inflation move will, unless modified effect delay and prevent vitally needed construction projects on Indian reservations; and

Whereas, this federal responsibility to Indians is surely equal to any other, should be vastly preferred to any obligation our nation might have to foreign nations in its foreign nations aid program;

Now, therefore, be it resolved, that every possible effort be made by all available means to secure an exception for Indians, their tribes and reservations in the proposed cut-back of federally financed projects and in "Anti-inflationary" cuts in any other programs that affect Indians.

Resolution No. 28—Tribal Lawyers—Develop a Pool of Legal Experience

Whereas, our panels of tribal lawyers on taxation, water rights, law and order and other Indian subjects have demonstrated the common interest each of the tribes have in these subjects; and

Whereas, tribal lawyers develop a pool of legal experience, knowledge and precedent, which should be freely shared by all tribal lawyers and by the tribes themselves;

Now, therefore, be it resolved, that the National Congress of American Indians develop a program of periodic meetings and group studies and discussions by tribal lawyers for the exchange and sharing of legal experiences and information;

And, be it further resolved, that the lawyers be hereby requested to communicate with each other fully as possible to achieve this desired exchange and sharing of information to the fullest extent possible.

Resolution No. 29—Indian Land: The Sale of Allotted Indian Land to Tribes be Encouraged by BIA Regulations

Whereas, rigid and inflexible rules and regulations governing land sales are working not to prevent the alienation of land to fee title status, but rather to discourage purchase of allotted land by tribes; and

Whereas, there should be greater freedom of negotiation between allottees and their tribes so that capable informed tribal members may, if they wish, sell their land to the tribe at prices lower than BIA appraisals; and

Whereas, every possible tribal preference should be made available to protect the tribal land base.

Now, therefore, be it resolved, that the BIA and the solicitors office and the Department of Interior review and modify its rules and regulations concerning land sales so that there exists the greater flexibility possible in view of the BIA's trust responsibility to allow and encourage purchase of allotted Indian land by tribes rather than by non-Indians;

And, be it further resolved, that there is a moratorium of land sales out of trust until the particular tribe and reservation has funds reasonably available to purchase such lands that are for sale.

Resolution No. 30—Hunting and Fishing Rights

Whereas, over the period of years there has been continual infringement upon the Indian's hunting and fishing rights; and

Whereas, a continual financial burden has been placed upon tribes and tribal members in the protection and preservation of these rights; and

Whereas, the United States Government as trustee has an obligation to protect these rights whenever they are infringed upon; and

Whereas, the United States, through the urgency of the Northwest Tribes, has recently participated in a major law suit to protect these rights upon the Columbia River.

Now, therefore, be it resolved, by the National Congress of American Indians that the United States as trustee of Indian Hunting and Fishing rights be urgently requested through its Departments of Interior and Justice to continue to commence and participate in appropriate legal proceedings whenever necessary to protect and preserve these rights from further infringment.

Resolution No. 31—Treaty Rights—Lummi Tribe

Whereas, the Lummi Indians have in the treaty agreement of 1855 reserved the exclusive right to the use of tidal lands for the benefit of the Indian people; and

Whereas, the Corps of Army Engineers are attempting, through their authority over navigatable waters, to infringe upon treaty rights; and

Whereas, the Lummi Tribe, through their delegates, are asking support of the National Congress of American Indians to have the exclusive rights by treaty recognized.

Now, therefore, be it resolved, that this convention go on record in support of the Lummi Tribe in their efforts to preserve their treaty rights to the use of these tidal lands.

Resolution No. 32—Indian Administrators of Indian Programs

Whereas, various agencies of the Bureau of Indian Affairs have been given the administrative responsibility of determining Education and Welfare needs of Indian people; and

Whereas, the Bureau of Indian Affairs has required the Indian people to first exhaust all other sources of help in their areas; and

Whereas, this requirement results in an erosion of Indian rights to these services and this leads to slow but sure termination.

Now, therefore, be it resolved, that the National Congress of American Indians request the United States Government to comply with the intent of the treaty agreements and prepare and place Indian people in all levels of administrative responsibility in Indian Affairs.

Resolution No. 33—Indian Health—To Continue the Neurological and Sensory Disease Control Program

Whereas, ear disease continues to be the leading reported health problem affecting American Indians and Alaska Natives; and

Whereas, as many as 66% of Alaska Native children have been found to have chronic ear disease before the age of three years and 60% of the adults in some Alaska villages are known to be partially deaf, and similar figures for ear disease are found in the Indian population in other States; and

Whereas, the occurrence of this disease has doubled within the past six years and the disease occurs in children during the critical time for learning language and the disease is both a health and educational problem; and

Whereas, the Neurological and Sensory Disease Control Program (NSDCP) has for the past several years devoted a major portion of its resources for the prevention and control of ear disease in American and Alaska Native children and has proved to be beneficial; but

Whereas, the Department of Health, Education and Welfare (DHEW) has made budgetary reductions affecting programs again of direct concern to Indians and NSDCP is among those programs to be eliminated in the near future; and

Whereas, NSDCP has provided the research and development activity in ear disease and its prevention to the Indian Health Service and the Indian Health Service would be without this support if this activity were to be discontinued.

Now, therefore, be it resolved, that the National Congress of American Indians in Convention assembled on October 6–10, 1969, here expresses its concern to the President of the United States and Congress and the Department of HEW over the proposed elimination of NSDCP and does strongly urge the continued financing of this program at a level sufficient to conduct its field activities.

But, it is further resolved, that the Executive Director is hereby instructed and authorized to make our position known to these people to secure these ends.

Resolution No. 34—Omnibus Crime Control: Support of S. 1229 and H.R. 9262 and H.R. 10582 in Which the Secretary of the Interior Act in Place of State Governors

Whereas, most Indian tribes lack the funds, facilities and manpower to engage in preventative, punitive and rehabilitative programs of crime control; and

Whereas, Indian tribes performing law enforcement functions on Indian reservations were included as eligible recipients of grants under the Omnibus Crime Control and Safe Streets Act of 1968; and

Whereas, said Act requires that Indian tribes apply for such grants for the state in which they are located; and

Whereas, State governments are not always sympathetic with or aware of the unique problems that exist on Indian Reservations; and

Whereas, Senator Burdick of North Dakota, Congressman Udall of Arizona, and Congressman Burton of Utah have introduced in the 91st Congress, S. 1229, H.R. 9262, and H.R. 10582, respectively, which would amend said Act, the Secretary of the Interior will act in lieu of the State.

Resolution No. 35—Indian Legislation—Opposition of H.R. 7962

Whereas, H.R. 7962, introduced by Congressman Berry in the 91st Congress is an attempt to provide a federal monetary incentive for the employment by private industry of Indian people; and

Whereas, this is accomplished by providing that a service contract received by a private firm be increased by 10% if more than 25% of the service employees are Indians; and

Whereas, the National Congress of American Indians, supports in principal, this incentive mechanism; but

Whereas, H.R. 7962 does not guarantee that the service contractor continue employing Indians at a rate of 25%.

Now, therefore, be it resolved, that the National Congress of American Indians meeting this 10th day of October, 1969, in its 26th Annual Convention in Albuquerque, New Mexico, does hereby strongly oppose the enactment of H.R. 7962 in its present form, because it does not provide the guarantees mentioned and it may not be the best manner in which to provide incentive.

Resolution No. 36—Indian Legislation: Support for S. 201 Designed To Provide More Aid for Indian Housing

Whereas, housing conditions on Indian reservations are in a most deplorable state; and

Whereas, existing laws and regulations relating to housing do not adequately take into consideration circumstances prevalent on Indian reservations; and

Whereas, Senator Anderson of New Mexico, has introduced S. 201 in the 91st Congress which would make Indians eligible for assistance under section 117 of the Housing Act of 1949 and authorizing the Secretary of HUD to review existing programs with a view to determine whether additional legislation is necessary in order for Indian tribes on reservations to qualify for assistance under such programs.

Now, therefore, be it resolved, that the National Congress of American Indians on October 10, 1969, in Convention assembled does go on record as supporting the enactment of S. 201; and

Be it further resolved, that the Executive Director be authorized to represent the National Congress of American Indians and make recommendations to persons and agencies concerned.

Resolution No. 37—Tax Exemption of Trust Land—H.R. 12589

Whereas, H.R. 12589 introduced in the 91st Congress by Congressman Tunney of California provides that the Federal Government shall pay to the State the amount of money a State would realize if it were permitted to tax Indian trust land and restricted property; and

Whereas, this amount would not in most cases equal the amount spent by the Federal Government in providing the services to the Indians the tax money would provide if collected; and such money would be in the nature of a "windfall" to the recipient states; and

Whereas, the provision of federal money in lieu of taxes may give rise to statements that the government is paying for its obligation to the Indians twice and therefore, the Indians should pay their own taxes; and

Whereas, tax exemption on trust and restricted property is guaranteed to the Indian people by law.

Now, therefore, be it resolved, that the National Congress of American Indians meeting this day of October 10, 1969, in its 26th Annual Convention in Albuquerque, New Mexico, does hereby strongly oppose the enactment of H.R. 12589.

Resolution No. 38—Support for H.R. 10093

Whereas, an amendment by the Secretary of the Interior amended 25 CFR, Part 161, to provide that rights-of-way may be granted over the lands of organized tribes that are not organized under IRA without consent or consultation; and

Whereas, this is contrary to the principles of fair play and property ownership; and would amount to taking of property without consent or compensation to the owners; and

Whereas, H.R. 10093, introduced by Congressman Moss of California in the 91st Congress, would require tribal consent by said unorganized tribes to all grants of a right-of-way over Indian tribal land.

Now, therefore, be it resolved, that the National Congress of American Indians in Convention assembled October 6–10, 1969, at Albuquerque, New Mexico, do hereby support the enactment of H.R. 10093.

Resolution No. 39—S. 2130, H.R. 9261, and H.R. 10581

Whereas, most Indian tribes lack the funds, facilities and manpower to engage in a preventative, punitive and rehabilitative program of juvenile delinquency control; and

Whereas, Indian tribes were included as eligible recipients of grants under the Juvenile Delinquency Prevention and Control Act of 1968; and

Whereas, said Act requires that Indian tribes apply for such grants from the state in which they are located; and

Whereas, state governments are not always sympathetic with or aware of the unique problems that exist on Indian reservations; and

Whereas, Senator Burdick of North Dakota, Congressman Udall of Arizona, and Congressman Burton of Utah have introduced in the 91st Congress, S. 1230, H.R. 9261 and H.R. 10581, respectively, which would amend said Act to provide that for purposes of making grants to Indian tribes under said Act, the Secretary of the Interior will act in lieu of the State.

Now, therefore, be it resolved, that the National Congress of American Indians on October 6–10, 1969, at its 26th Annual Convention assembled at Albuquerque, New Mexico, does hereby strongly urge the enactment of this legislation if amended to insure that an adequate and reasonable amount be given to the Secretary for distribution to the tribes.

Resolution No. 40—H.R. 2056 and H.R. 2059

Whereas, H.R. 2056 and H.R. 2059 have been introduced in the 91st Congress and would compensate the Crow Tribe for land erroneously taken from them (H.R. 2056) and the value of the minerals that would have been derived from that land (H.R. 2054) respectively; and

Whereas, compensation is not within the jurisdiction of the Court of Claims and requires a separate act of Congress; and

Whereas, similar bills have been presented to Congress for the last ten years and there has been no action by Congress.

Now, therefore, be it resolved, that the National Congress of American Indians in Convention assembled does hereby support the passage of H.R. 2056 and H.R. 2059.

Resolution No. 41—H.R. 431—Consolidation of Various Revolving Loan Funds

Whereas, the needs of the Indian community for funds provided by various revolving loan funds administered by the Bureau of Indian Affairs is great; and

Whereas, H.R. 431 has been introduced by Congressman Edmondson in the 91st Congress which would consolidate such various revolving loan funds into a single fund and would increase the amount of money available to Indians from such a fund; and

Whereas, H.R. 431 contains none of the objectionable language found in other proposals to increase or establish these funds.

Now, therefore, be it resolved, that the National Congress of American Indians in Convention assembled does hereby support the passage of H.R. 431.

RESOLUTION No. 42—SCHOOL BOARDS—MINORITIES

Whereas, the State of New Mexico has amended Chapter 103 of its statues to provide for expansion of local public school boards to include representatives of minorities in the school district; and

Whereas, this can provide a meaningful transition for Indian people into full electoral participation; and

Whereas, certain tribes have been ignored by their local school boards in attempts to implement this local option; and

Be is resolved, that the National Congress of American Indians goes on record in support of these tribal efforts to improve the quality of education their children receive; and

Be it further resolved, that copies of this resolution is sent to the Governor of New Mexico, David F. Cargo, the Superintendent of all school districts with Indian students in the State of New Mexico and to all Chairmen of the boards of education in those districts.

RESOLUTION No. 43—1970 CENSUS OF INDIAN DATA

Whereas, the census of the United States provides for a complete count of all the people and accurate information on their living conditions; and

Whereas, the census will thus make known the facts about the number and needs of the American Indians; and

Whereas, such knowledge is essential to tribal as well as government plans for social and economic development; and

Whereas, the 1970's census is designed to collect more data than ever before on the basis of tribes and reservations, as well as on the status of the American Indian regardless of his place of residence; and

Whereas, the law requiring participation in the census will assure that this information is obtained, and at the same time held in the strictest confidence as far as any individual is concerned; and

Whereas, the Bureau of the Census plans to employ American Indians insofar as possible to assist in taking the count in areas populated by Indians; and

Whereas, it is to the benefit of our people to support this effort.

Now, therefore, be is resolved, that the National Congress of American Indians endorses and fully backs the taking of a complete census in 1970 to assemble the facts essential to proper recognition of the Indian and to guarantee his fair share of governmental representation and services.

RESOLUTION No. 44—INDIAN COMMUNITY COLLEGES

Whereas, American Indians are beginning to pursue higher education in greater numbers; and

Whereas, due to (a) language problems, (b) different cultural orientation, (c) financial problems, (d) the philosophy of the American school system, (e) lack of counseling in the high school, (f) lack of orientation toward college; there is a high drop out rate among Indians.

Now, therefore, be it resolved, that the National Congress of American Indians goes on record supporting the establishment of community colleges near Indian areas, and that they be funded from a federal program or any other available sources, in order to promote a favorable solution to the problems of Indian students; and

Be it further resolved, that the Bureau of Indian Affairs be requested to seek increased funds for its scholarship program.

RESOLUTION No. 45—WISCONSIN WELFARE BUDGET CUTS

Whereas, the legislature of the State of Wisconsin in regular session drastically cut the already inadequate welfare aids; and

Whereas, these grant cuts deprive a great number of Wisconsin Indian families of the basic human needs, such as food, clothing, and shelter, as well as other special needs; and

Whereas, aids to dependent children are now terminated at age eighteen thereby excluding those young people from the opportunity to continue their schooling; and

Whereas, programs designed to permit trainable welfare recipients to upgrade their standard of living have also been eliminated; and

Whereas, these welfare budget cuts are causing great hardship particularly to the children and the aged.

Now, therefore, be it resolved, that the National Congress of American Indians at their Convention in Albuquerque, New Mexico in October 1969 urge the Wisconsin legislature in its special session now in progress in Madison, Wisconsin to restore to the Wisconsin welfare budgets those monies requested by the Governor in the original budget; and

Be it further resolved, that future welfare programs be funded and administered in a manner that enhances the dignity of the Wisconsin Indians and all other Wisconsin citizens requiring welfare assistance.

RESOLUTION No. 46—INDIAN TREATY RIGHTS

Whereas, the decision rendered in Dodge vs Nakai did construe Title II of the Indian Civil Rights Act of 1968 (PL–90–284) so that it applied to non-Indians in their relationship with tribal governments; and

Whereas, treaty rights of tribes guarantee the prerogative of barring unauthorized personnel from entering the reservation; and

Whereas, this decision, in effect, implies that Indian tribes may not give preferential treatment to its own members; and

Whereas, S. 2172 and 2173 introduced by Senator Ervin of North Carolina in the 91st Congress would reaffirm the treaty rights of tribes and prevent the further misconstruction of Title II by the courts.

Now, therefore, be it resolved, this day of October 10, 1969, during its 26th Annual Convention, the National Congress of American Indians does strongly support the passage of S. 2172 and 2173.

RESOLUTION No. 47—NATIONAL INDIAN WEEK

Whereas, the Indian heritage has been a foundation of the democratic form of government in these United States of America, and

Whereas, the lands ceded by Indians have created a home for the citizens of these United States; and

Whereas, the Indian people have supported democratic governments from the time of the revolution through all wars with foreign governments.

Now, therefore, be it resolved, by the National Congress of American Indians that the Congress of the United States be requested to established by legislation a "National American Indian Week."

RESOLUTION No. 48—INDIAN HEALTH SERVICE—PERSONNEL FREEZE AND CONSTRUCTION CURTAILMENT

Whereas, the American Indian and Alaskan Native people are very concerned with the personnel freeze imposed on the Indian Health Service, and the curtailment of government spending for all construction which has affected the quality and quantity of services available; and

Whereas, it is a recognized fact that, despite considerable improvement, the health status of the American Indian and Alaskan Native people is still far below that of the general population of the United States. The American Indian and Alaskan Native people are in dire need of all health facilities and health needs; and

Whereas, approximately 50–60% of the total staff in the Indian Health Service are American Indian and Alaskan Native, this personnel freeze will mean that many more American Indians and Alaskan Natives will be without a livable income because of the Indian Health Service being unable to fill vacancies; and

Whereas, it has become increasingly difficult to retain personnel because of the increased work load placed upon them due to the personnel freeze; and

Whereas, it has been common knowledge that despite numerous resolutions from American Indians and Alaskan Native tribal groups concerning these impositions set upon the Indian Health Service, it appears these resolutions have been continuously ignored; and

Whereas, Vice President Spiro T. Agnew has pledged the support of the Nixon administration to achieve a better life for American Indians in his address to this Convention; and

Whereas, it is our understanding now that both houses of the United States Congress voted to exclude the Indian Health Service from the personnel freeze.

Now, therefore, be it resolved, that the National Congress of American Indians urge the President of the United States, the Vice President of the United States, and the Secretary of the Department of Health, Education and Welfare, to recognize the decision of the United States Congress to abolish the personnel freeze which is being imposed on the Indian Health Service, so that the Indian Health Service facilities may function at their highest capacity, thus providing these much needed health services.

And, be it further resolved, that the National Congress of American Indians urge the President of the United States, the Vice President of the United States, the United States Congress and the Secretary of the Department of Health, Education and Welfare to grant special exemption from the construction curtailment to the Indian Heatlh Service, Department of HEW.

RESOLUTION No. 49—VANDALISM AND PROFANITY

Whereas, during the National Congress of American Indians Convention words have been used by a minute minority that cannot be found in any Indian language or dialect; and

Whereas, the use of foul and profane language is offensive to the members of the National Congress of American Indians; and

Whereas, there have been some acts of vandalism during this convention.

Now, therefore, be it resolved, by this National Congress of American Indians in Convention assembled that: (1) that acts of vandalism and use of foul language be severely condemned; (2) that there be established as a permanent rule of the National Congress of American Indians that in any of its meetings, panels or discussions that the use of foul or profane language is prohibited and any speaker using such language be ruled out of order and denied the floor by the moderator or chairman.

RESOLUTION No. 50—INDIAN DESK FOR HUD

Whereas, the "mainstream oriented" HUD offices, policies, and regulations are not sufficiently flexible and adaptable to fill the special needs and requirements of Indians and Indian Reservations or lands;

Now, therefore, be it resolved, (1) that HUD establish an Indian desk or office in

Washington, D.C. to process all Indian applications and adapt regulatory procedures to meet Indian requirements; (2) that HUD immediately implement an Indian Reservation Housing Staff Program to train tribal committees and personnel to work more knowledgeably to solve tribal housing problems; (3) that HUD revise all its available housing program so that they are flexible enough to be responsive to and actually fill the varying needs and wishes of individual Indian reservations and lands; (4) that HUD avoid forcing on Indian people "pre-packaged" Housing plans and specifications that do not fit in with the special housing needs on particular reservations and which ignore the available materials and skills already available on a reservation.

Resolution No. 51—Farmers Home Administration Loan Requirements

Whereas, the Farmers Home Administration enabling legislation now permits rural families who live on fee simple land but who are non-agricultural and meet other requirements to obtain loans from the Farmers Home Administration and families who meet the same requirements but who live on leased land should also be eligible for the same loans; and

Whereas, most reservation Indians live on land which is owned in common by the tribe and leased to the individual family and most Indian reservation residents are rural although some may not be agricultural.

Now, therefore, be it resolved, that legislation governing Farmers Home Administration home improvement and new home construction loans to rural families living on leased land should be changed to permit non-agricultural rural families living on leased land to permit non-agricultural rural families to be eligible.

Resolution No. 52—Convey Land to Burns-Paiute Colony

Whereas, home of members of the Burns-Paiute Colony are located on lands owned by the United States;

Now, therefore, be it resolved, that we express our support for H.R. 379 and S. 1544 which are bills that would convey title in trust to said lands to the Burns-Paiute Colony to give it a land base and title to the lands on which its members reside.

Resolution No. 53—Indian Health—Kidney Machines

Whereas, for those having kidney disease, the availability of a kidney machine is a matter of life or death; and

Whereas, there is a necessity for adequate budgeting in HEW–PHS, for this item for Indian people.

Now therefore be it resolved by the NCAI that HEW–PHS budget such funds to make kidney machines available to Indian people and to finance operation of the machines.

Resolution No. 54—Evaluation of Vista Program

Whereas, various tribes have reported dissatisfaction with the conduct and/or performance of some non-Indian VISTA workers; and

Whereas, some non-Indian VISTA workers have promoted or participated in activities that breed mistrust and destroy confidence among Indian people in their own worth, competence, and leadership and have sometimes displayed their prejudgments and bias against tribal governing bodies and BIA even before they have opportunity and experience to make such judgments; and

Whereas, it is awkward and embarrassing for individual tribes to deal with problems created by persons who purport to "volunteer" their services to Indian tribes, at the invitation of tribes; and

Whereas, information on current successes and failures of VISTA work is needed in order to determine whether action is indicated.

Now therefore be it resolved that the National Congress of American Indians, in convention assembled in Albuquerque, New Mexico, October 6–10, 1969, is directed to request the Executive Council to name a special committee to solicit and evaluate the 1970 first quarter meeting of the Executive Council (the special inquiry to cover recruitment, training, supervision, placement, and evaluation of VISTA workers); and

Be it further resolved that NCAI take appropriate action as indicated by the results of this special committee's work no later than May of 1970.

Resolution 55—Indian Lands—Opposition to Voyageur National Park

Whereas, the proposed Voyageur National Park will encompass lands originally owned by the various bands of the Chippewa Tribe and Nation of Indians, and were acquired by treaties that are now under litigation for revision of the compensation agreed to be paid pursuant to said treaties; and

Whereas, the treaties provided for various Indian reservations within the boundaries of which the Chippewa Indians were to have the exclusive right of use, occupancy and control, including the rights to hunt, fish, trap and gather wild rice and control the same, which rights and control have not been protected as guaranteed by the United States in the treaties.

Now, therefore, be it resolved, that the establishment of the proposed Voyageur National Park is hereby opposed until such time as the Chippewa Tribe and Nation of Indians have been fairly compensated for the lands originally acquired from them, within which the Voyageur National Park is proposed to be loçated, and their reservation rights and control are protected.

Be it further resolved, that if development of the proposal Voyageur National Park proceeds prior to the establishment of effective protection of their reservation rights and payment of just compenation to the Chippewa Indians for the lands, that steps be taken to file an action for injunction of the establishment of the Park in the United States courts.

Be it resolved, that copies of this Resolution be transmitted to the U.S. Congressional delegation and the Senate and House Interior Insular Affairs to the Secretary of the Interior; to the Commissioner of Indian Affairs; to the National Congress of American Indians; to the National Council of Indian Opportunity; to the Governors of Minnesota, Wisconsin, and Michigan; to the State AFL–CIO; to the State League of Women Voters, requesting their earnest support.

Resolution No. 56—Hunting and Fishing Rights—Minnesota

Whereas, the game wardens of the Conservation Department of the State of Minnesota have violated the rights of Indians with respect to their exclusive rights to hunt, fish, trap and gather wild rice within the original boundaries of their reservation and control the same;

Now, therefore, be it resolved that this illegal action on the part of the Conservation Department of the State of Minnesota be and the same is hereby publicly denounced and that steps be taken with United States law enforcement officials to see that such harassment of the Indians does not continue.

Resolution No. 57—Indian Lands—Apostle Islands National Park

Be it resolved, that the National Congress of American Indians does hereby support the position of the Bad River Band of Chippewa Indians and the Red Cliff Band of Chippewa Indians, that there be no establishment of the Apostle Island National Lakeshore that would involve any lands within the original boundaries of the Bad River or Red Cliff Indian Reservation except on such terms as may be acceptable to the Bad River and Red Cliff Bands and only with their expressed consent and agreement.

Resolution No. 58—Hunting and Fishing Rights—Wisconsin

Whereas, the game wardens of the Conservation Department of the State of Wisconsin have violated the rights of Indians with respect to their exclusive rights to hunt, first, trap and gather wild rice within the original boundaries of their reservation and control the same;

Now, therefore, be it resolved, that this illegal action on the part of the Conservation Department of the State of Wisconsin be and the same is hereby publicly denounced and that steps be taken with United States law enforcement officials to see that such harassment of the Indians does not continue.

Resolution No. 59—Hunting and Fishing Rights—Grand Portage

Whereas, the Grand Portage Reservation Business Committee of the Grand Portage Band of Chippewa Indians is duly authorized to speak on behalf of these Indians, this authority being part of the tribal Constitution governing the Minnesota Chippewa Tribe; and

Whereas, part of that constitution states that the Grand Portage Reservation Business Committee shall at all times protect the rights of the members it represents; and

Whereas, it has been known that the Grand Portage have always depended on the plentiful fish from this great lake, and also the wild game and fur bearing animals that existed off its shores; and

Whereas, when it came about that the U.S. Government made treaties with the Grand Portage people, it was always the intention of the chiefs and head man to reserve these important hunting and fishing rights whether on the land they ceded and of which they never got paid for, or on the present reservation.

Now, therefore, be it resolved that the Grand Portage Reservation Business Committee descendants of these treaties go on record as upholding these same hereditary rights and privileges and also demand that said rights be preserved.

Resolution No. 60—Indian Education—Minnesota

Whereas, the State of Minnesota has failed drastically in the education of urban and reservation Indians as evidenced by the large sixty-five per cent high school dropout rate of our Indian young and the shameful potential dropout rate of Indian young presently in the sixth, seventh, and eighth grade levels; and

Whereas, the Bureau of Indian Affairs has also failed in education policies due to the lack of imagination and foresight, and their inability to be creative in innovating educational programs geared to unique needs of Indian people, such as Indian parental involvement and control; and

Whereas, demonstrated abusive community and school personnel attitudes continue to be a major contributing factor in the huge dropout and potential dropout rate of Indian young people; and

Whereas, the curriculum of the public schools is practically void of Indian sensitivity and awareness and does little to upgrade the Indian image, and is alien to Indian history, contributions, lore, art, music, and language; and

Whereas, outdated policies geared to assimilation have caused a sense of rejection to Indian identity and pride; and

Whereas, certain programs have shown that Indian people can effectively administer their own programs; and so

Therefore, be it resolved, that the National Congress of American Indians and the National Council on Indian Opportunity support the desires of the Indian Upward Bound staff and Board of Directors, to establish a large, equal and separate Indian educational system within the State of Minnesota which will be proposed as an Educational Park Complex on the White Earth Reservation and within the urban Indian area of Minneapolis, Minnesota. The complex will be on a demonstration basis and will constitute programs such as Head Start, Kindergarten, STAIRS, Elementary, Secondary, Upward Bound, Associated Arts College, Adult Basic, Vocational Training and Leadership Training. Total control by Indian parents and Indian community residents will be practiced through an all-Indian Board of Directors;

Be it further resolved, that the National Congress of American Indians and the National Council on Indian Opportunity recommend all elected National and State of Minnesota Congressmen and Senators who are sympathetic to the Indian's educational plight meet with a selected committee of Indian people.

Resolution No. 61—Funds for Economic Development—Michigan

Whereas, the Inter-Tribal Council or Michigan is composed of four Michigan Indian reservations, Keweenaw Bay Indian Community, the Saginaw-Chippewa Tribe of Mount Pleasant, the Hannahville Indian Community and the Bay Mills Indian Community; and

Whereas, the Inter-Tribal Council of Michigan Inc., is incorporated under the provisions of Act No. 327 of the Public Arts of 1931, as amended; and

Whereas, the Inter-Tribal Council of Michigan has applied to the Economic Development Administration, Indian Desk, Washington, D.C., for a Title III Planning and Administrative Grants in Aid, to staff a person within the Michigan Indian Community Action Program structure to concentrate on the economic development of the four reservations in the State of Michigan.

Now, therefore, be it resolved, by the National Congress of American Indians endorse and assist the Inter-Tribal Council of Michigan in obtaining the necessary funding for this program.

Resolution No. 62—Funds for Adult Basic Education—Pine Ridge

Whereas, an adult basic education program, highly mobile in nature to take the program to every district, has operated on the Pine Ridge reservation in South Dakota since 1967, has reached significant numbers of tribal members, has proved highly beneficial to the Oglala Sioux Tribe, and is supported by the Tribe, public and parochial schools, the Bureau of Indian Affairs, and the State Department of Education; and

Whereas, this program could provide a model for other tribes;

Now, therefore, be it resolved, that the National Congress of American Indians strongly supports continued funding of this program by the Office of Education, HEW; and

Be it further resolved, that such programs requested by other tribes also be funded.

Resolution No. 66—Commendation to Wendell Chino and John Belindo

Whereas, Wendell Chino is completing his fourth and final year as President of the National Congress of American Indians, a period during which NCAI has made more substantial progress than ever before in making the leaders in Congress and the Executive Branch aware of and willing to assist on Indian needs and aspirations, and in making NCAI the spokesman for all the Indians;

Whereas, John Belindo, has been Executive Director since 1967, and shares credit for much of the progress achieved during that period and for organizing the largest and most meaningful Convention in the history of NCAI.

Now, therefore, be it resolved, that the National Congress of American Indians in Convention here assembled in Albuquerque, New Mexico, October 6–10, 1969, hereby records its great appreciation and commendation to Wendell Chino, and hopes that he will continue to offer effective leadership on behalf of Indians; and

Be it further resolved, that the National Congress of American Indians records its great appreciation and commendation to John Belindo.

Resolution No. 67—Housing—Request for Additional Funds

Whereas, the American Indians are suffering from unsanitary, unsafe, and inadequate housing and to quote Senator Joseph M. Montoya, New Mexico, labeled Indian housing "a National disgrace and a blot on our nation," and Senator Edward Kennedy stated "there is a need for 50,000 homes for the Indian people"; and

Whereas, the Affiliated Tribes of Northwest Indians are concerned with inadequate living conditions; and

Whereas, as a consequence this is resulting in serious health problems affecting the lives of Indian people to the extent the mortality rate is far above that of the national average; and

Whereas, a good home is conducive to establishing good study habits for children thus reducing school absenteeism and also the home is the hub of activity for families and the contributing factor involving health, education and welfare of individual families; and

Whereas, under the present structure of the Housing Development Program under the Bureau of Indian Affairs is unable to function effectively in the best interest of the Indian people due to inadequate funds appropriated for this purpose; and

Whereas, there is an immediate need for proper housing; and

Now, therefore, be it resolved, that the National Congress of American Indians request additional funds to be appropriated through the necessary channels for this worthy and much needed money for homes for the Indian population.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of executive business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

I

Mr. COOK. Mr. President, what is the historic role of the Senate; What is the relevant inquiry, politics or qualifications?

> Nowhere are prejudices more mistaken for truth, passion for reason, and invective for documentation than in politics.—John Mason Brown, *"Through These Men,"* 1952.
>
> All politicians have read history; but one might say that they read it only in order to learn from it how to repeat the same calamities all over again.—Paul Valery, Saturday Review.

Mr. President, many have viewed the furor surrounding the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court as something rather unique in American history. Therefore, to put this controversy in its proper perspective, I think it appropriate and certainly timely that we examine briefly the history of some of the controversial Supreme Court appointments for the lessons they can teach and the assistance they can provide in treating his nomination with the dispassionate objectivity the dignity of this body would seem to require.

United Press International reports that in the history of the Supreme Court nine candidates have been rejected. Five other times the Senate took no action whatsoever and on five occasions the President withdrew his nominee, at least temporarily.

Harris, in his fine book "The Advice and Consent of the Senate," sums up the history of Supreme Court nominations by pointing out that approximately one-fifth of all appointments have been rejected by the Senate. However, since 1894, there has been only one rejection. In the preceding 105 years, 20 of the 81 nominees were rejected. Four of Tyler's nominees, three of Fillmore's, and three of Grant's were disapproved during a period of bitter partisanship over Supreme Court appointments.

Harris concludes of this era:

> Appointments were influenced greatly by political consideration, and the action of the Senate was fully as political as that of the President. Few of the rejections of Supreme Court nominations in this period can be ascribed to any lack of qualifications on the part of the nominees; for the most part they were due to political differences between the President and a majority of the Senate.

The eminent Supreme Court historian, Charles Warren, cites only four situations in which lack of qualifications or of fitness were important factors—John Rutledge, 1795; Alexander Wollcott, 1811; George H. Williams, 1873; and Caleb Cushing, 1874.

The first rejection of a nominee was that of former Associate Justice John Rutledge, of South Carolina, in 1795. He had been nominated for the Chief Justiceship by President George Washington. Warren reports that Rutledge was rejected essentially because of a speech he had made in Charleston in opposition to the Jay Treaty. Although his opponent in the predominantly federalist

Senate also started a rumor about his mental condition, an objective appraisal reveals his rejection was based entirely upon his opposition to the treaty. Verifying this observation, Thomas Jefferson wrote of the incident:

> The rejection of Mr. Rutledge by the Senate is a bold thing, because they cannot pretend any objection to him but his disapprobation of the treaty. It is, of course, a declaration that they will receive none but tories hereafter into any department of the Government.

On December 28, 1835, President Andrew Jackson sent to the Senate the name of Roger B. Taney, of Maryland, to succeed John Marshall as Chief Justice. As Taney had been Jackson's Secretary of the Treasury and Attorney General, the Whigs in the Senate greatly disliked him. Daniel Webster wrote of the nomination:

> Judge Storey thinks the Supreme Court is gone and I think so, too.

Warren reports:

> The bar throughout the North, being largely Whig, entirely ignored Taney's eminent legal qualifications, and his brilliant legal career, during which he had shared . . . the leadership of the Maryland bar and had attained high rank at the Supreme Court bar, both before and after his service as Attorney General of the United States.

Taney was approved, after 2½ months of spirited debate, by a vote of 29 to 15 over vehement opposition including Calhoun, Clay, Crittenden, and Webster. He had actually been rejected the year before, but was resubmitted by a stubborn Jackson.

History has judged Chief Justice Taney great, and his tribulations prior to the confirmation were completely overshadowed by an outstanding career. A contrite and tearful Clay related to Taney after viewing his work on the Court for several years:

> Mr. Chief Justice, there was no man in the land who regretted your appointment to the place you now hold more than I did; there was no Member of the Senate who opposed it more than I did; but I have come to say to you, and I say it now in parting, perhaps for the last time—I have witnessed your judicial career, and it is due to myself and due to you that I should say what has been the result—that I am satisfied now that no man in the United States could have been selected more abundantly able to wear the ermine which Chief Justice Marshall honored.

It is safe to conclude that purely partisan politics played the major role in the rejections of Supreme Court nominees occuring in the 19th century. The cases of Rutledge and Taney have only been mentioned to highlight a rather undistinguished period in the history of this body when Senators exercised incredibly poor judgment on numerous occasions.

I do not mean to imply that Supreme Court appointments in the 20th century have been without controversy, because certainly this has not been the case. However, as I stated earlier, only one nominee has been rejected in the last 60 years.

The controversy surrounding President Woodrow Wilson's appointment of Louis D. Brandeis is certainly not without parallel to the current turmoil over the Haynsworth nomination. A major difference, however, is that Brandeis, unlike Haynsworth, was without support of substantial and respected portions of the legal community. William Howard Taft, Elihu Root, and three other past presidents of the American Bar Association signed the following statement:

> The undersigned feel under the painful duty to say . . . that in their opinion, taking into view the reputation, character and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States.

It is reported that hearings were conducted by a Senate Judiciary Subcommittee for a period of over 4 months and were twice reopened. The hearings volumes consisted of over 1,500 pages.

Walter Lippmann stated in the New Republic that his opponents were essentially that "powerful but limited community which dominated the business and social life of Boston."

The nomination of Brandeis, just like the nomination of Haynsworth, was a cause celebre for the opposition party in the Senate. The political nature of the opposition is indicated by the fact that the confirmation vote was 47 to 22. Three progressives and all but one Democrat voted for Brandeis and every Republican voted against him.

The basic opposition to Brandeis, just as the opposition to Haynsworth, was born of a belief that the nominee was essentially "out of step" with the prevailing views of the Court at the time.

The publicly stated reasons used to oppose Brandeis, just as the arguments against Haynsworth, were that he fell below standards of "fitness." However, the hearings concerning the Brandeis appointment, just as in the Haynsworth nomination, failed to substantiate any violation of the prevailing standards of conduct.

Louis Brandeis became one of the all-time greats of the Supreme Court. I confidently predict that Judge Clement Haynsworth's future will be just as dignified and distinguished.

Liberals in the Senate actively opposed the nominations of Charles Evans Hughes, 1930, and Harlan Fiske Stone, 1925, to the Court for various reasons best summed up as opposition to what they predicted would be their conservatism. It was generally conceded by liberals subsequently that they had misread the leanings of both nominees, who tended to side with the progressives on the Court throughout their tenures.

No review of the historical reasons for opposition to Supreme Court nominees, even as cursory as mine, would be complete without a brief discussion of the Parker nomination. John J. Parker, a member of the court of appeals for the fourth circuit from North Carolina, was designated for the Supreme Court by President Hoover in 1930. Harris reports that opposition to Parker was essentially threefold: First, he was alleged to be antilabor; second, unsympathetic to Negroes; and, third, politics dictated his selection.

Opposition to Haynsworth, another member of the fourth circuit, has followed an almost identical scenario. Judge Parker was defeated 41 to 39, but went on to become one of the outstanding judges in the Nation as he remained on the fourth circuit. The special interest groups who engineered his defeat subsequently admitted that they had defeated a nominee who was essentially liberal.

Judge Parker, however, was spared subjection to the fabricated ethical charges which have been leveled against Haynsworth.

What can we conclude from this brief summation of the Senate's history in regard to its constitutional duty to advise and consent to presidential nominations of the Supreme Court? It can be said, at least, that the challenge of the Senate remains as our revered senior statesman from Vermont (Mr. AIKEN) described it early in his Senate career when he said:

> The main issue involved in the vote which we are soon to take [upon the nomination of Aubrey Williams] is whether a man can come before this Senate for approval and have that approval granted or refused on the basis of the evidence presented on whether such judgment will be influenced by politics, prejudice, racial and religious discrimination, and all the other evils which Members of the United States Senate should rise above.

As my brief historical review, I believe, has demonstrated, the Senate has in its past almost without exception objected to nominees for the Supreme Court for political reasons. There were times, however, when it sought to hide its political objections under the veil of cries about fitness, ethics, and qualifications. This body has, in more recent years, come to the conclusion that the advice and consent responsibility of the Senate should mean an inquiry into qualifications and not politics. Various Senators of liberal persuasion have argued to conservatives in regard to appointments they liked that the ideology of the nominee was not the business of the Senate. I accept that argument. I agree that for the Senate to go back to its habit in the 19th century of purely political consideration of nominees to the Supreme Court would degrade the Court and certainly not distinguish the Senate. In addition, if political considerations were a valid inquiry, we might just as well introduce an amendment to the Constitution giving to the U.S. Senate the power to make Supreme Court appointments, as many argued for strongly during the Constitutional Convention.

I recently wrote a letter to a black student at my alma mater, the University of Louisville. He had written to me questioning my support of the Haynsworth nomination. My reply to him explains my philosophy in regard to the role of the Senate in reviewing and passing upon Supreme Court nominations. It includes a quotation from the Senator from Massachusetts (Mr. KENNEDY) during the debate on the Thurgood Marshall appointment with which I am in complete agreement.

I wrote to the young man as follows:

OCTOBER 21, 1969.

Mr. CHARLES C. HAGAN,
University of Louisville,
Louisville, Ky.

DEAR MR. HAGAN: I appreciate very much your recent communication regarding my support of the nomination of Judge Clement F. Haynsworth, Jr., to be an Associate Justice of the Supreme Court.

First, as to the question of his views on labor and civil rights matters, I find myself in essential disagreement with his civil rights decisions—not that they in any way indicate a pro-segregationist pattern, but that they do not form the progressive pattern I would hope for. However, as Senator Edward Kennedy pointed out to the conservatives as he spoke for the confirmation of Justice Thurgood Marshall.

"I believe it is recognized by most Senators that we are not charged with the responsibility of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance. We are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job."

Most Senators, especially of moderate and liberal persuasion, have agreed that while the appointment of Judge Haynsworth may have been unfortunate from a civil rights point of view, the ideology of the nominee is the responsibility of the President. The Senate's judgment should be made, therefore, solely upon grounds of qualification. As I agree with Senator Kennedy and others that this is the only relevant inquiry, I have confined my judgment of the nominee's fitness to the issue of ethics or qualifications.

Quite frankly, the criticism of Judge Haynsworth's ethical standards is completely baseless . . . those who know the judge best have testified that he is of unquestioned integrity and almost without peer as a legal scholar. The opponents of the judge are attempting to create a new ethical standard not previously in existence and apply it retroactively to Judge Haynsworth. The Washington Post, the New York Times, and other progressive papers have agreed that the ethical questions raised are not supportable, but they now say that since the furor has been raised, public confidence in the Court requires that the nomination be withdrawn. This is completely irresponsible because it would mean that the mere making of accusations should be enough to deny future nominees confirmation. This is fundamentally unfair. Each individual deserves to be judged upon the facts. The Supreme Court which you and I admire has spent the last 15 years standing up for the rights of individuals against the will of the majority. The Haynsworth affair is quite similar. Here you have the individual against the mass of aroused public opinion. Public opinion would be relevant if he were running for public office, but Supreme Court nominees are not elected but appointed, and for good reason.

If the Supreme Court were subjected to the public will rather than insulated against public outrage over unpopular decisions, do you think we would ever have been given *Brown* v. *Board of Education?* Never has a Supreme Court been more unpopular than the Warren court, but it was a good Court I am sure you will agree.

The point is that the nominee's philosophy is to be judged by the President of the United States, the elected representative of the people. While we in the Senate might object to the "ideological bent" of the nominee, we sit in judgment only on his judicial fitness. We are bound to be fair to the individual even if it means we must go against the majority of the people.

This is what the Supreme Court has done for the last 15 years. Our consideration of appointments to that body demands no less from us.

With best wishes,
Sincerely yours,
MARLOW W. COOK,
U.S. Senator.

II

The state of the law today: What is the existing standard?

> Bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example they should be religiously observed.—ABRAHAM LINCOLN.

Since almost all of us here in the Senate have agreed that our only relevant inquiry should be the question of qualifications. We must first determine what the existing standards are by which we can measure the qualifications of Clement Haynsworth. The question is not what we wish the standards were but rather what, in fact, they are. Standards are not established by mere speeches and accusations. We must not allow a new standard to be created to stop an appointment some find objectionable for political reason. New standards, if they are needed—and I happen to think they are—must be established by legislation, not accusation. They must be created by the deliberative legislative functions of the Congress—not by an ad hoc determination designed to defeat a particular nomination. I hope the fundamental unfairness of the attempt to create a new standard for Clement Haynsworth and apply it retroactively is now apparent to my colleagues.

The relevant question, then, is what is the standard today? An examination of two recently announced cases in the fifth circuit supply the answer. It may not be the answer we would like, but it is nevertheless the state of the law today. It is the existing law, not the fabrications of aspiring politicians and special interest groups, which must dictate our judgment of the actions of Judge Haynsworth during his period on the fourth circuit court of appeals, and therefore his qualifications for the Supreme Court.

The first case is the controversial Federal Power Commission rate case, Austral Oil Co., Inc., against Federal Power Commission, which involves as much as $80 million of rate reductions per year. The fifth circuit, in a ruling issued October 17, 1969, although transferring the case to another panel for rehearings, unequivocally held that Chief Judge Brown and Judge Jones were not disqualified for any reason to sit on the case, despite the fact that both judges had considerable stock interests in several of the parties. Judge Brown individually owns stock valued at $36,400 in three of the litigants, as of the date of the hearing, and is the trustee of several trusts holding oil company stocks worth approximately $500,000. Judge Jones' wife has a beneficial interest in stock of some of the litigants and, like Judge Brown, Judge Jones is the trustee of certain trusts with a substantial portfolio in oil companies, many of which are parties in this case. The amount of stock interest and the potential impact of the case on that interest is infinitely greater than in any of the cases where opponents claim Judge Haynsworth should have disqualified himself. Yet, despite this much greater interest, the fifth circuit held:

> The judges of the panel to which this case was assigned are not disqualified by prejudice, neither are they disqualified by interest, whether individual, fiduciary, or otherwise.

The second case is *Kinnear-Weed Corp.* v. *Humble Oil & Refining Compnay,* (403 F. 2d 437 (5th cir. 1968)) a patent infringement-type case commenced in 1953 in which the complaint contained a claim for $285 million in damages plus interest against Humble. The trial judge not only owned 100 shares of Humble stock, worth approximately $10,000 at the time, but he also: First, owned 25 percent of the stock and was an officer and director in a company which, during the time the judge sat on this case averaged almost 16 percent of its business with Humble; second, was a plaintiff in a contested lawsuit against Humble in which he received $409.24 out of the final settlement which was consummated after he began sitting on the case in question; and, third, executed leases and other instruments, many of which involved Humble in connection with lucrative oil leasehold interests owned by his wife. None of these dealings with Humble either singly or collectively required the trial judge to disqualify himself from this case.

As for the stock ownership in Humble, the fifth circuit in an en banc ruling written by Chief Judge Brown held:

> This tiny fractional interest in the equity ownership of this huge industrial interprise does not amount, either as a matter of fact, or law, or both, to a substantial interest by the trial judge in the case or a prohibited connection with a litigant.[1]

A second ruling in this case, handed down September 5, 1969, by District Judge Ben C. Connally and as yet unpublished, found that there was absolutely no legal reason for the trial judge to disqualify himself because of his other business connections with Humble. On October 1, 1969, the fifth circuit ordered Judge Connally to enter an appropriate judgment dismissing all the conflict charges made by the plaintiff.

Surely this case should still, once and for all, the claim that Judge Haynsworth should have disqualified himself from the Darlington cases and the other cases involving customers of Carolina Vend-A-Matic as claimed by Senator BAYH and others. In fact a stronger case could be made in the Humble Oil case for disqualification than in the Darlington-type cases involving customers of Carolina Vend-A-Matic, since the company with which the trial Judge was connected did considerably more business with Humble than Carolina Vend-A-Matic did with any of the companies that came before Judge Haynsworth's court. In addition, the trial judge in the Humble case actually owned stock in Humble, and, as an individual, had other extensive business dealings with Humble, factors which were not present in any of the Carolina Vend-A-Matic cases challenged by the opponents of this nomination.

The Federal Power Commission and Humble Oil cases contain all of the claims of conflict of interest raised against Judge Haynsworth. In fact, in both these cases, the arguments for disqualification are much stronger than in any of the cases which Senator BAYH mentioned in his bill of particulars. Yet the fifth circuit unequivocally held in both cases that there was no basis for disqualification. Among the judges joining in these rulings were Chief Judge Brown and Judge Wisdom, two judges that Joseph Rauh, an outspoken critic of Judge Haynsworth, stated at the hearings on Judge Haynsworth's nomination "would have been heroic additions to the Supreme Court."[2]

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[1] 403 F. 2d 437, 440.

The charges of conflict of interest against Judge Haynsworth evaporate into nothingness in the face of these two fifth circuit cases. If Judge Haynsworth's critics continue to attack him on this basis, the attack will have to be broadened to impugn all the judges of the fifth circuit and others, such as the revered Judge Soper, who, as was reported at the hearings, sat on a case involving the B. & O. railroad while a stockholder of B. & O.[3] The very thought of charging all these other judges with violation of the judicial code and canons of ethics is ridiculous, and it is equally ridiculous, and totally without foundation, to make such charges against Judge Haynsworth.

III

The role of the press—have accurate impressions been conveyed?

> Even when the facts are available, most people seem to prefer the legend and refuse to believe the truth when it in any way dislodges the myth.—JOHN MASON BROWN, Saturday Review.
>
> We live under a government of men and morning newspapers.—WENDELL PHILLIPS.

To be perfectly blunt, the accusations which have been made against Judge Haynsworth by some of his opponents and by a much larger and more vocal group in the press only indicate an unawareness of the record and a total lack of interest in what the standards of conduct currently are for setting Federal judges. But this has not deterred the opposition.

Let us examine some of the remarks in the press. Anthony Lewis, in an article in the New York Times of October 19, 1969, concluded:

> The point about Judge Haynsworth is that he does not have such high intellectual or legal qualifications. Few would call it a distinguished appointment.

Those who know him disagree. Senator JOSEPH TYDINGS, a longtime personal friend of the judge, said of him in the hearings before the Judiciary Committee:

> I think I can say as a lawyer in the fourth circuit I found Judge Haynsworth, as a judge, to be thoughtful, fair and open-minded; and as an administrator and because of my subcommittee chairmanship I have become aware of the work of the chief judges of the several circuits. I have found him to be innovative and indeed, dynamic.

Senator TYDINGS subsequently decided to oppose the nomination in committee for reasons best known to himself.

Charles Allan Wright, McCormack professor of law at the University of Texas and one of the most distinguished legal scholars in the country, wrote to President Nixon:

> I earnestly hope you will remain steadfast in your determination not to withdraw the nomination and that you will use all the powers of your office to obtain confirmation of Judge Haynsworth. To withdraw the nomination would give your opponents an unmerited victory, it would leave a permanent cloud over a man of high character, and it would deprive the supreme court of the services of a judge of great ability.

John Bolt Culbertson, of Greenville, S.C., a labor and NAACP lawyer for many years in the Deep South, has known Judge Haynsworth well and practiced against him. He said of the judge's legal ability in his testimony before the Judiciary Committee:

> Judge Haynsworth, in my opinion, has one of the best legal minds, the most incisive mind that I have run into.

In addition, Chairman EASTLAND has received letters from all the senior district judges in the fourth circuit praising Judge Haynsworth. These are men who have worked with him and seen him sustain and overrule their decisions down through the years. They know his ability and will not be rattled nor silenced by ill-informed newsmen and politicians who ignore the facts and distort the truth.

Let us look at an example of guilt by association often used on editorial pages around the country. The Louisville Courier-Journal in my State said in an editorial on October 14, 1969:

> Senator Cook makes a better front man than Senators Thurmond or Eastland would. It wouldn't look good to have these two racists out front. They are, however, key supporters of the nominee, which should tell us something.

Without commenting on their remarks about our colleagues, I feel compelled to ask who has been nominated for the Supreme Court—Senator EASTLAND, Senator THURMOND, or Judge Haynsworth? What does the fact that Senators EASTLAND and THURMOND are supporting Haynsworth tell us? Does it tell us he is unethical, anti-civil rights or antilabor? It does not. In fact, it says absolutely nothing more than that two Members of the U.S. Senate whom the Courier-Journal happens not to like will be voting to confirm the nomination.

Another sterling example of the distortions and unsubstantiated accusations bandied about is found in the same editorial. The Courier-Journal continued:

> Despite all of Senator Cook's verbal thrashing around, he cannot conceal what the record shows—that Judge Haynsworth has a definite blind spot when it comes to judicial ethics.

The record, which I doubt they have read, shows none of these things. Even the Washington Post, which is unenthusiastic about the appointment, knows better. It accused the judge's supporters of raising these issues because they were so easily rejected.

> It is not that he lacks integrity or honesty or that he has been involved in conflict of interest situations. These issues, it appears, were raised as strawmen by his own friends simply because they can be disproved so readily.

IV

What is Judge Clement F. Haynsworth, Jr., really like?

> For the great majority of mankind are satisfied with appearances, as though they were realities, and are often more influenced by the things that seem than by those that are. (Author unknown.)

The result of the unfounded attacks against Judge Haynsworth has been an inability on the part of the public and many Senators to distinguish between appearance and reality. Therefore, answering the question, "What is Clement Haynsworth really like?" is central to our efforts on behalf of his confirmation. The best way to assess a judge is to look at the quality of his work.

Prof. Bernard J. Ward, for 15 years a member of the faculty of Notre Dame Law School, wrote in a letter to Senator HARTKE:

> When the attacks upon Judge Haynsworth began, they struck me as nightmarish. I had known him for a dozen years through his opinions in the pages of the Federal Reporter. Far from being anti-black, or anti-labor, or anti-anything at all, the Judge Haynsworth I had known from hundreds of opinions was an utterly unbiased, compassionate, very human person. Indeed, the only bias I had ever so much as suspected was one in favor of the most pitiful wretches of all, the inhabitants of our jails. . . .
>
> If there is one sure test of a judge's dedication and commitment to his office, it is his record in prisoner petition cases. Nothing is easier than for the busy or ease-loving judge to neglect those cases. They are invariably brought by friendless, helpless men who have already been afforded the normal channels of redress. Most of the cases are without merit. A judge must carefully consider scores and scores of them before coming on one that merits consideration. When he does find a meritorious petition, it usually involves him in the unpleasant work of calling in question the conduct of a fellow judge or of a member of the bar. It is utterly thankless work, work that a judge will eagerly take up only if he is utterly dedicated to his office.
>
> Judge Haynsworth has eagerly undertaken such work during all of his twelve years on the bench. During the chief judgeships of Judge Sobeloff and Judge Haynsworth, the fourth circuit has become a model for the other ten, and for appellate courts everywhere, in the careful, painstaking consideration of prisoner petition cases. That fact will be attested to by any student of the subject; it is attested to most eloquently by the relatively enormous number of appeals in prisoner petition cases that are pressed upon the fourth circuit each year by those who know it to be sympathetic, indeed, critics of Judge Haynsworth may sneer that he is too hospitable to the claims of prisoners within his circuit, but none can deny that he has spent himself prodigously in an area that no judge would enter who was not driven by the pursuit of Justice.

Professor Ward knows Clement Haynsworth, the judge. It behooves those of us who are undecided to look to the words of persons who are knowledgeable to learn the reality rather than to rely upon the appearance.

Finally, Mr. President, in closing, I wish to read to this body a letter Judge Haynsworth received from a Frederick Leister, whose conviction for involuntary manslaughter he had upheld in an opinion he also had written. *U.S.A.* v. *Leister*, 393 F. 2d 920 (1968).

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[2] Hearings, p. 469.

[3] Hearings, p. 253.

FEDERAL PRISON,
Lewisburg, Pa., October 26, 1969.
Hon. CLEMENT HAYNSWORTH,
Chief U.S. District Judge, Fourth Circuit Court of Appeals, Greenville, S.C.

DEAR JUDGE HAYNSWORTH: If you were to give up now you would be unworthy of the man who wrote the decision in my appeal: The man who saw that I had no attorney and appointed one of high calibre; the man who saw the need for treatment for the mentally ill but who gave society first priority; the man who condemned me to prison and who was right in doing so.

Because of the decision you wrote and your words, I began to strike back against the problems that I myself created. And I'm winning the battle.

This is probably the first time that you have ever been under serious attack for anything and I know how it hurts. Oh how it hurts! I have been under attack since I slipped from my mother's womb but I am not about to give up. Admittedly, I almost did a few times, but somewhere, someone always gave me the strength not to.

Your words helped me. They weren't fancy or glittering words but they were sensible words and I listened to them.

I am on my way back from the road that I once traveled, for the first time in my life, I will become a law-abiding citizen. I am not there yet but I am fast approaching my destination.

If you were to give up now, it would be a disappointment and shock to me that would certainly encourage me (and men like me) to detour if not to do so.

Stand firm, your honor, and stand proud. You have done nothing wrong, only human (and we are all human, aren't we?)

Keep in mind the tribulations that Christ and his followers encountered and yours will be easier to bear, and I am as positive as I am that I sit in this prison cell, that (1) you *will* be confirmed, and (2) that you will become one of the greatest Supreme Court Justices of all times . . .

May God bless you.
Respectfully,
FREDERICK F. LEISTER, Jr.

Let me assure Mr. Leister, today, that those of us who believe in Clement Haynsworth shall not give up until reality prevails over appearance.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. ERVIN. I ask the Senator from Kentucky if the attack on Judge Haynsworth does not come from exactly the same sources that made the attack on Judge John J. Parker.

Mr. COOK. The identical sources.

Mr. ERVIN. Does not the Senator from Kentucky agree with the Senator from North Carolina that, notwithstanding Judge Parker's rejection by a margin of two votes in the Senate, Judge Parker served for many years as the chief judge of the Fouth Circuit Court of Appeals and proved himself to be one of the most able jurists America has ever known?

Mr. COOK. He did, indeed.

Mr. ERVIN. As a premise to my next question I would like to state that after the close of the hearings, the charge was made that Judge Haynsworth owned stock in the Carolina Vend-A-Matic Co. and that that company had contracts with textile firms which were parties to the Darlington case and the Milliken case.

I would like to ask the Senator from Kentucky if the record does not show the only contracts Carolina Vend-A-Matic had with Darlington or Milliken were five contracts, three of them being with Gayley Mill, Clemson Industries, and Mayco Yarns, which really constituted one enterprise. The other mills were Jonesville Products and Magnolia Finishing Plant. So, in effect, they only had dealings with three plants, none of which were parties to the suit.

Mr. COOK. The Senator is correct.

Mr. ERVIN. Does not the Senator from Kentucky agree with the Senator from North Carolina that the record shows none of these textile plants were parties to the Darlington litigation?

Mr. COOK. The Senator is correct.

Mr. ERVIN. Does not the record also show that these matters were called to the attention of Chief Judge Sobeloff of the Fourth Circuit Court of Appeals after the decision in the Darlington case; that the matter was fully investigated at that time; that Patricia Eames, counsel for the Textile Workers Union of America, had called these matters to the attention of Judge Sobeloff; and that there was a complete investigation by the Fourth Circuit Court of Appeals? Also, I wish to ask the Senator if the Fourth Circuit Court of Appeals did not give Judge Haynsworth a complete acquittal of any impropriety in the matter after its investigation?

Mr. COOK. The Senator is correct. As a matter of fact it came as an amazing revelation to me during the hearings, as the Senator will recall, that members of that union and their affiliates testified before the committee and said, "We were aware he was a director and vice president but we did not know his interest." Apparently the union decided it was all right to be a director and vice president and they dismissed it. They did not bring it up in the appeal or in the writ of certiorari to the Supreme Court.

Mr. ERVIN. I wish to ask the Senator from Kentucky if the record does not show that all the transactions between Carolina Vend-O-Matic and any of the mills which later developed as a part of the Milliken chain were completely known to the counsel for the Textile Workers Union right after the Darlington case, and that the Textile Union Workers' counsel did not move to set aside the judgment in the Darlington case and did not see fit to call the matter to the attention of the Supreme Court on the appeal in this case.

Mr. COOK. I might suggest they even knew it within the 30-day period in which they could have filed a motion for a new trial. They not only did not bring it up but they did not bring it up in the writ to the Supreme Court.

Mr. ERVIN. Does not the Senator agree that the counsel for the Textile Workers Union were diligent persons and would undoubtedly have brought this matter to the attention of the Fourth Circuit Court of Appeals on a motion for rehearing or a motion to set aside, or they would have called it to the attention of the Supreme Court if they thought there was any merit to the matter?

Mr. COOK. If they thought there was any merit to it and, second, if they wished to adequately represent their client.

Mr. ERVIN. I wish to ask the Senator if the record does not show that all these matters were known to counsel for the Textile Workers Union and the Fourth Circuit Court of Appeals, and that the Circuit Court of Appeals, through Chief Judge Sobeloff, sent the file to the Department of Justice? I wish to ask the Senator if it does not appear on page 19 of the record that on February 28, 1964, after investigating the matter, then Attorney General Robert F. Kennedy wrote a letter to Chief Judge Sobeloff as follows:

FEBRUARY 28, 1964.
Hon. SIMON E. SOBELOFF,
U.S. Court of Appeals for the Fourth Circuit, Baltimore, Md.

DEAR MR. CHIEF JUDGE: This will acknowledge receipt of your letter dated February 18, 1964, enclosing the file that reflects your investigation of certain assertions and insinuations about Judge Clement F. Haynsworth, Jr.

Your thorough and complete investigation reflects that the charges were without foundation. I share your expression of complete confidence in Judge Haynsworth.

Thanks for bringing this matter to my attention.

Sincerely,
ROBERT F. KENNEDY,
Attorney General.

Mr. COOK. The Senator is correct.

Mr. ERVIN. I would like to ask the Senator if Patricia Eames, attorney for the Textile Workers Union of America, which called this matter to the attention of Chief Judge Sobeloff, did not write a letter in which she stated, in effect, satisfaction with the investigation and the conclusion reached by Chief Judge Sobeloff.

Mr. COOK. She did, indeed.

Mr. ERVIN. I wish to ask the Senator from Kentucky if the record does not disclose that there is no merit whatever in the charge made against Judge Haynsworth that he showed an antiunion bias in decisions in which he participated as a member of the Fourth Circuit Court of Appeals.

Mr. COOK. As a matter of fact, as the Senator will remember, I was very disappointed that legal counsel for the AFL–CIO judged their entire case on 10 cases that went to the Supreme Court. They did not do justice to Judge Haynsworth. They did not take into consideration cases decided at the Fourth Circuit Court of Appeals level which did not go to the Supreme Court.

I asked Mr. Meany, based on the fact that Judge Haynsworth decided in favor of the union about 40 times at the Fourth Circuit Court of Appeals level and was only reversed 10 times on the Supreme Court level, if he did not feel the 4-to-1 record in favor of labor was a pretty good one.

Mr. ERVIN. I believe the record shows that Judge Haynsworth participated in 37 cases affecting labor which were decided in favor of labor.

Mr. COOK. The Senator is correct.

Mr. ERVIN. Does the Senator from Kentucky agree with the Senator from North Carolina that the charge that Judge Haynsworth showed any racial bias is also unfounded, and that the record shows that while he did not anticipate Supreme Court decisions, Judge Haynsworth endeavored to follow those decisions in subsequent cases after they were rendered.

Mr. COOK. I do agree with the Senator, but I think the Senator from New York will attempt to refute that very shortly.

Mr. ERVIN. I would like to ask the Senator this question. I wish to ask the Senator if the American Bar Association committee headed by the very distinguished chairman, Lawrence E. Walsh, did not state to the committee through Judge Walsh:

> Having found no impropriety in his conduct, and being unanimously of the opinion that Judge Haynsworth is qualified professionally, our committee has authorized me to express these views in support of his nomination as associate justice of the Supreme Court of the United States.

Mr. COOK. The Senator is correct.

Mr. ERVIN. Does not the Senator know that subsequent to the bringing out of other matters this committee met again and by a majority vote sustained their approval of the nomination of Judge Haynsworth?

Mr. COOK. The Senator is correct.

Mr. ERVIN. Mr. President, I ask unanimous consent that the Senator from Kentucky yield to me briefly without losing his right to the floor so that I may make an observation or two.

Mr. COOK. I am glad to yield.

The PRESIDING OFFICER (Mr. HARTKE in the chair). Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I would like to say that I did not know Judge Haynsworth personally until he appeared before the Committee on the Judiciary subsequent to his nomination. However, he has been a member of the Fourth Circuit Court of Appeals for my circuit since 1957; and prior to the time I came to the Senate I practiced law rather extensively and read decisions of the Fourth Circuit Court of Appeals. I have continued that practice since coming to the Senate.

From my reading of the decisions of Judge Haynsworth, as chief judge of the circuit, he has demonstrated that he has no bias against any segment of our society; and he has demonstrated he is a sound judge and a good legal craftsman. My honest judgment, having spent most of my life in the law, is that he has the capacity to judge cases which come before him with, as Edmund Burke said, "The cold neutrality of an impartial judge."

I would urge the Senate not to repeat the tragedy which it enacted when it rejected the nomination of John J. Parker in this case. I knew him well. His brother was a classmate of mine at the University of North Carolina. I served in the same unit with his brother in World War I. In my opinion, his brother was the greatest civilian soldier this country ever had. He won every medal that could be given by this country—everything from the Congressional Medal of Honor on down to the other medals.

It was a great tragedy for our country to be deprived of the services of John J. Parker on the Supreme Court of the United States. I sincerely trust that the Senate will not reenact the tragedy of his rejection and deny the United States and its people the benefit of the services of a well qualified man such as Judge Haynsworth.

I thank the Senator from Kentucky for yielding.

Mr. BAYH. Mr. President, will the Senator from Kentucky yield for a moment?

Mr. COOK. I yield.

Mr. BAYH. I have been very much interested in the colloquy between my friend from North Carolina and my distinguished neighbor from Kentucky. I do not want to interrupt his remarks or indulge in a debate or discussion of any length right now because I want him to have the opportunity fully to develop his case. I think we respect each other's differences of opinion on this matter.

I think, that inasmuch as the position of Judge Sobeloff and the accusation made by Miss Eames have been put in the cauldron of discussion, it might be helpful to our colleagues and the public, for me to ask unanimous consent, if the Senator from Kentucky has no objection, to have Miss Eames letter to Judge Sobeloff printed in the RECORD at this time. It appears on page 6 of the hearings.

Mr. COOK. I have no objection.

Mr. BAYH. Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEXTILE WORKERS UNION OF AMERICA,
New York, N.Y., December 17, 1963.

Hon. SIMON E. SOBELOFF,
Chief Judge,
Court of Appeals for the Fourth Circuit,
Post Office Building, Richmond, Va.

DEAR JUDGE SOBELOFF: I have taken the liberty of marking this letter as "personal" because I believe that you should be the first person to see it. It is written to you in your capacity as Chief Judge of the Court of Appeals.

The consolidated Deering Milliken cases were decided by the Fourth Circuit on Friday, November 15, 1963. On the morning of Wednesday, November 20th, our Union received a telephone call in which the caller, who said that he would not identify himself, stated substantially the following:

I believe that you should know that Judge Haynsworth, who voted against your Union in the Deering Milliken case is the First Vice President of Carolina Vend-A-Matic Company, and that two days after the decision in the Deering Milliken case, Deering Milliken cancelled its contracts with the company or companies which previously supplied vending machines to all of the numerous Deering Milliken mills in the Carolinas, and proceeded to sign a new contract with the Carolina Vend-A-Matic Company pursuant to which that Company would supply vending machines to all Deering Milliken mills.

We immediately proceeded to do what we could to check the accuracy of this allegation. The first element checked out readily; there is no doubt that Judge Haynsworth is or was until very recently the First Vice President of Carolina Vend-A-Matic Company. (We do not know the extent, if any, of his shareholding in the corporation, but we are informed that he has been the First Vice President since the company was founded, and that the Judge's former partner in the law firm of Haynsworth, Perry Bryant, Marion and Johnston, in Greenville, Mr. W. Francis Marion, is and has been the President of Carolina Vend-A-Matic Company.) As to the second element of the allegation—that regarding the throwing of the Deering Milliken vending machine contracts to Carolina Vend-A-Matic—we were first informed that a notice was posted in the Drayton Mill of the Deering Milliken chain at some time prior to December 11th of this year stating that as of January 1st, a complete new set of vending machines would be installed in the mill; we were later informed that the most recent story was that as of January 1, Deering Milliken would *take bids from* vending machine companies.

We have seen two credit reports on Carolina Vend-A-Matic Company. (These reports are not our property.) The first of these reports was dated October 18, 1963. The report stated that it was based upon an interview on October 8, 1963 with the general manager of Carolina Vend-A-Matic, Mr. Wade Dennis. (The interview could not have been held any earlier than October 1, 1963, since it includes the statement that volume for *the first nine months* of 1963 had increased about 25% over that for the corresponding period of 1962.) This report stated that the First Vice President of the corporation was Clement F. Haynsworth, Jr. It further stated that annual estimated sales were $2,000,000. It happened that there was a typographical discrepancy in the report: On the first page the report stated that the company had been founded in 1960; on the second page the founding date was stated as 1950.

A second report had been sought to reconcile this typographical discrepancy. The discrepancy was corrected (the proper date was 1950) in a report sent out on December 3rd entitled "Substitute Report of Even Date [presumably October 18]: Correcting Errors in Composition." This report, still stating that it was based upon the October 8th interview, claimed that "C. F. Haynsworth, Jr. formerly shown as First Vice President resigned about September 1, 1963 and no one has been elected to that office." (The corrected report further states that annual sales were estimated at $3,000,000, an increase of a million dolars—which could represent the Deering Milliken contract.) This is apparently an attempt *retroactively* to create a September, 1963 resignation from corporate office for Judge Haynsworth, since the first report of the October 8th interview (which had to have been written later than September 30th) stated that Judge Haynsworth *was* the First Vice President.

I am sure you can imagine that our Union is gravely disturbed. After having lost a case of the most serious importance by one vote, we have been informed that the party which won the case awarded a significant contract to a firm in which one of the judges was interested. The allegations have checked out: (1) In fact, the Judge was (at least until recently) an officer of the corporation, and there has been an effort to hide that fact, and (2) in fact, a notice was posted in the mill at Drayton that the vending machines were to be changed.

Thus far, the allegations are clear and definite—the kind of thing that clearly means something if it is true. Because we see these allegations checking out as apparently true, then we begin to wonder about the import of facts whose significance is less clear. For example, we are informed that Judge Haynsworth is extremely close to former Senator Charles Daniels, who in turn is extremely close to Roger Milliken. If this fact stood alone, we would endeavor not to be purturbed by it, but it does not. Knowing these facts, we cannot help but suspect that the reason why Deering Milliken moved for a hearing en banc was to be sure to have Judge Haynsworth on the panel. We cannot help but wonder whether the sentence in the decision regarding print cloth, which was evidently not a part of Judge Bryan's original text (since it was added in handwriting to the typed manuscript) and which the Court has subsequently, on its own motion, omitted from the decision, was not introduced at Judge Haynsworth's suggestion and then withdrawn at his suggestion because Deering Milliken had pointed out to him that by going this far, he had caused the opinion flatly to contradict the record in the case.

We of course have no subpoena power. We cannot examine the officers and look into the books of the vending machine corporation or corporations which previously had the Deering Milliken contract (the chief among which corporations we believe to be the Spartamatic Corporation of Spartanburg, South Carolina), the records of which should presumably reflect any contract cancellation which may have occurred and the date of such a cancellation. Depending on a number of facts which we do not know but which could be discovered by an investigation with subpoena powers, there may or may not be violations of 18 U.S.C. sections 201 and 202. It would appear, however, that only one fact which is now unknown—namely whether or not the Deering Milliken contract was thrown to Carolina Vend-A-Matic—needs to be known in order to conclude that Judge Haynsworth should have disqualified himself from participating in this decision.

We had intended to wait until January 1st to see whether Carolina Vend-A-Matic machines were installed on that date as the notice at Drayton suggested. But the making of the changes in the financial report and the story regarding a taking of bids suggests that Carolina Vend-A-Matic may already fear discovery and consequently have begun an effort to cover its tracks.

We believe that an investigation should be made immediately. We do not know whether we ourselves should ask the Justice Department to investigate or whether we should leave the handling of this matter entirely up to you. It is clear to us that you are the first person to whom the matter should be referred. Whether or not a criminal violation has occurred, we certainly believe that if the Deering Milliken contract was thrown to Carolina Vend-A-Matic, Judge Haynsworth should be disqualified from participating in the decision in this case, and that the resulting two-to-two decision should lead to the sustaining of the NLRB decision below.

If you have any questions to ask of our Union, either I or anyone else in this organization to whom you may wish to speak will make himself immediately available to you.

Very truly yours,

PATRICIA EAMES,
Attorney for Textile Workers Union of America, AFL–CIO.

Mr. BAYH. Mr. President, I ask the indulgence of the Senator further, if I may, to say that it is important for the Senate to determine whether, indeed, Miss Eames was alleging fraud or alleging conflict of interest.

It is my opinion that when one looks at Miss Eames' allegations as contained in the letter about the anonymous phone call, one sees that the charge made was that Judge Haynsworth was involved in fraud and that——

Mr. COOK. May I say to the distinguished Senator right there, that I cannot quite understand the significance of the charge of fraud in Miss Eames' letter, which I am delighted has been placed in the RECORD—that as a result of this, the judge would have received a greater degree of business for his company, and that he would receive contracts for his company with the litigant, and that, as a result of this, he sat in the case.

Mr. BAYH. I think it is very easy to make a decided distinction.

Mr. COOK. Would the Senator make the distinction for me?

Mr. BAYH. I would be glad to try. I am fully convinced, however, that despite whatever efforts I might make, I am not going to convince my friend from Kentucky on this difference. We are looking at it from two different standpoints.

I do not suggest there was a cabal between the appellate court judge and the textile industry in which the judge sought to get contracts for Carolina Vend-A-Matic. Such an arrangement would have been fraudulent. I think that situation is entirely different from a judge failing to disqualify himself because he has an interest in the corporation involved. I think there is an obvious difference there.

Mr. COOK. Might I suggest to the Senator from Indiana that if he will read the letter from Miss Eames, he will find out that she did not ask that he be tried for fraud, but she asks that if the charge is true, he should be disqualified from participating in the decision. Now disqualification from a decision is very different from a charge of fraud.

She says:

> We certainly believe that if the Deering-Milliken contract was thrown to Carolina Vend-A-Matic, Judge Haynsworth should be disqualified from participating in the decision in this case, . . .

Is that not the issue?

As a lawyer, I conclude, she is saying that the conflict of interest was so gross, that he should not participate in this case. Certainly, after saying that, and charging Judge Haynsworth with fraud, she would be putting his entire career as a judge in jeopardy.

Mr. BAYH. Is the Senator from Kentucky suggesting that if the facts which had been brought to light by Judge Sobeloff disclosed that Judge Haynsworth agreed to vote a certain way in return for contracts, there would be no fraud, despite what Miss Eames suggests?

Mr. COOK. Will the Senator give me a definition of fraud by his standards?

Mr. BAYH. I think the Senator from Kentucky does not need any help from a junior colleague in the Senate on that.

Mr. COOK. I am saying directly to the Senator that I do not agree with him. I am contending that——

Mr. BAYH. All right. That is what I wanted to know.

Mr. COOK. There is a difference between conflict of interest and fraud——

Mr. BAYH. If the Senator does not think this is fraud, then he is looking at it from an entirely different standpoint. I recognize it as fraud. I think that Judge Sobeloff recognized it. I think the only reason this was brought up was that the Senator from North Carolina suggested that Robert Kennedy, former Attorney General, had given Judge Haynsworth's conflict of interest a clean bill of health. It was this matter of fraud that the Attorney General was looking into. It was a spurious charge, an unfortunate charge, and I think it was good that it was laid to rest. None of us—let me make this last observation, and I will sit down and stop interrupting the Senator—none of us who are opposed to Judge Haynsworth have on any occasion suggested that he has been involved in fraud. I do not think he is that kind of man. That is not what concerns me at all. I thank my friend from Kentucky for his indulgence.

Mr. ERVIN. Mr. President, will the Senator from Kentucky yield for just one question?

Mr. COOK. I yield.

Mr. ERVIN. If there was any conflict of interest in the opinion of Attorney General Kennedy, he certainly would not have said that he shared Judge Sobeloff's complete confidence in Judge Haynsworth.

Mr. COOK. That is exactly what the Attorney General said.

Mr. HOLLINGS. Will the Senator from Kentucky yield?

Mr. COOK. I yield.

Mr. HOLLINGS. As I understand it, the Senator from Indiana has asked that the letter of Patricia Eames addressed to the Honorable Simon E. Sobeloff, dated December 17, 1963, be placed in the RECORD, is that right?

Mr. COOK. Yes.

Mr. HOLLINGS. This letter appears on page 6 of the hearing record. Let me read one sentence in the letter, about what is fraud and what is disqualification, because the Senator from Indiana charges fraud. He charges a crime, but he says, "No, we do not question his honesty." The Senator said that——

Mr. BAYH. The Senator is distorting what I said.

Mr. COOK. Mr. President, I think I have the floor. That is not what the Senator from Indiana has said at all.

Mr. HOLLINGS. Now let me get to the crime of fraud, because the Senator from Indiana has made some charges of various crimes. I will talk about the one crime of fraud.

Mr. COOK. Very well.

Mr. HOLLINGS. On page 7 of the hearings, appears a letter by Miss Eames to Judge Sobeloff, the original letter which the Senator has now made a part of the RECORD, in which she discussed whether or not a criminal violation had occurred, and in which she said:

> We certainly believe that if the Deering Milliken contract was thrown to Carolina Vend-A-Matic, Judge Haynsworth should be disqualified from participating.

The entire opposition has constantly maintained, if the distinguished Senator from Kentucky please, that the matter of disqualification was never considered by Attorney General Robert Kennedy, when the actual letter itself raised the very question whether or not the crime of fraud was involved and that they wanted to consider disqualification. That is what Senator Kennedy found. Is that not correct?

Mr. COOK. The point is well made, that there were two issues involved—first of all, "We wonder whether there was a crime or not; we want to find out; and second, under the circumstances, whether or not he should have been disqualified."

Mr. HOLLINGS. That is right.

Mr. COOK. First of all, whether fraud

was committed; and, second whether the judge should have been disqualified from sitting in the case. Judge Sobeloff decided that both of those issues were not valid, and the Attorney General placed all confidence in Judge Sobeloff and in his ruling.

Mr. HOLLINGS. I do not want to labor the point, if the distinguished Senator from Kentucky please, but the Attorney General, Robert Kennedy, not only talks of the charge of crime and considering the matter of disqualification, but, on page 15 of the hearing, in the letter of Simon Sobeloff to Robert Kennedy stated February 18, 1964, it is stated:

> Investigation has convinced us that there is no warrant whatever for these assertions and insinuations.

So they took up all the ancillary or corollary matters relative to the charge itself initially, whether a crime was involved, or even if disqualifications should have been considered, or, otherwise, the assertions, and insinuations of impropriety; and it was clearly put. Is that not correct?

Mr. COOK. As a matter of fact, Judge Sobeloff also said:

> Inasmuch as this relates to alleged conduct of one of our colleagues, the issue is whether he violated the law or should have disqualified himself or, in this case, if he should have been disqualified.

Mr. BAYH. Mr. President, will the Senator answer one question for me?

Mr. COOK. Yes.

Mr. BAYH. Did I understand the Senator from Kentucky, in answer to the Senator from South Carolina to suggest that I had not charged the judge with fraud?

Mr. COOK. Yes; the Senator from Indiana did not say that there was any fraudulent action on the part of the judge. I want to make that clear.

Mr. BAYH. I thank the Senator.

Mr. COOK. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

As in legislative session a message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program;

H.R. 14751. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes; and

H.J. Res. 888. A joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week."

HOUSE BILLS AND JOINT RESOLUTION REFERRED

As in legislative session, the following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program; to the Committee on Finance.

H.R. 14751. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

H.J. Res. 888. A joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week"; to the Committee on the Judiciary

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

THE CIVIL RIGHTS OPINIONS OF JUDGE HAYNSWORTH: THE CASE ON THE MERITS AGAINST CONFIRMATION

Mr. JAVITS. Mr. President, I have refrained until now from stating my views in detail with respect to the nomination of Judge Clement F. Haynsworth, Jr., to the U.S. Supreme Court because I wanted to allow myself and other Senators ample time for a complete review of the merits of this nomination.

The hearings are now complete; the Judiciary Committee has filed its report, and the dissenting views are in. I have reviewed the record and I shall now state my view of the matter.

It is my intention to vote against confirmation. I will do so because I have found, on reviewing the written opinions of Judge Haynsworth, particularly in racial segregation cases, that, without any derogation of him personally, his views on the application of the Constitution to this most critical constitutional question of our time are so consistently out of date, so consistently insensitive to the centuries-old injustice which we as a nation have caused our black citizens to bear, that I could not support the introduction of Judge Haynsworth's judicial philosophy into the Nation's highest court.

I realize that there is much argument as to what should be the standard of decision for an individual Senator in this case, whether it should include what is learned from a man's philosophy, from his decisions. After I have analyzed the cases which have brought me to this decision, I will deal with that question.

Also I do not pass on the question of ethics. That has been stated by other Senators. We have just heard an interesting and illuminating debate on the issue among the Senators from Kentucky, South Carolina, and Indiana. Obviously, those Senators are divided in their views. As its determination was not necessary for my decision, I did not make it. That does not mean there is nothing to it. I just found it unnecessary to decide that question "yes" or "no" and I do not feel that I should deal with it in the presentation of my reasons for voting "no" on this confirmation.

ON THE MERITS—JUDGE HAYNSWORTH'S WRITTEN OPINIONS IN SEGREGATION CASES

I do not intend to analyze at this point every segregation case in which Judge Haynsworth has voted as a member of the court of appeals, for it is not always clear what an individual judge's views really are when he votes for a particular result in a particular case when the opinion is written by another judge. Indeed, in reaching a judgment particularly in en banc decisions, which were for years the rule in the Fourth Circuit desegregation cases, and in per curiam opinions, of which there were dozens on this subject, there is often a complex compromise between opposing viewpoints, so that one can never really know whether a voting judge who is not the author of the opinion really wanted it the way it appears in the published decision of the court.

When a judge himself writes the decision for the court, on the other hand, or where he writes his own dissenting views or a special concurring opinion, we can see exactly how he feels and thinks, for the opinion is in his own words.

I now intend, therefore, to analyze every segregation case in which Judge Haynsworth states his own views in his own words. I think this review demonstrates that, with the exception of one or two cases in which it would have been almost impossible to decide the case the other way, Judge Haynsworth has been consistently in error, systemically and relentlessly opposed to implementation of the Supreme Court's 1954 desegregation decision and consistently sympathetic to every new device for delay for desegregation.

First, it ought to be noted that Judge Haynsworth was on the court of appeals for 5 years before he wrote an opinion in a civil rights case, either for the court or dissenting. Perhaps it was because there was so little desegregation going on until 1963 that the outcome of any particular case in the fourth circuit was unlikely to make much difference in any event. Perhaps it was because Chief Judge Sobeloff chose to assign the decisions to other judges. Suffice it to say that from 1957 until 1962, I have looked in vain for a statement of Judge Haynsworth's views on this question in his own words.

In 1962, Judge Haynsworth, on the Court of Appeals for 5 years, finally wrote his first opinion in a civil rights case. This case, *Dilliard* v. *School Board of Charlottesville* (308 F. 2d 920 (4th Cir-1962))—8 years after the Supreme Court' landmark Brown school desegregation decision—was the first big case involving geographical zoning, in which each Negro had to take the initiative and ask to transfer out of his previously-segregated school. The circuit court struck the plan down, holding that "the purpose and effect of the arrangement is to retard intergration and retain segregation of the races." Judge Haynsworth, in his first civil rights opinion, dissented, arguing—as had been done unsuccessfully 8 years earlier in Brown—that the Negro child is hurt more by being sent to a strange white school than by being left in his black one.

There is a now-famous line in Judge Haynsworth's dissent:

> If separation of Negro children "solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone" [quoting from *Brown* v. *Board of Education*], such a child may be subjected to a much

> more searing experience if, bereft of established friends and relations compelled to attend a school or classes in which all others are of the opposite race.

There is a familiar ring to Judge Haynsworth's words, "searing experience," for that is the very same argument which was made by the attorney general of South Carolina in 1954 before the U.S. Supreme Court in Briggs against Elliott, a case merged with Brown against Board of Education, the landmark case, for decision. The South Carolina attorney general, in his brief to the Supreme Court, said:

> This Court may judicially notice the fact that there is a large body of respectable expert opinion to the effect that separate schools, particularly in the South, are in the best interests of children of both races as well as of the community at large.

That was the argument which the Supreme Court rejected in the Brown case, and yet 8 years after Brown, Judge Haynsworth, having read the decision but seemingly having learned nothing, was still arguing that it was in the best interests of the black children to stay with other black children in black schools. The Court of Appeals in Dillard rejected the school board's argument, Judge Haynsworth's dissent to the contrary notwithstanding, and the Supreme Court denied review and let the majority decision stand. (374 U.S. 827 (1963).)

Now I shall trace Judge Haynsworth's legal views right up to today. I started with the first of his decisions.

Judge Haynsworth's second civil rights opinion came the following year in *Bell* v. *School Board of Powhatan County,* 321 F. 2d 494 (4th Cir. 1963). This was on a technical but critically important point in segregation cases. The question was whether the court of appeals would allow counsel fees to be taxed against the school board for following a course of "undeviating adherence to the system of segregation, sustained by acts of omission and commission." The trial judge in that case had denied counsel fees but was reversed by the court of appeals. But again, 1 year later, Judge Haynsworth dissented and would have affirmed the trial judge, on grounds of trial court discretion—a euphemism, too often in that circuit, for ignoring the obvious.

So far, two out of two.

Judge Haynsworth's next civil rights opinion came in the same year, in *Simkins* v. *Moses H. Cone Memorial Hospital,* 323 F. 2d 959 (4th Cir. 1963). I know that case very well, Mr. President, because I argued about it with the greatest and most ardent strength of which I am capable here on this floor, in the historic debate on the Civil Rights Act of 1964. Simkins was the case in which the plaintiff challenged the constitutionality of a Hill-Burton grant to a segregated hospital receiving State aid in addition to Federal funds. The court—that is, the circuit court—found such Federal aid unconstitutional, but Judge Haynsworth dissented again, on the ground that there was no "State action" and that the hospital, receiving State and Federal assistance, nevertheless would "serve no public purposes, except that their operation contributes to public health." Again the Supreme Court denied review, sustaining the circuit court majority.

Evidently, the rest of the court of appeals felt there was ample State action arising from the use of public funds, and most assuredly there was precedent for applying the 14th amendment in this instance, for the Supreme Court in 1961 had already ruled, in *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715 (1961), that a private restaurant operated under lease from a public parking authority could not discriminate against black customers, because the public lease, and the public land under the restaurant, were sufficient public support to constitute the whole enterprise "State action" subject to the 14th amendment. The Court noted that the parking authority could have required nondiscrimination as a condition of the lease, and stated that "no State may effectively abdicate its responsibilities by either ignoring them or by merely failing to discharge them whatever the motive may be," (365 U.S. 725)—a comment which has particular importance at a time when there is considerable discussion in the South concerning an abandonment of public education altogether in response to the Supreme Court's most recent desegregation ruling.

In any event, the majority of the court of appeals in Simkins did, in fact, find sufficient State action to outlaw discrimination in the hospital involved, Judge Haynsworth's dissent to the contrary notwithstanding, and the Supreme Court denied certiorari, 376 U.S. 938 (1964).

So that is three out of three.

Judge Haynsworth's first majority opinion came the same year in *Griffin* v. *Board of Supervisors of Prince Edward County,* 322 F. 2d 332 (4th Cir. 1963), *reversed,* 377 U.S. 218 (1964).

He was promptly reversed by the U.S. Supreme Court. This case came 9 years after Brown, in a case involving a school board in litigation ever since. The case raised the question whether Prince Edward County complied with an order to desegregate when it closed all schools in the county, although the white parents set up "private schools" for white children only, who then received State tuition grants. Judge Haynsworth upheld the school board, reversing the district court, and held that the closure of the schools satisfied the Constitution even if the school board actually procured the closure. Judge Bell dissented on the ground that the State could not support white private schools while closing the public schools to blacks. Judge Haynsworth was joined in the majority by Judge Boreman; we are told that Judge Sobeloff disqualified himself because he had been of counsel in an earlier connected case. So Judge Haynsworth finally got a majority. But the Supreme Court reversed unanimously, supporting the decision of the trial judge and the dissenting views of Judge Bell.

Wrong four times out of four for Judge Haynsworth.

Eventually, Judge Haynsworth wrote one which stuck. In *Pettaway* v. *County School Board of Surry County,* 332 F. 2d 457 (4th Cir. 1964), the District Court had denied a preliminary injunction which would have restrained payment of Virginia tuition grants and would have required a school reopening. Judge Haynsworth affirmed. For some reason, certiorari was not applied for, and the case never went to the Supreme Court, perhaps because the case only involved interim relief.

Finally, in 1964, Judge Haynsworth wrote an opinion on the right side of a desegregation case—but it is interesting that in doing so, he announced that he disagreed with the result on the merits. In *Eaton* v. *Grubbs,* 329 F. 2d 710 (4th Cir. 1964), an issue like Simkins was raised again—discrimination in a hospital. The Court found sufficient "State action." Judge Haynsworth wrote a special concurring opinion, stating that he still thought he was right in his Simkins dissent, but felt bound by the Circuit Court's en banc decision in the earlier case—despite the Supreme Court's even earlier ruling in *Burton* v. *Wilmington Parking Authority,* 365 U.S. 715 (1961).

Presumably he just wanted to let the world know that, if it were up to him, the hospital could go right on segregating.

Judge Haynsworth's sixth civil rights opinion—a set of opinions—covered several companion cases, *Bradley* v. *School Board of Richmond, Va.,* 345 F. 2d 310 (4th Cir. 1965), and *Gilliam* v. *School Board of Hopewell, Va.,* 345 F. 2d 325 (4th Cir. 1965), both vacated sub. nom., *Bradley* v. *School Board,* 382 U.S. 103 (1965), and *Nesbit* v. *Statesville City* Board of Education, 345 F. 2d 333 (4th Cir. 1965). In Bradley and Gilliam, Judge Haynsworth, writing for the Court sitting en banc, approved a plan of desegregation based on "freedom of choice"—again, a euphemism for forcing each black family to bear the burden of applying for a transfer out of a segregated school, and the risk of various forms of retaliation—which, of course, as we all know, the Supreme Court struck down as soon as the question came before it. The question of faculty segregation was also presented to Judge Haynsworth, but he remanded without directing the district court to consider that question. Judges Sobeloff and Bell dissented as to that part of the case, and would have directed the district court to hold a hearing on faculty segregation. The Supreme Court vacated, agreeing with Judges Sobeloff and Bell, and directed such a hearing. In that particular case, that is, in this case involving freedom of choice, the Supreme Court vacated the circuit court's order, and agreed with the minority.

The same day, Judge Haynsworth wrote the decision in Nesbit, which involved a freedom of choice, "stair step" plan. Judge Haynsworth remanded for a further hearing; Judges Sobeloff and Bell again dissented, referring to their dissents in Bradley. The same result, with the same opinions and the same dissent, on the same grounds, occurred the same day in *Bowditch* v. *Buncombe County Board of Education,* 345 F. 2d 329 (4th Cir. 1965). Why certiorari was not applied for in the Nesbit and Bowditch cases is unknown to me; in any event, the decisions are clearly wrong in light of what the Supreme Court said in vacating Judge Haynsworth's order in Bradley.

Thus, four more decisions find Judge Haynsworth without a single opinion within the framework of the 14th amendment as the Supreme Court had, up to that time, unanimously construed it.

Nine out of nine.

Next came two cases in which Judge Haynsworth did, in fact, vote against a discriminatory practice, but in each instance only when the result was so absolutely clear and unavoidable that there was substantially nothing to decide.

The first of these two cases was *Brown* v. *County School Board*, 346 F. 2d 22 (4th Cir. 1965), in which Judge Haynsworth wrote for a unanimous court in remanding a segregation case for a further hearing, after counsel for both sides of the case had asked for such a remand. The decision, therefore, while not erroneous, was really nothing more than a stipulation and left no issue for the judge to decide.

And thereafter Judge Haynsworth decided *Hawkings* v. *North Carolina Dental Society*, 355 F. 2d 718 (4th Cir. 1966), in which the fourth circuit unanimously ruled that a State dental society, which had, in effect, been given the State's licensing power, was exercising sufficient "State action" to be subject to the nondiscrimination strictures of the 14th amendment. To decide otherwise would have extended Judge Haynsworth's twice-rejected "State action" misconception to permit discrimination in "private" activities which not only had State financial support but also those which carried with them the force of State law. To decide otherwise would have been to abandon equal protection altogether.

But as soon as the next segregation case was presented to Judge Haynsworth for opinion, he was wrong again, and was again reversed by the Supreme Court. In *Green v. County School Board of New Kent County*, 382 F. 2d 338 (4th Cir. 1967), reversed, 391 U.S. 430 (1967), and its companion case, *Bowman* v. *County School Board of Charles County, Va.*, 382 F. 2d 326 (4th Cir. 1963), Judge Haynsworth wrote his landmark "freedom of choice" opinion, holding that a "freedom of choice" plan satisfied the Constitution, whether it produced desegregation or not. Judges Sobeloff and Winter dissented—although agreeing to a remand to the district court on another point—and said that the plans "manifestly perpetuate discrimination." The Supreme Court reversed Judge Haynsworth, basing the decision on the dissents of Judges Sobeloff and Winter and holding that "freedom of choice" is not "an end in itself" and that if there are other plans promising a speedier end to segregation, freedom of choice would be unacceptable.

The Supreme Court's Green decision—that is the case in which Judge Haynsworth was reversed—was handed down on May 27, 1968, 14 years after the school desegregation decision in Brown against Board of Education. Four days later, on May 31, 1968, the Court of Appeals for the Fourth Circuit handed down its decision in *Brewer* v. *School Board of the City of Norfolk*, 397 F. 2d 37 (4th Cir. 1968). We know the fourth circuit opinion in Brewer was actually written before the Supreme Court's Green decision because of footnotes appearing in the published opinions. In Brewer, the school district had drawn geographical school zones and the court of appeals properly stated that the question was whether the plan produced desegregation, or whether discrimination in housing, and so forth, would result under the plan in continuation of unlawful segregation. But Judge Haynsworth again dissented, explicitly stating again his preference for a freedom-of-choice plan.

He could have withdrawn that decision before it was published, but instead, he filed it and let it stand in the teeth of the Supreme Court's Green opinion, thereby, in my judgment, confirming what I think is his general attitude—a gratuitous persistence in error, though only in the form of a dissent.

Last year, after a series of erroneous opinions, Judge Haynsworth finally wrote an opinion in favor of a black plaintiff in a school desegregation case, upholding a district court order to abandon a freedom-of-choice plan—but not because Judge Haynsworth had abandoned his preference for freedom of choice. On the contrary, he simply found that the choice would not be deemed free in this instance because of Ku Klux Klan bombings of those who chose to exercise their freedom. *Coppedge* v. *Franklin County Board of Education*, 394 F. 2d 410 (4th Cir. 1968). Short of a bombing, I know of no case where Judge Haynsworth has abandoned the so-called "freedom of choice" system to this day.

The most recent civil rights opinion Judge Haynsworth wrote was this year in *Felder* v. *Harnett County School Board*, 409 F. 2d 1070 (4th Cir. 1969)—15 years after the Supreme Court decision—in which Judge Haynsworth wrote a concurring opinion again—as he had in the Bell case—supporting the denial of counsel fees; Judges Sobeloff and Winter dissented. We do not know as yet what will happen to that case if it is taken up on appeal.

Those are the civil rights opinions of Judge Haynsworth—all of them, as far as I can tell. Their common thread, which is there for all to see, is an insensitivity to the real meaning of "equal protection" when it comes to racial segregation.

The $64 question, then, is whether that is a proper ground upon which to vote against confirmation of the nomination.

II. THE PROPRIETY OF CONSIDERING A NOMINEE'S JUDICIAL PHILOSOPHY

Mr. President, I will discuss that point because it will be hotly contested.

Many Senators seem to feel that the President has the right to appoint whomever he wants to the Supreme Court and that the only reason we ought to have for refusing to confirm is some overt breach of conduct or violation of ethics or other unlawful conduct or the fact that we do not feel the nominee has the intellectual capacity or the judicial temperament to be a judge.

This expressly excludes, and it has been excluded time and again in the argument, any conception of what a judge represents and what he would bring to the United States Supreme Court as a basic philosophy.

Mr. President, this is the point which I think is a very difficult one for me as a lawyer. I have voted for judges who are much more conservative than I am. And I will do so again.

I voted for Chief Justice Burger and for other justices in various of the courts. These men have a far different philosophy than mine.

I think there is a qualitative limit to this and that the qualitative limit has been reached in this particular case by what I would call the doctrine of "persistence in error."

I do not believe it is my duty to send a man as a judge to the U.S. Supreme Court bench who will make it his fundamental life philosophy to try to bring the Court back to a time which history has passed by for close to 2 decades now. I believe that my duty to advise and consent encompasses the consideration of an issue of that quality.

I do not vote to put a man on the Supreme Court bench—who may be a very facile and very clever and able man—if he is a man possessed of a philosophy so antipathetic to everything that history has established as correct that he would be nothing but a constant threat to drag the Court back to a period preceding that point in history.

I make a distinction in this respect between a judge holding office for life and a Member of the President's Cabinet or another high official of the Federal Government. Let us remember that the latter officials serve at the pleasure of the President, and if the President feels that he would like to have them serve, he ought to be allowed to choose his own agents. They are constantly questioned here. They are subject to being turned out with the President if the people turn out that President. The degree to which we can affect their decision by appropriations, by legislative oversight, and in many other ways is very direct. But when it comes to the Justices of the Supreme Court, very different considerations apply.

A Supreme Court Justice is not an agent of the President. He serves not at the pleasure of the President—indeed, not at the pleasure of Congress. And he serves for life. He is completely independent of both the executive and the legislative branches; and he has authority, as one of nine, to overrule us and to nullify our acts, notwithstanding that we may solemnly pass them. If the prevailing philosophy or the majority view of the people of the United States changes, or if the occupant of the White House or of any seat in Congress changes, the Supreme Court Justice's tenure will remain undisturbed.

You might just as well ask the people of my State not to pass on my philosophy as ask me to be blind to the legal concepts which a Justice of the U.S. Supreme Court has shown by his whole life's work.

In that context, it seems to me that the Senate has the right—and, indeed, the obligation—to satisfy itself not only that the technical qualifications of the nominee merit confirmation but also that his views and philosophy, without regard to conservative or liberal, but nonetheless his views of philosophy, merit confirmation.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. JAVITS. Let me just finish this thought.

Notwithstanding the opposite view expressed in many quarters, there is a long and consistent history of considering the views of Supreme Court nominees and in fact of rejecting nominees whose views were not acceptable to the Senate.

I yield to the Senator from Indiana.

Mr. BAYH. I apologize for interrupting the Senator's trend of thought.

He has just been dealing with a matter which has been tugging at my thoughts ever since this matter came before us. Perhaps confession is good for the soul. I have on previous occasions—the Burger nomination was one example—felt that, under most circumstances, it would not be wise for me to deal with a nominee on the basis of philosophy.

I think the Senator makes a good distinction between a judicial appointment and an appointment to the executive branch. A member of the executive branch is an active member of the team of the administration.

I wonder if the Senator would care to comment on the fact that the degree of relevance of a given philosophical issue might change with the times. I recall very well a telling speech that Whitney Young made during the meeting this summer of the Urban League. He pointed out that there were a number of people in the black community, who were beginning to wonder if they could find redress for their grievances within the system, and this concerned him. If the nomination to the Court of a man who is less than enthusiastic in seeing that this system responds to the legitimate rights of Negroes is going to cause these citizens to try to solve their problems outside the system, I wonder if this does not give us not only the right but also the obligation to consider this whole problem of philosophy in the area of civil rights more seriously today than we might have, say, 10 years ago.

Mr. JAVITS. My opinion is that that is correct. But I am speaking of it in terms of quality. I think it has to be a really historic difference. I do not think I could have made this argument 10 years ago or that it would have been legitimate 10 years ago. But here we have an historic turn in the whole outlook of the Nation, as depicted by what has happened in the field of segregation since 1954; and we have such a landmark of history that Justices of such completely diverse opinions in all these years, in a continuous stream, are acting unanimously in the Supreme Court on a given question; and yet we have in this instance a consistent persistence in this error by an individual, notwithstanding this historic change which year by year has become more deeply imbedded in our system and accepted unanimously by the Supreme Court. Nonetheless, here is an irreconcilable judicial voice constantly reiterating a doctrine of the past. It seems to me that I do not have to vote to make a new center on the Supreme Court which will seek to reverse history.

If the President has the right to appoint whom he pleases, chosing whom he thinks he ought to choose, what does the right of advice and consent of the Senate mean? You might just as well send out a credit reporting agency or the FBI and get the evaluation of a highly professional group of the American Bar Association that this man knows the law and that he has studied the law, and let it go at that. What do they need us for? We are a hundred high-powered men who are supposed to have some brains and judiciousness. We often vote for things and do things which we may not like, such as appropriations for the Vietnam war. We do that all the time. But this is not limitless. There is a point; some question of degree is involved. That is an item which has been overlooked in the whole question of confirming the nomination of Judge Haynsworth.

I noted that, in the dissenting views, really only the Senator from Michigan (Mr. HART) picked up this point. I am not afraid to face it.

This is perhaps a new approach to this question, but I think it is high time; because, frankly, I think the other question of conflict of interest and ethics is pretty confused, and many of the parts of it are not big enough to warrant such a thing as turning down a President. But I do not think there is any question about this, if that is the way the Senator from Indiana thinks, and I, as an individual Senator, have a deep feeling that way; and I will not accept the rule of judgment that I can only turn down a Supreme Court nominee if I can prove he is guilty of some breach of ethics or if he is just a very bad lawyer or if he does not have judicial temperament and gets angry at lawyers on the bench. I do not feel that I want to be limited by this standard.

Mr. BAYH. I agree with the Senator's views. As the Senator knows, I have been concerned with the other aspect, but I am glad the Senator has made his position on this area of civil rights available for our consideration.

Mr. JAVITS. Mr. President (Mr. HUGHES in the chair), I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I wish to comment on the address of the Senator from New York up to this point and ask him a few questions because I feel his presentation this morning on these particular cases brings into very clear focus a point that has been made frequently to me when I am asked to support this confirmation of Judge Haynsworth.

Not being an attorney, I find some of these matters become a little confusing. I feel that this morning the Senator from New York has probably done much to clarify this point, but I do want to make sure I understand the matter clearly and therefore I wish to ask a series of questions.

As the Senator from New York knows, the statement has been made frequently that in the rulings on civil rights cases Judge Haynsworth was merely upholding the established precedent and that, therefore, when the Supreme Court reversed the rulings of Judge Haynsworth, they were, in effect, setting new precedent. As I understand the recitation of these cases this morning and the briefs presented pertaining to them, this argument seems to fall apart. As I understand it, starting on page 2, the cases cited in the first section of the presentation today indicate Judge Haynsworth was actually dissenting and, therefore, the words in his dissenting opinion were not so much against the established precedent but were trying to reverse established precedent. Is that correct?

Mr. JAVITS. The Senator is correct. The judge was really persisting in a judicial position—not a personal position, but a judicial position—which sought to reverse the Supreme Court. I could even accommodate that and still vote for a Judge. When a question is still in the area of debate and discussion I could, but when it is so deeply rooted in the history of the country then, it seems to me, it becomes an article of faith. That is the impression I got from Judge Haynsworth's opinion—he dissented and the circuit court was sustaining, and he wrote for the Court and was reversed.

It is an article of faith with him and I, as a Senator, have to decide if I want to send a man to the Supreme Court who has an article of faith to take the court back to the days before 1954 and to reinstate the separate but equal doctrine which obtained from the latter part of the 19th century until 1954.

It may be argued that there may have been other judges who had that kind of reservation in all those years. I would have a right to evaluate that if they came before us, just as we make an evaluation in this situation. I do not say I am denuded of any discretion except name, rank, and serial number, which is practically what the proponents of Judge Haynsworth are telling me. Hence, I am trying to use my head on this issue. I have voted for judges of a conservative nature and I am sure I will do so again, but this seems more to me than conservatism and liberalism. There is involved an article of faith which he seems to have clung to in all these 15 years. On the basis of that, I do not feel I can vote for the confirmation of the nomination.

Mr. HATFIELD. Mr. President, will the Senator agree that the then-established precedent, to which many of these comments have been addressed, related to Judge Haynsworth merely upholding the established precedent; that really the established precedent was in the Brown case—the landmark case of the Supreme Court—and that he really was going against the Supreme Court in these decisions he rendered.

Mr. JAVITS. The Senator is correct. As the Supreme Court strikes down "freedom of choice" and segregation by zoning ordinances, and so forth, he still persists in his view this was right, not wrong. I feel if he is a zealot on this subject—I am not trying to assail his convictions, his belief, or his character—I do not have to vote for confirmation.

Mr. HATFIELD. On page 4 the Senator cites the Hawkins case and others where he was on the right side of these cases. It was more on the basis, as I understand it, that he had been twice reversed on similar points of law and did not want to make it three times.

Mr. JAVITS. In the Hawkins case the dentist could not practice unless he was in the society. One would have to be blind not to decide the case as he did.

Mr. HATFIELD. In the Brown case, which is just ahead of that case, was it primarily a procedural matter?

Mr. JAVITS. There was a stipulation between the lawyers. I have analyzed every case because I do not want to omit a case. If anyone can show that I have omitted a case I would be glad to acknowledge it. We have tried to show every case in which he expressed himself.

Mr. HATFIELD. Does the Senator from New York agree with the general comment that has been used in the informal as well as the formal debate up to this point that, with regard to whether Judge Haynsworth was upheld in the Supreme Court was not an argument at all; that his dissenting opinions and other opinions that he rendered later showed a differing viewpoint and that the precedent, which was contrary to the Supreme Court, was because of the Brown case in 1954?

Mr. JAVITS. The Senator is correct.

Mr. HATFIELD. This has been very helpful to me as a nonlawyer. I commend the Senator from New York for placing this material in the debate. The presentation is in language which is most understandable. This has been one of the problems confronting me with respect to rulings he may have made at times upholding Supreme Court precedent.

The statement this morning by the Senator from New York (Mr. Javits) has certainly dispelled and crushed that kind of argument which has been injected into this debate at this point.

Mr. JAVITS. I am very grateful to my colleague.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New York yield without losing his right to the floor?

Mr. JAVITS. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. I want to commend the Senator from New York on the statement he has made this morning. He has been very frank in stating that his opposition to the nomination is based upon what he considers to be the philosophy of the nominee.

I think that Senators certainly have a duty to consider the philosophy of the nominee in arriving at their decisions. There are those Senators who have indicated that it is not the prerogative of a Senator to make a decision on that basis. I disagree. While I voted for the confirmation of the nomination of Justice Abe Fortas in the first instance, I was opposed to his elevation to the role of Chief Justice, solely on the basis of his philosophy as I interpreted it from his record as an Associate Justice. Never at any time did I seek to cast any aspersions on his character a a man, his integrity as a Justice, or his ability as a lawyer, and I think I made that amply clear at the time in stating my opposition to his confirmation as Chief Justice.

Thus, here today, the Senator from New York is taking a forthright position in basing his decision in this matter on what he considers to be the philosophy of Judge Haynsworth as he interprets it from the record—the decisions, the opinions, and the rulings in which Judge Haynsworth has participated.

I do not say at this point exactly what my position will be. I am inclined to support the nomination. But I just want to say again that I admire the Senator from New York for making no bones about what his position is and how it was arrived at.

I wish that everyone would be as frank and candid in their approach as has been the Senator from New York.

I have no right to impute any motives to any Senator, but I have the feeling that much of the opposition to this nomination comes from groups and blocs who, like the Senator from New York, are opposed to the philosophy of Judge Haynsworth, so that the matter of conflict of interest, at least, may be considered a smokescreen by some groups and people.

Again, I thank the Senator for being so candid, and for yielding to me at this time.

Mr. JAVITS. Mr. President, I appreciate the Senator's comments. I point out to him that what I am saying today relieves anyone who wants to vote against Judge Haynsworth from the worry that he will destroy him, that he will make a finding against Judge Haynsworth that he is an immoral and an unethical man. We do not have to do that. I do not see any reason why any Senator should be placed in that spot. There is nothing discreditable about being rejected by the electorate—to wit, the Senate—for nomination to the Supreme Court. It depends on the grounds on which it is done.

The other thing I wish to comment on is that I hope the Senator appreciates the fact that the word "philosophy" alone is not the only reason to cause me to vote against confirmation; but I actually read the cases, thinking about them carefully. Mr. Cummings, my administrative assistant, an extremely competent lawyer, analyzed them even further and in greater depth, because I think it is a qualitative judgment for myself, and I would not allow myself the privilege of voting no just because I am a liberal and Judge Haynsworth is a conservative or even an ultraconservative.

But I did feel that this attitude on this particular, major constitutional question, was deeply rooted in Judge Haynsworth, as I said, as an article of faith, and that, I think, is something on order of magnitude beyond what people ordinarily understand when we say "philosophy."

Mr. BYRD of West Virginia. If the Senator will yield briefly further, I have no doubt that the Senator would vote against Judge Haynsworth, or any other nominee, if in the judgment of the Senator there was a real conflict of interest, a clear violation of the statutes, or of the canons of judicial ethics.

So would I. But in this case, as the Senator has so ably stated, the accusations are pretty confused, so that the Senator takes his stand on the basis of the record of Judge Haynsworth, and the opinions, rulings, decisions, and philosophy, if I may again use that word.

I intend to take my stand precisely on the same record and on the judicial philosophy of Judge Haynsworth as I interpret it.

I admire the Senator's candidness.

Mr. JAVITS. I would not wish to have the Senator characterize my views as being confined to ethical questions or other questions.

Mr. BYRD of West Virginia. I thought the Senator used the word "confused" earlier when he spoke. I believe the Record will show that.

Mr. JAVITS. I doubt the Record will show that. I should like to read to the Senator what I said. It is in writing, fortunately. I said:

> I do not pass on the questions of ethics—they have been studied by other Senators who are divided in their views—

Let me interject here that we heard presentations this morning from the Senator from Indiana (Mr. Bayh), the Senator from Kentucky (Mr. Cook), the Senator from South Carolina (Mr. Hollings), and the Senator from North Carolina (Mr. Ervin)—

> and as this determination is not necessary to my decision, I do not make it here.

We often see courts do this. "It is unnecessary to decide it." That is how I feel about this question of ethics. I have made my decision on other grounds. I do not have to find reasonable doubt or anything else in respect to these other questions.

Mr. BYRD of West Virginia. If the Senator will yield further, I assure the Senator that I certainly did not intend to characterize him wrongly. I thought I heard him use the word "confused" when he spoke about accusations concerning ethics. I am having the transcript brought in, because if I am wrong, I am going to be ready to admit it, but I thought the Senator used the word "confused." If he did, I meant no offense in repeating it; and, if he did not, I shall be ready to stand corrected.

Anyhow, I was merely trying to say that the Senator is making a statement that is candid, frank, forthright, and that he is going directly to the point as to judicial philosophy, if I may again use the word "philosophy" as my own choice of verbiage. I admire him for it.

Mr. BYRD of West Virginia subsequently said: Mr. President, a little earlier today a question arose during a colloquy between the able senior Senator from New York and me as to whether he had used the word "confused" in an earlier statement. It was my feeling that he had used the word "confused." He was under the impression that he had not. He was speaking ad libitum of course, at the time.

Accordingly, I sent for the transcript. I will read into the Record the following sentence spoken by the Senator from New York, and I do not feel that I am taking an advantage of him in doing so:

> This is perhaps a new approach to the question, but I think it is high time; because, frankly, I think the other question of conflict of interest and ethics is pretty confused, and many of the parts of it are not big enough to warrant such a thing as turning down a President.

I realize that the Senator did not seek to impute to me an intention to characterize him wrongly. But I just want the Record to show that I did not misunderstand or misrepresent the Senator when I said he had used the word "confused."

Mr. JAVITS. Mr. President, notwithstanding the opposite view expressed in some quarters, there is a long and consistent history of considering the views of Supreme Court nominees, and in fact of rejecting nominees whose views are not acceptable to the Senate.

Senator Thurmond, a year ago, asked Justice Fortas when he testified before the Judiciary Committee:

> Don't you think the members of the Senate, of this Judiciary Committee, are entitled to know what your philosophy is if they are going to consider you for Chief Justice?

And Justice Fortas replied:

> Absolutely.
>
> (The colloquy appears on page 182 of Part I of the 1968 Fortas hearings).

Senator Ervin, on page 107 of the same volume, stated at the Fortas hearings:

> I think it is so important for Senators to know something about the constitutional philosophy of a Supreme Court Justice, particularly a Chief Justice.

And Senator Stennis reviewed the history of the problem and stated in 1955 on the Senate floor:

> Here in the Senate there has been a rather well established practice to the effect that if a President nominates a person of character, honor and ability for appointment, then there is no sound basis for withholding Senate confirmation. So far as appointments in the Executive Branch of the Government are concerned, this is certainly the general rule, and is one that I ordinarily follow. *However, as to judicial appointments, especially at the very top, it has no application whatsoever; and, further, it is dangerous to the Judiciary as an independent branch of the Government.* (101 Cong. Rec. 2830 (1955).)

The massive three-volume work by Charles Warren, "The Supreme Court in United States History," is replete with examples of Senate rejection of Supreme Court nominees, beginning with President Washington's first appointment of a Chief Justice to succeed John Jay—the rejection of John Rutledge in 1795—down through Lincoln's time and later. A classic example is Warren's account of President Tyler's nominee in 1844:

> Finally, on March 13, 1844, Tyler sent to the Senate the name of Reuben H. Walworth, then Chancellor of the State of New York. The new appointee, though unquestionably of the highest legal ability, was not only personally unpopular but politically disliked by the Whigs . . . (Warren, *The Supreme Court in United States History,* vol. 2, p. 389).

In consequence, Walworth's confirmation was postponed on a rollcall vote, and ultimately withdrawn.

As Senator Norris put it when he successfully opposed confirmation of Judge Parker in 1930 solely on the ground of judicial philosophy:

> So we are down to this one thing. When we are passing on a Judge, therefore, we not only ought to know whether he is a good lawyer, not only whether he is honest—and I admit that this nominee possesses both these qualifications—but we ought to know how he approaches these great questions of human liberty. (The full analysis appears in Joseph P. Harris, *The Advice and Consent of the Senate* (1953)).

I cite this example, not to compare the present nominee with any other, but simply to show that the Senate has generally gone beyond mere consideration of a Supreme Court nominee's legal ability and qualifications.

The whole matter is reviewed in more current context by an extensive article in volume 78 of the Yale Law Journal published this year. I will not recite the additional precedents now, but I ask unanimous consent that a brief article published in the New York Times on October 19 of this year, written by Anthony Lewis, a former Nieman fellow at Harvard Law School who for years covered the Supreme Court for the New York Times, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE SENATE AND THE SUPREME COURT

(By Anthony Lewis)

Washington.—In their irritation at the opponents of Clement Haynsworth, some Administration officials are now saying that the issue in the confirmation fight is nothing less than the President's right to appoint Supreme Court Justices. The Senate, they argue, is trying to undermine that prerogative; Senators should support a President's choice for the Court unless he can be shown to be corrupt or incompetent.

But history contradicts that narrow view of the Senate's role. In fact, over the years, the Senate in considering nominations to the Supreme Court has rejected "a proportion far higher than for any other Federal office." So says a leading study, Joseph P. Harris's "The Advice and Consent of the Senate."

In the nineteenth century, when senatorial scrutiny was at its most rigorous, 72 men were nominated to the Supreme Court and eighteen of them—one quarter—failed of confirmation. The eighteen does not include a few others who declined the honor.

Nominees were rejected for a variety of reasons, because of ability or temperament. Some lost in formal votes of the Senate; other nominations were withdrawn in the face of opposition.

President Madison, for example, nominated a Connecticut Collector of Customs, Alexander Wolcott, in 1811. Charles Warren, the great Supreme Court historian, said the general feeling was that Wolcott was a man of "somewhat mediocre legal ability." For that reason a Senate overwhelmingly of Madison's party rejected the nomination, 24 to 9.

GRANT'S NOMINATION

Grant tried three times before he could get a Chief Justice confirmed. His first choice—George H. Williams, his Attorney General—was criticized as a "second-rate" lawyer. His second, Caleb Cushing, a former Judge of the Supreme Judicial Court of Massachusetts, was eminently qualified. But Senators were uneasy at the fact that he had been successively a Whig, Democrat and Republican. The opposition eventually found that he had written an innocent letter to Jefferson Davis during the Civil War and used that to rally opinion against him. Both nominations were withdrawn.

Other nominees in the last century were defeated because they were partisan Whigs in Democratic times, or because they had offended Senators, or because in other offices they had followed objectionable policies. No one could read the record without concluding that Senators in those days felt quite free to make their own appraisal of any man chosen to say the last word in our constitutional system.

Today, most Senators would be more sophisticated and more restrained in the use of their confirmation power. Ironic exceptions are Senators Thurmond of South Carolina and Eastland of Mississippi, two of Judge Haynsworth's principal backers, who have not hesitated to oppose anyone suspected of liberal tendencies. They voted against the only three nominees to the Warren Court who were put to a record vote in the Senate, Justices Harlan, Stewart and Marshall.

The question for most members of the Senate in 1969 is not one dimensional. For example, the fact that a nominee is a so-called strict constructionist in constitutional matters would not necessarily make Senators of a different outlook oppose him; it is easy to think of judicial conservatives whose high intellectual qualifications would have smothered the thought of opposition on philosophical grounds.

The point about Judge Haynsworth is that he does not have such high intellectual or legal qualifications. Few could call it a distinguished appointment.

POLICY AND ETHICS

Along with that basic ground for opposition are doubts about policy and ethics. Those who feel the doubts might say that Judge Haynsworth is a man from a narrow background who has not altogether surmounted it in his view of life and the law, and that in his commercial dealings while on the bench he has at best shown insensitivity to the appearance demanded of judges.

In short, the argument against Clement Haynsworth is not that he is an evil man. or a corrupt one, or one consciously biased. It is that he is an inadequate man for a lifetime position of immense power and responsibility in our structure of government. And any Senator who reaches that conclusion is quite entitled, in precedent and in reason, to oppose his confirmation.

Mr. GRIFFIN. Mr. President, will the Senator yield to me, before he goes on to another point?

Mr. JAVITS. I yield.

Mr. GRIFFIN. I commend the Senator for the contribution he has just made concerning the appropriate role of the Senate in confirmation of appointments to the Supreme Court. I, too, have studied this important work of Mr. Warren concerning the Supreme Court, and I am familiar with the examples that he points out.

Would the Senator from New York agree with me that, although the language in the Constitution is the same with respect to both classes of nominations, the Senate's attitude toward a nomination, say, for appointment to a Cabinet post or position in the executive branch may well be different from its approach and attitude toward appointments to an independent, third branch of the Government, the judiciary?

Mr. JAVITS. Absolutely. I think the distinction is very basic and very real.

Mr. GRIFFIN. I thank the Senator.

Mr. JAVITS. I thank my colleague.

III. THE QUESTIONS STILL IN LITIGATION, AND THE IMPORTANCE OF THIS NOMINATION

To conclude, I have tried to explain why I believe this nominee's views as to the Constitution, particularly in segregation cases, are outside the framework of our time in history, and why I believe we, as Senators, have the right and obligation to base our decision also on this factor.

But need we decide on this basis, after the Supreme Court only a few weeks ago spoke unanimously and unequivocally on the subject of further delay in school desegregation? I ask myself: Will one man make that much difference?

This is my answer: In my judgment, the blight of segregation is still very much alive and of critical importance. Despite the unanimous 8–0 decision ending "all deliberate speed" and requiring immediate school desegregation, the litigation goes on, and there are questions in these cases which are of paramount importance and yet to be decided.

I am told that there are 14 cases now pending in the fifth circuit raising questions of school construction site selection and the breaking up of school administrative units, in each case involving an allegation that the action of the school board involves a device to avoid the Court's desegregation requirements.

What of these cases?

And what of the infinite variety of litigable stalling devices which have already delayed so much school desegregation for 15 years?

And what of the question of award of counsel fees for frivolous appeals for the purpose of delay—a question in which Judge Haynsworth has been unwilling to penalize the offending public authority, and has thereby forced black families to continue to bear the awesome financial burdens of unending litigation costs—as in Judge Haynsworth's Felder and Bell opinions?

That may be unwitting, but it results in black families having to bear the costs of litigation. I saw, myself, how the bar of Mississippi got lawyers in difficulty because of champerty, soliciting law cases, and so forth. So these families just do not have the means to prosecute the cases.

These are important cases yet to come because efforts to "skin" a law one does not like will go on ad infinitum.

And there are doubtless other types of cases in the context of fact situations we cannot now anticipate or even imagine.

In my judgment, the introduction of a judge into the Supreme Court not committed to applying the 14th amendment to the swift elimination of all vestiges of legal discrimination would be a staggering blow to the cause of civil rights. The delicate process of achieving unanimous per curiam decisions in the landmark civil rights cases—begun by Chief Justice Warren in 1954 and followed this year by Chief Justice Burger—would be made much more difficult if not impossible. Under Supreme Court Rules 18, 27, 50, and 51, each Justice of the Supreme Court, moreover, has individual jurisdiction to grant interim relief pending appeal to the Supreme Court in cases coming up from the circuit to which that justice is assigned; and so Judge Haynsworth would be in control, alone, of such relief in his circuit—a matter so often of critical importance in civil rights cases.

These are not minor matters—even for one justice among nine.

So, having reviewed the record and having analyzed the cases, I conclude by stating that I cannot vote to confirm this nomination.

I yield the floor.

U.S. AIR FORCE

Mr. MANSFIELD. Mr. President, there is a nomination at the desk, which was reported earlier today. I understand it has been cleared on both sides. There is a need for prompt action. I ask unanimous consent that the nomination be called up.

The PRESIDING OFFICER. The nomination will be stated.

The **LEGISLATIVE CLERK.** Maj. Gen. Royal B. Allison to be promoted to the grade of lieutenant general.

Mr. MANSFIELD. Mr. President, will the clerk read the explanation at the top of the sheet, so that the Senate will be aware of the need for action?

The legislative clerk read as follows:

> General Allison will be the senior U.S. Military Representative at the United States-U.S.S.R. disarmament negotiations in Helsinki to begin this coming Monday, November 17. His Russian counterpart holds the rank of lieutenant general and General Allison's appointment as a lieutenant general will serve to place him in a more advantageous position if he were in the higher rank at the beginning of the negotiations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the pleasure of the Senate?

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

(At 12 o'clock and 56 minutes p.m., the Senate took a recess subject to the call of the Chair.)

(At 1 o'clock and 8 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia in the chair).)

(By order of the Senate, the following proceedings occurred as in legislative session.)

PEACE DEMONSTRATIONS

Mr. McGOVERN. Mr. President, this week, tens of thousands of people from all parts of the country, young and old alike, are in Washington for the purpose of expressing their concern and their views with reference to our policy in Vietnam and with reference to other issues that are of concern to them—especially to the young people who comprise this large crowd of visitors in the Nation's Capital.

Mr. President, I wish to say how pleased I am that the first news reports on the activities of last night and again today indicate that these Americans who are visiting here in the Capital are conducting themselves as I fully expected they would, in a climate of dignity, good taste, and genuine conviction. These people come in an atmosphere of peace. They come here for the purpose of expressing their opposition to violence, not to perpetuate it.

I wish to read just a few of the observations that were made to newsmen last night and during the afternoon by young people visiting the Capital. For example, in today's Washington Post Mr. Tom Schiele, of Haverford College, is quoted as follows:

> If this comes off poorly it's going to have a very bad effect for the peace movement.
>
> So it is my responsibility to try and make it come off peacefully—and to try to keep the kind of dignity the October demonstrations had. And I really think the U.S. has no business being in Vietnam, and that's why I'm involved in the peace movement.

He went on to say:

> I suppose this may be the largest demonstration ever assembled in Washington. It's sort of the climax of everything that's been going on in the peace movement the last three years.

Mr. President, to me that represents the tone, not only of the young man dedicated to peace, but of a mature and dignified citizen who is entitled to the respect and confidence of all of us; and beyond that he is entitled to be heard in what he has to say about the policies of our country.

Mr. David Hawk, whose name is known to us as one of the four principal directors of the October moratorium as well as the November moratorium, who is participating now as a member of the steering committee of the mobilization, referred in his conversations with the Washington Post reporter to what he called a new youth culture. He calls it a youth culture, a culture that believes in love, peace, joy, not war, death, and destruction.

Then, another young man, Mr. Albert Winn, of Philadelphia, is quoted as saying:

> They're the ones that are being sucked into a machine they don't believe in. They don't believe in the draft. They don't believe in Vietnam, but they have to go.

He went on to say:

> There's a different scale of values that's beginning to evolve. I think basically we are beginning to evaluate things on a more humanistic side. A lot of us don't seem so technically oriented, though granted we live in a highly technical world.

Then still another young person from Penn State is quoted as saying:

> There's just one thing I would like to say. I would like to live for my country, not die for it.

Mr. President, those sentiments really express more eloquenty than I can what I also feel about issues that are at stake, the policies that are under question, and what the objectives are of the people who are walking, speaking, and demonstrating in our city this week.

I would like to add a special note of commendation to the mayor of this city, Mayor Walter Washington, and his chief of police, Jerry V. Wilson. Mayor Washington came to my office the day before yesterday and met with a group of Senators to explore what we might do together to insure that the events of this week were handled with maximum effectiveness. I think he deserves the appreciation and admiration of all of us for the kind of leadership he has provided in opening up this city and these facilities and providing its services, not only for the protection of the citizens who live here, but also for the protection and comfort of those who come here from other States to visit in our Capital. This Capital, after all, belongs to no one of us but to all the people of this country, including those who are here this week.

I wish to quote from the instructions that Chief of Police Jerry V. Wilson gave to the 3,000 members of his force. This is what he had to say:

> Members of the force, in handling the many unusual circumstances that arise, shall be patient, discreet and solicitous of the citizens of our own city, as well as the multitude of visitors here during this demonstration . . . Arrests for minor infractions shall be held to an absolute minimum.
>
> It is imperative that every man and every official do his utmost to see that . . . when the demonstration is over . . . the participants . . . may look back on this day with pleasure and that there will linger in their hearts a genuine esteem for our department.

Mr. President, that is the kind of law enforcement officer I endorse; that is the kind of law enforcement, based on justice, compassion, good taste, and a sense of proportion that could have avoided much of the anguish and violence we have seen elsewhere in the country. I cannot praise too highly this fine young law officer, Chief Jerry V. Wilson, for the leadership he has shown, or the mayor of this city.

There is one final note I wish to add for the RECORD. I refer to the meeting in my office Wednesday with a group of Senators. That meeting was attended by the Senator from Idaho (Mr. CHURCH), the Senator from Maine (Mr. MUSKIE), the Senator from Oregon (Mr. HATFIELD), and the Senator from Iowa (Mr. HUGHES). In the course of those discussions we worked out a statement which was later signed by some 19 other Senators. I shall read the statement first and then list the names of Senators who signed it. The statement reads as follows:

> BIPARTISAN STATEMENT BY U.S. SENATORS,
> NOVEMBER 12, 1969
>
> This week thousands of Americans of all ages, concerned about the future of our country, are coming to their Nation's Capital to express their views. The numbers may be unprecedented. Whether or not all citizens agree with their position, we can agree that they have a right to come here peaceably to express what is in their hearts and on their minds.
>
> In order to insure that their stay here in Washington will be peaceful, constructive, and useful, there is a responsibility upon all of us in the Washington area to welcome them and extend our hospitality.
>
> There are some very practical human needs involved in the assembling of this number of people, including sanitation, food and lodging. Mayor Washington has taken the lead in meeting these requirements, to better insure good order in the City and to make these Americans feel welcome.
>
> We appeal to the universities of the area, to the churches and schools and residents, to open their facilities, their hearts, and their homes to their fellow Americans who come in peace to their capital.
>
> The leaders who have organized this week's activities are pledged to a peaceful, constructive assemblage.
>
> It is a matter of the utmost urgency that the people of the Washington area respond in the same spirit.
>
> Because of limited housing and feeding facilities, we strongly urge all persons coming to Washington for the Saturday events not to arrive before Saturday morning and to leave by Saturday evening.

That is, as distinguished from the march and activities of last night and today, and because of the difficulty of housing people overnight and because of the chilly, damp weather.

> We further urge that participants bring box lunches and their water supply with them. Persons wishing to offer lodging or other assistance should call 737-8605 (area code 202).

Mr. President, the statement was signed by the following Senators, including the Senator from Ohio (Mr. YOUNG) and the Senator from California (Mr. CRANSTON), who are now in the Chamber: BIRCH BAYH, Democrat, of Indiana; FRANK CHURCH, Democrat, of Idaho; ALAN CRANSTON, Democrat, of California; CHARLES E. GOODELL, Republican, of New York; MIKE GRAVEL, Democrat, of Alaska; FRED R. HARRIS, Democrat, of Oklahoma; PHIL HART, Democrat, of Michigan; HAROLD E. HUGHES, Democrat, of Iowa; EUGENE J. MCCARTHY, Democrat, of Minnesota; GEORGE MCGOVERN, Democrat, of South Dakota; J. W. FULBRIGHT, Democrat, of Arkansas; and WILLIAM B. SAXBE, Republican, of Ohio.

THOMAS J. MCINTYRE, Democrat, of New Hampshire; LEE METCALF, Democrat, of Montana; WALTER F. MONDALE, Democrat, of Minnesota; EDMUND S. MUSKIE, Democrat, of Maine; GAYLORD NELSON, Democrat, of Wisconsin; CLAIBORNE PELL, Democrat, of Rhode Island; WILLIAM PROXMIRE, Democrat, of Wisconsin; ABRAHAM RIBICOFF, Democrat, of Connecticut; RALPH YARBOROUGH, Democrat, of Texas; STEPHEN M. YOUNG, Democrat, of Ohio; and DANIEL K. INOUYE, Democrat, of Hawaii.

Mr. YOUNG of Ohio. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. YOUNG of Ohio. I congratulate and compliment the distinguished Senator from South Dakota on the fine statement he has made today.

I wish to associate myself with the position he has taken. I know that the distinguished Senator from South Dakota has received many scurrilous letters and telegrams denouncing him as a Communist sympathizer, and appeaser, and other vicious epithets.

I think perhaps it is fitting for me at this time to say that the Senator from South Dakota was one of the earliest, if not the earliest, speakers in this Chamber opposing our involvement in the civil war in Vietnam and denouncing the sending of hundreds of thousands of American soldiers there approximately 50,000 of whom have now lost their lives. In addition, some 256,000 have been wounded in combat, many of them miraculously saved because of the advances in medical science, but, nevertheless, many will be mained as long as they live.

The Senator from South Dakota who has been a courageous leader in this fight, and I associate myself with everything he has said today.

Mr. President, it happens that on two occasions, in 1965 and again last year, I spent nearly a month in South Vietnam on a fact-finding mission. I know that he speaks truthfully. Yet, the distinguished South Dakota Senator, who was the recipient of the Distinguished Flying Cross for his heroic services in World War II as a valiant pilot who challenged death in death's own domain above the clouds over a foreign land, has been vilified by many right-wing extremists who question his integrity, none of whom, I am sure, has ever worn the uniform of his country in time of war.

I not only compliment him, but I shall also be glad to be with him on the platform tomorrow in the ceremonies to be attended by so many people from throughout the Nation. Once more, I congratulate this great American who has just spoken here.

Mr. McGOVERN. Mr. President, let me thank the Senator from Ohio for what he has had to say.

It is a fact that, like other Senators, I have received some scrurrilous mail.

It occurred to me that I should confer with the Senator from Ohio as to the proper kind of reply to make to those letters. I know something about his eloquence and imagination in handling that kind of letter the way it should be handled. Perhaps he and I can get together on that question later on today.

I thank the Senator from Ohio very much for his kind words.

COMMUNIST CHINA: AN ASSESSMENT

Mr. DOMINICK. Mr. President, in view of our preoccupation with the problems in Asia, the recent assessment of Communist China by the Committee of One Million, on which I serve as a member of its steering committee, is particularly valuable.

In April of 1969, Lin Piao quoted

Chairman Mao as saying that the Chinese People's Liberation Army is the main component of the state which must do all in its power to engage in all types of revolution around the globe.

After naming the United States and the Soviet Union as its prime enemies, he stated that he and Mao, after Vietnam, would direct their attention to the export of violent revolution throughout Southeast Asia.

Mr. President, he applauded the violent dissenters in this country and called for peoples' wars in Africa, Asia, and Latin America.

I do not believe that this recent statement of the policy of the leaders of Red China should give us any encouragement over its willingness to abide by the United Nations Charter, or to live in peace with its neighbors.

Mr. President, I ask unanimous consent that the text of the statement, "Communist China: An Assessment," be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Communist China: An Assessment

Twenty years have elapsed since Mao Tse-tung and his Communist followers completed the subversion and conquest of the China mainland.

For the estimated 650 to 700 million Chinese people the past two decades have been marked by a turbulence and tyranny seldom, if ever, paralleled in 4,000 years of recorded Chinese history.

It is both timely and proper that an assessment be made of Red China today. This report will attempt, as briefly as possible, to provide such an assessment.

On April 1, 1969, 1,512 delegates, handpicked by the supporters of Mao Tse-tung after repeated delays and much difficulty, convened the Ninth Congress of the Chinese Communist Party in Peking's "People's Hall."

Though the Party Constitution adopted by the Eighth Congress in 1956 ordered that a session of the National Party Congress be held annually, none had been called since the end of the second session of the 8th Congress in May, 1958—a span of 11 years.

Why?

Largely because Mao Tse-tung embarked on programs that were to send mainland China into severe convulsions during those eleven years, beginning with his Great Leap Forward and ending with his Great Proletarian Cultural Revolution.

The principal result of the Great Leap was to set back China's economy by uprooting its agricultural plant through the institution of rural communes and by dislocating the small but promising industrial plant the Reds had captured from the Chiang Kai-shek period.

The principal result of the Cultural Revolution has been to unravel the entire fabric of traditional Chinese life, close down its schools, create near-anarchy in cities, towns and countryside and submit an entire nation to the stifling memorization of the Thoughts of Mao Tse-tung, the wisdom of Mao Tse-tung, the omniscience of Mao Tse-tung and the idolatry of Mao Tse-tung.

Between what amounted to a Great Leap Backward and a Revolution Against Culture, the most heavily populated nation in the world has been placed in limbo, literally going nowhere fast in a century when social, economic and political progress are mankind's most urgent business.

According to testimony from the endless procession of refugees from Communist China and by the admission of some of Mao's ardent Western supporters who have been permitted to visit Red China in recent years, most of Mao's much heralded "agrarian reform" programs have been failures. Food grain production alone dropped by five million tons in 1968.

China's industry is still woefully miniscule for a nation with such a vast labor pool. It is particularly retarded in providing consumer goods that would be considered commonplace in any other land—even in other Communist countries.

The simple hoe is still the primary agricultural tool. The bicycle is the most cherished and popular available mode of transportation. Not a single mile of sorely needed new railroad track has been built in the past ten years. Matches, soap, most meats, many vegetables, tobacco and other everyday consumer goods are strictly rationed. Cloth is so hard to obtain that relatives living outside Communist China are urged by their loved ones within to send pieces of yard-goods rather than money in order to provide new patches for worn out clothing.

Even in the field of education where the Communists initially continued the great strides made before the Japanese invasion in reducing illiteracy and expanding the number of schools and teachers in China, Mao's personal campaigns of "leaps" and "anti-culture" have slowed development to a virtual standstill.

During the "cultural revolution," largely as a means of making available large numbers of young people for the Red Guards and the resultant riots and demonstrations, Peking ordered schools closed, colleges and universities shut down, and faculties purged.

It is estimated that since 1966 the stifling effect of limiting all reading, discussion and thinking to the "thoughts" and "works" of Mao Tse-tung, coupled with the closing of schools and the sending of 160,000 competent teachers to work in the countryside in order to learn the "wisdom of the peasants," may have set mainland China's future back more than a decade.

Even the People's Liberation Army newspaper "Red Flag" recently had the courage to admit that the young people of Communist China were becoming bored with reading nothing but Mao's words and suggested, editorially, that perhaps it would be healthier if Red China's youth was exposed to outside writings even though these might, of course, convey "dangerous" ideas.

Only in the field of nuclear weapons where Peking has fanatically concentrated its economic and scientific resources has Communism managed to produce any significant advancements.

By ignoring the needs of the Chinese people, Mao Tse-tung's followers have been able to saturate vast reaches of the world with propaganda, subversion and—in the case of Southeast Asia—outright promotion of terrorism and violent revolution in the name of so-called wars of national liberation.

It is little wonder, therefore, that it took so long to call a Party Congress, particularly after Mao's costly "leaps" and "revolution" led to sharp schisms within the Party hierarchy and forced him to turn to the mob rule of the youthful Red Guards in order to stay in power at all.

Like everything else Mao has tried in China, the Red Guards got completely out of hand. Today Peking rules uneasily over a strife-torn, anti-Maoist and increasingly anti-Communist population of restive peasants, workers and intellectuals only by virtue of the PLA—the misnamed People's Liberation Army.

To keep that army on his side, Mao has paid a tremendous price. He forced the Ninth Party Congress to officially designate his trusted comrade, Defense Minister Lin Piao, as his successor. He gave PLA commanders a disproportionate share of the seats in the Party Central Committee. He has also turned over control of key regions and provinces of mainland China to Lin's generals. Although a dedicated Marxist-Leninist whose famous "thoughts" include an admonition that the Party must always be master of the army—never the reverse—Mao now relies almost entirely on the military to maintain his dictatorship over the Chinese masses.

Aside from Mao and Lin, who runs China today?

First, consider the composition of the new Central Committee elected by the Ninth Congress.

Of the 170 full members, 58 are Communist revolutionary cadres including Mao himself, Seventy-three are PLA military chiefs, including Lin Piao. Thirty-nine appear to represent so-called organizations of the masses—peasant unions, workers groups, etc.

The Ninth Congress was in secret session for 24 days—the longest meeting of a Chinese Communist Party Congress in history This tends to confirm reports that even with handpicked delegates Mao and his closest aides had difficulty in arranging their new Constitution and the composition of the Central Committee.

On April 28, the Committee elected a new Politburo chaired by Mao with Lin Piao as Vice Chairman. The Standing Committee of the Politburo, which formerly consisted of eleven members, was reduced to five to give Mao absolute control of the decision-making process. Aside from Mao and Lin, the others are Chou En-lai, Mao's long-time Premier, Chen Po-Ta and Kang Sheng, both of whom are old-line regulars in Mao's camp.

Of the 21 Politburo members—including the five on the Standing Committee—eleven are from the army—assuring the PLA control of Red China's political affairs in the future.

Since the Ninth Party Congress, two important internal developments have occurred. One is that official Peking publications are suddenly listing Mao—for the first time since he gained control of the mainland in October, 1949—as a co-equal commander with Lin Piao of the Peoples' Liberation Army. This is being interpreted by Hong Kong observers as an indication that Lin's health may be sufficiently in doubt to force Mao to assume a title he so long frowned upon simply to protect the continuity of his grip on the army.

The other development is the emergence of Finance Minister Li Hsien-nien as acting (if not actual) Foreign Minister amid strong indications that he may become Premier if another strong indication becomes a fact: Premier Chou En-lai may be named the figurehead President of the Chinese People's Republic. Peking has become sensitive to the fact that since the purge of President Liu Shao-chi no one has replaced him. When Chou led the delegation to the funeral of North Vietnam's Ho Chi Minh, Cambodian Premier Sihanouk noted that no head of state except himself paid homage to the deceased dictator of Hanoi—not even a "President of the Chinese People's Republic."

In the eyes of Asians—even Communist Asians—this is almost unforgiveable.

Such is the hierarchy which rules China today.

Since it is obvious the military now governs Communist China, what is its strength and composition?

At the present time, Comunist China presents an overall picture of military weakness rather than strength. The People's Liberation Army (PLA) can, of course, draw upon an enormous population base, amounting to perhaps 150 million men of military age. The Chinese Communists themselves claimed in 1958 that there were 170 million people in the "People's Militia." But it is obvious that the economic and technological base of mainland China is capable of supporting only a fraction of such numbers in terms of all-important equipment and logistics. Fighting on their own territory, the Chinese masses would constitute a formidable problem to any invader. But in terms of offensive capability, Peking is still in no position to take on any first class military power.

The numerical strength of the PLA is estimated to have been between 2,150,000 and 2,540,000 before the outbreak of the Cultural Revolution in 1966. It may be slightly higher at the present time. Most of the estimated 110 to 130 divisions still consist of lightly equipped infantry. There are only seven or eight completely motorized divisions. Tanks number about 3,500 and artillery pieces 6,500. Modernization of heavy equipment is lagging, but there has been a thorough modernization of light weapons since the early 1960's, so that by now nearly all units of the army should have received new rifles and light machine guns.

During the early and middle Fifties, the Chinese Communists received a great deal of assistance from the Soviet Union in building an Air Force. In 1958 the numerical strength of the Air Force reached 3,332 aircraft, including 2,614 jets. The development of the Sino-Soviet dispute, however, brought an end to Soviet aid and throughout much of the 1960's both the quantity and the quality of the Chinese air forces has declined. In December, 1966, the overall strength of the Air Force had dropped to 2,792 aircraft, according to intelligence sources. This figure included 2,354 jets, of which 1,844 were fighters. Only 290 of these had been manufactured after 1960, and nearly 1,200 were more than 8 years old.

The Chinese Communist Navy is still the weakest part of Peking's military establishment, although the adapability of missiles to small surface ships and submarines may soon increase its effectiveness.

The Navy is designed primarily for coastal defense. In addition to an assortment of old destroyers, frigates, escorts and minesweepers, the Chinese surface navy is built primarily around high speed patrol boats of the Osa and Komar classes, which are armed with short-range surface-to-surface missiles. The effectiveness of such vessels—designed by the Russians—was demonstrated in 1967 when one was used to sink the Israeli destroyer *Eilat*. The Chinese are continuing to build these types of ships as well as gunboats and torpedo boats.

The Chinese have perhaps 40 to 50 submarines—all of them diesel-powered. Secretary of Defense Laird reported in May, 1969, that the Chinese Communists do have one Soviet-type diesel-powered G-class missile-launching submarine, although there was at that time no evidence that they had as yet developed a missile for it.

Red China's major military threat to the United States (or the Soviet Union) will come into being when, and if, she develops an ICBM capability. Through September 30, 1969, Red China has detonated nine nuclear devices, including six with thermonuclear materials. It is probable that she now has a limited stockpile of nuclear bombs, and her nuclear capabilities can be expected to grow gradually over the next few years.

The ICBM development program has not, however, progressed as rapidly as had been estimated. The first flight test was expected before the end of 1967, but has not been confirmed. And although tests have been conducted with medium range ballistic missiles (MRBM), no actual deployment has as yet been discovered. Inasmuch as this deployment is now two years behind schedule, either technical or political problems must be the cause of the delay. In any event, testing is continuing, according to Secretary Laird, up to ranges of about 1,000 miles. The intelligence community continues to believe that the Chinese intend to deploy a MRBM system. But even if they were to do so soon they could not have an operational MRBM force until late in 1970. By the mid-1970's they could have a force of 80–100 operational MRBMs, which would pose a direct threat to Red China's Asian neighbors.

A serious military weakness of Communist China is that purely military training has often been sacrificed at the expense of political indoctrination.

Until the Cultural Revolution showdown and the Red Guards convulsion, the military avoided direct intervention in what was developing into a civil war between pro- and anti-Mao factions. When Mao finally ordered the army to support him with force if necessary, many of the local military commanders sided with the anti-Maoists. Consequently, there is considerable speculation that PLA morale is currently at a low ebb.

The current Sino-Soviet dispute dates from about 1956–57. Peking reacted negatively to Khrushchev's "de-Stalinization" speech in 1956, while the Soviets opposed the economic misadventures of the Great Leap Forward. At the 12-nation conference of Communist parties in November, 1957, the Chinese Communists challenged the thesis that there could be a "peaceful transition" to socialism in the capitalist world. A further sharp conflict erupted at the World Communist Conference in November, 1960. Relations were also exacerbated by the Soviet failure to support Communist China militarily during the Quemoy Crisis of 1958, and by what the Chinese called Soviet "capitulationism" at the time of the Cuban missile crisis in 1962.

During 1964–65, Communist China sought to organize an Afro-Asian Conference which would exclude all whites, including the Soviet Union, which it branded a "colonial power" in Asia. The attempt to ban the U.S.S.R. failed, and the Conference had to be abandoned.

This and other Chinese foreign policy reversals almost certainly played a part in the initiation of the Great Cultural Revolution in 1966. The Cultural Revolution adopted an extremely virulent anti-Soviet tone, resulting in the purging of all those elements in Communist China which might be at all favorable to the Soviet Union. For example, there is some evidence that the purged military Chief of Staff, Lo Jui-ching, wished rapprochement with Moscow for the purpose of making common cause in the Vietnam war. And such Party opposition leaders as Liu Shao-shi and Ten Hsiao-ping may have wished better relations with the U.S.S.R. for the purpose of achieving economic assistance for China's internal development.

The Sino-Soviet conflict approached the explosion point in the summer of 1969, following military clashes along their border which were probably provoked by the Chinese. The ostensible reason for the border trouble was Peking's claim to territories which were seized by Tsarist Russia a century ago. The leaders of both Communist giants have now formally warned their peoples of the danger of war with the other. In July and August of this year the Soviet Union substantially increased its military forces along the Chinese border and conducted a series of military maneuvers. Rumors have been circulated concerning a possible preemptive Soviet strike against China. It was in this charged climate that Soviet Premier Kosygin met with China's Chou En-lai in early September, following the death of North Vietnam's Ho Chi-Minh. Since then Peking has agreed to further talks and a Soviet delegation arrived in Peking for preliminary discussions in October.

Communist China's Ninth Party Congress was shrouded in mystery. Only three official releases were distributed and the number of delegates present fell far short of the original plan of the Maoists which called for a "mass rally of 10,000 people" with seven to eight thousand delegates and about 2,000 foreign guests.

Unlike previous meetings of the Party high command, the Congress came forth with more theory than practical planning although they did reaffirm their devotion to Mao and his "thoughts."

Lin Piao's political report received the most attention and the Congress adopted the new constitution. The constitution also gave co-equal status to the Soviet Union and the United States as Red China's number one enemies: the first because of alleged revisionism, "social imperialism" and opposition to Mao, the second because Peking views the U.S. as the leader of capitalist imperialism.

Lin's speech was significant because it amplified Mao's famous statement of October, 1968, in which he declared:

"Therefore, we cannot speak of final victory, not even for decades. We must not lose our vigilance. The final victory of a socialist country not only requires the efforts of the proletariat and the great masses of the people at home but also depends on the victory of the world revolution and the abolition of the system of exploitation of man by man over the whole world. . . ."

Mao also stated at that time, and Lin repeated it during the Congress:

"With regard to the question of world war, there are but two possibilities. One is that the war will give rise to revolution and the other is that revolution will prevent the war."

Lin's political report sounded forth most strongly on two fronts. First, he denounced foes of Mao Tse-tung as "heretics" who must be obliterated from the China scene. He insisted that Mao is both the founder and leader of the international Communist movement following Marx and Lenin. (In the 24,000 words of his message to the Congress, Lin mentioned "Chairman Mao" and "Mao Tse-tung's thought" a total of 148 times.)

Second, Lin discussed revolution at home and abroad. Internally, he declared that the Cultural Revolution must continue to weed out class opponents of Mao. He admitted there are deep divisions within mainland China that make the so-called class struggle between "the socialist road and the capitalist road" so touch-and-go that Communist China is faced with "the danger of capitalist restoration."

Lin asserted that the only hope for Mao's regime is to "exercise all-round dictatorship of the proletariat in the superstructure including all spheres of culture, and strengthen and consolidate the economic base of socialism."

With respect to the outside world, Lin added that Maoists are convinced that the only way to preserve and consolidate political power is to strengthen their rule by internal violence and speed up the export of external revolution.

Lin also quoted Mao as saying that the PLA is "the main component of the state" which must do all in its power "to engage in all types of revolution around the globe."

He specified—in no uncertain terms—that winning the war in Vietnam by forcing America's withdrawal is of prime concern to Peking and that Red China intends to step up its efforts to promote "revolutionary struggle" in Laos, Thailand, Burma, Malaysia, Indonesia, India, Palestine and regions in Asia, Africa and Latin America.

He hailed the "just struggle" of the "proletariat, students and youth, and the masses of black people of the United States" and "all the just struggles of resistance against aggression and oppression by U.S. imperialism and Soviet revisionism."

He even called for a revolution in the Soviet Union but he said after Vietnam, Mao and he would direct their attention to the export of violent revolution throughout southeast Asia.

It is because of this virtual declaration of war against what remains of free Asia by Lin Piao—and Communist China's aggres-

sions against Tibet, India, South Korea, etc.—that so many free Asian leaders are now speaking openly of their fears for the future of their countries.

Finally, Lin reminded his audience at the Ninth Congress of his September, 1965, declaration in favor of so-called "People's Wars." He likened the less developed regions of Africa, Asia and Latin America to the "countryside" in which Communist revolutionaries could launch violence, terrorism and subversion on so many fronts that eventually they would encircle and engulf the advanced countries of Western Europe, North America and Japan, which he described as the "cities." It is just this strategy that succeeded in the conquest of China itself and which has been applied to Communism's aggressive subversion in Vietnam.

Thus, it is appropriate to recall a speech delivered by North Vietnamese General Nguyen Van Vinh in 1966 to the fourth Vietcong Supreme Headquarters Congress:

"China holds that conditions for negotiations are not yet ripe, not until a few years from now, and—even possibly—seven years from now. In the meantime, we should continue fighting to bog down the enemy, and should wait until a number of socialist countries acquire adequate conditions for strengthening their main force troops to launch a strong, all-out, and rapid offensive, using all types of weapons and heeding no borders. What we should do in the South (Vietnam) today is try to restrain the enemy and make him bog down, waiting until China has built strong forces to launch an all-out offensive."

There is nothing in either the words or the actions of the Mao-Lin groups to suggest that any moderation of past policies is in store. The Peking regime indicated at the Ninth Party Congress this year that it feels free to pursue its external revolutionary goals with even greater diligence and virulence.

Behind this conclusion is the Mao-Lin hiearchy's stated objective of "leading" the international Communist movement while spreading the gospel of Mao to the far corners of the world.

Unstated is Peking's undoubted aim of distracting the restless, rebellious populace at home by embarking on "foreign adventures" that may also hold some appeal for China's jingoists.

Regardless of motivation, as the Prime Minister of Malaysia stated so clearly in a recent interview, it is clear that Communist China is dedicated to the subversion of "first, southeast Asia . . . then all of Asia," and thus free Asian leaders approach the future with fear and uncertainty.

In the light of its record and stated objectives, does Red China qualify for membership in the United Nations? Would its admission make the United Nations more united—and more effective? Or less united—and less effective?

MSG—IT SHOULD NOT BE A CONTINUING CONTROVERSY

Mr. **DOMINICK.** Mr. President, the safety of the food we eat concerns every American. The recent ban on cyclamate sweeteners and the furor surrounding that decision are evidence of the interest of the consuming public, industry, and the Federal Government. This concern, however, is magnified when the goods or products in question are fed to babies.

The recent hearings on baby foods and infant nutrition held by the Select Committee on Nutrition and Human Needs, of which I am a member, pointed up the progress being made in the production of prepared baby foods. The continuing research and efforts made by industry in this area are commendable.

However, the use of certain additives was called into question. In particular, the use of monosodium glutamate—MSG—salt, sugar, and modified starches was criticized. The question was raised whether MSG could be detrimental to the health of infants. Dr. John Olney of Washington University in St. Louis presented evidence that MSG causes brain damage in certain test animals injected with the substance. Conflicting testimony was presented that extensive tests produced no such results and the product was safe for human consumption.

I am not a scientist, but when well qualified scientists categorically disagree, I feel the question has hardly been resolved. Dr. Olney has since stated it is up to the users to disprove his results. Industrial scientists state their experiments do refute those results. The hearings caused great alarm and doubt among mothers and many doctors. The Nutrition Committee has an obligation to see that these questions are answered and the doubt is dispelled one way or the other.

Baby food manufacturers recently announced the discontinuance of use of MSG in the few prepared foods to which it was added. MSG like salt, sugar, and other common substances in general use has been rated by FDA as "generally regarded as safe."

A recent article in the Wall Street Journal of October 27, 1969, quotes Dr. Bernard Oser, head of the private laboratories whose studies resulted in the cyclamate ban. Dr. Oser noted that MSG is a substance the body produces naturally in the normal course of digesting almost any protein. The amounts added are small. He was highly critical of Dr. Olney's experiments.

The article in the Wall Street Journal is an excellent analysis of this scientific dispute and I ask that it be printed in the Record at the conclusion of my remarks.

The **PRESIDING OFFICER** (Mr. Cranston in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. **DOMINICK.** Mr. President, clearly there is a need to answer, as quickly as possible, the conflicting evidence and make an impartial judgment which will put people's minds at ease about MSG. It is unfair to the mothers, doctors and industry to have this controversy continue.

As a member of the Select Committee on Nutrition and Human Needs, I have a particular interest in resolving this issue fairly. During the hearings I specifically requested a scientific panel be set up to resolve the conflicting reports. The chairman, Senator McGovern of South Dakota, requested the Food and Drug Administration to set up special committees to study the evidence and make recommendations. The FDA responded that the proper forum for such work is the National Academy of Science/National Research Council. I believe it is incumbent upon the National Academy to move much more quickly than it has to resolve the MSG controversy and any other similar cases where doubt about safety of products exists, by creating appropriate panels of experts who can make impartial, informed judgments on behalf of the public interest. I certainly feel Dr. Olney, Dr. Oser, and research scientists employed by the respective companies, who have conducted experiments, should be included. If the National Academy cannot move more quickly then, as I suggested at the hearings, I feel the Nutrition Committee must set up such a scientific panel to resolve this and other questions raised concerning additives.

Mr. President, I feel the Nutrition Committee has a responsibility to the consuming mother, doctors, and the industry to help resolve the conflicting testimony. The committee should include any such study in its next report so the record is fair.

Exhibit 1

[From the Wall Street Journal, Oct. 27, 1969]

Monosodium Glutamate Removal Sparks Scientific Controversy on Food Testing

(By Jerry E. Bishop)

New York.—A scientific controversy suddenly broke out over the food-flavor-enhancing substance, monosodium glutamate, or MSG.

The three major producers of baby foods said over the weekend they will voluntarily stop using MSG in their products because of publicity about experiments by a St. Louis psychiatrist. In the experiments, mice injected with large doses of MSG were found to have brain damage.

However, in New York, the scientist who heads the same laboratories that did the research that led to the banning of the cyclamate artificial sweeteners defended MSG. Bernard L. Oser, biochemist and toxicologist who heads Food & Drug Research Laboratories in Maspeth, N.Y., said MSG is a substance the body produces naturally in the normal course of digesting almost any protein. The amounts added to food to replace that lost during processing is only a fraction of what the body produces naturally from foods, he said.

The St. Louis experiments, Mr. Oser charged, were "absurd" studies from which to draw conclusions about MSG's safety in foods. He accused the food processors, particularly the baby-food makers, of "panic" and causing a "great deal of unnecessary alarm" in eliminating MSG from foods.

The Food and Drug Administration has asked the National Academy of Sciences to take a look at MSG research.

USED FOR CENTURIES

MSG has been used as a commercial flavor-enhancer for decades and the Chinese are believed to have used it in the form of fermented soybeans for centuries. It was first identified as monosodium glutamate in 1908 in Japan. The Japanese produced and exported it to the U.S. for years under the brand name Ajinomoto.

An estimated 47 million pounds annually are used in the U.S., two-thirds of which is used in processed food. The largest producer is International Minerals & Chemicals Inc., Skokie, Ill. Other producers include Merck & Co., Commercial Solvents Corp. and Great Western Sugar. International Minerals sells a consumer brand of the substance under the name Accent.

Only a small fraction of production apparently goes into baby foods where it is used primarily in the meat-vegetable mixtures. Recently, International Minerals said that only 0.7% of its output is sold to baby-food makers.

The substance is derived from glutamic acid, one of the amino acids that are the building blocks of all proteins. Whenever a protein is digested it is broken down into its basic amino acids. Some of the glutamic acid is converted naturally into monosodium glutamate during digestion.

The substance is produced commercially by breaking down or hydrolizing proteins that are high in glutamic acid, notably soybeans, wheat or corn gluten, or protein wastes from sugar-beet processing.

The MSG controversy has been brewing for several months. The groundwork was laid last year by the "discovery" of the so-called Chinese Restaurant Syndrome. A physician of Chinese ancestry had asked readers of the New England Journal of Medicine if they, like he, had ever experienced a temporary flushing and headache following a meal in a Chinese restaurant. The medical journal received and published several replies from readers relating similar experiences.

RECEIVED WIDE PUBLICITY

The replies were picked up by news media and given wide publicity, which, in turn, helped trigger research on the syndrome. Some researchers traced the syndrome to excessive amounts of MSG in Chinese restaurant food. The flushing and headaches apparently are experienced by only a few people who eat MSG-laden food.

The current controversy centers over experiments by Dr. J. W. Olney, assistant professor of psychiatry at Washington University in St. Louis In May Dr. Olney published in the weekly journal, Science, a report that infant mice injected under the skin with large amounts of MSG developed brain damage. He raised questions then as to whether there was any risk to the fetus by a pregnant woman eating food containing MSG.

Dr. Olney's conclusion was challenged in a letter to Science, published early last month, by Mr. Oser, Frank R. Blood, a biochemist at Vanderbilt University and Philip L. White. secretary of the American Medical Association's Council on Foods and Nutrition. Mr. Oser, in addition to heading his own research concern, is a member of the National Academy of Science Committee on Food Protection.

The three claimed that Dr. Olney's "observations don't have any relevance to the question of the safety of MSG as a food-seasoning agent," largely because the MSG was injected under the skin of the mice.

The critical experiments, the three scientists said, would involve feeding MSG orally to the animals and this had been done using doses far in excess of what is normally used. They conceded such huge amounts fed orally might produce some effects that should be studied further "but in this respect, MSG is no different from common salt, sugar or vinegar."

Dr. Olney replied that his interest was in determining how much MSG had to be in the blood to cause brain damage and it didn't matter how the MSG got into the blood, by injection or orally. He said it was up to "anyone who advocates the use of MSG as a food additive" to prove whether his experiments had any relevance to humans.

Several days ago, Dr. Olney published a second report in which he found a newborn monkey developed brain damage after under-the-skin injections of MSG. The study received wide publicity at the weekend after Dr. Jean Mayer, a Harvard nutritionist, told newsmen during a press conference that he thought MSG should be removed from baby foods if there was any question at all about its safety.

Dr. Olney then told reporters he had conducted experiments but hadn't yet published them in which newborn mice had developed brain damage after being tube-fed MSG in amounts several times that found in a jar of baby food.

CONVINCED OF ITS SAFETY

The three baby-food makers, Gerber Products Co., H. J. Heinz Co. and Squibb-Beech Nut Inc., all said over the weekend that they were removing MSG from baby foods because of the publicity. The substance is used in only a few baby foods, notably the vegetable-meat mixtures. The companies said they were convinced of the safety of the product, however.

Mr. Oser, in an interview, charged that Dr. Olney's experiments of injecting the MSG involved a technique that was completely new and unproven as a method of testing food safety. The proven method, he said, is to administer the substance in the same way that it's taken normally—that is, oral feeding. "Women aren't injected with MSG under the skin and neither are infants," he said. "The route of administration is highly critical" in food testing as any substance can cause damage if given in a certain way, at a certain time and in certain amounts, he added.

The scientist said that officially MSG is in the same class as salt, vinegar and sugar in being recognized as safe, although all three substances can cause damage in animals if given in certain ways and amounts. The lethal effects of massive amounts of salt are well known, he added.

Mr. Oser argued that it's up to Dr. Olney to prove that his method of testing is relevant to MSG use in humans, rather than being up to others to disprove it.

As for the safety of MSG, Mr. Oser said that most people produce more MSG during normal digestion of proteins than they ever receive in processed foods.

Mr. Oser said he agreed that more research has to be done on Dr. Olney's findings and that oral feeding experiments on several species should be done with MSG.

The elimination of MSG from baby foods, he said, "suggests to the public that this is an imminent hazard—but it isn't."

Mr. Oser said his laboratory hasn't any contracts or monetary connections with MSG producers or with the baby food makers; that he was just angered by the "unwarranted" uproar over MSG.

The laboratory is a private concern that does research and consulting on food and drug safety for indsutry and government. Its experiments in which cyclamates caused bladder cancer in rats led to the banning of the sweeteners.

VICE PRESIDENT AGNEW

Mr. YOUNG of Ohio. Mr. President, some millions of Americans must have been astonished and saddened Thursday night listening to and viewing Vice President AGNEW delivering a most dangerous speech or tirade evidently prepared by the more reckless speech writers in the executive branch of our Government. It was startling to view the Vice President of our Nation denounce, threaten, and attempt to intimidate some radio and television commentators appearing on television networks which must be licensed by our Government in order to operate. Then, not satisfied with denunciations of television and radio commenators and questioning their integrity, the Vice President charged up the hill assailing one of the very great and distinguished Americans of our time, Averell Harriman, renowned and respected as a statesman and diplomat of great achievement who has served our Nation and the cause of world peace with patience and dedication and achievement unmatched by any living diplomat of any nation. Let us hope that the owners, officers, and stockholders of the television networks so assailed by Vice President AGNEW will be neither intimidated nor frightened.

There may be many who would say it is best for a Member of the Congress to ignore such ranting and such an uncalled for assault upon Averell Harriman, for example, whose character, reputation, and record of achievement is impeccable. I think, however, that this should not be ignored. We live in a world that has seen the rise of fascism, nazism, and communism. Sometimes those who advocated these vicious "ism's" and made ludicrous, uncalled for statements were either jeered or ignored. I will not give to this uncalled for speech of Vice President AGNEW the charity of my silence.

It seems obvious that Vice President AGNEW has become a major spokesman for the President in the attempt to further subvert public opinion. This sort of intemperate verbal assault is unfortunate, and would set American against American, and is apparently aimed to discredit all those who would question or oppose administration policy in Vietnam.

President Nixon last January stated that the theme of his administration would be to "bring us together." The set speeches prepared for and delivered by the Vice President have been carefully designed to create antagonism and separate Americans.

There must be and there is room in our democracy for legitimate criticism of the press and of radio and television reporting. Let us hope there always will be. However, the Vice President's remarks Thursday night went beyond mere criticism. They were a blatant attempt to discredit and stifle free and open coverage of the news and analyses of news events. Far from being mere criticism, it was an effort to suppress criticism.

His speech was an outright bid to monitor public opinion in favor of subjugating news reporting and making it a tool of whatever political party might occupy the White House. It officially leads us as a nation into an ugly era of suppression and intimidation.

In his harangue the Vice President denounced a great American, Ambassador Averell Harriman. In my considered judgment Averell Harriman is one of the truly great Americans of our time. There is not even one blemish in his long career of public service. As Ambassador-at-Large, his great achievements have been recognized not only in the United States but by the chiefs of state of all of our allies.

Ambassador Harriman has given distinguished and faithful service to the Nation as have few men in our history. He has served as Ambassador to the Soviet Union, Ambassador to Great Britain, Secretary of Commerce, Governor of New York, Under Secretary of State, and chief American negotiator for the Limited Nuclear Test Ban Treaty, to name a few of the high offices which he has held and in which he has performed outstanding public service.

The fact is that Governor Harriman requires no defense from me or from anyone else. In fact, if a man can be judged by his detractors, it is to his credit that he has been chosen as the latest victim for the Vice President's vituperation.

The fact is that while Ambassador Harriman was patiently negotiating the Limited Nuclear Test Ban Treaty, the now Vice President of the United States was serving as county executive of Baltimore County, Md.

Those dim-witted, unscrupulous, reckless speechwriters in the White House presented the Vice President with a vicious, irresponsible, and untruthful assault on Averell Harriman which he recited perfectly. Averell Harriman as Ambassador at Large for the late President John F. Kennedy achieved the Limited Nuclear Test Ban Treaty with the Soviet Union, which ambassadors for preceding Presidents had been unable to accomplish.

Incidentally, in passing, may I mention that since that achievement, neither the Soviet Union nor the United States has violated any part of that treaty.

It was a grave mistake on the part of President Nixon at the outset of his administration to replace him—and with whom? Of all Republican leaders, Henry Cabot Lodge was the worst choice.

Those White House speechwriters making contemptible reference to Averell Harriman should be challenged to name even one accomplishment of negotiator Henry Cabot Lodge during the more than 10 months that have elapsed with him as chief negotiator in Paris.

The President made a bad appointment if for no other reason than that Henry Cabot Lodge has stated on numerous occasions his affection for Vice President Ky, the flamboyant Air Marshal who fought against his own fellow countrymen seeking national liberation from the French. This fact is well known to representatives of North Vietnam and of the National Liberation Front and is a roadblock toward any possible effectiveness of Lodge as a negotiator.

The fact is well known to representatives of North Vietnam and the National Liberation Front that Henry Cabot Lodge said he regarded Vice President Ky with the affection of a father toward a son. That was the statement of our present Ambassador at the Paris conference, and there has been no accomplishment forthcoming from him.

The Vice President compared network analyses of President Nixon's November 3 speech with reaction of news media to Winston Churchill's efforts to rally his countrymen against Nazi Germany and the efforts of the late, great President John F. Kennedy to rally Americans in the Cuban crises. The fact is that there was criticism by high public officials and press and in media analyses at that time of the positions taken by both of these great leaders, unjustified as it might have been.

Furthermore, Winston Churchill was rallying the British people against the most ruthless aggressor of all time, not in support of a tinhorn corrupt militarist regime such as we are supporting in Saigon—a regime to which the administration has now given a blank check for the lives of thousands of young Americans and for a great part of our national resources. This regime was formed first by 10 generals, nine of whom, including Thieu and Ky, came from North Vietnam. Most of them, including Ky, fought with the French against the forces of liberation at the time the French Government was seeking to reimpose its lush Indo-Chinese empire upon the Vietnamese people.

Reference has been made by me to our late great President Kennedy, when he was rallying the Nation in support of his efforts to protect the Republic from the threat of nuclear weapons positioned less than 90 miles from our shores. That is a far cry indeed from our fighting an immoral, undeclared war in a little faraway country 10,000 miles distant from our shores and of no strategic or economic importance whatever to the defense of the United States.

On the day that President John F. Kennedy was assassinated, the United States did not have one combat soldier fighting in Vietnam. It is true we had approximately 16,000 to 20,000 military advisers, but it was after his assassination that we intervened with hundreds of thousands of our troops in that civil war.

It is obvious that this administration is even more uncomfortable with criticism than preceding ones. Although all of us in public life are subjected to criticism, we had better learn to take it, and not do what was perpetrated Thursday night in the speech of the Vice President.

Rather than to attack the ills afflicting our society that are reported to the people through the radio and television, the administration chooses to attack the media themselves.

Now, more than ever before, there is a need for a reawakening of sound judgment and courageous action to preserve American institutions and American ideals. If the President is sincere in his desire to unite Americans, to bring us together—and I hope he is; he is, after all, my President—he should immediately and forcefully repudiate the divisive remarks of his Vice President.

(This marks the end of the proceedings which, by order of the Senate, were conducted as in legislative session.)

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. JORDAN of Idaho. Mr. President, it has never been a policy of mine to speak ill of any man, and I have no wish now to indict Judge Haynsworth. I have concluded, however, that he does not in my judgment meet the high standards the American people have a right to expect of a Justice of the U.S. Supreme Court.

Many charges have been made against Judge Haynsworth, some of questionable validity and some of no validity whatever. I should like to say at the outset that I have no quarrel with Judge Haynsworth's judicial philosophy, which has been labeled by many as that of a strict constructionist. I believe that a balance of judicial philosophies on the Supreme Court is highly desirable, and on the basis of that belief I was particularly pleased to support the nomination of Warren Burger to be Chief Justice. However, after carefully studying the Judiciary Committee hearings on the nomination, grave doubts arose in my mind as to the wisdom of elevating Judge Haynsworth to the Supreme Court. These doubts are based on my belief in the importance of maintaining public confidence in our judiciary, and my judgment that Judge Haynsworth has failed to appreciate how easily this confidence can be undermined by even the appearance of impropriety on the part of our judges.

Much of the criticism of Judge Haynsworth has centered around his connections with Carolina Vend-A-Matic, a vending machine corporation that he and other members of his law firm founded in 1950. Upon assuming the bench in 1957, Judge Haynsworth resigned from most of the corporate directorships he held, but chose to continue his active participation in this vending firm because, he explained in September to the Judiciary Committee, his connection with this company was not public knowledge. He reasoned that by keeping his involvement with Vend-A-Matic secret, no outside party would be tempted to play upon it in order to improperly affect the outcome of a decision. I believe that this decision is an example of the poor judgment Judge Haynsworth has shown in the handling of his business activities since he went on the bench. He failed to realize that while secrecy might seem to preclude impropriety, it would ultimately make the appearance of impropriety all the more likely.

On June 2, 1969, before his nomination to the Supreme Court, Judge Haynsworth testified before a Senate Subcommittee on Judicial Ethics. He said then:

> Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort.

The President announced the nomination of Judge Haynsworth to the Supreme Court in August. Then in September, this time under oath at his nomination hearings, Judge Haynsworth tells quite a different story about his business activities while on the bench. Some committee members were surprised to hear him admit freely that after going on the bench in 1957, Judge Haynsworth continued to serve as a vice president and director of Carolina Vend-A-Matic until 1963, regularly attending weekly meetings of the board of directors and voting for slates of officers through the years. He received director's fees in amounts as high as $2,600 per year, and his wife served as secretary of the corporation for 2 years while he was on the bench. From an original investment of less than $3,000 in 1950 Judge Haynsworth realized $437,000 in 1963 as his share of the sale proceeds. It may be sheer coincidence that Vend-A-Matic sales showed a sharp acceleration each year that he was serving in the dual role as vice president and director of Vend-A-Matic and as chief judge of the fourth circuit. This combination of business and judicial duties continued for nearly 7 years.

It is hard to believe that Judge Haynsworth could have forgotten in June the weekly board meetings, the fees he received, and the duties he performed as director of this unusually successful business which had been more lucrative for him than his judge's salary. By this discrepancy in his testimony, Judge Haynsworth set up, in my opinion, his own credibility gap. I do not claim that he deliberately lied to the committee for some ulterior motive. But I believe we have a right to expect of those we elevate to the highest tribunal in the country a forthrightness and mental acuity that would preclude such a discrepancy, even as the result of a lapse of memory.

Judge Haynsworth participated in decisions involving customers of Carolina Vend-A-Matic with no apparent recognition of the doubts his connections could raise in litigants' minds as to the fairness of the decision being handed down. In addition, he sat on several cases in which he had a small, but direct, stock interest. He acknowledges that his participation in one of these cases, involving the Brunswick Corp. was an error, due to a lapse of memory on his part in purchasing Brunswick stock while the case was before his court. He has defended his action in the other cases on the grounds that his interest was not substantial. In all these instances I believe Judge Haynsworth showed poor judgment in not taking the utmost precaution to insure that no connection between his judicial duties and his business activities could be construed.

I have given this matter more than ordinary attention. On October 10 I wrote to the Attorney General stating my belief that this nomination was not a wise one; however, the administration did not see fit to reconsider the choice. On October 20, with great reluctance I reached the conclusion that I could not in good conscience vote to confirm the nomination of Judge Haynsworth. I thought it only fair to notify the administration of my decision, and I did so in a letter of that date to the Attorney General.

I have made no public statement on this matter up to now because I do not intend to try to influence the vote of any other Senator. Each Senator should resolve this issue by his own research of the record and then follow the dictates of his own conscience.

This is not a responsibility a Senator can shrug off lightly. The Constitution divides the responsibility for selecting Justices of the Supreme Court between the executive and legislative branches, and I regard each of these responsibilities as having equal weight. Justices of the Supreme Court serve for life. Thus it is imperative that Senators exercise their constitutional responsibility to investigate and scrutinize the record of Presidential nominees in order to prevent the elevation of unworthy men to the highest judicial tribunal in the world.

Nor do I believe a Senator should be bound by party loyalty on an issue of this magnitude. The selection of Supreme Court Justices should transcend politics. If we fail in this, we shall fail to restore the Court to the position of public esteem which it lost somewhat in recent years.

During my more than 7 years of service in the U.S. Senate few issues have generated more pressure on my office than has the confirmation of Judge Haynsworth's nomination. Support of the President is urged as if it were a personal matter rather than an issue of grave constitutional importance. The only way I can account for this unprecedented wave of interest is the fact that I decided that I could not support Haynsworth and so notified the Attorney General. This notification was sent by letter on October 20.

Since that date administration calls to my State have been legion. Some of my friends have been persuaded to call me even though they have not been provided copies of the hearing record from which they might make an independent judgment as I have done.

I have supported President Nixon on nearly every issue of note thus far in his administration, and I expect that I shall continue to do so. It is most difficult, therefore, to conclude that I would be doing my country a disservice if I concurred in this nomination, against the dictates of my conscience, simply on the grounds of party loyalty. The responsibility of all Senators on this issue is too great to simply make the easy choice of supporting whatever nominee the administration puts forward. So, with a heavy heart, but with a clear conscience, I shall oppose this nomination.

Mr. BAYH. Mr. President, will the Senator from Idaho yield briefly?

Mr. JORDAN of Idaho. I yield.

Mr. BAYH. I have read and listened to the statement of the Senator from Idaho with more than passing interest and with a real feeling of understanding of what he must have gone through over the past few weeks.

Mr. President, I found several of the thoughts expressed in the statement of the Senator are similar to the thoughts I have had over the past 5 or 6 weeks.

I joined the Senator from Idaho and most other Senators in supporting Chief Justice Warren Burger, although there may have been philosophical differences here and there between Judge Burger and me. I share the assessment of this matter made by the Senator in his statement.

I suggest also that I concur in the Senator's assessment that some of the charges made against Judge Haynsworth were questionable and had no validity. I deeply regret that during the hearings a mistake was made, to which I was a party. Two instances that were erroneous regarding the judge's connections were disclosed. I have publicly apologized for that and regret the mistake very deeply.

We are dealing with a sensitive matter, a man's qualifications to sit on the Supreme Court. One might differ as to whether the facts stated in the minority report are grievous enough to disqualify the judge. However, the statements are accurate as I know them.

I salute the distinguished Senator from Idaho. I feel a great deal of camaraderie with him. We do not agree on all issues, but, I think I have some idea of the turmoil the Senator has gone through in reaching this decision.

In the last sentence of the Senator's statement, the Senator spoke for most, if not all of us, who join him in opposition to the nominee when he said:

> The responsibility of all Senators on this issue is too great to simply make the easy choice of supporting whatever nominee the administration puts forward.

This has not been an easy choice for me. I have the feeling that perhaps it has been an even more difficult choice for my friend, the Senator from Idaho. I salute the Senator for the courage he has demonstrated.

Mr. JORDAN of Idaho. Mr. President, I thank my friend, the Senator from Indiana.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, recently a privately commissioned poll with regard to the attitude of the American people on the nomination of Judge Clement Haynsworth has been brought to my attention. This poll was conducted by the Chilton Research Center, a division of the Chilton Co. of Philadelphia, Pa., a highly reputable organization.

The results of this poll indicate that the American people favor confirmation of this nomination by a vote of approximately 2 to 1. While I do not advocate government by poll, I do believe that it is most important, in fact imperative, that the Senate be aware of the feelings of the American people on this issue.

I ask unanimous consent that the results of this poll be printed in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

CHILTON POLL

1. Are you aware that Judge Clement Haynsworth has been nominated by President Nixon to be a Justice of the U.S. Supreme Court?

There were a total of 1,063 interviews, 704 or 66% were aware of the Haynsworth nomination.

2. As you know, President Nixon has strongly defended this nomination. Do you believe the Senate should approve or disapprove President Nixon's nomination of Judge Clement Haynsworth to the U.S. Supreme Court?

[In percent]

	Approve	Disapprove	No opinion
Total	44	24	32
Male	46	31	23
Female	42	18	39
Republican	60	13	27
Democrat	33	35	32
Independent	35	24	41
White	46	22	32
Negro	21	44	35
Under $5,000	43	18	39
$5,000 to $15,000	44	25	31
$15,000 and above	49	35	16
East	43	28	29
Midwest	37	29	34
South	51	21	28
West	50	16	34

RECESS UNTIL 2:30 P.M.

Mr. BYRD of West Virginia. Mr. President, if no Senator wishes to speak at the present time, I move that the Senate stand in recess until 2:30 p.m. today.

The motion was agreed to; and (at 1

o'clock and 53 minutes p.m.) the Senate took a recess until 2:30 p.m. the same day.

On the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. HANSEN in the chair).

CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS—CONFERENCE REPORT

Mr. MONDALE. Mr. President, as in legislative session, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows.

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Act of 1969".

FINDINGS

SEC. 2. The Congress finds that—

(1) the availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States;

(2) the unrestricted export of materials, information, and technology without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States;

(3) the unwarranted restriction of exports from the United States has a serious adverse effect on our balance of payments; and

(4) the uncertainty of policy toward certain categories of exports has curtailed the efforts of American business in those categories to the detriment of the overall attempt to improve the trade balance of the United States.

DECLARATION OF POLICY

SEC. 3. The Congress makes the following declarations:

(1) It is the policy of the United States both (A) to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States.

(2) It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (B) to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (C) to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

(3) It is the policy of the United States (A) to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and (B) to formulate a unified trade control policy to be observed by all such nations.

(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information of the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

AUTHORITY

SEC. 4. (a) (1) The Secretary of Commerce shall institute such organizational and procedural changes in any office or division of the Department of Commerce which has heretofore exercised functions relating to the control of exports and continues to exercise such controls under this Act as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (A) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (B) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. In addition, the Secretary shall review any list of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, was heretofore prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act. The Secretary shall include a detailed statement with respect to actions taken in compliance with the provisions of this paragraph in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarters) made by him to the Congress after the date of enactment of this Act pursuant to section 10.

(2) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the Nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging the widest possible trade.

(b) To effectuate the policies set forth in section 3, the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Rules and regulations prescribed in the interest of the national security shall provide that express permission and authority must be sought and obtained to export articles, materials, or supplies, including technical data or other information, from the United States, its territories and possessions, to any nation or combination of nations, if the President determines that (1) such articles, materials, supplies, data, or information would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States, and (2) articles, materials, supplies, data, or information of comparable quality and technology to that sought to be exported are not readily available to such nation or nations from other sources: *Provided*, That express permission and authority shall be required to be sought and obtained, in accordance with such rules and regulations, in order to export to any nation or nations articles, materials, supplies, data, or information with respect to which the President has not made the determination referred to in clause (2), if the President (A) determines such action to be necessary in the interest of national security, and (B) includes in the first quarterly report submitted, pursuant to section 10, after taking such action a full and detailed statement with respect to such action setting forth the pertinent articles, materials, supplies, data, or information; the nation or nations affected thereby; and the reasons therefor. Rules and regulations prescribed under this subsection shall implement the provisions of section 3(5) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in such section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of such section.

(c) Nothing in this Act, or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export articles, materials, supplies, data, or information except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials makes such requirement necessary.

(d) The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may deem appropriate.

(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act.

CONSULTATION AND STANDARDS

SEC. 5. (a) In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports. Consistent with considerations of national security, the President shall from time to time seek information and advice from various segments of private industry in connection with the making of these determinations.

(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provision shall be made for representative trade consultation to that end. In addition, there may be applied such other standards as criteria as may be deemed necessary by the head of such department, or agency, or official to carry out the policies of this Act.

VIOLATIONS

Sec. 6. (a) Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than $10,000 or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or $20,000, whichever is greater, or imprisoned not more than five years, or both.

(b) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be fined not more than five times the value of the exports involved or $20,000, whichever is greater, or imprisoned not more than five years, or both.

(c) "The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed $1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) limits—

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

Sec. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

(d) In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 10 after such action is taken.

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

Sec. 8. The functions exercised under this Act are excluded from the operation of sections 551, 553–559, and 701–706, of title 5 United States Code.

INFORMATION TO EXPORTERS

Sec. 9. In order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this Act shall, if requested, and insofar as it is consistent with the national security, the foreign policy of the United States, the effective administration of this Act, and requirements of confidentiality contained in this Act—

(1) inform each exporter of the considerations which may cause his export license request to be denied or to be the subject of lengthy examination;

(2) in the event of undue delay, inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;

(3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license; and

(4) inform each exporter of the reasons for a denial of an export license request.

QUARTERLY REPORT

Sec. 10. The head of any department or agency, or other official exercising any functions under this Act, shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder.

DEFINITION

Sec. 11. The term "person" as used in this Act includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

EFFECTS ON OTHER ACTS

Sec. 12. (a) The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

(b) The authority granted to the President under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934).

EFFECTIVE DATE

Sec. 13. (a) This Act takes effect upon the expiration of the Export Control Act of 1949.

(b) All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 or section 6 of the Act of July 2, 1940 (54 Stat. 714), shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

TERMINATION DATE

Sec. 14. The authority granted by this Act terminates on June 30, 1971, or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate.

And the Senate agree to the same.

Edmund S. Muskie,
Harrison A. Williams,
Walter F. Mondale,
Harold E. Hughes,
John G. Tower,
Wallace F. Bennett,
Edward W. Brooke,
Managers on the Part of the Senate.
Wright Patman,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MONDALE. Mr. President, this measure is one which the Senate sent to conference and which liberalizes the export control policy of this Government. It represents the agreement of a majority of the conferees.

I understand the Senator from Utah

(Mr. BENNETT) has some questions concerning the measure.

Mr. BENNETT. I thank the Senator.

Mr. President, I was a member of the conference committee, and I signed the report, so this is not an attempt to upset that report, and I hope it will be approved. But, as is frequently the case, some questions have arisen as to the meaning of some aspects of the report; and, with the cooperation of my friend from Minnesota, I would like to make a legislative record to clear up those questions.

I have four questions.

The first is a question about the proposed act's ability to detect and subject to appropriate control new items and emerging technology of strategic importance.

Under the existing law, to protect against the export, either inadvertent or otherwise, of strategic items not previously identified as such by Commerce, the Office of Export Control controls certain "categories of products not elsewhere classified" called basket categories. These cover groups of similar products rather than individual items and require that before exporting such products the shipper must apply for an export license thereby enabling Commerce to determine whether or not the product is strategic.

Certainly, the new bill does not abolish the basket categories which the President thinks are so important.

I would like to ask my friend whether his opinion is the same as mine.

Mr. MONDALE. Mr. President, obviously the Export Control Office has to have the authority to review items of new commodities and new technology to determine whether or not a license should be required, and to determine in what way the item is related to the export control policy. It is certainly my belief that it was the intention that the office should continue to have that authority.

Mr. BENNETT. Under the present situation, when a new product or a new system or technology originates, it is probably fair to say that it is automatically subject to control, until they have had a chance to review it.

Mr. MONDALE. I do not see how they can pass judgment on it unless they are given the right to look at it. I am sure that is the intent of Congress.

Mr. BENNETT. That would probably mean that, until a question is raised, it will remain under their control.

Mr. MONDALE. That is right.

Mr. BENNETT. And at that time, when an application for a license is filed, they will have to decide whether to——

Mr. MONDALE. I am answering on the basis of first impression, because I do not recall this issue being specifically heard or discussed at the time. But it seems to me to be commonsense that they have to have a right to look at these items to know whether or not a license is to be required. Of course, it has to be done in the context and spirit of the legislation, but it would seem to me that power must necessarily exist in the Export Control Office.

Mr. BENNETT. I am sure that, in the spirit of the legislation, the agency would be expected to look at new programs as soon as possible or as soon as there is any question raised about their exportability.

Mr. MONDALE. As the Senator knows, the legislation clearly prohibits items of significant military status, and surely the export control licensor has to have authority to look at these items under the other provisions of the act.

Mr. BENNETT. Just to nail it down, I have an example here, and it might help make the legislative record.

The Office of Export Control list includes a basket category called "other machines and equipment for treatment of materials by a process involving a change in temperature."

At one time it was thought that perhaps no items of a strategic character were left in this basket. However, Commerce recently received an export application for helium liquefaction equipment to East Germany which the company filled because it was considered to fall only in this basket. A study indicated that the preponderance of this type of equipment is used in research sponsored by DOD and AEC. Had this basket been required to be removed from the Commerce list, the exporter would have been free to ship his equipment without a license and Commerce would not have had the occasion to study it. One of the more important new uses of liquid helium is to cool masers which are used in supersensitive microwave and radar receivers for satellite communication and missile detection. The application for exportation of this item was denied and the equipment was placed under full control.

I am sure the Senator agrees that that is a proper exercise of the responsibility of the Department.

Mr. MONDALE. I agree with the Senator. I do not know anything about this item. I would not know how I could pass judgment on it, and I am sure that that is not what the Senator is asking. However, this is the sort of authority that must remain in the Export Control Office in order to enable it to make its determination as to whether an item within the terms of the act is to be controlled by license or not.

Mr. BENNETT. I have another example I would like to have in the RECORD.

A few years ago a device called the isostatic press first came into commercial production. This has been found to be of great significance in the fabrication of nuclear weapon components, nuclear reactor parts, missile nose cones, and rocket nozzle inserts. Before the existence of this press and its strategic uses could come to the knowledge of the Office of Export Control, such presses and the technology to make them would have been exportable freely, but for the fact that the Office has a basket category on its list called "other machines and mechanical appliances, not elsewhere classified." Such presses could not be otherwise controlled because they were not specifically known and, therefore, could not be named as such on the list.

Today such presses are in a specific entry on the U.S. list and also controlled by Cocom at our instigation.

Since the experience with isostatic presses, other relatively new or hitherto unknown strategic items have been found in this basket and pulled out. Examples are numerically controlled filament winding equipment for solid rocket motor cases and other military items, and batch-type solid rocket propellant mixers.

I thank the Senator, and I shall move on to another question.

In the authority section of the bill, I think some clarification is needed about one of the new, main thrusts of the legislation. This is the matter requiring that the President take into consideration the availability from other countries of articles comparable to U.S. goods, to determine whether the U.S. goods require export licenses. The language of the bill states: "available to such nation or nations from other sources." There is no further explanation as to whether the other sources are limited to nations with which we have defense treaties, or whether they may also include all the free world countries and even Communist nations such as Russia and China, and the rest.

If Czechoslovakia or even Sweden might offer to the Soviet Union some strategic machine-tool or electrical equipment that is reasonably comparable or similar to equipment of ours, would it be necessary for us to make our similar equipment, which might be considered strategic, available to a country behind the Iron Curtain?

Mr. MONDALE. I refer the Senator to the report of the Senate committee on that language, as it appears on the bottom of page 13, which speaks of items available from free-world sources. The language of the statute is silent, I think, on the question which the Senator asked.

Mr. BENNETT. That is why the question was raised.

Mr. MONDALE. The committee language speaks primarily of focusing on the question of free-world alternative sources. I would include Sweden within that definition.

Mr. BENNETT. Yes.

Mr. MONDALE. But a question arises: Suppose an item is available from an alternative source, an item produced in Eastern Europe, but not in one of the so-called free-world countries. I find it difficult to answer this question, although I think the thrust or focus of the bill is on the availability of such items, say from England, West Germany, France, Italy, and Japan.

Mr. BENNETT. The free world.

Mr. MONDALE. Yes; including the Scandinavian countries and other sources of supply that are increasingly capable of producing the same kind of items as the United States. It was the feeling of the committee that it was desired not to deny U.S. businessmen the opportunity to sell such items when the same item could be freely purchased by Eastern European countries from those other sources.

I think that is the focus. We did not deal with this problem in the committee. It is hard for me to answer the question directly.

Mr. BENNETT. Let me turn it around. If the controller or administrator discovered that a certain process was available in Czechoslovakia or Poland, and the Soviet Union, Russia, wanted to purchase it, would the Senator feel that under this law, its availability in another Iron Curtain country would mandate us to permit export of an article manufactured in this country of a similar nature, or for a similar purpose, automatically because it was available behind the Iron Curtain?

Mr. MONDALE. Mr. President (Mr. COOK in the chair), my difficulty in answering that is that I do not think the committee or the Senate considered it, except that our committee language and most of the data we developed before the hearings was directed at sources of supply in the free world.

In addition, it is difficult to answer the question because I suppose we should know something about the kind of item involved. Suppose, for example, that East Germany was producing an early generation of video tape that was similar to video tape produced by U.S. businessmen, and it was simply a question of buying it there or from us. I frankly do not know what the result would be under this statute, because I do not think we focused on it except as the language of the report reflects, and I do not know how large a problem that is. Frankly, I was not under the impression that this was a very significant problem. If it is, it never arose in the hearings or in the debate.

Mr. BENNETT. Apparently the Department of Commerce is concerned about it, and apparently they fear that this bill might take away from them their power to interdict the export of something from the United States that might have military significance to the buyer, because it is available in another country, and that other country might be another Iron Curtain country.

Mr. MONDALE. I think it is very clear that the Export Control Office retains clear authority, indeed a responsibility, to prohibit the sale of American items of military significance. The exact language of the statute appears——

Mr. BENNETT. I have it here; let me read it. It is section 4(b), about half way down.

Mr. MONDALE. Yes. The standard is a significant contribution to the military potential of such nation or nations.

Mr. BENNETT. Yes; and articles, materials, and so on which are not readily available to such nation from other sources.

Mr. MONDALE. Yes. One of the difficulties in this area, of course, is that there are several other statutes that bear upon matters of military significance as well.

Mr. BENNETT. Yes.

Mr. MONDALE. I am not completely familiar with the operation of those statutes, but those are to be read in context with this legislation in dealing with matters of military significance.

Mr. BENNETT. Therefore, the Senator does not feel that the use of the word "and" to connect (1) and (2) would take away from the administrator any power he needs to control the export of articles with military significance?

Mr. MONDALE. When an item is sold for the purpose of making a significant military contribution, it was the intention of the committee, in my view, that it would be restricted by the Export Control Office, under this and other acts.

Mr. BENNETT. Regardless of whether or not it was available from any other source?

Mr. MONDALE. Yes. If that is the intent and the purpose for which it is being sold. But if it is for a peaceful use, then the alternative source consideration would come into play.

Mr. BENNETT. And it would be the responsibility of the Department of Commerce to decide whether or not it had enough significant military application to warrant its being put on the list?

Mr. MONDALE. They would have to determine whether it was for the purpose of contributing significantly to the military potential.

Mr. BENNETT. But they would have the responsibility and the authority to make that determination?

Mr. MONDALE. Yes.

Mr. BENNETT. I thank the Senator.

My third question goes to the meaning of section 4(c). I want to make sure that this provision will not preclude the export administrator from dealing effectively with an exporter who has demonstrated his lack of trustworthiness to handle strategic exports. They can now deal with him by barring him from making any exports whatever, strategic or nonstrategic. Otherwise, such an untrustworthy exporter cannot practically be prevented from evading controls over strategic goods.

Let me turn that around. As the Senator knows, at the present time the Department of Commerce issues general licenses for goods being shipped to free world destinations. These general licenses minimize the paper work and requirements. Once an exporter has a general license, he can go on exporting that particular product or those products without getting a specific license every time.

It seems to me that in our effort to assist businessmen in their exports, we do not want to interfere in any way with the ability of the Department of Commerce to issue these general licenses, because I think the alternative might be more onerous on the business community, and, as indicated, might take away from the Department its chance to protect itself against the unscrupulous exporter. I should like to have the Senator's opinion on this particular problem.

Mr. MONDALE. The violation section of the export control bill before us gives several remedies to deal with exporters who operate fraudulently and in other unlawful ways, in the form of fines, and criminal penalties for aggravated violations. It is my opinion of this measure that the Export Control Office, nevertheless, would retain the authority to refuse to grant a license to an applicant who has proved time and time again his untrustworthiness, to the point where they just cannot deal with him with any faith and confidence whatsoever.

The spirit of the bill, however, is so designed in cases where that does not exist to encourage and facilitate U.S. businessmen involved in nonstrategic items coming within the control of this act.

Mr. President, I read from the committee report on page 15, which says:

> The committee wishes to underscore its belief that the American exports are an inherent part of the economic foundations and wellbeing of this country. The right of American businessmen to freely export its products should not abridge except where necessary to fulfill some overriding national interest.

I do not want my answer to be construed in a way that would frustrate the spirit of what we are trying to accomplish. We had abundant testimony from some of the most responsible business leaders in this country, men from responsible, patriotic corporations, who testified about the extended delays and uncertainties and bureaucratic redtape and the vagueness and the frustrations involved in dealing with the Export Control Office.

This is not the case of an untrustworthy businessman. This is the case of a reluctant and timid bureaucracy that would not encourage the businessmen to become actively engaged in trading in nonstrategic items. And it is the hope and spirit behind the legislation not only to passively permit them to engage in the trade of items not of military significance, but also to administer the act in such a way that they are encouraged to become involved where the national interests of this country are concerned.

Having said that, if there is a businessman who has proved his utter untrustworthiness, whose applications cannot be believed, and whose words cannot be believed, I think it would be the intent of the legislation that the Export Control Office could refuse to do business with him.

Mr. BENNETT. With respect to exporters who, on the contrary, have exhibited trustworthiness and dependability, as I understand it, under the present setup they issue him a general license to export certain things, and he does not have to keep coming back for a special license. Would the Senator see any reason to change that provision?

Mr. MONDALE. That particular policy, I think, is based more on the item than on the morality of the applicant.

Some licenses are granted on general licenses and others on special licenses. It is not my understanding of the testimony that that was related to the trustworthiness of the applicant.

As I understand the question, it goes to the matter of whether the Export Control Office can refuse to grant a license to a businessman who has manifestly demonstrated his untrustworthiness. I think that power must reside in them.

Mr. BENNETT. Perhaps two questions are involved here. The other refers to the pattern of using a general license on items that have been released from any control.

Does the Senator see any reason for changing that pattern?

Mr. MONDALE. We did not in this legislation rule in favor of a special license as against a general license or in favor of a general license against a special license. That was not the intent of the legislation.

What we did want to do was, first of all, change the standards so that they did not include economic significance, because obviously any commercial bargain has economic significance. So, we wanted to change the standards so that it would be limited to significant military application, and we wanted to deal with the area within which items are freely available elsewhere and only the U.S. businessman is prevented from participating because of our unilateral restrictions.

I do not think we intended to draw any conclusions about what device is utilized by the Export Control Office, to effectuate the intent of whether they use a general or special license, or devise some new method of controls, so long as they give effect to the purposes and intent of the new law.

Mr. BENNETT. Mr. President, in reading the new law, there is some question whether it did not require the Control Office to allow people to export nonstrategic material without a license and just allow them to go free. This, I think, should be cleared up.

Mr. MONDALE. Mr. President, I understand that a general license is the equivalent of no license. A special license is one issued pursuant to a specific application requirement. The only way I can answer is to refer the Senator to the language of the bill which, I think, tries to draw a distinction, which obviously will change depending on the facts in each case, to determine in which case there should be free availability to the markets and in which cases it is determined that the item is of sufficient military application—a fact that the Export Control Office must determine.

I would point out in making this clear that one of the compromises made in the bill was to provide in this standard that the President still retained the power to control any item he deems necessary to control.

Mr. BENNETT. Mr. President, I think the question is an administrative one. And I think the Senator has answered it, at least to my satisfaction.

As I understand the answer, if the administration wants to use a general license for items that are generally available in order to get some information out of the issuing of the license, the bill would not prevent it.

Mr. MONDALE. The Senator is correct. And my answer must be given in the context of the bill we are now dealing with and the hope for a relaxation of the bureaucratic restrictions and a relaxation of the export control restrictions where items not of significant military application are freely available elsewhere.

That is the basic thrust. However, this is not only a passive determination by the Senate, but also an affirmative hope that we are encouraging a support of the U.S. businessmen. This is not only a technical act, but also a symbolic step made by the U.S. Congress to tell the American businessmen that we support them in their efforts to become involved in this market.

Mr. BENNETT. Mr. President, I thank my friend, the Senator from Minnesota.

My last question refers to another practical problem. Under section 4(a)(1), the Secretary is required to review the commodity control list in order promptly to make such changes in provisions as may be necessary or desirable. He is further required to report to Congress the action he has taken in the second quarterly report after the date of the enactment of this act.

In other words, he has roughly 6 months within which he must make his first report. It is my understanding that in addition to the commodities under international control, the United States maintains unilateral control of approximately 1,200 categories in which are grouped many thousands of separate commodities.

The administration wants to be perfectly clear that the bill does not require them to report on every one of these 1,200 categories within 6 months.

Mr. MONDALE. Mr. President, I think the language seeks to achieve, by referring to the second quarter, as full a response as possible. In other words, I believe it is the spirit and desire of the act that the changed policy called for by the bill will be substantially implemented with a 6-month period. It does not require and tie them down to a terminal date that cannot be, for reasonable grounds, avoided.

What it asks for after the 6-month period is that they continue to make subsequent reports to us with respect to the actions they have taken following that quarter.

Mr. BENNETT. Mr. President, I think the Senator from Utah agrees with the Senator from Minnesota. It is all deliberate speed or all reasonable speed.

Mr. MONDALE. I do not like that phrase too much. It took 16 years, as I recall, to achieve all deliberate speed.

Mr. BENNETT. But the Secretary of Commerce would not be considered to have violated the law if in the first report he had not succeeded in making a report on all the commodities.

Mr. MONDALE. That is correct, with this caution: We were anxious not to tie the Secretary down to a terminal date that could not be accomplished in reasonable terms under the statute; but we did state the second quarter because we were hoping that, to the extent reasonably possible, he could adjust export control policies consistent with this bill by then. But we are not tying him down to that. We just ask him to continue and report in later quarters the subsequent actions he takes.

Mr. BENNETT. My contact with the representatives of the Department indicates that, being a new broom, they are anxious to sweep clean and to get that job done as quickly as possible. I am sure that there will be no question of lack of cooperation on that point of view.

Mr. MONDALE. I hope the Senator is right. What we hope to do here, in part, is to take part of the responsibility off their shoulders. Too often, we leave administrators in a no-man's land. They are damned if they do, and they are damned if they do not. They have to sit there and try to judge not only what the law might provide but also what the congressional reaction is going to be. In this bill we try to take some responsibility for this revised policy.

They have a clear mandate under this bill to get the job done in 6 months, if it is possible. But we are not in a position to know whether that is reasonable. We do not know enough about the office. So, in effect, it is an appeal for quick action but, accompanying it, an expression on our part that it might not be possible within that time.

Mr. BENNETT. I am sure there is a problem of budget here and a problem of the size of staff. I hope, as does the Senator from Minnesota, that they will move as quickly as possible and be able to report as much progress as possible in the 6 months.

Mr. President, I wish to express my appreciation to the Senator from Minnesota, the manager of this bill, and to join him in suggesting that the report be agreed to.

Mr. MONDALE. May I respond to the Senator by stating how much those of us on the majority side appreciate his thoughtful and deep concern in the consideration of this bill and in the conference. All of us on this side of the aisle are deeply impressed by his thoughtfulness and his fairness. This is a much stronger and a much sounder bill because of the contribution of the Senator from Utah. I wish to express my appreciation.

Mr. BENNETT. I appreciate the Senator's remarks.

Mr. MONDALE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. MONDALE and Mr. BYRD of West Virginia moved to reconsider the vote by which the conference report was agreed to.

Mr. BENNETT moved to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

RANDOM SYSTEM OF DRAFT INDUCTION

Mr. STENNIS. Mr. President, as in legislative session, I announce, for the information of the Senate, that the Committee on Armed Services received testimony this morning from Secretary of Defense Melvin R. Laird, Assistant Secretary of Defense for Manpower Roger T. Kelley, and Gen. Lewis B. Hershey, Director of Selective Service, on H.R. 14001, which would permit the President to initiate a random system of selection to determine the order of induction. The bill would repeal one sentence of the Selective Service Act of 1967 which prohibits this discretionary authority on the part of the President.

Subsequently, after receiving the testimony, the committee voted unanimously to report H.R. 14001 without amendment, with all members being recorded in favor.

The committee report will be filed with the Senate today. It is anticipated that the bill will be considered on the floor of the Senate at an early date.

Mr. President, as of now, I think the feeling and the atmosphere of the Senate concerning this bill is that it will be passed, after discussion of some points that would otherwise be offered as amendments. I do not believe they will be offered.

The committee has planned and announced comprehensive hearings on the entire subject of the Selective Service Act, beginning near February 1, 1970. That seems to be acceptable, under the circumstances, for this year, and I hope the bill can be passed following the discussion on the question of the nomination of Judge Haynsworth. Of course, it is up to the leadership as to when the bill will be considered on the floor of the Senate. It needs to be passed and sent to the President so that plans can be made for its operation.

ORDER FOR ADJOURNMENT TO 10:30 A.M., MONDAY, NOVEMBER 17, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the prayer and the disposition of the reading of the Journal, the junior Senator from West Virginia (Mr. BYRD) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the speech by the Senator from West Virginia (Mr. BYRD) on Monday next, there be a period for the transaction of routine morning business as in legislative session, to extend until 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the speech of the Senator from West Virginia be as in legislative session or in executive session?

Mr. BYRD of West Virginia. The speech of the Senator from West Virginia will be in executive session. It will be with reference to the nominee on the Executive Calendar.

ADJOURNMENT TO 10:30 A.M., MONDAY, NOVEMBER 17, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in executive session, in accordance with the previous order, that the Senate stand in adjournment until 10:30 a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, November 17, 1969, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 14, 1969:

U.S. MARSHAL

Harry Connolly of Oklahoma to be U.S. marshal for the northern district of Oklahoma for the term of 4 years, vice Doyle W. Foreman.

PUBLIC HEALTH SERVICE

Dr. Jesse Leonard Steinfeld, of California, to be medical director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service, for a term of 4 years.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 14, 1969:

IN THE AIR FORCE

Maj. Gen. Royal B. Allison, 541-05-8588FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

EXTENSIONS OF REMARKS

PLYMOUTH, IND., PILOT NEWS ENDORSES FULL FUNDING OF CLEAN WATER ACT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. BRADEMAS. Mr. Speaker, under unanimous consent. I insert in the RECORD an excellent editorial from the October 6, 1969, issue of the Plymouth, Ind., Pilot News strongly endorsing full funding of the $1 billion authorized under the Clean Water Restoration Act of the current fiscal year for programs to help support State and local pollution control programs:

LET'S HEAR IT FOR CLEAN WATER

Striking while the iron is hot is a maxim that has political as much as, if not more than, any other application.

In American politics, this would appear to be a vintage year for striking on some longstanding and basic issues.

Currently we have the drive to abolish the Electoral College in favor of direct popular election of the president. With the near-disaster of the 1968 election still reasonably fresh in the public mind and the political climate therefore favorable as perhaps never before, the House has passed and President Nixon has now come out in favor of the proposed constitutional amendment. There is now just the faintest chance that the procedure for electing the American president may be rescued from the 18th century and brought into the 20th by 1972.

Earlier we had taxes, the rare spectacle of congressmen in numbers exercising themselves not, as usual, over raising more but over simplifying, even easing, the citizen's burden. With the signals of an imminent taxpayers' revolt flashing all over the horizon, it was clear that the time for tax reform had clearly come. The final results aren't in yet, but both Congress and the administration have taken advantage of the mood of the moment to tackle the most far-reaching overhaul of the tax system in recent history.

In this grab bag of issues, there is yet another item, not as exciting perhaps but probably even more important in the long run, where, hopefully, Washington will show itself equally willing to follow where pubic opinion leads.

For a long time now pollution has rivaled the weather as a subject generating a great deal of talk but precious little action. We all know by now what we are doing to our environment, the dire predictions for the near future and how far we are falling short in taking the steps necessary to prevent them from coming to pass.

The public is clearly in favor of action. A recent Gallup Poll reported 85 per cent of the population concerned about water pollution and 73 per cent ready to spend money—i.e., taxes—to combat it. Washington also seemed to be in step with the passage of the Clean Water Act back in 1966, which was supposed to channel a steady flow of federal funds into state and local pollution-control programs.

Unfortunately, the flow has been more of a trickle. Actual fund appropriations have consistently fallen short of clean-water authorizations. In 1968, $450 million was authorized and $203 million finally appropriated. In 1969, it was $214 million appropriated against $700 million authorized. In the current budget, the administration has again asked for $214 million, while Congress authorized a round billion.

It appears, however, that public sentiment, as expressed through a Crusade for Clean Water waged by a coalition of national organizations ranging from the League of Women Voters to the United Steel Workers and the Izaak Walton League, instead of the administration may have its way on this one.

It is sorely needed. Without the promised federal funds, the cleanup program would eventually collapse despite efforts by local governments, which have passed bond issues to raise their share of needed funds, and even, increasingly, industry. And that, with the consequent accelerated deterioration of our water resources, is something we can much less afford.

RARICK REPORTS ON SUPREME COURT'S "NEVER-NEVER" STANDARD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RARICK. Mr. Speaker, today I reported to the people of my district, explaining to them the "never-never" standard of freedom which the Supreme Court has imposed in our country. The Americans are never right; and the Communists are never wrong.

I submit the following report:

I'm John Rarick, your Representative with another report to you from your nation's capital.

As we Americans watch what is taking place in our country, many wonder who or what is in control—and responsible.

I've had the opportunity to make several trips to Louisiana recently. It is always refreshing to get back home where people still think, talk and act like free men. But, here in Washington it's something else. It's unbelievable—like being in another country. We're suffering from a moratorium sickness. For weeks before the moratorium crowd began assembling here in the nation's capital, everyone knew that these disloyality demonstrations were called by the fifth column—the non-uniformed troops of the enemy of our people.

Last month, the premier of North Viet Nam wrote a letter to those he called his "dear American friends" wishing them success in this, their Fall offensive. The names and backgrounds of the Communists and Hanoi's "dear American friends" who are running this show have been published time and time again for the news media people and for government officials to see. If you were being given the full story, you, too, would have seen these names and subversive connections. There can be no other conclusion but that the moratorium crowd doesn't want peace. They want a Communist victory in South Viet Nam.

The enemy's demonstrators have, in a disgraceful play, stooped so low as to exploit the names of our heroes who gave their lives for their country—desecrating their memory in order to help the enemy propagandists. The American Gold Star mothers have courageously defended the memory of their dead sons by refusing to permit their names to be misused. Even their wishes have been denied.

Here it was known at mid-week that every extremist organization in the country with a reputation for violence was assembled in Washington, planning more violence. Nevertheless, brainwashed by some extreme Supreme Court decisions regarding right of dissent, the Administration knuckled under to a militant minority and has turned our capital city over to this conglomeration of Communists, kooks, dupes and cowards.

But now let's consider the contrast with the way the courts and the Nixon Administration treat loyal and patriotic Americans—some of his silent majority—here in the South including us in Louisiana.

The single biggest crisis facing us is the safety, the welfare and the education of our children. While the Washington crowd leans over backwards to placate and give extra freedoms to known commies and other subversives, we in the South are even denied freedom of choice for our chidren.

I have pointed out on numerous occasions to people all over the country as I have spoken, that what is being promoted by the Washington bureaucrats as "the law of the land" is flagrantly unlawful and dictorial tyranny—they grant freedom only for those who would deny us all freedom.

So long as Americans are free, we will continue to act as free men.

In 1954, the Supreme Court under Earl Warren made a political decision designed to destroy Southern education. It had nothing whatsover to do with law, but it pretended to interpret the Constitution. The Court said in the Brown case that no one could assign a child to a school, solely because of his race. What the Court held was that children could attend whatever school they or their parents desired without regard to race. This was freedom of choice—pure and simple. Many did not like this outside interference in our state school system. We did not think that it was legally or morally correct. However, as loyal Americans, we learned to live with it.

The people in the South showed far more intelligence than the scheming bureaucrats. Free to choose, most white parents chose to continue educating their children with members of their own race. The same thing occurred with the parents of Negro children. Most of them chose to consider the well-being of their own children and continued to educate their children in schools with a majority of their own kind—and we continued to live in peace.

The Constitution hasn't changed since the Brown Case in 1954. The members sitting on the Supreme Court have hardly changed. But this month, the Supreme Court suddenly imagined that the Constitution was wrong again. And that freedom of choice in Southern schools was illegal because it did not achieve—in over 15 years—what the Supreme Court considers a proper proportion of race-mixing. The Louisiana and Mississippi decisions would have you believe that judges are all-powerful—that they have a sacred mission: To assign children to schools based solely on race to achieve a theoretical thing called "racial balance."

Here's the Washington Post for Friday, November 14. Here's what a Maryland County Commissioner says about the move to forcibly overcome racial imbalance in schools just outside the District of Columbia:

"A Prince Georges commissioner lashed out at plans to integrate the county's last two all-Negro secondary schools and change the boundaries of 16 others.

"At the same time, school board staff members released estimates that 1,600 students will be bused to implement desegregation, and another 1,000 who now ride buses will have to ride farther.

"The commissioner said the board had approved a plan 'abhorrent to all facets of the community, black and white' and that the solution provided was only temporary. 'In a matter of a few years the problem will be before the school board again,' she said."

Let's discuss how all this came about in the first place.

In 1954, a controversial Supreme Court decreed freedom of choice; then, in the 1964 Civil Rights Act, Congress passed a law which defined "desegregation," specifically stating it shall not mean the assignment of little children to schools simply because of their race to overcome the obsolete cliche, "racial imbalance." This was thought necessary because the northern politicians and bleeding-heart do-gooders continued to read into "desegregation" a meaning of compulsory integration. Desegregation as defined by Congress in the 1964 Civil Rights Act can be taken no other way than establishing freedom of choice as the law of the land.

In 1968, when the Congress appropriated money to operate the Department of H.E.W., Congress made the law to prohibit H.E.W. from using any of your tax money to illegally assign pupils to schools solely on the basis of race, and against the wishes of their parents, for the purpose of overcoming racial imbalance. But these all-powerful unelected justices on the Court continue to ignore the will of the vast majority of the people and the laws of Congress by setting up their own opinions as if the law of the land.

The Constitution itself spells out in Article 6, Paragraph 2, what the law of the land is. It says nothing about giving law-making powers to the Supreme Court or any other court. In fact, the Federal courts aren't even authorized by the Constitution their own rules of procedure. It clearly says that this Constitution and the laws enacted by Congress are the law of the land. This should clearly emphasize the tyranny so brazenly employed by the Supreme Court to belittle our Constitution and enthrone itself above our people.

The Department of H.E.W. misused your tax money appropriated to it by preparing the illegal guidelines. The Department violated the law twice. First, it broke the law by using federal funds to pay for setting up racial guidelines. Then, it again broke the law in establishing the racial guidelines themselves. The courts, ignoring these illegal acts, ordered them enforced as if law. At this point, the Nixon Administration, which has pretended to be a friend to the people of the South, immediately announced that it would promptly enforce what it called "the law of the land,"—that is, the unlawful decision of the Supreme Court based upon the illegal H.E.W. guidelines.

This decision is not the law of the land. It is against the law of the land. It purports to enforce, as law, bureaucratic guidelines made in defiance of the law enacted by Congress. In denying us freedom and equal protection of the law, it has trampled the Constitution under foot. This is judicial tyranny in its most extreme form.

As one of our friends, Richard Cotten of Conservative Viewpoint, has said, "We are becoming more and more a 'never-never land,' where Americans are never right, and Communists are never wrong."

Compare the facts of our situation in Louisiana with those in our nation's capital—both made reality by court action and both under the name of freedom. In Louisiana, we have been deprived of our freedom of choice. Here in Washington, the enemies of our country—the American friends of Hanoi—have been granted freedom to occupy and roam at will in our nation's capital.

In the recent Louisiana decision the Supreme Court, by refusing to act, endorsed destruction by the Fifth Circuit of freedom of choice. In so doing, they defeated their announced intent to destroy dual school systems, and actually only destroyed public education. As a consequence, they have laid the groundwork for another dual school system—one, public, for the poor; and one, private, for the rich.

The Supreme Court has simply ruled that only the children of wealthy and affluent parents retain freedom of choice in the school they would attend. Their parents have the means to take care of them and see to it that they receive a quality education. Knowledgeable Americans have known since 1954 that polarization of the classes as well as destruction of public education were the prime objectives of the racial agitation. The class war was sought and is now one step closer.

Affluent parents, who are the taxpayers and who have been funding our once proud public school system, can not be expected to finance a dual school system—a superior private system and an inferior public system. Just as suburban parents in the North can no longer see the wisdom of voting for bond issues and paying taxes to support inferior public education in the cities, we will now find disillusioned southern parents rejecting judicially wrecked schools. Taxation without representation has a history of unpopularity in this country.

It is truly unfortunate that the men temporarily occupying the chairs of the Supreme Court would prostitute the law and betray their trust to give the color of legitimacy to tyranny. They set dangerous precedent.

But of this I am sure. Freedom is the law of the land so long as this is the United States. Tyranny such as sought to be imposed by the Supreme Court only brings the judges a step closer toward a direct confrontation with the true sovereign of this land—the American people.

Ultimately, the people—not judges—will hand down the final decision.

DO NOT BE MISLED

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. CUNNINGHAM. Mr. Speaker, the Catholic Standard, weekly newspaper of the archdiocese of Washington, had some sage advice in its issue of Thursday, November 6.

The Standard, in a page 1 editorial, cautioned its readers to avoid the weekend's demonstrations in Washington.

The Standard stated—

> The situation could be extremely critical—The more people there are on the streets, for whatever reason, the more dangerous the situation. The best way to avoid creating a danger for yourself and others is to stay away.

Mr. Speaker, I hope many take this advice and I would urge each of my colleagues to read this factual editorial.

Don't Be Misled

Responsible officials, including those directly concerned with the preservation of law and order in the nation's capital, are deeply concerned about the strong probability of serious civil disorders during the three-day peace demonstrations scheduled in Washington next week. It is apparent that the organizers hope to attract between 250,000 and 500,000 persons from outside the city.

While it is impossible to predict how many will respond to the call for the massive demonstrations, it is no secret that the promoters are leaving no stone unturned in their concerted efforts to draw the crowd. Certainly there will be enough demonstrators to tax the resources of the police and other law enforcement agencies. Crowd control alone will be a real problem. But that isn't the whole story.

The promoter of what is in fact a massive march on Washington is the so-called New Mobilization Committee to End the War. Its steering committee, the controlling body, is a mixed bag of mature, experienced organizers and activists drawn together in a coalition for resistance against any meaningful search for peace, other than on their own terms.

The steering committee of this coalition has made it absolutely clear that their demands, which parallel the positions of the North Vietnamese and the National Liberation Front (Vietcong) in Paris, do not support our efforts for a negotiated peace in Vietnam. They call for the immediate and unilateral withdrawal of all American and allied troops and logistical support from South Vietnam. It is their position that there is only one issue to be negotiated at Paris: reparations to the Vietnamese people for damage done to that country by the United States.

And who makes up the steering committee of this unholy alliance? It runs the gamut. Beginning with hard-core professional Communist Party leaders, passing through the traditional Communist front organizations and special interest groups, it also includes a few of the altruistically minded peace organizations. However, it is heavily weighted in favor of the hard core professional and militant left wing activists.

Included on the membership of the steering committee are 12 Communist Party members or persons closely associated with its activities, eight or ten participants in the demonstrations at the Pentagon and five members of the SDS. It also includes representatives of the Trotskyites (Socialist Workers Party) and its youth group, the Young Socialist Alliance, as well as other, but less publicly identified, left wing activist groups.

It is a matter of public record that several members of the steering committee have met with the North Vietnamese and Vietcong in Peking, Paris, Hanoi and Stockholm. Unquestionably there have been other contacts and meetings to coordinate the efforts of the "peace movement" in the United States with the plans of the North Vietnamese and Vietcong in Paris and Hanoi.

The New Mobilization Committee also has opened the door for participation in the demonstrations by violence-prone elements of the New Left. The Weatherman faction of the SDS, a violently activist group, has announced its intention to participate. This, in turn, undoubtedly will stir up a reaction from some of the militantly active right wing groups. One or more of these groups can be expected to appear on the scene.

All the elements for violence and disorder will come together in Washington next week. The presence of a large crowd with divergent ideologies and interests, sprinkled with experienced and dedicated left wing activists and combined with the catalyst provided by the presence of extremist groups from both sides could easily create very serious disorders.

We realize that many, if not the majority, of the participants will have no desire for violence. But their intentions cannot control the actions of those who will want to react violently. When violence begins, in any form, those responsible for the maintenance of peace and order will be hard put to distinguish between the good and the bad. The innocent will be indistinguishable from the guilty.

We strongly urge our readers to avoid whatever crowds may appear in Washington for the demonstrations next week. The situation could be extremely critical. The more people there are on the streets, for whatever reason, the more dangerous the situation. The best way to avoid creating a danger for yourself and others is to stay away.

RHODESIA'S PRIME MINISTER WRITES FRIENDS OF RHODESIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RARICK. Mr. Speaker, November 11, was Veterans Day here in the United States. Ironically, it was also the fourth anniversary of Rhodesian independence.

As the persecuted and suppressed peoples of Rhodesia continue their united struggle to progress against external tyranny and intervention, it is interesting to compare the retrogressive policies and deterioration of those mighty powers who would destroy her. Certainly, her leaders need only look at the decline of our culture in the United States, and the self-destruction of the British Government to reassure themselves that Rhodesia's policies are correct and the only solution to her domestic peace and prosperity.

Our colleagues know first hand our domestic turmoils and the attitude of the party in power toward Rhodesia. So that they may be apprised of the intemperate and unrealistic attitude of the British, as expressed by their Foreign Minister in the UNO and that country's intimidation of a loyal Rhodesian. I include Mr. Stewart's speech, several news clippings, and related material following a report to his friends from the Honorable I. Douglas Smith, Prime Minister of Rhodesia:

Speech of Prime Minister of Rhodesia

It is a great pleasure and privilege for me to join our many Friends of Rhodesia in celebrating the fourth anniversary of our Rhodesian Independence.

The road has been hard and at times the going tough but every increase in pressure against us has had the reverse effect from that expected by our enemies. The unity and determination of the people of Rhodesia to be masters in our own house has grown from strength to strength and was recently demonstrated to the world by the overwhelming verdict of the electorate at the Constitutional Referendum. The solidity of the foundations on which our national economy has been built was shown in the Budget Statement by our Minister of Finance, Mr. J. J. Wrathall, on July 17th, when he said that there had been an increase of five and a half per cent at current prices and a real increase of three per cent in the gross domestic product for 1968.

Our manufacturing industry has continued its remarkable progress as a result of the opportunities for import substitution.

Agriculture, on which the burden of sanctions has fallen most heavily, is recovering ground. Although many farmers have had to move from tobacco into other crops, production has been maintained at most satisfactory levels, and following the good season last year, agricultural exports are making a notable contribution to our foreign earnings. Mining output has reached a new high, and an upward surge has taken place in fixed capital formation expenditure.

All these factors, and the substantial inflow of foreign capital, have enabled us to achieve the aim of securing our balance of payments and avoiding inflation.

Viewed against the background of sanctions, one of the worst droughts in living memory, followed by a disastrous frost—this has indeed been an impressive achievement.

Our continued economic strength is shown in the fact that except for an initial setback in 1966 our economic activity has been more than well maintained with the gross domestic product increasing by eleven per cent since 1965.

Economically, problems brought about by external forces still remain to be overcome. We are confident that in time these difficulties will be successfully resolved.

But there has been an even more striking success than our material achievements since Independence—it is the dramatic development of unity of purpose among our people. Harmony between the many races that make up our population has never been better, and the desire for closer understanding and national unity is a major force in Rhodesia today. This feeling has been demonstrated on numerous occasions, through the support the African people have given to our Security Forces in dealing with terrorist attacks from across our northern borders. Without the outstanding co-operation and assistance of the people living in the areas in which terrorist activities have taken place, the task of the Forces would have been infinitely more difficult.

Independence Day, celebrated as a national holiday in this country, is the most appropriate occasion for me to express, on behalf of my Government and the people of Rhodesia, our deep appreciation and gratitude for the wonderful material and moral support, and sympathy which our friends from countries all over the world continue to give us in our determination to preserve our Independence.

The material aid which has been provided so generously in our country's battle to overcome the effects of sanctions, has been of great value to our hospitals, schools, the Security Forces, the mining industry and other sectors of our economic life.

Important though this material aid has been, it is the spirit in which all this help has been given that has created such a deep and lasting impression amongst our people.

Seldom a day passes without some message of goodwill to sustain and encourage us in our struggle to develop Rhodesia's potential for the benefit of all our people.

To you, your friends and families, I would simply say this: "For the support which has been such a great inspiration to us all, we thank you."

[From the Rhodesia Herald, Nov. 6, 1969]

SICK AFRICAN DETAINED IN UNITED KINGDOM OVER PASSPORT

An African businessman who was once host to the British Commonwealth Secretary, Mr. George Thomson, was placed in detention recently when he flew into London en route from America—because he refused to exchange his Rhodesian passport for a British one.

During his ordeal, Mr. Henry Mpumulo Ncube (55) of Gwanda District, suffered a recurrence of a heart attack which first struck him during his American visit, says a Ministry of Information Statement.

Mr. Ncube was detained as he was being pushed in a wheelchair from the transatlantic flight at London Airport.

"I was taken to a small room and questioned about my Rhodesian passport. Officials asked me whether I realized that Rhodesia was an enemy of Britain, and said that I had no business having a Rhodesian passport," he said.

"When I told them that as far as I was concerned Rhodesia was not an enemy of Britain they suggested I change my passport for a British one.

"I refused to do this because I felt it might cause trouble when I got back to Rhodesia."

Mr. Ncube was then wheeled to a waiting car and driven to the nearby Skyway Hotel, continues the Ministry statement.

"They took me to a room and kept me under detention for three days. I had to share the room with two uniformed officials who took it in turns to guard me," he said. "Whenever they went out they locked the door and removed the key. I felt like a criminal."

Among the documents confiscated on his arrival in London was a letter from a doctor describing his heart complaint and instructing that he should not be worried or exerted.

Soon after he was detained, Mr. Ncube suffered the second attack. A doctor was summoned the following morning, and he was given treatment. He was also permitted to have some friends in London to visit him after the attack.

On the third day after his detention, Mr. Ncube received a telephone call from the Chief Immigration Officer who told him that he was free and that he would be allowed to visit his friends before leaving for Rhodesia.

But he was later warned by a woman in uniform that unless he caught the plane the following day he would be arrested.

"I was very upset by this. I have no political affiliations and I just could not understand their attitude, especially since I entertained a British Cabinet Minister, Mr. George Thomson, in my home last year."

The statement says Mr. Ncube contrasted the treatment he had received in America—where he had been on a four-month lecture tour as a guest of the Brethren in Christ Church. "I have nothing but praise for the way in which I was treated in the United States. It was very different in London," he said.

On the day of his departure, his documents, including his Rhodesian passport, were returned to him.

But in his haste to depart, he left behind two items of photographic equipment—a gift from his friends in the United States.

Mr. Ncube is now convalescing at his home among the granite kopjes of the Gwanda District.

"It is wonderful to be back in Rhodesia with my wife and children," he said.

EXTRACT FROM A SPEECH MADE BY MR. STEWART, BRITISH FOREIGN MINISTER TO THE U.N. GENERAL ASSEMBLY ON SEPTEMBER 22, 1969

In Rhodesia, the illegal regime remains in power, having rejected the repeated offers made by Britain of terms designed to secure an honourable settlement. It remains in power, a tyranny, unashamedly based on racial doctrines. All tyrannies are odious but at the present point in history those based on racial doctrines are the most odious and the most dangerous. Mankind is distinguished from the brutes by his capacity for compassion, for justice and for reason. To tyrannize over anyone is to depart from compassion. To deny anyone his political rights is to depart from justice. But to do these things on the basis of bogus theories of racial supremacy is to depart from reason as well.

But although this regime remains at present in power, it lives in isolation from the world, earning the detestation of the world and cut off by the operation of sanctions from the bright economic future which should be the birthright of its peoples but which is denied to them by the operation of racial doctrines. We in the United Kingdom have made very clear the legal and diplomatic nature of this isolation. The Governor, Sir Humphrey Gubbs, having served most valiantly, has now rightly resigned his office. We have recalled our mission from Salisbury. Rhodesia House in London stands empty. These were right and necessary measures. What more needs to be done?

I know there is a body of opinion in this Assembly which believes that the United Kingdom should use force to bring down this regime. But to light the torch of war in southern Africa would lead to every kind of terrible consequence without any guarantee whatever that the outcome would be swifter or politically more desirable than could be achieved by the present course of action, that is to say, the steady and resolute application of sanctions. This is why I have spoken of the importance of observing Security Council resolutions. There stands on our records resolution 253 of 29th May 1968. From the resolution sprang a Committee charged with the supervision of sanctions. All Member states should do everything in their power to co-operate with that Committee. The Government of the United Kingdom, mindful of its special responsibility, has given maximum assistance. We have so far submitted over fifty reports of cases of suspected sanctions breaking. The action taken by the Committee on these reports has been encouraging and in an increasing number of cases has frustrated Rhodesian exports. It is on these lines we must proceed. To pass resolutions demanding the use of force, or demanding a total economic confrontation with other States in southern Africa, is to commit the error against which you, Madame President warned us in the passage of your speech which I quoted earlier. It would be particularly foolish to commit this error when we have near to our hands a practical and effective way of proceeding, which is to see that the important resolution 253 (1968) is rigorously observed both in letter and in spirit.

RHODESIA UNITED IN FACE OF TERRORISM

AFRICANS AND EUROPEANS CO-OPERATE FULLY AGAINST OUTSIDERS

"One of the most impressive achievements of the present Rhodesian Government has been its ability to enlist all members of the nation in the counterinsurgency struggle." This was stated in evidence before the House Subcommittee on Africa on November 7 by Walter Darnell Jacobs, Professor of Government and Politics at the University of Maryland. He explained how revolutionaries based in Zambia had failed in their aim of organising resistance against the Salisbury Government mainly because the African population of Rhodesia had co-operated with Europeans against outsiders.

"This demonstration of loyalty to Rhodesia without racial qualifications may represent a new chapter in the history of Marxist-Leninist wars of national liberation," said Professor Jacobs.

ZAPU AND ZANU COMMUNIST

Professor Jacobs categorically described ZAPU and ZANU, the two political organisations which are banned in Rhodesia, as extensions of the Communist Parties of the Soviet Union and China. In support of his contention, he quoted a statement by R. Ulyansky in *Kommunist* Nov. 11, 1969 which continues the praise from Moscow of ZAPU. ZANU is mentioned as "a Maoist breakaway type organisation."

"In the Western press," continued Professor Jacobs, "these two organisations, ZAPU and ZANU, are frequently described as "freedom movements" or "liberation groups" or even "nationalist political parties". In fact, they are local extensions of the Communist Party of the Soviet Union or of the Communist Party of China. The failure of ZAPU and ZANU to gain support inside Rhodesia would have signaled their demise long ago had it not been for the international patronage available from Moscow or Peking.

"The threat of guerrilla warfare in Rhodesia remains acute. It is acute because of the Soviet support of ZAPU and the Chinese support of ZANU.

"It is not acute because of any native Rhodesian support of the would-be guerrillas."

RHODESIA IS A STATE

Professor Jacobs also had some comments on the new Rhodesian Constitution which was overwhelmingly endorsed by a referendum of voters in June, 1969.

"The Government in Salisbury," he said, "maintains that it has earned the right to elaborate a constitution for the country. It has, it is argued, made good its revolution against Great Britain; it has established its sovereignty over the national territory; it has maintained domestic peace; it has been able to protect the state from outside enemies and it has won the allegiance of its citizens. These claims may be open to some dispute but few can deny that the government in Salisbury does meet the minimum standards of international law for definition as a state. Other members of the world community may disapprove of the Rhodesian type of government but they must admit the factual existence of an operating state system there. This operating state system is factually independent of the United Kingdom. It meets the norm necessary to be called a state.

"As a state, with a government elected by legally established electoral processes, Rhodesia imputes to itself the ability to elaborate and promulgate a new constitution."

KEEP CONSULATE OPEN

Professor Jacobs concluded his testimony by referring to the primary objective of the hearings—the question of the presence of the U.S. Consulate in Salisbury.

"I would suggest in all humility," he said, "that nothing is to be gained by removing our consular representation in Salisbury. It is there. It serves our national interest in some small respects at least. It would seem to be a part of minor wisdom to retain it there and assign it the mission of watchful observation, thoughtful reporting and simple presence.

"Our national purpose," he said, "is not the influence of the internal affairs of other nations. We do, nevertheless, need and deserve the best possible information on the course of events in all areas of the world that may—in whatever eventuality—affect our interests."

Professor Jacobs in introducing his evidence explained that he has based his knowledge of Rhodesia on study and two visits to that country during which he was able to talk to Mr. Ian Smith, Mr. Jack Howman (Minister for External Affairs), Mr. Desmond Lardner Burke (minister of Justice) and other members of the government and Rhodesia Front. He said that he was also able to talk with private citizens, with persons opposed to the governmental policies and generally with representatives of all races and cultural groupings inside Rhodesia.

RHODESIAN SANCTIONS COUNTER PRODUCTIVE: UNITED NATIONS AND UNITED STATES BOGGED IN FUTILITY

Charles Burton Marshall, Paul Nitze Professor of International Politics at the Johns Hopkins School of Advanced International Studies told the House Subcommittee on Africa that he had told a friend at the time Rhodesian sanctions were originally proposed 4 years ago that the notion of effecting a political transformation by applying commercial restrictions and punishments of the sort under contemplation struck him as bordering on fantasy. "By credulously attempting that course," he said "the United Nations, and the United States along with it, would in all probability succeed only in producing unintended and contraproductive results and find themselves bogged in futilities."

Professor Marshall said that results projected in applying sanctions to Rhodesia were deprivation and economic dislocation, compounding of internal difficulties to a degree making it impossible to continue governing, erosion and destruction of a political base, then either a popular upsurge to supplant the regime, or its capitulation and finally a contrite submission to British terms.

"At the outset," he said, "the British Prime Minister forecast realisation of these results in a matter of weeks. More recently, in a T.V. interview, he has observed that, 'Appomattox has been a long time coming.'

"According to an analysis in the Johannesburg Financial Mail, for August 22, 1969," continued Marshall, "the mid-year data indicate a probable gross domestic product of 429m. pounds ($1200m.) for this year compared with 352m. pounds ($986m.) in 1965 and 389m. pounds ($1089m.) in 1968. Discounted for inflationary factors, the rate of increase this year is projected at 8 to 10 percent. The political base of the regime appears to have been drastically strengthened. I believe the governing apparatus is administratively much stronger than it was at the onset of sanctions. The last juridic moorings to Britain have been cut."

Professor Marshall noted that these developments and the fact that Rhodesia is going ahead with a new Republican constitution were surely a departure from what the U.N. Security Council had in mind when it chose the economic weapon.

BRITISH GOVERNMENT MISLED

"Surely," said Marshall, "the British Government was misled, and in turn did some misleading about the technical aspects of sanctions. The theme is expounded in a column by C. Gordon Tether in The Financial Times of London for June 13, 1969. One fallacy, he observes, was in assuming that policing .25 per cent of international trade would be easy merely because of the small volume involved. The assumption turns reality upside down. Technically a small volume of trade is much harder to impinge on by embargo than a large one."

Professor Marshall said that *Hansard* (the verbatim report of proceedings in the British House of Commons) and British literature abounds with evidence of the fallacy that sanctions have forced the Rhodesian economy into passivity. "Such," he said, "is not the way things work out in practice. The affected economy adapts. That is what has happened in Rhodesia. Its productive plant has developed versatility previously undreamed of. An expertise in patent infringement has sprung up. Some 150 products previously imported are reported to be made locally now. My own belief is that the figure is probably not far off truth and may even be accurate."

EFFECT OF ISOLATION

Marshall referred to former Under Secretary of State George Ball's remarks in his book, "The Discipline of Power," in which he thinks the idea of influence through ostracism is a fatuity.

"I agree," said Marshall. "My own observations in a week's visit in Salisbury a year and two months ago convinced me that the lessening of communications between ourselves and Rhodesia has done no good whatsoever for our purposes and has probably done harm. George Ball's metaphors about the advantages of ventilation in preference to closed windows applies here. To altogether too great a degree, Rhodesians' contacts with western outsiders, especially since sanctions, have been with people whom I would categorize as far-right dogmatists and the result has been to add to right wing proclivities."

He illustrated other effects of ostracism and beleaguerment by recalling a conversation with a Rhodesian whose role in the frustration of sanctions has been an important one. "He had been an opponent of the Rhodesia Front and the unilateral declaration of independence, disposed to emphasize British ties rather than Rhodesian identity. The British government's action in summoning the whole world into economic hostilities against Rhodesia, and Britain's failure to assert on the local scene the authority which it claimed before the world to have, had altered that. He recalled the content of the coronation oath, and drew a parallel to the case of James II. He felt absolved from British allegience, and thereupon, as he expressed it, devoted his energy and imagination to ways of beating sanctions. That response, multiplied many times, has been a factor in solidifying the regime's political support and in building up its administrative effectiveness."

BRITISH ASSESSMENT OF SANCTION EFFECT ERRONEOUS

Professor Marshall drew attention to the November 3rd meeting of the U.N. Trusteeship Committee. "The British spokesman," he said, "was reported as saying that it was the policy of his government to maintain the pressure of sanctions and international isolation in order to create a new situation in Rhodesia." He went on to declare anew Britain's aversion for using force in the area. He acknowledged that sanctions had not exerted the required degree of pressure to bring the regime to the point of settlement on terms which would be acceptable to the British government and world opinion. On the other hand, he went on, they had had very important effects in other directions in that they had denied Rhodesia the degree of development and outside capital investment essential to the territory's economy if it were not to stagnate. So long as sanctions were maintained, he concluded, Rhodesia's economy would never attain buoyancy.

"His prognosis is subject to doubt, for British assessments of the effects of sanctions have been consistenly in error for four years. That, however, is not the point. As he put the matter, so long as sanctions were maintained, Rhodesia's economy would never attain buoyancy. So the awesome powers of chapter VII are employed not for the purpose envisaged—that is, the preservation of peace—but for the retributive purpose of preventing a certain economy from attaining a degree of bounce or vitality. I know of no precept in the charter to justify such a purpose."

NYERERE BOWS TO ZANZIBAR PRESSURE

(By Roy Lewis)

President Julius Nyerere of Tanzania is one of those leaders thrown up by the former colonial empire who, as national figures in their own countries, have been able to take a strongly moral line—not only about the proper behaviour of States, but about the proper behaviour of politicians, officials and others.

He broke with Britain because of its "double standards" in respect of Rhodesian independence compared with the independence fo other colonies.

In his Arusha declaration he laid down extensive standards of public morality. In many of his speeches and lectures to his own people as "Mwalimu" (the teacher) he has emphasized the importance of a just society.

His admirers will be the more anxious for a fuller explanation of the circumstances which have led to the handing over to the Zanzibar revolutionary Government of three former Ministers in its Revolutionary Council—Othman Shariff, Kassim Hanga and Ali Mwange Tambwe.

NO JUSTICE

Dr. Nyerere, of course, knows perfectly well that there is no formal system of justice or courts in the Zanzibar regime led by Abeid Karume, First Vice-President of Tanzania.

This is underlined by the announcement that when courts are constituted there will be no appeals from them to the Court of Appeal for Eastern Africa.

In these circumstances, all that we know about the results of a recent trial of 16 men for plotting against Mr. Karume is that four were put to death, 11 given 10 years' imprisonment, and one acquitted.

But I have no doubt that Othman Shariff and Kassim Hanga are among those killed. I am told there is "irrefutable evidence" of their guilt, but it is all secret and cannot—as yet—be released to the world.

Othman Shariff, until a few weeks ago, was in fact living specifically under President Nyerere's protection, though he was worried about the rumours going round about him.

Kassim Hanga, formerly Vice-President of Zanzibar and the Minister of Union Affairs in Dar es Salaam, was actually in receipt of a pension from the President, which he was given after being released from detention.

He returned from Guinea in 1967 (his wife is Guinean) with an understanding that he, too, had Mr. Nyerere's protection and with a letter from President Sekou Toure.

FRIGHTENED MAN

He was detained two days later.

Othman Shariff, like Mr. Hanga, was a member of the Revolutionary Council which took over Zanzibar from the Sultan in the coup of January 1964. He was Minister of Education, and a frightened one—as I saw when I visited him in his house in those days.

He was relieved to become Zanzibar's High Commissioner in London when Mr. Sandys recognized the regime, and then, when the two countries united, to be sent as Tanzania's ambassador to Washington.

When Mr. Nyerere broke relations with the United States, he did not wish to return.

ILL-TREATED

President Nyerere persuaded him to do so in 1965, just before leaving on a world tour.

While the President was away, Mr. Karume was in charge in Tanzania and had Mr. Shariff taken to Zanzibar, where he was threatened and ill-treated in prison until he signed a "confession" that he had plotted against the Council.

When he was told of this, Mr. Nyerere was appalled. He intervened, and had Shariff brought to Dar es Salaam, where he lived for some time in State House under guard.

He was assured of the President's personal protection, and finally went to London to bring his two wives and family home.

Even then he hesitated, but got a further guarantee of his safety, and finally settled down as a veterinary officer (for some time with a police guard). Everyone who met him (as I did) knows how keen he was to keep out of politics—and how he feared that Mr. Karume was after him.

In the past year, however, much has been happening in Tanzania. A trial of a number of officials, once close to Mr. Nyerere, is in the offing, and perhaps more will emerge then.

All that is known is that a few weeks ago, Mr. Karume demanded Othman Shariff, Kassim Hange and Ali Mwange Tambwe from Mr. Nyerere, who at first refused to hand Shariff over.

Finally he promised to do so if Mr. Karume could give him irrefutable evidence of his guilt. In a day, Mr. Karume flew to Zanzibar and back, and produced what is said to be that proof.

ORDER SIGNED

The President then signed the order that consigned Shariff to his fate.

It must be borne in mind that President Nyerere is shackled with the impossible situation in Zanzibar. But the island's association with the mainland, far from restoring Zanzibar to normality, appears to be spreading Zanzibar's arbitrary rule to Tanganyika.

The importance of the Chinese in Zanzibar, and now in building the Tanzania-Zambia railway, may afford some explanation.

MORATORIUM-HANOI AXIS—22 MORE AMERICAN DEAD

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RARICK. Mr. Speaker, the casualty list from the new Communist offensive in South Vietnam is morbid proof of the close liaison of the Reds in Hanoi with their "dear American friends" leading the moratorium in the United States.

Monday of this week, a Vietcong document captured near Saigon revealed that the Red enemy was ordered to make intensive attacks in that region to support the antiwar protest on Washington.

Last night's papers showed that in the new offensive, spurred on and encouraged by the moratorium, 22 American fighting men have been killed and 53 wounded.

It is a strange freedom of speech and dissent to kill your own people. And there can be no doubt about it, these American casualties were killed by the peace fakers of the moratorium mob just as certainly as if they had pulled the trigger themselves. In these deaths, the North Vietnamese Communists have become the agents of their "dear American friends."

The guilt—the blood of these American casualties—is on the hands of every moratorium participant. The fifth column should take off its mask of peace and parade in their black pajama uniform.

I include several related news clippings:

[From the Washington (D.C.) Evening Star, Nov. 10, 1969]

VIETNAM: FOE ORDERS ATTACKS TIMED TO U.S. MARCH

SAIGON.—A Viet Cong document found 30 miles east of Saigon calls for intensive attacks in that region this weekend to support the anti-war protest march on Washington Saturday, official sources said today.

The sources said the document was taken last Tuesday from the body of either a courier or a liaison officer who was killed in a firefight with Australian forces.

The directive, believed to have been issued by the Viet Cong's local headquarters at Vung Tau, was dated Oct. 27.

It said: "In support of the upcoming struggle of the American people for peace of South Vietnam and the withdrawal of U.S. troops from South Vietnam, we are to launch intensive attacks in all aspects on the enemy on Nov. 14–15."

The directive called on Viet Cong forces to kill officials representing the Saigon government in hamlets and villages "to gradually break loose the administrative grip and to accelerate the annihilation movement in support of the struggle campaign for peace which will be initiated by the American people on Nov. 15."

The allied sources said the directive may have been issued only for propaganda and psychological purposes to boost the morale of the Viet Cong and that the attacks may not be made.

North Vietnamese troops kept up their pressure in the Mekong Delta and in the Central Highlands. In the delta they ambushed a South Vietnamese convoy and mauled a platoon of militiamen. In the highlands they attacked an American airfield.

Nine militiamen were killed and seven wounded when a North Vietnamese force overran an outpost manned by 35 men near the district town of Tri Ton in the Seven Mountains region. There was no word of enemy casualties.

The North Vietnamese at the same time shelled Tri Ton and another militia position nearby, wounding 11 civilians and three militiamen.

South Vietnamese headquarters said 51 of the enemy were killed in the ambush which occurred yesterday in the same general area near the Cambodian border 125 miles southwest of Saigon. Damage to the convoy included three soldiers killed, seven wounded and six trucks destroyed.

REDS SET OFF MINES

Two North Vietnamese regiments which infiltrated deep into the delta last summer have lost 221 men killed in five days of fighting in the Seven mountains area and farther south at the edge of the forbiddng U Minh Forest.

Government casualties total 52 killed and 178 wounded in the two areas since Thursday.

The truck convoy was shifting 155 mm. howitzers in the Seven Mountains region six miles east of the Cambodian border when the North Vietnamese set off mines and then attacked with rocket grenades and machine guns.

Armored personnel carriers accompanying the convoy returned the fire with .50-caliber machine guns, and American helicopter gunships swooped down on the enemy troops firing rockets and machine guns. Thirty-two of the North Vietnamese dead were credited to the helicopter fire.

About a dozen North Vietnamese commandos firing rockets and grenades broke into the big American helicopter strip at Ban Me Thuot, a major military operations center in the southern part of the Central Highlands 160 miles northeast of Saigon.

Eight Americans were wounded, and one truck was destroyed. But 30 helicopters parked along the asphalt runway escaped damage when U.S. security forces quickly drove off the enemy sappers.

The body of one North Vietnamese was found inside the base, and there were numerous blood trails left by wounded enemy soldiers who managed to get away. The purpose of the attack apparently was to knock out American helicopters supporting government troops who have been fighting North Vietnamese troops in nearby areas along the Cambodian border for the past two weeks.

Elsewhere, only small clashes were reported.

The U.S. Command said there were 16 enemy rocket and mortar attacks last night, and nine caused casualties or damage.

In Saigon, police sources said police had raided a house in Cholon, Saigon's Chinese quarter, and arrested 13 members of a Viet Cong sapper squad who were planning to assassinate Army Chief of Staff Gen. Cao Van Vien and his family. The sources said they found a 57 mm recoilless rifle, 10 Chinese pistols, four rifles and about 85 pounds of explosives in the house.

Officials in Saigon said Viet Cong terrorists killed 64 persons last week, wounded 143 and kidnaped 37 others in increased attacks across South Vietnam. Twenty-three of the dead were reported to have been national police, village militia or village officials.

The U.S. Command said American troop strength has been cut to 490,700—only 6,700 over the goal of 484,000 to be reached by Dec. 15 under the current withdrawal timetable. It is the lowest U.S. troop strength since Dec. 31, 1967, when there were 485,000 Americans in Vietnam.

[From the Washington (D.C.) Evening Star, Nov. 13, 1969]

GI'S SLAIN AT DMZ IN BIG RED ATTACK

SAIGON.—North Vietnamese forces mounted their biggest single ground assault along the demilitarized zone since the U.S. bombing halt more than a year ago, losing 105 troops but killing 22 Americans and wounding 53 others, military spokesmen reported today.

Two American helicopters also were shot down. The American casualties included one helicopter crewman killed and four wounded.

The 17-hour battle—fought six miles southwest of the allied outpost at Con Thien and 3½ miles below the demilitarized zone—lasted from yesterday afternoon until dawn today.

One American company—reportedly outnumbered as much as 3 to 1 when an estimated 500 North Vietnamese soldiers attacked their night bivouac in the predawn hours today—suffered 17 men killed. The company beat off the attack with the help of tanks, armored personnel carriers, artillery and helicopter gunships.

More than 100 miles to the south, in the populous coastal lowlands south of Da Nang, 130 North Vietnamese and Viet Cong were reported killed and 58 captured in the heaviest fighting in that region in 2½ months. Allied casualties in eight actions in the area were seven Americans and three South Vietnamese killed and 26 Americans and 13 South Vietnamese wounded.

FIGHTING IN MEKONG DELTA

Another battle, on the edge of the U Minh forest in the Mekong Delta, brought total enemy casualties reported in the past 24 hours to 251 killed and 58 captured.

The allied commands in their weekly casualty summaries reported that the number of Americans killed in action last week totaled 97, a slight increase over the previous week, while South Vietnamese and enemy fatalities were the highest in two months. The summaries listed 476 government troops and 2,476 Viet Cong and North Vietnamese killed. Another 698 Americans were wounded.

"Enemy activity last week increased by

100 per cent compared to the previous week," said the communique from the Saigon government.

The weekly report brought the total American combat dead reported since Jan. 1, 1961, to 39,329 and the total reported for the enemy to 568,989 in that period.

Since the enemy kicked off his winter-spring offensive on Nov. 4, his attacks have been concentrated in the southern part of the central highlands and the Mekong Delta, and a spokesman for U.S. Command termed the attack yesterday afternoon below the demilitarized zone "an isolated action."

"It is something to watch," he added, "but as of now, we couldn't attach any significance to it."

The fighting broke out shortly after noon Tuesday when troops of the 1st Brigade of the U.S. 5th Mechanized Infantry Division searching an area where there had been fighting Tuesday crashed into North Vietnamese forces.

Heavy machine-gun and rifle fire was exchanged, and the Americans blasted away with 90mm guns on tanks and heavy machine guns mounted on armored personnel carriers. Helicopter gunships and artillery also pounded the North Vietnamese positions.

U.S. FIREPOWER SUPERIOR

The fighting continued until dusk, then the enemy troops pulled back under the superior American firepower. But shortly after midnight, an estimated 500 North Vietnamese attacked under the cover of a mortar barrage and smashed into the night bivouac of the American forces with rocket grenades and dynamite bombs.

Again the Americans fought back with their armor, helicopter gunships, artillery and a twin-engine AC47 gunship, and "no enemy penetrated the perimeter," a U.S. communique said.

[From the Washington (D.C.) Post, Thursday, Nov. 13, 1969]

Broadcast Puts Author Barnet at Hanoi Talks

Hanoi Radio named Washington author and historian Richard J. Barnet yesterday as a participant in a meeting to register support of "massive (American) demonstrations against the U.S. aggression in Vietnam."

The meeting, in Hanoi Tuesday night, was held by the Vietnam Peace Committee and the Vietnam Committee For Solidarity With the American People. Hanoi Radio said the chairman of the latter group, identified as Prof. Hoang Minh Giam, "warmly hailed the planned massive antiwar demonstrations of the American people . . ."

Barnet, who served in the U.S. Arms Control and Disarmament Agency during the Kennedy administration, is co-director, with Marcus Raskin, of the Institute for Policy Studies here.

TO LEAVE FRIDAY

According to informed sources, Barnet arrived in North Vietnam last Friday, and is expected to leave there this Friday. Raskin said Barnet's mission is "to inform himself of the specific negotiating position of North Vietnam," and also to write about his trip there. Few Americans have been granted visas to enter North Vietnam in recent years.

Barnett is on the advisory board of a newly formed news agency named Dispatch, formed to provide "in-depth reporting on important issues and events for national newspapers and the collegiate press."

He has been highly critical, in writing and speaking, about U.S. policy in Vietnam. His latest book, The Economy of Death, is an analysis of U.S. defense spending and concepts.

REMARKS PARAPHRASED

The Hanoi broadcast identified Barnet and William Meyers (a New York attorney) as "the American lawyers delegation now visiting Vietnam." Their remarks at the meeting were reported only in paraphrased form.

Hanoi Radio said Barnett and Meyers "expressed the American people's solidarity with the just struggle of the Vietnamese people and urged an immediate and complete withdrawal of U.S. troops from South Vietnam. They affirmed that the Vietnamese people's struggle against the U.S. war is in conformity with the aspiration and interests of the American people."

Neither Barnett's associates or family here could supply any independent account of the remarks attributed to him in Hanoi. Barnet is expected back in Washington early next week.

[From the Washington (D.C.) Evening Star, Nov. 14. 1969]

Soviet Press Prints Details of Antiwar March Here

Moscow.—The Soviet press today published detailed accounts of U.S. Moratorium demonstrations against what it called the "dirty war" in Vietnam.

Tass, the Soviet news agency, transmitted bylined articles from its Washington and New York offices, including a report on the "March Against Death" at Arlington Cemetery.

"The muffled beat of drums heralded the demonstrations at Arlington Cemetery," Tass said. "The echo of this grievous and alarming sound swept over Arlington Cemetery where many of those who died ingloriously in the Vietnamese war were buried."

The agency also quoted a variety of speakers including Dr. Benjamin Spock, and said that "protest meetings against the dirty war in Vietnam were held during the day in front of government offices and in city squares."

[From the Washington (D.C.) Post, Nov. 14, 1969]

Hanoi Praises Protests Against War in the United States

(By Stanley Karnow)

Hong Kong, November 13.—North Vietnam has hailed the American antiwar demonstrations scheduled for this weekend as the largest and broadest in the history of the United States or any other "imperialist" country.

An editorial in Hanoi's authoritative newspaper Nhan Dan, transmitted here today, also accused President Nixon of accelerating a "war of aggression" in Vietnam despite his pledge to end the conflict.

Commenting on the President's Nov. 3 speech, the editorial said that instead of coping with "the waves of indignation of the the American people," it "further exposed his obdurate, bellicose and aggressive stand on the Vietnam issue."

The editorial went on to praise "genuine Americans" who have "courageously spoken out in the name of the conscience of America and vehemently condemned the immoral, illegal and losing war." It added:

"The patriotic struggle of the Vietnamese people is precisely the struggle of the American people for peace and justice."

ATTACKS INCREASING

The Nhan Dan editorial came amid a rising number of recent Vietnamese Communist statments attacking the Nixon administration and praising the opponents of the President's Vietnam policies.

Reflected in all these statements is the apparent conviction of the North Vietnamese and National Liberation Front (Vietcong) leaders that growing pressures in the U.S. against White House policies will eventually force Mr. Nixon to make concessions to the Communists.

In many ways, observers here believe, the Communists regard the expanding American peace movement to be similar to the disaffection with the Indochina war that built up in France before 1954, when the French government agreed to come to terms with the Vietminh.

These observers point out, however, that the major difference between the Indochina war and the current conflict in Vietnam is that the Communists defeated the French army at Dienbienphu. In Vietnam at the moment, the Communists are far from a military victory.

AMERICAN QUOTED

Still, evidently hoping to contribute to the erosion of the Nixon administration, prominent North Vietnamese and National Liberation Front spokesmen have been holding meetings within the past few days to encourage U.S. antiwar activists.

An official Vietnam News Agency dispatch received here today, for example, reported that a Hanoi meeting on Tuesday featured Richard J. Barnet, co-director of the Institute for Policy Studies—a private institution that concerns itself with public policy matters—and William Meyers, a director of the Lawyers Committee on American Policy Towards Vietnam.

The dispatch quoted Barnet as having said at the meeting that, "while war is raging abroad, our cities are falling apart, race is spurred against race and our youth continue to despair."

According to the Hanoi agency, Barnet concluded with the message that "the Vietnamese will continue to fight against the aggressors, the same aggressors that we will continue to fight in our own country."

In a dispatch transmitted here yesterday, the National Liberation Front's Gia Phong news agency cited an "open letter" sent to the "progressive" American people last week by the Rev. Joseph Marie Ho Hue Ba, a Catholic priest in the Vietcong Central Committee.

Stressing a theme often used by the Communists, the letter said that "once the United States has put an end to its war in Vietnam and taken all its troops home, good conditions will be created for the friendship between the Vietnamese and American peoples to develop fruitfully."

Now 71, Ho Hue Ba is a veteran nationalist activist who claims to have been a member of the Vietnamese Catholic hierarchy. Catholic officials in Saigon say, however, that there is no record of his having held a church office.

Today's Nhan Dan editorial simultaneously criticized President Nixon's "Vietnamization" plan as being aggressive and scorned it as potentially ineffective.

On the one hand, the editorial said, the aim of the plan is "merely to make Vietnamese fight Vietnamese and carry out the U.S. neocolonialist policy in South Vietnam by means of the puppet army and the Saigon puppet administration."

At the same time, the editorial went on, the plan is "not the way to end the war" since "how can the puppet army stand on its feet once the American expeditionary corps has withdrawn."

The editorial also charged the President with threatening antiwar demonstrators with "downright repression" and, among other things, menacing Sen. J. W. Fulbright in "McCarthyite style." It said:

"It is clear that those who are dishonoring the United States are not the Vietnamese people who are defending their independence . . . but actually the Nixon ruling clique."

SMU STUDENTS TAKE POSITIVE APPROACH IN EXPRESSION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. COLLINS. Mr. Speaker, a program is underway at Southern Methodist University which was activated by the students. Led by Randall Kreiling in the law school, these students had rather express themselves this way than through sensationalism. They are forming a group known as the University Community Caucus which will have regular meetings with a cross section of business and community leaders. Their interest is in working for constructive change and having the benefit of an interchange of ideas. It goes back to the motto of the great Texas hero Davy Crockett who said, "Be sure you are right, then go ahead."

There is a feeling among students today that any change is an improvement. A few generations ago we were interested in seeing our youngsters being provided with shoes and being able to give them a haircut. The new expression is to go barefooted and let your hair grow long because this is a change. But the question comes up, is it an improvement?

Too many college students are quick to tell us what is wrong with all of our communities. All of their time is spent in criticism and negativism, but they do not pause to add what is right or how we can constructively build a better society.

Southern Methodist University has one of the highest academic standards in the Nation. It makes it difficult for the institution to qualify star athletes for entrance, but I am delighted to see the fine caliber of students such as Randy Kreiling of Peoria, Ill., who have such an excellent commonsense approach.

The future belongs to the younger generation, but they must face the challenge with responsible programs for development.

SMU has started something with the University Community Caucus.

PRESIDENT NIXON'S ADDRESS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. RHODES. Mr. Speaker, a majority of Republicans and a majority of Democrats—well over two-thirds of the Members of the House of Representatives—have sponsored the resolution supporting the President in his efforts to bring about a just peace in Vietnam.

I share the President's pride in the fact that this House can—for the moment—shed its partisan differences, close its ranks, and stand by the Chief Executive in a time of crisis. In the words of the President:

> As one who has been a Member of both bodies, I understand and respect differences of opinion in both foreign and domestic policy. . . But I also know this—and this goes back to that 22 years ago—I do know that when the security of America is involved, when peace for America and for the world is involved, when the lives of our young men are involved, we are not Democrats, we are not Republicans, we are Americans.

The President remembers his days in this body and his feeling of kinship that still exists with its Members is apparent. Consequently, he knows how very much we appreciated his personal appearance before this body thanking us for our support.

SUPPORT FOR THE PRESIDENT

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1969

Mr. HAGAN. Mr. Speaker, the massive support of President's Nixon's program for peace in Vietnam, in my opinion, marks the turning point in this country's efforts toward an immediate and honorable peace.

I am proud to have taken part in the bipartisan resolution sponsored by over 300 Members of the House of Representatives, voicing approval of Mr. Nixon's proposals for peace.

Additionally, the great ground swell of support and encouragement from the American people, in their unswerving determination to "stand up and be counted," can only serve notice to the North Vietnamese and Vietcong that those misguided people calling for an immediate withdrawal of American forces do not speak for the majority of Americans.

I predict that the next 12 months will bring a drastic change in the Southeast Asia picture.

HOUSE OF REPRESENTATIVES—*Monday, November 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

With my whole heart have I sought Thee: let me not wander from Thy commandments.—Psalm 119: 10.

O God, who art the loving Father of all mankind, make Thy presence known to us through the hours of this day. Merge our moods and our motives into Thine own mold that honesty, integrity, and uprightness shall mark all our endeavors. Grant unto us the peace of those who put their trust in Thee, the strength of those who obey Thy commandments, and the love of those who walk in Thy way.

Give our citizens everywhere the mind and heart to heed the call of patriotic duty, to love our country with undying devotion, and to so live that the accent of our actions shall be in the spirit of cooperation. While there may be dissent let there not be dissension; while there may be differences of opinion may there not be differences in relationships, and while there might be disagreements let them not develop divisions among us.

Out of the agitation of these days may there come into being a unity of spirit which will strengthen our efforts for peace with justice, peace with honor, and peace with freedom for all.

In the spirit of the Prince of Peace, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, November 13, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4293) entitled "An act to provide for continuation of authority for regulation of exports."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2577. An act to provide additional mortgage credit, and for other purposes.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. GONZALEZ. Mr. Speaker, I rise to a question of the privileges of the House.

Mr. Speaker, I have been subpenaed to appear before the U.S. District Court for the Western District of Texas to testify on Wednesday, November 19, 1969, in San Antonio, Tex., in the criminal case of the United States of America against Albert Fuentes, Jr., and Edward J. Montez.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[Subpena To Testify—U.S. District Court for the Western District of Texas]

UNITED STATES OF AMERICA v. ALBERT FUENTES, JR., AND EDWARD J. MONTEZ—No. SA 69 CR 74

To Henry B. Gonzalez, 238 W. Kings Hwy., San Antonio, Texas or through his administrative assistant, Luz Tamez, Federal Bldg., San Antonio, Texas.

You are hereby commanded to appear in the United States District Court for the

Western District of Texas at Bexar County in the city of San Antonio on the 19th day of November 1969 at 9:00 o'clock A.M., to testify in the above-entitled case.

This supena is issued on application of the Defendant.

November 4, 1969.

Bert Smith, *At'orney for* Defendant, Andrews, Texas.

DAN W. BENEDICT, *Clerk*,
By G. W. MAIMAH, *Deputy Clerk*.

PERMISSION FOR SUBCOMMITTEE ON TRANSPORTATION, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO SIT DURING GENERAL DEBATE TODAY

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Interstate and Foreign Commerce may sit during general debate today.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ELIMINATE UNNECESSARY RECORDKEEPING IN THE SALE OF SHOTGUN AND RIFLE AMMUNITION

(Mr. **BEVILL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BEVILL**. Mr. Speaker, when the so-called gun-control legislation first came before Congress, I argued that the enactment of such legislation would result in more bureaucracy and harassment of our sportsmen.

I also warned of increasing recordkeeping which was sure to follow passage of this bill.

The U.S. Treasury Department has adopted regulations covering the sale of ammunition which are causing an undue hardship on both dealers and sportsmen.

In so doing, the Treasury Department has grossly misinterpreted the will and intent of Congress.

The amount of recordkeeping required in the sale of ammunition far surpasses any legitimate need.

Therefore, Mr. Speaker, I strongly urge the House to accept the Senate amendment eliminating the requirement "to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles or component parts for the aforesaid types of ammunition."

I believe, very strongly, that we should concentrate on reducing crime in the country by enforcing the laws we already have, and immediately take steps to remove these new restrictions from the sale of ammunition.

A SALUTE TO THE CAPITOL POLICE

(Mr. **ANDREWS** of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ANDREWS** of Alabama. Mr. Speaker, I take this time to commend Chief Powell and Captain McDonald, and all the members of the Capitol Police force, for a job well done over the weekend. Many of those men worked around the clock, they were constantly on duty, and literally thousands of people came by this Capitol and, so far as I know from having talked to Chief Powell yesterday, there was not the first instance of trouble.

We have a good Capitol Police force, and it is getting better every year. I think that I express the gratitude of all of the Members for the job that they did so well over the weekend.

Mr. **RIVERS**. Mr. Speaker, will the gentleman yield?

Mr. **ANDREWS** of Alabama. I yield to the gentleman from South Carolina.

Mr. **RIVERS**. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman from Alabama certainly bespeaks my sentiments, and I venture to say those of everybody else in this House.

Mr. **ANDREWS** of Alabama. Mr. Speaker, I thank the gentleman.

A JOB WELL DONE BY THE DISTRICT OF COLUMBIA NATIONAL GUARD AND THE METROPOLITAN POLICE DEPARTMENT

(Mr. **MONTGOMERY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MONTGOMERY**. Mr. Speaker, I spent this past weekend with the District of Columbia National Guard, whose mission was to assist the Metropolitan Police in protecting life and property in Washington during the antiwar demonstrations. Fortunately, there was no loss of life or serious injuries, although there was a small amount of property damage.

I believe there were three basic reasons why the city did not experience an excessive amount of violence. First, I think Mayor Walter Washington acted wisely when he did not follow the advice of other city officials who urged him to impose a curfew Friday night during disturbances at Dupont Circle and the Embassy of South Vietnam. I felt that it would have been almost impossible to implement a curfew and to have done so would probably have set the stage for a bloody mess—violent confrontation—on Saturday. Second, the District of Columbia Army and Air guardsmen were strategically located throughout the city and performed in a superior manner.

Third, the Metropolitan Police handled themselves also in a superior manner in dealing with the largest crowd ever assembled in the Nation's Capital. They dealt with the crowds with politeness, but firmness. I was especially impressed with the civil disturbance units of the Police Department.

Mr. Speaker, I have an hour's special order this afternoon to further discuss the moratorium demonstrations. I hope my colleagues will join with me in this most important matter.

THE NEED FOR HONEST DISAGREEMENT

(Mr. **JACOBS** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **JACOBS**. Mr. Speaker, does the administration really believe it is not in the best interests of America to express honest disagreement with the executive branch over foreign policy?

The following contrasts cause one to wonder:

First, on "support"—President Nixon, November 13, 1969:

> And those of you who were in the House then will remember that on those great initiatives which were recommended to the country and to this House and to the Other Body by President Truman . . . received the support not only of the majority of Democrats, but of the majority of Republicans.

Senator Nixon, April 11, 1951:

> So far as the policy in China is concerned and the Orient, I feel that the facts speak for themselves. That policy did not deserve support then, it does not deserve it now, because the policy has failed.

Second, on "unity"—President Nixon, November 13, 1969:

> I do know that . . . when the lives of our young men are involved, we are not Democrats, we are not Republicans, we are Americans.

Senator Nixon, April 11, 1951:

> If we continue in the present stalemate, if we continue to follow the present leadership of the State Department, all we can expect is a continuance of the war.

Third, the "new" tradition—President Nixon, November 13, 1969:

> That what happened yesterday with that announcement on the part of Members of both sides of the aisle of well over a majority supporting the policy of the President of the U.S., I realize that that was in the great tradition of this society.

Senator Nixon, April 11, 1951:

> But I do know that those who have been responsible for our foreign policy in the Far East have failed. The American People have had enough of our past policy in the Far East.

HONOR FOR TRUMAN IS OVERDUE

(Mr. **FEIGHAN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **FEIGHAN**. Mr. Speaker, a very timely editorial appeared in the Cleveland Plain Dealer on November 14 which I believe deserves the attention of Members of Congress.

This editorial concerns a man who will be recorded in history as one of the great Presidents of the United States.

I feel confident the Members of Congress will heartily approve the dedication of a historic site to former President Harry S. Truman. Under leave granted I include the editorial, as follows:

HONOR FOR TRUMAN IS OVERDUE

It is strictly in character for former President Harry S. Truman to tell the National Park Service he wants no historic site dedicated to him during his lifetime.

We beg to differ with Mr. Truman. And we believe others, in the Congress and in the National Park Service, should do the same.

Mr. Truman is the only former president of the United States in this century not yet so honored. The fact that he lives on (at 85, good health to him!) is not sufficient reason to delay further an honor that already is long overdue.

Harry S. Truman, as President, was a fighter and a man of decision. History has showed that he was the kind of a man his country needed in the closing days of World War II and in the postwar period.

He made the hard decision to use the atomic bomb to hasten the war's end, and later he turned national and world thinking in the direction of peaceful uses for the atom.

He gave steadfast support to alliances that might help maintain peace in the world. He gave strength and backbone to the United Nations and to the North Atlantic Treaty Organization. He implemented the Marshall Plan which spurred Europe's postwar recovery. With the Point 4 program he pioneered a movement to provide aid to underdeveloped countries.

He resisted, and effectively so, Communist aggression with the Truman Doctrine, the Marshall Plan aid program, with troops in Korea and with an airlift to blockaded Berlin. Most historians say President Truman saved Europe and several other areas from communism.

At home Harry S. Truman was no less a leader. He took forceful actions to end crippling national strikes. He improved the nation's defense posture with unification of the military services under a single command. He built the people's confidence in their own and their country's future.

A historic site to honor Harry S. Truman? Certainly, and the sooner the better. Many feel his historic decisions mark him as one of the great presidents of the century.

GUN CONTROL

(Mr. BUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSH. Mr. Speaker, I have been upset with certain aspects of the Gun Control Act of 1968. Last year I voted for the exclusion of all ammunition sales from the provisions of the bill. When this amendment was defeated on a 90-to-99 teller vote, I supported the successful amendment—218 to 205—to exempt sales of rifle, shotgun, and .22-caliber rimfire ammunition from the provisions of the act. I was most disappointed when the amendment was not included in the compromise agreed to by the House-Senate conferees.

Enforcement experience has proven the wisdom of the House position. Both the Departments of Justice and Treasury feel that these recordkeeping requirements are of little law enforcement value. These provisions are an unnecessary hindrance to legitimate sportsmen and provide a tremendous bookkeeping burden to the operators of small stores. Further, they are practically impossible to enforce.

To alleviate this situation, I introduced, earlier this year, a bill that would exempt sporting ammunition from the law. This legislation has been passed by the Senate as an amendment to the bill to extend the interest equalization tax. When the House is asked to act upon the Senate amendments to the interest equalization tax bill, I understand that a motion will be made to instruct the managers on behalf of the House to accept the Senate amendment—I intend to support that motion.

WHAT DO MOBILIZATION MARCHERS WANT HANOI TO DO?

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, over the weekend the news media, especially the newspapers, reported extensively the events surrounding the mobilization march in Washington. I, like everybody else, have an opinion about the mobilization march. Each individual is entitled to his or her opinion. I admit readily that there were any number of people—how many, I do not know, and neither does anyone else—who participated, who honestly thought they were doing what they ought to do to serve the best interests of this country to achieve peace.

But, Mr. Speaker, for the life of me, I do not see how anybody can classify any individual who participated in that march who carried a Vietcong or a Communist flag as being friendly toward peace or us while chanting that Ho Chi Minh would win. Mr. Speaker, they are on the other side. For this group the mobilization march was a rally around the flag, but it was a rally around the Vietcong and Communist flag.

The news media, including the newspapers and other sectors of the media, have reported their demands. They want the President to quit and bring the boys home now without concern for the consequences. They want peace, they say. I do not know an American who does not want peace. It must, however, be an honorable peace.

I have done it before, but again I am going to ask, and I am going to keep asking until somebody who supports this movement gives me an answer: What do you or they want the Vietcong to do? What do you or they want Hanoi to do? What are they being asked to do? As yet no demands have been made of the Vietcong. I ask why? Do the supporters of the movement want Hanoi to go on and win, or do they just want us to quit? It is time to speak up and rally around our flag.

SECURITY OF UNITED STATES MUST NOT BE SACRIFICED BY ARMS LIMITATION AGREEMENT

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the first of the preliminary talks between the United States and the U.S.S.R. on arms limitations begins today. Off and on for the last 20 years such discussions were planned, or thought about, or nearly begun, but they never really got meaningfully underway. In the United Nations disarmament talks are a perennial matter for useless oratory because nobody ever really gets down to serious discussion.

Now, perhaps, meaningful negotiations dealing with the limitation of defense armaments can be taken up between the world's two superpowers. Talks, though, do not mean surrender. The U.S. defenses are the best in the world, a fact that is undeniable. What the talks hope to accomplish, however, is a halt in further escalation of the arms race. It would be nice to be able to stop the useless stockpiling and duplication of first-strike and second-strike weapons.

One strong word of caution is necessary though. The security of the United States cannot and must not be sacrificed in any agreement. For years, the Soviet Union has adamantly dismissed the proposal for an adequate system of checks. Unless we can be absolutely certain that the other side is keeping its half of any arms limitation bargain, we cannot enter into such an agreement and still feel secure as a nation against outside aggression. History only too clearly shows that the Soviets say one thing and do another. An inadvertent weakening of our defense posture by any means is the one mistake that is only made once.

THIRTEENTH ANNUAL REPORT OF SURGEON GENERAL OF PUBLIC HEALTH SERVICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-193)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of title VII of the Public Health Service Act, as amended, I transmit herewith, for the information of the Congress, the thirteenth annual report of the Surgeon General of the Public Health Service summarizing the activities of the Health Research Facilities Construction Program for fiscal year 1968.

RICHARD NIXON.

THE WHITE HOUSE, *November 1, 1969.*

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE FEDERAL GOVERNMENT TO THE BOARD OF PUBLIC INSTRUCTION, OKALOOSA COUNTY, FLA.

The Clerk called the bill (H.R. 7618) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, since the majority leadership has seen fit to schedule this bill under a suspension of the rules, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CONNECTICUT-NEW YORK RAILROAD PASSENGER TRANSPORTATION COMPACT

The Clerk called the bill (H.R. 14646) granting the consent of Congress to the Connecticut-New York Railroad passenger transportation compact.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to have something in the RECORD as to what is going to take place if this compact is signed. I would first of all like to pose a question. Inasmuch as the RECORD states it is going to cost huge sums of money, I would like to know what it is going to cost for these two authorities to acquire the New York, New Haven & Hartford Railroad.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. First, I am interested in what the total cost will be to acquire this system by these authorities.

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I must advise the gentleman that it is not really the prerogative of the subcommittee of the Judiciary Committee to make inquiries into the actual financing itself. We merely grant consent for the entities, the Connecticut and New York entities, to act in concert with respect to their transportation problems.

One may note from the letter of the Governor of New York how he hopes to acquire financing, but this is not up to the Judiciary Committee to verify. That is exclusively a problem for the entities of the two States, and they themselves will have to deal with it in due course.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, the reason I am asking the question as to what the total cost will be is that the record before us indicates they are very proud they have already arranged for some $58 million in State and Federal financing and hope it will go to $80 million.

I wonder if this compact is agreed to today it will pave the way for a good many hundreds of millions of dollars of Federal funds to do this, rather than for the authorities to go out and sell bonds and do it in a good, businesslike way. Will the gentleman answer that question?

Mr. KASTENMEIER. If the gentleman will yield further, we do not tell the entities involved how they may do business in this connection, how they may finance their transportation authority.

As the gentleman will note from the report, there are several activities which are authorized under the compact; namely, the acquisition of assets of the existing railroad, the repair and rehabilitation of these assets, the disposition of these assets, and the operation of the service or contract for its operation.

We do understand that there will be in connection with this an application for financing. This presumably will be Federal, State, or other financing, but we are not in a position to dictate to the States or to these entities what mode they will use for financing of this particular authority.

Indeed, if it is their intention to do so, they must come to the Federal Government in due course, or the State government or other entities, and make application for financing and obtain approval, from the Department of Transportation or other agencies.

This was not within the purview of the Judiciary Committee in terms of making a judgment as to how they should proceed.

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. MESKILL. Mr. Speaker, H.R. 14646 is a bill to grant congressional consent to an interstate railroad passenger transportation compact between Connecticut and New York to improve commuter transportation between the two States. The bill is cosponsored by all the members of the Connecticut delegation. It is cosponsored by members of the New York delegation representing areas interested in the improvement of commuter transportation. Similar legislation has been introduced on the Senate side and is sponsored by Senator DODD, Senator RIBICOFF, Senator JAVITS, and Senator GOODELL. This legislation has the support of both parties; it has the support of transportation-conscious Members of both States.

As you are all aware, under provisions of article I, section 10, of the Constitution of the United States, approval of the Congress is required for all interstate compacts. The legislation passed by the Legislatures of New York and Connecticut require Congress to grant its approval before December 31, 1969, for the interstate compact to become effective.

The interstate compact itself is designed to allow New York and Connecticut to enter into an agreement to improve passenger railroad service between the two States. Commuter railroad service between New York and Connecticut is sorely deficient at the present. The service is undependable, unpleasant, inefficient, and unsafe.

If Congress gives its approval to this interstate compact, New York and Connecticut can begin to modernize their ailing commuter service. H.R. 14646 will permit the two States to lease or acquire the assets of the old New Haven Railroad and contract wth the Penn Central System to operate a modern, efficient commuter service.

As a result of the two-State agreement, $56 million would be made available to improve service. The amount of $28 million will come from a grant from the Department of Transportation. In addition each State is pledged to put up $14 million of its own to buy new cars and upgrade the service.

The Department of Transportation has given its approval to the compact. So has the Bureau of the Budget. The Judiciary Committee has recommended that Congress grant its assent to the compact.

Mr. Speaker, improved railroad passenger service between these two States is essential. We need to diversify our systems of ground transportation. Automobile traffic clogs or highways. I am afraid it will worsen before it improves. We must act now to modernize this important part of our transportation network. We must strive for a balanced system of transportation. This interstate compact is the main hope that something can and will be done to help the long-suffering commuter who would prefer to ride the rails than to sit in long lines of automobile traffic.

Mr. Speaker, I ask the Congress to give its assent to this interstate compact. H.R. 14646 is vitally important to both Connecticut and New York.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, of course the gentleman has not really been able to answer the question as to how much money this proposal will cost and whether the major financing is going to be by the Federal Government. I have a suspicion that the Federal Government is the one which is going to buy this railroad and which is going to pay for operating it.

It does not seem to me that anybody has made that point, as far as I know, that they are going to be privately financed by New York brokers and investment people in New York.

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. MESKILL. All we are being asked to do today is to confirm an agreement which has been entered into between the respective transportation authorities of the two States. This in no way commits the Federal Government to the expenditure of any funds. All we are doing, really, is giving our blessing to a legal entity which could then turn around and make application for funds. If this legal authority is not given, then there will be no legal entity to make this application. The House is not being asked in advance to commit itself to make an expenditure of funds. The only legislative bodies that have committed themselves are those of the States of New York and Connecticut.

Mr. PICKLE. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of Pennsylvania. Yes. I yield to the gentleman.

Mr. PICKLE. I want to ask the gentleman from Connecticut if it is contemplated that you will ask the Federal Government for funds for the operation of this compact.

Mr. MESKILL. Yes. The answer to the gentleman would be in the affirmative. It is contemplated that one-half of the $56 million would be applied for from the DOT. The DOT has already indicated its approval with knowledge of this, and the Bureau of the Budget has also indicated its approval. What has happened here, I would tell the gentleman from Texas, is that the New York, New Haven & Hartford Railroad has been defunct and operating in the red and is at the point of bankruptcy. In order to continue the passenger services to the people of Connecticut, the Penn Central Railroad finally agreed to merge with and take over the New Haven Railroad, but it was only interested in taking over their freight services and not interested in their passenger services because they were not profitable. Finally approval for the takeover was given provided that the passenger services were retained. In order to retain and improve the services it would be necessary for a substantial expenditure of funds for the acquisition of rights-of-way, improvement of personal property and real estate, and also for the disposition of some property which was no longer needed. It was for the reason that the legislatures of the two States agreed to this compact, which, of course, needs the ratification of the Congress. I would also point out we are not here committing ourselves to the expenditure of funds, although we must state that there will be an application made for Federal funds of approximately $28 million in amount. I would say further that time is of the essence here, because if this compact is not approved by the Congress by December 31 of this year by this and the other body, then the actions of both legislative bodies of the States will be void.

Mr. PICKLE. I notice that in the stipulation in the report action will be expected by the end of this year, but this further complicates the matter as far as I am concerned. Our Committee on Interstate and Foreign Commerce of the House has been holding extensive hearings on this type of matter. How can we say what is the best approach to this railroad without having looked into it extensively? Over the years the Federal Government has not involved itself in the operation of any of these lines. Federal assistance in this area has been carefully avoided. If we try to find an approach to train and passenger service, I question the wisdom of committing the Federal Government to a matter of helping individual rail lines at this point.

It seems to me the entire question of passenger train service in this country ought to be tied together. I know that the New Haven is in trouble. I know many of the passenger carriers of our country are in trouble. But if we say today that we are giving a grant to this particular railroad and not to others, we might be indulging in an inconsistency.

Mr. MESKILL. I will answer the gentleman in this way, and I believe I am correct when I state this: I know I am correct when I state that we are not committing the Federal Government to spend any money if we assent to this compact, but I think I am also correct when I say if we do not assent to this compact the States of New York and Connecticut cannot themselves put into operation the steps that are needed to save this railroad even if it was decided to do it with the funds of those two States alone. So the assent of the Congress is required regardless of whether or not the Federal Government spends any money. This is vital in order to save this railroad even if the decision were made that there would be no funds forthcoming from the DOT.

Mr. PICKLE. I wonder why this particular bill came from the Committee on the Judiciary. Can the gentleman from Wisconsin comment on that?

Mr. KASTENMEIER. Yes, if the gentleman from Pennsylvania will yield to me.

Mr. JOHNSON of Pennsylvania. Yes. I yield to the gentleman.

Mr. KASTENMEIER. I will state that all interstate compacts must be assented to by the Congress of the United States. These have been historically referred to the Committee on the Judiciary.

We as a matter of course do not necessarily involve ourselves with the substance of the compact itself. The only determination we made in this instance was that the two States and the two entities—the Metropolitan Transportation Authority of the State of New York and the Connecticut Transportation Authority of that State—may enter into a compact to act jointly in a particular connection. We do not make judgment as to whether they will spend money or as to whether they will apply to the Federal Government for funds. If they do so with reference to a grant from the U.S. Government, they would have to proceed in an appropriate way.

Mr. PICKLE. We have compacts which have been presented to the House Committee on Interstate and Foreign Commerce and I may say that they must have the consent of the Congress to ratify these compacts. However, it seems to me in a matter of passenger service relating to trains it might more appropriately be considered in the Committee on Interstate and Foreign Commerce rather than the Judiciary Committee. The question is, Do we give—the Congress of the United States—help to an individual railroad in the operation of its system?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman from Pennsylvania will yield further, I may say to the gentleman one may construe the matter in that light but, legally, in terms of the statutes we are obliged to treat this merely as a compact. The two States—the two entities—must have congressional approval of the compact in order to operate together across State lines for certain purposes. We do not treat the substance of the compact. We do not make judgments as to the railroads involved, although this does lie, as the gentleman from Connecticut suggested, in the background. However, this must be made by other entities of government.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in view of the rather flimsy explanation here and the projected cost involved as well as the possible Federal outlay——

Mr. MESKILL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. MESKILL. I am sorry to interrupt the gentleman, but I would like to clarify a couple of things. As the gentleman from Wisconsin (Mr. KASTENMEIER) said, interstate compacts must be considered by Congress even if no money is involved and, really no money is involved in this compact. Whatever money would be involved would be concerned with applications which governmental entities might file with the Federal Government. But even if these applications were denied, unless this compact is assented, the States of Connecticut and New York cannot even act in concert. If New York and Connecticut decide to go it alone, without any Federal money, they still must have the consent of the Congress to this compact.

So, I would hope that the gentleman will not object. I would close with this remark, the Congress, in consenting to the compact, is not consenting to the authorization, appropriation or expenditure or approval in advance of any funds or applications for funds by either State, or both States acting in concert.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I do object. I feel that this bill should be put over until we can get some information as to what the potential Federal cost is going to be—the Federal request for aid. I am not objecting to it for the purpose of killing it. I am simply asking unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. This concludes the call of the Consent Calendar.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR AGREEING TO CONFERENCE ON H.R. 12829, EXTENSION OF THE INTEREST EQUALIZATION TAX

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes, with the Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendments be, and the same are hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby agreed to.

The SPEAKER. The gentleman from Mississippi (Mr. COLMER) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the able and distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, this is a simple resolution on its face. It merely provides for taking the so-called equalization tax continuance from the Speaker's table, disagree to the Senate amendments, and appoint conferees.

Mr. Speaker, I am not going into any

details about the merits of the resolution, but if I may have the attention of the House for a few moments I would like to call the attention of the House again to the practice of the other body in taking a House-passed bill and placing some entirely irrelevant foreign matter in the form of an amendment to that House-passed bill, and sending it back here to the House where the House either takes it or leaves it.

Mr. Speaker, I recognize that this body of the Congress does not have the right or the privilege of telling the other body how to conduct its proceedings, but no one whom I have heard discuss this matter has ever asserted the other body could tell this body under what rules of procedure it should proceed.

I think we ought to state very candidly that there has grown up a practice whereby the other body places bills and legislation upon House-passed bills that have no relevancy whatsoever to the subject matter. I do not know how many Members of this House are concerned about the prestige of this body.

I call the attention of those who might be interested, that our system, our parliamentary system, our legislative system, is taken largely from the English system where the House of Commons was set up to be the important body of the English Parliament; and that the power of the so-called Upper House was very limited.

In pursuing that policy, the provision was made by the Founding Fathers that this body was to be elected directly by the people and should stand for reelection every 2 years. It was to have control, and does under the Constitution have control, of revenue raising and appropriations spending.

But somewhere down through the years, possibly upon the theory that gold is more precious than any other mineral because of its scarcity, the other body has assumed powers that were limited to this body.

Notwithstanding the Founding Fathers provided that this body should initiate the spending of money as well as the raising of that money. I call your attention to the fact that in the last couple of revenue matters which emanated from this House and were sent over to the other body, that that both practically rewrote those bills and added extraneous matter in addition thereto.

We have heard complaints every time one of these instances has happened here on the floor of this House. But, apparently, nobody does anything about it.

I suspect that the committee that has suffered the most by this practice has been the Committee on Ways and Means chaired by the distinguished and able gentleman from Arkansas (Mr. MILLS).

The result has been that the House in these instances has practically lost control of these bills, although the Constitution provides the House of Representatives with a distinctive authority in this matter.

Now if the House were interested, and if I were so inclined I could read to you a dozen instances of the abuse of our rules of germaneness in the past 2 years.

There is no rule of germaneness in the other body, but under the rules of this body, any nongermane amendment that is offered to a bill on the floor of the House is subject to a point of order.

I happen to be one of a very small minority who for years have chafed under this system, and I have tried to do something about it. For at least 10 years, as a member of the Rules Committee, I have had pending before that committee a resolution that would correct this abuse.

Frankly, with all due deference to the present and prior leadership of this House on both sides of the aisle, we have never been able even to get that resolution out with any hope of having it adopted.

The Rules Committee is now considering, and has been for some time, a so-called reorganization of the Congress. There is now some sentiment in the subcommittee, if not in the full committee, to provide a remedy for this problem in the reorganization bill. And I would like to call attention to those who are interested in the overall subject matter of reorganization that they might want to give their support to the move in the reorganization bill to do something about it. There are a number of things that could be done.

One of my earlier resolutions merely provided that if an amendment were placed on a House-passed bill by the other body which would not be germane under the rules of this body, when it came back it would be subject to a point of order. That is the simple and drastic approach to it.

But since that time I have introduced another resolution, which has some support, which would require, in brief, that such an amendment would require a two-thirds vote of the House before it could be maintained.

But regardless of what the approach is, if this body is to enjoy the prestige to which it is entitled under the Constitution, if this body is to function in an orderly manner, and if its rules of germaneness mean anything, then something should be done to stop this unfortunate practice.

A moment ago I pointed to the abuse that was visited upon the Ways and Means Committee of this House. We have had strong complaints from the Judiciary Committee headed by the able and distinguished gentleman from New York (Mr. CELLER). He and his committee have felt the whiplash of this practice by the other body.

So I just want to take this time this morning to comment again upon this question and to get the support of those Members who are interested to get such a provision into a reorganization bill or to bring out a resolution from the Rules Committee to discourage this procedure.

I do not care what form it takes, nor am I interested in the authorship. I merely want to see that practice curbed.

Now, so far as the instant bill is concerned, I find myself in rather an unusual situation. I abhor this practice. I am for the amendment, nevertheless, that the Senate has placed in the bill. But if I had to make a choice, as interested as I am in the amendment, I would stand by the principle involved.

So, Mr. Speaker, again we dispose of another of these situations where we find the other body placing extraneous matter in a House-passed bill. I want to urge this House again to give serious consideration to this matter, and I also want to appeal indirectly here, as I have appealed privately, to the leadership of this House to cooperate with us to end this erroneous action by the other branch of the Congress.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield

Mr. COLMER. I yield to my friend, the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Mississippi for yielding. I think the gentleman has made a very thoughtful speech. I believe the principle to which he alludes is a very important one. It is one which is very important to the House and to its position in the legislative system.

On the other hand, I would have to tell my good friend, the gentleman from Mississippi, that while I agree with him heartily on the principle, I think the situation that confronts us is one in which the amendment to which he makes reference ought to be accepted and should be made a part of the law. I hope it will be adopted.

Mr. COLMER. Mr. Speaker, if I understand the gentleman's observation correctly, he is for the principle, but he feels that we should rise above the principle in this instance.

Mr. MILLS. Will the gentleman yield?

Mr. COLMER. I yield to my friend, the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I, too, want to join with the gentleman from Oklahoma in commending our very distinguished friend, the gentleman from Mississippi, for the statement he has made, but I want to bring this present situation into its proper relationship, if I may, with the gentleman's statement.

Does the gentleman understand that the amendment to which he refers, adopted by the Senate, is extraneous in all respects to the bill to which it was added?

Mr. COLMER. In reply to that, I would say it is my understanding that it is extraneous. Whether it is in part or in whole is immaterial insofar as the principle which is involved.

Mr. MILLS. Mr. Speaker, will the gentleman yield further?

Mr. COLMER. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, both the bill to which the amendment was added and the amendment itself are amendments to the Internal Revenue Code. I have in my hand several bills that I showed the gentleman and other members of the Rules Committee the other day in the Rules Committee chamber, bills that were introduced in the House, some of them before the Senate adopted the so-called Bennett amendment, and some of them afterward. Each one of these bills involving the same subject matter as that in the Bennett amendment were referred to the Ways and Means Committee.

Mr. Speaker, will the gentleman yield further?

Mr. COLMER. I yield further to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I also point out that until the legislation which became the Gun Control Act was rewritten downtown by the administration then in control so that it could be referred to the Judiciary Committee, it had been the exclusive jurisdiction of the Ways and Means Committee.

Mr. COLMER. I thank the gentleman for his observation.

I do not want to get personal here with my able friend. To begin with, I am sure I would lose out in any colloquy with him, because he is so much more able to handle the matter than I as it is pending before the House.

But I do want to again emphasize this principle, regardless of this amendment. I am assuming that this rule is going to pass and that the gentleman will go to conference and will work out something on the matter. I call the gentleman's attention again to the fact that his committee, over which he so ably presides, has been the victim of this practice in the past, regardless of how we may construe the germaneness of this particular provision.

I know that I will have, and those of us of like mind will have, the prestige and the ability of the able gentleman from Arkansas in trying to do something about this.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am happy to yield to my friend from New York.

Mr. CELLER. To clear up any uncertainty which may exist as a result of the colloquy between your good self and the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas, I want to point out that this nongermane rider originally was in the form of a bill, a bill that went to the Senate Judiciary Committee. When it was discovered it would have trouble in the Senate Judiciary Committee the bill was withdrawn and it was recast to amend title 26, the Internal Revenue Code. But in substance and effect it amends title 18, the U.S. Criminal Code.

The Criminal Code is a matter over which the Judiciary Committee has jurisdiction. So by this subterfuge—in other words, by using the Internal Revenue Code as a vehicle—they have directed the bill to the Finance Committee of the Senate and the Ways and Means Committee of the House.

In essence, if Members will read the provisions—and I have them right here—the amendment is to title 18, of the United States Code. Instead it is proposed as an amendment to a different title of the Code which is utterly different; namely, title 26, the Internal Revenue Code. That is rather an unusual procedure, and I believe it should be emphasized.

Mr. MILLS. Mr. Speaker, will the gentleman from Mississippi yield to me further?

Mr. COLMER. I yield briefly, because I have consumed too much time here.

Mr. MILLS. I do not believe there is any subterfuge in the referral of the bills to which I referred, which have been introduced in the House, to the Ways and Means Committee. In my opinion, if there has been any subterfuge anywhere along the line it was downtown in the previous administration so drafting the Gun Control Act of 1968 that it bypassed the Ways and Means Committee.

Mr. COLMER. I thank both of my able friends.

Let me finally say, because I have used too much time already, that I am not interested in the question of jurisdiction; I am interested in the question of germaneness and the practice of putting extraneous matter by the other body on House passed bills.

Mr. Speaker, I reserve the remainder of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the resolution states, upon its adoption of this bill, H.R. 12829, can be sent to conference. You will recall the bill was originally passed and some language was added to it in the Senate and a unanimous-consent request was then made on the floor of the House to send it to conference. An objection was heard to that unanimous-consent request. The procedure subsequent thereto is to ask the Committee on Ways and Means to direct its chairman to bring it to a vote of the House to send it to conference or he can go to the Committee on Rules and ask for a resolution to have it brought to the floor of the House for consideration by the Members, which is the situation we face here today.

Last week when we were considering this matter there were comments made that there would be efforts made to instruct the conferees. It is my understanding that that can still be done between the time of the adoption of the resolution and the naming of the conferees if the request is made to do so. My understanding today is in all probability that will not take place, but I do not know.

I agree with the comments made by the distinguished chairman of the Committee on Rules (Mr. COLMER) as to germaneness. I have felt that way for a long, long time. Whether this language is or is not germane I will not argue, but I would like to tell you a little bit about the problem we have had on germanenesss.

One resolution was introduced at one time simply to make it not in order for the House to consider language that was not germane. That would be pretty drastic. Then we gave further consideration to it, and a resolution was introduced which is now pending before the Committee on Rules to make it in order that when language is not germane it will have to be considered in the same way as any bill under suspension would be. In other words, if the House desires to consider any nongermane amendment that the other body places into a House-passed bill, it would take a two-thirds vote to pass it. We have had that pending. We have given thought to it, but, in all honesty, we do not have the votes to get it out of our committee. We discussed it further in the reorganization and we had some distinguished Members testify before the committee on it. I believe the distinguished chairman of the Committee on the Judiciary last week suggested in connection with the nongermaneness language that the rules be amended so that it will be referred to the committee having jurisdiction over that subject matter so that they could hold hearings on it and report back. This could be very time consuming particularly if we are late into the year and have an appropriation bill or something of that sort with some language in it that was not there when we passed it. We could actually defeat it if we had several weeks of hearings on it. Then the chairman of the Committee on Ways and Means suggested that the rules be changed so that any nongermane language will require a separate vote in the House. There are several different suggestions. Frankly, I do not believe that there is a majority of the Members of the House who will agree on what the procedure should be when nongermane amendments are added by the other body. In any event, Mr. Speaker, we have the problem which we face today. As I mentioned a moment ago, it is my understanding when this measure is voted on, House Resolution 675, if it is agreed to, as it says in the resolution, the Senate amendment will be disagreed to and it will go to conference.

Mr. Speaker, I agree as to nongermaneness, but as the gentleman from Mississippi (Mr. COLMER) mentioned, I would like to rise above principle, because I happened to be in support of the language that the other body added to this particular bill. So it is interesting to say the least.

Mr. Speaker, I urge the adoption of House Resolution 675 and reserve the balance of my time and inform the chairman of the committee that I do have some requests for time.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Speaker, reference has been made here today by the distinguished chairman of the Committee on Rules and the ranking minority member, the gentleman from California (Mr. SMITH), to some very desirable changes that need to be made in the House rules with reference to the handling of nongermane amendments adopted in the other body.

I would be delighted, Mr. Speaker, if we today had a procedure which required a rollcall vote on the controversial matter now pending before us, namely, amendment No. 7 offered by the Senator from Utah, Mr. BENNETT, in the other body.

That amendment, for the benefit of the Members who may not have been present in the House when its content was discussed on November 6 of this year, would eliminate the requirement for recordkeeping with regard to sales of rifle and shotgun ammunition and components therefor. This requirement is set out in regulations promulgated following adoption by the Congress last year of the Gun Control Act of 1968.

Specifically, the amendment in controversy and which has been discussed here today and referred to as a nongermane amendment would relieve shopkeepers of certain of the recordkeeping requirements with reference to sales of shotgun shells, rifle ammunition, and component parts therefor.

Mr. Speaker, I think it may be of interest to note that whereas there has been discussion about the germaneness or nongermaneness of this amendment, the subject matter of the Bennett amendment has been discussed at great length in this body in a previous Congress, namely the Congress of last year.

In the House last July, I offered the following amendment to the Gun Control Act of 1968:

> The term "ammunition" shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

The House adopted that amendment first on a nonrecord vote and later on a rollcall vote of 218 to 205. The amendment was lost in conference.

The so-called nongermane amendment now seeks to write into existing law only a portion of my amendment which the House adopted last year but which the other body rejected.

Mr. Speaker, so that Members might know the exact content of this amendment No. 7, I think it pertinent to read briefly from the appropriate portions of the report of the Senate Committee on Finance covering the Interest Equalization Tax Exemption Act of 1969, the principal bill now here before us. That report from the other body reads as follows:

> The committee feels that the registration of persons purchasing shotgun or rifle ammunition, or component parts of the same types of shells, creates an enormous and unnecessary administrative burden on the Treasury Department, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition. At the same time, these burdensome requirements do not contribute to an increase in public safety. The ammunition covered by the amendment is the type used mostly in sporting types of firearms. The amendment does not affect the registration requirements under present law related to pistol and revolver ammunition; these are the weapons most commonly used by criminals in the commission of a crime.
>
> The committee amendment modifies section 4182 of the Internal Revenue Code, a section which deals with the responsibilities of the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service. The amendment states that no person holding a Federal license to sell ammunition "shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles or component parts for the aforesaid types of ammunition."
>
> The committee is convinced that this amendment accomplishes the dual objective of (a) relieving ammunition dealers and sportsmen of unreasonable burdens in the purchase of sporting-type ammunition, and (b) protecting the public safety by retaining registration requirements with respect to the purchase of ammunition designed primarily for handguns. It is this type of weapon that criminal elements in our society choose to employ in robberies, assaults, and other felonious acts, largely because of the ease of concealing these weapons on their persons.

That, Mr. Speaker, ends the quotation from the principal portions of the report of the other body on the amendment No. 7 discussed in debate earlier today.

I do believe that our conferees, if this resolution is adopted, will use their good judgment, will have in mind the rollcall vote in the House taken last year on my more extensive amendment, will have in mind the broad support for amendment No. 7 not only in the other body but throughout the country, and will recognize that it is in the interest of fighting crime, and also in the interest of drawing reasonable distinctions between ammunition used in criminal activities and that which is used by hunters and sportsmen and adopt amendment No. 7 when the conference report is submitted to this body. It should be borne in mind that even if the Bennett amendment is written into law, the Gun Control Act of 1968 and the regulations implementing that legislation will continue to fully cover all sales of .22-caliber rimfire ammunition.

Mr. SMITH of California. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, there seems to be a confusion as to the wording of this particular House Resolution 675. Those who are for the amendment inserted by the other body will want to vote for this resolution so that it can go to conference, and then give the conferees of the House an opportunity and a vote that will bring the amendment back in the conference report, at which time we can then vote for or against it.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Utah.

Mr. LLOYD. Mr. Speaker, is my understanding correct, then, that the wording of the resolution that states "to the end that the Senate amendments be, and the same are hereby, disagreed to," that those words do not bind the conferees?

Mr. SMITH of California. No. Not at all. They cannot get to conference unless they have something to disagree on, and that is what they are in disagreement on, then the conference requested by the Senate on the disagreeing votes is agreed to. In other words, we are agreeing to go to conference on the disagreeing votes.

Now, Mr. Speaker, may I inquire of the gentleman from Mississippi whether he wishes to yield further time on his side? I have one more request for time.

Mr. COLMER. I believe I have only one further request, but the gentleman may proceed.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, with great pleasure I join in the remarks on germaneness made by the chairman and by the ranking minority member of the Committee on Rules. I hope that a solution to this problem will be one of the first orders of business in the second session of this Congress. For today we are once again presented with an example of the need for congressional reform.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I think it should be pointed out, without disagreeing with the relevancy of or discussing the issued here raised, that the principle of comity between the two Houses is also a very vital constitutional concept, and I do not think there is anything in the Constitution that requires either body to pass on the question of germaneness when adding an amendment to a bill passed by the other body.

Mr. McCULLOCH. Mr. Speaker, I should like to say that I agree with part of what the majority leader has said.

Certainly, rules on germaneness are not required by the Constitution. I do not contend that they are. But there are other aspects to the problem. I believe that some of our rules are not as efficient, as orderly, and as fair as they could be.

I will be pleased if the vote of this body is to disagree with the Senate amendments and send the bill to conference because I note from the lead editorial—"Guns Blast, Deaths Soar"—printed in the Cleveland Plain Dealer of Saturday, November 15, 1969, a newspaper with a daily circulation of well over 400,000, that the city of Cleveland is about to experience its 250th homicide of the year. The problem of violence and the misuse of firearms grows worse by the day, as the Eisenhower Commission has heard from witnesses from every part of this country.

So when the conference committee considers this legislation and the Senate amendments, I hope that some of the questions that were not answered in this body can be answered there. I hope that the committee will have the opportunity to consider this problem in depth, since there has not been a hearing in either body on the ammunition amendment.

Mr. COLMER. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from New York (Mr. Celler).

Mr. CELLER. Mr. Speaker, I rise to express my determined opposition to the nongermane rider added by the other body to the bill, H.R. 12829, the Interest Equalization Tax Extension Act. The nongermane and regressive provision which the other body has tacked on eliminates certain ammunition recordkeeping under the Gun Control Act of 1968.

At first, the rider exempted .22 caliber rim-fire ammunition as well as rifle and shotgun ammunition from all recordkeeping requirements. But, in order to make it more palatable, before final adoption, the amendment was modified so as only to exclude recordkeeping for rifle and shotgun ammunition transactions. The results of this unwarranted action will leave ammunition regulation in a state of confusion. Dealers will be required to record sales of pistol and revolver ammunition and .22 caliber rimfire ammunition, but no records will be necessary for rifle or shotgun ammunition. This "crazy quilt" approach is not justified on the basis of any substantial experience, since the Gun Control Act has only been in effect for approximately 10 months. No hearings were held in the other body to document the need for, or the consequences of, cutting back ammunition regulation. Rather, shotgun and rifle ammunition and components are exempted on the assumption that only decent, law-abiding sportsmen purchase such ammunition, and that they should not be burdened when acquiring it.

All the assumptions underlying this Senate rider are unfounded. The act does not interfere with or impose a burden on sportsmen sufficient to justify exemption of rifle and shotgun ammunition. A purchaser need only give his name, address, and proof of age in order to acquire ammunition. Customers are required to do that to cash a check. In many jurisdictions, juveniles must do that much to buy liquor. The public interest clearly justifies obtaining similar information in an ammunition transaction. Certainly, there is a legitimate interest inasmuch as 1,600 Americans were murdered by rifle and shotgun ammunition last year.

The value of the ammunition recording requirements of the Gun Control Act of 1968 are demonstrable in terms of the experiences of the District of Columbia.

Under local ordinances in the District of Columbia, it is necessary to obtain a permit to possess a firearm. Convicted felons are among those who are prohibited from obtaining such a permit. One cannot purchase ammunition in the District of Columbia without showing his gun permit at the time of purchase. A search of the records of two nearby Maryland gun stores dramatically underscores the value of recording ammunition transactions. The names and addresses of these ammunition purchasers were sent to the FBI where their criminal records were uncovered. The search reveals that a substantial number of District residents who, with criminal records, went outside the District to purchase ammunition. The names and addresses of these purchasers, who cannot lawfully possess a gun in the District of Columbia nor buy ammunition for such weapons, are in the process of being turned over to the District of Columbia Police Department.

Then, local law enforcement officials can use this information to enforce the local firearms ordinances and prosecute those who possess guns and ammunition contrary to local law. That is the value of the ammunition recordkeeping provisions of the Gun Control Act of 1968.

I fear that what is involved in the present amendment may only be a prelude to further Gun Control Act amendments. The other body may be considering other amendments to dismantle the Gun Control Act piecemeal by adding on nongermane, extraneous material to important House-passed bills. The issues involved transcend the particular bill before us. The issues involve the dignity and the prerogatives of this House. I hope that the Members of the other body, as well as Members of this House, recognize that this method of legislating is dangerous and unwarranted. This technique deprives a bicameral legislature of its basic advantages. I hope that the committee on conference will reject this nongermane matter.

Mr. Speaker, nongermane Senate riders to House-passed bills have plagued the Congress for many years. I shall attach to my remarks a catalog of some examples of this practice over the past several years. I urge that before the House takes final action on extraneous matter added by the other body to House-passed bills, that the House be given the benefit of committee consideration.

I also attach a copy of my letter to the chairman of the Committee on Ways and Means, dated September 26, in which I expressed my opposition to this Senate ammunition rider and a copy of my letter to the chairman of the Committee on Rules, dated November 12, in which I urged that efforts be made to guarantee a free and open House-Senate conference on this bill. I also include an article from the magazine, "The Shooting Industry," of October 1969, which outlines in detail the strategy of the gun lobby in pushing the ammunition amendment through the Congress without the benefit of committee consideration.

I hope that the Senate rider will be rejected.

The materials follow:

RECENT NON-GERMANE SENATE AMENDMENTS TO HOUSE-PASSED BILLS

1. H.R. 17607, 89th Congress, to the Foreign Investment Credit Act which would suspend the investment credit and allowance of accelerated depreciation in the case of real property, the Senate added provisions granting special exemption from the antitrust laws for a merger of professional football leagues. (Public Law 89-800.) The addition of this irrelevant matter interrupted consideration in public hearings by the House Committee on the Judiciary of several bills proposing to exempt the merger of professional football leagues from the antitrust laws.

2. H.R. 13103, 89th Congress, the Foreign Investors' Tax Act of 1966. The Senate added an amendment establishing a Presidential Election Campaign Fund that had no relevancy to the main bill which was to provide for more equitable treatment of foreign investors in the United States. (The bill with the presidential campaign amendment was approved by the Senate on October 13, 1966, and after a House-Senate conference approved the amendment, became Public Law 89-809 when signed by the President on November 13, 1966.) The operation of the Presidential Campaign Fund Act, however, has been stayed by the enactment of a law early in the 90th Congress. (See Public Law 90-26.)

3. H.R. 13935, 89th Congress, a bill providing for congressional consent to the entry of Massachusetts into an interstate compact relating to bus taxation proration and reciprocity.

The Senate appended a rider relating to the War Claims Act which was entirely irrelevant to the interstate compact. The rider, if enacted, would have depleted the funds of the Foreign Claims Settlement Commission by authorizing the payment of interest to preferred claimants before the payment of principal was made to other claimants. Fortunately, the Senate receded from its rider during the closing days of the session. (See Conference Report, filed October 19, 1966, House Report No. 2321.)

4. H.R. 8385, 86th Congress. On September 12, 1959, the Senate added an amendment to the Mutual Security Appropriations Act of 1960 that provided authorization for $35,000 additional funds for salaries and other expenses of the Hudson-Champlain Celebration Commission. The Commission had originally been created by Public Law 85-614. The Mutual Security Appropriations Act with the unrelated amendment was eventually enacted into law as Public Law 86-383.

5. H.R. 4249, 85th Congress. On February 18, 1957, while considering and approving the Urgent Deficiency Appropriations Act of 1957, which was primarily concerned with providing funds for emergency feed grain to feed cattle during the winter, the Senate added an amendment to authorize funds for the Federal Battle Monuments Commission to prepare plans and select a site for a memorial to General Pershing. (103 Cong. Rec. 2176, Feb. 18, 1957.)

6. H.R. 7072, 82nd Congress. To a bill providing appropriations for the Executive Department and other Independent Offices for fiscal 1953, the Senate tacked an amendment which had the effect of revoking legislation passed five months earlier. Under the Senate approved amendment, Federal employees lost all annual leave unused by June 30 of each year, which has been accumulated the preceding year. (98 Cong. Rec. 6447, June 3, 1952.)

SEPTEMBER 26, 1969.

Hon. WILBUR D. MILLS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: I am advised that the Senate Finance Committee has amended your H.R. 12829, the Interest Equalization Tax Extension Act, by adding provisions which would eliminate the ammunition recordkeeping requirements of the Gun Control Act of 1968 (P.L. 90-618). Inasmuch as the Gun Control Act was reported by the Committee on the Judiciary, I am writing to you to express my determined objection to the inclusion of such an amendment in H.R. 12829.

The need for ammunition controls was succinctly described in this Committee's report in the last Congress as follows:

"Licensing of ammunition dealers and maintenance of records of purchases of ammunition are essential both to deter individuals intending to act unlawfully who will be reluctant to identify themselves, as well as to provide law enforcement officials with information useful in investigations. Finally, with the information available from consistent reporting of sales of ammunition, it will be possible to develop valid analyses of the use and distribution of firearms and ammunition in the country." (H. Rept. No. 1577, at 8.)

As you well know, the ammunition regulations of the Gun Control Act only became effective in December of last year. To cut back the coverage of that Act substantially without support of any evidentiary record as to need or consequences, and after only ten months' operation of the Act would be most unwise.

The Senate Finance Committee amendment eliminates existing requirements for keeping records of sales of the following types of ammunition: shotgun ammunition; rifle ammunition, and .22 caliber rimfire ammunition. According to the Senate Juvenile Delinquency Subcommitte studies, .22 caliber pistols and revolvers were involved in 30% of the handgun murders committed last year and .22 caliber rifles were involved in 60% of the rifle murders last year. A .22 caliber bullet killed Robert Kennedy.

In the event H.R. 12829 passes the Senate with the ammunition amendment attached, I would urge you to exclude that amendment from any request to concur in Senate action on H.R. 12829. An effort to concur in that amendment, I am convinced, will encounter sustained opposition on the floor of the House and may jeopardize enactment of the Interest Equalization Tax Extension Act.

Sincerely yours,

EMANUEL CELLER,
Chairman.

NOVEMBER 12, 1969.

The Honorable WILLIAM M. COLMER,
Chairman, Committee on Rules,
House of Representatives.

MY DEAR MR. CHAIRMAN: I understand that the Committee on Rules today will hold hearings on several measures including H.R. 12829, as amended by the Senate, the Interest Equalization Tax Extension Act. Regrettably, I am unable to appear and testify on this measure today. Instead, I must preside over important public hearings before a subcommittee of the Committee on the Judiciary on S. 952, the Omnibus District Judgeship bill, and numerous other measures relating to the administration and location of the United States District Courts.

My specific interest in H.R. 12829 arises out of the fact that the other body amended the measure by adding extraneous matter designed to exempt rifle and shotgun ammunition, and its components, from the recordkeeping requirement of the Gun Control Act of 1968 (Public Law 90–618). As you are also aware, Public Law 90–618 comes within the subject matter jurisdiction of the Committee on the Judiciary.

There is a grave danger that further attempts may be made to dismantle the Gun Control Act piecemeal, while avoiding House Committee consideration, by adding nongermane "riders" to House approved legislation. Accordingly, I would make two recommendations to the Committee on Rules in connection with its consideration of H.R. 12829. First, a resolution providing for sending H.R. 12829 to conference should preclude a motion to instruct conferees; second, the Committee on Rules should also require or recommend that members of the Committee on the Judiciary be included among those appointed as conferees on the part of the House. This is necessary inasmuch as this Committee has substantive jurisdiction of the Gun Control Act and the Senate amendment thereto.

With every good wish.

Sincerely yours,

EMANUEL CELLER,
Chairman.

WASHINGTON HOT-LINE

There is a bill pending before the Senate Committee on Finance seeking to modify ammunition record keeping requirements for dealers and others selling to the public. The measure (S. 2718) was introduced by Senator Wallace Bennett (R.–Utah), a high-ranking member of the minority side of the committee. The bill also has the backing of the Nixon Administration and of 40 leading Democrat and Republican senators. Chances are it will pass the Senate without too much opposition.

The meaty part of the bill reads as follows: ". . . no person holding a Federal license under chapter 44 of title 18, United States Code shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

Does this amendment mean that any one can buy rifle, shotgun and .22 caliber rimfire ammunition? What about component parts that are designed for use in rifles and shotguns, but can be used in the reloading of handgun ammunition?

We must remember that the Alcohol, Tobacco Tax and Firearms division of IRS now have new bosses. What interpretation will be made should this bill pass, is interesting to contemplate.

It is safe to project that we will see some flip-flop in viewpoints and regulations should there be a party change in the Administration. Why then was the proposed law written in this manner?

This is not the first bill to amend the law covering ammunition introduced by Sen. Bennett. The first one, S. 845, spelled it out clearly: "The term 'ammunition' shall include only ammunition for a destructive device and pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or and .22 caliber rimfire ammunition."

The trouble was that the bill was a straightforward amendment to the 1968 Gun Control Act. As such, it had to be referred to the Judiciary Committee. It had several cosigners and stood a good chance of passing.

Once passed the Senate, however, it would be passed to the House and automatically to the Judiciary Committee. Chairman of the Committee, Emanuel Celler of Brooklyn, N.Y., announced his intentions to kill the bill by holding it in committee. And, he could do it, too. He has the backing of his ranking Republican on the minority side, Congressman William McCulloch of Ohio.

It was these two, working together, along with the minority and majority staff members, who put the ammunition section in the 1968 Act. Just why McCulloch, a congressman from Piqua, Ohio, went for the anti-gun legislation last Congress is one of the mysteries surrounding passage of the law. It is this observer's opinion that he traded favor for favor.

Obviously, Sen. Bennett, in trying to amend the 1968 Act, had to route the measure through Congress in such a manner as to avoid the House Judiciary Committee. The plan was, and still is at this writing, to attach the amendment onto legislation that has already passed the House.

But, the measure had to be written in such a way as to have it referred to his Senate Finance Committee. S. 2718 is written in such a manner.

Now, the right bill is needed on which this amendment can be attached. Sen. Bennett is waiting on a bill that has passed the House, and one that will pass the Senate with little difficulty. He will offer his ammunition amendment on the floor of the Senate and then move that the Senate request a conference with the House.

In this manner the measure will not only avoid the House Judiciary committee, but will be presented to the House for a "yes" or "no" vote. The bill chosen must not be a measure originally considered by the House Judiciary Committee. If so, Celler and McCulloch will be members of the House-Senate conference.

If this happens, the best the shooting fraternity can hope for is a recommendation by the House side of the conferees that the measure be reconsidered by the original House committee before a vote. The only difference would be that we have a man in the White House who is not committed to an anti-gun policy. The White House could, perhaps, bring pressure on Congressman McCulloch to differ with Celler.

In any event, if all goes well, by this hunting season, S. 2718, by Sen. Bennett, will be part of the law of the land. The strategy being used by Bennett is a good example of how difficult it is to correct bad legislation once it is enacted.

Mr. Speaker, what I fear is that by this method of tagging on to House-passed bills nongermane amendments, the other body may be contemplating the piecemeal destruction of the Gun Control Act.

Here we have before us an attempt to wipe out portions of the ammunition provisions of that act. Next week there may be other provisions of that act to be wiped out.

This raises a very important question which has been touched upon by the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER) and by my colleague on the Committee on the Judiciary, the gentleman from Ohio (Mr. McCULLOCH) and by the ranking minority member of the Committee on Rules, the gentleman from California (Mr. SMITH).

How long are we going to continue silently to permit the other body to tack on to House-passed bills nongermane amendments? I do not mean that we should attempt to prevent the Senate from doing that. Comity would deter us, as the gentleman from Oklahoma pointed out.

But I ask the gentleman from Oklahoma what about the comity of the other body toward us?

Why do they undertake to tack unrelated amendments to House-passed bills? We are supposed to have comity between the two bodies. Legislatively we are supposed to be equal. But there is no equality in this kind of practice. What equality was there, for example, when in the 89th Congress to the Foreign Investment Credit Act, they tacked on a provision exempting professional football from the operation of the antitrust laws?

One had nothing whatsoever to do with the other. Yet we were compelled to swallow such a rider. It was rammed down our throats. What kind of equality was that? There is about as much equality in that kind of process as there is between a chestnut horse and a horse chestnut. There is no equality in that.

It is a sort of tie-in sale. It is like a fellow who goes to a tailor store and says that he wants a blue serge suit. The tailor says, "You can have a blue serge suit, but you must take with it a lady's yellow miniskirt."

The man replies, "I do not want the lady's skirt."

He is told, "It makes no difference. If you want the suit, you have to take the skirt."

That is what the Senate tells us. I hope that the Rules Committee, which is now considering rule changes, will consider as a possible remedy for this situation, a rule that if a bill that we pass goes to the other body and they tack on a nongermane amendment and it comes back to us, the Speaker will then refer the matter to the committee having jurisdiction over the subject matter of the nongermane amendment.

The question was raised by the distinguished gentleman from California (Mr. SMITH) that that process might consume time. I suggest that a time limit be stated within which the committee to which the nongermane amendment has been referred must act. Let it be 10 days; let it be 5 days; let it be 30 days. The important point is that at least there will be discussion. At least there will be a report and committee consideration so that Members can know what is in the nongermane amendment.

As it is now, as in the case of this munition amendment, there was not even a hearing in the Senate. There has been no hearing in this body. There has been no committee assignment in this body. There has been no committee consideration. There has been no committee report. What have we got? A mere skeleton debate this morning. What do we know about the need for and the consequences of this munition amendment? Mighty little, and we are asked to pass upon it and to give judgment upon the amendment. I think it is high time that some change in our procedures be effected. We must not permit the denigration of the dignity of this House. We must not make the Senate master and ourselves vassal. It is time for a change.

Mr. BURTON of Utah. Mr. Speaker, the other body has amended H.R. 12829 to exclude the recordkeeping requirements of chapter 44, title 18, United States Code, with respect to ammunition suitable for use only in shotguns and rifles. The exclusion does not cover pistol ammunition or .22-caliber rimfire ammunitions. The proposal would amend section 4182 of title 26, United States Code.

As originally introduced, the bill would have eliminated the recordkeeping requirements of chapter 44 for all sporting ammunition; that is, ammunition for shotguns and rifles and .22-caliber rimfire which is used in both pistols and rifles. The bill as introduced was reasonable. The Treasury Department advised that the benefits derived from the sporting ammunition recordkeeping requirements served no useful law-enforcement purpose. I am sure that most of the mail each of you has received was vehemently opposed to recordkeeping requirements for sporting ammunition. The only result of the requirement has been to irritate sportsmen and other law-abiding citizens.

It is my understanding that the author of the amendment to H.R. 12829 found it necesasry for tactical purposes to eliminate .22-caliber rimfire ammunition from the coverage of the amendment. I would like to emphasize that the amendment now before the House goes only to ammunition for shotguns and rifles. It does not cover .22-caliber rimfire ammunition, even though it should.

In the other body the opponents to the amendment seemed to take the tack that excluding any type of ammunition from the Federal firearms control provisions is something new and indeed is designed to erode firearms controls. This simply is not the case. The proponents of Federal firearms legislation in the 88th, 89th, and 90th Congresses introduced bills which contain absolutely no controls over ammunition except ammunition for destructive devices. For example, Senate Report No. 1097—90th Congress, second session—on the Omnibus Crime Control and Safe Streets Act of 1967, contains the following statement at page 112:

> The term "ammunition" is defined in the present law (15 U.S.C. 901(7)), as pistol and revolver ammunition. This title does not include controls over pistol or revolver ammunition but it does include controls over ammunition for destructive devices. Thus, this term is defined as meaning ammunition for destructive devices, and ammunition for use in any other type of firearm is excluded from its meaning.

This definition would mean that there would have been no controls over any ammunition except that for destructive devices.

A superficial examination of the legislative history of the firearms controls proposed in the past 10 years will show that almost every congressional committee considering the firearms problem has determined that Federal controls in the ammunition area were not warranted because of the volume of transactions, the lack of identity of the commodity, and the impossibility of tracing ammunition.

The opponents to the amendment have alleged that the Congress has not thoroughly considered the elimination of sporting ammunition from Federal recordkeeping requirements. This is not so. As previously stated, bills have been introduced in the last three Congresses which would eliminate all Federal controls over ammunition. Several congressional committees have recommended such action. Thus, the ammunition controls imposed by the Gun Control Act of 1968 should be amended as proposed by section 5 of H.R. 12829.

I urge the House to adopt the rule now before us, and also urge the conferees to agree to the Senate ammunition amendment to H.R. 12829.

Mr. KLEPPE. Mr. Speaker, I wish to express my support of the ammunition amendment adopted by the Senate to H.R. 12829. The amendment is popularly known as the Bennett amendment and was sponsored in the Senate by the Honorable WALLACE BENNETT, of Utah.

The amendment would amend section 4182 of the Internal Revenue Code to relieve dealers in rifle and shotgun ammunition from the recordkeeping requirements now imposed by chapter 44 of title 18, United States Code.

I support this amendment for two reasons. First of all, these recordkeeping requirements have proven burdensome to sportsmen and to dealers in sporting type ammunition. Second, the Treasury Department, which administers the firearms laws has recommended the enactment of this amendment. In a letter to Senator BENNETT dated September 26, 1969, Secretary of the Treasury David M. Kennedy advised that the recordkeeping requirements for this type of ammunition "is of little value in law enforcement" and that "the Department knows of no instance where the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement."

Secretary Kennedy further stated that the recordkeeping requirements "do however, because of the volume of transactions in sporting ammunition, tend to generate criticism from sportsmen and others and detract from the effective enforcement of the other provisions of the firearms laws."

In the light of these facts, I strongly voice my support of the Bennett amendment.

Mr. DELLENBACK. Mr. Speaker, we who come from the West understand and sympathize with concern felt and expressed by some of you. Our colleagues from heavily urbanized areas of the East, in this area of firearms control. But we ask in return that you understand and sympathize with our concerns. The lawful use of firearms for hunting and other recreational purposes is not just the interest of a few individuals in my State. Such use is a part of the way of life of a substantial percentage of the citizens of Oregon.

There are several aspects of the Gun Control Act of 1968 which are particularly obnoxious. One of these is the provision of the present law that unnecessary and useless records be kept of the purchase of shotgun and other sporting ammunition. This recordkeeping is a wasteful and expensive burden for the sellers of such ammunition and an irritating nuisance for the purchasers thereof.

The amendment to H.R. 12829 approved by the Senate upon the motion of the distinguished Senator from Utah (Mr. BENNETT) calls for the removal of this valueless recordkeeping requirement from the law.

It reaches for the same goal called for by a bill which I introduced early in this first session of the 91st Congress. I have advocated removal of this requirement since first it was made part of the Gun Control Act of 1968. Indeed, its presence in such act was a portion of the reason why I voted against the final version of that act when it came to the House for vote. After the deliberations of the Senate-House conference committee last year. I strongly support Senator BENNETT's amendment here today.

If this amendment were the only difference between the House and Senate versions of H.R. 12829 I would urge my colleagues of the House today to adopt that amendment and report the bill immediately as so amended. But there are other other differences which should be ironed out in conference, and I therefore will support the motion to send this measure to conference. But I hereby express as strongly as I can my personal support for the Bennett amendment. I earnestly hope that our House conferees will accept this Senate amendment, and I urge them to do so.

Mr. McCARTHY. Mr. Speaker, I strongly object to the amendment added by the other body to the interest-equalization tax bill to remove from the Gun Control Act of 1968 the provision requiring persons wishing to buy long-gun ammunition to furnish basic personal identification to the dealer selling such ammunition.

I urge all Members who voted for the Gun Control Act of 1968 to stand with me today and oppose all attempts to avoid full legislative consideration of this amendment. There have been no public hearings on this proposal and I believe that on an issue as important as this, the Congress should hold hearings so that all points of view can be explored.

Those who have argued for the removal of the identification requirement contend that it unnecessarily harasses the sportsmen. This requirement does little more than ask the licensed hunter to take a second to open his wallet and show his identification. It is simply an attempt to bring under closer scrutiny the proliferation of guns and ammunition. The requirement of identification for purchasers of handgun ammunition is retained, but long guns have a potential for misuse just as handguns do.

If the regulations need changing, then it is our responsibility to explore the extent to which they should be changed. This can be done only through open and public hearings on the subject. Concerned and informed citizens have a right to have their voices heard and various ideas considered.

For these reasons I urge you to join me in opposing the amendment.

Mr. POFF. Mr. Speaker, I support the rule sending H.R. 13829 to conference. I address myself only to section 5 of the bill as passed by the other body. The interest equalization tax provisions are in substantial agreement.

Section 5 of H.R. 12829 would modify the ammunition recordkeeping requirements enacted as part of the Gun Control Act of 1968. Technically, section 5 would modify the recordkeeping requirements now imposed by chapter 44 of title 18, United States Code, for sporting type ammunition by amending section 4182 of the Internal Revenue Code. Under the current regulations, recordkeeping on ammunition sales requires a dealer to record the following information; the date, manufacture, caliber, gage or type of component, quantity, name, address, date of birth, and drivers license, or other means of identification.

The amended language provides that no person holding a Federal license to sell ammunition shall be required to record the name, address, or other information about the purchaser of shotgun or rifle ammunition generally available in commerce. The amendment does not apply to handgun ammunition and it removes none of the present restrictions with respect to sale of ammunition to felons, drug addicts, or mental incompetents.

Section 5 of H.R. 12829 is the same as H.R. 14524, a bill I introduced on October 27, 1969, and is of significant importance to sportsmen and small merchants.

Section 5 was added to H.R. 12829 in the Senate Finance Committee on the motion of Senator BENNETT. Originally, it contained the language of his previously-introduced bill, S. 2718. That bill was later modified by Senator BENNETT and during floor debate it was further amended to remove language referring to .22 caliber rim-fire ammunition.

The ammunition affected is of particular interest to hunters, trap shooters and sportsmen. It has had no significant history of criminal use. It is used by the ordinary citizen interested in outdoor recreation. The ammunition is sold all over the United States, not only in big sporting goods stores, but also at service stations and crossroads stores. The only purpose of the Bennett amendment is to relieve these dealers from a burdensome recordkeeping requirement applicable only to strictly sporting-type ammunition, and to save law-abiding hunters and other sportsmen from the embrassassment and annoyance of identifying themselves and furnishing information with respect to purchase of items of ordinary commerce.

Why should such burdensome requirements be retained if they serve no useful law enforcement purpose? The only possible argument for retention of record requirements with respect to this sporting-type ammunition is crime control. The Treasury Department has repeatedly asserted in testimony before various committees considering firearms legislation and in correspondence with Senator BENNETT, as published in the CONGRESSIONAL RECORD—October 9, 1969, at page 29459—that ammunition records have no significant value in crime deterrence or in apprehending criminal suspects.

For example, the Commissioner of the Internal Revenue Service, Randolph W. Thrower, when testifying on July 24, 1969, before the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, in opposition to Federal registration of firearms and licensing of gun owners, states:

> With regard to ammunition transactions, it is only fair to report to the subcommittee that we are not able to process or check individual ammunition sales records in any meaningful way, particularly in view of the multitude of sales in only sporting ammunition. Whatever manpower would be required to provide adequate checking and policing of this information would, in our view, be better utilized in enforcing the other more critical provisions of the gun laws.
>
> While we do not question the value of prohibitions on sales of ammunition to prescribed persons, we have serious questions as to the contribution to enforcement made by keeping records on sales of sporting ammunition, i.e., ammunition for shotguns, ammunition suitable for use only in rifles, and .22 caliber rim-fire ammunition.

In a letter of September 26, 1969, to Senator BENNETT, in which the Treasury Department recommended enactment of the Senator's ammunition amendment, Secretary of the Treasury David M. Kennedy stated:

> Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.
>
> In short, the recordkeeping controls are not effective as a law enforcement tool. They do, however, because of the volume of transactions in sporting ammunition tend to generate criticism from sportsmen and others and detract from the effective enforcement of other provisions of the firearms laws.

The distinguished Senator from Utah illustrated rather dramatically the dimensions of the volume of transactions in a speech delivered in the other body on October 9 from which I quote:

> On the average, 300,000 separate ammunition transactions take place each day in the United States. This represents some 109,500,000 transactions annually on sales of 5.9 billion rounds to be recorded by the Nation's 143,903 licensed dealers. Assuming that each transaction takes about 2 minutes, this represents approximately 365,000 man-hours, or 15,208 man-days expended by ammunition dealers annually in serving their customers in an exercise of futility.

Mr. Speaker, the hard fact is that ammunition is fungible—it is not easily identifiable and cannot be accurately traced after sale.

Since there is no valid crime-control reason for retention of this requirement, since it entails unnecessary sales procedures, since it increases cost to the consumers, and since it results in annoyance and irritation toward the Government on the part of honest, law-abiding citizens, the present recordkeeping requirement should be repealed.

Mr. MELCHER. Mr. Speaker, I am happy to support House Resolution 675 to send H.R. 12289 to conference, for I am very pleased with the amendment added to it which will end most of the recordkeeping on ammunition sales.

The regulation requiring purchasers of shotgun shells and sporting ammunition to register their names and addresses for identification was a nuisance and the keeping of those records by the store owners was an unnecessary burden that benefited absolutely no one.

The records have become so voluminous that the Treasury Department, which was supposed to gather and file all of the detailed documents from all of the stores, seemed to become baffled by the problem of what to do with the mountains of paper involved. It is an example of the bureaucratic process at its worst, the imposition of unnecessary redtape—gone mad.

While the Senate amendment does not contain a repeal of recordkeeping for .22-caliber ammunition, as I think it should, it will get rid of most of the redtape regulations on recordkeeping to the relief of millions of sportsmen, tens of thousands of merchants, and without injury to law enforcement in any way.

Mr. HAMMERSCHMIDT. Mr. Speaker, I strongly and wholeheartedly endorse the efforts being made here today toward repealing the ammunition registration requirements of the Gun Control Act of 1968. This registration entangles millions of dealers, small dealers for the most part, and sportsmen in a mass of redtape for no sufficient reason. It does not restrict the criminal. It merely placed an irritating and unnecessary burden on many highly respected and public-spirited citizens.

The place for effective legislation to control misuse of firearms is through criminal law—by making it a Federal crime to use firearms in the commission of a criminal act with mandatory stiff punishment instead of the permissive approach.

It is clear to most of us, including Treasury Department officials, that the ammunition recordkeeping provision is of no value and has been of no assistance in the fight against crime. It is rather a method of harassing the average citizen while the burden should fall squarely on the criminal and the lawless—those willing and ready to commit acts of violence. I strongly urge its repeal.

Mr. FLOWERS. Mr. Speaker, the Senate amendment to H.R. 12829, the interest equalization tax bill, would repeal the burdensome rifle and shotgun ammunition sales registration requirements of the Gun Control Act of 1968. Had I been a Member of Congress last year, I would have opposed this act, for I am firmly convinced that it restricts the activities of law-abiding citizens without any significant effect on the criminal element. It has worked a particular hardship on sportsmen and those who sell ammunition and supplies in their places of business as an accommodation to them. The burdensome paperwork and recordkeeping that has been required for the simple purchase of shotgun ammunition for hunters has forced many dealers to either stop selling ammunition or lose money on this aspect of their business because of the redtape involved.

Mr. Speaker, I urge that this House pass H.R. 12829 with the Senate amendment thereto. This will not repeal all of the undesirable provisions of the Gun Control Act of 1968, but it is certainly a step in the right direction.

Mr. RYAN. Mr. Speaker, I am opposed to the non-germane Senate amendment to the interest equalization tax extension bill. This is an attempt to repeal, without hearings and without reference to the Judiciary Committees of either body which properly have jurisdiction, part of the gun control law which we enacted last year.

This amendment provides that no person holding a Federal license to sell ammunition "shall be required to record the same, address, or other information about the purchase of shot gun ammunition or rifle ammunition generally available in commerce."

This amendment would exempt shot gun and rifle ammunition from regulation and control and severely reduce the effectiveness of the gun control legislation passed last year in Congress.

The purpose of this amendment, according to its supporters, is to end some of the record keeping procedures required of ammunition dealers which are "nothing more than harrassment of sportsmen and bureaucratic boondoggle."

However, during the debate on this amendment, Senator Dodd reported that he had sent members of his staff to buy ammunition in nearby Maryland. All they had to do was to give their name and address and show their driver's license. Such simple procedure is nowhere near harrassment.

In addition, Senator Dodd also obtained a list of those who had purchased ammunition at the Suitland Trading Post in Suitland, Md. This list, covering the 3 months prior to October, was then checked against the criminal identification files of the Washington Police Department. Twenty-one percent of those who had bought ammunition during the 3-month period had some type of criminal record. Because there is an ordinance preventing such purchases in the District of Columbia, they went to Maryland to buy ammunition.

We are constantly told about the need for "law and order" in our society. The present registration system obviously does not do enough. Even with the necessary registration, criminals are buying ammunition—maybe to use in some future crime.

This amendment will only undermine the present regulations which are not really adequate.

If the resolution is passed, I urge the House conferees to reject the Senate amendment. But because the conferees have not been so instructed, I oppose House Resolution 675.

GENERAL LEAVE TO EXTEND

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks in the body of the Record regarding House Resolution 675, which is now under consideration.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The time of the gentleman has expired. The time of the gentleman from Mississippi has expired.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 313, nays 36, not voting 82, as follows:

[Roll No. 273]

YEAS—313

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kuykendall
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCulloch
McDade
McFall
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Pelly
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Roth
Roudebush
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—36

Bingham
Boland
Bolling
Brown, Calif.
Burton, Calif.
Celler
Conyers
Daniels, N.J.
Edwards, Calif.
Farbstein
Fulton, Pa.
Hanley
Hawkins
Helstoski
Holifield
Kastenmeier
Koch
Lowenstein
McCarthy
Matsunaga
Mikva
Mink
Moorhead
Ottinger
Patten
Podell
Rees
Reid, N.Y.
Rodino
Rosenthal
Roybal
Ryan
Scheuer
Stokes
Wolff
Wydler

NOT VOTING—82

Abbitt
Ashley
Barrett
Belcher
Bell, Calif.
Blackburn
Brademas
Brasco
Brock
Brooks
Cahill
Carey
Chisholm
Clay
Daddario
Dawson
de la Garza
Denney
Diggs
Downing
Eshleman
Fascell
Flynt
Foley
Fraser
Frelinghuysen
Gallagher
Garmatz
Griffin
Halpern
Hanna
Harrington
Hastings
Howard
Hull
Jones, Tenn.
Kirwan
Kluczynski
Landrum
Lipscomb
Lukens
McDonald, Mich.
McEwen
McMillan
Madden
Mann
Mathias
May
Morgan
Morse
Moss
Nelsen
Nix
Passman
Patman
Pepper
Perkins
Pirnie
Powell
Price, Tex.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Ruppe
St Germain
St. Onge
Sandman
Stafford
Staggers
Stephens
Taft
Teague, Tex.
Thompson, N.J
Tunney
Utt
Watkins
Whalley
Whitten
Wilson, Charles H
Wright
Yates

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Whalley.

Mr. Barrett with Mr. Morse.

Mr. Daddario with Mr. Lukens.

Mr. Fascell with Mr. Mathias.

Mr. Rooney of New York with Mr. Lipscomb.

Mr. Garmatz with Mr. Stafford.

Mr. Griffin with Mr. Watkins.

Mr. Charles H. Wilson with Mr. Bell of California.

Mr. Kluczynski with Mr. McDonald of Michigan.

Mr. Brasco with Mr. Pirnie.

Mr. Brooks with Mr. Brock.

Mr. Hull with Mr. Belcher.

Mr. Carey with Mr. Cahill.
Mr. Howard with Mr. Frelinghuysen.
Mr. Teague of Texas with Mr. Eshleman.
Mr. Morgan with Mr. Utt.
Mr. Passman with Mr. Blackburn.
Mr. Rooney of Pennsylvania with Mr. Sandman.
Mr. Rostenkowski with Mr. Taft.
Mr. St. Onge with Mr. Hastings.
Mr. Gallagher with Mr. Halpern
Mr. St Germain with Mr. McEwen.
Mr. Staggers with Mr. Denney.
Mr. Wright with Mrs. May.
Mr. Jones of Tennessee with Mr. Price of Texas.
Mr. Brademas with Mr. Nelsen.
Mr. Downing with Mr. Ruppe.
Mr. Flynt with Mr. Mann.
Mr. Hanna with Mr. Clay.
Mr. Pepper with Mr. Patman.
Mr. Whitten with Mr. Perkins.
Mr. Madden with Mr. Yates.
Mr. Moss with Mr. Dawson.
Mr. Stephens with Mr. Rogers of Florida.
Mr. Abbitt with Mr. McMillan.
Mr. Tunney with Mr. Landrum.
Mr. Ashley with Mr. Nix.
Mr. Kirwan with Mr. Diggs.
Mr. Fraser with Mrs. Chisholm.
Mr. Foley with Mr. de la Garza.
Mr. Harrington with Mr. Powell.

Mr. PATTEN, Mr. SCHEUER, and Mr. HOLIFIELD changed their votes from "yea" to "nay." The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints the following conferees: Messrs. MILLS, BOGGS, WATTS, BYRNES of Wisconsin, and UTT.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12829 UNTIL MIDNIGHT TUESDAY

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House on the bill, H.R. 12829, may have until midnight tomorrow night, Tuesday, to file a conference report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. COLMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on House Resolution 675, just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON SPACE SCIENCE AND APPLICATIONS TO SIT FOR 1 HOUR DURING GENERAL DEBATE TODAY

Mr. KARTH. Mr. Speaker, I ask unanimous consent that the subcommittee on space science and applications be allowed to sit for 1 hour this afternoon during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR THE ESTABLISHMENT OF THE LYNDON B. JOHNSON NATIONAL HISTORIC SITE

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2000) to establish the Lyndon B. Johnson National Historic Site, as amended.

The Clerk read as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership historically significant properties associated with the life of Lyndon B. Johnson, the Secretary of the Interior is authorized to acquire, by donation or by purchase with donated funds, such lands and interests in lands, together with the buildings and improvements thereon, at or in the vicinity of Johnson City, Texas, as are depicted on the drawing entitled "Lyndon B. Johnson National Historic Site Boundary Map", numbered NHS–LBJ–20,000 and dated September 1969, together with such lands as from time to time may be donated for addition to the site and such lands as he shall deem necessary to provide adequate public parking for visitors at a suitable location. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the Lyndon B. Johnson National Historic Site.

SEC. 2. The Secretary shall administer the Lyndon B. Johnson National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.

SEC. 3. There are hereby authorized to be appropriated not more than $180,000 to provide for the development of the Lyndon B. Johnson National Historic Site.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore (Mr. ALBERT). The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, I yield to the gentleman from Colorado (Mr. ASPINALL) such time as he may consume.

Mr. ASPINALL. Mr. Speaker, the bill before the House at this time authorizes the establishment of the Lyndon B. Johnson National Historic Site in the State of Texas.

By way of explanation of S. 2000, Mr. Speaker, I would like to briefly discuss the general policy with respect to the establishment of national historic sites. Normally, as the Members of the House know, it has been agreed that the commemoration of the life and contributions of a great American should be posthumous. This policy enables us to sift from many noteworthy American men and women, those whose contributions are most significant and outstanding.

We have deviated from this policy where our Presidents are concerned, because we have recognized the fact that their lives and activities are inevitably bound up in the history of our Nation. We do this because every President participates in, and contributes to, so many nationally significant decisions and events that the American public is interested in learning more about their lives and backgrounds. Experience has shown us that the belongings and homes of these American leaders tend to disappear and deteriorate as time passes if they are not adequately protected and preserved.

S. 2000 seeks to take advantage of the opportunity offered us with respect to the birthplace and boyhood home of Lyndon B. Johnson. By accepting the donation of these properties, the early life of our 36th President can be described for the American people and the environment in which his philosophy matured can be depicted. The administration of the properties by the National Park Service will assure their proper care and availability to the public in perpetuity.

The bill, as recommended by the committee, requires that the lands for this historic site be acquired by donation or by purchase with donated funds. Unlike the bill approved by the other body, S. 2000, as amended by our committee, refers specifically to boundaries depicted on a map. The language of the bill as we reported it to the House also differs with respect to the provisions for the administration of the site in that it incorporates the more precise standard language.

Mr. Speaker, the only Federal costs contemplated with respect to this proposal involve the administration and development of the site. In the legislation recommended, development costs are limited to $180,000. These moneys are to be used, when appropriated, to make necessary repairs and rehabilitation of the buildings, for the construction of essential public use facilities, for the installation of protective and interpretive devices, and for appropriate landscaping of the grounds.

In short, I recommend the enactment of S. 2000 because it is an opportunity to add a significant new unit to the Nation's inventory of historical properties at a modest cost. It is highly appropriate that we recognize the contributions of this great American public servant. Mr. Speaker, I urge the adoption of S. 2000 by the Members of the House.

ADJOINING PROPERTIES

BIRTHPLACE

The birthplace is located on Park Road 49. Present plans call for 6.8 acres to be donated in fee. The property is approximately a right angle triangle with the hypotenuse as frontage—approximately 1,200 to 1,400 feet. Across the road is the family cemetery and the State of Texas owns a scenic easement on all of the property to the Pedernales River. There is a State park across the river. There are approximately 12 acres of land—roughly 300 feet wide on each of the remaining sides—which are presently under lease to the LBJ Ranch for grazing purposes. It is understood that this property is owned by a friend of the President and it is hoped that a scenic easement on this buffer zone will be donated.

BOYHOOD HOME

The boyhood home is located in Johnson City. It consists of 1.77 acres and encompasses an entire city block. Surrounding the block are a variety of structures. Most of the properties are residential, but there is a hospital, a Federal building, a motel, and some land owned by the Pedernales Electric Cooperative—on this latter property, it is understood that some type of a memorial auditorium is to be constructed. One of the residents of the adjoining properties is the sister of the President. To the extent possible, the National Park Service should attempt to secure scenic easements covering the adjoining properties, by donation or by purchase with donated funds, but they are not within the boundaries of the national historic site, as such.

ROADS AND ACCESS

BIRTHPLACE

This property is located just off of U.S. 290 which, although it is not a part of the interstate network, carries considerable amounts of interstate traffic between Austin and El Paso. Access to the property would be via the existing highway and an existing connecting roadway known as Park Road 49.

BOYHOOD HOME

Access to this property is facilitated by the existing network of city streets and its location just one block away from the street which carries the U.S. 290 traffic through Johnson City.

EMPHASIS

There are no plans to connect the two sites with any kind of scenic roadway. They are 13 miles apart and they will be administered as detached components of a single unit.

DEVELOPMENT COSTS

BIRTHPLACE

At the birthplace, development will be minimized during the first 5 years to those things which are essential to the protection of the property, signs, audio equipment, and the like. It is estimated that these costs will total approximately $23,000. In the near future, after the 5-year period, construction of walkways, parking facilities, and the like are expected to cost around $30,000 and $5,000 is expected to be needed for the construction of some outbuildings.

BOYHOOD HOME

Investment in facilities at the boyhood home will be more substantial. During the first 5 years, estimated expenditures will total $74,000 for the erection of signs and fences, for the installation of audio equipment, and protective devices for the repair and rehabilitation of the existing structures and for the reconstruction of the barn which was on the property during Lyndon Johnson's boyhood. This barn, incidentally, will house all of the visitor comfort facilities and utilities. Sometime after the first 5 years, another $26,000 is to be used for rehabilitation of the house, for additional landscaping, and for demolition of a nonhistoric structure presently on the property. Another $22,000 is to be used to provide more adequate parking facilities and walkways.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Do I understand two historic sites are proposed in this legislation?

Mr. ASPINALL. The gentleman from Iowa is correct. One is the birthplace itself and the other is the boyhood home.

Mr. GROSS. And none of the so-called LBJ Ranch is included?

Mr. ASPINALL. The gentleman from Iowa is correct.

Mr. GROSS. Just so the record may be completely clear on this subject, if there is an expansion of either or both of these historic sites, the property that would go into the expansion would be donated or purchased through donated funds. Is that correct?

Mr. ASPINALL. The gentleman from Iowa is correct. It is my understanding if there were an increase of sufficient size, of course, it would be brought back to this body, or the Congress of the United States, because there is a possibility that the donation or donated funds might be larger and greater respectively than this historic site should include, so this is all taken care so that we shall know exactly what is going on.

Mr. GROSS. But we have the assurance that Federal funds would not be used for the expansion of these historic sites in terms of land.

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. Maintenance and upkeep is another story. I understand that.

Mr. ASPINALL. There are some improvements that should be made, such as sidewalks and landscaping and so on, and that all comes within this $180,000 authorization.

Mr. GROSS. Mr. Speaker, does the gentleman anticipate the next appropriation would be more than $180,000 or less?

Mr. ASPINALL. The gentleman from Colorado does not expect any appropriation at any time as far as this historic site is concerned—the next appropriation or any time thereafter—to exceed $180,000. The $180,000 is the ultimate limit as far as this authorization is concerned.

Mr. GROSS. I thank the gentleman for this assurance.

Somewhat on the facetious side, I wonder if in the ensuing years we will be establishing historic sites for former Presidents before the chairs they occupied even becomes cold?

Mr. ASPINALL. I would not think that this would necessarily be so.

On the other hand, it seems to me, may I say to my very good friend from Iowa, that when we elect anybody to be the Chief Executive of this great Nation that, within itself, gives a recognition which is sufficient to at least allow us to give some recognition to the birthplace and the boyhood home, or, if they happen to be so unfortunate as the Member now speaking and all such facilities have burned down, it might be appropriate to designate the prominent individual lived, might be recognized and honored. This is only right.

All of our Presidents of this century, with the exception of three, are so honored at the present time. All of them with the exception of one are so honored at this time with a landmark designation. This does not include the current President.

That unique great leader living in Independence, Mo., says he does not care for any recognition during his lifetime. I for one would be willing, just as soon as I knew what his wishes were and even before he expires upon his approval and only with his approval or immediately afterward, to give recognition in such a manner, because I would not like to see any additional expense that might be incurred because of the property being sold and these it would be necessary to repurchase from people then living on the property.

We just got through taking care of a national historic site for one of our reflected Presidents, William Howard Taft. We are going to have to spend quite a bit more money because of the fact that we did not pick it up at the proper time.

I believe what we propose to do in this legislative is cheaper in the long run. I believe it brings the possibility of giving recognition to the very atmosphere of the individual so honored if we take care of the matter immediately.

Mr. GROSS. I do not want to prolong this, but is the gentleman saying that despite the wishes of former President Truman the committee has determined to buy some property as an historic site?

Mr. ASPINALL. No. The gentleman is not making any statement like that at all. The gentleman is just stating he believes that the great leader from Independence, Mo., will be sometime or other so recognized. I should like to know what he would rather have when he does leave us, and I should like to acquire whatever that is as soon as possible so that we are not put to more expense and so that that which surrounds him, during his life time in his opinion and in the opinion of those who have been with him, can be retained as nearly as possible like it was when he was there.

Mr. GROSS. I thank the gentleman for his statement, and particularly his assurance that any further expansion of these two historic sites will be through the process of donation of land or donations of money with which to acquire the land.

Mr. ASPINALL. I assure my colleague that what he has stated is correct.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman yielding.

Many of my questions have been answered by the colloquy between the gentleman from Iowa and the chairman in the well.

I would hope that the expressed desire of our President from Missouri, that he be not honored or have a designated or historic landmark, or site, during his lifetime would be respected, because indeed the Truman Memorial Library in Independence, Mo., is an outstanding contribution to the United States and to the world as a whole, of which we are all very proud.

I am delighted to hear the chairman say he did not mean to imply that we were going to honor him immediately after the good Lord calls him to his reward.

Mr. ASPINALL. The gentleman in the

well was trying to say that he would like to know, before the great leader from Independence leaves us, what his wishes are.

Mr. HALL. That is good to know in advance.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman has consumed 15 minutes.

Mr. TAYLOR. Mr. Speaker, I will be glad to yield the gentleman from Colorado 2 additional minutes.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. ASPINALL. I am glad to yield to the gentleman from Missouri.

Mr. HALL. I would like to ask if we are going to acquire all of these lands, which I understand will be by donation without expense to the taxpayer, except for upkeep and improvements; in the regular fee simple title manner demanded by the Government, and if they would include the mineral rights, and/or any reverter clause in case it was no longer used for that purpose.

Mr. ASPINALL. The fee title will be secured in all cases and held by the National Park Service in the name of the Federal Government.

Mr. HALL. And it would include all mineral and other rights?

Mr. ASPINALL. Yes; it would include all mineral and other rights.

Mr. HALL. And not have a reverter?

Mr. ASPINALL. There is no reverter clause in this. This is in perpetuity.

Mr. HALL. I thank the gentleman.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to the gentleman from North Carolina.

Mr. TAYLOR. Even though the buildings are in good condition, as they are in this case, legislation of this type is necessary because development of the buildings and site is necessary in order to handle large crowds. Is that not right?

Mr. ASPINALL. Such is almost always the reason and such conditions call for practically all the cost in these particular cases.

Mr. TAYLOR. We had legislation on the Eisenhower site in Gettysburg. In that case, as in this, the land was donated.

Mr. ASPINALL. That is correct.

Mr. TAYLOR. And the buildings were in good condition, but still the buildings and site had to have work done to them in order to handle the large crowds that would use them. Is that correct?

Mr. ASPINALL. That is correct.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in support of this legislation.

This bill provides for the acceptance by donation of the birthplace and the boyhood home of the 36th President of the United States, Lyndon B. Johnson. These two properties are presently owned by the Johnson City Foundation, which is incorporated in the State of Texas, and the foundation has maintained these properties in reasonably good condition. They will be donated in fee to the Federal Government, and any additions that will be necessary will have to be acquired with donated funds. The expansion of parking facilities or visitor-related facilities will have to be developed by appropriated funds. This is so covered in the bill. It calls for an appropriation ceiling of $180,000 for development.

Those of you who have been privileged to visit some of the homes of our former Presidents and their birthplaces realize that the buildings are not new. When the people come, as they naturally do, to see the homes of our former Presidents it is necessary to take precautions which the ordinary homeowner does not have to take to protect these visitors. The best advice that your committee can get from the Department of the Interior and the National Park Service is that it will expend approximately $180,000 to so develop these properties. To get that money they will have to go to the Committee on Appropriations, show their plans, and state what is to be done. That is all that is in this bill. This legislation is in keeping with the practice which we have followed for other Presidents. There are only three Presidents who have served in the 20th century—four if we include the present incumbent of the White House—that have not been so honored. They are Woodrow Wilson, Calvin Coolidge, Harry Truman and, of course, President Richard M. Nixon.

I also support the chairman of the full Committee on Interior and Insular Affairs, the gentleman from Colorado (Mr. ASPINALL), in what he said with reference to President Truman. Mr. Truman says he does not want, during his lifetime, any action to be taken with reference to the establishment of such a historical site. But since he was the President of the United States I think that it would be extremely advantageous to the National Park Service and particularly to the proper committees of the House and the other body if we knew what Mr. Truman would like to have done insofar as his boyhood home is concerned and his birthplace as well as his present home.

Insofar as the home of former President Coolidge is concerned, it, too, is maintained by a private fund. Within a very short period of time there will be legislation, I believe, before the Congress to establish this as another unit of the national park system.

Mr. Speaker, there are over 200 million people living in this country. I do not have the figures on the total number of people who have lived in this country of ours from July 4, 1776, until this day, but it is probably well over 300 million. Of this number there have only been 36 individuals who have been Presidents. Certainly, it seems to me that the least we can do to recognize those who have been chosen to be the President of this country, your country and mine, is to set aside their birthplace or their home as a national memorial.

Mr. Speaker, I urge the adoption of this legislation and support it.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2000, which authorizes the establishment of the Lyndon B. Johnson National Historic Site.

This proposed addition to the national park system, if approved, will consist of two properties—the birthplace and the boyhood home of our 36th President. The former property is located near the LBJ Ranch, approximately 13 miles east of Johnson City, Tex., just off U.S. 290—a major highway connecting Austin and El Paso—and the boyhood home is located in Johnson City where U.S. 290 and U.S. 281—the highway connecting San Antonio with Witchita Falls—intersect.

By the way of description, let me say that the birthplace consists of 6.8 acres of land containing the reconstructed farmhouse duplicating the one in which President Johnson was born. Across the street is the Johnson family cemetery, the Pedernales River, and a State park. The house is furnished with family items of the period, plus a few gifts from friends. Now, I want to point out that the State of Texas now holds a scenic easement on the stretch of land between the river and the birthplace property and the adjoining lands on the back side of the property are under lease for grazing purposes from, I am told, a friend of the President.

The boyhood home is a frame house located on a block comprising about 1¾ acres of land. It was here that the President lived until he left for Washington and the start of his political career. It was here that he spent his formative years and developed the philosophical ideals which guided him throughout his career as a public servant.

Like the birthplace, the Johnson City Foundation presently holds title to the boyhood home. Unlike that property, however, neighboring ownerships show little consistency. Most of the bordering properties are residential, but there is a hospital, a Federal office building, a motel, and some property owned by the Pedernales Electric Cooperative. Hopefully, the National Park Service will attempt to make appropriate arrangements with these owners to assure the use of the properties so as to protect the integrity of the setting to the extent possible.

While the general rule is to postpone the decision on historic sites during the lifetime of the person whom they commemorate, we have made exceptions with properties associated with former Presidents. We can be certain that any person who achieves the highest office in the land will participate in many noteworthy events in our national history. Consequently, we should, to the extent possible, undertake to protect and to preserve the homes and belongings of these American leaders before they disappear or deteriorate. The Federal Government has established some type of landmark honoring all of our former Presidents, with the exception of Harry Truman and Lyndon Johnson, and Mr. Truman has requested that no action be taken until after his death.

There has been some discussion concerning Mr. Truman's wishes for a memorial. I do not know what his wishes are. I did read that he was once asked what he wanted as an epitaph on his tombstone, and he replied that there was one out in Arizona that suited him which read, "He done his damndest."

Mr. Speaker, I feel that we should take steps to assure the availability of these historic properties to the public. They will make possible the complete interpretation of the early life of one of our Presidents. It should be noted that the famous LBJ Ranch is not included in the historic site, but the terms of the bill are flexible enough so that it could be added, if donated. I do believe that we should recognize the contribution which the possible future addition of this property could make to the complete interpretation of the life and accomplishments of this outstanding American who devoted so many years of his life to serving his country—as a citizen, as a legislator, and as Chief Executive.

Mr. Speaker, I commend S. 2000 to the Members of the House for their consideration, and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I rise in strong support of this measure.

Mr. Speaker, recently the House passed legislation creating historical sites for two great Americans—William Howard Taft and Dwight David Eisenhower. I am pleased that we are today considering an historical designation for another great American President: Lyndon B. Johnson.

It is fitting that we preserve these locations for the American people and the National Park Service and the Department of the Interior are to be commended for this recommendation. In this session of Congress, we are paying just tribute to three men who have devoted a lifetime of service to their country.

In the case of President Johnson, we have the rare opportunity to honor a man in his lifetime; a man who has given a lifetime of public service. Obviously, too, this in an action that is desired by the people of the United States. Since the two sites were opened in Texas for the general public, more than a quarter of a million people have visited the birthplace and the boyhood home of President Johnson. These visitors want to absorb the heritage and touch the surroundings that helped to mold the fiber of this national leader who devoted 40 years to a public career.

The lives of both President and Mrs. Johnson have been intertwined with thousands of central Texans, particularly those in the hill country.

The people of the United States want to know and to feel the presence of the strength that emanates from this Texas home nestled in the stern but lovely and vigorous ranch land of rock, cedar, liveoak, and caliche.

The sites, located in the natural beauty which engulfs central Texas, will consist of the birthplace, which is within walking distance of the LBJ Ranch and the boyhood home, which is approximately 13 miles to the east of Johnson City. Both sides are typical Texas hill country and should be preserved for all posterity.

The house where the President was born is a modest, typical Texas farmhouse. Not one plank nor one nail gives any clue of pretentiousness. It is located on the banks of the most mispronounced river in the Nation—the Pedernales. Nearby is the family cemetery.

The house is a careful reconstruction of the original farmhouse which was built in the late 1800's. In 1964, an interested architect, Roy White, undertook the sensitive task of rebuilding the structure as it was in the days of Sam Ealy Johnson. His finished work is exactly the same type house where the President's father carried his bride over the threshold in 1907.

The birthplace was open for only 64 days in 1968, yet it drew 31,439 people from all the 50 States and 31 foreign countries. The appeal is obvious. Some 275,000 people have visited the boyhood home. The modest admission charge more than pays for all operation costs involved.

In the boyhood home, the house where President Johnson spent most of his formative years, sits snugly on a site about one block square—in the shade of magnificent live oak trees.

It, too, was carefully restored in 1964 and is brimming with memorabilia such as his mother's old Victorian furniture and pressed glass old family photos and a "Blue Back Speller."

Mr. Speaker, I am delighted that the House is considering this action and adding this Texas heritage to the Eisenhower and Taft sites, which the House approved earlier.

I have visited these sites, located in my district, many times while Lyndon B. Johnson was a Congressman, a Senator, the Vice President, and the President. During this span of years, I have been privileged to know the depth of warmth and friendship that has accompanied the development of a great President.

I am proud this land could be donated free of cost to the Government and I am proud that it can now officially be a part of our national historical landsites.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I merely rise to say that I commend the committee upon bringing to the floor of the House this legislation because the people themselves have already expressed their interest in it. It will be of interest to note that last year alone almost one-quarter million Americans went to this little town known as Johnson City, the only main point of attraction there being the boyhood home of Lyndon B. Johnson.

So, Mr. Speaker, I commend the committee for this legislation. I think it is a good idea.

Mr. McCARTHY. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to my colleague from New York.

Mr. McCARTHY. Mr. Speaker, I thank the gentleman for yielding.

As a Member from the State of New York, I would like to join the gentlemen from Texas in strong support for this legislation. Lyndon Baines Johnson occupies a unique place in the hearts of the people of western New York, and I am sure that the vast majority of them would strongly support this move to make his birthplace a national historic site.

Americans have a very keen interest in the history of our country. We see this evidenced every day in Washington as countless parents bring their children to see their Government in action and to visit the many historic places in this city. One of the highlights of these visits is usually a trip to nearby Mount Vernon where our first President lived, worked, and died. One gets a feeling of being a little closer to history as he walks through the halls of the house and about the grounds of the plantation where President Washington lived and worked.

Every President of the United States by election to this highest office in our land has had an impact on the history of our country. And the American people have shown a great interest in the lives, the personalities, the problems, and the accomplishments of our Presidents. These can best be depicted in a place that is properly developed and maintained. As time passes, the buildings, if not cared for, deteriorate, and the many personal effects of historic value disappear, to be lost forever.

I am pleased that we are taking action now to establish the Lyndon B. Johnson National Historic Site. President Johnson occupied a warm spot in the hearts of the people in western New York and I am sure they are as happy as I am about the action the House is taking today to preserve and maintain the birthplace and boyhood home of our 36th President.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, since I am more interested in passing this legislation than in making a speech, let me simply repeat that this bill does no more for President Johnson than has been done for most of the Presidents of the United States. It imposes no unforeseen burdens on the Treasury of the United States. In fact, the citizens of the State of Texas already recognize their great leader and this boyhood home is already a public shrine, but it should be a part of the parks system of the United States, and that is what this bill would make it. I hope that we can all vote for it.

Mr. PATMAN. Mr. Speaker, do Americans tend to be more conscious of history than the other peoples of the world? And are we, in spite of our youth as a nation, more appreciative of the inspiration provided by reminders of significant moments and personalities in our history? I believe the answer to both questions is "Yes"—the vast majority of our citizens is keenly aware of our unique place in history, that the United States of America has been for almost 200 years and now more than ever continues to be, the best hope on earth that those great words of aspiration, life, liberty, and the pursuit of happiness, are not the mere rhetoric of an impossible promise. The time, place, and circumstances affecting the lives of our great leaders have special meaning; they convey thoughts and impressions important to a full knowledge of historic events.

Mr. Speaker, I strongly favor and support the establishment of the Lyndon B. Johnson National Historic Site so that millions of Americans will come to a better understanding of the man who was their 36th President and a strong and vital force in their Federal Government for 38 history-laden years.

Mr. JOHNSON of California. Mr. Speaker, I want to take a few moments to join my colleagues in support of S. 2000, as recommended by the Committee on Interior and Insular Affairs.

As has been pointed out in the discussion, this bill authorizes the Secretary of the Interior to accept the donation of two historic properties for administration as national historic sites—the birthplace and boyhood home of Lyndon B. Johnson. Both of these properties are presently owned by the Johnson City Foundation and both are open to the public on a limited schedule. The importance of transferring them to the National Park Service for administration is to assure their protection and preservation in perpetuity for the use and enjoyment of the American people.

Since this measure is one which adds to our inventory of areas preserved for the benefit of the public, it is appropriate to mention a few of the most significant conservation accomplishments achieved through the joint efforts of the Congress and the President during the years of his administration. First to come to mind, of course, is the Redwoods National Park in my home State. At the same time, legislation authorizing the North Cascades National Park, the wild and scenic rivers program and the National Trails System was approved. Together, we worked out the details of the important national historic preservation program and provided the necessary financial backing to support our outdoor recreation program in the 1968 Land and Water Conservation Fund Act Amendments. In addition to several important new national historic sites, comparable to the one before the House today, his administration recommended the legislation which we enacted which authorized the Delaware Water Gap, the Whiskeytown-Shasta-Trinity, and the Bighorn Canyon National Recreation Areas. In addition to all of this, Mr. Speaker, together we made available to the public the beaches and shorelines at Assateague Island National Seashore, Pictured Rocks National Lakeshore, and Indiana Dunes National Lakeshore. It is highly appropriate that we note this outstanding record of accomplishment as we consider the historic site legislation before us.

Mr. Speaker, we all recognize the significant role which every President plays in the course of our history and, regardless of our political views, we realize that these dedicated leaders devote a great deal of their lives to public service. Few men can look back on such a long record of public service, and none with more pride, than can Lyndon B. Johnson. He began his career as a Capitol Hill aide to Representative Richard Kleberg and he later served in this House of the Congress for five full terms after being elected in a special election in 1937. He served in the U.S. Senate as a representative of his State, but he also served that body as its majority leader. In the administration of the late President John F. Kennedy, he became one of the most active Vice Presidents in the history of the Nation, and, when tragedy struck down our leader, he assumed the responsibilities of the highest office in the land.

Over the years, Lyndon B. Johnson participated in so many of the vital issues of the day that it would be impossible to write a history of our times without mentioning him. As an American leader, as a legislator, and as the President his place in history is secure; we cannot make it for him and we cannot alter it; S. 2000 merely recognizes it. In enacting this bill we exercise a rare option—an option to acquire, without cost, significant historical properties associated with the life of one of our Presidents. I am pleased to have the opportunity to support this legislation.

Mr. DE LA GARZA. Mr. Speaker, as a Texan and an American, I wish to express my strong support of the proposal to establish the Lyndon B. Johnson National Historic Site as set forth in this bill.

It is a fitting recognition of the services rendered our Nation by the 36th President of the United States. In years to come many Americans will want to visit the birthplace and boyhood home of Lyndon B. Johnson. Controversy inevitably surrounds any President, but in historical perspective all the men who have served in that high office made their own unique contributions to the onward movement of this Republic.

So it was with President Lyndon B. Johnson.

He was a friend of south Texas, the area which I have the honor to represent in this House. And south Texas as a region was a friend to him. The people of my district honor him in his retirement from public office as we honored him as Senator from Texas, as Vice President, and as President.

It is gratifying to me that this bill has the backing of so many gentlemen from all over our country.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina that the House suspend the rules and pass the bill S. 2000, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the subject of this bill to establish the Lyndon B. Johnson National Historic Site.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR EXPENSES OF THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY

Mr. HALEY. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 121) to authorize appropriations for expenses of the National Council on Indian Opportunity, as amended.

The Clerk read as follows:

S.J. RES. 121

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated not to exceed $300,000 annually for the expenses of the National Council on Indian Opportunity, established by Executive Order Numbered 11399 of March 6, 1968.

SEC. 2. The National Council on Indian Opportunity shall terminate five years from the date of this Act unless it is extended by an Act of Congress.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HALEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, this joint resolution and its companion measure, House Joint Resolution 755, were introduced as a result of an executive communication from the Bureau of the Budget which requested enactment on behalf of the administration.

As originally introduced, the bill authorized an unlimited appropriation to meet the expenses of the National Council on Indian Opportunity.

May I add here, Mr. Speaker, that the Committee on Interior and Insular Affairs does not look with favor on open-ended appropriations, and never has. The bill was amended in the other body to limit the appropriation authorization to $300,000 annually. It was further amended by the House Committee on Interior and Insular Affairs to limit the life of the Council to 5 years unless extended by act of Congress. Both of these changes were endorsed by administration witnesses, and both of these changes make it possible not only for the yearly review by the Committee on Appropriations, as to the expenditure of the funds, but it makes it possible for the House to have not only the annual review that we call for, which is more or less informal, but also there will have to be a formal review before the Council could be extended for another term of years.

The Council was established on March 6, 1968, by Executive order of the President, then President Johnson, for the purpose of encouraging interagency coordination for the various Federal programs that relate to Indians, and for the purpose of appraising the progress of these programs and suggesting ways to improve them.

Let me repeat now, that the Council was established by Executive order. It still exists by an Executive order.

The Council consists of the Vice President as Chairman, the heads of seven Federal agencies, and six Indian leaders appointed by the President. It will employ a small staff of five professional employees and two clerical employees. In addition it will employ outside experts by contract as needed—and this matter of manpower has been tied down very definitely as far as we are concerned in the hearings before the House committee.

The Council could play an important role, but it has not yet had an adequate opportunity to do so because of the ordinary delay involved in getting organized, the change in administration and the resulting change in the Federal members of the Council, and the lack of funds for fiscal year 1970.

Many people throughout the United States, of course, have been interested in the welfare of the Indians. There are those who seem to think that nothing has been done for our Indian brethren through past generations. This, of course, is not true and those people who are so critical now are those who are not knowledgeable about the situation as it now exists. On the other hand, it is necessary that we do have a high-level commission or council that can study where we are and why we are at this particular point and where we might go constructively in the future.

The $300,000 annual appropriation authorization is a modest one.

When you think of the fact that we spend in the neighborhood of $750 million a year to keep the Bureau of Indian Affairs in existence, you can see how modest the amount stated in this bill is.

Moreover, the requirement that the Council get a new act of Congress if its activities are to continue for more than 5 years will give the Congress an opportunity to review its work and reappraise the need for continuing the Council. If the Council performs as anticipated I have no doubt that the necessary legislation will be enacted.

There was no opposition before the committee to the enactment of the bill, and it had strong support.

There was opposition, however, to one provision of the Executive order which created the Council. This is the provision that permits the non-Federal members of the Council and its advisory subcommittees to be compensated at the rate of $100 per day while working, in addition to the payment of subsistence and travel expenses.

Of course, there will be no $100 a day for those members of the Council who are Federal members.

The objection did not go to the payment of subsistence and travel expenses, but went only to the compensation of $100 per day. The argument was that the Indian members are tribal leaders who are paid salaries by their tribes and whose duties include the performance of services such as those involved in Council work. They should not be paid twice, so the argument went. An amendment to the bill intended to prohibit this payment was rejected by a large majority of the committee, and I believe the rejection was proper for the following reasons:

First. When the Government asks for advisory services it ordinarily pays for them.

One hundred dollars a day may seem to some a rather large sum, but yet we all know of our colleagues who go from this body and they immediately begin getting $100 an hour or $200 an hour for their work.

This provision does not ask a private citizen to leave his job for several days at a time and advise the Government without compensation. Authority for such payment is on the statute books and is widely used. I, as Chairman, have seen criticisms against the procedures by which we carry on the work of the Public Land Review Commission. These Commission members are only paid $50 a day and some of them find it rather difficult to compete with other operations which are their responsibility.

Second. Indians who serve on the Council should not be singled out for discriminatory treatment. One of the major purposes of the Council is to get increased Indian involvement in the Federal Indian programs, and it would be anomalous to discourage them by denying them compensation for their services, while others be paid for like services on other commissions.

Third. Although the present Indian members of the Council may have adequate income from present employment, that may not be true in the case of future Indian members of the Council, and there is no way to determine the financial status of the members of the various advisory subcommittees that are contemplated.

The members who are now a part of the Council were chosen by former President Johnson and he did secure the services of outstanding Indian leaders and all but one of them, so far as we know, do have compensation which more than likely they could get along on without the $100. But this $100 payment makes it possible to get people who are not so employed.

Fourth. Service on the Council should not be limited to Indians who can afford to serve without compensation.

One of the members of the Committee on Interior and Insular Affairs, the gentleman from New Mexico (Mr. LUJAN), has announced that although he supports the bill, he will oppose its enactment under suspension of the rules because that procedure prevents him from offering an amendment prohibiting the payment just discussed.

If this had been a close vote in the committee, I think we would have naturally honored—and I as chairman would have honored his request, but this was not a close vote in the committee. This was a heavy vote in favor of not approving the amendment.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Ohio.

Mr. ASHBROOK. In listening to the excellent presentation of the chairman, I was not quite certain what he meant by an Indian leader. First I thought he referred to Indians in the sense of being a full-blooded Indian, but an Indian leader is not necessarily an Indian, from what the gentleman said?

Mr. ASPINALL. These people who are now members of the Council, lay members I call them, are Indians. They are not necessarily full-blooded Indians. Many of them, so far as I know, are partial bloods, but there is nothing here that says a Commission member must have 100 percent blood, 50 percent blood, or even one sixty-fourth percent Indian blood. This calls for Commission members who are interested in the Indians. It so happens that five out of the six members, as I remember the hearings, are important Indian leaders, and it is well that we should have this caliber of people representing them.

Mr. ASHBROOK. I guess when I was listening to the gentleman I was thinking in terms of tribal chiefs, or people who live on reservations. That is not what you refer to as an Indian leader?

Mr. ASPINALL. No.

Mr. ASHBROOK. You say the Vice President, the heads of seven Federal agencies, and six Indian leaders. The six Indian leaders are not necessarily Indian chiefs or those on reservations?

Mr. ASPINALL. The gentleman is correct.

The merits of the gentleman from New Mexico (Mr. LUJAN) can be considered and evaluated during this debate, without seeking a rule from the Rules Committee. The adoption of the motion to suspend the rules will be a rejection of his proposal to deprive the Indian members of the Council of compensation for their services.

I recommend that the rules be suspended and that the bill be passed.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Florida (Mr. HALEY), the chairman of the subcommittee.

Mr. HALEY. The gentleman from Colorado has made his position clear. I find myself in a rather unusual position here of opposing the proposed amendment to the bill, because I believe this would be a very bad place, very bad legislation to try to restrict the Indians, for we would follow the figure which is pretty well normally set in other agencies of the Government. We are encouraging the Indians to participate and to give us the benefit of what the Indian is thinking, and, while it may be true, some of the members of this Commission now are able to function and to carry on the responsibilities without this additional money, nevertheless we want to be in a position where we can bring in others in case these no longer can carry out the function. Certainly I am sure the gentleman from New Mexico, by attempting to reduce the $100 a day, is not showing discrimination really against the American Indian. He, I think, believes that this is just too much to pay.

Mr. ASPINALL. The gentleman is correct. In this respect the gentleman from New Mexico is to be commended.

Mr. SAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, I really regret having to come before this House in opposition to my chairman of the full committee and also in opposition to the views of the chairman of the Subcommittee on Indian Affairs, and I also regret that this point has come up in this particular bill, because I do not quarrel with the fact or with the concept that we should have a Council on Indian Opportunity.

My objection to suspending the rules and passing this particular piece of legislation is very simple. The reason is this: During the testimony before the Subcommittee on Indian Affairs, Mr. Robert Robertson, who is Acting Director of the Council on Indian Opportunity, pointed out that in addition to the travel and subsistence expenses for the non-Federal members of this committee, each would receive $100 for attending the meeting. He also pointed out that not only would these six council members receive this $100, but they also have in the mill plans for establishing six more committees on each of which four people would serve, and all 30 of these people would receive $100 a day for attending a meeting.

Let me point out that of the six committee members, the advisory members that are now serving on the Council on Indian Opportunity, four are presidents of their respective tribal councils and they receive a salary for serving as chairmen of the respective tribal councils. The lowest paid of them receives between $400 and $500 a month, and the highest paid of them receives $1,500 a month for attending to his duties.

I contend, Mr. Speaker, that they are well paid for performing these duties, and that in paying them the additional $100 we would be paying double compensation. It is my view and the view of other committee members that we should pay the travel and subsistence, but certainly not the $100 a day.

Mr. Speaker, I took it upon myself to wire each member of the council. Of the six, I received wires back from four, and three tell me they would continue to serve if they were not paid the $100 per day, and one of them said he would not serve.

As I said, it is regrettable that it came up at this particular time, but this has been the first opportunity I have had to speak on this subject.

There are, as has been pointed out, many other councils that exist throughout the Federal Government, and to that I say we should get all of them on a basis where we pay their travel and subsistence but not have them make a profit.

Let me quote from an article that appeared in the Albuquerque Journal on Sunday, November 9, 1969, written by Paul R. Wieck, entitled "U.S. Consulted to Death?" Mr. Wieck talks about the consultation syndrome and says:

> The roots of this syndrome are in the overwhelming nature of our technological society and the feeling of inadequacy that overcomes both public officials and private citizens as they attempt to deal with the problems that arise.
>
> The result: They call for experts, for more and more studies, for more consulting.

Mr. Wieck points out also—and I was aware of this—that the Pentagon even has a study to determine what we are going to do in the event the South Vietnamese turn against us. So we are studying every single problem.

Mr. Speaker, I ask that the Members join me, in blocking this, in an effort to defeat this, because this is the only way we can get an amendment into the legislation. If we are successful in blocking this, the only thing I would like to add to this would be:

> *Provided*, That a non-Federal member of the council or of an advisory committee of the council shall not be paid a fee in addition to travel and subsistence expenses.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I meant to ask the chairman for my own information and for the information of the Members present, about the names of the six Commission members the gentleman refers to. He says four are Indians and two are not.

Would the gentleman inform us as to the names and the backgrounds of the six members?

Mr. LUJAN. Yes.

The six non-Federal members are:

Cato Valandra, president of the Rosebud Sioux Tribal Council of St. Francis, S. Dak.

William L. Hensley, who is a State legislator in Alaska;

Roger Jourdain, who is chairman of the Red Lake Tribal Council;

Wendell Chino, who is chairman of the Mescalero Apache Tribal Council;

Mrs. Fred Harris, who is the wife of the Democratic national chairman and U.S. Senator; and

Raymond Nakai, who is chairman of the Navaho Tribal Council.

Those are the six non-Federal members. The others are, of course, Cabinet Members and the Vice President.

Mr. ASHBROOK. Which of the members are the ones already serving in what might be called a dual capacity, receiving a salary for some responsibility as it relates to the Indians under the Interior Department?

Mr. LUJAN. Well, those are the four tribal council members, Mr. Valandra, Mr. Jourdain, Mr. Chino and Mr. Nakai. They receive salaries as chairmen of the tribal councils.

Mr. Hensley, I know, is a State legislator in Alaska and receives compensation as a State legislator, in addition to which he has other employment. He is also executive secretary of the Alaska Federation of Natives. I do not know if he is compensated for that particular job.

Of course, I do not know as to whether Mrs. Harris is employed.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Florida.

Mr. HALEY. I should like to point out to my friend, however, that those funds and those salaries are compensation which is being paid to those people whom my friend has just enumerated as tribal funds.

We are talking about employment by the Government of the United States to do a job. We have no way of telling when Mr. Nakai, Mr. Chino, or anybody else will be on the payroll of the tribal council. They have an election, just as we do, and they make substantial changes every couple of years out there.

Mr. LUJAN. I would say only this to my distinguished chairman: As a part of the regular everyday job as tribal council leaders they are already supposed to be doing anything that will further the cause of the Indian people. This gives them an opportunity to do it. They should be so pleased that they are named to this committee, instead of demanding $100.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Colorado.

Mr. ASPINALL. One of the great leaders of the Indians, a member of a tribe which has just recently emerged from the civilization in which they were, and are now taking their place in our civilization of today, is Mr. Jack House, a former council member of the Ute Mountain Indian Tribe. Even today, with his advanced age and some infirmities of advanced age, he is undoubtedly the most effective leader of his people and that particular area of Indian country. He is no longer a council member and no longer has funds. If he should be tapped by President Nixon to be a member of that Commission he would have certainly need the $100 per day payment for his services.

This is the fallacy of the gentleman's argument. People who may be placed upon this Commission later on may not be so fortunate, in my opinion, as the people who receive good salaries as they do at the present time.

Mr. SAYLOR. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SAYLOR asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I rise in support of this legislation. I introduced House Joint Resolution 755, a similar measure, and did so because I was convinced this was one of the things which should be done to assist the President of the United States and selected representatives from the Indian community to advance the cause of the native Americans.

As stated in the committee report, the National Council on Indian Opporunity was created by Executive order on March 6, 1968. The Council was originally established as an interagency function to encourage, coordinate, and appraise the impact and progress of Federal programs to benefit the Indian population. The increase and expansion of Federal Indian programs over the last 20 years gave rise to the need for such a Council.

Less than two decades ago, we spent approximately $80 million annually on Indian programs concentrated in the Bureau of Indian Affairs. Today, we are spending approximately $500 million annually on Indian programs which are now administered as major programs in the numerous bureaus of seven executive departments. Yet, the catalog of Indian problems remain significant in housing, education, health, income and employment.

Prior to the creation of the National Council on Indian Opportunity there was no interagency mechanism to coordinate and bring into harmony the various Indian program activities. However, after its creation on March 6, 1968, it not only provided such coordination and appraisal, but it also developed through public hearings the need to meet our responsibilities to off-reservation Indians, and provided the opportunity for Indian leaders themselves to have a direct voice in the formulation of policy and programs.

The interagency function and funding of this Council was severely restricted by the 1969 Public Works Appropriations Act, which barred the use of appropriated funds to finance interagency groups without prior, specific congressional approval. This prohibition is the necessity for this legislation.

Senate Joint Resolution 121, as amended by the Committee on Interior and Insular Affairs, will authorize appropriations not to exceed $300,000 annually for the expenses of the National Council on Indian Opportunity. This amount will enable the Council to retain a permanent staff of employees and provide the funds to meet the travel, contract services, and other expenses necessary for its proper functioning. The committee also adopted an amendment terminating the Council 5 years from the date of enactment of this legislation. The committee decided that existence of the Council beyond the 5-year period should depend upon the activities and accomplishments of the Council.

I have listened with a great deal of interest to my esteemed colleague from New Mexico and to the colloquy that occurred between the chairman of the full committee and the gentleman from New Mexico. I want to say to my colleague from New Mexico that the defect in his arguments is that he wants to make a new policy with regard to advisory boards of the Federal Government and do it in this bill. Now, whether it is right or wrong to pay people who perform services for the Federal Government an additional $100 plus travel and subsistence is not at issue. What his amendment attempted to do in the committee was to reduce the appropriation authorization from $300,000 to $264,000. Now, if there is anything that will get the Members of Congress on the front page of every tabloid throughout the length and breadth of this land is to try to establish a new policy at the expense of the Indian, and that is just what my friend is trying to do by his amendment. If the Congress wants to establish a policy that anyone who is asked to serve on an advisory board does so only for subsistence and travel allowances, then that is a matter for the Congress to decide. But let us not get ourselves in the bind here of trying to do it at the expense of the Indian. It is true certain of these people apparently right now have some outside income, but so does everybody else I know of who has ever been appointed to serve on any Federal board, council, or commission. We have not asked the president of General Motors when he comes and gives us his advice on certain boards that he give up his $100. We have not asked all of the other boards that have been established by the Congress to do likewise when these individuals who serve on them come and give a day's service. When they do so they get $100. Why pick on the poor Indian?

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New Mexico.

Mr. LUJAN. My good friend from Pennsylvania knows perfectly well that I am not trying to pick on the Indians. I have many, many constitutents among these fine, great American Indians. But the gentleman knows exactly the point I am trying to make. This practice is so widespread throughout the Federal Government that we must put some kind of a brake to it. This is the first opportunity that has come up where we are able to do this. Let us not drop the matter here, but let us pursue it in other agencies of the Federal Government.

Mr. SAYLOR. If my colleague wants to do that, then he should draft a piece of legislation and introduce it and have it sent to the proper committee, saying that any advisory board established by the President or the Congress will only get travel and subsistence allowance and not the $100 per day which he objects to. If he wants to do that, that is fine. But that is not the effect of his amendment before the committee, and the reason why he did not have more support for it in committee. I realize it is a very small amount of money that will be saved here. It might be quite a bit as far as the whole Government is concerned. But that is a matter of policy that should be established by the Congress as to all commissions rather than this commission itself.

I support this legislation, because it is the first time in the history of our country that the Indian leaders have ever had an opportunity to come to Washington other than as tribal representatives to speak their piece and have a direct voice with the various agencies of the Government trying to develop a policy as to what should be done for the American Indian.

Mr. Speaker, I incorporate with these remarks the complete text of President Johnson's message to the Congress on goals and programs for the American Indian, and the Executive Order 11399 of March 6, 1968, establishing the National Council on Indian Opportunity which are as follows:

The Forgotten American

(The President's message to the Congress on goals and programs for the American Indian, Mar. 6, 1968)

To the Congress of the United States:

Mississippi and Utah—the Potomac and the Chattahoochee—Appalachia and Shenandoah . . . The words of the Indian have become our words—the names of our states and streams and landmarks.

His myths and his heroes enrich our literature.

His lore colors our art and our language.

For two centuries, the American Indian has been a symbol of the drama and excitement of the earliest America.

But for two centuries, he has been an alien in his own land.

Relations between the United States Government and the tribes were originally in the hands of the War Department. Until 1871, the United States treated the Indian tribes as foreign nations.

It has been only 44 years since the United States affirmed the Indian's citizenship: the full political equality essential for human dignity in a democratic society.

It has been only 22 years since Congress enacted the Indian Claims Act, to acknowledge the Nation's debt to the first Americans for their land.

But political equality and compensation for ancestral lands are not enough. The American Indian deserves a chance to develop his talents and share fully in the future of our Nation.

There are about 600,000 Indians in America today. Some 400,000 live on or near reservations in 25 States. The remaining 200,000 have moved to our cities and towns. The most striking fact about the American Indians today is their tragic plight:

Fifty thousand Indian families live in unsanitary, dilapidated dwellings: many in huts, shanties, even abandoned automobiles.

The unemployment rate among Indians is nearly 40 percent—more than ten times the national average.

Fifty percent of Indian schoolchildren—double the national average—drop out before completing high school.

Indian literacy rates are among the lowest in the Nation; the rates of sickness and poverty are among the highest.

Thousands of Indians who have migrated into the cities find themselves untrained for jobs and unprepared for urban life.

The average age of death of an American Indian today is 44 years; for all other Americans, it is 65.

The American Indian, once proud and free, is torn now between white and tribal values; between the politics and language of the white man and his own historic culture. His problems, sharpened by years of defeat and exploitation, neglect and inadequate effort, will take many years to overcome.

But recent landmark laws—the Economic Opportunity Act, the Elementary and Secondary Education Act, the Manpower Development and Training Act—have given us an opportunity to deal with the persistent problems of the American Indian. The time has come to focus our efforts on the plight of the American Indian through these and the other laws passed in the last few years.

No enlightened Nation, no responsible government, no progressive people can sit idly by and permit this shocking situation to continue.

I propose a new goal for our Indian programs: A goal that ends the old debate about "termination" of Indian programs and stresses self-determination; a goal that erases old attitudes of paternalism and promotes partnership self-help.

Our goal must be:

A standard of living for the Indians equal to that of the country as a whole.

Freedom of Choice: An opportunity to remain in their homelands, if they choose, without surrendering their dignity; an opportunity to move to the towns and cities of America, if they choose, equipped with the skills to live in equality and dignity.

Full participation in the life of modern America, with a full share of economic opportunity and social justice.

I propose, in short, a policy of maximum choice for the American Indian: a policy expressed in programs of self-help, self-development, self-determination.

To start toward our goal in Fiscal 1969, I recommend that the Congress appropriate one-half a billion dollars for programs targeted at the American Indian—about 10 percent more than Fiscal 1968.

STRENGTHENED FEDERAL LEADERSHIP

In the past four years, with the advent of major new programs, several agencies have undertaken independent efforts to help the American Indian. Too often, there has been too little coordination between agencies; and no clear, unified policy which applied to all.

To launch an undivided, Government-wide effort in this area, I am today issuing an Executive Order to establish a National Council on Indian Opportunity.

The Chairman of the Council will be the Vice President who will bring the problems of the Indians to the highest levels of Government. The Council will include a cross section of Indian leaders, and high government officials who have programs in this field:

The Secretary of the Interior, who has primary responsibility for Indian Affairs.

The Secretary of Agriculture, whose programs affect thousands of Indians.

The Secretary of Commerce, who can help promote economic development of Indian lands.

The Secretary of Labor, whose manpower programs can train more Indians for more useful employment.

The Secretary of Health, Education, and Welfare, who can help Indian communities with two of their most pressing needs—health and education.

The Secretary of Housing and Urban Development, who can bring better housing to Indian lands.

The Director of the Office of Economic Opportunity, whose programs are already operating in several Indian communities.

The Council will review Federal programs for Indians, make broad policy recommendations, and ensure that programs reflect the needs and desires of the Indian people. Most important, I have asked the Vice President, as Chairman of the Council, to make certain that the American Indian shares fully in all our federal programs.

SELF-HELP AND SELF-DETERMINATION

The greatest hope for Indian progress lies in the emergence of Indian leadership and initiative in solving Indian problems. Indians must have a voice in making the plans and decisions in programs which are important to their daily life.

Within the last few months we have seen a new concept of community development—a concept based on self-help—work successfully among Indians. Many tribes have begun to administer activities which Federal agencies had long performed in their behalf:

On the Crow Creek, Lower Brule, and Fort Berthold reservations in the Dakotas and on reservations in several other states, imaginative new work-experience programs, operated by Indians themselves, provide jobs for Indians once totally dependent on welfare.

The Warm Springs Tribes of Oregon ran an extensive program to repair flood damage on their reservation.

The Oglala Sioux of South Dakota and the Zunis of New Mexico are now contracting to provide law enforcement services for their communities.

The Navajos—who this year celebrate the 100th anniversary of their peace treaty with the United States—furnish many community services normally provided by the Federal government, either through contract or with funds from their own Treasury.

Passive acceptance of Federal service is giving way to Indian involvement. More than ever before, Indian needs are being identified from the Indian viewpoint—as they should be.

This principle is the key to progress for Indians—just as it has been for other Americans. If we base our programs upon it, the day will come when the relationship between Indians and the Government will be one of full partnership—not dependency.

EDUCATION

The problems of Indian education are legion:

Ten percent of American Indians over age 14 have had no schooling at all.

Nearly 60 percent have less than an eighth grade education.

Half of our Indian children do not finish high school today.

Even those Indians attending school are plagued by language barriers, by isolation in remote areas, by lack of a tradition of academic achievement.

Standard schooling and vocational training will not be enough to overcome the educational difficulties of the Indians. More intensive and imaginative approaches are needed.

The legislation enacted in the past four years gives us the means to make the special effort now needed in Indian education: The Elementary and Secondary Education Act, the Education Professions Development Act, the Vocational Education Act, and the Higher Education Act.

The challenge is to use this legislation creatively.

I have directed the Secretary of the Interior and the Secretary of Health, Education, and Welfare:

To work together to make these programs responsive to the needs of Indians.

To develop a concentrated effort in Indian education with State and local agencies. This is critical if the two-thirds of Indian school children in non-Indian public schools are to get the special help they sorely need.

Preschool programs

In the past few years we as a Nation have come to recognize the irreplaceable importance of the earliest years in a child's life. Pre-school education and care—valuable for all children—are urgently needed for Indian children.

We must set a goal to enroll every four and five-year-old Indian child in a pre-school program by 1971.

For 1969, I am requesting funds to:

Make the Head Start Program available to 10,000 Indian children.

Establish, for the first time, kindergartens for 4,500 Indian youngsters next September.

To encourage Indian involvement in this educational process, I am asking the Secretary of the Interior to assure that each of these kindergartens employ local Indian teacher aides as well as trained teachers.

Federal Indian schools

Since 1961, we have undertaken a substantial program to improve the 245 Federal Indian schools, which are attended by over 50,000 children. That effort is now half completed. It will continue.

But good facilities are not enough.

I am asking the Secretary of the Interior, in cooperation with the Secretary of Health, Education, and Welfare, to establish a model community school system for Indians. These schools will:

Have the finest teachers, familiar with Indian history, culture and language.

Feature an enriched curriculum, special guidance and counseling programs, modern instruction materials, and a sound program to teach English as a second language.

Serve the local Indian population as a community center for activities ranging from adult education classes to social gatherings.

To reach this goal, I propose that the Congress appropriate $5.5 million to attract and hold talented and dedicated teachers at Indian schools and to provide 200 additional teachers and other professionals to enrich instruction, counseling and other programs.

To help make the Indian school a vital part of the Indian community, I am directing the Secretary of the Interior to establish Indian school boards for Federal Indian Schools. School board members—selected by their communities—will receive whatever training is necessary to enable them to carry out their responsibilities.

Higher education

Indian youth must be given more opportunities to develop their talents fully and to pursue their ambitions free of arbitrary barriers to learning and employment. They must have a chance to become professionals: doctors, nurses, engineers, managers and teachers.

For the young Indian of today will eventually become the bridge between two cultures, two languages, and two ways of life.

Therefore, we must open wide the doors of career training and higher education to all Indian students who qualify.

To reach this goal:

I am requesting $3 million in fiscal 1969 for college scholarship grants, to include for the first time living allowances for Indian students and their families to help capable young Indians meet the costs of higher education.

I am asking the Secretary of Health, Education, and Welfare to make a special and sustained effort to assure that our regular scholarship and loan programs are available to Indian high school graduates.

I am asking the Director of the Office of Economic Opportunity to establish a special Upward Bound program for Indian high school students.

HEALTH AND MEDICAL CARE

The health level of the American Indian is the lowest of any major population group in the United States:

The infant mortality rate among Indians is 34.5 per 1,000 births—12 points above the National average.

The incidence of tuberculosis among Indians and Alaska natives is about five times the National average.

More than half of the Indians obtain water from contaminated or potentially dangerous sources, and use waste disposal facilities that are grossly inadequate.

Viral infections, pneumonia, and malnutrition—all of which contribute to chronic ill health and mental retardation—are common among Indian children.

We have made progress. Since 1963:

The infant death rate has declined 21 percent.

Deaths from tuberculosis are down 29 percent.

The number of outpatient visits to clinics and health centers rose 16 percent.

But much more remains to be done.

I propose that the Congress increase health programs for Indians by about ten percent, to $112 million in fiscal 1969, with special emphasis on child health programs.

But if we are to solve Indian health problems, the Indian people themselves must improve their public health and family health practices. This will require a new effort to involve Indian families in a crusade for better health.

Recent experience demonstrates that Indians have been successful in working side by side with health professionals:

They have organized tribal health committees to review Indian health problems and design programs for solving them.

They have launched new programs in sanitation, mental health, alcoholism, and accident control.

A cooperative Indian-government project to provide safe water and disposal systems for 44,000 Indians and Alaska native families has proved successful. For every Federal dollar spent, Indian Americans have contributed another 40 cents in labor, materials and actual funds.

I am directing the Secretary of Health, Education, and Welfare to build a "community participation" component into every Federal health program for Indians which lends itself to this approach.

Essential to this effort will be a large, well-trained corps of community health aides drawn from the Indian population: nursing assistants, health record clerks, medical-social aides and nutrition workers. These community health aides can greatly assist professional health workers in bringing health services to Indian communities.

I recommend that the Congress appropriate funds to train and employ more than 600 new community Indian health aides in the Public Health Service.

These aides will serve nearly 200,000 Indians and Alaska natives in their home communities, teaching sound health practices to the Indian people in several critical fields: pre-natal health, child care, home sanitation and personal hygiene.

Our goal is first to narrow, then to close the wide breach between the health standards of Indians and other Americans. But before large investments in Federally-sponsored health services can pay lasting dividends, we must build a solid base of Indian community action for better health.

JOBS AND ECONOMICS DEVELOPMENT

The plight of the Indians gives grim testimony to the devastating effects of unemployment on the individual, the family, and the community:

Nearly 40 percent of the labor force on Indian lands is chronically unemployed, compared with a national unemployment rate of 3.5 percent.

Of the Indians who do work, a third are underemployed in temporary or seasonal jobs.

Fifty percent of Indian families have cash incomes below $2,000 a year; 75 percent have incomes below $3,000.

With rare exception, Indian communities are so underdeveloped that there is little, if any, opportunity for significant social or economic progress.

Two percent of all the land in the United States is Indian land. Indian lands are about the size of all the New England States and a small slice of New York. But many of their resources—oil, gas, coal, uranium, timber, water—await development.

The economic ills of Indian areas can have a major impact upon neighboring regions as well. It is not only in the best interests of the Indians, but of the entire Nation, to expand Indian economic opportunity.

Jobs

Special employment programs have been established to help meet the need of Indians. In 1967 alone, more than 10,000 men and women received training and other help to get jobs under the Indian Bureau's programs—double the number served four years ago. These programs:

Provide all-expenses-paid training and placement for Indian adults.

Develop projects in cooperation with private industry, in which families prepare together for the transition from welfare dependency to useful, productive work.

To meet the increasing demand, I propose that the Indian Vocational Training Program be expanded to the full authorization of $25 million in Fiscal 1969—nearly double the funds appropriated last year.

In the State of the Union message, I proposed a 25 percent increase—to $2.1 billion—in our manpower training programs for Fiscal 1969. *As a part of this effort, I have asked the Secretary of Labor to expand the Concentrated Employment Program to include Indian reservations.*

Area development

The economic development of potentially productive Indian areas suffers from a lack of base capital to permit Indians to take advantage of sound investment opportunities and to attract private capital.

The Indian Resources Development Act, now pending before Congress, contains provisions to spark this kind of investment.

The central feature of this Act is an authorization of $500 million for an Indian loan guaranty and insurance fund and for a direct loan revolving fund.

These funds would:

Provide the foundation for the economic development of Indian lands.

Encourage light industry to locate on or near Indian reservations.

Permit better development of natural resources.

Encourage development of the tourist potential on many reservations.

The Indian Resources Development Act would also permit the issuance of Federal corporate charters to Indian tribes or groups of Indians. This charter gives them the means to compete with other communities in attracting outside investment.

I urge the Congress to enact this program for the economic development of Indian resources.

Roads for economic development

Without an adequate system of roads to link Indian areas with the rest of our Nation, community and economic development, Indian self-help programs, and even education cannot go forward as rapidly as they should.

Large areas inhabited by Indians are virtually inaccessible. For example, on the vast Navajo-Hopi area there are only 30 percent as many miles of surfaced roads per 1,000 square miles as in rural areas of Arizona and New Mexico.

The woefully inadequate road systems in Indian areas must be improved. Good roads are desperately needed for economic development. And good roads may someday enable the Indian people to keep their young children at home, instead of having to send them to far-away boarding schools.

I propose an amendment to the Federal Highway Act increasing the authorization for Indian road construction to $30 million annually beginning in Fiscal 1970.

ESSENTIAL COMMUNITY SERVICES

Housing

Most Indian housing is far worse than the housing in many slums of our large cities.

To begin our attack on the backlog of substandard housing:

I have asked the Secretary of Housing and Urban Development to increase Indian home construction by an additional 1,000 units this coming year, for a total of 2,500 annually.

I propose that the Congress double the Fiscal 1968 appropriations—to $6 million in 1969—for a broad home improvement program.

These steps are a strong start toward improving living conditions among Indians, while we deal with the underlying causes of inadequate housing. But the present housing law is too rigid to meet the special needs and conditions of our Indian population.

I am therefore submitting legislation to open the door for more Indians to receive low-cost housing aid, and to extend the loan programs of the Farmers Home Administration to tribal lands.

In addition:

The Secretary Housing and Urban Development will review construction standards for Indian homes to ensure flexibility in design and construction of Indian housing.

The Secretaries of the Interior and Housing and Urban Development will explore new low-cost techniques of construction suitable to a stepped-up Indian housing program.

Community action

Programs under the Economic Opportunity Act have improved morale in Indian communities. They have given tribes new opportunities to plan and carry out social and economic projects. Community action programs, particularly Head Start, deserve strong support.

I am asking the Congress to provide $22.7 million in Fiscal 1969 for these important efforts.

Water and sewer projects

Shorter life expectancy and higher infant mortality among Indians are caused in large part by unsanitary water supplies and contamination from unsafe waste disposal.

The Federal Government has authority to join with individual Indians to construct these facilities on Indian lands. The government contributes the capital. The Indian contributes the labor.

To step up this program, I recommend that the Congress increase appropriations for safe water and sanitary waste disposal facilities by 30 percent—from $10 million in Fiscal 1968 to $13 million in Fiscal 1969.

CIVIL RIGHTS

A bill of rights for Indians

In 1934, Congress passed the Indian Reorganization Act, which laid the groundwork for democratic self-government on Indian reservations. This Act was the forerunner of the tribal constitutions—the charters of democratic practice among the Indians.

Yet few tribal constitutions include a bill of rights for individual Indians. The basic individual rights which most Americans enjoy in relation to their government—enshrined in the Bill of Rights of the Constitution of the United States—are not safeguarded for Indians in relation to their tribes.

A new Indian Rights Bill is pending in the Congress. It would protect the individual rights of Indians in such matters as freedom of speech and religion, unreasonable search and seizure, a speedy and fair trial, and the right to habeas corpus. The Senate passed an Indian Bill of Rights last year. *I urge the Congress to complete action on that Bill of Rights in the current session.*

In addition to providing new protection for members of tribes, this bill would remedy another matter of grave concern to the American Indian.

Fifteen years ago, the Congress gave to the States authority to extend their criminal and civil jurisdictions to include Indian reservations—where jurisdiction previously was in the hands of the Indians themselves.

Fairness and basic democratic principles require that Indians on the affected lands have a voice in deciding whether a State will assume legal jurisdiction on their land.

I urge the Congress to enact legislation that would provide for tribal consent before such extensions of jurisdiction take place.

OFF-RESERVATION INDIANS

Most of us think of Indians as living in their own communities—geographically, socially and psychologically remote from the main current of American life.

Until World War II, this was an accurate picture of most Indian people. Since that time, however, the number of Indians living in towns and urban centers has increased to 200,000.

Indians in the town and cities of our country have urgent needs for education, health, welfare, and rehabilitation services, which are far greater than that of the general population.

These needs can be met through Federal, State and local programs. *I am asking the new Council on Indian Opportunity to study this problem and report to me promptly on actions to meet the needs of Indians in our cities and towns.*

ALASKAN NATIVE CLAIMS

The land rights of the native people of Alaska—the Aleuts, Eskimos and Indians—have never been fully or fairly defined.

Eighty-four years ago, Congress protected the Alaskan natives in the use and occupancy of their lands. But then, and again when Alaska was given statehood, Congress reserved to itself the power of final decision on ultimate title.

It remains our unfinished task to state in law the terms and conditions of settlement, so that uncertainty can be ended for the native people of Alaska.

Legislation is now pending to resolve this issue. I recommend prompt action on legislation to:

Give the native people of Alaska title to the lands they occupy and need to sustain their villages.

Give them rights to use additional lands and water for hunting, trapping and fishing to maintain their traditional way of life, if they so choose.

Award them compensation commensurate with the value of any lands taken from them.

THE FIRST AMERICANS

The program I propose seeks to promote Indian development by improving health and education, encouraging long-term economic growth, and strengthening community institutions.

Underlying this program is the assumption that the Federal government can best be a responsible partner in Indian progress by treating the Indian himself as a full citizen, responsible for the pace and direction of his development.

But there can be no question that the government and the people of the United States have a responsibility to the Indians.

In our efforts to meet that responsibility, we must pledge to respect fully the dignity and the uniqueness of the Indian citizen.

That means partnership—not paternalism.

We must affirm the right of the first Americans to remain Indians while exercising their rights as Americans.

We must affirm their right to freedom of choice and self-determination.

We must seek new ways to provide Federal assistance to Indians—with new emphasis on Indian self-help and with respect for Indian culture.

And we must assure the Indian people that it is our desire and intention that the special relationship between the Indian and his government grow and flourish.

For, the first among us must not be last.

I urge the Congress to affirm this policy and to enact this program.

LYNDON B. JOHNSON.

The WHITE HOUSE, *March 6, 1968.*

EXECUTIVE ORDER 11399, ESTABLISHING THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY, MARCH 6, 1968

Whereas, the United States has initiated a number of programs in various Departments that should be made available for the development and benefit of the Indian population; and

Whereas these programs should be adapted and coordinated in such manner that Indians will participate in and be benefited by them:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Council.* There is hereby established The National Council on Indian Opportunity (hereinafter referred to as the "Council"). The Council shall have membership as follows: The Vice President of the United States who shall be the chairman of the Council, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and six Indian leaders appointed by the President of the United States for terms of two years.

SEC. 2. *Functions of the Council.* The Council shall:

(a) Encourage full use of Federal programs to benefit the Indian population, adapting them where necessary to be available to Indians on reservations in a meaningful way.

(b) Encourage interagency coordination and cooperation in carrying out Federal programs as they relate to Indians.

(c) Appraise the impact and progress of Federal programs for Indians.

(d) Suggest ways to improve such programs.

SEC. 3. *Compensation and per diem.* Members of the Council who are officers of the Federal government shall receive no additional compensation by reason of this order. Other members of the Council shall be entitled to receive compensation and travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the government service employed intermittently (5 U.S.C., §§ 3109, 5703).

SEC. 4. *Assistance to the Council.* (a) Each Federal department and agency represented on the Council shall furnish such necessary assistance to the Council as may be authorized by section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691), or other law. The Department of the Interior shall furnish necessary administrative services for the Council.

(b) The staff of the Council shall include an Executive Director, who shall be appointed by the chairman of the Council, and such other employees as may be necessary, who shall be assigned by the departments and agencies represented on the Council.

SEC. 5. *Meetings.* The Council shall meet on call of the chairman.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 6, 1968.*

Mr. Speaker, much to the surprise of many people, a few prominent people have suddenly become interested in the American Indian. Today, there are more Indians living off the reservation than there are living on the reservation. What happens to many of the Indians who live off the reservation is that when they try to get themselves out into the mainstream of American society they are not equipped to encounter the changing pace of today's society. As a result, they are told that they cannot compete for that particular job because of their educational level or lack of vocational training. The result is that they go back to the Indian reservation because the Bureau of Indian Affairs handles the problems with reference to Indians.

Mr. Speaker, this is the reason that President Johnson established this Commission. This is the reason that President Nixon has asked that it be continued so that the Indian for the first time will have some direct opportunity to deal with the agencies of the Government in addition to the Department of the Interior. This council opens the door to get the kind of support for the off-reservation Indians who try to make themselves useful members of our society so that they will not find that they are rejected by the white man and compelled to go back to the reservation.

For this reason, I sincerely hope that the legislation is supported.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I would be happy to yield to the gentleman.

Mr. MAYNE. Could not the same argument which the gentleman from New Mexico has made be made just as logically with regard to other Government consultants?

For example, I recall a few weeks ago when we were considering the Administrative Law Council there was provision in there for even larger payments to be made to law school professors who were teaching administrative law but who receive very substantial salaries for being experts in the field of administrative law. If we adopted the argument of the gentleman from New Mexico he should be very proud and honored to come to be called a consultant on the part of the Government. However, we did not deprive them of consultation fees which I believe are $200 a day in that bill, even though it really is a boost for them and an enhancement of their prestige.

So would that argument not be just as appropos with reference to them as it is to the members of the Indian council here?

Mr. SAYLOR. Absolutely. So, I urge that the rules be suspended and that this bill be passed.

Mr. HALEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the enactment of Senate Joint Resolution 121. During the past few years at least seven agencies have become involved in the administration of Federal Indian programs. They are the Department of the Interior, the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Department of Labor, the Department of Commerce, and the Office of Economic Opportunity. This is in marked contrast to the situation that prevailed before then, when the Bureau of Indian Affairs had the primary responsibility for administering all Federal Indian programs. It is the increasing involvement of the other agencies that gave rise to the need for a high level coordinating agency such as the National Council.

Another purpose served by the National Council on Indian Opportunity is to provide a forum for Indian participation in general program planning and administration. The six Indian leaders who serve on the Council have the opportunity to exert influence on the Federal administrators, and to reflect the Indian viewpoint on issues as they arise. Increasing Indian involvement in the programs administered for their benefit is necessary if the programs are to be fully effective.

The Council is a new approach. It was started in the closing months of the last administration and is endorsed by the present administration. It has active Indian support. It has the potential of doing much good, and the appropriation authorization in the pending bill will let the Council get started in a meaningful way. Our committee intends to exercise careful legislative surveillance over its activities, and we will recommend to the Congress at the end of 5 years whether the Council's program should be continued or modified.

I am strongly opposed to the amendment that was offered in committee, and rejected, to prohibit the payment of $100 per day to the non-Federal members of the Council and its advisory committees. This is a Federal council. It is performing a Federal function. It is only fair and just that the Indians who are asked to serve on the Council should be paid a modest fee for the days they work. There is no reason to ask them to work for the Government without compensation. It is standard practice to pay consultants and intermittent employees for the days they actually work. It would be most unjust to single out Indians and say to them that they cannot be paid for the work they do for the Government, notwithstanding the fact that others in similar circumstances are paid. By voting to suspend the rules and pass this bill, the Members will be voting to pass the bill without this objectionable amendment which the gentleman from New Mexico has stated he wishes to offer. It should not be necessary to seek a rule from the Rules Committee in order to permit this amendment to be offered and voted down.

I urge the adoption of the motion to suspend the rules and enact the bill.

Mr. ZWACH. Mr. Speaker, Senate Joint Resolution 121, authorizing appropriations for expenses of the National Council on Indian Opportunity, is in my opinion long overdue. I believe the Nation's concern for the Indian population is long overdue.

Why is it we always wait until the last thread of hope is left before we take an interest in problems. Certainly this is the case regarding the plight of our Indian population. It is my feeling, that while the National Council on Indian Opportunity was slow to come about—its future will certainly be action oriented.

By giving our Indian leaders the opportunity to speak loudly and clearly to department heads, the Indian population will have a communications channel which will bring directly to the attention of our executive branch, their problems and needs.

At the same time, the Council will be an excellent vehicle to make aware to the Indian population the many Federal programs available, which will benefit them; it will encourage interagency cooperation and coordination in carrying out Federal programs as they relate to Indians; it will give the Federal Government a chance to appraise the impact and progress of these programs for Indians, by hearing first hand of the successes and failures; and it can suggest ways to improve these programs.

Mr. Speaker, I am pleased and happy to vote in favor of this legislation. I endorse wholeheartedly the purposes of the National Council on Indian Opportunity. I wish it much success as it endeavors to solve the many problems of our Indian population.

The **SPEAKER** pro tempore (Mr. HOLIFIELD). The question is on the motion of the gentleman from Florida (Mr. HALEY) that the House suspend the rules and pass the joint resolution (S.J. Res. 121), as amended.

The question was taken.

Mr. LUJAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas, 317, nays 31, not voting **83**, as follows:

[Roll No. 274]

YEAS—317

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foreman
Fountain
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Horton
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
McCarthy
McClory
McClure
McCulloch
McDade
McFall
McKneally
McMillan
Macdonald, Mass.
Mahon
Mailliard
Marsh
Martin
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pettis
Philbin
Pickle
Pike
Poage
Podell
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rosenthal
Roth
Roudebush
Roybal
Ruth
Ryan
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watson
Watts
Whalen
White
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—31

Ashbrook
Burke, Fla.
Clancy
Collins
Daniel, Va.
Dennis
Devine
Duncan
Frey
Fulton, Pa.
Goodling
Gross
Hall
Harsha
Hastings
Hogan
Hutchinson
Landgrebe
Lujan
McCloskey
Mayne
Meskill
Poff
Railsback
Satterfield
Schneebeli
Snyder
Wampler
Weicker
Whitehurst
Wold

NOT VOTING—83

Abbitt
Ashley
Barrett
Belcher
Bell, Calif.
Blackburn
Brademas
Brasco
Brock
Brooks
Bush
Cahill
Carey
Celler
Daddario
Dawson
de la Garza
Denney
Diggs
Dingell
Eckhardt
Eshleman
Fascell
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Garmatz
Gettys
Gray
Griffin
Hanna
Harrington
Hosmer
Howard
Hull
Jacobs
Jones, Tenn.
Kirwan
Landrum
Lipscomb
Lukens
McDonald, Mich.
McEwen
MacGregor
Madden
Mann
Mathias
May
Michel
Miller, Calif.
Mills
Morgan
Morse
Passman
Patman
Pepper
Perkins
Pirnie
Powell
Price, Tex.
Rooney, Pa.
Rostenkowski
Ruppe
St Germain
St. Onge
Sandman
Skubitz
Stafford
Staggers
Stuckey
Talcott
Thompson, N.J.
Tunney
Utt
Watkins
Whalley
Whitten
Wilson, Charles H.
Wright

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Morse.

Mr. Garmatz with Mr. Belcher.

Mr. Daddario with Mrs. May.

Mr. Brasco with Mr. McEwen.

Mr. Carey with Mr. Sandman.

Mr. Miller of California with Mr. Lipscomb.

Mr. Morgan with Mr. Whalley.

Mr. St. Onge with Mr. Lukens.

Mr. Rooney of Pennsylvania with Mr. McDonald of Michigan.

Mr. Rostenkowski with Mr. Hosmer.

Mr. Charles H. Wilson with Mr. Bell of California.

Mr. Howard with Mr. Cahill.

Mr. Jones of Tennessee with Mr. Brock.

Mr. Hull with Mr. Bush.

Mr. Barrett with Mr. Eshleman.

Mr. Brooks with Mr. Denney.

Mr. Celler with Mr. Pirnie.

Mr. Gallagher with Mr. Frelinghuysen.

Mr. Gray with Mr. Michel.

Mr. Griffin with Mr. Blackburn.

Mr. Pepper with Mr. Talcott.

Mr. Mills with Mr. Gerald R. Ford.

Mr. Kirwan with Mr. Utt.

Mr. Whitten with Mr. Skubitz.

Mr. Abbitt with Mr. MacGregor.

Mr. Brademas with Mr. Mathias.

Mr. Fascell with Mr. Stafford.

Mr. Flynt with Mr. Price of Texas.

Mr. St Germain with Mr. Steiger of Wisconsin.

Mr. Stuckey with Mr. Ruppe.

Mr. Gettys with Mr. Watkins.

Mr. Madden with Mr. Patman.

Mr. Landrum with Mr. Perkins.

Mr. Tunney with Mr. Jacobs.

Mr. Wright with Mr. Dingell.

Mr. Passman with Mr. Eckhardt.

Mr. William D. Ford with Mr. Diggs.
Mr. Hanna with Mr. Foley.
Mr. Ashley with Mr. Powell.
Mr. Fraser with Mr. de la Garza.
Mr. Mann with Mr. Harrington.

Mr. DUNCAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 12307, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. SIKES. Mr. Speaker, on behalf of the gentleman from Tennessee (Mr. Evins), I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 12307, the Independent Officers and Department of Housing and Urban Development Appropriation Act, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. HALEY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the joint resolution (S.J. Res. 121).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE FEDERAL GOVERNMENT TO THE BOARD OF PUBLIC INSTRUCTIONS, OKALOOSA COUNTY, FLA.

Mr. BENNETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7618) to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla., as amended.

The Clerk read as follows:

H.R. 7618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the Secretary of the Air Force shall donate, grant, and convey to the Board of Public Instruction for the County of Okaloosa, Florida, all right, title, and interest of the United States in and to the real property described in section 2 of this Act for use as permanent sites for Okaloosa County public schools.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

The west 15 acres, of that part lying north of Bayou Poquito subdivision, of Government lot 2, section 31, township 1 south, range 24 west; also

The north half of lot 14, and the north half of lot 13 east of highway, and the south 842 feet of lot 11 east of highway; also

Beginning at the southwest corner of section 18—

thence east a distance of 130 feet to a point of beginning;

thence east along the said section line a distance of 1,840 feet to a monument;

thence north a distance of 700 feet to a point on the south line of Tennessee Avenue;

thence west along the south boundary of Tennessee Avenue a distance of 919 feet;

thence northwesterly along a line 275 feet to a point on the north boundary of Tennessee Avenue;

thence north along the west boundary of Fern Dell Avenue a distance of 700 feet to a point on the south line of Georgia Avenue a distance of 785 feet;

thence south a distance of 1,450 feet to the point of beginning containing 40 acres, more or less; also

Beginning at the northeast corner of the southeast quarter section 26, township 1 south, range 24 west, proceed north 88 degrees 40 minutes west 1,150 feet to a concrete monument;

thence south 0 degrees 58 minutes west 1,817.10 feet to a concrete monument on the north right-of-way line of State Road Numbered S–85–A;

thence north 64 degrees 50 minutes east along said right-of-way line 1,280.90 feet to a concrete monument;

thence north 0 degrees 58 minutes east 1,245.45 feet to the point of beginning, containing 40 acres, more or less.

Sec. 3. The conveyance provided for by the first section of this Act shall be subject to the following conditions:

(1) The real property so conveyed shall be used as permanent sites for Okaloosa County public schools, and if such property is not used for such purpose, all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereof.

(2) The plans for any new construction on the real property so conveyed shall be coordinated with and approved by the Secretary of the Air Force prior to the start of construction to assure noninterference with Government activities on Eglin Air Force Base.

(3) The United States shall not be liable to the Board of Public Instruction for the County of Okaloosa, Florida, for any damages to or diminution in value of the real property subject to the conveyance as the result of any Government activities at Eglin Air Force Base.

(4) The Secretary of the Air Force may prescribe such other conditions, terms, and stipulations as he considers necessary to protect the interests of the United States.

The SPEAKER. Is a second demanded.

Mr. KING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BENNETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation is to provide for the conveyance of certain real property of the Federal Government to the Board of Public Instruction, Okaloosa County, Fla.

This land is presently a part of Eglin Air Force Base. The reason the board of public instruction wants this particular land is because it is in the center of a very congested school area. In most of the areas where buildings are needed it would be necessary to condemn developed residential or public property at a very great cost. Most of the students come from military families, however the schools to be constructed will serve all families in the area, military and civilian.

This property is not surplus property in the ordinary sense, therefore the need for this legislation. It is land which Eglin Air Force Base, knowing of the school problem, is willing to make available to relieve the situation of sites for school construction. The facilities to be constructed would be built with State and local money from ad valorem taxes, not with Federal funds. The Air Force in their report stated:

> The land involved is not excess to the Air Force requirements. While there exists no planned mission for the use of the land covered by this bill, it would not normally be declared surplus as it is an integral part of Eglin Air Force Base. In addition, no foreseeable Air Force requirement exists which would result in the acquisition of other lands to replace the land which would be conveyed by this bill.

Approximately 26,000 students will be served by the five schools that will be constructed on the approximate 135 acres. Of those 26,000 students, 17,000 are dependents of military and civil service employees. The construction will be with State and local funds and not Federal funds.

Mr. KING. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Cramer).

Mr. CRAMER. Mr. Speaker, I rise in support of the legislation. I had not intended to take the floor before the distinguished gentleman from Florida (Mr. Sikes) who represents the district involved, had spoken, but I did discuss it with the gentleman from Florida (Mr. Sikes) previously, and I advised the gentleman of my support of the legislation.

My purpose is to call attention of the House as a member of the Committee on Public Works that handles some matters concerning the General Services Administration generally that there is precedent and authority for the use of this type of surplus property for educational purposes at no cost to the county school board. I would specifically cite a similar situation in the State of Florida at Avon Park wherein the Federal Government did make available 143 acres for educational purposes in connection with the correctional institution there. I understand there is some question with regard to the size of this property involved. The Federal Government did through General Services declaration or surplus under the principal basic act make available with the approval of HEW under the basic act specifically for educational purposes, which this, I understand, this Okaloosa County property is going to be used for, 143 acres at the correctional institution for educational purposes.

So there is precedent for making this amount of land available under the General Services Act when it is declared surplus. So it seems to me the question of size and the question of purpose and the question of the authority of making it available at 100 percent no cost to the State for educational purposes is substantiated by this previous conveyance this year under the basic law at Avon Park.

As I understand it, what this does is to facilitate the same result in a different situation where a declaration of surplus must be made in effect by Congress.

I congratulate the gentleman from Florida (Mr. Sikes) from the congressional district representing Okaloosa County for the work he has done on this. My sole purpose is, first, to express my support; second, to suggest that there is a recent precedent even in the State of Florida; and third, that this is consistent with the basic law and its purposes.

Mr. KING. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I will not even take 5 minutes because I am laboring under no illusion as to what will happen with respect to this legislation. I doubt that the use of the latest model tank and a brigade of marines would stop it.

But I must in all conscience oppose the bill, and I could not let it go through under unanimous consent earlier today. I am convinced that 135 acres of valuable federally owned land is not needed for this project. No one has justified the handing over of such a large tract, and I do not care what previously happened at Avon Park, Fla. For Congress to have made one mistake does not mean we have to compound the error of our ways by making another here today.

This 135 acres as the site of four or five school buildings is a lot of land, and it is not surplus to military need. The Air Force refuses to declare this property surplus. In my opinion, it is as wrong as it can be to hand over 135 acres from Eglin Air Force Base, valuable land that the Air Force refuses to declare surplus, and give it cost free to a county school district.

What ought to have happened is that the Air Force should have declared this land surplus. This would have put the deal through the normal procedures of the General Services Administration and the Department of Health, Education, and Welfare which would have made the school district justify the need for 135 valuable acres of land for the purpose of providing a site to construct four or five school buildings.

Of course, if this school district is going to put up a university-type stadium and a tremendous athletic plant, and so on and so forth, I have no doubt they can absorb a lot of land. But I say that this is wrong and that the transfer of land ought to have gone through the normal channels and justification ought to have been made for it all the way through rather than the shortcut that is being used.

I understand that this school district is getting impacted school aid in terms of millions of dollars. I do not know how much more the State of Florida and this particular school district wants from all the taxpayers of this country whose money went into the original acquisition of Eglin Air Force Base and the maintenance of it.

Mr. Speaker, let the Record show that I am opposed to this legislation and I yield back the balance of my time.

Mr. BENNETT. I yield such time as he may consume to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I am most grateful for the consideration of the great Committee on Armed Services in bringing this bill to the floor and to my distinguished and able colleague, Mr. Bennett, in particular.

Mr. Speaker, we are asking for transfer of property, 135 acres out of the half million acres in the Eglin reservation, because there is a desperate need for sites for school buildings. We have had a population explosion. It is primarily around the Eglin perimeter, where communities have grown up, and where there are simply no commercial sites available other than by condemnation of expensive business and residential areas.

This is land which cannot be used for Air Force training purposes because of the growth of the civilian communities nearby. Actually, it is not needed. The Air Force has been reluctant to declare it surplus only because there is no certainty that once the land were declared surplus it would ever get into the hands of the school board, which seeks to use the property for the construction of school buildings. Other agencies of government have a higher priority. The buildings are needed now. The time problem is acute.

The Air Force cannot be hurt on this matter. The land cost about $1 an acre years ago. It is valuable now. But it seems unconscionable to place property values above the needs of schoolchildren. If we do not pass this bill, we require the school board to delay construction while attempts are made to raise additional money. Even if the money were available and in hand there would be serious delays. It is worth noting that it is planned to construct these buildings with State and local funds. There is no impacted area money going into the construction of the proposed buildings.

There are 26,500 school age children in Okaloosa County. Between 5,500 and 6,000 of them are extremely handicapped for lack of facilities in this immediate area. They are going to school in double shifts or they use outmoded, substandard barracks buildings or other inadequate facilities. Some of them start at 6:30 in the morning and end at 7 at night. That is the kind of school conditions we are trying to overcome by the passage of this bill.

Yes, there are 135 acres involved and this has been questioned. These are four separate sites. It is planned to construct five different school facilities, and when you consider that the land is necessary not only for building sites but also for roads, parking, playgrounds, athletic facilities, and storage facilities it may be that we do not have enough land rather than having too much land.

There is in the bill a reverter clause, which specifies that in the event the land is not used for school building purposes, it reverts to the Federal Government. This is a guarantee that the children who need the buildings, and who are being hurt because of inadequate facilities, will have a place to go to school. It is as simple as that.

I think the humane considerations, the problem of trying to provide a proper education for schoolchildren, the need to construct better school facilities than the present substandard and inadequate facilities they now must use, should certainly override any other consideration. I hope the bill will receive overwhelming support.

Mr. KING. Mr. Speaker, I yield myself such time as I may consume.

I join in supporting the three gentlemen from Florida who have addressed the House in support of H.R. 7618.

Mr. Speaker, I listened to the testimony when this bill was before our subcommittee and I, for one, am sympathetic concerning the crowded conditions described by the witnesses testifying before us.

We were told that between 5,000 and 6,000 students in Okaloosa County, Fla., are required to double up or to use very inadequate facilities. The State of Florida proposes to construct five needed buildings on the 135 acres in question with State and local funds.

We were further told that the children of on-base military families are going to school in two shifts; one starting at 6:30 in the morning and the other ending at approximately 7 in the evening—and these classes are being conducted in old World War II barracks buildings.

This particular legislation was not supported by GSA or HEW because they said that present laws were adequate to take care of the situation. The existing law would be adequate if the land in question were actually excess to the needs of the Air Force. The distinguished chairman of the subcommittee, Mr. Bennett, pointed out that this objection by HEW and GSA is not valid because the land is technically not excess. The Air Force has written Mr. Sikes, who introduced this legislation, to the following effect: "We wholeheartedly support the use of Eglin reservation land for public education." However, they cannot legally and technically declare the land excess.

In other words, unless we adopt this legislation the technicality which has been explained on the floor today will block construction of five badly needed school buildings for federally impacted children in Okaloosa County, Fla.

I urge each Member of this House to support this badly needed legislation.

Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. (Mr. Price of Illinois). The question is on the motion of the gentleman from Florida that the House suspend the rules and pass the bill H.R. 7618, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FOR WHOM DOES VICE PRESIDENT AGNEW SPEAK?

(Mr. O'NEAL of Georgia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEAL of Georgia. Mr. Speaker, the question often arises, "For whom does Vice President AGNEW speak?"

Well, I will tell you. Last Thursday night when he discussed network broadcasting and its responsibility to the public in handling news, he spoke for me and I believe the overwhelming majority of my constituents.

He said things many have been saying for many years, but he said it without the profanity that they have used in their futility.

The network people would do well to study the speech carefully and earnestly. In the Vice President's words, "they are challenged to turn their critical powers on themselves."

When they do, they will awake to the realization that entertainment and reporting do not mix, or rather it is dangerous when they do. Herein, I think, lies much of the problem. It also involves what every journalist learns before he goes to journalism school, that overemphasis itself can become promotion.

The networks ought to look at their policies in the entertainment field also. To say that they have not hastened this country down the road to sexual immorality is to overlook the obvious.

Things are looking a little better already. It is true that the network presidents "hollered like stuck pigs," but according to the following report by Lawrence Laurent in the Washington Post, they are showing some restraint over the first weekend since the Vice President spoke:

TV and the Protests: Sense of Restraint Noted in Coverage

(By Lawrence Laurent)

Calm and restraint marked the day-long and early television coverage of yesterday's antiwar demonstrations. Reporters for Washington's four VHF–TV stations carefully and repeatedly described the march as "peaceful" and, later, stressed that early evening violence was by "a comparatively small group of militants."

NBC News changed earlier plans before yesterday morning's march and mounted the only live TV camera. The single camera was mounted on a high platform above the Ellipse across Constitution Avenue from the Washington Monument. The camera was used three times during the afternoon for two minute reports at 1:30 and 3 p.m. and for a one minute report at 4:30 p.m.

The live, on-scene, reports by NBC Newsman William Monroe were carried here on channel 4 and piped to NBC affiliated stations as "leeway" cut-ins. Each station was free to telecast—or to ignore—the brief live reports.

RESTRICTED TO CENTER

Channel 9 used a live camera only in the interior of the communications center at the municipal building. Reporter Claude Matthews delivered reports on official assessments of the march and, later, of trouble at the Department of Justice.

Channel 7, which had announced early plans for live cut-ins "as needed," cut into regularly scheduled programs only twice. Both were brief, in studio, reports by Tom Finn stressing the lack of trouble at the demonstration.

The day's best "progress report" was delivered at 1:50 p.m. by Channel 9's Rebecca L. Bell. She introduced film reports on the morning's activity, and reports from Matthews and Tom Wills. Film of Friday night's violence at Sheridan Circle was carefully labeled "Last Night" and carried Miss Bell's assessment that it was the work of "a determined minority."

Regularly scheduled network news programs at 6:30 p.m.—Roger Mudd on CBS-TV and the "Huntley-Brinkley Report" on NBC–TV—opened with reports on the antiwar demonstrations. Both moved on to the day's other major news stories—such as the flight of Apollo 12—within 10 minutes.

GHOST TOWN

Dan Rather of CBS News noted that President Nixon "had tried to give the appearance of a normal working day" but that the sealing off of the area around the White House had given the area "the look of a setting for a ghost town movie."

Ford Rowan of WTOP News also used the "ghost town" phrase during a special half-hour on Channel 9 that began at 7 p.m. Rowan appeared with reporters Gordon Peterson and Theda Cumbridge and anchor man Tom Braden.

Peterson narrated that day's first televised film report on the violence at the Justice Department.

Channel 9's Miss Cumbridge and Channel 7's Bob Gneiser included reports on a relatively small group of citizens who had marched from K Street NW to the Lincoln Memorial as their protest against the antiwar demonstrators.

This assessment of a long day of channel hopping was prepared before the late evening newscast. The day indicated to me that television's journalists have acquired a higher sense of self restraint and a greater understanding of balanced fairness.

TELEVISION AND RESPONSIBILITY

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUQUA. Mr. Speaker, the address of Vice President AGNEW critical of the television industry was, in my opinion, a service to the Nation. If followed to a logical conclusion, it can also be a service to the most powerful communications media which man has devised.

With great power comes great responsibility—and no media has ever exercised the power which comes from television. For millions upon millions of Americans this is their primary source of news and what they see and hear from the television networks is taken as being completely factual. That is not always the case.

The Vice President very aptly pointed out that television can create instant celebrities. A voice of moderation by a Roy Wilkins is drowned out by the cries for violence by a Stokely Carmichael.

Perhaps the networks did not pay any heed to his remarks and certainly I have seen nothing on their part to indicate that they were going to admit even the slightest error.

The Vice President said in his speech that remarks by public officials are followed by instant analysis. It seemed to me that he was saying that these officials do not have the privilege of expressing their views and then having the American people draw their own conclusion. Perhaps after the reflection of a day, or even a few hours, these pundits themselves might arrive at slightly different conclusions.

But what happened to the Vice President's admonition?

Immediately upon concluding his address, the announcer on the station to which I was listening read statements from the heads of the television networks, highly critical of the Vice President.

In my opinion he did not demean the Office of Vice President with his speech. He raised it to a new degree.

These remarks which I make in the Congress today are not going to be used by the national television media. I doubt very seriously that the thoughts of a great many other Members of the Congress will be deemed newsworthy enough to be used on a nationwide news program. No, it took a national figure, speaking out forthrightly on an issue in which he is concerned to get the attention of the networks.

And from all indications, it got the attention of the American people and their approval.

Another statement which the Vice President made, and which was clearly overlooked by the television announcers was his statement recognizing the basic need in our society for freedom of the press. Freedom of the press does not mean freedom from criticism.

In my opinion it is time that these pundits who feel they have all knowledge and all wisdom climb out of their ivory towers and take a look at the power, the impact, the motivating force, which their electronic device has over this Nation.

I do not for one moment wish to see our Government attempt to stifle the press. There is no problem which we can ascribe to the press which would warrant such action and its consequence would be the destruction of a basic pillar of American democracy.

What I am saying is that the Vice President said something that has long been needed saying—and frankly, has been said many times, but it took a man of his high office to get it across on a national scale. Perhaps I myself might have used a few different words, added or subtracted a few thoughts, but on the whole I want to commend him and say that he performed a most worthwhile service.

I think the television industry needs to restudy its impact and its own ethics. The scandals of the quiz programs are one example of where the industry does not come out with exactly clean hands.

I think that a strong code of ethics needs to be developed and enforced by the industry. Opinion is one thing and any man has a right to his opinion and the industry the right to be honestly wrong.

But the television industry, if guilty of the one instance cited by the Vice President, should pause and reflect. He said that at the Chicago Democratic Convention, the same scene of violence was shown from three different angles and made to appear as three different and separate acts.

If this is true, then it is dishonest.

Those who perpetuate such frauds need to be brought before their peers as a lawyer or doctor guilty of malpractice. No one attorney nor any one doctor has even a fraction of the impact which a television correspondent can engender.

When such incidents are discovered, the industry should be as quick to point them out as they are in other segments of society. This would lead the public to reflect a little more about the media and to take just a little more time to arrive at a conclusion—to read their newspapers, magazines, and other publications for a little more amplification before arriving at a hard and fast conclusion.

Television is one of the 10 modern wonders of the world.

Without responsibility, it can be a modern monster.

That is all the Vice President was really saying. It is not too much to ask the television network to take a hard and fast look at itself and determine if it is living up to the sacred responsibility which its great power has given.

TENTH ANNIVERSARY OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

(Mr. ALBERT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. ALBERT. Mr. Speaker, this year of 1969 marks the 10th anniversary of one of the truly unique bipartisan organizations created by the Congress. President Eisenhower signed the act establishing the Advisory Commission on Intergovernmental Relations, September 24, 1959. A scant 3 months later on December 14, 1959, the Advisory Commission held its first meeting. From that day until this, the Advisory Commission has bent its efforts toward making the American federal system work to achieve this Nation's heritage—unity of purpose amid diversity of action.

There are several reasons for calling this anniversary year to the attention of our colleagues. The Advisory Commission has succeeded in elevating concern about our system of shared power to its rightful status first, in our legislative deliberations and those at the State and local level; second, in the operation of executive branches of Government not only in Washington, but in State capitals, county courthouses and city halls; and third, in the continuing public debate over the respective roles of Federal, State, and local government in a society characterized by rapid change and increasing interdependency.

Throughout its 10-year history, the Advisory Commission has been composed of distinguished leaders at all levels of government. On the Commission from our own ranks we have had the uninterrupted services of the gentleman from North Carolina (Mr. FOUNTAIN), the gentlewoman from New Jersey (Mrs. DWYER), and for the past two Congresses the gentleman from Oregon (Mr. ULLMAN).

Our federal system is a prized possession. It requires constant attention to remain so. The Nation is the richer because of the time our colleagues in the Senate, the House, members of the Federal executive branch, Governors, State legislators, mayors, county officials, and able public representatives have devoted to the study of the emerging problems in federalism.

In large measure, the Advisory Commission's influence on the course of federalism stems from its publication of 35 policy studies and more than 40 information reports. Its works are peerless as reference sources on intergovernmental relations. Its policy recommendations have been turned into substantive legislation enacted at the National and State level. For example, last year the Congress enacted the Intergovernmental Cooperation Act of 1968—Public Law 90-577. Other bills to implement Commission recommendations are in various stages of consideration in this Congress. Scarcely a year passes without a dozen or more States enacting legislation to carry out one or more recommendations of the Commission directed toward improving State-local affairs.

Throughout its existence, the Advisory Commission has operated with a small, dedicated group of about 30 full-time employees. While its policy studies have carried it into new areas of intergovernmental concern, its full-time staff has remained small. Thus, the Commission has avoided the temptation to become a bureaucracy, which may help account for its effectiveness.

As the Advisory Commission begins its second decade, its agenda for study is as formidable as it was when the Commission began. Federal, State, and local relations are more intricate, more interdependent, and more intense than they have ever been in the history of our republic. Across the length and breadth of the land, the public attitude toward domestic government is best characterized as heightened concern. The President has called for a "new federalism" to help regain control of our national destiny by returning a greater share of control to State and local authorities. For the past decade the Advisory Commission has stressed the fact that "federalism" whether new or old, works best when all of the governmental partners are strong.

We take this occasion to commmend the Advisory Commission for the vital contributions it has made in its first decade in behalf of all Americans. In the decade ahead, and beyond, we look forward to seeing its recommendations for fashioning and arranging the vital elements of our federal system to the ever-changing needs of this great Nation.

For the information of the members, I am including for the RECORD a current list of Commission members and a list of those who have served on the Commission during its 10 years of existence.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

September 1969

PRIVATE CITIZENS

Farris Bryant, Jacksonville, Florida, Chairman.

Alexander Heard, Nashville, Tennessee.

Dorothy I. Cline, Albuquerque, New Mexico.

MEMBERS OF U.S. SENATE

Sam J. Ervin, Jr., North Carolina.

Karl E. Mundt, South Dakota.

Edmund S. Muskie, Maine.

MEMBERS OF U.S. HOUSE OF REPRESENTATIVES

Florence P. Dwyer, Mrs., New Jersey.

L. H. Fountain, North Carolina.

Al Ullman, Oregon.

OFFICERS OF EXECUTIVE BRANCH, FEDERAL GOVERNMENT

Robert H. Finch, Secretary of Health, Education, and Welfare.

Robert P. Mayo, Director of Bureau of the Budget.

George Romney, Secretary of Housing and Urban Development.

GOVERNORS

Buford Ellington, Tennessee.

Warren E. Hearnes, Missouri.

Nelson A. Rockefeller, New York.

Raymond P. Shafer, Pennsylvania.

MAYORS

C. Beverly Briley, Nashville, Tennessee.

Richard G. Lugar, Indianapolis, Indiana.

Jack Maltester, San Leandro, California.

William F. Walsh, Syracuse, New York.

MEMBERS OF STATE LEGISLATIVE BODIES

W. Russell Arrington, Senator, Illinois.

Robert P. Knowles, Senator, Wisconsin.

Jesse M. Unruh, Assemblyman, California.

ELECTED COUNTY OFFICIALS

John F. Dever, Middlesex County, Massachusetts.

Edwin G. Michaelian, Westchester County, New York.

Lawrence K. Roos, St. Louis County, Missouri.

PRESENT AND FORMER MEMBERS OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, BY POSITION, STATE, PARTY, AND PERIOD SERVED

PRIVATE CITIZENS

Frank Bane (Chairman; Virginia; Democrat): December 8, 1959, to April 29, 1966.

Farris Bryant (Chairman; Florida; Democrat)[1]: October 10, 1967, to present.

John E. Burton (New York; Republican): December 8, 1959, to December 7, 1961.

James K. Pollock (Michigan; Republican): December 8, 1959, to December 7, 1961.

Howard R. Bowen (Iowa; Democrat); February 22, 1962, to February 21, 1964.

Don Hummel (Arizona; Democrat)[1]; February 22, 1962, to February 21, 1964.

Thomas H. Eliot (Missouri; Democrat): April 30, 1964, to March 17, 1967.

Adelaide Walters, Mrs. (North Carolina; Democrat): April 30, 1964, to April 29, 1966.

Dorothy I. Cline (New Mexico; Democrat): March 18, 1967, to present.

Price Daniel (Texas; Democrat)[1]: March 18, 1967, to October 9, 1967.

Alexander Heard (Tennessee; Democrat): March 18, 1967, to present.

U.S. SENATORS

Sam J. Ervin, Jr. (North Carolina; Democrat): December 8, 1959, to present.

Karl E. Mundt (South Dakota; Republican): December 8, 1959, to present.

Edmund S. Muskie (Maine; Democrat): December 8, 1958, to present.

U.S. REPRESENTATIVES

Florence P. Dwyer, Mrs. (New Jersey; Republican): December 8, 1959, to present.

L. H. Fountain (North Carolina; Democrat): December 8, 1959 to present.

Wilbur D. Mills (Arkansas; Democrat): December 8, 1959, to January 9, 1961.

Frank Ikard (Texas; Democrat); March 10, 1961, to December 15, 1961.

Eugene J. Keogh (New York; Democrat): February 5, 1962, to December 31, 1966.

Al Ullman (Oregon; Democrat); January 30, 1967, to present.

MEMBERS OF THE FEDERAL EXECUTIVE BRANCH

Farris Bryant (Chairman; Director of the Office of Emergency Planning; Democrat):[1] February 20, 1967, to October 9, 1967.

Robert B. Anderson (Secretary of the Treasury; Republican): December 8, 1959, to January 20, 1961.

Arthur S. Flemming (Secretary of Health, Education, and Welfare; Republican): December 8, 1959, to January 20, 1961.

James P. Mitchell (Secretary of Labor; Republican): December 8, 1959, to January 20, 1961.

C. Douglas Dillon (Secretary of the Treasury; Republican): March 15, 1961, to March 26, 1965.

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[1] Served on the Commission in two capacities at different times.

Abraham A. Ribicoff (Secretary of Health, Education, and Welfare; Democrat): [1] March 15, 1961, to July 12, 1962.

Arthur J. Goldberg (Secretary of Labor; Democrat): March 15, 1961, to September 20, 1962.

Anthony J. Celebrezze (Secretary of Health, Education, and Welfare; Democrat): [1] October 2, 1962, to October 1, 1964.

Robert C. Weaver (Secretary of Housing and Urban Development; Democrat): October 10, 1962, to March 17, 1967.

Orville L. Freeman (Secretary of Agriculture; Democrat): February 4, 1965, to March 17, 1967.

Henry H. Fowler (Secretary of the Treasury; Democrat): May 11, 1965, to December 20, 1968.

Ramsey Clark (Attorney General; Democrat): March 18, 1967, to January 19, 1969.

Price Daniel (Director of the Office of Emergency Planning; Democrat): [1] October 10, 1967, to January 19, 1969.

Robert H. Finch (Secretary of Health, Education, and Welfare; Republican): March 26, 1969, to present.

Robert P. Mayo (Director of the Bureau of the Budget; Republican): March 26, 1969, to present.

George Romney (Secretary of Housing and Urban Development; Republican): March 26, 1969, to present.

GOVERNORS

Ernest F. Hollings (South Carolina; Democrat): December 8, 1959, to January 14, 1963.

Abraham A. Ribicoff (Connecticut; Democrat): [1] December 8, 1959, to January 20, 1961.

Robert E. Smylie (Idaho; Republican): December 8, 1959, to April 29, 1966.

William G. Stratton (Illinois; Republican): December 8, 1959, to January 14, 1961.

John Anderson, Jr. (Kansas; Republican): January 19, 1961, to January 13, 1965.

Michael V. DiSalle (Ohio; Democrat): March 15, 1961, to January 14, 1963.

Carl E. Sanders (Georgia; Democrat): March 13, 1963, to January 10, 1967.

Terry Sanford (North Carolina; Democrat): March 13, 1963, to November 12, 1963.

John Dempsey (Connecticut; Democrat): April 30, 1964, to November 26, 1968.

Nelson A. Rockefeller (New York; Republican): November 10, 1965, to present.

Buford Ellington (Tennessee; Democrat): March 18, 1967, to present.

James A. Rhodes (Ohio; Republican): May 23, 1967, to April 30, 1968.

Spiro T. Agnew (Maryland; Republican): July 5, 1968, to January 19, 1969.

Raymond P. Shafer (Pennsylvania; Republican): March 26, 1969, to present.

STATE LEGISLATORS

Elisha Barrett (New York; Senate; Republican): December 8, 1959, to March 2, 1960.

Leslie Cutler (Massachusetts; Senate; Republican): December 8, 1959, to December 7, 1961.

John W. Noble (Missouri; Senate; Democrat): December 8, 1959, to January 2, 1961.

Hal Bridenbaugh (Nebraska; Senate; Republican): March 31, 1960, to March 30, 1962.

Robert A. Ainsworth, Jr. (Louisiana; Senate; Democrat): May 16, 1961, to October 31, 1961.

Robert B. Duncan (Oregon; House; Democrat): February 22, 1962, to January 14, 1963.

John E. Powers (Massachusetts; Senate; Democrat): February 22, 1962 to February 21, 1964.

Graham S. Newell (Vermont; Senate; Republican): August 1, 1962, to July 31, 1964.

Harry King Lowman (Kentucky; House; Democrat): March 13, 1963, to January 6, 1964.

Marion H. Crank (Arkansas; House; Democrat): April 30, 1964, to March 17, 1967.

Charles R. Weiner (Pennsylvania; Senate; Democrat): April 30, 1964, to April 29, 1966.

C. George DeStefano (Rhode Island; Senate; Republican): February 4, 1965, to January 7, 1969.

Ben Barnes (Texas; House; Democrat): March 18, 1967, to January 17, 1969.

Jesse M. Unruh (California; House; Democrat): March 18, 1967, to present.

W. Russell Arrington (Illinois; Senate; Republican): March 26, 1969, to present.

Robert P. Knowles (Wisconsin; Senate; Republican): March 26, 1969, to present.

MAYORS

Anthony J. Celebrezze (Cleveland, Ohio; Democrat)[1]: December 8, 1958, to July 27, 1962.

Gordon S. Clinton (Seattle, Washington; Republican): December 8, 1959, to March 2, 1962.

Don Hummel (Tucson, Arizona; Democrat) [1]: December 8, 1959, to February 21, 1962.

Norris Poulson (Los Angeles, Calif.; Republican): December 8, 1959, to June 30, 1961.

Richard Y. Batterton (Denver, Colorado; Republican): February 22, 1962, to June 30, 1963.

Leo T. Murphy (Santa Fe, New Mexico; Democrat): February 22, 1962, to April 30, 1962.

Neal S. Blaisdell (Honolulu, Hawaii; Republican): August 1, 1962, to December 31, 1968.

Arthur Naftalin (Minneapolis, Minnesota; Democrat): August 1, 1962, to present.

Raymond R. Tucker (St. Louis, Missouri; Democrat): October 10, 1962, to October 9, 1964.

Arthur L. Selland (Fresno, California; Republican): August 27, 1963, to December 5, 1963.

Herman W. Goldner (St. Petersburg, Florida; Republican): April 30, 1964, to April 29, 1966.

Richard C. Lee (New Haven, Connecticut; Democrat): May 11, 1965, to May 10, 1967.

Theodore C. McKeldin (Baltimore, Maryland; Republican): March 18, 1967, to December 4, 1967.

Jack D. Maltester (San Leandro, California; Democrat): May 23, 1967, to present.

William F. Walsh (Syracuse, New York; Republican): December 29, 1967, to present.

Richard G. Lugar (Indianapolis, Indiana; Republican): March 26, 1969, to present.

COUNTY OFFICIALS

Edward Connor (Wayne County, Michigan; Democrat): December 8, 1959, to April 29, 1966.

Clair Donnenwirth (Plumas County, Calif.; Democrat): December 8, 1959, to July 22, 1965.

Edwin G. Michaelian (Westchester County, New York; Republican): December 8, 1959, to December 7, 1961.

Barbara A. Wilcox, Mrs. (Washington County, Oregon: Republican): October 10, 1962, to April 5, 1966.

William O. Beach (Montgomery County, Tenn.; Democrat): January 22, 1966, to January 21, 1968.

Agnes McDonald (Yakima County, Wash.; Republican): April 28, 1967, to present.

Gladys N. Spellman (Prince George's County, Maryland; Democrat): April 28, 1967, to present.

John F. Dever (Middlesex County, Mass.; Democrat): January 24, 1968, to present.

Mr. GERALD R. FORD. Mr. Speaker, I want to associate myself with the remarks of the majority leader on the occasion of the 10th anniversary of the Advisory Commission on Intergovernmental Relations.

My own State of Michigan takes pride in having had both distinguished citizens and public servants appointed to the Commission. The late James K. Pollock, longtime professor of political science at the University of Michigan, was one of the original three public members of the Commission. The late Edward Conner, supervisor of Wayne County, was among the original three county officials to serve on the Commission. Currently, the Secretary of Housing and Urban Development, our former Michigan Governor, George Romney, represents the Federal executive branch on the Commission.

I mention these gentlemen, Mr. Speaker, to illustrate the wealth of experience the Commission brings to bear in developing its studies and policy recommendations. I am pleased to join the distinguished gentleman from Oklahoma in marking this 10th birthday of the Advisory Commission on Intergovernmental Relations.

POLLUTED WATER CANNOT WAIT

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCARTHY. Mr. Speaker, on November 12, 1969, the other body approved $1 billion for water pollution control projects. This action on the 1970 public works appropriations bill recognizes the urgency of our need in this area. The Senate passed this appropriations bill by a vote of 86 to 2. It is not surprising that this measure should almost unanimously be approved, for both the House and the Senate had previously authorized $1 billion for pollution control. What was surprising was that the present administration had recommended only $214 million for this purpose.

One has only to turn to the reports of pollution in Lake Erie, reports that show that that once magnificent body of water is grossly polluted and may have gone beyond the state of repair. Or one can listen to Dr. Barry Commoner describe the condition of all the rivers in Illinois, a condition that does not allow them to throw off the wastes that are dumped in them. Make no excuse about it, we have a water pollution crisis, a crisis that cannot be met by half measures. It is no longer sufficient to say that we must study the problem or that we will start a pilot project. We must pay for the construction of pollution control facilities and enforce the regulations governing water pollution. And we must do it now.

When the public works appropriation bill came before the House, many of us urged that the full authorization of $1 billion be appropriated, rather than the $214 million recommended by the administration or the $600 million recommended by the House Appropriations Committee. Unfortunately those of us urging the additional appropriations lost by the slim margin of two votes.

The excuse was given that we could not use the $1 billion if it was appropriated. That is not the case. Cities and towns are entitled to 50 to 55 percent Federal aid for the construction of water pollution control facilities. Local governments in New York State alone have already committed $160 million, which is rightfully a Federal obligation. New York State has also prefinanced the Federal share of the program but has received only a fraction of this money from the Federal Government. In total, New York State and its municipalities have advanced $310 million which should have come from Washington.

Cities and towns throughout the Nation have passed bond issues, have prepared plans, have begun construction on the understanding that Federal monies would be available. The Federal Government is also insisting that the States and communities live up to the water pollution control laws that have been adopted. The Federal Water Pollution Control Administration has also recently taken the position that communities should provide tertiary water pollution treatment—the third stage of treatment—when we have not even begun to complete our secondary treatment construction programs. Congress has said with emphasis, "get on with the job." It is up to us to back that charge with the money to do the job.

Even if the full $1 billion is appropriated, only 24 states will be able to fully complete their programs. If we only appropriate $600 million we will shortchange those taxpayers, industries and States that have begun the job. You have only to look at the dead lakes and rivers in our Nation to realize that we cannot wait.

I urge that the House conferees on the public works appropriations bill for 1970 accede to the Senate and appropriate $1 billion for water pollution control facilities.

SALUTE TO OUR WAR DEAD

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, on November 11 we paused to pay tribute to our Nation's military service veterans. In observances across the country, our citizens gave a most gratifying demonstration of support for our military men and women.

In one such Veterans' Day observance at the Otho Morgan American Legion Post in Greenville, Tex., Dr. James Sandlin, a retired lieutenant colonel in the U.S. Army Chaplain's Corps, gave a memorial address which so eloquently expresses the spirit behind this day set aside to honor our veterans. Dr. Sandlin particularly salutes those who bravely fought and died to preserve our Nation's freedom.

In his address, Dr. Sandlin expresses faith in our Nation's leaders and love and respect for the ideals upon which our Republic is based. His words are so timely and wise that I want to share them with my colleagues:

A SALUTE TO HEROIC DEAD

Mr. Post Commander, Fellow Legionnaires, ladies and gentlemen—It is altogether proper and fitting that we as veterans pause on the eve of Veterans Day to pay tribute to and memorialize our fallen Comrades who gave the last full measure of devotion to the cause of freedom. It is true that those who forget their heritage have no claim upon the future. The names of our fallen comrades, and especially those who died in Vietnam may not be known to us, and perhaps will soon be lost to posterity, but what they gave and did will live forever. Their obituaries tell the story of faithfulness and devotion far beyond the call of duty.

Today America stands at the cross roads of history. There is only one road for us to follow if we are to survive as a Nation. Today we are engaged in another war in which the fortunes and the futures of free men and nations are at stake. Communism has embarked upon a world-wide conquest that has for its final objective the overthrow of the Government of the United States and the replacement of the Stars and Stripes with the Red Flag of Moscow. Hanoi has long since given up the hope of winning a decisive military victory on the battlefields of South East Asia, but they believe that victory can be gained by dividing the American people. If we lose this war it will be lost on the streets of America and not on the battlefields of South East Asia. Behind the ferment of turmoil and unrest, dramatized by student revolt and the moratoriums, stand the agents of communism. It was a sad day when the 5th column established a beachhead on our shores. It was a tragic day when men in high places of leadership who were entrusted with the responsibility of defending America against her enemies, both within and from without, gave approval by their endorsement of the Moratorium and thereby gave aid and comfort to the enemy.

No American is more interested in a just, lasting and honorable peace than is our President. Has patriotism fallen so low in America that we would bow to the demands of the rabble hordes of the minority who cry for peace when there can be no just and lasting peace until communists everywhere cease their aggression. In the immortal language of Patrick Henry, let each American ask himself this heart searching question, "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid It Almighty God". Two hundred million Americans standing shoulder to shoulder in the defense of freedom and democracy could be invincible against any foe. Let us not forget that freedom was born in the spirit of "Give me liberty or give me death".

These left-wingers are more concerned with the philosophy of Marxism than they are with the glorious ideals of freedom set forth in the Declaration of Independence and the Constitution of the United States. These left-wing do-gooders would replace the New Testament concept of freedom and justice and the dignity of man with the teachings of Karl Marx's "Communist Manifesto."

These rabble-rousers, under the constitution, claim their right to dissent. Surely no true patriot would deny the right to peaceful dissent to any American, but when that dissent is organized and seeks to gain their goals through mass demonstrations and marches, reason is dethroned and is often replaced by mob psychology that leads to anarchy. Some of the leaders of these demonstrations are Communist inspired, and they have as their final objective the overthrow of this government and the destruction of the democratic process of government. In the framework of the constitution and under the due process of law, our constitution provides for us the opportunity of a redress of our grievances in the Courts of the land.

The only purpose achieved by these marches and mass demonstrations is that here at home class is pitted against class, and race against race that produces turmoil and strife in our social order.

What this country needs is a rebirth of patriotism and a deep and personal renewal in our dedication to the fundamental principles set forth in the preamble of the constitution of the American Legion. To-wit—"For God and Country we associate ourselves together for the following purposes—to uphold and defend the Constitution of the United States of America—to maintain law and order and to foster and perpetuate one hundred percent Americanism. To preserve the memories and instances of the great wars and to inculcate a sense of individual responsibility and obligation to community—State, and to the Nation. To combat the autocracy of both the classes and the masses and to make right the master of might. To promote peace and good will on earth and to safeguard and transmit to posterity the principles of freedom, justice and democracy. To consecrate and sanctify our comradeship and our devotion to mutual helpfulness."

It is well for us to memorialize and pay tribute to our fallen comrades—to those brave men who gave the last full measure of devotion that this Nation, under God, might not perish from the earth. The world will little note or long remember what we say here tonight, but free men everywhere will forever be indebted to those fallen heroes.

But let me solemnly remind you that lip service to their sacred memory will not be enough. We must translate our words into deeds of patriotic service—And to that end I have this day drafted a Resolution to be sent by telegram to our Commander in Chief, The President of the United States in pledging him our wholehearted support in standing fast against Communist aggression everywhere, but more especially in this crucial hour for his heroic stand against the Viet Cong and his continued search for an honorable and lasting peace. Now more than ever he needs our prayers and our support and the assurance that we are standing with him in this grave hour. Certainly we can do no less as a tribute to those who gave their all. To renege on our National commitments in South East Asia and yield to the demands of the critics of the administration and pull out of Vietnam would make America look like a sorry spectacle in the eyes of the world.

Peace be to the ashes of our heroic dead—calm and quiet may they rest upon some vine-clad hillside in God's Acre. Let no cunning sculpture, no monumental marble, deface with mocked dignity the graves of those who sleep in the bivouac of the dead, but rather let the unpruned vine and the wild flowers spill their fragrance over their ashes. May the free song of the uncaged birds sing their requiem around their graves. These departed heroes need no mausoleums, their epitaphs have forever been engraved in the hearts of free men everywhere.

A NEED FOR FACTUAL REPORTING IN RADIO AND TV COMMERCIALS

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, I have called on Mr. Paul Rand Dixon, Chairman of the Federal Trade Commission, and Mr. Dean Burch, Chairman of the Federal Communications Commission, to apply to radio and TV commercials sponsored by the American Cancer Society and the American Heart Association the same standards which are enforced against commercial advertisers; namely, the requirement that statements purporting to be factual must be factual and not unsupported speculation.

Advertising Age, a highly respected trade publication which obviously speaks for the responsible advertising industry in our Nation, recently commented on statements contained in advertisements regarding cigarette smoking sponsored by the above-named organizations and I want to insert the statement by Advertising Age in the RECORD at this point:

THE TRUTH SEEMS A LITTLE TWISTED

This is not an attempted defense of cigarets or cigaret advertising.

It is a simple affirmation of the belief that the rules of fairness, accuracy and truth in

> advertising should apply to *all* advertisers—including the American Cancer Society and the American Heart Assn.
>
> Commercials currently appearing on the air on behalf of these organizations—and they are very good commercials, as we have testified frequently—make untruthful and misleading statements which no commercial advertiser could hope to get away with.
>
> They should be stopped.
>
> These commercials say, without any qualification, that cigaret smoking, on the average, reduces a smoker's life by 8.3 years, and that every cigaret you smoke takes a minute of your life. These are wild, unsupported allegations. They should not be permitted on the air.
>
> The theory that "anything is all right if the right people do it" holds no water at all. *All* advertising should be truthful, in fact and in implication. This particular statement is neither. It should not be permitted.

When the Federal Communications Commission ruled under the so-called fairness doctrine that the radio and TV industry must air, free of charge, anticigarette commercials to give both sides of the smoking and health controversy, I protested that action as going beyond the authority of the FCC. I remain of that opinion. But if the radio and TV stations are going to be compelled to air these commercials, free of charge, at the very least the FCC can—and should—insure that they do not make wild, unsubstantiated, speculative allegations.

SDS "VENCEREMOS BRIGADE" TO CUBA

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, I have two items of information regarding the effort of the so-called Students for a Democratic Society—SDS—to send teams of young Americans to Communist Cuba to help Fidel Castro harvest that island's current sugar crop.

One of the items is quite disturbing and disheartening to me as I am certain it will be to you. The other is at least mildly encouraging.

I am speaking of the SDS "Venceremos Brigade," named after a Castro slogan meaning "we shall win." Originally, SDS intended that at least two groups of 150 each would go from the United States to Cuba for 2-month stints of work in Cuba's sugarcane fields. Participants would not only try to help Castro harvest a projected 10 million tons of sugar after a decade under communism in which Cuban sugar harvests have been a demonstrated failure. These young Americans would also engage in propagandizing the Cuban people with the alleged sins of the United States.

The first group is scheduled to leave for Havana the end of this month—November—and the second, the end of January. Depending upon how the first two make out, SDS anticipates sending other delegations of followers next spring.

I am pleased to report to you that as of early November, the campaign for volunteers to sign up for the sugar harvesting has fallen far short of announced goals so that presently SDS may only be sending 70 in each of the two groups ready to depart.

That is, as I said at the outset, mildly encouraging. At least it indicates even many of those of the extreme new left are not exactly swept off their feet by the prospect of sweating in Castro's canefields. Of course, it may also suggest that among elements of the radical militants in our country there is only a limited interest in hard work.

Now I come to the unpleasant news.

On October 29 and again on November 6, a Radio Havana English-language broadcaster identified as "Sandra" appealingly urged American youth interested in joining the brigade to hurry up and contact SDS representatives in a number of American cities.

Radio Havana then identified each of the representatives by name, address and ZIP code to make it easy for listeners to—and I quote from the October broadcast—"either see them personally or write to them."

I am alarmed when I find that an avowed enemy of the United States which, as recently as 1962, was in the process of installing Soviet nuclear missiles aimed at the ultimate destruction of key cities in the United States, today is so accepted by the extremists of America's new left it can beam over the Havana transmitters to our youth the names and addresses of its sympathizers and friends in such cities as New York; Cambridge, Mass.; San Francisco; Los Angeles; Columbus, Ohio; Cleveland, and Detroit.

During the investigation of SDS by the House Committee on Internal Security there were introduced in evidence highlights of articles appearing in the SDS publication New Left Notes. Included was a section from that document in which SDS explained the purpose of the Cuban adventure as follows:

> A brigade of 300 Americans (called the Venceremos brigade) is being organized to go down to Cuba and cut cane for the 1970 harvest. The brigade will be divided into two sections. . . . Members of the brigade will be recruited from activists in the revolutionary movement in this country: blacks, Latinos, white working class youth, students and dropout GI's.
>
> Political purposes of the brigade:
>
> 1. To politically, morally and materially support Cuba in the critical sugar harvest of 1970 with its goal of 10 million tons.
>
> 2. To educate people about imperialism and about the international revolution against imperialism. This will be accomplished through a well-developed education and propaganda program. The program will aim at developing an understanding of U.S. imperialism, not only in its most blatant militaristic aspects (as in Vietnam) but also its role in distorting and impeding economic development throughout the Third World.
>
> 3. To gain a practical understanding of the creative application of communist principles on a day-to-day basis. The New Left in the advanced capitalist countries has, in the last decade, clearly defined itself within the tradition of socialist and communist struggle begun a century ago. The American mass media and educational system have made the word communism into anathema; this experience will help us to develop ways of combatting anticommunism.

Mr. Speaker, this is a fairly clear explanation of how SDS views its mission in life—at least with respect to Cuba.

It is particularly significant to note that while the SDS has shown utter contempt for the United States and its laws and institutions, the brigade application form states that volunteers must obey all Cuban laws and explicitly warns that marihuana and other drugs and narcotics will not be tolerated because of "very stringent" drug laws in Cuba. The application also states "applicant should understand that the Cuban style of life is very different from ours. Historically, drugs have been used to oppress the Cuban people."

The Venceremos Brigade will be potentially the largest single group to defy the U.S. Government ban on travel to Communist Cuba. The Department of State has indicated it is powerless to act due to a recent Supreme Court decision allowing American citizens the right of unrestricted travel. This right of unrestricted travel is bound to have a significant impact on our society. It affords a hostile foreign government, like Communist Cuba, an opportunity to give specific instructions to young Americans regarding the policies the SDS or other subversive elements should pursue and what steps should be taken by these elements to undermine the free institutions of our society.

THE NEED FOR THE LEGAL SERVICES PROGRAM

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, there will soon be before the House a measure carrying a Senate amendment providing that the Governor of each State can exercise an absolute veto over the funding of any legal services program within his State by the Office of Economic Opportunity, the so-called Murphy amendment.

Mr. Maynard J. Toll, president of the National Legal Aid and Defender Association, has issued a statement explaining his association's opposition to the amendment. Because it will be of interest to all Members, I include in the RECORD the full text of Mr. Toll's brief statement:

> On Oct. 14 the Senate passed an amendment proposed by Senator George Murphy (R-Calif.) to the effect that the governor of each state would have an absolute veto over the funding of any Legal Services Program assisted by the Office of Economic Opportunity. Although another amendment has also been passed that would give the President power to override the governor's veto, it is unlikely that this safeguard will remain in any final bill agreed upon by the Senate and the House of Representatives. Through threatened use of this veto, a governor could impose crippling restrictions and curbs upon the activities of legal aid offices assisting the poor of this country.
>
> NLADA has strongly supported, to date, the Legal Services Program of OEO because its administrators have insisted that these programs for the poor provide the fullest range of services. This approach has demonstrated its practical idealism as evidenced by the response of the poverty community to these programs. To tell the poor now that legal services are to be cut back and that their lawyers cannot entertain cases of broad social significance would destroy all the gains already achieved by the program. More, the threat of restrictions would cause the poor to view the program as a paternalistic hand-

out meant to deceive but not to help effectively.

Throughout its 58-year history, NLADA has fought steadfastly for the principle that a poor person unable to pay legal fees should receive the same quality of effective legal services as his more affluent brother. To give the poor only certain "needed" or "desirable" services makes the "poor fellow", to use Senator Murphy's words, a second-rate citizen in legal negotiations and our halls of justice. In addition, the morale of the 2,000 new lawyers now working in these programs would suffer tremendously if their independence of action on behalf of the poor were curtailed and restricted. These advocates are now subject only to the ethical standards of the profession. All professional associations—NLADA, The American Bar Association, American Trial Lawyers Association, and the National Bar Association—have supported this program because it has assured this full independence to the lawyer and a total responsiveness to the needs of the poverty community.

Although I can speak only personally, I know that I voice the united feeling of our entire civil membership—500 offices and 2500 individual lawyers for the poor—when I express strong opposition to the action of the Senate on Oct. 14 in approving Senator Murphy's amendment on S. 3016, the Economic Opportunity Amendments of 1969.

NLADA, with headquarters at the American Bar Center in Chicago, is the national coordinating and standard-setting body of local legal aid and defender organizations. Last year, these offices provided legal advice and representation for more than 1½ million poor people.

UP-TO-DATE TESTIMONY SUPPORTS SST

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, one of our colleagues has quoted former Federal Aviation Administrator Lt. Gen. Elwood R. Quesada as opposing Federal Government participation in the development of an American supersonic transport. Quesada was further quoted as saying it was his opinion that false goals had been established in terms of time.

Mr. Speaker, these remarks were made last March prior to the successful flights of the Russian TU-144 and the British-French Concorde. Both these foreign-built SST's now have flown supersonically. The question of goals in terms of time has changed since March.

These goals have changed so much that the presidents of nine of America's leading airlines firmly support the U.S. development of the SST.

General Quesada is a director of American Airlines. And the president of American Airlines, just last month, October 20, wired the House Transportation Subcommittee that his company supported continued development of the SST. George A. Spater said:

> In my judgment, the technical and development work thus far accomplished on the U.S. supersonic transport makes it desirable to fund the prototype phase. We believe prototype development and testing is required to assure adequate experience leading to eventual production of U.S. supersonic commercial aircraft and continued world leadership of the U.S. aviation industry. You may make my views available to the Congressional Committees.

Mr. Spaters' statement makes clear the position of American Airlines.

As to General Quesada's desire for private financing of SST development, I am sure that most of us here would join him in this wish. However, Mr. Speaker, private financing is not available, as has been proved time and time again by the FAA, and when we are asked, probably tomorrow, to approve the President's request for $95.9 million for continued development of the SST prototypes. I urge my colleagues to support this request and maintain the supremacy of American aircraft technology, advance American labor, and back our American economy.

PACIFICATION ACHIEVEMENTS IN VIETNAM

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. BUCHANAN. Mr. Speaker, many things have been obscured by the continuing debate on the merits of the war in Vietnam. This debate has obscured the heroism and the determination of the young Americans who are fighting that war.

Also obscured are the efforts and the achievements of those men and women who are attempting to establish a permanent basis for the peace our troops are fighting to secure. Activities carried on by the Agency for International Development are helping to establish a condition of normalcy in the areas of Vietnam from which the fighting has receded.

A recent report by the officials of AID shows that through the use of USAID funds, this year's rice crop in South Vietnam will be the largest in the last 4 years. The introduction of "miracle rice," an expanded use of fertilizer, and a pacification program which is inducing farmers to return to their fields are promising to make South Vietnam self-sufficient by 1971.

This is the stuff of which a lasting peace is made. It is giving the people of this area a hope for the kind of peace they have not enjoyed in their lifetime.

These pacification achievements are reported in an article in the New York Times of November 9, by Tad Szulc. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article will be printed in the RECORD:

[From the New York Times, Nov. 9, 1969]

SOUTH VIETNAM EXPECTS MORE RICE

(By Tad Szulc)

WASHINGTON, November 8.—The rice crop in South Vietnam in the year ending next May is expected to be the biggest in the last four years, the Agency for International Development has reported.

The agency said this week that if the improvement in the rice production continued at this rate—along with progress in rural pacification, favorable weather and continued use of the "miracle rice" strain introduced by the United States—South Vietnam would be self-sufficient by 1971.

CROP FORECAST HIGH

The rice deficit is 220,000 tons this year, about 5 per cent of estimated consumption. United States-financed imports to cover the deficit are calculated at between $30-million and $35-million.

The imported rice is sold for piasters in South Vietnam, and the locally generated currency is used for internal purposes, ranging from development projects to defense.

The forecast for the 1969-70 crop is 5.094 million tons, compared with 4.3 million tons for the previous year—a drought period—and 5.556 million tons in 1964-65. From 1963 to 1967, the South Vietnamese rice production dropped by about one million tons annually and imports were high.

A.I.D. officials saw in the high forecast for this year a major accomplishment in terms of bringing normalcy back to South Vietnam. They stressed that this was due in part to the growing "security" in the countryside and the consequent return of farmers to their villages from refugee camps.

The officials said that, on Sept. 30, 1969, the Hamlet Evaluation System Index for relative security in Government-held areas had risen to 90.5 per cent, compared with 59.8 per cent in February, 1968, during the Tet offensive.

MILITARY IS A FACTOR

It was acknowledged, however, that both the security index and the rice production in the Mekong River Delta might suffer if Communist military activities there were stepped up this autumn, as suggested by current intelligence reports. Some 4,000 North Vietnamese troops have entered the Delta region since late last summer, according to these reports, to await the end of the Monsoon season this month pending new attacks.

About four-fifths of South Vietnam's rice is grown in the Delta and two provinces adjoining Saigon.

A.I.D. experts said that, in agricultural terms, the rise in the rice crop is attributable to a higher use of fertilizers imported from the United States, Taiwan and Japan as well as to the plantings in the short-grain "miracle rice" since 1968.

The "miracle rice" developed by the International Rice Research Institute in the Philippines, has a yield of two tons per acre as compared with less than a ton for the ordinary variety. About 8 per cent of South Vietnam's paddies are now planted with the "miracle rice."

NIXON'S CONSUMER MESSAGE COPIED FROM PRESIDENT KENNEDY'S MESSAGE OF OCTOBER 15, 1962

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Iowa. Mr. Speaker, President Nixon was inaugurated on January 20. In the months that followed, one of the questions of great interest was what would be his policy on consumer legislation. For 10 months and 10 days there was almost stone silence at the White House except to say that they needed more time to formulate a great important announcement. Finally on October 30, the Doorkeeper of the House, Fishbait Miller, appeared in the center aisle and said, "Mr. Speaker—a message from the President of the United States." It had arrived. The long-awaited message directed to consumers. It proclaimed that consumers shall have a bill of rights and was couched in such language as to indicate that it was an original document to be laid beside the Declaration of Independence and the Magna Carta and remembered for all time: but Mr. Speaker, I now find that this great document, which took 10 months and 10 days to prepare, was really a copy of one page from the consumer message John F. Kennedy sent to Congress 7½ years before—on March 15, 1962. The message lists the same four rights and is so much the same that I must assume that the same speechwriter has somehow managed to stay at the White House under this new administration. Since it took him 10 months and 10 days to find this document that was written 7½ years ago, he must be in such an obscure corner that nobody notices whether he is working. If it takes 10 months and 10 days to copy a former President's message, and this is to be the pattern of other messages we have been waiting on for so long, I suggest that it might save the Congress a lot of time, in lieu of a whole string of such messages that are now likely to come, if the President would just send up a 1-page request for permission to insert in the CONGRESSIONAL RECORD all the messages delivered by Presidents Kennedy and Johnson as if delivered by him. If he were to do that, he could reduce the rising cost of White House staff, help to balance the budget, or at least afford more time which is obviously needed for the White House speechwriters to research material for AGNEW's speeches.

COMMUNICATIONS GAP

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, Vice President SPIRO AGNEW did it again. He put his finger, as well as his words, on an area that can only be described as a "communications gap."

To quote the Vice President, in referring to national television news commentaries:

> No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power.
>
> So, nowhere should there be more conscientious responsibility exercised than by the news media. The question is . . . are we demanding enough of our television news presentations? And, are the men of this medium demanding enough of themselves?

Needless to say, the Vice President was speaking of a small band of network commentators and analysts, not the local television working reporters and editors in stations across the country, whose prime concern is to present a factual and concise report of the days events.

Mr. Speaker, I hope that I will not be sounding disrespectful if I take this time to say to the Vice President, "welcome to the club."

On July 27, 1967, I delivered in this very Chamber, and from this very microphone, a statement expressing the very same viewpoint.

If I might be permitted to quote my own words from that day:

> National commentators on television and radio decry what is happening today, but over many yesterdays they permitted their facilities to be used as incitement to riot, and now they, too, are reaping what they have sown.
>
> How many times have Stokely Carmichael and like figures been on "Meet the Press," "The Today Show," "Huntley-Brinkley," and countless other channels of national communication?
>
> A Stokely Carmichael calling for insurrection on a street corner soap box is a curiosity, a hippie talking to a few other hippies. But a Stokely Carmichael talking face to face to millions of people, recognized by those whose responsibility it is to make sober judgment about who to give mass exposure, is immediately transformed from an oddball to a national figure.

To those of you who would say that words such as these and those of Vice President AGNEW call for censorship of the news, let me reply with another quote from my July 27, 1967 statement:

> Does not every responsible news media in fact exercise censorship every day in determining who to quote, and what not to report, and who not to quote? For every interview that is carried are there not a dozen more that are not carried because of the simple and easily understood limitation of time and space? The same is true of the headlining and positioning of stories.

Hear once again the words of the Vice President:

> In the search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?
>
> These answers must come from the media men. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom wih their great responsibility.

Mr. Speaker, to the words of the Vice President of the United States, I can only add a heartfelt, "Amen."

FIGHTING CRIME: NOT THE EASY WAY BUT THE RIGHT WAY

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, we have heard a good deal in the last 2 years about the problems of crime in America. But we have heard precious little about solutions. President Nixon has sent to Congress a supposed anticrime package. Various other suggestions have been made for rearrangement or repair of laws already on the books, or for "quick and easy" solutions like preventive detention. Today I am happy to introduce, along with two colleagues on the Judiciary Committee, the gentleman from Indiana (Mr. JACOBS) and the gentleman from California (Mr. WALDIE), two bills which I believe can make a real contribution to the problem of crime in America. They will do this not by imposing harsher penalties on convicted defendants, not by shortcutting the guarantees of due process contained in our Constitution, but by finally providing some of the money and manpower necessary to make our criminal justice system work the way we intended it to.

TWO APPROACHES: PRETRIAL AND POSTCONVICTION

I have been most fortunate in addressing myself to the problems of crime reduction to have the benefit of valuable work done by the Department of Justice under the leadership of former Attorney General Ramsey Clark. During 1966 and 1967, the Department began work on a comprehensive bill to meet in a rational, effective and constitutional way the problems of rising crime in America—especially violent crime. This bill, tentatively labeled the Crime Reduction Act, was passed on to the new administration when it took office in 1969. I have been fortunate enough to obtain copies of this bill, no part of which has to my knowledge yet been presented to Congress. I have drawn heavily on the draft Crime Reduction Act in formulating the two bills which I introduce today. Because I believe that the problems of crime reduction may usefully be separated into pretrial and postconviction approaches, however, I have divided the Crime Reduction Act into two separate bills. The first I have called the Pretrial Crime Reduction Act. The second is the Correctional Services Improvement Act.

PRETRIAL CRIME REDUCTION ACT

I present the Pretrial Crime Reduction Act as an effective and constitutional way to deal with the problem of crime committed by defendants released prior to trial. I also frankly present it as an alternative to proposals for preventive detention which I consider both inconsistent with our traditional system of criminal justice and, as Senator SAM ERVIN has eloquently argued, unconstitutional. The Pretrial Crime Reduction Act does not rely for its effectiveness on throwing into jail "dangerous" defendants before they have had the benefit of their constitutionally guaranteed jury trial. It does provide the community protection against one-time offenders who, a judge determines, present a substantial risk of danger. It does this not by putting them in jail, but by four alternative techniques—all of which are constitutional and all of which will be effective if properly administered and funded. The four approaches contained in the Pretrial Crime Reduction Act are as follows:

First, speedy trials are required for all alleged violators of Federal criminal laws;

Second, the judge is given authority to consider the danger to the community of alleged offenders who have previously been convicted of a crime of violence, and to place such persons in the custody of a U.S. marshal during his pretrial release, or set such other conditions on the accused's release as he considers necessary to insure the safety of the community;

Third, a program of pretrial services agencies is established, on a demonstration basis, in five judicial districts and the District of Columbia, to provide supervision and needed counseling and medical services to released defendants, including assistance in finding employment, establishment of narcotic and alcoholic treatment centers, and other parole-type supervision; and

Fourth, additional penalties for crimes committed on pretrial release.

ALTERNATIVE TO PREVENTIVE DETENTION

I will not go into further detail here on the provisions of the Pretrial Crime Reduction Act. I am appending to my remarks today a section-by-section analysis of that bill which outlines its provisions. What I want to stress is that the Pretrial Crime Reduction Act is an approach to the problems of crime by defendants released prior to trial which does not rely on jailing criminal defendants before they are found guilt. It provides to the judge alternative methods to insure supervision and control of dangerous defendants, it provides pretrial services agencies with adequate resources to make those pretrial controls effective, and it insures that defendants are brought to trial quickly enough that the pretrial controls need be used only for a minimum time. Most important, by preserving the defendant's right to pretrial release in noncapital cases, the Pretrial Crime Reduction Act avoids the repugnant, and probably unconstitutional, alternative of preventive detention. It thus avoids that radical departure from our traditional presumption of innocence, and averts a likely confrontation with the Supreme Court by taking a more moderate approach to the problem of pretrial crime.

Preventive detention is undesirable for many reason: It is an overreaction to a problem of which we do not yet even know the full dimensions; it is probably unconstitutional, which means that ultimately some other alternative must be found anyway; it simply would not work as a practical matter because it would overload already overtaxed jails and correctional facilities, and because judges would hesitate to use it; and finally, it is a simplistic and easy answer to a complex and difficult problem. When we think of the damage caused by crimes committed by men released prior to trial—and no one really knows how much of such crime there is—preventive detention may sound like an easy answer. But when we consider the problem in the light of our traditional system of criminal justice—presumption of innocence, constitutional safeguards to insure the defendant's ability to prove his innocence at trial, guarantee of a trial by jury of one's peers—right to counsel, privilege against self-incrimination—when we look at preventive detention in light of these considerations, then it becomes quite obviously a short cut which will cancel out all the carefully constructed safeguards of the criminal justice system bulit up over almost 180 years.

For years we have starved the courts, jails, corrections systems. We have provided inadequate manpower and resources to our courts, jails and parole services—and now we wonder why the system does not work the way it should. The answer is not to cut corners on the defendant's constitutionally guaranteed rights; it is to begin to provide the resources necessary to make the criminal justice system work the way it was intended to. My bill does this. It establishes a congressional mandate for speedy trials. It requires each United States district court to inform the Judicial Conference, the Attorney General, and Congress within 1 year of the additional authorizations and appropriations which it will require to meet the speedy trial requirements established in this bill. At long last Congress will have a report from the men on the front line, the judges, marshals, baliffs, and defense counsels, prosecutors, and parole supervisors, of what they need to do the job we have asked them to do.

I urge my colleagues to study the proposals in the Pretrial Crime Reduction Act. It is a rational, effective and constitutional way to meet the problems of crime by defendants released prior to trial.

CRIME, RECIDIVISM, AND THE CORRECTIONS SYSTEM

There is no longer any serious doubt that our present methods of treatment of convicted criminal offenders have contributed significantly to skyrocketing crime rates. Recidivism rates are astronomically high. Many experts have maintained that our jails and prisons are nothing more than training schools for crime. As recently as last week, President Nixon called on Attorney General Mitchell to improve the quality of the Federal penal system and to make it a model for the Nation. Before that Chief Justice Warren Burger had made the same point—perhaps we have paid too much attention to what happened to the criminal defendant before he was convicted, while neglecting—both to his detriment and to our own—what happens to him after conviction. In short, our present methods of treatment of convicted offenders probably does more to promote subsequent crime than it does to deter or prevent it. This is largely the result of failure to distinguish among convicted criminals and failure to separate the hardened criminal from first-offenders and those capable of rehabilitation; in short, failure to individualize treatment.

But individualizing treatment takes resources and manpower. And here again we have starved our corrections systems and then wondered why they do not do the job of rehabilitation which we hoped they would. The sad truth is that many institutions are not "correctional" at all, they are "penal" in the most primitive sense of the word. They are facilities to keep troublesome citizens out of society's way, not to rehabilitate or reform them. Until we change our attitudes about the function of a corrections system—and provide the resources to make individualized, rehabilatory treatment possible—recidivism will continue to rise.

CORRECTIONAL SERVICES IMPROVEMENT ACT

The second bill which I am introducing today, the Correctional Services Improvement Act, will help to meet the need for improved correctional services at the Federal and State level. Again, I have drawn heavily on the Crime Reduction Act. My proposal deals with three broad aspects of the corrections system: Facilities, personnel and methods of treatment. I am not wedded to any of the specific provisions of the bill. Hopefully, the Justice Department will, in light of President Nixon's recent injunction to the Attorney General to improve the Federal corrections system, be submitting comprehensive reform proposals to Congress. Recently the Joint Commission on Correctional Manpower and Training made extensive recommendations for congressional action on corrections manpower which should probably be included in any bill which attempts to treat the entire problem of improving the corrections system. I welcome all suggestions which will lead to action.

IMPROVED CORRECTIONAL FACILITIES

The Correctional Services Improvement Act authorizes three separate but related programs to improve the individualized nature of Federal corrections facilities:

First. The bill authorizes the Attorney General to construct and operate certain new and modern types of correctional centers. These would include demonstration correctional centers for the commitment of persons sentenced to short terms and persons on probation or parole; regional youth correctional centers; and demonstration correctional centers for special offenders groups, such as the mentally ill, violent and dangerous offenders, and women. All such centers would provide educational, vocational, and recreational programs, health care and counseling, as well as special programs designed to meet the special needs of the persons committed to them. The emphasis would be on a nonprison atmosphere. States would have access to the facilities on a contractual basis for prisoners which they considered appropriate for commitment to them, and once the centers were operating they would be transferred, subject to appropriate conditions, to the States in which they are located.

Second. Related to the demonstration correctional centers constructed by the Federal Government, the act authorizes the Attorney General to work with appropriate State and local authorities to develop minimum standards concerning the construction, operation, services, personnel, training and programs of State and local jails and prisons. The Attorney General is authorized to contract with State and local governments to pay part or all of the annual costs of implementing the minimum standards. The bill does not require States to abide by the minimum standards set, but it encourages them to do so and provides incentives, in the form of Federal cost-sharing, to insure that the minimum standards agreed upon become uniform throughout the United States.

Third. The bill authorizes the Attorney General to commit prisoners in his custody to confinement in residential community treatment centers—so-called halfway houses—where they receive counseling and guidance during the period of transition between institutional life and life in the open community. The purpose is to expand the present Federal halfway house program to allow placement in them of persons on probation, prisoners released on parole, and prisoners released by operation of statutory good-time credit.

U.S. CORRECTIONS SERVICE

One title of the Correctional Services Improvement Act recognizes that an important part of the corrections problem is the fragmentation of our present effort. Under the present system probation and parole are conducted as part of the court system, while prisons and other institutional services are the responsibility of the executive branch. The bill would establish a U.S. Corrections Service. The Service would combine under a single direction the supervision of convicted persons, irrespective of whether they are confined in an institution, free in the community on probation or parole, or somewhere between complete confinement and complete freedom—in halfway houses, for example. This consolidation of responsibility would enhance the effectiveness of the entire Federal corrections process.

This title of the bill would also make changes in the membership and responsibility of the Advisory Corrections Council. The Council would continue to consider problems of treatment and correction, and would also consider problems of coordination and integration of policy among the branches of the Government having statutory responsibilities in the corrections area.

IMPROVING METHODS OF TREATMENT

Under present law, unless the sentencing court provides otherwise, a Federal prisoner must serve at least one-third of this sentence before he is eligible for parole. This leads many prisoners to develop attitudes of hopelessness and intractability. It also has adverse effects upon effort to rehabilitate such prisoners, especially younger offenders.

The Correctional Services Improvement Act would authorize the Board of Parole in most cases to release a Federal prisoner at such time as the Board determines that he has demonstrated a readiness for return to the community. It would not require such early release, but it would provide a flexibility to the Federal parole procedure which it does not now have and which it badly needs. The bill would allow a judge to specify that the prisoner could not be eligible for parole until he had served one-third of his sentence, but such a situation would not be the rule as it is under present law.

The bill would also change the present law governing time for conditional and unconditional release of persons between 18 and 26 who are sentenced under the Youth Corrections Act. The bill would change the times for conditional and unconditional release from the present 4 and 6 years, respectively, to two-thirds of the statutory maximum and the statutory maximum for the offense, respectively. This change is made to eliminate an inequity in the present law which led to youthful offenders being incarcerated for interstate transportation of stolen motor vehicles for longer periods than adult offenders convicted of the same crime.

Finally, the bill would provide a procedure for civil commitment of persons found not guilty of crimes by reason of insanity. Except for the District of Columbia, Federal law does not now provide for commitment of a person not guilty by reason of insanity at the time of the offense. Only temporary commitment and treatment of a person incompetent to stand trial are presently provided for. Even if a defendant poses a danger to himself or others because of his mental condition and has no fixed place of residence and no family, the U.S. attorney can only request the State to institute civil commitment proceedings. If the State refuses to take responsibility, the man goes free. The bill would require the U.S. attorney to initiate commitment proceedings whenever he has reasonable cause to believe that a person found not guilty by reason of insanity represents a danger to himself or to others, and provides procedures with appropriate safeguards for such civil commitment. The defendant's rights to be present, cross-examine witnesses, testify, and be represented by counsel even if indigent are all preserved, as is his right to test the validity of his confinement by habeas corpus.

THE NEED FOR ACTION NOW

Mr. Speaker, there is a crisis in law and order in America, but it exists not because the courts are coddling criminals or because the Supreme Court is releasing guilty defendants on "technicalities." The real crisis in law and order in America is in the inadequate personnel and resources which we have provided to courts, to correction institutions, and to the entire criminal justice system—judges, marshals, parole and probation supervisors, wardens, rehabilitation personnel for jails and prisons, and imaginative responses to the challenges of rehabilitation and reform. This is where the need for action is, and the need is now. I believe that the bills which I have introduced today provide a good start on a comprehensive solution to the problems of a starved criminal justice system which has not been allowed to grow to meet the needs of an expanding society. I invite other Members to join me in cosponsoring these bills. They provide an opportunity to do something—something meaningful and effective—for our constituents about the problem of crime in America. There are no shortcut answers to the problems of operating a fair system of criminal justice. That task takes men, it takes money, and it takes legislative initiatives. These bills point the way. They can be improved as I hope they will be. But we must start now.

The section-by-section analysis follows:

Section-by-Section Analysis of Pretrial Crime Reduction Act

TITLE I—SPEEDY TRIALS

Adds the following new sections to title 18, U.S.C.:

Section 3161: Requires that the trial of any defendant charged with an offense against the United States shall be commenced within 120 days, or in the case of a defendant charged with a crime of violence within 60 days, and provides a formula for determining the period of delay. The following periods are excluded in computing time:

(1) delays necessary to protect the defendant's rights (as for interlocutory appeals, sanity hearings, etc.);

(2) delays at the defendant's request;

(3) reasonable delays because of dismissal and reinstitution of the suit or because of joinder of the defendant's case with that of another when there is good cause for not granting a severance (in all other cases a severance must be granted);

(4) one delay not to exceed 60 days granted at the request of the U.S. Attorney upon good cause and special circumstances shown.

Section 3162: Sanctions—

(a) Provides that when defendant or counsel fails to proceed to trial on a specified date without justification, either may be punished for criminal contempt.

(b) Provides that when a defendant is not brought to trial within the time limits specified above, the information or indictment shall be dismissed and subsequent prosecution forever barred.

Section 3163: Effective Dates—

(a) Provides that the time limits in section 3161(a) shall apply to all defendants charged with (1) crimes of violence or (2) other crimes when the defendant has been continuously in custody beginning six months after the date of enactment of this Act.

(b) Provides that the time limits in section 3161(a) shall apply to all other offenses (except violations of the antitrust, securities or tax laws) beginning eighteen months after the date of enactment.

Section 3164: District Plans—

(a) Requires each United States district court to submit a plan for trial or other disposition of offenses within the time limits specified above not later than one year after enactment of this Act.

(b) Allows a district court to request, and the Judicial Conference to approve, suspensions or extensions of the above time limits. The requests, a copy of which must be sent to the Attorney General, must specify the necesasry authorizations and appropriations for additional judges, prosecutors, probations officers, full-time defense counsel, supporting personnel and other resources without which full compliance with the time limits cannot be achieved.

(c) Instructs the Judicial Conference to recommend within eighteen months (1) the districts in which time limits specified above should be suspended or extended, and (2) legislative proposals for appropriations necessary to achieve full compliance with such limits.

TITLE II—BAIL REFORM ACT COMMUNITY PROTECTION AMENDMENTS; PRETRIAL SERVICES AGENCIES

Section 201: Provides that when a person accused of a crime of violence, who has previously been convicted of such a crime, presents a substantial danger to the community, in addition to the conditions on pretrial release which may already be imposed under the Bail Reform Act the judge may (1) place the accused under the supervision of a United States marshal or other person during the period of his pretrial release, or (2) impose such other conditions on his release, except financial, as will reasonably assure the safety of the community.

Section 202. Provides that if a person is convicted of a crime of violence which was committed while he was on release under this title or while awaiting sentence, pending appeal or certiorari, or prior to commencement of serving a sentence, an additional sentence of up to three years may be imposed for such crime.

Section 203: Establishes on a demonstration basis in five judicial districts and in the District of Columbia pretrial services agencies to maintain effective supervision and control over defendants released under this title.

Provides for the appointment of directors of pretrial services agencies and other employees.

Defines the functions of pretrial services agencies including: preparation of reports on eligibility for pretrial release, supervision of defendants released prior to trial, establishment of halfway houses, addict and alcoholic treatment centers, and counselling services. The agencies would also inform the court of violations of pretrial release conditions, assist defendants to find employment or medical services, and prepare pretrial detention reports.

Requires annual reports to Congress on the operation and effectiveness of pretrial services agencies.

Sections 204–206: Technical amendments, definitions, and authorization of $2,000,000 over five years to carry out the above program.

FAIRNESS IN REPORTING THE NEWS

(Mr. DEL CLAWSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEL CLAWSON. Mr. Speaker, there is a propaganda technique. First you distort an issue and then you proceed to address yourself to your own distortion. This technique unfortunately is difficult to deal with when it is used in unison by individuals who may be the sole source of information for a large segment of the population with no firsthand knowledge of the accuracy of the impression conveyed. This, fortunately, is not the case with the Vice President's speech calling for fairness in reporting the news. Millions of Americans listened to the speech carried on all the networks. Those Americans know that he did not call for Government censorship of the news media, and yet we have been listening the last few days to spirited discussions of the evils of Government censorship as advocated by the Vice President. What the Vice President did call for was the same degree of fairness for the President of the United States as that we have witnessed for the leaders of the mobilization in Washington this past weekend. Over and over it has been pointed out with scrupulous fairness that the several thousand rock throwers at Dupont Circle represented only a fringe element, and that the "crazy kids" who broke windows, set fires, looted, and so forth are after all only a small minority, as are those who waved Vietcong flags. If the networks can be prompted to bend over backward to say a few kind words about the police who were hurt in the melee, as they have, surely they can be prompted to mix in among the critics of known hostility to the President, a proportion who will be, if not friendly to him, at least unbiased.

I recall a report some time ago by one commentator with a well-deserved reputation for objectivity, which revealed disturbing ignorance of the effect of a casual word on nationwide television. A constituent wrote to me concerning the commenator's report of an incident involving Army regulations. The commentator attested personally to the veracity of the story, but would not divulge the name of his informant, nor any details which would enable the Army to provide a specific reply. My constituent wrote:

> I would very much appreciate more information on this story so I can inform my voting friends of the completely stupid regulations our U.S. Army adheres to.

In response to a personal letter the commentator replied:

> I'm surprised at the fuss about that little broadcast story.

If the Vice President's speech does nothing more that make the broadcasting industry take a critical look at itself and become aware of the responsibility which accompanies power, something will have been gained.

VICE PRESIDENT AGNEW'S COMMENTS ON NEWS POLLUTION

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, most Americans laud Vice President AGNEW for his straightforward comments on the news pollution that has been spewed at the American people under the guise of news analysis. The surprising aspect was that he received a response from the presidents of the national networks, who tried to peal freedom of speech and public's right to know.

For years, the American people have been conscious that the major networks were using their mass communications powers to influence styles, morals, literary work, and politics. The American people are also becoming more and more aware that for the most part the networks have taken positions consistently against everything that is sacred and culturally important to our people.

It is totally dishonest for the authors of these attempts to control the minds of America to now claim sanctuary in freedom of speech and raise the bugaboo of Federal censorship. Individual Americans have many times felt the frustration of censorship imposed by the communications czars as their paid performing analysts parrot whatever line the opinionmakers choose to call news; promote their own "good guys" and berate the "bad guys" to their way of thinking; sit in judgment over America, making pronouncements of what is wrong and advancing their notions for remedy.

Free speech and free press cannot be twisted to legalize a monopoly under the control of the owners of the media to impose mental conditioning for programing consistent with predetermined goals. Free press and free speech belong to the people. They were intended to guarantee to the people the right to have honest information by full and impartial discussion and reporting.

Would Americans stand still for control of the air we breathe or the water we drink by a self-serving monopoly? Why then their information sources?

Consistent with Mr. AGNEW's report, it would appear that an investigation of the interlocking ownership of these national news services and consideration of possible antitrust action is appropriate.

I join with millions of Americans in warning against the dangerous news conglomerates.

An example of young American people catching on is a letter to the editor of the Tampa Tribune of November 10, 1969, which I include following my remarks:

PRESS IGNORES PATRIOTIC ACTS

PALM HARBOR.—May I say something on behalf of us young people who didn't take part in the moratorium?

I'm talking about the young adults who are not hippies, but are mature and responsible and take an active interest in their country. However, even though we are in the majority, we never make the news headlines.

We realize that it's a mess over in Vietnam, and we don't like the idea of our friends getting wounded and killed over there any more than anyone else. However, we also realize that being a leader of nations and being concerned with world peace there are risky responsibilities that go along with it.

What's vitally important is that we know that we must back up our boys in Vietnam, if anything, for their morale. These anti-American riots give the North Vietnamese even more incentive to kill the Americans, as they know that if the Americans do not support their troops, the troops will lose some of their initiative to fight. Therefore, we are playing right into the hands of the Communists.

The Communists said that they are going to overthrow us by undermining us and they are succeeding. The ironic part of it is that they are succeeding through the SDS and other such organizations because of our own democratic process of freedom of speech and freedom of assembly. The SDS say that they want peace in Vietnam—so does everyone else. They also say that they want to overthrow the American "imperialistic" government. Does that sound like the kind of peace Americans want, or the kind of peace the Communists want?

What's even sadder is the fact that there was little or nothing mentioned in the news media about the students at the Junior College and at other schools who participated in a program on moratorium day backing our country.

Because of freedom of the press, the SDS is able to obtain a tremendous amount of publicity. Yet, there was little or no word written about the students who went to school in suits, wearing an arm banner of the American flag, thus showing their support of our country and its policies, instead of demoralizing it. Another point, the news media quoted some Vietnam veterans saying why we shouldn't be in Vietnam. However, every Vietnam veteran with whom I have talked didn't like being over there, but they all realize that there is a need for us to be there. Why weren't the veterans with this point of view quoted?

The same thing happened in 1968, when hundreds of junior college students held a mock Republican convention at the St. Petersburg campus. One boy stood up and started saying how we should pull out of Vietnam and what an imperialistic government we have, etc. He was literally booed out of the auditorium. There were newspaper and television reporters at the convention, but no one heard about that patriotic incident. Why wasn't it mentioned? Was it left out because it was considered good news? Isn't it the press' responsibility to give equal amount of publicity to the other side of the story?

MARCIA RICKS (age 20).

MAJORITY OF AMERICANS WEARY OF POLICY OF NO-WIN WARS

(Mr. CAFFERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAFFERY. Mr. Speaker, it is my firm belief that the majority of Americans are weary of our policy of no-win wars whether they be in Korea, Vietnam, or at the Bay of Pigs. By not using our full power in these conflicts, we have allowed ourselves to gather the contempt of a good part of the world of nations, and we have invited constant conflict and revolution across the globe.

We have been trying to avoid a face-to-face confrontation with Russia and a third world war ever since the end of the Second World War. We have trimmed and paltered and we have walked round and round the issue. As Shakespeare said, we have been "sicklied o'er with the pale cast of thought."

During the last 25 years, we have spent $1.5 trillion on defense. The results have been frustration and stagnation in Korea, humiliation and defeat at the Bay of Pigs, and now the longest war in our history in Vietnam continues even though our leaders long ago disavowed any intention of sustaining a military victory.

Since 1945, our casualties have been in excess of 70,000 deaths and over 300,000 wounded. Over 20 million Americans have served in our Armed Forces. The average length of service is 3.5 years, so we can say that a total of 70 million man-years, prime years, I might add, have been invested in defense since World War II. This is the equivalent to a million lifetimes spent in the armed services.

We have spent $1.5 trillion.

We have spent 1 million lifetimes.

We have sustained over 300,000 wounded in battle.

We have suffered over 70,000 deaths in battle.

And for what?

We were humiliated in Korea.

We were humiliated at the Bay of Pigs.

We are being humiliated in Vietnam.

During this period, we have watched the Communists take over Yugoslavia, Albania, Bulgaria, Rumania, Czechoslovakia, North Korea, the Magyar Republic, China, East Germany, Poland, North Vietnam, and Cuba.

We have watched our prestige decline steadily for 25 years.

We have known no peace.

We have suffered and died and have known no victory.

Now many of our own youth are marching in protest across the Nation. Is it surprising that they do? Anyone below the age of 25 has never seen our Nation do anything but lose wars.

Those who protest the war in Vietnam are well publicized. It is my belief, however, that the heart of America is represented by a group far larger than those who protest the war and seek immediate withdrawal. This is a largely silent group made up of millions of Americans who are heartsick at the spectacle of our mighty Armed Forces being hamstrung, until this Nation is about to be humiliated once more in warfare by a small backward nation.

In recent weeks, we have witnessed and without doubt will witness in the future a great outpouring of protest at our continued presence in Vietnam. But let me suggest that if those who are dismayed by our policy of no-win wars in Korea and Vietnam should ever decide to take to the streets in protest, we would see the most massive demonstration in our history and it would not merely concentrate in our cities and in the Northeast. It would swell forth from every city, town, village, and hamlet across this Nation.

I strongly support the President of the United States in his efforts to bring about a just peace in Vietnam. But should his efforts fail and should the leaders in Hanoi continue to refuse to negotiate in good faith, I think a new course of action will be called for.

That course of action should not be immediate withdrawal. It should instead be a renewed commitment to victory by our Armed Forces.

It is my firm belief that in the next few months we will see a stirring in this country of those millions who fervently believe that there is no substitute for victory.

Thus far, we have been offered two choices in Vietnam. Choice No. 1—accept defeat or a stalemate and pull out immediately. Choice No. 2—accept defeat or a stalemate and pull out gradually.

The American people have never been offered the choice of victory.

I say it is time we return to the tradition of victory for the United States, regardless of the foe or the struggle. The agony of watching our young men commit their lives and their total future to battle, while we commit only a small part of our Nation's total power to the contest is destroying this Nation's will to defend itself.

In the past, it was an honor to serve one's Nation. Young men willingly left their schools, their jobs, and their families to fight and die on the beaches of Normandy or Iwo Jima.

During World War II, the civilian population gladly rationed itself in order to support the war effort.

Today the cry is for less defense spending and more butter at home.

Today there are many who question not only our obligation to defend ourselves and the free world, but whether we should bear arms at all. Whether we like it or not, our Nation is going through a vast rethinking and reevaluation of our military obligations. The outcome might result in an improved and more useful defense effort, or it might lead to a mounting tide of criticism against the Military Establishment that could revive the isolationism and pacificism that led to Pearl Harbor.

Is another Pearl Harbor possible?

I will answer that question with three more questions:

Are leaders in Red China any less power hungry than the Japanese leaders were in the late 1930's?

Is Fidel Castro, the Hitler of Havana, any more rational or any less an egomaniac than his German predecessor was in 1939?

Is worldwide communism any less dedicated to the destruction of democracy and free enterprise than were the supposed supermen of the Nazi Party in Germany?

To me the answer is clear. Nothing has changed. The price of liberty is still eternal vigilance. We must maintain our military might. Since being in the Congress, I have consistently voted for every military appropriation and every measure which would support our Armed Forces. But I have watched with dismay as our Nation seemed to lose its will and sense of direction. There is widespread dissatisfaction with our role in the world. To judge from the peace marches you would think our people desired to retreat from responsibilities and stay at home, hoping the world will take care of itself and that no harm will come to us. But that is not the true mood in the Nation.

I submit that it is not war weariness, not fear of the nuclear bomb, and not the rebellion of the young that is causing today's dissension. The real reason is that the American people are dissatisfied with the results of our foreign policy, especially as pertains to our national defense.

We are a nation that demands results. We do not mind paying the bill or making the sacrifice, but we want success as a result.

Take for instance, American business. No one really complains about the salesman's expense account as long as he brings in the sales. Or in sports, no one complains about how tough the football coach is as long as he is winning.

But let sales drop or the football team lose and you will hear a chorus of complaints—a chorus very much like the antimilitary chorus we hear today.

The American tradition is a tradition of success. This Nation rose to greatness in the eyes of the world because we believe in getting results. I say it is time to get results on the battlefield and success in our foreign policy. This is what the people of our Nation are really seeking—not retreat or defeat.

I believe there has been a great misreading of the American mood. When Senator EUGENE MCCARTHY scored so well in the New Hampshire primary against President Johnson it was trumpeted far and wide as a repudiation of Johnson's handling of the Vietnam war and as a victory for those who wanted out of that war. Recently a study conducted by the University of Michigan showed that for every one voter in New Hampshire who voted against Johnson because they wanted to withdraw from Vietnam, there were three voters who opposed Johnson because he refused to go all out for victory.

If we look back at the shifts in power in this Nation since 1945, we will see that the major reason for change has been dissatisfaction with our foreign policy and military ventures.

Eisenhower replaced the Democrats in the White House when a nation, weary of the no-win, no-end war in Korea, demanded someone who would bring the boys back home. No one demanded a return of the troops while we were pursuing the enemy. It was only when we stopped and gave the enemy sanctuary that we became disenchanted with winning that war.

In 1960, Jack Kennedy replaced the Republicans in the White House using the theme that our prestige abroad had fallen drastically under the Republicans. He said he would rebuild our stature in the eyes of the world, and our Nation responded and made him our President.

Later, in 1967, 1 year before he announced he would not seek reelection, President Johnson seemed an unbeatable foe for anyone seeking the White House. Now, he is out, and the Republicans are in power there.

Was it because our Nation was weary of defending freedom and wanted no more of war that brought about President Johnson's decision not to run, or was it because our Nation refused to support him further in a struggle our leaders refused to win?

In 1952, did our Nation replace the Democrats with Republicans because they had had enough in Korea, or was it because they were unwilling to send our boys into battle with an enemy that was allowed to hide behind the Yalu River whenever the action got too hot?

In 1960, did a narrow margin in a close election indicate we wanted to withdraw from a position of world respect and power, or did it indicate that our people were tired of our prestige dropping and wanted a young idealistic leader who could restore our image as a holder and defender of the torch of freedom?

Does the drift in policy over the last 8 agonizing years in Vietnam indicate we no longer have the will to oppose the Communists except on our own shores or does it mean that we have not been given the choice of victory?

The answers to these questions will be debated for years.

As for me, I feel the answer is strikingly apparent now. Our Nation is not weary of war—we are weary of defeat.

Our Nation is not weary of responsibility abroad—we are weary of retreat.

Our Nation is not indecisive as to its course in Vietnam—we merely refuse to choose between defeat now and defeat next year.

I say the time has come to speak again of victory.

I say it is time to speak about the spread of democracy around the world.

I say it is time to demonstrate not our weakness, but our strength—not our division, but our unity—not our ability to negotiate, but our determination to defend our freedom.

Our Nation has never been mightier, or its people more willing to deal with a changing world. The people of the United States want to have confidence, faith, and hope. They want to be united. We are at one of the decisive turning points in the history of humanity. We are rushing through days of incredible accomplishments, of glory and of tragedy. The new world we live in is unbelievably challenging, and it demands leadership with the courage to make needed changes and to dare to give us victory.

Or, as President Kennedy, a leader who fell in the service of his country stated:

> In the long history of the world only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shirk from this responsibility—I welcome it.

I believe there are still those who welcome the honor of defending freedom and who are ready to get on with the job our Founding Fathers started almost two centuries ago.

Thus far, they have been patient and enduring while our leaders have ignored them.

Now they are beginning to stir. The rumble of forces of greatness that have been held in check since 1945 are beginning to be heard from all corners of the land.

I hear the winds of freedom and honor and glory gathering across this Nation.

Let the leaders in Hanoi, Peking, and Moscow listen well. The leaders of Germany and Japan ignored those winds throughout the 1930's. In the 1940's they reaped that wind and saw the United States, a nation which seemed divided and isolationist, suddenly spring into action and crush their armies and liberate the world.

We did not march across Europe and the Pacific over two decades ago to make the world fair game for Russia and Red China.

Mr. Speaker, let us tell Hanoi now in loud and clear terms that the patience of our people is running short and they had better harken to the distant sounds of an approaching storm—a storm born in the frustration of Korea, the humiliation of the Bay of Pigs, and the agony of Vietnam. And let each of us here know that out there, across this Nation, the American people are waiting.

They are waiting for a return from fear.

They are waiting for the call for victory.

They are waiting for this Nation to once more pick up the torch of freedom and spread its light throughout the world.

NATIONAL GUARD ACTIVITIES DURING PEACE DEMONSTRATION IN THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. (Mr. Price of Illinois). Under a previous order of the House, the gentleman from Mississippi (Mr. Montgomery) is recognized for 60 minutes.

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, this past weekend, I had the opportunity and the duty to attend National Guard drill with the District of Columbia National Guard—I might say in a nonpay status. I was actually with this National Guard unit for 2 days, for most of the night Friday night, during Saturday, and for part of Saturday night. I would like to relate some of my experiences of this last weekend for the Members and give some of my opinions, and I would like to have the comments of any of my colleagues at any time.

Mr. Speaker, the Washington National Guard had the mission of supporting the Metropolitan Police Department and of protecting life and property during the demonstrations. The National Guardsmen Friday night, both Air and Army, were sworn in by Captain Dreschler of the Metropolitan Police, as special policemen with the authority to arrest and to stop lawbreakers.

Trouble broke out Friday night around 9 o'clock near DuPont Circle and the Embassy of South Vietnam.

Police Chief Jerry Wilson requested that guardsmen help in this area. Maj. Gen. Charles Southward, adjutant general of the District of Columbia Guard, sent two companies of the 163d MP battalion to the scene to help police. I might say that these units moved out from the District of Columbia Armory and moved into the vicinity of DuPont Circle and patroled Connecticut Avenue. They did have some effect in calming the situation which had almost gotten out of hand by 10:30 Friday night.

I might say, previous plans had been set up for guardsmen to take the place of policemen during the weekend, working at the six police districts around the city of Washington. These guardsmen moved to the different districts, where they would have a National Guardsman and a policeman riding in a scout car or a squad car patroling a certain area. By the guardsman being able to fill in for the policemen, this released more policemen to be in the vicinity where the demonstrations were taking place Friday and Saturday.

The 171st National Guard MP battalion was moved Friday night at 11 o'clock by the orders of General Southward into the new Federal Building on Pennsylvania Avenue back of the Blair House.

This battalion, Mr. Speaker, was designated as a reaction force, to be used anywhere the city requested. This battalion could be sent in 5 minutes to the area of the White House, to DuPont Circle, or to the Embassy of South Vietnam to help support the police and to keep order.

I had the opportunity to go with General Southward Friday night. He let me ride with him down to the command headquarters which is located in the city District Building. The command headquarters was called Mayor Washington's command post. General Southward left me at the command post downtown, and I observed the city command post operating for approximately 5 hours.

In my opinion, Mr. Speaker, there were three main reasons why there was not more violence during the demonstrations.

First, Mayor Washington made the right decision Friday night by not ordering a curfew. Some of the city officials had advised Mayor Washington that it would become imperative Friday night to have a curfew to bring order back to the area around the Embassy of South Vietnam and also DuPont Circle. I observed that Mayor Washington felt that possibly the curfew was not the answer. He made up his mind not to have a curfew. I agree with him. I believe it was the right decision, and to decide otherwise could have perhaps caused a "bloody mess" the next day.

One of the main reasons for not calling for a curfew, in my opinion, was that you had thousands of young people on the streets this last Friday night. If you were to call a curfew, they had no place to go. So you could not get them off the streets, anyway. It would have been hard to enforce. I think this was one of the key decisions made. By not having a curfew Friday night, you did not have a mean and ugly crowd all day Saturday.

Second, Mr. Speaker, the District of Columbia National Guard was strategically located throughout the town, which enabled the deployment of these units anywhere that they were needed. Friday night it did take a little time to move these National Guard units down to the area of the trouble. But later on Friday night the Guard units were placed strategically throughout the city and whenever they were needed they were quickly moved out of the Federal buildings and moved into the areas where the trouble was occurring. I might say that traffic conditions on Saturday and also on Friday were almost imposible as far as moving reinforcements into an area was concerned. It was almost impossible to do so if you did not have them previously strategically located.

Third, Mr. Speaker, one of the reasons why I believe we did not have more loss of property and/or deaths was the way that the metropolitan police handled themselves. They were polite, but also they were firm. Mr. Speaker, when they had to be firm they did their job. I was especially impressed with the civil disturbance unit of the Metropolitan

Police. This is a select unit. It has quite an esprit de corps within the Police Department. They are trained to go to civil disturbances and get the situation under control. I saw these police operate; I saw them sweep an area from the Washington Monument at about 7:30 Saturday night pushing some of the demonstrators off of the Washington Monument grounds. I might say some of these demonstrators were burning benches and had started trying to burn some of the trees.

I think they were mainly trying to keep warm, but they were destroying property. The Metropolitan Police moved in with some searchlights which were furnished by the National Guard and swept the area completely clean from the Washington Monument to the Lincoln Memorial. In fact, they moved the demonstrators who did not want to leave toward their buses, which were lined up in this area, and quite a few of the demonstrators got on the buses and headed back to the places from which they came. This total operation of maintaining law and order was under the direction of the office of the Attorney General of the United States. Mr. Kleindienst, the Assistant Attorney General, was in charge. The Under Secretary of the Army, Mr. Beal, also represented the Army and the military forces. Incidentally, Mr. Speaker, no Federal troops were deployed on the streets or used at any time during this demonstration. The situation was taken care of entirely by the Metropolitan Police and by the National Guard who actually put on the streets about 400 officers and guardsmen.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Iowa.

Mr. GROSS. I certainly commend the gentleman for his interest in this matter. Does the gentleman have any estimate as of this date as to the cost of this operation and who is going to pay for it or who has paid for it?

Mr. MONTGOMERY. As the gentleman well knows, the taxpayers will pay for it.

Mr. GROSS. Well, what taxpayers?

Mr. MONTGOMERY. I do not have any firm figures, but I would estimate that the cost to the taxpayers to pay the military, to pay the overtime for the policemen, the transportation, and, as the gentleman knows, there were around 200 to 300 buses which were rented and which encircled the White House——

Mr. GROSS. Rented by whom?

Mr. MONTGOMERY. To give the gentleman a figure, I would say between $800,000 and $1 million would be the cost to the Federal Government for these 2 days of demonstrations.

Mr. GROSS. Why the Federal Government?

Mr. MONTGOMERY. Well, that is who will bear the burden. I agree with the gentleman. We did not even collect the money that was due us as the result of Resurrection City. I am sure that the Federal Government will foot this bill also.

Mr. GROSS. This is highly expensive tourism, is it not?

Mr. MONTGOMERY. Very; yes.

If I may answer the gentleman further, if they continue these attacks and demonstrations, I think there will be about the same cost involved in the future, $800,000 to $1 million, per demonstration, and it is possible that we will not be as fortunate the next time, in that there may be lives lost and property destroyed. There was some civilian property destroyed in this demonstration.

Mr. GROSS. If the gentleman will yield further, do the gentleman's figures include the movement of Federal troops from Fort Bragg or Fort Campbell, Ky., that were brought to this area and quartered at Andrews Air Force Base and perhaps elsewhere?

Mr. MONTGOMERY. That is right.

Mr. GROSS. As well as the marines that were used to guard the Capitol. Do the gentleman's figures include all of this, plus the cost of the National Guard of the District of Columbia, plus the overtime of the police force of the District of Columbia, plus the Park Police and, I assume, our Capitol Police were out in force and will receive overtime pay or compensatory time off?

Mr. MONTGOMERY. I would say that my estimate does include what the gentleman mentioned, but it would be a conservative estimate. As the gentleman knows, I am a conservative and probably I have used conservative figures on the cost of this to the Federal Government.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I resent the extent to which the Federal Government goes in paying bills of this kind. I resent the fact that any part of this will be charged to the taxpayers of the State of Iowa. I think I know how the gentleman feels about his people in Mississippi in this regard. I can think of no valid reason why they should be loaded down with expenses of this kind, especially in view of the financial crisis that faces this country. I do not understand why we must be forced to underwrite expenditures for such a worthless purpose. I suppose there was a reason for turning off the lights at the Washington Monument Saturday night. Apparently it was because of intimidation by the horde that moved into Washington on Friday and Saturday. A historical site was darkened apparently because the authorities were intimidated. I do not know of any other reason for it.

Mr. MONTGOMERY. That is correct. I agree with what the gentleman has said. I would like to further comment about the Washington Monument. I do not know whether the gentleman knows it or not but the American flags were taken down early Saturday around the Washington Monument, by—I am pretty sure—the park personnel. I was looking from a Federal building about 4 o'clock in the afternoon Saturday afternoon as the crowd was breaking up at the Washington Monument—I was looking through binoculars—and I was shocked to see that so-called blue peace flags and Vietcong flags had taken the place of the American flags.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I am surprised to hear this. I did not see any pictures, nor read anything in the local newspapers about this. I knew the American flags had been taken down, but I did not know that they had been replaced with Vietcong flags, and with so-called peace flags.

In the first place, I do not understand why the U.S. flags were taken down from around the Washington Monument. Must we accept the fact that U.S. flags cannot fly around the Washington Monument when people of this type are in the city of Washington; that there are not enough troops or enough police available to see to it that the American flag flies where and when it customarily flies? Must the flag of the Republic be lowered to satisfy the whim of a mob?

Mr. MONTGOMERY. The gentleman is absolutely right. It was disgraceful to take down the American flags. They were taken down. All I can say is I hope this will never happen again. I hope I will never see such instances happen again in our Nation's Capital.

Mr. GROSS. What was the alleged Mayor of the city of Washington doing, and where were the other authorities when the flags were taken down, and at whose orders were these flags lowered? This I would like to know.

Mr. MONTGOMERY. I will try to answer the gentleman's question and say that possibly this was not at the order of the Mayor and the city officials to take down the flags. I would assume that this came from the National Park Service, and that they took the flags down.

Mr. GROSS. American flags should fly as they normally fly, regardless of the so-called moratorium marchers, or whoever they are, and it is about time the authorities understand that the people of this country expect that U.S. flags will fly at the Washington Monument or anywhere else.

Neither do I understand why these mobsters were permitted to lower the flag at the Justice Department building the other day.

Mr. MONTGOMERY. That is correct.

Mr. GROSS. I do not understand why the first man that laid his hands on the halyard to lower that flag was not immediately hauled off to jail; why those responsible ever permitted the lowering of the U.S. flag over that Federal building and raising the Vietcong flag in its place. I do not know what we have come to in this country of ours when acts of this kind are permitted.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for his comments. That is one of the reasons that I asked for this special order, so as to talk about these things which I saw firsthand, and to see if we can wake up America to some of these situations that certainly should not happen.

On Saturday night around 7 o'clock there was a move by a small group of demonstrators—those bent on trouble—to reach the White House. The National Guard was called, and two MP companies were moved out of one of the Federal buildings and ordered to go to 15th and Pennsylvania to reinforce the police. It certainly was a strange feeling to see military vehicles with sirens going, and red lights blinking, going in front of the White House in the darkness, going to protect the White House and its occupants—it is a strange feeling, I want to assure the gentleman from Iowa.

As I said, there were no Federal troops

deployed on the streets at any time. However, there were marines stationed in this Capitol. And I understand the 3d Infantry Regiment which is at Fort Myers, and is the honor guard at Arlington Cemetery, had the responsibility to be stationed in or near the White House.

The 82d Airborne and other Regular Army and military police units were stationed in Federal buildings or were stationed nearby to the Washington scene.

You know, the District of Columbia National Guard really did a good job as special policemen. These guardsmen in Washington have a rather peculiar position. In the sovereign States in civil disturbances, not only do you have city policemen, but you have county sheriffs and county officers and deputies and constables, and then after you have these to support the city officials when they have civil disturbances in a State, you have the State troopers that can be used.

But have you thought that here in Washington you only have the police and then you have the District of Columbia National Guard to back up the city police? After that you have to depend on the Federal troops.

Now since October of 1967, the District of Columbia National Guard has been called to active duty to work on and to settle civil disturbances 13 times—13 times since October of 1967. These units have been called on more than any other units in the United States. They have to be called away from their jobs to put down civil disturbances.

I might say that the morale of these guardsmen, whom I drilled with this last weekend—the morale was very good in spite of the many times they have to come out to the Armory and prepare themselves to meet a situation such as last weekend. I might say that most of these guardsmen are Government employees and college students. Your officers and NCO's and some of your enlisted men work for the Government, but 30 to 40 percent of your guardsmen in the District of Columbia are made up of college students who go to different colleges in the District of Columbia area.

Some commanders in the Washington National Guard have told me that in some cases the departments of Government are less cooperative in letting a guardsman off to come to drill than some employers in private enterprise. In other words, some of the department heads in Government give the commanders and the men in the National Guard a harder time than a man who runs a service station and who has only one attendant. Oftentimes a private businessman is more willing to let his employee go than some of these Government department heads. I say that this is wrong and that when a situation like this comes up, these department heads should cooperate.

In the callup for this weekend, 95 percent of the District of Columbia guardsmen reported for duty which is certainly commendable. The 5 percent that did not show up were too far away to come back over the weekend or were sick or some of them were not able to be contacted. But 95 percent out of a possible 100 percent is a very good average. It is about 5 percent over what was expected to show up this last weekend.

Now speaking of the antiwar demonstrators, I would like to give my estimate of the crowd. I would say that the number of people in Washington between Friday and early Sunday morning was between 250,000 and 300,000 people. It was certainly not as high as 800,000, as I have heard.

I might comment that I noticed some of these groups walking around and I talked to some of them. They came in pairs—a boy and a girl. They came mainly from colleges in this part of the country. For some reason, a large group of them were strangely dressed. Their dress was different from what we usually see. They almost had on costumes. Some of these young people, the ones I talked to, really do not know completely what the cause was—they heard a bus was coming and they had a friend and they paid their roundtrip and so they came to Washington.

We have talked about these groups and the damage done.

I certainly do not agree with any of the philosophy of what the demonstration called for. I really think it was unnecessary. As I said, many of the young people did not know exactly what they were there for. Several I talked to said, "Yes, I support President Nixon's program"—which was entirely off course, from what the moratorium was about.

Why they surrounded the Justice Department and why some of the demonstrators, 5,000 of them, went down there, I do not know. The Federal Government, through the Attorney General's Office or President Nixon's, has not taken a really active part in the cases or the court suits that are now going on in Chicago.

I heard some of the cries in the crowd, "Free Bobby Seale." I did not really follow this. Speaking of things shouted out, I heard some of these young people shout, "Ho, Ho, Ho, Ho Chi Minh. We have the Vietcong flag." And it just did not hit me right. It rubbed me and a lot of other Americans the wrong way.

The White House was protected by a large number of buses that were placed bumper to bumper and surrounded about two-thirds of the White House. They were used as a barrier in case there was trouble in trying to demonstrate near the White House.

The weather was a factor. The weather was a key factor. It was cold and miserable Friday night when, you might say, the ones who were the troublemakers arrived. They did not get much sleep. Saturday they were cold and tired, and it was cold Saturday, and after the demonstration at the Justice Department, a few of them came toward the White House. By 8 o'clock most of them were looking for warm places. Most of the young people had gone back to their buses from which they originally had come.

The cost was, in my estimation, to state a conservative estimate, between $800,000 and $1 million to the Federal Government. I am sure this demonstration slowed business in Washington. Several of the streets were blocked off all day Saturday.

Therefore, I know private enterprise was hurt by this demonstration.

We are very fortunate that no one was seriously hurt, and that there was a minimum amount of property destroyed. I would say that this will not happen to us again. Possibly if we have this large a number of people who would come back into Washington, we might not be as fortunate as we were this weekend, and possibly there could be serious violence. So I certainly hope that these demonstrations will not continue.

In closing I would like to say that this was quite an experience for me to meet, to drill, and to be with the District of Columbia National Guard and also to see how the police worked.

I have to commend the police, and the National Guard for the fine job that was done.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I certainly commend the gentleman for his very graphic eyewitness account of the events in Washington over the weekend as seen from the vantage point of a National Guardsman.

I was particularly shocked at the gentleman's account that the Vietnam flag was being flown at the base of the Washington Monument. This is certainly an affront to every American who wears the uniform of the United States proudly, or who has made the supreme sacrifice defending the American flag. Certainly all of the patriotic Americans can have nothing but condemnation for anyone who would desecrate the base of the Washington Monument by flying the flag of our enemies who are doing their utmost to kill brave Americans in Vietnam.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Iowa.

I would like to mention to the gentleman this was not a particularly mean crowd. There was a small group that would cause the problems and others would follow. I saw some of the young people crying. They did not know exactly what they were getting into, and they would get into something that was shameful and I think they were sorry themselves that they did it. I just cannot believe they will ever be able to rally that large a group to come back to Washington. Certainly I hope they cannot.

Mr. NICHOLS. Mr. Speaker, I am very pleased that my good friend and distinguished colleague from the State of Mississippi has asked me to join him in this special order to discuss the tragic situation which we witnessed in Washington over this past weekend. Over a quarter of a million young people descended on this city to march in the streets to protest the war in Vietnam. This occurred with total disregard for our President's plea for support for his peace efforts.

Most of these young people left their studies and cut classes to come to Washington. Many of them have parents who are making substantial sacrifices and in all cases are putting out a great deal of money so that their children can get an education and hopefully require some wisdom.

There was very little wisdom demonstrated during the last 3 days. Despite all the promises given to city and national officials, large numbers of the demonstrators broke their pledge to nonviolence and rioted, not only against the police, but against the law-abiding citizens of their country and against the members of their own ranks who kept their word.

Honor, integrity, and justice seem to have very little meaning for these protesters who use them so frequently and loosely. Apparently they only apply to other people, not to themselves. They seem to believe that they have a corner on truth and therefore are above the law.

Perhaps most important of all is the disregard and disdain they show for the democratic process. All of those who marched during the 3-day protest ignored the fact that this is a country built on law, an impartial and just law which protects them even as they break it. In many cases, the law has gone much further than it should to protect their rights while it ignores the rights of the great majority of the people of the country to be protected from their irresponsible and reprehensible activities.

We have a democratic system which allows dissent and protest by lawful and time-honored means. We have a free system of elections which allows all Americans to register their complaints and exercise free choice in electing new leaders. The only way that this system can continue to operate to protect the rights of all is for the minority to respect the choice of the majority and abide by their decisions.

Demonstrations such as we have witnessed for too long now, contribute to the breakdown of this system. I bitterly oppose those who would turn democracy into a street fight with the strongest deciding what is right and what is wrong. We saw this happen in Germany before the war, and those who are in the streets, abusing the name of democracy, should give careful thought to the implications of their actions.

Revolution, hiding under the cloak of democracy, will not be tolerated by those who have learned its true meaning by shedding their blood in its defense.

GENERAL LEAVE TO EXTEND

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ISRAEL IS DANGEROUSLY CLOSE TO BECOMING ANOTHER VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, the situation in the Middle East is deteriorating very rapidly and unless the United States makes a bold move toward supplying Israel with at least 200 Phantom jet fighters immediately, this gallant and brave nation may find herself in great peril of her very survival.

I have recently returned from a personal visit to Israel and there is no question in my mind about the determination and profound ability of the Israelis to defend their nation.

The will and the spirit of the Israel soldiers make up for whatever deficiency this gallant nation may have in armor.

But spirit alone is not enough when a nation like Israel is now confronted on all of her borders with the full force and fury of Arab terrorism and Arab aggression made possible by the Soviet Union's total rearming of the Arab States.

The United States and the free world can no longer ignore the fact that the Soviet Union has given Egypt 960 jet fighters since the 6-day war of 1967.

The Soviet Union has given Syria another 430 jet fighters.

The Soviet Union has given countless trucks, tanks, field artillery pieces, and every other military weapon that the Arab States need to wage aggression against Israel.

Mr. Speaker, the situation in the Middle East is more serious today than ever before and the great tragedy of our times is that Israel does not want anything from her friends—and in particular, the United States—except the military hardware with which to protect herself.

Israel does not want American soldiers. She does not want American mechanics to service whatever airplanes we give her. She does not want any official intervention by the United States, nor is she seeking any assistance from the U.S. 6th Fleet now in the Mediterranean.

The Israelis firmly believe they are fully capable of defending themselves if they can have, above all, the necessary aircraft for in that part of the world it is the effectiveness of the air force that spells the difference between survival and defeat.

It is inconceivable, in my judgment, for the free world to idly sit by and watch the Soviet Union totally rearm all of the Arab States and train Arab armies for meaningful aggression against Israel.

I believe that America can avoid involvement in the Middle East and I am encouraged by the fact that the Israelis do not seek our involvement.

But I believe the United States could take a lesson from the Soviet Union and adopt a new policy of providing our friends with maximum military hardware and minimum U.S. troops.

There is no Soviet soldier dying in Vietnam, in the Middle East, or in Korea. Yet, every enemy soldier who has been captured in either of these three theaters of operation is heavily armed with Soviet-made equipment.

Every one of these prisoners has Soviet-made rifles, uniforms, messkits, bullets, binoculars, shoes, and whatever other military needs he may have.

In Lebanon where the terrorist groups recently negotiated an agreement for new raids into Israel, they openly used Soviet trucks to move their forces and equipment to the Israel border.

If we really want to avoid a major war in the Middle East, we must help Israel become strong enough to defend herself against Nasser's public pronouncement that he and his Arab allies will drive Israel into the sea.

Mr. Speaker, five American Presidents have assured Israel that she will not be driven into the sea. I say to you that the United States need not be involved militarily in any Middle East conflict if we will have the presence of mind and the courage to help Israel set up a sufficient deterrent to Arab aggression.

Why is it that the Soviet Union has no qualm or compunction about openly rearming all of the Arab States? Why is it that the Soviet Union does not fear world reaction or a loss of any of her interests by openly training Arab forces for aggression in the Middle East?

What is it about the American State Department and the Defense Department which puts us into this facetious role of some sort of "parity" in arms in the Middle East?

This policy of parity—giving the Arabs the same degree of help that we give the Israelis—might have been valid prior to the Soviet Union's entry into the Middle East. But surely such a policy at this time is not only tragic, but totally ignores the fact that while the Arab States have unlimited access to arms and ammunition from Russia, we continue to keep Israel totally constrained in her ability to defend herself.

I respectfully submit, Mr. Speaker, that a continuation of this folly is the surest way to war in the Middle East.

It is of no comfort to me to know that the 6th Fleet is in the Mediterranean and could immediately respond to the help of the Israelis if an all-out Arab assault is waged against that country. We are now trying to extricate ourselves from our tragic involvement in Vietnam and I believe it is safe to predict that there are few Americans, if any, who want to see our Nation involved in yet another conflict. But I submit, Mr. Speaker, that the United States is not limited to one of only two alternatives—either helping Israel militarily or watching her go down to tragic defeat.

I submit there is a third alternative and one that we ought to adopt. This is the alternative of giving Israel whatever she needs to provide an effective deterrent to Arab aggression.

There is no question in my mind that once the Arab States realize that any attacks on Israel will prove futile and once the Arabs realize that they are not going to drive this gallant nation into the sea, perhaps then the Arabs and Israelis can get together and work out a lasting peace in the Middle East.

I think that the height of indignity is for the United States to insist that Israel shall only receive the kind of military aid from the United States that she can afford to pay for when the Arab States have a blank check from the Soviet Union to draw on for whatever possible conceivable military aid they need.

We cannot ignore the fact that Russia has given Egypt 960 jet fighters and Syria another 430.

The pilots of these fighters are now being trained by Soviet military experts and I say to you, Mr. Speaker, that it is only a matter of time before the full fury of this Soviet military aid to the Arab States is unleashed on the people of Israel.

Nor can we ignore the fact that the same terror tactics which have been so thoroughly tested by the Vietcong against innocent people in South Vietnam are now being used by Arab terrorists against the Israelis in Israel.

The world cannot remain oblivious to this growing use of terrorism as an instrument of aggression. The mayor of Tel Aviv told me of the great difficulties his administration is experiencing in dealing with these terrorists because most of the manpower of Tel Aviv is engaged in border guard duty with the Israel Army.

This whole technique of terrorism is something that the free world must learn to live with. We are now beginning to witness it in our own country. Do not dismiss the bombings of office buildings in New York as the work of cranks or sick minds.

Mr. Speaker, it is not my intention to either exaggerate or deal in hysteria. The people of Israel are calm and resolute and life goes on in the big cities fully mindful of the dangers that lie in the borders.

We have every reason to believe that Israel is fully capable of protecting herself and her nation but she needs military aid.

We must realize as Americans that there never again will be a ticker-tape parade down Wall Street marking the end of a huge conflict.

We must realize that there never again will be a battleship *Missouri* steaming into Tokyo harbor as it did in 1945 to accept total surrender. These new conflicts that face the world today have no formal beginning and no formal ending.

This is why America's new policy must place heaviest emphasis on sending military arms to our allies to help make them strong enough to help themselves before the conflict begins.

We must use our military arms as a deterrent.

A few months ago we had a big debate here in this Congress on the antiballistic-missile system and the proponents argued that perfection of this system will prove a deterrent to conflict.

I submit that that same logic prevails and applies to sending 200 Phantom jet fighters to Israel forthwith, not next year, not 3 years from now, but right now.

Nothing will bring peace to the Middle East faster and more assuredly and convince the Arabs that Israel is more than capable of protecting herself.

This is a policy that requires no American personnel; no American soldiers, but one that offers our allies meaningful help.

I know of no mandate for American troops to police the entire troubled world in these days of mounting conflict. It is for this reason that I do not urge the sending of one American soldier but we can no longer ignore the fact that the Soviet Union uses her military might in a much more effective way.

It is the height of folly to think that Russia wants peace when she continues to rearm nation after nation to wage aggression. We must realize this new technique of warfare and respond accordingly.

It is of no comfort to us that our representatives and Soviet representatives meet in Helsinki to being talks on nuclear disarmament.

Of course, the Soviet Union will agree to placing limitations on strategic missiles when all over this world the Soviet Union is sending to aggressor nations the day-to-day sinews for terror, subversion, and conventional aggression.

We can have all the controls in the world on strategic missiles between the United States and Russia and yet see most of mankind fall captive to the Communist conspiracy.

When are the statemen of this country going to realize that the Soviet Union plays a series of options at one time?

She is talking peace in Helsinki and waging war in the Gaza Strip.

Our Nation has to learn to use its options the very same way that the Soviets have used their options over the past 22 years.

During the past two decades the Soviets have kept us off balance and we respond to, instead of anticipating, their actions.

It is high time that the United States took the initiative and I submit, Mr. Speaker, that the place to start is to send to Israel 200 jet fighters immediately.

The 50 fighters that she is buying from America ought to be included in this package.

One final word. In my judgment, it is the height of folly for anyone to suggest that the Israelis would use these fighters to wage new aggression against the Arabs.

The 6-day war was necessitated by 20 years of constant aggression and harassment by the Arab States.

Ten days ago I stood on the mountains of the Golan Heights and I personally examined the Syrian embankments there. I saw the moment in which the Syrians were able to harass the Israelis from these excellent strategic vantage points.

I examined a kibbutz near the Jordan River which had been bombarded by the Syrians every night to the extent that a whole generation grew up spending every evening and nighttime in a bomb shelter.

The 6-day war was a necessity to give Israel a chance to breathe but I submit to you, Mr. Speaker and my colleagues, that to suggest to me that the Israelis want to keep all of the liberated territories or that they seek more is to ignore the realities of life and to fail to understand the nature of the Israelis themselves.

I submit that the Jewish people did not struggle for 2,000 years to get their own homeland only to become a minority in their own country.

There is no question in my mind that if and when the Arabs give Israel unequivocal guarantees of Israel's sovereign ty and full and free access to all the waterways, the Israelis will be more than anxious to discuss with the Arabs the return of these territories. Obviously, the Israelis will retain some of the territory for reasons that are beyond contradiction, but I believe it would be foolish to suggest that somehow or other the Israelis want to keep all the territories they won in the 6-day war. To do so would give them control over such vast expanses of land and population that they would become a minority in their own country.

THE WASTE-TREATMENT CONSTRUCTION GRANT PROGRAM: HOW MUCH TO INVEST THEREIN THIS YEAR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 30 minutes.

Mr. ROBISON. Mr. Speaker, now that the other body has completed its consideration of the 1970 Public Works appropriation bill, the question of how much to invest—during what remains of this fiscal year—in the Department of Interior's waste-treatment construction grant program again becomes a matter of some concern to this House.

As my colleagues will well remember, when this issue was before us on October 8 the House decided, after considerable debate, to appropriate $600 million in new obligational authority for the purposes of this important program which sum, together with available unobligated balances of $64.9 million carried over at the end of the last fiscal year, would have provided a total grant program of about $665 million for the construction of waste-treatment works, as authorized by the Clean Water Restoration Act of 1966 to abate our national water-pollution problem.

The vote on this in the Committee of the Whole, as all will recall, was a close one—coming in the face of a concerted drive on the part of some of our colleagues for the "full funding" of this program at the $1 billion authorized figure.

I thought then—and still think—that we made a responsible and wholly defensible decision, tripling as we did the prior year's appropriation for this item in a year when the demand for budgetary restraint was so clearly obvious; and in light, too, of what we could determine as the probable top figure that the Department of Interior, in its most objective moments, would tell us that it could put to use in what remains of this fiscal year.

However, it will soon be necessary for us to again go over much of the same ground for the other body, in its separate wisdom—a phrase I prefer to use though there evidently is a bit of "one-upmanship" in all this—has now decided to fund this program at the full authorization figure of $1 billion; to "fully fund" it, that is, in the sense that phrase was urged upon us in those weeks leading up to October 8.

Now, Mr. Speaker, considering the great political appeal this program has, and considering the undeniable need for faster progress to be made thereunder—which means an increased level of Federal support—it is tempting for all of us to now say "So be it," to the action taken by the other body, thus bowing in advance to the new wave of lobbying pressure for "full funding" that will soon again engulf us.

That pressure will undoubtedly reach its peak when, as this bill gets ready to move to conference, a motion will be made to instruct the House conferees to accept the other body's $1 billion bid for popular approval, as further evidence of our support for this program.

I do not happen to believe—generally speaking—in the practice of so instructing any conferees. I think many of my colleagues share that viewpoint, but it is clear, in advance, that it will be difficult for anyone, politically speaking, to vote against such a motion in this instance.

These remarks, then, have been prepared with that thought in mind—it being my purpose, if I can, to encourage in advance of that vote some objective consideration of that question of "full funding" of this program, with especial reference to what "full funding" can or cannot accomplish.

If my colleagues, Mr. Speaker, will think back to the debate we had last month on this same question, most of them will recall that it was brought out in the course thereof that there is something badly wrong with the allocation formula under which funds for this program are made available to the interested municipalities in the several States. As we discovered, 17 States—along with Guam, Puerto Rico, and the Virgin Islands—were more than fully funded under that formula even at the original $214 million budgetary request, this being on the basis of their reported need for Federal assistance under this program as totaled up from applications pending at regional FWPCA offices or at State agencies, and from applications in some stage of progress at the local level but not yet formalized. At the $600 million House figure these same 17 States—and territories—already fully funded and, in fact, enjoying under the allocation formula an actual surplus over their reported need at the $214-million figure, would see that surplus escalated from $37.9 million to over $101 million. Clearly, there is an urgent need for Congress to review and revise that allocation formula.

But, to move on, eight additional States would become fully funded—on the same basis of total reported need—under the $600 million House figure and would also, for reasons relating back to the workings of the present allocation formula, receive at least a temporary surplus over their total reported need for funds under this program of $41.2 million.

Thus, to sum up so far, at the House figure of $600 million for the purposes of this program, 25 States would be fully funded—indeed, overfunded—under any definition of that phrase.

At this point, it needs to be stated, I suppose, that the figures I am using are those as supplied me by the Federal Water Pollution Control Commission, and were current as of August 31 of this year.

Now, Mr. Speaker, it would seem to become necessary to consider a bit more fully what we mean by "fully funded."

Do we mean, thereby, simply the appropriation of the full authorization of $1 billion for this fiscal year?

Or do we mean to appropriate whatever we can decide is actually going to be required under this program by the States in the balance of this fiscal year?

It seems to me, Mr. Speaker, that if the appropriation process is going to continue to mean anything we ought to try to fund any program before us only at that level which we can determine—and agree upon—could reasonably be obligated during the fiscal year in question.

Though there has been some backing and filling on this point, Interior continues to say—as best I know—that this would be $600 million, at the most. And it is important to remember, in this connection, that we are talking about obligations—not expenditures—for, since the Federal grants, as I understand, do not go out until a project is 25 percent complete, it is safe to assume that the expenditure level for this program will not rise very much during the balance of this fiscal year no matter how much we eventually decide to appropriate for it. I don't know, Mr. Speaker, if many of my colleagues are still very interested in this aspect of our budgetary decisions, even though we have previously seen fit to impose a spending-ceiling of sorts on the President; but if any are so concerned, they may take some comfort from what I have just said.

In any event, what now of those remaining 25 States who do not seem, at first glance, to be fully funded—in the broadest sense of that phrase—at the House figure of $600 million?

Well, seven of those States—Alaska, Connecticut, Hawaii, Massachusetts, Minnesota, Rhode Island, and Vermont, along with the District of Columbia, would really be fully funded for all practical intents and purposes, though now in a narrower sense of that phrase, at the $600-million level since the allocations they would then receive would more than cover the respective dollar totals of all the grant applications they have pending at regional FWPCA or State purewater offices. Besides which, they collectively would become entitled at that level to an additional $28 million, or thereabouts, to apply eventually to their reported backlog of local need, as represented by applications for grant moneys that are now in some stage of preparation back at the municipal level, but which will probably not actually be filed for months—in some cases, perhaps, years—yet to come.

This, then, leaves 18 "problem" States for us to consider—the problem in connection therewith being one that, because of that allocation formula, we cannot really resolve whether we decide to stay at the House figure of $600 million, or adopt the other body's $1 billion figure, or opt—as seems a likely result of the forthcoming conference—for some "splitting of the difference" between the two.

I would ask my colleagues to take note, Mr. Speaker, of the fact that, to come closer to "full funding" as we have here on the House side, we have already had to vote to overfund 32 States—under that obsolete allocation formula—to the tune of nearly $210 million just on the basis of their "action backlog" of applications pending at those regional FWPCA or State offices.

If we were now to decide to force the House conferees, in advance, to accept the other body's $1 billion figure—thereby improving the lot of those remaining 18 States but still, please note, without coming close to meeting the apparent needs of at least seven of them—the overfunding that would then be produced insofar as pending applications were concerned would rise to nearly $437 million.

Mr. Speaker, it strikes me that this is simply not a very efficient way for us to be trying to advance the purposes of this program—and that what we ought to be concentrating on, instead, is ways and means to review and revise that obsolete allocation formula, and how to nail down the matter of reimbursing those States who have been going ahead on their own—in advance of Federal assistance—in meeting their pollution-abatement goals, on which subject more in a moment.

Now it is, of course, true that, at the $1 billion level, we can "fully fund"—again on that basis of dollar totals of pending applications—eight of those remaining States, these being California, Illinois, Missouri, New Hampshire, Ohio, Virginia, Washington, and Wisconsin. And I should think Tennessee should also be added to this list since its application backlog totals $21,278,986 against which it would receive—at the $1 billion level—$21,083,396, or close enough to cover, one would think, the actual need.

As a matter of fact, both Michigan and Nevada—assuming some administrative "slippage"—would also be so close to being covered at the $1 billion level that, for all practical intents and purposes, they, too, could be said to be "fully funded."

This, then, would still leave seven States—Florida, Indiana, Maine, Maryland, New Jersey, New York, and Oregon—on paper considerably less than "fully funded" on the basis we have been talking about, please note, even at the other body's $1 billion figure. My own State of New York, Mr. Speaker, is the best example of this problem since its pending, filed, applications total up to $202,279,540, against which—even at the $1 billion level—it would receive only $89,223,166.

And, Mr. Speaker, there is nothing we can do about this situation unless and until we change that allocation formula.

Now, of course, it is true—and let me be the first to admit it—that, at the other body's $1 billion figure, New York will become entitled to receive under that allocation formula for the purposes of this program that $89,223,166, or a bit short of $37 million more than it would become entitled to under the House's $600 million figure.

Why, then, do I not grab for that without any questions?

Well, precisely because, Mr. Speaker, I have not yet been able to determine what New York's true "action backlog" really is.

I have already mentioned the probability of some administrative "slippages" in connection with Tennessee, Michigan, and Nevada; but such "slippages"—that relate to administrative capacities to more than triple the pace of progress under this program at both State and local level, as well as the Federal, levels—will apply in all States.

In addition to which, since the FWPCA does not, as I understand, require a municipality on filing an application for grant moneys to certify as to its financial readiness to proceed with construction of its project, once Federal assistance is forthcoming, we now have no way really of knowing how many local municipal entities—even in a State with such a large paper backlog of need as New York—are really ready to go ahead with their project if the level of Federal assistance is pushed on up to the other body's $1 billion figure. This is a problem, I might mention, that has been made even more difficult of estimation by virtue of the fact that this Congress, in its zeal for tax-reform, has unintentionally brought some added uncertainties of performance to the municipal bond markets.

And then, finally, Mr. Speaker, one also has to consider the capacity of design engineers, as well as the construction and equipment industries, to handle, all at once, a vastly expanded workload of progress under this important program.

What I am, therefore, saying is that, while it is of course politically tempting to accept in advance the other body's "one-upmanship" to the full $1 billion funding for this program, it is still obvious that nowhere that amount could possibly be obligated during the balance of this fiscal year for this program's purposes—a program, need I say, that I support just as strongly as anyone in this body—and that, therefore, the House conferees ought to be left free to work out the best and most responsible compromise they could with the conferees from the other body.

Now, quickly—for I know this will be brought to my colleagues' attention—what is wrong with putting whatever might be left over from that $1 billion into this program's "pipeline," so to speak, for eventual reallocation to those demonstrably more needy States or, as I have mentioned, toward reimbursement of those few States, including New York, that have been making their own progress toward water-pollution abatement in advance of Federal assistance under this program?

The answer is, nothing, really—except this would be an inordinately clumsy way of trying to get around a bad allocation formula that is in urgent need of revision. We would "get around" that formula only in the sense that these extra "pipeline" moneys—in about 13 or 14 months from now—would eventually become available for reallocation by FWPCA to those States whose needs are greater under the program, or who have been making faster progress thereunder.

And, then, there is that question of reimbursement. In light of their own assessment of need within their borders, and also probably in light of the low level of Federal appropriations under this program to date, certain States have begun to prefinance waste-treatment projects in anticipation of subsequent Federal reimbursement to the extent of the normal Federal share. Three of our seven "problem" States—Maine, Maryland, and New York—fall in this category, along with Connecticut, Massachusetts, Vermont, and Pennsylvania as well as, perhaps, a few others. New York, I am proud to note, is well advanced in trying to step up its own attack on pollution through this method.

However, the reimbursement provisions of the Federal Water Pollution Control Act are unfortunately fuzzy as to how all this is to work. At best, the prefinancing States would seem to have only a sort of moral claim—rather than a legal claim—to eventual reimbursement, giving us here again further impetus for an early overhaul of the basic act. I have seen a rather wide variety of figures supposedly representing how much is currently "owed" the eligible States in way of reimbursement. One of the Members of the other body recently inserted a table in the CONGRESSIONAL RECORD—see page 33873 on November 12—showing a total of State funds so advanced as being $292,944,000. During our own subcommittee hearings earlier this year, the FWPCA told us that there was a possible, eventual Federal obligation under this procedure of close to $575 million. Whatever the true figure, however, it would seem clear that our especial "problem" States would not be appreciably helped toward reimbursement—except at the expense of new projects within their borders—by accepting the other body's $1 billion figure since, again under the allocation formula, they would have to wait up to a year and a half or so from now for the surplus moneys from the overfunded States to be released to them by way of reimbursement.

So, once again, Mr. Speaker, I would argue that for Congress to now vote the full $1 billion authorization for this program's purposes will not solve the problems we face with this program—and that those problems can only really be solved through some restructuring of the law under which it now operates.

And, now, at this late hour still another factor has been added to the issues we must consider in connection with all this by release of a General Accounting Office examination—and report thereon—into the effectiveness of this program.

As submitted to Congress week before last by the Comptroller General, this is a rather critical report, containing significant findings, conclusions, and recommendations which merit early and detailed congressional review and consideration. It seems clear from my own preliminary review of this material that, once again, extensive amendments are needed by the basic act—not only for the reasons I have already stated, but also if the program is to yield more effective results.

The thrust of the GAO's recommendations is that, before additional large sums of Federal moneys are invested in this program, Congress should endeavor to insure a more careful analysis of our nationwide problem with polluted waters, and find a more systematic means of awarding construction grant moneys so as to obtain greater benefits therefrom—with which basic premise Interior seems to agree, while expressing its serious reservations about some other aspects of GAO's conclusions and recommendations.

A major finding by GAO is that—

> The construction grant program has been administered for the most part using a shotgun approach—awarding construction grants on a first-come—first-served or readiness-to-proceed basis.

To corrrect this situation, GAO recommends that the Secretary of the Interior require the States, in establishing priorities for the construction of waste-treatment facilities, and the Federal Water Pollution Control Administration, in approving grants, give consideration to, first, the benefits to be derived from such facilities, and second, the actions taken, or planned to be taken, by other polluters of the waterways. In response, the Department states it is already moving strongly in this direction and is currently completing a comprehensive review of the construction grants issue of which consideration of State priority systems is a major part.

Both GAO and the Department, however, point out that the Department's authority to require improvements in State priority systems is limited under the terms of the Federal Water Pollution Control Act. The present act provides that State priorities be based on financial and water pollution control needs. It appears necessary, therefore, as GAO suggests, that Congress consider amending the act to provide that priorities for grant awards be established on the basis of benefits to be realized.

The Department of the Interior also points out properly that—

> Although improved priority systems are needed, they in themselves will be of limited value unless those communities contributing the most serious problems can be persuaded or compelled to move forward promptly with construction applications. * * * To be realistic, we must recognize that grants cannot be awarded to communities which are not ready or willing to undertake construction.

Another major issue arising from the report concerns GAO's recommendation that—

> Congress consider requiring the Department of the Interior to provide for interim goals and to allow communities to construct less than secondary treatment facilities when it can be demonstrated that a lesser degree of treatment will result in water quality enhancement commensurate with present and future water uses.

The Department of the Interior, however, has taken the position that providing for less than secondary treatment would not be acceptable. The Department states, in its comments, that—

> History has shown that deterioration of many waters has been the inevitable accompaniment of economic growth because past treatment goals were set too low. * * * Secondary treatment, and treatment levels beyond that, should be considered a necessary goal to allow us to get ahead with the pollution problem—to prevent pollution rather than wait to abate it after damage has occurred.

Mr. Speaker, I firmly believe these issues, and the others covered by this report—it being my intention to ask permission to insert chapter II therefrom, encompassing GAO's "Conclusions, Recommendations and Matters for Consideration by the Congress" in the RECORD at the conclusion of these remarks for the information of such of my colleagues as have not yet seen the same—must be resolved by the administration and the Congress if effective program results are to be achieved and vastly increased funding levels for this basic program fully warranted.

Before inserting that material, however, I should like to attempt to refute the implication contained in one account of the release of this report as carried in the November 8, 1969, issue of the New York Times, entitled "Politics and Pollution." The writer's suggestion that the report was issued now to assist the administration in winning its fight over the budgetary aspects of the issue we face is, I believe, utterly without foundation. It is obvious, merely from reading this very thorough examination of how this program has been working—or not working—from a cost-efficiency standpoint, that the report has been "in the works" for some time; and to question the integrity and independence of the GAO is about as baseless as to argue, as did the Times' reporter, that the report's usefulness is suspect because it was "made by fiscal people rather than water experts."

Mr. Speaker, I would be the first to deplore any mixing of "politics and pollution," for the scope and magnitude of our Nation's—and the world's—environmental challenges are such as to demand nothing less of any of us than the greatest wisdom and objectivity we can bring to bear upon their solution.

This, I think, is equally apt when we consider most of our other immediate challenges and the great issues of the day. So, I would fully agree with the new managing editor of the Times, A. M. Rosenthal, in his recent statement that:

> The duty of every reporter and editor is to strive for as much objectivity as humanly possible. . . . The turmoil in the country is so widespread, voices and passion are at such a pitch, that a newspaper that keeps cool and fair makes a positive, fundamental contribution without which the country would be infinitely poorer.

Precisely so, Mr. Rosenthal, but then—even granting that headline writers carry different responsibilities than do reporters—why was it that, unlike the headline that appeared in the most influential newspaper in my district on the day after the House vote to increase funding for this program to $600 million, which proclaimed: "House Triple Nixon Clean-River Bid," the Times' rather critical account of the same action appeared under this headline: "House Limits Funds for Clean Water"?

Be that as it may, Mr. Speaker—and I expect no answer to my rhetorical question—let me sum up by saying: We do not solve our problem with polluted water by merely voting the top dollar allowed us for a program that stands badly in need of review, and we do violence to the concept of responsible budgeting—and responsible legislating—by voting even a program as important as this one far more money than can be efficiently used for it merely to again show our support of its purposes.

The material, as taken from the GAO report, now follows:

Chapter 2. Conclusions, Recommendations, and Matters for Consideration by the Congress

CONCLUSIONS

During fiscal years 1957 through 1969, FWPCA awarded grants of about $1.2 billion for the construction of more than 9,400 waste treatment projects having a total estimated cost of about $5.4 billion. Generally, these projects have contributed to abating water pollution because the water pollution problem would have been worse if these projects had not been constructed. We believe, however, that the benefits from the construction grant program have not been as great as they could have been, because many waste treatment facilities have been constructed on waterways where major polluters—industrial or municipal—located nearby continued to discharge untreated or inadequately treated wastes into the waterways. We believe that greater benefits could have been achieved if the Federal and State water pollution control agencies had more effectively coordinated the planning and construction of municipal and industrial waste treatment facilities on individual waterways.

The construction grant program to date has been administered for the most part using a "shotgun" approach—awarding grants on a first-come-first-served or readiness-to-proceed basis, with little consideration being given to the benefits to be attained by the construction of individual waste treatment plants. This approach may have served a useful purpose in the early years of the program when there was a need to generate interest on the part of the States and communities to get the program moving. We believe, however, that this approach can no longer be justified and that there is a need to award grants on a more systematic basis giving consideration to the benefits to be attained.

Prior to fiscal year 1968, comprehensive programs used by FWPCA as a basis for awarding construction grants were essentially alphabetical listings of municipalities in each State that were in need of waste treatment facilities. Also State plans submitted to FWPCA prior to fiscal year 1968 generally did not include coordinated construction schedules to be met by industries and municipalities so as to attain specific objectives on individual waterways or sections thereof. As a result, we believe that neither the listings used by FWPCA as comprehensive programs nor the State plans as submitted to, and approved by, FWPCA represented meaningful plans for abating, controlling, and preventing water pollution.

Beginning in 1967, the States submitted water quality standards for their interstate waters and schedules for implementation of the standards. The water quality standards implementation schedules represented the first time-phased plans, on statewide bases, for the construction of waste treatment facilities by municipalities and industries to attain specific objectives on individual waterways. The implementation schdeules are currently being used as one of the bases for State and FWPCA approval of Federal grants to municipalities for the construction of waste treatment facilities. Many of the States established 1972 as the year for attaining the water quality standards, which coincides with the date recommended by FWPCA.

In our opinion, however, a serious question exists as to the attainability of the standards by the dates in the implementation schedules because, due to Federal funding in amounts significantly less than the amounts which were authorized, construction is proceeding at a rate well below that which was anticipated. For fiscal years 1968 and 1969, Federal water pollution control legislation authorized $1.15 billion for the construction of waste treatment facilities. Of this amount, about $417 million was appropriated. Although Federal water pollution control legislation authorized $1 billion for fiscal year 1970, the proposed budget for the fiscal year provides for only $214 million for the construction grant program.

We found that, although some States had moved forward without sufficient Federal funds by prefinancing the Federal portion of some projects, the majority of the States were constructing waste treatment facilities at a rate consistent with the availability of Federal funds. Both FWPCA and the States developed their programs and plans on the basis of the funds expected to be made available in the form of Federal construction grants—the amounts authorized. Since few States are proceeding with construction without Federal funds, there is, in several States, an ever-increasing backlog of municipalities awaiting Federal grants.

Furthermore, prior to 1967, the construction grant program provided incentives primarily to smaller municipalities in that the dollar limitations contained in the act represented a meaningful contribution to the costs of constructing smaller waste treatment facilities but did not provide a real incentive to the larger municipalities. In addition, we believe that such limitations did not encourage the construction of municipal waste treatment facilities capable of treating substantial quantities of industrial wastes.

The elimination of the dollar-limitation clause in 1967, however, has provided the incentive for many large municipalities that need multi-million-dollar waste treatment plants to participate in the construction grant program, which placed larger demands on Federal funds. Furthermore, there has been a growing trend toward the treatment of industrial wastes in joint municipal-industrial plants and, if this trend continues, it may well be that much of the costs for treatment facilities which are presently associated with industry will become eligible for Federal assistance. Another matter to be considered is the multi-billion-dollar cost associated with the combined storm and sanitary sewer problem.

On the basis of our examination into these matters; our discussions with Federal, State, and local officials; and the fact that most States are constructing treatment plants at a rate consistent with the availability of Federal funds, we believe that the present level of Federal funding will not be sufficient to enable a significant increase in the effectiveness of the program in abating, controlling, and preventing water pollution unless changes are made in the administration of the program.

In view of the magnitude of the water pollution problem and the limited Federal funds available, it appears to us that it will be many years before the construction grant program is completed. Thus we believe that interim goals or objectives should be established, whereby significant improvement in water quality and uses can be attained on some waterways or sections of waterways. The FWPCA requirement of secondary treatment may be desirable as the ultimate objective. We believe, however, that as an interim measure consideration should be given to less than secondary treatment when such treatment will result in enhancing water quality or in attaining the States' water quality standards. Not only should this result in better utilization of Federal funds, in that funds should be available for a greater number of grants, but also those municipalities that construct facilities for less than secondary treatment should realize substantial savings in annual operation and maintenance expenses. Municipalities that are allowed to provide less than secondary treatment should be advised that, if circumstances change as a result of population and/or industrial growth or expansion, they may be required to upgrade their treatment facilities.

Our review has shown that the requirement to provide secondary treatment and the construction of municipal waste treatment facilities primarily on the basis of readiness and willingness to proceed has not, in many cases, accomplished water quality improvement objectives. Our review has shown also that many municipalities that have incurred the expenses of constructing, operating, and maintaining waste treatment facilities have not realized the benefits anticipated as a result of the construction.

The States' water quality standards implementation schedules and the annual priority listings are based primarily on the readiness of municipalities to proceed with construction. We believe that such an approach relies heavily on completing the construction of all treatment facilities, including industrial, within a few years. The relative success or failure of such an approach is dependent on the time frame within which such construction is completed. If the time frame is 3 to 5 years, perhaps this approach will accomplish the program objectives reasonably well. However, if we are talking in terms of many years to complete the construction program, and we believe that it could be many years, such an approach may be inefficient and ineffective in substantially improving water quality or uses during the interim years.

A more effective approach, in our opinion, requires a coordinated and systematic effort on the part of FWPCA, the States, and all polluters in the planning and construction of waste treatment facilities in a manner that will achieve water quality objectives. We believe that the States, in establishing priorities, and FWPCA, in awarding grants, should consider the benefits to be derived from the construction of individual treatment facilities. FWPCA and State agencies should be able to choose from alternatives and establish priorities on the basis of the benefits to be attained.

We believe that the use of systems analysis techniques and mathematical models would be of substantial benefit to Federal and State decisionmakers. By utilizing systems analysis techniques, the results, in terms of improved water quality over the entire river, could be estimated for a single waste treatment plant or for combinations of plants. Furthermore, such techniques may provide a means of evaluating the desirability of changes in plans and priorities as construction phases are completed.

The use of systems analysis will aid FWPCA and State officials in making cost-effectiveness studies and estimating the least costly method of attaining water quality goals or objectives. It will also enable the officials to identify alternatives for consideration in assigning priorities and establishing construction schedules that will result in the achievement of significant benefits.

We believe that the use of systems analysis techniques in planning and implementing water pollution control programs is both feasible and practicable. We believe also that the use of systems analysis concepts and techniques by FWPCA and the States to aid in managing their pollution abatement programs should lead to improving the effectiveness of the construction grant program and of controlling water pollution.

We believe that the adoption of systems analysis methods in planning and implementing water pollution control programs could be done with few changes in the present legislation. In particular, the single most important changes desirable is in the manner of awarding Federal grants. The present system requires that consideration be given to financial and water pollution needs in establishing priorities. We believe that a priority system based on benefits to be attained merits consideration. We believe that a major reorganization in the current program would not be necessary in order to utilize such a method since most of the prerequisites for its implementation already exist.

In our opinion, a considerable amount of the data and computer capability needed in employing the techniques of systems analysis is available or could be made available by utilizing FWPCA's STORET system and computer. (See p. 96.) The additional data needed could be collected by the State water pollution control agencies, FWPCA and/or other Federal and regional agencies, as appropriate. This data could then be analyzed by FWPCA, or perhaps a consulting engineering firm, and included in the STORET system. State or interstate authorities could draw upon the system for data in planning the establishment of construction priorities in order to achieve specific water improvements.

Methods such as those outlined above could be used by FWPCA in the development of its comprehensive programs; in evaluating State water quality standards, implementation schedules, and applications for construction grants; and in FWPCA's surveillance programs.

We do not mean to imply that the use of systems analysis will automatically solve all the problems associated with the water pollution control program. Rather, the largely quantitative results of systems ananlysis should be used in conjunction with other information available to responsible officials in making decisions.

Political and institutional constraints have adversely affected the water pollution control program in the past and probably will continue to do so in the future. Such constraints include the failure of municipalities to authorize bond issues to fund the municipalities' share of construction costs; insufficient numbers of trained personnel at the Federal, State, and local levels; insufficient funding at all levels; and the fact that water pollution has no political or geographical boundaries, in that the actions of one municipality or State affect other municipalities and States.

We believe that FWPCA and the States must find ways to overcome these constraints if the program is to become more effective. We believe that more consideration could be given to planning and implementing water pollution control programs on a river basin basis or to administering the construction grant program through a State agency which would be responsible for planning, designing, constructing, operating, and maintaining of all waste treatment facilities within the State.

RECOMMENDATIONS

We recommend that the Secretary of the Interior require that the States, in establishing priorities for the construction of waste treatment facilities, and FWPCA, in approving Federal grants for such construction, give consideration to (1) the benefits to be derived from the construction of the facilities and (2) the actions taken, or planned to be taken, by other polluters of the waterway. We believe that the application of systems analysis techniques would assist State and FWPCA water pollution control officials in establishing priorities and approving grants on the basis of the benefits to be attained, which should result in improving the effectiveness of the water pollution control program. Accordingly, we recommend also that FWPCA consider utilizing systems analysis techniques in the planning for and implementing of water pollution control programs.

We recommend further that FWPCA consider the practicability of providing, through its STORET system, data needed by the States in (1) determining their water pollution control requirements, (2) identifying alternatives available to solve water pollution problems, (3) formulating water pollution control plans, and (4) establishing implementation schedules and priorities for the construction of waste treatment facilities.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Section 8(a) of the Federal Water Pollution Control Act provides that: "* * * no grant shall be made for any project under this section unless such project * * * has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs."

On the basis of our review, we believe that priorities should be established on the basis of benefits to be attained and that a coordinated effort is required on the part of all polluters of a waterway to attain the maximum benefits from the construction grant program. We believe that the requirement in the act that financial need be a factor in establishing priorities could result in FWPCA's awarding grants for the construction of projects which provide little benefit in terms of appreciably improving water quality or uses.

Acordingly, and in view of (1) the magnitude of the program required for the construction of waste treatment facilities and (2) the backlog of grant applications for Federal funds, the Congress may wish to consider amending section 8(a) of the act to provide that priorities for grant awards be established on the basis of the benefits to be realized.

Although the Department of the Interior has agreed with our basic premise that a more systematic means of awarding construction grants must be found to secure greater benefits in pollution abatement, and has agreed with the recommendations set forth in this report, it has taken the position that providing for less than secondary treatment of wastes would not be acceptable and that interim goals should not be established. We continue to believe that interim goals should be established and that the providing of less than secondary treatment would be desirable under certain circumstances as discussed on page 16 of this report.

Accordingly, we recommend that the Congress consider requiring the Department of the Interior to provide for interim goals and to allow communities to construct less than secondary treatment faciilties when it can be demonstrated that a lesser degree of treatment will result in water quality enhancement commensurate with proposed present and future water uses.

LEGISLATION TO REQUIRE THE DATING OF PACKAGED FOODS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 14816, legislation to require the final date a food can safely be kept on a grocer's shelves to appear on the label of all perishable and semiperishable foods.

The bill would apply to foods canned or packaged by the producer, wholesaler, or retail store. The Secretary of Health, Education, and Welfare would be authorized to determine how long a food could safely be kept on the shelf before it begins to deteriorate.

Every item sold in a supermarket, except perhaps the produce, carries a coded date for the benefit of the store employee. This coded date may be a short series of numbers, or letters or both stamped somewhere on the package, either by the manufacturer, wholesaler, or chain store. Some dates represent the last day of shelf life, called the "pull" date, and other dates represent the packaging date.

Thus, for example, "01126" stamped on a package of cheese may mean the 11th month, November, and the 26th day. The code "3047" on meat may represent October—you add together the first and last digits to get the month, 10 for October; the 04 for the 4th. "BKA" on a can may stand for February 1—B for February and A for the 1st. But what about "E35" on bread?

Most consumers know of the existence of these codes, but they are not supposed to know what they mean. Any identical coding between chains is purely coincidental and codes change as frequently as once a month—and probably sooner, if publicized.

But why should not the consumer know the last usable date of a food? The store manager should not be the only one able to recognize fresh food. Why does not the package contain a comprehensible date? Why is the industry afraid to let the consumer in on the secret? Do they fear that given a choice the public would not purchase stale and decayed products?

Packages and cans in many smaller and ghetto stores are faded and appear to be extremely old, a sign that the poor may well be victims with respect to the age of goods as well as price. Requiring the dating of foods would do away with much of this and give the consumer another factor upon which to judge the quality of a food.

Several municipalities now require the dating of certain kinds of foods, especially milk and bread. New York City and Chicago, for example, require milk dating. In addition, Federal law and regulations require the dating of certain drugs.

It would not be difficult to establish acceptable "shelf lives." There is general agreement within the industry with respect to the shelf lives of most foods and between the industry and the Department of Agriculture.

The bill I have introduced would be an addition to the Truth-in-Packaging Act passed in 1966. That act requires certain information to appear on food labels including weight and, in some cases, quality.

The text of H.R. 14816 and a listing of "shelf lives" of many products follow:

H.R. 14816

A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of subsection (a) of section 4 of the Fair Packaging and Labeling Act (15 U.S.C. 1453) is amended by inserting "(A)" immediately after "label" and by inserting before the semicolon the following: ", and (B) if the commodity is a perishable food, stating that it is not to be sold for consumption after a specified date".

(b) Section 5 of such Act (15 U.S.C. 1454) is amended by adding at the end thereof the following new subsection:

"(f) For purposes of section 4(a)(1)(B) of this Act, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall by regulation prescribe the manner in which the last day for the sale of a perishable food shall be determined."

(c) Section 10 of such Act (15 U.S.C. 1459) is amended—

(1) by striking out "meat or meat product, poultry or poultry product, or" in subparagraph (1) of paragraph (a);

(2) by adding after subparagraph (5) of paragraph (a) the following new sentence: "Such term includes meat or meat products or poultry or poultry products only to the extent necessary to implement the requirements of section 4(a)(1)(B)."; and

(3) by adding at the end the following new paragraph:

"(g). The term 'perishable food' means meat, poultry, fish, dairy products, eggs, fruit, vegetables, bread, coffee, and any other food that the Secretary of Health, Education, and Welfare designates as perishable."

SEC. 2. The amendments made by the first section of this Act shall take effect on the 90th day following the date of its enactment.

(From Ashrae Guide and Data Book Applications for 1968, published by the American Society of Heating Refrigerating and Air Conditioning Engineers, Inc.)

CHAPTER 37—COMMODITY STORAGE REQUIREMENTS

This chapter presents information on the essential average storage requirements of most of the important perishable foods that enter the market on a commercial scale. Also included is a short discussion on the storage of furs and fabrics. The statements made are derived from scientific experimentation and from the best commercial practice at the present time. The data given in Table 1 are based on the storage of high quality commodities shortly after harvest. When products are transported from a distance, or are deteriorated, appropriate allowances should be made.

The temperatures recommended are the optimum temperatures for long storage and are actual commodity temperatures rather than air temperatures. For short storage, higher temperatures are often satisfactory. Conversely, products subject to chilling injury can sometimes be held at a lower temperature for a short time without injury. Exceptions are bananas, cranberries, cucumbers, eggplants, melons, okra, pumpkins and squash, white and sweet potatoes, and tomatoes. Recommended temperatures for these products should be strictly adhered to.

The values given for water content and freezing points are the result of actual laboratory determinations, but it should be realized that, at best, they can be only approximate because of the great variability in plant and animal tissues and the products thereof. The optimum storage temperature for many foods has been found to be just above their freezing point. Knowledge of freezing points is useful to the cold storage industry in determining how the various commodities should be handled in storage. The highest temperature at which freezing may occur is generally given. In previous editions the average freezing point was given, which may be somewhat lower. It is felt that the highest freezing point is a better guide for commodities that are damaged by freezing.

Values of the water content of foods are useful to the refrigerating engineer as a basis for calculating specific heats and the latent heat of freezing. Specific heat is usually calculated by Siebel's formula:

$$S = 0.008a + 0.20$$

where S signifies the specific heat of a substance containing a, the percent of water; 0.20 is the value representing the specific heat of the solid constituents of the substance.

Necessary additional information for some of the items in Table 1 is given in the text.

The values for the freezing points, water content, rate of evolution of heat (heat of respiration) above and below freezing and for latent heat as given in Table 4 of Chapter 23 in the ASHRAE Handbook of Fundamentals do not always agree exactly with the data given in Tables 1, 2, and 4 of this chapter. The composition of foods varies to some extent, depending upon water content, where grown and other factors. It is also possible that in tables compiled by different editors, slightly different formulae have been used in making calculations to determine both specific and latent heat. The values given in either of these tables can safely be used for refrigeration load calculations. When in doubt, it is suggested that the higher values be used. For more precise work, the specific heat and other values should be determined for the specific sample in question.

(The general responsibility for this chapter is assigned to TC 7.7, Cold Storage Warehouse and Locker Plants.)

It is important to remember that fresh fruits and vegetables in storage are alive and carrying on, within themselves, processes characteristic of living things. In particular, the heat of respiration must always be considered a part of the refrigeration load in storage handling. The approximate rate of heat evolution for various commodities is given in Table 2.

Sealed polyethlene box liners are extensively used commercially for pears and sweet cherries. The slight accumulation of carbon dioxide and depletion of oxygen extend the storage life of pears at 31 F by one or two months and of sweet cherries by several days.

Non-sealed film liners are used extensively to maintain freshness and prevent excessive moisture loss of Golden Delicious apples, rose bushes and strawberry plants. There are indications that similar liners would be beneficial to other crops (such as parsnips) susceptible to excessive weight loss during storage or marketing. Reduction of frost accumulation on refrigerating coils is another advantage of polyethylene liners.

BEER

Beer in bottles or cans is either pasteurized or filtered so as to destroy or remove the living yeast cells and therefore does not require as low a storage temperate as keg beer. Bottled beer *may be stored at ordinary room temperature* (70 to 75 F), but for convenience is often stored with keg beer at a lower temperature of 35 to 40 F. It is essential to protect the bottled product from strong light, especially direct sunlight. The storage life will vary from 3 to 6 months, depending largely on the method of processing and packaging. Keg beer, usually stored at 35 to 40 F has a storage life of 3 to 6 weeks (Chapter 34).

BREAD

See Chapter 32.

CANDY

See Chapter 33.

DAIRY PRODUCTS

See Chapter 28.

DRIED FRUITS

See Chapter 33.

EGGS

See Chapter 35.

FISH

See Chapter 27.

FROZEN FRUITS AND VEGETABLES

See Chapter 29.

TABLE 1.—STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS

Commodity	Storage temperature, fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, Fahrenheit	Specific heat above freezing [1] B.t.u./lb./F.	Specific heat below freezing [1] B.t.u./lb./F.	Latent heat (calculated) B.t.u./lb.[2]
Apples (ch. 29)	30-32	90	See ch. 29	84.1	29.3	0.87	0.45	121
Apricots	31-32	90	1-2 weeks	85.4	30.1	.88	.46	122
Artichokes (Globe)	31-32	90-95	do	83.7	29.9	.87	.45	120
Jerusalem	31-32	90-95	2-5 months	79.5	[3] 27.5	.83	.44	114
Asparagus	32	90-95	2-3 weeks	93.0	30.9	.94	.48	134
Avocados	45-55	85-90	4 weeks	65.4	31.5	.72	.40	94
Bananas (ch. 29)		85-95		74.8	30.6	.80	.42	108
Beans (green or snap)	45-50	90-95	8-10 days	88.9	30.7	.91	.47	128
Lima	32-40	90	10-15 days	66.5	31.0	.73	.40	94
Beer, barreled [4]	35-40		3-10 weeks	90.2	[3] 28.0	.92		129
Beets:								
Bunch	32	90-95	10-14 days		31.3			
Topped	32	95	3-5 months	87.6	30.1	0.90	.46	126
Blackberries	31-32	90-95	3 days	84.8	30.5	.88	.46	122
Blueberries	31-32	90-95	3-6 weeks	82.3	29.7	.86	.45	118
Bread (ch. 32)	0		Several weeks	32-37		.70	.34	46-53
Broccoli, sprouting	32	90-95	7-10 days	89.9	30.9	.92	.47	130
Brussels sprouts	32	90-95	3-4 weeks	84.9	30.5	.88	.46	122
Cabbage, late	32	90-95	3-4 months	92.4	30.4	.94	.47	132
Candy (ch. 33)	0-34	40-65						
Carrots:								
Prepackaged	32	80-90	3-4 weeks	88.2	29.5	.90	.46	126
Topped	32	90-95	4-5 months	88.2	29.5	.90	.46	126
Cauliflower	32	90-95	2-4 weeks	91.7	30.6	.93	.47	132
Celeriac	32	90-95	3-4 months	88.3	30.3	.91	.46	126
Celery	32	90-95	2-4 months	93.7	31.1	.95	.48	135
Cherries	31-32	90	10-14 days	83.0	28.8	.87	.45	120
Coconuts	32-35	80-85	1-2 months	46.9	30.4	.58	.34	67
Coffee (green)	35-37	80-85	2-4 months	10-15		.30	.24	14-21
Corn, sweet	32	90-95	4-8 days	73.9	30.9	.79	.42	106
Cranberries [4]	36-40	90-95	1-4 months	87.4	30.4	.90	.46	124
Cucumbers [4]	45-50	90-95	10-14 days	96.1	31.1	.97	.49	137
Currants	31-32	90-95	10-14 days	84.7	30.2	.88	.45	120
Dairy products:								
Cheese (ch. 28)	30-45	65-70	(4)	37-38		.50	.31	54
Butter (ch. 28)	32-40	80-85	2 months	15.5-16.5		.33		23
Butter	0 to −10	80-85	1 year	15.5-16.5			.25	23
Cream (sweetened)	−15		Several months	72.5		.78	.42	104
Ice cream (ch. 28)	−15		do	62.0		.70	.39	89
Milk, fluid whole:								
Pasteurized grade A	33		7 days	87.0	[3] 31.0	.90	.46	125
Condensed, sweetened	40		Several months	28.0		.42		40
Evaporated	Room temperature		1 year, plus	74.0		.72		106
Milk, dried:								
Whole milk	45-55	Low	Few months	2-3		.22		4
Nonfat	45-55	do	Several months	2-3		.22		4
Dates (ch. 83)	(4)	(4)	(4)	20.0	3.7	.36	.26	29
Dewberries	31-32	90-95	3 days		29.7			
Dried fruits (ch. 33)	32	50-60	9-12 months	14.0-26.0		.31-.41	.26	20-37
Eggplant	45-50	90	7 days	92.7	30.6	.94	.48	132
Eggs (ch. 35):								
Shell	29-31 [5]	80-85	6-9 months	66.0	[3] 28.0	.73	.40	96
Shell, farm cooler	50-55	70-75		66.0	[3] 28.0	.73	.40	96
Frozen, whole	0 or below		1 year, plus	74.0			.42	106
Frozen, yolk	do		do	55.0			.36	79
Frozen, white	do		do	88.0			.46	126
Whole egg solids	35-40	Low	6-12 months	2-4		.22	.21	4
Yolk solids	35-40	do	do	3-5		.23	.21	6
Flake albumen solids	Room temperature	do	1 year plus	12-16		.31	.24	20
Dried spray albumen solids	do	do	do	5.8		.26	.22	11
Endive (escarole)	32	90-95	2-3 weeks	93.3	31.9	.94	.48	132
Figs (ch. 33):								
Dried	32-40	50-60	9-12 months	24.0		.39	.27	34
Fresh	31-32	85-90	7-10 days	78.0	27.6	.82	.43	112
Fish (ch. 27):								
Fresh	33-35	90-95	5-15 days	62-85	[3] 28.0	.70-.86		89-122
Frozen	−10-0	90-95	8-10 months	62-85			.38-.45	89-122
Smoked	40-50	50-60	6-8 months			.70	.39	92
Brine salted	40-50	90-95	10-12 months			.76	.41	100
Mild cured	28-35	75-90	4-8 months			.76	.41	100
Shellfish:								
Fresh	33	90-95	3-7 days	80.87	28.0	.83-.90		113-125
Frozen	0 to −20	90-95	3-8 months				.44-.46	113-125
Frozen-pack fruits (ch. 29)	−10-0		6-12 months					
Frozen-pack vegetables (ch. 29)	−10-0		6-12 months					
Furs and fabrics [4]	34-40	45-55	Several years					
Garlic, dry	32	65-70	6-8 months	74.2	30.5	.79	.42	106
Gooseberries	31-32	90-95	3-4 weeks	88.9	30.0	.90	.46	126
Grapefruit (ch. 29)	50	85-90	4-8 weeks	88.8	30.0	.91	.46	126
Grapes (ch. 29):								
American type	31-32	85-90	3-8 weeks	81.9	29.7	.86	.44	116
European type	30-31	90-95	3-6 months	81.6	28.1	.86	.44	116
Honey	(4)	(4)	1 year, plusths	18.0		.35	.26	26
Hops (ch. 34)	29-32	50-60	Several mon ths					
Horseradish	32	90-95	10-12 mon	73.4	28.7	.78	.42	104
Kale	32	90-95	1-2 weeks	86.6	31.1	.89	.46	124
Kohlrabi	32	90-95	2-4 weeks	90.1	30.2	.92	.47	128
Lard (without antioxidant)	45	90-95	4-8 months	0				
Lard (without antioxidant)	0	90-95	12-14 months	0				
Leeks, green	32	90-95	1-3 months	88.2	30.7	.90	.46	126
Lemons (ch. 29)	32 or 50-58 [6]	85-90	1-4 months	89.3	29.4	.92	.46	127
Lettuce	32	95	2-3 weeks	94.8	31.7	.96	.48	136
Limes	48-50	85-90	6-8 weeks	86.0	29.1	.89	.46	122
Logan blackberries	31-32	85-90	5-7 days	82.9	29.7	.86	.45	118
Maple sirup	(4)	(4)	(4)	35.5		.48	.31	51

Footnotes at end of table.

TABLE 1.—STORAGE REQUIREMENTS AND PROPERTIES OF PERISHABLE PRODUCTS—Continued

Commodity	Storage temperature, fahrenheit	Relative humidity, percent	Approximate storage life	Water content, percent	Highest freezing point, fahrenheit	Specific heat above freezing[1] B.t.u./lb./F.	Specific heat below freezing[1] B.t.u./lb./F.	Latent heat (calculated) B.t.u./lb.[2]
Meat (ch. 25):								
Bacon:								
Frozen	−10–0	90–95	4–6 months					
Cured (farm style)	−60–65	85	4–6 months	13–29		.30–.43	.24–.29	18–41
Cured (packer style)	34–40	85	2–6 weeks					
Beef:								
Fresh	32–34	88–92	1–6 weeks	62–77	[3] 28–29	.70–.84	.38–.43	89–110
Frozen	−10–0	90–95	9–12 months					
Fat backs	34–36	85–90	0–3 months	6–12		.25–3.0	.22–.24	9–17
Hams and shoulders:								
Fresh	32–34	85–90	7–12 days	47–54	[3] 28–29	.58–.63	.34–.36	67–77
Frozen	−10–0	90–95	6–8 months					
Cured	60–65	50–60	0–3 years	40–45		.52–.56	.32–.33	57–64
Lamb:								
Fresh	32–34	85–90	5–12 days	60–70	[3] 28–29	.68–.76	.38–.51	86–100
Frozen	−10–0	90–95	8–10 months					
Livers: Frozen	−10–0	90–95	3–4 months	70.0			.41	100
Pork:								
Fresh	32–34	85–90	3–7 days	32–44	[3] 28–29	0.46–0.55		46–63
Frozen	−10–0	90–95	4–6 months				0.30–0.33	
Smoked sausage	40–45	85–90	6 months	60.0		.68	.38	86
Sausage casings	40–45	95–90						
Veal	32–34	90–95	5–10 days	64–70	[3] 28–29	.71–.76	.39–.41	92–100
Mangoes	55	85–90	2–3 weeks	81.4	30.3	.85	.44	171
Melons, cantaloupe	32–40	85–90	5–15 days	92.0	29.9	.93	.48	132
Persian	45–50	85–90	2 weeks	92.7	30.5	.94	.48	132
Honeydew and honey ball	45–50	85–90	3–4 weeks	92.6	30.3	.94	.48	132
Casaba	45–50	85–90	4–6 weeks	92.7	30.1	.94	.48	132
Watermelons	40–50	80–85	2–3 weeks	92.1	31.3	.97	.48	132
Mushrooms[4]	32	90	3–5 days	91.1	30.4	.93	.47	130
Mushroom spawn:								
Manure spawn	34	75–80	8 months					
Grain spawn	32–40	75–80	2 weeks					
Nursery stock (table 4)	32–35	85–90	3–6 months					
Nuts (ch. 33)	32–50[4]	65–75	8–12 months	3–6	([4])	.22–.25	.21–.22	4–8
Oil (vegetable salad)	35		1 year	0				
Okra	45–50	90–95	7–10 days	89.8	28.7	.92	.46	128
Oleomargarine	35	60–70	1 year	15.5		.32	.25	22
Olives, fresh	45–50	85–90	4–6 weeks	75.2	29.4	.80	.42	108
Onions and onion sets	32	65–70	6–8 months	87.5	30.6	.90	.46	124
Oranges (ch. 29)	32–34	85–90	8–12 weeks	87.2	30.6	.90	.46	124
Orange juice, chilled	30–35		3–6 weeks	89.0		.19	.47	128
Papayas	45	85–90	2–3 weeks	90.8	30.4	.82	.47	130
Parsley	32	90–95	1–2 months	85.1	30.0	.88	.45	122
Parsnips	32	90–95	2–6 months	78.6	30.4	.84	.44	112
Peaches and nectarines	31–32	90	2–4 weeks	86.9	30.3	.90	.46	124
Pears (ch. 29)	29–31	90–95	([4])	82.7	29.2	.86	.45	118
Pears, green	32	90–95	-12 weeks	74.3	30.9	.79	.42	106
Peppers, sweet[4]	45–50	90–95	2–3 weeks	92.4	30.7	.94	.47	132
Peppers, chili (dry)[4]	32–40	65–75	6–9 months	12.0		.30	.24	17
Persimmons	30	90	3–4 months	78.2	28.1	.84	.43	112
Pineapples:								
Mature green	50–55	85–90	3–4 weeks		30.2			
Ripe	45	85–90	2–4 weeks	85.3	30.0	.88	.45	122
Plums, including fresh prunes	31–32	90–95	3–4 weeks[4]	85.7	30.5	.88	.45	123
Pomegranates	34–35	90	2–4 months		26.6			
Popcorn, unpopped	32–40	85	([4])	13.5		.31	.24	19
Potatoes:								
Early crop	50–55	90	([4])	81.2	30.9	.85	.44	116
Late crop	38–50[4]	90	([4])	77.8	30.9	.82	.43	111
Poultry (ch. 26):								
Fresh	32	85–90	1 week	74.0	[3] 27.0	.79		106
Frozen, eviscerated	−20–0	90–95	9–10 months				.42	
Pumpkins[4]	50–55	70–75	2–6 months	90.5	30.5	.92	.47	130
Quinces	31–32	90	2–3 months	85.3	28.4	.88	.45	122
Radishes:								
Spring, prepackaged	32	90–95	3–4 weeks	93.6	30.7	.95	.48	134
Winter	32	90–95	2–4 months	93.6		.95	.48	134
Rabbits:								
Fresh	32–34	90–95	1–5 days	68.0		.74	.40	98
Frozen	−10–0	90–95	0–6 months					
Raspberries:								
Black	31–32	90–95	2–3 days	80.6	30.0	.84	.44	122
Red	31–32	90–95	2–3 days	84.1	30.9	.87	.45	121
Frozen (red or black)	−10 0		1 year					
Rhubarb	32	90–95	2–3 weeks	94.9	30.3	.96	.48	134
Rutabagas	32	90–95	2–4 months	89.1	30.1	.91	.47	127
Salsify	32	90–95	2–4 months	79.1	30.0	.83	.44	113
Spinach	32	90–95	10–14 days	92.7	31.5	.94	.48	132
Squash:[4]								
Acorn	45–50	70–75	5–8 weeks		30.5			
Summer	32–40	85–95	4–5 days	95.0	31.1	.96		135
Winter	50–55	70–75	4–6 months	88.6	30.3	.91		127
Strawberries:								
Fresh	31–32	90–95	5–7 day	89.9	30.6	.92		129
Frozen (ch. 29)	−10–0		1 year	72.0			.42	103
Sweet potatoes	55–60	85–90	4–6 months	68.5	29.7	.75	.40	97
Tangerines	31–38	90–95	3–4 weeks	87.3	30.1	.90	.46	125
Tomatoes:								
Mature green	[4] 57–60	[4] 85–90	[4] 2–3 weeks	94.7	31.0	.95	.48	134
Firm ripe	[4] 45–50	[4] 85–90	[4] 2–7 days	94.7	31.1	.95	.48	134
Turnips, roots	32	90–95	4–5 months	90.9	30.1	.93	.47	130
Vegetable seed	32–50	50–65	([4])	7.0–15.0		.29	.23	16
Yeast, compressed baker's	31–32			70.9		.77	.41	102

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[1] Calculated by Siebel's formula. For values above freezing point $S=0.008a+0.20$. For values below freezing point $S=0.003a+0.20$. Recent work by H. E. Staph, B. E. Short and others at the University of Texas has shown that Siebel's formula is not particularly accurate in the frozen region, because foods are not simple mixtures of solids and liquids and are not completely frozen even at −20 F.

[2] Values for latent heat (latent heat of fusion) in B.t.u. per pound, calculated by multiplying the percentage of water content by the latent heat of fusion of water, 143.4 B.t.u.

[3] Average freezing point.

[4] See text in this chapter or under appropriate commodity chapter.

[5] Eggs with weak albumen freeze just below 30 F.

[6] Lemons stored in production areas for conditioning are held at 55 to 58 F.; in terminal markets they are customarily stored at 50 to 55 F. but sometimes 32 F. is used.

Acknowledgment is due the following men for assistance with certain commodities: R. L. Hiner, L. Feinstein, and A. Kotula, meat and poultry; J. W. White and C. O. Willits, honey and maple sirup; E. B. Lambert, mushrooms; H. Landani, furs and fabrics; M. K. Veldhuis, orange juice; A. L. Ryall, plums and prunes; L. P. McColloch, tomatoes (all the former are U.S. Department of Agriculture staff members); and J. W. Slavin, fish, U.S. Department of Interior.

COMMODITY STORAGE REQUIREMENTS

TABLE 2.—APPROXIMATE RATES OF EVOLUTION OF HEAT BY CERTAIN FRESH FRUITS AND VEGETABLES WHEN STORED AT THE TEMPERATURES INDICATED

Commodity	B.t.u. per ton per 24 hours		
	32° F.	40° F.	60° F.
Apples	300 to 1,500	600 to 2,700	2,300 to 7,900.
Asparagus	5,900 to 13,200	11,700 to 23,100	22,000 to 51,500.
Avocados			13,200 to 30,700.
Bananas [2]			
Beans, green or snap		9,200 to 11,400	32,100 to 44,100.
Beans, lima	2,300 to 3,200	4,300 to 6,100	22,000 to 27,400.
Beets, topped	2,700	4,100	7,200.
Blueberries [3]	1,300 to 2,200		
Broccoli, sprouting	7,500	11,000 to 17,600	33,800 to 50,000.
Brussels sprouts	3,300 to 8,300	6,600 to 11,000	13,200 to 27 500.
Cabbage	1,200	1,700	4,100.
Carrots, topped	2,100	3,500	8,100.
Cauliflower	3,600 to 4,200	4,200 to 4,800	9,400 to 10,800.
Celery	1,600	2,400	8,200.
Cherries	1,300 to 1,800	2,800 to 2.900	11,000 to 13,200.
Corn, sweet	7,200 to 11,300	10,600 to 13,200	38-400.
Cranberries	600 to 700	900 to 1,000	
Cucumbers			
Grapefruit	400–1,000	700 to 1,300	2,200 to 4,000.
Grapes, American	600	1,200	3,500.
Grapes, European	300 to 400		2,200 to 2,600.
Lemons	500 to 900	600 to 1,900	2,300 to 5,000.
Lettuce, head	2,300	2,700	7,900.
Lettuce, leaf	4,500	6,400	14,400.
Melons, cantaloupes	1,300	2,000	8,500.
Melons, honeydews		900 to 1,100	2,400 to 3,300.
Mushrooms [4]	6,200		
Okra		12,100	31,600.
Onions	700 to 1,100	800	2,400.
Onions, green	2,300 to 4,900	3,800 to 15,000	14,500 to 21,400.
Oranges	400 to 1,000	1,300 to 1,600	3,700 to 5,200.
Peaches	900 to 1,400	1,400 to 2,000	7,300 to 9,300.
Pears	700 to 900		8,800 to 13,200.
Peas, green	8,200 to 8,400	13,200 to 16,000	39,300 to 44,500.
Peppers, sweet	2,700	4,700	8,500.
Plums	400 to 700	900 to 1,500	2,400 to 2,800.
Potatoes, immature		2,600	2,900 to 6,800.
Potatoes, mature		1,300 to 1,800	1,500 to 2,600.
Raspberries	3,900 to 5,500	6,800 to 8,500	18,100 to 22,300.
Spinach	4,200 to 4,900	7,900 to 11,200	36,900 to 38,000.
Strawberries	2,700 to 3,800	3,600 to 6,800	15,600 to 20,300.
Sweet potatoes	1,200 to 2,400	1,700 to 3,400	4,300 to 6,300.
Tomatoes, mature green	600	1,100	6,200.
Tomatoes, ripe	1,000	1,300	5,600.
Turnips	1,900	2,200	5,300.

[1] Data largely from table 1 of USDA Handbook No. 66, 1954. Acknowledgment is also, due to the following for other commodities: Avocados, J. B. Biale; brussels sprouts, J. M. Lyons and L Rappaport; cucumbers, I. L. Eaks and L. L. Morris; honeydew melons, H. K. Pratt and L. L. Morris; plums, L. L. Claypool and F. W. Allen; potatoes, L. L. Morris; all from the University of California. Asparagus, W. J. Lipton, USDA; cauliflower, lettuce, okra, and onion, H. B. Johnson, USDA; sweet corn, S. Tewfik and L. E. Scott, University of Maryland.

[2] Bananas at 68 F, 8,400 to 9.200.

[3] Blueberries at 50 F, 5,100 to 7,700; at 70 F, 11,400 to 15,000.

[4] Mushrooms at 50 F, 22,000; at 70 F, 58,000.

See Table 1 and Chapter 29.

FRUIT JUICE CONCENTRATES

See Chapter 30.

FURS AND FABRICS

Cold storage has been used for many years as an effective means of protecting furs, floor coverings, garments, and other materials containing wool against insect damage. The commonly used cold storage temperatures do not kill the insects but inactivate them and thus prevent insect damage while the susceptible items are in storage. However, if insects are present, the article is susceptible to damage as soon as it is removed from cold storage.

It is advisable to free the articles of any possible infestation before they are placed in cold storage. Those items that can be cleaned should be so treated. Others can be either fumigated or mothproofed as described in the USDA *Home and Garden Bulletin* 24.

Recommended cold storage temperature for furs and garments is 34 to 40 F. A temperature of 40 F is most widely used commercially. This low temperature not only inactivates fabric insects but has the added advantage of preserving the vitality and luster of furs and the tensile strength of fabrics. Continuous storage below the 34 to 40 F range is a wasteful expense as far as protection from insect damage is concerned. Food should not be stored with fur garments.

As shown in Table 3, moth larvae can survive low temperatures for a fairly long time. Storage at 40 F therefore, will prevent insect feeding, but will not necessarily kill the infestation. Other reasonable, safe and dependable methods of protecting fabrics from clothes moths are discussed in USDA *Home and Garden Bulletin* 24 and in USDA *AMS Report* 57.

Some storage firms maintain constant temperatures in their fur vaults of between 14 and 32 F and claim excellent results. However, no research evidence has been presented to indicate that temperatures in this range are required for storing dressed furs or fabrics. Cured raw furs (but not processed) should be stored at —10 to 10 F with 45 to 60 percent relative humidity and will keep up to 2 years.

HONEY

Both *extracted* (*liquid*) *and comb honey* can be held satisfactorily in common dry storage for about a year. The slow darkening and flavor deterioration at ordinary room temperatures becomes objectionable after this time. Although cold storage is not necessary, temperatures below 50 F will maintain original quality for several years and retard or prevent fermentation. The range between 50 F and 65 F should be avoided if possible, as it promotes granulation; this increases the probability of fermentation of raw (unheated) honey. As storage temperature increases in the 80 to 100 F range, deterioration is accelerated; temperatures constantly above about 85 F are unsuitable, and above 90 F quite damaging.

Honey for European export is best kept in cold storage, since the half-life for honey diastase at 77 F is about 17 months.

Raw honey for greater than 20 percent moisture is always in danger of fermentation; the likelihood is much less at or below 18.6 percent moisture. Below 17 percent moisture, raw honey will not ordinarily ferment. Granulation increases the possibility of fermentation of raw honey by increasing the moisture content of the liquid portion. Properly pasteurized honey will not ferment at any moisture content. Granulated honey can be reliquefied by warming to 120 to 140 F.

Comb honey should not be stored above 60 percent rh to avoid moisture absorption through the wax, leading to fermentation.

TABLE 3.—TEMPERATURE AND TIME REQUIREMENTS FOR KILLING MOTHS IN STORED CLOTHING

Storage temperature, F	All eggs dead after, days	All larvae dead after, days	All adults dead after, days
0 to 5	1	2	1
5 to 10	2	[2] 21	1
10 to 15	4		1
15 to 20			1
20 to 25	21	67	4
25 to 30	21	[3] 125	7
30 to 35		[4] 283	

[1] Table taken from AMS–57, USDA.

[2] 50 to 25 percent of larvae may be killed in 2 days.

[3] A few larvae survived this period.

[4] Larvae survived this period.

Finely granulated honey (honey spread, Dyce process honey, *honey cream*) must not be stored above about 75 F. Higher temperatures will in time cause partial liquefaction and destroy the texture. Any subsequent granulation by lower temperatures will produce an undesirable coarse texture. For holding more than 4 months, cold storage is required.

LARD

See Chapter 25.

MAPLE SIRUP

Maple sirup, packed hot (at, or within a few degrees of its boiling point) in clean containers, promptly closed airtight and the containers laid on their sides or inverted to self-sterilize the closure, and then cooled, will keep indefinitely at room temperatures without darkening or loss of flavor. Cold storage is not necessary. However, once opened, the sirup in a bottle, can or drum may become contaminated by organisms in the air. Mold or yeast spores which may be present in improperly pasteurized sirup, though unable to germinate in full-density sirup, may grow in the thin sirup on the surface caused by water of condensation. Small packages not completely sterile, containing spores, can be kept free of vegetative growth by periodically inverting the containers to redisperse any thin sirup on the surface caused by condensation of water. Maple sirup should never be packaged at temperatures below 180 F. After pasteurizing, the sirup should be cooled as quickly as possible to prevent stack burn which darkens the sirup and causes a lowering of its grade.

MEAT

See Chapter 25.

NURSERY STOCK AND CUT FLOWERS

The temperature and approximate storage life given in Table 4 for cut flowers allow for a reasonable shelf life after removal from storage; therefore, the storage period may at times be extended beyond that recommended here.

Low temperature (31–33 F) and dry packaging prevent, or at least greatly retard, flower disintegration and extend the storage life. These conditions, while not widely used commercially, are recommended. Proper dry packing requires a moisture-vapor-proof container in which flowers can be sealed. No free water is added because the package prevents almost all water loss.

Flowers which are held in water should not be crowded in the containers and should be arranged on shelves or racks to allow good air circulation. Forced air circulation should be provided but the flowers should not be in a direct draft.

The optimum temperature for storage of many cut flowers is 31–33 F. Many kinds of nursery stock can also be stored at temperatures ranging from 31 to 35 F. It is advisable to open packages and *harden* flowers before marketing if the blooms have been stored for long periods. Flowers conditioned at about 50 F following storage will regain full turgidity most rapidly. Stem ends should be cut or crushed and then be placed in water or a food solution at 80 to 100 F for 6 to 8 hr.

Many kinds of cut flowers and greens are injured if stored in the same room with certain fruits, principally apples and pears, which give off gases such as ethylene during ripening. These gases cause premature aging of blooms, and may defoliate greens. Greens should not be stored in the same room with cut flowers as the greens, acting in the same way as fruit, can hasten bloom deterioration.

TABLE 4.—STORAGE CONDITIONS FOR CUT FLOWERS AND NURSERY STOCK[1]

Commodity	Storage temperature, F.	Relative humidity, percent	Approximate storage life	Method of holding	Highest freezing point, F.
Cut flowers:					
Calla .ily	40	90–95	1 week	Dry pack	
Camelia	45	90–95	3 to 6 days	do	30.6
Carnation	32–36	90–95	1 month	do	30.8
Chrysanthemum	32–35	90–95	2 to 5 weeks	do	30.5
Daffodil	31–33	90–95	1 to 3 weeks	do	
Gardenia	32–33	90–95	2 to 3 weeks	do	31.0
Gladiolus	35–40	90–95	1 week	do	31.4
Iris, tight buds	31–32	90–95	2 weeks	do	30.6
Lily, Easter	32–35	90–95	2 to 3 weeks	do	31.1
Lily-of-the valley	31–32	90–95	do	do	
Orchid	45–50	90–95	2 weeks	Water	31.4
Peony, tight buds	32–35	90–95	4 to 6 weeks	Dry pack	30.1
Rose, tight buds	32	90–95	1 to 2 weeks	do	31.2
Sweet peas	31–32	90–95	2 weeks	do	30.4
Tulips	31–32	90–95	4 to 8 weeks	do	
Greens:					
Fern, dagger and wood	32–40	90–95	4 to 5 months	do	28.9
Holly	32	90–95	1 to 4 weeks	do	27.0
Huckleberry	32	90–95	do	do	26.7
Laurel	32	90–95	do	do	27.6
Magnolia	35–40	90–95	do	do	27.0
Rhododendron	32	90–95	do	do	27.6
Salal	32	90–95	do	do	26.8
Bulbs:					
Amaryllis	38–45	70–75	5 months	Dry	30.8
Dahlia	40–45	70–75	do	do	28.7
Gladiolus	38–50	70–75	8 months	do	2.2
Iris, Dutch, Spanish	80–85	70–75	4 months	do	
Lily:					
Candidum	31–33	70–75	1 to 6 months	Poly liner and peat.	
Croft	31–33	70–75	do	do	
Longiflorum	31–33	70–75	1 to 10 months	do	28.9
Speciosum	31–33	70–75	1 to 6 months	do	
Peony	33–35	70–75	5 months	Dry	
Tuberose	40–45	70–75	4 months	do	
Tulip	31–32	70–75	5 to 6 months	do	27.6
Nursery stock:					
Trees and shrubs	32–35	80–85	4 to 5 months	([2])	
Rose bushes	32–35	85–95	do	Bare rooted with poly liner.	
Strawberry plants	30–32	80–85	4 to 10 months.	do	29.9
Rooted cuttings	33–40	85–95		Poly wrap	
Herbaceous perennials.	27–28 or [2]33–35	80–85		([2])	

[1] Data from USDA Handbook No. 66 and bulletin by Post and Fischer.

[2] For details for various trees, shrubs, and perennials, see bulletin by Mahlstede and Fletcher.

Greens, bulbs and certain nursery stock are usually packaged or crated when stored. Some bulbs and nursery stock are packed in damp moss or similar material, and low temperatures are required to keep them dormant. Polyethylene wraps or box liners are very effective for maintaining quality of strawberry plants, bare-root rose bushes, and certain cuttings and other nursery stock in storage. Strawberry plants can be stored up to 10 months in polyetheylene-lined crates at 30 to 32 F.

NUTS

See Chapter 33.

POPCORN

Popcorn should be stored at 32 to 40 F. and at a relative humidity of about 85 percent. This relative humidity yields the optimium popping condition and the desired moisture content of about 13.5 percent.

POULTRY

Frozen poultry should be stored at 0 to —20 F. with the temperature maintained as constant as possible. Ready-to-cook chickens packaged in institutional packs with good quality liners should remain in satisfactory condition for 9 to 10 months, and similar birds individually wrapped in film should hold up in storage for 12 to 18 months. Improper handling during any of the processing operations could materially reduce these safe storage times.

When frozen poultry is held under severely fluctuating temperatures, evaporation of moisture from the skin may be so great that it causes light-colored pockmarks to appear. Such a condition is called freezer burn, the outstanding visual defect of frozen poultry. Although freezer burn may not affect the flavor of the meat, it reduces the sales value of the processed poultry by several cents per pound and may toughen slightly the skin and meat directly underneath. Freezer burn can be lessened by packaging the birds properly and by maintaining proper storage conditions. For detailed information consult Chapter 26.

VEGETABLES

See Chapter 29.

VEGETABLE SEED

Seeds require a relatively low temperature and humidity. Storage at 32 F. is most desirable but 50 F. is satisfactory if a 50 percent rh can be obtained. High temperature and high humidity favor loss of viability. Vegetable seeds should remain viable for 1 to 10 years, depending upon the variety. However, they are usually not stored for over one year. If it is impossible to keep humidity low enough, seeds should be stored in moisture-proof containers.

DENSITY OF COMMODITIES COMMONLY STORED

Table 5 is a compilation of data giving the type of containers used for storage, their dimensions, gross weights, net weights and density per cu. ft. Additional information on gross weights of packed containers and on dimensions and densities of pallet loads of produce is given in USDA *Marketing Research Report* No. 467.

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JOHN F. STEVENS: BASIC ARCHITECT OF THE PANAMA CANAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in the course of my many years of study of interoceanic canal problems and Panama Canal history, I have become acquainted with the parts played by the principal leaders in the construction of the Panama Canal. Among these great personalities none stand higher in constructive accomplishment than John F. Stevens of West Gardiner, Maine, 1853–1943, who, for his tremendous contributions as Chief Engineer of the Panama Canal, has been acclaimed by historians as its "basic architect." Other signal achievements of Mr. Stevens include the discovery of Marias Pass in Montana and construction of the Great Northern and other railroads, also the rehabilitation of Russian and Manchurian Railroads.

It is gratifying to report the formation of a national John F. Stevens Hall of Fame Committee to sponsor his election to the Hall of Fame for Great Americans, New York University, of which Gregory S. Prince, executive vice president of the Association of American Railroads is chairman. I am proud to have been chosen as one of its honorary chairmen.

A recent newsstory in the well known Isthmian newspaper, Panama Star & Herald follows:

[From the Panama Star & Herald, Oct. 1, 1969]

PC Architect's Entry in Hall of Fame Sought

Organization of a national committee to sponsor the election in 1970 of John F. Stevens to the Hall of Fame for Great Americans at New York University was announced yesterday in Washington by Gregory S. Prince, Chairman of the group and executive vice president of the Association of American Railroads.

The committee, consisting of about 100 prominent men and women throughout the United States, would honor Mr. Stevens as "one of the outstanding transportation engineers of all time who played spectacular and courageous roles in national and international enterprises of major importance."

Stevens, who died in 1943, was the locator and builder of several railroads in the United States and Canada, the discoverer of Marias Pass in Montana and the rehabilitator of Russian and Manchurian railroads. His work while chief engineer of the Isthmian Canal Commission won him great fame as the basic architect of the Panama Canal.

If Stevens is elected to the Hall of Fame, this would be the first time such an honor has been accorded a railroad man, Prince said.

Honorary chairman of the committee supporting Stevens' election are Maurice H. Thatcher, surviving member of the Isthmian Canal Commission; Secretary of Transportation, John A. Volpe; Sen. Edmund S. Muskie of Maine; Gov. Kenneth M. Curtis of Maine; Rep. Daniel J. Flood from Pennsylvania; Dr. Melville Bell Grosvenor, editor-in-chief and chairman of the board of the National Geographic Society, and Admiral Ben Moreell, former chief of Civil Engineers of the U.S. Navy.

The committee's vice chairmen are John M. Budd, president of the Great Northern Railway; Dr. Donald M. Dozer, professor of history at the University of California at Santa Barbara; Captain Miles P. Duval, Jr., historian of the Panama Canal; Neal Fitzimons, historian of the American Society of Civil Engineers; Dr. Serge A. Korff, former president of the Explorers Club; Major General Thomas A. Lane, engineer and author; Dr. Ralph A. Sawyer, chairman of the governing board of the American Institute of Physics; Captain C. H. Schildhauer, former aviation official; Vice Admiral T. G. W. Settle, former amphibious commander in the Pacific; William M. Whitman, secretary of the Panama Canal Company, and William H. Wisley, executive secretary of the American Society of Civil Engineers.

Besides Captain DuVal and Mr. Fitzsimons, consultants to the committee include Dr. Ford Lewis Battles, Ph.D. program coordinator at the University of Pittsburgh; Dr. Raymond Estep, professor at the Air University at Maxwell Air Force Base, and Dr. Ralph W. and Muriel Hidy, historians of the Great Northern Railway.

Herbert R. Hands, manager of public information of the American Society of Civil Engineers, is secretary of the committee.

AN SST DOUBLE FEATURE: FORMER FAA HEAD QUESADA SCORES SST PROGRAM; ECONOMIST PREDICTS BILLION DOLLAR LOSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, I have just obtained two documents highly critical of the supersonic transport—SST—program. The first is a transcript of testimony given last March before the President's ad hoc task force on the SST by Lt. Gen. Elwood R. Quesada, head of the Federal Aviation Administration at the time the SST program was begun. General Quesada, who headed the FAA from 1958 to 1961 and is now a director of American Airlines, told the task force that:

> It was never anticipated that the Federal Government would be the major sponsor of a supersonic transport . . . I gag at the Federal Government by its positive action replacing economic demand.

The Department of Transportation was not too anxious to have General Quesada's testimony made public, and now that I have seen it I can understand why. DOT at first told me that no transcript of the general's testimony even existed, but finally, after repeated requests, they were able to produce one copy. It had been found in a safe in the office of the Under Secretary of Transportation.

The second item is a paper by Prof. John Walgreen of Wheaton College, an economist who assisted former Defense Secretary Robert McNamara in a review of the SST program in the Johnson administration. Professor Walgreen's paper, written in January of this year, predicts that the Government will lose more than a billion dollars on the SST. The paper estimates that no more than 139 SST's will be sold, contradicting the FAA's rosy predictions of a 500-plane market for the SST.

I insert General Quesada's testimony and Professor Walgreen's paper in the Record at this point:

Statement of Lt. Gen. Elwood R. Quesada, Before the President's SST Ad Hoc Review Committee, March 12, 1969

Mr. Beggs. General, it is a pleasure having you.

Gen. Quesada. I am delighted to be here.

Mr. Beggs. As you gentlemen know, General Quesada was the first Administrator of the Federal Aviation Agency and, of course, the SST which we have been examining over these few weeks started under his administration.

Do you have a statement for us?

Gen. Quesada. No, sir, I do not.

Mr. Beggs. Do we have questions, then?

Gen. Quesada. I thought you meant did I have a written statement.

Mr. Beggs. Why don't you just discuss it in general.

Gen. Quesada. All right.

Mr. Beggs. Please proceed.

Gen. Quesada. I don't profess to know a great deal about the SST program as it now stands, and I certainly do not profess to be an authority on it, and I would like to confine my remarks, one, to a short resume of the history of the program that I am familiar with and can speak with considerable authority because I was involved in it, and then speak philosophically, if I may.

It is true that the SST program was initiated during the time that I was fortunate enough to serve as the Administrator of the Federal Aviation Agency. I don't want to leave the impression that the program got very far at that time because it was of short duration. It was only at the end of my administration that the subject was pursued. I thought it might be helpful to some of you at least to get some of the background and thinking that was prominent at the time. I do not want to imply that that thinking by necessity must continue.

The concept that prevailed at the time, and the motives that energized us at the time, was to exploit and use the knowhow that the socalled B–70 program would logically generate.

All of you are aware, I am sure, that commercial aviation in its broadest sense has enjoyed the benefits of one military program after another. I think it is reasonable and certainly fair to say that not many of the great steps of progress that have taken place in commercial aviation that were not contributed to in a major sense by military programs.

The engines that we now enjoy and have always enjoyed were primarily those engines or power plants, perhaps I should say to be more general, that came from, that basically came from the military programs, or most of our aircraft came from military programs.

The 707 is perhaps the most glaring example, but it is only a single example, and exemplifies what I am attempting to establish, which you all know anyway.

In this particular case the KC–135 was a forerunner of the 707 and hundreds of KC–135s were built before the first 707, and the power plants that the 707s eventually used were also the products of military developments.

So, what I am trying to say is that the concept that prompted us and motivated us was to establish a program and articulate this same process that would permit the knowhow that is being developed, or that was being developed to the B–70 program to be translated into a useful economical supersonic transport. And we always anticipated that the B–70 program would be a continuing program. As it turned out in that regard we were wrong. The B–70 program, as all of you, or at least many of you know, we canceled.

It was thought at the time that the B–70 program would contribute to a supersonic transport program and it was never intended that it dominate a supersonic transport program. It was intended that the knowhow, the research and development, the resolution of the unknown would be a contribution factor. We were well aware that if that were the case it would save a great deal of money and you would not have to duplicate all of this—

I might put it in the negative. It was never anticipated that the Federal Government would be the major sponsor of a supersonic transport. It was anticipated that a major sponsor of the supersonic transport would be economic demand and when economically feasible a supersonic transport program would proceed, hopefully helped by the government.

Now, the B–70 program was canceled and I must assume for good and just reasons, and that by necessity brought about a significant change if we did decide to go ahead with the development of the supersonic transport because this tremendous expense on one hand which hopefully would result in knowhow in the form of throw-off would not have to be duplicated.

Now that is substantially the history I was a party to and a part of.

Now, if I may speak philosophically now, and use for the benefit of any of you who may see fit to use it, my own experience, I must say here so there will not be any misunderstanding I am a director of American Airlines. However, I can say with equal frankness I am not pursuing the interests of American Airlines if for no other reason then that what I am going to say they would not like. I think that will assure you at least of my sincerity.

I have very serious reservations about the Federal Government assuming the major burden of developing a commercial airplane. Serious reservations. The Federal Government is not motivated in such a manner that would cause them historically speaking to produce the most efficient and most economic transport.

I gag, if I may use my own term, at the Federal Government by its positive action replacing economic demand. I feel that a supersonic transport or any other commercial device should be the product of economic demand. Our free enterprise system, at least in my opinion, has been a very successful system and I would hate to see it replaced by something else.

We are certainly the leaders of the world in the production of commercial transports. We stand almost alone. There is no nation in the world that can be a successful rival to us. We have dominated the commercial field to an unusual extent, and in my opinion if that is true it is largely because we have used the principle that if there is an economic demand our industry will respond to it, it will use its ingenuity to make a better mousetrap. It will use its ingenuity to make a more economical mousetrap. It will use its ingenuity to finance the endeavor and it will use its ingenuity to market it worldwide at a profit. Which is a worthy objective.

I cannot help but recall in my youth—which is a hell of a lot too long ago to be meaningful now—that the United States was not a significant factor in world air transportation. If you wanted to read a magazine on aviation you had to either be able to read French or Italian, and you had available to you many fine British publications. The commerical transportation to a large extent was in the hands of European nations and they enjoyed reasonably good success, when you think the time was. We as a country entered the field, and my memory tells me that we used the economic principles that are basic to our free enterprise system admitting, however—and what I am trying to say has this flaw in it which I know exists—that much of what we got was from our vast military expenditures. That is true of other nations, too. I just don't want to leave the impression that it was industry and industry alone that gave us this dominant position. Our industry enjoyed the tremendous expenditures that were energized by military requirements, but nevertheless, when it came time to produce a DC–8, when it came time to produce a Connie or a 707 or 727 or a DC–9 the risk was basically assumed under the umbrella of a free enterprise system. When it came time to produce the A–80, it came under the umbrella of our free enterprise system. In that case it lost a lot of money. In the case of the others that I have mentioned the entrepreneurs made a lot of money, and that is the core of the free enterprise system. If you risk you are entitled to gain. If you don't risk you are not so entitled to gain.

So I must say I gag a little bit at what I observe to be a tendency to put the supersonic transport program under the aegis of the Federal Government, and more importantly, sir, I gag at what has been, at least I have observed, an apparent desire to develop this airplane under forced draft and in my opinion false goals have been established in terms of time.

I think it is a very serious mistake, if I may be so bold as to perhaps run counter to the views of many of you, to initiate a program as complex, as far-reaching and as expensive as the supersonic transport program obviously is, and pit it against dates, is a dangerous undertaking and an expensive undertaking, and, in my opinion often motivated by false values.

I think our efforts should be motivated more by having a better product; having it be economically feasible, rather than having it on the market by a certain date and, as a result, be ahead of somebody else. I think it is an unfortunate source of encouragement.

I certainly hope that a supersonic transport program will proceed. I hope so very fervently. But I would like for it to proceed more under the economically free enterprise system than apparently it is now, at least apparently to me. I'd like to cease, to some degree, this artificial demand that it must be available for public use by any given date. I gag when one says we must beat the French or we must beat the Russians.

If we are going to beat the French or the Russians, then I would like to see the race be in terms of quality of the product and in terms of the economic feasibility of the product.

I think we have got many examples of what happens when you extend the state of the art of a commercial airplane, which by necessity must have a very high standard of safety, when that implication is present. I can speak from some experience that was quite painful and that is the Electra.

I know, or at least I think—and I think I know, perhaps I should say it that way—that the misfortunes of the Electra and those that I had to bear or the hazards that I had to bear as Administrator were at least contributed to by the desire of the entrepreneur, in this case the manufacturer, to get that airplane on the market ahead of something else.

I would like to see a supersonic program proceed, obviously. But I would like to see it proceed under what I call more orderly, more economic and more controlled—and avoid what I observe to be a forced draft. I gag at it, I will tell you very frankly.

Now, I do not mean to imply, although what I have said could be construed so, I do not mean to imply that there should not be a supersonic transport program. But I would like to see at least controlled, if not eradicated, this demand that we must beat the Russians. As far as I am concerned, the Russians can never compete in the open market with the supersonic transport or any other type of transport in the next four decades. They just cannot make airplanes. And in my opinion the supersonic transport that the Russians have could not be given away. I doubt that it could be given away.

I think it is unfortunate that some of our thinking is influenced, at least in part, by the necessity or the suggestion that they have got it so we must have it. This is a meaningless and ineffective source of persuasion to me.

If I may just close and say that obviously there are limited funds that this country or any other country has; and they seem to be more limited all the time. And I would urge those of you who are struggling with this problem to bear in mind, as I am sure you do, that there are many other sources of demand that are reasonable and justified and this can very well be pitted against them, hopefully not eliminated. It would be a great tragedy if this program were ever eliminated.

I cannot help but be aware that there are certain other areas that could be very, very beneficial to the community who travels by air, and very beneficial to the aviation industry and very beneficial to the country at large in terms of air transportation that are yet untouched and as yet undeveloped. I had in mind, to be specific, an efficient short-haul V/STOL type of airplane. I would like to see just as much consideration given to that program as we seem to be giving to the supersonic transport program. And there is one thing you can be quite sure of if either or both are successful, and we must presume that if we proceed they will be successful because we have that happy faculty of being successful in almost everything we do, it would seem to me that just as much if not greater benefit would accrue to the public if we could develop an economically feasible and convenient V/STOL type airplane.

I do not mean to suggest one should replace the other. I just mean to say that the supersonic transport and what it does, what vacuum it fills is not the only vacuum in the air transportation demand that exists.

Mr. Beggs. Thank you.

Are there questions?

Dr. Drew. I would like to raise the question on your philosophy about government involvement or support of this particular program. When it started I think you said that the B–70 program was considered to be sort of a technology base, I guess, from which this program could proceed. We have withdrawn that technology base in a sense now. Do you see this as a model in lieu of the B–70 program; that the government's involvement could be in fact this technology base? In other words, fulfill that role? Do you see that as a valid role for the government?

General Quesada. There is no doubt that the whole problem has changed or was changed when the B–70 was withdrawn. That almost eradicated the very purpose of initiating it. And I understand that thoroughly. And if there isn't to be a B–70 something has to take its place. And I do feel that it is perfectly justified for the Federal Government to some degree to take its place more directly than indirectly.

But, having said that, I do worry about the concept of the Federal Government picking up the tab and then having the influence which it must by necessity have if it is going to put in 90 percent of the money. It is not unreasonable to expect it to have 90 percent of the say. I don't think it will. But at least have 50 percent of the say. And I think that this is a dangerous trend.

I do not know why we should mimic or reproduce what England, France and Italy have done who did have a commanding position in the world market. They have failed. England, their aircraft industry is a miserable failure compared to ours. So I do not know why we should do what England has done. And certainly it is true in France. The French aircraft industry is 100 percent supported, or nearly 100 percent supported by the federal government, and I think it is fair to say it is not nearly as good as ours. And I think that if we adopt the same philosophical approach as France, England and Italy I think we might replace them.

Mr. Johnson. General, some of the representatives of industry have more or less said that industry could not finance this and without support from the government there just would not be any SST. I sort of hear from you that if they cannot then perhaps there should not be any because if it was economically feasible for them to reap profits out of it they wouldn't look to the government.

General Quesada. That is exactly what I mean.

I must modify that, however, in this light. It is true that practically every other successful air transport vehicle has been indirectly supported by the Federal Government through the development of knowhow. I don't think there would be a 707 today if it weren't for the KC–135. I think we must accept that.

However, I have the intuitive feeling that if there was on one hand economic demand there would be on the other hand the ability to finance it.

Mr. Johnson. Could I ask one other question? Would you want to discuss or express an opinion as to how far then should the government be involved in helping to develop this technological knowhow?

General Quesada. Yes, sir. I am glad you asked that.

In my opinion one of the most effective and successful agencies of government was the NASA. I don't think there is an agency of government from which we got the most for our dollar more than the NASA. And I have the intuitive feeling, and a feeling that emanates to some extent from experience, that a lot of this knowhow could be developed by the NASA now, of course, and thereby reduce or minimize some of the cost that is inherent in this supersonic type of program today. This would be certainly true if we could in some way get away from this unattractive—unattractive to me—implication that we must have this program by a certain date. I think it is false. I think it is false energy to say that we have to have it by 1973. I think the time factor should be influenced primarily by prudence and judgment rather than attempting to get it into the market ahead of somebody else.

I find nothing wrong with buying the Concorde, absolutely nothing if it is economically feasible for the American industry to buy that. I think it is appropriate that they should buy it. To say otherwise would be to say that there is something wrong with France buying the 707 and England buying the 707 and God knows they have bought many of them.

I do not see anything wrong with us buying a Concorde if there is good economic demand for it, if it will carry its own weight and yield a profit. Because it is French I can't see why we should not buy it, because if we are going to adopt that philosophy there is nothing wrong with the French, the English, the Germans not buying a 707.

Mr. Beggs. Any other questions?

(No response.)

Mr. Beggs. I must ask one. You mentioned when you started that you felt that the program should somehow be reconfigured and you just mentioned again that striving for a date was bad. How would you reconfigure it? What would you change in terms of time or——

Gen. Quesada. Well, it is awfully easy for me on the outside to kibitz those who are on the inside, and if you will realize that I am kibitzing and without full knowledge it would seem to me that the government's share could be a reasonable sum. I am not going to say what it should be because I just don't know enough, but it could support it by some reasonable sum on an annual basis and then leave it up to the ingenuity of the industry to cope with the competitive forces of time. Our industry can be very ingenius. However, in my opinion its ingenuity is less if it is not influenced by the profit motive, the economic motives, and I would say some number of millions for the next five years to be assured to encourage it, and when they are ready to market it, do it.

I do not know if I have answered your question or not.

Mr. Beggs. To some extent, yes.

This could go on for a long time so I will not pursue it any more.

Anything else?

Mr. Boehner. What is your view of the Concorde? You say you see no difficulty or see no problem with U.S. airlines buying the Concorde. Are you for the Concorde to any extent?

Gen. Quesada. I had the good fortune of going to France and looking at the Concorde as a director of American Airlines, and we have an option to buy some number of them, I forget which. [If you view it on an economic basis alone I just do not see how a Concorde can be economically feasible. If American Airlines as an example had to buy Concordes and put them on the same routes now upon which they have 707s and charge the same fare I think they would not buy Concordes. I think the Concorde is going to be, by current standards, a non-compensatory airplane. I just do not see how that airplane on an equal basis can compete with the currently accepted jet transport.]

Mr. Boehner. The argument has been made several times that the Concorde would improve as you go into subsequent models. Do you foresee from your background that it will eventually develop into an acceptable or feasible aircraft economically?

Gen. Quesada. Eventually I would imagine that it would. I think it is inescapable that the Concorde will go through the same processes of evolution every other transport we have ever developed has gone through. You stretch them, you improve them by varying devices that the ingenuity of industry can provide that makes it a better airplane.

Now, without some form of subsidy, whether it is subsidy from other profits, because that is in a sense subsidy, or an extra tariff, or some other economic process I just don't believe the Concorde can now compete.

Mr. Beggs. Let me pursue the point just one step further.

As a director of American Airlines, if Air France and British Overseas flew the Concorde in Atlantic service or flew it in competition with the other international airlines, would they have to buy it?

Gen. Quesada. American would not, but I think Pan American would. I think Pan American and TWA would. And I do not find anything wrong with that. I think it is inescapable.

I wish it were otherwise, you understand, but I do not see anything wrong for us to buy a French-British airplane when we have sold hundreds of millions of dollars worth of airplanes to them.

But if the Concorde is put into Atlantic service by BOAC or Air France or any other carrier, I think it is almost inescapable that Pan American would and TWA, and if they do the only solution in my opinion would be for them either to charge or get permission to charge increased tariff or take the operating deficit from other profits.

Mr. Beggs. Anything else?

Mr. Johnson. Why would they have to fly it if it is not a moneymaker?

Gen. Quesada. They would be motivated to fly it by their competitive instincts. They would not want it said, nor would they want it to be a fact, that Pan American cannot give three-hour service to London when Air France can.

Mr. Johnson. In other words, speed then is a factor in passengers' selection of mode to travel? Is it so much a factor that they would be willing to pay the higher tariff?

Gen. Quesada. I think so, yes, sir.

Mr. Johnson. Then you almost have to consider that in your relative capability of making a profit out of either of these. You are giving something that the other planes don't give you and therefore you can charge more and you are on a little better competitive basis.

Gen. Quesada. I think it is inescapable that they would charge more. I think that is inescapable. There would be an extra tariff.

My own view is that we should be bending our efforts to reduce the tariff rather than raise it. But I think they would have to charge—they would charge a higher tariff, because they are giving better service. And there will be a number of people who will want the better service for the extra tariff. And there will also be a number of people who will be satisfied with the service for a lesser tariff; otherwise we would not have first and second class. Why do some people go on a bus?

Mr. Nehmer. Do you believe that a subsidized operation of the Concorde is the shape of things of the future in aircraft development, due to the large increase in cost? Is the next big generation of aircraft going to face this type of competition?

Gen. QUESADA. Not necessarily, no, sir. I think it is in France—in Europe, in the more socialized countries. And I don't mean that in an unattractive sense. I think that's going to be true in the socialized countries, but I don't think it is necessarily true here.

I don't know of anything that would cause us to make an abrupt change. The military establishment is going to live for a long time, I think. They are going to develop the know-how in the future, I think. I think our industry is capable of taking the next step after the present one. I think they would be more capable if they would do it in response to economic demand.

There was no subsidy involved in the 747, and that was a tremendous undertaking. And that is not even flying yet. I don't think that we should give up and adopt the system of Europe, which I think has proven a failure, and substitute for it—substitute our system for it which has been proven a success.

Mr. NEHMER. This was not the thrust of my question. I was merely asking whether you thought that we were facing subsidized competition abroad.

Gen. QUESADA. We have been facing subsidized competition abroad for the last two decades. Every airline—I don't know of a single airline that does not enjoy a federal subsidy. We compete with them quite successfully. Ours make money, and theirs lose it. That's why I don't want to copy it.

I am simplifying this, you understand, perhaps too much.

I think I should say, sir, there is going to be an increase in demand for government participation. I don't think there is any doubt about that. But I wish that it would not take place at our own initiative.

Mr. NEHMER. Thank you.

Mr. BEGGS. General, thank you very much. It has been our pleasure having you. We appreciate it very much.

EVALUATING THE SST PROGRAM,

January 21, 1969.

This paper summarizes major issues relating to the SST Program. This discussion, though critical, is not intended as an argument against the program; it should be useful to those interested in terminating the program now, but even more so to those who wish to carry it through to development of a commercially successful SST. Thus, it is offered in a constructive spirit. It is offered now because the reevaluation of Boeing's design and the possiblity that the contract is now in default, offers a rare opportunity to re-think the entire program and correct earlier errors.

The issues discussed are:

1. Why should the U.S. Government (USG) participate in developing a supersonic transport?
2. Is the SST program a good investment?
3. How should the development and production programs be planned?
4. What special problems are created because USG is managing the program?
5. How is the program being financed?

Each is briefly summarized below.

1. Numerous rationales for U.S. participation have been offered. While all have some faults, some could serve as useful guidelines for the SST program. The FAA has stated, "The Presidential guidance is that the SST must be safe for the passenger, profitable for the manufacturers and airlines, and superior to any other aircraft." There is also a desire that the entire investment be profitable, not just for the airlines and manufacturers. Uncertainty over the rate of return to require for USG funds (and whether to collect it) has dogged the program and needs to be explicitly resolved.

2. Many studies of the market for the SST have been made. The methodology used here is based on the work done by FAA's contractors, and others. It shows rates of return on the SST below the 10% which would characterize a program all of whose funds were earning a profit. Indeed, the return is usually below 6% and quite often negative. Such calculations do not prove that the program should be terminated. They do, however, show how much the USG must value prestige and leadership if it is to continue the SST program.

3. The SST program is now structured on the assumption that a known technology is to be applied in a routine way to a commercial venture. Some evidence from military R&D programs suggests that this is not the case, as does the present state of the SST program itself. An alternate principle of organization is appropriate. This more flexible approach, while it appears more expensive now, will be less costly when the program is complete.

4. Several special problems relate to conflicts of interest within the FAA, such as conflicting responsibilities in certification, and in regulating airport noise and sonic boom. There are also problems arising out of the creation of a commercial monopoly in supersonic flight. While these issues arise because of USG involvement in the program, their resolution may be more appropriately undertaken at a higher level of responsibility than the FAA.

5. The development of the financing program is outlined, with some discussion of the present arrangements and alternate (rejected) ones. The discussion suggests that the present arrangement, wherein the manufacturers put up only 10% of the development money, confirms the analysis (section 2) showing that the program is unprofitable.

These are the major issues, with the exception of foreign SST programs. If we place a value on "aviation leadership" the Concorde threat can be evaluated. But early analyses did not suggest that these foreign programs need have adverse effect on the U.S. even if we lack an SST. Recent events do not change this basic conclusion. There are many ways for U.S. industry and airlines to counter the Concorde (and TU-144). The SST has not been shown to be the preferred one.

WHY SHOULD THE U.S. GOVERNMENT PARTICIPATE IN DEVELOPING A SUPERSONIC TRANSPORT?

The logic of U.S. Government participation in the supersonic transport (SST) program has been based on two kinds of arguments. The first is that it is a good commercially viable venture, *but* government financial assistance is required because of the magnitude of the investment, the long period before any net revenues are realized, and the substantial risk involved. This rationale can be tested by asking if the funds invested in the SST program will earn as much as they could elsewhere in the economy. As is shown later, the program fails to pass this test of commercial profitability, even under extremely optimistic assumptions. It produces estimated rates of return ranging from less than zero to 3 percent unless large scale sonic booms of heavily populated areas are expected to be acceptable. Such low rates of return for such a risky venture are clearly inadequate. Thus, this rationale does not explain why USG should be involved.

An alternate rationale for USG participation, even in a commercially unprofitable program is that it is in the national interest on such other grounds as: improved U.S. balance of payments (BOP); creation of jobs for U.S. workers; technological discoveries of value to other programs; and maintenance of U.S. prestige and leadership in the commercial aircraft industry. If these objectives are worthwhile, USG might subsidize the program by taking a low or negative return, so that the manufacturers can earn a normal commercial profit. A rational decision on this issue requires a comparison of these benefits with the required USG subsidy. These benefits are discussed below.

Balance of payments

The interrelationships among various accounts in the BOP makes this a complicated issue, but it must be addressed. FAA funded studies examined these interrelationships and concluded that an SST would cumulatively improve our BOP by less than one billion dollars between 1975 and 1990. To gain this improvement would cost the USG much more than a billion dollars in direct subsidies to the manufacturers, and far more in foregone returns from other programs that could have used these funds. In addition, most of the improvement occurs near 1990, while the USG costs occur before 1975. USG financing of the SST is an expensive way to purchase foreign exchange.

Job creation

Some proponents of the SST program have argued that 50,000 jobs will be created directly by SST manufacture, plus induced creation of 250,000 additional jobs. Because the SST earns a low rate of return, it will make the nation poorer. Thus, if it has any effect, one would expect it to reduce employment, rather than increase it. No analysis has been produced to counter this expectation.

Consider the 50,000 primary jobs first. Given probable SST sales, and labor costs approximately 50% of total production cost, the annual SST wage bill will average about $156 million, or only $3,120 per worker. Even at current wage rates, this wage bill would support only about 20,000 workers, at most. Thus, the 50,000 figure is very questionable. But far more important these will not be new jobs for the economy as a whole, but only new employment for highly skilled workers who would be employed anyhow. They may represent added employment to the aircraft industry, but this has not been adopted as a goal of American society.

Nor is there reason to believe this added employment has any important military value.

Similar remarks apply to the induced employment.

Technical advance

There may be technological discoveries of use in military or other programs, such as improved titanium production techniques. If USG is to spend over a billion dollars on aircraft technology, it would probably be more productive to spend the money directly on solutions to the technical problems of interest. The Defense Department does not expect important technical advance to result from the SST program. More importantly, this argument for technical advance runs counter to the underlying philosophy of the SST program, which is, "the technology is in hand, and we can now exploit it commercially." This is the philosophy that has structured the program to date. It is wrong—the technology is not in hand—yet the program has been approved both because it will require new discoveries and because it does not need them. That is, the stronger is this argument, the more likely is it that the SST will cost far more than is now predicted, and will not be commercially profitable on the current schedule.

Prestige

As for prestige and leadership in the field of commercial aircraft, the U.S. SST will be the best commercial supersonic aircraft in the world—technically and economically. Considering the resources of the U.S., it is not surprising that we can best the British-French Concorde and Soviet TU-144 if we establish the SST as a national goal. But it is not evident that the image of the U.S. and its economic system will be enhanced if the success of the SST depend upon public intervention rather than free enterprise. The experience of the U.S. with subsidies to the merchant marine, as well as British subsidization of their aircraft and airline industries, suggests that this type of subsidy may create something other than an image of vigorous leadership.

The only remaining argument is that the SST program itself represents a desirable subsidy. The usual criteria for subsidization are that the benefits are distributed broadly over the country as a whole or, if distributed narrowly, they result in a redistribution of income from a less needy to a more needy segment of society. The SST subsidy will be drawn from general tax revenues and granted to highly skilled workers in the aircraft industry, stockholders of the SST manufacturers and their suppliers, and air travelers who can afford faster transportation at prices that do not reflect all the costs involved. Thus the SST does not meet the usual criteria for government subsidy. Of these rationales, job creation, and balance of payments have been investigated and disposed of, as has the general subsidy argument. The technical advance argument is inconsistent with the present program though it could play a central role in an SST program which did not pretend to be exploiting a known technology. (Such a program is suggested below.) The prestige argument could be useful if the amount USG is willing to pay for prestige were specified explicitly. The current lack of a suitable rationale for USG participation poses great problems for management of the program. For example, one reason why the development of a financing plan was so difficult and its results so unsatisfactory, was this lack of reasons for the USG being directly involved in the first place.

THE SST PROGRAM AS AN INVESTMENT

The analysis presented here calculates fare levels for both the SST and subsonic aircraft during the 1970's, based on their operating costs, the airline's desired rate of return on investment, and aircraft productivity (trips per year). The assumption that passengers will choose between subsonic and supersonic flights based in part on the value of their time and on supersonic and subsonic fares, serves as a basis for estimating the number of passengers who will travel in supersonic airplanes. This passenger demand is then translated into aircraft demand and a 1974–1990 SST sales profile is generated. For given estimates of development and production costs, the net cash flow, and return on the investment (ROI) are obtained. The effect of uncertainty about any of these assumptions has been analyzed. Since the results of this analysis—discussed below—are so different from those the FAA reported elsewhere it is important to understand how the differences arise. They do not arise because of differences in the way the calculations are made, but because of different values used for the value of travelers' time, operating costs, etc. Further, this analysis is based on the new Boeing design, not the one selected in 1966 and subsequently judged to be unworkable. The main source of difference is the reduced payload of the new design. The 1966 Boeing design was to carry about 300 passengers; the present design will probably carry about 234. This approximately 22% decline in payload has a large leverage because it induces higher fares to cover costs, and these reduce the number of passengers who will pay the difference to go supersonic, etc.

Aside from differences due to the new design, there are other differences due to differing assumptions about the value passengers place on their time, aircraft operating costs, etc. The values chosen here are more nearly consistent with research results—including those results obtained by FAA funded studies—than those FAA used in their 1966 economic evaluation.

The analysis discussed below assumes: air travel grows at an average rate of 10% per year; passengers value their time at a rate equal to their hourly earnings before taxes; the SST will weigh 675,000 lbs. and cost $40 million sans spare parts; development cost through certification will be about $2.4 billion; to*al program cost of 200 SST's would be about $9 billion; disposable personal income per capita will grow at a rate of 2.5% per year; fares are set to provide a 20% pretax yield on all airline investment; supersonic flight is restricted to routes over water and uninhabited land areas because of sonic booms.

By treating the USG as a private investor, rates of return on the total program can be calculated. These rates because they are low show what USG is paying for the benefits of the program. The results of the calculations are shown below:

Aircraft sold	Rate of return on investment (percent)			Net cash flow (millions)	
	USG	Manufacturing	Program	USG	Manufacturing
139	(1)	1	(1)	−$1,183	+$150

[1] Loss.

This compares with earlier FAA estimates of 497 sales and rates of return of over 10% for the manufacturer and about 4% for the Government. The new estimates not only show losses for USG, they also indicate that the manufacturers can be expected to exert heavy pressure to get the Government to pick up even more of the losses than the $1183 million shown in the table. Manufacturers will not proceed with a program which promises them only a 1% return; their return can be raised only if USG will absorb more losses.

Value of time saved

The success of the SST depends largely on the willingness of air travelers to pay higher fares to fly faster. There is general agreement that this willingness is determined by the value air passengers place on their time. However, there is uncertainty about this value. FAA sponsored analyses concluded that the value of time was equal to a person's average hourly earnings. The FAA, after discussions with 10 airlines, concluded that the value was 150% of a person's average hourly earnings. Recent research at Columbia University indicates that people value their time at as little as 40% of their hourly earnings.

The table below shows that—depending on passengers' value of time—USG can expect to lose between $552 and $1,382 million cash under existing SST financing arrangements. Even with the FAA's more optimistic assumptions, the 3% rate of return on the program falls far short of an acceptable commercial profit rate. While the true "value of time" variable is not known, it is very unlikely that it lies above 150, and even this value gives an unsatisfactory result. The rate of return is low (3%) and sales are less than half the FAA's 1966 estimates.

Value of time (percent of hourly earnings)	Aircraft sold	Rate of return on investment (percent)			Net cash flow (millions)	
		USG	Manufacturing	Program	USG	Manufacturing
75	111	(1)	(1)	(1)	−$1,382	−$252
100	139	(1)	1	(1)	−1,183	150
150	225	(1)	6	3	−552	1,689

[1] Loss.

Sonic boom restrictions

Various sonic boom tests indicate that about 25–30% of the public would find repeated sonic booms unacceptable. (This is discussed in more detail later.) Booms for these tests were about 1.0 to 2.0 lbs. per square foot. The SST is expected to create a boom during supersonic cruise of about 2.0 lbs. per square foot, and more during acceleration. Variable conditions in the atmosphere and on the ground will cause booms of 3.0 lbs. or more with surprising frequency. Thus, it is prudent to assume that SST's will be restricted to flight over unpopulated areas.

This restriction costs the SST about two-thirds of its potential sales, as shown in the table below. Only if SST's are not restricted by sonic boom will USG be repaid its full cash contribution and the program rate of return approach a commercially acceptable level.

Sonic boom	Aircraft sold	Rate of return on investment (percent)			Net cash flow (in millions)	
		USG	Manufacturing	Program	USG	Manufacturing
Restricted	139	(1)	1	(1)	−$1,183	150
Unrestricted	443	4	14	10	1,050	$6,495

[1] Loss.

Effects of changes in operating and R. & D. costs

Operating and R&D cost estimates are subject to large errors. Given our assumptions and restriction of the SST to overwater flights only, the profitability of the program is relatively insensitive to reasonable variations in aircraft operating costs and the cost of SST R&D. The table below shows that even favorable variation in one or the other of these factors will not enable the program to earn an adequate rate of return for either the government or the manufacturer.

Variation of costs about base values	Aircraft sold	ROI (percent)			Net cash flow (in millions)	
		USG	Manufacturing	Program	USG	Manufacturing
Operating costs:						
−10 percent	170	(1)	3	(1)	−$957	$665
+10 percent	126	(1)	(1)	(1)	−1,275	−43
R. & D.:						
−20 percent	139	(1)	3	(1)	−953	−480
+25 percent	139	(1)	(1)	(1)	−1,440	−199

[1] Loss.

HOW SHOULD THE DEVELOPMENT AND PRODUCTION PROGRAMS BE PLANNED?

The development and production programs laid out for the SST assume that the cost of development and production, time of availability, and performance of new aircraft can be estimated accurately. Thus the program is now specified in some detail, only one contractor team remains, and some overlapping of successive aircraft, very few for such an advanced program. When the Boeing 707 was adapted from the USAF KC–135 the Air Force had a hundred or more such aircraft, and many thousands of hours of experience with it, and much more experience with other subsonic jets. By contrast, the SST is planned for 100 hours of flight test and a certification program. No one in the "free world" has much experience at the SST speed of mach 2.7 and above.

Extensive experience with aircraft development projects indicates that good predictive ability should not be assumed because it does not exist. Some test aircraft have failed to fly without extensive modification. Some supersonic aircraft have failed to go supersonic without many re-configurations. Where technically advanced aircraft have been developed for the Department of Defense, production costs have been under-estimated by average factors of 3.4–5.0. Systems have been available on average 2 or more years late. R. & D. costs have risen by average factors of 2.5 to 3.0. These are not the worst cases. These cost increases and slippages have been necessary to achieve desired performance levels. The fundamental uncertainties associated with aircraft R&D programs are thus demonstrably great.

Further, the performance requirements for commercial aircraft are much more rigid than those for military developments. This may seem paradoxical, but military aircraft are expected to fly only one or two sorties per day. Often these are relatively short missions. Maintenance between missions may be extensive, and no one high performance aircraft type is expected to be intensively employed for wars of several years duration. Commercial aircraft, on the other hand, are expected to fly 8 or more hours per day for at least a decade. They must be very reliable, and rapidly and cheaply maintainable. The present commercial jets have been so profitable because low maintenance requirements permit them to fly almost all day and much of the night. Thus, the SST poses a much more difficult problem than most of the military aircraft whose sad experience has been cited above, since it must meet more stringent commercial standards.

Experience in the SST program to date tends to confirm this difficulty. The Boeing and Lockheed resigns were subjected to numerous changes before the final selection of the Boeing design. Since the selection of the original design, the Boeing has grown from 675,000 lbs. to about 900,000, the swing-wing has been abandoned, and a completely new design is being developed at a weight of about 675,000. This new plane will probably have about 60–80 fewer seats than the swing-wing, however, and a much-reduced earning potential. As an example of the difficulty of dealing in a pre-planned way with such a program, the new Boeing design might better be mated to the earlier Pratt & Whitney engine which was designed for a fixed wing SST. But Pratt & Whitney is no longer in the program. This is another illustration of the problems of "cutting off your options" early and acting as if you could predict where you cannot.

If the SST is to be developed and produced, very different principles should guide the planning for its development, certification, and production. Flexibility in the face of this uncertainty is clearly in order, and the entire program should be re-structured to adapt to uncertainty.

Initially, a flexible program appears most costly. However, by the end of the program, when the real costs are in, the more flexible approach is usually the less costly.

As Thomas Marschak has recently said: "When the predictions available at the start of a development program are used as the basis of heavy commitments to a highly specified design, then in the fortunate cases when the predictions turn out to be correct, time and money may have been saved compared with the postponing of such commitments until later in development. If the predictions are seriously wrong, however, costly revisions will be required. The initial uncertainties of development are such that the gains due to heavy initial commitments in the fortunate cases are outweighed by the costly revisions of the unfortunate cases."

WHAT SPECIAL PROBLEMS ARE CREATED BECAUSE USG IS MANAGING THE PROGRAM?

There are several major problems associated with USG development of a commercial SST. The first arises because there has been no explicit rationale for the programs. If USG is in for the prestige, how much is it willing to pay? In what sense is the program to be profitable? Such basic questions have never been explicitly answered. Whatever agency is responsible needs guidance on why USG is in the program. To date the FAA has acted as if it were directed by President Johnson to "develop an SST." Thus, FAA has ignored studies showing it is a poor program, suppressed pessimistic contractor estimates, and debated with other USG agencies which questioned the profitability of, or need for, the program. The FAA, and other interested agencies, should either be told that the SST will definitely be developed and why, or that development remains an open question subject to study. If the latter, criteria for deciding are needed.

If it is an open question, the agency responsible for developing the SST should not also be responsible for studying whether the SST program should be continued. They cannot be disinterested analysts of their own program. There is a need for a continuous analysis of the program by an organization experienced in such analysis, independent of the hardware program, and with access to very senior officials in the White House or Bureau of the Budget. The Presidential Advisory Committee for the SST is not such a body. Special arrangements for this program are required because the usual government apparatus is not particularly attuned to developing commercially profitable products. The inept handling of the financing arrangements is only a part of the evidence of this. Perhaps it should be monitored by an office in the Program Evaluation Staff, Bureau of the Budget, with funds for contracts to study various parts of the program.

Assuming this problem of program guidance is solved, several other serious ones arise. The USG is now in the awkward position of having the FAA develop an SST, and, through the FAA, of having to certify both the SST and Concorde. Simultaneously, through the CAB and the State Department, USG will be in a position to fix air fares and thereby affect the success of the program. The potential conflicts of interest here are obvious. Will FAA feel free to deny certification to Concorde if it seems unsafe? If it seems safe? Will it certificate an unsafe SST? The "subsonic travelling public" is especially vulnerable as are the producers and owners of subsonic aircraft. The USG could "cover up its mistakes" on the SST program at their expense by raising subsonic fares, and may do so. Removing the SST program from FAA would not solve this problem, but would force its explicit consideration at a higher level in the Government. This would be desirable.

Sonic boom

The single most important factor underlying the viability of the SST program is public acceptance of sonic booms as part of the daily environment. If the public accepts booms, transcontinental flight can be unrestricted, and the SST program can earn about 10%. If flight paths are restricted, the program will lose about a billion dollars.

Some attempts have been made to test public reaction to sonic booms. An opinion survey in Oklahoma City, after six months of about seven booms per day, suggested that 27% of the population "could not live with eight booms per day." After seven months of one boom every three days, an opinion survey revealed that 35% of St. Louis residents were "annoyed." At Edwards AFB, 26%–30% of the residents considered eight booms per day "unacceptable." In addition, 34% of people surveyed in France said ten booms per day would be "intolerable." These tests fall far short of the number of exposures implied by overland SST operations (4–50 per day for 45 million people).

All these tests have yielded similar results, about 25%–35% of those surveyed finding booms at least annoying. The average boom intensity in these tests has been about 1.5 pounds per square foot (PSF) overpressure.[1] An SST with gross weight between 500,000 to a million pounds would create a boom of approximately 2.0–3.0 psf in supersonic cruise.[2] In the Edwards AFB tests, the proportion of people rating the boom "unacceptable" more than doubled (30% to 62%) when boom overpressures were inreased from 1.5 to 3.0 psf.

A test of the acceptability of sonic boom under normal airline operating conditions has never been conducted. The Office of Science and Technology Coordinating Committee on Sonic Boom Studies designed several test programs to simulate actual airline operations of the SST, but was never permitted to conduct them. This prohibition may have resulted from fears that such tests would reveal an adverse public reaction and force cancellation of SST development. Though far from conclusive, evidence to date suggests that the public will not tolerate sonic booms as part of their daily lives; 30% to 60% of 45 million people will be opposed. Thus the analysis assumes restricted SST operations.

Effect of the SST on current airline industry problems

The airline industry suffers from a congested air traffic control (ATC) system, and a community relations problem due to airport noise. The SST will aggrevate both of these conditions.

In air control the SST will require longer separation times between operations. Therefore, in any given time ATC will be able to handle fewer aircraft, with SST's than in a purely subsonic environment. In addition, the inefficiency of the SST during subsonic flight requires shorter holding times for this aircraft than for subsonics. Thus more controllers will have to be provided to accommodate the SST.

The SST's noise contour differs from that of present and expected subsonics. This means that airports handling both SST's and subsonic planes will inflict high noise levels on a larger part of their neighboring communities and intensify the public relations problems of the airports and the airlines.

HOW IS THE PROGRAM FINANCED?

From the beginning of the program it has been argued that government financial assistance would be required, because of the magnitude of the effort, the long period before any revenues are realized, and the substantial risk. The controversial issues involved in financing the program were the extent of government assistance and the method and extent of recoupment of government monies. Corollary to these issues, however, were questions of government control of the program.

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[1] *Report of the OST Coordinating Committee on Sonic Boom Studies,* 1 November 1966, p. 16.

[2] Estimated by extrapolating curve in Annex I of *Sonic Boom Experiment at Edwards Air Force Base,* 24 April 1967, p. I–4.

The larger the share of costs borne by USG, the smaller would be the incentive of the manufacturer to maintain strict cost controls and evolve a commercial successful program. The incentive structure would be similar if the program's principal contributor were somehow accorded a subordinate lien on profits, if any. In addition, USG would be funding a commercial monopoly if it did not maintain a great deal of control over the program, and open to a charge of socialism if it helped steer the program and/or shared in the profits.

As for *cost-sharing* by the government, the initial position of the manufacturers in 1960 was, "Government appropriations would pay completely at the onset for the delivery of (an SST) prototype and its testing." The initial government position was to aid the program only if "absolutely essential." By 1963 the government position had shifted to a willingness to bear 75% of the total cost of development through certification.

Contracts for Phases II–A and II–B (initial design proposal) adhered to the 25%/75% formula. Phase I–C contracts, however, which would finance design efforts leading to the selection of a final team of one airframe and one engine contractor, were negotiated on a 25%/75% formula with a partial payback to the losing contractors. In effect, this made the formula 15%/85%.

The USG position in neogtiation for Phase III (prototype construction) contracts with Boeing and Lockheed was proposed to include a 20%/80% formula on basic development costs, with costs in excess of contract ceilings shared on a 50%/50% basis. The latter provision was to prevent underbidding to win the competition. The Phase III contracts finally signed specify a 10%/90% formula, with a 25%/75% overrun penalty.

There has thus far been no commitment of USG support for the certification and production phases, although there is a strong possibility that it will be found necessary. If the manufacturers balk at carrying the full financial burden for these phases, USG will probably feel obligated at least to guarantee publicly-floated bond issues, since it will already have about $1.5 billion at stake. If this additional USG investment seems highly probable, then the project should, in principle, be re-evaluated. No astute investor would throw good money after bad.

Recoupment of USG contributions to the SST program was a thorny issue, since it involved not only how and how much to recoup, but also whether to recoup at all. Part of the problem resulted from public statements by Presidents Kennedy and Johnson, which alluded to national interests in the SST program; balance of payments benefits, added employment, and national prestige. Since these national interests lent themselves to subjective valuation, it was inevitable that interested parties should attempt to substitute them for at least some of the USG recoupment.

The extent of recoupment also hinged on the financial success of the program. On a partnership basis, the parties should logically share in profits or losses according to their proportional contributions, but many felt that USG should in no case earn more than its cost of borrowing, i.e., 4%–6%. Many also maintained that, should the program fail, the USG should bear the brunt of the loss. The Joint Economic Committee has recently recommended in "Hearings on Economic Analysis Investments—Interest Rate Policy," that USG should not appropriate funds for a purely commercial venture without reasonable assurance of earning normal private rates of return, about 10%, to prevent misallocation of resources.

Two basic methods of recoupment were proposed: royalty and "pooling." The royalty scheme was to be a fixed percentage or fixed sum on each aircraft sold beyond some specified number. The entire USG contribution would be repaid when the estimated sales were achieved.

"Pooling" was a euphemism for partnership. Under this arrangement, all parties would contribute in some agreed ratio, and when the net receipts turned positive, would withdraw funds in the same ratio. No market estimates would be required, and proportionate sharing of profits and losses would be assured.

The manufacturers balked at pooling, presumably because they prefer not to share either profits or losses, and because the royalty scheme required a market estimate. Thus, by estimating an unreasonably high sales volume on which to pay back USG monies, the royalty per plane would be lowered and total recoupment postponed. In addition, if the estimate were not fulfilled, USG would bear all losses while the manufacturer earned approximately normal returns; if estimates were exceeded the manufacturers would earn dramatically high returns while the USG returns approximated nominal interest charges.

The present contracts call for a royalty scheme, whereby the airframe manufacturer can begin royalties at any time prior to the 101st unit sold, and the engine manufacturer will begin with the first unit. The full cash USG contribution is to be repaid by the 300th aircraft sold, and the full contribution with interest at about 6% on the FAA-estimated market of 500 aircraft. The estimate of 500 aircraft is about 80% higher than the market estimates made by the FAA's research contractors, and compares with this paper's estimate of 139 aircraft.

Why should the USG accept—and the manufacturer's insist on such an inequitable financing arrangement? First, the manufacturers realized that the USG was anxious to start the prototype development phase, and the manufacturers were not encouraged to compete on the basis of the financing arrangements. Thus the USG gave away much of its bargaining position. Second, the terms of the financing reflect the manufacturers' private opinions about the prospective success of the SST program. The program was likely to be profitable to them only if the USG would assume the major risk of financial loss while they captured the potential program profits.

MILITARY CONSTRUCTION AUTHORIZATION BILL, 1970

(Mr. McCARTHY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McCARTHY. Mr. Speaker, included in the items funded under the military construction authorization bill for 1970 passed Thursday by a vote of 343 yeas to 32 nays are two facilities at Dugway Proving Grounds. These facilities, a sampler processing building and an instrumentation building addition, are for the testing of biological and chemical warfare agents. The justification given for these items at the time the authorization bill was considered is as follows:

The sampler processing building will provide a facility for loading, unloading, decontaminating, and servicing 1,400 heated biological sampler containers used in the installations field test program.

The instrumentation building addition will provide facilities for calibration, maintenance, and protection of mobile cinetheodolites, optical tracking units, and maintenance and protective cover for 6,390 special chemical and biological sampling devices. These instruments are essential in the conduct of chemical and biological field trials by the installation.

These two facilities have been authorized in the military authorization bill for 1970. At the time that the authorization bill was considered, I stated that I would not oppose the authorization, but that unless the executive branch review of chemical and biological warfare policies and practices was completed, I would oppose an appropriation for these facilities. The bill that we considered Thursday contained $420,000 for these facilities. That money should have been stricken from the bill.

There is no basis for appropriating this money before the executive branch of chemical and biological warfare is complete. There is every indication that the administration will cut back our involvement in biological warfare as a result of the review in process. It would be unwise to proceed with this permanent construction before we know whether the facilities will be needed.

On the other hand, if as a result of the executive branch review of chemical and biological warfare, it is decided that these facilities are needed, the administration can submit a supplemental appropriations bill.

Because the military construction authorization bill for 1970 was considered under a closed rule, I had no opportunity to bring this matter to the attention of my colleagues and amend the bill accordingly. Rather than appropriate unneeded money, I voted against passage of the bill.

WHO DECIDES WHETHER OUR TROOPS WILL STAY

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the House is being asked to endorse the President's speech of November 3 on his plan for peace in Vietnam which he promised the people during the campaign of 1968.

Before we are asked to vote this carte blanche endorsement which may well become another Gulf of Tonkin resolution, I would like to call to the attention of this House a most cogent and penetrating analysis of the President's speech:

> The President has announced that he is not seeking a military solution in Vietnam. Instead, he wants to bring our ground forces home as fast as they can be replaced by South Vietnamese forces. How fast that will be depends, he says, upon three conditions.
>
> 1. Progress at the peace talks in Paris.
> 2. The level of enemy activity.
> 3. Progress in training the South Vietnamese forces to take over the fighting.
>
> 1. Who decides the progress at the peace talks?
>
> The United States can make proposals at Paris but to make progress there must be agreement by some or all of the other three parties. Hanoi and the Viet Cong (or, more accurately, the Provisional Republican Government) can continue their consistent refusal to budge and so prevent progress. Saigon, which has its own reasons for wanting the war to continue indefinitely, can hold up progress Most of its top leaders

would gain more by keeping the war going than by ending it.

Who decides the progress? They do, not we.

2. Who decides the level of enemy activity?

The new United States policy of "protective response" leaves it up to Hanoi and the Viet Cong to decide the level of fighting. They can step it up or down. The Saigon government, which may act without our approval, can increase or decrease the fighting.

Who decides the level? They do, not we.

3. Who determines the progress in training the South Vietnamese forces?

The United States can urge the Saigon government to take over the war quickly but if that government does not wish to do so, it can easily obstruct and delay the Vietnamization of the war.

Who decides how fast to take over? They do, not we.

WE SHOULD WITHDRAW

Announce our plan to speed up withdrawal and to complete it by a definite date, say December 1, 1970.

The United States is not defeated. For good reasons we have never chosen to use all of our available military might. We have prevented South Vietnam from being taken over by military force. This was our objective. We are not committed to upholding the Thieu-Ky government. If, after our years of aid, that government does not have popular support, we should not impose it on the South Vietnamese people.

We should not try to Vietnamize the war but should end our participation in it. The World Communist movement is no longer the monolithic threat that it was when we went into Vietnam. The movement has disintegrated into conflicting groups. We can safely and honorably withdraw from Vietnam. We cannot honorably stay there. Withdrawal is not surrender.

WHAT WOULD WITHDRAWAL DO?

1. Withdrawal would reduce the fighting in South Vietnam. Fewer American boys would be there to shoot and be shot at. The other side, knowing that the Americans were leaving, would have little reason for offensive action. They would probably reduce their activity.

2. The Paris peace talks would probably move forward because the Thieu-Ky government would no longer feel that it had more to gain by delays than by action. It would have to make itself more representative of the people of South Vietnam. Hanoi and the NLF will not, and cannot, negotiate as long as we continue our all-out support of the Thieu-Ky regime, which really does not want an end to the war and authentic self-determination for Vietnam.

3. The Saigon government would have to make peace or see that its army rapidly took over the war. They will probably protest our leaving whenever and however it is done but they have about 1,500,000 men in their army and the other side has an estimated 90,000 North Vietnamese and 135,000 Viet Cong. If their army does not want to fight, we should not keep fighting for them.

4. Some persons fear a blood bath if the United States withdraws. If it comes, it would be as bad as the blood bath that the American presence is causing. We can offer asylum to those who are closely identified with Americans. Is there any reason to believe that prolonging the war, at the cost of 1000 American lives per month, will result in its ending with a smaller blood bath?

I believe that the President is right in not seeking a military solution. It would not be worth its cost in U.S. and Vietnamese lives and dollars. To win completely, we would have to suppress the native guerrillas in South Vietnam and we would have to invade and occupy North Vietnam. If we step up the war, China and/or the U.S.S.R. might consider it necessary to come into the war, and almost surely they would stir up more fighting by giving increased aid to Communists in North Korea, Laos and Thailand. We might win in Vietnam and find that we had three new "Vietnams" on our hands.

The President wants to save face for the United States by fighting for "an honorable peace". I wish he would tell us what that phrase means, if it means anything more than a peace which has Saigon's approval. And why should we fight for that?

When the President adopts a policy that lets others decide when we will withdraw, I believe that he is acting against our national interest and not bringing honor to our country.

HENRY E. NILES,
Chairman, Business Executives Move for Vietnam Peace.

BACTERIOLOGICAL WARFARE TESTS AT ENIWETOK

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, most of us are familiar with the island called Eniwetok. This small plot of land located far away in the Pacific Ocean became internationally famous more than 20 years ago when the United States began using it as a test site for nuclear explosions.

For 22 years the former residents have led an existence near starvation on the island of Ujelang, while hoping that their home island will recover from these nuclear detonations so that they may return. Now, however, they have been given another setback with the disclosure that the U.S. Department of Defense may be using Eniwetok Atoll for tests of biological warfare agents.

I strongly protest such experimentation. Residents of Hawaii were shocked by the Army's recent disclosure, after repeated denials to Members of Congress, that chemical warfare agents were tested in Hawaii in 1966 and 1967. We should not impose on innocent peoples whose welfare is our responsibility and who lack representation in Congress or our Government, these abuses which would not be tolerated on our land.

I hope that the Department of Defense will disclose all of its activities in Micronesia, and that any tests or storage of chemical or biological warfare agents or substances will be stopped immediately.

The Congress of Micronesia, which is the local governing body of the Trust Territory of the Pacific Islands of which Eniwetok is a part, has passed a resolution urging immediate cessation of the reported use of Eniwetok for tests of these agents. I include the resolution at this point in the RECORD:

HOUSE JOINT RESOLUTION 62

(A house joint resolution unequivocally stating the sense of the Congress of Micronesia regarding the plight of the Eniwetokian Micronesians and strongly urging the President of the United States to effect immediate cessation of the reported use of Eniwetok Atoll, Marshall Islands District, by the U.S. Department of Defense for tests of biological warfare agents)

Whereas, being the Administering Authority for all Micronesia, the United States of America freely and willingly accepted on July 18, 1947, the responsibility to "promote to the utmost" the well-being of all Micronesians, including the Eniwetokian Micronesians; and

Whereas, the United States in discharging this responsibility must act in full accordance with the Charter of the United Nations, the International Trusteeship Agreement, and the Trusteeship Agreement for these islands; and

Whereas, on December 1, 1947, only five months after the United States had become the trustee for the Micronesians, this same trustee closed Eniwetok to the whole world in order that "necessary experiments relating to nuclear fusion" could be conducted there; and

Whereas, on December 21, 1947, only twenty days after Eniwetok was closed to the whole world, the Eniwetokian Micronesians were forcibly relocated in order that nuclear tests for their trustee's own security and peace could commence at once; and

Whereas, for the last twenty-two years of trusteeship the United States as the trustee for the Eniwetokian Micronesians has arrogantly ignored its responsibilities bestowed upon it to guarantee the peace and the security of the beneficiaries of the trusteeship by its continuous use of their beloved home island for nuclear related tests, while the same trustee knowingly left the said beneficiaries to exist almost on the verge of starvation on an alien island; and

Whereas, the contract entered into by the said Micronesians with the United States of America, their trustee, is not morally and legally binding because the said contract was never translated into the vernacular language and as a result the said Eniwetokian Micronesians never understood well what they were signing; and

Whereas, the said Micronesians have pleaded for mercy and help from their trustee by sending their pleas through the Congress of Micronesia and by petitioning the United Nations; and

Whereas, the United States has agreed to give only a token compensation to the said Micronesians for the loss of some of their islands, twenty-two years of absence from their home island of Eniwetok, and an existence of near starvation; and

Whereas, the Honorable Richard D. McCarthy of New York has recently disclosed that he has discovered that the U.S. Department of Defense may be using the Eniwetok Atoll for test of biological warfare agents; and

Whereas, any existence of such activities in Micronesia is highly questionable in the light of the Trusteeship Agreement and the U.S. policy which does not permit such activities within its own boundaries; and

Whereas, such activities pose dangers of catastrophic magnitude and scope to not only the peoples but also to the land and sea resources of Micronesia and territories and nations throughout the Pacific Basin; and

Whereas, such additional use of Eniwetok Atoll by U.S. Department of Defense dims the prospects of the earliest possible return of the said Micronesians to their beloved home islands; now, therefore,

Be it resolved by the House of Representatives of the Third Congress of Micronesia, Second Regular Session, 1969, the Senate concurring, that it is the unequivocal sense of the Congress of Micronesia that the Eniwetokian Micronesians have contributed more than their share, as called for in the Trusteeship Agreement, toward "the maintenance of international peace and security"; and

Be it further resolved that the President of the United States of America, the trustee of these islands, including the Eniwetok Atoll, is hereby strongly urged to effect immediate cessation of the reported use of the Eniwetok Atoll for the testing of biological warfare agents; and

Be it further resolved that the President of the United States is hereby also strongly urged to take immediate steps to return the Eniwetokian Micronesians, now existing on the island of Ujelang, to their beloved home islands; and

Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States of America; the President and Speaker of the U.S. Congress; the President of the U.N. Security Council; U.N. Secretary General; the President of the Trusteeship Council; the Prime Minister of Japan; the President of the Republic of the Philippines; the Chairman of the Senate Foreign Relations Committee; the Chairman of both Senate and House Interior and Insular Affairs Committees; Representative Richard D. McCarthy; Senators Mike Mansfield, Edward M. Kennedy and William Proxmire; and Representative Patsy Mink.

Adopted August 26, 1969.

BETHWEL HENRY,
Speaker, House of Representatives.
CARL HEINE,
Clerk, House of Representatives.
AMATA KABUA,
President of the Senate.
VICTORIO UHERBELAU,
Clerk of the Senate.

MOBILIZATION RIOT REPORT—WHO PAYS FOR THE DAMAGE?

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the controlled news media are pumping out their propaganda version of the weekend occupation of Washington as some peaceful demonstration of nonviolence and proletariat street political action. We can be sure that little news is reaching the taxpayers and decent American people of their role in the affair—to pay for the protection and repair of our capital.

District police, park police, Secret Service, and Sanitation Department crews, all indirectly salaried by the U.S. taxpayers, were required to work overtime. Some 9,000 paratroopers and servicemen were flown into the Nation's Capital and quartered here at taxpayers' expense as a precautionary police force. One hundred fifty businesses and stores in the District were damaged to various extents. Windows seemed special targets for bottles. The Department of Justice and the Labor Department buildings suffered broken windows and were smeared with red paint.

While the people at home are being fed the line that this was a peaceful bunch of idealistic youth, someone will have to suffer the loss from their vandalism and rioting. One way to stop this foolishness might be for the Justice Department and insurance companies to start filing suits against the Mobilization Committee and the various fronts which collaborated with it to recover damages. Better yet, any first-year law student can tell you about the liability of joint tortfeasors—and some of the ones in Washington last week are judgment collectable.

Several news clippings follow:

[From the Washington (D.C.) Evening Star, Nov. 17, 1969]

ABOUT 150 D.C. FIRMS DAMAGED AFTER PROTEST

(By Lee Flor)

Windows were broken in about 150 downtown businesses in the wake of the assault on the Justice Department by young radicals on Saturday, according to unofficial estimates today by the Metropolitan Washington Board of Trade.

Police said they had been too busy with other details of the three-day anti-war protests to gather firm statistics yet.

Unofficially, they said windows were smashed in about 30 businesses along Connecticut Avenue and 17th Street between Dupont Circle and Pennsylvania Avenue Friday night, while another 30 to 40 stores were damaged in the Justice Department area on Saturday.

BANKS A TARGET

Leonard Kolodny, the staff head of the board's Retail Bureau, which includes around 250 representatives of 1,000 business outlets, said he was in radio contact with many businessmen during the Saturday outbreak.

Other witnesses said this morning that some or all the windows were broken in almost every bank in downtown Washington. Banks seemed to be a particular target of the vandals who, in some blocks, ignored other stores while breaking bank windows.

Kolodny said the merchants reported only scattered incidents of looting Saturday night. In some instances, merchandise in broken windows was exposed to looting all night Saturday, and was left untouched.

The number of businesses reporting broken windows and other damage, however, is expected to grow even higher. Capitol City Glass Co., manager Eugene C. Norton said he had requests for emergency repairs from at least 150 businesses. He said his company was only one out of 50 glass replacement firms.

Norton said "We have noticed a number of windows with bullet holes."

H. H. Harris, manager of the local Pittsburgh Plate Glass Co. outlet, said his men also noticed bullet holes in second floor windows around Dupont Circle and along 15th Street NW. He said his men were placing emergency taping over the bullet holes, so they could concentrate on the replacement of windows that were completely smashed.

Norton said his men reported no trouble with the demonstrators here over the weekend, and said some of the crowd members helped sweep up broken glass.

Arthur Anargyros, manager of the Palace Florists, Connecticut Avenue and Dupont Circle, said damage to his firm Friday night would total $10,000. He said 12 of his 14 large plate glass windows were smashed, amounting to half of the damage.

The impact of freezing weather on delicate plants caused the rest, he said.

If his insurance rules that the Friday night fighting was a riot, Anargyros said his losses would be covered. He said his insurance did not cover malicious damage.

Observers reported that windows were smashed in almost every business on the north side of F Street between 13th and 14th Streets.

DEPARTMENT STORES HIT

Every window on the 11th Street side of Woodward & Lothrop's downtown store was broken, and six of eight windows in Garfinckel's Department Store were smashed on the 14th Street side, as well as six of 12 on the F Street side.

Kolodny said it was too early to estimate the full loss from the drop in customers downtown on Friday and Saturday. He said that unofficial estimates of a drop in business of as much as 30 to 40 percent on Friday, and a larger drop on Saturday, did not appear to be unreasonable.

Kolodny said that business generally was far below normal because of the marchers. Only a few coffee shops, button salesmen and restaurants made any money, he said.

Many businessmen, asked about the conduct of the crowd, commented on how well-mannered and orderly it was.

PRAISE FROM CAFE OWNER

Jerry Furman, owner of a cafe and carry-out shop on D Street, a block from the Justice Depratment, spoke highly of the capacity crowd—largely young people—who patronized his store.

"They ate very well and were well-behaved—less problem than the regulars," he said.

A counter clerk at a souvenir shop on Pennsylvania Avenue, across the street from the National Archives, said business was slow, considering all the people here from out of town.

One big seller, however, was a button which read, "Hi. I'm an effete, impudent, intellectual snob." The button cost 50 cents on Saturday.

Other restaurants in the area reported heavy business Saturday. "We'd welcome them back any time," one restaurant manager said of the orderly crowds.

A District Department of Insurance spokesman said the department would be watching to make sure insurance companies pay off legitimate claims for window damage.

[From the Washington (D.C.) Post, Nov. 17, 1969]

AT LEAST 76 BUILDINGS DAMAGED IN WEEKEND OUTBREAKS

(By Robert J. Samuelson)

"If they say this was a riot, we're covered. If it's not, we're out of luck," Arthur Anargyros said bitterly.

Anargyros is the manager of Palace Florists at the corner of Connecticut Ave, NW. and Dupont Circle in downtown Washington. Of all the stores damaged during the weekend's street fighting between police and far-left demonstrators, his probably suffered the most.

Ten of its twelve plate glass windows were shattered late Friday evening. To replace them, Anargyros estimates, will cost at least $5,000 to $6,000. Some expensive tropical plants were probably frozen by the evening's cold winds—it will take a few days to tell. Total damage may run as high as $10,000, according to Anargyros, and he is waiting to see if the insurance company will pay.

Two nights of street fighting left at least 76 buildings with broken windows. On Friday night, when police and demonstrators struggled in the Dupont Circle area, 26 stores—almost all on Connecticut Avenue above and below the Circle—received damage, according to the Board of Trade. Little looting occurred, and what there was was trivial.

WIDELY SCATTERED

Police have yet to give a figure for Saturday evening, but a hasty tour of the downtown area yesterday showed at least 50 more buildings were damaged. They were widely scattered, from 7th and D NW as far west as 20th and N NW.

No one knows how much of the damage is covered by insurance. Interviews with a number of merchants along Connecticut Avenue revealed that most were insured. But many feared that the weekend's events will make future protection unavailable, or raise the premium price.

"Who can tell when it will be cancelled?" said Michael Rizik, whose women's dress-store on Connecticut Ave. NW had several of its windows smashed Friday evening.

Though many city leaders praised the District police for their weekend performance, affected businessmen disparaged security precautions. Many longed for the sight of the National Guard or the Army lining the streets.

"Why didn't they have a show of force (with troops)?" asked Mrs. Sally Gordon, manager of Peck and Peck's on Connecticut Ave NW that had its window broken.

READY WITH GUNS

Next door, Mr. and Mrs. Philip Fisher rushed down to the family art store when they first received word of trouble Friday evening. "We were here with guns," Mrs. Fisher said, "We saw no troops and we saw no police, except when they were shaking their heads saying, 'what can you do'."

Despite the damage, many—but not all—businessmen distinguished between "just a few individuals" or "the militants" and "the rest of the peace movement."

Anargyros who said that he has gained a new respect for Vice President Agnew's tough attitude toward demonstrators, recalls that many young people—obviously in the city for the Mobilization—offered to help him clear away the broken glass.

And at Walpole's linen shop on upper Connecticut Ave. NW, other young people said the owner removed merchandise from the damaged display window.

Some downtown executive expressed admiration for Saturday's main march.

"The crowds—well, they were Magnificently behaved, just as you would expect." said Kann's vice president B. B. Burgunder, at midafternoon.

But the subsequent street fighting, originating at the Justice Department and continuing for hours in the downtown area, may have embittered merchants. Judging from talks, with many businessmen, Leonard Kolodney, head of the Board of Trade's Retail Bureau, said:

"There is a lot more hated for this thing now . . .

It was relatively peaceful on the previous days, and, generally speaking, people were against it only because of the inconvenience and problems it caused."

BUSINESS DECLINE

The inconvenience had been anticipated, and most businessmen found that their predictions of a big sales decline proved accurate.

Kann's volume dipped 30 to 40 per cent on Saturday, according to Burgunder. Woodward and Lothrop's downtown store reported a decline of 35 to 50 per cent for a normal Saturday.

Frank H. Rich, president of Rich's Shoe Stores, said this his Georgetown and two downtown shops all experienced "washouts," with people staying away from the downtown area and most of the regular Georgetown customers participating in the march.

How much money did the 250,000 to 400,000 marchers inject into the city's economy? No one knows, but few businessmen seem to think that the demonstration—taken as a whole—added to the city's commerce. Most businessmen viewed the influx as a self-sufficient army, arranging for its own sleeping and eating accommodations.

[From the Washington Daily News, Nov. 17, 1969]

City Tallies Costs as Marchers Leave

Nearly all of the 250,000 demonstrators who gathered at the Washington Monument Saturday were gone today, leaving a tired city behind.

A few stragglers who missed buses, planes or trains or discovered they had no money for a return ticket still were wandering into New Mobe offices or the churches and dormitories where they had slept during the weekend. At George Washington University's Thurston Hall, about 15 students including six from Texas, four from Michigan and several from New York were sent to overnight lodging and assured that transportation would be arranged this morning.

Most of those who came in the 2,000 buses chartered for the demonstration departed from Haines Point Saturday night, New Mobe spokesmen said.

However, many who came in private cars stayed thru yesterday to sightsee in the capital. Park and District police reported much larger crowds than normal in Georgetown, and the city's main sights.

The youthful demonstrators left behind a bill for overtime pay that still must be computed for District police, Park police, Secret Service, and Sanitation Department crews. Dep. Mayor Thomas Fletcher said, "District police worked 12-hour shifts rather than their normal 8-hour shifts but we don't know the total cost yet."

Park police spokesmen said 240 of their 300-man force worked overtime during the weekend.

The demonstrators also left other mementos. A truckload of personal belongings "from sleeping bags to underwear" was brought from the lost-and-found center at the monument to New Mobe headquarters.

"We've also got medals, shoes, radios, cameras and pocketbooks—every kind of personal belonging imaginable," a New Mobe Worker said.

The youthful demonstrators also left behind piles of broken glass and plywood-boarded windows as signs of a different passage.

At Dupont Circle on Friday night and the Justice Department late Saturday afternoon, radical groups, variously calling themselves SDS, the Weathermen, and the Mad Dog Crazies, ran wild.

Police stopped them in clouds of tear gas, but the record of the peace march had been smudged and some of the marchers themselves were angry.

"Nobody was pleased with them. It wasn't peaceful and peace is what it's all about," Princeton student Tom Bolton, 20, a marshal, said.

"Dumb, just dumb," another marcher said as he passed the Justice Department on his way home.

The stolid, gray facade of the Justice Department was marked by a score or more of broken windows, backed by plywood, and two basketball-size blotches of red paint.

A long-haired marshal, sent by the march organizers to protect the building, still walked up and down outside, kicking at dead leaves.

In the logbook of the gatekeeper to the building's courtyard, a red ink entry noted that the second platoon had entered Friday and left Sunday.

The second platoon, otherwise unidentified, was one of the units of Federal troops sent to guard government buildings. As they left the capital in olive-drab truck convoys, passing marchers gave the soldiers the V peace sign.

[From the Washington (D.C.) Evening Star, Nov. 15, 1969]

Tear Gas Halts Embassy March

An attempt by militant radicals to march to the South Vietnamese Embassy last night touched off an hours-long, on-again, off-again skirmish between demonstrators and police in the Dupont Circle area.

By the time the clash ended shortly after 1 a.m., 26 persons had been arrested—25 for disorderly conduct and one for carrying a pistol.

Ten policemen were injured and two were admitted to Washington Hospital Center, one after a tear gas canister had exploded in his hand, another after his motorcycle was hit by a car.

Eighteen passersby were treated in hospitals for minor injuries, 16 for tear gas effects and two for wounds by flying objects. One person's auto was burned.

In addition, windows were broken in some 60 buildings including a liquor store, a cafeteria, a portrait studio, and a Western Union office and some TV stores and record shops. A large florist shop on Connecticut Avenue at the circle had all of its large plate glass windows smashed. Fifty police vehicles were damaged by flying objects.

Police reported some looting over a widespread area.

The New Mobilization Committee to End the War in Vietnam, sponsors of today's mass march and the 40-hour "March Against Death"—which continued solemn and unabated to this morning's finale while the skirmishing raged a half-mile to the north—disavowed the demonstration in advance and deplored it after it had taken place.

The police laid down massive barrages of gas that at one time or another blanketed the area for several blocks around the circle.

Such was the effectiveness of the gas, dispensed both by canister and vacuum cleaner-like gas generators, that only in isolated instances did the police resort to the use of nightsticks.

Brisk winds and freezing temperatures quickly dissipated the CS-type gas, and the demonstrators regrouped time and time again, only to meet more gas. National Guardsmen were on the scene, but stayed in their vehicles.

Metropolitan Police Chief Jerry V. Wilson said he was concerned that there had been any disturbances at all, but under the circumstances he said his men had reacted with the restraint he had urged.

"Our policy is to use restraint and to use the least damaging method of force when force is necessary," Wilson said. He said attempting arrests and using tear gas were the first preferred methods to avoid having physical battles between the police and demonstrators.

Wilson said this policy proved effective last night.

The march, which began at Dupont Circle, was organized by the "Revolutionary Contingent," a coalition of far left radicals, including two factions of Students for a Democratic Society—Weatherman and Revolutionary Youth Movement-II (RYM-2)—the Mad Dog Caucus and Youth Against War and Facism.

A march coordinator told reporters Thursday that the demonstrators—whose aim was to serve an "eviction notice" on the representatives of the South Vietnamese government—would not initiate violence, but would be "prepared to defend ourselves."

Many of the Weatherman wore helmets, despite earlier promises that they would leave their helmets at home as evidence of good faith. Some carried rocks and bricks, with which they pelted windows and police vehicles.

About 2,000 to 3,000 persons, by police estimate, had gathered by 8:30 p.m. at Dupont Circle; and without any speeches or formal announcement, began to move through the Friday evening traffic, west on Massachusetts Avenue, toward the South Vietnamese Embassy, five blocks away on Sheridan Circle.

A permit had been issued for the rally in the circle, but not for the march.

The marchers, carrying Viet Cong flags and chanting "Ho, Ho, Ho Chi Minh" and other slogans in support of the Viet Cong, were met near Sheridan Circle by lines of helmeted, gas mask-wearing policemen who had massed at the embassy earlier in the evening.

When the first of the marchers crossed 22nd Street, police warned that arrests would be made unless they retreated.

When the demonstrators stood their ground, a squad of police moved forward and missiles began flying from the crowd. The police responded with the first gas barrage.

The crowd ran from the gas, east on Massachusetts, south on 22nd and north on Florida Avenue. Groups then reformed in these areas while the police marched to the intersection of Massachusetts and 22nd and formed another line, leaving two or three dozen men in the embassy area.

From then on, the action swirled throughout the area, then back to Dupont Circle, from which demonstrators made window-breaking forays north and south on Connecticut Avenue, west on Massachusetts, and northeast on New Hampshire Avenue.

The areas around the rim of the circle were gassed several times, as the demonstrators would regroup. For a while, any gathering of more than a small group was gassed, and everyone in the area—demonstrators, newsmen and spectators—received at least one taste of the biting gas.

Police were seen interferring with attempts of a television crew to film events at one spot.

Chief Wilson attempted one of the first arrests, at the corner of Massachusetts and 22nd. He caught a young girl by the arm.

Several demonstrators immediately came to the girl's aid, grabbing her other arm. Wilson pulled one way, demonstrators pulled another, and the girl screamed in the middle. Wilson won the tug-of-war, but the girl eventually got away.

Around the corner, on 22nd and P Streets, a young man found an unattended police scooter and began to angrily attack it. He pushed it over, then kicked and pounded it. He was joined by others, and they set the scooter on fire. Later, a private automobile was set afire.

During the height of the skirmishing, a policeman walked to the edge of the Dupont Circle fountain, where a group of protestors had gathered.

The officer said he had heard reports of protesters suffering from the gas, and handed one man a plastic jug filled with water and a ball of cotton. He walked off to a hearty applause from the surprised group.

A reporter, blinded during a gas barrage, found himself being led by the hand to a house near Massachusetts and 22nd. "Come with us, we'll get some water for your eyes," he was told. Inside, an impromptu first-aid station had been set up, mainly to dispense water and towels for flushing out the gas.

Along Connecticut Avenue, at least one restaurant owner placed water outside his door, and the manager of the Dupont Theater allowed a crowd inside during a particularly heavy gas barrage.

There were remarks from some demonstrators on the scene critical of the acts of some of their colleagues.

The Mobilization released a statement from its office at 11 p.m. which said:

"The demonstration tonight was not sponsored by the New Mobilization Committee. Neither was it endorsed by the New Mobilization. It was indicated to the New Mobilization Committee by the leaders of tonight's demonstration that it would be a peaceful rally. It is unfortunate that violence occurred, regardless of the cause or source. We reaffirm our commitment to legal and nonviolent demonstrations these three days in Washington."

The skirmishing finally ended shortly after 1 a.m. Philip Hirschkop, chief lawyer for the Mobilization, and several young lawyers on former Atty. Gen. Ramsey Clark's legal task force, which is keeping an impartial eye on the proceedings, reached an agreement with the police and representatives of the mayor's office.

[From the Washington (D.C.) Post, Nov. 16, 1969]

Thousands at Justice Department Gassed in Radicals' Assault

(By William Chapman)

Police used wave after wave of tear gas yesterday to disperse a crowd of several thousand of antiwar demonstrators from the Justice Department when militants broke windows, threw bottles and a smoke bomb.

The crowd was driven into downtown shopping streets, where many windows were broken. Small groups continued roaming the city and committing minor vandalism for hours after the confrontation.

Eighty-three arrests were reported by metropolitan police yesterday, 80 for disorderly conduct. The other three for felonies. Most of those charged with disorderly conduct were permitted to post collateral and leave.

Police reported 97 civilian injuries and five injuries to policemen during the day, all of a miner nature.

Shortely after 10 p.m. Mayor Walter Washington announced the city had been secure as of 8 p.m. He paid tribute to the planning of Police Chief Jerry V. Wilson, the National Guard and the Justice Department for preventing serious damage, injuries or loss of life in a "difficult situation."

The mayor expressed his sympathy to the organizers of the Moratorium and the Mobilization for having a "small band" mar their "peaceful demonstration" with violence. Wilson paid high tribute to the efforts of the marchers to prevent violence.

Leading the throng that converged on the Justice Department about 4:30, after the huge peace rally at the Washington Monument, were militants carrying Vietcong flags and a giant paper-mache mask of Attorney General John N. Mitchell.

They shouted "Stop the Trial" in protest of the Chicago conspiracy trial of seven men accused of planning to start a riot at the Democratic National Convention last year.

During the melee there, an American flag was hauled down and a Vietcong flag raised in its place. Another small American flag was burned.

Chief Wilson threw one of the first tear gas grenades and then ordered his men to disperse the crowd with "whatever means necessary."

For hours, tear gas drifted around the downtown area, remnants of the waves that had driven demonstrators away from the Justice Department in many directions—to the Washington Monument, up 12 and 15th Streets, and west as far as 18th.

Middle-aged couples and young children were in the crowd, along with an assortment of radicals. Marshals appointed by the New Mobilization Committee sought repeatedly to avert confrontations with police and to move the crowd to safe points.

Three hours after the encounter, one band of militants surged up 20th Street to Dupont Circle, breaking about 15 windows, mainly in banks and savings and loan associations. Police finally dispersed them.

Earlier, following the rules of their parade permit, the thousands marched once around the Justice Department. Then one contingent halted the march at the ornate Constitution Avenue entrance and they all massed outside shouting slogans. Someone ran up a Vietcong flag on a Justice Department pole.

About eight windows in the Justice building were broken by thrown stones. Someone threw a red paint bomb at the building and smoke rose up the wall. As the front-rankers in the mass began banging on the large iron entrance-way doors, a canister of tear gas was thrown.

There was a brief scuffle between police and demonstrators at the 9th Street and Constitution Avenue intersection and many more canisters were thrown.

Part of the crowd fled up 10th Street, but was forced back to Constitution by a police cordon.

For about 20 minutes, the big crowd faced a police line stretched across Constitution. Demonstration marshals persistently held back a hard-core contingent of militants trying to press forward for a confrontation.

Police ordered them to disperse. But someone threw a string of firecrackers into the police line, followed seconds later by a bottle that smashed on the pavement near the officers.

At that point, police unleashed the first huge volley of tear gas canisters and the crowd fled west on Constitution.

Attorney General Mitchell and his deputy, Richard G. Kleindienst, watched from their fifth floor suite of offices as the clash occurred.

There appeared to be about 10,000 in the throng, but the vast majority had no part in instigating the melee.

About 800 federal troops were stationed inside the Justice Department building, along with FBI agents and 50 members of the District's civil defense unit. The rally there had been arranged by the Yippies, who obtained a permit for a three-hour demonstration.

Many demonstrators, after the first round of tear gas fled into Kann's Department Store for handkerchiefs to protect their faces. A man eventually appeared in the store with a pump shotgun over his shoulder and ordered everyone out.

As the crowd was being swept west on Constitution, a number of militants tried to halt the retreat and push back for a confrontation with police. They were restrained by a human wall of parade marshals who pushed them back to avert an encounter.

The largest throng of retreating demonstrators fled up 12th Street and into the shopping area. Still followed by clouds of drifting tear gas, they continued chanting, "Free Bobby Seale." Seale is under indictment in the Chicago conspiracy case. Young members of the crowd broke windows in shops and cars.

At 12th and F Streets, some of the radicals tried to organize the retreating, leaderless mass, telling them to stand fast and face the police. But most continued away from the scene of the tear gas.

For an hour or more, the police and demonstrators chased each other through the shopping district, occasionally engaging in street corner confrontations that ended with the exploding of tear gas canisters.

Many shoppers, coming out of still-open stores along F Street NW, suddenly found themselves in the midst of milling throngs, surrounded by the CS gas. Women carrying shopping bags were sometimes forced to run from the gas.

The police grouped in lines the width of each street to sweep up and down 12th Street, E Street, and 14th Street NW, using tear gas only when massed youths did not move out of their path. No police batons were seen being used.

The police responded by tossing several tear gas canisters into the group, which stood on the edge of the monument grounds on the southwest corner of the intersection of 15th Street and Constitution Ave. NW.

In the brisk breeze, the gas blew quickly up 15th Street, where it inundated people trying to go south on 15th toward the monument grounds to reach buses they had come in. The buses were parked to the west of the monument.

Among those caught in the gas was S. R. Brainard, a middle-aged real estate developer from Marblehead, Mass., who said: "I've seen this on television but I never realized what it was like. Everytime we try to get across to the buses, the cops gas us." Police apparently thought they were trying to join with a large group of radicals gathered south of the Ellipse.

Across Constitution Avenue, a line of police guarded the approach to the White House. When the front ranks fired new volleys of canisters, the line of police along the Ellipse cheered them on. "That's it, put it on 'em, put it on 'em," said one officer.

After fleeing westward to Virginia Avenue and 19th Street, several young demonstrators took over a corner hot dog stand abandoned by its owner and started selling his hot dogs and soda pops.

In the confusion, these people, including many women and children did not know where to turn to reach their buses. After about half an hour, and the explosion of more tear gas canisters at 15th and Constitution, some policemen and remaining Mobilization marshals began telling people to go back to K Street and over to 18th Street to reach their buses.

After the mass of those people had passed

14th and Pennsylvania Avenue, where police and national guardsmen were massed to cut off access to the White House, tear gas was used to disperse stragglers at 14th and Pennsylvania.

Some youths continued to try to rally the forces of more militant demonstrators and urged them to regroup on the monument grounds. By 6 p.m., a large group had gathered there and began setting trash cans on fire.

The demonstrators, driven west from the monument grounds along Constitution Avenue, headed past government buildings and up 20th Street NW. With no police in that area, some of the youths broke several windows along 20th Street until they reached Dupont Circle.

Earlier, during the melees in the shopping district, windows were broken at Beyda's clothing store at 12th and E Streets NW and the American Savings and Loan Association on 14th Street near Pennsylvania Avenue.

Earlier in the afternoon, there was a brief incident at the Labor Department, where one faction of Students for Democratic Society had arranged a rally to demonstrate solidarity with striking General Electric workers.

After a few speeches, two apples were thrown against a door and a rock was thrown through one window. Then about 80 policemen from the civil disturbance unit emerged and shoved protesters away with night sticks. The crowd drifted away, many heading for the Justice Department confrontation.

With the fleeing crowd nearing the White House, policemen and Secret Service agents there were ordered to don gas masks. Military policemen in about a dozen jeeps passed the White House and barricaded the 15th Street and Pennsylvania Avenue intersection, Washington police stood in front of them.

[From the Evening Star, Nov. 16, 1969]

Officer J. V. Wilson Patrols His Beat

(By Robert Walters)

In another place, at another time, he might have been the typical cop on the beat. Pacing up and down the sidewalk, checking for possible trouble, the police officer coolly surveyed the score.

But there was a difference this time. The location was the south side of the Justice Department, on Constitution Avenue between 9th and 10th Streets NW. The time was late yesterday afternoon, and thousands of antiwar demonstrators were converging on all sides of the building.

Police had earlier granted a permit for a march on the building, a protest against the Chicago trials of eight men accused of conspiring to provoke the street demonstrations at the 1968 Democratic National Convention.

That permit called only for a march around the west, north and east sides of Justice Department headquarters. Uniformed officers stood almost shoulder to shoulder on those three sides, forming a cordon on both sides of the street.

But only a squad of six officers, under the command of Deputy Chief Tilmon B. O'Bryant, had been assigned to the south side of the building—and that unit had its hands full shortly after the mass of demonstrators arrived there at about 4:30 p.m.

So the task of patrolling the rest of the block fell to that cop on the beat. His standard-issue metal name tag identified him simply as "J. V. Wilson."

None of the demonstrators gave any indication they knew they were dealing with Jerry V. Wilson, chief of Washington's 3,600-man police force. And Wilson did nothing to indicate his rank.

Literally surrounded by thousands of angry young people, he walked first west, to investigate a pop bottle flying through the air into a Justice Department window, then east to check on a brilliant red smoke bomb hurled against the base of the building.

At the southwest corner of the building, O'Bryant's six men rushed a small group of youthful protesters who had pulled down the American flag and hoisted a Viet Cong flag halfway up the staff. They succeeded in restoring the American flag to the top of the high pole.

ROCKS, BOTTLES FLYING

But down at the middle and east end of the building, there was only one man on patrol—J. V. Wilson. Rocks and bottles flew past him, some crashing into windows, some bouncing off the stone facade.

A young black girl walked directly up to Wilson's face, waved a clenched fist and shouted at him: "Free Bobby Seale, Free Bobby Seale," referring to the Black Panther leader whose trial in the Chicago case has been separated from the others. Wilson didn't even acknowledge her presence, so she came right back with her clenched fist and embittered voice to shout: "Pig, pig, pig."

Others took up the cry, swirling about the chief. Wilson heard all the obscenities in the racial left's catalog of police insults, but never once displayed any emotion.

Still, there were no other officers in sight. The crowd was growing uglier, and other police officials down the street knew it. One called Wilson on the walkie-talkie to ask if reinforcement were needed.

PATIENCE WEARS THIN

"Just keep your men on standby. I'll yell when we need you," the chief responded evenly.

The bottles and epithets started flying in greater intensity, and Wilson's patience finally began to wear thin. Mobilization marshals were trying to clear the demonstrators away from the building, but the situation was rapidly getting out of control.

Wilson raised his bullhorn to his lips and warned the crowd that it was gathered illegally. At the same time, he picked up his walkie-talkie and made the call he had been trying to avoid: "One to squad." It was the chief of police calling in his department's riot-equipped Civil Disturbance Unit.

Wilson told the CDU men to be ready to move into the block and make arrests of any demonstrators who would not promptly move away from the area. Moments later, a soda bottle soared through the air within 10 feet of the chief.

That was the end of J. V. Wilson's duty as the lonely cop on the beat. He unsnapped a button on a canvas bag around his waist and hurled the first tear gas cannister into the crowd. The CDU men moved in almost immediately and the battle at the Justice Department began.

THE FOUR-NATION FIGHT TO HATCH THE SST EGG

(Mr. PELLY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PELLY. Mr. Speaker, Russia now leads in the development of a commercial airplane that flies faster than sound with its TU–144 SST. The British-French Concorde is second, and the U.S. SST is far behind.

The question of why America should continue development of the SST is carefully analyzed and stated in an article by Stanley H. Brewer, professor of transportation, University of Washington, which appeared in the Seattle Times on November 9, 1969.

Because of the importance of this article and the facts it has to relate to this body as we face the vote on continuing SST prototype development, I include the aforementioned article at this point in the Record:

[From the Seattle Times, Nov. 9, 1969]

SST's To Battle Over Barren Lands

Great competitive battles will be waged with supersonic transports for business over the great-circle, overocean and Arctic and subarctic routes in the 1970's and beyond.

Boeing's SST will compete with planes made by Russia and the British-French Concorde for much of this business in the race for supremacy of the world's skyways.

Russia now leads in the development of a commercial airplane that flies faster than sound with its delta-winged TU–144. The British-French Concorde is a close second. The United States is far behind, and further delays could result in this country's losing its dominant position in the manufacture of the world's commercial aircraft.

Because of the sonic-boom problem, flights at supersonic speed are not expected over populated areas, and subsonic jets will continue to dominate domestic air routes in the United States and Europe.

But, even now, the great-circle routes of the Atlantic, Pacific and Arctic are attracting a higher percentage of the world's air commerce. Passengers, cargo and mail will move to these routes in increasing volume.

There is no real need to fly at supersonic speeds over populated areas. Four-fifths of the surface of the earth is covered by water. A high percentage of the land is virtually uninhabited and is not likely to be populated in the foreseeable future—the Arctic and subarctic regions. Supersonic flights can be operated over these regions without concern for the sonic-boom problem.

One of the hottest issues now before the nation is development of the controversial supersonic transport. President Nixon recently approved this project and asked Congress for $96 million to continue SST development this fiscal year.

Before the aircraft is flown commercially, the Treasury will be tapped for about $1 billion.

With the nation's many pressing needs, why should Congress appropriate money to subsidize development of the SST with its controversial sonic-boom problem and higher operating costs than today's jets?

The subsonic jet already flies at speeds of nearly 600 miles an hour. By comparison, supersonic aircraft will operate at 1,200 to 1,800 miles an hour.

A new era in commercial aviation will begin with the introduction of wide-bodied super jets such as the Boeing 747, the Lockheed 1011 and the McDonnell Douglas DC–10. The 747 will be in operation early next year and will offer a new comfort that approaches the world's best luxury liners.

The most heavily traveled Europe-Asia air route now crosses the Arctic by way of Anchorage, Alaska—between Tokyo and London, Copenhagen, Paris, Frankfurt, Rome and other major European cities.

Nearly 1 million passengers will fly this route in 1969. At present rates of growth of about 20 per cent each year, this would increase to nearly 7½ million travelers by 1980. The mail and cargo that move over this route also are increasing at astounding rates.

Siberian routes are a threat to this Europe-Alaska-Japan aerial highway, and the Russian SST well may be used to divert a high percentage of this air traffic to Tokyo-Moscow gateway routings.

The Siberian route through the desolate subarctic is a perfect land-route environment for testing SST travel. Sonic boom is not a problem. If all works well, and there is no reason to think or plan otherwise, the leading aviation nations of Western Europe have much to lose. They may become very anxious to deal with Russia, both for Asiatic routes and for Russian SSTs.

RUSSIANS HAVE ADVANTAGE WITH SIBERIAN AIR ROUTES

Many of the world's leading international aviation routes can be flown with little or no sonic-boom problems. Northern Canada, much of Alaska and the rest of the subarctic and Arctic is like Siberia, with shrieking winter winds and violent summer thunderstorms.

The most heavily traveled overocean air route is between North America and Europe. Some 25 of the world's most competitive airlines now fly this route. For this reason the North Atlantic often is singled out for inaugural service by each new and better aircraft.

It is the route that will see the first of the Boeing 747s in service. The SST probably will be introduced to international travelers between New York-London-Paris, or perhaps New York-Moscow with an intermediate fuel stop, if the TU-144 proves to be as good or better than the Concorde.

The SSTs can be flown at subsonic speeds over populated land areas, and this will be done to some extent. The major limitation is that it will be more costly to operate in this manner.

Most intercontinental air traffic now feeds through a limited number of coastal gateways for overocean flights. This is true for Pacific, Atlantic, Latin American and African travelers. Coastal gateways or inland points within 200 to 400 miles from the coast are the primary origins or destinations of overseas passengers.

A higher percentage of this traffic now changes aircraft at the coastal point. This will be a characteristic of supersonic travel. The subsonic jets of today and tomorrow will be used for movement to and from the coastal city, with a choice of supersonic or subsonic schedules beyond.

The Boeing SST is more advanced in design than the Concorde or the TU-144. Made mostly of titanium and other new metals, the machine is being designed to travel at about 1,800 miles an hour or about 600 miles an hour faster than the other two SSTs.

It is also much larger—seating about 250 passengers comfortably, with a nonstop range in excess of 4,000 miles. This means better economics.

The direct cost of flying the Concorde is estimated to be about $1.70 an aircraft mile, and the cost of operating the Russian SST will be about the same. This is about 1.4 cents a seat-mile.

The United States supersonic transport will be flown at about $3.05 an airplane-mile. With 130 more seats in the United States aircraft, the cost a seat-mile will be about 1.2 cents.

Between the Arctic and subarctic wastelands and the four major oceans that cover more than two thirds of the earth, there are available SST routes for a higher percentage of the international travel of the future.

For example, a supersonic flight from New York could be flown over the oceans to any one of four or five major European gateways with less than 400 miles of the schedule flown at subsonic speeds. This is also true for flights to Africa and Latin America. Flights to Asia could be flown subsonically to the Canadian subarctic, again not more than 400 miles, and then supersonically by way of Alaska to Tokyo.

The Boeing SST is expected to have a nonstop range of at least 4,000 miles. Rapidly advancing technology may enable manufacturers to stretch the range to more than 5,000 miles by the time the airplane is put into service.

The commercial air routes of the world differ widely in traffic density and the desires and interests of the passengers. Most long-haul routes will not support a high-level schedule frequency. Many will not support large aircraft, such as the Boeing 747 and SST. The smaller Concorde or the TU-144 will be more suitable for these routes.

Financing the purchase of new aircraft is one of commercial aviation's largest problems, and it will become more intense. Many foreign nations simply do not and cannot get dollars to purchase United States aircraft. For some of these countries French francs, British pounds or Russian rubles may be easier to come by.

Russia may provide a new dimension for the Western world to ponder. The Russians are interested in marketing their commercial aircraft abroad, and they have enjoyed some success. The TU-144 could provide them with a big breakthrough. Russian geography lends itself to utilization of SST aircraft, but the Russians have been reluctant to permit other nations to use routes over their land.

Russia may decide to trade these routes for SST sales.

BOEING SST PROMISES BEST ECONOMICS

What about the higher costs of the SST that will in turn mean higher fares to travelers? About 50 percent of air travel is for business; the other half is personal. Just before the jet age it was 70 percent business and 30 percent personal. In another 10 years it may be 70 percent personal. This changing ratio has created problems for air carriers.

When most travelers were flying for business purposes, airlines were able to keep 65 to 70 percent of their seats filled on scheduled flights. Business travel is less subject to peak-period demand that personal travel.

But by catering to customers who put a high value on the speed of the SST, they will attract a high percentage of business travel. As a result, they expect to maintain higher load factors throughout the year on SST flights than on subsonic schedules. This higher earning capacity, along with the greater productivity of the SST from its higher speeds, may offset differences in cost of operation.

However, it this occurs, the nations of the world that do not have and cannot afford the SST will insist on higher fares and rates for supersonic air transportation to protect their own interests. The disputes within the organization of the international air carriers would add another complexity in the introduction of this new technology. There are many more.

The SST is coming, but the United States is behind the other nations that are developing this technology. The SST can be operated practically and economically over many of the world's air routes.

Mr. Nixon was correct in urging the nation to move ahead with the SST. Further delays may well put this country so far behind it will be most difficult to catch up.

NEW YORK TIMES SOFTPEDALS GOLDA MEIR'S PRAISE OF NIXON VIETNAM SPEECH

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, while flying down to Washington this morning I read the Boston Herald Traveler. Prominently displayed on page 1, where it belonged in my opinion, was the news that Prime Minister Golda Meir of Israel has sent her personal congratulations to President Nixon on his November 3 statement of his peace policy for Vietnam.

I then turned with interest to the New York Times, which I had also brought along. Mrs. Meir was in New York recently where she was accorded a tumultuous welcome. The Times is noted for its comprehensive coverage of foreign affairs. The significance of Mrs. Meir's endorsement of the Nixon Vietnam statement could hardly be overstated, especially in New York City.

The story, however, was played on page 8 of the Times. It was, incidentally, the same story by Peter Grose, which was displayed on page 1 in the Herald Traveler, which subscribes to the New York Times News Service.

I know there is great disparity in editorial judgment. But it is very baffling that the Times, which is normally so sensitive to news of both Israel and Vietnam, should choose to downplay the praise given by the Prime Minister of Israel to the President of the United States for the President's statement on Vietnam. And what a magnificent statement she issued. As quoted by Timesman Peter Grose in both newspapers, Mrs. Meir said, in part:

> The President's speech contains much that encourages and strengthens freedom-loving, small nations, the world over, which are striving to maintain their independent existence looking to that great democracy, the United States of America.

Surely, Mrs. Meir has stated the reasoning for our fight in Vietnam as well as it has ever been stated.

Is it possible that the Times does not care for President Nixon and did not wish to give page 1 emphasis to the big boost he was given, even though the booster is Mrs. Meir?

VICE PRESIDENT AGNEW'S COMMENTS

(Mr. HARVEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, in the hue and cry over Vice President Spiro T. Agnew, I believe a deliberate effort is being made once again to divert and twist the real meaning and the real substance of the address.

For example, usually responsible individuals are charging that Vice President Agnew has called for censorship. Nothing could be further from the truth. I have read his speech with care. On the contrary, the Vice President stated:

> I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that 40 million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commenators who admit to their own set of biases.

Let me relate to you a most interesting personal experience of exceptional currency and pertinency to this entire situation and particularly to the Vice President's quoted paragraph above.

As one who believed the main thrust of the Vice President's speech was one calling for "balance, fair presentation, and objectivity," I was both angered and amused as to how one network show decided to report on this controversy.

Let me set the stage for you. It is the morning after the Vice President's address, Friday, November 14; the time, 7 a.m.; the program, the "Today Show," with newscaster Frank Blair, as usual, opening with a news report. This is less than 10 hours after the Vice President's speech. Now, let us review the opening news report as presented by Mr. Blair.

First, Mr. Blair makes general comments on Vice President Agnew's speech and then approximately 45 seconds is spent on a film of Mr. Agnew during his address. Then, Mr. Blair follows up with lengthy quotes, in opposition of course, from Senators Vance Hartke and Edward M. Kennedy.

Mr. Blair then continues by reading portions of statements issued by Leonard H. Goldenson, president of ABC, and also from CBS President Frank Stanton. I do not believe that Mr. Blair quoted the representative of Mutual Broadcasting, Vice President Stephen McCormick, who endorsed Mr. Agnew's speech.

After these statements, a film strip of National Broadcasting Co.'s President Juliam Goodman is shown. This takes a minute or so.

Then, if my memory serves me correctly, Mr. Blair ends with another film clip by the Honorable Averell Harriman. So, this is the "balance" and this is the "objectivity" as NBC saw it on the morning of November 14:

FOR

Vice President Spiro T. Agnew.

AGAINST

Senator Vance Hartke, Senator Edward M. Kennedy, Leonard H. Goldenson, Frank Stanton, Julian Goodman, and Averell Harriman.

In essence, what the Vice President told television is what it has been told many times since former Federal Communications Commissioner Newton Minow graphically termed it a "wasteland"—and that is "you—network television—can do a better job."

Television has been told this about crime and violence it has permitted. It has taken voluntary steps to correct it.

Television has been told not to stage action and activities such as a pot party or during demonstrations. I shall always remember demonstrations during the Poor People's March when television people asked demonstrators to shout and shake their fists so that cameras could get better action. This happened right on Capitol Hill, right beside the Longworth Building.

Television has been told to be fair, and not to falsify presentations.

I say this to all Members. Read the Vice President's speech. Perhaps he was harsher than some in his scolding; but I happen to believe it was well placed. The howling reactions by the networks carried a false ring and they should be carefully examined, too.

In closing, permit me to insert the lead editorial from the Saturday, November 15, 1969, edition of the Washington Daily News, entitled "Mr. Agnew and TV." In addition, I am including an editorial from the Detroit News of Sunday, November 16, 1969:

Mr. Agnew and TV

The TV networks have been under heavy attack for alleged lack of fairness in their news reporting ever since the 1968 Democratic national convention in Chicago.

Frankly, we think television news reporting and commentating has improved since that time—whether a result of the criticism or something else. Anyway it seems to us that the network reporters and commentators have been trying harder to present both sides.

Now comes Vice President Agnew with another major blast at the TV newsfolks. And we suspect this criticism too will have a beneficial effect. All concerned will try harder.

The nub of what the Vice President wants is "a wall of separation" between news and comments on the nation's TV networks. (He thinks of the news story on the front page of a newspaper and of editorial comment on the editorial page.)

We do not know how the "wall of separation" can be created on TV and certainly do not believe the TV networks should stop their commentary or criticism.

But also, as in the case of the comment they offered immediately after the recent Vietnam speech by the President, the networks should clearly label as "personal" the opinions of their analysts. If not, the comments actually become the editorial opinion of the network to this largely captive audience, whether the network realizes this or not.

And, of course, as the network executives as well as those of newspapers and magazines well know, the qualifications of the man selected to comment are most important. We still view with amazement the selection by one major TV station of the late Sen. Robert F. Kennedy's former press secretary, Frank Mankiewicz, to comment on Sen. Edward F. Kennedy's Chappaquiddick speech. The commentator was not identified for the uninformed listener and neither, as one could guess, were his remarks critical.

And we can understand Mr. Agnew's adverse reaction to the selection of Democrat Averell Harriman by one of the networks for "instant" comment on President Nixon's Vietnam speech.

Mr. Agnew (and we believe him) said he was not calling for any kind of government censorship.

He was simply exercising the free speech right to say what he thought and show his bias to a group he regards as biased. The outpouring of telegrams and phone calls in support of his remarks shows many agree with him.

We do not believe the television news industry, which has made such great strides and has such major impact on public life, will go namby-pamby as a result of Mr. Agnew's criticism. It's a cinch to try harder to do a fair and objective job.

That never hurt anyone, newspapers included.

[From the Detroit News, Nov. 15, 1969]

Agnew Essentially Right—A Direct Hit on TV

Vice President Spiro Agnew's scorching criticism of TV network newsmen for their distorted and one-sided view of current events was a justified, necessary and overdue statement that has been waiting too long for a man courageous enough to make it.

"Censorship!" was TV's immediate retort, which discouragingly suggests that the medium hasn't the slightest intention of taking the careful look at itself suggested by the vice president.

The vice president hasn't the power of censorship, nor did he attempt to use such power. What he did was use his right of free speech, a right used and too often abused by the TV newsmen, to bring the force of public opinion to bear.

His charge of bias and selectivity was essentially correct. The proof is there before one's eyes on the television screen day in and day out. The viewer is permitted to see an American GI igniting a grass hut with a cigaret lighter and is told repeatedly and pointedly about the evils of the South Vietnamese government and its leaders. But he gets scarcely a glance at the mass graves at Hue, where the Communists committed an atrocity comparable with the worst committed by the Nazis in World War II.

In its follow-up treatment of Agnew's speech, TV displayed exactly the one-sidedness which the vice-president had criticized. A network show, presenting reaction to Agnew's remarks, trotted out Senators Ted Kennedy and Vance Hartke, plus Averell Harriman, all of whom could be expected to be highly critical—and were—plus network officials from NBC, CBS and ABC, who charged Agnew variously with appealing to prejudice, intimidating the news medium and acting as a censor.

Not included were the remarks of a Mutual network spokesman who heartily endorsed the speech as a "call for fairness, balance, responsibility and accuracy in news presentation." As a footnote, the network show whispered that a check by Associated Press had revealed that telegrams were running 3 to 1 in Agnew factor.

Despite the efforts of his political foes and some TV and newspaper commentators to present him to the public as the village boob, Agnew is beginning to come through as an intelligent and articulate spokesman for the "great silent majority" described by President Nixon.

This majority has been all but forgotten by the tight little coterie that wields the awesome power of the television networks. One of the worst credibility gaps in American society exists in the TV news medium, whose voices too often reflect the views of a narrow and provincial few clustered together on the Eastern seaboard and out of touch with the ordinary citizen.

What troubles Agnew's "effete" intellectuals and the TV commentators is that he has the temerity to answer their attacks with a forcefulness of language and a sarcasm nearly equal to their own. Until he started speaking out, it was all right to ask the President how many kids he's killed today—but it wasn't nice to criticize the critics by calling them impudent snobs. It was all right to load a TV network show with "analysts" united in their opposition to the President—but it was not nice to call these analysts prejudiced and hostile critics.

Well, the vice-president has finally called them that and for the most part he is right. Someone had to start hitting back.

"Of course, it would be a splendid idea if both sides would deescalate the rhetoric," William H. Stringer said in the Christian Science Monitor prior to Agnew's speech. "But it takes two to untangle this tango. And if somebody is really annoyed, he might hark back to Harry Truman's trenchant advice: 'If you can't stand the heat, get out of the kitchen.' "

THE ECONOMICS OF SUPERSONICS

(Mr. RHODES asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. RHODES. Mr. Speaker, the problems of transportation—both within and between our cities—are finally receiving the attention and the long-range analysis which they so urgently require if we are to avoid chaos, if not paralysis, in urban and interurban traffic.

This morning in New York the Honorable John H. Shaffer, Administrator of the Federal Aviation Administration, addressed himself to an air transportation problem of the 1980's—supersonic-type aircraft.

I am sure that my colleagues will want to have the benefit of Mr. Shaffer's thoughtful remarks on the supersonic transport before the Long Island Association of Commerce and Industry entitled, "The Economics of Supersonics."

THE ECONOMICS OF SUPERSONICS

(Remarks of John H. Shaffer, Administrator, Federal Aviation Administration, to the Long Island Association of Commerce and Industry, November 17, 1969—Long Island, N.Y.)

The subject I want to explore with you is the supersonic transport. It is typical of aviation that even before we have one family of new airplanes (the wide body jets) certificated we are, of necessity, at work on the next.

When we speak to the SST—the American model—we are talking primarily about airline operations of the 1980's. Ten years is truly a generation in terms of the changes it brings in air transportation. It was just a little over ten years ago that we witnessed the introduction of the jet transport to the world's traveling public.

The decade before that—the 50's—was the period of expansion with four-engine propeller equipment. To go back to the decade before that is to revisit light twin-engine equipment (DC–3).

Now just a little more than ten years after the start of jet service, we are about to introduce another new generation of equipment with the 747, to be followed shortly by the DC–10 and the L–1011. These wide bodies will give the airlines a new look, and I hope, not incidentally, they will replenish the industry's coffers.

You are all familiar by now with air traffic growth projections and their profiles ten, fifteen and twenty years from now. The volume of business involved will not only provide the opportunity for the newer and faster equipment that the state of the arts permits, but will *demand it*.

Last September 23, the President announced his unconditional support of the SST program. He recognized that the decision could affect the course of the aviation industry and the economy of our Nation for decades to come; but the program must still go through Congress, and as usual in these situations, we are hearing objections.

There is a natural tendency to underestimate something new. It happened with the steamship, the locomotive, the automobile and the airplane, each of which ultimately led to tremendous follow-on developments and ushered in new eras in transportation. But doubts persist. You may recall that not too many years ago there was a widespread belief that the pure "jet" could not possibly compete with piston engine and turbo-prop powered aircraft. The "jet" promised more speed but its economics were thought to be marginal or even inferior. Many thought it would be necessary to tow the aiplane to the runway to save fuel. Others believed that clear path landings and all first-class fares would mark the jet operations. But it turned out much differently. The older airplanes could not compete with the jet. Today the Boeing 2707–300 faces almost identical arguments, under similar circumstances.

There are other headwinds to the launching of the prototype SST program. We appear to be in a period when protest is "the thing." There is a protest in general against what free enterprise is doing and even against business as an institution. There is protest against what Government is going. To anyone in such a frame of mind, the SST program is a large and symbolic target.

There is also the genuine interest in social problem-solving, and this is to be applauded. But it is a mistake to set these efforts off categorically against such efforts as the development of a supersonic transport. Since the social objective includes employment and wage improvement and the increased business activity necessary to keep up with growing populations, something has to support this large employment movement. History has shown that the dividends of advancing technology play a large part in providing the means.

They are the germinator of new activity. In the case of space activities for instance, these dividends derive from the spinoffs of new technology. In the case of the 2707–300 there will be similar dividends. Improved techniques for processing titanium is just one example. But more importantly, the program will have tremendous earning power in its own right. The prototype investment will be paid back with interest from royalties on production aircraft. In addition to this, the corporate and individual income taxes of those involved in the production program will provide Federal revenue in an amount more than double the amount of the Government's prototype investment.

These revenues will be needed to support other Government programs in the years ahead, when population pressures will add to the problem-solving requirement. We cannot forever foster programs that disburse funds without also giving attention to programs that generate revenues.

Opposition to the SST program falls generally into three categories: those who believe the money should go to something else; those who believe the SST is a frill and a mistake; and those who are concerned about the environment, principally about the sonic boom.

Let's talk for a minute about the sonic boom. There is a lot of misunderstanding about this issue and frankly, I'm not too surprised. Speculation on the sonic boom has run rampant of late. All sorts of dire consequences are being predicted. I personally believe that these "scare stories" will be dissipated in time, first, as we learn that the boom *would* be rather than what it's reported to be; and, second, as we demonstrate that we do, indeed, intend to respect the wishes of our citizens and respond to their watchfulness in this matter.

The fact is that the "boom" is a sudden sound, similar to a thunder clap. It can be startling if you are not expecting it. The sonic boom from the American SST will not damage anything on the ground or on the sea, but it could surprise—or startle—people if they are unprepared for it.

Now I want to make this point about the SST and sonic boom, or as we water people say "now hear this." There will be no sonic boom nuisance or annoyance because the whole program is based on the President's policy that the plane will not be operated at boom-producing speeds over populated areas.

The 2707–300 program is based on supersonic operations *only* on overwater routes (it's a "water bird") and unpopulated areas, such as those north of the Arctic Circle. This doesn't mean it can't be flown—subsonically—over land, or that it can't serve certain major inland cities. The plane is designed so it can be flown efficiently at subsonic speeds for considerable distances. It will fly subsonically when approaching or leaving airports, and during those times when its flight routes take it over populated areas.

Now a little plain English on what the sonic boom would be like if you *could* hear it. The boom created by our SST flying at high altitude is only three or four per cent as powerful as those which could—and have—caused damage to buildings. The effect of the boom from the SST is much overrated and almost universally misunderstood. Sonic booms of 50 to 100 pounds per square foot can be destructive; but the boom from the SST is two pounds per square foot during cruise and four pounds per square foot during supersonic climb *and it is not destructive*. The difference in pressure (which makes the sonic boom) caused by our SST is about the same as you would experience in descending 50 feet in an elevator.

Some concern has been expressed about the sonic boom at sea, and I assure you this has not been disregarded in our thinking. It has been calculated that a three-foot wave hitting the side of a boat in a 30-knot wind creates a load on the structure of the boat that is *100 times greater* than the pressure wave (sonic boom) from the SST at cruise speed (2.7 mach or 1800 mph) and I would point out that there is a lot of water on this globe, and that the sea lanes and the air lanes are not generally superimposed.

Now, the Administration believes that the airplanes, along with the aerospace industry, have a great deal at stake in the SST appropriation request now before the Congress. The future business of the major airlines with overseas routes is directly involved; the business of all domestic carriers will be affected as feeders to the supersonic global routes.

I realize that there have been some misgivings about the program within the airlines themselves. Partly these have been based on a concern over the timing, which has to a very considerable degree been forced by the European Concorde program and the Russian Tupolev 144. But the Concorde and the TU–144 *are on the way*. Competition being what it is, the airlines will make the move to supersonic-type aircraft. It therefore becomes in the industry's interest to have the most desirable airplane to offer the public so that supersonic operations, when they come, will be, economically speaking, successful. That is why the U.S. airlines have participated in setting the specifications for the American SST and many have given active support to the program and have made financial contributions to it which are at risk.

A second source of some misgiving has been a concern over the economics of SST operations. For a time we were proceeding on a certain amount of faith, hope, and prayer as to the economics. We knew that the airplane would be attractive competitively because of its speed, and we were encouraged that it was getting close to the operating cost of the 707's and DC–8's, if not the 747. We knew we had a way to go, but in a prototype program one expects a certain amount of improvement along the line.

We then began to take a more searching look at the operating cost question, Boeing and General Electric have quite a lot at stake, too, in the answer to that question, namely about 285 million dollars in the prototype program alone.

During the past year an all-out study of simulated operation on SST routes in the 1980's was carried out. The study got into a highly sophisticated breakdown of operating costs and the effect of the escalation of these costs with time. The findings of these studies were quite illuminating and highly encouraging. In fact, it has been the best thing that has happened for the SST outlook in a long time, with the exception of President Nixon's decision to ask Congress for the funds to build 2 prototypes and perform 100 hours of test.

Regretfully, these economic facts are not yet well known to the public or to the Congress. We *are* telling the story; I hope you will help. Let me outline briefly what the studies show us.

Originally, the comparison between the SST and the subsonic jets was made in terms of direct operating cost (D.O.C.) only, and in terms of present-day values. On that basis, mainly because of higher fuel consumption, the SST barely matched the 707–320B and fell quite a way behind the Boeing 747.

But when one makes the comparison on the basis of *total* operating cost rather than D.O.C., still using 1969 values, the SST beats the 707 substantially and comes much nearer to equaling the impressively low 747 costs. This is true because various elements of ground support and overhead costs gain the advantage of the SST's greater productivity in terms of seat-miles flown *per hour*. The 2707–300 is two thirds as big as the 747 and it flies three times as fast, so it will do twice as much work as the 747 (and 4½ times the 707 or DC–8) in the same time period.

Projecting a little, we find that the advantage of the SST's greater productivity increases each year as labor costs go up. A faster airplane is less labor sensitive than a slower airplane. For instance, even with premium pay to crew members, their productivity is greater per dollar in a faster airplane. On the other hand the faster airplanes use more fuel so you could say they are more fuel sensitive. But the pattern of inflation has been that kerosene (basically a raw material) has not increased in price as rapidly as labor.

In the study, each element of cost was projected separately at its average rate of increase over the past ten years. Accordingly, the crew cost was escalated at seven and a half per cent per year, which is consistent with its average over the past ten years, and other labor at four and a half per cent per year. Fuel was escalated at one half per cent per year, consistent with the historical increase in new materials costs and in spite of the fact that in the past ten years *the cost of aviation fuel has decreased*.

We found that by 1978, which is the introduction date for the American SST, its total operating cost comes within one-tenth of a cent per seat-mile of matching the 440–seat economy version of the 747. By the eighties, when larger numbers of SST's would be in service, their total operating cost is projected to be approximately equal to the 747's. From the later 1980's on, the Boeing 2707–300 shows up as *more economical to operate than the* 747. Once again, as we have seen before in the history of transportation, an advance in productivity fits into the pattern of growth at the time it is needed.

Furthermore, during the first few years of service the SST's should experience very favorable load factors due to high demand and short supply, as was the case when the jet transport was first introduced. When one gives weight to this increased profitability in the early years, the SST turns out to be economically competitive with the 747 through all the years of its operation. The study was based on the same fares as apply to subsonic equipment and without any surcharge.

Another concern that is being voiced relates to the noise of the 2707–300, apart from sonic boom, let's look at that. There are three types of noise to be considered—community noise under the flight path on climb-out, community noise on approach, and sideline noise at the airport itself during ground run and takeoff. Taking these one at a time, we have so much power in this airplane, to enable it to accelerate through the transonic regime, that it takes off in a short (8000 ft.) distance (10,300 ft. field length) and climbs out like a "homesick angel."

The airplane will be about twice the usual altitude at the classic three and a half mile distance from brake release point (1,800 ft. and climbing). Likewise, we expect the SST to be quieter than today's jets on approach. This is accomplished primarily by means of a choke on the supersonic air inlets that keeps much of the sound from coming out the front.

We do have a problem on sideline noise, but we have a development program going on between Boeing and General Electric to improve this. One means of attacking that part of the noise problem has been identified which involves breaking up the low frequency sounds into higher frequencies which do not carry as far. We understand the problem, we are working at it, and we expect, by the time the production airplane rolls out, that this problem will have yielded to the intensive and extensive development efforts being waged on aircraft noise.

As you may know, we issued the FAA's new noise regulation last Wednesday. This rule establishes noise standards and maximum noise levels for all new subsonic transport aircraft, including some now under development.

This is by no means our final word on the subject of noise; actually, it is just our first. We're looking at the practicality of retrofit standards for aircraft now in use. And we will have a rule relating to supersonic transports—the foreign as well as our own. I had hoped we could get that proposal out by the end of this year; I said as much to a Congressional committee early last month. Although it appears that early or perhaps mid-1970 is a more realistic target date for a formal Notice of Proposed Rule Making now that the subsonic rule has been adopted, I intend immediately to solicit comments from interested persons concerning the applicability of these requirements to the SST.

One thing I am sure of—the Federal regulations pertaining to the supersonics will be in effect well before the planes are in commercial use.

Another concern frequently expressed has to do with the congestion situation on the airways and at our major airports. Why, we are asked, should we add to that problem? Or shouldn't the SST money and effort be applied to that problem?

Actually, supersonic-type aircraft will help relieve airways and airport congestion problems rather than add to them. On the airways they will utilize an entirely new level of airspace, operating at 55,000 feet (ours usually above 60,000) and above. In the terminal area it will help relieve congestion in a relative sense because its shorter en route trip times will permit completely different departure and arrival schedules. For example, departures to Europe out of Kennedy now peak in the evening betwen 6:00 and 8:00 p.m. The SST can leave anytime from early in the morning to 1:00 p.m. and arrive the same day on the continent. Westbound one simply cancels out that time change. The SST leaves any time of the day one wants, getting to its destination at the same hour sun time; this simple fact affords all kinds of schedule flexibility.

Additionally, the SST will be equipped with inertial navigation, on-board computers, and automatic flight management equipment to fit the ground electronics going into the national air traffic control system. It will be an "anytime" operation, without question.

Please bear in mind, too, that the improvements in the Nation's airports and airways, which enactment of the Aviation Facilities Expansion Bill now before the Congress will make possible, will show up in the system well before the SST is introduced to the public. The automation of our terminal and en route air traffic control capabilities, the addition of more personnel, and the growth of airports are developments now programmed or under way which will add substantially to the Nation's capacity for delay-free, congestion-free air transportation.

Let me talk a little bit now about the airplane itself.

We're gaining a very confident feeling about the SST design; it is solid technically, it is viable economically, and it is appropriate to the growth requirements of air transportation. When we look at the forecast of revenue seat-miles, with a sixfold increase from 1968 to 1990, we are looking at a world different from that of today. We must prepare now to meet those conditions. Even by the time of the SST's introduction, in 1978, the potential supersonic portion of the world's air routes will involve as much traffic as the *total* of world air traffic today.

We now have a design that has shaken down to a good, airline-type airplane. It has a near balance of performance, flying qualities and operational features. The Delta wing has a wide span and a lower sweepback angle than either the Concorde or the TU–144 and we use a conventional horizontal tail. These elements plus the incorporation of simple high-lift devices on the leading and trailing edges of the wing provide normal landing and takeoff characteristics. Importantly, they permit subsonic flight for approaches to inland terminals (Chicago, Las Vegas, Cleveland, Dallas, Atlanta, St. Louis) with acceptable flight economy.

The design stems from a long process of exploration of alternatives, thousands of wind tunnel hours and endless testing of structures and components. The engineering time spent on the project is already many times that which went into the original 707 prototype. We are now ready to begin cutting metal.

A word about schedules and timing: our analysis indicates that the 2707–300 will be substantially superior to the non-U.S.A. SST's in range and payload, passenger comfort, safety, community noise and operating economics. But we obviously cannot take lightly the fact that other countries have prototypes flying. If the Government-supported British-French combination were to offer a second model within a few years, taking advantage of the flight experience they will have obtained, and the American SST program were not well under way, the Europeans could take away the lead which American industry has held for so long in world air transport production. In a nutshell this was the situation that Secretary Volpe and President Nixon correctly assessed and which the Congress is now considering with all its effect on our balance of payments problem, employment, and the beneficial growth of our national economy.

The SST will not be a small or inconsequential program. Direct employment of 50,000 people is involved at the production stage, including the prime contractors and subcontractors. The work will reach into communities across the country.

The potential balance of trade effect, in terms of the difference between export of U.S. SST's to foreign countries and the additional purchase of foreign-built SST's that would be required if the American product were not available, is 16 billion dollars.

An adverse balance of payments is in some ways like the bubonic plague. The man in the street really doesn't know what it is, but he knows that it's bad news. And indeed his intuition is substantiated by the facts.

The BOP affects the average U.S. citizen very directly in three vital areas: interest rates, employment, and prices. A deficit in the BOP means the U.S. Government must keep *interest rates high* in order to keep U.S. and foreign capital invested in the U.S. and prevent further gold outflows. For the consumer this is reflected in high interest charges for mortgages and consumer loans. Not only are rates high but credit is tight. High interest rates for business can also means lower levels of domestic (business) investment, which translates into *less employment* for the worker and a profits squeeze for the business firm. The cost of money is one component of prices for most items in our economy, and as the cost of money increases significantly, *price rise* on many commodities. There are a number of other aspects to the balance of payments subject but high interest rates, low employment and higher prices suffice to underscore the importance of the aircraft export account to the U.S.A.

The potential direct return to the U.S. Treasury from contract royalties on production airplanes when 500 are sold in accordance with present estimates, is one billion dollars *more* than the Government's prototype investment. (Incidentially, that 500-plane sales estimate is with sonic boom restriction to overwater and non-populated land in force.)

The corporate and industrial income taxes to be paid into the Treasury by those directly involved in the production program would be approximately three billion dollars, and nearly twice that if the income taxes from secondary employment in services and trades and the like are considered, through what is known as the multiplier effect.

The Congress is being apprised of these facts. But there is still a great deal of skepticism at large, due mostly to misconceptions about the program. Members of Congress need to know how this country feels about the SST—how and why it fits into the requirements of air transportation's growth and progress—why it is important to this Nation to have this work go forward and not forfeit the SST market to Europe and/or the Soviet Union.

I submit that our future is more and more dependent upon Governmental and public understanding and action. I am, to an increasing degree, getting outside my office (everyone there supports it) to enlist help in solving the various problems that constitute constraints to aviation progress. When a columnist says it makes no sense to travel at three times the speed of sound only to spend three hours getting home from the airport, he is *accenting,* not that we should hold back air progress, *but emphasizing the need to make more progress faster in the rest of the system.*

Thank God we yet have time to do this in the years before the SST enters service. We must clear the passage from airport to city and from city to suburb. It will involve rapid transit; there will be STOL service, or a combination of these; the disposition and utilization of land around the airport are also part of the problem. Compatible land use must have a greater appreciation and a larger acceptance.

The establishment of a cabinet level Department of Transportation signaled the necessity of approaching the problems of integrated transportation at the local level as well as nationally. There is great need for involvement, on the part of more of us, in the planning and the civic and the political process affecting these matters. This is going on; I am urging more of it.

At this particular time, a great need is for a better understanding of the place of the 2707–300. I hope you will agree that it is in the national interest to take a prompt and active part in bringing about this better understanding. The SST makes economic sense, for our country's commerce. Looking ahead, the productivity of the 2707–300 may become the principal means of countering rising costs and providing the new dimension that will be necessary for continued air transport growth and profitability. The *starting point* is the building of the prototype airplanes. *Now is the time!*

CRIME AND BAIL THROUGHOUT THE FEDERAL SYSTEM

(Mr. BURTON of Utah asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BURTON of Utah. Mr. Speaker, the newspaper headlines and recent crime statistics require the immediate attention of Congress to the problem of crime and bail throughout the federal system, but especially in the Nation's Capital. Existing legislation requires the release of virtually all defendants prior to trial, no matter how dangerous they may be to society. Since the enactment of legislation requiring such release in June 1966, the number of reported robberies in Washington has more than tripled, the number of rapes and burglaries more than doubled. In September alone, a record 821 armed robberies were reported.

It is the judgment of recent grand juries, many trial judges, and experienced law enforcement officials that crime on bail is a significant factor in this frightful increase in crime in this city.

Steps must be taken to protect society from additional crimes committed on pretrial release.

The Attorney General has forwarded to the Congress legislation designed to deny pretrial release to dangerous defendants and provide them with expedited trials. The proposed legislation has been carefully drawn to accord requisite procedural safeguards to defendants but at the same time to protect society by detaining certain limited categories of arrested defendants against whom there is strong evidence of guilt of a dangerous crime. It also provides for pretrial detention of narcotics addicts charged with dangerous crimes.

It is difficult these days for the police to apprehend those who commit dangerous or violent crimes. The arrest rate for such reported crimes is under 20 percent. Once the police have made an arrest, however, and have gathered strong evidence of guilt, society cannot afford to permit the release of those defendants a judge finds dangerous. We must enact the proposed legislation to permit the pretrial detention of such dangerous defendants now.

LOAN RATE FOR SOYBEANS

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SMITH of Iowa. Mr. Speaker, last spring the Department of Agriculture announced a reduction of $0.25 per bushel in the loan rate for soybeans. A plea was being made by the processors, and the Department, under new management, agreed that processors needed to buy soybeans cheaper in order to move the crop into use. The administration also sold thousands of bushels of Government-held soybeans. Several months have now passed and it is time to look at the results.

The USDA Weekly Grain Market Review shows that the average price being received by farmers for soybeans for the month of October was $0.07 a bushel lower than a year earlier even though the value of the oil and meal crushed from that bushel of soybeans by the processors was $0.27 higher. Perhaps some strength in the oil and meal market resulted from a shorter crop of sunflower seeds in Eastern Europe. Whatever the cause happened to be, the return to the processors for a bushel of soybeans was $0.27 higher. With the value of the oil and meal $0.27 higher and the cost of the soybean $0.07 less, the cash crushed margin for processors reached the fantastic and unusual figure of $0.61 per bushel, or about 25 percent profit and about four times greater than the $0.14 in October of 1967 and more than twice the $0.27 in October of 1968.

The farmer has taken his cut in income all right but instead of promoting lower product prices which, in turn, some might argue, would increase market, the lower prices for the farmer went into the processors' pockets along with the increase in market price of the processed product. This illustrates the great importance the loan rate can have on market prices and the fact that in the billion bushel market of today in the United States, selling prices of soybean products are not always directly related to the market price for raw soybeans.

When soybeans reach too high a market level, processors are unable to sell at a profit and will stop crushing. This gives fish products, sunflower and other oil seeds an opportunity to grab part of the soybean market. This happened 3 or 4 years ago and in the long run was harmful to soybean producers. On the other hand, when oil seed products reach a certain low level in price, lowering the price of the raw soybeans does not seem to produce a corresponding reduction in prices of oil seed products or increase market but instead merely goes to the processors.

The only way the producer can be protected in these lower levels is through a carefully calculated operation of the loan rate or a reserve so that enough stability can be produced in the supply channels to feed this supply to the processors at the rate which will produce value received to farmers.

One might argue whether the Department should have been able to predict this situation but there surely can be no argument that reducing the loan rate early in the year which also reduced the resale rate from Government bins, and that the sale of Government-held stocks during the year have combined to move the equivalent of about $0.25 to $0.35 per bushel from the farmers' income into the pockets of the processors in 1969. On a national basis, this could mean a reduction of about $300 million in net farm income.

I strongly urge everybody concerned or interested to look both at the statistics available for the marketing year when soybeans were in the $3 to $4 range as well as what happened under the low prices this year and with the view of avoiding both extremes. The farmer loses on both ends of this spectrum. When the soybeans are as high as they were 3 or 4 years ago, he loses market and when they are pushed as low as they are this year, he loses immediate income without gaining enough on the market.

I cannot believe that any more evidence is needed to support my bill providing a reserve for soybeans which I have been promoting for about 6 years. Establishing such a reserve and feeding it into the market to avoid the loss of the market when there is a shortage and also building up the reserve when necessary to avoid what happened this year would surely be good for the whole soybean industry.

SEVENTH MISSOURI CONGRESSIONAL DISTRICT OPINION POLL

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, last August I placed in the mail the annual questionnaire to the people of the Seventh Congressional District of Missouri.

I am happy to report that more than 19,000 replies were received, along with many hundreds of letters containing additional comments.

The results have now been tabulated

and are being mailed to all the news media, as well as any individual desiring a copy.

To say that I am pleased with the response is an understatement. This kind of communication between constituent and Representative is the essence of good representation, which is the backbone of this great Republic.

The results follow:

MISSOURI 7TH CONGRESSIONAL DISTRICT OPINION POLL

[Answers to all questions have been broken down into percentages]

WHAT IS YOUR PARTY PREFERENCE?

Republican	56
Democrat	19
Independent	19
No answer	6

PARTY PREFERENCE BY AGE GROUP

18 to 24:	
Republican	50
Democrat	14
Independent	29
No answer	7
25 to 44:	
Republican	51
Democrat	22
Independent	23
No answer	4
45 to 64:	
Republican	55
Democrat	19
Independent	21
No answer	5
65 plus:	
Republican	65
Democrat	18
Independent	13
No answer	4

WHAT IS YOUR SEX?

Male	62
Female[1]	28
No answer	10

PARTY PREFERENCE BY SEX

Male:	
Republican	56
Democrat	20
Independent	20
No answer	4
Female:	
Republican	60
Democrat	19
Independent	17
No answer	5

WHAT IS YOUR AGE?

18 to 24	4
25 to 44	29
45 to 64	34
65 plus	28
No answer	5

[1] The low percentage of female participants is attributed to the fact that only 1 ballot was sent to each household. Evidently most of the returns were filled in by the male members of the family. However, in some instances ballots were returned with 2 sets of answer, where both husband and wife had participated.

1. Should the Federal Government develop laws to help prevent strikes by public employees?

Total	Republican	Democrat	Independent	Men	Women
Yes, 62	72	49	47	63	58
No, 28	18	43	42	30	25
Undecided, 8	9	5	8	5	14
No answer, 2	1	3	3	2	4

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	64	46	59	79
No	29	43	29	14
Undecided	7	7	10	6
No answer	0	4	2	1

2. Do you favor lowering the voting age to 18?

Total	Republican	Democrat	Independent	Men	Women
Yes, 39	35	38	51	41	35
No, 56	57	62	46	56	56
Undecided, 4	6	0	1	3	6
No answer, 1	1	0	1	0	3

MISSOURI 7TH CONGRESSIONAL DISTRICT OPINION POLL

[Answers to all questions have been broken down into percentages]

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	50	44	38	37
No	50	55	57	55
Undecided	0	2	4	6
No answer	0	0	1	2

3. Do you favor actions of the administration to try and balance the budget and pay on the national debt?

Total	Republican	Democrat	Independent	Men	Women
Yes, 88	92	83	81	91	81
No, 6	3	9	9	6	6
Undecided, 6	4	6	7	3	10
No answer, 0	1	1	3	0	3

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	93	79	88	97
No	0	13	4	0
Undecided	7	9	7	2
No answer	0	0	1	1

4. Do you favor a lottery system for the drafting of military personnel?

Total	Republican	Democrat	Independent	Men	Women
Yes, 38	37	39	41	40	34
No, 36	34	43	36	37	35
Undecided, 22	26	16	22	21	26
No answer, 4	4	3	1	1	5

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	36	33	44	36
No	43	44	28	36
Undecided	21	21	23	24
No answer	0	2	5	4

5. Should the electoral college be abolished and the President elected by a direct vote of the people?

Total	Republican	Democrat	Independent	Men	Women
Yes, 88	87	86	93	85	91
No, 9	9	9	5	11	4
Undecided, 3	4	3	1	4	3
No answer, 0	0	2	1	0	2

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	86	88	87	87
No	14	9	9	9
Undecided	0	3	4	3
No answer	0	0	0	1

6. Do you feel the Paris peace talks to be the best means of ending the Vietnam war?

Total	Republican	Democrat	Independent	Men	Women
Yes, 14	14	14	5	13	12
No, 56	53	62	69	62	45
Undecided, 27	30	18	24	23	38
No answer, 4	3	5	2	2	5

MISSOURI 7TH CONGRESSIONAL DISTRICT OPINION POLL

[Answers to all questions have been broken down into percentages]

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	7	14	15	10
No	57	62	57	54
Undecided	29	22	25	32
No answer	7	2	3	4

7. Should the Federal Government guarantee an annual income to heads of families, whether or not they are working?

Total	Republican	Democrat	Independent	Men	Women
Yes, 10	7	18	11	10	13
No, 82	86	70	81	84	74
Undecided, 7	5	9	7	4	11
No answer, 1	2	3	1	2	2

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	0	11	7	14
No	86	82	88	73
Undecided	14	6	4	9
No answer	0	1	1	4

8. Should the Post Office be converted into a Government-owned corporation and be operated on a self-supporting basis?

Total	Republican	Democrat	Independent	Men	Women
Yes, 65	67	58	64	67	58
No, 18	14	25	23	17	21
Undecided, 16	18	16	11	14	19
No answer, 1	1	1	0	2	2

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Yes	57	56	69	70
No	21	26	16	12
Undecided	21	18	13	15
No answer	1	0	2	3

9. Should part of the revenue collected from Federal income taxes be returned to the States to use as they see fit?

Total	Republican	Democrat	Independent	Men	Women
Yes, 66	70	69	49	66	68
No, 24	22	26	32	26	18
Undecided, 9	8	4	16	8	12
No answer, 1	0	3	3	0	2

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus	No information
Yes	79	64	64	69	68
No	21	26	25	22	18
Undecided	0	9	10	8	9
No answer	0	1	1	1	5

10. How do you rate the kind of job President Nixon is doing?

Total	Republican	Democrat	Independent	Men	Women
Excellent or good, 55	70	29	38	59	54
Fair, 26	19	35	35	26	25
Poor, 7	1	17	11	7	4
Undecided, 12	10	19	16	8	17
No answer, 0	0	0	0	0	0

MISSOURI 7TH CONGRESSIONAL DISTRICT OPINION POLL
[Answers to all questions have been broken down into percentages]

BREAKDOWN BY AGE GROUP

	18 to 24	25 to 44	45 to 64	65 plus
Excellent or good	64	56	52	63
Fair	21	26	26	22
Poor	1	9	4	6
Undecided	14	9	18	9

CONFERENCE REPORT ON H.R. 12307, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. EVINS of Tennessee submitted the following conference report and statement on the bill (H.R. 12307) the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1970:

CONFERENCE REPORT (H. REPT., No. 91–649)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12307) "making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 15, 19, 24, 28, 39, 45, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 11, 13, 16, 17, 20, 21, 22, 26, 31, 32, 35, 36, 38, 42, and 47, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$282,500,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$40,778,500"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,225,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$307,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,006,000,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$438,000,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,000,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$68,348,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$49,200,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendent, as follows: In lieu of the sum proposed by said amendment insert "$19,400,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,050,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,500,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$575,000,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,750,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,000,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement of the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$85,000,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,500,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 14, 34, and 50.

JOE L. EVINS,
EDWARD P. BOLAND,
GEORGE E. SHIPLEY,
ROBERT N. GIAIMO,
JOHN O. MARSH, Jr.,
DAVID PRYOR,
GEORGE MAHON,
CHARLES R. JONAS,
LOUIS C. WYMAN,
BURT L. TALCOTT,
JOSEPH M. MCDADE,
FRANK T. BOW,
Managers on the Part of the House.
JOHN O. PASTORE,
WARREN G. MAGNUSON,
ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
SPESSARD L. HOLLAND,
CLINTON P. ANDERSON,
GORDON ALLOTT,
MARGARET CHASE SMITH,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE 1

NATIONAL AERONAUTICS AND SPACE COUNCIL

Amendment No. 1: Appropriates $500,000 for salaries and expenses as proposed by the House instead of $524,000 as proposed by the Senate.

OFFICE OF SCIENCE AND TECHNOLOGY

Amendment No. 2: Appropriates $1,958,000 for salaries and expenses as proposed by the Senate instead of $1,875,000 as proposed by the House.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

Amendment No. 3: Deletes language proposed by the Senate excluding funds for Section 201 of the Appalachian Regional Development Act of 1965, as amended.

Amendment No. 4: Appropriates $282,500,000 for Appalachian Regional Development Programs instead of $445,000,000 as proposed by the House and $107,500,000 as proposed by the Senate.

Amendment No. 5: Reported in technical disagreement. The House Conferees will offer a motion to include $175,000,000 for the Appalachian Development Highway System, the amount authorized for appropriation in the current fiscal year, and limits obligations to the amount appropriated in the bill.

DISASTER RELIEF

Amendment No. 6: Inserts technical language as proposed by the Senate to permit funds to be used pursuant to the Disaster Relief Act of 1969 (P. L. 91–79).

Amendment No. 7: Appropriates $170,000,000 for disaster relief as proposed by the Senate instead of $45,000,000 as proposed by the House.

CIVIL SERVICE COMMISSION

Amendment No. 8: Inserts language as proposed by the Senate authorizing use of funds for hire of passenger motor vehicles.

Amendment No. 9: Appropriates $40,-

778,500 for salaries and expenses instead of $40,000,000 as proposed by the House and $41,397,000 as proposed by the Senate.

FEDERAL COMMUNICATIONS COMMISSION

Amendment No. 10: Appropriates $22,225,000 for salaries and expenses instead of $21,600,000 as proposed by the House and $22,850,000 as proposed by the Senate. The committee of conference is agreed that the fee structure for the Commission should be adjusted to fully support all its activities so the taxpayers will not be required to bear any part of the load in view of the profits regulated by this agency.

FEDERAL POWER COMMISSION

Amendment No. 11: Appropriates $16,400,000 for salaries and expenses as proposed by the Senate instead of $16,000,000 as proposed by the House. The committee of conference has agreed to an increase of $400,000 over the amount proposed by the House, and urges that emphasis be placed on natural gas pipeline rate regulation with the increased funds provided.

GENERAL SERVICES ADMINISTRATION

Amendment No. 12: Appropriates $307,000,000 for Operating Expenses, Public Buildings Service instead of $301,500,000 as proposed by the House and $309,119,000 as proposed by the Senate.

Amendment No. 13: Appropriates $61,600,000 for repair and improvement of public buildings as proposed by the Senate instead of $70,000,000 as proposed by the House.

Amendment No. 14: Reported in technical disagreement. The House conferees will offer a motion to appropriate $26,533,000 for construction of public buildings projects instead of $19,137,000 as proposed by the House and $13,248,000 as proposed by the Senate.

Amendment No. 15: Restores language proposed by the House to authorize $13,285,000 for the Federal office building, Chicago, Illinois.

Amendment No. 16: Inserts language proposed by the Senate to authorize $7,396,000 for the Federal Bureau of Investigation Academy, Quantico, Virginia.

Amendment No. 17: Appropriates $1,250,000 for Expenses, United States court facilities as proposed by the Senate instead of $750,000 as proposed by the House.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 18: Appropriates $3,006,000,000 for research and development instead of $3,000,000,000 as proposed by the House and $3,019,927,000 as proposed by the Senate.

The committee of conference is proud of the achievements of the National Aeronautics and Space Administration and the astronauts in placing the United States first in space. The committee favors a balanced program of space exploration for NASA, but considerable concern has been expressed about the future of funding for manned lunar programs because of budget constraints at this time and a question of national priorities. The majority of the conferees therefor suggest that the legislative committees of the House of Representatives and the Senate, the National Aeronautics and Space Administration, and the Administration make a careful review of our policy of manned lunar programs for the future and decide and determine a policy, and that the Committees on Appropriations be advised of the policy determined at the earliest possible date.

Amendment No. 19: Appropriates $53,233,000 for construction of facilities as proposed by the House instead of $58,200,000 as proposed by the Senate. The committee of conference is agreed that the new aircraft noise facility at Langley, Virginia, and a maintenance facility at Cape Kennedy, Florida, may be initiated within the total funds provided.

Amendment No. 20: Appropriates $637,400,000 for research and program management as proposed by the Senate instead of $643,750,000 as proposed by the House.

NATIONAL SCIENCE FOUNDATION

Amendments No. 21 and 22: Authorize purchase of two aircraft and maintenance and operation of four aircraft as proposed by Senate instead of the purchase of one aircraft and the maintenance and operation of three aircraft as proposed by the House.

Amendment No. 23: Appropriates $438,000,000 for salaries and expenses instead of $418,000,000 as proposed by the House and $458,000,000 as proposed by the Senate.

Amendment No. 24: Appropriates $2,000,000 in foreign currencies for scientific activities as proposed by the House instead of $3,000,000 as proposed by the Senate.

RENEGOTIATION BOARD

Amendment No. 25: Appropriates $4,000,000 for salaries and expenses instead of $3,640,000 as proposed by the House and $4,140,000 as proposed by the Senate.

SECURITIES AND EXCHANGE COMMISSION

Amendment No. 26: Appropriates $20,416,000 for salaries and expenses as proposed by the Senate instead of $19,750,000 as proposed by the House.

SELECTIVE SERVICE SYSTEM

Amendment No. 27: Appropriates $68,348,000 for salaries and expenses instead of $67,375,000 as proposed by the House and $69,321,000 as proposed by the Senate.

VETERANS ADMINISTRATION

Amendment No. 28: Appropriates $69,152,000 for construction of hospital and domiciliary facilities as proposed by the House instead of $55,217,000 as proposed by the Senate.

DEPARTMENT OF DEFENSE—CIVIL DEFENSE

Amendment No. 29: Appropriates $49,200,000 for operation and maintenance instead of $47,700,000 as proposed by the House and $50,700,000 as proposed by the Senate.

Amendment No. 30: Authorizes $19,400,000 matching grants for personnel and administrative expenses of state and local civil defense organizations instead of $19,100,000 as proposed by the House and $19,700,000 as proposed by the Senate.

Amendments No. 31 and 32: Strike out and insert language relating to constructing and equipping Federal regional operating centers as proposed by the Senate.

Amendment No. 33: Appropriates $20,050,000 for research, shelter survey and marking instead of $16,500,000 as proposed by the House and $21,800,000 as proposed by the Senate.

Amendment No. 34: Reported in technical disagreement. The House conferees will offer a motion to recede and concur in the amendment of the Senate to authorize transfer of $1,800,000 of this appropriation to the Department of Defense for construction of Federal regional operating centers.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE—PUBLIC HEALTH SERVICE

Amendment No. 35: Appropriates $4,000,000 for emergency health activities as proposed by the Senate instead of $6,000,000 as proposed by the House.

Title II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 36: Appropriates $250,000,000 for urban renewal programs as proposed by the Senate instead of $100,000,000 as proposed by the House.

Amendment No. 37: Provides annual contract authorization for $6,500,000 for college housing instead of $5,500,000 as proposed by the House and $7,500,000 as proposed by the Senate. The reduction below the Senate amount is not intended to reduce the budget loan program, but it is anticipated that direct loans will be required in some instances where private financing with interest subsidies cannot be obtained.

Amendment No. 38: Deletes limitation relating to payments on contracts in the college housing program as proposed by the Senate.

Amendment No. 39: Appropriates $37,000,000 for salaries and expenses of programs of renewal and housing assistance as proposed by the House instead of $37,500,000 as proposed by the Senate.

Amendment No. 40: Appropriates $575,000,000 for model cities programs instead of $500,000,000 as proposed by the House and $600,000,000 as proposed by the Senate.

Amendment No. 41: Authorizes the transfer of $6,750,000 for administrative expenses relating to model cities programs instead of $6,500,000 as proposed by the House and $7,000,000 as proposed by the Senate.

Amendment No. 42: Appropriates $26,500,000 for homeownership and rental housing assistance payments as proposed by the Senate instead of $46,500,000 as proposed by the House.

Amendment No. 43: Provides $90,000,000 annual contract authorization for homeownership assistance payments under Section 235 of the National Housing Act, as amended, instead of $80,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 44: Provides $85,000,000 annual contract authorization for rental housing assistance payments authorized by Section 236 of the National Housing Act, as amended, instead of $70,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 45: Provides $50,000,000 annual contract authorization for the rent supplement program as proposed by the House instead of $100,000,000 as proposed by the Senate.

Amendment No. 46: Appropriates $6,000,000 for fair housing and equal opportunity activities instead of $5,000,000 as proposed by the House and $7,000,000 as proposed by the Senate.

Amendment No. 47: Appropriates $9,000,000 for general administration as proposed by the Senate instead of $7,000,000 as proposed by the House. The conferees are agreed that this amount shall be used for providing a level of employment only to the level provided in the budget estimate.

Amendment No. 48: Appropriates $10,500,000 for regional management and services instead of $9,800,000 as proposed by the House and $11,905,000 as proposed by the Senate.

Amendment No. 49: Deletes language proposed by the Senate to appropriate $250,000 for the National Homeownership Foundation.

Title IV—General Provisions

Amendment No. 50: Reported in technical disagreement. The House conferees will offer a motion to recede and concur in the amendment.

Joe L. Evins,
Edward P. Boland,
George E. Shipley,
Robert N. Giaimo,
John O. Marsh, Jr.,
David Pryor,
George Mahon,
Charles R. Jonas,
Louis C. Wyman,
Burt L. Talcott,
Joseph M. McDade,
Frank T. Bow,
Managers on the Part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Pepper, for the week of November 17, 1969, on account of official business.

Mr. Charles H. Wilson (at the request

of Mr. ALBERT), for today, on account of official business.

Mr. DENNEY (at the request of Mr. GERALD R. FORD), for today, on account of knee injury.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for an indefinite period on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, for 60 minutes, on November 18; to revise and extend his remarks and include extraneous matter on the subject of the reversion of Okinawa.

Mr. MONTGOMERY, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 1 hour, today.

(The following Members (at the request of Mr. MAYNE) and to revise and extend their remarks and include extraneous matter:)

Mr. ROBISON, for 30 minutes, today.

Mr. DUNCAN, for 30 minutes, on November 18.

Mr. DUNCAN, for 30 minutes, on November 19.

Mr. DUNCAN, for 30 minutes, on November 20.

(The following Members (at the request of Mr. DANIEL of Virginia) and to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 20 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. REUSS, for 60 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 60 minutes, on November 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SMITH of Iowa.

Mr. COLMER on House Resolution 675.

Mr. NICHOLS (at the request of Mr. MONTGOMERY), to extend his remarks immediately following Mr. MONTGOMERY's.

(The following members (at the request of Mr. MAYNE) and to include extraneous matter:)

Mr. LUKENS in two instances.

Mr. MESKILL.

Mr. JOHNSON of Pennsylvania.

Mr. ERLENBORN.

Mr. CORBETT.

Mr. RHODES.

Mr. BUSH.

Mr. SCHWENGEL in four instances.

Mr. GUBSER.

Mr. ZWACH.

Mr. RIEGLE.

Mr. POLLOCK.

Mr. SHRIVER in two instances.

Mr. ASHBROOK in two instances.

Mr. DAVIS of Wisconsin in two instances.

Mr. SCOTT.

Mr. BRAY in two instances.

Mr. ROTH.

Mr. WYMAN in two instances.

Mr. HOGAN in two instances.

Mr. SCHERLE.

Mr. REID of New York.

Mr. STEIGER of Arizona.

Mr. DUNCAN in two instances.

Mr. ESCH.

Mr. DELLENBACK.

Mr. DERWINSKI in two instances.

Mr. HUNT.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. LONG of Maryland.

Mr. SCHEUER in two instances.

Mr. FARBSTEIN in three instances.

Mr. BOLLING.

Mr. JACOBS in three instances.

Mr. REUSS in six instances.

Mr. GONZALEZ.

Mr. EILBERG.

Mr. BRASCO.

Mr. OTTINGER.

Mr. MATSUNAGA in two instances.

Mr. BINGHAM in three instances.

Mr. RARICK in three instances.

Mr. FASCELL in two instances.

Mr. RODINO in two instances.

Mr. BURKE of Massachusetts in two instances.

Mr. EVINS of Tennessee in two instances.

Mr. STEPHENS.

Mr. PICKLE in three instances.

Mr. OBEY in six instances.

Mr. KASTENMEIER.

Mr. REES in six instances.

Mr. BURTON of California.

Mr. CABELL.

Mr. RYAN in three instances.

Mr. COHELAN in two instances.

Mr. DINGELL.

Mr. BIAGGI in two instances.

Mr. O'HARA in two instances.

Mr. FRASER in three instances.

Mr. HECHLER of West Virginia.

Mr. ST. ONGE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2577. An act to provide additional mortgage credit, and for other purposes; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 474. An act to establish a Commission on Government Procurement.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On November 13, 1969:

H.J. Res. 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

On November 17, 1969:

H.R. 474. An act to establish a Commission on Government Procurement.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 18, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1335. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army, and detailed to the Army General Staff, as of September 30, 1969, pursuant to the provisions of 10 U.S.C. 3031 (c); to the Committee on Armed Services.

1336. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1337. A letter from the Executive Secretary, Public Service Commission of the District of Columbia, transmitting the 56th annual report on the Commission for the calendar year 1968, pursuant to the provisions of section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

1338. A letter from the Comptroller General of the United States, transmitting a report on the need for management improvement in expediting development of major weapon systems satisfactory for combat use, Department of the Army; to the Committee on Government Operations.

1339. A letter from the Comptroller General of the United States, transmitting a report on U.S. financial participation in the Food and Agriculture Organization of the United Nations, Department of Agriculture and Department of State; to the Committee on Government Operations.

1340. A letter from the Secretary of the Interior, transmitting a report of the national estuarine pollution study, pursuant to the provisions of section 5(g) of Public Law 89–753, and a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide for the establishment of a national policy and comprehensive national program for the management, beneficial use, protection and development of the land and water resources of the Nation's estuarine and coastal zone; to the Committee on Public Works.

1341. A letter from the Administrator of General Services, transmitting copies of a building project survey report for Orlando, Fla.; to the Committee on Public Works.

1342. A letter from the Administrator of General Services, transmitting copies of a prospectus for alterations at the Custom House and Appraisers Stores in Philadelphia, Pa., pursuant to the provisions of the Public Buildings Act of 1959; to the Committee on Public Works.

1343. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by his office which are financed wholly with Federal funds, covering the period July 1 through September 30, 1969, pursuant to the provisions of section 1120b of the Social Security Act; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on November 13, 1969 the following report was filed on November 14, 1969)

Mr. FALLON: Committee on Public Works. H.R. 14741. A bill to amend title 23 of the United States Code to revise the next due date for the cost estimate for the Interstate System to amend chapter 4 relating to highway safety, and for other purposes; with an amendment (Rept. No. 91–644). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Nov. 17, 1969*]

Mr. FALLON: Committee on Public Works. H.R. 5278. A bill to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the Benbrook Water and Sewer Authority for the use of water supply storage in the Benbrook Reservoir; without amendment (Rept. No. 91–645). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 707. A resolution previewing as for consideration of H.R. 14580, a bill to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes (Rept. No. 91–646). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 708. Waiving points of order against H.R. 14794, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–647) referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. House Joint Resolution 757. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes, without amendment (Rept. No. 91–648). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of Conference. Conference report on H.R. 12307 (Rept. No. 91–649). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 14813. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H.R. 14814. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Commitee on Agriculture.

By Mr. DAVIS of Wisconsin:

H.R. 14815. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FARBSTEIN:

H.R. 14816. A bill to amend the Fair Packaging and Labeling Act to require a packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 14817. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. HELSTOSKI:

H.R. 14818. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 14819. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 14820. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 14821. A bill to provide for orderly trade in bicycles; to the Committee on Ways and Means.

By Mr. MIKVA (for himself, Mr. Jacobs, and Mr. Waldie):

H.R. 14822. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision and control of such defendants, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA (for himself, Mr. Jacobs, and Mr. Waldie):

H.R. 14823. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved correctional facilities, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 14824. A bill to strengthen the penalties for illegal fishing in the territorial waters and the contiguous fishery zone of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PASSMAN:

H.R. 14825. A bill to amend the Communications Act of 1934 to establish orderly procedures for consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 14826. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. STEED (for himself, Mr. Edmondson, and Mr. Camp):

H.R. 14827. A bill to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribe of Oklahoma in Indian Claims Commission docket numbered 220, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 14828. A bill to amend section 2412(a) of title 28, United States Code, to make the United States liable for court costs and attorney's fees to persons who prevail over the United States in actions arising out of administrative actions of agencies of the executive branch; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 14829. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Addabbo, Mr. Anderson of Illinois, Mr. Byrne of Pennsylvania, Mr. Carter, Mr. Cederberg, Mr. Don H. Clausen, Mr. Conte, Mr. Davis of Georgia, Mr. Denney, Mr. Donohue, Mr. Duncan, Mr. Fisher, Mr. Flowers, Mr. Frey, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Gray, Mr. Hansen of Idaho, Mr. Hastings, Mr. Lujan, Mr. Mann, Mr. Miller of Ohio, Mr. Morse, and Mr. Myers):

H.R. 14830. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Hechler of West Virginia, Mr. Pettis, Mr. Podell, Mr. Pollock, Mr. Robison, Mr. Ruppe, Mr. Sebelius, Mr. Stanton, Mr. Stephens, Mr. Stokes, Mr. Waggonner, Mr. Wampler, Mr. Weicker, Mr. Whitehurst, Mr. Winn, and Mr. Yatron):

H.R. 14831. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself, Mr. Anderson of California, Mr. Clay, Mr. Cohelan, Mr. Culver, Mr. Davis of Georgia, Mr. Diggs, Mr. Foley, Mrs. Griffiths, Mr. Harrington, Mr. Hathaway, Mr. Howard, Mr. Jacobs, Mr. Miller of California, Mr. Minish, Mr. Moorhead, Mr. Nedzi, Mr. Pepper, Mr. Pollock, Mr. Pryor of Arkansas, Mr. Reid of New York, Mr. Roybal, Mr. Tunney, Mr. Waldie, and Mr. Wolff):

H.R. 14832. A bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in defraud of consumers; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON:

H.R. 14833. A bill to provide for the extension of the term of certain patents of persons who served in the military forces of the United States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 14834. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 14835. A bill to repeal the law prohibiting abortions in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. SULLIVAN:

H.R. 14836. A bill to increase to $20,000 the limit of Federal insurance applicable to bank deposits and savings and loan accounts; to the Committee on Banking and Currency.

By Mr. UDALL:

H.R. 14837. A bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes; to the Committee on House Administration.

By Mr. ECKHARDT (for himself, Mr. BOLAND, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, and Mr. ROYBAL):

H.J. Res. 985. Joint resolution to create a joint congressional committee to review, and recommend changes in, national priorities and resource allocation; to the Committee on Rules.

By Mr. KAZEN:

H. Con. Res. 450. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Comimttee on Ways and Means.

By Mr. WATSON:

H. Res. 709. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 and rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLANTON:

H.R. 14838. A bill for the relief of Dr. Pio Albert Pol y Zapata and his wife, Dolores S. Alvarez de Pol; to the Committee on the Judiciary.

By Mr. NEDZI:

H.R. 14839. A bill for the relief of Vito Serra; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

329. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to foreign policy; to the Committee on Foreign Affairs.

330. Also, petition of the City Council, Springfield, Ill., relative to preservation of the Lincoln Homesite within the National Park System; to the Committee on Interior and Insular Affairs.

331. Also, petition of the Palau Legislature, Koror, Palau, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to the use of land in the Palau District by the U.S. Government for military purposes; to the Committee on Interior and Insular Affairs.

332. Also, petition of Mrs. H. L. Jordan, Bellevue, Wash., et al., relative to appointments to the U.S. Supreme Court; to the Committee on the Judiciary.

333. Also, petition of the Board of Supervisors, Kalamazoo County, Mich., relative to Federal revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, November 17, 1969*

The Senate met in executive session at 10:30 a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend Dr. Julius Mark, rabbi emeritus of Temple Emanu-El, New York City, N.Y., offered the following prayer:

"Give me understanding and I shall live," cried the ancient psalmist.

Most fervently do we echo this prayer, O our Heavenly Father. We live in a time of turbulence, confusion, and violence. Our hearts yearn for peace, but there will be no peace unless there is first understanding, firmly founded on justice, in our cities and in the world.

We pray that Thou mayest inspire us, O Master of the universe, that we may be guided by the wisdom of the prophet who declared more than 2,500 years ago that "the work of righteousness shall be peace and the effect of righteousness quietness and confidence forever."

We ask Thy blessing upon the President of our country who bears the awesome burdens of the high office to which his fellow citizens have elected him, upon the Vice President who presides over this great legislative body, the Senate of the United States, and all who have been entrusted with the guardianship of our rights and liberties.

Give all of us understanding that our Nation and all nations may live in peace and tranquillity. Amen.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. BYRD) is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from West Virginia yield to me, without losing his right to the floor or having his time impinged upon?

Mr. BYRD of West Virginia. I yield.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 14, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the call of the calendar of unobjected to bills, under rule VIII, be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that, after the remarks of the distinguished senior Senator from West Virginia, there be a period for the transaction of routine morning business, not to extend beyond 12 o'clock noon, unless asked for, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the distinguished Senator from West Virginia for yielding.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

SUPREME COURT OF THE UNITED STATES

The Senate, as in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. BYRD of West Virginia. Mr. President, the Senate is now considering one of the most important matters that will come before it during this Congress. As Senators, we are charged with the responsibility of deciding whether the Senate should advise and consent to the nomination of Judge Clement F. Haynsworth, Jr., to be an Associate Justice of of the United States.

The decision we make may have profound effect upon our Federal judicial system and upon the Nation.

I have reviewed the record compiled by the Senate Judiciary Committee, of which I am a member, and I am persuaded that this nomination should be confirmed.

In my considered judgment, the opposition to this nomination does not rest on a sound basis.

Each Senator has the obligation to exercise his responsibility of deciding whether to advise and consent to this nomination according to his own best lights. I do not question or impugn the motives of any of the opponents of this nomination.

However, it is obvious to me that the real motive forces behind the opposition to this nomination are certain powerful economic and bloc pressure groups, and, in saying this, I do not speak critically of them. Specifically, I refer to the NAACP, certain organized labor groups, and the so-called liberal establishment which controls much of the news media of this Nation and which cannot reconcile itself to the results of the last presidential election.

The truly paramount issue involved in this nomination is whether these groups will be able to exercise a veto power over the appointments to the Supreme Court made by the President of the United States.

I hope that the Senate will consent to this nomination and let the people of the country and these groups know that the Supreme Court is not the privileged preserve of those of a certain ideological bent which was repudiated at the ballot box last fall.

Most of the public opposition to this nomination expressed by various Senators seems to be connected with charges that Judge Haynsworth is guilty of a breach of judicial ethics and conflict of interest, and that he has not been candid with the Judiciary Committee.

The facts are all set out in the record compiled by the Judiciary Committee on this nomination. I urge my colleagues to judge these issues on the basis of the established facts—not rumors, innuendos, and insinuations.

Let us look at the record. If we do so, and if we will exercise an independent judgment—not influenced by pressure groups—I am satisfied that a majority of this body will share my conclusion that these charges, that these accusations, are without substance. To the contrary, they are merely being used to confuse the people. The real opposition is based on judicial philosophy, nothing more, nothing less; judicial philosophy, pure and simple.

Before we consider these charges and determine what the facts and the applicable law are as to each, I think it pertinent to make one further observation. It is quite easy for one person to demand that the conduct of another be above reproach. It is easy to determine that the one of whom this high standard is demanded does not measure up.

But I would remind my colleagues that the demanding of rigorous standards of conduct and the imputation of bad motives do not constitute a one-way street.

Before proceeding to consider each of the charges involving alleged improprieties or conflicts of interest made against Judge Haynsworth, we should first briefly consider the applicable statute, the applicable Canons of Ethics, and court decisions interpreting them.

Title 28, United States Code 455 provides:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a *substantial* interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceedings therein.

Canon 29 of the Code of Judicial Ethics of the American Bar Association states:

> A judge should abstain from performing or taking part in any judicial act in which his *personal* interests are involved. If he has personal litigation in the court of which he is a judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy.

Under the statute, the question is quite clearly whether Judge Haynsworth had a "substantial" interest in the outcome of any litigation before him. Under canon 29, the question is whether Judge Haynsworth's "personal interests" were involved in any such litigation.

There is no escape from a careful analysis of each fact situation. The "substantial interest" referred to in the statute and the "personal interest" referred to the canon are in regard to a pecuniary, material interest in the outcome of the litigation.

In undertaking to determine the kind and degree of the "substantial interest" referred to in the statute and the "personal interest" referred to in the canon almost all of the decisions speak in terms of a "direct" or "immediate" interest, as opposed to a "remote" or "contingent" interest in the outcome of the litigation. A decision of a New York appellate court made this point as follows:

> The interest which will disqualify a judge to sit in a case need not be large, but it must be real. It must be certain, and not merely possible or contingent; it must be one which is visible, demonstrable, and capable of precise proof. *People* v. *Whitridge,* 129 in N.Y Supp. 300, 304.

The Federal courts of appeals have consistently stated the rule that a Federal judge is under as great a duty to participate in and decide a case when he is not disqualified by the provisions of 28 U.S.C. 455 as he is to rescue himself when he is disqualified by the provisions of that statute.

For instance, the First Circuit Court of Appeals stated in 1961, in the case of *In re Union Leader Corp.*, 292 F. 2d 381, 391:

> There is as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is.

The above statement was quoted with approval by the Second Circuit Court of Appeals in 1968 in the case of *Wolfson* v. *Palmieri*, 396 F. 2d 121.

Applying these principles of law to the various facts of the cases, let us first consider the case which the opponents of this nomination consider as a principal charge against Judge Haynsworth. This, of course, is the case of *Darlington Manufacturing Co.* v. *National Labor Relations Board*, 325 F. 2d 682.

The facts of this case are well known. At the time Judge Haynsworth participated in the decision of this case he owned a one-seventh interest in Carolina Vend-A-Matic Co., Inc. This was a small closely held corporation engaged in the vending machine business which he and others had established in 1951. During 1963, the year in which the judge participated in the Darlington case, approximately 3 percent of Carolina Vend-A-Matic's business was with textile mills owned by Deering Milliken Corp., which owned the controlling stock interest in Darlington Manufacturing Co. During that year, Carolina Vend-A-Matic submitted bids on three contracts with textile mills owned by Deering Milliken, and was successful in obtaining only one contract. One of the two unsuccessful bids involved a contract much more lucrative than the one which was awarded.

It was firmly established by expert testimony given to the Judiciary Committee that it is not, and never has been, the rule that a judge should disqualify himself because he owns stock in a company which does business with a party litigant. Accordingly, it was clearly established that Judge Haynsworth not only did not act improperly in participating in the decision of the Darlington case, but that he was under a legal duty to sit as a judge on the case.

The Judiciary Committee was privileged to receive the testimony of the Honorable Lawrence E. Walsh, chairman of the American Bar Association's Standing Committee on the Federal Judiciary, concerning this precise matter. The distinguished lawyers who were members of the ABA committee exhaustively and painstakingly studied the detailed facts of Judge Haynsworth's participation in the Darlington case.

The findings of the ABA committee are summarized by the following quotation, at pages 138 and 139 of the hearings, from the testimony of Mr. Walsh, chairman of the ABA Standing Committee on the Federal Judiciary. He said:

> The Committee also considered the suggestion which has been circulated that Judge Haynsworth had, on one occasion, failed to disqualify himself in a case in which he was alleged to have had a conflict of interest. Our examination into that case (*Darlington Manufacturing Company* v. *NLRB*, 325 F. 2d. 682) satisfied us that there was no conflict of interest and that Judge Haynsworth acted properly in sitting as a judge participating in its decision
>
> Briefly stated, Judge Haynsworth held a one-seventh interest in Carolina Vend-A-Matic Company, an automatic vending machine company which had installed machines in a substantial number of industrial plants in South Carolina. Among the plants which it served were three of twenty-seven owned in whole or in part by the Deering-Milliken Company which was a party to the proceeding before Judge Haynsworth's court. The annual gross revenues from the sales in the Deering-Milliken plants were less than 3% of the total sales of Carolina Vend-A-Matic. The plant involved in the case before the court was not one serviced by Carolina Vend-A-Matic.

Continuing to quote from the testimony of Lawrence Walsh, representing the viewpoint of the ABA Standing Committee on the Federal Judiciary:

> Judge Haynsworth had no interest, direct or indirect, in the outcome of the case before his court. There was no basis for any claim of disqualification and it was his duty to sit as a member of his court.
>
> Having found no impropriety in his conduct, and being unanimously of the opinion that Judge Haynsworth is qualified professionally, our Committee has authorized me to express these views in support of his nomination as Associate Justice of the Supreme Court of the United States.

Of course the standing committee, at a later date, met to reconsider the accusations against Judge Haynsworth, and again it endorsed his nomination. That endorsement however, was not unanimous.

The committee also heard the testimony of Mr. John P. Frank, who is recognized as the leading authority on the subject of judicial disqualification. In addressing himself to the issues raised by the Darlington case, Mr. Frank testified:

> In the light of the overwhelming body of American law on this subject and indeed I think without exception law on this subject and indeed I think without exception, I have reviewed the cases comprehensively for this appearance, being aware of its gravity and have worked on the matter previously, and I cannot find a reported case in the United States in which any Federal judge has ever disqualified in circumstances in the remotest degree like those here. There was no legal ground for disqualification.

I remind Senators that the witness whose testimony is being quoted, John P. Frank, is one of the outstanding authorities on judicial disqualification. He said:

> It follows that under the standard Federal rule Judge Haynsworth had no alternative whatsoever. He was bound by the principle

> of the cases. It is a judge's duty to refuse to sit when he was disqualified, but it is equally his duty to sit when there is no valid reason not to. It is possible that your committee may wish to change the rules of disqualification. It is possible that one of the committees, Senator Bayh's committee or another, may wish to make recommmendations for altering of 28 U.S.C., section 455. But under the law as it has clearly existed to this minute and as it existed on a given day in the fall of 1963, I do think that it is perfectly clear under the authorities that there was literally no choice whatsoever for Judge Haynsworth except to participate in that case and do his job as well as he could. (Hearings, pages 115–116).

This persuasive and compelling testimony should lay to rest the question of the propriety of the participation of Judge Haynsworth in the Darlington case.

In addition, on September 2, Senator HRUSKA requested the U.S. Attorney General to review the Darlington matter, and in response to that request, the Honorable William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, wrote a letter to the Senator which is a part of the record. Mr. Rehnquist came to the same conclusion as did Mr. Walsh and Mr. Frank, and advised that it was perfectly proper for Judge Haynsworth to sit on that case, and that, indeed, it would have been improper for him to fail to do so.

So, Mr. President, the American Bar Association's Standing Committee on the Federal Judiciary, as well as leading authorities on the subject of judicial disqualification, found no impropriety in Judge Haynsworth's conduct, and they supported his nomination.

However, there are those who fault the Rehnquist memorandum because it did not mention a decision of the Supreme Court of the United States entitled *Commonwealth Coatings Corp.* v. *Continental Casualty Co.*, 393 U.S. 145. The opposition to Judge Haynsworth says that the omission of any discussion of this case is a fatal flaw of the Rehnquist memorandum and renders it worthless. The opposition also claims that the decision of the Supreme Court in the Commonwealth Coatings case conclusively establishes that Judge Haynsworth was guilty of conflict of interest and other improprieties in the Darlington case and many other cases.

It is time for this contention to be thoroughly exploded.

In the first place, this decision overruled the decision below in the First Circuit Court of Appeals and gave a new interpretation of section 10 of the Arbitration Act, 9 United States Code, section 10. The decision was rendered by the Supreme Court on November 10, 1968. Any new principle of law which it announced was not in effect in 1963 when Judge Haynsworth participated in the Darlington decision. As a matter of fact the decision in Commonwealth Corporation was rendered after the decisions of each and every one of the cases as to which complaint is made about Judge Haynsworth.

How any judge could be expected to divine prior to November 18, 1968, what new rule the Supreme Court might announce and be guided thereby is beyond my comprehension or any other Senator's comprehension.

Elemental due process demands that the conduct of an ordinary citizen be judged by what is right and proper at the time of the commission of the act. Judges have a right to expect equally fair treatment.

The framers of our Constitution inserted the ex post facto clause in the Constitution to assure that no one be punished by operation of retroactive law. Unfortunately, this does not seem to deter those who indulge themselves in a lynching bee. And the Haynsworth nomination has become a lynching bee.

Second, even if it were given a retroactive application, the decision in Commonwealth Coatings does not condemn the conduct of Judge Haynsworth.

The Supreme Court was there discussing the duties of an arbitrator under the provisions of a specific act of Congress. The Court did not have before it the question of proper conduct of judges in our Federal judicial system. Any comparisons made by the Court between the proper conduct of arbitrators and the proper conduct of judges should only be given the weight of dicta. Dicta should never be construed as being the holding of the Court. Let us look at the facts of Commonwealth Coatings and see exactly what was there involved.

In the words of the Court:

> The petitioner, Commonwealth Coatings Corporation, a subcontractor, sued the sureties on the prime contractor's bond to recover money alleged to be due for a painting job. The contract for painting contained an agreement to arbitrate such controversies. Pursuant to this agreement petitioner appointed one arbitrator, the prime contractor appointed a second, and these two together selected the third arbitrator. This third arbitrator, the supposedly neutral member of the panel, conducted a large business in Puerto Rico, in which he served as an engineering consultant for various people in connection with building construction projects. One of his regular customers in this business was the prime contractor that petitioner sued in this case. This relationship with the prime contractor was in a sense sporadic in that the arbitrator's services were used only from time to time at irregular intervals, and there had been no dealings between them for about a year immediately preceding the arbitration. Nevertheless, the prime contractor's patronage was repeated and significant, involving fees of about $12,000 over a period of four or five years, and the relationship even went so far as to include the rendering of services on the very projects involved in this lawsuit.

The conduct described in Justice Black's opinion would be analogous to Judge Haynsworth's receiving fees from Darlington Manufacturing Co. or Deering Milliken during the pendency of the Darlington litigation. Of course, it is not even charged that anything of the sort happened. The financial relationship between the party and the arbitrator was direct and substantial. Neither of these conditions existed as to Judge Haynsworth.

We are talking about apples and oranges when we try to compare the conduct of this nominee to that of the arbitrator under scrutiny in Commonwealth.

The Supreme Court shed further light on just what it was talking about when it made this statement in the Commonwealth opinion:

> We have no doubt that if a litigant could show that a foreman of a jury or a judge in a court of justice had, unknown to the litigant, any such relationship, the judgment would be subject to challenge. This is shown beyond doubt by *Tumey* v. *Ohio*, 273 U.S. 510 (1927), where this Court held that a conviction could not stand because a small part of the judge's income consisted of court fees collected from convicted defendants. Although in *Tumey* it appeared the amount of the judge's compensation actually depended on whether he decided for one side or the other, that is too small a distinction to allow this manifest violation of the strict morality and fairness Congress would have expected on the part of the arbitrator and the other party in this case.

The decision in the case of Tumey against Ohio cited in the above quotation held that it was unconstitutional for a judge to decide a case in which he would receive a fee if he held in favor of one party and no fee if he decided in favor of the other. Here, again, the judge had a direct financial interest in the outcome of the litigation.

The opponents of this nomination also charge that Judge Haynsworth sat on six other cases involving customers of Carolina Vend-A-Matic. These cases are:

Homelite v. *Trywilk Realty Co., Inc.*, 272 F. 2d 688 (1959);

Kent Mfg. Corp. v. *Commissioner of Internal Revenue* 288 F. 2d 812 (1961);

Textile Workers Union of America v. *Cone Mills Corporation* 268 F. 2d 920 (1959);

Leesona Corp. v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 315 F. 2d 895 (1963);

Leesona Corp. v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 308 F. 2d 895 (1962);

Textile Workers Union of America v. *Cone Mills* 290 F. 2d 921 (1961).

Insofar as these cases are concerned, it is clear that Judge Haynsworth was equally under a duty to participate in the decision of them as he was in the decision of the case involving Darlington Corp.

It is worthy of note that those who have made these charges now admit that the inclusion of the Kent Manufacturing Corp. case was an error. There is no connection between Kent Manufacturing Corp., a Maryland corporation which manufactures fireworks, and also the litigant in this case, and the Kent Manufacturing Co., a woolens manufacturer in Pennsylvania which operates the Runnymeade plant in Pickens, S.C.

The same principle of law, which holds that a judge is not disqualified from hearing a case involving a corporation which does business with a corporation in which he owns stock, applies to these six cases as well as to the Darlington case.

The opponents of the nomination claim that Judge Haynsworth participated in the decison of six other cases in which he held a financial interest in one of the litigants substantial enough to require disqualification under 28 U.S.C. 455. These cases are:

Brunswick Corp. v. *Long* 392 F. 2d 348 (1967);

Farrow v. *Grace Lines, Inc.* 381 F. 2d 380 (1967);

Merck v. *Olin Mathieson Chemical Corp.* 253 F. 2d 156 (1958);

Darter v. *Greenville Community Hotel Corp.* 301 F. 2d 70 (1962);

Donohue v. *Maryland Casualty Co.* 363 F. 2d 442 (1966);

Maryland Casualty Co. v. *Baldwin* 357 F. 2d 338 (1968).

In considering these charges we must be very careful to understand exactly what the Federal disqualification statute, section 455 of the Judicial Code, states. I have previously quoted from this statute in this speech, but I emphasize here that the law provides, in essence, that a judge shall disqualify himself "in any case in which he has a substantial—s-u-b-s-t-a-n-t-i-a-l—interest."

We must carefully examine the facts of each case in order to determine whether Judge Haynsworth had a substantial interest in the outcome of the case. If he did have such an interest, then he acted contrarily to the law, and this would call for the rejection of his nomination. On the other hand, if a careful examination of the facts shows that he did not have a substantial interest in the outcome of any of these cases, then he was under a legal duty to participate as a judge in their decision.

It would be an error for a judge to attempt to avoid hearing a case merely by pointing to some remote or insubstantial interest. If this were allowed, it would not only snarl the procedures of the courts, but it would also unfairly burden the other members of the judiciary.

In my judgment, a close study of the facts, divorced from innuendos and insinuations, demonstrates beyond a shadow of a doubt that Judge Haynsworth did not have a substantial interest in the outcome of any of these cases. His taking part in their decision was completely proper. These cases afford no legitimate reason for voting against the confirmation of the nominee.

We will first examine the facts of the Brunswick case. Judge Haynsworth was a member of the panel of the Fourth Circuit which heard arguments in the Brunswick case on November 10, 1967. At that time he owned no stock or other interests in Brunswick Corp. Immediately after the oral argument, the panel of judges, which consisted of Judge Haynsworth, Judge Harrison L. Winter, and District Judge Woodrow Wilson Jones, met in chambers to discuss the case. All three of the judges agreed that the case did not present any problem, and that the decision of the U.S. district court holding in favor of Brunswick Corp. should be affirmed. So, the decision was unanimous that the district court holding should be affirmed. It was agreed that Judge Winter would write the opinion for the court, and on December 27, 1967, he circulated his opinion to Judge Haynsworth and Judge Jones for their approval.

On December 26, prior to Judge Winter's circulation of his opinion, Judge Haynsworth's stock broker purchased for the Judge's account 1,000 shares of stock of Brunswick. This was one out of every 18,000 shares, or one eighteen-thousandth of the entire stock. This stock was purchased at the suggestion and recommendation of Mr. Arthur McCall, Judge Haynsworth's broker. Mr. McCall had previously recommended the stock for purchase to a large number of his other customers, and a number of them actually purchased the stock.

The opinion of the Fourth Circuit Court of Appeals was filed with the clerk of the court in Richmond on February 1, 1968, and was released to the public on the following day.

In his testimony to the committee, Judge Haynsworth freely acknowledged that his purchase of the Brunswick stock prior to the publication of the opinion was an error caused by his lapse of memory. He had put the Brunswick case out of his mind because as far as he was concerned the case had already been decided by the panel of judges. Judge Haynsworth stated to the committee that he would make certain that no such transaction would occur in the future as a result of a lapse of memory.

The question is, Does this one inadvertent error justify the Senate in rejecting this nomination? I do not think so. We should demand very high standards of nominees for judicial office and other public offices. However, perfectability is an impossible standard for any human to meet, even those who would make the Senate a playground for moral arrogance.

In considering whether Judge Haynsworth would have had a substantial interest in the outcome of the Brunswick case had he owned the stock at the time he rendered his decision thereon, it is significant that even if the other party had been granted the entire total judgment of $90,000 sought against Brunswick, the amount of this judgment would have been less than ½ cent per share on Brunswick's 18,479,969 shares of outstanding stock. The economic impact on Judge Haynsworth's 1,000 shares—out of 18½ million shares—would have been less than $5. Think of it. Less than $5. I suggest that this amount of money is de minimus. It certainly does not meet the substantial interest test for disqualification.

In the Grace Lines case, Judge Haynsworth did own 300 shares of stock of the parent corporation, W. R. Grace & Co. Grace Lines, Inc., was one of 53 subsidiary companies owned by W. R. Grace & Co., and it accounted for less than 7 percent of the parent company's 1967 revenue of $1,567,000,000. In the same year, W. R Grace & Co. had outstanding over 18 million shares of common stock. Judge Haynsworth's 300 shares gave him a .00001-percent interest in the common stock of this company. Even if Farrow's claim of $30,000 against Grace Lines, Inc., had been awarded, the effect of that judgment on a company with an annual revenue of over a billion and a half dollars would have been miniscule. The amount that a $30,000 judgment against Grace Lines could have reduced the value of Judge Haynsworth's W. R. Grace & Co. stock would have been about 48 cents—the price of a couple of fairly good cigars.

Likewise, Judge Haynsworth had no direct interest in either of the litigants in the Maryland Casualty Co. cases. He did own 67 shares of common stock and 200 shares of preferred stock in American General Insurance Co., a corporation in which Maryland Casualty was one of at least 12 subsidiaries. It is, of course, extremely difficult to measure the impact of a judgment against a subsidiary of a corporation such as American General Insurance Co., which has total assets of over $888,000,000, total income of over $356,000,000, and consolidated net profits of $26,672,196.

There is doubt if an adverse judgment could have had any significant effect on Judge Haynsworth's fractional interest in such a corporation. The judge owned 200 shares of preferred stock out of 3,279,559 shares of preferred stock; in other words, he owned six-thousandths of 1 percent—.006 percent. And he owned fifteen ten-thousandths of 1 percent—.0015 percent—of the 4½ million shares of common stock. As to the Olin Mathieson Chemical Corp. case, concerning which some of the opponents of this nomination have charged that Judge Haynsworth acted unethically in taking part in a case in which he had a "substantial interest" in one of the litigants, the fact is that Judge Haynsworth never owned any Merck stock and never owned any Olin Mathieson stock.

This charge, along with some of the others, is utterly baseless.

The last great conflict of interest case which the opponents charge Judge Haynsworth with participating in is the Greenville Community Hotel Corp. case. Judge Haynsworth owned no stock or other interests in that corporation in 1962 when he heard a case involving it.

On April 26, 1956, before the judge was on the court of appeals, one share of stock of the Greenville Community Hotel Corp. worth $21 was transferred to him so that he could be a director of that corporation. He held that position until he went on the bench in 1957. On January 1, 1958, he received a check for 15 cents for the 1957 dividend. Thinking that he no longer owned the one share of stock, Judge Haynsworth sent the check to Alester G. Furman, Jr., who had transferred the share of stock to him 2 years earlier. Furman then returned the $.15 check to Judge Haynsworth and the judge listed that $.15 dividend—think of it, 15 cents—as income on his tax return. That share was later transferred to Furman who sold it on August 1, 1959.

These are all of the cases which have been dug up in a frenetic effort to convince the public through the news media that Judge Haynsworth has been guilty of unethical or illegal conduct. Upon examination, the accusations amount to nothing.

In weighing our responsibilities in this matter, we should deeply ponder our duty to the nominee, our duty to the Federal judicial system, our duty to the American people, and our duty under the Constitution as Members of this body. To reject this nomination on the basis of such unproved and unprovable charges and such distortions would mean that in the eyes of his fellow citizens Judge Clement F. Haynsworth, Jr., has been weighed in the scales by the Senate and found ethically wanting. The wholly unfounded stigma that would be thus unjustly placed upon Judge Haynsworth would last for his lifetime.

In such a situation as this, Shakespeare might have said:

Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands
But he that filches from me my good name
Robs me of that which not enriches him
And makes me poor indeed.

That would not be the greatest tragedy to result from such an action by the Senate, because in so acting the Senate would not dishonor Judge Haynsworth; it would dishonor itself.

Any nominee who might be chosen in the future to hold high judicial office would realize that he, too, might unjustly be subjected to a campaign of rumor, misrepresentation, distortion, and fabrication fueled by those political power blocs and pressure groups which cannot bear the thought that their stranglehold on the Federal judiciary might be broken. I think it fair to state that few eminently qualified men would, in the future, want to run the risk of vilification and abuse in having their names placed in nomination to fill a U.S. Supreme Court vacancy.

Each of us will have to decide this issue on the basis of his own judgment and conscience.

A classic example of the sort of distortions and misrepresentations which have been made concerning Judge Haynsworth's relationship with Carolina Vend-A-Matic and other instances of alleged unethical conduct and conflict of interest is afforded by the testimony of Mr. Stephen I. Schlossberg, general counsel, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. Mr. Schlossberg is opposed to the nomination of Judge Haynsworth. Senator Hruska questioned Mr. Schlossberg about his contentions as to Judge Haynsworth's relationships with Carolina Vend-A-Matic and Deering-Milliken Co. The following testimony is found on pages 367–68 of the hearings:

Senator Hruska. What is this weekly board meeting?

Mr. Schlossberg. He said that they had weekly board meetings at lunch, and that he attended many more after he came to the bench than before he was on the bench. I am talking about the vending machine company. Indeed he told us that during the year 1963, which was not a full year with the vending machine company, he drew $2,600 in directors' fees. That is insubstantial to a millionaire southern judge like Judge Haynsworth, but very substantial to me, a union lawyer: $2,600, from the casual board of directors' meetings.

Are we to believe that the salesmen who went to these various textile industries and tried to place these vending machines in their places did not say to these textile industries, "This is Judge Haynsworth's company"?

I can hear it right now just like the cowboy on television says when he rides over the horizon, "This is Marlboro country."

Yes, we are to believe that the Vend-A-Matic salesmen did not tell representatives of the textile companies that "this is Judge Haynsworth's company." Judge Haynsworth gave sworn testimony in the hearings that he instructed Mr. Wade Dennis, the general manager of Carolina Vend-A-Matic, not to permit his name to be used in any connection with getting business for the company.

There is not one scintilla of evidence in the hearing record to contradict or bring into question the truthfulness of this testimony.

It is valid to assume that the organization Mr. Schlossberg represents and many other powerful and wealthy groups have sent investigators all over South Carolina in an effort to try to prove just such an allegation. The fact that we have not heard from them leads me to the conclusion that they were unsuccessful.

The testimony resumes as follows:

Senator Hruska. And then there were two others. Now, if he had the position of dominance that you describe, why didn't he get more than $100,000 worth of gross sales in those companies?

Mr. Schlossberg. Senator, it is hard for me to speculate, and this is a terrible thing to say and I do not make it as a charge, but if I have to speculate I am going to speculate. Maybe Deering, Milliken decided that there comes a point when you draw the line, and that $100,000 is all we can afford to give this guy while he is sitting judge hearing our cases. Now, I am speculating, Senator.

Senator Hruska. You take it that Deering, Milliken gave him $100,000?

Mr. Schlossberg. I did not say that.

Senator Hruska. You just said so.

Mr. Schlossberg. No, I did not, Senator.

Senator Hruskra. Do you change that language?

Mr. Schlossberg. I said maybe they said, "This is all the business we can give this guy's company while he is a sitting judge." I did not want to speculate, but you forced me into it.

Senator Hruska. I did not force you into it, and if you were here sitting at these hearings and considered the record, which is sworn testimony——

Mr. Schlossberg. Right.

Senator Hruska. And if you had had any desire to inform yourself you would not have to speculate, and when facts are available under sworn testimony, speculation is out of order in my judgment. The record will show that whatever contracts they got were acquired by reason of competition bids; and in three instances, the last three times, they were not the prevailing party. I just cannot quite square that result with an officer who has such an omnipotence that he can say anything and he gets paid off. Isn't that what you are saying?

Mr. Schlossberg. You do not understand. I am going to try once more to make myself clear and then I am really at a loss about how to do it. No. 1, I do not make the charge that Deerling-Milliken paid off Judge Haynsworth.

Senator Hruska. That is good.

Mr. Schlossberg. I do not make that charge.

Senator Hruska. That is good.

Likewise, there is absolutely no evidence in the record that Wade Dennis bragged or otherwise told anyone that Judge Haynsworth was the first vice president of the company. If that is the interpretation that Mr. Schlossberg wants to place upon the fact that the Dun & Bradstreet report, which counsel for the Textile Workers Union received, reflects that Judge Haynsworth was carried on the books of the company as first vice president, then he is skating on thin ice.

This testimony is a classic because interwoven throughout it are the two fraudulently intellectual gimmicks of those who attack Judge Haynsworth on the basis of unethical conduct and conflict of interest; that is, the disclaimer of the making of scurrilous, libelous, and preposterous charges against Judge Haynsworth in conjunction with the making of direct charges which are totally false.

There are a number of persons, including Senators, who frankly base their opposition to this nomination on the fact that, in their judgment, the philosophy of Judge Haynsworth as evidenced by his opinions as a judge of the U.S. Court of Appeals for the Fourth Circuit would be harmful if adopted by the U.S. Supreme Court.

I want to make it very clear that although I disagree with the judgment of Senators who take that position, I applaud their forthrightness, candor, and frankness. They do not use the issue of ethics to hide the real reason for their opposition. I think every Senator has a perfect right to object to any nomination to the Supreme Court on a philosophical basis. I admire those Senators who plainly state, and make no bones about it, that their opposition to this nominee is based on his judicial philosophy. At the same time, I reserve the right to support the nominee on the basis of his judicial philosophy as I interpret it.

My support for the nomination of Judge Haynsworth is based in large measure upon my approval of his judicial philosophy as embodied in his opinions as a judge. I do not necessarily agree with all of his decisions or opinions—and I doubt that any of us has been able to read them all—but I believe that the main body of his judicial philosophy is that which is desired by, and is desirable for, the vast majority of the American people.

The most objective, dispassionate, and concise analysis of the opinions of Judge Haynsworth was set out in the hearings during the testimony of Judge Walsh, chairman of the American Bar Association's Standing Committee on the Federal Judiciary.

I have already quoted Judge Walsh's testimony with respect to the accusations. Judge Walsh's committee made a survey of all of the opinions written by Judge Haynsworth. Judge Walsh summed up the opinions in this testimony found on pages 138–141, and 145–146 of the hearings:

I think I can summarize the investigation this way. As far as Judge Haynsworth's opinions are concerned, he has written more than 300. Probably 90 percent of them are not controversial in any way. He has participated in many, many more, probably well over 1,000, but looking to the 10 percent of his opinions which were in areas which inevitably would invite controversy, we can see that in those areas where the Supreme Court is perhaps moving the most rapidly in breaking new ground he has tended to favor allowing time to pass in following up or in any way expanding these new precedents.

The areas in which you might notice this would be in the areas of civil rights but also in the areas perhaps of labor law and in the areas of rights of, for example, seamen and longshoremen. The Supreme Court has greatly expanded the old definitions of sea-

> worthiness and things like that. In all of these areas, whether they are politically sensitive or not, you see the same intellectual approach.
>
> It was our conclusion—

Said Judge Walsh, speaking on behalf of the American Bar Association's Standing Committee on the Federal Judiciary—

> after looking through these cases, that this was in no way a reflection of bias. This was a reflection of a man who had a concept of deliberateness in the judicial process and that his opinions were scholarly, well written, and that he was, therefore, professionally qualified for this post for which he is being considered.
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> * * * * *
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> Now, I do not mean in any way to suggest that I thought Judge Haynsworth was running against the stream of the law. I think he was punctilious in following that stream as the Supreme Court laid it out and in some fields he has run ahead and broken new grounds. For example, in the expansion of the doctrine of the utility of habeas corpus, he broke away from an old restraint in earlier Supreme Court opinions and was complimented by the present Supreme Court for doing so. He has moved over into, as I recall it, more modern tests on insanity, things like that. So, he is in no sense running against the stream of the law. If I were going to characterize it, I would say where new ground is being broken by the Supreme Court, he believes in moving deliberately rather than rapidly, and particularly where an interpretation of the Constitution which has stood for many years is reversed or turned around he would perhaps give more time than other judges to adjust to the new state of affairs."

In other words, the chief attribute of Judge Haynsworth as a Federal judge has been judicial self-restraint. As to Judge Haynsworth's record on civil rights, he has voted to enforce the 1954 school desegregation decision. Yet, he has also supported freedom-of-choice attendance plans. In other words, he is against State-enforced segregation, but he is also against forced integration. I subscribe to the same principle. Freedom of choice is all that any fair-minded interpreter of the Federal Constitution could possibly require. Perhaps Judge Haynsworth believes, as I do, that no integration can ever be meaningful and lasting unless it is purely voluntary, and the sooner the courts, the Government bureaucrats, the politicians, and the ultraliberal "establishment" realize this the sooner the Nation's schoolchildren—black and white—will be relieved of their role as guinea pigs in a senseless social experiment and as pawns in a political chess game played by politicians and judges who vote for forced integration while sending their own children and grandchildren to all-white private schools or to public schools in white suburbia.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a news story entitled "Parents Hit Prince Georges School Plan," published in the Washington Post on Sunday, November 16, 1969, which was written by Douglas Watson, Washington Post staff writer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARENTS HIT PRINCE GEORGES SCHOOL PLAN

(By Douglas Watson)

A group of white parents from the Bladensburg area opened fire yesterday on the Prince Georges County Board of Education and the school desegregation plan it adopted Tuesday by a bare majority.

In the first group reaction to the controversial desegregation action, the Citizens for Action, Inc. (CFA), called it "a tragic subversion of the rights and will of the people" and urged that the appointed school board be replaced by an elected one.

The recently organized group has only about 100 members but claims it represents the feeling of a majority of county residents.

In a prepared statement released by its directors, it charged that the school board's action has "given erroneous dignity and acceptance" to a Department of Health, Education and Welfare "accusation of a dual school system." It said it agreed with W. Carroll Beatty, school board president, in favoring a court test of the HEW directive.

ALL-NEGRO SCHOOLS

Confronted with a federal order to desegregate all-Negro Fairmont Heights Senior High and Bethune Junior High or lose $12 million in federal aid, the board approved a plan to divide 4,500 of the county's secondary students next fall among 18 schools. Fairmont Heights and Bethune would become half white and racial proportions would be altered in many of the other schools.

Citizens for Action said the adopted plan fails to consider "the economic differences of the communities involved and the safety of the children being forcibly assigned to areas foreign to their environment without due consideration of police protection needs."

The group charged the desegregation plan is "very poorly constructed" and tries to offset segregated housing patterns through busing. "Are we to accept a major upheaval of our children and communities each time a housing pattern within a defined school district creates the illusion of segregation?" the group asked.

Mr. BYRD of West Virginia. Mr. President, I have inserted this news story in the RECORD because it indicates some of the problems that have been visited upon children, their parents, and communities as a result of regulations and policies enunciated and promulgated largely by Government bureaucrats—in an effort to bring about a certain salt and pepper mix, a certain racial mix—which force students to go to schools not of their own choice, and I am speaking of both black students and white students. I think the article is pertinent to the whole problem we are discussing.

Judge Haynsworth's decisions and opinions reflect an acute feeling that the proper function of the Federal judiciary is to interpret the laws and that it is outside the scope of constitutional authority for the members of the Federal judiciary to substitute their notion of public policy for those of Congress and the State legislatures. He clearly believes that the courts should be the interpreters of the law not lawmakers.

Unfortunately, a number of recent decisions of the Warren Supreme Court and some of the lower Federal courts show a complete disregard for this fundamental constitutional principle. The Warren Court and some of the lower Federal courts rendered judgments that were legislative, not judicial, in character in such areas as criminal law and procedure, residency requirements for welfare, civil rights, and pornography.

The American people have had enough of this misuse and abuse of judicial authority. It would be a reassurance to these millions of concerned citizens to place on the Supreme Court a judge who has evidenced proper respect for the virtue of judicial self-restraint and for the constitutional line of demarcation between legislative and judicial functions.

Some opponents of Judge Haynsworth maintain that the Senate should reject this nomination in order to restore confidence in the Supreme Court.

Do these opponents not know that public disrespect for the Court has been brought about by the Court itself, largely through certain doctrinaire, activist decisions in recent years favoring Communists, criminals, atheists, and civil rights demonstrators?

For too long, the people have had to put up with an activist, libertarian court which has arrogated to itself the power to rewrite the Constitution and usurp the functions of the legislative branch.

The appointment to the Court of conservative judges—judges who will exercise judicial restraint and respect for constitutional construction, so as to restore a philosophical balance—will do more than anything else to bring about a recrudescence of public faith in and respect for the Court.

Public confidence in the Court will not be restored until the Court is reconstructed to reflect judicial restraint and strict constitutional construction.

Confirmation of Judge Haynsworth will be a step in that direction, and this is precisely why I shall vote for him.

The nomination of Judge Haynsworth to be an Associate Justice of the Supreme Court merely reflects the election returns of last November. The trend of decisions of the Supreme Court was a paramount issue in the presidential election campaign of last year. The more than 57 percent of the American voters who supported President Nixon and Governor Wallace certainly did not vote to continue the course of decisions for which the Warren Court was justly criticized.

To be brutally frank, President Nixon was elected because his political position appeared to be less liberal than that of the candidate of my own party, a fact which apparently is not yet fully understood even by some Members of the President's own party here in the Senate. Now Mr. Nixon is apparently expected to adopt the political ideology of the losers in appointing Supreme Court judges. Haynsworth has a conservative image, admittedly, but that, after all, is what our Nation voted for.

President Nixon won the election, and he is entitled to nominate persons to the Supreme Court to reflect this change in national philosophy.

I did not vote for Mr. Nixon but he won the election, and in appointing Judge Haynsworth he is reflecting the judgment of the American people as they expressed it at the polls last November.

Yet, many people who enthusiastically supported the nominations of Supreme Court judges with a distinctly ultraliberal, leftwing philosophy in the past two administrations now want to block this appointment on the basis, really, of judicial philosophy but under the camouflage of a conflict-of-interest smokescreen. These opponents are being less than candid.

These persons should fault the American people—not Judge Haynsworth, President Nixon, or Attorney General Mitchell—for a trend toward conservatism in the appointment of judges.

Many persons who supported the evaluation of Associate Justice Abe Fortas to the role of Chief Justice of the United States, did so on the basis of their approval of his judicial philosophy as reflected by his opinions and decisions while serving as an Associate Justice. These persons were certainly entitled to their views. I voted for the confirmation originally of Mr. Fortas to serve on the Court. But I frankly opposed the nomination of Justice Fortas subsequently, for the office of Chief Justice on the basis of his judicial philosophy, and on that basis alone.

In a Senate floor speech on September 30, 1968, I stated, on page S11656 of the CONGRESSIONAL RECORD, as follows:

> I voted for Mr. Fortas when he was appointed to the Court in 1965, but the words and votes of Mr. Fortas put him among the judicial activists, who toy with the Constitution as though it were their personal plaything instead of the organic law which is the priceless legacy of all Americans. . . .
>
> Moreover, Justice Fortas has, in some of his public utterances, enthusiastically endorsed the doctrine of mass civil disobedience. I cannot, in compliance with my constitutional duty, reward the utterer of these dangerous sophistries, by elevating him to the role of Chief Justice of the United States. . . .
>
> I have no objections to Mr. Fortas, personally, or to his qualifications as an able lawyer. I have heard nothing which would reflect against his good character and conduct as a citizen. My objections go solely to his judicial philosophy as manifested by his words and actions while serving on the Court.

So, Mr. President, to repeat for emphasis, I voted to confirm the original appointment of Mr. Fortas to serve on the U.S. Supreme Court, but I was opposed to elevating him to the role of Chief Justice, and my opposition was based entirely and solely on his judicial philosophy as manifested by his public record while serving as an Associate Justice on the Court. I was not influenced by the rumors and insinuations against him. Many of those persons who today object to the decisions and opinions of Judge Haynsworth expressed support for those of Justice Fortas.

There is certainly considerable difference in the judicial philosophies of the two nominees. Generally speaking, I think that Justice Fortas could be fairly characterized as a "judicial activist" and that he frequently did not use judicial self-restraint, which I think is a most important quality of a Federal judge. On the other hand, I would classify Judge Haynsworth as a conservative jurist, a "strict constructionist" of the Constitution.

One of the areas of difference in their philosophies is in the field of pornography and obscenity. One of the reasons I opposed the nomination of Justice Fortas was that he consistently voted to overturn the criminal convictions of the peddlers of filth and slime who are preying on the American people, especially our youth. It was documented that Justice Fortas voted for these pornographers in 34 out of 38 cases while he was an Associate Justice. Supporters of his nomination made the argument that one could not draw any conclusion from these decisions because the legal and constitutional issues in many of those cases were complex. However, I felt that the fact that he had consistently followed a course of decisions in favor of the purveyors of filth clearly indicated where his feelings and sympathies lay.

In sharp contrast to the stand of Justice Fortas on the issue of pornography, Judge Haynsworth has shown that he is willing to find that obscene and pornographic material is actually obscene and pornographic. Furthermore, he is able and willing to permit the competent law enforcement authorities to suppress this evil traffic.

I would like to see more judges of Judge Haynsworth's judicial and constitutional philosophy on our Supreme Court. If he and others of his philosophy were on the Court, it would have a much better grasp of the issue of obscenity and pornography. I know that millions of average American citizens are deeply concerned and troubled about this awful problem. I have received hundreds and perhaps thousands of letters on this subject. The people are demanding that our courts permit the law enforcement agencies to suppress and destroy this vicious and insidious material which is debasing and destroying our people, especially our young people. This cancer must be cut out of our society. It cannot be done with an extremist, permissive, libertarian Supreme Court.

Those who were able to enthusiastically support the Fortas nomination to the office of Chief Justice in light of his record in the area of obscenity should carefully consider the message they will be giving the American people by opposing Judge Haynsworth.

Justice Fortas did not voluntarily furnish to the Judiciary Committee any papers, documents, or other materials pertaining to his personal financial condition and transactions.

He was not requested to furnish any such information even though, as we all remember, the testimony of Mr. B. J. Tennery, dean of the American University School of Law, revealed that in the summer of 1968, while he was serving as an Associate Justice of the Supreme Court, Justice Fortas received the sum of $15,000 for giving eight lectures at the Law School on the subject of "Law and Social Environment." Mr. Tennery further testified that this money was raised by Mr. Paul Porter, a former law partner of Justice Fortas, and that the donors to the fund were five wealthy individuals, at least one of whom was involved in litigation in the lower Federal courts which might have come before the Supreme Court for decision.

Conversely, Judge Haynsworth was available at all times to the Judiciary Committee for the purpose of answering any questions that anyone might have. He manifested a willingness to do so when called upon. When Senator EASTLAND, the chairman of the Judiciary Committee, closed the Haynsworth hearings, the last statement he made, found on page 591 of the hearings, was: "Gentlemen, this closes the hearings unless Judge Haynsworth is called back."

Senator EASTLAND made a statement to the press at that time he would ask Judge Haynsworth to return to testify if any member of the Judiciary Committee so requested. This statement was widely printed in the public press, and Senator EASTLAND notified the members of the committee of his position.

No member of the committee asked that Judge Haynsworth be recalled.

As a result, in sharp contrast to the allegations made about the conduct of Justice Fortas from the standpoint of ethics, candor with the committee, and conflict of interest, there was absolutely nothing withheld regarding the facts in the Haynsworth matter. Judge Haynsworth placed the whole record in full view on top of the table. The only dispute is as to the meaning or significance to be given those facts.

After all of the witnesses had testified at the hearings on the Fortas nomination, the Judiciary Committee invited the Associate Justice to reappear before it in order to give answers or clarifications to the testimony concerning the American University lecture fee.

There were also those on the committee who desired that Justice Fortas clarify testimony he had previously given that the only occasions upon which he had given advice to the executive branch of the Government subsequent to his appointment as Associate Justice pertained to the Vietnam war and the Detroit riots.

After Justice Fortas gave this testimony, Senator ALLOTT appeared before the committee and testified that Mr. Joseph W. Barr, then Under Secretary of the Treasury, had advised him that Mr. Fortas had been at the White House and had approved certain draft language of a proposed amendment to the law concerning the protection of presidential candidates.

Senator ALLOTT's testimony cast serious doubt upon the candor of Justice Fortas.

However, for reasons best known to himself, the Justice declined to reappear before the committee in order to clear up these and other questions.

As a result, the Judiciary Committee and the Senate and the American people were left to speculate upon the facts.

On the Haynsworth nomination, there is no speculation about the facts. They have been thoroughly presented by the nominee and developed and discussed.

Still another great difference between the Fortas nomination and this nomination is that the unresolved facts in the Fortas case previously mentioned gave rise to an inference that Justice Fortas might have been guilty of criminal conduct.

When I state that the unresolved facts in the Fortas case gave rise to a possible inference that he had been guilty of criminal conduct, I want to emphasize that this is not based on his alleged dealings with the Wolfson Foundation which caused the resignation of Justice Fortas from the Supreme Court. These facts were not developed until several months after his nomination as Chief Justice had been withdrawn. The facts pertaining to the Wolfson Foundation were not before the Senate when his nomination was considered.

But the opponents of the Haynsworth nomination have gone to great pains to emphasize that they do not even remotely hint or insinuate that the judge has done anything dishonest or illegal. Even though these opponents usually make this disclaimer as a predicate for the unfounded charge that Judge Haynsworth has committed acts which are improper or unethical or at least give the appearance of being improper or unethical, we must take them at their word in offering this disclaimer.

In light of all of these differences and distinctions between the two nominations, it is simply unfair and unrealistic to compare the Fortas and Haynsworth nominations. There is virtually no comparison between the two.

Some representatives of organized labor appeared as witnesses at the hearing in opposition to the nomination of Judge Haynsworth. They expressed their opinion that the decisions and opinions of Judge Haynsworth indicated that he was an "antilabor" judge. For that reason, among others, they opposed his elevation to the Supreme Court.

However, a careful study of Judge Haynsworth's record shows that it is not fair or accurate to characterize him as either an "antilabor judge" or a prolabor judge." He seems to decide each case on the basis of the law and the facts, and not on the basis of his personal views or notions. I wish we could say the same for all other judges.

Some of the witnesses from certain organized labor groups made distorted and unrealistic appraisals of Judge Haynsworth's record on labor relations. For instance, they chose to completely overlook the fact that Judge Haynsworth wrote at least eight opinions for his court deciding cases favorably to organized labor. These were:

NLRB v. *Electro Motive Manufacturing Company*, 389 F2d 61 (1968); *United Steel Workers of America* v. *Bagwell*, 338 F2d 492 (1967); *Chatham Mfg. Co.* v. *NLRB*, 404 F2d 1116 (1968); *Intertype* v. *NLRB*, 371 F2d (1967).

NLRB v. *Carter Towing*, 307 F2d 835 (1962); *NLRB* v. *Community Motor Bus Co.*, 335 F2d 120 (1964); *NLRB* v. *Empire Mfg. Co.*, 260 F2d 528 (1958); *NLRB* v. *Webb Furniture Corp.*, 366 F2d 314 (1966).

Judge Haynsworth also voted with other members of his court in at least 37 other prolabor decisions. These cases are:

Rosedale Coal Co. v. *Director U.S. Bur. Mines*, 247 F2d 299 (1957); *Textile Workers v. Cone Mills*, 268 F2d 920 (1959) *Wirtz v. Charleston Coca Cola Bottling Co.*, 346 F2d 428 (1966).

Wirtz v. *DuMont*, 309 F2d 152 (1962); *Williams* v. *United Mine Workers*, 316 F2d 475 (1963); *NLRB* v. *Edinburg Mfg. Co.* 394 F2d 1 (1968); *NLRB* v. *Marion Mfg. Co.* 388 F2d 306 (1968); *NLRB* v. *Baldwin Supply Co.*, 384 F2d 999 (1967).

NLRB v. *Weston Brocker Co.* 373 F2d 741 (1967); *Don Swart Trucking Co.* v. *NLRB*, 359 F2d 528 (1966); *Galis Electric & Machine Co.* v. *NLRB*, 323 F2d 588 (1963); *NLRB* v. *Marvel Poultry Co.*, 292 F2d 454 (1961); *NLRB* v. *Threads, Inc.*, 289 F2d 483 (1961).

NLRB v. *Roadway Express, Inc.* 257 F2d 948 (1958); *NLRB* v. *Superior Cable Corp.*, 246 F2d 539 (1957); *NLRB* v. *Kotarides Baking Co.*, 340 F2d 587 (1965); *Dubin-Haskell Lining Corp.* v. *NLRB*, 386 F2d 306 (1967); *Florence Printing Co.* v. *NLRB*, 333 F2d 289 (1964).

General Instrument Corp. v. *NLRB*, 319 F2d 420 (1963); *Great Lakes Carbon Corp.* v. *NLRB*, 360 F2d 19 (1966); *Greensboro Hosiery Mills, Inc.* v. *Johnson*, 377 F2d 38 (1967); *Henderson* v. *Eastern Gas & Fuel Associates*, 290 F2d 677 (1961); *JNO McCall Coal Co.* v. *U.S.*, 374 F2d 689 (1967).

Link v. *NLRB*, 330 F2d 437 (1964); *Mitchell* v. *Emala & Associates, Inc.*, 274 F2d 781 (1960); *Mitchell* v. *Sherry Corine Corp.*, 264 F2d 831 (1959); *NLRB* v. *Atkinson Dredging Co.*, 329 F2d 158 (1964); *NLRB* v. *Baltimore Paint & Chemical*, 308 F2d 75 (1962).

NLRB v. *Cross*, 346 F2d 165 (1965); *NLRB* v. *Haynes Hosiery Div.*, 384 F2d 188 (1967); *NLRB* v. *Jesse Jones Sausage Co.*, 309 F2d 664 (1962); *NLRB* v. *Jones Sausage Co.*, 257 F2d 878 (1958); *NLRB* v. *Lester Bros., Inc.*, 301 F2d 62 (1962).

NLRB v. *Randolph Electric Membership Corp.*, 343 F2d (1965); *NLRB* v. *Winn-Dixie Greenville, Inc.*, 379 F2d 958 (1967); *Ostrofsky* v. *United Steelworkers of America*, 273 F2d (1960); *Overnite Transportation Co.* v. *NLRB*, 327 F2d 36 (1963).

Some of the cases cited by hostile witnesses indicating an antilabor bias on the part of Judge Haynsworth turn out not to support that charge. For instance, three of the prime cases cited by these opponents of the nomination are the three cases involving Darlington Mills.

These cases involved the basic question of whether the owners of the mill had a right to close it down and permanently go out of business, even though the motive for so doing was to chill union activity.

In Darlington I, which is cited as *Deering Milliken* v. *Johnson*, 295 F2d 856 (1961) the question before the court of appeals was the issuance of an injunction by the U.S. District Court for the Middle District of North Carolina against agents of the NLRB prohibiting them from taking new evidence in a case involving a labor dispute. Judge Haynsworth wrote the opinion for the fourth circuit which practically reversed a decision of the district court and held that the Labor Board could take new evidence pertaining to certain matters. The new evidence which was subsequently received by the NLRB was crucial to the subsequent victory of the Textile Workers Union of America.

I do not see how anyone can complain that this decision was antilabor.

Darlington II, which is cited as *Darlington Manufacturing Company* v. *N.L.R.B.*, 325 F2d 682 (1963) involved the direct question of whether the company had the right to permanently go out of business for antiunion reasons. Judge Haynsworth joined in the majority opinion, written by Judge Bryan, which held that under the circumstances of the case, the company had such a right. This decision was in harmony with decisions of other Courts of Appeals dealing with this subject. For instance, the Sixth Circuit Court of Appeals had recently stated in the case of *N.L.R.B.* v. *R. C. Mahon Company*, 269 F2d 44, 47 (1959):

> We find nothing in the National Labor Relations Act which forbids a company, in line with its plans for operation, to eliminate some division of its work.

The Fifth Circuit Court of Appeals had held in *N.L.R.B.* v. *Tupelo Garment Company*, 122 F2d 603, 696 (1941):

> The stockholders of Tupelo Garment Company (the employer) had the absolute right to dissolve their corporation and the Board was without authority to prevent this.

The Seventh and Eighth Circuits had rendered similar decisions.

So, the decision of Judge Bryan in which Judge Haynsworth joined was in accordance of the law.

When Darlington II was appealed to the Supreme Court, the case was reversed and sent back to the Labor Board for further hearing as to the question of whether Deering Milliken was a single integrated employer. The Supreme Court, speaking through Justice Harlan, indicated strong agreement with the principles of law enunciated by the court of appeals, but held that more facts were needed in order to properly resolve the issue. The Supreme Court stated:

> We hold that so far as the Labor Relations Act is concerned, an employer has the absolute right to terminate his entire business for any reason he pleases, but disagree with the Court of Appeals that such right included the ability to close part of a business no matter what the reason. We conclude that the case must be remanded to the Board for further proceedings.

Darlington III, which is cited as *Darlington Manufacturing Company* v. *N.L.R.B.*, 397 F2d 760 (1968), involved an appeal from the proceedings of the Labor Board after the remand of Darlington II. The Labor Board found that the persons controlling Darlington Manufacturing Co. had such interests and relationships with Deering Milliken and other affiliated corporations as would establish a single enterprise, and that Darlington's closing was accomplished under circumstances that established the factors of "purpose" and "effect" with respect to chilling unionism in other mills of the Deering Milliken group. Consequently, the Board held that the closing of the Darlington Manufacturing Co. was a partial closing of a business in violation of the laws and ordered Darlington and Deering and Milliken to pay back wages to some of their employees. The court of appeals, in an en banc hearing participated in by all seven of its judges, affirmed the order of the Labor Board. Judge Haynsworth voted with the majority of the court in this case and wrote a concurring opinion in which he expressed concern over the financial burden which might be placed on the individual owners of the Darlington Manufacturing Co. who were in no way connected or affiliated with Darlington Manufacturing or its president, Roger Milliken. Judge Bryan issued a strong dissenting opinion which was joined in by Judge Boreman, which held that the court should completely reverse and overturn the order entered by the Labor Board, and that the evidence showed that those in control of the Darlington Manufacturing Co. had a perfect right to close it. Judge Haynsworth's vote in Darlington III certainly seems to be prolabor. If one wishes to categorize votes in such a fashion, it is reasonable to say that the votes of Judges Bryan and Boreman were the only antilabor votes on the court. I assume they would be even more objectionable to the witnesses who testified against Judge Haynsworth than Judge Haynsworth himself. I hope that Judge Haynsworth's mere expression of concern about the economic impact on the individual minority stockholders of Darlington Manufacturing, who had no relationship whatever to the so-called wrongdoer in the case, Roger Milliken, does not make Judge Haynsworth an "antilabor" judge.

The only other opinion written by Judge Haynsworth on labor relations which was subsequently reversed by the Supreme Court was in the case of *N.L.R.B.* v. *Giessel Packing Company*, 398 F. 2d 336 (1968). This case involved the use of union authorization cards in recognition proceedings. The Fourth Circuit held, in an opinion written by Judge Haynsworth, that under the circumstances involved in that case the use of such authorization cards, rather than an election by secret ballot, was not authorized by the law. This decision was in accordance with decisions by the Fourth Circuit as well as decisions of the First, Second, Fifth, Sixth, Seventh, Tenth, and District of Columbia Courts.

In reversing the *Giessel Packing Company* case, 89 S. Ct. 1918 (1969), the Supreme Court indicated that its view of the law was not much different from that expressed by Judge Haynsworth in his opinion for the Fourth Circuit. The Supreme Court said:

> The actual area of disagreement between our position here and that of the Fourth Circuit is not large as a practical matter.

The opponents complain of Judge Haynsworth's vote in *N.L.R.B.* v. *United Rubber, Linoleum and Plastic Workers*, 269 F. 2d 694 (1959) which was reversed by the Supreme Court at 362 U.S. 329. Judge Haynsworth did not write the opinion in this case, but only voted to adopt the opinion written by Judge Soper. Judge Soper accepted the position urged by NLRB, which held that picketing which does not represent a majority of the employees is an unfair labor practice. The objective of this opinion was to protect employees in their right to refrain from bargaining through representatives without coercion. The question presented to the Fourth Circuit in the United Rubber case had never been decided by the Supreme Court, and the circuits were divided on the issue. The Ninth Circuit had previously decided the issue in accordance with Judge Soper's opinion, but the District of Columbia Circuit had resolved the question the other way is a divided opinion.

Judge Haynsworth's vote in the United Rubber case was certainly not contrary to the then existing law, and cannot be construed as being antilabor.

When one examines these and the other cases involving labor relations, the conclusion is inescapable that the charge that Judge Haynsworth has been antilabor in his decisions is without foundation.

There are some who say it would be bad for us to confirm Judge Haynsworth by a close vote. These persons seem to feel that such an action would in some way impair his effectiveness as an Associate Justice of the Supreme Court. I do not subscribe to the theory that a nomination which engenders public controversy and which results in a confirmation by a close vote is a reason for voting against confirmation. The same argument was advanced in the ABM controversy. The ABM won by a cliff-hanger vote. But how many people today remember the closeness of that vote or even care to remember it?

Louis D. Brandeis served ably and brilliantly as an Associate Justice of the Supreme Court; yet, when his name was submitted by President Wilson, a storm of public controversy broke. Powerful elements of American society representing great financial wealth fiercely fought that nomination. The Judiciary Committee favorably reported his nomination by the close vote of 10 to 8. When it was finally brought to a vote on June 1, 1916, the Senate voted 47 to 22 to confirm. However, there were 27 abstentions on that vote. Ergo, less than half of the Membership of the Senate voted to confirm Mr. Brandeis. Yet, this circumstance did not operate to diminish his stature in the history of the judiciary, nor did it operate to disable him from being a great Justice.

The same happy results could follow from our confirmation of Judge Haynsworth, regardless of the margin of the vote.

After all, the late John F. Kennedy was elected President by a scant margin of 118,000 votes in 1960. But who bothered to remember this. He was fully as much a President as if his majority had been a hundredfold.

As I have already stated, a distinguishing feature between the cases of Judge Haynsworth and Associate Justice Fortas is evidenced by the fact that Judge Haynsworth has been completely cooperative with the committee and its members in agreeing to appear to testify. Mr. Justice Fortas was not. Judge Haynsworth has made a complete disclosure of his financial affairs to the committee. Mr. Justice Fortas made no such complete disclosure.

So far as I know, no nominee for judicial office has voluntarily made such sweeping disclosures about his personal financial condition and transactions as has Judge Haynsworth. He has been completely forthright and candid with the committee. He responded to all reasonable requests made of him to produce documents.

For example, even prior to the beginning of the hearings of the Judiciary Committee, Judge Haynsworth made available to the committee copies of income tax returns for himself and his wife from the year he went on the Federal bench, 1957 to date. He also made available a complete financial statement at that time. Judge Haynsworth voluntarily requested that the entire Justice Department file on the charges made against him by the attorneys for the Textile Workers Union regarding his participation in the Darlington case be made available to the committee and the public.

After the hearings were commenced, Judge Haynsworth furnished to the committee certified copies of all real estate transactions with which he was involved from 1957 to date. He also furnished copies of all deeds involving real estate transactions concerning the Carolina Vend-A-Matic Co. and the Carolina Vend-A-Matic profit-sharing and retirement plan.

He also supplied to the committee a listing of all of the Carolina Vend-A-Matic's major customers as of December 1963, and all other information in his possession or knowledge pertaining to his investments in Carolina Vend-A-Matic Co.

Judge Haynsworth also furnished a chronological listing of all his stock transactions from 1957 to date which set out his complete stock holdings during that time.

Automatic Retailers of America, Inc., the company into which Carolina Vend-A-Matic was merged in 1964, gave the committee unprecedented cooperation in furnishing information pertaining to Carolina Vend-A-Matic Co. For instance, immediately upon request of the committee, ARA had the minutes book of Carolina Vend-A-Matic flown to Washington at its own expense. In addition, they had all of their records pertaining to sales and customers of Carolina Vend-A-Matic, as well as copies of all tax returns and audited statements in their possession flown to Washington and made available to the committee.

The records pertaining to the sales and customers of Carolina Vend-A-Matic covered the period from the date of its incorporation to the date of its merger with ARA. From these records a list of customers and income of each customer from Carolina Vend-A-Matic during its entire existence can be computed.

ARA also furnished to the committee copies of its audited statements for Carolina Vend-A-Matic Co. and its subsidiaries for the years ending December 31, 1961, 1962, and 1963. These were the only annual reports ever prepared for the Carolina Vend-A-Matic Co.

Furthermore, ARA supplied all of the Carolina Vend-A-Matic records, including tax returns pertaining to the Carolina Vend-A-Matic profit-sharing and retirement plan.

I believe that ARA, Inc., and its officers and employees should be given a vote of thanks by the Senate for voluntarily furnishing voluminous papers and documents constituting its private business records to the committee. I certainly do not think it is fair or just to characterize ARA or any of its officers or employees as having been obstructive in this matter or of hiding anything.

Sometimes when one does not find what one seeks, one makes charges about concealment and suppression of the facts.

As I indicated earlier, the facts and circumstances of this nomination are somewhat similar to those surrounding the nomination of Louis D. Brandeis to be an Associate Justice of the Supreme Court in 1916. It might be enlightening and instructive to recall the facts and issues of the Brandeis nomination.

As is the case with the Haynsworth nomination, many powerful forces in society vigorously opposed the nomination of Brandeis. We all know that certain elements of organized labor and the NAACP are the central forces opposing this nomination. In the Brandeis case, six former presidents of the American Bar Association, William H. Taft, Simeon E. Baldwin, Francis Rawle, Joseph H. Choate, Elihu Root, and Moorfield Storey, signed the following letter which was sent to the Senate Judiciary Committee:

> The undersigned feel under the painful duty to say to you that, in their opinion, taking into view the reputation, character, and professional career of Mr. Louis D. Brandeis, he is not a fit person to be a member of the Supreme Court of the United States.

Mr. President, how different is the testimony submitted by representatives of the American Bar Association in the two cases. In the case 50 years ago, involving Louis Brandeis, six former presidents of the American Bar Association jointly signed a letter charging that Brandeis was not a fit person to be a member of the Supreme Court of the United States. However, the American Bar Association's standing committee on judiciary selection has in the instant case found no impropriety and has endorsed the nomination.

In the Brandeis case, as in the instant case, the powerful interests opposing the nomination camouflaged their true reasons for opposition by raising the question of ethics. The hearings held by the subcommittee of the Judiciary Committee to which the Brandeis nomination was referred are filled with testimony concerning Mr. Brandeis' alleged unethical conduct and violations of the code of ethics. In the minority report of the Judiciary Committee on the Brandeis nomination, submitted by Senator Clarence D. Clark of Wyoming, there were listed 12 alleged acts of unethical conduct charged against the nominee. There was the Glavis-Ballinger case, the Illinois Central Railroad case, the New England Railroad case, the Equitable Life Assurance Society case, the United Drug Co. case, and a number of others. This sounds very familiar to us today in light of the Vend-A-Matic case, the Brunswick case, the W. R. Grace Co. case, and alleged association with Bobby Baker.

As in the case of this nomination, both sides agreed there was very little dispute as to the facts involved. There was great disagreement as to the interpretation of the facts. Both sides agreed that there was no evidence that Mr. Brandeis was corrupt or dishonest, just as in the case of the Haynsworth nomination.

The opponents of the Brandeis nomination took the position that, even if the charges against him were not true, he should not be confirmed because to do so would damage the reputation of the Supreme Court. We hear the same argument against Haynsworth. The friends of the nomination of Brandeis refuted this notion.

In order to demonstrate how history does indeed repeat itself, it is in order to quote from the various views of the members of the Subcommittee of the Senate Judiciary Committee which considered the Brandeis nomination.

First, here is what the opponents of the nomination of speaking through Senator John D. Works of California had to say:

> He has resorted to concealments and deception when a frank and open course would have been much better and have saved him and his profession from suspicion and criticism.

How much like what is being said today against Judge Haynsworth.

> He has defied the plain ethics of the profession and in some instances has violated the rights of his clients and abused their confidence. There is nothing in the evidence that leads me to think he has done these things corruptly or with the hope of reward. His course may have been the result of a desire to make large fees, but even this is not clear. He seems to like to do startling things and to work under cover. He has disregarded or defied the proprieties. It has been such courses as he has pursued that have given him the reputation that has been testified to, and it is not undeserved. It is just such a reputation as his course of dealing and conduct would establish in the minds of men. This reputation must stand as a strong barrier against his confirmation.

Mr. President, had the ABA's standing committee, or had the opponents of Haynsworth, spoken today in those terms, the Haynsworth nomination would have been defeated a long time ago.

Quoting further from the opponents of Mr. Brandeis:

> If it were Mr. Brandeis alone that is to be concerned, and it should be believed that this reputation is undeserved and unjust, it should have no weight; but the effect of such an appointment on the court is of much greater importance.

Have we heard that before?

> To place a man on the Supreme Court Bench who rests under a cloud would be a grievous mistake. As I said in the beginning, a man to be appointed to the exalted and responsible position of Justice of the Supreme Court should be free from suspicion and above reproach. Whether suspicion rests upon him unjustly or not his confirmation would be a mistake.

Speaking further about the confirmation of the appointment of Justice Brandeis, Senator Works said:

> It is argued against him that he is not possessed of the judicial temperament. There is just ground for this objection. As some of his friends said, he is radical, and for that reason he has offended the conservatives. That may be no cause of reproach; but the temperament that has made him many enemies and brought him under condemnation in the minds of so many people would detract from his usefulness as a judge.

The friends of the nomination strongly disagreed with the views expressed by Senator Works. The following are excerpts from the views of Senator Thomas J. Walsh:

> The testimony taken by the committee is voluminous. In the infinite multiplicity of the duties devolving upon Senators it is quite vain to hope that any considerable number, except those upon whom the burden of investigation has been directly imposed, will read it all or read any of it.
>
> Outside of the Senate, opinion will be based in very small part upon anything more trustworthy than a résumé of the evidence collected by the committee.

"It is not charged," said Senator Walsh, "that he," Mr. Brandeis, "is corrupt, at least by anyone not moved by wreckless valevolence."

He continued:

> The accusations, if they may be so called, relate entirely to alleged disregard of ethical standards in his professional relations. Singularly enough, there is very little opportunity for dispute in respect to the facts constituting the incidents which the committee deemed worthy of its notice.
>
> There is wide divergence of view touching the significance of the facts disclosed. Interpreted by those bent on finding something to criticize or ready by repossession to attribute discreditable motives to Mr. Brandeis, they assume a sinister aspect. Men of the highest character, frank admirers of that gentleman, who participated in the transactions in respect to which he is denounced, insist that his conduct was either irreproachable or altogether honorable. It is particularly important in this quite curious situation, in order to form a just estimate of the conduct and character of the nominee, to guard against the insidious influence of detraction and calumny.
>
> * * * * *
>
> It is said that it is to be regretted that any such controversy as this in which we are involved should arise over a nomination of a justice of the Supreme Court. So it is. But when it is said further that one might better be chosen over which no such bitter contention would arise, I decline to follow. It is easy for a brilliant lawyer so to conduct himself as to escape calumny and vilification. All he needs to do is to drift with the tide.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to proceed for an additional 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the chairman of the committee, Senator W. E. Chilton of West Virginia, made the following statement:

> It is suggested in the brief of counsel of the protestants that if a doubt shall be raised concerning the ethical conduct of the nominee, he should not be placed upon the Supreme Court. If that theory shall obtain, then it is possible, by a campaign of slander, to bar the best men and the best lawyers in the country from the judicial office. I am not willing to indorse a campaign of slander, whether it was intended to be slander or not, when promulgated.
>
> If after full investigation I find, as I do, that Mr. Brandeis is not guilty of the things charged against him by his enemies, then it is my duty to say so and to give him the benefit of a pure life and his upright conduct, regardless of the slander.

Mr. President, those words of a distinguished U.S. Senator from the State of West Virginia uttered 50 years ago in respect to the nomination of Judge Brandeis, have been worthy of respecting here, and I should like to adopt the words in my own behalf today with respect to the nomination of Judge Haynsworth to serve as an Associate Justice on the Supreme Court of the United States.

Last but not least, the nominations of Brandeis and Haynsworth are similar because many of the opponents purported then and now purport to base their attacks on alleged lack of ethics, although the real factors generating the opposition then had and now have less merit.

Let us put the cards on the table—faces up. The real reasons for the bitter fight a half century ago against the confirmation of Mr. Brandeis were his social and economic ideas and the fact that he was a Jew. The real reasons today for the high pressure campaign to defeat the Haynsworth nomination are his judicial philosophy and the fact that he is a white, conservative southerner.

During the struggle over the Brandeis nomination the real reasons for the opposition lay close to the surface. Sometimes the surface would crack and one could peek through at what was immediately below.

That is certainly true of the struggle over the Haynsworth nomination. We have heard it said that the issue is not whether Judge Haynsworth's actions and conduct meet the ethical standards of Greenville, S.C.; that, in fact, his conduct probably does meet those standards, but, rather, the question is, Does his conduct meet the standards of ethics of the United States as a whole? In my judgment, this is a measured insult to the people of Greenville, S.C., and the South. I do not represent a Southern State.

I represent a border State, a State which sent men, a little over 100 years ago, to fight both on the side of the Union and on the side of the Confederacy. But right is right and wrong is wrong whether we are talking of South Carolina or of West Virginia—North or South, or border State.

Incidentally, the attempt to link Judge Haynsworth with Bobby Baker in an effort to produce a verdict of guilt by association shows just how desperate and specious is the campaign against this nomination. On September 28, Mr. James Weighart, writing for the New York Daily News, stated that Judge Haynsworth and Bobby Baker were involved together in a business deal relating to the establishment of a cemetery in Greenville, S.C. Other portions of the news media published this story.

The facts about the alleged "cemetery deal" are these:

The Greenville Memorial Gardens Cemetery was organized by a person in Greenville, S.C., who was a friend of Judge Haynsworth. He contacted the judge in 1958 and asked him if he would like to participate in this venture. The judge agreed to invest $4,000 in it. There were approximately 25 other individuals and corporations who were coinvestors in this venture. Unknown to Judge Haynsworth, the organizer of the Greenville Memorial Gardens Cemetery also contacted Bobby Baker and asked him if he would like to invest money in the project, and Baker invested $10,000 in it.

There was never any discussion between Judge Haynsworth and Baker on this or any other business dealings. Their only connection was that of costockholders. At the time, of course, Baker was secretary to the majority of the Senate and enjoyed a position of esteem and respect with many persons.

The truth is that Judge Haynsworth and Bobby Baker have had three extremely casual contacts with each other. The first was in 1954, when Judge Haynsworth was in the private practice of law. His friend, the late Senator Charles Daniel, was then appointed to an interim term in the Senate and Judge Haynsworth and other friends of his came to Washington to see him administered the oath of office. On that occasion, while they were in a room in the Capitol, Baker came up and shook hands with the Senator and the judge and chatted for a few minutes.

The second occasion was Judge Haynsworth's hearing on his nomination to be a judge for the Fourth Circuit Court of Appeals in 1957. The judge was here for his confirmation hearing; on that occasion Bobby Baker came up and congratulated him on his appointment and they talked for approximately 5 minutes.

On the third and last occasion in September 1958, Judge Haynsworth and Mr. Charles Daniel went together in an automobile from Greenville to Pickens, S.C., to a picnic. Bobby Baker was in the same car with them going to Pickens and the three of them discussed politics and other matters, but discussed no business, during the course of the trip which took 30 or 40 minutes.

This is the sum and substance of the so-called Bobby Baker connection.

Perhaps an insight into the real motivations of many opponents of this nomination can be had by studying the testimony in the hearings on the Haynsworth nomination of Mr. William Pollock, general president, Textile Workers Union of America. It is fitting and appropriate that this testimony provides the clearest view of the motivations of some of the opposition, because it was a representative of this Union who made unfounded and untrue allegations concering the conduct of Judge Haynsworth as an aftermath of the Darlington Mills decision in December 1963. It is the theory of Mr. Pollock that Judge Haynsworth was and is part of a southern textile conspiracy to subjugate textile workers. The true basis for the resentment, as will be seen, is that since World War II many northern and eastern textile mills have moved to the South.

There are many people, some in high places, who do not like this, and I can understand how they would not.

Mr. Pollock was given a list of the customers of Carolina Vend-A-Matic Co. and was asked to discuss the textile mill customers of Vend-A-Matic. The following testimony, which may be found on page 505 of the printed hearings, ensued:

> Mr. POLLOCK. Not having fully studied this list, because it has not been in our possession long enough, I might say that listed here are a number of mills that were formerly located in the north, which were under contract with our union and our relationship was excellent.
>
> Since they liquidated their northern operations and moved into the south, these same companies have now been caught up in this web of conspiracy, and they are just as vicious toward their workers trying to organize as any other one of the big southern chains.
>
> Senator HART. Would that characterization be applicable also, Senator Bayh inquires, with respect to the J. P. Stevens, Dan River, and Burlington?
>
> Mr. POLLOCK. I see one, Delta Finishing Co., which was formerly located in my hometown, Philadelphia, where we had it organized back around 1937. It liquidated and went south. It is now part of the J. P. Stevens chain. We have attempted to organize it several times down there, but because of the coercion and intimidation of this company, we have been unable to help these workers when they seek our help to form a union.

The flavor of Mr. Pollock's testimony, and the quality of his reasoning, can be sampled by the following statement made by him found on page 487 of the hearings:

> Finally, we believe that Judge Haynsworth operates within that conspiracy. When he went into the vending machine business, as one of the founders of the Carolina Vend-A-Matic Co., in 1950, his company recruited its general manager from the Deering, Milliken chain. Two other associates in that company came from the Daniels Construction Co., a nontextile participant in the conspiracy to violate the labor law.
>
> The Haynsworth Vending Machine Co. did its primary business with the Southern textile industry. It made a great deal of money. Starting in 1950 with an authorized capital of only $20,000 it sold out 14 years later for $3,200,000.

One of the leading witnesses against this nomination—as could be expected—was Mr. Joseph L. Rauh, Jr., counsel, Leadership Conference on Civil Rights. Some of the questions asked of Mr. Rauh and the responses given thereto indicated that no ordinary southerner should be nominated to the Supreme Court. Mr. Rauh clarified the issue by emphasizing that there were very few southern judges who would meet his ideological litmus test and whose nomination to the High Court he would welcome. His testimony, found on page 469, is as follows in part:

> This is not against southern judges, there are wonderful southern judges—Tuttle, Brown, Wisdom, Johnson—who would have been heroic additions to the Court.
>
> The suggestion is sometimes kind of intimated that somebody is against southern judges. I could stand and cheer for one of the ones I have mentioned.

The Judge Brown referred to by Mr. Rauh in his testimony is the Honorable John R. Brown, chief judge of the U.S. Court of Appeals for the Fifth Circuit. He has been in the news very recently in connection with a tardy disqualification of himself to participate in a decision involving millions of dollars worth of rate increases for natural gas companies while he owned approximately $100,000 worth of stock in the affected companies.

One of the finest hours of the Senate was when it voted to confirm the nomination of Louis D. Brandeis to be an Associate Justice of the Supreme Court on June 1, 1916. By that vote, it showed that one would not be disqualified to sit on the Court because he was a Jew. By confirming Judge Haynsworth, the Senate can likewise show that a nominee will not be disqualified from service on the Supreme Court purely because he is a southern white man with an apparent conservative philosophy.

Mr. President, Mr. Brandeis, who had what appeared at that time to be a very liberal and almost a radical philosophy, became one of the truly great jurists in the history of the Supreme Court of the United States. His critics were wrong then, and the critics can be wrong now.

I urge the confirmation of Judge Haynsworth to the office of Associate Justice of the Supreme Court of the United States.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I am glad that the distinguished Senator from West Virginia, as is always the case, has had a chance to really give his time to the preparation of his statement. I think this is one of the finest and best quality speeches on the general subject matter of the confirmation of nominees for any bench, much less the Supreme Court bench of the United States.

The statement has been very fine, fair, and impartial. It is very impressive.

The Senator's analysis of the contrast of the nomination of Justices 50 years ago recalls the incident to my mind. I remember that when I was a mere boy Woodrow Wilson, who was then President, made the nomination to which the Senator referred. I remember some of the controversy surrounding the confirmation. I was old enough to read the newspapers. I remember the vicious attack that was made.

The Senator has certainly given a correct analysis of it. His comparison of the principles that finally prevailed then with the situation today is just as fresh as the morning flowers.

I direct the Senator's attention particularly to his analysis which is known in this Record as the Brunswick case which involves the judge's purchase of the stock in the Brunswick Corp. I want to quickly relate the facts.

Mr. President, this was a case in which a three-judge court heard the matter. The case was relatively simple and easy to decide, as I see it. It involved a single question of the conflict between two statutes that gave a lien—one in favor of the seller of a product, the bowling alley equipment, and the other in favor of the landlord of the premises where the bowling alley was located.

The argument on the case was heard on one day, and these three Federal judges decided the case either that afternoon or the next morning. It was a quick, easy decision, and the writing of the opinion was assigned to some other judge, not to Judge Haynsworth. For some reason, the writing of that opinion was delayed for 3 or 4 months. However, the work of the court went right on.

In the interval of time between the argument of the case and the writing of the opinion, the stock in the Brunswick Corp. was purchased for Judge Haynsworth. It was an infinitesimal amount of stock by comparison. The judge said, in effect, that he had overlooked it—words substantially of that meaning.

As any other Senator, I do not like to make personal references to myself, and I think the Record shows very little references to my own personal experiences. But that rings a bell with me just as clearly as sound can be, of many experiences I had along this line. I was not a member of a court of appeals. I was not a member of the Supreme Court of my State. But for 10 years I did carry the responsibilities of being a trial judge in a court of unlimited jurisdiction, both civil and criminal cases. There was no limit on its jurisdiction. I refer to this only to give a background of experience, to show that I know what it is to dispose of these cases.

I would have 20, 30, 40, 50, or 60 people to sentence at the end of a term of court, for all kinds of crime; women included, sometimes. Unfortunately, some of those cases involved the death penalty. Many hundreds had their freedom taken away. I have had to sign decrees that took men's homes away from them—civil judgments.

Many times I have taken home, for further study—in recess, we call it, at the end of that term of court—10, 15, 20, or 25 motions, many of them for a new trial. The Presiding Officer, the present occupant of the chair is familiar with that. Those motions would bring in review perhaps the entire case or the major points involved.

What does a judge do in a situation such as that? He decides the easy cases first, and then he forgets them. They pass out of his mind. He concentrates on the hard ones; he remembers them. I have studied in my office some major cases, on a motion for a new trial, for 2 or even 3 weeks, being careful in trying to reach a sound conclusion. I remember them. I know how much was involved. But I have forgotten all the easy cases. The quicker the better. I have no doubt, with Judge Haynsworth's record and reputation, that this is exactly what happened, so far as the Brunswick case was concerned. It was a simple, easy case, quickly decided. Someone else had the responsibility of writing the opinion. Later, the stock matter came up. True, there was a motion after the judgment was rendered—to reconsider it, as we say here; a suggestion of error, we say in the State court at home. But it was an open and shut case. It was not considered serious. They cannot all be considered serious.

In my mind, it is clear as crystal that this is the only avenue of approach and basis for disposition of work that a judge can take.

I think that is exactly what happened here, and it lends a great deal of aid to me in understanding how this situation came about. I recite those facts for whatever value they might have to others. It is certainly a part of this record as much as is the printed page.

I commend the Senator from West Virginia for his broad, basic concept, for his fine analysis of the facts, and for his great philosophy of government as shown not only in this matter, but also in many others.

Mr. BYRD of West Virginia. I thank the Senator for his very fine remarks.

I yield the floor.

PRINTING ADDITIONAL COPIES OF SUMMARY OF THE TAX REFORM ACT OF 1969

Mr. ANDERSON. Mr. President, as in legislative session, I send a resolution to the desk and ask for its immediate consideration. The resolution has been approved for the Committee on Rules and Administration by its chairman, the Senator from North Carolina (Mr. Jordan) and by the ranking minority member of that committee, the Senator from Nebraska (Mr. Curtis).

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 282) was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Finance thirty-five hundred additional copies of its committee print of the current Congress entitled "Summary of H.R. 13270, The Tax Reform Act of 1969, as reported by the Committee on Finance".

Mr. ANDERSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSACTION OF ROUTINE MORNING BUSINESS AS IN LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of routine morning business, as in legislative session.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Facilities Projects, Naval Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on a proposed Naval Reserve facilities project and the cancellation of another; to the Committee on Armed Services.

Report of the Export-Import Bank of the United States

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of the actions taken by the Bank during the quarter ending September 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

Statistics of Interstate Natural Gas Pipeline Companies, 1968

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Statistics of Interstate Natural Gas Pipeline Companies, 1969" (with an accompanying document); to the Committee on Commerce.

Proposed Legislation Exempting FHA and VA Mortgages and Loans From the Interest and Usury Laws of the District of Columbia

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to exempt FHA and VA mortgages and loans from the interest and usury laws of the District of Columbia and for other purposes (with an accompanying paper and transcript); to the Committee on the District of Columbia.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on U.S. financial participation in the Food and Agriculture Organization of the United Nations, Department of Agriculture, Department of State, dated November 17, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for management improvement in expediting development of major weapon systems satisfactory for combat use, Department of the Army, dated November 17, 1969 (with an accompanying report); to the Committee on Government Operations.

Report of Lewis and Clark Trail Commission

A letter from the former Chairman, Lewis and Clark Trail Commission, reporting, pursuant to law, the final report of the Commission will be available no later than April 1970; to the Committee on Interior and Insular Affairs.

N. B. Bentley, A Co-Partnership v. The United States

A letter from the Chief Commissioner, U.S. Court of Claims, transmitting, pursuant to law, two certified copies of the opinion and findings of fact in the case of N. M. Bentley, A Co-Partnership v. The United States (with an accompanying document); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the American Legion Post No. 783, Stanton, Calif., declaring a policy of support for the Naval Air Station, Los Alamitos, Calif.; to the Committee on Armed Services.

A letter, signed by Joe Rosen, of Rockland County, N.Y., transmitting a resolution adopted by the American Legion Post No. 1232, of Orangeburg, N.Y., praying for the minting of a patriotic coin; to the Committee on Banking and Currency.

A letter, in the nature of a petition, signed by Jose A. Gonzalez, of New York, N.Y., relating to certain policies concerning Puerto Rico; to the Committee on Interior and Insular Affairs.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF THE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-193)

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to the provisions of Title VII of the Public Health Service Act, as amended, I transmit herewith, for the information of the Congress, the thirteenth annual report of the Surgeon General of the Public Health Service summarizing the activities of the Health Research Facilities Construction Program for fiscal year 1968.

Richard Nixon.

The White House, *November 17, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 10) authorizing the President to proclaim the second week of March 1970, as Volunteers of America Week, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

As in legislative session, the message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 474) to establish a Commission on Government Procurement, and it was signed by the Vice President.

HOUSE JOINT RESOLUTION REFERRED

As in legislative session, the joint resolution (H.J. Res. 10) authorizing the President to proclaim the second week of March 1970, as Volunteers of America Week, was read twice by its title and referred to the Committee on the Judiciary.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. RIBICOFF:

S. 3145. A bill for the relief of Dr. Arun J. Madhani; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 3146. A bill for the relief of Kaiganoosh Vartevanian (Monahan); to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself, Mr. Church, Mr. Dole, Mr. Fulbright, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield, Mr. McCarthy, Mr. McGovern, Mr. Mondale, Mr. Mundt, Mr. Nelson, Mr. Randolph, Mr. Scott, Mr. Stevens, Mr. Tydings, and Mr. Williams of New Jersey):

S. 3147. A bill to amend the act entitled "An act to provide indemnity payments to dairy farmers," approved August 13, 1968 (82 Stat. 750); to the Committee on Agriculture and Forestry.

(The remarks of Mr. Proxmire when he introduced the bill appear later in the Record under the appropriate heading.)

S. 3147—INTRODUCTION OF A BILL TO AMEND THE ACT RELATING TO INDEMNITY PAYMENTS TO DAIRY FARMERS

Mr. PROXMIRE. Mr. President, I introduce on behalf of Senators Church, Dole, Fulbright, Inouye, Javits, Kennedy, Magnuson, Mansfield, McCarthy, McGovern, Mondale, Mundt, Nelson, Randolph, Scott, Stevens, Tydings, Williams of New Jersey, and myself, legislation to extend indemnification against pesticide contamination to dairy manufacturers. This bill is in the nature of an amendment to Public Law 90-484, an act to provide indemnity payments to dairy farmers.

Under the present law, dairy farmers are eligible for indemnity payments if their milk is removed from commercial markets because it contains unacceptable chemical residues. However, dairy manufacturers are not eligible for comparable indemnification against such losses. This inconsistency in the application of the indemnity payments program needs to be eliminated.

THE MILK INDEMNITY PAYMENT PROGRAM

The milk indemnity program was begun in 1964 under section 331 of the Economic Opportunity Act. The act authorized the Secretary to make indemnity payments to dairy farmers whose milk was removed from the commercial market because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Since initial legislation, the authority of this act has been extended five times. Its present extension expires on June 30, 1970.

The milk indemnity payment program has been a great success. Although the original estimate of cost was $8.8 million, the program to date has cost just over $1 million. The total payments made to dairy farmers under the program have been small, but the assistance it has provided them has been great.

Producers in most States have benefited from this program. As of July 31, 1969, approximately 400 producers from 31 States have received indemnity payments. I feel that the extension of this indemnification program to dairy manufacturers will be just as successful, just as beneficial, and just as inexpensive.

THE NEED FOR AMENDING LEGISLATION

There is an obvious need for this amending legislation. Present monitoring capabilities are not adequate to insure that pesticide residues—such as

DDT—contained in milk purchased by dairy plants can be detected before large volumes of milk and of dairy products become contaminated.

The extent of this hazard can result in bankruptcy for many dairy plant operators. Dairy plants are liable for the value of products which they manufacture and sell if those products subsequently become contaminated with pesticide residues. The risk of loss, therefore, is far greater than the original value of the milk containing the residues.

The danger of loss extends to farmers who supply milk to the manufacturer, yet whose milk has contained no residues. A manufacturer's economic loss may make him unable to pay in full for milk he has received from farmers. Furthermore, farmers may lose a market for their milk if the plant is forced to close its doors because of disastrous losses to the manufacturer.

Finally, many dairy plants are owned cooperatively by farmers, so that any losses they suffer are directly at the expense of all cooperating farmers.

THE SOLUTION

The primary means for overcoming the problem of pesticide contamination in dairy products is in better and stricter enforcement of regulations on pesticide use. Many States have followed just this course. In Texas, where indemnity payments have been the highest, DDT is no longer recommended for controlling cotton pests. In many States, including Wisconsin, legislation is pending to prohibit the use of DDT. And, just recently, the Secretary of Health, Education, and Welfare moved to partially ban the sale of this persistent pesticide.

Another means of overcoming this situation is improved monitoring and inspection procedures to enable prompt detection of any residues that may be in milk supplies.

Until the above measures are carried out, however, dairy manufacturers remain under the threat of sudden economic disaster through no fault of their own and for causes they are virtually helpless to prevent. It is to alleviate this situation, and to rectify an obvious inconsistency in indemnity procedures, that I am offering my amendment to Public Law 90-484.

I ask unanimous consent to have a copy of Public Law 90-484, the proposed bill, and a copy of a chart, entitled "Payments Under Milk Indemnity Payment Program," issued by the Agricultural Stabilization and Conservation Service, printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, law, and chart will be printed in the RECORD.

The bill (S. 3147) to amend the act entitled "An Act to provide indemnity payments to dairy farmers", approved August 13, 1968 (82 Stat. 750), introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the first section of the Act entitled "An Act to provide indemnity payments to dairy farmers", approved August 13, 1968 (82 Stat. 750), is amended by (1) inserting "and manufacturers of dairy products" immediately after "dairy farmers"; (2) inserting "or dairy products" immediately after "their milk"; and (3) striking out "it contained" and inserting in lieu thereof "such milk or dairy products contained".

(b) The second sentence of the first section of such Act is amended to read as follows: "Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets."

The act and chart, presented by Mr. PROXMIRE, are as follows:

An Act to provide indemnity payments to dairy farmers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 3. The authority granted under this Act shall expire on June 30, 1970.

Approved August 13, 1968.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

PAYMENTS UNDER MILK INDEMNITY PAYMENT PROGRAM, JAN. 1, 1964—JULY 31, 1969

	FISCAL YEAR EXPENDITURES—					
	1965	1966	1967	1968	1969 [1]	Total
Alabama				$2,163.10		$2,163.10
Arizona		$1,265.56		9,616.34	$31,119.14	42,001.04
Arkansas				2,468.70		2,468.70
California	$14,356.64	3,838.34	$8,132.68	4,045.33	2,154.90	32,527.89
Colorado				2,122.37		2,122.37
Florida				4,402.99		4,402.99
Georgia	1,258.89	9,359.99				10,618.88
Idaho	3,630.52			2,247.17		5,877.69
Illinois	226.91	223.52	281.76			732.19
Iowa	1,368.05	20,794.58				22,162.63
Kansas	8,350.00	77,614.58				85,964.58
Kentucky					14,321.26	14,321.26
Louisiana	7,469.47				13,979.00	21,448.47
Maryland	164,747.00	13,868.06				178,615.06
Michigan	215.22					215.22
Minnesota	619.46					619.46
Mississippi		3,583.17	1,428.55			5,011.72
Missouri	736.49	914.45				1,650.94
Montana				47,634.38	4,755.46	52,389.84
Nebraska		4,505.37	2,373.10			6,878.47
New York			7,822.14			7,822.14
North Carolina	4,077.93					4,077.93
Ohio					[2] (7,066.11)	[2] (7,066.11)
Pennsylvania	55,746.45					55,746.45
South Dakota	1,019.21					1,019.21
Tennessee	4,564.48					4,564.48
Texas			244,473.28	97,723.56		342,196.84
Utah	29,896.80					29,896.80
Virginia	23,299.85					23,299.85
West Virginia	13,740.07	3,576.33				17,316.40
Wisconsin	14,609.25	11,066.90	15,021.37	22,302.59	11,227.26	74,227.37
Total	349,932.69	150,610.85	279,532.88	194,726.53	84,623.13	1,059,426.08

[1] Actual payments through July 31, 1969.
[2] Payments authorized.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2523

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of S. 2523, to amend, extend, and improve certain public health laws relating to mental health.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2825

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I ask unanimous consent that, at the next printing, the names of the Senator from Massachusetts (Mr. BROOKE), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 2825, to provide certain essential assistance to the U.S. fishing industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3077

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Washington (Mr. JACKSON) and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of S. 3077, to create a tax credit offsetting the expenses of higher education.

The PRESIDING OFFICER. Without objection, it is so ordered.

S.J. RES. 156

Mr. BYRD of West Virginia. Mr. President, I, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that at the next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Utah (Mr. MOSS), the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alaska (Mr. GRAVEL) and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors of S.J. Res. 156, a joint resolution to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 282—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE COMMITTEE PRINT OF THE COMMITTEE ON FINANCE ENTITLED "SUMMARY OF H.R. 13270, THE TAX REFORM ACT OF 1969 AS REPORTED BY THE COMMITTEE ON FINANCE"

Mr. ANDERSON submitted a resolution (S. Res. 282) authorizing the printing of additional copies of the committee print of the Committee on Finance entitled "Summary of H.R. 13270, the Tax Reform Act of 1969 as reported by the Committee on Finance", which was considered and agreed to.

(The remarks of Mr. ANDERSON when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 283—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF "THE MIGRATORY FARM LABOR PROBLEM IN THE UNITED STATES" (SENATE REPORT 91-83)

Mr. MONDALE submitted the following resolution (S. Res. 283); which was referred to the Committee on Rules and Administration:

S. RES. 283

Resolved, That there be printed, for the use of the Committee on Labor and Public Welfare, two thousand nine hundred additional copies of the 1969 report of its Subcommittee on Migratory Labor entitled "The Migratory Farm Labor Problem in the United States" (Senate Report No. 91-83, Ninety-first Congress).

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

James W. Traeger, of Indiana, to be U.S. marshal for the northern district of Indiana for the term of 4 years, vice Casimir J. Pajakowski.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, November 24, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS ON MIGRANT HEALTH

Mr. YARBOROUGH. Mr. President, as chairman of the Health Subcommittee of the Committee on Labor and Public Welfare, I am pleased to announce that the subcommittee will hold a hearing on S. 2660, the amendments to the Migrant Health Act in Edinburg, Tex., on November 24, 1969.

NOTICE OF HEARINGS ON USEFULNESS AND AVAILABILITY OF FEDERAL PROGRAMS AND SERVICES TO ELDERLY MEXICAN-AMERICANS

Mr. YARBOROUGH. Mr. President, at the request of the Senator from New Jersey (Mr. WILLIAMS), chairman of the Special Committee on Aging, I am conducting a study of "The Usefulness and Availability of Federal Programs and Services to Elderly Mexican-Americans." On behalf of the committee, I have already heard testimony in Los Angeles, Calif.; El Paso, Tex.; San Antonio, Tex.; and—in January of this year—in Washington, D.C.

I am announcing today that final hearings will begin on November 20 and 21 at 10 a.m. in room 4200, New Senate Office Building.

At that time, the committee will give the present administration an opportunity to express—for the record—its concern about the older Mexican-American, who is too often forgotten about or inadequately served by present Federal efforts.

U.S. BOMBING ALONG THE CAMBODIAN BORDER

Mr. MANSFIELD. Mr. President, President Nixon's policy is to try to restore friendly relations with the Kingdom of Cambodia, and he has taken initiatives for that purpose which have been reciprocated. Unless the President is successful in this effort, the war in Vietnam, which, because of Laos, is already a kind of two-front conflict, could erupt on still a third front.

With respect to the U.S. bombing along the Cambodian border, as reported this morning, I will not second guess a field commander's decisions on the basis of press reports from Saigon and at a distance of 10,000 miles. A battle commander's concern is not with questions of policy but with his immediate orders and the immediate safety of his forces. I assume the field commander was following orders and that his forces were in jeopardy and on that basis, he called for air strikes on the sources of the attacks.

However understandable the field commander's actions, it is difficult to find justification for decisions which still keep U.S. forces so close to the tenuous border between Cambodia and Vietnam that these Americans can still provoke artillery attacks from forces on the other side, after the President has made clear that it is his intention to get all Americans out of Vietnam in an orderly fashion.

It does not seem to me that the way to restore friendly relations with Cambodia or the orderly way out of Vietnam is to be found by placing U.S. forces where the war has to be spread into Cambodia for their safety. It would appear that the Saigon authorities have not yet gotten the President's message.

DEPARTMENT OF JUSTICE EXPERIENCE WITH SENTENCING OF LA COSA NOSTRA MEMBERS

Mr. McCLELLAN. Mr. President, on January 15 of this year I introduced, along with the Senator from North Carolina (Mr. ERVIN) and the Senator from Nebraska (Mr. HRUSKA), S. 30, the Organized Crime Control Act of 1969. The bill was referred to the Subcommittee on Criminal Laws and Procedures, and hearings were held and the support of the Department of Justice was obtained for its major provisions. The bill has now been modified and expanded to include the substance of some seven other bills introduced this session that were aimed at organized crime. The subcommittee is at present in the process of marking up the revised bill.

One of the titles S. 30 included when it was introduced established criteria and procedures by which organized crime offenders, professional criminals, and recidivists could be identified and exposed to maximum terms of imprisonment longer than those for ordinary offenders. That proposal is now found in title XI of S. 30 as revised. It is entitled "Dangerous Special Offender Sentencing." Today I wish to draw the attention of the Senate to some information bearing on the need for such improvements in the sentencing of those convicted of aggravated offenses.

At my direction, a staff study has analyzed data provided by the FBI, summarizing the sentences actually imposed in Federal courts since 1960 upon convicts identified as members of La Cosa Nostra. The study reveals that those individuals have received, in the great majority of cases, either no prison sentence or a sentence too short to prevent the defendant from promptly resuming his criminal career. Two reasons for this deficiency, both largely capable of correction by the Congress, appear in the data.

First, the maximum sentences authorized by law for the offense of which La Cosa Nostra members most often are convicted are too low to be effective in such aggravated cases, usually 5 years or less. This defect in the law would be eliminated by title XI of S. 30, which would authorize sentences of up to 30 years for organized crime offenders.

Second, inadequate sentences for Mafia members result from a factor identified by the President's Crime Commission: Some "trial judges because of corruption, political considerations, or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel"—President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society," page 203, 1967—by failing to impose even the limited sentences authorized. This factor, too, would be mitigated by provisions of title XI, such as its authorization of appellate increases in sentences.

Mr. President, I hope to see the major provisions of S. 30 reported to the Judiciary Committee within the next several days. The study of the FBI's frustrating experience in the few cases in which it has been possible to convict organized crime leaders should materially aid the consideration and passage of S. 30, and I urge every Senator to examine it.

Mr. President, I ask unanimous consent to have printed in the Record a memorandum embodying the results of the staff study, and the text of title XI of S. 30 as it is being considered by the subcommittee.

There being no objection, the material was ordered to be printed in the Record, as follows:

MEMORANDUM EMBODYING RESULTS OF STAFF STUDIES

November 11, 1969.

To: Subcommittee on Criminal Laws and Procedures.

From: G. Robert Blakey, chief counsel.

Subject: Sentencing experience of the Department of Justice with identified members of La Cosa Nostra.

In the executive meeting of November 7, 1969, on S. 30, the "Organized Crime Control Act of 1969," the sentencing experience of the Department of Justice with identified members of La Cosa Nostra was discussed. It is the purpose of this memorandum to supplement the data discussed at that time.

Title XI of S. 30 deals with special offender sentencing. It is based on the results of staff studies made with the aid of the Federal Bureau of Investigation of the Department of Justice's experience with sentencing of identified members of La Cosa Nostra. The following material reflects that experience:

Present estimates place the membership of La Cosa Nostra between 3,000 and 5,000, with the bulk of the membership located in the eastern part of the United States. Since 1960, the date meaningful statistics began to be collected, the combined efforts of the various federal investigative agencies have resulted in 235 federal indictments involving 328 defendants identified as members of La Cosa Nostra.

Of these 328 defendants, 73 to date have been found not guilty or have had the cases against them dismissed. Ninety-six are awaiting trial or sentencing. Twenty-one have been sentenced under statutes carrying mandatory sentences, chiefly violations of the narcotics laws. Nine have been sentenced for contempt, civil or criminal, which carries no maximum. Fifteen have received no jail term whatsoever, only fines or probation. Eighty-five have been sentenced to jail terms less than the maximums, and 29 have been sentenced to the maximum terms possible.

In percentage terms, 14% of those convicted (21 out of 150) have been charged and convicted under statutes requiring mandatory sentences. Of the remainder, 65% have received jail sentences (85 out of 129), but only 23% have received the maximums possible (29 out of 129), while 12% have received no jail term whatsoever (15 out of 129).

Of those who have received jail terms, but less than the maximums, the range has been from 1.66% of the maximum (30 days out of a possible 5 years for tax evasion) to 75% of the maximum (15 years out of a possible 20 years for extortion). The median sentence (half-way mark) has been 40% of the maximum, (e.g., 2 years out of a possible 5 years for interstate racketeering), while the bulk of the sentences have ranged from 40% to 50% of the maximums.

What this data seem to indicate is that judges are not giving appropriately long sentences, even to identified members of La Cosa Nostra. The most egregious example to come to our attention was the sentencing of Anthony ("Ducks") Corallo, a capo in the Luchese "family," by Judge Edward Weinfeld in June, 1968, in the Marcus kickback case in New York City. Marcus was the city water commissioner. Corallo and two others were convicted of sharing kickbacks he received in connection with city contracts.

Judge Weinfeld was, of course, given a probation report outlining Corallo's background and his record. The record included two previous convictions, one for bribery and one for narcotics. Corallo, however, was not unknown to Judge Weinfeld. He had appeared before Judge Weinfeld only six years earlier to be sentenced with an Assistant United States Attorney and a New York State Supreme Court Judge for an attempt to fix a fraudulent bankruptcy case. At that time, Judge Weinfeld had given Corallo two years out of a possible five under 18 U.S.C. § 1952.

At the sentencing in the Marcus case Judge Weinfeld observed:

"What the court noted then about him [Corallo] still remains true. His entire life reflected a pattern of anti-social conduct from early youth. It is doubtful that his income over any substantial period of his adult life came from honest toil. It is fairly clear that his income derived from illicit activities—bookmaking, gambling, shylocking and questionable union activities."

Nevertheless, Judge Weinfeld only sentenced Corallo to three years out of a possible five for Corallo's second violation of 18 U.S.C. § 1952.

It is difficult to see how society can be protected from hard-core offenders such as Corallo when it is not possible in a significant number of cases to secure appropriately long terms of incarceration.

Moreover, two-thirds of the identified members of La Cosa Nostra indicted by the Department of Justice since 1960 have faced maximum jail terms of only five years or under. Long term imprisonment therefore, has been not even an option in most cases. The bulk of these charges have been for interstate racketeering (18 U.S.C. § 1952: 5 years) or tax evasion (26 U.S.C. § 7201: 5 years). The two most common offenses, on the other hand, involving a possible sentence in excess of five years were extortion (18 U.S.C. § 1951: 20 years) and narcotics (ranging up to 40 years). If more convictions could be secured in these areas, an improvement in sentencing would be at least possible.

It was in part on the basis of this data, therefore, that we reached the conclusion that the existing range of penalties in most organized crime prosecutions is not adequate to achieve the minimum goal of incapacitation. Consequently, the provisions of Title XI of S. 30 were drafted to embody a special term, providing for a sentence of up to 30 years on a showing of special circumstances of aggravation in the commission of an individual felony.

In this connection, we asked the Federal Bureau of Investigation to prepare a statistical analysis of the Department of Justice's experience using the data contained in its Careers in Crime Program. That statistical analysis and the Director's covering letter appear as the final portion of this memorandum. Included in the program were those individuals identified before the Subcommittee during our hearings in March and June as representing the leadership structure of La Cosa Nostra and those members of La Cosa Nostra who have been indicted by the Federal government since 1960. In all, 386 members of La Cosa Nostra were compared against 124,374 federal offenders.

In general, the study confirms the value of Title XI's "recidivist" provision for organized crime cases. It indicates that almost 60% of La Cosa Nostra members upon conviction of another federal felony, would qualify under the provisions of Title XI as a "recidivist," defined as an adult felony offender having at the time of a federal felony conviction two previous felony convictions, one of which resulted in imprisonment.[1]

In addition, the study indicates that La Cosa Nostra defendants accounted for some 2,992 separate charges, 40% of which occurred in the State of New York, although 36 states were represented by separate charges. 17% of these charges were for violent crimes, which is in sharp contrast to the 4% figure characteristic of all federal offenders.

A distribution of these offenses over the years indicates that four-tenths of one percent occurred prior to 1920, 4.5% from 1920 through 1929, 23.3% from 1930 through 1939, 16.3% from 1940 through 1949, 21.6% from 1950 through 1959, and 33.8% from 1960 through August, 1969. This time span distribution indicates the extent to which these individuals were largely immune from legal accountability prior to the federal involvement in the organized crime area, which first began in the early 1950's but did not begin in earnest until the F.B.I. got jurisdiction with the anti-crime legislation of 1961.

The average length of the criminal career of a member of La Cosa Nostra is also in sharp contrast to that of the average offender—20 years, 7 months versus 9 years, 3 months, indicating the extent to which these hard-core offenders learn well the lesson that crime, rightly organized, pays well. Finally, it is instructive to compare the frequency of acquittal or dismissal of charges against the average offender versus the organized crime offender, 37.8% versus 69.7%. Indeed, 17.6% of La Cosa Nostra defendants were able to obtain acquittals or dismissals of cases against them five or more times each. These data clearly show the extent to which, even after charges have been brought against them, organized criminals are able to defeat the prosecutions.

Federal Bureau
of Investigation,
Department of Justice,
Washington, D.C., October 31, 1969.

Hon. John L. McClellan,
U.S. Senate,
Washington, D.C.

My Dear Senator: In response to your letter of September 10, 1969, and subsequent discussions between Mr. Robert Blakey of your staff and Inspector Jerome J. Daunt of this Bureau, there is enclosed statistical data obtained from our Careers in Crime Program.

It is my hope the information will be useful to you and your subcommittee in considering anticrime legislation.

Sincerely yours,

J. Edgar Hoover.

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[1] Incidentally, the study also reveals that approximately 22 of all persons arrested on federal charges would qualify on conviction as recidivists. Moreover, it indicates that 68% of these recidivists accumulated an average of 4.3 charges per offender following those federal arrests, which is obviously an understatement of the true situation since the offender would not have been caught in the commission of all of his subsequent offenses. Thus, the recidivist provision will be useful not only against the Mafia but also in reducing the high rate of general crime.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., October 31, 1969.

ANALYSIS OF FBI'S CAREERS IN CRIME PROGRAM

A computer review of 65,446 individual criminal histories of offenders arrested by the Federal investigative agencies between August, 1967, and August, 1969, revealed that 11,420 or 17.4 percent had previously been convicted of two or more felony charges. A felony conviction is defined as an actual sentence of over one year, an indeterminate sentence, conviction followed by probation and/or a sentence of life or death.

A computer review of 233,109 individual criminal histories of Federal offenders processed into the Careers in Crime Program from January, 1963, to August, 1969, revealed that 52,300 or 22.4 percent had two or more felony convictions prior to a subsequent Federal arrest. After the Federal process, 35,761 offenders or 68.4 percent accumulated 154,938 rearrests for new crimes or 4.3 arrests per offender.

There is attached a profile of 124,374 offenders who were either arrested by Federal agencies between 1967 and August, 1969, or were previously Federal offenders between 1963 through 1966, and were subsequently arrested by local, state or Federal agencies in 1967 through August, 1969. The term criminal career in this profile is defined as the time between first and last arrest. The term imprisonment is defined as an actual sentence over one year, indeterminate sentences, and life or death sentences. Leniency is defined as probation, suspended sentence, parole, and mandatory release.

With respect to the "Profile of Offenders—Select Group," these are the 386 Cosa Nostra leadership figures and members as identified by your staff for this particular machine run. A review of the 2,992 charges accumulated by these 386 offenders reveals that while 40 percent occurred in the State of New York, at least one charge for these offenders did originally occur in 36 of the states. In addition, 17 percent of the above charges were for violent crimes compared to 4 percent for the average Federal offender profile. A distribution of these 2,992 charges over the years indicated that 0.4 percent occurred prior to 1920, 4.5 percent from 1920 through 1929, 23.3 percent from 1930 through 1939, 16.3 percent from 1940 through 1949, 21.6 percent from 1950 through 1959, and 33.8 percent from 1960 through August 1969.

Information outlined as to the extent and limitations of the Careers in Crime Program is set forth in Uniform Crime Reports—1968, beginning on page 35. This should be reviewed in making comparative analyses of the attached tables.

PROFILE OF OFFENDERS ARRESTED, 1967-69[1]

	Number	Percentage
Frequency of convictions:		
1	34,420	27.7
2	18,792	15.1
3	13,243	10.6
4	9,476	7.6
5 or more	27,108	21.8
Total	103,039	82.8
Frequency of acquittal or dismissal:		
1	23,164	18.6
2	9,568	7.7
3	4,432	3.6
4	2,392	1.9
5 or more	3,715	3.0
Total	43,271	34.8
Frequency of imprisonment:		
1	30,897	24.8
2	15,004	12.1
3	8,205	6.6
4	4,374	3.5
5 or more	5,313	4.3
Total	63,793	51.3
Frequency of leniency:		
1	43,983	35.4
2	16,998	13.7
3	7,755	6.2
4	3,490	2.8
5 or more	2,835	2.3
Total	75,061	60.4

[1] Total number of subjects, 124,374; average age 1st arrest, 22.7; average age last arrest, 32.0; average number of arrests during criminal career, 6.9; average criminal career, 9 years 3 months.

PROFILE OF OFFENDERS—SELECT GROUP[1]

	Number	Percentage
Frequency of convictions:		
1	71	18.4
2	70	18.1
3	39	10.1
4	35	9.1
5 or more	84	21.8
Total	299	77.5
Frequency of acquittal or dismissal:		
1	93	24.1
2	46	11.9
3	37	9.6
4	25	6.5
5 or more	68	17.6
Total	269	69.7
Frequency of imprisonment:		
1	78	20.2
2	63	16.3
3	30	7.8
4	27	7.0
5 or more	27	7.0
Total	225	58.3
Frequency of leniency:		
1	84	21.8
2	52	13.5
3	34	8.8
4	9	2.3
5 or more	14	3.6
Total	193	50.0

[1] Total number of subjects, 386; average age first arrest, 26.3; average age last arrest, 46.9; average number of arrests during criminal career, 7.8; average criminal career, 20 years 7 months

TITLE XI OF S. 30 NOW UNDER CONSIDERATION BY THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURE

TITLE XI—DANGEROUS SPECIAL OFFENDER SENTENCING

SEC. 1101. (a) Chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3375. Increased sentence for dangerous special offenders

"(a) Whenever an attorney charged with the prosecution of a defendant in a court of the United States for an alleged felony committed when the defendant was over the age of twenty-one years has reason to believe that the defendant is a dangerous special offender such attorney, a reasonable time before trial or acceptance by the court of a plea of guilty or nolo contendere, may sign and file with the court and may amend, a notice (1) specifying that the defendant is a dangerous special offender who upon conviction for such felony is subject to the imposition of a sentence under subsection (b) of this section, and (2) setting out with particularity the reasons why such attorney believes the defendant to be a dangerous special offender. In no case shall the fact that the defendant is alleged to be a dangerous special offender be an issue upon the trial of such felony or in any manner be disclosed to the jury.

"(b) Upon any plea of guilty or nolo contendere or verdict or finding of guilty of the defendant of such felony, the court shall, before sentence is imposed, hold a hearing before the court alone. The court shall fix a time for the hearing, and notice thereof shall be given to the defendant and the United States at least ten days prior thereto. In connection with the hearing, the defendant and the United States shall be informed of the substance of such parts of the presentence report as the court intends to rely upon, except where there are placed in the record compelling reasons for withholding particular information, and shall be entitled to assistance of counsel, compulsory process, and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment shall be prima facie evidence of such former judgment or commitment. If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon, that the defendant is a dangerous special offender, the court shall sentence the defendant to imprisonment for a term not to exceed thirty years. Otherwise it shall sentence the defendant in accordance with the law prescribing penalties for such felony. The court shall place in the record its findings, including an identification of the information relied upon in making such findings, and its reasons for the sentence imposed.

"(c) This section shall not prevent the imposition and execution of a sentence of death or of imprisonment for life or for a term exceeding thirty years upon any person convicted of an offense so punishable.

"(d) Notwithstanding any other provision of this section, the court shall not sentence a dangerous special offender to less than any mandatory minimum penalty prescribed by law for such felony.

"(e) A defendant is a special offender for purposes of this section if—

"(1) on two or more previous occasions the defendant has been convicted in a court of the United States, a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of one year, and for one or more of such convictions the defendant has been imprisoned prior to the commission of such felony; or

"(2) the defendant committed such felony as part of a pattern of conduct which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise; or

"(3) such felony was, or the defendant committed such felony in furtherance of, a conspiracy with three or more other persons to engage in a pattern of conduct criminal under applicable laws of any jurisdiction, and the defendant did, or agreed that he would, initiate, organize, plan, finance, direct, manage, or supervise all or part of such conspiracy or conduct, or give or receive a bribe or use force as all or part of such conduct.

A conviction shown to be invalid or for which the defendant has been pardoned on the ground of innocence shall be disregarded for purposes of paragraph (1) of this subsection. In determining under paragraph (1) of this subsection whether the defendant has been convicted on two or more previous occasions, conviction for offenses charged in separate counts of a single charge or pleading, or in separate charges or pleadings tried in a single trial, shall be deemed to be conviction on a single occasion. In support of findings under paragraph (2) of this subsection, it may be shown that the defendant has had in his own name or under his control income or property not explained as derived from a source other than such conduct.

"(f) A defendant is dangerous for purposes of this section if a period of confinement longer than that provided for such felony is required for the protection of the public from further criminal conduct by the defendant.

"(g) The time for taking an appeal from a conviction for which sentence is imposed after proceedings under this section shall be measured from imposition of the original sentence.

"§ 3576. Review of sentence

"With respect to any sentence imposed on the defendant after proceedings under section 3575, a review may be taken by the defendant or the United States or both to a court of appeals. Any review by the United States shall be taken at least five days before expiration of the time for taking a review or appeal by the defendant and shall be diligently prosecuted. The sentencing court may, with or without motion and notice, extend the time for taking a review for a period not to exceed thirty days from the expiration of the time otherwise prescribed by law. The court shall not extend the time for taking a review by the United States after the time has expired. A court extending the time for taking a review by the United States shall extend the time for taking a review or appeal by the defendant for the same period. The court of appeals may, after considering the record, including the presentence report, information submitted during the trial of such felony and the sentencing hearing, and the findings and reasons of the sentencing court, affirm the sentence, impose or direct the imposition of any sentence which the sentencing court could originally have imposed, or remand for further sentencing proceedings and imposition of sentence, except that a sentence may be increased or otherwise changed to the disadvantage of the defendant only on review taken by the United States and after hearing. Any withdrawal of review taken by the United States shall foreclose change to the disadvantage but not change to the advantage of the defendant. Any review taken by the United States may be dismissed on a showing of abuse of the right of the United States to take such review.

"§ 3577. Use of information for sentencing

"No limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.

"§ 3578. Conviction records

"(a) There is established within the Federal Bureau of Investigation of the Department of Justice a central repository for written judgments of conviction.

"(b) Upon the conviction of a defendant in a court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision or any department, agency or instrumentality thereof for an offense punishable in such court by death or imprisonment in excess of one year, the court shall cause to be affixed to a copy of the written judgment of conviction the fingerprints of the defendant together with certification by the court that the copy is a true copy of the written judgment of conviction and that the fingerprints are those of the defendant, and shall cause the copy to be forwarded to the central repository.

"(c) Copies maintained in the central repository shall not be public records. Attested copies thereof—

"(1) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof;

"(2) may be furnished for law enforcement purposes on request of a court or law enforcement or corrections officer of a State, any political subdivision, or any department, agency or instrumentality thereof, if a statute of such State requires that, upon the conviction of a defendant in a court of the State or any political subdivision thereof for an offense punishable in such court by death or imprisonment in excess of one year, the court cause to be affixed to a copy of the written judgment of conviction the fingerprints of the defendant together with certification by the court that the copy is a true copy of the written judgment of conviction and that the fingerprints are those of the defendant, and cause the copy to be forwarded to the central repository; and

"(3) shall be admissible in any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, any political subdivision, or any department, agency or instrumentality thereof."

(b) The analysis of chapter 227, title 18, United States Code, is amended by adding at the end thereof the following new items:

"3575. Increased sentence for dangerous special offenders.
"3576. Review of sentence.
"3577. Use of information for sentencing.
"3578. Conviction records."

SEC. 1102. Section 3148, chapter 207, title 18, United States Code, is amended by adding "or sentence review under section 3576 of this title" immediately after "sentence".

SENATOR MIKE MANSFIELD INTERVIEWED ON "CAPITOL CLOAKROOM"

Mr. MANSFIELD. Mr. President, on Wednesday, November 5, I appeared on the radio program "Capitol Cloakroom." The reporters who participated were Marya McLaughlin, Bruce Morton, and Roger Mudd.

I ask unanimous consent that the interview in its entirety be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF RADIO TAPE OF SENATOR MIKE MANSFIELD

Q. Senator Mansfield, do you think the Johnson war is now the Nixon war? Do you think the President's "silent majority" voted for his Viet Nam policy this week?

Q. Senator Mansfield, will Judge Haynsworth be confirmed?

Capitol Cloakroom. From the Nation's Capitol, CBS brings you the 1,087th presentation of Capitol Cloakroom, a spontaneous and unrehearsed interview with an outstanding public figure. This week's guest is Senator Mike Mansfield, Democrat of Montana. He meets with CBS correspondents Roger Mudd, Bruce Morton, and Marya McLaughlin. First, we hear from Roger Mudd:

Welcome to Capitol Cloakroom, Senator; it is a pleasure to have you with us again, not only because you are the one member of the United States Senate who enlisted in the Navy at the age of 14, but also because you are the Senate's Majority Leader and, in the time of a Republican Administration, your views and actions as an opposition leader take on added and important influence.

Following the President's Viet Nam speech on Monday, you said there was nothing new in it. You said you had prayed he would give the American people some hope that the war might be shortened considerably. You also said you were opposed to announcing a deadline for U.S. withdrawal from Viet Nam. How could he have done one without doing the other?

A. Well, it all depended on what you expected, and I didn't know what to anticipate so I was just hoping and praying that something would be pulled out of a hat to give the American people and the Congress a form of encouragement. As far as the definite deadline is concerned, I think that would take away from the flexibility of the President. I think, on the basis of what has been said by Vice President Ky, that there will be sizable withdrawals next year and, after all, Ky was pretty accurate in preannouncing the 40,000 reduction some months ago. He evidently had access, as did President Thieu, to the President's speech and the indications which went with it and, out of that, he came up with the belief that approximately 180,000 Americans would be withdrawn from Viet Nam to be replaced by South Vietnamese troops.

Q. A number of columnists have noted that the President likes to follow a relatively tough action like the speech with something heading the other way. Do you expect some sort of troop withdrawal announcement relatively soon?

A. Well, I wouldn't be surprised, but I don't know. I think it would depend on the continued decrease in infiltration from the North; the continued lull in the fighting now in its ninth week; and the fact that in South Vietnam there are 40,000 less Viet Cong and North Vietnamese compared to a year ago. Furthermore, I believe that the new policy which the President was responsible for, which he initiated last July—a policy of protective reaction—which was announced publicly by Secretary Laird and emphasized a few days later by Secretary Rogers—is an indication that things may be moving in the right direction. Let's hope they continue.

Q. Senator Mansfield, in your answer to the first question, do you have the feeling that the President has sort of turned over the control of the timetable to President Thieu?

A. No, but I think it's a pretty close knit with the governments of the United States and South Vietnam, and they are working very closely together. I think, as a matter of fact, that perhaps Thieu is being worn down gradually, but he still is exercising a great deal of influence and discretion.

Q. Senator, do you think that the Johnson war became on Monday night the Nixon war?

A. I do not.

Q. Senator Fulbright said, in listening to the President's speech, that there was revealed no difference between the Johnson policy and the Nixon policy.

A. There is a difference because, after all, you can't dismiss the fact that 60,000 have been or are in the process of being withdrawn. The figure now is about 495,000; by December 15 the 60,000 level will be achieved, and you can't gainsay the fact that these factors which I have mentioned previously have all occurred; that new policies are in effect, even though they are denied in the field and from the Pentagon. No, I think that there is a decided difference. The de-escalation is in progress, not fast enough for me. At the end of Johnson's term as President, what you had was, in effect, a stop to the war in the North, no further bombing of the North. Now you have a de-escalation of sorts.

Q. Senator, a few Senate doves have said in recent days that you and George Aiken and William Fulbright are working together with constant references to hope for a cease-fire; the cancellation of the Senate hearings tried to bring build-up pressure on the President so that he would almost be brought to the point where he would have to announce a cease-fire.

A. Well, I have breakfast with George Aiken every weekday morning. I see Bill Fulbright occasionally, but I make up my own mind. Perhaps that was an inherent hope as far as I was concerned, but, if it was, the speech didn't bear fruit.

Q. These hearings were postponed—these educational hearings we have heard a lot about. Now it turns out that they are going to be closed, which is less educational. What's the reason for the change?

A. Well, these hearings were supposed to be held beginning the 27th of October. The announcement to that effect was made several days before the President announced that he would address the Nation on Viet Nam on November 3, so the postponement is now going to be taken up and the Committee will consider its findings in executive session because the Committee wants to be constructive. It wants to be helpful. It wants to be a statesmen-like, if that is possible, and we do not intend to go out and get in front of the TV cameras to make statements for the sake of publicity, but, recognizing the difficulty of the situation in which the Nation finds itself, to be helpful if we can possibly be.

Q. Senator, was the Moratorium taken into consideration? Evidently, the hearings will now take place in executive session after the Moratorium. Was there any worry about the Moratorium?

A. Oh, no. It was decided when, as a courtesy to the President, Senator Fulbright and Senator Aiken announced the postponement that they would not occur until around the middle of November, or, more likely, towards the end.

Q. Senator, when you said a moment ago you had hoped the President would pull something out of a hat, what could he have pulled out of a hat?

A. Well, he could have announced a cease-fire and a stand-fast, not for the purpose of leaving us defenseless, but allowing us as we are now to go out and to anticipate the attacks and certainly to defend ourselves, and I think, really, that is what is in effect now under the protective reaction policy. He could have announced a further withdrawal of troops and a permanent take-over by the South Vietnamese of the combat area. Those are two things which could have been brought out but, for reasons of his own, and I am sure they are valid, he did not think this was the time to mention them. However, he did say that he has a plan. I believe him. What that plan is, I haven't the slightest idea, but I daresay that, if the present situation continues as is, it will mean a sizable withdrawal of U.S. troops in the not-too-distant future.

Q. The speech was an appeal for support from the "silent majority." Do you view the elections this week, the two gubernatorial races in New Jersey and Virginia, as an endorsement of the President's policy.

A. I couldn't say. I have no way of knowing. The President did appear in both states last week. He undoubtedly had an influence. The Democrats lost with two extraordinarily good candidates in Meyner in New Jersey and Battle in Virginia. I congratulate the Republicans for their win, but, whether or not it had anything to do with the President's speech, I just am unable to say. All I know is that the Republicans got most of the votes and they now have two new governors to add to their star teams.

Q. Your Republican counterpart, Hugh Scott, is connecting the speech with the Republican victories. He said this morning that the "silent majority" is silent no longer; they have spoken and they were heard; the speech had the effect of saying to a lot of quiet people they should be good citizens and vote and vote for Republican candidates with their show of confidence.

A. Well, he may be right, but we'll have to see just what the term "silent majority" means. We better think about the silent minority, about the dead and the wounded, about the casualties here at home, about the cost to this country and the need for us to face up to our own problems. I wouldn't say yes or no to what Senator Scott says. He is entitled to his view. He probably knows more about it than I do.

Q. Do you think there is a "silent majority," Senator?

A. Oh, it's hard to say; and it's hard to say, if there is one, on which side it would be. A lot of coffins have been coming back; a lot of hurt has been felt in the homes of the Nation; a lot of problems have arisen out of this tragedy which is Viet Nam; and I'm not very certain that there's a kind of majority which the President seems to think there is in this country. It could well be the opposite way.

Q. Senator, what about the upcoming Moratorium? Are you worried about that at all?

A. No, I'm not worried about it. All I hope that it is conducted under the auspices of the First Amendment to the Constitution, a part of the Bill of Rights, which guarantees all of our citizens the right to assemble peaceably to express their grievances and to ask redress. Viet Nam is a problem among all of our people, regardless of their personal positions on it. However, I cannot believe nor do I condone violence or license, assaults on property, or assaults on persons. That is illegal, and incidents of that kind should be and must be punishable under the law.

Q. Do you think that the President's speech is likely to turn out more demonstrators on November 15?

A. It probably will on both sides because there very likely will be counter-demonstrations, as well, and out of this sort of act-react syndrome could develop patterns of violence which would do this country no good, but tear it more apart.

Q. Sir, you said that you thought the President did have his reasons for not announcing a cease-fire. What do you think they were?

A. Well, he just didn't want—I'm just assuming this—to tilt his hat to the other side and that he was prepared to undertake certain actions under certain circumstances and that he felt that it would be better to keep that to himself, although I suppose he talked this over with Thieu and Ky, as well as with his counsels and most intimate advisers at the White House, including Dr. Kissinger and others.

Q. Senator Mansfield, did you . . . would you anticipate that in the executive session that the Foreign Relations Committee is going to have, you will be able to get information from the Administration as important as, say, the secret withdrawal schedules?

A. I doubt it.

Q. Senator, I think the criticism of the President's speech is that he seems to have talked himself in to where, whenever the United States troop withdrawals are scheduled, is dependent upon the Thieu government or the Hanoi government actions. Do you agree with that?

A. Yes, I can say that I think there's a locked-in syndrome there, because we are dependent upon Saigon to a certain extent. They are dependent upon us. Hanoi is left free and out in the open to do anything it wants. It has the most envied position of all, and it has most of the cards that can be played. One thing I did not like about the President's speech was his use of the word precipitate withdrawal.

It means unilateral withdrawal right away, right now. I know of no Senator who has advocated precipitate withdrawal. I know of no Senator who had advocated unilateral withdrawal, but I would say that, on the basis of the 60,000 men being withdrawn, that is in itself a form of unilateral withdrawal.

Q. Well, isn't the very word "Vietnamization" a cold word for withdrawal?

A. Well, yes, because the Vietnamese are supposed to take up the slack as we go out, but I have my doubts about those programs as they apply to Viet Nam. I hope that this works out, but there have been so many different kinds of programs and so many failures that I am keeping my fingers crossed.

Q. Can we try one more question on Viet Nam before we move on? Can you give us a prediction, Senator, as to when you think the U.S. will be out of that country?

A. I wish I could. All I can say is the sooner, the better, and it wouldn't be too soon for me.

Q. But you can't see, looking ahead in another two years or three years, our disengagement?

A. All I can say is that the President indicates that most of the combat troops, if not all, would be out at the end of next year, if I remember his speech correctly, and in another part of it, he indicated that all of our troops would be out at sometime, he didn't say when, but eventually.

Q. Senator, on another subject, it is going to be tax reform time on the Senate floor shortly. A *New York Times* column the other day described the Finance Committee's bill as a "mouse" of a reform bill. Do you buy that?

A. Well, you know the *New York Times* is a pretty free-wheeling outfit, and you can't do anything about a newspaper, a TV broadcaster, expressing opinions; they are entitled to them.

Q. Senator, do you anticipate that the tax reform bill, mouse or mountain, will get out of the Senate—off the Senate floor—this year?

A. I do.

Q. Do you anticipate long or extensive debate on the oil depletion or on one of the things that you have said you are in favor of—the increase in the personal exemption?

A. No, I wouldn't think so. I go along with Senator Long, who said that he thinks two weeks, under proper circumstances, would be enough to dispose of the tax reform-tax relief bill. I hope we won't be spending a lot of time expostulating on what we want to do as individual Senators in achieving the kind of reforms we are interested in. If the Senate will work together and do what it can do and has done in certain circumstances we ought to be able to finish it this year. However, I do have to qualify it because I am not the Chairman. I'm only one in one hundred, and the Senate as a whole will have to make that decision. I hope that they will.

Q. Are you satisfied with the content of the Committee's tax bill?

A. Oh yes, indeed, and very happy that the committee met the deadline of October 31, which very few people thought they would.

Q. You can vote for it as it stands now, or are there changes you would like to make?

A. Oh, there are some things I want out, some things in, and other people feel the same way, and I'll tell you what those are when the bill is on the floor.

Q. Do you think the big boys, the lobbyists, in fact, took a beating as Russell Long said?

A. I think so.

Q. Senator, what about, specifically, oil depletion? Do you think that a major effort will be made on the floor to take it back to the 27.5 per cent, contrary to what the Committee has recommneded, or, do you think that an attempt will be made to lower it even more?

A. Well, I would imagine that the 23 per cent recommended by the Senate Finance Committee, and the 20 per cent, I believe, recommended by the Ways and Means Committee, might well hold up and there would come a differential halfway between.

Q. One of the legislative items that is piling up now is draft reform. What are the prospects for that? It has cleared the House and has now gone over to the Armed Services Committee.

A. There are elements of progress at the present time. The prospects are looking up for the one-line bill which passed the House, the so-called lottery proposal, to be taken up in the Armed Services Committee soon. If it is, it will be placed on the calendar. As far as I am concerned, it will be called up just as soon as possible.

Q. Would you vote against it?

A. I would, and I would vote against an extension of the draft bill because I think that the bill itself is inequitable, unfair, affects the lower income groups the most, and favors the affluent too much. Furthermore, even the proposal, which is a step in the right direction, the proposal advanced by the President and advocated by Senators Kennedy and Hart, still retains a degree of inequity as far as that group is concerned.

Q. There's no way you could shake Senator Stennis and the Armed Services Committee a little and get a genuine draft reform?

A. He has promised to go ahead with that next year. The Chairman of the House Armed Services Committee has made the same promise for next year. Senator Stennis is a man of his word. It appears that the only possibility this year is to get the 19-year-old lottery passed, and the overhaul of the draft bill would have to come next year.

Q. Why not this year, Senator?

A. Well, I don't think it's a question that you can face up to and decide in a week or so. It will involve a good deal of hearings. There will be many proposals, such as a volunteer army, and other things and you just can't operate that kind of change on a few days basis. As far as I am concerned, I wish they could and would.

Q. Senator Mansfield, you said that prospects were looking up for eventual draft reform. Are prospects looking up for Judge Haynsworth?

A. I would say that it's a toss-up. No, I don't think the prospects are looking up for him. Quite the contrary, from what I hear on the floor, if that is any indication of what is in store for Judge Haynsworth. To me, it is a toss-up. I am hopeful now—again, on the basis of the recent context and conversations—that it still might be possible to bring Judge Haynsworth's nomination up on Tuesday or Wednesday of next week.

Q. You said earlier, Senator, that it looked like it was going in for another week's delay and might bump into the tax bill?

A. That's right, but since then I have had a chance to hold further conversations—within 15 minutes after I gave you that 17th of November date, I was informed otherwise.

Q. You don't see any possibility, then, of the tax bill coming up first and the Haynsworth nomination just sliding into next year without any action?

A. No, if that happened, it would kill it.

Q. Senator, you said . . .

A. And I think he is entitled to every consideration to have his nomination decided on the floor of the Senate. The Senate is entitled to have a chance to vote on it.

Q. Senator, you said that things are looking down for the Judge if what you hear on the Senate floor, I think you said, is ahead of him, or something like that. What do you hear on the Senate floor?

A. Oh, just the opinions of some of the Senators who have not made their positions known officially yet. It appears to me that it's going to be a toss-up. For a while he was ahead, but I think now it's about 50–50.

Q. I think that you think that, even though there might be strong indications that he would not be confirmed, that you think it is too late or advisable for President Nixon to withdraw the name of Judge Haynsworth to get out of it.

A. Oh, that's outside of the area of my responsibility. It would be impertinent for me to make such a proposal. That's something for the President and the Judge to decide on if they are even considering it.

Q. In your conversations with Chairman Eastland of the Judiciary Committee about the Haynsworth nomination, did he confirm that the proposal for direct election in Presidential races is dead?

A. No, that didn't even come up.

Q. What is your opinion on this?

A. Well, I would hope that we can get it out and get it passed so that, if possible, it can be in operation when the legislature begins to meet in the various states, most of them a year from this coming January.

Q. Are the prospects there that it could be brought up this year?

A. No, with the tax bill coming up, the Haynsworth nomination, the appropriations bills, it looks dimmer all of the time.

Q. Whatever happened to all of the appropriations bills? This is the slowest pace on those in a long time. Is this Democratic footdragging or is the White House in it, or what?

A. Well, I suppose it's a combination. If there's any blame, we can share it equally, but this Administration is pretty slow in coming up with some of its proposals and the Congress has been very slow in passing some of the authorization bills which, of course, slows up the consideration of appropriation measures. We are making relatively good progress. We will pass them all this year, by the end of the year instead of by June 30. There are five bills still in the House which have not come over to the Senate, and all of those that are available, hearings have been held on them. We are waiting for Senate action on HEW, Independent Offices, and other measures, so, while we are slow, partly to blame, nevertheless, it is just the way it has worked out.

Q. Why on earth would a Democrat want to drag his feet, Senator?

A. Well, that's kind of hard, but you know you—both Republicans and Democrats—have lots of practice at it.

Q. Senator, we were talking a few moments ago about taxes. What about the surtax? What is going to happen there?

A. Oh, it's in the package—the tax reform-tax relief bill—as reported by the Finance Committee. If necessary, if something happens so that bill is not passed, then out of conference and on the President's desk by the first of the year, it can be made retroactive. We haven't got too much to worry about.

Q. You want to keep it in the package?

A. Yes, indeed.

Q. One final question, Senator: You are up for re-election next year, are you not?

A. Yes.

Q. And you are going to run?

A. I guess so.

Q. And will you win?

A. It's up to the people.

Q. Well, I read in the paper that Mr. Chet Huntley is quitting and going back to Montana. Is he a possible threat, Senator?

A. No, Chet's a good friend—awfully glad he's coming back to Montana. We're glad he is going to venture into a 15,000 acre spread. We think he is an asset to our state—always have—and are delighted that Chet is coming home. He knows an oasis when he sees it, and that's what Montana is.

Q. And you're delighted because he has no political ambitions?

A. I wouldn't care. He would be a good man in politics. I like Chet.

Well, thank you. We like you, Senator. Our pleasure to have had you on Capitol Cloakroom.

HOWARD K. SMITH COMMENTARY

Mr. DOLE. Mr. President, a fad seems to be making its way through the news and opinion community. This craze manifests itself in the criticism, ridicule, and verbal-visual vivisection of the Vice President with which the public has been deluged lately. His statements, opinions, and use of the English language have been the subject of a close-harmony chorus which has reached a crescendo of furor and excitation in recent days.

However widespread this latest exercise in contagious criticism seems to be, there was at least one voice raised last week to question the race to be "firstest with the mostest" in the Agnew-baiting contest. Howard K. Smith, Washington anchor man for the ABC evening news, expressed a good humored but highly revealing analysis of the phenomenon his fellows in the media are pursuing.

Mr. President, I ask unanimous consent that Mr. Smith's commentary be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

ABC EVENING NEWS COMMENTARY BY HOWARD K. SMITH, NOVEMBER 11, 1969

Political cartoonists have that in common with lemmings, that once a line is set, most of them follow it, though it lead to perdition.

The current cliche shared by them and many columnists is—Spiro Agnew is putting his foot in his mouth, making un-redeemable errors, and polarizing the people.

Well, I am no devotee of Mr. Agnew's, nor of his level of prose. But I doubt that party line.

The fact has to be faced that a portion of Americans—not a majority, but maybe enough to turn a minority into one—believe that Senator McGovern who told us, Mr. Ky was living it up in Paris night clubs when, in fact, he was home in bed . . . is impudent . . . and Senator Fulbright, of Arrogance of Power fame, is effete.

Many believe those spokesmen have had more than their fair share of time to argue, and should be answered back; and Agnew's answers are not more offensive than Dr. Spock's speeches.

To polarize—science teaches us—takes two. It is not fair to claim the right of dissent, then cry foul when someone dissents from you.

But the nub of the matter in a democratic republic is votes. Mr. Agnew is angering those who would never vote his way anyhow. The Gallup poll says he is gaining heavily from those who used to support George Wallace.

I may be wrong—I am not going to follow any line to perdition—but there is a possibility that it is not Mr. Agnew who is making mistakes. It is the Cartoonists.

VETERANS SPEAK OUT FOR THE SENATE VERSION OF H.R. 11959, THE COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, during the past week, in which we paused to honor the gallant men who have given their lives in defense of the United States, it is only fitting that we now take time to consider the problems of the veterans of Vietnam and the cold war period.

The Vietnam war, which has now become the longest war in our Nation's history, has made extraordinary demands of the young people of America. Countless numbers of our young men have had their lives disrupted and their plans postponed in order to fight in this cruel conflict. All too many of these young men have come from the poverty-stricken areas of America, such as the Appalachian regions of West Virginia, the ghettos of Harlem and Watts, and the barrios of Laredo, San Antonio, and San Diego.

Many of these unfortunate young men have grown up in poverty and have lived with its harsh affects and now they are being called upon to risk their lives in a foreign war. It would be cruel and heartless to return these brave young men to the poverty from which they came after their service is over.

The purpose behind the cold war GI bill is to furnish our veterans with the opportunity to obtain the education and training they need to achieve meaningful and useful careers. Without this important bill, many veterans would never have had an opportunity to obtain an education. In other words, the cold war GI bill has provided the means for making many seemingly impossible dreams come true. Unfortunately, the present allowances provided for by the GI bill are far too low in comparison to the skyrocketing costs of living and education.

On October 23, 1969, the Senate passed H.R. 11959 which incorporates in title I my bill, S. 338, to increase veterans education and training allowances by 46 percent. This bill was passed by a vote of 77 to 0 demonstrating the strong bipartisan support that exists in the Senate for these needed increases. With a 46-percent increase in the allowances, many veterans who cannot now afford to go to school will be able to obtain education and training they are so justly entitled to.

H.R. 11959 as amended by the Senate has received the enthusiastic support of every major veterans organization in the Nation. I have received numerous letters from veterans from almost every State in the Union supporting this bill. I ask unanimous consent that several petitions that I have received be printed in their entirety, with the names of all the signers, in the Record, at the conclusion of my remarks.

Mr. President, I earnestly hope that the House of Representatives will accept the Senate version of H.R. 11959 so that this important measure can be enacted into law. By passing this bill, we will be showing our gratitude for the sacrifices these gallant men have made.

There being no objection, the list was ordered to be printed in the Record, as follows:

Office of the Staff Judge Advocate,
Fort Campbell, Ky., October 22, 1969.

Hon. Ralph W. Yarborough,
Chairman, Senate Labor and Welfare Committee, Washington, D.C.

Dear Senator Yarborough: As a serviceman wishing to pursue my educational goals upon completion of military duty, I applaud your efforts to substantially increase the educational benefits offered to veterans. I feel that the 46% increase in benefits is not "excessive" or "unrealistic" as President Nixon has recently stated. On the contrary, present college tuition and room and board rates wholly justify the proposed 46% increase in benefits.

Sir, when I go back to school, I want to do just that. Optimum scholastic atmosphere should preclude weekend jobs and dropping out for a semester to meet costs. President Nixon's proposed 13% token increase would, if enacted, do little to meet the problem head on. Your proposal, if enacted into law, would most certainly be an important step in aiding the GI so that he in turn can help himself. Thank you for thinking of our lot.

Sincerely,

Donald P. Cianci.

The following persons concur in this letter:

Pfc Donald P. Cianci, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Connecticut.

Pfc Allan Silverberg, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Missouri.

Pfc Stephen Spafford, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Texas.

Pfc Robert Salzer, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Maryland.

Pfc Howard Pollock, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Wisconsin.

Pvt Rodney Loy, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Illinois.

Pvt Frank Bonan, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Illinois.

Sp4. Mark Signorelli, Office of the Legal Assistance, Fort Campbell, Ky. Resident of Minnesota.

Pfc Anthony Sonfelippo, Office of Legal Assistance, Fort Campbell, Ky. Resident of Wisconsin.

Cpt Arpiar Saunders, Jr., Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Massachusetts.

Cpt David W. Neeb, Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Wisconsin.

Cpt David W. Davenport, Jr., Office of the Staff Judge Advocate, Fort Campbell, Ky. Resident of Texas.

Pfc Daniel Clinton, Court Room No. 2, Fort Campbell, Ky. Resident of Michigan.

Sp4 James Thill, Court Room No. 2, Fort Campbell, Ky. Resident of Minnesota.

1 Lt. Stephen I. Tamber, Court Room No. 2, Fort Campbell, Ky. Resident of New York.

Chapel Hill, N.C.
October 23, 1969.

Hon. Ralph Yarborough,
Senate Office Building,
Washington, D.C.

Dear Senator Yarborough: We, the undersigned veterans who are law students at the University of North Carolina, endorse your efforts to obtain the maximum feasible increase in G.I. educational benefits. We enjoy and appreciate the benefits we are currently receiving, but can attest that they are insufficient to satisfy substantially the expenses incurred in the pursuit of education. The rising cost of living, particularly the ever-rising cost of a college education, is making it increasingly difficult for deserving veterans to meet these expenses. We earnestly hope that your leadership will gain the necessary support to convert proposal to reality.

Winston J. Dean, William B. Crumpler, Roger D. Grout, Lanny B. Bridgers, Bruce J. Downey, Gilbert T. Davis, Timothy J. Lemmons, Herbert D. Williams III, Edward T. Brewer, William W. Maynehart, Walter R. Callison, Charles David Benbow IV, James D. Little, Jim Fuller, Bobby G. Abrams, James K. Lanics.

Donald W. Harper, Chester C. Davis, Terry Yarbrough, Jim D. Caudell, John C. Livingston, George S. King, Jr., Anthony B. Lamb, Kitrell Smith, Wm. P. Aynch, R. T. Oliver, John C. Euch, Jr., W. E. Spainhour, David K. Lot, Jr., J. Perin Quarles, George L. Neshart, Jr., Michael Schoenby, William R. Davis, Willis R. Lawrence, F. Stuart Clarke.

Kenneth F. Essex, William H. Sessoms, Jr., Thomas L. White, Jr., Robert W. Hutchins, Norman Estes Smith, William H. W. Anderson, Jr., Edward J. Crotty, Donald K. Speckhard, Kermit W. Elkin, Jr., William M. Bernstein, Joseph Main, Kenneth R. Johnson, Dennis Marquardt, F. J. D. Pasquentonio.

Tulsa, Oklahoma,
October 22, 1969.

Open letter: President of the United States; Senate; House of Representatives.

Attention: Ralph W. Yarborough, Senator, Chairman of Senate Labor and Welfare Committee.

Dear Sir: I'm sure a majority of veterans feel as we do; that the time has come when we should voice our opinions and feelings on a matter that concerns us, the veterans benefits.

In a recent issue of the Tulsa World (a local daily), it stated that President Nixon hinted Tuesday, 10–21–69, he would veto a pending Bill on Veterans educational benefits labeling the bill as inflationary. This sir, we believe with strong feelings of being unjust and of poor judgment to even consider veto because of inflation.

I'm sure we understand the problem of inflation and admire the President for trying to solve the problem. But is it fair to issue a statement of that nature to the very persons that made a large contribution to the greatness of this country? To ask of them another sacrifice, where as they have already given something no nation could ever measure in value; the loyalty and fierce pride of being an American.

We do not ask for a hand-out, just merely a chance and help to prepare ourselves for the free society we so willingly and freely, for some layed our lives on the line, others gave their lives and others still limbs, sight, and/or sanity. Is this, sir, too much for us to ask?

I quote, "They know the basic truth that a veterans program not good for the nation as a whole cannot ultimately be of benefit to veterans themselves," unquote. What is the basic truth? Is it not good to assist the veterans? Where as we (U.S. Government) have supported schools and colleges that are directly rebellious against our government? Again, I say is the fierce pride and loyalty of our American sons to be measured in money and would you say 553 million dollars is too much to say thank you to the veterans? Could that money buy the suffering lives and heart breaks? Yet, among supporting those schools as mentioned previously we also spend billions of dollars in foreign aid, with some of this support going to countries that threaten the very ideals we so bitterly fought for. We are not too familiar with other Government spending; but I'm sure there are other places in the budget that could be reduced other than this pending bill.

To describe the reasoning behind why many veterans do not use the G.I. Bill, I quote, "It's not the going to school and working that's hard, it's trying to make ends meet and getting out of debt after school that's hard," unquote.

If there is any doubt of that statement I would like to invite you to spend a day with me and my family and examine our monthly budget.

I hope this letter will give you a clearer view on how the veterans feel about the G.I. Bill and veterans benefits.

Sincerely,

Samuel Ceridon.

VETERANS

Morgan Brown, Jr., George D. Bed, Lawrence Franke, Robert W. Crouch, Thomas R. Cochran, Roy J. Reec, Jr., Donald D. Bergen, Jesse Castillon, Jr., Verlin L. Schauer, Ronald P. Blanchard, Curry V. Pierce, James A. Benton, Le Roy M. Sharp, Lynn H. Scott, Ronald R. Chafin, Robert R. Clayman.

Thomas A. Dave, Richard H. Grassman,

Charles F. Brigham, Dennis J. McCutiker, Warren W. Zuehis, Robert H. Warnock, Lynn Shands, Richard Passwafters, Gary Z. Jackson, Joseph E. Brown, Douglas T. Bjoinson, William G. Saye.

Andrew D. Dunn, James T. Haile, David Kilborn, Antonio Seneco, Connie Canell, Herbert G. Bunton, Dennis E. Sandman, Byron W. Greenlaw, Michael T. Martin, Larry F. Brooks, Richard K. Poole, Howard B. DeHaven, John J. Barnaba, Jr.

David P. Caldwell, Jr., Ronald E. Barger, Herbert H. Harris, William A. Fox, William M. Carragher, Michael C. Andres, James R. Lowry, Lyle D. Hensley, E. M. Smith, Jr., Joseph J. Hacken, Jr., Charles E. Hose, Carl L. Chary, George T. Hackett.

Jack H. Loeblein, James F. Block, Terry L. Martin, William Starkweather, Robert A. DeAnglis, J. D. Schrader, Carl S. Craig, Harold D. Elliott, Lewis L. Denton, Harold B. Elmore, James D. Green, Alan L. Orr, Edmond Velasin.

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Ervin L. Crawford, Jr., Wilbur Torchill, Jerry L. Couch, Oliver W. Meadory, Lynn H. Scott, James F. Misal, James C. Herbert, Ronald J. Lange, Louis A. Prielipp, Jr., James H. Hahn.

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Charlie Taylor, HQ USAREUR, Keystone Heights, Va.

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David H. Nelson, 33d Army Band, Wash.

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Nathan Leenneher, Hq. Co. USAREUR Sig. Cen., New York.

Melvin Wiley, Hq. Co. USAREUR Sig. Cen., Ohio.

Jeffrey I. Oberlander, 503 Trans. Co., New York.

Frank J. Muller, 207th TA AVN, Indianapolis, Ind.

John W. Nelson, 207th AVN Co., Richland, Wash.

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Pfc. Michael K. Gilfillon, Hq. USAREUR & TA, Peoria, Ill.

Sp4 Walter A. Brown, Hq. USAREUR/TA, Birmingham, Ala.

Sp5 Edgar L. William, Hq. USAREUR/TA, Maryville, Mo.

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Bernard Metenday, HQC Sig Cen, Puerto Rico.

Charles Eaddey, LOG, 8882 Mendota, Detroit, Mich.

Lethard Jamde, HQ Co. USAREUR Sig Cen, 3320 Momtpall, Kansas City, Mo.

James Green, LOG, 138 Euclid Ave., Johnstown, Penna.

Tony DeLucia, 503 TC, N.Y., N.Y.

Darwin McGill, 503 TC, Texas.

John J. Dove, 503 TC, Berlin, New Jersey.

Carl Wheeler, 4th Base Post Office, Chillecoth, Missouri.

James Bryant, LOG, Tulsa, Oklahoma.

David D. Truege, LOG, Portland, Oregon.

Marc J. Soskin, LOG, Irvington, New Jersey.

Charles Stratton, LOG, Marshall, Mich.

John Pierce, LOG, Ely, Minn.

Steve Brittain, LOG, Miami, Fla.

Gerald Belgaim, 4 BPO, Madison, Nebraska.

Al DiEmedio, Sig Cen, Phila., Pa.

D. Hempil, LOG, Prattville, Alabama.

Harry J. Hyatt, Sig Cen, Portland, Ore.

Charles E. Holley, 503R Trans Co, L.A., Calif.

Clarence R. Thomas, OAG, Houston, Texas.

Timothy M. Kirby, OAG Hq USAREUR & 7A, St. Louis, Mo.

Charles M. Stanley, OAG Hq USAREUR & 7A, Oak Lawn, Illinois.

Larry A. DeVivis, OAG Hq USAREUR & 7A, Holland, Michigan.

Richard T. Kiser, OAG Hq USAREUR & 7A, Chicago Heights, Illinois.

Teddy L. Howard, ODCLOG APO NY 09405, Indiana

Jack Price, 803rd T.C., California.

Larry E. Fastelny, 503rd TC., Illinois.

Dan Dagne, 503 T.C., Illinois.

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Ronald M Berry, 207th, Indianapolis

Dennis Hamilton, 207, Wash. State.

Ronald Griffith, 65th DPU, Louisiana.

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Ernst Vaggy, Hq. CO USAREUR Sig. Cen., N.Y.

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Walter Demicia, Jr., Hq. Co. USAREUR Sig. Cen., APO N.Y. 09102, Olyphant, Penna.

Sammy H. Parker, APO N.Y. 09102, Ga

Archer M. Crawford III, 21st Repl, Chesapeake City, Md.

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Johnny Mack, HQ Co., Phila, Pa.

Robert L. Green, HHC, Atlanta, Georgia.

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Ronald Corey, 503 T.C., Beacon Falls, Conn.

Robert Corty, 503 TC, Mazon, Ill.

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Thomas P. Welsh, HQ Co. USAREUR SigC., Baltimore.

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SENSELESS CONTINUATION OF VIETNAM WAR

Mr. CRANSTON. Mr. President, a constituent of mine from San Diego, Mrs. Lucile H. Butterfield, recently wrote about our continuing involvement in Vietnam. Mrs. Butterfield also sent a long letter to President Johnson in 1967 after she lost her only son in combat. Because she has expressed so eloquently the tragic effects this war is having upon our own society, I would like to share her letters with Senators.

I ask unanimous consent that they be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

October 16, 1969.

Hon. Alan Cranston,
U.S. Senate,
Washington, D.C.

Dear Senator Cranston: It is heartening to know that you are working so diligently for withdrawal of our men from Vietnam. A little over two years ago, I lost my only son in Vietnam. Prior to his being sent to Vietnam, he had proven his abilities physically, mentally, and interpersonally as well as exhibited great leadership qualities. Everyday the casualty list grows longer and longer of the dead and the maimed. I do not feel that more deaths, maimed lives, and broken families can avenge his death. It only adds to the frustration felt by us all. It doesn't make sense to continue the price of so called "victory" is exorbitant. Each day makes it more outrageously extravagant which really is defeat. Let's strive to bring the men home now and return defeat into victory by using the potential of all our young men in a positive way.

Thank you and God bless you.

Respectfully yours,

Lucile H. Butterfield.

December 7, 1967.

Dear Mr. President: For some time I've felt I should write you. I heard you say recently that when one disagreed to express it in a way befitting our way of life. I wholeheartedly concur even though it may not make your job of making weighty decisions any easier. However, it will place a symbolism of dignity upon our methods of dissent. Perhaps, though, all the fault is not one-sided.

There appears to be a growing concern among people I know that many facts are being withheld from us or that these facts are being stated in such a manner that they leave the issues clouded. Could it be that many facts are stated in such a manner as to do the least harm to the image of those in a position of authority? Most of us like to be in a position of prestige. It usually takes a big person to admit a mistake and take the consequences. None of us like to suffer from wounded pride by admitting that we are wrong but it often makes us more human when we are able to say we "goofed."

In many of your speeches I've heard you state that we are in Vietnam to insure the South Vietnamese the right of self determination. If this is the case why is there so little interest on the part of the South Vietnamese to fight for this right? If I can believe the newscasts, the men who have been in Vietnam and the many publications with writing on the subject, there appears to be a very small percentage of Vietnamese who are fighting alongside of our men. Why?

I am sure there are many Vietnamese that are glad we are there. However, I question the motives of many of them when I hear stories of the exploitation of our supplies, the way the elections were conducted, and other related incidents.

Four years ago I returned to the University to do graduate work. Prior to my return I was somewhat complacent about many of the happenings around me. Three years ago I took a course entitled "The World Community." As the title implies, it gave rise for much discussion of the *world* situation. Many of us at that time searched for the real reason we were in Vietnam. Our instructor could not give us an adequate answer. All he could say is that we have a right to be there. Most of us in the class could not buy such a vague answer. We found those people both in and out of the classroom who said we are in Vietnam to save ourselves from Communism. To many of us, this idea was just another smoke screen. To a well read, thinking person such an idea carries no credibility.

Our government didn't move into Indonesia when they went Communistic. Who are we to play God or Great Father to the world? We have been so authoritarian in relation to other peoples by going in and telling them what is good for them without listening to what they, the people of the country, want or have to say. At this point I'm not sure whether our government was smart or whether it was a matter of expediency to stay out of Indonesia when they appeared to go against everything our government stands for. You may say that our being already involved in Asia made the difference. How can you be sure? Yes, the United States would like to take the credit, just as every parent would like to take the credit for the successes of his child and vicariously make them his own. A good parent allows his child to make mistakes. You, as a parent, appear wise enough to allow your children to live their lives without writing their script for them. Why do we, the United States, have to write the script for Vietnam or any other nation?

In my study of government, I learned that only the Marines could be sent on foreign soil without a declaration of war. Has this been changed? If it hasn't, it appears to me that most of our troops are illegally in Vietnam. I would appreciate clarification on this point.

Let us take off the facade and say what we really mean. The United States has been playing the father who says, "Do as I say, not as I do." It is catching up with us. Our children haven't learned from what we say but from what we do. The United States is fighting in Vietnam. Our people at home are rioting and using violence to gain their ends. Could it be that the United States has set the example by fighting in Vietnam?

How can we say that our way of government is best for Vietnam? I hear the Vietnamese people saying, "You (United States) can't do this for us; we have to do it for ourselves. Did not you (the United States) do it for yourselves"? No, Mr. President, I cannot buy your reasons that you have reiterated so frequently why the United States is in Vietnam. We, the American people, have had to sort out all the messages from many sources to learn that the Vietnamese are telling the United States as they did the French to get the hell out and let us (the Vietnamese) do this ourselves. Didn't the United States tell the English in effect the same thing almost two hundred years ago?

Many times I've noticed that either you or Congress appoints a committee to make an investigation or take on some other project. It so often appears that they are all past fifty years of age and are not a widely representative group. This may be good in some instances but there are times when a cross section of generations would bring about more harmony as well as a balance of understanding in the solution of problems.

In addition to having a generation gap and a credibility gap there is a sensibility gap. This is demonstrated in several areas as follows:

1. The United States has less than 10% of the world's population yet we think we can take on an area that has better than 50% of the world's population. It doesn't make sense.

2. Who are the boys going to Vietnam? They are the best physical, mental, and personable specimens of the United States. Does it make sense to use our best men for cannon fodder? If there is anything to the genetics angle, I fear for the next generation of people in the United States. Who will run the country?

3. The men we send to Vietnam mostly fall between the ages of 17 to 25. Those under 21 have absolutely no say about whether they go or not if they are drafted and found physically and mentally fit. These boys do not even have a vote that they can cast for or against the people making such a policy. It doesn't make sense that these boys have to go fight for their country but do not really have all the rights of citizenship, i.e., a vote. Since our present population is rapidly making us a people young, chronologically, is it fear that deters our leaders from giving them the vote? I maintain that if a man is old enough to put on a uniform and go out and fight he is old enough to determine who makes the decisions in government. It doesn't make sense for our government to say it is wrong for a young man to refuse military service when he isn't allowed to vote for the people that shape our governmental policies. I thought we lived in a democracy.

When dissatisfaction with the present situation falls to an all time low there is something wrong. Why has dissatisfaction of the war doubled in the last two years? Why do 70% of the people feel that they haven't been told the truth? Why is it that every time I hear one of our leaders asked the question, "Isn't the real reason the United States keeps on in Vietnam is that it boosts the economy"?—that these leaders *always* skirt the issue and give an inadequate answer? In more and more of the cases concerning our government's policies in situations regarding the well-being of ourselves and future generations I ask the question—"Does it make sense"?—and I find I have to answer this question with an unqualified NO!

Several months ago I lost my only son in Vietnam. Prior to his death, I was proud of him, as any mother would be. I knew he had leadership qualities, but I never realized the reach of these qualities until after he had paid the supreme price. The many letters and news writeups in several states, testify to the qualities, physically, mentally and interpersonal that my son had. He graduated at the top of his class at the U.S. Air

Force Academy and seven months later received his M.A. degree from Purdue University. This young man and many more like him had far more to offer their country. It does not make sense! If this keeps up the United States is going to be like Sodom and Gomorrah. There won't be ten good men left to run the country.

If my son died to give the Vietnamese people the right for self-determination or to save them and, or us, from communism, he died in vain. If the cause was to take me and others out of the state of apathy and complacency, to stand up and do more than just protest, then the cause was not in vain.

This waste of our potential leaders and the great drain on our financial resources could be put to so much better use to rebuild our sick cities. These potential leaders could also be used in a humanitarian capacity in these undeveloped countries to help the people help themselves.

Mr. President, you may never see this letter but my conscience would not let me sit idly and not make an attempt to let you know how one mother, who loved her son and loves her country, feels.

Respectfully yours,

LUCILE H. BUTTERFIELD.

UNESCO CONFERENCE IN SAN FRANCISCO ON MAN AND HIS ENVIRONMENT

Mr. YARBOROUGH. Mr. President, on November 23, 1969, the United States National Commission for UNESCO will convene its 13th National Conference on Man and His Environment: A View Toward Survival.

The Conference will be held in San Francisco and the program is being developed with the cooperation of Stanford University.

The program for the Conference is designed not merely to discuss the problem of environmental deterioration, but, more important, to seek solutions to the problem. The Conference will concentrate attention upon action programs to improve the quality for the environment and to bring together for that purpose representatives of educational, scientific, and cultural organizations and institutions, and labor and industry. In pursuit of this objective, the program will culminate with recommendations for action which will be meaningful, perceptive, constructive, and possible.

Mr. President, on October 6, 1969, I introduced Senate Joint Resolution 156, which provides for the creation of an Interagency Commission to plan this Nation's participation in the 1972 Worldwide Conference on the Human Environment.

One must have a proclivity for Russian roulette to fail to recognize the lethal dangers posed by the constant encroachment of pollution upon our natural environment.

For 50,000 years man's average doubling time in population was 10,000 years and now it is down to about 30 years. In the United States alone 5 pounds of solid waste per person is produced every day. The rapid increase in the pollution of the environment is both the consequence and the indication of the uncontrolled population growth and the surge into the supertechnological age.

I have received a copy of a recent press release issued by the U.S. National Commission for UNESCO, announcing that televison star Arthur Godfrey will participate in the Conference. The San Francisco conference will be a vital prelude to the worldwide 1972 U.N. Conference. The press release I mentioned, dated October 15, 1969, is worthy of consideration because it outlines some of the details about the UNESCO Conference on this urgent matter. I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

ARTHUR GODFREY TO HIGHLIGHT NATIONAL ENVIRONMENTAL CONFERENCE

Radio and television star Arthur Godfrey, long an outspoken conservationist, will be among the principal speakers at the forthcoming Environmental Conference in San Francisco November 23–25 sponsored by the U.S. National Commission for UNESCO in cooperation with Stanford University.

Mr. Godfrey will join keynoter Lee DuBridge, the President's Science Adviser, and nearly forty other distinguished specialists and experts in environment and related fields, in three days of searching interchange of ideas through which the National Commission hopes to take basic phases of the environmental crisis out of the discussion stage and into solid proposals for feasible immediate action. Among the panelists and formal speakers will be Robert O. Anderson, President of the Atlantic Richfield Oil Company; David K. Brower, one of California's most militant conservationists; Biologist Barry Commoner; Anthropologist Margaret Mead, Architect Nathaniel Owings; and Population Control Authority, Prof. Paul Ehrlich of Stanford University.

"Man and His Environment: A View Toward Survival" is the Conference theme which will bring to San Francisco's St. Francis Hotel nearly five hundred Americans from the broad spectrum of national educational, cultural and scientific activism, including representatives of the sixty national non-governmental organizations represented on the U.S. National Commission for UNESCO. In a series of plenary sessions and panels, conferees will examine the problems and potential solutions from such diverse points of view as youth, business, urban needs, the law, and ecology.

Arthur Godfrey, whose growing interest in conservation is well-known to his daily audiences, is flying from an engagement in Greece directly to the Conference in order to lend, as he has described it, any assistance he can to the Conference and the tasks it undertakes. Dedicated to what he has termed "bridging the gap between the specialist and the public" Mr. Godfrey has become a major force for public understanding of the environmental crisis which threatens mankind.

APPOINTMENT OF DR. ROBERT L. FROEMKE TO NATIONAL PUBLIC ADVISORY COUNSEL

Mr. GURNEY. Mr. President, the General Services Administration's National Public Advisory Council reportedly has developed some excellent ideas and made thoughtful suggestions to Administrator Robert L. Kunzig. I am delighted that Florida is represented on the council by Dr. Robert L. Froemke, dean of the College of Business and Public Administration at Florida Atlantic University.

Dr. Froemke is a specialist in organization theory, and I am certain that his contributions toward involving the public in the affairs of Government will be many and welcome. Mr. Kunzig is to be congratulated for his foresight in assembling such a panel of 16 distinguished citizens of our great Nation to advise him on GSA policies and programs. This step is in line with President Nixon's promise to give Americans more of a voice in the operation of their Government.

Dr. Froemke has served on the faculty of Columbia University, the University of Georgia, Florida State University, and the Polytechnic Institute of Brooklyn. He formerly was head of central data processing for Standard Oil Co. of New Jersey. He holds a bachelor of science from the Colorado School of Mines, a master of science from Georgia Institute of Technology, a doctor of philosophy from Columbia University, and a bachelor of laws degree from New York University.

THE VIETNAM WAR—ADDRESS BY SENATOR RIBICOFF TO YALE UNIVERSITY STUDENT BODY

Mr. RIBICOFF. Mr. President, at the invitation of the Yale University student body and university president Kingman Brewster, I had the privilege to deliver a speech at Yale University, New Haven, Conn., last Thursday evening, November 13, 1969, discussing the problems presented by the Vietnam war.

Because the war affects every American, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

There is a sickness in our society—and that sickness is the Vietnam war. Our country is uncertain, bitter and confused.

A rising crescendo of anguish can be heard as thousands of Americans continue to be killed and maimed in a war seemingly without end.

This outcry is met with a plea for more time—and for more support. But time and support have been exhausted over the last four years.

The tragic waste of thousands of lives—American and Vietnamese—has seared the soul of America.

The Vietnam war has left a scar on our consciences that will not fade for years. The war obscures our vision of our role in the world and here at home. It is causing us to doubt ourselves—and to question the noble goals and values we have always held. No problem can be discussed without reference to the war.

A domestic crisis is upon us.

While we are bogged down on the Asian mainland, spending two billion dollars a month, our cities are dying—our colleges are in disarray—our aged too often live without dignity—and our poor despair. But we are helpless in the grip of the war.

We cannot measure the cost of the Vietnam war only in lives lost and property destroyed. We must look at the housing not built, the sick not treated, the hungry not fed. The stark realities of this war are seen there as well as on the battlefield.

Our youth grow increasingly alienated and bitter. They are disillusioned when they compare our rhetoric with our actions.

The war in Vietnam is tearing us apart as nothing has since the war between the States. Vietnam is polluting our political life. It hovers above us like a shadow of impending doom.

Millions of Americans are being polarized into pro and anti-war factions. The war has turned us against ourselves. It has made enemies of old friends.

Lyndon Johnson brought to the Presidency a sense of urgency about solving the domestic problems that burden this nation.

He would fight for the poor, initiate an anti-poverty program, improve life for older Americans, pass Medicare and do a whole host of other things that needed doing.

To his credit, Lyndon Johnson did accomplish much.

And he could have gone right on accomplishing had it not been for Vietnam.

Now we have a new President.

We hoped he would end the war. He said he would. But he has not ended it yet.

I will say this. I did not vote for Richard Nixon—but I'd love to see him get the credit for getting us out of Vietnam.

For we must end the war and withdraw promptly to keep the bonds that hold us together from shattering completely.

The American people do not want to fight Asians thousands of miles from our own shores.

The American people do not want to be bogged down in the swamps of Southeast Asia.

But fighting Asians we are—and bogged down in Asian swamps we remain.

What is there that can justify the continuation of this war?

We have no vital interests in South Vietnam worth 40,000 American lives. There is no threat to our security there worth 300,000 American casualties.

Many former government officials now share this view. Able, sensitive men such as former Defense Secretary Clifford have recognized the mistake of our military involvement in Vietnam.

How many Presidents and how many advisors must we exhaust before we finally learn the lesson?

Ours is a great country. But a test of greatness is a nation's ability to recognize its mistakes.

A great and confident nation should not hesitate when confronted by its errors. A great nation listens to responsible dissent rather than trying to discredit it.

We can argue for years over who made mistakes: Truman, Eisenhower, Kennedy, Johnson or whoever.

The important thing is that we not concern ourselves with who made what wrong move. We must recognize a mistake was made.

It was a serious mistake—but we don't have to go on forever trying to make good on a bad bet.

There is something irrational about logic that justifies the present course of action on mistakes of the past.

We are told that we cannot run out on our commitments in Vietnam. But what is that commitment? It cannot be to continue to sacrifice thousands of lives for some elusive goal.

We have fought in Vietnam for over six years. Thousands of Americans have died. Billions of dollars have been spent. Can anyone say we have not met our commitment?

George F. Kennan put it bluntly this week when he said:

"I find it inconceivable that we could ever have knowingly given a blank check to any regime for the lives of our men and our resources, especially without regard to its performance.

"Are we committed to holding the South Vietnamese regime up by the scruff of the neck like a limp puppet forever? If not, 40,000 lives and a hundred billion dollars seem a rather generous fulfillment of our obligations."

I concur with Mr. Kennan completely.

The South Vietnamese have had years to become self-sufficient, to fend for themselves.

How much longer must we fight their battles?

We should not abandon the people of South Vietnam to a reign of terror. But continuing the war is a terror all its own.

Villages have been destroyed completely to supposedly protect them. Millions of Vietnamese have been uprooted and driven about the land. Families have been separated. Education has stopped.

540,000 Americans have not saved a nation. We have helped destroy a people. We have helped destroy a culture. We have helped destroy a way of life.

The South Vietnamese have been at war for over 20 years. The mass of people there see us as agents of their destruction. The Vietnamese simply want the peace to live their own lives.

There are those who say we must stay in Vietnam to "save face"—yet every day, in every corner of the world, we lose face.

Because of the Vietnam war, we lose dignity—prestige—and character.

And we lose confidence in ourselves.

We know—and our friends around the world know too—that what we are doing in Vietnam is not an American thing to do.

It is not our style to "destroy so that we can build," as the saying goes.

It is not our style to forcefully impose our will on a people who do not appreciate our presence. And what we are imposing on the South Vietnamese is not at all what we believe in ourselves.

We believe in democracy. But in Vietnam we support a dictatorship, a dictatorship that fights another dictatorship. We believe our dictatorship is better. In the disjointed rationale of the Vietnam era, perhaps our dictatorship—the present Saigon regime—is better. But is that our decision to make? I don't think so.

We believe in the inherent right of each nation to grow and develop along a course of its own choosing. But in Vietnam we are allowing a nation to grow and develop only along a course that we approve.

Our dilemma in Vietnam is riddled with irony and paradox.

Our predicament is that of the naive Westerner adrift in a mysterious Eastern world he does not understand—and should not seek to conquer.

Our assistance programs, supported with billion dollar pricetags, pacify the countryside—but not enough to permit ARVN troops to go it alone among their own people.

The time has come for us to see the situation in Vietnam as it is—not as we wish it were. We can no longer afford the luxury of simplistic concepts and unrealistic theories.

We are now given a new policy—Vietnamization.

Vietnamization is another fake word in a long line of fake words. It weds us to the Thieu-Ky regime. The war will be continued—not ended—by this policy. We are to stay in Vietnam until the present Saigon government can wage the war as vigorously without us as the two of us are presently doing.

This is a fundamental error.

540,000 Americans with a tremendous supply of weapons have not won a military victory. A discredited South Vietnam government with no basic home support certainly cannot bring victory.

The South Vietnam Army has shown little ability in the past to fight on its own.

Corruption is widespread in the South Vietnamese Army. Leadership is lacking. After 20 years of war, thousands of the best officers have been killed.

Original estimates were that it would be years before this army could defend itself against the Viet Cong. But military experts now tell us that a successful transition can take place within the next two years. During that time another 10,000 Americans, at least, will have died.

Vietnamization is not worth this price. And it cannot be achieved even if we pay the price. Military experts have taken us down the path of delusion before in Vietnam.

We have had enough expert guidance designed to fit the theory of the moment. Pacification has been tried and failed. Search and destroy only destroyed more American men.

It will take more than talk and hopes to turn the South Vietnam Army into a self-sustaining operation. I do not think it can ever be done.

While we are waiting, we will continue to be mired in Vietnam—because Vietnamization eliminates the chances for success in Paris.

We will leave South Vietnam under our present policy only when we are satisfied that the Thieu-Ky regime is securely in power. This emphasis on the continued existence of that government precludes any meaningful progress in Paris toward peace.

We call for good faith negotiations. But we are attempting to decide by fiat the very issue about which the Vietnam war has been waged—who is to govern the South Vietnamese people.

The present South Vietnamese government has made it clear that a coalition government is unacceptable. It should not be surprising, therefore, to find the NLF objecting to the Thieu-Ky regime.

We must also recognize that even successful Vietnamization cannot be equated with freeing America from this war. 200,000 American support troops will still be left in South Vietnam.

We should have learned from our early experience in Vietnam that support troops cannot be isolated and protected from the Viet Cong. The first Marines landed in Vietnam in an unsuccessful effort to defend our airbases. Even today, major bases suddenly find themselves with Viet Cong satchel throwers wreaking havoc.

So long as any American troops remain in Vietnam, we will continue to be vulnerable to attack. When this attack comes, we will either have to withdraw or send more combat troops for protection. If we make good our threat to take affirmative action, we will be right back where we started.

The war will escalate rather than deescalate. American troop withdrawals will stop rather than increase.

There is a hidden factor included in our Vietnamization policy that we should not overlook. That is the financial cost of continuing the war under South Vietnamese control.

We presently spend 30 billion dollars every year on the war. The total budget of the South Vietnamese government is less than one billion dollars.

Assume that American combat troops can be withdrawn. The South Vietnamese government will still need billions of American dollars every year to bankroll the war.

These billions could improve the quality of life here for millions of Americans. These billions could restore our cities—educate our young—treat the ill—and purify our environment.

Instead, we will still be sharing the burden of the war—not shifting it. We will be continuing our ties to Saigon—not severing them. We will be supporting the war—not stopping it.

We need more than a proposal based on the wishful thinking that the South Vietnamese will be able to accomplish by themselves what we have not accomplished together.

We need more than a policy that dictates the political environment for the South Vietnamese people.

We need more than a program designed to cost us billions of dollars for untold years—with thousands of noncombat American troops left to fend for themselves.

We are on a self-perpetuating cycle—one that we must stop riding quickly.

How do we stop the cycle? How do we withdraw militarily from Vietnam?

First, we must directly confront the issue of troop withdrawals. We must withdraw our troops as fast as we can while minimizing our casualties as the number of troops decreases.

We must insure that we are able to provide for the safety of those who have risked their lives supporting our efforts in this war. As the French after Dienbienphu, we should provide asylum for those South Vietnamese who want to leave South Vietnam.

The absence of such asylum should no longer be used to justify the continuation of the war and the death of more Americans.

At the same time, we must establish our independence from the government of President Thieu and Vice President Ky.

Their government is not representative. Its politics are repressive. Dissent and political activity are suppressed—not encouraged.

If Thieu and Ky will not broaden their base of support, we should work to establish a broad based, interim government in South Vietnam. This government would then join us in Paris or elsewhere to negotiate a settlement to end the war.

Such a "peace" government should provide a mechanism for post war elections. These elections should be freely conducted and open to all people in South Vietnam and to all political parties.

During a recent visit to Paris, I talked with detached and knowledgeable observers of the peace talks, men in whom I place considerable faith.

It is their feeling that in interim "peace" government itself need not include Viet Cong representatives. It need only be broadly based—and reflective of all aspects of the South Vietnamese nation.

The new government in South Vietnam should reverse the repressive policies of the present Saigon regime.

Press censorship should stop.

Participation in political discussion should be allowed.

Political prisoners should be released.

Political parties should be given the chance to organize and function.

Mechanisms for the exchange of ideas should be fostered. Only then will the climate be right for meaningful elections after the war. Only then will there be true self-determination by the South Vietnamese people.

Finally, we can—and must—make known our willingness to continue to assist in achieving an economically stable South Vietnam and Southeast Asia.

Economic assistance will be needed for stability. But the amounts are paltry compared to the costs of this war.

A recent economic study found that South Vietnam could be economically self-sufficient within 10 years with only $2.5 billion in foreign aid.

It costs us $2.5 billion each month to fight the war.

Peace in Southeast Asia—in Vietnam—must be our goal. For continuing the war is no solution at all. We should have learned that lesson by this time—after this many years—after this much bloodshed—after so much disappointment, bitterness and suspicion at home.

Millions of Americans around the country are again demonstrating their opposition to the war this weekend. Some are communists. Some are misguided enough to fly Hanoi's or the Viet Cong's flags and support their cause.

They do not deserve our support and will get none from me.

But the overwhelming majority who object to the war in Vietnam do so not because they are for Hanoi—not because they like the Viet Cong. They oppose the war because they support this country of ours—its principles, its achievements and the great promise America offers to its own people and to the world.

We hear so much these days about the so-called Vietnamization of the war.

It seems to me that we should be aiming instead for a de-Vietnamization of our own country—a kind of re-Americanization of America.

Basic American principles and doctrines should guide us. Words alone cannot justify the thousands of lives lost in the quicksand of Vietnam.

Dylan Thomas said, "my immortality must matter less to me than the death of other men."

How many more people must die before we recognize this truth?

THE SAN ANTONIO POLICE ACTION PROGRAM—NEW BRIDGES TO UNDERSTANDING IN LAW ENFORCEMENT

Mr. YARBOROUGH. Mr. President, the November issue of the FBI Law Enforcement Bulletin contains a fine article about a program being conducted by the San Antonio Police Department to promote greater understanding of the problems of law enforcement. Law students from St. Mary's University Law School in San Antonio accompany police officers in their patrol cars and thus gain a better understanding of the problems which the officers face in carrying out their day-to-day duties.

But understanding is a two-way street and there are two sides to any law-enforcement problem. First, the public safety must be provided for, but equally important the rights of the accused must be protected, for in our system of jurisprudence, the courts, not the law officers, are the final determiners of guilt. It is the duty of the police officer to protect the public safety and it is the duty of the lawyer to protect the rights of the citizens. Hopefully, through this program in San Antonio, both the police officer and the lawyer will come to understand their roles better.

Mr. President, I ask unanimous consent that the article entitled "Law Students Police Action Program," written by Inspector Emil E. Peters, which appeared at page 16 in the November 1969 issue of FBI Law Enforcement Bulletin, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Law Students—Police Action Program

(By Inspector Emil E. Peters)

In recent months the San Antonio, Tex., Police Department, under the direction of Chief George W. Bichsel, has conducted a Police Action Program in which law students of St. Mary's University ride in patrol cars with officers on duty to gain a better understanding of the role of policeman.

In order to assure an orderly, meaningful, and controlled program, the law students formed a club of interested young men and set down rules for those participating. These regulations are designed to keep the students from interfering with the officer's work.

Before the young men are assigned to ride with patrolmen, they receive a briefing, including a tour of police facilities, signing of necessary waivers, and instructions on what to do and to what extent they may assist the officer. They are reminded that they are observers and not advisors or critics. After his tour, each student must complete and submit a report containing a resume of events, questions, impressions, and assessments for later discussion sessions.

In several instances the law student has proved to be a valuable witness as there are no "two-man" cars in the San Antonio department.

EYE WITNESS

On one occasion an officer was hailed by a citizen and advised that someone was shooting a gun under a bridge. The officer proceeded to the scene, parked, and walked into the area under the bridge to make a search. The student also got out of the car and followed at a short distance. He saw the officer approach two men under the bridge. One drew a revolver and opened fire at the officer. As instructed, the student retreated to safety but not before seeing that the officer did not return fire until after two shots were fire at him. Luckily the patrolman was the better marksman.

The program has earned much understanding and appreciation for the department. It has given the law students first-hand experience with people they will later be dealing with—the police and the charged.

THE UNIVERSITY OF KANSAS MUSEUM OF ART

Mr. DOLE. Mr. President, there is some tendency to look to the urban centers of the United States for events of major artistic and cultural significance. Often overlooked are many outstanding contributions to the esthetic wealth of our Nation which take place outside the traditional cultural focal points.

One such remote seat of distinguished endeavor is the University of Kansas Museum of Art at Lawrence, Kans. The museum, under the guidance of its director, A. Bret Waller, has developed a tradition of excellence and creativity in its collections and exhibits which has been highly regarded within the academic and museum communities.

The museum's most recent exhibit, entitled "The Waning Middle Ages," has succeeded in attracting deserved acclaim beyond the customary professional and academic channels.

I commend to Senators an article describing this exhibit and its significance, and I urge them to encourage the development and efforts of the smaller museums and galleries in their home States. These institutions have an invaluable contribution to make to the lives of all Americans, and they deserve everyone's support.

Mr. President, I ask unanimous consent that an article written by John Canady for the New York Times News Service, and published in the Kansas City Star, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

K.U. Show Excites in a Fine New Way

(By John Canady)

New York City's notorious provincialism, to which New Yorkers always admit without believing it, is quite real when it comes to art exhibitions.

When the museums in Chicago and Los Angeles, or even in Boston and San Francisco, turn up with important shows, New York pats them on the back as if they were precocious children growing up to the parental example.

And when it comes to a place like Lawrence, Kansas, there probably is not one art-conscious New Yorker in a thousand who knows that there is such a thing as the University of Kansas Museum of Art, and not one in many thousands who even suspects that when this small museum sets about the job of creating an exhibition, it can turn out one that is more imaginative, and in a definite way more important, than most of the exhibition fare from which New Yorkers absorb their culture substitute.

A couple of weeks ago, having completed a bit of business in Kansas City (where incidentally, the Nelson Gallery has an excellent exhibition called "The Taste of Napoleon") I took the short trip to Lawrence, where a friend wanted me to see a new exhibition, "The Waning Middle Ages," being installed.

It was obvious at first sight, and confirmed by the checklist of loans, that the usual patronizing attitude toward a provincial (and very small) museum is not always shared by such institutions as the Metropolitan Museum, the Fogg Museum, the Art Institute of Chicago, the National Gallery in Washington, and 28 other museums across the country. All these, along with a smaller number of private collectors, are represented by illuminated manuscripts, paintings, sculptures, and objects of craftsmanship from their collections.

The Metropolitan's loans include an alabaster fragment of a relief of the crucifixion that the museum purchased in 1936 but has never got around to exhibiting.

Bret Waller, the director of the University of Kansas Art Museum, and J. L. Schrader, who with Waller arranged the exhibition and has written an excellent catalogue, found the fragment when they were allowed to go through the Metropolitan's storage rooms in their search for appropriate material.

This doesn't mean that the show is made up of leftovers. Rather the reverse. It is an exhibition in which each piece is selected for its effectiveness in the development of a theme as well as for its esthetic quality.

Asked how he negotiated so many important loans, Waller said that while "nobody wants to lend something beautiful to a museum out in Kansas just so people can come and gawk at it," museums and collectors will go out of their way for an exhibition with a subject both imaginative and scholarly and with a serious educational reason for being.

It is good to know that while the Metropolitan Museum subjects this city to an exhibition as vicious as the current "New York Painting and Sculpture," it is justifying its existence in another direction.

Looking at this exhibition I kept thinking how much it would have meant to me as a student. Huizinga's book was required reading and I found it a combination of fascinating and far-removed. It took years of museum-going and travel to make it come alive, but a couple of hours in Lawrence made me want to read it again.

This is the kind of thing museums should be doing, whether they are dealing with antiquity, the middle ages, or the 20th century.

A SURVEY OF HUMAN RIGHTS IN THE UNITED STATES

Mr. PROXMIRE. Mr. President, the President's Commission for the Observance of Human Rights Year 1968 completed its activities on January 30, 1969, 1 year after its establishment by Executive order. The purpose of this Commission had been to give the American people a greater understanding of the principles of human rights, as found in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in December of 1948, and the Constitution and in the laws of the United States.

The President's Commission issued a publication entitled "For Free Men in a Free World" which has as its purpose to survey human rights in the United States. The Commission's most distinguished Chairman, W. Averell Harriman, stated:

> This publication aims to advance the President's purpose in establishing this Commission, and to fulfill the request of the General Assembly for a review of our domestic laws and practices against the standards set in the Universal Declaration. If this publication can contribute to a pride in the past, and to an awareness of future needs, and a national determination to deal with the problems of human rights that confront us, it will have advanced the cause of freedom.

I applaud the fine work by the President's Commission in bringing together in a single publication such a fine commentary on human rights in the United States. During the next few days, I will offer a number of illustrations from this fine work to substantiate my continuing efforts to see the Senate ratify the Human Rights Conventions on Political Rights for Women, on Forced Labor, and on Genocide. Certainly if the Senate will face these issues head on and meet our moral obligations to ratify them, then we will be able to say in Ambassador Harriman's word's, we will have "advanced the cause of freedom."

SALT TALKS

Mr. DOLE. Mr. President, today the United States and the Soviet Union begin what Secretary of State William P. Rogers described last week as "the most critical negotiations on disarmament ever undertaken." Leaders from both countries have expressed the hope that for the first time since World War II, the two major nuclear powers can enter serious negotiations on an agreement to control offensive and defensive strategic nuclear weapons.

Beginning with the first American proposal for the international control of atomic energy presented by Bernard M. Baruch at the United Nations Atomic Energy Commission in 1945, there have been repeated attempts to negotiate an arms control agreement. Our success has largely been in a number of peripheral pacts, including the most recent agreement to insure that the world's seabeds are reserved for peaceful purposes only and the nonproliferation treaty. Only by strenuous and often frustrating negotiations have we taken these initial steps. But these agreements provide a basis for today's negotiations, negotiations which will undoubtedly be strenuous and frustrating. The American people must realize that there are no quick answers in these negotiations. They may proceed for months with little evidence of agreement, but a start must be made. Throughout the negotiations in Helsinki and thereafter, the United States must be patient and resourceful, as the United States and the Soviet Union move into a new phase of the arms race, more deadly and more expensive with the development of multiple-warhead systems for intercontinental ballistic missiles and by the creation of an anti-ballistic-missile defense system.

President Nixon stated the challenge in his inaugural address:

> After a period of confrontation, we are enterng an era of negotiation. Let all nations know that during this administration our lines of communication will be open. . . . I know that peace does not come through wishing for it—that there is no substitute for days and even years of patient and prolonged diplomacy.

Negotiation and even signing of an agreement to control strategic weapons will not bring peace to a troubled world. But this is a major step and one that we all hope will be successful.

BIAFRA: A TRAGEDY FOR HUMANITY

Mr. YARBOROUGH. Mr. President, Biafra continues to be a great tragedy for all humanity, a grim exhibit of hunger and starvation. It is important to remember that while tragedy only touches us periodically, Biafra's suffering continues every day.

This month's Harper's magazine contains an article entitled "My Summer Vacation in Biafra," written by Mr. Herbert Gold. It serves as a reminder of the conditions that are destroying a generation of Biafrans. Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

Another noteworthy article on the subject of Biafra was published in the Washington Post of November 14, 1969. The article, written by Jim Hoagland, of the Washington Post Foreign Service is entitled "How Many Children Dying in Biafra? No One Can Say" I ask unanimous consent that this article also be printed in the RECORD at the conclusion of my remarks.

The article in the Post contains some shocking revelations. It is there stated:

> How can I tell you how many children are dying a day? Dr. Aaron Ofekwunigwe, Biafra's leading child specialist, asked with exasperation. "Pick any number you like and I'll say it. The point is they are dying."
>
> He spoke after walking through the grim last hope ward at the Santana Hospital, which houses 600 children suffering from Kwashiokor, the killing protein deficiency disease.

Mr. President, I know the effort to feed the hungry in Biafra is being complicated and frustrated by the Nigerian blockade and Nigerian-Biafran relations. The shooting down of the Red Cross plane by the Nigerians on June 5, 1969, has produced the worst crisis yet. As Father Byrne, a Catholic priest on Sao Tome—the jumping off point for relief flights—stated:

> We have the food; we just cannot get it to them. These children know nothing about secession, economic blockade, political involvement. They only know they are starving.

Mr. President, this Nation and all other nations everywhere must take every means, seek every opportunity, and go to any reasonable length to bring about a resumption of a full contingent of relief flights immediately. Two months from now it may be too late.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MY SUMMER VACATION IN BIAFRA

(By Herbert Gold)

I am invited by telephone by a Committee for Biafran Writers and Artists and I accept at once. The lady at the other end of the wire in New York tells me about shots and preparations and then begins to giggle. "You mean you're really going? You're not going to think about it and call back and say you can't? Do you know there isn't any place to sleep and you may not eat for a week?"

It's odd to hear her laughter across the continent.

Thinking to get some information, I telephoned a Biafran relief organization in San Francisco. The reverend in charge was in conference, but I spoke to an assistant. "I'm going to Biafra on Monday," I said.

"You're going to be off on Monday?" he asked.

"Biafra!" I said.

"Oh, *Biafra,*" he said. "Yeah, man. Cool. Why?"

Next I called an editor to whom I suggested writing about this trip. "Oh Jesus, we're up to our ——— in Biafran babies." I agree. I skip those articles, too. I have an image of the swollen belly and the mournful eyes, and it's classified like the Vietnam war: a horror with which I continue to live, like everyone else.

GETTING THERE

Biafra makes bad dreams for people who refuse to dream.

While the moon rocket splashes down, and all over the front pages, the red-haired babies are buried in the News of the Week in Review. I'd heard about kwashiorkor, "the red-man's disease." But the hair looks more like a crispy grayish-red, and it doesn't look like hair—more like something weakly extruded by a disoriented body, and it looks as if it would break if you bent it.

"Hunger is a legitimate weapon of war," says one of the Nigerian generals. The Nigerians use it to destroy the Biafrans. The Biafrans use it to try to arouse the atrocity-drugged conscience of the world. The children die to these purposes.

These abstractions are not the truth of it. The truth here is suffering and the sufferers cannot tell it and I am trying to write my way out of shock. Floating through the suffering, immune and shaken, sleepless and immune, full of rage and immune.

Our party: Leslie Fiedler, literary critic. Miriam Reik, Professor of English ("Just call me Dr. Reik"). Diana Davies, who calls herself "The Pack-horse," photographer and black-belt judoka. H. Gold, who wonders what the devil he is doing here.

Jews and Ibos. "The Ibos should go home to their region."—Alhaji Usman Liman. "These people know how to make money."—Mallam Muhammadu Mustapha Mande Gyari. "There are too many of them in the north. They were just like sardines"—*spawned in some estaminet?* as T. S. Eliot said—"and just too dangerous."—Mallam Mukhter Bello. (These quotations are from an address by Colonel Ojukwu to the African Unity Consultative Committee meeting, Addis Ababa, August 5, 1968.)

Fourteen million people in Biafra! Hardly a tribe. We don't call the Irish or the Jews a tribe, not without some malice in there someplace.

I wouldn't have chosen this trip, but neither could I refuse it. I can only bear witness, and it's all I can do. Who is the meddler described as having lost some fine opportunities to remain silent?

"Captain Genocide" is the bomber pilot who boasts on the radio of killing children. He flies an Ilyushin, but they think he's a Belgian. About 40 per cent of the children are dead from starvation, so Captain G. is not a major producer and packager of child mortality. He relieves the protein shortage by reducing the demand. "Never to be born would be best for mortal man, but this happens only to a very few." The melancholy joke has another meaning in Biafra. Babies are born who are not born. Babies are born with death as their only and their immediate future.

Biafra was an ancient African kingdom of which little memory but the name endures. However, the name is magic and its history is becoming real again at the command of modern war.

From the *Guardian*, May 28, 1969, an editorial urging freedom for Wole Soyinka, the Nigerian playwright held in prison because of his sympathy for the Biafrans: "In order to improve Nigeria's public relations, General Gowon has lately made commendable efforts to scale down the bombing of Biafran civilians. He could win more sympathy by releasing an artist who is regarded abroad . . . ," etc.

San Francisco-New York-Lisbon-Luanda-São Tomé-Biafra. The crashing through time zones, confusion of nerves in day and night, is an appropriate prelude to mass murder and desperate hope in an African rain forest.

THE PORTUGUESE ISLAND OF SÃO TOMÉ

May 29: The Biafran official has a habit I recognize—the Haitian one of grabbing his balls at odd moments when he needs reassurance. I don't think it's merely the heat and tight underwear. "I went to law school at Tufts," he beams.

We wait at the Geronimo Hotel for permission to fly in one of the relief planes, Caritas or World Council of Churches, Catholic or Protestant. We get drunk with the fliers. The pilots are (a) Steve McQueen, (b) Steve McQueen's Best Friend, the Crazy Kid, (c) The Old Boy Who Drinks Too Much But Give Me One More Chance, Steve. There are also the British flying officer who got into some unmentionable trouble with a guardsman, a smiling Japanese, a deformed Texan whom I think of as the Forceps Baby, and subsidiary do-gooders, ironic intellectuals, machined Canadians on leave from their airlines—the full cast of an outmoded flick. They are idealists in it for the ideal of money: they can make up to $3,000 a week. I especially like one whose real name is Johnny Cash (he showed me his driver's license to prove it) and another called Jack Frost from South of the Equator, Jack for short. When Jack heard Leslie and I are writers, he began to tell us about the Biafran children to whom he transports Formula 2, rice, and beans through the blacked-out, Mig-haunted sky.

A crowd of us hangs around the airport, trying to catch on to a flight. "The Princess" flirts with a Biafran official; she looks like Princess Radziwill, but she's a real princess. Like stop-action photography of growing vegetables, first you see her in Pucci pajamas and then one frame later she's in starched combat suit and then in a sweet limpid little frock. We drink cokes with the pilots and nervously visit toilets overflowing *à la portugaise*. The weepy American who wanted to rejoin his Ibo wife, the Italian reported who has been turned away day after day, the Swedish team, the Swiss boy journalist, and the four of us with our letters, invitations, passes, and Dr. Reik to speak for us. Three of the six planes which went out returned without landing in Biafra. "Intruder" was back.

The ground crews in shorts, stained T-shirts, with the frazzled faces of old softball coaches. "Jello and a coke!" one mechanic was yelling at the waiter. "No ice for the coke on this ——— job."

Jack Frost: "Now you just stick close to me if you want to know all about the war—what paper you say you write for?"

Johnny Cash: "Now, here's my wife and here're my four kids in Glendale. . . ."

Jack Frost (as we climbed on a Super Constellation): "So you're playing Bet Your Life today, are you?" We signed the No Harm agreement. He told us the Joint Church Aid flights are called ——— ——— Airlines. He has a whole repertory like that.

We lumbered off the runway on a Super-Connie called *Snoopy* with nineteen tons of rice and dried milk. We stretched out on the sacks. "You'll get rice mites if you sit on the rice," the pilot said amiably, "or milk worms if you sit on the milk."

The radio man said, "———, the Bomber used to fly with one of our pilots. He'd radio in and say, 'Man, I'll get you tonight.' " He was a South African.

"What about the Migs? Don't you have any trouble with them?"

He grinned. "Egyptians. Six Day War," he said.

I fell asleep, rice mites and milk worms, as we droned through the sky over tropical sea and Nigeria into Biafra and Uli Airport. He wakened me with a grin to see the flak below—pretty tangerine flashes following the sound of the aircraft.

ULI AIRPORT COMING

We arrived in a pandemonium of blacked-out airfield. Planes unloading food, pilots screaming—they have to get out before dawn; they don't want to be bombed down here, either—trucks grinding and backing, officials greeting us and smiling. "Welcome to Biafra. Welcome to Enugu." Though Enugu has long been in the possession of the Federals, they still carry on the fiction that the Uli airstrips are really Enugu Airport. Nearby, in a blacked-out building, I heard, no kidding, a band playing, "I Ain't Got No Satisfaction"—celebrating two years of freedom.

We wandered about helplessly, looking for our contacts, nameless officials in the faceless dark. Diana asked to take a flash photograph and immediately an eager-beaver soldier boy arrested us. While he went to get an officer, I wandered off toward the music: "I Ain't Got No Sat-is-fac-tion, unh, unh, UNH!" Vaguely I understood we were under arrest, but at four in the morning in the tropics, in a strange land fighting a strange war, the music seemed realer to me than a red-tape misunderstanding.

The soldier caught me at the door to the dance. "You move very fast," he said, and in his voice was hatred, suspicion, stupidity, and bucking for stripes. We were passed from bureaucrat to bureaucrat. Finally we reached the commander of the base. The sly foolish soldier said, "She took a picture."

"She did not. She asked if she could take a picture," I said.

"———, the Committee for Biafran Writers and Artists is hereby dissolved!" Miriam cried.

"In my opinion, sah," said the soldier, "she was ready to take a picture."

The Commander said, "Tut-tut." He had been a former school principal. He explained to us that they were fighting a war for survival, to the soldier that we were friends of Biafra, and wrote out an official piece of paper declaring everyone innocent—us, soldier, officers, himself. We need this man in Berkeley.

Somehow in the mess of being arrested, soaked in the rain, shuttled about, we lost our contact. We slept on chairs in the customs house. Someone brought us cold corn and coconut for breakfast, and then coffee. A man from the Ministry of Information came to get us, carrying his copy of *Le Grand Sommeil,* par Raymond Chandler.

He drove like a madman down roads blocked with stumps so the Nigerians could not use them as landing strips. At the checkpoints the guards said, "Welcome," as they pointed their antique weapons at us. *Le Grand Sommeil?* Is he putting us on?

A DAY OR TWO LATER

A blood vessel in my right eye has broken. Days without sleep, much heat, much strain. Our clothes aren't dry since the soaking of a few nights ago. Every official says, "This war, these conditions, things are rather difficult, really. We are decentarilzed, you know."

"Decentralization" is the euphemism for the capture of the capital, Umuahia, and all other cities. Though the Biafrans have recaptured Owerri and are moving services back into it, it is burned out, wrecked, nearly deserted, with a few stunned and starving people squatting beneath the riddled Pepsi billboard.

Stopped by the side of the road, waiting for a pass, which we needed in order to get to the place where we could get a pass which would, in turn, enable us to get a pass, I handed out protein tablets which I had carried with me. They are compressed lumps of fishy dust which had turned my stomach when I sampled them in the States. They were delicious. Diana had water in her canteen, a mouthful for each of us. The driver looked as if he were eating birthday cake and I gave him another handful. He was very thin and I asked him if he had lost weight since the war. "No, no, oh no, I was always like this."

Ibo pride, ebullience, and optimism. Plus a bit of fibbing.

We got gas at a military camp. The Biafrans have created backyard refineries, sometimes even using wood as fuel for Rube Goldberg distilling contraptions.

Can they be defeated by the combination of English, Soviet, Arab, and Nigerian energy directed against them? No, not without extermination. And this would be a great loss—a gay, energetic, inventive people. Is there a possibility of reconciliation with Nigeria? No, not after the mutual hatred and mass murders. Father Doheny estimated over a million Biafran dead already, a generation of men and children. He sighed and his Irish Cary Grant face crinkled: "Polygamy is unavoidable. There are so few men left."

But can Nigeria be defeated? No again—not with its overwhelming advantage in population, material, and allies. However, it can fall apart.

Is there something besides murderous stalemate in store? The Biafrans grin. "Nigeria will dissolve, it's unnatural." The separate states will follow natural (linguistic, racial, geographical) rather than colonial boundaries. And then perhaps there will be alliances and trade, as between the U.S. and Canada, which were enemies in 1812, or among the Common Market, where wars were fought rather recently, rather than the Nigerian exploitation of tribe by tribe and struggle for power and corruption.

I asked a Biafran why American blacks, if they are interested at all, seem to support Nigeria. "Because they think we are like Katanga, the creature of someone else. Because they don't know how the Arab hates the African and they fancy themselves Muslim and we're Christian. Because they don't know the truth, the world doesn't know, either."

KWASHIORKOR IN THE HOSPITAL AT IHIALA

An Irish nun shows us a heap of about a dozen children on a mat. "Of these," she says briskly, "three may live—this one, this one, this girl."

When one whimpers, another dying child strokes it with a withered hand.

"*Agu, agu, agu*," a child is crying. This means Hungry. But he's a healthy one; the lost ones can no longer assimilate food.

"If they live, are they retarded?"

"They were so keen before," she says, "it takes a lot to put them down. But it's the first time for kwashiorkor. How can you know?"

One of the priests teases and chucks the chins of the soon-to-be-dead, calling to them in Ibo, trying to make them answer. These are the Fathers of the Holy Ghost, the Holy Rosary Sisters, the Hospital of Our Lady of Lourdes at Ihiala. They have given up missionary work for the duration.

Sister: "We're slack at the moment. If you think we're busy, we're not. We're slack. When the fighting was here, we worked twenty-four hours a day."

Wounded soldiers outside were playing checkers, joking, laughing, and studying mathematics and engineering textbooks. The priest got a group of children to sing a Biafran song for us. Leslie and I, escaped from the Kwashiorkor ward, were happy to be among the legless, the armless, the eyeless. "Mending bones. Ah, that's nice," the sister said.

No dogs, no birds. They've all been eaten. I saw a woman with a target painted on her dress. She is the target. A priest is telling us how they have cultivated everyplace; how chicks are growing, but they need corn; how salt costs as much as $30 a cup. Along the roads there are signs such as "The Universal Insurance Company (Inc. in Biafra)," advertisements asking for clerks, typists, offering barristers, herb doctors (Diplomate in London).

THE KING OF IHIALA

That's the translation of "Oluoha": King. His name is J. M. Udorji. He gave me an audience though he was not well; he looked as if he were dying, burning with some fever, exhausted, emaciated, and tottering in his robes.

Poem dedicated to King Udorji on painted scroll in the antechamber:

> "What the joint growth of arms and arts foreshow:
> The world's a monarch, and that monarch You."

He offered me the ritual kola nut, a bitter mild narcotic which relieves hunger. He offered me other food, but his hot hand and burning eyes made me think of germs everywhere. Women in the courtyard were singing and chanting for his recovery. Sometimes his voice gave out and he seemed to lose his thought in the middle of a sentence. I would guess he is about forty years old.

"There will never be a proper peace and understanding with Nigeria. Someone will always remember the horrors, the happenings, so many happenings. We will not fight a war of survival and then lose. Gowon will find it difficult to say, I am tired. Britain who supplies ammunition is not tired. When Britain is tired, Gowon will be tired."

I excused myself early, wanting to save his strength.

I walked back to the Mission, past the gun emplacement with its battery of homemade anti-aircraft—greased pipes. The trench and dugout had been flooded by the rains last night. The soldier guarding the anti-aircraft symbol said, "Yes, sah! We are here all the time, sah! My brother and me, sah!"

"The word redeemeth, and food and weapons give life," said one of the priests.

I walked through a ward of children with kwashiorkor. These were babies well enough to be moved by plane to Gabon; they are expected to recover. But there was one child who had suddenly toppled over and seemed to be dying. "Flora! Flora!" cried her little brother. And in the Ibo language: "Wake up! Wake up, Flora!" There was a black priest bending over her and talking to her brother: "This is a scandel. You must wake her up."

THE LEADERS OF THOUGHT

Somewhere in Owerri province, in the middle of the night, we were driven to hear General Ojukwu address the Leaders of Thought on the subject of two years of Biafran independence. It was in a wrecked church. We were searched as politely as possible by a soldier who murmured, "Welcome, welcome." Black-beret honor guard, pride and seriousness, a Handel hymn played by a scratchy record. "Blockaded, starved, and massacred, let us give thanks to Almighty God for preserving Biafra as a soverign and independent nation," said General Ojukwu.

Wearing clean fatigues, a shining-eyed, black-bearded, handsome young man with an Oxford accent and a solemn manner, he invoked "the Nigerian crime a genocide." While he read the speech, an aide took the pages one by one as he finished. "For the dead on the other side of the conflict, may their souls rest in peace."

"Amen," came the response from the crowd—officials, officers, priests, nuns, wives, and friends. The red, black, and green Biafran flag was draped about him; also a banner with lions rampant, eagle, knives, palm tree spilt by lightning and the legend: "TO THINE OWN SELF BE TRUE." He denounced English imperialism, Soviet bolshevism, Arab expansionism, white colonialism, African servitude and feudalism. And with all these enemies, he was optimistic about the future—and I think he is right to be.

"Some people are frightened by the word Revolution—good gracious! It is simply a quick change for the better." Once again he made the crucial distinction for Biafra; they did not secede from Nigeria, they were expelled in a series of pogroms.

Leslie and I collaborated on a name for his style: Monseigneur J. Pierpont Guevara X.

The speech took too long. It seemed to be an educational program—history plus consecration of history plus a program for the future. Several disparate speeches by separate hands seemed to have been yoked together and read with enthusiasm by a healthy young man who lacks a natural orator's rhythm. But the Oxford accent and slightly pedantic manner encouraged hope that he is not a tyrant or rable-rouser. Everything came in threes—"corruption, malfeasance, and inefficiency," "arrogant, insolent, and overbearing." Or in twos: "Love and friendship," "distrust and hardship," "proud and courageous." "Responsible, trusting, and loving," "industrious, resourceful, and inventive," "proud and courageous."

"Colonialism and genocide."

"Honor, pride, and glory."

But it's a relief to find a non-charismatic leader. We've seen the others lately.

Afterwards we were taken to a buffet supper with General Ojukwu and other dignitaries. It was a silent and weary and somewhat stiff occasion. Fiedler and I circled warily about the other Americans present. Dr. Ferguson, Nixon's fact-finder, a light mulatto gentleman with two aides, one from the Red Cross, one from Washington; they circled warily about us. Impression: that they thought us Biafran propagandists, that we thought them pro-Nigerian. The Biafrans, unskilled politicians, seemed to enjoy us powerless writers, who could do them little good, and they mostly ignored the official mission from Washington, which was in a position to do them much good.

Few guards, few cops and soldiers: for a nation under siege, their confidence is astonishing and hair-raising.

ABOUT MEETING FIEDLER IN STRANGE PLACES

Attacked by Migs at Ihiala. Two Migs made two passes at us—that is, at the hospital and the mission house.

Leslie (to me): "We seem to meet in strange places." At a Princeton psychiatrist's house, at Hugh Hefner's mansion in Chicago, at Harvard summer school, in a men's room in New York—and now at the mission of the Irish Fathers of the Holy Ghost in Ihiala, Biafra, being rocketed by Soviet aircraft piloted by East Germans or Egyptians.

We looked at the crater a few yards from the mission. Then we went to see the wounded, dying, and dead in the hospital. No panic; much hatred. I see why the bombing of civilians doesn't end wars. The passion to resist is very powerful. *Don't Touch Me!*—I remember the American Revolution.

THE REHABILITATION CENTER IN ORLU

Dr. Imoke: "Once I was a doctor. Now events have made me a politican."

We drank palm wine, a sweet fermented cider, and ate African pears and rice with bits of what I took to be chicken gristle; it was stockfish—smoked, dried, salted cod. The house was painted with the letters "Rock of Ages." Dr. Imoke told us about the Land Army; we saw the plantings everywhere, yams, maize, okra, groundnuts, cassava, plantains, bananas, sweet potatoes. "The Land Army fights the Hunger."

Dr. Imoke: "It is not possible to lose a war for survival. That has not happened in history, has it?"

We visited some refugee camps. At Umuhu we met a girl—homeless, emaciated, without family—studying a French grammar. Walter gave her his two-week-old copy of *Le Monde*. She was a lovely willowy Ibo. I wiggled my ears for the children, and made coins disappear, and was told by a spokesman for the crowd that I am a trickster.

Nobody begged. We saw lines of children at feeding stations, carrying their bowls every which way, on heads, in hands, juggled. The laughing optimism of this suffering people makes you believe in something congenital, hormonal, inbred about good nature. The building painted with the letters: "Little House of Small Regrets."

We visited a backyard oil refinery: gas being dripped out amid hellish heat and a constant hiss and roar and penetrating smell. An Ibo tribesman (trained at Purdue) directed the operation. Nearby, a crowd of mechanics was cannibalizing automobiles. Two years without spare parts and still the transport moves Batteries are the great problem, but wherever a car needs a push, the nearest bystanders lend their shoulders. (My back aches.)

ULI AIRPORT GOING

Jack Frost of South of the Equator will get us home, maybe.

The State House customs routines, a parody of British habit which they cannot shake off, continue in blackout, under air attack, with war and starvation all about. In a smoky, lamp-lit cubicle, an emaciated clerk with glasses sliding down his nose asks: "State of birth?" "Ohio," I answer, and he nods sagely as if I have told him something, and he writes O-h-i-o.

On the form which asks for Port of Entry, he says, "Write Enugu." But the Nigerians have bloodily captured Enugu months ago and we were not at Enugu.

"If you're going to be a correct official," I say, "why tell me to write Enugu?"

He smiles in the flickering yellow light. "Let me see your medical certificate," he says. He checks it and says, "Now, follow Carol."

Carol is the girl studying a five-year-old copy of *Modern Screen*. She stands up, smiles, and disappears into the dark. Single-file, we shuffle through the crowd behind her. I'm afraid of losing her and put out my hand to touch her shoulder and a girl looks up at me and says, "Pardon, sah?" It's not Carol Modernscreen. We've lost her. I start to giggle at the lady whom I have grabbed in error. Carol finds us.

Despite all the pretense of customs and exit formalities, this is a parody, a society being bombed and starved into chaos, but persisting in keeping the forms and ledgers filled. They ask us to open our baggage, but can't see inside because there is no light. And what is there to smuggle out?

Now we have to find a relief plane heading for São Tomé. The pandemonium of the blackout airport. We drive about, bumping lorries, men, planes, crowds of workers. When a flight comes in, the runway lights flash on for about thirty seconds, to get the plane down, and then off at once. If you're on a runway when the lights go on, you get the hell off before you have a Super Constellation in your hat. It's hot, jungle-wet, dusty, noisy, and dangerous. All the flights seem to be Red Cross flights for Gabon or Fernando Po. We wonder if we can get one at all. The props spread filth on us. All we need is a plague of frogs. Six hours pass, rushing in the dark from plane to plane.

Father McGlade, three times injured at this airport, says, "Don't worry, you'll get on." I'm ready to believe. We chat and I express admiration for his—well, I say stamina but mean bravery. "I'll take a vacation in 1970 or '72, when this is over." He is a wizened energetic priest, who reminds me of Barry Fitzgerald, with a cheerful hard face and a hand twisted into a claw by the Nigerians.

The airmen land their tons of food and stand screaming at the hatches as they open, "Get it off! Get it off! We got to get out of here!" They are making thousands of dollars a week, but they still don't want to be shot up on the ground. Their life in São Tomé; too much drink, not enough women. They are saving the money for trips to Lisbon or to buy a car in Glendale, California.

The pilot I called the Forceps Baby (smashed short from both ends, bulging and deformed fat, bermudas, white socks, black shoes, an alligator sports shirt) stands looking at the mad blackout, moonlit scene of trucks, shouts at the work gangs, "Those bastards, they don't wanna work. They're animals, they'll grab that Formula 2 right off the runway—yecch, filth—and stuff it in their mouths. Christ, the pigs, I wanna get out of here in five minutes." And shouts, "Get me outta here! I'm leaving in five minutes, — — — it!"

Father Finukin, three hundred pounds of first-sergeant beef, is shrieking at the men sliding the bags down and hoisting them into trucks, "Quick now! Get it off! Hurry up, quick, you lazy boys!"

And to me he says, "They work hard, poor devils. They're tired. . . . Back up the lorry, you, back it up! Quick, quick, quick!"

Forceps Baby: "Niggers'll eat anything."

Jack Frost winces: "Hell, if he saw those little tykes, you know, the kwashi-kwashi kids, those cute little geezers, he wouldn't say that."

The men looked like gray ghosts, exhausted, bone-tired. They work all night. I remember their cheerful song of greeting to us: "Welcome to Bi-afra, welcome!"

The kwashiorkor children were being loaded from trucks in the dark onto planes bound for Libreville. These were kids I had seen earlier, about seventy of them, for whom these was hope of survival. I met a sister from the hospital. "So you're here now!" she sang in her Irish lilt. And the Princesse de Bourbon-Parma: *"Bon soir, monsieur."* She was nervous as a doll in her crisp fatigues, fatigue hat, crucifix gleaming as she leaned to talk with Father McGlade. Having met repeatedly during the past ten days, we are old friends and she tells me how good my French is and I, somewhat maliciously, tell her that her French is also very good.

A line of bloodied soldiers passes by: Are they too being shipped to recover in Gabon? Bandages, casts, crutches; and they help each other.

The seminarians are helping load the children. I see the one who said, *"En-emy plane,"* the day of the air raid, who has given me a pin which says, "Hail Biafra." I show him that I'm wearing it. "How are the children?" I ask. He grins. "Fair," he says. I promise to send him books through Caritas.

Father McGlade promises us again: "I'll get you on." "Thank you, Father, I'll see you're redeemed."

Paul Emeku, our friend from State House, keeps repeating, as the night passes, his favorite refrain: "There are some difficulties really in these times. . . ." There are pearls of sweat on his nose, unmoving, it seems, all the week long; the orange dust of Biafra in his hair; a look a gray exhaustion beneath his smiling, obliging, attentive face. "There are really some difficulties in these times."

At last we find a plane, a Joint Churchaid ("Jesus Christ Airlines") Stratocruiser, bound for São Tomé. Leslie and I say goodbye, kiss Miriam and Dianna, and scramble aboard. The huge tube smells of fish, grain; there are mites and bugs which shuttle back and forth with the food. A hilarious crewman looks at us disgustedly (we must be filthy, we are bearded, we are probably journalists or do-good creeps): "Welcome aboard the Flying Formula Two. If you will proceed into our Starlight Lounge, the stewardess will be serving cocktails and stockfish. . . . Hurry up, we got to get out of here before 'Intruder' comes back."

The doors clang shut and there's nothing for Leslie and me to do. Goodbyes are over; goodbye, Biafra. Engine road and flash: Max power! Lights blink. In the dark, we lumberingly move and rise, hoping again to be too slow and low for the Migs to track us. Only two planes flew from São Tomé that night. One other had been shot up on the ground and the Canadair plane has suffered an engine failure. It was the one we came in on; I remember those blinking warning lights, telling of an overheated something-or-other. (We later learned that one of the Red Cross planes we had chased across the field was shot down that night by the Nigerians; no survivors.)

In the past few weeks, in their hurry to get at the cargoes, get the planes off the ground, several men had walked through propellers. One plane had been bombed on the ground and the pilot had broken his foot jumping out. Another had lost its landing gear and crash-landed.

Blacked out, we were droning over Nigeria now. The airmen were passing a jug of lemonade back and forth. One of them was telling me about San Francisco. "What I do in San Francisco," he said, " I go to Johnny Han's for Chinese and the Domino Club for steak. That way I never do get disappointed. . . ."

The plane smelled of stockfish, I was covered with a sticky paste—flour, sweat, dirt. Down below, there were orange bursts like rotten tangerines in the air-anti-aircraft fire searching irritably for us, but of course all they had to go on was the sound of the engines.

I was thinking that the good Catholics of Biafra have the joy of believing in God, which means that they can curse Him. Now I return to San Francisco and all I can curse is mankind—but first, of course, I'd like to join my pilot at the Domino Club. I have left the starving behind and am thinking of food. They, despite their hunger and suffering, are thinking mostly of victory. Hail Biafra!

[From the Washington Post, Nov. 14, 1969]

How Many Children Dying In Biafra? No One Can Say

(By Jim Hoagland)

Owerri, Biafra.—Drifting out of the morning mists that rise in the palm tree forests, the naked and ragged children of Biafra fill the roads and walk to the relief feeding centers.

Some carry pails, hoping to bring back a little stock-fish soup that they get three times a week. Others carry their brother or sister, too weak to walk, on their backs.

Since June 5, they have found less stockfish at the feeding centers. Since March, they have found less food growing in the fields, because of Biafran losses of territory. In the meantime, they have begun to die again in large numbers.

"How can I tell you how many children are dying a day?" Dr. Aaron Ifekwunigwe, Biafra's leading child specialist, asked with exasperation. "Pick any number you like and I'll say it. The point is they are dying."

He spoke after walking through the grim last hope ward at the Santana Hospital, which houses 600 children suffering from Kwashiorkor, the killing protein deficiency disease.

Nine children died last night, a young French nurse told the Biafran doctor. The usual death rate at the hospital over the past few months had been three a night.

Dr. Ifekwunigwe and dozens of relief workers interviewed here report a new pattern of death is emerging in the tiny, land-poor African enclave which has been blockaded by Nigeria for 28 months.

The problem is not so much Kwashiorkor as Marasmus—in layman's terms, plain starvation, said Dr. Ifekwunigwe. "We're getting in a little more protein than at the worst times of 1968, but we don't have the carbohydrates available we had then. We don't have as much land to farm."

Marasmus is a slower death than kwashiorkor. It is less sensational for photographs. But it is just as sure.

Nine days of traveling through the Biafran enclave found only isolated pockets of large numbers of children with distended stomachs, pinkish red hair and bloated hands and feet dangling from matchstick limbs—the classic signs of kwashiorkor.

Pictures of such children brought Biafra to the world's attention in September and October, 1968, when thousands of them were dying each day along the roadside.

Despite threats from Nigeria, which is locked in a civil war with Biafra, the International Committee of the Red Cross and religious bodies grouped as Joint Church Aid, flew in emergency relief supplies and brought kwashiorkor fairly well under control by late spring.

But on June 5 the Nigerians shot down a Red Cross relief plane. The Red Cross, which had supplied about 60 per cent of relief, suspended its flights and has not resumed them.

This partial relief stoppage brought predictions from many experts outside Biafra that the death rate of children would immediately shoot up again to the 1968 level.

This has not happened—yet. But many here view the next two months as the crisis period.

The church groups, which have continued to defy Nigeria, have been able to step up relief flights in the past two months and have filled some of the gap left by the Red Cross.

They are now making between 15 and 20 flights a night when Nigerian bombing of the airstrip at Uli is not intense.

But is not nearly enough, says Father Angus Fraser, a Catholic priest who supervises one of the 47 relief camps around Etche. There are 97,000 persons in the camps.

They, like most of the estimated 2 million other refugees in camps scattered around Biafra, receive three relief meals a week.

A relief meal averages out for each person at about an ounce of stockfish (a high protein dried fish from Iceland) mixed into a cornmeal mush reinforced with vitamins.

These are the lucky ones, says Father Fraser. Across the Otimiri River from Etche are 40,000 refugees who are in even more serious trouble. Relief supplies must be ferried by canoe to them and then head-carried seven miles through the jungle.

The priest estimates that the situation in Etche, which is 30 miles southeast of Owerri, is much like that at other refugee camps—more deaths in the past few months, but not as many as in late spring.

Kwashiorkor is rampant in Etche, which has provided many of the 4,000 Biafran children who have been flown to Gabon for special treatment.

Weeping mothers crowd around Father Fraser, holding up children that are little more than skeletons, begging him to send them to the Gabon hospital. He can only take a handful of the worst cases. Then the mothers weep even more at the thought of being separated from their children. One night recently after he had selected 20 children, seven of them disappeared, taken back by their mothers.

Another 4 to 6 million people are estimated to be jammed into the Biafran enclave with the 2 million refugees. At least 3 million of them have been dependent on the hundreds of feeding centers set up separately by Caritas, the World Council of Churches and the Red Cross.

Before the June stoppage, the Red Cross operated 904 feeding centers with 500 persons getting three meals a week at each.

The church groups have donated 10 per cent of the relief they fly in to keep the Red Cross centers open. It is now clear that the effort is failing and the Red Cross is on the verge of closing down its food operation.

It has pared down the number of persons being fed in each center to the 100 worst cases. Asked what happens to the other 400, ICRC representative S. E. Naucler said, "I do not know. There is nothing else we can do."

The Red Cross is in the process of handing over 200 feeding centers to the church groups to operate.

Local foodstuffs grown under the Biafran army's land plan are dwindling rapidly. Another harvest is not due until January. November and December are the danger months of the current shortage.

"We thought we had saved a whole generation of children," said one Catholic priest. "Now we are almost back where we started. It is not only the food itself, but the fact that the relief was coming in that gave people enough hope to go on living, waiting for more. Now that hope is fading, and they give up."

How many are dying of starvation, is as Dr. Ifekwunigwe pointed out, an almost unanswerable question in a wartorn society that has little time for statistics. The low estimate seems to be about 400 a day, with other current estimates being 1,000 and 2,000.

Four hundred miles away, on the flyspeck island of Sao Tome that is the jumping-off point for the relief flights, an impatient Catholic priest named Anothy Byrne paces daily inside a large warehouse where 10,000 tons of relief food is stored.

"We have the food," Father Byrne says. "We just cannot get it to them. These children know nothing about secession, economic blockade, political involvement. They only know they are starving."

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM WAR

Mr. CRANSTON. Mr. President, between Saturday, November 8, 1969, and Friday, November 14, 1969, the Pentagon notified 10 more California families of the death of a loved one in Vietnam.

Those killed were:

Lance Cpl. Stephen E. Bayles, son of Mrs. Billie Bayles, of Ben Lomond.

Pfc. Michael A. Bustamante, son of Mr. and Mrs. Felix Bustamante, of Pacoima.

Pfc. Jose C. Carrillo, son of Mr. and Mrs. Joe Carrillo, of Los Angeles.

Boatswain's 1 Charles P. Geisert, husband of Mrs. Setsuke Geisert, of Long Beach.

Lt. Patrick J. Donovan, brother of Mr. William A. Donovan, of Arcata.

Maj. Howard B. Henry, husband of Mrs. Jacqueline D. Henry, of San Clemente.

Sp4c. Ariel J. Smith, husband of Mrs. Fannie J. Smith, of Santa Ana.

Sp4c. Daniel J. Smith, husband of Mrs. Linda Smith, of Los Altos.

Capt. James J. Stroble, son of Mr. and Mrs. Walter W. Stroble, of Winton.

Pfc. Raul J. Vargas, son of Mr. and Mrs. Ralph C. Vargas, of Orange.

They bring to 3,874 the total number of Californians killed in the Vietnam war.

A STUDY OF 177 AMMUNITION PURCHASERS FROM TWO MARYLAND GUN DEALERS

Mr. DODD. Mr. President, just 1 month ago the Senate voted to weaken seriously the ammunition recordkeeping requirements of the Gun Control Act of 1968, when it adopted the Bennett ammunition amendment to the Interest Equalization Tax Act. This amendment eliminated recordkeeping for rifle ammunition and shotgun shells.

In effect, the Senate said to felons, fugitives, narcotics violators, and juvenile delinquents: "Go ahead and purchase all the rifle and shotgun ammunition you want for whatever nefarious activity you may be planning."

The so-called sportsmen of the Nation argued, and the Senate accepted the argument, that rifle and shotgun ammunition is only used by sportsmen in bagging deer or some other sporting activity.

I submit that all one need do is read the daily newspaper and the fact becomes clear that these weapons are also used in crimes of violence, including homicides, assaults, and armed robberies.

I deplored the action taken by the Senate on October 9, and today I am more convinced than ever that this body acted in a precipitant manner, urged on by the gun lobby and the ammunition manufacturers.

The Senate bought the allegation that recordkeeping on the sale of ammunition was tantamount to registration.

The Senate accepted the argument that requiring records on ammunition sales was a burden on the law-abiding sportsmen, upon the firearms dealer, and upon the Treasury Department.

The Senate agreed with the gun lobby view that the recordkeeping requirements are a waste of time and effort and that they serve no law enforcement purpose.

I knew then that the Senate made an error in accepting these positions.

Since then I have determined that the Senate's action was a tragic error.

The Gun Control Act had been in effect less than 1 year when the Senate voted to remove the ammunition recordkeeping requirements concerning rifles and shotguns.

In such a short period of time the effect of those provisions, as a part of the overall crime deterrent nature of the act, could not be truly measured. This was basically because of the fact that the Treasury Department had done absolutely nothing to effectively enforce these ammunition control provisions.

They said as much in testimony before the Juvenile Delinquency Subcommittee on July 24, 1969.

However, there was no question over the deterrent effect of similar recordkeeping provisions of the act, concerning the sale of firearms. Representatives both of the Treasury Department and the Internal Revenue Service testified that the provisions had been of substantial aid to law enforcement even in the brief period of time that the act had been in force.

It was with the testimony of those officials in mind that I directed the staff of the Juvenile Delinquency Subcommittee to examine the records of ammunition dealers in the Washington, D.C., suburbs with the goal of determining just how many nonresidents were purchasing ammunition and what, if any, criminal backgrounds such persons had.

This record check is of particular significance because under District law, residents must comply with firearms registration requirements in order to buy ammunition in Washington.

As in the firearms investigation, I asked, "Why does a District resident travel a great distance to buy ammunition that he would have access to within a few blocks of his home?"

The answer in many cases, as documented by the records that I will soon discuss, is that he is a criminal.

He does not have his gun properly registered in Washington.

He cannot buy ammunition here.

So, he skirts the local law and buys his high-powered bullets and shells in other jurisdictions.

Previous subcommittee investigations had documented that one of the major sources of the crime gun was through over-the-counter, nonresident purchases. This means a resident of one jurisdiction who for one reason or another was prevented from purchasing a gun where he lived traveled to a nearby State, bought the gun and subsequently used it in the commission of a crime in his own backyard.

In view of this past record of criminal evasion of local firearms laws, I directed subcommittee investigators to compile the names of District of Columbia residents who had purchased ammunition in suburban Maryland from the effective date of the Gun Control Act through the month of October 1969.

This was done, and the names of 177 purchasers were submitted to the Federal Bureau of Investigation for criminal record checks.

The results of those record checks leave no doubt in my mind as to the value of recordkeeping on the sale of ammunition as a law enforcement aid.

Of the 177 persons whose names, addresses, and dates of birth were submitted to the Federal Bureau of Investigation, 66 or 37 percent had criminal arrest records.

Included in these records were 203 misdemeanor convictions. This is a minimal figure as some cases are current and still before the courts, and in other cases, no disposition was recorded.

Seventeen arrests involved firearms.

Our study revealed that ammunition was sold to persons convicted for murder, armed robbery, assault, assault with dangerous weapons, rape, grand larceny, and a variety of firearms charges.

A summary of the major charges against these ammunition buyers includes: Two murders; one attempted murder; 38 assaults, including 14 assaults with dangerous weapons involving at least five guns; 11 grand larcencies; five rapes; eight "carrying dangerous weapons"; seven robberies, including two armed robberies; one sale of marihuana; seven housebreakings; two "fugitive from justice" charges; 136 drunk charges and related offenses; one possession of a gun after conviction of a crime of violence in the District of Columbia; one interstate transportation of firearms; eight auto thefts; and eight carrying dangerous weapons charges, including at least two guns.

A closer look at the records of some of these "hunters" and "sportsmen" reveals a pattern that should shock those who advocate free access to ammunition. I will briefly describe the more flagrant cases of the sales of bullets and shells to some of the unsavory characters who patronized Maryland gun dealers.

A fugitive from justice, fleeing his parole in April of this year, bought ammunition in May. His record includes convictions for crimes of violence and for possession of a gun after being convicted of violent crimes in the District of Columbia. Since his purchase in May, this ex-con was arrested in August for breaking and entering and in October, just last month, he was arrested for armed robbery.

An ex-convict with arrests for assault with intent to rape, a 12-year conviction for murder, and other assault charges, bought ammunition in February 1969, and was arrested for armed robbery in August.

On June 10, 1969, one man purchased ammunition and 10 days later was arrested for the sale of marihuana.

Arrested previously for assault with a deadly weapon and for enticing young children, another individual bought ammunition in January 1969 and was arrested in August for assault with a gun.

Another man bought ammunition in March of 1969 and was arrested in August for assault with a gun.

A man with arrests for assault with a gun in 1964 and for 2d degree murder in 1967 bought supplies to make his own handgun cartridges on three visits to the Suitland Trading Post in April and May of 1969.

Still on probation for a conviction of assault with a gun, one man bought ammunition on July 15, 1969. He had two other charges for assault with guns in 1946 and 1949, the latter a conviction on a reduced charge of assault.

Out of prison exactly five months, a man convicted of interstate transportation of firearms and gambling paraphernalia purchased ammunition on February 22, 1969. His record also includes a conviction for robbery in 1950 and an arrest in 1956 for breaking and entering.

Known to be violent, with a record of assault with a razor, this individual bought ammunition in March 1969 and was picked up in April for carrying a deadly weapon, a gun.

The information I have just recited took a subcommittee investigator a matter of hours to obtain.

Is it so unreasonable to suggest that Treasury agents could do the same and supply this information to local police departments?

For example, we know that crime is essentially a big-city problem.

We know that the major cities in the United States require a permit or license to purchase or possess firearms.

And, we know that big-city ammunition purchasers who travel great distances to buy bullets are in a high crime risk category.

Mr. President, this condition is precisely the reason we wrote into the Gun Control Act provisions for cooperative arrangements between Federal and local law-enforcement agencies.

Spot checks by Treasury agents on ammunition sales could result in significant law enforcement information being passed on to local police departments.

And, these checks would put the dealers on notice that the law is being enforced and that they had better exercise extreme care in selling these deadly items.

Clearly, the Senate has made a grievous error.

How can one fail to accept the fact that recordkeeping is an essential law enforcement aid, when all one need do is examine the results of the above records inquiries.

Obviously, the maintenance of records on the sale of ammunition is not a waste of time and effort.

It does not represent an undue burden upon sportsmen as claimed by the gun lobby.

It is not a registration scheme, as has been darkly claimed by the gun runners.

The maintaining of records on the sale of ammunition represents a reasonable effort to prevent killers, robbers, and teen-age punks from purchasing ammunition and to aid law enforcement in detecting law violators.

Mr. President, the Senate has acted hastily and I would only hope that the other body will not react in the same emotional manner.

The congressional spokesmen for the gun runners have publicly announced this is the first step toward a total dismantling of the 1968 Gun Control Act.

I urge Congress not to lend itself to this conspiracy.

I urge our colleagues in the other body to drop the Bennett amendment from the Interest Equalization Tax Act.

I ask unanimous consent that two tables, entitled "District of Columbia Residents Purchasing Ammunition at the Suitland Trading Post, Suitland, Md., from December 16, 1968, through October 10, 1969," and "District of Columbia Residents Purchasing Ammunition at Apple Hardware, Chillum, Md., from December 16, 1968, through October 17, 1969," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, the RECORD should also include observations made by the press concerning the gun lobby's influence on Congress in this firearm ammunition matter.

For example, the October 11, 1969, edition of the Everett, Wash., Herald headlined the story on removal of ammunition from the Gun Control Act this way: "Key Provisions on 1968 Act Riddled—

Gun Fans Performing Surgery on Federal Controls."

The Houston, Tex., Chronicle said on September 23, 1969, "Ammo Repeal Bill Sneaks in on Rider."

On September 10, 1969, the Worcester, Mass., Gazette told the story this way: "Gun Control Opponents Score Again."

The Louisville, Ky., Courier-Journal on October 12, 1969, observed in an editorial that "The gun lobby is hard at work again," and, it said, "We hope the House turns down this irresponsible repealer. It would be a crime to approve it."

Community newspapers are close to the feelings of the people of the community. Congress should be aware of the comments in the Observer, in Charlotte. N.C., on October 10, 1969, concerning this legislation. It said "Good Act Undone."

The Greensboro, N.C., News on October 12; "The Gun Boys Win Another."

The Manchester, N.H., Union Leader on October 16," Gun Laws Need Backing."

The Charleston, W. Va., Gazette on October 14, "Proper Controls Do Keep Firearms From Outlaws."

The Trenton, N.J., Times on October 5, 1969 hit the nail right on the head when it said:

> The country needs more and tougher gun control laws. It doesn't need any weakening of the hard-won control it has now.

Bob Cromie, a columnist in the Chicago Tribune, on November 6, 1969, stated the problem of the vast majority of Americans who believe that they have a right not to be shot when he said in his column that the gun lobby's argument that if guns are taken from private citizens, the Communists will move in, "is phony."

This is the majority who would like to live out their lives without getting their heads blown off.

Mr. Cromie said:

> Such an argument, it seems to me, overlooks the rather glaring fact that the right to live your life without being shot by some idiot with a handgun or a rifle also would seem an inherent one . . .

Mr. President, I ask that these items be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Louisville (Ky.) Courier Journal, Oct. 12, 1969]

The Gun Lobby Is Hard at Work Again

Gun control legislation that was in a sense, put on the books with the blood of two Kennedys and Dr. Martin Luther King is being undermined by the gun lobby and its servants in Congress. The Senate has voted to remove federal controls on 30 per cent of the ammunition sold in the United States each year. This shabby effort to weaken gun controls has the support of the Nixon administration, whose dedication to "law and order" apparently was only campaign deep.

The ammunition controls, adopted last year, require those who buy ammunition to identify themselves to sellers and record their names and addresses. Those who wanted to repeal this requirement used the sneak approach. Their case was so weak that they did a lot of footwork to avoid public hearings in the Senate. Senator Wallace Bennett of Utah, the sponsor of the repeal, attached his discreditable repealer as an amendment on a non-controversial tax measure.

We hope the House turns down this irresponsible repealer. It would be a crime to approve it.

[From the Charlotte (N.C.) Observer, Oct. 10, 1969]

Good Act Undone

Just about a year ago—it was Oct. 10, 1968—Congress completed action on a gun control bill which, among other things, required the seller of ammunition to record the purchaser's name, age and address. Congress is now in the midst of exempting most ammunition from that requirement—including .22 caliber rimfire bullets.

This type of ammunition is used frequently in pistols that police describe as "Saturday night specials." They are cheap and thus easily obtained handguns.

The Senate Finance committee voted the exemption Sept. 19 and, to speed congressional passage in time for the fall hunting season, attached it to an unrelated House-passed bill (H.R. 12829). Sen. Wallace F. Bennett (R-Utah), one of 46 Senate sponsors of the amendment, explained that the present record-keeping provision is a burden on sportsmen. Spokesmen for the Nixon administration have said it will not push for a national gun-registration and licensing law because the record-keeping would be a burden to law enforcement agencies.

Meanwhile, the FBI disclosed in its latest semi-annual report that armed robberies increased 17 per cent during the first half of 1969 compared with the same period of 1968. In Washington, D.C., the increase was 46 per cent.

[From the Paterson (N.J.) News, Oct. 1, 1969]

Repealing Gun Controls

Just about a year ago—it was Oct. 10, 1968—Congress completed action on a gun control bill which, among others things, required the seller of ammunition to record the purchaser's name, age and address. Congress is now in the midst of exempting most ammunition from that requirement—including .22 caliber rimfire bullets.

This type of ammuntion is used frequently in pistols that police describe as "Saturday night specials." They are cheap and thus easily obtained handguns. Until the 1968 law plugged the import market, those found in the United States were likely to be foreign-made. But American gun manufacturers have taken up the slack. Donald E. Santarelli, the associate deputy attorney general, told a Senate Judiciary subcommittee last July 24 that American production of cheap handguns might reach 700,000 this year, compared to 60,000 in 1968.

The Senate Finance committee voted the exception Sept. 19 and, to speed congressional passage in time for the fall hunting season, attached it to an unrelated House-passed bill (H.R. 12829). Sen. Wallace F. Bennett (R Utah), one of 46 senate sponsors of the amendment, explained that the present record-keeping provision is a burden on sportsmen. Spokesmen for the Nixon administration have said that it will not push for a national gun-registration and licensing law because the record-keeping would be a burden to law enforcement agencies.

Meanwhile, the FBI disclosed in its latest semi-annual report that armed robberies increased 17 per cent during the first half of 1969 compared with the same period of 1968. In Washington, D.C., the increase was 46 per cent indicating the growing seriousness of the problem.

[From the Camden (N.J.) Courier-Post, Oct. 17, 1969]

Gun Control Law Upheld

New Jersey has what is said to be one of the most restrictive gun control laws in the nation. Many sportsmen and gun collectors say it is too restrictive.

Among other things, the law denies licenses for buying firearms to convicted felons, drunkards, narcotics addicts, lunatics, or minors. It also requires a gun purchaser to fill out a questionnaire that requires him to state whether he has ever belonged to an organization advocating the violent overthrow of the state or federal government.

A North Jersey gun collector objected to this provision, calling it an infringement on his freedom of political association and of speech. He attacked the law in the courts after he was denied a certificate allowing him to buy a gun because he refused to answer the question.

The American Civil Liberties Union joined him in carrying the case to the New Jersey Supreme Court. It held that the questionnaire should confine itself to a person's current membership in the organizations to which it referred, but that with this qualification it was a reasonable measure for the state to employ in an effort to keep weapons out of the hands of criminals or subversives.

This decision of the state Supreme Court was then carried to the U.S. Supreme Court, which now has refused to review the state court's finding, thereby affirming it.

The decision seems sound and justified in confining a gun buyer's questioning to present membership in subversive organizations, and not digging up his past. But it also seems entirely sound and justified in upholding the state law with that proviso.

As the present law continues to operate we believe it will more and more prove its worth and that fewer attacks on it will be made. It is true that state laws cannot solve the whole problem so long as would be gun purchasers can cross a state line, or buy weapons through the mail in order to evade them. But they at least will do some good in preventing guns to fall into the hands of irresponsible persons, and hopefully national legislation will come some day that will do a better job.

[From the Vincennes (Ind.) Sun-Commercial, Oct. 20, 1969]

On Gun Control

We are in the midst of a years-long argument over control of guns and ammunition in the United States. Each side accuses the other of pressure on legislatures and unfair propaganda. There are flurries of activity and publicity on each side, and it probably is going to go on for a long time yet.

Those who are contending for fewer instead of more stringent controls will find that events such as that in Bedford's Otis Park last week brings new vigor to their opponents.

Two hunters drove their red pickup into Bedford's public park and killed and carried away one of the semi-tame squirrels which make their home in the park and are favorites of youngsters of that neighborhood.

Of course the hunters were violating all kinds of state and city laws, such as firing off firearms inside city limits, hunting near a public thoroughfare and hunting on land without permission of the owner. Bedford was indignant, but the deed was done. Unidentified hunters had killed and carried away one of the park squirrels.

The Otis Park case, and the cases of recent months in Knox county when motorists have shot from cars at dogs and horses, are the plague of the conscientious hunter who mourns the possibility that the continued growth of gun-control laws will someday spoil his sport. It is high time that those who are interested in hunting and having relative freedom in the purchase and use of firearms join in a serious effort to keep their foolish brethren from antagonizing the public unnecessarily.

[From the Charleston (W. Va.) Gazette-Mail, Oct. 14, 1969]

Proper Controls Do Keep Firearms From Outlaws

The enthusiasts who display bumper stickers saying "When guns are outlawed only outlaws will have guns" ought to take a look at the experience in Toledo, a city of 400,000 on the western tip of Lake Erie which was once known as the gun capital of the Midwest. The Wall Street Journal did take a look, and what it found is rather startling.

Toledo got its reputation because firearms of all kinds could be bought at jewelry stores, gasoline stations and pawn shops. Gun dealers hawking pistols for as little as $4.95 vied for choice locations along roads leading in from Detroit, where gun controls were stricter. The crime rate soared.

The Ohio legislature declined to restrict the trafficking in lethal weapons despite repeated appeals from Toledo officials. So in August, 1968, the city council enacted an ordinance aimed especially at the sale of "Saturday-night specials"—cheap guns toted by holdup men to terrorize merchants on busy weekends. The ordinance prohibits anybody in the city from keeping or obtaining a pistol, revolver or other hand guns without a license from the police.

Surely the Toledo experience should have a message for the Ohio General Assembly, as well as legislatures in other states. If a city ordinance can have such a dramatic impact on reducing crime, certainly state laws—which would extend beyond city boundaries in controlling the gun problem—should have even greater impact.

As to be expected, however, the Toledo story is having little effect on those who oppose gun controls. Woodson D. Scott, a New York lawyer who is president of the National Rifle Assn., the foremost opponent of gun control, says: "The statistics only prove that the statistics are down, in terms of cause and effect, it doesn't prove a thing." Whatever that may mean.

What the gun lovers should recognize, on the basis of what has happened in Toledo, is that proper controls do keep guns out of the hands of outlaws—and at the same time do not interfere with legal possession by law abiding citizens.

At the time, notes the Journal, few law officers believed the ordinance would reverse the city's mounting crime rate; unlicensed residents can still buy guns outside the city limits. But whether because of the gun-control law or because of other anticrime measures or even mere chance, crime is abating in Toledo while still surging higher in most cities.

This development shows up most dramatically in statistics released late last month by the FBI. For the nation, the violent crimes of rape, murder, robbery and aggravated assault—armed or otherwise—rose nine per cent in the first six months of 1969 over the like period last year. But in Toledo these violent crimes dropped 31.5 per cent from the first half of 1968. John J. Burkhart, the city's chief counsel, said "We're the only major city which shows such a dramatic decrease."

Delving into Toledo's experience, the Journal found these amazing results:

In the year before the ordinance was adopted, Toledo's police counted 422 aggravated assaults, with guns and without; these include shootings, stabbings, and other attacks intended to maim or kill. In the year after enactment, the number of such attacks dipped nine per cent to 385. But the assaults with guns dropped much more steeply—from 152 to 83, or 45 per cent.

In the year before the ordinance, 36 people were murdered, 22 by hand guns; in the following year, murders totaled 14, of which eight were by gun.

Robberies both armed and unarmed dropped from 1,188 in the year before gun control to 798 in the next year, a decline of 33 per cent. But gun robberies dropped even more sharply—from 350 to 160, or 54 per cent.

The unexpected crime statistics have sent Burkhart scrambling to recheck them. "I've gone over every possible angle to see whether there might have been a mistake," he said adding "I can't find any."

Still somewhat puzzled, Burkhart explained that Toledo enacted its ordinance primarily to persuade the legislature that gun controls can be imposed with little inconvenience and minimum intrusion on citizens' rights. "It was really an effort to sell general assembly," he said. "I didn't think we'd be able to make an impact on crime in less than three or four years."

[From the Pocatello (Idaho) State Journal, Oct. 21, 1969]

An Argument for Gun Controls

Some of the 62 per cent that responded recently to Rep. Orval Hansen's poll on the federal gun control law by saying that the law is too restrictive may have noted the recent arrest of a 33-year-old escapee from State Hospital South.

The incident is a graphic illustration of the need for the Idaho Legislature to pass a more comprehensive gun control law.

After escaping (He was later registered as "discharged" by the hospital!) The patient walked into a local sports shop, purchased a .22 pistol, and walked out again. The suspicious proprietor called police—after he had sold the gun, however.

Fortunately the police were able to quickly spot and arrest the patient. But not before the gun had been fired once, and the patient had led police on a chase in which innocent bystanders easily could have been hurt.

Idaho has no separate gun statute as such, though the Idaho Code forbids sale of firearms to minors under 16, or the shipment of loaded firearms through the mails, for example. Hence, the Federal Gun-Control Act of 1968 regulates the purchase and sale of arms within the state.

While the act did cut down considerably on the mailorder business, and does specify that a form be filled out when one purchases a gun, many law enforcement agencies feel that the law is not nearly strong enough.

For example, the law specifies no waiting period on the purchase of a firearm. If there were a short waiting period, applications for firearms could be checked with police records.

The 1968 federal act also prohibits the sale of firearms to previously convicted criminals and mental incompetents. Needless to say, the mental competence of an escapee from State Hospital South is questionable. A simple waiting requirement would have prevented the escapee from purchasing a firearm on the afternoon of his escape.

A state gun control law could improve upon the federal law by requiring the registration of all firearms, submission of a "proof-of-need" form when applying for a gun, and stipulation that each time a firearm changes hands, it be registered.

A registration requirement is not unreasonable. One's car is classified as a "lethal weapon" by the law, and has to be registered. One's rifle or pistol is a lethal weapon and should be registered.

The stipulation that a firearm be reregistered each time it changes hands would be of obvious advantage to law enforcement agencies, for it would greatly facilitate the tracing of any weapon involved in any criminal case.

The murder rate per 100,000 people is less in states that have their own strict gun-control laws, and higher in those that have either no specific law, or a weak law. States in the former category, such as Pennsylvania and Massachusetts, have 3.2 and 2.4 murders respectively, per 100,000 people. States in the latter category, such as Nevada and Texas have 10.6 and 9.1 murders, respectively, per 100,000 people.

What is most puzzling, however, about those that are most adamant in their opposition to strict gun-control legislation, is that, by and large, they are also those that are most adamant in their opposition to the growing centralization of federal power. They fail to realize that their opposition is contributing all the more to the process.

Abraham Lincoln once observed "that it is the duty of the Federal Government to do for the people that which the people cannot do for themselves." This is basically what has happened and been the underlying principle in the increase of federal power since the turn of the century. It can be seen in operation today, and the national gun-control law testifies to its validity.

Unfortunately, once again the vocal opposition to a stricter state law will undoubtedly focus on the negative, when there are a multitude of positive improvements that can be made, and should be made, as demonstrated graphically in our own recent incident.

[From the Hackensack, (N.J.) Record Call, Oct. 15, 1969]

Bullets Unlimited

The timing of a Senate vote the other day made for an interesting anniversary and a sobering comment on the drift of the national temper. Just a year ago—it was October 10, 1968—Congress completed action on a gun control bill requiring among other things that the seller of ammunition take down a written record of the purchaser's name, age, and address. Just now the newspapers of Oct. 10, 1969, have recorded a vote in the Senate, 65–19, to exempt from this requirement most ammunition, including the low-caliber kind used in the cheap pistols that police characterize as Saturday night specials.

Sen. Kennedy of Massachusetts, brother of two men shot down by assassins using cheap guns, pleaded against thus weakening the law. He did not once refer to the murder of John or Robert Kennedy; instead, addressing the Senate in the language that is its mother tongue, he argued that this was the right way procedurally to deal with a matter involving national policy on crimes of violence. The Senate Finance Committee voted the exemption in mid-September and, in order to enable action in time for the fall hunting season, attached it to a totally unrelated House bill having to do with taxes.

The supporters of the amendment protested that to make dealers keep a record on ammunition purchasers would merely harass sportsmen and burden the dealers. The point is respectable. Also worth grave consideration is the testimony before a judiciary subcommittee in July of Donald E. Santarelli, associate deputy attorney-general, that production of cheap handguns in the United States this year will total something like 700,000 as against 60,000 last year. The 1968 gun law stemmed the flood of foreign imports. But the demand for pistols, which are used to an appreciable extent in only one kind of hunting, never dried up, and it is being met. The revulsion that peaked after the Kennedy and King murders has leached away. The Administration will not press for national gun registration and licensing, because that too would entail onerous bookkeeping for law enforcement agencies. In its latest semiannual report the Federal Bureau of Investigation found that armed robberies increased 17 per cent over the first half of 1969 as compared with the comparable period in 1968. The increase was 46 per cent in Washington. Perhaps not enough harassment of the Saturday night special market is being done.

[From the Terre Haute (Ind.) Tribune, Oct. 24, 1969]

Hasty Senate Action

Less than a year ago the United States Senate, responding to strong public sentiment, approved the 1968 Gun Control Act.

Proponents of gun control regarded it as a welcome, though not overly strong, move toward the goal of placing gun ownership under sensible regulation.

Now the Senate, in its wisdom, has in part rescinded its earlier action. This time around it scrapped the requirement that anyone who buys certain shotgun or rifle ammunition must give the dealer his name, age and address.

This is objectionable on both substantive and procedural grounds. The action is a step backward in the matter of trying to keep guns and ammunition as much as possible out of the hands of criminals, juveniles and psychotics. The back door way in which this was accomplished undermines sound legislative procedure.

Those in favor of removing controls on purchase of ammunition did not meet the issue headon. Instead, the measure was offered in the form of an amendment to a wholly unrelated tax bill. This is a cute legislative trick, but not one that meets the requirements of sound lawmaking.

It also is pertinent that this legislative action was taken without benefit of hearings, at which the case for and against removing ammunition controls could have been presented. The Senate, in short, has acted hastily and without careful deliberation on a matter of some importance.

[From the Ravenna (Ohio) Record Courier, Oct. 11, 1969]

GUN LAWS IN TOLEDO

Mention gun control legislation and you're liable to start a fist-fight between the "for-ers" and "aginners" in your group, so high do feelings run on the issue.

Those who oppose gun controls of any type feel that it's a man's right to own a gun, and that registering firearms is a dangerous practice. Those for it consider it a necessity before we all end up shooting each other.

Fortunately Ohio has a case study on the subject—the City of Toledo—the only city in the state and one of the few in the nation to pass gun control legislation, having done so in August of 1968.

How has it worked? Let's check a few statistics. Cleveland has twice as many people as Toledo, and yet during the first six months of this year had 19 times as many slayings (117 to 6).

Toledo officials report that during the first year the ordinance has been in effect the city's homicide rate has dropped 61 per cent, robberies 33 per cent and robberies committed with handguns 54 per cent. Pretty impressive statistics during a period where crime has been on the upswing in large cities throughout the nation.

Toledo's law requires all handgun owners to obtain an identification card with their picture on it from the Police Department.

Gun dealers must purchase licenses and send monthly reports to police on who purchased weapons and other facts.

The city's judiciary has been given much credit for the law's effect by meting out stiff penalties by violators.

Gun legislation in Toledo provides some pretty substantial food for thought, doesn't it?

[From the Binghamton (N.Y.) Sun-Bulletin, Oct. 16, 1969]

GUNS FOR ANYBODY

The tragic death of a promising young policeman in Owego Monday afternoon bears fresh witness to Americans' amazing permissiveness in keeping firearms available to everyone.

The man charged in the slaying, Edward J. Finley, was at the time free on bail, awaiting trial for illegal possession of a firearm, the result of an "incident" in an Owego tavern last June. Nothing wrong with that, no. That charge involved a .22-caliber rifle with the barrel sawn off, and the police quite properly confiscated it. But in the interim, while awaiting trial, it appears that the suspect was able to obtain a 12-gauge shotgun, saw off the barrel, and precipitate more serious tragedy.

In fact, the sawing-off of the barrel—which renders a "long gun" an illegal weapon, useless for legitimate sporting purposes and implicitly turning it into what our armed forces delicately term an "anti-personnel weapon"—surely should finish off one argument put forth by gun apologists. That is that long guns—rifles and shotguns—are plainly sporting weapons, with little "anti-personnel" potential because of their cumbersomeness, making them hard to conceal.

Owego police say the murder weapon that laid their colleague low was sawn off crudely—all you need is a hacksaw and some energy. They also say they are doing their best to discover how Mr. Finley, a suspect awaiting trial on a prior gun charge, was able to get another gun. They may succeed, but if they do it is unlikely that any charge will follow. There simply are no laws on the books to control the spread of guns in this country. And every attempt to introduce one draws the wrath of sportsmen, the National Rifle Association and its allied lobbyists on behalf of gun sellers.

Meantime, the slaughter goes on. Like that on an Owego street last Monday afternoon.

[From the Greensboro (N.C.) News, Oct. 12, 1969]

THE GUN BOYS WIN ANOTHER

The United States Senate may be grabbing headlines with its inquiry into the illegal traffic in Army weapons, but it has quietly gutted one provision of the law passed last year to tighten restrictions on the sale of guns and ammunition.

By a vote of 65 to 19 the Senate has weakened the ammunition-sales provision of the Gun Control Act of 1968. If its action is approved by the House, certain rifle and shotgun ammunition will be exempt from the requirement that purchasers must provide their names, addresses, and ages to dealers, as well as show identification.

The exemption was pushed by the two senators from Utah, Frank Moss (the fellow who runs the anti-smoking crusade) and Wallace Bennett. They waved stacks of letters from constituents, who objected to the requirement—the angered citizens said it harasses "sportsmen" without stopping criminals from getting ammunition.

How they can prove that, we do not know. Nor de we understand how it is "harassment" to require that purchasers of deadly ammunition provide the basic information the law requires. It strikes us as no more harassing than the laws in many states which require that similar information be provided by purchasers of paregoric or codeine—mild narcotics which hardly pose the public danger of indiscriminately-distributed ammunition.

Our position from the outset of the gun-control controversy has consistently been that responsible sportsmen have nothing to fear from stringent controls. When people raise a stink about providing their names and ages and addresses and showing their driver's licenses, we can only assume they feel they have something to hide. Why else would they be so frightened by a law which, if anything, is entirely too lenient?

[From the Fresno (Calif.) Bee, Oct. 1, 1969]

GUN LOBBY GATHERS FORCES

The gun lobby has opened fire on Capitol Hill in an effort to shoot more holes in the federal firearms law passed by Congress in 1968.

Current target is the requirement that purchasers of rifle and shotgun ammunition give their name, age, and address, and show some sort of identification.

Without such a rule, there could be no enforcement of the ban on ammunition sales to convicted felons, minors, dope addicts and other restricted categories included in the legislation.

But to Sen. Wallace Bennett (R-Utah), these are simply "burdensome" questions that sportsmen should not have to answer. Such inquiries, said Bennett, also amount to gun registration, since the ammunition purchased would indicate the kind of firearm owned by the buyer.

This ridiculous contention got nowhere in the House nor in the Senate Judiciary Committee. Sen. Bennett thereupon persuaded the Finance Committee to eliminate the ammunition curbs by means of an amendment tacked on—of all bills—the Interest Equalization Act of 1969.

The basic bill, of course, has nothing to do at all with firearms control. It would increase the cost of domestic borrowing to correspond to the expense of making loans abroad. In the case of Sen. Bennett's amendment, it is simply a convenient legislative vehicle.

But surely the Senate will reject this effort to weaken already inadequate firearms regulations, despite gun lobby pressures. As experts have pointed out, ammunition exempted by the Bennett amendment could be used in .22-caliber handguns, one of the principal weapons in U.S. crime.

The Times urges Congress to strengthen not soften, the restrictions upon firearms and ammunition. Only criminals and those unfit to possess firearms would find such regulations "burdensome."

[From the West Palm Beach (Fla.) Post, Oct. 14, 1969]

SUCCESSFUL GUN LAW

In the nation, violent crimes rose 9 per cent for the first six months of 1969. In Toledo, Ohio, violent crimes dropped 31.5 per cent for the first six months of 1969. The Toledo city council enacted a gun control ordinance in August, 1968.

Now it may be that Toledo's sudden decrease in crimes of rape, murder, robbery and aggravated assault was the result of good luck, good police work or favorable vibrations from the North Star. But it is more likely that the gun law was a factor.

For years, Toledo was arms supplier to Detroit, and the weekend trade in $5 pistols was brisk and profitable. Now, nonresidents can't buy guns in Toledo unless they have permission from their local sheriff or police chief. The out-of-town trade has been stopped cold.

For Toledo residents, it is not a tough law. It merely requires people to shell out $3 for a "handgun owner's identification card" if they own, or plan to buy, a handgun. These licenses are refused only to minors, fugitives, criminals, drunks and drug addicts.

The toughness is in the enforcement of the ordinance. Police require stores to keep careful records of their firearms sales, and judges impose stiff fines and jail terms for persons convicted of possessing unlicensed handguns.

Local gun laws, locally administered and enforced, can never be as effective as state or federal legislation. But the Toledo experience seems to show they are better than nothing. Thirty-one-point-five per cent better.

[From the Decatur (Ill.) Review, Oct. 11, 1969]

TOLEDO GUN LAW EFFECTIVE

Toledo, Ohio, according to a story in the Wall Street Journal, was once known as the gun capital of the Midwest, something which those in other areas might dispute.

But now it is hard to get a gun in Toledo. And this has resulted in a number of benefits. For one thing violent crimes have dropped, something which can be said about few other areas of the nation.

One reason is the fact that gun owners in the city must register with the police. Another involves the quick way in which violators—that is people with guns but without a registration card—are sent off to jail.

One city official told the Wall Street Journal reporter that, Toledo is becoming known as a bad place in which to carry a gun.

Some of the statistics reported by the Journal are interesting. For instance in the last year before the gun ordinance went into effect, there were 422 reported aggravated assaults with both guns and other weapons.

In the following year, the total number of assaults of this type dropped 9 per cent to 385. But the number in which guns were involved went down nearly 50 per cent from 152 to 83.

Obviously, an assault with a gun is much more dangerous than one with a knife or simply with fists. Robberies in which guns were used declined some 54 per cent from 350 to 160 from one year to the next.

What the law has done is to prevent people from buying a cheap gun and then using it to pull two or three quick night time robberies of service stations and all night restaurants.

No one can say that the more stringent gun laws—and their enforcement—are completely responsible for the reduction in crime.

But it certainly seems to have given the police another strong weapon in the pursuit of law and order.

[From the Albuquerque (N. Mex.) Tribune, Oct. 6, 1969]

CONCON AND GUN "RIGHTS"

Delegates to the New Mexico Constitutional Convention conducted themselves with dignity and with balance throughout the session.

It was not only what they did but how they did it. They said no to the "all-outers" who would force upon the Convention their own extremist view.

It's a shame that in the closing minutes of the session, the very last day, they let the gun fanatics—than which there is no whicher—stampede them into a silly clause.

The proposal is that the Constitution says that the use of guns for hunting and recreation is a basic human right. And the delegates even went further by saying that no future Legislature could even pass laws affecting citizens' rights to carry weapons for lawful hunting and recreational use.

This clause is entirely out-of-keeping with the reasonable approach that delegates have taken throughout their proceedings.

Oh, well! We suppose even delegates to a Constitutional Convention, being human, are entitled to commit one boo-hoo.

And it should not cause voters to look critically at the rest of the document.

[From the Trenton (N.J.) Times, Oct. 5, 1969]

WEAKENING GUN CONTROLS

A year ago this month, Congress passed a firearms control law which, among other things, required the seller of ammunition to record the purchaser's name, age and address. Now a strong attempt is being made to exempt most ammunition from that provision—including .22 caliber rimfire bullets of the kind that killed Senator Robert Kennedy.

The Senate Finance Committee voted the exemption September 19 and, to speed congressional passage in time for hunting season, attached it to an unrelated House-passed bill. Senator Wallace F. Bennett, R-Utah, one of the 46 Senate sponsors of the amendment, explained that the present recordkeeping requirement is "a burden on sportsmen."

With the U.S. production of cheap handguns expected to increase by over 1,000 percent this year; with armed robberies up 17 percent in the first half of 1969 over the same period of 1968—the country needs more and tougher gun-control laws. It doesn't need any weakening of the hard-won controls it has now.

[From the Los Angeles (Calif.) Times, Sept. 25, 1969]

SENATE SHOULD NOT SPIKE GUN LAWS

Issue: Will the Senate agree to further weakening of the already inadequate federal gun control legislation enacted last year?

The gun lobby has opened fire on Capital Hill in an effort to shoot more holes in the federal firearms law passed by Congress in 1968.

Current target is the requirement that purchasers of rifle and shotgun ammunition give their name, age, and address, and show some sort of identification.

Without such a rule, there could be no enforcement of the ban on ammunition sales to convicted felons, minors, dope addicts and other restricted categories included in the legislation.

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But surely the Senate will reject this effort to weaken already inadequate firearms regulations, despite gun lobby pressures. As experts have pointed out, ammunition exempted by the Bennett amendment could be used in .22-caliber handguns, one of the principal weapons in U.S. crime.

The Times urges Congress to strengthen, not soften, the restrictions upon firearms and ammunition. Only criminals and those unfit to possess firearms would find such regulations "burdensome."

[From the Champaign (Ill.) Courier, Oct. 15, 1969]

A BAD PLACE TO CARRY A GUN

Toledo, Ohio, according to a story in the Wall Street Journal, was once known as the gun capital of the Midwest, something which those in other areas might dispute.

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One city official told the Wall Street Journal reporter that Toledo is becoming known as a bad place in which to carry a gun.

Some of the statistics reported by the Journal are interesting. For instance in the last year before the gun ordinance went into effect, there were 422 reported aggravated assaults with both guns and other weapons.

In the following year, the total number of assaults of this type dropped 9 per cent to 385. But the number in which guns were involved went down nearly 50 per cent from 152 to 83.

Obviously, an assault with a gun is much more dangerous than one with a knife or simply with fists. Robberies in which guns were used declined some 54 per cent from 350 to 160 from one year to the next.

What the law has done is to prevent people from buying a cheap gun and then using it to pull two or three quick night time robberies of service stations and all night restaurants.

No one can say that the more stringent gun laws—and their enforcement—are completely responsible for the reduction in crime.

But it certainly seems to have given the police another strong weapon in the pursuit of law and order.

[From the Atlanta (Ga.) Journal, Sept. 11, 1969]

GUN REGISTRATION WILL OF THE PEOPLE

The Editors: John Crown's recent column in The Journal bore the heading, "Antigun People Have Come Out Into the Open." In the opinion of many responsible citizens this is exactly what antigun spokesmen should be doing: speaking their views and addressing their congressmen on the need for rigorous gun control.

Those who have a legitimate need for arms can be licensed to retain them. Licensing gun owners, may help to insure that persons who should not be entrusted with such weapons will not obtain them. The very act of requiring such people to appear before a public agency to obtain a license for gun ownership should help to discourage the reckless, the mentally ill or the juvenile from obtaining guns.

We seem unwilling to recognize the destructive power of guns and the danger they represent. The principle of registration and licensing has been practiced with automobile ownership for years. Americans take this requirement for granted. It is difficult to understand why any group would oppose similar legislation for gun ownership. Proposed federal legislation does not advocate abolition of guns and firearms, merely that there be compulsory registration and licensing to provide a record of gun ownership.

It is impossible to understand how the ordinary sportsman and hunter would suffer if he had to obtain a permit for the gun and ammunition he needs for his hobby or how this would interfere with target shooting and pistol matches.

Just recently Atlantans were horrified at a high school football event where a juvenile shot a spectator. Gun control legislation may have protected this and many other innocent victims. Several public opinion polls have indicated that a substantial majority of those questioned favor a gun registration law. If it is the will of the people why then do our congressmen fail to act?"

When one examines the groups who are opposed to gun control laws, perhaps the very nature of their opposition is a recommendation for the passage of such laws. Those of us who are "antigun people" and feel strongly that the possession of guns should be officially recorded, have an obligation to so inform our congressmen.

BARBARA B. FRIEDLAND,
President, B'nai B'rith Women, Atlanta Chapter.

[From the Lexington (Ky.) Herald. Oct. 12, 1969]

SENATE APPROVES WEAKER GUN CONTROLS

The Senate has done the country a disservice by weakening the currently insufficient laws controlling the sale of ammunition which were included in the Gun Control Act of 1968.

By a 65 to 19 vote, the Senate approved an amendment sponsored by Utah Sen. Wallace Bennett to scrap the requirement that a buyer of some rifle and shotgun ammunition provide his name, address, age and identification to the dealer selling the ammunition.

While there was a successful effort made to exclude .22-caliber and all pistol cartridges from the amendment it is most unfortunate that the restraints have been lifted on the sale of shotgun and high-powered rifle ammunition which can now be purchased without identification under the Senate amendment.

Not only is the amendment itself a weakening of the law, the way in which it was presented to the Senate represents a step backward in the legislative process.

Instead of allowing the proposal to go through committee concerned with such matters, it was tacked onto a tax bill, which was passed, along with the ammunition amendment on a voice vote.

If the Senate or any other legislative body sets up committees to study various areas of the law, it is important that legislation in those areas should first be studied by the committees and time allowed for all interested parties to present their views on the matter.

Railroading the offensive measure through the Senate by tacking it onto an unrelated topic does a grave disservice to the legislative process. It is to be hoped that the House of Representatives will kill the weakened ammunition regulation when it appears before that body.

[From the Denver (Colo.) Rocky Mountain News, Aug. 31, 1969]

The Rising Wave of Holdups

A high tide of holdups in the waning days of August have Denver police and the general public deeply concerned.

Police records in the past dozen days show more than 30 holdups. Two of them were tragic incidents. A small motel owner was shot and killed in an early morning stickup in East Denver. On Capitol Hill a small grocer was shot to death when he opened his store to accommodate two hoodlums who posed as customers. On Thursday night a woman liquor store operator was clubbed with a pop bottle.

The recent stickups are termed by police "cheap." They are cheap because they involve a piddling amount of money or merchandise. But they become tragically dear when victims are terrified, slugged, stabbed and shot.

Police note that most of these holdups are being carried out by youths—some of them barely into their teens. They note, too, that most of the suspects are described as being hopped up on drugs or speed pills, crutches to bolster courage and fuses that sometimes bring the destruction of life.

It is an appalling situation that has caused small businessmen to close up business, has caused taxicab drivers to quit their jobs.

The situation is not unique for Denver. It is the bane of urban living today. And harried police, their hands filled with problems of every nature, do everything but throw them up.

Police officials and sociologists are properly concerned over the situation. They have sought deterrents—curfews, an accelerated drive to combat drug peddling and use, stronger gun laws. Each of these is a strong factor that has opposition from many segments of today's society.

A curfew could help curb the roving bands of young hoodlums who prowl the streets at night. But they also strike in broad daylight.

An amazing number of sociologists and moderns proclaim that the use of pot, speed pills, psychedelic drugs are harmless and the fulfillment of the grand experience. But one night at the police station watching the parade of offenders, their eyes bloodshot from drugs, their actions uncontrollable, would convince them otherwise.

A strict control of hand guns, now available to almost anyone on a dime-store basis has been sought. But opposition has come from groups of sportsmen who claim that strict controls are an invasion of their rights.

We don't want to take rifles and shotguns used for hunting out of the hands of sportsmen. About the only sport involving pistols is target practice. But for every pistol used for target practice, hundreds are used in holdups, in assault with a deadly weapon.

It is a sad and serious situation. Solutions are hard to come by. Limiting the use of drugs and strong controls on hand guns seem to us to be imperative if we are not to become a city of lawlessness and terror.

[From the Mitchell (S. Dak.) Republic, Sept. 30, 1969]

Easing Gun Law

Just under a year ago, Congress completed action on a gun control bill which, among other things, required the seller of ammunition to record the purchaser's name, age and address. Congress is now in the midst of exempting most ammunition from that requirement—including .22 caliber cartridges.

This type of ammunition is used frequently in pistols that police describe as "Saturday night specials." They are cheap and thus easily obtained handguns. Until the 1968 law plugged the import market, those found in the United States were likely to be foreign-made. But American gun manufacturers have taken up the slack. Donald E. Santarelli, the Associate Deputy Attorney General, told a Senate Judiciary subcommittee last July that American production of cheap handguns might reach 700,000 this year, compared to 60,000 in 1968.

The Senate Finance committee voted the exemption Sept. 19 and, to speed congressional passage in time for the fall hunting season, attached it to an unrelated House-passed bill (H.R. 12829). Sen. Wallace F. Bennett, R–Utah, one of 46 Senate sponsors of the amendment, explained that the present record-keeping provision is a burden on sportsmen. Spokesmen for the Nixon Administration have said it will not push for a national gun-registration and licensing law because the record-keeping would be a burden to law enforcement agencies.

Meanwhile, the FBI disclosed in its latest semi-annual report that armed robberies increased 17 per cent during the first half of 1969 compared with the same period of 1968. In Washington, D.C., the increase was 46 per cent.

[From the Salem (N.J.) Standard Jerseyman, Oct. 1, 1969]

Repealing Gun Controls

Just above a year ago—it was Oct. 10, 1968—Congress completed action on a gun control bill which, among other things, required the seller of ammunition to record the purchaser's name, age and address. Congress is now in the midst of exempting most ammunition from that requirement—including .22 caliber rimfire bullets.

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In the continuing campaign against gun controls it is quite common to give a false impression that guns are "forbidden." No law forbids guns. Even the most stringent state law simply requires that the ownership of each gun be registered, just as the ownership of each automobile is registered. Both are deadly weapons.

[From the Manchester (N.H.) Union Leader, Oct. 16, 1969]

Gun Laws Need Backing

While Congress argues and acts on the spending of billions of dollars for the defense of America, let's not lose sight of some issues that may in the end be as important to the preservation of this nation as the ABM and aircraft carriers.

The Gun Control Act of 1968, presented as a measure to curb crime, now has been in effect three-fourths of a year—and there has been no indication that it has reduced crime in any way. In fact, crime and violence appear to be continuing to increase throughout the nation, with those citizens blocked by state laws from possessing firearms often being the victims.

The Gun Control Act, as we predicted, is only harassing sportsmen and other law-abiding citizens, and through its meticulous record-keeping on all guns and ammunition is laying the groundwork for nationwide registration and eventual confiscation of all firearms.

When the public is disarmed, the slavering wolves of subversion and revolution will move—and missiles and aircraft carriers will be of little effect against such attacks from inside the nation.

There can be no better time than now to write to our congressmen and senators to urge that they act quickly to end this ridiculous and perilous situation.

There are no less than 69 bills before the House and Senate to exempt ammunition from Gun Control Act—an indication of the extent to which the act's harassment of gun owners has been brought to the attention of our legislators.

There are 12 bills for the outright repeal of the Gun Control Act, showing a growing realization among the congressmen that the act is having no effect on crime and is a grave infringement on the rights of the citizens.

These bills to end the ineffective but dangerous Gun Control Act deserve the strongest support of all citizens, even those who do not themselves wish to own firearms but who do want this nation to continue free and strong, guarded by the legal right of Americans to keep and bear arms.

[From the Chicago (Ill.) Tribune, Nov. 6, 1969]

Defends Gun Control Laws

(By Bob Cromie)

Memo to all who oppose a strict gun-control law:

On Monday, in Washington, an official of the Federal Home Loan Bank board was shot and killed by a disgruntled assistant. The killer used a gun.

Also on Monday and in Washington the killer of a pair of FBI agents was sentenced to a pair of consecutive life-terms to begin after he finishes an 18 to 54 year sentence for armed robbery. The killer used a gun.

Sunday, in Chicago, a young Minnesota man, in town to attend the Rod and Custom Car show, was slain by an unknown assailant as he pulled his car away from the curb on 51st St. The killer used a gun.

Last Sunday, at Youngstown, O., one man was killed and several others injured during violence attendant upon a Republic Steel corporation strike. The killer used a gun.

And in Northfield, Minn., a 22-year-old coed was found dead Sunday in a cornfield by two youths in quest of Halloween decorations. She had been shot in the head.

Finally, and the list of such tragic incidents could be multiplied many times during a week's time, two gun-bearing holdup men took over a Brooklyn gas station and had robbed seven customers when an off-duty policeman broke it up and captured one of the criminals.

The point is that despite such hilarious bumper-stickers as "When Guns Are Outlawed, Only Outlaws Will Have Guns," if guns were outlawed, and made difficult for criminals to obtain and—since they wouldn't know the ropes—even harder for the suddenly-murderous but previously non-criminal to lay his hands on, such crimes of violence would decline with startling suddenness.

Statistics, I believe, will bear out the statement that many murders are crimes of impulse, brought on by a quarrel or some personal cause, in which the killer knows his victim and has no previous record. Surely crimes of this sort would be cut almost to the vanishing point if guns were difficult or impossible to obtain.

The National Rifle Association is one of the groups which has consistently lobbied against any meaningful gun laws, even after President John F. Kennedy, Medgar Evers, the civil rights leader; Dr. Martin Luther King, and Sen. Robert Kennedy were shot and killed. The expressed reason for opposition is that all Americans have the constitutional right to bear arms—altho lawyers will tell you that this is a debatable interpretation—and that if guns are taken from private citizens the Communists will move in.

Such an argument, it seems to me, overlooks the rather glaring fact that the right to live your life without being shot at by some idiot with a handgun or rifle also would seem an inherent one. Further, that no one, so far as I know, has suggested that the disarmament classes of any gun bill should apply to the armed services.

If you care for the macabre, let me add that a Chicagoan killed himself by accident a day or so ago when a pistol—a trick one with barrels facing in both directions—caught him by surprise. This dandy little weapon had been purchased by the victim from a mail-order firm.

How about amending those misleading bumper stickers to read:

"When Guns Are Outlawed, Fewer Outlaws Will Have Guns—and More People Will Live Their Normal Span?"

NRA house organ please copy.

[From the Terre Haute (Ind.) Tribune, Oct. 9, 1969]

UNDERMINING GUN CURBS

The National Rifle Association wants Congress to authorize half a million dollars in the military budget to finance civilian marksmanship practice. Congress should say no. Approval of this questionable enterprise would be a retreat from a relatively enlightened congressional position on the problem of guns in our society.

Another retreat from that position, taken at long last in response to public sentiment aroused by political assassinations, also is being proposed. A bill now pending in Congress would undo some of the work accomplished in gun curbs: it would remove federal controls over the sale of ammunition, in particular .22 caliber rimfire cartridges. This too, would be a step backward from the goal of placing guns and ammunition under reasonable regulation.

On the face of it, the NRA plea cited above may seem unexceptionable. The rifle group is not asking for anything new; it simply wants Congress to restore a marksmanship program long jointly sponsored by the NRA and the Army until the Army backed out a couple of years ago. Under this program, Army surplus rifles and ammunition were furnished—at very low cost—to civilian rifle clubs.

To restore this program now, however, would be in effect simply to shrug off the impact of successive assassinations—President Kennedy, Martin Luther King, Sen. Robert F. Kennedy—on public opinion. The same goes for removing controls on ammunition sales. Over a period of years the American public became convinced, by an overwhelming majority, that reasonable curbs on possession of guns and ammunition were essential. That led to a good start on corrective measures. An attempt is now being made, on more than one front, to undermine this advance. Such moves ought to be firmly rejected by Congress.

[From the Louisville (Ky.) Times, Oct. 14, 1969]

GUN-SHY TOLEDO—CRIME RATE DROPS AFTER CITY RESTRICTS SALE OF WEAPONS

(By Jerry Landauer)

TOLEDO.—This city of 400,000 on the western tip of Lake Erie was once known as the gun capital of the Midwest.

Firearms of all kinds could be bought at jewelry stores, gasoline stations and pawn shops.

Gun dealers hawking pistols for as little as $4.95 vied for choice locations along roads leading in from Detroit, where controls were stricter.

The crime rate soared.

The state legislature declined to restrict the trafficking in lethal weapons despite repeated appeals from Toledo officials. So in August 1968, the city council enacted an ordinance aimed especially at the sale of "Saturday-night special"—cheap guns toted by holdup men to terrorize merchants on busy weekends.

The ordinance prohibits anybody in the city from keeping or obtaining a pistol, revolver or other handgun without a license from the police.

At the time, few law officers believed the ordinance would reverse the city's mounting crime rate; unlicensed residents can still buy guns outside the city limits. But whether because of the gun-control law or because of other anticrime measures or even mere chance, crime is abating here while still surging higher in most cities.

STATISTICS DROP DRAMATICALLY

This development shows up most dramatically in statistics released last month by the FBI. For the nation, the violent crimes of rape, murder, robbery and aggravated assault—armed or otherwise—rose 9 per cent in the first six months of 1969 from the like period last year. But in Toledo those violent crimes dropped 31.5 per cent from the first half of 1968.

"We're the only major city which shows such a dramatic decrease," exults John J. Burkhart, the city's chief counsel.

Indeed, crime in most other cities that have adopted gun controls, such as Washington, D.C., continues to move up pretty much in step with the national pattern. "Even if firearms were totally eliminated," contends a gun-control foe, "other weapons would be substituted."

However, crimes committed with a gun in Philadelphia have dropped since that city adopted a licensing law in 1965, even though the law exempts firearms owned at the time.

In New York, Mayor John Lindsay credits gun laws with keeping murder rates low; despite its rising crime, New York often ranks lowest among the 10 largest U.S. cities in number of homicides per 100,000 population.

But Toledo's experience is unique. It may be traceable in part to special restrictions on gun dealers as well as owners, to a tough, well-publicized court crackdown on violators of the control law and to other city efforts against crime.

Whatever other factors may enter in, gun-control advocates insist that a close look at developments in major crime categories here supports their case:

In the year before the ordinance was adopted, Toledo's police counted 422 aggravated assaults, with guns and without; these include shootings, stabbings and other attacks intended to maim or kill. In the year after enactment, the number of such attacks dipped 9% to 385. But the assaults with guns dropped much more steeply—from 152 to 83, or 45%.

In the year before the ordinance, 36 people were murdered, 22 by handgun; in the following year, murders totaled 14, of which eight were by gun. (Because murders with other weapons dropped at roughly the same rate as murders with guns, it's possible that some factor other than the control law may be at work.)

Robberies, both armed and unarmed, dropped from 1,188 in the year before gun control to 798 in the next year, a decline of 33%. But gun robberies dropped even more sharply—from 350 to 160, or 54%.

Statistics can be tricky, of course, Woodson D. Scott, a New York attorney who is president of the National Rifle Association (NRA), an opponent of most gun controls, says: "The statistics only prove that the statistics are down. In terms of cause and effect, it doesn't prove a thing."

The unexpected crime statistics have sent city counsel Burkhart scrambling to recheck them.

"I've gone over every possible angle to see whether there might have been a mistake. I can't find any," he reports.

"I'm as much puzzled as anybody." Burkhart adds, noting that Toledo enacted its ordinance primarily to persuade the legislature that gun controls can be imposed with little inconvenience and minimum intrusion on citizens' rights.

"It was really an effort to sell the General Assembly. I didn't think we'd be able to make an impact on crime in less than three or four years."

STANDARDS FAIRLY LENIENT

His caution in checking and interpreting the statistics arises partly from the gun law's relatively lenient licensing standards.

Unlike New York's Sullivan Law, the Toledo plan doesn't require residents to show good cause for possessing a gun. Instead, the police must issue a numbered "handgun owner's identification card" costing $3 and good for three years to all applicants except fugitives, minors under 21, certified mental cases, narcotics addicts, habitual drunks or people who have been convicted twice in the past year of crimes involving the use or threat of force.

So far, the police have issued 16,000 ID cards; roughly 10 applications have been rejected. It also seems likely that some people have been deterred from buying guns because, for various reasons, they did not want to apply to the police for a license.

Police Chief Anthony Bosch reports the law has had a harsh effect on gun dealers who formerly sold to almost any cash customer.

One such dealer ran Toledo's biggest gun store in a seedy neighborhood on Jackson Street just five minutes from Interstate

Route 75 linking Toledo and Detroit. In one nine-month period, his register rang up sales of 16,000 guns, including 5,500 to residents of Michigan who couldn't legally buy at home without a police permit (the revolver used in the highly publicized 1966 synagogue slaying of Detroit Rabbi Morris Adler came from Toledo). But now, along with perhaps half the other gun outlets in town, the big store stands abandoned.

Besides the Toledo gun law's licensing provision, it requires detailed monthly gun sales reports to the Toledo police. It also prohibits selling to out-of-towners who aren't armed with authorization from their local police chief or sheriff.

"The sale of cheap guns is down to nothing," Chief Bosch says. "The punk who walks down the street, buys a gun and knocks off a gas station—that's all been eliminated."

STIFFER PENALTIES CITED

In municipal court, Judge George M. Glasser says severe sentencing of violators may be another reason for the gun law's apparent effectiveness. Already court records show, city judges have packed 37 people off to jail (the average is 90 days), mainly for possessing a gun without a license. In addition, judges have imposed 27 fines ranging from $25 to $1,000.

"The word is out that you can't just carry a gun around here without doing days in the workhouse," says chief counsel Burkhart, praising newspapers, radio and television for publicizing the court crackdown.

(In contrast to Toledo, crime-ridden Washington can impose penalties no harsher than 10 days in jail or a $300 fine—the maximum allowed by Congress. So far there have been no prosecutions.)

In the mayor's office here, square-jawed ex-Marine William J. Ensign cites other measures that may have helped bring crime down. He points to improved street lighting; an expanded, improved police department; an active program to prevent juvenile crime; an ordinance making it a crime to harass or abuse school children or newsboys; more effective probation and parole procedures, and a 4,000-member citizens' group that distributes cards pledging people to cooperate with the police whenever possible.

Mayor Ensign also feels sure that the gun law helps a lot.

"You just know that the unavailability of guns has got to be a big factor," he observes.

Officials in other cities think so, too. The drop in crime here is drawing inquiries about the Toledo ordinance from Wichita, Los Angeles, Dayton, Cleveland, Baltimore and Cincinnati.

As these inquiries suggest, the gun-control controversy may be shifting to the cities, while anti-gun agitation in Washington and in state capitals is losing steam. Last year, of course, Congress banned mail-order sales of all firearms across state lines except to licensed dealers and prohibited dealers from selling handguns over the counter to out-of-state customers. One hope was to encourage state and local governments to enact stricter controls.

One federal official who has urged local authorities to act is FBI Director J. Edgar Hoover. He has said: "I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

But some local policemen oppose municipal gun controls, Deputy Chief Lloyd Forbus of the Columbus, Ohio, police force, for example, asserts that the possible crime-curbing effects of local gun-control laws don't justify violating a cardinal principle of the National Rifle Association—that restrictions should be aimed only at those who misuse firearms. Forbus is an NRA member and serves as a sales manager for a gun wholesaler in his spare time.

Many hunters, marksmen and gun collectors remain convinced that ordinances such as Toledo's will eventually disarm the law-abiding citizenry. Insists Walter W. Schumacher, speaking for the League of Ohio Sportsmen: "This is the first step toward total disarmament."

But for the foreseeable future the civilian population will surely remain heavily armed. According to the National Commission on the Causes and Prevention of Violence, headed by Dr. Milton Eisenhower, probably 30 million guns were added to the civilian stockpile during the last decade, bringing the total to 90 million—35 million rifles, 31 million shotguns and 24 million handguns.

EXHIBIT 1

DISTRICT OF COLUMBIA RESIDENTS PURCHASING AMMUNITION AT THE SUITLAND TRADING POST, SUITLAND, MD., FROM DEC. 16, 1968, THROUGH OCT. 10, 1969[1]

Kinds of offenses (including attempts)

Felonies	Arrests	Convictions	Misdemeanors	Arrests	Convictions	Total	
						Arrests	Convictions
Murder	2	1	Assaults (2 guns)	12	11		
Assault with dangerous weapon (3 guns)	6	1	Carrying dangerous weapon	3	1		
Assault	2	1	Lacivious carriage	1			
Armed robbery and burglary	3	1	Fighting on street	1			
Rape	1		Unknown misdemeanor	1			
Grand larceny	7		Investigation and suspicion	8	2		
Car theft	4		Juvenile court commitment	1			
Fugitive from justice	1		Fraud	1			
			Petty larceny	5	5		
			Distributing pornography	1			
			Immigration laws	1			
			Articles of war	1	1		
			Unlawful entry	2	2		
			Drunk, disorderly, vagrancy	136	126		
Total	26	4	Total	174	148	200	152

DISTRICT OF COLUMBIA RESIDENTS PURCHASING AMMUNITION AT APPLE HARDWARE, CHILLUM, MD., FROM DEC. 16, 1968, THROUGH OCT. 17, 1969[2]

Murder	1		Carrying dangerous weapon	6			
Assault with dangerous weapon	8		Robbery	6			
Rape	3	1	Petty larceny	2			
Grand larceny	4	2	Unlawful entry	2			
Armed robbery	1		Receiving stolen goods	6	2		
Robbery	2	2	Liquor law violations	2	1		
Selling drugs	1		Intoxication, vagrancy	2	1		
Car theft	4		Disorderly conduct	2	1		
Postal laws	1	1	Degeneracy	3	3		
Fugitive from justice	1		Contributing to delinquency of a minor.	1			
Possession of gun after conviction of crime of violence.	1		Investigation, suspicion	1			
Housebreaking	2	2	Unlawful weapon	1	1		
Interstate transportation of firearms	1	1					
Total +	30	9	Total	29	9	59	18

[1] Number of District of Columbia purchasers; 84; Number of arrest records, 35; Percent of District of Columbia purchasers with arrest records, 42 percent.

[2] Number of District of Columbia purchasers, 93; Number of arrest records, 31; Percent of District of Columbia purchasers with arrest records, 33⅓ percent.

ARE PESTICIDES THE CAUSE OF THE DISAPPEARANCE OF THE PELICANS FROM THE GULF COAST?

Mr. YARBOROUGH. Mr. President, the September issue of the magazine of National Audubon Society, contains an article written by Mr. George Laycock in which he discusses the mysterious disappearance of the brown pelicans from the gulf coast of the United States. These beautiful and interesting birds were once found in great numbers along the coast of Louisiana and Texas. In fact, the Legislature of Louisiana in 1902 designated the brown pelican as the State bird.

In recent years, however, the number of pelicans that live in the gulf coast area have been reduced drastically. What has caused the disappearance of these birds? Mr. Laycock suggests that DDT, dieldrin, and other pesticides may be causing the deaths of the pelicans. If this is so, the brown pelican as well as many other species of marine and wildlife may be in danger of becoming extinct.

Mr. President, the article is so timely and penetrating that I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE HAVE ALL THE PELICANS GONE?

(By George Laycock)

Along the coast of Louisiana there has occurred what must, at least from a pelican's point of view, be classed as a disaster. By 1962 all that remained of the state's once-flourishing population of perhaps 50,000 breeding brown pelicans had vanished.

To citizens of Louisiana the disappearance of the state's pelicans is especially distressing. In 1902 legislators there declared the stately but slow-witted brown pelican Louisiana's state bird. Pelicans were known everywhere along the Gulf Coast. They escorted fishing vessels, rested on pilings along the waterfronts, and generally ranked as prominent fellow citizens.

Inland, where pelicans seldom ventured, their high official status was constantly impressed upon the human mind by the picture of the pelican on automobile license plates. The bird was also known to all who saw the Louisiana Great Seal, which carries a likeness of a nesting pelican flanked by the words, "Union, Justice, Confidence."

Understandably, the sudden disappearance of the pelican raised pressing questions in Louisiana. Here was a state holding up as its symbol a bird that had obviously proved its inability to survive in the modern Louisiana environment. Even the governor wanted to know what had happened.

Southward along the Gulf Coast of Texas, where thousands of pelicans had once raised their young, the story was much the same; only a few pelicans remained. This catastrophe in the ranks of one of America's most interesting birds was to lead to several developments. One of particular importance was a wide-spread research project aimed at solving the mystery of the disappearing pelicans. The same project may ultimately help restore them to portions of their former range.

Wildlife specialists began to realize that despite the long and close association between pelicans and people, we knew surprisingly little about these birds.

"There has been tremendous public interest in the pelican recently," I learned from Lovett E. Williams, Jr., biologist for the Florida Game and Fresh Water Fish Commission. In his Gainesville office he told me, "We are especially concerned because of the speed with which they disappeared from all the range west of Florida. We realized that unless we gained a better understanding of where Florida pelican colonies are and keep track of them, they could vanish before we were aware that they were in trouble."

What killed off the pelicans along the Gulf Coast? A number of professional wildlife workers do not hesitate to place the blame on pesticides. They point out that during the years when pelicans were decimated along the coast of Louisiana, there were also massive fish kills in the Mississippi, kills attributed to insecticides.

Other workers, especially those at Patuxent Wildlife Research Center in Maryland, say there is no conclusive proof that pesticides killed the Gulf Coast pelicans. Only a small number of dead pelicans have been checked for pesticide residues. Only one carried enough endrin in its brain to have caused death, and it was found dead in the Everglades.

The Florida Game and Fresh Water Fish Commission put Williams to work in 1966 setting up a pelican research project. Nor did Florida sportsmen object to this use of hunting and fishing license money. In this state a large percentage of such funds go for protection of another nongame species, the endangered American alligator, victim of Florida's persistent poachers.

One of Williams' first aims was to census the pelicans—to learn how many adult breeding pelicans populated the coasts of Florida, and how successful they were at raising young. For two days early in May 1968, Williams and biologist Larry Martin flew the Florida coast in their first annual pelican count. They covered the coast along the Atlantic, around the Keys, and up to the mouth of the Suwannee. There are no breeding pelicans farther west along the Florida coast. They flew over nesting colonies at 200 feet, apparently without disturbing the breeding birds. And the two biologists estimated that the two largest colonies, near St. Petersburg and at Boca Grande Pass, contained 900 nests each.

Their total count of 6,700 nests—not including earlier nests missed in the Keys—leads Williams to figure there must be more than 20,000 pelicans in Florida. Fifty percent of the nests were on small islands between St. Petersburg and Fort Myers. This pioneering pelican count thus gives Florida biologists a base against which to judge census figures in the future. Each year, at the peak of the nesting season, a biologist will now fly the coastal areas to recheck the colonies, watching for the first sign of any serious threat to the last stronghold of the brown pelican in the United States.

The range of the four subspecies of the brown pelican extends along the East Coast from North Carolina southward, around the Gulf Coast and southward to Brazil. On the Pacific Coast it reaches from central California southward to the coast of Chile. The distribution and movements of these birds have never been well understood. One phase of the new research program will involve careful analysis of the hundreds of banding records collected over the years by the U.S. Fish and Wildlife Service.

It was during the 1967 convention of the National Audubon Society in Atlantic City that the pelican research idea took a major step. Alexander Sprunt IV, research director for the National Audubon Society, discussed the pelican's plight with John S. Gottschalk, director of the Bureau of Sport Fisheries and Wildlife. "Why not," asked Dr. Gottschalk, "do something about it?"

Sprunt then conferred with wildlife biologists in the Louisiana Wildlife and Fisheries Commission. They quickly agreed to call a conference of all agencies and organizations concerned about this threatened bird.

For two full days, January 16–17, 1968, wildlife biologists met for the initial session of the "Pelican Committee." The meeting, called by Dr. Leslie L. Glasgow, then director of the Louisiana Wildlife and Fisheries Commission and now Assistant Secretary of Interior, brought 24 authorities to the Rockefeller Wildlife Refuge in Louisiana. Among them were representatives of the National Audubon Society, U.S. Fish and Wildlife Service, Welder Wildlife Foundation, and eight state wildlife agencies from North Carolina to Texas. With Sprunt serving as chairman, they set up a detailed plan to help rescue the pelican.

The best-known nesting colony of the eastern brown pelican is Pelican Island, in the mouth of the Indian River across from the village of Sebastian on Florida's east coast. It is a three-acre patch of mangroves that, except for the birds, looks no different from other nearby islands. This breeding center for pelicans was well known to early Florida naturalists and pioneering wildlife photographers.

There came to Sebastian in 1881 a seventeen-year-old immigrant who was to play a major part in protecting this colony of birds from the vandals who frequently disturbed them. Paul Kroegel, born in Germany, had been brought to this country by his father. At Sebastian he came to know the pelicans and other birds common along those shores and around the mangrove islands in the mouth of the river. He noticed also that vacationers aboard passing cruisers and sailboats frequently shot into the flocks of nesting pelicans. With no use for dead pelicans, they left them where they fell. Kroegel was hired near the turn of the century by the American Ornithologists' Union to guard the birds of Pelican Island. But he had no authority other than what he carried in his old ten-gauge shotgun. A boat-builder by trade, he traveled at first in a little yellow sailboat called the Yellow Kid, and later in an outboard-driven skiff.

In 1903, President Theodore Roosevelt named Pelican Island a national bird reservation. It was the first of the national wildlife refuges, a far-flung system of lands and waters which today totals more than 300 areas scattered throughout the United States. Kroegel, by Presidential order, became the first warden on a national wildlife refuge. His daughter, Mrs. J. T. Thompson, who still lives in Sebastian, told me recently that her father's pay was $15 a month, from which he purchased his own outboard fuel. During those years he arrested many who molested or destroyed the pelicans, including Andrew Mellon, caught shooting pelicans from a boat on the Indian River.

Kroegel knew, as ornithologist George Nelson once explained it, that when the pelicans were disturbed on the island they would rise and fly very rapidly in great circles. "This is the alarm flight of the pelicans," Nelson said, "and can be seen for more than a mile. It is one of the warden's most reliable signs that the pelicans have unwelcome visitors."

Early in the 1920's, the pelicans abandoned the island, and by 1926 Kroegel was out of a job. The mangroves were gone—victims of overuse by the birds. Today the mangroves grow there again and the pelicans have returned.

In 1963, Pelican Island was designated by Secretary of the Interior Stewart L. Udall as a National Historic Landmark, the first wildlife refuge to gain this recognition. It now has a warden again—and he makes more than $15 a month. Lawrence Wineland is a veteran refuge manager with the U.S. Fish and Wildlife Service. I accompanied him out to Pelican Island one day recently.

We crossed Indian River, launched our boat, and cruised around the point of a small island lying directly offshore. After that there was no problem picking out the famous island. Across the bay many of the big brown birds could be seen passing back and forth, while some rested on the shallow waters and others perched in the tops of the mangroves.

Wineland has found that the birds nest nearly eleven months of the year. Consequently, there were nests in all stages of production. Some held eggs. Others contained newly-hatched nestlings so young they could not hold their heads up. Some were crowded with down-covered youngsters making great demands on their fishing parents. Mingled with them were pairs of nesting cormorants and great blue herons standing in the tops of the tallest trees on stilt legs. There were also egrets and Louisiana herons. Offshore, drifting leisurely on the calm surface, was a tight little raft of two dozen of the brown pelican's wintering white cousins, relaxing in the Florida sun.

It was difficult on this stronghold of the brown pelican to imagine that elsewhere these birds are in dire trouble. Their nests occupied every available mangrove. Cruising pelicans cast swift shadows over us constantly. Here was the place to see how the pelican lives.

Although the brown pelican is, as the name implies, mostly brownish the name scarcely does justice to his appearance when you see him clearly in good light. The adult pelican is no drab creature, but wears an intricate pattern of rich colors. The adult males and females are marked alike, and the pattern and colors vary with the stage of the nuptial molt. The underparts are a rich brown, but the upper surface of the wings and the back are silver tinged or grayish. The neck colors vary from white to chocolate, and the top of the head may be either white or bright yellow, with a patch of matching yellow on the breast.

Of all the pelican's equipment, men have marveled most often at that utility bag carried beneath its bill. Using this elastic pouch of strong and tough tissue attached to his lower mandible as a fish net, the pelican is successful in catching his prey about one time out of three. This is efficiency enough to keep adults and young in food.

With each young pelican consuming up to four pounds of fish per day, the adults rank as mighty fishermen, and they have standardized their methods. As they fly over their fishing grounds, that long bill rests on the pelican's chest and points at the water beneath him while he scans the water for that flash of color or movement that reveals the location of food.

His dive is not the world's most graceful. If there is a noticeable wind, the pelican dives with the wind behind him pushing. His heavy body thumps against the water and showers the silver spray up and over him. Usually he does not submerge.

But if he should dive underneath the surface, he executes a turn which brings him up facing into the wind. By this time his "fish net" is bulging beneath his face like the air sac of a singing tree frog. The weight of the water is considerable, and his first task is to drain the liquids from the edibles. By holding his head high with the bill pointing downward he allows the water to run out the corners of his mouth, and he continues to drool until it is gone.

By this time his thieving neighbors, the laughing gulls, may have invited themselves to dinner. They may even land on the top of the pelican's head. As he lifts his bill to swallow the fish for which he has worked hard, the gull may grab it and be on the wing and away. The pelican, thus robbed, can only go fishing again.

He takes off by facing into the wind and beating his wings heavily a few times until airborne. Once on the wing, however, he no longer seems clumsy. Those strong wings, with a tip-to-tip spread of 6½ feet, make even, powerful strokes and carry him forward at speeds which commonly reach 26 miles per hour. Pelicans often fly together—lined up in strict formation, moving their wings with a military precision, alternately gliding and cruising, as they cross a bay or move down the coast to their feeding grounds. When they fly with the wind, they may cruise at considerable altitudes, sometimes a hundred feet or more above the water. But flying with a strong wind in their faces, they come down until the formation scarcely clears the wavetops.

Although pelicans seek the company of others of their kind, and nest in colonies that are sometimes large and compact, they do not always get along peacefully. They will, when opportunity presents itself, pirate nesting materials from each other, and even consume the young of neighbors that might neglect their babysitting.

The nest is not large for a pelican-sized bird, but is a collection of sticks, grass, and reeds only 4 or 5 inches deep and 20 to 24 inches across. Into this structure goes a clutch of white eggs, usually three in number. Then for 29 or 30 days the parents take turns incubating.

To the average human eye there is little of beauty in the newly-hatched pelican. He is the color of a blood clot, too weak to hold his head up, and so naked his parents must hover above him to shade him from the killing sun. But when two weeks old the young have begun to acquire a covering of fluffy white down. Although young pelicans make grunting noises, adults are mostly silent. Those hatched in nests on the ground walk from the nest when they are about five weeks old, while young born upstairs in the mangroves are confined to the nest for another month until they are able to fly.

From their first days the young are fed their lifelong diet of fish, eating from the parent's pouch. A young pelican will consume about 150 pounds of fish in the nine weeks during which the parents transport his food to him. These fish are species not commonly used as human food.

During their two days of meetings at the Rockefeller Refuge, the biologists of the Pelican Committee divided into smaller committees to pursue different lines of research. They had listed eight aims which they would pursue in their efforts to understand and manage pelicans better.

First was the location of present populations of pelicans. In the past, any pelican counts from the air had been incidental observations made in the course of other work. Now the research group drew up plans for a system of aerial censusing to cover the birds' entire range and to yield figures on their total numbers. The flying chores will be shared by the states and the U.S. Fish and Wildlife Service.

Then, with all known breeding colonies mapped and censused, biologists will measure the annual production. Nestlings are being banded and colonies periodically rechecked. If production falls, the fact should be known to researchers while there is still time to seek the cause. Meanwhile, the capturing and color-marking of adult pelicans at selected colonies will fulfill another committee goal—the mapping of pelican movements.

There is special interest in a flock of about 100 apparently nonbreeding pelicans living along the Mississippi coast. Are these remnants of a Mississippi flock? Or are they migrants from Florida? Might their travels, once understood, lend some clue to what has happened to the vanished colonies along the Gulf Coast west of Florida? To keep tabs on this flock, David Peterson, manager of Gulf Island National Wildlife Refuge, plans to capture and color-mark every individual. They will then be recognizable through binoculars wherever birdwatchers see them.

There are at least two ways to capture large numbers of adult pelicans. "One plan," Williams explained, "is to give them a harmless anethesizing drug. We plan to make some tests of alpha-chloralose over at Cedar Key. Why don't you join us?"

On a chilly, gray morning a few days later I met Williams and biologist Mike Fogarty at the Cedar Key launching ramp.

At the fish market in town Williams purchased a dozen mullet measuring twelve to fourteen inches. While we cruised into the bay watching for pelicans, Fogarty busily prepared the fish for the unsuspecting pelicans. Very carefully he measured the anesthetic onto the strips of fish which had been rubbed with vegetable oil to help them retain the white powder until the pelican could grab the fish from the water.

Soon a pelican saw our boat and came cruising over, prospecting for a handout. Williams stood in the boat, holding one of the drugged strips of fish in his hand and waved as he might if tossing fish scraps into the water. Then he tossed the strip of fish directly beneath the watchful bird.

Before the fish had time to sink from sight the pelican was on it. Soon he lifted his bill to the sky and swallowed. "Nothing to do now but watch and wait," Williams said. "It should take about twenty minutes." Other pelicans joined the first one, which drifted contentedly on the gentle waves. After awhile we were able to tell which of the small group of pelicans was the hand-fed bird. He seemed about to take an afterdinner nap. His head settled low on his chest. He recovered briefly and shook his head. Then his wings spread clumsily out of control as he tried to maintain his balance. It was no problem to move close and carefully gather him up.

This may not be the ultimate method the committee will employ to capture adult pelicans. "The cannon trap should work well," Williams told me. "We can watch a flock of resting birds on the beach and find out where they stand in relation to the tide. Then we can set the trap and time our trapping to capture them the following day in the same place. We should be able to take sizable groups at one time."

To trace wandering pelicans to their home grounds, plastic patagial wing tags in a variety of colors—and in some cases colored leg bands—will be attached. The wing markers, 6 by 1½ inches in size, "can be seen a mile," and a uniform color key, with different hues for different localities, has been devised. A pelican wearing orange comes from South Carolina. Yellow means the east coast of Florida, purple Gulf side. Pink identifies Mississippi, blue Texas. Marking began in earnest this past nesting season with the tagging of 375 young birds at Cape Romain National Wildlife Refuge in South Carolina. Any sightings of orange-tagged pelicans should be reported to Sprunt at Box 231, Tavernier, Florida. State conservation officers should be notified if any dead pelicans are found.

Eventually, observations of color-coded pelicans should give biologists a better understanding of the birds' age at sexual maturity, their travels, and whether they are loyal to their original nesting areas.

Meanwhile, the search is on for the killer of the Gulf Coast pelicans. Both diseases and parasites will be investigated, and any occurrence of environmental pollution near pelican colonies will be closely watched. Birds found dead will be rushed to laboratories for analyses.

But the real cause of the disappearance of pelicans from Louisiana and Texas may never be known with certainty. Such pesticides as DDT and dieldrin, both widely found in the marine food chain, have long been suspected, however. And now reports from the Pacific Coast—where the brown pelican also seems doomed to extinction—has tightened the net of evidence against agriculture's biocides.

The California disaster was documented this past spring by a visit to Anacapa Island in the Channel Islands National Monument by a research team led by Dr. Robert W. Risebrough of the University of California's Institute of Marine Resources. Anacapa's cliffs have historically held large nesting colonies of pelicans, their numbers estimated as high as 2,000 pairs in past years. When Dr. Risebrough and his colleagues visited one nesting site in March, they counted 298 pelican nests which contained fresh plant material. Intact eggs were found in only twelve.

More pointedly, 51 nests each held a single broken egg—the shells spongy and flaking and containing little or no calcium carbonate, the membranes exposed. The weight of the nesting bird, Risebrough suggested, would likely be enough to cause breakage. And around each of the remaining 235 fresh nests were scattered one or more broken eggs, apparently discarded by the parent birds. One broken egg with its yolk intact has since been analyzed for chlorinated hydrocarbons. Its DDE content was equal to 68 ppm of the total wet contents of the egg, 296 ppm of the yolk, and 522 ppm of the yolk lipid.

A second visit by biologists to another Anacapa pelican colony produced much the same findings. While 600 adult birds were counted and many were sitting on nests, only 19 of 339 nests contained intact eggs. Other scientists visiting brown pelican colonies off the Pacific side of Baja California told similar stories.

Asked how many young pelicans were raised in California this year, Dr. Risebrough replied, "At most five!

"Their local extinction appears inevitable," he adds, "unless DDT levels in the sea decline over the next few years." The brown pelican, he points out, preys only on marine fish, which in the coastal waters of Southern California are more contaminated with chlorinated hydrocarbons than most freshwater fish in the state.

Other seabirds breeding on California islands, notably petrels and cormorants, are also in trouble from abnormally thin-shelled eggs. And added to the woes of Anacapa birds has been harassment by camera-carrying visitors come to witness the nesting disaster. To reach the pelicans, intruders first marched through the cormorant colony. The disturbance, Risebrough believes, speeded nest destruction among the pelicans. Conservationists will ask the National Park Service to declare the island off limits during future nesting seasons to protect the birds—at least from deathbed visits by humans come to witness the sad fate of a species they have fatally poisoned.

And the white pelican also seems imperiled by insecticides, but—at least immediately—to a lesser degree. Nesting as it does on inland waters and wintering along the coasts, it faces a different pattern of exposure from that confronting its brown cousin, though some white pelicans do feed at times in DDT hotspots.

The normal thickness of a white pelican's eggshell is .68mm. Researchers recently have found eggs measuring down to .40mm. But only rarely have the eggs collapsed because of abnormal thinness.

"The thinness of shells in white pelican eggs is mathematically significant," says James O. Keith of the Interior Department's Denver Wildlife Research Center, "but it is not yet biologically significant."

And even in South Carolina and Florida, where brown pelican colonies apparently remain healthy, reductions in eggshell thickness ranging from 7 to 18 percent have been found in comparison with eggs laid before 1947.

Meanwhile, during each of the past two summers, 50 fledgling pelicans have been captured at flourishing Florida colonies by state wildlife workers. The young birds have been about 50 days old and within five days of being able to fly. From Florida they have been hauled by truck to Louisiana to fulfill another goal of the Pelican Committee—the reestablishment of the brown pelican in that Gulf Coast state, as well as to study more closely the bird's life history.

Of the first 50 birds brought to Rockefeller Refuge in 1968, half were later freed at Grand Terre Island. Some were wing-clipped, others full-winged, and all were marked with white wing tags. The free-flying birds were soon observed feeding normally in the Gulf, and a year later the Grand Terre pelicans are reported to be thriving. Unfortunately cold weather in March caused a loss of most of the remaining birds kept at Rockefeller Refuge.

And if pesticides were not trouble enough, there are still instances where pelicans are victims of the thoughtless and ill-informed. There is need for better laws to protect pelicans throughout most of their range. Even Louisiana does not have a specific law protecting its official bird. The Pelican Committee hopes that, with the help of concerned citizens, legislation can be passed soon establishing penalties for killing pelicans or destroying their nests.

Hopefully, as we learn more about these peculiar, yet dignified birds of our Southern coastline, and when programs in their behalf are fully in operation, we may possibly prevent the pelicans from vanishing from still more of their range.

But if pesticides are the problem, as now seems unquestionable, then the pelican's future is truly bleak.

REVENUE-SHARING—ADDRESS BY SECRETARY OF THE TREASURY KENNEDY

Mr. MUNDT. Mr. President, in recent years there has been a growing concentration of power and responsibility in this country at the Federal level of government. The Nixon administration, however, has strongly and persuasively argued for a new federalism in which power and influence would be returned increasingly to State and local governments. It is, of course, by no means an easy task to reverse the trend toward centralized power and, in the process, achieve the new federalism which we desire. However, it is an absolutely essential undertaking if this country is to preserve its unique political heritage.

One of the most important new federalism proposals of the Nixon administration is that of revenue sharing. Under this proposal the Federal Government will return a certain share of its tax collections to State and local governments for use as those governments see fit. There are, of course, numerous grant-in-aid programs currently in existence which result in a movement of Federal funds from Washington to States and municipalities. However, the Federal strings attached to these programs are so numerous and comprehensive that the Federal Government's influence over the programs carried out at State and local levels is extremely pervasive. The revenue-sharing proposal is specifically designed to avoid this unfortunate side effect.

In a recent speech before the Greater South Dakota Association, Secretary of the Treasury David M. Kennedy outlined in detail the administration's revenue-sharing proposals and the impact this program will have in moving us significantly along the road toward the new federalism.

I ask unanimous consent that his significant statement, which is of great importance to the future fabric of American life, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

The Fiscal Side of the New Federalism

(Remarks by the Honorable David M. Kennedy, Secretary of the Treasury, before the greater South Dakota Association, Mitchell, S. Dak., Nov. 13, 1969)

Tonight I want to discuss a subject in which President Nixon is vitally interested—the future of our American Federal system. This Administration is firmly convinced that our progress as a free and progressive society depends importantly on the health and vitality of government at all levels—Federal, state, and local. The President is deeply disturbed over the imbalance that now exists among these partners in federalism.

The story of American government in the 20th century has been one of increasing concentration of power and responsibility at the Federal level. This flow of power to Washington was induced and stimulated by major wars, both hot and hold, and by economic crises. In recent years it has been accelerated by a variety of efforts to cure major domestic ills through the force of Federal programs and Federal money. The remarkable capacity of the Federal tax system to generate revenues has sustained and even encouraged this transfer of power.

But this expansion in the scope of Federal influence and responsibility has produced an undesirable imbalance in the American public sector. Our State and local governments have been asked to deliver an ever growing quantity of vital domestic services, but they lack efficient and productive systems of taxation to respond adequately. In short, they have been unable to play their rightful role in our Federal system.

The traditional functions of State and local government—education, welfare, police protection, health and hospitals, highways, sanitation—are more important today, on our scale of national priorities, than ever before. Over the years, the Congress and the Federal executive branch have recognized the importance of these local services, and have considered it essential that they be provided to our citizens. As a result, Federal grants-in-aid to State and local governments have grown enormously—from $1 billion in 1946 to a level of $25 billion this fiscal year.

But this significant rechanneling of Federal tax dollars to our states and localities has not been as succesful in increasing the scope and quality of state and local public services as one might hope. The transfer of Federal funds has been accompanied by an ever growing maze of program authorizations, restrictions, formulas, matching provisions, project approval requirements, and a host and variety of administrative burdens.

Over a period of years the Federal system of assistance to States and communities has evolved in piecemeal fashion. Federal, State and local officials are today confronted with over 600 programs for narrow categorical grants. Many of these programs are extremely cumbersome and each is equipped with its own array of administrative procedures and its own set of requirements to be levied upon State and local governments.

In drawing upon several funding sources to help finance one neighborhood project, for example, a local official may be confronted with a series of application forms weighing several pounds, a tortuous application process which may require many months to elicit a "yes" or "no" response from the Federal government, and a continuing process which may burden that community with hundreds of reports to the Federal government which are rarely read. Further, the local official may have to work with Federal people located in three or four different States in the course of putting this one project together.

I am told that a single program may require over a hundred different kinds of forms and reports, and that it may take over a hundred pages merely to list the administrative steps involved in the processing. We have found instances in which Federal, State and local governments make scores of independent studies in the same community without one knowing what the other is doing or having an opportunity to share in the results of the other study efforts.

On March 27th, President Nixon undertook a major three-year program to simplify Federal assistance. He has mounted a multi-pronged attack on the mass of red tape which is smothering the efforts of our three levels of government to work together effectively. Initial results are encouraging, and I am confident that in three years the President's efforts will have resulted in the elimination of many of these costly procedures and requirements which today burden our public officials and limit their ability to respond to public needs.

Against this background, the President also has come forward with a bold and challenging new domestic policy program designed to restore balance to American federalism while strengthening government's ability to deliver needed public services as efficiently as possible. This "New Federalism" seeks to redefine and redirect the role of the Federal Government toward those public functions where its capacity and effectiveness are unquestioned. It will move to restore to our states and localities the decision-making power rightfully theirs.

At the heart of our New Federalism is the proposal for sharing Federal revenues with State and local governments. The Treasury has had a major hand in drafting this revenue-sharing proposal, and we will be working very hard in the coming months to secure its enactment by the Congress.

I would like to take this opportunity to outline for you the main features of this revenue-sharing plan. It can be conveniently discussed in terms of its four major provisions.

First, the annual revenue-sharing appropriation will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. For the first year of operation, this percentage will be modest, yielding about $500 million. But in 1976 we will be sharing a full one percent of the tax base, or about $5 billion. In subsequent years, the revenue-sharing appropriation will automatically respond to the growth in taxable income. This is only one more reason why our State and local governments have a strong stake in seeing a healthy national economy—a point which I will turn to shortly.

Second, the state-by-state distribution of funds will be made on the basis of each state's share of national population, with a small adjustment for revenue effort to provide an incentive for maintenance of local taxing efforts. This adjustment will mean that a state like South Dakota, whose revenue collections in relation to state personal income are 24 percent above the national average, would receive a 24 percent bonus above its basic per capita portion of revenue sharing.

Third, each State government must distribute a portion of these revenue-sharing payments to all its general purpose local governments, regardless of size. Some alternative proposals would only include our larger cities and counties in direct revenue sharing. We strongly believe that all local governments are faced with fiscal pressures and that all deserve specific inclusion in this program.

The total amount a state must share with all its cities, counties, and townships will depend on the existing division of public financing responsibilities within each state. An individual local government will receive a fraction of each revenue-sharing payment which corresponds to the relative role which its general revenues bear in relation to the total of all state and local general revenues. We use this basis for allocating funds among local governments because a per capita distribution cannot distinguish between the importance of overlapping jurisdictions.

Fourth, state and local officials will receive not only the funds, but also the decision-making authority over the use of those funds. This is perhaps the most important feature of revenue sharing, and one which clearly distinguishes it from the Federal government's existing grant-in-aid system. Without the Federal program or project "strings," state and local authorities are free to initiate ideas which respond directly to the particular needs and interests of their jurisdictions. Only simple accounting and reporting requirements will be in force.

This revenue-sharing program represents an important new direction in the relationships between Federal Government and State and local governments. It gives our Federal system both a sound financial center and a needed decentalization of control. It will serve as an important supplement to our existing categorical aid programs. I am especially pleased to have this opportunity to describe the major features of our proposal to you, since Senator Mundt, as a long-time supporter of revenue sharing, was one of its sponsors when the plan was introduced in the Senate. We greatly appreciate the strong support and interest he has given us.

As I noted earlier, the size of the annual revenue-sharing appropriation will be primarily determined by the level and growth of the American economy. Therefore, the State and local governments will be vitally interested in seeing our Nation maintain a steady and healthy rate of economic expansion. Of course, these governments have always had a strong stake in our economic good health, particularly as the state of the economy affected their tax receipts, operating expenses, and borrowing costs. With revenue sharing there is even more to be gained by State and local governments from non-inflationary economic growth.

The responsibility for national economic policy is one public function which the Federal Government cannot delegate to the states and cities. It can only be exercised from Washington. However, when the Nixon Administration took office last January, the economy was suffering from several years if failure by the Federal Government to exercise that responsibility in a timely and effective manner. As a result, a serious inflation had been permitted to work its way deeply into the fabric of our economic life. We moved quickly and firmly to bring the policies of the Federal Government in line with our urgent need to halt the spiral of rising prices, and we are now beginning to see some hopeful signs of success.

But inflationary pressures are currently much too strong for us to assume any complacency. Our policies of economic restraint—especially our efforts to achieve a significant budget surplus—must be maintained until inflation is brought under control. For this we must depend on the Congress to approve the revenue measures we recommended last April. Without the extension of the income tax surcharge at the reduced rate of five percent for the first half of 1970, plus the repeal of the investment tax credit and the extension of certain excise taxes, we stand to lose about $4 billion in urgently needed revenues.

A revenue loss of this magnitude would have two serious impacts. First, we would lose most of our fiscal restraint in the budget—a restraint which is only moderate without the revenue loss. This is not the time to bring about an abrupt easing of fiscal policy. Second, and perhaps even more significant, this $4 billion shrinkage in Federal revenues would mean an equivalent strain on our already tight financial markets. This would be most unfortunate at a time when we might hope that interest rates could begin to ease from their historic high levels. These extraordinarily high interest rates have had a particularly severe impact on the flow of funds into housing and State and local government projects.

It is quite clear, therefore, that our State and local governments have a strong interest in seeing the income tax surcharge extended and the other revenue-raising measures enacted. For a shift in the mix of economic policies to even tighter monetary measures because of an easier fiscal position would seriously upset the essential borrowing efforts of states, cities, and counties.

Thus, at the Treasury we are engaged in two very important efforts to strengthen the fiscal structure of our American Federal system. On the one hand we are working hard to enact a program of revenue sharing—to provide both the encouragement and the resources for local and state officials to exercise leadership in solving their own problems. On the other hand, we are striving to exercise our unique Federal responsibility for restoring the American economy to a prosperous, growing, and stable condition. Both these efforts are vital to our national well-being, and I hope you will join me in encouraging the Congress to move forward on both fronts.

My remarks this evening would be incomplete if I did not outline for you the relationship between these two efforts which occupy so much of our attention at the Treasury, and the Administration's total package of domestic policy initiatives. President Nixon's new domestic program has been described by many observers as the most significant Presidential proposal for domestic reform in recent decades. It is significant both for qualitative and quantitative reasons, both for the number of new ideas it presents and for the boldness with which they were conceived. The President's package of proposals included the most striking conceptual change in the history of the welfare program, the most sweeping administrative change in the history of manpower training programs, and this entirely new and different approach to the fiscal relationship between the Federal Government and the states and localities which I have described to you.

Each of these proposals was historic in its own right. Yet the President chose to discuss all of them together, for he saw them as component parts of a single strategy. "They make both a package and a pattern," he observed. "They should be studied together, debated together and seen in perspective."

I look forward to the time, hopefully quite soon, when we have this exciting new package of proposals fully implemented. Their institution will signal a new direction and a new hope for effective government performance. That is an objective which we all must share.

CORRECTIONS REFORM CITED AS PRIORITY ISSUE FOR CONGRESSIONAL ACTION

Mr. GOODELL. Mr. President, the recognition that corrections reform legislation must be an urgent priority for this Congress is becoming increasingly apparent. As we continue to hear more and more about "law and order," it is time for us to face up to one essential fact. The primary answer to criminal recidivism is a national commitment to the creation of a corrections system that has a genuine chance to work.

Last week, the Joint Commission on Correctional Manpower and Training, created by Congress in 1965, issued its long-awaited report to the President, the Congress, and the Governors of the States.

It has furnished to the Nation recommendations for action in the area of manpower training and recruitment for the corrections component of our criminal justice system—only one aspect of the broader crisis facing the Nation's correctional agencies.

The report deals in detail with corrections manpower development, educational resources, and opportunities, training and staff development, recruitment, personnel policies and practices, management and organization development, research, public attitudes, and expectations toward corrections, and roles for national leadership.

The members and staff of the Joint Commission are to be commended for compiling the most comprehensive set of facts ever assembled on correctional manpower. As one indicia of the thoroughness of the report, I should like to point out that the Joint Commission surveyed every adult and juvenile Federal and State correctional institution, and every State-level probation and parole agency in the country.

In addition, a national sample of local-level probation was selected and studied to gather information about these varied and diverse agencies.

As a broad conclusion, the Commission found that "corrections suffers from multiple problems: apathy, piecemeal programing, totally inadequate funding, and a lack of public support and understanding."

We must move decisively against these difficulties, if we are ever to secure these difficulties, if we are ever to secure our society against the fear and destruction wrought by the high volume of serious crime.

In its lead editorial last Wednesday, the Washington Post emphasized the need to make corrections reform part of the so-called "crime war." Pointing out that a national poll indicated public awareness of the need for corrections reform, the Post said:

> It remains for national leaders to catch up to the public, to accept the vital importance of prison reform in the context of a comprehensive, across-the-board assault on crime, to begin, in short, to care.

Last Thursday, President Nixon announced that he had directed the Attorney General to make recommendations within 6 months on the subject of prison reform. I welcome this initiative. I hope that we will have the full support of the administration for effective and comprehensive corrections reform this year.

Mr. President, on September 18, I introduced in the Senate a comprehensive corrections reform bill, S. 2919, the Criminal Offender Rehabilitation and Crime Prevention Act. I am pleased to note that many of the very goals and recommendations proposed by the joint committee last week are already included in my bill.

I call upon every Member of Congress to give immediate and careful attention to this issue in all of its aspects—manpower training and recruitment, corrections rehabilitation services, including job training and job placement, the need for regional crime and delinquency centers, corrections education services, and construction and renovation of correctional rehabilitation facilities.

The danger of street crime concerns us all. It is real and it is nationwide. It is, therefore, the responsibility of every Member of Congress to make corrections reform a high priority for comprehensive legislative action now.

Mr. President, I ask unanimous consent that a summary of the recommendations of the Joint Commission on Correctional Manpower and Training and the Washington Post editorial to which I referred be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUMMARY OF THE RECOMMENDATIONS OF THE JOINT COMMISSION ON CORRECTIONAL MANPOWER AND TRAINING

THE JOINT COMMISSION STUDIES

Recommendation: Correctional administrators must take the initiative at federal, state, and local levels to ensure a greater degree of coordination and cooperation among the police, prosecutors, courts, and correctional agencies. In addition to informal working relationships, participation of representatives from all sectors of the criminal justice system in conferences, workshops, and training seminars must be encouraged at all levels of government.

CORRECTIONAL EMPLOYEES TODAY

Recommendation: A comprehensive nationwide recruitment program using brochures, television, magazines, and other mass media should be developed immediately. A major public information program is required to change the present low image of corrections as a career choice. The national program should be supplemented at state and local levels by tours, job fairs, campus recruitment, and other kinds of person-to-person contacts.

Recommendation: In order to attract younger persons to the correctional field, a concerted effort should be made to encourage high school, junior college, and college counselors to channel students into correctional careers. Summer work-study programs, which place students in correctional agencies to test career decisions and thereby promote recruitment of young people, should be expanded.

Recommendation: Correctional agencies at all levels of government should intensify efforts to recruit more Negroes, Mexican-Americans, and other minority group members into correctional work. Training programs should be developed to ensure that they have opportunities for career advancement in the field.

Recommendation: Opportunities for women should be expanded. Work roles should be reassessed to determine the maximum feasible utilization of females.

Recommendation: Recruitment programs for careers in corrections should capitalize on such findings by stressing the feelings of satisfaction and service to society which are possible in correctional work.

Recommendation: Patterns of supervision and administrative control must be constantly reexamined to guard against overly restrictive supervision of employees. To a great extent the ability of corrections to attract and keep competent personnel will depend upon the employee's perception of his potential for self-fulfillment.

Recommendation: Correctional agencies, especially those in the community, should adopt more flexible work schedules in order to utilize better their manpower and facilities. A rigid nine-to-five office schedule is a needless constraint on personnel time. Greater latitude in scheduling such things as conferences, contacts, home visits, and report writing can also result in a more meaningful level of service to offenders and the community.

Recommendation: Corrections must make provision for greater advancement opportunities in order to attract and retain high-quality personnel. Systems should be opened to provide opportunities for lateral entry and promotional mobility within jurisdictions as well as across jurisdictional lines.

Recommendation: To encourage mobility, provisions should be made for relocation expenses of prospective employees at supervisory, middle-management, top-management, and specialist levels.

Recommendation: Uniform job titles should be developed in correctional institutions and probation/parole agencies to provide a meaningful basis for lateral mobility between agencies and across jurisdictional boundaries.

Reccommendation: The establishment of a national retirement fund, which would permit correctional workers to transfer from one jurisdiction to another without loss of pension rights, should be a major goal of every agency and association seeking the betterment of correctional services.

Recommendation: The age of entry into some correctional jobs should be lowered to 18. Many correctional tasks can be performed by persons at that age, especially when job assignments are coupled with agency training or are part of a work-study program. Similarly, provisions should be made for lateral transferability at all ages, but particularly for persons in the 35–50 age group. Consideration should also be given to a uniform mandatory retirement age of 70.

Recommendation: Inflexible height and weight requirements should be eliminated and replaced by appropriate physical examinations to assess physical fitness and agility required by particular positions in corrections. Persons with correctional vision and hearing defects should not be excluded solely on the basis of these conditions.

Recommendation: Correctional agencies should examine their hiring policies in order to maximize the potential of those with physical handicaps.

Recommendation: Modifications should be made in prevailing civil service and merits system policies, including:

Elimination of written tests for entry into correctional work except for those positions where tests can show demonstrable evidence of measuring capacity to perform the functions required. Oral interviews and evaluation of work, educational, and life experience should be substituted as the basic screening device and should be conducted wherever recruits are available. Greater hiring authority should be granted to correctional administrators, including provision to delegate final hiring decisions to the lowest practicable level of administration and to allow freedom to choose final applicants from any position on a roster of eligibles.

Lowering of legal and/or administrative barriers to hiring ex-offenders in corrections, as well as in other governmental agencies.

Elimination of written tests for promotions, with greater emphasis attached to the evaluative considerations of promotion review boards.

Recommendation: Salaries, retirement plans, and other employee fringe benefits should be continually assessed and efforts made to keep them in line with comparable positions in the government and industry in the same geographical area. Annual cost-of-living increases should be made an integral feature of salary negotiations.

Recommendation: A top priority should be given to the education and training of correctional managers in the areas of collective bargaining and labor-management relations. Corrections should borrow heavily from the work accomplished by the private sector in this area. Correctional administrators can also take advantage of a number of training programs already existing in the field of management.

RESOURCES AND STANDARDS

Recommendation: the undergraduate degree should become the standard educational requirement for entry-level work in probation and parole agencies and for comparable counselor and classification positions in institutions. Preferred areas of specialization should be psychology, sociology, social work, criminology/corrections, criminal justice, education, and public administration. Correctional agencies must join actively with institutions of higher education in furthering the development of these programs and should provide suitable field placements for their undergraduate students.

Recommendation: A career ladder, which affords an opportunity for those with high school education or less to enter the field and make their way to journeyman levels through a combined work-study program, should be adopted by the field of corrections.

Recommendation: The two-year community colleges should expand their programs for correctional personnel. These schools are an excellent resource for corrections, particularly in the development of special program for custodial and group-living staffs, case aides, and community aides.

Recommendation: Experimentation with various kinds of work-load determinants should be encouraged as a more desirable alternative to the fixing of precise caseload standards. Further promulgation of standards must be based on research findings.

Recommendation: Correctional agencies, community colleges, four-year colleges, and universities as well as private and nonprofit organizations involved in the education and actively seek funds from federal programs concerned with corrections. Where existing legislation and/or guidelines are not adequate to meet correctional needs, amendments and new guidelines, which would specifically earmark funds for use by correctional agencies, educational institutions, and organizations associated with corrections, should be vigorously advocated. The federal government and organized corrections must provide greater coordination of existing programs.

Recommendation: A comprehensive educational financial assistance program should be established in an appropriate federal agency, in order to provide support for persons in or preparing to enter the field of corrections. Such a program should include provisions for: scholarships, fellowships, guaranteed loans, research and teaching assistantships, work-study programs, educational opportunity grants for students from disadvantaged, low-income families, forgivable loans to help defray the costs of college education and to help provide an incentive for further work in the field.

Recommendation: A federally supported grant program should also be created to provide sabbatical leaves for correctional administrators, so that they may attend a college or university full-time for an academic year, with salaries, tuition, and other instructional costs provided. Such a program should also furnish opportunities for educators in relevant disciplines to take sabbatical leaves in correctional agencies in order to conduct research, participate in staff training activities, and furnish general consultation to the agency.

USE OF SPECIAL MANPOWER GROUPS

Recommendation: Corrections, in cooperation with the national professional association representing the disciplines and fields involved with it, should restructure roles in correctional organizations, so that optional uses may be made of the training and skills brought to the agency by specialized manpower.

Recommendation: Graduate-level training should be encouraged and supported in the academic fields from which correctional agencies draw their specialized manpower. Courses of study and agency field placements should reflect the creation of specialist roles designed to maximize the unique expertise of those areas of specialization.

Recommendation: Correctional agencies should press for sufficient funds to purchase the service of specialized manpower. In addition to the specialists commonly associated with corrections, a concentrated effort should be made to secure the services, as needed, of persons who are skilled at handling intergroup relations, community development, public information, and other kinds of activities designed to link the correctional agency more closely to the broader community.

Recommendation: Correctional agencies should adopt a multi-faceted research strategy which would include (a) in-house evaluation projects; (b) collaborative research ventures with institutions of higher education, private industry, and non-profit research organizations; and (c) cooperation with national, regional, and state efforts to disseminate research results. There should be a greater sharing of research findings among agencies and across the various levels of government. National, regional, and state efforts in correctional research should be more closely coordinated and, where deemed appropriate, clearinghouses should be established and information repositories should be created from which may be derived guidelines for new correctional programs and the means for evaluating their effectiveness.

Recommendation: Greatly increased funding at national, regional, state, and local level will be required to provide correctional agencies with an adequate level of research capability. Particularly critical is the need for funds to recruit and train research personnel and to purchase or lease the latest data-processing and storage equipment.

Recommendation: Correctional agencies should expand their use of volunteers. To ensure success, such programs require administrative commitment so that adequate screening, training, supervision, and evaluation can be provided. Efforts should also be made to include more Negroes and other minority group members in organized volunteer programs.

Recommendation: Correctional agencies should reexamine their policies and practices regarding the employment of offenders and ex-offenders. Criminal records should not automatically prevent persons from being considered for employment in corrections. Increased experimentation is encouraged to delineate further the special contributions which can be made to corrections by those who have been through the system.

Recommendation: Arbitrary bonding restrictions now commonly imposed upon offenders and ex-offenders, which prevent employers from hiring persons who are otherwise qualified, should be lifted. Bonding restrictions should be related specifically to the individual position rather than serving as a blanket indictment of all offenders and ex-offenders.

PERSONNEL DEVELOPMENT

Recommendation: Staff promotional policies of correctional agencies should be reassessed to place a greater stress on the possession of knowledge and skills in management processes. Candidates for promotion should also have a demonstrated ability to apply new knowledge and should be oriented toward the implementation of research and planned change.

Recommendation: Correctional agencies must develop, in conjunction with colleges and universities as well as the private sector, a range of management development programs including degree-oriented course work in administration and management seminars, workshops, and institutes. Efforts should be made to incorporate the latest techniques and technology in these programs.

Recommendation: To broaden the perspectives of promising young correctional administrators, staff development programs should facilitate experience in such special activities as legislative committee work, comprehensive planning, university research, community development, and administrative and management consulting.

Recommendation: The federal government should make funds available to the states to finance management development programs. Similarly, states should subsidize management development activities in local jurisdictions.

Recommendation: Correctional agencies at all jurisdictional levels should adopt sound management development programs. In addition to a variety of training and development approaches to increase the knowledge and skills of present staff, consideration should be given to creative management trainee positions with on-going development activities built in.

Recommendation: A net work of national, regional, and state training centers should be created to develop training programs and materials as well as to provide technical assistance and other supportive aids to correctional agencies. Such centers should have manpower development rather than a limited definition of training as their focus, and should develop close working relationships with colleges and universities as well as with private training organizations. Federal and state funds are urgently required for the development and on-going support of these centers.

Recommendation: Greatly increased federal and state funding should be made available to those correctional agencies already sponsoring training units to allow for the expansion of training libraries, the development of training materials, and the securing of part-time faculty and guest lecturers in order to give greater depth to the training.

Recommendation: Colleges, universities, and private organizations with experience and capabilities in the training field should develop "training of trainers" programs in order to meet the emergent need for adequately prepared training staffs in correctional agencies. Such programs should be financed through federal and state funding. Funds should also be made available for the development of special programmed instruction materials suitable for use by correctional agencies.

Recommendation: Federal and state funds should be made available to agency training units to provide for the purchase and/or lease of modern training equipment.

A LOOK AHEAD

Recommendation: State and local agencies providing such basic services as education, employment assistance, job training, vocational rehabilitation, vocational education, health, and legal aid should expand their programs to insure that a greatly increased level of service is made available to offenders in the community and in correctional institutions. Where required, legislative amendments should be sought in order to insure that federally sponsored programs earmark funds for explicit use in increasing the scope and depth of such services to offenders.

Recommendation: Whenever feasible, future correctional facilities should be located near centers of business, commerce, and eduducation, in order to facilitate linkages between offenders and the community and its resources.

Recommendation: Correctional agencies should contract with schools of law and individual faculty members to conduct training programs, seminars, and institutes for all correctional employees who work directly with offenders which would include basic legal concepts of due process, offenders' rights, and recent legal trends.

Recommendation: Law schools should be encouraged to expand their curriculum to include courses in crime, delinquency, corrections, and juvenile court law for those students desiring to pursue careers in legal work within or relating to corrections. Internship programs should be established in conjunction with correctional agencies.

Recommendation: Correctional agencies should add legal specialists to their staffs, not only to serve as agency advisors but also to provide legal assistance to offenders regarding civil matters.

Recommendation: A model code of correctional procedure should be formulated and its adoption pursued. The code would provide the necessary guidance for correctional decision-making processes involving offenders. A panel to draft such a code should include judges, lawyers, correctional administrators, academicians, and lay citizens.

Recommendation: Correctional agencies should utilize more fully the resources of private industry. In areas such as management development, research, basic education, and job training for offenders, the private sector may be able to provide considerable assistance to corrections. Federal and state funding should be made available to correctional agencies to facilitate contracting for those services which might better be performed by private industry.

Recommendation: The private foundations should be encouraged to take a greater interest in the problems of corrections and in the education and development of its manpower. Financial assistance for the development of innovative programs should be sought from the foundations.

Recommendation: Correctional agencies should make a concentrated effort to inform the community at large, and community groups in particular, about corrections' goals, needs, and problems, and enlist their cooperation in working together to create the social climate necessary for offenders to assume meaningful roles in society.

Recommendation: Correctional agencies at all levels of government should establish units of community relations and public affairs staffed with public information specialists, in order to provide for a free and constant flow of information to the public.

[From the Washington (D.C.) Post, Nov. 12, 1969]

THE CRIME WAR: PRISON REFORM IS A VITAL PART OF IT

Almost three years ago, the President's Crime Commission made it plain enough that the national crime problem is not going to be solved by just passing new laws in random fashion or by just hiring new policemen or by tackling any one of the many elements that are involved in preventing crime and handling criminals—or all of them one at a time. The whole range of things, from bad homes and unemployment to prisons in which inmates learn how to commit more crimes, must be attacked simultaneously, the commission said, and in a comprehensive way.

The Joint Commission on Correctional Manpower and Training, created by Congress three years ago, has now underlined that finding. It has recommended, to sum up its conclusions in somewhat harsh language, that national and state leaders put their leadership and tax money where their mouths are. Its point is very simple: the number of men who make a career out of crime is not going to be reduced until the institutions of the correctional process (jails and prisons, parole and probation agencies) have the funds and the personnel to rehabilitate—rather than just confine or harass—those convicted of crime. "The public and their legislators most understand," the report says, "that there can be no solution to the problem of recidivism as long as harsh laws, huge isolated prisons, token program resources, and discriminatory practices which deprive offenders of employment, education, and other opportunities are tolerated."

The commission points out that the ability of a man who has committed a crime to stay out of trouble once he is released is directly tied to his ability to get and hold a job. Yet the success of prisons in training convicts for jobs and their ability to get one in the field of that training has been notoriously low. Coupled with this has been the inability of the entire correctional process to get either the money or the staff to do the kind of work it ought to be doing. There are, of course, bright spots in the field of corrections, as we noted a few days ago, but not enough young people have been drawn to it as a career and not enough innovative work has been encouraged.

The response of Congress a year ago to the Crime Commission report was to establish and finance a federal program to help states improve their police forces and law enforcement agencies. Its response to this report ought to be to do the same thing for state and local correctional operations. Since less than 10 per cent of all such operations are in hands of federal agencies, this appears to be another area in which President Nixon's "creative federalism" could produce worthwhile results.

The Joint Commission, however, put its finger on the real problem. It addressed its report to the President, Congress, the Secretary of Health, Education and Welfare, and the 50 governors. For anything worth while to happen, it said, the people in the correctional field "about whom this report is written—and those to whom it is addressed—*have to care.*" The results of a national poll show that 72 per cent of the public "cares"—or at least believes that the primary goal of correctional institutions is rehabilitation, while only 7 per cent thinks it is punishment. So the public support is there. It remains for national leaders to catch up to the public, to accept the vital importance of prison reform in the context of a comprehensive, across-the-board assault on crime, to begin, in short, to *care.*

REVERSION OF OKINAWA TO JAPAN

Mr. INOUYE. Mr. President, I read with great interest an editorial published in the Washington Evening Star of November 13 on the reversion of Okinawa to Japan. The editorial speaks to two important points involved in the Okinawa problem.

First, it questions the timing of a Senate resolution calling for alteration in the status of Okinawa without the "advice and consent" of the Senate. It questions the timing of this resolution which comes as negotiations between the two countries are being finalized and only 2 weeks before Premier Eisaku Sato's visit to Washington.

Second, the editorial focuses on the crux of the issue involved in the reversion of Okinawa to Japan. That issue is, indeed, that in dealing with the Okinawa problem, political considerations are more important than military ones. Critical to deciding on the status of Okinawa is the fact that stability in Asia will depend on four powers: United States, Soviet Union, Japan, and Communist China. This consideration makes maintaining a cooperative relationship with Japan, from the standpoint not only of economics but also military security, vital to our national interest.

In view of the Senate's consideration of the Okinawa question, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OKINAWA AND THE SENATE

The "sense of the Senate" resolution calling for no alteration in the status of Okinawa without the "advice and consent" of the upper house could not be more poorly timed.

U.S. and Japanese negotiators have been working for six months in Tokyo to hammer out the details of an accord which reportedly would return the island to Japanese control in 1972. Premier Eisaku Sato will be visiting Washington next week to win President Nixon's final approval.

Okinawa is the keystone of our Pacific defense system. Both countries are agreeable to continued U.S. use of the island's bases. But restoration of full Japanese sovereignty would mean that, as in the home islands, the U.S. would have to consult with Japan before using the bases to launch any attacks.

And the "nuclear allergy" of the Japanese people, arising from the 1945 atomic bombing of Hiroshima and Nagasaki, makes it politically impossible for any government in Tokyo to sanction the storage of nuclear bombs on Okinawa.

Loss of Okinawa as a nuclear base would be a serious but not necessarily fatal inconvenience. South Korea already has expressed its willingness to provide such facilities. Other Asian countries might well do so.

But the real point is that the political considerations in this case are more important than the military ones. Most immediately, the ten-year Japanese-American security treaty will have run its course next June 23. It will continue in force after that date unless either party elects to abrogate it.

Both the U.S. and Japan want the treaty. But the humiliation which Sato will face if he returns to Tokyo without Okinawa in his pocket could endanger the treaty and almost certainly would result in the fall of his pro-American government.

Nor does the occupation of a part of Japan correspond to the realities of geopolitics. Japan, with its burgeoning economy and bouyant currency, is the West Germany of the Far East. It can no longer play the role of economic giant and political dwarf.

The danger exists that the Senate might try to wring from Tokyo economic concessions such as the lifting of Japanese restrictions on the importation of American automobiles and control of Japanese textile exports to this country.

These are legitimate subjects of negotiation—the U.S. deficit in the $7 billion annual trade between the two countries exceeds $1 billion—but they should be kept separate from the larger political question. The future of Japanese-American relations is more important than cars or cloth. The presence in Japan of a stable, moderate government is essential both to this country and to the rest of the Far East.

The Senate has its proper place in the conduct of foreign relations. But to bring up the matter at the end of the negotiations and two weeks before Sato's visit is to trifle with a delicate and crucial question.

ARLINGTON CONSERVATION COUNCIL ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Arlington Conservation Council of Arlington, Tex., recently passed a resolution endorsing the proposal to create a 100,000-acre Big Thicket National Park as set out in S. 4, which I introduced in January 1969. By endorsing this proposal, the Arlington Conservation Council joined the many other civic and conservation groups which are supporting this bill.

Never has the need for such a park been greater. The Big Thicket area of southeast Texas is rapidly vanishing. This beautiful and unique natural wonderland once covered more than 3.5 million acres. Today, the Big Thicket consists of less than 300,000 acres. As a result of the careless and insensitive practices of some special interests the Big Thicket is disappearing at the shocking rate of 50 acres a day.

If the alarming destruction of this beautiful area is to be stopped, it is necessary that Congress act, and act soon. My bill, S. 4, if enacted, would preserve at least 100,000 acres of the Big Thicket for the use and enjoyment of future generations.

Mr. President, I ask unanimous consent that the resolution by the Arlington Conservation Council be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc. such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

Resolution of the Arlington Conservation Council on the Big Thicket National Area

The Arlington Conservation Council does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

C. C. Hall,
President.

Arlington, Tex.

HALF THE STORY IS TOLD ON TELEVISION

Mr. DOLE. Mr. President, the Vice President is not alone when he questions the objectivity of television news. Even before he made his speech last week, others also were questioning that objectivity.

The Columbia, S.C., State was one of them. I ask unanimous consent that its editorial of November 8 be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Telling Half the Story

On repeated occasions last week, the evening news on NBC television contained shocking reports of brutality on the part of South Vietnamese troops. Viet Cong captives were shown being kicked, beaten and otherwise abused. One report showed a prisoner being knifed in the stomach.

No one can shrug off this kind of inhumanity. It violates every principle of civilized behavior, to say nothing of the Geneva Convention on prisoners of war. To the extent that it is able to do so, the American command in Saigon should see that such abuses are stopped. This is an American responsibility, since America has assumed responsibility for the war.

But there are other responsibilities as well, and it is something less than clear that NBC television appreciates the fact. For example, there is the responsibility of a television network to the public, a responsibility that entails, among other things, fairness and balance.

Where are the television pictures of Viet Cong atrocities, NBC? Anyone who has talked with returning GIs knows that American forces constantly are coming upon whole villages whose inhabitants the Viet Cong have tortured and killed. Newsreels of this devastation, presumably, are sent to the networks. Might we see them, please?

No one is saying NBC should have suppressed the footage showing South Vietnamese outrages. No one is saying, either, that balanced reporting of the war is easy. All we are saying is that NBC News should change its name to NBC Propaganda if it intends to give the public half a story night after night.

PEACE WITH HONOR

Mr. MUNDT. Mr. President, last week during the observances held on Veterans Day in city after city, in virtually every community in the Nation, and in schools, churches, and wherever people desired to gather to show their love of country by paying just tribute to those Americans who made the supreme sacrifice for this Nation, Arlington Cemetery, across the Potomac River from Washington, was again the site where most Americans looked for the remembrance which was national in spirit and which set the tone for commemorative events held everywhere.

Measuring up to the fullest expectations for that significant ceremony last Tuesday—Veterans Day—is the address which was delivered by a very logical person to speak on this day of honor, the Administrator of Veterans' Affairs for our country.

The Honorable Donald E. Johnson, who heads the Veterans' Administration, and who comes to this office with his own record of great and distinguished service both as a member of our Armed Forces and later as the national commander of one of our great veterans organizations, the American Legion, delivered an eloquent address which I am pleased to bring to the attention of the Senate and to be made a part of the permanent record of this body and, equally important, I believe, of the events of last week.

I ask unanimous consent that Mr. Johnson's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Peace With Honor

(By the Honorable Donald E. Johnson, Administrator of Veterans' Affairs)

President Nixon has given me the high honor of representing him at this Veterans Day National Ceremony.

President Nixon's Veterans Day proclamation—and the separate Veterans Day message which he sent to all of our hospitalized veterans—bespeak more eloquently than any words of mine his great esteem for America's veterans, his constant concern for their welfare, and his firm resolve that their government shall care for them and for their widow and their orphan.

I do not bring you President Nixon's message. And I do not presume to speak for him. However, I do know how dedicated he is to the task of achieving the theme of Veterans Day 1969, peace with honor.

And we all know of his fervent hope for the understanding, the support, and the prayers of the American people.

Thus, as we pause today to remember, and to thank America's veterans of all wars for their service and sacrifice that all of us might live in freedom, let us ask ourselves:

What can we do—we citizens, Americans all—what can we do to help achieve peace with honor?

We can begin by recognizing the truth.

No American can quarrel with the noble and eternal goal of peace with honor.

But some of our people disagree today over the means—the strategy, if you like—of achieving this goal in Vietnam.

To those who may think—or would have others think—that they alone understand and abhor the suffering and savagery of war, to them I say now that they do an injustice to America's 40 million veterans, living and dead.

And they deceive themselves.

For America's veterans there has never been a "popular" war, nor a cause for which they eagerly sought to die.

Our honored war dead desired and deserved to live just as much as any citizen of our nation.

And our disabled veterans would welcome a moratorium in the pain and illness and injuries they now endure.

But they answered freedom's call because they understood freedom's cost.

In his inaugural address President Nixon said that the greatest honor history can bestow is the title of peacemaker.

He is right.

However, on this day when we recognize and applaud honor and courage and duty as exemplified by our veterans, on this day I would call the attention of all Americans to an inspiring inscription.

It is engraved on the Confederate War Memorial a short distance from this amphitheater in Arlington National Cemetery.

"Not for fame or reward; not for place or for rank; not lured by ambition or goaded by necessity, but in simple obedience to duty as they understood it, these men suffered all, sacrificed all, dared all, and died."

We, the living, also have a duty.

A duty to unify America. A duty to bring together our great and good people.

The unity that has always been the bedrock of America needs expression today more than at any time in the past century.

Not as a facade, but as the firm foundation for the future America of freedom and opportunity and justice which we must build for ourselves and for our posterity.

As we build this future—on a foundation of unity, not unanimity in our land—our citizens, Americans all, can learn from the veterans we honor today.

In battle our veterans freely admitted the toughness of their enemy.

But they summoned forth the courage to attack him.

And they gained the confidence to defeat him.

We, too, need candor and courage and confidence.

Candor to admit the toughness of the problems we face at home and abroad.

Courage to do the difficult, to bear the costs—in understanding and fortitude as well as in money—demanded by these problems.

And confidence that peace will be won—and the wrongs that make us a less perfect union will be righted—if we but carry on.

It is precisely because America's veterans have demonstrated their love of our country, their understanding of the cost of freedom, and their leadership as responsible citizens, that we can use this day set aside to honor them to call for a new depth—a new era—of unity.

Unity to save the America for which they have sacrificed so much—and which they have served, and still serve, so well.

Our veterans need no spokesman. For nearly two centuries their valor has been their valedictory.

But it is gratifying, indeed inspiring, to note that today in Veterans Day ceremonies throughout our land thousands of Americans are speaking up, proudly proclaiming their unashamed love of America, and urging the overwhelming silent majority of their fellow-Americans to join them in this declaration of love for and faith in our great country.

I believe sincerely that our honored war dead—to whom we pay special tribute today—would approve of this use of their "day."

The America they felt was worth fighting for is not a perfect America.

But only a united America can win the peace for which we all yearn—and for which we should all pray.

Only a united people will have the will and the strength and determination to curb inflation, combat crime, cleanse our waters and our air, alleviate poverty, end discrimination, train the undereducated, provide meaningful work for the underemployed, and cure the other ills that beset us.

On this Veterans Day, then, let us pledge and let us act to make our beloved country—in fact as well as in name—the United States of America.

To succeed in this difficult but vital task will be to insure that no veterans shall have served in vain.

ENVIRONMENTAL AND ECOLOGICAL EDUCATION

Mr. NELSON. Mr. President, on September 20, 1969, I proposed a national teach-in on the crisis of the environment. The purpose is to focus sharply on the vital concerns of this generation of youth about the environment it will inherit. The teach-in, scheduled for April 22, 1970, will take whatever form the students at a particular university decide—symposiums, convocations, and panel discussions. The proposal has steadily gained momentum on over 50 university campuses across the Nation.

The diversity and intensity of interest shown thus far has prompted me to introduce legislation on environmental and ecological education in the near future. The crisis to our environment is so severe that we must mount a continuous effort to enlighten our future citizens to the present and impending threats to the ecological balance.

Bold, innovative, and imaginative programs are needed if our school systems are to enhance the use of the environment as a teaching resources. A national strategy should encompass these programs and cover elementary, secondary, undergraduate, graduate, adult and community education and teacher training as well.

Every day after April 22 there should be a national teach-in on the crisis of the environment.

SELF-DETERMINATION AND THE STREETS

Mr. DODD. Mr. President, the leaders of the November 15 march on Washington according to this morning's papers, were ecstatic over the turnout at their demonstration. Certain commentators, columnists, and newsmen have also waxed ecstatic over the demonstration picturing it as a legitimate expression of the attitude of America's young people.

The size of the demonstration was indeed impressive. But no one has yet done an in depth analysis of its content. If such an analysis were done, I believe it would reveal that at least 50,000 to 60,000 of the demonstrators were hard-core Communists, Trotskyites, Maoists, and extremists of other varieties; that another 75,000 at least were hippies; and that the remaining 100,000 consisted of well-intentioned pacifists, misled liberals, and young people who came along partly because of a shallow and amorphous opposition to our Vietnam commitment, partly because the demonstration seemed like a wonderful lark.

In this connection, I want to call the attention of my colleagues to a nationally syndicated article by the prominent columnist, Joseph Alsop in newspapers of November 17, 1969, merits our attention.

Entitled "Salute to Nixon by Golda Meir Makes 'Kid' March Heartache," Mr. Alsop makes the point millions of Americans feel deeply and poignantly. Mr. Alsop says it and says it well.

He writes of the message sent to President Nixon by Mrs. Golda Meir, Premier of Israel. Having heard President Nixon's speech to the Nation on Vietnam, Mrs. Meir wrote him congratulations and her moral support.

Mr. President, this is an attitude not to be taken casually. Mrs. Golda Meir leads an embattled, little nation struggling to survive. She knows, firsthand, about the menace of Communist aggression and imperialism waged in the Middle East.

You will not find in Israel marchers and demonstrators for a unilateral "moratorium." Nor will you ever hear any outcry that adds up to "Better Red than dead."

Like every Israeli I have spoken to, Prime Minister Meir understands that the war in Vietnam is part of a global conflict between the forces of freedom and the forces of communism. She understands that if we are defeated in Vietnam, American credibility will be so deflated that we will lose much of the ability we now possess to impose restraint on the Mideast situation. She realizes, in short, that if we withdraw immediately from Vietnam as the moratorium leaders demand, it would place Israel in grave and immediate jeopardy.

Unfortunately, this is something that most of the demonstrators either fail to understand or refuse to understand.

There are those persuaded that they must never fight for anyone or anything. Liberty and free expression evoke sneers from them. They should ponder these words from Mr. Alsop:

> To the convinced pacifists, fighting for your country is always wrong—even if the end result is to condemn men like Noam Chomsky to the fate of Yuri Daniel and Alexander Solzhnitsyn. And this surely would be the end result, and for independent-minded Americans of every kind.

I ask unanimous consent that Mr. Alsop's column of November 17, 1969, be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

SALUTE TO NIXON BY GOLDA MEIR MAKES "KID" MARCH HEARTBREAK

(By Joseph Alsop)

It was heartbreaking, somehow, to see "the kids" in Washington, and then to learn of the latest, least expected support for President Nixon's Vietnamese policy.

That mother in Israel, Golda Meir, seems to have walked, in sensible, archsupporting shoes, straight out of one of the heroic epochs of the Bible story. But as Prime Minister of a small, infinitely brave and viciously beleaguered nation, Golda Meir must be alert to all that passes in the present.

She heard and studied President Nixon's remarkable Vietnam speech. Whereupon quite spontaneously, without solicitation, to the vast surprise of the White House, Mrs. Meir sat down and sent the President a message of warm congratulation and strong moral support.

Among other things, she saluted the President for "encouraging and strengthening small nations the world over, striving to maintain their independent existence, who look to that great democracy, the United States of America." The highest Israeli sources state, without hesitation, that this was an indirect but emphatic reference to an obvious danger that Mrs. Mier now fears.

The fact is that Israel's peril will be much increased by the worldwide repercussions of the kind of American defeat that "the kids" clamored for here in Washington. It is very strange indeed, therefore, that this purposely significant message to the President should have received no attention to date, despite its high origin and easy public availability.

This reporter learned of Mrs. Meir's message by sheerest accident over the weekend, days after its White House release, and just after escaping from a huge sidewalk eddy of "the kids." It was heartbreaking, simply because it so sharply pointed out the contrast between Mrs. Meir and the people she leads and the new breed of Americans those "kids" represent.

The word is put in quotations because it is time to protest the degrading sentimentality, the mush-headed permissiveness that lies behind this novel usage. In the Second World War, silly people used to call our troops "American boys" in the same manner. Yet they were not boys; they were American men, bravely fighting for their country, thank God and them, as men are sometimes called upon to do.

Today, it is far worse. A bearded, unwashed, 25-year-old Trotskyite is not a "kid." Neither is a lank-haired 24-year-old harridan of the same persuasion. Male and female storm troopers of the new left, perhaps; but "kids," no! And if you collect the facts about the brutality some of these alleged kids have actually resorted to, in the current New Left assault upon academic freedom, for instance, storm trooper seems a quite justifiable appellation.

Here, to be sure, we are speaking of a small though very influential minority. Idealism, ignorance and innocence, wallowing self-pity and simple fashion no doubt animated the great majority of the young people who marched in Washington at the weekend. But even the most empty-headed 18-year-olds were not "kids," they were at least proto-adults, with a duty to begin facing the world and the facts in a fully adult manner.

It is this refusal to face the world and the facts as adult Americans that mainly characterizes "the kids." It is also this refusal, one supposes, that their admirers have in mind when they call them "kids." And it is this refusal, once again, which sets these young Americans so far apart from the most beardless boy, from the most barely nubile girl among Mrs. Meir's people.

A kindly Providence has never called upon the American people to show the heroism, the hardihood, the unfailing will and resolution of Mrs. Meir's people. The Civil War, over a hundred years ago, was the nearest we ever came to a comparable test, and in the hard cold harbor-time, Abraham Lincoln and Ulysses S. Grant were among the few Americans who had not begun to lose heart.

The truth is that we Americans, because of our great good fortune, have always tended to forget the basic lesson that history is a harsh, remorseless process, in which few nations get a second chance. That is the lesson that has been cruelly rubbed in upon Mrs. Meir and her people, by over two millienia of dire experience with history's harshness.

To the convinced pacifists, fighting for your country is always wrong—even if the end result is to condemn men like Noam Chomsky to the fate of Yuri Daniel and Alexander Soltzhenitsyn. And this would surely be the end result, and for independent-minded Americans of every kind.

But unless the stormtrooper doings of the New Left minority provoke even worse reactions on the right, we can still count upon escaping that fate, providing we learn just a little from Mrs. Meir and her people.

"ISSUES AND ANSWERS"

Mr. HANSEN. Mr. President, the distinguished Republican leader (Mr. Scott) yesterday had occasion to discuss on the ABC television program "Issues and Answers" a topic both timely and important.

Senator Scott discussed with Bob Clark and Bill Gill, ABC correspondents, the question of fairness in television's presentation of the news.

The senior Senator from Pennsylvania made a most important point when he noted that what is required for television to maintain a good image with the American public is to separate editorial comment from what is known as hard, factual news.

I believe the transcript of Senator Scott's appearance on television concerning this matter is of significant interest to Americans. I ask unanimous consent that it be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

"Issues and Answers," November 16, 1969

Guest: Senator Hugh Scott, Republican, of Pennsylvania, Senate Minority Leader.

Interviewed by: Bob Clark, ABC News Capitol Hill Correspondent; Bill Gill, ABC News White House Correspondent.

Mr. Gill. Senator, welcome to "Issues and Answers."

Senator Scott. Thank you, Bill.

Mr. Gill. Last Thursday in a most impressive speech before the National Press Club here in Washington you said that the younger generation is rightly questioning our values now, and that while the threat of violence should not be tolerated, we can and should show a greater sensitivity and awareness as a government. Can you tell us just how can the Nixon Administration demonstrate compassion of more depth and willingness to understand?

Senator Scott. Well here, Bill, I think I am one of a good many channels. We in the Senate and the House spring directly from the people. We have a greater contact, perhaps, than the more isolated executive branch and I have been impressed by the genuine sincerity, the almost overwhelming decency of these young people; 98 per cent of them. There are the two per cent crazy, so-called.

I think we ought to be listening. I note that every parent wonders what's wrong with the kids. The kids are wondering why the parent doesn't take time from bridge or golf or something to sit down and realize that the young person has become adult in his concerns and he wants this war ended. This is the overwhelming first priority. He wants to get on with his chance to share in making a good life and a good country and I have urged this on many people. I do believe the President is listening and that people are listening. It is important.

Mr. Gill. In that most impressive speech you also said we should not resign government to the apathetic, the cynical or the coldly pragmatic.

In the light of recent events and statements by some government officials, were you speaking to members of the Administration as well as to parents?

Senator Scott. Well, I don't like to sound like a lecturer, although I have been that, as you know, in England. I am a special pleader, I guess. I am asking anyone who tends to dismiss the concern of the dissident, the concern of the protestor, as unimportant, or unworthy, really ought to pay more attention to them and I have asked people to cool their rhetoric a little too. So I am addressing it to all those in government who would listen, but I would like, in fairness, to make the point that I feel most people are listening. I played a small part in bringing together the peace seekers in this mobilization movement, the leaders and the Justice Department, so that they could sit down and work out Pennsylvania Avenue parades; they could work out the marshals who did a magnificent job; they could work out relationships with the police and they could tend to isolate and insulate the troublemakers, and I think that's the great story that came out of the moratorium march—that the public could see, and the television—I may say at last—that television did fairly report the distinction between the overwhelming majority of concerned people, expressing dissent but not such great dissent. They said "Peace Now," but if you asked them individually, they would say "Well, we know the President can't do it tomorrow. We just want to end it as soon as possible."

Mr. Clark. Could we take it from this, Senator, that you were generally impressed by the way the peace march was carried out?

Senator Scott. I am impressed. Members of my own staff had relatives in this march. I talked to a number of these young people myself. They would say to me, "Do they understand what we are doing? Do they think we are all just wild men, and is it going to have an effect?"

Well, this is part of the great American democratic method of trying to move the mind of the man who makes the decisions and it is proper that people should seek to have an effect on the mind of President Nixon. I do myself. We all do, and I don't think anyone wants peace more than President Nixon. I don't think anyone is trying harder and he is the only man who can get it and this is perhaps my role, to say, "For Heaven's sake, listen to the dissenter, "but I say to the dissenter, "Please use a little reason as well as emotion to understand that the President is doing the best he can."

This puts me, at times, in the middle.

Mr. Clark. You praised the Democratic leader of the Senate, Mike Mansfield, very highly for a speech he made on the Senate floor Friday that included these words, and Senator Mansfield said, "I don't want to see our people divided any further than they are. I want to see attempts made to keep our voices low. Divisiveness is well on the way to tearing this country apart."

Do you agree with this? Would you like to see a muting of the criticism on both sides of the Vietnam debate?

Senator Scott. No, and I don't think Mike Mansfield was asking for a muting of criticism; that he was asking for a reasoned analysis of whether there is merit in the criticism and that we should remember that we are all Americans whether we have one point of view or another on the war, and I got up and said to Mike: "I don't know what is going to happen to the two-party system if I continually have to agree with you so often when you make these very wise statements."

We respect each other.

Mr. Clark. Do you think any members of your own party, and including Vice President Agnew—I want to talk with you more later about some of his remarks directed at television—but do you think members of your own party are guilty of adding to this divisiveness in the country or in Vietnam?

Senator Scott. All men are guilty to a degree when they raise their voices, or when they disallow respect for the other person's opinion. We are all guilty when we do that, but I don't think this Administration generally is contributing to divisiveness and I think if you look at the demonstrators in the right light, aside from the "Crazies", they are contributing to divisiveness either.

When I see a Viet Cong flag, I could not personally address a meeting in which people are waving enemy flags. This is where my own innate feelings would not permit it, but even the waving of an enemy flag, as unpleasant as it is to me, is permitted here, but what I often wonder is why the dissenters don't realize that you couldn't wave an American flag in Hanoi.

Mr. Gill. Senator, Could we go back to some of the "rhetoric" I believe is the term that you used, concerning the Viet Nam war and the demonstrations.

What is the effect on both sides when we have the leaders of the demonstrators and spokesmen of the administration—again, Vice President Agnew—using select terminology in their confrontation? Do you feel that up to this point we have made earnest enough effort to lower the rhetoric and the cooling of temperatures that we were brought to expect from the administration?

Senator Scott. Well, Bill, I am very anxious not to be critical of personalities. The press and the television both jumped on the Vice President because he brought in the personality of Averell Harriman so I am not going to do that. I think that when Averell Harriman was brought on it was natural that someone would look for the man most antagonistic to Mr. Agnew. And I am sure that Averell Harriman will spend the rest of his life explaining why he wasn't able to pull off an end to the war. And that is all right. He has to be on the defensive. But I don't think I want to criticize Mr. Harriman's rhetoric, or Vice President Agnew's. I have my own style of rhetoric and I try to mute it as much as I can. I think the Vice President made a very sturdy, a very firm statement—when you leave out the discussion of personalities, here, as one side. What he said was firm, it opened up a dialogue, it found the television networks very defensive on the issue. There are people who say, in a rustic way, that it is the pig that is caught under the fence that squeels.

I think when Vice President Agnew brought out the issue that to a degree television isn't always objective, it is something that you could agree with. You aren't. And it isn't your role to be. But I think he has asked everybody in this country to look at television, compare it with the press and say to television: We hoped you would give us the straight news—as you and Bob do, and I enjoy your program—give us the straight news, but when you are editorializing, say so. Put up a little card that says "Editorial," or run something across the screen which says, "Now, we are giving our individual comment."

The average person outside of Washington and New York, where we are such sophisticates, does not know what a commentator is. Here in Washington, a commentator is a man who analyzes and interprets the news. Out in the country a commentator is a man who told them what just happened and it is necessary in all fairness to do what the press does, or you all should do: put the straight news on the first page, put the editorial on the editorial page.

I am against censorship with every part of my body I would oppose anything that censors television or any media. I am against government control. It is evil, it is vicious and it is tyrannical. But I think the Vice President opened up an honest, proper dialogue when he said, "Let's examine whether television always differentiates between straight news and editorializing. If you don't, why don't you?" That is a proper thing to bring out. That is all I am saying.

Mr. Clark. The Vice President said in his speech, Senator—and I will quote from him directly—"It is time that the networks were made more responsive to the views of the nation and more responsive to the people they serve."

You are the ranking Republican on the Senate Communications Subcommittee. Now do you have any thoughts as to just how this could be done or should be done?

Senator Scott. Well, I don't think the networks or press should be responsible to anybody's views and to that degree I disagree. I think they should be only responsive to Pilate's question: What is the truth? They ought to search for truth and they ought to fight for truth and for their right to express it. Just as I want you to fight for my right to disagree with the networks and the pariahtistic statements of two of the three network heads, not ABC—and I mean that. I agree with a reporter for one of the local papers today who points out that this dialogue has served a purpose. He says "My day of channel hopping indicates to me that television's journalists have acquired a higher sense of self-restraint and a greater understanding of balanced fairness." Now he means that following what the Vice President said, so to that extent, if it has caused television to be more aware of its public responsibility, then he has performed a service.

Mr. Clark. Do you think, Senator Scott, that there is a role in this for the Federal Communications Commission? And some people felt that the Vice President's remarks carried the threat of some coercion against the networks by the FCC.

Senator Scott. Yes, two of the network presidents implied that in highly pariahtistic statements. I got a little fed up with that sort of thing, too. But I don't believe that FCC has any role in exercising any form of control over broadcasting in the exercise of opinion, in the search for truth, or in the reporting of the news, except where there is of course a clear abuse. I mean if you had a fascist orator riding around there might be reasons to look into whether he should be indicted and thereby removed from the news media. But generally speaking, I think the role of the FCC is stated in the statutes and one of the statutes is wrong. That is Section 315. We ought to have more free time, we politicians, so that we don't have to pay such excessive rates for the time we buy. But we ought not to use the FCC as any form of club or threat over the freedom of speech of everybody in this country.

My father used to say "Your liberty stops where my nose begins." That is my guideline. I don't mind what you say to me and I don't mind what I say to you short of interfering with your right of saying what you think.

Mr. Gill. Senator, again on the Vice President's speech on television, following that speech it has now been widely reported that several of the Administration leaders, including Attorney General John Mitchell, spent a good deal of their time in fashioning the remarks that were to be spoken by the Vice President, and it has also been reported that the White House itself helped select a forum for Mr. Agnew to make his remarks.

I'd like to ask you, were you consulted in advance while the position was being formulated, sir, or did you have advance information on the content of the Vice President's remarks?

Senator Scott. I didn't even know the Vice President was going to speak until I turned that channel on while I was dressing to go out for some evening engagement and I saw the Vice President. It was the first I knew. The reason I turned it on is because I thought I was going to be on at that hour and I was to that extent disappointed.

No, I had nothing to do with it and I don't know who did and I don't know who drafted it or anything of the sort. It is natural for the Vice President to address party gatherings and this was a big one in Iowa where my friend Bob Ray is now Governor. And Bob fought with me for Eisenhower on the modern philosophy in this country, but the Vice President is much in demand at all of these gatherings.

Mr. Gill. On balance, following the Vice President's speech there has been expression of concern that there may be a tendency in government today to stifle dissent. With everything that has occurred and the various remarks and appraisals, do you see no danger at all of this?

Senator Scott. Well, I am a Jeffersonian. I went to "the" university, as some of your viewers will recognize, Mr. Jefferson's university, and he said this much "I have sworn upon the altar of God eternal opposition to every form of tyrany over the mind of man." That may sound a little pompous or a little didactic, but by God I mean it. I will fight any form of repression or interference with the right of freedom of speech.

Clark. Senator, the Vice President, in his attack on Averill Harriman, puzzled some people with the comment that during the ten months Harriman served as chief negotiator at the Paris peace talks—and these were the Vice President's words—he called this "a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of the bargaining table."

Do you know what the Vice President was talking about?

Senator Scott. No, he may have access to the classified information that I don't have. He may have referred to the suspension of the bombing, for example. He may have referred to this rumored drawback which may or may not exist in the limitation of our offensive operations. He would have more information than I do, but I don't know what that is.

Mr. Clark. Do you know of any sentiment within the Nixon Administration that suspension of the bombing was a great mistake?

Senator Scott. No. There is sentiment in the Congress between the hawks and the doves and the hawks think it was a mistake. I haven't heard that downtown particularly. The President is certainly no hawk and neither is Mel Laird, who used to be reputed to be one. He certainly is not.

Personally I am an owl. I don't believe in being a hawk or a dove.

Mr. Clark. Would you call suspension of the bombing one of the greatest military concessions in the history of warfare?

Senator Scott. No, I would call it one of the greatest gambles for peace which may turn out to have been very good or very bad. We don't know yet. History hasn't told us.

Mr. Gill. Senator, on that basis of the Vice President's remarks concerning the statements of Ambassador Harriman, having gone over those remarks and knowing what he said now, is there anything in your mind that Averill Harriman may have said on that program that would in any way justify the description of the ancient mariner who had a compulsion to explain through eternity the failures of his efforts?

Senator Scott. Well, I didn't see more than about one minute of what Ambassador Harriman said. I have read since the reports. My own feeling is that Ambassador Harriman will have to write a book to explain all of the things that he did or did not do. But, having been the Ambassador at the time when peace efforts did not work and the war was escalated, it is very important for him, as a public official, somehow to convince the public that he really was more successful than in fact he was. Now, that doesn't mean I'd call Averill Harriman a lot of names for being defensive, but I think it is a fair observation to say that he is terribly anxious to prove that he did a better job than the record presently indicates that he did. But I don't think of him particularly as an ancient mariner. He does conjure up an amusing picture. Averill is such a dignified, aristocratic man that the thought of him carrying an albatross around his neck or something is funny.

Mr. Clark. Senator, you have been one of the leading voices in Congress in the efforts to open up new paths toward a responsible disengagement from the war, and you proposed a month or so ago that we initiate a cease fire and hold to it until it was violated by the other side. Would you still like to see this approach tried?

Senator Scott. Well, Bob, I have felt that one of these approaches was the unilaterally initiated cease fire whereby if we said that on a certain day we intended to stop firing, if they did, and then we set the 31st of something rather than the English phrase "the 17th of never," rather set the 31st of somewhere and say that on that date we intend not to fire. Now, on that date the sun dawns and we watch the enemy's batteries. If they don't open up, that is the answer to us. It doesn't have to occur at Paris or Saigon. It can occur in Danang or some place when the enemy does not fire back, and then if it continues you have a cease fire. That is all I was proposing.

Mr. Clark. Would you still like to see this?

Senator Scott. I would still like to see it, but it is not the official position and therefore, as the party's leader, I do support the official position, which is a mutually supervised cease fire in accordance with the President's proposal of May 14th. I was simply trying out trial balloons of my own and I do have to warn you that not every trial balloon that Scott tries out is necessarily a Nixon trial balloon, you see.

Mr. Gill. Senator, there is a great debate. We might even call it legitimately an acrimonious debate in the Senate, as to whether or not the U.S. Senate may legitimately debate the subject of a nominee's political philosophy in determining whether to confirm his nomination, that being Judge Haynsworth. I would like to know what your feelings are on this subject. Is this man's political philosophy a reasonable subject of debate?

Senator Scott. To be one of the nine Justices of the Supreme Court involves, in the use of the advise and consent power of the Senate, the most searching examination of character, integrity, judicial competence and point of view because the President is dead right when he says he has the right to appointment of men who agree with him and if Judge Haynsworth's nomination should fall—I say if it should fall—and the President fully expects it to be confirmed—if it should fall, I would hope the President would name a strict constructionist. I would rather like him to name a southerner like Judge Dawson, or Oren Lewis, or Congressman Poff, just to take one state, or Walter Hoffman, judges or congressmen who are southerners and conservatives, because the court needs balance and the court has had a balance and I am not a conservative and therefore I believe the point of view is a factor among others.

Another thing that is a factor is whether or not a justice of the Supreme Court would continue to dissent from the edicts and the precedents of the court or whether he would not and I think that is the point made by Senator Javits, which is not totally governing on me, but ought to be mentioned.

Another point is pressure.

Mr. Clark. If we could just mention your reference to Javits, he said in announcing his decision on the Senate floor this week to vote against Judge Haynsworth, that a vote for confirmation, or confirmation would be a staggering blow to civil rights. Is this something you are concerned about?

Senator Scott. I don't buy that entirely either. I think what is more important to be considered are, first, questions of judicial ethics. I have resolved those in my own mind.

Second, when I said point of view, will a judge abide by the precedents of the court; not just civil rights, because I have told the civil rights people, I have told the union labor people, I have told the chamber of commerce, and I have told the pressure people for Haynsworth that I am going to make up my own vote. My vote is my vote and I will cast it.

Mr. Clark. You have made up your mind, Senator.

Senator Scott. I have made up my mind subject to change in the event of some unexpected development.

Mr. Clark. Would you like to tell us what side you are going to vote on?

Senator Scott. I would like to but I won't.

Mr. Clark. The Judiciary Committee of which you are a member said in its majority report this week that Judge Haynsworth is not guilty of any faintest ethical violation. Do you agree with that?

Senator Scott. I am inclined to think that this is a difficult point to answer, but it is one where the opponents, in charging ethical violations, have had the laboring oar and I think they have had a very difficult time in proving any actual ethical violation, Bob. They have tended more to prove what they call a certain insensitivity. But I think their case toward ethical violation has not been strongly stated.

Mr. Clark. Senator, I am sorry to stop you here, but we have run out of time. It has been a great pleasure having you with us on "Issues and Answers."

Senator Scott. Thank you.

SUPREME COURT OF THE UNITED STATES

The Senate as in executive session resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, during the speech of the distinguished and able junior Senator from West Virginia (Mr. Byrd), he had a colloquy with the distinguished Senator from Mississippi (Mr. Stennis). The Senator from Mississippi discussed his experience as a judge. I am going to begin my remarks with a similar personal experience because I once served as a judge on the appellate court of the State of Montana, the supreme court of the State. I am going to draw on my experience as a judge of that court in considering the nomination of Judge Haynsworth for another court.

When I first read of Judge Haynsworth's selection, I was pleased to learn that he had a greenhouse in which he grew flowers and propagated camellias. I was once a member of an appellate court in Montana and had a greenhouse to which I came home after the arguments and hearings and reading of decisions. I enjoyed the opportunity of making things grow from seeds and cuttings, although in that climate camellias were difficult. I felt I had an identity with Judge Haynsworth. Had I been required to vote immediately after his nomination, I would have voted for a circuit judge's elevation to the Supreme Court and for a fellow horticulturist.

When the nomination of Judge Haynsworth was first presented I read a few of the cases that he decided—the Logan case, *N.L.R.B.* v. *SS Logan Packing Co.*, 386 R 2d 562; the Deering Milliken case, *Deering Milliken, Inc.* v. *Johnston*, 295 F 2d 856; *Glendale Manufacturing Co.* v. *Local 520 ILGWU*, 283 F. 2d 936; *Sheppard* v. *Cornelius*, 302 F. 2d 89; and several others. I would not have come to the same conclusions that Judge Haynsworth reached, but the opinions were lawyer-like and well written. When I was a member of the Montana Supreme Court, I learned that two judges can take the same line on cases and come to different conclusions. I also learned that the judge who reached an opposite conclusion on one case was often the judge who cast the decisive vote to make your next opinion a majority one. After 6 years on an appellate court, I also learned that reversal of a lower court is not censure or disapprobation. As a former appellate judge, I approved the Haynsworth style—succinct, terse, and closely written opinions without the rhetoric or literary flourishes that constitute many decisions.

The people who are sponsoring Judge Haynsworth's confirmation are saying that he is a "lawyer's lawyer" and a "judge's judge." Nothing could be more absurd. Judge Haynsworth is obviously a competent lawyer and a pedestrian writer of opinions. But for innovative ideas, forward-looking concepts, there are opinions in every volume of the Federal Reporter that are better than Judge Haynsworth's.

However, not all of us can write as Learned Hand or Louis Brandeis do and for many of us on appellate courts a style that is not redundant and diffuse is welcome.

Therefore, I was prepared to vote to confirm Judge Haynsworth before the revelations of the hearings before the Judiciary Committee. I felt that here was a kindred soul who likes flowers and believes in short opinions and is lawyer-like in his analysis of the law. Despite disagreement with his conclusions I thought I should acquiesce in his appointment to the Supreme Court.

But when objections were raised and when revelations as to Judge Haynsworth's financial affairs began to appear in the press then I knew that in order to fulfill my own constitutional obligations I would have to await the results of the hearing and do some additional work and more careful consideration and analysis of his record.

I have never met Judge Haynsworth. I have based the following conclusions on the record just as he in his capacity as a judge of the Fourth Circuit based his decisions on the record of the case before him.

The duty of confirming the nomination of a Supreme Court Justice is different from that of advising and consenting to the appointment of a Member of the Cabinet, of Assistant and Under Secretaries, ambassadors, and others. The latter, whether they be Secretary of State or U.S. marshal, are only in office during the term of the President by whom they were appointed and the appointment is for a limited period.

Insofar as the judiciary is concerned the appointment is for the life of the judge. This is true at every level. Therefore, the oft repeated dictum that the President should have wide latitude in his appointments, and unless there is a showing of moral turpitude or lack of integrity the Senate should confirm, is not applicable to nominations to the judiciary. There is a higher standard for a judge. It is self-evident that Supreme Court Justices nominated by President Franklin D. Roosevelt more than 30 years ago are still sitting on the Court.

At age 56 Judge Haynsworth would be a member of the Court for 15 or more years. The concept that the President, any President, should have the opportunity to appoint his advisers, and his bureau chiefs is not relevant to judicial appointments. Therefore, in carrying out this responsibility of ours, as Members of the Senate to advise and consent on the nomination to the judiciary, we have higher responsibilities and additional obligations in the case of a judicial nominee because the man we confirm may direct judicial trends for as many as the next three decades, long after the President who nominated him has left office.

This large responsibility is confirmed by a study of the origins of the constitutional provision for the advice and consent of the Senate in the approval of a Presidential nomination for Judges of the Supreme Court.

Article II, section 2 of the Constitution states that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Judges of the Supreme Court." The original understanding, the practice of the Senate, and the status of the judiciary as a separate branch of Government all support the conclusion of the Senate has both the right, and the positive duty, to play an active role when it passes on a nomination to the Supreme Court.

First, until the final drafts of the Constitution, the Senate was given the sole power over Supreme Court appointments, with the executive to have sole power over all other appointments. Successive attempts to transfer the power to appoint Supreme Court Justices to the President were defeated. After those defeats the compromise pursuant to which the President nominates, and with the advice and consent of the Senate appoints both judges and other officials, was adopted—see, "The Debates of the Federal Convention of 1787," pages 39–40, 56, G. Hunt & J. Brown, Editors, 1920. Thus, from the first the particular competence of the Senate as to the Supreme Court nominations has been recognized.

Second, consistent with the original understanding, the Senate has repeatedly exercised its prerogatives in dealing with Supreme Court nominations. Of the 121 Presidential nominations to the Court, 22 have been rejected—nine by vote, 10 by senatorial refusal to act, and three by withdrawal in the face of anticipated Senate rejection. Thus, as the leading study in the field notes, very nearly one-fifth of the nominations have failed, a far higher percentage than for any other office—see J. Harris, "The Advice and Consent of the Senate," 303, 1953.

Third, the original understanding and Senate practice are a reflection on the unique status of the judiciary. The judiciary is not a part of the executive; it is an independent and equal branch of Government. Thus, there is no reason in policy to allow the President a wide discretion to mold the Federal courts to his own design. To the contrary, in the situation in which the Chief Executive errs, it is the Senate's duty to safeguard the prestige and reputation of the courts.

In sum, as the Senator from Michigan (Mr. GRIFFIN) stated in June of this year:

> **Under our Constitution the power of any President to nominate constitutes only half of the appointing process. The other half lies with the Senate.**

The basic arguments against the confirmation of Judge Haynsworth's nomination are well known:

First, Judge Haynsworth has not shown the capacity to put aside the predispositions and prejudices derived from his private practice in order to render equal justice for all under law. His decisions show that he is insensitive to the legitimate interests of the black and working communities.

Second, Judge Haynsworth has not met the high standards of judicial ethics the Senate set as the first prerequisite for a potential Supreme Court Justice when it refused to confirm Abe Fortas as Chief Justice of the United States.

Third, Judge Haynsworth's testimony to the Judiciary Committee was shot through with ambiguity, evasion and misrepresentations. The picture that emerges from the record is a man with an abiding affinity for inaccuracy. His wholesale unwillingness or inability to deal accurately and straightforwardly with the various issues raised at the hearings is obviously a further disqualification for elevation to the Nation's highest court.

These deficiencies plainly call for the rejection of the nomination presently before us. However, rejection of the nomination in and of itself, as important as it is, is not enough. The Senate has a duty, to the Nation, to the Court, and to itself, to reaffirm two basic preconditions to the confirmation of a Supreme Court Justice.

There are indications that this nomination is not an isolated error. Reports emanating from the White House ascribe to the administration a determination to reshape the Supreme Court in its own image. In light of Judge Haynsworth's record, it is plain that this determination is premised on the view that the highest qualification for a seat on the Supreme Court is complete ideological identification with the reactionary tenets of the administration's southern strategy. Such a narrowly political viewpoint poisons the wellsprings of the nomination process and if allowed to succeed, will inevitably destroy public confidence in the integrity of our governmental processes.

The Supreme Court is the summit of our legal system. Its powers are of impressive proportions. The responsibilities placed upon the Justices are correspondingly weighty. It is meet and proper that only those who have demonstrated, and who have been generally recognized as having, truly extraordinary capacity should receive the highest honor that a member of the legal profession can attain. The country has the right to demand no less.

Thus, it is of the essence that only a nominee who is of the highest distinction—a man who has lived greatly in the law—be confirmed.

Excellence is always its own justification. But in this context, it is more—it is an absolute necessity if the Supreme Court is to remain above politics. From deToqueville on it has been recognized that our system of government entrusts greater responsibilities to the judiciary than any other. When the Court considers a constitutional question, or a question concerning the meaning of a major piece of legislation, it is faced with resolving vital conflicting interests and it is often guided by only the most general language or by statutory provisions that are subject to diverse readings. Those who have no faith in the judicial process take this to mean that the Justices are free to do as they please. On this basis they argue that ideology is everything. I do not share that view. There are objective truths to be discerned in answering the questions posed for decision in the cases, raising both constitutional and statutory issues, that come before the Federal Courts. The most revered of our judges, such as Cardozo, Brandeis, and Learned Hand, merit acclaim on the ground that their opinions are more faithful to the intent of the law than those of lesser judges, not on the ground that they were able to impose their prejudices on the law through the force of their office. The comparatively open texture of the law does mean, however, that ascertaining the true answer to the questions thus posed is a task of the most extreme difficulty and sensitivity. Great depth and breadth of knowledge, profound understanding, and complete self-discipline and detachment are required. For if a Justice does not possess these qualities, experience demonstrates that the results he reaches will tend to be an unmastered reflection of personal inclination rather than an attempt to capture the essence of right reason.

In light of the nature and importance of the Supreme Court's role, the only guarantee sufficient to safeguard the confidence of the people is a nominee of extraordinary stature. For the distinguishing feature of men of the highest caliber is that they are not of one piece. They cannot be captured in catch phrases such as "liberal" and "conservative." Their greatness as men, and as judges, lies in the fact that they see the complexity of vital questions and that they approach such questions as their own man, not as a champion of a narrow view, or of a sect, or interest group. In a true sense, it is their large-minded independence that insures that no group can capture the Court, and it is this assurance, and this assurance alone, which can save the nomination process from the corrosive effects of power politics.

It is true, of course, that several nominees of the highest caliber have been strongly attacked for their views, particularly Justice Brandeis, and Frankfurter and Chief Justice Hughes.

Let me add that I listened to the able speech of the Senator from West Virginia (Mr. BYRD). He quoted probably the greatest Member of the Senate who came from Montana prior to the elevation of our majority leader, Senator Walsh, who was defending the nomination of Justice Brandeis. In the Senate, I am one of the successors of Senator Walsh. I am in the line of succession. He was one of the outstanding lawyers to serve in the Senate. I concur in everything he said and in everything that was quoted by the very able Senator from West Virginia. But he was defending Justice Brandeis, not Judge Haynsworth.

The important point is not the vehemence of these attacks, but that none of them had a substantial impact on the Senate. Its collective wisdom and restraint in passing upon distinguished appointments was demonstrated by the fact that these nominations were approved by wide margins.

The critical difference between those nominations and the present one is that on the record Judge Haynsworth is not a man of the highest stature.

Indeed, none of his adherents, from the President on down, claim that legal excellence was the reason for his nomination. Former Judge Lawrence E. Walsh, an ardent supporter of Judge Haynsworth, and a man who has served in this and the prior Republican administration, was able to state only that lawyers and judges in his area "will put him right at the top of those who would be eligible for consideration for this post from that circuit." Since there are only seven judges on the Fourth Circuit, this is hardly a sweeping endorsement. Moreover, even this faint praise is qualified to nothing by Judge Walsh's phrase "who would be eligible." Since all of these judges are eligible as a matter of law, it would appear that the committee whose findings Judge Walsh reported would have had to exclude the three members of the Fourth Circuit who are over 65 because of age, the two members of that court who have served less than 3 years for lack of experience, and perhaps the remaining judge, Judge Winter, who has compiled a forward-looking record, because of philosophy. For the President has stated that "age, experience, background, and philosophy" all enter into his calculations. The unfortunate but inescapable truth is that even among the members of the bar who share Judge Haynsworth's philosophy, his performance has aroused no enthusiasm for his craftsmanship, or his depth of vision. The consensus was well stated by Anthony Lewis, a respected student of the court:

> It is easy to think of judicial conservatives whose high intellectual qualifications would have smothered the thought of opposition on philosophical grounds. The point about Judge Haynsworth is that he does not have such high, intellectual or legal qualifications. Few would call it a distinguished appointment . . . Those who feel [policy and ethical] doubts might say that Judge Haynsworth is a man from a narrow background who has not altogether surmounted it in his view of life and the law . . . In short, the argument against Clement Haynsworth is not that he is an evil man or a corrupt man, or one consciously biased. It is that he is an inadequate man for a lifetime position of immense power and responsibility in our structure of government. Lewis, The Senate and the Supreme Court, N.Y. Times, Oct. 19, 1969, p. F-14

When a lawyer becomes a judge, his proper constituency is no longer the special interest group or groups he represented in private practice, but his constituency becomes the larger one of all people in every walk of life. He must put aside the predispositions and prejudices derived from his private practice, in order to render equal justice for all under law. Most judges do this successfully. We often see great growth in awareness of public problems and increased depth and breadth of vision on the part of judges who were identified with business, or other special interest groups, before appointment to the Bench. The history of the Court contains several notable instances of men of exceptional character, ability, and understanding who outgrew the more parochial concerns of their prior experience and brought to their tasks objectivity and disinterestedness.

In Judge Haynsworth's case, however, there is no reason to anticipate such growth. Not only has he failed to demonstrate the requisite technical skills of a great judge, but his record as a circuit judge reveals his inability to surmount the preconceptions which he brought to the bench. The most striking examples are in his decisions involving labor relations and civil rights. The law's basic policy in these areas was clarified well before Judge Haynsworth became a Federal judge. In 1935, in 1947, and again in 1959, Congress decided that peaceful concerted activity by working men and women, that it had not expressly declaimed illegal, should be protected by law. In 1954 the Supreme Court held that separate school systems divided along racial lines were unconstitutional. Thus, Judge Haynsworth was not required to anticipate new developments in these fields, all that was required was his acceptance of the authoritative commands of Congress and the Supreme Court. Yet, his labor decisions reflect partisan judicial activism curtailing the law's protection of concerted activity, and his civil rights decisions demonstrate a continuing refusal to follow either the spirit or the letter of the Supreme Court's decisions. Unlike the courageous courts of appeals judges in the South, who have enforced the law as set forth in Brown, and who have accommodated themselves to the national labor policy, despite the fact that neither are popular with that region's establishment, he has followed the path of convenience rather than the path of the law.

The only tenable conclusion is that the administration has chosen Judge Haynsworth precisely because of his demonstrated lack of growth while on the Fourth Circuit. It is zeal in the pursuit of its southern strategy is such that it appears unwilling to chance the appointment of a Justice who will decide vital issues of the day on the merits.

The recent controversy over the nomination of Abe Fortas to be Chief Justice of the United States established a second basic standard that every future nominee must meet. As the Senator from Michigan (Mr. GRIFFIN) has stated:

> The Senate's role has been clarified and strengthened. No longer is it limited merely to ascertaining whether a member of the Court is "qualified" in the sense that he possesses some minimum measure of academic background or experience . . . this solemn obligation includes ascertaining whether the nominee has sufficient sense of restraint and propriety. If the judiciary in general and the Supreme Court in particular are to remain secure against tyrannies of all persuasions, they retain the public's trust and confidence. The courts must not be scarred even by suspicions concerning the financial or political dealings of their members.

The ethics issue has been examined in depth during the hearings on Judge Haynsworth's nomination. The conclusion that Judge Haynsworth has not met the standards that the Senate set less than 2 years ago is inescapable. His failure to cut his financial ties to his professionable clients and to recognize the high standards of propriety required of judges, is part and parcel of his failure to achieve the detachment necessary to the proper effectiveness of the judicial function.

The documentation that Judge Haynsworth failed to respond to the black community, indeed that he was unaware of the legitimate demands has been made both prior to and after the decision in the Brown case.

I share the views that have been so ably presented in the committee and on the Senate floor as to Judge Haynsworth's failures in the civil rights cases. But so flagrant have been these failures that it is often overlooked that like failure to comprehend the social advancements and the national needs in labor law have been equally demonstrated. I shall try to document some of Judge Haynsworth's record of lack of recognition of the legitimate demands of America's working men and women.

The record of the Federal judiciary over the years in labor cases is one that significantly damaged the prestige of the Federal courts. It is set out in Frankfurter and Green, the Labor Injunction, 1930. The detrimental effects of generations of "government by injunction," of the misapplication of the Sherman Act, and of the overriding of the congressional will as embodied in section 6 of the Clayton Act, have not yet spent themselves. There is still widespread distrust of the courts among working people.

In light of this historical record, the majority report, and the memorandum prepared by Senators HRUSKA and COOK wisely avoids the position that a judge who has a record of hostility toward organized labor is fit to sit on the High Court. Instead, both Senators attempt to argue that Judge Haynsworth has not shown himself to be hostile toward labor. The record rebuts their position. It demonstrates that Judge Haynsworth's basic approach is characterized by an insensitivity to the needs and aspirations of workers, and to the plight of unorganized employees working for an antiunion employer in a local environment hostile to unionism. In marked contrast, he is instinctively overly sensitive to the views of employers, including rabidly antiunion ones.

Here, as in the critical areas of Judicial Ethics and Civil Rights, Judge Haynsworth has failed to demonstrate the highly developed sense of judgment and detachment which is of the essence for a nominee to the Supreme Court. He was an advocate for the textile industry before he went on the court of appeals, and he remained one after he got there.

I hope that the junior Senator from West Virginia, who has preceded me will analyze the following cases before he votes on Judge Haynsworth's confirmation, if he continues to hold his contention that Judge Haynsworth is not antilabor.

The statistical basis for the view that Judge Haynsworth is hostile to organized labor is overwhelming. First, during his 12 years on the bench, Judge Haynsworth sat on seven cases involving labor-management relations that were reviewed by the Supreme Court:

NLRB v. *Rubber Workers* (*O'Sullivan Rubber Co.*), 269 F. 2d 694 (1959), reversed per curiam 362 U.S. 329 (1960).

United Steelworkers of America v. *Enterprise Wheel and Car Corp.*, 269 F. 2d 327 (1959), reversed 36 U.S. 593 (1960).

NLRB v. *Washington Aluminum Company*, 291 F. 2d 869 (1961), reversed 370 U.S. 9 (1962).

Darlington Mfg. Co. v. *NLRB*, 325 F. 2d 682 (1964), reversed sub nom.

Textile Workers Union v. *Darlington Mfg. Co.*, 380 U.S. 263 (1965).

NLRB v. *Gissel Packing Co.*, 398 F. 2d 336 (1968).

NLRB v. *Heck's, Inc.*, 398 F. 2d 337 (1968).

General Steel Products, Inc. v. *NLRB*, 398 F. 2d 339 (1968), reversed.

NLRB v. *Gissel Packing Co., et al.*, 395 U.S. 575 (1959).

In all seven cases that went to the Supreme Court, Judge Haynsworth voted against the labor position.

In all seven cases Judge Haynsworth was reversed by the Supreme Court.

In six of the cases, the Haynsworth position was unanimously rejected by all participating Supreme Court Justices. Judge Haynsworth's position was supported by only one Supreme Court Justice—Justice Whittaker—in one case. Thus, Judge Haynsworth's views in labor cases were rejected not only by those Supreme Court Justices considered liberals, but by such conservative or moderate Justices as Frankfurter, Harlan, Clark, Stewart, and White.

There are three additional decisions which could be regarded as labor cases in a broad sense, though not involving labor-management relations. In each of these cases, too, Judge Haynsworth voted in favor of the employer, and in each of them the Supreme Court reversed:

Walker v. *Southern Railroad Co.*, 354 F. 2d 950 (1965), reversed per curiam 385 U.S. 196 (1966).

Mitchell v. *Lublin, McGaughy and Associates*, 250 F. 2d 253 (1957), reversed 358 U.S. 207 (1959).

United States v. *Seaboard Airline Railroad*, 258 F. 2d 262 (1958), reversed 361 U.S. 78 (1959).

Thus, Judge Haynsworth's overall record in the Supreme Court in the labor field is 0 out of 10—no affirmances and 10 reversals.

Every advocate believes that his case is a critical one. But there is only one objective measure of the importance of a Federal lawsuit; whether the Supreme Court has agreed to exercise its discretionary power of review. Certainly the foregoing record conclusively establishes the proposition that as to vital labor questions, Judge Haynsworth's decisions reflect an antilabor bias as measured against the decisions of the Supreme Court.

Second, Judge Haynsworth sat on 17 labor-management cases in which there was a division of opinion among his fellow judges on the Fourth Circuit. It may be assumed that these were close cases. In addition to the divided cases that went to the Supreme Court, O'Sullivan Rubber, Washington Aluminum and Darlington, they are:

Textile Workers v. *American Thread Co.*, 291 F. 2d 894 (1961), Boreman and Haynsworth, JJ, Sobeloff, J, dissenting.

Lewis v. *Lowry*, 295 F. 2d 197 (1961), Haynsworth and soper, JJ; Sobeloff, J, dissenting.

NLRB v. *Quaker City Life Insurance Co.*, 319 F. 2d 690 (1963), Bell and Haynsworth, JJ, Boreman, J, dissenting.

Wellington Mill Division, West Point Mfg. Co. v. *NLRB*, 330 F. 2d 579 (1964) Boreman and Haynsworth, JJ, Bell, J, dissenting.

Radiator Specialty Co. v. *NLRB*, 336 F. 2d 495 (1964), Bryan and Haynsworth, JJ; Sobeloff, J, concurring and dissenting.

NLRB v. *Wix Corp.*, 336 F. 2d 824 (1964), Bryan and Haynsworth, JJ, Bell, J, dissenting.

NLRB v. *M & B Headwear Co.*, 349 F. 2d 170 (1964), Sobeloff and Haynsworth, JJ; Bryan, J, dissenting.

Taylor v. *Local 7, Horseshoers*, 353 F. 2d 593 (1965), Boreman, Haynsworth and Bryan, JJ; Sobeloff and Bell, JJ, dissenting.

NLRB v. *Lyman Printing & Finishing Co.*, 356 F. 2d 884 (1966), Bryan and Haynsworth, JJ; Bell, J, dissenting.

Dubin-Haskell Lining Corp. v. *NLRB*, 386 F. 2d 306 (1967), Winter, Sobeloff, Craven, Butzner, and Haynsworth, JJ; Boreman and Bryan, JJ, dissenting reversing 375 F. 2d 568 (1962), Boreman, Bryan, and Janes, JJ; Sobeloff and Craven, JJ, dissenting.

Westinghouse Electric Corp. v. *NLRB*, 387 F. 2d 542 (1966), Boreman, Haynsworth, Bryan, and Winter, JJ; Sobeloff and Craven, JJ, dissenting.

Schneider Mills, Inc. v. *NLRB*, 390 F. 2d 375 (1968), Winter, Haynsworth, Borman, Bryan, and Butzner, JJ; Sobeloff and Craven, JJ, dissenting.

Darlington Mfg. Co. v. *NLRB*, 397 F. 2d 760 (1968), Butzner, Sobeloff, Winter, and Craven, JJ; Haynsworth, J, dissenting.

Arguelles v. *U.S. Bulk Carrier, Inc.*, 408 F. 2d 1065 (1969), Boreman and Bryan, JJ; Haynesworth, J, dissenting.

If Judge Haynsworth had an open mind on labor matters one would expect to find a certain balance between his pro- and anti-labor votes in such cases. However, an examination of these cases discloses that Judge Haynsworth voted completely or substantially in favor of the employer 13 times, in favor of labor only 3 times—Quaker City Life, Dubin-Haskell Lining Corp. and M & B Headwear Co.—and took a middle position once—*Darilngton*, 397 F. 2d 760.

A qualitative analysis of Judge Haynsworth's major labor cases, those that went to the Supreme Court, is equally damning. For such an analysis demonstrates: First, that Judge Haynsworth has not grasped a central feature of the labor policy Congress has constructed; namely, that the courts are not to interfere with the right to engage in peaceful concerted activity unless there is a clear and express statutory basis for doing so; second, that Judge Haynsworth has exhibited a faculty for stretching employer-oriented arguments far beyond the breaking point in order to disadvantage employees who have opted for unionization; and third, that Judge Haynsworth has not shown the slightest concern over the harsh consequences to employees of the tenuous legal positions he has espoused.

The basic lesson learned from the judicial performance in labor law prior to 1937 is that the courts are unable, on their own, and without detailed congressional direction to regulate labor-management relations, in a fair, effective and rational fashion. During that period, most courts treated the concerted action of employees as a tortuous and enjoinable conspiracy whenever they regarded the means or objectives as unlawful; the only standard of lawfulness was the judicial view of the desirability or undesirability of the activities in question. One of the objectives of Congress in guaranteeing the right to engage in concerted activities in section 7 of the NLRA was to deprive employers of the weapon of this conspiracy doctrine—see, *International Union, UAW* v. *Wisconsin Employment Relations Board*, 336 U.S. 245, 257–258 (1949). Prior to the fourth circuit decision in Washington Aluminum, the NLRB and the reviewing courts had given effect to labor history by avoiding approaching the interpretation of concerted activities in a manner which would invite scrutiny of the fairness or unfairness, the wisdom or unwisdom, or the desirability or undesirability of peaceful activities which are concerted in fact and do not violate a clear legal mandate.

Washington Aluminum presented the question of whether peaceful conduct, otherwise clearly protected by section 7 of the NLRA—in that case a strike to protest bitterly cold working conditions—risks the loss of that protection if the employees do not allow the employer an opportunity, sufficient in the eyes of the court, to correct their grievance. The fourth circuit held that that protection of section 7 is available only where the employees can convince the courts that they did provide their employers with such an opportunity. In doing so, the court of appeals went counter to the basic policy Congress embedded in section 7, and against a line of authority upholding the protected nature of spontaneous strikes to protest intolerable conditions—see for example, *NLRB* v. *Southern Silk Mills*, 209 F. 2d 155 (C.A. 6th Cir., 1953)—and it was, therefore, reversed unanimously by the Supreme Court.

Judge Haynsworth's failure to grasp the circumscribed nature of the permissible regulation of peaceful concerted activity was also exhibited in the O'Sullivan Rubber case. In O'Sullivan Rubber, the issue was whether section 8(b) (1) (A) of the NLRA, which prohibits "restraint and coercion," could be employed by the NLRB to prohibit peaceful picketing by a union that had lost its majority status during a strike in which the company replaced the union's members. Prior to 1957, the NLRB had recognized that section 8(b)(1)(A) did not prohibit such picketing. In 1957 the board reversed itself in *Drivers Local 639* (*Curtis Bros.*) 119 NLRB 232. The District of Columbia second, ninth, and fourth circuits reviewed the Curtis doctrine. The District of Columbia and second and the ninth circuits rejected it. Only the fourth circuit accepted it. The matter then went to the Supreme Court which affirmed the District of Columbia Circuit, *NLRB* v. *Drivers Local 639*, 362 U.S. 274 (1960)—three justices favoring a remand to the board for consideration of the effect of section 8(b)(7) which had been passed in 1959 and which dealt in specific terms with organizational picketing—and which reversed the fourth circuit unanimously.

In Curtis Bros. the Court made it plain that the fourth circuit had fallen into error by ignoring section 13 of the National Labor Relations Act which "is a command of Congress to the courts to resolve doubts and ambiguities in favor of an interpretation of section 8(b)(1)(A) which safeguards the right to strike as understood prior to the passage of the Taft-Hartley Act"—362 U.S. at 282—and by refusing to heed decisions such as *IBEW* v. *NLRB*, 341 U.S. 694, 701–3 (1957), which had emphasized the restricted nature of section 8(b)(1)(A). Thus the error made by Judge Haynsworth, in O'Sullivan as in Washington Aluminum, was to substitute his restricted view of the importance of the right to engage in concerted activities for the broader view of Congress.

While not a section 7 case, the Enterprise Wheel decision is a further illustration of Judge Haynsworth's penchant for partisan judicial activism. In that case, the fourth circuit reversed an award reinstating certain employees on the ground that the award was unenforceable after the underlying collective agreement had expired. The Supreme Court, with only Mr. Justice Whittaker dissenting, reversed, stating—363 U.S. at 598–599:

> The refusal of courts to review the merits of an arbitration award is the proper approach to arbitration under collective bargaining agreements. The federal policy of settling labor disputes by arbitration would be undermined if courts had the final say on the merits of the awards * * * plenary review by a court would make meaningless the position that an arbitration decision is final * * *. It is the arbitrators' construction which was bargained for; and so far as the arbitrators' decision concerns construction of the contract, the courts have no business overruling him because their interpretation of the contract is different from his.

Enterprise Wheel was one of three companies' cases in which the Supreme Court outlined the basic contours of the Federal labor policy on arbitration. Some of what the Supreme Court said in these cases was novel in terms of prior conventional learning. The interesting facet of Enterprise Wheel, however, is that the decision was in no way novel; it was merely the reaffirmation of a policy, sound in both the commercial and labor fields, announced in 1855 in a commercial arbitration case:

> Arbitrators are judges chosen by the parties to decide the matters submitted to them finally and without appeal. As a mode of settling disputes it should receive every encouragement from courts of equity. If the award is within the submission, and contains the honest decision of the arbitrators, after a full and fair hearing of the parties, a court of equity will not set it aside for error either in law or in fact. A contrary course would be a substitution of the judgment of the Chancellor in place of the judges chosen by the parties, and would make an award the commencement, not the end, of litigation. *Burchell* v. *Marsh*, 17 How. 344, 349 (1855).

Indeed, as the Supreme Court recognized, the applicability of the principle of Burchell against Marsh, in the labor area was plain in light of section 203(d) of the Taft-Hartley Act which states:

> Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement.

Judge Haynsworth's faculty for stretching employer-oriented arguments far beyond the breaking point to disadvantage employees who choose unionization is most strikingly illustrated in the Darlington case and in the card check cases—Gissel Packing, Heck's, and General Steel.

In the Darlington case the majority of the fourth circuit, sitting en banc, accepted the proposition that Deering-Milliken, which operated and controlled numerous textile companies, including the Darlington Co., had the status of a single employer which was responsible for the closing of Darlington as the answer to a representation election victory by the Textile Workers Union; the majority then held that the closing was not an unfair labor practice on the ground that "a company has the absolute right to close out a part of or all its business regardless of antiunion motives."

The question of whether a single employer should be allowed to close down entirely is an extremely difficult one. However, as the Supreme Court recognized—380 U.S. at 274–275—there is no policy argument at all for allowing a partial closure based on antiunion animus:

> A discriminatory partial closing may have repercussions on what remains of the business, affording employer leverage for discouraging the free exercise of § 7 rights among remaining employees of much the same kind as that found to exist in the "runaway shop" and "temporary closing" cases . . . Moreover, a possible remedy open to the Board in such a case, like the remedies available in the "runaway shop" and "temporary closing" cases, is to order reinstatement of the discharged employees in the other parts of the business. No such remedy is available when an entire business has been terminated.

The question of the precise circumstances under which a bargaining order based on authorization cards should be issued is also complex. It has troubled the NLRB and the courts of appeals for a number of years. On the one hand, it is often stated that an election which is not marred by unfair labor practices is preferable to a card check. On the other hand, in 1947 Congress rejected a proposal to make elections mandatory, and both prior and subsequent to 1947 the Supreme Court has held that card checks are lawful, see, *Mine Workers* v. *Arkansas Oak Flooring*, 351 U.S. 62 (1956). Moreover, it is generally acknowledged that the Board's remedial sanctions are too weak; and depriving the Board of its power to issue bargaining orders when an employer commits substantial coercive unfair labor practices strips it of its most effective weapon.

Because of the balance of these considerations, the first, second, fifth, and sixth circuits, the appeals courts other than the fourth circuit which considered the matter, rejected the suggestion that it is beyond the board's power to issue bargaining orders, based on authorization cards, when an employer commits substantial unfair labor practices. Only the fourth circuit, speaking through Judge Haynsworth, accepted it. The extreme pro-employer bias of the fourth circuit's view was recognized by the Supreme Court when it stated (395 U.S. at 609):

> If the Board could enter only a cease-and-desist order and direct an election or a rerun, it would in effect be rewarding the employer and allowing him "to profit from [his] own wrongful refusal to bargain, . . . while at the same time severely curtailing the employees' right freely to determine whether they desire a representative. The employer could continue to delay or disrupt the election processes and put off indefinitely his obligation to bargain; and any election held under these circumstances would not be likely to demonstrate the employees' true, undistorted desires.

The foregoing demonstrates that in labor cases Judge Haynsworth's zeal to further employer interests has been such that he has been blind to the importance of judicial self-restraint, to the basic purposes of Congress in enacting the NLRA, and to the guidance furnished by the Supreme Court—blind, in other words, to all of the basic virtues supposedly associated with "strict constructionism." But these doctrinal points do not reflect the totality of Judge Haynsworth's failures in the field of labor-management relations. They do not capture the human portion of the legal equation, which demonstrates that the tenuous legal positions that Judge Haynsworth has espoused have had extraordinarily harsh consequences for the employees involved.

The formalistic rule of Washington Aluminum, of some relevance perhaps to common law code pleading, but not to modern labor relations, was devised to deprive employees of legal protection when they engage in peaceful self-help "for the purpose of trying to correct conditions which modern labor-management legislation treats as too bad to have to be tolerated in a humane and civilized society like ours," *Washington Aluminum*, 370 U.S. at 17.

In O'Sullivan Rubber, the legal rule approved by the fourth circuit deprived over 300 long-time employees of the company of the basic method of concerted action available to them in their fight to regain the jobs which they had lost to strike replacements while trying to secure a decent first contact after the union had won an NLRB representation election 343 to 2.

In Darlington, Judge Haynsworth took the position that a partial shutdown in which over 500 employees lost their jobs for doing nothing more than expressing their desire for union representation in an NLRB election should not be considered an unfair labor practice. Apparently it was a matter of supreme indifference to him whether the remaining employees of the Deering-Milliken chain were allowed to make their decision on unionization free of the fear of the same type of retaliation.

In Gissel, the company engaged in coercive interrogation of its employees, threatened them with discharge and other economic harm, promised them economic benefits, and discharged two of the leading union supporters—all to destroy the majority position that the Meatcutter's Union had secured. Judge Haynsworth's response was to order the company to rehire the discriminatees and post notices saying that it would not violate the law again, but to excuse the company from immediate bargaining. Apparently the judge was unconcerned over the fact that the remedy he allowed was an invitation to violate the law, and that it did not afford any protection to employees who wanted immediate union representation, rather than representation many years hence.

The two main arguments put forward by Judge Haynsworth's supporters are that those opposed to the judge's nomination have not given adequate consideration to the unanimous decisions in which he participated, and that a number of the Supreme Court cases and split decisions analyzed above are mislabeled as antilabor. Neither of these arguments will bear inspection.

First, it is my view that where there is no division of opinion among Federal judges on a question of law or fact in a labor case, the presumption is that the decision is neither prolabor nor antilabor but rather is clearly dictated by law. Any other view is dangerously cynical as to the nature of the rule of law. It is only where the judiciary is split that it may fairly be said that there are decisional leeways which permit the exercise of a substantial measure of personal judgment.

Benjamin A. Cardozo stated as follows in his famous study of judicial decisionmaking, the nature of the judicial process. When I was a member of the Supreme Court of Montana, I read and reread this landmark document in order to continue to admonish myself to come to the rationale of judicial decisionmaking as referred to in Justice Cardozo's book. Justice Cardozo said:

> Of the cases that come before the court in which I sit, a majority, I think could not, with semblance of reason, be decided in any way but one. The law and its application alike are plain. Such cases are predestined, so to speak, to affirmance without opinion.

Parenthetically, that was probably the situation in the Brunswick case that has been discussed. In reading the Brunswick case, there was only one way the case could have been decided. Perhaps that is why Judge Haynsworth forgot the case was still pending before him.

I shall continue to read from Justice Cardozo's statement in the nature of the judicial process:

> In another and considerable percentage, the rule of law is certain, and the application alone doubtful. A complicated record must be dissected, the narratives of witnesses, more or less incoherent, and unintelligible, must be analyzed, to determine whether a given situation comes within one district or another upon the chart of rights and wrongs. . . . Finally there remains a percentage, not large indeed, and yet not so small as to be negligible, where a decision one way or the other, will count for the future, will advance or retard, sometimes much, sometimes little, the development of the law. These are the cases where the creative element in the judicial process finds its opportunity and power.

Moreover, the question before the Senate is not whether Judge Haynsworth should be impeached because he has shown an absolutely uncontrollable antiunion animus which has made it impossible for him to decide even the simplest case properly; it is whether the judge has shown the professional ability, the detachment, the insight, and the understanding necessary to decide the complex and important cases which continually come before the Supreme Court. The relatively simple cases that provoke no disagreement among courts of appeals judges do not provide guidance in answering the relevant question. They are not the cases that reach the Supreme Court.

Finally, it should be noted that the dynamics of labor litigation are such that it is only to be expected that the great majority of the cases in the fourth circuit quite literally compel a decision in favor of the union. It is for this reason that a mere tabulation of these decisions is of little or no significance. The two main sources of that court's labor work are section 301 arbitration matters, and NLRB matters. The former normally arise from an employer's refusal to arbitrate, a refusal that is rarely, if ever, justifiable under present law—see *United Steelworkers* v. *American Mfg. Co.*, 360 U.S. 564 (1960). The latter are typically factual cases involving discriminatory discharges or other coercive interference with concerted activity since unions in the fourth circuit area are not as strong or well organized as unions in other areas of the country, and employers in that area have shown a strong proclivity for engaging in such conduct. These cases are screened by the Board's general counsel, by a trial examiner, and by the Board itself, and under the law. the factual determinations that are reviewed must be accorded a large measure of respect by the courts. Indeed, the major reason these cases get to court at all is that Board orders are not self-enforcing. If a company refuses to comply, the Board must go to court to secure an enforceable order. Often the type of company that commits clear unfair labor practices is the type of company which recognizes that delay works in its favor, and that a judicial proceeding in a frivolous matter is preferable to voluntary compliance.

Under the circumstances it is clear that all but a small number of decisions should enforce the Board's order. To say that these factual cases cited in the Hruska-Cook letter are prolabor is ludicrous. Indeed, in another context, that letter itself appears to recognize the force of this point. Thus, while it labels unanimous opinion affirming the Board on substantial evidence grounds "prolabor" it dismisses split decisions decided on substantial evidence grounds as follows:

> Of the sixteen divided Fourth Circuit cases which the AFL–CIO lists, only one was written by Judge Haynsworth, *Lewis* v. *Lowry*, 295 F. 2d 197 (4th. Cir. 1961), and that was on *sufficiency of evidence* grounds. Three additional cases were on these grounds (rather than labor-management issues) and were thus not "anti-labor" decisions.

The Hruska-Cook letter's defense of Judge Haynsworth's performance in Supreme Court cases and in split decisions is equally unsound. It is not true that the reversals in O'Sullivan Rubber, Walker against Southern Rail Road and Enterprise Wheel were "based upon fundamental policy changes by the Congress and the Supreme Court subsequent to the fourth circuit's decision." In Curtis Bros., three members of the Court, Justices Stewart, Frankfurter and Whittaker, took the position that the 1959 amendments to the NLRB had such a pervasive impact on the problem that the case should be remanded to the NLRB. The rest of the Court disagreed and decided the case on the basis of the law as it had been prior to 1959, stating that the amendments do not "relegate this litigation to the status of an unimportant authority over the meaning of a statute which has been significantly changed"—362 U.S. at 291. The opinion in Walker against Southern Railroad also demonstrates that the intervening change in the law which occurred was not critical to the decision, and as already stated, Enterprise Wheel is notable for the fact that it does not break new ground and is, in fact, a reaffirmation of a rule of law announced in an 1855 precedent.

Indeed, Walker is especially interesting for the light it shed on the proposition that Judge Haynsworth's civil rights' record is merely a reflection of his preference for a literal approach to Supreme Court precedents. For, in Walker, he went counter to Supreme Court authority squarely in point, which as a practical matter favored labor, on the ground that the reasoning in a more recent case, *Republic Steel Corp.* v. *Maddox*, 379 U.S. 650 (1965) indicated a change in the Court's views. It would thus appear that Judge Haynsworth follows a literal approach where it suits his convenience and not as a matter of principle.

The Hruska-Cook letter is equally unsound when it argues that *Deering-Milliken* v. *Johnston*, 295 F. 2d 856 (4th Cir., 1961) and *United States* v. *Seaboard Air Line R.R. Co.*, 258 F. 2d 262 (4th Cir., 1958), reversed 361 U.S. 78 (1959) are not "labor cases." It is, of course, true that Johnston raised a procedural point, whether the Federal Courts could enjoin a Labor Board hearing, but it is plain that the labor context was not irrelevant. Here again a comparison with Judge Haynsworth's civil rights' decisions is in order. The opinion in Johnston is notable for Judge Haynsworth's criticism of NLRB delays. While there was much justification for this criticism of the Board, the judge failed to note that the companies who were complaining of Board delays, had contributed mightily to them, or that the discharged employees, not the companies, were the principal victims of Board delay. Judge Haynsworth's stringent criticism of NLRB delays contrasts with his indulgence toward the Prince Edward County School Board in the famous school closing case. There the court of appeals ruled, in a 2 to 1 opinion by Judge Haynsworth, that the district court should not, even after years of litigation, have ruled on the school board's latest evasive maneuvers without giving the Supreme Court of Appeals of Virginia an opportunity to rule first, *Griffin* v. *Board of Supervisors,* 322 F. 2d 332 (1963). The Supreme Court disagreed, declaring:

> There has been entirely too much deliberation and not enough speed—*Griffin* v. *County School Board of Prince Edward County,* 377 U.S. 217, 229.

As to Seaboard Air Line, it is sufficient to say that there Judge Haynsworth was faced with a choice between reading the Safety Appliance Act broadly enough to serve its avowed purpose, the protection of the life and limb of railroad workers, even though that might cause some additional expense to the railroad, or very narrowly in order to save the railroad money. He chose the latter and was reversed by the Supreme Court.

Neither the majority report nor the letter attempt to justify Judge Haynsworth's opinions in Washington Aluminum or Darlington; and on the card check cases they merely relay the following passage from the Gissel opinion:

> Despite our reversal of the Fourth Circuit below . . . the actual area of disagreement between our position here and that of the Fourth Circuit is not large as a practical matter.

The difficulty with this position is that the deleted portion of that quotation states: "in Nos. 573 and 691 on all major issues." Normally, the Court goes out of its way to avoid the appearance of criticizing a lower court that it is reversing. The reversal, especially one that is unanimous, is normally sufficient to make the point. Thus, when the sentence from Gissel is read in its entirety, it is plain that the portion quoted by the majority was simply to soften the blow of a unanimous reversal "on all major points."

Finally, the Hruska-Cook letter takes the view that the decisions in the Wellington Mills case, the Radiator case, the Wix case and in Arguelles against U.S. Bulk Carriers are prolabor. This is incorrect.

Wellington Mills involved in a number of issues: the validity of certain notices posted by the company, of certain actions and statements of supervisory personnel, and certain discharges of union activists. Except for the validity of one statement, every one of these issues was decided in favor of the company by the fourth circuit, which in every instance reversed the NLRB. Thus, unless the rule is to be that any case that is decided in favor of employees, or of a union, in any respect is "prolabor" which is the rule apparently espoused by the majority, there can be no doubt that Wellington Mills is an antilabor decision. Indeed, despite the fact that the Supreme Court has repeatedly stated that it would review evidentary cases only in the most extreme situation, the NLRB considered the decision in Wellington Mills so destructive of employee rights that it secured the consent of the Solicitor General to the filing of a petition for certiorari. Wellington Mills was one of two petitions in an evidentiary case filed by the Board during the 1960's. The company, on the other hand, did not file a petition. Thus the parties had no doubt who had won the case and who had lost it.

In Radiator Specialties, the court upheld the Board's findings of restraint and coercion, a finding which led to a simple cease-and-desist order that cost the company nothing, but reversed the finding that there was an unfair labor practice strike, a finding which required reinstatement of 131 strikers and the payment of substantial back pay. In Wix, the court reversed six of seven Board findings of discriminatory discharges. Finally, in Arguelles, where the only parties were a seaman seeking back wages and his employer, there being no union involved in the suit, the fourth circuit held in favor of the seaman, and Judge Haynsworth, in dissent, voted against his securing a recovery on the ground that while neither party was seeking arbitration it was the preferable method to utilize in settling the dispute.

In supporting Judge Haynsworth at the hearings, Lawrence E. Walsh stated that the judge was "running with the stream of the law at a slower pace than perhaps some others." The record demonstrates that in labor law Judge Haynsworth is some 35 years behind the times. That is simply too slow a pace of advance for a prospective Justice of the Supreme Court.

A discussion of Judge Haynsworth's financial involvement is unnecessary at this time. It has been widely discussed in the press; it has been set forth in the hearings; it has been discussed on the floor. Suffice it to say I have read the evidence concerning the Carolina Vend-A-Matic case, the Brunswick case, and others.

The very able and dedicated Senator from South Carolina (Mr. HOLLINGS) has emphasized the testimony of John P. Frank, who has had several articles on legal ethics and judicial procedure published in the law reviews. Mr. Frank is a recognized authority. He states that in view of the facts confronting Judge Haynsworth, it was not a violation of judicial ethics for him to participate in the six or so cases where conflict of interest might have occurred. I have great respect for Mr. Frank and view his opinions and his articles as genuine contributions to the law and the ethics when a judge has a conflict of interest. It is well accepted that in an instance where there is universal interest such as in a taxation case, there are no grounds for disqualification. Everyone is a taxpayer. A special improvement tax or a corporation tax might be a different matter. I believe that the de minimis rule, that is, the law does not take notice of small or trifling matters, should apply to cases where a judge is a very minor shareholder in a large publicly held corporation. I am not personally concerned about the ethics involved in the Vend-A-Matic case or the Brunswick case insofar as they are applicable to Judge Haynsworth as a continuing member of the Circuit Court. I agree with Mr. Frank that here is no violation of statute and no grounds for impeachment.

But we are not here concerned with impeachment or criminal indictment. Certainly Judge Haynsworth on the evidence adduced has not violated any statute nor has his behavior been such that any valid attack can be made on his integrity as a citizen or a circuit judge.

However, in confirming Judge Haynsworth as an Associate Justice of the U.S. Supreme Court, the Senate is entitled to, and should utilize, higher standards than might be employed in an attack upon the integrity or the actions of a sitting judge.

We are entitled at this initial stage to inquire as to how the nominee has conformed to the standards of the Code of Judicial Ethics and how the citizens of America will accept his own ethical record as he hands down his decisions on the Nation's Highest Court.

The Canons of Ethics of the American Bar Association admonish a judge to not only be "free from impropriety" but to "avoid the appearance of impropriety."

Judge Haynsworth has not "avoided the appearance of impropriety." His Vend-A-Matic activities and his profit of $450,000 while a director and substantial stockholder in the firm constitutes an "appearance of impropriety." The purchase of the Brunswick stock while a case was still pending is another example of failure to avoid "an appearance of impropriety."

In voting on the advise-and-consent motion, I am going to observe the statutes, the Canons of Judicial Ethics of the American Bar Association, and the effect of the appointment on the American public in deciding on my vote for confirmation.

I have outlined the labor cases in which Judge Haynsworth has participated.

In the 10 cases in which Judge Haynsworth participated in labor problems that went to the Supreme Court, all of them were overturned.

Under the conditions I have previously outlined, how can we tell a laborer, a workingman, that Judge Haynsworth, who has decided wrong on labor cases 10 times and has been overruled by the Supreme Court 10 times, should be confirmed? As a lawyer and as a former appellate judge, perhaps I can rationalize his opinions. But looking into his record, I can wonder if an American workingman can think that Judge Haynsworth would give him justice. At the circuit court level the cases were argued, decided, and appealed. But at least there was an appeal and the Supreme Court had the final decision. A Haynsworth opinion was subject to another judgment other than in the fourth circuit court. If Haynsworth is on the U.S. Supreme Court, his judgment is final and there is no further appeal.

One further comment—the question of the impeachment of Justice Douglas has been raised by the minority leader of the House. If any Member of the House of Representatives believes he has evidence justifying an impeachment resolution, he owes it to the Nation, to the Congress, and to his conscience to bring it now, this very day and not use it as trading stock to attempt to obtain votes on an irrelevant matter.

I am glad that the Senator from Kentucky (Mr. COOK) and other Senators who are vehement supporters of Judge Haynsworth's nomination were equally as vehement in protesting the equation of impeachment of Justice Douglas with a vote against Judge Haynsworth's nomination.

I assure the minority leader of the House if impeachment proceedings are brought, they will receive the same careful and reasoned response that I have given the case at hand.

In fact, there has been too much bartering for votes already in this case. The activities of employees on the President's staff are well known. Members of the Senate have been threatened, coerced, high pressured, and offered special project and appointments, all to secure votes for Judge Haynsworth's confirmation.

The vote for approval or disapproval of a contested nomination of a Supreme Court Justice may be the most important vote we cast in the Senate this session. The results of that vote have already been clouded by activity outside the Senate. I am convinced that every Senator is going to vote his own conscience in this very delicate but important issue.

For a strong Supreme Court, for a high regard of judicial ethics, for the protection of the modern concept of equal justice in civil rights and labor cases, I am going to vote against confirmation.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, first, let me say I want to express agreement with my distinguished colleague in what he has said relative to impeachment proceedings against a sitting Justice and the coincidental statement or assumption that action on that matter would be tied to action in the Senate on the confirmation or lack of confirmation of the nomination of Judge Haynsworth. It appears to me, as my distinguished colleague has said, that if there is any evidence—and I understand there are those who have been searching for some time—they ought to produce it now, today——

Mr. METCALF. This very afternoon.

Mr. MANSFIELD. Yes, indeed; and it should have no connection—none whatsoever—with what the Senate will do insofar as the nomination of Judge Haynsworth is concerned.

Either they have enough for impeachment or they have not; and if they have, they ought to produce it and let the process for impeachment begin. It will have to be decided here, if they have sufficient evidence. If they have not, then they ought to observe the advice of their President and lower their voices.

ORDER FOR ADJOURNMENT—PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. It is with regret that I cannot see my way clear to ask the Senate to come in earlier, but because of some important hearings, possibly decisions having to do with crime, pornography, and gun legislation in the Judiciary Committee tomorrow morning, I think it is advisable that the Senate meet at noon, to give that committee a chance to report some legislation, which it is very desirous of doing.

I would hope, also, that we would consider staying in session late this afternoon, and that it might be possible sometime to reach an agreement by which we could, at a time certain, vote on the pending nomination. As far as Senators who are opposed to the nomination of Judge Haynsworth are concerned, after inquiring around I find that they do not intend to make very many more speeches, and none, I am informed, of any length.

On last Friday we had three speeches, after coming in at 10 o'clock in the morning, and we were out of business, practically speaking, at 3 o'clock. We had to go into recess and wait around until a third speech was made available.

So I appeal both to Senators who are for and those who are against the nomination of Judge Haynsworth, as well as those who are undecided, to come to the floor, make their speeches, bring this matter to a head, and allow the Senate after a reasonable amount of time, to come to a decision one way or the other.

I make this plea because I would like to take up the amendment to the Draft Act, which is now on the calendar, and I would like to clear the path, as rapidly as possible, for bills which may be reported by the Judiciary Committee tomorrow, and also for consideration of the tax relief-tax reform bill, hopefully, next week.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes indeed.

Mr. HRUSKA. It was with gratification that I heard the majority leader suggest a noon meeting hour tomorrow instead of earlier. What he has said about the matter of reporting several bills from the Judiciary Committee is true. A committee meeting had been scheduled for tomorrow, and those bills will be considered—the crime bill, the narcotics bill, if possible, the pornography bill, and also gun legislation, of which I think the majority leader is the author.

Mr. MANSFIELD. Yes.

Mr. HRUSKA. So I am happy to learn that the committee will have an opportunity to meet. We are hopeful of reporting those bills as a result of a session tomorrow.

Mr. MANSFIELD. The Senator has been most consistent, because he has been one of the strongest advocates in all these areas. I made the statement I did with the knowledge that he was on the floor and would corroborate the Senator from Montana.

I was serious, and I am serious, about staying in late tonight.

Before I suggest the absence of a quorum, I raise the possibility that it may be a live quorum, and that it may not be the only live quorum today.

I have just been handed a list of Senators who may be ready to speak on this side; and, to the best of my knowledge, we have two, at the very most.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. UTT were appointed managers on the part of the House at the conference.

SUPREME COURT OF THE UNITED STATES

The Senate, as in executive session, resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. BAKER. Mr. President, the question is whether the Senate should advise and consent to the nomination of Judge Clement Haynsworth to the Supreme Court. I speak today in support of confirmation.

This is not a minor issue. A Supreme Court Justice serves for life, casting one vote of nine on the most powerful court in the world. The Court is a tribunal of awesome responsibility which influences the whole course of American jurisprudence. Therefore, I believe it is right and proper that the U.S. Senate carefully deliberate the nomination.

Judge Haynsworth was born 57 years ago in Greensville, S.C. He attended Furman University and Harvard Law School, joined his father's law firm and served in the Navy during World War II. In 1957 he was named by President Eisenhower to the Fourth Circuit Court of Appeals and he has now become the chief judge of that circuit. His nomination to the High Court has the support of 16 former presidents of the American Bar Association. They include Harold J. Gallagher, Cody Fowler, Robert G. Storey, Loyd Wright, E. Smythe Gambrell, David F. Maxwell, Charles S. Rhyne, Ross L. Malone, John D. Randall, Whitney North Seymour, John C. Satterfield, Sylvester C. Smith, Jr., Lewis F. Powell, Jr., Edward W. Kuhn, Orison S. Marden, and Earl F. Morris.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a telegram from the persons whose names I have read, addressed to the Honorable James O. Eastland, chairman of the Senate Committee on the Judiciary, dated October 23, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. The American Bar Association's Federal Judiciary Committee has approved the nomination of Judge Haynsworth, as have a majority of the members of the Senate Committee on the Judiciary.

It is against that background, Mr. President, that the Senate now turns to its constitutional responsibility to advise and consent on the nomination by the President of the United States of Clement Haynsworth to serve as an Associate Justice of our highest tribunal.

The opponents of this nomination apparently have centered their objections on two basic points, some contending that Judge Haynsworth has by his participation in several cases created "the appearance of impropriety," and others asserting that his decisions indicate that he is anti-civil rights and antilabor. In my judgment, the record compiled by the Senate Judiciary Committee clearly demonstrates that these characterizations of Judge Haynsworth are wholly unfounded.

Mr. President, in this respect, I allude to remarks which I made on a previous occasion about the nomination of Judge Haynsworth, and point out that my first reaction to those who allege and aver that Judge Haynsworth is anti-civil rights, or antilabor, or anti-anything else, should be careful in their scrutiny of this nominee or any other, to make sure that nominations for the highest court in the land are not made on the basis of an antiposition or a pro-position for any group within society. Rather, for my part at least, I would hope that our position on nominees for the Supreme Court would not be anti or pro anything, but would approach that responsibility and that privilege for service as nearly objectively and as free from previous judicial bias as it is possible for the frail, subjective human machine to be.

I shall not dwell in detail on the allegations of impropriety that have been raised. I have examined the record made by the Senate Judiciary Committee, have read the bill of particulars set forth by our distinguished colleague from Indiana (Mr. Bayh), and have listened carefully to the rebuttal by the Senator from Kentucky (Mr. Cook) and others in this debate before the Senate. I share the judgment of the President as to the honesty and integrity of this distinguished nominee. I believe that if any Senator examines in detail and depth, the so-called appearances of impropriety that have been raised, rather than taking a rigid position based on superficial reasoning determined by philosophy or ideological persuasion, he will reach a similar judgment. If that approach is used, then I am convinced that this nominee will be confirmed by this body by an overwhelming vote.

Some are now saying the President should withdraw this nomination because these appearances of impropriety have been created; but I ask, in all due deference: "Who created those appearances?" Clearly, in my view, not the distinguished nominee, for, as I have said, any objective analysis of the record will clearly indicate to the contrary. The so-called appearances of impropriety so often alluded to in debate on this floor have been created, in my judgment, not by the nominee but by the debate, the newspaper accounts, the reports, the innuendo, the rumor, the incomplete analysis of the 700-page record compiled by the Senate Judiciary Committee.

Obviously the test of Caesar's wife, that a nominee for the highest court should be free of the appearance of impropriety is a valid test. But just as properly, an appearance of impropriety should represent the situation created by the nominee and not be contributed to by an examination of the nominee's conduct or the record of an incomplete file. Just as completely, in my view, the Senate in its deliberations on the nomination of Justice Abe Fortas to be Chief Justice of the United States created by implication, if not directly, a higher level of care and greater responsibility on the part of the Senate than had probably existed at any previous point in the history of the Republic.

In that proceeding, dealing with the confirmation or the withholding of advice and consent on the nomination of Justice Fortas to be Chief Justice of the United States, the Senate effectively broadened the scope and horizon of the inquiry and, in effect, created a reaction especially unfavorable to those who allege that it is an admonition of the administration or those of us who support Judge Haynsworth's nomination that the Senate should abdicate its constitutional responsibility to advise and consent on the desirability and the propriety of a presidential nomination to the judiciary and rather should serve merely as a rubber stamp, a suggestion recurring throughout the debate and obviously advanced by those who oppose the nomination.

I believe no such thing. I believe that the Senate has never been, nor is it ever likely to be, a rubber stamp of any administration or Chief Executive whose constitutional responsibility requires that he send to the Senate his nominations so that the Senate may make the searching analysis and critical examination that is necessary to determine whether the Senate should confirm or withhold its advice and consent.

There is no element of rubber stampism involved in these proceedings. Rather, I once again thoroughly agree with and roundly applaud the searching analysis of the examination made by the Judiciary Committee, culminating in approximately 700 pages of committee testimony and reports in the debate that has now permeated the functions of the Senate for so many weeks, notwithstanding the fact that formal debate commenced only last week.

I applaud those who have clearly and forthrightly expressed their views for and against the nomination of Judge Haynsworth.

I believe we are rendering higher service and coming closer to our constitutional mandate when we approach this problem in that manner. However, I do respectively caution against adopting the doctrine of Caesar's wife and the appearance of impropriety and then creating that appearance ourselves.

I believe, on the contrary, as I have previously said on the floor of the Senate, that our first responsibility under the heightened degree we have set for ourselves is to examine carefully all the testimony taken before the Senate Committee on the Judiciary, the committee report, and the separate and individual views, to take into account the debate on the issues as presented on both sides of the issue on the floor of the Senate, to carefully evaluate, for example, the so-called bill of particulars filed by the distinguished Senator from Indiana (Mr. Bayh) and, by the same token, to take into account the fully detailed rebuttal and reply made by the distinguished Senator from Kentucky (Mr. Cook).

In a way, in a calm and dispassionate manner, we analyze and examine the aspects of the case which are factual and which are not rumor, innuendo, or inference drawn from incomplete premises.

If the Senate does that, I affirm once again that I am convinced the nominee will be confirmed overwhelmingly.

But even if this be the fact, it is being contended that while the ethical questions that have been raised were not warranted, or were without foundation, since doubt has been raised, the President should withdraw the nomination. However, as the President has said, to pursue that course of action would mean that anyone who wants to make a charge can thereby create the appearance of impropriety, raise a doubt, invoke the doctrine of Caesar's wife, and then demand that the nomination be withdrawn. The President rejected that course of action, and I commend him for it. To allow a man to be victimized in this manner would be contrary to our system, and would obviously mean that a nomination could be defeated for a good reason, for a bad reason, or, as in this case, in my view for no reason at all.

Mr. President, the charges concerning the civil rights record of Judge Haynsworth raise a serious question requiring most careful consideration by the Senate. All agree that there is no place on the High Court for a person shown to favor the continuation of second-class citizenship, and I would vigorously oppose a nominee of that persuasion. My review of Judge Haynsworth's record convinces me that he is not such a man. It is clear that on a few occasions Judge Haynsworth has voted against the party claiming deprivation of his constitutional rights. In addition, he has not always attributed to the Supreme Court's decisions the broadest possible scope of application. Nor has he correctly anticipated the Court's rulings in every case. On three occasions he has been reversed by the Supreme Court. The question for our resolution is whether these facts disqualify a nominee for the Supreme Court.

As final interpreter of the Constitution, the Supreme Court enunciates the "law of the land," which every Federal judge takes an oath to uphold. A nominee who disregards the Supreme Court's pronouncements violates his judicial oath and is obviously unfit for service on our highest court. Judge Haynsworth has scrupulously followed the Court's decisions. On numerous occasions he has joined in decisions against persons charged with discrimination and in so doing has adhered to principles announced earlier by the Supreme Court. No less than 19 cases are cited in the majority views in the report of the Committee on the Judiciary as instances in which Judge Haynsworth aided the vindication of rights which had been held by the Supreme Court to be secured to every citizen.

The fact that Judge Haynsworth has adhered to the Court's pronouncements should end the inquiry. I ask another question: Whether his views in each decided case are reasonable. In determining the reasonableness of Judge Haynsworth's views, I suggest to Senators the consideration of the comments made to the Judiciary Committee by Prof. G. W. Foster, Jr., of the University of Wisconsin. This esteemed gentleman calls himself a liberal Democrat and is probably more responsible than anyone else for the formulation of the HEW school desegregation guidelines. He had this to say with regard to Judge Haynsworth's civil rights record:

> In the area of racially sensitive cases I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. Here and there, to be sure, were cases I probably would have decided another way. I am not aware, however, of a single opinion associated with Judge Haynsworth that could not be sustained by a reasonable man.

It has come to my attention, too, that in addition to the 19 cases cited by the Committee on the Judiciary in its report summarizing the hearings on the nomination of Judge Haynsworth, there are a number of other cases, which I feel are significant in trying to gain some insight into the basic pholosophy and ideology, if that in fact be valid, for judging the qualifications of the nominee to sit on the Supreme Court of the United States, and which may give us an inkling of what his real, fundamental concern and sensitivity may be in this area. I shall impose on the Senate to deal briefly with a number of these cases.

I refer, first, to the case styled ***McCoy* v. *Greensboro City Board of Education*, 283 F. 2d 677, from the Fourth Circuit Court of Appeals, in 1960.**

In that case, Judge Haynsworth joined Judges Sobeloff and Soper in holding that Negro students need not exhaust their State administrative remedies where a local board had acted in obvious violation of their constitutional duty to end school desegregation.

This, too, is one of the civil rights decisions of Judge Haynsworth, and I venture the estimate that it is not the sort of case that one would use to try to establish the basis for charging that the nominee is anti-civil rights or a segregationist.

Cummings v. *City of Charleston*, 288 F. 2d 817, in the fourth circuit, in 1961. In that case there was a per curiam opinion in which Judges Haynsworth, Sobeloff, and Boreman found no reason for postponing the integration of a public golf course beyond the 6-month period agreed to by the plaintiffs. Once again, an example of a Federal appellate judge upholding the mandate and requirements of the highest reviewing tribunal in this country, the Supreme Court of the United States, and applying the law relating to desegregation evenhandedly and firmly to accomplish the announced purpose of this Republic, and that is to abolish the real, the legal, and the equivalent status of second-class citizenship in this country. That is not a case, not a decision, to lend credence to the characterization of a fine member of the judiciary as anti-civil-rights or a segregationist.

Wheeler v. *Durham City Board of Education*, 309 F. 2d 630, from the sixth circuit in 1961. This was a unanimous en banc decision enjoining the Durham School Board from continuing to administer the North Carolina Pupil Enrollment Act in a discriminatory manner.

Once again, Mr. President, the action of an even-handed judge adhering to the announced principle and objective of this Nation to create nothing but first-class citizenship and to abolish segregation, and joining with the rest of his colleagues on that court to grant the relief sought. It is not a decision, surely, upon which one could judge a nominee to be anti-civil-rights.

Brooks v. *County School Board of Arlington*, 324 F. 2d 303, fourth circuit, 1963. Judge Haynsworth joined Judges Sobeloff and Boreman in holding that the district judge had prematurely and erroneously dissolved an injunction against the board's discriminatory practices.

The relief sought was in keeping with the decisions of our highest court, and obviously was calculated to advance the cause of desegregation in those States embraced within the Fourth Judicial Circuit of the United States. Surely, that is not the basis on which one would judge a nominee for the Supreme Court of the United States to be anti-civil rights.

Wheeler v. *Durham City Board of Education*, 346 F. 2d 768, Fourth Circuit, 1965. A unanimous court ordered that the district court reexamine the actions taken by the board to eliminate the dual system which had existed in the city of Durham. The board's suggestion that its plan should be approved by the court of appeals was rejected. The relief sought was the desegregation of schools in that area. It was a unanimous judgment by the Fourth Circuit Court of Appeals, and certainly is not a decision and a judgment on which any fair-minded person could base an inference that the participants in that opinion were anti-civil rights.

Felder v. *Harnett County Board of Education*, 349 F. 2d 366, Fourth Circuit, 1965. This was another en banc decision, a per curiam decision, upholding the district court's order that the school board cease its discriminatory application of North Carolina's assignment and enrollment of pupils act. Once again, the relief sought was to enhance and further the objectives of desegregation. It certainly was not a decision on which we could fairly base an assumption that this man, participating in that per curiam decision, was anti-civil rights.

Wanner v. *County School Board of Arlington County*, 357 F. 2d 452, from Judge Haynsworth's circuit, the Fourth Circuit, in 1966. Judge Haynsworth joined Judge Sobeloff, Judge Boreman, and Judge Bell in reversing the district court, which has enjoined the board, at the insistence of white parents, from putting certain desegregation plans into effect. The court of appeals found that the board was proceeding in an appropriate manner in its attempt to comply with earlier desegregation decrees and therefore should not have been enjoined.

Franklin v. *County School Board of Giles County*, 360 F. 2d 325, from Judge Haynsworth's circuit, the Fourth Circuit, in 1966. In this unanimous en banc decision, the court held that teachers who have been discriminatorily discharged are entitled to "reemployment in any vacancy which occurs for which they are qualified by certificate or experience." In my view, this is not a decision to form the basis for an inference that this nominee is anti-civil rights.

Smith v. *Hampton Training Schools for Nurses*, 360 F. 2d 577, from the Fourth Circuit, in 1966. Several Negro nurses at a hospital receiving Hill-Burton funds were discharged for entering an all-white cafeteria after being ordered not to do so. They brought an action under the Civil Rights Act. While the litigation was pending, the Fourth Circuit held that hospitals receiving Hill-Burton assistance are engaged in "State action" and therefore may not discriminate. A question in this case was whether the plaintiffs here could rely on that precedent. The court unanimously held that they could and that it followed that they had been unconstitutionally discharged. The nurses were ordered to be reinstated. Once again, Mr. President, the relief sought by those attempting to advance the cause of total equality of every citizen of this country, was granted, and surely this is not a decision on which one could judge this nominee, a participant in the decision, to be anti-civil rights.

In *Wheeler* v. *Durham City Board of Education*, 363 F. 2d 738, Fourth Circuit 1966, the court unanimously reversed the district court's holding that racial considerations had not been a factor in the board's employment and placement of teachers. An order requiring the board to desegregate facilities was entered.

Once again relief was sought properly and in an admirable way by those trying to advance the cause of equality and citizenship for all people of this Nation; a decision once again that simply does not form the basis for an inference that the nominee is anti-civil rights. On the contrary, this case and the cases I have cited previously form a substantial and most impressive body of judicial work which creates the image of a fair, calm, even-handed jurist, dedicated to the furtherance of equality of individuals, of the preservation of their liberty, and the implementation of the law as determined and interpreted by the highest court of our land in a highly sensitive field, in a part of this Nation uniquely affected.

In *Chambers* v. *Hendersonville City Board of Education*, 364 F. 2d 189, fourth circuit, 1966, Judge Haynsworth was the "swing" vote. He joined Judges Sobeloff and Bell in applying the principle that where there is a long history of discrimination, the local board is under a duty to show by clear and convincing evidence that its acts were not discriminatory. Concluding that the board had not made such a showing, the three judges held that the plaintiffs were entitled to relief. Judges Bryan and Boreman in dissent were satisfied that the board's actions had not been racially motivated. This was not the view of Judge Haynsworth. In the view of this humble lawyer, Judge Haynsworth participated in the principle of law and its implementation that is truly unique to the judicial system; and that is to say the degree of concern and care to a public agency on the basis of past historical performance rather than on the facts of the instant case, notwithstanding the consequences of the law. Judge Haynsworth was once again the swing vote in establishing that principle which would bring about the relief sought by those seeking to advance the cause of equality.

Surely in this decision we do not have the example of an anti-civil-rights jurist. On the contrary, we have a brave, even-handed judge, dedicated to even-handed actions.

In Cypress v. *Newport New General & Nonsectarian Hospital Association*, 375 F. 2d 648, fourth circuit, 1967, the court sitting en banc, held that the defendant hospital had discriminatorily denied the plaintiff Negro physician's request for admission to the staff and also that it had engaged in the practice of taking race into consideration in making room assignments to patients.

Once again the nominee, Judge Haynsworth, participated in an en banc decision of his court, the court on which he sat with distinction for so many years, to advance the cause of equality and to strike down the real, imaginary, legal, and quasi-legal barriers to give full participation in this society to men and women of all races in every walk of life.

In *Wall* v. *Stanly County Board of Education*, 378 F. 2d 275, Fourth Circuit, 1967, once again a unanimous en banc court reversed the district court's denial of relief to a Negro teacher who had been discharged by the defendant board. The appellate court ordered an award of money damages as well as a cessation of the Board's discriminatory practices.

The relief was sought by those trying to advance the cause of equality. The nominee, sitting en banc with his colleagues on the Fourth Circuit Court of Appeals upheld the law of the land and advanced the dignity and opportunity of every citizen, regardless of race, color, and creed. Surely, this is not a decision on which one could base a judgment of anti-civil rights.

In *Wooten* v. *Moore*, 400 F. 2d 239, Fourth Circuit, 1968, Judges Haynsworth, Butzner, and Merhige held a restaurant subject to the 1964 Civil Rights Act. The court rejected claims that the restaurant did not offer to serve interstate travelers and did not have a substantial effect on commerce.

This is not a case on which one could judge those participating as being anti-civil-rights.

In *Felder* v. *Harnett County Board of Education*, 409 F. 2d 1070, Fourth Circuit, 1969, Judge Haynsworth joined a majority of the court in holding a school desegregation plan constitutionally deficient because its effects on segregation had not been determined. The district court's order that the board furnish a plan that would promise realistically to end the dual school system was affirmed.

These are not decisions, in my view, of a man who was anti-civil-rights or a segregationist, but rather it is the record of a dedicated judge trying to uphold the law of the land as enunciated and prescribed by our highest tribunal in the field of civil rights and human dignity, at a time in our history and place in our country where that must not have been an easy task. But he did it in this case and in other cases.

It seems to me that in the business of examining all the facts and circumstances surrounding the service of this nominee, all the facts and circumstances upon which a judgment can be made, the innuendo or even the inference, most certainly the allegation, that Clement Haynsworth is anti-civil rights does not stand against the weight of the decisions I have just alluded to.

Once again, for my part, I do not want a nominee on the Supreme Court who is anti or pro anything; but I want an even-handed, objective jurist, as far as humanly possible and, as Dr. Foster said: "an intelligent, open-minded man, with a practical knack for seeking workable answers to hard questions."

I believe we have such a man in Judge Clement Haynsworth. I believe these decisions are significant and important in making the assessment that this body must ultimately make of the qualifications and competence of Clement Haynsworth as Associate Justice.

Mr. President, the allegation has been made with respect to certain other aspects of Judge Haynsworth's judicial career. If they show a state of mind or an anti-civil-rights bias, that should be taken into account. I urge colleagues to take into account any such allegations, but I believe they should be dismissed having once been considered. If there is an anti-civil-rights attitude or anti-anything on the part of this or any nominee who is faced with the prospect of a lifetime of service on the independent judiciary, it should be known now, not later, but we must take into account all of the record compiled by the Committee on the Judiciary and compiled from the debate on this floor, and from the colloquy between Senators, and whatever other solid, sound, and reliable information we can find and manage.

Criticism has been voiced from time to time that Judge Haynsworth has shown an anti-civil-rights bias because he has failed in one case to concur in an opinion that awarded attorneys' fees.

While agreeing with the thrust of the judgment, apparently Judge Haynsworth felt that the awarding of attorneys' fees in that particular case was made and left unanimously to the discretion of the trial judge, with statements upset and overturned in the appellate court.

Those of my colleagues who are lawyers, I am sure, can understand that logic. There certainly is broad discretion on the part of a trial judge. This is so deeply imbedded in the fabric of Anglo Saxon jurisprudence that it is no longer often challenged and never successfully challenged.

The reasons for the existence of that rule are real and meaningful. A trial judge is the one who sits and hears the witnesses and sees their demeanor or conduct on the stand, who can best appreciate or evaluate their sincerity or lack of sincerity of the cause being espoused or resisted. The trial judge, therefore, has tremendous latitude and discretion in many matters, including that of awarding attorneys fees. But to say that Judge Haynsworth felt that the trial court should not be reversed in such a case, because he relied on the discretion of the trial judge, sheds no light at all on his view of the civil rights situation outlined in the pleadings and the proof of the instant case.

It occurs to me that a careful examination of all of the written opinions of the Fourth Circuit Court of Appeals is essential to a careful examination of the qualifications of and confidence in the nominee. He has been part of that court since his appointment by President Eisenhower in 1957. He has participated in virtually every decision on that court since his appointment in 1957.

Some of the opinions he wrote. Some of the opinions he concurred in. Some of the opinions he dissented from. But it is important to examine them carefully and consider the totality of the conduct of this fine jurist over the 12 years which have intervened since 1957.

Mr. President, I believe that any thorough, objective analysis of the record before this body would result in overwhelming support for the nominee. I believe we should stop hiding behind the anti-civil-rights, and antilabor, and consider the facts as they have been presented to us.

As I have said before, Justice Holmes once remarked that lawyers and legislators of the world have the unhappy faculty of devoting much of their daily lives to the art of shoveling smoke. I hope we do not devolve into a smoke-shoveling contest, but, rather, come to terms with the facts of this situation as we see them.

EXHIBIT 1

RICHMOND, VA.
October 23, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
U.S. Senate, Washington, D.C.

The Federal Judiciary Committee of the American Bar Association after careful investigation has found that Judge Clement Haynsworth is highly acceptable from the viewpoint of professional qualification to serve on the United States Supreme Court. We the undersigned past presidents of the American Bar Association, all deeply concerned with the quality of the Federal judiciary, have full confidence in the processes and judgment of the ABA Committee. Accordingly, we hereby affirm our support of Judge Haynsworth and urge his confirmation as a justice of the Supreme Court.

Harold J. Callagher; Cody Fowler; Robert G. Storey; Loyd Wright; E. Smythe Gambrell, David F. Maxwell; Charles S. Rhyne; Ross L. Malone; John D. Randall; Whitney North Seymour; John C. Satterfield; Sylvester C. Smith, Jr.; Lewis F. Powell, Jr.; Edward W. Kuhn; Orison S. Marden; Earl F. Morris.

(The following colloquy, which occurred during the delivery of Mr. BAKER's address, is printed at this point in the RECORD by unanimous consent.)

Mr. BAYH. Mr. President, I listened with a great deal of interest to the Senator from Tennessee, just as I listened with interest to the Senator from New York (Mr. JAVITS). Each looked at the same issues, and each came to an opposite conclusion.

Mr. President, it is because of the great respect I have for my friend from Tennessee that I should like to make the observation that it is possible for men of good faith to look at the facts of a case and come to different conclusions.

I have come to a different conclusion than my friend from Tennessee, but I certainly believe that he is doing what he thinks is right. I appreciate the opportunity to have been able to listen to his remarks.

Mr. BAKER. I thank my colleague from Indiana.

I am now happy to yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I wish to commend the Senator from Tennessee for his precise and to the point remarks.

We have had the opinions of many experts. Those of us who have read the hearings recognize that they were protracted. We had the testimony of experts in the field of legal ethics. I have read the record and concluded more than a week ago, there is no real basis for the charges made against Judge Haynsworth unless they are made on a philosophical level.

The Senator from Tennessee has laid to rest the feeling that Judge Haynsworth might be anti-civil rights. Others have laid to rest, or will lay to rest, the charges by labor leaders that he is antilabor.

I was very much impressed, a couple of weeks ago, when I visited with former Associate Justice Charles Whittaker, who served on the Supreme Court with great distinction, from 1957 to 1962. He was appointed by President Eisenhower and was confirmed by the Senate. He now resides in the State of Missouri where he is engaged in the private practice of law.

On November 10, he released a statement which I should like to read at this point because it sets forth the views of a man who served on the Supreme Court and who served in the same position now being sought—hopefully sought—by Judge Haynsworth. He therefore knows a little about judges, their ethics and qualifications.

I shall read this brief statement which was released to the public on November 10.

I have several times been asked to publicly state my views as to whether the hearings conducted by the Judiciary Committee of the Senate on the President's nomination of Judge Haynsworth as an Associate Justice of the Supreme Court of the United States disclosed any evidence of improper or unethical judicial conduct by Judge Haynsworth.

Although I have, rather naturally, been interested in those proceedings and have kept abreast of them by carefully reading and considering the testimony before the Judiciary Committee, I have refrained, because of my rather unique position as a former Associate Justice of that Court, from any public expressions upon the matter, but now that numerous statements are being publicly made by Judge Haynsworth's opponents saying, I think quite falsely, that the hearings before the Judiciary Committee of the Senate disclosed improper and even "unethical" judicial conduct by Judge Haynsworth, my conscience compels me to speak out.

In those very lengthy and protracted hearings before the Committee, Judge Haynsworth was impugned on two cases: The first, that he sat in a case when he owned some shares of stock in one of the litigants. In truth, the record shows that he did not own any stock in either litigant in the case, but only held some shares in a vending company which, on a lease basis, maintained some of its vending machines in a plant of one of the litigants. The second, that Judge Haynsworth sat in a case, referred to as the "Brunswick" case, when he held shares of stock in the Brunswick company. In truth, the record shows that, quite aside from this being a piddling suit on a promissory note to foreclose a chattel mortgage that resulted in a judgment for $1,425.00. Judge Haynsworth owned no stock in the Brunswick company at the time the case was heard and decided. The record shows that after the case was heard and decided, and another judge had been assigned to write the opinion, Judge Haynsworth, on the recommendation of his broker, purchased some shares in the publicly-held Brunswick company.

These are the bases upon which it is being publicly claimed by Judge Haynsworth's opponents that he has been guilty of improper and even "unethical" conduct as a judge. My sensitivities do not permit me to sit silently by, and thus condone such wholly unfounded character assaults.

Inasmuch as there is no support in the record for the charges of unethical conduct that are being widely hurled and publicized against Judge Haynsworth by his opponents, it simply has to be that they are doing these for other reasons—perhaps because they do not like his nonlegislative and conservative judicial philosophies, yet, do not want frankly to oppose him on their real grounds for fear that to do so would not be publicly well received, and hence would not be politically expedient to them.

It seems evident to me that any proper sense of moral decency requires those who oppose Judge Haynsworth's confirmation to state their real reason for opposing him rather than to resort to false charges of unethical conduct.

I am not well acquainted with Judge Haynsworth, and certainly have no political or other alliances with him, but I do know him to be a fine and highly respected judge and man, and that he has gone through very protracted hearings before the Judiciary Committee of the Senate without a showing of even any appearance of impropriety, and I simply say that it seems to me to be a shame that his opponents are willing to falsely assault his character in order to obtain his defeat because they want a more "liberal" justice appointed to the Supreme Court.

CHARLES E. WHITTAKER.

NOVEMBER 10, 1969.

Again, I state that Justice Whittaker served with great distinction on the Court, and his opinion is worth having for the RECORD.

I thank the Senator from Tennessee.

Mr. BAKER. I thank the Senator from Kansas.

Mr. BAYH. Mr. President, perhaps I should ask the Senator from Kansas to permit me to comment on what I think is a unique intervention of a former member of the Court, rather than impose on the time of the Senator from Tennessee. I will submit to whatever the Senator from Tennessee thinks is in his best interest.

Mr. BAKER. I am happy to yield to the Senator from Indiana briefly, for the purpose of establishing a colloquy.

Mr. BAYH. Let me, as a member of the legislative branch, state that I take a dim view of a former member of the judicial branch impugning the motives of some Members of this body. Justice Whittaker's statement alleges that we were concerned only that Judge Haynsworth held some stock in a vending machine company. I can speak as one member of the committee who listened to every word of testimony at the hearings. It was not a matter of merely holding some stock. It was a matter of a one-seventh interest, worth a half a million dollars, a matter of serving on the board of directors, a matter of serving as vice president, and a matter of having his wife serve as secretary of the corporation for 2 years. This was the sort of involvement that concerned me, not just the holding of some stock in a vending machine company.

I noted with great interest that Justice Whittaker talked only about the Brunswick Co. Judge Haynsworth also had interests in Grace Lines, Inc., and Maryland Casualty Co. when cases involving those corporation appeared before his court.

I ask the Senator to look at page 305 of the record of the hearings, in which Senator MATHIAS asked Judge Haynsworth whether the Judge had a substantial interest in Brunswick. Senator MATHIAS asked Judge Haynsworth:

> Do you consider that your interest was substantial, then?

Judge Haynsworth said that it was.

I think it is fair to assume that some of us in the Senate would conclude that the interest was substantial, if Judge Haynsworth himself said it was substantial. And if the holdings in Brunswick were substantial, so were those in Grace Lines as well as Maryland Casualty. There were many facts that led us to the conclusion that we ought to have someone with a greater sense of sensitivity. Justice Whittaker seems to ignore those facts.

I thank the Senator for letting me use his time. I thought that I ought to put the record of the Senator from Indiana straight. I am getting tired of people impugning my motives. I do not impugn the motives of the Senator from Kansas. I thought the statement of the Senator from Tennessee was very interesting to follow. I know it comes from his heart. I hope the rest of the debate will continue in this tenor.

(This marks the end of the colloquy occurring during the delivery of Mr. BAKER's address.)

Mr. DOLE. Mr. President, I would hope the Senator from Indiana would give former Justice Whittaker the same right to express opinions as other people have. I happen to know that Justice Whittaker has carefully read the record. He has read the testimony. I am a lawyer, as is the Senator from Indiana. I feel that Justice Whittaker was objective when he read the record. Since he served on the Supreme Court for 5 years, he knows better than I, and perhaps as well as the Senator from Indiana, what is required of a Justice of that Court.

I trust the day never comes when a former Justice of the Supreme Court cannot express himself, as suggested by the Senator from Indiana. The former Justice said what was in his heart and he honestly believes, rightfully or wrongfully, that this is the conclusion he reaches after reading the record. He has a right to reach that conclusion.

The former Justice may have had in mind canon I, which, as the Senator from Indiana knows states that we have the responsibility sometimes to defend the Court, because the Court is in a peculiar position. Members of the Court cannot always defend themselves. Members of the bar, when they feel charges are baseless, should defend the Court. It may be that that is the canon former Justice Whittaker had in mind when writing his statement.

Let me also add that former Justice Whittaker did not volunteer anything. I know many people called on him. And in fact, when I visited him I had not made up my mind. He said, "Senator, I am glad you called, because I have been asked to contact you, but did not think it was proper to do so."

I wanted to make it clear to the Senator from Indiana that former Justice Whittaker was not trying to trespass upon the rights of this body. He replied only when he was asked to do so. He had read the record. He was not making an off-the-cuff statement or rendering an off-the-cuff opinion. I feel he has a perfect right to express himself and am happy he has expressed himself. I only wish more members of the Court would do so much.

Polls have been taken, and some of those polled had not read the record. I was informed that 80 percent of the ATLAS lawyers felt Judge Haynsworth's nomination should not be confirmed. Certainly former Justice Whittaker has as much right to express his views as anyone. He was a member of the Court. He understands the high degree of ethics required. He is not trying to compromise the canons of ethics. He has no personal interest in Judge Haynsworth and has no alliance with him politically or in any other way. He feels some of the charges against him are false and he has a right to reach that conclusion.

Mr. BAYH. Mr. President, will the Senator permit me to elaborate or repeat what I said? I am not sure who has the floor.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. BAKER. I am happy to yield to the Senator from Indiana.

Mr. BAYH. The Senator has been very tolerant.

I believe any citizen of this country, certainly any former member of the Court, has a right to give his opinions. I get a little sensitive, however, when I read a statement which says that those who have read the record and arrived at a different conclusion from those who favor Judge Haynsworth's nomination are really not sincere.

I salute my friend from Kansas for referring to the first canon of ethics. I think that is an important canon, and I hope that before this debate is over, the Senator from Kansas will also become interested in a half dozen other canons that deal with this matter of impropriety. I think they are equally important.

I rose to interrupt my distinguished friend from Tennessee only because, in pointing to the facts that he alleges were the basis for the determination of some of us who are concerned about ethics, he omitted some of the most significant facts. For example, it is not the mere owning of vending machine corporation stock that we question; as I have pointed out, it is also the involvement in the affairs of the corporation which disturbs us. Furthermore, in the Brunswick, Grace, and Maryland Casualty cases, the judge unfortunately did not meet the standard of conduct which he set for himself.

I would hope that Judge Whittaker would examine these facts and give us, the Members of this body, credit for making the determination which we think is right.

Mr. BAKER. Mr. President, I thank my colleagues for the interesting colloquy involving Justice Whittaker's letter. That was not one of the main thrusts of the remarks I have just made. However, I accept the colloquy as a happy addition; and, having seen the matter thus expanded, I intend to expand on my own views.

I have never seen Justice Whittaker's letter heretofore; I am glad that my colleague from Kansas requested and obtained such a letter.

Mr. DOLE. Mr. President, I did not request the statement. He had been asked by several newspapers to submit his views, and he did so only after reading the entire record. I am satisfied that he took into account the W. R. Grace case and other cases alluded to.

Mr. BAKER. I understood the Senator had requested the Justice's views.

Mr. DOLE. I did not request any written response. He did tell me in a phone conversation that if we could not confirm the nomination of Judge Haynsworth, we would have to find a trapeze artist. I contacted him seeking advice, as I did the senior Federal judge of Kansas, officers of the bar association, and leading lawyers in Kansas, who make their living practicing law. Frankly I was surprised at their overwhelming support for Judge Haynsworth because of the flurry of charges made against him.

Mr. BAKER. I commend the Senator from Kansas for bringing this matter to our attention, and for talking with former Justice Whittaker in this respect. I am pleased that he has produced the Justice's letter at this point, making it a part of the RECORD. I respectfully disagree with the Senator from Kansas when he credits it with impugning any Member or former Member of this body. I also reject the idea that any former member of the highest court cannot express his viewpoints and ideas publicly. Were he at this time a sitting member of the Court, it might be a different situation, though I am not sure it would be. But I do feel that the expression of the viewpoints and ideas by former Justice Whittaker given us today by the distinguished junior Senator from Kansas is a significant contribution to that branch of this inquiry, and I commend him for adding substance to it.

Mr. BAYH. As I said, I appreciate the indulgence of my friend from Tennessee. I must say that this is the first time I have heard of the letter. Was I correct in understanding that Justice Whittaker said that because there is no ethical question, the opponents who stress this point must really be concerned about civil rights, labor, and philosophical matters? If not, I apologize to my friends, the Senator from Tennessee and the Senator from Kansas. It was a statement to that effect I thought I heard, and I am a bit sensitive to such remarks. I think in this Body, we should give everyone full faith and credit for doing what he thinks is right, for reasons which he thinks are important. That is the reason I rose, not to take issue with my friend from Tennessee and my friend from Kansas. Although I disagree with the Senator from Tennessee, I do not think he is making his presentation on any grounds other than those he considers right.

Mr. BAKER. Mr. President, on the question of sensitivity, as I understood the statement of former Justice Whittaker, in effect, he is saying that under the circumstances there must be philosophical and ideological overtones in this struggle. I very much doubt that my friend from Indiana would deny that there has been such a thread woven through the fabric of this entire debate. I think it is a proper undertaking for those for and against Judge Haynsworth to examine his philosophy; otherwise I would not have taken 45 minutes of the Senate's time going over 19 cases, in a detailed analysis, to decide whether or not there was an anti-civil rights bias in those decisions. I concluded that there is not; but in that case, I am examining a philosophical and ideological bias or bent on the part of a member of the judiciary.

I see no reason for anyone to be offended by the considered moderation of former Justice Whittaker's letter.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Kansas.

Mr. DOLE. I do not believe he includes every opponent; but some opponents of Judge Haynsworth are opposing his confirmation on philosophical grounds. Some appeared before the committee, for example, George Meany; certainly he is opposed on philosophical grounds. He says in effect "He is antilabor; we are going to block him, just as we did Judge Parker in the Hoover administration."

Certainly, if he has that right, Justice Whittaker should be accorded the same right, to make a public statement about Judge Haynsworth, because public statements have been made that he is antilabor, anti-civil rights, and unethical.

The Senator from Indiana has said that, "he is honest and a man of integrity, but he is insensitive." That generally is what the Senator from Indiana said, as well as others; that he is honest and a man of integrity, but he is insensitive, and that, therefore, he is unfit to sit on the Supreme Court.

Justice Whittaker, having sat on the Court for a period of 5 years, had something to say which should be helpful to all Senators.

Mr. BAYH. Mr. President, I am glad the Senator read the letter into the RECORD, because I have not had a chance to see it, and I want to examine it with some degree of particularity.

As I said a moment ago, any Member of this body, any former justice of the Supreme Court, or any citizen of this country has a right to express himself. Of course he does. But I do not think we should impugn the motives of those who draw conclusions different from the conclusions reached by the proponents of Judge Haynsworth.

I concur that the matter of philosophy has been interwoven into this debate, but I think it is entirely possible for people to look at this record and say, "all right, on the matter of philosophy we are going to give the President the benefit of the doubt, but on the matter of ethical conduct, at this particular time, with these facts, we feel that the conduct falls below the required standards." Disapproval of Judge Haynsworth's ethical conduct can be a valid reason for opposing him, and not some subterfuge for some other reason which George Meany or someone else might offer.

I think each of us could look at this matter entirely differently. I trust my colleagues from Kansas and Tennessee, and the other participants in this discussion who are going to face this particular issue, will look at the facts and make their own determination. I am giving them credit for doing what they think is right.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, on October 31, 1969, the Hollywood Bar Association wrote the President urging him to withdraw the nomination of Judge Clement F. Haynsworth as an Associate Justice of the Supreme Court. In their letter, the bar also requested the Senate to reject his confirmation, in event his nomination is not withdrawn. Since the recommendations of the Hollywood Bar Association have a direct bearing on the current debate on Judge Haynsworth's fitness to sit on the Court, I ask unanimous consent that the letter of the Hollywood Bar Association be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 31, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: The Hollywood Bar Association by vote of its Board of Governors and officers recommends the withdrawal of the nomination of Judge Clement F. Haynsworth to the Supreme Court and further recommends if such nomination is not withdrawn, that confirmation by the Senate be denied.

We have not considered nor do we feel it the province of the Bar Association to comment on Judge Haynsworth's political or social attitudes as reflected in his decisions. These attitudes and decisions are not the question before us.

Judge Haynsworth purchased stock in a company which was a party to a lawsuit before him after the court had completed its deliberation but before the decision was publicly announced. If a judge is aware that a decision is pending on a case and enters into a relationship with a party to the action, we deem such an act an impropriety. If a judge enters into a relationship with a party and is not aware of a pending decision before him, this action raises material question as to his lack of awareness and judgment. Let all Americans know that this Bar Association feels such action by a judge cannot be condoned, for a judge's first interest and obligation is to the people he serves.

The American people demand in a judge a man who is fair and impartial, a man who will analyze the questions before him with an open mind and unobstructed view. One cannot properly judge the wine from inside the barrel. Most important, the American people want to have confidence in their courts, in their judges, and in their government. If this confidence is shaken by some act of a justice of the highest court, however innocent the intention of the act, the morale of the country suffers.

This then is the focal point of Judge Haynsworth's nomination. His acts, however intended, have shaken the trust and confidence in our judicial system.

Very truly yours,
HOLLYWOOD BAR ASSOCIATION,
By PHILIP H. GILLIN.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAYNSWORTH AND LABOR

Mr. HANSEN. Mr. President, opponents of Judge Haynsworth claim that he is antilabor. In no meaningful sense is this true.

Judge Haynsworth has undoubtedly either written, or joined in, opinions which were objectionable to the national leadership of the AFL–CIO. And, it is true, that if this is enough to make a judge antilabor, then Judge Haynsworth, along with countless other Federal appellate judges in our country, are antilabor. This sort of judgment is found in the statement of Mr. George Meany, president of the AFL–CIO, before the Committee on the Judiciary that "he would not approve of a decision against labor." And, predictably, therefore, Mr. Meany does not approve of Judge Haynsworth.

But if one takes the broader view, recognizing that organized labor is not entitled to receive everything it demands from the courts, any more than is management, then the criticism of the leadership of organized labor becomes much less impressive. Like most other judges of Federal courts of appeals, Judge Haynsworth has joined in many opinions that have rejected the position of the unions, and many opinions that have favored the positions of the unions. Perhaps a highly specialized labor lawyer could develop a sort of a legal Geiger counter that would tell us, at least to his satisfaction, whether the judge is a couple of degrees off center one way or the other. I do not claim to be such an expert, and I am satisfied that Judge Haynsworth is well within the mainstream on labor law.

Forty years ago, organized labor successfully opposed the confirmation of the nomination of John J. Parker as an Associate Justice of the Supreme Court of the United States. Ironically enough, Judge Parker was at that time a judge of the U.S. Court of Appeals for the Fourth Circuit, just as Judge Haynsworth is at present. Opposition to Parker was placed on the grounds that he had been antilabor, and particular emphasis was given to his opinion in the so-called Red Jacket case.

Organized labor now concedes that it misjudged its man in 1930, and that its opposition was a mistake. Mr. Thomas Harris, general counsel of the AFL–CIO, stated at the Judiciary Committee hearings on the Haynsworth nomination:

> I agree with you that the attack on Judge Parker on that ground was unjustified. But the Federation succeeded in blocking his confirmation to the Supreme Court and, as you say, he served for many years thereafter as a pro-labor judge and if we can get both of the same two results here, we will be happy.

More objective observers, feeling that the Supreme Court in the ensuing 39 years could have used the legal talents of John J. Parker, may not feel that the result was quite as funny as Mr. Harris apparently thinks it was. But these observers would doubtless agree with Mr. Harris that the Senate did make a mistake when it refused to confirm the nomination of Judge Parker, of whom Chief Justice Earl Warren said in 1958:

> No judge in the land was more truly distinguished or more sincerely loved. His contemporaries appreciated and honored this man's qualities, and in the judicial history of the nation his great reputation will endure.

I, for one, do not relish the prospect of some future general counsel of the AFL–CIO, or of any other organization, telling us 40 years from now that the organization made a mistake in opposing Judge Haynsworth in 1969, but it was all a pretty good joke anyway. The decision that the Senate makes with respect to this nomination is obviously a serious one, entitled to the most careful consideration on the part of each of its Members. Fair consideration must be given to the claims of any group who feel that a candidate for the High Court would administer the law unfairly as to that group. But, by the same token, no group can be accorded a veto power, exercised in terms of its own necessarily narrow interests, over the right of the President to nominate, and the Senate to confirm, Justices who must represent every element in our Nation.

I do not find that Judge Haynsworth is antilabor. I find that he is a careful, scholarly, middle-of-the-road judge, and I strongly favor the confirmation of his nomination as an Associate Justice of the Supreme Court of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DOLE in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR PROUTY OF VERMONT WILL VOTE TO CONFIRM JUDGE HAYNSWORTH

Mr. HRUSKA. Mr. President, a few moments ago, my attention was called to a news release that the junior Senator from Vermont (Mr. PROUTY) has announced his position in support of Judge Haynsworth.

I read from a part of the news release, in which Senator Prouty stated:

> The most important consideration to me is whether the nominee possesses the qualifications required to serve on the nation's highest court. I am convinced Judge Haynsworth is qualified to serve.

The news release continued:

> Prouty said in his ten years in the U.S. Senate he had on every occasion voted to confirm the President's nominee to the Supreme Court. "I would vote against confirmation only if I had serious doubts as to the nominee's morality, integrity or honesty." Prouty said, adding, "In this instance I have no such doubts."
>
> The Vermonter said he had studied the record carefully and found that "the blizzard of accusations against Judge Haynsworth melts quickly under close scrutiny."
>
> Likewise Prouty said that a thorough examination of Haynsworth's decisions refutes charges of bias and reveals "a record of objectivity and impartiality."
>
> Prouty found the opposition to Haynsworth to be "more on political grounds than ethical grounds and more emotional than reasoned."
>
> He concluded by saying: "It might be easier to vote against confirmation and thus bow to the volume of the accusations. Instead, I chose to weigh the merits of the charges and found them lacking in substance."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, as I mentioned in my remarks on Thursday, November 6, I have carefully examined the record developed by the Judiciary Committee concerning Judge Clement Haynsworth's appointment to the Supreme Court; and, I have studied the views of the distinguished Senators who object to Judge Haynsworth. I have also considered the objections which have been raised in the press and the media.

I must say, as was indicated in the announcement just read to the Senate by the Senator from Nebraska (Mr. HRUSKA), on the decision of the Senator from Vermont (Mr. PROUTY) to vote for confirmation of Judge Haynsworth that he feels much of the opposition to Judge Haynsworth has been politically motivated, that I cannot help agreeing with that feeling, that much of the discussion thus far concerning Judge Haynsworth's ethics, his stock market transactions, and his involvement in various business enterprises, is a smokescreen and a subterfuge which has had the effect of obscuring the real, underlying objections to his nomination. As other Senators have also stated, it seems to me that at the root of these objections is the judge's philosophical posture. The real question, to my mind, is then not one of ethics or Judge Haynsworth's off-the-bench conduct. The sooner we come to grips with the real objections to Judge Haynsworth's nomination, his judicial record and his performance as a judge, the more realistic and meaningful our discussion will be.

Certainly, Judge Haynsworth's critics have a right to their point of view as a class—and I mean most, not all, because there are exceptions—but as a class, it seems to me that they wish to see the perpetuation and continuation of the Warren court, a court which saw its role as an activist court which sought and seeks—that is, those who are still there—to impose upon this country its own notions of virtue, its own socioeconomic viewpoint, and its own view of the Nation and of the world.

In this sense I think we can applaud the candor of those critics of Judge Haynsworth, such as the AFL–CIO, and the National Education Association—NEA—who have admitted that their objections frankly go to Judge Haynsworth's judicial record, and not to his stock market dealings.

In fact, I commend the senior Senator from New York (Mr. JAVITS), who said that he would not talk about the ethics matter, because he opposed the judge on his attitude toward civil rights matters—other words, on philosophical grounds.

I think he was being very honest and candid in stating that that was what his objection was.

I think that, as President Nixon pointed out recently, much of the criticism of this decent man in the final analysis comes down to nitpicking of the worst sort. His critics in the press have gone to the well and they have come up dry. Having failed to produce any real evidence of wrong doing, his critics now fall back on canon 4 of the Canons of Judicial Ethics. That canon reads:

> A judge's official conduct should be free of impropriety and the *appearance of impropriety* . . .

They now say that the Haynsworth nomination should be withdrawn or defeated because in their view there is an "appearance" of impropriety.

The appearance of impropriety of course has been contrived by the critics and exists only in their mind's eye. This is sophistry of the worst sort: The appearance of wrongdoing as an objection to this nomination has no independent existence.

I think that what the people want is a new direction to the Supreme Court. What we need most I think is a restoration of judicial restraint, which in years gone by characterized the deliberations of our highest court.

We have a good illustration of the kind of judicial restraint I am thinking about in the recent case involving Representative ADAM CLAYTON POWELL and his suit against the House of Representatives.

Judge Warren Burger, prior to his elevation to the Supreme Court, as a member of the court of appeals wrote the opinion concerning that case which was later made the basis of the appeal to the Supreme Court of the United States. There, former Chief Justice Warren, in one of his last official acts, wrote the majority opinion. Judge Warren Burger refused to pass judgment on the House of Representatives in the Powell case because of the inappropriateness of the subject matter for judicial consideration.

His opinion stated that he deplored the "blow to representative government where judges either so rash or so sure of their infallibility as to think they should command an elected coequal branch in these circumstances."

Chief Justice Earl Warren, on the other hand, Mr. President, was not so restrained. Pursuing his activist posture to the very end of his tenure, Mr. Chief Justice Warren—with the lack of judicial restraint which in my view has characterized a great deal of his performance on the Court—wrote the majority opinion holding that the House of Representatives had acted wrongfully and unconstitutionally when it had refused to seat ADAM CLAYTON POWELL.

> Our system of government—

Said Earl Warren—

> requires that Federal Courts on occasion interpret the Constitution in a manner in variance with the construction given the document by another branch. The alleged conflict that such an adjudication may cause cannot justify the Court's avoiding . . . constitutional responsibility.

The decision, which exemplifies the judicial overreaching which I deplore, has precipitated a constitutional debate which, as we all know, is not yet settled.

Judge Burger's treatment of the Powell case sought to avoid a decision which would bring about a serious constitutional confrontation between the courts and the legislative branch. Judge Warren's approach was just the opposite, because apparently he believed, for reasons which do not appear on the record that POWELL had been punished unconstitutionally, and his decision was tailored to reflect this belief.

The notion of judicial restraint which I am alluding to today was described in detail and with much eloquence by Justice Felix Frankfurter in many decisions in his long service on the Court. Examples I am speaking of are found in the 1940 case, *Osbourne* v. *Ozlen*, 310 U.S. 53; in *Board of Education* v. *Barnette*, 319 U.S. 624, 1943; and in *AF of L* v. *American Sash Co.*, 35 U.S. 538, 1949. Let me quote to you from that last case:

> Even where the social undesirability of a law may be convincingly urged, invalidation of the law by a court debilitates popular democratic government. Most laws dealing with economic and social problems are matters of trial and error. That which before trial appears to be demonstrably bad may belie prophecy in actual operation. It may not prove good, but it may prove innocuous. But even if a law is found wanting on trial, it is better that its defects should be demonstrated and removed than that the law should be aborted by judicial fiat. Such an assertion of judicial power deflects responsibility from those on whom in a democratic society it ultimately rests—the people. If the proponents of union-security agreements have confidence in the arguments addressed to the court in their "economic brief," they should address those arguments to the electorate. Its endorsement would be a vindication that the mandate of this court could never give.
>
> But there is reason for judicial restraint in matters of policy deeper than the value of experiment: It is founded on a recognition of the gulf of difference between sustaining the nullifying legislation. This difference is theoretical in that *the function of legislating is for legislatures who have also taken oaths to support the constitution, while the function of courts, when legislation is challenged, is merely to make sure that the legislature has exercised an allowable judgment, and not to exercise their own judgment*, whether a policy is within or without 'the vague contours' of due process. Theory is reinforced by the notorious fact that lawyers predominate in American Legislatures. In practice also the difference is wide. In the day-to-day working of our democracy it is vital that the power of the non-democratic organ of our government be exercised with rigorous self-restraint. Because the powers exercised by this court are inherently oligarchic, Jefferson all of his life thought of the court as "an irresponsible body" and "independent of the Nation itself."

As an attorney, I have followed the Court through its judicial excursions with much misgiving over the years. Curiously, I found that much of the harshest criticism of the Court comes from the Court itself in the form of opinions by dissenting justices. Let me offer, Mr. President, a few examples.

In the case of Mapp against Ohio decided by the Supreme Court in June 1961, the Supreme Court majority, willy-nilly, upset 50 years of American jurisprudence by holding in effect that illegally obtained evidence may not be used against defendants in State prosecutions. As Justice Harlan eloquently pointed out in his dissent in that case—a dissent in which Justices Frankfurter and Whittaker joined—the central question on which the case turned had not even been briefed before it reached the court. Certiorari had originally been granted in Mapp against Ohio to test the constitutionality of an Ohio obscenity statute. The privilege against unlawful seizure and search and questions concerning introduction of unlawfully obtained evidence in State court prosecutions were raised only casually, and in passing, by the defendants and in an amicus curiae brief filed by the American Civil Liberties Union. Nevertheless, in spite of the fact this matter was not even briefed or argued, in spite of the fact that this question was not therefore formally before the court, the majority of the Warren court in Mapp against Ohio held that illegally obtained evidence could not thereafter be used as a basis of a State prosecution, thus upsetting the doctrine of Wolf against Colorado and numerous other cases dealing with this important question. Here is what Mr. Justice Harlan said:

> *The Court in my opinion has forgotten the sense of judicial restraint which*, with due regard for stare decisis, *is one element that should enter into deciding whether a past decision of this court should be overruled* . . .
>
> The action of the Court finds no support in the rule that decision of constitutional issues should be avoided wherever possible. . . . the unwisdom of overruling Wolf without full-dress argument is aggravated by the circumstance that that decision is a comparatively recent one (1949) to which three members of the present majority have at one time or another expressly subscribed, one to be sure with explicit misgivings. I would think that our obligation to the States on whom we impose this new rule as well as the obligation of orderly adherence to our own processes would demand that we seek that aid which adequate briefing and argument lends to the determination of an important issue. It certainly has never been a postulate of judicial power that mere altered disposition, or subsequent membership on the Court, is sufficient warrant for overturning a deliberately decided rule of constitutional law.

President Nixon has thus far sent forward two nominations for the Supreme Court, and both men are experienced and senior appellate court judges both of whom have also had district court trial experience. This is a most refreshing development and one which I certainly applaud. I cannot help feeling that if some of our other recent Justices—I think immediately of Mr. Chief Justice Warren, Mr. Justice Douglas, Mr. Justice Fortas—had had prior judicial training before coming to the High Court, they would have been conditioned in the exercise of judicial restraint and American jurisprudence would have been the better for it.

I have spent some time talking about this matter of judicial restraint, and reading from some of the Supreme Court decisions dealing with it, because I believe that the appointment of Judge Haynsworth would be a step in that direction. This certainly is one of the elements that President Nixon had in mind in his nominations of both Chief Justice Burger and Judge Haynsworth. I think it is also something that the people of the United States have in mind.

When I was campaigning in Florida last year the immediate issues bothering most Floridians were of course the war in Vietnam, the question of inflation, and the question of crime. I think that was probably true of all the political races last year. But another matter which disturbed many people in Florida, and which I found very much in their minds was the behavior of the Supreme Court on a number of fronts. The people expressed to me dissatisfaction with the course of the Supreme Court's decision on school prayer, and outlawing Bible reading in schools. They were upset with the apportionment decisions which heretofore had been political matters within the exclusive jurisdiction of the States. They were irritated with the Supreme Court's tinkering with and even upsetting some State constitutions. They resented the way in which the court had effectively curbed efforts of law enforcement, and postal authorities to stop the flood of pornography. They resented the recent striking down of residency requirements for welfare recipients. They resented the striking down of the marihuana tax control laws.

They were upset, and rightfully so with the seemingly ludicrous criminal decisions such as Miranda, Escobedo, and a whole string of successive cases. Very often they did not know the names of the decisions. They could not give a citation, or anything of that sort. But they had the feeling, and I think the feeling was correct, that the thrust of many of these opinions was to free criminals, in some cases self-confessed criminals, on the flimsiest sort of technicalities.

They expressed to me the view, and it is a view that I subscribe to, that in the midst of the greatest crime wave in our Nation's history, the decisions of the court which resulted in the freeing of criminals were absurd, almost, as one constituent told me, "like throwing gasoline on the fire." Even Justice Hugo Black, whose liberal credentials I think it is fair to say are beyond question, has said on several occasions that the majority of the Court's actions have "hobbled" legitimate law enforcement efforts and that prosecutors have been denied the right to proceed effectively against criminals, and set up procedures which unduly favored accused criminals. Let me quote some remarks by Mr. Justice Black in this connection.

In a 1968 case he said:

> The importance of bringing criminals to book is a far more crucial consideration than the desirability of giving defendants every possible assistance in their efforts to challenge the admissibility of evidence.

In a 1969 case he complained:

> The constitution does not give this court any general authority to require exclusion of all evidence that this court considers improperly obtained or that this court considers insufficiently reliable.

At the moment we need stronger law enforcement, Mr. President. The Court, by fiat, has set about to create a host of new rights and privileges in criminal law which have no judicial history, which no one had ever heard of a generation ago. The net effect of these decisions was to free criminals and to make a mockery out of the efforts of our law enforcement people.

Florida, as the ninth ranking State in population, has, Mr. President, a varied population and I know that many of these same views apply across the country. In a July 1968 Gallup poll, two out of three persons interviewed viewed the Court with disfavor.

I think it would be most unfair to characterize all of the opposition to Judge Haynsworth's nomination as political. I know that many of the distinguished Senators whom I respect feel that there are serious ethical question. I respect their viewpoints, but I think that in all candor a fair appraisal of this matter would substantiate the point of view that very much of what we hear in opposition to this nomination is philosophically and politically motivated.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. GURNEY. I yield to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Florida for his erudite, scholarly presentation on this very important issue.

I should like to ask the Senator a question. I believe he has just stated that he feels the philosophy of the Court, or the trend in its philosophy, is one of the basic reasons why the President made his selection, or at least this was one of his measurements. Further the Senator observes there are those in this body who are also using philosophy, perhaps, as a criterion in determining their vote on the confirmation question.

Do I understand that the Senator believes it to be within the prerogative and responsibility of Senators to use or judge the philosophy of the candidate, Clement Haynsworth, in casting their votes for confirmation or against confirmation?

Mr. GURNEY. I would answer the Senator by saying I think that is the prerogative of any Senator, if he wants to use that criterion.

The point I was making is that I do think many Senators have used it in their reasoning as to whether they are going to vote for or against the confirmation of Judge Haynsworth. As I pointed out earlier, I think before the Senator from Oregon arrived, at least one Senator last week, I believe on Friday, had the candor to say exactly that. That was the senior Senator from New York (Mr. JAVITS), who said that he opposed the confirmation of Judge Haynsworth on the ground of his civil rights decisions—or at least he was basing his argument on that—rather than on the ethics of the matter.

Of course, as far as the civil rights decisions are concerned, I think one can make a case either way. The Senator from New York felt keenly about that issue; and in his argument here today, the Senator from Tennessee arrived at the opposite conclusion. I am simply making the point that I think that philosophical assessment of Judge Haynsworth will have a great deal to do with the "yes" or "no" votes of many Senators. I do not think they are really saying that that is their reason; they are putting it on ethical grounds.

Mr. HATFIELD. Will the Senator yield further?

Mr. GURNEY. I yield.

Mr. HATFIELD. Again, as I emphasized on a previous occasion, not as an attorney but rather as a layman attempting to make a judgment as to how to vote on confirmation, I am aware of the various arguments that are being used for and against a confirmation vote. One of the arguments that has been used most frequently with me, by those who have been in the position of favoring Judge Haynsworth's confirmation, has been that I am not to include in my judgment, or I should not include in my judgment, the question of philosophy; that if that were proper, men like Justice Brandeis and Justice Charles Evans Hughes would never have been confirmed. The Senator knows the argument—he has heard the discussions, as I have heard them—and that philosophy, therefore, should be ruled out as a base for my judgment on my vote. So, I found the statements of the Senator today to be very helpful and very enlightening.

I just wanted to make sure I understood correctly that they indicate that, whether it is a right or wrong thing, philosopy is a consideration of the President in his selection of Judge Haynsworth for this position and of those of us in the Senate who have, either directly or indirectly, indicated that philosophy is part of our consideration. Is that a correct observation of the Senator's statement?

Mr. GURNEY. It is correct to the extent that I think is motivating many Senators in whether they will vote yea or nay.

I would go on from there and point out that I do not think the U.S. Senate would be well advised to turn down a nomination on purely philosophical reasons. I think that the President of the United States, be he a liberal, middle of the road, or conservative man in his philosophical persuasion, should have the prerogative of nominating the person he wants for philosophical reasons to the Supreme Court of the United States.

So, in answer to the question of the Senator, no, I do not think that Judge Haynsworth's nomination should be turned down on philosophical reasons.

The point I was making was that I think Senators are turning him down on philosophical reasons, but using as a real reason the smokescreen of an ethical matter.

I do not think that is fair. If we look back at a lot of other nominations made in previous administrations by President Johnson, President Kennedy, and President Franklin Roosevelt, I do not think the Senator ever turned down, as I recall, a Supreme Court Justice on philosophical reasons.

I do not doubt that perhaps some nay votes were cast over the years that were motivated by philosophical reasons. However, I do not think a judge has ever been turned down on those grounds in recent years, unless it was in the case of Judge Parker.

Mr. HATFIELD. Mr. President, as an attorney and as one trained in the law, does the Senator think it would be fair to make a judgment on Judge Haynsworth on the basis of philosophy since, as the Senator says, the President of the United States takes cognizance of the attitude of the general public toward the Court today, and, therefore, did make his selection taking into consideration the philosophy of the man? Would it not be just as fair to cast a vote on philosophical reasons, as the President of the United States used philosophical reasons as part of his appointment criteria?

Mr. GURNEY. I do not think so, because my feeling of the advice and consent of the Senate in these matters is that it should go to the man's ability as a judge and not to the philosophical disposition expressed in his decisions.

It certainly should go to his ethics, indeed, and it should go to his honesty, integrity, and ability. However, I do not think we should make a judgment in the Senate and say, "no, the President should not appoint this man because we disagree with his political philosophy."

One reason that I do not think we should take that view in a broad sense is that the whole process of democratic government in this country is certainly involved in last year's elections. Along with the issues of Vietnam and crime and inflation, there was also a decision on philosophy. I do not think there is much question of that. I think that most people voted for President Nixon because they thought he was middle of the road to conservative. I believe that many people voted for Vice President Humphrey because they thought he was liberal.

If the outcome of the election means anything, it means that the people voted middle of the road to conservative in the election. And since that was the voice of the people, I think that the President has every right to follow those general guidelines in his appointment to the Supreme Court of a new Justice.

And I say also that, in my opinion, the President is not trying to make a conservative court out of the Supreme Court.

As I see the Burger and the Haynsworth appointments, they were made in an effort to get the Court more near the middle of the road and more nearly akin to the feelings expressed across the country as to how the Court should be divided philosophically. I think that is what he is trying to do.

I do not think he is trying to revise the Court. And if he succeeds in his intention, he will be doing the country a great service.

As I mentioned earlier in my 2-year campaign for U.S. Senator from Florida—and I campaigned last year and the year before—I can say in all honesty that whenever the issue of the Supreme Court of the United States was made in any of my speeches, there was a roar such as I cannot describe on the Senate floor. It was a roar of unanimous disapproval by the people. They expressed how they felt about the Supreme Court of the United States.

I think this is a dangerous thing. I think it is very dangerous. The highest Court of the land is a Court that I as a lawyer, and I am sure every other lawyer who sits in the Senate or in law school—certainly in our earlier days of legal experience—viewed as something up high.

We viewed the men of the Supreme Court, the Brandeises and the Cardozas—and Judge Cardoza taught me at Harvard Law School—as great legal giants. We had enormous respect for them. However, during the Warren court a lot of that respect disappeared. We noticed that the people then viewed the Supreme Court as something they did not want, disrespected, and did not like. This was because the Court was tearing down many of the fundamental things people believed in.

This is very important in the appointment of Judge Haynsworth, because I firmly believe that one of the things the President is trying to do is to change the direction of the Court and, indeed, reestablish it as a bastion of strength and respect in the eyes of the people. And for the Senate of the United States to turn down the President of the United States on a matter of philosophical judgment, I think, is entirely wrong.

Mr. HATFIELD. Then, as I understand the Senator from Florida, if the President takes cognizance of this conservative trend, as the Senator would interpret the last election, in the feeling that the Court is now too liberal in its general character and that therefore he has purposely selected a conservative to balance the Court, not to make it all conservative, but to bring it into greater balance, that it is appropriate that this sentiment should stop at the Senate door as far as our judgment of the floor actions is concerned, and that we should ignore philosophical reasons, that even though the people of the United States have taken cognizance of the Supreme Court and Judge Haynsworth, we should not.

Mr. GURNEY. The Senator is correct. And I think that in the former action of the Senate in confirming other Supreme Court Justices, such as Justice Fortas, when his name was presented, and Justice Goldberg and Justice Thurgood Marshall—I am not familiar with the record at that time, although I am sure that many conservative Senators would have preferred another name to come here from President Johnson, President Kennedy, or President Roosevelt—nevertheless, the Senators voted "aye" and did not take into consideration the other arguments.

Mr. HATFIELD. The Senator stated his belief that the people had lost faith in the Supreme Court and that great resentment was reflected toward the Court in the Senator's campaign in Florida. I think that much of my mail from Oregon would indicate that situation is also true in Oregon. They feel that the breakdown in law and order should be laid at the doorstep of the present Court and, that the greater permissiveness in our society should be blamed on the present Court. They blame many things on the Court that I take issue with.

Does the Senator think that the faith we should have in our Supreme Court could be reestablished by a close vote on Judge Haynsworth of, say, 52 to 48?

Mr. GURNEY. No. I do not think that would enhance the cause of the Supreme Court or reestablish faith in it. I must admit that the Senator raises a good question.

On the other hand, I must also hasten to point out—and this is the whole meat of the argument I am presenting—that it is not the fault of the President of the United States, it is not the fault of Judge Haynsworth, it is not the fault of the people of the United States that we are going to have in this Chamber next Wednesday, Thursday, or Friday a close vote on Judge Haynsworth. But, as I see it, it is Senators sitting in this body who are erroneously and wrongfully injecting their own philosophical ideas of who ought to sit on the Supreme Court. I do not think that is right. I think it is wrong.

Mr. HATFIELD. In other words, by the action of the Senate, then—the individuals the Senator refers to—we have already undermined the potential of Judge Haynsworth becoming an instrument of reestablishing the faith and confidence in the Court that we might otherwise have been able to accomplish?

Mr. GURNEY. Perhaps, to a certain extent. But if we have done that, I do not think that should inure to the detriment of Judge Haynsworth, because it is not his fault that philosophical viewpoints were erroneously injected into this matter.

The argument has been made by a number of people, as the Senator from Oregon knows, and as I know, that the President should withdraw Judge Haynsworth's name, because then we will avoid a close vote and we will not get into the business of perhaps further discrediting the Court and further bringing it into disfavor. But I would say that I am sure that what is going on in the mind of the President of the United States is that if he caves in on this one, if he gives way to the philosophical, individual idiosyncracies of each Senator, then the same thing will happen when he sends up another name. So I think he is right in standing firm.

Mr. HATFIELD. Why does the Senator feel that this opposition to a so-called conservative appointee was not raised with the appointment of Chief Justice Burger? Chief Justice Burger fit generally into the same philosophical mold. Why was the opposition within the Senate that has accrued to Judge Haynsworth not raised against Chief Justice Burger?

Mr. GURNEY. Well, I do not know that I can answer the question of the Senator from Oregon. I would make a guess, but I cannot prove that it is so. I would say that perhaps the forces that are opposing Judge Haynsworth did not gear themselves up to oppose Judge Burger in the same fashion.

We might just as well face it: The two forces that are opposed to Judge Haynsworth are the civil rights groups of the country and the organized labor groups, the AFL–CIO. This is the steam behind keeping Judge Haynsworth off the Court, and I would say that probably they did not generate this concerted action against Judge Burger.

Then, too, I think that, in some of the ethical matters they have raised, they have found little things on which they can hang their hats. I do not think they are valid reasons, but I do think they are the kinds of things one can make a lot of noise about and spread a lot of smoke about.

Mr. HATFIELD. So there is something beyond the philosophical question, then, that the Senator feels might exist in the Haynsworth case that did not exist in the Burger case?

Mr. GURNEY. There is something to hang their hats on in the Haynsworth case that did not exist in the Burger case.

Mr. HATFIELD. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BAKER. On the point made by the distinguished senior Senator from Oregon, I should like to respond with my own views in one respect.

The question was put, in substance—at least, as I understood it—"would a close vote for confirmation, by 50, 51, or 52 votes, do anything to further the public confidence and trust in one of our equal departments of Government?"

I must say that I entirely agree with the implication that the Court is in need of greater public support and greater public trust. It should have it; it is going to have it; and I am going to do what I can to get it. But my answer is that it does not make any difference, for a very great reason, one I am proud to have had some part in, and that was the recent extended debate and conflict over the confirmation, or failure of confirmation, of Justice Fortas.

As I said in my remarks this morning,

I think that, as a result of the Fortas fight, the Senate, in effect, created a higher duty of care than it had ever exercised before in reviewing judicial appointments. I think that as a result of the Fortas case we created and implemented the "Caesar's wife" concept. We expanded the doctrine of advice and consent far beyond that which had existed probably at any other stage in the history of the Senate. As a result, we can probably foresee that every nomination to the Supreme Court of the United States, by Presidents of whichever party, will be scrutinized more carefully by this and succeeding sessions of the Senate than has been the case in the past.

I think we can expect to have closer votes than in the past. We are moving away from the position, as some have charged, of a rubberstamp Senate. I think we have broadened the scope of advice and consent.

I have frankly admitted that this nomination must be judged according to those new and improved rules. But I think that the support given and the celebration I make of the heightened degree of care that the Senate is now exercising will produce closer votes in the future, and I do not think it is going to militate against public confidence in the Court. On the contrary, I think the Court will be a better, stronger, and more accepted part of the tripartite system of government because of the searching scrutiny we give this appointment and other appointments in the future.

Mr. HRUSKA. Mr. President (Mr. Saxbe in the chair), will the Senator yield?

Mr. GURNEY. I yield.

Mr. HRUSKA. Mr. President, if we are going to think in terms of a close vote for Judge Haynsworth, if it is something undesirable and should be withdrawn, why not extend that principle to the Supreme Court. Those nine men gather and often have a difference and the vote comes out 5 to 4? If it is something we do not like and the other side has five votes, then we can say: "It is too close to really have any value. It should be a more resounding vote than that, and really does not count. So we will disregard the 5-to-3 vote."

After all, if there is anything to this one-man, one-vote rule and to the democratic processes, there is always that possibility of determining the outcome by a very narrow margin. Are we to say, if it is narrow and it is against us, "Let's call the whole thing off and go at it again"?

I do not see anything wrong with the record that Justice Brandeis made and that Chief Justice Hughes made. They had a very substantial number of votes against them. They went on to become two of the most brilliant, best, and most constructive jurists this country has ever seen.

I see nothing sinful, or improper about a close vote. I would be happy with a 50-50 vote if the man in the Presiding Officer's chair would say that he would use his best judgment as to which of the candidates would be his favorite and would cast his vote accordingly. I think that still would be a victory.

Mr. GURNEY. The Senator from Nebraska has made a good point, in his usual, well reasoned argument.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. HATFIELD. I should like to clarify one of the questions I put to the Senator from Florida, because I think the comments of the Senator from Nebraska may indicate that it was not clearly understood.

I think that what the Senator from Florida said is very true—that there is a great need today to build stronger confidence and faith in the Supreme Court as an institution in this Nation's political system. With a close vote, we are talking here not of a rule of law or an interpretation of law which has very specific wording and very specific criteria, but we are talking about very intangible things, of faith and confidence of the mass of our people. This has emotion in it. It has many other elements that are not put through the same process of rendering an opinion or a decision on a law that is being challenged before the Supreme Court in which there may be a 5-to-4 decision.

I think the Senator from Florida was quite correct when he responded that it would tend to demean the role Judge Haynsworth might play in becoming an instrumentality of reestablishing this faith if it were a close vote, because it would show that in the Senate there were a number of people who did not have faith in him to sit as a qualified member of the Supreme Court. I am not saying this is what is going to happen. I do not know what the vote is going to be in the Senate; I do not even know what my vote will be at this point.

I am deeply troubled by these discussions and arguments because as a layman I have to ferret through all the arguments in order to make a decision.

I am grateful to the Senator for discussing the matter of philosophy. I appreciate the forthrightness of his argument in saying that Senators should not use philosophy as an answer, even though the President has done so in his nominating power.

That gives me a clear-cut answer to what the Senator is talking about on the floor of the Senate. There are other Senators who have stated otherwise and who have admitted the criteria should include philosophy. I think there is a difference in rendering an opinion by a vote of 5 to 4 and confirming a nominee by a vote of 52 to 48.

Mr. GURNEY. I thank the Senator. Our colloquy on this matter of philosophy was meaningful. I shall go further and say I hope I have convinced him that philosophy should not play a part in his decision when he casts his vote a few days hence.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. DOLE. Mr. President, I have listened with great interest. Some in this body came to the Senate on rather close votes. I remember President Johnson, when he came to the Senate, had a majority of 87 votes. He went on to become a great political figure. When President Nixon was Vice President and first sought the Presidency he lost, but there was still confidence in him. He was elected President in 1968.

In the past many Senators have had close elections and have gone on to become great Senators. The Senator from Florida properly pointed out that some judges who have gone on the bench after close votes have become great Justices.

I share the concern of the Senator from Oregon but do not believe we can shape the image of the Court in the Senate. The President has the right to nominate and if qualified so far as integrity, honesty, and ability are concerned, the nominee should be confirmed. I think Judge Haynsworth fits these qualifications and am not concerned that a close vote, will shake confidence in the Court. It is my guess that this nominee has been scrutinized more closely than anyone in history. If he is confirmed by a one-vote margin most Americans will accept the decision of the Senate and he can become one of our great jurists.

Mr. GURNEY. I thank the Senator. I agree that if there is a close vote, it is better that he be confirmed by a close vote than for the Senate to reject the confirmation. That would not be building confidence in the Supreme Court.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. GURNEY. I yield.

Mr. BAYH. Mr. President, I appreciate the remarks of the distinguished Senator from Florida. I certainly know he has given this matter a great deal of thought.

On the point raised earlier by the Senator from Tennessee, I think we have set a higher standard. I concur with him. I think this new standard is good.

I do not believe, however, that because we have set a higher standard, we will always have a close vote. That was not the case in the Burger nomination. I do not know how many people opposed that nomination, but it was relatively few.

I am deeply concerned about the impact of a close vote on this nomination. Everybody looks at this matter differently. I appreciate the Senator yielding to me on his time although I have a different opinion. However, here we are for the first time in history being asked to fill a vacancy on the Court, which came about due to a question of ethics. Many people are looking to us to lead the way. I hope we will consider the loss of public confidence which will result from a narrow margin of votes for confirmation. I think it would be unfortunate to lose such confidence. I respectfully differ with my friend from Florida and I think it is in the finest democratic traditions.

Mr. GURNEY. I thank the Senator for his contribution. It is certain that Senators are going to differ on this matter. That is a certainty.

I might say, since this matter has been brought up as to what the country may feel about Judge Haynsworth one way or another, I have noticed in one or two polls taken recently that there is a fair amount of opposition to Judge Haynsworth. However, the interesting thing is that no one seems to know why. The pollsters, when questioning people during a poll as to why they are opposed to Judge Haynsworth cannot get any response as to why he would not make a good Judge. I think that may have something to do with some remarks made the other night by the Vice President, and that is, what people hear from the news media.

I can give a very good example of what I am talking about. On November 6 I made a speech in the Senate in which I publicly came out for the first time for Judge Haynsworth. I happened to be in Florida the next day. On that same day one other Senator made a speech opposing Judge Haynsworth, and that was the Senator from Iowa (Mr. MILLER). I saw three leading Florida papers the next day that dealt with this matter. Every one of them headlined Senator MILLER's opposition to Judge Haynsworth. In not one of the three newspapers was there one shred of print, not even a line, not even a word about the fact that their own Senator from Florida had come out in favor of Judge Haynsworth.

So it is not surprising that the people of the country may have an idea about Judge Haynsworth and they may not know exactly what the facts are. There is further evidence of what the Vice President was talking about the other night, and that is the power of molding opinion by some of the news media.

I would urge my colleagues to view this matter as dispassionately as possible. Stripping away the subterfuge and the exaggerations, I think no true bill can be delivered against Judge Haynsworth. The opposition has had more than 2 months now to pore over Judge Haynsworth's records and his business dealings and his stock market transactions—in a manner it might say which is unusual in public life—and the result of this search has disclosed little solid material, and in my view, no substantial or valid objections. I think the Senate could better discharge its obligations to advise and consent on this nomination by examining Judge Haynsworth's judicial record.

I realize that Judge Haynsworth's views on social issues may not please all my colleagues but I think that those who have these problems should state them in those terms. In that way we can come to the real problems which are bothering some of my colleagues, and the real basis for much of the opposition to Judge Haynsworth, philosophical attitudes on civil rights matters and attitudes on matters close to the hearts of organized labor.

For me, I believe that Judge Haynsworth is eminently qualified to serve on the Supreme Court, and I will vote for his confirmation.

Mr. SPONG. Mr. President, I concur with those of my colleagues who, in announcing their positions on the nomination of Clement F. Haynsworth, Jr., have spoken of the rather awesome responsibility imposed when exercising the constitutional prerogative to advise and consent to a President's nomination to the Supreme Court.

My first exposure to this responsibility was the nomination in 1967 of Justice Thurgood Marshall. At that time I determined that a Senator should review the hearings on a Presidential nominee for the Supreme Court with a presumption in favor of approval. The nominating power lies with the President of the United States and it is his prerogative to select the man he wishes to become a part of the Nation's highest tribunal. Of course, this is not to suggest that a Senator should blindly acquiesce to an appointment, for consent should be governed by evidence concerning qualification, background, experience, integrity, and temperament. The Senate should not endeavor to shape the Court in its own image. For that matter, in determining judicial philosophy, many fail to appreciate how meaningless classifications are except in relationship to a particular case. How many justices have been seated on the Court, neatly labeled as to their philosophical, social, and political views, only to disprove all predictions of how they would perform?

My preference for a narrow view of advice and consent results in part from a survey of the rather shoddy history of the Senate's role in Supreme Court appointments during the 19th century, particularly during the administrations of Tyler, Fillmore, and Grant. Rejections by the Senate—and they were numerous—were, for the most part, based upon purely partisan, political considerations.

Also, I recall the humiliation of Judge John J. Parker, of North Carolina, who, in 1930, was designated a Supreme Court Justice by President Herbert Hoover. That nomination was rejected by a vote of 41 to 39 and Judge Parker remained on the fourth circuit, serving with distinction for many years as its chief judge. As a law student, I came to regard Judge Parker as perhaps the most able jurist in the United States. Such of the argument against Judge Parker during the debate on his confirmation resulted from an opinion he had written in one case. Many who voted against his confirmation later acknowledged that they had been mistaken in judging his alleged bias in the midst of heated, political debate.

Opposition to Judge Parker was similar in many respects to that expressed to the nomination of Clement Haynsworth, although there were no ethical charges in the Parker debates. When charges questioning judical conduct are made, there is an obligation to weigh them cautiously. In the case of this particular nomination, one to fill a vacancy created by a resignation following charges of judicial impropriety, it is necessary to examine carefully the charges, the testimony taken by the committee, and the committee's report thereon.

Moreover, one has a particular obligation to a sitting judge. For if it be determined that Judge Haynsworth has behaved with impropriety, then, in concluding that he does not meet the standards of fitness for service on the Supreme Court, are we not also suggesting that the judge is not suitable for service as chief judge of the fourth circuit?

Realization of this seemed to dictate that independent investigation be made beyond the testimony contained in the record of the hearings. It has not been difficult for me to make inquiries concerning Judge Haynsworth. The State of Virginia is in the fourth circuit. Members of the Virginia bar have been readily available to give their independent opinions concerning Judge Haynsworth's fitness for higher judicial appointment. It has been helpful to consult with them after the hearings on the nomination were completed and the ethical charges made public, as well as having the benefit of their views of Judge Haynsworth's attitude toward ethical problems. Also, there are within my State excellent law schools whose professors have been available for evaluation of ethical questions raised during the Haynsworth hearings, as well as to comment upon the testimony before the committee concerning certain of the judge's decisions.

The Virginia lawyers with whom I consulted, who practice extensively in the fourth circuit, almost without exception are of the opinion that Judge Haynsworth is a man who is professionally qualified for service on the Supreme Court of the United States. They view him as a man with both personal and intellectual integrity. These views have been buttressed by Judges Albert V. Bryan and John D. Butzner, the Virginia members of the Fourth Circuit Court of Appeals, who have expressed their complete confidence in Judge Haynsworth's integrity and ability. Despite the many expressions of high regard for Judge Haynsworth's qualifications, the objections against the nominee which raise ethical questions have been so numerous and have been given such wide publicity, that I resolved to examine and evaluate them carefully before making a determination as to whether I should consent to this nomination. Accompanying allegations of judicial misconduct have been statements that his record of decisions indicate prejudice against the interests of many of our citizens. This is an extremely sensitive time for the Supreme Court and a time during which it is essential to restore public confidence in the Court. Regardless of whether a fair analysis of Judge Haynsworth's decisions shows him to be free of prejudice, if there were a real question about his honesty, his effectiveness as a judge would be forever impaired and public confidence in the Court further damaged.

Accordingly, I have consulted with law professors as well as corresponded with authorities on judicial ethics, particularly concerning disqualification.

The various objections to confirmation of this nomination are outlined in both the majority and minority views of the committee report. Many of the charges are, in my judgment, groundless and have served only to cloud the basic issue of determining Judge Haynsworth's fitness for this appointment. Most of these charges have been answered, but there are questions relating to disqualification because of stock ownership that require detailed examination and comment. We must realize that there is no present prohibition against the ownership of stock by a judge. Specifically, five cases have been cited in which opponents of the nomination have stated that Judge Haynsworth sat when the cases involved corporations in which he had financial interests by reason of stock ownership, and in so doing, violated both the disqualification law and the canons of judicial ethics. Ownership of stock as it relates to judicial disqualification is governed by 28 U.S.C. 455 which provides as follows:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

Canon 29 provides as follows:

> A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved.

THE DARLINGTON CASE

Of the five cases cited, the one with the longest history is *Darlington Manufacturing Co.* v. *NLRB,* 325 F. 2d 682, decided before the fourth circuit in November 1963. Judge Haynsworth's participation in this decision was questioned as far back as December 1963 and was investigated by Judge Simon Sobeloff, then chief judge for the fourth circuit, who in February of 1964 advised the then Attorney General, Robert F. Kennedy, that he had conducted an independent investigation of certain allegations with regard to Judge Haynsworth and concluded they were without foundation. Judge Sobeloff's conclusions were shared by Attorney General Kennedy, who expressed complete confidence in Judge Haynsworth.

The various corporate parties to the case are outlined in detail in the hearings and committee report. Nevertheless, we might recite briefly the following facts: At the time of the hearing Deering-Milliken operated textile plants in several southern States and was a party to the suit. Deering-Milliken granted space in its plants to vending machine companies on a competitive bidding basis, and one of these companies was Carolina Vend-A-Matic, which had machines in five of Deering-Milliken's 27 textile plants. Judge Haynsworth served as vice president and director of Carolina Vend-A-Matic until October 1963, resigning in compliance with a resolution passed by the United States Judicial Conference and adopted shortly before that date. When Judge Haynsworth resigned either as an officer or director of Vend-A-Matic is, in my judgment, not relevant to a determination of whether or not he should have disqualified himself in the Darlington case. He was a substantial stockholder in Carolina Vend-a-Matic from its inception in 1950 until 1964, when he sold his interest, and a stockholder at the time the Darlington case was heard. The legal and ethical questions concern whether a judge who owns stock in one corporation which in turn does business with a second corporation should disqualify himself when the second corporation is a party litigant in his court.

Cases seeking disqualification where a judge holds stock, not in a party before the court, but in a corporation which does business with a party litigant have rejected the argument for disqualification. After reviewing the record and the case law, I concur with the statement by Judge Lawrence E. Walsh, chairman of the American Bar Association Committee on Judicial Selection, who stated:

> We believe that there was no conflict of interest in the *Darlington* case which would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit.

PARENT-SUBSIDIARY CASES

In three cases: *Farrow* v. *Grace Lines,* 381 F. 2d 380 (1967); *Donahue* v. *Maryland Casualty Co.,* 363 F. 2d 442 (1966); *Maryland Casualty Co.* v. *Baldwin,* 357 F. 2d (1966), it is charged that Judge Haynsworth violated the law and the canons of judicial ethics because he sat while he owned shares in the parent subsidiaries which were before the court.

There is no clear authority in Federal cases dealing specifically with disqualification in parent-subsidiary cases, but there is some State court authority which holds that ownership in the parent of a subsidiary does not require disqualification.

It is clear from my examination, however, that Judge Haynsworth's interest in these three cases was very limited and that by the standard of "substantial interest" laid down in the disqualification statute or by the standard of "personal interest" set forth by the canons of judicial ethics he was not required to disqualify himself. In fact, faced with the strong rule that requires federal judges to sit where not disqualified, it would seem that Judge Haynsworth was under a duty to accept the responsibility of ruling in these cases, as he was in the Darlington case.

THE BRUNSWICK CASE

The matter that has given me grave concern was the purchase by Judge Haynsworth of 1,000 shares of stock in the Brunswick Corp. while a case involving that corporation was still pending before the fourth circuit. A chronological recitation of facts is outlined in the report on the nomination. The situation is unique insofar as the application of the recognized standards of ethics is concerned because the purchase was made after the case has been decided, but before a written opinion had been signed.

The Brunswick case and the Judge's stock ownership first came under discussion during the hearings. Judge Haynsworth had previously testified and been excused, and the subcommittee was examining John P. Frank, a recognized expert on disqualification of judges who is quoted in the committee report by both proponents and opponents of the nomination.[1]

Mr. Frank did not comment specifically on the Brunswick case in this testimony because he was not familiar with the facts. The following week Judge Haynsworth reappeared before the committee concerning this stock ownership. Also, the committee heard from Judge Harrison L. Winter of Baltimore, the judge to whom the Brunswick opinion was assigned for preparation, and Arthur C. McCall, a stockbroker of Greenville, S.C., who handled Judge Haynsworth's account.

From their testimony, one can make the following conclusions:

First. There was nothing in the evidence of the case, or from the precedent it established, that would encourage investment in the stock of Brunswick Corp.—hearings, pages 251, 256, 257.

Second. The panel of judges designated by the fourth circuit to hear the Brunswick case unanimously decided to affirm the district judge's opinion on November 10, 1967—hearings, page 238.

Third. The broker, Mr. McCall, suggested around December 15, 1967, to Judge Haynsworth that he purchase the Brunswick stock. The stock was ordered on December 26, 1967—hearings, page 264.

Fourth. On December 27, 1967, Judge Winter mailed the Brunswick opinion to Judge Haynsworth and upon receipt of same he realized that the case had not ended—hearings, pages 238, 272.

Fifth. The Brunswick decision was announced on February 2, 1968, after which the rules provided for 30 days in which to petition for a rehearing. No petition was filed within the 30-day period, but on March 12 and April 4, 1968, petitions to extend the time for a rehearing were filed and subsequently denied—hearings, page 245, 262.

Judge Winter, in addition to providing the committee with the factual situation in the Brunswick case, expressed the opinion that Judge Haynsworth was not in violation of either Canon 26 or Canon 29 of the American Bar Association's Code of Judicial Ethics—Hearings, Page 251, 252—and further, that he did not have a "substantial interest" within the meaning of 28 U.S.C. 455, the Federal statute in this matter.

Neverthless, there is disagreement on this between proponents and opponents of the nomination. Since Professor Frank did not testify in any detail on the Brunswick case and filed no subsequent statement for the record, I undertook to solicit additional comment from him. His conclusion was that while reasonable people might conclude differently regarding what Judge Haynsworth should have done when he discovered the inadvertent acquisition of the Brunswick stock, the Judge's actions reflected a practical judgment on the alternatives available and did not rise to the level of ethics.

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[1] Mr. Frank is the author of *Disqualification of Judges* 56 Yale L.J. 605 (1947). The following note was appended to his letter of September 3 to the Chairman of the Judicial Committee:

"This is my thirtieth year as a law teacher, lawyer, and author. Politically, I was a strong supporter of President Kennedy, President Johnson, and Vice President Humphrey. In the constitutional field, I believe I filed, with others including the present Solicitor General of the United States, the first brief calling for a total end to school segregation (*Sweatt* v. *Painter,* 339 U.S. 629 (1950); was one of the first to advocate the rule which has become one man, one vote (*Political Questions*) in *Supreme Court* and *Supreme Law* 36, 41 (E. Cahn ed. 1954); consistently advocated the right to counsel rule which culminated in *Gideon* v. *Wainwright,* 372 U.S. 335 (1963); and was co-counsel on the prevailing side of the confession case of *Miranda* v. *Arizona,* 384 U.S. 436 (1966). Numerous books and articles reflect an abiding admiration for the work of Justice Hugo L. Black, and my immediately forthcoming work on law reform is dedicated to Chief Justice Earl Warren. I know Judge Haynsworth by virtue of twice having been a guest speaker on current developments in the law of civil procedure at the Fourth Circuit Judicial Conference, over which he presides, and as a fellow member of the American Law Institute." (Hearings, Page 117)

At this point I ask unanimous consent that my letter, dated October 30, 1969, addressed to John P. Frank, Esq., Phoenix, Ariz., be made a part of the RECORD at this point in my remarks and, also, that his letter to me, dated November 3, 1969, be admitted subsequent thereto.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 30, 1969.

JOHN P. FRANK, Esq.,
Lewis, Roca, Beauchamp & Linton,
Phoenix, Ariz.

DEAR MR. FRANK: I have been reading your testimony of September 17th before the Senate Judiciary Committee in the hearings on the nomination of Judge Clement F. Haynsworth, Jr. On Page 128 of the printed transcript, Senator Bayh questions you about *Brunswick Corp.* v. *Long*, 392 Fed. 2d 348, but the matter was not pursued.

Judge Haynsworth testified again on Tuesday, September 23rd, and as near as I can conclude from his testimony the facts concerning his purchase of the Brunswick stock are as follows: beginning December 15th, 1967, through his broker, Arthur C. McCall, Judge Haynsworth sought to purchase a thousand shares of Brunswick stock. After some hesitation over price on the part of the broker, an order was entered on December 26th, purchasing a thousand shares of stock at $16 a share. Judge Haynsworth paid for the stock by check on December 27th and received his stock certificates on the 20th of January 1968.

At some time subsequent to that Judge Haynsworth received the proposed opinion in the case from Judge Winter. At that stage he realized the case had not been completely disposed of and that he had become a stockholder. On Page 272 of the printed transcript Judge Haynsworth is quoted as follows:

"My conclusion was that I should endorse it since Judge Winter had written an opinion precisely as we had agreed, since Judge Jones concurred, since no one had any doubt about it, and nothing else occurred to return the case to the discussion stage. Now, it does occur sometimes, as was brought out from Judge Winter, that when an opinion is assigned to a judge for a number of reasons he may change his view.

"This may be the result of something he found in the record of which we were not aware. It may be the result of some research he did in his library to bring out some point that we were not aware of, were not fully appreciative of, and the case then reverts to the conference stage. It goes back for a brand new, fresh viewpoint. That happens now and then, not with great frequency but it does occur.

"Nothing of the sort occurred in this instance. If it had occurred, I would have gotten myself out. Indeed, I would not only have gotten myself out, I would have gotten Judge Winter out and Judge Jones, because if I was not qualified to sit in this case, I had conferred with them and if it was wrong for me to be in, it was wrong for them to be in it, so I would have gotten all three out and the case would have been set to be reheard before three new judges.

"As against that, I thought that really the decision had been made in November, long before I knew anything about Brunswick stock or became a stockholder, and in the interest of judicial efficiency, I should go on and endorse my name on the opinion as approving what we had agreed upon, as approving it as an expression of what we had agreed upon back in November.

"That, of course, I did. I do not think that was acting in a strictly judicial capacity at the time because it was merely an affirmation of what we had agreed upon some, well, 8 weeks earlier.

"As I say, Judge Winter said that he would not have bought this stock and I agree with him completely. I would not have bought it either if I had been aware of the fact that this case that we had heard in November had not been disposed of. Afterward I saw no reason why I should not proceed as I did in light of the circumstances and the fact that there was no reversion of this case ever to the conference stage. So I signed it and that was that.

"I do not think under the circumstances that under the statute, I did not think then, I do not think now, that what I did in the decisional process in that case was done while I had any interest whatever in the case or in its outcome."

Subsequent to this, after a 30-day period under the rules had expired, there was a petition to extend the time for filing a motion for a new trial. Later there was a petition to reconsider denial of the petition to extend the time within which to file the motion. I do not believe you had all these facts before you at the time you testified and I am writing to ask if you would care to make any additional comment with regard to the question of whether Judge Haynsworth should have disqualified himself. I shall be calling you concerning this inquiry the early part of next week.

Sincerely,
WILLIAM B. SPONG, Jr.

LEWIS, ROCA, BEAUCHAMP & LINTON,
Phoenix, Ariz., November 3, 1969.
Hon. WILLIAM B. SPONG, JR.,
U.S. Senate, Washington, D.C.

DEAR SENATOR SPONG: This will acknowledge your letter of October 30 asking for further comment on the matter of the *Brunswick* case as it relates to Judge Haynsworth in terms of the law of disqualification, and the relevant ethical standards.

I. GENERAL PRINCIPLES

The heavy majority point of view is that a judge should not hear a case of a corporation in which he holds stock. As I said in my earlier statement, "the heavy majority rule" is that "if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party." Senator Bayh asked me directly about this at P. 127 of the Hearings as printed and I expressly replied in agreement with his statement that if one holds "stock of any appreciable value in any corporation that is before you, you should automatically disqualify yourself." The cases to this effect are collected in the comprehensive annotation cited by me earlier, 25 A.L.R. 3d 1331 and were discussed to the same effect in my 1947 article.

While this is the majority view and I think clearly the better view, there are limitations where either the interest is small in relation to the whole or where there has been a waiver. This takes two forms: illustratively, the 5th Circuit takes the view that if the interest is small in relation to the total interest involved and there is no real effect of the decision on that interest, it is proper for the judge to sit. See *Kinnear-Weed Corp.* v. *Humble Oil & Refining*, 5th Cir. 1968, 403 F. 2d 437. This was brought into sharper focus very recently in connection with a utility matter where two of the judges had stock. The 5th Circuit Court of Appeals expressly found that the judges were nonetheless not disqualified by interest."

The second limitation of this sort is the closely related view that if there is any objection because of small stockholding, it may be dissipated by a waiver after notice.

II. PERSONAL VIEW

For myself, as I said earlier, I subscribe to the majority view. In that view, the judge should not sit if he has any stock at all in the corporation. This is the ABA position. The matter is not cured by disclosure and waiver. This practice is eminently suitable in arbitrations, where counsel need never practice before the particular arbitrator. See *Commonwealth Coatings Corp.* v. *Cont. Gas Co.*, 393 U.S. 145 (1968). But it puts an unreasonable pressure on counsel to waive if they appear regularly.

III. APPLICATION OF THE FOREGOING TO THE BRUNSWICK CASE

A. General principles

I read the testimony of Judge Haynsworth as agreeing with me that a judge should not sit if he has stock although he did follow the practice of waiver and disclosure in very small instances. He expressly testified that had he been aware that *Brunswick* was still in his court he would not have bought the stock. He does differ from me in approving the disclosure and waiver practice, but this is abstract in the circumstances of this case since it was not involved.

B. Controlling law

1. If one takes the 5th Circuit view, then there would have been no violation of the statute even if Judge Haynsworth had held the stock from the beginning since the interest is wholly unaffected by the case.

2. But this, too, is an abstraction, since he did not so hold it. There simply is no law on the subject of inadvertent after-acquisition. The whole problem of inadvertency is a perfectly real one. I recollect that when I was a law clerk at the Supreme Court 27 years ago, one of the Justices had his law clerks regularly inspect all records to be sure that no corporation was tucked away in the case in which he might hold some stock. This is clearly the better practice. Judge Haynsworth testified that in the light of the incident he would "check the cases that had been heard in his Court and were not disposed of" if he were doing it again.

IV. CONCLUSION

Given the facts as stated, the Brunswick stock acquisition of Judge Haynsworth seems to me, as he says, to have been a plain mistake. Once it occurred, the problem was how to dispose of the matter with fair concern for the interests of all. I suppose that reasonable people could conclude differently as to what might have been done—it was necessary to balance the cost of reargument of a perfunctory case against the other factors involved. While I think that this is a matter of practical judgment, I don't believe that it rises to the level of ethics.

Yours very truly,
JOHN P. FRANK.

Mr. SPONG. Mr. President, I agree that this matter does not rise to the level of ethics, but I wish that Judge Haynsworth had consulted with either the other members of the panel or with counsel after he became aware of the inadvertent purchasing of the stock. In my initial reading of the transcript, I was disappointed to realize he had not done this. Nevertheless he discussed this matter frankly with the committee, stating that acquisition of Brunswick stock was a plain mistake. Considering the perfunctory nature of the remaining matters before the Court after the acquisition, the rather narrow legal question involved, and the fact that every judge who has reviewed the case from the district level through denial of certiorari is in complete agreement on the Brunswick decision, one must recognize that the judge made a practical judgment, one on which reasonable men might disagree, but nevertheless one that does not involve a violation of ethics.

There have been repeated suggestions that Judge Haynsworth was performing an act of judicial discretion with regard to the two petitions filed in March and April of 1968. These petitions were not timely in that they were filed after the allowed 30-day period had expired*—hearings, page 262, 278–280. In my view, the judges had no choice but to deny the petitions.

CONCLUSION

I believe Judge Haynsworth is an honest man. In my view, the questions concerning his ethics have not been substantiated. While some of his actions might be classified as mistakes or unintentional indiscretions, I do not believe they rise to a level which should cause one to doubt his basic integrity. My inquiries concerning his fitness for service on the Supreme Court have confirmed the high opinions held of him by members of the bench and bar of the fourth circuit.

I believe Judge Haynsworth possesses the qualifications to serve with distinctinction as an Associate Justice of the Supreme Court of the United States. Accordingly, I shall vote for confirmation.

Mr. BROOKE. Mr. President, the time is drawing near when the discussion and debate on the nomination of Judge Clement F. Haynsworth, Jr., will conclude and each of us will have to make a judgment of this man's qualifications for service on the highest Court in the land. Our respective decisions, while certainly not infallible, will have benefited greatly from the interrogation of witnesses by the Senate Judiciary Committee and from the exhaustive public review that has accompanied this nomination.

Service on the U.S. Supreme Court represents the high point of any lawyer's professional career. This personal consideration, along with an awareness of the impact that such an appointment will have on the development of our national history, places on each of us the grave and solemn responsibility for making a full and careful evaluation of Judge Haynsworth's credentials. The distressing conclusion that I could not support this nomination came only after I had devoted much time and thought to a reading of the hearing transcripts and a review of the opinions that the judge has authored. I also had the benefit of thoughtful comments from my constituents and some independent investigation of my own.

The question of confirmation quite properly deals with the nominee's intellectual capabilities, his judicial temperament, and his personal integrity.

The judge's opinions often reflect a capability for understanding the intricacies of the law. In certain areas his opinions reflect a thoughtful and independent approach.

It has been argued that Judge Haynsworth is the epitome of a strict constructionist. Yet a reading of the judge's opinions makes it clear that he is not always bound by a narrow construction of the law. In *Bruton* v. *United States* (391 U.S. 123, 1968), the Supreme Court ruled that two defendants cannot be tried together if one has made a confession implicating the other unless precautions have been taken to protect the right of confrontation of the defendant who has not confessed. It is significant to me that 8 years before this decision, Judge Haynsworth had written of the need for precautions of this kind in *Ward* v. *United States* (288 F. 2d 820), and said there that "in the normal case, such a precaution should be taken routinely."

His position was more clearly stated in *Rowe* v. *Peyton* (383 F. 2d 709), 1967, when he said:

> This Court, of course, must follow the Supreme Court, but there are occasional situations in which subsequent Supreme Court opinions have so eroded an older case, without explicitly overruling it, as to warrant a subordinate court in pursuing what it conceives to be a clearly defined new lead from the Supreme Court to a conclusion inconsistent with an older Supreme Court case (p. 714).

In this case, the judge anticipated that the Supreme Court would no longer follow its earlier decision in which it held that a prisoner in custody under one sentence could not challenge another sentence he was to serve in the future.

It is equally clear that Judge Haynsworth has been willing on occasion to overlook technical deficiencies in cases before him. In *Coleman* v. *Peyton* (340 F. 2d 603), 1965, he stated:

> Claims of legal substance should not be forfeited because of a failure to state them with technical precision (p. 604).

Later he said:

> Theoretical abstactions are of no help. Our conclusion must be founded upon practical consideration. (*United States* v. *Southern Ry. Co.* [341 F. 2d 669, 671], 1965.)

Judge Haynsworth's broad construction of legal issues involving criminal justice contrasts markedly with his approach to issues presented in other cases. On other issues, for reasons best known to him, Judge Haynsworth has chosen to ignore "practical considerations," and to rely strictly on legal technicalities.

Let me illustrate my point. In the now famous Prince Edward County case, Judge Haynsworth reached the conclusion that the county has "abandoned discriminatory admission practices when they closed all schools as fully as if they had continued to operate schools, but without discrimination," page 336 of the opinion. He went on to quote Anatole France by saying:

> The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread. That the poor are more likely to steal bread than the rich or the banker more likely to embezzle than the poor man, who is not entrusted with the safekeeping of the monies of others, does not mean that the laws proscribing thefts and embezzlements are in conflict with the equal protection provision of the Fourteenth Amendment. Similarly, when there is a total cessation of operation of an independent school system, there is no denial of equal protection of the laws, though the resort of the poor man to an adequate substitute may be more difficult and though the result may be the absence of integrated classrooms in the locality (pp. 336–337).

It did not seem to matter to the judge that the suit was brought by poor parents whose children had been denied access to any public education for the preceding 4 years and who, in fact, had had no schooling during that period. The practical effect of his opinion was, in the words of Judge Bell's dissent, a "humble acquiescence in outrageously dilatory tactics." Mr. Justice Black, speaking for a unanimous Supreme Court in reversing Judge Haynsworth, wrote:

> Prince Edward's public schools were closed and private schools operated in their place with State and county assistance, for one reason only: to insure, through measures taken by the county and the State, that white and colored children in Prince Edward County would not, under any circumstances, go to the same school.

The issue was at least clear to all of the Supreme Court.

The judge has been reversed for favoring procedural delays to desegregation in other cases. *Bowman* v. *County School Board of Charles City County, Va.* (382 F. 2d 326) 1967; and *Green* v. *County School Board of New Kent County, Va.* (382 F. 2d 338) 1967, are just two examples. In the Bowman case, Judge Sobeloff and Judge Winter felt compelled to write:

> The situation presented in the records before us is so patently wrong that it cries out for immediate remedial action, not an inquest to discover what is obvious and undisputed.

It would be both inaccurate and unfair to argue that Judge Haynsworth has been uniformly insensitive to the practical implications of these educational cases for Negro children. Other opinions in which he has participated, mostly unsigned, have upheld settled desegregation law or granted partial relief to the litigants. Of significance, however, is the fact that in his few signed opinions and dissents, technical issues have been permitted to control his decisions in favor of those who seek local evasion of a clear Supreme Court mandate.

Do such inconsistencies reflect the "cold neutrality of an impartial judge"? Where is the even hand of justice? Should a jurist be more sensitive to the protection of individual rights in criminal cases than he is to the protection of individual and group rights in other cases, especially when the power of the State is engaged? I think not.

I make these observations not as conclusive evidence of any professional shortcomings on Judge Haynsworth's part. Rather, the point I wish to make is that his vaunted precision and strict constructionism are not uniformly evident in all areas of the law.

Nor, I regret to say, is this claimed

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* Rule 34, section 2.

thoroughness and meticulous care always present in the judge's nonjudicial activities and in some of his testimony concerning them. I have looked at the evidence as it was elicited from the various witnesses and I have examined the Canons of Judicial Ethics and the appropriate conflict-of-interest provisions in the United States Code. The distinct impression that emerged from my review was that Judge Haynsworth, on numerous occasions, had demonstrated an insensitivity to the spirit if not the letter of the law and canons.

Equally disturbing to me was the judge's apparent lack of candor in his testimony before the Senate Judiciary Committee. On more than one occasion, his testimony created discrepancies with what were later determined to be the facts.

I will not here review the details of the judge's business and stock involvements, since they have been the subject of intense debate already. I will only note what I believe parties to either side of the dispute can acknowledge; Judge Haynsworth does not always strictly construe the standards governing such activities.

Let me make clear that I believe the Court needs men who are dedicated to strict construction of the law. Jurists of this type, including the late Justice Frankfurter, are essential to the interplay within the Court as it strives for the most reasonable and most equitable interpretation of the law. When the Court has leaned to broader constructions in the interest of social justice and the larger purpose of the Constitution, as in the Brown case and Baker against Carr, it has done so most deliberately because its members had the benefit of powerful arguments for strict interpretation of the Constitution. The question before the Senate is not whether strict constructionists should sit on the Court; they should. The question is whether Judge Haynsworth should sit on the Court.

Mr. President, this is a difficult and painful situation. No one relishes depriving another man of the immense honor and opportunity for service which appointment to the Supreme Court offers. At the personal level, it would be easier and far more comfortable for most Senators to go along with the nomination, to skip over the record lightly, to ignore the blemishes which appear there.

But men are sent to the Senate to make hard judgments in the public interest, not to find comfort in their personal relations.

Some would assert that a President's nomination deserves the greatest deference and that any doubts should be resolved in favor of confirmation. That is true in some cases and in some degree.

When a President nominates an officer of the executive branch, he deserves and usually gets, the greatest latitude. The reason is simple and sound. An executive official is responsible to the President and can be held accountable. He carries out the President's policies. He holds office only at the pleasure of the White House. He is, in short, a political appointee. His tenure, like that of Members of Congress and the President himself, is limited.

These considerations have built a strong tradition that the President is entitled to pick his own men and to have them confirmed, barring clear evidence of incompetence or flagrant ethical shortcomings. That tradition largely explains the outcome of the long controversy over Secretary Hickel's nomination to the Interior Department. Many of us had qualms about his qualifications for that particular post, but there were no sufficient grounds for rejecting the President's judgment. And no one could be happier than I that the Secretary's performance has proven the great capacity which the President discerned in him. Not only is Walter Hickel vindicating his confirmation by doing a far better job than the critics including myself, had expected; he is well on the way to being one of the finest Interior Secretaries in memory. He has shown a rare ability for taking on the tough issues and for promoting the national interest by enlightened personal leadership. His achievements as a member of the Cabinet should bolster our confidence in the practice of respecting Presidential wishes in appointments to the executive branch.

But there is another, wholly different class of nominations. Judicial appointments have little in common with those to the executive branch. The factors in the confirmation of a judge must never be confused with those governing Cabinet nominees.

Any judge, and especially a Justice of the Supreme Court, is decidedly not the "President's man." Once appointed, he may sit for life. His decisions should be totally free from executive or legislative supervision. Although the laws he interprets may well be changed, his interpretations are exclusively his own.

The Court's unique position as the third, coequal branch in our political system imposes unique requirements on candidates for the bench. It also creates quite different obligations on the part of the President and the Senate. In confirming a nominee to the Supreme Court, the Senate bears no less responsibility than the President to insure that the most impeccable standards are met. It is the mutual obligation of the Senate and the President to safeguard the third branch of our Government.

The Court's stature is too precious to jeopardize, and that stature depends largely on the confidence our people have in the wisdom and integrity of its members. Nowhere in American government is it so essential for the superior competence and fairness of a public official to be demonstrated and recognized.

It does not take a professional student of the Court to understand this. It is the common insight of most Americans. The recent tumoil surrounding the Court has only underscored the need to apply this stringent test rigorously.

This, then, is the context in which Judge Haynsworth's nomination must be viewed. The question of confirmation transcends the specific concerns which many have voiced about his record on labor cases, or civil rights cases, or even his questionable financial activities while sitting on the bench. The judgment must be made in the whole, and I think it must be based on answers to the questions I posed some weeks ago:

> Is Judge Haynsworth the man to restore the nation's confidence in the utter integrity of the Supreme Court? And is Judge Haynsworth the man to maintain the faith of that vast majority of fairminded Americans, not to mention the disillusioned minority, who look to the Court as the indispensable instrument of equal justice under law? I have concluded, reluctantly and sadly, that he is not.

The rejection of this nomination would be a personal tragedy for Judge Haynsworth. I regret that deeply. But his confirmation could be a collective tragedy for the Nation, and that risk is simply too real and too grave to accept.

We cannot afford to fill the ninth seat on the Court with a man who enjoys anything less than the full faith and respect of those whom he serves. We cannot afford to weaken the reverence on which the Court's power is ultimately founded.

The events of recent months have given us a new appreciation of our duties in the vital process of confirmation. As the Senate looks forward to future nominations, I believe the present proceedings will play a singular role in establishing the scope of this body's prerogative and the seriousness with which it views its duties in these matters. The result, I trust, will be a Supreme Court of even greater influence in American life, an influence founded on the merited confidence of our citizens.

That is the paramount consideration which ought to govern our action. Weighing it, I am sure the Senate will act wisely.

Mr. DOLE. Mr. President, from time to time one of our newspapers strikes the nail squarely on the head when it comes to analyzing the issues.

The Chicago Tribune did this recently in the case of Judge Clement Haynsworth.

I ask unanimous consent to include this editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE DEFAMATION OF JUDGE HAYNSWORTH

Professional "civil rights" agitators, labor leaders, and "liberal" columnists have launched a massive propaganda campaign against confirmation by the Senate of President Nixon's nomination of Judge Clement F. Haynsworth Jr., of South Carolina, to be a justice of the United States Supreme court.

Judge Haynsworth is opposed mainly by the same forces that defeated Senate confirmation of President Hoover's nomination of Judge John J. Parker, of North Carolina, for the Supreme court in 1930. Judge Parker was chief judge of the United States Court of Appeals for the 4th circuit, of which Judge Haynsworth has been chief judge since 1964. The National Association for the Advancement of Colored People, the labor unions, and other "liberal" elements attacked Judge Parker as a "reactionary," but some liberal senators who voted against him, notably Borah of Idaho, Wheeler of Montana, and La Follette of Wisconsin, praised him in later years.

Judge Haynsworth has been called a 'hard core segregationist" by Joseph L. Rauh Jr., vice chairman of Americans for Democratic

Action and prime mover of the Leadership Conference on Civil Rights. Roy Wilkins, executive director of the N. A. A. C. P., has issued a manifesto charging that the judge "has been reversed four times by the United States Supreme court in civil rights cases" and is a "partisan of racially segregated public education."

These pillars of the liberal establishment looked pretty silly when John P. Roche of Brandeis university, former White House intellectual in residence and former national chairman of the A. D. A., came to Judge Haynsworth's defense. Roche remarked that Haynsworth "hardly looks like a red-neck segregationist from the piney wood" and added: "Haynsworth's record . . . was examined with a microscope and, as far as any critic could discover, he has never called for the restoration of slavery, for legalization of torture, or for the abolition of the federal government."

George Meany, president of the AFL-CIO, and some of the liberal columnists are attacking Judge Haynsworth solely on the basis of the alleged "conflict of interest" in a case decided by his court. The judge owned 15 per cent of the stock of the Carolina Vend-A-Matic company, of which he also was an officer and a director. While grossing about $3,000,000 a year, this company received $50,000 a year for the use of its vending machines in the plants of the Deering-Milliken company, a large textile manufacturer.

In August, 1963, on the basis of competitive bidding, Deering-Milliken awarded Vend-A-Matic bids. In February, Judge Haynsworth's Court began considering an unfair labor practice charge against the Darlington Manufacturing company, a Deering-Milliken subsidiary, and in November, 1963, Judge Haynsworth wrote the court's opinion in a 2 to 1 decision in favor of Darlington.

Thus the only question is whether 15 per cent ownership of a company that received less than 2 per cent of its gross income from a company which had a subsidiary involved in the litigation amounted to a conflict of interest.

In 1964, when Carolina Vend-A-Matic was purchased by ARA Services, Inc., Judge Haynsworth promptly sold the ARA stock he received for his interest in Vend-A-Matic. He said it might be all right for a judge to hold an interest in a small, local company but not in a national company doing business all over the country. Altho he received $450,000 for his ARA stock in 1964, it is worth more than $1,400,000 today.

The truth, it appears, is that the liberals are against Judge Haynsworth because he is a "strict constructionist" who applies the Constitution as it is written. The liberals believe the Constitution is made of rubber and can be stretched to accommodate their vision of a socialist welfare state.

MESSAGE FROM THE HOUSE

As in legislative session, a message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2000) to establish the Lyndon B. Johnson National Historic Site, with an amendment, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(By order of the Senate, the following proceedings occurred as in legislative session.)

VIOLENCE AND THE MOBILIZATION

Mr. THURMOND. Mr. President, the mobilization has come and gone. It is time now for an assessment of the impact of this demonstration upon our political life.

We are already being told that this demonstration is an example of so-called plebiscitary democracy and that we had better get used to it. We are being told that this was a peaceful demonstration, or, as one newspaper put it, "remarkably peaceful." We are being told that this demonstration, by virtue of its size, should be taken seriously as a movement for peace.

Mr. President, I say that this was a violent demonstration. It was violent in terms of property damage, as the riots in DuPont Circle, near the South Vietnamese Embassy, and around the Justice Department attest.

Fortunately, responsible agencies of our Government were well informed and took timely and massive preventive measures. Instead of an orgy of planned destruction of which we were on the brink, the demonstration was, as a whole, kept under control. For the first time, so far as I know, we saw the use of barricades in Washington formed by buses end to end in the control of the mob and for the protection of the White House. Had massive preparations not been made, there is no telling what excesses of crime might have been perpetrated.

In the relatively few nonpeaceful situations that did erupt, and as evidenced by the riots in the DuPont Circle area on the evening of November 14 and at the Department of Justice on the 15th, both requiring the use of tear gas to disperse the mobs, our peacekeeping forces handled them effectively, winning the approval of experienced observers who were on the scene.

It was only the coordinated action by the police and the Justice Department that kept a contagion of violence from breaking out. The Attorney General, who has access to the best intelligence data in this situation, is quoted as saying:

> Unfortunately, the planned demonstrations were marred by such extensive physical injury, property damage, and street demonstrations that I do not believe that—overall—the gathering here can be characterized as peaceful . . . The blame for the violence must lie primarily with the New Mobilization Committee—specifically those influential members of the Steering Committee who knew the gathering in Washington would be a vehicle for violence.

In commenting on the violence, it is appropriate to stress the vision and wisdom of the founders of our Government who created the District of Columbia with exclusive legislative power vested in Congress. If the District had remained a part of Maryland, I doubt that a State could have met the November 14 and 15 crisis without calling for assistance. If the District had had self-government, the problems of coordination would have been enormous.

Mr. President, damage to property cannot be condoned. However, there was a violence of a more insidious sort which can do lasting damage to the body politic. There is sufficient evidence that this demonstration was manipulated as a united front movement by the enemies of this country. On this point, the Washington Post reported:

> Vietcong flags were far more prominent in the crowd than American flags and at the Justice Department confrontation the U.S. flag was ripped down and burned.

Mr. President, let us consider this situation. In the time of war, we have a mob gathering of thousands of people in which the flag of the enemy is the most prominent symbol. By contrast, the flag of our country is torn down and burned. This is symbolic action. It demonstrates what was the real mood and intent of this mobilization. Even those participants who would not condone such actions lent strength and support to a treasonous and despicable act by their mere presence. Symbolically, the demonstration itself was a movement designed to cast contempt upon this Nation, whether the majority of the participants intended to do so or not.

The desecration of the American flag is a violation of 18 U.S.C. 700, which provides a fine of $1,000 or 1 year in jail, or both, for publicly mutilating, defacing, defiling, burning or trampling upon the flag. This action, as reported in the newspaper, occurred in front of the Justice Department. I call upon the U.S. Attorney General to investigate and determine if a violation occurred, and if so, to see that such violation of the law is prosecuted to the fullest extent.

Mr. President, this kind of demonstration does violence to our political system. Our freedom is built upon respect for the organized mechanisms of our State and Federal Governments. The Constitution guarantees to the States a republican form of government. Peaceful avenues are available for the redress of grievances. Anyone who dissents from the policies of our Government can work in many ways to change them.

However, the assembly of thousands of people in one gathering brings our system into danger. The backers of this mobilization claim that it was the largest demonstration in Washington in history. Yet even a quarter of a million people are not representative of the Nation. These people were self-appointed. They were not chosen by democratic means. There is no possible way that such a gathering could be called a "plebiscite."

On the contrary, such a gathering has no structure, no system of self-discipline. In other words, it is a mob, subject to mob psychology. It is antipolitical. It is rejecting the organized mechanisms of government. In other words, it is the very kind of situation which the enemies of our country, and the enemies of our form of government would like to develop. Inevitably, such conditions, if prolonged, degenerate into violence. It is not surprising that the flag of the enemy was the most prominent feature of this mobilization.

Nicholas von Hoffman, the New Left columnist for the Washington Post, wrote as follows on Sunday:

> If after today the war doesn't end immediately, these same thousands and their even more numerous supporters will commence the campaign to end it. We will see a tapering off of demonstrations designed to convince public officials to change their minds. Instead the movement will shift its vectors toward direct action.

What is this if it is not a call to violence? Von Hoffman is saying that the alternatives are immediate surrender or violent confrontation. This Nation will not submit to the Von Hoffman type of blackmail, yet it requires very little insight to see that the kind of mob politics we are witnessing must quickly degenerate into violence.

Such movements weaken our country, and they weaken the efforts of the President to get an honorable peace.

The publicized aim was to bring peace in Vietnam to be accomplished by the unilateral and precipitate withdrawal of U.S. forces. Such withdrawal would inevitably mean U.S. surrender and a massive Communist bloodbath and genocide in that unfortunate country. In effect, the hard-core demonstrators and those innocently aiding and abetting them were serving as a Communist fifth column marching in time of war in the Capital of the United States.

What did the massive demonstration accomplish? Did it possess any specific plan for ending the war, except by what would be a disastrously costly surrender? Did it offer any intelligent method for abandoning our treaty obligation as regards Southeast Asia, or show any concern for the fact that such demonstrations give North Vietnam a tremendous boost in their aggressive attempts to destroy the South Vietnam Government and its people?

Did any speaker addressing the throng submit a reasonable plan to terminate the war? Did not all its leaders and orators fail to suggest any means for solving the tremendous difficulties involved which would offer any imaginable advantage over the administration's present program? Did they not recognize the fact that Communist power is at its peak and is endeavoring to make further encroachments with huge successes through the weakening of governmental structures of free nations that have been coasting along toward a condition of submission? Did not this aggregation make our Government's task vastly more difficult in ending the war, and did they not know that North Vietnam has been hailing their demonstrators as "comrades"?

In closing, I would like to make one comment about the mass of the antiwar Washington demonstrators. Most of them, both men and women, were of the so-called hippie type, who probably imagined themselves as being original—but they were not. They are merely 20th-century nihilists repeating the pattern of Russian revolutionary socialism a century ago.

As the following excerpt from a scholarly article on "nihilism," by Sir Donald MacKenzie Wallace, K.C.I.E., K.C.V.O., and an authority on Russia, in the 11th edition of the "Encyclopaedia Britannica" should be of great interest to thoughtful editors and publicists as well as to the responsible agencies of our Government, I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[From Encyclopaedia Britannica (11th edition) 1911, vol. XIX, pp. 686–7]

NIHILISM

(By Sir Donald MacKenzie Wallace, K.C.I.E., K.C.V.O.)

Nihilism, the name commonly given to the Russian form of revolutionary Socialism, which had at first an academical character, and rapidly developed into an anarchist revolutionary movement. It originated in the early years of the reign of Alexander II and the term was first used by Turgueniev in his celebrated novel, *Fathers and Children*, published in 1862. Among the students of the universities and the higher technical schools Turgueniev had noticed a new and strikingly original type—young men and women in slovenly attire, who called in question and ridiculed the generally received convictions and respectable conventionalities of social life, and who talked of reorganizing society on strictly scientific principles. They reversed the traditional order of things even in trivial matters of external appearance, the males allowing the hair to grow long and the female adepts cutting it short, and adding sometimes the additional badge of blue spectacles. Their appearance, manners and conversation were apt to shock ordinary people, but to this they were profoundly indifferent, for they had raised themselves above the level of so-called public opinion, despised Philistine respectability, and rather liked to scandalize people still under the influence of what they considered antiquated prejudices.

For aesthetic culture, sentimentalism and refinement of every kind they had a profound and undisguised contempt. Professing extreme utilitarianism and delighting in paradox, they were ready to declare that a shoemaker who distinguished himself in his craft was a greater man than a Shakespeare or a Goethe, because humanity had more need of shoes than of poetry. Thanks to Turgueniev, these young persons came to be known in common parlance as "Nihilists", though they never ceased to protest against the term as a calumnious nickname. According to their own account, they were simply earnest students who desired reasonable reforms, and the peculiarities in their appearance and manner arose simply from an excusable neglect of trivialities in view of graver interests.

In reality, whatever name we may apply to them, they were the extreme representatives of a curious moral awakening and an important intellectual movement among the Russian educated classes (See Alexander II, of Russia).

In material and moral progress Russia has remained behind the other European nations, and the educated classes felt, after the humiliation of the Crimean War, that the reactionary regime of the Emperor Nicholas must be replaced by a series of drastic reforms. With the impulsiveness of youth and the recklessness of inexperience, the students went in this direction much farther than their elders, and their reforming zeal naturally took an academic, pseudo-scientific form. Having learned the rudiments of positivism, they conceived the idea that Russia had outlived the religious and metaphysical stages of human development, and was ready to enter on the positivist stage. She ought, therefore, to throw aside all religious and metaphysical conceptions, and to regulate her intellectual, social and political life by the pure light of natural science. Among the antiquated institutions which had to be abolished as obstructions to real progress were religion, family life, private property and centralized administration. Religion was to be replaced by the exact sciences, family life by free love, private property by collectivism, and centralized administration by a federation of independent communes. Such doctrines could not, of course, be preached openly under a paternal, despotic government, but the press censure had become so permeated with the prevailing spirit of enthusiastic liberalism, that they could be artfully disseminated under the disguise of literary criticism and fiction, and the public very soon learned the art of reading between the lines.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Gravel in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate as in executive session resumed the consideration of the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. HRUSKA. Mr. President, one of the principal issues in the current debate on confirmation of Judge Haynsworth's nomination has centered around his decisions as a judge on the subject of civil rights legislation.

I am seriously concerned by the claim that the judge has indicated hostility to civil rights and to the aspirations of minorities. I would be most reluctant to vote favorably on the confirmation of any Supreme Court nominee against whom that charge could fairly be made. Thus, I have tried to pay close attention to the arguments as they have been made and to the record that has been compiled within the Committee on the Judiciary.

The case Judge Haynsworth's opponents make against him in the area of civil rights, as I see it, is basically that he is not as advanced on that subject as is the Supreme Court of the United States. There are those who conclude that the judge is, indeed, out of the mainstream in the area of civil rights. Some have used the terms "persistent in error" and "a judge who will make it his fundamental life philosophy to try to bring the Court back to a time which history has passed by for close to two decades now."

Some have used the phrase—

> Here is an irreconcilable judicial voice consistently reiterating a doctrine of the past.

I should like first to point out that such conclusions with respect to Judge Haynsworth are sharply at odds with several respected voices of liberalism, who might be expected to embrace them if they were, indeed, factually supportable. Professor Bickel, professor of law at the Yale Law School, though critical of Judge Haynsworth on the conflicts question, made the following statement with respect to the judge's civil rights views:

> Judge Haynsworth is no reactionary. His civil rights record is centrist, although more cautious than some senators might like. If the Senate demands precisely the ideological profile it would prefer, the appointment process will be a deadlock. Judge Haynsworth should be seen ideologically as falling within that area of tolerance in which the Senate defers to the President's initiative.

The St. Louis Post-Dispatch, not known as a spokesman for hidebound reaction, described Judge Haynsworth's judicial record in these words:

> Judge Clement Furman Haynsworth, Jr., President Richard M. Nixon's new nominee for the Supreme Court, is an experienced jurist with a razor-sharp mind and a solid, middle-of-the-road record.

Even more important, though, in my mind, is the statement of Professor Foster of the University of Wisconsin Law School, filed with the Judiciary Committee.

I ask unanimous consent to have this statement printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the statement contains a careful analysis of almost all of the cases upon which the senior Senator from New York (Mr. JAVITS) relied upon in his analysis of last Friday. I shall try to merely highlight a few points that Professor Foster made.

First, a few excerpts from the beginning of the statement:

> I am G. W. Foster, Jr. Since 1952 I have taught at the Law School of the University of Wisconsin, have been a full professor there since 1959 and an Associate Dean of the Law School for a period of approximately a month. Still earlier I served as an administrative aide to the then Secretary of State, Dean Acheson. Before that I was the Legislative Assistant to the late United States Senator Francis J. Myers (D-Pa.), at that time the Whip of the Senate.
>
> By faith I am a liberal Democrat and while Judge Haynsworth would not have been my first preference in filling the existing vacancy on the Supreme Court, I am convinced that it is both wrong and unfair to charge that he is a racial segregationist or that his judicial record shows him to be out of step with the Warren Court on racial questions. I now support his nomination unreservedly.
>
> Judge Haynsworth is not a segregationist nor is he out of step with judges whose fidelity to the directions of the Warren Court is unquestioned, and on this point I believe I have some special competence to speak. For more than a decade much of my time has been taken by problems of school segregation. Particularly between the years 1958 and 1966 I came to know a number of federal judges across the South as I studied the impact of school cases on the courts in that region. From early 1961 until I went to Europe for the year in 1963–1964 I served as a consultant on problems of school segregation to the United States Commission on Civil Rights. On my return in 1964 I became a consultant, again on problems of school segregation, to the United States Office of Education and retained that role until returning to Europe in 1967. For better or worse I am probably as much or more responsible than anyone else for the original HEW School Desegregation Guidelines that first appeared in April 1965.
>
> In the area of racially sensitive cases I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. Here and there, to be sure, were cases I probably would have decided another way. I am not aware, however, of a single opinion associated with Judge Haynsworth that could not be sustained by a reasonable man.
>
> Any description of judicial implementation of *Brown* v. *Board of Education* involves a moving picture. Every judge worth his salt who has devoted any substantial time to wrestling with problems of school desegregation has changed views he earlier held. The reasons are straight-forward: Remedies thought workable when ordered by the court turned out in practice to be partially, sometimes entirely, unworkable either because they were circumvented by school authorities or had encountered obstacles not foreseen. Again, there remain to this day questions not resolved as to the final scope of the Brown mandate: even now I know no one bold enough to attempt a final definition of what constitutes a "racially nondiscriminatory" public school system.

Professor Foster then goes into a detailed analysis, not merely of the cases in which Judge Haynsworth has written, but of the background of the entire school desegregation problem as it evolves the decision of the Brown case in 1954.

Notwithstanding declarations to the contrary, a reference to Professor Foster's statement, or to the cases discussed by both him and the senior Senator from New York, make crystal clear the fact that the Supreme Court decision in Brown against Board of Education in 1954 was by no means the end of the legal development in this area. Indeed, it was in many respects only a beginning. Though it is something of an oversimplification, it is nonetheless accurate in the sense we are speaking of it to say that Brown against Board of Education outlawed "de jure" segregation of schools—that is, school systems in which by law blacks were required to attend schools separate from those attended by whites. I know of no opinion or decision authored or participated in by Judge Haynsworth in which he has expressed doubt or reservation about this doctrine. But, as Professor Foster points out, there were numerous issues that developed during the late 1950s and early 1960s which were not in any way foreclosed by the Supreme Court's decision in the Brown case. One of these was faculty and staff integration; another was what is called by some the "minority transfer" rule, and by others the "freedom of choice" doctrine. In these areas, decisions written by Judge Haynsworth were reversed by the Supreme Court of the United States, but in these respects the Court of Appeals for the Fourth Circuit, for which he wrote, suffered a fate at the hands of the Supreme Court no different than that of other Federal appellate courts.

Let us take, for example, similar cases decided by the Courts of Appeals for the Sixth Circuit and for the Eighth Circuit, both of which have jurisdiction over some areas in which there was once segregation of schools by law, but both of which also covered several states which have never had any legal requirement of segregated schools. In short, these circuits represent combinations of Southern and Northern States, and draw their judges, as well as their lawsuits, from both Southern and Northern States.

It may be true that certain cases indicate that Judge Haynsworth has not been as advanced on the subject of civil rights as the U.S. Supreme Court, but I think it unfair to criticize Judge Haynsworth or the Court of Appeals for the Fourth Circuit on which he sits without considering the entire development of the law in this area in the last 20 years.

The most casual reference to the landmark civil rights cases shows that the Supreme Court of the United States has been ahead of virtually all of the lower courts in this area, and not just of the Court of Appeals for the Fourth Circuit or of Judge Haynsworth. *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637, decided in 1950, requiring state supported graduate schools to treat Negroes and whites alike, was a decision which reversed a three-judge Federal court sitting in the Western District of Oklahoma.

The great landmark case of *Brown* v. *Board of Education of Topeka*, 347 U.S. 483, in which the Supreme Court finally held that segregated public schools were unconstitutional, was a reversal of a judgment entered by a three-judge Federal district court in the District of Kansas.

Burton v. *Wilmington Parking Authority*, 365 U.S. 715, decided in 1961, in which the Supreme Court of the United States greatly expanded the concept of "state action" under the 14th amendment, reversed a contrary opinion of the Supreme Court of Delaware.

Indeed, *Goss* v. *Board of Education*, 373 U.S. 683, which is referred to in the helpful carefully prepared statement of the Leadership Conference on Civil Rights before this committee, was a reversal of a judgment of a Federal court of appeals—not the Court of Appeals for the Fourth Circuit, on which Judge Haynsworth sits, but of the Court of Appeals for the Sixth Circuit, whose headquarters is in Cincinnati.

Other Federal courts as well have not been as advanced in the civil rights area as the Supreme Court. *McNeese* v. *Board of Education*, 373 U.S. 668, decided in 1963, for example, was a reversal of a decision of the Seventh Circuit Court of Appeals. The Eighth Circuit was reversed twice last year and once this last term by the Court in civil rights cases. *Raney* v. *Board of Education of Gould School District*, 391 U.S. 443 (1968); *Jones* v. *Mayer*, 392 U.S. 409 (1968); *Daniel* v. *Paul*, 395 U.S. 298 (1969).

The decisions of a number of special

three judge courts have similarly been overturned. *Anderson* v. *Martin*, 375 U.S. 399, decided in 1964, reversed the lower court's decision upholding a Louisiana law requiring racial designations of candidates to be shown on the ballot. And *Katzenbach* v. *McClung*, 379 U.S. 294, decided in 1964, upheld the constitutionality of the Civil Rights Act of 1964, as applied to a restaurant, after the lower court had enjoined the act's enforcement on the ground that it exceeded the powers of Congress.

Those of us who support civil rights have on more than one occasion commended the Supreme Court of the United States for its pioneering efforts in this area of the law. But I cannot help feeling that it is a little bit inconsistent to praise the Supreme Court for breaking new ground in the field of civil rights, on the one hand, and to criticize the judge of a lower Federal court for not having been as advanced as the Supreme Court, on the other hand. I am quite doubtful that we would want judges of the lower Federal courts constantly departing from existing law on their own—if new constitutional doctrine is to be made, it should very probably be made by the Supreme Court of the United States.

While I certainly do not agree with all of those of Judge Haynsworth's opinions in the field of civil rights which I have read, and doubtless would not agree with some of his decisions in other areas, I am quite certain that I would have the same reaction to just about any other nominee who would come before this committee. I do not think that the criticism of Judge Haynsworth for not being as advanced as the Supreme Court in the field of civil rights is a fair one. He seems to have faithfully followed the precedents as he understood them in those of his opinions which have come to our attention.

I must say, Mr. President, that during discourses on this floor, far too often cases are referred to, abstracted, and commented upon. They are not out of context exactly, but certainly are not considered within the continuity of the development of a brand new field of law. That, as I have already said, is not the proper way to consider the proposition of whether the nominee is pro-civil rights or anti-civil rights. Attention must be given to the development of civil rights law during the past 20 years.

An honest evaluation of the judge's views on school segregation can only be made by taking into consideration the time in which he spoke. His decisions must be assessed by comparing them with decisions of other judges who were faced with the same problems with respect to the particular school year. Virtually every judge who has devoted any substantial time to grappling with the school desegregation problem has changed the views he earlier held. This evolution of judicial opinion has been caused by the simple fact that remedies originally thought to be workable when ordered by a court turned out in practice to be unworkable either because unforeseen obstacles were encountered or because they were circumvented by school officials. It would be easy to take the views of the Supreme Court and some other front running Federal Judge today and compare those with earlier views held by the Supreme Court and proved that those earlier views were wrong. New law has been made by the Supreme Court when it reversed other courts of appeals and indeed would have modified its own views. For example, on October 29 of this year, the Supreme Court of the United States in the case of Alexander against Holmes County Board of Education, announced that the standard of allowing "all deliberate speed" for desegregation was no longer constitutionally permissible. Thus the Supreme Court modified the standard it itself had laid down in Brown against Board of Education in 1954. By using the type of reasoning that has been employed against Judge Haynsworth, one could argue that a Federal judge who was following the guidelines laid down by the Supreme Court in Brown against Board of Education was out of step with the Supreme Court. Such reasoning is obviously fallacious. The views of any Federal judge on school desegregation in any given year must be made by comparing those views with what other judges were doing in that same year.

There are numerous other cases in which the Supreme Court has modified its earlier views. For example, in 1959 only three Supreme Court Justices believed it was important to consider the question whether a school plan which explicitly recognized race as an absolute ground for the transfer of students between schools was constitutional. *Kelly* v. *Board of Education of the City of Nashville*, 361 U.S. 924 (1959). Just four years later, the Supreme Court was not only willing to consider the issue but a unanimous Supreme Court held that such a plan was unconstitutional. *Goss* v. *Board of Education of Knoxville*, 373 U.S. 683 (1963).

The Supreme Court has of course made new law in the area of civil rights by reversing at one time or another the several courts of appeals that consider such questions. It is quite simply wrong to say that the Fourth Circuit is the only circuit which has been reversed by the Supreme Court in this area. For example, in the Goss case, to which I just referred, the Supreme Court reversed the Court of Appeals for the Sixth Circuit. The Sixth Circuit panel was composed of Judges Cecil, Weick, and O'Sullivan. Similarly, in the Kelley case, the Sixth Circuit panel was composed of Judges Allen, McAlister and Choate. Another example is furnished by *Rogers* v. *Paul*, 382 U.S. 198 (1965) where the Supreme Court reversed a panel for the Eighth Circuit Court of Appeals composed of Judges Vogel, Matthes, and Mehaffy.

We have here some nine judges of two courts of appeals, all of whom were handing down the same sort of rulings as Judge Haynsworth was. Are they all faithless to the teachings of the Supreme Court? Are they all die-hard segregationists? To put them in proper perspective, Judge Allen was from Ohio, and Judge McAllister was from Michigan; both were appointed to the Court of Appeals for the Sixth Circuit by President Franklin Roosevelt. Judge Cecil and Judge Weick were both from Ohio, while Judge O'Sullivan was from Michigan; They were all appointed to the Sixth Circuit by President Eisenhower. Judge Mehaffy is from Arkansas, and was appointed to the Court of Appeals for the Eighth Circuit by President Kennedy; Judge Vogel was from North Dakota, and Judge Matthes was from Missouri, and they were both appointed to the Court of Appeals for the Eighth Circuit by President Eisenhower.

It is possible, of course, to say that if these judges voted the way they did in these cases, they too are to be condemned. But the plain fact of the matter is that what we are looking for is not 100-percent correspondence between the view of any particular Senator and the judicial philosophy of a Supreme Court nominee, but simply a range of reasonableness. And if the opinions handed down by Judge Haynsworth in areas of civil rights law which have arisen since the decision in the Brown case are no different from those of judges in Michigan, Ohio, North Dakota, and Missouri, can it fairly be said that they were unreasonable applications of the law as then understood? I think not.

No one would contend that Judge Haynsworth's record in civil rights cases is as liberal as say, for example, that of Justice Douglas. Nor would anyone contend that his record in finding new constitutional rights for criminal defendants, or new constitutional protections for pornography, is comparable to that of Justice Douglas or of the very liberal wing of the Supreme Court. Individual Senators must decide for themselves whether they choose to evaluate these philosophical aspects of the nominee, and if so on what basis. But if there is to be philosophical evaluation, and if the test is to be not identical correspondence with the Senator's view, but a range of reasonableness, then I think Judge Haynsworth plainly passes this test in the field of civil rights. I think his views in this area, and in other areas of constitutional law currently under study, are entirely consistent with the position of Associate Justice of the Supreme Court of the United States to which he has been nominated.

Mr. President, the issue of whether this nominee for the Supreme Court is in the mainstream of a particular legal concept or branch of the law or whether he is found to be in consonance with the Supreme Court has been considered by other authorities.

Judge Lawrence Walsh, who is the chairman of the committee of the American Bar Association Committee on the Federal Judiciary, testified that his committee considered this question. They have been doing this type of investigation now for 18 years. And it has been my good fortune for a period of more than a decade as a member of the Judiciary Committee, to have been one of the recipients of their reports in each one of these instances. I know the fashion in which they operate.

I quote from the testimony of Judge Walsh regarding this question:

> Now I do not mean in any way to suggest that I thought Judge Haynsworth was running against the stream of the law. I think he was punctilious in following that stream as the Supreme Court laid it up, and in some fields he has run ahead and broken

new ground. For example, in the expansion of the doctrine of the utility of habeas corpus, he broke away from an old restraint in earlier Supreme Court opinions and was complimented by the present Supreme Court for doing so. He has moved over into, as I recall it, more modern tests on insanity and things of that kind.

So he is in no sense running against the stream of the law. If I were going to characterize it, I would say where new ground is being broken by the Supreme Court, he believes in moving deliberately rather than rapidly and particularly where an interpretation of the Constitution which has stood for many years is reversed or turned around.

He would perhaps give more time than other judges to adjust to the new state of affairs.

Mr. President, in conclusion, I simply point out that in trying to make a judgment of the nominee on his civil rights decisions these factors must be considered: First of all, the time when that decision was rendered; second, how other judges and other circuits were deciding; what precedents existed within his own circuit; and finally, the nature of the problems presented in applying a fundamental principle of law such as that which was declared in Brown against Board of Education.

After all, that decision, while it was precedent-setting, was necessarily general in its impact. Outside of its immediate decision it simply raised the problem of asking and deciding innumerable other questions within that period.

The lower courts of course had to apply as best they could in each of those instances the rules of law they thought were extant, those that they thought were applicable, and those that in their best judgment they thought flowed from the Supreme Court's declaration of principles which had been made at that time.

If these principles are applied and observed, I am satisfied that most reasonable men will conclude that this man who has been adjudged to be an excellent jurist, a man of integrity will satisfy every test required of a member of the Supreme Court not only in the field of civil rights but in other fields as well.

Mr. President, I yield the floor.

Exhibit 1

Statement by G. W. Foster, Jr., in Support of the Nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court of the United States

I am G. W. Foster, Jr. Since 1952 I have taught at the Law School of the University of Wisconsin, have been a full professor there since 1959 and an Associate Dean of the Law School for a period of approximately a month. Still earlier I served as an administrative aide to the then Secretary of State, Dean Acheson. Before that I was the Legislative Assistant to the late United States Senator Francis J. Myers (D-Pa.), at that time the Whip of the Senate.

By faith I am a liberal Democrat and while Judge Haynsworth would not have been my first preference in filling the existing vacancy on the Supreme Court, I am convinced that it is both wrong and unfair to charge that he is a racial segregationist or that his judicial record shows him to be out of step with the Warren Court on racial questions. I now support his nomination unreservedly.

Judge Haynsworth is not a segregationist nor is he out of step with judges whose fidelity to the directions of the Warren Court is unquestioned, and on this point I believe I have some special competence to speak. For more than a decade much of my time has been taken by problems of school segregation. Partcularly between the years 1958 and 1966 I came to know a number of federal judges across the South as I studied the impact of school cases on the courts in that region. From early 1961 until I went to Europe for the year in 1963–1964 I served as a consultant on problems of school segregation to the United States Commisson on Civil Rights. On my return in 1964 I became a consultant, again on problems of school segregation, to the United States Office of Education and retained that role until returning to Europe in 1967. For better or worse I am probably as much or more responsible than anyone else for the original HEW School Desegregatin Guidelines that first appeared in April 1965.[1]

In the area of racially sensitive cases I have followed closely the work of the federal courts in the South over the entire span of time Judge Haynsworth has been on the Court of Appeals for the Fourth Circuit. I have thought of his work, not as that of a segregationist-inclined judge, but as that of an intelligent, open-minded man with a practical knack for seeking workable answers to hard questions. Here and there, to be sure, were cases I probably would have decided another way. I am not aware, however, of a single opinion associated with Judge Haynsworth that could not be sustained by a reasonable man.

Any description of judicial implementation of *Brown* v. *Board of Education* involves a moving picture. Every judge worth his salt who has devoted any substantial time to wrestling with problems of school-desegregation has changed views he earlier held. The reasons are straightforward: Remedies thought workable when ordered by the court turned out in practice to be partially, sometimes entirely, unworkable either because they were circumvented by school authorities or had encountered obstacles not foreseen. Again, there remain to this day questions not resolved as to the final scope of the Brown mandate: even now I know no one bold enough to attempt a final definition of what constitutes a "racially nondiscriminatory" public school system.[2]

FACULTY AND STAFF INTEGRATION

Thus an assessment of a judge's views on school segregation must be made in the context of the time in which he spoke. Said another way, he must be judged by comparison with other judges facing the same problems with respect to the particular forthcoming school year to which the answers were to be applied. The reason is simply that from school year to school year the picture changed—and rules and priorities applied for one year were modified or abandoned for the next.

I can—albeit quite unfairly—take the views held earlier by any of the small number of federal Judges whose views on racial matters make them front runners among their fellows and compare earlier positions with ones held later by themselves or the Supreme Court and thereby "prove" them "wrong" and out of step with the Supreme Court. Judge Haynsworth is not among that very small front-runner group but he is no foot-dragging, entrenched segregationist, either. In my judgment he ranks along with the best of the open-minded, pragmatic judges in the federal system, neither dogmatic nor doctrinaire.

To buttress the conclusion just stated, I intend to review in a different light the cases that have been cited to the Committee on the Judiciary as evidence that Judge Haynsworth cannot be trusted to respond fairly to cases involving racial problems. These will be treated under three headings: (1) Faculty and Staff Integratio; (2) The "Minority Transfer" Rule; and (3) the "Racially Nondiscriminatory" School System.

Much has been made of the point that the Supreme Court's per curiam reversal of Judge Haynsworth's opinion in the *Bradley* case[3] proves how far he was out of line with the Supreme Court's thinking. I would like, if I may, to put the faculty integration question in a broader context.

The South's dual schools traditionally had distinctive sets of black and white teachers. The administrative staffs within each school followed a comparable pattern. Yet the school cases before the federal courts during the 1950's focused primarily upon pupil desegregation and apart from some scattered instances in the Border States the school plaintiffs did not assign any important priority to teacher and staff integration.

By the early 1960's, however, complaints filed on behalf of pupils and parents were including demands for faculty integration. Even in this period, plaintiffs generally assigned higher priorities to student integration and as a rule did not press hard either to build a record showing discriminatory faculty assignments nor ask for orders to break up discriminatory faculty patterns. What I intend to do here is summarize developments in the various circuits down through the standards they applied to faculty segregation for the 1965–1966 school year, the year the Fourth Circuit was considering when Judge Haynsworth wrote the *Bradley* decision.

What happened to the Fifth Circuit down to 1965 is typical. On July 24, 1962, a panel consisting of Judges Rives, Tuttle and Brown reversed a District Court order in the Escambia County, Florida, case which had struck from the complaint a claim that discriminatory assignment of faculty resulted in harm to pupils; this point should not have been resolved at the pleading stage, the panel held, but only after a hearing on the question.[4] A few weeks later then District Judge Bryan Simpson ordered school authorities in Duval County, Florida, to submit plans prior to the end of October 1962 for assigning teachers without regard to race.[5] From the context of Judge Simpson's order it was clear that no change earlier than the 1963–1964 school year was intended. Things were further delayed while Duval County took an appeal and not until January 10, 1964, did the Fifth Circuit rule on the case. Chief Judge Tuttle's opinion[6]—by this time looking forward to the 1964–1965 school year—held that pupil objections to racial assignment of teachers and staff was a proper concern for the court, adding that the question of teacher assignment could either be postponed[7] or at the discretion of the trial court brought on for hearing as Judge Simpson had done.

This brings us now to the Fifth Circuit's views respecting faculty segregation for the 1965–1966 school year, the year under consideration when the fourth Circuit decided the *Bradley* case. On February 24, 1965—approximately six weeks before the *Bradley* decision was announced—a panel which included Chief Judge Tuttle reaffirmed the view that the District Court had discretion to postpone consideration of faculty integration (but adding that the court was not precluded from taking up the question).[8] On July 2, 1965—roughly two months after the *Bradley* decision was announced—another panel of the Fifth, also considering plans for the 1965–1966 school year, reversed an order of the District Court which denied standing to pupils challenging faculty segregation but set no priorities for handling the question on remand. This opinion—in the *Price* case out of Texas—was written by now Chief Judge John Brown, who indicated the question of faculty segregation was best left to the Dis-

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Footnotes at end of article.

trict Court "for consideration by and with the Board as the imported HEW standards are applied." [9]

The reference to the "imported HEW standards" calls for explanation. Near the end of April 1965 the U.S. Department of Health, Education, and Welfare issued the "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools," a document widely known thereafter as the HEW Guidelines.[10] Broadly, the Guidelines required all desegregation plans to contain provisions for ultimate faculty and staff desegregation [11] but for the 1965–1966 school year a district was "normally" expected to do no more in this direction than arrange for joint faculty meetings and joint inservice programs.[12] Some not-normal districts, as the Guidelines perceived 1965–1966, would be relieved of even this much joint faculty and staff activity. The position of the Guidelines restated what we understood the prevailing judicial doctrine of the day to be: faculty desegregation was ultimately to be in the picture but a good bit of discretion was to be retained for decision in individual cases when to bring it on.[13]

Summarizing the position of the Fifth Circuit with respect to the 1965–1966 school year—views expressed both before and after Judge Haynsworth's decision in *Bradley*—faculty and staff integration was part of the job to be done but its timing was to be left largely to the discretion of the District Court (which should also take account of the directives in the HEW Guidelines). And the Fifth Circuit views toward the 1965–1966 school year were either written or concurred in by such men as Judge John Brown and Chief Judge Elbert Tuttle.

Developments in the Sixth Circuit on the faculty desegregation front down to the 1965–1966 school year paralleled closely those in the Fifth, just described. In an early phase of the Chattanooga case, the District Court had struck from the complaint a demand by pupils for faculty desegregation and on July 8, 1963, the Sixth Circuit reversed, restoring the issue to the complaint and leaving it to the discretion of the trial court to determine when to bring the issue on for consideration.[14] A year later, looking into the forthcoming 1964–1965 school year while reviewing the Memphis case, the Sixth quoted with approval the view adopted a year earlier in the Chattanooga case that the question of faculty segregation was a proper one to be considered but was an issue left to the discretion of the District Court as to timing.[15] A year later, assessing the Sixth Circuit position on the faculty integration question, District Judge Bailey Brown concluded shortly before the 1965–1966 school year commenced that the timing of the question was still left to the discretion of the trial court.[16]

The faculty segregation question came before the Eighth Circuit only in connection with the 1965–1966 school year and in the context of a case out of Fort Smith, Arkansas. A unanimous panel of the Eighth affirmed the discretion of the District Court in postponing the question and went on to limit the standing to challenge faculty segregation to pupils attending grades already desegregated under the plan.[17] Shortly after reversing the Fourth Circuit on the faculty segregation question in the *Bradley* case, the Supreme Court reversed the Eighth for its holding on the same question.[18]

The views of the Fourth Circuit down through the 1965–1966 school year remain to be accounted for. Developments in the Fourth paralleled those in the Fifth and Sixth Circuits and its views for 1965–1966 were somewhat broader than those just described for the Eighth Circuit. On June 29, 1963, Judge Sobeloff announced for himself and Judge Haynsworth an opinion involving an appeal from Lynchburg, Virginia. (Judge Soper had heard argument in the case but died prior to participating in the Court's opinion.) In reversing and remanding the case to the District Court the Sobeloff-Haynsworth panel held that the complaint had raised the question of faculty and staff desegregation and that the issue was appropriate to the establishment of a racially non-discriminatory school system.[19] (For those who suggest Judge Haynsworth has gone along on new developments only where no other recourse was available to him, it is worth noting that he joined Judge Sobeloff on a point apparently new for the Fourth Circuit and reached by the two of them without reference to other authority on the point.)

By now looking into the 1965–1966 school year, the Fourth sitting en banc announced unanimously, with Judge Haynsworth participating, that the complaints as amended raised the faculty segregation question and that the plaintiffs had standing press the issues against school authorities in Prince Edward and Surrey Counties in Virginia.[20] This decision came December 2, 1964, about four months prior to the en banc decision in *Bradley* [21] and the companion cases decided with it.[22]

The *Bradley* case was argued in the Fourth Circuit on October 5, 1964, and the companion cases involving Hopewell, Virginia, and Buncombe County, North Carolina, were argued November 5, 1964. All three were heard by the Fourth sitting en banc and the opinions on the three were announced together April 7, 1965. In each Judge Haynsworth wrote for the Court and as to each Judges Sobeloff and Bell joined in a partial dissent.

The point of difference between the majority and minority on the question of faculty integration was comparatively a narrow one. All the en banc Court agreed that pupils had standing to challenge faculty and staff segregation, a view which was shared by the Fifth, Sixth and Eighth Circuits at this point in time. Judge Haynsworth's opinion followed the view then current in the other Circuits that the timing for bringing on faculty integration was to be left to the discretion of the District Court and it was on the question of timing that the Sobeloff-Bell dissent parted company, not only with Judge Haynsworth but with the views of the other three Circuits as well.[23] Occupying new ground, the dissenters insisted that evidentiary hearings on faculty segregation should be brought on at once and, secondly, that following such a hearing the District Court should have only limited discretion thereafter to delay faculty integration.[24]

By the time the *Bradley* case came before the Supreme Court for review, yet another school year—1966–1967—was in the offing and in a terse per curiam announced November 15, 1965, *Bradley* was reversed on the question of timing the evidentiary hearing on faculty segregation; the Court saw no justification at this point in time for further postponement of evidentiary hearings.[25] The Court did not speak to the second point raised in the Sobeloff-Bell dissent—the priority of timing faculty integration once an evidentiary record showed segregated patterns to exist—and not until the *Montgomery* case in the Spring of 1969 did the Court speak to the substantive content of plans for faculty integration.[26]

The real significance of the Supreme Court's decision in *Bradley* is not that it establishes Judge Haynsworth as a foot-dragging segregationist unable to keep step with the currents of the Warren Court. This conclusion can be reached only by saying that the same decision also tars the image of other highly respected judges and ones clearly liberal on racial questions who were announcing positions similar to Judge Haynsworth's at the very time the Fourth Circuit opinion in Bradley was written. And that just simply will not do.

Moreover, the real significance of *Bradley* is that it represented the commitment of the Supreme Court to the proposition that faculty integration was part of the school desegregation picture. Despite the unanimity that the Circuit had reached in concluding that pupils could challenge faculty segregation, there was continued insistence from school authorities that this point did not have the support of the Supreme Court. The Supreme Court's decision in *Bradley*—and its per curiam decision shortly afterwards reversing the Eighth Circuit's ruling in the Fort Smith case [27] supplied the support for faculty integration. And in supplying that support the Court had speeded the process for the forthcoming 1966–1967 school year by ordering prompt evidentiary hearings on the question of faculty segregation. Moreover, the Court left for the future the question of timing steps toward faculty integration although the Sobeloff-Bell dissent had suggested an answer on that issue, too.

THE "MINORITY TRANSFER" RULE

On September 17, 1962, the Fourth Circuit sitting en banc announced through a per curiam decision that the "racial minority" transfer provision in the school plan for Charlottesville, Virginia, was unconstitutional because its purpose and effect were to retard desegregation.[28] There were two dissents, one of them from Judge Haynsworth. Almost nine months later, on June 3, 1963, a unanimous Supreme Court invalidated a like minority transfer provision in reviewing two cases out of Tennessee, [29] one of them the *Goss* case out of Knoxville.

For reasons that I will try to develop briefly here I believed at the time that *Goss* laid down too inflexible a doctrine and developments in the years that came after have not removed my doubts *Goss* torpedoed the then growing development of unitary geographic zoning that was being built on the foundation of the so-called "Nashville Plan" by striking down an obviously discriminatory but nevertheless useful transition device for bringing an end to the dual school systems. Moreover, by injecting inflexibility into geographic zoning at this instant in time, *Goss* gave a critically important shot in the arm to experiments just getting under way with giving pupils a "free choice" of schools. The point was that without some kind of safety valve available at least for the short run, a geographic zoning system that locked in unhappy minorities whether black or white was simply unworkable in the initial stages of desegregation in many communities. If insisted on, families either moved out of the attendance zone, further concentrating racial imbalances in housing or they withdrew their children and enrolled them in private schools. The alternative to this kind of locked-in geographic assignment was freedom of choice and it was toward this alternative that much of the school board response turned in the wake of the *Goss* decision.

A brief description of the Nashville plan is helpful in judging the minority transfer question. The plan was put in effect there in 1957 under the watchful eye of District Judge William E. Miller, whose sensitivity and judgment toward racial problems over the years have been matched by few indeed. For 1957 a unitary system of zones was established for the first-grade level in all of the City's public schools. Each child entering first grade was initially assigned to the elementary school in his zone of residence and was permitted to transfer to another school only if he were in a racial minority in his school or class.[30]

The overtly racial character was troublesome but as a transitional device it could be justified on several grounds. First, it was a safety valve through which both black and white minorities could escape to schools where their own races were predominant. At first all the whites and nearly all the blacks

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chose to escape but as the years passed the numbers of blacks who chose to remain in an integrated situation rose steadily and in time growing numbers of whites abandoned the inconvenience of going outside their attendance zone to school. A second and critically important feature of the minority transfer rule was to prevent white majorities from avoiding attendance at an integrated school. A white pupil was not permitted to transfer from a school merely because a Negro minority had elected to attend. Almost certainly this tended to stabilize the initial stages of the transition to a unitary system. This feature of holding down white minorities is of course lost if the minority transfer provision gives way to transfers based on unrestricted choice.

Judge Haynsworth in his dissent in the Charlottesville case did not develop his position in the detail stated here but it is perfectly evident that these were the kinds of problems about which he was concerned. His own Court, he thought, had considered the question largely in abstract terms and the parties had not asked for consideration of practical consequences of the alternatives they pressed the Court to rule on. His is one of the few opinions I know on the subject of the minority transfer question that did seek to open the practical inquiry into the operations of the rule as a transitional device and in retrospect I regret that he did not carry the day in order that the alternatives could have been thought out better than they were at the time.

The assumptions the Supreme Court makes in *Goss* are that the minority transfer device tends to perpetuate segregation—a point entirely true—and secondly, that transfer provisions not based on state imposed racial conditions can be appropriate means for desegregation—a point also true but whether transfers granted in wholly nonracial terms are the most reasonable means in every case for bringing about a system of "just schools" in place of a system of "black" schools and "white" schools can be questioned.

Indeed the rigidity of the *Goss* ruling seems quite out of character with the insistence by the Supreme Court last year in *New Kent* and its companion cases that the end product must be no more dual schools and that the test in each case requires selection of alternatives that are more, rather than less, likely to produce a unitary system.[31] Nor do the current cases impose objections to making use of racial criteria—the assignment of faculty in the *Montgomery* case [32] and the growing use of optional attendance zones and majority to minority transfers are examples.[33]

To summarize, Judge Haynsworth in his Charlottesville dissent rested on the point that the question was more complex than the majority was ready to concede and more attention to his concerns for developing effective transitional devices might well have done much to head off the explosive move toward freedom of choice that came after the Fourth Circuit, and then the Supreme Court, struck down a transitional device essential in many cases to the initial establishment of unitary zoning. And more careful attention to the working of various devices such as minority transfers, paired schools, optional zones might have come sooner than has been the case.

In any event, the Haynsworth dissent in Charlottesville cannot be explained by asserting it demonstrates him to be out of step with the directions of the Warren Court.

THE "BASICALLY NONDISCRIMINATORY" SCHOOL SYSTEM

Across the years that followed the *Brown* decisions in the Supreme Court a basic difference developed among the judges of the lower federal courts with respect to what, ultimately, was required to bring the dual systems of the South into line with the requirements of the Fourteenth Amendment.

The new view—which only began to emerge in the 1960's—saw the end product as a system of "just schools," rather than a system that could include "black" schools and "white" schools from which discriminatory obstacles to admission had been removed.

The other and older view saw the end product as the removal of racial obstacles and burdens—and if at the end some white and some black schools remained as the collective results of unfettered choices by school patrons, there was no violation of the Fourteenth Amendment involved.

It was common to both views that racially invidious practices, when shown to exist or to be intended, would not be tolerated in the name of the state. Most of the changes in the rules relating to school desegregation over the years came about in the context of demonstrated invidious discriminations and as a result it was simply not necessary to decide any more than that steps be taken to eliminate the results of invidious discrimination.

There gradually emerged however, a series of school situations in which the difference in view toward the end product called for by *Brown* resulted in a difference in the outcome of a particular case. The *New Kent* case and the cases from the Sixth and Eighth Circuit decided with it are classic examples. If one assumes that *Brown* commanded only an end to burdens and discriminations respecting choice of schools, the decisions reached by the Fourth, Sixth and Eighth Circuits appear clearly correct. In the *New Kent* case, for example, the plaintiffs conceded they had an unencumbered opportunity annually to choose the white rather than the black school in the County. A view on the other hand that *Brown* commanded an actual undoing of the dual school system to produce a system of "just schools" calls for a different result on the facts of the case: New Kent County operated two comprehensive schools, one traditionally for whites, the other for blacks. No attendance zones existed and each school served the entire county. Moreover, Negroes and whites were more or less generally distributed throughout the County. Thus by the comparatively straightforward move of zoning one school to serve one half of the County and the other school the other half, substantial integration would result. That kind of move would be a long step toward a system of "just schools," given the fact that the freedom of choice system had done little to alter the original character of the two schools as "black" and "white."

In the *New Kent* case, Judge Haynsworth had remanded the case for inclusion of a minimal objective timetable that took account of the comprehensive timetable adopted only a short time before by the Fifth Circuit in the *Jefferson County* case.[34] Judges Sobeloff and Winter specially concurred, expressing approval of Judge Haynsworth's assertion that the *Jefferson* standards were applicable on remand to the question of faculty integration and regret at the failure of the majority to require on remand the establishment of a periodic review by the District Court to determine the effectiveness of the freedom of choice system in operation, particularly to see that residual effects of the past dual system were removed.[35]

The Supreme Court in reversing *New Kent* and its companion cases from the Sixth and Eighth Circuits on May 7, 1968, moved on to new ground well beyond that occupied previously by any decisions of the Circuit Courts. The Fifth Circuit's en banc decision in the *Jefferson County* case at the end of March 1967 had gone farther than any other, though Judge Haynsworth's decision in *New Kent* two and a half month's later announced his accord with the Fifth Circuit standards of the *Jefferson* case (but see the Sobeloff-Winter concurrence for expression of the wish that the Fourth repeat specifically some of the things said in Jefferson). What the Fifth had done in *Jefferson County* was to come down hard on insisting that the test of a desegregation plan was whether it did away with the vestiges of the dual school system and to test that question specified a quite detailed decree that called for regular reporting of information concerning progress toward a unitary system.

What the Fifth had not done in Jefferson County, and what was new in the Supreme Court's decision in the *New Kent* line of cases, was to impose the duty on a board to select among feasible alternatives those which were more rather than less likely to result in putting an end to the vestiges of the dual system. While the Fifth had called for periodic review of developments, it had said nothing this clear about actual implementation.

Back then to Judge Haynsworth's opinion for the Court in New Kent. What he said there seems clearly in line with what the Fifth, Sixth and Eighth Circuits were saying at the time. By keying Fourth Circuit views to those of the Fifth Circuit in *Jefferson County*, he was giving a quiet burial to the *Briggs* dictum [36] which had so long cast a shadow across the writings of the Fourth Circuit. (Judge Sobeloff's concurrence in *New Kent* contains a sensitive summary of problems *Briggs* posed for the Fourth, coming as it had from Chief Judge John Parker who did not live long enough thereafter to qualify its thrust.) [37] But one could say that Judge Haynsworth's decision in *New Kent* was out of step with the direction of the Warren Court only by concluding that the same would have to be said of the Fifth, Sixth and Eighth Circuits which were saying the same things in that period. What the Fourth had done, along with the other Circuits, was to bring itself in line for the Supreme Court to resolve that the end product called for by *Brown* was a system of "just schools" and that school districts were under a duty to select reasonable means best calculated to produce that result.

IN CONCLUSION

It has troubled me greatly that so much of the criticism directed recently at Judge Haynsworth has rested either on gross overstatement or seriously incomplete descriptions of the context in which he has acted. This is not to say that I have agreed with every one of his decisions, for I have not. At the time I would probably have decided the *Moses H. Cone Memorial Hospital* case [38] the other way, although the case was clearly a lot more difficult than was the *Burton* case that was the principal Supreme Court precedent in that period. Judge Haynsworth's decision later on the question of admitting Dr. Hawkins to the North Carolina Dental Society was hardly the "easy" case that some of the Judge's critics said it to be, as even a casual reference to the quite distant precedents drawn on will attest—and the result is a victory over racial discrimination.[39] Both *Hawkins* and *Moses Cone* draw on state action concepts and a comparison of the two opinions reflect, I submit, the capacity of Judge Haynsworth to grow in breadth and sensitivity on the job.

I also think the decision to abstain in the *Prince Edwards County* case was wrong. Partly this is because I believe the Abstention Doctrine itself was a mistake, and a mistake of the Supreme Court's own making.[40] The abstention in *Prince Edward* came about the time that doctrine had reached high tide and just ahead of the time that the Court itself began cutting back on abstention with its decision in the *England* case.[41] Moreover, by the time the Supreme Court reached the *Prince Edward* case for review, it had access to the opinion of the Virginia Supreme Court of Appeals, to wait for which had been the basis for the abstention by the Haynsworth panel. Yet regardless where the Abstention Doctrine came from, abstention on the facts of *Prince Edward* was in my

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judgment wrong and Judge Haynsworth must accept his part of the responsibility for the decision.

Perhaps there are some other decisions, too, that I would have turned the other way. But I cannot read his record in general or in particular as tnat of a dogmatic or doctrinaire man nor as that of a man out of step with the need to afford proper protection against racial discrimination. The suggestion offered during the hearings before the Judiciary Committee that his dissent in the *Brewer* case [42] out of Norfolk was in some fashion improper and at odds with the just-announced *New Kent* decision of the Supreme Court simply will not survive a reading of the two cases. Again in the *Chambers* case involving what were claimed to be racially discriminatory dismissal of Negro teachers, Judge Haynsworth cast the deciding vote for a 3 to 2 Court of Appeals that shifted to school authorities the burden of showing that discrimination had not motivated the dismissal.

All things considered, I find Judge Haynsworth not easy to characterize. I can cite instances in which he has declined to give strict construction to procedural rules where, to have done so, would have denied a party his day in court.[43] He has declined, I believe quite correctly, to stretch a statute limiting the contempt powers of lower federal courts to cover conduct which he regarded both as a contempt of the court and quite unconscionable.[44] In a doctrinally important habeas corpus case Judge Haynsworth abandoned a Supreme Court precedent before the Supreme Court itself had done so (and the Court in a later unanimous opinion said both that Judge Haynsworth's result was correct and that it was correct for the very reasons he gave).[45] But where arguments have failed to persuade him an established precedent should not be applied to the case at hand, he has followed the precedent.

To sum up: Judge Haynsworth is an intelligent, sensitive, reasoning man. He does not fit among that small handful of front-running federal judges who have consistently made new law in the racial area. He has earned a place, however, among those who serve in the best tradition of the system as pragmatic, open-minded men, neither dogmatic nor doctrinaire. His decisions, including those in the racial area, have been consistent with those of other sensitive and thoughtful judges who faced the same problems at the same time. And it simply cannot be said that his record in the racial field marks him as out of step with the directions of the Warren Court.

Thus the question for me is not whether I would have made another nomination for the Supreme Court. It is rather the question whether Judge Haynsworth possesses the qualities required to become a fine Justice of the Supreme Court. My view is that he will make a first-rate Associate Justice.

I hope this Committee—and later, the Senate itself—will support the nomination of Judge Clement Haynsworth to the Supreme Court of the United States.

FOOTNOTES

[1] A detailed account of the evolution of the HEW Desegregation Guidelines appears in Orfield. The Reconstruction of Southern Education (John Wiley & Sons, 1969), pp. 76–101.

[2] In *Brown* II, the Court remanded the cases to the District Court with instructions, among others, "to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties in these cases." 349 U.S. 294, 301 (1955). Nowhere else until its decisions in the group of cases including *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968), did the Court provide any clearer definition of the end product intended by *Brown*. In *Green*, however, the Court held that where racially dual schools had previously been operated the end product must be "just schools," not a system still having "white" schools and "Negro" schools, and school boards had a constitutional duty to take meanful steps leading to a "unitary, non-racial system." 391 U.S. 430, 439–442 (1968).

[3] *Bradley* v. *School Board of the City of Richmond*, 382 U.S. 103 (Nov. 15, 1965), reversing 345 F. 2d 310 and the companion case, *Gilliam* v. *School Board of the City of Hopewell*, 345 F. 2d 325 (CA 4, April 7, 1965).

[4] *Augustus* v. *Board of Public Instruction of Escambia County Florida*, 306 F. 2d 862 (CA 5, 1962).

[5] *Braxton* v. *Board of Public Instruction of Duval County*. ——— F. Supp. ——— (S.D. Fla., August 21, 1962); also reported at 7 Race Relations Law Reporter 675.

[6] *Board of Public Instruction of Duval County, Florida* v. *Braxton*, 326 F. 2d 616 (CA. 4, January 19, 1964).

[7] Judge Tuttle cited *Calhoun* v. *Latimer*, 321 F. 2d 302 (CA 5, 1963), holding that it was not error for the District Court to postpone consideration of teacher assignment in the Atlanta system. See *Braxton*, p. 6, *supra*, at 620.

[8] *Lockett* v. *Board of Education of Muscogee County, Dist., Ga.*, 342 F. 2d 225, 229 (CA 5, 1965).

[9] *Price* v. *Denison Independent School District Bd. of Ed.*, 348 F. 2d 1010, 1014–1015 (CA 5, 1965).

[10] The HEW Guidelines for 1965–1966 are reproduced at 30 Fed Register 9981 (Aug. 14, 1965). They may also be seen as an appendix to the Price case cited in n. 9, *supra*, and a copy is attached as an appendix to this statement.

[11] *Guidelines* v. *Methods of Compliance—Plans for Desegregation of School Systems*:

B. Requirements Which All Desegregation Plans Must Satisfy—

1. *Faculty and staff desegregation*. All desegregation plans shall provide for the desegregation of faculty and staff in accordance with the following requirements:

a. *Initial assignment*. The race, color, or national origin of pupils shall not be a factor in the assignment to a particular school or class with a school of teachers, administrators or other employees who serve pupils.

b. *Segregation resulting from prior discriminatory assignments*. Steps shall also be taken toward the elimination of segregation of teaching and staff personnel in the schools resulting from prior assignments based on race, color, or national origin (see E4b below).

[12] *Guidelines*, V. Methods of Compliance—Plans for Desegregation of School Systems:

E. Rate of Desegregation—

4. Every school system beginning desegregation must provide for a substantial good faith start on desegregation starting with the 1965–1966 school year, in light of the 1967 target date.

a. Such a good faith start shall normally require provision in the plan that:

. . . (6) Steps will be taken for the desegregation of faculty, at least including such actions as joint faculty meeting and joint inservice programs.

b. In exceptional cases the Commissioner may, for good cause shown, accept plans which provide for desegregation of fewer or other grades or defer other provisions set out in 4a above for the 1965–1966 school year, provided that desegregation for the 1965–1966 school year shall extend to at least two grades, including the first grade, and provided that the school districts, in such case, shall take into account the steps which would be required to meet the 1967 target date.

[13] In an article published in Saturday Review on March 20, 1965, and upon which the HEW Guidelines rested heavily I thus indicated our then understandings about teacher and staff desegregation: "Desegregation of teachers and professional staffs is ultimately in the picture . . . The problem is one which every district must face and start working on. Every desegregation plan should reveal awareness of the problem and provide assurance that steps will be taken to remove racial discrimination in assignment of teaching personnel. Foster. *Title VI: Southern Education Faces the Facts*, Saturday Review, March 20, 1965, 60, 77.

[14] *Mapp* v. *Board of Education of City of Chattanooga, Tenn.*, 319 F. 2d 571, 576 (CA 6, 1963).

[15] *Northcross* v. *Board of Education of City of Memphis*, 333 F. 2d 661, 667 (CA 6, 1964).

[16] *Monroe* v. *Board of Commissioners, City of Jackson*, 244 F. Supp. 353 (W. D. Tenn., 1965).

[17] *Rogers* v. *Paul*, 345 F. 2d 117, 125 (CA 8, 1965).

[18] *Rogers* v. *Paul*, 382 U.S. 198, 200 (Dec. 6, 1965).

[19] *Jackson* v. *School Board of City of Lynchburg, Virginia*, 321 F. 2d 210, 233 (CA 4, 1963).

[20] *Griffin* v. *Board of Supervisors of Prince Edward County*, 339 F. 2d 487 (CA 4, 1964).

[21] *Bradley* v. *School Board of City of Richmond, Virginia*, 345 F. 2d 310 (1965).

[22] *Gilliam* v. *School Board of City of Hopewell, Virginia*, 345 F. 2d 325 (1965); *Bowditch* v. *Buncombe County Board of Education*, 345 F. 2d 329 (CA 4, 1965).

[23] Bradley, note 21, supra, at 320.

[24] Bradley, note 21, supra, at 324.

[25] *Bradley* v. *School Board of Richmond*, 382 U.S. 103, 105 (November 15, 1965).

[26] *United States* v. *Montgomery County Board of Education*, 89 S. Ct. 1670 (1969).

[27] *Rogers* v. *Paul*, 382 U.S. 198, 200 (December 6, 1965).

[28] *Dillard* v. *School Board of City of Charlottesville, Va.*, 308 F. 2d 920 (1962).

[29] *Goss* v. *Board of Education*, 373 U.S. 683 (1963).

[30] *Kelley* v. *Board of Education of the City of Nashville*, 2 Race Rel. Law R. 21 (M.D. Tenn. 1957), 270 F. 2d 209 (CA 6, 1959), cert. den. 361 U.S. 924 (1959).

[31] *Green* v. *School Board of New Kent County*, 391 U.S. 430; *Raney* v. *Board of Education*, 391 U.S. 443; and *Monroe* v. *Board of Commissioners*, 391 U.S. 450 (1968).

[32] *United States* v. *Montgomery County Board of Education*, 89 S. Ct. 1670 (1969).

[33] See, for example, *Brewer* v. *School Board of the City of Norfolk, Virginia*, 397 F. 2d 37 (1968).

[34] United States v. Jefferson County Board of Education, 372 F. 2d 836, aff'd on rehearing en banc, 380 F. 2d 385 (CA 5, 1967), cert. den. sub non. Caddo Parish School Board v. U.S., 389 U.S. 840 (1967).

[35] Bowman v. County School Board of Charles City County, Virginia, 382 F. 2d 326, 330 (SA 4, 1967) for concurring opinions of Judges Sobeloff and Winter intended for Bowman and for the companion Green v. County School Board of New Kent. Virginia, 382 F. 2d 338 (CA 4, 1967).

[36] Briggs v. Elliott was a companion case to Brown v. Board of Education and came out of South Carolina. On remand of Briggs to the District Court of three judges following the Supreme Court's decision in Brown II, Chief Judge John Parker of the Fourth Circuit attempted as a member of the Briggs panel to explain what Brown had decided. He said, in language often quoted thereafter:

"Nothing in the Constitution or in the decision of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination." 132 F. Supp. 776, 777 (E.D.S.C. 1955).

[37] See Bowman, note 35, supra, at 336 ff.

[38] Simkins v. Moses H. Cone Memorial Hospital, 323 F. 2d 959 (CA 4, 1963).

[39] Hawkins v. North Carolina Dental Society, 355 F. 2d 718 (CA 4, 1966).

[40] Griffin v. Board of Supervisors, 322 F. 2d 332 (CA 4, 1963), reports the decision to abstain. A thoughtful and useful collection of materials on abstention appears in Currie, Federal Courts 500–530 (1968).

[41] England v. Louisiana State Board of Medical Examiners, 375 U.S. 411 (1964).

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in executive session, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until Tuesday, November 18, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 17, 1969:

IN THE MARINE CORPS

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Albright, James A.
Armstrong, Russell P.
Ash, James B.
Bacon, Welles D.
Bahr, Wayne D.
Beard, Fred W.
Bowman, Charles F. N., Jr.
Boyd, Joseph S.
Brake, Robert L.
Brown, Donald R.
Clark, Owen D.
Edwards, Sidney B.
Ethington, Riley S.
Hall, John E.
Henry, John D.
Howard, Sylvester
May, Richard P.
Menart, Joseph A.
Morgan, Richard C.
Parker, Frederick D.
Phillips, Hugh F.
Randel, Garrett V. H., Jr.
Roamer, Richard H.
Robin, Edmond L.
Rudolf, Robert M.
Skinner, Lloyd L.
Smith, Charles L.
Smith, Delmer
Smith, Lyle W.
Sunn, Larry A.

ASSISTANT TO THE COMMISSIONER OF THE DISTRICT OF COLUMBIA

Graham W. Watt, of Ohio, to be Assistant to the Commissioner of the District of Columbia, vice Thomas W. Fletcher.

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of commander:

Walter E. Mason, Jr.
John R. MacDonald
John N. MacDonald
Earle K. Hand
Thomas C. Volkle
Hugh M. McCreery
James Napier, Jr.
Ronald D. Stenzel
Bobby C. Wilks
Donald E. Hand
Gordon H. Dickman
Albert L. Olsen, Jr.
James H. Scott
George P. Asche
Paul L. Lamb
William Senn
Milton J. Stewart
Delmar F. Smith
Harold E. Geck
John J. Clayton
Charles F. Gailey, Jr.
Bruce S. Little
Bobby G. Burns
Hodges S. Gallop, Jr.
Dalton J. Beasley
David W. Irons
Mathew Woods
Leo J. Kelley
Howard C. Beeler, Jr.
Gerald C. Hinson
Calvin F. Langford
Melvin J. Hartman
Harold U. Wilson, Jr.
John F. Dunn
George L. Gordon
Royce R. Garrett
Benjamin R. Sheaffer
Kearney L. Yancey, Jr.
John V. A. Thompson
Roger V. Millett
Charles S. Wetherell
Hugh L. Murphy, Jr.
Richard A. Decorps, Jr.
Mitchell J. Whiting
John B. Lynn
John W. Kime
Harlan D. Hanson
Richard J. Green
James E. Brown, Jr.
George D. Passmore, Jr.
Louis K. Bragaw, Jr.
Richard J. Collins
Charles S. Niederman
George P. Vance
Ronald R. McClellan
John C. Wirtz
David R. Markey
Robert A. Johnson
Keith D. Ripley
John I. Maloney, Jr.

The following-named Reserve officer to be a permanent commissioned officer in the Coast Guard in the grade of lieutenant:

Jack K. Stice.

EXTENSIONS OF REMARKS

L. E. "GUS" SHAFER, MERRIAM, KANS., SCULPTOR AND PAINTER

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Monday, November 17, 1969

Mr. DOLE. Mr. President, unfortunately Kansas is not generally recognized as a foremost proponent and participant in art.

I say unfortunately because, in our State, there is not only a growing awareness and appreciation of art, but also a growing number of men and women who are creating on canvas some rather excellent and significant art works.

One such Kansas is L. E. "Gus" Shafer of Merriam, a sculptor and painter of national acclaim, who translates the life of the Old West into bronze and oils.

Mr. President, I ask unanimous consent to include an article about Mr. Shafer from the Johnson County Herald of November 12.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L. E. "GUS" SHAFER, KANSAS SCULPTOR AND PAINTER

(By Elizabeth Barnes)

It was not only our pioneer settlers who braved the hazards of an unknown land to build the history of this area.

There are among us many devoted souls who are giving to the community and to the world what will become a precious heritage. These people, though they little realize it, are also making history.

As a rule you do not hear much about these people until some signal honor is dumped at their door. So, if you have not already done so, meet Leonard E. (Gus) Shafer, 8308 West 61st. St., Merriam, sculptor and painter, who perpetuates in bronze and oils the life of the Old West.

Born on a farm in western Kansas in 1907, Gus early developed a love of the west from his grandfather, who hunted big game with Buffalo Bill. He also learned the ways of animals through his chores about the farm, and of the wild creatures from his excursions through the rugged prairie land about him.

Gus has been painting since early boyhood. He had his first one-man showing when only fifteen years old in an old mortuary near his home. His father purchased one of the paintings exhibited there, an old Dutch windmill, that now hangs in the artist's bedroom.—not an original composition, Gus confesses, but a copy of an illustration in an old school geography.

His interest in clay modeling also began early. He dug the clay from a bank near his home.

Gus was left motherless at the age of ten. Two years later he left home to take a job on a neighboring ranch, tending cattle and choring about. For his first year's pay, in addition to his keep, he received a pony for his very own. The next year bought a fine saddle and bridle for it.

Next he took up selling magazines for the Hearst Publishing Company, and was soon working hard for a scholarship to Grinnell College. Out of 450 applications, Gus was the winner, which entitled him to full expenses. For three semesters he stayed at Grinnell, finally leaving for Kansas State College where he continued to work his way through to graduation.

In 1930 he brought his family to Kansas City where he set up his own office as a commercial artist. Here, as he had time, he continued his paintings of his beloved west, putting on canvas scenes that had been familiar to him. He utilized vacation times to visit the old west, scouring the country side, talking with old timers, and visiting libraries in search of old maps and materials of a bygone era. Nothing was more exciting to him than to drive into a ghost town and round up somebody who could tell him of its past. Or to drive up to some old ranch home (often a rather dangerous undertaking, for the people in secluded areas were wary of strangers, and like as not Gus would be looking down a gun barrel until he could explain the nature of his visit.)

In his sculpturing, Gus started out with wood carving until an accident with a power saw cost him several fingers about three years ago. Then he turned to fashioning his figures in clay, or rather in an oil residue which serves the purposes better.

In the three short years in which Gus has devoted himself to sculpturing, he has won not only national recognition, but acclaim in other countries, as well.

He now has four foundries where his figures are cast, two in New York City, one in Topeka and one in Carrara, Italy. The Royal Worcester Porcelain Works of London, has also asked permission to cast his figures in porcelain.

There are six agencies and display offices which handle the Gus Shafer pieces—the Kennedy Sales Gallery in New York City, Hall Bros. in Kansas City, Phippens in Topeka, and agencies in Tucson (Arizona) and Aspen (Colorado). A special showing of Shafer's work (probably the largest ever assembled in one place) was at Hall Bros. on the Plaza during the recent American Royal.

To date Gus has completed around 40 pieces for casting in bronze. Of these, only the bust figure of his grandfather is not for sale. Each casting is numbered and is limited in number, ranging from perhaps ten to 25 or 30 castings of each. Prices range from $450 for a small figure up to $10,640.00 for a piece in silver. Only the first two castings may be done in silver. Gus reserves No. 3 of each piece for himself.

This limitation on number of castings makes a Gus Shafer piece close to an exclusive. A buyer for investment will try to purchase the lower numbers for the original price put on a piece automatically increases with each succeeding piece, in which the purchase of a No. 1 piece will find his buy worth the most as the years go by.

WIDE ACCLAIM

The originality and perfection of detail of Shafer creations give the artist top rating in the world of art. His western paintings, nationally known, rank along with those of Remington and Russell, reflecting as they do the spirit of the Old West and keeping alive its traditions.

His sculpture, too, depicts in detail and accuracy of form and suggested movement the men and animals of wild west days. As you look at them they seem to come alive and you find yourself listening for the clop of the horses' hooves, the snarl of bullets, whiz of arrows, and shouts of the riders.

This effect of reality Gus is able to achieve largely by insisting on doing some of the finishing work himself. He makes the bridles, bits and spurs separately, and has them cast separately, fitting them himself to the finished bronze. In some cases the rowels of the spurs actually turn at a touch, something unknown in other work.

To achieve all this intricacy of detail Gus insists, when at home, on a working day of from 9 A.M. to midnight, when he retreats to his working sanctum and is not to be disturbed save for some dire emergency. At such times affairs of the family are attended to by Mrs. Gus his right hand helper, who is also his indispensable partner on trips and at art showings.

In the few brief years the Shafers have been doing such things, they have had showings and exhibits in Oklahoma, in Wyoming, at the Albrecht Galleries in St. Joseph and other places. One of their memorable showings was at the Palm Beach estate of the Huttig family, where before 350 invited guests "Old West" sculpture was shown initially.

They have just returned from their latest showing in Snyder, Texas, staged by the West Texas Ranch Association. They had planned to include in this trip a visit to the estate of their friend, artist Peter Hurd, in Petrocio, New Mexico, where they were to attend a polo match and do some skiing. Rain prevented these activities, so the time was spent in visiting and enjoying the surrounding countryside. Peter Hurd, it may be recalled, is the artist commissioned to do the portrait of Lyndon B. Johnson which the former president did not like. The Shafers are expecting a return visit from Mr. Hurd soon.

The Shafers took along with them a finished wax of Gus's next scultpure, which he calls the "Silent Partner". It portrays the figure of an old prospector panning gold, and holding in his hand a single gold nugget, which he is holding up for the burro's inspection, his silent partner.

On the way back home they stopped at a jeweler friend's shop in Oklahoma where they arranged to have him make a number of tiny gold nuggets, one of which will be used in every finished bronze of the "Silent Partner."

Gus has a hard time trying to designate which one of his pieces is his favorite, because each of them portrays a precious memory for him. If pressed for an answer, it might be "Top Hand," which is the figure of his grandfather. Or it might be "Prayer and a Winchester," or possibly "Dudin Up".

One thing sure the only bronze which Gus refuses to sell is the bust of his grandfather, which is the chief figure in "Top Hand".

GOLD STAR PARENTS SUPPORT THE PRESIDENT

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, it was with deep emotion that I read the text of a telegram sent to President Nixon on Veterans Day by Gold Star Parents of Waukesha County. This group of wives and parents of servicemen who have given their lives in Vietnam, met with the Honorable Clair Voss, judge of the circuit court of Waukesha County, himself a wearer of the Purple Heart, as their guest. They expressed a desire to reaffirm their support of, and trust in, the President of the United States. With Judge Voss as scrivener, these patriotic Americans unanimously supported and affixed their signatures to this message from their hearts:

President RICHARD NIXON,
United States of America:

We; wives and parents whose husbands or sons sacrificed their lives in Vietnam in furtherance of the American spirit, for all men, do express our trust in you and support in your generous efforts to conclude the war in Vietnam with honor for America, in justice to our husbands and sons, and with consideration for the men who are yet in the field.

We, the undersigned gold star residents of Waukesha County, Wisconsin, extend to you our prayers and our allegiance.

Mr. and Mrs. J. A. Van Der Sterren, Mr. and Mrs. Robert Roe, Sr., Edith A. Roe, Mr. and Mrs. Victor Janka, Mr. and Mrs. H. Glueckstein, Mr. and Mrs. Mark A. Nettesheim, Mrs. Raymond Jajtner, Mr. and Mrs. Robert Harteau, and Mrs. Howard Matson.

Mr. and Mrs. Eli Gukich, Mr. and Mrs. T. A. White, Mr. and Mrs. Reuben McCormick, Mr. and Mrs. Stanley A. Jordan, Mrs. Magdalene Sund, Mr. and Mrs. Rudolph C. Radtke, Mrs. Josephine Weeden, and Mr. and Mrs. John Carr.

NIXON SPEECH ADDRESSED TO HIS SUPPORTERS—AND HANOI

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SHRIVER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following excellent and thoughtful editorial from the Wichita, Kans., Eagle which presents a meaningful analysis of President Nixon's November 3 speech to the Nation on Vietnam policy. The editorial follows:

NIXON SPEECH ADDRESSED TO HIS SUPPORTERS—AND HANOI

President Nixon's long-awaited address to the nation on the war in Vietnam undoubtedly was a disappointment to his critics of both extremes. He didn't promise immediate complete withdrawal of our troops as the doves wanted him to do. Nor did he threaten Hanoi with annihilation as the hawks have proposed.

But the President said he was speaking to the "silent majority" of Americans—that segment of the population that Dr. Gallup has since set at 77 per cent—which believes Mr. Nixon is doing his best to end the war honorably and who support him in his efforts.

If our country wants to enjoy the confidence of the rest of the world it can do no less than honor its commitments. Our presence in Vietnam is one of those commitments. It is probable, as some critics say, that it never was necessary for us to become involved on a scale of such magnitude. This, however, was decided by Mr. Nixon's predecessor. But it has been the judgment of four Presidents, two of each party, that some involvement was necessary to the preservation of freedom in southeast Asia—a goal to which we are indisputably committed.

For us to withdraw precipitately would be, as Mr. Nixon said Monday night, a disaster of great magnitude, for it would be an accession to the terms of Hanoi, which demands nothing less than abject surrender. Surely a majority of Americans will not be ready to accept such a surrender to such an opponent. The President Monday night was only repeating his pledge made in his inaugural address that the peace he seeks in this war will be an honorable one. That is the only kind this nation has ever accepted. It is the only kind it can accept.

Mr. Nixon's recapitulation of all the efforts at peace that have been made—the secret letter to Ho Chi Minh, the appeal to the United Nations to work out a ceasefire, the talks both public and private in Paris, the visits with individuals close to Hanoi, the gradual reduction of hostilities—was impressive. It should make clear that very little more remains to be done, other than what he plans to do.

That is gradually to "Vietnamize" the war, with withdrawals of American troops to match the progress of this program. He made it quite clear to Hanoi that if North Vietnam steps up hostilities that withdrawal will be accordingly slowed.

This served to say to his American critics, too, that to bind himself to an inflexible timetable of withdrawal would be to say to Hanoi that if it held out long enough it would win. He said that he would like to complete the withdrawal within a year. He made it clear, though, that only a change in the adamant attitude of Hanoi would make this possible. This suggests that those who demand immediate peace might well turn some of the attention upon Hanoi rather than spending all of it on Washington.

Mr. Nixon reminded this nation that the fighting has cooled, that casualties have been lowered, that most of the bombing has been stopped. He reiterated that he has a plan for ending the war, but that it cannot be carried out unilaterally. He left the door open to Hanoi for negotiation when and if it is ready to approach peace in realistic terms rather than talking only to abject surrender.

It takes political courage of a high order to make such a report to a nation that longs so desperately for good news. He might have glossed over the hard facts. He might appeased his detractors with ambiguous promises that would have cooled the November moratorium. He chose instead to tell the truth, and it is mostly unpalatable.

He repeated the promise of Guam, however, that henceforth we will not step in except to defend those who are willing to attempt to defend themselves and then only with materiel, not manpower. This, when applied to such situations as the Middle East and other trouble spots, is heartening.

Mr. Nixon's attempt in the speech Monday night was to mobilize the patriotism and confidence of the majority of Americans who already support him. In that rather limited but important goal it undoubtedly will succeed.

THE VIETNAM WAR AND THE DRAFT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, on Friday evening, November 14, it was my privilege to address the Parents Club of Catholic Memorial High School, in West Roxbury, Mass. The audience was comprised of the faculty, Parents Club, and junior and senior students of Catholic Memorial High School. A list of the officers of the Parents Club follows:

President, Joseph F. McCormack; vice president, Ann E. Bean; vice president (alumni), Joseph L. Greaney; corresponding secretary, Louise E. Assaf; recording secretary, Helen A. Norton; treasurer, John G. Goode; assistant treasurer, George L. Beaupre.

Executive board, Frances D. Amato, Florence M. Kane, Thomas F. Meagher, Herbert F. Mulloney, Hilda E. Buttlar, Walter T. Greaney, Jr., Helen C. Mansfield, Joseph E. Niland, William T. Greene, Leo F. Hurley, Ruth M. Lang, Louise M. True, Mary E. Carter, Alphonse F. Cifrino, Anne F. Long, Edward L. Englert, Marianne B. Foscaldo (alumni), and John F. Collins (alumni).

Advisory board, Brother William V. Dennehy, Brother Cornelius R. Ryan, Brother Joseph A. Heeran, Mr. Christopher H. Jackson, and Mr. James R. O'Connor.

I thought it would be a good idea at this time to bring my statements to the attention of the U.S. Congress in order to outline some of my views with reference to the Vietnam war and the draft.

My remarks were as follows:

THE VIETNAM WAR

Most people are agreed on one thing . . . ending the war as quickly as possible. Where we disagree is just what is meant by "as quickly as possible". . . How do we end it? It seems to me only logical that if one is concerned over wasting lives, one must be sure we do not do anything in our *haste* to end the war, to make it obvious that those who have died, have died . . . *in vain*. In other words, we owe it to those brave men who have died to salvage the best settlement possible from around the conference table. That is what the past year or more in Paris is all about and should be about. To walk away from the war—just drop our guns and pull out . . . is worse than cowardice. It is ingratitude to their memory.

Something can be salvaged around the negotiating table. After all the Vietcong do not control the whole of Vietnam by any means. People who have committed themselves to our cause, have risked much in doing so. We must do our utmost to protect them in any post-American situation in Vietnam. To just walk out would be to desert those millions, to leave them to an all-out—massacre.

Right or wrong we did go into Vietnam and we did raise expectations and attract loyalties. If we were wrong to go in without proper preparation and planning, then it does not seem to be right to leave the same way we came in, without preparation or planning. Two wrongs certainly do not amount to the right way here.

And make no mistake about it the days of planned withdrawal have arrived. And responsible persons in Washington are involved in the task. But it must be orderly, and we cannot have diplomacy . . . The most delicate of operations at best, dictated by generals of the streets on the home front. We do not even believe as a nation that the generals on the war front have that right!!!!

Obviously our democracy would be a shallow substance, and an unhealthy body-politic if we could not tolerate free open discussion in the public arena, but as in everything else, Government is best which is not dominated by extremes of either point of view. Too much government is bad, so is too little government. Too much liberty is just as impossible to tolerate. What is the line between liberty gone too far, and anarchy. After all, everything has its bounds. . . . Even personal freedom is to do whatever one wants. We know that from childhood. The fact is that individual freedom is a tenuous thing if your freedom does not interfere with the freedom of others. We are all agreed that other individuals can do everything short of interfering with the freedom of others. That would only be an oppressive freedom, leading to a common free-for-all. That is one of the main justifications for a system of government in the first place—*Law and order*—with justice a much abused expression today.

Are people going too far when they demonstrate if their demonstration interferes with right to go about your work? . . . sleep in peace at home? . . . Walk the streets free of fear of being caught up in a mob scene? Sitting down in traffic, public buildings, court houses is more than disruptive, it denies freedom of movement to others. Sure, demonstrations have some of the highest motives behind them. They also contain some of the lowest motives. Moderates rarely fare too well in the streets though. The history of revolutionary movements is the history of moderate groups, full of good meaning, starting things off, only to discover they have unleashed an uncontrollable force and end up being swept aside by extremists. Then the awful reaction.

Anyone who takes up civil disobedience better be aware it is a double-edged sword. . . . It can cut both ways. How much is permitted! No guidelines are available. Governments must play it by ear. When the majority begins to feel its safety is threatened it is bound to demand protection from the elected representatives. After all democracy is based on majority rule . . . Not just on minority demands. Democracy would hardly be worth fighting for if it was no more than mob rule!

By all means protest is healthy, providing it does not become unhealthy. It is as difficult as that. There are no simple answers, any more than there are simple solutions. Those who believe in slogans and put all their faith in them are likely to wake up one day to find that ending the war in Vietnam hastily was no panacea after all. . . . Rather it opened up a whole new Pandora's box. In our times, when nuclear weapons have added a new and horrifying dimension to the quest for peace, public officials are beginning to re-evaluate the attitudes toward war. All responsible public officials have rejected total nuclear war.

The common brotherhood of man, the consequences of violence and the necessity for worldwide peace-keeping institutions are of common concern today.

I am hopeful that President Nixon, who promised last fall to end the war, will formulate the necessary measures to alleviate the conflict.

I want to make my position clear in saying that I do not support this war; however, I do support a peaceful and just solution to ending it, and I share in your hopes that we shall see an early end to the conflict.

DRAFT REFORM

The present public controversy over the Selective Service System began most noticeably in 1966. It focused on extending the system which was due to expire June 30, 1967. Many critics opposed the system itself which they contended was highly inequitable. Frequently, however, criticism of the draft is stimulated by and part of the protest against the Vietnam war. To a large extent it is evident that one's personal opinion on the Vietnam War will color one's views on the draft system.

Critics of the draft system are many and their concerns worthy of study. The arguments against the draft system include the following:

By drafting the oldest men first, younger men are never certain about their draft status, especially since on an average, only one man in seven is needed to fill draft requirements. This prolonged period of uncertainty often hinders men in geting jobs and in planning their lives.

Men from privileged families, who can afford to stay in college, often avoid the draft entirely while their less affluent contemporaries are inducted.

Because criteria for deferments are established by local draft boards, standards vary considerably. Critics charge that a man's influence with his local board is often instrumental in obtaining a deferment.

Persons who cannot pass the physical or mental requirements for combat duty are rejected even though they would be fit for noncombat positions.

Conscription is alleged to be a violation of individual liberties because it eliminates a man's freedom of choice.

Finally, many critics are concerned that the young people whose lives may be at stake because of the draft, have no representation in the Selective Service System's decision making process.

With such pressing arguments against the draft system, the Congress began hearings in 1967 on the problem. After House and Senate Armed Services Committee consideration of several methods of amending the Selective Service Act both Houses passed legislation in 1967 to extend the Selective Service Act until July 1, 1971. The major reform in the law was its provision that all men who received undergraduate deferments would be placed, when their deferments ended, in the pool of men most vulnerable to a call-up. Thus theoretically, a person could no longer parlay his undergraduate deferments and subsequent graduate, occupational or parental deferments into a total exemption from military service.

The 1967 passed legislation, however, restricted the President's authority to institute a lottery by Executive Order without specific approval of Congress. This provision was included in the legislation in Conference—not in the legislation as it passed the House and Senate. The law also prohibited the President from ending undergraduate deferments. Also the law states that the President could, but is not required to, propose national standards for all registrants and it made their observance optional with local boards.

The law continued the President's authority to curtail or extend graduate occupational deferments. As you know in conjunction with this provision, President Johnson abolished on February 16, 1968 graduate student deferments except for medical, dental, and divinity students and suspended the lists of essential activities and critical occupations which formed the basis for about half of the occupational deferments.

Many individuals concerned with draft reform were not satisfied with the 1967 legislation. Educators, particularly, were critical of the fact that only medical, dental and divinity students would receive graduate student deferments. They predicted that graduate school enrollments would be cut in half for the 1968–1969 academic year, thus placing a huge financial burden on universities and sharply reducing the number of graduate students serving as undergraduate instructors. According to Harvard University President Nathan M. Pusey, the only persons entering graduate school in September 1968 would be "the lame, the halt, the blind and the female."

Another aspect of the 1967 law brought concern to the three major national service organizations—Peace Corps, VISTA, the Teachers Corps. Each depends to a great extent upon the services of men in the 20 to 25 age bracket—men who are highly vulnerable to the draft. The 1967 law provides that all men who received undergraduate student deferments would be placed when their deferments expired in the pool of those most vulnerable to a draft call-up.

More draftees were called in the first seven months of 1968 than in all of 1967. These demands forced local draft boards to be less generous in granting deferments—which they still had the power to do—for those men serving in the Peace Corps and other service organizations.

The greatest effect is on the Peace Corps which had only lost seven reclassification cases from 1961 to December 1966. However, from the beginning of 1967 to June 1968, about 115 volunteers were reclassified 1-A. About 100 of these men were already overseas for the Corps. As of June 11, 1968 the Corps estimated it had a total of 490 serious draft problems. The effect of the 1967 draft law has not hurt VISTA or Teachers Corps to such an extent. Most local draft boards are still granting occupational deferments to the majority of volunteers for these two service organizations.

In light of this growing controversy, various proposals for draft reform have been offered. These proposals fall into two general categories: *Revision* of the Selective Service System and *Replacement* of the Selective Service System.

Proposals for revising the system include instituting a lottery induction system and another involves overhauling the administration of the system.

Under a lottery induction system ideas range from a pure lottery eliminating all deferments to a more limited form of lottery simply establishing the sequence of induction calls for men classified 1-A. The latter type of impartial random selection method is called by its proponents the best and most equitable system of inducting draft eligible men. Opponents of the lottery system argue that there is more merit and more equity in using date of birth to determine order since the 1-A pool fluctuates too rapidly to lend itself to a lottery.

Proponents of an overhaul of the administration of the draft laws argue that the present system is based on a rule of discretion, applied locally by more than 4,000 different groups following general guidelines. Its lack of uniformity is a consequence of a deliberate policy of decentralization. Proponents of reforming the administrative procedures say the fairest system must be based on impartial standards uniformly applied throughout the nation. This group presses for more centralized control under a national policy-forming headquarters. Policy would be administered by eight regional offices and followed by some 300 to 500 area offices. Opponents argue that the discretionary authority of local draft boards is essential because maximum flexibility is needed to protect individuals who have special problems and to provide local boards with authority to devote particular attention to such cases. They also say that more centralized control would lessen the confidence of local communities in the draft as any such nonpersonalized system would reduce the local boards to reporting agencies.

Replacement of the Selective Service System has many adherents. One replacement theory argues in favor of a volunteer army. Supporters claim that it would be a highly trained armed forces having greater stability within units and higher morale. Those in favor of such an army would raise the pay to increase the number of volunteers. They also believe a volunteer army would be best equipped to handle the types of wars which this country may face in the future. Opponents say the nation must now, and in the foreseeable future, have a military manpower procurement system which includes the draft. They also predict the additional costs of a volunteer army will range from $8.3 billion to $16.7 billion. This group is fearful of a highly trained professional army which could establish itself as separate from civilian control. In addition, opponents contend that a volunteer army would consist primarily of black men and poor men.

Another replacement plan involves a universal military service. Although substantial support does not seem to exist for this proposal in and of itself, there have been a number of plans which combine universal military service with national service. Proponents say this system of service would provide the individual with the choice of military or national service. However, it does include a lottery system for the military in the event that the number of volunteers for the armed forces do not meet the needs of the draft calls. Opponents argue that there is no military requirement for universal military training and that since no fair way exists, at least at present, to equate nonmilitary with military service, national service cannot be considered an alternative to the draft. However, both proponents and opponents agree that such plans require further study and evaluation.

Most recent Congressional action relating to the draft focuses on the President's message to Congress on May 13, this year. The President's proposal advocates six major points:

(1) Change from the oldest first to a youngest first order of call, so that a young man would become less vulnerable to the draft as he grows older.

(2) Reduce the period of prime draft vulnerability—and the uncertainty that accompanies it from 7 years to 1 year—so that a young man would normally enter that status during the time he was 19 years old and leave it during the time he was 20.

(3) Select those who are actually drafted through a random system. A procedure of this sort would distribute the risk of call equally—by lot—among all who are vulnerable during a given year, rather than arbitrarily selecting those whose birthdays happen to fall at a certain time of the year or the month.

(4) Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

(5) Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

(6) In addition, as a step toward a more consistent policy of deferments and exemptions, the President asks the National Security Council and the Director of Selective Service to review all guidelines, standards, and procedures in this area and to report to the President their finding and recommendations.

The House Armed Services Committee, the Committee charged with considering these proposals announced that the President in fact already had the statutory authority, as contained in the 1967 draft law, to enable him to implement all the changes proposed by the Executive branch with the single exception of the suggestion to institute a random system of selection of inductees.

Hearings on the draft proposals were conducted by the House Armed Services Committee and the area of specific need for legislation was narrowed down to a single sentence in the Military Selective Service Act of 1967—Section 5(a)(2) of the act which prevents the President from instituting a truly random selection system because it will not permit the reversal of the practice of taking the oldest first in those of the prime age category in the draft pool at any given time.

The House of Representatives on October 30, 1969 passed by a record vote of 382 yeas to 13 nays the repeal of this section thereby permitting the President to establish a lottery system, whereby the risk of call would be distributed equally among all who are vulnerable during a given year.

The Senate now is faced with the passage of President Nixon's draft lottery measure this month. I am sure you have read news accounts relating that the President's proposal seems assured to pass as supporters of broader reform have agreed to wait until next year for further revisions. Faced with an ultimatum from the Senate Armed Services Committee to accept the lottery bill or nothing this year and given the promise of the Committee Chairman, John Stennis, to hold broad reform hearings before February 15, many draft reformers, led in the Senate by Senator Edward Kennedy—agreed to go along.

Senator Kennedy has introduced legislation, S. 1145 to provide for draft reform. In introducing his legislation Senator Kennedy stated that his measure would ". . . make the Selective Service Act of our country fair, certain and flexible so that every person is treated equally, to insure that the administration of the Selective Service System will be uniform and predictable, so that every young man may know to the extent that is possible, when he will be called upon to serve in the Armed Forces and to provide a system sufficiently flexible to meet the manpower needs of the Nation. . . ."

More specifically the most significant features of Senator Kennedy's legislation are:

(1) It requires that the youngest—the 19 year olds—be drafted first.

(2) It requires use of random selection to select those young men to be drafted.

(3) It provides for a 3 year transitional period in establishing the random selection system from among the 19 year olds.

(4) It eliminates occupational deferments except where ordered by the President.

(5) It permits students to postpone their exposure to the draft during the course of bona fide study, but does not permit this postponement to become an exemption.

(6) It discontinues this postponement feature whenever casualties in a shooting war reach 10 percent of those drafted in a given month.

(7) It grants conscientious objector status to atheists and agnostics, so long as they are genuine pacifists, as well as to those whose objection is based on conventional religious training and belief.

(8) It requires the adoption of national standards and criteria in the administration of the draft law, and requires their uniform application.

(9) It prohibits use of the draft as a punishment for protest activities by limiting draft delinquency to acts relating to a registrant's own individual status.

(10) It permits judicial review of questions of law regarding classification proceedings, and permits use of habeas corpus proceedings, by those who comply with induction orders.

(11) It restores the role of the Justice Department in reviewing conscientious objector cases.

(12) It gives registrants the right to appear in draft board proceedings affecting them, and to be represented by counsel.

(13) It conforms our draft treatment of aliens to our treaty requirements, as recommended by the State Department.

(14) It limits the term of the Director of the Selective Service System to 6 years.

(15) It prohibits discrimination of any kind in the makeup of any selective service panels which determine an individual's draft status.

(16) It calls for a thorough public study of a National Service Corps, in which individuals seeking nonmilitary service might fulfill their obligation of service to the Nation.

(17) It calls for a thorough public study of all aspects of a volunteer army.

(18) It calls for a thorough public study of military youth opportunity schools, which would offer special educational and physical assistance to those falling below induction standards who desire to volunteer for military duty.

(19) It calls for a thorough public study of the ramifications of granting amnesty to those young men who fled the country rather than face the draft.

(20) It encourages use of civilians to replace military personnel in nonmilitary jobs.

(21) It closes a number of loopholes in the present law.

It can be seen then that Senator Kennedy has offered a comprehensive program for draft reform—a program which has been promised consideration by the Senate in

February. Until that time when more equitable legislation can be enacted, every proponent of draft reform will admit that the lottery system is far more just in its operation than the present system.

I support a thorough analysis of the various proposals. The time and climate of opinion is conducive to reform—I support a comprehensive study of draft proposals because more than any other single factor—the draft has become the symbol of the generation gap—a major source of friction between young people and those over 30.

SUPPORT FOR PRESIDENT NIXON'S PROGRAM TO IMPROVE CRIMINAL JUSTICE IN THE DISTRICT OF COLUMBIA

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. RHODES. Mr. Speaker, I support President Nixon's program for a new and improved system of criminal justice for the District of Columbia.

In this regard, the President has recommended improvements with respect to search warrants, providing for nighttime search warrants in situations where there is reasonable grounds to believe the search warrant cannot be executed otherwise.

For example, if the police in the evening receive information amounting to probable cause that stolen jewelry is in a certain apartment and that the stolen property will be moved before daylight, it is necessary that the police, after obtaining a valid search warrant, be able to execute it forthwith and not have to wait until the stolen property has disappeared.

The present rule in the District is that a search warrant can be executed at night only if the officer requesting the warrant is positive that the property is on the premises. This is an unrealistic test, because unless a police officer actually enters the premises and sees the property, he cannot really be positive the property is there.

The bill also provides authority for a judicial officer to issue a "no knock" search warrant. The judicial officer issuing a search warrant can authorize the police to enter the premises to be searched without giving notice of authority and purpose when there is probable cause to believe that the giving of such notice may endanger the safety of the executing officer or others.

The "no knock" search warrant would be of exceptional value in the District's efforts against organized narcotics traffic and organized gambling. Experience has shown that the time consumed by police officers in announcing their authority and purpose and waiting to be refused admittance is used by the dope peddler to dispose of his narcotics and by the gambler in destroying his work product.

I support the President's proposed procedures for nighttime search warrants and "no knock" search warrants. These provisions balance the individual's rights by requiring prior judicial approval with the need of the community to have efficient law enforcement.

MIGRANT CHILDREN AND TEACHERS LEARN TOGETHER IN OREGON

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DELLENBACK. Mr. Speaker, as part of the observance of American Education Week, it seems particularly appropriate to me to commend outstanding efforts being made to educate disadvantaged children.

For this reason, I would like to call my colleagues' attention to an article from the November issue of American Education written by John Guernsey, the education editor of the Portland Oregonian. Mr. Guernsey's article, "Rise and Shine," tells the story of an unusually successful migrant-teacher-training program being carried out in Oregon and devised by Theodore C. Brown, assistant professor of education at Eastern Oregon College. This program represents dedicated teachers at their finest.

The article follows:

RISE AND SHINE

It's four o'clock in the morning, and eight young teachers of migrant children are already on the job. Still yawning, they stumble out of their plywood huts and start rousing children out of nearby cabins. They help the youngsters get dressed and carry the little ones—still asleep—onto a waiting bus for the ride to school.

All day, these teachers grapple with the unique problems of migrant education. They help Spanish-speaking youngsters learn the English language. They design lessons for classes that have eight students one day and 20 the next. They search for tests that will tell them how to help a child most in the few weeks—or even days—before his family moves on to another work station.

At 10:30 in the evening—a long, hot day later—these teachers are still on the job, knocking on cabin doors and trying to convince a few more cropworker parents to let their very young children go to school and not to the fields. "Sustained fatigue, we call it," quips David Graham, who was more than willing to struggle through 16-hour workdays for the experience of living with the migrant families.

For Graham and seven other young teachers, living in the camp was the climax of an unusual migrant-teacher-training program devised by Theodore C. Brown, assistant professor of education at Eastern Oregon College. "You can't teach and help the migrant child by sitting in a classroom and waiting for someone to bring him or her in to you," he explains.

"You have to live with the migrants, understand their problems, convince parents of the need for school, and see to it that the children get there and then back to the labor camps at the end of the day," Brown stresses. "It is vital that you be there to get the children before their parents leave for the fields in the mornings. Otherwise, the family takes all the kids with them, and those not old enough to pick a berry sit in the dirt or in a hot car all day."

Brown himself spent about seven weeks this summer living with his wife and son in a cabin in the "Little Mexico" picker camp a few miles from North Plains, Ore. He first became interested in the problems of Mexican-Americans during a lengthy stay in Mexico and knows that many migrant-education programs miss their target. Often, there is a tragic communication gap: Too many migrant teachers do not have a functional knowledge of Spanish and have little or no understanding of the special problems facing the migrant child or his culture. The problems are compounded by the fact that working with migrant children is strictly a summer job for many of the teachers. Such teachers seldom have a deep-rooted interest in the children's problems and their futures.

When Brown came to Eastern Oregon College, he was determined to train teachers who would not suffer from such shortcomings. In the spring of 1968 he developed a plan for a special migrant-education program, which the Federal Government funded with $72,000 under title I of the Elementary and Secondary Education Act. The next fall, students began enrolling in the year-long graduate program. A master's degree in education, a $150 monthly stipend, and a lot of hard work and human understanding were in store for them.

It was not a program for the fainthearted: Brown made that clear from the first. Besides completing 48 hours of graduate study, the would-be migrant teachers were expected to take on inservice field work during the year and, at a moment's notice, do extra assignments like conferences and seminars on migrant education. On top of that, they would have to learn how to make do with bunk beds, hot plates, and outdoor water supplies while they lived in the migrant camp.

"The program was originally conceived," says Brown, "to attract young college graduates. But to our surprise, over 50 percent of the applicants were teachers with nearly 10 years of professional experience." They were people like David Graham, whose several years' experience in teaching migrants had convinced him he still had much to learn. Some were married, like Jim and Verla Holton, a husband-and-wife teaching team intensely interested in migrant education. Others, like Jo Helmick, a recent Portland State University graduate, grew concerned about migrants while tutoring on campus.

The Eastern Oregon program was demanding, even for dedicated volunteers. If the trainees weren't already conversant in Spanish, they had to become so. They had to familiarize themselves with all the latest techniques for teaching English as a second language and for remedial reading instruction. They studied linguistics itself, learning how a society develops patterns of prejudice through its language. "There are at least 100 synonyms for 'black' in English," Brown explains, "and almost all of them have rather sinister connotations. The opposite is true in Africa."

Instead of a master's thesis, each trainee took on an individual study project, defining a problem in migrant education and creating materials to correct it. David Graham, a former music teacher, went through migrant camps collecting Mexican-American folk songs and arranged them for schoolchildren. Gilbert Anzaldua spent his time developing educational materials that honor manual labor, a source of great pride to most migrant workers. Another trainee worked out a bilingual preschool reading program based on one of the children's favorite tales, the legend of the Virgin of Guadalupe.

But the key to the Oregon program's success may be its emphasis on cultural anthropology. "A teacher of Mexican-Americans, especially migrants," says Brown, "does a great deal more than instruct children a few hours a day. She's bringing these youngsters into a new identification with the dominant culture in this country.

"You will be a bridge between two cultures," Brown tells his trainees. "You must honor the Mexican-American language and customs while introducing the children to new ways," While he doesn't claim to have a foolproof method to prepare teachers for this important and sensitive role, he believes that studying how other cultures—not just

Mexican-Americans—have made cultural transitions will help them a great deal. Courses taught by anthropologist Ed Hosley make up nearly half the graduate program.

Above all, Brown tried to develop in his trainees a real sense of empathy for the Mexican-American migrant. "They work hard to develop that all-important 'silent language,' that unspoken ability to reach a child, gain his confidence, and assure him that you're really in his corner."

But all the study was preliminary to the main event—living for seven weeks with the children and their families in the migrant camps. Brown had already assured the growers' cooperation by promising that his teachers would stay out of political activity while in the camps. Then he arranged for the graduate students to work with the North Plains school system, where superintendent Robert Warner had been running a successful migrant-education program for several years. Brown's trainees were to assist regular teachers in the North Plains schools, supervise recreation, and do chores like seeing that the migrants had transportation to medical, dental and other health care facilities.

The teachers and children arrived daily at school about 5 a.m. They had a fun hour, followed by breakfast. Then it was on with the school day—games, study, lunch, a nap, and more study, mostly practicing language.

There were three adults in each classroom—a North Plains teacher, a graduate student, and a Mexican-American aide. All three pitched in and helped teach, making small-group instruction possible. Verla Holton would work with two or three five-year-olds, repeating names of colors, fruits, foods, numbers, and concepts like over and under. She would read a story in Spanish, then ask them to tell it back in English. "First they've got to understand what they're talking about in Spanish," she explains.

David Graham's music classes were a bright spot each day. Graham brought his guitar, and the children gathered around and sang songs, many in Spanish. "At first they were a little reluctant to sing in Spanish," he recalls. "They didn't associate that language with school. But as soon as they realized it was all right, they enjoyed every one of those songs." Graham also teaches the children songs in the English language on the theory that they will pick up colloquial expressions quickly through singing. "It's the repetition that does it," he explains, "and it's so much more pleasant than drill."

All the time, the teacher trainees were carefully bridging the culture gap between themselves and the migrants. "We'd already learned that you can't judge a culture from the outside," Mrs. Holton explains. "You can't just go in and tell them to hurry, hurry, hurry and get ahead—as we do so often in our own culture."

Late in the afternoon it was back up the dusty road to the labor camp for the children and the trainees. As the old school bus—acquired from an armed services depot for outmoded equipment—rumbled along the road, the children sang "Turtle in the Swamp" or "Patito, Patito, Color de Cafe." Some of them were asleep in their cabins a short time after arrival. But the teachers were still on the job, talking with parents and helping out at the camp.

Brown is unmistakably proud of the job his young teachers did during their summer of "sustained fatigue." And his teachers are sold on the importance of living in camp and the rapport it builds between migrant children and teachers. After all, how can a child stand in awe of a teacher who comes to the door all tousled in the morning, or who tucks him in bed in her own cabin if it's too early to get ready for school?

The teacher trainees don't think the close association cost them the children's respect, either. Says Jo Helmick, "Even though they knew me as 'Jo' in camp, they seemed to respect the authority I represented in the classroom."

After their summer experience, all the young teachers are more dedicated than ever to the cause of helping migrant children. All are either teaching in schools with migrant populations or have taken other positions where they can apply their new knowledge about migrants.

And the children they taught are better able to perform in the schools they're attending this fall because of their summer teachers. Each child took with him a detailed record of materials he has covered, his strengths and weaknesses, and other background information to help the new teacher pick up where the summer teacher left off.

This fall, Brown is back at Eastern Oregon College training a new crop of teachers to handle migrant education. The first year of the program has convinced him more than ever that although "empathy is an unteachable quality, it is essential for any teacher dealing with the disadvantaged. And traditional teacher training alone, which serves middle-class needs reasonably well, is simply not the pattern for training a teacher of the disadvantaged."

ADDRESS BY VICE PRESIDENT AGNEW AT THE MID-WEST REGIONAL REPUBLICAN COMMITTEE MEETING

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. POLLOCK. Mr. Speaker, it is vital, if this Nation is to function in an orderly and progressive manner, that its people be fully and honestly advised of the activities of their Government and their leaders. Much of the responsibility for so informing the public rests with the news media—newspapers and similar publications, radio and television. Nearly all of these agencies take their responsibilities seriously. Not all, unhappily. Last Thursday evening, speaking at the Mid-West Regional Republican Committee meeting in Des Moines, Iowa, Vice President AGNEW commented upon the responsibilities of the Nation's television networks and how he believed they are meeting these responsibilities. I include Vice President AGNEW's remarks in the CONGRESSIONAL RECORD:

ADDRESS BY THE VICE PRESIDENT, MID-WEST REGIONAL REPUBLICAN COMMITTEE MEETING, DES MOINES, IOWA, NOVEMBER 13, 1969

Tonight I want to discuss the importance of the television news medium to the American people. No nation depends more on the intelligent judgment of its citizens. No medium has a more profound influence over public opinion. Nowhere in our system are there fewer checks on vast power. So, nowhere should there be more conscientious responsibility exercised than by the news media. To question is . . . are we demanding enough of our television news presentations? . . . And, are the men of this medium demanding enough of themselves?

Monday night, a week ago, President Nixon delivered the most important address of his Administration, one of the most important our decade. His subject was Vietnam. His hope was to rally the American people to see the conflict through to a lasting and just peace in the Pacific. For thirty-two minutes, he reasoned with a nation that has suffered almost a third of a million casualties in the longest war in its history.

When the President completed his address—an address that he spent weeks in preparing—his words and policies were subjected to instant analysis and querulous criticism. The audience of seventy million Americans—gathered to hear the President of the United States—was inherited by a small band of network commentators and self-appointed analysts, the majority of whom expressed, in one way or another, their hostility to what he had to say.

It was obvious that their minds were made up in advance. Those who recall the fumbling and groping that followed President Johnson's dramatic disclosure of his intention not to seek reelection have seen these men in a genuine state of non-preparedness. This was not it.

One commentator twice contradicted the President's statement about the exchange of correspondence with Ho Chi Minh. Another challenged the President's abilities as a politician. A third asserted that the President was now "following the Pentagon line." Others, by the expressions on their faces, the tone of their questions, and the sarcasm of their responses, made clear their sharp disapproval.

To guarantee in advance that the President's plea for national unity would be challenged, one network trotted out Averell Harriman for the occasion. Throughout the President's address he waited in the wings. When the President concluded, Mr. Harriman recited perfectly. He attacked the Thieu Government as unrepresentative; he criticized the President's speech for various deficiencies; he twice issued a call to the Senate Foreign Relations Committee to debate Vietnam once again; he stated his belief that the Viet Cong or North Vietnamese did not really want a military take-over of South Vietnam; he told a little anecdote about a "very, very responsible" fellow he had met in the North Vietnamese delegation.

All in all, Mr. Harriman offered a broad range of gratuitous advice—challenging and contradicting the policies outlined by the President of the United States. Where the President had issued a call for unity, Mr. Harriman was encouraging the country not to listen to him.

A word about Mr. Harriman. For ten months he was America's chief negotiator at the Paris Peace Talks—a period in which the United States swapped some of the greatest military concessions in the history of warfare for an enemy agreement on the shape of a bargaining table. Like Coleridge's Ancient Mariner, Mr. Harriman seems to be under some heavy compulsion to justify his failures to anyone who will listen. The networks have shown themselves willing to give him all the air time be desires.

Every American has a right to disagree with the President of the United States, and to express publicly that disagreement.

But the President of the United States has a right to communicate directly with the people who elected him, and the people of this country have the right to make up their own minds and form their own opinions about a Presidential address without having the President's words and thoughts characterized through the prejudices of hostile critics before they can even be digested.

When Winston Churchill rallied public opinion to stay the course against Hitler's Germany, he did not have to contend with a gaggle of commentators raising doubts about whether he was reading public opinion right, or whether Britain had the stamina to see the war through. When President Kennedy rallied the Nation in the Cuban Missile Crisis, his address to the people was not chewed over by a round-table of critics who disparaged the course of action he had asked America to follow.

The purpose of my remarks tonight is to

focus your attention on this little group of men who not only enjoy a right of instant rebuttal to every Presidential address, but more importantly, wield a free hand in selecting, presenting and interpreting the great issues of our Nation.

First, let us define that power. At least forty million Americans each night, it is estimated, watch the network news. Seven million of them view ABC; the remainder being divided between NBC and CBS. According to Harris polls and other studies, for millions of Americans the networks are the sole source of national and world news.

In Will Roger's observation, what you knew was what you read in the newspaper. Today, for growing millions of Americans, it is what they see and hear on their television sets.

How is this network news determined? A small group of men, numbering perhaps no more than a dozen "anchormen," commentators and executive producers, settle upon the 20 minutes or so of film and commentary that is to reach the public. This selection is made from the 90 to 180 minutes that may be available. Their powers of choice are broad. They decide what forty to fifty million Americans will learn of the day's events in the Nation and the world.

We cannot measure this power and influence by traditional democratic standards for these men can create national issues overnight. They can make or break—by their coverage and commentary—a Moratorium on the war. They can elevate men from local obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others. For millions of Americans, the network reporter who covers a continuing issue, like ABM or Civil Rights, becomes in effect, the presiding judge in a national trial by jury.

It must be recognized that the networks have made important contributions to the national knowledge. Through news, documentaries and specials, they have often used their power constructively and creatively to awaken the public conscience to critical problems.

The networks made "hunger" and "black lung" disease national issues overnight. The TV networks have done what no other medium could have done in terms of dramatizing the horrors of war. The networks have tackled our most difficult social problems with a directness and immediacy that is the gift of their medium. They have focused the nation's attention on its environmental abuses. . . . on pollution in the Great Lakes and the threatened ecology of the Everglades.

But it was also the networks that elevated Stokely Carmichael and George Lincoln Rockwell from obscurity to national prominence . . . nor is their power confined to the substantive.

A raised eyebrow, an inflection of the voice, a caustic remark dropped in the middle of a broadcast can raise doubts in a million minds about the veracity of a public official or the wisdom of a government policy.

One Federal Communications Commissioner considers the power of the networks to equal that of local, state and federal governments combined. Certainly, it represents a concentration of power over American public opinion unknown in history.

What do Americans know of the men who wield this power? Of the men who produce and direct the network news—the nation knows practically nothing. Of the commentators, most Americans know little, other than that they reflect an urbane and assured presence, seemingly well informed on every important matter.

We do know that, to a man, these commentators and producers live and work in the geographical and intellectual confines of Washington, D.C. or New York City—the latter of which James Reston terms the "most unrepresentative community in the entire United States." Both communities bask in their own provincialism, their own parochcialism. We can deduce that these men thus read the same newspapers, and draw their political and social views from the same sources. Worse, they talk constantly to one another, thereby providing artificial reinforcement to their shared viewpoints.

Do they allow their biases to influence the selection and presentation of the news? David Brinkley states, "objectivity is impossible to normal human behavior." Rather, he says, we should strive for "fairness."

Another anchorman on a network news show contends: "You can't expunge all your private convictions just because you sit in a seat like this and a camera starts to stare at you. . . . I think your program has to reflect what your basic feelings are. I'll plead guilty to that."

Less than a week before the 1968 election, this same commentator charged that President Nixon's campaign commitments were no more durable than campaign balloons. He claimed that, were it not for fear of a hostile reaction, Richard Nixon would be giving into, and I quote the commentator, "His natural instinct to smash the enemy with a club or go after him with a meat axe."

Had this slander been made by one political candidate about another, it would have been discussed by most commentators as a partisan assault. But this attack emanated from the privileged sanctuary of a network studio and therefore had the apparent dignity of an objective statement.

The American people would rightly not tolerate this kind of concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by government?

The views of this fraternity do not represent the views of America. That is why such a great gulf existed between how the nation received the President's address—and how the networks reviewed it.

As with other American institutions, perhaps it is time that the networks were made more responsive to the views of the nation and more responsible to the people they serve.

I am not asking for government censorship or any other kind of censorship. I am asking whether a form of censorship already exists when the news that forty million Americans receive each night is determined by a handful of men responsible only to their corporate employers and filtered through a handful of commentators who admit to their own set of biases.

The questions I am raising here tonight should have been raised by others long ago. They should have been raised by those Americans who have traditionally considered the preservation of freedom of speech and freedom of the press their special provinces of responsibility and concern. They should have been raised by those Americans who share the view of the late Justice Learned Hand that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection."

Advocates for the networks have claimed a first amendment right to the same unlimited freedoms held by the great newspapers of America.

The situations are not identical. Where the New York Times reaches 800,000 people, NBC reaches twenty times that number with its evening news. Nor can the tremendous impact of seeing television film and hearing commentary be compared with reading the printed page.

A decade ago, before the network news acquired such dominance over public opinion, Walter Lippman spoke to the issue: "There is an essential and radical difference," he stated, "between television and printing . . . the three or four competing television stations control virtually all that can be received over the air by ordinary television sets. But, besides the mass circulation dailies, there are the weeklies, the monthlies, the out-of-town newspapers, and books. If a man does not like his newspaper, he can read another from out of town, or wait for a weekly news magazine. It is not ideal. But it is infinitely better than the situation in television. There, if a man does not like what the networks offer him, all he can do is turn them off, and listen to a phonograph.

"Networks," he stated, "which are few in number, have a virtual monopoly of a whole medium of communication." The newspapers of mass circulation have no monopoly of the medium of print.

"A virtual monopoly of a whole medium of communication" is not something a democratic people should blithely ignore.

And we are not going to cut off our television sets and listen to the phonograph because the air waves do not belong to the networks; they belong to the people.

As Justice Byron White wrote in his landmark opinion six months ago, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

It is argued that this power presents no danger in the hands of those who have used it responsibly.

But as to whether or not the networks have abused the power they enjoy, let us call as our first witnesses, former Vice President Humphrey and the City of Chicago.

According to Theodore H. White, television's intercutting of the film from the streets of Chicago with the "current proceedings on the floor of the convention created the most striking and false political picture of 1968—the nomination of a man for the American Presidency by the brutality and violence of merciless police."

If we are to believe a recent report of the House Commerce Committee, then television's presentation of the violence in the streets worked an injustice on the reputation of the Chicago police.

According to the Committee findings, one network in particular presented "a one-sided picture which in large measure exonerates the demonstrators and protestors." Film of provocations of police that was available never saw the light of day, while the film of the police response which the protestors provoked was shown to millions.

Another network showed virtually the same scene of violence—from three separate angles—without making clear it was the same scene.

While the full report is reticent in drawing conclusions, it is not a document to inspire confidence in the fairness of the network news.

Our knowledge of the impact of network news on the national mind is far from complete. But some early returns are available. Again, we have enough information to raise serious questions about its effect on a democratic society.

Several years ago, Fred Friendly, one of the pioneers of network news, wrote that its missing ingredients were "conviction, controversy and a point of view." The networks have compensated with a vengeance.

And in the networks' endless pursuit of controversy, we should ask what is the end value . . . to enlighten or to profit? What is the end result . . . to inform or to confuse? How does the on-going exploration for more action, more excitement, more drama, serve our national search for internal peace and stability?

Gresham's law seems to be operating in the network news.

Bad news drives out good news. The irrational is more controversial than the rational. Concurrence can no longer compete with dissent. One minute of Eldridge Cleaver is worth ten minutes of Roy Wilkins. The labor crisis settled at the negotiating table is nothing compared to the confrontation that results in a strike—or, better yet, violence along the picket line. Normality has become the nemesis of the evening news.

The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news. A single dramatic piece of the mosaic becomes, in the minds of millions, the whole picture. The American who relies upon television for his news might conclude that the majority of American students are embittered radicals, that the majority of black Americans feel no regard for their country; that violence and lawlessness are the rule, rather than the exception, on the American campus. None of these conclusions is true.

Television may have destroyed the old stereotypes—but has it not created new ones in their place?

What has this passionate pursuit of "controversy" done to the politics of progress through logical compromise, essential to the functioning of a democratic society?

The members of Congress or the Senate who follow their principles and philosophy quietly in a spirit of compromise are unknown to many Americans—while the loudest and most extreme dissenters on every issue are know to every man in the street.

How many marches and demonstrations would we have if the marchers did not know that the ever-faithful TV cameras would be there to record their antics for the next news show?

We have heard demands that Senators and Congressmen and Judges make known all their financial connections—so that the public will know who and what influences their decisions or votes. Strong arguments can be made for that view. But when a single commentator or producer, night after night, determines for millions of people how much of each side of a great issue they are going to see and hear; should he not first disclose his personal views on the issue as well?

In this search for excitement and controversy, has more than equal time gone to that minority of Americans who specialize in attacking the United States, its institutions and its citizens?

Tonight, I have raised questions. I have made no attempt to suggest answers. These answers must come from the media men. They are challenged to turn their critical powers on themselves. They are challenged to direct their energy, talent and conviction toward improving the quality and objectivity of news presentation. They are challenged to structure their own civic ethics to relate their great freedom with their great responsibility.

And the people of America are challenged too . . . challenged to press for responsible news presentations. The people can let the networks know that they want their news straight and objective. The people can register their complaints on bias through mail to the networks and phone calls to local stations. This is one case where the people must defend themselves . . . where the citizen—not government—must be the reformer . . . where the consumer can be the most effective crusader.

By way of conclusion, let me say that every elected leader in the United States depends on these men of the media. Whether what I have said to you tonight will be heard and seen at all by the nation is not my decision; it is not your decision; it is their decision.

In tomorrow's edition of the Des Moines Register you will be able to read a news story detailing what I said tonight; editorial comment will be reserved for the editorial page, where it belongs. Should not the same wall of separation exist between news and comment on the nation's network?

We would never trust such power over public opinion in the hands of an elected government—it is time we questioned it in the hands of a small and un-elected elite. The great networks have dominated America's airwaves for decades; the people are entitled to a full accounting of their stewardship.

GREEN RAPS NIXON POLICIES

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. CABELL. Mr. Speaker, there are many of us on both sides of the aisle who have diligently worked for decentralization of our Federal Government, with the thought that Government should be close to the people.

We were led to believe that President Nixon would pursue this policy in his administration.

Unfortunately, just the reverse has been the case thus far.

I call your attention to an interview with the Dallas regional director of Health, Education, and Welfare as printed in the Dallas Times-Herald of November 9.

The appointment of this new director, Mr. Charles Green, a man of well-known administrative ability and personal integrity, met with the approval of the entire community.

But in this interview Mr. Green bemoans the fact that all decisions, of whatever nature, come out of Washington and that his office is nothing more than a figurehead.

Mr. Speaker, I hope that you and all Members will read this article in its entirety as I am placing it in the RECORD at this point.

But of what avail is it to attract men of unusual capacity and dedication into Government if all decisions are to be made by a small coterie of brain trusters surrounding the President?

The article follows:

[From the Dallas Times Herald, Nov. 9, 1969]

GREEN RAPS NIXON POLICIES

(By Ron Calhoon)

Charles C. Green has been regional director of the Department of Health, Education, and Welfare for two months now, and he is still trying to figure out what it is he is supposed to direct.

Now he is "deflated."

"There isn't any real role for the regional director. I can't even hire and fire. All the decisions are made in Washington."

Green had never worked in government before. He came to the job from the Dallas business and professional ranks with high hopes of getting something done.

Now he is "deflated."

He is still waiting for the Nixon administration to follow through with its promise to "decentralize" the bureaucracy and give his job some meaning.

To put it plainly, he wants the power to deal with local and state officials who are seeking participation in any one of 300 HEW programs on a decisionmaking basis without having to go through Washington red tape.

It should be the HEW secretary's function in Washington to set forth policies and guidelines and review the regional directors' decisions, Green said.

When Dallas Mayor Erik Jonsson seeks federal funds, he usually goes straight to the power—in Washington, D.C. Other mayors of major cities do the same, Green points out.

"If I were in their shoes, I would be doing the same thing," Green said. "Washington is where the decisions are made."

Too often, Green said, this leaves the regional director twiddling his thumbs. Too often, this means the regional director is the last to know when major decisions affecting local problems are made.

"In business, I always had the philosophy that the man closest to the problem should be the one to solve it," he said.

A Republican and associate of Nixon-backer Sam Wyly, Green, 48, was selected by the President in early September to replace Dallas banker James H. Bond as HEW regional director.

Bond, a Democrat and multimillionaire with a variety of business interests, had been accused in some circles of not devoting enough time to the federal position which he had held since the founding of HEW back in the Eisenhower years.

Green has found out why Bond didn't spend more time around the office.

The office, Green said, could function just as well without any director at all. "He would never be missed."

Green has been too active in the business and professional worlds to sit back and become a figurehead at any job.

The youngest of eight children, he started earning his way early as a janitor in his high school in Neodesha, Kans. He hitch-hiked to college and held down a variety of jobs and served in World War II before gaining his master's degree in business education at Kansas State College.

He taught for four years after graduation and then went to work for Sinclair Oil Co. as a clerk. After five years he had risen to the position of assistant controller.

He left Sinclair for Gulf Oil Co. in Houston as director of economics and costs. Then he came to Dallas as an economist in the research and development for Lone Star Gas Co.

His tenure with Lone Star Gas didn't end on a happy note, but he eventually found the sweet smell of success with Wyly, the youthful Dallas computer whiz and GOP stalwart. Green became president of Bonanza Inc., a steakhouse franchising firm, which operated several subsidiary businesses. Wyly was the majority stockholder in Bonanza.

"I'm not about to sit behind this desk and do nothing," Green said of his new job.

"Moving the government structure around is a hard, slow process," he said, but added that the President and the HEW secretary, Robert Finch, could change things "with the stroke of a pen" and put into action what Nixon has termed the "new federalism"—cooperation among the federal, state and local governments.

As regional director, he is supposed to administer some 10,000 employees working in HEW offices and on HEW projects in Texas, Oklahoma, Arkansas, Louisiana and New Mexico.

The region represents a $3 billion-per-year business of federal largess and services, ranging from grants to colleges to Headstart programs.

In his office, he has found "a bunch of dedicated, capable career employes" and "a tremendous opportunity for impact."

"I have a great deal of motivation to do something useful," he said. "But unless the decentralization concept gets the full weight of the President and the secretary, there's not a lot I can do—except maybe keep up the morale of the employes."

A FELICITOUS FESTIVAL

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BRASCO. Mr. Speaker, as a member of the Civil Service Committee of the House of Representatives I would like to call attention to an editorial which appeared in the October 22 issue of the Chief, a civil service weekly newspaper established in 1897 in the city of New York.

The editorial, "A Felicitous Festival," praises Mayor Lindsay's City Hall Festival, a program of lunch hour entertainment for civil service employees and others who work in the city hall area. Staged monthly from June to September in City Hall Plaza, the concerts are attended by thousands of civil service employees who work in Federal, State, and municipal agencies near city hall.

The City Hall Festival was started by the mayor in 1967 of no cost to the taxpayer. The festival enlisted the support of such community-minded business firms in the area as Bankers Trust Co., Chase Manhattan Bank, N.A., Chemical Bank, Dun-Bradstreet, Inc., First National City Bank, Irving Trust Co., Modell's-Davega Stores, Serial Federal Savings & Loan Association of New York, and Charles P. Young Co.

The festival is produced by Oscar Kanny who featured such personalities as Duke Ellington, Alan King, Pearl Bailey, Tony Bennett, Richard Rodgers, Ed Sullivan, Dionne Warwick, Jack Carter, Robert Merrill, Regina Resnik, and Ray Bloch, Enoch Light, Tito Puente, and Clark Terry and their orchestras. Mr. Kanny is director of Public Information of the New York City Housing Authority.

The editorial ending with the following suggestion:

> This city and, in fact this country needs more public assemblages of this description. We trust that the festival will be continued for many years to come.

Mr. Speaker, under unanimous consent I insert this editorial in the CONGRESSIONAL RECORD in the hope that the program will be noted and emulated by Federal, State, and municipal officials throughout the country for the enjoyment of their dedicated civil service employees.

A FELICITOUS FESTIVAL

Picketing, demonstrations, parades, official receptions, and entertainment programs have become weekly, if not daily occurrences in City Hall Plaza or on City Hall's perimeter in recent years. But one of the healthiest and most worthwhile series of public presentations has been the City Hall Summer Festival of lunchhour musical and dramatic programs for the entertainment of civil service employees and other employed or visiting in lower Manhattan.

This year, the Festival, in its second season, featured tributes to Alan King, Duke Ellington, Tito Puente, and Tony Bennett with each one of these showbusiness luminaries performing his specialty. Endorsed by Mayor Lindsay, who usually attended personally to extend the city's greetings to the guest performer, the programs provided midday pleasure and relaxation to thousands of persons.

More important, they fostered a spirit of goodwill and comradery among civil service employees and other New Yorkers of all races, colors, and creeds as they sat or stood shoulder to shoulder waiting for a chance to applaud and cheer.

Oscar Kanny, Public Information Director of the Housing Authority, who conceived and promoted the idea, deserves the thanks of all those who saw and heard the Festival programs. The Mayor and other city officials, along with the entertainers who gave freely of their time and talents and the downtown business firms who underwrote the series, also deserve plaudits. This city and, in fact, this country needs more public assemblages of this description. We trust the Festival will be continued for many years to come.

PLANNING FOR THE SECOND AMERICA

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BOLLING. Mr. Speaker, John Fischer in his essay that appears in the November 1969 issue of Harper's magazine discusses the need for wise and comprehensive planning in anticipation of reliable forecast of tremendous growth of population in the United States by the year 2000. Mr. Fischer calls it "Planning for the Second America."

I am particularly impressed by Mr. Fischer's exposition because I have recently returned from an overseas trip in my capacity as chairman of the Urban Affairs Subcommittee of the Joint Economic Committee to view development of "new towns" in the United Kingdom, Finland, West Berlin, West Germany, and Israel. The developments in those countries are remarkable. My judgment is that we could do as well or better in the United States. Mr. Speaker we have been paralyzed by such scare phrases as "planning is socialism" and false warnings that planning is incompatible with our mixed economy. We are now paying the price in the form of our restless and distorted urban areas—and our rural areas, too. I recommend that we all would benefit by reading Mr. Fischer's wise and civilized thoughts. The article follows:

PLANNING FOR THE SECOND AMERICA

(By John Fischer)

If General Electric expected to double its plant capacity and office space within the next thirty years, you can be sure it would assign a platoon of its ablest executives to figure out the best way to do it. In fact, General Electric almost certainly is doing that right now. I have talked to some of its planning officers, who were (for obvious reasons) discrete about their specific projects, but they were candid enough about their job operations in general. Their job is to answer questions about the future. When will a new factory be needed—for radios, refrigerators, or some entirely novel product? What should be its initial capacity, and how much allowance should we make for expansion? How shall we raise the money? Where should it be built—taking into account the location of markets, labor supply, raw materials, rail and highway networks, the quality of local schools, and dozens of similar considerations? Such inquiries, for example, underlay the company's decision to build a $250-million manufacturing and distribution center at the new town of Columbia, Maryland; within ten years it is expected to employ 12,000 people.

In such long-range planning, General Electric is not remarkable. It is simply following sound business practice. Every enterprise of any consequence has a professional staff at work on its plans for future growth. Every enterprise, that is, except the United States of America.

Within the next thirty years, this country can expect to double the physical plant of all its cities. To take care of the predicted growth in population, it needs to build a new house, school, and office building for every one that now exists. It will need twice as many parking lots, universities, bus lines, jails, garbage dumps, airports, and bars. For the number of Americans almost certainly will rise from about 200 million to 300 million before the end of the century; and virtually all of the new people will live in cities. Indeed, our long-dwindling rural population probably will shrink still further, as displaced farmers continue to move to the metropolises. This means that we face the job of building a Second America—of duplicating all of our man-made assets—within a single generation. What our forebears did in three hundred years, we have to do in thirty. Such is the inescapable arithmetic of the population explosion.[1]

The task probably is not impossible. A nation which can explore the moon ought to be able to tend to its own housekeeping, if it sets its mind to it. The odd thing is that, up until now, we haven't. During the years when we were cheerfully spending $23 billion on outer space, we spent peanuts on the space we have to live in. Even today thousands of talented people are busy planning what to do on the moon, but no agency of government is planning the Second America. Nowhere in Washington can you find anybody who is responsible for figuring out where those 100 million extra people are going to live, how they will get to work, or who will put roofs over their heads.

Many agencies—indeed, far too many—are fiddling with bits and pieces of the problem; but they work at cross purposes, because they have no common goal. Neither the White House nor Congress has set forth an overall policy to guide them. No one in authority has said, "Here is the blueprint. This is what we want the United States to look like thirty years from now. Every one of you bureaucrats, from the county farm agents to the Atomic Energy Commission, is hereby directed to work to this pattern. Your first responsibility is to make sure that we reach these national goals by the end of the century."

Such a blueprint actually exists. It is traced out, in considerable detail and with hundreds of pages of supporting data, in four recently published books. The goals they set are clear, sensible, and well within the country's capacity. They are proposed by some of the best minds in America, after many months of argument and grinding labor. So far, of course, the plan has not been accepted by either Congress or the President. (I doubt whether Mr. Nixon has even read the books, although Daniel P. Moynihan and some of his other aides certainly have.) Under our habits of government, it cannot be accepted in Washington until it has been thoroughly discussed throughout the country, and has won a considerable degree of public assent. This process has not even started, because the four books are practically unknown to the public at large. So far as I know, not one of them has been reviewed by the *New York Times* or any other major newspaper, though they have had casual mention in a few news stories. But they will not be ignored forever; on the contrary, they are likely to become central texts for the political debate of the coming decade, because they deal with issues which will shape the lives of all of us, and our children.

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[1] People who enjoy arithmetic can find the detailed figures in two recent publications of the Census Bureau: *Projection of the Population of the United States by Age, Sex, and Color to 1990, with Extensions of Population by Age and Sex to 2015* and *Projections of the Population of Metropolitan Areas: 1975.*

The books which comprise The Plan were produced by a curious, and uniquely American, process. It would be an exaggeration to call them underground publications, but they were created so quietly that they almost look surreptitious.

Until quite recently, the American credo held that planning was just dandy for businessmen, but was forbidden to politicians and civil servants. *Public* planning was regarded as a sin, indulged in by godless Communists but unthinkable for any right-minded American. This dogma was formally proclaimed some thirty years ago, when President Roosevelt tried to set up a National Resources Planning Board, on the theory that it might be useful to know what assets we had and how they were being used. The elderly conservatives who then dominated Congress promptly denounced the Board as subversive, cut off its money, and drove some of its staff into political exile. This ruthless lesson was enough to make prudent bureaucrats shun the very word "planning" for decades to come.

Nevertheless many people in government realized that some planning was necessary for the efficient conduct of the public business, just as it is for private enterprise. Their problem was how to go about it without attracting the malevolent attention of the Eastlands, Goldwaters, and House Un-American Activities Committee. A customary solution—imperfect, but better than none—is to work behind a political heat shield: a commission.

Almost anybody can set up a commission. Usually it is appointed by the White House, but on occasion it may be created by a Cabinet member, a Congressional committee, a foundation, or by some convocation of mayors or governors. Its chairman is a more-or-less eminent citizen without political ambitions, and therefore not too nervous about criticism; his fellow commissioners ordinarily are obscure characters, vaguely described as "experts." Since it is a quasi-official body, it can be financed with tax money, or in a pinch by foundation grants—usually enough to hire a highly competent staff. Such a commission is directed to study some question—almost always a politically ticklish one—and to come up with recommendations. If these recommendations turn out to be palatable, they can be adopted, with hosannas, by the original sponsor. If not, they can be repudiated or ignored.

Occasionally a commission produces immediate results, as in the case of the Hoover Commission which led in 1949 to a useful overhaul of the executive branch. More often a commission's findings will sound so radical, or expensive, that neither legislators nor executive agencies will dare to touch them right away. Nevertheless the findings—and the thousands of pages of testimony and studies on which they are based—are now in the public domain. With luck, they will attract the attention of academics and maybe a few journalists; they will be referred to in books and Congressional debates; and so their once-startling propositions gradually become familiar. At that point they may be ripe for political action. Thus, for example, President Nixon's recent recommendations for reform of the welfare system are the outgrowth of suggestions put forth years earlier in half a dozen commission reports.

So it is with the four books which outline a plan to accommodate the country's next 100 million people. They are reports of commissions (although one calls itself a committee). While these groups worked independently of each other, their ideas are remarkably similar; and the recommendations of each one tend to complement and reinforce the recommendations of all the others. Nobody intended that their reports should thus fit together to form a reasonably coherent scheme of action—but it isn't altogether coincidence, either. You might say that the pieces fell into that pattern because the spirit of the times demands it; or, more prosaically, that when intelligent men stare long enough at the same body of facts, they are likely to arrive at similar conclusions. As usual, most of the politicians who are aware of these conclusions have greeted them with wary, not to say stunned, silence. It will take a little time yet for them to become commonplaces of political discourse.

Only one of the reports is likely to be read in its original form by any substantial number of ordinary people. Entitled *The New City*, it is the product of the National Committee on Urban Growth Policy. It was brought out last August in an attractive format, with plenty of pictures, by a commercial publisher, Praeger ($12.50), and is available through bookstores; moreover, it was edited by Donald Canty, a professional writer-editor. The other three reports were published by the Government Printing Office in its usual drab style; they have to be ordered from the Superintendent of Documents; and they are written for the most part in the Late American Mandarin dialect which is now standard with bureaucrats and social scientists. Consequently their ideas are not likely to reach many readers, aside from determined urbanologists, until they are available in translation.

All I can attempt in this space is to indicate the main thrust of their argument. Each of the commissions concluded independently that it would be a hideous—and expensive—mistake to force the next 100 million Americans to live in our present cities. Yet that is precisely where they will end up, if present trends are permitted to continue. Already two-thirds of our population is living in some 230-odd metropolitan areas: cities of 50,000 and more, together with their suburbs. According to the Census Bureau projections mentioned earlier, virtually all of the anticipated increase will crowd into those same cities unless we do something to divert it elsewhere. Not because everybody wants to hive up that way.[2] People are being pushed in that direction by government policies of long standing—the farm program, the welfare system, the location of science centers, the obsolete rules for building public housing and insuring home mortgages, the way government contracts are let. None of these policies was meant to shove people into the already clotted-up metropolitan centers. Each of them was originally devised for an entirely different, and well-intended, purposes. Only belatedly did it become apparent that they are, as an unexpected by-product, influencing the direction of future growth—and that the cumulative result may well be a national disaster.

How this works is explained in two of the reports: one by the National Advisory Commission on Rural Poverty, the other by the Advisory Commission on Intergovernmental Relations. The first was a temporary *ad hoc* group appointed by President Johnson; he did not like its findings, presumably because they were critical of measures to which he was committed, such as the oil-depletion allowance and the subsidy of rich farmers. For months of reports (*The People Left Behind*) lay buried in the White House and might never have been released, if it had not leaked inadvertently to the press. The other commission is a permanent body estabilshed ten years ago as a joint enterprise of federal, state, and local governments. In its quiet way it has been doing some of the most hard-headed and farsighted planning ever undertaken in this country, and has issued more than forty reports, many of them highly technical.

The most important of these (in my opinion, at least) appeared in 1968 under the title *Urban and Rural America: Policies for Future Growth*. It not only presents a reasoned criticism of the country's present policies—or non-policies—but also sets forth an array of alternatives. That fourth book, *Building the American City*, is better known as the Douglas Report, after Paul H. Douglast, former Senator from Illinois and chairman of the Commission on Urban Problems. It is the longest (more than 500 pages) and offers the most detailed diagnosis of the cities' ills, together with prescriptions for curing them.

Anyone who reads the four reports together quickly realizes that they are revolutionary documents—perhaps as revolutionary as anything published in this country since *The Federalist* papers. They demand nothing less than a reshaping of American institutions—the whole web of local governments, the tax system, the labor unions, the welfare programs, and many another hallowed relic—and they make such a compelling case that the reader is likely to find he has become a revolutionist himself before he reaches the last page.

The most dramatic proposals are those designed to channel our growing population away from Megalopolis. This is a prime goal of all four commissions, although each of them approaches it in a different way.

The New City recommends the building of 110 new communities within the next thirty years, to provide homes and jobs for 20 million people. Ten of them would be cities of at least one million population; the rest would average about 100,000 each. The Rural Poverty Commission in its report, *The People Left Behind*, puts more emphasis on encouraging the growth of existing small towns, especially in those parts of the country such as Appalachia, the South, and the Midwest which have been sending the most migrants to the big cities. Many a shabby and discouraged village of, say, 5,000 people can be converted into a thriving and attractive community of 50,000 to 100,000, if the right steps are taken to bring in new industries.[3]

Urban and Rural America: Policies for Future Growth endorses both of these strategies. They supplement each other, and both are clearly needed since the proposed new cities would take care of only a fifth of the added population. But this study, like the Douglas Report, also devotes considerable attention to the things which have to be done to make our present big cities livable and governable. All four recommend the setting up of a new and muscular arm of government to handle the detailed planning for future growth, and to see that the plans are carried out. (Mr. Nixon's Council for Urban Affairs, headed by Pat Moynihan, might well evolve into just such an agency.)

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[2] Jane Jacobs does, and a certain number of kindred souls who believe the boondocks begin just west of the Hudson. But a Gallup poll taken last year indicated that 56 per cent of the people questioned would prefer to live, if they could, on farms or in small towns rather than in a metropolis. Moreover, the steady movement from the core cities to the suburbs demostrates that a considerable additional percentage yearns to get as far away from downtown as possible. Although sociologists, novelists, and urban intellectuals have been excoriating suburbia for the last thirty years, it still looks like the promised land to a growing number of Americans.

[3] For a case history of such a transformation, see "The Lazarus Twin in Pennsylvania: How Scranton and Wilkes-Barre Are Rising From the Dead" in the November 1968, issue of *Harper's*.

My first reaction to this Grand Design was skepticism. It sounds great, all right, but isn't it too grandiose to be practical And how could the country ever pay for it?

As I prodded deeper into the assembled evidence, however, my skepticism began to erode. I ended up convinced not only that the plan is feasible, but that it probably will be achieved in large part before the end of the century. Moreover, this undertaking could turn out to be more exciting than the exploration of space—and far more likely to enlist the enthusiastic commitment of alienated young people.

Cost is not so big an obstacle as it might seem. The new cities should pay for themselves; indeed, they might actually return a profit to the public purse. And in any case, most of the capital would come from private investors rather than the taxpayers.

That is one of the lessons we have learned from Western Europe, where new cities are an old story. Great Britain, for instance, already has built fourteen of them, providing homes and close-at-hand jobs for half a million people. They have proved so successful, both socially and economically, that fourteen more are now in the works. The latest of these, announced only last January, will be the most ambitious new city yet undertaken; eventually it alone will accommodate a half-million people and the total population of the twenty-eight projects should reach three million. The experience of Finland, Sweden, and Holland with similar projects has been equally encouraging.

Our own experience has been encouraging too, although few people realize it. For new communities are also an old story in America—so old it has been largely forgotten. Every schoolchild learns that Washington, D.C., was designed from scratch by Major L'Enfant. But how many know that he also planned Paterson, N.J. in 1791 as a new city sponsored by the Society for Establishing Useful Manufactures? Or that Marietta, Ohio, Salt Lake City, Bethlehem, Pennsylvania, and Winston-Salem all originated as new towns, to mention only a sampling out of dozens of such ventures?

Most of these were started before the Civil War, when cheap land was plentiful, by private corporations or religious sects. A few more were built with government money during the Depression years, when private capital was hard to come by: notably Norris, Tennessee, and three so-called "Greenbelt Towns" near Cincinnati, Milwaukee, and Washington, D.C. They served as proving grounds for new ideas in design—the superblock, cluster housing, the separation of auto and pedestrian traffic—which eventually were widely adopted by private developers. At the time, however, they brewed up a storm of irrational emotion, which I had a chance to observe at first hand, because I worked for a couple of years with the Greenbelt Towns project. Real-estate operators denounced it as a socialistic threat to the divine rights of land speculators. And one Congressman, the late John Taber of Auburn, New York, actually believed that the new town north of Washington was designed as a hiding place for arms, in preparation for the day when that madman Roosevelt would dispatch a ravening mob to sack Capitol Hill. He told me so, and refused my pleas to come see for himself that the Greenbelt toolshed hid nothing more sinister than lawn mowers and baby carriages. If you think some Congressmen are peculiar today, you should have known the prime specimens of the Thirties.

Only in the last decade has big business started to invest in new communities, on a scale far larger than is generally realized. Fifty-two such projects were under way in 1968, each of them covering at least a thousand acres and offering all the facilities needed for a community of three thousand or more residents.[4] The most famous are Reston and Columbia, on opposite sides of Washington, D.C., but most of them are located in California, Florida, Arizona, and Colorado. The largest is California City, embracing more than 100,000 acres and designed to accommodate eventually 600,000 people; it is the brainchild of a rich young man named William M. White, Jr., the head of Great Western United Corporation. Other major corporations involved in building new communities are General Electric, Westinghouse, IT&T, Boise Cascade, and the Del E. Webb Company. All of them, and a dozen smaller firms in the same field, obviously expect to earn a profit.

In that case, why shouldn't we depend on private enterprise to build all the new cities we need, with little or no help from government? In theory, this sounds reasonable, because the financial arithmetic is enticing. All you have to do is buy a few thousand acres of farmland at, say, $500 an acre, build the nucleus of your town, and then sell off the land at perhaps ten times its original price, plus construction costs. The creation of a new population center is all it takes to send land values skyrocketing; witness what has happened in Rockland County, New York, or in the new city of Columbia, Maryland.

In practice, alas, private enterprise can't do the job alone, for two reasons.

First, it is too hard to assemble large tracts of land in places where new communities are needed. Only a genius like James Rouse could have assembled at a reasonable cost the 14,000 acres needed for Columbia, in the fast-growing area between Washington and Baltimore, and he probably could not duplicate the feat today. Several of the new-town builders in the West avoided this problem, because they already owned huge expanses of farming land; examples are the Irvine Ranch and the acreage where Great Western United once raised sugar beets. But few such situations are left.

In the second place, a new town requires a lot of "patient capital" to finance the initial streets, sewers, water supply, and other community facilities. The investment is safe enough, but it cannot be fully repaid until the whole project is completed—which may be twenty or thirty years, or longer. Even the strongest corporations find it hard to raise that kind of capital, especially in a tight money market. That is the reason why Robert Simon, the original developer of Reston, Virginia, got into trouble and had to turn control of the management over to Gulf Oil.

If we are going to get the new cities we need, therefore, some arm of government will have to help out in three ways. (1) It must assemble large blocks of land, without running up the price, by use of its powers of condemnation and eminent domain. (2) It must put up a good part of the "front end money" for building community facilities, in the form of long-term loans. (3) It must take responsibility for the overall planning, which no private corporation is capable of handling; only a public agency can, or should, select the sites for the 110 new communities, set standards for protection of the environment, and arrange inducements, when necessary, to create job opportunities. (This does not mean government subsidy to business; usually all it takes to bring new industries into the desired location is provision of a good highway, a dependable water supply, and perhaps an industrial park, a government installation, or a nearby university. Witness what happened when Route 128 was built as a ring highway around Boston.)

The rest of the job can confidently be left to private enterprise. Experience to date, both here and abroad, indicates that plenty of businessmen will be eager to flesh out the new community with homes and factories, once the skeleton is in place: that is, the basic plan and the infrastructure of streets and utilities.

It makes no sense to calculate the cost of building the Second America according to the four-book plan—or some variant—without also looking at the cost of the alternative. If we simply let our present cities double in size, in the chaotic and heedless way they are now growing, the cost will be infinitely greater. One reason is what economists call "diseconomies of scale." After a city reaches a certain size, the per capita cost of providing services—water, police protection, transport, and all the rest—begins to rise sharply. (Nobody knows for sure what the optimum size might be, because our political scientists have done surprisingly little research on this question; the most plausible estimates I have seen suggest that the desirable population ceiling may lie somewhere between 200,000 and one million.)

Far greater, however, are the social costs of urban elephantiasis, and tax costs which inevitably follow. The events of the last five years have made one thing unmistakably clear: when a city gets too big, it pays an enormous price in crime, drug addiction, spreading slums, decaying schools, and racial turmoil.

If he is interested in saving money, therefore, every true conservative ought to be a passionate advocate of The Plan. So should everybody who simply wants the country to be a decent place to live in. And, after all, why shouldn't we build the Second America in a sensible and humane fashion? If the British and the Finns can do it, why can't we?

$2½ BILLION GETS US LITTLE BUT INSULTS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SHRIVER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following thought-provoking editorial from the McPherson, Kans., Sentinel which deals with foreign aid spending. It is a timely editorial since the House will be considering the foreign assistance authorization bill later this week. The editorial follows:

$2½ BILLION GETS US LITTLE BUT INSULTS

Each year we are spending $2½ billion to help foreign countries. Shortly after World War II, this big expenditure was most effective in enabling West European nations to defeat communism and establish sound governments friendly to us. Even though our aid was almost essential to the recovery of nations like Germany, England and France, the thanks we got was flimsy indeed. Loans for the most part were not repaid. Thousands of the citizens of these nations resented our charity so strongly that "Yankee Go Home" became the password of these nations.

In more recent years we have been spending the billions on little and weak countries, too often too underdeveloped to govern themselves and their cry of "Yankee Go Home" is even more universal.

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[4] A full listing, of possible interest to both home seekers and investors, is given on page 78 of *Urban and Rural America: Policies for Future Growth.*

Hatred and resentment is not much of a dividend on an investment of $2½ billion every year.

The House Foreign Affairs Committee is proposing to cut almost half a billion from the present budget. That still leaves $2 billion we spend each year and get little but enemies in return.

Maybe such squandering of our tax money is making the world safe for something or other. Maybe it was all right when West Europe was in danger and we had plenty of money. Now our nation is spending more than we pay in taxes to help doubtful causes. It's no time to borrow $2½ billion a year to buy such a doubtful investment.

A STRANGER CRIES FOR HOMER RUPLE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FRASER. Mr. Speaker, the story of last week's march against death is eloquently reported by Haynes Johnson in the Washington Post. I am inserting his article in the CONGRESSIONAL RECORD:

A STRANGER CRIES FOR HOMER RUPLE

(By Haynes Johnson)

The bell was tolling at Arlington yesterday morning when Bob Houston walked inside the yellow-and-white canvas tent pitched alongside the Potomac. On the card tables, stacks of printed signs were piled high. Bob looked for one from New Jersey, his birthplace. He couldn't find any. Then he drew out one from Michigan, his present home.

Homer Ruple, the heavy black stencil read . . .

"He was a quiet boy, not unruly," his mother says.

". . . one of the wonderful ones . . . We called him, Bill . . . He was blond, about 5 feet 5 or 6. Not much taller than I am—and the identical picture of his father."

Bob tied a string around his neck and walked off, bearing the name of the dead Vietnam soldier he had picked at random. Ahead of him in the line were two priests carrying the names of Clyde Cecil Collins and Jeff Milkey, both of Kentucky. Behind him, two of his friends from Purdue displayed the names Alger White and Gary Rusha of Michigan.

"No, there's no way to know about this name," Bob Houston was saying. "No way. I'm honored, that's all."

Bob, 18, with long blond hair, jeans, boots and Navy pea jacket, was no more than one of the thousands of those faces in the crowd yesterday on his march from Arlington through the city, past the White House and on to the Capitol. Like them all, he performed the ritual of turning right, facing the White House, and calling out a name.

"Homer Ruple, Michigan," he said in a soft voice.

He brushed away his tears and walked on.

"The only thing I can say," he remarked, "is it's like the first time I ever cried. That's the general mood. I've been brought up in an environment where I've had very little opportunity to see people and to cry.

"It's just like I've done the middle-class thing, all the way through, and I've been out of touch with reality, and this is the first time I've felt reality.

"I keep thinking, oh, God, my tears. Like I just want to feel 10 times more. People are worth crying for."

"JUST A PERSON"

He was silent a moment, then:

"Homer Ruple. Just a person."

During his march, Bob talked about himself. He was by his own portrait, just another student: sometimes inarticulate, sometimes eloquent: born in New Jersey, father an engineer, moved to Dearborn, Mich., and on to Purdue, sophomore class, thinking of following his father's profession but now doubtful.

"That's where I started, but I have doubts now," he said. "I mean, you work so many formulas and equations. I'd rather do people."

"I mean, I was playing games like everyone else, and now there's a feeling—it's hard to describe. As far as myself, I got into many things because everyone else was doing it, and I got placed in circumstances like that. But I've finally got the feeling of what all these people are trying to say.

DEATH AND BEAUTY

"Like Washington's really nice. The surroundings. From what I've seen, the sights are really great. But it just exemplifies—well, it's just such an extreme thing that such beautiful things deal with death and people's lives in such a matter of fact way. And the place could really be beautiful but at the moment I don't think it ever can be."

He didn't speak of politics, of the President or Agnew or the Pentagon, or even of protests.

"I just hope somebody feels a little bit of what these people feel," he said, glancing down the line of young marchers, each bearing a card with a name. "Just look. They don't have to speak. Just look in their faces."

When he passed the old Munitions Building, paint peeling, flags flying, he noticed the lines of office workers out front silently watching the procession.

"I really want to reach these people who came to watch us," Bob said. "Just to have one of them look in my eyes and become a part of me. I know very little of me is going to become part of them, but it's all of us together all over the country. That's the thing we've been doing."

RAIN AT WHITE HOUSE

By the time he reached the White House, the heavy gray clouds had thickened. It began to rain. It was still raining when he got to the Capitol and deposited his placard with the name of Homer Ruple of Michigan.

Then he left, still uncertain about why he had become, by chance, the proxy for Homer Ruple—or who Homer Ruple was. Bob Houston had completed his personal role in the story of two Americans. Homer Ruple's was harder to determine.

At the Pentagon, Daniel Z. Henkin, the assistant secretary in charge of public affairs, said he couldn't find out about Homer Ruple without a serial number or a more precise identification.

At the Veterans Administration here, the information man was helpful. But the task was immense. He would check and see. He said something about a computer bank with 28 million names of veterans.

On Capitol Hill, an assistant to Sen. Robert Griffin (R-Mich.) said he would look into it.

WOMAN AT PENTAGON

He had the name of a woman at the Pentagon who might be helpful. The senator's office had made contact with her before.

It was difficult, the woman said. But, she called back.

"We have a name," she said, "but of course we can't know if it's the right one. R-u-p-l-e, Homer Alfred Jr. Army. Sp.5. Born 27 July, 1938. Died 2 Feb., 1968. Three Rivers, Mich."

The operator put in a call to Three Rivers. No, there was no Homer Ruple Sr. in the directory, he said. There was, however, a Howard Ruple.

At Howard Ruple's home the woman was confused. Yes, indeed, there is a Homer Ruple in Three Rivers, she said. He's part of her family. She gave the number.

John Ruple answered the call. Yes, it was his brother who died, he said quietly. "I think you'd like to talk to my mother."

CAREER SOLDIER

"I don't want his name used," Mrs. Ruple said. "Not for that purpose. He was making the Army his career. I do not want his name used in that march."

She wasn't angry, just firm about it. When she understood his name already had been used, she began talking about her son.

"He was a quiet boy, not unruly. I'd be a very poor mother if I didn't say he was one of the wonderful ones. Bill—we called him Bill—presented the Michigan flag at the Pearl Harbor. Oh, what was it? In '66 or '67 it was. Oh. dear. It was on the back of that picture we had, where it was, but we put it in a footlocker with the rest of his things and we still don't want to get some of those things out."

Bill, she said, wasn't married. He was born and raised in Three Rivers and went to school there; then he quit.

"Three Rivers? Oh, we're about 20 miles from the Indiana state line. It's just a lovely town to live in. It's not big, like Kalamazoo. Just a nice big friendly town.

ENLISTED AT 16

"It was when he was 16 when he joined up. The day before he was 17, I think. What did he look like. Oh, my. Well, he was blond. About 5 feet 5 or 6. Not too much taller than I am—and the identical picture of his father."

Ruple Sr., 55, is a truck driver. There are three other children in the family, John, 18, Martin, 16, and Kimble, a girl, 17.

"We were just like all families, I suppose," the mother went on. "We were close. Bill just liked life. He enjoyed it."

"Of course, as he got older, he was like everyone else, and I wrapped my life around him. And then he went from us. You just can't replace him at all.

"We had a pact between us. That whenever he'd do something wrong he'd come and tell me. There wouldn't be any whippings, but there would be punishment. That was the pact between Bill and me.

"Just before Easter a year ago he called from Ft. Lewis (Wash.) and said he was going. I tried to talk him out of it, but, well, if he's going to fight, I think he felt he should fight the right way—instead of all the nonsense going on. In other words, he was proud of his country."

His brother, John, dropped out of school, she said, after Bill was killed. "He took it awfully hard. Now he's talking about going in. You just have to let them find themselves. John's got a little long hair, like all of them do, but he's not rebellious. He's going to be an Army man like his brother.

"As far as these demonstrations go, they're not solving anything. They're not going to end anything. It's not helping the boys over there, for what they are fighting for. And if we have the love and understanding we should have—and that people have to have—we'll find the right way.

"It's been a never-ending war," she said just before hanging up. "But maybe something will be accomplished out of it in the end."

THE WOLF MEN

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. REID of New York. Mr. Speaker, not only must this country preserve the forests and clear streams of its wilderness, but it must take steps to see that the animals which are native to the wilderness do not become prey to encroaching civilization or, worse, to the predatory nature of man. The wolf, some of whose varieties are on the Department of the Interior's list of endangered species, has been systematically hunted until it is virtually extinct in large areas of this country. Whereas the wolf kills only when he is hungry, and only enough to satisfy his hunger, man has pursued the wolf for sport. As the wolf has become more rare and fearful, men have taken to hunting from planes, to assure that those wolves which remain cannot escape.

In the past 5 years, 5,000 wolves have been killed in Alaska, the one State where that animal is relatively plentiful; there are now 5,000 wolves left in the State, and a bounty of $50 is offered for each wolf which is killed. To reward the worst instincts of man at the expense of the species already pitifully depleted is to forget that when our wilderness was still pristine, it was populated by animals who respected the balance of nature.

To assure the protection of wolves and other wild predatory animals, I introduced a bill on June 24 which would authorize the Government to take steps toward the conservation of such animals. I ask your support for that bill, and I also urge that you make an effort to see an extraordinary film on wolves titled "The Wolf Men" to be presented Tuesday night on NBC. It is a poignant tribute to an animal which can no longer protect itself from man—man must now protect it from himself.

THE BAIL AGENCY BILL

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, one of the most crucial problems in the courts of this city is the problem of the accused who is awaiting trial on a criminal charge. No matter how dangerous, he is generally released. It is months before he is tried. No matter what he does in the meantime, he is released again. When he is tried and convicted, his sentence is light and, if there are several crimes involved, the sentence is still concurrent.

Various parts of the President's crime program are designed to deal with each of these matters. I wish to mention only one—the bail agency bill.

Let me just mention three of the most significant provisions of this bill. First of all, it authorizes the bail agency to recommend whether a man should be released. Since few judges seem to consider this, it is important that an agency which has information about the accused and his past record call this to the court's attention. It is pointless to prepare recommendations on how a man should be released, if he should not be released at all.

The bill also directs the agency to supervise those who are released. Presently it has no authority to do so. The bill would provide that authority and require that supervision.

The bill also directs the agency to report violations of release conditions to the court. Conscientious judges will use such information to place greater restrictions on the man's release or even deny further release. As of now, courts have no way of knowing whether a defendant lives up to the conditions of his release. The bill will take care of this.

The bail agency bill is only one small part of the crime package; it is only part of what is needed. But it is an important part and deserves the attention of this body.

DRAFT REFORM

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, two young men who work on Capitol Hill—ages 16 and 17—wrote a position paper on their views on draft reform. I am presenting this paper in order to close the communication gap between our very young and older citizens:

THE PRESENT DRAFT SYSTEM

At the age of sixteen or seventeen most young men start to think about their future plans: free time, college, and the draft. How does the young American male stand against the present draft system? Most of us can not say, primarily because we do not know or do not understand the draft laws as they stand now.

The Military Selective Service Act of 1967 provides for occupational deferment recommendations by the National Security Council to the Director of the Selective Service System concerning needed professional and scientific personnel and those engaged in or training for critical skills and other essential occupations. The Act also states that the change in the order of induction is prohibited. The President can "under such rules and regulations as he may prescribe, provide for deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university or similar institution and who request such deferments." The "prime age group" as referred to in this Act means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

The present Selective Service System is based on the discretion of over 4,000 local draft boards following general guidelines of classification criteria set down by the President. The local draft board is directly responsible for issuing deferments. The 1967 Act makes provisions for conscientious objectors stating that they will be assigned to a noncombatant position.

CHANGES IN THE SYSTEM

When one is asked if he is for or against the draft, many times his response will be based on his feelings toward the war. If he is against the war in Vietnam, there is a good chance he might be against the draft. If he has no strong feelings on the war he may be for the draft. Therefore, let us state that this paper is on the draft per se; in no way expressing our feelings in relation to the war.

Before we state changes we would like in the draft, let us say that we definitely believe a draft system is needed, in peace as well as in war, as opposed to one of the various alternatives. We do not feel a Volunteer Army or a Professional Army would be feasible or practical in our society. A Volunteer Army may be sufficient in peace time but if the possibility of a war did arise, would we be able to call up enough troops in time? We must always expect and be prepared for the unexpected. A professional Army in our opinion would produce troops of super-trained, Hawks, just waiting to fight. This could be of great danger to us and, for example, the chance of border clashes occurring would be more likely. Universal Military Training (UMT), which is now employed in such countries as Sweden and Russia, is a program requiring a young man to go directly into military training upon completion of his high school education. We are against this in the United States. This could be considered taking away some of the man's freedoms which are established under the Democratic principles of our society. UMT interrupts one's education. With *our* system, a young man can continue his schooling under deferments at least through undergraduate school. With the draft, there is the element of chance involved; all are equally susceptible to being called up, however not every one always is. This depends on the military needs of the time. With UMT you are called for training no matter what the situation is.

On May 13, 1969, the President sent a Message to the United States Congress listing six of his convictions towards the draft. The law as it stands now already gives the President the power to carry out four of these. First the President wants to change from oldest-first to youngest-first the order of call so that a young man becomes less vulnerable to the draft as he grows older. The President has the power, if in the National interest, to order the selection of draftees from certain age groups.

Mr. Nixon would like also to alter the period of prime draft vulnerability to one year instead of the present seven years. This is actually an extension of his first recommendation. Since nothing can prohibit the President from providing for the selection of persons by age group or groups.

The next two convictions brought out by President Nixon cover student deferments. It is his opinion that the undergraduate student's year of maximum vulnerability should begin whenever the deferment has expired. This recommendation is already provided for in the law as it is now. It states that after the student's deferment is up he "be liable for induction as a registrant within the prime age group irrespective of his actual age." As far as undergraduate deferments, President Nixon's recommendation is to allow students to complete not just one term but the full academic year in which they are ordered for induction. The law already states that the President may "provide for deferment . . . persons . . . whose activity in graduate study . . . . is found to be necessary to the maintenance of the nation's health, safety, or interest."

One does not pertain to the legislative body; that is, asking the National Security Council and the Director of Selective Service to review the guidelines, procedures, and standards of the draft system and report the findings to the President. This is purely an administrative action which requires no legislation.

The last of Nixon's six points is the use of the lottery as opposed to the present system of selection. This lottery system has been approved overwhelmingly by the House and is now in Committee in the Senate with proposed debate starting in two weeks.

The lottery system is less complicated and more uniform than the present system. Under the lottery system the days of the coming year (January 1, January 2, etc.) would be placed in a "hat" and drawn out. The order in which these days are drawn is recorded. These days represent the birthdates of the men in the prime age group. If a man who is in the prime age group has his birthday drawn first, then he is classified "most prime" or in the group most likely to be drafted. The second date selected will be the next to go, then the third and so forth. If a person in the prime age group, say for example nineteen years of age, has a deferment when his date is drawn he retains the position he is assigned. For instance, if a young man's birthday is December 13th and on his nineteenth birthday his date is chosen three-hundredth, but he has a deferment for school, when his deferment expires, he will still be three hundredth—not whatever December 13th was chosen on the year his deferment ended.

We believe this is better than the system now employed. This is only a small change, however, is this not better than no change at all? At least at this present time.

With so many local draft boards (over 4,000), the lack of organization among them is a problem. A system with more centralized control would produce impartial standards uniformly applied throughout the nation. This could be done by setting up regional offices and a fewer amount of area offices. A more centralized system would do away with many of the deferments brought about by a man's "pull" with the local board.

One point that has been made by critics of the draft is that the young men actually have no representation in the Selective Service System's decision making procedures. Ways of combating this, besides lowering the voting age, should include some method by which young men could serve on the local board or possible regional draft boards in some capacity.

RESULTS OF PUBLIC OPINION POLL

HON. ROBERT J. CORBETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. CORBETT. Mr. Speaker, I have completed another of my polls of public opinion in my congressional district on 12 current issues. My district, the 18th of Pennsylvania, is entirely suburban Pittsburgh. It contains a considerable mixture of ethnic groups. Economically it ranges from the very rich to the very poor with about 80 percent classed in the middle-income group. Along with many bedroom areas we have many heavy industries and a number of coal mines. Here without further comment are the tabulated results of more than 20,000 signed replies:

Tabulated Results for Poll Conducted September 1969

1. From what you know of the Tax Reform Bill passed by the House, do you believe it should be passed by the Senate essentially as it is? Yes, 55 percent; no, 45 percent.

2. Should the Pennsylvania Turnpike be made a toll-free part of the Interstate Highway System? Yes, 61 percent; no, 39 percent.

3. Do you believe that the military should be given a free rein to force the surrender of North Vietnam? Yes, 57 percent; no, 43 percent.

4. Do you find your postal service to be generally satisfactory? Yes, 87 percent; No, 13 percent.

5. Do you believe that the military budget can be cut 3 to 5 billion dollars without seriously weakening our strength? Yes, 73 percent; no, 27 percent.

6. Would you vote for a Constitutional amendment to provide for the direct popular election of our President? Yes, 86 percent; no, 14 percent.

7. Should the Federal government share some of its revenues with the states to use as they see fit? Yes, 69 percent; no, 31 percent.

8. Do you believe social security benefits and taxes should be raised immediately instead of delaying such action until next year? Yes, 53 percent; no, 47 percent.

9. Should we adopt wage and price controls to stop inflation? Yes, 61 percent; no, 39 percent.

10. Would you favor Federal medical insurance for everyone? Yes, 31 percent; no, 69 percent.

11. Should we stay out of any military involvement in the Arab-Israeli crisis? Yes, 91 percent; no, 9 percent.

12. How would you rate President Nixon's conduct of his office? 43 percent good; 46 percent fair; 11 percent bad.

ARMS LIMITATIONS TALKS MUST SUCCEED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ZWACH. Mr. Speaker, peace has always been the ideal of mankind. Even though it is rarely achieved, it is always sought.

On November 17, the representatives of the United States and the Soviet Union will meet at Helsinki to begin talks on arms limitations.

This will be a start on the road to peace, is the hope of William J. McGarry, editor and publisher of the Appleton Press in our Minnesota Sixth Congressional District.

I would like to share with my colleagues Editor McGarry's thinking on this matter by inserting in the CONGRESSIONAL RECORD his editorial of October 30:

Arms Limitation Talks Must Succeed

Nov. 17 could be the beginning of one of the greatest events in the history of mankind. On that day representatives of the United States and the Soviet Union will sit down at Helsinki, Finland, to begin talks on arms limitations.

The road to arms limitations will not be either easy or short, but it is a journey that must be undertaken and must be completed if mankind is to survive. Arms experts have estimated that either of the countries now have nuclear warheads sufficient to destroy the entire world a number of times. Even from the standpoint of defense, that's probably overdoing it a bit.

A number of things cloud the issue and make it very difficult to come up with a workable plan. Among those things is the fact that China now has a nuclear capability and is daily expanding it. Neither the Soviet Union or the United States could allow their attack or defense capabilities to drop below that of China. That is, they can't yet. Perhaps at a later date China and other nations with nuclear weapons can be included in the talks.

Another roadblock to the success of the meeting is the manner in which any agreement the two countries reach is going to be enforced. Over the years Russia has built a lot of walls, physical and mental, to keep their people in and other people out. It is doubtful that a great change in their thinking concerning foreigners roaming around their country is going to be easy to achieve.

Yet the success of an arms limitation agreement will depend to a great extent on on-the-spot inspections.

So the talks will start and for a peaceful and fruitful future for man, for man in even the most remote reaches of the world, it is necessary that they are successful.

IMMEDIATE WITHDRAWAL CANNOT BE

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DAVIS of Wisconsin. Mr. Speaker, most thinking people realize that complete and unconditional withdrawal of American forces from Vietnam would not bring peace. Rather, until such time as South Vietnamese forces are capable of defending their people, American withdrawal would result in a horrible bloodbath. Carl Zimmermann, director of news and public affairs of WITI–TV, channel 6, Milwaukee, recently pinpointed the consequences of the policy the moratorium leaders like to shout about. Mr. Zimmermann makes it clear that morality is not on the side of those who would have us turn our backs on the people of South Vietnam.

The editorial follows:

As Much as We Desire It "Immediate Withdrawal" Cannot Be!

When President Nixon spoke to the nation on November 3, 1969, there was disappointment . . . even among the "silent majority". Somehow, many of us had hoped he would come up with a quick, easy solution to end the agony and misery brought on by the longest, costliest war in our history. But, it was not to be. As much as we'd like the "immediate withdrawal" of our troops . . . to do so would set the conditions for mass slaughter of innocent victims of communist terror. We do not believe that most of our people want that to happen.

TV6 believes most of the people who demonstrated for peace in last month's Vietnam Moratorium were reasonable, sincere patriotic individuals. They chose to express their desires for peace through rightful, peaceful protest. Where we differ with them is their demand for "immediate withdrawal". It just cannot be.

As much as we'd like, the war in Vietnam cannot be ended overnight. It would be courting disaster to attempt such a maneuver . . . *and* . . . it would be *morally* wrong. We would leave behind a bloodbath that could go far beyond the horror of the genocide of Hitler's Germany.

Protest the war? We all protest and detest war. But, how to end it in Vietnam is a question that cannot be dismissed as simply and as easily as some of our protesters suggest.

The President has accurately and straightforwardly stated the problems. He is determined to end hostilities . . . as determined as anyone. He is also determined to leave "our South Vietnamese allies in a position to defend themselves . . . and to decide what kind of government they want." That is the kind of peace the President wants. It is the kind of peace all of us should desire.

A LEGITIMATE OBJECTION, FROM ONE SILENT AMERICAN

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. STEIGER of Arizona. Mr. Speaker, in recent months some citizens of the United States have come to the conclusion that the United States should unilaterally withdraw from aiding South Vietnam in its resistance to aggression. They have made their protests at the Government's policies known in a myriad of ways. Even now, Washington, D.C., is bracing itself against the marchers and demonstrators who have scheduled protests for this weekend.

I disagree with the position taken by these individuals—however well motivated the intent might be. The "antis" position is shortsighted, demonstrates fallacious reasoning and is often self-serving.

Most Americans support the position of President Nixon, I believe. Communications to the President following his recent televised report to the Nation have been 11 to 1 favoring the approach being taken. A poll shows a 77-percent favorable response. With approximately 2 days' notice, 15,000 gathered at the Washington Monument on Veterans Day for the express purpose of demonstrating this support. Throughout the Nation, many are participating in observances and shall continue to during the "Week of Unity."

The so-called "Silent American," the majority of Americans, is finally letting his views be known. He objects to those who cannot see the good in the Nation, who decry all of its policies, who derides efforts toward betterment, who are always negative rather than positive. Yes, the "Silent American" is finally speaking out and letting his views be known.

Among the sicker of the antiwar opposition tactics, sometimes used, is the recitation of the names of the brave who died in the service of their country while helping South Vietnam. These men died doing their duty in carrying out the policy of their elected Government.

Legitimately, their loved ones—mothers, fathers, wives, relatives, and friends—complain at this incongruous and inhumane use of the names. Many are taking action to try and halt such unseemly, barbaric uses.

One who has is Mrs. Faye Staley from Arizona. She sent the following letter below and statement to other families who have lost a loved one in this war that reside in Arizona. Between October 19, 1969, and November 2, 1969, more than 100 Arizonans made known their opposition to the antiwar groups' profanation of these dead and the cause for which they died. I commend her action to the attention of all Members of Congress and to all Americans:

ARIZONA,
October 19, 1969.

As you may know, a list of 380 names was read automatically the night of October 15, 1969 at a gathering of Protesters at Arizona State University. These names, given a moment of time, were the names of our beloved sons, husbands and fathers.

My son, who was a graduate of ASU, was a man who dearly loved our country and enjoyed the freedoms our form of government afforded him and these freedoms he would not want altered nor would he want his name used to promote a cause so alien to everything he held dear. I know my son, and I believe your son also, would not like to have his sacrifice treated so lightly.

If you feel as I do, would you please sign the enclosed statement and we will do everything possible to prevent their names being used, burned, or otherwise desecrated in any public demonstrations planned for the future.

Very truly yours,
MRS. FAYE STALEY.

This is to indicate that we do not want our son's or husband's names read, put on a list that is to be burned, connected with surrender in Vietnam, or used in any way to undercut our American position at the peace table. He gave his life as a supreme sacrifice for the Freedom of All people in this world. We know he would not want his name used in this manner.

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The 15th of November will soon be here. Please sign on the above line and return right away.

MRS. FAYE STALEY.

ON THE DEATH OF MARSHALL DEAN DAVIS, TAX COURT OF THE UNITED STATES

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. STEPHENS. Mr. Speaker, Marshall Dean Davis, a Commissioner of the Tax Court of the United States, died on November 12, 1969, at the Davis family home in Tennille, Ga. His death resulted from an acute coronary attack. He and Mrs. Davis had arrived several days earlier for their usual fall visit and to spend the Thanksgiving period with relatives in Georgia.

Mr. Davis had served the Tax Court as an attorney since 1927 and as a Commissioner of the court since 1952. He had completed the hearing of an extended trial case at Los Angeles in October.

Mr. Davis was born in Washington County, Ga., on April 11, 1895. He attended Mercer University and George Washington University, receiving the LL.B. degree from the latter in 1926. He was a member of the Georgia State Bar. As a student at George Washington University in 1923, he became a member of Epsilon Chapter, Sigma Chi Fraternity. His marriage to Ethel Reid took place in Gulfport, Miss., on June 2, 1926. They made their home in Arlington, Va.

Mr. Davis' first service with the U.S. Government was in 1917 as a "Riding Page" for the U.S. Senate. In 1918, he enlisted in military service and served in the U.S. Army. In 1920, he reentered the civilian service of the U.S. Government from which he retired in 1956, but continued to give his further service to the Tax Court at its request until his death.

Mr. Davis was widely known among Federal tax practitioners throughout the United States and recognized as an able attorney and jurist. He had presided as a Tax Court commissioner and heard a considerable number of "benchmark" cases in the Federal income tax field. At the time of his death, he was the senior-ranking commissioner of the Tax Court.

Services will be held at Tennille, Ga., Friday morning, November 14, 1969, at 11 a.m. Burial will be in the family plot in Tennille.

In addition to his wife, Ethel, he leaves the following survivors in his immediate family: Two sisters, Mrs. J. Stanley Best and Mrs. Edd A. Holmes, and four brothers, James Porter, Barney, Thomas, and Bryant.

I offer this for the RECORD because the long and faithful service of Mr. Davis should be commemorated by the Congress.

REVISION OF THE PRESENT DISTRICT OF COLUMBIA BAIL AGENCY STATUTE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ERLENBORN. Mr. Speaker, considerable attention has been directed to bail problems both in this body and in the press. However, this attention focuses almost entirely on so-called "prevention detention." I urge my colleagues not to overlook an equally important matter—the revision of the present District of Columbia bail agency statute.

The District of Columbia bail agency now collects information on arrested persons and reports to the courts. It can and does recommend nonfinancial conditions of release but it does not recommend whether the person should be released at all. It is clear that this falls far short of protecting the public from crimes committed by those awaiting trial.

The proposed legislation would authorize the agency to recommend whether or not the accused should be released. It would require the agency to keep the defendant notified of his times for court appearance and to notify the courts of a failure to comply with release conditions.

Most importantly, this legislation would direct the agency to supervise all persons released on their own recognizance and to coordinate all of those persons and agencies who agree to serve as third party custodians of persons who are released.

Most of us are aware that under the old bail bondsmen system the bondsman could at least be relied on to keep track of his client even if he did not always keep the client out of trouble. Under this new system of release without money bond it seems clear that no one keeps track of the accused. The bail agency bill is designed to remedy this and for this alone it deserves to be passed and passed quickly. As long as these people are being released, gentlemen, let us at least keep track of them.

VETERANS DAY CEREMONY

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHERLE. Mr. Speaker, last week I was honored to participate in a Veterans Day ceremony at the Griswold, Iowa, Community School. I am inserting for the attention of my colleagues two speeches prepared and delivered by Griswold students, Becky Mueller and Rod Jackson. Their message is a tribute to the fine educational leadership of their principal, Gale Eshelman, and superintendent, Orin C. Mann.

The speeches follow:

DEMOCRACY

(By Becky Mueller)

A Virginia lawyer once defined democracy this way in the Declaration of Independence, "We hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Although these words came from one man, the ideas came from many, and many more have defended these ideas. But what makes up a democracy? People who are willing to work in industry, medicine and science, and the many other fields we have today. People who vote in the elections provided. People who are willing to fight for the causes of freedom and the protection of their loved ones.

Today we are being attacked by an aggressor, Communism. Our ideals and beliefs of democracy are being challenged. There are many methods used, to persuade mass groups, and Communism uses many. One of these is through emotional appeals.

Emotionally, humans are unstable. People, when aroused with evil intent, can cause great damage to things. Today we can see this in the demonstrations that turn to mass chaos. Maybe it isn't Communism that changes the peaceful demonstrations to riots, but it could be, and we need to stand firm on our beliefs. People, when aroused with logic and reason, can produce the finest things the world knows today.

The founders of the United States were people who reasoned with logic. What do we know today that is finer than our freedom?

Another way Communism attacks is through violence. Here again are demonstrations that turn to riots and wars. The many we've seen, peaceful means can achieve the same goals. Martin Luther King died for his belief in what peaceful methods will achieve, and who did more for the cause of freedom for the Negroes than King?

There are many other ways that Communism attacks us. Hate, fear, propaganda, hero worship, and infiltration. Although time doesn't permit me to say something about all of these, I'd like to say something about the last, infiltration.

This method is probably the one used most today. Today we are involved in a war in Vietnam to stop Communism from infiltrating closer to our nation. Maybe we aren't doing the right thing by being over there, but I feel it is our responsibility to defend our democracy. We all want to see peace, but we must protect our homes and families. People in the United States today are doing just what Communism wants. Communism builds propaganda programs on peace. Its objective is to make peaceful countries look corrupt and dissatisfied. They sow seeds of hate toward these countries, so why must we run down our country and deflate our boys' ego in that country fighting for us and our freedom?

It is our generation that is getting the blame for demonstrations, riots, drugs, and many other things. I feel it is our duty to ourselves and our country as citizens of the United States to stand up for Democracy and fight, if need be, for our freedom.

Be proud of our country's leaders and their efforts to prevent the loss of our rights, freedom, and the other opportunities we have that Communism doesn't.

Thank you.

VETERANS DAY, NOVEMBER 11, 1969

(By Rod Jackson)

Today, November 11, 1969, is Veterans Day, set aside as a time to honor the men and women who, in times of national crises, doffed their civilian garb and donned the uniforms of our Armed Forces.

There are twenty-seven and one-quarter million living American veterans.

They cover a span from the youngest soldier just back from Vietnam to two old fighters of America's Indian Wars—two left of the 106,000 men who battled in such places as the Little Big Horn.

Both have passed the century mark in age. Both have one thing in common with all the other twenty-seven and one-quarter million veterans—they answered their country's call when the time had come to meet force with force.

From such times have come the hallowed memories of Lexington, Concord, Bunker Hill, Valley Forge, Saratoga, Cowpens, and White Oak Swamp.

World War One and its Verdun, the Forest of the Argonne . . .

World War Two with its Pearl Harbor—Corregidor, Coral Sea, North Africa Beaches and the Beaches of Utah and Omaha, the Bridge at Remagen, the Battle of the Bulge.

Korea and its Inchon Landing, Pork Chop Hill, and Heartbreak Ridge.

And now, Vietnam with its Da Nang, Khe Sanh, Hue, and Hamburger Hill.

This is the day we honor the men who made these strange sounding places commonplace names. Hallowed because of the valor and sacrifices of our heroic men in arms.

Today, they are the men who deliver our mail, our doctors, judges, computer experts, the preachers on the pulpits, the brothers in the lodge rooms. They sit on juries and in ball parks. They are the ordinary and the extraordinary. They are Presidents of the United States, Supreme Court Justices, Members of Congress. Yes, they are even Moon Men.

All are veterans who gave up something, made a sacrifice for freedom.

For many thousands the sacrifices were greater. Today the Veterans Administration has more than two and one-quarter million names of veterans and dependents on its service-connected compensation rolls, and every day the VA's 166 hospitals care for nearly 90,000 veteran patients.

They fought to make democracy endure. They earned this day of tribute the hard way.

Today they are citizens of stability, honesty, pride, responsibility. They are good citizens, living in a land they fought to keep free, a land they love.

Their spirit and drive, coupled with a love of freedom and a willingness to sacrifice, is the foundation of our American strength.

Yes, our veterans, both the young and the old, are the strength, the sinew and the heart and pulse of America and her freedom. We honor them today with pride and affection, a tribute not only for them but this Land of the Free and the Home of the Brave.

And I am sure that if we have this type of dedication—dedication to attacking America's ills and answering her problems, just as many brave men have done in different context on the field of battle—we will be paying these men the ultimate tribute of their compatriots.

But, further, we will be building an America that meets the needs of the living and those yet to live. A nation blissful in the peace, the plenty, the equality, and the freedom that is and has been our national dream.

And then perhaps we—you and I—will deserve the esteem and the cherished tributes that are now reserved for those whose part it was to pursue those dreams in combat.

Perhaps—to borrow from another Lincoln phrase—the world *will* long remember.

CONSUMER MESSAGES

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SMITH of Iowa. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

FROM PRESIDENT KENNEDY'S CONSUMER MESSAGE, MARCH 15, 1962

Additional legislative and administrative action is required . . . if the Federal Government is to meet its responsibility to consumers in the exercise of their rights. These rights include:

"(1) The right to safety—to be protected against the marketing of goods which are hazardous to health or life.

"(2) The right to be informed—to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labeling, or other practices, and to be given the facts he needs to make an informed choice.

"(3) The right to choose—to be assured, wherever possible, access to a variety of products and services at competitive prices; and in those industries in which competition is not workable and Government regulation is substituted, an assurance of satisfactory quality and service at fair prices.

"(4) The right to be heard—to be assured that consumer interests will receive full and sympathetic consideration in the formulation of Government policy, and fair and expeditious treatment in its administrative tribunals."

FROM PRESIDENT NIXON'S CONSUMER MESSAGE, OCTOBER 30, 1969

"Consumerism in the America of the 70's means that we have adopted the concept of 'buyer's rights.'

"I believe that the buyer in America today has the right to make an intelligent choice among products and services.

"The buyer has the right to accurate information on which to make his free choice.

"The buyer has the right to expect that his health and safety is taken into account by those who seek his patronage.

"The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served."

NEWSLETTER

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCOTT. Mr. Speaker, our newsletter for the month of November may be of interest to my colleagues and I am inserting it in the RECORD at this point for their information.

YOUR CONGRESSMAN BILL SCOTT REPORTS

NOVEMBER 1969.

President's talk.—The President appeared in the House of Representatives a short time before this newsletter was prepared to thank more than 300 of us who cosponsored a Resolution supporting his efforts to bring about peace in Vietnam. The greatest applause came when he stated that when young men's lives were involved, we should not be Democrats or Republicans but Americans. I have always thought that patriotism was an integral part of the American fabric which did not need to be openly displayed. Yet, with the present threat presented by radical groups throughout the nation, this position might need to be revised. Apparently, masses of people are now descending upon Washington and some of their leaders openly support the communist cause in Vietnam. The Congressional Record of the last few days is full of names and details of past communist affiliations of these leaders and information regarding their "Autumn Offensive." Of course, honest dissent motivated by the pride of a man's conviction and conducted in a lawful manner is perfectly proper, but oftentimes in recent demonstrations there has been violence and disregard of the law.

No society can endure which tolerates wholesale disobedience to its laws. Therefore, I agree with the President that the silent majority of this country must regain the initiative and believe we should discourage our young people from permitting themselves to be used by the professional dissenters and anarchists who defend violent action wherever it appears. Many of these young people from our colleges are not aware of the background of the people with whom they are associated. In all probability, the vast majority of those who participate are completely loyal to our nation even though they may be misguided. Perhaps the silent majority can convince them that our traditions grew out of years of experience, that we want to continue to improve the society by constitutional processes and that neither violent nor non-violent demonstrations of the type taking place will be of benefit to this country. They may, however, comfort the Hanoi government and prolong the present Vietnam conflict.

Revenue sharing.—Centralized government programs over the years with specific grants for individual programs have imposed rigidity on states' activities and eroded much of the power of state and local governments. Therefore, I was glad to join with 89 other members of the House in again sponsoring a revenue sharing measure which has been referred to the Ways and Means Committee. The purpose of the bill is to restore balance in the Federal form of government; to encourage local and state officials to exercise leadership in solving their problems; and to provide for sharing of federal tax revenues.

Bank Holding Company Act.—Recently large one-bank corporations have branched out for traditionally non-banking businesses. Travel agencies, insurance companies, accountants and others have complained that such activities result in unfair competition. The House, therefore, has passed a measure prohibiting banks from engaging in nonrelated activities but allowing a period of grace for banks now in these fields to disengage themselves from such activity.

Military construction.—The House has passed the appropriations bill for military construction and family housing for the 1970 fiscal year. These funds provide for new construction at military bases in the U.S. and overseas as well as the repair of buildings and utilities systems on these bases. The sum of $1.45 billion was appropriated. This was $225 million less than last year and $467 million below this year's budget request. The amount for 1970 includes no funds for construction in Vietnam but some money was carried over from previous years which is considered sufficient for the time being. $12.8 million is included for improvements in the North American Air Defense system for the Safeguard Anti Ballistic Missile communications and control center. The appropriation is not as much as requested but it is expected to be sufficient to meet military construction needs and yet not inflate the economy any more than necessary.

Foreign aid.—The Foreign Affairs Committee has recently reported out a Foreign Aid Bill which will be before the House for consideration this coming week. This raises the question as to how far this nation should go in continuing to share its resources with the world when our public debt is over $57 billions ($57,081,000,000), more than the combined public debt of all other nations, according to a report by the Chairman of the Foreign Operations Subcommittee on Appropriations. He also advised that new budget requests made in the first six months of this calender year totalled more than $10 billions for foreign assistance in the form of loans, grants and credits; that there were unexpended balances from prior years of more than $18 billions; that if new requests were approved, the total funds available would be more than $29 billions and that the net cost of the Foreign Aid Program to this country since World War II is more than $182 billions. Our balance of payments situation and domestic inflation trend must be altered and the defeat or reduction of this large-scale Foreign Aid Program appears to be a step in the right direction.

Annual questionnaire.—Congress is expected to be in session during most of December. However, many of us will be directing our thoughts toward home activities and I do not plan a December newsletter. We will be developing a questionnaire on issues Congress will be faced with in 1970. Both questionnaire and newsletter will probably reach you early in January.

Coal mine health and safety.—A bill to improve safety in coal mines by requiring higher standards in the equipment installed, safer working conditions, and higher health standards was passed by the House. This bill would help reduce the incidents of large tragedies such as the November 1968 explosion in West Virginia which killed 78 miners. Means would be provided for closing unsafe mines until they meet the required safety standards and certain benefits would be available to miners during the time they are idle because of these unsafe working conditions.

Airports and airways.—The House passed a bill which authorizes expenditures of $690 million to improve the nation's airports and airways system over the next three years. Funds to do this will be obtained from persons who use air facilities and will be placed in a trust fund out of which money will be appropriated to make our airways more safe and improve air facilities. The measure also directs the Secretary of Transportation to study and recommend a national transportation policy to the Congress and is a portion of a ten-year plan to keep air facilities abreast with the increased use of air transportation and new developments in aircraft.

Over the past 5 years our air carrier fleet has increased from about 2100 piston aircraft to about 26000 aircraft, most of which are jets. By 1980 it is estimated that our domestic airlines will carry three times as many passengers as during 1969 and that the present fleet of about 125 thousand general aircraft will have doubled with 1,400,000 pilots as compared to about 600.000 today.

Overseas mail.—The Post Office Department advises that it has insiltuted an automatic mail directory system in San Francisco to handle Christmas mail for military personnel in Vietnam. It is expected to expedite rerouting of mail and to free a large number of postal workers for other duties. Rerouting of mail is necessary because personnel are frequently shifted and delays have been encountered in the past in forwarding mail. The system relies upon the social security number of servicemen and will replace a manual operation that is both time-consuming and costly.

Calendars.—We expect to be furnished a thousand 1970–71 calendars in about two weeks and will send one to any constituent who requests it until our supply is exhausted. If you would like one of these government calendars, please send us your name and address.

Draft bill.—Under a measure recently passed by the House, the President will be able to carry out some desired draft reforms. There will be only one year of prime draft liability, which will usually come during the young man's nineteenth year, and draftees will be chosen during that year on a random selection basis. Many youth under the present system have been uncertain for up to seven years as to whether they will be drafted and this uncertainty has interfered with their obtaining jobs, planning higher education activities, and apparently has affected their general well being. Early Senate action is now anticipated.

Something to ponder.—Self-discipline is the free man's yoke.

RESOLUTIONS SUPPORTING PRESIDENT NIXON'S COURSE IN VIETNAM

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ROTH. Mr. Speaker, I was pleased to receive a communication this month from the Council of Polish Societies and Clubs in the State of Delaware. Delegates to the council, representing more than 8,000 citizens from Polish organizations all over the first State, agreed unanimously to endorse two resolutions supporting the President's course in Vietnam. I would like to insert the text of these two resolutions at this point in the RECORD:

RESOLUTION NO. 1

We urge that all members of Congress put aside their various differences for our common good and support of our men in Vietnam. Tell Hanoi they cannot win in the congress of the United States, nor on the American college campuses, and that their appeal to the American public is of no avail.

RESOLUTION NO. 2

Whereas, the President of the United States has embarked upon a policy of deescalation of our country's participation in the Vietnam war, and of establishing peace on a sound and permanent basis for the benefit of all the people of the world; and

Whereas, this policy of the president vitally needs the support of every American, irrespective of his political faith or of his viewpoint on other public matters, otherwise the war will be unduly prolonged, lives of American lads will be needlessly sacrificed, and the peace of the entire world will be endangered;

Now, therefore, be it resolved by the Delaware internal security committee, consisting of organizations representing 35,000 law-abiding, patriotic Delawareans, that our Delaware senators and the representative be urged to communicate to the President of the United States their support of his policy to end the war in Vietnam.

NEW YORK CITY: THE AIR POLLUTION CHAMBER OF HORRORS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FARBSTEIN. Mr. Speaker, New York City has been accurately described as "a chamber of air pollution horrors." It has the dubious distinction of having the highest concentration of air pollution of any city in the United States, exceeding that of even Los Angeles.

Air pollution exhorts a tax on the residents of the New York area that amounts to $800 million a year. This averages $620 a family. In areas of highest concentration, which includes most of the congressional district I represent, the cost per family is over $800 a year. This cost comes from material corrosion and erosion: flaking off of brownstone from townhouses, crumbling of marble ornamentation—the city recently spent $4 million to repair marble erosion on the facade of City Hall—killed or injured vegetation, weathered or dead trees near bus stops.

The cost also comes from sources people would not normally think of: cracked rubber on new tires, reduction in visibility and sunlight which makes travel by land, sea or air more hazardous, and the resulting cost of accidents and the extra lighting bills.

But more important than any material loss is the human cost in terms of increased mortality and disease rates. The effect of air pollution on human lungs has been visibly demonstrated by the literally black coloration of the lung tissue of urban residents. There is also the increased incidence of emphysema, chronic bronchitis, lung cancer, and other diseases which have been directly linked to air pollution. Experiments on mice have shown that injection of particular materials found in urban air greatly increases the frequency of various types of tumors during the adult life of the animal. The Secretary of Health, Education, and Welfare recently banned cyclamates as a result of experiments on mice. He should move to ban air pollution as well.

Breathing New York air is the equivalent of smoking a pack of cigarettes a day.

Much of this comes from the automobile in New York. The auto, for example, is the source of 9.6 million pounds of carbon monoxide a day to the city.

Air pollution used to be a question that only the people of California were supposed to be worried about. Whether that was ever the case I will not now argue, but it certainly is not true now. New Yorkers are gravely concerned about this problem and want something done about it now.

One example of this concern is found in an extremely well done series of articles by Hope MacLeod in the New York Post. This series entitled "Our Polluted Air" explores the human and material impact of air pollution on New York City. It examines the sources of the problem and discusses the limited actions being taken to combat it. It is an excellent thumbnail sketch of the problem as it exists in the Nation's largest city.

The articles follow:

[From the New York Post, Nov. 10, 1969]

OUR POLLUTED AIR

ARTICLE I: HOW BAD?

(By Hope MacLeod)

Health News, N.Y. State Health Dept. monthly: "An average man can live on four and a half pounds of water a day and four pounds of food. But to stay alive, he needs 30 pounds of air. He can select his food and water; its contamination is often revealed by taste, odor or appearance. But he has no choice about air. He must take it as it comes to him, even though it may be laden with aerial garbage."

City officials claim their three-year battle to clean up the air is showing results.

Indeed they were somewhat chagrined at the lack of fanfare over their announcement Oct. 1 that a new law effective that day would eliminate 450,000 tons of sulphur dioxide a year—half the amount New Yorkers breathed in 1966.

Even such outspoken critics as Eldon R. Clingan, executive director of Citizens for Clean Air, Inc., and now a new City Councilman at large for Manhattan, concede that some progress has been made "although not nearly enough."

But a Manhattan woman who has lived in one West End Av. apartment for three decades says flatly:

"It has never been worse. I used to fling my windows open wide, and the windowsills wouldn't get dirty for a day or two. But now I raise them only a few inches and use filter ventilators and the filth piles up in less than an hour.

"Even when I keep the windows closed, the dirt seeps in. And I look out and see black smoke billowing from a building across the way. It's so discouraging and depressing."

Just how bad is the air around us?

Is it making us ill?

Might our bodies have to start growing gills or extra large noses and lungs full of special filtering devices, as scientists only half-jokingly suggest, in order to adapt to the environment?

The statistics are staggering.

Every 24 hours 592,000 tons of "aerial garbage" spew into the nation's atmosphere.

Apartment buildings, private homes, power plants, factories, incinerators, and a phenomenal 90 million motor vehicles across the land belch forth 100,000 tons of sulphur dioxide, 180,000 tons of carbon monoxide, 33 tons of hydrocarbons, 17,000 tons of nitrogen oxide a day—and these are by no means all the pollutants.

New York City gets more than its share.

Its sootfall alone has been estimated as high as 80 tons a month. Its automobile traffic generates 9.8 million pounds of carbon monoxide a day.

"We're in a race with disaster," says Dr. Irving J. Selikoff, head of the Mt. Sinai School of Medicine's Environmental Medicine Division and an air-pollution expert particularly noted for his studies linking asbestos to human death.

Less than three years ago the Mayor's Task Force on Air Pollution, headed by Norman Cousins, warned: "New York City could be considered uninhabitable within a decade." But now we apparently have a longer breathing spell. In a new report this month, Cousins said the air is now "cleaner and more breathable" because the city had carried out many of the Task Force's earlier recommendations.

New York, like other large cities, has undertaken a program to rid the air of pollutants, with a target date here of 1972. Whatever the effort so far, the city still hasn't shaken off the tag of being one of the dirtiest urban centers in the country.

Just four years ago National Air Sampling Network studies showed New York had an average of 179 micrograms of solid material per cubic meter of air, compared with a low of 56 in Cheyenne, Wyo.; 147 in Pittsburgh; 123 in Newark; 140 in Chicago.

The Public Health Service's National Center for Air Pollution Control compared the severity of air-pollution problems among the 65 largest metropolitan areas in the country in 1967. New York topped the list. It had the dubious distinction of outdoing Chicago, Philadelphia, Los Angeles-Long Beach, Cleveland, Pittsburgh, Boston, Newark, Detroit, St. Louis in that order—all the way down to Wichita, Kan., and High Point-Greensboro, N.C.

The average citizen thinks of air pollution only as the stuff that smarts his eyes, dirties his clothes, creates dreadful orders, and cuts down visibility. But polluting the air is like dropping a pebble into a pool. It causes ripples that reach out and touch many aspects of life.

Take the cost, for example.

Air pollution is called one of the most sizable and needless expenses in the American budget.

It costs Americans $18 billion a year in medical expenses, cleaning bills and building maintenance, said Charles C. Johnson Jr., administrator of the U.S. Health, Education and Welfare Dept.'s Consumer Protection and Environmental Health Service. Other experts put the figure nearer $20 billion.

Dirty air costs New York City area residents $800 million a year. The average cost of air pollution is $620 per family per year in the New York-New Jersey metropolitan area, according to a study released last June by Harry M. Hovey, Jr., associate director of the state Air Resources Division, and Robert Price, vice president of the Fuel Engineering Co. of New York.

In some parts of New York City, said Hovey, the cost is more than $850 per family per year—or more than $200 per person, averaging a family as four persons.

There are costs from air pollution that people wouldn't think of. Oxides make rubber crack, so what is the cost of new tires? Dirty air reduces visibility and sunlight, making travel by land, sea and air more hazardous, so what is the cost of accidents, or even the extra lighting bills?

Air pollution is costly not only in direct expense but in waste. At today's prices, $300 million worth of sulphur a year, found as an impurity in most fuels, goes up in smoke. Ten billion gallons of gasoline evaporate without moving a vehicle an inch. That's 15 per cent of the amount sold, for an annual waste of $3 billion.

The fly ash that ends up on the West End Av. woman's window still could be money in the bank if retrieved and processed for construction material. European countries such as Germany have successfully used this windfall to make such items as cinder blocks. Consolidated Edison, which has been catching its fly ash for years, experimented with the idea but could find no market for it. Con Ed still collects the fly ash but hauls it out to sea or gives it to someone like the Port Authority to build runways or landfill, just to get rid of it.

The costliness of air pollution attacks nearly everything: metals, buildings, plants, clothes.

Copper and aluminum corrode five times as fast in a polluted atmosphere as in clear air, iron, four times as fast; brass, eight times as fast; zinc, 15 times as fast; nickel, 25 times as fast; steel, 30 times as fast.

New York City has been described as "a chamber of air-pollution horrors." The 10 percent of the country's pollution squeezed into the Long Island-Westchester-New Jersey-Connecticut commuting area are all busy burning fuels for heat, electricity for everything from air conditioners to carving knives, gasoline for millions of cars, with continually more trains, trucks, buses required to supply their needs.

Air pollution has been called "the fall-out of affluence." Some of its effects "are startling," Edward Edelson and Fred Warchofsky remark in "Poisons in the Air."

"Trees near bus stops wither and die, probably from the fumes of the buses' diesel engines. Church organists find that the delicate sheepskin valves of their instruments, made to last for years, are rotted away in months, due to the sulphur in the city's air . . ."

The National Tuberculosis and Respiratory Disease Assn., long concerned about the air-pollution problem, said in its "Air Pollution Primer" that New York City "is being eaten away" by its atmosphere.

"Its brownstone townhouses are flaking off, its marble ornamentation is crumbling, Cleopatra's Needle has suffered more in the time—less than 100 years—it has spent behind the Metropolitan Museum than it did in 3000 years in the Egyptian desert."

Experts blamed air pollution for contributing to the deterioration of the marble on the facade of City Hall, which had to be replaced a few years ago at a cost of $4 million.

One of the most widespread effects of polluted air is killed or injured vegetation. National agricultural losses have been estimated at $500 million a year.

Every county in the Garden State of New Jersey, said the PHS, has suffered vegetation damage from air pollution, and at least 36 crops, including spinach, romaine, endive, beets and chicory, have been affected.

Dr. Michael Treshow, a botanist, has noted that "the lingering decline of whole forests and the alterations of entire agronomic and natural plant populations, caused by air pollutants, is only now beginning to excite attention."

Air pollution not only erodes stone, cracks rubber, corrodes metal and ruins vegetation. It also weakens leather, etches glass, discolors paint, makes paper brittle, disintegrates nylon hose on the legs, and causes cattle to lose teeth and even die.

The real question then becomes: What does it do to man?

[From the New York Post, Nov. 11, 1969]

OUR POLLUTED AIR

ARTICLE II: IS IT KILLING US?

(By Hope MacLeod)

Are we breathing ourselves to death?

The U.S. Public Health Service has identified air pollution as a contributory cause of cancer.

Physicians say it damages sensitive lung and respiratory tissue, irritates the eyes, produces fatigue, cuts down working efficiency and makes people tense.

The National Tuberculosis Assn. says:

"Polluted air can make your eyes water and burn. It can blur your vision. But even worse, it can upset your breathing. You may have to make an effort to breathe. And you may not get all the oxygen your body needs to stay healthy.

"Air pollution has been known to kill, to sicken and to destroy. It is particularly hard on people with serious chest conditions—chronic lung or heart disease. Such people have to work harder to breathe the impure air."

Dr. Stephen M. Ayres, director of the cardio-pulmonary laboratory of St. Vincent's Hospital, points out that "pathologic studies of human lungs demonstrate the impact of air pollution on man. The lungs of country dwellers and of small children in the city are pink. Carbon particles accumulate in the lungs of city dwellers producing the characteristic 'black lung' seen at autopsy."

More and more studies are showing a link between bad air and bad health, up to and including excess deaths.

While most doctors seem to agree that it's unhealthy to breathe polluted air, actual proof is difficult with what we have so far in documented evidence.

"One source of the difficulty in defining the health effects of air pollution arises from the fact that there is no specific air-pollution disease," says Dr. Norton Nelson, director of the Institute of Environmental Medicine at the New York University Medical Center.

"That is, there is no particular pattern of symptoms that defines itself as having arisen from air pollution. On the contrary, it is apparent that air pollution in its effects on health . . . acts primarily through the exacerbation of existing disease."

But the number of those suffering from respiratory diseases is skyrocketing. The number of deaths from bronchitis and emphysema has been doubling every five years and lung-cancer deaths are rising—to 500,000 a year.

"With every breath we take," according to the Public Health Service, "an increasing percentage of us comes a little closer to a diagnosable diseased condition. These ills are mostly disease of the bronchial tree—from the common cold to lung cancer."

Some pollutants in the air, such as lead, may build up in the body until they reach harmful levels. Others—carbon monoxide is one—are not cumulative in their effects, says the PHS, but can cause temporary disability or even death if concentrations are high enough.

Emphysema, a disease in which lung tissue is progressively destroyed, "today in this country is the fastest growing cause of death," according to the PHS. In 10 years emphysema deaths among American males rose from 1.5 per 100,000 to 8 per 100,000.

"Studies have demonstrated that emphysema patients improves when they are protected from air pollution," the PHS says. "The fact that the incidence of emphysema is greater in our cities than in our rural areas points to air pollution as a contributing factor, as does the fact that deaths from emphysema are twice as high in the city as in the country."

A study by three Canadian pathologists of 300 autopsies in highly polluted St. Louis and an equal number in Winnipeg, with its relatively clean air, showed twice as much emphysema in the St. Louis 20-to-40 age group.

Another rapidly growing respiratory ailment, chronic bronchitis, was found in one study, to exist in 21 per cent of men 40 to 59 years old. Other studies indicate that 13 to 20 per cent of the country's adult males have this disease.

The rise in death rates from emphysema and chronic bronchitis in New York City in the past decade has been described by New York City Tuberculosis Assn. as "monumental"—an increase of over 500 per cent from emphysema and over 200 per cent from chronic bronchitis.

Still another disease, bronchial asthma, is often aggravated by air pollution, although it's difficult to say what role pollution plays because so many stimuli can bring on asthmatic attacks. Studies have long indicated, however, that occupational exposure to certain vapors and dusts can trigger such attacks. And many of these can be found in substantial amounts in ordinary city air.

Air pollution has even been connected with the common cold.

A study of two groups of Maryland residents, differing only in the amount of particulate matter (solid and liquid particles of smoke, dust, etc.) they were exposed to, revealed that the group in the most polluted section had the most colds.

Probably the most frightening aspect is that lung cancer deaths have been climbing so rapidly in recent years.

"And while many factors are involved," according to the PHS, "the striking difference between the urban and rural mortality rate for lung cancer points to one of them—air pollution. The rate in our large metropolitan areas is twice the rural rate, even after full allowance is made for difference in smoking habits.

"The death rate from lung cancer is apparently directly proportional to city size, and the same can be said, in general, for levels of air pollution . . . In Norway, where there is much less air pollution, the lung cancer rate is half that of the U.S."

The PHS cites laboratory investigations that provide further clues. In one, mice, sensitized with influenza virus and exposed to oxonized gasoline—simulated photochemical smog—developed bronchogenic cancer of the type humans get.

In another study, hamsters were repeatedly exposed to intratracheal doses of hydrocarbon found more often in city than country air, and all developed bronchogenic cancer.

"Air pollution," says the PHS, "contributes to disease and premature death."

Dr. Leonard Greenburg, former Air Pollution Control Commissioner and now professor at Albert Einstein College of Medicine, did a study a few years ago on Staten Island that found the death rate from lung cancer among men living on the north shore, which lies in the path of much aerial filth wafting from New Jersey a few miles across the water, to be 55 per 100,000. On the relatively unpolluted south shore the rate was 40 per 100,000. Among women, those living on the north shore had a lung-cancer death rate twice that of those on the south.

Merril Eisenbud, the city's Environmental Protection Administrator, cautions that one should be careful about drawing conclusions from the Staten Island study because of socio-economic differences in the two areas. You'll almost always find more susceptibility to all diseases in the poorer, less advantaged neighborhoods, he points out.

Dr. Ernest L. Wynder, M.D. working at the Sloan-Kettering Institute for Cancer Research, painted mice with material taken from filters exposed to New York air, and produced cancer.

Although Wynder's work in the epidemiology of lung cancer led him to believe its main cause was cigaret smoking, he did note:

"In view of the fact . . . that tumor-initiators, tumor-producing components, and ciliatoxic agents have been identified in city air, remedial measures must be encouraged to reduce these components.

"As long as a likelihood exists that such pollutants may even to a limited extent contribute to lung cancer and that these substances can be reduced through practical measures, such measures must be undertaken."

Says the American Medical Assn.: "There is now no longer any doubt among medical investigators that air pollution is a medical problem in terms of the millions of persons exposed, the subtlety and variety of its effects, and its tendency is to worsen with increasing urbanization."

A truly alarming aspect of the whole air-pollution problem is what a layman might call "delayed reaction."

Biologist Rene Dubos of Rockefeller University says:

"Since most kinds of environmental pollutants produced by modern technology did not reach significant levels until one or two decades ago, their worse effects are yet to be recognized.

"It is known that injection into newborn mice of particulate materials separated from urban air greatly increases the frequency of various types of tumors during the adult life of these animals.

"If this observation can be extrapolated to human beings, the worst effects of environmental pollution are yet to come, since it is only during the past decade that large numbers of babies have been exposed to high levels of pollutants in urban areas . . ."

Or as Dr. Irving J. Selikoff, head of the Mt. Sinai School of Medicine's Environmental Medicine division, puts it:

"Whatever it is that destroys the lung in emphysema doesn't do it in a year or two but takes a very long time. A kid starts smoking at 16, but the effects may not show until he's 56. Uranimum miners don't show lung cancer for 10 or 20 years after they start.

"We don't know what air pollution ultimately will do. We *must* consider the future. We have a responsibility to future generations.

"If it can happen to birds and animals, it can happen to us. Things don't always turn out for the best. Time doesn't always heal everything . . ."

Says Dr. Richard A. Prindle of the PHS:

"One can only conjecture that this rising incidence of disease will continue and that the effect on the health of the nation—and over the technologically expanding world—may be augumented.

"The over-all effect of air pollution on the economy, the health and the welfare of the people may become a disaster."

[From the New York Post, Nov. 12, 1969]

Our Polluted Air

ARTICLE III: WHAT IS IT?

(By Hope MacLeod)

"If the mass of air pollutants continues to build up, the global capacity of the wind systems to disperse pollutants may be seriously impaired," AFL–CIO economist George Taylor has written.

"Thus modern man in the United States and other industrialized nations has created a menace.

"It lurks in the very air we breathe and takes an increasing toll in lives, health and the economy.

"It is seriously disturbing the delicate balance that has existed in the environment, of which man is becoming a ruthlessly disrupting factor," Taylor adds.

"He worships at the shrine of personal cleanliness, creature comforts and new techniques while surrounding himself with an environment of ugliness, filth and poison."

What is this spector, air pollution, hanging like a pall over mankind?

City air pollution control experts describe it very simply: "contamination of the atmosphere by one or more substances."

The U.S. Public Health Service defines it as a mixture of contaminants—solids, liquids and gases—which are discharged into the atmosphere by nature and by man.

An air pollution "problem" is "the presence in the atmosphere of one or more contaminants in such quantities and of such duration as may be, or tend to be injurious to human, plant, or animal life."

The air we breathe is a mixture—about 78 per cent nitrogen, 21 per cent oxygen, a tiny amount of carbon dioxide (0.03 per cent), less than 1 per cent of argon and traces of other gases plus varying amounts of water—in its so-called pure state.

Our air isn't unlimited. About 95 per cent of the total mass is in a layer about 12 miles thick over the earth.

The lower part of this layer—the troposphere—is where we dump all our aerial "garbage"—an area no deeper than, say, the skin of an apple to the apple itself. And there the filth stays, until dispersed or diluted by wind and rain.

Air pollution control officials, according to the New York Environmental Protection Administration, classify pollutants by origin, by state of matter and chemical composition.

Classified by origin, pollutants are considered primary, that is, those emitted into the atmosphere directly and in their original form such as carbon monoxide; and secondary, namely those formed by chemical reaction of two or more primary pollutants of natural components of the atmosphere. Examples are nitrogen dioxide, sulphur trioxide and ozone.

Classified by the state of matter, pollutants are in either particulate or gaseous categories. Particulates are finely divided solids or liquids. Very small ones, 0.01 to 010 micron size, act almost like gas, remain suspended in air, and are carried by wind currents. Smoke, dust and pollen are among the particulates. Gases include carbon monoxide, sulphur dioxide and ammonia, for example.

Classified by chemical composition, pollutants are either organic, containing carbon and hydrogen in combination, such as methane and butane; or inorganic, such as carbon monoxide and sulfur dioxide.

The city's three main pollutants, according to the Air Resources agency, are sulfur dioxide, carbon monoxide and particulate matter.

More information is being sought on atmospheric concentration of nitrogen dioxide, hydrocarbons, trace metals and asbestos, the department said.

The basic source of air pollution is the imperfect burning of fuel and other materials. As Edward Edelson in a Public Affairs Committee pamphlet "The Battle for Clean Air," put it:

"If we extinguished our fires, we would have no air pollution, but we would also be without most of our electricity, our cars, trucks and buses would stop running and we would be almost buried in our own rubbish." (New York City's trash heap amounts to more than 3 million tons a year).

Sulfur dioxide comes from the combustion of fossil fuel such as oil which contains varying amounts of sulfur. Huge quantities of fossil fuel are required to heat New York City homes and offices and generate power.

Carbon monoxide comes from gasoline and diesel-powered vehicles. Air pollution control experts estimate that New York automotive traffic generates 9,600,000 pounds of carbon monoxide a day.

Particulates spew into the air from combustion of coal, and to a lesser degree, fuel oil, as well as private, public and industrial incinerators, and industrial processes.

All sections of New York City are not subject to the same pollutants in the same amounts. But several factors are, in general, good indicators of the types of pollution problems to be found in different parts of the city.

These are density of housing, density of population, automobile traffic, the amount and type of industry and the native meteorology.

In some residential areas, wind conditions sweep in pollutants from industrial areas. In other areas, the major share comes from traffic and industry.

But it isn't just the types or amounts of contaminants that affect the nature and seriousness of an air pollution problem. Also involved are such variables as wind speed and direction, air temperature, precipitation, topography, sunlight, and even an individual's susceptibility to specific contaminants or combination of them.

That is why it is difficult to say what parts of the city are best and which are worst when it comes to air pollution. "It's not always the same every day," explains Air Resources Commissioner Heller.

But on the whole, spots such as central Manhattan, with its high density of people and vehicular traffic, and Staten Island, due to dirt drifting over from Jersey, are generally more polluted than, say, a tree-lined residential street on Long Island.

The Public Health Service cites a study that indicates the breathing of the air of an average city is—in terms of a hydrocarbon thought to be a cancer-producing substance in cigaret smoke—the equivalent of smoking seven cigarets a day.

In the most heavily polluted city, breathing its air would equal smoking a pack a day, the study found.

What effects do New York City's three major pollutants have on humans?

Sulfur dioxide, says the PHS, can irritate the upper respiratory tract, and absorbed on particulate matter, can be carried deep into the lungs to injure delicate tissue. It also can combine in the air with water to form sulfuric acid which, in the right particle size, can also penetrate deep into the lung.

The sulfur oxides appear to aggravate existing respiratory disease and prolonged exposure to relatively low levels of sulfur dioxide has been associated with increased cardiovascular morbidity.

Carbon monoxide, says Dr. Stephen M. Ayres, director of the cardio-pulmonary laboratory of St. Vincent's Hospital, has a totally different effect on the body from those that injure the lining of the tracheobronchial tract "and may become the greatest pollution problem of the 20th century."

When carbon monoxide, which comes mainly from motor vehicles, enters the bloodstream, it replaces the oxygen needed to carry on the body's metabolism. "At high concentrations," says the PHS, "it kills quickly; at lower concentrations it brings on headaches and a slowing of physical and mental activity."

Arthur Plutzer, chairman of Manhattan's Action for Clean Air Committee, points out that carbon monoxide slows reflex responses and there's a build-up. "Say a man is doing a mile an hour in the Queens Midtown tunnel in rush hour. By the time he gets to Ravenswood he's doing 60 and he's not himself. He's extra careless."

Or as health experts explain, the body retains the pollutant long after exposure is discontinued. A transient exposure of 500 parts per million in a river tunnel might produce a carboxyhemoglobin level which would persist for several hours.

At approximately 100 parts of carbon monoxide for every million parts of air, most people experience dizziness, headache, lassitude and other symptoms of poisoning.

"Concentrations higher than this occasionally occur in garages, in tunnels or behind automobiles," according to the PHS.

But it varies. On one windy "low pollution" day in New York City not long ago, carbon monoxide concentration at a laboratory sampling location was less than 5 parts per million while at street level in the garment district, it exceeded 100 ppm.

The New York Scientists' Committee for Public Information told a state Joint Legislative Committee on Transportation this spring that "at the present time, the levels of carbon monoxide on midtown streets are so high that they exceed the level recommended by the state all day, every day."

Impairment of circulation, heart disease, anemia, asthma, lung impairment, high temperature, high altitude and high humidity all are conducive to make certain persons particularly vulnerable to carbon monoxide poisoning, according to the PHS. The California Public Health Dept. found that exposure to 30 parts per million for eight hours or to 120 parts per million for one hour may be a serious health risk for sensitive people.

Particulates, solid and occasionally liquid, may be large enough to settle rapidly to the ground or small enough to remain suspended until removed by rain, wind, and "yes, by people breathing them into their lungs," said the PHS.

"Some particulates are directly harmful—they contain poisonous substances or substances, such as the hydrocarbons . . . which may cause cancer. Others multiply the potential harm of irritant gases."

Among particulates are arsenic, suspected of inducing cancer; asbestos fibers, associated with chronic lung disease and cancer; beryllium, which has produced malignant tumors in monkeys; cadmium, which may contribute to high blood pressure and heart disease; fluorides, which cause severe damage to cattle and vegetation; lead, which can cause brain damage in children and impair the nervous system in adults.

Asbestos pollution is particularly frightening because it is continually filling the air from disintegration of brake linings, floor tiles, roofing, insulation, and its effects may not show up for years after one has been exposed to it.

Radiation from atomic power plants and from use of lasers and microwave technology "presents hazards not yet measured," warned the PHS.

[From the New York Post, Nov 13, 1969]

OUR POLLUTED AIR

ARTICLE IV: WAKING UP

(By Hope MacLeod)

Experts talk of the possibility of an air-pollution disaster killing as many as 10,000 or even 100,000 people. Vulnerable cities they say, include London, Hamburg, Santiago, Los Angeles . . . and New York.

New York City's Environmental Control Administrator Merril Eisenbud says he believes it could no longer happen here. To which skeptical Eldon Clingan, new City Council member who on Jan. 1 will retire as executive director of Citizens for Clean Air, reports: "I only hope to God it's true."

Last spring, the New York Scientists' Committee for Public Information told a state Joint Legislative Committee on Transportation: "The air over New York has become a soup of toxic gases so vile that people are dying during severe air-pollution episodes for lack of clean air."

The industrial revolution accelerated it, but air pollution is nothing new.

Four hundred years before Christ the Greek physician Hippocrates already had associated the city with air pollution and advised that 'when one comes to a city to which he is a stranger, he ought to consider its situation, how it lies as to the winds and the rising of the sun . . ."

Vitruvius, a Roman architect in the reign of Augustus, designed buildings for proper ventilation and recommended tree-lined streets to keep the city's air fresh.

The first smoke-abatement law, in 1273 during the reign of Edward I, forbade the use of soft coal in London as detrimental to health. In 1309 an Englishman who broke the law was hanged.

Shakespeare may have described contemporary conditions in the words of Hamlet: "The most excellent canopy, the air—why it appears no other thing to me than a foul and pestilent congregation of vapours."

Studies of air pollution started in England, France and Germany in the 19th Century.

In this country the city of Brooklyn was among the first to enact legislation against air-pollution with an 1895 ordinance which provided in part: "No factory, engine room or electric station shall use what is known as soft coal for fuel . . . within the radius of four miles of the City Hall," under the penalty of a fine of up to $100.

It was not until 1930, however, that any urban programs for smoke control were set up. That was the year of the first documented air-pollution "episode" of modern times—in the industrial Meuse Valley of Belgium. An inversion, in which foul air is trapped for days under another air mass above, took 60 lives.

The tragedy stirred awareness throughout the world of dangers that might befall any industrial area. The first New York City program made smoke control a responsibility of the Health Dept. and consisted of 11 sanitary inspectors to investigate complaints. The special unit, which Mayor Jimmy Walker brought into being with much flourish, was abolished in 1934 for economy reasons, and smoke control became simply one of the regular functions of the Health Dept. engineers.

It was an air-pollution "incident" at Donora, Pa., in 1948, when an inversion killed 20 of the town's 14,000 residents and made half of them ill, that finally scared this country's public-health agencies into action. Since then, programs have been started by the federal government, most states, and many municipal agencies.

Four years after Donora a "killer smog" in London lasted five days and took 4000 lives.

Dr. Leonard Greenburg, New York City's first Air Pollution Control Commissioner and now professor of preventive medicine at Albert Einstein College of Medicine, made studies of local air-pollution incidents. He has calculated that there were approximately 220 excess deaths here from air pollution in 1953, 300–350 in 1963, 186 in 1966.

New York has fairly brisk winds that produce what Manhattan College biologist Dr. Tom Stonier refers to as "scouring action," saving us from incidents we might otherwise have.

Only a few years ago air pollution was thought of chiefly in terms of smoke and soot. Other wastes are now known to be involved; detritus from oil and gasoline, from new industrial and chemical processes, new sources of energy, the increasing complexity of modern urbanization.

A new air-pollution-control unit was formed in the Health Dept. here in 1946, and in 1949 its functions were transferred to a Bureau of Smoke Control in the Dept. of Housing and Buildings.

By 1952 it had become clear that the control of air pollution involved more than mechanical smoke control and this prompted creation of the Air Pollution Control Board and Department.

In the 1940s and '50s, meanwhile, Pittsburgh and St. Louis gained attention for their success in eliminating the heavy smoke that both had always been noted for. Los Angeles, however, was perhaps the first city to come to grips with air pollution in all its complexity, and is waging a continuing battle.

By 1964 the New York City Council, finding that "air contamination has proven dangerous and harmful to the health and safety of the residents," set up a special committee to investigate air pollution, with Councilman Robert A. Low, long interested in the problem, as chairman. The committee reported in December, 1965, that "we have passed the point in modern community life when it must be realized that we can no longer continue to use the air as a convenient dumping ground for waste gases and particles produced by the city's complex activities." The report offered recommendations on fuel usage and waste disposal.

In May, 1966, a Task Force on Air Pollution, set up by Mayor Lindsay and headed by Norman Cousins, came up, after months of study, with recommendations for "adequate corrective measures." The Task Force acknowledged that restoring clean air to the city would be "a mammoth undertaking" but was optimistic it could be done. The program "would not be inexpensive," and city government "must move swiftly, decisively, and effectively."

New York City, the Task Force declared, "pumps more poisons per square mile into the air than any other major city in the United States. The main reason this condition has not produced widespread disaster in the past is that New York has open topographic surroundings and therefore enjoys the cleansing effects of the prevailing winds . . ."

But, it went on, "all the ingredients now exist for an air-pollution disaster of major proportions. It is a serious error to suppose that the kind of air poisoning that brought tragedy to London, and Donora, Pa., could not happen here . . ."

The Task Force listed the city's main sources of "the poisons and dirt in the air"—hardly any subject to proper control:

The city's 11 municipal refuse disposal stations or incinerators, which were "in almost constant violation" of the city's "own laws against air pollution."

The 2606 incinerators and 2500 furnaces, in the city's Housing Authority projects.

The 10,000 incinerators and 135,000 furnaces of private apartment houses and office buildings.

Approximately 600,000 private one-family and two-family dwellings, most using fuel oil for heat.

Consolidated Edison's 11 power-generating stations within the city; some 8500 industrial manufacturing plants; demolition and construction dirt; ordinary street dirt; 13,000 lunchrooms and restaurants, many emitting smoke and odors at street level.

About 1.5 million automobiles, buses and trucks; friction of automobile tires producing rubber dust and brake linings contributing asbestos dust.

Emanations from 400,000 takeoff or landing operations at New York airports each year; 25,000 steamship operations a year in New York Harbor, and, finally, pollution by "air invasion," especially from New Jersey "with its relatively uncontrolled industrial complexes and incinerators."

The Task Force then listed these "main villains" of the assault on human health, on vegetation, on property, on aviation safety: some 230,000 tons of particulate matter; 597,000 tons of sulfur dioxide; 298,000 tons of the nitrogen oxides; 567,000 tons of hydrocarbons; 1,536,000 tons of carbon monoxide.

"Together," said the Task Force, "they produce in one year 730 pounds of pollution for each New Yorker. This means the average New Yorker has to contend with more than five times his weight each year in noxious and obnoxious airborne materials."

The Task Force set forth the terms of "a far-reaching and effective" campaign.

Pressure and energy from an alert, enlightened public.

A comprehensive plan to control all environmental hazards ("the City must begin by cleaning its own house—the City is a major offender and must obey its own laws").

Carefully defined clean-air objectives related to a regular, accurate supply of data on air quality, pollution movements, and their effect on the environment.

Control of fuel input and smoke, dirt, and poisons coming out of stacks.

Scientific measurement of emissions of smoke, dirt, and poisons and administrative penalties for violators.

Tax incentives and vigorous enforcement to help accelerate development of pollution-control equipment.

Use of cleaner fuels and modernized equipment by Con Ed.

The sulfur content of fuel oil or coal for heating in private residents, apartment houses, power-generating stations and public buildings must be carefully governed.

Ban on open burning of refuse; right control of all incinerator operations; consideration of possible alternatives to incineration; reduction of pollution by gasoline and diesel engine; coordination of state, regional, and federal efforts, with local attempt to get full share of federal and state aid.

Finally the city must seek new, advanced approaches and techniques in the fight.

"The Task Force," said the Task Force, "does not doubt that tough, resolute action on a large scale will be taken. It does, however, raise the questions, will the action come about as the inevitable result of a disaster, or will it come in time to avert one?"

[From the New York Post, Nov. 14, 1969]

OUR POLLUTED AIR

ARTICLE V

(By Hope MacLeod)

President Johnson, upon signing the 1967 Air Quality Act: "Either we stop poisoning our air or we become a nation in gas masks, groping our way through dying cities and a wilderness of ghost towns."

Asked recently what he felt was New York City's most important accomplishment in air-pollution control, Environmental Protection Administrator Merril Eisenbud replied:

"We have a tough air-pollution-control-law, which is probably the most fundamental accomplishment. We have citizens awareness, and that wasn't easy to come by. Some of us were hoping for that 15 or 20 years ago, and couldn't get it. And finally, a reduction in sulphur emissions."

And what does he think needs to be done in the immediate future?

"Get the apartment-house incinerators under control," Eisenbud said. "I think most people—when they talk of air pollution—mean they've got a lot of dust on their furniture and windowsills. This comes in part from apartment-house incinerators and in part from apartment-house oil burners that have to be corrected and upgraded."

As for sulfur emissions, we now have a city air pollution-control law requiring all coal and fuel oil to be 99 per cent sulfur free as of this past Oct. 1. And as result of earlier voluntary conversions to low-sulfur fuels, the 1968–69 data of air-monitoring stations in the Bronx and Manhattan show a drop of more than 50 per cent in sulfur-dioxide concentrations from the winter levels of 1964–65.

Said Mayor Lindsay: "So nearly two years ahead of the schedule established in 1966, we've managed to rid the city of the fuel that was responsible for most of the sulfur dioxide that was going into our air. This gas, the most notorious of the pollutants, has been sharply reduced. Though much remains to be done, we can all breathe a little easier."

Lindsay also noted that the city had cut the amount of dirt spewing into the air by 22 per cent or 20,000 tons a year.

Among other "major achievements" since 1966 the city has, according to the Air Resources Dept.:

Developed the nation's first comprehensive strategy for attacking the air-pollution problem with a five-year timetable.

Passed Local Law 14 of 1966, amended in March, 1968, and called the most stringent municipal control law in the nation.

Started operation of a 38-station air-monitoring network and established an alert-warning system to prevent severe building of pollution concentrations under adverse meteorological conditions.

Persuaded Consolidated Edison to accelerate compliance with Local Law 14, with the utility going to 99-per-cent sulfur-free fuel three years ahead of legal requirements and installing electrostatic precipitators on its stacks to cut fumes and fly ash.

Discontinued three of the least efficient of 11 municipal incinerators and a municipal asphalt plant; obtained upgrading (to increase efficiency and thus cut down on pollutants going into the air) of 1,600 of the 30,000 heavy (residual) oil burners required by law to be upgraded.

The city currently is testing six air pollution control devices at a $500,000 pilot plant at the Greenpoint incinerator, and the Sanitation Dept. is spending over $1 million testing three large scale control devices.

Lindsay recently pointed to a new program to limit motor vehicle exhaust pollution which will include testing of essentially pollution-free vehicles—two each run by electric, steam, liquified natural gas, liquified petroleum, and compressed natural gas. It also will try out electric buses.

Eisenbud concedes there have been frustrations.

One involves the municipal incinerators, which, he says, "are an important part" of the problem. "The city committed itself to clean up the existing incinerators by May of this year," he said. "And this turned out to be technically unfeasible for the reason that nobody had ever scrubbed the dust out of the exhaust of those incinerators.

"We couldn't find a manufacturer who was willing to provide us with the warrantees we needed in order to justify spending $20 million of taxpayer money to buy equipment, so we felt we needed to have some pilot studies . . ."

Critics like Eldon Clingan, executive director of Citizens for Clean Air, have been complaining about the failure of the city to enforce the law on itself—that is the failure of the city to clean up the incinerators in its own Housing Authority projects.

"We're behind there," Eisenbud admits, "and certainly the city ought to set a good example. I don't apologize for it. But the projects have fallen behind for reasons that are understandable. They might not be excusable, but they're understandable.

"If I were grading them I'd give them A for effort. They tried. They had trouble getting the money . . . and technical problems involved. On the other hand, there's a very, very large component of the real-estate industry in the private sector that made no effort. First they said our law was unconstitutional. We had to test that, and it was held to be constitutional.

"I think the principal disappointment was that a large segment of the real-estate industry has chosen to hide behind legal technicalities.

"And there are still some other unresolved questions which the courts are going to have to decide. Until they do, we simply can't expect the kind of compliance with Local Law 14 that I think we're entitled to."

Eisenbud did say that about 10 per cent of the incinerators had been upgraded.

"No question but that we would have liked to have done more than we have, but I think we talked hard. There have been some failures but in general there has been good progress."

The state and federal governments have been moving with increasing vigor into the air pollution problem.

The first federal program, in 1955, authorized the Public Health Service to conduct research and give state and local governments technical help. In a 1960 amendment a special study of motor-vehicle pollution was called for. And the Clean Air Act of 1963 broadened the scope by authorizing federal grants-in-aid directly to state and local air-pollution control agencies and expanded the PHS's role in research, training, and assistance.

The Air Quality Act of 1967 directed the Dept. of Health, Education and Welfare to designate air quality control areas crossing state lines and set up the National Center for Air Pollution Control to develop air-quality criteria.

Federal funds for air-pollution-control programs rose from $2 million in 1955 to $74 million for fiscal 1969.

The first state law dealing with air pollution was passed 16 years ago by New Jersey but New York has been among the leaders since. The Clean Air Act encourages the formation of interstate compacts. New York, Connecticut and New Jersey formed one such which is farther along than others.

New York State has also made important progress in the area of carbon monoxide fumes; any car registered in this state and manufactured no earlier than June 30, 1963, must by law be equipped with a crankcase-ventilating system approved by the State Health Commissioner. And every motor vehicle manufactured after June 30, 1967, and registered in the state must be equipped with an air-contamination-emission control system approved by the state.

The problem of air pollution, despite the programs now under way, is far from solved.

Opinions differ, for example, on just how well the battle is going. Rep. Henry S. Reuss (D-Wis.) has accused the federal government of "13 years of inefficiency" in combating air pollution. Congress from 1955 to 1968 appropriated $121 million for an air-pollution research-and-development program, but Reuss points out it took that long simply to organize the research and development work on sulphur oxides.

Glenn L. Paulson, co-chairman of the New York Scientists' Committee for Public Information, contends that in New York City "the only significant change for the better" so far has been Con Ed's changeover to 99-per cent sulphur-free fuel.

Clingan questions the accuracy of the city's figures on how much reduction of pollutants there's been. Whatever the reduction at the top of a smokestack at 300 feet, he says, "it's a question of what gets down to nose level."

And there are other question marks, such as the possible delayed effects of asbestos particles in the air from disintegration of brake linings, floor tiles, roofing, and insulation. Asbestos has been associated with lung cancer. A study of the problem is now underway here.

"We have to take a certain amount of risk," says Arnold Risman, State Health Dept. associate air-pollution-control engineer, "but take asbestos, where we don't know the risk. For example, we're not going to eliminate the N.Y. State Thruway because of accidents, since we want to travel. On the other hand, if there are too many accidents, we should have research and either shut it down or correct the trouble."

Refuse disposal becomes a bigger headache every year. In 1920 an average of 2.75 pounds of waste was collected daily from each person in the country. Today it has grown to 5.3 pounds and is expected to reach 8 pounds per person by 1980. The alternative to burning it—thus polluting the air—is burying it, and we're running out of space.

Suggested long-range solutions of air pollution include electric cars; the complete banning of private automobiles from large cities, replacing them with adequate mass transportation; new uses of solar heat and atomic energy.

But all the plans and "all the laws from Washington to Albany are not going to mean anything," says Kenneth Kowald, executive secretary of New York State Action for Clean Air, "unless people are concerned. You have to face the realization that most aren't sufficiently concerned about life around them."

There is the cost too. As the Mayor's Task Force pointed out: "No one knows whether this program will cost New York City $300 million or $500 million . . . or the American people $5 or $10 billion to safeguard their environmental resources (but) . . . the price of neglect is infinitely higher."

Says Charles C. Johnson Jr., administrator of the U.S. Consumer Protection and Environmental Health Service: "Unless our nation learns and learns quickly to apply the scientific knowledge we have—and it will always be incomplete—to the problem of the environment, we are courting inevitable disaster."

ELECTORAL COLLEGE FINDS A DEFENDER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. PUCINSKI. Mr. Speaker, recently, this House debated legislation for a constitutional amendment to elect a President by the direct popular election method.

At that time I stated that although I was in favor of a change in the method of electing a President, I had reservations concerning the direct popular method because it would open the way to a plethora of parties that could conceivably keep a candidate from getting 40 percent of the vote, thus necessitating a runoff between the two candidates receiving the most votes.

This would leave the candidates open to making deals, coalitions and what have you in support of minor party candidates, not to mention the enormous expense manifest in such a runoff election.

I also pointed out that the recent Supreme Court decision in Williams against Rhodes would have to be taken into consideration, which would seem to me to provide a precedent for a multiparty system endemic in the European countries. Some of my colleagues disagreed with me on this point, but perhaps we should heed the advice of the old sage, Plutarch, when he said:

> Be ruled by time, the wisest counsellor of all.

I would like to commend the following article to my colleagues, written by Richard N. Goodwin, who presents arguments similar to mine concerning the pitfalls in rushing to abolish an electoral system that has served us well for 180 years. He cogently discusses the reasons why a direct popular election of the President might spell an end to the two-party system that has helped make the United States the most stable and long-lasting democracy in the history of the world. He argues that we cannot tinker with a well-working electoral system because of some abstract theory of pure democracy. This would denigrate the separation of powers principle laid down by our Founding Fathers.

Laws are the codification of public attitudes, and I am not so sure that we want to open the way to the possibility of Executive tyranny, a branch that must be watched closely if the American people are to retain their liberties. Mr. Goodwin presents arguments for change within the Constitution without upsetting the balance of power between the three branches of Government.

Mr. Goodwin's discourse embodies the essence of Aristotle when he stated more than a thousand years ago:

> The law has no power to command obedience except that of habit, which can only be given by time, so that a readiness to change from old to new laws enfeebles the power of the law.

Mr. Speaker, the excellent article by Mr. Goodwin follows:

[From the Washington (D.C.) Post, Oct. 6, 1969]

ELECTORAL COLLEGE FINDS A DEFENDER

(By Richard N. Goodwin)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media is rushing to embrace a constitutional amendment which might unhinge the entire political structure. For there is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most stable and long-lasting democracy in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife, that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment, one must first separate out the very different issues whose casual blending has seriously obscured discussion. First is the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes. Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice. Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a very different problem from the legitimacy of the electoral system itself. It is whether a small group of men, acting on their individual opinions and motives, should ever be allowed to select the President. Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as President a man who did not receive a plurality of popular votes. (Jackson and—in a rather sordid way—Tilden were deprived of the presidency by Congress despite popular pluralities.)

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still, these abuses can be forestalled without touching the electoral system itself simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins. There could also be a provision for a runoff if the leading candidate fell below a specified percentage.

THE 1888 EXCEPTION

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended but has assumed other important and rarely articulated functions.

There is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries, this has only happened once—in 1888, when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood rather than of differences based on state lines. Thus the direct election proposal violates the single most important rule of constitutional amendment: If something is working, don't change it.

We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance. Surely this is one of the reasons why the American Constitution has endured while more volatile republics rose and fell.

We must remember that no one really knows why this curious mixture of pure democracy, sectional power, protected interests and divided governments has lasted so long. That ignorance should give us pause before we begin to tinker with the mechanism of the Republic on the basis of abstract democratic theory.

THIRD PARTY POSSIBILITIES

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct elections. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states. The most noteworthy modern example has been the Southern Party, from the Dixiecrats through Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the Progressives passed away.)

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them. With only the popular vote at stake, however, regional roots become irrelevant. Groups united by general conviction or special interest might well think it in their interest to form a new party.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. It might also run candidates in the hope of forcing a runoff election in which its votes would be eagerly and profitably sought. Based on our historical experience, this could prove an extremely fruitful course.

Fifteen of our Presidents have been elected with less than a majority of the popular votes. Therefore, in almost half of our elections, a third party, at least theoretically, could have held the balance of power. And two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both the Liberal and Conservative parties exercising influence far out of proportion to their strength. Nor is California a stranger to third party politics.

Had direct election been in effect last year, we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election might well bring us a farmer's party, a senior citizens' party, a black party and other groups coalescing around common interest and belief.

A TIME OF FRAGMENTATION

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason, which is probably why it is so little discussed, for relatively few of those involved have had direct experience in presidential campaigns. Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements.

If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. This, to me, is the central issue of reform and deserves the most serious consideration. (It will always be possible, of course, for a new major party to merge; that might well happen in 1972, for the first time since the 1850s.)

Other objections to direct election have been rather fully discussed. No great principle is involved in the speculation that it might increase the importance of small states. Purely as a matter of interest, however, I believe that those who anticipate such a consequence would be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10 to 20 per cent of the electorate. Any candidate in search of those votes must focus his money and efforts on the large states, for that is where the people are and where the most volatile vote is to be found.

In 1968, about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in those states would have canceled out Richard Nixon's entire Southern margin over Hubert Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states in order to pick up a few Southern or border States.

Thus if direct election is approved, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

NO PURE DEMOCRACY

The electoral college has not only faithfuly reflected the popular will; it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical experience is now set the argument that the electoral system offends the theoretical democratic principle of "one man, one vote."

This is certainly so, at least in abstract possibility. We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule President and Congress, is responsible to no electorate. And its insulation from popular will has helped strengthen it to protect popular liberties.

A Senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principled body than the House. Men like the Secretary of Defense, whose power over our lives far exceeds that of most of our earlier Presidents, are appointed and removed by one man.

Our national government is not a pure democracy, nor does anyone suggest that it should be. None of our institutions of governments acts exactly as the Founding Fathers expected. Yet they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College, the only relevant questions are practical ones. How is it working? What are its functions? What will be the consequences of change? To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and would be in a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with very different ways of living. The Electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together. Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

NEW FEDERAL BUILDING DEDICATED

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SNYDER. Mr. Speaker, on Monday, November 3, 1969, I had the privilege of participating in the dedication of the new Federal building in Louisville, Ky.

I would like to commend Administrator Robert L. Kunzig and the General Services Administration for giving prime consideration to the needs of the handicapped in designing this building. It is of the utmost importance that Federal structures be designed so as not to bar the handicapped from carrying out their business with the Government.

At this point, I would like to insert in the RECORD an article that appeared in the November 4 edition of the Louisville Courier Journal concerning the dedication of this fine Federal facility:

NEW FEDERAL BUILDING IS DEDICATED

Because the nation's "old priorities" have required huge expenditures for "military adventures about the world," Louisville was a long time getting a new federal building, U.S. Sen. Marlow W. Cook said yesterday.

But the $12 million structure now stands complete and occupied at Sixth and Chestnut streets, and a standing-room-only crowd, mostly of government employees, braved chilly afternoon winds and rain to see it dedicated.

Cook, who said he has "never before been invited to dedicate any building in all my years of public life," was the main speaker.

The allocation of federal resources, he said, is "the major problem confronting the American people and their government in 1969."

The American policy of spending "up to half our annual budget on military adventures" he labeled "counter-productive," and urged that more of the nation's resources be dedicated to solving domestic problems.

"Americans know where their tax money ought to be going," he said, "because they are breathing polluted air, swimming in polluted water and stuck in insoluble traffic jams going to and from work every day.

"And why do these problems continue and even grow worse? The American people now know the answers. We have a standing army of 3.5 million men, with approximately 1.5 million of these abroad attempting to police the world."

The Republican senator, reaffirming his support of President Nixon's "efforts to end this conflict" in Vietnam, said that such involvements "do not obtain the desired results, sap our most prized resources—our youth—and divert our revenue away from the mounting problems of the cities."

Cook described as "extraordinary" the new 10-story building, which will house 24 federal agencies employing about 2,000 workers.

Jeffrey P. Hillelson, regional administrator from Kansas City, represented the General Services Administration, which directed design and construction of the building. He presented symbolic golden keys to Cook and U.S. Reps. William O. Cowger, who introduced the senator, and M. Gene Snyder.

OPPORTUNITY IN EDUCATION FOR THE DISADVANTAGED STUDENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHEUER. Mr. Speaker, it is my pleasure to place into the RECORD "Opportunity in Education for the Disadvantaged Student," a speech delivered by Senator EDMUND MUSKIE. I believe with Senator MUSKIE that a great untapped resource of talent lies in the group labeled "the disadvantaged." The Nation urgently needs their talents and insights.

The speech follows:

OPPORTUNITY IN EDUCATION FOR THE DISADVANTAGED STUDENT

(Remarks by Senator EDMUND S. MUSKIE to the National Association of College Admissions Counselors, October 9, 1969)

Some years ago, on the day of my first inauguration as Governor of the State of Maine, a friend asked my father if that was not the proudest day of his life. "No," he answered, "the proudest day of my life was the day my son graduated from Bates College." My father was an immigrant from Poland, who came to this country to find a better life for himself and his children. To him, the key to the promise of America was a college education.

His hopes and his perception of how his hopes could become fact were like the hopes and perceptions of millions of American parents, before and since. His son was one of those lucky ones to whom the way was opened, even in the midst of the depression. I am indebted to teachers who trained and encouraged me, to those who helped me find the money to pay my way, and to that gatekeeper who let me in.

In part, my appearance here is an expression of gratitude for the chance one of your number gave me many years ago. In part, I have come because I think you have a sensitive and critical role in a society suffering from divisions and doubts.

There are parallels between the world today and the world I knew as a poor young man, knocking on the college gates when our economy was staggering. But there are also substantial differences. The numbers of young people who want to go to college are far greater. The pressures for college degrees are more intense. And the differences between the affluent and the poor and disadvantaged are more exaggerated.

We can all see and feel those pressures and differences. We know that a failure to relieve the pressures and reduce the differences between the haves and the have-nots can destroy our society. There is not much time left for us to correct the conditions which threaten us, and, unless we use that time wisely, history may write our epitaph: "Here lies a once-great nation which, in the midst of its affluence, forgot that poverty and the indifference to it are twin cancers which destroy the mighty with the weak."

To whom may one more appropriately turn to remedy some of the contradictions than to the gatekeepers of our nation's colleges and universities? You help determine the life chances of millions of young people, and through them you help shape our society.

Our dilemma stems not from our failure to see the need for expanded educational opportunities. We have, through several actions, recognized, in the late President Kennedy's phrase, that education is "the keystone in the arch of freedom."

In elementary and secondary education, in particular, our nation has virtually created a new doctrine: that equal educational opportunity can come about only from treating the poor *unequally*. We have created special opportunities and compensatory services under the Elementary and Secondary Education Act, Teacher Corps, Head Start, and similar programs. Through these and other national commitments we have begun to focus attention—both preventive and remedial—on the nation's forgotten national human resources.

In higher education, we have expanded available student spaces beyond the wildest speculations of those only one or two generations behind us. Indeed, it is no exaggeration to say that America is moving toward the principle that post-secondary education should be an individual right for all and no longer a privilege of the few.

Our manpower requirements, the desires of parents and the expectations of youth have combined to force increases in financial support for education far beyond expenditures in any other area of public service. In the Congress, a remarkable series of laws passed over the last decade lead me to conclude that debate over whether some form of universal post-secondary educational opportunity is desirable or necessary has been substantially completed. The question was drowned in a flood of rising demands for the enlargement of existing institutions and the creation of many hundreds of new ones.

Forty-two percent of our 18–21 year olds are now enrolled in post-secondary schools. A 50 percent enrollment by the mid-1970's is probable and an 80 percent enrollment is not unthinkable before the end of the century.

Despite the miraculous growth in the size and number of educational institutions, however, American higher education remains largely the preserve of the white and the affluent. With all of our recent concern about the eradication of poverty and discrimination, with all of the commitments voiced by educational leaders, and with all of the public and private programs designed to help the disadvantaged, we have not begun to deliver on our promises.

One recent study of enrollments at the University of California found that students from families of incomes above $25,000 are four times as likely to be eligible for admission as are students from families of incomes under $4,000. Among those who are eligible for admission to that great university system, twice as many young people from high-income families attend as do those from low-income families.

Recent studies of the American Council on Education also tell us that the proportion of blacks among entering college freshmen has changed only slightly since 1966. Their representation in college is only about six percent of total enrollments, or one-half of their proportion of the nation's college-age population. When we look at the distribution of black students—not to mention Mexican-Americans, Puerto Ricans, American Indians, and other neglected minorities—we find that nearly one-half of all black freshmen attend Negro colleges, while more than half of all of the institutions in the United States have black enrollments of only one or two percent. At a time when gateways to advancement frequently require the possession of a college degree, only four percent of our black fellow Americans have it. If our national goal is to build one society, one nation, we can't do it on the basis of today's performance.

I am convinced that your profession has the power to open the doors of opportunity to the fifth of our population living in poverty, the fifth who will either make us whole or drag us all to moral bankruptcy.

I have been impressed by the research of Dr. Alexander Astin of the American Council on Education, which was recently reported at the Council's 52nd annual meeting. I think some of the conclusions of his studies need your most careful consideration. They have serious and far-reaching implications for your admissions policies.

First, Dr. Astin concludes that low representation of blacks and other minority groups among entering college freshmen is attributable, in large part, to admission policies which depend primarily on high school grades and tests of academic ability. These grades and tests, in other words, place a premium on those who have already enjoyed the benefits of social and educational advantage. They say practically nothing about one's ability to grow and to perform at acceptable, if not always brilliant, academic levels.

Moreover, even as predicators of academic success, high school grades and tests are subject to very considerable error. And, as in the case with much of our education system, the customer pays the cost of the system's failures. In this instance the cost is lifetimes warped by lost opportunities.

The most remarkable finding in Dr. Astin's research is the fact that the dropout rate of black students attending white colleges is lower than would be predicted from their high school grades and scores on academic tests. Once admitted, so-called "high-risk" students tend to "make it." They may not be at the top of their classes but they compare favorably with average white students who meet the traditional standards and expectations of the higher education establishment.

Dr. Astin's research concludes that even the highly selective colleges of America can afford to admit much larger numbers of disadvantaged students without substantially increasing their dropout rates or lowering their academic standards. Minority students from disadvantaged backgrounds may tend to achieve at a slightly lower level than their white classmates, but there is ample evidence that many of them actually learn more, change more, grow more in the college process, than their more privileged white colleagues. This should not surprise us if we consider their motivation for achievement.

Astin points out that college admissions policy, as currently practiced, is designed to "pick winners" rather than to identify students who have the most potential for growth and change. Selective admissions, based on conventional tests, are in fact misdirecting the great resources of our institutions of higher learning from those who could profit most from them to those who are in a position to cash in on the advantages of affluence.

If by higher education we mean the development of capacity to realize potential, rather than simply nurturing those who have been prepared for the demands of the institutions, the Astin studies show that there can be enormous payoff in expanding college enrollments from among the disadvantaged.

To put the stark problem again: even if present admissions criteria predicted future academic achievement—and we know they are subject to considerable error—they do not apparently predict the individual's capacity for growth or change. In addition, they perpetuate those racially—and ethnically—related social disparities which represent one of the biggest flaws in our society—They do virtually nothing to close the growing rift of the two Americas—one white and affluent, the other poor and colored.

Unless we turn our attention to fundamental change in college admissions criteria, we shall see little real improvement in educational opportunity for the bottom fifth of our population. We shall see a continuation of the situation in which the more selective schools compete among themselves for the limited pool of minority students who can pass the traditional admissions procedures. We need a massive nationwide effort to increase the size of the pool of minority students going on to post-secondary education. This, in turn, can happen only when admissions officers look at the potential for individual growth, rather than at academic achievement records in the high schools and at conventional measures of apparent academic aptitude.

Not only Dr. Astin's studies, but the growing experience of many institutions tells us that so-called "high-risk" students can make the grade, even in our more selective institutions. But they won't make the grade unless our admissions policies reflect our urgent commitment to open the doors of opportunity to those who have never experienced it.

Government must do its part. So-called "high-risk" students need massive financial aid, special tutorial services, relevant work-study experiences, and other assistance. All of these aids cost money. Recent Federal actions have begun to recognize these needs and these added costs. But few of us in Washington are content with what we have done. In the years ahead the national commitment to post-secondary education will have to be expanded many-fold through direct Federal assistance. Moreover, if the Congress should enact the welfare reforms and revenue sharing proposals recommended by the President, the States must be held accountable for ensuring that their new-found fiscal resources will be channeled into the needs of higher education and the needs of the disadvantaged.

I did not come here today to place responsibility for bridging the gap between black and white, rich and poor, upon your shoulders alone.

Those of us in public office will have to provide major resources to finance this massive effort. But you can start this nationwide process by telling your community, your alumni, your governing boards and perhaps even your faculty and administrators, that there need not be a conflict between increasing college opportunities for the disadvantaged and the maintenance of sound academic standards. This, it seems to me, is one of the most heartening findings of current social science. It tells us that if we have the will we can make of education what every public opinion poll says that the people want it to be: a genuine gateway to opportunity for all, a basis for enlightened public interest, and an instrument for preparing leaders for a truly democratic society.

"SESAME STREET"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHEUER. Mr. Speaker, for many years I have been complaining loud and long about the caliber of television programing. I have been particularly concerned about the kind of programs which are directed toward our young children who spend many, many hours in front of a television set.

I am pleased, therefore, to bring to the attention of my colleagues a new program which will begin on November 10 on educational channels all over the country, every day during the week. The program which will appear in 44 States, is called "Sesame Street." It is an hour-long show aimed at children from ages 3 to 5, and will be entertaining and educational.

The program will use a popular medium to provide basic preschool education to the public, and for preschool children. This program may well make an impact on the disadvantaged, particularly where it is seen by headstart children.

I would like to congratulate the Children's TV Workshop and its outstanding executive director, Joan Ganz Cooney for this program, as well as the Carnegie Corp., the Ford Foundation, the U.S. Office of Education, the Office of Economic Opportunity, the National Institute of Child Health and Development, and the National Endowment for the Humanities who are jointly responsible for the Childrens' TV Workshop and its funding.

This is an excellent example of cooperation between the U.S. Government and its great private charitable foundations.

GRIT QUESTIONS NEED FOR POSTAL CORPORATION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DULSKI. Mr. Speaker, our Post Office and Civil Service Commitee is continuing its executive sessions aimed at producing the most comprehensive reform of the postal system in history.

The committee has voted to proceed with reform within the present structure of the department, rather than converting to a public corporation.

There are those, including the incumbent President and his Postmaster General, who insist that reform can be accomplished only by a complete substitution of the present Government Department.

Reform certainly is in order and we are going to provide the legislative means, but it does not require starting from scratch with a public corporation.

Mr. Speaker, an editorial on this subject has been published in Grit, a national newspaper published weekly at Williamsport, Pa. Following is the text of the October 30 editorial which sees the situation just as I do in approaching this vital problem:

> Does the United States Need a Postal Corporation?
>
> Although endorsed by the White House, the proposal to scrap the Post Office Department and replace it with a government-owned corporation has been narrowly rejected by the House Post Office Committee. The committee deserves commendation for handling this two-sided question in such a cautious manner.
>
> Proponents assert the change would eliminate the mounting annual deficits of the department, would provide dependable and reasonably priced mail service, and would give employes the kind of career advantage enjoyed by workers in major industries.
>
> However, it should also be pointed out that there would be drawbacks. The biggest, perhaps, would be a sharp jump in postal rates, for increases would be needed to help the corporation meet its expenses. The plan also would open the possibility of unionization, strikes, and a complete shutdown of postal service. Further, the switch would put an end to the original concept of the Post Office Department—to provide a service and to help keep people informed, even at the price of subsidization by the federal government.
>
> Most Americans will agree that the present department doesn't move the mail as rapidly as it should. However, it has been operating under often archaic conditions in equipment, buildings, and transportation and is subject to strong political influences. Perhaps a modernization program and elimination of politics could put the department on a more solid footing. These steps at least should be considered before complete reorganization is carried out hurriedly.

TEXAS AVIATION INDUSTRY IS BOOMING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. PICKLE. Mr. Speaker, I take considerable pride in the airport and airways bill recently passed by the House. In a short span of time, it may be known as the Magna Carta of the aviation industry. Inculcated in that bill are measures that will help this Nation keep pace with the gigantic technological advances made in commercial and general aviation. We have also given our States the necessary tools to keep in step with the national plan for aviation.

I am concerned that the assistance to general aviation will be weakened in the Senate treatment of this bill. Section 22 of the original bill makes grants to the States for necessary money to expand airports serving noncommercial carriers. If this section is struck, States will be left high and dry. There is a need to establish State aeronautics commissions on a practical and proper basis.

Charles Murphy, director of the Texas Aeronautics Commission says it in succinct fashion:

> The Senate must be urged to keep the sections providing money to the states. By levying registration charges and by taxing passenger tickets, the federal government has pre-empted the states' last remaining revenue source. This could be disastrous to aviation during the next decade.

Prior to passage of this bill, however, the aviation industry has been going it alone largely. And they have done an admirable job—particularly in Texas.

The aviation industry takes naturally to the open skys of Texas, the room to grow and the imagination to innovate. Accordingly, I would direct your attention to the following article written by L. A. Wilke for the November issue of Texas Parade. The author presents an in-depth perspective of the now and the future of Texas aviation. You will take particular interest in the predicted growth of general aviation—possibly up 87 percent by 1980. And, you will wonder at the accomplishments programed into the new airports such as Houston and the one on the drawing boards for the Dallas-Fort Worth area.

Recognizing the growing aviation industry in Texas, the Civil Aeronautics Board recently took two significant actions regarding Austin—they gave permanent approval to the daily round-trip flight between Austin and Washington and the CAB recently awarded an east-west flight connecting central Texas with the west coast.

As a member of the Aeronautics and Transportation Subcommittee of the House Commerce Committee, I find this article a concise wrap-up of Texas potential in the national aviation picture:

> Wings Over Texas
>
> (By L. A. Wilke)
>
> When railroaders drove the Golden Spike connecting the Central Pacific and the Union Pacific at Promontory, Utah, May 10, 1869, they said it marked "the end of physical isolation."
>
> It was just the beginning of the end. Today, a short span of a century later, you can fly from Texas to any place in the free world in a matter of hours. Local distances, say from Houston to Dallas-Fort Worth, have been reduced to minutes.
>
> The aviation industry in Texas—both in flights and the manufacture of aircraft—is growing faster than men can be found to perform the necessary services.
>
> Texas' population is nearing 12 million and just about that many passenger boardings will be recorded this year through the gates of the crowded air terminals.
>
> New transcontinental nonstop flights are offered by a half-dozen of the competing airlines serving Texas. They include New York, Washington, points in Florida; Cleveland, Chicago and Detroit in the middle west; to San Diego, Los Angeles and Seattle on the west coast; and to Denver and Salt Lake City in the Rockies.
>
> These are just continental flights. Direct international flights are available from Texas to the far corners of the world. You now can board a plane in Dallas or Houston and fly non-stop to Hawaii. Enroute you enjoy a first-run movie along with gormet food and cocktails, served by lovely girls who quick-change their colorful skirts before every serving. Or you can leave Houston via KLM Royal Dutch Airline and be in Europe in 10½ hours.
>
> In its advertising Braniff says: "We streak you to Hawaii so fast you pick up five full hours on the clock. Braniff girls bring you slipper socks, newspapers, menus and then serve you. With Wahine punch, cocoanut chips. And the Surfboard Bar is open all the way to Hawaii. Tropical fruit and hot scented towels refresh you." And on and on and on until you land. Passengers probably are reluctant to get off.
>
> Braniff's slogan, "If you've got it, flaunt it!", pretty well capsules the high competition extant among the airlines. All of the majors cater to the customer with long-stemmed hostess who heed the braniff dictate in both dress and manner, service at reduced rates, excusion fares and faster luggage handling.
>
> Most vacation and holiday seats are sold out days ahead. And there's seldom an emplanement anyhere that isn't filled to near capacity. Loads run from six places on some of the smaller feeder routes to 180 passengers on most of the huge jets.
>
> Texas is the home base for two of these important airline systems—Braniff International of Dallas and Texas International of Houston. They've been reorganized from fledgling operations to giant corporations with thousands of employes. They do millions of dollars in business each year.
>
> Besides the commercial planes, a number of military bases in Texas help to keep the sky filled with aircraft of myriad description—from fast fighter training jets to whirlybirds.
>
> Many of these planes that zoom or paddle about in the Texas sky are built within the state. Texas plays a leading role in manufacture of aircraft, both commercial and military. Anywhere you go in the free world,

shadows are cast by the wings of planes built with components produced in Texas factories.

Commercial aviation was a major factor in Texas transportation even before Charles Lindbergh guided the "Spirit of St. Louis" to Paris. It started with the original Texas Air Transport, with Bowen and Southern close behind. Then came airmail contracts. The first of these flights from Texas was on National Air Transport—now a part of United—May 12, 1926. The plane was piloted by Richard Lee Dobie, now deceased, a brother of the late author-historian J. Frank Dobie.

American was the first major airline to come out of Texas. C. R. Smith, a University of Texas graduate, was the top operating officer. The line was promoted by such oldtimers as the late Amon G. Carter, publisher of the Fort Worth *Star-Telegram* and A. P. Barrett, a former state senator and financier. American now has its headquarters in New York, but its Texas operations still rank near the top in passenger boardings and service.

Braniff got its start in Oklahoma but soon moved to Texas, where it began spreading out and taking over other airlines. Today Braniff services routes in every direction. Its high-flying bright plumaged birds whisk passengers to South America, Hawaii and Japan via Braniff all the way.

Today Harding Lawrence, one of the founders of the old Pioneer Airlines, is board chairman and president of Braniff. (It was Lawrence who okayed the revolutionary concept of painting Braniff's planes in bright colors—an idea conceived by brilliant Texas-born ad woman, Mary Wells, who is now Mrs. Lawrence.) Lawrence returned to Texas in 1965 from California, where he had gone when Continental took over Pioneer. Braniff this year boasts the best ontime performance among all U.S. domestic trunkline airlines.

Since Lawrence assumed the presidency, Braniff has upped its income 168 per cent and 113 per cent in passengers carried. With 5.6 billion passenger miles, that figure has increased 263 per cent. Aviation is big business indeed. For instance, for the first six months this year Braniff alone had operating revenue of $157 million.

Walter Moore, editor of the *Texas Almanac*, predicts general aviation will increase the number of active planes by 87 per cent to 214,000 between now and 1980. He says total annual passenger emplanements from Dallas-Fort Worth airports will reach 16.5 million as early as 1980.

The current Texas International began as Texas Air Transport. It came into being 21 years ago at the old Avenger Field at Sweetwater with a couple of Douglas DC–3s serving eight Texas cities. Through years of struggle, in which the name changed to Trans-Texas Airways and earned the dubious sobriquet of "Tree Top Airlines," the airline grew to its present imposing fleet of 11 DC–9 Pamper Jets and 25 Prop-jet Convair 600s. Texas International now services an 8,100-mile route linking 66 cities in seven states and Mexico. Last year, the fast-growing airline flew a record 1,958,818 passengers.

Airline growth has been faster than ground facilities. Building a multimillion dollar jet is easier than getting the necessary land for an airport and putting in runways and buildings. Today just about every city in Texas with an airport is suffering under the towering traffic load.

Houston is the major exception. A few months ago, the conditions there at the old W. P. Hobby airport were deplorable. But that all changed this summer with completion of the remarkable new Houston International Airport. There is nothing like it anywhere.

This gleaming ultramodern $110 million airport is 16 miles north of Houston and sprawls over 7,300 acres between two multilane highways connected by the Outer Belt. More than 10 years passed before Houston's dream of this splendid facility was realized—a fact that should spur any other city that hopes to prepare for the coming onslaught of bigger planes and increasing hordes of passengers. As *Houston* magazine reported recently, "Early in 1957, President Ben C. Belt and other officials of the Chamber of Commerce concluded that by the time any airport site could be selected and the City could get bonds approved for its purchase, it would cease to be available or the price would become prohibitive. The only answer seemed to lie in a 'group of friends,' as Mr. Belt expressed it, buying land for such a site, and then holding it for subsequent resale to the City at its cost to them . . ."

So a group of 18 men quietly went about acquiring lands for the airport site. Ownership of about 3,000 acres was accumulated by the group through a holding company called the "Jet Era Ranch Company." Because of a typographical error the site became known as the "Jetero Airport" and later got its official designation of Houston Intercontinental Airport.

In 1960 the City purchased the land for $1.9 million, the price the group had paid for it. Additional land brought the site to 7,300 acres.

Today the airport stands as a prototype of what the airport of the future will be. Its runways—the longest 9,400 feet—will easily accommodate the jumbo planes of the 10 lines already operating there. Ultimately two of them will be extended to 12,000 feet to handle planes of the future. Traffic at Houston Intercontinental is estimated at 4½ million passengers annually and is projected to more than double by 1975.

And for once, it looks like the perennial airport parking problem is solved, even if the price is substantial: up to $4.50 a day for protected space.

Each of the two four-story terminals at the new airport has four parking facilities with none more than 600 feet from the takeoff gate. These alone will accommodate 3,000 automobiles. Grade level parking is available for another 1,500 automobiles. Short time parking is nearby and passengers can ride an underground "brain train" that operates every two minutes, from parking to plane. Automatic ticket gates speed the entry and seven pay depots at exits prevent congestion after flight arrivals.

In addition to the major schedule flights, a new mini airline named Metro has been formed to haul passengers from the NASA complex south of Houston. This service is supplied by twin Otters with short takeoff and landing capability. It costs $10 to fly between the airports, with free parking at the NASA site. Also scores of private planes land and embark each day from the airport for different parts of the state.

It is for these planes that the Texas Aeronautical Commission (TAC) operates as a state agency. The agency has a budget of $1 million a year to aid towns under 50,000 population. This year 53 small cities are getting aid, either in building a complete new airport or providing additional runways, lights and aprons. Charles Murphy, former state representative from Houston is executive director of TAC. Members of the commission are appointed by the governor. Current members are: Harry P. Whitworth, Austin, chairman; Rex C. Cauble, Denton; Hugh A. Fitzsimmons Jr., Carrizo Springs; Paul M. Fulks, Wolfe City; Lucian Flournoy, Alice; and James Luther, Burnet.

While air travelers to Houston were still looking over the wondrous airport there, construction got underway on the Fort Worth-Dallas regional airport, a facility designated as the "jumbo hub" of the universe. Expected to be completed in 1972, it will be approximately 72 square miles in area and eventually have 14,000-foot runways. The builders anticipate 1975 when the hub's estimated traffic will reach 11 million.

Passengers will walk less than 300 feet in arriving and boarding. Architecturally, a bird's-eye view of the complex will resemble a chain of semi-circles capable of handling 18 giant 747s at a time. There will be room for 500 parked planes and 21,000 parked automobiles. The whole project will cost an estimated $500 million and 13,000 to 14,000 persons will be employed at the site.

As airports increase in size, so do the planes. Lockheed now is beginning production of its Tristar L–1011 which will carry 345 passengers. Subcontracts have been let in the Dallas-Fort Worth aviation plants for components for this big bird that will have a wing span of 155 feet and weigh, empty, 208,553 pounds. With from 250 to 345 passengers, plus cargo, it will cruise at 600 miles per hour. It will be ready for jet travelers in 1971, according to Lockheed. And expected to be ready next year is the Boeing 747, a four-engine jet that's bigger than a football field and will carry 380 passengers at a speed of 600 miles per hour.

And possibly as early as this month Texans will get a sneak preview of the fabled C–5A, the world's largest transport, when it flies into Kelly Air Force Base at San Antonio. Kelly will provide total maintenance for the C–5A in months to come.

Thomas M. Sullivan, director of the new Dallas-Fort Worth Regional Airport, predicts: "By the year 2000, probably before, we'll be able to fly at speeds of 7,000 or 8,000 miles per hour." In that case, passengers will eat breakfast in New York and get to London way too early for lunch.

Texas also is the home of the Airline Passengers Association, 10-year-old Dallas-based organization of people who fly. Jack Cox, Austin and Dallas business executive, is president.

"Aviation engineers are burning midnight oil in planning ways to handle traffic, cargo, safety, movement, parking, eating and even leisure," says Cox. "The passengers, however, need a watch dog. We try to fill this gap. With much of our membership across the nation flying every day, we get constant reports from them. They offer suggestions on ways to improve the service element of air transportation. We then can clear many of these problems with the industry.

"Everyone knows how crowded the terminals are; the difficulty of getting to and from the airport, getting luggage faster and many other problems. The passenger is in a hurry. He fails to buy insurance . . . or to leave a forwarding address. We are able to help him and the airlines at the same time."

A new business also is generating for the so-called feeder lines, according to Cox. The big lines can't serve the small towns, or even the small cities.

Feeders represent the third level of air transportation. They take up where the trunk and regional airlines cannot go, and their growth has been rapid. "We've heard them called the hottest thing in aviation since wings," Cox says. It is estimated there are some 200 commuter lines now operating in the United States. There were only 12 in 1965. Texas has 10 such lines, certificated by the Texas Aeronautical Commission.

Air Texas now is the largest of the commuter airlines, since merging recently with Tyler-based Fleetway. The merger gives Air Texas a total of six routes, serving nine cities with 226 flights a week.

Cities served are Fort Worth, Austin, Dallas, Gladewater, Houston, Kilgore, Longview, San Antonio and Tyler.

The Sentinel Airlines of West Texas serves Midland-Odessa and Abilene, to Fort Worth and Dallas. There are two flights a day in each direction.

Other TAC certifications:

Hood Airline of Killeen, providing service between Killeen and Dallas.

Davis Airlines of Bryan, serving Bryan/College Station and Dallas.

Houston Metro, flying between the NASA complex and the new Houston airport.

King Flight Service between Wichita Falls and Dallas.

Miller Aircraft Inc., McGregor/Waco and Dallas.

Amistad Airlines, Del Rio, two-way route between San Antonio and Del Rio.

Among the major airlines serving Texas are Eastern, Continental, Frontier, Aeronaves de Mexico, Delta, KLM, Mexican de Aviacion; National, Pan-Am and United with interchange.

These lines also have sales offices in the principal cities of Texas and offer flight schedules to any large city in the world, direct or via interchange.

A large per cent of ticketing on these airlines is through authorized travel agencies, a service without cost to the passenger. In fact, the travel agents—through their constant contact with schedule changes and excursion plans—often can save the passenger money.

Interstate commuter service is coming, too. CAB has granted authority to Ozark Air Lines to operate between St. Louis, Tulsa and Fort Worth-Dallas. According to CAB, Ozark will haul an estimated 100,000 passengers the first year, with profit in excess of $1 million.

Of equal importance in the sky-high picture is the progress being made by helicopters. Bell Helicopter Co. of Fort Worth is now testing the nation's first twin-engine medium size commercial helicopter, the Model 212. Bell, world's largest whirlybird builder, is sponsoring a series of metro development conferences across the nation, studying community needs and long-range planning in the use of rotary winged aircraft.

The aviation industry looks for helicopters to boom in commercial use—and fast. Some 600 helicopter pilots are turned out every month from Fort Wolters near Mineral Wells, Texas. Heliports already are being planned in new community complexes. Among the municipalities using helicopters are Fort Worth and Dallas. They've had tremendous usage by oil companies along the coast and large ranches.

There is charter service from practically every airport in the state. Flying clubs, crop dusters and flying farmers buzz around all over Texas.

All the major schools are supplying courses in some form for students who want to get into the booming industry. One college is offering courses in tower control, an ever-growing field.

It might be difficult for the harried driver of an automobile on the public highways to believe so many people fly. But they do, and Texas is the place with the most miles and the best flying weather in the nation. And if you don't believe millions of Texans are flying, just go out to the airport and see for yourself.

LETTER TO A CONSTITUENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. JACOBS. Mr. Speaker, I place in the RECORD a letter written by our colleague, the Honorable WILLIAM L. CLAY, to Mr. Saul L. Cupp:

NOVEMBER 5, 1969.

MR. SAUL L. CUPP,
St. Louis, Mo.

DEAR MR. CUPP: I have your letter of October 25 in which you express your desire to leave the United States to escape black people. You may well be able to escape from black people—but the effects of the hatred from which you suffer will follow you wherever you go.

In accordance with your request for me to furnish you with papers for seeking entrance to Australia, I have made inquiry into their policy. They have advised me to instruct you to write to the Australian Consulate General, Rockefeller Plaza, 5th Avenue, New York City, N.Y. Any person seeking entrance must be personally interviewed by an officer representing the Australian government. His duty is to evaluate your qualifications for contributing to the homogeneous nature of the country which they seek—by virtue of Administrative policy—to maintain.

I am pleased to furnish you with this information. My only hope is that you will somehow manage to pass the Australian criteria for entrance. If you succeed, I hope you will inform me—in which case I may organize a campaign to help all bigots of America leave the country to Americans. Good luck to you!

Sincerely,

WILLIAM L. CLAY,
Member of Congress.

DR. JAMES VAN ALLEN SPEAKS ON EDUCATION

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHWENGEL. Mr. Speaker, a recent guest editorial in the Davenport Times-Democrat carried excerpts of remarks made by Dr. James Van Allen at a conference on education called by Iowa's Governor, Robert D. Ray.

Dr. Van Allen's accomplishments are legend, and his remarks on education are especially worthy of note:

[From the Davenport-Bettendorf (Iowa) Times-Democrat, Nov. 1, 1969]

"A HORSE THAT ONE CAN RIDE"

(EDITOR'S NOTE: Following are excerpts from remarks by Dr. James Van Allen, renowned University of Iowa physicist, at a governor's education conference in Des Moines. He stresses what he considers dangers of an overcommitment to formal education in this country. He cites the importance of pride in craftsmanship, and points out that this can be attained not only in a classroom but on a job. He does not talk down education, but does talk up the values of work.)

There is a certain blindness in overstressing formal education. First of all, its success depends upon a high level of motivation on the part of both instructors and students. A very small fraction of the human race, perhaps only a few per cent, is composed of true scholars.

For most persons, extended, unbroken periods of formal educational for 15 or 20 years, without responsible work experience, foster boredom, cynicism and indolence.

I personally believe that we in the United States are already overly committed to a traditional process of formal education for the great majority of our citizenry.

Secondly, formal education is expensive and becomes steadily more so. The explicit cost of education is already the most conspicuous item of the budgets of state and local government and it is becoming easily noticeable in the federal budget as well.

Thirdly, the public commitment to formal education carries with it the great hidden cost of lack of economic productivity of millions of young men and women. Any normal person over 17 is clearly capable of a substantial amount of productive work. Those who continue in school under the pressure of social prestige at a level of passive and indifferent submission to the system do no such work and may moreover suffer an important loss of personal pride and self-esteem.

Few things in life are as important as the pride of craftsmanship, at whatever level it may occur—the pride in a job well done, the feeling of having a horse that one can ride.

Craftsmanship comes only from doing work and from thinking about how to do it better. It does not come from passively hearing about work, or as one student said, "Work fascinates me. I can sit and look at it for hours."

At the present date, the direct, explicit cost of education is about seven per cent of the gross national product and this percentage is growing rapidly. The total cost, both direct and indirect, is much more. More than 60 million persons of our national population of 205 million (that is, about 29 per cent) are doing nothing but going to school or teaching those who are. In Iowa, the corresponding figures are about 800,000 of a total population of 2,800,000 (again about 29 per cent). Another 30 per cent or so are not economically productive for other reasons. . . .

Education may be worth at least as much as we are now spending; perhaps much more . . . But I believe it has progressed along traditional and socially acceptable lines in a relatively uncritical way for so long and to such a point that it is ripe for searching study. . . .

My own beliefs are that we should try—

To break our blind devotion to the idea that extended formal education for everyone is the only route to self-fulfillment and success. . . .

To work toward acceptable sociological substitutes for mere attendance at college, and finally . . .

To foster a wide diversity of vocational, technical, and other specialized forms of education in a work-study context. . . .

The average career officer in the U.S. Navy spends an estimated 25 per cent of his life in school and does so on full pay and allowances. This is judged to be about the minimum required to maintain his competence.

URBAN RENEWAL AT ITS BEST

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. EILBERG. Mr. Speaker, in the fifties, many of this Nation's great cities embarked on ambitious programs of urban renewal and urban revitalization. I am proud to say that my city, Philadelphia, led the way.

One of Philadelphia's programs which has been an unqualified success was the dismantling of the old Dock Street Market, just blocks from Independence Hall, and the transfer of its marketplace functions to the modern, centralized food distribution center.

This program produced two salutary benefits for my city. First it led to the revitalization of a modern, residential neighborhood, in the heart of my city, Society Hill. Second, it provided a modern, efficient farm-to-market distribution center for the goods which feed the Philadelphia area's 6 million residents.

The food distribution center has been such a success that the planners of

Paris, looking for a modern substitute for that city's ancient market, Les Halles, carefully studied Philadelphia's center before drawing their own plans.

The story of this urban renewal success is now being told in a publication of the Department of Housing and Urban Development. With the consent of my colleagues, I enter in the RECORD a press release from the office of the city representative of Philadelphia, announcing this article:

> The story of one of Philadelphia's outstanding urban renewal projects, relocation of the Dock Street Market to the Food Distribution Center, is featured in a new magazine, Challenge, being published by the Department of Housing and Urban Development.
>
> The magazine hails the Food Center as "a tribute to the spirit of cooperation and 'self help' between Philadelphia's businessmen, citizens and government." It recalls that the old Dock Street food market had contributed to the false notion that Philadelphia was "over the hill."
>
> The 388-acre, $100 million Food Distribution Center in South Philadelphia has created an estimated 12,000 new jobs since its first buildings opened in 1959. At the same time the site of the former Dock Street food market has become a showplace of modern high-rise apartment buildings and restored historic homes, known as Society Hill. The City is now registering an annual gain of $20 million in revenue from the thriving Food Distribution Center and the renewed Society Hill.
>
> The Philadelphia Food Distribution Center has become a model for other cities with similar problems. The City of Paris recently completed a new wholesale food market patterned after the Philadelphia facility.
>
> Copies of "Challenge" magazine may be obtained from the Information Center, Room 1202, HUD, Washington, D.C. 20410.

HAWAII RANKS NO. 2 IN NATION ON MONEY SPENT ON HIGHER EDUCATION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. MATSUNAGA. Mr. Speaker, in my frequent talks to high school graduating classes in the Island State, I have repeatedly stressed to the young men and women that only a wise and educated citizenry can keep our American democratic society a going concern. I have emphasized to the students that as citizens of that society, they should be aware of the duties that accompany the great privilege of citizenship in our Nation.

I have further stressed that they should also realize that if they are to take a meaningful and active part in the political life of our country and State, they must first equip themselves with the necessary tools—the most important of which is higher education.

In this regard, I take pleasure in inviting the attention of my colleagues to a recent news report which reveals that Hawaii is currently spending more on higher education than any State except Washington, on a per capita basis. And the Island State leads the 50 States in the percentage increase of such spending in the last decade.

The news article takes note also of the figures reported by the Chronicle of Higher Education which shows that Hawaii ranks second highest among the States in per capita appropriations of tax funds for operating expenses of higher education.

In order that the Members may read more about Hawaii's efforts to do its part in developing a better educated citizenry, I am pleased to submit for inclusion in the CONGRESSIONAL RECORD the article, "Isles Second in Higher Education," from the November 6, 1969, issue of the Honolulu Advertiser:

ISLES SECOND IN HIGHER EDUCATION

> Hawaii currently spends more money on higher education than any state except Washington, on a per capita basis.
>
> And the Islands lead the 50 states in the percentage increase of such spending in the last decade.
>
> Figures reported by "The Chronicle of Higher Education" show that Hawaii ranks second highest among the states in per capita appropriations of tax funds for operating expenses of higher education.
>
> The per capita figure for Hawaii for the 1969–70 fiscal year is $56.69, topped only by Washington's $57.35.
>
> The states spending least per capita are New Hampshire, with $14.99, and Massachusetts, with $15.70. The median is represented by 25th-ranked Delaware's $31.77 and 26th-ranked Florida's $31.72.
>
> Hawaii's appropriations of $41,782,000 in tax funds for operations of colleges and universities during the current fiscal year is a 742 per cent increase over the $4,958,000 appropriated in 1959–60.
>
> This is the highest 10-year increase in the nation, followed by New York's gain of 696 per cent. The average increase for the 50 states is 337.5 per cent.

HUD SECRETARY GEORGE ROMNEY STRESSES NEED FOR BREAKTHROUGH IN HOUSING UNITS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the Honorable George Romney, Secretary of the Department of Housing and Urban Development, emphasized in a recent address before the Mortgage Bankers Association of America the importance of moving forward with housing construction throughout the Nation.

Secretary Romney said that the response to the housing shortage by the building industry could produce a strong impetus to the entire economy.

Because of the interest of my colleagues and the American people in this most important matter of housing for our people, I place Secretary Romney's speech in the RECORD.

The speech follows:

ADDRESS BY GEORGE ROMNEY, SECRETARY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

> These are hard times for mortgage bankers.
>
> They are hard times for thrift institutions, too—for homebuilders—indeed, for nearly everyone connected with the mortgage market and the housing industry. They're even hard on the Secretary of Housing and Urban Development.
>
> These are especially hard times for those Americans who cannot obtain a decent place to live because of our overall housing shortage. In the last four years, housing production has fallen more than one million units short of the volume needed just to keep up with population trends and the loss of deteriorated units.
>
> And yet, as you well know, housing starts this year are down—not up; the housing shortage grows larger—not smaller.
>
> There is no need for me to explain to this group the reasons for this year's decline in housing. You have all been through it too many times before—every time inflation has got out of hand; every time tight monetary policy has been used to bring the inflation back under control.
>
> Neither am I going to offer any promises that the end to your troubles—and my troubles—is in sight.
>
> Yes, the economy finally does seem to be cooling off. Inflation psychology may be on the ebb. Interest rates have retreated somewhat in the last few weeks—at least in the bond markets.
>
> But even if these signs prove accurate, you and I know there is always a long lag before the mortgage market will feel any real benefit. Remember just three years ago! Monetary policy began easing in the fall of 1966. But it was a full year later before housing production fully recovered its previous high.
>
> What I would like to do for a few minutes is review some of the actions we have taken to keep the mortgage market and housing situation from becoming even worse than it is, and some of the additional steps now being considered for the immediate period ahead.
>
> In general, it is fair to say that all the specific actions taken to deal with previous squeezes on the mortgage market and housing production have again been taken or are moving toward fruition. And in several important instances, the actions this time are considerably more extensive than ever in the past.
>
> The Federal National Mortgage Association activity, of course, is a prime illustration. Since January, I have authorized an increase of over $5 billion in FNMA's borrowing authority.
>
> This has enabled FNMA to make mortgage commitments totaling nearly $5 billion so far this year. Volume in recent weeks—as you all well know—is up to an annual rate of nearly $9 billion. By contrast, in all of 1966, FNMA's secondary market purchases totaled only $2.1 billion.
>
> At its recent commitment rate, FNMA is supporting three-fourths or more of the entire FHA–VA market. The real estate section of any newspaper shows the impact—the ads say, "FHA or VA financing available."
>
> FNMA's activity is obviously the principal reason that housing starts financed under the FHA and VA programs have remained high, in the face of a sharp drop in conventionally financed starts.
>
> Substantial additional support for the mortgage market has come from the Federal Home Loan Bank Board.
>
> In the past 9½ months, the Home Loan Banks have increased their advances to member savings and loan associations by nearly $3 billion, and in June an additional $700 million was released for investment in mortgages by a cut in associations' liquidity requirements. In 1966, advances increased for only four months during the spring and early summer by a total of only $1.6 billion.
>
> In 1966, ruinous competition among financial institutions for savings deposits was finally brought under control by imposition of interest rate ceilings under Regulation

"Q." These ceilings have been maintained without change throughout this year, in the face of substantial increases in interest rates in the open market.

In late 1966, the investment tax credit and accelerated depreciation provisions were temporarily suspended. Early this year, this Administration asked for repeal of the investment tax credit, and the current tax reform bill proposes to remove accelerated depreciation except as a stimulus to newly constructed housing. The sooner both of these provisions are enacted into law, the more real the benefit will be for housing.

Another conscious effort to help housing was President Nixon's September 4 announcement of the 75% cutback in federal construction contracts, and his request that state and local governments consider similar steps.

Vigorous action clearly was needed to help ease the strains evidenced by skyrocketing wages and prices throughout the construction industry. A basic purpose was to release at least some scarce resources from lower priority construction activities for use in homebuilding.

The Cabinet Committee on Construction, which was appointed that same day, and the new Construction Industry Collective Bargaining Commission appointed a few days later, will be working to carry forward on that good beginning.

Despite all these actions to date, there is no escaping the facts that mortgage credit is still scarce and expensive, and that housing production is still down sharply. Housing starts, to be sure, did show a somewhat surprising rebound in September. Most experts seem to believe, however, that this was only a temporary aberration in a continuing downtrend.

So the question is: What more can be done to help sustain the mortgage market and housing sector through the period ahead?

One step I know this Association would recommend is an increase in the FHA–VA interest rate ceiling. But as you know, I receive advice on this issue from a number of other sources, and they are not always in agreement.

I did, of course, increase the rate when I first came into office last January. I would do so again if I were convinced that in the present circumstances a higher ceiling would bring in more mortgage funds.

As you know our Department has supported the idea of experimenting with greater freedom for FHA interest rates at an appropriate time. Given the authority and those conditions we will do so. But I do not see such conditions prevailing in the mortgage market at this moment.

Leaving aside the question of the FHA–VA interest ceiling, the starting point of any program to deal with prospective mortgage market conditions is to continue at least the volume of support currently provided by FNMA and the Home Loan Banks.

Both agencies are eager to do this. It will require them to continue their extensive borrowing in the securities markets, but it seems likely that this can be accomplished without undue strain.

Building on this base, I have announced this morning the release of $650 million of Special Assistance funds for use under a so-called "Tandem Plan."

Under the plan, GNMA will be authorized to make mortgage commitments on multi-family units, with FNMA simultaneously agreeing to take over the mortgages when actual payment must pe made—or perhaps earlier if market conditions warrant.

Let me say a word about Special Assistance, since our Department has been criticized so often for a presumed unwillingness to use these funds. The plain fact is that we have been using a sizable part of the authorized funds right along in purely routine operations which lack only the fanfare that is sometimes attached to spending Special Assistance.

Thus in the first nine months of this year, more than $500 million of mortgages have been purchased under Special Assistance operations of GNMA. An additional $600 million or so has been reserved for future purchases. In 1966, by contrast, Special Assistance purchases totaled only $200 million.

My action this morning releases a sizable share of the remaining Special Assistance funds that are as yet unallocated. I am hopeful that we can soon release still more to provide support for the single-family mortgage market.

One further mechanism we are most eager to bring into operation is the mortgage-backed security. We have nearly completed the final regulations on "pass-through" securities, which are considerably more liberal than provided in the original draft published last August. These should be released shortly.

In addition, we are proceeding with preparation of the regulations for bond-type securities, so that they can be released as market conditions become more favorable for floating long-term debt obligations.

I should acknowledge a debt of gratitude to your Association officers for all of the help they have provided in the preparation of the regulations on mortgage-backed securities. We are now counting on you to make use of the instrument to the fullest extent possible to attract new funds into the mortgage market.

Each of you knows who in your State has money as yet untapped by the mortgage market. Or if you do not know, now is the time to find out. Some of your regular old suppliers of funds may be attracted to the mortgage-backed security too. But the key to overall success, as far as we are concerned, is the amount of new money that can be tapped.

The things I have talked about so far, of course, are essentially short-run steps toward solution of a current problem. None of them yet represents the fundamental change that will be needed to help prevent the mortgage market and housing from becoming the victims of any future financial squeeze.

Our approach is to take one step at a time. Our first priority concern must be to alleviate the present crisis. But this Administration is pledged to initiate an age of reform.

Our search for long-range solutions is underway and moving to the top of our agenda—both within our Department, and through the Cabinet Committee on Construction. We want and need any suggestions you may have.

This Administration is determined to do its full part toward meeting our nation's housing needs. I accept the 26 million housing goal set by Congress last year as a reasonable statement of minimum need—in fact, I think we need more than 26 million.

But we all must recognize that merely citing needs is not enough. We must also organize to meet the need—and beyond that, we must make the people fully aware that the need exists and must be met.

After all, most people in this country are well-housed. It is only the minority of Americans desperate for decent housing who feel the full impact of our housing shortage and high costs. In recent opinion surveys of the public problems most on people's minds, housing is not at the top or near the top of the domestic list. It should be.

This means that our approach to meeting national housing needs must be one capable of making most people realize the tremendous economic and social benefits which a successful effort can produce.

Most people will benefit. The economic benefits can be immense. Housing is the greatest undeveloped market in this country.

Meeting the booming demand in the balance of this century can do for our economy what the railroads did in the last century and what the transportation and electronic industries have done in recent years. Meeting housing needs is a dramatic opportunity for business and labor—particularly minority group workers and those who are now unemployed.

And the social benefits of meeting housing needs can equal the economic benefits. The frustrated and unhappy Americans living in the ghettos are understandably fed up with years of largely empty rhetoric and unkept promises of "a decent home in a suitable living environment for every American family." They know the need—their need—is great. Action is needed now, not words.

Success in meeting our nation's housing needs unquestionably would do more than any other physical achievement to alleviate the dangerous and divisive tensions of our cities.

If we can break through to arouse public consciousness of the need to meet the housing goal, we will have won at least half our battle. But for full success, there are other barriers we must break through.

We must break through the technological barrier and develop new ways of achieving volume production of decent, low-cost housing.

Prices of new homes sold across the country this past summer averaged over $25,500, a third more than the average price just four years earlier. Over the same period, per capita disposable income rose by only 26%. The plain fact is that more and more of our families simply cannot afford decent housing.

Our Department, as you know, has begun to tackle this technology problem through our new Operation Breakthrough. Just a month ago, we received some 650 separate prototype proposals developed by almost every major firm in the country.

Many of these proposals have drawn on experience gained in Europe in industrial produced housing. I can tell you from personal experience of a visit just a few weeks ago that we can learn something from the Europeans about how to produce attractive housing in a short time at reasonable cost.

After we have decided which of the various prototype proposals seems most appropriate, we should be able to award some production contracts by next spring's building season.

You all know why housing costs so much today. Financing, land, labor and materials are all more expensive. We must have a total breakthrough to get past all of these separate barriers.

We must find lasting ways to break through the financial barrier.

Here, I am looking beyond the time when we finally bring the current inflation under control, and monetary policy is able to ease from its present highly restrictive position. These steps are clearly a prerequisite for any major expansion in the availability of mortgage-financing. As such financing does become available, I am counting on the members of this Association to help assure that the interest rates are down at reasonable levels.

The question, however, is whether these steps alone will be enough. I am sure you have seen the discussion suggesting that we may need to run very large budget surpluses over the next ten years in order to free enough real and financial resources to meet the housing goals.

In the financial sphere, the idea is simply that if the Government uses a budget surplus to pay off some of its outstanding debt, more funds will be available for private uses, including financing of homebuilding.

But will it be possible politically to maintain budget surpluses of the size likely to be needed? And if we do, can we be assured that housing will get the necessary amount of credit at reasonable interest rates?

Some have said that the only solution is to require financial institutions to channel a portion of their assets into mortgages. Others have suggested creating something like a national housing bank. I am sure there are still other ideas.

I think your Association should begin to focus on this question, for it is crucial to our success in meeting the housing goals.

We must also develop some breakthrough in land. Site values now account for more than 20% of the total cost of new FHA-insured single-family homes. Ten years ago, they accounted for only 15%. We must find a way to crack the speculative merry-go-round that simply inflates the price of undeveloped land without adding to its basic utility.

In addition, we must break through the labor barrier. Estimates suggest that we will need more than one million more man-years of on-site labor by 1978 than we have now, if we are to meet the housing goals.

The high cost of a scarce labor supply has been dramatically illustrated this year. As you know, all construction labor contracts signed in the first six months of this year provided a median increase of 15% per year in wages and fringe benefits, and most of these contracts run for three years.

The Cabinet Committee on Construction and the Construction Industry Collective Bargaining Commission are beginning to get into these problems. Clearly, a major job-training effort must be mounted to increase the labor supply. And I would hope we can develop even more immediate ways of bringing these wage increases down to more moderate size—hopefully to non-inflationary levels.

And to help break through the materials barrier, we must find a way to revise or overcome antiquated building codes. Too often they go beyond their legitimate purpose of protecting the safety of the occupants and become protectionist barriers standing in the way of badly-needed cost-cutting innovations in techniques, processes and materials.

It is no little task we have before us. In broad terms, we need to shift about 1% more of our total national output into housing if we are to meet the housing goals. This sounds small, but it would be a 30% increase. To accomplish this, housing must have the right national priority.

Our inspiring success in space has shown us and shown the world how much Americans can accomplish when we set our eyes on a high target and mobilize our resources to achieve it.

It took more than rhetoric to reach the moon. It took a massive national commitment and a top national priority.

I believe that the public interest and indeed our national survival require us to assign our housing and urban goals a high priority in the decade ahead—at least comparable to the priority we gave our space program in the decade just ending.

Let us press forward in space. But let us turn our principal energies, our chief concern, to this great spaceship on which we ride together—to the speedy betterment and ennoblement of the quality of life on planet earth.

We need your help. We need the help of Congress. We need the people's help.

Let us set priorities. Let us set timetables. Let us commit resources. Let us break barriers. Let us reform and innovate.

Let us build homes and cities and a new America.

SENATOR SPESSARD HOLLAND, A GREAT STATESMAN, TO RETIRE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FASCELL. Mr. Speaker, last Thursday our colleague in the Senate, the Honorable Spessard L. Holland, after 50 years of service to the State of Florida and the Nation, announced his retirement from public life at the end of his present term.

Senator Holland is a statesman's statesman. He was an outstanding Governor and U.S. Senator. But to all who know him, his greatest attributes are his integrity and unflagging sense of justice.

His skill as a legislator is unparalleled, as are his service and dedication to the people of Florida and the Nation. He is held in highest esteem by all whose lives have been touched by him. His leadership has inspired the members of the Florida congressional delegation and his colleagues in the U.S. Senate.

His warm and friendly manner and his moments given to humor cause him to be known and loved by people in all walks of life, regardless of political affiliation or philosophy.

We are all going to miss "the Senator" when he retires from public office and trust that he and his charming wife, Mary, Florida's "first lady," will enjoy their golden years to which they have been looking forward for a long time.

The Miami Herald of Friday, November 14, 1969, contains both an editorial and an outstanding article by Clarence Jones on Senator Holland's career and his retirement. I commend these items to my colleagues:

[From the Miami Herald, Nov. 14, 1969]

SENATOR HOLLAND'S LEGACY SHOULD BE A PATTERN

They never go back to Pocatello, say the old Washington hands. But they go back to Bartow. Sen. Spessard S. Holland of Florida will do so, and more's the pity.

Sen. Holland's decision not to run for reelection in 1970 is understandable because it is clear-cut, candid and typical of a man who brooks no nonsense. His health, says Florida's senior statesman, will not stand another term. So he is going back to his law practice in Bartow.

Spessard Holland was the first governor of Florida to go to the United States Senate, a customary procession in many states. In Tallahassee his administration is remembered for its stability during the war years, its tax reforms and its support of public education.

It was a natural step from there to Washington. Although Sen. Holland joined the Southern Democratic-Northern Republican conservative coalition he was always his own man. He was the leader, for instance, in the movement which abolished the discriminatory poll tax.

With Thomas Jefferson, Sen. Holland obviously believes that each generation must lead its own life. In essence he is stepping aside for younger men, as an older man once stepped aside for him.

He could, of course, have been reelected. While he has not always been able to accommodate himself to change, Spessard Holland is no mossback. His point of view has always been tolerant of opinion. Political grudge-bearing left him cold.

With his host of Florida friends The Herald salutes a great gentleman and loyal public servant. "Behold him in the evening time of life . . . By unperceived degrees he wears away. Yet like the sun, seems larger at his setting."

Florida will be hard put to find a successor to Spessard Holland, but we trust that the stature of the man will be gauged according to the qualities of the man about to retire from the Senate.

These qualities include integrity, knowledge of government, largeness of mind and the ability to unite people of all persuasions for the betterment of Florida. This is a part of the Holland legacy. Let it be a pattern.

[From the Miami Herald, Nov. 14, 1969]

"LITTLE BOX" HELD AILING HOLLAND'S SECRET

(By Clarence Jones)

WASHINGTON.—Sen. Spessard Holland reached deep down into the side pocket of his suit coat and pulled out a little metal box.

It was the kind of box cold remedies used to come in. The paint was worn and it had a red rubber band around it.

"My nitroglycerine pills are in there," he said, holding the box between his fingers at eye level, staring at it. "I've been carrying them for eight years now. Nobody knew about it."

With the decision to retire over and out in the open, he could show the box Thursday morning and talk about the angina attacks that helped make the decision for him.

There was a lot he still could not talk about. Although the question was asked in half a dozen different ways, he could not bring himself to describe what he felt Wednesday, here in this same office, when he told a crowd of newsmen he was too old and too ill to chance another six years—that he is, by choice, giving up his power and prestige in the "world's most exclusive club" after another year.

He is now 77. He grew up in a time when men were not supposed to show emotion in public. To dredge up what he felt, even now that it was over, was somehow improper and unfitting.

But he could talk about the angina. The code permitted that.

He was sitting in the green leather swivel chair behind the massive, battered old desk that comes with the biggest suites of offices in the old Senate building that are the special preserve of senators with seniority.

Behind him, head-high, glass-doored bookcases spanned the wall. Above the cases hung pictures frame-to-frame, taken during his public career that began as a prosecuting attorney in Bartow 50 years ago.

The pictures record the aging process, from a young artillery observer with an Army Air Force uniform and a mustache in France in 1918 to the man behind the desk now.

The hair is snow-white and thinning. The eyes are magnified by the special lenses that follow cataract operations. He still holds himself straight, with the shoulders back.

He tells how he shot a turkey last winter with a .22 caliber rifle to prove that he can still shoot as straight as he did when he rode in an open cockpit over France, squinting through the metal machine gun sights that now gather dust on the bookcase shelf.

He fingered the pillbox.

"I've been carrying these nitro pills since 1961 when I first felt the angina," he explained. "The instructions were not to use them.

"The doctors said nature might do its own repair work. That the capillaries might rebuild themselves if I could rough it through the pain.

"It hits you in the chest and down the left arm. I had one on the Senate floor one time. Sometime this year, I was very tired that night. It was late in the debate and I was exhausted and speaking there on the floor. I was speaking rather loudly. It was something I was concerned about.

"I was about to finish, when I felt it coming on. So I finished hurriedly and took my seat. Nobody ever knew it had happened. In five minutes it was over. I guess until two months ago, I had taken the pills maybe three times.

"Two months ago, they changed the directions about not taking them."

The family knew about the angina attacks. Merrill Winslett, his administrative assistant, and Mrs. Ruth Fisher, his personal secretary, knew. They kept the secret well. The doctors had given Mrs. Fisher some other medicine to keep in her desk in case it got really bad.

Holland had to stop his walks each evening after supper. Walking in the cold pulled too much blood away from his heart.

"Mary (his wife) had also had something to say about my walks. She doesn't want me on the streets any more at night, she doesn't think it's safe. I understand Earl Warren's wife gave him the same instructions," he said.

The Warrens live on the first floor of the hotel where the Hollands have maintained an apartment for 21 years. "I told Earl one time," he recalled with a chuckle, "that some of his decisions might be responsible for ending our walks."

Still, the angina had not hit him hard enough to force the retirement decision until two weeks ago when he rturned from a quick trip to Florida—and had the worst attack yet.

He will not say exactly when, during a long day and night of constant pain, that he concluded he could not campaign again. But sometime during that day or night, he knew. He told his wife. She refused to try to influence him in the decision.

After that, he says, it was over and done with. He admitted to a let-down feeling Wednesday night after he had announced the decision.

But he quickly attributed it to the fatigue of a three-hour floor fight that stopped a conservationist move to halt the cross-Florida barge canal and the Central and South Florida Flood Control District next year.

"That fellow (Sen. Gaylord) Nelson (D., Wisc.) is a very persistent, overzealous conservationist, you know. Good people have shibboleths. you know. They get so zealous, they can't see anything else.

"There's a middle road. I think the flood control district is helping Everglades National Park. I think the barge canal is something that has to be done. But nobody is any more concerned about conservation than I am."

He won the fight Wednesday night and then was driven home by one of the secretaries in his office. His wife had not been listening to the radio and had not heard a report of his press conference.

"Well, did you go through with it?" she asked when he came in the door. He told her it was old news—that he had even heard it on the car radio coming home. And that was the end of it.

Holland says he had more offers of financial contributions this year to back a reelection bid than he ever had before. In his entire career, as county judge, state senator, Florida governor, and four campaigns for the U.S. Senate, he never asked anyone to give him money.

"I guess I got used to the other school of thought. When I ran for county judge and state senator in Bartow, we never thought of people contributing. We ran our own show. The state Senate was a highly paid job in those days, you know," he joked. "Six dollars a day during the session and mileage for one round trip home.

"Those years were very expensive years for me and my family. But I never asked anybody for money. I never wanted to put pressure on anybody.

"I never wanted anybody to be able to say later that I'd begged them for money and now they wanted something in return."

If you could size up the qualities and talents a candidate for public office should have, what would they be, he was asked.

"Integrity," he said, without hesitation.

This year in an editorial, the Lakeland Ledger, his home county newspaper, wrote critically of Holland, attacking him as the spokesman for Florida's special interests. The editorial accused him of keeping the faith of a rural, bygone ethic and ignoring the changing needs of an urban society.

"I certainly do strongly represent the agricultural interests," he said. "They're important to Florida. About that editorial, my feeling was that they didn't know me very well. The paper belongs to outside people who don't know Florida as well as I do.

"I just take it as one of those things you have to accept when you have outside ownership of newspapers. They're very liberal. I don't know anything I can do about it, so I haven't let it worry me.

"I've filibustered with my southern colleagues. But I didn't please my southern brethren when I became the first senator to support statehood for Hawaii and Alaska. Or when I fought to build the St. Lawrence Seaway."

Holland says he came to the Senate with no intention of making headlines. He was interested in agriculture, forestry and appropriations. He left committees where he was building seniority to get back to his primary concerns.

He led the battle for more than a dozen years to abolish the poll tax that had kept Negroes from voting in many southern states, and he made headlines in the struggle for coastal states to have off-shore mineral rights in the tidelands oil dispute.

Over the years, Holland and his wife have socialized largely within the circles of southern, conservative senators like himself, who are the keys to power in the seniority system that controls Senate committees.

It was this seniority and these friendships that enabled him to increase by $4 million this week the Senate version of public works spending in Florida for next year. He was able to write $140,000 into the bill for deepening the Miami Harbor where all other members of the Florida delegation has failed. The bill now goes to a Senate-House conference committee.

It is this power that comes from service and friendship that Florida will lose when Holland leaves after next year.

He refuses to say anything about who his successor might be, or whether Ed Gurney, the Florida Republican senator elected last year, could fill his shoes as senior senator.

"That will depend on many things," Holland said thoughtfully. "If the Republicans should gain a majority, he would be able to do more. I think he will serve with good conscience and ability. I don't know how long the people of Florida will leave him here. I don't know how long his health will permit him to stay here. I think we've voted alike about 95 per cent of the time."

In mid-interview, a secretary came into the office. "George Smathers is on Line One," she announced.

"Hello, George, how do you do?" Holland said with a grin. "You're in Nassau? Well, I hope you catch a big one for me . . . Thank you, George, I felt I should do it . . . this angina thing has gotten a little more serious.

"After all, you know, I'm 21 years older than you are, and I can't look with optimism to the long years of life that you can.

"Which doesn't worry me, it just happens to be one of the facts of life."

INDEPENDENT BANKERS POSITION ON AGRICULTURE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHWENGEL. Mr. Speaker, at one of the "Listening Conferences" conducted by Secretary Hardin earlier this year, Mr. Don F. Kirchner presented the position of the Independent Bankers on agriculture. Mr. Kirchner is very highly respected in my district, and his thought-provoking remarks fully justify this respect. His remarks follow:

THE INDEPENDENT BANKERS ASSOCIATION OF AMERICA—POSITION ON AGRICULTURE

There is an urgent need for effective action to end the discrimination against the American farmer and rancher. This need prompted the Independent Bankers Association of America to form its Agriculture-Rural America Committee in 1961. The goal of the committee has been to study the problems of rural America and to convince others of the plight of the rural people and the rural economy.

Our committee has found during its eight years of study that credit has been used as a substitute for profits in agriculture for many years. Our profit starved rural economy has been dependent upon massive doses of credit every year since 1953. Some day this borrowed money must be repaid, and when that time comes our country will be deprived of the tremendous buying power that has been made available through the injection of credit into the rural economy.

We have found the American farmer and rancher to be financially hard pressed. He has borrowed heavily for the past 16 years in anticipation of future profits, which have failed to materialize. Often the borrowed funds have been repaid from the liquidation of assets.

By 1967 farm prices had fallen to their lowest level since parity figures were started in 1937. Farm prices have been controlled and administered by our federal government for many years. Farm prices have been intentionally lowered by our government in order to provide the consumers of this country with more funds to spend for manufactured goods. This action has subsidized both our consumers and our industries at the expense of our rural people and the rural economy, and is becoming commonly referred to as the "cheap food policy" of our federal government.

Due to our governmental "Cheap Food Policy" the human and financial resources of rural America are being depleted at an alarming rate. During the past 15 years the number of people employed on our nation's farms has dropped from over 10 million to about 5 million, an out migration of one-half of our farm workers. During these same 15 years the number of farmers has dropped from 8.5 million to about 3 million. Farm operating loans have deteriorated due to the lack of profits in agriculture. Loans that started out to be short term loans have turned into long term loans with workout problems. The solution for many farmers and ranchers has been to sell out and quit farming or ranching.

We feel that the roots of the urban problems, the unemployed, the indigents, grow from a rural America that is not able to attain sufficient profits from the production of its products to retain its people. As our rural people have migrated from the farm to the city in search of a better place to live and the opportunity to make a better living, they have been forced, or have forced others, into the slums and the ghettos.

Many of our nation's farm economists favor the elimination of many more of our nation's farmers and ranchers. Some of these economists feel that as few as 500,000 farmers and ranchers could produce all of our nation's farm products. They would like to see another 2,500,000 farmers and ranchers forced from the land. The economists have advanced the idea that fewer and fewer farmers are necessary for so many years that it has become a matter of public policy to see that their ideas become a reality. Our federal government has spent untold millions of dollars over the past 40 years to develop the technology necessary to force the farmer from the land. The continuing, and fostered, exodus of more and more people from the farms and ranches of our country will put more and more industrially untrained rural migrants into the slums and ghettos of our nation's cities. Yet, the farm economist will continue to sit in his ivory tower, isolated from the ways of the world and unaffected by the repercussions of the adoption of his theories, as he continues to draw his sustenance from the public coffers at an ever alarming pace.

Our nation's farm organizations, up until this time, have failed to attain either sufficient size or scope to control the prices that farmers and ranchers receive for their products or to control the production of their products sufficiently to control price.

Our committee feels that farm problems will continue to plague our rural people and the rural economy because there is no long range program for agriculture. Agricultural programs are adopted and they are administered for the short range only. It seems to be the intention of our government to continue to use the farm segment of our economy as a "scapegoat" for the other segments which have prospered for many years. Our government is continuing the cheap food policies which have led to the present situation. We feel that we can only have temporary prosperity in our total economy as long as other economic segments are feeding upon our agricultural economy.

The Agriculture-Rural America Committee of the Independent Bankers Association of America feels that to solve the problems of rural America our government must give top priority to the raising of farm prices. The levels of these prices must be sufficient for our farmers and ranchers to attain a standard of living that is commensurate with the rest of our nation's people. Farm prices must be high enough to provide the profits that are necessary to allow for capital investment in agriculture, exclusive of inflationary gains. Farm prices must be sufficient to provide the profits necessary to service the operating debts that already have been accumulated.

Long range programs must be adopted that will attain and maintain a continuing parity of income for agriculture, an income sufficient to attract long range capital to be invested in agriculture.

Finally, farmers and ranchers should not be asked to increase the production of agricultural products unless and until the government can guarantee that the extra production can be used and marketed at parity price levels without causing future drops in prices.

At a meeting of our committee on May 26–27, 1969 the following position were taken in regard to present and proposed legislation involving the American farmer and rancher:

1. Realizing that the intent of the Acreage Reserve program is to get sufficient land out of production to eliminate the farm surplus problem and that the program must be administered so that the intent is not destroyed, and thus the large land owners play a useful role in preventing a collapse of farm prices due to overproduction, and realizing that care must be taken to assure that the purpose of the program is not undermined through removal of large land owners, our committee passed the following resolution:

Be it resolved, that the IBAA Agriculture-Rural America Committee position be in favor of the establishment of a ceiling, or a sliding scale limitation of farm payments, providing such limitation or ceiling will not destroy the effectiveness of the program.

2. Due to the inability of the American family farmer and rancher to compete on an equal basis with those who are in farming and ranching to take advantage of the tax laws of our country, our committee passed the following resolution:

Be it resolved, that the IBAA Agriculture-Rural America Committee believes that a need exists for legislation to control tax loss farming and ranching.

3. Realizing that care must be taken in defining corporation farms and corporation farming, so that family corporations which are in fact family farms are not confused with other corporation farming operations, the following resolution was passed by our committee:

Be it resolved, that the IBAA Agriculture-Rural America Committee opposes the concept of corporation farming, except for family corporations and lands controlled for research and educational purposes.

4. Realizing the need for repeal of the Investment Tax Credit in order for the Federal Government to help control inflation, the following resolution was passed:

Be it resolved, that the IBAA Agriculture-Rural America Committee supports the retension of an Investment Tax Credit on not less than $15,000.00 of purchases per year for small businesses and farmers if the Investment Tax Credit bill is repealed.

5. Our Committee supports the position of the American National Cattlemen's Association in regard to Beef Import Controls, which is as follows:

1. Move the Import Quota base back one year.

2. Eliminate the 10 percent overdrive provision which allows for a 10 percent expansion of the average imports before restrictions are imposed.

3. Include cocked meats as well as military purchases in the import quota, and subject cooked meats to the same sanitary standards as uncooked meats.

4. Adjust the quota imports on a quarterly basis rather than on the present annual basis. While imports are presently reported on a quarterly basis, annual import quotas are not imposed until the end of the year, permitting a tremendous amount of imports to come in during one quarter, which might be disruptive to our domestic markets.

6. Our committee has discussed the proposed "whole farm retirement system". It is our position that the proposal for a "whole farm retirement system", as a means to restrict the production of farm commodities has some merit only if it is used with discretion as to the amount of land that is allowed to be retired in any given area. Due to the possible detrimental side effects of such a program extreme caution must be used in its implementation so that our rural towns and cities are not damaged due to the loss of markets for their products and the outmigration of people when their farms are retired to the government.

We appreciate the opportunity that you have given us to present the views of the Independent Banker in regard to the problems of Rural America.

Thank You.

RECLAMATION: ASPIRATIONS VERSUS ACHIEVEMENTS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. COHELAN. Mr. Speaker, for many years I have known Dr. Paul Taylor. His dedication to the cause of conservation is unsurpassed. Dr. Taylor is a noted scholar who has specialized in the area of land reclamation. I recommend to the readers of this RECORD his latest article on this subject:

RECLAMATION: ASPIRATIONS VERSUS ACHIEVEMENTS

Congress created the Bureau of Reclamation in 1902 to be the public agency for fulfilling aspirations with achievements. But the history of western reclamation has been one of deep divisions from the start, raising in historical perspective the questions: Whose aspirations? Whose achievements? For a century water development in the western states has been permeated by a contest between the many and the few over the billion-dollar benefits that flow continuously from appyling water to thirsty lands.

Legislators have inscribed guidelines in statutes which judges have interpreted. In the interest of the many, statutes limited the gift of public waters to any individual to an amount sufficient to irrigate 160 acres of land.[1] The Supreme Court has explained how the limitation assures that the fruits of reclamation, intended to "benefit people, not land," "will not go in disproportionate share to a few individuals with large land holdings."[2] But government is divided into three branches, not two, and the administrators of reclamation work under heavy pressures from interests opposed to the Congressional guideline.[3] As a result, all too often they subvert the statute while professing adherence.[4]

In the beginning a United States Commission set the stage and forecast the divisions that still permeate reclamation. Concluding in 1874 that irrigation of California's Central Valley was feasible, the Commission prophesied that land having previously "no value, except for pasturage, during part of the year . . . if irrigated . . . would be increased many folds" in value. In anticipation, farsighted men lost no time acquiring dry but irrigable lands. The San Francisco Chronicle of the day described the process as "absorption of the land of the nation by a few wealthy and unscrupulous capitalists, aided by corrupt officials and perjured locators . . . depriving the poor man of small means of the opportunity of obtaining homes, and . . . laborers generally of all chance of securing work at fair wages. . . ."[5]

Engrossing dry lands to capture incremental values was one thing. Finding money to meet the huge cost of dams and canals to bring the increment-creating water to those same lands was another. The U.S. Commission evaluated three possible sources. It rejected at once the practicability of major construction by farmers, then said that "enterprises of this character, if built at all, must be built by the State or by private capital." Immediately the Commission ruled out the latter alternative: "There is no reason to suppose that for a long time capital will look upon this kind of investment with favor."[6] That left a sole possibility, the public treasury.

On the ground, both interests and observ-

Footnotes at end of article.

ers took this prospect into account. "Purchasers are not lacking who would add . . . to their already extensive dry domain," the Visalia Delta commented in 1877, then prophesied that "the people . . . will find themselves confronted by an array of force and talent to secure to capital the ownership of the water as well as the land, and the people will have it at last to pay for." [7]

Seventeen years passed before concerned western citizens organized an Irrigation Congress, and began to agitate for public financing of reclamation. Beginning in 1891 they assembled annually, seeking national help "to make the desert blossom as the rose." All westerners were united on this objective, but on another question, To whom should go the "many fold" increase in land values the coming of water would produce? they divided sharply.

The overwhelming majority of the delegates registered their answer clearly and repeatedly in formal actions by the Irrigation Congresses. Resolution after resolution insisted that deliveries of public water to private individuals be sharply limited, in order that the many might have access to the benefits of reclamation. Spokesmen of great landholdings were at the Irrigation Congresses, but made no audible protest against the majority.[8] They allowed nothing to interfere with the prime task upon which all delegates were agreed, viz., opening the doors of the public treasury and starting the flow of public waters.

This task was formidable. Success depended upon winning the support of an eastern President and the consent of an eastern- and southern-controlled Congress. Besides, the question whether the Nation would put up money, although difficult, was not the only consideration. There was also the question, if money were to be granted, what conditions would President and Congress attach to the grant? As the day of decision neared, it became evident that both would deny money if monopolization of public waters were to be allowed to reinforce and perpetuate the prevailing monopolization of arid lands.

Speaking for Congressional opponents of the Reclamation Bill in 1902, Congressman George W. Ray, of New York, drew the issue. Clearly he was unconvinced of the probable effectiveness of the 160-acre limitation in the bill. "And so we find behind this scheme," he said, "egging it on, encouraging it, the great railroad interests of the West, who own millions of acres of these arid lands, now useless, and the very moment that we, at the public expense, establish or construct these irrigation works and reservoirs, you will find multiplied by ten, and in some instances by twenty, the value of now worthless land owned by those railroad companies the title to which they obtained through grants from the Government. . . ." [9]

No one responded that large landowners, railroads or others, should be allowed to receive unrestricted benefits. On the contrary, western spokesmen took great pains to reassure eastern skeptics that monopolization of water could not possibly occur. As conclusive answer to eastern fears they pointed to the 160-acre limitation. This precaution was stringent, they declared, and would "guard against land monopoly" by achieving the "breaking up of any large land holdings . . . in the vicinity of government works. . . ." [10] With these assurances the proponents overcame the skeptics, won the vote of Congress and signature of President Theodore Roosevelt, and opened the flow of the Nation's money and water to western lands.

With one foot thus firmly planted in the door of the National treasury, barely three years elapsed until the large landowners revealed their own previously concealed aspiration. Like all members of the Irrigation Congress, they had wanted the water and the money, but unlike the rest, they were opposed to the conditions governing these gifts. At the Portland, Oregon, convention of the Irrigation Congress in 1905, an attempt was made to endorse repeal of the acreage limitation. The plea was couched in disarming terms: the limitation was unjust because it would "deny to the pioneer the fruits of his years and years of toil." A delegate promptly exposed its speciousness, pointing out that "If the man who has 640 acres in eastern Oregon has ample water for it, he will not be interfered with." Another delegate, Judge John E. Raker, of California, reminded the nearly 600 delegates that "The committee of seventeen that originally planned and arranged the adoption of the National Irrigation Law secured its adoption solely and entirely upon the question that the great land monopolies in the United States would be prohibited from getting the benefit of it." With these pros and cons before them the delegates defeated repeal by voice vote "amid great applause." [11]

For nearly forty years no further open and direct attack upon acreage limitation was repeated. Indeed, large landowners on Orland project in the Sacramento Valley of California voluntarily accepted a 40-acre limitation to attract Federal funds and water to the aid of their lands.[12] This cooperation with reclamation law was to prove exceptional, however, and unacceptable to giant landowners. Though slumbering, their aspiration to escape the controls of acreage limitation while obtaining both water and money, survived.

Since open attack under the light of publicity had proved vulnerable, piecemeal assaults now began under cover. The Salt River project in Arizona soon gave the clue that circumvention of the law could be achieved with circumspection. On that project reclamation administrators accepted a shadow interpretation of the law robbing it of substance. There a landowner receives water for all his lands no matter how extensive, but in the water users' association he casts votes for no more than 160 acres.[13] The circumvention survives to the present day. Similarly in the Imperial Valley of California, Secretary of the Interior Ray Lyman Wilbur decided in the closing weeks of the Hoover Administration not to apply acreage limitation to lands served by the All-American Canal. (In 1961, however, Secretary of the Interior Stewart L. Udall ruled that the limitation does apply, and the case is in Federal court.) [14]

Beginning furtively in 1938, one project at a time, legislative erosion of the acreage limitation joined administrative erosion. An exemption was slipped through Congress first for the Colorado-Big Thompson project, and two years later for the Nevada Truckee and Humboldt project. The methods and arguments employed were similar. Public hearings were avoided, or at least none were printed. The arguments for exemption avoided attack upon the principle of acreage limitation, sought to portray the project as a special and distinct case, and generally were specious. Interior Department reports raising no objections to the proposed exemptions were signed by Acting Secretaries and forwarded to Congress when Secretary of the Interior Harold L. Ickes, a staunch defender of acreage limitation, was out of town. The tactics were successful.[15]

Emboldened by these successes, further attempts to widen exemptions were made in 1944, 1947, and 1959–60, aimed at the Central Valley project in California. In 1944, with the flow of funds to the project well started, an exemption "rider" to the rivers and harbors bill was slipped quickly through the House. Nowhere during extensive hearings on the bill, including its Central Valley features, was the intention to seek exemption revealed. At the last moment, as a committee amendment without warning, the exemption came to the floor and was slid through the House. In the Senate publicity could no longer be avoided. Hearings were held. When Secretary Ickes for the Administration and spokesmen for many citizens' organizations appeared in opposition to the exemption, it was killed. But that was not the end of the battle, for the House insisted on retaining the exemption in conference. In the face of Senate opposition now led by Senator Robert M. LaFollette, Jr., the adherence of the House to the exemption resulted in dragging the entire "gravy train" rivers and harbors bill down to defeat. Minus the dead weight of the exemption rider, it passed Congress at the opening of the succeeding session.[16]

A reinforced drive was made in the 80th Congress. The six Senators from California, Texas and Colorado joined in the same bill to seek exemptions for a project in each of their respective states. The Interior Department under Secretary J. A. Krug opposed, as well as many spokesmen for citizens' organizations. Among those represented in opposition were farmers, veterans and church groups. The Farm Bureau favored exemption. The Senate Public Lands Subcommittee took thirteen hundred pages of testimony; the bill did not leave committee.[17]

The next moves against acreage limitation were planned carefully in the fifties. Congressman (later Senator) Clair Engle, of California, struck the tactical keynote—circumvention. "I grant you," he said to his Subcommittee on Irrigation and Reclamation in 1955, "you start kicking the 160-acre limitation and it is like inspectng the rear end of a mule: You want to do it from a safe distance because you might get kicked through the side of the barn. But it can be done with circumspection, and I hope we can exercise circumspection." [17]

His first device, deadly effective and known as the Engle formula, was pushed through Congress in a bill applying only to small reclamation projects. It terminated antimonopoly policy, allowing owners of lands however extensive to purchase their escape from the law by refunding a portion of the generous subsidy given them.

Tactics employed during the bill's passage through Congress reflected the familiar care to avoid public discussion in open hearings. The Senate rejected the Engle formula, replacing it with the standard 160-acre clause, but in conference this was dropped. Senator Paul Douglas asked to be notified when the bill returned to the Senate floor in order to speak against this omission of his amendment. He was not notified, and the bill slid through. Senator Wayne Morse commented that "The bill (had) remained in conference almost 1 year. . . . In the confusion of the closing days of the session the 160-acre provision was lost in the shuffle. Public supporters of the antimonopoly provision had little opportunity to mobilize." [19]

Senator George Murphy, of California, and five other Republican Senators revived this line of attack on acreage limitation in the 91st Congress, proposing to extend the Engle circumvention formula to all reclamation projects.[20]

Faced with continuing resistence in Congress to outright exemption from acreage limitation, a new tactic appeared. It took the form in California of a State Water Project, created to receive as much Federal water and money as possible and, at the same time, to gain exemption from Federal acreage limitation. The plea for exemption was made that Federal law ought not to apply, since the State was putting up money for its own project. The "catch" was the fact that the State project was obliged to

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Footnotes at end of article.

use Federal facilities, to which acreage limitation applies. The Senate rejected this maneuver for exemption after four days of debate, and the House did likewise after two.

Notwithstanding these rejections, the Interior Department approved a contract with the State omitting acreage limitation. Congress had the right to review this contract, but at this stage the balance of political power was reversed. Initially, supporters of the project had to accept acreage limitation or lose the entire project. With the project once authorized, they were free to shrug off the omission of areage limitation from the contract if they could. This they were strong enough to do, blocking all legislative efforts to force the Interior Department to include acreage limitation in the contract.[21]

Omission of acreage limitation from the California State Water project contract exposed for all to see the vulnerability of the Interior Department to pressures against enforcement of the law. Its willingness to circumvent the law was revealed increasingly, and was facilitated by obstacles in the way of judicial correction.[22] The persons most injured were dispersed, remote and uninformed. Suits were costly to them, and standing in court was difficult to attain for persons not immediately affected.[23]

Thus unchecked by either Congress or the courts, apparently it was easy for officials to give lip service to the principles of the law that they were ignoring while charged with its enforcement.[24]

* * * * *

Measured by investment for construction, acreage irrigated, and value of crops produced on reclaimed land, achievements of the Bureau of Reclamation are impressive. Between 1902 and 1958 projects costing $8 billion were authorized by Congress. Since 1958 an additional $2 billion for construction has been authorized, mainly in the Colorado Basin and California's Central Valley. By 1958 Federal reclamation was responsible for 6.5 million acres of the 25.3 million irrigated acres in the 17 western states, and this ratio of one to four has continued into the mid-sixties. Crop values on Federally reclaimed acres were $928 million in 1957; the cumulative crop value during the half-century 1906–1957 reached $13.3 billion. A single decade later, by 1967, both annual and cumulative crop values had doubled.

A reflection of western development less directly attributable to reclamation is the increase of population in 17 western states between 1900 and 1968 from 11.2 million to 50.1 million, or from approximately 15 percent to 25 percent, one-quarter of the national total. In 1957 about one-fifth of the $80 billion collected by Federal internal revenue came from the 17 western states. Between 1940 and 1957 western personal income increased from 19 to over 24 percent of the national total.[25]

These achievements have not served to still public controversy over reclamation. Whose aspirations? and Whose achievements? remain questions as vital as they were in the beginning.

The National Reclamation Act of 1902 was an innovation, the first great twentieth century step toward conservation of a public resource, and toward public planning of the environment. But project construction and material accomplishment do not of themselves achieve these twin goals. The first Governors' Conference on Conservation, held in 1908, understood this, and emphasized the necessity to place public aims above private benefit. Gifford Pinchot, reciting the Governors' resolutions, wrote: "And the Declaration added this pregnant sentence: 'We agree that the sources of national wealth exist for the benefit of the People, and that monopoly thereof should not be tolerated.' "[26]

In giving effect to this principle reclamation has stumbled. Paul Wallace Gates, historian of western lands, has identified the obstacle: "The seemingly never-ending and insoluble controversies over the 160-acre water limitation of the Reclamation Act of 1902 and the long sustained bickering over various features of the Central Valley development largely stem from the concentration of land ownership the nineteenth century bequeathed to later generations."[27]

Under these pressures the potentials of reclamation for public benefit, instead of flowering, have been stunted. There are, for example, no water grants for education while the Nation gives away its money and its waters. The precedent furnished by land grants for education when the Nation gave away its public lands has been ignored. Public planning to preserve agricultural greenbelts and open spaces against urban sprawl and slurb has been frustrated by failure—mainly administrative—to observe the excess land law.

The effectiveness of reclamation as a true instrument for conservation and public benefit could have been enhanced greatly by a simple, sympathetic amendment. Present law requires owners of excess lands to empower the Secretary of the Interior to sell these at pre-water prices, but he lacks authority to buy them. If Congress had given him that authority, agricultural greenbelts could be preserved and the Federal Government could shoulder its proper responsibility for planning the quality of the environment it was creating. The same grant of authority could also provide revenue for the national conservation fund and for education. Its source would be the incremental values arising from the public's own investment in water development. The idea that the Secretary of the Interior might buy excess lands for the Government is not hindsight. It was recommended by the Governor of Montana in the early 1890's, was repeated by the landmark Fact Finders Report of the Coolidge era, and has been reiterated since by varied organizations of citizens.[28]

The antagonistic forces for conservation and for private monopoly, respectively, of land and water, remain balanced one against the other as from the beginning. Suspended today without action, on one hand, is Secretary of the Interior Stewart L. Udall's 1964 recommendation that the Government purchase the lands divested by private owners under the excess land law. On the other hand, likewise suspended, is the threat of perpetuated private monopoly through circumvention or destruction of the excess land law. Nonenforcement allows extensive circumvention. The "Engle formula", offering escape from the excess land law in return for a token payment, is intended to destroy finally the Nation's historic land and water policy.[29]

Reclamation always has had to justify its cost. This issue rang throughout the Congressional debates of 1902, and it echoes during every struggle for project authorization or appropriation. Criticism has appeared outside as well as within the halls of Congress. An historian commented in 1951 on "reclamation's shaky economic basis" and expressed "wonder at a program that spent millions to bring new land under cultivation, then spends further millions to absorb production on that same land."[30]

More recently, in 1967, the National Advisory Commission on Rural Poverty raised a fresh criticism. It concluded that without "production on publicly subsidized irrigated lands in the West, much of the South could have stronger agricultural and rural economics, with fewer poverty-stricken people." The Commission recommended that "no more public money be invested in developing privately owned farmland until the nation needs more land" for producing food and fiber. Noting the flimsy observance of the law by the executive branch of Government, the Commission recommended flatly "that the Department of the Interior enforce the 160-acre limitation on the current irrigation project areas . . ."[31]

The lengths to which reclamationists have gone to raise construction money have drawn attack recently from environmentalists. When the Bureau of Reclamation proposed a reservoir to generate and sell electric power, a protesting article bore the scornful title: "In search of a subsidy machine: or Why the Grand Canyon must be dammed."[32]

Criticism of reclamation was mounting during the sixties, aimed from high and diverse quarters, and deep-seated. In 1966 the chairman of the Committee on Water of the National Research Council of the National Academy of Sciences objected to the customary criteria for water development. Water resources, he said, "should center upon the needs of people rather than upon water *per se*." His committee amplified and reinforced him: "A different dimension, too long neglected as a matter of systematic analysis, has to do with the distribution of benefits among persons and among areas."[33]

The twisted and tortured contest between aspirations and achievements in western reclamation has not reached its end. It stands on a new threshold with gigantic plans, but facing in the future the same old questions. As the Chief of the Corps of Engineers stated bluntly in 1968: "Is a man entitled to buy up, settle or promote a chunk of desert and then demand that his government bring water to him from the general direction of the North Pole?"[34]

FOOTNOTES

Paul S. Taylor, Professor of Economics, Emeritus, University of California, Berkeley. Maurice Schwartz assisted in preparation of this paper. The ample footnotes are designed not only to support the present article but also to facilitate further historical research on this many-faceted subject:

[1] 43 USC 431.

[2] Ivanhoe Irrigation District v. McCracken, 357 U.S. 275, 297.

[3] Taylor, Excess land law: execution of a public policy, 64 Yale Law J. 477, 501 (1958), and Excess land law: pressure vs. principle, 47 California Law Rev. 499 (1959).

[4] For example, Taylor, Excess land law: calculated circumvention, 52 California Law Rev. 978 (1964); Statement for record by Taylor, Hearing before House government operations subcommittee on conservation and natural resources, 91 Cong., 1 sess., 229–237 (1969). See also fn. 24.

[5] Irrigation of the San Joaquin, Tulare and Sacramento Valleys, California. House Ex. Doc. No. 290, 43 Cong., 1 sess., 80. Chronicle, May 31, 1877. See also Taylor, Water, land and people, American West, V, No. 2, 24–29, 68–72 (March 1968); 160-acre law, 114 Cong. Rec. S9742–49, daily ed., July 30, 1968.

[6] Irrigation of the San Joaquin . . ., op. cit., 78, 80.

[7] May 5, 1877.

[8] E., Official report of the Irrigation Congress held in Salt Lake, Utah . . . 1891. 39, 102–114.

[9] 35 Cong. Rec, 6685 (1902).

[10] Ibid., 6374, 6678.

[11] Proceedings of thirteenth national Irrigation Congress held at Portland, Oregon, 61 (1905). Statement of Secretary of the Interior J. A. Krug, Hearings before Senate public lands subcommittee, 80 Cong., 1 sess., on S. 912, 991–2 (1947). Taylor, Central Valley project, water and land, Western Pol. Q., II, 241.

[12] Taylor, Excess land law: legislative erosion of public policy, 30 Rocky Mt. Law Rev. 1, 5 (1958).

[13] 95 Cong. Rec. 10126 ff. (1949). Statement of Klaus G. Loewald, Hearings before Senate irrigation and reclamation subcommittee, 85 Cong., 2 sess., on S. 1425, S. 2541, and

S. 3448, 230–238 (1958) Edwin C. Pendleton, History of labor in Arizona irrigated agriculture, 34–6 (Univ. Calif. doctoral dissertation, 1950).

[14] 71 Interior Decisions 496. Excess land laws: Imperial Irrigation District, M–36675 (Dec. 31, 1964).

[15] 30 Rocky Mt. Law Rev. 1, 6–11 (1958).

[16] Ibid., 11–13.

[17] Hearings on S. 912, supra. Piecemeal attacks continued. On San Luis Valley, Colorado, project, the limit was raised in 1952 from 160 to 480 acres, after sustaining a veto of the initial bill by President Harry S. Truman. In 1954 Owl Creek, Wyoming, project was exempted, carrying the stipulation that it was "in no way to be considered a precedent." Exemption was granted on Santa Maria project, California, in 1954, on the specious pretext that *after* the dam was built there would be no way to enforce compliance by limiting water deliveries to excess lands, since these were not by surface but underground. No one mentioned 43 U.S.C. 418 which requires compliance "before any contract" is let or work begun for the construction of any reclamation project." Congressman John F. Shelley said that this exemption was "in no way compromising a cornerstone of national policy," although of course it was, since only the public project made possible the groundwater deliveries. 30 Rocky Mt. Law Rev. 1, 15–18. The California Supreme Court temporarily weakened the acreage limitation law's effectiveness in 1957, but was overruled the following year by the U.S. Supreme Court. Ivanhoe Irrig. Dist. v. All parties, 47 Cal. 2nd 597; Ivanhoe v. McCracken, 357 U.S. 275.

[18] Hearing before House subcommittee on irrigation and reclamation, 84 Con., 1 sess., on H.R. 104, H.R. 304 and H.R. 3817, 70 (1955).

[19] 30 Rocky Mt. Law Rev. 1, 20–29. Similar evasive tactics were employed in 1966 during a revision of the California Constitution that resulted in dropping Art. XVII, sec. 2 that declared "the holding of large tracts of land" is "against the public interest." The Constitutional Revision Commission's background paper supporting deletion treated the existence of great landownerships as the problem of a bygone age, describing the section as "born of that colorful era of legendary land barons and octopus-like supercorporations." The commentary implied it would be absurd to assume that today "there were a Legislature willing to comply with (this) edict" of the Constitution. Although the California Supreme Court gave its approval to section 2 as State policy, the Commission's estimate of the Legislature's unwillingness to give effect to it was realistic. Faced in 1959 with a proposal to adopt a 160-acre provision applying to the State Water Project, the Legislature declined. In explanation, Assemblyman Jesse M. Unruh said that "At times we have to rise above principle." (*Fulton* v. *Brannan*, 88 Cal. 454; San Francisco Chronicle, June 18, 1959, 15.) The survival of the Engle formula in Senator George Murphy's 1969 bill (S. 1631) testifies further to the contemporary pressure from large-scale corporate landownership to enrich and perpetuate itself. (California Constitutional Revision Commission, Background study no. 4, Article XVII, Landownership, 6, October 1966, mimeo.)

[20] S. 1631, supra, fn. 19, embodies the recommendations of Governor Ronald Reagan's Task Force on the Acreage Limitation Problem favoring the Engle formula. This would terminate historic antimonopoly policy, allowing perpetuation of such concentrated landownerships as in the southern and western San Joaquin Valley where 34 landholders, mostly corporate, own three-quarters of a million acres. (Hearings on S. 912, supra, 864.) For a critical review see Acreage limitation, CONG. REC., vol. 114, pt. 6, p. 7420, March 22, 1968. When the Engle formula was first broached in 1955 Congressman William A. Dawson of Utah, pointed out that it would encourage greater concentration of landownership, saying: ". . . to say that these large landowners are going to pay interest on their excess and therefore, it is going to result in breaking up the large ownerships just is not true. . . . That could even be encouragement for people to get into big ownerships and to take on more acreage, because the other benefits are so great that it could encourage them." (Hearing on H.R. 104 et al, supra, 70.)

[21] 108 Cong. Rec. 5687–5725, 6237–6240, 7809–7814. (1962)

[22] At Westlands (San Luis unit, CVP) several statutes are ignored, viz., (1) 43 USC 418, requiring compliance by owners of excess lands prior to construction; (2) 43 USC 423e, requiring compliance prior to water deliveries, which are being made to ineligible lands via groundwaters; and (3) 43 USC 431, requiring a landowner to be a "bona fide resident on such land, or occupant thereof, residing in the neighborhood."

In 1964 Secretary of the Interior Stewart L. Udall confessed that "both Congress and the executive branch have on occasion exhibited a degree of concern for the excess-land owner which may be difficult to reconcile with the policies embraced by the excess land laws." The confession was not followed by improved observance of the law. Acreage limitation policy: study prepared by the Department of the Interior pursuant to a resolution of the Senate committee on interior and insular affairs, 88 Cong., 2 sess., xiii. See also USDI, Office of the Secretary, Excess land provisions of the Federal reclamation laws and the payment of charges, in two parts, Washington, 1956, prepared for House Government operations subcommittee on public works and resources. Proc.

[23] Louis L. Jaffe, Standing to secure judicial review: public actions, 74 Harvard Law Rev. 1265 (1961); 52 California Law Rev. 478, 1004–08. (1964).

[24] Commissioner of Reclamation Floyd E. Dominy said to the Mississippi Valley Association: "I am proud that our basic principles remain essentially unchanged in concept . . . We are today, as we always have been, fully committed to the conviction that the family farm is a national asset of fundamental importance." USDI For release to PM's Feb. 3, 1964. Assistant Secretary of the Interior Kenneth Holum said to the National Reclamation Association, referring to the "anti-monopoly" excess land provisions: "We follow these principles scrupulously because we believe in them and because we know that failing to do so would cost the program public and congressional support." USDI For release to PM's Nov. 11, 1964.

[25] Data through 1958 are taken from Theodore M. Schad and John Kerr Rose, Library of Congress Legislative Reference Service Report, Reclamation—Accomplishments and contributions, printed for the use of the House Committee on Interior and Insular Affairs, 86 Cong., 1 sess., 19, 30, 20, 40, 28, Washington, 1959. Data through 1968 are taken from USDI Summary report of the Commissioner of Reclamation to the Secretary of the Interior for the fiscal year ended June 30, 1968, and statistical appendix, parts I–III, 101, 201, 200, 202.

[26] Breaking new ground, 351. (1947)

[27] California's agricultural college lands, Pacific Hist. Rev., 104. (May 1961)

[28] Julian Ralph, Montana: the treasure state, Harpers, Vol. 85, 93, 95; Federal reclamation by irrigation. Report submitted to the Secretary of the Interior by a committee of special advisors on reclamation. S. Doc. 92, 68 Cong., 1 sess. Among organizations that at one time or another have endorsed Government purchase are Veterans of Foreign Wars of the United States, California Labor Federation, National AFL–CIO, Sierra Club, Northern California Council of Churches.

[29] Acreage limitation policy, supra, vii.

[30] Stanley R. Davison, Leadership of the reclamation movement, 1875–1902. Doctoral dissertation, U.C. Berkeley, 14, 15. (1951)

[31] The People Left Behind, 138, 139.

[32] Laurence I. Moss, Bul. Atomic Scientists, XXIII, No. 6, 25. (June 1967.)

[33] National Academy of Sciences, National Research Council, Alternatives in water management, preface, 29. (1966) See also ibid., Water and choice: an example of alternatives in water management. (1968.)

[34] Major General Jackson Graham, quoted in Wildlife Management Institute, Outdoor news bulletin, May 24, 1968, 2.

THAT GREATEST OF FALLACIES: THAT LAWS AND REGULATIONS CAN TAKE THE PLACE OF A SINCERE AND HUMAN DESIRE TO DO WELL

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. GUBSER. Mr. Speaker, some of the last words spoken by a great American, Dr. Lawrence Lockley, pointed up a great fallacy: "That laws and regulations can take the place of a sincere and human desire to do well."

Dr. Lockley, professor in the Graduate School of Business at the University of Santa Clara and former dean of the Graduate School of Business at the University of Southern California, was a good friend to me and many thousands of other Americans. Throughout his amazing productive life he dispensed sound advice to his students and associates and achieved justifiable respect as a teacher, thinker, and a great exponent of the principles of American free enterprise.

During the period that I was privileged to know Dr. Lockley, I received his Economic Letter, which was sent periodically from his desk at the school of business at the University of Santa Clara. I always looked forward to reviewing this letter because of its scholarly approach to economics and governmental philosophy. His writings were filled with the information and thoughts of a scholar, but always they were packaged and entwined in basic commonsense. I have never known a man who could more effectively present a strong case for free enterprise and individualism than Dr. Lockley. His writings were the product of deep moral beliefs, his profound knowledge, and his basic American philosophy.

In his last Economic Letter Dr. Lockley discussed the trend which has basically changed our inherited freedoms, the American way of life and our American sense of values. I believe his last newsletter, written while he knew death approached, is something which should be read by every American. I therefore am proud to insert the last and final edition of Dr. Lawrence Lockley's Economic Letter in the CONGRESSIONAL RECORD:

The slogans which motivated us a score of years ago seem to have disappeared from our language. *Our inherited freedoms, the American way of life,* and even *reliance on the discipline of the price system, and free* *enterprise capitalism* are absent from our news stories and our analytic writing, and find little place in patriotic oratory. Yet these statements were the reasons put before young men to justify their going into combat in the Second World War and in the Korean Police Action. Were we deluding ourselves, or has there been a basic change in the political and moral philosophy of the American people in a single generation?

During just the last two or three years, these statements of acceptance of free enterprise capitalism have begun to seem less relevant in our own country. We have seen groups of persons who now call themselves "street people" demanding buildings, pieces of ground, assembly facilities. All of these forms of property have been bought by valid, existent organizations, yet the "street people" demand that these assets be turned over to them. We have seen groups of causists of one kind or another seeking to dominate and control the meetings of influential and serious groups. The American Sociological Association, an entirely respectable and honest academic organization, had to sit through a physical struggle for possession of the microphone on the speakers' platform. A recent international organization of management people, meeting in San Francisco for the first time, had their way to their assembly point blocked by pickets advocating policies which the association had nothing to do with. Shortly after the middle of September, our Secretary of Commerce, speaking before a small management group, was shouted down by a group of activists who had nothing to do with the group holding the meeting.

Throughout the world, governments are becoming increasingly sensitive to small groups of activists. (It just occurs to me as I write that a very few years ago, I'd have said "to small groups of socialists!")

Less and less is business being left in the hands of business men. In the United States, in England, and in Germany, which have been the traditional strongholds of economic individualism, we see great inroads on the authority and scope of management. Everywhere else, social authority supersedes, increasingly, the authority of ownership. In the Latin countries, largely in our own hemisphere; in Italy; in France; in Spain; in the Scandinavian countries; and in other industrial countries which are democratic in political organization, public control of industry, based on other criteria than a consideration of private property and the incentive of profits, is increasing. In the communist bloc, of course, private initiative is almost non-existent.

At first glance, it would seem that the example of at least the United States, and Germany, where production is high and where the standard of living leads the world, would be influential. Probably it would if the basis for the world-wide drive toward some forms of socialism were economic. Rather, this drive is political. As the difference between the haves and the have-nots becomes greater, the have-nots put more and more political pressure toward a non-economic leveling of purchasing power.

In the period before, say, 1910, the difference between the haves and the have-nots was less conspicuous. It used to be said that the winter was the rich man's friend, because he could afford warm clothes and household heating, whereas the summer was the great leveler, since all people had to sweat in the sun. Actually, most people lived without central heat, using stoves in kitchens and in one or two other rooms. Servants were rare. It was before the popularization of the automobile, and a relatively small number of people had horses and buggies. Physicians did, people whose work required mobility did. But the number of people who kept horses as a luxury was very small. The well-to-do did have refrigerators, and the daily call of the ice man was what kept refrigerators in the luxury class. The well-to-do bought new clothes every year, and many of them owned their own homes. They ate much the same food that the less-well-to-do ate, but they were sure of eating it when they were hungry. Spring and summer saw an abundance of fresh garden produce, fruits, eggs, and an increased supply of milk. During the winter, meat, corn meal, wheat flour, and the root crops were available.

It is true that some of the eastern seaboard cities offered crowded slum conditions, particularly to immigrants who did not know the ways of our land and who did not speak our language. The negro, primarily in the south, and the "poor whites" who were also share-croppers, lived lives of deprivation.

Throughout the greater part of our country, some sort of elementary education was available universally. There was the widespread belief that profligacy, drunkenness, or sheer indolence were the only real bars to individual progress. To a great extent, this belief was defensible, because the difference between the prosperous middle class and the less prosperous poor was really a narrow gap which could be, and often was, stepped over by many people.

Now there were wealthy families which owned steam yachts and had winter homes on Orange Grove Avenue in Pasadena. But they were so few that they did not seem to constitute a canker in the mouths of the poor. Aside from these few hundred wealthy families, everyone was poor by today's standards, and some were poorer than that!

Today's comfortable standard of living, at least for many people, entails home ownership (even though it may be only an equity ownership) two cars, considerable leisure, with hobby equipment, such as a boat on a trailer, photographic equipment, a home workshop, equipment for working on rocks and agates of various kinds, a collection of guns, or coins, or stamps, or whatever hobby the individual may fancy. The household is likely to have a number of radios, at least one television receiver, with an increasing number of houses now having two; an automatic dishwasher, clothes washers, driers, and a really formidable collection of other household appliances. High-priced cuts of meat sell readily, particularly in neighborhoods near industrial plants where daily wage workers may be expected to live. The *per capita* expenditure on alcoholic beverages is impressive. Clothing is purchased frequently, with more regard to style changes than with regard to the condition of the clothing being replaced. Education—of whatever quality it may be for any groups—is ubiquitous. A large majority of our children can go through the elementary grades, through high school, and through the first two years of collegiate level work without leaving home and without more out-of-pocket expense than for books and entertainment.

It is true that many people suffer from ailments brought on by dietary deficiencies, but when we investigate, most of such instances turn out to be the result of poor judgment rather than lack of available foods or the money to buy them. It is true that many people make wrong judgments in their choices of consumer products to buy. More and more public funds are being spent to "educate" housewives on how to buy, and how to concentrate their money on the most important elements in the consumers' cornucopia of merchandise.

I think there is produced in the United States an adequate quantity and assortment of consumers' goods to allow all families to live on a wholesome but modest level of living. There is certainly not enough produced to allow all families to live on a luxury level. It is true that our standards tend, spontaneously, to inch themselves up. I was in my mid-thirties before I thought I had money enough to buy a mechanical refrigerator. Now the merchandise, as it comes from the supermarket, must be kept at a temperature so low that a mechanical refrigerator is necessary. A man used to have his shoes re-soled several times before the shoes were ready to be discarded. Now the cost of cobbling is so high that it costs less to buy cheap shoes and throw them away when they need the services of a shoe repair shop.

As the costs of living are thus inched up, the concept of a wholesome but modest level of living becomes hard to define, and harder to buy in the country's retail stores. The expenditures a family must make now will be determined by political rather than economic pressures. Gradually, we have moved large parts of our population to public support, where the availability of luxuries comes clearly from political pressures rather than from economic pressures. Our economic storehouse of consumers' goods is so vast and the mechanism for filling and for emptying it is so intricate that the relationship between the opportunity to consume to having produced is harder and harder to see.

Let's turn the coin over and read what is on the other side of it.

Wherever local customs and laws allow men to build industrial enterprises and profit from doing so, the standard of living increases and the people—including those who bring nothing but their labor power to the market—prosper. As industrialization develops, prosperity develops and the level of living is raised. Where stringent limits are put on the freedom of management and when limits are put on the rewards of entrepreneurial and managerial activity, production decreases, and the people suffer.

During the period between the close of the Civil War and the beginning of the Great Depression, the United States had that freedom. The foundation was laid for a bountiful society. With the coming of the Great Depression, we started to try to improve the lot of the less well-to-do by means of direct government intervention. Through the institution of minimum wage laws, through the institution of what were called equal rights laws, through the encouragement of, and legal strengthening of, labor unions, and through the institution of various pension and welfare payments, we have reached a point at which there is a disguised but real limitation put on the scope of managers of business activity.

Just what do we mean by managerial freedom? It is a question which can be answered simply, and needs to be, because more and more people are forgetting what it means. Managerial freedom allows entrepreneurs to enter or to leave businesses as they see fit, though the businesses they wish to enter must not be adverse to public health or public morals. It means that managers may hire only those people who are prepared to do the work they need done—in other words, that the costs of early education must not be passed on to management above management's normal share of taxes. It means that managers may have a proprietary interest in the brands they put on products they make, and that they may sell in free markets at open prices. It means that managers may not be required to perform social reforms that the government has not been able to perform. It means, and this is the most difficult of the managerial freedoms, that management may take advantage of its own ingenuity, its own skill, and its own foresight. Because some business men lack ability, they must not constitute the template on which all management should be graded.

When we talk about managerial freedom, we do not hold back a bit from the requirement that merchandise must be wholesome, must be safe, and must be clearly and fairly labeled. We do not hold back a bit on our condemnation of deceptive business tactics. We do not hedge a bit on our requirement that competition must be fair, but let us remember that it must be fair both ways—fair to the large as well as to the small.

We feel that we are in a period of unprecedented prosperity, prosperity so ebullient that it cannot be damped even by federal fiscal policy. While it may seem so, there are two negative trends which have been set in motion. The first is the undermining of our standard of living through inflation. At the rate we now go, half the dollar values we hold will be lost in eight years! For a considerable period of time, we thought the annual increase in prices was so small that it was a trifling price to pay for greater ease, even insouciance, of doing business. But now that inflation takes a bite of 6% or a little more each year, it is no longer trifling in importance. But every one knows about inflation, or should, after so much has been written and said about it. The second point is more subtle.

The second trend is toward the elimination from our cornucopia of consumers' goods of all products which cannot be mass-produced by mechanized or automated equipment.

The things we have lost from our standard of living have dropped out one by one, and without our noticing the going of very many of them. Let's see just a few of the areas of loss. In many cities, we can rarely induce a physician to make a house visit any more, and less and less are we able to reach medical help during week ends. Merchant tailors are harder and harder to find. If men want tailor-made suits, they must hunt for tailors, and be willing to pay a high price as compared with the prices of well-known brands of ready made suits. House painters have become so scarce and so expensive that a substantial majority of the interior paint jobs done in American homes are done by householders, and well over half the exterior paint jobs are done by householders. Many of our foods have been modified genetically or treated so that they can more easily be marketed. Bananas are treated with sulphur dioxide, so that they turn yellow (and hence, more readily marketable) while they are still green and firm. Cheese is pasteurized so that it will keep for long periods of time, even though it has been made less palatable. Many of our melons are developed to the point at which they will keep for very long periods of time but will not become as succulent or as flavorful as they used to. Potatoes are developed for shipping and keeping, and do not bake as well as they did. Many kinds of apples have had the snap and tart flavor bred out of them. Any number of smaller fruits have been genetically modified so that they can be picked by machine.

We can consider the large number of personal service workers—shoe repair men, watch makers, competent short hand writers, automobile mechanics, and many others—who are clearly not in adequate supply. Or we can consider other craft workers whose hourly wages have been moved up to the point at which fewer and fewer "machine operatives and kindred workers" can afford them.

In general, we may feel that a custom-made world, in which consumers could have their individual wants catered to, is less and less available. We seem bound to make what we can make with a minimum of individual attention, preferably through automatic processes. We seem to have to modify our manufactured and our natural products so that they can be marketed with a minimum of any one's personal attention. In fact, we have finally reached the turning point at which we are receiving a slightly smaller output from workers regardless of monetary and non-monetary incentives.

In the days in which we think we remember a more personalized standard of living, job security and personal advancement depended on the alacrity with which one tried to do one's work well. Poor workmanship, indifferent attention to the job at hand—these were personal faults which brought a quick penalty. The lazy, inattentive worker was fired. Then he had no job. And there was no bureaucracy poised to save him from his failures. The fired worker had to hunt until he could find another job, and a surprisingly large proportion of them learned to do better work. The penalty of failure was very personal!

In a period in which personal responsibility appears to be declining, in which interest in craftmanship appears to dwindle, the inherited freedoms will necessarily mean less, because they were the rights which protected us as we tried to do well by society and well by ourselves. I think it is not a socialistic bent which leads us astray, but that greatest of fallacies: that laws and regulations can take the place of a sincere and human desire to do well.

IT IS TIME FOR A CEASE-FIRE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DERWINSKI. Mr. Speaker, the President's emphasis on the silent majority has stimulated spirited debate across the country and has inspired much commentary on the views which might be expressed heretofore by silent but substantial Americans.

One of the most objective and certainly timely articles was carried in the Thursday, November 6, Suburban Life of La Grange Park, Ill., written by staff writer Bob Faje. The article, which is directed to every thinking American, follows:

IT IS TIME FOR A CEASE-FIRE

(By Bob Faje)

As one of the "silent majority" I've become more than slightly disturbed at the state of affairs in this nation.

We're living in the world of the super-critics, and as one reader of this newspaper stated in a letter to the editor last week, most practice the art of destructive criticism.

Constructive criticism is a most necessary part of any group, but that practice is hard to find these days.

There are some who lead you to believe that our governmental system should be ripped apart. I don't care to go into my feelings in regard to those who wish to destroy this system, but what bothers me is all too many "nonthinkers" are ready to follow the lead.

I'm square enough to feel our system has many more strong points than weak links. Is there room for improvement? There definitely are areas that could be improved. But to tear down this system would be a bit too much.

I've also been square enough to write to my senators and representatives telling them how I feel on certain issues. I've also exercised my right to vote. I wonder how many of the super-critics have lowered themselves to such action.

There are self-proclaimed leaders in many "movements" and the trouble is that many of these leaders are using the younger group to "pad the ranks."

I'm not saying that the college crowd is a "non-thinking" group, but there are large numbers who will follow the crowd. And there are just too many being used by the leaders of too many "movements."

Most protest groups tell us what is wrong with the world, but few have any constructive answers as how to improve things.

We've become so tied up in criticizing the next guy we can't see things straight anymore.

While some propose a cease-fire in Vietnam and others call for support for the war moratorium, I propose another type of moratorium, that in the long haul may be more meaningful than the other type.

While I cannot support a unilateral cease-fire or the war moratorium as presented, I would call for another type of cease-fire.

I propose that each American, on his next day off, take some time to think about the state of things in his country. We can find fault with anything if we try hard enough, but isn't it about time we look for and encourage the strong points of our neighbors.

It's about time we stopped shouting long enough to hear what others are saying. More important, it's about time we communicate with each other.

We have to stop shouting long enough to look at things in a constructive manner. We also have to sift through the "movements" that are unworthy of recognition, accept the "movements" that are worthy, and build and improve from there. But let's not destroy.

WHAT AMERICA NEEDS IS UNITY—NOT DIVISIVE PARTISANSHIP

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. RODINO. Mr. Speaker, in the old days many charged that Richard Nixon was a first-rate mudslinger himself.

These days this job has evidently been turned over to those who work for him.

Now Attorney General Mitchell is the latest member of the administration to take a hand at it.

For some reason the Nixon administration keeps flailing away at the administration of Lyndon B. Johnson—which has been out of office almost a year.

Nixon is not running for anything. So maybe the answer is—they want to keep people from remembering that they have been in for almost a year—and nothing has happened. The Attorney General blames President Johnson for the Nation's problems because he savs Johnson made empty promises.

He does not specify, so we do not know, what promises he thinks were empty—or who found them so.

It is not likely that the Attorney General has talked to any of the 11,000 Americans who once were considered poor and now are not—because of the war on poverty that was waged during the Johnson years.

How about 800,000 black citizens who could not cast a ballot 5 years ago because of their color and are now registered voters?

Mr. Mitchell is a man of the law. Has he spoken to any of the law enforcement officers in any of the States about the crime fighting help they are finally getting for the first time because of the previous administration's Safe Streets Act?

What about families who are able to enjoy the millions of acres of parks and beaches and other land put aside for the people during the Johnson period?

Has he talked to consumers who now have the protection of the law with them against shoddy and dangerous marketing practices?

If Mr. Mitchell—or anyone else in the Nixon administration—is trying to point out that there are still Americans who need help, they are dead right. There is a lot of work to be done—but the Nixon White House, after a year in office, prides itself most on being a place of quiet and calm.

Attorney General Mitchell said:

> We do not want to offer more than we can realistically deliver.

Fair enough. All the American people are going to ask is that they offer something.

It is really not very constructive to attack the Johnson administration. Pretty soon the American people will begin comparing the accomplishments of both administrations. And the record so far would indicate that any comparison would leave the Republicans exposed and wanting.

GOVERNOR REAGAN IS RUNNING CALIFORNIA WELL

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. TALCOTT. Mr. Speaker, the second largest and most difficult executive position is the Governor of the largest State in the United States.

California was in serious disarray when Ronald Reagan decided to run for Governor. He displayed outstanding organizational ability and political awareness to be elected Governor.

He is turning California—although large, diverse, and dynamic—into a well run State.

We Californians know him as an extraordinary person with talent, integrity, judgment, understanding, and commitment. Because Governor Reagan continues to astound people throughout our Nation, I ask unanimous consent to insert an article about Governor Reagan from the November 1969 issue of Government Executive magazine. It tells a little about Governor Reagan's astonishing performance as Governor of California.

Is California a Well-Run State?

Cut in the stone high atop the Grecian-style State of California office building number one (there are two) is a request: "Bring me men to match my mountains."

Is Governor Ronald Wilson Reagan one of those men or is he, as bitter, coercive elements of the state, and jaded politicians (particularly Democrats across the country) describe him, simply "a small town boy from Illinois who got into broadcasting and then motion pictures and made a success of all that and then eventually drifted into politics and really doesn't know what's going on, especially outside his own state?"

Reagan's having once been a popular movie-TV star is a convenient handle many people grab. LBJ has one image, Goldwater another. Once this image is generally accepted by the public, it takes an awful lot to jar it loose from the people's minds.

The Reagan image still carries that kind of aura and probably always will, to some extent: the idea that all movie stars tend to be made up of superficial tinsel with little substance. Thus, there is a tendency, particularly in the rest of the nation, to look for the speech writer or idea man—the man who really thought it up—whenever Reagan says something publicly.

In fact, as a rapidly growing number of Californians are beginning to enthusiastically believe, Reagan is not only his own man, but he's a very bright one, on top of it. Democratic political professionals in the state are beginning to say such things as, "Well, he's entirely politically motivated and his programs will have no end reward, but right now he just can't be beat."

But among people of the state—the cab drivers, the ditch diggers, the cocktail waitresses, the homeowners, the voters—he is doing or trying to do just exactly what they want seen done in the running of the most populous state in the union.

In sum, what they're saying about him is that he's made a lot of mistakes, mostly political, but "you've got to give him credit. He's an honest man, which is something rare in government, and he's doing everything he told us he was going to do—which is almost as rare."

In effect, what Reagan is and what he has done since being elected 33rd governor of the state in November 1966 are startlingly different from what is often assumed to be the political "in" way for politicians to behave.

Sums up Dr. Alex C. Sherriffs, Reagan's special assistant for education (see Education section, this issue), "Once you've got an interpretation in mind, it's very tough to shake. My only fear of saying it exactly as I see it is that you'll think I'm unobjective. But this guy Reagan continues to astound me, in that he really doesn't need a hell of a lot of help from his staff—except for the sheer physical problem that you can only do so many things at a time."

Notes another aide who deals with him daily: "For instance, he writes the best speeches. Somebody gives him a lousy speech to deliver, he throws it away and does his own and it becomes the speech of the month. It really does. It's the one that's most quoted and the one for which we get the most requests. And that kind of thing happens in most areas."

Noted another staffer: "Here we have this delicate suggestion put to him on tax reform. Where are the holes? he asks. We're sitting there in a staff meeting, batting our gums and he's sitting there thinking a little bit and suddenly he comes out and puts his finger right on it—it's not because everybody becomes different because 'God has spoken,' it's that he really has the ability to get to the heart of the matter. I'm convinced of it."

Adds another of his top assistants, Gordon Luce, Secretary of Business and Transportation in Reagan's cabinet, "His mind is about as quick as a mind can be. He reads everything. And in spite of the fact that his enemies say all his decisions are politically motivated, he never mentions politics in our business meetings. For that matter, if you point out, after a decision has been made, that's going to be a good political move, too, that tends to sour the decision."

Reagan's takeover of California government in 1966 had about it a good many similarities to the way John F. Kennedy took over the Federal Government in 1961. Reagan shopped around for all the best brains he could find in business, in government and career civil servants, to populate his staff—and still does that.

He set up task forces of bright people to analyze various problems of the state and to come up with recommended solutions—as Kennedy did in 1960–61. He walked into the state capitol and faced immediately a government of people who had gotten discouraged or complacent, or set in their ways, and announced he was going to change all that, and announced just as clearly that if anyone didn't like it, they had best get out now.

Politicians don't do that, noted one career state government employee, but statesmen do. Today, it is obvious around the state house in Sacramento that Reagan has a whole team running in his direction and, more importantly, doing it not just under orders, but because they are enthusiastic about what he wants done.

INFLATION'S CAUSE

What is going on in the State of California today amounts, in many areas, to setting a standard of excellence which other state governments—and even the Federal Government—could well emulate.

Sherriffs, who is a Doctor of Psychology and an academician, says he really can't say what it is in Reagan's background that makes Reagan the man he is. His small town heritage, the fact that he had to struggle like any other citizen to get ahead, his involvement with the unions during his motion picture days, "plus a terribly high I.Q., which he obviously has," have been factors. "But," says Sherriffs, "there's nothing small town about this man, except that he does understand people—and people in big towns usually don't understand them very well."

Noted another staff type: "I've been the number two man in a lot of organizations and I know you always worry when the boss goes to a meeting, that he may say something that gets you or him or both of you in trouble. I don't worry at all if I can't make something Reagan's going to. He's the easiest guy to brief I ever knew."

Thus, the key to understanding what is going on in California can be found in Reagan's personal philosophies, coupled with the fact that when he spells out his principles, he really means it. He's not just saying these things because they make political hay. His convictions are not so shallow that a pressure point from anywhere can get him to move off his stand; indeed, on the basics, he won't budge at all. As cornball as it may sound, it really amounts to ultimate faith in the democratic principles on which this country is founded. Probably nowhere else is this more clear than in what he and his key staff people say in the field of education. Reagan, himself, ranks education a prime state concern. Last March he told the U.S. Congress:

CONSTANT TURMOIL

"Since 1964, the tempo of disruption has rapidly increased until there is rarely a day that a campus somewhere in California is not in difficulty. Two campuses have seen constant turmoil: the Berkeley campus of the University of California, and, during the past few years, San Francisco State College.

"Certain trends are evident. There has been a shift of tactics from nonviolence to planned and announced violence. There has been a shift from mass confrontation to guerrilla tactics with beatings, the disruption of classrooms, shootings, bombings, arson and general vandalism and destruction . . . .

"It may seem incomprehensible that a portion of our population—including some students, some faculty members, and outsiders—are attempting to overthrow our democratic way of life. It is equally incomprehensible in a democratic society—which is the pinnacle of man's dream for self-government and dignity—to find so many of its citizens standing mute and helpless while their basic values and processes are assaulted."

Reagan is adamant, but in a common sense way, about solutions to the problems of equal opportunity and fair employment suffered by most states.

"At the very outset of our administration," he notes, "we instructed the heads of our agencies and departments that equal opportunity and fair employment laws would be fully enforced and applied . . . enforced all along the line, in both hiring practices and contract policies. We have adhered to and enforced this policy.

"Nondiscrimination is the policy of the State of California—both in principle and practice. We found we had to do more, though, than just announce a policy. . . . One diehard down the line can block policy and it takes a constant checking and reminding and sometimes head-banging to keep things rolling.

"We reviewed the requirements for various state job categories and rescinded those requirements which were overly rigid and unrealistic—such as demanding a high school diploma or its equivalent as a qualification for employment in jobs when no such educational requirement was called for.

"Where rules and common sense are in conflict, common sense must prevail."

Reagan tabs the major cause of inflation to be government spending. "Yet," he said, "every time we call for cuts and economies, there are those in government—both elected politicians and career employees—who complain of what they term our neanderthal proclivities. Call it neanderthal if you will, but unless we cut the cost of government so that it begins to live within the means of our taxpayers, we will, in fact, find ourselves in a very dark age—an ice age with dinosaurs of debt, depression and despair."

The taxpayer in California is refreshed when he hears Reagan in their defense. "Those in and out of government who refuse to understand the plight of the wage-earning, tax-paying citizen are irresponsible or just unable to hear the voices of those angry citizens who are carrying too great a tax burden—and too often an unfair share—because of the high cost of government.

"Millions of Californians—blue collars and white collars—find they have to run like crazy just to stay even with last year, or the year before; find it impossible to make ends meet; and are up to their eyeballs in debt because their earnings simply won't cover the normal costs of living. They deserve relief. And this administration is determined to provide it for them."

Casper W. Weinberger, whom Reagan appointed Director of Finance, observed: "Reagan instituted a new trend in government spending—the trend to reduce the rate and volume of government spending and at the same time provide the same quality services the government had been providing before. And that," he continued, "is a tough thing to tackle in a state with the population growing at the rate of 500,000 a year, and with a budget only one-third under his control."

COMPETITIVE CONTRACTS

In line with the "new" technique of program budgeting, Reagan gave each functional agency of the state an allocation, insisting these agencies establish priorities at the lowest level. If the agencies could not abide by the allocation and still deliver essential services, they could come back for supplementary funding. This surfaced agency problems, forced a soul-searching of "what are really *essential* programs."

Reagan is insistent upon reducing taxes. "There is only one way to reduce taxes," he said, "and that is to reduce government spending. One is impossible without the other, especially under a state constitution which prohibits deficit spending.

"At present, federal, state and local taxes take $1,350 for every man, woman and child in California. That is $5,400 a year for a family of four, and of that more than $3,400 goes to Washington. That is ridiculous."

Part of the solution, and an effective one, was the persuasion of Major General Andrew R. Lolli, retired Army missile expert, to direct the state's General Services administration. Lolli sold Reagan on turning exclusively to competitive advertised contracts instead of the "tried and true" negotiated contracts used widely by the Federal Government and other states.

"The experts told us it wouldn't work," Reagan said. "They said we were taking a step backwards in purchasing. Well, we stepped backwards all right, we quit buying goods at the standard Federal GSA rates, we consolidated state purchasing, drew up specifications, advertised our needs and awarded contracts to the lowest bidders meeting specifications. As a result, we were able to buy goods ranging from fluorescent lamps and floor wax to guinea pigs and gasoline for ten to 40 percent cheaper than the Federal Government, even though we were buying in many cases, identical products from identical distributors in far less volume."

The state expects to save more than $80 million by the end of this year as a result of the new purchasing program begun in 1967. Now, according to officials in Sacramento, the Federal Government, several foreign countries, and numerous states are studying California's General Service methods to see if they can copy this success. The General Accounting Office in Washington, for instance, compared the Federal system of procuring light bulbs and tubes and discovered that, using the California system, a savings of at least 12.4 percent could be realized. GAO reported this to Congress. (Because of the successes experienced in California procurement policies. *Government Executive* will examine them in greater detail in a future issue.)

"The challenge of the Reagan administration," observed Gordon C. Luce, Secretary of Business and Transportation on Reagan's cabinet, "has been to bring about economy and efficiency in government through creative thinking and innovative programs. A common sense business approach to government can accomplish this goal provided there are people in government and the private sector who jointly contribute their energies and thinking." But savings have not come at the expense of progress.

During the Reagan administration, 1,250 major highway projects have been advanced or supplemented over and above the planned budgeted projects, for a total value of $380.2 million. Said Luce: "For the first time in its history, the public works department passed a total of $1 billion in construction under way, representing a 22 percent program growth since January 1967—yet the department has reduced its in-house payroll. Much of this acceleration has come from savings due to contractor's lower bids, economies and efficiencies in the department, and better money management.

Only about one-third of California's annual budget is subject to annual review by the governor and the legislature; the other two-thirds is controlled by continuing appropriations set in the statutes or the state constitution. Approximately one-half of the one-third of the budget subject to Reagan's review is administered by agencies *not* accountable to him.

In spite of that lack of control, the budget going into this fiscal year "controllable" by the governor, has been reduced by .34 percent over the expenditure planned for last year—while the budget in those areas not under his control increased by 18 percent.

It has been an astonishing performance, the Reagan administration—what he calls the Creative Society. The economies in the state are increasing, as are the efficiencies. Both are being observed closely by other state governments as well as the Federal. And the tone of government has taken a refreshing change. Said Reagan recently: "The government has no right to keep a single penny beyond that amount absolutely essential for the operation of a prudent government." One payoff: he has announced that for the first time in the history of California there would be a rebate (of $87 million) on state income taxes next year.

BROTHER'S BROTHER

Reagan is fighting for a tax reform and is meeting resistance. He told Californians last September: "Tax reform is dependent upon politics, the process by which we govern ourselves—and politics is not a spectator sport. It is the lot of those who are spectators of politics to be mastered by those who take an active part in politics.

"People do not always get the kind of government they deserve, but they do, without fail, get the kind of government they *resemble*."

He is for less government at the state level and increased responsibility at the local level. If it is possible to remove responsibility from the state arena to the local, he will work in that direction. It brings, he believes, government closer to the people, forcing them to participate to a greater extent.

Reagan's basic political philosophy seems to be summed up in a statement he made to the Fair Employment Practice Commission last September. Said he: "It is time to stop acting like our brother's keeper, and start acting like our brother's brother."

HOW TO DESTROY THE CHURCHES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ASHBROOK. Mr. Speaker, over the years the churches in Communist countries have suffered from a frontal attack on religion: the jailing of clergy, the elimination of seminaries, the restrictions of religious publications, and other forms of repression. In the United States recently confrontations with the churches spearheaded by the black manifesto issue have split congregations where church leaders have acquiesced to "reparations" demands.

The ultimate to date in disruptive tactics was reported by the New York Times in its November 8 issue. St. Mark's in the Bowery Episcopal Church has been confronted by a militant caucus which demanded that the congregation not only turn over a large part of its budget to poor people but that it make basic changes in the way it practices its religion, a new departure from the basic financial pitch. Furthermore, according to the Times account, the membership has welcomed the demands in wholehearted agreement, although the church remains seriously divided.

The reasons for the dissension are not hard to find. The church's minister, Rev. J. C. Michael Allen, has done away with his Sunday sermons and thrown out half of the pews in the sanctuary. The congregation now sits in a circle and has a debate instead. The Rev. David Garcia, the assistant minister, was quoted in the article as saying:

> My role in the revolution is to "dehonkify" the theology. Religion is revolution. You can see Christ as a political prisoner.

The American flag has been removed from the chancel and has been replaced by a flag reading "Liberation." This is the same flag that was removed by the police from the site of the proposed State office building in Harlem. Four members of the militant caucus were seated on the 11-member vestry, and the vestry then voted $30,000 from the church endow-

ment to be used at the discretion of the caucus.

I submit the article, "Nonwhite Caucus Alters a Church," appearing in the New York Times of November 8, 1969, for inclusion in the RECORD, as follows:

NONWHITE CAUCUS ALTERS A CHURCH—"RELIGION IS REVOLUTION" SAYS MINISTER AT ST. MARK'S

Expanding on a now-familiar pattern, a militant caucus at St. Mark's in the Bowery Episcopal Church has demanded that the congregation not only turn over a large part of its budget to poor people but that it make basic changes in the way it practices its religion as well.

And breaking from an equally familiar pattern of response, the membership of the historic church at Second Avenue and 10th Street has welcomed the demands in wholehearted agreement.

Since the nonwhite caucus presented its 12-point program on a hectic Sunday last month at the 170-year-old church, normal worship has been virtually halted.

The Rev. J. C. Michael Allen, the church's bearded minister, has done away with his Sunday sermons and thrown out half the pews in the sanctuary. Now the congregation sits in a circle, just over the graves of Peter Stuyvesant and his family, and has a debate instead.

"Good as we have been, we have been asleep at the switch," said Mr. Allen, who in his 10 years at the church presided over the opening there of one of the city's first Off Broadway theaters. "We have been very much hung-up on middleclass problems."

NONWHITES LEFT OUT

The church had experimented with new forms of worship, developing what Mr. Allen called "the best expression of a solid white Christian approach to life." The trouble, he said, was that the quarter of the congregation that is nonwhite was left out of the liturgy.

The job confronting the church now, according to the minister, is the development of Christian worship that also reflects the cultural experience of the black and Spanish-background members.

"My role in the revolution is to 'de-honkify' the theology," said the Rev. David Garcia, the part-Mexican, part-Indian assistant minister who is himself a member of the 13-member caucus, which is made up primarily of blacks and Puerto Ricans.

AMERICAN FLAG REPLACED

"We are saying that the blacks and the Puerto Ricans are the essence of Christianity in the 20th century," he declared. "Religion is revolution. You can see Christ as a political prisoner."

The first demand agreed to by the congregation was to remove the American flag from the chancel. It was replaced by a silky red, black and green flag "Liberation"—the same one that was hauled down by the police from the site of the proposed state office building in Harlem.

The flag hangs behind a big wooden cross made of floor beams "procured" by Mr. Allen from a tenement that was being remodeled on 13th Street. It is flanked by two banners calling for liberation of the oppressed. "Uhura Sasa" says one—meaning "Freedom Now!" in Swahili.

In answer to a further demand, the church seated four members of the caucus on its 11-member vestry, or board of directors. The vestry then voted $30,000 from the church endowment to be used at the discretion of the caucus.

A program on the arts of black people, is also being established alongside the church's "Theater Genesis," its dramatic program, and the vestry rewriting the bylaws.

The church remains seriously divided, however. The senior vestryman, George Buckhout, for example, resigned in protest against the changes.

But Mr. Allen said: "We've gone from confrontation, to disaster, to the beginning of an attempt to rebuild."

DEPARTMENT OF DEFENSE EXPENDITURES

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. COHELAN. Mr. Speaker, one of the most heartening developments of this session of Congress is the widespread attempt to be more precise and thorough in the handling of Department of Defense expenditures.

These efforts of many Members of both bodies has added a dimension of analysis to the Department of Defense budget that has long been missing. Even though many constructive amendments were defeated, I take heart in the new and more objective way many Members are analyzing the previously sacrosant military budget.

Now many of us are not only asking about the technical features of weapons systems but are in increasing numbers beginning to question the underlying policy assumptions of the need for these systems and our worldwide military obligations. This is a welcome change from the environment I faced during my lonely dissent against the ABM in 1967.

Recently I read an article that forwards the attempt to rationally allocate our defense budget. It is written by the former Assistant Secretary of Defense for International Security Affairs, Paul C. Warnke. To me, it demonstrates the type of thought processes that should guide our defense and strategic planning efforts. I commend this article to the attention of my colleagues:

[From Washington Monthly, October 1969]

NATIONAL SECURITY: ARE WE ASKING THE RIGHT QUESTIONS?

(By Paul C. Warnke)

In the area of national security, it is probably a good deal easier to raise questions than to supply answers. Anyone who has ever tried the latter can only hope that his successors will be better at it. But he may also find himself hoping that he, and the American public generally, can begin to do a better job of asking the right questions. Until we do, there is little purpose and even less justice in railing about the size of our defense budget. The military-industrial complex, with the soaring cost of its care and feeding and its dire consequences for the quality of American life, is the inevitable answer to the questions we have asked and the demands we have made in the name of national security. Our military-industrial complex exists because we have asked for it.

We can never cut it back to size and free up a fair share of our budget dollars for competing and compelling causes until we begin asking the right questions—about how our defense effort squares with the real world and with our genuine national security. Without the right questions directed to the right people we can never get answers that will permit us to design, or even to recognize, a defense budget commensurate with our over-all interests and objectives.

In not too oversimplified terms, the concept of security we evolved after World War II was to make sure that non-Communist countries stayed that way. During the years when "Who lost China?" was the popular security question, nobody in the national-security business, at least, craved identification as one who had "lost" some other strayed member of the non-Communist community.

The Eisenhower Administration pursued the concept of security by adhering to the doctrine of "massive retaliation." As the answer to the question of how we could prevent Communist take-overs, we could point to our nuclear striking force. But this answer became less and less plausible as our monopoly in intercontinental missiles dissipated. Neither we nor our potential adversaries could continue to believe that the United States would react to any and every Communist provocation by initiating a nuclear exchange in which our own society would be devastated.

Nor could we accept an "all-or-nothing" doctrine of defense that would leave us bereft of any ability to respond with conventional force to conventional attacks on friendly nations. So "massive retaliation" gave way to the more common-sense notion of a "flexible response" adequate to counter, and hopefully to deter, instances of aggression for which we would be unwilling to risk a nuclear holocaust.

But the cost of the capability to respond flexibly can be immense if an American military response must be contemplated whenever an international development disfavors our national interests. And this expense can be infinite if the adequacy of that capability must be measured in terms of a clear superiority in every aspect of armed might.

In a world in which we are not the single "great power," any such total military versatility and invincibility is clearly unprocurable—at any price. Until we begin to refine our questions and direct them toward realistic and realizable security goals, we will continue to ask the impossible and get answers that are unacceptable.

In the broadest sense, we now ask our government: make us safe from any attack by any foe. The answer is a defense budget in the neighborhood of $80 billion a year. It is an answer that is increasingly unsatisfactory. It certainly does not satisfy the Joint Chiefs of Staff, who recognize that this amount is inadequate to buy the American people anything like full protection. The Armed Services Committees of Congress can prove that a lower budget means less over-all military strength and less capacity to do things by military force, for a defense budget of $80 billion obviously provides the capability to meet contingencies that a budget of $50 billion must ignore. But before concluding that the $50 billion budget will leave us weaker and in greater danger, we need political judgments as to what unmet contingencies are apt to occur and—if they do occur and if they are unmet—what vital national interests may be adversely affected. We need the further political judgment of whether the $30 billion thus freed can be spent on problems of greater risk to our national security and in areas of greater benefit to the over-all quality of American life. We need the answers that will put in perspective any incremental gain in physical security.

In the age of intercontinental ballistic missiles, we cannot now, with any amount of money, buy physical safety from a Soviet attack of indescribable devastation. But the real pressures for a ballistic-missile defense—and perhaps even its lulling designation as the "Safeguard" system—derive from our unwillingness to accept emotionally what we have every factual reason to comprehend.

Nor can we curb the infinite expansion of the military-industrial complex by continuing to demand margins of superiority over our potential adversaries all across the spectrum of military armament. We should ask, instead, which leads are meaningful in terms of security or political advantage, and which are not. "Superiority" in nuclear missiles, for example, is too expensive if all it gives us is a status symbol. And "inferiority" is no cause for alarm or even embarrassment if what we have is enough to deter any Soviet effort at a pre-emptive strike.

We should keep in mind that what the Soviets themselves are doing may not always provide a useful measure of the appropriateness of our own defense expenditures. We sometimes seem to proceed on the assumption that we are not doing enough unless we more than match what the Soviets spend in every area of armed might. We rarely inquire whether the Soviets are spending too much. Instead, when there is criticism of our ABM deployment, we accept as valid the answer that, after all, the Soviets have already deployed an ABM of their own. Maybe we should ask whether theirs is a poor investment. While vaunting our superior sophistication in other things, both economic and social, we at times come perilously close to adopting Soviet answers when it comes to the allocation of our defense dollars on strategic weapons systems.

In the area of conventional forces, we waste the time and the talents of our military leaders when we leave them to prepare their budget requests on the basis of assumptions devoid of political validity. Our military planners, in fact, are major victims of our defective interrogatory technique. The problem is not that their advice is too often ignored. It is that their answers frequently don't matter because we've asked them the wrong questions. It's neither fair nor fruitful to ask them to develop a military machine that will help achieve a set of foreign-policy objectives which haven't been articulated—and which, when developed, can prove impervious to military solution.

In order to obtain the proper weapons systems—in the proper quantities and supporting the proper number of military personnel—we need a much clearer idea of the circumstances under which we will be willing to use them. The Systems-Analysis group within the Office of the Secretary of Defense serves an essential function in developing the most effective means of performing the various military missions. These civilian experts constantly discuss issues of relative cost effectiveness with the different Armed Services. But neither the civilian nor the military personnel of the Pentagon should be asked to speculate on the nature and number of instances in which they'll be asked to provide military force in furtherance of national objectives. Our current force posture—designed to fight two wars while handling another contingency somewhere else in the world—is the product of such speculation.

This "two-and-a-half war" concept did not arise from an informed prediction of international developments. It derived, during the last decade, from what Pentagon planners saw as the need to buttress conventional military forces neglected during our years of reliance on a nuclear strategy of "massive retaliation." But we lacked then, as we lack now, an accepted perception of our national-security interests; we had no measure for the adequacy of our conventional military capability. As a consequence, our forces are not shaped to fit a policy—and the risk always exists that the policy itself may be influenced by the military forces on hand. We need not conclude that our analyses of force requirements in the early '60's were wrong. But we do need to ask if, in today's world, our national scale of priorities justifies the expense of preparing to fight the Soviets in Europe, while we simultaneously fend off Chinese aggression in Asia and deal elsewhere with some lesser adversary.

It may be that I unduly discount the risk that Russia and China may resolve their differences to the point where they could even consider concurrently engaging us in large-scale conventional warfare. But it is difficult to imagine that either nation would deem the nuclear threshold sufficiently high to block an early resort to strategic forces. Before we commit ourselves to further funding against such an eventuality, we should ask the National Security Council to consider the likelihood of this kind of dispersed Armageddon, and to shun a policy that might make it thinkable.

A bumper sticker of the recent past read: "Support Mental Health or I'll Kill You." Sanity in foreign policy compels the recognition that we can't use military means to make the world behave the way we'd like it to behave. We can't use it to compel a country to be free and democratic. And we're aware, at least tacitly, that however we may deplore aggression and strife anywhere in the world, most of it cannot affect our national security and most of it does not call for an American military response. But I don't think we've told those who originate our defense planning enough to permit their reasoned response to our basic questions about how national security can best be assured.

When we ask them to define the necessary dimensions of our military forces, referring them to our existing treaty commitments is not enough. No treaty negates our right to determine the character of our reaction on the basis of our perception of the national interest. Our one absolute commitment is to the perservation of our own independence. And we might fairly ask whether that independence does, in fact, turn on the viability of every international basket case with anti-Communist credentials.

To accept the facts of modern life, we need not adopt the extreme position that no defense effort is availing and that no measure of security can be obtained through expenditures for weapons systems. What is required is that debate about the level of defense expenditures—and about the kinds or quantities of armaments that we can prudently purchase—focus on the real risks and on the means realistically available to meet them. In national defense, as in our personal finances, we can afford to carry just so much insurance—particularly against the rarer tropical diseases. Our present preoccupation with physicial security may be anachronistic when only two nations in the world can pose a physical threat and when neither could carry it out except at the cost of its own existence as a modern society.

In posing new questions about our national security, we need not repudiate the expert witnesses on whom we have relied in the past. Granted, the results achieved have not been uniformly satisfactory. But we should resist the temptation to blame our Vietnam troubles, for example, on the advice of our military men. In my view, we've consistently been asking them the wrong questions about Vietnam. Such issues as measuring the pace and permanence of pacification involve political judgments that only an objective Vietnamese politician could make, if one could be found. Our commanders are probably right in thinking that a virtual U.S. military occupation is the best way to control an insurgency, but it does little to advance our announced political goal of self-determination for the South Vietnamese.

It has been suggested—by Candidate Goldwater in 1964 and by Senators on both sides of the aisle in years since—that victory in Vietnam requires only that we tell our military leaders that we have decided to win and then leave the war to them. This ignores, I think, our lack of an agreed definition of victory and our unwillingness to go all-out to achieve military conquest. Indeed, no satisfactory answer can be given to the question why we are in Vietnam, because we never asked the question in time. In late 1967, Secretary Rusk explained our presence as necessary to contain a projected one billion Chinese armed with nuclear weapons. But if the original purpose of American participation in Vietnam was to contain China, we never asked whether adoption of an attrition route to victory was consistent with that purpose. Certainly there are more promising avenues to the close-in control of China than by killing off the nationalistic North Vietnamese.

Much of the failure to examine the underlying political rationale stems from a fear of proaching on military preserves. But, in the absence of all-out war, our military means surely must be kept consistent with our political objectives. They can't be and they won't be unless we insist that our policymakers articulate these objectives.

Perhaps the first step toward useful answers in the realm of national security would be to abandon the partisan prose. "Missile gap" allegations from the 1960 campaign, like the outlandish charge of a "security gap" in 1968, have only made it more difficult for incoming administrations to pose the relevant questions. What should worry us is a "question gap" that leaves us without meaningful answers, both on national-security policy and on how it should be translated into military capability. In making decisions on defense planning we're constantly in danger of putting the hardware before the horse sense.

There are growing signs of a healthy willingness to question some of the items in the defense budget. But the absence of an overall policy from which these individual items derive makes the debate revolve largely around tangential issues.

For example, in examining the request for additional attack carriers, it is sensible to ask whether one nuclear-powered carrier is preferable to the two that could be built with conventional power for the same price. It's important to note the age of some carriers in our fleet and the alternative possibility of land-based aircraft. But the real questions remain unanswered. They concern the relationship between our tactical air power and our security interests. Fifteen nuclear attack carriers will indeed permit the flexible application of that power anywhere in the world. But where in the world, and against whom, will we want to apply it, and what should we pay for this capacity?

Without an updated justification for our carrier fleet, we can make no value judgments on the need for new fleet defense aircraft. The mission intended for the F–111B (the Navy version of the TFX) was to stand well off from the fleet for hours with a highly sophisticated missile capable of shooting down hordes of enemy bombers at great range. But debate about the F–111B focused on its weight, its expense, and whether Boeing might have done better. The Navy succeeded in substituting the F–14A, which on paper provides a superior dog-fighter but continues with the basic mission of fleet defense. The case for continuing this multibillion-dollar program should not rest on the merits of the airplane. The question we should ask is: what are the chances that our fleet will be sent to sea when there is a real risk of the kind of mass air attack that only the Soviets could mount? Perhaps we should be persuaded that this is plausible, but I think those responsible for our foreign policy should be asked to convince us.

The Senate, by almost a two-to-one margin, recently approved going ahead with the Advanced Manned Strategic Aircraft (AMSA). Suporters of a new nuclear bomber, while granting its redundancy, refer to the risk that our intercontinental ballistic missiles may work imperfectly. But no new bomber can provide the ability to destroy the Soviet missile forces and thus prevent nuclear retaliation. Nor, we are told, do we aim at any such "first-strike" capability. Our strategic forces are intended to deter and thus, in an age of sophisticated air defense, strategic missiles must remain our primary deterrent. How, we might ask, is that deterrent affected by a decision to proceed with a new manned aircraft on the premise that it is needed because the nuclear missiles may not work? Moreover, our continued expenditures for anti-bomber defense are rationalized as serving to discourage the Soviet Union from developing a new supersonic bomber. Do we expect our bomber to be that much better, the Soviet air defense that much poorer, or the Soviets that much smarter in deciding that manned bombers are obsolete?

Sound defense decisions outside the procurement area are equally impossible until we acquire a better sense of policy direction. In the military assistance field, continuation of our military advisors in Latin America obviously preserves a degree of United States influence. But shouldn't we ask, on a country-by-country basis, whom we are influencing, toward what ends, and how this serves our national interest?

As a military matter, reversion of Okinawa to Japanese administrative control primarily involves the question of our unrestricted freedom to use it as a military base. But politically we should ask whether there may ever be circumstances in which we will want to use Okinawa for military operations which the Japanese are unwilling to support. In situations where the Japanese conclude that such use is not in their security interests, can it be essential to ours?

British withdrawal from East of Suez will leave a "great-power" vacuum in the Indian Ocean. Do we need bases and boats to fill it or can we count on nature's abhorrence, and the people of the area, to do that job? The considerations that led to British colonialism in the Nineteenth Century, when empire was profitable, can't justify an American military presence in this century if it means little more than a bigger defense bill. The White House and State Department assert that we will not replace the British. But unless we tell our military planners to forget it, we may find ourselves continuing to pay for that possibility.

The asserted unavailability of a "peace and growth dividend" will be a self-fulfilling prophecy if we use the peace to catch up on every item of our defense arsenal stinted by Vietnam priority needs. Before we can fit our defense program to our national interest, we must decide when and where we may seek to advance those interests by the application of military force. If our national security in fact demands a kind of Western Hemisphere "Brezhnev doctrine," we need the means to enforce a non-Communist orthodoxy. If we plan to support regimes in Southeast Asia against overthrow by their internal political rivals, we have to face up to the budgetary consequences. And if we must conclude that our security requires us to resist and repel external aggression wherever it appears in the world, then our present defense budget is indeed too little and too late.

But I doubt that these are the premises on which our foreign policy will proceed in practice. And I think that the theory underlying our defense budget should be consistent with what we plan in practice to do. This violates, I recognize, the principle of ambiguity in the conduct of foreign policy. There are admitted disadvantages in tipping off a hostile power as to the circumstances under which we may go to war. A degree of uncertainty is undeniably a valuable factor in deterring aggression. But the gray area should not be so large as to delude those who, if under attack, would have our best wishes but might expect our armed support. A coherent defense program can never be constructed if we continue to leave the architects confused about the purposes we want it to serve.

SPACE PROGRAM

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. LUKENS. Mr. Speaker, as the Apollo 12 craft races toward the moon, many are questioning the value of public investment into further space programs. There has been critcism of the Government devoting funds toward the conquest of outer space when more pressing priorities are here on earth.

As I have continually pointed out, much of the money that goes into the space program is not burnt up in a singular goal of reaching another planet. There are many spinoffs from space technology that benefit domestic problems. Already there have been applications of space technology into the fields of medicine, consumer goods, pollution problems, and a host of other areas.

A particulary sound discussion of the benefits that accrue to domestic areas comes from Mr. Hugh Downs of the NBC "Today" show. The speech was given before the Iowa Bankers Convention in Des Moines, Iowa, October 22, 1969.

I think my colleagues would be interested in his remarks on the benefits of the space program.

Mr. Speaker, I include his speech in the RECORD at this point:

SPEECH DELIVERED BY HUGH DOWNS, IOWA BANKERS CONVENTION, DES MOINES, IOWA, OCTOBER 22, 1969

On the 16th of last month the Space Task Group submitted to President Nixon its recommendations for future U.S. space activities.

The recommendations detail the different paths the president may elect to follow in implementing a national space program, and it offers a broad spectrum of choices.

Coming at a time of intense domestic strife and a national agony over the quagmire of our involvement in Vietnam, not to mention concern about the increase of environment pollution and ecological imbalance, many questions are raised about what ought to be done in space, if anything.

Should we continue missions to the moon and/or should we embark on manned missions to Mars, and if so, when?

Or should we call a halt, ground our space equipment, put it in moth balls and let some future generation take up the challenge?

Behind a great deal of the uncertainty, of course, is the pressure on the budget and the order of national priorities. The needs of man here on earth are many and pressing, and call for high priority. There are people who believe we cannot continue a space effort without neglecting these problems. There are others who believe we can do both.

And there are still others who believe and argue cogently that doing both is the best course for progress in each. That's what I'd like to explore.

Maybe someone, or some parade of guests on the Today program in the near future can persuade me that a national space program is detrimental to national social and political soundness, but it seems unlikely in light of the arguments so far on both sides by previous guests, and the authorities whose views I've read or heard or talked to about.

On balance it has seemed to me this nation needs a space program—a well planned series of steps that will carry us into the next century. Certainly we will not solve any of our crucial problems by attempting to stay out of the next century. These steps, in the long run, can make this planet a better place to live on. Not knowing of any alternative place to live, I enthusiastically endorse the goal of making it a better place.

Space activities in this sense are not competing with programs of ecological improvement or social betterment. They are rather complementing them.

Our earth environment is deteriorating in many ways, and at a terrifying rate. With air and water pollution, congested cities, with population explosion and the threat of still increased world hunger, one wonders if it might be too late.

When one learns that in the 1930's, to take an example, concrete boxes containing enough arsenic to kill three times the world's population were sunk in the Baltic Sea, and that a few weeks ago divers reported the boxes to be crumbling—when one reads that the effects of kerosene exhaust from jets crisscrossing the skies of the American Southwest are producing a "greenhouse" effect—obscuring the clear sunshine just enough that meteorologists anticipate that in less than thirty years the humidity will rise enough to change the climate and destroy the Sonora Desert—one winces. I wince from the patio of my Arizona home, because I chose that beautiful desert to build in, and I have private contingency plans for living another thirty years.

In matters of social strife it also seems we might have gone past the point of no return. Particularly when progress appears to breed over greater discontent.

A historian has observed that if Marie Antoinette, in the gathering momentum of the French Revolution, had at that point when she said, on hearing the masses were crying for bread, "Let 'em eat cake!"—instead of saying "Let 'em eat cake" if she had instantly met every demand and brought into being every needed reform—would still have had her head chopped off by the guillotine. It was simply too late.

The irony is that many of today's problems are caused by yesterday's technical solutions. Triumphs in health and sanitation and nutrition have contributed to over-population. Triumphs in communication have brought an almost unmanageable mass of information, and have shown the underprivileged all the goodies enjoyed by the overprivileged.

Every projection we encounter is pessimistic about the future if we don't move fast to eliminate injustice, and if we don't find a way to clean the water we drink and the air we breathe. Every new baby born into the world is a reminder that we must find a way to convert useless land into crop acreage or recover more food from the sea. And every new baby is a reminder that we must eventually develop the social and political (and perhaps cultural) technique for levelling off the population.

Our ability to look at our planet as an environmental system is woefully inadequate. We have upset the balance of nature by forgetting the side effects of our advances and by failing to view the planet as a closed life-support system.

Robert Anderson, of North American Rockwell Corp., says, "As a result of that inadequacy . . . it is absolutely necessary for us to continue space exploration. Only there can we fully observe the interaction of man, nature and technology."

We must make use of the extraordinary new tools that space exploration has placed within our grasp. Not merely technical tools, but logical tools—tools of memory and recall, computation, feedback, rapid assessment—all those cybernetic techniques that amplify the god-given mental processes of man.

Perhaps the most obvious advantage of space work is that it gives us a platform for overseeing the Earth. Physically and philosophically, we are beginning to see our problems more clearly; we will soon be able to measure the severity of the problems and bring a public awareness of those evaluations; and we will be better able to control them. Pollution, food supply, and cloud cover data will come under global surveillance. We will be able to manage our environment in eras to come. And this is needed, or the social tools will never develop. The first glimpse of the whole earth given us by Borman, Lovelle and Anders showed us a curious absence of national boundaries. All the fictions of boundary and ideology for which men have killed each other throughout historic times are seen for the first time to be non-existent. This is bound to have an effect, when masses of people, through mass communication, have access to this view.

The scope of space technology will be felt in plans for the purification of our waters and the desalting of seas. It will have a bearing on the revitalization of our earth transportation system, and it will have a still greater influence in the field of medicine.

The amazing technological advances witnessed in this country since the end of World War II came about in large measure because of the tremendous impetus of research and development activities, in space and the military.

Where would television be today without the impetus of that research? What would be the state-of-the-art of today's commercial jet aircraft if that flood of research and development had been shut off? What would be the status of nuclear energy or microelectronics?

Some of these words, like "military research" and "nuclear energy" conjure up bogeymen in the public mind. Admittedly, with reason. I'm glad the public is suspicious and hope that it remains alert. The discovery of fire must have resulted in much awe and some harm to prehistoric humans. But it was not bad in itself. I submit there is a parallel here. Nuclear fission and fusion in themselves are neither good nor evil. Inappropriate use of them bears on good and evil. And there's one aspect of today's forward surge of science that holds a key to helping man avoid evil uses of his knowledge.

Today's economists point to a reversal of an economic fact of life that was consistent roughly up through the two world wars: A wartime economy is no longer as stable as a peacetime economy. We're apparently beginning to realize that nobody wins a war.

Milton Mayer recently said, "It took the winners of World War I fifteen years to realize they had lost it. It took the winners of World War II only five years." And now we are finally realizing that wars are *only* political and economic. That if the politico-economic situation deteriorates to the level of shooting and bombing, the very deterioration is evidence of loss of the war.

The emergence of genuine heroes such as the astronauts, who are not killers, shows in a small way the nature of the new era. A generation ago, with war plants booming, a "peace scare" could rock the market. Now a few days ago, when peace threatened (the day of the moratorium) the market went up sharply. Today is not a century ago, or a generation ago.

Dr. George Mueller of the National Aeronautics and Space Administration puts the case for space research and development in these words: "Our space program is forcing technological innovation which leads to new processes, new products and, in fact, whole new industries. This space program is the focal point of our industrial growth."

Technical advances are now the seeds of increasing productivity and the foundation for new products and services. And all of them applicable to times of peace. They have enabled our economy to grow to the point where we can seriously and practically move on eliminating poverty, transforming our cities into habitable areas again, and planning massive changes to improve our transportation and education systems.

Here is an example of educational potential: Among many large companies pouring money into programs for upgrading and employing the hardcore unemployables—people who have suffered social, economic or educational deprivation—Thiokol Chemical reports on a learning center project that they have been involved in for three years. The people they helped were not only uneducated but largely unmotivated. They have now placed more than 6,000 of these unemployables in jobs. Robert Marquardt, a vice president of Thiokol says, "We have reason to believe that most of them . . . will acquire the habit of working and that this will replace the previous habit of not working. Now if you assume the minimum starting wage rate of $1.80 an hour, each working individual will earn over $3700 a year. If these 6000 trainees remain at the starting wage level to age 65, their income will be approximately $1 billion. The alternative welfare payments of $60,000 to $100,000 per person to age 65 For these 6000 people that would add up to $420 million of welfare . . . Our brief experience in this field has made us confident," Marquardt says, "that systems approaches can break through conventional educational and motivational barriers. We are betting thousands of dollars on it. Since the first of this year we have been operating the Clearfield Job Corps Center on an incentive contract, the first ever written for the educational program. We guaranteed performance."

If that term sounds familiar, it ought to. Incentive contracts are borrowed directly from the aerospace industry. The idea of quantifying educational results has revolutionary implications for the entire knowledge industry. There are some disinterested educators who strongly feel that the education field can borrow tricks from the systems approach to the betterment of motivation and quality.

Those vast infusions of research and development can continue with a well-planned space program, more so now than through the military.

The alternative to continuing the space program would be (as one space contractor said) like "building a huge factory, turning out one automobile, then shaking hands all around and going home while the factory gathers dust."

But more important, there's a different direction to the space effort now. Up to this time it's been largely a research and development effort. Only a short time ago medics thought that prolonged weightlessness might cause a man's bones to disintegrate. Scientists weren't sure how different metals would stand up under the alternate extremes of heat and cold in space or withstand constant exposure to radiation. It was a question how far into the powder on the moon's surface a man or machine might sink. Now the answers are known. And space technology is in the operational phase.

And in what a short time! I'd like briefly to trace the development up to the present through a subjective personal odyssey.

When I was five years old my father told me the moon was 238,000 miles away. Although I hadn't any idea how far 238,000 miles stretched, I was so flattered at being given an adult answer that I never forgot it. And on the nucleus of that morsel of knowledge I built a lifelong interest in astronomy. When I was nine, I began reading the brand new comic strip "Buck Rogers," which the authors Nowland and Calkins, set in the 25th century. In that same year, Neal Armstrong was born just 16 miles south of where I lived and went to school. Neal's father, reminiscing with me the night of the White House dinner for the astronauts of Apollo 11, remembered the iron foundry my grandfather worked in, and told me Neal had worked there as a boy one summer running errands. I thought, and I'm sure most people in Wapakoneta, Ohio would have thought that it would be 500 years, as Buck Rogers' timetable implied, before anyone set foot on the moon. And who among them would have guessed that their own Neal Armstrong, student and part time employee of a local metal casting firm, would be the first man to do so? (Story of Ohio farmers watching an airplane from a field outside Dayton a few months after the Wright Bros. achieved powered flight "Can't be done," said one. The other: "And if it ever is done, no damn fool from Dayton will do it.")

In 1956 I interviewed John Glenn, another Ohioan, who, as a Marine jet pilot had broken the transcontinental air record. Space was something barely on the drawing boards.

During the International Geophysical Year I talked with Dr. Nathan Kaplan, head of the National Science Foundation about U.S. plans to orbit an instrument package about the size of a grapefruit, and marveled at the power of the Vanguard rocket, built to boost it into space.

Then Sputnik, like a big, silver beach ball, stunned us all with the advanced state of Soviet rocketry.

When President Kennedy said, "We choose to go to the moon" and committed us to get there before the end of this decade, I decided to be on the site of that launching when it took place. I was.

Two years earlier, I went on assignment for NBC to Cape Kennedy and was taken through the platform and launch tower for a Saturn V booster. The overwhelming size of that machinery made me realize at last that man was seriously on his way to the moon. (Describe:)

(Escape tower in Apollo assembly more powerful than main booster that put Alan Shepherd in orbit.)

(Launching of Apollo 11.)

(Orlando Hertz girls 52 mi. distant & Columbia U. sound detect.)

(Asbestos-clad figure with wrench.)

It is more than mere coincidence that the Space Age and the Age of Communication were born at the same time. The fact that half a billion people could see Neal Armstrong take that first step onto the moon a quarter of a million miles away is not merely a fortunate confluence of data transmission techniques and a highly sophisticated mode of travel.

The emergence of overlapping disciplines, the explosion of technology, the logarithmic increase of scientific knowhow are all parts of an immense phenomenon which has an inevitability about it. The same inevitable quality that characterised the birth of the organic cell, or the crawling of life out of the sea onto land, in primordial times, or in historic times, the scattering of explorers on land and sea until every cranny of the globe was mapped.

This phenomenon and its inevitability is the cosmic increase of organization. At the same time, the second law of thermodynamics imposes entropy on the universe—makes it move from order to chaos, winding down to a death of universal equilibrium—a counterforce represented by life moves from chaos to order—by some anti-entropic technique it raises the level of organization into more and more subtle and complex systems. Evolution is part of that mysterious force. Man's technology is part of that evolution.

Now, Consciousness and rational thought have given man the opportunity to control evolution. The same processes that have developed from man's ingenuity, enabling him to go to the moon, now make it possible for him to solve each and all of his problems on earth.

What signs are there that this will happen? Is there anything about the Space Age at this moment that hints at a turning point? That implies we have a chance of closing a widening gap between proliferation and solution of problems? Any clue that we might be facing in a new direction?

I believe there is. In the perspective of the vast reaches of cosmic space and time it is perhaps a feeble sign, but at the dawn of the Space Age on a troubled planet, it is a blatant one:

It is this: We are out of the research, development and test stage—the steps leading up to the first manned landing on the moon. These steps have been traversed. Space has entered the phase of operational activities. And here is where the concept of systems is likely to proliferate into the sophisticated tool we'll need to apply human problem-solving to those thorny social and political puzzles.

Long-term moderate cost operational space programs that will have as their central theme the maximum benefit for man on earth are now possible.

Enormous costs are about to become moderate.

"The key to economy," says one engineer, "will be re-usable space shuttles, spacecraft that journey out to orbit then return intact on their own power and land, just like an airplane. We're rapidly coming to the end of the period where we toss a hundred million dollars' worth of hardware into the sky, then let it drop back into the Atlantic Ocean after its one-time-only task as a booster is "finished."

The present cost to the U.S. is one thousand dollars a pound to put a payload into earth orbit and return it to earth. The industry's goal is to bring that price tag down to fifty dollars a pound—which is just about equivalent to the cost incurred with our most advance research aircraft.

That's earth orbit. There are more dramatic savings in the offing in trans-lunar activity. It's been costing $100,000 a pound to move material from the earth's surface to the moon's surface and return. The goal of the Space Administration is to drop the cost to $200 a pound. That reduction automatically creates an earth-moon transportation system.

"What does it mean to us here on earth?"

For one thing, it is almost certain that the missions planned for this coming decade and beyond will improve the material living circumstances of every human on earth.

Consider the returns from just two unmanned satellites. Various groups have estimated that in the U.S. about $2 billion could be saved annually by farmers, fuel producers and public utilities if effective weather forecasts could be made just two weeks in advance. This capability will be provided by the advanced Wx satellites that will soon be ready.

And that $2 billion savings is partly in the face of another projection. Earth Resources Technology Satellites will become operational in a few years. Scientists are deep into the study program phase of the effort.

Congressman Joe Karth of Minnesota, second ranking majority member of the House Science and Astronautics Committee, and an authority on that particular project estimates that the economic benefits from this one satellite alone—in weather forecasting and increased food production, and in uncovering new resources of the ocean and new mineral and water resources—could add more than $6 billion a year to the economy of America alone.

Another unmanned satellite example: The new communications satellites that will soon be on station in space will represent an incredible advance in the state of the art. With them, truly "every call will be a local call."

Those satellites will enable even the most primitive of emerging nations to leapfrog a century of development efforts such as we have seen in this country—from the first Western Union telegraph pole to today's automatic nationwide dial system. The new nations, they say, will literally "space talk" themselves right into the 21st century. (Telephone poles and wires in New York in 1890—unforseen advances.)

The experience and confidence are at hand now to move the complex high-cost equipment into the comparatively gentle environment of space, and use simple and low-cost terminals here on earth.

A communications expert says: "Global communications systems, based in space, will permit the international use of giant computer complexes. They could be a means of revolutionising world trade, because every substantial financial transaction throughout the world could be in the data bank, ready for instant recall. Better yet, the smallest and the poorest of nations could tap into the space-oriented computer complex on a shared-time basis and gain incalculable help in solving problems of health, education, science and trade." So says a paper delivered to the engineering society of Detroit last month.

Scientists are convinced that we can and must use men and machines in space to cope with the problems and fulfill the expectations of the 1980's.

We know where we're going in space for the next three years, for the hardware has already been allotted. Although the *money* allocated has been painfully cut back. The budget is described as "austere". (It's 35% less than its budget of four years ago.) Although we haven't heard loud noises from NASA, it must feel wounded. I can't help feeling the public outcry at similar curtailment would be clarion. Kenneth Delano, a scientist-priest with a diocese at Fall River, Mass., comments on this. "Can those Americans who are quick to deplore money being spent on the space program give any indication that they, in the interest of poverty and disease, have equaled NASA in accepting curtailments in their desires? On the contrary, the American people in general have not undertaken any self-imposed cutback whatsoever in the amount of money spent on entertainments and on luxury items.

"For example, no sacrificial cuts have been made over the past several years in the $20 billion we spend on four of life's little pleasantries: tobacco, liquor, cosmetics and toiletries. But that does not stop many of us from self-righteously deploring the expenditure of money on a space program instead of applying that money to the war on poverty or medical research."

I would add that our use of $20 billion worth of smoke and drink and cosmetics is much less likely to create new industries and jobs than a space program. (Let it be recorded that I'm not by implication crusading against tobacco or alcohol—or even cosmetics: the disappearance of cosmetics would likely cause the female psyche to boggle and we'd all be in trouble.)

In the 1960's the space program was determined by one single goal—land a man on the moon and get him safely back to earth. Space technology today has matured to the point where no single spectacular goal will serve as did the Apollo program.

Multiple goals, driven by requirements for low operational costs, will tie in directly to what we do and need on earth. Advanced space stations are being designed now by G.E. and other companies. North American Rockwell is in a competition to design a national laboratory in space, a laboratory to operate continuously for ten years, manned by scientists, engineers, and astronomers, all spending several months in orbit just as they now spend time as visiting researchers at labs or on research ships sailing the earth's oceans.

Space has already contributed to the burgeoning economy we have today. And as noted before, it is an economy stronger in peace than war. This surely is an important step toward the solution of human problems.

Launch vehicles and spacecraft may soon be as one. Boosters will be re-used 100 times or more. They will have to be operational in the same sense as the jet airliner. Instead of the current two months of checkout and countdown, they must operate with the post flight inspection, refuelling and takeoff procedures of jet airliners coupled with progressive maintenance and overhaul procedures—a true "spacelines" operation.

From the basis of this operations concept, the challenge of manned expeditions to Mars and other planets (particularly if launched from orbiting stations) are not so formidable.

Such a balanced national space program is a logical sequence to the years of preparation leading up to the moon landing.

The material enhancement of life on earth is one side of it. The cultural, social and political improvements and potential are admittedly a little harder to trace to the contribution of space work. But let me try:

First let's dispose of the myth that abandonment of a space program would automatically abolish poverty and injustice. I doubt anyone seriously believes this. Money is needed to fight poverty and injustice and space efforts cost money. If money alone could solve the problems and fill these crying human needs, and if no other money but what's being spent on space were available, I can't think we could justify continuing the exploration of space until domestic difficulties were overcome.

But first, there are other sources for these funds. A thorough scrutiny of waste in defense spending alone might yield considerable amounts.

Increasing Congressional and public concern over why Russia has been able to match our $30 billion a year in South Vietnam with about $1 billion to North Vietnam and come out even, is already forcing policy changes that may free us of an enormous drain. We may, in other words, convert some pride and humiliation into cash and human lives. Many think now that we'll have more rights to national pride after we've taken that sensible step.

Secondly, money spent on space projects is not money gone from the national economy. Unlike ordnance detonated halfway around the world or drained off in black markets, space funds filter back into the community in the form of jobs and wages, contracts, and an expanded economy.

But there is another even more important factor in what space is contributing to society.

Socio-political problems need knowledge as well as funds for solution—new techniques, new modes of thought even—and the new proliferation of organized efforts being developed by or resulting from, a space program is giving birth to these new modes. We aren't merely multiplying a flow of physical facts. We are, through the concept of systems (particularly information systems) amplifying human mental processes *in the direction* *of increased organization.* We are beginning to organize problem-solving around the processes of change rather than around static assumptions. We are groping for (and I think on the verge of finding) a rapport between an increasingly enlightened public and the resources its scientists and planners command.

The president of the American Stock Exchange, Ralph Saul, commenting on a study undertaken by the Information Systems Division of Autonetics for updating stock market operations, said, "Their systems people have clarified in a brief period of time and perhaps for the first time, how work moves (and sometimes doesn't move) through the system in brokerage firms, banks and exchanges. Their insights, based on their disciplined examination—can lead to recommendations for solving major problems sooner than we had anticipated."

The concept of bits of information being organized so that their totality is greater than the sum of the parts is not new. What's new is that we are at the threshold now of an era of using knowledge in a highly synergistic way.

A crude illustration of what organization adds to value is found if I ask you to determine the market value for your house, and then knock it down to building materials and see if you can get that much for it. Something about your house has value above the substance of which it is made.

Now take the total benefits of a space program and there is something of value beyond those total benefits. I don't have the imagination to guess at that value. But I get a hint of it in what Dr. Glenn Seaborg, chairman of the U.S. Atomic Energy Commission has said: "We are experiencing the birth shock of being born into a new world. There is no turning back."

MACHINEGUN NESTS ON THE CAPITOL GROUNDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BROWN of California. Mr. Speaker, the President's spokesman, Mr. Klein, noted on television yesterday that the weekend's mobilization "again proves that this is a country which allows people to express themselves in any way they want."

Unfortunately, Mr. Klein and his boss do not seem to act in the same way they speak. For me, the administration's permissiveness was more sadly demonstrated by its placing of machinegun nests upon the Capitol Grounds.

I abhor violence, and I support steps taken to prevent unneeded violence, but I think this sort of deliberate flaunting of power serves to provoke disruption from militants rather than to cool things down.

I cannot believe that orders would have been given to open fire on militants if they came too near the Capitol Building. Would sticks and stones be answered by machineguns? I hope not.

There just is no rational reason for there being machinegun crews on these grounds. I find such tactics reprehensible, if not stupid, and I would urge the powers that be to exhibit more commonsense when and if future mass rallies are held.

THE DEFENSE INDUSTRY AGAINST THE PUBLIC

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. OTTINGER. Mr. Speaker, it seems that for the first time, the American people and their representatives are aware of the tremendous and varied impact the military-industrial complex has on our society. This was reflected in the more-than-6-week Senate debate on this year's military procurement bill and the growing concern that defense spending no longer be labeled as sacrosanct but made to conform to a rational system of national priorities.

John Kenneth Galbraith, our former Ambasador to India and current professor of economics at Harvard, reflects this concern in an interesting and provocative article in the New York Times Magazine. His proposals for nationalization of the largest defense firms are well worth exploration and serious consideration, and I commend Professor Galbraith's article to the attention of my colleagues:

THE BIG DEFENSE FIRMS ARE REALLY PUBLIC FIRMS AND SHOULD BE NATIONALIZED

(By John Kenneth Galbraith)

Last June, in testimony before a subcommittee headed by Senator William Proxmire that had been looking into the economics of the defense industry, I suggested that we recognize the reality of things, which is that the large, specialized defense contractors are really public firms. This is most obviously true of such companies as General Dynamics, Lockheed or Thiokol, which do all but a small fraction of their business with the Government. And it is equally true of the defense subsidiaries of the conglomerates—the Aerospace Corporation of Ling-Temco-Vought or the Bell Aerospace Corporation of Textron. Such firms do the bulk of the business. Even the defense divisions of such predominantly civilian firms as General Electric and Western Electric have a markedly public aspect, although—for practical, if not strictly logical reasons—I exclude them from the present discussion.

The process of converting the defense firms from *de facto* to *de jure* public enterprises would not be especially complicated. The defense industry is highly concentrated. If a company or subsidiary exceeded a certain size and degree of specialization in the weapons business, its common stock would be valued at market rates well antedating the takeover and the stock and the debt would be assumed by the Treasury in exchange for Government bonds. Stockholders would thus be protected from any loss resulting from the conversion of these firms to *de jure* public ownership. Directors would henceforth be designated by the Government and the firms, subject to any needed reorganization and consolidation, would function thereafter as publicly owned, nonprofit corporations. There would be no real increase in public debt or liability. The present value of the stock and the present security of the indebtedness of these firms lies entirely in the expectation (supported by a considerable moral commitment) that the Government will keep them busy, solvent and profitable.

I thought my proposal would attract attention, and I was not entirely disappointed. The big defense firms themselves were mostly silent, hoping, one imagines, that this logical but inconvenient idea would not take, although one of them, North American Rockwell—perhaps only by coincidence—has since been running a series of advertisements citing its overwhelming commitment to civilian enterprise plus space exploration: "We built airplanes, luxury yachts, tested a nuclear reactor, produced heavy-duty axles, machined industrial gears, programed airborne computers, equipped a textile plant and worked on Apollo spacecraft." Not much here about dangerous weapons. Last year 25 per cent of the North American Rockwell gross was from the Defense Department, and it was ninth largest on the department's list of contractors for fiscal 1968. (It was largest on the NASA list.)

Conservative newspapers did react to my plan. Nobody but nobody, they averred, could be talking about socialism in this day and age. The Richmond Times-Dispatch was appalled at the millions of people who would be added to the Government payroll and the billions in taxes that would be lost. Such was its indignation that it omitted to reflect that all of these millions are now employed by the Government and that the taxes the firms pay come out of the public purse. Time magazine forgetting for the moment all of its recent resolutions to be liberal-minded, judicious and thoughtful, said simply that the suggestion was fantastic.

The Pentagon was not pleased; an unidentified spokesman wondered if I knew about inefficiency in the arsenals. Paul Nitze, a former Deputy Secretary of Defense, sought me out—more in sorrow than in anger, I thought—to ask if I were aware of the row that developed whenever they reduced spending in the shipyards. I am, and I'm not enchanted by liberals who decry military spending but become very inflamed when a reduction occurs in their own backyards. I hope that at the next election voters will take a sour view of this differential indignation. Dean Acheson, who was cited with approval by The Armed Forces Journal, thought my proposal was somehow inspired by the young. Well, I must admit that it wasn't inspired by being a Washington lawyer.

But there was another reaction which tempered even my limited feeling of martyrdom. That was a considerable flow of letters, some approving, some enthusiastic and the most outspoken from people somehow associated with the big defense firms. Said one: "I have been personally involved in the management of some of the major programs. The waste and misuse of the nation's resources is fantastic." Said another: "I have been connected in the past with four major military contractors—prime awards. Blunders and inefficiency [were] shocking." So said others. The letters were hard to reconcile with the editorials, warning of the waste and inefficiency in public enterprise. They were easier to square with the recent celebration of large cost over-runs in military contracts, with the bad technical performance of many of the recent weapons systems and with the suppression of information and of Mr. A. E. Fitzgerald (the inconveniently indignant Defense Department official whose job, as this goes to press, seems to have been eliminated) to keep Lockheed stock from looking bad. In fact, conservatives should think twice before they make the big defense contractors part of their case for private enterprise. Better let the public sector have the blame; that's where it belongs. The surprising thing is that we have been so slow in recognizing the public character of this part of the economy.

One reason for our tardiness is that for 20 years or more liberals, once the proponents of public ownership, have been busy proving their respectability, and some inevitably have been even more concerned with establishing their right to a respectable share in the rewards of respectability. Respectability has required three things: first, one must be kind to the rich, especially as regards taxes; second, one must be as certain as Dean Acheson and Dean Rusk that all social policy is subordinated to the struggle with international Communism, and third, one must forswear any interest in anything that could be called socialism. Meanwhile, there were other things—notably Keynesian economic policy and the welfare state—on which one could prove the depth of his liberal commitment without personal damage.

This was a great blessing for the big, specialized defense contractors. Burgeoning in the cold-war years, they were able to combine all the comforts, including all the classic inefficiencies, of socialism with all the rewards and immunities of private enterprise. And, given the liberal caution of the times, no one mentioned it. One is certainly in no danger of being called a socialist if he opposes the socialization of already extensively socialized industries.

It is, as I have said, a very compact industry. In 1968 two-thirds—67.4 per cent—of the defense business was being done by the 100 largest contractors, and a dozen of these had a third of it. Among the largest, as I have noted, were a few—A.T.&T., G.E., G.M. and Standard Oil of New Jersey—which are essentially civilian firms. Their defense business, though big in the aggregate, is small in relation to their total sales. The rest are either heavily specialized in defense work or have subsidiaries that are so specialized.

By no known definition of private enterprise can these specialized firms or subsidiaries be classified as private corporations. The most commonplace feature of private enterprise is that capital is privately owned. Private ownership of capital is what, anciently, has made private capitalism private capitalism. A very large part of the fixed capital of these firms is owned by the Government of the United States. In 1968 the large defense contractors were using an estimated $13.3-billion worth of already nationalized plant and equipment. The often-pictured plant in Marietta, Ga., where Lockheed is turning out the C–5 Galaxy is owned by the people of the United States. So it is elsewhere. There is a marked uneasiness when you ask these firms about this Government plant. One said that only a very tedious inventory could tell how much it had.

Under private enterprise, working capital as well as fixed capital is privately obtained or owned. It is also often hard to come by and expensive these days. But the defense firms use Government working capital, indeed are encouraged to do so. This comes interest-free in the form of progress payments on contracts, the payments depending, broadly speaking, on the need for the capital, not the progress toward completion of the contract. Last June, the defense plants were using $9.5-billion of such public working capital, nearly $2-billion more than two years ago.

Another much-featured feature of private enterprise is competition. This also is excluded for the defense firms—and more scrupulously, in fact, than under modern Eastern European socialism. In fiscal 1968 only about one-tenth of all defense contracts were subject to competitive bidding. A shade under 60 per cent went by negotiation to contractors which were the only source of supply. Here there was no chance whatever that another firm could horn in on the business. There was, indeed, no market between the firm and the Government. One public bureaucracy simply sat down and worked things out with another public bureaucracy.

A private firm succeeds or fails in accordance with how competently it plans its operations, influences its consumers and adjusts to market requirements; this the friends of the system say with pride. In contrast, a bureaucracy continues, however incompetent it is, as the conservative orators have anciently warned. The defense firms conform to the bureaucratic model. For, since they are the sole sources of supply, the Government is as much dependent on them as they are on the Government. Therefore the Government cannot and does not let them down. As amply shown in recent months, this means there is little incentive to keep costs down. The Government pays.

Recognizing tacitly the public character of these firms, the Government extensively instructs them on their management. It tells them what costs are billable to the Government and what are not and advises them on what work is to be subcontracted and what is not, what components may be imported and what may not, what minimum and average wages they may pay, what overtime may be authorized, what plant safety procedures to follow, what security procedures to respect. The Armed Services Procurement Regulation to which these firms are subject says that while the Government "does not expect to participate in *every management decision* [my italics] it may reserve the right to review the contractor's management efforts. . . ."

Finally, there is the matter of public policy-making. A private firm supplying the Government in a purely private role is told of the public need and is given specifications. A public firm, being part of the bureaucracy, will share in the task of defining or inventing public need and in forming the policy that creates the requirement. The defense contractors participate in such public policy-making as a matter of course. Some are asked formally to define missions for the armed services and come up with needs. Asked or not, they make proposals for new weapons and weapons systems. They then persuade the Pentagon as to the need. And having persuaded the Pentagon they develop or help develop the specifications, which they then fill. And they have strong views on the foreign policy requiring the weapons. John W. Bessire, general manager for prices of General Dynamics, said in a recent interview with The Washington Post: "We try to foresee the requirements the military is going to have three years off. We work with their requirements people and therefore get new business." Samuel F. Downer, vice president of Ling-Temco-Vought, formulated in somewhat less scholarly fashion the underlying foreign policy: "We're going to increase defense budgets as long as those bastards in Russia are ahead of us."

The defense contractors and the Department of Defense are, in fact, complementary bureaucracies. It is logical, accordingly, that there should be a large movement of personnel between the two. And so there is. On reaching retirement, or sometimes before, those concerned with procurement go easily into the employ of the specialized defense contractor. And others come from among the contractors to help guide the operation in Washington. In February, 1969, 2,072 former officers of the rank of Navy captain, Army colonel or better were working for defense contractors, and a very large number of these—210 at Lockheed, 141 at McDonnell-Douglas, 113 at General Dynamics, 104 at North American Rockwell—were with the specialized defense contractors. Meanwhile, men from the industry (of whom the most notable in the present Administration is the former chairman of the Hewlett-Packard Company, David Packard, the Deputy Secretary of Defense) go to Washington to man that end of the combined operation.

In holding that the large defense firms are extensions of the public bureaucracy, I am not being especially original. Murray L. Weidenbaum of Washington University, the leading academic authority on the economics of weapons procurement, concluded nearly two years ago that in this industry, "to a substantial degree, the Government is taking on the traditional role of the private entrepreneur while the companies are becoming less like other corporations and acquiring much of the characteristics of a Government agency or arsenal," that this "branch of industry . . . increasingly develops the characteristics and mentality of a Government arsenal." He suggests that "an added and unexpected benefit of arms reduction or disarmament would be the opportunity to reduce if not eliminate this 'seminationalized' branch of the American economy."[1]

Professor Weidenbaum is now Assistant Secretary of the Treasury for Economic Affairs.

To make the specialized defense contractors *de jure* what they are in fact would not solve the problems of control of the military establishment. After assuming for a generation or more that bureaucracy was the peculiar hang-up of conservatives, liberals of my generation have seen the stubborn commitment of the military establishment and its diplomatic retainers to the Vietnam misadventure, to the missile-antimissile race, to the Communist-world-plot mythology, which led to our disasters at the Bay of Pigs and in the Dominican Republic, and to the frozen bureaucratic traditionalism which has controlled our policy on China, Spanish bases, arms aid to South America and to the Greek colonels. We now understand better the nature of bureaucratic power. There is a doctrine that the Pentagon is a puppet of its suppliers. This is not true; it is a powerful force in its own right. But it is a great deal more powerful if it can keep one part of itself, the defense contractors, out of public view. The only thing stronger than a bureaucracy we can see is one we cannot see.

By pretending that these essentially public firms are really private enterprises, we leave them free to engage in a good deal of lobbying and other political activity on behalf of weapons expenditures. Executives can urge the foreign policy and the weapons systems that serve their needs; they can sponsor or sign advertising to this effect; they can make substantial campaign contributions to favorably disposed legislators; they can support the Air Force Association and other custodians of weapons culture, and they can engage in numerous other activities that would be entirely inappropriate for an officer of a public corporation. They can even study the Pentagon as ostensibly independent experts, for several are on Secretary of Defense Melvin Laird's "blue ribbon" panel set up for this purpose. It is an arrangement, in effect, licensing a great deal of irregular lobbying, political and other activity by men who, for all practical purposes, are public employes.

By making these firms full public corporations, one would substantially civilize their incentive structure. Under present circumstances a defense contractor is judged by its earnings, sales and prospects for growth. (These, not efficiency, are the prime tests of success.) This compels its executives to fight for business in Washington, and one of the central strategies, of course, is proposing and winning adoption of new procurement, including new weapons systems. There is something uniquely obscene about competition to promote weapons of mass destruction for purposes of improving the stockmarket position of a corporation. Public firms would not be judged by growth or stock-market prospects.

Also, the knowledge that the specialized contractors are subject to becoming full public corporations would be a powerful inducement to diversification, with a resulting reduction in dependence on defense business. This means, in turn, that the economic resistance to arms agreements and disarmament would be reduced, as would the resistance to budget cutting.

Finally, it is possible that fully responsible public firms would be more efficient. Not being judged by their efficiency. But perhaps it is enough to contend that things could not be worse. Here is a recent summary by Senator Proxmire of Budget Bureau data on how we manage under the present system to get the worst of both worlds:

". . . in the procurment of some two dozen major weapons systems costing tens of billions of dollars during the nineteen-fifties and sixties, the performance standards of the electronic systems of these weapons seldom met the specifications established for them . . . Of 11 major weapons systems begun during the nineteen-sixties, only two electronic components performed up to expected standard. One performed at a 75 per cent level and two at a 50 per cent level. But six—a majority—performed at a level of 25 per cent or less than the standards and specifications set for them. . . . These systems typically cost 200 to 300 per cent more than the Pentagon estimated.

"The after-tax profits of the aerospace industry, of which these contractors were the major companies, were 12.5 per cent higher than for American industry as a whole. Those firms with the worst records appeared to receive the highest profits. One firm, with failures on five of seven systems, earned 40 per cent more than the rest of the aerospace industry and 50 per cent more than industry as a whole."[2]

Clearly, there would be formidable advantage in taking over these firms. But there is another. There is political and economic mischief in pretending that public firms are really private. But what is worse, it is nonsense. We are a mature people and we should not fool ourselves with fairy tales. The truth is a good thing for its own sake, as a younger generation of political activists rightly insists.

But what, everyone will ask, are the chances? My own instinct in politics has always been for the possible; I am weak on lost causes. And I am not so imaginative as to suppose that the Nixon Administration is likely soon to send up legislation affirming the public character of the specialized defense contractors. But all good ideas initially look unrealizable. Discussions makes them plausible. Nothing seemed more impractical in 1965 or 1966 than an effort to turn public opinion around on the Vietnam War. Yet it was accomplished. The important thing is that an idea make sense. To give these firms full public status makes sense. Liberals are now looking for ways of proving that they are relevant and have a certain minimum of courage. And come 1972, Democrats, as usual, will be needing to prove they have an idea or two. If this one can be got into the platform, it will then, of course, be no longer a good idea but a basic human right.

FOOTNOTES

[1] Weidenbaum, Murray, "Arms and the American Economy: A Domestic Convergence Hypothesis," American Economic Review, May, 1969.

[2] "National Priorities," Public Affairs Press, Washington, D.C. 1969, Pp. 126–127.

APOLLO 12 MOON AIMING POINT CHANGE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, NASA has announced a change in the moon landing plans for the astronaut crew of Apollo 12.

Apollo 12 lunar module guidance system targeting for the site 7 landing point in the Ocean of Storms has been changed to the location of the Surveyor 3 spacecraft.

The previously planned aiming point was 1,118 feet northeast of where Surveyor rests on the inner slope of a crater.

Coordinates of the Surveyor III location are 2.990 south latitude by 23.403 west longitude; the original Apollo 12 aiming point was 2.982 south latitude by by 23.392 west longitude.

The retargeting has been accomplished to improve the crew's ability to observe the planned landing point during the latter portion of the descent.

The visibility benefits of the retargeting were first developed analytically and then verified by the crew in the lunar module simulator. It does not change any crew onboard procedures.

Surveyor 3 softlanded on the lunar surface April 19, 1967.

CONSERVATION AND YOU

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DINGELL. Mr. Speaker, on October 22–24 the Railway Tie Association held its 51st annual convention at the Sheraton Hotel in Philadelphia, Pa.

Prominent speakers from conservation and industry organizations throughout the Nation were on the program.

My good friend and colleague, the Honorable JOHN P. SAYLOR, an outstanding Member of this body and a great conservationist, from Johnstown, Pa., gave a key address at the opening session. His speech "Conservation and You" carries a message that should be heard by everyone in America who is concerned about the welfare of our natural resources and the pollution of our environment.

The speech follows:

CONSERVATION AND YOU

(Speech of Hon. JOHN P. SAYLOR)

Ladies and gentlemen:

Thank you, Mr. Devine, for those very kind and generous remarks. I am happy to be here. We have heard it said that the first thing a speaker should do is to tell a little joke designed to relax the audience and establish a friendly, warm rapport with the listener. However, I am going to break that cardinal rule today because the subject of my remarks is far too serious and can result in such dire consequences unless vigorous action is taken immediately, that I think it would be inappropriate to begin with levity—or even a warm, friendly rapport between us.

I want to talk to you about an endangered species of wildlife.

Much has been written in magazines and newspapers, and said on radio and television about various endangered species of wildlife in North and South America, in Africa, in India—in fact—all over the world. The plight of some of these wild animals or birds has captured the imagination of conservationists and the general public to such an extent that the trend toward extinction has been, or is being, reversed in some cases. Efforts to save the whooping crane, the bald eagle, the key deer, the brown pelican, or the California condor have become celebrated causes with beneficial results.

A classic example is the whooping crane. Last year, a record forty-eight whoopers landed at Aransas National Wildlife Refuge in Texas for the winter. The comings and goings, births and deaths, or any untoward incident concerning these rare birds become a national news story. This public awareness can explain—at least in part—why the Sunray D X Oil Company voluntarily shut down two of its gas wells some two and a half miles north of Aransas last year when the whoopers arrived there ahead of schedule. The company hung huge signs on the gas wells saying—closed until May fifteenth. This place is for the birds.

As important and significant as these stories of endangered species are, there is another species that must be mentioned which is also in danger of extinction unless serious actions are taken immediately to reverse the current trend.

While most of these other forms of wildlife are facing declining life because of conditions over which they have no control, this other species, strangely enough, is primarily responsible for the conditions which are endangering it. No other living creature in nature's universe so fouls its own nest or destroys its own food source or corrupts its own water as does this species. This animal, which now faces extinction unless the current trends are reversed, is scientifically know as the genus homo sapien—commonly known to you and me as mankind. Man is truly, in every sense of the word, an endangered species.

Ladies and gentlemen, I am dead serious—and, if we do not all get very serious, we may all be dead!

This process by which man has been destroying his natural resources and polluting his water is not new. It has been going on continually from the beginning of time. As the early inhabitants of the United States, however, used up their natural resources, there was always abundant supplies of new resources just over the hill in the new untapped territories. As the forests were ravaged to satisfy the almost unsatiable appetite for wood, the loggers would leave the desolation and move on to another virgin stand. These same practices were followed by other early extractors of natural resources and left in their wake huge, ugly scars on the beautiful face of the earth.

I have not lost sight of the fact, however, that one of the bright spots in this bleak picture was the realization by those in the forest products industries that the practice of destroying and moving on had to be stopped and the forests had to be reseeded for future generations. As a result, the present practices of timber management would serve as an inspiration for all of us who are concerned with resources and environment.

As I was saying, the despoilation of our continent is not new. But, the thing which makes it of imminent danger is the increasing speed at which the despoilation is occurring, and there is no safety valve of virgin lands, clean air, and clear water.

There are two primary factors adversely affecting man and his environment—overpopulation and uncontrolled technical development—both of which are self-induced. Man has the capacity and must make the decision to master himself, his tools, and his environment, or his tools may master man and cause his extinction. The choice is ours. Uncontrolled technology has caused air pollution to such an extent that many human deaths have been recorded in major cities as a direct result of breathing these pollutants in the air.

Air pollution also is not really new; but, rather, it began when the caveman first discovered fire and learned how to use it for heat and cooking. With the growth of cities and the burning of coal, the problem was accentuated. The industrial revolution brought into being the steam engine, and with the steam engine came more smoke, fumes, and soot.

Within the past thirty years, exhaust gases from internal combustion automobile engines have put more contaminants in the air than all previous factors combined. In Los Angeles, three and a half million motor vehicles pump their exhaust gases laden with unburned hydrocarbons from gasoline and oil into a relatively small coastal plain, surrounded on three sides by mountains. These gases and other contaminants interacting with sunlight produce still another pollutant—smog. Smog is so bad on some days out there that the children are warned not to play strenuous games. But Los Angeles is not alone—far from it. Denver, Phoenix, Cleveland, San Francisco, Philadelphia, Washington, and Detroit are all victims of smog, to mention a few. And the list grows steadily.

In some places air pollution is already a matter of life and death. For example, a study conducted by Dr. Leonard Greenberg of the Albert Einstein College of Medicine has revealed that the noxious smog enveloping the city of New York during the 1966 Thanksgiving Holiday season was responsible for one hundred and sixty-eight deaths. For those of you who live in rural areas or less congested suburban areas, it may be difficult to realize that in certain congested areas Americans are literally dying from breathing polluted air. It is even more difficult to realize that air pollution could bring death to one hundred and sixty-eight people in one city in one week.

Air is vital to continued human existance, but so is water. Water—clear, cool, and clean—has stirred man's imagination since the dawn of time. The beauty and force of water in all its forms can be found described in lyric refrains. The still waters of the psalmist, the fountains of Rome, the fierce falls of Niagara, the pounding drums of the surf have inspired music, art, and poetry through the ages. But, this is only one side of the picture—the bright side. The true picture of water utilization might be more accurately compared with the picture of Dorian Gray. You may recall this story where the painted portrait of Dorian Gray became horribly ugly as the sins of the man increased. With his death, the picture became beautiful and the corpse became ugly.

Of all the natural resources available to man, undoubtedly the most abused has been his water. So long as the nation's streams, rivers, and lakes seemed to be able to cope with the ever-increasing loads of pollution and waste, many people were complacent and content to let them struggle along. But now, many of these same people suddenly realize the load has been too much. They can see—and often smell—the evidence all around.

In the East, the Merrimack River is a filthy brown, bubbling with nauseous gas. Some of the rivers and streams of the Appalachian region are putrid with acid mine drainage from abandoned coal mines.

In Lake Michigan and the lower Mississippi River, millions of fish die from pollution, contributing a vast stench for miles around.

The Hudson River has become an open sewer.

Parts of the Missouri River flow red with blood and offal from slaughter houses.

In the industrial Middle West, the waters are rusty with pickle-liquor from steel mills.

Detergent foam flows from taps in many cities.

The Potomac River winds its slimy way past the Nation's Capital, corroding and despoiling waterside structures and boats.

The mighty Mississippi carries five hundred million tons of mud into the delta every year.

In fact, almost every major river system in America is now polluted.

As with air pollution, the pollution of rivers, lakes, streams, and estauries has been going on for centuries. But, acceleration of the pollution rate has increased astronomically—especially in this century. A dramatic case in point is lake Erie. It lies still and flat between Lake Michigan and Lake Huron reflecting the sky with a dull, silver sheen. Its waters have been described as being murky green, choked with algae and tiny organisms. Patches of oil, chemicals, trash, and sewage float on its surface. Every day more than eighteen thousand tons of sewage, chemicals, and fertilizers are pumped into the lake. It is estimated that Lake Erie is dosed daily with one hundred and fifty thousand pounds of phosphate. At this rate, unless something is done, Lake Erie will be a new dead sea. To clear up Lake Erie, researchers estimate the cost would run into billions of dollars. Even if all rivers flowing into the lake were freed of contaminating materials, it would still take twenty years to flush it clean. And unless action is taken soon, the other great lakes will follow the same plight.

These are a few of the signs of our times; and in many parts of the country, these problems are approaching crisis proportions. We can, and must, find better ways to protect and restore the total environment in which we live. Otherwise, we may soon die from the poison of our own waste. World health authorities estimate that even now more than ten million persons die every year because of water-borne diseases. Think of it—ten million deaths a year from water pollution!

Yes, some of these environmental problems, such as over-population, technological proliferation, air pollution, and water pollution may affect the very survival of mankind. However, there is another point which I think is also important, this has to do with the quality of life in the future.

As a people, we have come a long way toward using technology to shorten the length of time one must work to produce the goods and services necessary for the national economy and to provide the basic requirements for ourselves and our families. But, technology is a two-edged sword—on the one edge, life is made better; but, on the other edge, technology has contributed to the problems we have been discussing for the past few minutes. Let us look now at this edge relating to the betterment of life. We have been increasing leisure time which we can use to renew the needs of what some have called the innerman. It was Henry David Thoreau who said, in wilderness is the preservation of the world. In his book, Walden, he also said:

> We need the tonic of wildness, to wade sometimes in the marshes where the bittern and the meadow-hen lurk, and hear the booming of the snipe. . . .
>
> We must be refreshed by the sight of inexhaustable vigor, vast and titanic features, the sea-coast with its wrecks, and the wilderness with its living and its decaying trees.

From men such as Thoreau and John Muir, in the middle of the past century, to the leaders of today, there has been a continuing tradition of love for the great outdoors and unending efforts to conserve its limitless values. Decade by decade. the expanding population has achieved more leisure time, more money to spend, and better travel facilities. These improvements have brought more and better opportunities to enjoy the recreation and restorative tonic of outdoors. John Muir spoke for the mountains and wilderness with such a missionary zeal that he moved many people to constructive action. Theodore Roosevelt may have been an advocate of the soft voice in international relations, but he spoke in thunderous terms about the disappearance and abuse of natural resources. Carl Schurz, the German-American Civil War general and interior Secretary, began efforts to halt the uncontrolled exploitation of Federally-owned forests and paved a way for Gifford Pinchot to carve out the National Forest System.

Throughout the years there has been a long list of other outstanding conservation leaders who have kept alive the warning that the American people cannot wander too far from nature and the great outdoors, without losing character, strength, roots, and orientation.

In the future, the exploding population will create skyrocketing demands for open space and outdoor recreation. It has been estimated that by 1975, water-based recreation needs will increase by one hundred and seventy percent over what they were in 1960, and by four hundred by the year 2000.

The demand for hunting lands will increase by one hundred and twenty-five percent by 1975, and up to two hundred percent by the year 2000—and ninety percent of this activity will be on private land.

Most people seeking outdoor recreation want water—to sit by, to swim and fish in, to ski across to dive under, and to run their boats over. Swimming is one of the most popular outdoor activities and will probably become the most popular by the year 2000. Boating and fishing are among the top ten activities. Camping, picnicking, and hiking, also high on the list, are more pleasurable near water sites.

But, here again, the waters must be unpolluted to be enjoyed. Today, there are a mere handful of free-flowing rivers which remain unpolluted by man. Some are wild streams dropping swiftly through wilderness areas, while others flow silently through glimmering forests and shady swamps. As remnants of the scenic beauty once available broadly in this country, these few remaining free-flowing rivers deserve protection for future generations in their natural, or near natural state. To accomplish that worthwhile goal, some of my colleagues and I introduced legislation to provide for a national wild and scenic rivers system. The legislation was enacted in 1968 and is now in the process of being implemented.

For example, an agreement was submitted to the Congress early this month between the states of Minnesota and Wisconsin and the Northern States Power Company to create the Saint Croix and Namekagon Wild River System. Northern States Power Company was a party to this agreement because it owned twenty-nine thousand acres of the upper Saint Croix waterfront. The company agreed to donate twenty-five thousand of those acres to the government for the future enjoyment of the people. On September 30, I commented in the House of Representatives on this agreement saying:

> There may be some cynics who are wondering why a company such as Northern States Power Company—with its profit-making responsibility—should donate twenty-five thousand acres of riverfront land to the people. I think President Nixon answered this query partly when he said, private industry must take an active role in protecting the environment, providing recreational facilities, and conserving natural resources. Clean air, clean water, and unspoiled countrysides are more easily attainable through preventative measures than restoration. With a coordinated program of prevention, private industry can help lead the way to a better America.

The Saint Croix Scenic River System is only one of many systems which will be developed for the benefit and enjoyment of the citizens of the Nation. This new development will make available many new campsites.

Camping is one of our most popular forms of outdoor recreation, but right now the operators of our campgrounds in all parts of the country are in a quandary. Both public and private campgrounds are already overflowing. For example, in 1968, more than one hundred and sixty million persons visited our national parks as compared with one hundred and three million in 1963. Recreation use of the national forests was equally heavy. The demand for camping areas will increase by at least one hundred and sixty percent by 1975 and by two hundred and fifty percent by the year 2000. More and more of these visitors come to the parks with camping on their minds. Wall to wall overflow camping in almost every park has damaged and destroyed natural features, severely overtaxed existing facilities, and placed a heavy strain on park personnel.

The camping explosion is built around complex and sophisticated equipment. Sophistication has filled the woods with a new breed of bedroom campers, including hundreds of thousands of comfort-loving people in their retirement years.

People no longer go camping with simply a car and a tent. Now the campers bring all the comforts of modern living—even including the kitchen sink. Only about one-fourth still camp in tents. The rest of the campers occupy apartments on wheels called recreational vehicles turned out by a booming industry which projects the sale of five hundred thousand new units this year. All these campers roam the country in search of campsites.

These campers are making constructive use of their increased leisure time, but there are endless millions of other Americans who must also find use and have opportunities for enjoying recreational experiences. The basic function of recreation is the re-creating of human vitality. Dormant or latent energy is tapped in the mind, body, and spirit and the imagination works on fresh material. When these things happen, the individual returns to his work with a sense of renewal. To assure our citizens of the opportunity to enjoy such revitalization, I have worked in the Congress for enactment of the Wilderness Act, the Wild and Scenic Rivers Act, the Outdoor Recreation Act, and the establishment of numerous national parks and national forests.

We, in Congress, however, have only scratched the surface in solving some of the problems that exist as far as conservation and our environment are concerned. Perhaps one of the next things that should be done is to clarify and consolidate our own congressional structure for consideration of these environmental problems.

At the present time, there is confusion and over-lapping concerning committee jurisdiction over environmental problems in the Congress. For example, during the last Congress, nine of the sixteen standing committees of the Senate considered bills which were directly or indirectly relating to natural resources or the environment. In the House of Representatives, bills of this nature were considered by twelve of the eighteen standing committees. Recently the question arose in the House whether the Interior and Insular Affairs Committee or the Merchant Marine and Fisheries Committee should have considered a bill to establish an environmental quality policy.

The Washington Post, on September 29th, carried a front page news story concerning two of the Senate's most powerful senior democrats who were also feuding over their respective authority in creating a national environmental policy. The disputants were Washington's Henry Jackson, Chairman of the Senate Interior Committee, and Maine's Edmund Muskie, Chairman of the Public Works Subcommittee on Air and Water Pollution. The controversy centered on the issue of which Senate unit should have jurisdiction over environmental questions. These situations in the House and Senate give rise in my mind to a comparison with the Emperor Nero, who fiddled while Rome burned.

We, as a Nation, must stop this fiddling around and settle down to the serious business of survival. On this point of survival, I recently read a very significant speech by Edward Crafts, who was the first director of the Bureau of Outdoor Recreation. The thrust of his remarks was to outline the steps necessary to reverse the trend of environmental retrogression. He praised the legislation in force and bills contemplated to do the job, but he pulled no punches when he cited the shortcomings of what has been done or has been proposed. Perhaps the single most important point of his speech, with which I am in complete accord, was that he laid the burden of leadership responsibility directly at the Capitol steps.

I believe there is much wishful thinking on the part of other legislators that engineers, systems analysts and scientists will somehow solve these environmental problems we face. Dr. Crafts noted that the politicians and other policy officials in all walks become the ultimate key. Heretofore, leadership has come from outside the Congress. The American people are light years ahead of Members of Congress as to an awareness of our environmental decline. In Congress, we see the dotted "I's" and the crossed "T's" of legislation. You, the public, sees the bulldozer slashing away at the wilderness; you live amidst urban sprawl; you taste and feel the string of pollutants; and you clasp your ears as the jet rattles your dinnerware.

The public support is out there for a massive congressional drive against further erosion in the quality of our lives, if only all of us in the Congress will bite the hot bullet and respond.

This, my friends, is where you come in. Perhaps you have been saying quietly to yourselves, well, that is all very interesting, Mr. Congressman, but what can—I as a single individual—do about it.

The answer to that question comes from the Christopher Society's motto: It is better to light one candle than to curse the darkness.

There is much you can do about it; and, first, maybe, the most important of these things is to become truly concerned and express your concern at every opportunity. You, more so than most members of the great American public, are already deeply committed to good conservation and rational environmental planning. The history of your association is a testimony to far-sighted conservation planning. In fact, where would your industry be today if your association's fifty-one presidents and the scores of firms which are or have been members, not constantly looked to the future?

No one could ever accuse this group of overlooking the forest for the trees, but I am saying that there is a bigger forest to contend with—the total environment—and that you should become part of the leadership group that wakes this country up to the dangers to our future without sound environmental planning.

I know—what I am asking is for you to become involved in one more task—one more drain on your time—perhaps even one more night a week when you have to provide your brains and talent free of charge to some group, organized or not, which is struggling to convince fellow citizens that the total environment is the real concern. Such groups, and thousands of courageous individuals, are fighting time, lack of funds, official lethargy, and rapacious profit-seekers day in and day out. Heretofore, theirs has been a lonely struggle. The public support I mentioned a while back is out there all right, but it is men like you who have the experience and talent to provide the leadership that is needed in the coming years.

If you are inclined to think that these things I suggest are too demanding, then you might remember what Maurice Chevalier said when someone asked him how it felt to be seventy-five years old. He replied, when I contemplate the alternative, it feels wonderful.

My friends and fellow members of the genus homo sapiens, when being asked to become concerned about improving the environment, just contemplate the alternative.

CONFRONTATION MUST COME, SOONER OR LATER, IF VIOLENCE CONTINUES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. WYMAN. Mr. Speaker, if violence is to be the pattern of any future "moratoriums" or what-have-you demonstrations, there must be square confrontation of it by our society if we are to remain free. As Joseph Alsop writes of Israel's Golda Meir's message to President Nixon:

> We Americans because of our great good fortune, have always tended to forget the basic lesson that history is a harsh, remorseless process, in which few nations get a second chance.

The free men of any nation must occasionally stand up for freedom when it is under challenge. In this great land of ours not only is our flag under direct attack, but also the very foundation of an orderly society by bearded storm troopers of the "new left." Violence by such as these can no longer be left to pass unconfronted by turning the other cheek.

It is the continuing responsibility of those in charge of our Government to protect and preserve the public peace. Let Government make it clear that this Nation will no longer tolerate violence. Concerned citizens look to their Government for this protection and they are entitled to it.

Mr. Alsop's column deserves thoughtful review in this connection:

[From the Washington Post, Nov. 17, 1969]

SALUTE TO NIXON BY GOLDA MEIR MAKES "KID" MARCH HEARTACHE

(By Joseph Alsop)

It was heartbreaking, somehow, to see "the kids" in Washington, and then to learn of the latest, least expected support for President Nixon's Vietnamese policy.

That mother in Israel, Golda Meir, seems to have walked, in sensible, arch-supporting shoes, straight out of one of the heroic epochs of the Bible story. But as Prime Minister of a small, infinitely brave and viciously beleaguered nation, Golda Meir must be alert to all that passes in the present.

She heard and studied President Nixon's remarkable Vietnam speech. Whereupon quite spontaneously, without solicitation, to the vast surprise of the White House, Mrs. Meir sat down and sent the President a message of warm congratulation and strong moral support.

Among other things, she saluted the President for "encouraging and strengthening small nations the world over, striving to maintain their independent existence, who look to that great democracy, the United States of America." The highest Israeli sources state, without hesitation, that this was an indirect but emphatic reference to an obvious danger that Mrs. Meir now fears.

The fact is that Israel's peril will be much increased by the worldwide repercussions of the kind of American defeat that "the kids" clamored for here in Washington. It is very strange indeed, therefore, that this purposely significant message to the President should have received no attention to date, despite its high origin and easy public availability.

This reporter learned of Mrs. Meir's message by sheerest accident over the weekend days after its White House release, and just after escaping from a huge sidewalk eddy of "the kids." It was heartbreaking, simply because it so sharply pointed out the contrast between Mrs. Meir and the people she leads and the new breed of Americans those "kids" represent.

The word is put in quotations because it is time to protest the degrading sentimentality, the mush-headed permissiveness that lies behind this novel usage. In the Second World War, silly people used to call our troops "American boys" in the same manner. Yet they were not boys; they were American men, bravely fighting for their country, thank God and them, as men are sometimes called upon to do.

Today, it is far worse. A bearded, unwashed, 25-year-old Trotskyite is not a "kid." Neither is a lank-haired 24-year-old harridan of the same persuasion. Male and female storm troopers of the new left, perhaps; but "kids," no! And if you collect the facts about the brutality some of these alleged kids have actually resorted to, in the current New Left assault upon academic freedom, for instance, storm trooper seems a quite justifiable appellation.

Here, to be sure, we are speaking of a small though very influential minority. Idealism, ignorance and innocence, wallowing self-pity and simple fashion no doubt animated the great majority of the young people who marched in Washington at the weekend. But even the most empty-headed 18-year-olds were not "kids," they were at least proto-adults, with a duty to begin facing the world and the facts in a fully adult manner.

It is this refusal to face the world and the facts as adult Americans that mainly characterizes "the kids." It is also this refusal, one supposes, that their admirers have in mind when they call them "kids." And it is this refusal, once again, which sets these young Americans so far apart from the most beardless boy, from the most barely nubile girl among Mrs. Meir's people.

A kindly Providence has never called upon the American people to show the heroism, the hardihood, the unfailing will and resolution of Mrs. Meir's people. The Civil War, over a hundred years ago, was the nearest we ever came to a comparable test, and in the hard cold harbor-time, Abraham Lincoln and Ulysses S. Grant were among the few Americans who had not begun to lose heart.

The truth is that we Americans, because of our great good fortune, have always tended to forget the basic lesson that history is a harsh, remorseless process, in which few nations get a second chance. That is the lesson that has been cruelly rubbed in upon Mrs. Meir and her people, by over two millennia of dire experience with history's harshness.

To the convinced pacifists, fighting for your country is always wrong—even if the end result is to condemn men like Noam Chomsky to the fate of Yuri Daniel and Alexander Solzhenitsyn. And this would surely be the end result, and for independent-minded Americans of every kind.

But unless the storm-trooper doings of the New Left minority provoke even worse reactions on the right, we can still count upon escaping that fate, providing we learn just a little from Mrs. Meir and her people.

LETTER FROM LEDYARD, CONN., REPUBLICAN TOWN COMMITTEE

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ST. ONGE. Mr. Speaker, under leave to extend my remarks, I wish to insert into the Record the text of a letter which I have received from the chairman of the Republican Town Committee of Ledyard, Conn., in my congressional district. The gentleman requested that I insert his letter into the Record. It is as follows:

Republican Town Committee,
Ledyard, Conn., November 8, 1969.

President Richard M. Nixon,
President of the United States,
Washington, D.C.

Dear Mr. President: The victory of our party candidates Tuesday was another repeat of the National Election in 1968. We wish your decisions in Vietnam could be as easy and successful.

At the monthly meeting of our Town Committee on November 6, 1969, we unanimously voted to forward this letter to you.

"We, the members of the Ledyard Republican Town Committee, support your policies in Vietnam. Although we all desire peace, we do not want peace at any price."

Sincerely,

Robert H. Bixler,
Chairman, Ledyard
Republican Town Committee.

OCCURRENCES OF THE LAST FEW DAYS IN WASHINGTON

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ESCH. Mr. Speaker, I believe it is important for those of us in the legislative branch to review the occurrences of the last few days and to reflect upon them.

I was gratified with the orderly and sincere manner in which the vast majority of young people who came to our Nation's Capital expressed themselves on disengagement from Vietnam. I personally met with a large number from my district at an open meeting on Friday. Although there was some direct disagreement among us on specific issues, we shared a common concern of finding peace in Vietnam, of developing responsible and responsive government in South Vietnam, and of rebuilding a nation torn apart by the war. It was a wholesome atmosphere in which the young people were given an opportunity to communicate directly with their Representative and petition their Government. In many cases I found their comments to be extremely perceptive, well informed, and helpful. Such dialog is the essence of democracy.

However, I was greatly disturbed and disappointed in the events which followed. There were some who came to Washington not to discuss but to disrupt, not to petition but to confront. Both the attack on the South Vietnamese Embassy and the Justice Department, with the destruction of flags and the carrying of banners of the North Vietnamese are repulsive to the American conscience and are disruptive to the cause for which so many came. The violence and destruction which ensued were destructive not only to property but to the goals of peace to which the demonstrations had been directed. To use violence in this country to end violence in another country is without logic. That violence should be condemned not only by those in positions of public office, but by the hundreds and thousands who traveled to Washington to express their views peacefully and nonviolently as well.

The cause of legitimate dissent is imperiled if we do not take explicit action against those who broke the law—those who were determined that this demonstration would be a confrontation rather than an exchange of views. I have expressed strongly my support for the law-enforcement officials of the city of Washington for their intelligent and expeditious handling of this difficult situation.

But we must not stop there. If there are groups in this country whose avowed purpose is the violent disruption of our society, and there is growing evidence to indicate that there may be, then we must insist that there be strict enforcement of the laws against conspiracy by both the executive and judicial branches.

Our democratic processes were on trial here in Washington over the weekend. Those who purposely and wantonly destroyed property and disrupted the peace expressed quite openly their contempt for those processes. They must be dealt with, with the full power of the law.

PRESIDENT ZALMAN SHAZAR'S 80TH BIRTHDAY

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. FARBSTEIN. Mr. Speaker, the Day-Jewish Journal, largest Yiddish daily in the United States hails the 80th birthday of Israel's President Zalman Shazar which occurred on November 11.

President Shazar has the traditional title of "Nasi," which means a prince of the Jewish people.

The Day-Jewish Journal is proud that President Shazar, as well as David Ben Gurion, have been regular contributors to the paper for the last 15 years.

I am pleased to submit a summary of the feature article giving tribute to Nasi Shazar:

President Zalman Shazar's 80th Birthday

When President Zalman Shazar was elected unanimously six years ago to the highest position in Israel, he declared that his aim in holding the office will be the establishment of a spiritual center not only for Israel but for the Jews the world over.

On his 80th birthday he still continues to the present day his task of perpetuating the Jewish cultural values for the generations to come.

Performing this noble and significant function of perpetuating the spiritual values of the Jewish people, he is in constant personal communication with Israelis and visiting Jews from abroad, who inspire him to carry on this significant and valuable function. The President's house is open to all.

The prophetic and wise Moshe Sharet who was his closest collaborator and friend saw in him the man of great spirit and mind who was destined to play a historic part in the upbuilding of the Jewish homeland and enhancing its spiritual values as well.

When Prime Minister David Ben Gurion asked him to accept the great office of President, Zalman Shazar being a modest scholar, was so overwhelmed he asked for several days to think it over.

Moshe Sharet, who was visiting Argentina at that time, called him on the phone and pleaded with him to accept the Presidency, saying the following prophetic words: "Zalman, history is calling you, your duty is to listen to it" and thus Zalman Shazar, bowing to history, accepted the office.

On his 80th birthday he stands at the helm of his government and his noble and lofty spirit permeates the Jewish homeland and the Jews abroad.

Long may he live, and may God give him strength to continue his noble aspirations to uphold the Jewish cultural and spiritual heritage.

AUSTRALIAN ADVENTURES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. PICKLE. Mr. Speaker, Anne Clark, the wife of former Ambassador Ed Clark, has saved a bit of history and compiled it in book form. During her tenure as the second-ranking member of the U.S. delegation to Australia, Anne had the foresight to keep a delightful collection of letters to relatives and friends in America. These letters constitute an intriguing historical record that generates humor and warmth, reflective of this unique Texas couple. The Clarks were the only noncareer members of the Canberra diplomatic corps and a lesser couple would have been cast adrift amid the protocol and pomp.

The book, "Australian Adventures: Letters From an Ambassador's Wife," recreates the 2½ years of the Clark mission in Australia. More than just a travelog, this book dishes up a slice of life from the land down under that gives fresh insights to the lives of our Australian friends. It is also a reflection of the high esteem the Aussies held for the Clarks. For example, one of the first official acts of the Ambassador was to pull up the "no trespassing" and "private" signs that were staked over the lawns and driveways of the Embassy.

The letters are laced with the twinkling humor of Anne Clark, the daughter of a pioneer Texas family of Metcalfe. I heartily recommend this book as must reading—it is rated "G," for general audiences.

There have been a great number of reviews on this book from such newspapers as the Houston Chronicle, the Austin American-Statesman, the New Orleans Times-Picayune, and the Dallas Morning News. I would like to include here one from the Dallas Morning News which is indicative of what has been written about this delightful book:

A genuinely delightful discovery is the volume of letters written back home by "Mrs. Ambassadress" Edward Clark, while her famous husband was representing the United States in Australia, 1965–1968. Anne Clark is a born letter-writer, though when she found time to write during this assignment staggers the imagination. Ambassadors' wives must work as hard as their husbands; and from a dozen on-the-spot chances to observe, we'd say the American Embassies abroad work at a pace rarely seen at home.

The University of Texas Press, which publishes Anne Clark's "Australian Adventure" this week, provides a pleasure for the reading public far beyond the confines of Texas. Mrs. Clark has a fresh and shrewd eye, a quick wit, a sharp pen. She offers interesting and useful information—new for most of us—on a very exciting land. Her report is not studied or calculated; she simply shares with her family and friends to whom she writes her own impressions. But it is the quality of these impressions that counts, neither stereotyped nor self-conscious, but always charming.

A further bonus, of course, is the revelation of Ed Clark's "Texan-style" ambassadorship—the warm, free-wheeling, unorthodox and individual style one would expect from this colorful Austin couple. When they left Washington, President Johnson told them simply to "be themselves." The policy paid off handsomely. The Appendix of the volume incorporates the text of talks made to Australian audiences by Mrs. Clark and by her husband, plus extremely interesting "Sample Schedules of Official Visits," replete with protocol plans that must have bemused these two informal Texans.

Several of Mrs. Clark's best letters are to Dallas friends, including W. W. Lynch and the late Allen Duckworth, one of the glories of the Dallas News and a much-prized friend of the Clarks (as he was of all who knew him well).

Famous names go by in this book like telephone poles; nearly everybody important managed to visit Australia while the Clarks were there. "One of America's most-loved ambassadors" says Dame Zara Holt, widow of the late prime minister, in her brief Foreword to the book. Our State Department might consider this record of success required reading for all personnel.

SP4C. RUSSELL F. SMITH IS MORTAR CASUALTY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Russell F. Smith, a fine young man from Maryland was killed recently in Vietnam. I wish to honor his memory and to commend his courage by including the following article in the RECORD:

CROWNSVILLE GI DIES IN VIETNAM—SP4C. RUSSELL F. SMITH IS MORTAR CASUALTY

The Defense Department announced yesterday the combat death of a 21-year-old Anne Arundel county man in Vietnam.

He was Spec. 4 Russell F. Smith, of Crownsville, a soldier with the 101st Airborne Division, stationed near the North-South border zone in South Vietnam.

Specialist Smith was killed when his unit came under mortar attack October 22. He died four days after his 21st birthday.

His father, Russell P. Smith, of Arden-on-the-Severn, said that his son did not have strong feelings about the war in Vietnam. "He just didn't want to be there," Mr. Smith said.

ARUNDEL GRADUATE

Specialist Smith was born in Washington, October 18, 1948. For the five years before his enlistment in March, 1968, he lived in Crownsville. He graduated from Arundel High School in Odenton, where he played on the school football team.

In addition to his father, survivors include his mother, Mrs. Dorothy S. Soares, of McLean, Va.; two half-brothers, Angelo Soares and John Soares, of McLean, and two half-sisters, Jacqueline Soares, of McLean, and Mrs. Elaine Jarrell, of Crownsville.

Funeral services will be held Monday, at 10 A.M. at Our Lady of the Fields Catholic Church in Millersville. Military burial will be held at the church cemetery.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Buffalo Courier-Express; the Rochester Democrat and Chronicle; the Observer-Dispatch, the Courier Express; the Buffalo Evening News; the Long Island Press; and the Wellsville, N.Y., Reporter, in the State of New York. The editorials follow:

[From the Buffalo Courier-Express, Aug. 3, 1969]

U.S. BILL THREATENS TO OPEN WNY TO "ROLLING MONSTERS"; AUTO CLUBS SEE DANGER IN LOOSING ROAD GIANTS

(By Modesto Argenio)

Rumbling trucks pulling two or three trailers could be free to thunder over Western New York highways in greater numbers if a federal bill becomes law.

The proposed law could expose interstate highways and other roads to the pounding of larger, heavier trucks and tractor-trailers.

If enacted, a Courier-Express review found, the bill could:

Upset New York State limits on truck sizes and weights, limits already among the most liberal in the country.

Result in the diversion of some of the flow of heavy truck traffic from the New York State Thruway to other state and local roads.

HEARING NEARS IN WASHINGTON

It would virtually ignore a six-month-old state report which blamed huge trucks for increasing safety hazards to motorists and damage to roadbeds.

The Nixon administration is to give its opinions of the bill at a hearing in Washington Tuesday before a House Public Works subcommittee.

So far, debate over the bill pits two powerful automotive lobbies—the trucking interests, represented by the American Trucking Assn., and the passenger automobile interests, led by the American Automobile Assn.—in a conflict.

The trucking interests, naturally, favor the larger trucks, freight loads and profits which would result from the bill. The automobile clubs fear the measure would increase traffic hazards and chew up roads.

108,500-POUND ROLLING BEHEMOTHS

Key facets of the proposed law are aimed at increasing the weight and lengths limits placed on trucks using interstate highways under 1956 federal highway laws.

The maximum loaded weight of a truck would be increased from 73,280 pounds to 108,500 pounds. And, although the bill would allow trucks up to 70 feet long to roam the highways, some interpretations of the legislative fine print indicate it could open highways to triple-tandem trucks as long as 105 feet.

The bill, sponsored by two Midwest congressmen, died in the House last year under a storm of protests. The revived version is billed as permissive legislation because it would leave adoption of the extended truck standards up to individual states.

ANY RESISTANCE SEEN FRAGILE

Critics insist, however, that most states would refuse to buck the powerful trucking interests and, instead, readily accept the federal endorsement of larger trucks.

In this event, the Automobile Club of Buffalo warned recently, it would merely be a matter of time before the bulkier trucks are flocking over state and local roads.

Currently, New York State restrictions pretty much limit oversized trucks to regular use of the Thruway.

The mammoth trucks and combines are allowed on other state highways and roads only through a system of special hauling permits.

CURRENT PERMITS DEFINE LIMITS

The Dept. of Motor Vehicles has set the basic truck dimensions at a maximum length of 55 feet and a maximum weight of 71,000 pounds. Normally, these limits would exclude such truck combinations as double-tandem tractor-trailers.

Larger trucks and combines, however, can be permitted on virtually all state highways if granted special hauling waivers by the state Dept. of Transportation.

A department spokesman told The Courier-Express that the waivers generally are extended to trucks up to 85 feet long and weighing a maximum of 110,000 pounds.

The permits, however, are issued on a trip-by-trip basis. Escort vehicles normally are required for the large trucks, and use of routes with dangerous curves, grades or bridge limitations are prohibited, the spokesman said.

IT DEPENDS ON THE CARGO

Furthermore, freight loads must be indivisible before special permits are granted. Thus, if a load can be "broken down" and shipped on two or more trucks, permits are not granted, he explained. The department issued 51,869 special permits in 1968.

By contrast, the Thruway has encouraged tandem tractor-trailer traffic since 1959 and currently allows trucks larger than those permitted under the federal bill to travel the superhighway.

A Thruway Authority spokesman told The Courier-Express that tandems weighing up to 127,400 pounds and 108 feet long can travel on its system.

The Thruway Authority also is about to conclude a year-long experiment allowing triple-tandems, with a maximum 108-foot length, to use the superhighway.

"If the bill is enacted, we'd expect to lose some of our truck business," the Thruway spokesman acknowledged.

POUNDED PAVEMENT, STRESS ON BRIDGES

The State Automobile Assn. has denounced the Thruway triple-tandem tests as safety hazards and claimed that the truck combines are difficult to control.

The Courier-Express reported Saturday that the accident rate involving double-tandems has outpaced increases in the truck mileage rate on the Thruway.

Opponents of the bigger-truck bill contend that today's highways simply cannot handle the assaults of larger trucks.

G. Thomas Ganim, secretary-manager of the Automobile Club of Buffalo, asserted recently that "heavier vehicles will prematurely pound to pieces the pavement of highways and dangerously overstress many of the nation's bridges."

"DRAMATIC" RISE IN HEAVYWEIGHTS

Two members of the House Public Works Committee, Rep. Richard D. McCarthy, Buffalo Democrat, and Rep. Fred Schwengel, Iowa Republican, heartily agree. They have estimated it would cost billions of dollars to maintain and repair highways used by heavier trucks.

Yet, the trend toward heavier trucks and heavier freight loads is growing.

The group predicted today's nationwide truck fleet would grow from 15 million vehicles to 20 million within six years, and close to 25 million in the next decade.

"TAKING ONE'S LIFE IN HIS HANDS"

It also observed that, "in the past decade, the average payload of trucks increased 33 per cent, from 19,200 pounds to 25,500 pounds."

Truck travel, in terms of ton-miles, also is expected to soar from the current 380 billion truck-miles annually to 728 billion annually within 10 years.

In the face of this, the Automobile Club of Buffalo complained that "attempting to overtake and pass a 70-foot truck-train on anything less than a four-lane road will mean taking one's life in his hands."

The Automobile Club's position was bolstered last February when a committee appointed by Gov. Rockefeller recommended that existing state restrictions on the weight and length of trucks be retained.

The committee noted that the restrictions were imposed to insure safety and protect roads surfaces against damaging weight. It reported that further liberalizing of state limits would demand extensive reconstruction of roads.

[From the Democrat and Chronicle, Rochester (N.Y.), Sept. 16, 1969]

ARE WE SITTING DUCKS FOR MASSIVE TRUCKS?

The federal highway administrator indulges in debatable logic when, in favoring a bill to permit heavier, wider and longer trucks, he says the government lacks sufficiently reliable data to say whether these behemoths would pose additional safety hazards.

Wouldn't it be smarter to find out first if they would?

Once the larger dimensions are allowed, it would be most difficult, in view of the powerful trucking lobby, to have them reduced.

One can understand why our trucking industry, vital in today's economy, wants to persuade the Congress to approve even larger vehicles on the interstate highways. Bigger transports mean fewer trips for trucking firms, enabling them to make more money.

In this controversy, the larger issue of public safety concerns us more.

Actually, if the House Public Works Committee wants to pursue them, there are available studies bearing on the point. One such survey showed that collisions between autos and big highway trucks produce far more deaths than collisions between cars and small pickup trucks. A simple law of physics should make this conclusion obvious. It is reported that the Federal Highway Administration possesses safety studies on giant trucks. If so they should be made public.

The American Automobile Association, speaking in the interests of millions of U.S. motorists, regards this proposal to let individual states boost truck sizes and weights on interstate highways as a tragic imposition upon the traveling public.

The question of whether the larger vehicles would further imperil public safety should supersede every other consideration.

[From the Utica (N.Y.) Observer-Dispatch, Sept. 13, 1969]

BIG TRUCK LOBBY FULL SPEED AHEAD

Earlier in the year it seemed that the big truck lobby was not going to get federal permission to put even bigger juggernauts on the road. But failure of the administration to come out flatly against enlarged vehicles and continued propaganda that ordinary drivers aren't bothered to the point of danger by them indicates the fight is not over.

What they're talking of turning loose on the highways, believe it or not, are trucks up to 70 feet long and increased to 8.6 feet in width. Along with this, the bill of Rep. John C. Kluczynski, D-Ill., would permit more weight in the vehicle and its load.

The wear and tear on today's badly abused roads is important when more weight is added at high speeds, but most important is the prospect of larger trucks. Already mechanical monsters zip by passenger cars with a draught that can blow machines off the lane or suck them into a trailing vacuum. In either case the mortorist can lose control. To pass one of these big vehicles or be passed by it in a rain storm is to risk obscure vision in a cloud of water tossed up by giant wheels.

The administration should not leave the decision on this bill exclusively to Congress, as it promises, but should fight it with all its political weight. Surely this is the will of the people and a necessary part of a war for safety on the highways.

[From the Buffalo (N.Y.), Courier-Express, Sept. 5, 1969]

TRUCKS NEED GREATER SAFETY DEVICES

The spectacular, tragic smashup of a gasoline truck in the Village of Warsaw last Wednesday points up the vital need for additional safety mechanism on heavy trucks, particularly those carrying highly volatile materials. It also emphasizes the lack of response by the state to pleas by communities to eliminate proved life-claiming road hazards.

The fact that only one life was lost in the crash and holocaust which resulted was due solely to chance; had it happened when the highway was crowded with Sunday traffic or at night when residents of the village were asleep, the number of casualties might have been very high.

In the interest of highway safety, all heavy trucks and tandems should be required to have auxiliary braking systems which automatically would take over when the car brakes fail. Experts in the field of safety say they can find no such requirements in either federal or state regulations governing the manufacture or operation of trucks. This is particularly dazzling since laws covering safety insures on automobiles require "fail safe" braking systems, seat belts for all passengers, improved door locks and many other features designed to make automobile operation and highway travel as safe as possible.

Certainly American automotive engineers are capable of designing a fool-proof braking system for heavy trucks which not only will stop them in an emergency but also will prevent them from jackknifing when braked to a sudden stop. One automobile manufacturer already has produced brakes which will prevent skidding on slippery roads. There seems to be no reason why the same principle cannot be applied to trucks.

Only a few weeks ago, Congress and an irate public berated the Army for shipping phosgene gas across the country by railroad while providing minimum precautions, yet truck shipments of highly volatile materials over our crowded highways are far more hazardous and move without much more than passing notice by Congress or the public. A canvass of state and federal officials by The Courier-Express disclosed that none showed real concern about the Warsaw accident and all quite skillfully shifted the responsibility for regulating such shipments to someone else or to some other agency.

National statistics disclose that last year some four billion gallons of highly inflammable liquid petroleum gas was carried by truck over the nation's highways. Certainly shipments of this type pose far greater hazards every single day than does the shipment of phosgene gas by railroad. A crash on a heavily traveled section of a road such as the Thruway, as it passes through a city, could cause widespread death and destruction.

The Warsaw accident should alert state and federal authorities to the need for "fail safe" devices on trucks plying the country's highways carrying explosive, inflammable materials. Admittedly, we can't do without these products but we can insist that all feasible life-saving, precautions be taken in their shipment.

[From the Buffalo Evening News, Sept. 5, 1969]

Dodging Safety Issue

The compromise position of the Department of Transportation on the controversial issue of oversize trucks on the interstate highways looks all too much like an effort to appease the economic interests of the trucking lobby at the expense of safety considerations.

The economic benefits of relaxed size and weight limitations, says Federal Highway Administrator Francis C. Turner, "would outweigh the economic costs to the public in terms of wear and tear on the highway network . . ."

But even if this is so—and even if these assurances satisfied the public concern about the additional wear and tear on local connecting roads—the administration's posture is a dismally inadequate response to opposition arguments on the score of safety hazards to motorists.

Mr. Turner recommends that if Congress relaxes present restrictions, it delay the effective date pending the adoption of amended regulations to strengthen safety and road repair provisions.

While these certainly will be in order if bigger trucks get a green light, it is just begging the basic safety question to confess that transportation officialdom doesn't have enough "sufficiently reliable evidence" for a judgment.

If pinning down the validity of safety objections isn't their job, whose is it? Mr. Turner acknowledges that, while larger trucks are not involved more frequently in accidents, those mishaps that do occur more often result in fatalities. And as to the psychological impact of larger trucks on many motorists, it is doubtful, he says, "that many motorists could detect the incremental change in truck dimension or weight" permitted by the bill.

Sorry, but that kind of double talk won't do. Motorists who have had behemoths cut in on them, or play tag down the middle of the Thruway or other federal interstate links, need no tape measures or scales to calculate their psychological sense of defenselessness against highway Queen Marys. Their fears should be warning enough before Congress subordinates compelling safety considerations to pressures for still bigger road giants on already crowded highways.

[From the Jamaica (N.Y.) Long Island Press, Aug. 25, 1969]

Look What's Come Back

The battle against federal approval of mammoth trucks on our highways is on again. Last year, a "big-truck bill" was buried after angry public criticism. Now it has been resurrected as H.R. 11870 with little change, except that it now includes a 70-foot length limit.

Such a length would encourage the use of two-trailer combinations—of a length outlawed in 46 states except by special permit.

The American Automobile Association compares 7.1 fatal injuries per 100 persons in collisions between a passenger car and a single tractor-trailer, with an alarming 13.3 fatal injuries when a tractor-two-trailer combination is involved. An AAA official aptly called H.R. 11870 an "anti-safety bill."

Besides endangering human life, such gargantuan trucks shorten the lives of highways and bridges, at a cost of billions of tax dollars, and require construction of more costly future roads to support the tremendous tonnage.

The Press warned last year, "Taxpayers already are subsidizing the truck industry," because truckers' taxes are "not equal to the highway maintenance costs, and those costs will skyrocket" if these behemoths are allowed to pound the highways to pieces.

The lives and property of over 100 million drivers are involved in the decision Congress will make, hopefully after careful study of the large vehicles' accident hazards.

Thorough research is needed to determine the effects of windshield splash from big trucks and vacuum pressures on lighter vehicles. And to name a few of the other touchy points, research must determine the big haulers' ability to stop, their stability, and drivers' sight lines.

Like its predecessor, this year's reincarnated big-truck bill should die a quick death in committee.

[From the Wellsville (N.Y.) Reporter, Aug. 23, 1969]

Highway Giants

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently before the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrant concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

SOCIAL SECURITY AMENDMENTS OF 1969

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. MESKILL. Mr. Speaker, shortly, the Ways and Means Committee will begin consideration of the Social Security Amendments of 1969 in executive session. I have introduced three bills to amend the Social Security Act which I hope the committee will incorporate into the legislation which it sends to the floor.

The first, H.R. 5542, would provide a 13-percent increase in benefits across the board. The second, H.R. 5543, provides for increases in benefits to be linked automatically to the cost of living, much like that proposed by President Nixon. And the third, H.R. 6252, would remove the earnings limitation on the amount of outside earnings which an individual may earn while receiving benefits.

I believe these changes in the Social Security Act are necessary.

On Friday, I submitted a brief statement to the Ways and Means Committee in support of the changes I have recommended in the Social Security Act. I have also taken this opportunity to express my support for President Nixon's dramatic and exciting welfare reform proposal, the family assistance plan.

Included at this time is the statement which I submitted to the committee outlining my recommendations for amending the Social Security Act:

Statement on the Social Security Amendments of 1969

(By Hon. Thomas J. Meskill)

Mr. Chairman, early in the session I introduced three Social Security bills which I would like to bring to your attention in your consideration of the President's proposal for amending our Social Security System. H.R. 5542 would would provide a 13 percent increase in benefits across the board. H.R. 5543 adds a provision for an automatic cost of living increase much like that contained in the President's proposal. And H.R. 6252 would remove the earnings limitation on the amount of outside earnings which an individual may earn while receiving benefits.

No one can be oblivious of the steep increases in the cost of living. Nor can we delay any longer in up-grading those benefits by at least 13 percent for we know that cost-of-living increases bear most heavily on people with fixed incomes.

Currently the average monthly benefit for a retired worker is just about $100, and studies have shown that for most social security beneficiaries this is the primary source of income—sometimes the only source. Today's dollar is generally held to have the purchasing power of 35 cents as compared with the 1940 dollar. The January 1968 dollar is now worth about 91 cents. And prices continue to rise. The September 1969 consumer price index rose to a record 6 percent annual rate. Many retirees have planned carefully for their older years, but even the most careful plans can be disrupted by change and rising costs.

The total average payment for an aged couple is an even more inadequate $168 per month, or $2,016 per year. That is a little over $5 a day—or $2.50 each for husband and wife. On this meager amount many retired couples with no other income must buy food, clothing, and shelter, and any medical supplies they may need. Some people don't hesitate to spend that much for lunch. These senior citizens are the people who built our great industrial complex and have during their working lives produced the abundance the rest of us enjoy.

In addition to the 13 percent benefit increase, my bill would increase the minimum benefit from $55 to $62.20 and the lump-sum death payment from $255 to $290. Payments for those people past 72 who have little or no social security credits would likewise be increased from $40 to $45 for an individual and from $60 to $67.50 for a couple.

With this change I would also like to see enacted the automatic cost of living adjustment contained in the President's plan and in my bill H.R. 5543. Under this proposal, benefits will be adjusted to the cost of living without having to wait for the Congress to act, thereby shortening the period that people must wait for Congressional action. And people would know what to expect. Such a device would take social security out of politics. Over three years ago, back in June, 1966, the Republican Coordinating Committee made such a recommendation. In their view, between sporadic increases ranging from 5 to 13 percent:

"There has usually been a time lag of several years during which the pensioners have suffered from a drop in their purchasing power. For example, from 1958 through 1964 just before the 7 percent increase in pensions was legislated, inflation cost Social Security pensioners approximately $1.4 billion in loss of purchasing power."

When he appeared before this Committee,

Robert H. Finch, the Secretary of Health, Education, and Welfare, pointed out that in 1968 the platform of both political parties had recognized the need for such a change. He added:

"Such an automatic adjustment system would increase the security of one out of every 8 people in the country who now receive monthly social security cash benefits. The automatic provisions would also adjust the benefits for the millions of future beneficiaries whose major source of income could well be their social insurance payments under social security. Because of the time lags that have occurred between past cost of living adjustment of benefits, the purchasing power of the benefits has been seriously decreased between benefit increases. With automatic adjustments, the changes necessary to restore purchasing power will be on a more current basis."

I heartily agree with him that this is very necessary legislation, and I hope the Committee will find it possible to include such a provision in the bill when it is voted out and presented to the House for action.

The Administration bill makes some changes in the earnings limitation by eliminating the two-step increase above the present $1,680 which is exempted entirely. To further eliminate work disincentives in the retirement test, the bill exempts all earnings up to $1,800 and provides for a $1 for $2 adjustment above this amount.

This is an improvement over existing law, but I would go a step further and eliminate the earnings test entirely, as provided in my bill H.R. 6252. Under existing law, with its cumbersome step increases, it is almost impossible for an individual to tell how much he can earn over the $1,680 base, without paying a penalty in the form of repayment to the Social Security fund for benefits he has already received but must pay back because of faulty arithmetic.

Mr. Chairman, I have always believed that it is wrong to allow people to pay into the fund during their working life, and then, if they are well enough and ambitious enough to continue working beyond retirement age, be penalized for working. His neighbor, with an identical wage record, can get full benefits for the rest of his life without lifting a finger if he decides not to work. The man or woman who is working must also continue to pay social security taxes on the very earnings which can deprive him of at least part of his benefit payments.

In closing, I would like to endorse the President's new Family Assistance Program. I particularly approve of the new national minimum for welfare payments—in effect, a fixed, basic income for every poor family, including the working poor. I approve of the fact that, coupled with this would be a requirement that all able-bodied men and women on welfare excepting some mothers with young children, receive work training and must take the jobs that are found for them. I approve of the provision that dependent families receiving such income be given good reason for going to work by making the first $60 a month they earn completely their own with no deductions from their benefits because of earnings. I approve of the revenue sharing scheme to turn back about $1 billion in Federal taxes to State and local governments. I like the expanded Federal manpower training program. I agree with the President than "the present welfare system has failed us—it has fostered family breakup; has provided very little help in many States and has even deepened dependency by all too often making it more attractive to go on welfare than to go to work."

I hope the Committee will include the recommendations I have suggested in the amendments it proposes to the Social Security Act.

ASSESSING THE U.N.

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. ROSENTHAL. Mr. Speaker, The Assistant Secretary of State for International Affairs, Samuel De Palma, recently made a clear and persuasive case for better understanding and support of the United Nations in a speech "What the United Nations Means to America—Now."

Mr. De Palma, in this talk, refers explicitly to the hope, which I have long cherished, that the United Nations may eventually develop an effective peacekeeping force.

I commend Mr. De Palma's talk, which follows, to my colleagues:

WHAT THE UNITED NATIONS MEANS TO AMERICA—NOW

(By Samuel De Palma)

The United Nations is passing through a crisis of confidence. Editorial writers and experts are pessimistic about its capacity to act effectively and gloomy about its future.

Much of what you hear about the U.N.'s shortcomings is accurate, but most of it is not very important. Nor is it relevant for an understanding of the real world in which it operates.

To berate the U.N. for failing to behave like a world government, which it is not, or for not being able to cure the ills of its member countries is to miss the point. The significant question is whether and how the U.N. can serve as a reliable vehicle for helping nations deal with concrete issues confronting the world today, in particular whether the U.N. can provide the means for international sharing of the responsibilities and costs of peacekeeping and development.

First of all, let us face the U.N.'s shortcomings. With the expansion of its membership to 126 countries, it has become more difficult for the nations which possess economic and military power to exert a commensurate influence in the organization. Too many unrealistic resolutions are adopted by steamroller majorities. U.N. procedures are cumbersome, and its discussions are debased by loquacity and emotionalism. Deep differences exist over its proper role in respect to colonial and racial issues. There is concern about ever-rising budgets in some U.N. agencies. There are serious questions about efficiency and effectiveness in certain operations. And the U.N.'s finances are in precarious shape.

Above all, it is cause for concern that the U.N. has not acquired the influence or prestige to act decisively to maintain peace. The U.N. does not offer effective means for dealing with issues that engage the vital interests of the major power unless they are in agreement, although it can help insulate trouble spots from their confrontation.

Clearly U.N. institutions and procedures need to be reformed to ensure effective functioning. The answer does not lie primarily in structural change. There is no likelihood of agreement now on a new grand design, although important procedural improvements are possible and we are working at them.

For example, a problem which must be solved is that of accommodating the microstates nearing independence. About 65 small entities are potential candidates for U.N. membership. With a combined population of only about 4,600,000 they would, if admitted to full voting membership, strain beyond credulity the U.N. concept of one nation, one vote. We believe the best solution is to create a new status of "associate member," carrying the benefits and privileges of membership but not the right to vote. The Security Council has referred the question to a committee of experts, and we hope this matter will at last be given the urgent attention it needs.

Despite its shortcomings, the U.N. has scored achievements which cannot be downgraded and which point to possibilities for future improvements. The U.N. helped to contain small wars and avert others. It assisted in the orderly and, to a remarkable degree, nonviolent liquidation of vast colonial areas and the emergence of many new nations to independence. It launched economic and social programs to help these new nations get on their feet. It made a beginning in fashioning international machinery to deal with the new technology. It has provided a unique arena for quiet diplomatic exchanges and negotiations, most of which go unreported. And, we believe, it can provide machinery to help implement settlements in the Middle East or Viet-Nam once such settlements are achieved.

With this experience, what role can we project for the U.N. in the coming years? I can foresee at least three promising areas of increased U.N. activity:

First is the U.N.'s role in helping avoid or contain local conflicts;

Second is the U.N.'s role in helping the orderly processes of modernization in the third world—the familiar problem of economic and social development;

Third is the U.N.'s role in helping the world come to terms with the physical environment as affected by the new technologies.

CONTROLLING ARMS—AND LOCAL CONFLICTS

The U.N. has long been preoccupied with promoting arms control and disarmament and has helped spur negotiation on measures to restrain the arms race. Progress has been slow because effective arms control agreements must be based on balanced obligations and provide adequate assurance of compliance. Such agreements are exceedingly difficult to negotiate, but we have succeeded in banning nuclear tests in the atmosphere, in agreeing to explore and exploit the Antarctic and outer space for peaceful purposes only, and in drafting a treaty to prevent the spread of nuclear weapons.

At Geneva we and the Russians have just agreed on a draft treaty to prevent the emplacement of weapons of mass destruction on the seabed. We hope that the Geneva Disarmament Committee will be able to forward it for final action to the present session of the General Assembly.

We anticipate that the General Assembly will also show great interest in controlling chemical and biological weapons. As you know, within our own Government we are presently reviewing our policy on the production and use of such weapons. This may well emerge as the next important area for arms control negotiations.

We need to renew the search for more effective ways to contain and alleviate political crises and to strengthen means for keeping or restoring the peace in conflict situations. The U.N. has had valuable experience in such places as the Congo, Cyprus, and the Middle East. It has demonstrated a capacity—though still limited and rudimentary—to take emergency action to halt fighting, to keep outbreaks of violence in check, and to promote peaceful settlement.

We believe the time is ripe for a new effort to strengthen U.N. peacekeeping. For years negotiations in the U.N. on arrangements for peacekeeping made no headway because of the rigid Soviet insistence that the Security Council control every aspect of peacekeeping and decide how it was to be financed. That would mean the veto could be used to curtail an operation at almost every stage.

Recently, however, we have seen the first signs of Soviet willingness to discuss these problems in more practical and realistic terms. We are interested in seeking a practical solution which recognizes the primary role of the Security Council. We are not interested in some rigid or doctrinaire formula, but we do attach importance to effective procedures which will assure that U.N. peacekeeping forces can be made available quickly when needed and that they can be adapted to the unique and evolving circumstances of each case.

THE U.N. AND THE IMPOVERISHED TWO-THIRDS

The second broad task in which the U.N. must play a larger role is the orderly accommodation into a stable world order of the impoverished two-thirds of the world's population. There is no direct relationship between disaffection and poverty or between world stability and the satisfaction of rising expectations. Yet, apart from the conscience of the rich, clearly the demands of the impoverished and underprivileged cannot be ignored if we are to build a tolerable world order.

Orderly political development in the third world is threatened by resentment among the poor countries because they are being left behind in this era of rapid technological advances and because the economic disparity between rich and poor is growing.

At the initiative of the United States, the U.N. proclaimed the decade of the sixties as the First Development Decade. During the past 10 years considerable progress was made in organizing multinational efforts in aid and trade, in technical assistance and preinvestment surveys, in industrial development, in agricultural production and improvement of health standards, and in rising standards of education. Few are aware that some 85 percent of the U.N.'s staff and finances is devoted to economic and social development. But impressive as this achievement is, the U.N. has not been able to keep pace with the needs of the developing countries.

The U.N. is now planning for the Second Development Decade, in the midst of growing impatience with the slow pace of development.

The U.N. Development Program, directed by Paul Hoffman, in 1968 operated 3,400 projects in 134 countries and territories, spending nearly $200 million and generating, through the input of local money and efforts, a development "output" that is worth many times that amount. President Robert McNamara of the World Bank recently noted that World Bank loans arising directly out of UNDP preinvestment projects have amounted to $700 million. National governments and private industry have done even more.

Incidentally, it is interesting to note that the two main international development institutions are headed by men who were leading executives in our automobile industries. This serves as a reminder that much international development is the result of private investments abroad. It also points up how much public development institutions can learn from private industry about using low-trained workers in advanced-technology industries. They might also learn much from the multinational corporation about dynamic adaptation to varying political, economic, and social conditions.

An advantage of the U.N. Development Program is that it avoids some of the political problems which often hamper U.S. bilateral aid programs. Equally important is the fact that it serves to enlist financial support from other donor nations because our contribution is limited to 40 percent of what is contributed by others.

For these reasons and because of the solid record of achievement by the U.N. Development Program during the past decade, President Nixon last May asked Congress for a U.S. contribution of up to $100 million for 1970 to this program, a 43-percent increase over our current contribution.

The need for deciding on an increased contribution to the Second Development Decade confronts us at a time when we are about to launch a basic reappraisal of our entire foreign aid policy. This reappraisal will have to take into account our urgent and competing domestic needs. Both needs appear insatiable. Many will find it easy to urge that we shirk our international responsibility as a means of diverting resources to domestic programs. But that would be folly. We can no more ignore poverty and social tensions abroad than we can at home.

But more than money and flexible trade policies is needed. The best financed scheme of economic development can be frustrated unless coordinated gains are made in food production and in checking population growth. While the Malthusian warning of hungry mouths outstripping available food supplies seems less likely in an era of agricultural production miracles, the fact remains that at the present rate of world population growth, the earth will contain over 7 billion people by the end of this century, as compared with 3 billion in 1969. After that, the next billion would be added in only 5 years and additional billions in shorter and shorter periods thereafter.

As President Nixon put it in his speech to the U.N. General Assembly:

"If in the course of that Second Development Decade we can make both significant gains in food production and significant reductions in the rate of population growth, we shall have opened the way to a new era of splendid prosperity. If we do only one without the other, we shall be standing still; and if we fail in both, great areas of the world will face human disaster."

That is why the United States has taken the lead in stimulating the provision of family planning services through the U.N. and its affiliated agencies. We have contributed $3 million to date and plan to contribute more in the future. While a number of nations have outstripped us recently in their relative contributions to U.N. development programs, few have made commensurate contributions to family planning activities. We are urging them to join us in this vital effort.

THE NEW TECHNOLOGY AND THE U.N.

The third broad task for the U.N. is to help us come to terms with the new technologies by drafting legal rules and creating institutions for international cooperation. The U.N. is helping to develop an international common law for the orderly regulation of new areas in man's use of his environment. But new technologies and the changed environment are not unmixed blessings. They hold dangers as well as promises. As technology shrinks time and distance, social and political stresses both within and between nations could become inflamed. The world is also faced with the "ecological conflict" which man has introduced into nature—the depletion of natural resources and pollution of the natural environment.

We try through the U.N. to make sure that the technological benefits are equitably distributed and the perils countered:

From the beginning of the space age the U.N. has organized for international cooperation in this vast frontier. Its Outer Space Committee prepared the way for the treaty banning weapons of mass destruction in outer space and is now drafting a convention defining liability for damages caused by outer space objects.

On September 18 before the General Assembly, President Nixon described the enormous potential of space technology for the whole world and promised to share its benefits. He noted that we are developing earth resource survey satellites capable of yielding data which could assist in as widely varied tasks as locating mineral deposits and schools of fish or providing data on the health of crops. We are considering ways to make available the data acquired by such satellites to the world community through international arrangements worked out under U.N. auspices.

Numerous international agencies are concerned with oceanography and the seabed. We are cooperating in efforts to write principles governing the exploration and use of the deep ocean floor, including the principle of reservation of the deep seabed exclusively for peaceful purposes, and to ensure that the exploitation of its resources will be for the benefit of all mankind. It is already clear that there is a need to establish international machinery for the area of the seabed beyond national jurisdiction to avoid conflict because of competing claims and to ensure orderly development of its resources.

Finally, humanity literally has a vital interest in maintaining a healthful coexistence with our environment, in preserving the resources and the beauties of the planet.

The U.N. has scheduled an international conference on the environment in Stockholm in 1972. Our aim must be not only to prevent damage to the air and water and other life-giving elements of our environment but to undertake a systematic effort to ensure the rational use and conservation of the world's resources.

With these three great assignments in its future—peacekeeping, development, and cooperation in technology—no informed student of world affairs can write off the U.N. as obsolete.

Probably the main difference in our national outlook today and 24 years ago when the U.N. was established is that we define our national interest in less restrictive and parochial terms. We find it more difficult to disentangle our security and our national interests from those of other nations—at the same time that we are more and more concerned about limiting our commitments abroad. If we give the U.N. the support which it deserves, it can in time acquire the strength and prestige it needs to take over many of our foreign economic and military burdens. The United States thus has a vital stake in the U.N.'s future not only because its activities are beneficial to us and all mankind but because it is becoming more relevant to the modern world.

We can no longer, in our own interest, adopt the attitude of the visitor to the village church as described by the French philosopher Henri Bergson. This outsider sat impassively through a moving religious service and inspiring sermon. Asked by his neighbor how he could remain unmoved while the others were so touched, he replied: "But, monsieur, I do not belong to this parish."

We all belong to this parish.

AGNEW AND TV ON OPINION OR NEWS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. DUNCAN. Mr. Speaker, I would like to call attention to an editorial in the November 16, Knoxville, Tenn., News-Sentinel concerning the remarks of Vice President AGNEW on television news coverage. I feel that this analysis is most objective and worthy of consideration:

AGNEW AND TV ON OPINION AND NEWS

The TV networks have been under heavy attack for alleged lack of fairness in their news reporting ever since the 1968 Democratic National Convention in Chicago.

Frankly, we think television news reporting and commentating has improved since that time—whether a result of the criticism or something else. Anyway, it seems to us that the network reporters and commentators have been trying harder to present both sides.

Now comes Vice President Spiro Agnew with another major blast at the TV newsfolks. And we suspect this criticism too will have a beneficial effect. All concerned will try harder.

The nub of what the Vice President wants is "a wall of separation" between news and comments on the nation's TV networks. (He thinks of the news story on the front page of a newspaper and of editorial comment on the editorial page.)

We do not know how the "wall of separation" can be created on TV and certainly do not believe the networks should stop their commentary or criticism.

But also, as in the case of the comment they offered immediately after the recent Vietnam speech by the President, the network should clearly label as "personal" the opinions of their analysts. If not, the comments actually become the editorial opinion of the network to this largely captive audience, whether the network realizes this or not.

And, of course, as the network executives as well as those of newspapers and magazines well know, the qualifications of the man selected to comment are most important. We still view with amazement the selection by one major TV station of the late Sen. Robert F. Kennedy's former press secretary, Frank Mankiewicz, to comment on Sen. Edward F. Kennedy's Chappaquiddick speech. The commentator was not identified for the uninformed listener and neither, as one could guess, were his remarks critical.

And we can understand Agnew's adverse reaction to the selection of Democrat Averell Harriman by one of the networks for "instant" comment on President Nixon's Vietnam speech.

Agnew (and we believe him) said he was not calling for any kind of Government censorship.

He was simply exercising the free speech right to say what he thought and show his bias to a group he regards as biased. The outpouring of telegrams and telephone calls in support of his remarks shows many agree with him.

We do not believe the television news industry, which has made such great strides and has such major impact on public life, will go namby-pamby as a result of Agnew's criticism. It's a cinch to try harder to do a fair and objective job.

That never hurt anyone, newspapers included.

ISRAEL—A VITAL LINK TO THE SURVIVAL OF THE FREE WORLD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BIAGGI. Mr. Speaker, regrettably, nothing has happened in the Middle East with the progression of time to relieve the plight of the State of Israel which remains in serious danger.

In fact, the Arabs have brought their unconscionable effort to destroy Israel to an unprecedented level within the last several months. In doing that, they placed before the world a moral issue of the gravest consequence.

The issue is extremely clear. It is simply this: Will an enlightened world continue to watch idly as kings and rulers of states purporting to be members of our civilized family of nations persist in their efforts to destroy Israel?

I hope history gives worthy recognition to Israel. With less than the population of New York City's Queens County, this tiny outpost of democracy has earned profound admiration for the limitless courage of her people to survive the aggression of nations with populations of tens of millions.

In spite of the overwhelming odds, Israel—thank goodness—has managed to thwart the powerful aggressors who seek to destroy her and deprive her people of a homeland.

It is imperative that we recognize that the valiant people of Israel have endured untold suffering only for the right to exist as a community in the free world. For that very purpose—for an objective so basically and overwhelmingly right—her people have spilled their blood and have vowed to sustain their struggle to preserve their homeland.

It is my unbending belief that Israel must survive if world war three and the end of civilization itself, perhaps, is to be averted. To believe otherwise, would be to disregard the evidence that confronts us. It is evidence which clearly illustrates that tyrannical powers are seeking to overthrow democratic governments who are striving for nothing more than the right to live in peace in the free world.

To her oppressors, Israel is the last remaining bastion of democracy in the Middle East. She is, in a broader sense, regarded as a symbol of the free world and its cherished system of democracy. For that very reason, they are trying to vanquish her.

If Israel should ever fall—and let us pray we never see that day—the cauldron of conflict will boil over and set off a chain reaction that will jeopardize the entire free world. It is tragic that Israel must continue to pay such a terrible price for the right to develop her resources for a peaceful existence when her enemies are really our enemies as well.

In spite of her struggle to survive, Israel has turned the desert into gardens and the progress of her people is almost a modern miracle. How can anyone fail to admire and respect this wonderful nation?

As a Member of this Congress, I ask that we reaffirm with all possible strength our support of Israel and her right to exist in peace in the free world. Her survival is the assurance of our own survival.

CONGRESSMEN URGE IMMEDIATE AGREEMENT ON MIRV

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. BURTON of California. Mr. Speaker, I am happy to count myself among 21 Congressmen who are urging the President to seek immediate agreement at the preliminary conference on strategic weapons, to end testing of the MIRV missile system.

There should not be any need to explain in this body how important the MIRV weapon is. It is even more so than the ABM. Nor should there be any need to explain again the well-known reasons for immediate suspension of MIRV tests.

We have written to the President in order to reemphasize the urgency of this matter, and also to remind the American public that something must be done to reduce the menace of MIRV.

Since writing to the President, we have received expressions of support from two more of our colleagues, Hon. THOMAS P. O'NEILL, JR., of Massachusetts, and Hon. EDWARD R. ROYBAL, of California, both of whom want to be associated with our letter. Text of the letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 14, 1969.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The opening of preliminary talks on strategic arms limitations with the Soviet Union is one of the most significant occurrences of this decade. We approve of the U.S. initiatives to get these talks started and hope that their results will reassure a world deeply anxious about the nuclear menace.

Our concern for their success impels us to offer some words of heartfelt advice.

We urge that the Multiple Independently-targetable Reentry Vehicle (MIRV), and the Multiple Reentry Vehicle (MRV), be the first order of business and that at the preliminary negotiations we seek to achieve agreement with the Soviet Union to immediately suspend testing of both MIRV and MRV weapons.

It is widely understood that the impending or actual completion of MIRV tests by the United States and the Soviet Union may be a point-of-no-return for agreement about these weapons. For when MIRV reaches the production stage, its deployment cannot be ascertained by present means of detection, thereby aggravating distrust among the nuclear nations. Authorities hold that testing of these weapons, if not the configuration of such tests, can be detected.

The agreement to suspend testing should contain provisions to protect against covert evasion or violation of the suspension agreement. Although attainment of such agreement may prove to be a major effort, still it is so critical that it ought to be concluded at the preliminary talks.

We want to support you, Mr. President, in your fullest efforts to achieve meaningful agreement at the forthcoming strategic arms negotiations.

Faithfully yours,

Louis Stokes, William F. Ryan, Benjamin S. Rosenthal, Bertram L. Podell, Richard L. Ottinger, David R. Obey, Patsy T. Mink, Abner J. Mikva, Edward I. Koch, Robert W. Kastenmeier, Henry Helstoski, William D. Hathaway, Michael J. Harrington, James G. Fulton, Donald M. Fraser, Don Edwards, Bob Eckhardt, John Conyers, Jr., Daniel E. Button, Phillip Burton, George E. Brown, Jr.

SUPPORT OF OUR PRESIDENT

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. HUNT. Mr. Speaker, I take this opportunity to reaffirm my continued and unequivocal support of our President's policy with respect to seeking a just peace in Vietnam. The demonstrations which have been mounted to protest our continued involvement in Vietnam have attempted to reduce the decisionmaking process as to a determination of a course of action to a counting of the pros and cons. The President is certainly right in discounting this approach in the conduct of policy of the gravest national importance.

It is apparent that the demonstrators have contrived their notion of peace to be the termination of killing of Ameriacn troops on the battlefield by their total, unconditional, and immediate withdrawal. Certainly, the President is equally fervent in his desire to stop the killing but not at the expense of an assured ruthless Communist takover in the face of an untimely withdrawal of the American contingent of combat troops. It is seriously doubted that the antiwar protestors in the United States fully appreciate the fact that the freedoms which they are exercising are the result of a history of armed conflicts that have been necessary to protect them from the onslaught of hostile elements. In fact, it is perhaps the abuse of these freedoms that is more a threat to their survival than some external force.

Despite any number of demonstrators who protest the war in principle, I give more credence to the views of one who has experienced the significance of the life and death struggle for peace on the battlefield. Such an individual is one of my constituents, Army Capt. Charles F. Currier. In a recent letter to the Woodbury Daily Times, he makes a very timely and pertinent plea to which we should all pay heed. Given the undisputed fact that the President's policy in Vietnam will not be altered in substance by the activities of those who have taken their cause to the streets, Captain Currier says:

"I wish some of the people spending so much time demonstrating and parading would devote a little of their energy to help the unfortunate of the war."

Three organizations whose international assistance efforts are well known and through which individual contributions can be directed are:

American Red Cross, 18th and D Streets NW., Washington, D.C. 20006.

Salvation Army, 120 W. 14th Street, New York, N.Y. 10011.

CARE, 660 First Avenue, New York, N.Y. 10016.

Captain Currier's letter follows at this point in my remarks:

[From the Woodbury Daily Times, Nov. 14, 1969]

After reading the news articles about the Oct. 15 "Moratorium" and the letters to the editor in the Woodbury Times I felt I should write and express my feelings which by the way are the sentiment of many others over here.

I have only been in Vietnam nine months. I say only nine months because for anyone to learn enough about this country to be able to offer constructive solutions to the many problems would require a number of years of study.

I consider myself fortunate in that I have been to a number of areas in the northern part of South Vietnam: Da Nang, Hue, Quang Tri, Dong Ha, Hhe Sanh and other places the names of which people in the U.S. would not recognize. I have spoken (through interpreters not provided by the government) to as many people as I could—fishermen, laborers, soldiers, childen, Vietnamese Catholic priests and Protestant ministers, Buddhist monks and nuns and a very dedicated American missionary, Dr. Thomas Stebbens. He has been in Vietnam since 1956 and truly understands the Vietnamese people.

I know that I do not have the solutions to all the problems faced by the Vietnamese. I am also sure that a great many people who say they know the correct solution could not possibly have a solution because they do not even know what the problem is.

One thing I am sure of is that if the U.S. removes its forces too rapidly and the VC and North Vietnamese (NVA) take over, many innocent people will die. Being here in the vicinity of Hue, I have been able to see the impact of the atrocities the VC and NVA inflicted on the civilians of this area during the TET of 1968. The extent of the mass murder of civilians is still being uncovered with the discovery of more and more mass graves.

How anyone can believe that an organization which will slaughter thousands of innocent civilians by mass murder which the VC and NVA did to the civilians of the Hue area, would provide a good government for the people is beyond my comprehension. The present Saigon government has faults I am sure, but a government run by the VC and NVA would be many times worse. I mean worse from the standpoint of the Vietnamese people as well as from the standpoint of the U.S.

I have talked to people who had members of their families murdered in front of their eyes by the VC and NVA. I don't mean accidentally killed in a fire fight between opposing forces. When the VC enters a home at night and deliberately slit a father's throat in front of his children, that is murder. Or when they tie a mother to a pole in her village and then slowly bayonet her to death because she had a son who was a member of a Region Defense force in another village, that is also murder. Others killed at night because they were urging people to vote, not to vote for a certain candidate but just go and vote.

These are but a few of the many cases that have occurred since I have been here. Thank God they are not as frequent now because the VC are being driven into the mountains.

Some people are critical of the South Vietnamese Army (ARVN). They do not recall that during the Korean War these same complaints were made about the Korean troops. It took time to build the Korean Army into an effective fighting force. Their combat record here in Vietnam proves that the Koreans have one of the finest armies in the world. The ARNV needs time to train and develop leadership at the lower levels of command. Progress is being made.

The civilians are gaining more confidence in the ability of the government to protect them and their homes. This is borne out by the increasing number of cases in which civilians voluntarily report the presence of VC in their hamlets or villages. This information has greatly aided the ARNV in their efforts against the VC. I am proudly aware of this situation here in northern I Corps and from reports I have seen it is true in other areas.

It dismays me that there is such a large number of U.S. military personnel who do not have an opportunity to get to know the Vietnamese people. I believe this is the reason some troops are critical of the U.S. involvement in Vietnam.

I wish some of the people spending so much time demonstrating and parading would devote a little of their energy to help the unfortunate of the war. There are many orphans in Vietnam that need help.

I have been receiving gifts from my family and friends in New Jersey which I have delivered to a Buddhist Orphanage in Hue. If any of the demonstrators (or anyone for that matter) would care to help these children they could send some of the things in need. Clothing (sizes for ages 1 to 15 years, not very large) towels, light blankets, school supplies, pillows, dungarees for boys ages 10 to 14 (for boys taking vocational training), and small plastic toys for the smaller children. There are a number of orphanages in the area and if anyone would prefer their gift to go to a Catholic or Protestant orphanage it could easily be arranged.

Forgive me for writing such a long letter but the situation here can not be described in just a few words. There is no easy solution and I believe we should give our President a chance to solve this complex problem.

ACCOMPLISHMENTS OF MOBILIZATION—THE NON-AMERICANS REGROUP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. RARICK. Mr. Speaker, the mobilization demonstrations of disloyalty and the riots in our National Capital have accomplished one certain result, they have polarized our people into the loyal and disloyal factions and they have positively identified, for the decent, hardworking American taxpayer the leaders and participants in the upcoming move to "take over" our country by violence if need be.

The majority of the fifth column participants could be easily identified as the same activists who destroyed the National Democratic Party at Chicago, the dissidents who so violently opposed President Johnson, and aborted their own Peace Party movement during the last election. The best that can be said about them is that they are an exploited bunch of youth who are following a group of radical demagogs who have rejected any semblance of democratic processes. Their real motto is "rule or ruin." They are neither informed nor mature enough to convince anyone that their views have merit; and to show their resentment they now carry what they call political action into the street thinking that they can take over the country and establish a dictatorship of the proletariat.

The latest publicity is their trial balloon plans to create a new national party. New York's minority mayor, Lindsay, and Minnesota's lame duck Senator are the natural figureheads for such doings. The mobilization political action announcement was almost simultaneous with the formation of a so-called town meeting organization by the Coalition on National Priorities and Military Policies sponsored by such repudiated internationalists as Arthur Goldberg, Walter Reuther, and Roswell Gilpatric.

The United Front against Constitutional Government and Free Enterprise apparently feels that it again needs the assistance of the news media to confuse Americans by projecting an image of political respectability.

When American fighting men are in

combat, there are no neutrals. Those who do not aid our men aid the enemy. Recognition by Americans of this simple patriotic truth—a situation attack as "polarization" by the leftists—cannot be altered by another political ploy.

Several news articles follow my remarks:

[From the Washington Post, Nov. 17, 1969]

Antiwar Movement Gropes for New Course To Follow

(By Haynes Johnson)

As always, the aftermath is an anticlimax.

The protesters have gone, for now, leaving behind litter and memories of their march, but the problems they demonstrated against remain unresolved.

The marchers are finding out something not so surprising: It is easier to express opposition than to create the conditions that bring genuine change.

"We just can't let all those people who came here go down," said a woman yesterday. "We just have to capitalize on the importance of what happened Saturday."

She was speaking at a conference called to plan a new political party—and the questions she raised were being asked all over Washington.

At American University, some 650 members of the Students for a Democratic Society met for hours on the future strategy. At St. Stephen and the Incarnation Church, groups conferred about the draft and resistance plans. In hotels, other organizations wrestled with the same questions.

Simply put, they all wanted to know the same thing: Where is the peace movement going now?

There were a hundred different suggestions, much discussion and more rhetoric—but no answers.

After all the emotion of Saturday's massive march, the peace movement stands where it was before. It is loosely structured, divided ideologically into a number of factions and lacking any central direction.

Take, for example, the meeting to discuss plans for creating a new national party at the Continental Hotel yesterday. It was time, one man suggested, to bring about "a radical change in the country."

Someone else said it was time for "a new image."

Another remarked on "the new spirit."

Others spoke in the rhetoric of the organizer and the jargon of the day.

"It's very relevant to us."

". . . get programmatic ideas that have currency."

"We've got to be very demonstration-oriented."

"Now we get down to the nitty-gritty."

There was talk of old politics and new politics, of the black problem, the oriental problem, the Appalachian problem, the urban problem, the rural problem, the migrant problem, the pollution problem. Of problems and steering committees, of new structures and "making a big deal in the press," of John Lindsay and Eugene McCarthy.

There was discussion about a name. Should it be the New Party, the New Radical Party, the New World Party? Should it have a genuine philosophy?

The same diversity—or prolixity, if you will—was present at the SDS meeting. Among the literature the members passed out was a paper that expressed an opinion about the peace movement's direction.

It read:

"The antiwar movement must now push the liberals as far as they will go toward ending the war. But the liberals have no intention of dismantling the war machine, only stopping its growth and using present taxes and future larger taxes to provide still more pork-barrels in the cities, still more fat contracts and business subsidies.

"These policies can only scratch the surface of the problems of life facing the working and poor people of this country, while not really coping with mounting job insecurity, urban rot and falling real wages.

"At lease one out of nine American workers is employed directly or indirectly by the military machine. If the antiwar movement merely proposes to stop some of the military spending associated with Vietnam, the workers will correctly see the antiwar movement as a threat to their jobs. This is why the masses of American workers are not in the movement."

The students discussed whether SDS should now adopt "a national line." Some suggested an attempt to expand student strikes against the war into the general labor movement and the creation of an independent workers' party.

Again, no conclusions were reached.

What emerged from yesterday's aftermath sessions was not so much a sense of the force the peace movement represents in America, but its present formlessness. The divisions along political and ideological lines are deep.

On Saturday radicals, revolutionaries, reformers, liberals and moderates came together in common cause. Today, they are divided again.

As the events of 1968 demonstrated so clearly, peace as a political issue can be a decisive force. But it requires a national leader and a true national platform and purpose—such a purpose as electing, or toppling, a President. The peace movement lacks that purpose now.

Sidney Lens, one of the organizers of Saturday's demonstration, the greatest political gathering in American history, put that event in perhaps its best perspective. Standing in the lobby of the New Mobilization headquarters yesterday, Lens merely remarked:

"Symbolically, it was important."

[From the Washington Post, Nov. 16, 1969]

Town Meeting Fight On War Costs Asked

A private group yesterday urged the communities of the nation to hold old-fashioned town meetings Dec. 13 and 14 to contrast their needs against the government's military spending.

The suggestion was made by the Coalition on National Priorities and Military Policy, with the bipartisan support of former government officials and individuals prominent in business, civic and religious affairs and other fields.

Announcing the project in a statement, the coalition said: "The United States the wealthiest nation in the world, has developed the military power to destroy any combination of foes from abroad. But, has the United States demonstrated the will to enhance the quality of life at home?"

The organization's chairman, former Sen. Joseph S. Clark (D–Pa.) said, "the purpose of the town meetings is to focus attention on the urgent needs of communities all across the country, and to develop grass-roots citizen pressure and support for Congress to reorder the nation's priorities—human development, rather than weapons development."

In the call for town meetings, the organization proposed that the responses of the participants be submitted to Congress next session.

Four questions were proposed for examination at the community sessions to be patterned after the old New England town meetings:

"How much income tax have the residents of this city paid to the federal government in the year ending April 15, 1969?

"How much money have the taxpayers of this city sent to finance military activities?

"How much federal money has come back to the community in the past fiscal year? In social programs? In defense contracts? For highways?

"What are the unmet needs of the city in housing, health, education, transportation, pollution control, sanitation, recreation, etc.? How much would it cost to meet these needs?

Other sponsors of the town-meeting move included Roswell Gilpatrick, former Deputy Defense Secretary; Arthur J. Goldberg, former Supreme Court justice and Ambassador to the United Nations, and President Walter Reuther of the United Auto Workers.

CONTINUED OPERATION OF URANIUM ENRICHMENT PLANTS BY ATOMIC ENERGY COMMISSION IN THE PUBLIC INTEREST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 17, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the President recently announced a plan whereby the gaseous diffusion-uranium enrichment plants at Oak Ridge, Tenn.; Paducah, Ky., and Portsmouth, Ohio, would ultimately be sold to private interests, a proposal which I do not consider in the public interest.

Private interests have long sought to obtain these facilities which cost the taxpayers $2.3 billion.

In this connection I place in the Record herewith an editorial from the Nashville Tennessean calling for a reconsideration of this proposal and plan, because of the interest of my colleagues and the American people in this matter.

The editorial follows:

Mr. Nixon's AEC Plan A Monopolist's Dream

President Nixon has proposed selling to private industry the government's three gaseous diffusion plants at Oak Ridge, Paducah, Ky., and Portsmouth, Ohio. These plants—which have cost the taxpayers a total of $2.3 billion—were built to produce nuclear weapons. But now they are a rich source of energy for electric power production and the private power industry can't wait to get its hands on them.

The President's proposal comes as no surprise. It is in keeping with Mr. Nixon's long record of hostility to TVA and the public power industry. Also, it has been reported for several months that the President would recommend sale of the plants in spite of the fact that the Atomic Energy Commission—which operates the plants—has advised against the step as not being in the public interest. As far as Mr. Nixon is concerned, however, it seems that the public interest always coincides with the financial interests of the private power industry.

Sale of the gaseous diffusion plants would not only be a gigantic giveaway of unprecedented proportions, but it would also be a devastating blow to the future of low-cost public power in this country. It would turn over to private power the vital foundation apparatus for the production of nuclear power for years to come. This would enable the private power industry to determine who is to get nuclear materials for power production—and under what terms and conditions.

At the same time TVA and other power agencies would be dependent upon private power for their supplies of nuclear materials. This undoubtedly would result in higher prices of electric power and destruction of TVA's "yardstick" of production costs—which is the real objective of private power. In the end, the private power monopoly would have the sole authority to determine how much all American consumers pay for electricity.

A proposal for such misuse of public facilities—paid for by the taxpayers—for the enrichment of a private industry shows a total disregard for the public interest. For all his talk about protecting the interests of the consumer and winning favor in the South, the President has shown that his sympathies—as always—are still on the side of the private industrial giants.

The proposal does not mean the gaseous diffusion plants will be turned over to private industry. Congress has the final say. But the threat is grave unless the Tennessee valley delegation—and the advocates of public power elsewhere—join forces to create a plan for public operation of the nuclear facilities.

Sen. Albert Gore and Rep. Joe Evins of Tennessee have already spoken out in opposition to the President's proposal. Surprisingly Rep. William Brock said he was not sufficiently informed on the matter—an issue of paramount importance to his district and state—to comment on Mr. Nixon's proposal.

However, the question is not one of merely regional or state interest—as vital as Oak Ridge is to Tennessee and the valley. But the main concern—which should be shared by congressmen from all regions—is for the consumers of electricity everywhere should private power gain control of nuclear production facilities.

Sale of the gaseous diffusion plants should be blocked. The "yardstick" for low-cost electric power production has been built up with great care and effort in the Tennessee Valley over the past 36 years. These gains are too dear to the region—and too valuable to the rest of the nation—to see them snatched away now by a private power monopoly greedy for more profits.